



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z- 20

Public Hearing Dates:

PC: 04-03-18

BOC: 04-17-18

SITE BACKGROUND

Applicant: Elevation Development Group, LLC

Phone: (678)-553-1090

Email: david@elevationdevgroup.com

Representative Contact: J. Kevin Moore

Phone: (770)-429-1499

Email: jkm@mijs.com

Titleholder: Overlook Partners, LLC

Property Location: Southeast side of Terrell Mill Road, across from Waterfall Village Drive, and the west side and west terminus of Water Place

Address: 1800 Water Place

Access to Property: Terrell Mill Road and Water Place

QUICK FACTS

Commission District: 2-Ott

Current Zoning: O&I (Office and Institutional)

Current use of property: Offices

Proposed zoning: RRC (Regional Retail Commercial)

Proposed use: Mixed-Use Development

Future Land Use Designation: RAC (Regional Activity Center)

Site Acreage: 12.73 ac

District: 17

Land Lot: 782 and 783

Parcel #: 17078200010

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

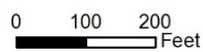
(Zoning staff member: Jason Campbell)



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

Z-20 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: R-12 (Multi-family Residential) and O&I (Office & Institutional)

Future Land Use: RAC (Regional Activity Center) and HDR (High Density Residential)

WEST

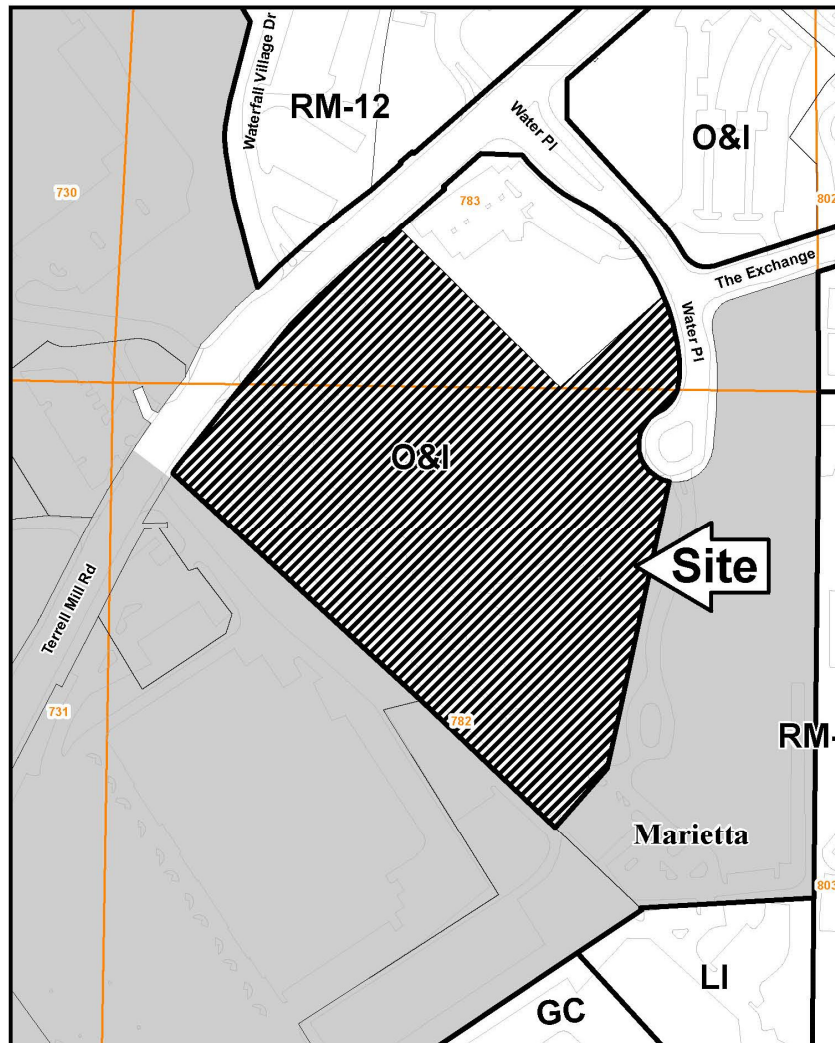
Zoning: City of Marietta

Future Land Use: City of Marietta

EAST

Zoning: O&I (Office & Institutional) and City of Marietta

Future Land Use: RAC (Regional Activity Center) and City of Marietta



SOUTH

Zoning: City of Marietta

Future Land Use: City of Marietta

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center and a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose of this chapter.

Requested zoning district for the property

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

Summary of the applicant's proposal

Applicant is requesting the Regional Retail Commercial (RRC) zoning district for the purpose of a mixed-use development consisting of residential, retail and office. The property currently is developed with three multi-story office buildings that will be removed for the proposed redevelopment. The proposed residential units will range in size from 585 to 1,450 square feet and the architecture will be Modern Farmhouse. The commercial component will be service oriented uses with Modern Farmhouse architecture and brick Main Street type structures. The proposed hours of operation will be 9 a.m. until 6 p.m.

Non-residential criteria

Proposed # of buildings: 4

Proposed # of stories: 5

Total sq. footage of development: 6,000

Floor area ratio: 0.010

Square footage per acre: 471

Required parking spaces: 579

Proposed parking spaces: 468

Acres in floodplain or wetlands:

Impervious surface shown: 64%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes. This application will require a contemporaneous variance to waive the number of required parking spaces from 579 to 468.

DEPARTMENT COMMENTS- Fire Department

Modifications will be required to incorporate the Cobb County Fire Marshal's Office comments.

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

GUEST PARKING: The Fire Department does not support the reduction of parking. It is the recommendation of the Fire Department that parking be supplied on a per bedroom basis.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

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

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: Yes
2. Flood hazard zone: Zone X
3. Drainage Basin: Tributary to Rottenwood Creek
4. FEMA Designated 100-year Floodplain Flood.
5. Wetlands: No
6. Streambank buffer zone: Yes
7. County Buffer Ordinance: 25'
8. Stormwater discharges must be controlled not to exceed the capacity of the existing downstream storm drainage system.
9. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing lake and downstream drainage system.
10. Structural fill must be placed under the direction of a qualified registered geotechnical engineer (PE).
11. Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions for proposed project. Additional underground stormwater management must be provided such that there is no increase in offsite peak discharges from existing conditions.
12. Grading adjacent to existing lake must not result in any loss of flood storage volume.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within a Regional Activity Center (RAC) future land use category with a subcategory of Office (off], within the O&I 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. Office developments are considered the most appropriate development in the off Sub-Area. However, mixed-use developments that include retail may also be appropriate. Mid- or high-rise residential developments are also appropriate in this category. This includes any residential development in excess of four (4) stories per structure. Because of the unique, urban characteristics of RACs, building height and density should be reviewed on a case-by-case basis.

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

Were the cities of Marietta and Smyrna notified? Yes No

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

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 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.

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 Bird/Wildlife Air Strike Hazard Area (BASH)? Yes No

Historic Preservation

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

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 6" on east side of Terrell Mill Road

Additional water comments:

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

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: On site

Estimated waste generation (in G.P.D.): Average daily flow = 38,280; Peak flow = 96,300

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

Sewer line capacity study likely will be required of the Developer at Plan Review

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
Terrell Mill Road	Arterial	45	Cobb County	100'
Water Place	Major Collector	25	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Terrell Mill Road	West of Laurel Valley Drive	19,800	C
Water Place	South of Terrell Mill Road	6,200	C

Based on 2011 traffic counting data taken by Cobb County DOT for Terrell Mill Road.

Based on 2010 traffic counting data taken by Cobb County DOT for Water Place.

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

Terrell Mill Road is classified as an arterial roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Water Place is classified as a major collector roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

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 north side of Terrell Mill Road, a minimum of 50' from the roadway centerline.

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

Developer has submitted a traffic study. No off-site improvements are recommended by Cobb DOT based on our review of this traffic study.

Recommend applicant submit site details to Cobb DOT for coordination with Cobb County Airport Manager to determine potential need for a FAA study.

STAFF ANALYSIS

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

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

It is Staff's opinion that the applicant's proposal will not permit a use that is suitable in view of the property's proximity to Dobbins ARB.

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 applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby properties. The proposal will cause adjoining properties to place landscape buffers on the long-used commercial properties, which may limit redevelopment in the future.

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;

Dobbins ARB has identified this property as being within the APZ 1 (Accident Potential Zone) and Noise Contour 3. Dobbins ARB has recommended that this application be denied. This opinion can be supported by the departmental comments contained in this analysis. Staff is concerned about the noise, and the buffer requirements this proposal will place on adjoining properties.

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 proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Regional Activity Center (RAC) future land use category. The requested RRC zoning district allows the proposed mixed-use development. However, based on the potential threat of loss of life due to being located in the Accident Potential Zone (APZ 1) identified by Dobbins AFB, Staff would recommend denial of this application.

(CONTINUED ON FOLLOWING PAGE)

STAFF ANALYSIS (Continued)

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

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. The subject property is located in the Dobbins AFB's APZ 1 (Accident Potential Zone) and Noise Contour 3, which combined with the buffers that will be needed on adjoining properties will have an adverse effect on future development.

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.

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT



Application No.: Z- 20 (2018)
Hearing Dates: April 3, 2018
April 17, 2018

Applicant: Elevation Development Group, LLC
Titleholder: Overlook Partners, LLC

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

- (a) Applicant, Elevation Development Group, LLC (hereinafter "Applicant") is seeking rezoning of approximately 12.73 acres tract located on the southeasterly side of Terrell Mill Road, across from Waterfall Village Drive, and on the westerly side and westerly terminus of Water Place, Land Lots 782 and 783, 17th District, 2nd Section, Cobb County, Georgia (being more particularly known as 1800 Water Place) (hereinafter the "Property" or "Subject Property"). Applicant seeks rezoning of the Subject Property from the existing Office and Institutional ("OI") zoning category to the proposed Regional Retail Commercial ("RRC") zoning category to allow for the redevelopment to a mixed-use community consisting of residential, retail, and office. The Property is currently a developed office park with three (3) multi-story office buildings. Applicant proposes the complete removal of the office buildings to allow for reconfiguration of the proposed, new structures and redevelopment of the entirety of the site. The proposed redevelopment by Applicant is suitable for the Subject Property in view of its location, size, and the use and development of adjacent and nearby properties. The location of the Subject Property affords visibility and ease of access to Cobb Parkway, I-75, I-285, and Windy Hill Road for the office, commercial, and residential components proposed by Applicant. Additionally, recent widening and intersectional improvements along the Cobb Parkway and Windy Hill Road corridors by the Cobb County Department of Transportation and/or Georgia Department of Transportation will ease traffic concerns within the area.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed redevelopment should have a minimal, if any, impact on surrounding properties. If approved and developed according to the request, the adjacent and nearby property owners should benefit in higher land values. Cobb County will benefit in increased revenue.
- (c) The Property, as zoned, does save a reasonable economic use; however, the proposed zoning would allow for a higher and better use.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Retail and commercial developments have almost no effect on schools, minimal effect on utilities and transportation facilities. The improved roadways in the area can

accommodate traffic without burdensome effects; however, it is the goal of Applicant that the proposed development consisting of mixed uses will serve to reduce traffic burdens in the immediate area.

- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.
- (f) There are changing conditions affecting the use and development of the Subject Property which give supporting grounds for approval of the zoning proposal. The proposed development affords a unique opportunity to incorporate varying retail, office, and residential uses within the RRC zoning classification. Additionally, it offers residents the ability to be in close proximity to shopping areas and entertainment venues. It offers businesses the opportunity to be in close proximity to major interstates and corridors in the Metropolitan Atlanta area; and to have access to Downtown Atlanta, Hartsfield-Jackson Airport, and other venues to the south; as well as the many advantages of the Cumberland area, and Cobb County as a whole.



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Application No. Z-20 (2018)

Hearing Dates: PC - 04/03/2018
BOC - 04/17/2018

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 585 - 1,450 square feet
- b) Proposed building architecture: Modern Farmhouse
- c) List all requested variances: _____
 - (1) Parking Variance;
 - (2) Major side building setback from 35 feet to 15 feet.

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

- a) Proposed use(s): Several service oriented and non-residential uses
- b) Proposed building architecture: Modern Farmhouse and brick Main Street type structures
- c) Proposed hours/days of operation: 9:00 a.m. - 6:00 p.m.
- 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). 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 portion of the Application for Rezoning, at any time during the rezoning process.



DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND

Z-20 (2018)
Comments from Dobbins ARB



31 January 2018

Kenneth Williams
Base Civil Engineer
884 Industrial Drive, Bldg. 501
Dobbins ARB, GA 30069



Jason Gaines
Planning Division Manager
1150 Powder Springs St, Ste 400
Marietta, GA 30064

Dear Mr. Gaines

This letter is in reference to zoning case Z-20 at 1800 Water Place (Parcel # 17078200010) in Cobb County, GA. I am writing to recommend denial of the proposed rezoning of the property at 1800 Water Pl from O&I (Office and Institutional) to RRC (Regional Retail Commercial). This recommendation of denial is based on aviation safety and land use compatibility concerns regarding the proposed new land use and structures.

The proposed mixed use development at 1800 Water Pl would include a component of high density residential that would pose an aviation hazard and a land use conflict with aviation operations. The parcel is located within an Accident Potential Zone (APZ I) associated with the runway at Dobbins Air Reserve Base (DARB), and directly in line with the runway centerline. As the name implies, APZs are areas off the end of a runway where the hazard of an aviation accident is most severe. Therefore, the proposed land use would increase the risk of loss of life in the event of an airplane crash. Military Air Installation Compatible Use Zone (AICUZ) standards for land use classify high density residential as incompatible with APZ I areas.

The proposed mixed use development is also located within an airport noise zone that is not recommended for residential use. The parcel is located within the 75-79 Dnl airport noise contour. While noise-attenuating construction can sometimes mitigate airport noise impacts, this approach is not recommended for areas with noise impacts above 70-74 Dnl.

In addition, the proposed redevelopment at 1800 Water Pl is inconsistent with the Cobb County Military Airport Hazard zoning overlay district. Both of the aforementioned land use compatibility standards related to APZs and noise contours (Noise Contour 3) are included within the ordinance.



DEPARTMENT OF THE AIR FORCE
AIR FORCE RESERVE COMMAND



We encourage the developer to notify the FAA of proposed development in order to conduct an analysis of possible obstructions to airfield operations. The FAA notification form 7460-1 submittal will generate a case number that should be saved for future reference.

Sincerely,

WILLIAMS.KENNE
TH.W.1230684916

Digitally signed by WILLIAMS.KENNE TH.W.1230684916
DN: cn=AF, o=U.S. Government, ou=DoD, email=kenne@usaf.af.mil, c=US, ou=WILLIAMS.KENNE TH.W.1230684916
Date: 2018.01.31 07:54:48 -0500

Kenneth W. Williams
Base Civil Engineer
Dobbins ARB

Planning Commission Decision

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

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

Names of those Opposed:

Comments:

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

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:

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

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