

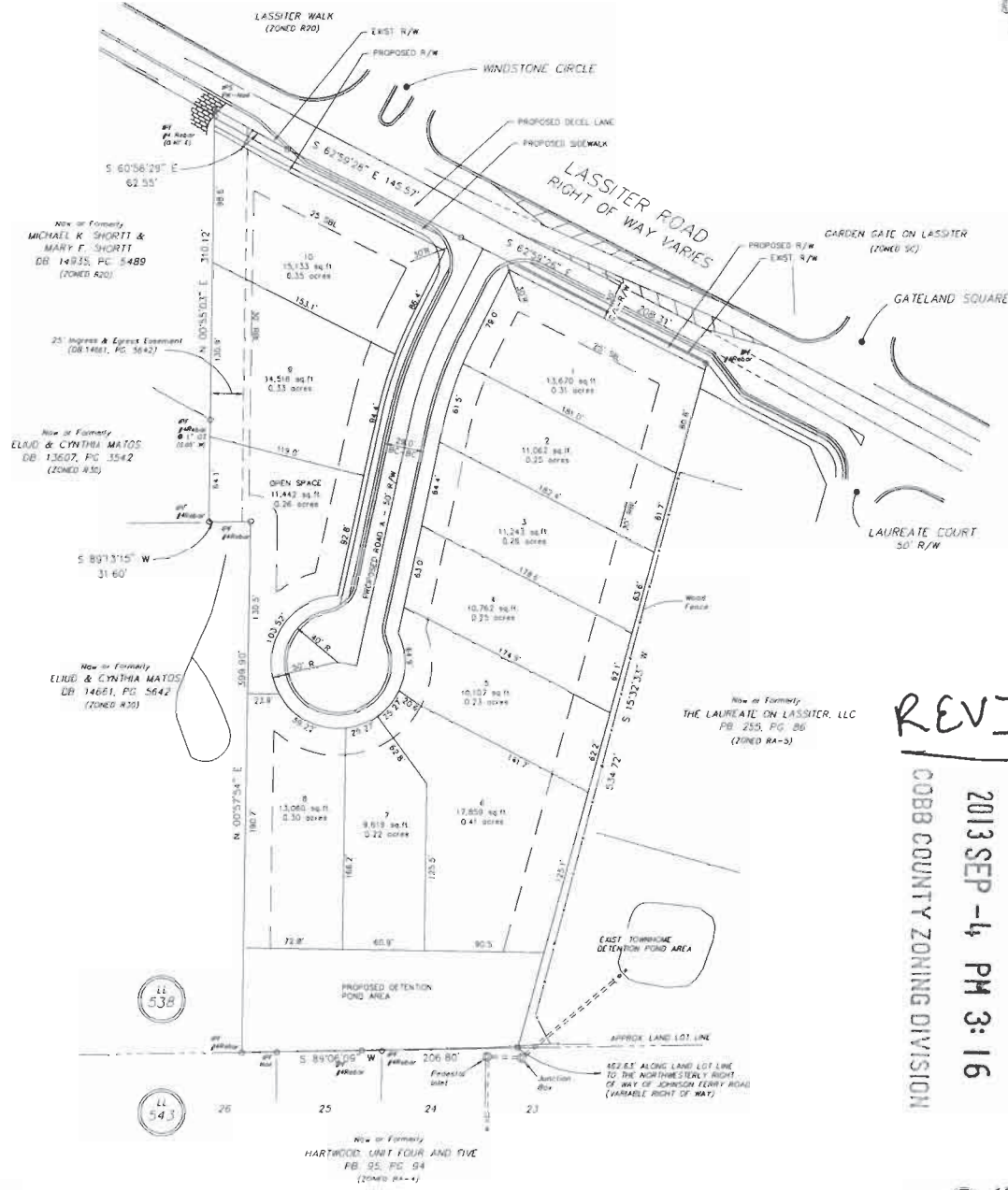
**Z-60  
(2013)**

**APPLICANT/DEVELOPER/OWNER**  
 BROOKS CHADWICK CAPITAL  
 255 VILLAGE PARKWAY, SUITE 230  
 MARIETTA, GEORGIA 30067  
**24 HOUR CONTACT:**  
 TODD THRASHER  
 404-281-4554

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA  
 100 YEAR FLOOD ZONE ACCORDING TO COBB  
 COUNTY FIRM PANEL 0569 G, COMMUNITY  
 NO. 130052, MAP DATED, DEC. 16, 2008  
 TRAVERSE CLOSURE = 1.143.412  
 ANGULAR ERROR = 0.7 SEC'S/STA  
 ADJUSTMENT = COMPASS RULE  
 EQUIPMENT = TOPCON 303 TOTAL STATION  
 PLAT CLOSURE = 1.246.722 (AVG)  
 ALL MATTERS OF TITLE EXCEPTED

**USE NOTES**  
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL  
 PROPOSED ZONING: R-30  
 CURRENT ZONING: R-30  
 TOTAL AREA: 4.144 ACRES  
 TOTAL LOTS: 10  
 LOT DENSITY: 2.41 LOTS PER ACRE  
 AVERAGE LOT SIZE: 0.720 SF

**BUILDING SETBACK REQUIREMENTS**  
 FRONT - 30'  
 REAR - 30'  
 SIDE - 5' MIN. 12' BETWEEN STRUCTURES  
 MAX. SIDE - 15'



**REVISED**

COBB COUNTY GEORGIA  
 FILED IN OFFICE  
 2013 SEP -4, PM 3:16  
 COBB COUNTY ZONING DIVISION

**TOTAL AREA**  
 4.144 ACRES  
 (180,506 sq. ft.)  
 PROPERTY IS ZONED R-30  
**REFERENCE DEEDS**  
 DB 14792, PG. 1309  
 DB 15032, PG. 431  
**REFERENCE PLAT**  
 PB 269, PG. 88  
**PROPERTY ADDRESS**  
 2885 LASSITER ROAD  
 MARIETTA, GA 30062

**CAUTION**  
 THE LINES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONVENIENCE ONLY. THESE ARE NOT TO BE USED AS A BASIS FOR ANY CLAIMS OR LIABILITY. THE CONTRACTOR'S RESPONSIBILITY IS TO VERIFY THE LOCATION OF ALL UTILITIES BEFORE THE START OF THE WORK. ANY CHANGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

**GRAPHIC SCALE**  
 1" = 100 FEET  
 1" = 400 METERS

SH	NO.	DATE	REVISION DESCRIPTION	BY	CHK
1	1	8-15-13	REMOVED 2 LOTS		

CONCEPTUAL ZONING PLAN FOR  
**BROOKS CHADWICK CAPITAL**  
 BEING TRACT 1 & TRACT 2 OF THE ROBERT E. DENVERBY ESTATE  
 PROPERTY IS LOCATED IN LAND LOT 538  
 IN THE 18TH DISTRICT 2ND SECTION, COBB COUNTY, GEORGIA

**Centerline Surveying Systems, Inc.**  
 1301 SHILOH ROAD SUITE 1210, KENNESAW, GA 30144  
 PHONE (770) 424-0028 FAX (770) 424-2335



**APPLICANT:** Brooks Chadwick Capital, LLC  
404-281-4554

**REPRESENTATIVE:** John H. Moore 770-429-1499  
Moore Ingram Johnson & Steele, LLP

**TITLEHOLDER:** N. J. Paul Lopez and Ellen J. Lopez

**PROPERTY LOCATION:** South side of Lassiter Road, west of  
Laureate Court.

**ACCESS TO PROPERTY:** Lassiter Road

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family house  
and undeveloped acreage

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-15/Lassiter Walk Subdivision
- SOUTH:** RA-4/Heartwood Subdivision
- EAST:** RA-5/The Laureate on Lassiter
- WEST:** R-30/Single-family hosue and R-20/Single-family house

**PETITION NO:** Z-60

**HEARING DATE (PC):** 10-01-13

**HEARING DATE (BOC):** 10-15-13

**PRESENT ZONING:** R-30

**PROPOSED ZONING:** RA-5

**PROPOSED USE:** Single-Family Residential

**SIZE OF TRACT:** 4.144 acres

**DISTRICT:** 16

**LAND LOT(S):** 538

**PARCEL(S):** 6, 111

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

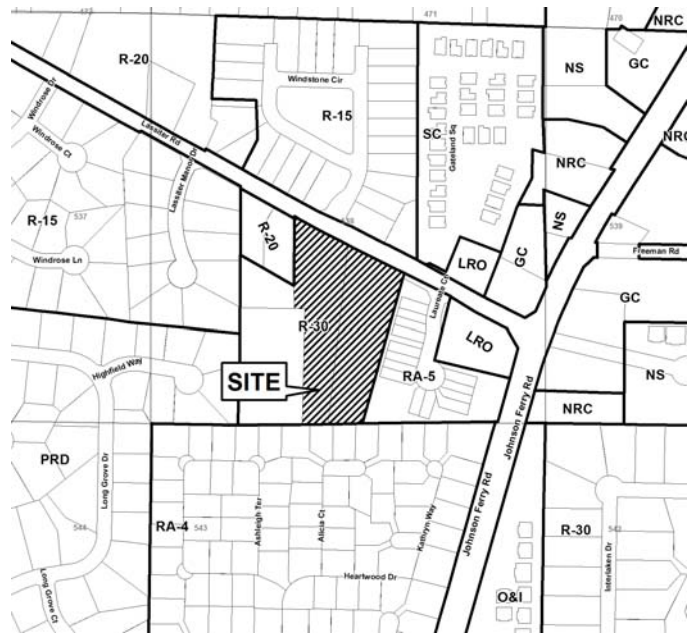
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

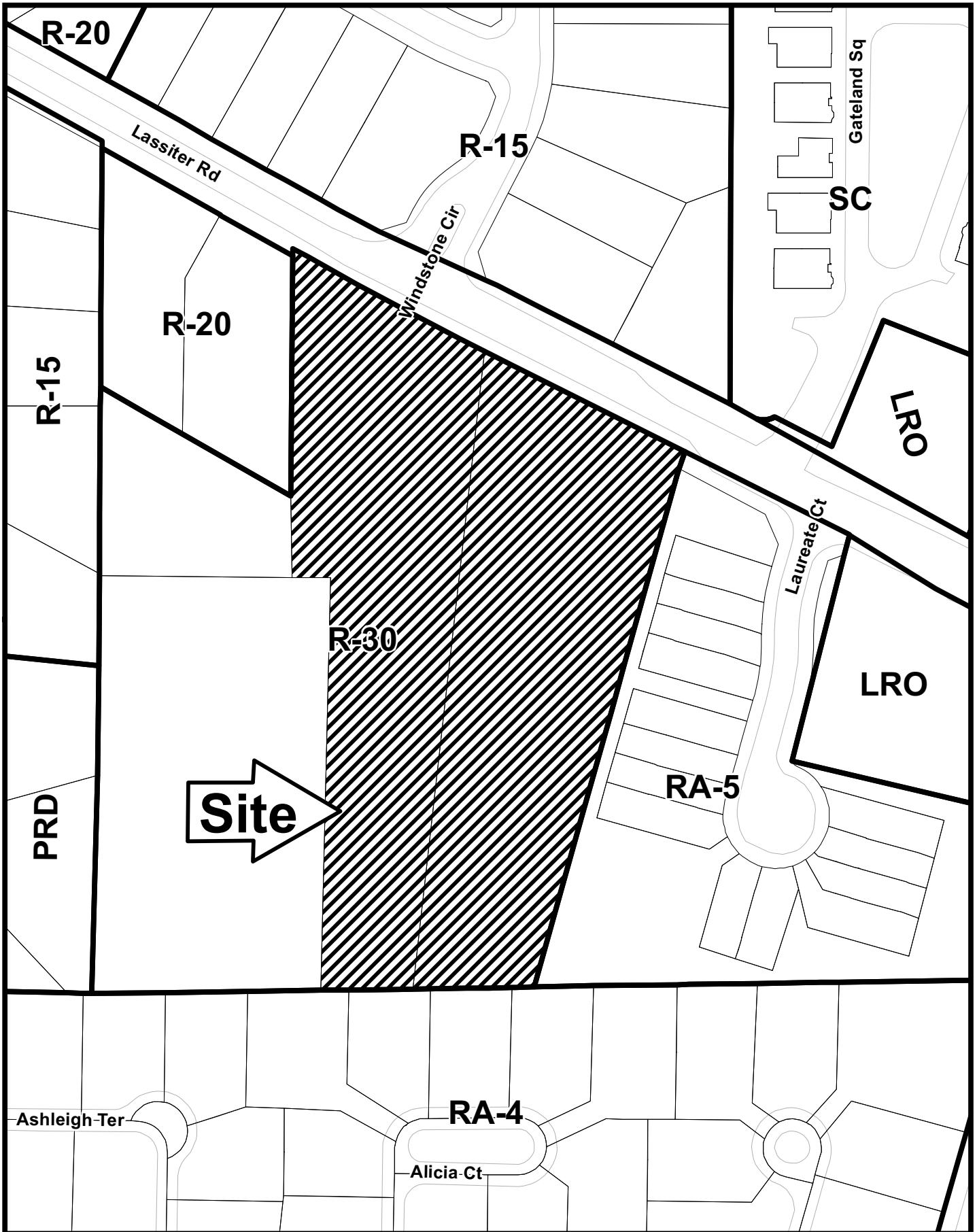
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

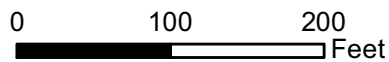
**STIPULATIONS:**



# Z-60



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Brooks Chadwick Capital, LLC

**PETITION NO.:** Z-60

**PRESENT ZONING:** R-30

**PETITION FOR:** RA-5

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Low Density Residential (1-2.5 units per acre)

**Proposed Number of Units:** 10      **Overall Density:** 2.41      **Units/Acre**

**Staff estimate for allowable # of units:** 4      **Units\***      **Increase of:** 6      **Units/Lots**

\*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the RA-5 zoning category for the development of a 10-lot single-family subdivision. The houses will be traditional and European in style and will have an average/approximate price range from \$650,000--\$900,000. The size of the houses will be a minimum of 3,000 square feet and greater.

The applicant is requesting the following contemporaneous variances:

1. Waive the front setback from 40 feet to 20 feet;
2. Waive the rear setback for exterior lots from the required 40 feet to 30 feet; and
3. Waive the major side setback along Lassiter Road from 35 feet to 25 feet.

**Cemetery Preservation:** No comment.

**APPLICANT:** Brooks Chadwick Capital, LLC

**PETITION NO.:** Z-60

**PRESENT ZONING:** R-30

**PETITION FOR:** RA-5

\*\*\*\*\*

**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>
<b>Elementary</b>			
<u>Hightower Trail</u>	<u>994</u>	<u>Over</u>	<u>                    </u>
<b>Middle</b>			
<u>Pope</u>	<u>1,762</u>	<u>Under</u>	<u>                    </u>

**High**

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

**Additional Comments:** Approval of this petition could adversely affect the enrollment at Hightower Trail Middle School, which is over capacity at this time.

\*\*\*\*\*

**FIRE COMMENTS:**

When projects contemplate less than 20 foot separation between units, emergency vehicle access can be accomplished by any of the following methods or combinations of methods:

- Parking spaces as required by zoning in addition to .50 guest parking per unit (i.e. 10 units = 5 guest parking spaces). Spaces shall be delineated as guest parking spaces and 24 ft. roadways do not account for parking on the street.
- Streets shall be designated as fire lanes, appropriately marked/identified in accordance with Cobb County Code

APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-60

PRESENT ZONING: R-30

PETITION FOR: RA-5

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-30 to RA-5 for purpose of single-family residential. The 4.144 acre site is located at the south side of Lassiter Road, west of Laureate Court.

**Comprehensive Plan**

The parcel is within a Low Density Residential (**LDR**) future land use category, with R-30 zoning designation. The purpose of the Low Density Residential (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. This category presents a range of densities.

**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 Brooks Chadwick Capital, LLC

PETITION NO. Z-060

PRESENT ZONING R-30

PETITION FOR RA-5

\*\*\*\*\*

**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 Lassiter 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: **140' N in Windstone Circle**

Estimated Waste Generation (in G.P.D.): **A D F 1600 Peak= 4000**

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 Contact Fulton County for treatment plant capacity  
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: Brooks Chadwick Capital, LLC

PETITION NO.: Z-60

PRESENT ZONING: R-30

PETITION FOR: RA-5

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Piney Grove 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 within Madison Hall S/D.  
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 system in Heartwood Subdivision.



APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-60

PRESENT ZONING: R-30

PETITION FOR: RA-5

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**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 site is located to the south of Lassiter Road. Slopes on the site are mild at less than 10%. The entire site drains into the Heartwood Subdivision, a private development to the south.
2. Subject to approval by the Heartwood Subdivision HOA, the applicant has agreed to Stormwater Management Division’s recommendation that the proposed detention pond discharge be tied directly into the existing private stormdrainage system located near the southeast corner of the site. This would eliminate overland flow runoff issues that currently exist within Heartwood Subdivision. It is further recommended that when the connection is made that the weir inlet of the existing junction box be lowered to reduce bypass currently occurring at this inlet.
3. There is an existing private lake located within Madison Hall Subdivision located approximately 800 feet downstream of the site. A pre- and post-development sediment survey will be required to document any impacts to the lake during construction.

**APPLICANT: Brooks Chadwick Capital, LLC**

**PETITION NO.: Z-60**

**PRESENT ZONING: R-30**

**PETITION FOR: RA-5**

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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
Lassiter Road	6300	Minor Collector	35 mph	Cobb County	60'

*Based on 2009 traffic counting data taken by Cobb DOT (Lassiter Road)*

**COMMENTS AND OBSERVATIONS**

Lassiter 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 south side of Lassiter Road, a minimum of 30' from the roadway centerline.

Recommend a deceleration lane on Lassiter Road for the entrance.

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

Recommend if streets are private then roadways be constructed to the Cobb County Standard Specifications.

Recommend development street either directly align or have an offset of a minimum of 125 feet from Windstone Circle per Development Standard 401.10.

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

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## STAFF RECOMMENDATIONS

### **Z-60 BROOKS CHADWICK CAPITAL, 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. Other properties in the area are zoned for similar residential 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. The property abuts and RA-5 development to the east and an RA-4 development to the south.
- 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 the property to be within the Low Density Residential (LDR) land use category, having densities ranging from 1-2.5 units per acre. While the applicant's proposal is within the density range for LDR, Staff believes the trend for developments along this section of Lassiter Road has been R-15 or R-20 with lower densities. The zonings of the southwest and northwest intersections decrease in intensity westerly along Lassiter Road. The densities of other developments in this area range from 1.52 units per acre (Madison Hall, zoned PRD); to 1.92 units per acre (Lassiter Manor, zoned R-15); to 2.26 units per acre (Windrush, zoned R-15) to 2.33 units per acre (Lassiter Walk, Unit I, zoned R-15); and to approximately 4.10 units per acre (Heartwood, zoned RA-4).
- 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 deleting the applicant's rezoning proposal. Based on the zonings and developments along this section of Lassiter Road, particularly the south side of the road moving westward from Johnson Ferry Road, the applicant's proposed density is slightly higher than some of the R-15 developments. Staff believes deleting the property to R-15 and applying the density average for R-15 (2.1 units per acre) to the 4.144 acres will provide approximately eight acres at an approximate density of approximately 1.93 units per acre.

Based on the above analysis, Staff recommends DELETING the request to R-15 subject to the following conditions:

- Site plan to be meet R-15 criteria;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- 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.**

COBB COUNTY GEORGIA  
FILED IN OFFICE

Application No. z-60  
Oct. (2013)

2013 AUG -1 PM 4:08

# Summary of Intent for Rezoning\*

COBB COUNTY ZONING DIVISION

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

- a) Proposed unit square-footage(s): minimum 3,000 square feet, and greater
- b) Proposed building architecture: Traditional and European
- c) Proposed selling prices(s): \$650,000 - \$900,000 (average/approximate)
- d) List all requested variances: \_\_\_\_\_

- (1) Front - 40 feet from original right-of-way line; (2) Rear - 30 feet;
- (3) Side - 20 feet exterior/5 feet with 15 feet between structures;
- (4) Major Side - 25 feet.

.....  
**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)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

- .....  
**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 any portion of the Application for Rezoning, at any time during the rezoning process.**