



**APPLICANT:** Quintus Development, L.P.

**PHONE#:** (770) 951-2278 **EMAIL:** kkeappler@quintuscorp.net

**REPRESENTATIVE:** John H. Moore

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

**TITLEHOLDER:** Due to individual parcels, a complete list of titleholders is available in the Zoning Office

**PROPERTY LOCATION:** West side of Chastain Meadows Parkway, east of I-575, north of Ernest Barrett Parkway.

**ACCESS TO PROPERTY:** Chastain Meadows Parkway

**PHYSICAL CHARACTERISTICS TO SITE:** Retail/restaurants and undeveloped acreage

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** OS/Undeveloped

**SOUTH:** CRC/Wal-Mart

**EAST:** OS/Wooded; Office Services Development; R-20/Undeveloped

**WEST:** I-575 and GC/Movie Theatre

**PETITION NO:** Z-83

**HEARING DATE (PC):** 11-04-14

**HEARING DATE (BOC):** 11-18-14

**PRESENT ZONING:** OS, CRC

**PROPOSED ZONING:** UVC

**PROPOSED USE:** Mixed Use of Retail and Residential

**SIZE OF TRACT:** 19.3645 acres

**DISTRICT:** 16

**LAND LOT(S):** 509, 510, 571, 572

**PARCEL(S):** 2, 1, 2

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

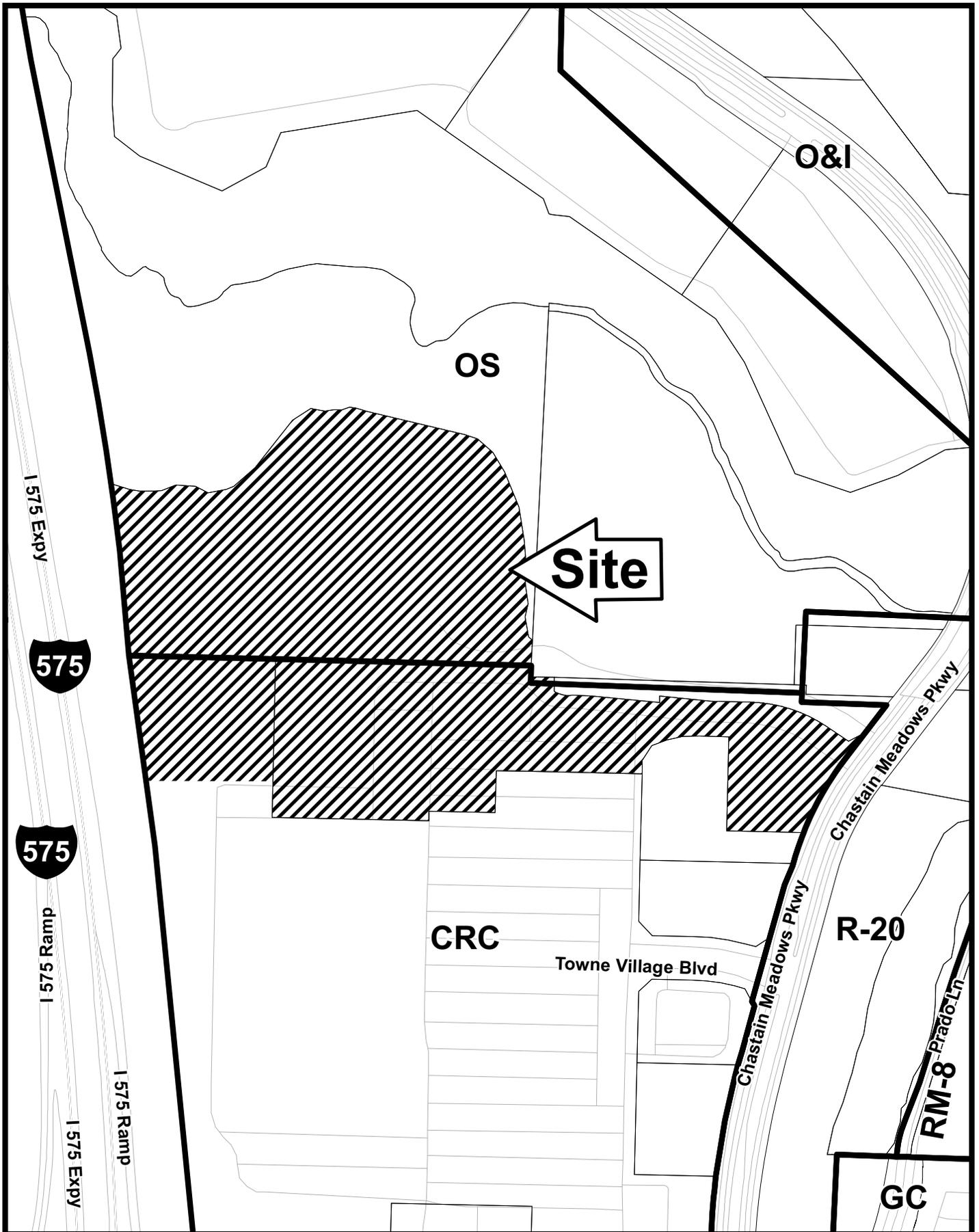
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

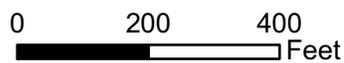
**STIPULATIONS:**



# Z-83



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Quintus Development, L.P.

**PETITION NO.:** Z-83

**PRESENT ZONING:** OS, CRC

**PETITION FOR:** UVC

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**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

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

**Proposed Number of Buildings:** 10(New)

**Parking Spaces Required:** 598      **Parking Spaces Provided:** 659

Applicant is requesting the Urban Village Commercial (UVC) zoning category for the purpose of a mixed-use retail and residential development. The project will encompass the two existing commercial buildings, totaling 35,000 square feet, on the northern side of the Wal-Mart Shopping Center and the undeveloped property north of those two buildings will be developed as rental residential units consisting of 350,000 square feet of total development, which includes the leasing office that will be approximately 10,000 square feet. The commercial portion will be traditional containing brick and glass exterior facades. The proposed residential use will be craftsman style architecture with one, two and three bedroom units. One bedroom units will range in size from 700-900 square feet and the proposed rent will range from \$950 to \$1,150/month. The two-bedroom units will range in size from 1,000-1,220 square feet and the proposed rent will be \$1,300 to \$1,380/month. The three-bedroom units will range in size from 1,280-1,350 square feet and the proposed rent will be \$1,600/month. The proposed site plan indicates the residential portion will consist of eight residential buildings containing a total of 242 units along with a leasing office, pool area and a fitness building. The proposed density is 12 units per acre and some of the buildings will be three-story with basements and garages.

The hours of operation for the retail will be Monday through Sunday from 6 a.m. until 10 p.m.

**Cemetery Preservation:** No comment.

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**FIRE COMMENTS:**

BUILDINGS 2, 3, 4

**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.

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:** Quintus Development, L.P.

**PETITION NO.:** Z-83

**PRESENT ZONING:** OS, CRC

**PETITION FOR:** UVC

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from and OS and CRC to UVC for mixed use of retail and residential. The 19.36 acre site is located on the west side of Chastain Meadows Parkway, east of I-575, north of Ernest Barrett Parkway.

**Comprehensive Plan**

The parcel is within a Regional Activity Center (RAC) future land use category, with OS and CRC zoning designations. 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**

Not applicable.

**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.

APPLICANT: Quintus Development, L.P.

PETITION NO.: Z-83

PRESENT ZONING: OS, CRC

PETITION FOR: UVC

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**PLANNING COMMENTS:** (Continued)

***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 Quintus Development, L.P.

PETITION NO. Z-083

PRESENT ZONING OS, CRC

PETITION FOR UVC

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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): 8" DI / W side of Chastain Meadows Pkwy

Additional Comments: Private streets with master water meter arrangement may require review and approval by Georgia EPD as a "public water supply system".

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 (private). Public sewer is +/- 450' N in Chastain Meadows R

Estimated Waste Generation (in G.P.D.): A D F= 29040 Peak= 72600

Treatment Plant: Noontday

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 Comments: Adequate capacity of private sewer system cannot be confirmed by CCWS

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: Quintas Development, L.P.

PETITION NO.: Z-83

PRESENT ZONING: OS, CRC

PETITION FOR: UVC

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday 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: \_\_\_\_\_

- 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 receiving stream.

APPLICANT: Quintas Development, L.P.

PETITION NO.: Z-83

PRESENT ZONING: OS, CRC

PETITION FOR: UVC

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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. This site is located adjacent to and will discharge directly into the Cobb County Noonday Creek Regional Detention Facility. The site has already been approved for Fee-in-lieu of detention. However, water quality must be provided onsite.
2. There appears to be a closure error with the parcel deed’s legal description. This must be resolved prior to permitting. A boundary line agreement may be required.
3. Access to this parcel cuts across property owned by Cobb County. Verification of previous easement agreement must be provided.

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**PETITION NO.: Z-83**

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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
Chastain Meadows Parkway	11,400	Arterial	45 mph	Cobb County	100'

*Based on 2009 traffic counting data taken by Cobb County DOT (Chastain Meadows Parkway)*

**COMMENTS AND OBSERVATIONS**

Chastain Meadows Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend a traffic study.

Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.

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

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## STAFF RECOMMENDATIONS

### **Z-83 QUINTUS DEVELOPMENT, L.P.**

- 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. This area includes mixtures of retail, office services, condominiums and single-family residential uses.
- 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 property is bounded by OS and CRC zoning categories and properties in the area across I-575 have been developed for a mixed use development. Properties beyond the undeveloped R-20 properties to the east have been developed for condominiums.
- 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, utilities, or schools. 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 as being in the Regional Activity Center (RAC) land use category, containing mixed use, retail and office developments. Applicant's proposal is compatible with 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. Other developments in the area are zoned for similar uses. The Town Village mixed use development is to the west across I-575, near Town Center at Cobb and properties to the east across Chastain Meadows Parkway toward Bells Ferry Road have been developed for condominiums.

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

- Site Plan to be approved by the Board of Commissioners; with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

**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.**



Application #: Z- 83 (2014)  
PC Hearing Date: 11/04/2014  
BOC Hearing Date: 11/18/2014

# Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): 1 BR-700-900 sf; 2 BR-1,000-1,220 sf;  
3 BR-1,280-1,350 sf
- b) Proposed building architecture: Craftsman
- c) Proposed ~~rental~~ <sup>rental</sup> prices(s): 1 BR-\$950-\$1,150/month; 2BR-\$1,300-\$1,380/month;
- d) List all requested variances: 3 BR-\$1,600/month  
None known at this time

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

- a) Proposed use(s): Retail
- b) Proposed building architecture: Traditional, brick and glass exterior
- c) Proposed hours/days of operation: Monday-Sunday; 6:00 a.m. - 10:00 p.m.
- d) List all requested variances: None known at this time.

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

None 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: [Signature] Date: September 4, 2014

John H. Moore; Georgia Bar No. 519800

Applicant name (printed): Attorneys for Applicant and Property Owners

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