

APPLICANT: Larry D. Neese
770-428-2122

PETITION NO: Z-20

REPRESENTATIVE: Larry D. Neese
770-428-2122

HEARING DATE (PC): 07-08-10

HEARING DATE (BOC): 07-20-10

TITLEHOLDER: Jonathan J. Tucker, Bridgette Tucker, Nancy
Tucker Farr

PRESENT ZONING: R-30

PROPOSED ZONING: R-20

PROPERTY LOCATION: Located at the southeast intersection of
Due West Road and Midway Road.

PROPOSED USE: Subdivision

ACCESS TO PROPERTY: Midway Road

SIZE OF TRACT: 15.71 acres

DISTRICT: 20

PHYSICAL CHARACTERISTICS TO SITE: Existing houses on
a large tract

LAND LOT(S): 297

PARCEL(S): 9, 18, 20

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-30/ Carriage Gates
- SOUTH:** PRD, R-30/ Madison Woods, single-family house
- EAST:** R-80/ Single-family houses
- WEST:** R-30/ wooded

OPPOSITION: NO. OPPOSED _____ **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

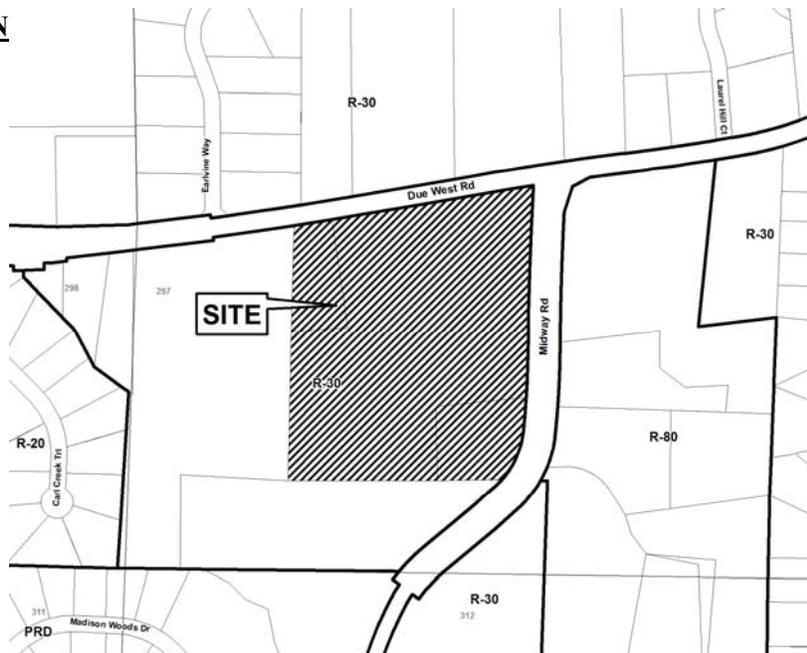
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

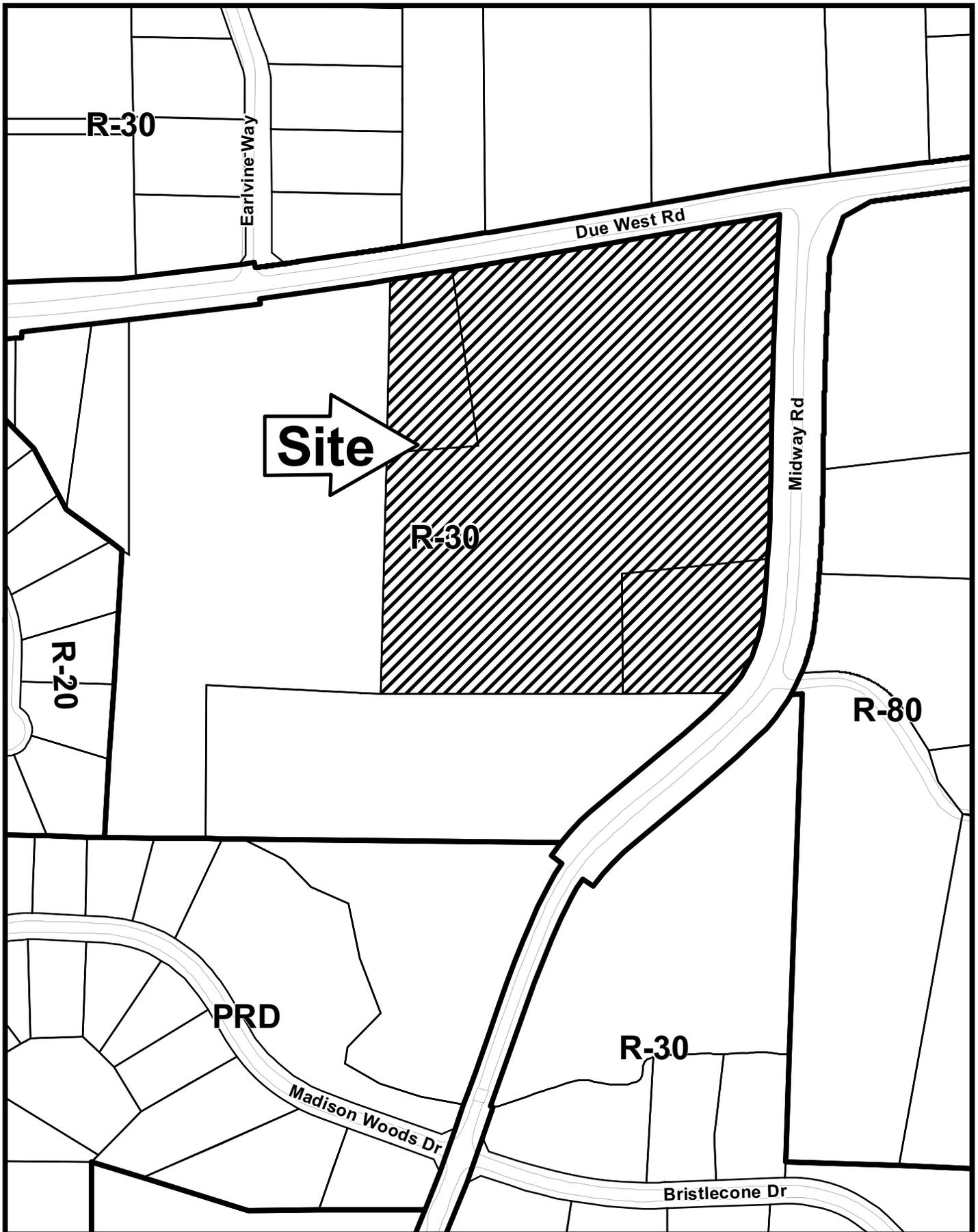
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

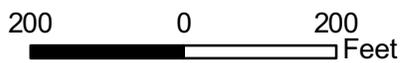
STIPULATIONS:



Z-20



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



City Boundary
Zoning Boundary

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PRESENT ZONING: R-30

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ZONING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Very Low Density Residential (0-2 units per acre)

Proposed Number of Units: 27 **Overall Density:** 1.71 **Units/Acre**

Present Zoning Would Allow: 17 **Units** **Increase of:** 10 **Units/Lots**

The applicant is requesting the R-20 zoning district to develop a single-family detached subdivision. The houses would be traditional and craftsman in styling. The houses would be a minimum 2,000 square-feet, and would start selling for approximately \$275,000. Each house would have an attached two-car garage.

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1900 house is located within the project area. Due to the age and location of the structure, information about this resource and its occupants appears to have the potential to contribute significantly to the county’s public history. Staff recommends the home either be incorporated into the development or, alternately, documented if destroyed. In order to properly document this structure, its inhabitants, and the role it played in Cobb County’s history, staff requests a history of the home and its occupants (as well as archival-quality photographs of the structure, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

It has also been determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional is to be considered at site plan review. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

Cemetery Preservation: No comment.

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SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Elementary <u>Due West</u>	<u>521</u>	<u>Over</u>	<u> </u>
Middle <u>Lost Mountain</u>	<u>1,134</u>	<u>Under</u>	<u> </u>
High <u>Harrison High</u>	<u>2,213</u>	<u>Over</u>	<u> </u>

* School attendance zones are subject to revision at anytime

Additional Comments: Approval of this zoning could adversely impact enrollment at Due West Elementary and Harrison High School.

FIRE COMMENTS:

No Comments.

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PRESENT ZONING R-30

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WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): **6" AC / W side of Midway Rd**

Additional Comments: Also 8" AC / N side of Due West Rd

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: **250' W of SW property corner**

Estimated Waste Generation (in G.P.D.): **A D F 12000 Peak= 30000**

Treatment Plant: **Northwest**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form ans stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

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 extension by developer required to upper property line
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

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DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Allatoona Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving stream.

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DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide proposed % impervious for project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This site is located at the southwest corner of Due West and Midway Roads within the Allatoona Creek Watershed. The majority of the site (12.3 acres) drains to the southwest corner to a well-defined channel that flows to a tributary of Allatoona Creek approximately 300 feet to the west. The remainder of the site (3.4 acres) drains the northwest corner of the site and to the same Allatoona Creek Tributary via the existing roadside ditch along the right-of way of Due West Road. The majority of the site is wooded with several small homestead clearings and open areas near the center and northeast corner of the property. Slopes are moderate and range from 5 to 20 percent with an average of approximately 10 percent.
2. A stormwater management facility is proposed within the natural drainage swale near the southwest corner of the site. The pond appears to be located within the upper end of the stream buffer indicated on the County's Stream Buffer Map. This will need to be field verified prior to LDP approval. If there is a state buffer, then the pond will need to be relocated, possibly resulting in the loss of lot 20. If possible, a concrete wall should be used to limit the dam footprint and the natural storage area utilized to keep clearing and grading to a minimum. The wall appearance could be enhanced with form liners to simulate a masonry wall or painted to blend with the natural area.

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TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Midway Road	5800	Major Collector	40 mph	Cobb County	80'
Due West Road	14400	Arterial	45 mph	Cobb County	100'

*Based on 2009 traffic counting data taken by Cobb County DOT (Midway Road)
Based on 2009 traffic counting data taken by Cobb County DOT (Due West Road)*

COMMENTS AND OBSERVATIONS

Midway Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Due West Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

As necessitated by this development for egress from Midway Road, a deceleration lane will be required at the proposed access drive.

Install curb, gutter, and sidewalk along Midway Road frontage.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of 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 Midway Road, a minimum of 40' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of 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 south side of Due West Road, a minimum of 50' from the roadway centerline.

Recommend deceleration lane along Midway Road.

Recommend installing curb, gutter, and sidewalk along the Midway Road frontage.

Recommend no access to Due West Road.

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

STAFF RECOMMENDATIONS

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- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. All the surrounding property is zoned R-30 or R-80.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The character of the area is larger lots in a rural setting. The applicant's proposal would encourage more development in an area that has very low residential densities.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Very Low Density Residential Land Use Category with densities ranging from 0 to 2 units per acre. The proposed density is 1.71 units per acre, which is approaching the higher end of the allowable density range. It should be noted that the existing zoning is also in accordance with the *Cobb County Comprehensive Plan*, and is in the middle of the density range.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. The adjoining properties are zoned R-30 and R-80. The applicant's proposal would encourage other developments that are much denser than the existing area. The current zoning of R-30 is consistent with the *Cobb County Comprehensive Plan*, and would have a density in the middle of the density scale. The existing zoning district would fit the character of the area much better than the requested zoning district.

Based on the above analysis, Staff recommends DENIAL.

The recommendations 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.