



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

Case # Z-16

Public Hearing Dates:

PC: 3-5-19

BOC: 3-19-19

SITE BACKGROUND

Applicant: Tracey Coker

Phone: 770-719-7077

Email: tl_coker@bellsouth.net

Representative Contact: Garvis L. Sams, Jr.

Phone: 770-422-7016

Email: gsams@slhb-law.com

Titleholder: Estate of Joella T. Coker

Property location and address: Located on the west side of Shaw Road at Woodrush Drive (3011 Shaw Road)

Access to Property: Shaw Road

QUICK FACTS

Commission District: 3- Birrell

Current Zoning: R-20

Current use of property: Single-family house on large wooded tract

Proposed zoning: R-15

Proposed use: Residential subdivision

Future Land Use Designation: Low Density Residential

Site Acreage: 6.59 acres

District: 16 ; Land Lot: 520, 489

Parcel #: 16048900020

Taxes Paid: Yes

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

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

1. Site plan received by the Zoning Division on February 12, 2019, with the District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations; and
5. Department of Transportation comments and recommendations.

Rezoning Plat for: Shaw Road Community

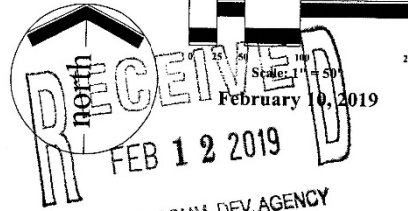
Cobb County, Georgia Land Lots 520 and 489, 16th District, 2nd Section

property owner:
Tracey Coker

DGM
LAND PLANNING
CONSULTANTS



975 COBB PLACE
BLVD SUITE 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491



COBB CO. COMM. DEV. AGENCY
Site Data

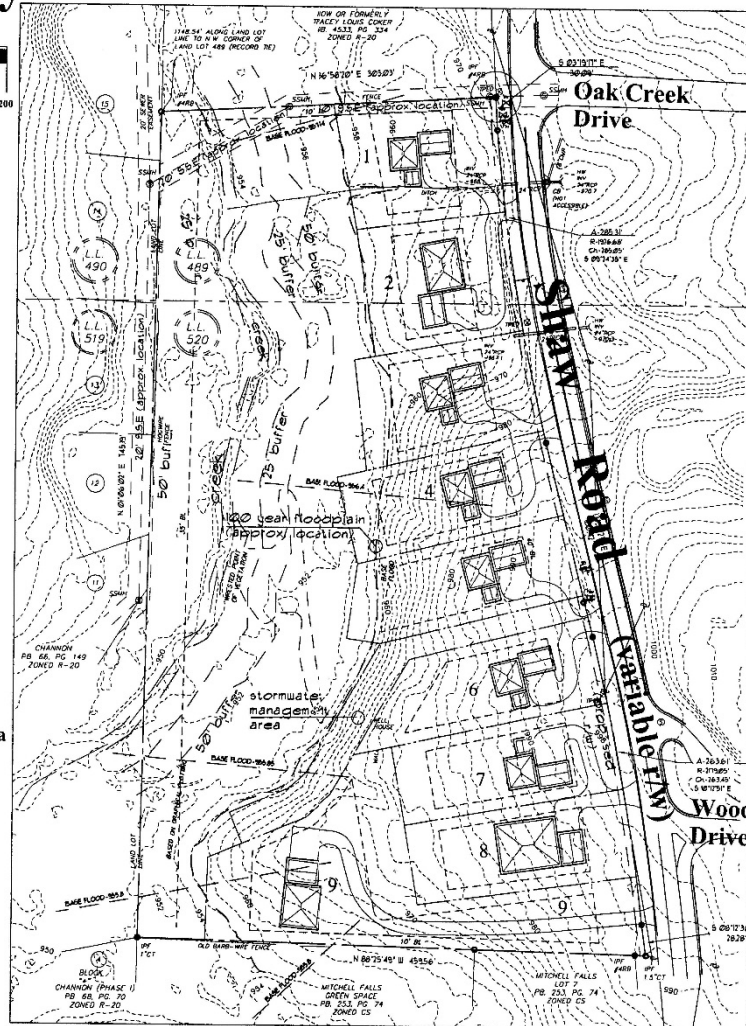
Site Area: 6.59 AC
(2.89 AC in floodplain)
Existing Zoning: R-20
Proposed Zoning: R-15
Total Lots Shown: 9
Net Density: 2.43 UN/AC
(9 units / 3.7 AC out of
floodplain = 2.43 UN/AC)

Min. Lot Width: 75'
R-15 Building Setbacks:
front: 40' (minor collector)
side: 10'
rear: 30'

Impervious Surface: 46,620 SF (1.07 AC)
16% of total site area

Notes:

1. Boundary survey from GEO Survey, LTD, dated 2012-6-11.
2. Topographic Information by Cobb County GIS.
3. According to Flood Insurance Rate Map (FIRM) #3067C0044G, December 16, 2008, a portion of this site contains floodplain.
4. No cemeteries are known to exist on site.
5. Stream and wetland classifications are to be determined.
6. No archeological or architectural landmarks are known to exist on site.
7. Utility easements exist on site and are shown on site plan.
8. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

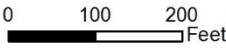




Z-16
(2019)

Z-16 2019-Aerial Map



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

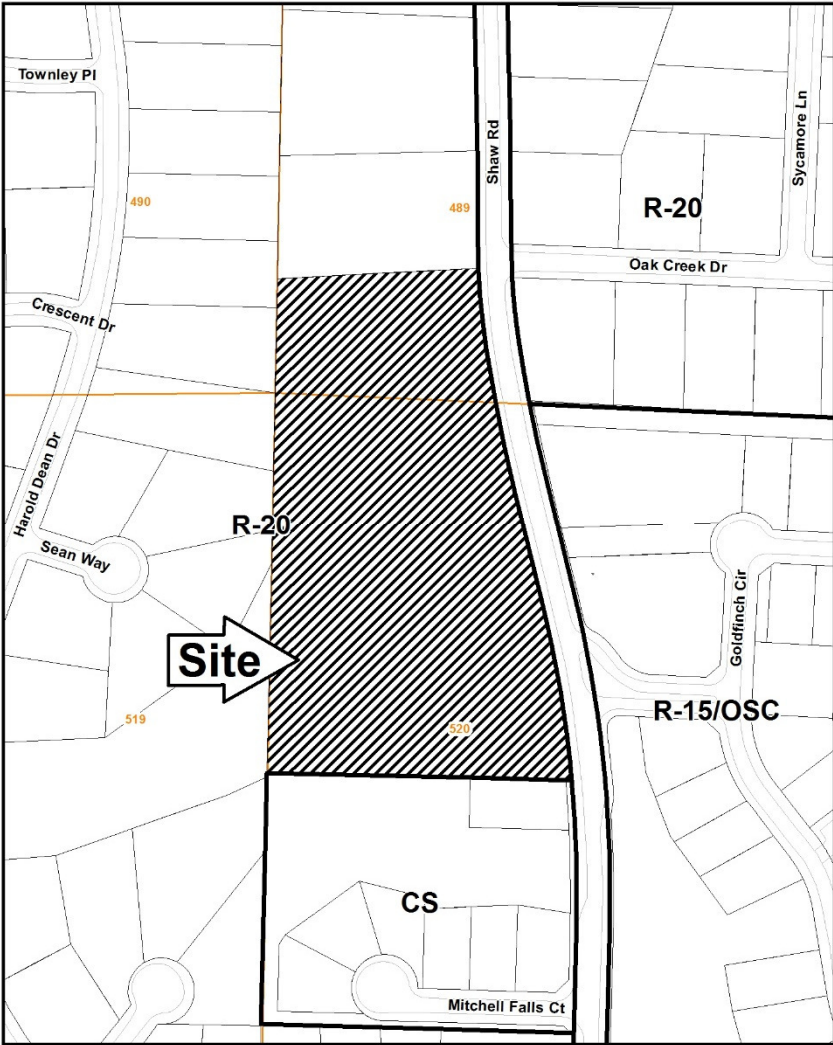


-  Zoning Boundary
-  City Boundary

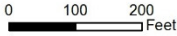
North



Zoning: R-20 (Single-family Residential)
Future Land Use: LDR (Low Density Residential)

Z-16 2019-GIS



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 Zoning Boundary
 City Boundary

WEST

Zoning: R-20 (Single-family Residential)

Future Land Use: LDR (Low Density Residential)

EAST

Zoning: R-20 (Single-family Residential) and R-15/OSC (Single-family Residential)

Future Land Use: LDR (Low Density Residential)

SOUTH

Zoning: CS (Conservation Subdivision)
Future Land Use: LDR (Low Density Residential)

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 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.

Summary of the applicant's proposal

The applicant is requesting the R-15 zoning district in order to develop nine single-family residential lots along Shaw Road. The houses will range in size from 1,800 square feet to 2,500 square feet.

Residential criteria

Allowable units as zoned: 7

Proposed # of units: 9

Net density: 2.25 units per acre

Increase of units: 2

Acres of floodplain/wetlands: 2.59 acres

Impervious surface shown: 16%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

No.

DEPARTMENT COMMENTS- Fire Department

No comments.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commissioner's Inventory Listing which is located in this, or adjacent land lot.

DEPARTMENT COMMENTS- School System

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

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: Yes
2. Flood hazard zone: Zone A
3. Drainage Basin: Unnamed Tributary to Little Noonday Creek
4. FEMA Designated 100-year Floodplain Flood.
5. Wetlands: Possibly, No Verified Location: adjacent to stream
6. Streambank buffer zone: Yes
7. County Buffer Ordinance: 50' each side of creek channel.
8. Potential or known drainage problems exist for developments downstream from this site.
9. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
10. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
11. Stormwater discharges through an established residential neighborhood downstream.
12. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream and downstream culvert at Harold Dean Drive.
13. Special site conditions and/or additional comments:
 - All lots must have a minimum of 12,500 sf above the adjacent floodplain. Lot 3 does not meet this requirement. The effective floodplain limit should be field verified prior to final lot layout approval.

The stormwater management facility must be located above/outside the floodplain. The pond will need to be relocated to the southern portion of the site to meet this requirement.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Low Density Residential (LDR) 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.

Comprehensive Plan Designation:

Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

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

Was the city notified? Yes No N/A

Specific Area Policy Guidelines:

Yes No

Masterplan/ Corridor Study

Yes No

Design guidelines area?

Yes No

Does the proposal plan comply with the design requirements?

Yes No N/A

Is the property within an Opportunity Zone?

(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)

Yes No

Is the property within an Enterprise Zone?

(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)

Yes No

Is the property eligible for the Façade Improvement Program?

(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.)

Yes No

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)**Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?** Yes No

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

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

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 Shaw Road

Additional water comments:

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: On northern edge of site

Estimated waste generation (in G.P.D.): Average daily flow = 1,440

Peak flow = 3,600

Treatment plant: Noonday 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
Shaw Road	Minor Collector	35	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
Shaw Road	South of Oak Springs Drive	3,200	C

Based on 2017 traffic counting data taken by Cobb County DOT for Shaw 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

Shaw 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.

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 Shaw 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 sidewalk, curb, and gutter along the frontage of Shaw Road.
4. Recommend a minimum spacing of 50 ft between driveways.

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 permit a use that is suitable in view of the use and development of adjacent and nearby property. The applicant is proposing a new single-family development that is similar in use to surrounding properties.

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 rezoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The proposal is for single-family residential lot fronting on Shaw Road and the proposed density is slightly higher than the R-15/OSC subdivision across the street. Other residential development in the area include: Channon Phase II (zoned R-20 at approximately 1.433 units per acre), Oak Creek Estates Phase I (zoned R-20 at approximately 1.60 units per acre), Mitchell Falls (zoned CS at 1.75 units per acre), Castlebrooke (zoned R-20 at 1.99 units per acre), and Woodrush Court Unit II (zoned R-15/OSC at 1.99 units per acre).

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

It is Staff's opinion that the applicant's proposal will not cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.

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

It is Staff's opinion that the proposal is in conformity with the policies and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Low Density Residential (LDR) future land use category, having a density range of 1-2.5 units per acre. The applicant's requested R-15 at a density of 2.25 units per acre is within the LDR range.

STAFF ANALYSIS (Continued)

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

It is Staff's opinion that there are existing or changing conditions affecting the use and development of the property which give supporting grounds for approval of the zoning proposal. The intended use is appropriate since it will be subdivided and developed with single-family houses, compatible with the neighboring residential subdivisions.

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.

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 _____