



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-9

Public Hearing Dates:

PC: 03-06-18

BOC: 03-20-18

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**SITE BACKGROUND**

Applicant: Green Park PCH, Incorporated

Phone: Not Provided

Email: us@greenparkpch.com

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: Edward Infanzon and Julie Infanzon

Property Location: Northwest side of Sandy  
Plains Road, north of Ebenezer Road

Address: 2941 Sandy Plains Road

Access to Property: Sandy Plains Road

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**QUICK FACTS**

Commission District: 3-Birrell

Current Zoning: LRO (Low Rise Office)

Current use of property: Personal Care Home

Proposed Zoning: O&I (Office and Institutional)

Proposed use: Residential Senior Living (Supportive)

Future Land Use Designation: NAC (Neighborhood  
Activity Center)

Site Acreage: 0.70 ac

District: 16

Land Lot: 525

Parcel #: 17069100120

Taxes Paid: Yes

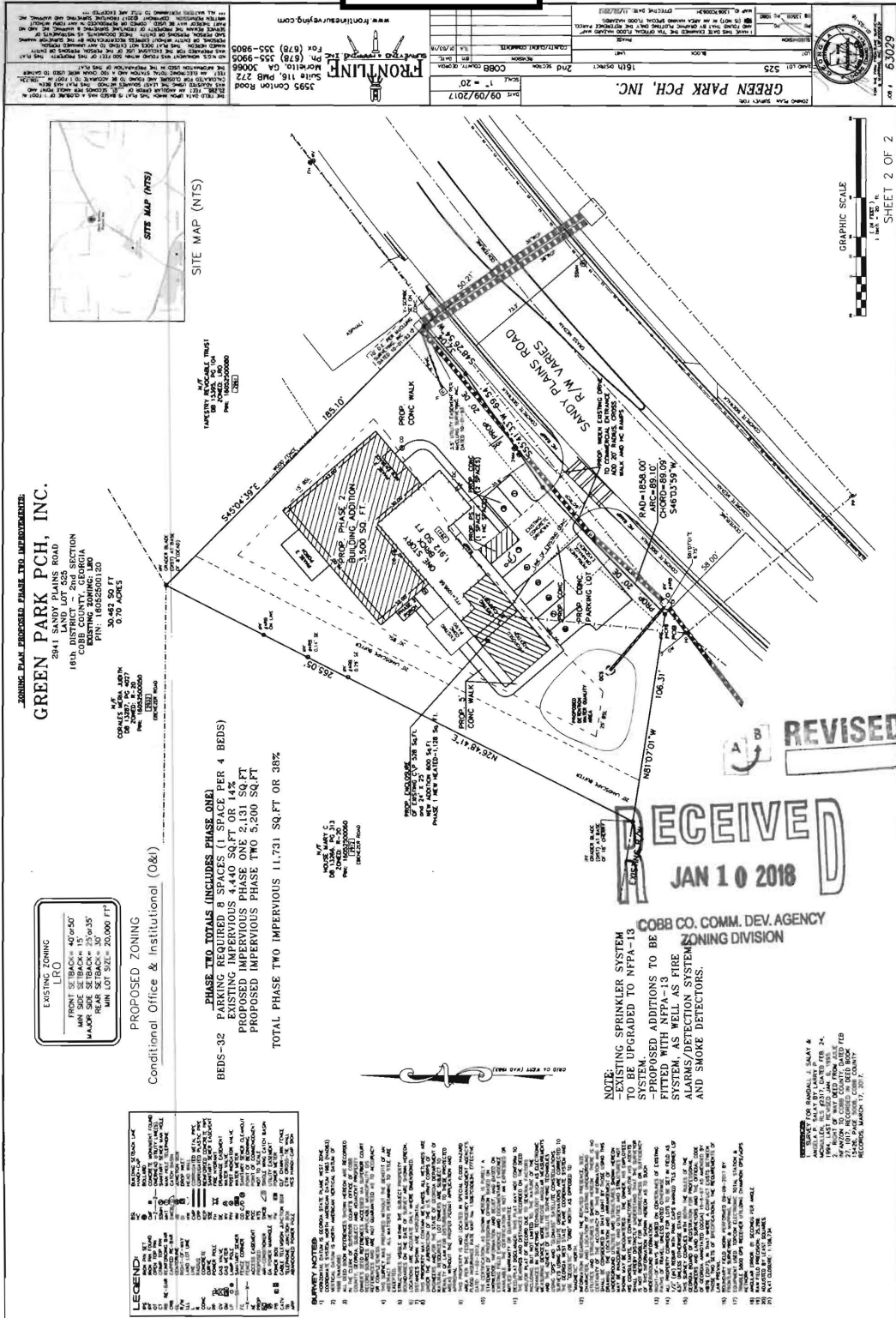
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**FINAL ZONING STAFF RECOMMENDATION:**

(Zoning staff member: Donald Wells)

Based on the included analysis, staff recommends **DENIAL**.

Z-9  
(2018)



SHEET 2 OF 2

GRAPHIC SCALE  
1" = 100'

**ZONING PLAN PROPOSED PHASE TWO IMPROVEMENTS:**  
**GREEN PARK PCH, INC.**  
 2844 SANDY PLAINS ROAD  
 16TH DISTRICT - 2ND SECTION  
 COBB COUNTY, GEORGIA  
 PIN: 18652500120  
 30,482.50 SQ. FT.  
 0.70 ACRES



**FRONTLINE**  
 3595 Condon Road  
 Suite 116, PMB 272  
 Marietta, GA 30066  
 Tel: (770) 355-9905  
 Fax: (770) 355-9905  
 www.frontlineplanning.com

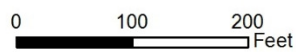
**GREEN PARK PCH, INC.**  
 16TH DISTRICT  
 525  
 09/09/2017  
 1" = 20'



# Z-9 2018-Aerial Map



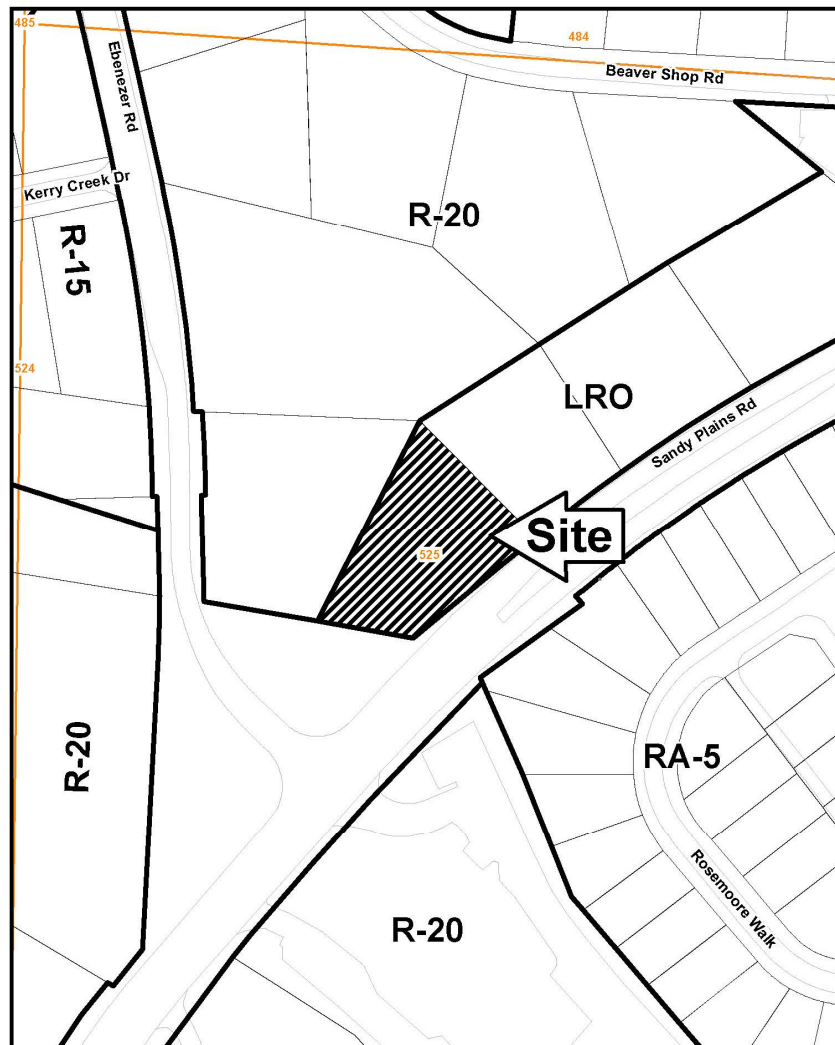
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Land Lot
- City Boundary

**North**  
**Zoning:** R-20 (Single-family Residential)  
**Future Land Use:** MDR (Medium Density Residential)

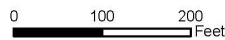
**Z-9 2018-GIS**



**WEST**  
**Zoning:** R-20 (Single-family Residential)  
**Future Land Use:** NAC (Neighborhood Activity Center)

**EAST**  
**Zoning:** LRO (Low Rise Office)  
**Future Land Use:** NAC (Neighborhood Activity Center)

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



City Boundary  
Zoning Boundary

**SOUTH**  
**Zoning:** R-20 (Church) and RA-5 (Single-family Residential)  
**Future Land Use:** PI (Public Institutional) and MDR (Medium Density Residential)

## **DEPARTMENT COMMENTS- Zoning Division**

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

The LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings.

### **Requested 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.

### **Summary of the applicant's proposal**

The applicant is requesting the O&I zoning district to renovate and expand the existing building. The property was rezoned to LRO in 1995 (Z-44 of 1995) with a stipulation that limited the use to a professional office and photography studio. An Other Business Item was approved in April of 2003 that permitted a group home only, the property has been used as a group home since. The applicant intends to use the newly renovated building for supported residential living facility. There will be total of 32 beds that will be monitored by 5 Certified Nursing Assistants. The architectural style will be residential and will not exceed one story in height.

### **Non-residential criteria**

Proposed # of buildings: 1

Proposed # of stories: 1

Total sq. footage of development: 11731

Floor area ratio: .39

Square footage per acre: 16,759

Required parking spaces: 8

Proposed parking spaces: 8

Acres in floodplain or wetlands: 0; Impervious surface shown: 38%

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

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

1. Waive the front setback from the required 50 feet to 35.6 feet.

## **DEPARTMENT COMMENTS- Fire Department**

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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).

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

SOLUTION: Extend private road interior to the site across the entire street-side of the building or add a full NFPA 13 Fire Sprinkler System throughout the structure.

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

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The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.). Contact Site Plan Review, 770-528-2147.

## **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.

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**DEPARTMENT COM**  
**MENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Sewell Mill Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the capacity of the existing downstream storm drainage system.
7. The proposed stormwater management facility will be tied directly to the adjacent existing stormwater infrastructure.



## DEPARTMENT COMMENTS- Planning Division

**Cobb 2040 Comprehensive Plan:** The parcel is within a 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

Specific Area Policy Guidelines: "In order to better implement and promote the nodal concept of development, the Board of Commissioners has slightly expanded the NAC at Sandy Plains Road and Ebenezer Road. Because this expansion was done to provide for improved node boundaries, in addition to providing an improved transition in land use northwesterly, the Board of Commissioners are considering the following development requirements for NAC on the northwest side of Sandy Plains.

- No Access to Bryant Lane or Beaver Shop Road.
- Low rise office use only.
- No outside storage."

Yes  No

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?

*(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

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

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)

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*(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- Planning Division at 770-528-2018 or find information online at <http://economic.cobbcountyga.gov>.**

### Special District

Is this property within the Cumberland Special District #1 (hotel/motel fee)?  Yes  No

Is this property within the Cumberland Special District #2 (ad valorem tax)?  Yes  No

Is this property within the Six Flags Special Service District?  Yes  No

### Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?  Yes  No

Is the property within the Clear Zone (CZ)?  Yes  No

Is the property within the Accident Potential Zone (APZ I)?  Yes  No

Is the property within the Accident Potential Zone II (APZ II)?  Yes  No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?  Yes  No

### Historic Preservation

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

## DEPARTMENT COMMENTS- Water and Sewer

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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" on north side of Sandy Plains Rd.

Additional water comments: Existing water customer.

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.

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### Sewer comments:

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: Opposite side of Sandy Plains Rd ROW

Estimated waste generation (in G.P.D.): Average daily flow = 1,600; Peak flow = 4,000

Treatment plant: R. L. Sutton

Plant capacity:  Yes  NO

Line capacity:  YES  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

Flow test required:  YES  NO

Letter of allocation issued:  YES  NO

Septic tank recommended by this department:  YES  NO

Subject to Health Department approval:  YES  NO

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Additional sewer comments: Existing sewer customer

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

## DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Sandy Plains Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Sandy Plains Road	North of Kinjac Drive	41,550	F

*Based on 2016 traffic counting data taken by Cobb County DOT for Sandy Plains Road.*

*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

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

### Recommendations

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Sandy Plains Road, a minimum of 50' from the roadway centerline.

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

Recommend a deceleration lane or improved (large) turn radius on Sandy Plains Road for the entrance. Recommend design be determined during plan review, subject to Cobb County DOT approval.

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 not adversely affect the existing use or usability of nearby properties or uses. The building is currently used as a personal care home and the applicant proposal will expand the current use while keeping a residential appearance.

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

The zoning proposal will adversely affect the usability nearby properties. Although a personal care home was approved previously, this application intends to intensify that use in a way that would not be in keeping with surrounding small offices.

**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, and schools. This opinion can be supported by the department 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 not in conformity with the policies and intent of the comprehensive plan which delineates the property to be within the NAC (Neighborhood Activity Center) future land use category. This category seeks to encourage small retail commercial uses which serve neighborhood residents and businesses. The proposal does not meet the specific area guidelines.

(CONTINUED ON FOLLOWING PAGE)

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 denying the applicant's rezoning proposal. This request would be too intense and would not fit with the surrounding uses. The surrounding properties include small offices and single family homes that fit well within the neighborhood as well fit in the with land use 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.**

**Planning Commission Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

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<b>Names of those Opposed:</b>	<b>Comments:</b>
_____	_____
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NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

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**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

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<b>Names of those Opposed:</b>	<b>Comments:</b>
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NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_