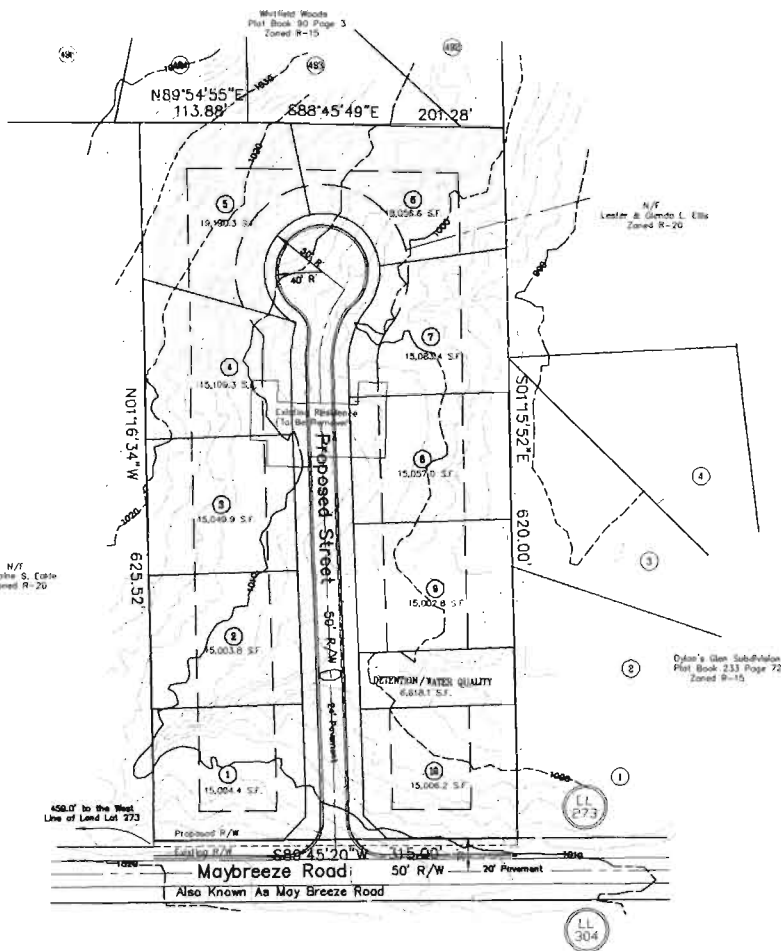


**Z-79  
(2016)**



**Location Map**  
Scale: 1"=2,000'



N/T  
Lorraine S. Cobb  
Zoned R-20

N/T  
Leslie & Glenda L. Ellis  
Zoned R-20

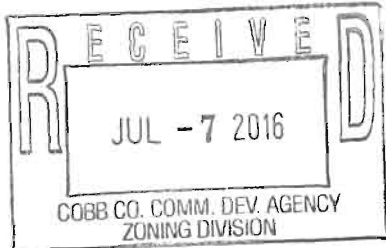
Dylan's Glen Subdivision  
Plat Book 233 Page 72  
Zoned R-15

458.0' to the West  
Line of Land Lot 273

Maybreeze Road: 50' R/W  
Also Known As May Breeze Road

**General Notes:**

1. Boundary and Topographic Information shown compiled by Larry D. Neese, P.L.S., dated July 6, 2015. Reference Deed Book 14838, Page 4973, Plat Book 48, Page 57 and Cobb County GIS.
2. Total Area = 4.509 Acres
3. Existing Zoning = R-20
4. Proposed Zoning = R-15  
Setbacks: Front 25'  
Side 10'  
Major Side 25'  
Rear 40'
5. Request approval to allow Front Building Line to be 25' in lieu of 35', and allow Rear Building Lines to be 40' in lieu of 30'.
6. Minimum Heated Floor Space to be 2,400 S.F.
7. Minimum Lot Size 15,000 S.F.
8. Density 4.508 Acres with 10 Lots = 2.22 Units/Acre
9. There are No Architectural or Archaeological Landmarks on or adjacent to this property.
10. There are No Cemeteries located on or adjacent to this property.
11. There are no streams or wetlands located on this property.



**Developer**  
KJT Properties, LLC  
4362 Highborne Drive  
Marietta, Georgia 30066

THIS PROPERTY (S/N) IS LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS, MAP # 1306750004N, DATED MARCH 04, 2005. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,000 FEET AND AN ANGULAR ERROR OF \_\_\_\_\_ PER ANGULAR POINT AND WAS ADJUSTED USING \_\_\_\_\_ RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN \_\_\_\_\_ FEET.

EQUIPMENT UTILIZED: ANGLEMAN \_\_\_\_\_ GABRIELSON \_\_\_\_\_  
UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500 FEET OF THIS PROPERTY. ALL MATTERS PERTAINING TO TITLES ARE EXCEPTIONS. LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.



THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON. NO EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER PERSON, PERSONS OR ENTITIES WITHOUT AN EXPRESSED INDICIFICATION BY THE SURVEYOR. SURVEY PERFORMED WITHOUT THE BENEFIT OF CURRENT TITLE REPORT.



**Larry D. Neese, PLS**  
194 Cadence Trail  
Canton, Georgia 30115  
(770) 428-2122  
E-Mail: Lneese2235@aol.com  
CREATED BY HE WHO MOVES HIS NEIGHBOR'S BOUNDARY MAPS, AND ALL THE PEOPLE SHALL SAY, "AMEN", Deut. 22:17

SURVEY FOR:			
<b>3887 Maybreeze Road</b>			
<b>KJT Properties, LLC</b>			
LAND LOT: 273	SECTION: 2nd	CC: LT	
DISTRICT: 16th	COUNTY: Cobb	STATE: Georgia	SCALE: 1"=50'
FIELD DATE: 6-10-16	PLAT DATE: 7-09-16	BOOK: 160058	

SHEET

**APPLICANT:** KJT Properties, LLC  
**PHONE#:** (770) 403-4566 **EMAIL:** jredford@allatlantarealty.com  
**REPRESENTATIVE:** J. Kevin Moore  
**PHONE#:** (770) 429-1499 **EMAIL:** jkm@mijs.com  
**TITLEHOLDER:** Jane A. Shelly and James Glen Andrews

**PETITION NO:** Z-79  
**HEARING DATE (PC):** 09-08-16  
**HEARING DATE (BOC):** 09-20-16  
**PRESENT ZONING:** R-20

**PROPERTY LOCATION:** North side of Maybreeze Road; East of  
Ebenezer Road  
(3887 Maybreeze Road)

**PROPOSED ZONING:** R-15

**ACCESS TO PROPERTY:** Maybreeze Road

**PROPOSED USE:** Single-Family Residential

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family  
residence

**SIZE OF TRACT:** 4.509 acres

**DISTRICT:** 16

**LAND LOT(S):** 273

**PARCEL(S):** 4

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-15/ Whitfield Woods  
**SOUTH:** R-20/ Princeton Manor  
**EAST:** R-15/ Dylans Glen  
**WEST:** R-20/ Single-family residence

*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** \_\_\_\_\_

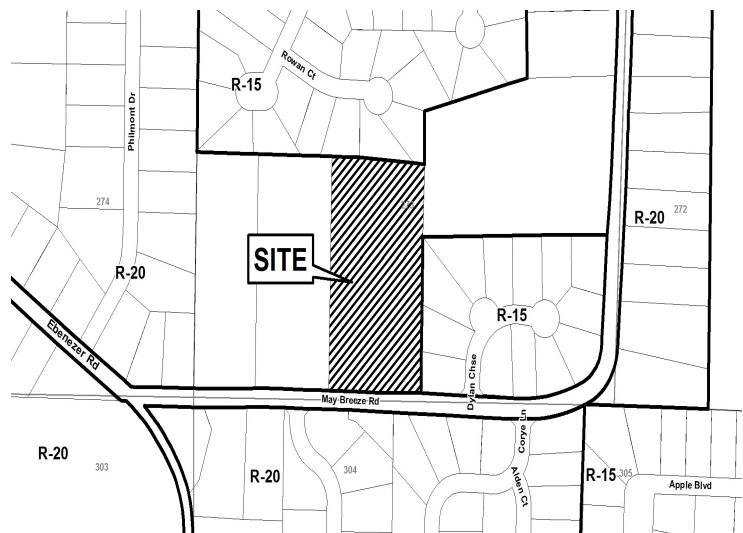
**PLANNING COMMISSION RECOMMENDATION**

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

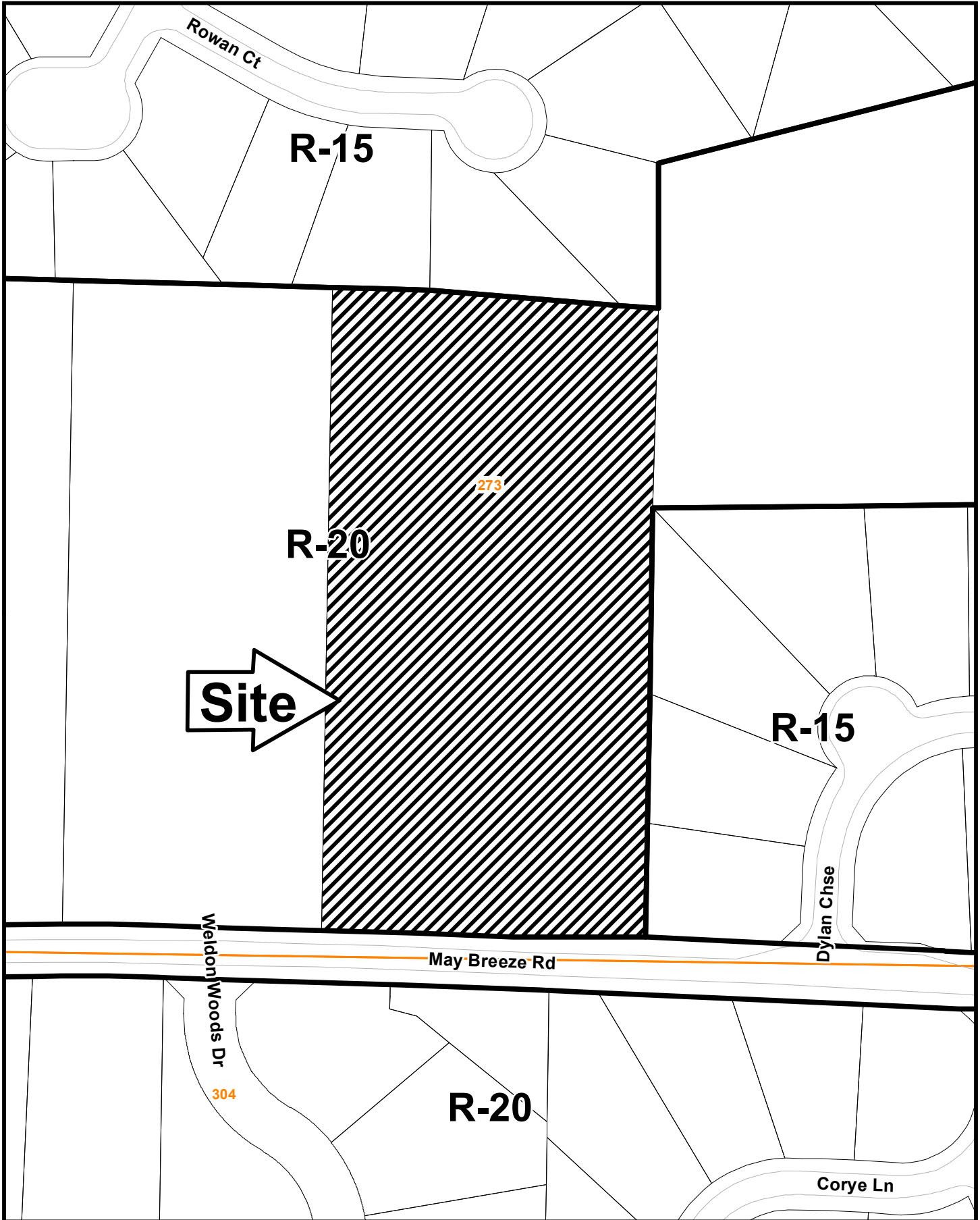
**BOARD OF COMMISSIONERS DECISION**

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

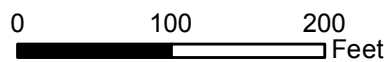
**STIPULATIONS:**





# Z-79-2016 GIS



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** KJT Properties, LLC

**PETITION NO.:** Z-79

**PRESENT ZONING:** R-20

**PETITION FOR:** R-15

\*\*\*\*\*

**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:** 10                      **Overall Density:** 2.22                      **Units/Acre**

**Staff estimate for allowable # of units:** 7                      **Units\***                      **Increase of:** 3                      **Units/Lots**

\*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

The applicant is requesting a rezoning of the subject property from its current R-20 single-family residential district designation to R-15 single-family residential district in order to develop a 10 lot subdivision. Given the property’s size of 4.51 acres, this will result in a density of 2.22 units per acre. The proposed homes will be 2,600 square feet and greater in size and of traditional architecture with anticipated selling prices in the \$500,000s and up.

The applicant is requesting a variance of the front setback:

1. Waive the front setback from the required 35 feet to 25 feet with a commensurate increase in the rear setback from the required 30 feet to 40 feet.

**Cemetery Preservation:** No comment

APPLICANT: KJT Properties, LLC

PETITION NO.: Z-79

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>
Nicholson Elem	517	560	
<b>Elementary</b> McCleskey Middle	704	843	
<b>Middle</b> Sprayberry High	1759	2062	

**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:** KJT Properties

**PETITION NO.:** Z-79

\*\*\*\*\*

**FIRE COMMENTS:**

NO COMMENTS: 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.

APPLICANT: KJT Properties, LLC

PETITION NO.: Z-79

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 single-family residential. The 4.509 acre site is located on the north side of May Breeze Road; east of Ebenezer 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. 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.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?  Yes  No

**APPLICANT: KJT Properties, LLC**

**PRESENT ZONING: R-20**

**PETITION NO.: Z-79**

**PETITION FOR: R-15**

\*\*\*\*\*

**PLANNING COMMENTS:**

CONT.

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 KJT Properties, LLC

PETITION NO. Z-079

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" AC / N side of May Breeze 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: 20' E in Dylan's Glen S/D

Estimated Waste Generation (in G.P.D.): A D F= 1,600 Peak= 4,000

Treatment Plant: Noontday

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 Sewer easement platted to property line between lots 1 and 2 in Dylan's Glen S/D  
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: KJT Properties, LLC**

**PETITION NO.: Z-79**

**PRESENT ZONING: R-20**

**PETITION FOR: R-15**

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

**FLOOD HAZARD:**  YES  NO  POSSIBLY, NOT VERIFIED

**DRAINAGE BASIN: Rubes 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/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 neighborhoods downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving system.

APPLICANT: KJT Properties, LLC

PETITION NO.: Z-79

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. This parcel is located on the north side of Maybreeze Road just to the west of Dylan’s Glen Subdivision. The existing site is mostly wooded with average slopes ranging from 5 to 15%. The entire site drains to the east with approximately 2/3 flowing directly in the Dylan’s Glen Subdivision and the remaining third into a large estate-sized residential lot to the northeast.
2. The site plan shows the proposed stormwater management facility located between lots 9 and 10. However, due to the limited conveyance capacity within Dylan’s Glen Subdivision, it may be necessary to relocate the pond north between lots 6 and 7. The developer must provide for adequate conveyance of offsite runoff from approximately 6 acres to the west through this site.

**APPLICANT:** KJT Properties, LLC

**PETITION NO.:** Z-79

**PRESENT ZONING:** R-20

**PETITION FOR:** R-15

\*\*\*\*\*

**TRANSPORTATION COMMENTS:**

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Maybreeze Road	2,800	Minor Collector	35 mph	Cobb County	60'

*Based on 2009 traffic counting data taken by Cobb County DOT for Maybreeze Road.*

**COMMENTS AND OBSERVATIONS**

Maybreeze Road is classified as a minor collector 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 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 north side of Maybreeze Road, a minimum of 30' from the roadway centerline.

Recommend a short deceleration lane on Maybreeze Road for the entrance. Length to be determined during plan review.

Recommend curb, gutter, and sidewalk along the Maybreeze Road frontage.

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

## STAFF RECOMMENDATIONS

### **Z-79 KJT PROPERTIES, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's request will allow for development of the property into a single-family residential subdivision with a density of 2.22 units per acre. This density is similar to that of adjacent developments such as Princeton Manor directly across May Breeze Road (1.70 upa), Dylan's Glen immediately to the east (2.00 upa) and Kristen Trace also across May Breeze Road (2.17 upa).
- 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 request will allow for single-family residential development such as that already seen in the immediate area.
- 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* which delineates the future land use category as LDR low density residential. This category is meant to provide for single-family residential development within the density range of 1-2.5 units per acre. The current request would result in a density of 2.22 upa, well within the forecasted range.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The request is to allow development of the subject property into a single-family residential subdivision of traditional style homes that would result in a density of 2.22 units per acre both within the range forecast for the property's future land use category of LDR and also in keeping with the density of similar, adjacent subdivisions.

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

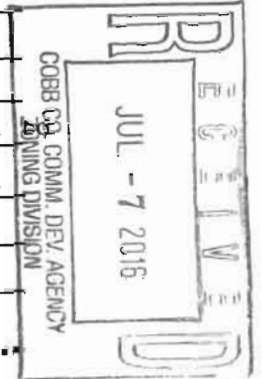
1. Site plan received by the Zoning Division on July 7, 2016, indicating reduction of front setback to 25 feet and increase of rear setback to 40 feet, with the District Commissioner approving minor modifications;
2. Sewer and Water Division comments and recommendations;
3. Stormwater Management Division 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.**

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): 2,600 square feet and greater  
b) Proposed building architecture: Traditional  
c) Proposed selling prices(s): \$500,000 and greater  
d) List all requested variances: Waiver of front setback from 35 feet  
25 feet; and rear setback being 40 feet in lieu of required 30 feet



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

- a) Proposed use(s): Not Applicable.  
b) Proposed building architecture: Not Applicable.  
c) Proposed hours/days of operation: Not Applicable.  
d) List all requested variances: Not Applicable.

.....  
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 known at this time.

.....  
\*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.