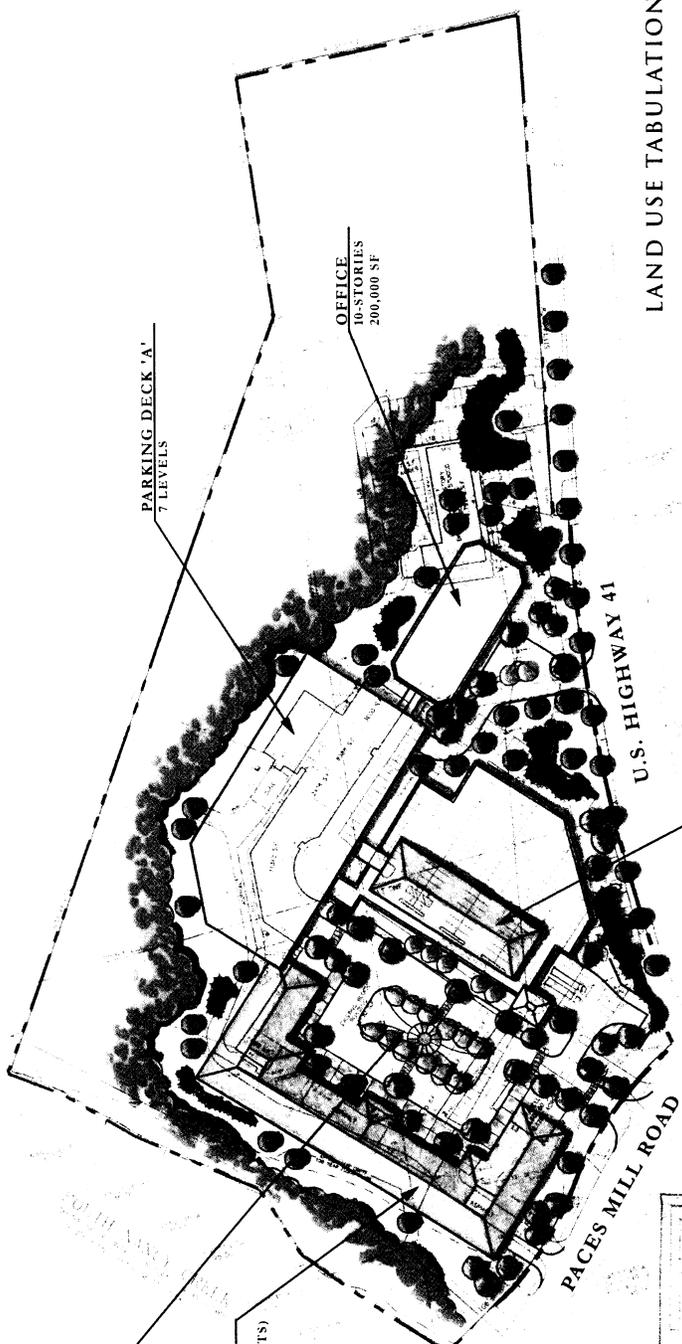


**Z-49
(2008)**



COURTYARD

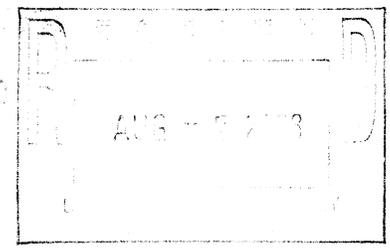
BUILDING 'B'
 RETAIL-1 STORY (50,000 SF)
 RESIDENTIAL-4 STORIES (192 UNITS)
 PARKING-2 LEVELS BELOW

OFFICE
 10-STORIES
 200,000 SF

PARKING DECK 'A'
 7 LEVELS

PACES MILL ROAD

U.S. HIGHWAY 41



LAND USE TABULATIONS

KROGER 55,000 SF
 RETAIL 50,000 SF
 MULTI-FAMILY 240 UNITS
 OFFICE 200,000 SF
 PARKING 1566 SPACES

1140 SPACES @ PARKING DECK 'A'
 370 SPACES @ PARKING DECK IN BUILDING B
 56 SURFACE SPACES @ COURTYARD

BUILDING A
 KROGER (55,000 SF)
 RESIDENTIAL-3 STORIES (48 UNITS)



09-09-02
 01206-c-plan-09-09-02

HIGOR
HIGORIES | GROUP | O'LEARY & RYAN

RIVERVIEW

TRAMMELL CROW RESIDENTIAL/TRI-KELL INVESTMENTS

APPLICANT: Tri-Kell Investments, Inc.
770-818-4130

PETITION NO: Z-49
HEARING DATE (PC): 10-07-08

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
John H. Moore 770-429-1499

HEARING DATE (BOC): 10-21-08
PRESENT ZONING: GC

TITLEHOLDER: Riverview Associates, Ltd. And Riverview
Village, LLC

PROPOSED ZONING: RRC

PROPERTY LOCATION: Located at the northwesterly intersection
of U.S. Highway 41 and Paces Mill Road.

PROPOSED USE: Mixed Use
Development

ACCESS TO PROPERTY: U.S. Highway 41 and Paces Mill Road

SIZE OF TRACT: 18.01 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing shopping
center

DISTRICT: 17

LAND LOT(S): 976, 977, 1016, 1017

PARCEL(S): 4, 9, 10

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** O&I/ vacant
- SOUTH:** GC/ BP
- EAST:** NS, RM-12/ Vinings Junction shopping center, Vinings at River Parkway apartments
- WEST:** OHR, R-30, RM-12/ Russell Athletics, Highlandway at Vinings, Essex House

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

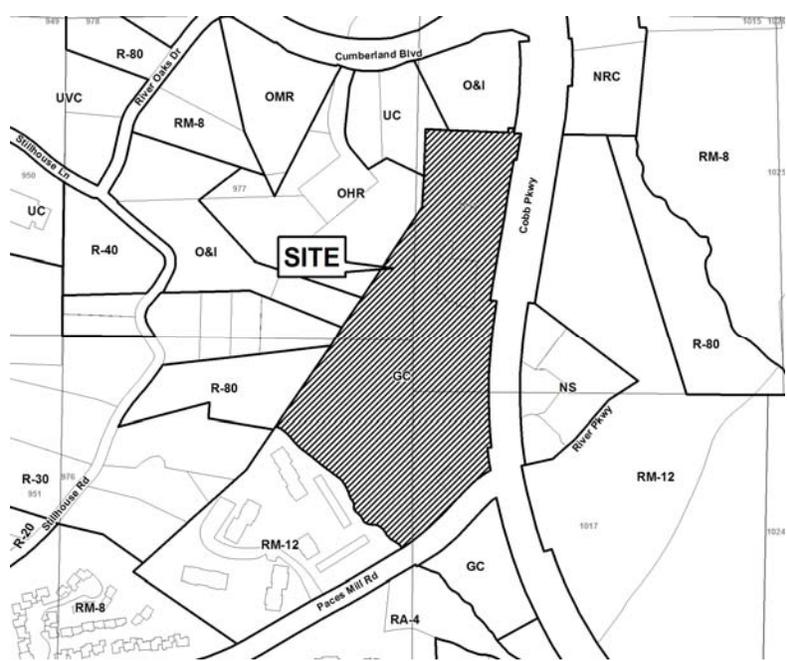
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

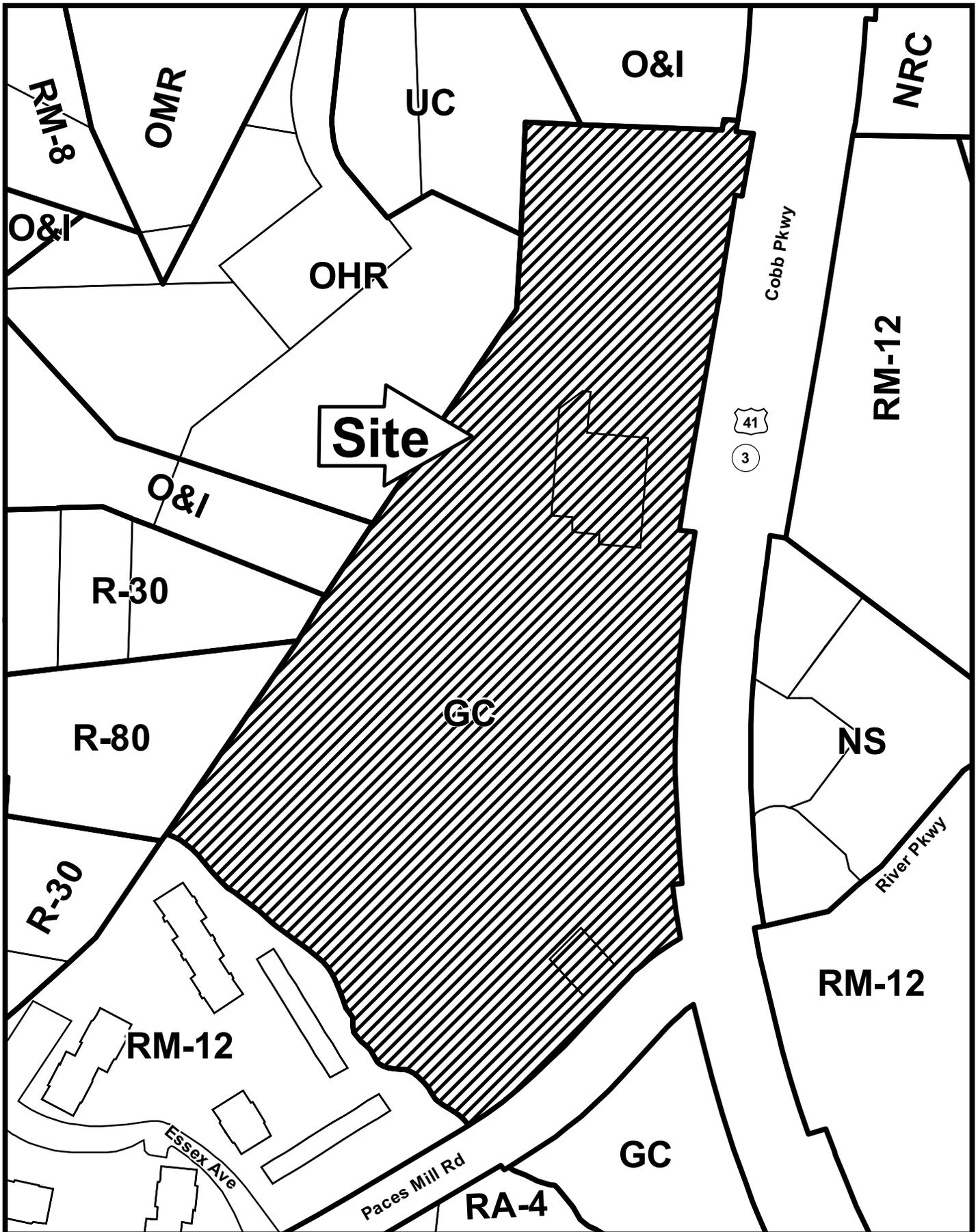
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

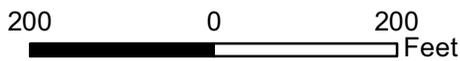
STIPULATIONS:



Z-49



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Tri-Kell Investments, Inc.

PETITION NO.: Z-49

PRESENT ZONING: GC

PETITION FOR: RRC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Regional Activity Center- Sub area for Office

Proposed Number of Buildings: 3 **Total Square Footage of Development:** 533,480

F.A.R.: 0.67 **Square Footage/Acre:** 29,344 **Residential Density:** 13.2 units per acre

Parking Spaces Required: 1,647 **Parking Spaces Provided:** 1,566

The applicant is requesting the RRC zoning district to develop a mixed use community. The project would consist of three different land uses that include commercial, office and multi-family housing. The proposal will contain themed architectural treatments throughout to tie all buildings together. The project has received positive findings on the required Development of Regional Impact from the Atlanta Regional Commission. The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "A".

First, the applicant will have a commercial component that will have offices, retail, and restaurants. There will be a variety of building facades with glass, brick, stone and/or stucco exteriors. The commercial portion of the proposal would be located on the ground floor of buildings "A" and "B". The anticipated hours of operation would range from 6:00 a.m. to midnight, depending on the final user. There would be a total of 105,000 square-feet of floor space in this component; the existing Kroger will relocate in the first floor of building "B".

Second, the applicant is proposing a high-rise office building that would front on Cobb Parkway. This building would be 10 stories in height with 200,000 square-feet of office space. Most of the parking spaces would be located next to the building in a parking deck. The building would have a glass exterior with brick, stone and/or stucco accents.

Third, the applicant is proposing a multi-family housing component that would contain residential condominiums. These two buildings would be located in the center of the property. Residential condominium building "A" would have four stories of residential use above the commercial use. Residential condominium building "B" would have three stories of residential use above the commercial use. There would be a total of 240 condominium units that will range in size from 700 square-feet to 2,000 square-feet; the average unit size is anticipated to be 1,100 square-feet. The anticipated selling prices would range from \$300,000 to \$800,000. The units may be leased in the meantime, until the real estate market stabilizes.

The applicant is showing contemporaneous variances which are:

1. Reduce the front setback from 50-feet to 35-feet (adjacent to Paces Mill Road);
2. Reduce the number of required parking spaces from 1,647 parking spaces to 1,566 parking spaces (due to shared parking); and
3. Increase the maximum allowable building height from 8-stories to up to 10-stories

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.

Cemetery Preservation: No comment.

APPLICANT: Tri-Kell Investments, Inc.

PETITION NO.: Z-49

PRESENT ZONING: GC

PETITION FOR: RRC

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot paved radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or slide type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal’s office.

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Teasley	486	Over	
Elementary Campbell	1337	Under	
Middle Campbell	2245	Under	

High

* School attendance zones are subject to revision at anytime

Additional Comments:

Approval of this rezoning could adversely impact enrollment at Teasley.

APPLICANT Tri-Kell Investments, Inc

PETITION NO. Z-049

PRESENT ZONING GC

PETITION FOR RRC

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No
Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 20" Steel / W side Hwy 41

Additional Comments: Existing meter for Bldgs A & B. Possible separate meter for offic bldg

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:

In Drainage Basin? Yes No
At Development? Yes No

Approximate Distance to Nearest Sewer: On site along creek (18" dia)

Estimated Waste Generation (in G.P.D.): **A D F** 121,000 **Peak** 302,500

Treatment Plant: Sutton

Plant Capacity Available? Yes No
Line Capacity Available? Yes No
Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
Dry Sewers Required? Yes No
Off-site Easements Required? Yes* No
Flow Test Required? Yes No
Septic Tank Recommended by this Department? Yes No
Subject to Health Department Approval? 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Sewer extension by developer required to upper property line

Notes FYI:

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 off site easements, dedication of on and/or off site 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: **Tri-Kell Investments, Inc.**

PETITION NO.: **Z-49**

PRESENT ZONING: **GC**

PETITION FOR: **RRC**

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Bert Adams Lake Trib (aka S. Nancy Cr)** FLOOD HAZARD INFO: Zone A

- 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: **Within stream buffer of adjacent stream (no disturbance proposed).**

- 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 CONDITION

- 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 _____.
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 **stormdrainage system.**

APPLICANT: Tri-Kell Investments, Inc.

PETITION NO.: Z-49

PRESENT ZONING: GC

PETITION FOR: RRC

DRAINAGE 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 northwest intersection of Paces Mill Road and US Highway 41. The parcel is within the 2000-foot Chattahoochee River Corridor and is therefore subject to the provisions of the Metropolitan River Protection Act. The proposed plan must be verified to be consistent with the original ARC review of the existing site or a new ARC review will be required. This issue must be addressed at Plan Review.
2. Although no detention area has been identified on the site plan, a preliminary hydrology study prepared by Woodward Consulting, Inc. indicates that sufficient underground detention can be provided on the proposed site. Water quality requirements would have to be met by the installation of an approved proprietary BMP device. A perpetual maintenance agreement will be required for this system.
3. This site is located in close proximity to the Chattahoochee River and discharges directly into US Park Service land on the downstream side of Paces Mill Road. While the proposed site plan does not significantly expand the existing disturbed area of the site, additional erosion control BMPs (above and beyond minimum code requirements) should be required to provide protection for the existing downstream habitat.

APPLICANT: Tri-Kell Investments, Inc.

PETITION NO.: Z-49

PRESENT ZONING: GC

PETITION FOR: RRC

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
Cobb Parkway	22660	Arterial	55 mph	GDOT	100'
Paces Mill Road	11700	Major Collector	35 mph	Cobb County	80'

*Based on 2007 traffic counting data taken by GDOT. (Cobb Parkway)
Based on 2007 traffic counting data taken by Cobb County DOT. (Paces Mill Road)*

COMMENTS AND OBSERVATIONS

Cobb Parkway is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Sandtown Road is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Cobb Parkway is identified as a long range road improvement project.

The western side of Cobb Parkway is identified as the corridor for the extension of the Mountain to River Trail.

Install sidewalk, curb and gutter along Paces Mill Road.

Covert the eastern most driveway along Paces Mill Road to right-in/right-out and left-in only.

GDOT permits will be required for work that encroaches upon State right-of-way.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Cobb Parkway, a minimum to accommodate the proposed road widening and trail project, and b) donation of right-of-way on the north side of Paces Mill Road, a minimum of 40' from the roadway centerline.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed road improvement project and the trail extension.

Recommend installing sidewalk, curb and gutter along Paces Mill Road.

Recommend converting the eastern most driveway along Paces Mill Road to right-in/right-out and left-in only.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-49 TRI-KELL INVESTMENTS, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is located in an area that contains a large variety of land uses, including restaurants, high-rise office buildings, retail, hotels, apartments, and condominiums. The area is mixed-use in character. The developer's proposal would promote better land utilization through this comprehensive mixed-use plan.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. Staff believes developing the property as a unified development for the property would be preferable to many separate developments. Master planning this property into one comprehensive development will reduce potential problems in the future regarding drainage, access, utilities, etc. The applicant's proposal is located on a major State Highway at a signalized intersection. The applicant's proposal is located close proximity to Interstate 285 and Interstate 75, and is within close proximity to the major employment centers associated with the Cumberland/Galleria area, and downtown Atlanta. Staff is concerned with all the variances for the request, however, these types of variances are typical of a mixed use development, and these types of variances have been approved for other RRC developments. The maximum F.A.R. in RRC is 1.0, which the applicant is under.
- 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 or utilities. The property has been located within the confines of a Regional Activity Center for many years, which supports a high intensity of development. Additionally, The Atlanta Regional Commission and the Georgia Regional Transportation Authority have issued positive findings on the proposal after extensive review.
- 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 to be within a Regional Activity Center, Sub-area for Office use. The *Cobb County Comprehensive Plan* states, "...mixed use developments that include retail...and Mid and high-rise residential developments are appropriate in this category". Based on the urban characteristics of the area, and the intensity of this particular Regional Activity Center, Staff believes the applicant's proposal meets the intent of the *Cobb County Comprehensive Plan*.
- 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. Staff believes the applicant's proposal would be a suitable use as referenced in paragraph A of this recommendation, and the proposal would not adversely affect adjacent properties, as referenced in paragraph B of this recommendation. Staff believes the development of this property would be beneficial for the County, and beneficial for the area. The applicant's proposal could continue to encourage other mixed-use projects in the area. RRC developments are required to be in a Regional Activity Center which the applicant's proposal complies. Developments, such as this proposal, are allowable in the Future Land Use Category mentioned in paragraph D. The RRC zoning district allows for a mix of retail, office, restaurants, and multifamily residential uses. The applicant's proposal incorporates all of these land use types. The character of the Cumberland/Galleria Activity Center along U.S. Highway 41 is very intense. If approved, the applicant's proposal would require

(CONTINUED ON NEXT PAGE)

STAFF RECOMMENDATIONS

Z-49 TRI-KELL INVESTMENTS, INC. (CONT.)

E. (CONT.)

some variances from the RRC zoning district, due to its urban setting. The three variances listed in the Planning Comments section are typical of other RRC developments in the area. The RRC zoning code allows for residential densities to be reviewed on a case by case basis in Regional Activity Centers. The density for nearby properties range from 12 units per acre for RM-12 zoned property to 50 units per acre for UC zoned property (Z-164/1998). The applicant's requested density of 13.2 units per acre would be within the range of adjacent and nearby properties. Staff is generally amenable to the applicant's proposal and believes it would be an asset for the area by promoting mixed use development in an area that has the required infrastructure.

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

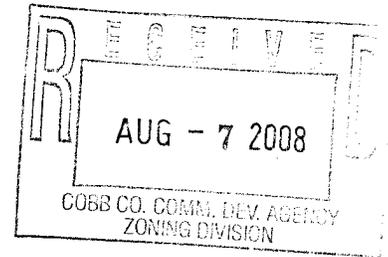
- Site plan received by the Zoning Division August 7, 2008, with the District Commissioner approving minor modifications;
- Subject to the Development of Regional Impact;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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.

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT

Application No.: Z- 49 (2008)
Hearing Dates: October 7, 2008
October 21, 2008



Applicant: Tri-Kell Investments, Inc.
Titleholders: Riverview Associates, Ltd. and
Riverview Village, LLC

Analysis of impact of the proposed rezoning with respect to the following:

- (a) Applicant and Property Owners are seeking rezoning of an approximately 18.01 acre tract located at the intersection of the westerly side of Cobb Parkway (U.S. Highway 41) and the northerly side of Paces Mill Road (hereinafter "Property" or "Subject Property") from the existing zoning category of General Commercial ("GC") to the proposed zoning category Regional Retail Commercial ("RRC"). The Subject Property is currently a shopping center anchored by a Kroger store and with other small tenant shops. The shopping center was one of the first built within the Vinings area. Applicant and Property Owners seek rezoning of the Subject Property to allow for the complete removal of the existing shopping center and the construction of a mixed-use development consisting of retail, office, and residential. Allowing the rezoning of the Subject Property to the RRC category will permit a suitable use in view of its location, size, and the use and development of adjacent and nearby properties. The location of the Subject Property affords visibility and ease of access to Cobb Parkway, I-75, I-285, Cumberland Boulevard, and the Cumberland and the Vinings areas for the office, commercial as well as residential developments proposed under the RRC category. The proposed development will offer a "live where you work" project along a major corridor to allow for greater ease of connectivity with other major roadways and attractions within the area.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed re-development should have a minimal, if any, impact on surrounding properties. The proposed rezoning should have a very positive effect in that it would further promote the "live where you work" concept. If approved and developed according to the request, the

adjacent and nearby property owners should benefit in higher land values. Cobb County will benefit in increased revenue.

- (c) The property as zoned does have a reasonable economic use; however, the proposed zoning would allow for a higher and better use.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Retail and commercial developments have almost no effect on schools, minimal effect on utilities and transportation facilities. The improved roadways in the area can accommodate any increased traffic the proposed re-development may bring without burdensome effects; however, it is the goal of Applicant and Property Owners that the proposed development consisting of mixed uses will serve to reduce traffic burdens in the immediate area.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.
- (f) There are changing conditions affecting the use and development of the Subject Property which give supporting grounds for approval of the zoning proposal. The proposed development will afford a unique opportunity to incorporate varying retail, office, and residential uses within the proposed RRC area. Additionally, it will offer residents the ability to "live where they work" as well as be in close proximity to other shopping areas and entertainment venues. With the current economic conditions, it is important for consumers to conserve and consolidate in every aspect of daily living. The re-development proposed by Applicant and Property Owners will allow the residents to continue to enjoy a quality standard of living.