



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-47
Public Hearing Dates:
PC: 08-07-18
BOC: 08-21-18

SITE BACKGROUND

Applicant: Powers Ferry Road Project, LLC

Phone: See representative

Email: See representative

Representative Contact: James A. Balli

Phone: (770) 422-7016

Email: jballi@slhb-law.com

Titleholder: 1927-1931-1935 Powers Ferry Road Investors, LLC; 1945 Powers Ferry Road Investors, LLC

Property Location: North side of Powers Ferry Road, south side of Windy Ridge Extension, south of Windy Hill Road and on the northwest side of Windy Ridge Parkway.

Address: 1927, 1931, 1935, and 1945 Powers Ferry Road

Access to Property: Powers Ferry Road, Windy Ridge Parkway

QUICK FACTS

Commission District: 2-Ott

Current Zoning: GC (General Commercial)

Current use of property: Restaurants

Proposed zoning: RRC (Regional Retail Commercial)

Proposed use: A mixed-use development

Future Land Use Designation: RAC (Regional Activity Center)

Site Acreage: 8.844 ac

District: 17

Land Lots: 941, 942, 985, and 986

Parcel #: 17094100010, 17094100130, 17098500040, and 17098600040

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Jason Campbell)

Based on the analysis on this case, Staff recommends **APPROVAL** subject to the following:

1. Site plan received May 3, 2018, with the District Commissioner approving minor modifications;
2. Variances in the Zoning comments;
3. Fire Department comment #1;
4. Stormwater Management Division comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Department of Transportation comments and recommendations.

Z-47 2018-Aerial Map



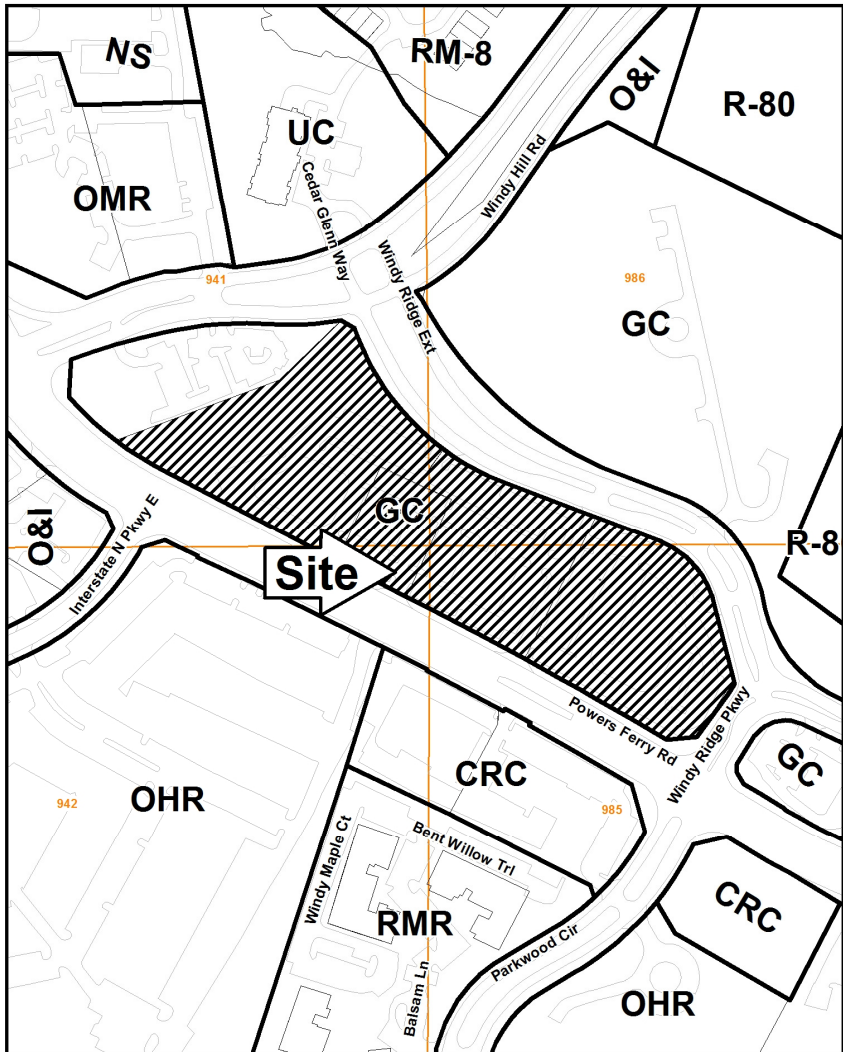
This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet

— Zoning Boundary
— City Boundary

North
Zoning: GC (General Commercial)
Future Land Use: RAC (Regional Activity Center)

Z-47 2018-GIS



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

0 100 200 Feet

Zoning Boundary
 City Boundary

WEST

Zoning: O&I (Office & Institutional) and GC (General Commercial)

Future Land Use: RAC (Regional Activity Center)

EAST

Zoning: GC (General Commercial)

Future Land Use: RAC (Regional Activity Center)

SOUTH

Zoning: CRC (Community Retail Commercial), OHR (Office High Rise), O&I (Office & Institutional)

Future Land Use: RAC (Regional Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted use within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter.

The **military** airport hazard district is established to contribute to the safe operation of Dobbins Air Reserve Base (ARB), to facilitate orderly development around the airfield, to protect property values, and to control and minimize noise and potential accident impacts on the surrounding areas of Cobb County and the City of Marietta. The **military** airport hazard district promotes development patterns which are appropriate for the airfield vicinity and protect the public's safety and welfare by limiting land uses near the airport which require or generate large concentrations of individuals. The boundaries, contained herein are taken directly from the 2011 Air Installation Compatible Use **Zone** Study at Dobbins Air Reserve Base conducted by the United States Air Force.

Requested zoning district for the property

The RRC district is established to provide locations for intense retail commercial, office or mixed uses which exceed 500,000 net square feet and which are designed and oriented to serve a regional market making up a community. Projects developed within the RRC district should be done so as compact unified centers. Ideally, projects developed within the RRC district should occupy an area adjacent to or having good access to interstate highways, which is delineated within a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

Summary of the applicant's proposal

The applicant is requesting the Regional Activity Center (RAC) zoning district for the purpose of a mixed-use development that will consist of 181 active senior adult units with common courtyards and amenity areas, 290 multi-family units with a parking garage, restaurant, and limited retail/office uses. The residential units will be located on either side of the 10,000 square-foot commercial building.

DEPARTMENT COMMENTS- Zoning Division (continued)

Zoning criteria

Proposed # of buildings: 3	Allowable units as zoned: 0
Proposed # of stories: 6	Proposed # of units: 471 (Total)
Total sq. footage of development: 438,555	Net density: 53.256
Floor area ratio: 1.42	Increase of units: 471
Square footage per acre: 49,587	Required parking spaces: 869
Required parking spaces: 100	Proposed parking spaces: 510
Proposed parking spaces: 100	
Acres in floodplain or wetlands: 0	
Impervious surface shown: 72%	

Are there any zoning variances?

Yes, the proposed site plan will require the following contemporaneous variances:

1. Waive the front setback (east property line) from the required 50 feet to 15 feet;
2. Waive the major side setback from the required 50 feet to 15 feet;
3. Waive the number of required parking spaces for the residential units from the required 869 to 510.

DEPARTMENT COMMENTS- Fire Department

1. The parking garage is required to be sprinkled per NFPA-13 due to the lack of fire department access.
2. We do not support the reduction of the required parking spaces.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

Approval of this petition will not have an impact on the enrollment.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Chattahoochee River
4. Flood Damage Prevention Ordinance Designated Flood Hazard.
5. Wetlands: No
6. Streambank buffer zone: Yes
7. County Buffer Ordinance: 50' each side of creek channel.
8. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
9. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
10. Special site conditions and/or additional comments:
 - This site is served by a master stormwater management facility located at the northern end of the site. This facility must be redesigned to meet current Cobb County Standards.

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DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Regional Activity Center (RAC) future land use category under the Retail / Service (rs) Sub-Area designation. The purpose of the RAC category is to provide for areas that can support high-intensity development which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and residential development of varying densities. Retail stores and service operations are considered the most appropriate use in the (rs) land use category; mixed-use developments that include office may also be appropriate. Residential development is inappropriate in the (rs) Sub-Area designation.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

In order to better implement and promote the revitalization and rejuvenation of land uses within the Powers Ferry Master Plan, the Board of Commissioners will encourage new development and redevelopment within the Powers Ferry study area. New development should be constructed in a manner that supports the goals and policies of the Powers Ferry Master Plan. The Board of Commissioners encourages sustainable mixed-use development, including residential, commercial and office uses within the Village Center and catalysts sites, as well as the rehabilitation and redevelopment of multi-family dwellings within the Redevelopment Area as defined by the Powers Ferry Master Plan.

Masterplan/ Corridor Study - Powers Ferry Master Plan Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

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 for new or existing businesses)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

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 investment)

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)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

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

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone? Yes No

Is the property within the Clear Zone (CZ)? Yes No

Is the property within the Accident Potential Zone (APZ I)? Yes No

Is the property within the Accident Potential Zone II (APZ II)? Yes No

Is the property within the Noise Zone? Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)? Yes No

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.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 20" in Powers Ferry Road

Additional water comments: Also 8" in Windy Ridge Ext.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: In Powers Ferry Rd ROW

Estimated waste generation (in G.P.D.): Average daily flow = 46,510; Peak flow = 185,584

Treatment plant: Sutton

Plant capacity: Yes NO

Line capacity: YES NO TO BE DETERMINED

Projected plant availability: 0-5 years 5-10 years over 10 years

Dry sewers required: YES NO

Off-site easement required: YES* NO

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

*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Additional sewer comments: Initial evaluation indicates that some downstream segments are currently at or near capacity. Added discharge will exceed capacity, and may also exceed capacity of segments that have adequate capacity under current development conditions.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Powers Ferry Road	Arterial	45	Cobb County	100'
Windy Ridge Extension	Local	25	Cobb County	50'
Windy Ridge Parkway	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Powers Ferry Road	South of Windy Hill Road	33,200	D
Windy Ridge Extension	N/A	N/A	N/A
Windy Ridge Parkway	N/A	N/A	N/A

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Powers Ferry Road.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

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

Windy Ridge Extension is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Windy Ridge Parkway is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend applicant submit site details to Cobb DOT for coordination with Cobb County Airport Manager to determine potential need for a FAA study.

DEPARTMENT COMMENTS- Transportation (Continued)

3. Recommend applicant verify that minimum intersection sight distance is available for Windy Ridge Extension access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 280'.
4. Recommend a deceleration lane or large turn radius, if geometric or right-of-way constraints exist, for both entrances on Powers Ferry Road.

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STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Staff believes the proposed development will be suitable for the area. The applicant's rezoning request is to allow a mixed-use development that includes senior active adult, multi-family, restaurant, and limited retail uses. The area contains a mixture of retail, offices, restaurants, apartments, and condominiums.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

It is Staff's opinion that the residential component will not adversely affect other developments in this area. The applicant's proposal will be compatible with the mixed-use character of the area.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

Staff is concerned that the applicant's proposal may cause an excessive burdensome use based on the comments from the Fire Department and the Stormwater Management Division comments contained in this analysis. Staff believes these comments can be addressed at Plan Review.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

It is Staff's opinion that the applicant's rezoning request for the Regional Retail Commercial (RRC) zoning is compatible with the Regional Activity Center (RAC) future land use category. The Planning Division comments indicate that mixed-use developments are appropriate for the RAC.

STAFF ANALYSIS (Continued)

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

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 mixed-use is consistent with the *Cobb County Comprehensive Plan*. The property is surrounded by commercial and residential development. The applicant's proposal is located within the Military Airport Hazard District Accident Potential Zone II (APZII). Dobbins Air Reserve Base has been notified and has not submitted any comments regarding the request. It should be noted that residential and commercial development is permitted in the APZII, and density and intensity should be reviewed on a case by case basis. The building is proposed to be six stories in height, which is much lower than the high-rise office buildings in the area. The applicant is aware of the FAA review and approval needed for taller buildings in the area, and is confident this proposal would have no negative impact on air navigation.

The staff analysis and recommendation 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.

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MAY - 3 2018

ZONING IMPACT STATEMENT FOR
THE REZONING APPLICATION OF
INLINE COMMUNITIES, LLC

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

COMES NOW, POWERS FERRY ROAD PROJECT, LLC (hereinafter “Applicant”), and, pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

A. *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property?* **Yes.**

The project proposal (“Project”) is for a mixed use of 181 upscale senior active adult living units, 290 quality multi-family living units, small scale retail and approximately 10,000 square feet of restaurant space. A portion of the restaurant space will be utilized for a new and enlarged Rose & Crown restaurant. The Project is seeking rezoning to Regional Retail Commercial (“RRC”) which is established by Cobb County “to provide locations for intense retail commercial, office or mixed uses...and which are designed and oriented to serve a regional market making up a community. The Project is consistent with, and supported by, the fact that the Project Site is located within a Regional Activity Center (“RAC”) as designated on the Cobb County Future Land Use Map for development. A RAC is designed “to provide for areas that can support a high intensity development which serves a regional market...typical land uses include high-rise office buildings,

SAMS, LARKIN, HUFF
& BALLI, LLP
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS ST.
MARIETTA, GA 30064
770.422.7016

regional malls and varying densities of residential development.” The properties located in the vicinity of the Project are intensely commercial with high rise residential and are also located in the RAC. Therefore, the Project is consistent with the surrounding uses and is consistent with the current and future development of surrounding property.

B. *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property?* **No.**

The Project is surrounded on all four sides by public roads. As set forth above, the properties located in the vicinity of the Project are intensely commercial with high rise residential and are also located in the RAC. Therefore, the Project will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties.

C. *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned?* **No.**

The Project Site 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 Project Site has been unable to reach development as currently zoned and thereby remains vacant, thus providing evidence of the lack of “reasonable economic use” as zoned. This

predicament is confirmed by the Powers Ferry Master Plan and the concerns over vacancies in “Restaurant Row.”

D. *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools?* **No.**

The Proposal will have a traffic study and plan designed to minimize the impact of the use of existing streets and transportation facilities. The area is already heavily developed with sufficient utilities to serve the Project. The element of Residential Senior Living will drastically reduce any impact on school attendance but will still provide a significant tax contribution to Cobb County Schools. Therefore, there will be no adverse effect on streets, transportation facilities, utilities or schools.

E. *Whether the zoning proposal is in conformity with the policy and intent of the land use plan?* **Yes.**

The Development is in absolute conformity with the policy and intent of Cobb County's Comprehensive Land Use Plan/Future Land Use Plan. As stated above, the Project Site is located within a RAC which is designed “to provide for areas that can support a high intensity development which serves a regional market...typical land uses include high-rise office buildings, regional malls and varying densities of residential development.” A

development such as the Project is allowed in areas designated as a RAC.

F. *Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.* **Yes.**

The Project Site has been underdeveloped for some period of time and needs current design and redevelopment including, but not limited to, expansion of the highly successful Rose and Crown restaurant. This Project will be consistent with the Powers Ferry Master Plan and help alleviate some of the concerns of "Restaurant Row" in said Master Plan.

This the 3 day of May, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: _____

JAMES A. BALLI
Attorney for Applicant
Ga. Bar No. 035828

RECEIVED
MAY - 3 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Application No. 2-47
Aug. 2018

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 181 senior active adult and 290 multi-family.
b) Proposed building architecture: TBD by Commissioner
c) List all requested variances: RRC to the Plan

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Restaurant and limited retail
b) Proposed building architecture: TBD by Commissioner
c) Proposed hours/days of operation: Regular business hours.
d) List all requested variances: RRC to the Plan

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

This is a property located within a Regional Activity Center (RAC) and is in limited scale Regional Retail Commercial District.

.....
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 the Applicant is aware of.



COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY

P. O. Box 649
Marietta, GA 30061-0649
Phone: (770) 528-2018 Fax: (770) 528-2126
jason.gaines@cobbcounty.org

Jason S. Gaines, AICP
Planning Division Manager

June 18, 2018

James A. Balli, Esq.
376 Powder Springs Street, Suite 100
Marietta, Georgia 30064

Re: Notice pursuant to Cobb County Code Section 134-275.1 – Military Airport Hazard District,
Subsection 4. Provision of the Commander of Dobbins ARB, or his/her designee with an opportunity
to provide an official response.

Dear Mr. Balli:

This letter serves as notice under the above stated section of the Cobb County Code. It is being given because the application you submitted for property located at 1927, 1931, 1935 and 1945 Powers Ferry Road, zoning application number Z-47-2018 falls within the Military Hazard District. The intent and purpose of this district is:

“The military airport hazard district is established to contribute to the safe operation of Dobbins Air Reserve Base (ARB), to facilitate orderly development around the airfield, to protect property values, and to control and minimize noise and potential accident impacts on the surrounding areas of Cobb County and the City of Marietta. The military airport hazard district promotes development patterns which are appropriate for the airfield vicinity and protect the public’s safety and welfare by limiting land uses near the airport which require or generate large concentrations of individuals. The boundaries, contained herein are taken directly from the 2011 Air Installation Compatible Use Zone Study at Dobbins Air Reserve Base conducted by the United States Air Force.”

This application is scheduled to be heard on Tuesday August 7, 2018 by the Cobb County Planning Commission, and Tuesday August 21, 2018 by the Board of Commissioners. Please feel free to contact the Zoning Division at (770) 528-2003 or the Planning Division at (770) 528-2199 if you need further information.

Sincerely,

Jay Northrup
Intergovernmental Coordinator

Enclosures: Submitted application paperwork

Re: Notice pursuant to Cobb County Code Section 134-275.1 – Military Airport Hazard District, Subsection 4. Provision of the Commander of Dobbins ARB, or his/her designee with an opportunity to provide an official response.

cc: Rob Hosack, County Manager, Via E-Mail
Jackie McMorris, Deputy County Manager, Via E-Mail
Dana Johnson, Director, Community Development, Via E-Mail
Jason Gaines, Planning Division Manager, Via E-Mail
John Pederson, Zoning Division Manager, Via E-Mail
File



COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY

P. O. Box 649
Marietta, GA 30061-0649
Phone: (770) 528-2018 Fax: (770) 528-2126
jason.gaines@cobbcounty.org

Jason S. Gaines, AICP
Planning Division Manager

June 18, 2018

J. Osman Ercin, AICP
Base Community Planner
Building 501, 884 Industrial Dr.
Dobbins Air Reserve Base, GA 30069-4210

Re: Notice pursuant to Cobb County Code Section 134-275.1 – Military Airport Hazard District, Subsection 5. Provision for the Commander of Dobbins ARB, or his/her designee with an opportunity to provide an official response.

Dear M[r/s] Addressee's Surname]:

This letter serves as notice under the above stated section of the Cobb County Code. It is being given because the application submitted for property located at 1927, 1931, 1935 and 1945 Powers Ferry Road, zoning application number Z-47-2018 falls within the Military Hazard District. The intent and purpose of this district is:

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Sincerely,

Jay Northrup
Intergovernmental Coordinator

Re: Notice pursuant to Cobb County Code Section 134-275.1 – Military Airport Hazard District, Subsection 5. Provision of the Commander of Dobbins ARB, or his/her designee with an opportunity to provide an official response.

Enclosures: Submitted application paperwork

cc: Rob Hosack, County Manager; Via E-Mail
Jackie McMorris, Deputy County Manager, Via E-Mail
Dana Johnson, Director, Community Development, Via E-Mail
Jason Gaines, Planning Division Manager, Via E-Mail
John Pederson, Zoning Division Manager, Via E-Mail
File

Application for Rezoning Cobb County, Georgia

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

Z-47 (2018)
Attachments to Letter Concerning Military Airport
Hazard District

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MAY - 3 2018

PC Hearing Date: 8-7-18
BOC Hearing Date: 8-21-18

Applicant Powers Ferry Road Project, LLC **Phone#** See Representative.
(applicant's name printed)
Address See Representative. **E-mail** See Representative.

James A. Balli, Esq. **Address** 376 Powder Springs Street, Suite 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:


Notary Public

My commission expires: 2-6-20



Titleholder 1927-1931-1935 Powers Ferry Road Investors, LLC
1945 Powers Ferry Road Investors, LLC **Phone#** See Rep. **E-mail** See Representative.
(titleholder's name, printed)

Signature See attached Exhibit "A" for signatures. **Address** See Representative.
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

Notary Public
My commission expires: _____

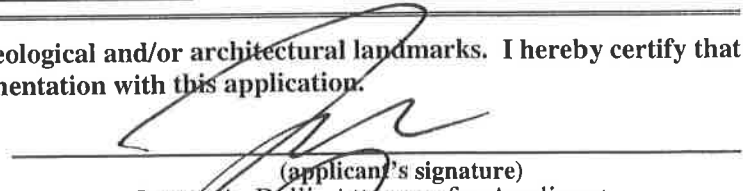
Zoning Request From GC **to** RRC
(present zoning) (proposed zoning)

For the Purpose of Regional Retail **Size of Tract** 8.844 **Acre(s)**
Commercial
(subdivision, restaurant, warehouse, apt., etc.)

Location 1927, 1931, 1935 and 1945 Powers Ferry Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 941, 942, 986, 985 **District(s)** 17th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~ are no such assets. If any exist, provide documentation with this application.
to the best of our knowledge,
information and belief.


(applicant's signature)
James A. Balli, Attorney for Applicant

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there ~~is~~ is not such a cemetery. If any exist, provide documentation with this application.
to the best of our knowledge,
information and belief.

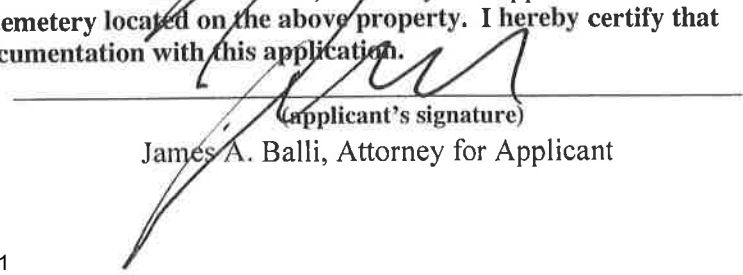
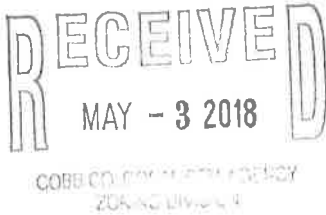

(applicant's signature)
James A. Balli, Attorney for Applicant

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: Z- 47 (2018)
Hearing Dates: August 7, 2018
August 21, 2018



Applicant: Powers Ferry Road Project, LLC
Titleholder: 1927-1931-1935 Powers Ferry Road Investors, LLC

1927-1931-1935 POWERS FERRY ROAD INVESTORS LLC, a Delaware limited liability company

By: TPF Equity REIT Operating Partnership LP, its sole member

By: TPF Equity REIT Operating Partnership GP LLC, its general partner

Signed, sealed, and delivered in the presence of:

Wanda I. Fongemie

Notary Public
Commission Expires:

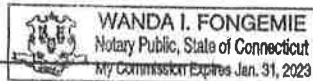


By: [Signature]
Name: Karim M. Dond MKH
Its: Counsel + Executive Director

Signed, sealed, and delivered in the presence of:

Wanda I. Fongemie

Notary Public
Commission Expires:



By: William P. Robertson MKH
Name: William P. Robertson
Its: Executive Director

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: Z-47 (2018)
Hearing Dates: August 7, 2018
August 21, 2018


Applicant: Powers Ferry Road Project, LLC
Titleholder: 1945 Powers Ferry Road Investors, LLC

1945 POWERS FERRY ROAD
INVESTORS LLC, a Delaware limited
liability company

By: TPF Equity REIT Operating
Partnership LP, its sole member


By: TPF Equity REIT Operating
Partnership GP LLC, its general
partner

Signed, sealed, and delivered in the presence
of:

Wanda I. Fongemie
Notary Public
Commission Expires:  WANDA I. FONGEMIE
Notary Public, State of Connecticut
My Commission Expires Jan. 31, 2023

By: [Signature]
Name: Karin M. Dond MKH
Its: Counsel + Executive Director

Signed, sealed, and delivered in the presence
of:

Wanda I. Fongemie
Notary Public
Commission Expires:  WANDA I. FONGEMIE
Notary Public, State of Connecticut
My Commission Expires Jan. 31, 2023

By: [Signature]
Name: William P. Robertson MKH
Its: Executive Director

RECEIVED
MAY - 3 2018

Application No. 2-47

Aug. 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 181 senior active adult and 290 multi-family.
- b) Proposed building architecture: TBD by Commissioner
- c) List all requested variances: RRC to the Plan

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Restaurant and limited retail
- b) Proposed building architecture: TBD by Commissioner
- c) Proposed hours/days of operation: Regular business hours.
- d) List all requested variances: RRC to the Plan

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

This is a property located within a Regional Activity Center (RAC) and is in limited scale Regional Retail Commercial District.

.....
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 the Applicant is aware of.

Printed: 2/8/2018



Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
POWERS FERRY INVESTORS LLC

1927 1931 1935 POWERS FERRY ROAD
INVESTORS LLC

Payment Date: 9/5/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2017	17094100010	10/15/2017	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$29,782.46	\$0.00



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CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
MICKEL & RACHEL AYOUB

1927 1931 1935 POWERS FERRY ROAD
INVESTORS LLC

Payment Date: 9/15/2017

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2017	17094100130	10/15/2017	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$16,441.31	\$0.00



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CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 1945 POWERS FERRY

**1945 POWERS FERRY ROAD INVESTORS
 LLC
 C/O RYAN LLC**

Payment Date: 9/5/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2017	17098500040	10/15/2017	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$27,206.90	\$0.00



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Cobb County Online Tax Receipt

Thank you for your payment!



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
POWERS FERRY INVESTORS LLC

1927 1931 1935 POWERS FERRY ROAD
INVESTORS LLC

Payment Date: 9/5/2017

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2017	17098600040	10/15/2017	Pay:	N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$24,341.45	\$0.00



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DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND



27 June 2018

MEMORANDUM FOR COBB COUNTY ZONING
1150 POWDER SPRINGS ST, SUITE 400
MARIETTA, GA 30064

FROM: Dobbins Air Reserve Base

SUBJECT: Zoning Case #Z-47, 1927-1945 Powers Ferry Rd



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

1. This memo serves as official Dobbins ARB comment on Cobb County Zoning Case #Z-47, at 1927-1945 Powers Ferry Rd. Dobbins ARB planning staff recommends denial of this rezoning application based on land use compatibility with aviation operations.
2. The properties at 1927, 1931, 1935, and 1945 Powers Ferry Rd are located within the Cobb County Military Airport Hazard zoning overlay district, which corresponds to the Air Force Air Installation Compatible Use Zones (AICUZ). The properties are also located within the APZ-II and 65-69DNL AICUZ sub-areas. High density residential is not recommended for either of these sub-areas based on aviation safety and noise levels.
3. Accident Potential Zones (APZs) are designated areas beyond a military runway where the potential for aviation accidents is most severe. APZs are further divided into the Clear Zone (CZ), APZ-I, APZ-II, with the CZ having the greatest risk. Although APZ-II has relatively lower risk as compared to the CZ and APZ-I, high density residential is considered incompatible with any APZ area under military AICUZ guidelines due to the potential for loss of life. The Cobb County Military Airport Hazard zoning overlay district states that residential development proposals within APZs should be reviewed on a case-by-case basis, with density as a key factor.
4. Airport noise is another factor in land use compatibility. Airport noise is measured as an average day-night sound level (DNL). Residential land use is discouraged within the 65-69 DNL noise zones and strongly discouraged in districts over 70 DNL. Noise-attenuating construction is recommended for residential development within airport noise zones to achieve an indoor sound level below 65 DNL.
5. We appreciate your support on this matter.

WILLIAMS.KENNE TH.W.1230684916
 Digitally signed by WILLIAMS.KENNETH.W.12306849
 16
 Date: 2018.06.27 09:15:51 -04'00'
 Kenneth W. Williams
 Base Civil Engineer
 Dobbins ARB

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
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_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
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_____	_____
_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____