



COBB COUNTY
BOARD OF COMMISSIONERS

100 Cherokee Street, Suite 300
Marietta, Georgia 30090-7000
770.528.3305 • fax: 770.528.2606

Lisa Cupid
Chairwoman

SENT VIA UPS OVERNIGHT

November 18, 2021

The Honorable Al Thurman
Mayor
City of Powder Springs
P.O. Box 46
Powder Springs, Georgia 30127

Re: Petition for Annexation –19th District, Land Lot 883, Parcel 001; 19th District, Land Lots 882, 820 and 821; 5550 Story Road Cobb County, Georgia; Basis of Objection

Dear Mayor Thurman:

This correspondence is the **basis of objection** in response to the above-referenced annexation petition. For the reasons indicated below, Cobb County respectfully **objects** to this proposed annexation and rezoning, in accordance with the provisions of O.C.G.A. Section 36-36-113 and the terms contained in Sections 2 and 4 of the Intergovernmental Agreement with the City of Acworth, dated July 9, 2014 (“HB 489 Agreement”).

In accordance with O.C.G.A. § 36-36-113, Cobb County objects to this annexation on the basis that it would create a material increase in burden upon the county directly related to the following:

1. The proposed change in zoning; and
2. Proposed increase in density.

The City of Powder Springs has petitioned to annex 46.02 acres by the 100% method. The proposal is to annex a portion of the property (PIN 19088300010) thereby leaving part of the property as unincorporated. The total current area of the property is 49.77 acres according to the submitted survey. The property is split by Story Road, with both the northern section and southern section having the same parcel number.

The applicant submitted a survey map showing two “cut-out areas” that are 2.5 acres on “Tract 1” and 1.25 acres on “Tract 2.” However, because the Tract 1 Cut-Out area includes another parcel addressed as 5556 Story Road (19088300150) that is not in the application, it is incomplete. The submitted survey map showing the areas for annexation are not showing the property lines for 5556 Story Road. Based upon mapping by the Cobb County Community Development Agency (“Community Development”), the proposed annexation line runs through a portion of this parcel when compared to the Tax Assessor’s parcel map.

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The proposed subdivision map titled “Story Road” also does not show the existing parcel lines that separate 5550 Story Road from 5556 Story Road. The proposed new property lines would leave two dwellings on the same property, which violates the Cobb County Zoning Ordinance Section 134-1: Definition of a Single-Family Dwelling. The applicant also did not submit any information to show that 5556 Story Road is a legal lot of record as required by Cobb County Development Standards. It appears the deed for the property (D.B. 14262, Pg. 2049) violates the Standards Section 200.1 that requires any lot to be created by plat, rather than just a deed. The remedy for this situation is to first file a plat for review by Community Development for the 5556 Story Road lot before the annexation process. The County would also need to review the subdivision, for the property lines would be changed in the areas that are proposed to remain unincorporated.

The subject property is currently zoned R-30 and is within an area identified as Very Low Density Residential (VLDR) according to the Cobb County Future Land Use Map. Upon annexation, the applicant proposes to rezone the site to PUD-R for 152 residential lots. This property has been zoned R-30 since 1972. No application for rezoning of the property was previously submitted to Cobb County. It still has the original zoning classification.

The Cobb County Future Land Use Plan indicates this parcel as Very Low Density Residential (VLDR). This category has a recommended density of 0 to 2 units/acre in the Cobb County Comprehensive Plan. The HB 489 agreement limits the City upon annexation to 2 units/ acre for VLDR. The agreement also indicates that PUD-R is not allowed in VLDR. The proposed density of 3.33 units/ acre exceeds the allowed density cap of 2 units/ acre in the HB 489 agreement for this area.

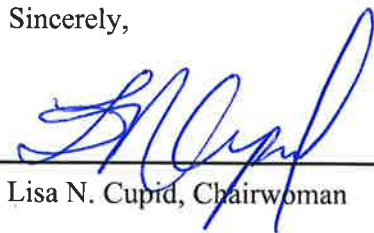
Due to the inconsistency with official records, potential violation of the Cobb County Zoning Ordinance and Development Standards and the application not meeting the HB 489 Intergovernmental Agreement, the County **objects** to the proposed annexation.

This letter is being sent because there has been no resolution resulting from informal negotiation **and/or** the timeframe for initiating arbitration is about to lapse in accordance with O.C.G.A. § 36-36-113 (c). This letter will be provided to the Georgia Department of Community Affairs (DCA) along with the forms for requesting that an arbitration panel be appointed. DCA must provide list(s) of potential panel members from which you will provide the opportunity to excuse a set number. This must be accomplished in fifteen (15) days from the date you receive this letter.

If you have questions or need any additional information, please contact David Webb, Intergovernmental Coordinator at 770-528-2199 or david.lwebb@cobbcounty.org.

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Sincerely,



Lisa N. Cupid, Chairwoman

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Director of Community Development, City of Powder Springs– Via Email
Shaun Myers, Planning and Zoning Manager, City of Powder Springs– Via Email
File

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Sincerely,



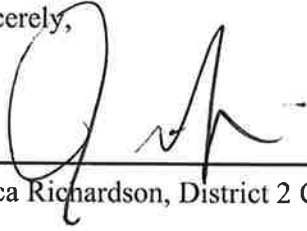
Keli Gambrill, District 1 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Director of Community Development, City of Powder Springs– Via Email
Shaun Myers, Planning and Zoning Manager, City of Powder Springs– Via Email
File

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Sincerely,



Jerica Richardson, District 2 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Director of Community Development, City of Powder Springs– Via Email
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Sincerely,




JoAnn K. Birrell, District 3 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Director of Community Development, City of Powder Springs– Via Email
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Sincerely,


Monique Sheffield, District 4 Commissioner

cc: Jackie McMorris, County Manager – Via Email
Jimmy Gisi, Deputy County Manager – Via Email
H. William Rowling, Jr., County Attorney- Via Email
Brian Johnson, Senior Associate County Attorney, Via Email
Jessica Guinn, Community Development Director – Via Email
Pamela Mabry, County Clerk – Via Email
Pam Conner, City Manager, City of Powder Springs– Via Email
Tina Garver, AICP, Director of Community Development, City of Powder Springs– Via Email
Shaun Myers, Planning and Zoning Manager, City of Powder Springs– Via Email
File

De/Annexation Location Map

November 2021

19th District
Land Lot 883
Parcel 001

Also Includes:
19th District
Land Lots 882,
820 & 821

Legend

-  Annexed Areas
-  Acworth
-  Austell
-  Kennesaw
-  Marietta
-  Powder Springs
-  Smyrna
-  Unincorporated

