



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-61
Public Hearing Dates:
PC: 11-06-18
BOC: 11-20-18

SITE BACKGROUND

Applicant: EMAE, LLC

Phone: (404) 957-3207

Email: ARENARO@HOTMAIL.COM

Representative Contact: Carlos Arenas

Phone: (404) 957-3207

Email: arenasro@hotmail.com

Titleholder: America's Home Place, Inc.

Property Location: West side of Factory Shoals
Road, north of South Gordon Road

Address: No assigned address

Access to Property: Factory Shoals Road

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: RA-5 (Single-family Residential)

Current use of property: Undeveloped

Proposed zoning: RA-5 (Single-family Residential)

Proposed use: Single-family Attached Subdivision

Future Land Use Designation: MDR (Medium
Density Residential)

Site Acreage: 2.95 ac

District: 18

Land Lot: 384 and 385

Parcel #: 18038500450

Taxes Paid: Yes

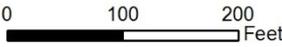
FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Donald Wells)

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

Z-61 2018-Aerial Map



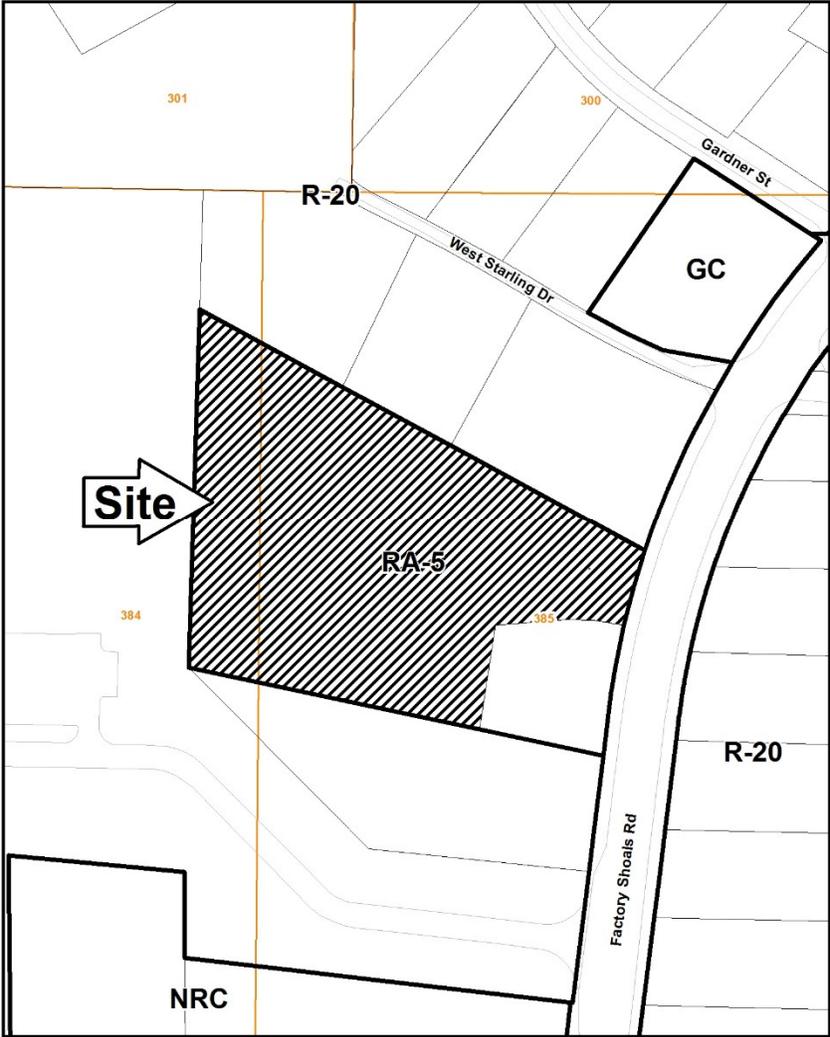
This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  Zoning Boundary
-  City Boundary

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

Z-61 2018-GIS



WEST
Zoning: R-20 (Single Family Residential)
Future Land Use: PI (Public Institutional)

EAST
Zoning: R-20 (Single Family Residential)
Future Land Use: MDR (Medium Density Residential)

SOUTH
Zoning: R-20 (Single Family Residential)
Future Land Use: MDR (Medium 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

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

RA-5 (single-family attached/detached residential). The RA-5 district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units, including the combination of duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for medium density residential 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 RA-5 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

RA-5 (single-family attached/detached residential). The RA-5 district is established to provide locations for the development of affordable single-family detached or attached residential dwelling units, including the combination of duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for medium density residential 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 RA-5 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 RA-5 zoning district to develop a 14-unit townhouse development. The proposed buildings will be craftsman style with stone, brick, and cementitious. The minimum unit size will be 1200 square feet. This request is to change a previously approved zoning district that allowed a maximum of 11 single-family units with a minimum house size of 1,587 square feet.

DEPARTMENT COMMENTS- Zoning Division (Continued)

Residential criteria

Allowable units as zoned: 11 Units (per Z-47 of 2002)

Proposed # of units: 14

Net density: 4.74

Increase of units: 3

Acres of floodplain/wetlands: 0

Impervious surface shown: 27.76%

Are there any zoning variances?

Waive the requirement that each unit must be on its own individual lot.

DEPARTMENT COMMENTS- Fire Department

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

Guest Parking

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

- Where no driveway is provided a minimum of 3 parking spaces per unit is required.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- 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.

DEPARTMENT COMMENTS- School System

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

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Gordon Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Potential or known drainage problems exist for developments downstream from this site.
7. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
8. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
9. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
10. Stormwater discharges through an established residential neighborhood downstream.
11. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
12. Special site conditions and/or additional comments:
 - The majority of this site drains to the northeast, a portion through the adjacent Bryant Elementary School and a portion through an older residential area with limited existing stormwater conveyance. The proposed stormwater management facility should be designed to discharge into and through the existing stormwater infrastructure within the Elementary School site to minimize adverse downstream impacts.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Medium Density Residential (MDR) future land use category. The purpose of the MDR category is to provide for areas that are suitable for moderate density housing between two and one-half (2.5) and five (5) dwelling units per acre

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

In an effort to encourage residential revitalization, redevelopment along Factory Shoals Road, from Riverside Parkway (formerly Six Flags Drive) to Mableton Parkway, should include single-family detached structures to complement the existing neighborhoods in the area. To encourage redevelopment, additional density may be provided as long as it does not exceed the maximum densities encouraged in the MDR category. Expansion of the commercial nodes should not be encouraged in this area.

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 South Cobb 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 the Façade Improvement Program?

Yes No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study)

DEPARTMENT COMMENTS- Planning Division (continued)

area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

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.

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

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 8" in Factory Shoals 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.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: ** 500+ ft. to Gardner Street w/easements

Estimated waste generation (in G.P.D.): Average daily flow = 2,240 GPD

Peak flow = 5,600 GPD

Treatment plant: South Cobb

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: ** The closest public sewer (~250 ft. to Factory Shoals/Starling Drive intersection) is likely too high to allow for gravity flow.

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 |
|---------------------|------------------------|-------------------|------------------------|--------------------------|
| Factory Shoals Road | Arterial | 45 | Cobb County | 100' |
| | | | | |

| Roadway | Location | Average daily trips | Level of service |
|---------------------|---------------------|---------------------|------------------|
| Factory Shoals Road | North of Britt Road | 6,500 | C |
| | | | |

Based on 2017 traffic counting data taken by Cobb County DOT for Factory Shoals 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

Factory Shoals 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

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 Factory Shoals Road, a minimum of 50' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend streets be labeled as Private on the site plan. Recommend private streets be constructed to the Cobb County Standard Specifications.
4. Recommend replacing disturbed curb, gutter, and sidewalk along the Factory Shoals Road frontage.
5. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
6. Recommend a taper or large turn radius on Factory Shoals Road for the entrance. Recommend length and design be determined during plan review, subject to Cobb County DOT approval.

STAFF ANALYSIS

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. The residential uses in the area are single-family detached.

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 not have an adverse effect on the usability of adjacent or nearby property.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.

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

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 within a Medium Density Residential Land Use Category. Densities for this Land Use Category are 2.5 to 5 units per acre; the proposed density is 4.74 units per acre.

STAFF ANALYSIS (Continued)

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. The attached housing would not be consistent with other housing in the area. Staff is concerned that the applicant's proposal does not have attached garages which are standard items included in new houses in the area.

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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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Application No. Z-61

Nov. 2018

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 1200 SF +
- b) Proposed building architecture: Craftman Arch
- c) List all requested variances: _____

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

- a) Proposed use(s): SINGLE FAMILY ATTACHED
- 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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