

**Rezoning Plat**

**Cochran Lake Road Tract**

Cobb County, Georgia Land Lot 330 and 331, 16th District, 2nd Section

prepared for:

Mr. James C. Lane, Jr.  
3640 Cochran Lake Road  
Marietta, Georgia 30062

**DGM**  
LAND PLANNING  
CONSULTANTS



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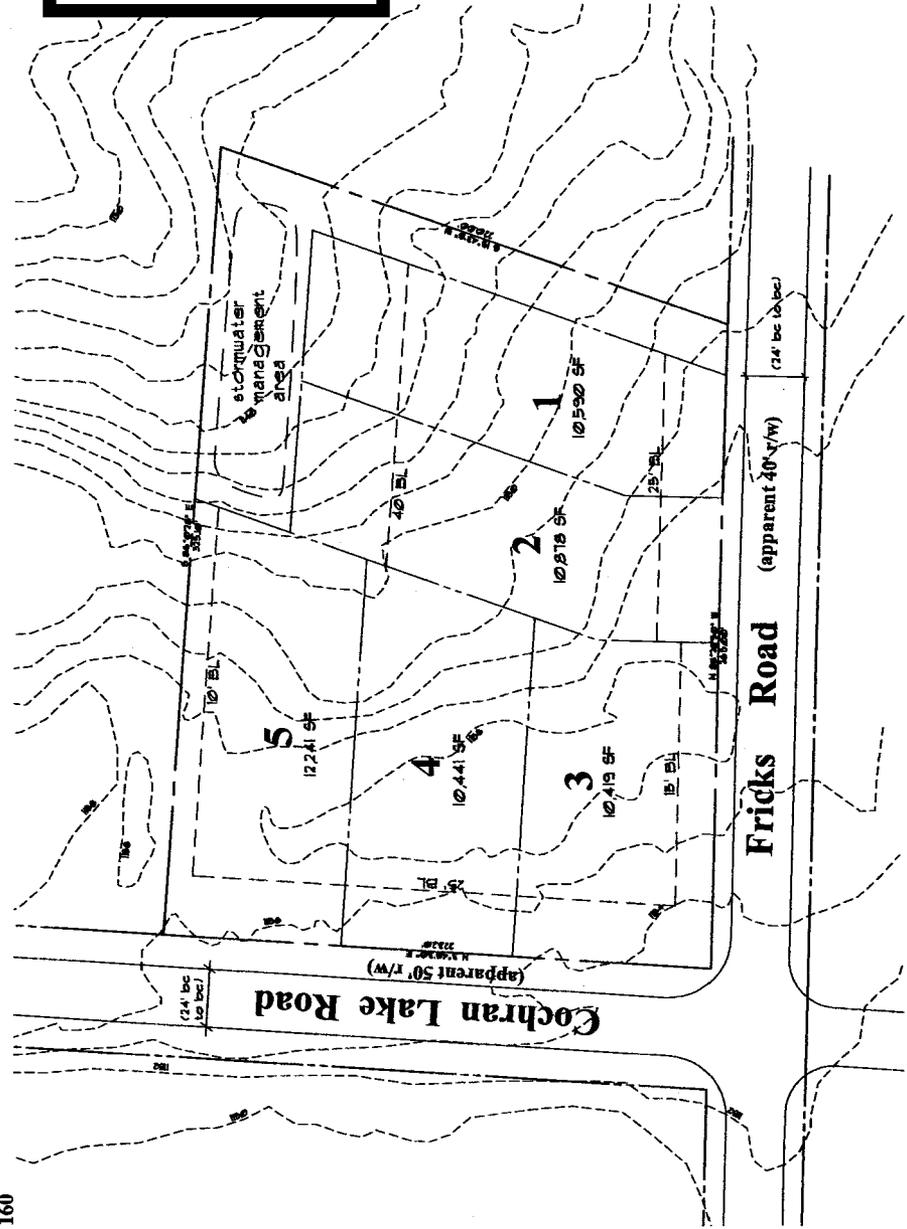
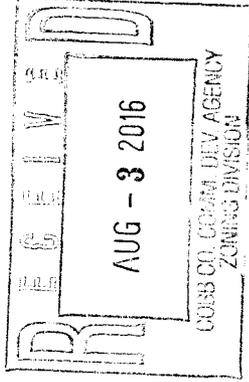
**August 3, 2016**



**Site Data**

Total Site Area: 1.50 AC  
Existing Zoning: R-20  
Proposed Zoning: RA-5  
Total Units Shown: 5  
Density: 3.33 UN/AC  
Proposed Building Setbacks:  
(as shown)  
Minimum Lot Width: 60'  
Average Lot Size: 10,914 SF

- Notes:**
1. Boundary from legal description provided by owner.
  2. Topographic information from Cobb County GIS.
  3. According to Flood Insurance Rate Map (FIRM) 13067C0002, dated December 15, 2006, no portion of this site contains floodplain.
  4. No easements are known to exist on site.
  5. No streams or wetlands are known to exist on site.
  6. No archeological or architectural landmarks are known to exist on site.
  7. No utility easements are known to exist on site.



**Z-84  
(2016)**

APPLICANT: James C. Lane, Jr.

PETITION NO: Z-84

PHONE#: 678-549-0368 EMAIL: RUHURTN\_CallJim@yahoo.com

HEARING DATE (PC): 10-04-16

REPRESENTATIVE: David Meyer

HEARING DATE (BOC): 10-18-16

PHONE#: 770-891-6588 EMAIL: Dmeyer@dgmplc.com

PRESENT ZONING: R-20

TITLEHOLDER: James C. Lane, Jr.

PROPOSED ZONING: RA-5

PROPERTY LOCATION: Located at the northeast intersection of Fricks Road and Cochran Lake Road

PROPOSED USE: Subdivision

ACCESS TO PROPERTY: Fricks Road, Cochran Lake Road

SIZE OF TRACT: 1.5 acres

PHYSICAL CHARACTERISTICS TO SITE: Single-family residence

DISTRICT: 16

LAND LOT(S): 330, 331

PARCEL(S): 2

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

COMMISSION DISTRICT: 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH: R-20/ Mountain Lake Estates Subdivision
- SOUTH: RSL/ Edenton Subdivision
- EAST: R-20/ Spring Wood
- WEST: R-15/ Mountain Lake Estates 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 \_\_\_\_\_

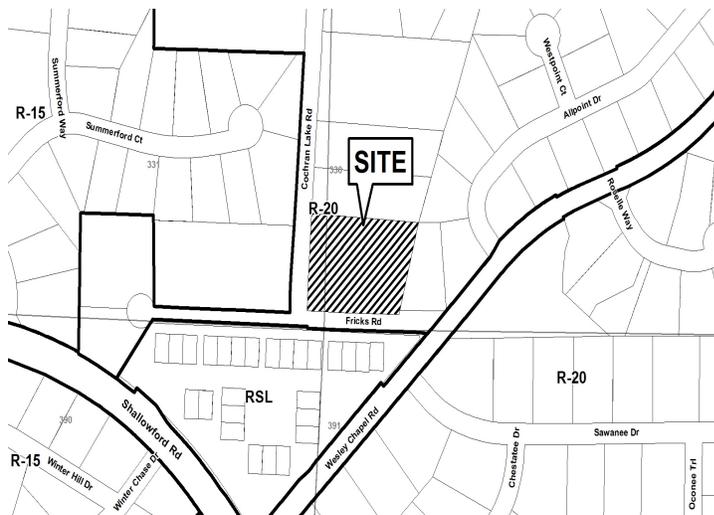
**BOARD OF COMMISSIONERS DECISION**

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

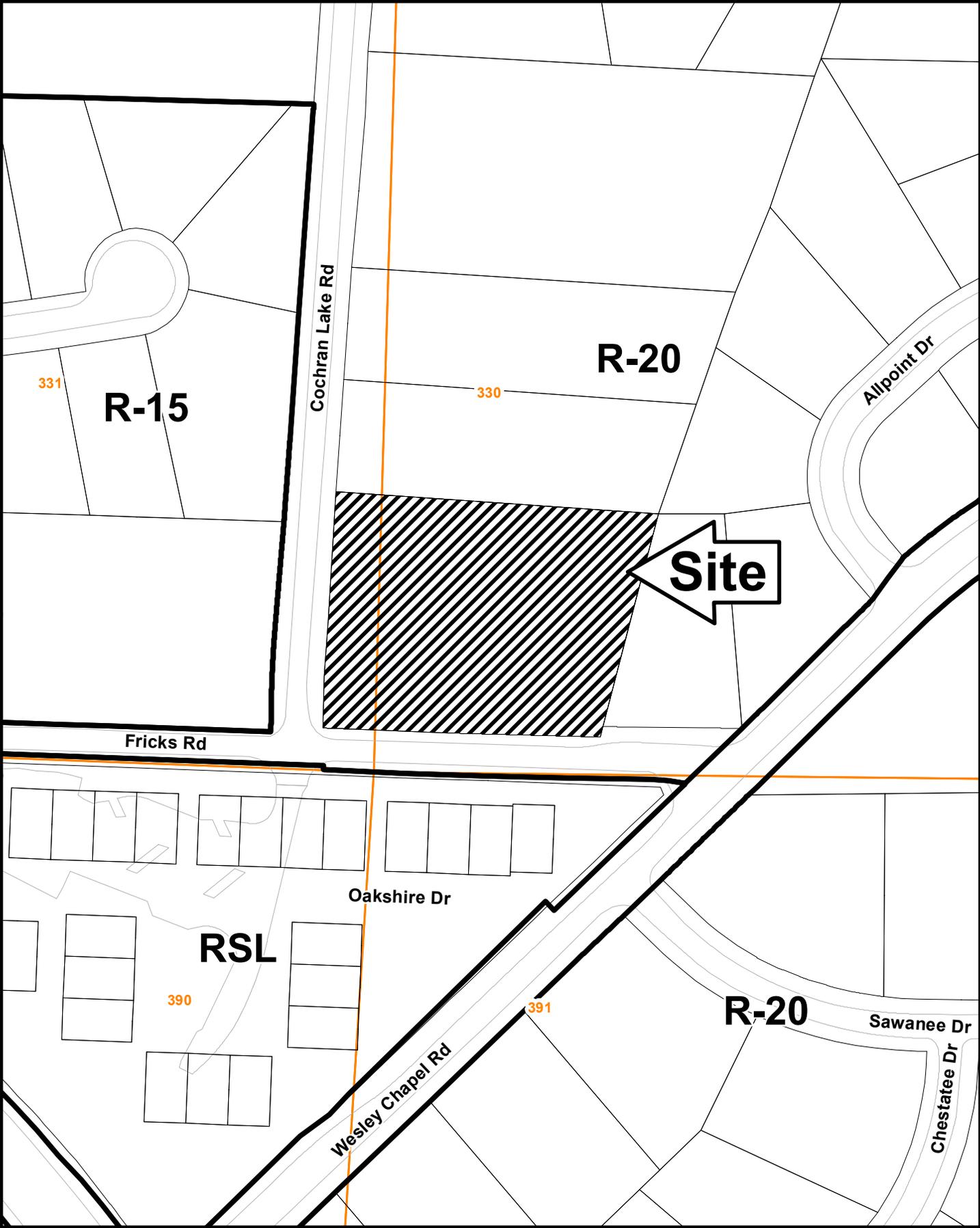
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

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

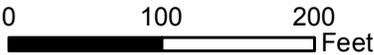
STIPULATIONS:



# Z-84-2016 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: James C. Lane, Jr.

PETITION NO.: Z-84

PRESENT ZONING: R-20

PETITION FOR: RA-5

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ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: LDR low density residential

Proposed Number of Units: 5 Overall Density: 3.33 Units/Acre

Staff estimate for allowable # of units: 2 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 the current R-20 district to RA-5 district in order to develop a five (5) lot subdivision. The lots within the development will meet the RA-5 district requirements in relation to lot size with the smallest being 10,419 sq. ft. but the applicant has requested variances in setbacks as outlined below.

If approved, the request will require the following contemporaneous variances:

1. Minimum acreage required to rezone to RA-5 from 80,000 sq. ft. to 65,340 sq. ft.;
2. Front setback from the required 40 feet to 25 feet;
3. Major side setback from the required 25 feet to 15 feet; and
4. Minor side setback from the required 20 feet to 10 feet.

**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.

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:** James C. Lane, Jr.

**PETITION NO.:** Z-84

**PRESENT ZONING:** R-20

**PETITION FOR:** RA-5

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Shallowford Falls Elem	624	786	
<b>Elementary</b> Simpson Middle	952	865	
<b>Middle</b> Lassiter High	2176	2137	

**High**

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

**Additional Comments:**

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

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APPLICANT: James C. Lane, Jr.

PETITION NO.: Z-84

PRESENT ZONING: R-20

PETITION FOR: RA-5

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to RA-5 for the purpose a subdivision. The 1.5 acre site is located at the northeast intersection of Fricks Road and Cochran Lake 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.

**APPLICANT: James C. Lane, Jr.** \_\_\_\_\_

**PRESENT ZONING: R-20** \_\_\_\_\_

**PETITION NO.: Z-84** \_\_\_\_\_

**PETITION FOR: RA-5** \_\_\_\_\_

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**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 James C Lane, Jr.

PETITION NO. Z-084

PRESENT ZONING R-20

PETITION FOR RA-5

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**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 6" DI/ N side of Fricks Road

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

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**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: 50' NE in Springwood S/D

Estimated Waste Generation (in G.P.D.): A D F= 800 Peak= 2,000

Treatment Plant: Big Creek

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: James C. Lane, Jr.**

**PETITION NO.: Z-84**

**PRESENT ZONING: R-20**

**PETITION FOR: RA-5**

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**STORMWATER MANAGEMENT COMMENTS**

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

**DRAINAGE BASIN: Tributary to Sweat Mountain Cr** 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  
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 culvert at North Point Drive.

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PETITION NO.: Z-84

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 located at the northeast intersection of Fricks and Cochran Lake Roads. The majority of the site (with the exception of the southwest corner) drains to the northeast. The downstream conveyance within Spring Wood Subdivision has an existing drainage easement, but is not well defined. Average slopes on the site range from 5 to 18%.
2. The limited area allotted for the stormwater management facility may require a wall to provide adequate storage. Landscape screening and/or decorative treatment of the wall should be provided to mitigate visual impact to existing property owners.

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**PETITION FOR:** RA-5

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**TRANSPORTATION COMMENTS:**

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cochran Lake Road	N/A	Local	25 mph	Cobb County	50'
Fricks Road	N/A	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Cochran Lake 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.

Fricks 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 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 Fricks Road, a minimum of 25' from the roadway centerline.

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

Recommend driveways be at least 50 ft from the intersection of Cochran Lake Road and Fricks Road.

Recommend curb, gutter, and sidewalk along the frontage of Cochran Lake Road and Fricks Road.

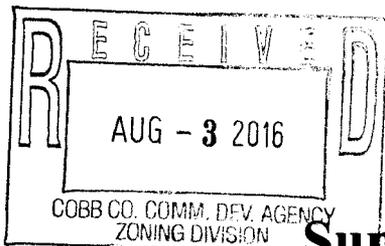
## STAFF RECOMMENDATIONS

### **Z-84 JAMES C. LANE, JR.**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. The request for the RA-5 district is not in keeping with surrounding properties that are zoned to the R-20 and R-15 districts and the density allowed by the proposal (3.33 upa) would be out of character with neighboring properties.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The requested RA-5 district and the proposal's five (5) lots on the subject 1.5 acres have the potential to negatively impact surrounding neighbors due to the impact that the higher density and the increased number of neighbors backing up to existing lots and/or a detention pond may pose.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates the property to be within the LDR low density residential future land use category. This category forecasts single-family development within the 1-2.5 units per acre range while the applicant's proposal stands at 3.33 upa.
- 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 denying the applicant's rezoning proposal. The request for RA-5 zoning does not meet that category's minimum acreage of 80,000 sq. ft. (being only 65,340 sq. ft.) to start, and anticipates the need for several setback variances for the lots. The subject property, being smaller and located at the corner of two (2) roads, is not well suited for the requested five (5) lot configuration. The proposed density and its potential for adverse effects upon neighbors in regards to traffic and general quiet enjoyment of their property demonstrate that the request is unsuitable for the subject site.

Based on the above analysis, Staff recommends **DENIAL**.

**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. 2-84

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 2500 +
- b) Proposed building architecture: TRADITIONAL, WOOD, BRICK, STONE
- c) Proposed selling prices(s): \$600,000 - \$800,000 SIDEWALK
- d) List all requested variances: \_\_\_\_\_ (SAMPLES ATTACHED)

.....  
**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)**

N/A

.....  
**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).

NO