



**APPLICANT:** Venkat Sai Taituri and Priya Harshini Bandaru

**PETITION NO:** 2-53

**PHONE#:** (203) 224-8564 **EMAIL:** venkattaituri@gmail.com

**HEARING DATE (PC):** 06-02-15

**REPRESENTATIVE:** Garvis L. Sams, Jr.

**HEARING DATE (BOC):** 06-16-15

**PHONE#:** (770) 422-7016 **EMAIL:** gsams@slhb-law.com

**PRESENT ZONING:** R-20

**TITLEHOLDER:** Venkat Sai Taituri and Priya Harshini Bandaru

**PROPOSED ZONING:** RM-8

**PROPERTY LOCATION:** East side of Cagle Road, north of

Lower Roswell Road

**PROPOSED USE:** Townhomes

(691 Cagle Road).

**ACCESS TO PROPERTY:** Cagle Road

**SIZE OF TRACT:** 1.5 acres

\_\_\_\_\_

**DISTRICT:** 1

**PHYSICAL CHARACTERISTICS TO SITE:** Over head powerlines

**LAND LOT(S):** 10

and towers.

**PARCEL(S):** 5

\_\_\_\_\_

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

**CONTIGUOUS ZONING/DEVELOPMENT**

**COMMISSION DISTRICT:** 2

**NORTH:** R-20/ Velvie B Power Subdivision

**SOUTH:** R-20/ Velvie B Power Subdivision

**EAST:** R-20/ Park Crest Subdivision

**WEST:** R-20/ Utilities Substation

**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-53

R-15

R-20

O&I

Chestnut Lake Dr

Park Crest Ct

Site

Cagle Rd

Parkcrest Pl

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



City Boundary  
Zoning Boundary

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**PETITION FOR:** RM-8

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**ZONING COMMENTS:**

**Staff Member Responsible:** Donald Wells

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

**Proposed Number of Units:** 9      **Overall Density:** 6.0      **Units/Acre**

**Staff estimate for allowable # of units:** 2      **Units\* Increase of:** 7      **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 RM-8 zoning category in order to develop a townhouse community. The townhouses will be a minimum of 2000 square feet and will be traditional in styling. The units will range in price from the mid \$300,000. The proposed units will be 20 feet wide. There is an existing overhead power line easement on the property south of the proposed townhouse development. Each unit will be front loaded. There is a 25 foot landscape buffer required along the north, south, and east property lines.

Applicant is requesting the following contemporaneous variances:

1. Waive the front setback from 50 feet to 10 feet;
2. Waive the minimum lot size from 80,000 square feet to 65,340 square feet

**Cemetery Preservation:** No comment.

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**SCHOOL COMMENTS:**

**Number of**

**Capacity**

**Portable**

**Name of School**

**Enrollment**

**Status**

**Classrooms**

Mount Bethel

1,027

Under

\_\_\_\_\_

**Elementary**

Dickerson

1,261

Over

\_\_\_\_\_

**Middle**

Walton

2,674

Over

\_\_\_\_\_

**High**

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

**Additional Comments:** Approval of this petition could adversely impact the enrollment of Dickerson Middle School and Walton High School, as both of these schools are over capacity at this time.

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**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.

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to RM-8 for purpose of townhomes. The 1.5 acre site is located on the east side of Cagle Road, north of Lower Roswell Road.

**Comprehensive Plan**

The parcel is within a Medium Density Residential (**MDR**) future land use category, with R-20 zoning designation. The purpose of the Medium Density Residential (**MDR**) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) 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?

**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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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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  Venkat Sai Taituri and Priya Harshini Bandaru  
PRESENT ZONING  R-20

PETITION NO.  Z-053  
PETITION FOR  RM-8

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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" DI / E side of Cagle Rd

Additional Comments: Master meter to be set at edge of 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: 320' N in Hampton Woods S/D

Estimated Waste Generation (in G.P.D.): A D F= 1,440 Peak= 3,600

Treatment Plant: Suiton

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availabilitv:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No  
Flow Test Required:  Yes  No  
Letter of Allocation issued:  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

Septic Tank Recommended by this Department:  Yes  No  
Subject to Health Department Approval:  Yes  No

Additional Sewer also 150' E in Park Crest S/D (w/easement) if elevations allow  
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.

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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FLOOD HAZARD:     YES     NO     POSSIBLY, NOT VERIFIED

DRAINAGE BASIN:    Bishop 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 CONDITIONS**

- 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 Lakes Downstream – Private Lake (Vandergriff) and Hampton Woods Lake. 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 receiving culvert under Cagle Road.

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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 – will need to be determined at Plan Review.
- 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 entire site drains to the west into the right-of-way of Cagle Road. The site stormwater management facility must be tied directly to the existing culvert under Cagle Road. Allowable peak discharges from the site must not exceed the capacity of this existing pipe.
2. There is no recorded downstream drainage easement or well-defined drainage conveyance through the downstream parcels. To compensate, 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).

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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
Cagle Road	N/A	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Cagle Road 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 curb and gutter along Cagle Road frontage.

Recommend Alternative Compliance for sidewalk along Cagle Road.

Recommend private streets be constructed to the Cobb County Standard Specifications.

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

## STAFF RECOMMENDATIONS

### **Z-53 VENKAT SAI TATTURI AND PRIYA HARSHINI BANDARU**

- 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. The applicant's proposal would be much more dense than adjacent residential developments.
- 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. Staff is concerned that the density would be out of character with the developed density around the proposal. The house directly south was built in 1999; the second house to the north (725 Cagle Road) was built in 2012. Approval of the request would encourage other housing that is out of character with the area.
- 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, or utilities. This opinion can be supported by the departmental comments contained in this analysis. However, the school system is concerned the proposal could adversely affect certain schools.
- 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 a Medium Density Residential (MDR) Land Use Designation. Medium Density Residential uses range from 2.5 to 5 dwelling units per acre. The applicant's proposal is seeking 6 dwelling 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. Parkcrest subdivision is located to the east of the proposed site and is 1.9 units per acre. The applicant's proposal would be out of character with the low intensity single family houses. The applicant's proposal requested variances from the zoning code are too intense for staff to support. The applicants requested density would be at least 3 times higher than the contiguous subdivision.

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.**

# Summary of Intent for Rezoning \*

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

- a) **Proposed unit square-footage(s):** 2000 - 2400 square feet
- b) **Proposed building architecture:** Traditional with elevations/renderings submitted under separate cover.
- c) **Proposed selling prices(s):** \$350,000 and higher
- d) **List all requested variances:** As shown on the site plan filed contemporaneously with the Application For Rezoning.

.....  
**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)**

\_\_\_\_\_ The subject property is a small tract of land which is located in an area under Cobb County's  
 \_\_\_\_\_ Future Land Use Map which is denominated as Medium Density Residential ("MDR").  
 \_\_\_\_\_

.....  
**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). N/A

\_\_\_\_\_  
 \*Applicants reserve the right to modify or revise the proposal and/or this Summary of Intent for Rezoning during the pendency of the Application for Rezoning.