



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-42  
Public Hearing Dates:  
PC: 07-03-18  
BOC: 07-17-18

**SITE BACKGROUND**

Applicant: Chance Powers Ferry, LLC

Phone: (404) 518-3400

Email: bnewell@chance-partners.com

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijs.com

Titleholder: Powers Ferry Woods Office Limited Partnership; J. Houston Lennard and Celeste Coggin Lennard

Property Location: West side of Shadowood Parkway, south of Powers Ferry Road

Address: 2024, 2026, and 2028 Powers Ferry Road

Access to Property: Shadowood Parkway, Windy Ridge Parkway via easement

**QUICK FACTS**

Commission District: 2-Ott

Current Zoning: O&I (Office & Institutional)

Current use of property: Office Park

Proposed zoning: RRC (Regional Retail Commercial)

Proposed use: Mixed-Use Development

Future Land Use Designation: RAC (Regional Activity Center)

Site Acreage: 3.698 ac

District: 17

Land Lot: 1008 and 1009

Parcel #: 17100800110, 17100900130, and 17100900140

Taxes Paid: Yes

**FINAL ZONING STAFF RECOMMENDATION:**  
(Zoning staff member: Terry Martin, MPA)

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

1. Site plan received by the Zoning Division on June 12, 2018, with the District Commissioner approving minor modifications;
2. Variances outlined in the Zoning Analysis;
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-42  
(2018)

REVISIONS



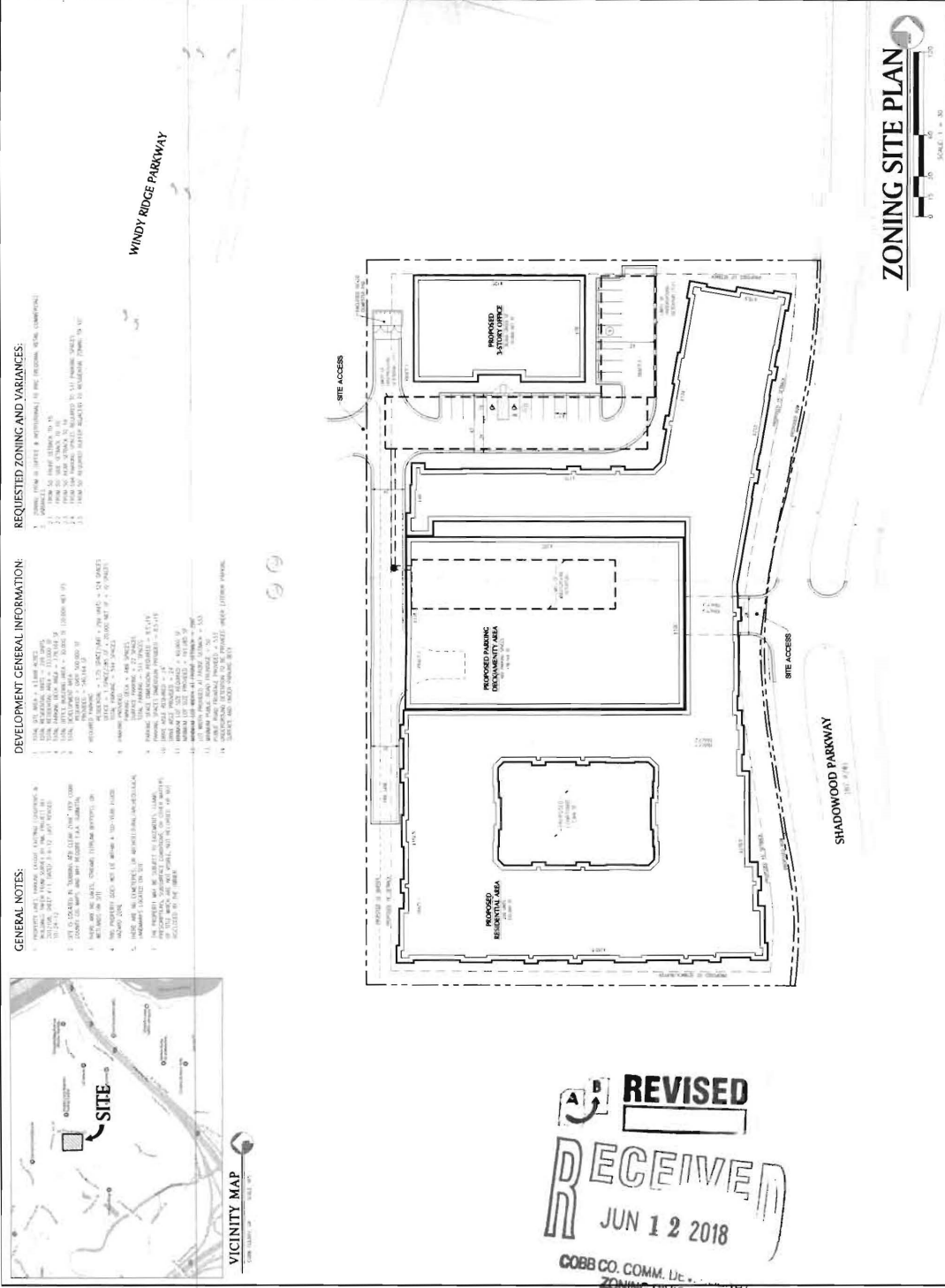
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ZONING SITE PLAN

SHEET

ZP-1

PAULSON MITCHELL INCORPORATED  
LANDSCAPE ARCHITECTS  
4 HAMBURG  
EMERYVILLE, OHIO 44024  
440.439.6700  
www.paulsonmitchell.com



REQUESTED ZONING AND VARIANCES:

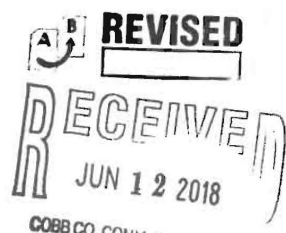
- CHANGE FROM OFFICE B BUILDING TO OFFICE B, RESIDENTIAL MEDIUM DENSITY (RMD)
- CHANGE FROM OFFICE B BUILDING TO OFFICE B, RESIDENTIAL MEDIUM DENSITY (RMD)
- CHANGE FROM OFFICE B BUILDING TO OFFICE B, RESIDENTIAL MEDIUM DENSITY (RMD)
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- CHANGE FROM OFFICE B BUILDING TO OFFICE B, RESIDENTIAL MEDIUM DENSITY (RMD)

DEVELOPMENT GENERAL INFORMATION:

1. TOTAL SITE AREA = 3.898 ACRES
2. TOTAL RESIDENTIAL AREA = 102,000 SQ FT
3. TOTAL OFFICE AREA = 102,000 SQ FT
4. TOTAL PARKING SPACES = 102,000 (5000:1)
5. TOTAL OFFICE BUILDING AREA = 102,000 SQ FT
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GENERAL NOTES:

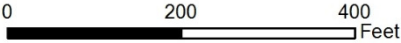
1. PROJECT LAYOUT, GENERAL LAYOUT, ZONING, DISTRICT, TYPE, AREA, AND OTHER INFORMATION IS SHOWN ON THIS PLAN.
2. THE SHOWN LAYOUT IS SUBJECT TO THE CITY OF KENNESAW ZONING ORDINANCES AND ANY VARIANCES THEREFROM.
3. THE SHOWN LAYOUT IS SUBJECT TO THE CITY OF KENNESAW ZONING ORDINANCES AND ANY VARIANCES THEREFROM.
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# Z-42 2018-Aerial Map



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

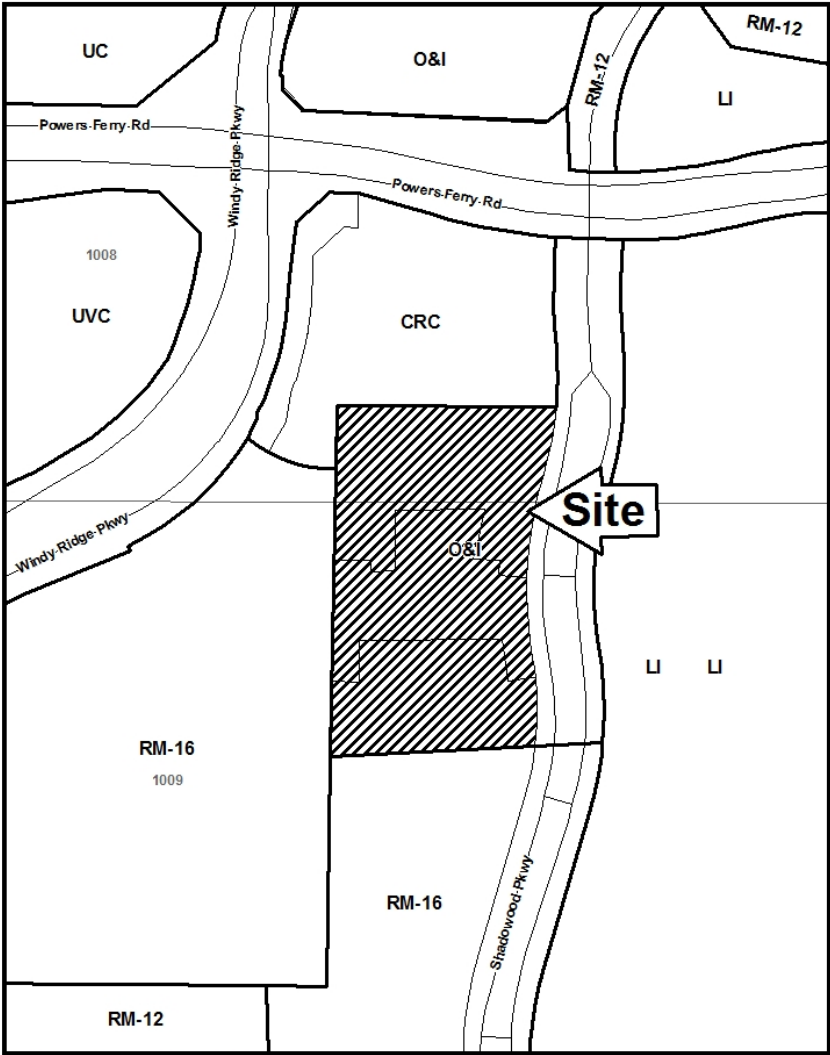


- Land Lot
- City Boundary

North




**Zoning:** CRC (Community Retail Commercial)  
**Future Land Use:** RAC (Regional Activity Center)

**Z-42 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:** CRC  
 (Community Retail Commercial and RM-16 (Multi-family Residential))

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

EAST

**Zoning:** LI  
 (Light Industrial)

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

SOUTH

**Zoning:** RM-16 (Multi-family Residential)  
**Future Land Use:** RAC (Regional 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 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**

The applicant is requesting a rezoning from the existing O&I (Office and Institutional District) to the RRC (Regional Retail Commercial District) in order to create a mixed-use development of 300 residential units comprising 335,423 square feet and a 30,000 square-foot, three story office building. Also proposed is a parking deck which will provide parking for 493 vehicles as well as amenities for the development. Of the proposed residential units, one bedroom units will average 720 square feet in size and two bedroom units will average 1,040 square feet. The proposed buildings are described as being of traditional architecture.

### **Non-residential criteria**

Proposed # of buildings: 3 incl. parking deck  
Proposed # of stories: 3 stories for office; 6 stories for residential.  
Total sq. footage of development: 578,885 sq. ft.  
Floor area ratio: 3.4  
Square footage per acre: 148,427 sq. ft.  
Required parking spaces: 631  
Proposed parking spaces: 515  
Acres in floodplain or wetlands: 0  
Impervious surface shown: 79%

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

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

The applicant's proposal requires the following variances:

1. Waive the front setback from the required 50 feet to 15 feet;
2. Waive the side setback from the required 50 feet to 10 feet;
3. Waive the rear setback from the required 50 feet to 18 feet;
4. Reduce the minimum number of required parking spaces from 631 to 515; and
5. Waive the landscape buffer adjacent to residentially zoned property from the required 50 feet to 10 feet.

## **DEPARTMENT COMMENTS- Fire Department**

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Fire lanes are required on the West and South sides of the residential building. The parking garage will be required to be equipped with a fire sprinkler system due to the lack of fire department access. We do not support the reduction of required parking spaces.

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

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Trib to Chattahoochee River
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage systems.
7. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
8. Structural fill must be placed under the direction of a qualified registered geotechnical engineer (PE).
9. The stormwater management design for this site must account for the routing effect of the existing onsite pond and provide stormwater management for the offsite portion of the original overall development to the north (Shoppes of Powers Ferry).

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## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Regional Activity Center (RAC) future land use category with a High Density Residential (HDR) subcategory. 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 residential development of varying densities. HDR provides for areas that are suitable for low-rise, high-density housing and mixed-use developments. Mid- or high-rise residential/mixed use developments including those in excess of four (4) stories per structure are also appropriate in this category. Because of the unique, urban characteristics of RACs, building height and density shall be reviewed on a case-by-case basis.

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Comprehensive Plan Designation:  Consistent  Inconsistent

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### 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

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Specific Area Policy Guidelines:  Yes  No

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Masterplan/ Corridor Study  Yes  No

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Design guidelines area?  Yes  No

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

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Is the property within an Opportunity Zone?  
*(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)*  Yes  No

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Is the property within an Enterprise Zone?  
*(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)*  Yes  No

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

(Planning comments continued on the next page)

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

*(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)*

**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): 8" in Shadowwood 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: On site

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: Site currently connected to sewer

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
Shadowood Parkway	Local	25	Cobb County	50'

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

### Comments and observations

Shadowood Parkway 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. However, a portion of the existing sidewalk on Shadowood Parkway is not within the County right-of-way. Recommend applicant donate a minimum of 10' from the back of curb so that the sidewalk will be in the County right-of-way.

Traffic study received on April 5, 2018.

### Recommendations

1. 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 west side of Shadowood Parkway, a minimum of 10' from the back of curb.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend applicant submit site details to Cobb DOT for coordination with Cobb County Airport Manager to determine potential need for a FAA study.
4. Recommend sidewalk, curb, and gutter along the Shadowood Parkway frontage.
5. Recommend replacing disturbed curb, gutter, and sidewalk along the Shadowood Parkway frontage.
6. Recommend shifting the entrance on Shadowood Parkway so that it is aligned with the median break.

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;**

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. A mixture of residential, retail, office, and industrial uses lie within the immediate area.

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

The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby property. The area contains a mixture of uses that would be consistent with the applicant's proposal.

**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 not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.

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

The zoning proposal is in conformity with the policies and intent of the comprehensive plan which delineates the property to be within the RAC (Regional Activity Center) future land use category subcategory HDR (High Density Residential). This designation seeks to provide for areas which are suitable for low-rise, high-density housing and mixed-use developments.

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 subject property is located within an area which already contains residential and retail as well as office and industrial uses. The higher density and over 500,000 square feet of development can be supported by the requested RRC district as well as the RAC-HDR future land use designation and the request comports to the Code's desire to utilize the RRC to "provide locations for intense commercial, office or mixed uses."

**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.**



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

**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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