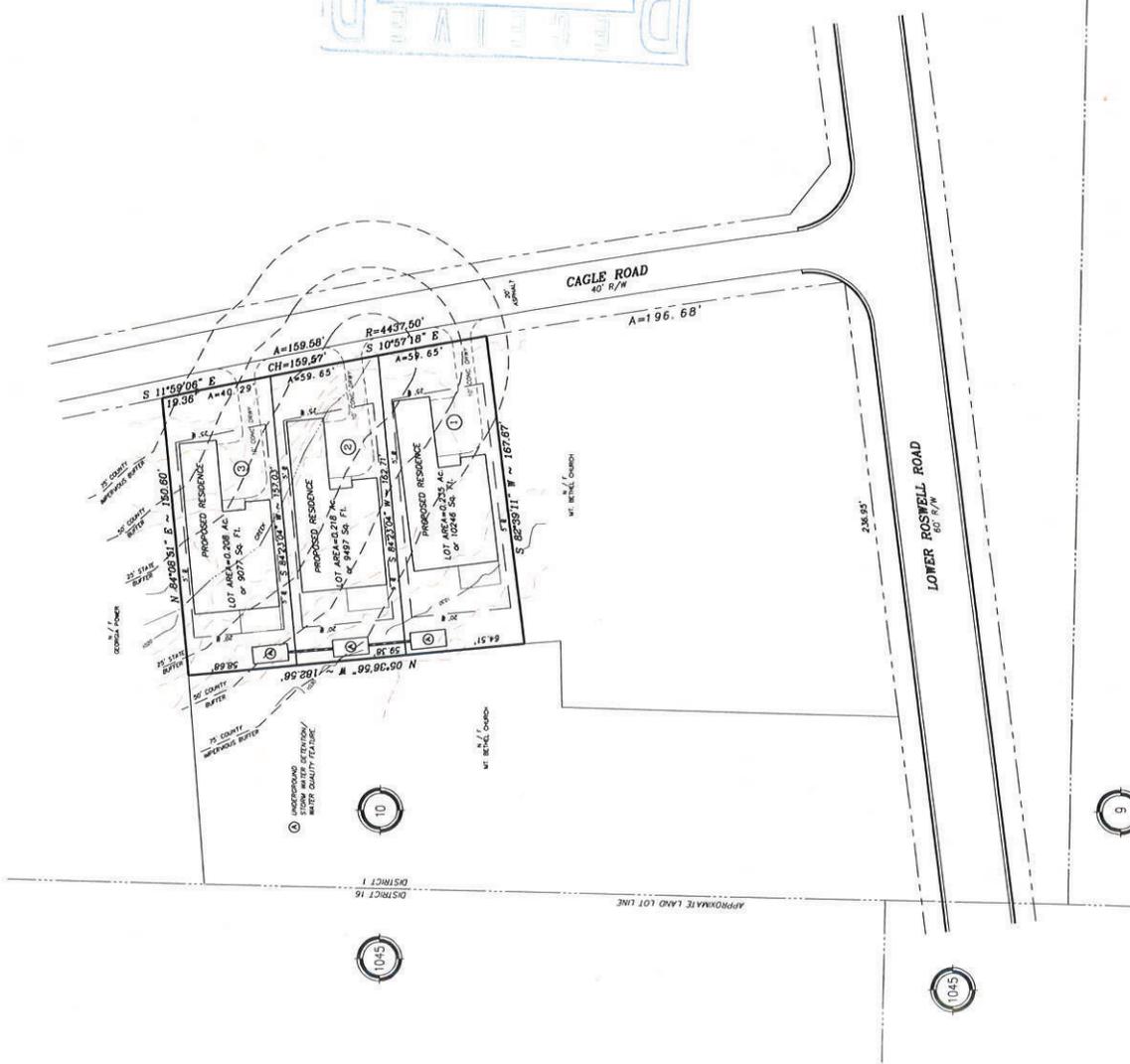
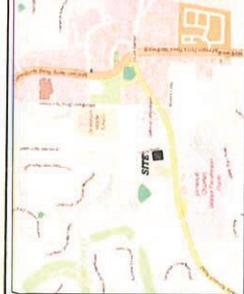


Z-31  
(2016)

PHOENIX GROUP, LLC

SURVEYS PLUS, INC.

REVISIONS  
DATE



**SITE DATA**  
Total Acreage: 0.662

SETBACKS	EXISTING R/C-5	PROPOSED R/C-5	REQUESTED VARIANCE
FRONT	75'	40'	20'
REAR	35'	20' OR 5'	5'
SIDE	10'	20' OR 5'	5'
FRONTAGE	75'	70'	5.65'

LOT AREA (SQ. FT.)	IMPERVIOUS PERCENT	
LOT 1	10246	47.68
LOT 2	9497	51.18
LOT 3	8977	51.78

VARIANCE REQUIRED FOR PERCENT OF IMPERVIOUS AREA, 40% MAX ALLOWED.

STREAM BUFFER VARIANCE REQUESTED AND DEFERRABLE FOR CONSIDERATION WITH COBB COUNTY COMMUNITY DEVELOPMENT AGENCY, EROSION CONTROL SECTION.

**BOUNDARY REFERENCES**

1. BOUNDARY BETWEEN COBB COUNTY AND DISTRICT 16 LAND SURVEYORS, INC., DATED 24 JAN 08
2. BOUNDARY BETWEEN COBB COUNTY AND DISTRICT 16 LAND SURVEYORS, INC., DATED 24 JAN 08

**NOTES**

1. FIELD WORK PERFORMED FROM 10:00 AM TO 11:00 AM. FIELD WORK DONE AT THIS TIME.
2. ACCORDING TO PLAT, PAVED IMPROVEMENTS ARE NOT REQUIRED.
3. NO EASEMENTS ARE KNOWN TO EXIST ON THE SITE.
4. NO ARCHITECTURAL OR ARCHITECTURAL LANDSCAPE ARE KNOWN TO EXIST ON THE SITE.
5. SITE UTILITY EASEMENTS ARE KNOWN TO EXIST ON THE SITE.
6. TOPOGRAPHIC INFORMATION FROM COBB COUNTY GIS.
7. EASY ACCESS ARE KNOWN TO EXIST ON THE SITE.

**LEGEND**

1. 10' Stream Buffer	1. 10' Stream Buffer
2. 20' Stream Buffer	2. 20' Stream Buffer
3. 30' Stream Buffer	3. 30' Stream Buffer
4. 40' Stream Buffer	4. 40' Stream Buffer
5. 50' Stream Buffer	5. 50' Stream Buffer
6. 60' Stream Buffer	6. 60' Stream Buffer
7. 70' Stream Buffer	7. 70' Stream Buffer
8. 80' Stream Buffer	8. 80' Stream Buffer
9. 90' Stream Buffer	9. 90' Stream Buffer
10. 100' Stream Buffer	10. 100' Stream Buffer

**APPLICANT:** Phoenix Grp, LLC  
**PHONE#:** 404-786-4955 **EMAIL:** mdevelopmentllc@gmail.com  
**REPRESENTATIVE:** Garvis L. Sams, Jr.  
**PHONE#:** 770-422-7016 **EMAIL:** gsams@slhb-law.com  
**TITLEHOLDER:** Phoenix Grp, LLC

**PETITION NO:** Z-31  
**HEARING DATE (PC):** 04-01-16  
**HEARING DATE (BOC):** 04-19-16  
**PRESENT ZONING:** R-20

**PROPERTY LOCATION:** West side of Cagle Road, north of its intersection with Lower Roswell Road  
(No Address Given).

**PROPOSED ZONING:** RA-5  
**PROPOSED USE:** Three Single-Family Residences

**ACCESS TO PROPERTY:** Cagle Road

**SIZE OF TRACT:** 0.662 acre

**PHYSICAL CHARACTERISTICS TO SITE:** Wooded lot

**DISTRICT:** 1

**LAND LOT(S):** 10

**PARCEL(S):** 9

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

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/Power Station  
**SOUTH:** R-20/Single-family house  
**EAST:** R-20/Single-family house  
**WEST:** R-20/Wooded lot

***Adjacent Future Land Use:***  
North: Medium Density Residential (MDR) and Transportation / Communications / Utility (TCU)  
East: Medium Density Residential (MDR)  
South: Medium Density Residential (MDR)  
West: Medium Density Residential (MDR)

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

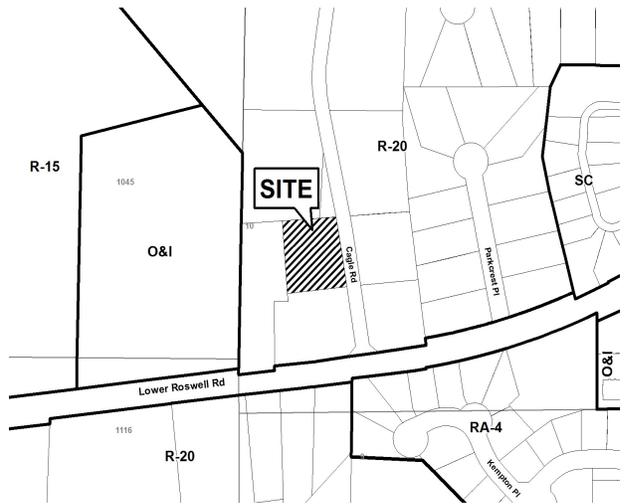
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

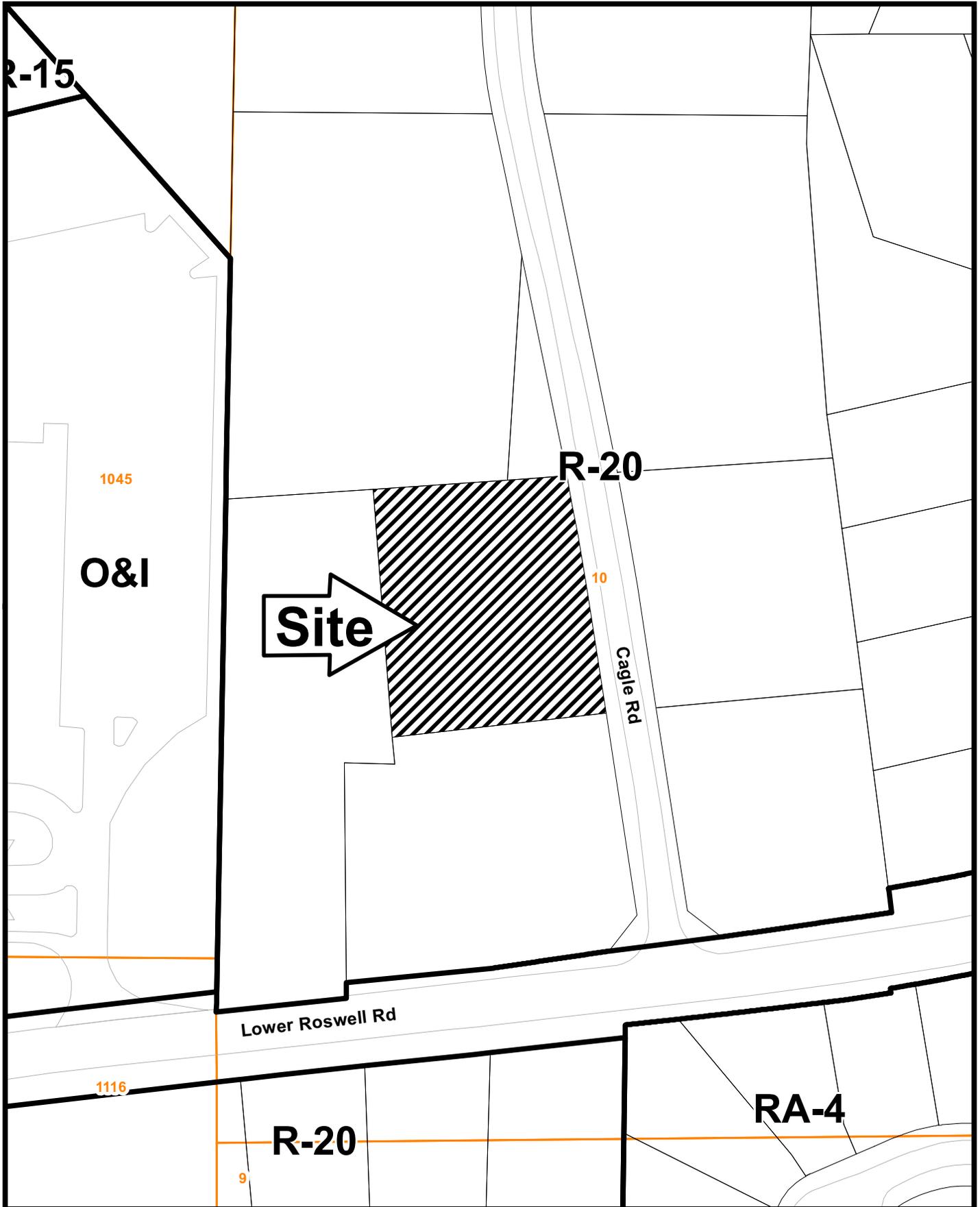
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

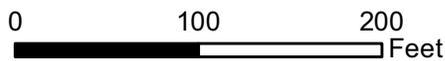
**STIPULATIONS:**



# Z-31



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Phoenix Grp, LLC

**PETITION NO.:** Z-31

**PRESENT ZONING:** R-20

**PETITION FOR:** RA-5

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Medium Density Residential (2.5-5 units per acre)

**Proposed Number of Units:** 3                      **Overall Density:** 4.53                      **Units/Acre**

**Staff estimate for allowable # of units:** 1                      **Units\***                      **Increase of:** 2                      **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 RA-5 zoning district for the purpose of developing three single-family lots. The proposed houses will be 4,500 square feet and greater and will range in price from \$700,000 to \$750,000.

The proposed development will require the following contemporaneous variances:

1. Waiving the minimum tract size for RA-5 from the required 80,000 square feet to 28,836 square feet;
2. Waiving the rear setback from the required 40 feet to 20 feet;
3. Waiving the front setback from the required 40 feet to 25 feet;
4. Waiving the side setbacks on the northern property line of Lot 3 and on the southern property line of Lot 1 from the required 20 feet to five feet;
5. Waiving the maximum impervious coverage for Lot 1 from the required 40% to 47.5%;
6. Waiving the maximum impervious coverage for Lot 2 from the required 40% to 51.3%;
7. Waiving the maximum impervious coverage for Lot 3 from the required 40% to 53.7%; and
8. Waiving the minimum road frontage requirement for RA-5 from the required 70 feet to 59.65 feet for all three lots.

**Cemetery Preservation:** No comment.

APPLICANT: Phoenix Grp, LLC

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RA-5

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Mt. Bethel</u>	<u>1,109</u>	<u>Over</u>	<u>                    </u>
<b>Elementary</b> <u>Dickerson</u>	<u>1,279</u>	<u>Over</u>	<u>                    </u>
<b>Middle</b> <u>Walton</u>	<u>2,017</u>	<u>Over</u>	<u>                    </u>

**High**

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

**Additional Comments:**

\*\*\*\*\*

**FIRE COMMENTS:**

Cobb County Fire Marshal’s Office recommendations:

- Guest Parking be implemented to facilitate the roadways remain clear for emergency vehicles
- Cagle Road be upgraded to County Standards

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

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.

APPLICANT: Phoenix Grp, LLC

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RA-5

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to RA-5 for the purpose of three single family residences. The .662 acre site is located on the west side of Cagle Road, north of its intersection with Lower Roswell 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 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. This category presents a range of densities.

**Specific Area Policy Guidelines:**

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

**Adjacent Future Land Use:**

North: Medium Density Residential (MDR) and Transportation / Communications / Utility (TCU)  
East: Medium Density Residential (MDR)  
South: Medium Density Residential (MDR)  
West: Medium Density Residential (MDR)

**Master Plan/Corridor Study**

The property is located within the boundary of the Johnson Ferry Urban Design Plan 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?

APPLICANT: Phoenix Grp, LLC

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RA-5

\*\*\*\*\*

**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

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

If so, which particular safety zone is this property within?

CZ (Clear Zone)  APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Phoenix Grp, LLC

PETITION NO. Z-031

PRESENT ZONING R-20

PETITION FOR RA-5

\*\*\*\*\*

**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:

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: 1,230 N with easements

Estimated Waste Generation (in G.P.D.): A D F= 480 Peak= 1,200

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

Dry 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: Phoenix Group, LLC

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RA-5

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**STORMWATER MANAGEMENT COMMENTS**

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: within and adjacent to stream channel

- 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 – Hampton Woods S/D Lake ~1200 downstream of site. 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: Phoenix Group, LLC

PETITION NO.: Z-31

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 encumbered by an existing stream channel that conveys over 10 acres of upstream drainage area and has a 50-foot Cobb County and 25-foot State stream buffer associated with it. It is unlikely that the small size of this parcel will allow for three lots while still providing for adequate conveyance of stormwater through the site. In addition, a three lot development requires detention to be provided that will virtually eliminate a significant portion of one of these lots.

**APPLICANT: Phoenix Grp, LLC**

**PETITION NO.: Z-31**

**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
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 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 west side of Cagle Road, a minimum of 25' from the roadway centerline.

Recommend curb and gutter along the Cagle Road frontage.

## STAFF RECOMMENDATIONS

### **Z-31 PHOENIX GRP, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Adjacent and abutting properties are zoned and developed at R-20 on larger lots, but there are more intense uses in the area.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse effect on the usability of adjacent or nearby property. The surrounding single-family properties are developed with wider road frontages and other requirements of their respective zoning categories. The Fire Marshal and Stormwater Management Division express concerns regarding development issues. However, the area contain non-residentially zoned property and cluster home zoning districts.
- C. It is Staff's opinion that the applicant's rezoning proposal may 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*, which delineates this property as being within the Medium Density Residential (MDR) land use category for properties having densities ranging from 2.5 to 5 units per acre. The proposed RA-5 zoning district is compatible with the MDR land use category and the applicant's proposed density is within the RA-5 range; however, the proposed development requires many variances that may prove disruptive to existing developments in the 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 deleting the applicant's rezoning proposal to R-12. The proposal requires numerous variances because it does not meet the requirements of RA-5. While the site plan demonstrates the minimum lot size of 7,000 square feet for RA-5 is being met, the minimum tract size required for RA-5 is 80,000 square (almost two acres) and the property submitted in this application is only 0.662 acres (approximately 28,836 square feet). Properties along this section of Cagle Road are zoned R-20 and have larger lots, but the area has development that is slightly more intense than R-20. Also, as noted in the Department of Transportation comments, the existing right-of-way does not meet the minimum requirements for the local road classification. Staff believes this property does not adequately support the RA-5 zoning district, but a deletion to R-12 would allow two lots with a density of 3.02 units per acre which is in the middle of the density range for the area

Based on the above analysis, Staff recommends **DELETION TO R-12** subject to:

1. Maximum of 2 lots, with District Commissioner approving the final plan;
2. Front and rear setbacks to be reduced to 25 feet each;
3. Fire Department comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations; and
7. 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-31

April 2016

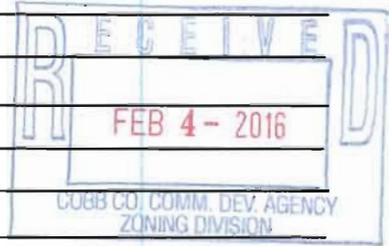
# Summary of Intent for Rezoning \*

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

- a) Proposed unit square-footage(s): 4,500 and greater
- b) Proposed building architecture: Submitted concurrently herewith.
- c) Proposed selling prices(s): \$700,000.00 - \$750,000.00
- d) List all requested variances: Reflected on the site plan (if any).

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): N/A
- 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 in an area denominated as Medium Density Residential ("MDR") on the County's Future Land Use Map which is an appropriate designation for the proposed Development and Rezoning from R-20 to RA-5.

.....  
**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

\*Applicant specifically reserves the right to amend and/or revise any information set forth in this Summary of Intent for Rezoning or any portion of the Application for Rezoning at any time during the Rezoning process.