



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-37  
Public Hearing Dates:  
PC: 07-03-18  
BOC: 07-17-18

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**SITE BACKGROUND**

Applicant: Winchester Parkway, LLC

Phone: Not Provided

Email: Not Provided

Representative Contact: Parks F. Huff

Phone: (770) 422-7016

Email: phugg@slhb-law.com

Titleholder: Winchester Partners, L.P.

Property Location: East side of Winchester Parkway, north of Atlanta Road, west of I-285

Address: 1250 Winchester Parkway

Access to Property: Winchester Parkway

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**QUICK FACTS**

Commission District: 2-Ott

Current Zoning: O&I (Office & Institutional)

Current use of property: Office Park

Proposed zoning: UVC (Urban Village Commercial)

Proposed use: Mixed-use/Retail & Residential

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 4.92 ac

District: 17

Land Lot: 765

Parcel #: 17076500040

Taxes Paid: Yes

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

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

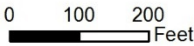
1. Site plan received by the Zoning Division on April 5, 2018, with the District Commissioner approving minor modifications;
2. Variances listed in the Zoning comments;
3. Fire Department comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations; and
6. Department of Transportation comments and recommendations.



# Z-37 2018-Aerial Map



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



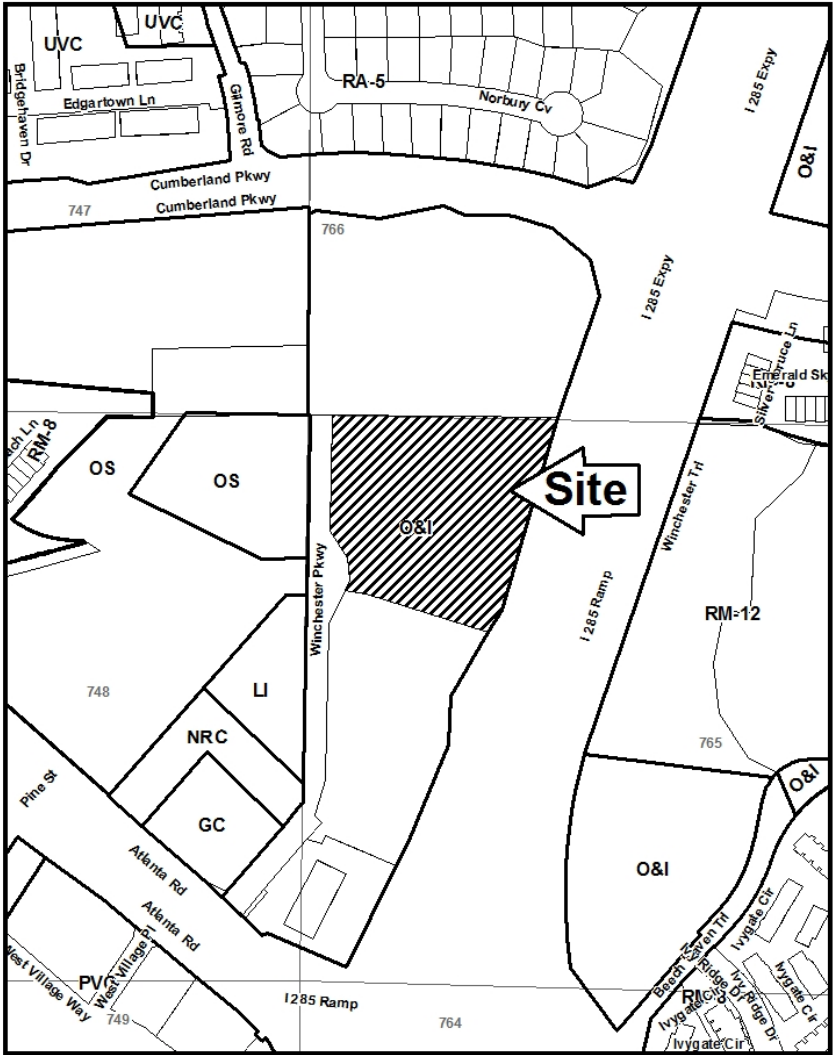
- Land Lot
- City Boundary



North

**Zoning:** O&I (Office & Institutional)  
**Future Land Use:** NAC (Neighborhood Activity Center)

**Z-37 2018-GIS**



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

0 100 200 Feet

City Boundary  
 Zoning Boundary

WEST

**Zoning:** OS  
(Office Services)

**Future Land Use:** NAC  
(Neighborhood Activity Center)

EAST

**Zoning:** RM-12  
(Multi-family Residential)  
across I-285

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

SOUTH

**Zoning:** O&I (Office & Institutional)  
**Future Land Use:** NAC (Neighborhood Activity Center)

## DEPARTMENT COMMENTS- Zoning Division

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### 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 UVC district is established to provide locations for planned mixed use development of low intensity, low scale commercial, office and residential uses, not subdivided into customary streets and lots, and which will not be subdivided. This is intended to encourage compatible mixed uses within the boundaries of properties delineated within or on the edge of a regional, community and neighborhood activity center and high density residential as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the edge of activity centers or high density residential areas as defined by the comprehensive plan, the UVC district should provide for office and retail uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

### Summary of the applicant's proposal

The applicant is requesting the Urban Village Commercial (UVC) zoning district for the purpose of a mixed-use development consisting of retail, office, and residential uses. The residential portion will be a multi-story building wrapping a parking deck. The average unit size is 900 square feet. The first floor will be office and retail. Brick will be prominent at the lower levels with cementitious board siding on the upper floors.

### Zoning criteria

Proposed # of buildings: 1  
 Proposed # of stories: 4/5  
 Total sq. footage of development: 390,120  
 Amount of commercial square footage: 10,075  
 Number of residential units: 304  
 Required parking spaces: 638  
 Proposed parking spaces: 532  
 Acres in floodplain or wetlands: 0.2  
 Impervious surface shown: 90%

## **DEPARTMENT COMMENTS- Zoning Division (continued)**

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### **Are there any zoning variances?**

Yes, the proposed plan will require the following contemporaneous variances:

1. Increase the allowed impervious coverage from 70% to 90%;
2. Allow residential units less than 1,000 square feet.
3. Allow residential units on ground floor; and
4. Waive the required number of parking spaces from 637 to 535.

## **DEPARTMENT COMMENTS- Fire Department**

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The roadway around the building shall be a minimum of 24-ft wide. Brick pavers are permissible as the fire lane driving surface when the roadway design is compliant with AASHTO HS20. The parking garage will be required to be fully sprinkled due to the lack of fire department access.

## **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**

<b>School</b>	<b>Student Capacity</b>	<b>Student Enrollment</b>	<b>Capacity Status</b>
<b>Nickajack Elem.</b>	937	1123	186 over capacity
<b>Campbell Middle</b>	1350	1500	150 over capacity
<b>Campbell High</b>	2637	2854	217 over capacity

**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.

Note: Campbell MS and Campbell HS will be relieved of overcrowding by SPLOST Construction.

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: Yes
2. Flood hazard zone: Zone X
3. Drainage Basin: Tributary to Gilmore Creek
4. FEMA Designated 100-year Floodplain Flood.
5. Wetlands: No
6. Streambank buffer zone: No
7. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
8. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
9. Special site conditions and/or additional comments:
  - Stormwater management for this site will be provided via an underground system.
  - The existing downstream receiving culvert and embankment for I-285 will be a site constraint for establishing minimum finished floor elevations during plan review. Minimum freeboard requirements must be met for both commercial and residential uses.
  - The proposed site plan must provide adequate conveyance for runoff from existing upstream drainage basin through the site.



## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Neighborhood Activity Center (NAC) future land use category. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail, and grocery stores.

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 notified?  Yes  No  N/A

Specific Area Policy Guidelines:  Yes  No

The parcels fronting Cumberland Parkway between South Cobb Drive and Atlanta Road, the Neighborhood Activity Center south of Cumberland Parkway from South Cobb Drive to Interstate 285, and properties fronting Atlanta Road and Winchester Parkway from Cumberland Parkway to Interstate 285 are properties that require special attention from a development perspective. Any development in this area should incorporate property assemblages of multiple smaller parcels. Any development should ensure appropriate transitions in scale and general compatibility with existing stable residential communities. Mixed-use developments, medical office and professional offices uses should be encouraged in the Community Activity Center and Neighborhood Activity Center areas. Allowing mixed-use developments and professional office uses will assist in creating new residential and employment opportunities as well as reduce traffic congestion and improve traffic flow by reducing total number of trips on the overall transportation system. Mixed-use developments adjacent to stable single-family residential neighborhoods should provide a change in scale or buffering/screening that will ensure the desirability and viability of the surrounding community.

Masterplan/ Corridor Study  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)*

(Planning comments continued on the next page)

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

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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)*

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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)*

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**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

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**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

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**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): 6" in Winchester Pkwy

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: in Winchester Pkwy ROW

Estimated waste generation (in G.P.D.): Average daily flow = +35,200; Peak flow = +88,000

Treatment plant: 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 flow study is required of applicant to confirm downstream sewer line capacity. \*\*\*Line Capacity: "YES" refers to the capacity of large diameter sewer interceptors. It is the capacity of the smaller downstream gathering lines that is of concern.\*\*

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 onsite and/or offsite easements, and dedication of onsite 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.

**DEPARTMENT COMMENTS- Transportation**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Winchester Parkway	Private	N/A	N/A	N/A

Roadway	Location	Average daily trips	Level of service
Winchester Parkway	N/A	N/A	N/A

**Comments and observations**

Winchester Parkway is a private roadway.

Traffic study received April 6, 2018.

Cobb DOT has an interchange project for the ramps at Atlanta Road (Project No. D4100 I-285 at Atlanta Road Interchange). This SPLOST project is scheduled to be completed September 2018.

**Recommendations**

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend applicant coordinate with GDOT to ensure compatibility with any proposed interstate improvement projects.
3. Recommend GDOT permits for all work that encroaches upon State right-of-way.

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;**

It is Staff's opinion that the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Properties in the area are zoned O&I, RM-12, RA-5, UVC, OS, GC, LI, and RM-8.

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

The applicant's proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The proposal would be consistent with other properties in the area.

**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 proposal will not cause an excessive or burdensome use; however, the school system has concerns regarding the proposal.

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

It is Staff's opinion that the requested Urban Village Commercial (UVC) zoning district is in conformity with the *Cobb County Comprehensive Plan*, which delineates this property as being in the Neighborhood Activity Center (NAC) future land use 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 approving the applicant's rezoning proposal. The area contains a mixture of residential and non-residential uses. The applicant's use is consistent to, and compatible with, other properties in the area. The applicant's proposal is consistent with the *Cobb County Comprehensive Plan*.

**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.**

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APR - 5 2018

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

ZONING IMPACT STATEMENT FOR THE REZONING  
APPLICATION OF WINCHESTER PARKWAY, LLC

COMES NOW, WINCHESTER PARKWAY, LLC and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

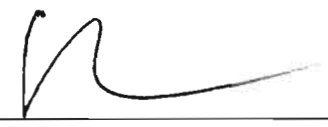
- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings in the I-285, Atlanta Road and Winchester Parkway area.
  
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is adjacent to a Red Roof Inn and a WellStar medical office building and directly adjacent to I-285. The use will complement the current uses in the area and add housing alternatives close to transportation corridors and jobs.
  
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. The property is zoned O&I and the market for this zoning is not economic given the cost of redeveloping the existing office buildings that have become practically obsolete.

SAMS, LARKIN, HUFF  
& BALLI, LLP  
A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS ST.  
MARIETTA, GA 30064  
770.422.7016

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools. The proposed UVC development will put people in close proximity to jobs and existing traffic corridors. There will not be a negative impact on the county infrastructure.
  
- E. The zoning proposal is located in a Neighborhood Activity Center (NAC). However, the property is adjacent to I-285 and is close to the Cumberland Galleria Regional Activity Center (RAC). The use is consistent with the uses in the area and the intensity of the Atlanta Road and I-285 area.
  
- F. There is no substantial relationship between the existing zoning classification of O&I which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of Atlanta Road and I-285, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 5th day of April, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 

PARKS F. HUFF  
Attorney for Applicant  
Ga. Bar No. 375010

[2]

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Application No. Z-37

PC Hearing: 2-3-18  
BOC Hearing: 2-17-18

## Summary of Intent for Rezoning \*

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

- a) **Proposed unit square-footage(s):** Average unit size is 900 square feet
- b) **Proposed building architecture:** Multi-story building wrapping a parking deck. Brick will be prominent at the lower levels with cementitious board siding on upper floors.
- c) **List all requested variances:** \_\_\_\_\_
  - 1) Increase impervious from 70% to 90%
  - 2) Allow residential units less than 1,000 sq. ft.

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

- a) **Proposed use(s):** First floor office and retail
- b) **Proposed building architecture:** \_\_\_\_\_
- c) **Proposed hours/days of operation:** \_\_\_\_\_
- d) **List all requested variances:** see above

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

The subject property is located in a Neighborhood Activity Center ("NAC") on the County's Future Land Use Map. However, the property is adjacent to I-285 and is close to the Cumberland Galleria Regional Activity Center ("RAC").

.....  
**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.

\* The 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.

**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 \_\_\_\_\_