

**OCTOBER 17, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 044

PURPOSE

To consider a site plan amendment for ENCORE BURLESON ATL HOTEL, LLC and ENCORE CORPUS I ATL HOTEL, LLC regarding rezoning application Z-90 of 2006 for property located on the south side of Windy Ridge Parkway, east of Cobb Parkway, in Land Lot 879 of the 17th District (2780 Windy Ridge Parkway).

BACKGROUND

The subject property was rezoned to Office Mid Rise (OMR) on July 18, 2006 for an eight-story hotel with 175 surface parking spaces. The applicant would like to amend the approved site plan to construct up to a six-story, 568 space parking garage on the south side of the property. A freestanding or attached parking garage is expressly allowed in the OMR zoning district. The proposed parking garage is lower than the code allows by two-stories, is not in any residential buffers and meets the required five-foot side setbacks on the east and west property lines. The applicant has a permanent easement agreement with the neighbor to the south for use and location of the proposed structure; this is why the five-foot rear setback is being waived. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Water and Sewer: Sanitary sewer line may have to be abandoned/relocated

Stormwater Management: Subject to Plan Review.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

OB-044-2017

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: October 17, 2017

ENCORE BURLESON ATL HOTEL, LLC

Applicant: and ENCORE CORPUS I ATL HOTEL, LLC

Phone #: See Representative.

(applicant's name printed)

Address: See Representative.

E-Mail: See Representative.

James A. Balli, Esq.

Address: 376 Powder Springs St., Ste. 100, Marietta, GA 30064

(representative's name printed)

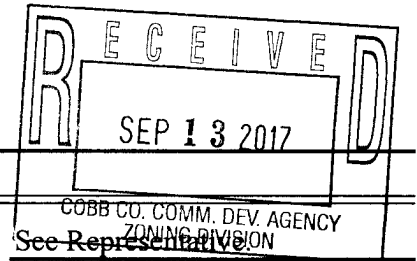
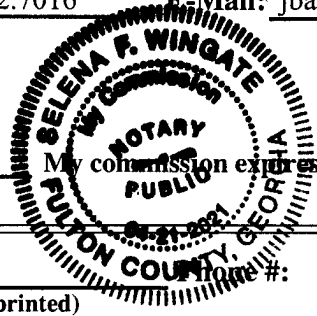
(representative's signature)

Phone #: 770.422.7016

E-Mail: jballi@slhb-law.com

Signed, sealed and delivered in presence of:

Selena F. Wingate
Notary Public



Titleholder(s) : Encore Burleson ATL Hotel, LLC and
Encore Corpus I ATL Hotel, LLC

(property owner's name printed)

See Representative

Address: See Representative.

E-Mail: See Representative.

See attached Exhibit "A" for signature.

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: District 2

Zoning Case: Z-90 (2006)

Size of property in acres: 2.69

Original Date of Hearing: 7-18-06

Location: 2780 Windy Ridge Pkwy

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 879

District(s): 17

State specifically the need or reason(s) for Other Business: Approval of a Site Plan that includes
a parking deck(s) as expressly allowed by the current OMR zoning designation.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: O.B. 44
Hearing Date: October 17, 2017

Applicant: ENCORE BURLESON ATL HOTEL, LLC and ENCORE CORPUS I ATL HOTEL, LLC

Titleholder: ENCORE BURLESON ATL HOTEL, LLC, a Delaware limited liability company, and ENCORE CORPUS I ATL HOTEL, LLC, a Delaware limited liability company, as tenants-in-common ("Owner")

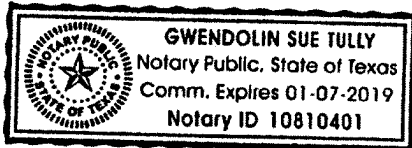


"OWNER"

ENCORE BURLESON ATL HOTEL, LLC,
a Delaware limited liability company

Signed, sealed, and delivered in the presence of:

Gwendolin Sue Tully
Notary Public
Commission Expires: 1-7-19



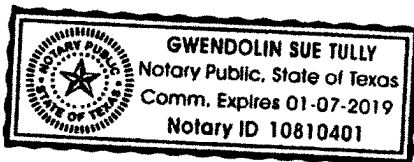
By: Encore Hospitality, LLC, a Delaware limited liability company, its non-member manager

By: [Signature]
Name: Charles A. Oimage
Title: Authorized Signatory

ENCORE CORPUS I ATL HOTEL, LLC,
a Delaware limited liability company

Signed, sealed, and delivered in the presence of:

Gwendolin Sue Tully
Notary Public
Commission Expires: 1-7-19



By: Encore Hospitality, LLC, a Delaware limited liability company, its non-member manager

By: [Signature]
Name: Charles A. Oimage
Title: Authorized Signatory

06-044-2017 Proposed site plan

SITE PLAN
 DOUBLETREE HOTEL
 PARKING DECK

C2-00

Kimley-Horn



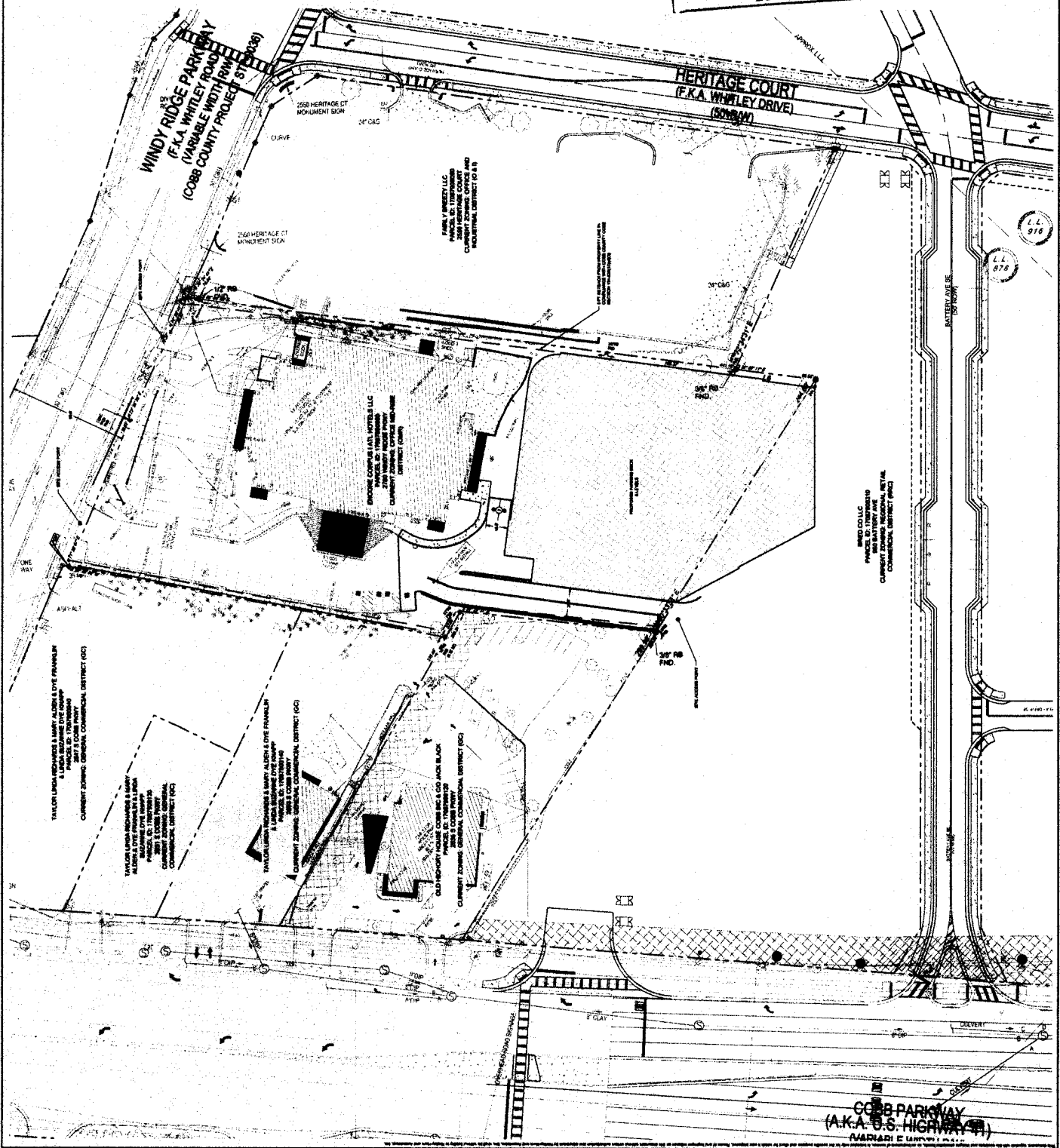
DESIGNED BY
 CHECKED BY
 DATE

SITE NOTES:
 1. ALL DIMENSIONS ARE TO FACE UNLESS NOTED OTHERWISE.
 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE LATEST EDITIONS OF THE INTERNATIONAL PLUMBING CODE (IPC).
 3. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
 4. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.
 5. ALL UTILITIES SHALL BE DEPTH MARKED AND PROTECTED.

SITE PLAN LEGEND:
 --- PROPERTY LINE
 --- EXISTING UTILITY LINE
 --- PROPOSED UTILITY LINE
 --- PROPOSED WALL

PARKING SUMMARY:
 PROPOSED SPACES: 100
 EXISTING SPACES: 0
 TOTAL SPACES: 100
 PROPOSED SPACES: 100
 EXISTING SPACES: 0
 TOTAL SPACES: 100

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 SEP 13 2017
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

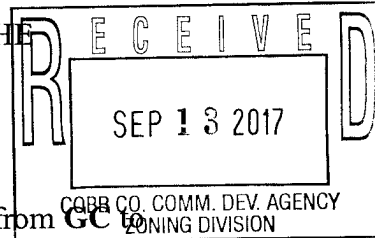


COBB PARKWAY
 (A.K.A. U.S. HIGHWAY 41)
 (VARIANTE 1)

ORIGINAL DATE OF APPLICATION: 07-18-06

APPLICANTS NAME: RLJ ATLANTA GALLERIA HOTEL, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS



BOC DECISION OF 07-18-06 ZONING HEARING:

RLJ ATLANTA GALLERIA HOTEL, LLC (owner) requesting Rezoning from **GC 6** **OMR** for the purpose of a Hotel in Land Lot 879 of the 17th District. Located on the south side of Windy Ridge Parkway, east of U.S. Highway 41.

MOTION: Motion by Goreham, second by Kesting, as part of the Consent Agenda, to **approve** rezoning to the **OMR** zoning district **subject to:**

- **site plan dated May 3, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **Fire Department comments**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

Notes Corresponding to Schedule B

1. The proposed subdivision is shown on the attached plat. The plat shows the proposed subdivision of the land into lots, the proposed streets, and the proposed easements. The plat also shows the proposed parking spaces and the proposed utility easements. The plat is subject to the approval of the local government and the state. The plat is also subject to the approval of the state. The plat is also subject to the approval of the state.

STATEMENT OF ENCROACHMENTS

- 1. The proposed subdivision is shown on the attached plat.
- 2. The proposed subdivision is shown on the attached plat.
- 3. The proposed subdivision is shown on the attached plat.

ZONING INFORMATION

THE LOCAL GOVERNMENT HAS REVIEWED THE PROPOSED SUBDIVISION AND HAS DETERMINED THAT THE PROPOSED SUBDIVISION IS IN ACCORDANCE WITH THE ZONING ORDINANCE.

NEED FOR UTILITIES

THE PROPOSED SUBDIVISION WILL REQUIRE THE INSTALLATION OF UTILITIES. THE UTILITIES WILL BE INSTALLED IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S STANDARDS.

REFERENCE PLAT

THE PROPOSED SUBDIVISION IS SHOWN ON THE ATTACHED PLAT. THE PLAT IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE.

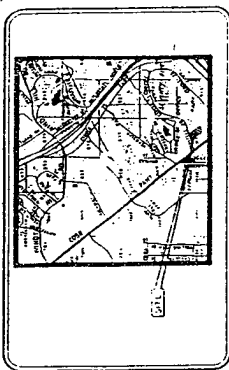
UTILITIES NOTE

THE PROPOSED SUBDIVISION WILL REQUIRE THE INSTALLATION OF UTILITIES. THE UTILITIES WILL BE INSTALLED IN ACCORDANCE WITH THE LOCAL GOVERNMENT'S STANDARDS.

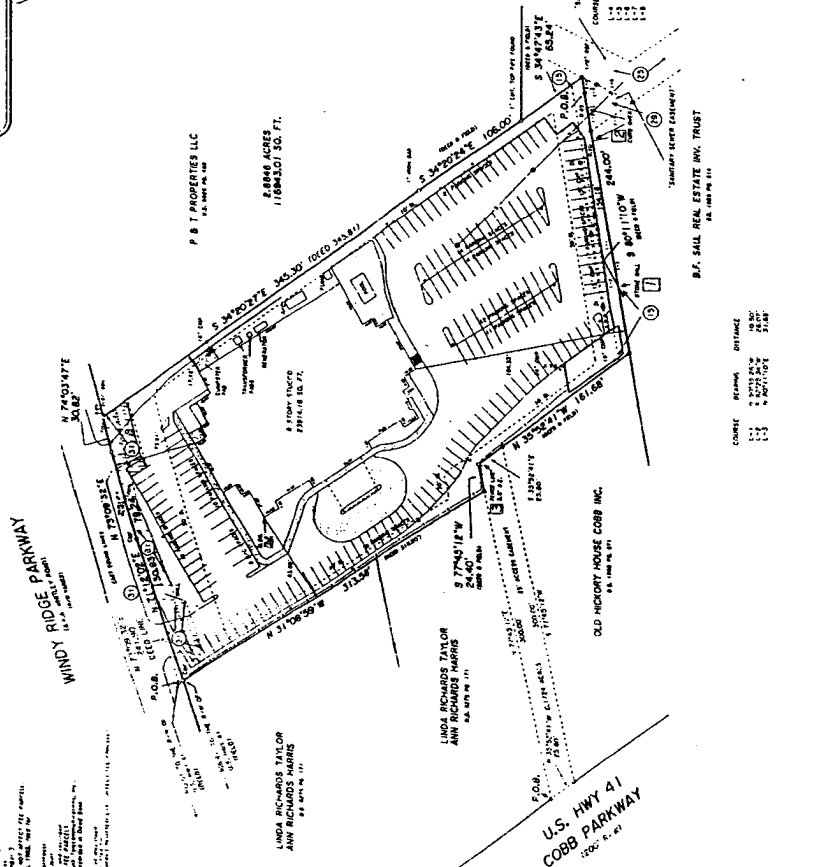
FLOOD NOTE

THE PROPOSED SUBDIVISION IS NOT IN A FLOOD HAZARD AREA. THE LOCAL GOVERNMENT HAS REVIEWED THE PROPOSED SUBDIVISION AND HAS DETERMINED THAT THE PROPOSED SUBDIVISION IS IN ACCORDANCE WITH THE FLOOD HAZARD ORDINANCE.

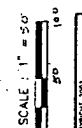
PARKING TABLE	
REGULAR PARKING SPACES	130
HANDICAPPED PARKING SPACES	3
TOTAL SPACES	133



Vicinity Map



COURSE	BEARING	DISTANCE
1	S 89° 10' 00" W	24.40'
2	S 80° 11' 00" W	24.40'



SCALE: 1" = 20'
 COURTESY: [unclear]
 THE PLAT IS FOR INFORMATION ONLY AND IS NOT TO BE USED FOR ANY PURPOSES WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.



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 SEP 13 2017
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

Bock & Clark's National Surveyors Network
 National Coordinators of ALTA/ACSM Land Title Surveys

ALTA/ACSM Land Title Survey
 ALTA/ACSM LAND TITLE SURVEY
 Prepared by [unclear]
 1180 Highway 100, Suite 100, Marietta, GA 30067

Survey Description

The purpose of this survey is to show the location and extent of the proposed subdivision. The survey is based on the information provided by the applicant and the surveyor's field observations. The survey is subject to the approval of the local government and the state.

RECEIVED
 2-90
 MAY - 3 2006

Min. Bk. 43 Petition No. 2-90
 Doc. Type Site plan
 Meeting Date July 18, 2006

Handwritten signature/initials