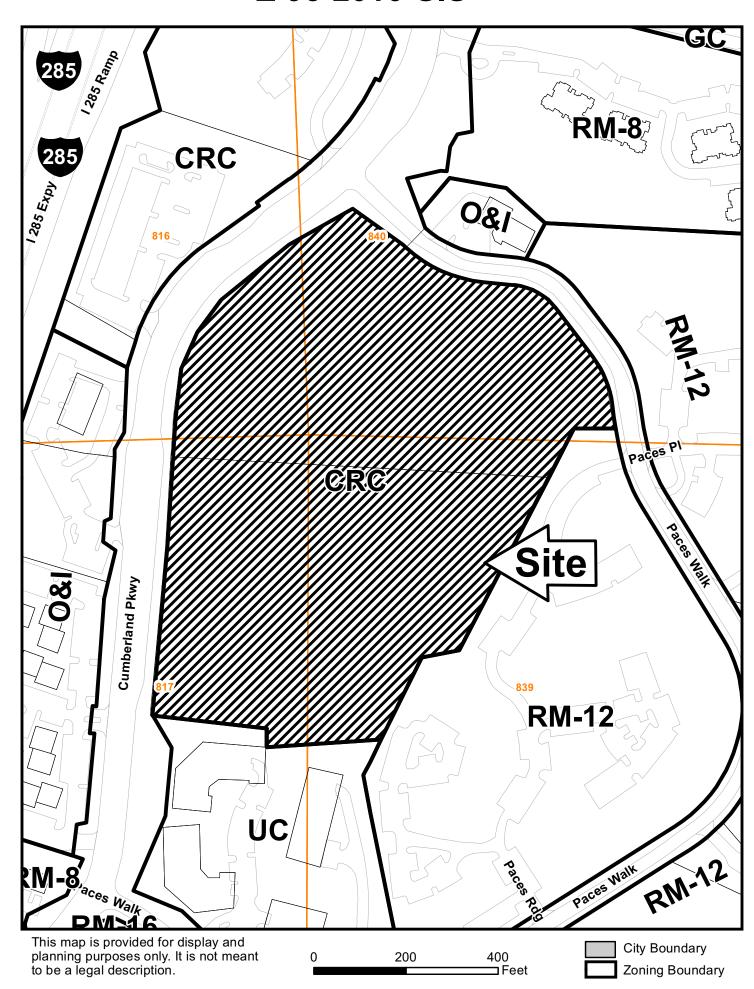


APPLICANT: Kaplan Morgan Vinings Developme	ent, LLC PETITION NO: Z-93
PHONE#: 404-237-8828 EMAIL: gmorgan@mc	organcos.com HEARING DATE (PC): <u>10-04-16</u> 02-07-17
REPRESENTATIVE: John H. Moore	HEARING DATE (BOC): <u>-10-18-16</u> 02-21- <u>1</u> 7
PHONE#: 770-429-1499 EMAIL: jmoore@mijs.	com PRESENT ZONING CRC
TITLEHOLDER: ADIC, Inc., successor by merger	r to XEBO
Corporation	PROPOSED ZONING: RRC
PROPERTY LOCATION: Located at the southeast	t intersection of
Cumberland Parkway and Paces Walk	PROPOSED USE: Mixed use development
ACCESS TO PROPERTY: Cumberland Parkway	y SIZE OF TRACT: 18.84 acres
	DISTRICT: 17
PHYSICAL CHARACTERISTICS TO SITE: U	Undeveloped tract LAND LOT(S): 816, 817, 839, 840
	PARCEL(S):6, 11
	TAXES: PAID X DUE
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRICT: 2
NORTH: O&I/Paces Walk Offices SOUTH: UC/Vinings Vinyard EAST: RM-12/Apartments WEST: O&I/Offices; CRC/Retail Center	High Density Residential (HDR) Southeast: High Density Residential (HDR) South: Regional Activity Center (RAC), High Density Residential (hdr) West: Regional Activity Center (RAC), Office (off), Medium Density Residential (mdr) and High Density Residential (hdr) subcategories.
OPPOSITION: NO. OPPOSEDPETITION N	NO:SPOKESMAN
PLANNING COMMISSION RECOMMENDATION APPROVEDMOTION BY REJECTEDSECONDED HELDVOTE	ON CRC RM-8
BOARD OF COMMISSIONERS DECISION APPROVEDMOTION BY REJECTEDSECONDED HELDVOTE	And a purpose of the second of

STIPULATIONS:

Z-93-2016 GIS



APPLICANT: Kaplan Morgan Vinings Development, LLC	PETITION NO.: Z-93					
PRESENT ZONING: CRC	PETITION FOR: RRC					
* * * * * * * * * * * * * * * * * * * *	*******					
ZONING COMMENTS: Staff Member Responsible: 3	Jason A. Campbell					
	r e e e e e e e e e e e e e e e e e e e					
Land Use Plan Recommendation: Regional Activity Center	(RAC)					
Proposed Number of Buildings: 6 Total Square Foot	age of Development: 883,103					
F.A.R.: 1.07 Square Footage/Acre: 46,873						
Parking Spaces Required: 2,579 Parking Spaces Provided:	Decks/spaces shown, not counted					
development consisting of 300 apartment units, 50 condominium age restricted units, a 300-room hotel, and 101,103 square feet o retail uses. The proposed buildings will be 5-6 stories in height with shown on the site plan. The residential density would be 41 units. The proposed plan will require a contemporaneous variance to with feet to 25 feet. The applicant also needs to reduce the 50-foot laproperty lines to allow the access drives. Cemetery Preservation: There is no significant impact on the	f retail to include a supermarket and other with 2 or 3 levels of parking underneath, as a per acre. vaive the front setback from the required 50 and scape buffer along the east and south					
Cemetery Preservation Commission's Inventory Listing which is	located in this, or adjacent land lot.					
**************************************	*********					

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: Kaplan Morgan Vinings Development, LLC	PETITION NO.: Z-93
PRESENT ZONING: CRC	PETITION FOR: RRC

SCHOOL COMMENTS:

			Number of
		Capacity	Portable
Name of School	Enrollment	Status	Classrooms
Teasley Elem	837	771	
Elementary Campbell Middle	1437	1203	
Middle Campbell High	2699	2637	

High

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

Additional Comments:

Approval of this petition will not have a significant impact on the enrollment at these schools.

APPLICANT: Kaplan Morgan Vinings Development, LLC	PETITION NO.: Z-93
PRESENT ZONING: <u>CRC</u>	PETITION FOR: RRC
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
PLANNING COMMENTS:	

The applicant is requesting a rezoning from CRC to RRC for the purpose of mixed use development. The 18.84 acre site is located at the southeast intersection of Cumberland Parkway and Paces Walk.

HB-489 Intergovernment	al Agreement Zoning Amendment Notificatior	<u>1:</u>	
Is the application site with	hin one half $(1/2)$ mile of a city boundary?	☐ Yes	■ No
If yes, has the city of	been notified?	☐ Yes	■ No / N/A

Comprehensive Plan

The parcel is within a Regional Activity Center (RAC), with a High Density Residential (hdr) subcategory future land use category, with CRC 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. High Density Residential (HDR) subcategory provides areas that are suitable for low rise, high density housing between five (5) and twelve (12) dwelling units per acre. Mid or high-rise residential developments are also appropriate in this category. This shall include any residential developments in excess of four (4) stories per structure. Because of the unique, urban characteristics of RAC's, building height and density shall be reviewed on a case-by-case basis.

<u>Specific Area Policy Guidelines:</u>

Please Note: The properties associated with this request are referenced in the following text. However, they were identified incorrectly in the original text. The correct reference is: Land Lots 816, 817, 839 and 840 of the 17th District.

"In recognition of the transportation difficulties at the properties located in Land Lots 818 and 838 [Please see note above] of the 17th District located on the eastern side of Cumberland Parkway, the Board of Commissioners desire to have future development conform to the Regional Activity Center future land use category within the High Density Residential subcategory. As future conditions warrant, other considerations due to changing safety, transportation, or similar realities may be analyzed. The property in question is at the fringes of the Regional Activity Center well off of the core area near Interstate 75 and Cobb Parkway. Due to this distance from the most intense area in the RAC, land use intensity should begin to decrease in order to protect the surrounding residential community. In addition, access to these properties, off of Cumberland Parkway, is in an area where site distance is a major concern due to the turn in the roadway and a change in topography. Therefore, in an effort to promote safety for vehicles and pedestrians, commercial land uses would not be recommended on these properties. Also, due to the large quantity and type of residential uses in this area, the desire is to have the property developed as owner-occupied residential units at no more than 12 dwelling units per acre as detailed in the high density residential subcategory."

Adjacent Future Land Use:

Northeast: Community Activity Center (CAC) and High Density Residential (HDR)

Southeast: High Density Residential (HDR)

South: Regional Activity Center (RAC), High Density Residential (hdr)

West: Regional Activity Center (RAC), Office (off), Medium Density Residential (mdr) and

High Density Residential (hdr) subcategories.

APPLICANT: Kaplan Morgan Vinings Development, LLC PRESENT ZONING: CRC ***********************************	PETITION NO.: Z-93 PETITION FOR: RRC
PLANNING COMMENTS:	CONT.
<u>Master Plan/Corridor Study</u> The property is located within the boundary of the Vinings Vision F	Plan.
Historic Preservation After consulting various county historic resources surveys, historic trench location maps, staff finds that no known significant historic application. No further comment. No action by applicant requested	c resources appear to be affected by this
<u>Design Guidelines</u> Is the parcel in an area with Design Guidelines? ☐ Yes If yes, design guidelines area Does the current site plan comply with the design requirements?	■ No
<i>Incentive Zones</i> Is the property within an Opportunity Zone? ☐ Yes The Opportunity Zone is an incentive that provides \$3,500 tax creditions are being created. This incentive is available for new or existing	
Is the property within an Enterprise Zone? ☐ Yes The Enterprise Zone is an incentive that provides tax incentives for qualifying businesses locating or expanding within deinvestments.	
Is the property eligible for incentives through the Commercial and I Program? ☐ Yes ■ No The Commercial and Industrial Property Rehabilitation Program is ad valorem property taxes for qualifying redevelopment in eligible and I property taxes.	an incentive that provides a reduction in
For more information on incentives, please call the Community Dev 770.528.2018 or find information online at http://economic.cobbcod	<u> </u>
Special Districts Is this property within the Cumberland Special District #1 (hotel/more Yes □ No	otel fee)?
Is this property within the Cumberland Special District #2 (ad valor Yes ☐ No	rem tax)?
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 <u>Kaplan Morgan Vinings De</u>	evelopment	LLC		PET	ITION N	O.	<u>Z-093</u>
PRESENT ZONING CRC		PET	ITION F	OR	RRC		
* * * * * * * * * * * * * * * * * * * *	* * * * * *	* * * * * *	***	* * *	* * * * *	* * *	* * * * * * *
WATER COMMENTS: NOTE: Commen	its reflect only	what facilitie	es were	in exist	tence at the	e time	of this review.
Available at Development:	✓ Ye	es			No		
Fire Flow Test Required:	✓ Ye	es			No		
Size / Location of Existing Water Main(s):	12" DI / W	side of Cum	nberland	d Pkw	y		
Additional Comments: Metering arrangem	ent to be deta	ermined at F	Plan Rev	view			
Additional Comments. Wetering arrangem	ent to be det	crimined at 1	iun ice	V 10 VV			
Developer may be required to install/upgrade water mains, be Review Process.	ased on fire flow t	test results or Fir	e Departm	nent Cod	e. This will t	e resolv	ed in the Plan
* * * * * * * * * * * * * * * * * * * *	* * * * * * *	*****	* * * *	* * *	****	* * * *	*****
SEWER COMMENTS: NOTE: Comm	nents reflect o	nly what facil	lities we	re in ex	sistence at	the tim	ne of this review.
In Drainage Basin:	V	Yes			No		
At Development:	V	Yes			No		
Approximate Distance to Nearest Sewer:	In Cumber	land Pkwy (near N	& S p	roperty lii	nes)	
Estimated Waste Generation (in G.P.D.):	ADF= *	**125,044		Pe	eak= **3	12,61	0
Treatment Plant:		Sutt	ton				
Plant Capacity:		Available		Not A	vailable		
Line Capacity:		Available		Not A	vailable		
Proiected Plant Availability:	v () - 5 years		5 - 10	vears	□ o	ver 10 years
Dry Sewers Required:		Yes	✓	No			
Off-site Easements Required:		Yes*	✓	No			s are required, Develope nts to CCWS for
Flow Test Required:	✓	Yes		No	review/appro	oval as t	o form and stipulations n of easements by the
Letter of Allocation issued:		Yes	✓	No	property own	ners. Al	l easement acquisitions of the Developer
Septic Tank Recommended by this Depart	ment:	Yes	✓	No			
Subject to Health Department Approval:		Yes	✓	No			
Additional **Wastewater flow estimat	es will be hig	gher if some	retail i	nclude	es restaura	ants.	

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.

Comments:

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

PRESENT ZONING: <u>CRC</u>	PETITION FOR: RRC
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
STORMWATER MANAGEMENT COMMENTS	
FLOOD HAZARD: YES NO POSSIBLY,	NOT VERIFIED
DRAINAGE BASIN: Vinings Branch FLOOD II FEMA Designated 100 year Floodplain Flood. Flood Damage Prevention Ordinance DESIGNATED F Project subject to the Cobb County Flood Damage Prevention Dam Breach zone from (upstream) (onsite) lake - need to	ention Ordinance Requirements.
WETLANDS: YES NO POSSIBLY, NO	ΓVERIFIED
Location:	
The Owner/Developer is responsible for obtaining any Corps of Engineer.	required wetland permits from the U.S. Army
STREAMBANK BUFFER ZONE: YES NO	POSSIBLY, NOT VERIFIED
 Metropolitan River Protection Area (within 2000' undisturbed buffer each side of waterway). Chattahoochee River Corridor Tributary Area - County Georgia Erosion-Sediment Control Law and County Or Georgia DNR Variance may be required to work in 25 f County Buffer Ordinance: 50', 75', 100' or 200' each si 	review (<u>undisturbed</u> buffer each side). dinance - County Review/State Review. Coot streambank buffers.
DOWNSTREAM CONDITIONS	
☐ Potential or Known drainage problems exist for develop Stormwater discharges must be controlled not to exceed drainage system.	
 ✓ Minimize runoff into public roads. ✓ Minimize the effect of concentrated stormwater discharged to recent potentials. 	
naturally Existing Lake Downstream - Vinings Chase Apartment Additional BMP's for erosion sediment controls will be Lake Study needed to document sediment levels.	required.
Stormwater discharges through an established residential Project engineer must evaluate the impact of increase project on downstream receiving system including Vinit	d volume of runoff generated by the proposed

PETITION NO.: <u>Z-93</u>

APPLICANT: Kaplan Morgan Vinings Dev., LLC

APPLICANT: Kaplan Morgan Vinings Dev., LLC	PETITION NO.: <u>Z-93</u>
PRESENT ZONING: <u>CRC</u>	PETITION FOR: RRC
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
STORMWATER MANAGEMENT COMMENTS –	Continued
SPECIAL SITE CONDITIONS	
 □ Provide comprehensive hydrology/stormwater controls to in Submit all proposed site improvements to Plan Review. □ Any spring activity uncovered must be addressed by a quain Structural fill must be placed under the direction of engineer (PE). □ Existing facility. □ Project must comply with the Water Quality requirement County Water Quality Ordinance. □ Water Quality/Quantity contributions of the existing lake/conditions into proposed project. □ Calculate and provide % impervious of project site. □ Revisit design; reduce pavement area to reduce runoff and provide with the proposed project. 	lified geotechnical engineer (PE). f a qualified registered Georgia geotechnical nts of the CWA-NPDES-NPS Permit and pond on site must be continued as baseline
INSUFFICIENT INFORMATION	
 ☐ No Stormwater controls shown ☐ Copy of survey is not current – Additional comments may are exposed. ☐ No site improvements showing on exhibit. 	be forthcoming when current site conditions
ADDITIONAL COMMENTS	

- 1. This site is located at the southeast intersection of Cumberland Parkway and Paces Walk. The parcel has been cleared and pad-graded with all but the remaining natural slopes draining to the north across Paces Walk near this intersection into the Vinings Chase Lake.
- 2. Stormwater management will be provided using underground facilities.
- 3. As indicated in the downstream conditions comment section, there is a private lake located downstream of the site (Vinings Chase Lake). A pre- and post-development sediment survey will be required to evaluate any sediment impact to the lake.

APPLICANT:	Kaplan	Morga	n Vin	ings	Deve	elop	men	t, LL	C	I	PET.	ITI(ON I	NO.	: <u>Z</u>	Z-93			
PRESENT ZON	NING:	CRC							_	I	PET.	ITI)N	FOI	R: _	RRC			
*****	***	: * * * :	* * * :	* * *	* * *	* * *	* * *	* * *	* * *	* *	* * *	* * *	* *	* *	* *	* * *	* * :	* * *	* *

TRANSPORTATION	COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cumberland Parkway	20,300	Arterial	35 mph	Cobb County	100'
Paces Walk	N/A	Local	25 mph	Cobb County	50'

Based on 2012 traffic counting data taken by Cobb County DOT for Cumberland Parkway.

COMMENTS AND OBSERVATIONS

Cumberland 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.

Paces Walk is classified as a local 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 traffic study.

Recommend a FAA Study.

Recommend a deceleration lane on Cumberland Parkway for the entrance.

Recommend applicant verify that minimum intersection sight distance of 490' is available for Cumberland Parkway entrance. Recommend restricting right turns on red if sight distance requirement can not be achieved at the signalized intersection.

Developer is responsible for 100% of the cost for a traffic signal at the entrance, if and when warranted and installation approved by Cobb County DOT.

Recommend signalized entrance directly align with the development across the street on Cumberland Parkway.

Recommend a westbound right-turn lane at Paces Walk and Cumberland Parkway, as recommended in the Traffic Impact Analysis (DRI #2620).

STAFF RECOMMENDATIONS

Z-93 KAPLAN MORGAN VININGS DEVELOPMENT, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. This area contains a mixture of uses including low to high-rise office buildings, high density residential, commercial and mixed uses.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. The proposal will be consistent with the character of the mixed uses in this area. The property is located in an area that supports a variety of office, commercial and residential uses. Additionally, the applicant's proposal is located within close proximity to Interstate 285, and the major employment centers associated with the Cumberland/Galleria area.
- 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. Staff is concerned with the intersection sight distance available for the Cumberland Parkway entrance and DOT recommends restricting right turns on red if sight distance requirement cannot be achieved at the signalized intersection.
- 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 allows for the most intense mixture of commercial and residential. However, the Sub-Area is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the High Density Residential Sub-Area with densities not to exceed 12 units per acre. The applicant's density is 41 units per acre.
- 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 denying the commercial portion of the applicant's rezoning proposal in Parcel A, deleting out Parcels B, C and D of the application and approving the applicants' residential portion, with conditions. The applicant's proposal is located within a Regional Activity Center (RAC), which allows for the most variety, and intensity of land uses. However, the applicant's property is designated as High Density Residential in the Sub-Area of the Plan, which does not support the applicant's proposal for commercial use at all; as stated above, this portion is recommended to be denied. The residential portions of the proposal are consistent with the Plan, as far as the residential use is concerned. The main issue that needs to be resolved is the residential density. The adjacent residentially zoned properties are zoned RM-8, RM-12, RM-16, and UC; these properties range in density, from 8 units per acre to 16 units per acre. A maximum density of 16 units per acre for the proposed residential uses would be consistent with adjacent properties, and is slightly over what the sub area language calls for this property. Staff believes the applicant's residential proposal for this property would be beneficial for the county and beneficial for the area by encouraging residences close to major employment centers and close to the interstate highway. This property is currently zoned for commercial uses with very few restrictions. Staff would recommend the area of Parcels B, C and D be deleted out of the application totally since those can be developed for office, hotel and retail with the current zoning.

STAFF RECOMMENDATIONS

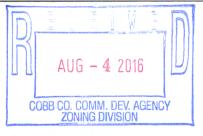
Z-93 KAPLAN MORGAN VININGS DEVELOPMENT, LLC (continued)

Based on the above analysis, Staff recommends **APPROVAL** for residential portion of the application, **DENIAL** of the commercial portion in Parcel A, and deletion from the application of Parcels B, C and D, subject to the following conditions:

- 1. Final site plan be approved by the Board of Commissioners;
- 2. Maximum of 16 units per acre;
- 3. Variances requested in Zoning Comments section;
- 4. Water and Sewer Division comments and recommendations;
- 5. Stormwater Management Division comments and recommendations; and
- 6. Department of Transportation comments and recommendations.

NOTE: Recommendation revised based on specific area policy guidelines 01-23-17.

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.



Summary of Intent for Rezoning*

	Proposed unit square-footage(s): See Attached				
b)	Proposed building architecture:				
c)	Proposed selling prices(s):				
d)	List all requested variances:				
Non-r	esidential Rezoning Information (attach additional information if needed)				
a)	Proposed use(s): See Attached				
b)	Proposed building architecture:				
<u>c)</u>	Proposed hours/days of operation:				
d)	List all requested variances:				
3. Oth	ner Pertinent Information (List or attach additional information if needed)				
-					

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

ATTACHMENT TO SUMMARY OF INTENT FOR REZONING

Application No.:

Z-______(2016)

Hearing Dates:

October 4, 2016 October 18, 2016

Applicant:

Kaplan Morgan Vinings Development, LLC

a Georgia limited liability company

Titleholder:

ADIC, Inc.

a Georgia corporation, successor by merger to XEBO Corporation, a Georgia corporation

Part 1. Residential Rezoning Information

- (a) Apartments 300 units (700 square foot minimum);
- (b) Condominiums 50 units (1,800 square foot average);
- (c) Senior Living 225 units (800 square foot average);
- (d) Age-Restricted 200 units (910 square foot average).

Variances – None known at this time.



Part 2. Non-Residential Rezoning Information

- (a) Hotel 300 rooms (400 square foot average);
- (b) Retail 101,103 square feet (total)

(78,000 square foot supermarket; 23,103 square feet of other retail).

Variances – None known at this time.