

Z-74
(2017)

LINE	BEARING	DISTANCE	BEARING	DISTANCE	BEARING	DISTANCE	BEARING	DISTANCE
1	N 89° 58' 12" W	100.00	S 89° 58' 12" E	100.00	N 89° 58' 12" W	100.00	S 89° 58' 12" E	100.00
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CURRENT
CLASSIFICATION

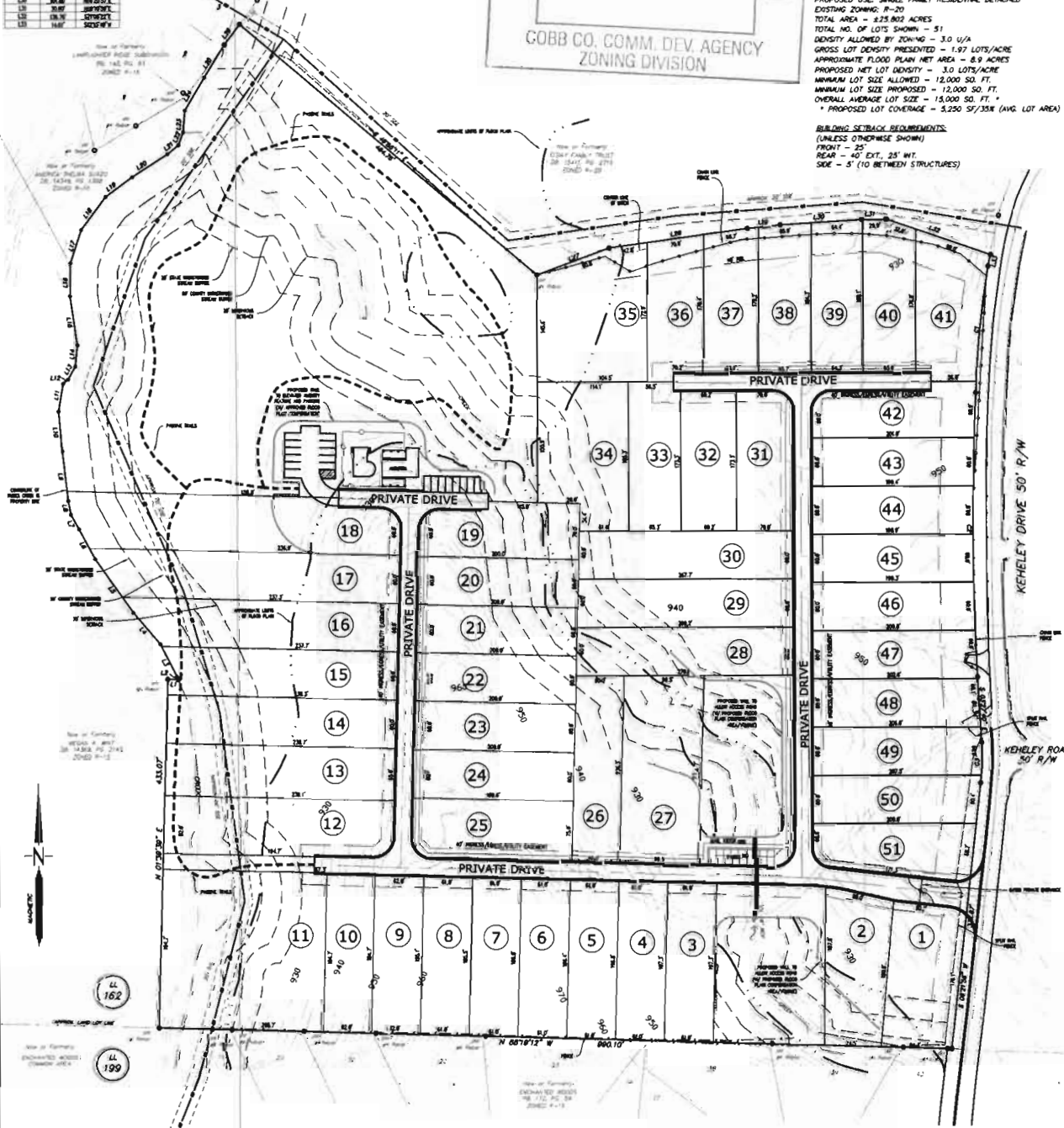
REFERENCE NOTES:
DB 7711, PG. 321
DB 7711, PG. 323

PROPERTY ADDRESS:
4371 KEHELEY DRIVE
MARIETTA, GEORGIA 30068



GENERAL NOTES:
PROPOSED ZONING: R-12
PROPOSED USE: SINGLE FAMILY RESIDENTIAL DETACHED
EXISTING ZONING: R-20
TOTAL AREA - 2.25 802 ACRES
TOTAL NO. OF LOTS SHOWN - 51
DENSITY ALLOWED BY ZONING - 3.0 U/A
GROSS LOT DENSITY PRESENTED - 1.97 LOTS/ACRE
APPROXIMATE FLOOD PLAIN NET AREA - 8.9 ACRES
PROPOSED NET LOT DENSITY - 3.0 LOTS/ACRE
MINIMUM LOT SIZE ALLOWED - 12,000 SQ. FT.
OVERALL AVERAGE LOT SIZE - 13,000 SQ. FT.
* PROPOSED LOT COVERAGE - 3,200 SF/33K (AVG. LOT AREA)

SETBACK REQUIREMENTS:
(UNLESS OTHERWISE SHOWN)
FRONT - 25'
REAR - 40' EXT. 25' INT.
SIDE - 5' (TO BETWEEN STRUCTURES)



DEVELOPER/APPLICANT
DAVID PEARSON COMMUNITIES
1955 FIRST DRIVE
MARIETTA, GA 30362
770-321-5032



NO.	REVISIONS	DATE



REZONING PLAN FOR:
PROPERTY LOCATED IN LAND LOT 162
IN THE 16TH DISTRICT, 2ND SECTION
GOBB COUNTY, GEORGIA
DATE: SEPTEMBER 5, 2017



centerline
Spreitzer and Local Planning, Inc.
801 GUNN RD., SUITE 200, MARIETTA, GA 30067
PHONE: 770-424-0088 FAX: 770-424-0319

PROJECT No. 4180025

APPLICANT: David Pearson Communities, Inc.

PHONE #: (770) 321-5032 **EMAIL:** _____

REPRESENTATIVE: J. Kevin Moore

PHONE #: (770) 429-1499 **EMAIL:** jkem@mij.com

TITLEHOLDER: Estate of Collene W. Ruggles

PROPERTY LOCATION: West side of Keheley Drive, across from Keheley Road

(4351 and 4371 Keheley Drive)

ACCESS TO PROPERTY: Keheley Drive

PHYSICAL CHARACTERISTICS TO SITE: Single-family house on wooded acreage

PETITION NO: Z-74

HEARING DATE (PC): 11-07-17

HEARING DATE (BOC): 11-21-17

PRESENT ZONING: R-20

PROPOSED ZONING: R-12

PROPOSED USE: Single-family Residential Subdivision

SIZE OF TRACT: 25.802 acres

DISTRICT: 16

LAND LOT(S): 162,163

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Single-family house
- SOUTH:** R-15/Enchanted Woods
- EAST:** R-20/Single-family house; R-15/Lakewood Colony; Keheley Elementary School
- WEST:** R-15/Single-family houses; Lamplighter Ridge

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** _____

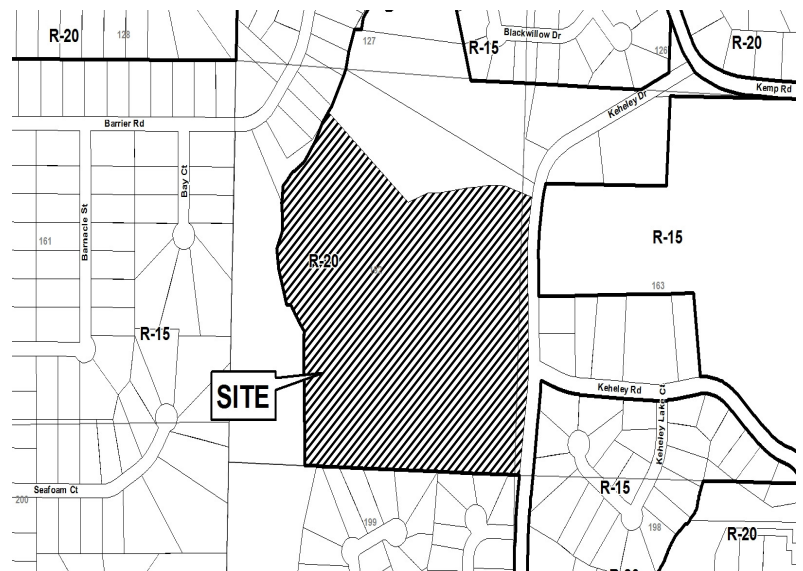
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



APPLICANT: David Pearson Communities, Inc.

PETITION NO.: Z-74

PRESENT ZONING: R-20

PETITION FOR: R-12

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 51 **Overall Density:** 3.0 **Units/Acre**

Staff estimate for allowable # of units: 29 **Units*** **Increase of:** 22 **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-12 zoning district for the purpose of developing a 51-lot single-family subdivision. The proposed houses will range in size from 2,500 square feet to 3,100 square feet. The architecture will be Craftsman style with modern upgrades.

The proposed plan will require the following contemporaneous variances:

1. Increase maximum acreage for R-12 from 20 acres to 25.802 acres;
2. Allowing 10 feet between residences instead of the code required 15 feet;
3. Allow impervious surface of 43% per lot in lieu of maximum 35% (achieved by averaging overall lots, not lot by lot); and
4. Waive the road frontage for Lots 34 and 35.

Cemetery Preservation: No comment.

APPLICANT: David Pearson Communities, Inc.

PETITION NO.: Z-74

PRESENT ZONING: R-20

PETITION FOR: R-12

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Keheley</u>	<u>512</u>	<u>555</u>	<u> </u>
Elementary <u>McCleskey</u>	<u>683</u>	<u>843</u>	<u> </u>
Middle <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 these schools.

APPLICANT: David Pearson Communities

PETITION NO.: Z-74

PRESENT ZONING: R-20

PETITION FOR: R-12

FIRE COMMENTS:

Modifications will be required to incorporate the Cobb County Fire Marshal’s Office comments.

GUEST PARKING: We recommend the guest parking be distributed in a manner to provide a guest parking space within 200-ft walking distance to each unit and each driveway be at least 2 vehicles wide and 20 feet deep as measured from the back of the sidewalk or curb, whichever is applicable.

APPLICANT: David Pearson Communities, Inc.

PETITION NO.: Z-74

PRESENT ZONING: R-20

PETITION FOR: R-12

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-12 for the purpose of a single-family residential subdivision. The 25.802 acre site is located on the west side of Keheley Drive, across from Keheley Road (4351 and 4371 Keheley 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 the 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 1 to 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: 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: David Pearson Communities, Inc.

PRESENT ZONING: R-20

PETITION NO.: Z-74

PETITION FOR: R-12

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.org>.

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 David Pearson Communities, Inc.

PETITION NO. Z-074

PRESENT ZONING R-20

PETITION FOR R-12

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 Keheley 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: On site

Estimated Waste Generation (in G.P.D.): A D F= 8,160 Peak= 20,400

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: David Pearson Communities, Inc.

PETITION NO.: Z-74

PRESENT ZONING: R-20

PETITION FOR: R-12

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rubes Creek & Trip to Rubes Creek FLOOD HAZARD INFO: Zone AE

- 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: within and adjacent to stream channels

- 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 R.O.W 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 neighborhoods downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream.

APPLICANT: David Pearson Communities, Inc.

PETITION NO.: Z-74

PRESENT ZONING: R-20

PETITION FOR: R-12

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.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This parcel is located to the west of Keheley Drive at the western terminus of Keheley Road. The site is encumbered by regulatory floodplain and stream buffer associated with Rubes Creek and Tributary to Rubes Creek. The parcel is mostly wooded with several small pasture/open areas. Slopes range widely from 6 to 40%.
2. The proposed site plan has at least 12 lots that do not meet the minimum code required area above the floodplain. This will impact the site layout and likely the number of allowable lots.
3. Stormwater management is proposed to be underground within the common area. Since the development will be a private, gated subdivision all stormwater management infrastructure must be privately maintained by the mandatory homeowners association.

APPLICANT: David Pearson Communities, Inc.

PETITION NO.: Z-74

PRESENT ZONING: R-20

PETITION FOR: R-12

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Keheley Drive	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Keheley Drive	N/A	N/A	N/A

COMMENTS AND OBSERVATIONS

Keheley 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.

RECOMMENDATIONS

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

Recommend entrance on Keheley Drive directly align with Keheley Road as a four-way stop; or recommend a left turn lane and deceleration lane at the entrance, location and design to be determined during plan review, subject to Cobb County DOT approval.

Recommend curb, gutter, and sidewalk along the Keheley Drive frontage.

Recommend private streets be constructed to the Cobb County Standard Specifications.

Recommend a no access easement for the lots along the Keheley Drive frontage.

STAFF RECOMMENDATIONS

Z-74 DAVID PEARSON COMMUNITIES, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Most of the surrounding subdivisions are developed as R-20 and R-15.
- 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. The applicant proposes the R-12 zoning category with 51 lots at 3.0 units per acre. Other properties in the area are zoned R-20 and R-15 with densities in the Low Density Range and include: Lamplighter Ridge (zoned R-15 at 1.5 units per acre); North Landing Unit Three (zoned R-20 at 1.66 units per acre); Lakewood Colony (zoned R-15 at approximately 1.88 units per acre); and Country Meadows Unit 2 (zoned R-15 at 2.17 units per acre). Approval of this application will adversely affect the low density character of the area.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion is 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 within the Low Density Residential (LDR) future land use category. The LDR category has a density range of 1-2.5 units per acre. The applicant's proposed R-12 development indicates a density of 3.0 units per acre. While R-12 can be allowed in the LDR and Medium Density Residential (MDR/2.5-5 units per acre) land use category, it should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings.
- 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 proposed density of 3.0 units per acre exceeds to LDR future land use designation range of 1-2.5 units per acre. Surrounding subdivisions are zoned R-15 on larger lot with lower densities.

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.

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): 2,500 - 3,100 square feet
- b) Proposed building architecture: Craftsman style with modern upgrades
- c) List all requested variances: 10 foot distance between residences

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Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: Not Applicable
- c) Proposed hours/days of operation: Not Applicable
- d) List all requested variances: Not Applicable

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Part 3. Other Pertinent Information (List or attach additional information if needed)

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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.