

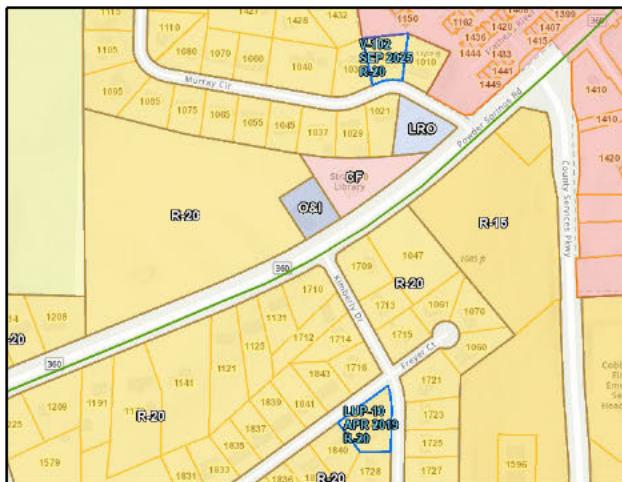
REZONING SNAPSHOT: Z2025-23

Address(es): Powder Springs Road SW (no assigned number)

Rezoning Request: R-20 in Cobb County to PRD-SF in City of Marietta

Purpose for Request: To construct up to 60 detached, single-family homes.

Existing Zoning – R-20* (Cobb)



*Single-Family Residential, 20,000-sf lots (yellow)

Future Land Use (FLU) – LDR* (Cobb)



*Low Density Residential (white)

Considerations and Concerns

● Existing land use context

Located amidst R-20 (low-density residential) lots in Cobb County.

● Suitability of the land/site

Undeveloped land with seemingly few physical limitations. Location off an arterial road typically suitable for higher density development, but existing context is low-density.

● Potential for adverse impacts

Proposal of 5.5 units/acre may be too high in density and lacking protection of natural features to be well-integrated with existing residential neighborhoods and respect the environment around the National Park.

● Other department concerns

Only one access point provided whereas two (2) are required. Potential for State Waters to be found on site with stream buffer ramifications.

● Alignment with City vision / Comprehensive Plan

Proposal does not align with Cobb County's Future Land Use of LDR.

Variances Required:

1. Variance to reduce the minimum lot size from 4,000 square feet to 3,000 square feet
[§708.09 (H.)]
2. Variance to reduce the proportion of homes within 300 feet of an active recreation facility from 75% to 50% [§708.09 (B.h.)]
3. Variance to provide one (1) access point onto an arterial or collector street rather than two (2) in a development of more than 51 single-family residential units
[§730.01 (A.)]



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2025-23

LEGISTAR: 20250816

LANDOWNERS:

[REDACTED]

APPLICANT:

[REDACTED]

AGENT: Parks Huff
Sams, Larkin & Huff, LLP

PROPERTY ADDRESS: Powder Springs Road SW (no assigned number)

PARCEL DESCRIPTION: 19026100020

AREA: 10.923 acres

COUNCIL WARD: 2

EXISTING ZONING: R-20 (Single-Family Residential, 20,000-square foot lot size) in Cobb County

REQUEST: PRD-SF (Planned Residential Development, Single-Family)

FUTURE LAND USE: LDR (Low Density Residential) in Cobb County
PROPOSED FLU: MDR (Medium Density Residential) in the City

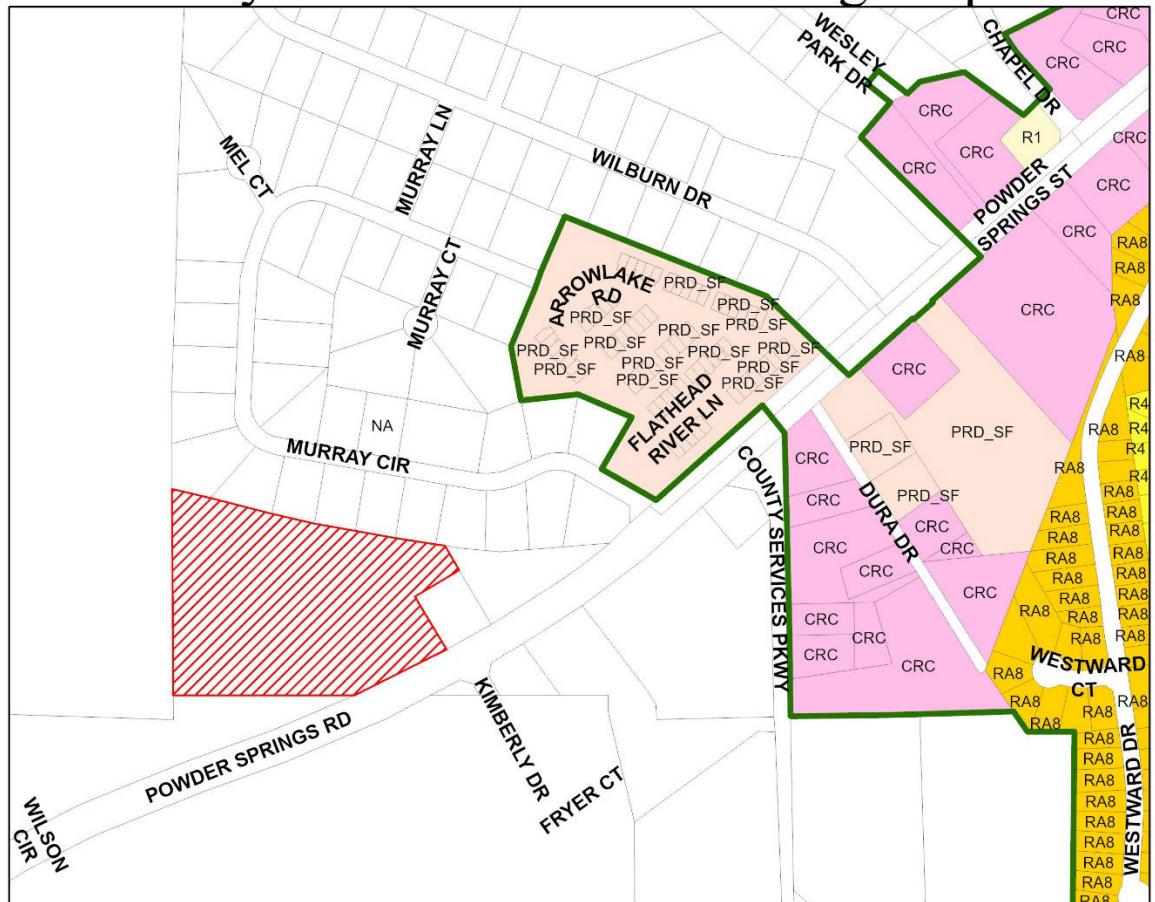
REASON FOR REQUEST: Construction of a single-family subdivision comprised of a maximum of 60 detached units.

PLANNING COMMISSION HEARING: Tuesday, January 6, 2026 – 6:00 pm

CITY COUNCIL HEARING: Wednesday, January 14, 2026 – 7:00 pm

MAP

City of Marietta Area Zoning Map

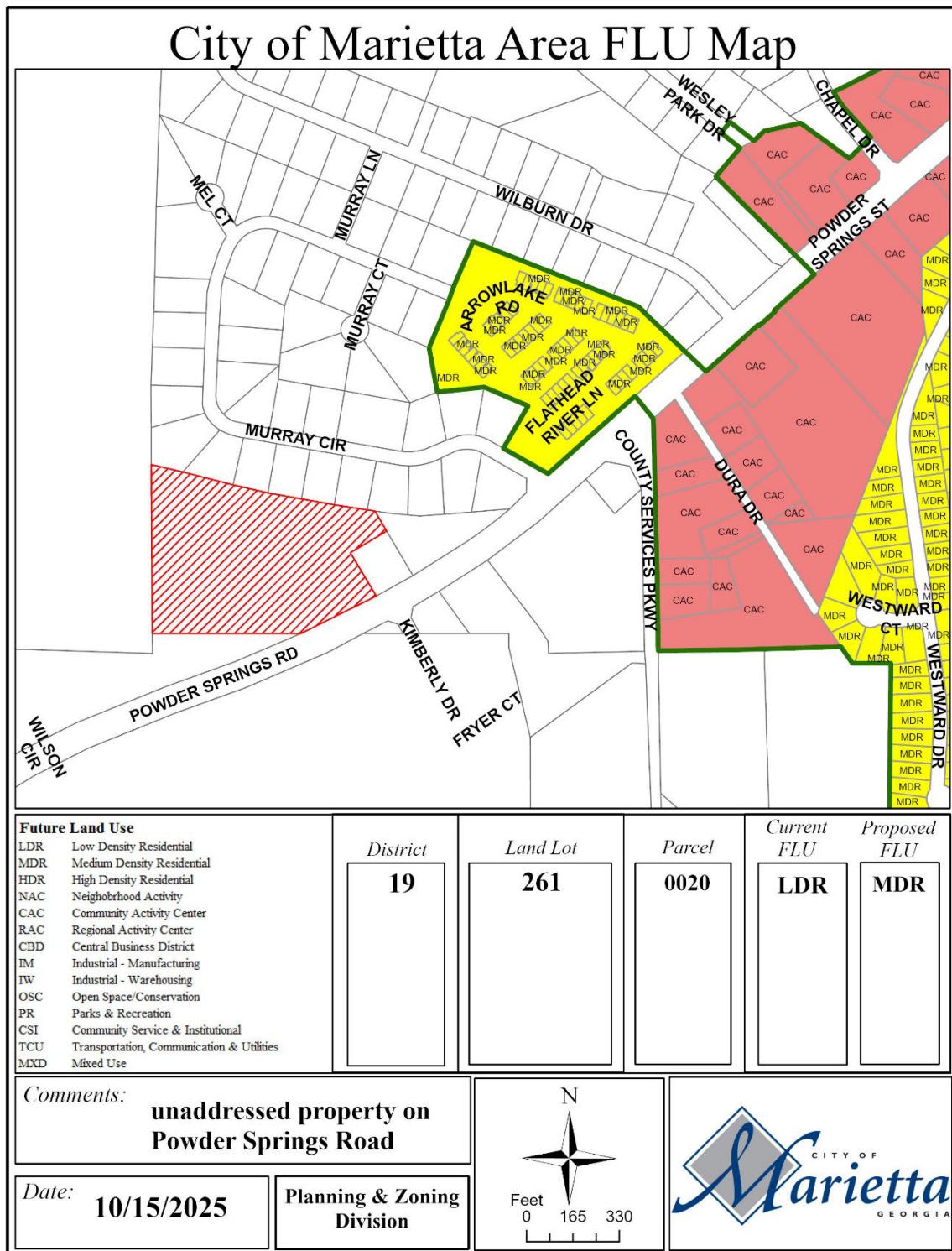


Zoning	COMMERCIAL	District	Land Lot	Parcel	Current Zoning	Proposed Zoning
SINGLE FAMILY RESIDENTIAL						
R-1 One Unit/Acre	NRC Neighborhood Retail					
R-2 Two Unit/Acre	CRC Community Retail					
R-3 Three Unit/Acre	RRC Regional Retail					
R-4 Four Unit/Acre	CBD Central Business District					
ATTACHED FAMILY RESIDENTIAL	PCD Planned Commercial Dev.					
RA-4 Four Unit/Acre	MXD Mixed-Use Dev.					
RA-6 Six Unit/Acre	OIT Office Institutional Trans.					
RA-8 Eight Unit/Acre	LRO Low-Rise Office					
PRD(SF) Planned Residential Dev.	OI Office Institutional					
MHP Mobile Home Park	OS Office Services					
MULTI FAMILY RESIDENTIAL	OHR Office High-Rise					
RM-8 Eight Unit/Acre	LI Light Industrial	19	261	0020	R-20 Cobb	PRD-SF City
RM-10 Ten Unit/Acre	HI Heavy Industrial					
RM-12 Twelve Unit/Acre	PID Planned Industrial Dev.					
RHR Residential High Rise						
PRD(MF) Planned Residential Dev.						

Comments: unaddressed property on Powder Springs Road	 0 Feet 155 310	
Date: 10/15/2025	Planning & Zoning Division	



FLU MAP



PICTURES OF PROPERTY



The 10.9-acre subject property is undeveloped land, currently located in Cobb County off of Powder Springs Road and next to Kennesaw Mountain National Battlefield Park. Cobb County has objected to its annexation into the City due to a proposed density higher than that of the surrounding area.



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060



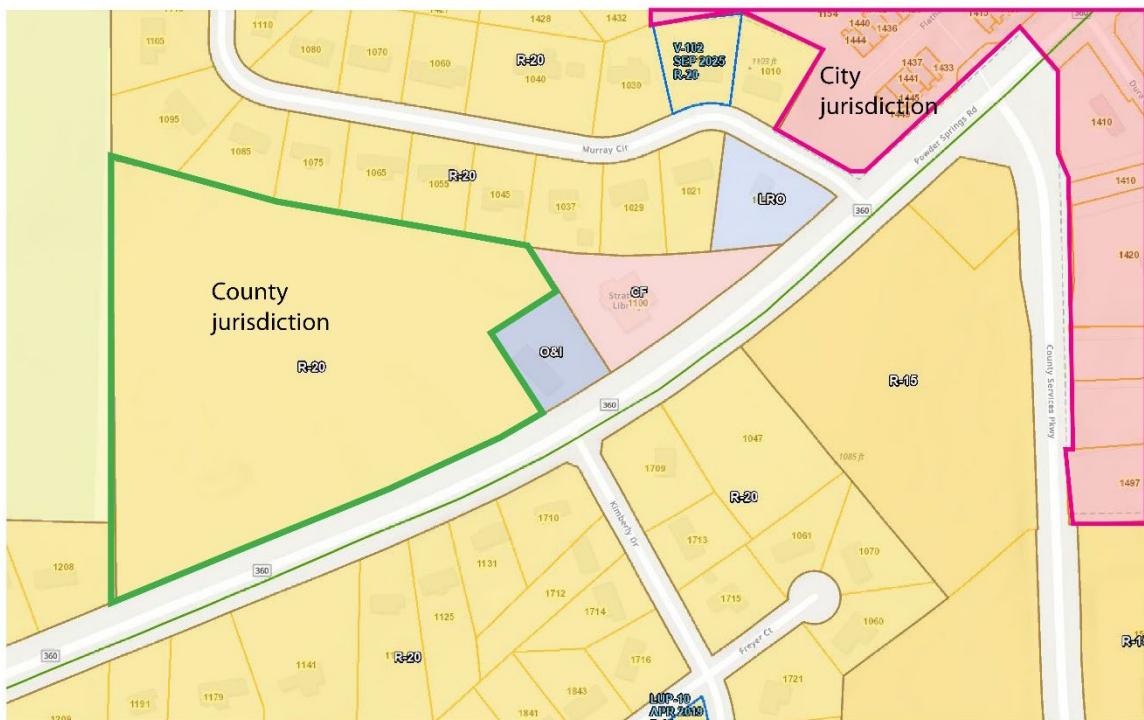
Unaddressed property on Powder Springs Rd



STAFF ANALYSIS

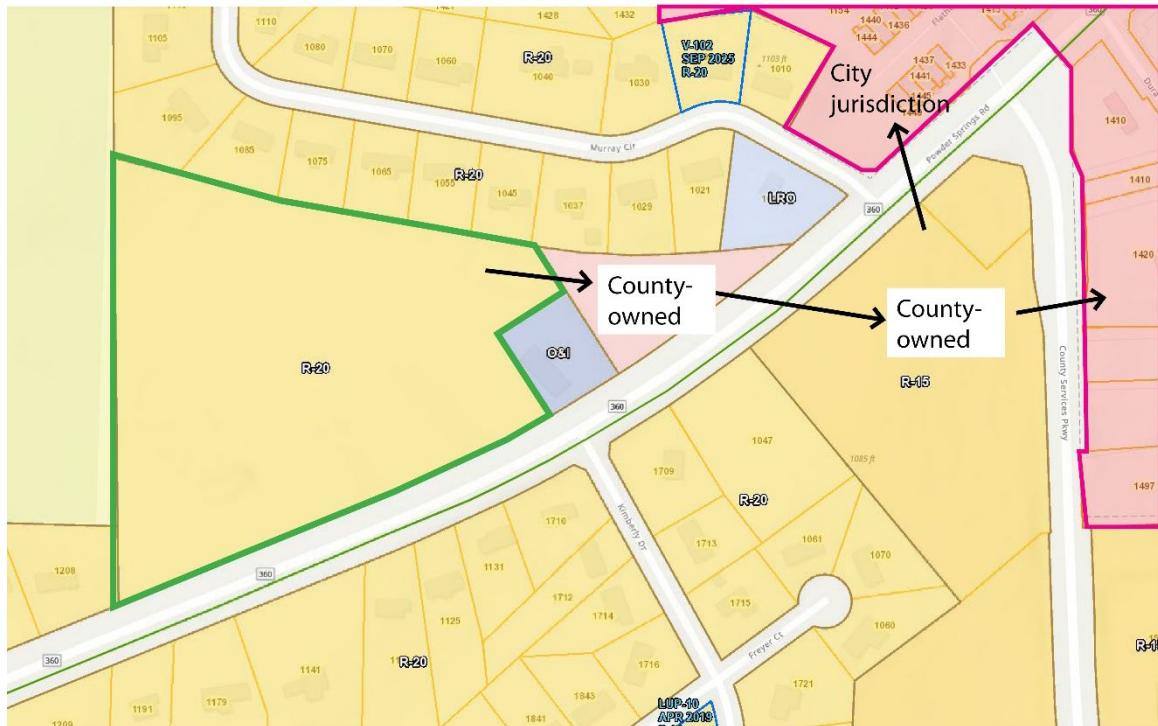
Location Compatibility

On behalf of [REDACTED] Parks Huff is requesting that an undeveloped 10.9-acre lot on Powder Springs Road be annexed into the City of Marietta from Cobb County to enable the construction of a 60-unit (maximum) single-family neighborhood. The parcel, located beyond Cobb County's Stratton Library, is surrounded by Cobb County lots. The majority are zoned single-family residential (R-20). Kennesaw Mountain National Battlefield Park shares most of the subject property's western lot line. The closest properties in the City's jurisdiction are the townhome community of Tramore Square and the new single-family development (including both townhomes and detached units) being constructed near Dura Drive, both zoned PRD-SF, as is being requested by the current applicant.



The subject property, outlined in green, is surrounded by residential lots (in yellow) under Cobb County's jurisdiction. City of Marietta begins near the intersection of Powder Springs Rd and County Services Parkway, shaded in pink at right.

The subject property is able to be annexed into the City due to the definition of “contiguous” land provided for in the 2024 Code of Georgia. Typically, parcels must “touch” to be annexed to a particular jurisdiction, unless “lands owned by the municipal corporation or some other political subdivision” or the width of any street or street right-of-way are the only impediments to their adjacency (§OCGA 36-36-20). The diagram below illustrates this “path to annexation” applying this logic so that the parcel can be legally annexed and developed under Marietta’s jurisdiction.



The subject property (outlined in green) could theoretically be contiguous with City property and therefore be annexed if County-owned parcels and streets were removed from consideration, as is permitted under SOC GA 36-36-20.

Although technically permitted, annexing the subject property into the City would effectively create an island – a parcel under the City’s jurisdiction not abutting any other City property. Such arrangements can be challenging as municipal services such as Fire and Police would have to cross outside their jurisdiction to serve the expanded area.

Based upon the standards of the intergovernmental agreement, Cobb County has the right to object to the property's transfer of jurisdiction, and has exercised their right to do so in this case. Cobb's qualms are primarily related to the proposed density of the development. Whereas an intergovernmental agreement between Cobb County and the City of Marietta, created to manage the development of properties on the edges of each jurisdiction, outlines a maximum density of four (4) units/acre for the subject property, and Cobb's Future Land Use map envisions low-density residential development (LDR) in this area, the development now being considered would have a density of five and a half (5.5) units/acre. Cobb's contention is that the proposed development would be out of place, nearly surrounded by developments already built at a much less intense scale. In short, the County has planned for this area to be less "urban," supporting single-family homes on large lots. The parcel is also uniquely situated adjacent to the Kennesaw Mountain National Battlefield Park.



Use Potential and Impacts

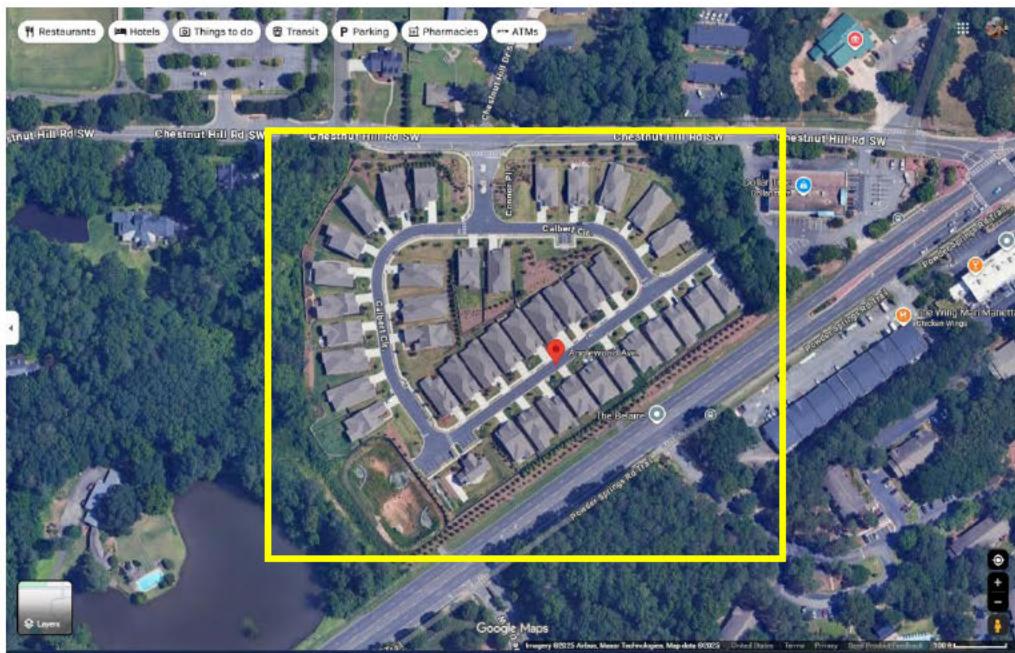
A development of no more than 60 detached, single-family homes is proposed to be built using a single access point from Powder Springs Road. Other features include:

- Minimum lot size of 3,000 square feet with lots measuring 35 feet wide. Small lot sizes are being suggested to make efficient use of the land and offer the consumer a more affordable product. The proposal will require a variance as regulations require lots to be a minimum of 4,000 square feet.
- House sizes of approximately 1,700 square feet, surpassing the minimum floor area of 1,400 square feet required.
- Houses contain two (2)-car garages. No information was provided regarding driveway lengths but the code minimum should be easily provided given a front setback of 20-feet.
- Twelve (12) guest parking spaces are provided, equal to that required by code for the number of units proposed.
- Sidewalks on at least one side of the street are shown throughout the development.
- Areas are earmarked for passive and active recreation. Although not illustrated or described in detail, it appears around 54,000 square feet, or 1.2 acres, is proposed in three (3) different places on the outer edges of the development. One area is noted as a proposed playground, which would satisfy the active recreation requirement. However, it appears the facility would be out of the 300-foot range of about half of the residences, whereas code states that 75% of homes must be within 300 feet of the active recreation component. A variance would therefore be needed if the plan proceeds as presented. Regardless, all areas would have to have ADA compliant accessibility per code.
- Elevations which appear to meet four-sided architecture requirements.

Across the 10.9-acre parcel, dwelling unit density for the 60 homes would equate to 5.5 units/acre. For comparison's sake, other single-family, detached unit planned developments in the City within the density ranges being discussed are listed below. Some are pictured below for reference, all shown at the same scale.

Development	Detached units	Acreage	Density (units/acre)
Marietta Township	40	13.2	3.0
Hamilton Grove	106	25.1	4.2
Montgomery Park	45	10.5	4.3
Sandtown Village	22	4.7	4.6
Heritage Ridge	32	6.0	5.3

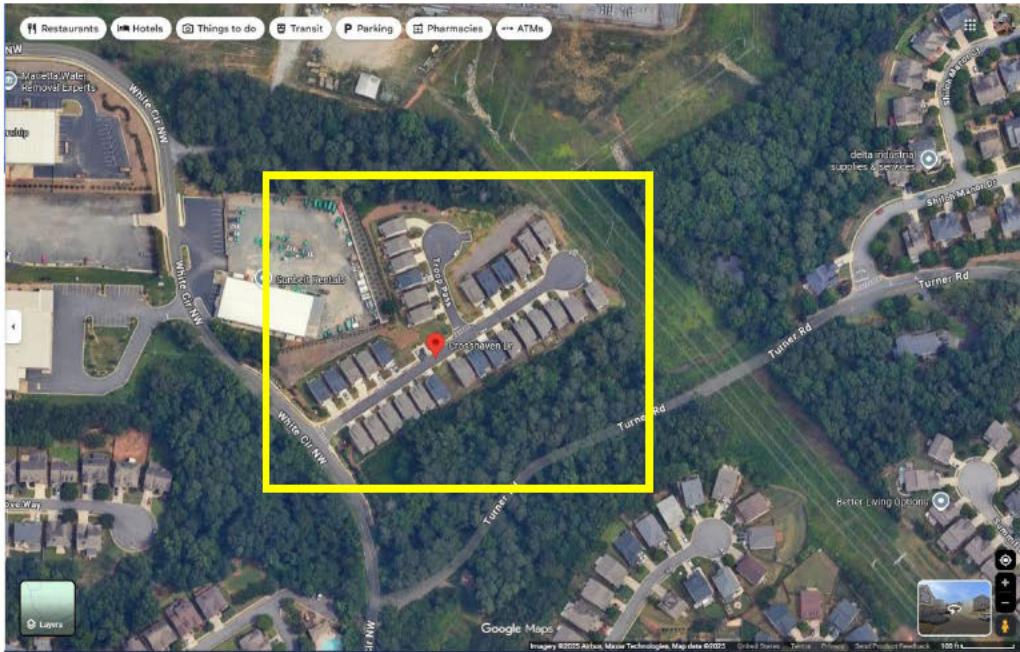
Marietta Township – 3 units/acre



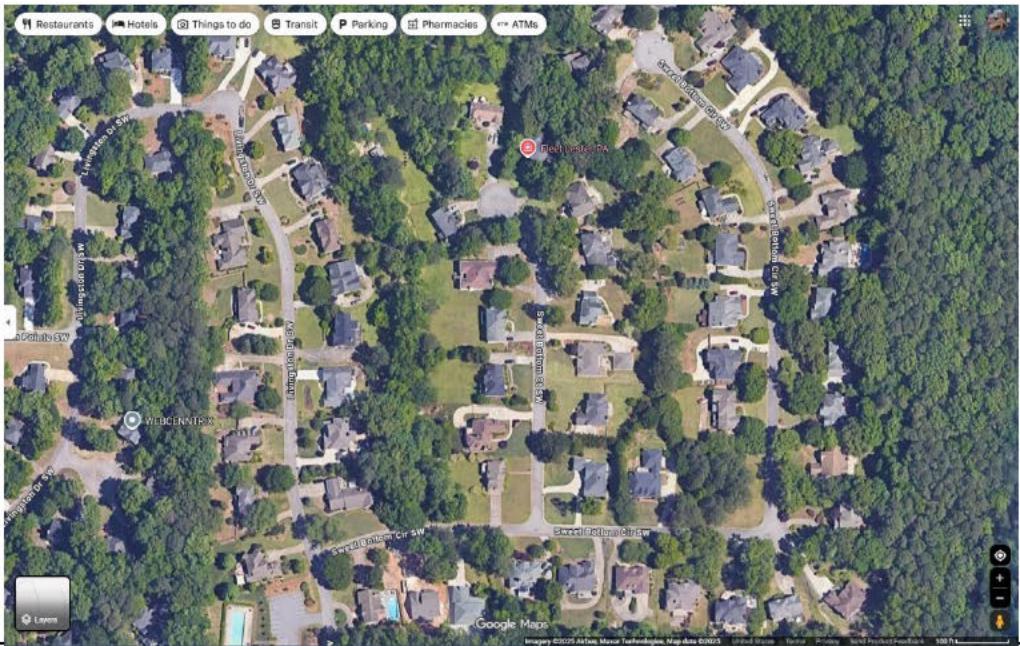
Montgomery Park – 4.3 units/acre



Heritage Ridge – 5.3 units/acre



The compactness of these neighborhoods, even at three (3) dwelling units/acre as in Marietta Township, is evident. The tight form appears even more pronounced when compared to development adjacent to the subject property in Cobb County's jurisdiction. *Wyckford*, a nearby neighborhood off of Cheatham Hill Road built in the 1990s, is typical of the urban form already present in the area, zoned R-20 – with minimum **20,000 square foot lots**, equivalent to nearly half an acre each (pictured below at the same scale as former examples).





For an “apples to apples” comparison of County and City standards, the minimum lot sizes of these projects are shown below along with their densities.

Development	Minimum Lot Size	Density (units/acre)
Marietta Township	5,425 sf	3.0
Hamilton Grove	5,500 sf	4.2
Montgomery Park	4,000 sf	4.3
Sandtown Village	4,000 sf	4.6
Heritage Ridge	2,100 sf*	5.3
Proposed Powder Springs parcel development	3,000 sf	5.5
Cobb County’s designation for the parcel	20,000 sf	3.0 or less

**initially zoned and constructed as townhomes*

The striking variable relative to resulting urban form is minimum lot size rather than density. Despite such developments as Marietta Township being “low density” at three (3) units/acre, the relatively small minimum lot size required (4,000 square feet in PRD-SF) can yield what appears to be a relatively “high density” product. Development is permitted to be compact with smaller lot sizes are permitted in PRD developments so that more open space can either be protected or created within a neighborhood, and significant recreational opportunities provided. The more these features are granted variances, however, or accounted for in undevelopable areas, the more the resulting development is tightly clustered homes in an environment with fewer amenities to offset the homes’ tight spacing.

By requiring a high minimum lot size (20,000 square feet) along with a low-density designation, the County’s standards have additional space that can reduce the need for flexibility by decision-makers. In the hands of professional designers or thoughtful developers, PRD zoning could produce multi-faceted, high quality, unique communities, but in their absence, the result may be a less desirable outcome.

The current proposal of lots measuring 3,000 square feet built at a density of 5.5 units/acre is evidently counter to the large-lot, low-density development envisioned by Cobb County for the area.

If the design were to move forward in its present configuration, the following variances would be required:

- Variance to reduce the minimum lot size from 4,000 square feet to 3,000 square feet [*§708.09 (H.)*]
- Variance to reduce the proportion of homes within 300 feet of an active recreation facility from 75% to 50% [*§708.09 (B.h.)*]

Environmental Impacts



The 10.9-acres subject property located adjacent to Kennesaw Mountain Park is in its natural, vegetated state. Clearing the site will reduce habitat for animals and tree cover. Thoughtful planning and design could safeguard some of the natural environment even if developed for housing.

No floodplain exists on the subject property. However, the Engineering Department has commented that State Waters may be on site or adjacent to the property. The City will need to make a State Waters determination if the development moves forward, which could have stream buffer ramifications.

Economic Functionality

Given the current demand for housing, the development would likely succeed whatever the layout. The larger question for municipalities should relate to the quality of the development proposal, which will underpin either its enduring success or eventual decline.

Infrastructure

Only one entrance is provided to the development. Per code, two (2) access points to arterial or collector streets. are required for single-family developments containing more than 51 dwelling units. The following variance would therefore be required:

- Variance to provide one (1) access point onto an arterial or collector street rather than two (2) in a development of more than 51 single-family residential units
[§730.01 (A.)]

Other points noted by the Engineering Department are:

- GDOT entrance plan approval required.
- Traffic study required.
- Sidewalk required along the entire frontage of Powder Springs Street.
- Parking spaces to be maintained by the HOA.

The Fire Department provided the following comments:

Entrance onto the site is currently shown to be a 30-foot radius, 35-foot radius is required. Roads within the development will require a minimum radius of 28-feet, and 26-foot face of curb to face of curb bump outs at the locations of fire hydrants for 40 linear feet centered on the hydrant to comply with state fire code for access roads (IFC D103.1). Fire sprinklers will likely be required, depending on the configuration of the building on the lot. A consultation with a fire protection engineer or fire sprinkler contractor is strongly encouraged before specifying water meter size, and



will require a fire flow from the water service provider. Fire apparatus access roads may not be obstructed, including by parked vehicles, and must be posted as fire lane at the beginning and end of each street.

Overhead Electrical/Utilities

No comments were provided by Marietta Power. Access to power appears available from Powder Springs Street.

History of Property

Records pertaining to the history of the property are unavailable given its location outside of City jurisdiction.

Other Issues

Although data provided by Marietta City Schools shows Marietta Middle and High Schools as being overcapacity, MCS has not indicated a concern with the ability to absorb attendees generated by the development. Hickory Hills would be the elementary school serving the homes and has capacity for additional students.

Students living at this location are currently in the Cobb County School District and would attend Cobb County's Cheatham Hill Elementary, Lovinggood Middle, and Hillgrove High Schools. Travel distances to the City schools that would serve the development are less than the distances to the current Cobb schools and may be a contributing factor to the request.



ANALYSIS & CONCLUSION

On behalf of PRE Powder Springs Road LLC, Parks Huff is requesting that an undeveloped 10.9-acre lot on Powder Springs Road be annexed into the City of Marietta from Cobb County to enable the construction of a 60-unit (maximum) single-family neighborhood. The parcel is surrounded by Cobb County lots. The majority are zoned single-family residential (R-20). Kennesaw Mountain National Battlefield Park shares most of the subject property's western lot line. The closest properties in the City's jurisdiction are the townhome community of Tramore Square and the new single-family development being constructed near Dura Drive, both zoned PRD-SF, as is being requested by the current applicant.

Cobb County has objected to this annexation due to the proposed density of the development. The current proposal of lots measuring 3,000 square feet built at a density of 5.5 units/acre is counter to the vision of large-lot, low-density development envisioned by Cobb County for the area. The intergovernmental agreement between Cobb County and the City of Marietta outlines a maximum density of four (4) units/acre for the subject property and the development now being considered would have a density of five and a half (5.5) units/acre.

A development of no more than 60 detached, single-family homes is proposed to be built off of a single access point from Powder Springs Road. Other features include:

- Minimum lot size of 3,000 square feet with lots measuring 35 feet wide.
- House sizes of approximately 1,700 square feet.
- Houses contain two (2)-car garages.
- Twelve (12) guest parking spaces are provided.
- Sidewalks on at least one side of the street are shown throughout the development.
- Areas are earmarked for passive and active recreation.
- Elevations which appear to meet four-sided architecture requirements.

If the design were to move forward in its present configuration, the following variances would be required:

- Variance to reduce the minimum lot size from 4,000 square feet to 3,000 square feet [*§708.09 (H.)*]
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- Variance to provide one (1) access point onto an arterial or collector street rather than two (2) in a development of more than 51 single-family residential units [*§730.01 (A.)*]

Se



DATA APPENDIX

CITY OF MARIETTA - WATER

Is a water line adjacent to the property?

Size of the water line?

Capacity of the water line?

Approximate water usage by proposed use?

Not provided

CITY OF MARIETTA - WASTEWATER

Is a sewer line adjacent to the property?

If not, how far is the closest sewer line?

Size of the sewer line?

Capacity of the sewer line?

A.D.F

Peak

Estimated waste generated by proposed development?

Treatment Plant Name?

Treatment Plant Capacity?

Cobb County

Future Plant Availability?

Cobb County

DRAINAGE AND ENVIRONMENTAL CONCERNS

Does flood plain exist on the property?

What percentage of the property is in the flood plain?

N/A



What is the drainage basin for the property?	Ward Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	No
If so, is the use compatible with the possible presence of wetlands?	N/A
Do stream buffers exist on the parcel?	State Waters determination needed
Are there other topographical concerns on the parcel?	No
Are there storm water issues related to the application?	No
Potential presence of endangered species in the area?	No
<ul style="list-style-type: none">• <i>Site development plan review required.</i>• <i>Stormwater concept meeting required.</i>• <i>GDOT entrance plan approval required.</i>• <i>Two (2) points of access required.</i>• <i>Traffic study required.</i>• <i>Sidewalk required along the entire frontage of Powder Springs Street.</i>• <i>Parking spaces to be maintained by the HOA.</i>• <i>Blue line shown on GIS. Potential for State Waters on or adjacent to the property. The City will need to make a State Waters determination.</i>	

TRANSPORTATION

Intersection will be required to be a 3-way stop with pedestrian crosswalks.



DATA APPENDIX CONTINUED

EMERGENCY SERVICES

Nearest city or county fire station from the development?	10
Distance of the nearest station?	2.6
Most likely station for 1 st response?	30
Service burdens at the nearest city fire station (under, at, or above capacity)?	Below Capacity

Site and building construction will be required to conform to state and local Fire/Safety Minimum Standards, and Georgia Accessibility Code.

New buildings will be subject to the Marietta Fire Protection Sprinkler ordinance [2-6-140].

Entrance onto the site is currently shown to be a 30-foot radius, 35-foot radius is required. Roads within the development will require a minimum radius of 28-feet, and 26-foot face of curb to face of curb bump outs at the locations of fire hydrants for 40 linear feet centered on the hydrant to comply with state fire code for access roads (IFC D103.1). Fire sprinklers will likely be required, depending on the configuration of the building on the lot. A consultation with a fire protection engineer or fire sprinkler contractor is strongly encouraged before specifying water meter size, and will require a fire flow from the water service provider. Fire apparatus access roads may not be obstructed, including by parked vehicles, and must be posted as fire lane at the beginning and end of each street.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes _____ No _____

If not, can this site be served? Yes _____ No _____

What special conditions would be involved in serving this site?

Additional comments:



DATA APPENDIX CONTINUED

MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School System Servicing Development:	Hickory Hills
Middle School Servicing Development:	6th Grade Academy and Marietta Middle School
High School Servicing Development:	Marietta High School
Capacity at Elementary School:	535
Capacity at Middle School:	1,350
Capacity at Marietta Sixth Grade Academy:	775
Capacity at High School:	2,350
Current enrollment of Elementary School:	454
Current enrollment of Middle School:	1,379
Current enrollment of High School:	2,608
Number of students generated by present development:	0
Number of students projected from the proposed development:	30 students <i>5 per unit/60 for the total project</i>
New schools pending to serve this area:	none
<u>Comments:</u>	



Department of Development Services
205 Lawrence Street
Marietta, Georgia 30060
Phone (770) 794-5440

APPLICATION FOR REZONING

(OWNER/APPLICANT OR REPRESENTATIVE MUST BE PRESENT AT ALL PUBLIC HEARINGS)
(NOTE: CORRESPONDENCE IS HANDLED VIA EMAIL UNLESS OTHERWISE REQUESTED)

For Office Use Only:	Z2025-23	20250816	25-073
Application #:	Legistar #:	Jan 6, 2026	PZ #:
Planning Commission Hearing:	11/05/2025	City Council Hearing:	11/12/2025 Jan 14, 2026

Owner's Name **[REDACTED] 9**

Documentation showing names of Principals authorized to sign application is **required for Corporations**.

EMAIL Address: **[REDACTED]**

Mailing Address **[REDACTED]** Zip Code: **3** Telephone Number **[REDACTED] 9**

COMPLETE ONLY IF APPLICANT IS NOT OWNER:

Applicant: **[REDACTED]**

EMAIL Address: **[REDACTED]**

Mailing Address **1201 [REDACTED], [REDACTED], [REDACTED]** Zip Code: **[REDACTED]**

Telephone Number **[REDACTED]** Add'l Email Address: **[REDACTED]**

Address of property to be rezoned: **[REDACTED]**
Land Lot (s) **260, 261 & 332** District **19** Parcel **19026100020** Acreage **10.923 ac** Ward **2** Future Land Use: **LRD in Cobb**
Present Zoning Classification: **R-20 in Cobb** Proposed Zoning Classification: **PRD-SF**

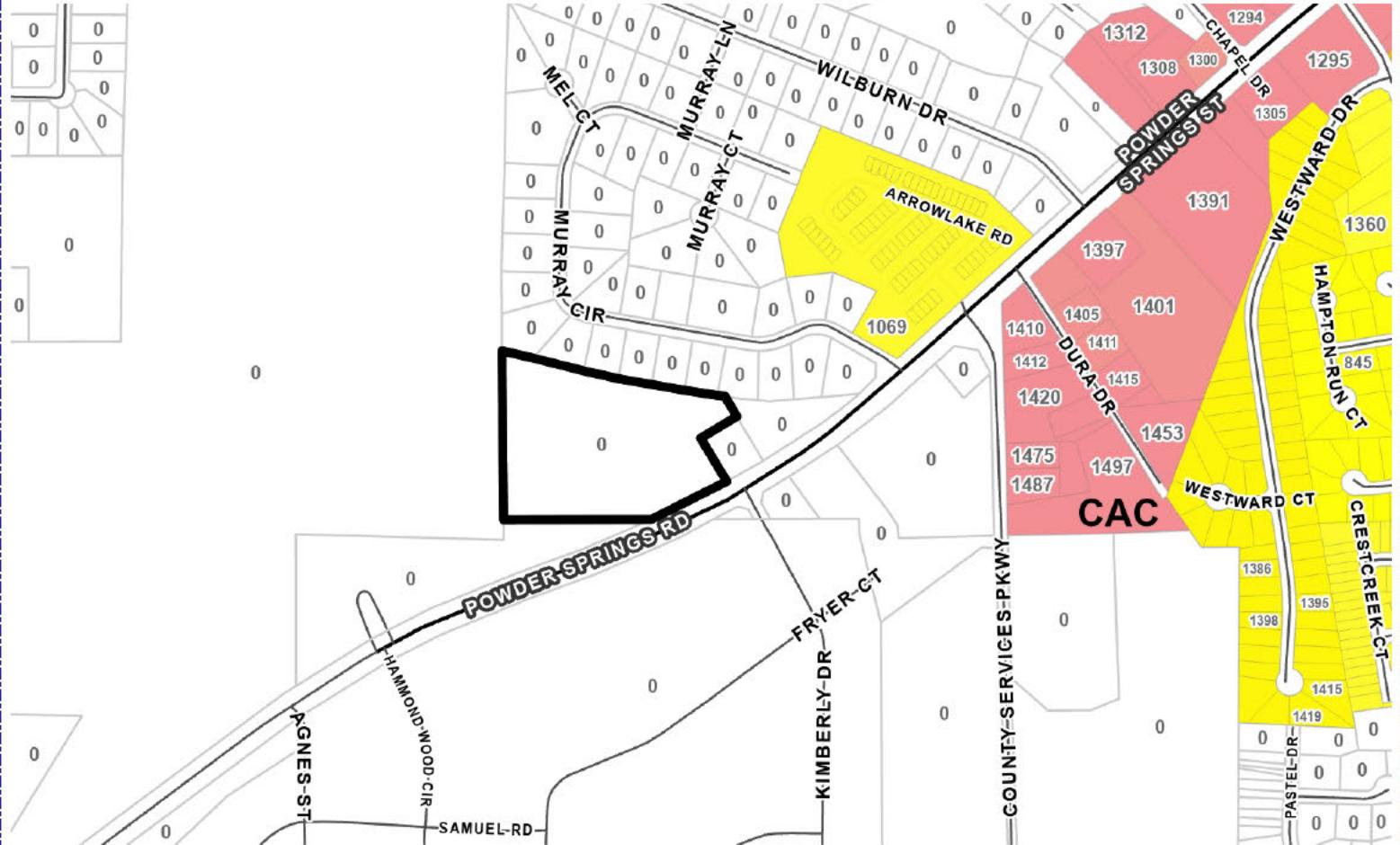
REQUIRED INFORMATION

Applicant must submit the following information by **4:00 p.m.** on or before the application deadline. Failure to submit any item, or any additional information that might be requested, on or before the deadline will result in the application being held until the next scheduled meeting of the Planning Commission.

1. Application
2. Legal Description.
3. Copy of the deed that reflects the current owner(s) of the property. Documentation showing names of principals authorized to sign application is **required for Corporations**.
4. Copy of current tax bill showing payment or a certification from the City of Marietta Tax Office stating that taxes have been paid.
5. Site plan, plat or survey prepared by an architect, engineer (P.E. or Civil Engineer), Landscape Architect or Land Surveyor whose state registration is current and valid, and whose seal shall be affixed to the site plan/plat/survey.
6. A detailed written description of the proposed development/project must be submitted with the application.
7. **REZONING REQUESTS TO PRD, PCD, PID, or MXD MUST INCLUDE THE GENERAL PLAN CHECKLIST WITH THIS APPLICATION.**
8. Application fee - *see next page*



Rezoning & Annexation



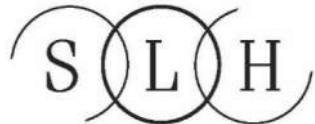
Address	Parcel Number	Acreage	Ward	Zoning	FLU
Unaddressed Powder Springs Rd	19021600020	8.763			
Property Owner:					
Applicant:					
Proposed Zoning:					
Agent:	Parks F. Huff, Esq.				
Proposed Use:					
Planning Commission Date:	11/05/2025	01/06/2026			
City Council Hearing Date:	11/12/2025	01/14/2026	Case Number: Z2025-23 & A2025-03		

STATEMENT OF INTENT

OF



**Applications for Annexation and Rezoning regarding a 10.923-Acre Tract of
Land; Land Lots 260, 261 and 332 of the 19th District, 2nd Section,
Cobb County, Georgia**



Submitted for the Applicant by:

**Parks F. Huff
Sams, Larkin & Huff, LLP
Suite 100
376 Powder Springs Street
Marietta, GA 30064
(770) 422-7016
phuff@samlarkinhuff.com**

1. INTRODUCTION

These Applications for Annexation and Rezoning seek certain entitlements in order to allow the development and construction of a single-family detached subdivision. The Subject Property is currently zoned R-20 in unincorporated Cobb County.

The Subject Property is located on the north side of Powder Springs Road, southwest of County Service Parkway, and is located within the Low Density Residential (“LDR”) land use designation on Cobb County’s Future Land Use Map (“FLUM”). Through annexation into the City of Marietta, the Subject Property would be congruent with the surrounding City of Marietta’s FLUM uses of MDR (Medium-Density residential) and CAC (Community Activity Center).

This proposal includes the development of a single-family detached subdivision on the Subject Property, which is currently undeveloped. The current proposal is to annex and rezone the Subject Property from unincorporated Cobb County into the City of Marietta for rezoning to the PRD-SF for the purpose of developing the Subject Property for a maximum of 60 single-family detached houses at an approximate density of 5.5 units per acre. The lots are a minimum of 3000 sq. ft. (a variance) with 35-foot-wide lots to achieve a for-sale option that is more efficient and attainable for more buyers. There is also a variance to require one entrance instead of two along Powder Springs Road, and given the location and limited access nature of the GDOT controlled road, limiting the number of access points makes sense.

Imagery in the form of the architecture proposed for the development is an attachment to the application. The proposed house sizes will be a minimum of 24’ x 50’, yielding a minimum house size of approximately 1,700 square feet and will include two-car garages. In addition to

being proximate to an abundance of green space via the park, the proposed site plan also includes passive recreation space and a central mail kiosk.

2. IMPACT ANALYSIS

The Subject Property is surrounded by a mix of commercial, single-family uses, and Kennesaw Mountain National Battlefield Park. The proposed new neighborhood will target first time homebuyers and will create a much needed housing option in the city. The neighborhood is conveniently located close to a public library, a public park, jobs and services and public transportation.

The Subject Property is located just southwest of the City of Marietta having properties leading to the Subject Property that are zoned and utilized for various residential and commercial uses.

The proposed Rezoning of the Subject Property is entirely appropriate from a land use planning perspective and particularly in light of the use and development of adjacent and nearby properties which consist of a mixture of commercial and residential uses, many at higher densities than currently proposed. To the east, the Subject Property abuts a former single-family house that is now zoned and utilized as an animal hospital and the Stratton Branch Library. The Subject Property is an ideal location for this proposed single-family residential development that will act as a transition from single-family, to multi-family and to commercial within the City of Marietta. This proposed single-family development seeks to reinvigorate this area with single-family residential development on a parcel that has long remained as undeveloped in unincorporated Cobb County.

3. CONCLUSION

Based upon the foregoing, [REDACTED] respectfully requests that its Applications for Annexation and Rezoning, along with necessary variances, be approved while

soliciting any comments from the City's staff and/or City officials so that such recommendations or input may be incorporated as conditions of approval of these Applications for Annexation and Rezoning.

Respectfully submitted, this 23 day of Sep, 2025.

SAMS, LARKIN & HUFF, LLP

By: 

PARKS F. HUFF
Attorney for Applicant
Georgia Bar No. 375010

376 Powder Springs Street, Suite 100
Marietta, GA 30064
(770) 422-7016

TO THE MAYOR AND CITY COUNCIL
CITY OF MARIETTA

CONSTITUTIONAL CHALLENGE

COMES NOW, PRE POWDER SPRINGS ROAD LLC, hereinafter referred to as the "Applicant", and asserts the following, to wit:

1.

By application to which this exhibit relates, the Applicant has applied for an annexation and rezoning of certain real property lying and being in unincorporated Cobb County, Georgia into the City of Marietta, Cobb County, Georgia, a more particular description and delineation of the subject property, hereinafter referred to as the "Property", being set forth in said Applications.

2.

The Applications for Annexation and Rezoning of the property seek a rezoning from the existing category of R-20 within unincorporated Cobb County to the zoning category of PRD (SF), as established by the governing authority of the City of Marietta, Georgia.

3.

The current R-20 zoning classification of the property and all intervening classifications in unincorporated Cobb County between same and the PRD (SF) rezoning as proposed within the City of Marietta are unconstitutional in that they deprive the Applicant under and pursuant to Article 1, Section I, Paragraphs I and II of the Georgia Constitution of 1983 and the Equal Protection and Due Process clauses of the Fifth and Fourteenth Amendments to the Constitution of the United States. This deprivation of property without due process violates constitutional prohibitions against the taking of private property without just compensation.

4.

The zoning classification of R-20 in unincorporated Cobb County and all intervening classifications between same and the PRD (SF) as proposed and as they presently exist violate the Applicant's right to the unfettered use of the property in that the existing zoning classification does not bear a substantial relation to the public health, safety, morality or general welfare and is, therefore, confiscatory and void. Further, said classifications are unconstitutional in that they are arbitrary and unreasonable, resulting in relatively little gain or benefit to the public, while inflicting serious injury and loss upon the Applicant.

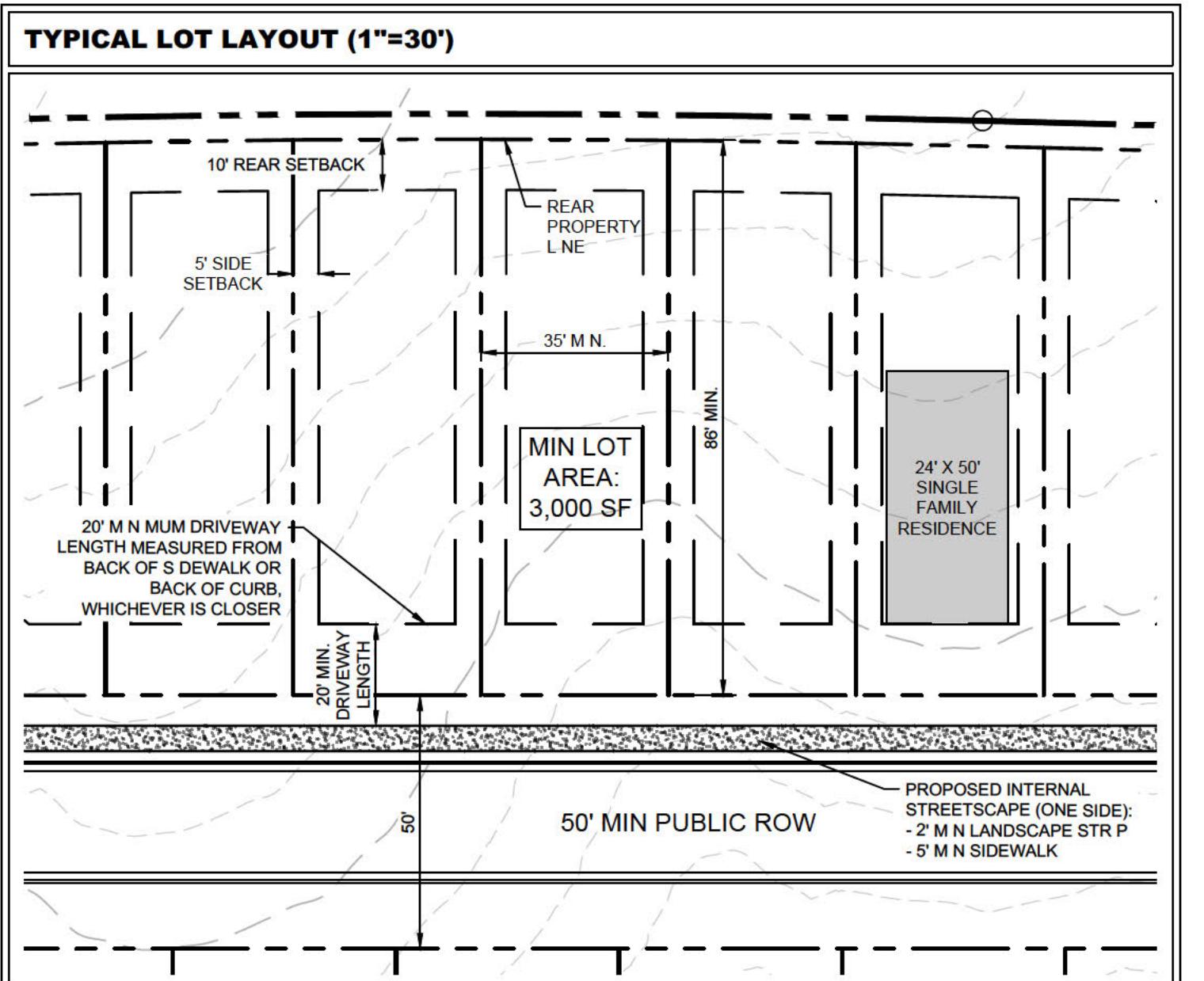
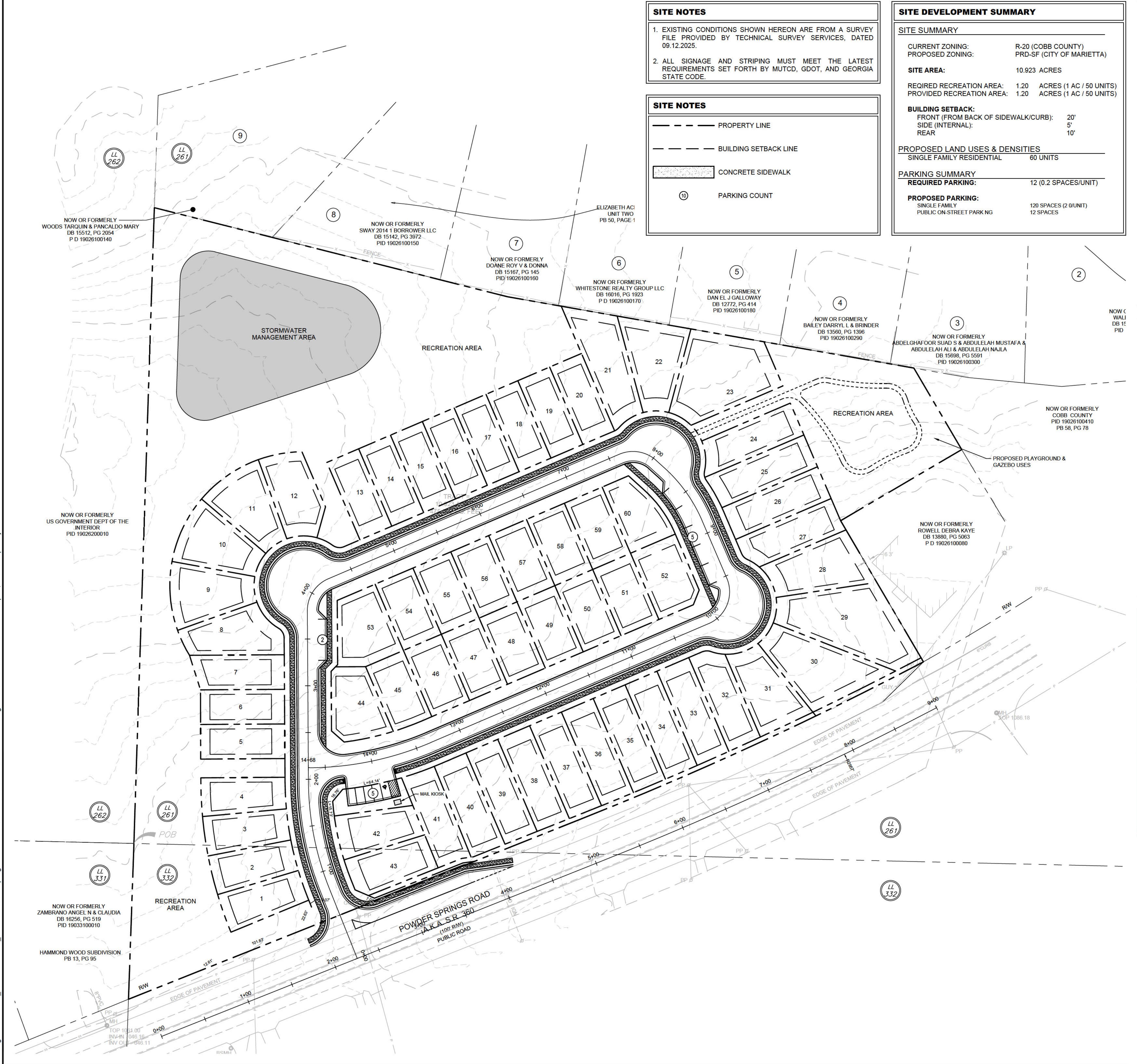
5.

The City of Marietta Zoning Ordinance is further unconstitutional in that the procedures contained therein pertaining to the public hearing held in connection with zoning applications also violates the aforementioned constitutional provisions in that said procedures contain the lack of procedural and evidentiary safeguards, do not restrict evidence received to the issues at hand and are controlled wholly and solely by political considerations rather than the facts and considerations required by law.

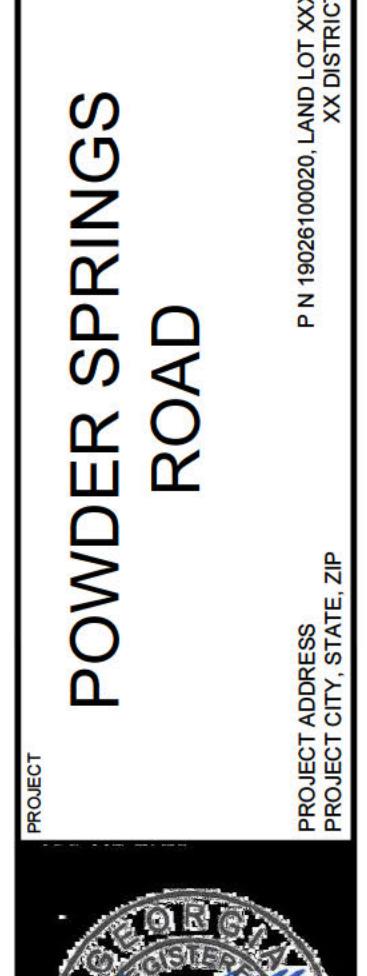
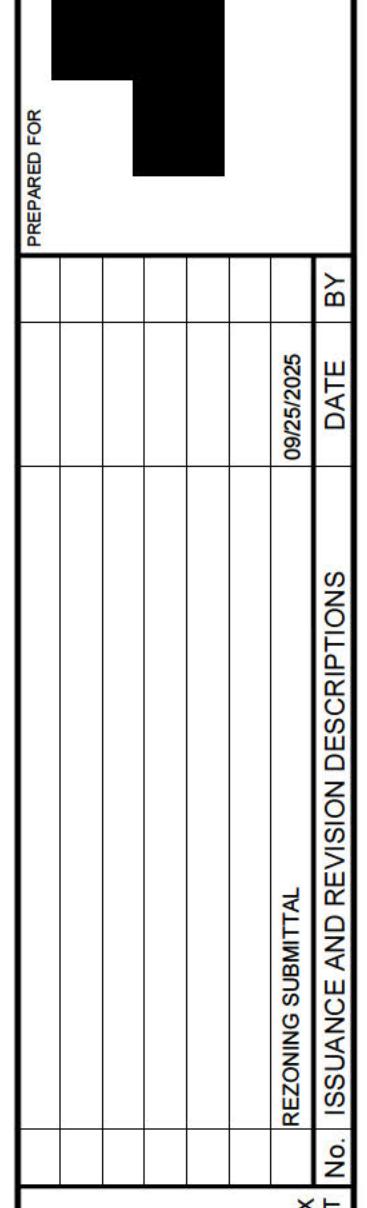
Respectfully submitted, this the 23 day of Sept, 2025.

SAMS, LARKIN & HUFF, LLP

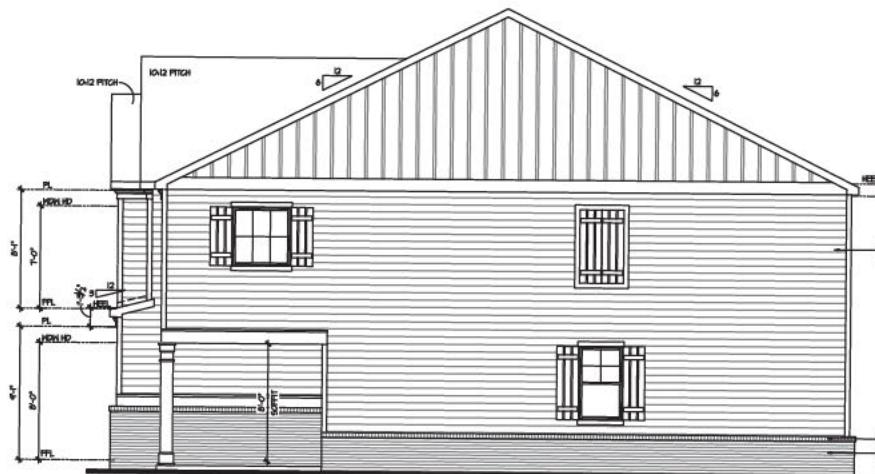
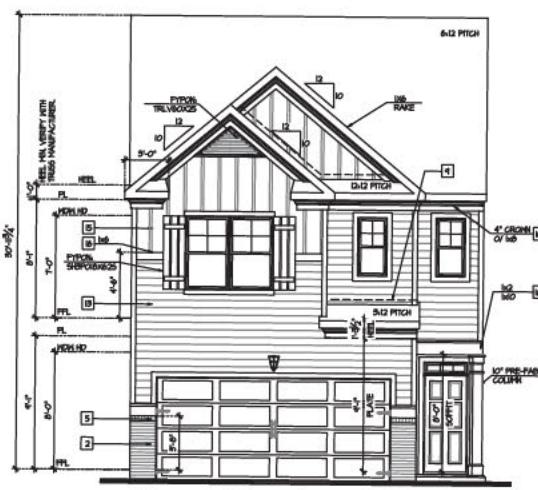
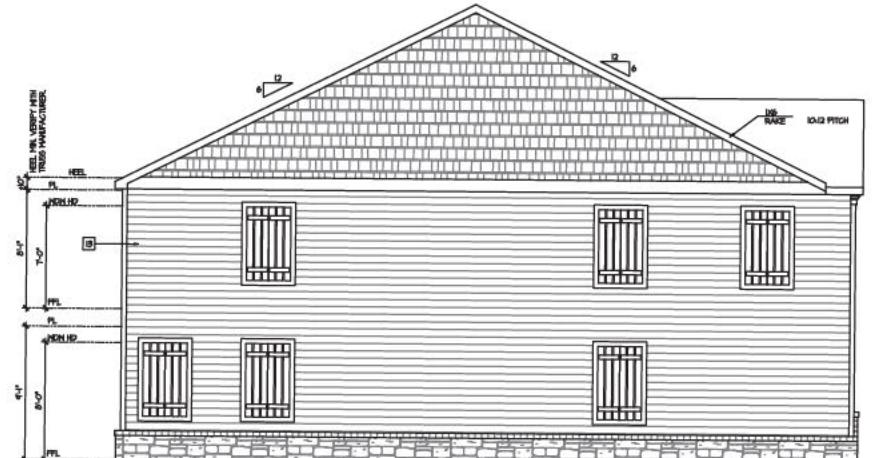
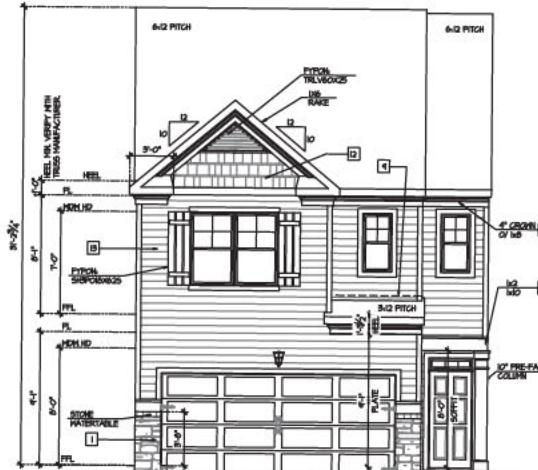
By: 
PARKS F. HUFF
Attorney for Applicant
Ga. Bar No. 375010



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GSWCC NO. 0000078213
DRAWN BY NAJ
DESIGNED BY WIB
REV Ewed BY CRG
DATE 09-25-2025
PROJECT NO. 018111001
TITLE REZONING SITE PLAN
SHEET NUMBER C1.80
PRELIMINARY: NOT FOR CONSTRUCTION
81
Know what's below. Call before you dig.





Powder Springs Road Residences



August 9, 2025

LANDSCAPE ARCHITECTURE | DESIGN + PLANNING



Little, Shelby

From: [REDACTED]
Sent: Tuesday, November 25, 2025 11:36 AM
To: [REDACTED]
[REDACTED]
[REDACTED]
Subject: Opposition to Zoning Z2025-23, Proposed 60 Homes on Powder Springs Road adjacent to KM National Park
Attachments: Z2025-23_Opposition_Letter_DRDR.pdf
Importance: High

Your attachments have been security checked by Mimecast Attachment Protection. Files where no threat or malware was detected are attached.

Dear Planning Commission Members,

I am writing on behalf [REDACTED], and myself, to express strong opposition to the proposed annexation and rezoning for case **Z2025-23**, which would convert the 10.9-acre forested parcel on Powder Springs Road into a high-density PRD-SF subdivision of up to 60 homes. As local residents who will be directly affected—along with many other neighbors—I believe this project is inconsistent with adopted planning policies, unsafe from a transportation standpoint, and incompatible with the surrounding community. Dr. Rowell's concerns are detailed in the attached formal objection letter.

The City Staff Report and Cobb County's Future Land Use Map (LDR, R-20) clearly show that this location is intended for low-density development of roughly 20–22 homes—not 60. The County has formally objected to the annexation on the basis of excessive density and incompatibility. In addition, the plan requires several major variances, fails to meet PRD-SF standards (including the requirement for two entrances), and would create a non-contiguous “city island” with avoidable public-safety implications. Traffic analysis using standard ITE Trip Generation shows the subdivision would add **500–600 trips per day** onto an already congested segment of Powder Springs Road, with significant left-turn and school-bus safety concerns.

Finally, the parcel is one of the last intact forested buffers adjacent to Kennesaw Mountain National Battlefield Park. Clearing it for a high-density subdivision would permanently remove its tree canopy, wildlife habitat, stormwater absorption benefits, and the scenic/historic context it provides. For all these reasons—FLUM inconsistency, incompatible zoning, excessive density, traffic and safety risks, environmental loss, and an unjustified annexation—I respectfully urge the Planning Commission to recommend **denial** of case Z2025-23.

Thank you for your consideration,

[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]
[REDACTED]

Opposition to Annexation & Rezoning - Z2025-23

(PRE Powder Springs Road LLC)

To: City of Marietta Planning Commission

November 24, 2025

Honorable Members of the Planning Commission:

I am writing to express my strong opposition to the requested annexation and rezoning for case Z2025-23, which seeks to convert a currently undeveloped 10.9-acre forested parcel on Powder Springs Road into a high-density PRD-SF subdivision of up to 60 houses.

[REDACTED] as a long-time local resident, I will be directly affected by the impacts of this proposal—both professionally and personally.

My concerns are grounded in a careful review of the City Staff Report, the Cobb County Future Land Use Map (FLUM), the applicant's submissions, and accepted transportation engineering standards.

In summary, the rezoning request should be denied due to: FLUM inconsistency, incompatible adjacent zoning, excessive density relative to R-20, major traffic impact adding 600 trips/day into an already congested area, environmental loss, multiple required variances, safety concerns, and unjustified annexation.

My concerns are detailed below:

1. The development is inconsistent with the FLUM and existing zoning — A nearly 3× increase in intended density.

The parcel is designated Low Density Residential (LDR) with an intended density of 3.0 units per acre or less, corresponding to R-20 zoning (20,000-sq-ft lots). Under R-20 and after accounting for roads, stormwater, buffers, and lot geometry, the property would realistically support 20–22 homes.

The applicant instead proposes 60 homes at 5.5 units/acre, nearly double the maximum density envisioned by the FLUM and roughly three times what is achievable under the intended R-20 designation.

City staff clearly states the proposal:

- “does not align with Cobb County’s Future Land Use (LDR),”
- and is “counter to the large-lot, low-density development envisioned for the area.”

The FLUM explicitly discourages “abrupt or incompatible changes in scale or density adjacent to stable single-family neighborhoods.”

The surrounding character—including adjacent National Parkland and R-20 neighborhoods—is exactly what the FLUM intends to preserve.

2. Cobb County formally objects to the annexation, citing excessive density and incompatibility.

Under the county-city intergovernmental agreement, Cobb County may object to annexations that exceed agreed-upon density thresholds. They have exercised this right, noting the proposal is:

- Incompatible with surrounding R-20 neighborhoods,
- Excessively dense relative to the FLUM,
- Contrary to decades of adopted planning for this corridor.

The Planning Commission should give substantial weight to the County's formal objection.

3. Annexation is not justified and would create a non-contiguous “city island.”

City staff confirms the annexation would create a city island, requiring Marietta Police and Fire to cross unincorporated Cobb County to reach the site.

This annexation approach:

- Conflicts with normal annexation practice,
- Is inefficient and operationally impractical,
- And appears designed solely to allow higher density than Cobb County permits.

4. The applicant mischaracterizes the zoning context and ignores required density transitions.

The applicant claims nearby parcels include “various residential and commercial uses, many at higher densities than proposed.” This is incorrect:

- The northern adjacent parcel is R-20, at roughly 2 units/acre.
- The western boundary is National Parkland.
- The eastern boundary is a small former R-20 home converted into a low-intensity veterinary clinic—not a major commercial zone.
- The remaining surrounding area is overwhelmingly R-20 single-family residential.
- The nearest PRD-SF developments are far from the subject parcel and even those operate at lower densities (3.0–5.3 units/acre).

Rather than stepping down in density to buffer the National Park and adjacent R-20 homes, the applicant proposes to step up to nearly three times the surrounding density.

This demonstrates a lack of compatibility and a misrepresentation of existing conditions.

5. The plan violates City development standards and requires multiple major variances. It does not even meet PRD-SF requirements.

City staff identifies significant violations of the zoning code:

- Only one entrance instead of the require two (required for subdivisions >51 homes)

A direct violation of §730.01(A) and a major fire-safety hazard. The site cannot physically support a second entrance, demonstrating that it cannot accommodate the proposed density.

- Recreation access non-compliance

Only 50% of homes are within the required 300 ft of active recreation (vs. 75% minimum).

- Minimum lot size reduction from 4,000 to 3,000 sq ft

This contradicts PRD-SF's purpose of clustering homes to preserve meaningful open space—not simply to maximize lot count.

Each variance on its own indicates over-intensification. Together, they confirm that the design is pushed far beyond appropriate capacity.

6. Traffic analysis shows major impacts and serious safety concerns.

Consistent with GDOT and national engineering practice, traffic impacts are evaluated using the ITE Trip Generation Manual (11th Edition, Land Use 210 – Single-Family Detached Homes). This accepted methodology indicates 9 to 10 trips/day per home, including personal vehicles, school buses, delivery vehicles, and service traffic.

- **60 homes = approximately 500 - 600 trips per day.**

For a 60-home subdivision generating this level of daily traffic, a single entrance onto a busy state route poses substantial risk, not a minor technical issue.

- **More Congestion in an already congested area.**

These volumes create severe operational and safety issues onto an already congested state route (SR-360 / Powder Springs Road). At peak times traffic backs up significantly in front of the parcel. In the morning north bound traffic is backed

up from County Service Road to the parcel. In the evening it backs up from Cheatham Hill Road all the way to the parcel (see photos below).



View from the property in the evening. Local residents are painfully affected by the traffic congestion on Powder Springs Road. Adding 60 homes and another 600 vehicle trips per day will make it even worse.

- **Left-turn hazards**

Morning commuters (65–75%) must turn left across multiple lanes. This will create a high-risk crash area.

- **School bus operations**

With ~30 projected students, school buses will frequently stop and queue at the entrance and attempt difficult turns into traffic.

- **Single-entrance public safety concerns**

The Marietta Fire Department has identified insufficient turning radii, fire-lane obstruction risks, and traffic safety issues stemming from the single point of access.

7. The parcel is forested land adjacent to Kennesaw Mountain National Battlefield Park.

The property forms a natural, undisturbed forest buffer that once removed cannot be restored:

- Tree canopy preservation
- Wildlife habitat
- Stormwater absorption
- Scenic and historical context adjacent to federally protected land

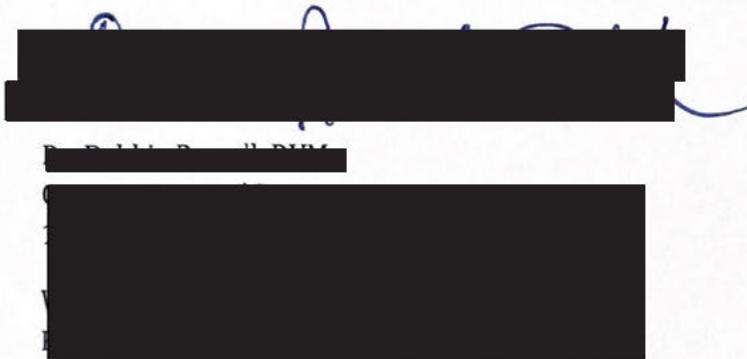
This parcel was previously considered for greenspace preservation, underscoring its environmental and community importance.

For the reasons above, - FLUM inconsistency, incompatible adjacent zoning, excessive density relative to R-20, major traffic impacts (500–600 trips/day), environmental loss, multiple variances, safety concerns, and unjustified annexation - I respectfully urge the Planning Commission to recommend denial of the annexation and rezoning request.

Zoning proposal Z2025-23 is fundamentally incompatible with the area's established character, adopted planning policies, and the public interest. It would create long-term negative impacts for both the City of Marietta and neighboring Cobb County residents.

Thank you for your time and consideration.

Respectfully submitted,

A redacted signature and name, likely belonging to the author of the letter. The signature is in blue ink and appears to read "John Doe". Below the signature is a blacked-out rectangular box containing the name "John Doe".