



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-50
Public Hearing Dates:
PC: 9- 1-20
BOC: 9-15-20

SITE BACKGROUND

Applicant: Meritage Homes of Georgia

Phone: 678-348-8352

Email: clay.kirkley@meritagehomes.com

Representative Contact: Parks F. Huff

Phone: 770-422-7016

Email: phuff@samslarkinbuff.com

Titleholder: 4730 Floyd Road, LLC, The Estate of
Thurston Brown

Property location and address: Located on the
west side of Floyd Road and on the north side of
White Boulevard (4730, 4802 Floyd Road, 4916
White Road).

Access to Property: Floyd Road, White Boulevard

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: R-20 (Single-family residential)

Current use of property: Single-family residences,
Undeveloped, wooded lot

Proposed zoning: RM-8 (Residential multifamily)

Proposed use: Townhouse dwelling units (attached)
and Single-family dwelling units (detached)

Future Land Use Designation: MDR (Medium
Density Residential)

Site Acreage: 30.58

District: 17, 19

Land Lot: (17) 30, 31; (19) 1074, 1147

Parcel #: 17003100010, 17003100020,
17003100390

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Jeannie Peyton)

Based on the analysis of this case, Staff recommends **DELETION to RA-5** subject to the following:

1. Site Plan received by the Zoning Division on July 10, 2020, with the District Commissioner approving modifications;
2. Fire Department comments and recommendations;
3. Stormwater comments and recommendations;
4. Water and Sewer comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. Adhere to the Comprehensive Plan Small Area Policy Guidelines for MDR-P22.

Z-50 Aerial Map



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

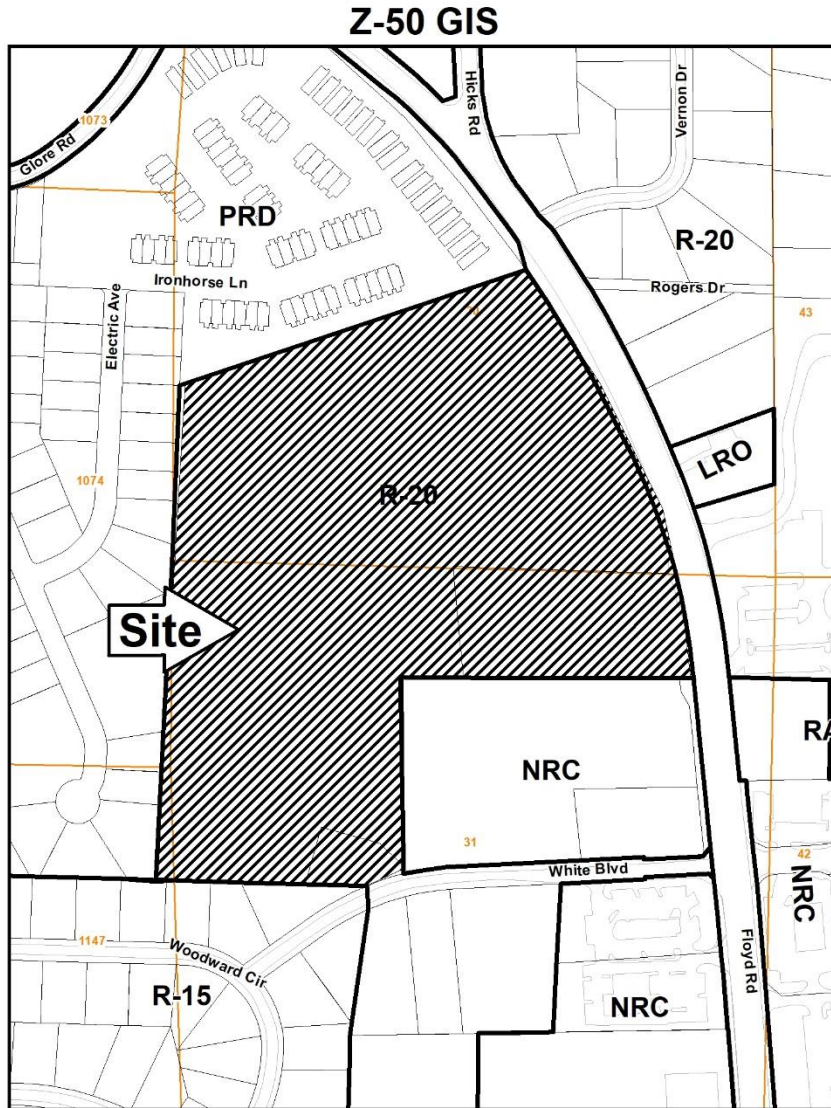


- Zoning Boundary
- City Boundary

North
Zoning: PDR / Single-family residential
Future Land Use: MDR

WEST
Zoning: PDR /
Single-family
residential

**Future Land
Use:** MDR



EAST
Zoning: NRC /
Single-family
residential

**Future Land
Use:** NAC

SOUTH
Zoning: R-15 / Grocery store
Future Land Use: LDR

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Requested zoning district for the property

The RM-8 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for medium and high density residential and regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RM-8 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Summary of the applicant's proposal

The applicant is requesting to rezone the site to the RM-8, Multifamily residential, zoning district to develop 180 attached townhome multifamily residential units and 23 Single-family detached lots on a 25.4 acre site. The 203 units will be 1650 to 2200 square feet and be consistent with the architecture of Willowcrest located to the north and west of the proposed development.

Residential criteria

Allowable units as zoned: 44
Proposed # of units: 203
Net density: 8.0
Increase of units: 159
Acres of floodplain/wetlands: 0
Impervious surface shown: 45% maximum

Are there any zoning variances?

No

DEPARTMENT COMMENTS- Fire Department

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2012 Edition and Cobb County Development Standards 402.11).

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.8.2.1)

Guest Parking

Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project. (Cobb County Development Standards 401.8.2)

Fire Hydrants

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. (Cobb County Development Standards 410.5.2)

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

DEPARTMENT COMMENTS- School System

Approval of this petition will cause concern for CCSD, as it will result in an impact on the enrollment for schools already over capacity.

School	Student Capacity	Student Enrollment	Capacity Status
Mableton ES	962	1099	137 over capacity
Floyd MS	1175	998	-177 under capacity
South Cobb HS	2612	1957	-655 under capacity

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard zone: No
2. Drainage Basin: Clay Branch
3. FEMA Designated 100-year Floodplain Flood. NO
4. Streambank buffer zone: Yes; near western property line
5. County Buffer Ordinance: 50' undisturbed each side of creek channel. Seventy-five foot (75') impervious buffer.
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system. Downstream culvert within Willowcrest Subdivision and under Green Valley Road at Woodward Circle. After Green Valley Road culvert a roadside drainage swale carries the runoff through numerous front yard driveway pipes.
7. Stormwater discharges through an established residential neighborhood downstream.
8. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
9. Special site conditions and/or additional comments:
 - A portion of the existing site drains to the southern property line into the LIDL – Mableton site. The storm runoff bypasses the LIDL stormwater management system and drains into the storm drain system within the Hardee's site. The downstream Hardee's system and culvert under White Boulevard may need to be evaluated.

DEPARTMENT COMMENTS- Stormwater Management (continued)

- Due to the increase in allowable impervious coverage from R-20 with 35% to RM-8 with 45% coverage. The existing downstream subdivisions are older and have limited stormwater conveyance capacity. As a result, it is recommended that stormwater management be elevated such that each storm discharge is controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).
- Drainage easements will be required along the north and western property line to convey offsite runoff from the Willowcrest development. Additional offsite easement from the western property line discharge point to the existing downstream culvert within the Willowcrest Subdivision.

DEPARTMENT COMMENTS- Planning Division

R

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

If Yes, which city?

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

MDR-P22 In accordance with their action on January 17, 2017, the Board of Commissioners has established an area of Medium Density Residential (MDR) north and west of an existing Neighborhood Activity Center (NAC) at the intersection of Floyd Road and White Boulevard. This is intended to allow for a step down in intensity that would serve as a transition between the commercial uses to the south and the single family residential uses to the east, north and west. It is recommended that the western boundary of the aforementioned area of MDR be considered a line of demarcation between lower-and-higher intensity uses.

Masterplan/ Corridor Study: South Cobb Implementation Strategy Yes No

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 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

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

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

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

Yes No

(The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Is this property within the Six Flags Special Service District?

Yes No

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?

Yes No

Is the property within the Clear Zone (CZ)?

Yes No

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

Yes No

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

Yes No

Is the property within the Noise Zone?

Yes No

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

Yes No

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Historic Preservation

After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1920 house and its associated outbuildings (4730 Floyd Road) are located within the project area. Due to the age and location of the structures, information about these resources and its occupants appear to have the potential to contribute significantly to the county's public history. Staff recommends the home either be incorporated into the development or, alternately, documented if destroyed.

In order to properly document this home, its inhabitants, outbuildings, and the role they played in Cobb County's history, staff requests a history of the home, outbuildings, and its occupants (as well as archival-quality photographs of the home, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

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 Floyd Rd, 6" in White Blvd

Additional water comments: Development Standards require a secondary water feed.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: White Blvd Right-of-Way

Estimated waste generation (in G.P.D.): Average daily flow = 32,500 GPD

Peak flow = 81,200 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

*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.

Additional sewer comments: Sewer capacity study may be required at Plan Review.

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

RR

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Floyd Road	Arterial	40	Cobb County	100'
White Boulevard	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Floyd Road	North of White Boulevard	37,900	F
White Boulevard	N/A	N/A	N/A

Based on 2019 AADT count data taken by GDOT, as published on their website, for Floyd Road.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterials from this data source.

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

Roadway comments and observations

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

White Boulevard 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.

The intersection of Floyd Road and Glore Road is scheduled to be re-studied for a signal warrant analysis when system improvement studies resume. Resumption of county traffic studies will be after traffic patterns return to typical conditions, currently estimated as early 2021.

Site Plan comments and observations

The proposed development is shown to be primarily serviced by one full-movement-in/right-out access point on Floyd Road as well as one full-movement access point on White Boulevard. Connections are also shown through an inter-parcel access point with the existing Willow Crest Phase 1 to the north currently under construction.

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 Floyd Road, a minimum of 50' from the roadway centerline.
2. Recommend replacing disturbed curb, gutter, and sidewalk along the western property frontage on Floyd Road.

DEPARTMENT COMMENTS- Transportation (continued)

3. Recommend a traffic study. The traffic study was received on July 27, 2020 and is currently in review. Cobb DOT recommendations may be revised after the study's review is complete.
4. Recommend public streets, lighting, and utilities be constructed to the Cobb County Standard Specifications, which includes prohibition of perpendicular parking within the right-of-way.
5. Recommend a minimum spacing of 50-ft tangent distance between the existing LIDL driveway and proposed development driveway on White Boulevard.
6. Recommend developer contribute 100% of the cost for a traffic signal at the entrance, if and when warranted and installation approved by Cobb County DOT. The signal warrant study shall be completed after full build-out of the development when true traffic data is available.
7. As necessitated by this development, if signalization of the Floyd access roadway is anticipated, recommend the existing U-Turn lane on Floyd Road be restriped to accommodate entering left turn movements into the proposed development. Recommend final design be determined during plan review, subject to Cobb County DOT approval.
8. As necessitated by this development, if signalization of the access roadway is not anticipated, recommend median be modified to create the left-out restriction from the development while still allowing lefts into the school. Additionally, a larger right-out radius and raised channelized island is recommended to prevent this left-out movement.
9. As necessitated by this development, recommend Floyd Road access include deceleration lane. The site plan submitted July 10, 2020 includes a deceleration lane and taper along the property frontage. Recommend final design be determined during plan review, subject to Cobb County DOT approval.
10. 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 if deleted to RA-5. The property is in an area with single-family 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 if the proposed project is deleted to RA-5. 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 if the proposed project is deleted to RA-5. This opinion is supported by the departmental comments contained in this analysis.

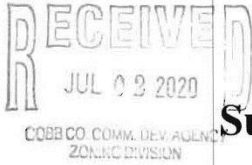
D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

It is Staff's opinion that the applicant's rezoning proposal is not 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 development will need to adhere to the MDR-P22 policies to meet the policies and intent of the comprehensive plan.

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 deleting the applicant's rezoning proposal for the use as a multifamily residential condominium development to RA-5. The proposal would then be consistent with the MDR future land use category and compatible to other properties in the area.

The staff analysis and recommendation made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Application No. Z-50

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 1650-2200 sq. ft.
 - b) Proposed building architecture: The architecture will be consistent with Willowcrest, which is currently being built out by the applicant.
 - c) List all requested variances: none noted at this time.
- _____
- _____
- _____

.....
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: _____
- _____
- _____
- _____

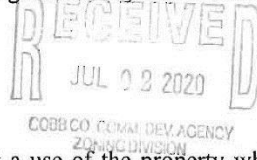
.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

.....
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-50-2020
Impact
Statement

**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF MERITAGE HOMES**

COMES NOW, MERITAGE HOMES OF GEORGIA 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 in the Floyd Road and White Boulevard area. The property is located on the west side of Floyd Road; north of White Boulevard. The property is located between the Willowcrest subdivision that Meritage is currently building out and the commercial node at the signalized intersection of Floyd Road and White Boulevard that includes a Lidl grocery store and a fast food restaurant. The property is a transition between the existing subdivision and the intensive commercial 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 complement the existing residential properties in the area and create a transition from the Willowcrest subdivision that is currently under development and the commercial uses at the intersection of Floyd Road and White Boulevard.

- 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

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS ST.
MARIETTA, GA 30064
770.422.7016

Z-50-2020
Impact
Statement

utility. The existing R-20 zoning cannot reasonably be developed given the surrounding uses and costs associated with development.

- 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. The residential neighborhood will not create an adverse impact on the surrounding infrastructure. The new residents will support the existing commercial businesses.

- E. The zoning proposal is located in the Medium Density Residential (MDR) category. The proposed density exceeds the MDR category, however, the property is a transition between the commercial node and the existing Willowcrest subdivision and an increase in density to create this transition makes sense from a planning perspective.

- F. There is no substantial relationship between the existing zoning classification of R-20 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 and commercial development in this area of Floyd Road, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

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 _____