



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-24  
Public Hearing Dates:  
PC: 05-01-18  
BOC: 05-15-18

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**SITE BACKGROUND**

Applicant: CK Multifamily Charlotte, LLC

Phone: Not provided

Email: Not provided

Representative Contact: Parks F. Huff, Esq.

Phone: 770-422-7016

Email: phuff@shlb-law.com

Titleholder: Institute of Nuclear Power  
Operations, Inc.

Property Location: Northwest side of Akers Mill  
Road, north side of Galleria Lane, south side of  
Galleria Parkway

Address: 800 Galleria Parkway

Access to Property: Galleria Parkway

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**QUICK FACTS**

Commission District: 2-Ott

Current Zoning: GC (General Commercial)

Current use of property: Undeveloped

Proposed zoning: RRC (Regional Retail Commercial)

Proposed use: Multifamily Residential Community

Future Land Use Designation: Regional Activity  
Center (RAC)

Site Acreage: 4.007 acres

District: 17

Land Lot: 947 and 948

Parcel #: 17094800210, 17094800260, and  
17094800280

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

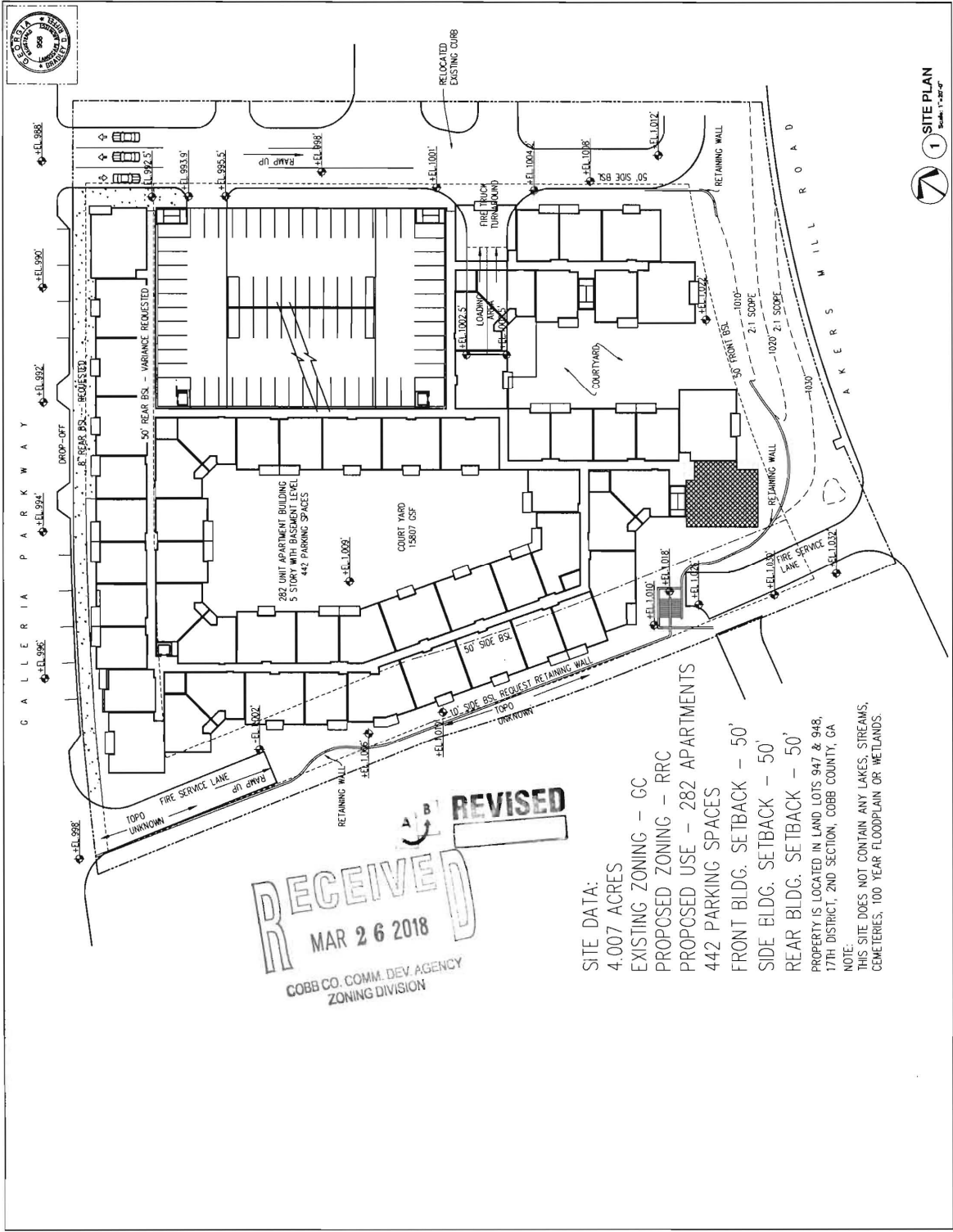
Based on the analysis of this case, Staff recommends **DENIAL.**

800 GALLARIA PKWY  
ATLANTA, GEORGIA

Rule Joy Trammell Rubio  
ARCHITECTURE INTERIOR DESIGN  
300 Galleria Parkway Suite 700 Atlanta Georgia 30309  
770-661-1985 (Phone) 770-661-1810 (Fax)  
www.rubiojr.com

DATE: 03/26/2018  
DRAWN BY: JTR  
CHECKED BY: JTR  
IN CHARGE: JTR

NOT RELEASABLE FOR CONSTRUCTION



**SITE DATA:**  
 4.007 ACRES  
 EXISTING ZONING - GC  
 PROPOSED ZONING - RRC  
 PROPOSED USE - 282 APARTMENTS  
 442 PARKING SPACES  
 FRONT BLDG. SETBACK - 50'  
 SIDE BLDG. SETBACK - 50'  
 REAR BLDG. SETBACK - 50'

PROPERTY IS LOCATED IN LAND LOTS 947 & 948,  
 17TH DISTRICT, 2ND SECTION, COBB COUNTY, GA

NOTE:  
 THIS SITE DOES NOT CONTAIN ANY LAKES, STREAMS,  
 CEMETERIES, 100 YEAR FLOODPLAIN OR WETLANDS.

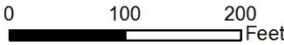
**RECEIVED**  
 MAR 26 2018  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

1 SITE PLAN  
 Scale: 1"=20'-0"

# Z-24 2018-Aerial Map



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



- Land Lot
- City Boundary



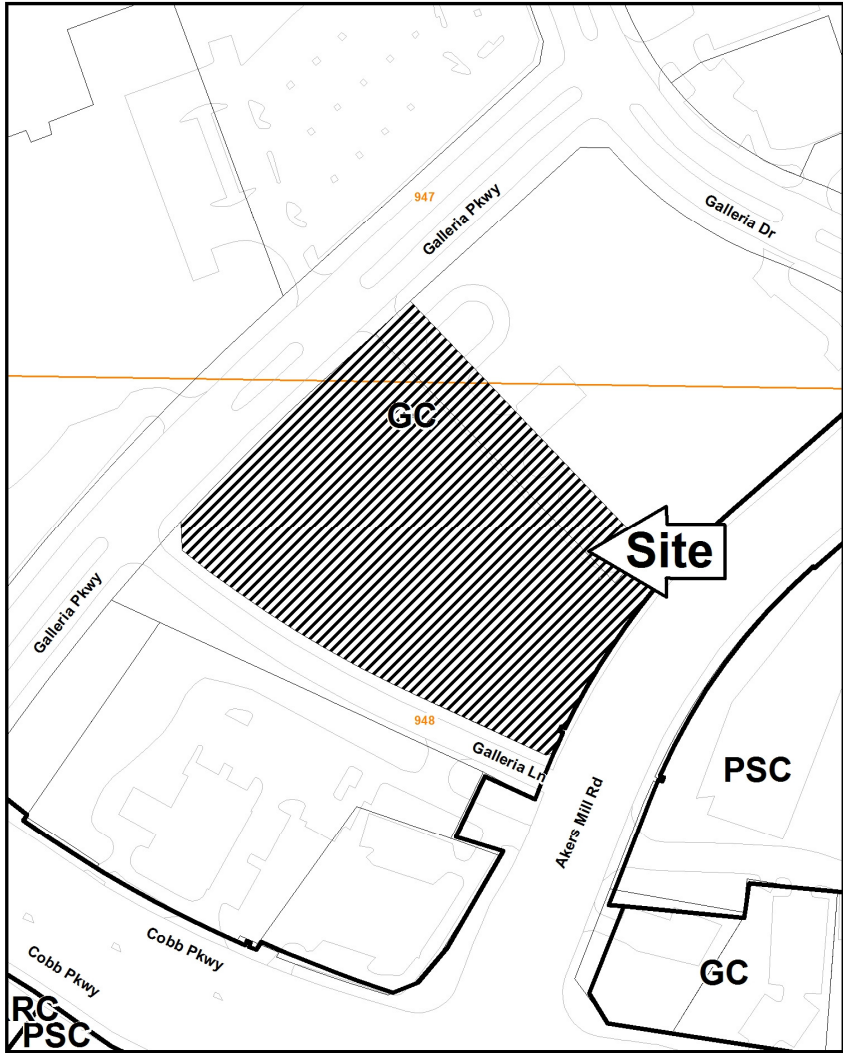
North  
**Zoning:** GC (General Commercial)  
**Future Land Use:** RAC (Regional Activity Center)

**Z-24 2018-GIS**

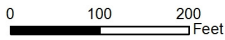
WEST

**Zoning:** GC  
(General Commercial)

**Future Land Use:** RAC  
(Regional Activity Center)



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



Land Lot  
 City Boundary

EAST

**Zoning:** GC  
(General Commercial)  
and PSC  
(Planned Shopping Center)

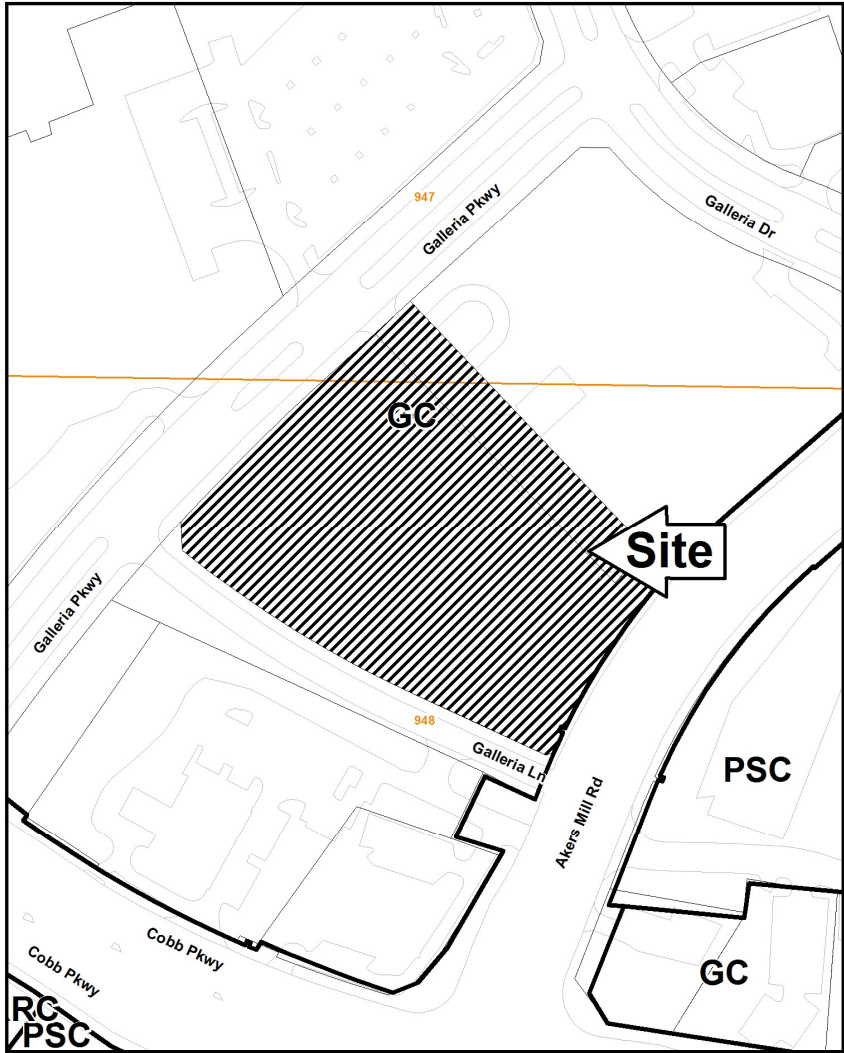
**Future Land Use:** RAC  
(Regional Activity Center)

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

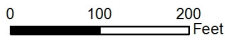
**North**  
**Zoning:** GC (General Commercial)  
**Future Land Use:** RAC (Regional Activity Center)

**Z-24 2018-GIS**

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



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



Land Lot  
City Boundary

**EAST**  
**Zoning:** GC  
(General Commercial)  
and PSC  
(Planned Shopping Center)  
**Future Land Use:** RAC  
(Regional Activity Center)

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

**DEPARTMENT COMMENTS- Zoning Division (Continued)**

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**Residential criteria**

Allowable units as zoned: 0  
Proposed # of units: 282  
Net density: 70.37 units per acre  
Increase of units: 282  
Required parking spaces: 493  
Proposed parking spaces: 442  
Acres of floodplain/wetlands: 0  
Impervious surface shown: 80%

**Are there any zoning variances?**

Yes, the proposal will require the following contemporaneous variances:

1. Reducing the rear setback from 50 feet to 8 feet;
2. Reducing the side setback from 50 feet to 10 feet; and
3. Waive the number of required parking spaces from 493 to 442.

**DEPARTMENT COMMENTS- Fire Department**

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No comment.

**DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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No comment.

**DEPARTMENT COMMENTS- Cemetery Preservation**

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No comment.

## DEPARTMENT COMMENTS- School System

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School	Student Capacity	Student Enrollment	Capacity Status
Brumby ES	895	922	27 over capacity
East Cobb MS	1362	1263	99 under capacity
Wheeler HS	2187	2144	43 under capacity

<b>COMMENTS</b>
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Approval of this petition will cause concern for CCSD, but it will result only in a minimal impact in the enrollment for schools already over capacity.

NOTE: Brumby ES and East Cobb MS will be relieved of overcrowding by SPLOST IV.

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Rottenwood Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the capacity of the existing downstream storm drainage system.
7. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
8. Special site conditions and/or additional comments:
  - Detention for this site is provided for in the Galleria master stormwater management facility.
  - Onsite water quality must be provided.



**DEPARTMENT COMMENTS- Planning Division**

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

Comprehensive Plan Designation:  Consistent  Inconsistent

**House Bill 489 Intergovernmental Agreement Zoning Amendment Notification**

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

Was the City of Smyrna notified?  Yes  No

Specific Area Policy Guidelines:  Yes  No

Masterplan/ Corridor Study – Blueprint Cumberland LCI  Yes  No

Design guidelines area?  Yes  No

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

Is the property within an Opportunity Zone?  Yes  No

*(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)*

Is the property within an Enterprise Zone?  Yes  No

*(The [Name] Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)*

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?  Yes  No

*(The Commercial and Industrial Property Rehabilitation Program Is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)*

(Planning comments continued on the next page)

**DEPARTMENT COMMENTS- Planning Division** (continued)

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

**Special District**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?  Yes  No

Is this property within the Cumberland Special District #2 (ad valorem tax)?  Yes  No

Is this property within the Six Flags Special Service District?  Yes  No

**Dobbins Air Reserve Base Zones**

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

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

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

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

Is the property within the Noise Zone?  Yes  No

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

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application.

**DEPARTMENT COMMENTS- Water and Sewer**

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**Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 12" in Galleria Parkway

Additional water comments: 12" in Akers Mill Road

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

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**Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: Galleria Parkway

Estimated waste generation (in G.P.D.): Average daily flow = 39,480; Peak flow = 98,700

Treatment plant: R.L. Sutton

Plant capacity:  Yes  NO

Line capacity:  YES  NO

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

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

Flow test required:  YES  NO

Letter of allocation issued:  YES  NO

Septic tank recommended by this department:  YES  NO

Subject to Health Department approval:  YES  NO

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Additional sewer comments: Developer may be asked to perform sewer capacity study at Plan Review. To be determined.

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

## DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Akers Mill Road	Arterial	35	Cobb County	100'
Galleria Lane	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Akers Mill Road	North of Cobb Parkway	13,000	C
Galleria Lane	N/A	N/A	N/A

*Based on 2016 traffic counting data taken by Cobb County DOT for Akers Mill 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

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

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

Applicant has submitted a traffic study. Cobb DOT provided review comments and received a revised study on Feb 28, 2018. Cobb DOT is completing the review of the revised study but does not anticipate any required off-site improvements.

### Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend applicant submit site details to Cobb DOT for coordination with Cobb County Airport Manager to determine potential need for a FAA study.
3. Recommend applicant coordinate with Cobb DOT for the abandonment of Galleria Lane. Galleria Lane right-of-way will need to be abandoned prior to issuance of a Land Disturbance Permit.

STAFF ANALYSIS

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

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

Staff believes the proposed development will not be suitable for the area. The applicant's rezoning request is to allow a proposed 282-unit multi-family development on the 4.007 acre-tract, equating to 70.37 units per acre, in an area intensely developed with commercial uses that include retail, hotels, offices and restaurants.

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

It is Staff's opinion that the residential proposal will adversely affect other developments in this area by introducing multi-family apartments to a property totally surrounded by commercially zoned property. Other properties in this area include a regional shopping mall, office developments and retail/restaurant uses. Staff is concerned that adding this residential use will cause adjoining properties to have required landscape buffers where none have existed before.

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

It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, and schools. This opinion can be supported by the department comments contained in this analysis.

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

It is Staff's opinion that the applicant's rezoning request for Regional Retail Commercial (RRC) zoning district is compatible with the Regional Activity Center (RAC) land use category; however, this area is in the Retail Services (rs) sub-area of the RAC. The Planning Division comments indicate that residential development is inappropriate in the rs sub-category.

STAFF ANALYSIS (Continued)

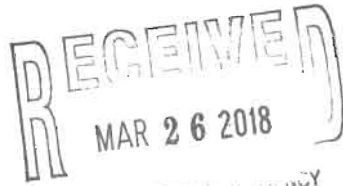
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**E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;**

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. The proposed 282-unit apartment development is not consistent with the *Cobb County Comprehensive Plan's* rs sub-area of the RAC. The property is surrounded by commercial development. Residential developments in this area are concentrated in other locations and in different zoning districts.

**The staff analysis and recommendation made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**





Application No. Z-24

May 2018

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): Varies from 872 square feet to 1,429 square feet
- b) Proposed building architecture: Architecture will be in keeping with surrounding buildings and will feature brick, cementitious siding, stucco, EIFS, glass and metal materials
- c) List all requested variances: Applicant requests the following variance:
  - 1) reduce rear setback from 50' to 8' (Section 134-228 (4)(d));
  - 2) reduce side setback from 50' to 10' (Section 134-228(4)(d))

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

- a) Proposed use(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

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

\_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

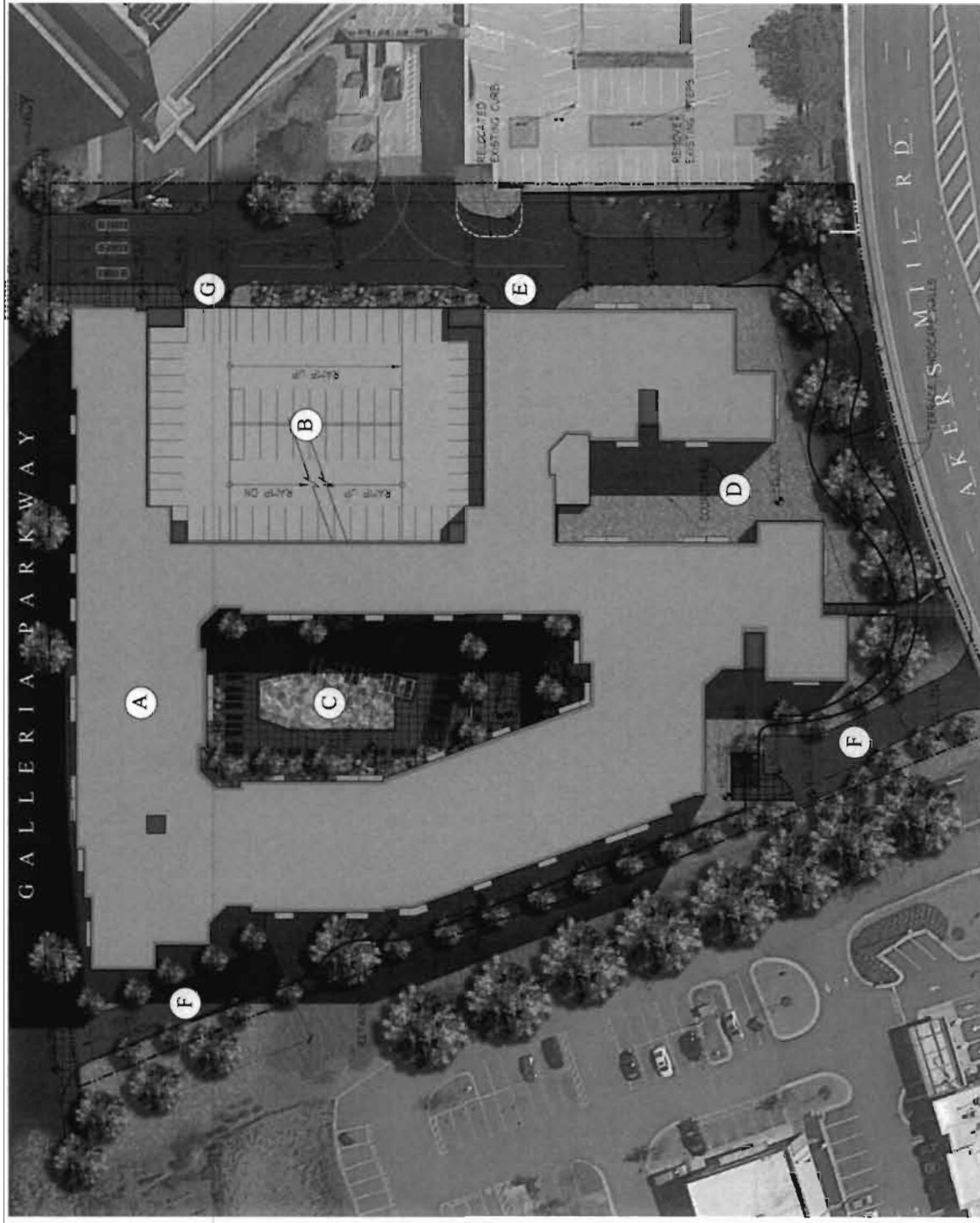
.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

(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).

\_\_\_\_\_  
See site plan  
\_\_\_\_\_

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MAR 26 2018

REVISED



LEGEND

- (A) RESIDENTIAL (5 STORY + BASEMENT)
- (B) PARKING DECK (5.5 LEVELS)
- (C) AMENITY COURTYARD (POOL)
- (D) GARDEN COURTYARD
- (E) NEW SERVICE ACCESS / FIRE TRUCK TURNING AROUND LANE
- (F) FIRE LANE
- (G) NEW RESIDENTIAL PARKING ACCESS

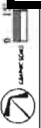
UNIT SUMMARY

1 BEDROOM:	172 UNITS (824 SF AVG.)	61%
2 BEDROOM:	96 UNITS (1,141 SF AVG.)	34%
3 BEDROOM:	15 UNITS (1,440 SF AVG)	5%
TOTAL:	283 UNITS (1,147 GSF / UNIT)	

PARKING SUMMARY

442 PARKING SPACES @ 5.5 LEVELS

SITE PLAN



Z-24 (2018)  
Site Plan with  
Landscaping



GALLERIA 800 APARTMENTS

ATLANTA, GEORGIA

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**Planning Commission Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

**Names of those Opposed:**

**Comments:**

_____	_____
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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

**Names of those Opposed:**

**Comments:**

_____	_____
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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_