

## Rezoning Plat

# 2080 Villa Rica Road

Cobb County, Georgia

Land Lot 428, 19th District, 2nd Section

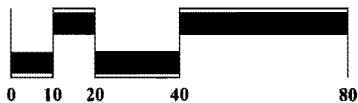
prepared for:

Mr. Michael Dillon

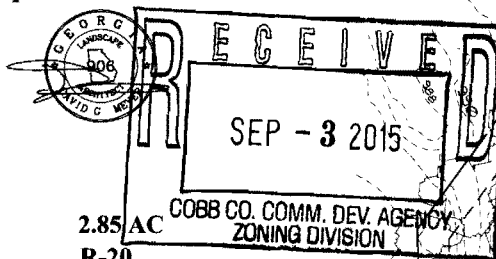
**DGM**  
LAND PLANNING  
CONSULTANTS



975 Cobb Place  
Blvd. Suite 212  
KENNESAW  
GA 30144  
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FAX 514-9491



September 1, 2015



## Site Data

Total Site Area: 2.85 AC  
Existing Zoning: R-20  
Proposed Zoning: LRO  
Existing Structure: 1,920 SF  
(residence to be converted to office)

### Proposed Building Setbacks:

front: 35'  
side: 15'  
rear: 35'

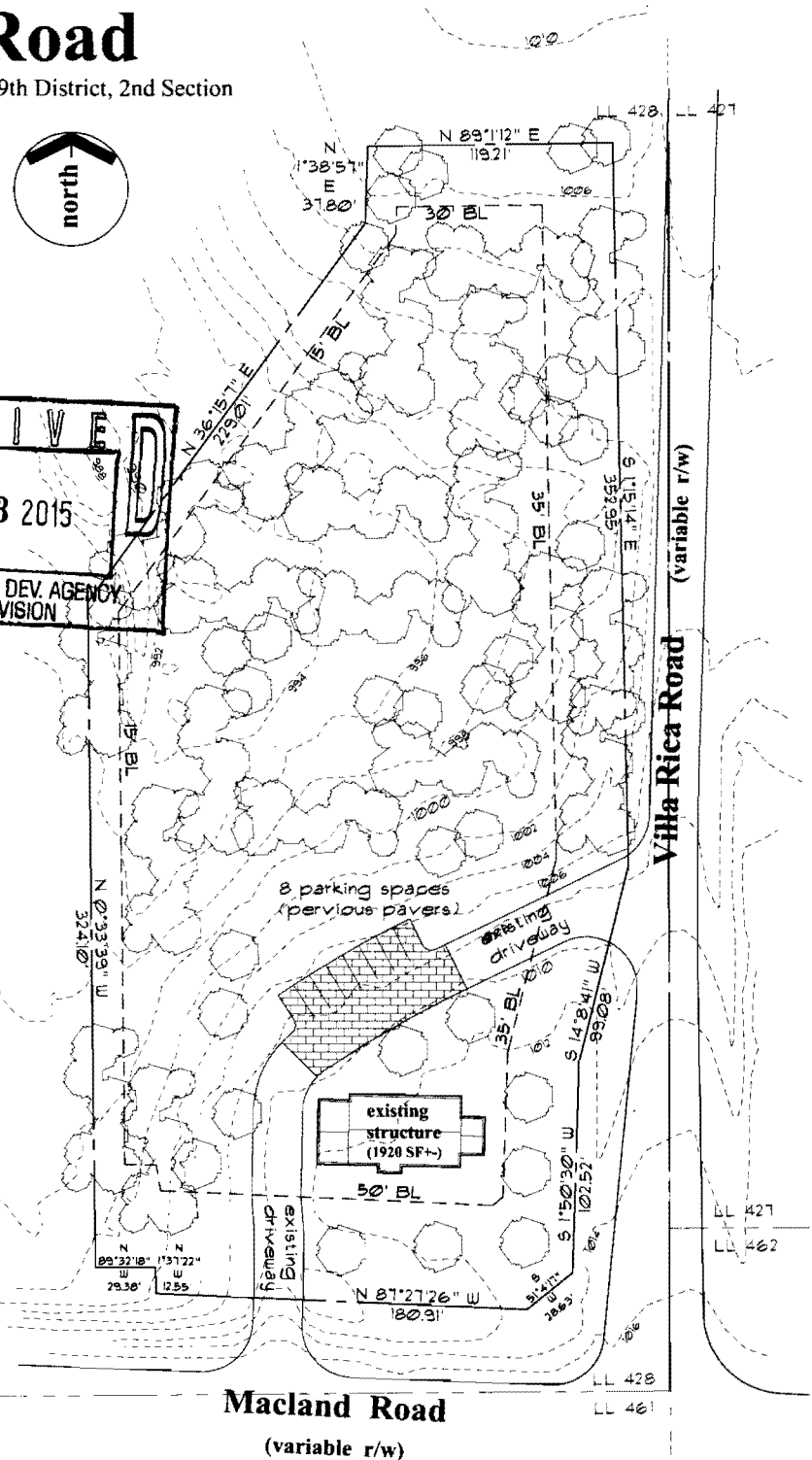
### Parking Requirements:

Insurance office (1,920 SF+-)

1 space/250 SF = 7.7 spaces required  
8 spaces provided

### Notes:

1. Boundary and topography from Cobb County GIS.
2. According to Flood Insurance Rate Map (FIRM) 1306-C00934, no portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. No streams or wetlands are known to exist on site.
5. No archeological or architectural landmarks are known to exist on site.
6. No utility easements are known to exist on site.



**APPLICANT:** Mike Dillon  
**PHONE#:** (770) 846-1046 **EMAIL:** mdillon@dilloninsllc.com  
**REPRESENTATIVE:** Garvis L. Sams, Jr.  
**PHONE#:** (770) 422-7016 **EMAIL:** gsams@slhb-law.com  
**TITLEHOLDER:** Estate of Carmen T. Cobb

**PROPERTY LOCATION:** Northwest intersection of Macland Road and  
Villa Rica Road  
(2080 Villa Rica Road)

**ACCESS TO PROPERTY:** Villa Rica Road

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family house

#### **CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-80/Single-family house  
**SOUTH:** R-20/Church Property  
**EAST:** R-80/Undeveloped  
**WEST:** R-80/Single-family house

**PETITION NO:** Z-94  
**HEARING DATE (PC):** 11-03-15  
**HEARING DATE (BOC):** 11-17-15  
**PRESENT ZONING:** R-80  
**PROPOSED ZONING:** LRO  
**PROPOSED USE:** Professional Office  
**SIZE OF TRACT:** 2.85 acres  
**DISTRICT:** 19  
**LAND LOT(S):** 428  
**PARCEL(S):** 2  
**TAXES: PAID** X **DUE** \_\_\_\_\_  
**COMMISSION DISTRICT:** 1

#### *Adjacent Future Land Use:*

North: Rural Residential (RR)  
East: Very Low Density Residential (VLDR) - Across Villa Rica Road  
South: Public Institutional (PI) - Across Macland Road  
West: Rural Residential (RR)

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

#### **PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

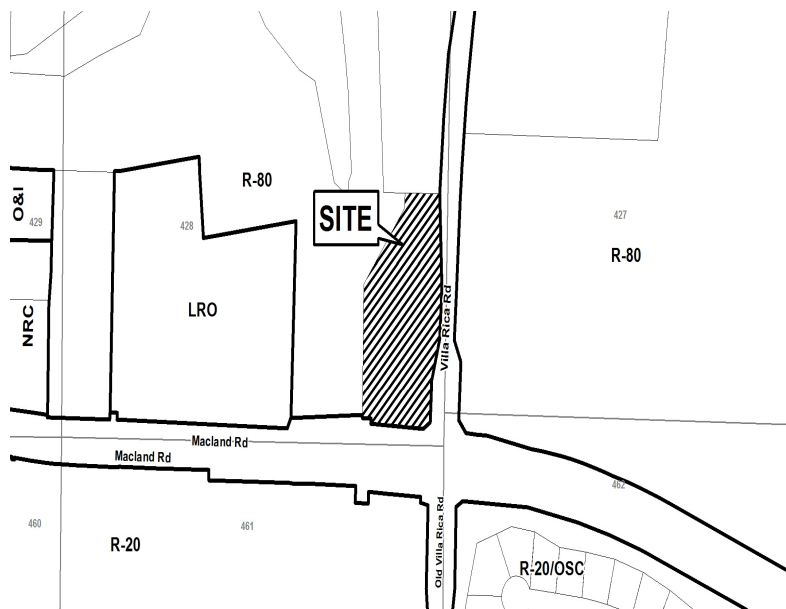
#### **BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

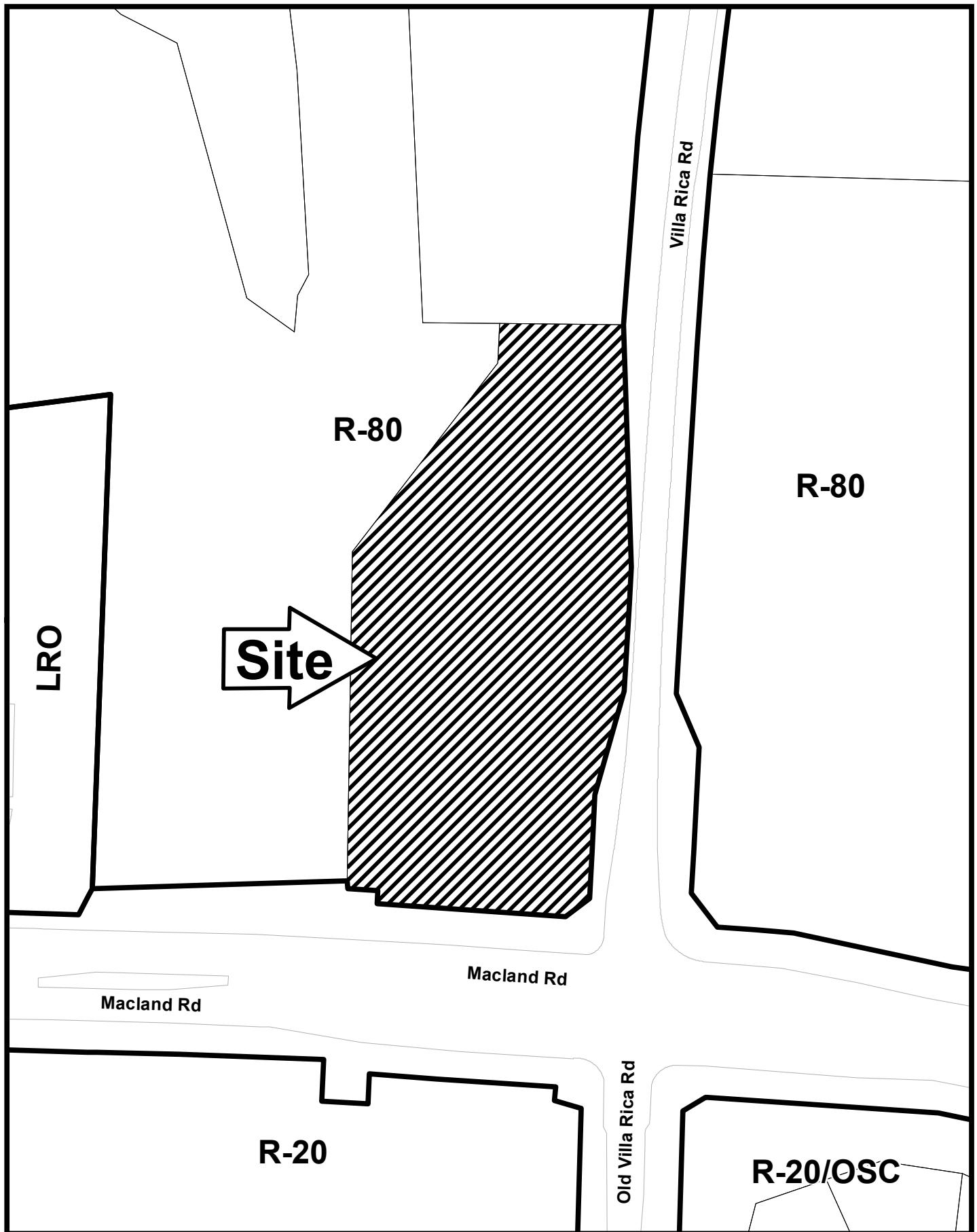
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

#### **STIPULATIONS:**



# Z-94



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

**APPLICANT:** Mike Dillon

**PETITION NO.:** Z-94

**PRESENT ZONING:** R-80

**PETITION FOR:** LRO

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Very Low Density Residential (0-2 units per acre)

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 1,920

**F.A.R.:** 0.015 **Square Footage/Acre:** 673

**Parking Spaces Required:** 6 **Parking Spaces Provided:** 8

Applicant is requesting the Low Rise Office (LRO) zoning district for an insurance office. The existing house will be converted to an office with some interior rehabbing and retrofitting. The proposed hours of operation will be 8 a.m. until 6 p.m. Monday through Friday and 8 a.m. until 12 p.m. on Saturday, and closed on Sunday.

**Cemetery Preservation:**

There 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.

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**FIRE COMMENTS:**

No comment. After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Mike Dillon

PETITION NO.: Z-94

PRESENT ZONING: R-80

PETITION FOR: LRO

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-80 to LRO for purpose of a professional office. The 2.85 acre site is located at the northwest corner of the intersection of Macland Road and Villa Rica Road. Separated by one lot to the west, is a lot that is zoned LRO.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?

☐ Yes

☒ No

If yes, has the city of \_\_\_\_\_ been notified?

☐ Yes

☒ No / N/A

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-80 zoning designation. The purpose of the Very Low Density Residential (VLDR) category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) dwelling units per acre. Low-Rise Office (LRO) is not a zoning district that is listed among the appropriate conversions for VLDR.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area.

Adjacent Future Land Use:

North: Rural Residential (RR)

East: Very Low Density Residential (VLDR) - Across Villa Rica Road

South: Public Institutional (PI) – Across Macland Road

West: Rural Residential (RR)

Master Plan/Corridor Study

The property is located within the boundary of the Macland Road Corridor Study

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. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines?

☒ Yes

☐ No

If yes, design guidelines area Macland Road Design Guidelines

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings

☐ Yes

☒ No

☐ Not applicable

- Streetscape elements

☐ Yes

☒ No

☐ Not applicable

- Building Frontage

☐ Yes

☒ No

☐ Not applicable

APPLICANT: Mike Dillon

PETITION NO.: Z-94

PRESENT ZONING: R-80

PETITION FOR: LRO

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**PLANNING COMMENTS:** **Continued**

- Parking Standard  
☐ Yes      ☒ No      ☐ Not applicable
- Architecture standard  
☐ Yes      ☒ No      ☐ Not applicable

Incentive Zones

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 available 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 investments.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

Special Districts

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

APPLICANT Mike Dillon

PETITION NO. Z-094

PRESENT ZONING R-80

PETITION FOR LRO

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**WATER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: ☒ Yes ☐ No

Fire Flow Test Required: ☐ Yes ☒ No

Size / Location of Existing Water Main(s): 8" DI / W side of Villa Rica Road

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

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**SEWER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: ☒ Yes ☐ No

At Development: ☐ Yes ☒ No

Approximate Distance to Nearest Sewer: >4,200' NE with easements

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: South Cobb

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw Sewers Required: ☐ Yes ☒ No

Off-site Easements Required: ☒ Yes\* ☐ No \*If off-site easements are required, Developer must submit easements to CCWS for review/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

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

Additional Health Dept approval recommended for continued use of existing septic system. Less than 1  
Comments: ERU per 80,000 ft2

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

APPLICANT: Mike Dillon

PETITION NO.: Z-94

PRESENT ZONING: R-80

PETITION FOR: LRO

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Luther Ward Branch FLOOD HAZARD INFO: Zone X

- ☐ FEMA Designated 100 year Floodplain Flood.
- ☐ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- ☐ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- ☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- ☐ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

- ☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- ☐ Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- ☒ Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- ☐ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- ☐ County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITIONS

- ☐ Potential or Known drainage problems exist for developments downstream from this site.
- ☐ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- ☐ Minimize runoff into public roads.
- ☐ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- ☐ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- ☒ Existing Lake Downstream Dobbs Lake.  
Additional BMP's for erosion sediment controls will be required.
- ☐ Lake Study needed to document sediment levels.
- ☐ Stormwater discharges through an established residential neighborhood downstream.
- ☐ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on \_\_\_\_\_.

APPLICANT: Mike Dillon

PETITION NO.: Z-94

PRESENT ZONING: R-80

PETITION FOR: LRO

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<b>STORMWATER MANAGEMENT COMMENTS – Continued</b>
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SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☐ Submit all proposed site improvements to Plan Review.
- ☐ Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- ☐ Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- ☐ Existing facility.
- ☐ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☐ Calculate and provide % impervious of project site.
- ☐ Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown \_\_\_\_\_
- ☐ Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The minimal site disturbance for the installation of the proposed parking spaces will not require any additional stormwater management measures other than the use of pervious pavers.

**APPLICANT: Mike Dillon**

**PETITION NO.: Z-94**

**PRESENT ZONING: R-80**

**PETITION FOR: LRO**

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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Macland Road	27,800	Arterial	55 mph	Georgia DOT	100'
Villa Rica Road	7,700	Major Collector	45 mph	Cobb County	80'

*Based on 2013 traffic counting data taken by Cobb County DOT for Macland Road  
Based on 2010 traffic counting data taken by Cobb County DOT for Villa Rica Road*

**COMMENTS AND OBSERVATIONS**

Macland Road is classified as an arterial, state route, and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Villa Rica Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

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

Recommend applicant consider entering into a development agreement pursuant of 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 Villa Rica Road, a minimum of 40' from the roadway centerline.

GDOT permits will be required for all work that encroaches upon State right-of-way.

Recommend 8' wide sidewalk along Macland Road frontage per Macland Road Design Guidelines.

Recommend curb, gutter, and sidewalk along the Villa Rica Road frontage.

Upon redevelopment, recommend Villa Rica Road access include deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

Recommend upgrading the driveways on Macland Road and Villa Rica Road to accommodate commercial traffic.

Recommend applicant verify that minimum intersection sight distance of 500 feet is available for Villa Rica Road access and if it is not, implement remedial measures, subject to the Department's approval.

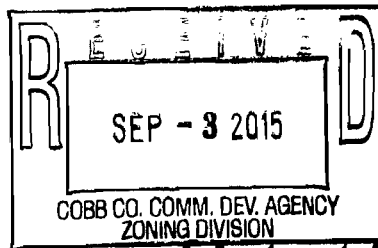
## **STAFF RECOMMENDATIONS**

### **Z-94 MIKE DILLON**

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Abutting properties to the north and east and on the north side of Macland Road are zoned and developed as larger, single-family tracts. The properties to the east and south are zoned R-80 and R-20.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. All adjoining properties are zoned and/or developed for permitted uses in residential zoning districts.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis. Approval of the proposal would encourage other requests for commercial zoning in the areas that are outside the Future Land Use Map.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as Very Low Density Residential (VLDR) for single-family residential uses having a density range of 0-2 units per acre. The LRO zoning district is not compatible with the VLDR land use designation.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. The proposed LRO zoning district is not compatible with the VLDR land use designation. The subject-property abuts R-80 zoned properties to the north and west that are developed as large tracts for single-family residential use.

Based on the above analysis, Staff recommends DENIAL

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



Application No. z-94  
PC Hearing: Nov. 3, 2015  
BOC Hearing: Nov. 17, 2015

## Summary of Intent for Rezoning \*

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

- a) Proposed unit square-footage(s): N/A
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

- a) Proposed use(s): Professional Office.
- b) Proposed building architecture: As-built architecture with some interior rehabbing and retrofitting.
- c) Proposed hours/days of operation: 8:00 a.m. - 6 p.m., Monday - Friday and 8:00 a.m. - Noon on Saturday, closed on Sunday.
- d) List all requested variances: None, unless shown on site plan.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

The subject property is situated at a signalized intersection across Villa Rica Road from the approved West Cobb Sports Complex. Also, the property is one parcel east of Mayes-Ward Dobbins Funeral Home which is also zoned LRO.

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

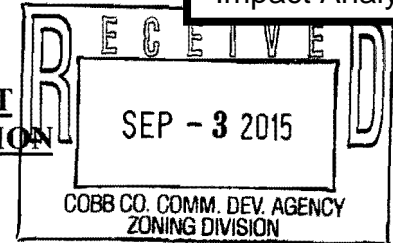
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time.

\_\_\_\_\_

\_\_\_\_\_

\*Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

**ZONING IMPACT STATEMENT**  
**FOR THE REZONING APPLICATION**  
**OF MIKE DILLON**



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


- A. The zoning proposal will permit a use of the property which is suitable in the context of uses, proposed development and existing zonings along this section of the Macland Road and Villa Rica Road Corridors. The subject property is located at the signalized intersection of Macland Road (4-lane State Route - Arterial) and Villa Rica Road (Cobb County - Major Collector). Additionally, the subject property is zoned R-80; however, the preponderance of properties along this section of Macland Road are utilized for non-residential purposes such as the adjacent 45 acres across Villa Rica Road to be developed as the West Cobb Sports Complex, the West Cobb Aquatic Center, the Mayes Ward-Dobbins Funeral Home which is zoned LRO, and various large-membership churches with associated preschool, day care uses and cemeteries.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties in that this low-intensity professional office use is proposed to be conducted within the existing residential structure.

- 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 existing R-80 zoning classification is a significant economic detriment to the owner of the subject property.
- 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.
- E. The zoning proposal is not consistent with the uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map, with the subject property being located within an area denominated as Very Low Density Residential Area ("LVDR") under and pursuant to Cobb County's Future Land Use Map and Comprehensive Land Use Plan. However, the proposed rezoning and use will provide the appropriate stepdown and transition from the intensive use by West Cobb Sports Complex with its extensive pavement, traffic and lighted fields, and will maintain residential appearance at the intersection of Villa Rica and Macland Roads.

F. There is no substantial relationship between the existing zoning classification of R-80 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 Macland Road, there are no established land use planning principles or political considerations which work against the zoning proposal.

Respectfully submitted, this the 3 day of Sept, 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

By:   
GARVIS L. SAMS, JR.  
Attorney for Applicant  
Ga. Bar No. 623950