

Rezoning Plat Shiloh Road Community

Cobb County, Georgia Land Lot 60, 20th District, 2nd Section

prepared for:

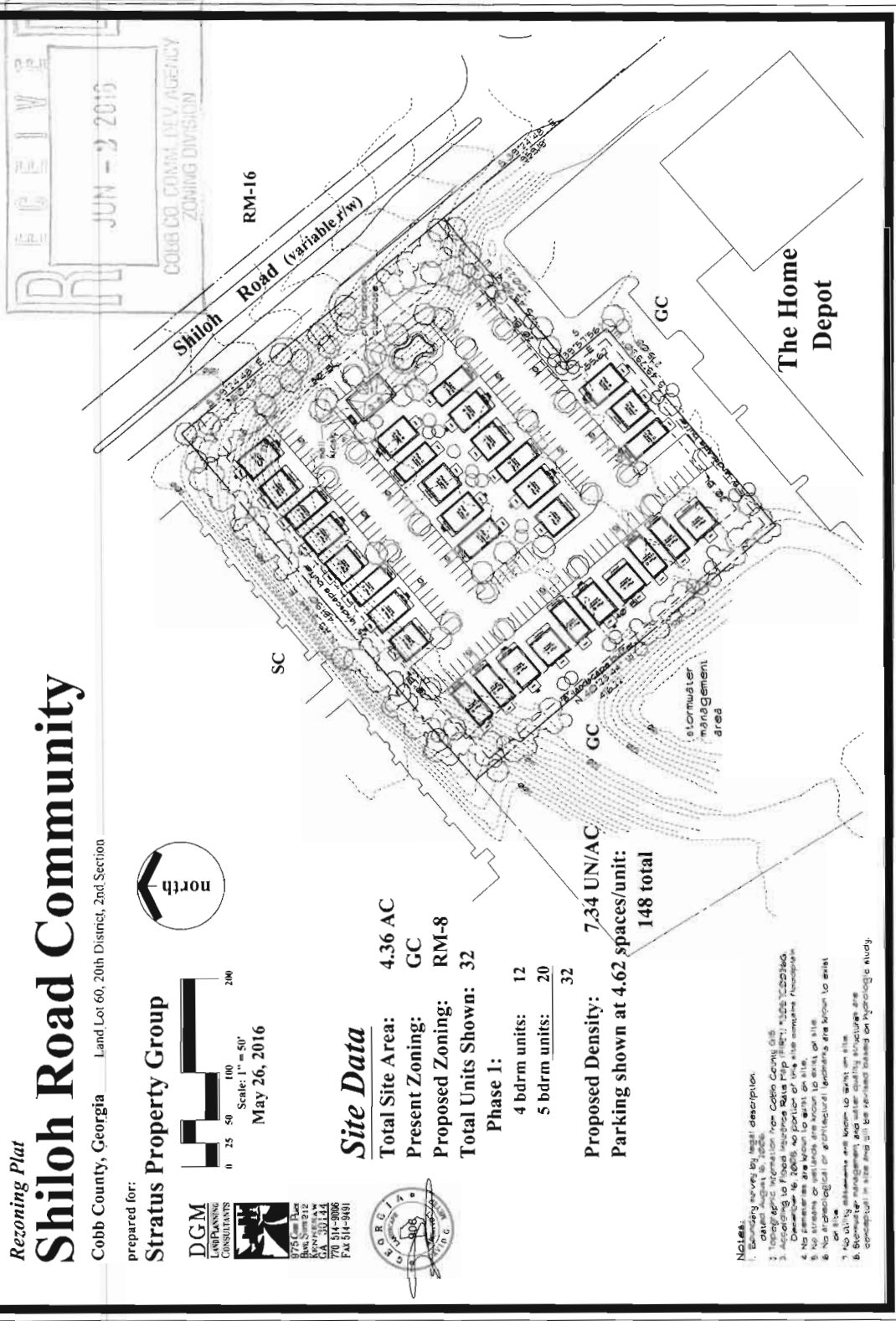
Stratus Property Group



Site Data
Total Site Area: 4.36 AC
Present Zoning: GC
Proposed Zoning: RM-8
Total Units Shown: 32

Phase 1:
4 bdrm units: 12
5 bdrm units: 20
32

Proposed Density: 7.34 UN/AC
Parking shown at 4.62 spaces/unit:
148 total



- Notes:**
1. Boundary survey by legal description.
 2. Topographic information from Cobb County GIS.
 3. According to Flood Hazard Rate Map (FIRM) 1505-00025A0.
 4. December 16, 2005. No portion of the site contains floodplain.
 5. No structures are shown on the site.
 6. No archaeological or architectural landmarks are known to exist on the site.
 7. No utility easements are known to exist on the site.
 8. Construction in this area shall be reviewed based on hydrologic study.

APPLICANT: Stratus Property Group, LLC
PHONE#: 404-618-0726 **EMAIL:** jeffkoon@stratuspropertygroup.com
REPRESENTATIVE: SAMS,LARKIN,HUFF & BALLI, LLP
PHONE#: 770-422-7016 **EMAIL:** phuff@slhb-law.com
TITLEHOLDER: HOME DEPOT U.S.A. INC.

PROPERTY LOCATION: On the west side of Shiloh Road, south
of Bentrige Drive
(Shiloh Road)

ACCESS TO PROPERTY: Shiloh Road

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped acreage

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: SC/Olde Royal Park Condominiums

SOUTH: GC/The Home Depot

EAST: RM-16/Shiloh Green Apartments

WEST: GC/Undeveloped portion of The Home Depot parcel

PETITION NO: Z-64

HEARING DATE (PC): 08-02-16

HEARING DATE (BOC): 08-16-16

PRESENT ZONING GC

PROPOSED ZONING: RM-8

PROPOSED USE: Multi-family residential
(Student Housing)

SIZE OF TRACT: 4.36 acres

DISTRICT: 20

LAND LOT(S): 61

PARCEL(S): 223

TAXES: PAID X **DUE**

COMMISSION DISTRICT: 3

Adjacent Future Land Use:

Northeast: High Density Residential (HDR)
across Shiloh Road)

Southeast: Community Activity Center (CAC)

Southwest: Community Activity Center (CAC)

Northwest: Community Activity Center (CAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED **MOTION BY**

REJECTED **SECONDED**

HELD **VOTE**

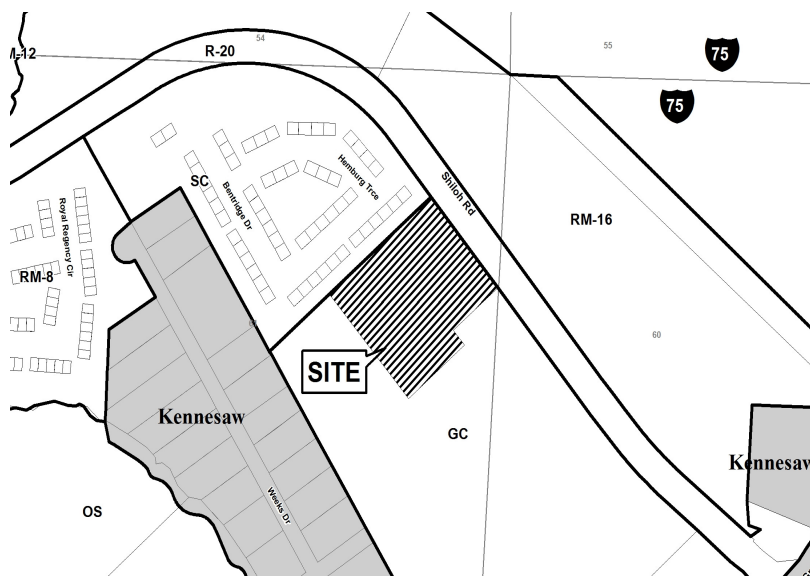
BOARD OF COMMISSIONERS DECISION

APPROVED **MOTION BY**

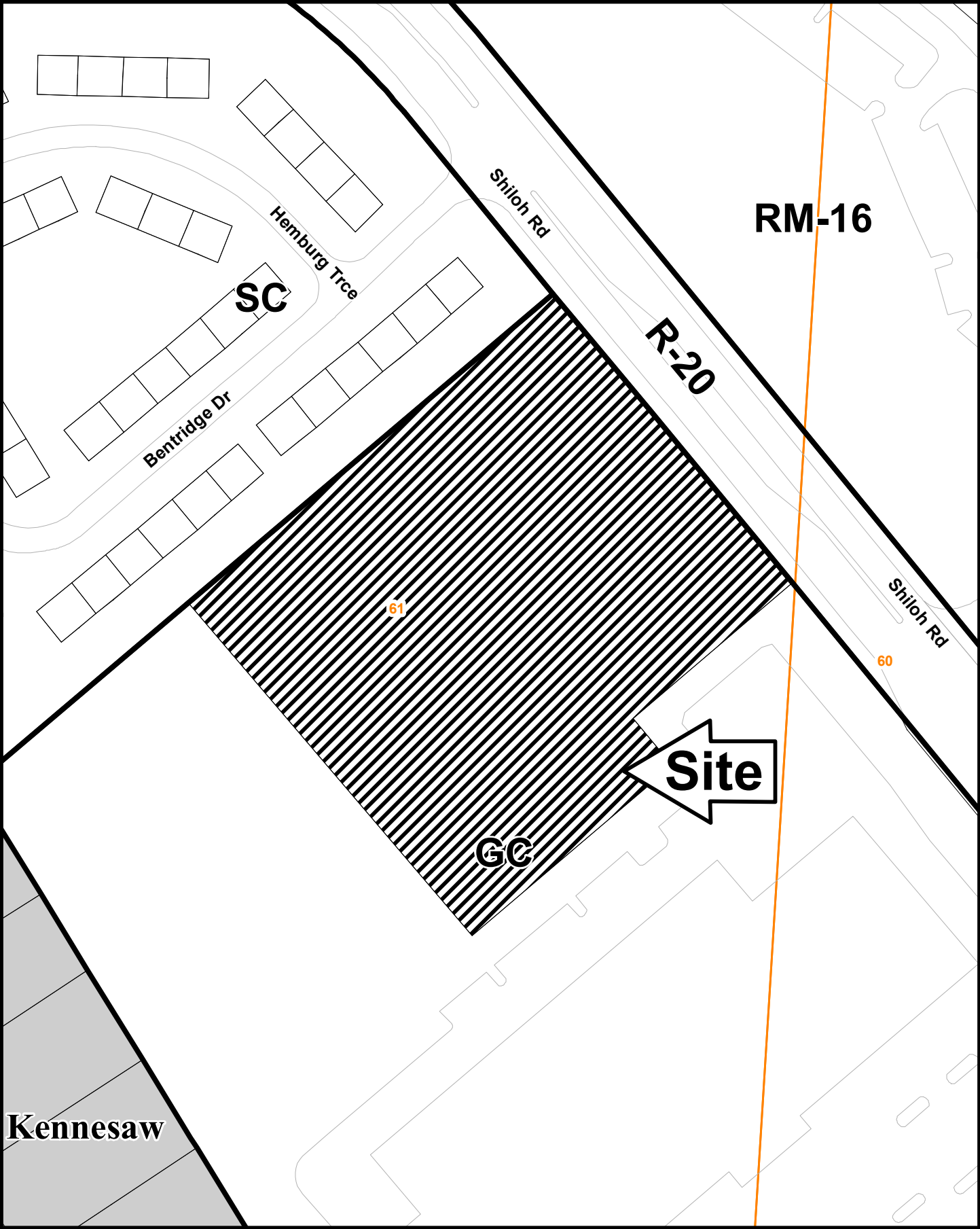
REJECTED **SECONDED**

HELD **VOTE**

STIPULATIONS:



Z-64-2016 GIS



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

0 100 200 Feet

City Boundary
Zoning Boundary

APPLICANT: Stratus Property Group, LLC

PETITION NO.: Z-64

PRESENT ZONING: GC

PETITION FOR: RM-8

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Community Activity Center (CAC)

Proposed Number of Units: 32 **Overall Density:** 7.34 **Units/Acre**

Staff estimate for allowable # of units: 0 **Units*** **Increase of:** 32 **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 RM-8 zoning district for the purpose of developing a 32-unit student housing community. The units will be between 1,600 and 2,028 square feet. The proposed site plan indicates 32 detached cottages that include 12 four-bedroom units and 20 five-bedroom units; an office/clubhouse, pool and mail kiosk.

The proposed site plan will require a contemporaneous variance to waive the front setback on an arterial road from the required 75 feet to 50 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 lot.

APPLICANT: Stratus Property Group, LLC

PETITION NO.: Z-64

PRESENT ZONING: GC

PETITION FOR: RM-8

SITE PLAN REVIEW SECTION COMMENTS:

Cobb County landscape buffers must be fully vegetated across their entire width. The rear walls of the units along the NW property line are depicted as being congruent with the 25’ landscape buffer line. This is an impractical configuration, as it creates safety, security, and maintenance issues for these units. The decks/patios for each of these units are already shown to be encroaching into the landscape buffer.

APPLICANT: Stratus Property Group

PETITION NO.: Z-64

FIRE COMMENTS:

NO 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: Stratus Property Group, LLC
PRESENT ZONING: GC

PETITION NO.: Z-64
PETITION FOR: RM-8

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC with stipulations to RM-8 with stipulations for the purpose of student housing. The .436 acre site is located on the west side of Shiloh Road, south of Bentrige Drive.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? ☒ Yes ☐ No
If yes, has the city of Kennesaw been notified? ☒ Yes ☐ No / N/A

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with GC zoning designation. The purpose of the Community Activity Center (CAC) is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

Northeast: High Density Residential (HDR) across Shiloh Road)
Southeast: Community Activity Center (CAC)
Southwest: Community Activity Center (CAC)
Northwest: Community Activity Center (CAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or 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

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

APPLICANT: Stratus Property Group, LLC

PRESENT ZONING: GC

PETITION NO.: Z-64

PETITION FOR: RM-8

PLANNING COMMENTS:

CONT.

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

Is the property within the Dobbins Airfield Safety Zone?

☐ Yes ☒ No

If so, which particular safety zone is this property within?

☐ CZ (Clear Zone) ☐ APZ I (Accident Potential Zone I)

☐ APZ II (Accident Potential Zone II)

☐ Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Stratus Property Group

PETITION NO. Z-064

PRESENT ZONING GC

PETITION FOR RM-8

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 / W side of Shiloh Rd

Additional Comments: Master water meter to be set at public ROW

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: Shiloh Rd ROW

Estimated Waste Generation (in G.P.D.): A D F= 5,120 Peak= 12,800

Treatment Plant: Northwest

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

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

Dry 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.

APPLICANT: Stratus Property Group, LLC

PETITION NO.: Z-64

PRESENT ZONING: GC

PETITION FOR: RM-8

STORMWATER MANAGEMENT COMMENTS

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

DRAINAGE BASIN: Proctor Creek FLOOD HAZARD INFO: Zone X

- ☐ 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 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 existing master stormwater management facility.

APPLICANT: Stratus Property Group, LLC

PETITION NO.: Z-64

PRESENT ZONING: GC

PETITION FOR: RM-8

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 parcel is served by an existing master stormwater management facility. Adequate existing detention and water quality volume for the proposed development within the existing facility must be verified during Plan Review.

APPLICANT: Stratus Property Group, LLC

PETITION NO.: Z-64

PRESENT ZONING: GC

PETITION FOR: RM-8

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Shiloh Road	5,000	Arterial	35 mph	Cobb County	100'

Based on 2009 traffic counting data taken by Cobb County DOT for Shiloh Road.

COMMENTS AND OBSERVATIONS

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

Recommend a deceleration lane on Shiloh Road for the entrance.

Recommend restricting the Shiloh Road driveway to right in/right out.

Recommend curb, gutter, and sidewalk along Shiloh Road frontage.

STAFF RECOMMENDATIONS

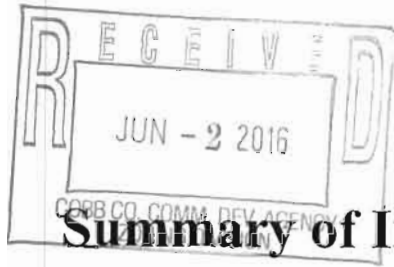
Z-64 STRATUS PROPERTY GROUP, LLC

- 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. Abutting and nearby properties are zoned and developed for condominiums and multi-family residential.
- 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. This area has a mixture of single-family (Kennesaw) condominiums, multi-family, retail and industrial.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Community Activity Center (CAC). The requested RM-8 zoning district should be located on properties delineated as Medium and High Density Residential (MDR and HDR) and Regional Activity Center (RAC). While the requested zoning district is not compatible with the land use, the proposed student housing would be compatible with the area, given its proximity to Kennesaw State University and the surrounding uses. The proposed development calls for detached cottages that will have the appearance of a single-family development.
- 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 proposed use can be less intense that a commercial development under the current General Commercial (GC) zoning. The applicant is proposing student housing arranged in detached cottages giving the appearance of a single-family development that can co-exist with the condominiums and other multi-family developments in this area near Kennesaw State University.

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

1. Site plan received by the Zoning Division on June 2, 2016, with the District Commissioner approving minor modifications;
2. Maximum of 8 units per acre;
3. Site Plan Review Section comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations; and
6. 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-64

PC Hearing: August 2, 2016

BOC Hearing: August 16, 2016

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Between 1600 and 2028 square feet
b) Proposed building architecture: Renderings to be provided under separate cover.
c) Proposed selling prices(s): N/A
d) List all requested variances: To be determined, none identified at this time.
- _____

.....
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)

In the event the Applicant does not close on the subject property within six (6) months from the date of zoning approval by the Cobb County Board of Commissioners, the subject property shall revert to its existing GC zoning classification without any further action being necessary on the part of Cobb County or the Property Owner.

.....

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.

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

**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF STRATUS PROPERTY GROUP, LLC**

COMES NOW, STRATUS PROPERTY GROUP, LLC, and pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Shiloh Road Corridor. The property is an infill property located between a Home Depot store and a Suburban Condominium (SC) development and across Shiloh Road is an RM-16 apartment complex. A lot of the housing in the area serves the Kennesaw State University Campus. Likewise, the proposed RM-8 zoning will provide purpose built student housing.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is within an area designated as a Community Activity Center ("CAC") under Cobb County's Future Land Use Map. The property is adjacent to high intensity commercial and medium to high density residential uses, including the 18.1183 acre Shiloh Green Apartment Community directly across Shiloh Road. Additionally, the subject property is wrapped by property owned by Home Depot. The adjacent SC development has a significant buffer and the proposed community will also have a perimeter buffer.

- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. The property has been marketed for sale for many years with its current GC zoning and there have not been any other viable offers for development of the property.
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools. Providing purpose built student housing in close proximity to the Kennesaw State University Campus will be a benefit to the County Transportation Infrastructure.
- E. The zoning proposal is located within a Community Activity Center designation and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of GC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this area of the Shiloh Road Corridor, which includes RM-16, RM-12, SC and RM-8 zoned properties, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 2nd day of June, 2016.

SAMS, LARKIN, HUFF AND BALLI, LLP

By: 

PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010