



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-25  
Public Hearing Dates:  
PC: 05-01-18  
BOC: 05-15-18

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**SITE BACKGROUND**

Applicant: Greenhouse Properties of Atlanta, LLC

Phone: 678-522-9392

Email: Samantha@greenhouseproperties.com

Representative Contact: Garvis L. Sams, Jr.

Phone: 770-422-7016

Email: gsams@slhb-law.com

Titleholder: Evelyn H. Dinkins II

Property Location: North side of Lee Road, east  
of Pineridge Road

Address: 2009 Lee Road

Access to Property: Lee Road

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**QUICK FACTS**

Commission District: 2 - Ott

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

Current use of property: Single-family House

Proposed zoning: R-12 (Single-family Residential)

Proposed use: Single Family Detached Homes

Future Land Use Designation: Low Density  
Residential (LDR)

Site Acreage: 0.45 acres

District: 17

Land Lot: 696

Parcel #: 17069600370

Taxes Paid: Yes

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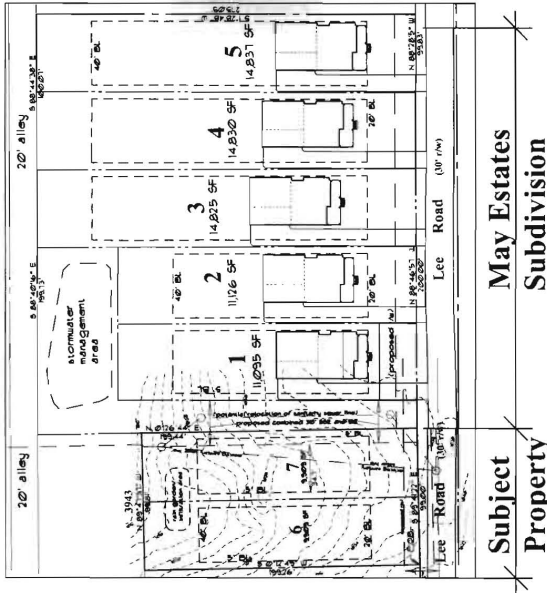
**FINAL ZONING STAFF RECOMMENDATION:**  
(Zoning staff member: Terry Martin)

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

1. Variances identified in the Zoning Division comments;
2. Fire Department comments and recommendations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations; and
5. Department of Transportation comments and recommendations.

Z-25  
(2018)

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ZONING DIVISION



**Subject Property**  
**May Estates Subdivision**

scale: 1" = 50'

**Rezoning Plat**

**2009 Lee Road**

Land Lot 696, 17th District, 2nd Section  
Cobb County, Georgia  
prepared for:  
Greenhouse Properties of Atlanta  
3943 Pineridge Road  
Smyrna, Georgia 30080



3775 Cobb Place  
Buckeye, GA 30112  
770.514.9006  
770.514.9491



Scale: 1" = 20'  
March 1, 2018



**Site Data**

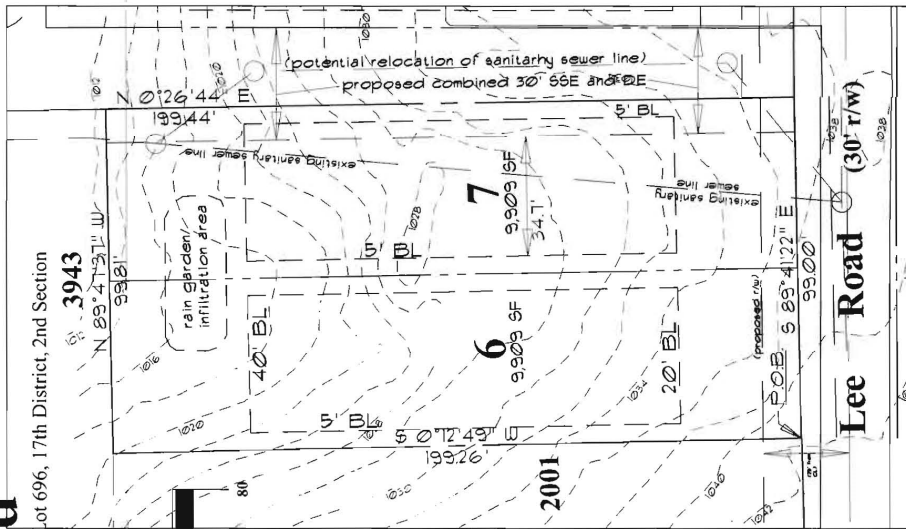
Total Site Area: .45 AC (19,817 SF)  
Existing Zoning: R-20  
Proposed Zoning: R-12  
Total Proposed Units: 2 (subject property)  
Total Existing Units: 5 (subject property)  
Overall Density: 2.99 UN/AC  
(.45 AC + 1.89 AC = 2.34 AC / 7 = 2.99 UN/AC)

**Proposed Building Setbacks:**

front: 20'  
side: 5'  
rear: 40'

Minimum Lot Width: 49.5'  
Average Lot Size: 12,362 SF

- Notes:**
1. Existing boundaries by Georgia Surveying and Engineering, dated 3/28/15.
  2. Topographic information from Cobb County GIS.
  3. According to Flood Insurance Rate Map (FIRM) maps, contours are shown at 2-foot intervals. No portion of this site contains floodplains.
  4. No easements are known to exist on this site.
  5. Stream and/or wetlands are shown to exist on the site and have not been delineated by a registered biologist. All state waters are to be class 1/2B.
  6. No archeological or architectural landmarks are known to exist.
  7. No utility easements are known to exist on this site.



**Subject Property (.45 AC)**

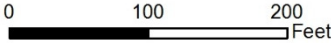
scale: 1" = 20'

**Lee Road (30' r/w)**

# Z-25 2018-Aerial Map



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

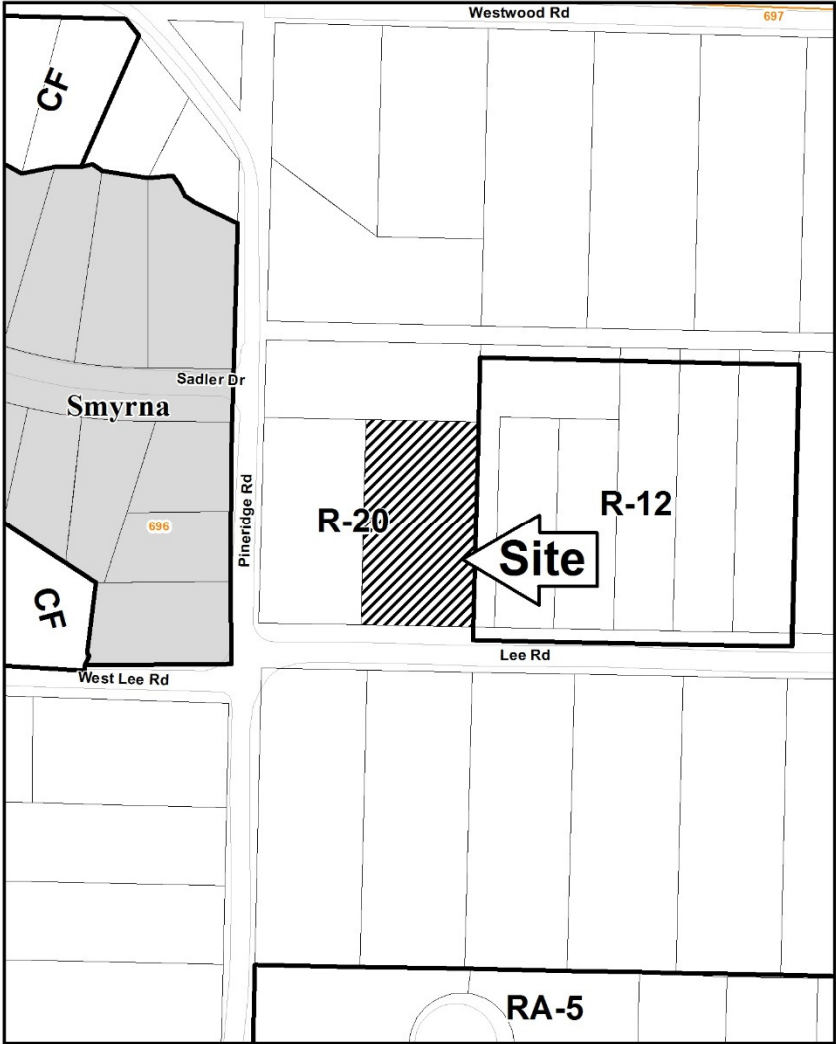


- Land Lot
- City Boundary



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

**Z-25 2018-GIS**



**WEST**  
**Zoning:** R-20 (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.



**SOUTH**  
**Zoning:** R-20 (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-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. When residentially compatible institutional and recreational uses are developed within the R-20 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-12 district is established to provide locations for single-family detached residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for low and medium density residential categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses or residential uses are developed within the R-12 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 0.48 acres to the R-12 district to add it to the previously approved May Estates Subdivision lying to the east which was rezoned to the R-12 district in 2016. The proposal is to subdivide the parcel in to two lots of 9,909 square feet each. Similarly, the proposed two lots will have similar setbacks and road frontage and width as those five which were previously approved.

### **Residential criteria**

Allowable units as zoned: 1

Proposed # of units: 2

Net density: 4.44, 2.99 overall

Increase of units: 1

Acres of floodplain/wetlands: 0

Impervious surface shown: 0

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

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**Are there any zoning variances?**

The applicant's proposal requires the following variances:

1. Waive the minimum lot size from the required 12,000 square feet to 9,909 square feet for the two proposed lots;
2. Waive the front setback from the required 40 feet to 20 feet;
3. Waive the side setback for exterior side from the required 20 feet to five feet along the west property line for lot 6;
4. Waive the minimum lot width at the front setback from the required 75 feet to 49.5 feet; and
5. Waive the minimum road frontage from the required 75 feet to 49.5 feet.

**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
Nickajack ES	937	1123	186 over capacity
Campbell MS	1350	1500	150 over capacity
Campbell HS	2637	2854	217 over capacity

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

Note: Campbell MS and Campbell HS will be relieved of overcrowding by SPLOST IV.

## DEPARTMENT COMMENTS- Stormwater Management

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Unnamed Tributary to Laurel 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. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Stormwater discharges through an established residential neighborhood downstream.
9. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
10. Special site conditions and/or additional comments:
  - It appears that adequate stormwater management has already been provided in the adjacent stormwater management facility for the existing May Estates Subdivision. This will need to be verified during Plan Review.
  - The Stormwater Management Division is agreeable to the proposed relocation of the sanitary sewer to the adjacent detention pond parcel. However, a 10-foot drainage easement will be required along the eastern property line of Lot 7 to accommodate an existing 18" stormwater line not shown on the site plan.

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## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Low Density Residential (LDR) future land use category, within the R-20 zoning district. 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.

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 of Smyrna 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 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)

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**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

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**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

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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): 6" in Lee 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: On site, traversing proposed Lot 7

Estimated waste generation (in G.P.D.): Average daily flow = +160; Peak flow = +400

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: Developer will likely have to relocate public sewer main to accommodate new building

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
Lee Road	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Lee Road	N/A	N/A	N/A

**Comments and observations**

Lee Road 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**

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 north side of Lee Road, a minimum of 25' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend a minimum spacing of 50 ft between driveways.
4. Recommend curb, gutter, and sidewalk along the Lee 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 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;**

The present request is to add two lots to the previously approved R-12 development, May Estates, which lies to the east of the subject property. The additional area will result in consistent development along Lee Road. Other zoning districts in the area include R-20, R-12, RA-5, CF and city zoned property.

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

The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby properties. The proposed single-family project would be compatible with existing single-family houses in the 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;**

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;**

The zoning proposal exceeds the density forecast for the property which is delineated as being within the LDR (Low Density Residential) future land use category at an overall 2.99 units per acre (upa) versus a maximum of 2.5 upa for that category. However, it is less dense than the nearest western subdivision (Stonecrest Manor – 3.76 upa) as well as Central Garden (4.27 upa) which, like a portion of May Estates, lies within the MDR (Medium Density Residential) future land use category.

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 approving the applicant's rezoning proposal. The subject property will serve as an extension of the previously approved May Estates Subdivision providing for a continuous and consistent development along Lee Road. The proposed density of the overall subdivision including the proposed two lots will be 2.99 upa which is less dense than those nearest subdivisions to the east and west (4.27 upa and 3.76 upa, respectively).

**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-25

PC Hearing Date: May 1, 2018  
BOC Hearing Date: May 15, 2018

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): 3,600 square feet or greater
- b) Proposed building architecture: Traditional styling with four-sided architecture
- c) List all requested variances: None at this time.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

.....  
**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)**

The subject property is located in an area under the County's Future Land Use Map which is denominated as LDR under Cobb County's Future Land Use Map. Additionally, the subject property is an addition to an existing R-12 subdivision approved in 2016.

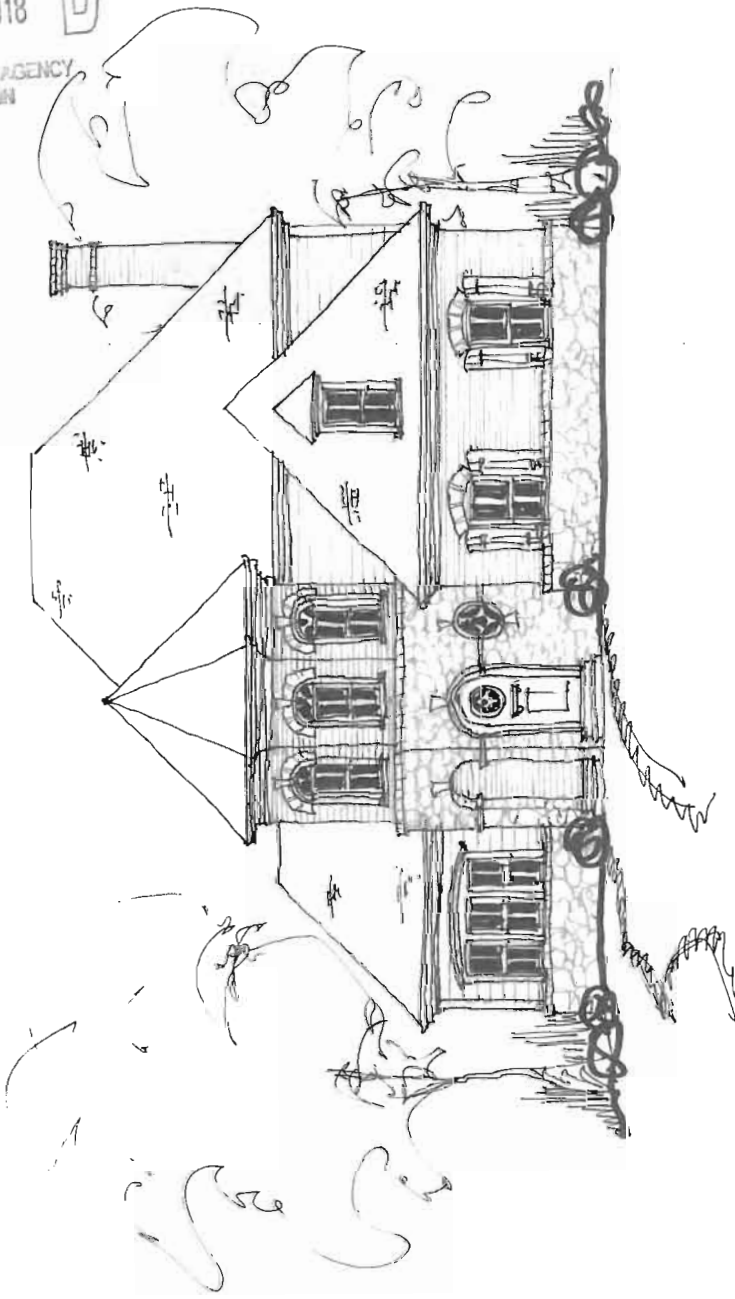
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**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

**(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).**

None known at this time.

\* The Applicant reserves the right to amend this Summary of Intent and its Application for Rezoning at any time during the pendency of the Application.

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ZONING DIVISION



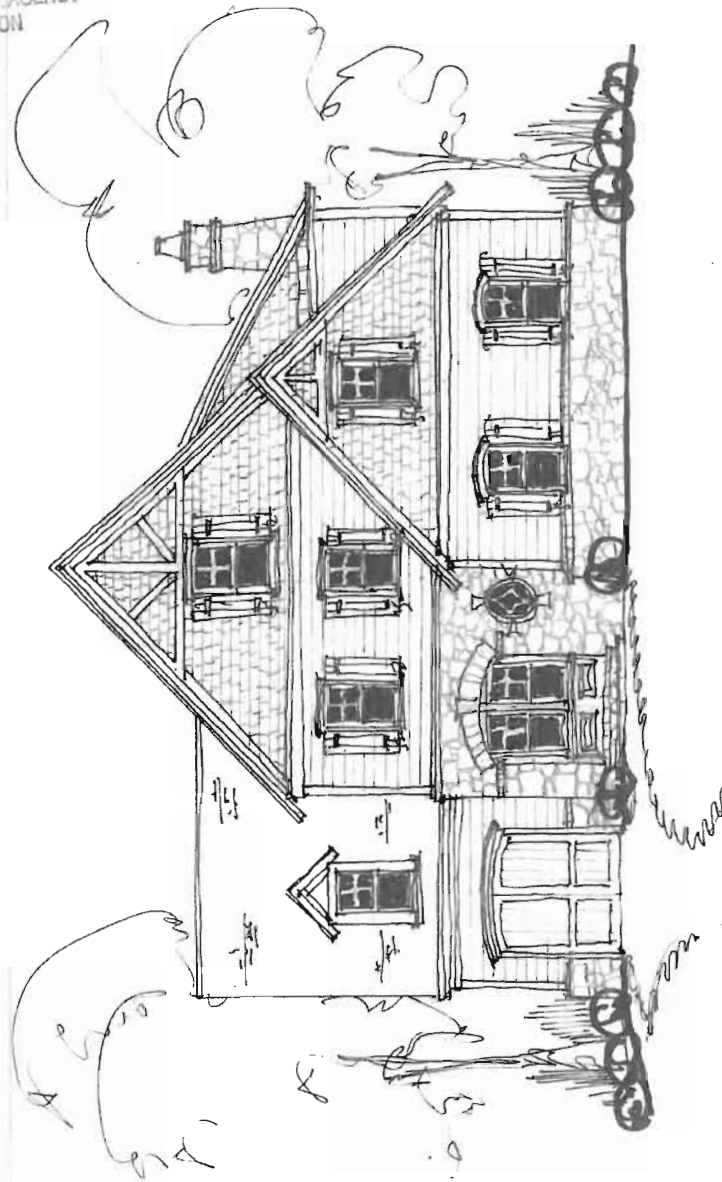
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**CALDWELL CLINE**  
ARCHITECTS • DESIGNERS  
227 CHESTNUT VILLAGE WAY, SUITE 300  
SMYRNA, GA 30084  
PHONE 770-424-3852 FAX 770-424-8930

**3 CAR GARAGE SIDE ENTRY**  
LEE ROAD, SMYRNA, GEORGIA

**GREENHOUSE PROPERTIES**

APR 10 2018  
COBB CO. COMMUNITY AGENCY  
ZONING DIVISION



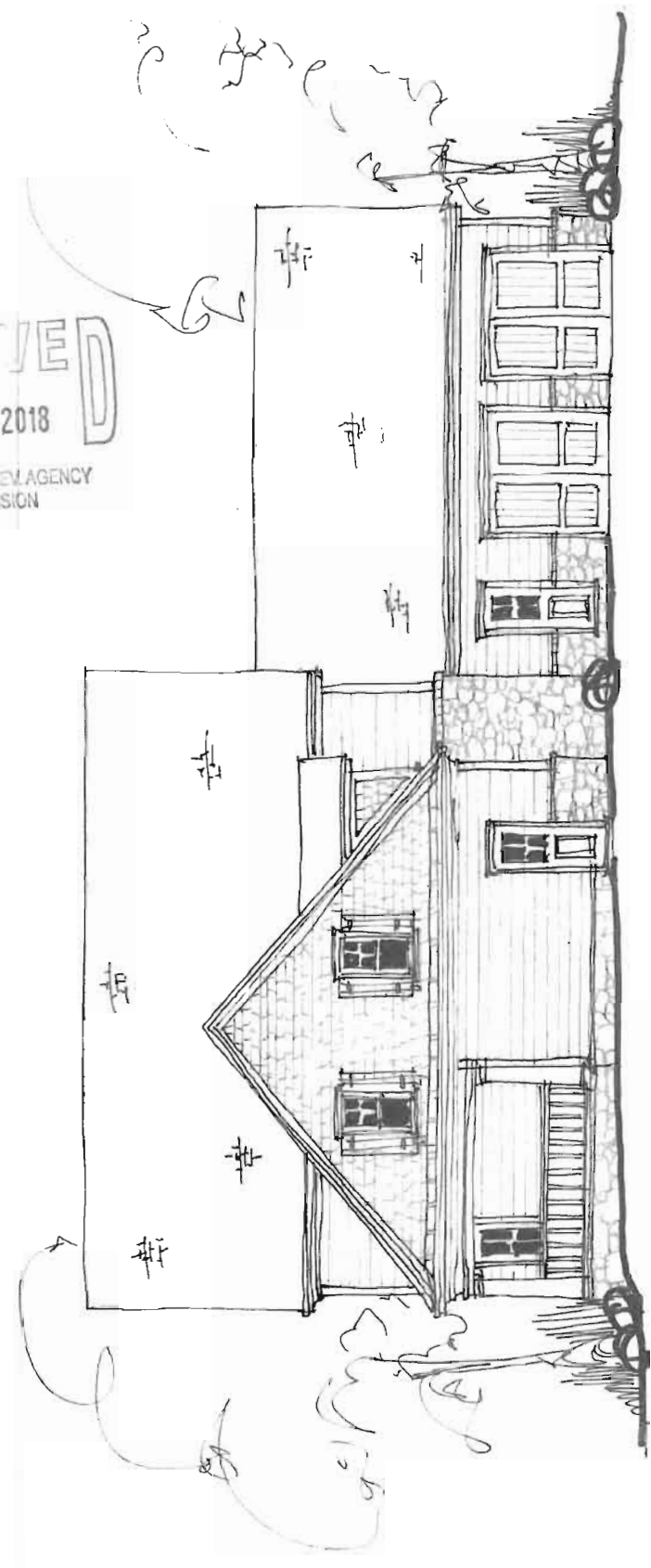
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**CALDWELL CLINE**  
ARCHITECTS • DESIGNERS  
222 CRENSHAW CIRCLE MARETTA, GA 30064  
PHONE: 770-424-3862 FAX: 770-466-8030

**3 CAR GARAGE SIDE FRONT ENTRY**  
LET. ROAD, SMYRNA, GEORGIA

**GREENHOUSE PROPERTIES**

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ZONING DIVISION



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222 ONE-SOUGHT CIRCLE MARIETTA GA 30054  
PHONE 770-424-3882 FAX 678-668-8930 FAX

**3 CAR GARAGE SIDE FRONT ENTRY**  
LEFT SIDE ELEVATION, LEE ROAD, SMYRNA, GEORGIA

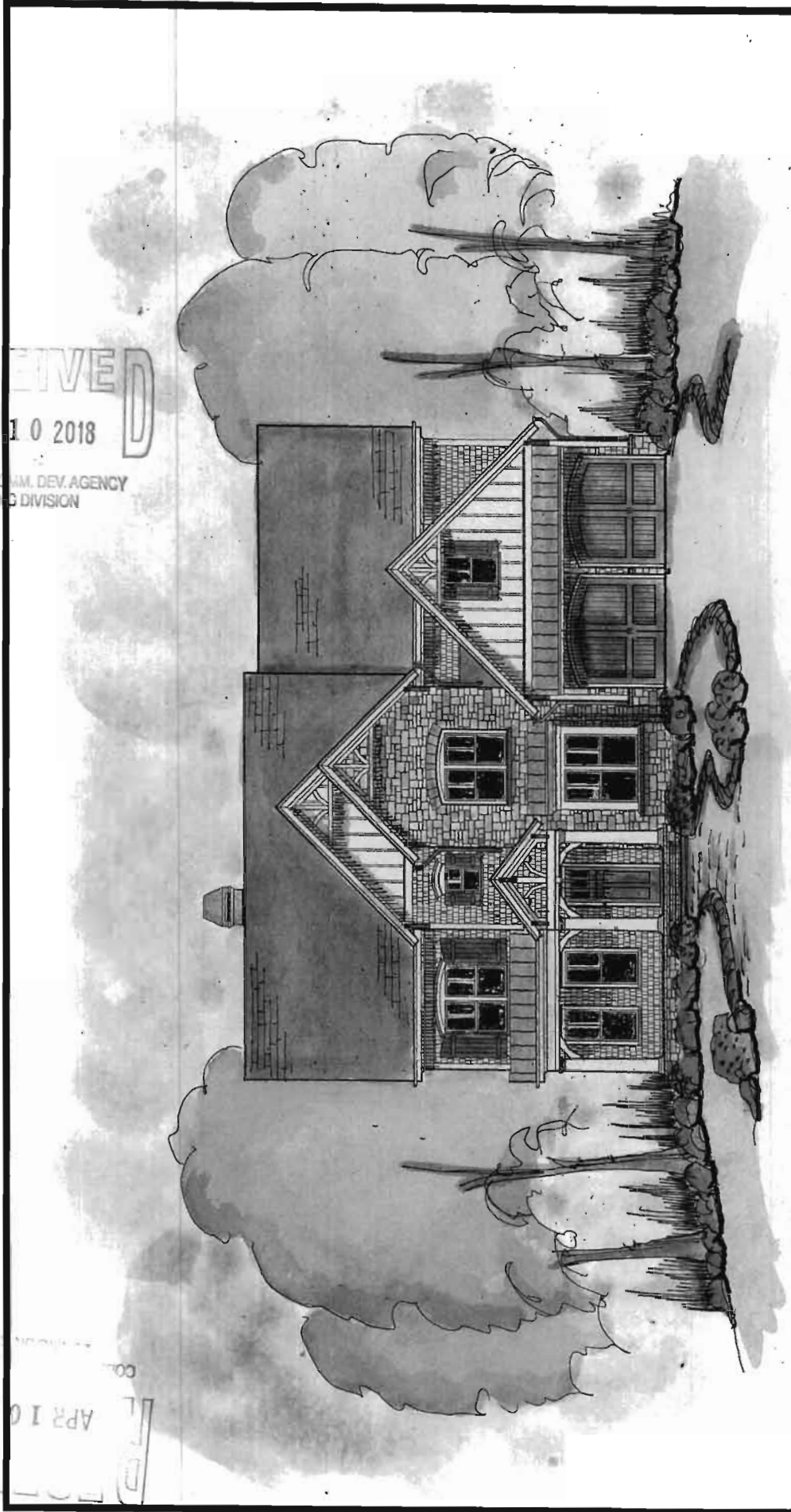
**GREENHOUSE PROPERTIES**

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222 CRESCENT CIRCLE MARETTA, GA 30064  
PHONE 770-424-3882 678-666-8930 FAX

FRONT ELEVATION  
LEE RD

GREENHOUSE PROPERTIES

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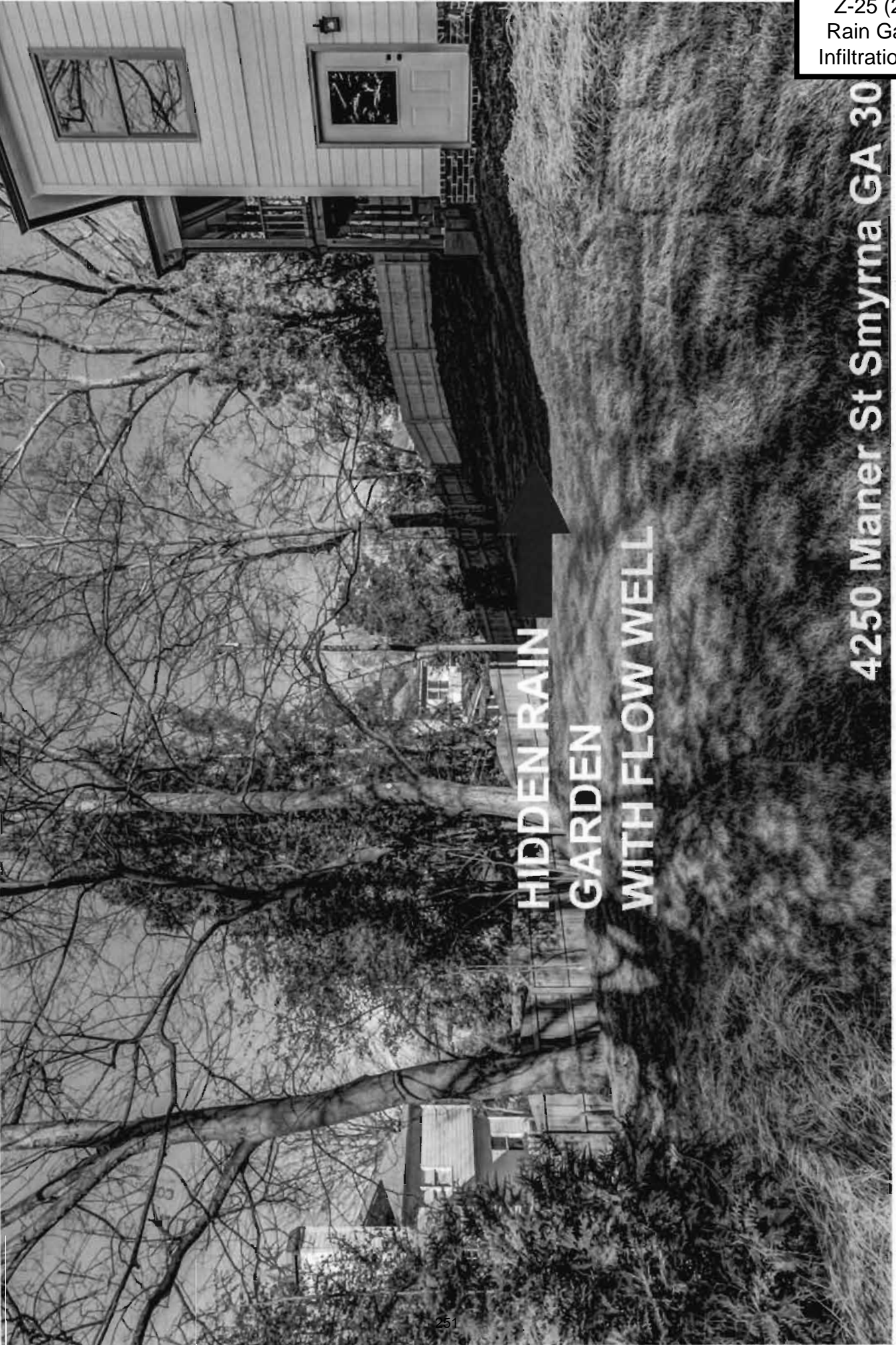


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ZONING DIVISION

APR 10 2018

4250 Maner St Smyrna GA 30

HIDDEN RAIN  
GARDEN  
WITH FLOW WELL





Z-25 (2018)  
Rain Garden/  
Infiltration Area



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COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

**HIDDEN RAIN  
GARDEN  
WITH FLOW WELL**

3256 Lavista Rd Decatur GA 300

**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 \_\_\_\_\_