

APPLICANT: Kevin Obarski
PHONE#: (404) 313-0319 **EMAIL:** obarskik@yahoo.com
REPRESENTATIVE: Andrew Kelly
PHONE#: (770) 560-4103 **EMAIL:** andrew@1023 consruction.com
TITLEHOLDER: Kevin Obarski

PETITION NO: Z-96
HEARING DATE (PC): 11-03-15
HEARING DATE (BOC): 11-17-15
PRESENT ZONING: R-30, GC

PROPERTY LOCATION: East side of Cochise Drive, north of
Paces Ferry Road
(3753 Cochise Drive)

PROPOSED ZONING: R-30
PROPOSED USE: Single-family houses

ACCESS TO PROPERTY: Cochise Drive

SIZE OF TRACT: 5.255 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing two story
frame house

DISTRICT: 17

LAND LOT(S): 1019,1020

PARCEL(S): 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-30/ Cochise Subdivision
SOUTH: GC/ Retail Commercial
EAST: Chattahoochee River
WEST: R-30/ Cochise Subdivision

Adjacent Future Land Use:

Northwest: Very Low Density Residential (VLDR)
Northeast: Park/Recreation/Conservation (PRC)
Southeast: Neighborhood Activity Center (NAC)
Southwest: Park/Recreation/Conservation (PRC)

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

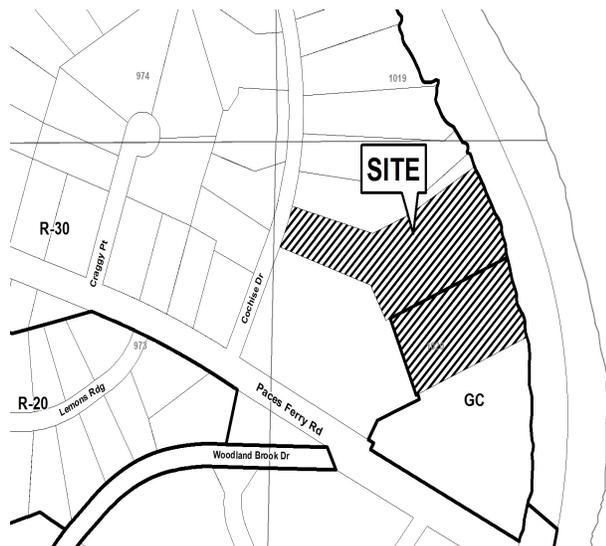
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

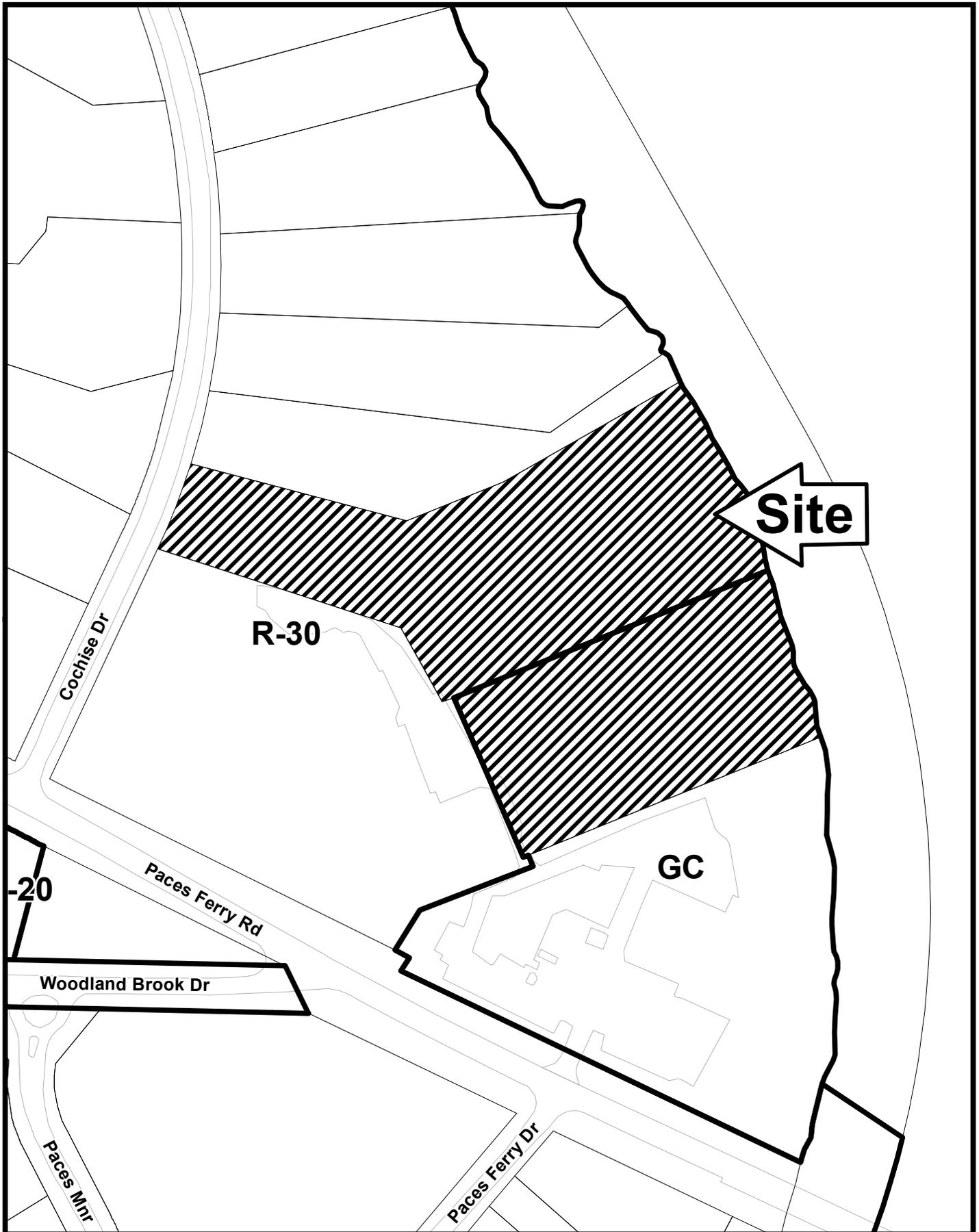
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

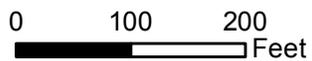
STIPULATIONS:



Z-96



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Kevin Obarski

PETITION NO.: Z-96

PRESENT ZONING: R-30, GC

PETITION FOR: R-30

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Very Low Density Residential (0-2 units per acre)

Proposed Number of Units: 2 **Overall Density:** 0.57 **Units/Acre**

Staff estimate for allowable # of units: 5 **Units*** **Decrease 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 a rezoning to R-30 in order to build a single family house. The north house will connect with two (2) secondary structures for use of family. The proposal includes three (3) buildings, all separate living structures, ranging in sizes of 5,000, 3,000, and 1,000 square feet, all connected by breezeways around a central pool area.

If approved, the applicant will require the following variances:

1. Allowance of more than 50 foot breezeway connecting living space, on north tract; and
2. Accessory structure (pool) to the side/in front of primary structure, on north tract.

Cemetery Preservation:

No comment.

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PRESENT ZONING: R-30, GC

PETITION FOR: R-30

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u> </u>	<u> </u>	<u> </u>
<u>Middle</u>	<u> </u>	<u> </u>	<u> </u>
<u>High</u>	<u> </u>	<u> </u>	<u> </u>

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

Additional Comments:

FIRE COMMENTS:

1. Driveway must have a minimum 12' driving surface width with minimum 25' inside turning radius.
2. Fully developed landscaping shall be at least 7'0" from center of drive (14' clear width) and 13'6" vertical clearance. (Indicate on plan minimum setbacks).
3. Maximum grade shall not exceed 18%.
4. Driveway must extend within 150' of the most remote portion of the structure.
5. Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
6. Driveway must support 25 Tons (50,000 lbs.)
7. Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width
8. Hydrant within 500' of remote structure, minimum 6" main*
(Required Flow: 1000 gpm @ 20 psi)
9. Fire Flow Test from closest existing hydrant*
(Required Flow: 1000 gpm @ 20 psi)

APPLICANT: Kevin Obarski

PETITION NO.: Z-96

PRESENT ZONING: R-30, GC

PETITION FOR: R-30

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 and GC to only R-30 for purpose of single family residential. The 5.255 acre site is located on the east side of Cochise Drive, north of Paces Ferry Road.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No

If yes, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category with R-30 and GC zoning designations. The purpose of the Very Low Density Residential (VLDR) category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) dwelling units per acre. R-30 is, but GC is not a zoning district that is listed among the appropriate conversions for VLDR.

Specific Area Policy Guidelines:

In a effort to mitigate any future land use conflicts and to ensure the preservation of the stable low-density, single-family residential neighborhoods that make up Vinings, it is recommended that the Very Low Density Residential (VLDR) future land use that currently exists on the majority of the residential areas of Vinings, be kept in place and that any future development or redevelopment be compatible with the VLDR future land use category and the surrounding low-density, single-family neighborhoods. This area includes existing VLDR along Stillhouse Road, Paces Mill Road, New Paces Ferry Road, Paces Ferry Road, Woodland Brook Drive, and associated neighborhoods off these major roads in Vinings.

Adjacent Future Land Use:

- Northwest: Very Low Density Residential (VLDR)
- Northeast: Park/Recreation/Conservation (PRC)
- Southeast: Neighborhood Activity Center (NAC)
- Southwest: Park/Recreation/Conservation (PRC)

Master Plan/Corridor Study

The property is located within the boundary of the Vinings Vision Plan area.

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?

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PRESENT ZONING: R-30, GC

PETITION FOR: R-30

PLANNING COMMENTS:
Continued

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>.

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

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PETITION NO. Z-096

PRESENT ZONING R-30, GC

PETITION FOR R-30

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 Cochise Drive

Additional Comments: Existing water customer

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.): A D F= +0 Peak= +0

Treatment Plant: Sutton

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 Existing sewer customer
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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PETITION FOR: R-30

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: Zone AE

- 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 _____.
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 _____.

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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 for the proposed building pads 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 parcel is located within the Chattahoochee River Corridor and is therefore subject to the provisions of the Metropolitan River Protection Act (MRPA). A MRPA review will be required to verify compliance with the Act.
2. Since this parcel is located totally within the 100-year floodplain of the Chattahoochee River it will be subject to compliance with Cobb County’s Flood Damage Prevention Ordinance. The 100-year base flood elevation for this parcel is 776.7 ft NAVD. The minimum finished floor elevations must be at or above 779.7 ft NAVD. No net fill will be allowed.

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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
Cochise Drive	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

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

Recommend sidewalk along the Cochise Drive frontage.

STAFF RECOMMENDATIONS

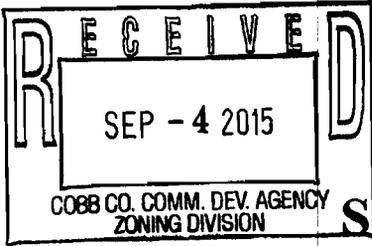
Z-96 KEVIN OBARSKI

- 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. The intended use will remain residential in character for the use of family.
- 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 intended residential use will not change the existing pattern of use nor negatively impact adjacent properties.
- 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*. Being within an area delineated as Very Low Density Residential (VLDR), the request continues to follow that category's goal of residential development of no more than two (2) dwelling units per acre. The applicant's intended use for a single family house also upholds the VLDR category's desire to encourage development that helps protect the estate character of the area in that it is not a proposal to subdivide the property into subsequent lots.
- 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. The request is to rezone the adjacent parcel to the R-30 single-family residential district to match that of the existing home site. The existing home will be removed and replaced with three (3) residential structures all connected by breezeways. These structures will make up a compound for a single family to live on site. In that all residents will be of a single family, the request does not encourage further density or development that would otherwise be out of character with the area.

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

- Site plan received September 22, 2015 with District Commissioner approving minor modifications;
- For single-family residential use only as per Cobb County Code;
- Both lots to be combined into one lot prior to permitting;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

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-96

Nov. 2015

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 5000, 3000, 1000
- b) Proposed building architecture: FRENCH PROVINCIAL
- c) Proposed selling prices(s): 5 MM
- d) List all requested variances: SEPARATE LIVING STRUCTURES

.....
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)

PROPERTY OWNED BY FAMILY WHOSE WIFE HAS RECENTLY PASSED.
THE DESIRED LAND USE WOULD BE TO HAVE A MAIN HOUSE
N/ 2 SECONDARY STRUCTURES FOR USE OF FAMILY TO ASSIST
IN RAISING THE CHILDREN.

.....
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