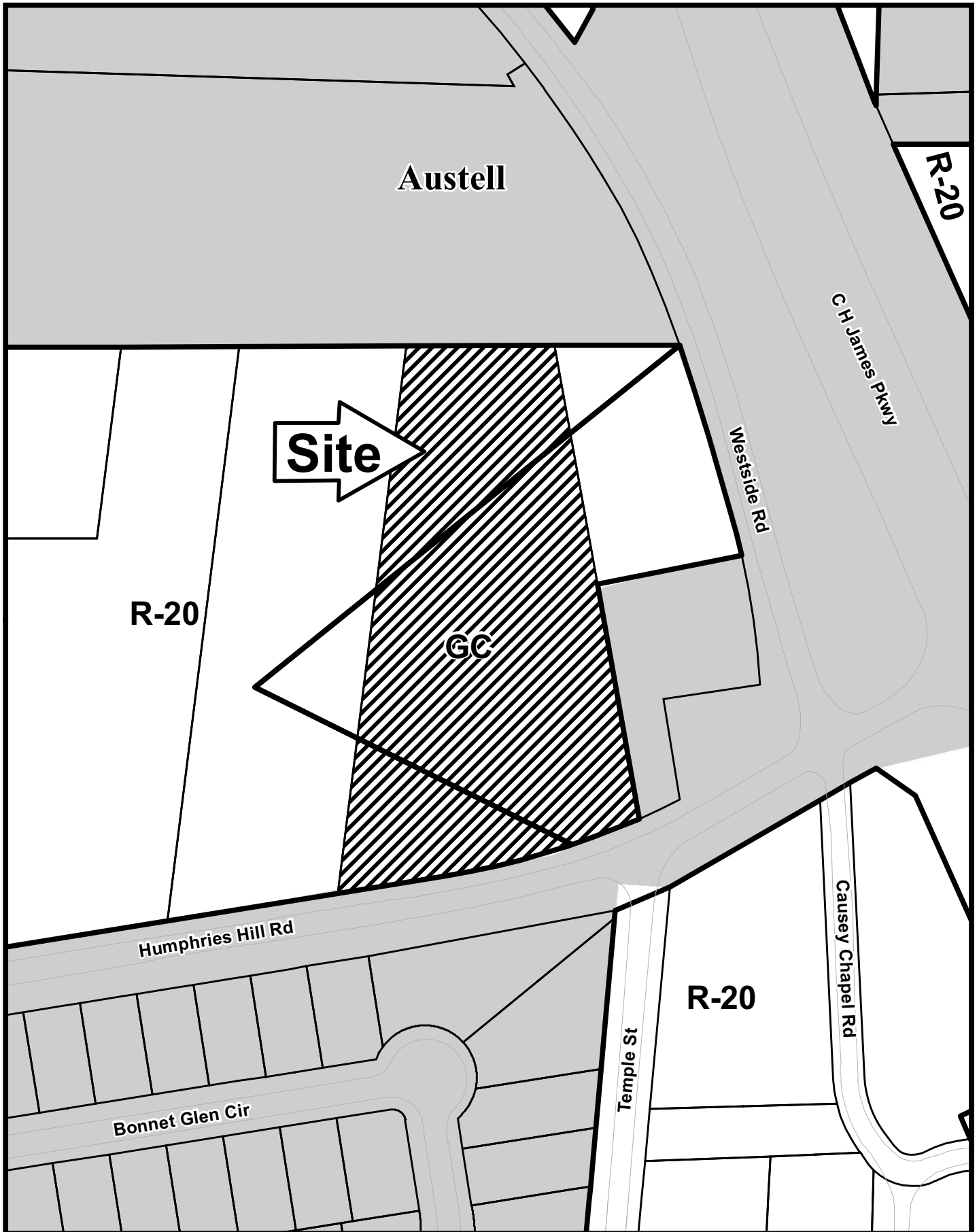
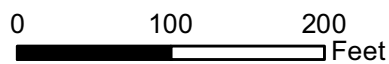




Z-48



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Urbanus K. and Patricia Nduge Kioko Mbinda

PETITION NO.: Z-48

PRESENT ZONING: GC, R-20

PETITION FOR: R-20

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: LDR Low Density Residential

Proposed Number of Units: 1 **Overall Density:** 0.4 **Units/Acre**

Present Zoning Would Allow: 4.366 **Units** **Decrease of:** 3.366 **Units/Lots**

The applicant is requesting a rezoning from R-20/GC single-family residential and general commercial districts to R-20 in order to remedy its existing grandfathered situation so as to allow a new use as a group home. The applicant intends to utilize the property for the Siloam Cottage group home for three (3) special needs adults and two (2) caretakers. While the property has consistently been used for residential purposes, the new tenant being a group home would require the presently requested rezoning to residential to reflect its past and proposed usage. If approved, variances should be considered for specific existing conditions including the existing pool to the side of the primary structure, the existing barn to the side of the primary structure, and the metal building on the western property line.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

APPLICANT: Urbanus K. and Patricia Nduge Kioko Mbinda

PETITION NO.: Z-48

PRESENT ZONING: GC, R-20

PETITION FOR: R-20

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC and R-20 to R-20 for purposes of group home. The 2.495 acre site is located on the north side of Humphries Hill Road, west of C.H. James Parkway. (6194 Humphries Hills Road).

Comprehensive Plan

The parcel is within a Low Density Residential (**LDR**) future land use category with GC and R-20 zoning designations. 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.

Master Plan/Corridor Study

Not applicable.

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. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

APPLICANT: Urbanus K. and Patricia Nduge Kioko Mbinda

PETITION NO.: Z-48

PRESENT ZONING: GC, R-20

PETITION FOR: R-20

SCHOOL COMMENTS:

| <u>Name of School</u> | <u>Enrollment</u> | <u>Capacity Status</u> | <u>Number of Portable Classrooms</u> |
|-----------------------|-----------------------------|-----------------------------|--------------------------------------|
| <u>Elementary</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>Middle</u> | <u> </u> | <u> </u> | <u> </u> |
| <u>High</u> | <u> </u> | <u> </u> | <u> </u> |

Additional Comments:

FIRE COMMENTS:

Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

(Currently approved for 3 occupants since 10/12/12)

APPLICANT Urbanus K. and Patricia Nduge Kioko Mbinda

PETITION NO. Z-048

PRESENT ZONING GC, R-20

PETITION FOR R-20

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): **CITY OF AUSTELL SERVICE AREA**

Additional Comments: City of Austell water customer

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:

Estimated Waste Generation (in G.P.D.): **ADF** **Peak=**

Treatment Plant: **South Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drw 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 and 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 Comments: City of Austell sewer service area. Existing septic system OK, per Dept of Public Health.

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.

APPLICANT: Urbanus K & Patricia N K Mbinda

PETITION NO.: Z-48

PRESENT ZONING: GC, R-20

PETITION FOR: R-20

STORMWATER MANAGEMENT COMMENTS

No comment.

APPLICANT: Urbanus K. and Patricia Nduge Mbinda **PETITION NO.: Z-48**

PRESENT ZONING: GC, R-20 **PETITION FOR: R-20**

COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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 |
|---------------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Humphries Hill Road | 5300 | Major Collector | 35 mph | Cobb County | 80' |
| | | | | | |

Based on 2006 traffic counting data taken by Cobb County DOT (Humphries Hill Road)

COMMENTS AND OBSERVATIONS

Humphries Hill 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.

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 north side of Humphries Hill Road, a minimum of 40' from the roadway centerline.

Recommend curb, gutter, and sidewalk along Humphries Hill Road frontage.

Recommend coordinating with the City of Austell for all roadway improvements.

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

STAFF RECOMMENDATIONS

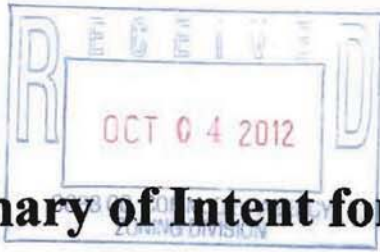
Z-48 URBANUS K. and PATRICIA NDUGE KIOKO MBINDA

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The request is compatible with other predominately residential uses in the area.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The request will facilitate a zoning category that better reflects the property's past and future proposed usage.
- 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*. Located within an area that is delineated as LDR low density residential, the request is in keeping with the goals of the *Plan* in supporting low density housing uses. The present request represents less than one (1) unit per acre, a decrease in over three (3) units per acre otherwise allowed by the neighboring residential zonings.
- 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 approving the applicant's rezoning proposal. Required by the grandfathered status of the currently split zoned property, the request represents a rezoning to single-family residential to reflect the past and proposed usage of the property. If approved, it will allow for the utilization of the property as a group home for three (3) special needs adults and two (2) caretakers. Located within an area delineated as LDR low density residential on the *Cobb County Comprehensive Plan*, the request does not propose any increase in density; in fact, representing continuation of a density much less than otherwise may be allowed.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- Site plan received by the Zoning Division on October 4, 2012, with District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations;
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. § 36-71-13 for dedication of system improvements to mitigate traffic concerns.

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.



Application No. Z-48

Dec. 2012

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 2400 approx
- b) Proposed building architecture: Brick
- c) Proposed selling prices(s): N/A
- d) List all requested variances: N/A

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

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

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

.....
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).



APPROVED
J. Delveau 9-18-12
COBB PUBLIC HEALTH
CENTER FOR ENVIRONMENTAL

Water and Septic Tank Report Form

Water and sewage systems must meet applicable federal, state and local standards or regulations. This report form should be completed by the County Environmentalist from the County Public Health Department in which the residence is located. The form should be included in your application package submitted to HFR.

To be completed by applicant:

Home Name: SILOAM COTTAGE
Address: 6194 HUMPHRIES HILL City: AUSTELL
County: COBB Telephone 678 508 2316

To be completed by the County Environmentalist:

WATER (check only one):

- The home's water supply is from an approved source.
- The home's well has been tested and the report is attached.

SEWAGE (check only one):

- The home is connected to a public or county sewage disposal system.
- The home is served by an on-site sewage system adequate for proposed use for three (3) residents.
Maximum Number of Residents

County Environmentalist: Jennifer Delveau, Env. Health SSA
Print Name

Signature: *Jennifer Delveau* Date: 9-17-12