



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-39
Public Hearing Dates:
PC: 7-7-20
BOC: 7-21-20

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@samslarkinbuff.com

Titleholder: Iglesia Torre Fuerte C.A.P.P., Inc.

Property location and address: Located on the south side of Puckett Drive, east of Mableton Parkway (637 and 667 Puckett Drive)

Access to Property: Puckett Drive

QUICK FACTS

Commission District: 4- Cupid

Current Zoning: CF (Future commercial) and GC (General commercial)

Current use of property: Undeveloped, wooded lot

Proposed zoning: RA-5 (Single-family residential)

Proposed use: Subdivision

Future Land Use Designation: MDR (Medium Density Residential)

Site Acreage: 5.41

District: 17

Land Lot: 37

Parcel #: 17003700440 and 17003700450

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Jeannie Peyton)

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

1. Site Plan received by the Zoning Division on May 7, 2020, with the District Commissioner approving minor modifications;
2. Variances as stated in the Zoning comments;
3. Stormwater Management Division comments and recommendations;
4. Development must adhere to the Mableton Pkwy & Veterans Memorial Hwy Design Guidelines;
5. Water and Sewer comments and recommendations; and
6. Department of Transportation comments and recommendations.

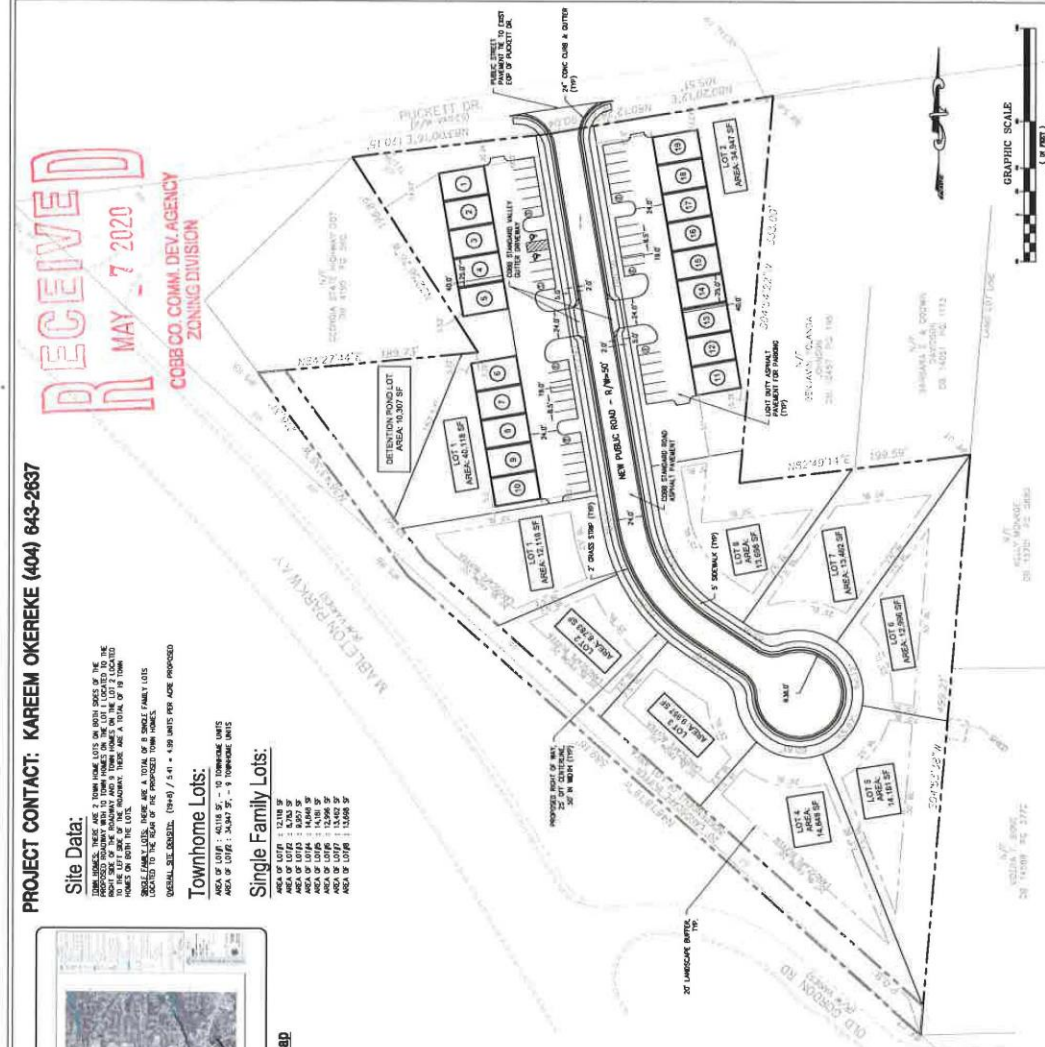
7-39-2020
Site Plan

Zoning Variance Plan For
Lot 37 Puckett Drive
Cobb County, Georgia



Prepared For
Kareem Okereke

Prepared By
ENGINEERING, LLC
1710 N. 10th St.
Atlanta, GA 30308
www.chessengineering.com



RECEIVED
MAY 7 2020
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

PROJECT CONTACT: KAREEM OKEREKE (404) 843-2837

Site Data:

THE TOTAL AREA OF THE PROPERTY IS 10.78 ACRES. THE SITE IS LOCATED IN THE NORTHWEST CORNER OF THE LOT 37 PUCKETT DRIVE, COBB COUNTY, GEORGIA. THE SITE IS SURROUNDING LOT 37 AND IS LOCATED NEAR THE INTERSECTION OF PUCKETT DRIVE AND RIDGE AVENUE. THE PROPOSED DEVELOPMENT WILL CONSIST OF 19 SINGLE-FAMILY TOWNHOME UNITS. THE PROPOSED DEVELOPMENT WILL BE A TOTAL OF 19 SINGLE-FAMILY TOWNHOME UNITS.

Townhome Lots:

AREA OF LOTS: 14,135 SF - 13 TOWNHOME UNITS
AREA OF LOTS: 14,847 SF - 9 TOWNHOME UNITS

Single Family Lots:

AREA OF LOTS: 12,118 SF
AREA OF LOTS: 11,815 SF
AREA OF LOTS: 14,246 SF
AREA OF LOTS: 14,246 SF
AREA OF LOTS: 12,206 SF
AREA OF LOTS: 12,206 SF
AREA OF LOTS: 13,442 SF
AREA OF LOTS: 13,442 SF



SITE FEMA Map
INTL

Location Map
INTL

Site Notes:

- 1. THE SITE CONTAINS 19 LOTS.
- 2. THE NORTH ARROW AND SCALE ARE SHOWN ON THIS PLAN.
- 3. SURVEY INFORMATION TAKEN FROM SURVEY PROVIDED BY HAMP SURVEYING, INC. DATED 11/18/18.
- 4. THE PROPERTY IS NOT LOCATED INSIDE DESIGNATED FLOOD HAZARD AREA AS SHOWN ON THE FLOOD INSURANCE RATE MAP (FIRM) DATED DECEMBER 16, 2006.
- 5. THE BOUNDARY OF THE STATE OF GEORGIA IS SHOWN WITHIN THE FIELD OF THE SITE.
- 6. THE BOUNDARY OF THE STATE OF GEORGIA IS SHOWN WITHIN THE FIELD OF THE SITE.
- 7. ALL NECESSARY CONSTRUCTION PERMITS MUST BE OBTAINED PRIOR TO COMMENCING CONSTRUCTION.
- 8. THERE ARE NO KNOWN WETLANDS ON THE PROJECT SITE.
- 9. PROPERTY. NO STREAMS OR ASSOCIATED STREAM BUFFERS ARE ASSOCIATED WITH THE PROJECT.
- 10. ALL KNOWN UTILITY EXHIBITS FOR THE SURVEY ARE SHOWN ON THIS PLAN.
- 11. THE PROPOSED DEVELOPMENT WILL BE A TOTAL OF 19 SINGLE-FAMILY TOWNHOME UNITS.
- 12. SURVEY AND RECORDS PROVIDED TO THE ARCHITECT FOR THIS PROJECT ARE SUBJECT TO THE COBB COUNTY RECORDS SYSTEM. NO DIGITAL RECORDS ARE PROVIDED.

Proposed Zoning Requirements:

- PROPOSED ZONING: RM-35 SINGLE-FAMILY ATTACHED/DETACHED RESIDENTIAL
- SITE DENSITY: 5 UNITS PER ACRE MAXIMUM ALLOWED
- IMPROVED SITE DENSITY: 10 TOWNHOME UNITS / 5.4 ACRES = 1.8 UNITS PER ACRE
- MINIMUM LOT SIZE: 6,000 SQUARE FEET PROPOSED
- MINIMUM METEOROLOGICAL: 10 FEET

Building Setbacks For This Project:

- FRONT: 25 FEET FROM FRONT LOT LINE TO 1
- REAR: 25 FEET FROM REAR LOT LINE TO 1
- SIDE: 5 FEET FROM NORTH SIDE AND 5 FEET FROM SOUTH SIDE FOR LOTS 1 TO 4
- SIDE: 10 FEET FROM NORTH SIDE AND 10 FEET FROM SOUTH SIDE FOR LOTS 5 TO 19

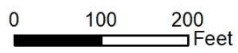
Additional Requirements:

- LANDSCAPE BUFFER: 20 FEET FROM PROPERTY BOUNDARIES, ANY PROPERTY BOUNDARIES WITHIN THE PROPERTY BOUNDARIES. THE PROPERTY BOUNDARIES SHALL HAVE A MINIMUM 10'-0" LANDSCAPE BUFFER. THE REQUIRED BUFFER SHALL BE ADJUSTED TO ALL EXISTING PROPERTY BOUNDARIES SUBJECT TO APPROVAL BY THE ARCHITECT. THE REQUIRED BUFFER SHALL BE ADJUSTED TO ALL EXISTING PROPERTY BOUNDARIES SUBJECT TO APPROVAL BY THE ARCHITECT.

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

WEST

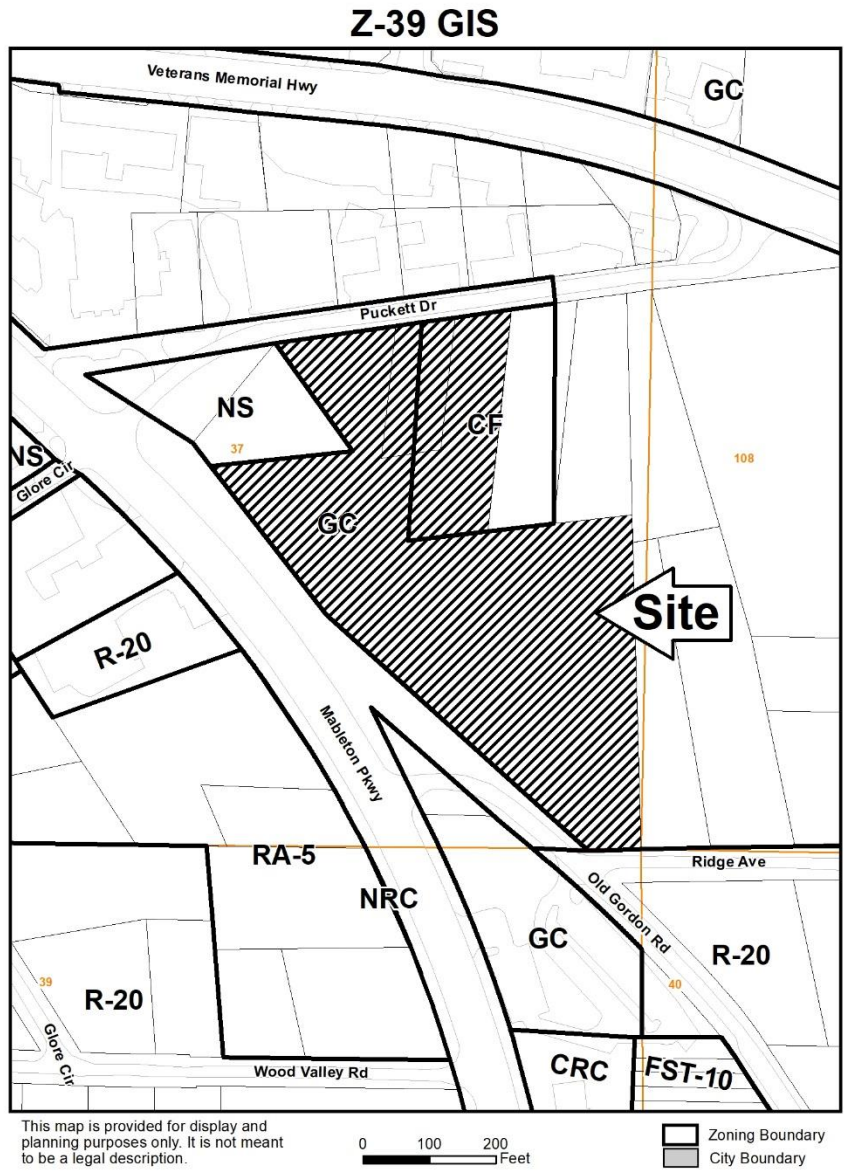
Zoning: NS, GC,
R-20, RA-5 /
Office, Fire
station, Single-
family residential

**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

DEPARTMENT COMMENTS- Zoning Division

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.

DEPARTMENT COMMENTS- Zoning Division (continued)

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).

DEPARTMENT COMMENTS- Fire Department

No comments.

DEPARTMENT COMMENTS- Site Plan Review (County 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.

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.

DEPARTMENT COMMENTS- School System

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

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

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.

DEPARTMENT COMMENTS- Planning Division

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)

DEPARTMENT COMMENTS- Planning Division (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.

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): 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.

DEPARTMENT COMMENTS- Transportation

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.

Application No. Z-39-2020



Summary of Intent for Rezoning

.....
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).

Z-39-2020
Impact
Statement

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

RECEIVED
MAY 7 2020
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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.

Z-39-2020
Impact
Statement

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

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
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_____	_____

Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____