



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-83

Public Hearing Dates:

PC: 12-04-18

BOC: 12-18-18

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## SITE BACKGROUND

Applicant: Blake-Wilder Strategies, LLC

Phone: (727) 498-3330

Email: shammond@blakeip.com

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijs.com

Titleholder: Multiple titleholders on file in the Zoning Division

Property Location: Northeast corner of Macland Road and Villa Rica Road, and on the west side of Wilkins Circle

Address: 3731 Macland Road and 1975 Villa Rica Road

Access to Property: Macland Road and Villa Rica Road

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## QUICK FACTS

Commission District: 1-Weatherford

Current Zoning: R-80 (Single-family Residential)

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

Proposed zoning: R-15/OSC (Open Space Community)

Proposed use: Single-family Residential Subdivision

Future Land Use Designation: VLDR (Very Low Density Residential)

Site Acreage: 44.72 ac

District: 19

Land Lot: 427 and 462

Parcel #: 19042700010 and 19042700020

Taxes Paid: Yes

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## FINAL ZONING STAFF RECOMMENDATION: (Zoning staff member: Jason Campbell)

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

1. Site plan received by the Zoning Division on November 19, 2018, with the District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. Comments in the Open Space Community comments sections.





# Z-83 2018-Aerial Map



**Site**

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

0 100 200 Feet

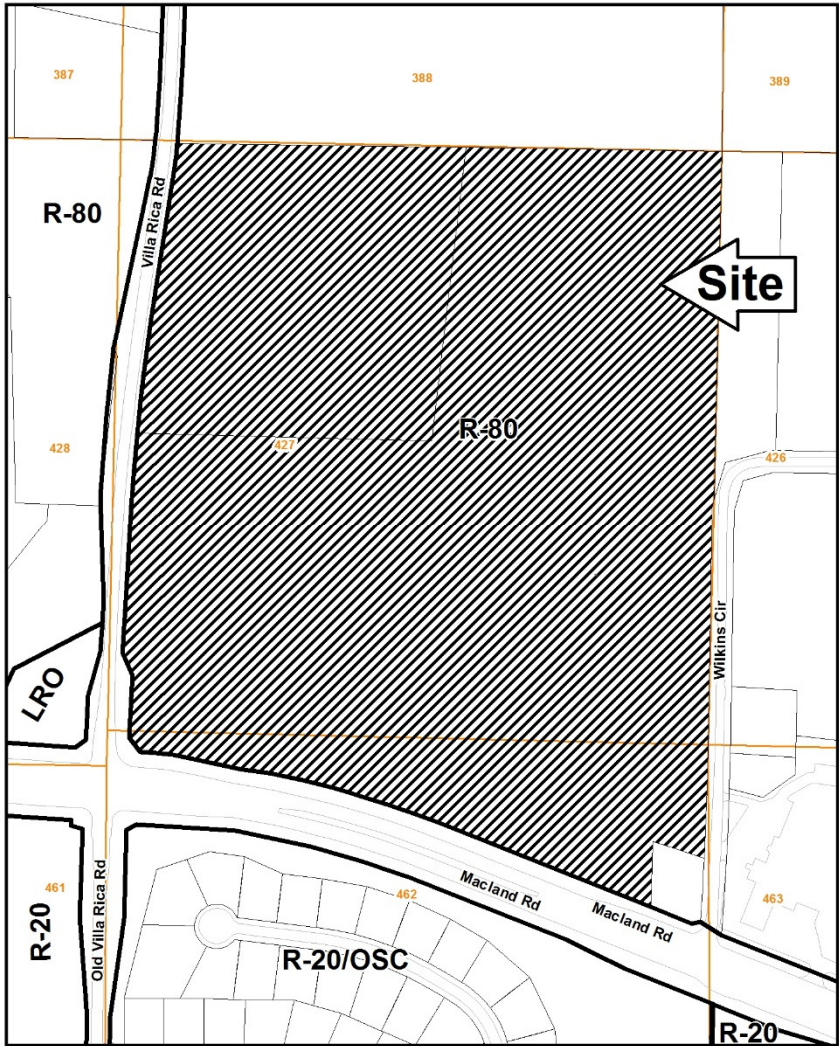
 Zoning Boundary  
 City Boundary



North

**Zoning:** R-80 (Single-family Residential)  
**Future Land Use:** VLDR (Very Low Density Residential)

**Z-83 2018-GIS**



WEST

**Zoning:** R-80 (Single-family Residential) and LRO (Low Rise Office)

**Future Land Use:** RR (Rural Residential) and VLDR (Very Low Density Residential)

EAST

**Zoning:** R-80 (Single-family Residential)

**Future Land Use:** RR (Rural Residential) and PI (Public Institutional)

SOUTH

**Zoning:** R-20/OSC and R-80 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential) and VLDR (Very Low Density Residential)

## DEPARTMENT COMMENTS- Zoning Division

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

The R-80 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-80 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 OSC overlay district is established to encourage the preservation of natural resources within residential development. The district may be overlaid upon the R-30, R20, and R-15 zoning districts. The overlay district is intended to provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure; to provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land; to preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat; to permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development; to promote interconnected greenways and corridors throughout the community; to promote greenspace contiguous with adjacent jurisdictions; to promote greenspace as passive recreation; to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood; to encourage street designs that reduce traffic speeds and reliance on main arteries; to promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles; to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; and to preserve important historic and archeological sites. Land and water are protected by limiting land disturbance and decreasing the percentage of impervious surface within the planned community, and by adding flexibility to site plan design. Open space design is intended to result in more efficient use of land, lower development and infrastructure costs, and the conservation of land for recreation or aesthetic and environmental enrichment. It is not the intent of this overlay district to significantly increase overall development densities, but to allow for the stipulated densities (and potential minor bonus) of the underlying zoning district. It is also the intent of the overlay district to encourage design flexibility, creativity and development complementary to surrounding and existing neighborhoods. Open space community overlay plans are approved as site plan specific.

### Summary of the applicant's proposal

The applicant is requesting the R-15/OSC (Open Space Community) zoning district for the purpose of an 84-lot, single-family, open space community. The proposed houses will range in size from 2,000 square feet to 4,500 square feet, and the proposed architecture will meet market demand; including, but not limited to, traditional, craftsman, colonial, ranch, Victorian, and farmhouse. The proposed site plan indicates 15.96 acres (35.7%) of open space (35% is required). The proposed typical lot size is 10,125 square feet (10,000 required for R-15/OSC). The proposed site plan indicates a passive community area, with a mail kiosk and guest parking.

### Open space community comments

Future land use: Very Low Density Residential (VLDR)

Current zoning: R-80

Allowable # of units permitted by R-80: 20

Proposed zoning: R-15 OSC

Proposed # lots as R-15 OSC: 84

Total area: 44.72 acres

Floodplain/Wetland Area/Cemetery/Amenity Area: 3.15 ac

Net buildable area: 41.57 acres

Maximum density allowed for R-15 OSC: 2.1 units per acre

Net density of the proposal: 1.89 units per acre

Open space requirement: 15.65 acres (35%)

Open space proposed: 15.96 acres (35.7%)

Percentage of open space within floodplain, wetlands, & lakes: Not shown on plan

Minimum lot size: 10,000 square-feet

Front setback: 35'

Rear setback: 30'

Side setback: 10'

Major side setback: 75' Macland Road/50' Villa Rica Road/30' within development

Additional comments:

- 1.) The proposed property lines are a minimum of 50 feet and range up to 171 feet from the exterior boundaries of the property.
- 2.) Fencing that is compatible with the architecture/landscaping/design of development, shall be erected just inside dedicated open space that is contiguous to proposed lots. Fencing should be installed using techniques that provide as minimal disturbance to the open space as possible.
- 3.) A conservation easement shall be recorded within the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the open space from development in perpetuity as owned by the mandatory homeowner's association. A conservation easement application shall be submitted to the Planning Division prior to final plat approval.

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

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**Are there any zoning variances?**

No.

## **DEPARTMENT COMMENTS- Fire Department**

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

<b>School</b>	<b>Student Capacity</b>	<b>Student Enrollment</b>	<b>Capacity Status</b>
<b>Still ES</b>	962	774	188 under capacity
<b>Lovinggood MS</b>	1162	1374	212 over capacity
<b>Hillgrove HS</b>	1912	2465	553 over capacity



## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Luther Ward & Mud Creeks
4. Wetlands: Possibly, Not Verified      Location: within and adjacent to stream buffer
5. The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers.
6. Streambank buffer zone: Yes
7. Georgia DNR Variance may be required to disturb within 25-foot streambank buffers.
8. County Buffer Ordinance: 50' each side of creek channel.
9. Potential or known drainage problems exist for developments downstream from this site.
10. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage systems.
11. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
12. Existing Lakes Downstream Dobb's Lake (west), Brook's Lake (north) & Davis Farm Lake (east). Additional BMP's for erosion & sediment control will be required.
13. Lake Studies required to document pre- and post-development sediment levels.
14. Stormwater discharges through an established residential neighborhood downstream.
15. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s) including hydrologic routings through downstream lakes.
16. This site is located at the northeast intersection of Macland and Villa Rica Roads. The existing site area is predominately wooded with a mixture of soft and hardwoods. The average slopes range from approximately 5 to 10%. The site topography is dominated by two ridgelines that form a "V" in the middle of the parcel. The majority of the site (48%) drains to the north. The western portion of the site (29%) drains to and under Villa Rica Road. The remainder of the site (23%) drains to the east to Wilkins Circle. All three discharge points have existing lakes located downstream. As indicated above, pre- and post-development sediment studies will be required for all three lakes.
17. There is a single stormwater management facility proposed on the site plan. It may be difficult to provide adequate site detention and water quality without a significant amount of runoff volume transfer between basins with a single facility. This would not be recommended due to the limited spillway capacities of the existing downstream dams. It may be necessary to provide one or more additional stormwater and/or water quality ponds.

## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Very Low Density Residential (VLDR) future land use category. The purpose of the VLDR category is to provide for areas that are suitable for very low-density housing, particularly in locations that may not have basic services such as sewer, or where the existing or desired residential density is zero (0) to two (2) dwelling units per acre.

Comprehensive Plan Designation:  Consistent  Inconsistent  
 OSC is consistent, but R-15 is not.

### 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

**Masterplan/ Corridor Study**  Yes  No

**Design guidelines area?**  Yes  No

If yes, design guidelines area: Macland Road Design Guidelines

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 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.)*

(Planning comments continued on the next page)

## DEPARTMENT COMMENTS- Planning Division (Continued)

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**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)*

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**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

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### Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

Is the property within the Clear Zone (CZ)?

Yes  No

Is the property within the Accident Potential Zone (APZ I)?

Yes  No

Is the property within the Accident Potential Zone II (APZ II)?

Yes  No

Is the property within the Noise Zone?

Yes  No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

Yes  No

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### Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application.

**DEPARTMENT COMMENTS- Water and Sewer**

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**Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 12" in Macland Rd

Additional water comments: Also 8" in Villa Rica. Connection to both Macland and Villa Rica will be required.

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: ~3,000 ft N/NE

Estimated waste generation (in G.P.D.): Average daily flow = 13,440  
Peak flow = 33,600

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
Macland Road	Arterial	55	Georgia DOT	100'
Villa Rica Road	Major Collector	45	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Macland Road	East of Gus Robinson Road	27,800	C
Villa Rica Road	North of Macland Road	4,940	C

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

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

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

Villa Rica Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Cobb County DOT has proposed projects to construct a 10 ft trail on Villa Rica Road and Macland Road that will pass along the frontage of this development. Recommend applicant construct the portion of trail along their frontage.

**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 Villa Rica 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 a deceleration lane for the entrance on Macland Road.



**DEPARTMENT COMMENTS- Transportation (continued)**

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4. As necessitated by this development, recommend Villa Rica Road access include deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
5. Recommend applicant verify that minimum intersection sight distance is available for Villa Rica Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 500'.
6. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
7. Recommend private streets be constructed to the Cobb County Standard Specifications.
8. Recommend a 10' no access easement for the lots that border Macland Road and Villa Rica Road.
9. Recommend GDOT permits for all work that encroaches upon State right-of-way.
10. 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.
11. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Macland Trail and Wildhorse Creek Trail projects on Macland Road and Villa Rica Road. Recommend applicant build the portion of the 10 ft trail along their frontage.
12. Recommend development HOA be responsible for any landscaping on proposed center median at Villa Rica Road entrance through Cobb DOT landscaping license agreement.

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;**

It is Staff's opinion that the applicant's proposal will provide a use that is suitable in view of the use and development of adjacent and nearby properties. Properties in the area are zoned R-80, R-20, R-20/OSC, LRO, and NRC.

**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 effect on the usability of adjacent or nearby property. The proposed site plan indicates lot lines within the proposed subdivision will be 50 feet to 171 feet from exterior property lines of abutting properties. Properties in the area include large residential tracts, open space communities, a church, and the West Cobb Aquatic Center. Developed subdivisions in the area include: New Macland Estates (zoned R-20 at 1.55 units per acre), Meadow at Miller's Pond (zoned R-20/OSC at 1.88 units per acre), and Woodland Chase (zoned R-20/OSC at 1.91 units per acre). The applicant is proposing 1.89 units per acre.

**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, or utilities; however, the Cobb County School District has concerns that this proposal will have an impact on the enrollment for schools already over capacity. 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;**

It is Staff's opinion that the applicant's proposed development, at a density of 1.89 units per acre, is in conformity with the *Cobb County Comprehensive Plan*, which delineates this property as being within the Very Low Density Residential (VLDR) future land use category. VLDR has a density range of 0-2 units per acre. The applicant's proposal is within the density range of other single-family subdivisions in this area. The proposed site plan also sets aside 15.96 acres, of the overall 44.72 acres, as open space.

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 applicant's proposed 1.89 units per acre is in the VLDR future land use density range, and is within the range of other subdivisions 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: \_\_\_\_\_

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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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