



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-68
Public Hearing Dates:
PC: 11-06-18
BOC: 11-20-18

SITE BACKGROUND

Applicant: Traton Homes, LLC

Phone: (770) 427-9064

Email: clif@tratonhomes.com

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijs.com

Titleholder: Martha Sue Daniell, f/k/a Martha Sue Johnson

Property Location: West side of Austell Road, and on the northeast side of Milford Church Road

Address: 1336 Milford Church Road

Access to Property: Milford Church Road

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: R-20 (Single-family Residential) and NS (Neighborhood Shopping)

Current use of property: Single-family house and undeveloped acreage

Proposed zoning: RM-8 (Multi-family Residential)

Proposed use: Townhouse Community

Future Land Use Designation: NAC (Neighborhood Activity Center), MDR (Medium Density Residential), and CAC (Community Activity Center)

Site Acreage: 14.16 ac

District: 19

Land Lot: 631 and 632

Parcel #: 19063200010

Taxes Paid: Yes

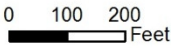
FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: [Hayley Todd](#))



Based on the analysis of this case, Staff recommends **DENIAL**.

Z-68 2018-Aerial Map



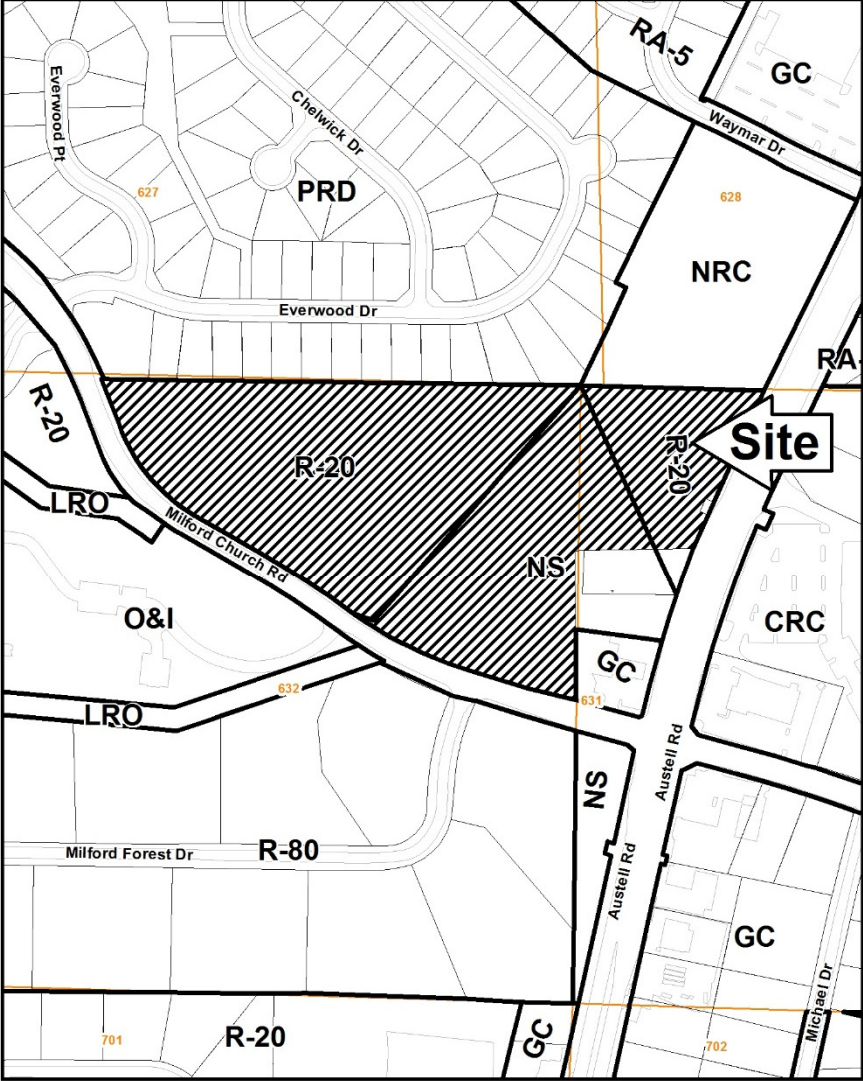
This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  Zoning Boundary
-  City Boundary

North

Zoning: PRD (Planned Residential Development), and NRC (Neighborhood Retail Center)
Future Land Use: MDR (Medium Density Residential), and CAC (Commercial Activity Center)



WEST

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

EAST

Zoning: CRC (Community Retail Center)
Future Land Use: CAC (Community Activity Center)

SOUTH

Zoning: O&I (Office and Institutional), and R-80 (Low-density Residential)
Future Land Use: NAC (Neighborhood Activity Center) and LDR (Low Density Residential)

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.

The NS district is established to provide locations for retail commercial and services uses which are designed and oriented to serve two to four neighborhoods and are located in areas delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Commencing January 1, 1991, no new applications for rezoning to the NS district will be accepted by the board of commissioners. Any existing, developed NS zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned as NS outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

Requested zoning district for the property

The RM-8 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for medium and high density residential and regional activity center 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 RM-8 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Summary of the applicant's proposal

The applicant is requesting the RM-8 zoning district to develop townhome community. As proposed, the community will consist of 105 townhomes with a proposed home size of 1,800 square feet and greater, and will have attached, two-car garages. The architecture of the townhouses will be Traditional/Craftsman. The development will have a pool and clubhouse.

DEPARTMENT COMMENTS- Zoning Division (Continued)

Residential criteria

Allowable units as zoned: 18

Proposed # of units: 105

Net density: 7.41

Increase of units: 87

Acres of floodplain/wetlands: 0

Impervious surface shown: 45%

Are there any zoning variances?

No. There are no zoning variances on this property.

DEPARTMENT COMMENTS- Fire Department

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)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

School	Student Capacity	Student Enrollment	Capacity Status
Birney Elem	925	873	52 under capacity
Smitha	1137	1007	130 under capacity
Osborne High	2062	2119	57 over capacity

COMMENTS

Approval of this petition will have a significant impact on the enrollment at these schools, and we oppose its approval.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Olley 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. Existing Lake Downstream – Milford Chase HOA Pond (immediately downstream). A Lake Study will be required to document pre- and post-development sediment levels.
9. Stormwater discharges through an established residential neighborhood downstream.
10. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s) including a storage routing for the Milford Chase HOA pond.
11. A downstream headwater pool analysis will be required for the existing receiving culvert in Milford Chase S/D to verify no adverse impact. The basements at 3069 and 3071 Milford Chase are located below the low point of the road.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Community Activity Center and Medium Density Residential (CAC and MDR) future land use categories. The purpose of the CAC category is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores. 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

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

In recognition of the need to promote quality redevelopment, create new residential opportunities, and encourage new medical service uses at the intersection of Austell Road and the East West Connector, the properties are placed in the Community Activity Center (CAC) future land use category. The Board of Commissioners, in an effort to develop a long-term vision for improvements in this area of Cobb County, funded the creation of the Austell Corridor Livable Centers Initiative Study. These properties were identified in the study as an area appropriate for a mixed-use development in a manner consistent with the findings and acceptance language of the study document. In addition to promoting a combination of residential and office/retail development, a special focus in this area should be on supporting and expanding medical-related office and service uses due to the proximity of Cobb General Hospital.

Masterplan/ Corridor Study: Austell Road LCI 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 Smyrna-Osborne Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)*new jobs and capital investment)***Is the property eligible for the Façade Improvement Program?** Yes No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

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.

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

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

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

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 8" in Milford Church Road

Additional water comments: Development Standards will require second water feed

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: 160' N in Everwood Drive, if elevations allow

Estimated waste generation (in G.P.D.): Average daily flow = 16,800 GPD

Peak flow = 42,000 GPD

Treatment plant: South Cobb WRF

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

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Austell Road	Arterial	45	Georgia DOT	100'
Milford Church Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Austell Road	North of E Callaway Road	28,900	D
Milford Church Road	East of Michael Drive	7,900	C

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Austell Road.

Based on 2017 traffic counting data taken by Cobb County DOT for Milford Church 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

Austell Road is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Milford Church 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.

Driveway lengths are recommended to be a minimum of 20 ft., as measured from the garage to the right-of-way, to prevent vehicles from blocking the sidewalk and public roadway.

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 Austell Road, a minimum of 50' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend removing and closing driveway aprons along Milford Church Road that development renders unnecessary.

DEPARTMENT COMMENTS- Transportation (continued)

4. Recommend driveway lengths between the garage and right-of-way be a minimum of 20ft.
5. Recommend GDOT permits for all work that encroaches upon State right-of-way.
6. Recommend a traffic study. The traffic study should include existing and base year (full build out year) Build and No Build analysis. Study assumptions (such as study intersections, trip distribution and annual growth rate) should be agreed to by Cobb DOT before completing the study.
7. Recommend public roads end in a circular cul-de-sac per development standards. Recommend no hammerheads on public roads.
8. Recommend no striping for the parallel spaces in the right-of-way. Cobb County DOT does not maintain striping for parallel spaces.
9. Recommend applicant verify that minimum intersection sight distance is available for Milford Church 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 not permit a use that is suitable in view of the use and development of nearby properties. Through the rezoning, the applicant is proposing to facilitate the development of a new townhome community on a property that is surrounded by several residential subdivisions of considerably lower densities.

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

It is Staff's opinion that rezoning proposal has the potential to cause adverse effects on the existing use or usability of adjacent or nearby property. Although the proposed development is a residential community and would be located amid other residential uses, the density of the proposed development is incongruent with the densities of nearby subdivisions. The proposed development would have a net density of 7.41 units per acre, which is substantially more dense than Glen Meadows to the north (zoned PRD with a net density of 2.83 units per acre), Milford Forest to the south (zoned R-80 with a net density of 0.5 units per acre), or Crest Ridge to the east (zoned RA-5 with a net density of 3.99 units per acre). The applicant's proposal does not provide a reasonable transition in zoning intensity; instead, a density of five units or less should be considered.

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 result in a use which could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. The residential density of the proposed townhome development would be much higher than what is currently permitted on the property. The existing R-20 zoning district that covers 9.8 acres of the proposed development area would permit 18 residential units (a density of 1.75 units per acre). This is a stark contrast to the proposed development which would consist of 105 units (a density of 7.41 units per acre) spread across the entire 14-acre property. The difference between the existing zoning and the proposed zoning represents a net increase of approximately 87 units. The increase in housing density, and the resulting local population increase, could potentially overwhelm existing local utilities, institutions, and infrastructure.

STAFF ANALYSIS (Continued)

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 not in conformity with the policy and intent of the Cobb County Comprehensive Plan. A significant portion of this property has a future land use designation as Medium Density Residential (MDR). The MDR category provides for areas that are suitable for moderate density housing between 2.5 to 5 units per acre. The RM-8 zoning district is incompatible with the MDR future land use category as it allows for up to 8 units per acre; RM-8 is more suitable for a High Density Residential future land use designation which permits between 5 and 12 dwelling units per acre.

The portion of the property along Austell Road has a future land use designation of Community Activity Center (CAC), which encourages retail and commercial uses near arterial roadways. Typical land uses within this designation include low to mid-rise office buildings and department stores. Although higher-density residential uses are considered appropriate transitional uses between the CAC and adjacent residential areas, the future land use designation does not expressly include the proposed RM-8 zoning district as a compatible category.

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 or changing conditions affecting the use and development of the property which give grounds for denying the applicant's rezoning proposal. The proposed density of 7.41 units per acre far exceeds the range of 2.5 to 5 units per acre recommended by the MDR future land use designation, in addition to the densities of surrounding, well-established subdivisions. However, the CAC can include higher density residential as a transition in zoning intensity, but these densities tend to be less than five units per acre.

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.



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Application No. Z- 68 (2018)

Hearing Dates: PC - 11/06/2018
BOC - 11/20/2018

Summary of Intent for Rezoning*

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

a) Proposed unit square-footage(s): 1,800 square feet and greater

b) Proposed building architecture: Traditional/Craftsman

c) List all requested variances: None known at this time.

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

a) Proposed use(s): Not Applicable.

b) Proposed building architecture: Not Applicable.

c) Proposed hours/days of operation: Not Applicable.

d) List all requested variances: _____

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Part 3. Other Pertinent Information (List or attach additional information if needed)

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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 portion of the Application for Rezoning, at any time during the rezoning process.

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 _____
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