

APPLICANT: Branch Acquisition Company, LLC

PETITION NO: Z-64

PHONE #: (404) 832-8900 **EMAIL:** jhaylett@branchprop.com

HEARING DATE (PC): ~~10-03-17~~ 12-5-17

REPRESENTATIVE: John H. Moore

HEARING DATE (BOC): ~~10-17-17~~ 12-19-17

PHONE #: (770) 429-1499 **EMAIL:** jmoore@mijs.com

PRESENT ZONING: R-15, R-20, PVC,

TITLEHOLDER: Branch/Highlands Vinings West, LLC and

West Village Associates, LLC

PROPOSED ZONING: PVC

PROPERTY LOCATION: East side of Oakdale Road, the north side of

West Village Crossing, on the west side of Pine Street, on the southwesterly side of Atlanta Road, and on the north and south sides of West Village Way

PROPOSED USE: Adding property to a mixed use development (West Village)

ACCESS TO PROPERTY: West Village Way, Pine Street and

SIZE OF TRACT: 13.702 acres

Oakdale Road

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Single-family houses, undeveloped parcels

LAND LOT(S): 692,693,748,749

PARCEL(S): Parcels on file in Zoning Div

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Single-family houses;
RM-8/ Townhouses under construction

SOUTH: PVC/West Village

WEST: GC/ Waffle House; PVC/ West Village

EAST: PVC/ Manchester Park at West Village; R-20/ Lewis A. Ray Library; RA-5/ Oakdale Commons

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

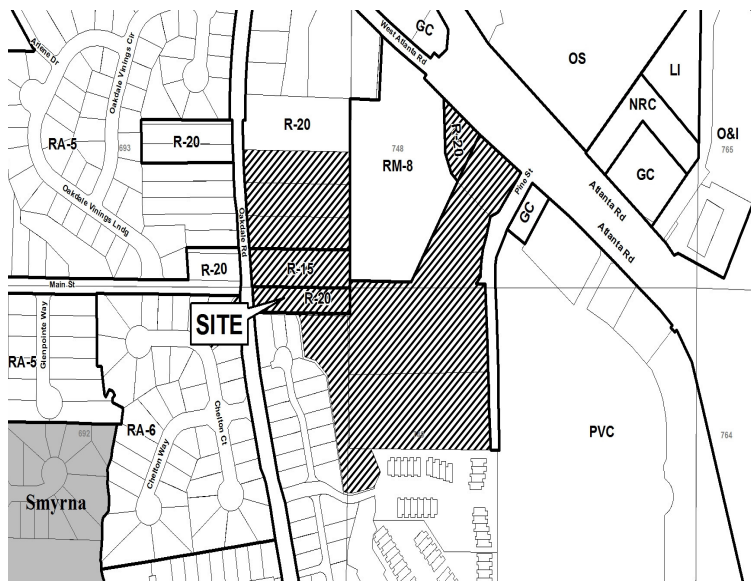
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

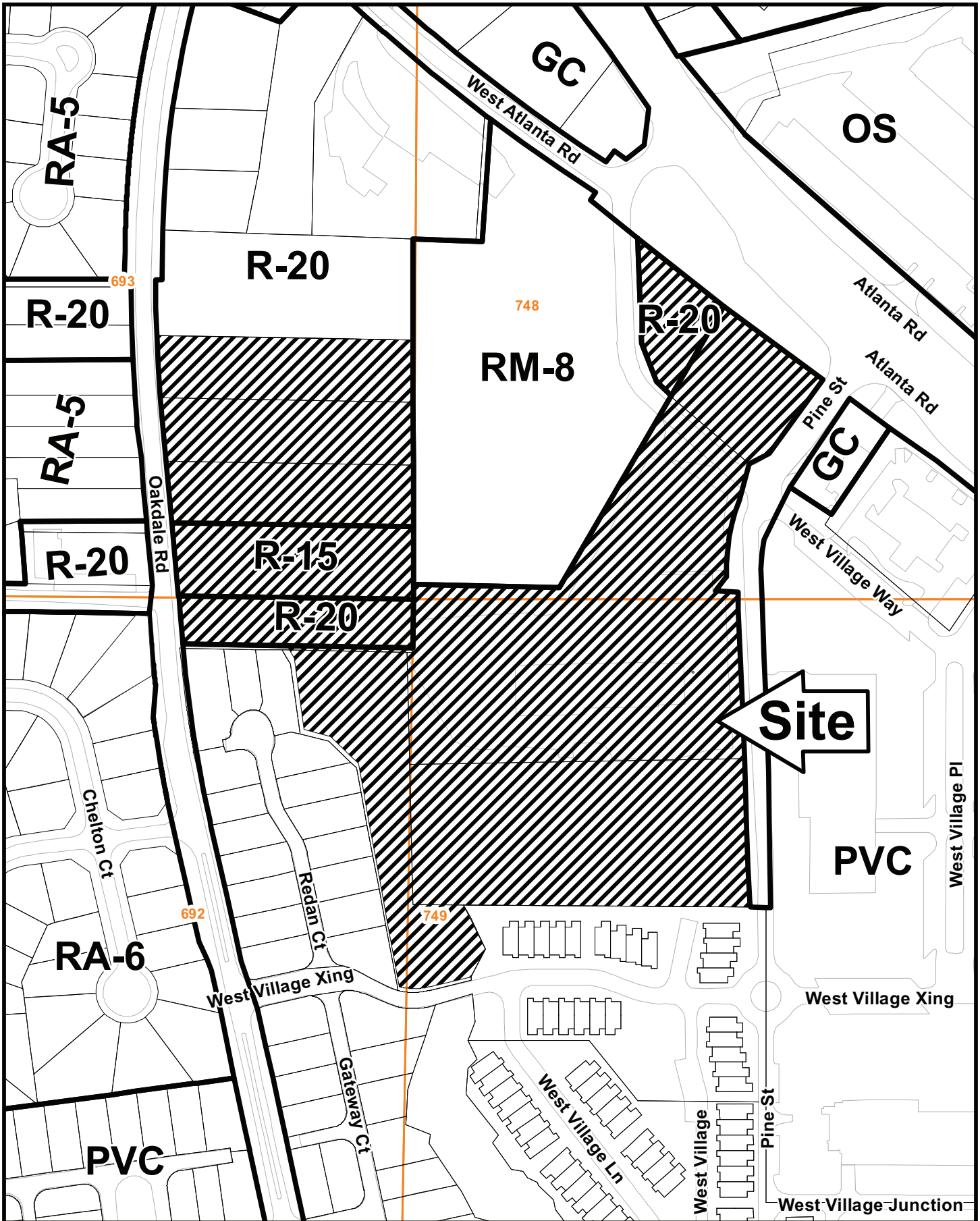
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

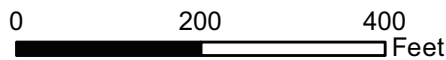
STIPULATIONS:



Z-64 2017-GIS



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



- City Boundary
- Zoning Boundary

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PRESENT ZONING: R-15, R-20, PVC

PETITION FOR: PVC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: MDR, CAC

Proposed Number of Units: 364 **Overall Density:** 26.565 **Units/Acre**

Staff estimate for allowable # of units: 25 **Units*** **Increase of:** 339 **Units/Lots**

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Proposed Number of Buildings: 2 **Total Square Footage of Development:** 7,000

F.A.R.: 0.01 **Square Footage/Acre:** 510

Parking Spaces Required: 44 **Parking Spaces Provided:** 44

Applicant is requesting the Planned Village Commercial (PVC) zoning district for the purpose of developing 13.702 acres as an addition to the existing West Village mixed use development. The proposed development includes 51 for-sale residential units, 313 multi-family residential units, and 7,000 square feet of retail/restaurant space. The residential units will be 850 square feet and greater. The building architecture will be traditional. The retail hours of operation will be from 8 a.m. until 10 p.m. and these buildings will also have traditional architecture. The proposed 313 unit multi-family residential building is located on the west side of Pine Street and will have an amenity area with a pool; this building would be five stories in height. The applicant has stated this additional property is phase III of West Village. This would be the fifth rezoning application adding property to West Village since the original application in 2004 (Z-42). The property where the 313 multi-family units are proposed was originally zoned in 2005 (Z-59) with 20 residential units and 85,000 square feet of proposed commercial use.

The proposal will need the following contemporaneous variances if approved:

1. Waive the required 40' landscape screening buffer adjacent to residentially zoned property which this proposal adjoins.
2. Reduce the front setback from 40' to 5'.
3. Reduce the side setback from 15' to 10'.
4. Reduce the rear setback from 30' to 10'.

Cemetery Preservation: No comment.

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PETITION NO.: Z-64

PRESENT ZONING: R-15,R-20,PVC

PETITION FOR: PVC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Nickajack Elementary</u>	<u>1058</u>	<u>1025</u>	<u> </u>
<u>Campbell Middle</u>	<u>1451</u>	<u>1203</u>	<u> </u>
<u>Campbell High</u>	<u>2788</u>	<u>2637</u>	<u> </u>

High

- School attendance zones are subject to revision at any time.

Additional Comments: Approval of this petition will cause concern for CCSD, as it will result in an impact on the enrollment for schools already over capacity.

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PRESENT ZONING: R-15, R-20, PVC

PETITION FOR: PVC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-15, R-20, and PVC, to PVC for the purpose of adding property to a mixed Use development (West Village). The 13.702 acre site is located on the north side of West Village Crossing; east side of Oakdale Road; south side of West Village Way; west side of Pine Street; southern corner of Oakdale Road and West Atlanta Road; southeast corner of West Atlanta Road; northern corner of Pine Street and West Village Way.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of Smyrna been notified? Yes No / N/A

Comprehensive Plan

The parcels are, moving from north to south, within a Medium Density Residential (MDR) future land use category with R-20, R-15-and PVC zoning and Community Activity Center (CAC) with PVC zoning. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing between two and one-half (2.5) and five (5) dwelling units per acre. The purpose of the Community Activity Center (CAC) is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)
East: Neighborhood Activity Center (NAC) and Community Activity Center (CAC)
South: Community Activity Center (CAC) and Medium Density Residential (MDR)
West: Medium Density Residential (MDR) and Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The properties are not located within the boundary of a Plan or Corridor Study.

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.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No
If yes, design guidelines area Atlanta Road Design Guidelines
Does the current site plan comply with the design requirements?

- Pedestrian access to buildings
 Yes No Not applicable
- Streetscape elements
 Yes No Not applicable
- Building Frontage
 Yes No Not applicable

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PETITION FOR: PVC

PLANNING COMMENTS:

CONT.

- Parking Standard
 Yes No Not applicable
- Architecture standard
 Yes No Not applicable

YES indicates applicant has met the corresponding issue.

NO indicates applicant has not met the corresponding issue and/or there is not enough information provided.

N/A indicates issue is not applicable.

Incentive Zones

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 available for new or existing businesses.

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 investments.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at www.cobbcounty.org/planning.

Special Districts

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

Is the property within the:

- Dobbins Airfield Safety Zone?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Branch Acquisition Company LLC

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PRESENT ZONING R-15,R-20,PVC

PETITION FOR PVC

WATER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 6" CI / SW side of West Atlanta Rd

Additional Comments: Also 6" CI / E side of Oakdale Road

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:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: Existing or under constructon on all parcel frontages except for trac

Estimated Waste Generation (in G.P.D.): A D F= *59,092 Peak= *147,730

Treatment Plant: South Cobb

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Dry Sewers Required: Yes No

Off-site Easements Required: 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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

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

Additional Sewer flow test will be required of developer's design professional at Plan Review. *Flow
Comments: will be higher if restaurants rather than retail

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Chattahoochee River FLOOD HAZARD INFO: Zone X

- 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:

- 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 CONDITIONS

- 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 easements 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 receiving systems.

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PETITION FOR: PVC

STORMWATER MANAGEMENT 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.

ADDITIONAL COMMENTS

1. This site is comprised of multiple parcels located adjacent to West Atlanta Road. Stormwater Management will be provided by multiple underground facilities. A stream buffer variance will be required to accommodate the proposed layout.

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TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
West Atlanta Road	Local	35 mph	Cobb County	50'
Atlanta Road	Arterial	45 mph	Cobb County	100'
Pine Street	Local	25 mph	Cobb County	50'
Oakdale Road	Local	30 mph	Cobb County	50'
Young Street	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
West Atlanta Road	N/A	N/A	N/A
Atlanta Road	North of Daniel Street	21,000	D
Pine Street	N/A	N/A	N/A
Oakdale Road	N/A	N/A	N/A
Young Street	N/A	N/A	N/A

*Based on 2015 traffic counting data taken by Cobb County DOT for Atlanta 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

West Atlanta Road is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

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

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

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

Young Street is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

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PETITION FOR: PVC

Recommend applicant consider entering into a development agreement pursuant to 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 east side of West Atlanta Road, a minimum of 25’ from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant to 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 east side of Oakdale Road, a minimum of 25’ from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant to 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 south side of Young Street, a minimum of 25’ from the roadway centerline.

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

Recommend a traffic study. The traffic study should include existing and base year (full build out year) Build and No Build analysis; and horizon year (base year + 10 years) Build and No Build analysis. Study assumptions (such as study intersections, trip distribution and annual growth rate) should be agreed to by Cobb DOT before completing the study.

Recommend West Village Way be dedicated to Cobb County DOT and necessary easements obtained prior to plan approval.

Recommend improving the intersection of Oakdale Road at West Atlanta Road/Young Street to bring to a standard 90 degree angle. Recommend the existing painted splitter island on Oakdale Road approach be changed to a raised concrete island. Recommend final design be determined during plan review, subject to Cobb County DOT approval. Recommend applicant consider entering into a development agreement to donate sufficient right-of-way for these improvements.

STAFF RECOMMENDATIONS

Z-64 BRANCH ACQUISITION COMPANY, LLC

- 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 variety of land uses, including restaurants, retail, offices, single-family houses, cluster homes and apartments. The applicant's proposal would be an addition to West Village. In addition, the proposed site plan shows the more intense 313-unit multi-family residential building toward the center of the development with the detached units and townhomes closer to the exterior.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. Staff believes the proposed development will bring together numerous parcels, developed and undeveloped, into a project that will be a complimentary addition to the West Village PVC, which was zoned in several phases. A unified development of these parcels as an addition to West Village would be preferable over several developments in this area. The expansion of West Village has the potential to reduce problems in the future as it relates to the overall development of these parcels. The proposed site plan appears to be sensitive to adjacent residential uses by placing the less intense residential uses on the exterior of the development. The proposed multi-family portion is interior to the proposed development and is located in the Community Activity Center (CAC) future land use category. Like West Village, the subject properties are located in close proximity to interstates and the major employment centers associated with the Cumberland/Galleria area and downtown Atlanta.
- 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. This opinion is supported by some of the departmental comments contained in this analysis. The Cobb County School District comments section has concerns that an approval of this petition will result in an impact on the enrollment for schools that are already over capacity. However, Staff believes the proposal is beneficial in combining several parcels that are developed and undeveloped into one development being added to the existing West Village mixed use development.
- 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 the parcels as being within the Medium Density Residential (MDR/2.5-5 units per acre) and Community Activity Center (CAC) future land use categories. The PVC zoning district may be located within these two future land use categories as long as it meets the standards of PVC, and is compatible with surrounding uses and zoning districts.
- 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 suitable as an addition to West Village. The applicant has proposed to place single-family houses fronting Oakdale Road, which has single-family houses. The applicant has placed the multi-family part of the project in the center of the property, similar to West Village. The proposal will provide a unified extension to an existing PVC that will be developed comprehensively instead of piecemeal developments that may require additional detention ponds, uncoordinated transportation improvements and uncoordinated sewer and/or drainage facilities.

Z-64 BRANCH ACQUISITION COMPANY, LLC (Continued)

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

1. Site plan received by the Zoning Division November 10, 2017, with the District Commissioner to approve minor modifications;
2. District Commissioner approve the building architecture;
3. Variances from the Zoning Comments section;
4. Fire Department comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Department of Transportation comments and recommendations; and
8. 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.



Application No. Z-64 (2017)
Hearing Dates: PC: 10/03/2017
BOC: 10/17/2017

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): Minimum 850 square feet and greater
- b) Proposed building architecture: Traditional
- c) List all requested variances: None known at this time

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

- a) Proposed use(s): Retail
- b) Proposed building architecture: Traditional
- c) Proposed hours/days of operation: 8:00 a.m. - 10:00 p.m.
- d) List all requested variances: None known at this time

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

.....
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 known at this time.

*Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.