

Z-57
(2017)

REVISIONS
14 AUGUST 20, 2017 PER COUNTY COMMENTS

ZONING
PLAT



LANDMAN INC.
10000 BURNING TREE DRIVE
ALPHARETTA, GA 30201
DATE: 08/29/2017
DRAWN BY: J. B. BROWN
CHECKED BY: J. B. BROWN
APPROVED BY: J. B. BROWN
JOB NUMBER: 17-00000

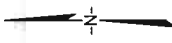
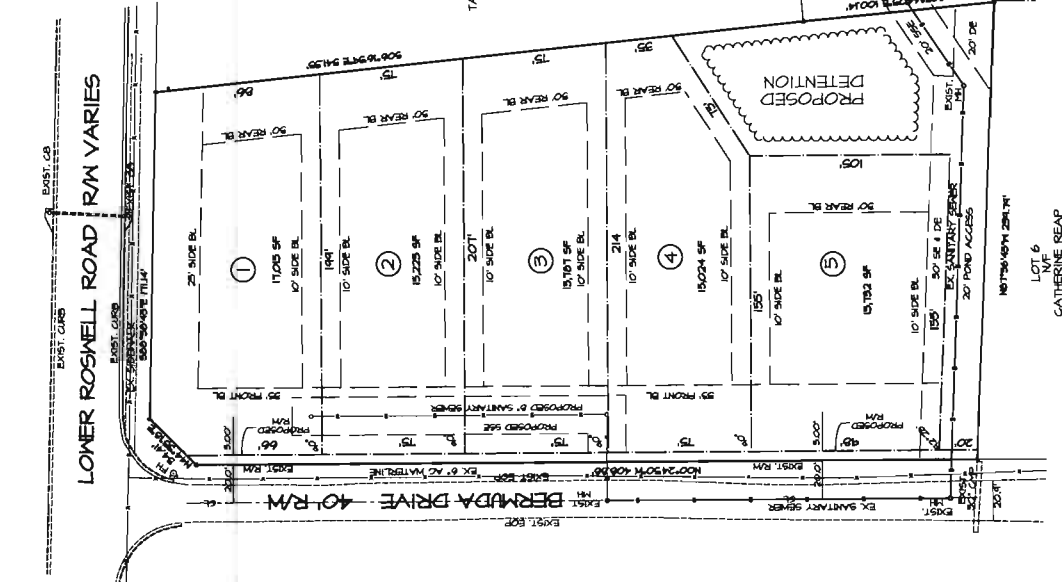
SHEET NO.
OF

GENERAL NOTES

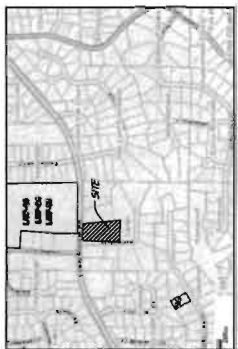
1. THIS SITE CONTAINS 2.170 ACRES, 94,629 SF, AND IS ZONED R-30.
2. THE PROPOSED ZONING IS R-30. THIS LAYOUT CONTAINS 5 LOTS FOR A DENSITY OF 23 LOTS/ACRE.
3. THE PROPOSED LOTS ARE 15,000 SF, 15,000 SF, 15,000 SF, 15,000 SF, AND 15,000 SF. THE MINIMUM REAR BUILDING LINE IS 30' TO THE MINIMUM REAR YARD IS 10'. HOWEVER, THE SIDE YARDS ADJACENT TO A STREET ARE 5' TO THE MINIMUM REAR YARD IS 10'. THE MINIMUM LOT AREA IS 15,000 SF.
4. A 20' WIDE SANITARY SEWER LINE IS LOCATED ON THE EAST SIDE OF THIS SITE PER 150' CITY COMMUNITY PANEL.
5. A SANITARY SEWER TO BE LOCATED FROM THE COBB COUNTY.
6. THE EXISTING INFORMATION ON THIS SITE IS BASED ON A SURVEY BY LAND DEVELOPMENT, INC. DATED 7/1/2017. NOT RECORDED ON THIS SITE.
7. AS THERE IS NO OPEN SPACE ON THIS SITE.
8. THERE ARE EXISTING STRUCTURES ON THIS SITE.
9. THERE ARE NO DELINEATED WETLANDS ON THIS SITE.
10. THE TOTAL SITE AREA TO THE PROPOSED RIGHT-OF-WAY ON BERNADA DRIVE IS 2.105 ACRES, 92,711 SF.

REVISED

RECEIVED
AUG 29 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



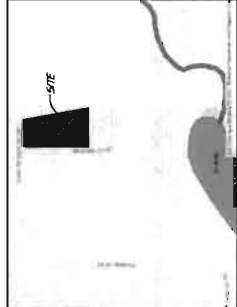
GRID NORTH
GA. WEST ZONE



LOCATION MAP
8/29/17 SCALE



AIRIAL PHOTO
8/29/17 SCALE



METRIC MAP
8/29/17 SCALE

APPLICANT: Delicate, Inc.
PHONE #: (404) 786-1601 **EMAIL:** Robinthebuilder@yahoo.com
REPRESENTATIVE: Rabin Dayani
PHONE #: (404) 786-1601 **EMAIL:** Robinthebuilder@yahoo.com
TITLEHOLDER: Delicate, Inc.

PROPERTY LOCATION: Southeast corner of Lower Roswell Road
and Bermuda Drive

ACCESS TO PROPERTY: Bermuda Drive

PHYSICAL CHARACTERISTICS TO SITE: Single Family Home

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Holy Family Catholic Church
SOUTH: R-20/ Carter Subdivision
EAST: R-20/ Carter Subdivision
WEST: R-20/ Carter Subdivision

PETITION NO: Z-57
HEARING DATE (PC): 10-03-17
HEARING DATE (BOC): 10-17-17
PRESENT ZONING: R-20
PROPOSED ZONING: R-15
PROPOSED USE: Single-family Residential
Subdivision
SIZE OF TRACT: 2.172 acres
DISTRICT: 16
LAND LOT(S): 1253
PARCEL(S): 4
TAXES: PAID X **DUE** _____
COMMISSION DISTRICT: 2

Adjacent Future Land Use:

North: Low Density Residential (LDR) and
Public Institutional (PI)
East: Low Density Residential (LDR)
South: Low Density Residential (LDR)
West: Low Density Residential (LDR)

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

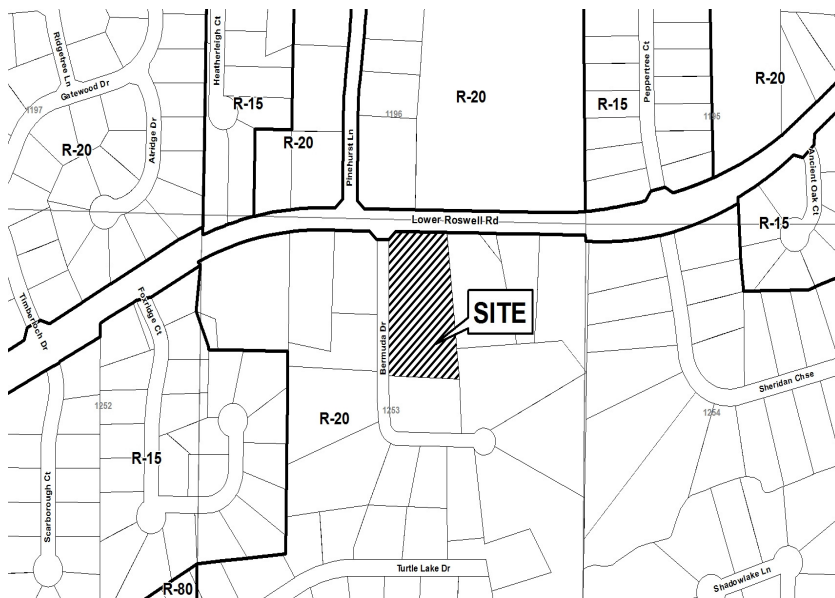
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

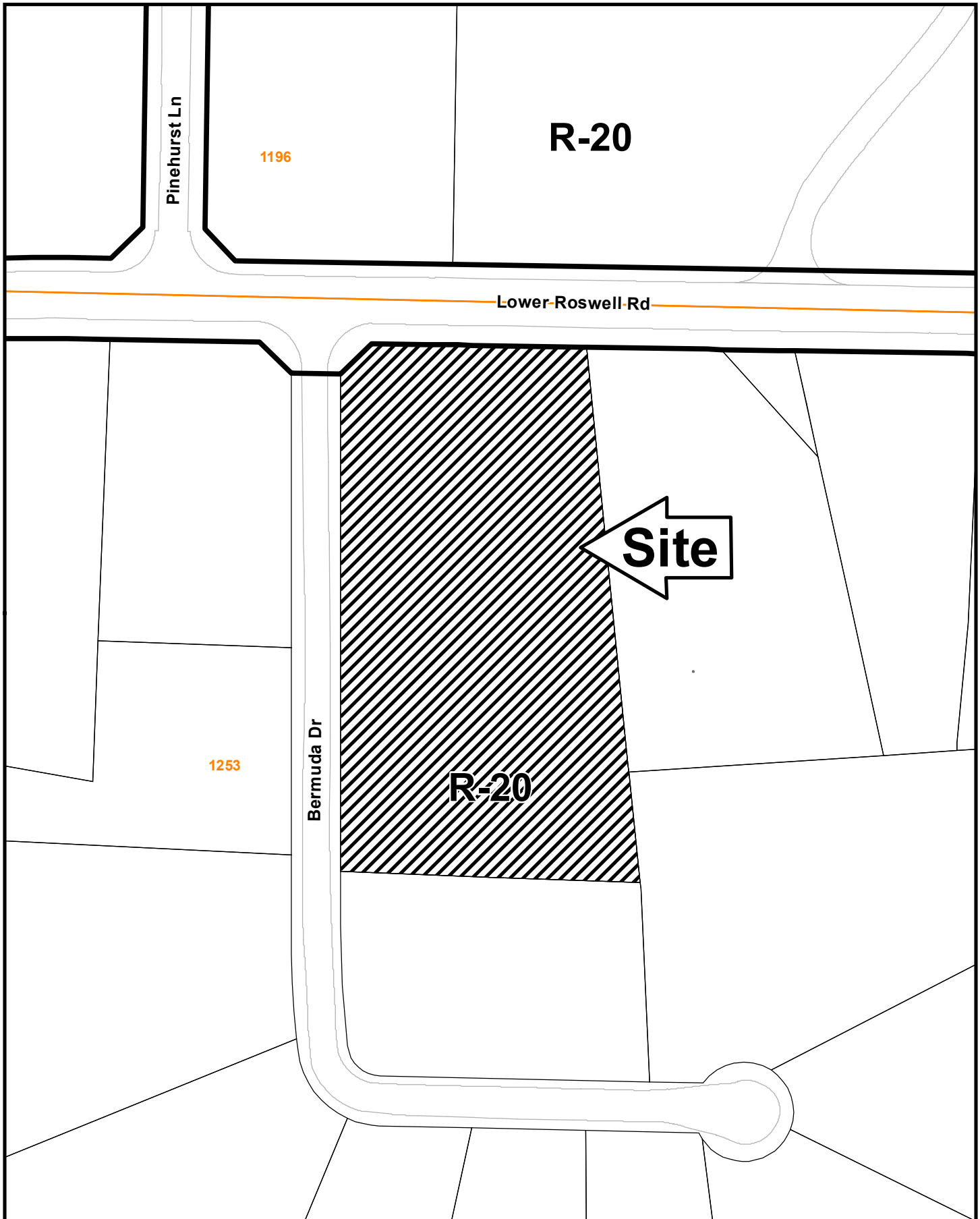
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

STIPULATIONS:



Z-57 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: Delicate, Inc.

PETITION NO.: Z-57

PRESENT ZONING: R-20

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

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

Proposed Number of Units: 5 Overall Density: 2.3 Units/Acre

Staff estimate for allowable # of units 4 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 a rezoning of the subject property from R-20 to R-15 in order to develop 5 lots. If approved, the new houses will be a minimum size of 2,500 square feet. They will be two story homes, and traditional in styling. Building materials will consist of brick, masonry, and cement siding. This property is currently located in the Carter Subdivision and was platted as 2 lots with 43,000 square feet each in 1959. 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. The submitted site plan will meet the R-15 regulations and will not require any variances.

Cemetery Preservation: No comment.

APPLICANT: Delicate, Inc.

PETITION NO.: Z-57

PRESENT ZONING: R-20

PETITION FOR: R-15

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
East Valley	717	532	
Elementary East Cobb	1170	1226	
Middle Wheeler	2165	2187	

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: Delicate

PETITION NO.: Z-57

PRESENT ZONING: R-20

PETITION FOR: R-15

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: Delicate, Inc.
PRESENT ZONING: R-20

PETITION NO.: Z-57
PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15 for the purpose of a single-family residential subdivision. The 2.172 acre site is located on the southeast corner of Lower Roswell road and Bermuda 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 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) and Public Institutional (PI)
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: Delicate, Inc.

PRESENT ZONING: R-20

PETITION NO.: Z-57

PETITION FOR: R-15

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 Delicate, Inc.

PETITION NO. Z-057

PRESENT ZONING R-20

PETITION FOR R-15

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" AC / E side of Bermuda 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.

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: Bermuda Drive ROW

Estimated Waste Generation (in G.P.D.): A D F= +640 Peak= +1,600

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 Sewer must be extended by developer +/-150' to serve all proposed lots
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: Delicate, Inc.

PETITION NO.: Z-57

PRESENT ZONING: R-20

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sope 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 receiving stream channel.

APPLICANT: Delicate, Inc.

PETITION NO.: Z-57

PRESENT ZONING: R-20

PETITION FOR: R-15

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 at the southeast intersection of Bermuda Drive and Lower Roswell Road. The parcel appears to be comprised of Lots 3 & 4 of the original Carter Subdivision. The parcel is bounded by surrounding lots of the Carter Subdivision. The entire site drains to the east into and through the adjacent Oak Leaf Plantation Subdivision.
2. Stormwater management will be provided by a proposed detention pond located at the southeast corner of the site. If a wall is required, it must be decoratively faced and adequate landscape screening provided.

APPLICANT: Delicate, Inc.

PETITION NO.: Z-57

PRESENT ZONING: R-20

PETITION FOR: R-15

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Lower Roswell Road	Arterial	40 mph	Cobb County	100'
Bermuda Drive	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Lower Roswell Road	East of Woodstone West Drive	18,500	F
Bermuda Drive	N/A	N/A	N/A

Based on 2016AADT counting data taken by GDOT, as published on their website, for Lower Roswell 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

Lower Roswell Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Bermuda Drive 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 Lower Roswell Road, a minimum of 50' from the roadway centerline.

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 east side of Bermuda Drive, 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 the first driveway be a minimum of 50 feet from the intersection of Lower Roswell Road and Bermuda Drive.

Recommend removing and closing driveway aprons along Lower Roswell Road and Bermuda Drive frontage that development renders unnecessary.

Recommend a no access easement along the Lower Roswell Road frontage.

STAFF RECOMMENDATIONS

Z-57 DELICATE, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. Although the lot sizes will be smaller than the existing lots in the subdivision, the sizes of the houses will be consistent with surrounding subdivision.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse effect on the usability of adjacent or nearby property. This existing subdivision, Carter is zoned R-20 with houses of similar sizes on larger lots. Carter Subdivision is .65 units per acre, and the applicant's proposal is 2.3 units per acre.
- 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*. 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. However, the existing zoning is also consistent with the Comprehensive Plan and is more in line with the character of the area.
- 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 applicant's proposal would have much smaller lots than adjacent and nearby properties. The proposal density would be much higher with adjoining properties.

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. 2-57

Oct. 2017

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 2500 square feet
- b) Proposed building architecture: Traditional residential
- c) List all requested variances: _____

.....
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)

.....
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

Zoning Analysis

Property: 3378 Lower Roswell Road, Marietta, Georgia 30068 (2.172 acres)

Owner/Applicant: Delicate, Inc. (Rabin Dayani, President)

Zoning Request: R-20 to R-15

Date: July 31, 2017



Owner/Applicant seeks to have the property rezoned from R-20 to R-15. The property is located in a primarily residential area surrounded by other subdivisions within a 3 mile radius of R-15, R-20 and other zoning classifications.

One of the primary reasons of the proposed zoning is so the applicant can build appropriate detention facilities to be dedicated to Cobb County upon completion. The remaining land will allow 5 homes to be built on the lots containing 15,000 square feet or more for each lot. The proposed use is to build 5 houses of 2500 sq. feet or more to be priced in the \$500,000 to \$600,000 price range. The type and construction of the homes is of a premium quality for the area and will enhance and blend with current construction and existing homes in the near vicinity. The proposed zoning will likely bring greater value to the existing undeveloped properties adjacent or in the vicinity of the Property. The proposed zoning change will allow the owner to construct one additional home than existing zoning allows which will not create any additional excessive or burdensome use of the existing property. The proposed zoning will also allow the Owner to market the homes at a lower cost to future purchasers due to cost of the land and infrastructure improvements including detention and sewer.

Finally, the proposed zoning is in conformity with the policy and intent of the land use plan for this area, and is consistent with other zoning classifications already existing in the close vicinity of the Property. The R-15 zoning classification is recognized as a suitable, viable classification for the development in this area for new home construction and shall be in the best interest of the community and Cobb County.

Z-57 (2017)
Examples of
Proposed Houses



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