

Z-28
(2013)

WK DICKSON
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Kennesaw, GA 30144
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WHO PROJ.: RICHARD DUNGAN
PRJ. ORIGIN DATE: 11/11/12
PRJ. NO.:
OFFICE # 40000000

REV. RECORDED
BY DATE DESCRIPTION

PROJECT NAME:
4365 & 4365 S
FARM ROAD
SUBDIVISION

OWNER OR CLIENT:
RICHARD DUNGAN

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DRAWING TITLE:
ZONING PLAN

DRAWING NUMBER:
01

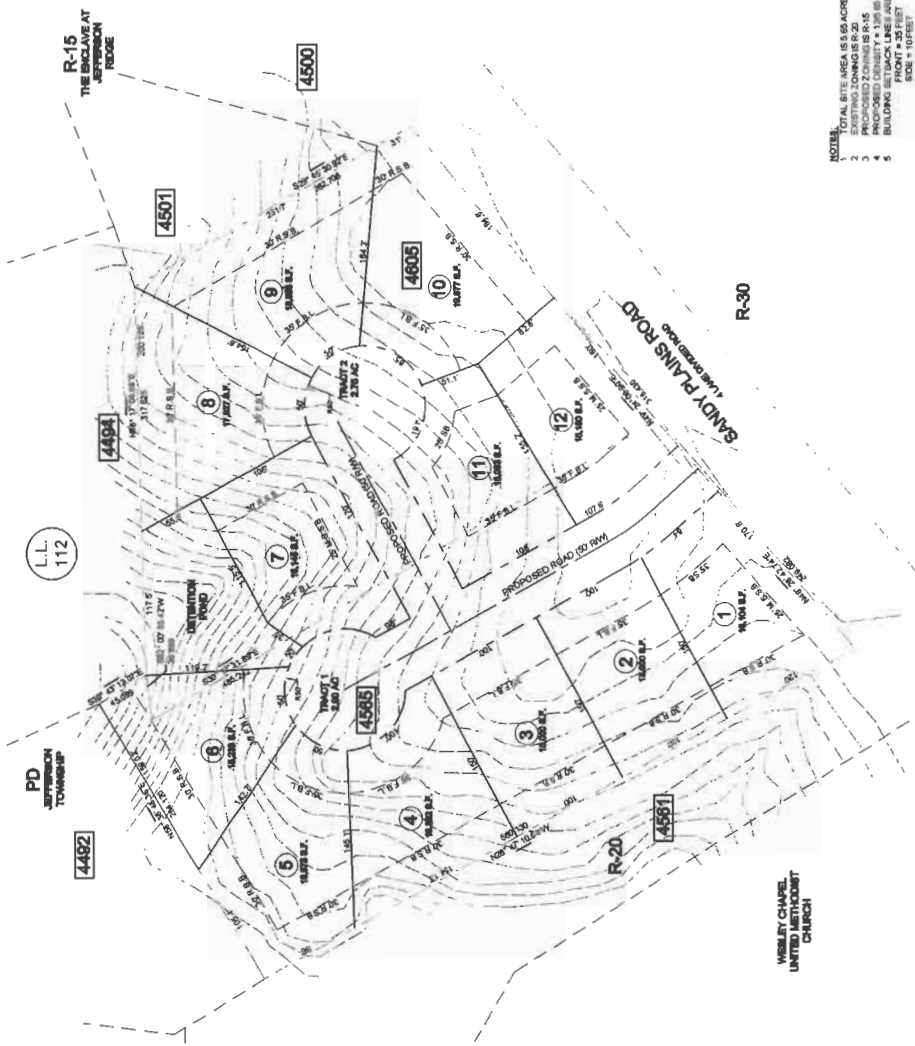
PLOT DATE: 11/11/12

- DRAWING STATUS - NOT FOR PUBLIC RELEASE OR CONSTRUCTION - DRAWING STATUS -



TOTAL AREA: 5.65 ACRES
CURRENT ZONING: R-20
PROPOSED ZONING: R-15
TRACT #1: 2.90 AC
TRACT #2: 2.75 AC
LAND LOT 112
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GA

DEVELOPER:
RICHARD DUNGAN
4362 FARMBROOK LANE
KENNESAW, GA 30144
PHONE: (770) 881-7634



- NOTES:**
1. TOTAL SITE AREA IS 5.65 ACRES
 2. EXISTING ZONING IS R-20
 3. PROPOSED ZONING IS R-15
 4. ALL LOTS ARE TO BE ZONED R-15
 5. BUILDING SETBACK LINE SHALL FOLLOW:
FRONT - 25 FEET
REAR - 30 FEET
SIDE - 10 FEET
 6. TOTAL NUMBER OF LOTS = 12
 7. PROPOSED USE IS FOR SINGLE FAMILY RESIDENTIAL
 8. BOUNDARY INFORMATION TAKEN FROM RECORDED PLAT PR 142006 PG0061
 9. TOPOGRAPHIC INFORMATION TAKEN FROM COBB COUNTY GIS DATA
 10. THERE ARE NO KNOWN STRAITS, WETLANDS, HISTORICAL OR ARCHEOLOGICAL SITES, MODERN CEANETTERIES OR BURIAL GROUNDS LOCATED ON THIS PROPERTY
 11. FLOODPLAIN INFORMATION IS LOCATED IN A FLOODPLAIN AREA PER FEMA MAPS
 12. MINIMUM LOT FRONT AGE IS 75.00'

RECEIVED
 APR - 4 2013
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

David R. B...
 DAVID R. B...
 4/4/13

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APPLICANT: Richard Duncan
(678) 591-7624

REPRESENTATIVE: Richard Duncan
(678) 591-7624

TITLEHOLDER: Edward Eugene Hindman, Philip W. Engle and
Maureen Engle

PROPERTY LOCATION: Northwest side of Sandy Plains Road, west
of Jefferson Ridge Way
(4565, 4605 Sandy Plains Road).

ACCESS TO PROPERTY: Sandy Plains Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family houses
on two parcels

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PD/Jefferson Township Subdivision
- SOUTH:** R-30/Single-family houses
- EAST:** R-15/The Enclave at Jefferson Ridge Subdivision
- WEST:** R-20/Single-family house and Church

PETITION NO: Z-28

HEARING DATE (PC): 06-04-13

HEARING DATE (BOC): 06-18-13

PRESENT ZONING: R-20

PROPOSED ZONING: R-15

PROPOSED USE: Residential Subdivision

SIZE OF TRACT: 5.65 acres

DISTRICT: 16

LAND LOT(S): 112

PARCEL(S): 13, 14

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

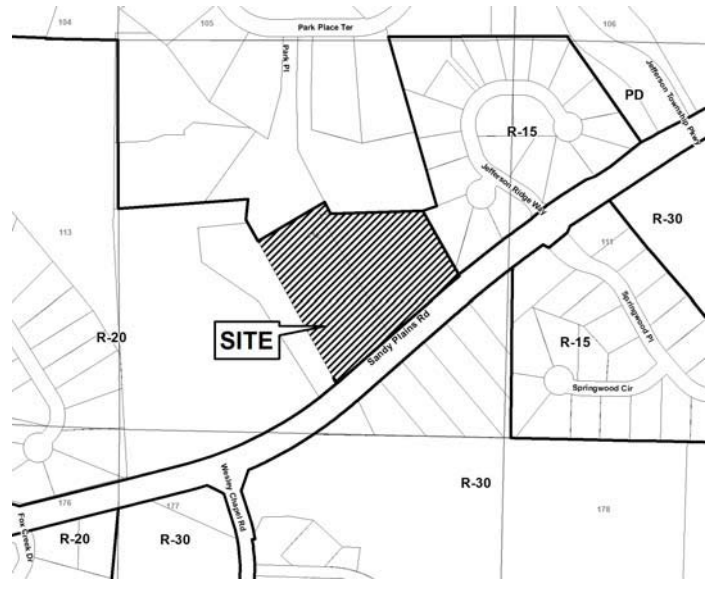
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

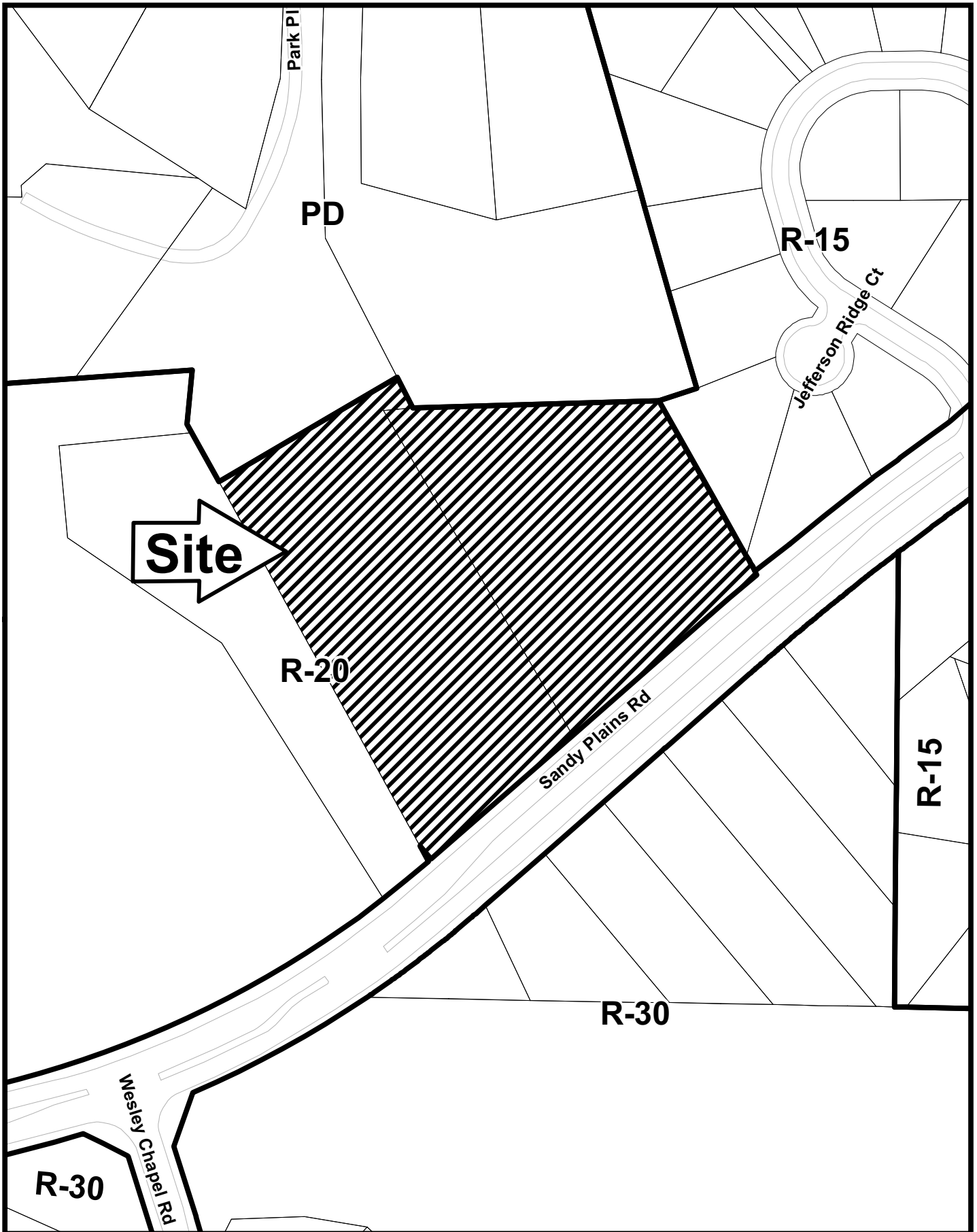
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

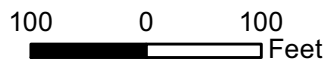
STIPULATIONS:





Z-28



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Richard Duncan

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 12 **Overall Density:** 2.12 **Units/Acre**

Present Zoning Would Allow: 9 **Units** **Increase of:** 3 **Units/Lots**

Applicant is requesting the R-15 zoning category in order to develop a single-family detached residential subdivision. The minimum house size will be 2,600 square feet. The houses will consist of three sides brick or stone, stacked stone, cedar shake, batten board or combinations thereof. The prices will range from \$400,000 to \$600,000.

Cemetery Preservation: No comment.

APPLICANT: Richard Duncan

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: R-15

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Garrison Mill</u>	<u>718</u>	<u>Under</u>	<u> </u>
Elementary <u>Mabry</u>	<u>839</u>	<u>Under</u>	<u> </u>
Middle <u>Lassiter</u>	<u>1,980</u>	<u>Under</u>	<u> </u>

High

*School attendance zones are subject to revision at any time.

Additional Comments:

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Richard Duncan

PETITION NO.: Z-28

PRESENT ZONING: R-20 _____

PETITION FOR: R-15 _____

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15 for purpose of a residential subdivision. The 2.9 acre site is located on the northwest side of Sandy Plains Road, west of Jefferson Ridge Way.

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-20 zoning designations. The purpose of the Very Low Density Residential (VLDR) category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) 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 Richard Duncan

PETITION NO. Z-028

PRESENT ZONING R-20

PETITION FOR R-15

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): **8" DI N / side of Sandy Plains Road**

Additional Comments:

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: **Approx. 300' W if elevations allow**

Estimated Waste Generation (in G.P.D.): **A D F 1920 Peak= 4800**

Treatment Plant: **Big Creek**

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 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:

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: Richard Duncan

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little River Basin 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 - Private pond ~ 1000' downstream at 4479/4482 Park Place Terrace.. 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 private culvert and private lake.

APPLICANT: Richard Duncan

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: R-15

STORMWATER MANAGEMENT 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 % impervious of 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 parcel is located to the west of Sandy Plains Road. The majority of the site drains to the north directly into the Jefferson Township subdivision through two large lots. There is a natural drainage way leading to an existing 48-inch CMP private drive culvert, but no well-defined channel. A level spreader may be required for the proposed detention pond to lessen the impact of a concentrated discharge.
2. A drainage swale and easement will likely be required along the rear of lots 1-5 & possibly lot 8 to limit offsite runoff bypass.
3. A pre- and post-development sediment survey will be required for the downstream private pond.

APPLICANT: Richard Duncan

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: R-15

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
Sandy Plains Road	23,100	Arterial	45 mph	Cobb County	100'

Based on 2013 traffic counting data taken by Cobb DOT (Sandy Plains Road)

COMMENTS AND OBSERVATIONS

Sandy Plains 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.

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 Sandy Plains Road, a minimum of 50' from the roadway centerline.

Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.

Recommend a deceleration lane on Sandy Plains Road for the entrance.

Recommend removing and closing driveway aprons along Sandy Plains Road frontage that development renders unnecessary.

Recommend no advertising on the right-of-way.

Recommend no monument signs on the right-of-way.

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

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STAFF RECOMMENDATIONS

Z-28 RICHARD DUNCAN

- 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. While there are R-15 properties in the area, applicant's proposed density is higher than those R-15 and R-20 properties developed in the past few years.
- 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. While there is an R-15 subdivision to the northeast of the subject property at 1.96 units per acre, applicant's proposed density slightly higher at 2.12 units per acre. The proposed density is also higher than a recent nearby R-20 development that has a density of 1.15 units per acre.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Very Low Density Residential land use category having densities ranging from 0-2 units per acre. Applicant's proposed density is 2.12 units per acre. Other zonings and densities in the area include two portions of Jefferson Township (Phases 1 and 10) having densities of 0.47 units per acre and 0.59 units per acre respectively; Mountain Creek Estates, nearby on Mountain Road, zoned R-20 (Z-11 of 2011), with a density of 1.15 units per acre; The Enclave at Jefferson Ridge, east of subject property, zoned R-15 (Z-42 of 2003), having a density of 1.96 units per acre; and Jefferson Park, across from The Enclave at Jefferson Ridge on Sandy Plains Road, zoned R-15 having a density of 2.06 units per acre. Applying the density average from the Zoning Ordinance for the R-20 category, nine units could be developed yielding an approximate density of 1.59 units per acre.
- 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. More properties in the area are developed on larger tracts of land and have lower densities than what is being proposed. One of the most recent rezonings in this area was in 2011 for R-20 having a density of 1.15 units per acre. Applicant's proposed 2.12 units per acre is above the 0-2 units per acre range of the Very Low Density Residential land use category.

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.

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Summary of Intent for Rezoning

Z-28
June
2013

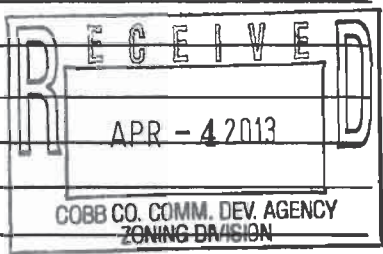
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Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 2600 sq FT
- b) Proposed building architecture: 3 side to custom brick, stone, streak stone, cedar shake
- c) Proposed selling prices(s): 400,000⁰⁰ to 600,000⁰⁰
- d) List all requested variances: _____

Order Shaker Bnt & Bond
a combination
of sets

.....
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).

