



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-33  
Public Hearing Dates:  
PC: 06-05-18  
BOC: 06-19-18

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**SITE BACKGROUND**

Applicant: Duncan Land Investments, LLC

Phone: (678) 591-7624

Email: duncanlandinvest@yahoo.com

Representative Contact: Richard Duncan

Phone: (678) 591-7624

Email: riversouth59@yahoo.com

Titleholder: Duncan Land Investments, LLC

Property Location: West side of Wesley Chapel Road, across from Loch Highland Parkway

Address: 4025 Wesley Chapel Road

Access to Property: Wesley Chapel Road

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**QUICK FACTS**

Commission District: 3-Birrell

Current Zoning: R-30 (Single-family residential)

Current use of property: Undeveloped

Proposed zoning: R-15 (Single-family residential)

Proposed use: Single-family subdivision

Future Land Use Designation: Low Density Residential (LDR)

Site Acreage: 1.93 ac

District: 16

Land Lot: 249

Parcel #: 16024900060

Taxes Paid: Yes

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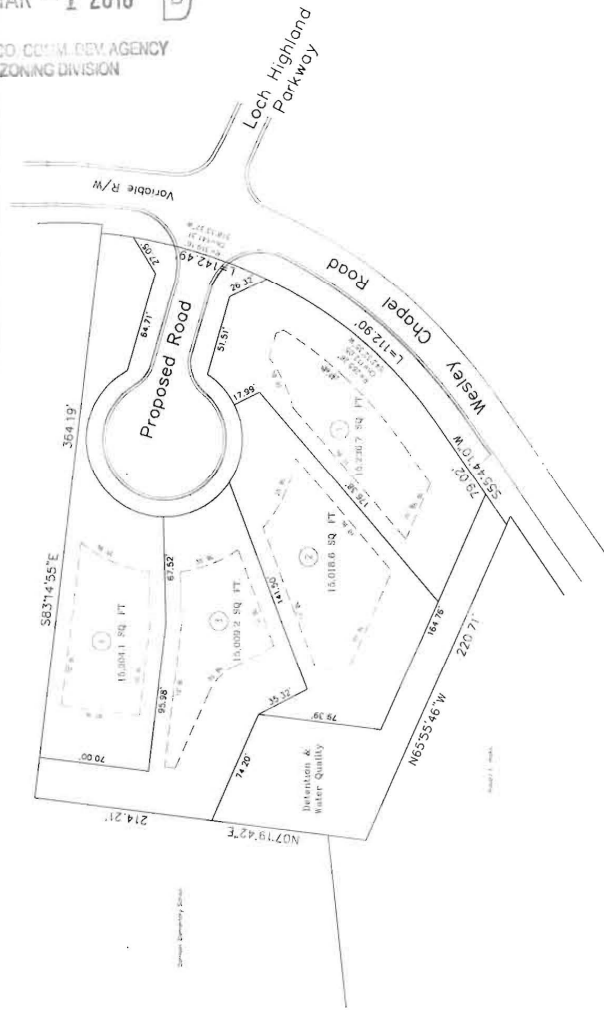
**FINAL ZONING STAFF RECOMMENDATION:**  
(Zoning staff member: Terry Martin, MPA)

Based on the analysis of the request, Staff recommends **DENIAL**.

Z-33  
(2018)

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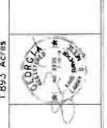
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



- General Notes:
1. All dimensions have been verified for Peach City, included in Mendon Company, LLC 218 Powers Ferry Road, Marietta, Georgia 30067.
  2. There are no streams, state waters or wetlands located on this property.
  3. There is not a cemetery or an adjacent to this property.
  4. There are no Archaeological or Architectural landmarks are known to exist on site.
  5. Existing Zoning R-20 Proposed Zoning R-15  
 Minimum Building Line 15'  
 Minimum Setback 15'  
 Major Side Building Line 25'  
 Minor Side Building Line 15'  
 Minimum Lot Size 15,000 sq. ft.
  6. Total Number Lots = 4 Total Density = 21 Lots / Acre

APPROVED FOR THE ZONING DIVISION BY: [Signature]  
 RDC Development Group  
 4825 Wesley Chapel Road  
 Marietta, Georgia 30067  
 16th District 2nd Section  
 Cobb County Georgia  
 Date: Feb. 28, 2018 Scale: 1"=30'

Larry D. Neese, PLS  
 ENGINEER PLANNING SURVEYING  
 194 Coakley Trail  
 Canton, Georgia 30115  
 E-Mail: LDNeese@255@aol.com



REVISIONS

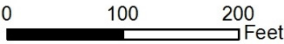
NO.	DATE	DESCRIPTION



# Z-33 2018-Aerial Map



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

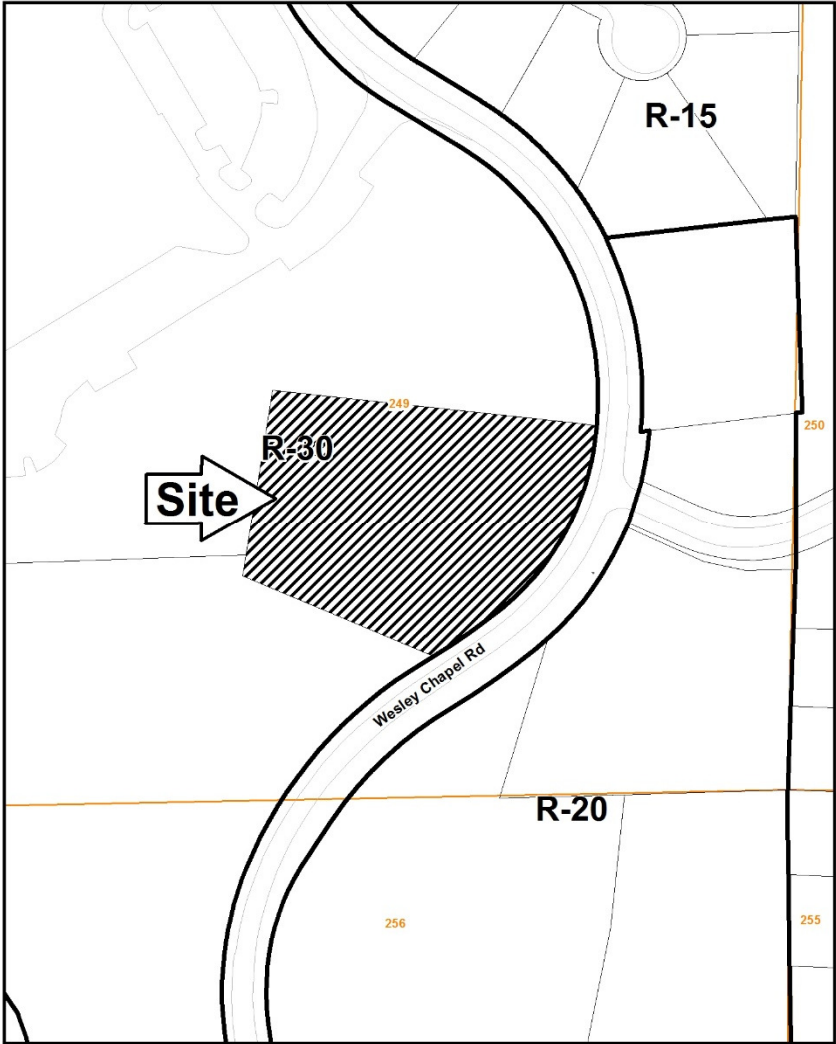


- Land Lot
- City Boundary

North

**Zoning:** R-30 (Single-family Residential)  
**Future Land Use:** PI (Public Institutional)

**Z-33 2018-GIS**



WEST

**Zoning:** R-30 (Single-family Residential)

**Future Land Use:** LDR (Low Density Residential)

EAST

**Zoning:** R-20 (Single-family Residential)

**Future Land Use:** LDR (Low Density Residential)

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

0      100      200  
 Feet

Zoning Boundary  
 City Boundary

SOUTH

**Zoning:** R-30 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential)

## DEPARTMENT COMMENTS- Zoning Division

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### Current zoning district for the property

The R-30 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category 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 R-30 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

### Requested zoning district for the property

The R-15 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category 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 R-15 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

### Summary of the applicant's proposal

The applicant is requesting a rezoning of the subject property to the R-15 zoning district for the purpose of developing a four (4) lot subdivision. The same developer requested rezoning to the R-15 zoning district in 2013 and that request was deleted to the R-20 category for a maximum of three (3) lots. Due to a reversion clause in that past rezoning, the property reverted to R-30, necessitating the current request. The minimum house size will be 2,600 square feet and the homes will be craftsman style architecture.

### Residential criteria

Allowable units as zoned: 2

Proposed # of units: 4

Net density: 2.11

Increase of units: 2

Acres of floodplain/wetlands: 0

Impervious surface shown: 9%

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

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Are there any zoning variances?

No.

**DEPARTMENT COMMENTS- Fire Department**

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No comment.

**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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School	Student Capacity	Student Enrollment	Capacity Status
Garrison Mill ES	687	687	0
Mabry MS	1137	938	199 under capacity
Lassiter HS	2137	2192	55 over capacity

**COMMENTS**

Approval of this petition will cause concern for CCSD, but it will result only in a minimal impact in the enrollment for schools already over capacity.

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. The stormwater management facility has already been constructed for this development under a previous Land Disturbance Permit.
2. The stormwater pond volume must be as-built and recertified.
3. The pond maintenance access from the public right-of-way must be cleared as well as any trees/overgrowth within the pond.

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## DEPARTMENT COMMENTS- Planning Division

**Cobb 2040 Comprehensive Plan:** The parcel is within the Low Density Residential (LDR) future land use category. The purpose of the LDR category is to provide for areas that are suitable for low-density housing between one (1) and two and one-half (2.5) dwelling units per acre, and for non-supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre. Allowable residential density is dependent upon factors; such as product type and mix, structure/building height, tract size, topographic conditions and the like, in order to provide compatibility with adjacent residential uses.

Comprehensive Plan Designation:  Consistent  Inconsistent

### House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary?  Yes  No  
 Was the city notified?  Yes  No  N/A

Specific Area Policy Guidelines:  Yes  No

Masterplan/ Corridor Study  Yes  No

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

Is the property within an Opportunity Zone?  Yes  No  
*(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)*

Is the property within an Enterprise Zone?  Yes  No  
*(The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)*

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)*

**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).**

(Planning comments continued on the next page)

**DEPARTMENT COMMENTS- Planning Division** (continued)**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): 12" in Wesley Chapel Road

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.

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**Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: 40' E in Loch Highland Pkwy

Estimated waste generation (in G.P.D.): Average daily flow = 640; Peak flow = 1,600

Treatment plant: Big Creek (Fulton County)

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

Additional sewer comments:

\*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.

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
Wesley Chapel Road	Minor Collector	35	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
Wesley Chapel Road	South of Loch Highland Parkway	2,140	C

*Based on 2016 AADT counting data taken by GDOT, as published on their website, for Wesley Chapel 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**

Wesley Chapel Road is classified as a minor collector roadway and according to the available information the existing right-of-way does not 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 on the west side of Wesley Chapel Road, a minimum of 30' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
4. Recommend a no access easement for the lot that borders Wesley Chapel Road.
5. Recommend applicant verify that minimum intersection sight distance is available for Wesley Chapel Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.
6. Recommend driveway for Lot 1 be a minimum of 50' from the Wesley Chapel Road intersection.

STAFF ANALYSIS

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Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

**A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

It is staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. While there are R-15 properties in the area, the applicant's proposed density is higher than those developed R-15 properties. The property is also surrounded by R-20 and R-30 zoned property.

**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 applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. Abutting properties are zoned R-30 with a school and a single-family house on a large tract and immediately across Wesley Chapel Road, properties are zoned R-20 prior to entering Loch Highland Subdivision. Approval to the R-15 zoning district may encourage more land disturbance in an area that is very sensitive to siltation.

**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 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;**

It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be in the Low Density Residential (LDR) land use category having densities ranging from 1-2.5 units per acre. Other R-15 densities in the area range from 1.64 units per acre (The Highlands at Wesley Chapel West); to 1.69 units per acre (Village North Highlands); to 1.71 units per acre (Loch Highland, U3, Section 3); to 1.86 units per acre (Springmill). Applicant's proposed R-15 development has a density of 2.11 units per acre; however, the existing zoning district is consistent with the *Cobb County Comprehensive Plan*.

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. Applying the density average of 1.1 units per acre from the Zoning Ordinance for R-30, two lots could be developed yielding an approximate density of 0.95 units per acre. The proposed density of 2.11 units per acre would exceed the averages of those surrounding, developed communities.

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

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ZONING DIVISION

Application No. Z-33

June 2018

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): minimum 2,600 FT.<sup>2</sup>
- b) Proposed building architecture: craftsman style
- c) List all requested variances: \
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

- a) Proposed use(s): \
- b) Proposed building architecture: \
- c) Proposed hours/days of operation: \
- d) List all requested variances: \
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

.....  
**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). no

\_\_\_\_\_

\_\_\_\_\_

**Planning Commission Decision**

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

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

**Board of Commissioners Decision**

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

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
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