



Case # Z-84  
Public Hearing Dates:  
PC: 12-04-18  
BOC: 12-18-18

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

---

**SITE BACKGROUND**

Applicant: Tippins Family Properties, LLC

Phone: (404) 372-6587

Email: ltippins@bellsouth.net

Representative Contact: David Meyer

Phone: (770) 891-6588

Email: dmeyer@dgmlpc.com

Titleholder: Tippins Family Properties, LLC

Property Location: Northeast corner of Dallas Highway and County Road

Address: 4220 Dallas Highway

Access to Property: County Road

---

**QUICK FACTS**

Commission District: 1-Weatherford

Current Zoning: R-30 (Single-family Residential)

Current use of property: Single-family house

Proposed zoning: LRO (Low Rise Office)

Proposed use: Professional Offices

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

Site Acreage: 2.3 ac

District: 19 and 20

Land Lot: 15 and 335

Parcel #: 20033500090

Taxes Paid: Yes

---

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

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

Rezoning Plat for

# Dallas Highway Professional Offices

Cobb County, Georgia Land Lot 15, 19th District and Land Lot 335, 20th District

prepared for:

**Tippins Family Properties, LLC**

**DGM**  
LAND PLANNING  
CONSULTANTS



975 Cobb Place  
Blvd, Suite 212  
Kennesaw  
GA 30144  
770 514-9006  
FAX 514-9491

**Site Data**

Total Site Area: 2.59 AC

Existing Zoning: R-30

Proposed Zoning: LRO

Total Building Area Shown: 31,920 SF  
2 - 2 story buildings @ 15,960 SF/bldg. = 31,920 SF  
(7,980 SF/floor)

Parking Required: 112 (1/285 SF of net bldg. area)

Parking Shown: 112

LRO Building Setbacks:

front: 50'

side: 15'

rear: 30'

\*ImperVIOUS Area Shown: 1.37 AC  
(53% of total site area)

- Notes:**
1. Boundary taken from University Dred, dated May 16, 1988.
  2. Topographic map of the site is located in the back of this plat.
  3. All proposed buildings are shown in accordance with the City of Atlanta Code, Chapter 22-20, adopted December 19, 2008. No portion of this site contains floodplain.
  4. No cemeteries are known to exist on site.
  5. No streams and/or wetlands are known to exist on site.
  6. No archeological or architectural landmarks are known to exist on site.

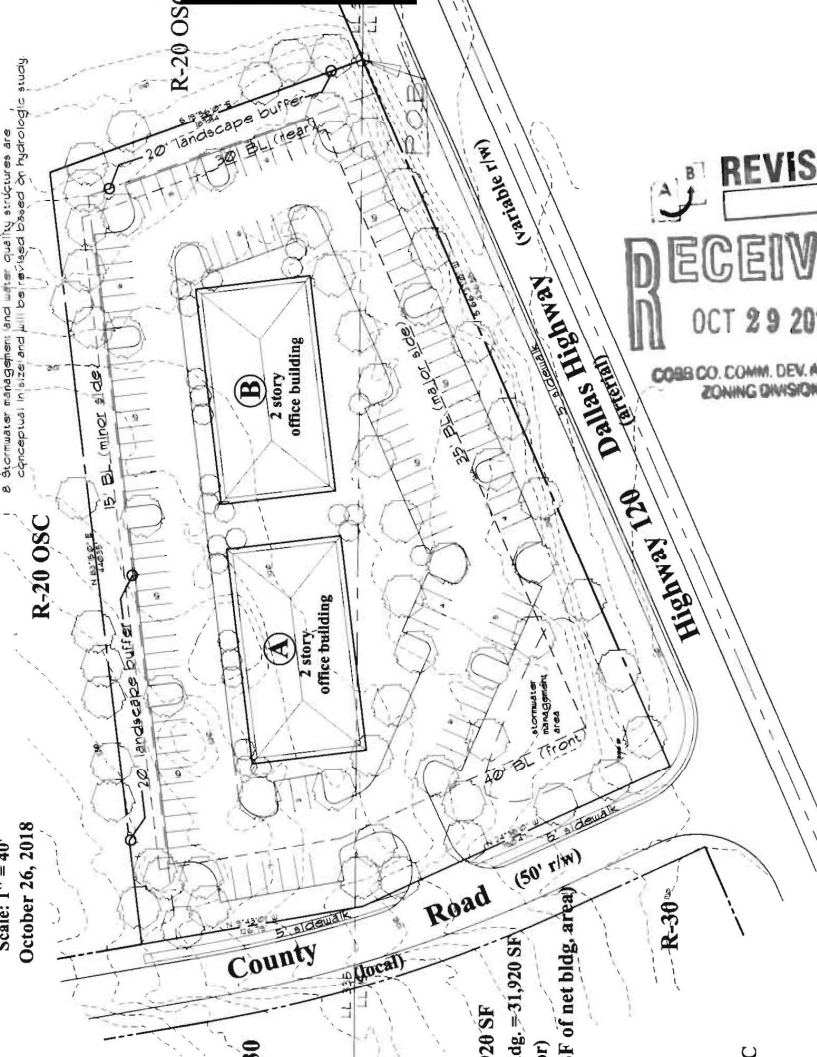
7. No utility easements are known to exist on site.
8. Stormwater management and tree quality structures are conceptual in this plat and will be provided based on geologic study.

Scale: 1" = 40'  
October 26, 2018

0 20 40 80 160



Z-84  
(2018)





**RECEIVED**  
OCT 29 2018  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

# Z-84 2018-Aerial Map



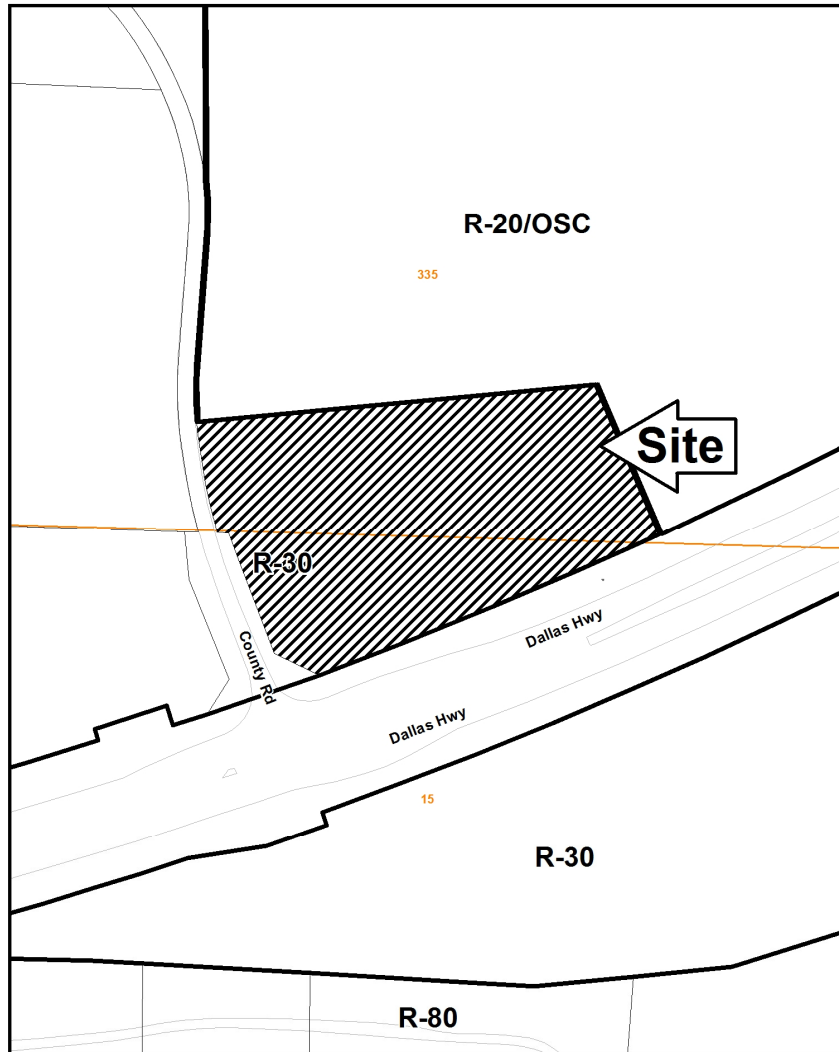
This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet

 Zoning Boundary  
 City Boundary

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

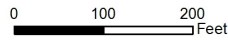
**Z-84 2018-GIS**



WEST  
**Zoning:** R-30 (Single-family Residential)  
**Future Land Use:** VLDR (Very Low Density Residential)

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

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



Legend:  
Zoning Boundary (dashed line)  
City Boundary (solid line)

SOUTH  
**Zoning:** R-30 (Single-family Residential)  
**Future Land Use:** VLDR (Very Low Density Residential)

## DEPARTMENT COMMENTS- Zoning Division

---

### Current zoning district for the property

The R-30 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-30 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 LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure 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 the Low Rise Office (LRO) zoning district for the purpose of developing professional offices. The proposed site plan indicates two, two-story buildings. The proposed hours of operation will be Monday through Friday, during normal professional business hours. The applicant is proposing residentially compatible architecture.

### Non-residential criteria

Proposed # of buildings: 2

Proposed # of stories: 2

Total sq. footage of development: 31,920 sq ft

Floor area ratio: 0.28

Square footage per acre: 12,324 sq ft

Required parking spaces: 112

Proposed parking spaces: 112

Acres in floodplain or wetlands: 0 ac

Impervious surface shown: 53%

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

---

**Are there any zoning variances?**

No.

### **DEPARTMENT COMMENTS- Fire Department**

---

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

### **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

---

Per Cobb County Development Standards section 409.03.02, any detention facility proposed for the exterior boundary of a project which will abut an existing, residential property, or public right of way exterior to the development being constructed shall provide a 10-foot landscape buffer. The landscape buffer may not coincide with any underground or overhead public or private easement or line of sight easement. Pond access easements may not coincide with the buffer except that the buffer may be interrupted for an access easement perpendicular to the buffer. Stabilizing components of the detention pond may not encroach into the buffer. The required perimeter fencing must be located behind the landscape buffer.

### **DEPARTMENT COMMENTS- Cemetery Preservation**

---

No comment.

### **DEPARTMENT COMMENTS- School System**

---

Approval of this petition will not have an impact on the enrollment of these schools.

## **DEPARTMENT COMMENTS- Stormwater Management**

---

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Tributary to Allatoona Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system within GDOT right-of-way.
7. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).

## DEPARTMENT COMMENTS- Planning Division

---

**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

### 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: Dallas Highway 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)

---

**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**

---

### **Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 8" in Dallas Highway

Additional water comments: Also 8" in County Road.

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' to sewer under construction in adjacent development

Estimated waste generation (in G.P.D.): Average daily flow = 1,277

Peak flow = 3,192

Treatment plant: Northwest 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 REVISED 10-29-18**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Dallas Highway	Arterial	55	Georgia DOT	100'
County Road	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Dallas Highway	West of County Road	33,400	D
County Road	N/A	N/A	N/A

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

*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**

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

County Road is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**Recommendations**

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend sidewalk, curb, and gutter along the deceleration lane on Dallas Highway and up to the entrance on County Road.
3. Recommend the entrance on County Road be a minimum tangent distance of 100' from Dallas Highway.
4. Recommend the commercial driveway on County Road be installed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.
5. Recommend GDOT permits for all work that encroaches upon State right-of-way.
6. Recommend removing and closing driveway apron along the Dallas Highway frontage that development renders unnecessary.

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 proposal is not suitable in view of the use and development of adjacent and nearby property. This area contains houses on large, residential tracts and is surrounded by R-20/OSC for an open space, single-family residential subdivision.

**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 adversely affect the existing use or usability of adjacent or nearby property. Properties in this area are zoned for single-family residential uses. Zoning categories in this area include R-80, R-30, R-20, and R-20/OSC.

**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 proposal will result in a use that will cause an excessive burdensome use of existing streets, transportation facilities, and utilities. This opinion can be supported by the department comments 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 proposal is not 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, having a density range of 0-2 units per acre. The requested Low Rise Office (LRO) zoning district is for properties located in the Neighborhood Activity Center (NAC), Community Activity Center (CAC), or Regional Activity Center (RAC) future land use categories.

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 or changing conditions affecting the use and development of the property which give supporting grounds for denying the proposal. The property is located in a rural area with single-family houses on large tracts and low density, single-family subdivisions. The requested LRO zoning district and the proposed professional office use are not supported by the *Cobb County Comprehensive Plan* designation of VLDR for this property.

**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.**

September 11, 2018

Mr. John Pederson, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, Georgia 300624

RECORDED  
SEP 12 2018  
COBB CO. COMMUNITY DEVELOPMENT  
ZONING DIVISION

RE: Rezoning case 4220 Dallas Highway, Tippins Family Properties, LLC  
Question #9 on rezoning application


Dear Mr. Pederson:

I'm attaching this addendum to our rezoning application for answers to question #9 the application:

- a) This rezoning proposal will permit a suitable use that is suitable to nearby property. It is within the Dallas Highway Corridor, will have necessary buffers, and will not create additional traffic
- b) The existing adjacent property will not be adversely affecting the use of adjacent and nearby property. In fact, it is likely to provide office space that will reduce daily trips to downtown or elsewhere to access office space.
- c) The property will not have a reasonable economic use as currently zoned. <sup>z-3</sup> A ~~3-2~~ AC site on Dallas Highway will be subject to vehicle noise and vehicle traffic and will not be a suitable for single family living.
- d) This rezoning will not result in excessive burden on streets or schools. No additional school burden whatsoever will be created (as opposed to a single family subdivision) and again, it is likely to provide office space that will reduce daily trips to downtown or elsewhere to access office space.
- e) With regard to the Land Use Plan, it has been indicated that this is a reasonable and improved use of the property that still meets the spirit of intent, in spite of its nonconformity to the Land Use Plan.
- f) The influx of new residential development in the area would arguably create a bigger demand for office space in this area.

Please give me a call if you have any questions Mr. Pederson. Thank you for your consideration.

Sincerely,

  
David G. Meyer  
Representative of Tippins Family Properties, LLC

DGM

LAND PLANNING  
CONSULTANTS, INC.



SITE PLANNING

LANDSCAPE  
ARCHITECTURE

770 514-9006

FAX 514-9491

975 COBB PLACE

BEND, SUITE 212

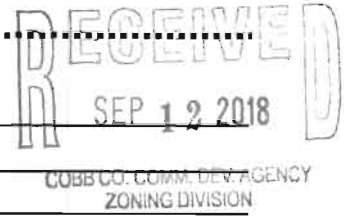
KENNESAW

GA 30144

DGMLPC.COM

Dec. 2018

# Summary of Intent for Rezoning



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

- a) Proposed unit square-footage(s): N/A
- b) Proposed building architecture: [scribble]
- c) List all requested variances: [scribble]

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

- a) Proposed use(s): OFFICES
- b) Proposed building architecture: RESIDENTIAL COMPATIBLE
- c) Proposed hours/days of operation: MON - FRIDAY GENERALLY  
NORWAY PROFESSIONAL BUSINESS HOURS
- d) List all requested variances: 0

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

N/A

.....  
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).

NO

**Planning Commission Decision**

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

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

---

**Names of those Opposed:**

**Comments:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

---

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:**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

---

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