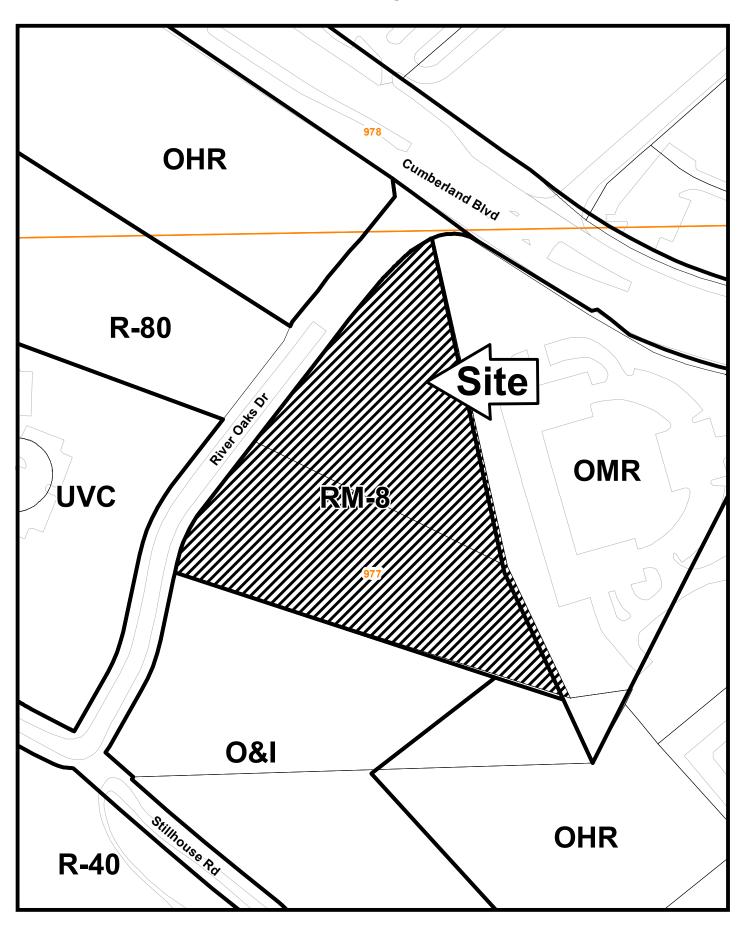
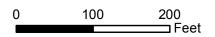


APPLICANT: Pope & Land Enterprises, Inc.	PETITION NO:	Z-18
PHONE#: 770-980-0808 EMAIL: lkelly@popeandland.com	HEARING DATE (PC): _	03-01-16
REPRESENTATIVE: John H. Moore	HEARING DATE (BOC)	: 03-15-16
PHONE#: 770-429-1499 EMAIL: jmoore@mijs.com	PRESENT ZONING:	RM-8
TITLEHOLDER: John M. Struhar, Jr., Edward K. Murphy and		
Denise D. Murphy	PROPOSED ZONING: _	RRC
PROPERTY LOCATION: Easterly side of River Oaks Drive, north		
of Stillhouse Lane.	PROPOSED USE:	Mixed-Use
		Development
ACCESS TO PROPERTY: River Oaks Drive	SIZE OF TRACT:	3.183 acres
	DISTRICT:	17
PHYSICAL CHARACTERISTICS TO SITE: Wooded acreage	LAND LOT(S):	977
	PARCEL(S):	9
	TAXES: PAID X D	UE
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRIC	CT: 2
NORTH: UC and CRC/Walton Riverwood and Delta Community Cr SOUTH: O&I and OHR/Undeveloped EAST: OMR/First Citizens Bank building WEST: OHR/Undeveloped; R-80/Single-family house; UVC	Northeast: Re Activity Cente Southwest: Re Activity Cente Northwest: Re Activity Cente	er (RAC) egional er (RAC) egional
OPPOSITION: NO. OPPOSEDPETITION NO:SPOKESM PLANNING COMMISSION RECOMMENDATION	IAN	
APPROVEDMOTION BY	g of start OHR	ં ∖ ે કૃ હેલ
REJECTEDSECONDED	zi-light do 1	1015 6 PKW2
HELDCARRIEDOHR BOARD OF COMMISSIONERS DECISION APPROVEDMOTION BY REJECTEDSECONDED HELDCARRIED	OHR SITE R-80 OMR OMR	UVC 1016

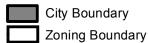
STIPULATIONS:



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







APPLICANT: Pope & Land Enterprises, Inc.	PETITION NO.: Z-18
PRESENT ZONING: RM-8	PETITION FOR: RRC
********	*********
ZONING COMMENTS: Staff Member Re	esponsible: Jason A. Campbell
Land Use Plan Recommendation: Regional Proposed Number of Buildings: 1 + Parking Decl F.A.R.: 1.64 Square Footage/Acre: 71,5	k Total Square Footage of Development: 227,625
Parking Spaces Required: 562 Parking	ng Spaces Provided: To Comply with Ordinance
a six-story building and a six-story parking deck contain a mixture of 300 residential units and 7,50 will range in size from 700 square feet and upward square feet of office/retail and amenities. The b Hardi-plank type siding. The proposal is show	ercial (RRC) zoning district for the purpose of developing a for a mixed use development. The development will 00 square feet of retail/office space. The residential units its to 1,400 square feet. The applicant also proposes 7,500 building architecture will consist of brick, masonry, and wing access on River Oaks Drive and on Cumberland adjoining property. The proposed residential units will be
The proposed plan will require contemporaneous value (2) Waive the side setbacks from 30 fee	variances to: (1) Waive the front setback from 50 feet to et to 20 feet.
The proposed site plan notes that the number of par	king spaces will comply with the Zoning Ordinance.
Cemetery Preservation: No comment.	

FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

APPLICANT: Pope & Land Enterprises, Inc.	PETITION NO.: Z	-18		
PRESENT ZONING: RM-8	PETITION FOR: RRC			
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * *	* * * * * * * * *		
FIRE COMMENTS: (Continued)				
Aerial apparatus access shall be required for all structures of level of fire department access to the ceiling height of the haccess roads shall be a minimum width of 24 feet maximum parallel to one entire side of the building. No overhead utiliaerial fire apparatus access. (Cobb County Development States)	ighest occupied floor level. An of 40 feet from the structural lity and power lines shall be	Aerial fire apparatus re and be positioned		
*********	* * * * * * * * * * * * * * * * *	* * * * * * * *		
PLANNING COMMENTS:				
The applicant is requesting a rezoning from RM-8 to RRC f 3.183 acre site is located on the easterly side of River Oaks I		se development. The		
HB-489 Intergovernmental Agreement Zoning Amendmen	t Notification:			
Is the application site within one half (1/2) mile of a city bou If yes, has the city of been notified?	ndary? □ Yes □ Yes	■ No ■ No / N/A		
Comprehensive Plan				

The parcel is within a Regional Activity Center (RAC) future land use category, with RM-8 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.

Specific Area Policy Guidelines:

- The area includes the properties along both sides of Upper Stillhouse Road and River Oaks Drive, south of Cumberland Boulevard is hereby designated the Vinings Transition Zone. This transition zone is needed because of the conflict between the intense land uses in the heart of the Cumberland Regional Activity Center and the nearby low-density, single family residential uses in Vinings south of the barricade and consistent with county policy as described elsewhere in the Cobb County Comprehensive Plan regarding the necessity to provide appropriate transitions between areas of higher intensity use and nearby areas of lower intensity use. Furthermore, due to the extreme topographical, environmental and watershed concerns, the following specific development criteria are needed in the area identified as the Vinings Transition Zone.
- South of Cumberland Boulevard (realigned), higher intensity development must have access exclusively from and to Cumberland Boulevard. Still house Road and River Oaks Drive have existing grades and alignments that do not appear adequate to service higher intensity development. The county has installed a permanent barricade on Stillhouse Road just south of River Oaks Drive to prevent Cumberland traffic from accessing the lower Stillhouse Road residential area.

APPLICANT: Pope & Land Enterprises, Inc.	PETITION NO.: Z-18
PRESENT ZONING: RM-8	PETITION FOR: RRC
*********	*********
PLANNING COMMENTS: (Continued)	
 in a "step down" manner. Rental residential zoning district. Residential densities should be "transitional" portions of the "Urban Core" of the Cumber 	be developed as office or "owner occupied" residential, il is prohibited in Cobb County's Urban Condominium" with lower densities than those appropriate in central land Community Improvement District Development in in a "step down" manner from higher intensity uses ity uses near the Stillhouse Road Barricade.
Adjacent Future Land Use:	
Northeast: Regional Activity Center (RAC) Southwest: Regional Activity Center (RAC) Northwest: Regional Activity Center (RAC)	
Master Plan/Corridor Study	
The property is not located within the boundary of a	Plan or Corridor Study
Historic Preservation	
	rveys, historic maps, archaeology surveys and Civil War nificant historic resources appear to be affected by this icant requested at this time.
Design Guidelines	
Is the parcel in an area with Design Guidelines? If yes, design guidelines area Does the current site plan comply with the design rec	☐ Yes ■ No quirements?
Incentive Zones	
	☐ Yes ☐ No \$3,500 tax credit per job in eligible areas if two or more new or existing businesses.
The Enterprise Zone is an incentive	Yes No we that provides tax abatements and other economic anding within designated areas for new jobs and capital

APPLICANT: Pope & Land Enterprises, Inc.	PETITION NO.: Z-18
PRESENT ZONING: RM-8	PETITION FOR: RRC
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PLANNING COMMENTS: (Continued)	
Is the property eligible for incentives through the Co- Program?	± *
The Commercial and Industrial Property Rehabilitation Pr ad valorem property taxes for qualifying redevelopment in	
For more information on incentives, please call the Comm 770.528.2018 or find information online at http://economics.python.org/	
Special Districts	
Is this property within the Cumberland Special District #1 ☐ Yes ■ No	(hotel/motel fee)?
Is this property within the Cumberland Special District #2 ☐ Yes ■ No	(ad valorem tax)?
Is this property within the Six Flags Special Service Districe ☐ Yes ■ No	et?
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 □ APZ II (Accident Potential Zone II) ■ Bird / Wildlife Air Strike Hazard (BASH) area	Zone I)

PRESENT ZONING RM-8				PE	ΓΙΤΙΟΝ FOR	RRC
* * * * * * * * * * * * * * * * * * * *	* * * *	******	* * *	* * *	******	* * * * * * *
WATER COMMENTS: NOTE: Comments r	eflect or	nly what facilities	s were	in exi	stence at the time o	f this review.
Available at Development:	~	Yes			No	
Fire Flow Test Required:	✓	Yes			No	
Size / Location of Existing Water Main(s): 8"	DI/E	side of River (Oaks D	r		
Additional Comments:						
Developer may be required to install/upgrade water mains, based Review Process.	on fire flo	ow test results or Fire	e Departn	nent Co	de. This will be resolve	d in the Plan
* * * * * * * * * * * * * * * * * * * *	* * *	* * * * * * * *	* * * *	* *	* * * * * * * *	* * * * * *
SEWER COMMENTS: NOTE: Comment	ts reflec	t only what facili	ities we	re in e	existence at the time	of this review.
In Drainage Basin:	✓	Yes			No	
At Development:	✓	Yes			No	
Approximate Distance to Nearest Sewer: In	n River	Oaks Dr ROW	7			
Estimated Waste Generation (in G.P.D.):	ADF=	31,380		F	Peak= 78,450	
Treatment Plant:		Sutte	on			
Plant Capacity:	✓	Available		Not	Available	
Line Capacity:	✓	Available		Not	Available	
Proiected Plant Availability:	~	0 - 5 vears		5 - 1	0 vears	er 10 vears
Drv Sewers Required:		Yes	✓	No		
Off-site Easements Required:		Yes*	✓	No	*If off-site easements must submit easemen	are required, Develope
Flow Test Required:	~	Yes		No	review/approval as to prior to the execution	form and stipulations
Letter of Allocation issued:		Yes	✓	No	property owners. All are the responsibility	easement acquisitions
Septic Tank Recommended by this Departme	nt:	Yes	✓	No		
Subject to Health Department Approval:		Yes	✓	No		
Additional Sewer segment in River Oaks	Drive n	nay require ups	sizing			

PETITION NO.

Z-018

APPLICANT Pope & Land Enterprises

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: Pope & Land Enterprises, Inc.	PETITION NO.: <u>Z-18</u>
PRESENT ZONING: <u>RM-8</u>	PETITION FOR: RRC
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STORMWATER MANAGEMENT COMMENTS	
FLOOD HAZARD: YES NO POSSIBLY,	, NOT VERIFIED
DRAINAGE BASIN: Camp Bert Adams Creek FEMA Designated 100 year Floodplain Flood. Flood Damage Prevention Ordinance DESIGNATED For Project subject to the Cobb County Flood Damage Prevention Dam Breach zone from (upstream) (onsite) lake - need to	FLOOD HAZARD. Tention 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. foot streambank buffers.
DOWNSTREAM CONDITIONS	
 ✓ Potential or Known drainage problems exist for developed Stormwater discharges must be controlled not to exceed drainage system. ✓ Minimize runoff into public roads. ✓ Minimize the effect of concentrated stormwater discharged Developer must secure any R.O.W required to recent naturally 	d the capacity available in the downstream storm ges onto adjacent properties.
 Existing Lake Downstream – Additional BMP's for erosion sediment controls will be Lake Study needed to document sediment levels. Stormwater discharges through an established residentia Project engineer must evaluate the impact of increase project on downstream receiving system 	al neighborhood downstream.

ATTLICANT. Tope & Land Enterprises, Inc.	1E11110N NO <u>Z-16</u>
PRESENT ZONING: <u>RM-8</u>	PETITION FOR: RRC
**********	*********
STORMWATER MANAGEMENT COMMENT	S – Continued
SPECIAL SITE CONDITIONS	
Provide comprehensive hydrology/stormwater controls	* *
Submit all proposed site improvements to Plan Review	
Any spring activity uncovered must be addressed by a	
Structural fill must be placed under the direction	on of a qualified registered Georgia geotechnical
engineer (PE).	
Existing facility.	CAL COMA NEDECT NECEDIA
Project must comply with the Water Quality require	rements of the CWA-NPDES-NPS Permit and
County Water Quality Ordinance. Water Quality/Quantity contributions of the existing	laka/nand on sita must be continued as beseline
conditions into proposed project.	rake/poild off site must be continued as basefine
Calculate and provide % impervious of project site.	
Revisit design; reduce pavement area to reduce runoff	and pollution
The visit design, reduce pavelient area to reduce ranon	and ponduom
INSUFFICIENT INFORMATION	
<u> </u>	
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.	

DETITION NO. 7 10

ADDITIONAL COMMENTS

ADDI ICANT. Dana & Land Enterprises Inc

- 1. This site is located to the east of River Oaks Drive just south of Cumberland Boulevard. Average slopes on the site are steep and range from 18 to 40%. The existing site is wooded with a mixture of soft and hardwood species. The majority of the site (2.7 ac) discharges by overland flow to the right-of-way of River Oaks Drive to the west. The remainder of the site (0.5 ac) drains to the southeast corner into the offsite detention facility located on the adjacent City View property.
- 2. The proposed onsite underground stormwater management facility must account for the existing downstream system capacity. The site design must also account for the conveyance of the existing stormwater discharge from the adjacent 3300 Cumberland Boulevard parcel that traverses the northern corner of the site via a concrete flume to the northern terminus of River Oaks Drive.
- 3. Due to the steepness of the site terrain, elevated erosion control measures will be required to protect the nearby stream to the south.

APPLICANT: Pope & Land Enterprises	PETITION NO.: Z-18
PRESENT ZONING: RM-8	PETITION FOR: RRC
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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
Cumberland Boulevard	15,000	Arterial	35 mph	Cobb County	100'
River Oaks Drive	N/A	Local	25 mph	Cobb County	50'

Based on 2016 traffic counting data taken by Cobb County DOT for Cumberland Blvd

COMMENTS AND OBSERVATIONS

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

River Oaks Drive is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

The site roadway configuration and retaining wall located in the right-of-way do not meet Cobb DOT standards.

RECOMMENDATIONS

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

Recommend replacing disturbed curb, gutter, and sidewalk along the Cumberland Boulevard frontage.

Recommend deceleration lane on Cumberland Boulevard for the entrance.

Recommend access on Cumberland Boulevard be limited to right-in/right-out.

Recommend applicant verify that minimum intersection sight distance is available for access at Cumberland Boulevard and if it is not, implement remedial measures, subject to the Department's approval to achieve the minimum requirement.

The site roadway configuration and retaining wall do not meet Cobb County DOT standards. Recommend roadway design and retaining wall details to be determined during plan review, subject to Cobb County DOT approval.

Recommend developer enter into an agreement with Cobb County Legal Department regarding the liability and maintenance of facilities in the right-of-way. Recommend these facilities be maintained by the developer.

APPLICANT: Pope & Land Enterprises	PETITION NO.: <u>Z-18</u>
PRESENT ZONING: RM-8	PETITION FOR: RRC
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Recommend a traffic study. Scope of traffic study shall be Recommend developer be required to fund improvements ass	
Recommend a FAA Study	

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STAFF RECOMMENDATIONS

Z-18 POPE & LAND ENTERPRISES, INC.

- 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 some intense uses such as mid and high-rise office buildings, high density residential, commercial and single-family residential uses.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse effect on the usability of adjacent or nearby property. This area has a mixture of residential condominiums, midand high-rise office buildings, and also contains single-family houses. The applicant's proposal is close to major employee centers, which would make this a desirable location for residential units.
- C. It is Staff's opinion that the applicant's rezoning proposal may 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 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 and the sub-category of Commercial. The current proposed density for 259 units on 3.183 acres will result in 81 units per acre. The RRC zoning category is permitted in the RAC land use category.
- 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. This area is mixed with uses ranging from single-family residential to high-rise office and high-rise residential. The subject property's RAC land use category allows for the most variety and intensity of land uses. Staff believes the proposal has merit given its location to the Cumberland/Galleria area and its proximity to downtown Atlanta, the airport and other attractions.

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

- 1. Site plan received by the Zoning Division on December 14, 2015, with the District Commissioner approving minor modifications;
- 2. All units to be "for sale";
- 3. Fire Department 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- 19

Hearing Dates: 03/01/2016

03/15/2016

Summary of Intent for Rezoning*

CODB	CO. COMM. NEV ACCESS
•••••	ZOMNC DVISUN
1. Resid	ential Rezoning Information (attach additional information if needed)
a)	Proposed unit square-footage(s): 700 square feet, upwards to 1,400 square feet
b)	Proposed building architecture: Brick, Masonry, and Hardi-Plank type siding
c)	Proposed selling prices(s):Not Applicable
d)	List all requested variances: Parking reduction from 453 spaces to 425 space
	for 259 units and 7,500 square feet of retail/office/amenities.
2. Non-ı	residential Rezoning Information (attach additional information if needed)
a)	Proposed use(s): 7,500 square feet of office/retail/amenities
/	7,500 Square feet of office, retail, amendetes
b)	Proposed building architecture: Brick Masonry, and Hardi-Plank type siding
D)	Proposed building architecture: Brick, Masonry, and Hardi-Plank type siding
c)	Proposed hours/days of operation: Not Applicable
d)	List all requested variances: Parking reduction from 453 spaces to 425 space
	for 259 units and 7,500 square feet of retail/office/amenities.
	
art 3. Otl	her Pertinent Information (List or attach additional information if needed)
rt 4. Is aı	ny of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Plea	se list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and atta
	clearly showing where these properties are located). No, to the best of our knowledge,
	No, to the best of our knowledge,
	formation, and belief.
In:	formation, and belief.

^{*}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.