



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-12  
Public Hearing Dates:  
PC: 03-06-18  
BOC: 03-20-18

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**SITE BACKGROUND**

Applicant: Loyd Development Services

Phone: (770) 868-7591

Email: john@loyddevelopment.com

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: Linda J. Medlin, Troy Edward Glass,  
Jr., Kelly Renee Anderson Glass

Property Location: Northwest side of  
Shallowford Road, north of Shallow Ridge Road

Address: 8, 12, and 14 Shallowford Road

Access to Property: Shallowford Road

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**QUICK FACTS**

Commission District: 3-Birrell

Current Zoning R-30 (Single-family Residential)

Current use of property: Single-family houses

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

Proposed use: Residential Subdivision

Future Land Use Designation: LDR (Low Density  
Residential)

Site Acreage 6.1 ac

District: 16

Land Lot: 66 and 67

Parcel #: 16006700010, 16006701040,  
16006701050

Taxes Paid: Yes

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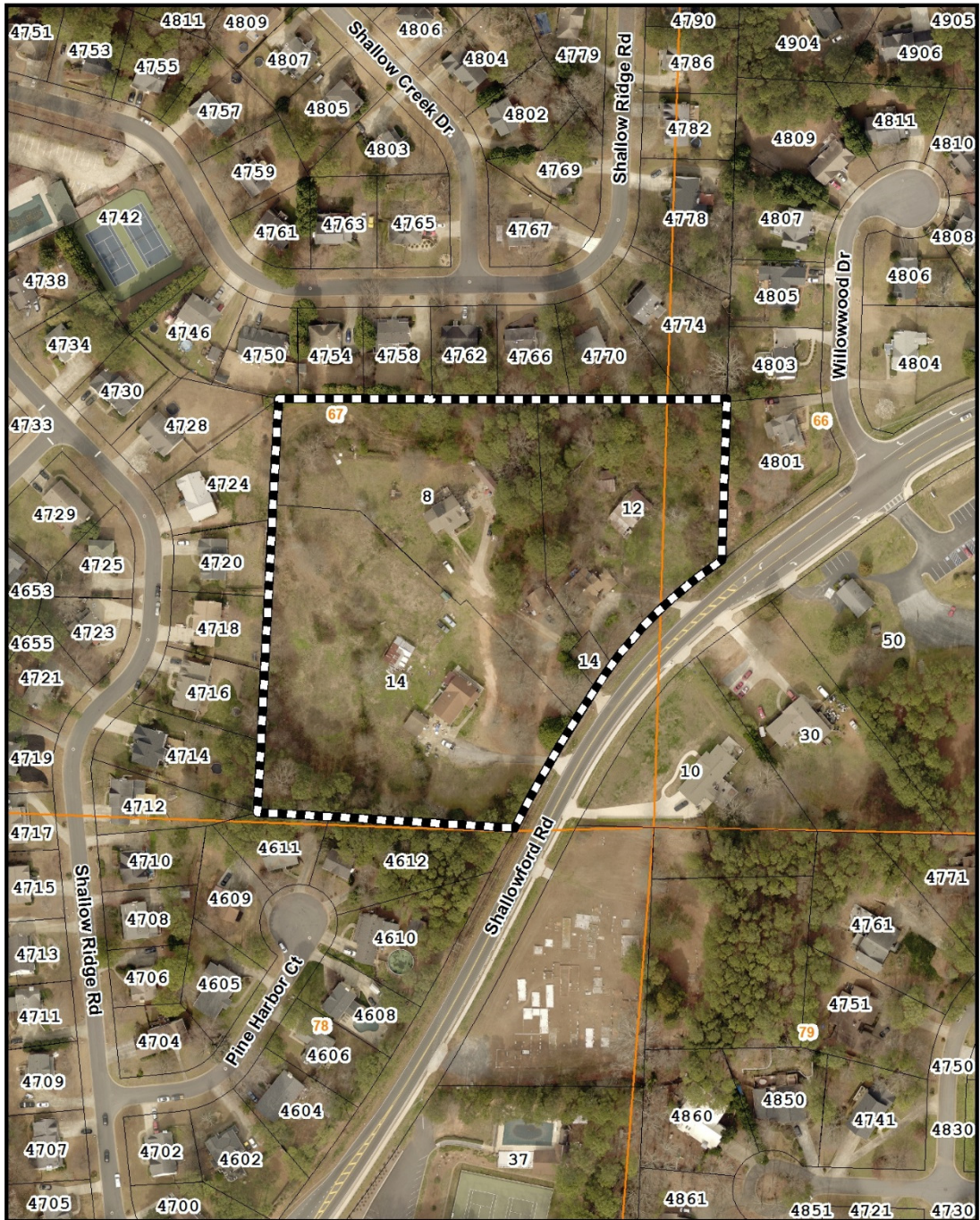
**FINAL ZONING STAFF RECOMMENDATION:**

(Zoning staff member: Jason A. Campbell)

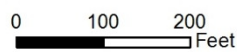
Based on the analysis of the request, Staff recommends **DENIAL**.



# Z-12 2018-Aerial Map



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

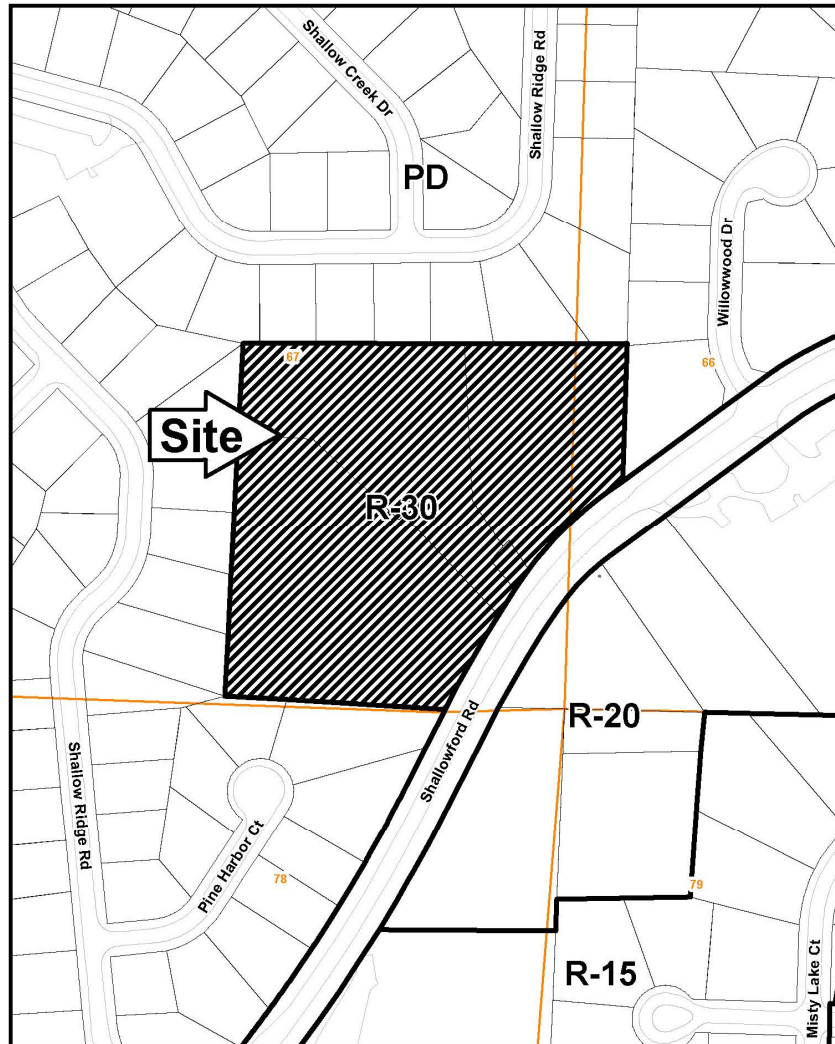


- Land Lot
- City Boundary



North  
**Zoning:** PD (Planned Development)  
**Future Land Use:** LDR (Low Density Residential)

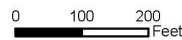
**Z-12 2018-GIS**



WEST  
**Zoning:** PD  
 (Planned Development)  
**Future Land Use:** LDR (Low Density Residential)

EAST  
**Zoning:** PD  
 (Planned Development) and R-20  
 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential) and PI (Public Institutional)

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:** PD (Planned Development)  
**Future Land Use:** LDR (Low Density Residential) and PI (Public Institutional)

## 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.

### Requested zoning district for the property

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 quadraplexes. 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 any 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.

### Summary of the applicant's proposal

Applicant is requesting the RA-5 residential zoning district for the purpose of developing a 20-lot single-family detached subdivision. The proposed two-car garage houses will range in size from 2,000 square feet to 3,200 square feet, with Traditional architecture, and will be accessed from a private drive within the proposed subdivision.

### Residential criteria

Allowable units as zoned: 6

Proposed # of units: 20

Increase of: 14 units

Net Density: 3.27

Floodplain: 0

Impervious surface shown: 35%

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

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

Yes, the proposed site plan will require the following contemporaneous variances:

1. Waiving the required 10-foot landscape buffer abutting more restrictive residential zonings; and
2. Allowing 5-foot side setbacks on exterior lots.

## **DEPARTMENT COMMENTS- Fire Department**

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Modifications will 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:

1. Where driveways to two car garages are at least 20 feet long and 18 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
2. Where driveways to two car garages are less than 20 feet long and 18 feet wide, additional parking shall be required at 1 space per dwelling unit.
3. Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.

Guest parking spaces must be evenly distributed throughout the project and no dwelling unit shall be more than 200 feet walking distance from a guest parking space.

Driveways shall be measured from back of curb (or sidewalk, if applicable) to garage. For purposes of this section, a driveway must be on the deeded property of the dwelling unit.

## **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
Blackwell ES	837	727	110 under capacity
McCleskey MS	937	670	267 under capacity
Kell HS	1912	1517	395 under capacity

<b>COMMENTS</b>
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Approval of this petition will not have an impact on the enrollment at these schools.

**DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Tate 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 systems (within Falcon Hills and Shallowford Village S/Ds).
7. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
9. Stormwater discharges through established residential neighborhoods downstream.
10. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
11. Special site conditions and/or additional comments:
  - Drainage easements will likely be required at the rear of Lots 2-10 to adequately control runoff from the site. A downstream easement will be required to accommodate the concentrated discharge from the proposed stormwater management facility.
  - Since this will be a private development with private roads, the stormwater infrastructure will be private as well and must be maintained by the mandatory HOA.

**DEPARTMENT COMMENTS- Planning Division**

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

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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

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Specific Area Policy Guidelines:  Yes  No



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

Masterplan/ Corridor Study	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Design guidelines area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the proposal plan comply with the design requirements?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Is the property within an Opportunity Zone? <i>(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)</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property within an Enterprise Zone? <i>(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)</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? <i>(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)</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Note: For more information on incentives, please call the Community Development Agency- Planning Division at 770-528-2018 or find information online at <a href="http://www.cobbcounty.org/econdev">www.cobbcounty.org/econdev</a>.</b>		
<b>Special District</b>		
Is this property within the Cumberland Special District #1 (hotel/motel fee)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is this property within the Cumberland Special District #2 (ad valorem tax)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is this property within the Six Flags Special Service District?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Dobbins Air Reserve Base Zones</b>		
Is the property within the Dobbins Airfield Safety Zone?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property within the Clear Zone (CZ)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property within the Accident Potential Zone (APZ I)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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

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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

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**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" on southeast side of Shallowford 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: 150' north in Shallow Ridge Road.

Estimated waste generation (in G.P.D.): Average daily flow= 3,200 ; Peak flow= 8,000

Treatment plant: Noonday

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

\*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.

**DEPARTMENT COMMENTS- Water and Sewer (Continued)**

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Septic tank recommended by this department:  YES  NO

Subject to Health Department approval:  YES  NO

Additional sewer comments: Sewer also 150' east in Willowwood Drive, with easement(s).

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
Shallowford Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Shallowford Road	East of Shallow Ridge Road	12,800	D

*Based on 2012 traffic counting data taken by Cobb County DOT for Shallowford 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

Shallowford 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 Shallowford 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 curb, gutter, and sidewalk along the Shallowford Road frontage.

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

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

Recommend a deceleration lane and left turn lane at the northernmost entrance on Shallowford Road.



**DEPARTMENT COMMENTS- Transportation (Continued)**

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Recommend a left turn lane and large turn radius for the southernmost entrance on Shallowford Road.

Recommend driveway entrances be a minimum of 50' from either of the Shallowford Road subdivision intersections.

Recommend a no access easement for the lots along the Shallowford Road frontage.

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;**

Staff believes the site plan at the proposed density will not be suitable. The applicant's rezoning request is to allow a proposed single-family detached subdivision at a density of 3.27 units per acre. Other subdivisions in this area are developed with less density.

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

As proposed, Staff believes the development will adversely affect other developments in this area. Other zonings and densities in this area include: Lake Latimer Unit One (zoned R-15 at approximately 2.20 units per acre), Shallowford Village U-5 (zoned PD at 2.45 units per acre), Gresham Ridge Subdivision (zoned R-15 at 2.5 units per acre), and Falcon Hills Subdivision (zoned PD at 2.73 units per acre). The proposed density is not compatible with the surrounding area.

**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;**

This opinion is addressed 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;**

It is Staff's opinion that the applicant's proposal is not in conformity with the policies and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being with in Low Density Residential (LDR) future land use category. This category seeks to promote low density developments in the range of 1-2.5 units per acre. The proposed density is above the LDR range at 3.27 units per acre, and it is above the density of other developments in this area that are listed in Paragraph B.

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. The proposed site plan indicates a 20-lot development at a density of 3.27 units per acre. The proposed density exceeds the LDR range of 1-2.5 units per acre and is not consistent with other developments 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.**

**Planning Commission Decision**

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

Names of those Opposed:	Comments:
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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

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

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

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

**Board of Commissioners Decision**

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

Names of those Opposed:	Comments:
_____	_____
_____	_____
_____	_____
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_____	_____
_____	_____

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

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

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

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