

# Cobb County Community Development Agency Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-80

Public Hearing Dates: PC: 12-04-18 BOC: 12-18-18

#### SITE BACKGROUND

Applicant: Embry Development Company LLC

Phone: (404) 569-9756

Email: mike@embrycompanies.com

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijs.com

Titleholder: E.E. Beavers Family Partnership, L.P.

and Estate of Edgar C. Long

Property Location: Northwest side of Old Bankhead Highway, south side of Veterans Memorial Highway, east of Old Powder Springs

Road

Address: 1140 Old Bankhead Highway

Access to Property: Old Bankhead Highway

**QUICK FACTS** 

Commission District: 4-Cupid

Current Zoning: GC (General Commercial), and PSC

(Planned Shopping Center)

Current use of property: Undeveloped

Proposed zoning: RM-8 (Multi-family Residential)

Proposed use: Townhouses

Future Land Use Designation: CAC (Community

**Activity Center)** 

Site Acreage: 12.035 ac

Districts: 18 and 19

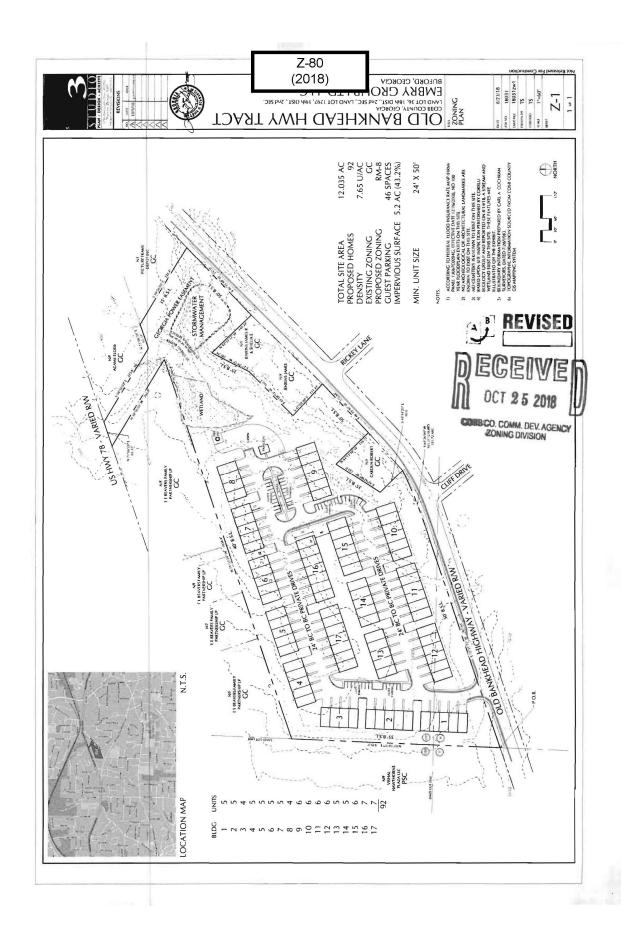
Land Lot: 35, 36, and 1297

Parcel #: 19129700350

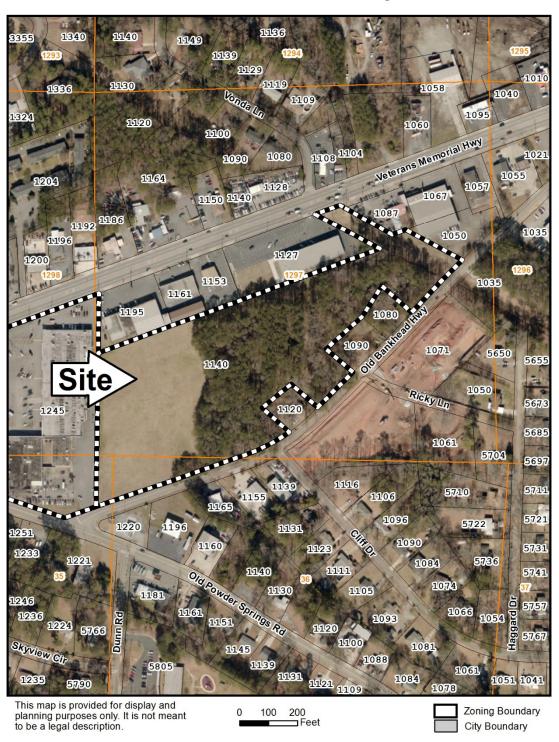
Taxes Paid: Yes

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

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



## Z-80 2018-Aerial Map

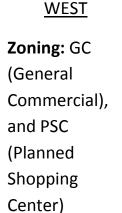


#### North

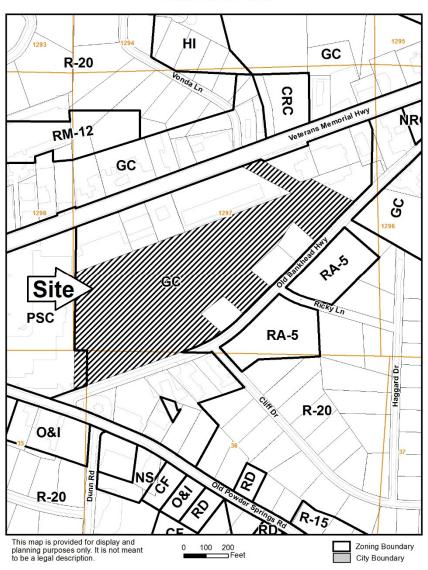
**Zoning**: GC (General Commercial)

Future Land Use: CAC (Community Activity Center)

## Z-80 2018-GIS



Future Land
Use: CAC
(Community
Activity
Center)



## <u>EAST</u>

Zoning: GC (General Commercial), RA-5 (Singlefamily Residential)

Future Land
Use: MTC
(Mableton
Town
Center)/CAC
(Community
Activity Center)

## **SOUTH**

Zoning: R-20, RA-5 (Single-family Residential), and GC

(General Commercial)

Future Land Use: MDR (Medium Density Residential), and

CAC (Community Activity Center)

#### **DEPARTMENT COMMENTS- Zoning Division**

#### **Current zoning district for the property**

The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter.

The PSC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the PSC zoning district should be done as compact, unified centers. Projects developed within the PSC zoning district should occupy a quadrant of an intersection, with ingress and egress only from a major collector street or state highway, within an area delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing, developed PSC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned PSC outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

#### Requested zoning district for the property

The RM-8 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for medium and high density residential and regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RM-8 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

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

#### Summary of the applicant's proposal

The applicant is requesting the RM-8 zoning district for the purpose of developing a 96-unit townhouse community. The townhouses will be traditional in style and will be 1,700 square feet and greater in size. The prices will range from the mid- to high \$200,000s.

#### Residential criteria

Allowable units as zoned: 0 Proposed # of units: 92

Net density: 7.65 units per acre

Increase of units: 92

Acres of floodplain/wetlands: 0 ac Floodplain/0.32 ac Wetland

Impervious surface shown: 43.2%

#### Are there any zoning variances?

No.

### **DEPARTMENT COMMENTS- Fire Department**

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

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).

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)

#### Gates

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway. Double lane gates shall be a minimum of 20 feet in clear width. Gates shall be of the swinging or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

#### **Guest Parking**

Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project.

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

Per Cobb County Development Standards section 409.03.02, any detention facility proposed for the exterior boundary of a project which will abut an existing, residential property, or public right of way exterior to the development being constructed shall provide a 10-foot landscape buffer. The landscape buffer may not coincide with any underground or overhead public or private easement or line of sight easement. Pond access easements may not coincide with the buffer except that the buffer may be interrupted for an access easement perpendicular to the buffer. Stabilizing components of the detention pond may not encroach into the buffer. The required perimeter fencing must be located behind the landscape buffer.

### **DEPARTMENT COMMENTS- Cemetery Preservation**

The is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

## **DEPARTMENT COMMENTS- School System**

### 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.

School	Student Capacity	Student Enrollment	Capacity Status
Mableton ES	962	1023	61 over capacity
Garrett MS	975	857	118 under capacity
Pebblebrook HS	1862	2570	708 over capacity

#### **DEPARTMENT COMMENTS- Stormwater Management**

- 1. Flood hazard: No
- 2. Flood hazard zone: Zone X
- 3. Drainage Basin: Buttermilk Creek
- 4. Wetlands: Yes Location: identified on site plan
- 5. The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers. No disturbance is proposed.
- 6. Streambank buffer zone: Yes
- 7. County Buffer Ordinance: 50' each side of creek channel.
- 8. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
- 9. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- 10. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
- 11. This project is proposed to be a private development. All stormwater infrastructure will be privately maintained.

#### **DEPARTMENT COMMENTS- Planning Division REVISED 10-30-18**

<b>Cobb 2040 Comprehensive Plan:</b> The parcel is within the Community Activity Center (CAC) future land use category. The purpose of the CAC category is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.								
Comprehensive Plan Designation:	Consistent		Inconsister	nt				
House Bill 489 Intergovernmental Agreement Zon Is the proposal within one-half mile of a city boun	_	otificat Yes	tion No					
Was the city notified?		Yes	☐ No	⊠ N/A				
Specific Area Policy Guidelines: The parcels along Veterans Memorial Highway, earedevelopment. Allowing mixed-use developmen	est of the City of Australian this area will a	ssist in	creating liv	e-work				

The parcels along Veterans Memorial Highway, east of the City of Austell, are in need of redevelopment. Allowing mixed-use developments in this area will assist in creating live-work areas as well as reduce traffic congestion and improve traffic flow. If mixed uses are to occur along the corridor, the mixing should occur vertically by encouraging village-style developments with residential over retail/office along major streets. On the minor streets within the development, stand-alone residential would be appropriate as long as there is a vertical mixed-use component included in the project. All areas of the new mixed-use development should be pedestrian friendly. Some of the basic characteristics of these developments should include:

- Well-designed buildings that create a frame for the street system by being constructed close to the sidewalk.
- On-street parking should be allowed where there is sufficient right-of-way and where it is appropriate for the particular roadway classification.
- Pedestrian-oriented amenities should be included within the site development to create an
  inviting atmosphere and encourage the use of public spaces as community gathering
  spaces. Pedestrian-oriented amenities include decorative paving, human scale street
  lighting, plazas, benches, landscaping, etc.
- Residential densities within the development should be determined on a case-by-case basis depending on the location of the project, intensity of the project and proximity to other stable residential uses
- In order to make mixed-use developments along this corridor successful, scale is an
  important component. Mixed-use buildings should be no more than three stories tall. The
  three-story limit will provide the necessary density to financially allow a mixed-use
  development and it will also provide the consistency of scale with the surrounding
  residential neighborhoods.
- Residential uses in the mixed-use developments should provide for additional owneroccupied housing opportunities.

(Planning comments continued on the next page)

## **DEPARTMENT COMMENTS- Planning Division**

•	Mixed-use developments adjacent to single-family residential neighborhoods should provide a change in scale or buffering/screening that will ensure the desirability and viability of the surrounding community.						
dis For the	e Specific Planning Comment: This site is immediately a trict segment of the Mableton Town Center, which is sult as Based Code. However, while this property is not subject periphery, warrants consideration of development that we from the potential implementation of the form based	bject to provisions ject to the smart of t would provide a	of the Ma ode, its be	bleton ing at			
Ma	sterplan/ Corridor Study	Yes	⊠ No				
If y Do Thi (to	sign guidelines area? es, design guidelines area: Veterans Memorial Highway es the proposal plan comply with the design requiremer s site is in the VMH Design Guidelines area. There are at wnhomes) in the site and they are not directly adjacent erefore, they do not need to comply with the guidelines'	nts?	No No lly homes orial Highw	=			
(The	he property within an Opportunity Zone?  e Opportunity Zone is an incentive that provides \$3,500  credit per job in eligible areas if two or more jobs are  ng created. This incentive is for new or existing businesses)	Yes	⊠ No				
(The tax bus	the property within an Enterprise Zone?  The South Cobb Enterprise Zone is an incentive that provides abatements and other economic incentives for qualifying inesses locating or expanding within designated areas for y jobs and capital investment)	∑ Yes	No				
Pro (The and pro curi are mod	the property eligible for the Façade Improvement ogram?  The Façade Improvement Program is an incentive for owners of tenants to enhance the appearance of buildings. The CDBG ogram provides the funding. Properties must be either on the orent inventory of redevelopment sites or in a corridor study of a, and be in a census tract with at least 51% low and offerate income. The program serves to improve the economic obility of these areas.)	Yes	⊠ No				

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (Continued)						
Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?  (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)	⊠ Yes	□No				
Note: For more information on incentives, please call the Community	-					
Development Division at 770-528-2018 or find information online at Special District	www.cobbco	ounty.org/econdev.				
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.

<b>DEPARTMENT COMMENTS- Water and</b>	Sewer	D 10-25-18	
Water comments:			
Available at development:	XES	☐ NO	
Fire flow test required:	XES	☐ NO	
Size and location of existing water main(s): 6" i	n Old Bankh	ead Hwy	
Additional water comments: Also 8" in Veterans	s Memorial	Hwy	
Note: These comments only reflect what facilities were in exist install/upgrade water mains based on fire flow test results or Fi process.			
Sewer comments:			
In the drainage basin:	XES	☐ NO	
At development:	XES	☐ NO	
Approximate distance to nearest sewer: ROW of	of Old Bankl	nead Hwy	
Estimated waste generation (in G.P.D.): Avera	ge daily flov	v = 14,720	
Peak f	flow = 36,80	0	
Treatment plant: South Cobb WRF			
Plant capacity:		☐ NO	
Line capacity:	XES YES	☐ NO	
Projected plant availability:	<b>◯</b> 0-5 yea	ars 5-10 y	years over 10 years
Dry sewers required:	YES	$oxed{oxed}$ NO	
Off-site easement required:	YES*	⊠ NO	*If off-site easements are required, the
Flow test required:	YES	⊠ NO	developer/owner must submit easements to the CCWS for review and approval as to form
Letter of allocation issued:	YES	$oxed{oxed}$ NO	and stipulations prior to the execution of easements by the property owners. All
Septic tank recommended by this department:	YES	⊠ NO	easement acquisitions are the responsibility of the developer/owner.
Subject to Health Department approval:	YES	⊠ NO	
Additional sewer comments: Sewer also in RO	W of Vetera	ns Memoria	l Hwy

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**

#### **REVISED 10-25-18**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Old Bankhead Highway	Local	25	Cobb County	50'
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'

Roadway	Location	Average daily trips	Level of service
Old Bankhead Highway	N/A	N/A	N/A
Veterans Memorial Highway	West of Old Bankhead Highway	25,300	D

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Veterans Memorial Highway.

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**

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

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

#### 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 along the deceleration lane, 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 sidewalk, curb, and gutter along the frontage of Old Bankhead Highway.
- 4. Recommend a traffic study. The traffic study should include existing and base year (full build out year) Build and No Build analysis. Study assumptions (such as study intersections, trip distribution and annual growth rate) should be agreed to by Cobb DOT before completing the study.

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 use and development of adjacent and nearby property. Staff believes the applicant's proposal for a townhouse development is not consistent with uses in this area.

# 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 proposed development will have an adverse effect on the existing use or usability of adjacent properties. The proposed development will impose landscape buffers on future development of the abutting commercial properties. Nearby residential developments beyond abutting and adjacent commercial properties include: Beverly Forest Phase-2 (zoned R-20 at approximately 1.029 units per acre), Hallwood Subdivision (zoned R-20 at approximately 1.704 units per acre), and Crabapple Village (zoned RA-5 at 3.64 units per acre). The applicant's proposed density is 7.65 units per acre.

## 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 result in a use which will or could cause an excessive burdensome use of existing streets, or transportation facilities. The Cobb County School District has concerns that the proposed development will have an impact on enrollment on schools already over capacity.

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

The proposal is not in conformity with the *Cobb County Comprehensive Plan*, which delineates this property as being within the Community Activity Center (CAC) future land use category. The requested RM-8 is meant for properties delineated for Medium Density Residential (MDR), High Density Residential (HDR), and Regional Activity Center (RAC). In addition, the Planning Division has indicated this property is subject to a Specific Area Policy Guideline area that recommends mixed-use development.

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 supporting grounds for disapproval of the zoning proposal. The requested RM-8 zoning district is neither supported by the CAC future land use designation, nor the Specific Area Policy Guidelines of 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.

## Application No. 2-80 (2018)

Hearing Dates:

PC: BOC: 12/04/2018 12/18/2018

# **Summary of Intent for Rezoning**

ert 1.	Resider	ntial Rezoning Information (attach a	dditional information if needed)	
	a)		1,700 square feet, and greater	DECEMME
	<b>b</b> )	Proposed building architecture:	Traditional	N - WEUVE
				SEP 6 2018
	c)	List all requested variances:	None known at this time.	COBB CO. COMM DEV AGENC
				ZONING DIVISION
••••	• • • • • • • • • • • • • • • • • • • •			••••
art 2.	Non-res		ch additional information if needed)	
	a)	Proposed use(s):	Not Applicable.	
	<b>b</b> )	Proposed building architecture:		
	0)	Troposed bunding architecture.	Not Applicable.	
	<u>c)</u>	Proposed hours/days of operation:	Not Applicable.	
			TTOCT TOPHICABIC.	
	<b>d</b> )	List all requested variances:	Not Applicable.	
Part	3. Othe	er Pertinent Information (List or atta	ch additional information if needed)	•••••
	•	_		
	-			
	In ann	of the angular included on the ang	nood site when summed by the Tarel Ct	At an Endowal Communicati
204	. is any		posed site plan owned by the Local, Sta	
Part 4		list all Right-of-Ways Cavaraman	t award late. County award named an	dor romports ata and att
Part 4	(Please	e list all Right-of-Ways, Government early showing where these properties		

<sup>\*</sup>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.



## **A&R Engineering Inc.**

2160 Kingston Court, Suite O Marietta, GA 30067 Tel: (770) 690-9255 Fax: (770) 690-9210 www.areng.com

### Memorandum

To:

Embry Group LTD, LLC

From:

Abdul K. Amer, PE, PTOE

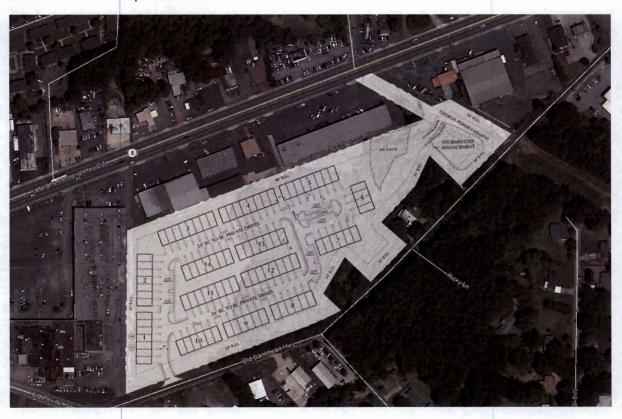
Date:

September 5, 2018

Subject:

Trip Generation Memo for 1140 Old Bankhead Highway Residential Development

The purpose of this memorandum is to determine the trip generation that will result from the proposed residential development at 1140 Old Bankhead Highway in Mableton, Georgia. The development will consist of 96 townhome units and proposes one full-access driveway on Old Bankhead Highway. The location of the development is shown below.



#### **METHODOLOGY**

Trip generation estimates for the project were based on the rates and equations published in the 10<sup>th</sup> edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE Land Uses: 221 – Multifamily Housing (Mid-Rise). The trip generation for the development is shown in Table 1.



Trip Generation Memo – Old Bankhead Highway Residential Development
Page 2 of 2

	TABLE 1 - TE	RIP GEN	ERATI	ON				
	Cina	AM Peak Hour		PM Peak Hour			24-Hour	
Land Use	Size	Enter	Exit	Total	Enter	Exit	Total	Two-way
Multifamily Housing (Mid-Rise)	96 units	9	24	33	26	17	43	521

As a point of reference, average daily traffic volumes were obtained from the Georgia DOT as well as the Cobb County DOT. The GDOT counts revealed a 2016 ADT of 25,300 vehicles per day on Veterans Memorial Highway, west of Old Bankhead Highway (Station ID 0672292). The Cobb County DOT counts revealed a 2008 ADT of 24,900 vehicles per day on Veterans Memorial Highway, west of Vonda Lane, and a 2016 ADT of 3,700 vehicles per day on Old Powder Springs Road, west of Brenda Drive.



## **Planning Commission Decision**

NO. OPPOSED:	APPROVED	DENIED	DELETED TO
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:
Names of those Op	posed:	Comments:	
	Stipulation letter fro	m	dated
			dated dated
	Board of Commis	sioners Decision	
NO. OPPOSED:	APPROVED	DENIED	DELETED TO
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:
Names of those Op	posed:	Comments:	
	Stipulation letter fro	 m	dated
	Stipulation letter from	m	dated
	Stipulation letter fro	m	dated