

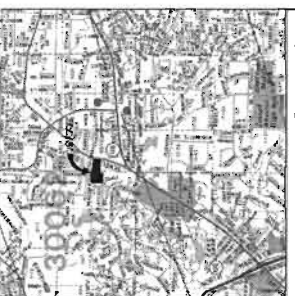
Z-33
(2016)

SEWELL MILL ROAD
FOR ONE INVESTMENT CORP.

SHEET TITLE
ZONING PLAN
FOR ONE INVESTMENT CORP.



PROJECT NO.	0300
DATE	05/16/16
SCALE	3" = 50'
SHEET NUMBER	1



SITE SUMMARY

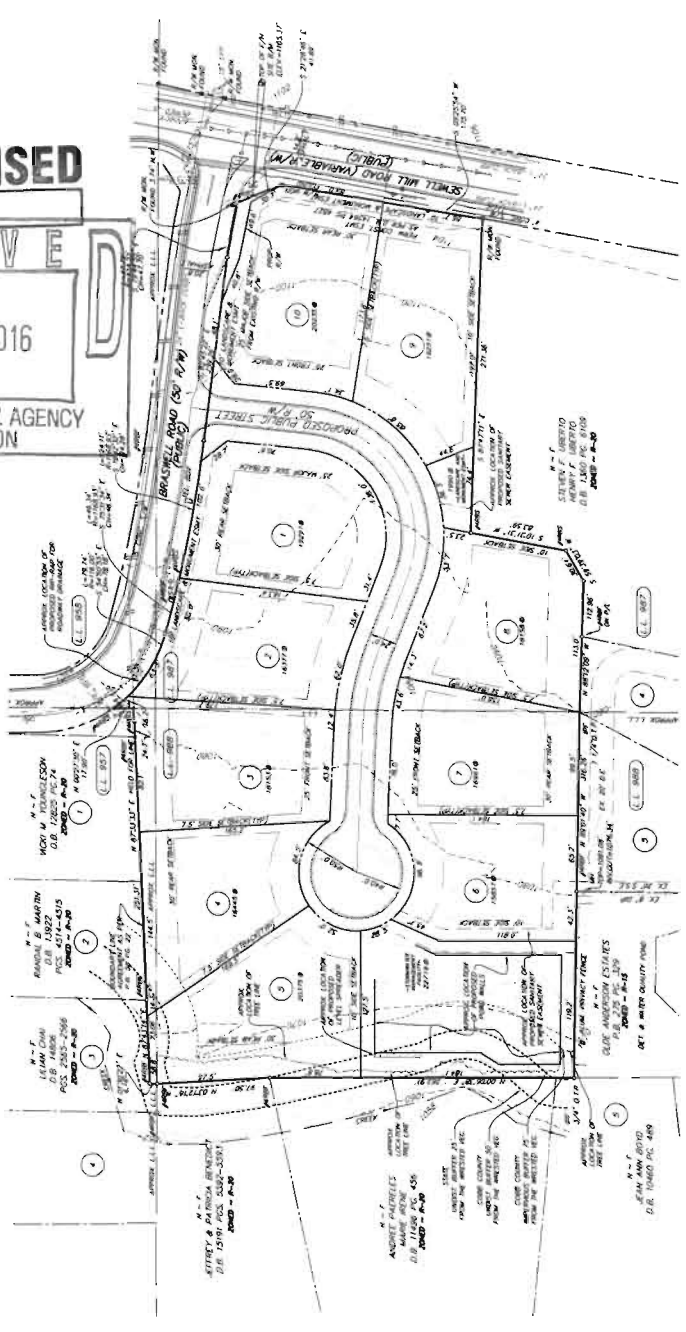
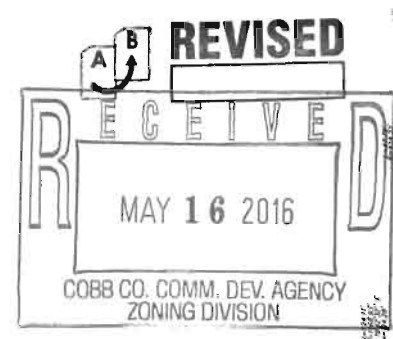
TOTAL SITE AREA: 5.49 AC.
 EXISTING ZONING: R-20
 PROPOSED ZONING: R-15
 TOTAL LOTS SHOWN: 10
 MIN. LOT SIZE: 15,000 SQ. FT.
 DENSITY: 1.82 UNITS/AC

REQUESTED VARIANCES:

- FRONT SETBACK TO BE 25';
- SIDE SETBACK TO BE 7.5' 20' SEPARATION BETWEEN HOUSES;
- MAJOR SIDE SETBACK FROM BRASHWELL ROAD ON LOT 10 TO BE 25' FROM EXISTING R/W;
- THERE SHALL BE NO UNDISTURBED PERIMETER CONSTRUCTION BUFFER REQUIRED FOR THIS SITE.

NOTES:

- BOUNDARY SURVEY BY GASKINS SURVEYING & ENGINEERING
- BOUNDARY SURVEY FROM GASKINS FIELD RUN, 10/04
- EXISTING LOT LINES AND SETBACKS FROM GASKINS FIELD RUN, 10/04
- EXISTING LOT LINES AND SETBACKS FROM GASKINS FIELD RUN, 10/04
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THIS PARCEL OF LAND IS NOT IN THE 15-MINUTE ZONING DISTRICT OF THE CITY OF ATLANTA AND IS NOT SUBJECT TO THE 15-MINUTE ZONING DISTRICT OF THE CITY OF ATLANTA. THE CITY OF ATLANTA HAS NO JURISDICTION OVER THIS PARCEL OF LAND.

DATE: 05/16/16
 DRAWN BY: J. J. JONES
 CHECKED BY: J. J. JONES

APPLICANT: OWF Investment Corp.

PETITION NO: Z-33

PHONE#: 770-354-1080 EMAIL: owf@att.net

HEARING DATE (PC): ~~05-03-16~~ 06/07/16

REPRESENTATIVE: Omer W. Franklin, III

HEARING DATE (BOC): ~~05-17-16~~ 06/21/16

PHONE#: 770-354-1080 EMAIL: owf@att.net

PRESENT ZONING: R-20

TITLEHOLDER: Thomas Neal Smith as Guardian for Henry Thomas Smith and as Executor for the Estate of Virginia H. Smith, Rickey W.

Gasaway, Debbie L. Scragg, Steven F. Uberto and Henry F. Uberto

PROPOSED ZONING: R-15

PROPERTY LOCATION: Southwest corner of Sewell Mill Road

PROPOSED USE: Residential Subdivision

and Braswell Road, south of Meadow Wood Court

(2289 Sewell Mill Road, 1065 and 1093 Braswell Road)

ACCESS TO PROPERTY: Braswell Road

SIZE OF TRACT: 5.49 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Single-family houses

LAND LOT(S): 987, 988

PARCEL(S): 2,9,1, 3

TAXES: PAID DUE

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Meadow Wood Subdivision

SOUTH: R-15/Olde Anderson Estates

EAST: R-20/Methodist Campground

WEST: R-20/Clydesdale Estates

Adjacent Future Land Use:

North: Low Density Residential (LDR)

East: Public Institutional (PI)

South: Low Density Residential (LDR)

West: Low Density Residential (LDR)

OPPOSITION: NO. OPPOSED PETITION NO: SPOKESMAN

PLANNING COMMISSION RECOMMENDATION

APPROVED MOTION BY _____

REJECTED SECONDED

HELD CARRIED

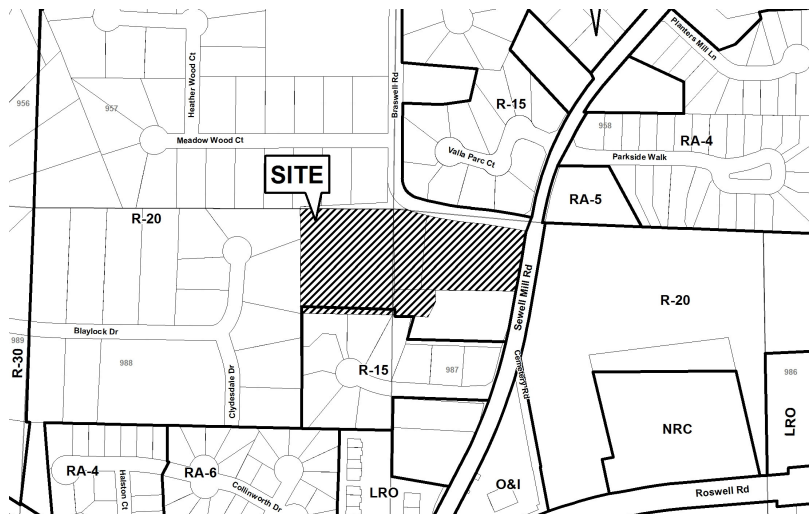
BOARD OF COMMISSIONERS DECISION

APPROVED MOTION BY _____

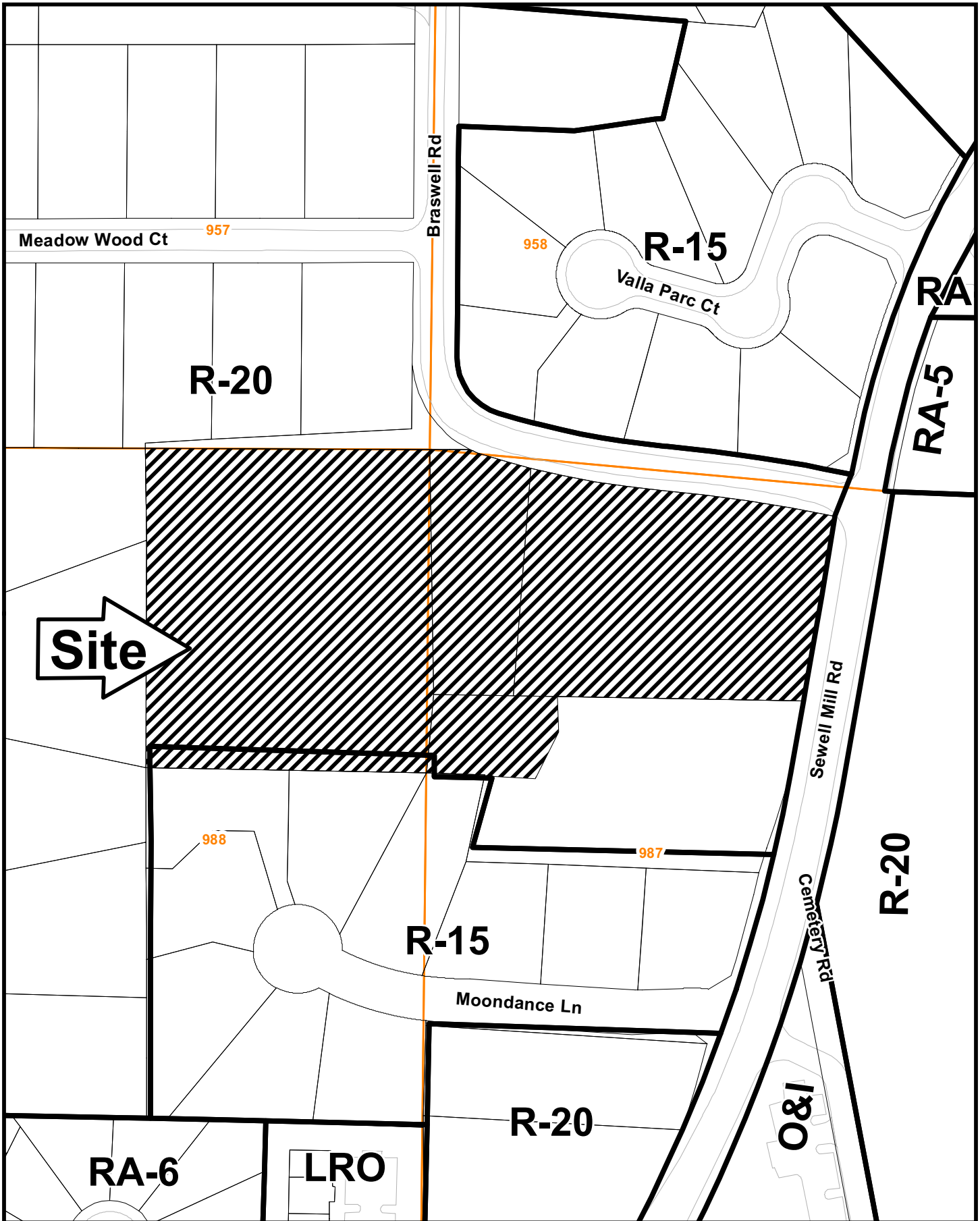
REJECTED SECONDED

HELD CARRIED

STIPULATIONS:



Z-33-2016 GIS



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: OWF Investment Corp.

PETITION NO.: Z-33

PRESENT ZONING: R-20

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 10 **Overall Density:** 1.82 **Units/Acre**

Staff estimate for allowable # of units: 9 **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.

Applicant is requesting the R-15 zoning district for the purpose of developing a ten-lot single-family subdivision. The architecture of the proposed houses will be traditional and old world with a combination of brick, stacked stone, traditional cedar shingles or Hardi-plank-type shake and Hardi-plank-type siding. The houses will range in size from 3,000 square feet to 4,500 square feet or greater and will have a minimum two-car attached or detached garages, with the majority of the homes having three-car garages.

The applicant is requesting the following contemporaneous variances:

1. Waive the front setback from the required 35 feet to 25 feet;
2. Waive the side setback from the required 10 feet to 7.5 feet, with 20 feet between houses, with the exception of the side setbacks for Lots 5 and 6, which will remain at 10 feet abutting the stormwater management facility; and
3. Waiver of the 30-foot undisturbed construction buffer.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

Site Plan Review: No comment

APPLICANT: OWF Investment Corp.

PETITION NO.: Z-33

PRESENT ZONING: R-20

PETITION FOR: R-15

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>East Side</u>	<u>1231</u>	<u>over</u>	<u> </u>
Elementary			
<u>Dodgen</u>	<u>1251</u>	<u>over</u>	<u> </u>
Middle			
<u>Walton</u>	<u>2710</u>	<u>over</u>	<u> </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 East Side Elementary School, Dodgen Middle School, and Walton High School, as these schools are severely over capacity at this time.

APPLICANT: OWF Investment Corp.

PETITION NO.: Z-33

PRESENT ZONING: R-20

PETITION FOR: R-15

FIRE COMMENTS:

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

GUEST PARKING: When projects contemplate less than 20 foot separation between units, guest parking shall be provided at a ratio of one-half space for each dwelling unit (1 space/ 2 units).

APPLICANT: OWF Investment Corp.

PETITION NO.: Z-33

PRESENT ZONING: R-20

PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15 for the purpose of a residential subdivision. The 2.75 acre site is located at the southwest corner of Sewell Mill Road and Braswell Road, south of Meadow Wood Court (2289 Sewell Mill Road, 1065 and 1093 Braswell 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)
- East: Public Institutional (PI)
- South: Low Density Residential (LDR)
- West: Low Density Residential (LDR)

APPLICANT: OWF Investment Corp.

PETITION NO.: Z-33

PRESENT ZONING: R-20

PETITION FOR: R-15

PLANNING COMMENTS: **Continued**

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.

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>.

APPLICANT: OWF Investment Corp.

PETITION NO.: Z-33

PRESENT ZONING: R-20

PETITION FOR: R-15

PLANNING COMMENTS: **Continued**

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Is this property within the Six Flags Special Service District?

Yes No

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 OWF Investment, Corp.

PETITION NO. Z-033

PRESENT ZONING R-20

PETITION FOR R-15

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 / S side of Braswell 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.

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: At southern property line, extended through Old Anderson Estates

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

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: OWF Investment Corp.

PETITION NO.: Z-33

PRESENT ZONING: R-20

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Sope 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 CONDITION

- 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 easements 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 downstream receiving stream.

APPLICANT: OWF Investment Corp.

PETITION NO.: Z-33

PRESENT ZONING: R-20

PETITION FOR: R-15

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 parcel is located at the southwest intersection of Sewell Mill and Braswell Roads. The entire site drains to the west to an unnamed tributary to Sope Creek. The site is a mixture of open agricultural and woodland. The average slopes on the site range from approximately 5 to 10%.
2. There is not a well-defined existing conveyance for the proposed detention pond to drain directly to the adjacent stream channel. An offsite drainage easement will be required to convey the concentrated pond discharge to the adjacent receiving stream to the east or the outlet must be designed to restore sheet flow conditions at the adjoining property line.
3. Conveyance of offsite upstream discharges from the existing culvert under Braswell Road must be provided at the rear of lots 3 and 4.

APPLICANT: OWF Investment Corp.

PETITION NO.: Z-33

PRESENT ZONING: R-20

PETITION FOR: R-15

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
Sewell Mill Road	13,900	Major Collector	35 mph	Cobb County	80'
Braswell Road	N/A	Local	25 mph	Cobb County	50'

Based on 2006 traffic counting data taken by Cobb County DOT for Sewell Mill Road.

COMMENTS AND OBSERVATIONS

Sewell Mill Road is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Braswell Road is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

Recommend curb and gutter along Braswell Road.

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

Recommend a no access easement along the Sewell Mill Road frontage.

STAFF RECOMMENDATIONS

Z-33 OWF INVESTMENT CORP.

- 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. Other single-family subdivisions in the area are similarly zoned and have similar or greater densities.
- 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 proposed single-family development is similar to other developments in the area, including applicant's development to the south (Z-69 of 2014).
- 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 has provided comments that this proposal may negatively 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 as being in the Low Density Residential (LDR) land use category, having densities ranging from 1-2.5 units per acre. The applicant is requesting the R-15 zoning district for a residential subdivision with a density of 1.82 units per acre. The proposal is consistent with the LDR land use designation. The zonings and densities of other developments in this area include Meadow Wood (zoned R-20, at approximately 1.62 units per acre); Clydesdale Estates Extension (zoned R-20, at approximately 1.76 units per acre); Olde Anderson Estates (zoned R-15 at 1.97 units per acre – applicant's development from 2014); The Parc (zoned R-15 at 2.32 units per acre); and East Lake Ridge Phase One (zoned RA-6 at approximately 4.63 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. Applicant's proposal for R-15 at 1.82 units per acre is consistent with the *Cobb County Comprehensive Plan* and the density is lower than some of the other R-15 developments in this area.

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

1. Site plan received by the Zoning Division, with the District Commissioner approving minor modifications;
2. Variances listed in the Zoning Comments section;
3. Impervious surface to be calculated on an individual lot basis only; the summing of impervious coverage over the entire subdivision is not permitted;
4. Fire Department comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations; and
7. 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-33
May 2016

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): see attached summary as of 2/23/16
- b) Proposed building architecture: see attached summary as of 2/23/16
- c) Proposed selling prices(s): see attached summary as of 2/23/16
- d) List all requested variances: see attached summary as of 2/23/16

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

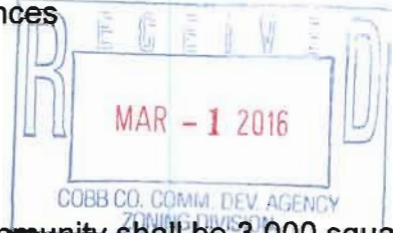
- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

.....
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).

Permanent construction easement to maintain slope as recorded in Deed Book 14564 on page 4827

Summary of Intent for Rezoning for OWF Investment Corp.
Braswell Road
Land Lots 957, 958, 987 & 988, 16th District, 2nd Section
Cobb County, Georgia
From R-20 to R-15 with Variances
As of February 23, 2016



A. Proposed unit square footage(s):

The minimum house size for proposed residential community shall be 3,000 square feet and may range up to 4,500 square feet or greater. Each of the homes shall have at a minimum a two-car attached or detached garages with the majority of said homes with 3-car garages as per design.

B. Proposed building architecture:

The architectural style of said residences shall be traditional and old world with combination compositions of brick, stacked stone, traditional cedar shingles or Hardiplank-type shake and Hardiplank-type siding as per professional architectural design.

C. The proposed anticipated sales price will be determined by market conditions.

D. The requested variances for said lots shall be 10' building setback adjacent to storm water facility lots for a more environmentally-friendly design structure to maintain maximum impervious total surface area of 35% for all nine developed lots.

Furthermore, reduce the front setback from 35' to 25' for said lots and reducing side setback to 7.5 feet minimum but maintain 20' between structures (see proposed site plan) to control storm water runoff of said lots and eliminate the 40' undisturbed perimeter buffer during the construction phase to be able to control storm water drainage of said perimeter and to landscape for best management practices including privacy for adjoining neighbors.

The north major side setback to be 25' from existing right-of-way on lot 9 to facilitate the right-hand turn lane with appropriate taper along Braswell Road to Sewell Mill Road. The voluntary donation and conveyance of right-of-way on Braswell Road and Sewell Mill Road to achieve proposed site plan and elimination of permanent construction easement as per P.B. 14564, page 4827, therefore having minimum impact to the south property owners being Steven F. & Henry Foster Uberto at 2279 Sewell Mill Road, Marietta, Georgia (30062). Establish an open area along the development's south property line with the Uberto's as per proposed site plan and the Department of Transportation for professionally-designed landscaping for privacy and the location of Cobb County subdivision cluster mailbox kiosk.

The interior sidewalk to be on the front of said residential lots only within said development and to intersect at the proposed sidewalk on the south side of Braswell Road and the proposed development entrance going east along the right-hand turn lane along Braswell Road and intersecting the west sidewalk of Sewell Mill Road.

Handwritten signature and date: 2.23.2016