

APPLICANT: Duncan Land Investments
678-591-7624

REPRESENTATIVE: Richard Duncan
678-591-7624

TITLEHOLDER: Terry R. and Michael S. Palmer

PROPERTY LOCATION: North and south sides of Blackwell Road;
southwest of Wenlok Trail and east of Carter Valley Drive
(1982 Blackwell Road).

ACCESS TO PROPERTY: Blackwell Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house
and wooded acreage

PETITION NO: Z-63

HEARING DATE (PC): 11-05-13

HEARING DATE (BOC): 11-19-13

PRESENT ZONING: R-20

PROPOSED ZONING: R-15/OSC

PROPOSED USE: Subdivision

SIZE OF TRACT: 6.65 acres

DISTRICT: 16

LAND LOT(S): 308, 341

PARCEL(S): 5, 62, 63

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-15/Stocktons Chase Subdivision
- SOUTH:** R-15/Stocktons Mill Subdivision
- EAST:** R-15/Stocktons Mill Subdivision
- WEST:** R-20/Single-family houses

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

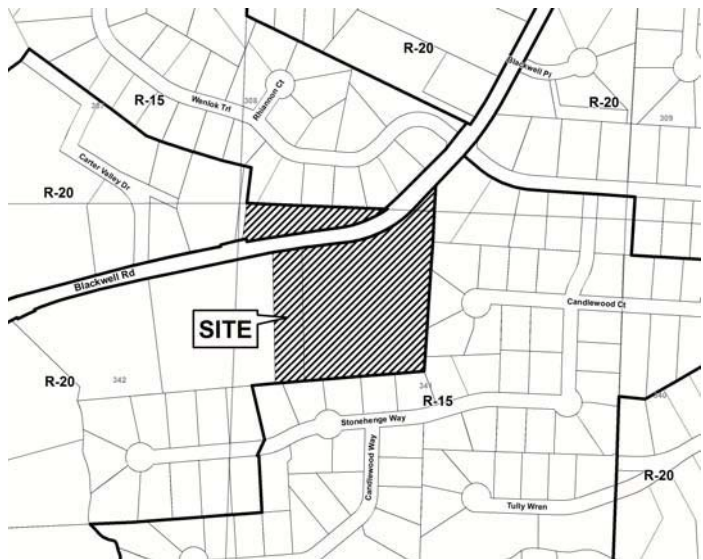
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

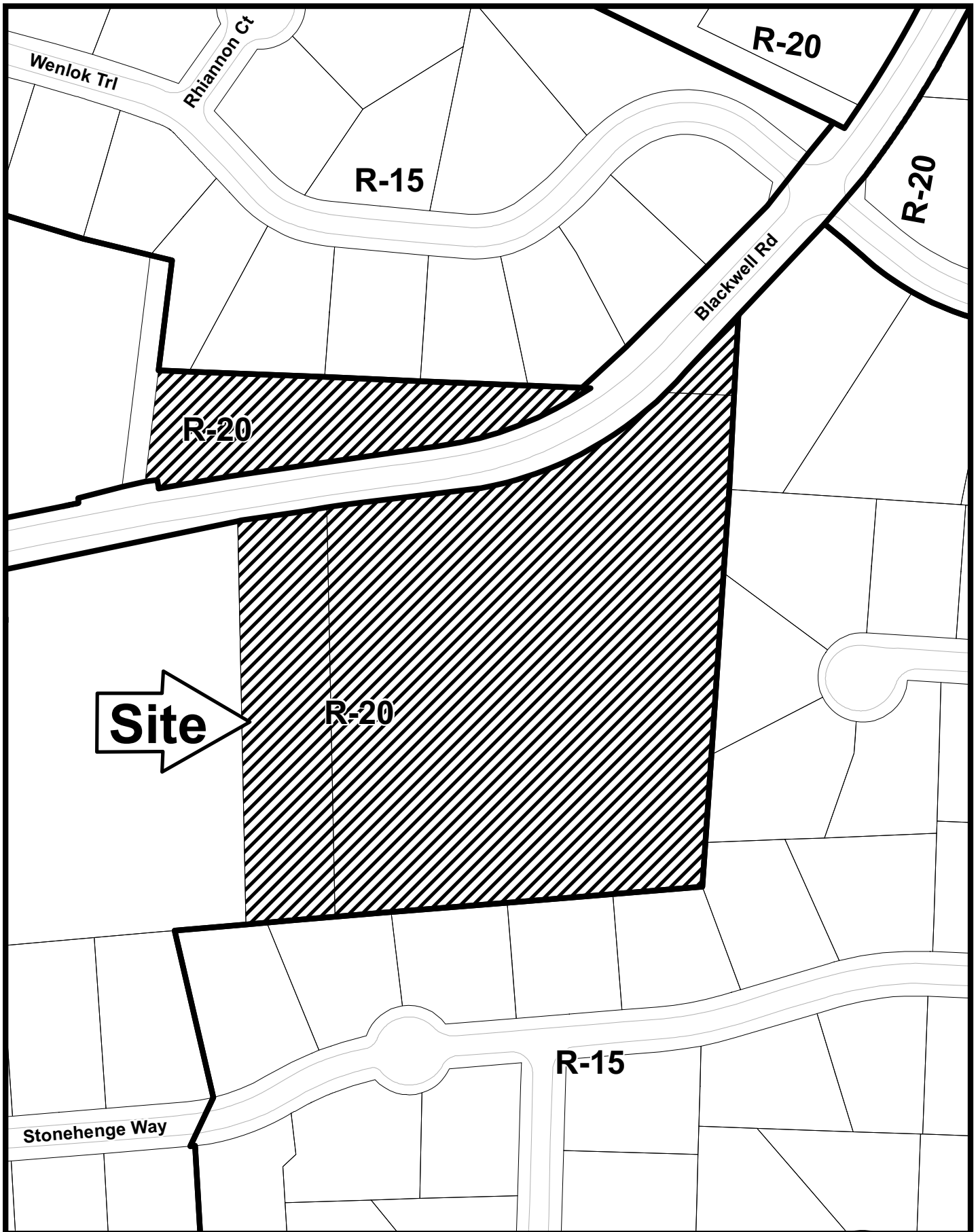
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

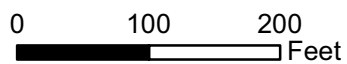
STIPULATIONS:





Z-63



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Duncan Land Investments

PETITION NO.: Z-63

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

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: 7 **Overall Density:** 1.05 **Units/Acre**

Present Zoning Would Allow: 11 **Units** **Decrease of:** 4 **Units/Lots**

Applicant is requesting the R-15/OSC category in order to develop a seven-lot single-family residential open space subdivision. The houses will be Craftsman style and the minimum house size will be 2,100 square feet. The houses will range in price from the \$400,000s to \$500,000s. The OSC requirement is 2 acres or 30% and 2.2 acres or 33% for bonus. Applicant’s proposed site plan indicates 4.19 acres, or 63%, of open space.

Cemetery Preservation: No comment.

APPLICANT: Duncan Land Investments

PETITION NO.: Z-63

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Rocky Mount	578	Under	
Elementary Simpson	874	Over	
Middle Lassiter	1,980	Under	

High

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

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

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: Duncan Land Investments

PETITION NO.: Z-63

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15/OSC for purpose of subdivision. The 6.65 acre site is located at the north and south sides of Blackwell Road; south of Wenlok Trail and east of Carter Valley Drive.

Comprehensive Plan

The parcel is within a Low Density Residential (LDR) future land use category, with R-20 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 Duncan Land Investments

PETITION NO. Z-063

PRESENT ZONING R-20

PETITION FOR R-15 OSC

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): **16" DI / S side of Blackwell 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: **On site**

Estimated Waste Generation (in G.P.D.): **ADF 1120 Peak= 2800**

Treatment Plant: **Noonday**

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: 10' setback from the sewer easement for permanent structures is required for lots 4 through 7

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: Duncan Land Investments

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PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rubes 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 channel.

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PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

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 majority of this site is being preserved as green space, including the portion to the north of Blackwell Road as well the steeply sloped area to the south of the existing sanitary sewer easement and stream buffer. The site drains to the west through an adjacent residential parcel to the Rubes Creek floodplain.
2. A 20-foot drainage easement will likely be required at the rear of lots 2 & 3 to direct runoff to the proposed detention pond and limit offsite bypass.

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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
Blackwell Road	10,400	Arterial	35 mph	Cobb County	100'

Based on 2007 traffic counting data taken by Cobb DOT (Blackwell Road)

COMMENTS AND OBSERVATIONS

Blackwell 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 and north side of Blackwell Road, a minimum of 50' from the roadway centerline.

Recommend curb, gutter, and sidewalk along Blackwell Road frontage.

Recommend curb, gutter, and sidewalk along one side of the proposed development roadway.

Recommend a shared access for lots 6 and 7.

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

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STAFF RECOMMENDATIONS

Z-63 DUNCAN LAND INVESTMENTS

- 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. Adjacent and nearby properties are similarly zoned and developed for single-family subdivisions.
- 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. Adjacent and nearby subdivisions are similarly zoned with slightly higher densities than this proposal.
- 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 the Low Density (LDR) land use category, having densities ranging from 1-2.5 units per acre. Stocktons Mill, Unit 2, to the north is zoned R-15 and has a density of 2.11 units per acre. Stocktons Mill Subdivision to the east and south, is zoned R-15 with a density of approximately 1.99 units per acre. Stocktons Mill, Unit 4, southwest of the subject property, is zoned R-20 and has an approximate density of 1.85 units per acre. Applicant's proposal using the R-15/OSC designation is for 1.05 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 approving the applicant's rezoning proposal. Adjacent and nearby subdivision are zoned R-15 with slightly higher densities than applicant's proposed 1.05 units per acre.

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

- Site plan to be approved by the Board of Commissioners;
- Planning Division Staff Analysis attached hereto;
- 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.

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Planning Staff Analysis

Z-63

Date: **September 27, 2013**

Contact: Philip Westbrook

(770) 528-2014

Property Location: 1982 Blackwell Rd
Current Zoning: R-20

Land Lot/District: 341 / 16
Proposed Use: R-15 OSC

Total Area: 6.65 acres

Floodplain/Wetland Area/Cemetery: 0

Net Buildable Area: 6.65 acres

Base Density Allowed: 2.1 upa

Base Density Allowed w/Bonus: 2.25 upa

Proposed Lots: 7

Net Density: 1.05 upa

Future Land Use: Low Density Residential (1 to 2.5 upa)

Open Space Requirement: 2 acres or 30%; for bonus 2.2 acres or 33%

Open Space Provided: 4.19 acres or 63%

Percentage of Open Space within Floodplain, Wetlands, & Lakes w: N/A

Setbacks:

Front: 0'

Rear: 0'

Side: 10' / 20' between units

Comments:

1. All open space must be on same tract of property.
2. Detention Pond facility must be outside of open space area and cannot be calculated as open space.
3. For exterior lots 2 and 3 the rear setback must meet or exceed that of the adjacent zoning which in this case is R-20. For exterior lot 7 the rear setback must meet or exceed that of the adjacent zoning which in this case is R-15.
4. For all lots setbacks should meet or exceed that of the underlying zoning.
5. For all lots contiguous to open space staff recommends including a deed during sale of homes so that future lot owners are aware that commonly owned open space exists adjacent to their property and cannot be built on.
6. As another form of privacy barrier staff recommends installing fence to the rear of lots that area adjacent to open space
7. Must have Cobb Department of Transportation approved lighting plan in if outdoor lighting (except individual residential lots) is proposed

8. Provide architectural renderings and description of the façade treatments that will be used on the proposed housing units
9. A Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the “Open Space” from development in perpetuity as owned by the mandatory Home Owners Association. Conservation Easement application must be submitted to the Planning Division before final plat approval.



Application #: Z-63

PC Hearing Date: 11/5/13

BOC Hearing Date: 11/19/12

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 2100
- b) Proposed building architecture: Craftsman
- c) Proposed selling prices(s): 400 + 500
- d) List all requested variances: _____

.....
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: _____

COBB COUNTY ZONING DIVISION

2013 SEP -5 PM 4: 24

COBB COUNTY GEORGIA
FILED IN OFFICE

.....
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). _____

.....
Part 5. Is this application a result of a Code Enforcement action? No ___; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: [Signature] Date: Sept 5, 2013

Applicant name (printed): Richard A. Duncan