



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

Case # Z-8  
Public Hearing Dates:  
PC: 03-06-18  
BOC: 03-20-18

## 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: Item Six Residuary Trust

Property Location: Off a private easement on the east side of John Ward Road, west of Powder Springs Road, north of Macland Road

Address: 1706 Powder Springs Road

Access to Property: Easement from John Ward Road

## QUICK FACTS

Commission District: 1-Weatherford

Current Zoning: SC (Suburban Condominium)

Current use of property: Single-family House

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

Proposed use: Residential Subdivision

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 6.696 ac

District: 19

Land Lot: 339 and 402

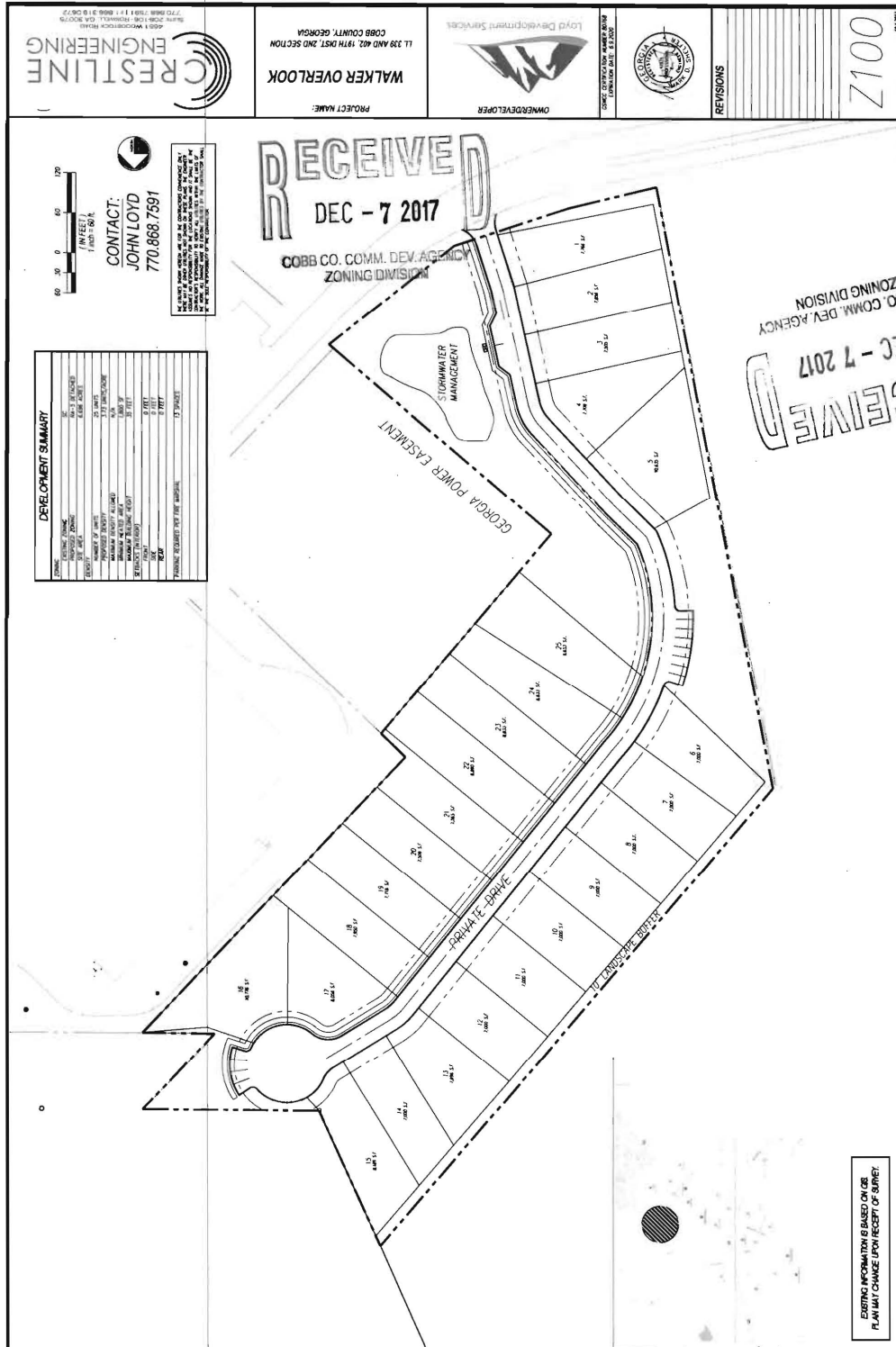
Parcel #: 19040200070

Taxes Paid: Yes

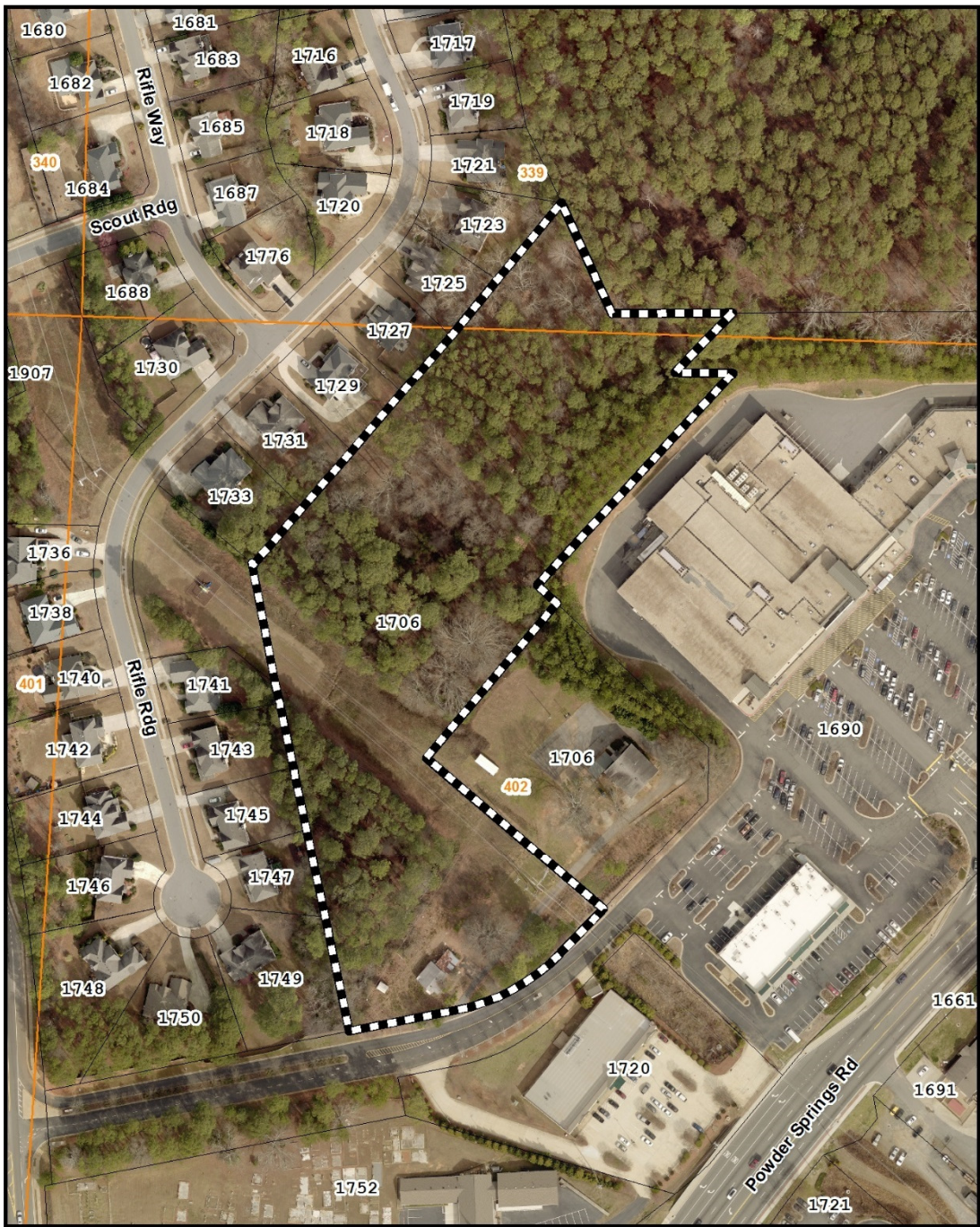
FINAL ZONING STAFF RECOMMENDATION:  
(Zoning staff member: Terry Martin, MPA)

Based on the included analysis, staff recommends **APPROVAL** subject to:

1. Site plan received by the Zoning Division on December 7, 2017 with the District Commissioner approving minor modifications;
2. Variances as outlined in the Zoning Division Comments;
3. Fire Department's comments and recommendations;
4. Sewer and Water Division's comments and recommendations;
5. Stormwater Management Division's comments and recommendations; and
6. Department of Transportation's comments and recommendations.



# Z-8 2018-Aerial Map



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

0 100 200 Feet

Land Lot  
City Boundary

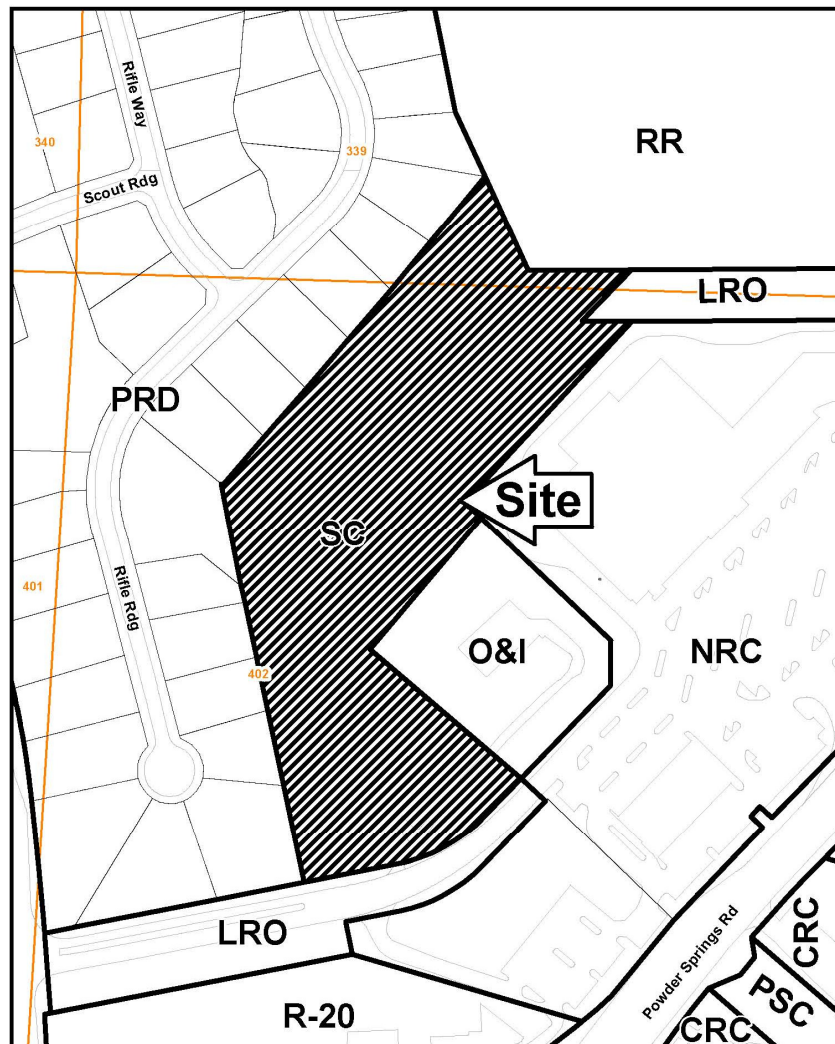


North

**Zoning:** PRD (Planned Residential Development)

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

**Z-8 2018-GIS**



WEST

**Zoning:** PRD  
(Planned  
Residential  
Development)

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

EAST

**Zoning:** NRC  
(Neighborhood  
Retail  
Commercial)  
and O&I (Office  
& Institutional)

**Future Land  
Use:** NAC  
(Neighborhood  
Activity Center)

SOUTH

**Zoning:** LRO (Low Rise Office), O&I (Office & Institutional),  
and NRC (Neighborhood Retail Commercial)

**Future Land Use:** NAC (Neighborhood Activity Center)

## DEPARTMENT COMMENTS- Zoning Division

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### **Current zoning district for the property**

The SC district is established to provide locations for the development of low maintenance residential condominium dwelling units, including the combination of single-family houses, duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to 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 and high density residential, neighborhood activity center and community activity center 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 SC district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwelling units 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 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 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**

The applicant is requesting a rezoning from the existing SC (Suburban Condominium District) per previous case Z-127 of 2006 to the RA-5 (Single-Family Residential District) in order to develop a 25-lot subdivision on the subject 6.7 acres. This proposal will result in a density of 3.73 units per acre. All lots meet the minimum size requirement of 7,000 square feet and have a minimum road frontage and lot width of at least 50 feet for non-cul-de-sac lots. Finally, the applicant indicates that proposed homes will be of traditional architecture and range from 2,000 square feet to 3,200 square feet in size.

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

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### **Residential criteria**

Allowable units as zoned: 26 (per Z-127 of 2006)

Proposed # of units: 25

Net density: 3.73

Decrease of units: 1

Acres of floodplain/wetlands: 0

Impervious surface shown: 38%

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

The applicant's proposal requires the following variances:

1. Waive the minimum public road frontage per lot from the required 50 feet to zero feet due to the development's private drive.
2. Waive all setbacks (Front:25 feet, Sides: 5 feet, 15 feet between buildings, Rear: 40 feet) to zero feet.

## **DEPARTMENT COMMENTS- Fire Department**

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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.

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 comments.

## **DEPARTMENT COMMENTS- Cemetery Preservation**

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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

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School	Student Capacity	Student Enrollment	Capacity Status
<b>Cheatham Hill Elem</b>	1075	1106	31 over capacity
<b>Lovinggood Middle</b>	1162	1374	212 over capacity
<b>Hillgrove High</b>	1912	2465	553 over capacity

<b>COMMENTS</b>
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Approval of this petition will cause concern for CCSD, as it will result in an impact in the enrollment for schools already over capacity.

Note: Lovinggood MS and Hillgrove HS will be relieved of overcrowding with the SPLOST V construction.

## DEPARTMENT COMMENTS- Stormwater Management

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Ward 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. Existing Lake Downstream ~1000 feet Additional BMP's for erosion & sediment control will be required. This pond is the Battle Creek S/D stormwater management facility.
11. Lake Study required to document pre- and post-development sediment levels.
12. Stormwater discharges through an established residential neighborhood downstream.
13. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system and detention pond.
14. Special site conditions and/or additional comments:
  - The majority of the site drains to the northwest into Battle Creek S/D. The site must be graded to direct all impervious runoff to the proposed detention facility. Swales will be required along the shared property line with Battle Creek S/D to direct site runoff to the detention pond and cutoff any potential bypass runoff to the rear of these adjacent parcels.
  - Adequate conveyance of the detention pond discharge must be provided through Lot 42 of Battle Creek S/D (#1729 Rifle Ridge). The only existing receiving feature is a pedestal-top drop inlet located in the rear yard with no defined swale from the proposed site. The pond outlet should be tied directly to the existing system. Permission from the current homeowner will be required.



## DEPARTMENT COMMENTS- Planning Division

**Cobb 2040 Comprehensive Plan:** The parcel is within a Neighborhood Activity Center (NAC) future land use category. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

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 – Macland Road 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- 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)

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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 Bird/Wildlife Air Strike Hazard Area (BASH)?

☒ Yes ☐ No

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**Historic Preservation**

It has been determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional should be considered. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

## 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): 10" in John Ward Rd.

Additional water comments: Easement required to bring public water line to development.

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: 180' west in Rifle Ridge ROW

Estimated waste generation (in G.P.D.): Average daily flow = 4,000; Peak flow = 10,000

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

Privately-owned wastewater system in adjacent shopping center cannot be utilized to serve proposed subdivision.

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.

\*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- Transportation**

<b>Roadway</b>	<b>Roadway classification</b>	<b>Speed limit (MPH)</b>	<b>Jurisdictional control</b>	<b>Min. R.O.W. requirements</b>
Private	N/A	N/A	N/A	N/A

<b>Roadway</b>	<b>Location</b>	<b>Average daily trips</b>	<b>Level of service</b>
Private	N/A	N/A	N/A

**Comments and observations**

All abutting roads are private.

**Recommendations**

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

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

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 zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Other uses in the area include commercial, cluster homes, and institutional uses.

**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 applicant's proposal would provide a step down in zoning intensity from the commercial property to the less dense single-family houses.

**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 is in conformity with the policies and intent of the comprehensive plan which delineates the property to be within the NAC (Neighborhood Activity Center) future land use category. This category seeks to encourage retail commercial uses which serve neighborhood residents and businesses. NACs also allow higher density residential to provide a transition in zoning intensity.

(CONTINUED ON FOLLOWING PAGE)



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 is located within an area which already includes commercial, cluster homes, and institutional uses. The proposed development would provide a step down or transition in zoning intensity from the adjacent commercial property and less dense single-family houses. The higher density of the request is allowed by the property's NAC future land use designation.

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

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 \_\_\_\_\_