



Case # Z-3

Public Hearing Dates:
PC: 02-06-18
BOC: 02-20-18

Cobb County Community Development Agency
Zoning Division
1150 Powder Springs St. Marietta, Georgia 30064

SITE BACKGROUND

Applicant: Punky Pooh, LLC

Phone: (404)-791-9345

Email: ziyad@yahoo.com

Representative Contact: Charles Robertson

Phone: (678)-313-0122

Email: crobertson@superlaw.com

Titleholder: The Estate of Lewis E. Lee

Property Location: West side of Mableton
Parkway, south of Glore Circle; East side of Glore
Circle

Address: 5678 Mableton Parkway, 725 Glore
Circle and 727 Glore Circle

Access to Property: Mableton Parkway & Glore
Circle.

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: R-20

Current use of property: Single-Family Houses

Proposed Zoning: FST

Proposed use: Fee-Simple Townhouses

Future Land Use Designation: Medium Density
Residential (MDR)

Site Acreage: 2.904 ac

District: 17

Land Lot: 37

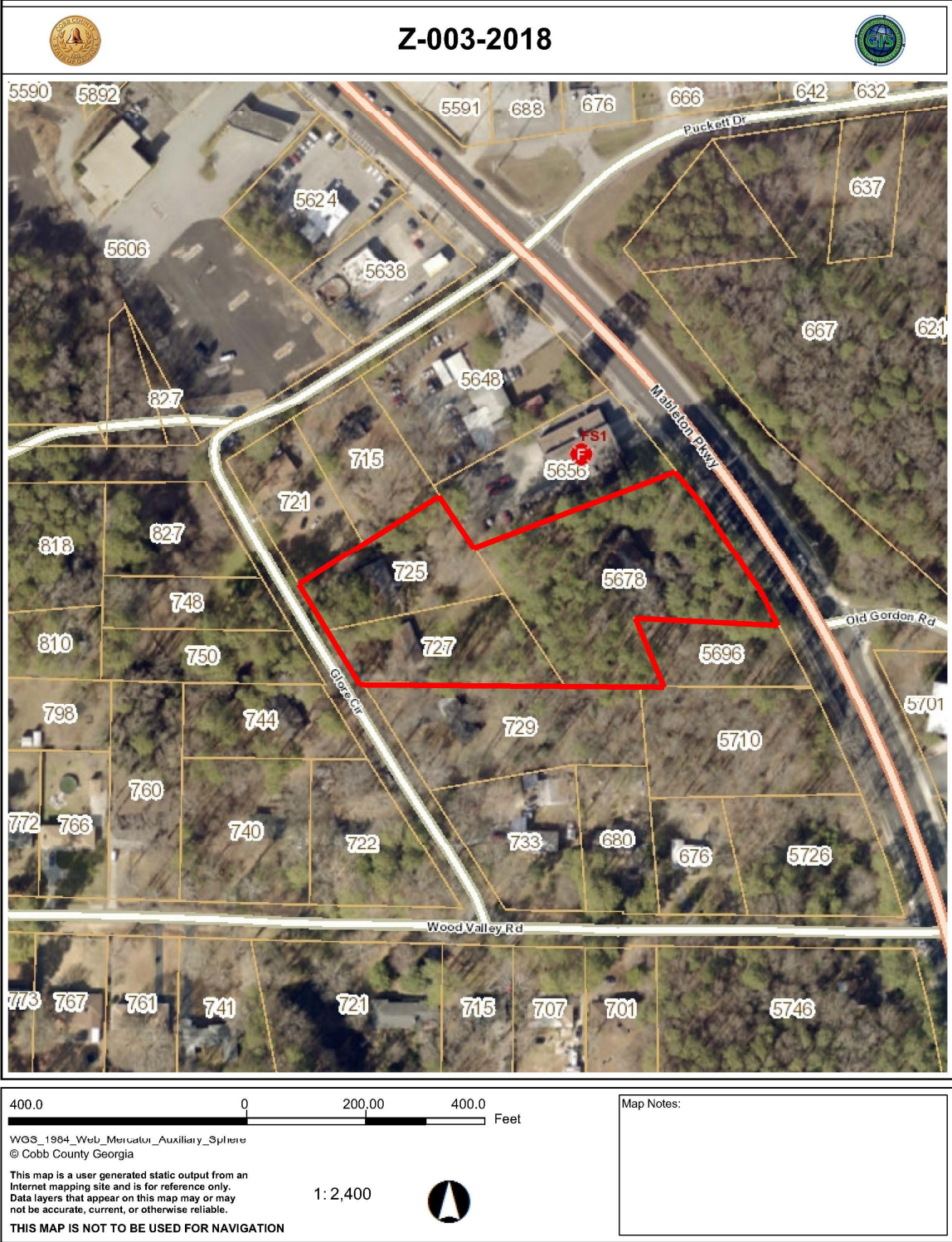
Parcel #: 17003700400, 17003700340 and
17003700330

Taxes Paid: Yes

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

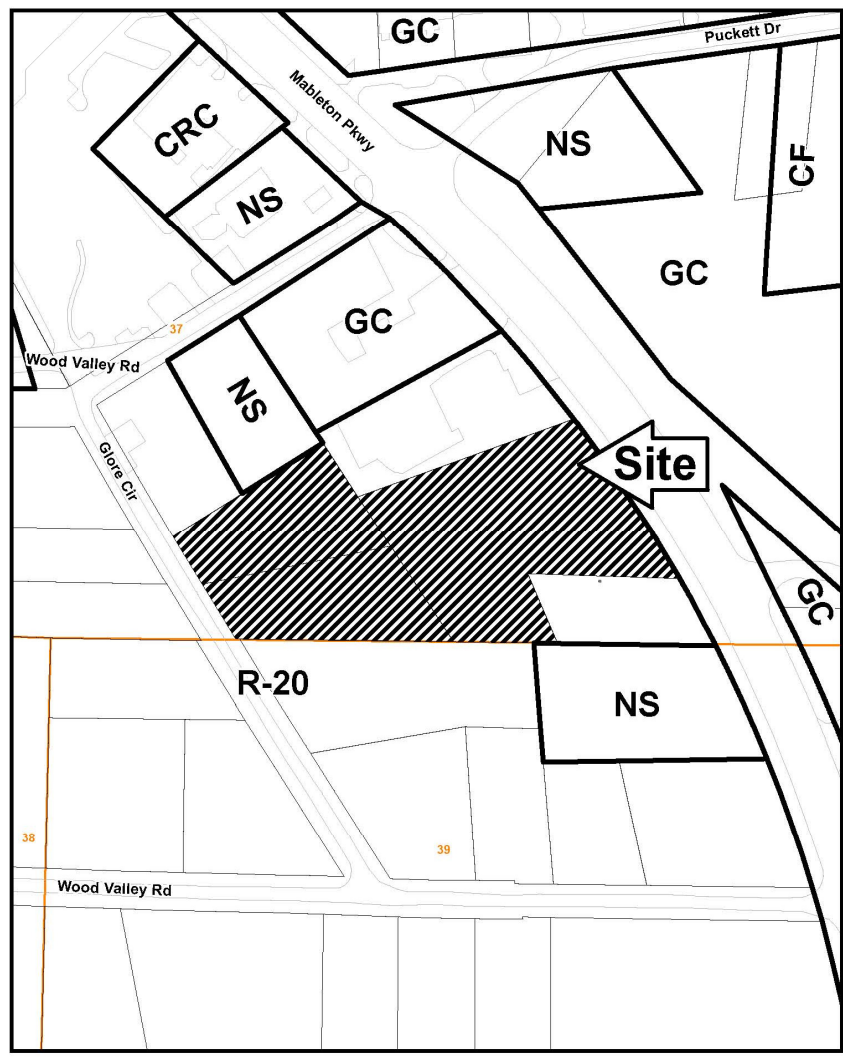
Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following conditions:

1. Site plan received by the Zoning Division on December 1, 2017, with the District Commissioner approving the final site plan;
2. Maximum of 14 lots;
3. No variances;
4. Fire Department comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations; and
7. Department of Transportation comments and recommendations.



North
Zoning: R-20 and NS (Neighborhood Shopping)
Future Land Use: MDR (Medium Density Residential) and PI (Public Institutional)

Z-3 2018-GIS



WEST
Zoning: R-20
Future Land Use: LDR (Low Density Residential)

EAST
Zoning: GC (General Commercial)
Future Land Use: NAC (Neighborhood Activity Center)

SOUTH
Zoning: R-20 and NS (Neighborhood Shopping)
Future Land Use: MDR (Medium Density Residential) and LDR (Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 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.

Requested zoning district for the property

The FST district is established to provide locations for affordable attached residential dwelling units (six, eight or ten units per acre) or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any medium or high density residential categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

Summary of the applicant's proposal

The applicant is requesting the Fee-Simple Townhouse (FST) zoning district for developing a 15-unit townhouse subdivision. Five attached units will face Glore Circle, each with a driveway on Glore Circle, and 10 units will be on the Mableton Parkway side, with the units divided into two rows of five, and will share a driveway access from Mableton Parkway.

Residential criteria

Allowable units as zoned: 5.

Proposed # of units: 15.

Net density: 5.165 units per acre.

Increase of units: 10.

Acres of Floodplain/wetlands: None.

Impervious surface shown: Less than code maximum of 45%.

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, there are variances. The proposed site plan will require contemporaneous variances to waive the following:

1. Side setback on the northern property lines from the required 40 feet to 25 feet;
2. Side setback on the southern property line nearest Mableton Parkway from the required 40 feet to 15 feet;
3. Side setback on the southern property line nearest Glore Circle from the required 40 feet to 25 feet; and
4. The required 10-foot landscape buffer abutting R-20 properties to the north and south.

DEPARTMENT COMMENTS- Fire Department

Modifications will 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.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

GUEST PARKING: When projects contemplate less than 20 foot separation between units, guest parking shall be provided at a ratio of one-half space for each dwelling unit (1 space/ 2 units).

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

DEPARTMENT COMMENTS- School System

No comments.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard info: Zone X
3. Drainage basin: Buttermilk Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
7. Minimize runoff into public roads.
8. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
9. Developer must secure drainage easement to receive concentrated discharges where none exist naturally.
10. Existing Lake Downstream. Additional BMP's for erosion sediment controls will be required.
11. Lake Study needed to document sediment levels.
12. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
13. Special site conditions and/or additional comments: A downstream drainage easement will be required to receive the concentrated discharge that will be created by the proposed stormwater management facility. There may be adequate DOT right-of-way along Glore Circle to provide for this conveyance. This must be addressed at Plan Review.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: This application pertains to a site designated as Medium Density Residential (MDR) on the future land use map. The purpose of the MDR category is to provide for areas that are suitable for moderate density housing with densities that range between 2.5 to 5.0 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

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

(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 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 find 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): 6" D.I. in the west side of Mableton Pkwy, 6" U.N.K. in the east side of Glore Circle.

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: Mableton Pkwy ROW and Glore Circle ROW

Estimated waste generation (in G.P.D.): Average daily flow= 2,400 ; Peak flow= 6,000

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

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 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 (MHP)	Jurisdictional control	Min. R.O.W. requirements
Mableton Pkwy	Arterial	45	GDOT	100'
Glore Circle	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Mableton Pkwy	North of Wood Valley Road	27,600	D
Glore Circle	N/A	N/A	N/A

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Mableton Parkway.

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

Mableton Parkway is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Glore Circle is classified as a local 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 east side of Glore Circle, a minimum of 25' from the roadway centerline.

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

Recommend applicant verify that minimum intersection sight distance is available for Mableton Parkway access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 560'.

Recommend private streets be constructed to the Cobb County Standard Specifications.

Recommend a large turn radius for the entrance on Mableton Parkway.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.

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 bolded):

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 permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is in an area that contains a variety of land uses, single-family residential, cluster residential, retail, institutional and offices.

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 proposal will not have an adverse effect on the usability of adjacent or nearby property. Other residential zonings in this area include: G.W. Glore Subdivision (zoned R-20 at approximately 1.195 units per acre), and Spring Valley Extension 1 (zoned RM-12 and R-20 at approximately 1.724 units per acre). The proposal at a lower density will provide for a transition in zoning intensity from the non-residential uses to the north to the residential uses to the south.

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 that 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 herein.

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 as being in the Medium Density Residential (MDR) future land use category, if the density is below five units per acre. The MDR category provides for areas that are suitable for moderate density housing, between 2.5 to 5 units per acre.

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 grounds for approving the applicant's rezoning proposal, with one less unit. The proposed density of 5.165 units per acre is over the limit of the MDR range of 2.5 to 5 units per acre with 15 units; staff would recommend a maximum of 14 units with no variances to the zoning code.



11 October 2017

Mr. Charles Robertson
Attorney At Law
PO Box 94
Woodstock, GA 30189
Charles@CR2.com



Re: Proposed Application for Rezoning
Punky Pooh LLC
Cobb County Tax Parcels 17003700400, 17003700340 and 17003700330
5678 Mableton Parkway, 725 Glore Circle and 727 Glore Circle

Dear Mr. Robertson:

At your request, I have analyzed the above captioned property for a proposed rezoning to a district that will allow for construction of fifteen fee simple townhouses. Based on my analysis of the Cobb County Zoning Ordinance, it appears that the FST, Fee Simple Townhouse Residential District is most suitable for the intended use.

Property Characteristics

The property is located along the southwestern side of Mableton Parkway (State Route 138) and the northeastern side of Glore Circle in unincorporated Cobb County. The property is accessed from both Mableton Parkway and Glore Circle. The physical characteristics of the site includes a ranch style single-family house on Mableton Parkway, and two ranch-style duplexes on Glore Circle. The property contains a total of 127,530 square feet or 2.928 acres of land area.

Zoning and Planning Characteristics

The present zoning of the property is R-20, Single-family Residential District. The 2016 Future Land Use Plan Map identifies the property as being suitable for Medium Density Residential. The purpose of the Medium Density Residential (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. This category presents a range of densities. Allowable zoning districts include RR, R -80, R-40, R-30, R-20, R- 15, RA-5, RM-8, RD, FST, MHP, SC, PVC, RSL. Guidelines for the planning district include: Proposals at low end of the range of densities shall be encouraged in areas that are at similar densities; high end of the range of densities are encouraged in areas with adequate services and facilities and where such proposed densities are similar; Single-family developments with densities greater than 4 units per acre may be limited in overall acreage due to intense deforestation, drainage, erosion, and sedimentation concerns; proposals should be developed that help protect the character of the area; can serve as a transitional category; can serve as a transitional category between more intensive uses and less intensive uses; affordable housing with open space and high quality design is encouraged.

Contiguous Zoning	Development	Future Land Use
North: R-20	Cobb County First Station #1	Public Institutional (PI)
NS	Single-family residential	Medium Density Residential (MDR)
R-20	Single-family residential	Medium Density Residential (MDR)
South: R-20	Vacant land	Medium Density Residential (MDR)
NS	Vacant land	Medium Density Residential (MDR)
East: GC	Mableton Parkway – Vacant land	Neighborhood Activity Center (NAC)
West: R-20	Glore Circle - Single-family residential	Low Density Residential (LDR)

The Cobb County Rezoning Application requires a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters.

Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property:

The property to the north is Cobb County Fire Station #1 and two single-family residences zoned R-20 and NS; the property to the south includes two vacant lots, one zoned NS and one zoned R-20 (but identified as a commercial site by the Tax Assessor); the property opposite Mableton Parkway to the east is vacant and zoned GC; and, the property to the west opposite Glore Circle is zoned R-20. The proposed use, though more intense than the uses to the west, is generally within the Future Land Use Plan's density requirements.

Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property:

The proposed zoning will not have any negative adverse effect on the existing usability of adjacent or nearby properties. The townhouse residential use is compatible with the property's location, less than one-quarter mile from the intersection of Mableton Parkway and Veterans Memorial Parkway, this falls within the one-half mile radius of the Activity Center located at this intersection.

Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned:

The property no longer has a reasonable economic use as developed, given the demand for affordable housing in this submarket.

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

The proposed zoning of fifteen fee simple townhouse units will not excessively burden the existing streets, transportation, utilities or schools in the area. The use will generate less traffic per acre than many other potential GC or NS uses that are currently allowed on contiguous sites.

Whether the zoning proposal is in conformity with the policy and intent of the land use plan:

The proposed zoning is consistent with the County's designation of the property as Medium Density Residential allowing for 2.5 to 5 units per acre.

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:

There is a strong demand for affordable residential development in the area of the proposed townhouse development and will compliment other properties in the submarket.

I appreciate the opportunity to serve you in regards to this matter. Please do not hesitate to call me if you have questions or comments.

Respectfully,



Larry G. Singleton, Jr.
State of Georgia Licensed Real Estate Broker #164063
State of Georgia Certified General Appraiser #001043

LARRY G. SINGLETON, JR.
www.SingletonRealEstate.com

PROFESSIONAL EXPERIENCE

Singleton Real Estate, LLC & Singleton, LLC d/b/a Singleton Real Estate

Mr. Singleton is President & Managing Broker of a commercial real estate brokerage, consulting and appraisal firm located in historic downtown Woodstock, Georgia. Established in 1988, we are Woodstock's oldest continually operating real estate brokerage and appraisal company. (1988-Present)

The Good Group, LLC

Vice President – Brokerage & Development Consulting for boutique full service commercial real estate consulting firm, offering brokerage, development consulting, engineering, appraisal and tax consulting services from our offices in downtown Woodstock. (2016-2017)

EDT Real Estate, LLC

President of commercial real estate firm that specialized in serving the clients of Engineering Design Technologies, Inc. Activities included site selection, leasing and development of healthcare office facilities. (2006-Present)

Citizens of Cherokee County, GA

Cherokee County Commissioner, Western District - Post 4, representing the interests of 80,000 constituents and overseeing the operation of a \$150 million government. As Commissioner, he is most proud of providing seed money for the construction of the Georgia National Cemetery. (1999-2003)

Prior to forming Singleton Real Estate, Mr. Singleton was an Appraiser with **Childers Associates** and an Investment Analyst with **Metropolitan Life Insurance Real Estate Investments**.

REAL ESTATE EXPERIENCE

- Appraisals and related assignments have included all property types throughout the southeast. Mr. Singleton has specialized in the valuation of partial interests including near surface rights (roadway, power, gas, water and sewer) air rights, conservation easements. Qualified as an expert witness in numerous court cases involving eminent domain acquisitions, bankruptcy, divorce and other property value disputes. (www.SingletonRealEstate.com)
- Representing both the selling and the buyer/tenant side of the brokerage equation, Mr. Singleton has been involved in over a half billion dollars in real estate transactions. (www.WoodstockBroker.com)
- Since 2009, Mr. Singleton has reduced the real estate tax value of his client's properties by over 25 million dollars. (www.MyPropertyTaxAppeal.net)

ACADEMIC AND PROFESSIONAL EDUCATION

- Bachelor of Business Administration (Real Estate) Georgia State University
- Successfully completed all course requirements for the MAI designation. Additionally course work taken annually in compliance with multiple Real Estate Appraiser Boards and Real Estate Commissions.

MEMBERSHIPS, LICENSES AND PROFESSIONAL AFFILIATIONS

Member National, Georgia Association of Realtors & Atlanta Commercial Board of Realtors
State of Georgia Licensed Real Estate Broker #164063
State of Alabama Licensed Real Estate Broker #000089379
State of Florida Licensed Real Estate Broker #BK3330152
State of Georgia Certified General Appraiser #001043
State of South Carolina Certified Real Estate Appraiser #1597
State of Georgia Department of Transportation Level 3 Appraiser
State of Georgia Tax Appeal Hearing Office

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 _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____