

APPLICANT: Kaplan Acquisitions, L.L.C.

PHONE#: (480) 477-8119 **EMAIL:** N/A

REPRESENTATIVE: Garvis L. Sams, Jr.

PHONE#: (770) 422-7016 **EMAIL:** gsams@slhb-law.com

TITLEHOLDER: Interstate North 5 Acres, LLC (Formerly known as
SHI Investments Six LLC)

PROPERTY LOCATION: Northeast side of Interstate North
Parkway West, south of Windy Hill Road

ACCESS TO PROPERTY: Interstate North Parkway West

PHYSICAL CHARACTERISTICS TO SITE: Access for abutting
parcel and wooded acreage

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: O&I/Sporting Club Parking/undeveloped; TS/Restaurant

SOUTH: O&I/Hotel

EAST: O&I/Lake

WEST: TS/Restaurant; O&I/Parking; GC/Restaurant

PETITION NO: Z-89

HEARING DATE (PC): 10-06-15

HEARING DATE (BOC): 10-20-15

PRESENT ZONING: OHR

PROPOSED ZONING: UC

PROPOSED USE: Residential Condominiums

SIZE OF TRACT: 5.683 acres

DISTRICT: 17

LAND LOT(S): 875,876,919

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

Adjacent Future Land Use:

North: Regional Activity Center
(RAC)

East: Regional Activity Center
(RAC)

South: Regional Activity Center
(RAC)

West: Regional Activity Center
(RAC) - across Interstate 75

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

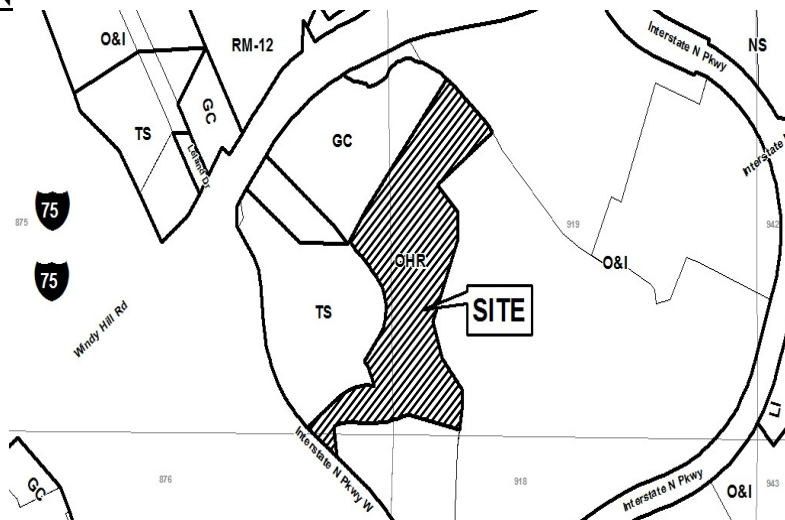
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

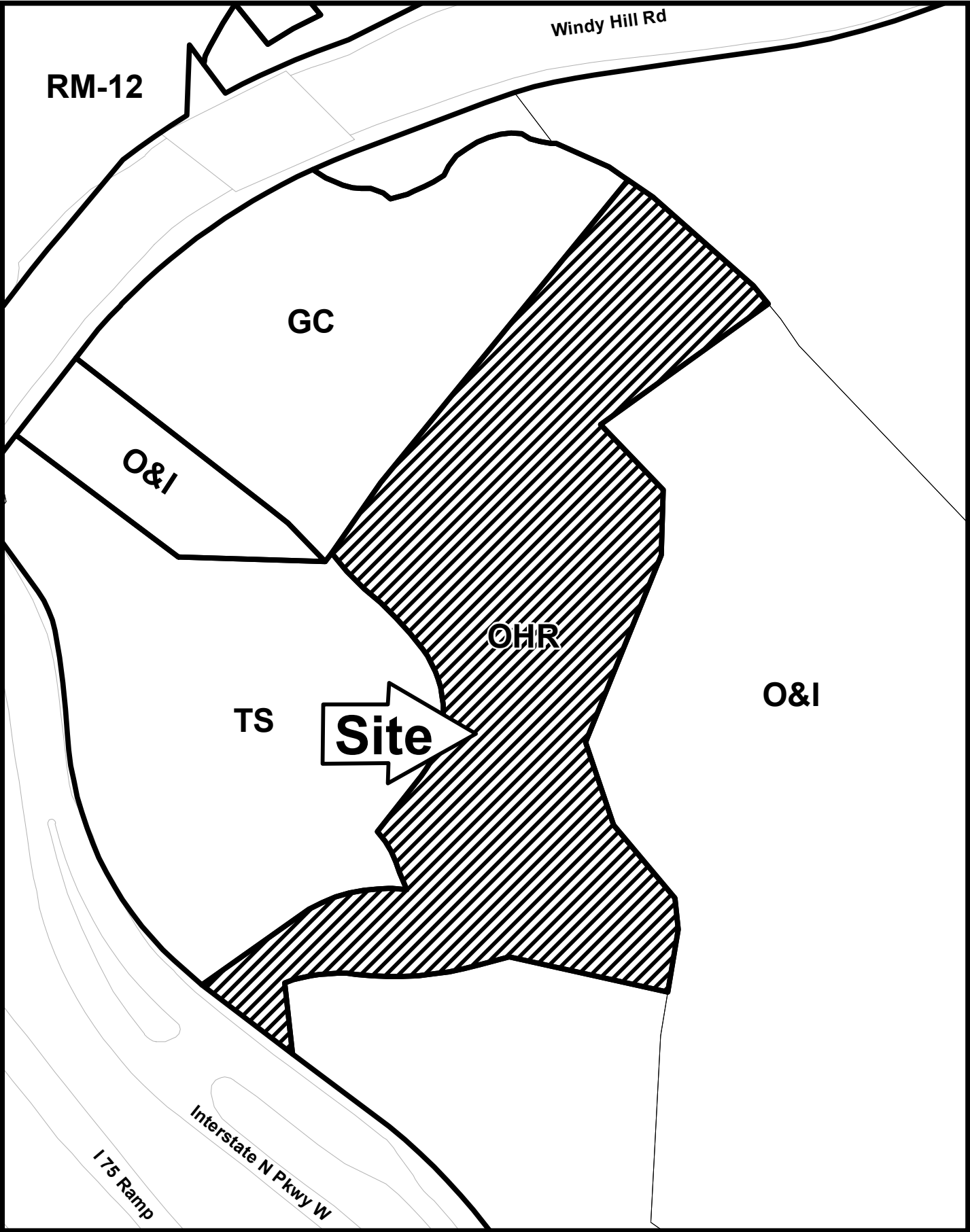
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

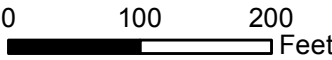
STIPULATIONS:





Z-89



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Kaplan Acquisitions, L.L.C.

PETITION NO.: Z-89

PRESENT ZONING: OHR

PETITION FOR: UC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Units: 275 **Overall Density:** 51.83 **Units/Acre**

Staff estimate for allowable # of units: 0 **Units*** **Increase of:** 275 **Units/Lots**

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the Urban Condominium zoning district for the purpose of developing 275 condominium units. Building 1 will consist of a basement with five levels above, Building 2 will consist of five levels, and there will be a parking garage with a basement and six levels. There will be 33,296 square feet of unit space and the project will have 503,730 gross square feet. The units will range in size from 600 square feet to 1,620 square feet. There will be 155 one-bedroom units and 120 two-bedroom units. The proposed architecture will be consistent with the attached elevations. The units are proposed to be rental. The property was previously approved for the Office High Rise (OHR) zoning district as Z-53 of 2002 for a 16-story office building and a seven-level parking deck.

The proposed development will require the following contemporaneous variances:

1. Waiver of a portion of the west property line setback from 35 feet to 30 feet;
2. Allow the number of parking spaces to be calculated at 1.75 per unit in lieu of 2 per unit;
3. Stream buffer averaging as shown on the buffer averaging plan; and
4. Allowing for rent units instead of for sale units.

Cemetery Preservation: No comment.

APPLICANT: Kaplan Acquisitions, L.L.C.

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PETITION FOR: UC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Student Capacity</u>	<u>Student Enrollment</u>	<u>Capacity Status</u>
<u>Brumby</u>	<u>751</u>	<u>1,026</u>	<u>275 over enrollment</u>
Elementary <u>East Cobb</u>	<u>1,226</u>	<u>1,223</u>	<u>3 under enrollment</u>
Middle <u>Wheeler</u>	<u>2,187</u>	<u>2,117</u>	<u>70 under enrollment</u>

High

- School attendance zones are subject to revision at any time.

Additional Comments:

Approval of this petition could severely and adversely impact the enrollment at Brumby Elementary School, as this school is over capacity at this time.

Please give this Impact Analysis serious consideration, due to the detrimental effect it will have on the student population in this area.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Kaplan Acquisition, L.L.C.

PETITION NO.: Z-89

PRESENT ZONING: OHR

PETITION FOR: UC

PLANNING COMMENTS:

The applicant is requesting a rezoning from Office High-Rise (OHR) to Urban Condominium Residential (UC) for purpose of residential condominiums. The 5.638 acre site is located on the northeast side of Interstate North Parkway West, south of Windy Hill Road.

Comprehensive Plan

The parcel is within a Regional Activity Center future land use category with OHR 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. The UC zone is an acceptable conversion in the RAC category.

Specific Area Policy Guidelines:

Due to the steep terrain and unique environmental features (being within the Chattahoochee watershed), development should be planned to minimize land disturbance, “building footprints” and impervious surface. In order to accomplish this objective, building height may be allowed to go higher than normal in exchange from decreasing impervious surface and land disturbance. Building height cannot be increased for the purpose of exceeding density or square footage that would have otherwise been allowed. .

Adjacent Future Land Use:

North: Regional Activity Center (RAC)
East: Regional Activity Center (RAC)
South: Regional Activity Center (RAC)
West: Regional Activity Center (RAC) – across Interstate 75

Master Plan/Corridor Study

The property is located within the boundary of a Corridor Study.

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

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PETITION NO.: Z-89

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PETITION FOR: UC

PLANNING COMMENTS: **Continued**

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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

Is this property within the Six Flags Special Service District?
☐ Yes ☒ No

APPLICANT Kaplan Acquisitions, LLC

PETITION NO. Z-089

PRESENT ZONING OHR

PETITION FOR UC

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): 10" DI / E side of Interstate N Pkwy W

Additional Comments:

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.

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: At NE edge of site near Rottenwood Creek

Estimated Waste Generation (in G.P.D.): A D F= 33,200 Peak= 83,000

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

Drw 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:

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.

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PRESENT ZONING: OHR

PETITION FOR: UC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rottenwood 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 channel

- ☒ 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 CONDITIONS

- ☐ 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 stream.

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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 entire site drains to the east into Rottenwood Creek. There is an adjacent master stormwater management facility that may be adequate to provide detention for the site. However, this will need to be verified at Plan Review. Adequate conveyance of offsite runoff from the adjacent Papisito's and Pappadeaux Restaurants must be accommodated through the site.
2. The proposed site plan will require a buffer variance utilizing stream buffer averaging.

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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
Interstate North Parkway West	9250	Major Collector	35 mph	Cobb County	80'

Based on 2013 traffic counting data taken by Cobb County DOT for Interstate North Parkway West.

COMMENTS AND OBSERVATIONS

Interstate North Parkway West is classified as a major collector and according to the available information the existing right-of-way may meet the minimum requirements for this classification.

RECOMMENDATIONS

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

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

Recommend sidewalk along the existing shared drive from Interstate North Parkway West to proposed development roadway.

STAFF RECOMMENDATIONS

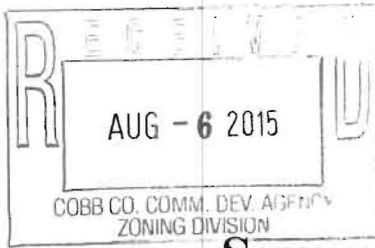
Z-89 KAPLAN ACQUISITION, L.L.C.

- 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 proposed residential use is compatible with the mixture of multi-family, retail and office uses in the area.
- 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. Other properties in the area are zoned for multi-family, office and office high rise uses in addition to retail and restaurant uses.
- 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 or utilities. This opinion can be supported by the departmental comments contained in this analysis. However, the school system is concerned the proposal could adversely affect certain schools.
- 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. The RAC land use designation supports the requested UC zoning district. The proposed 275 units may be less intense than a 16-story office high rise.
- 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 requested UC zoning district for the development of 275 units will be less intense than the development of a 16-story office high rise building and seven-story parking deck that was approved as part of Z-53 in 2002.

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

- Site Plan received by the Zoning Division on August 6, 2015, with the District Commissioner approving minor modifications;
- 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 No. z- 89

PC Hearing: Oct. 6, 2015

BOC Hearing: Oct. 20, 2015

Summary of Intent for Rezoning *

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

- a) **Proposed unit square-footage(s):** Will range from 600 sq. ft. to 1,620 sq. ft. (275 units consisting of 155 1-bedroom units, and 120 2-bedroom units)
b) **Proposed building architecture:** Consistent with the architectural rendering/elevation being submitted concurrently herewith.
c) **Proposed selling prices(s):** Rentals
d) **List all requested variances:** 1) A waiver of a portion of the west property line setback to 30 feet; 2) stream buffer averaging (administrative variance) as shown on the buffer averaging plan; 3) allow all of the units to be rental in lieu of for sale condominiums.

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

- a) **Proposed use(s):** N/A
b) **Proposed building architecture:** _____
c) **Proposed hours/days of operation:** _____
d) **List all requested variances:** _____

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

The subject property is located in an area which is denominated as a Regional Activity Center ("RAC") which contemplates the type of use proposed by the Applicant.

.....
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). N/A

* Applicant specifically reserves the right to revise the Application for Rezoning and any components thereof at any time during the pendency of rezoning process.



THE
CLARK
WATKINS
GROUP
Architects
Planners
Interior Designers
Landscape Architects

AUG - 6 2015

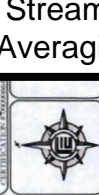
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



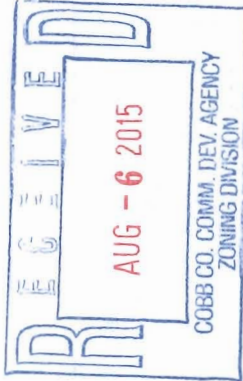
Kaplan Companies 520 Post Oak Blvd
Ste 370 Houston, TX 77027

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0 25 50 100 150
SCALE: 1" = 50'
DATE: JULY 29, 2015
PROJECT: 08026.00C

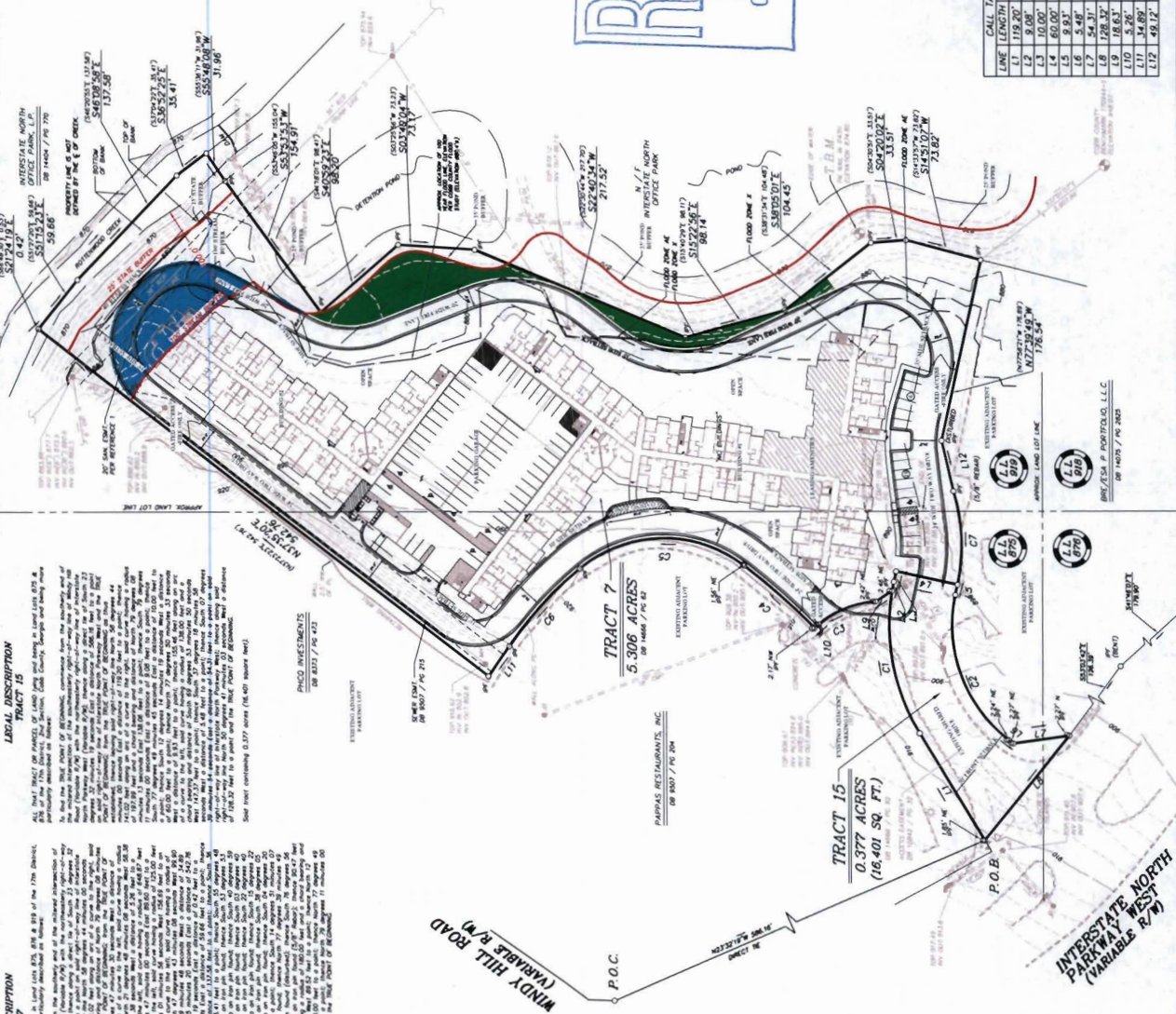


24 HOUR CONTACT:
JERRY DAVIS @ 949-230-6681



CURVE	LENGTH	RADIUS	BEARING	CHORD
C1	141.02	197.99	N79°10'13"E	138.06
C2	155.46	138.00	S69°33'50"W	147.37
C3	59.38	93.00	N21°48'08"W	58.38
C4	89.67	648.87	N01°17'00"E	89.60
C5	169.35	125.00	N01°10'56"W	156.69
C6	100.22	361.03	N47°43'08"W	99.90
C7	90.47	180.00	S82°04'11"W	89.52

CALL TABLE		
LINE	LENGTH	BEARING
L1	119.20"	N58°44'00"E
L2	9.08"	N79°11'00"W
L3	10.00"	N77°49'45"W
L4	60.00"	N127°14'19"E
L5	9.93"	N77°50'33"W
L6	5.48"	S37°18'30"W
L7	54.31"	S07°39'54"E
L8	128.32"	N50°41'03"W
L9	18.63"	N32°47'30"W
L10	5.26"	N40°05'38"W
L11	34.89"	N55°09'48"W
L12	49.12"	S76°56'47"W



LEGAL DESCRIPTION
TRACT 15

LEGAL DESCRIPTION
TRACT 7

[illegible][illegible]

PHCO INVESTMENTS

TRACT 7 -
5.306 ACRES

RESTAURANTS, INC.

TRACT 15-
2.377 ACRES
S. 401 SQ. FT.)

INTERSTATE NORTH
PARKWAY WEST
(VARIABLE R/W)