



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-54
Public Hearing Dates:
PC: 10-6-20
BOC: 10-20-20

SITE BACKGROUND

Applicant: Galaxy Childers Land LLC

Phone: 770-350-0411

Email: hjoseph@galaxypartners.com

Representative Contact: Melissa J. Perignat

Phone: 770-956-9600

Email: mperignat@honzw.com

Titleholder: Galaxy Childers Land LLC

Property location and address: Located on the east side of Childers Road, directly across from the terminus of Monet Drive (3442 Childers Road).

Access to Property: Childers Road

QUICK FACTS

Commission District: 2-Ott

Current Zoning: R-30 (Single-family residential)

Current use of property: Single-family residence

Proposed zoning: R-15 (Single-family residential)

Proposed use: Single-family residential subdivision

Future Land Use Designation: LDR (Low Density Residential)

Site Acreage: 2.24

District: 1

Land Lot: 28, 51

Parcel #: 01002800060

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 to be approved by the District Commissioner that has the requested amount of public road frontage per lot;
2. Stormwater Management Division comments and recommendations;
3. Water and Sewer comments and recommendations;
4. Department of Transportation comments and recommendations; and
5. Variance only for reduced front setback.

Z-54 Aerial Map



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



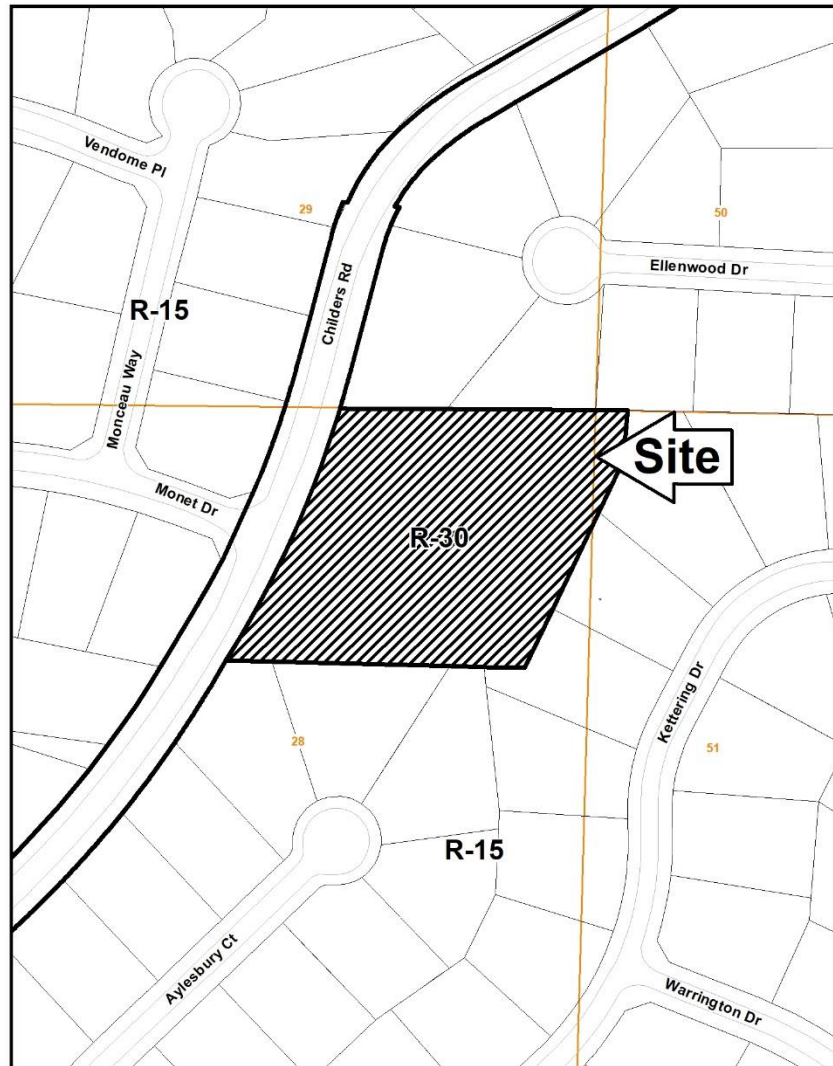
 Zoning Boundary
 City Boundary

North

Zoning: R-15 / Single-family homes

Future Land Use: LDR

Z-54 GIS



WEST

Zoning: R-15 /
Single-family
homes

**Future Land
Use:** LDR

EAST

Zoning: R-15 /
Single-family
homes

**Future Land
Use:** LDR

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□ Zoning Boundary
■ City Boundary

SOUTH

Zoning: R-15 / Single-family homes

Future Land Use: LDR

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-30 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-30 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 to rezone the site to the R-15 zoning district to develop six (6) single-family homes on a 2.24 acre site. The homes, ranging from 2,800 to 4,200 square foot in size, will be Traditional and European style.

DEPARTMENT COMMENTS- Zoning Division (continued)

Residential criteria

Allowable units as zoned: 2
Proposed # of units: 6
Net density: 2.68
Increase of units: 4
Acres of floodplain/wetlands: 0
Impervious surface shown: 35% maximum

Are there any zoning variances?

Yes.

1. Allow lots 2-5 to not have any public road frontage.
2. Decrease the required front yard setback from 35 feet to 25 feet.

DEPARTMENT COMMENTS- Fire Department

No comments.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

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 zone: No
2. Drainage Basin: Willeo Creek
3. FEMA Designated 100-year Floodplain Flood. None
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. Stormwater discharges through an established residential neighborhood downstream.
11. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
12. No stormwater controls shown/provided.
13. Special site conditions and/or additional comments:
 - There is no stormwater management facility shown. Stormwater management will need to be located in the northeast corner of the property and piped to the downstream detention pond located at 4587 and 4589 Kettering Drive within the Coventry Green Subdivision.
 - Applicant will need to obtain a drainage easement from 4585 Kettering to allow the pipe to go through a 10' natural buffer to gain access to an existing drainage easement to the existing downstream detention pond.
 - Provide as-built survey of the downstream detention pond.
 - Provide a stormwater hydraulic routing through the existing detention pond.
 - A 10' natural buffer is located within Coventry Green Subdivision along the eastern property line.
 - The proposed development appears to contain private streets. Based on this the onsite stormwater management facility will be private. An HOA will need to be established to maintain the stormwater management facility. A stormwater maintenance agreement will be required between the County and Developer/HOA.

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

If Yes, which city?

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study: 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 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

(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" on Childers 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: ~50 ft South with easement

Estimated waste generation (in G.P.D.): Average daily flow = 960 GPD

Peak flow = 2,400 GPD

Treatment plant: Big Creek WRF (Fulton County)

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:

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
Childers Road	Minor Collector	35	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
Childers Road	South of Kettering Drive	8,450	LOS C

Based on 2016 AADT count data taken by Cobb County DOT for Childers 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 minor collectors from this data source.

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

Comments and observations

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

Recommendations

1. Recommend replacing disturbed curb and gutter as well as adding sidewalk along the property frontage on Childers Road.
2. Recommend private streets, lighting, and utilities be constructed to Cobb County Standard Specifications.
3. As necessitated by this development, recommend Childers Road access include taper and/or improved curve radius. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
4. Recommend applicant verify that minimum intersection sight distance is available for Childers Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.
5. Recommend removing and closing driveway aprons along the Childers Road frontage that the development renders unnecessary.
6. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF ANALYSIS

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

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

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

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

It is Staff's opinion that the applicant's rezoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. There are similar uses adjacent to the proposal.

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 Low Density Residential, LDR future land use category. The requested zoning district and proposed use are consistent with the LDR 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 LDR 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. 254

Summary of Intent for Rezoning



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

Residences will range from approximately 2,800 sq. ft to 4,200 sq. ft. (excluding garages and basements)

- a) Proposed unit square-footage(s): garages and basements
b) Proposed building architecture: Traditional and/or European style single-family residences.
c) List all requested variances: Reduction of front yard setbacks on all lots from 35' to 25' (as depicted on the Site Plan enclosed with this Application)

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

- a) Proposed use(s): N/A
b) Proposed building architecture: N/A
c) Proposed hours/days of operation: N/A
d) List all requested variances: N/A

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

Please see the attached Letter of Intent for additional information.

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). No.

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 _____
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