



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

Case # Z-44

Public Hearing Dates:

PC: 6-4-19

BOC: 6-18-19

SITE BACKGROUND

Applicant: Kerley Family Homes, LLC

Phone: 770-792-5500

Email: j3k@kerleyfamilyhomes.com

Representative Contact: J. Kevin Moore

Phone: 770-429-1499

Email: jkm@mijs.com

Titleholder: Multiple titleholders listed in Zoning file

Property location and address: Northwest side of Nickajack Road; east of Floyd Road

Access to Property: White Boulevard

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: R-15 (Single-family Residential), O&I (Office & Institutional), and NRC (Neighborhood Retail Commercial)

Current use of property: Wooded, undeveloped acreage

Proposed zoning: RM-8 (Multi-family Residential)

Proposed use: Townhome Community

Future Land Use Designation: NAC (Neighborhood Activity Center) and LDR (Low Density Residential)

Site Acreage: 9.24 ac

District: 17

Land Lot: 42

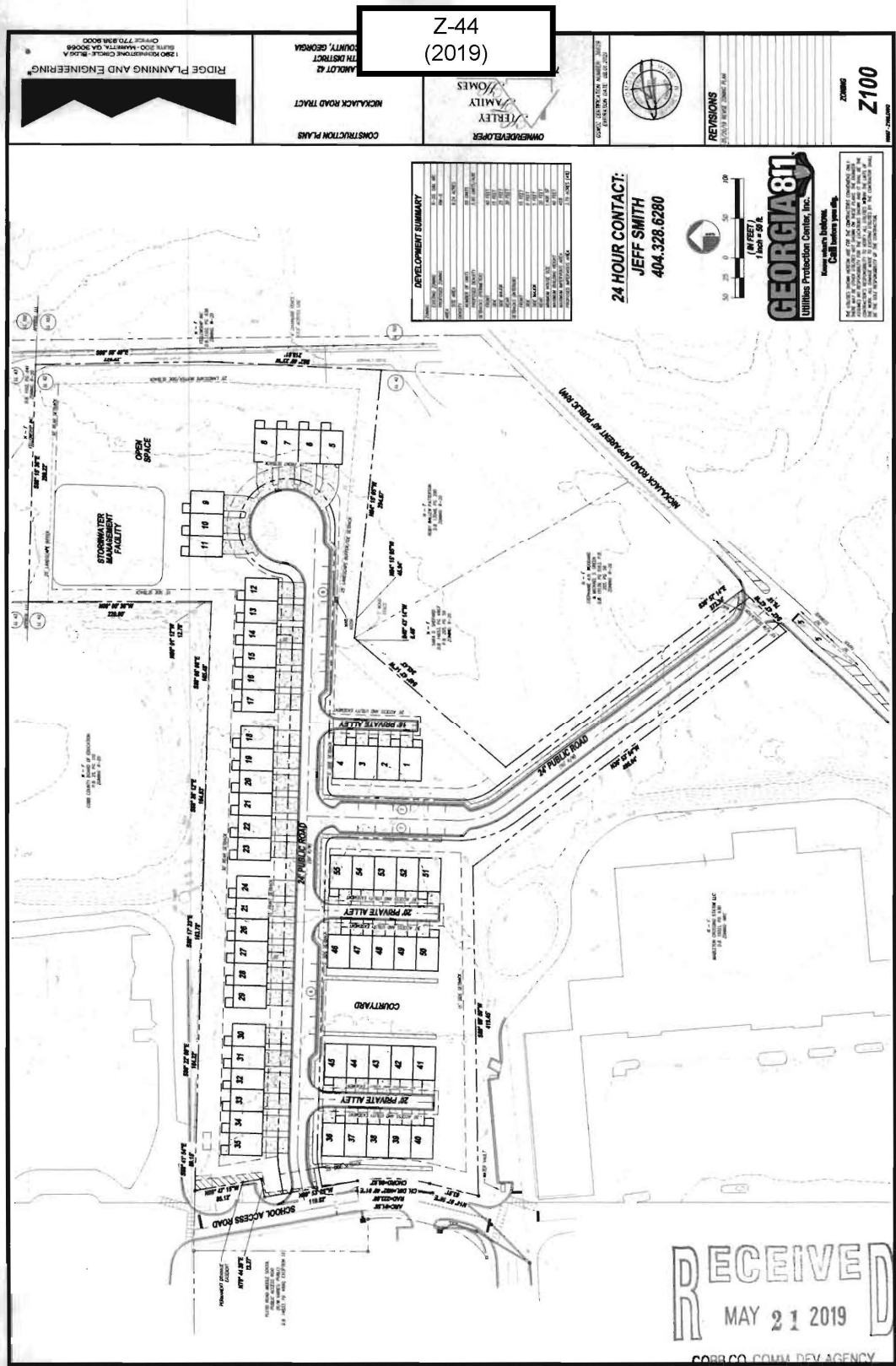
Parcel #: 170042000010, 17004200090, 17004200100, 17004200110, 17004200120, 17004200130 and 17004200140

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Jason Campbell)

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





Z-44 2019-Aerial Map



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

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Feet

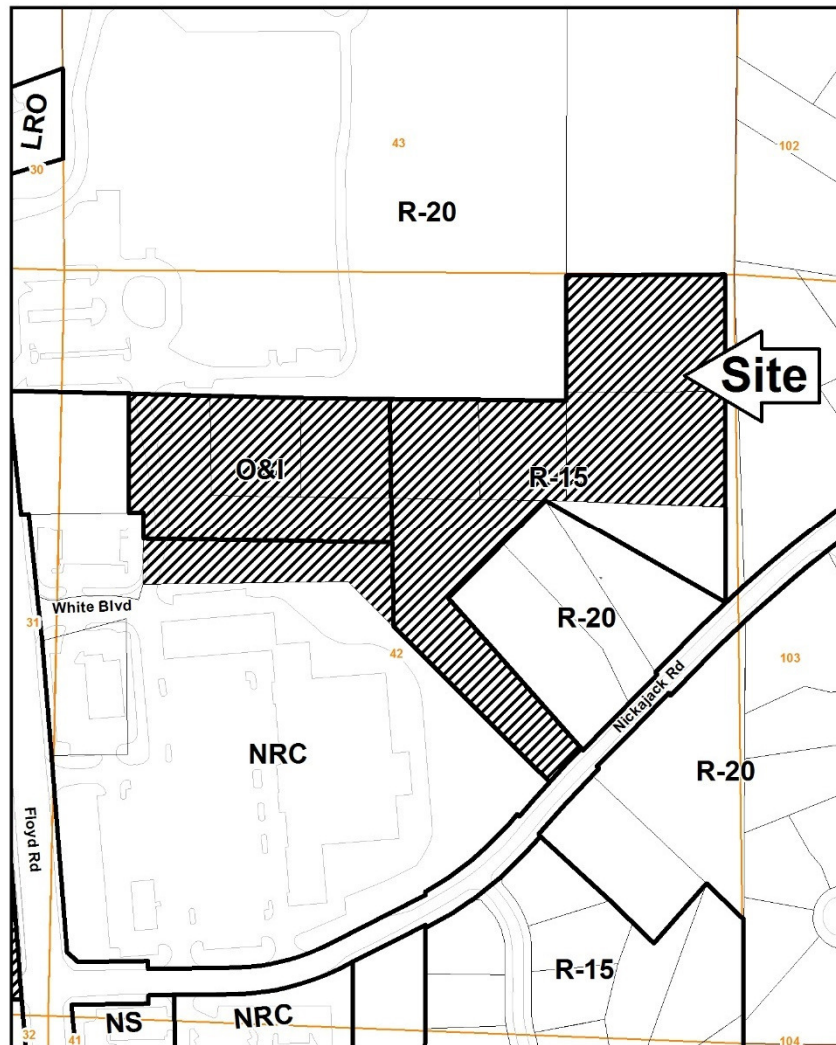
 Land Lot
 City Boundary

North

Zoning: R-20 (Single-family Residential)

Future Land Use: PI (Public Institutional), and LDR (Low Density Residential)

Z-44 2019-GIS



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

0 200 400 Feet

□ Zoning Boundary
 □ City Boundary

WEST

Zoning: NRC
 (Neighborhood
 Activity
 Center)

**Future Land
 Use:** NAC
 (Neighborhood
 Activity
 Center)

EAST

Zoning: R-20
 (Single-family
 Residential)

**Future Land
 Use:** LDR (Low
 Density
 Residential)

SOUTH

Zoning: R-20 (Single-family Residential), and NRC
 (Neighborhood Retail Commercial)

Future Land Use: LDR (Low Density Residential), and NAC
 (Neighborhood Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-15 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-15 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.

The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center and a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose of this chapter.

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

DEPARTMENT COMMENTS- Zoning Division (Continued)

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 the RM-8 (Multi-family) zoning district for the purpose of developing a 55-unit attached residential subdivision. The architecture will be traditional, and the units will be 1,700 square feet and greater. The proposed site plan indicates public streets and an open space area.

Residential criteria

Allowable units as zoned: Approximately 12 (on the eastern R-15 parcels)

Proposed # of units: 55

Net density: 5.95 units per acre

Increase of units: 43

Acres of floodplain/wetlands: 0 ac

Impervious surface shown: Not to exceed 45%.

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the proposal will require the following contemporaneous variances:

1. Reducing the front setback from the required 50 feet to 15 feet;
2. Reducing the side setback from the required 35 feet to 25 feet;
3. Reducing the rear setback from the required 40 feet to 30 feet; and
4. Reducing a portion of the required 25-foot landscaped buffer abutting R-20 property to the north.

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 safety issues. A 10' minimum setback is recommended between buffers and structures.

Per Cobb County Development Standards section 409.03.02, any detention facility proposed for the exterior boundary of a project which will abut an existing, residential property, or public right of way exterior to the development being constructed shall provide a 10-foot landscape buffer. The landscape buffer may not coincide with any underground or overhead public or private easement or line of sight easement.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

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	1070	108 over capacity
Floyd MS	1175	979	196 under capacity
South Cobb HS	1925	1938	13 over capacity

DEPARTMENT COMMENTS- Planning Division

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

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

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 [Name] 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

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

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
Historic Preservation

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

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: ☒ YES ☐ NO

Fire flow test required: ☒ YES ☐ NO

Size and location of existing water main(s): 8" in Nickajack Road

Additional water comments: FYI - Development Standards require secondary water feed for developments of more than 40 lots

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: +/- 525' north w/easement

Estimated waste generation (in G.P.D.): Average daily flow = 8,800

Peak flow = 22,000

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 of the developer at Plan

Review to determine whether gathering line capacity is sufficient.

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- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Trib to Nickajack Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Potential or known drainage problems exist for developments downstream from this site.
7. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
8. Substantially mitigate any effects of concentrated stormwater discharges onto adjacent properties.
9. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
10. Existing Lake Downstream upstream of Benson Hurst Drive Additional BMP's for erosion & sediment control will be required.
11. Lake Study required to document pre- and post-development sediment levels.
12. Stormwater discharges through an established residential neighborhood downstream.
13. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s). Downstream routing through existing private lake required to verify no adverse impacts.
14. Special site conditions and/or additional comments:
 - Conveyance of existing runoff from adjacent Floyd Middle School detention pond must be provided.
 - Townhome/Condo platting will require stormwater infrastructure to be maintained by the HOA.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Nickajack Road	Minor Collector	35	Cobb County	60'
White Boulevard	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Nickajack Road	East of Gambrell Road	3,600	C
White Boulevard	N/A	N/A	N/A

Based on 2016 traffic counting data taken by Cobb County DOT for Nickajack Road.

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

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

Comments and observations

Nickajack Road is classified as a minor collector 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.

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 north side of Nickajack Road, a minimum of 30' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
4. Recommend curb, gutter, and sidewalk along the White Boulevard frontage.
5. Recommend a minimum setback of 20' from the right-of-way to garage to ensure vehicles are parked within the right-of-way.
6. Recommend any guest parking in the right-of-way be parallel, non-striped, and located where sight distance is not obstructed for driveways. Cobb DOT does not allow or maintain perpendicular parking within the right-of-way.

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 zoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby property. Much of the surrounding properties are developed for single-family subdivisions, with the exception of the property abutting to the west, which is commercial.

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 proposal will adversely affect the existing use or usability of adjacent or nearby property. Most of the nearby properties are zoned R-20 and R-15 with single-family residential development. The proposal would be out of character with the low intensity uses to the east.

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 zoning proposal will result in a use which will cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the department comments contained in this analysis. The Cobb County School District has concerns that approval of this petition will result in an impact on the enrollment for schools already over capacity.

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

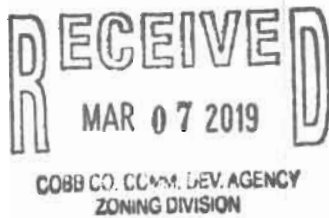
It is Staff's opinion that the zoning proposal is not in conformity with the policies and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Neighborhood Activity Center (NAC) and Low Density Residential (LDR) future land use categories. The requested RM-8 is for properties delineated for the Medium Density Residential (MDR), High Density Residential (HDR), and Regional Activity Center (RAC) future land use categories. Other residential developments in the area include: Shannon Green West (zoned R-20 at 1.68 units per acre), Shannon Chase (zoned R-20 at approximately 1.87 units per acre), and Glenleigh Park (zoned R-15 at 1.93 units per acre).

STAFF ANALYSIS (Continued)

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

It is Staff's opinion that there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for denying the zoning proposal. The requested RM-8 zoning district is not compatible with the NAC and LDR future land use categories. It is also staff's opinion that the proposed 55-unit development at 5.95 units per acre is too intense when compared to the other residential developments 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-44 (2019)

Application No. Z- (2019)

Hearing Dates: PC - 06/04/2019
BOC - 06/18/2019

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 1,700 square feet, and greater
- b) Proposed building architecture: Traditional or Craftsman
- c) List all requested variances: None known at this time.
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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:
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Part 3. Other Pertinent Information (List or attach additional information if needed)

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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.

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*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.

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 _____