

Conceptual Zoning Site Plan

Cumberland Parkway Site - Cobb County, GA



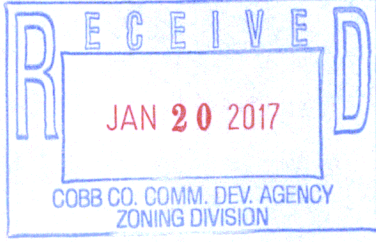
LEGEND

- PROPERTY LINE
- SETBACK/YARD LINE
- BUFFER LINE
- LANDSCAPE STRIP LINE
- PROPOSED PARCEL LINE
- APARTMENTS - 300 UNITS (700 SF MIN)
- CONDOS - 50 UNITS (1,800 SF AVG)
- ASSISTED LIVING - 275 UNITS (800 SF AVG)
- SENIOR LIVING - 200 UNITS (910 SF AVG)
- HOTEL - 300 ROOMS (400 SF AVG)
- RETAIL - 101,103 SF (78,000 SF SUPERMARKET, 23,103 SF OTHER RETAIL)
- OFFICE - 100,000 SF

Z-93
(2016)

Corner	Area	Table	Chart	Line	Area
C1	100'	100'	100'	100'	100'
C2	100'	100'	100'	100'	100'
C3	100'	100'	100'	100'	100'
C4	100'	100'	100'	100'	100'
C5	100'	100'	100'	100'	100'
C6	100'	100'	100'	100'	100'
C7	100'	100'	100'	100'	100'
C8	100'	100'	100'	100'	100'
C9	100'	100'	100'	100'	100'
C10	100'	100'	100'	100'	100'

NOTES:
BOUNDARY INFORMATION GATHERED FROM LAND AND TITLE SURVEY DATED 05-22-2016 BY [Name]
PLAN DEVELOPED AS SITE PLAN FOR REZONING FROM C-93 (COMMUNITY RETAIL COMMERCIAL) TO P-93 (REGIONAL RETAIL COMMERCIAL)



APPLICANT: Kaplan Morgan Vinings Development, LLC

PHONE#: 404-237-8828 **EMAIL:** gmorgan@morgancos.com

REPRESENTATIVE: John H. Moore

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

TITLEHOLDER: ADIC, Inc., successor by merger to XEBO
Corporation

PROPERTY LOCATION: Located at the southeast intersection of
Cumberland Parkway and Paces Walk

ACCESS TO PROPERTY: Cumberland Parkway

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped tract

PETITION NO: Z-93

HEARING DATE (PC): ~~10-04-16~~ 02-07-17

HEARING DATE (BOC): ~~10-18-16~~ 02-21-17

PRESENT ZONING CRC

PROPOSED ZONING: RRC

PROPOSED USE: Mixed use development

SIZE OF TRACT: 18.84 acres

DISTRICT: 17

LAND LOT(S): 816, 817, 839, 840

PARCEL(S): 6, 11

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: O&I/Paces Walk Offices
SOUTH: UC/Vinings Vinyard
EAST: RM-12/Apartments
WEST: O&I/Offices; CRC/Retail Center

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.

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

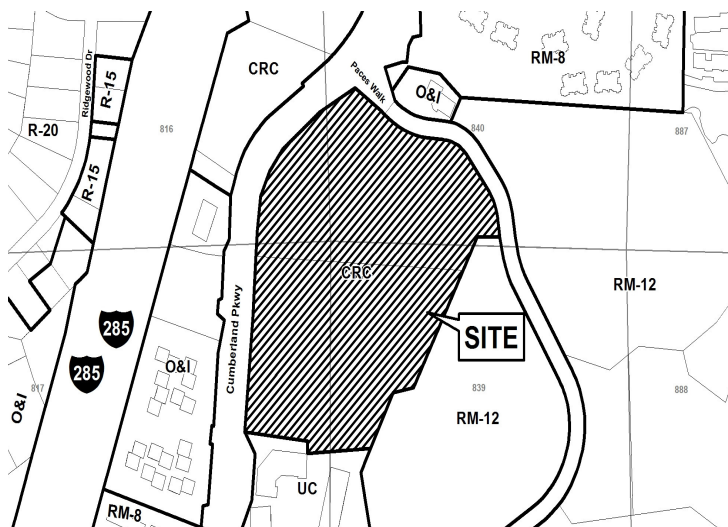
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

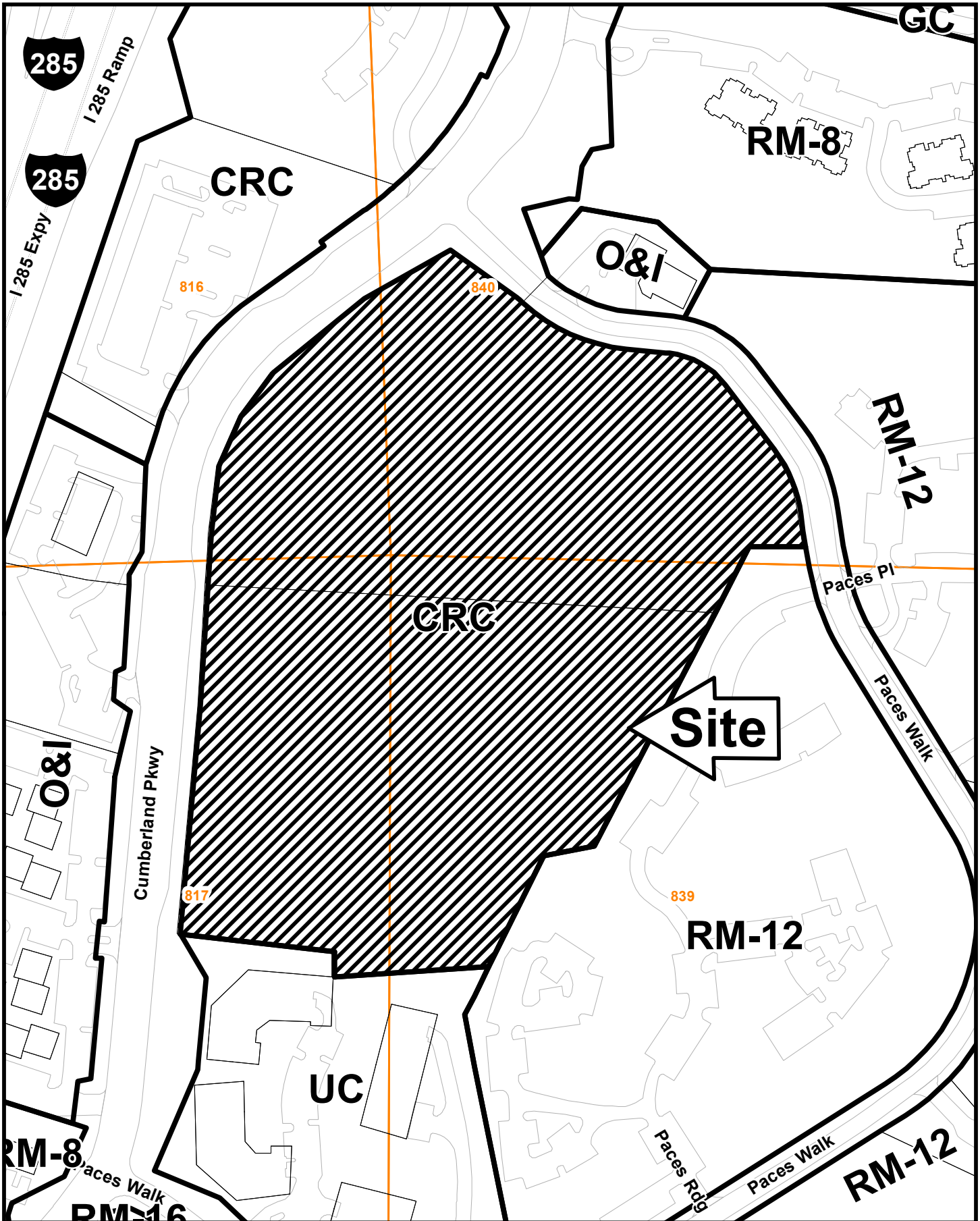
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

STIPULATIONS:



Z-93-2016 GIS



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

0 200 400 Feet

City Boundary
Zoning Boundary

APPLICANT: Kaplan Morgan Vinings Development, LLC

PETITION NO.: Z-93

PRESENT ZONING: CRC

PETITION FOR: RRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Regional Activity Center (RAC)

Proposed Number of Buildings: 6 **Total Square Footage 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

Applicant is requesting the Regional Retail Commercial zoning district for the purpose of a mixed use development consisting of 300 apartment units, 50 condominium units, 225 assisted senior living units, 200 age restricted units, a 300-room hotel, and 101,103 square feet of retail to include a supermarket and other retail uses. The proposed buildings will be 5-6 stories in height with 2 or 3 levels of parking underneath, as shown on the site plan. The residential density would be 41 units per acre.

The proposed plan will require a contemporaneous variance to waive the front setback from the required 50 feet to 25 feet. The applicant also needs to reduce the 50-foot landscape buffer along the east and south property lines to allow the access drives.

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.

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: Kaplan Morgan Vinings Development, LLC

PETITION NO.: Z-93

PRESENT ZONING: CRC

PETITION FOR: RRC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
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: CRC

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 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 _____ 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.

Specific Area Policy Guidelines:

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

PETITION NO.: Z-93

PRESENT ZONING: CRC

PETITION FOR: RRC

PLANNING COMMENTS:

CONT.

Master Plan/Corridor Study

The property is located within the boundary of the Vinings Vision Plan.

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.

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 Kaplan Morgan Vinings Development LLC

PETITION NO. Z-093

PRESENT ZONING CRC

PETITION FOR RRC

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 Cumberland Pkwy

Additional Comments: Metering arrangement to be determined at Plan Review

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: In Cumberland Pkwy (near N & S property lines)

Estimated Waste Generation (in G.P.D.): A D F= **125,044 Peak= **312,610

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

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: **Wastewater flow estimates will be higher if some retail includes restaurants.

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: Core5 Industrial Partners, LLC

PETITION NO.: Z-93

PRESENT ZONING: CRC

PETITION FOR: RRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Vinings Branch 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 - Vinings Chase Apartment Complex.
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 including Vinings Chase Lake.

APPLICANT: Core5 Industrial Partners, LLC

PETITION NO.: Z-93

PRESENT ZONING: CRC

PETITION FOR: RRC

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 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 Morgan Vinings Development, LLC

PETITION NO.: Z-93

PRESENT ZONING: CRC

PETITION FOR: 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, 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.

(Continued on the next page)

STAFF RECOMMENDATIONS

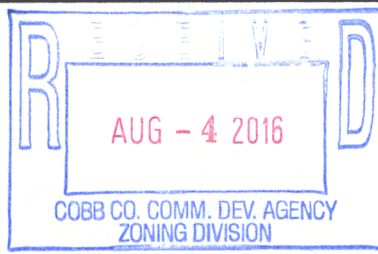
Z-93 KAPLAN MORGAN VININGS DEVELOPMENT, LLC (continued)

Based on the above analysis, Staff recommends **APPROVAL** for residential portion of the application and **DENIAL** of the commercial portion of the application 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.



Application No. z- 93
(2016)

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): See Attached
 - 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): See Attached
 - 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)

.....
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 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

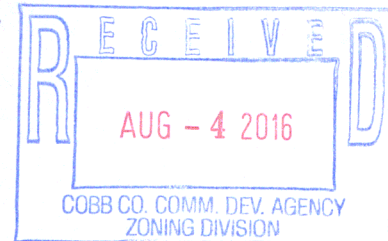
Application No.: Z- 93 (2016)
Hearing Dates: October 4, 2016
October 18, 2016

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.