



**APPLICANT:** Southeast Real Estate Acquisitions, LLC  
(404) 395-5219

**REPRESENTATIVE:** John H. Moore (770) 429-1499  
Moore Ingram Johnson & Steele

**TITLEHOLDER:** Alice M. Bostic and John F. Bostic

**PROPERTY LOCATION:** On the west side of Trickum Road, south of Eula Drive (4029 Trickum Road).

**ACCESS TO PROPERTY:** Trickum Road

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped portion of a single-family residential property containing a detached metal building to be removed

**PETITION NO:** Z-4

**HEARING DATE (PC):** 02-07-12

**HEARING DATE (BOC):** 02-21-12

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** R-15

**PROPOSED USE:** Single-Family Residential

**SIZE OF TRACT:** 5.42 acres

**DISTRICT:** 16

**LAND LOT(S):** 268

**PARCEL(S):** 5

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/Single-family house
- SOUTH:** PRD/Christopher Robbins Subdivision
- EAST:** PRD/Chrisopher Robbins Subdivision and R-20/Rocky Mountain Estates
- WEST:** PRD/Christopher Robbins Subdivision

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

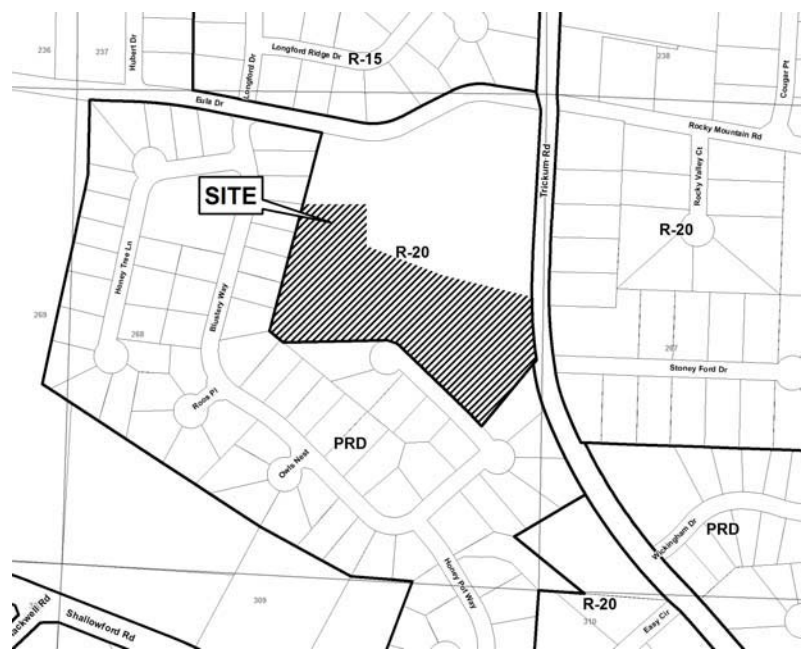
**BOARD OF COMMISSIONERS DECISION**

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

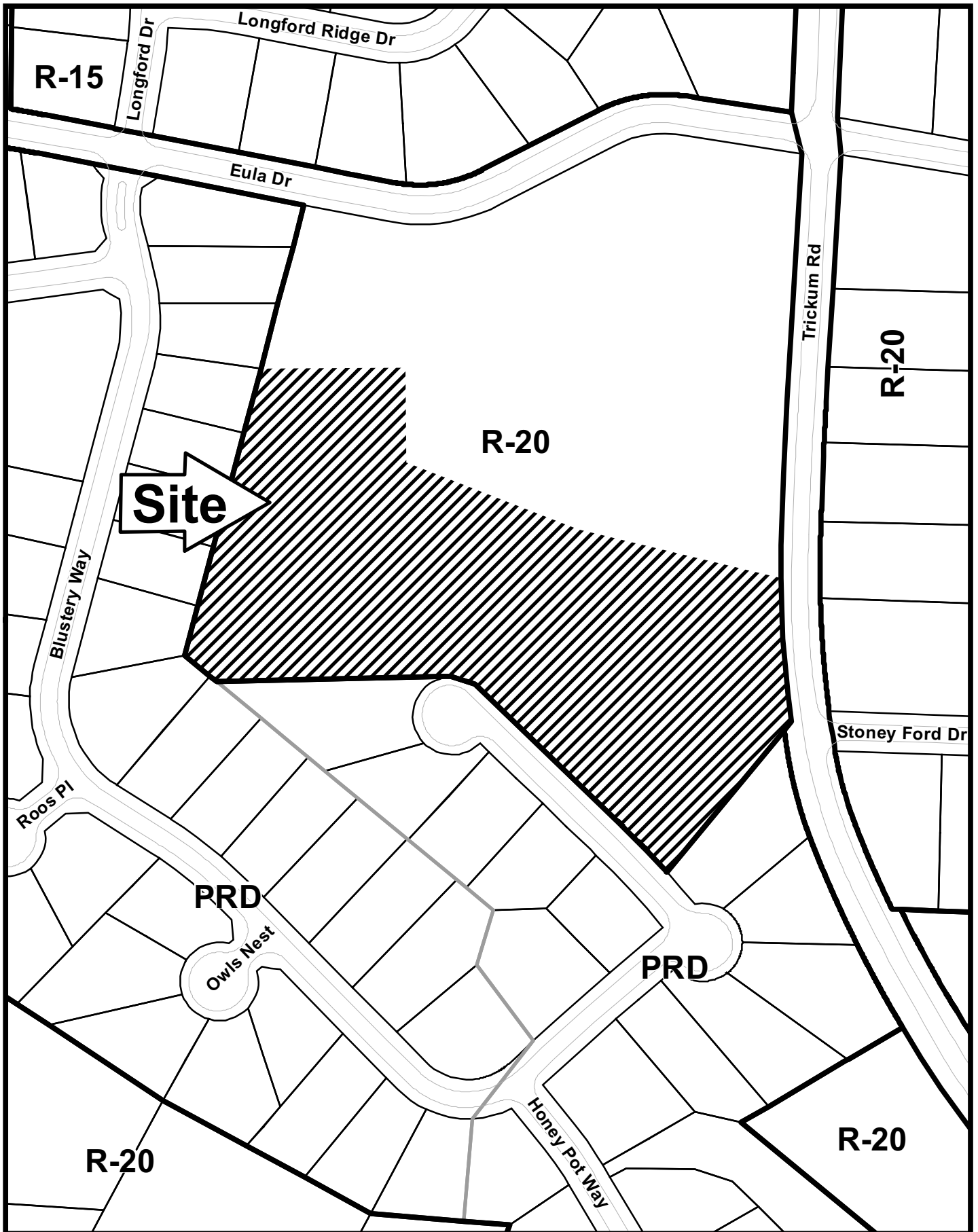
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

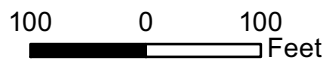
**STIPULATIONS:**





# Z-4



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Southeast Real Estate Acquisitions, LLC

**PETITION NO.:** Z-4

**PRESENT ZONING:** R-20

**PETITION FOR:** R-15

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**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:** 12      **Overall Density:** 2.21      **Units/Acre**

**Present Zoning Would Allow:** 9      **Units**      **Increase of:** 3      **Units/Lots**

Applicant is requesting the R-15 zoning category for the purpose of developing a 12-lot detached residential subdivision. The proposed minimum house size for the two-story traditional homes will be 2,400 square feet. The proposed selling prices will range from \$275,000 -- \$400,000.

Applicant requests the following contemporaneous variances:

1. Waive the minimum lot width from the required 75 feet to 70 feet and from the required 50 feet to 45 feet for cul-de-sac lots;
2. Waive the side setbacks from the required 10 feet to 7.5 feet; and
3. Waive the minimum R-15 lot size requirement of 15,000 square feet to 13,512 square feet for Lot 5; 11,355 square feet for Lot 6; 12,158 square feet for Lot 7; 11,958 square feet for Lot 8; 12,672 square feet for Lot 9; 12,936 square feet for Lot 10; and 11,947 square feet for Lot 12.

**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.

**Cemetery Preservation:** No comment.

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**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
<b>Elementary</b>			
<b>Middle</b>			
<b>High</b>			

**Additional Comments:**

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**FIRE 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 Southeast Real Estate Acquisitions, LLC

PETITION NO. Z-004

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): **8" CI / W side Trickum 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.

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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: **South in Blustery Way ROW**

Estimated Waste Generation (in G.P.D.): **A D F= 4800 Peak= 12000**

Treatment Plant: **Noonday**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv 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 also in Trickum Rd. ROW  
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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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rubes 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 CONDITION

- 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 **Powers Lake ~ 650 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 downstream **receiving system through adjacent Christopher Robbins S/D and Powers Lake.**

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DRAINAGE 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. The entire site area drains to the southwest through the existing adjacent Christopher Robbins Subdivision. There are known drainage issues within this subdivision due to limited existing system capacity. The proposed detention pond must be designed to account for the existing downstream capacity.
2. The proposed detention pond location will border the rear of 5 adjacent residences. The landscape plan should include adequate visual screening to be provided for the pond if a wall is required. An offsite drainage easement will be required to accommodate the concentrated site discharge. Onsite drainage easements will be required along the rear of lots 1-11 to insure that all impervious site runoff is directed to the proposed stormwater management facility.
3. As indicated in the Downstream Condition section, there is an existing lake downstream which will require a pre- and post-development sediment survey to document any sediment impacts associated with this development.



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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Trickum Road	10500	Major Collector	35 mph	Cobb County	80'
Eula Drive	N/A	Local	25 mph	Cobb County	50'

*Based on 2010 traffic counting data taken by Cobb DOT (Trickum Road)*

**COMMENTS AND OBSERVATIONS**

Trickum 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.

Eula 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 consider entering into a development agreement pursuant of 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 Trickum Road, a minimum of 40' from the roadway centerline.

Recommend curb, gutter, and sidewalk for all roadways.

Recommend access easement to the parcel to the north (Tract "B" as shown on plans).

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

## STAFF RECOMMENDATIONS

### Z-4 SOUTHEAST REAL ESTATE ACQUISITIONS, LLC

- 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 development will be for a 12-lot, single-family residential subdivision. Other properties are zoned for single-family residential subdivisions with densities ranging from approximately 1.66 units per acre to 2.98 units per acre.
- 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 if developed as straight R-15, without any variances. The proposal is for single-family residential as are other developments in the area. The density for the proposed development is 2.21 units per acre. A few of the area subdivisions have densities ranging from 2.2 to 2.98 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within in the Low Density Residential land use category with densities ranging from 1—2.5 units per acre. The density of the proposed development (2.21 units per acre) is within the 1—2.5 units per acre range for Low Density Residential. Four out of seven subdivisions in the area have densities below 2.0 units per acre.
- 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 to the R-15 category, following the R-15 requirements, with no variances.

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

- Development to meet all R-15 requirements, without variances, subject to the District Commissioner approving the final site plan;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- 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.**

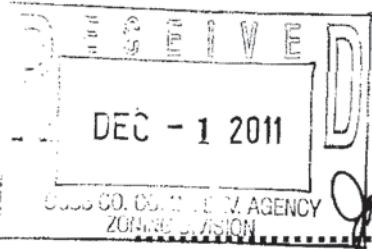
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Application No. z-4  
(2012)

## 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): Minimum 2,400 square feet and greater
  - b) Proposed building architecture: Traditional; Two-Story
  - c) Proposed selling prices(s): \$275,000 - \$400,000, and greater
  - d) List all requested variances: Please refer to submitted Site Plan for  
list of requested variances.
- .....

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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: \_\_\_\_\_
  - 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). None.
- \_\_\_\_\_

\*Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.