

Z-63
(2016)

LONG

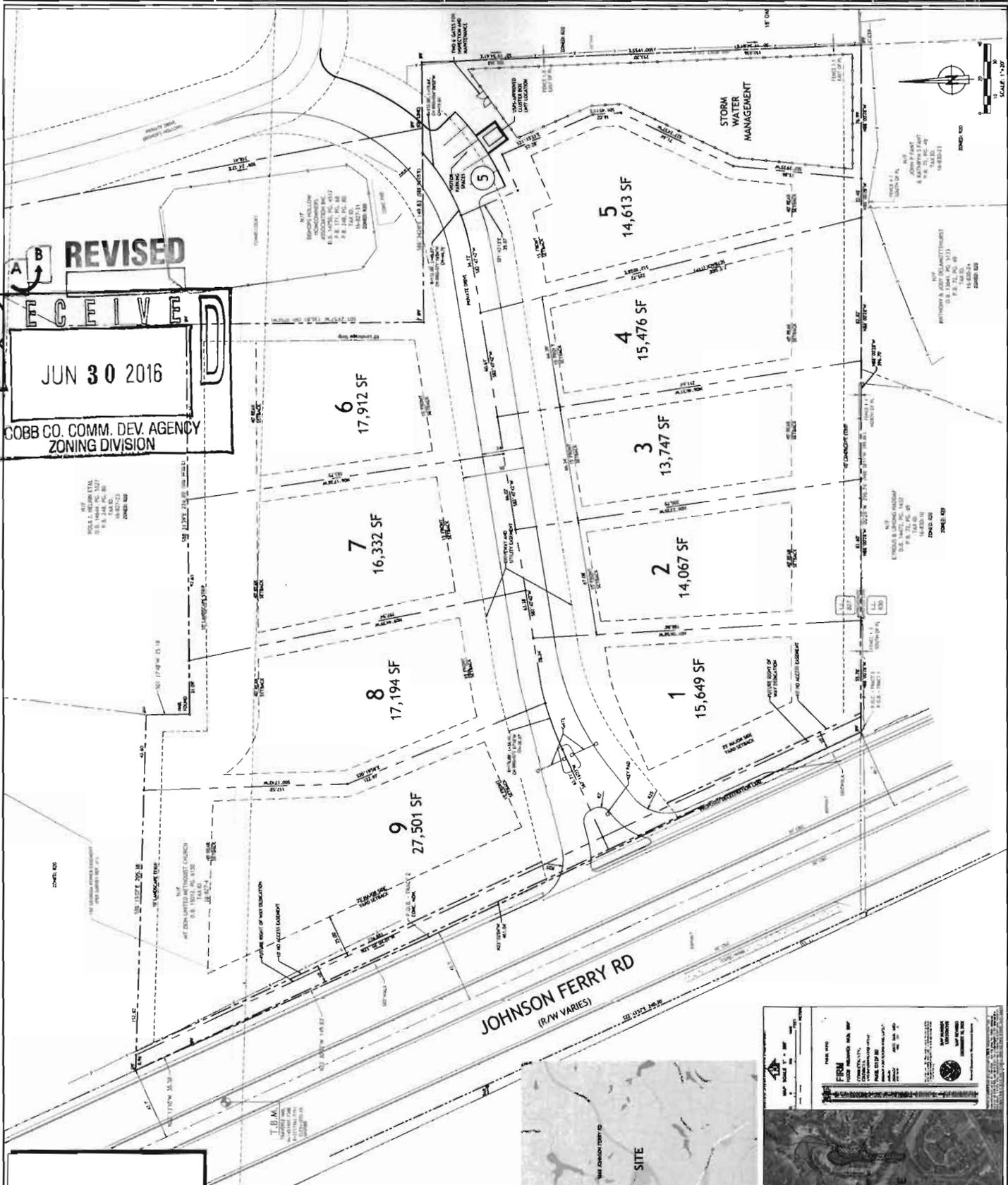
BALFOUR PLACE
1668 JOHNSON FERRY RD
MARIETTA, COB 30067
REZONING SITE PLAN

LL 027, 167H DNST

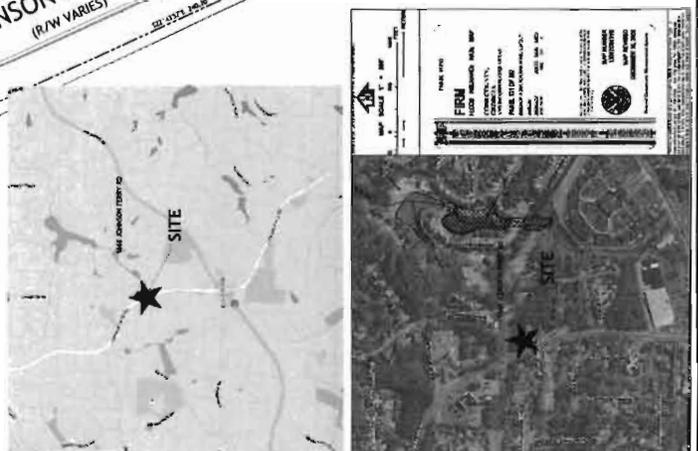


Z-1.0

RECEIVED
JUN 30 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



SITE DATA NOTES
PROJECT NAME: [REDACTED]
OWNER: [REDACTED]
CONTACT PERSON: [REDACTED]
ENGINEER: [REDACTED]
DATE: [REDACTED]
SCALE: [REDACTED]
TOTAL SHEETS: [REDACTED]



APPLICANT: Yosef Kagan

PHONE#: 917-753-2826 EMAIL: yossi@zevcap.com

REPRESENTATIVE: Yosef Kagan

PHONE#: 917-753-2826 EMAIL: yossi@zevcap.com

TITLEHOLDER: ONE JOHNSON FERRY LLC

PROPERTY LOCATION: On the east side of Johnson Ferry Road,
north of Lake Rill Court
(1668 Johnson Ferry Road)

ACCESS TO PROPERTY: Johnson Ferry Road, Bishop Lake Court

PHYSICAL CHARACTERISTICS TO SITE: Vacant, wooded

PETITION NO: Z-63

HEARING DATE (PC): 08-02-16

HEARING DATE (BOC): 08-16-16

PRESENT ZONING: R-12

PROPOSED ZONING: R-12 with Stipulations

PROPOSED USE: Single-family Residential

SIZE OF TRACT: 3.94 acres

DISTRICT: 16th

LAND LOT(S): 827

PARCEL(S): 6,32

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Mt. Zion United Methodist Church Property

SOUTH: R-20/ Ivywood Subdivision

EAST: R-20/ Bishop's Hollow Subdivision

WEST: R-20/ Hunters Trace Subdivision

Adjacent Future Land Use:

North: Low Density Residential (LDR)

East: Low Density Residential (LDR)

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 _____

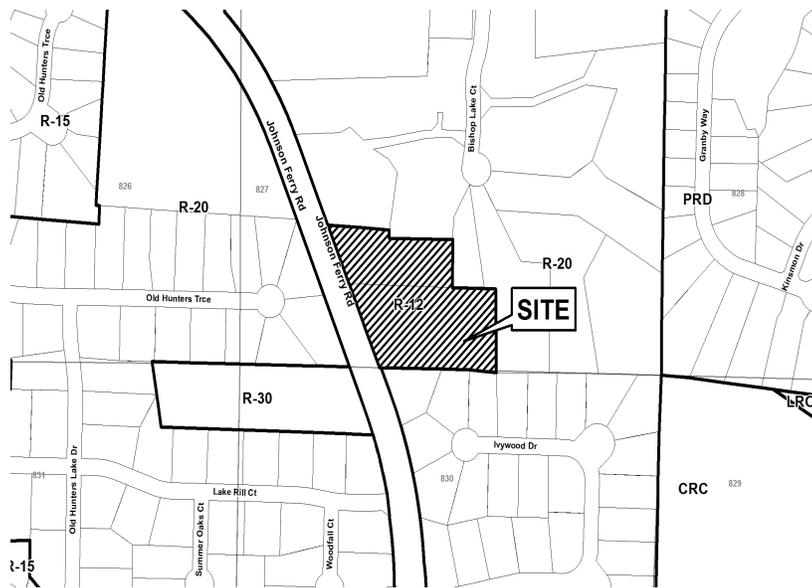
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

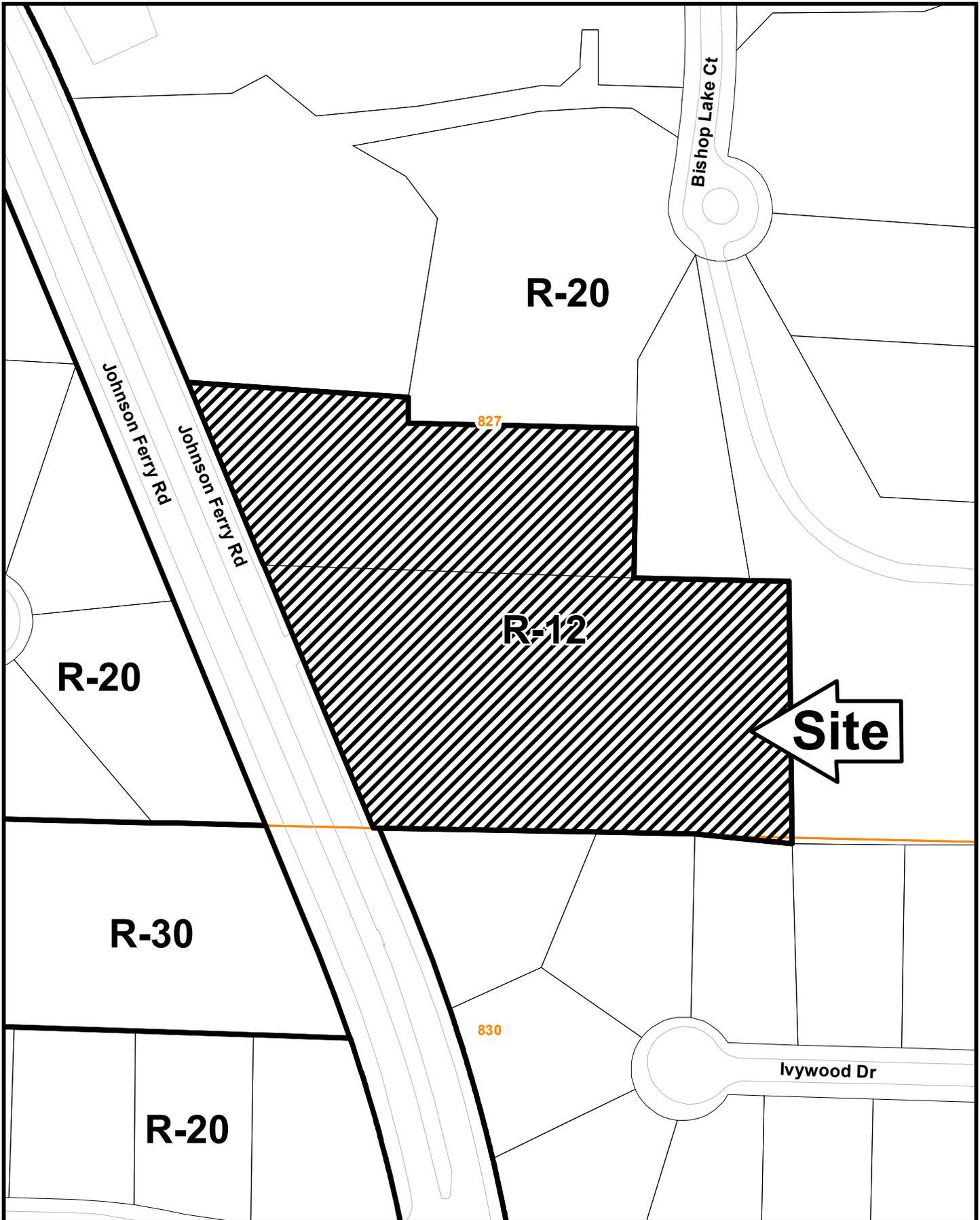
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:



Z-63-2016 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: Yosef Kagan

PETITION NO.: Z-63

PRESENT ZONING: R-12

PETITION FOR: R-12 with Stipulations

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

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

Proposed Number of Units: 9 **Overall Density:** 2.28 **Units/Acre**

Staff estimate for allowable # of units: 9 **Units*** **Increase of:** 0 **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 of the subject property from the current R-12 single-family residential district (site plan specific from recent case Z-26 of 2015) to the same R-12 district with a different proposed layout. The new layout, keeping the previously approved nine (9) lots, now proposes to connect to the private drive within The Bishops Hollow Subdivision immediately adjacent to the northeast. The proposed homes will be 3,800 sq. ft. to 4,000 sq. ft. in size plus basements and be two-story in height with three sided architecture consisting of a mix of brick, stucco, and cedar shake. Anticipated selling prices are from the high \$800,000s.

As was previously approved, the currently proposed layout requests a reduction in the minimum lot widths from the required 75 feet to 60 feet at the front setback line while a complete waiver of the required public road frontage is necessary due to now being a private drive within the subdivision rather than the previously approved public right of way.

Cemetery Preservation: No comment.

APPLICANT: Yosef Kagan

PETITION NO. Z-63

PRESENT ZONING: R-12

PETITION FOR: R-12 with Stipulations

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Timber Ridge</u>	<u>599</u>	<u>566</u>	<u> </u>
Elementary <u>Dodgen</u>	<u>1251</u>	<u>1046</u>	<u> </u>
Middle <u>Walton</u>	<u>2710</u>	<u>2362</u>	<u> </u>

High

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

Additional Comments:

Approval of this petition will not have a significant impact on the enrollment at these schools.

APPLICANT: Yosef Kagan

PETITION NO.: Z-63

PRESENT ZONING: R-12

PETITION FOR: R-12 with Stipulations

SITE PLAN REVIEW SECTION COMMENTS:

If this rezoning request is approved, the final subdivision plat for Bishop's Hollow must be revised so as to show the new configuration, along with an access easement across 1764 Bishop Lake Ct. The surveyor must submit the plat to the Site Plan Review Section, Community Development Agency for review and approval prior to recording. Call 770-528-2147.

FIRE COMMENTS:

Cobb County Fire Marshal's Office recommendations:

- Guest Parking be implemented to facilitate clear roadways for emergency vehicle response

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: Yosef Kagan
PRESENT ZONING: R-12

PETITION NO.: Z-63
PETITION FOR: R-12
(Modified Site Plan)

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-12 to R-12 with a modified site plan, for the purpose of a single-family residential subdivision. The 3.94 acre site is located on the east side of Johnson Ferry Road, north of Lake Rill Court (1668 Johnson 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 Low Density Residential (LDR) future land use category, with R-12 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. 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: Low Density Residential (LDR)
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.

Is the property within an Enterprise Zone? Yes No
The _____ Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

APPLICANT: Yosef Kagan
PRESENT ZONING: R-12

PETITION NO.: Z-63
PETITION FOR: R-12
(Modified Site Plan)

PLANNING COMMENTS:

CONT.

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 Yosef Kagan

PETITION NO. Z-063

PRESENT ZONING R-12

PETITION FOR R-12 w/stips

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 Johnson Ferry

Additional Comments: CCWS will need regular access behind gate to read water meters

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: 175' W across Johnson Ferry

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: LDP including sewer outfall approved in 2015

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: Yosef Kagan

PETITION NO.: Z-63

PRESENT ZONING: R-12

PETITION FOR: R-12 w/ Stips

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Willeo 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 Bishop's Hollow S/D. 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 existing downstream private driveway culvert and Bishop's Hollow Lake.

APPLICANT: Yosef Kagan

PETITION NO.: Z-63

PRESENT ZONING: R-12

PETITION FOR: R-12 w/ Stips

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 just east of Johnson Ferry Road and is surrounded by Ivywood Subdivision to the south and Bishop’s Hollow Subdivision to the north and east. The site is wooded with a mixture of soft and hardwood and average slopes are mild to moderate (5-14%). The entire site drains to the east to an existing stream channel at the rear of the site.
2. A drainage easement will likely be required along the side of Lot 6. This will impact the usable building area on this lot since there is a 10-foot landscape strip shown that the easement will not be able to encroach.
3. As indicated in the Downstream Conditions Comments, there is a lake located immediately downstream of this site. A pre- and post-sediment survey will be required to document any changes in sediment levels during construction.

APPLICANT: Yosef Kagan

PETITION NO.: Z-63

PRESENT ZONING: R-12

PETITION FOR: R-12

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Johnson Ferry Road	39,300	Arterial	45 mph	Cobb County	100'

Based on 2009 traffic counting data taken by Cobb County DOT for Johnson Ferry Road.

COMMENTS AND OBSERVATIONS

Johnson Ferry 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 consider entering into a development agreement pursuant to 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 Johnson Ferry Road, a minimum of 50' from the roadway centerline.

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

Recommend replacing disturbed curb, gutter, and sidewalk along the Johnson Ferry Road frontage.

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

Recommend private streets be constructed to the Cobb County Standard Specifications.

Recommend a deceleration lane on Johnson Ferry Road for the entrance.

Recommend restricting the Johnson Ferry Road driveway to right in/right out.

Recommend the proposed gate to be located at least 50' from right-of-way and meet Cobb County Development Standards.

Recommend a no access easement along the lots that border Johnson Ferry Road.

STAFF RECOMMENDATIONS

Z-63 YOSEF KAGAN

- 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. Already approved for the same number of lots (9), the currently proposed layout allows for better integration with the adjacent Bishops Hollow Subdivision while allowing for larger lot sizes than previously approved by nature of the private drive being included within the lots' size calculations.
- 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. This is supported by the fact that nearly the same nine (9) lot layout was approved by the Board of Commissioners last year and the current proposal has increased the lot sizes with the smallest being 13,747 sq. ft. while the largest is now 27,501 sq. ft.
- 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*. Located within an area delineated as LDR Low Density Residential which forecasts developments ranging from 1 to 2.5 units per acre, the applicant's proposal can be viewed as in keeping with the *Plan* as it proposes a yield of 2.28 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. The applicant's proposal is in keeping with the previously approved zoning and lot layout from last year. Further, it better integrates the development with adjacent Bishops Hollow Subdivision by way of connecting to that development's drive. Also, lot sizes have improved by nature of now including a private drive that is by way of a driveway and utility easement that is calculated as part of each lot.

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

1. Site plan received by the Zoning Division on June 1, 2016, with the District Commissioner approving minor modifications;
2. Water and Sewer Division comments and recommendations;
3. Stormwater Management Division comments and recommendations;
4. Fire Department comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. 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-63

Aug. 2016

Summary of Intent for Rezoning

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

- a) **Proposed unit square-footage(s):** 3,800 to 4,000 SF (plus basement)
- b) **Proposed building architecture:** 2-story homes with at least 3-sided architecture that is a mix of brick, stucco, and cedar shake.
- c) **Proposed selling prices(s):** From the high \$800's
- d) **List all requested variances:** Reduction of the minimum lot widths from 75 feet to 60 feet as previously approved with Z-26 in 2015

.....
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). None of the property in question is owned by any government entity.
