



COBB COUNTY
BOARD OF COMMISSIONERS

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

Lisa Cupid
Chairwoman

CERTIFIED MAIL
7020 0009 0000 6545 2871

November 4, 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; Notice of Intent to Object.

Dear Mayor Thurman:

We are in receipt of the above-referenced annexation request. Please accept this response to the annexation proposal for 5550 Story Road. 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), 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.

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

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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, this letter serves as the County's **intent to object** to the proposed annexation.

In summary, please accept this letter as the County's formal **notice of intent to object** to the proposed annexation. We welcome the opportunity to negotiate the details of this matter in an informal setting. Please see the attached comments from other Cobb County departments. If you have questions or need any additional information, please contact David Webb, Intergovernmental Coordinator at 770-528-2199.

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Sincerely,



Lisa 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

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[signature page continued]

Sincerely,

Keli A. Gambrell

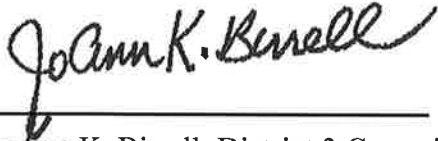
Keli Gambrell, District 1 Commissioner

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

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[signature page continued]

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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[signature page continued]

Sincerely,

A handwritten signature in cursive script that reads "Monique Sheffield". The signature is written in black ink and is positioned above a horizontal line.

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

County Staff Comments- Powder Springs Annexation- 5550 Story Rd., November 2021

Water service for 5550 Story Road is provided by the existing CCWS water main in Story Road.

Wastewater for the parcel can be treated at the South Cobb WRF where there currently is sufficient capacity. Permit issuances are subject to continued WRF compliance with EPD discharge requirements.

Because CCWS will continue to own and maintain water and sewer facilities in public rights-of-way and public easements, there would be no infrastructure loss.

Tim Davidson
Cobb County Water System
660 South Cobb Drive
Marietta, GA 30060
770-419-6312

Planning- Historic Preservation

I have no comment.

Mandy Elliott
Planner III/Historic Preservation Planner
Cobb County Community Development Agency
Planning Division
P. O. Box 649
Marietta, GA 30064
www.cobbcounty.org
770-528-2010

Cobb County Fire Marshal's Office

The Fire Department has no rebuttal against the annexation of the referenced property.

Rock Toler
Deputy Fire Marshal – South Inspection District
Cobb County Fire Marshal's Office
(770) 528-8360
1595 County Services Pkwy
Marietta GA, 30008

Cemetery Preservation

The Coker/ Elliot Family Cemetery is in Land Lot 883, parcel 11, 19th District but does not appear to be affected by this proposal.

Helga Hong
Cobb County Cemetery Preservation Commission

Stormwater Management

This property contains stream and floodplain. The stream has a 50' undisturbed buffer with a 25' impervious setback.

There is some floodplain at the northern property line. The topography is steep in some areas.

The City of Powder Springs will need to enforce the stream buffers and the FEMA floodplain requirements.

Thanks

Carl

L. Carl Carver, PE

Engineer IV

Cobb County Water System

Stormwater Management Division

680 South Cobb Drive

Marietta, GA 30060-3113

Office: (770) 419-6453

GIS

I **object** to this annexation, based on the mapping, platting, and surveying inconsistencies for these pieces of property. Official records need to be provided that clearly define the property lines. The survey and associated site plan should align with those records.

Thanks,

Brad Gordon

GIS Supervisor

Community Development - GIS Section

Cobb County Government

P (770) 528.2002

Cobb DOT

See attached comments

APPLICANT: Powder Springs

LAND LOT: 820, 821, 882, 883/19

PRESENT ZONING: R-30

PETITION FOR: PUD

**TRANSPORTATION COMMENTS &
RECOMMENDATIONS**

The following comments and recommendations are based on office review of the subject annexation/rezoning case:

Reviewed plans do not show detailed plans and/or specific uses. Additional concerns/comments will be provided after plans have been submitted to Cobb County via the formal Plan Review Process.

Story Road is classified as a local residential roadway. Right-of-way does appear to meet the minimum requirements, 50' from centerline of the roadway.

Recommend curb and gutter along Story Road frontage for each property.

Recommend sidewalk along Story Road frontage for the northern property.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

De/Annexation Location Map

October 2021

19th District
Land Lot 1314
Parcel 002

Also Includes:
19th District
Land Lots 1315,
1276, 1277 &
18th District
Land Lot 19

Legend

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

