

APPLICANT: James H. Groome, Jr.
770-818-4197

REPRESENTATIVE: James H. Groome, Jr.
770-818-4197

TITLEHOLDER: Barbara A. Shaw

PROPERTY LOCATION: At the southerly intersection of Paces Ferry Road and New Paces Ferry Road (4258 and 4252 Paces Ferry Road).

ACCESS TO PROPERTY: Paces Ferry Road

PHYSICAL CHARACTERISTICS TO SITE: Two (2) existing, aged single-family homes

PETITION NO: Z-35

HEARING DATE (PC): 09-06-12

HEARING DATE (BOC): 09-18-12

PRESENT ZONING: R-30

PROPOSED ZONING: R-20

PROPOSED USE: Subdivision

SIZE OF TRACT: 2.37 acres

DISTRICT: 17

LAND LOT(S): 954, 973

PARCEL(S): 14, 16

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-30/single-family residences
- SOUTH:** R-30/Brandy Station subdivision
- EAST:** R-30, R-20/V.A. Robinson, Lemons Ridge subdivision
- WEST:** R-30/single-family residences

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

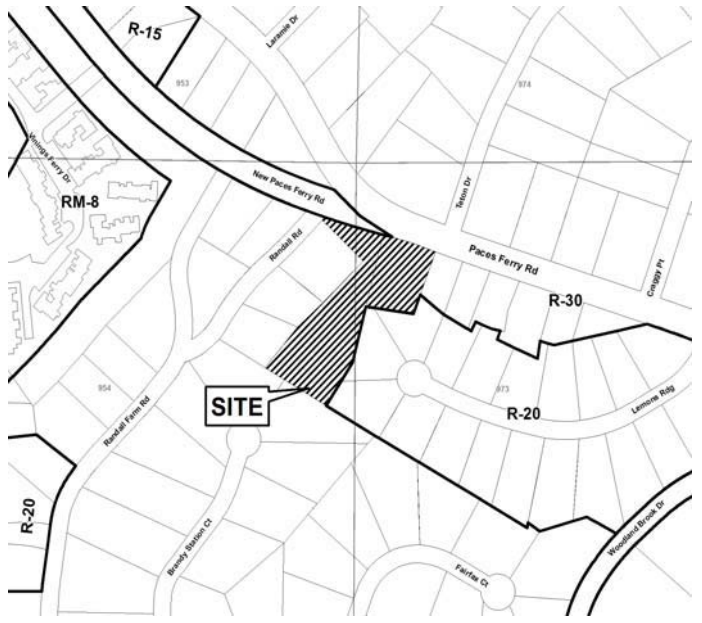
PLANNING COMMISSION RECOMMENDATION

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

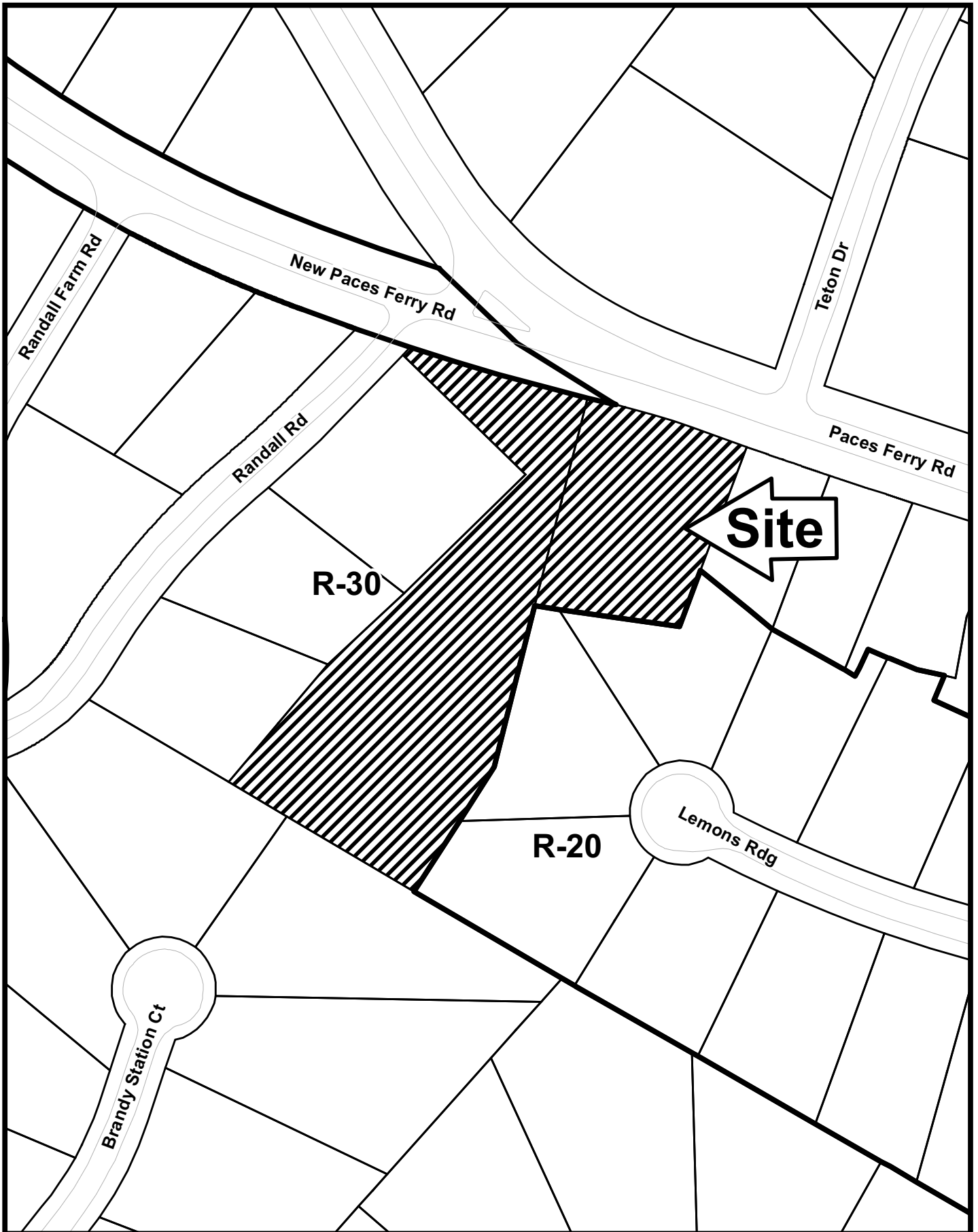
BOARD OF COMMISSIONERS DECISION

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

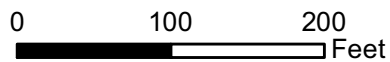
STIPULATIONS:



Z-35



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



- City Boundary
- Zoning Boundary

APPLICANT: James H. Groome, Jr.

PETITION NO.: Z-35

PRESENT ZONING: R-30

PETITION FOR: R-20

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: VLDR Very Low Density Residential

Proposed Number of Units: 4 Overall Density: 1.69 Units/Acre

Present Zoning Would Allow: 1.18 Units Increase of: .51 Units/Lots

The applicant is requesting a rezoning of the property to allow subdivision into four (4) lots. The request is necessary for the R-20 district designation as the lots will range from 20,098 sq. ft. to 35,542 sq. ft. The proposed lots will meet the required 75 ft. of public road frontage on Paces Ferry Road and Randall Road frontages but will be accessed by a shared access easement. The request, if approved, should be approved site plan specific to accommodate the proposed variances on setbacks on lots 1 and 2 which have been faced inward to better space from the existing surrounding homes by reducing the front and rear setbacks but increasing the side setbacks (effectively switching the designated "front" of these two (2) lots). The applicant proposes for the community a Homeowners' Association that will include architectural controls for the homes. The traditional styled homes to be built are planned to range from 3,500 sq. ft. to 4,000 sq. ft. in size and sale for \$1,200,000.

Cemetery Preservation: No comment.

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to R-20 for purposes of a subdivision. The 2.37 acre site is located at the southerly intersection of Paces Ferry Road and New Paces Ferry Road.

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) category with R-30 zoning designations. The purpose of the (VLDR) category is to provide for housing, with densities of zero to two dwelling units per acre.

Master Plan/Corridor Study

Not applicable.

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?

Yes No Not applicable

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PRESENT ZONING: R-30

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>Teasley</u>	<u>711</u>	<u>Over</u>	<u> </u>
Elementary <u>Campbell</u>	<u>985</u>	<u>Under</u>	<u> </u>
Middle <u>Campbell</u>	<u>2,280</u>	<u>Under</u>	<u> </u>

High

***School attendance zones are subject to revision at any time.**

Additional Comments: Teasley Elementary School is currently severely over-crowded; therefore, approval of this zoning could adversely impact enrollment at Teasley Elementary School.

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PETITION NO.: Z-35

PRESENT ZONING: R-30

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FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

GATE: Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access (Knox Switch). Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office. (Cobb County Development Standards 401.08.02.1)

GUEST PARKING: When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT James H Groome, J.

PETITION NO. Z-035

PRESENT ZONING R-30

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): 12" DI / S side of Paces Ferry Road

Additional Comments: Water meters to be set at edge of public R-O-W

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: 200' S in Brandy Station Court

Estimated Waste Generation (in G.P.D.): **A D F** 640 **Peak=** 1600

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

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 Comments: Sewer also 180' E in Lemons Ridge (with easements) if elevations allow

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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PRESENT ZONING: R-30

PETITION FOR: R-20

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee River 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 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 neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving systems.

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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.

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. A portion of this parcel is located within the ARC Chattahoochee River Corridor and is therefore subject to the provisions of the Metropolitan River Protection Act. An ARC review will be required to obtain a development certificate.
2. In order to limit offsite runoff and to minimize the impacts of any concentrated stormwater discharges from the site the following stormwater management measures will be implemented: a) pervious pavement will be utilized for all driveways. b) Flo-wells will be installed on all roof downspouts. c) bio-retention/rain gardens will be installed at the rear of each lot as part of the landscaping with private drainage easements established for perpetual maintenance to included in the HOA covenant documents.

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COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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
Paces Ferry Road	8200	Arterial	35 mph	Cobb County	60'
New Paces Ferry Road	1900	Minor Collector	25 mph	Cobb County	50'

Based on 2011 traffic counting data taken by Cobb County DOT (Paces Ferry Road)

Based on 2005 traffic counting data taken by Cobb County DOT (New Paces Ferry Road)

COMMENTS AND OBSERVATIONS

Paces Ferry 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.

New Paces Ferry Road is classified as a minor collector 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 south side of Paces Ferry Road, a minimum of 50' from the roadway centerline.

Recommend curb, gutter, and sidewalk along Paces Ferry Road frontage.

Recommend driveway be located a minimum of 100 feet from intersection of Paces Ferry Road and New Paces Ferry Road.

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

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STAFF RECOMMENDATIONS

Z-35 JAMES H. GROOME, JR.

- 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 property is within a residential area that is surrounded by similarly zoned properties. The proposal will not increase the otherwise allowed density but by a little over a half-unit per acre under the Very Low Density Residential future land use category.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. With proper accommodations such as the proposed shared access drive to eliminate the additional curb cuts onto Paces Ferry Road and the proposed increased rear setback on lots 3 and 4, any adverse effects may be negated.
- 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*. The parcel that is subject of this request is located within a VLDR very low density residential future land use category, which allows densities ranging from 0-2 units per acre. The proposed density is 1.69 units per acre. The current request supports the *Plan's* goals of protecting a rural/estate character by means of lots accessed not by the main road but a shared access easement.
- 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 request stays within the goals of the VLDR very low density residential future land use category of up to two (2) units per acres at a proposed density of 1.69 units per acre. Also, it can be argued, that with the reduction of access off of Paces Ferry Road by means of the shared access easement, the proposal reduces potential negative effects and somewhat strives to preserve a rural/estate character to the development.

Based on the above analysis, Staff recommends DELETING the request to R-20 and R-30 subject to the following conditions:

- Site plan received by the Zoning Division on August 22, 2012, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Department of Transportation comments and recommendations;
- 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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July 30, 2012

Community Development Agency
Zoning Division
Attn.: Mr. Jason Campbell
P. O. Box 649
Marietta, GA 30061



Re: Stipulations Letter – Shaw Property

Dear Jason:

As requested and to further my application for the rezoning of the proposed 2.36 acres at 4258 and 4252 Paces Ferry Rd., Vinings, I met with the adjoining property owners and the Board of Trustees of the Vinings Village Homeowners Association and have agreed to the following stipulations which are to be included in the rezoning application regarding the development of a four (4) lot subdivision.

It is my belief and understanding that with this Agreement all will be supportive of the rezoning request and proposed site plan.

Stipulations are as follows:

1. A minimum 60 ft. setback for properties adjacent to Brandy Station Court homes (current homeowners Schaefer and Naryka)
2. A dense natural landscape buffer between Lot #3 on attached site plan dated 7-9-2012 and 3819 Brandy Station Court (current homeowner Naryka)
3. Sewer line (as required by County) shall tap into the manhole at Brandy Station Court cul de sac and shall be a bored, underground connection originating from within the "Shaw property".
4. A professionally designed and densely landscaped buffer will be placed along Paces Ferry Road in order to screen the visual impact of the home on Lot #1. The setback including the landscape buffer between Lot #1 and Paces Ferry Road shall be no less than 35' from the edge of the public R/W to the edge of the house structure and 25' for the driveway.
5. The undeveloped area comprised of the frontage of Lots #3 & #4 along New Paces Ferry Road shall be professionally landscaped and professionally maintained by the HOA.
6. Best effort to provide access through the property to Paces Ferry Road from the adjoining properties will be made available.
7. Reasonable efforts will be taken such that each lot will contain on-site stormwater retention. In the event that a "community" retention facility is required, the retention facility shall not be placed within the property setback lines, the perimeter of the retention facility will be professionally landscaped so as to screen the facility from view of all surrounding homeowners, and the facility will be maintained by the to-be-formed "Shaw Property" HOA.

Mr. Jason Campbell
Stipulations Letter – Shaw Property
Page Two

Z-35 (2012)
Stipulation Letter

Please allow this stipulations letter to be considered as part of the rezoning request and my commitment to incorporate all of the above stipulations into the development.

Thank you for your consideration.

Sincerely,



Chip Groome

Cc: Glenn Dyke, President, VVHA Board of Trustees
Steve Goodsell, VVHA Board of Trustees
Lorene Schaefer, VVHA Board of Trustees



Application No. Z-35

Sept. 2012.

Summary of Intent for Rezoning

Z-35

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

- a) Proposed unit square-footage(s): 3500 - 4000 sf/home
- b) Proposed building architecture: traditional
- c) Proposed selling prices(s): \$1,200,000
- d) List all requested variances: _____

FRONT & REAR SETBACKS LOT #2

REAR SETBACK LOT #1

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)

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).
