

Harry West Director

May 13, 1994

Honorable Bill Byrne, Chairman Cobb County Commission 886 Lake Hollow Boulevard Marietta, GA 30064

RE: Development of Regional Impact ~ Kennedy Tract Mixed Use Development

Dear Bill:

This is just to formally transmit the finding of the Environment and Land Use Committee (ELUC) (as authorized by the Commission) on the Kennedy Tract Mixed Use Development of Regional Impact (DRI). As Chairman of the Committee you know that the Committee found the development is not in the best interest of the State at this time because of stormwater management, traffic generation and air quality concerns.

I am enclosing a copy of our Final Report and copies of all comments we received during the review. If you would like for me to arrange any meetings to discuss any of the comments, please feel free to call on me.

We hope that the Report and comments will be helpful as the County considers this

development.

Harry West Director

Sincerely.

HW:br:rly

Enclosures

c: Mr. Ed Thomas, Cobb County Planning & Zoning
Mr. Lloyd Whitaker, Representative for Kennedy Trusts
Nations Bank Trust Department
Brown Brothers Harriman
Mr. Marvin Madry, CRNRA
Ms. Carolyn Hatcher, GA Conservancy
Mr. Bryan Hager, Sierra Club
Ms. Gail Russell, Atlanta Audubon Society
Honorable Max Bacon, Mayor, City of Smyrna
Mr. Wayne Shackelford, Commissioner, GDOT

KENNEDY TRACT MIXED USE DEVELOPMENT

DEVELOPMENT OF REGIONAL IMPACT

SITE:

33 acres bounded on the west by I-75, on the north by I-285, and on the east and south by the proposed Kennedy Parkway (The

proposal includes re-routing a section of Akers Mill Road onto the

Kennedy Parkway)

PROPOSED DEVELOPMENT:

Offices (1.5 million square feet)

Hotel (200 rooms) Residential (250 units)

Site plan shows: $1 \sim 24$ -story building

4 ~ 16-story buildings 1 ~ 2-story building

1 ~ 13-level parking deck1 ~ 10-level parking deck

2 ~ 7-level parking decks

5,066 parking spaces

PROPERTY OWNERS:

Kennedy Trusts

AGENCIES

COMMENTING:

Smyrna, National Park Service, Georgia Conservancy, Sierra Club,

GDOT, Audubon Society (2)

MAJOR PROJECT CONCERNS:

- ~ The development proposal has a relatively high percentage of impervious surface (75%) which could result in stormwater runoff, which could harm water quality in Rottenwood Creek and the Chattahoochee River. This is of particular concern since this development is a short distance up stream from the City of Atlanta water intake. There is no specific written proposal in the DRI application to control, collect or treat stormwater.
- ~ The Kennedy parkway, which represents a significant investment, was proposed to provide better accessibility in the Cumberland area, not open areas for development. This development proposal would generate traffic which would strain the parkway facility, thereby, reducing the overall increased accessibility benefit. In addition, the level of traffic generated and resulting traffic control measures necessary on the Kennedy Parkway could result in a deterioration of air quality in the area.

ELUC FINDING ON BEHALF OF THE COMMISSION:

The development proposal is not in the best interest of the State at this time because of stormwater management, traffic generation and air quality concerns.

Facility: Kennedy Tract Mixed Use Development

Preliminary Report: April 15, 1994

Final Report: May 13, 1994

DEVELOPMENTS OF REGIONAL IMPACT

REVIEW REPORT

GENERAL

According to information on the review form or comments received from potentially affected governments:

Is the proposed project consistent with the host-local government's comprehensive plan? If not, identify inconsistencies.

Yes. The Cobb County Comprehensive Plan identifies the area as "regional activity center."

Is the proposed project consistent with any potentially affected local government's comprehensive plan? If not, identify inconsistencies.

No inconsistencies were noted in the review process.

Will the proposed project impact the implementation of any local government's short-term work program? If so, how?

According to information submitted on the review, the proposed development will impact implementation of Cobb County's short-term work program.

Will the proposed project generate population and/or employment increases in the Region? If yes, what would be the major infrastructure and facilities improvements needed to support the increase?

The project could accommodate 5,200 jobs and 375 residents according to regional averages. The site would be accessed from the proposed Kennedy Parkway.

What other major development projects are planned in the vicinity of the proposed project?

The nearest major development which ARC reviewed was the Cumberland Center/Riverwood project, located between this site and the Cumberland Mall area of Cobb County. The total project included 2.7 million square feet of office space and 250 hotel rooms on 85 acres.

Will the proposed project displace housing units or community facilities? If yes, identify and give number of units, facilities, etc.

No.

Will the development cause a loss in jobs? If yes, how many.

No.

LOCATION

Where is the proposed project located within the host-local government's boundaries?

The site is located in east central Cobb County and bounded by I-75 on the west, I-285 on the north, and by the proposed Kennedy Parkway on the east and south.

Will the proposed project be located close to the host-local government's boundary with another local government? If yes, identify the other local government.

The site is near the Chattahoochee River (but not in the Chattahoochee Corridor) and therefore near the City of Atlanta and Fulton County. It is also near the City limits of Smyrna and Marietta and is contiguous to federal park land.

Will the proposed project be located close to land uses in other jurisdictions that would benefit or be negatively impacted by the project? Identify those land uses which would benefit and those which would be negatively affected and describe impacts.

See comments from City of Smyrna and National Park Service.

ECONOMY OF THE REGION

According to information on the review form or comments received from potentially affected governments:

What new taxes will be generated by the proposed project?

The development could generate approximately \$2.5 million annual property tax at build out based on the developer's estimated value and current tax rates in the County.

How many short-term jobs will the development generate in the Region?

The developer estimates 1,000 short-term jobs will be generated.

Is the regional work force sufficient to fill the demand created by the proposed project?

Yes.

In what ways could the proposed development have a positive or negative impact on existing industry or business in the Region?

The proposed development would compete with other nearby office and hotel developments. There are no other high-rise residential developments in the immediate vicinity.

NATURAL RESOURCES

Will the proposed project be located in or near wetlands, groundwater recharge area, water supply watershed, protected river corridor or other environmentally sensitive area of the Region? If yes, identify those areas.

Impacts on CRNRA

The East Palisades and West Palisades/Paces Mill units of the Chattahoochee River National Recreation Area (CRNRA) are a valuable and unique resource enjoyed by over 710,000 people each year. The 695 acre East and West Palisades Units represent a public investment that needs to be protected. The units offer a wide variety of recreational opportunities including hiking and jogging, bird watching, nature photography, wildflower study, picnicking and fishing. Hiking trails wind along the Chattahoochee River and Rottenwood Creek and through forested floodplains, ridges and ravines. The portion of the West Palisades trail leading away from Interstate 75 and located between Rottenwood Creek and the proposed development is particularly tranquil, as is the trail along the ridge between Rottenwood Creek and the Chattahoochee River. In addition, rafting and canoeing in this area, on a stretch of the Chattahoochee River below the Riverbend development and along the CRNRA boundaries, offers an unspoiled, nature experience not found in any other major metropolitan area.

In an area where peaceful, nature experiences are becoming increasingly scarce, the CRNRA area adjacent to the proposed MUD and Parkway is particularly important. A study commissioned by the National Park Service and entitled "Visitor Perceptions and Reactions to On-Site Impacts" examined several national park areas, including the CRNRA. A survey of CRNRA visitors conducted as part of that study revealed that the most important reason for visiting the CRNRA was "To view the natural scenery." Given the proposed structure heights in the proposed MUD and the terrain, the project would impact scenic views from the East Palisades Unit and the Chattahoochee River at the mouth of Rottenwood Creek and may be visible from the West Palisades Unit, particularly in winter.

In addition to the visual impacts, noise from the proposed project and proposed parkway will also affect the quiet nature hiking experience on the section of the Rottenwood Creek trail that leads away from I-75 beyond the sewer line crossing and the hiking area on the western side of the ridge of the West Palisades unit.

Impacts on Rottenwood Creek

Rottenwood Creek, a tributary to the Chattahoochee, is adjacent to the proposed project site. In addition, a tributary to Rottenwood flows through the site. This portion of Rottenwood Creek is a very scenic component of the CRNRA West Palisades Unit. The creek is also a tributary to the Chattahoochee River.

Rottenwood Creek is threatened by storm water pollution and siltation problems. The creek is listed in Georgia EPD's most recent water quality report as not supporting its water use classification under the Clean Water Act. Adopt-a-Stream data shows fairly good water quality in this portion of Rottenwood but low biodiversity. The proposed development will further impact this fragile stream environment.

Based on some simplifying assumptions for typical pollutant loading factors, ARC staff developed estimates of pollutant loadings the proposed project will create compared to loadings under the existing land cover. Loading factors used to develop these estimates are based on results of storm water monitoring of office developments in the Atlanta Region. Staff's analysis projected that total phosphorus loadings from the site will increase 16 times over existing loadings, total nitrogen loadings are expected to be 28 times higher, with BOD levels 13 times higher, zinc levels 49 times higher, and lead levels 6 times higher.

In addition to problems associated with pollutants, runoff from the site will increase the flow in Rottenwood Creek and the frequency with which the creek overflows its banks. Existing County regulations for storm water detention do not address the frequency with which bankfull discharge occurs, which on average is every two years for natural watersheds. These impacts lead to increased streambank and channel scouring and sedimentation in the stream, which would destroy habitat, reduce the streamflow capacity in some areas and add to the sediment load in the Chattahoochee River.

While storm water controls have been proposed to handle runoff associated with the proposed project and the parkway, structural controls do not achieve 100% removal for every pollutant of concern. This fact makes controlling runoff from the proposed project site all the more important if further stresses on Rottenwood Creek are to be avoided. The applicant has verbally stated in meetings that storm water controls for the site will employ detention ponds located below the proposed development's parking decks and that these controls will also serve the proposed Kennedy Parkway, however no more specific plans have been presented.

The use of structural control facilities such as these poses a risk to water quality. Design conditions specified in Paragraph (3), Exhibit B of the December 8, 1993 Kennedy Parkway agreement between the Georgia Conservancy and Cobb CID are not adequate to address the pollution and streambank erosion problems mentioned previously. The storm water management structures called for in that agreement will, at best, remove only floatable and suspended pollutants, and will not remove dissolved phosphorus, nitrogen or BOD. The agreement also does not specify the length of time storm water should be detained, nor is the applicant required to show, through design, that downstream erosion will be controlled by maintaining streamflow volume and frequency at pre-development levels. Even if the proposed structures were designed

properly, they are not likely to be adequately inspected and maintained, because of the difficulty of accessing underground structures. In addition, integrating storm water management facilities for the proposed development and the Kennedy Parkway presents problems, because the projects will be constructed over a different period of time. The applicant must clearly indicate how storm water runoff from the proposed development will be controlled before construction of permanent facilities at the site is allowed.

Impacts on the Chattahoochee River

The proposed project will also have negative impacts on the Chattahoochee River. Both the proposed MUD and Kennedy Parkway are within the Chattahoochee River watershed, with the proposed MUD site located approximately 2500 feet from the river itself at its closest approach. The impacts the proposal and other developments will create are of great concern, as the Chattahoochee and its tributaries provide the Atlanta Region with approximately 70 percent of its drinking water, unique recreational opportunities, and wildlife habitat. ARC identified the Chattahoochee River as a Regionally Important Resource which is threatened by the impacts of storm water runoff from rapid urban development. In addition, the river downstream of Johnson Ferry Road (the section of the river along which the proposed MUD is located) does not meet all standards for its water quality classification under the Clean Water Act. At the Atlanta water supply intake, which is just downstream of the Chattahoochee's confluence with Rottenwood Creek, bacteria, turbidity and temperature levels are higher than upstream at the Gwinnett water supply intake. The State DNR has identified the primary cause of use impairment in the Chattahoochee as nonpoint source pollution from urbanized areas.

Wastewater Management Issues

It is estimated that this development would discharge an average of 0.39 MGD to the Cobb Water System's sewer collection system and receive treatment at the R.L. Sutton Water reclamation plant. There are two wastewater management issues related to this project: 1) sewerline capacity; and 2) wastewater treatment capacity.

Sewerline Capacity: The most serious problem with wastewater management is infiltration and inflow (I/I) of stormwater into the sewer system. The peak daily flow recorded at the R.L. Sutton plant is 71.8 MGD in December, 1993. Although this is a rare occurrence and did not result in a permit violation, it is an indication of serious I/I problems. The sewerline that would receive wastewater from this development runs along Rottenwood Creek to the major trunk line along the Chattahoochee River. National Park Service staff have complained of odors and overflows from this line. There is documentation of minor sewer overflow problems from this line in EPD's files. If additional development is added to this sewerline, the Water System should conduct a sewerline capacity analysis and investigate infiltration and inflows into the sewer system to insure that adequate capacity exists and overflows during wet weather are not a problem.

Wastewater Treatment Capacity: The R.L. Sutton plant is currently permitted to treat discharge of 40 MGD on a monthly average basis and 50 MGD on a weekly average basis. The peak monthly flow at the plant of 35.5 occurred in January 1993, however, the annual average was only 30.0 MGD in 1993, and the facility has not exceeded the

permitted flow limits since the expansion to 40 MGD was completed. Adequate dry weather capacity exists in this plant to accommodate this development. However, peak day flows indicate the County should implement an infiltration and inflow correction program to control wet weather peak flows. Also, if all developments reviewed in this sewer service area were eventually built, dry weather flows might approach or exceed 40 MGD. Although the Water System is considering expanding the plant in the future, no firm commitment from EPD has been given. Any future expansion will be subject to the results of EPD's Chattahoochee River Water Quality modeling effort.

Recommendations

In order to minimize adverse impacts on the important resources described above, ARC staff recommends the following.

- o Limit building heights with careful siting to eliminate visual impacts to CRNRA.
- o Pollutants running off the site should be controlled to the Maximum Extent Practicable (MEP). Per EPA guidance, MEP involves reducing, for example, the suspended solid loadings from the developed site by 80%.
- O Velocity and volume of runoff should be maintained at pre-development levels. The combined effect of upstream development and on-site controls should not increase the <u>frequency</u> with which the 2-year, pre-development discharge occurs in Rottenwood Creek.
- o An appropriate means to achieve these storm water quality and quantity goals, is to construct vegetated, extended wet retention basins, designed to provide a two week detention of the annual average storm at the site. Additional storage provided above the permanent pool, combined with an appropriately designed outlet control structure, could give the necessary control for both storm water discharge and frequency to control downstream erosion.
- O Underground detention ponds are not recommended for this site, since they cannot sustain the vegetation needed to remove dissolved pollutants such as nutrients. In addition, underground ponds are generally difficult to access for inspection and maintenance.
- o The intensity of development at the site should be reduced to provide space for the construction of the wet detention basins and to reduce the size of basins required.
- Vegetative buffer strips along Rottenwood Creek and the tributary which flows through the site should supplement the wet detention ponds. It is recommended that these buffers be at least 75 feet as measured from the streambanks.
- o If structural storm water controls are not maintained properly, they will provide no benefit. Monitoring of runoff both into and leaving the site should be conducted for 2 to 5 years to ensure that storm water controls are functioning as designed. The developer's storm water plan should require the developer to submit a detailed, long-term schedule for inspection and maintenance of the stormwater

facilities. This schedule should describe all maintenance and inspection requirements and persons responsible for performing maintenance and inspection activities. Provisions should be made for the County to inspect the facilities during and after construction.

These provisions and the monitoring program should be included in a formal, legally binding maintenance agreement between Cobb County and the responsible party. The County should not release the site plans for development or issue any grading or construction permits until a fully executed maintenance/monitoring agreement is in place and this agreement been made part of the property deed.

- O Cobb County should consider preparing a drainage master plan for the Rottenwood Creek watershed that addresses the water quality and quantity impacts of storm water.
- o The County should address infiltration and inflow problems associated with the sewer line which runs adjacent to Rottenwood Creek and the R.L. Sutton service area. These problems will only become worse with increased development.

HISTORIC RESOURCES

Will the proposed project be located near a national register site? If yes, identify site.

No.

In what ways could the proposed project create impacts that would damage the resource?

N/A

In what ways could the proposed project have a positive influence on efforts to preserve or promote the historic resource?

N/A

<u>INFRASTRUCTURE</u>

Transportation

How much traffic (both average daily and peak am/pm) will be generated by the proposed project?

Land Use	Weekday	AM Pea	k Hour	PM Pea	k Hour
	<u>Trips</u>	Enter	<u>Exit</u>	Enter	<u>Exit</u>
Hotel (200 units)	1,700	75	50	80	65
Office (1.5 Mil. Sq. ft.)	10,870	1,395	170	230	1,140
Residential (250 Units)	1,145	20	80	65	30
	13,715	1,490	300	375	1,235

The developer currently expects build-out to be complete by the year 2006. The above trip generation figures were calculated using the Institute of Transportation Engineers <u>Trip Generation</u> (5th Edition) manual.

What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?

The following volumes are based on 1993 GDOT coverage counts from area facilities.

<u>Facility</u>	# of <u>Lanes</u>	1993 <u>Volume</u>	V/C <u>Ratio</u>
I-75 South of I-285	8	170,000	1.75
I-285 East of I-75	8	176,000	1.80
Akers Mill Road US 41 to Northside Drive	2	19,000	0.86
US 41 South of Akers Mill	4	28,000	1.26

Future traffic forecasts for area facilities were developed cooperatively by ARC, GDOT and Cobb County's consultant. The results of this cooperative analysis are contained in the Cobb County Regional Traffic Study:Interchange Studies Report (Interchange Studies Report) prepared for Cobb County by Moreland Altobelli Associates, Inc. in 1991. ARC's home-based-work person-trip distribution for each traffic zone was utilized for the study.

In the Interchange Studies Report, trip generation estimates were developed using assumptions of future development types and densities for parcels in the Kennedy Parkway area. An estimate of 8,180 daily trips was calculated for the Kennedy site now under review based on an assumption of 1 million square feet of office space. The proposed project, with 1.5 million square feet of office space, a 200-unit hotel and a 250 residential units, will significantly exceed the daily trip generation that was assumed for this site in the Interchange Studies Report. Therefore, impacts on the Kennedy Parkway, other local facilities and the connecting freeway system will be far greater than anticipated by the study.

The Interchange Studies Report analyzed alternative transportation scenarios including implementation of the Kennedy Parkway Interchange system at the junction of I-75 and I-285. The GDOT provided Average Daily Traffic for the design year of 2014 for Scenario 2 (Base or No-Build). To develop the year 2014 Average Daily Traffic for Scenario 4 (Build the Kennedy Parkway Interchange), the ARC Year 2010 ADT for the base system was compared to ARC year 2010 ADT with implementation of the interchange. These differences were used to adjust the Year 2014 Scenario 2 traffic (Future base) to Year 2010 Scenario 4 traffic.

Facility	# of <u>Lanes</u>	2014 <u>Volume</u> *	V/C <u>Rati</u> o*
I-75 So. of Kennedy Interchange	8	234,600	2.41
I-285 Powers Ferry Rd. to Kennedy Parkway	10	309,900	2.55
Kennedy Parkway I-75 to I-285	4	28,400	1.57
Akers Mill US 41 to Kennedy Pkwy.	4	19,900	1.10
US 41 North of Kennedy Pkwy. South of Kennedy Pkwy.	8 8	46,100 37,600	1.03 0.86

^{*}Note: Land use and density estimates used to derive these numbers were well below currently proposed levels. Thus, these figures must be considered underestimates of actual future traffic and congestion levels.

Direct access to the site will be provided by Kennedy Parkway and Akers Mill Road.

What transportation improvements are under construction or planned for the Region that would affect or be affected by the proposed project? What is the status of those improvements (long or short range or other)?

Several sections of CO-R 078 are programmed in the <u>Atlanta Regional Transportation</u> <u>Improvement Program FY 1994 - FY 1999</u> (TIP) and are described below:

CT 1A: Construct the Kennedy Parkway, a new four-lane facility, from US41 to Akers Mill Road.

CT 1B: Upgrade the I-75 bridge over the Chattahoochee River.

CT1C: Upgrade I-75 from the Chattahoochee River to Mt. Paran Road.

CT2A: Construct a new interchange at I-75.

CT2B: Relocate and widen Akers Mill Road from 2 to 4 lanes.

According to GDOT staff, the Environmental Assessment is currently scheduled to be issued in May, 1994 with a public hearing scheduled for June 1994. All segments of the project are expected to be let for construction in October 1994 and open to traffic in 1998. Federal funds are programmed in Tier 1 (FY94-FY96) of the TIP for construction.

Under Construction

R44 - Widen I-285 from 8 to 10 lanes from I-75 North to Northside Drive.

Long-Range

CO 231 - Widen US 41 from 4 to 8 lanes from Akers Mill Road to Paces Mill Road. This is a federally-funded project with preliminary engineering authorized.

Will the proposed project be located in a rapid transit station area? If yes, how will the proposed project enhance or be enhanced by the rapid transit system?

No.

Is the site served by transit? If so, describe type and level of service.

Cobb Community Transit currently provides bus service to the Cumberland Mall/Galleria Mall area.

Are there plans to provide or expand transit service in the vicinity of the proposed project?

CCT staff anticipates that current local bus service would be extended to the project area though no specific plan exists at this time.

What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?

There are none stated.

ARC staff currently is coordinating development of a Regional Commute Options program which is aimed at making carpooling, vanpooling and public transit more attractive to commuters. The Program will complement existing programs and services, and provide technical information and assistance to local governments and large employers seeking to implement transportation demand management strategies. Project developers should contact ARC staff for information on developing customized commute options for employees.

What is the cumulative generation of this and other DRI's or major developments? Is the transportation system (existing and planned) capable of accommodating these trips?

In December, 1987, ARC completed a review of another project in this vicinity, the Riverwood Center Development. Staff estimated this project would generate about 30,000 daily vehicle trips. The cumulative generation of the proposed project and the Riverwood Center is approximately 43,700 daily trips. The Riverwood proposal included 2.7 million square feet of office space and a 250-room hotel.

The Kennedy Parkway and associated transportation system improvements were intended to facilitate internal movement in the Cumberland Mall/ Galleria Mall activity center and reduce traffic on the major arterials. However, development beyond levels anticipated in the design of these facilities may reduce or eliminate any potential benefit to the local or regional road system by the Kennedy Interchange projects. Current congestion on affected facilities is anticipated to continue into the year 2010.

The US Environmental Protection Agency categorizes the Atlanta Region as a serious nonattainment area. Simply stated, the Region exceeds federal air quality standards for ground level ozone concentrations. Ozone is a colorless gas that may harm a person's respiratory system and damage property and crops. Cars and trucks discharge volatile organic compounds (VOCs) and nitrogen oxides that combine with sunlight and high temperatures to create ozone. Gasoline powered vehicles are responsible for producing nearly sixty percent of the manmade VOC's in the Atlanta Region. Currently, the Atlanta Regional Commission is working to meet federal requirements to reduce vehicle emissions to avoid possible sanctions on highway funds and development. It is important for local governments and the private sector to recognize their responsibility for contributing to the reduction of vehicle travel and associated emissions.

Information has not been provided by the proposed project's developer, Kennedy Trusts, regarding traffic reduction strategies to be committed to by the developer. This is a matter of serious concern to both local and regional federally-funded transportation planning and projects.

Projects such as the proposed Kennedy Tract Mixed Use Development will contribute significantly to increased vehicle travel and emissions. Developers should be strongly encouraged or required to implement strategies to reduce vehicle travel associated with their projects. These strategies should both work to reduce single-occupancy vehicle trips traveling to and from the project site, and non-work related vehicle trips originating from the site. In addition to participation in the Regional Commute Options program described earlier, these strategies may include:

- 1) Locating and orienting buildings, driveways and parking areas to facilitate pedestrian traffic.
- 2) Initiating and funding carpooling and vanpooling programs and equipment.
- 3) Using private sector resources to subsidize transit service such as CCT for employees of this and other large developments in the area.
- 4) Requiring developer contributions to CCT service.

Cobb County, and all other counties in the Atlanta Region, should commit to devising and implementing such strategies in their comprehensive plans and policies.

The Kennedy Site Access Study submitted by the developer in support of the proposed project is of little value in determining the specific impacts of the proposed Kennedy Tract Mixed Use development and actions that could be taken to mitigate these impacts. The Kennedy Site Access Study provides trip generation estimates for current zoning allowances (750,000 square feet of office space) as well as a proposed development that would include a Drive-In Bank and 2.34 million square feet of office space. Therefore, the traffic impact study provides estimates of trip generation which are not consistent with the proposed uses for this project and does not analyze the actual impacts that would be created by the proposed 1.5 million square feet of office space, a 200-room hotel and 250 residential units. Furthermore, this study focuses only on traffic movement within the immediate site vicinity, rather than the entire area potentially affected by this development. Comprehensive transportation strategies and improvements that go beyond simple signalization and turning movements need to be identified, analyzed and committed to by the developer and Cobb County on a system-wide basis for the Kennedy Tract Mixed Use Development to be considered in the best interest of the Region and State.

Water Supply and Treatment

How much water will the proposed project demand?

According to regional averages, the proposed development could have a demand for 0.44 MGD of water.

How will the proposed project's demand for water impact the water supply or treatment facilities of the jurisdiction providing the service?

Given the overall situation concerning water in the Atlanta Region, it is important that water conservation measures be incorporated in the development.

Solid Waste

How much solid waste will be generated by the project? Where will this waste be disposed?

The developer estimates 1,000 tons per year of solid waste. The proposed facilities would contract with private waste haulers who could dispose of the waste at any accepting facility in or outside the Region. Cobb County, however, has recently begun the implementation of a major compost facility.

Other than adding to a serious regional solid waste disposal problem, will the project create any unusual waste handling or disposal problems?

No.

Are there any provisions for recycling this project's solid waste.

None stated.

Other facilities

According to information gained in the review process, will there be any unusual intergovernmental impacts on:

- Levels of governmental services?
- Administrative facilities?
- · Schools?
- Libraries or cultural facilities?
- . Fire, police, or EMS?
- Other government facilities?
- Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?

No. While the 250 residential units may include a few students, it is unlikely the number would approach the regional average of 61.

HOUSING

Will the proposed project create a demand for additional housing?

The proposed development includes 250 units of housing.

Will the proposed project provide housing opportunities close to existing employment centers?

Yes.

Is there housing accessible to the project in all price ranges demanded?

Yes.

Is it likely or unlikely that potential employees of the proposed project be able to find affordable* housing?

Likely

^{*} Defined as 30 percent of the income of a family making 80 percent of the median income of the Region - 1990 median family income if \$41,500 for Atlanta MSA.



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May 2, 1994

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James Kundell, Ph.D., Watkinsville Science Advisor

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VIA TELECOPIER AND U.S. MAIL

Mr. Joel F. Stone, Jr., Director Department of Planning and Programming Atlanta Regional Commission 200 Northcreek, Suite 300 3715 Northside Parkway Atlanta, Georgia 30327-2809

RE: Development of Regional Impact Review - Kennedy Tract

Dear Mr. Stone:

Thank you for the opportunity to review and comment upon the Kennedy Tract Development Plan as a Development of Regional Impact. As you know, The Georgia Conservancy has devoted considerable resources to the objective of having the proposed Kennedy Parkway proceed in as environmentally sensitive a manner as possible and, of course, the development of this tract of land is closely associated therewith. Given the proximity of the tract to the Chattahoochee River National Recreation Area (CRNRA) and the fragile coexistence of the river and the surrounding urban environment, it is extremely important that the development of this land proceed in similar manner. Our comments are as follows:

1. As mentioned, The Georgia Conservancy devoted considerable resources to the process of achieving an agreement with the Cobb Community Improvement District (CID) regarding the proposed Kennedy Parkway, which is presumed by the rezoning petitioner and by the ARC to provide transportation to the proposed development. Many of the commitments derived from the CID involve the visual impact of the proposed road upon the visitors of the CRNRA. Although not expressly incorporated into the agreement, visual diagrams were constructed during the process of negotiations to illustrate the CRNRA visitor experience. None included the high-rise office buildings proposed by the rezoning petitioner. Millions of tax dollars were

devoted to purchasing and enhancing the CRNRA. The development scenario requested by the petitioner is not consistent with this investment.

- 2. We question whether the **existing public facilities** can support the proposed development, as suggested in Cobb County's request for review. The issues we have been able to ascertain regarding this matter are:
- a. Transportation infrastructure: Although The Georgia Conservancy worked diligently to assure that the design of the proposed Kennedy Parkway met certain minimum environmental standards, nevertheless, the Parkway remains in the proposal stage. Thus, the conclusion of the Review Report that "[t]he site is served by the proposed Kennedy Parkway" is a bit misleading. Unless the rezoning, if granted, were made conditional upon construction of the Parkway, we seriously doubt that the existing transportation infrastructure would be sufficient for this proposed development. The transportation impacts should be evaluated accordingly.
- b. Wastewater treatment infrastructure: The facts regarding current flow and existing major developments under review by ARC need to be more accurately determined. Adding the quoted figures of 32.4 MGD and 10.89 MGD totals to more that the 40.0 MGD permitted capacity for the R.L. Sutton Plant. This information is critical and, if the proposed development will produce sewage flows in excess of the permitted capacity of the plant, the development, as designed, cannot be permitted to go forward. Moreover, the proposed development probably should not be judged in terms of average annual flow. It should be judged in terms of peak flow. This conclusion is even more important given the nature of the resource that could be impacted by sewage overflows, i.e., the Chattahoochee River. In January 1993, sewage entering the plant totaled 38.4 MGD. Given the other major developments referenced in the Review Report, it appears that the flows into the R.L. Sutton Plant cannot possibly remain within the 40.0 MGD permitted capacity. If the development is not judged against peak flows, one must conclude that the county and/or ARC would approve the development if illegal sewage overflows into the river occurred in only one, two or three months of the year. Surely, this must be unacceptable to both the county and ARC.
- c. Water supply and treatment: No mention is made of the source of water and water treatment from which the estimated 0.44 MGD will come. Is water treatment plant capacity available? Equally important, no specific water conservation measures are mentioned in the Review Report or offered by the developer. As a region, we are fast approaching the day that developers, as a condition of approval, may be required to submit a water conservation plan. We recommend that such an important provision be incorporated as a condition of the project's approval.

- d. Solid waste: If the proposed facilities will contract with private waste haulers, we would think that other counties within (or outside) ARC jurisdiction would want to know where this solid waste will be disposed. The Review Report questions assume a "serious regional solid waste disposal problem", and questions need to be answered regarding the burden that this development may have on disposal capacity (private or otherwise) in Cobb County or other counties. ARC's question of where this waste will be disposed should be answered.
- 3. The air quality impacts of the development cannot be ascertained from the information made available by the developer or by the ARC but, obviously, the issue is important to the continued economic growth of the region. Developers must begin to devote time and resources to these issues, but until some sort of forcing mechanism requires that their attention be drawn to such matters, it is unlikely that significant progress can be expected. Not unexpectedly, the air quality impacts associated with the proposed development have not been addressed and we think that this oversight needs correction. Only automobiles, and the accommodation thereof, seem to be contemplated by the plan. The burden of increased air pollution inevitably will be borne by the businesses within this development and other businesses in the Atlanta ozone non-attainment area. This is an economic issue as well as an environmental issue. The Georgia Conservancy recommends that air quality impacts be ascertained and that approval of the project be conditioned upon an incorporation of commuter efficiency transportation alternatives into the development plan.
- 4. It is extremely important that construction of the development proceed consistently with the drainage plans formulated by the engineers designing the Kennedy Parkway. Those plans call for the capture of stormwater runoff for the entire development site if development proceeds in a manner consistent with those plans. Thus, no increase in flow can be allowed to the northern most drainage structure and, if any increased flow occurs, the developer should assure that such flows are directed to either of the detention facilities to be located south of this drainage structure. Approval, if granted, should be conditioned accordingly.
- 5. The Georgia Conservancy is very concerned with the probability that the Chattahoochee River and associated biota will suffer the consequences of eroding soil emanating from the development site. In addition, the City of Atlanta water intake is located immediately downstream from the proposed development. Water treatment plant equipment could be impacted substantially by suspended sediments. ARC should work with the developer to agree upon spatial and chronological sequencing of clearing and other development operations. The progress of development would not be impeded by measures such as limiting the clearing or development of the site to only a certain number of acres at a time after which an agreed upon limit of time is available to re-vegetate or otherwise stabilize the exposed area. Thereafter, other portions of the site could be developed in a similar staged manner. Development of the site is thereby

sequenced and soil exposure is limited in duration. Equally important, the developer should maintain (i.e., periodically clean out) the drainage structures constructed for the Kennedy Parkway that are designed to trap sediments and debris from the development. If no agreement can be reached to so condition approval of the project, we believe it is essential that the project be conditioned without such agreement. Maintaining water quality in this portion of the Chattahoochee River is critical.

Again, The Georgia Conservancy appreciates the opportunity to comment upon the proposed development as a part of the ARC's Development of Regional Impact review. Given the lack of certain information important to an informed recommendation from ARC, a supplemental Review Report and an additional comment period would seem to be appropriate. Please do not hesitate to call if you have any questions.

Sincerely yours

S. WESLEY WOOLI Vice President for

Environmental Policy

SWW/bs

c: Mr. Clay C. Long

Ms. Carolyn Boyd Hatcher

Mr. Llovd Whitaker

Mr. Tad Leithead

Mr. Roger Palmer



Sierra Club Georgia Chapter

Via Fax

April 14, 1994

Dick Courtney Land Use Planning Atlanta Regional Commission 200 Northcreek, Suite 300 3715 Northside Parkway Atlanta, GA 30327-2809

RE: DRI review of proposed rezoning adjacent to Rottenwood Creek in Cobb County.

Dear Mr. Courtney,

The Georgia Chapter would like to express its deep concerns about the proposed rezoning of property on the southeast corner of the interchange of I-285 and I-75 in Cobb County. The Atlanta Regional Commission (ARC) is reviewing this project under the Development of Regional Impact provisions of the Georgia Planning Act. The current zoning provides the landowner with beneficial economic use of this property so the ARC and Cobb county are under no legal compulsion to approve this rezoning. You must determine if the rezoning is in the best interests of the citizens of Cobb County, the Atlanta region and the state of Georgia. that you will consider our concerns in your review.

The property is on the banks of Rottenwood Creek, adjacent to the Chattahoochee River and a section of the Chattahoochee River National Recreation Area. The Chattahoochee River is under severe stress due to development activities in its watershed and it does not meet standards for its water quality classification. In order to meet the requirements of the Clean Water Act local and state governments will have to reduce pollution loads going into the river. This will require treating the run off from all major developments. Does the developer of this land include treatment as well as detention of the rain water run off? How does he proposed to ensure that development of the property will not negatively impact the Chattahoochee River?

The Chattahoochee River National Recreation Area is an important asset for the region and needs protecting. impact will this project have on the CRNRA? Will the proposed buildings be visible from the river?

The Atlanta Region does not meet National Ambient Air Quality Standards for ozone and is classified by U. S. EPA as

.. To explore, enjoy and protect the wild places of the earth...

a serious nonattainment area. On road vehicles are the largest source of pollutants which cause ozone pollution in the Atlanta region. The staff of the ARC is currently working with the Georgia Environmental Protection Division(EPD) to develop plans to bring the region into compliance with the federal standards. EPD Air Protection Branch Chief Bob Collum has stated that the region will have to reduce or at least hold steady the current total vehicle miles traveled (VMT) in the region in order to meet the Clean Air Act requirements. The ARC has also recognized the need to reduce or control VMT. The Regional Development plan of 1984 recommends that local governments require developments be accessible to and promote non-automobile forms of transportation. The Atlanta Region will not be able to meet NAAQS if it continues to allow developments which are solely dependent on automobiles for transportation. The proposed development of this property would generate significant new trips within the region. developer proposes to provide for these trips by providing four multistory parking decks for automobiles. Does the developer of this project include any provisions to promote cleaner forms of transportation? How many vehicle trips will be added by this development and what will be the air pollution impacts of the addition.

Providing adequate infrastructure is necessary for the continued prosperity of the region. The development of this site appears to be contingent on access from the proposed Kennedy Parkway. The Kennedy Parkway has not received environmental approval, in fact it has not yet issued its environmental documents. It would be very presumptuous to approve a development dependent on a project which may not be built. What other access is there to this property? Can the proposed development proceed without the proposed Kennedy Parkway?

Our understanding is that the Kennedy Parkway and related road expansions are designed to meet the transportation needs of existing and already approved development. If the Kennedy Parkway is built and this development is approved what will be its impact in congestion in the area? Will the Kennedy Interchange projects provide adequate capacity for the already approved developments along the north and east arcs of I-285 as well as this new development?

The Georgia Chapter of the Sierra Club respectfully suggests the Atlanta Regional Commission cannot meet its requirements under the Georgia Planning Act without finding answers to the questions listed above. The developer should be asked to withdraw this request for rezoning until there is adequate review if the issues involved. If the request is not withdrawn the ARC should find that this project is not in the best interests of the State of Georgia.

Bryan Hager, Vice Chair 2314 Pleasant Ridge Road Bremen, GA 30110 404/537-9480

cc: Bob Woodall

<u>MAY 03</u> '94 - 08:02AM GA DÓT DEVELOPMENTS OF REGIONAL IMPACT Comments from Affected Parties Form

	Project I.D: (From Request for Comments Form)
Name of Commenting Organization: Georgia Department	of Transportation
Name of Commenting Organization:	
Address: Georgia Department of Transportation	on
No. 2 Capitol Square	
Atlanta, Georgia 30334	
Contact Person: George Boulineau	Telephone Number: 656-0610
Contact Person: George Bear	
Do you believe your jurisdiction will be affected by the proposed	development? <u>x</u> YesNo
Do you believe your jurisdiction will be affected by the proposed	1.3 house on your inviction:
Please describe the effects (positive and/or negative) the propose	d project could have on your juristiction.
	•
	•
. Kennedy Tract - Cobb County	- '
	-
The proposed development would generate approx	cimately 38,000 plus daily trip ends and
The proposed development would generate approx- would have an adverse affect on traffic movement between	n US 41 and the proposed Kennedy
- would have an adverse affect on dark movement	•
Interchange at I-75.	- 17 MG
It is not clear if the existing proposed Kennedy Park	tway that would connect US 41 and 1-75
included the additional traffic generated by this developme	ent.
•	·
(Attach Additional Pages	if Necessary)
Donald W. Mills	TP III
	Title:
1/pnah /1/. //W4	Date:
Signature:	DCA/OCP 10/7/5

RETURN TO: ATLANTA REGIONAL COMMISSION

3715 Northside Parkway 200 Northcreek, Suite 300

Atlanta, Ga. 30327

ATTENTION: REVIEW OFFICE

FAX NO. 404-364-2599

DEVELOPMENTS OF REGIONAL IMPACT Comments from Affected Parties Form

Project I.D: Kennedy Property (From Request for Comments Form) Name of Commenting Organization: Georgia Department of Transportation Address: No. 2 Capitol Square Atlanta, Georgia 30334
Contact Person: Mr. Frank Danchetz Telephone Number: 656-5277
Do you believe your jurisdiction will be affected by the proposed development?
1. Traffic demands resulting from a development this size will place additional burdens on the operation of the Kennedy Parkway, but the project design traffic anticipates developments
of this type. 2. The environmental document for Kennedy Parkway has not been
approved at this time. It is unknown as to the affects this project would cause in relation to those studies conducted.
3. Within the adjacent park boundaries is an historical mill site; the historical site should be outside the area of influence of associated construction.
4. While the property owners/developers have an Agreement with the conservancy, no written agreement exists between the Pārk Service, and other environmental groups active in this area. Additional coordination may be warranted.
(Attach Additional Pages if Necessary)
Form Completed By: Jacob Plallodi Title: Orat Under Longer Gog Signature: Date: 5/3/94

RETURN TO:

ATLANTA REGIONAL COMMISSION

3715 Northside Parkway 200 Northcreek, Suite 300 Atlanta, Ga. 30327 DCA/OCP 10/7/91



United States Department of the Interior

NATIONAL PARK SERVICE

CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA 1978 Island Ford Parkway Dunwoody, Ga. 30350

L3215 (CHAT)

APR 2 9 1994

Joel F. Stone, Jr., Director
Department of Planning and Programming
Atlanta Regional Commission
200 Northcreek, Suite 300
3715 Northside Parkway
Atlanta, GA 30327-2809

Dear Mr. Stone:

The National Park Service appreciates the opportunity to comment on the proposed rezoning of the Kennedy Tract Development Plan and offer the following.

We certainly concur with the preliminary review report of April 15, 1994, titled, Kennedy Tract Mixed Use Development. We also share the concerns identified in the letter submitted by Bryan Hager of the Sierra Club, Georgia Chapter, dated April 14, 1994.

We believe the Palisades Unit will be affected by the proposed development. All environmental issues associated with this project should be fully addressed and detailed specifically in the environmental assessment package.

Five major topics of concern to be addressed in the environmental document are: land mitigation; mitigation of scenic viewshed; mitigation of sewer and watershed; mitigation of noise impact; and surface runoff in the creek.

We appreciate the opportunity to provide these comments and look forward in working with you in the future.

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Sincerely,

Marvin Madry Superintendent



United States Department of the Interior

NATIONAL PARK SERVICE

CHATTAHOOCHEE RIVER NATIONAL RECREATION AREA 1978 Island Ford Parkway Dunwoody, Ga. 30350

The National Park Service would like to take this opportunity to comment on the proposed rezoning of the Kennedy land tract, located in Cobb County immediately adjacent to the Chattahoochee River National Recreation Area (CRNRA).

Hiking, nature study, environmental education, and simply providing river access are in great demand, especially along this heavily used portion of the river and Rottenwood Creek. The Palisades Unit and the creek are both botanically and historically valuable resources offering prime sites for a wide range of land based recreational activities. The proposed high density development could potentially cause serious impact to these vital, fragile resources. It is important to note that the forested ravine of Rottenwood Creek is a fine example of mature, Mesophytic hardwoods seldom seen in the Piedmont region.

The following adverse impacts that are likely to affect park resources and visitors are:

- a. water quality
- b. viewshed
- c. noise pollution
- d. sewage and stormwater runoff
- e. sediment control
- f. damage to park resources including vegetation, aquatic animals, and Rottenwood Creek itself

Although many of the CRNRA land units have existing development immediately adjacent to and around its boundaries, it is our intent to minimize impacts on the park from adjacent development. It is the opinion of the CRNRA that this proposed rezoning from its current status of high density development not be approved until an environmental analysis is conducted. This analysis must evaluate the impacts to the park's resources and visitors and also include mitigation for any adverse impacts that may be encountered.

Again, we thank you for allowing us this opportunity to voice our concerns and look forward to working with our partners in the future to protect treasured resources that we are congressionally mandated to preserve.

Dick



May 4, 1994

Harry West Atlanta Regional Commission 3715 Northside Parkway Bldg. 200, Suite 300 Atlanta, GA 30327

Dear Mr. West:

I am the Conservation Director for the 4400 member Atlanta Audubon Society. We are very concerned about the rezoning proposal (Z-49) that has been submitted for greater development of the Rottenwood Creek area at the proposed site of the Kennedy Parkway.

We believe that this development should remain at the current level (01) and not be allowed to be reclassified to OHR. There will already be substantial environmental effects on the area. To allow even higher buildings, more offices, more people and their cars would greatly increase the already over-polluted area, traffic congestion, and toxic run-off products into the rivers. Furthermore, this area is right at the border of the Chattahoochee River National Recreation Area and would be detrimental to this area as well.

Therefore, the Atlanta Audubon Society requests that this rezoning request be denied.

James R. Wilson

√James R. Wilson

May 10, 1994

To:

Harry West, Director, ARC

Bill Byrne, Chairman, Cobb County Commission

From: Gail Russell, President

Atlanta Audubon Society

Re: Rezoning - Kennedy Property

The Atlanta Audubon Society, a metro Atlanta environmental organization with over 4500 members, has reviewed the petition to rezone the Kennedy property from "Office/Institutional" to "Office-High Rise". We have grave concerns regarding the negative environmental impact that such high density zoning will have. Consequently, we are opposed to the rezoning of this tract. We believe that a high density development will negatively impact water quality, air quality, the Chattahoochee River itself and the CRNRA park.

A high density development will seriously compromise water quality since sewage overflow and storm water runoff will be serious problems. Existing infrastructure such as the R.L. Sutton plant does not have the capacity to handle this increased burden.

Metropolitan Atlanta remains an ozone non-attainment zone and efforts to improve the region's air quality are currently limited. High density development will add to this problem for everyone in the region.

The extensiveness and long-range nature of this development has serious potential of degrading the Chattahoochee River, a major natural resource for the region as well as our primary water resource. Soil erosion, silt/sedimentation pose further threats to the river system.

Finally, the CRNRA is a major natural area offering respite from urban stress-related living for hundreds of thousands of metro citizens each year. High rise views will seriously degrade the natural experience of park visitors.

The environmental impact assessments that are currently being conducted as part of the proposed development of the Kennedy Parkway will be invalidated if this property is rezoned. Thus, the whole question of the development of this roadway would have to be reassessed.

Given the serious nature of the environmental threats posed by this rezoning as well as the extensiveness of the project, we believe this zoning request should be denied.

DEVELOPMENTS OF REGIONAL IMPACT Comments from Affected Parties Form

Project I.D: <u>Kennedy Property</u> (From Request for Comments Form)
Name of Commenting Organization: City of Smyrna
Address: 1306 Bank Street
5myrng, GA 30080
Contact Person: Ken L. Hildebrandt Telephone Number: 434-6600
Do you believe your jurisdiction will be affected by the proposed development?YesNo
Please describe the effects (positive and/or negative) the proposed project could have on your jurisdiction:
I am conserned about the traffic impact on City of
Smyrna streets, particularly Spring Road. This should be looked at in the required traffic impact study.
be looked at in the required traffic impact study.
(Attach Additional Pages if Necessary)
Form Completed By: Ken L. Hildebrandt Title: City Engineer
Signature: Ken 2. Kildebrandt Date: 4-26-94

RETURN TO: ATLANTA REGIONAL COMMISSION

3715 Northside Parkway 200 Northcreek, Suite 300

ATTENTION: REVIEW OFFICE

Atlanta, Ga. 30327

FAX NO. 404-364-2599

DCA/OCP 10/7/91