

**Cobb 2040 Comprehensive Plan:** The parcel is within the Low Density Residential (LDR) and the Neighborhood Activity Center (NAC) future land use category.

The purpose of the LDR category is to provide for areas that are suitable for low-density housing between one (1) and two and one-half (2.5) dwelling units per acre, and for non-supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre. Allowable residential density is dependent upon factors; such as product type and mix, structure/building height, tract size, topographic conditions and the like, in order to provide compatibility with adjacent residential uses.

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

If Yes, which city? Acworth

Was the city notified?  Yes  No  N/A

**Specific Area Policy Guidelines:**  Yes  No

**Masterplan/ Corridor Study:**  Yes  No

Northwest Land Vulnerability Analysis

**Design guidelines area?**  Yes  No

If yes, which guidelines area is it?

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.)

**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.

01/29/21 – DATE OPTIONAL

**Water comments:**

At development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 8" in McClure Rd

Additional water comments:

**Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: +/- 240' W in Sail Winds Court

Estimated waste generation (in G.P.D.): Average daily flow = 5,760

Peak flow = 14,400

Treatment plant: Northwest WRF

Plant capacity:  Yes  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Off-site easement required:  YES\*  NO

Line capacity study 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 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: 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. 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.

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Acworth Due West Road	Arterial	40	Cobb County	100'
McClure Road	Local	35	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Acworth Due West Road	At McClure Road	12,500	D
McClure Road	N/A	N/A	N/A

*Based on 2019 AADT counting data taken by GDOT, as published on their website, for Austell Road (SR 5).*

*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 arterial roads from this data source.*

*LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

### Comments and observations

Acworth Due West Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

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

There is a proposed Cobb County roundabout project at the intersection of Acworth Due West Road and McClure Road.

### 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 west side of Acworth Due West Road, a minimum of 50' from the roadway centerline.
2. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roundabout project.
3. 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 southwest corner of Acworth Due West Road and McClure Road, in coordination with right-of-way requirements for future roundabout project.

(continued)

4. As necessitated by this development, recommend Acworth Due West Road access include deceleration and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
5. With the current alignment of Acworth Due West Road, there are anticipated roadway changes that may be needed to accommodate the site access point. The developer will be responsible for 100% of the necessary associated roadway modifications, including any widening for the recommended left turn lane into the new development.
6. Recommend development access on Acworth Due West Road directly align or have an offset (to the south) of a minimum of 125 feet from Calumet Drive per Development Standard 401.10.
7. Recommend applicant verify that minimum intersection sight distance is available for Acworth Due West Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 500'. These sight distance calculations should include any retaining walls or vegetation to be retained or installed as part of this project.
8. Recommend the Acworth Due West Road access include a minimum of 50' of uninterrupted ingress/egress from the right-of-way to the first internal driveways. This can be achieved by creating one shared driveway between Lots 1&2 as well as between Lots 27&28.
9. Recommend removing and closing driveway aprons along Acworth Due West Road and McClure Road frontages that the development renders unnecessary.
10. Recommend replacing disturbed curb, gutter, and sidewalk along the Acworth Due West Road frontage.
11. Recommend extending curb, gutter, and sidewalk along the full length of the McClure Road frontage.
12. Recommend a 10' no access easement along the McClure Road frontage.
13. Recommend private streets, lighting, and utilities be constructed to the Cobb County Standard Specifications.
14. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**STAFF ANALYSIS**

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

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

It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in the view of use and development of adjacent and nearby properties. The property is in an area with residential single-family and commercial uses that are compatible and consistent with the applicant's proposal.

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

It is Staff's opinion that the applicant's rezoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The plan proposes a use that is compatible with the adjoining properties.

**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 burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion is 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 rezoning proposal is in conformity with the policies and intent of the Cobb County Comprehensive Plan. Most of the property (4.65 acres) is delineated in a Low Density Residential, LDR future land use category. The balance of the property (3.10 acres) is in a Neighborhood Activity Center, NAC future land use category. The adjacent and nearby properties are within residential future land use categories to which the requested zoning district would be consistent.

**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 grounds for approving the applicant's rezoning proposal. The proposal would be consistent and compatible with surrounding development.

**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.**

REC'D  
JAN 6 7  
CLACK CO. COMM. DEV. AGENCY  
ZONING DIVISION

Application No. Z-13 (2021)

Hearing Dates: PC - 03/02/2021  
BOC - 03/16/2021

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): 1,800 square feet
  - b) Proposed building architecture: Traditional/Craftsman/Cottage
  - c) List all requested variances: None known at this time.
- .....

.....  
**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: \_\_\_\_\_
- .....

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**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.

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

**MARIETTA, GEORGIA**  
EMERSON OVERLOOK  
326 ROSWELL STREET  
SUITE 100  
MARIETTA, GEORGIA 30060  
TELEPHONE (770) 428-1499

**KNOXVILLE, TENNESSEE**  
408 N. CEDAR BLUFF ROAD  
SUITE 500  
KNOXVILLE, TENNESSEE 37923  
TELEPHONE (865) 692-9039

**JACKSONVILLE, FLORIDA**  
10201 CENTURION PARKWAY N.  
SUITE 401  
JACKSONVILLE, FLORIDA 32256  
TELEPHONE (904) 428-1465

**BRENTWOOD, TENNESSEE**  
5300 MARYLAND WAY  
SUITE 200  
BRENTWOOD, TENNESSEE 37027  
TELEPHONE (615) 425-7347

**LEXINGTON, KENTUCKY**  
771 CORPORATE DRIVE  
SUITE 430  
LEXINGTON, KENTUCKY 40503  
TELEPHONE (859) 309-0026

**ORLANDO, FLORIDA**  
7380 WEST SAND LAKE ROAD  
SUITE 500  
ORLANDO, FLORIDA 32819  
TELEPHONE (407) 367-6233

**HARRISBURG, PENNSYLVANIA**  
3909 HARTZDALE DRIVE  
SUITE 901  
CAMP HILL, PENNSYLVANIA 17011  
TELEPHONE (717) 790-2854

February 24, 2021

*Via E-mail Only*

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Suite 400  
1150 Powder Springs Road  
Marietta, Georgia 30064

RE:           Application for Rezoning - Application No.: Z-13 (2021)  
                  Applicant:       Kerley Family Homes, LLC  
                  Property Owner: Estate of Lillian Marie Latham  
                  Property:       7.75 acres, more or less, located at the  
  intersection of the southerly side of McClure  
  Road and the westerly side of Acworth Due  
  West Road, being more particularly known  
  as 4321 McClure Road, Land Lot 122,  
  20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County,  
  Georgia

Dear John:

On behalf of the Applicant, Kerley Family Homes, LLC (hereinafter "Applicant"); as well as, the Property Owner, please accept this correspondence as our formal request for a continuance of the above-referenced Application for Rezoning from the currently scheduled hearings before the Cobb County Planning Commission and Cobb County Board of Commissioners on March 2, 2021, and March 16, 2021, respectively. The continuance to the April 2021 zoning hearing agendas will allow additional time for Applicant to incorporate revisions to the proposed Site Plan in continued response to comments from Cobb County Staff and the community. We would very much appreciate the Staff's consideration of continuing the hearings to April 6, 2021, before the Cobb County Planning Commission, and April 20, 2021, before the Cobb County Board of Commissioners.

Thank you for your consideration in this request. If you should have any questions or require additional information at this time, please do not hesitate to contact me.



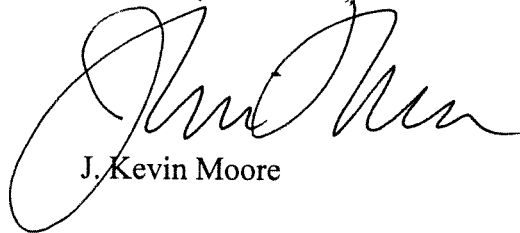
**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 2  
February 24, 2021

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Jeannie Peyton  
Senior Planner  
Zoning Division  
Cobb County Community Development Agency

Kerley Family Homes, LLC



**Community Development –  
Zoning Division**  
John Pederson – Division Manager

---

**Case No.  
Z-39-2020**

*Cobb County...Expect the Best!*

**ZONING CASE #**

Z-39-2020

**SITE BACKGROUND**

Applicant	KO Management, Inc.
Phone	404-643-2637
Email	komanagementinc@gmail.com
Representative Contact	Parks F. Huff
Phone	404-422-7016
Email	phuff@samslarkinhuff.com
Titleholder	Iglesia Torre Fuerte C.A.P.P., Inc.
Property Location	Located on the south side of Puckett Drive, east of Mableton Parkway
Address	637 and 667 Puckett Drive
Access to Property	Puckett Drive

**QUICK FACTS**

**FINAL ZONING STAFF RECOMMENDATIONS**

**ATTACHMENTS**

1. Z-39-2020\_Site Plan REVISED 020121
2. Z-39A\_GIS
3. Z-39-2020\_Zoning Division
4. Z-39-2020\_Fire Department
5. Z-39-2020\_Site Plan Review Arborist
6. Z-39-2020\_Cemetery Preservation
7. Z-39-2020\_School System
8. Z-39-2020\_Stormwater Management
9. Z-39-2020\_Planning Division
10. Z-39-2020\_Water and Sewer
11. Z-39-2020\_DOT

12. Z-39-2020\_Zoning Staff Analysis
13. Z-39-2020\_Summary of Intent 050720
14. Z-39-2020\_Impact Statement 050720
15. Z-39-2020\_Request to Continue October 082520
16. Z-39-2020\_Request to Continue November 093020
17. Z-39-2020\_Request to Continue December 102820
18. Z-39-2020\_Request to Continue February 113020
19. Z-39-2020\_Stipulation Letter 012221
20. Z-39-2020\_Stipulation Letter 022421

**PROJECT CONTACT: KAREEM OKEREKE (404) 643-2637**

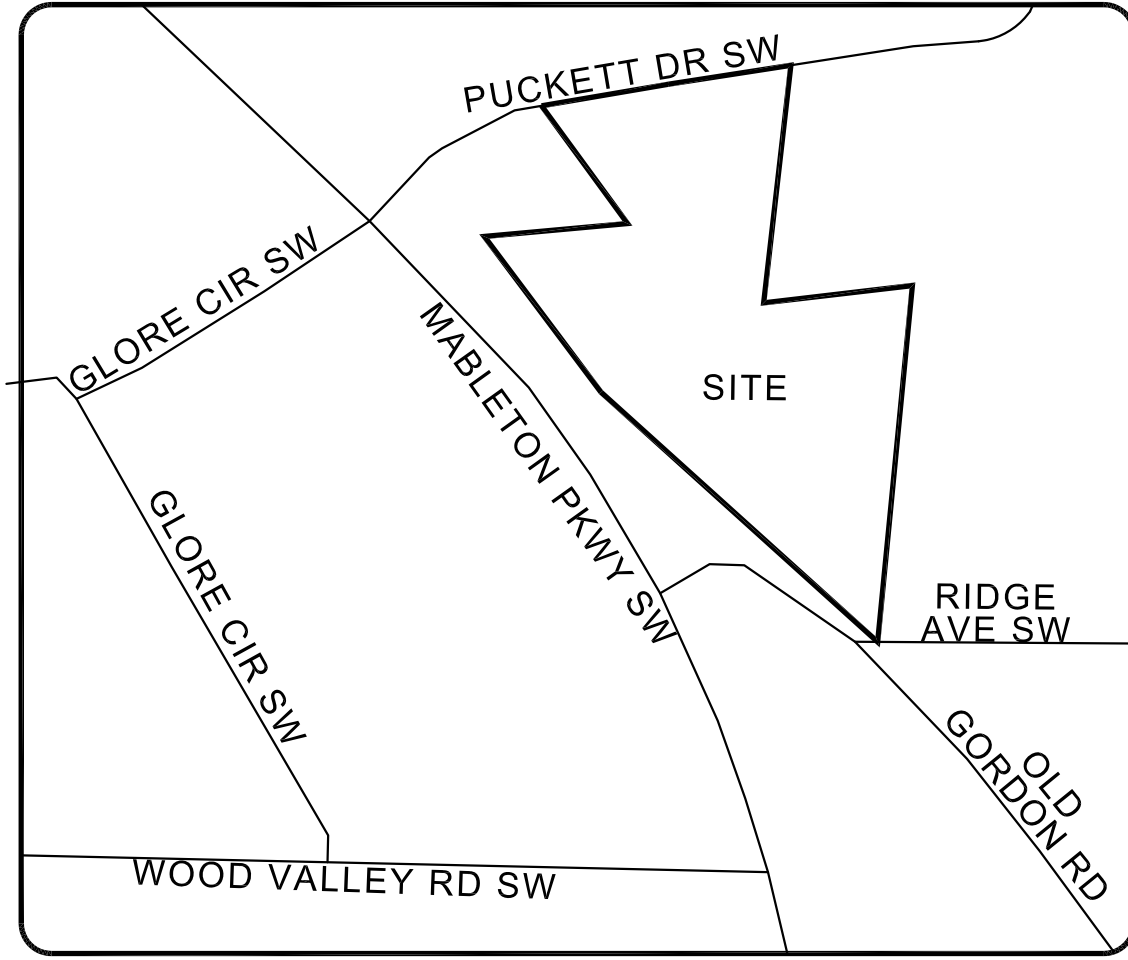
**Site Data:**

SINGLE FAMILY LOTS: THERE ARE A TOTAL OF 26 SINGLE FAMILY LOTS LOCATED TO THE REAR OF THE PROPOSED DUPLEX LOTS.

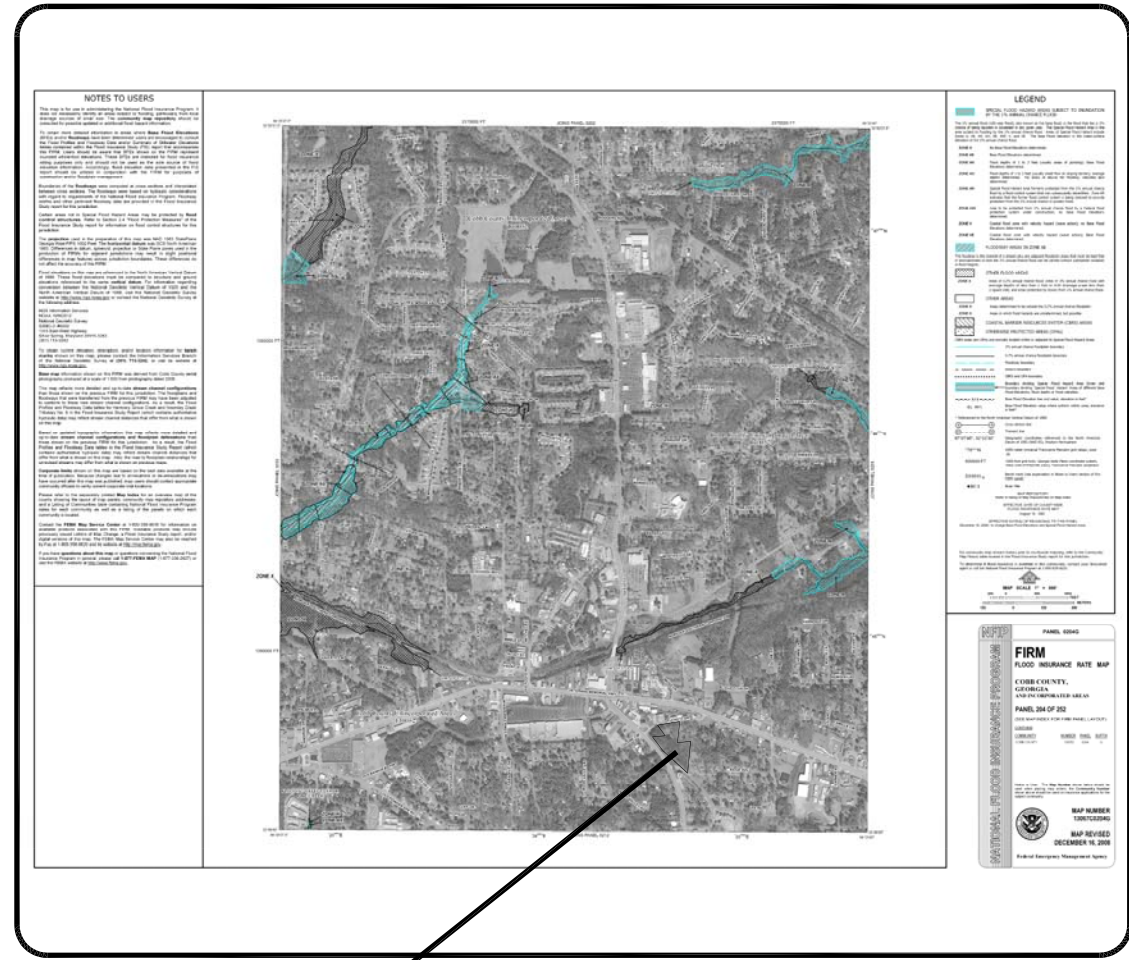
OVERALL SITE DENSITY: (26 SFH) / 5.41 = 4.80 UNITS PER ACRE PROPOSED

**Single Family Lots:**

AREA OF LOT#1 : 8,053 SF	AREA OF LOT#14 : 6,675 SF
AREA OF LOT#2 : 4,238 SF	AREA OF LOT#15 : 6,338 SF
AREA OF LOT#3 : 3,638 SF	AREA OF LOT#16 : 8,027 SF
AREA OF LOT#4 : 5,253 SF	AREA OF LOT#17 : 6,457 SF
AREA OF LOT#5 : 6,051 SF	AREA OF LOT#18 : 5,634 SF
AREA OF LOT#6 : 6,066 SF	AREA OF LOT#19 : 4,826 SF
AREA OF LOT#7 : 4,918 SF	AREA OF LOT#20 : 6,818 SF
AREA OF LOT#8 : 3,859 SF	AREA OF LOT#21 : 8,135 SF
AREA OF LOT#9 : 3,267 SF	AREA OF LOT#22 : 3,302 SF
AREA OF LOT#10 : 6,694 SF	AREA OF LOT#23 : 5,663 SF
AREA OF LOT#11 : 4,608 SF	AREA OF LOT#24 : 5,407 SF
AREA OF LOT#12 : 6,424 SF	AREA OF LOT#25 : 5,925 SF
AREA OF LOT#13 : 11,322 SF	AREA OF LOT#26 : 8,752 SF



**Location Map**  
N.T.S.



**SITE FEMA Map**  
N.T.S.

**Site Notes:**

- THE SITE CONTAINS: 5.41 ACRES
- SITE LOCATION: 637 & 667 PUCKETT DRIVE, MABLETON, GA 30126.
- THE NORTH ARROW AND SCALE ARE SHOWN ON THIS PLAN
- SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY H.B&P SURVEYING, INC, DATED SEPTEMBER 10, 2015.
- THIS PROPERTY IS NOT LOCATED INSIDE DESIGNATED F.I.A SPECIAL FLOOD HAZARD AREA AS PER THE FLOOD INSURANCE RATE MAP #13067C0204 G, DATED DECEMBER 16, 2008.
- THERE ARE NO WATERS OF THE STATE OF GEORGIA (LAKES OR STREAMS) WITHIN 200 FEET OF THE SITE.
- TO THE BEST OF OUR KNOWLEDGE, THERE NO CEMETERIES, ARCHITECTURAL, OR ARCHEOLOGICAL LANDMARKS EXIST ON SITE. IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND AMENDING THE CONSTRUCTION PLANS
- THERE ARE NO KNOWN WETLANDS ON THE PROJECT SITE.
- THERE ARE NO STREAMS OR ASSOCIATED STREAM BUFFERS AREAS ASSOCIATED WITH THE PROPERTY.
- ALL KNOWN UTILITY EASEMENTS PER THE SURVEY ARE SHOWN ON THIS PLAN
- THERE IS ONE PROPOSED ACCESS POINT TO THE SUBDIVISION.
- SANITARY SEWER WILL BE PROVIDED TO THE NEW DEVELOPMENT THROUGH AN EXISTING CONNECTION TO COBB COUNTY SEWER SYSTEM. NO ONSITE SEPTIC SYSTEM IS PROPOSED.

**On Street Parking:**

THERE ARE 18 SPACES OF GUEST PARKING SHOWN IN THE GUEST PARKING/COMMON AREA.

**Variance Requested:**

- LOT 11 - REAR YARD REDUCTION FROM 20 FEET TO 18.3 FEET
- LOT 15 - REAR YARD REDUCTION FROM 30 FEET TO 22.6 FEET

**Proposed Zoning Requirements:**

PROPOSED ZONING: RA-5 SINGLE FAMILY ATTACHED/DETACHED RESIDENTIAL

SITE DENSITY - 5 UNITS PER ACRE MAXIMUM ALLOWED  
 - PROPOSED SITE DENSITY = (13 SFH) / 5.41 ACRES = 2.40 UNITS PER ACRE < ALLOWABLE 5 UNITS PER ACRE.

MINIMUM LOT SIZE: XXXX SQUARE FEET PROPOSED.

MINIMUM WIDTH BETWEEN DWELLINGS: 15 FEET

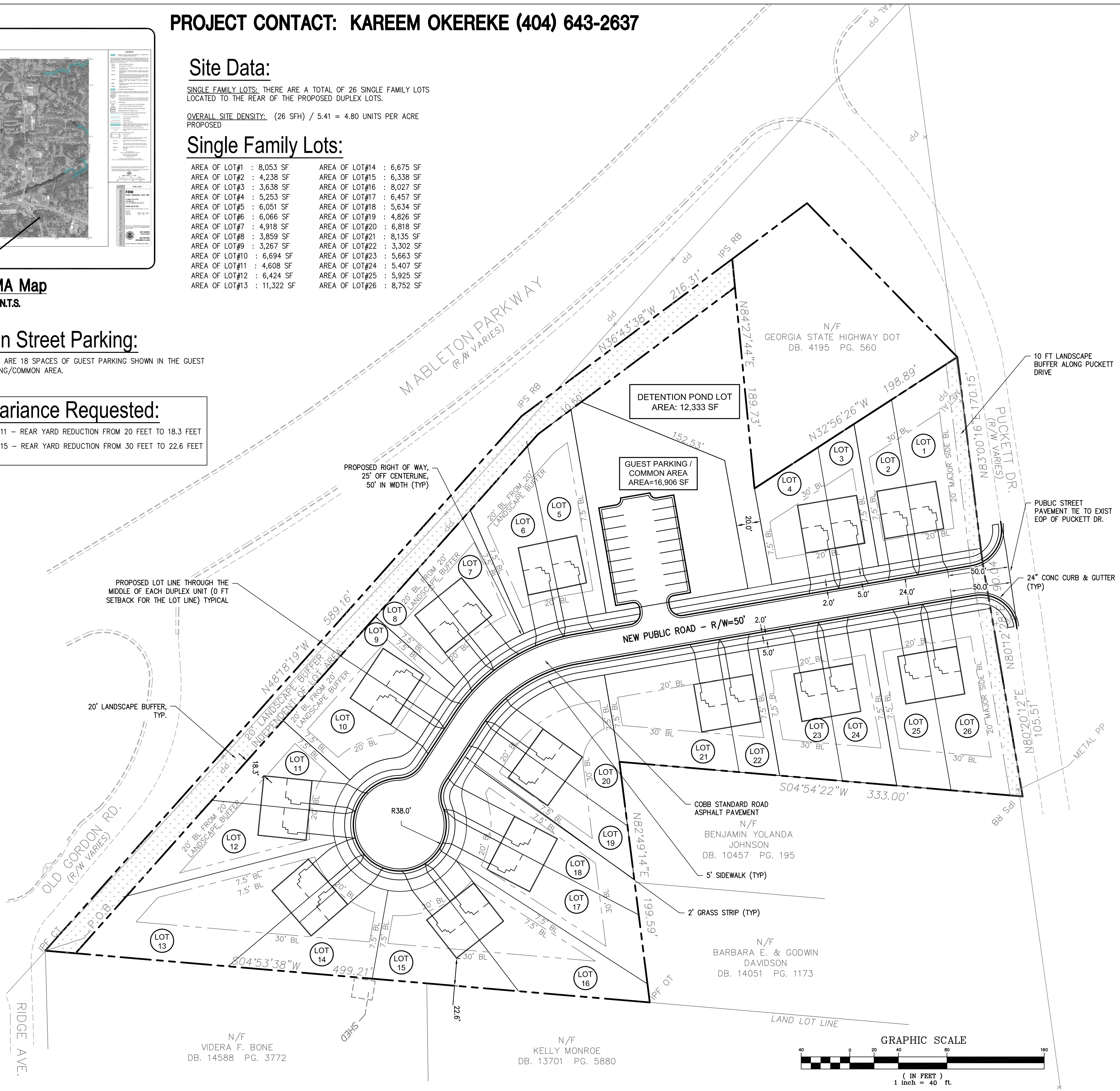
MINIMUM PUBLIC ROAD FRONTAGE: 70 FEET; CUL-DE-SAC 35 FEET; 50 FEET IF INTERIOR TO DEVELOPMENT

**Building Setbacks For This Project:**

- FOR SINGLE FAMILY LOTS:
- FRONT: 20 FT
  - INTERIOR SIDE: 7.5 FEET FOR LOTS 2 TO 25
  - MAJOR SIDE: 20 FEET FOR LOT 1 & 26
  - REAR: 20 FEET FROM INDEPENDENT LANDSCAPE BUFFER FOR LOTS FROM 5 TO 13  
30 FEET FOR LOTS FROM 1 TO 4 AND 14 TO 26
  - DUPLEX: 0 FEET FOR INTERIOR LOT LINE FOR EACH DUPLEX UNIT

**LANDSCAPE BUFFER AND SCREENING REQUIREMENTS:**

UNLESS OTHERWISE NOTED WITHIN THIS DISTRICT'S REQUIREMENTS, ANY PROPERTY WITHIN AN RA-5 DISTRICT WHICH ABUTS A MORE RESTRICTIVE, RESIDENTIALLY ZONED PROPERTY SHALL HAVE A MINIMUM TEN-FOOT LANDSCAPED SCREENING BUFFER ADJACENT TO ALL RESIDENTIAL PROPERTY SUCH BUFFER SUBJECT TO APPROVAL BY COUNTY STAFF. REQUIRED BUFFERS MAY BE INCLUDED WITHIN REQUIRED SETBACKS; HOWEVER, IN SUCH CASE THAT THE REQUIRED BUFFER IS GREATER THAN THE REQUIRED SETBACK, THE REQUIRED BUFFER SHALL BE ADHERED TO.

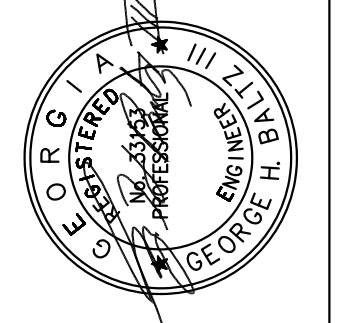


Prepared By:  
**CRESCENT VIEW ENGINEERING, LLC.**  
211 Fresler Street SE  
Marietta, GA 30060  
678-324-9410  
www.crescentvieweng.com

Prepared For  
**Kareem Okereke**  
4888 Mulwood Drive  
Powder Springs, GA 30127

**Zoning Site Plan**

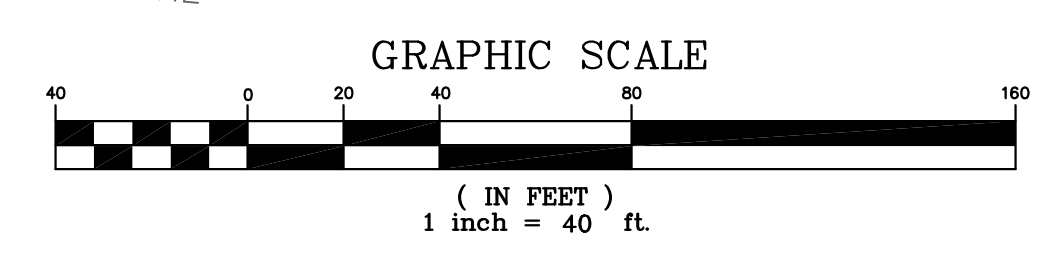
REVISIONS	DATE	SCALE	AS SHOWN	BY	CHECKED	BY
	1-29-21		GHB			PZ



Zoning Variance Plan For  
**637 & 667 Puckett Drive**  
Land Lot 37 17th District  
Cobb County, Georgia

CVE PI # 20-127

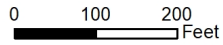
Sheet No.





# Z-39 Aerial Map



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



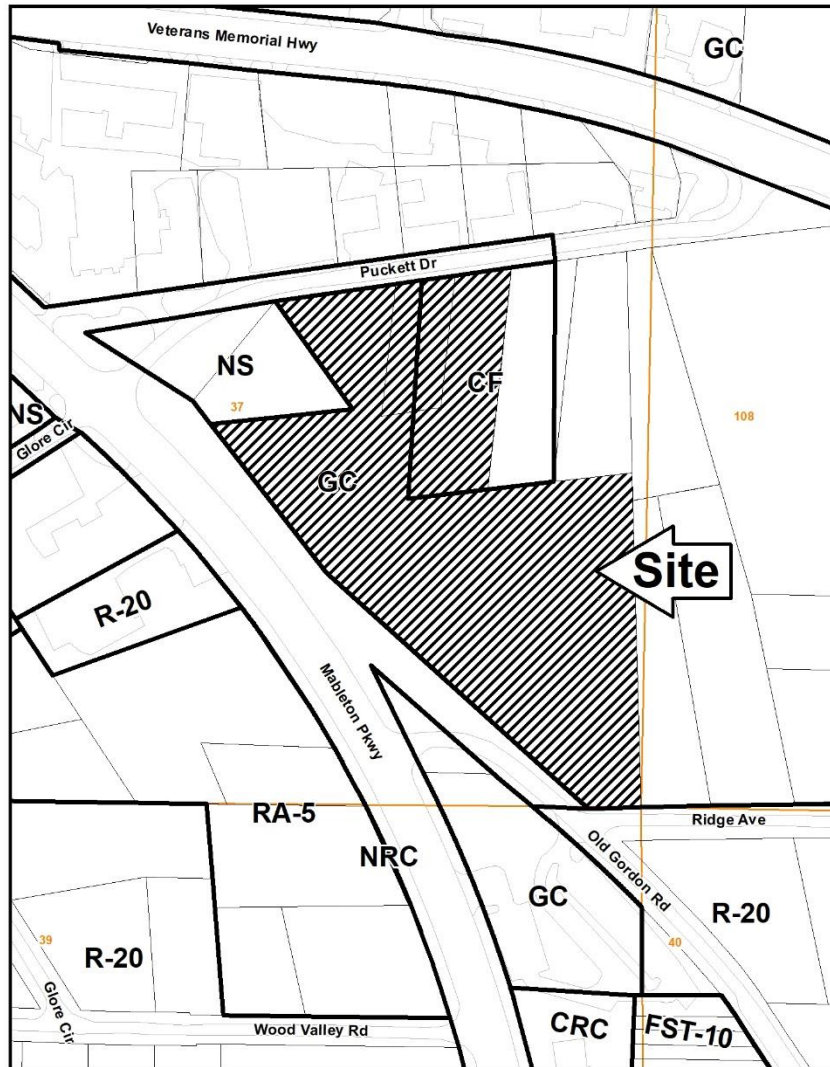
 Zoning Boundary  
 City Boundary

North

**Zoning:** GC / Automotive service



**Future Land Use:** MTC

**Z-39 GIS**



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



 Zoning Boundary  
 City Boundary

WEST

**Zoning:** NS, GC, R-20, RA-5 / Office, Fire station, Single-family residential

**Future Land Use:** MDR, PI

EAST

**Zoning:** GC / Single-family residences

**Future Land Use:** MDR

SOUTH

**Zoning:** GC, R-20 / Automotive service

**Future Land Use:** NAC

**Current zoning district for the property**

The CF future commercial district was originally established as a zone designated for future commercial use with no immediate right to use or occupy the zone for commercial purposes until an applicant shall have been regularly and properly granted specific zoning for the purposes described in any of the commercial districts enumerated in this chapter. Under the comprehensive amendment to the zoning ordinance, the board of commissioners resolved that an owner of property currently designated CF, and not developed, shall have until January 17, 1996, within which to commence development pursuant to the previous conditions. For purposes of this section, commencing development shall mean applying for rezoning to an appropriate zoning district, obtaining a building permit, and beginning construction on the development. If such development shall not occur by January 17, 1996, such portion of the undeveloped and unzoned property must be brought in for rezoning to another district which is compatible with the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990, prior to any future development. Additionally, no new applications for CF zoning may be accepted.

The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in 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 to rezone the site to the RA-5, Single-Family Residential, zoning district to construct a residential subdivision that includes; 19 townhomes and eight (8) single family homes. The townhomes are proposed to be 1,800 square feet and the single-family homes 2,000 square feet, on lots ranging in size from 8,783 square feet to 14,848 square feet. The existing condition for the site is currently a vacant, undeveloped wooded lot.

**Residential criteria**

Allowable units as zoned: 0

Proposed # of units: 27

Net density: 4.99

Increase of units: 27

Acres of floodplain/wetlands: 0

Impervious surface shown: 40% maximum

**Are there any zoning variances?**

Yes

1. Reduce the front yard setback from 40' to 17.27';
2. Reduce the side yard setback for the exterior of the development from 20' to 5.36';
3. Reduce the rear yard setback for the exterior of the development from 40' to 30'; and
4. Reduce the required 30' clearance from attached end units to 15', between Lot 1 (townhome) and Lot 1 (Single-family).



No comments.

## **Z-39-2020 DEPARTMENT COMMENTS – Site Plan Review (Arborist)**

---

Landscape buffers must be fully vegetated across their entire widths, and be maintained as such in perpetuity. Structures which are built directly contiguous to a buffer are subject to maintenance, security, and life safety issues. A 10' minimum setback is recommended between buffers and structures.

**Z-39-2020      DEPARTMENT COMMENTS – Cemetery Preservation**

---

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 the adjacent land lot.

Approval of this case may have an impact on a school already over capacity and will cause concerns.

<b>School</b>	<b>Student Capacity</b>	<b>Student Enrollment</b>	<b>Capacity Status</b>
<b>Clay-Harmony Leland ES</b>	1212	1003	209 under capacity
<b>Lindley 6<sup>th</sup> Grade Academy &amp; Lindley MS</b>	1962	1818	144 under capacity
<b>Pebblebrook HS</b>	1812	2314	502 over capacity

## Z-39-2020 DEPARTMENT COMMENTS – Stormwater Management

---

1. Flood hazard zone: No
2. Drainage Basin: Unnamed Tributary to Nickajack Creek
3. Wetlands: No
4. Streambank buffer zone: No
5. Stormwater discharges must be controlled not to exceed the existing capacity of the existing downstream storm drainage system.
6. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
7. Adequate conveyance must be provided to accommodate existing offsite runoff through the site from the south and east.
8. Discharge from the proposed stormwater management facility must be tied directly the existing downstream infrastructure in the adjacent R/W at the northwest corner of the site.

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

**Comprehensive Plan Designation:**  Consistent  Inconsistent

**House Bill 489 Intergovernmental Agreement Zoning Amendment Notification**

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

Was the city notified?  Yes  No  N/A

**Specific Area Policy Guidelines:**  Yes  No

**Masterplan/ Corridor Study:** South Cobb Implementation Strategy  Yes  No

**Design guidelines area?**  Yes  No

If yes, design guidelines area: Mableton Pkwy & Veterans Memorial Hwy 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 South Cobb 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)

(continued)

**Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?**

Yes

No

Note: Only the portion of the site fronting Puckett Drive is in this Program

*(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.

**Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 12” in Puckett Drive

Additional water comments: Metering will be determined at Plan Review based upon proposed property line configuration

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: Mableton Pkwy ROW

Estimated wastewater generation (in G.P.D.): Average daily flow = 4,320 GPD

Peak flow = 10,800 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.



Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Puckett Drive	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Puckett Drive	NA	NA	NA

### Comments and observations

Puckett Drive is classified as a local road 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 of 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 Puckett Drive, a minimum of 25' 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 10' no access easement along the Mableton Parkway frontage.
4. Recommend a 10' no access easement along the Old Gordon Road frontage.
5. Recommend curb, gutter, and sidewalk along the Puckett Drive frontage.

**Staff Analysis**

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

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

It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in the view of use and development of adjacent and nearby properties. The property is in an area with residential and neighborhood commercial uses.

**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 adversely affect the existing use or usability of adjacent or nearby properties. There are similar uses adjacent to the proposed location.

**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 burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion is 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 rezoning proposal is in conformity with the policies and intent of the Cobb County Comprehensive Plan. The property is delineated in a Medium Density Residential, MDR future land use category. The requested zoning district and proposed use are consistent with the MDR land use designation.

**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 grounds for approving the applicant's rezoning proposal for the use as Single-Family Residential. The proposal would be consistent with the MDR future land use category and compatible to other properties in the area. Staff understands the need for the requested variances on this oddly shaped lot.

**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.**



# Summary of Intent for Rezoning

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

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

- a) Proposed unit square-footage(s): 2,000 for detached homes and 1600 for townhomes
  - b) Proposed building architecture: Traditional
  - c) List all requested variances: Shown on the site plan
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- a) Proposed use(s): \_\_\_\_\_
  - 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)**

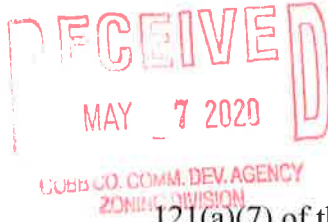
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**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).

\_\_\_\_\_  
\_\_\_\_\_

**ZONING IMPACT STATEMENT FOR THE REZONING  
APPLICATION OF KO MANAGEMENT, INC.**



COMES NOW, KO MANAGEMENT, INC. and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings on Mableton Parkway close to the Puckett Drive intersection. The property is located at the southeast intersection of Mableton Parkway and Puckett Drive, just south of Veterans Memorial Highway. The area is a transitional area as the commercial node at Veterans Memorial Highway and Mableton Parkway transitions to residential. The property is zoned GC and CF but the area has an excess of commercial property and needs more residential development.
  
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the Subject Property. The proposed development will provide a diversity of housing type in an area that needs new residential housing to invigorate the older commercial development.
  
- C. The Subject Property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. The property is zoned GC and CF and because the underlying Future Development Category is Medium Density Residential, the GC cannot be used.

Therefore, the property has to be rezoned to a conforming category.

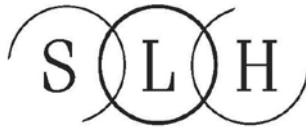
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
  
- E. The zoning proposal is located in the Medium Density Residential (MDR) Future Land Use category. This use is consistent with the existing residential properties in the area and consistent with MDR.
  
- F. There is no substantial relationship between the existing zoning classifications of GC and CF which limit the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of the residential development in this area of South Cobb, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 6th day of May, 2020.

SAMS, LARKIN & HUFF, LLP

By: 

\_\_\_\_\_  
PARKS F. HUFF  
Attorney for Applicant  
Ga. Bar No. 375010



GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

August 25, 2020

**VIA EMAIL: john.pederson@cobbcounty.org**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of KO Management, Inc. to Rezone a ±5.41 Acre Tract from GC and CF to RA-5; Land Lot 37; 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (Z-39).

Dear John:

As you are aware, this firm has been engaged by and represents KO Management, Inc in the above-captioned application. At this time, the Applicant respectfully requests a continuance of the application for rezoning until the October 6, 2020 Planning Commission hearing. Please let me know if you have any questions or if I can provide any additional information.

Sincerely,

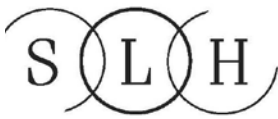
SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink that reads "Parks F. Huff".

Parks F. Huff  
[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

PFH/jcc

cc: Members, Cobb County Board of Commissioners (via e-mail)  
Dr. Jackie McMorris, County Manager (via e-mail)  
Members, Cobb County Planning Commission (via e-mail)  
Board of Commission Assistants (via e-mail)  
Ms. Jessica Guinn, AICP, Director (via e-mail)

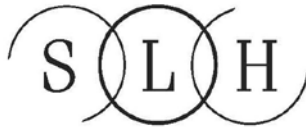


**VIA EMAIL**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
August 25, 2020  
Page 2

---

Mr. Jason S. Gaines, AICP, Planning Manager (via e-mail)  
Ms. Jeannie Peyton, Sr. Planner (via e-mail)  
Mr. Terry Martin, Planner III (via e-mail)  
Mr. Donald Wells, Planner I (via e-mail)  
Ms. Tannessa Bates, Planner I (via e-mail)  
Ms. Pamela Mabry, County Clerk (via e-mail)  
Ms. Robin Stone, Deputy County Clerk (via e-mail)  
Ms. Leila Washington, Deputy County Clerk (via e-mail)  
Ms. Mary Lanning, RLA, Fire Marshal's Department (via e-mail)  
Mr. David Breaden, P.E. (via e-mail)  
Mr. Carl Carver, P.E. (via e-mail)  
Ms. Amy Diaz, P.E. (via e-mail)  
Ms. Robin Meyer, MIC (via e-mail)  
Mr. Kareem Okereke (via e-mail)



GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

September 30, 2020

**VIA EMAIL: john.pederson@cobbcounty.org**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of KO Management, Inc. to Rezone a ±5.41 Acre Tract from GC and CF to RA-5; Land Lot 37; 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (Z-39).

Dear John:

As you are aware, this firm has been engaged by and represents KO Management, Inc in the above-captioned application. At this time, the Applicant respectfully requests a continuance of the application for rezoning until the November 3, 2020 Planning Commission hearing. Please let me know if you have any questions or if I can provide any additional information.

Sincerely,

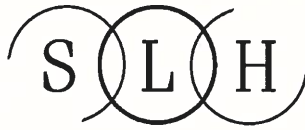
SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Parks F. Huff".

Parks F. Huff  
[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

PFH/lkj





GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

October 28, 2020

**VIA EMAIL: [john.pederson@cobbcounty.org](mailto:john.pederson@cobbcounty.org)**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of KO Management, Inc. to Rezone a ±5.41 Acre Tract from GC and CF to RA-5; Land Lot 37; 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (Z-39).

Dear John:

As you are aware, this firm has been engaged by and represents KO Management, Inc in the above-captioned application. At this time, the Applicant respectfully requests a continuance of the application for rezoning until the December 1 2020 Planning Commission hearing. Please let me know if you have any questions or if I can provide any additional information.

Sincerely,

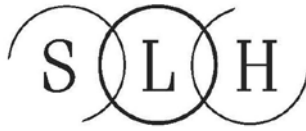
SAMS, LARKIN & HUFF, LLP

A handwritten signature in blue ink, appearing to be 'Parks F. Huff', written over a horizontal line.

Parks F. Huff  
[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

PFH/lkj

cc: Members, Cobb County Planning Commission (via email)  
Pamela Mabry, County Clerk (via email)  
Robin Stone, Deputy County Clerk (via email)  
Leila Washington, Deputy County Clerk (via email)  
Jeannie Peyton, Senior Planner (via email)



GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

November 30, 2020

**VIA EMAIL: [john.pederson@cobbcounty.org](mailto:john.pederson@cobbcounty.org)**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of KO Management, Inc. to Rezone a ±5.41 Acre Tract from GC and CF to RA-5; Land Lot 37; 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (Z-39).

Dear John:

As you are aware, this firm has been engaged by and represents KO Management, Inc in the above-captioned application. At this time, the Applicant respectfully requests a continuance of the application for rezoning until the February 2, 2020 Planning Commission hearing. Please let me know if you have any questions or if I can provide any additional information.

Sincerely,

SAMS, LARKIN & HUFF, LLP

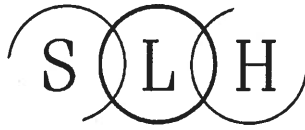
A handwritten signature in black ink, appearing to read "Parks F. Huff".

Parks F. Huff

[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

PFH/lkj

cc: Members, Cobb County Planning Commission (via email)  
Pamela Mabry, County Clerk (via email)  
Robin Stone, Deputy County Clerk (via email)  
Leila Washington, Deputy County Clerk (via email)  
Jeannie Peyton, Senior Planner (via email)  
Robin Meyer, Mableton Improvement Coalition (via email)



GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

January 22, 2021

**VIA EMAIL & HAND-DELIVERY**

Ms. Jeannie Peyton, Senior Planner  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of KO Management, Inc. to Rezone a ±5.41 Acre Tract from CF and GC to RA-5; Land Lot 37; 17th District, 2nd Section, Cobb County, Georgia (Z-39 of 2020).

Dear Ms. Peyton:

This firm represents KO Management, Inc. regarding the above-captioned Application for Rezoning. The application has been continued by the Planning Commission for several months to give the applicant time to revise the site plan and proposed product. During the delay, KO Management has revised the site plan and produced a new product for the project.

The Subject Property is a 5.41-acre tract of land which is situated along Mableton Parkway and Puckett Drive. The property is currently zoned General Commercial (GC) and Future Commercial (CF). The property is a transition from the commercial development on Veterans Memorial Highway such as the QuikTrip and the lower density residential property south of Ridge Avenue. The Future Land Use Map designates the property as Medium Density Residential (MDR) which suggests densities up to five (5) units per acre. Because of the properties' position and land use plan designation, the Zoning Division recommends approval of the application.

While this application has been pending, we have established an extensive dialogue with the County's professional staff, the District's Planning Commissioner and the community. The original site plan was a mixture of detached and attached product. The combination created a challenge leading to the revised site plan and product which is 13 paired or duplexes equating to 26 homes. The attached product is a product that is not in the area and will give buyers another housing choice.



**VIA EMAIL & HAND DELIVERY**

Ms. Jeannie Peyton, Senior Planner  
Cobb County Zoning Division  
January 22, 2021  
Page 2

---

With respect to the foregoing and based upon those discussions and the direction from the District Commissioner and the Board, KO agrees to the following revised stipulations, which, upon the Rezoning being approved, shall become conditions and a part of the grant of the requested Rezoning and binding upon the Subject Property thereafter. The referenced stipulations/conditions are as follows, to wit:

1. The zoning will be from GC and CF to RA-5 specific to the site plan attached as Exhibit “A” with all the setbacks and lots sizes as depicted on the site plan.
2. There shall be no more than 26 residential units on the subject property equating to a density of approximately 4.8 units per acre.
3. There will be a 20-foot landscaped buffer along Mableton Parkway that will be outside of the residential lots that will be owned and maintained by the Homeowners’ Association (“HOA”).
4. There will be a 20-foot rear setback from the 20-foot-wide landscaped buffer for the homes that are adjacent to Mableton Parkway.
5. The homes shall have a minimum of a two (2) car garage and the covenants shall provide that the garages be available for parking cars and not used for storage.
6. The homes to be constructed shall be a minimum of 1,800 square feet and shall be made of materials such as wood, brick, stone and cementitious board siding. The architectural style shall be consistent with the attached elevations shown as Exhibit “B” and representative interior pictures are shown as Exhibit “C”. However, the garage doors will not be glass.
7. Compliance with recommendations from the Stormwater Management Division with respect to detention, water quality, hydrology and down-stream considerations including the configuration and positioning of on-site detention areas.
8. KO Management agrees to the creation of a mandatory HOA consistent with custom-built communities. The mandatory HOA shall be responsible for the upkeep and maintenance of all common areas, open space areas, landscaped buffer adjacent to Mableton Parkway, entrance area, mail kiosks, subdivision entrance signage and the like contained within the proposed residential community.



**VIA EMAIL & HAND DELIVERY**

Ms. Jeannie Peyton, Senior Planner  
Cobb County Zoning Division  
January 22, 2021  
Page 3

---

9. Additionally, and in conjunction with the creation of the mandatory HOA, the applicant agrees to the recordation and enforcement of Declaration of Covenants, Conditions and Restrictions (“CCRs”) applicable to the proposed community.
10. The zoning shall incorporate the variances that are noted on the attached site plan.
11. Compliance with recommendations from the Cobb County Department of Transportation (“DOT”).
12. All setbacks landscaped and buffer areas may be penetrated for the purposes of access, utilities, stormwater management, drainage facilities and any and all slopes or other required engineering features including Fire Marshall directives or regulations.
13. The District Commissioner shall have the authority to approve minor modifications to these stipulations/conditions, the referenced site plan, lighting, landscaping, architecture, site features, signage and the like as needed or necessary, except for those that:
  - a. Increase the number of lots or the density of the residential community.
  - b. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
  - c. Relocate a structure closer to the property line of an adjacent property which is zoned the same or in a more restrictive zoning.
  - d. Increase the height of a building which is adjacent to a property which is zoned the same or a more restrictive zoning district.
  - e. Change an access location to a different roadway.
  - f. Are in direct contradiction to or conflict with the Cobb County Code of Ordinances and the Zoning Ordinance.
  - g. Require a Variance(s) waiving applicable regulations of the Cobb County Zoning Ordinance.



**VIA EMAIL & HAND DELIVERY**

Ms. Jeannie Peyton, Senior Planner  
Cobb County Zoning Division  
January 22, 2021  
Page 4

---

Please do not hesitate to contact me should you, the Staff or the Board Members require any further information or documentation prior to the hearing before the Planning Commission hearing.

Sincerely,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink that reads "Parks F. Huff".

Parks F. Huff  
phuff@samslarkinhuff.com

PFH/lkj  
Enclosures/Attachments

Cc: Members, Cobb County Board of Commissioners (via email)  
Members, Cobb County Planning Commission (via email)  
Mr. John Pederson, Zoning Division Manager (via email)  
Ms. Pamela Mabry, County Clerk (via email)  
Ms. Robin Stone, Deputy County Clerk (via email)  
Ms. Leila Washington, Deputy County Clerk (via email)  
Ms. Robin Meyer, Mableton Improvement Coalition (via email)

Exhibit  
“A”  
Site Plan

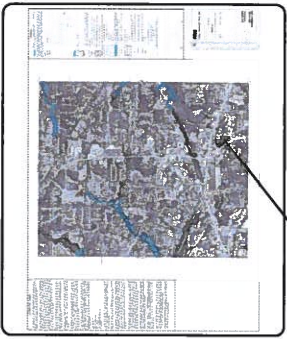
**PROJECT CONTACT: KAREEM OKEREKE (404) 843-2637**

**Site Data:**

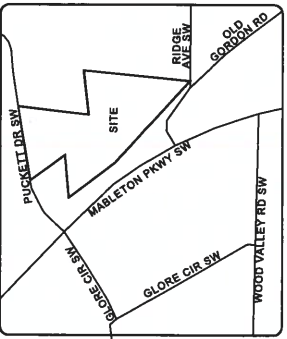
THESE LOTS ARE A TOTAL OF 25 SINGLE FAMILY LOTS LOCATED TO THE REAR OF THE PROPOSED DUPLEX LOTS. PROPOSED SITE DENSITY: (28 SFN) / 3.41 = 4.80 UNITS PER ACRE

**Single Family Lots:**

AREA OF LOT1A	4,570 SF
AREA OF LOT1B	6,018 SF
AREA OF LOT1C	9,979 SF
AREA OF LOT1D	7,827 SF
AREA OF LOT1E	8,000 SF
AREA OF LOT1F	6,006 SF
AREA OF LOT1G	6,818 SF
AREA OF LOT1H	3,148 SF
AREA OF LOT1I	3,237 SF
AREA OF LOT1J	6,894 SF
AREA OF LOT1K	6,211 SF
AREA OF LOT1L	5,614 SF
AREA OF LOT1M	6,470 SF
AREA OF LOT1N	6,247 SF



**SITE FEMA MAP**  
N/A



**Location Map**  
N/A

**Site Notes:**

- THE SITE CONTAINS 3.41 ACRES
- SITE LOCATION: 637 & 667 PUCKETT DRIVE, MABLETON, GA 30128
- THE NORTH ARROW AND SCALE ARE SHOWN ON THIS PLAN
- SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY H&B SURVEYING, INC. DATED SEPTEMBER 10, 2015
- EXISTING UTILITIES ARE SHOWN AS PER THE RECORD DRAWING (P.L. 15000) AND THE RECORD DRAWING (P.L. 15000) DATED DECEMBER 11, 2020.
- PER THE FLOOD HAZARD DATA MAP (FHAZMAP) DATED DECEMBER 11, 2020.
- THERE ARE NO WATERS OF THE STATE OF GEORGIA (LAKES OR STREAMS) WITHIN 200 FEET OF THE SITE.
- THERE ARE NO WATERS OF THE STATE OF GEORGIA (LAKES OR STREAMS) WITHIN 200 FEET OF THE SITE.
- LANDMARKS LISTED ON SITE, IN THE EVENT THAT THESE LANDMARKS ARE DISCOVERED DURING CONSTRUCTION, THE ENGINEER MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND MARKING.
- THERE ARE NO KNOWN WETLANDS ON THE PROJECT SITE.
- THERE ARE NO STREAMS OR ASSOCIATED STREAM BUFFERS AREAS ASSOCIATED WITH THE PROPERTY.
- ALL KNOWN UTILITY EASEMENTS FOR THE SURVEY ARE SHOWN ON THIS PLAN
- ALL KNOWN UTILITY EASEMENTS FOR THE SURVEY ARE SHOWN ON THIS PLAN
- SANITARY SEWER WILL BE PROVIDED TO THE DEVELOPMENT THROUGH AN EXISTING CONNECTION TO COBB COUNTY SEWER SYSTEM. NO ON-SITE SEPTIC SYSTEM IS PROPOSED.

**Proposed Zoning Requirements:**

- PROPOSED ZONING: RA-3 SINGLE FAMILY ATTACHED/DETACHED RESIDENTIAL
- SITE DENSITY: - 4 UNITS PER ACRE MAXIMUM ALLOWED
- PROPOSED SITE DENSITY: (13 SFN) / 3.41 ACRES = 2.40 UNITS PER ACRE < ALLOWABLE 5 UNITS PER ACRE
- MINIMUM LOT SIZE: ALSO SQUARE FEET PROPOSED
- MINIMUM WIDTH BETWEEN DWELLINGS: 15 FEET
- MINIMUM DRIVE-TO DRIVE: 20 FEET, O.L.-DE-SAC 25 FEET, 50 FEET IF INTERIOR TO DEVELOPMENT

**Building Setbacks For This Project:**

- FOR SINGLE FAMILY LOTS:
  - FRONT: 25 FT FOR LOTS 1 TO 13
  - REAR: 20 FEET FOR LOTS 14 TO 17
  - SIDE: 20 FEET FOR LOTS 18 TO 25
  - REAR: 20 FEET FROM ADJACENT LANDSCAPED BUFFER FOR LOTS FROM 3 TO 6
  - SIDE: 0 FEET FOR INTERIOR LOT LINE FOR EACH DUPLEX UNIT

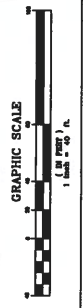
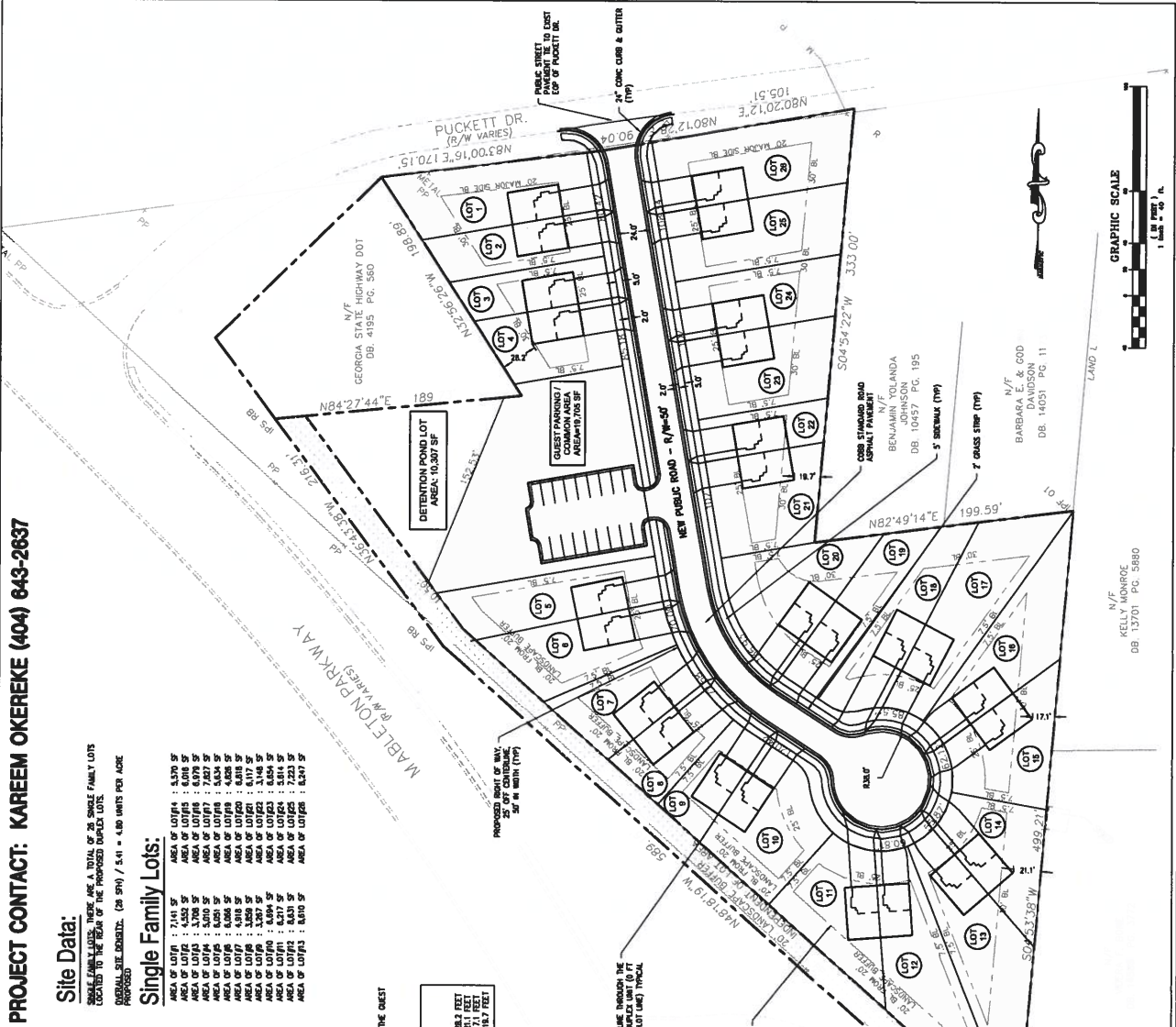
LANDSCAPED BUFFER AND SCREENING REQUIREMENTS: UNLESS OTHERWISE NOTED WITH THIS DISTRICT'S REQUIREMENTS, ANY PROPERTY WITHIN AN RA-3 DISTRICT WHICH ADJUTS A MAJOR RESTRICTIVE, RESIDENTIALLY ZONED PROPERTY SHALL HAVE A MINIMUM TEN-FOOT LANDSCAPED SCREENING BUFFER ADJACENT TO ALL RESIDENTIAL PROPERTY SUCH BUFFER SUBJECT TO APPROVAL BY COUNTY STAFF. REQUIRED BUFFERS MAY BE INCLUDED WITHIN REQUIRED SETBACKS. THE REQUIRED SETBACK, THE REQUIRED BUFFER SHALL BE ADJUSTED TO.

**On Street Parking:**

PLEASE SEE ALL SECTORS OF DEIST PARKING SHOWN IN THE DEIST PARKING/COMMON AREA.

**Variance Requested:**

- LOT 7 - REAR YARD REDUCTION FROM 30 FEET TO 24.2 FEET
- LOT 8 - REAR YARD REDUCTION FROM 30 FEET TO 21.1 FEET
- LOT 9 - REAR YARD REDUCTION FROM 30 FEET TO 18.7 FEET
- LOT 11 - REAR YARD REDUCTION FROM 30 FEET TO 18.7 FEET



N/E  
KELLY MONROE  
DB 13701 PC 5880

Prepared By:  
CRESCENT VIEW  
ENGINEERING, LLC  
217 Thomas Street SE  
Atlanta, GA 30306  
404-525-4410  
www.crescentvieweng.com

Prepared For:  
Kareem Okereke  
4665 Ashwood Drive  
Powder Springs, GA 30127

DATE	1-20-21
SCALE	AS SHOWN
DRAWN	CP
CHECKED	CP



Zoning Variance Plan For  
637 & 667 Puckett Drive  
Land Lot 37 17th District  
Cobb County, Georgia

Sheet No.  
C-1



Exhibit  
“B”  
Architecture



