

Z-11
(2017)

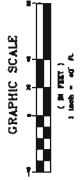
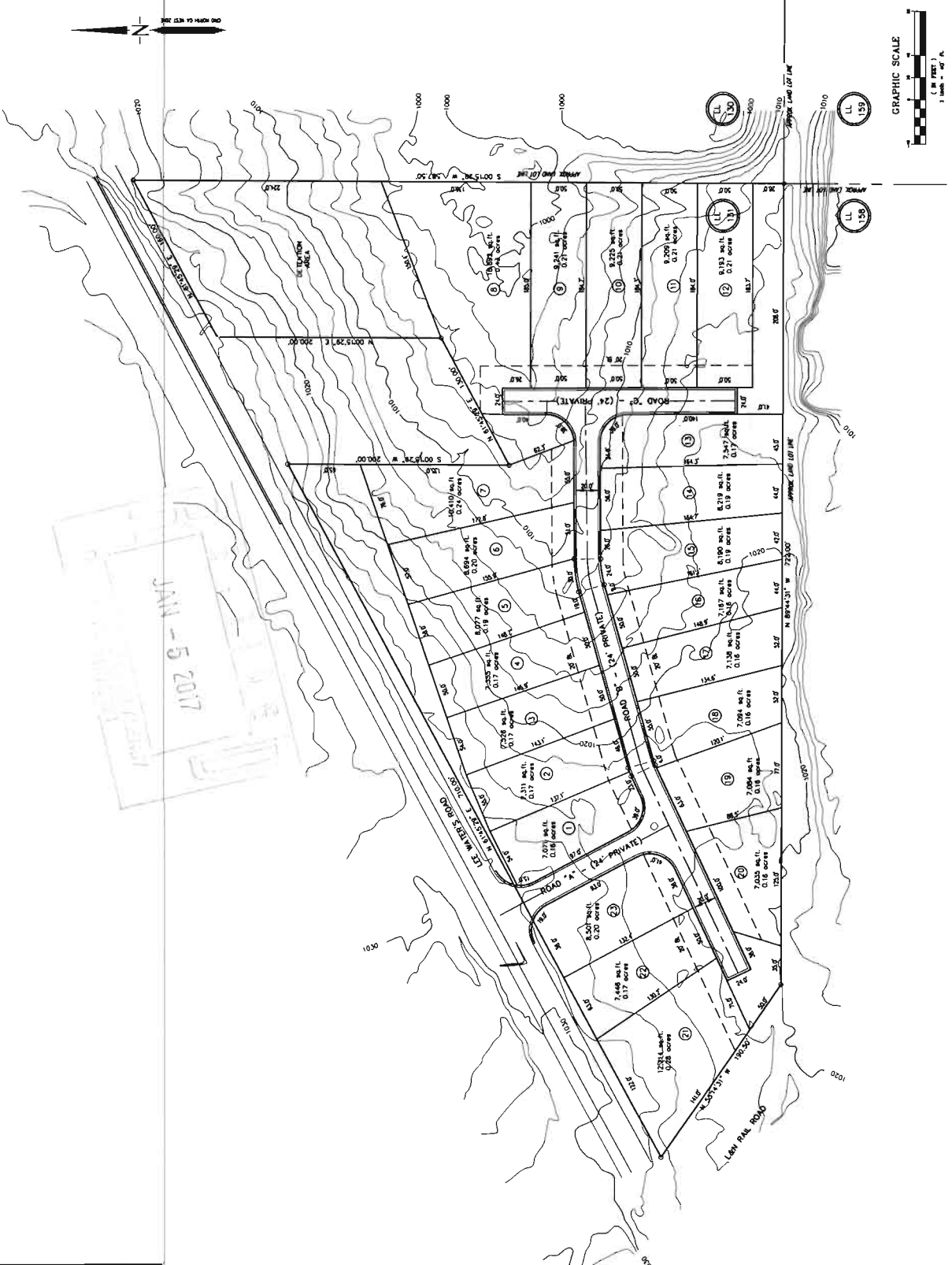


centerline
Surveying and Land Planning, Inc.
1201 BRIDGE ROAD, SUITE 110, KENNESAW, GA 30144
PHONE: (770) 424-0028 FAX: (770) 424-1888

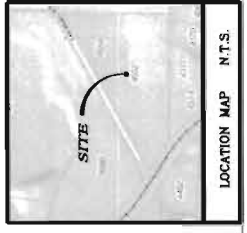
LEWIS WATERS ROAD
ZONING PLAN FOR

NO.	DATE	REVISION DESCRIPTION

DATE OF PLAN	
DATE OF SURVEY	
SCALE: 1" = 40'	
PROJECT NO.	
SHEET NO.	1



JAN - 5 2017



ZONING: EXISTING ZONING: R-20
 EXISTING ZONING: RA-3 DETACHED
 SITE AREA: 4.31
 NUMBER OF UNITS: 23 UNITS
 TOTAL ACRES: 1.15 ACRES
 MAXIMUM HEIGHT: 35 FT
 MAXIMUM LOT WIDTH: 120 FT
 MAXIMUM LOT AREA: 1,800 SQ. FT
 MAXIMUM BUILDING FOOTPRINT: 25
 SETBACKS:
 FRONT: 5 FT
 REAR: 20 FT

APPLICANT: Loyd Development Services

PHONE#: N/A **EMAIL:** john@loyddevelopment.com

REPRESENTATIVE: Garvis L. Sams, Jr.

PHONE#: (770) 422-7016 **EMAIL:** gsams@slhb-law.com

TITLEHOLDER: Kenneth E. Jenkins

PROPERTY LOCATION: Southeast side of Lee Waters Road (at its terminus), south of Jamerson Road

ACCESS TO PROPERTY: Lee Waters Road

PHYSICAL CHARACTERISTICS TO SITE: Two (2), existing single-family residences

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: HI/ Industrial, East Cobb Baseball
SOUTH: HI/ Shallowford Industrial Park
EAST: R-20/ Carlton J. Kell High School
WEST: LI, HI/ Industrial across railroad tracks

Adjacent Future Land Use:

Northwest: Industrial Compatible (IC) and Park / Conservation/ Conservation (PRC)
East: Public Institutional (PI)
South: Industrial Compatible (IC)
Southwest: Transportation / Communications / Utilities (TCI)

PETITION NO: Z-11

HEARING DATE (PC): 03-07-17

HEARING DATE (BOC): 03-21-17

PRESENT ZONING: R-20

PROPOSED ZONING: RA-5

PROPOSED USE: Single-family Detached Subdivision

SIZE OF TRACT: 6.3 acres

DISTRICT: 16

LAND LOT(S): 131

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

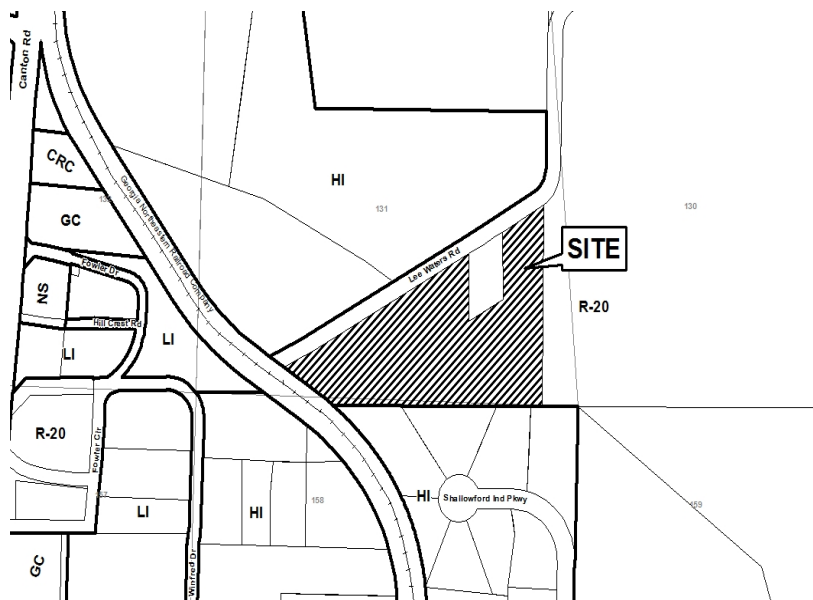
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

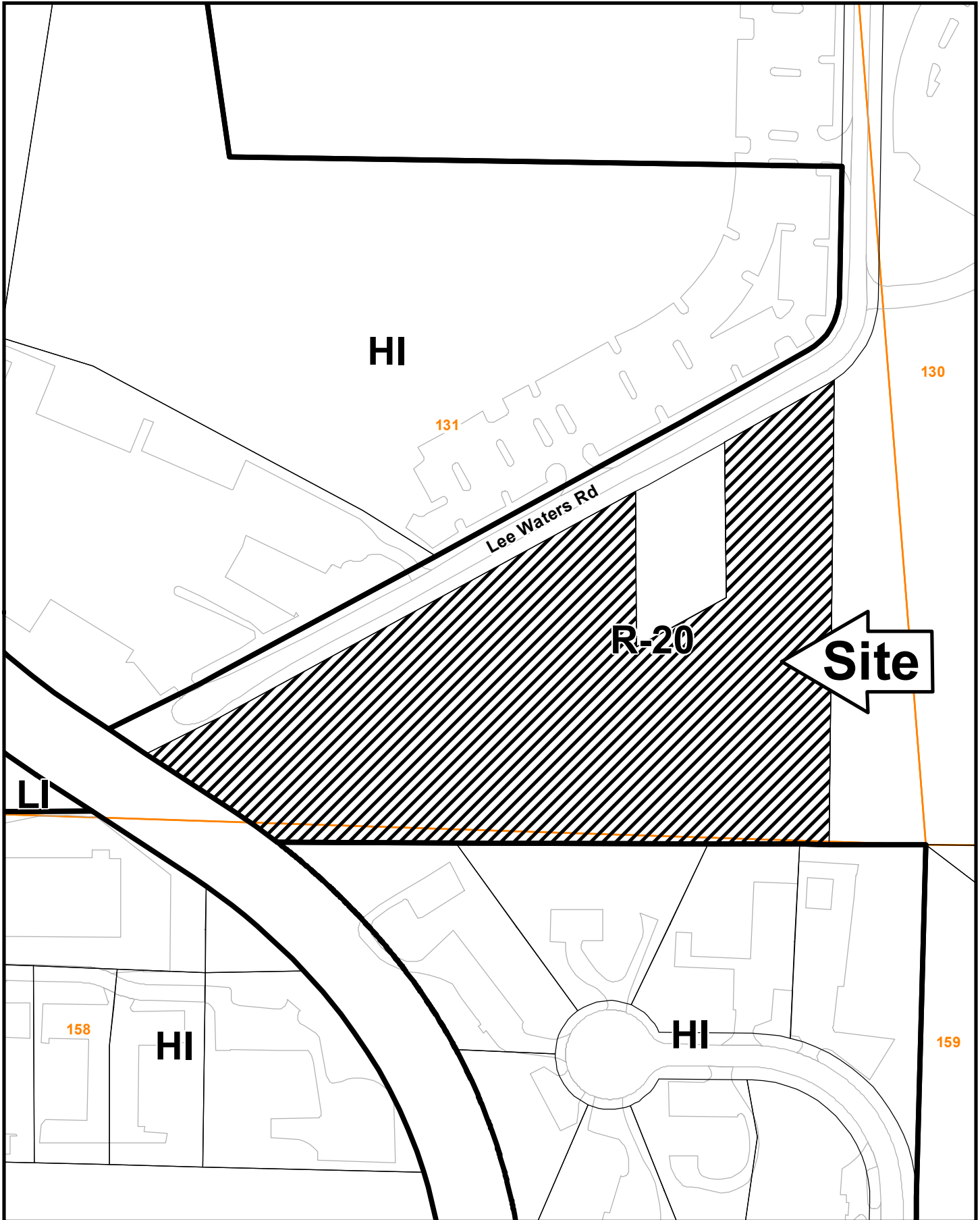
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-11-2017 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: Loyd Development Services

PETITION NO.: Z-11

PRESENT ZONING: R-20

PETITION FOR: RA-5

ZONING COMMENTS:

Staff Member Responsible: Terry Martin , MPA

Land Use Plan Recommendation: Industrial Compatible (IC)

Proposed Number of Units: 23 **Overall Density:** 3.65 **Units/Acre**

Staff estimate for allowable # of units: 11 **Units*** **Increase of:** 12 **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 to the RA-5 Single-family Residential District from the current R-20 Single-family Residential District in order to develop a 23 lot subdivision. The subdivision will contain 24 foot wide private streets. All lots but lots 2 and 5 maintain the required 50 foot road frontage (though private) and 50 foot lot width at the front setback line. Also, front and side setbacks are conforming to the proposed district regulations at 20 feet and 5 feet respectively but the rear setback for lots 8-23 anticipate a waiver of the required 40 feet to 20 feet as these lots are considered exterior and would otherwise be subject to the increased setback. Homes within the subdivision will be traditional in style and range from 2,000 square feet to 3,200 square feet in size.

If approved the following variances will be required:

1. Waive the required minimum 50 foot public road frontage for all lots but lots 21-23;
2. Waive the minimum lot width at the front setback line from the required 50 feet to 46 feet on lot 2 and 39 feet on lot 5; and
3. Waive the rear setback for exterior lots 8-23 from the required 40 feet to 20 feet.

Cemetery Preservation: No comment.

APPLICANT: Loyd Development Services

PETITION NO.: Z-11

PRESENT ZONING: R-20

PETITION FOR: RA-5

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Keheley Elem</u>	<u>512</u>	<u>555</u>	<u> </u>
Elementary			
<u>McCleskey Middle</u>	<u>683</u>	<u>843</u>	<u> </u>
Middle			
<u>Kell High</u>	<u>1559</u>	<u>1912</u>	<u> </u>

High

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

Additional Comments: Approval of this petition will cause concern for Cobb County School District, as it will result in a nominal impact on the enrollment for schools over capacity.

FIRE COMMENTS:

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

GUEST PARKING: When projects contemplate less than 20-ft separation between units (10-ft side setbacks), guest parking shall be provided at a ratio of one-half space for each dwelling unit (1 space/ 2 units) distributed throughout the community.

APPLICANT: Loyd Development Services

PETITION NO.: Z-11

PRESENT ZONING: R-20

PETITION FOR: RZ-5

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RA-5 for the purpose of single family detached subdivision. The 6.3 acre site is located on the southeast side of Lee Waters Road (at its terminus), south of Jamerson 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 an Industrial Compatible (IC) future land use category, with R-20 zoning designation. The purpose of Industrial Compatible (IC) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

Northwest : Industrial Compatible (IC) and Park / Conservation/ Conservation (PRC)
East: Public Institutional (PI)
South: Industrial Compatible (IC)
Southwest: Transportation / Communications / Utilities (TCI)

Master Plan/Corridor Study

The property is located within the boundary of a the Canton Road 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: Loyd Development Services

PRESENT ZONING: R-20

PETITION NO.: Z-11

PETITION FOR: RZ-5

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?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Loyd Development Services

PETITION NO. Z-011

PRESENT ZONING R-20

PETITION FOR RA-5

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

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 6" DI / N side of Lee Waters Rd

Additional Comments:

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

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

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: +/- 150' east w/easement

Estimated Waste Generation (in G.P.D.): A D F= 3,680 Peak= 9,200

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 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: Loyd Development Services

PETITION NO.: Z-11

PRESENT ZONING: R-20

PETITION FOR: RA-5

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 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 existing downstream system through Kell High School.

APPLICANT: Loyd Development Services

PETITION NO.: Z-11

PRESENT ZONING: R-20

PETITION FOR: RA-5

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.

ADDITIONAL COMMENTS

1. This site is located to the south of Lee Waters Road at its terminus. The existing site is mostly wooded with average slopes ranging from approximately 4 to 15%. The majority of the site drains to the east into and through the adjacent Kell High School athletic fields. Approximately 1.5 acres of the western portion of the site drains to the south into the Shallowford Industrial Park.
2. The proposed site plan shows the detention pond located at the northeast corner of the parcel. The natural low point of the site is at the rear of Lot 8. The detention facility may need to be relocated to this location during Plan Review.

APPLICANT: Loyd Development Services

PETITION NO.: Z-11

PRESENT ZONING: R-20

PETITION FOR: RA-5

TRANSPORTATION COMMENTS:

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

COMMENTS AND OBSERVATIONS

Lee Waters 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 south side of Lee Waters 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 curb, gutter, and sidewalk along the Lee Waters Road frontage to Kell High School driveway.

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.

If guest parking is required, recommend it be located outside of the right-of-way.

STAFF RECOMMENDATIONS

Z-11 LOYD DEVELOPMENT SERVICES

- 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 parcel, though currently zoned residential (R-20), lies within an area forecast as IC industrial compatible and is surrounded by other nonresidential uses including heavy industrial users as well as institutional entities such as a public high school (Carlton J. Kell High School) and nonprofit baseball complex (East Cobb Baseball). Though an argument can be made that allowing residential adjacent to existing industrial is not as detrimental as allowing industrial adjacent to existing residential, the County must act to preserve these recognized potential industrial areas while also working to curb potential, future incompatibilities between these uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. Though disclosures and warnings can be given to all future residential neighbors, the addition of a residential neighborhood such as the one proposed adjacent to established industrial uses allows for the potential of neighbor discord if the new residents experience impacts from these established industrial activities. Located within an area forecast as industrial compatible, Staff recognizes the benefit of adhering to this designation in an effort to curtail undue adverse effects upon established industrial neighbors in the form of potential future complaints.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. As mentioned, the subject property is located within an area designated as IC industrial compatible. These areas are ones the County has recognized as capable of supporting light industrial, office/warehouse, and distribution centers. These uses can be regional-serving employment areas and could provide for transitional uses between more intensive land uses and ones of less intensity. The current request does not further these goals.
- 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. Though currently zoned residential, the property is located within an area designated as IC industrial compatible on the future land use map and recognized by the *Cobb County Comprehensive Plan* as a potential area of providing regional employment as industrial uses best suited to its location adjacent to major thoroughfares and the railroad to the west. Established and continued development in the immediate area has been of a nonresidential nature including immediately adjacent industrial uses as well as the public high school to the northeast and the institutional baseball complex to the north.

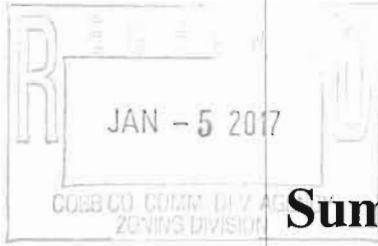
The proposed 23 lot subdivision includes minor variances that would be required if approved as presented including setback and lot width variances. Though, more importantly, consideration must be given to the potential impact such a residential development may have upon those aforementioned existing industrial users in the area. One may argue that to locate residential next to existing industrial has less potential for negative feedback than does locating industrial next to existing residential and, almost certainly, the developer will wish to include disclosures in the marketing and sales materials of the subdivision indicating its proximity to these existing uses, these in no way can

Z-11 LOYD DEVELOPMENT SERVICES (Continued)

be seen as guarantees that future residents will not have issues with the nearby industry and this would be a disservice to these established uses that have located within the industrial compatible, industrially zoned area. In this case, in particular, adhering to the *Plan's* recommendation not only ensures that Cobb continues to reserve appropriate area for industrial land users and the employment they may bring, but it also curtails the potential discomfort of future residential neighbors.

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. Z-11

PC: March 7, 2017
BOC: March 21, 2017

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Ranging from 2,000 square feet to 3,200 square feet.
- b) Proposed building architecture: Traditional
(renderings/elevations provided under separate cover).
- c) List all requested variances: As shown on site plan.

.....
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)

Although the subject property is shown on Cobb County's Future Land Use Map in an area denominated as Industrial Compatible ("IC"), it and adjoining properties on the south side of Lee Waters Road are and have been residential in use. The applicant is proposing a 23 lot single-family detached subdivision.

.....
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 and/or revise any information set forth in this Summary of Intent for Rezoning or any portion of the Application for Rezoning at any time during the Rezoning process.