



**APPLICANT:** Durvijai Persaud

**PHONE #:** (619) 253-6590 **EMAIL:** Dpersaud88@icloud.com

**REPRESENTATIVE:** Garvis L. Sams, Jr.

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

**TITLEHOLDER:** Durvijai Persaud

**PETITION NO:** Z-33

**HEARING DATE (PC):** 07-06-17

**HEARING DATE (BOC):** 07-18-17

**PRESENT ZONING:** PD

**PROPOSED ZONING:** R-15

**PROPOSED USE:** Single-family Residences

**PROPERTY LOCATION:** Northwest corner of Shallowford Road

and Shallow Farm Drive

(4801 Shallow Farm Drive)

**ACCESS TO PROPERTY:** Shallow Farm Drive

**SIZE OF TRACT:** 0.677 acres

**DISTRICT:** 16

**PHYSICAL CHARACTERISTICS TO SITE:** Shallowford Village

**LAND LOT(S):** 66

amenity – pool and clubhouse

**PARCEL(S):** 25

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** PD/ Shallowford Village Subdivision

**SOUTH:** R-20/ Calvary Chapel Church

**EAST:** PD/ Shallowford Village Subdivision

**WEST:** PD/ Shallowford Village Subdivision

*Adjacent Future Land Use:*

North: Low Density Residential (LDR)

East: Low Density Residential (LDR)

South: Public Institutional (PI)

West: Low Density Residential (LDR)

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

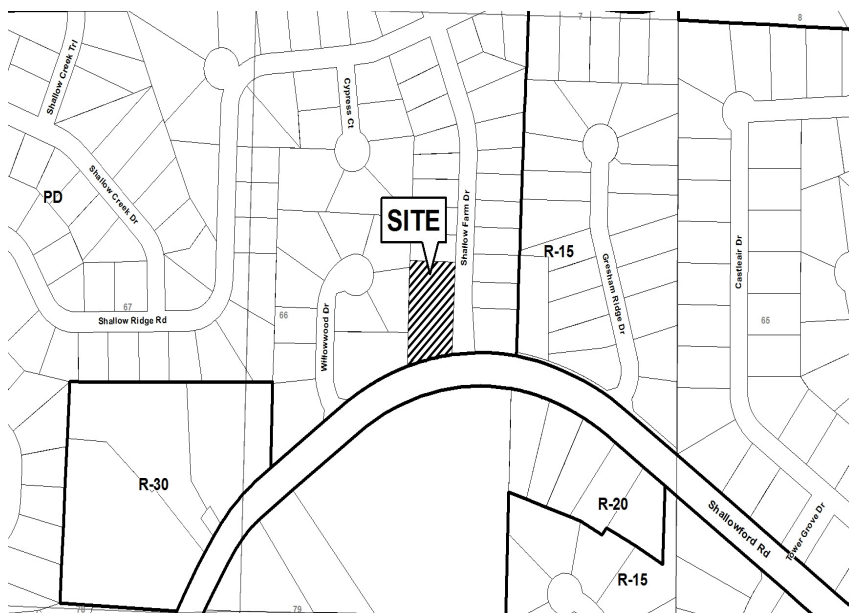
**BOARD OF COMMISSIONERS DECISION**

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

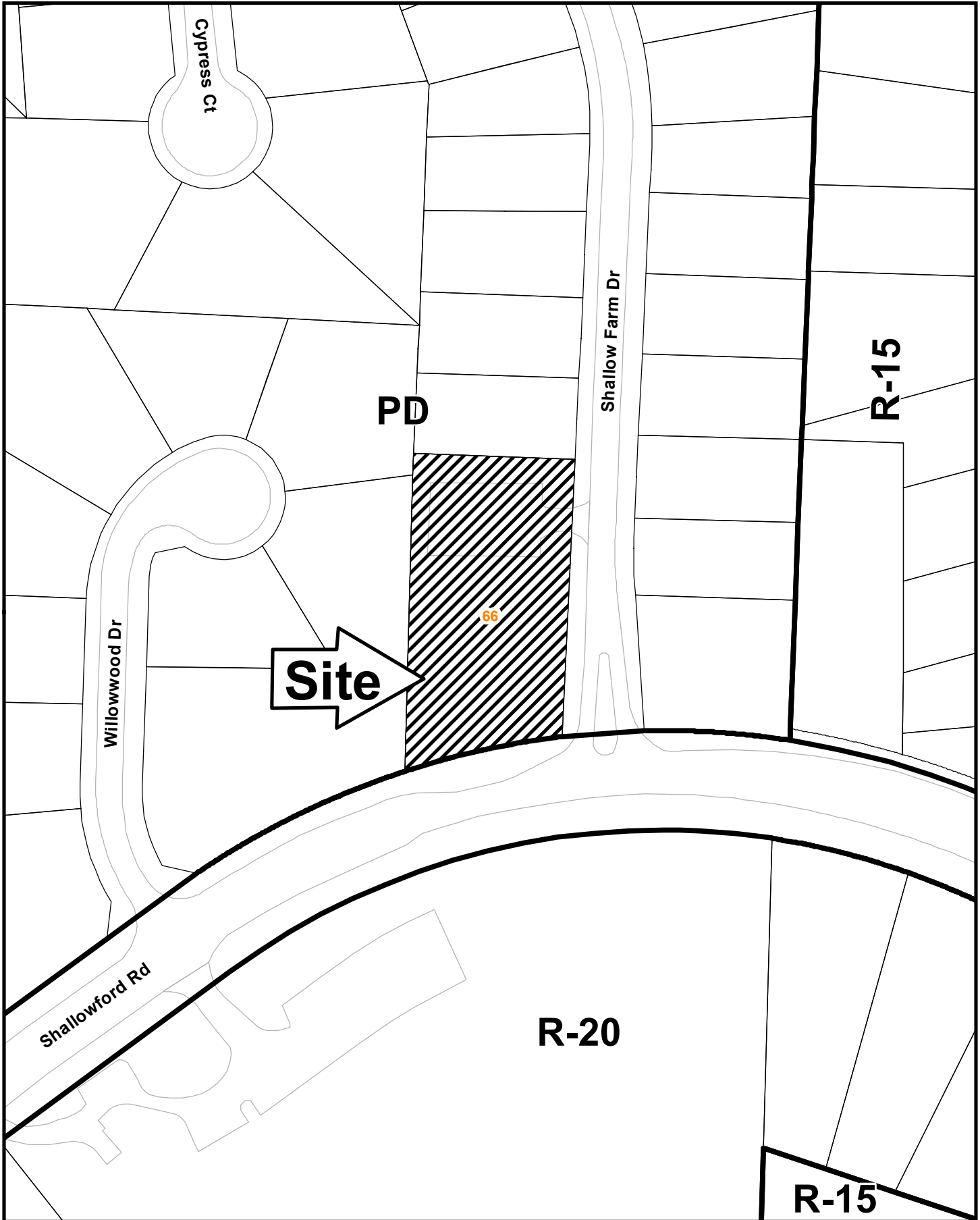
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

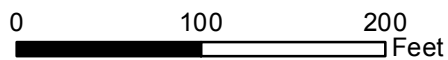
**STIPULATIONS:**





# Z-33 2017-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: Durvijai Persaud

PETITION NO.: Z-33

PRESENT ZONING: PD

PETITION FOR: R-15

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**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:** 2                      **Overall Density:** 2.95                      **Units/Acre**

**Staff estimate for allowable # of units:** 0, amenity **Units\***    **Increase of:** 2                      **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 PD planned development district to the R-15 single-family residential district in order to develop two (2) lots for single-family residences. The lot, previously developed as the amenity area for the Shallowford Village Subdivision, has ceased to be used for such purpose since 2015. It is just shy of 30,000 square feet at 29,491 sq. ft. in size meaning that the two (2) proposed lots will be 14,745 sq. ft. and 14,746 sq. ft. These sizes, being under the R-15 minimum of 15,000 sq. ft., means that, if approved, a variance will be required to waive the minimum lot sizes for both. All applicable setbacks are being followed as proposed.

If approved, the following variance is required:

1. Waive the minimum lot size from the required 15,000 sq. ft. to 14,745 sq. ft. for Tract A and 14,746 Tract B.

**Cemetery Preservation:** No comments.

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Blackwell</u>	<u>726</u>	<u>771</u>	<u>                    </u>
<b>Elementary</b> <u>McCleskey</u>	<u>683</u>	<u>843</u>	<u>                    </u>
<b>Middle</b> <u>Kell</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 not have an impact on the enrollment at Cobb County schools.

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**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.

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**PETITION NO.: Z-33**

**PRESENT ZONING: PD**

**PETITION FOR: R-15**

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from PD to R-15 for the purpose of single family residences. The 0.677 acre site is located on the northwest corner of Shallowford Road and Shallow Farm Drive (4801 Shallow Farm Drive).

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 PD 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: Public Institutional (PI)  
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.

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**PRESENT ZONING: PD**

**PETITION NO.: Z-33**

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



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PRESENT ZONING PD

PETITION FOR R-15

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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 / W side of Shallow Farm Drive

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: Shallow Farm Drive ROW

Estimated Waste Generation (in G.P.D.): A D F= 320 Peak= 800

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.

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little Noonday 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 – Lake Latimer (~800 ft 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 receiving system.

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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.

ADDITIONAL COMMENTS

1. This parcel is currently developed as the recreation area for the Shallowford Village Subdivision. Conversion of the pool, pool house and parking area into two residential parcels will not result in any increase in stormwater runoff over existing conditions.

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**TRANSPORTATION COMMENTS:**

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Shallow Farm Drive	Local	25 mph	Cobb County	50'
Shallowford Road	Arterial	45 mph	Cobb County	100'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Shallow Farm Drive	N/A	N/A	N/A
Shallowford Road	East of Shallow Ridge Road	12,800	D

*Based on 2012 traffic counting data taken by Cobb County DOT for Shallowford Road.  
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.  
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

**COMMENTS AND OBSERVATIONS**

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

Shallowford Road is classified as an arterial 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, gutter, and sidewalk along the Shallowford Road frontage.

## STAFF RECOMMENDATIONS

### **Z-33 DURVIJAI PERSAUD**

- 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 proposed use is to develop single-family residences on each of the two (2) lots similar to the development of the surrounding area.
- 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. Development of the property will be for single-family use similar to surrounding properties. The proposed lot sizes, just under 15,000 sq. ft., are similar in size to those surrounding lots in Shallowford Village with lots to the north within Unit 4A being approximately 8,450 sq. ft. in size and those lots abutting to the west (1, 3, and 4 of Unit 5) being 24,952 sq. ft., 14,296 sq. ft., and 15,941 sq. ft. respectively.
- 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* which delineates the property to be within the LDR low density residential future land use category. This category seeks 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 while the proposal would result in a density of 2.95 upa.

However, given the property's location within the surrounding Shallowford Village Subdivision which is zoned PD planned development, the proposed lot sizes are not out of character with those surrounding them. As previously stated, the lots directly abutting to the north within Unit 4A are approximately 8,450 sq. ft. in size, or just slightly over half size of the 14,745/14,746 proposed by the applicant. If a similar lot size were applied to the subject property, the resulting density would approach 3.5 upa.

Lot 1 of Unit 4A, the corner lot directly across from the applicant's parcel, is perhaps the largest in Shallowford Village Unit 4A at 12,319 sq. ft. and those lots within Unit 5 abutting to the rear range in sizes from 14,296 sq. ft. to 24,952 sq. ft. Therefore, while the proposed lots' sizes are slightly under the R-15 required 15,000 sq. ft. and result in a density calculation of 2.95 upa,, the proposed lot sizes fit well within the range of those adjacent without being imposing and lots any smaller would only result in a density far greater than the 2.5 upa max sought by the LDR category.

It should be noted that the Board of Commissioners, in making land use decisions, use the future land use map as a guide in the decision making process, but there are circumstances when decisions will be made that are contrary to this document based upon a change in market conditions, information unbeknownst to staff/community in the preparation of this document, or some other condition.

### **Z-33 DURVIJAI PERSAUD (Continued)**

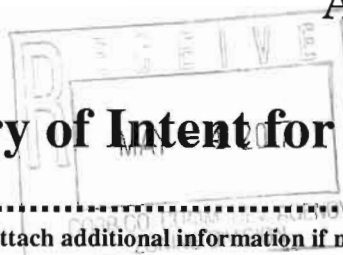
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The property, once the recreation area for Shallowford Village Subdivision, is proposed to be developed for two (2) single-family residences. While the resulting lot sizes will be slightly undersized for the minimum 15,000 sq. ft., it will be only by less than 300 sq. ft. Though the resulting density calculates to 2.95 units per acre (over the 2.5 upa sought by the LDR future land use category), the lot sizes fit well within the range of adjacent lots within both Shallowford Village Units 4A and 5 which are sized from 8,450 sq. ft. to 24,952 sq. ft. In fact, though not completely in line with the *Comprehensive Plan's* forecast, the proposed density of the two lots at 2.95 upa fits well within those of adjacent Shallowford Village Units 4A and 5 (3.33 upa and 2.45 upa, respectively).

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

1. Site plan received by the Zoning Division on May 4, 2017, with the District Commissioner approving minor modifications;
2. Letter of agreeable conditions by Garvis L. Sams, Jr. dated June 7, 2017;
3. Lot size variances for Tracts A and B from the minimum 15,000 sq. ft. to 14,745 sq. ft. and 14,746 sq. ft. respectively;
4. Fire Department comments and recommendations;
5. Sewer and Water 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.**

# Summary of Intent for Rezoning \*



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

- a) Proposed unit square-footage(s): 2,200 - 3,200 and greater
- b) Proposed building architecture: Traditional (renderings to be provided under separate cover)
- c) List all requested variances: Concurrent Variance to waive the minimum lot size from 15,000 square feet to 14,745 square feet on Tract A and to 14,746 square feet on Tract B. (Other Variances [if any] will be articulated during the pendency of the Rezoning Application.)

.....  
**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)**

The subject property consists of the former recreation/amenity area of the Shallowford Village Subdivision which has been abandoned and unused for an extended period of time. The proposed lot sizes are consistent with the tenor of lot sizes within the PD Subdivision. Therefore, the subject property is generally consistent with the County's Future Land Use designation of 1 - 2.5 units per acre.

.....  
**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 this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.