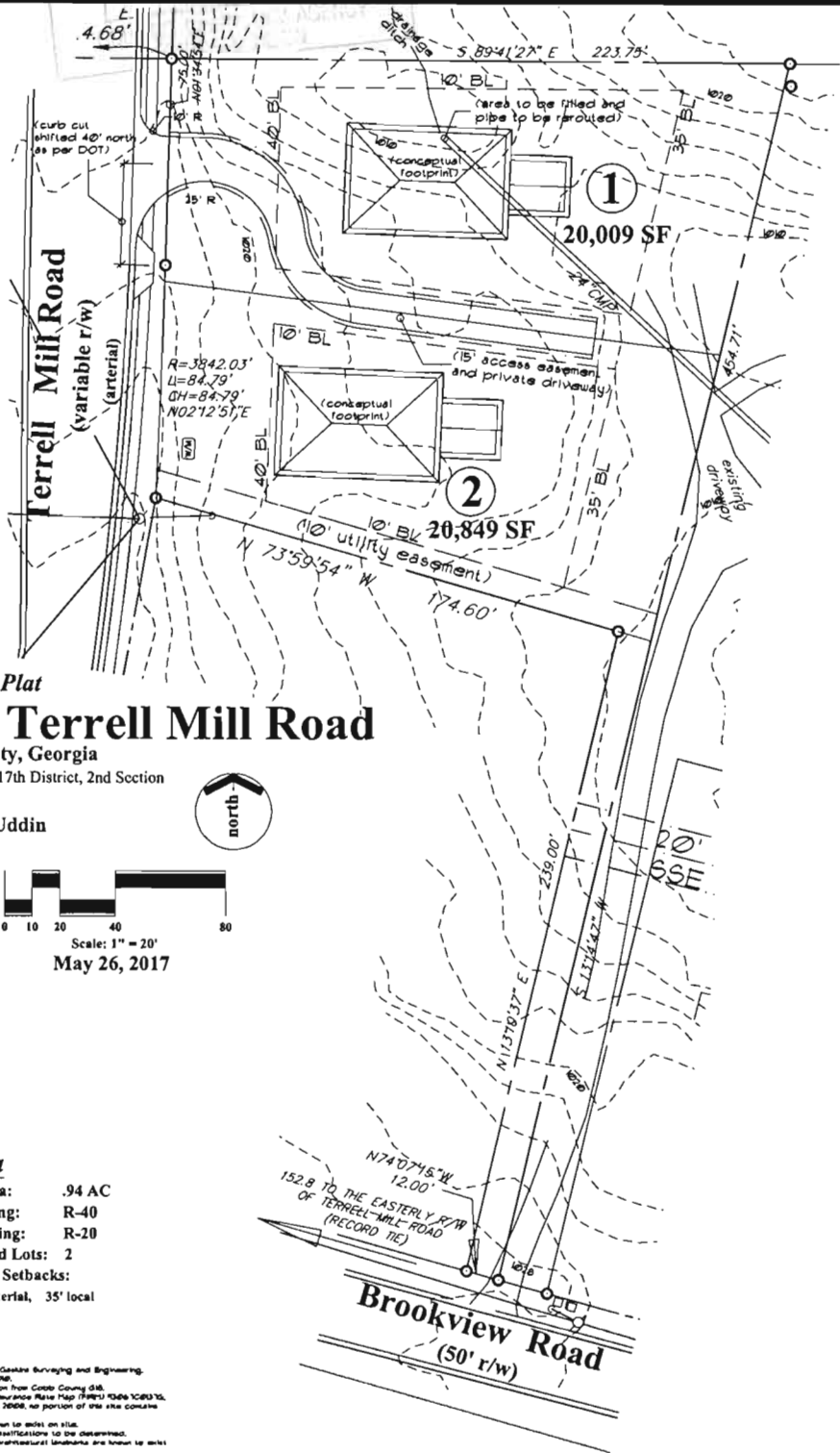


Z-40
(2017)

JUN 01 2017



Rezoning Plat
1143 Terrell Mill Road
 Cobb County, Georgia
 Land Lot 937, 17th District, 2nd Section

prepared for:
Mr. Saleh Uddin



975 Oak Place
 Avon Sum 212
 Avon, GA 30114
 770 514-9000
 Fax 614-9491



Scale: 1" = 20'
 May 26, 2017



Site Data

Total Site Area: .94 AC
 Existing Zoning: R-40
 Proposed Zoning: R-20
 Total Proposed Lots: 2
 R-20 Building Setbacks:
 front: 40' arterial, 35' local
 side: 10'
 rear: 35'

- NOTES:
 1. Boundary survey from Gamble Surveying and Engineering, dated January 26, 2006.
 2. Topographic information from Cobb County GIS.
 3. According to Flood Insurance Rate Map (FIRM) Sheet 100037G, dated December 16, 2006, no portion of the site contains floodplain.
 4. No easements are known to exist on site.
 5. Streets and utility classifications to be determined.
 6. No archaeological or environmental landmarks are known to exist on site.
 7. Easement lines on site and are shown on site plan.

APPLICANT: M. Saleh Uddin

PHONE#: EMAIL:

REPRESENTATIVE: Adam J. Rozen

PHONE#: 770-422-7016 EMAIL: arozen@slhb-law.com

TITLEHOLDER: Mohammed. S. Uddin

PROPERTY LOCATION: East side of Terrell Mill Road, north of

Brookview Road

(1203 Terrell Mill Road)

ACCESS TO PROPERTY: Terrell Mill Road and Brookview Road

PHYSICAL CHARACTERISTICS TO SITE: wood lot

PETITION NO: Z-40

HEARING DATE (PC): 08-01-17

HEARING DATE (BOC): 08-15-17

PRESENT ZONING: R-40

PROPOSED ZONING: R-20

PROPOSED USE: Two Single Family Homes

SIZE OF TRACT: 0.94 ac

DISTRICT: 17

LAND LOT(S): 937

PARCEL(S): 32

TAXES: PAID X DUE

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-15/ Single family residence, Millridge Subdivision

SOUTH: R-40/ Single family residence

EAST: R-40/ Single family residence, Terrell Mill Estates

WEST: RA-6/ Ivey Crest

Adjacent Future Land Use:

North: Very Low Density Residential (VLDR)

East: Very Low Density Residential (VLDR)

South: Very Low Density Residential (VLDR)

West: Medium Density Residential (MDR)

OPPOSITION: NO. OPPOSED PETITION NO: SPOKESMAN

PLANNING COMMISSION RECOMMENDATION

APPROVED MOTION BY

REJECTED SECONDED

HELD CARRIED

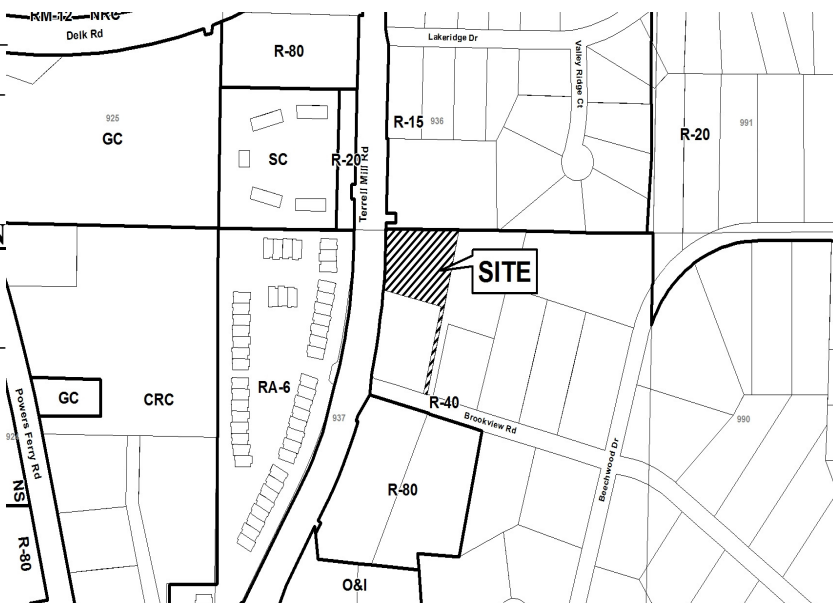
BOARD OF COMMISSIONERS DECISION

APPROVED MOTION BY

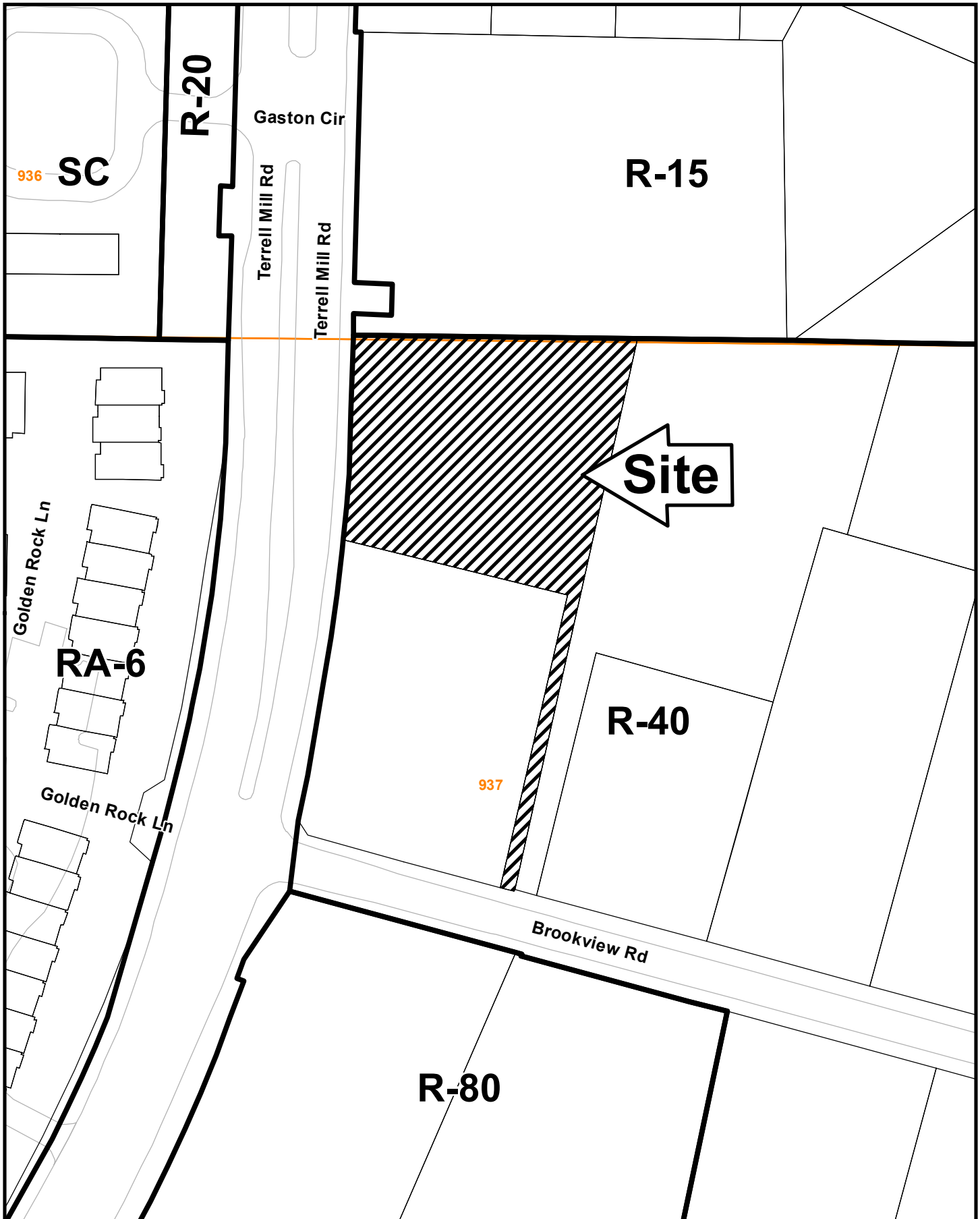
REJECTED SECONDED

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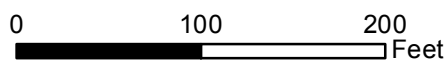
STIPULATIONS:





Z-40 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: M. Saleh Uddin

PETITION NO.: Z-40

PRESENT ZONING: R-40

PETITION FOR: R-20

ZONING COMMENTS:

Staff Member Responsible: Tannesha Bates

Land Use Plan Recommendation: Very Low Density Residential

Proposed Number of Units: 2 **Overall Density:** 2.12 **Units/Acre**

Staff estimate for allowable # of units: 1 **Units*** **Increase of:** 1 **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 the R-20 zoning district to build two single-family homes on this property. The houses would be traditional or craftsman in styling with an exterior consisting of natural stone, brick, wood and hardi-plank. The houses would be a minimum of 1,500 square-feet, and would both access off a shared driveway.

Cemetery Preservation: No comment.

APPLICANT: M. Saleh Uddin

PETITION NO.: Z-40

PRESENT ZONING: R-40

PETITION FOR: R-20

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Brumby</u>	<u>968</u>	<u>751</u>	<u> </u>
Elementary			
<u>East Cobb</u>	<u>1170</u>	<u>1226</u>	<u> </u>
Middle			
<u>Wheeler</u>	<u>2165</u>	<u>2187</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.

APPLICANT: M. Saleh Uddin

PETITION NO.: Z-40

PRESENT ZONING: R-40

PETITION FOR: R-20

SITE PLAN REVIEW SECTION COMMENTS:

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.).

APPLICANT: M. Saleh Uddin

PETITION NO.: Z-40

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: M. Saleh Uddin

PETITION NO.: Z-40

PRESENT ZONING: R-40

PETITION FOR: R-20

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-40 to R-20 for the purpose of two single family homes. The 0.94 acre site is located on the east side Terrel Mill Road, north Brookview Road (1203 Terrel Mill 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 Marietta been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-40 zoning designation. The purpose of the Very Low Density Residential (VLDR) category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) dwelling units per acre.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: Very Low Density Residential (VLDR)
East: Very Low Density Residential (VLDR)
South: Very Low Density Residential (VLDR)
West: Medium Density Residential (MDR)

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: M. Saleh Uddin

PETITION NO.: Z-40

PRESENT ZONING: R-40

PETITION FOR: R-20

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

APPLICANT M Saleh Uddin

PETITION NO. Z-040

PRESENT ZONING R-40

PETITION FOR R-20

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): 8" DI / E side of Terrell Mill 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: in flag portion of lot

Estimated Waste Generation (in G.P.D.): A D F= +160 Peak= +400

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: To use on-site manhole, non-standard-width private sewer easement necessary

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: M. Saleh Uddin

PETITION NO.: Z-40

PRESENT ZONING: R-40

PETITION FOR: R-20

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Terrell Branch 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 receiving storm system.

APPLICANT: M. Saleh Uddin

PETITION NO.: Z-40

PRESENT ZONING: R-40

PETITION FOR: R-20

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. There is a fairly significant drainage area that flows through this parcel that includes two discharge points from the DOT R/W. The applicant must provide adequate conveyance of all offsite drainage through the site. This may require an agreement from the existing downstream neighbor to replace the existing inadequately sized private storm pipe.
2. A site grading and drainage plan will be required to be approved by Stormwater Management.

APPLICANT: M. Saleh Uddin

PETITION NO.: Z-40

PRESENT ZONING: R-40

PETITION FOR: R-20

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Terrell Mill Road	Arterial	45 mph	Cobb County	100'
Brookview Road	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Terrell Mill Road	South of Powers Ferry Road	15,800	C
Brookview Road	N/A	N/A	N/A

*Based on 2015AADT counting data taken by GDOT, as published on their website, for Terrell Mill 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

Terrell Mill 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.

Brookview 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.

RECOMMENDATIONS

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

Recommend removing and closing driveway apron along Terrell Mill Road frontage that development renders unnecessary.

Recommend shared driveway be a minimum of 250' from the intersection of Terrell Mill and Brookview Road.

Recommend a no access easement on Brookview Road.

STAFF RECOMMENDATIONS

Z-40 M. SALEH UDDIN

- 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 area contains Single-family houses, condominiums, townhomes and office uses. The single-family homes would be consistent with other single-family homes in the 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. Nearby properties are zoned single-family and developed with similar densities.
- 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 this property as being in the Very Low Density Residential land use category having densities that range from 0-2 units per acre. The proposed density is just slightly higher than the Future Land Use map maximum of 2 units per acre. The zoning and density of the proposed single-family homes are consistent with other residential developments in the area such as Millridge Unit 1 (zoned R-15 at approximately 2.02 units per acre); Terrell Mill Estates Unit 2 (zoned R-20 at approximately 0.8 units per acre). 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.
- 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 applicants proposal is consistent with other residential uses in the area. The applicants proposed use would be compatible with properties in the area.

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

1. Revised site plan received by the Zoning Division on June 28, 2017, with the District Commissioner approving minor modifications;
2. Department of Transportation comments and recommendations;
3. Site Plan Review comments and recommendations;
4. Stormwater Management 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.



Application No. Z-40
Aug. 2017

Summary of Intent for Rezoning

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

- a) **Proposed unit square-footage(s):** Minimum 1,500 square foot
 - b) **Proposed building architecture:** Materials will include natural stone, brick, wood, and hardiplank
 - c) **List all requested variances:** None requested at this time
- _____

.....
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)

The subject property is located within an area designated as Very Low Density Residential which provides for the requested zoning, R-20, as an Appropriate Land Use.

.....
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).

30' Cobb EMC easement