

Z-12  
(2015)

**W&M**  
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 3000 W. BROADWAY, SUITE 100  
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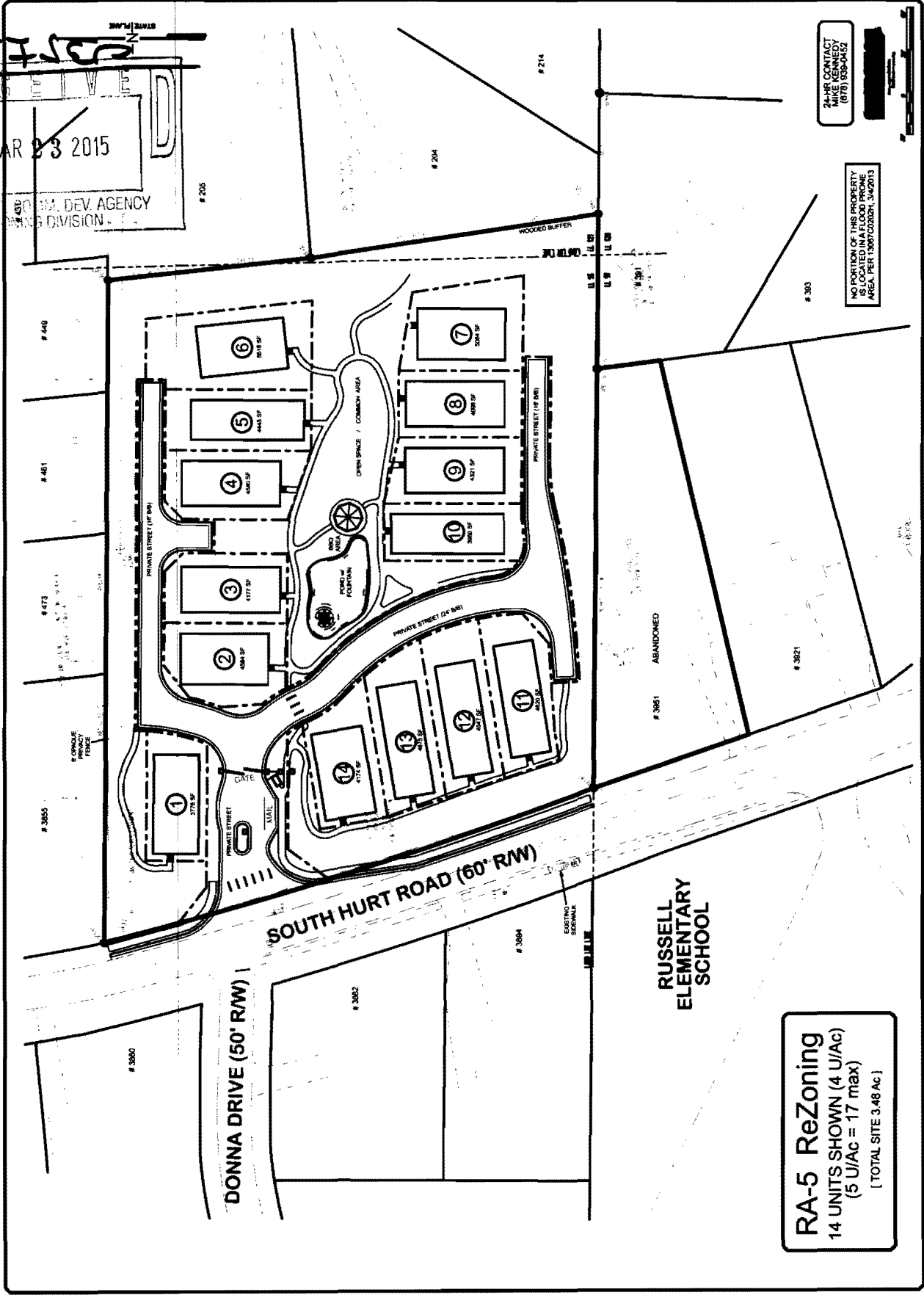
**RUSSELL PRESERVE**  
 3686 SOUTH HURT ROAD  
 FORT WORTH, TEXAS 76107  
 98 & 121 / 17TH / 2ND  
 COBB COUNTY, GA



NO.	REVISION	DATE	BY	CHKD.
1	ISSUED FOR PERMIT	03/23/15		
2	REVISED PER CITY COMMENTS	03/23/15		
3	REVISED PER CITY COMMENTS	03/23/15		
4	REVISED PER CITY COMMENTS	03/23/15		
5	REVISED PER CITY COMMENTS	03/23/15		
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13	REVISED PER CITY COMMENTS	03/23/15		
14	REVISED PER CITY COMMENTS	03/23/15		
15	REVISED PER CITY COMMENTS	03/23/15		

Z-01

**REVISION**  
 MAR 23 2015  
 COBBS COUNTY PLANNING DIVISION



24-HR CONTACT  
 (817) 338-8442

NO PORTION OF THIS PROPERTY  
 IS LOCATED IN A FLOOD PRONE  
 AREA PER 13601 CODEBOOK, 3462013

**RA-5 Rezoning**  
 14 UNITS SHOWN (4 U/AC)  
 (5 U/AC = 17 max)  
 [ TOTAL SITE 3.48 AC ]

**RUSSELL  
 ELEMENTARY  
 SCHOOL**

**APPLICANT:** Michael B. Kennedy

**PHONE#:** 678-939-0452 **EMAIL:** mikek.gce@gmail.com

**REPRESENTATIVE:** Michael B. Kennedy

**PHONE#:** 678-939-0452 **EMAIL:** mikek.gce@gmail.com

**TITLEHOLDER:** Michael Kennedy

**PROPERTY LOCATION:** East side of South Hurt Road, across from Donna Drive (3865 South Hurt Road).

**ACCESS TO PROPERTY:** South Hurt Road

**PHYSICAL CHARACTERISTICS TO SITE:** One story frame house

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/ Pineland Springs Subdivision
- SOUTH:** R-20/ Russell Ridge Estate Subdivision
- EAST:** R-20/ Fox Fire Forest Subdivision
- WEST:** R-20/ Russell Heights Subdivision

**PETITION NO:** Z-12

**HEARING DATE (PC):** 02-03-15

**HEARING DATE (BOC):** 02-17-15

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** RA-5

**PROPOSED USE:** Residential Development

**SIZE OF TRACT:** 3.48 acres

**DISTRICT:** 17

**LAND LOT(S):** 96, 121

**PARCEL(S):** 15

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

**COMMISSION DISTRICT:** 4

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

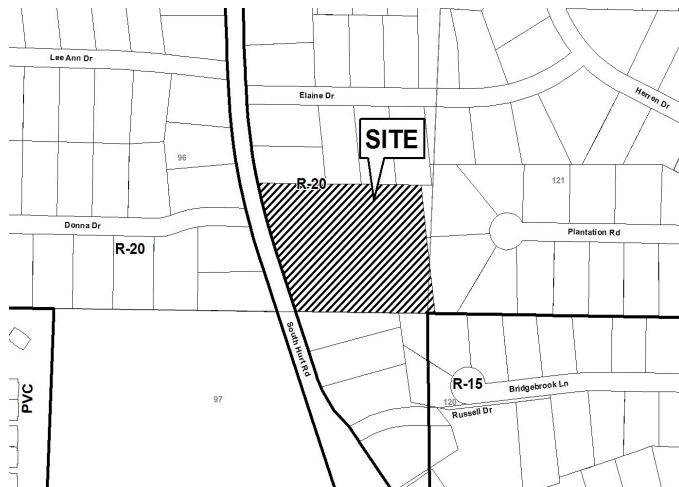
**BOARD OF COMMISSIONERS DECISION**

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

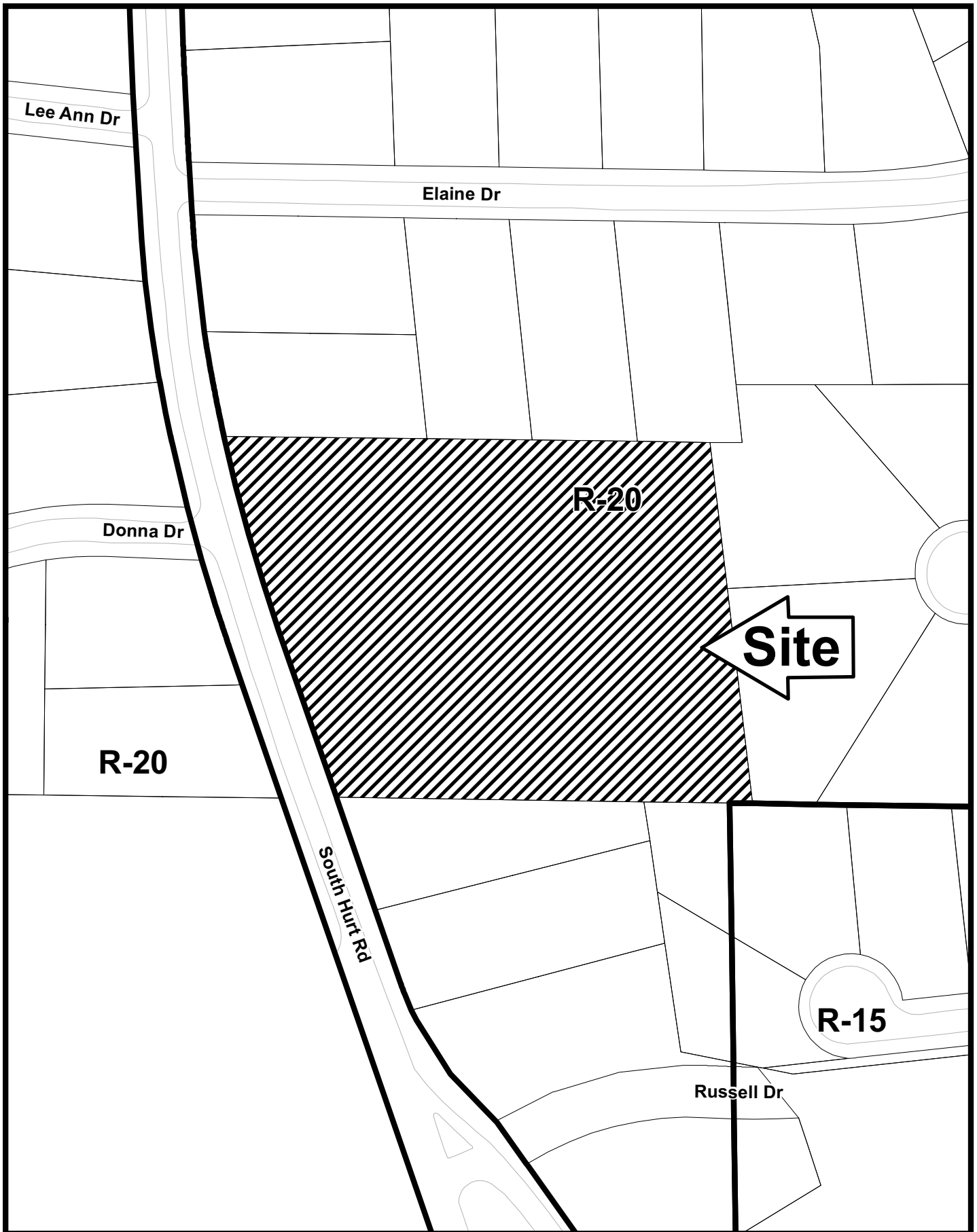
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

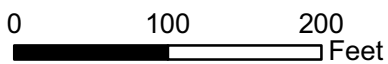
**STIPULATIONS:**



# Z-12



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



- City Boundary
- Zoning Boundary

**APPLICANT:** Michael B. Kennedy

**PETITION NO.:** Z-12

**PRESENT ZONING:** R-20

**PETITION FOR:** RA-5

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**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** Low Density Residential

**Proposed Number of Units:** 14                      **Overall Density:** 4.02                      **Units/Acre**

**Staff estimate for allowable # of units:** 6                      **Units\***                      **Increase of:** 8                      **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.

The applicant is requesting a rezoning to the RA-5 single-family residential district in order to develop 14 homes on the site’s 3.48 acres. The proposed units’ minimum square footage will be 2,500 and they will be craftsman in style with proposed selling prices around \$400,000. The community will be gated and all interior streets will be private. The applicant proposes to keep many of the larger trees on site.

The applicant’s proposal yields a density of 4.02 units per acre. This density is nearly double the maximum of 2.5 units per acre usually found within areas delineated as LDR low density residential. Surrounding subdivisions zoned R-20 and R-15 all have densities within the range forecast by the LDR designation (1-2.5 upa) including Fox Fire Forest to the east (1.6 upa), Covered Bridge Crossing to the south (1.8 upa), and Russell Heights to the west (2.5 upa). The only high density development in the vicinity is the Verandas at Barnes Mill Townhomes which lies 0.3 miles to the west on Hicks Road and is zoned PVC within a MDR medium density residential future land use area.

The applicant’s last revised plan received by the Zoning Division on March 23, 2015 proposes a layout that differs substantially from that originally filed. In this RA-5 proposal, no lots have access to a public street, lot sizes are under the minimum required by nearly half in some cases, lot widths are deficient as are front and rear setbacks, and no perimeter landscape buffer is provided adjacent to surrounding more restrictively zoned properties. In particular, the following variances will be required for this proposal:

1. Waive the minimum lot size from the required 7,000 square feet to as little as 3,776 square feet;
2. Allow all lots to be accessed by a private street;
3. Waive the minimum lot width from the required 50 feet at the front setback line to as little as 40 feet;
4. Waive the front setbacks from the required 25 feet to as little as 5 feet;
5. Waive the rear setbacks from the required 20 feet to as little as 10 feet;
6. Waive the allowable impervious surface from the maximum 40% to as much as approximately 60%; and
7. Waive the required 10 foot perimeter landscape buffer.

**Cemetery Preservation:** No comment.

APPLICANT: Michael B. Kennedy

PETITION NO.: Z-12

PRESENT ZONING: R-20

PETITION FOR: RA-5

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Russell	676	Under	
<b>Elementary</b> Floyd	935	Under	
<b>Middle</b> Osborne	1,999	Under	

**High**

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

**Additional Comments:**

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**FIRE COMMENTS:**

GUEST PARKING: 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.

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to RA-5 for houses. The 3.48 acre site is located on the east side of South Hurt Road, Across from Donna 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.

APPLICANT: Michael B. Kennedy

PETITION NO.: Z-12

PRESENT ZONING: R-20

PETITION FOR: RA-5

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**PLANNING COMMENTS:** (Continued)

**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?

**Incentive Zones**

Is the property within an Opportunity Zone?     Yes         No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?     Yes         No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?     Yes         No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

APPLICANT: Michael B. Kennedy

PETITION NO.: Z-12

PRESENT ZONING: R-20

PETITION FOR: RA-5

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**PLANNING COMMENTS:** (Continued)

**Special Districts**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes       No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes       No

Is this property within the Six Flags Special Service District?

Yes       No

APPLICANT Michael B. Kennedy

PETITION NO. Z-012

PRESENT ZONING R-20

PETITION FOR RA-5

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**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" AC / E side of South Hurt Road

Additional Comments: Master meter to be set at public ROW

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.

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**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: Along northern portion of property

Estimated Waste Generation (in G.P.D.): A D F= 2,880 Peak= 7,200

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

Driv 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: Michael B. Kennedy

PETITION NO.: Z-12

PRESENT ZONING: R-20

PETITION FOR: RA-5

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday 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 system.

APPLICANT: Michael B. Kennedy

PETITION NO.: Z-12

PRESENT ZONING: R-20

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 just east of South Hurt Road. The entire parcel drains to the east into and through the Foxfire Forest Subdivision. There is an existing private culvert located just downstream of the site that may be undersized.
2. There are multiple downstream drainage complaints and capacity issues due to the age of these developments. To mitigate these impacts, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).
3. The proposed development with private roads will require that all stormwater infrastructure be maintained by the HOA

**APPLICANT: Michael Kennedy**

**PETITION NO.: Z-12**

**PRESENT ZONING: R-20**

**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
South Hurt Road		Minor Collector	35	Cobb	60'

*Based on [] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

South Hurt Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

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

Recommend applicant consider entering into a development agreement pursuant to 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 east side of South Hurt Road, a minimum of 30' from the centerline.

Recommend taper for the South Hurt Road access.

Recommend curb, gutter, and sidewalk along the South Hurt Road frontage.

Per Section 401.10, recommend development entrance be offset a minimum of 125 feet from intersecting streets on other side of the South Hurt Road.

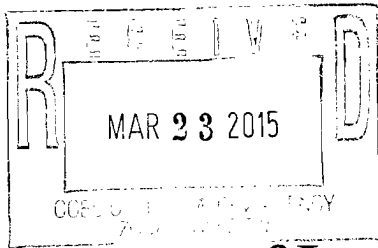
## STAFF RECOMMENDATIONS

### **Z-12 MICHAEL B. KENNEDY**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. The proposed density of 4.02 units per acre is nearly double that allowed by the property's LDR low density residential designation and much more than the highest density adjacent subdivision (Russell Heights – 2.49 upa). The proposal is surrounded by single-family houses.
- 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. The proposed density is much too great for the subject site and could lead to other such “pockets” of higher density being requested along South Hurt Road. The type of development is out of character with the area. This is evidenced by the many variances required by the applicant's latest 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The subject site is delineated as LDR low density residential on the future land use map and therefore should be developed for single-family homes within the density range of 1-2.5 units per acre. Surrounding neighborhoods similarly zoned and within the same LDR designation conform to this range. The applicant's request would be nearly double the density than these surrounding neighborhoods and much more than the forecasted range of the LDR area.
- 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. The request is out of character with the surrounding single-family homes that conform to the LDR designation's 1-2.5 units per acre. If approved, the request could lead to subsequent requests for out of character densities in the area.

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.**



Application No. Z-12

Feb. 2015

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 2,500
- b) Proposed building architecture: CRAFTSMAN
- c) Proposed selling prices(s): \$400,000
- d) List all requested variances: \_\_\_\_\_  
1) Private Streets  
2) minimum Lot Size + Dimensions

.....  
**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). No

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