



RILEY JOY THAMMELL RUBIO  
ARCHITECTURE INTERIOR DESIGN

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SCALE: AS SHOWN

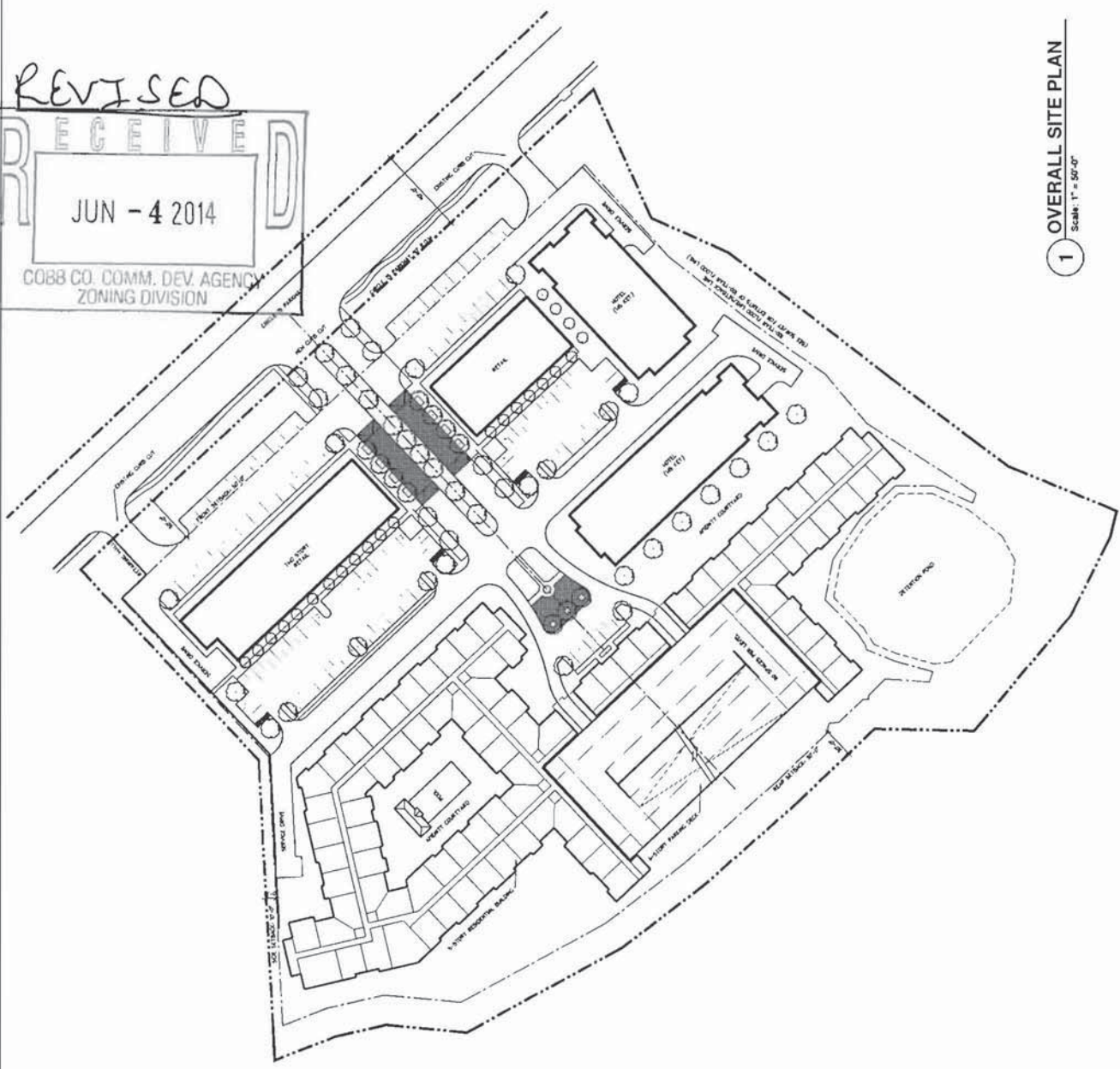
Z-45  
(2014)

STADIUM WALK  
CIRCLE 75 MIXED-USE DEVELOPMENT  
CIRCLE 75 MIXED-USE DEVELOPMENT

OVERALL SITE PLAN  
DRAWING NO. A1-00

REVISED  
RECEIVED  
JUN - 4 2014  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

1 OVERALL SITE PLAN  
Scale: 1" = 50'-0"



**APPLICANT:** MCP-Ackerman Corporate Forum, LLC

**PHONE#:** (770) 913-3900 **EMAIL:** kmiller@ackermanco.net

**REPRESENTATIVE:** John H. Moore/Moore Ingram Johnson & Steele, LLP

**PHONE#:** (770) 429-1499 **EMAIL:** jmoore@mijs.com

**TITLEHOLDER:** MCP-Ackerman Corporate Forum, LLC

**PROPERTY LOCATION:** Southwest side of Circle 75 Parkway,  
south of Windy Hill Road  
(4501 Circle 75 Parkway).

**ACCESS TO PROPERTY:** Circle 75 Parkway

**PHYSICAL CHARACTERISTICS TO SITE:** Existing office building

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** GC/ Comfort Suites, Arby's
- SOUTH:** PVC/ wooded (planned for townhouses)
- EAST:** GC/ Country Inn and Suites, Days Inn
- WEST:** GC/ Office buildings

**OPPOSITION:** NO. OPPOSED **PETITION NO:**        **SPOKESMAN**       

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED**        **MOTION BY**         
**REJECTED**        **SECONDED**         
**HELD**        **CARRIED**       

**BOARD OF COMMISSIONERS DECISION**

**APPROVED**        **MOTION BY**         
**REJECTED**        **SECONDED**         
**HELD**        **CARRIED**       

**STIPULATIONS:**

**PETITION NO:** Z-45

**HEARING DATE (PC):** 07-01-14

**HEARING DATE (BOC):** 07-15-14

**PRESENT ZONING:** GC

**PROPOSED ZONING:** RRC

**PROPOSED USE:** Mixed Use Development

**SIZE OF TRACT:** 12.64 acres

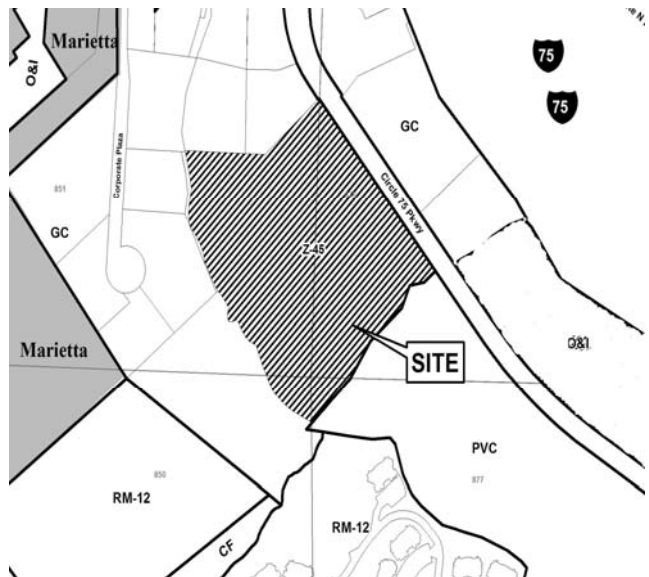
**DISTRICT:** 17

**LAND LOT(S):** 850, 851, 876, 877

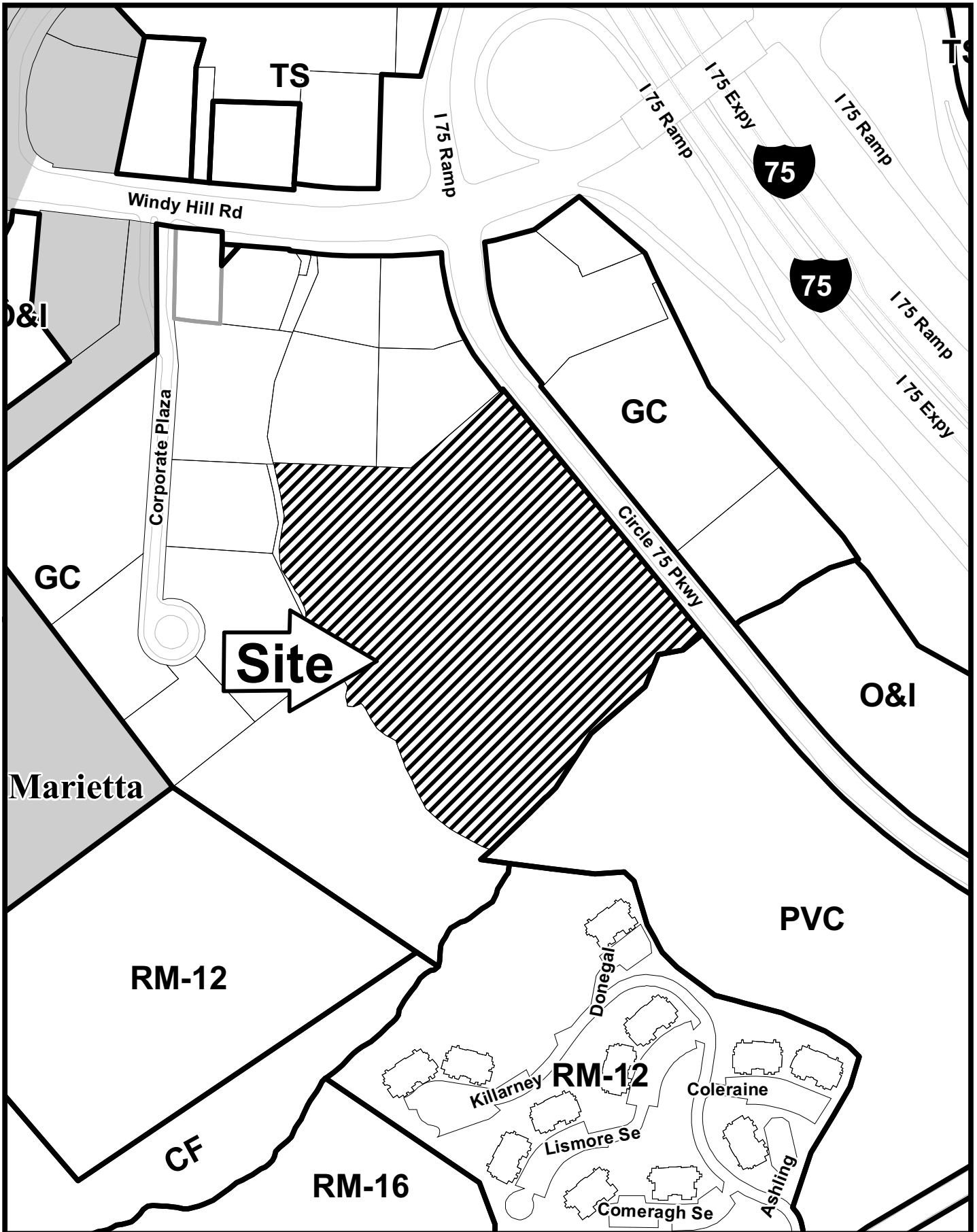
**PARCEL(S):** 5

**TAXES: PAID** X **DUE**       

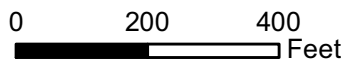
**COMMISSION DISTRICT:** 2



# Z-45



This map is provided for display and planning purposes only. It is not meant to be a legal description.



- City Boundary
- Zoning Boundary

**APPLICANT:** MCP-Ackerman Corporate Forum, LLC

**PETITION NO.:** Z-45

**PRESENT ZONING:** GC

**PETITION FOR:** RRC

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**ZONING COMMENTS:**

**Staff Member Responsible:** John P. Pederson

**Land Use Plan Recommendation:** Regional Activity Center (RAC)

**Proposed Number of Buildings:** 4      **Total Square Footage of Development:** 636,000

**F.A.R.:** 1.16\*      **Square Footage/Acre:** 50,316

**Parking Spaces Required:** 1,449      **Parking Spaces Provided:** 788

\* Per the Comprehensive Plan, regional activity centers are permitted to have an FAR of 2.0 or less.

The applicant is requesting the RRC zoning district to develop a mixed use development. There will be 80,000 square feet of retail along Circle 75 Parkway that will be in one-story buildings. There will be 392 residential units on the western side of the property contained within a five-story building. Lastly, there will be a 290 room hotel that may be up to nine-stories in height which will be located along Circle 75 Parkway. There building architecture will be composed of brick, stone stucco and glass, and all the buildings will be complimentary to each other.

The applicant is requesting variances which are listed below:

1. Reduce the amount of required parking from 1449 parking spaces to 788 parking spaces.
2. Reduce the side setbacks from 50 feet to 25 feet.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

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**APPLICANT:** MCP-Ackerman Corporate Forum, LLC

**PETITION NO.:** Z-45

**PRESENT ZONING:** GC

**PETITION FOR:** RRC

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**FIRE COMMENTS:**

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

**APPLICANT:** MCP-Ackerman Corporate Forum, LLC

**PETITION NO.:** Z-45

**PRESENT ZONING:** GC

**PETITION FOR:** RRC

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to RRC for mixed use development. The 12.64 acre site is located southwest side of Circle 75 Parkway, south of Windy Hill Road.

**Comprehensive Plan**

The parcels are within Regional Activity Center (RAC) area future land use category, with GC zoning designation. The purpose of the Regional Activity Center (RAC) category is to provide for areas that can support a high intensity of development which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and varying densities of residential development.

**Master Plan/Corridor Study**

Cumberland Improvement District

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?     Yes             No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

**Incentive Zones**

Is the property within an Opportunity Zone?     Yes             No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?     Yes             No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?     Yes             No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

**Special Districts**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes             No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes             No

APPLICANT MCP-Ackerman Coporate Forum, LLC

PETITION NO. Z-045

PRESENT ZONING GC

PETITION FOR RRC

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**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 12" DI / SW side of Circle 75

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

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**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: on site

Estimated Waste Generation (in G.P.D.): A D F= +51,791 Peak= +129,477

Treatment Plant: Sutton

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Existing sewer customer. Flow study may be required at Plan Review.  
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: MCP-Ackerman Corporate Forum, LLC

PETITION NO.: Z-45

PRESENT ZONING: GC

PETITION FOR: RRC

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Poplar Creek FLOOD HAZARD INFO: Zone AE

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: within and adjacent to stream, buffer and floodplain

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (       undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream       .  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving system.



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PETITION NO.: Z-45

PRESENT ZONING: GC

PETITION FOR: RRC

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**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The proposed site plan will result in a reduction in impervious coverage for the site from existing conditions. The existing detention pond will need to be upgraded to meet current stormwater management standards.

**APPLICANT: MCP-Ackerman Corporate Forum, LLC**      **PETITION NO.: Z-45**

**PRESENT ZONING: GC**      **PETITION FOR: RRC**

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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Circle 75 Parkway	7200	Arterial	35 mph	Cobb County	100'

*Based on 2009 traffic counting data taken by Cobb County DOT (Circle 75 Parkway)*

**COMMENTS AND OBSERVATIONS**

Circle 75 Parkway is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the southwest side of Circle 75 Parkway, a minimum of 50' from the roadway centerline.

Recommend a traffic study.

Recommend a FAA study.

Recommend two driveways for the site.

Recommend developer contribute 100% of the cost for a traffic signal at the main entrance, if and when warranted and installation approved by Cobb County DOT. The signal warrant study shall be completed after full build-out of the development when true traffic data is available.

Recommend main driveway be aligned with a driveway across the street.

Recommend deceleration lanes and left turn lanes for the Circle 75 Parkway accesses.

Recommend replacing disturbed curb, gutter, and sidewalk along the Circle 75 Parkway frontage.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

## STAFF RECOMMENDATIONS

### **Z-45 MCP-ACKERMAN CORPORATE FORUM, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is located in a mixed use area that contains large variety of land uses, including restaurants, office buildings, retail, hotels, apartments, and condominiums. The area is anticipated to be used for high-intensity project since it's located within a Regional Activity Center.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal is located within close proximity to Interstate 75 and Windy Hill Road. Additionally, the applicant's proposal is located very close to the major employee centers associated with the Cumberland/Galleria area, and downtown Atlanta.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, schools or utilities. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Regional Activity Center. The *Cobb County Comprehensive Plan* states, "...mixed use developments that include retail...and Mid and high-rise residential developments are appropriate...". Staff believes the applicant's proposal meets the intent of the *Cobb County Comprehensive Plan*.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. Staff believes the applicant's proposal would be a suitable use and would not adversely affect adjacent properties. The applicant's proposal is located within close proximity to the interstate highway, state highways and arterial roads.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- Site plan dated June 4, 2014;
- Water and Sewer comments and recommendations;
- Fire Department comments;
- Stormwater Management comments;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**

COBB COUNTY GEORGIA  
FILED IN OFFICE  
2014 MAY -1 PM 4:19  
COBB COUNTY ZONING DIVISION



Application #: z- 45 (2014)  
PC Hearing Date: 07/01/2014  
BOC Hearing Date: 07/15/2014

## Summary of Intent for Rezoning\*

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): 80,000 square feet of retail; 290 hotel rooms;  
392 residential units
- b) Proposed building architecture: Pedestrian and Mixed-Use Oriented;  
Flat Roofs; Sustainable Materials
- c) Proposed hours/days of operation: 24/7
- d) List all requested variances: None known at this time

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

None known at this time.

.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

**(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).** None known at this time.

.....  
**Part 5. Is this application a result of a Code Enforcement action? No  ; Yes \_\_\_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature BY: [Signature] Date: May 1, 2014

Applicant name (printed): John H. Moore; Georgia Bar No. 519800  
Attorneys for Applicant and Property Owner

**\*Applicant specifically reserves the right to amend any information set forth in the Application for Rezoning or the Summary of Intent for Rezoning at any time during the rezoning process.** Revised August 21, 2013