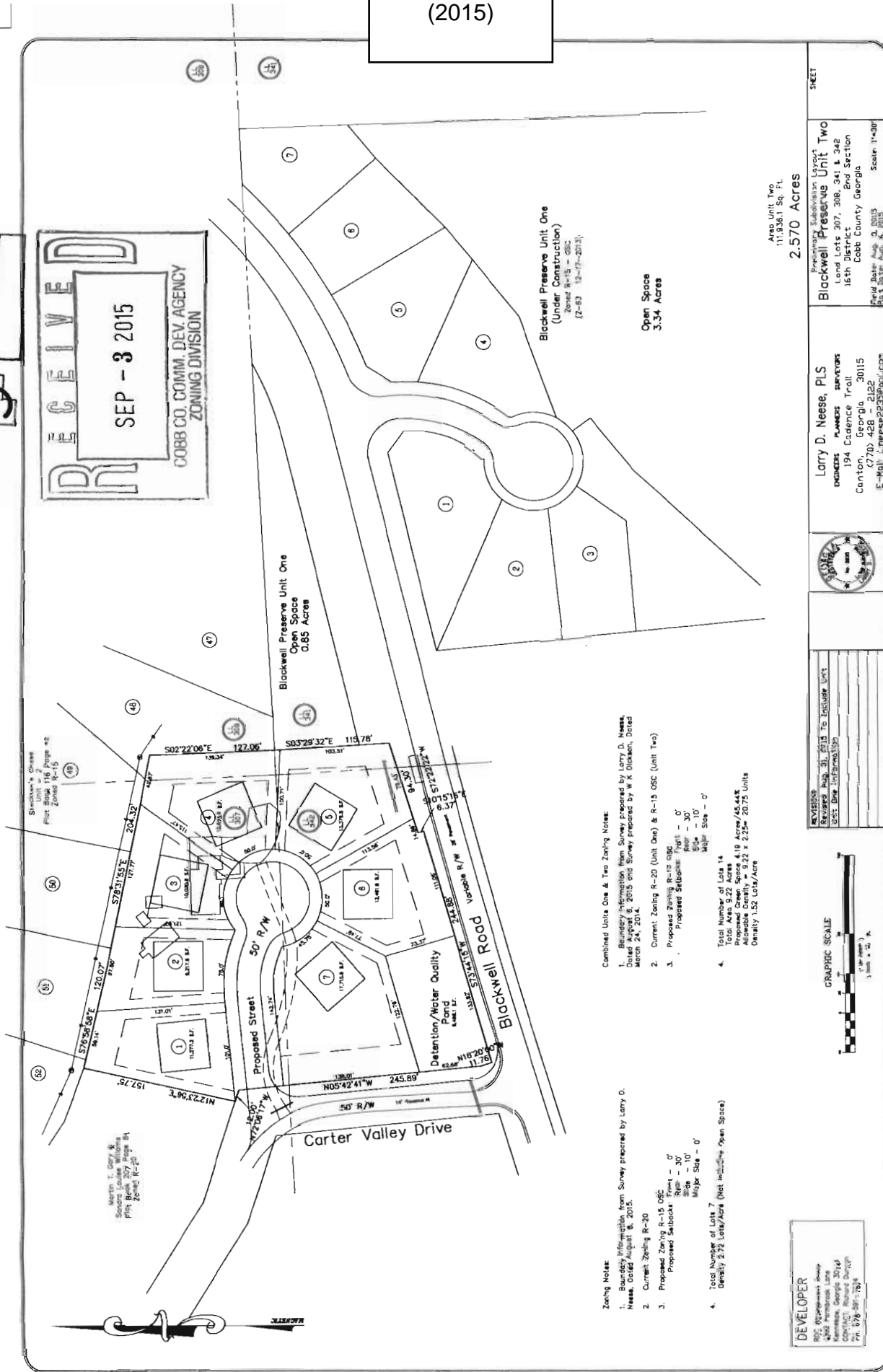


Z-88
(2015)

REVISED

RECEIVED
SEP - 3 2015
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



- Combined Units One & Two Zoning Notes:**
1. Boundary information from Survey prepared by Larry D. Neese, Dated August 6, 2015 and Survey prepared by W. R. Dickson, Dated March 24, 2014.
 2. Current Zoning R-20 (Unit One) & R-15 ODC (Unit Two)
 3. Proposed zoning R-20 (Unit One) & R-15 ODC (Unit Two)
 Front - 0'
 Side - 10'
 Major Side - 0'
 4. Total Number of Lots 14
 Total Area 9.22 Acres
 Average Density 1.52 Lots/Acre
 Allowable Density 3.22 & 2.25- 20.75 Units
 Density 1.52 Lots/Acre

- Zoning Notes:**
1. Boundary information from Survey prepared by Larry D. Neese, Dated August 6, 2015.
 2. Current Zoning R-20
 3. Proposed zoning R-15 ODC
 Front - 0'
 Side - 10'
 Major Side - 0'
 4. Total Number of Lots 7
 Density 2.22 Lots/Acre (Net including Open Space)

Open Space
3.34 Acres

Blackwell Preserve Unit One
(Under Construction)
Zoned R-15 - ODC
(Z-83 12-17-2013)

Blackwell Preserve Unit One
Open Space
0.85 Acres

Area Unit Two
11,936.1 Sq. Ft.
2.570 Acres

Proposed Subdivision Layout
Blackwell Preserve Unit Two
Lots 307, 308, 341 & 342
16th District 2nd Section
Cobb County Georgia
Field Book Aug. 9, 2015
Plat & Master Aug. 6, 2015
Scale: 1"=300'

Larry D. Neese, PLS
ENGINEER PLANNERS SURVEYORS
194 Cadence Trail
Canton, Georgia 30115
(770) 428-2122
E-Mail: L.Neese@plsgaol.com



REVISIONS
Revised Aug. 31, 2015 To Include Unit 1
Unit One, Unit Two, Unit Three



DEVELOPER
P&S Development, LLC
4500 Peachtree Lane
Kennesaw, Georgia 30144
CONTACT: Richard D. Neese
Ph: 678-581-7828

SHEET

APPLICANT: Duncan Land Investments, LLC

PETITION NO: Z-88

PHONE#: (678) 591-7624 **EMAIL:** duncanlandinvest@yahoo.com

HEARING DATE (PC): 10-06-15

REPRESENTATIVE: Richard Duncan

HEARING DATE (BOC): 10-20-15

PHONE#: (678) 591-7624 **EMAIL:** riversouth59@yahoo.com

PRESENT ZONING: R-20

TITLEHOLDER: David Bruce Gary, Martin Thomas Gary, and
Forrest Owen Gary

PROPOSED ZONING: R-15/OSC

PROPERTY LOCATION: Northeast corner of Blackwell Road and
Carter Valley Drive.

PROPOSED USE: Addition of Property to
an Existing OSC Subdivision

ACCESS TO PROPERTY: Carter Valley Drive

SIZE OF TRACT: 2.57 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: One, single-family
ranch house

LAND LOT(S): 307, 308, 341, 342

PARCEL(S): 11, 12, 13

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-15/ Stocktons Chase Subdivision

SOUTH: R-20/ Single-family Residences

EAST: R-15/ Stocktons Chase Subdivision

WEST: R-20/ Rock Garden Subdivision

Adjacent Future Land Use:

North: Low Density Residential (LDR)

East: Low Density Residential (LDR)

South: Low Density Residential (LDR)

- across Blackwell Road

West: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

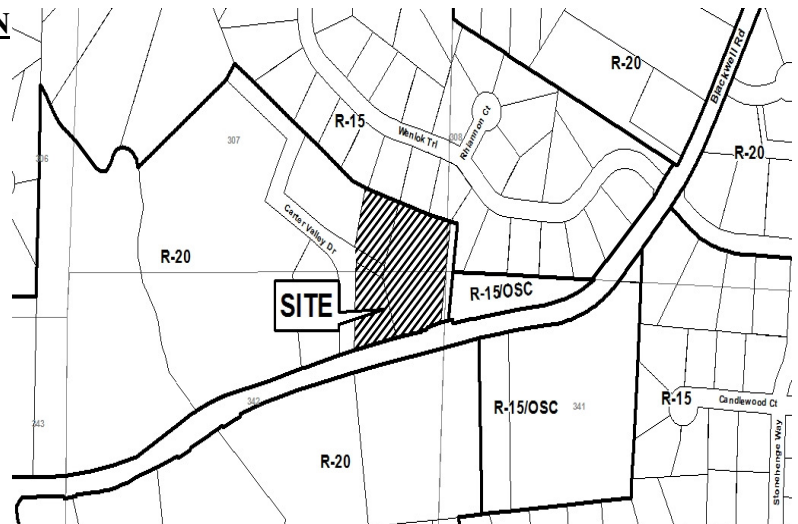
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

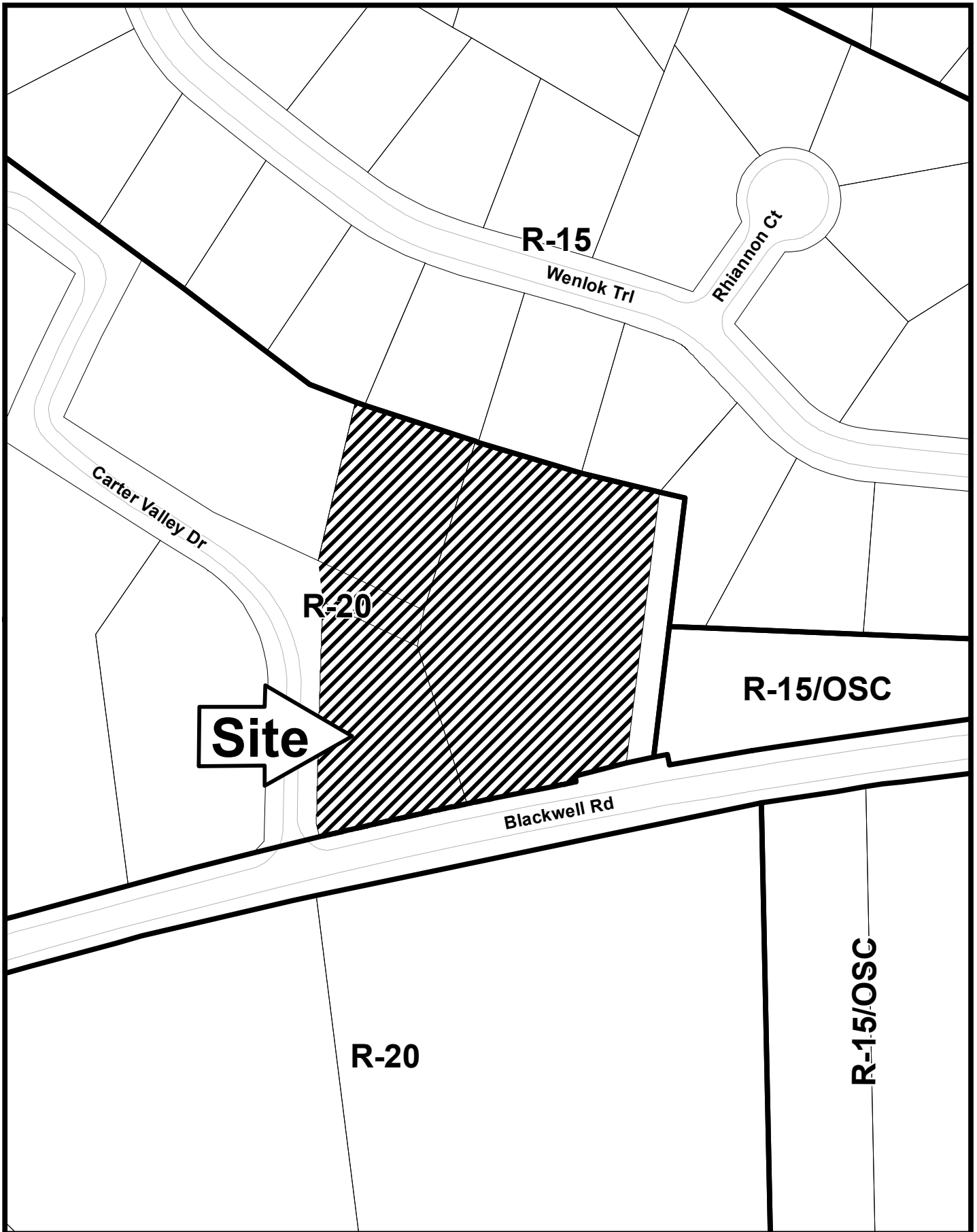
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

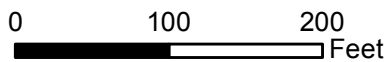
STIPULATIONS:





Z-88



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, LLC

PETITION NO.: Z-88

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

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

Proposed Number of Units: 7, Unit Two; 14 Total Overall Density:2.72, Unit Two, 1.52 Total Units/Acre

Staff estimate for allowable # of units: 4 Units* **Increase of:** 3 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 rezoning from R-20 single-family residential district to R-15/OSC single-family residential district open space community overlay in order to construct seven (7) homes on the subject 2.57 acres. The homes will be Craftsman style with minimum house sizes of 2,100 square feet and proposed selling prices of \$450,000 to \$550,000. The subject property and its anticipated seven (7) homes, would result in a density of 2.72 units per acre if taken alone.

However, the applicant is seeking to incorporate this project as Unit Two of Blackwell Preserve, having already rezoned and begun construction on Unit One located across Blackwell Road. Taken together, both units, with a combined 9.22 acres and 14 homes would give a density of 1.52 units per acre. The two units together provide over 45% of open space, more than the required 33% for the bonus in density allowed to OSC projects while staying well under the base density of 2.1 units per acre. Yet, the OSC requirement of contiguity of the open space components to the overall project is only met for the current Unit Two when considering the 0.85 acres of open space on the north side of Blackwell Road previously considered under Z-63 of 2013. This 0.85 acres, on its own, would provide the necessary 33% of open space for the OSC density bonus yet Unit Two would only amount to 2 units per acre, less than the allowed 2.25. When considered separately in this fashion, Unit One would still retain over 50% open space, more than adequate for its 6.65 acres and 1 unit per acre.

Cemetery Preservation: No comment.

APPLICANT: Duncan Land Investments, LLC

PETITION NO.: Z-88

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Student Capacity</u>	<u>Student Enrollment</u>	<u>Capacity Status</u>
<u>Rocky Mountain</u>	<u>611</u>	<u>606</u>	<u>5 under enrollment</u>
<u>Elementary Simpson</u>	<u>865</u>	<u>921</u>	<u>56 over enrollment</u>
<u>Middle Lassiter</u>	<u>2,137</u>	<u>2,131</u>	<u>6 under enrollment</u>

High

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

Additional Comments:

Approval of this petition could negatively impact the enrollment at Simpson Middle School, as Simpson 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, LLC

PETITION NO.: Z-88

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 addition of property to an existing OSC subdivision. The 2.8acre site is located on the northeast corner of Blackwell Road and Carter Valley Drive.

Comprehensive Plan

The parcel is within a Low Density future land use category with R-20 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, and non supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre, depending on existing conditions such as product type and mix, structure/building height, tract size, topographic conditions, etc in order to provide compatibility with adjacent residential uses. This category presents a range of densities.

Specific Area Policy Guidelines:

There are no policy guidelines for this area.

Adjacent Future Land Use:

- North: Low Density Residential (LDR)
- East: Low Density Residential (LDR)
- South: Low Density Residential (LDR) – across Blackwell Road
- West: Low Density Residential (LDR)

Master Plan/Corridor Study

The property is not located within the boundary of a Corridor Study

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.

APPLICANT: Duncan Land Investments, LLC

PETITION NO.: Z-88

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

PLANNING COMMENTS: **Continued**

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>.

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

Planning Staff Analysis: Contact: Philip Westbrook (770) 528-2014

Total Area: 9.22 acres
Floodplain/Wetland Area/Cemetery: 0 acres
Net Buildable Area: 9.22 acres
Base Density Allowed: 2.1 upa
Base Density Allowed w/Bonus: 2.25 upa
Proposed Lots: 14
Net Density: 1.52 upa
Future Land Use: Low Density Residential (1 to 2.5 upa)

Open Space Requirement: 2.76 acres or 30%; for bonus 3.04 acres or 33%
Open Space Provided: 4.19 acres or 45.44%
Percentage of Open Space within Floodplain, Wetlands, & Lakes w: N/A

Setbacks:
Front: 0'
Rear: 30'
Side: 10'

Comments:
The applicant is submitting this proposal as Unit Two of Blackwell Preserve. Unit One was approved to R-15-OSC in December of 2013 (Z-63). Z-63 was zoned for 7 lots at a density of 1.05 upa with 63% open space that included 3.34 contiguous open space acres and .85 acres of open space across Blackwell Road.

APPLICANT: Duncan Land Investments, LLC

PETITION NO.: Z-88

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

PLANNING COMMENTS: **Continued**

The .85 acres of open space would be contiguous to the proposed Unit Two project, which also includes 7 lots.

Calculations and comments above reflect the entire Blackwell Preserve subdivision, both Unit 1 and Unit 2.

1. Need to make note on site plan whether or not Floodplain/wetlands/Lakes are present on both tracts of land that includes Unit 1 and Unit 2.
2. Contiguity of open space is highly desirable.
3. To conserve scenic views and reduce perceived density the proposal should maximize the number of houses with direct access to and views of open space.
4. One of the purposes and intent of the OSC is to promote interconnected greenways and corridors throughout the community; to promote greenspace as passive recreation. Consider designing a plan that connects open space and provides passive recreation opportunities.
5. Need to provide either a 25 foot dedicated open space strip or a 15 foot pedestrian easement to access contiguous open space.
6. Please list lot sizes for adjacent compatibility purposes.
7. For all lots setbacks should meet or exceed that of the underlying zoning.
8. Must have Cobb Department of Transportation approved lighting plan in if outdoor lighting (except individual residential lots) is proposed
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.

Recommendations:

10. 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.
11. As another form of privacy barrier staff recommends installing fence to the rear of lots that area adjacent to open space.
12. Provide architectural renderings and description of the façade treatments that will be used on the proposed housing units

APPLICANT Duncan Land Investments

PETITION NO. Z-088

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): 6" / E side of Carter Valley Drive

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: 10 ft from northern edge of site

Estimated Waste Generation (in G.P.D.): A D F= 1,120 Peak= 2,800

Treatment Plant: Noontday

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 Sewer in Stocktons Chase may not be able to serve all lots, depending on final grades. Sewer Comments: also ~500 ft W in Blackwell Road

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, LLC

PETITION NO.: Z-88

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 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 Lake Downstream – Rock Garden Pond.
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 private receiving culvert and Rock Garden Pond.

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 entire site drains to the west through the Rock Garden Subdivision into the floodplain of Rubes Creek via a small private farm pond within the Rock Garden Subdivision. A hydrologic routing will be required to verify no adverse impact to this pond. A pre- and post- sediment survey will also be required.
2. A 20-foot drainage easement and adequate pipe capacity must be provided at the rear of lots 5 and 6 to convey offsite runoff through the site.

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'
Carter Valley Drive	N/A	Local	25 mph	Cobb County	50'

Based on 2007 traffic counting data taken by Cobb County DOT for 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.

Carter Valley Drive is classified as a local and according to the available information the existing right-of-way may 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 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 north side of Blackwell Road, a minimum of 50' from the roadway centerline.

Carter Valley Drive is a substandard street. Recommend improving Carter Valley Drive from along the frontage to the intersection with the proposed street to comply with Cobb County Standards.

Recommend curb, gutter, and sidewalk along the Carter Valley Drive frontage.

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

STAFF RECOMMENDATIONS

Z-88 DUNCAN LAND 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. 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 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates this property to be within the Low Density Residential (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 1.52 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 subdivisions are zoned R-15 with slightly higher densities than applicant's proposed 1.52 units per acre. Moreover, even when taken alone, Unit Two and its contiguous 0.85 acres of open space would still be in keeping with surrounding neighborhoods with a density of 2 units per acre.

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

- Revised site plan received by the Zoning Division on September 3, 2015 with District Commissioner approving minor modifications;
- 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.



Application No. Z-88
Oct. 2015

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: Craftman
- c) Proposed selling prices(s): ~~500~~ 450 to 550
- 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: _____

.....
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).**

