



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-60  
Public Hearing Dates:  
PC: 10-02-18  
BOC: 10-16-18

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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: David Gregory Weaver

Property Location: East side of Kemp Ridge Road,  
south of Lake Acworth Drive

Address: 3870 and 3874 Kemp Ridge Road, and  
one parcel with no address

Access to Property: Kemp Ridge Road

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**QUICK FACTS**

Commission District: 1-Weatherford

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

Current use of property: Single-family houses and  
undeveloped parcel

Proposed zoning: RA-5 (Single-family)

Proposed use: Single-family Subdivision

Future Land Use Designation: NAC (Neighborhood  
Activity Center)

Site Acreage: 5.45 ac

District: 20

Land Lot: 81

Parcel #: 20008100010, 20008100030, and  
20008100230

Taxes Paid: Yes

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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 August 31, 2018 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-60  
(2018)

**RESTLINE ENGINEERING**  
 1711 W. STATE ST. SUITE 100  
 ALPHARETTA, GA 30201  
 770.242.0300

DESIGNED ON BEHALF OF  
**KEMP RIDGE TRACT**  
 LAND LOT 89, 89TH DISTRICT  
 COBB COUNTY, GA



CONCEPTUAL PLAN



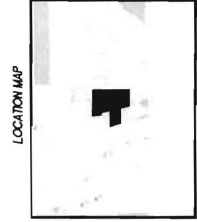
REVISIONS

NO.	DESCRIPTION

ZONING PLAN  
**Z100**

**DEVELOPMENT SUMMARY**

PROJECT NAME	
PROPOSED ZONING	
EXISTING ZONING	
PROPERTY ADDRESS	
OWNER	
DATE	
DESIGNER	
CITY	
COUNTY	
STATE	
CITY ZONING DEPARTMENT	



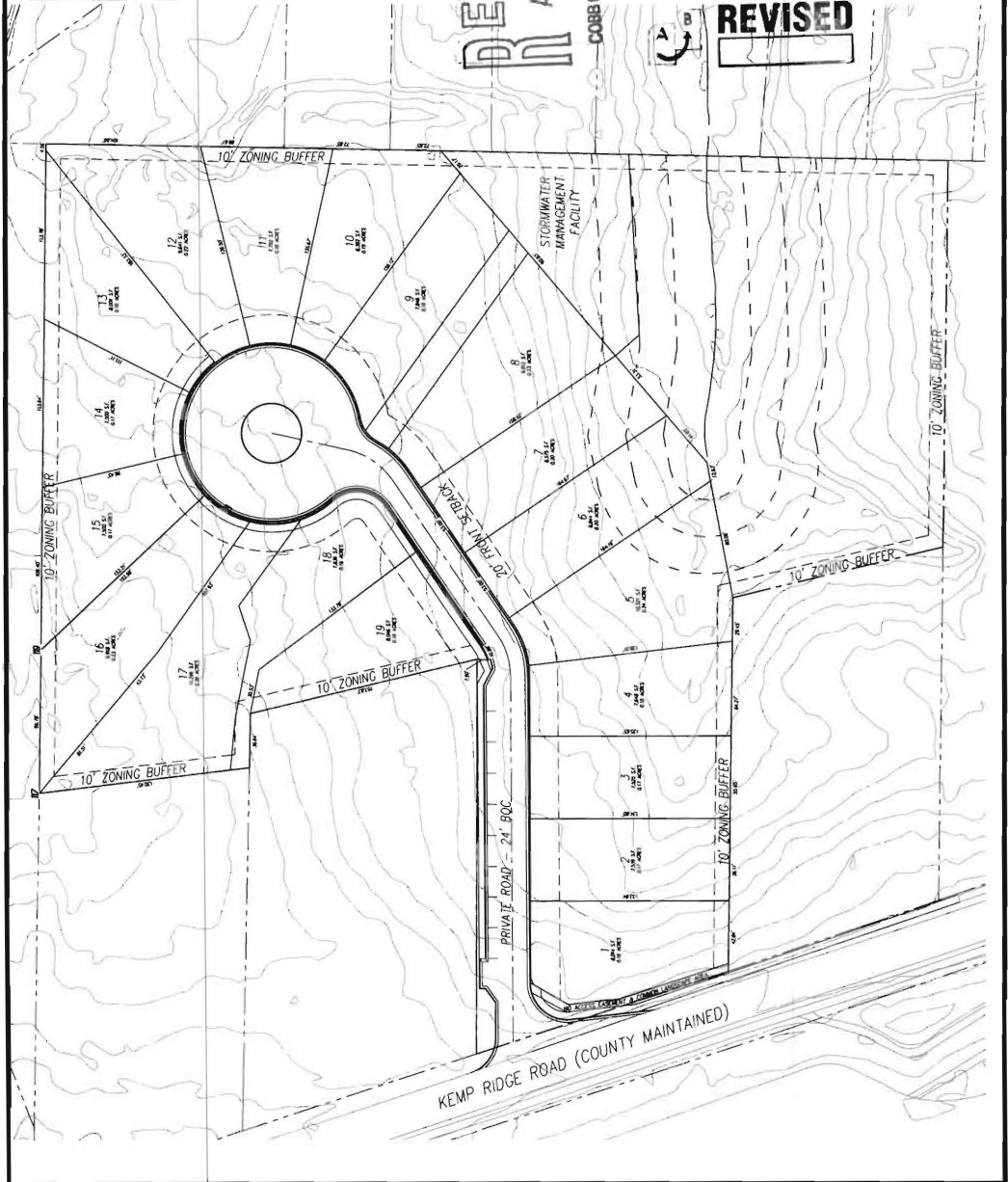
**RECEIVED**  
 AUG 31 2018  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

24 HOUR CONTACT:  
 JOHN LOYD  
 770.868.7591



**GEORGIA811**  
 Utilities Protection Center, Inc.  
 Know what's below.  
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**REVISED**

# Z-60 2018-Aerial Map



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

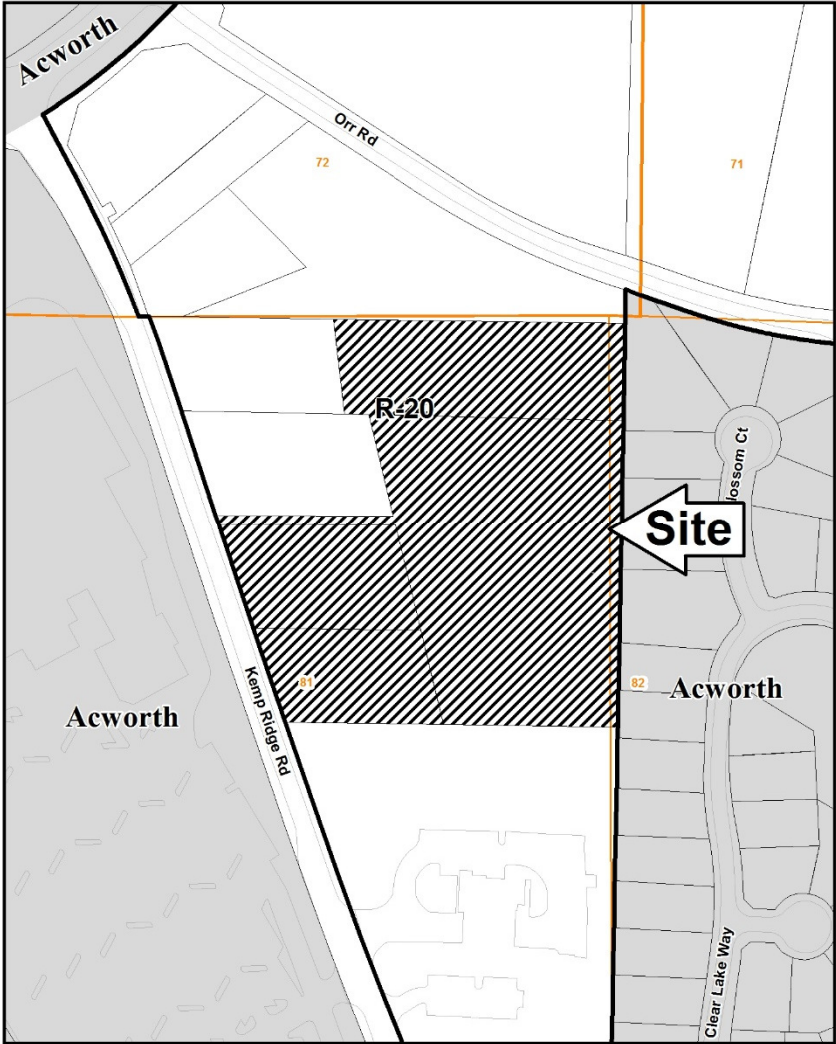
0 100 200 Feet

— Zoning Boundary  
— City Boundary



**North**  
**Zoning:** R-20 (Single-family Residential)  
**Future Land Use:** NAC (Neighborhood Activity Center)

**Z-60 2018-GIS**



**WEST**  
**Zoning:** R-20 (Single-family Residential)  
**Future Land Use:** NAC (Neighborhood Activity Center)

**EAST**  
**Zoning:** Acworth City Limits  
**Future Land Use:** Acworth City Limits

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

0 100 200 Feet

Zoning Boundary  
City Boundary

**SOUTH**  
**Zoning:** R-20 (Single-family Residential)  
**Future Land Use:** PI (Public Institutional)

## 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.

### **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 to the RA-5 Single-family residential district in order to develop the property for a 19-lot subdivision. At 5.45 acres, this will result in a density of 3.49 units per acre. Proposed homes will range from 1,800 square feet to 2,500 square feet in size and will have traditional architecture.

### **Residential criteria**

Allowable units as zoned: 9

Proposed # of units: 19

Net density: 3.49

Increase of units: 10

Acres of floodplain/wetlands: 0

Impervious surface shown: 40%

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

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

The proposed site plan will require contemporaneous variances to waive the following:

1. Waive the minimum lot width at front setback line from the required 50 feet to as little as 30 feet;
2. Waive the minimum public road frontage from the required 50 feet to as little as 25 feet;
3. Waive the front setback from the required 25 feet to 20 feet; and
4. Waive the rear setback from the required 40 feet to 20 feet.

## **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:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- 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.

## **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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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: Tributary to Butler Creek (Lake Acworth)
4. Wetlands: No
5. Streambank buffer zone: Yes
6. County Buffer Ordinance: 50' each side of creek channel.
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. Existing Lake Downstream (Lake Acworth.) Additional BMP's for erosion & sediment control will be required.
10. Stormwater discharges through an established residential neighborhood downstream.
11. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
12. Special site conditions and/or additional comments:
  - The entire site drains to the east into and through the adjacent Allatoona Springs Subdivision. Drainage easements will likely be required at the rear of lots 2-12 to adequately convey site runoff to the proposed stormwater management facility.
  - A drainage easement will be required through the open space area to provide conveyance for existing runoff from the Fire Station located to the south of the site.

## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the 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

Acworth

Was the city notified?  Yes  No  N/A

**Specific Area Policy Guidelines:**  Yes  No

NAC-P30-2040: The Board of Commissioners, in an effort to mitigate problems with noise and light pollution from commercial uses southwest of Kempt Ridge Road reaching single-family neighborhoods to the northeast, has placed these lots in the NAC category. Residential use in this area would be appropriate if it were a unified development consisting of an assemblage of the properties with a preferred development type being single-family attached homes. It is important that the new housing units built develop a design that respects the mass, scale, siting and form of other buildings in the area to mitigate the negative influences of the neighboring commercial property. In the case of commercial or retail uses, maximum attention would be given to buffering the properties in the City of Acworth. Appropriate mitigation of sound and light pollution is required, in addition specific uses and intensity restrictions would be placed on the commercial activity to enhance the livability of these neighborhoods.

**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)*

(Planning comments continued on the next page)



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

**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).**

**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 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" in Kemp Ridge 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

Estimated waste generation (in G.P.D.): Average daily flow = 3,040 GPD

Peak flow = 7,600 GPD

Treatment plant: Northwest

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: Relocation of existing sewer and quitclaiming of sewer easement likely required at Plan Review

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

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Kemp Ridge Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Kemp Ridge Road	East of Lake Acworth Drive	7,590	C

*Based on 2016 AADT counting data taken by GDOT, as published on their website, for Kemp Ridge 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

Kemp Ridge Road is classified as a major collector 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 east side of Kemp Ridge Road, a minimum of 40' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
4. Recommend sidewalk along the Kemp Ridge Road frontage.
5. Recommend the driveway for Lot 1 be a minimum of 50' from the intersection of Kemp Ridge Road.
6. Recommend a deceleration lane or taper on Kemp Ridge Road for the entrance. Recommend design be determined during plan review, subject to Cobb County DOT approval.
7. Recommend a no access easement to Kemp Ridge Road for Lot 1.
8. 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 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;**

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The property is located across Kemp Ridge Road from a retail store (Walmart) and north of a Cobb County fire station and tag office. Other residential uses in the area include single-family residential lots and residential subdivision (Allatoona Springs) located within the City of Acworth with a density of 2.6 units per acre. The proposal's density would be 3.49 units per acre.

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

The zoning proposal will not affect the existing use or usability of the adjacent or nearby properties. The proposed use is denser than that of abutting properties but would provide a step down in zoning intensity from the commercial property to the adjacent 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 forecasts retail commercial uses which serve neighborhood residents and businesses. NACs also allow higher density residential to provide a transition in zoning intensity.

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 has residences, County facilities and commercial property. The proposed development would provide a step down or transition in zoning intensity from the commercial property to the 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.**



RECEIVED  
JUL - 5 2018  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

Application No. z- 60

PC: Oct. 2, 2018  
BOC: Oct. 16, 2018

# Summary of Intent for Rezoning\*

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

- a) **Proposed unit square-footage(s):** Ranging from 1,800 square feet to 2,500 square feet
  - b) **Proposed building architecture:** Traditional - renderings/elevations will be provided under separate cover.
  - c) **List all requested variances:** As shown on the site plan.
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) **Proposed use(s):** N/A
  - 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 zoned R-20 and denominated as Neighborhood Activity Center ("NAC") on the Comprehensive Land Use Map. The property is contiguous to the City of Acworth; to the east (Allatoona Springs Subdivision – zoned R-3) and to the west across Kemp Ridge Road (WalMart Super Center – zoned CRC). Additionally, the property is located directly north of a Cobb County Fire Station and Tag Office, and south of other Cobb County R-20 zoned properties (which are also designated as NAC).

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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.

\* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.



0: FRONT ELEVATION  
A201 1/4" = 1'-0"

**RECEIVED**  
AUG 31 2018  
COUS CO. COMM. DEV. AGENCY  
ZONING DIVISION



102 SIDE ELEVATION  
A201 3/16" = 1'-0"



103 FRONT ELEVATION  
A202 3/16" = 1'-0"

**Planning Commission Decision**

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

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

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**Names of those Opposed:**

**Comments:**

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

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**Board of Commissioners Decision**

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

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

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**Names of those Opposed:**

**Comments:**

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