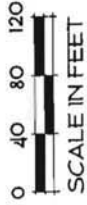
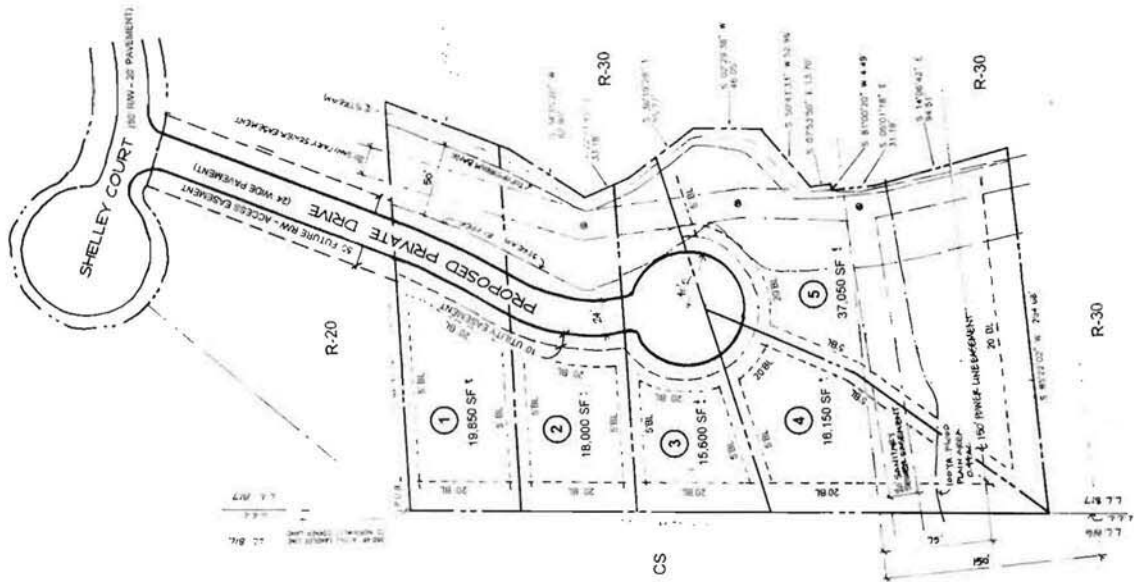


PRELIMINARY SITE PLAN
WALTON CREEK
 LAND LOT #17, 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA
 PREPARED FOR
 MAXINE LONG MINCHEW REVOCABLE LIVING TRUST
 DATE: OCTOBER 3, 2012

RECEIVED
 OCT - 4 2012
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

1-55



**Z-52
 (2012)**

LOT SUMMARY

| LOT | AREA IN SQ. FT. |
|--------------|-------------------|
| 1 | 19,850 SF |
| 2 | 18,000 SF |
| 3 | 15,600 SF |
| 4 | 16,150 SF |
| 5 | 37,050 SF |
| TOTAL | 106,650 SF |

SITE SUMMARY
 TOTAL NUMBER OF LOTS: 5
 TOTAL SITE AREA: 2.4483 ACRES
 EXISTING ZONING: R-30
 PROPOSED ZONING: R-15
 MIN. LOT SIZE: 15,000 SF
 MIN. SETBACKS:
 FRONT: 20'
 SIDE: 5' (MIN. 15' BETWEEN BLDGS.)
 REAR: 20'
 (SETBACK IS FROM EDGE OF PRIVATE STREET)



Dixon & Associates
 LANDSCAPE ARCHITECTS & LAND PLANNERS
 100 UNIVERSITY AVENUE, SUITE 1000, ATLANTA, GA 30303
 PHONE: (770) 441-0000



APPLICANT: Maxine Long Minchew Revocable Living Trust
404-936-7720

REPRESENTATIVE: T. Kenneth Minchew, Jr.
404-936-7720

TITLEHOLDER: Maxine Long Minchew Revocable Living Trust

PROPERTY LOCATION: Southwest side of Shelley Court, west of
Old Canton Road
(1788 Shelley Court).

ACCESS TO PROPERTY: Easement off of Shelley Court

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

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Jacksons Square Subdivision
- SOUTH:** R-20/Brookcliff Subdivision
- EAST:** R-30/Single-family house and R-15/Olde Canton Chase Subdivision
- WEST:** CS/Undeveloped Conservation Subdivision

PETITION NO: Z-52

HEARING DATE (PC): 12-04-12

HEARING DATE (BOC): 12-18-12

PRESENT ZONING: R-30

PROPOSED ZONING: R-15

PROPOSED USE: Subdivision

SIZE OF TRACT: 2.4483

DISTRICT: 16

LAND LOT(S): 817

PARCEL(S): 2, 16

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

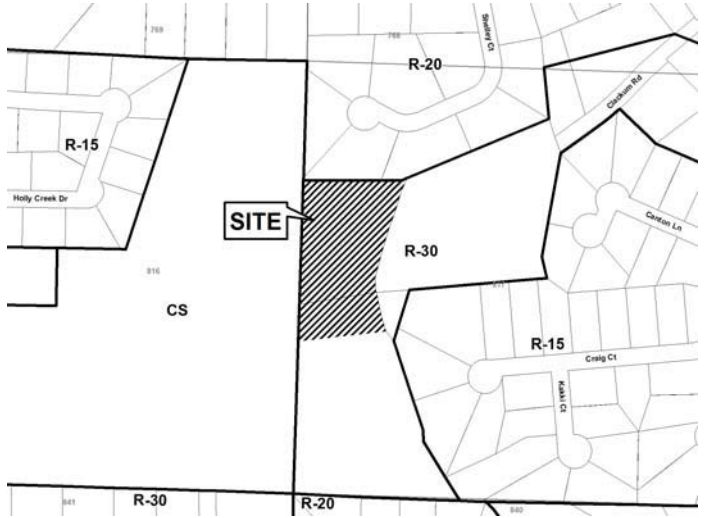
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

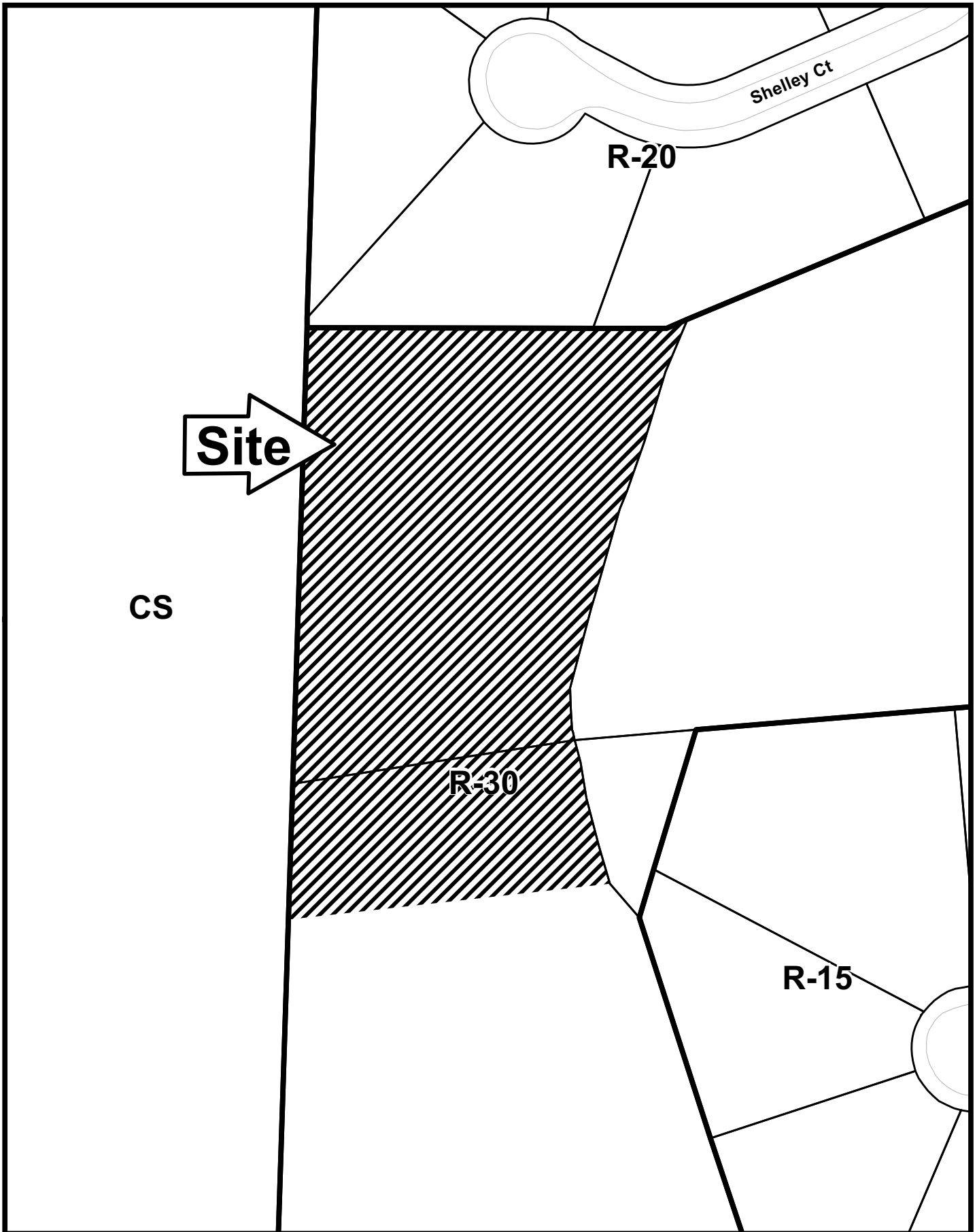
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

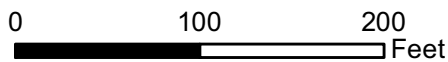
STIPULATIONS:





Z-52



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Maxine Long Minchew Revocable Living Trust

PETITION NO.: Z-52

PRESENT ZONING: R-30

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 5 **Overall Density:** 2.04 **Units/Acre**

Present Zoning Would Allow: 2 **Units** **Increase of:** 3 **Units/Lots**

Applicant is requesting the R-15 zoning category in order to develop a five-lot single family residential subdivision. The proposed traditional/custom houses will have a minimum size of 2,500 square feet and will consist of brick, hardi-plank siding and asphalt roofing. The homes will be arranged toward the proposed private road. Applicant agrees to the creation of a mandatory homeowners association and protective covenants. Right-of-way for ingress and egress to the subject property was recorded on the plat for Jacksons Square Subdivision revised and recorded February 21, 1977 (attached for review).

The proposed site plan will require the following contemporaneous variances:

1. Waive the front setback from the required 35 feet to 20 feet; and
2. Waive the side setbacks from the required 10 feet to 5 feet with a minimum of 15 feet between buildings.

Cemetery Preservation: No comment.

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to R-15 for purposes a subdivision. The 2.44 acre site is located on the southwest side of Shelley Court, west of Old Canton Road. (1788 Shelley Court)

Comprehensive Plan

The parcel is within a Low Density Residential (**LDR**) future land use category with R-30 zoning designation. The purpose of the 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.

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?

APPLICANT: Maxine Long Minchew Revocable Trust

PETITION NO.: Z-52

PRESENT ZONING: R-30

PETITION FOR: R-15

SCHOOL COMMENTS:

| <u>Name of School</u> | <u>Enrollment</u> | <u>Capacity Status</u> | <u>Number of Portable Classrooms</u> |
|------------------------------------|-------------------|------------------------|--------------------------------------|
| <u>Murdock</u> | <u>816</u> | <u>Under</u> | <u> </u> |
| Elementary <u>Dodgen</u> | <u>1,179</u> | <u>Over</u> | <u> </u> |
| Middle <u>Pope</u> | <u>1,734</u> | <u>Under</u> | <u> </u> |

High

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

Additional Comments: Approval of this petition could adversely impact the enrollment at Dodgen Middle School, as this school is over enrollment at this time.

FIRE COMMENTS:

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.

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 Maxine Long Minchew Revocable Living Trust

PETITION NO. Z-052

PRESENT ZONING R-30

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" CI / N side of Shelley Court**

Additional Comments: CCWS meter(s) to be set at public ROW

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.): **ADF 800 Peak= 2000**

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:

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: Maxine L Minchew Revocable Living Trust

PETITION NO.: Z-52

PRESENT ZONING: R-30

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sewell Mill 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 or adjacent to stream buffer

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

APPLICANT: Maxine L Minchew Revocable Living Trust

PETITION NO.: Z-52

PRESENT ZONING: R-30

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.

INSUFFICIENT INFORMATION

- No Stormwater controls shown - must be addressed at Plan Review.
- 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 site is located adjacent to and impacted by the floodplain of Sewell Mill Creek to the south and a small unnamed tributary that forms the eastern property boundary. The proposed private drive is located outside the 50-foot stream buffer, but partially within the 75-foot impervious setback. The drive will need to be shifted to the west or a buffer variance obtained that provides mitigation for this impact.
2. The proposed site plan does not provide space allocation for a stormwater management facility. The proximity to Sewell Mill Creek and its sizable drainage area would qualify the site for fee-in-lieu of detention if a “no impact” analysis can provide proper justification. If an onsite detention pond is required maintenance access must provided from a public R/W and at least one lot would be lost..

APPLICANT: Maxine Long Minchew Revocable Living Trust PETITION NO.: Z-52

PRESENT ZONING: R-30 PETITION FOR: R-15

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 |
|---------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Shelley Court | N/A | Local | 25 mph | Cobb County | 50' |
| | | | | | |

COMMENTS AND OBSERVATIONS

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

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

Recommend providing an access easement to remaining tract of land.

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

STAFF RECOMMENDATIONS

Z-52 MAXINE LONG MINCHEW REVOCABLE LIVING TRUST

- 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. Other properties in the area are similarly zoned and have similar densities. Olde Canton Chase Unit II to the east has an approximate density of 2.03 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. The right-of-way for ingress and egress to the property was recorded in 1977 as part of the plat for Jacksons Square and has been used to access the house that has been located at 1788 Shelley Court.
- 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 the Low Density Residential (LDR) land use category having densities ranging from 1-2.5 units per acre. The proposed development has a density of 2.04 units per acre. The Conservation Subdivision (CS) to the west was approved in case Z-43 of 2005 at a density not to exceed 2.01 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. Other properties in the area are similarly zoned and have similar densities.

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

- Site plan received by the Zoning Division on October 4, 2012, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

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-52
Dec. 2012

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): minimum 2500sq. ft.
- b) Proposed building architecture: TRADITIONAL / CUSTOM
- c) Proposed selling prices(s): \$ 500,000 AND UP
- d) List all requested variances: REAR SETBACK reduced to 20'. Lots ARE ADJACENT to AN EXISTING 40' undisturbed Buffer AND/OR A 150' GA. POWER EASEMENTS

.....
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)

Previous 2012 zonings, Z-26 & Z-31, also included similar zoning requests

.....
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).

Application for Rezoning 10/4/12
Applicant: Maxine Long Revocable Living Trust
Property: 2.4483 acres more or less Shelley Court
LL 817 District: 16 Section: 2



- 1) Proposed Residences shall have a minimum of 2500 square feet
- 2) Setbacks within the community 20 foot rear, 20 foot front, 15 feet between buildings
- 3) Applicant agrees to the creation of a mandatory homeowners association
- 4) Applicant agrees to the creation of protective covenants
- 5) All utilities servicing within the community shall be underground
- 6) Applicant will preserve as many of the existing trees on the property to increase quality of the community
- 7) Minor modifications to the referenced zoning plat, including but not limited to the layout of the lots, landscaping, and elevations may be approved by the District Commissioner as needed.
- 8) Applicant agrees to comply with all Cobb County Stormwater Management requirements
- 9) Applicant agrees to comply with all Cobb County development standards
- 10) The road within the community shall be a private road.

Z-52 (2012)
 Previous Right-of-Way
 Recorded
 2/21/77

Owner's Acknowledgment

The owner of the land shown on this plat and who in person or through a duly authorized agent acknowledges that this was made from an actual survey and dedicates to the use of the public forever, all streets, alleys, park, water courses, drains, easements, and public places herein shown for the purpose and consideration herein expressed.

Surveyor's Acknowledgment

I hereby certify that the plan shown and described herein is a true and correct survey made on the ground under my supervision, that the monuments have been placed as shown hereon, and it is to the accuracy and specifications required by the Cobb County Commission.

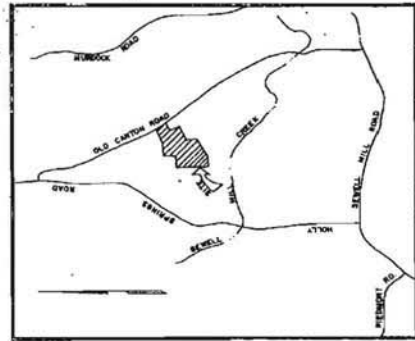
Registered G.A. Land Surveyor *Bill D. ...*
 1361

Cobb County Certification

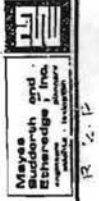
This plat having been submitted to Cobb County and having been found to comply with the Master Plan, the Cobb County Zoning Regulations is approved subject to the installation and dedication of all streets, utilities, easements and other improvements in accordance with the Standard Design Specifications.

Date: 2-21-77
 Date: _____
 Date: _____
 Engineering Department
James A. ...
 Planning Department
 Board of Commissioners

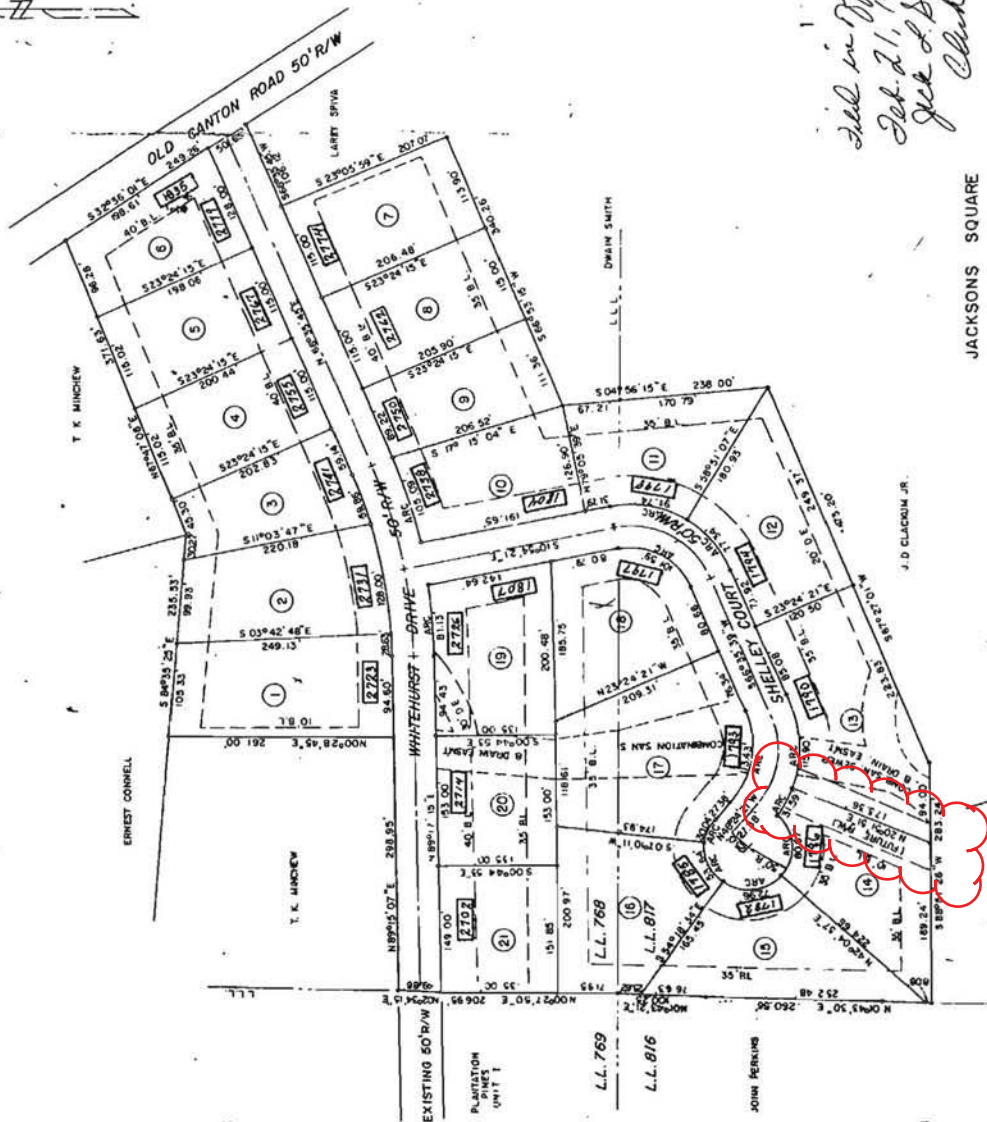
ERROR OF CLOSURE: 1' / 16492'



LOCATION MAP
 SCALE: 1" = 2000'



| CURVE | Δ | R | L | T | CH | CH BRG. | D |
|-------|-----------|---------|---------|---------|---------|--------------|--------|
| 1 | 22°41'30" | 571.64' | 225.30' | 114.70' | 224.87' | N 77°07'51"E | 10.02° |
| 2 | 77°30'00" | 100.00' | 135.26' | 80.26' | 125.18' | S 27°50'59"W | 57.30° |
| 3 | 65°00'00" | 125.00' | 141.81' | 79.63' | 134.32' | N 80°54'21"W | 45.84° |



*Filed in Office
 Feb. 21, 1977
 Jack of Boston
 Clerk*

JACKSONS SQUARE

LAND LOT 768 & 817, 15TH DISTRICT
 2ND SECTION, COBB COUNTY, GEORGIA
 DECEMBER 18, 1974

REVISOR: *James A. Sudders*
 COUNTY ENGINEER
 DATE: 2-21-77

REVISED CURVE 3, JAN 28, 1976



63/51

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application July 31, 1974 Date of Hearing Wed (Sept. 4, 1974) 1:00 P.M.

Titleholder THURMAN K. MINCHEW *Thurman Minchew*

Address 2699 White Hurst Drive, Marietta, Georgia 30062 Phone 971-8050

Applicant THURMAN K. MINCHEW *Thurman Minchew*

C/O HENDERSON, KALEY AND THURMOND */s/ The Henderson, Kaley and Thurmond*
Address 219 Roswell Street, Marietta, Georgia 30060 Phone 422-7452

To Zone From R-30 To R-20 LAND USE _____

FOR THE PURPOSE OF Single Family Residences

Land Lot (s) 768 and 817, District 16th, Sec., 2nd Cobb County, Ga.

CONTAINING 14.309 acres

LOCATED on the southwest side of Old Canton Road.

This property being more particularly described as follows:

All that tract or parcel of land lying and being in Land Lots 768 and 817 of the 16th District, 2nd Section, Cobb County, Georgia, being more particularly described as follows:

BEGINNING at an iron pin located at the southwest corner of Land Lot 768, said beginning point being the common corner of Land Lots 769, 768, 816 and 817, said District and Section; thence running north 00 degrees 27 minutes 50 seconds east for a distance of 206.95 feet to an iron pin; thence running north 02 degrees 34 minutes 15 seconds east for a distance of 49.86 feet to an iron pin; thence running north 89 degrees 15 minutes 07 seconds east for a distance of 298.95 feet to an iron pin; thence running north 00 degrees 28 minutes 45 seconds east for a distance of 261 feet to an iron pin; thence running south 84 degrees 35 minutes 25 seconds east for a distance of 235.76 feet to an iron pin; thence running north 67 degrees 47 minutes 08 seconds east for a distance of 372.39 feet to an iron pin on the westerly right-of-way of Old Canton Road, said right-of-way being 50 feet; thence running south 32 degrees 36 minutes 01 seconds east for a distance of 249.26 feet along said right-of-way to an iron pin; thence running south 66 degrees 35 minutes 45 seconds west for a distance of 106.12 feet to an iron pin; thence running south 23 degrees 05 minutes 59 seconds east for a distance of 207.07 feet to an iron pin; thence running south 66 degrees 53 minutes 15 seconds west for a distance of 340.35 feet to an axle; thence running south 04 degrees 56 minutes 15 seconds east for a distance of 170.79 feet to an iron pin; thence running south 67 degrees 27 minutes 01 seconds west for a distance of 473.20 feet to an iron pin; thence running south 88 degrees 51 minutes 26 seconds west for a distance of 283.24 feet to an iron pin; thence running north 01 degree 43 minutes 30 seconds east for a distance of 260.56 feet to an iron pin; thence running north 01 degree 43 minutes 21 seconds east for a distance of 100.25 feet to the iron pin at the point of beginning.

Recommendation of Planning Commission: 9/4/74, Planning Commission

recommended application be approved. Motion by Atkins, seconded by Fowler;

Carried 4-0.

[Signature] Chairman

Final Decision of Board of Commissioners: 9/4/74, Board of Commissioners

approved application. Motion by Dickson, seconded by Jones; Carried 4-0.

[Signature] Chairman