



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-46
Public Hearing Dates:
PC: 07-03-18
BOC: 07-17-18

SITE BACKGROUND

Applicant: Rob Anagnostis

Phone: (770) 560-9676

Email: robanagnostis@bellsouth.net

Representative Contact: Rob Anagnostis

Phone: (770) 560-9676

Email: robanagnostis@bellsouth.net

Titleholder: Irving C. Hoffman and Barbie Spear
Hoffman; Tabacon, LLC

Property Location: Northwest corner of Cooper
Lake Road and Weaver Street

Address: 1975 Cooper Lake Road; 4290, 4302,
and 4314 Weaver Street

Access to Property: Cooper Lake Road and
Weaver Street

QUICK FACTS

Commission District: 2-Ott

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

Current use of property: Single-family houses

Proposed zoning: RA-5

Proposed use: Single-family residential subdivision

Future Land Use Designation: MDR (Medium
Density Residential)

Site Acreage: 1.208 ac

District: 17

Land Lot: 694

Parcel #: 170694010410, 17069400420,
17069400430, and 17069400440

Taxes Paid: Yes

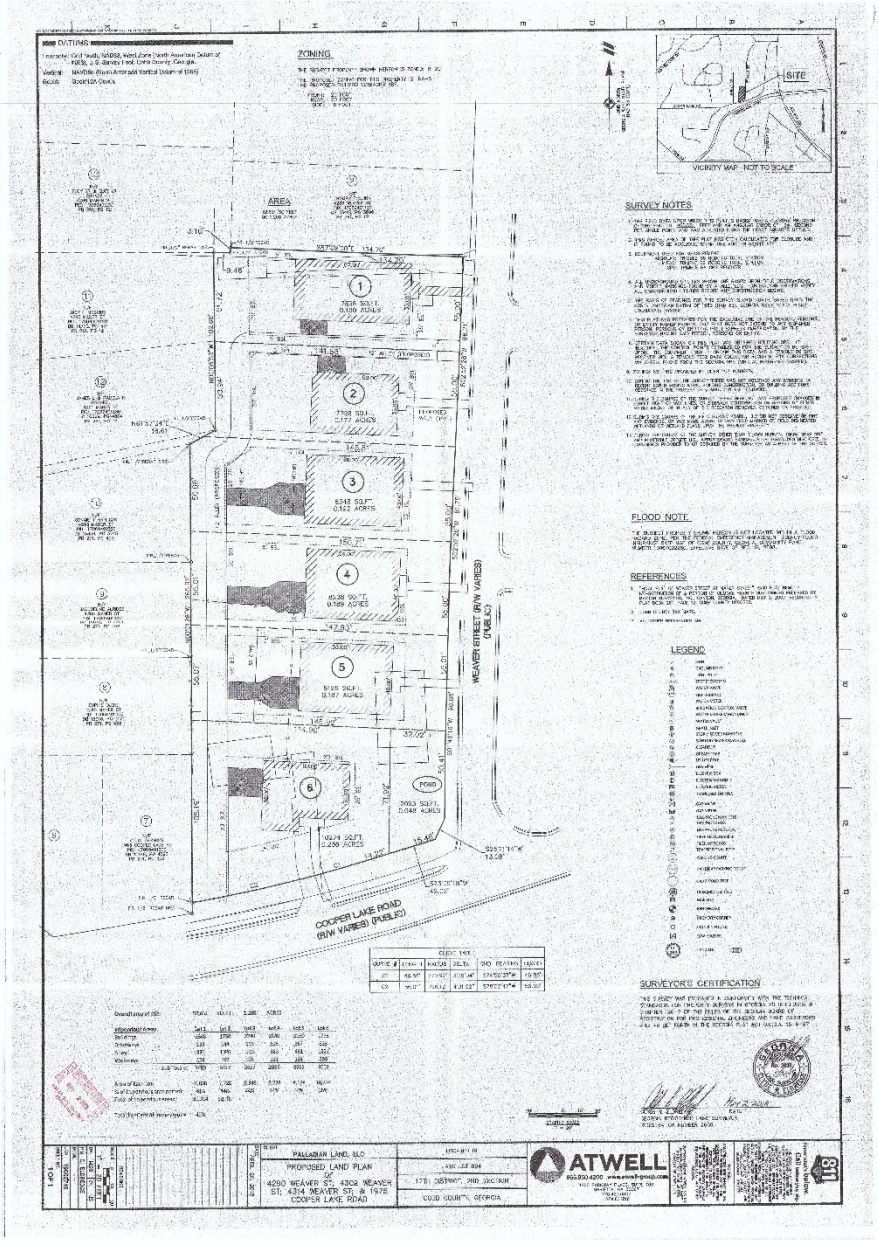
FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Terry Martin, MPA)

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

1. Site plan received by the Zoning Division on May 2, 2018, with the District Commissioner approving minor modifications;
2. Variances as stated in the Zoning comments;
3. Final house elevations to be approved by the District Commissioner;
4. The homes will have a minimum of a two-car garage and shall have a minimum of 2,500 square feet of heated and cooled living area;

FINAL ZONING STAFF RECOMMENDATION (Continued):

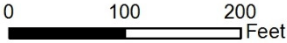
5. The lots will be no less than 50 feet in width at the building line;
6. The lots will be a minimum of 7,000 square feet;
7. The applicant and/or developer contribute to the county \$8,000 per lot which represents a proportional share of the cost of improvements Cobb County has made to the right of way;
8. Landscape plan to be reviewed by the County Arborist which includes fencing and plantings sufficient to screen proposed alley from adjacent neighbors to the west, with final approval by the District Commissioner;
9. When a house is vacated, the owner will immediately place a "no trespassing" sign on the property and will board the house within 30 days;
10. All septic tanks will be pumped out by a plumbing company before grading the lots;
11. The applicant agrees to adhere to the Noise Ordinance in relation to construction;
12. Fire Department comments and recommendations, *not otherwise in conflict with approved site plan*;
13. Water and Sewer Division comments and recommendations;
14. Stormwater Management Division comments and recommendations;
15. Historic Preservation comments;
16. Department of Transportation comments and recommendations; and
17. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.



Z-46 2018-Aerial Map



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

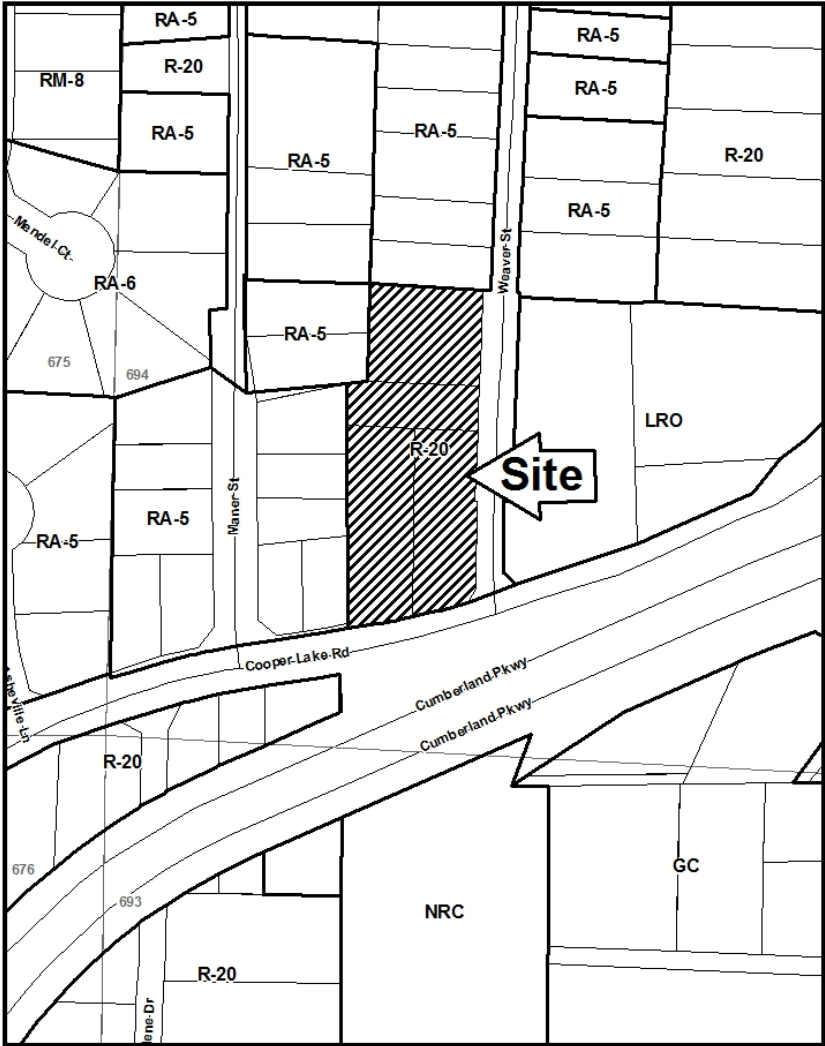


- Land Lot
- City Boundary

North

Zoning: RA-5 (Single-family Residential)
Future Land Use: MDR (Medium Density Residential)

Z-46 2018-GIS



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

0 100 200 Feet

City Boundary
 Zoning Boundary

WEST

Zoning: RA-5 (Single-family Residential)

Future Land Use: MDR (Medium Density Residential)

EAST

Zoning: LRO (Low Rise Office)

Future Land Use: PI (Public/Institutional)

SOUTH

Zoning: NRC (Neighborhood Retail Commercial)
Future Land Use: NAC (Neighborhood Activity Center)

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. 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.

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

The applicant is requesting a rezoning of the subject property from the R-20 zoning district to the RA-5 zoning district in order to reconfigure the property and redevelop for six (6) homes similar to those previously done on both Weaver Street and nearby Maner Street. The proposed lots average around 8,424 square feet which means that all lots will exceed the 7,000 square feet minimum required by the RA-5 district. The houses will be approximately 3,500 square feet in size and of transitional architecture. Elevations have been proposed that show hardiplank siding, board and batten, as well as brick (see attached). All the homes will be accessed via a shared driveway so the houses will either have side or rear loaded garage. The shared driveway will help to accentuate the front of the homes to the public road.

Residential criteria

Allowable units as zoned: 4

Proposed # of units: 6

Net density: 4.97 units per acre

Increase of units: 2

Acres of floodplain/wetlands: 0

Impervious surface: Up to 44% per lot (due to shared driveway).

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

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

1. Waive the rear setback from the required 30 feet to 20 feet;
2. Waive the lot width at the road and the front setback from 70 feet to as low as 55 feet;
3. Waive the distance between houses from 15 feet to 10 feet;
4. Waive the requirement that each lot have a maximum impervious surface of 40% to as much as 44% (due to shared driveway); and
5. Increase the maximum height of the houses from 35-feet to 42-feet.

DEPARTMENT COMMENTS- Fire Department

To help ensure the roadway is clear of parked vehicles, provide 50-ft driveways leading to at least 2-car garages.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

School	Student Capacity	Student Enrollment	Capacity Status
Nickajack Elem.	937	1123	186 over capacity
Campbell Middle	1350	1500	150 over capacity
Campbell High	2637	2854	217 over capacity

COMMENTS

Approval of this petition will cause concern for CCSD, as it will result in an impact on the enrollment for schools already over capacity.

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

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Unnamed Trib to Chattahoochee River
4. Wetlands: No
5. Streambank buffer zone: No
6. Special site conditions and/or additional comments:
 - Stormwater management is proposed to be located at the southeast corner of the site. Being located adjacent to the right-of-way, any exposed wall must be decoratively faced.
 - The pond lot may have to be re-oriented to provide adequate building setbacks.

DEPARTMENT COMMENTS- Planning Division

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

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Smyrna

Was the City notified? Yes No N/A

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)

(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.

(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 Noise Zone? Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)? Yes No

Historic Preservation

After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that two c. 1930 houses (4314 and 4290 Weaver Street) are located within the project area. Due to the age and location of the structures, information about these resources and their occupants appears to have the potential to contribute significantly to the county's public history. Staff recommends the homes either be incorporated into the development or, alternately, documented if destroyed.

In order to properly document these structures, their inhabitants, and the role they played in Cobb County's history, staff requests a history of the homes and their occupants (as well as archival-quality photographs of the structures, all outbuildings, and their setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

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" in Weaver St, 6" in Cooper Lake Rd

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: ~350' east, across Cooper Lake Rd

Estimated waste generation (in G.P.D.): Average daily flow = 960; Peak flow = 2,400

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

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 onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

DEPARTMENT COMMENTS- Transportation REVISED 5-7-18

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Cooper Lake Road	Minor Collector	35	Cobb County	60'
Weaver Street	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Cooper Lake Road	East of Maner Street	3,850	C
Weaver Street	N/A	N/A	N/A

Based on 2016 traffic counting data taken by Cobb County DOT for Cooper Lake 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

Cooper Lake Road is classified as a minor collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Weaver Street 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 Cooper Lake Road, a minimum of 30' from the roadway centerline.
2. 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 Weaver street, a minimum of 25' from the roadway centerline.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
4. Recommend curb, gutter, and sidewalk along the Weaver Street frontage.
5. Recommend replacing disturbed curb, gutter, and sidewalk along the Cooper Lake Road frontage.

DEPARTMENT COMMENTS- Transportation

6. Recommend applicant reimburse Cobb County DOT \$8,000.00 per lot for a proportionate share of infrastructure improvements along Weaver Street.
7. Recommend removing and closing driveway aprons along the Cooper Lake Road and Weaver Street frontage that development renders unnecessary.
8. Recommend alley be for one-way access and signed for entrance/exit only at each access points.
9. Recommend applicant verify that minimum intersection sight distance is available for Cooper Lake Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

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

It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties within the same subdivision (Gilmore Heights) have been previously rezoned along Maner and Weaver Streets and rebuilt with houses similar to applicant's proposal.

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

It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The approval of this request will place similar conditions upon the property as those recent lots brought in for redevelopment and will continue the single-family use of the property.

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

It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets or transportation facilities. The Cobb County School District has expressed concerns over the development's impact on school enrollment.

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 the property to be within the medium density residential future land use area. This area forecasts densities ranging from 2.5 to 5 units per acre. The request represents a density of 4.97 units per acre. The subject property and resulting home sites, if developed as proposed, would be in keeping with the other redeveloped lots within the immediate area.

STAFF ANALYSIS (Continued)

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The request will allow redevelopment of the property into six (6) new single-family residences of the size and quality of those recently built along Maner and Weaver Streets. Being subject to similar conditions as these other properties will ensure compatibility and consistency with other houses in the area.

The staff analysis and recommendation made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

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: _____

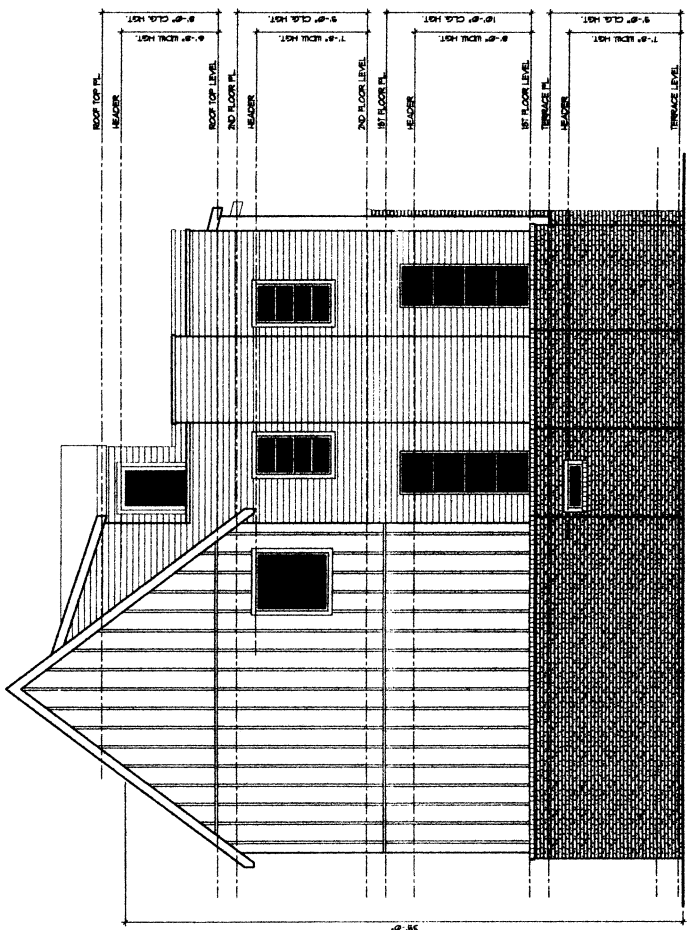
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Comments:

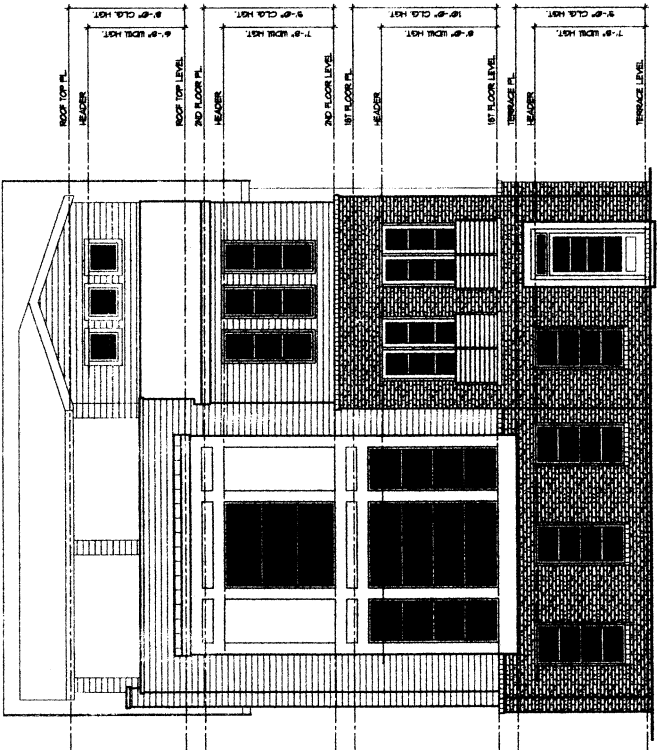
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Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____

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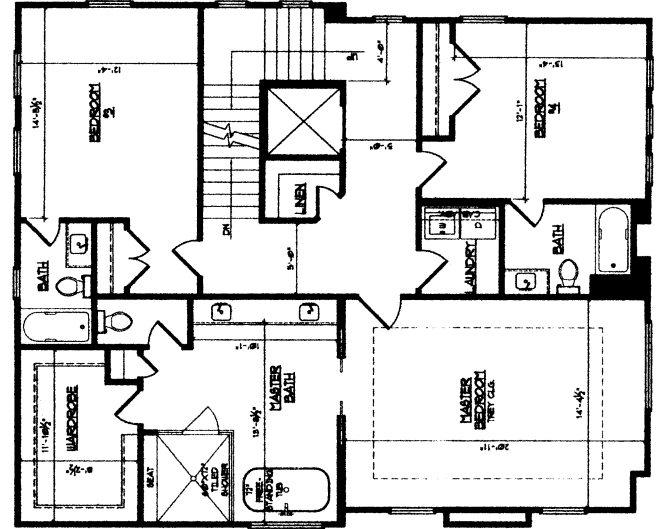


LEFT ELEVATION

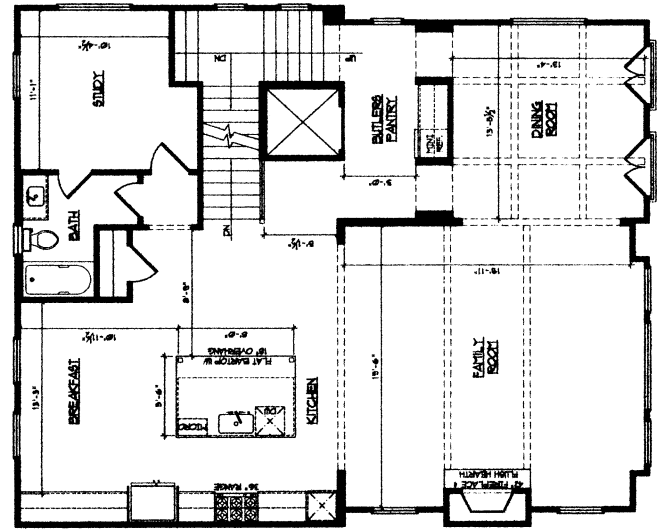


FRONT ELEVATION

PLANS NOT FOR CONSTRUCTION

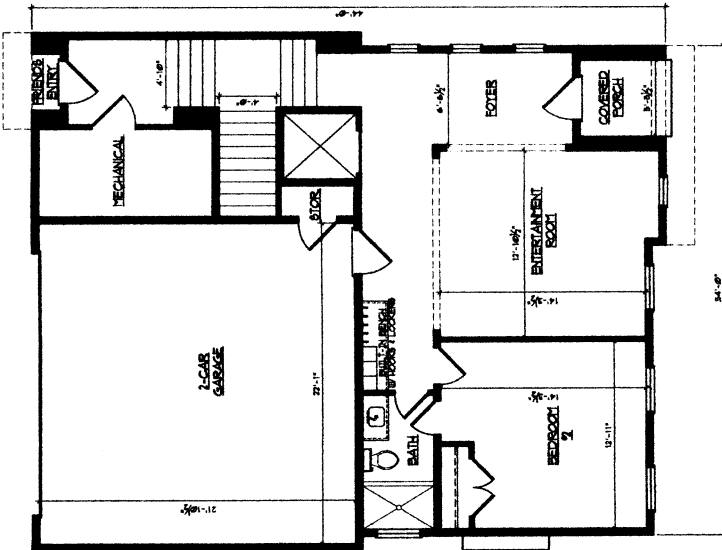


SECOND FLOOR PLAN
SCALE: 1/4" = 1'-0"
4'-0" CLS. INT.



FIRST FLOOR PLAN
SCALE: 1/4" = 1'-0"
10'-0" CLS. INT.

SQUARE FOOTAGE	
TERRACE FLOOR	870 SQ. FT.
FIRST FLOOR	1,441 SQ. FT.
SECOND FLOOR	1,438 SQ. FT.
TOTAL	3,749 SQ. FT.
CONCRETE	439 SQ. FT.
UNFINISHED STOR./MECH.	75 SQ. FT.



TERRACE PLAN
SCALE: 1/4" = 1'-0"
4'-0" CLS. INT.

PLANS NOT FOR CONSTRUCTION