

Z-37
(2013)

D.L.L.E.
04-28-2013
BH&D JOB# 29126 BH&D FILE NAME RZ30E

B.H. Engineering, Inc.
250 HERITAGE WALK
WOODSTOCK, GEORGIA 30188
PHONE (678) 462-1021
WWW.BHENRINC.COM

B.H. Engineering, Inc.

REVISIONS

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S.E. BACKS
REVISION NO. 1
DATE: 05/01/13
PROJECT: SIDE TRAIL
SUBJECT: RESUBMIT
SEE PLAN



SHEET 1/1
RETAINING PLAN

APPLICANT:
BAE INVESTMENTS, LLC
1640 FORECAST DRIVE
MARIETTA, GA 30067
RESELLER BLDG 404-210-4892

SCALE:
SCALE: 1" = 400'

NORTH:
MAGNETIC

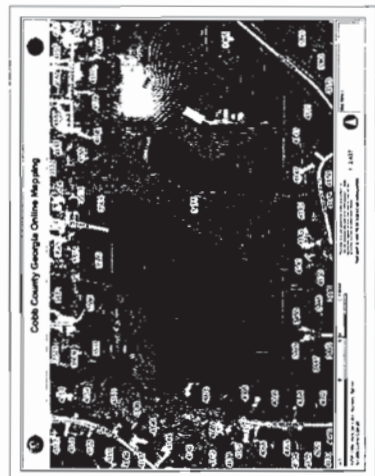
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FLOOD STATEMENT
BY COMPUTERIZING ONLY THE SUBJECT PROPERTY (S) HAS A FLOOD HAZARD POTENTIAL IN 100 YEAR AND 500 YEAR FLOOD PLAINS AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 13080C0101G. THE SUBJECT PROPERTY IS NOT LOCATED WITHIN A FLOOD HAZARD AREA AS SHOWN ON FEMA FLOOD INSURANCE RATE MAP (FIRM) NUMBER 13080C0101G.

GENERAL NOTES

1. INFORMATION REGARDING THE REVISIONS AND THE CHARACTERISTICS OF THE SUBJECT PROPERTY (S) IS OBTAINED FROM THE RECORD PLANS AND THE SUBJECT PROPERTY (S) IS NOT TO BE CONSIDERED AS A BASIS FOR ANY OTHER PURPOSES.
2. THE SUBJECT PROPERTY (S) IS NOT TO BE CONSIDERED AS A BASIS FOR ANY OTHER PURPOSES.
3. THE SUBJECT PROPERTY (S) IS NOT TO BE CONSIDERED AS A BASIS FOR ANY OTHER PURPOSES.
4. THE SUBJECT PROPERTY (S) IS NOT TO BE CONSIDERED AS A BASIS FOR ANY OTHER PURPOSES.



TYPICAL SECTION INTERSECTION SHORT DISTANCE DETAIL

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24 HOUR CONTACT: STAN HOWINGTON 678-758-3828

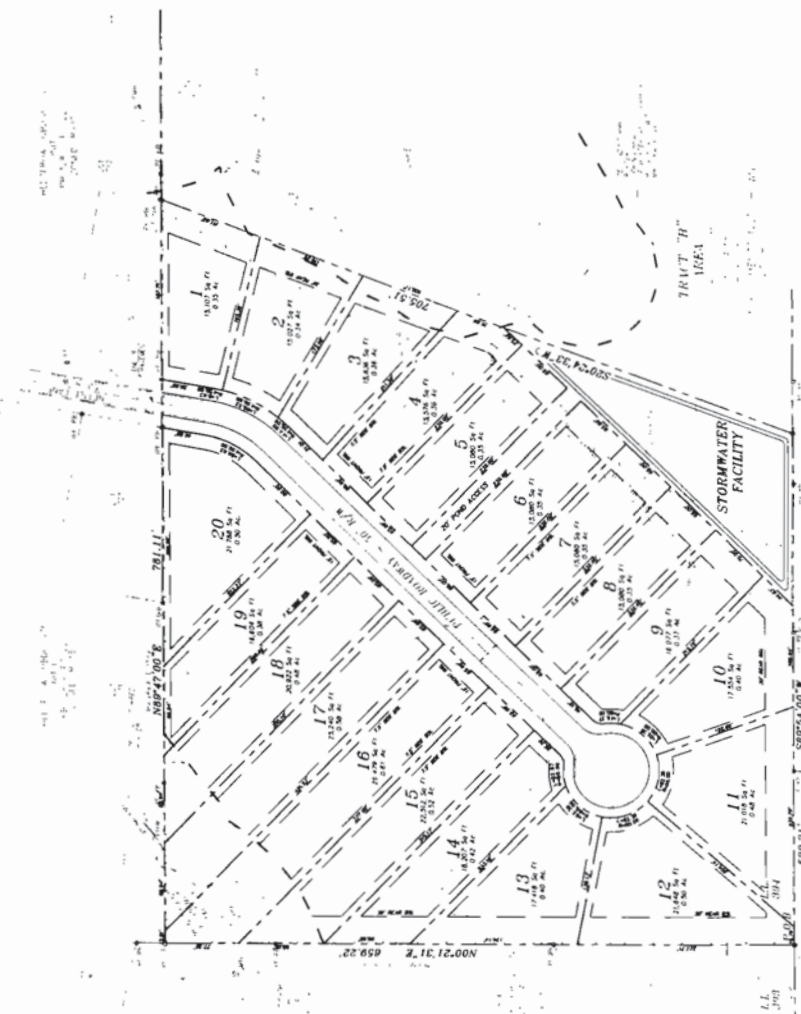
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PROPOSED ZONING: R-30
PROPOSED ZONING: R-15
AREA: 10.00 ACRES
20 LOT(S)

REQUIREMENTS:
MINIMUM LOT AREA 15,000 SF
MINIMUM LOT WIDTH AT FRONT SETBACK 75'
PROPOSED LOT WIDTH 65' (VARIANCE REQUESTED)
MINIMUM HEATED SF 2,500 SF
MAXIMUM BUILDING HEIGHT 35'

REQUIREMENTS:
MINIMUM LOT AREA 15,000 SF
MINIMUM LOT WIDTH AT FRONT SETBACK 75'
PROPOSED LOT WIDTH 65' (VARIANCE REQUESTED)
MINIMUM HEATED SF 2,500 SF
MAXIMUM BUILDING HEIGHT 35'



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COBB COUNTY GEORGIA
FILED IN OFFICE

2013 MAY -2 PM 4:03
COBB COUNTY ZONING DIVISION

SURVEY PREPARED BY:
SOLAR LAND SURVEYING COMPANY
P.O. BOX 783995 ATLANTA, GEORGIA 31156-0995
TELEPHONE (770) 784-9000 FAX (770) 784-8052

VICINITY MAP 1"=2000'

APPLICANT: EAH Investments, LLC
(770) 541-5256

REPRESENTATIVE: J. Kevin Moore (770) 429-1499
Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Forrest E. Stroup and Linda Gloria Stroup

PROPERTY LOCATION: Rear portion of property on the east side
of Mabry Road at the terminus of Nettle Lane
(3475 Mabry Road).

ACCESS TO PROPERTY: Nettle Lane

PHYSICAL CHARACTERISTICS TO SITE: Rear wooded,
undeveloped portion of larger single-family lot

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-15/Hedgerow Subdivision
- SOUTH:** R-15/Mabry Forest Subdivision
- EAST:** R-30/Single-family House (parent tract of subject parcel)
- WEST:** R-15/Hedgerow Subdivision

PETITION NO: Z-37

HEARING DATE (PC): 07-08-13

HEARING DATE (BOC): 07-16-13

PRESENT ZONING: R-30

PROPOSED ZONING: R-15

PROPOSED USE: Single-Family
Residential Subdivision

SIZE OF TRACT: 10.0 acres

DISTRICT: 16

LAND LOT(S): 394

PARCEL(S): 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

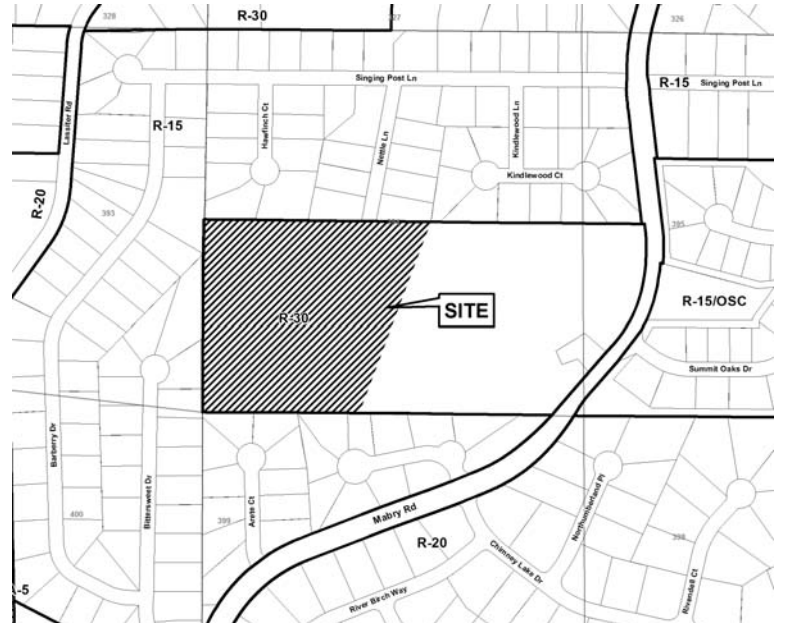
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

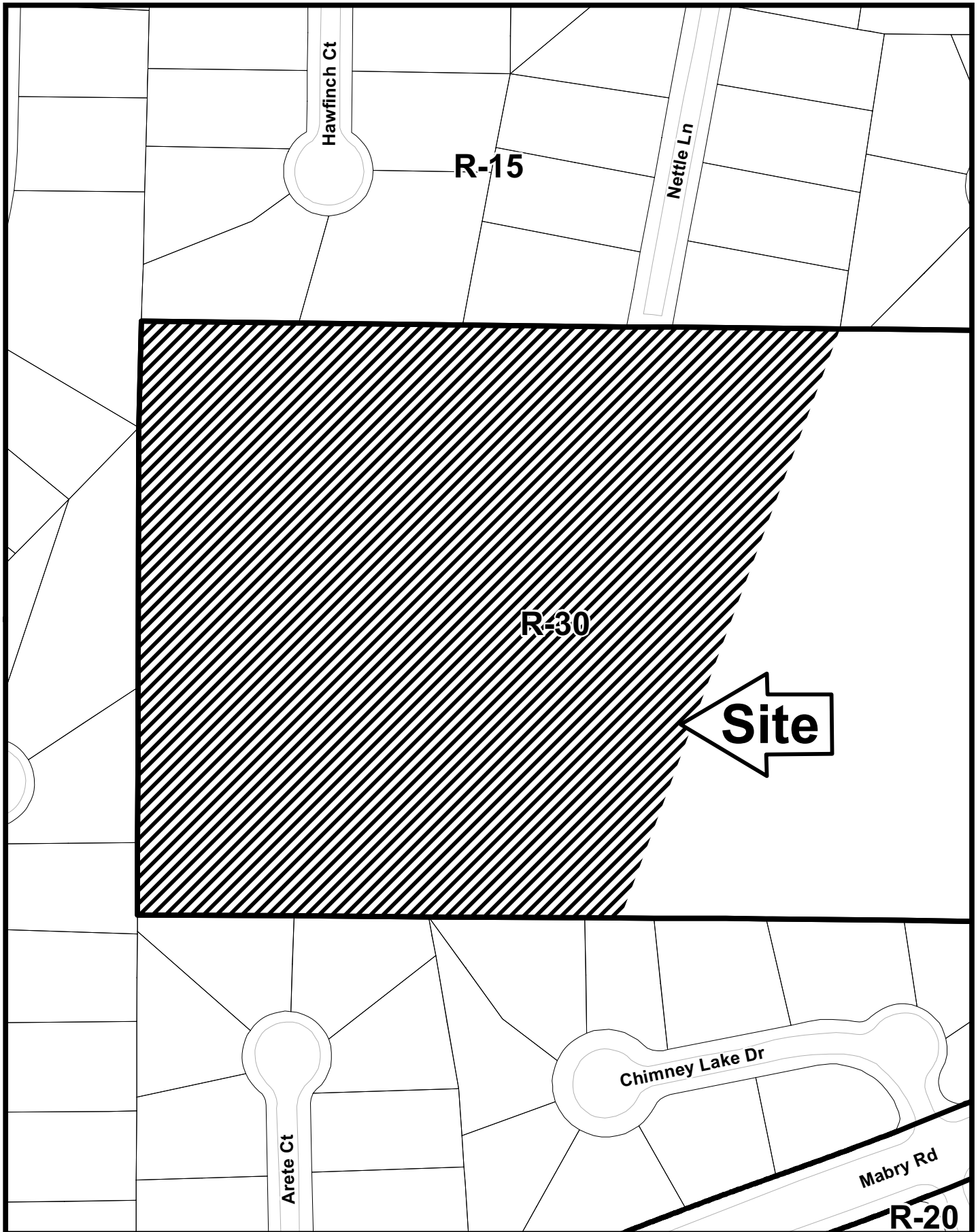
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

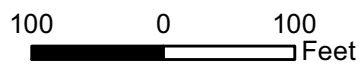
STIPULATIONS:



Z-37



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



-  City Boundary
-  Zoning Boundary

APPLICANT: EAH Investments, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-30

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Park/Recreation/Conservation

Proposed Number of Units: 20 **Overall Density:** 2.0 **Units/Acre**

Present Zoning Would Allow: 11 **Units** **Increase of:** 9 **Units/Lots**

Applicant is requesting the R-15 zoning category in order to develop a single-family residential subdivision. The subject property is the rear 10-acre wooded section of the larger 21+ acre-parcel that fronts on Mabry Road. This section of the property for the proposed development will be access via the development of a public roadway from the terminus of Nettle Lane on the north side of the property. The proposed houses will be traditional with a mix of brick, stone, hardi-plank and cedar shake. Houses will range in size from 2,600 square feet to 3,500 square feet and the prices will range from the high \$400,000s to high \$500,000s.

Applicant is requesting the following contemporaneous variances:

1. Waive the front setbacks from the required 35 feet to 15 feet;
2. Waive the side setbacks from the required 10 feet to 7.5 feet; and
3. Waive the minimum public road frontage from the required 75 feet to 65 feet.

Cemetery Preservation: No comment.

APPLICANT: EAH Investments, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-30

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>Shallowford Falls</u> | <u>643</u> | <u>Under</u> | <u> </u> |
| Elementary <u>Simpson</u> | <u>874</u> | <u>Over</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:

When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT: EAH Investments, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-30

PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to R-15 for purpose of a single-family residential subdivision. The rear portion of the 10 acre site is located on the east side of Mabry Road at the terminus of Nettle Lane

Comprehensive Plan

The parcel is within a Park/Recreation/Conservation (PRC) future land use category, with R-30 zoning designation. The purpose of the Park/Recreation/Conservation (PRC) category is to provide for land dedicated to active or passive recreational uses. Conservation: a sub-category for permanently protected land dedicated to passive recreation and protection of water quality, wetlands, stream banks, riparian buffers, scenic views and historic or archaeological resources.

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 EAH Investments, LLC

PETITION NO. Z-037

PRESENT ZONING R-30

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): **6" PVC at end of Nettle Lane**

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: **On site along eastern edge and at NW corner of property**

Estimated Waste Generation (in G.P.D.): **A D F 3200 Peak= 8000**

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: EAH Investments, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-30

PETITION FOR: R-20

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Swest Mountain 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: within stream buffer limits

- 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 – located on Tract B of original parcel.
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 systems (culvert at end of Hawfinch Ct and adjacent lake.

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. The parcel is being created from the western portion of a larger tract that fronts Mabry Road. The site is fairly heavily wooded with slopes ranging from 5% near the ridgeline to more than 30% along the ravine at the northwest corner. Approximately half of the site drains to northwest into an existing drainage easement and culvert at the end of Hawfinch Court within the Hedgerow Subdivision. The other half of the site drains to the east into an existing lake within the original tract that also discharges into the Hedgerow Subdivision to the north.
2. The site receives runoff from the Mabry Forest Subdivision located to the south. Runoff from this existing development must be accommodated through the site.
3. The proposed detention pond will discharge directly into the existing lake located on the adjacent parcel. Adequate spillway capacity of the existing lake must be verified at Plan Review. Additional onsite detention may be required if adequate spillway capacity is not available or additional capacity cannot be provided.
4. Detention may be required at the northwest corner of the site if sufficient runoff reduction cannot be achieved for lots 15 through 20. This will need to be addressed at Plan Review.

APPLICANT: EAH Investments, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-30

PETITION FOR: R-20

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 |
|-------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Nettle Lane | N/A | Local | 25 mph | Cobb County | 50' |
| | | | | | |

COMMENTS AND OBSERVATIONS

Nettle Lane is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

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

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STAFF RECOMMENDATIONS

Z-37 EAH INVESTMENTS, LLC

- 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. Numerous developments along this section of Mabry Road are also zoned R-15 with similar densities.
- 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. Other properties in the area are similarly zoned for single-family residential subdivisions.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be in the Park/Recreation/Conservation (PRC) land use category. It is unclear if the land use designation is due to the Tax Records that classify the property as "Conservation – large tract". Otherwise, the other properties in the immediate surrounding area are in the Low Density Residential (LDR) land use category, for densities ranging from 1-2.5 units per acre. Abutting and nearby properties are also zoned R-15 and have densities ranging from approximately 1.99 units per acre (Hedgerow Unit V); to approximately 2.0 units per acre (Hedgerow Unit IIA); to approximately 2.18 units per acre (Hedgerow Unit I); to approximately 2.32 units per acre (Hedgerow Unit II-B); and approximately 2.37 units per acre (Mabry Forest, Unit One). Other subdivisions in the area have densities ranging from approximately 1.89 units per acre (Chimney Lakes, Unit I, zoned R-20) to 2.19 units per acre (Summit Oaks, zoned R-15/OSC).
- 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. Properties along this side of Mabry Road have been zoned and developed for R-15 subdivisions. While the requested R-15 and proposed density of 2.0 units per acre are consistent with the land use plan and other developments in the area, Staff also points out that if the property were developed with a public road on the subject 10 acres, under the current R-30, applying the average of 1.1 units per acre found in the Zoning Ordinance, 11 lots could be developed, with a possible density of 1.1 units per acre; under R-20, applying the 1.75 units per acre average found in the Zoning Ordinance, 17 lots could be developed, yielding approximately 1.7 units per acre.

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

- Site plan received by the Zoning Division on May 2, 2013, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

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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Application No. z-37
July (2013)

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 2,600 - 3,500 square feet
- b) Proposed building architecture: Traditional (mix of brick, stone, hardi-plank,
- c) Proposed selling prices(s): High \$400s - High \$500s^(cedar shake)
- d) List all requested variances: _____
 (1) Front Setback Variance - 35 feet to 15 feet;
 (2) Side Setback Variance - 10 feet to 7.5 feet;
 (3) Lot Width Variance - 75 feet minimum to 65 feet minimum

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

- a) Proposed use(s): Not Applicable
- 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)

None known at this time

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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).

None known at this time

*Applicant specifically reserves the right to amend any information set forth herein, or within the Application, at any time during the rezoning process.