

NO.	REVISION

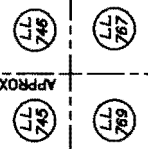
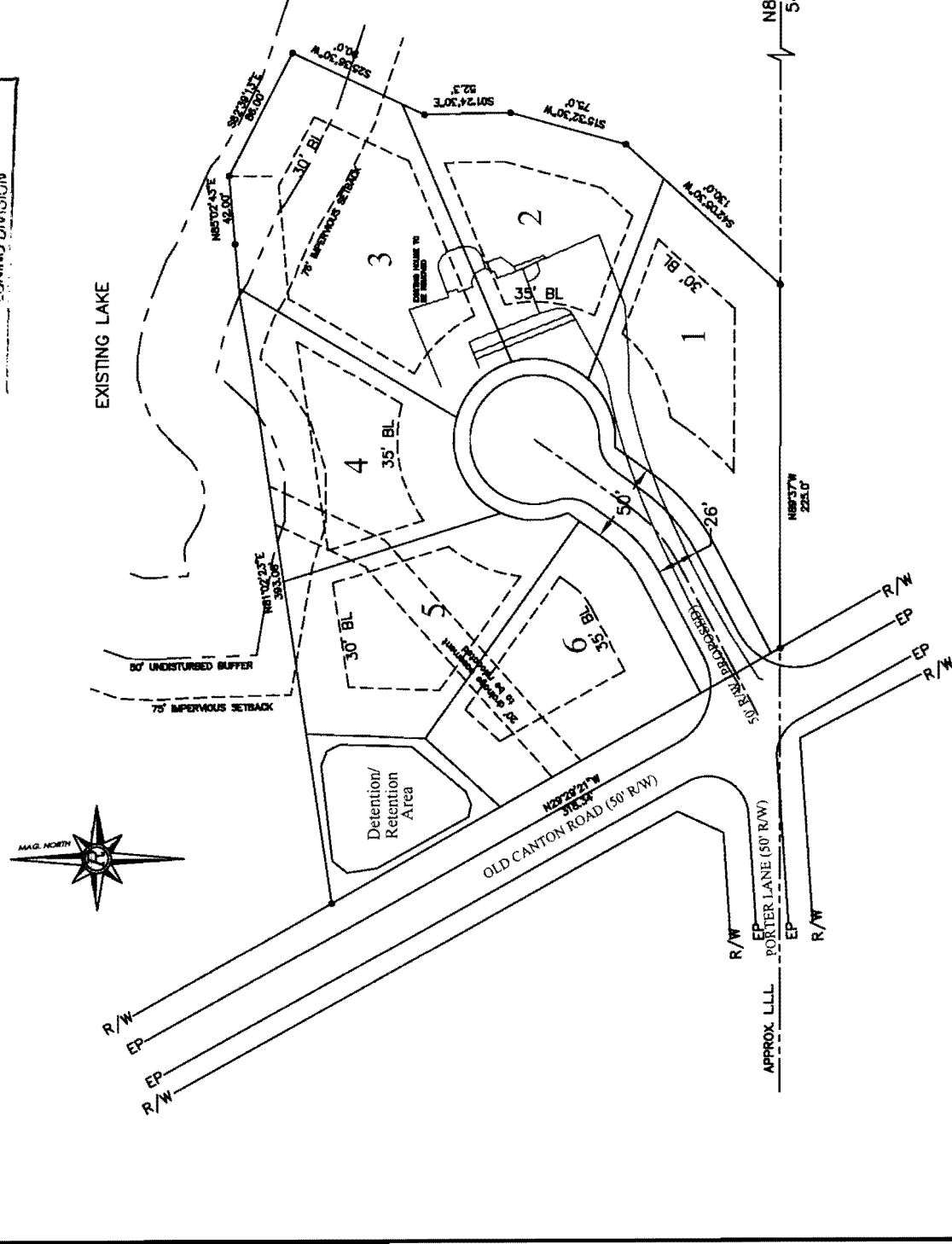


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DEVELOPMENT SUMMARY	
Property Area	3.1 ac
Proposed Lots	6 LOTS
Existing Zoning	R-20
Proposed Zoning	R-15
Proposed Land Use	Single Family
Min. Lot Size	15,000 sq ft
Min. Width Lot At Setback	7.5 ft, 50 ft cut-de-sac
Min. Road Frontage	75 ft, 50 ft cut-de-sac
Front Yard Setback	35 ft
Major Side Yard Setback	25 ft
Minor Side Yard Setback	10 ft
Rear Yard Setback	30 ft

**NOTES**  
 1. Boundary information from survey by Atlanta Engineering Services, Inc. dated August 14, 1992.  
 2. There are no utility easements on the property.  
 3. There is not a 100 year flood plain on the property.  
 4. There are no wetlands on the property.  
 5. There are no apparent cemeteries on the site.  
 6. There are no apparent Architectural or Archeological landmarks on the property.  
 7. Water and sewer services provided by Cobb County Water and Sewer Authority.

**SEP 14 2015**  
 COBB COUNTY COMM. DEV. AGENCY  
 ZONING DIVISION



**APPLICANT:** SunSpring Land Investors

**PETITION NO:** Z-97

**PHONE#:** (404) 402-7035 **EMAIL:** dave@sunspringpartners.com

**HEARING DATE (PC):** 12-01-15

**REPRESENTATIVE:** Dave Odom

**HEARING DATE (BOC):** 12-15-15

**PHONE#:** (404) 402-7035 **EMAIL:** dave@sunspringpartners.com

**PRESENT ZONING** R-20

**TITLEHOLDER:** David B. Mizelle and Dana T. Mizelle

**PROPOSED ZONING:** R-15

**PROPERTY LOCATION:** On the east side of Old Canton Road,

across from Porter Lane

**PROPOSED USE:** Subdivision

(1964 Old Canton Road)

**ACCESS TO PROPERTY:** Old Canton Road

**SIZE OF TRACT:** 3.1 acres

**DISTRICT:** 16

**PHYSICAL CHARACTERISTICS TO SITE:** Existing single-family

**LAND LOT(S):** 745

residence

**PARCEL(S):** 2

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/ Single-family Residence
- SOUTH:** R-15/ Regents Park Subdivision
- EAST:** R-15/ Regents Park Subdivision
- WEST:** R-12/ Orchard Grove Subdivision

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

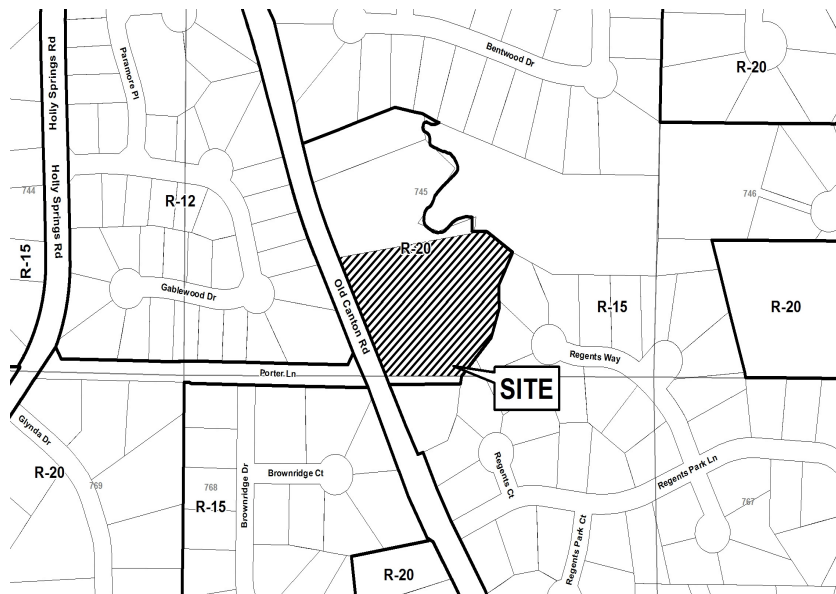
**BOARD OF COMMISSIONERS DECISION**

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

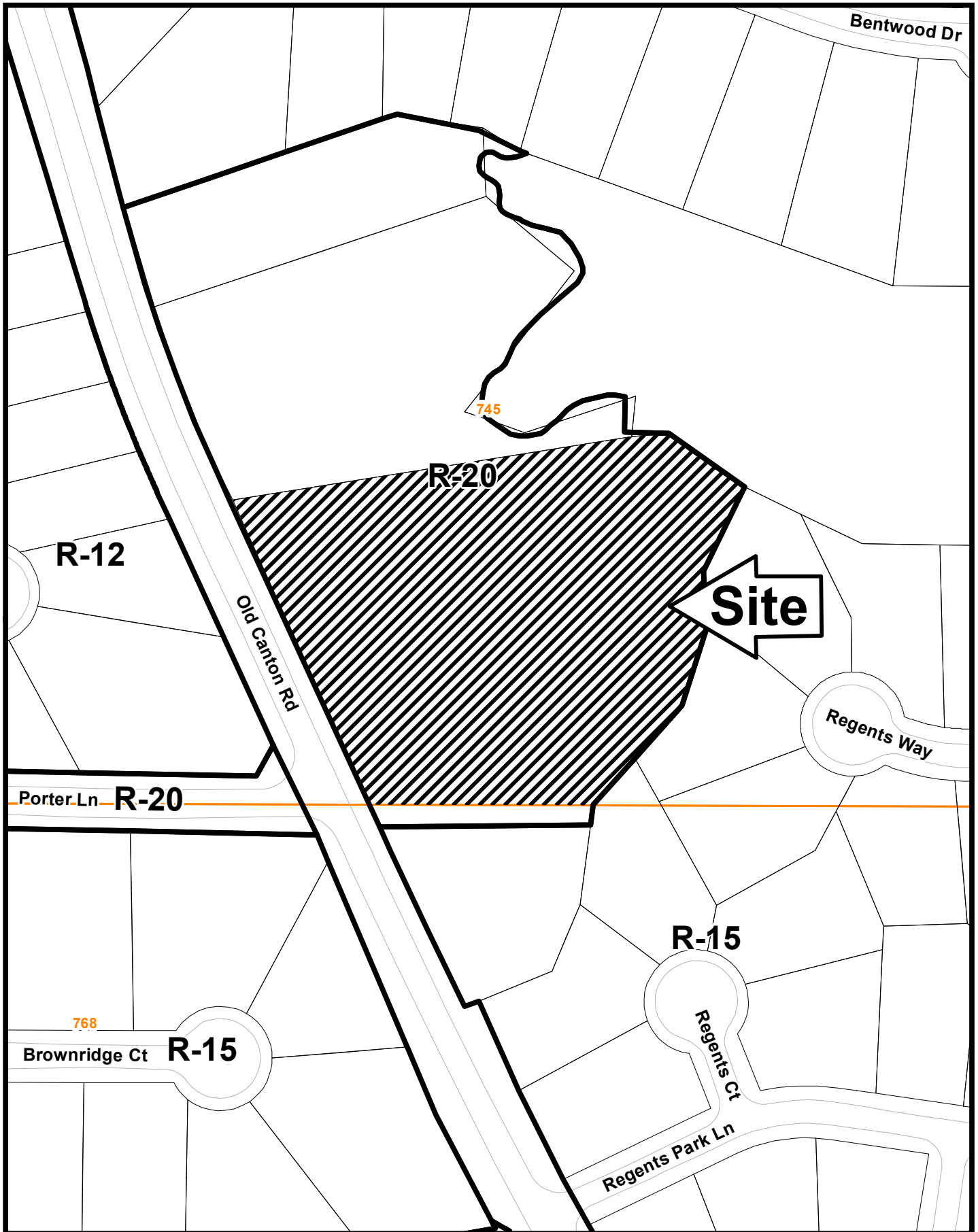
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

**STIPULATIONS:**



# Z-97



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

0 100 200 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** SunSpring Land Investors

**PETITION NO.:** Z-97

**PRESENT ZONING:** R-20

**PETITION FOR:** R-15

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**ZONING COMMENTS:**

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

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

**Proposed Number of Units:** 6 **Overall Density:** 1.94 **Units/Acre**

**Staff estimate for allowable # of units:** 5 **Units\*** **Increase of:** 1 **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 of the subject property from the current R-20 single-family residential district to the R-15 single-family residential district in order to develop a six (6) lot subdivision on 3.1 acres.

The proposed density would be 1.94 units per acre, less than similarly zoned neighborhoods in the immediate area such as Regents Walk to the south and east that is zoned R-15 at 2.28 units per acre and Orchard Grove subdivision across Old Canton Road to the west which is zoned R-12 single-family residential district and contains a density of 3.12 units per acre.

The proposed homes will be 4,000 square feet in size or greater and be of traditional architecture. Anticipated selling prices will be in the \$700,000 to \$800,000 range.

**Cemetery Preservation:**

No Comment.

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APPLICANT: SunSpring Land Investors

PETITION NO.: Z-97

PRESENT ZONING: R-20

PETITION FOR: R-15

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Student Capacity</u>	<u>Student Enrollment</u>	<u>Capacity Status</u>
<u>Murdock</u>	<u>995</u>	<u>901</u>	<u>94 under enrollment</u>
<b>Elementary</b> <u>Dodgen</u>	<u>1,046</u>	<u>1,226</u>	<u>180 over enrollment</u>
<b>Middle</b> <u>Pope</u>	<u>1,912</u>	<u>1,929</u>	<u>17 over enrollment</u>

**High**

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

**Additional Comments:**

Approval of this petition could severely and adversely impact the enrollment at Dodgen Middle School and Pope High School, as these schools are over capacity at this time.

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**FIRE COMMENTS:**

No comment. 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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APPLICANT: SunSpring Land Investors

PETITION NO.: Z-97

PRESENT ZONING: R-20

PETITION FOR: R-15

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to R-15 for the purpose of a subdivision. The 3.1 acre site is located on the east side of Old Canton Road, opposite Porter Lane at 1964 Old Canton 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 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, 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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Low Density Residential (LDR) and Park / Recreation / Conservation (PRC)  
East: Low Density Residential (LDR)  
South: Low Density Residential (LDR)  
West: Low Density Residential (LDR)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or 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.

APPLICANT: SunSpring Land Investors

PETITION NO.: Z-97

PRESENT ZONING: R-20

PETITION FOR: R-15

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**PLANNING COMMENTS:** **Continued**

Is the property within an Enterprise Zone?  Yes  No

The Smyrna-Osborne 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

APPLICANT SunSpring Land Investors

PETITION NO. Z-097

PRESENT ZONING R-20

PETITION FOR R-15

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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): 12" DI / E side of Old Canton 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.

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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: +/- 500' E with easements

Estimated Waste Generation (in G.P.D.): A D F= 960 Peak= 2,400

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 Sewer along Old Canton, 100' N, may too high to serve proposed development by gravity flow  
Comments: flow

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: SunSpring Land Investors

PETITION NO.: Z-97

PRESENT ZONING: R-20

PETITION FOR: R-15

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sewell Mill 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 – Saddle Ridge 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 downstream lake.

APPLICANT: SunSpring Land Investors

PETITION NO.: Z-97

PRESENT ZONING: R-20

PETITION FOR: R-15

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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 on the east side of Old Canton Road just across from its intersection with Potter Lane. The entire site drains to the north into Saddle Ridge Lake, a private lake owned by the Saddle Ridge Lake Club, Inc.
2. A pre- and post-development sediment survey will be required for the Saddle Ridge Lake as well as a hydrologic routing to verify no adverse impact to the lake.
3. There is an existing 30-inch RCP culvert traversing the site that conveys runoff from the Orchard Grove Subdivision to the west as well as the Old Canton Road R/W. This pipe will need to be relocated to accommodate the proposed site layout.

**APPLICANT: SunSpring Land Investors**

**PETITION NO.: Z-97**

**PRESENT ZONING: R-20**

**PETITION FOR: R-15**

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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
Old Canton Road	7700	Arterial	35 mph	Cobb County	100'

*Based on traffic counting data taken by Cobb County DOT for Old Canton Road in 2010*

**COMMENTS AND OBSERVATIONS**

Old Canton 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 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 east side of Old Canton Road, a minimum of 50' from the roadway centerline.

Recommend replacing disturbed curb, gutter, and sidewalk along the Old Canton Road frontage.

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

## STAFF RECOMMENDATIONS

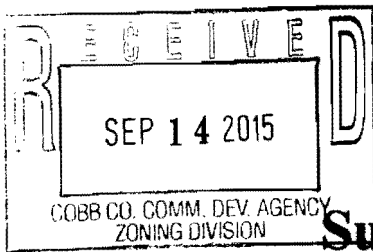
### **Z-97 SUNSPRING LAND INVESTORS**

- 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. Redevelopment of the existing property, now home to one single-family residence, to a subdivision with less density than those around it would still be in keeping with the development of nearby properties.
- 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 proposal is for a development of 1.94 units per acre, less than similarly zoned subdivisions such as Regents Park to the south and east at 2.28 units per acre and Orchard Grove to the west at 3.12 units per acre.
- 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. The School System is concerned the proposal adversely affects 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*. The property is delineated within an area identified as LDR low density residential on the future land use map. Likewise, the proposal follows the goals of the LDR category in providing a density between one (1) and two and one-half (2.5) dwelling units per acre at its 1.94.
- 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 proposed single-family residential development is not out of character with surrounding development. The anticipated 1.94 units per acre of the applicant's development is less than surrounding neighborhoods such as Regents Park to the south and east (2.285 units per acre) and Orchard Grove to the west across Old Canton Road (3.12 units per acre).

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

- Site plan received by the Zoning Division on September 14, 2015 with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- 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-97  
Dec.  
2015

# Summary of Intent for Rezoning

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

- a) **Proposed unit square-footage(s):** 4,000 SF and Greater
  - b) **Proposed building architecture:** Traditional
  - c) **Proposed selling prices(s):** \$700's to \$800's
  - d) **List all requested variances:** None known at this time
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**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:** \_\_\_\_\_
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**Part 3. Other Pertinent Information (List or attach additional information if needed)**

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**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).**

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