



APPLICANT: Hernán G. Guerrero

PETITION NO: Z-47

PHONE #: (404) 549-1130 EMAIL: hguerrero@picassologistics.com

HEARING DATE (PC): 09-07-17

REPRESENTATIVE: Garvis L. Sams, Jr.

HEARING DATE (BOC): 09-19-17

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

PRESENT ZONING: R-20

TITLEHOLDER: Allison H. Price and Jeanette S. Price

PROPOSED ZONING: R-15

PROPERTY LOCATION: West side of Harris Road, south of  
Smyrna Powder Springs Road

PROPOSED USE: Single-family Subdivision

ACCESS TO PROPERTY: Harris Road

SIZE OF TRACT: 2.70 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Wooded Lot

LAND LOT(S): 91

PARCEL(S): 70

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

COMMISSION DISTRICT: 4

**CONTIGUOUS ZONING/DEVELOPMENT**

NORTH: R-20/ Harris Woods Subdivision  
SOUTH: R-20/ Single Family Home  
EAST: R-20/ Harris Woods Subdivision  
WEST: R-15/ Favor Pines 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 \_\_\_\_\_

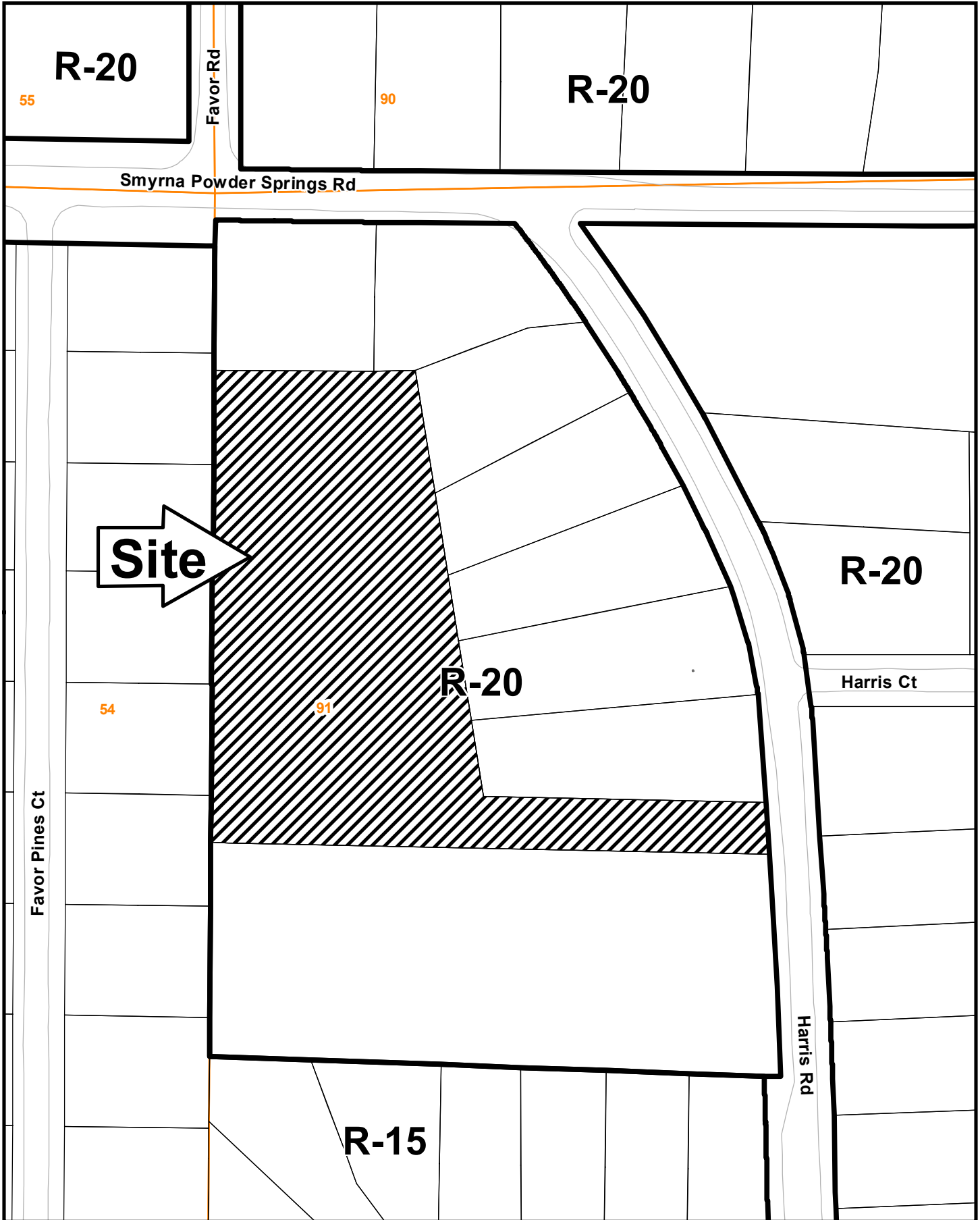
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

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

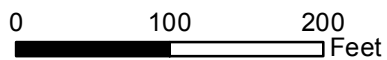
STIPULATIONS:





# Z-47 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

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**ZONING COMMENTS:**

**Staff Member Responsible:** Donald Wells

**Land Use Plan Recommendation:** Low Density Residential (1-2.5 units per acre)

**Proposed Number of Units:** 4

**Overall Density:** 1.48

**Units/Acre**

**Staff estimate for allowable # of units:** 4

**Units\* Increase of:** 0

**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 R-20 to R-15 in order to develop 4 lots. If approved, the new houses will be between 2,000 and 3,000 square feet. They will be two story homes, and traditional in styling. This property is currently located in the Harris Woods Subdivision and was platted as 4 lots ranging from 18,000 square feet up to 25,000 square feet in 1965. According to that recorded plat Favor Road would have continued south and would have provided the required road frontage for these four lots. It appears that Favor Road never continued south causing this lot to be left undeveloped as one lot. The applicant's site plan shows an average lot size of 16,438 square feet, with none of the lots under the required 15,000 square feet in size.

If approved, the variance(s) would be required:

1. Reduce the front setback for lot 3 from 35 feet to 20 feet.

**Cemetery Preservation:** No comment.

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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>Birney Elementary</u>	<u>874</u>	<u>818</u>	<u>                    </u>
<u>Elementary Floyd Middle</u>	<u>912</u>	<u>1046</u>	<u>                    </u>
<u>Middle Osborne High</u>	<u>2103</u>	<u>2062</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:**

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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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PRESENT ZONING R-20

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): 10" CI / W side of Harris 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: 170' W in Favor Pines Court

Estimated Waste Generation (in G.P.D.): A D F= 720 Peak= 1600

Treatment Plant: South Cobb

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 in Harris Road is likely too high to allow for gravity flow  
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: Mill Creek #2 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.



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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 site is located just south of Smyrna Powder Springs Road and east of Harris Road. The parcel is an undeveloped remnant of the Harris Woods Subdivision. The parcel is bounded by other lots of the Harris Woods Subdivision to the north and east, Favor Pines Subdivision to the west and an estate-sized residential lot to the south. The site is totally wooded with average slopes ranging from 5 to 10%.
2. The entire site drains into and through the Favor Pines Subdivision to the west between Lots 3 & 4 (3027 and 3037 Favor Pines Court). The existing drainage channel does not have a recorded drainage easement. The sanitary sewer connection is proposed between these two lots. The proposed 20-ft sanitary sewer easement must be widened to a 30-ft combined sanitary and drainage easement to allow the stormwater management facility discharge to be tied directly into the existing system within the downstream Favor Pines Court right-of-way.

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**TRANSPORTATION COMMENTS:**

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Harris Road	Major Collector	35 mph	Cobb County	80'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Harris Road	South of Harris Court	5,800	C

*Based on 2016 traffic counting data taken by Cobb County DOT for Harris 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**

Harris Road is classified as a major collector 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 west side of Harris Road, a minimum of 40' from the roadway centerline.

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

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

## STAFF RECOMMENDATIONS

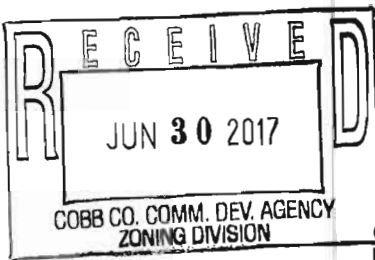
### **Z-47 HERNÁN G. GUERRERO**

- 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 single family homes proposed are consistent with the surrounding subdivisions 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 subdivision have similar densities and the lot sizes are very comparable.
- 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 this property is within a Low Density Residential (LDR) future land use category. 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.
- 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 adjacent and nearby properties. The proposal density would be compatible with adjoining properties.

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

1. Site plan received by the Zoning Division on June 30, 2017, with the District Commissioner approving minor modifications;
2. Water and Sewer Division comments and recommendations;
3. Stormwater Management comments and recommendations;
4. Department of Transportation comments and recommendations; and
5. 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.**



Application No. Z-47

PC Hearing: 9-7-17  
BOC Hearing: 9-19-17

## Summary of Intent for Rezoning \*

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

- a) Proposed unit square-footage(s): 2,000 - 3,000 square feet
- b) Proposed building architecture: Traditional two-story homes
- c) List all requested variances: As shown on the Site Plan submitted concurrently herewith.

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**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 is shown on Cobb County's Future Land Use Map in an area denominated as Low Density Residential ("LDR"). The proposed density of 1.48 units per acre falls within the parameters of the LDR designation of 1 - 2.5 units per acre.

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**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.