

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

REPRESENTATIVE: W. Mark Shaw
404-395-5219

TITLEHOLDER: M. Linda Mabry of the State of Georgia and County of Bibb and Carolyn M. Whitney of the State of California and the County of Orange.

PROPERTY LOCATION: South side of Sandy Plains Road, west of the intersection of Sandy Plains Road, Alabama Road and Woodstock Road.

ACCESS TO PROPERTY: Sandy Plains Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant, wooded lot

PETITION NO: Z-57

HEARING DATE (PC): 09-09-13

HEARING DATE (BOC): 09-17-13

PRESENT ZONING: O&I

PROPOSED ZONING: R-15

PROPOSED USE: Single Family Homes

SIZE OF TRACT: 2.64 acres

DISTRICT: 16

LAND LOT(S): 110, 107

PARCEL(S): 16

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PD, NS/ Jefferson Township Subdivision, Retail Commercial Center
- SOUTH:** R-15/ Chatsworth Subdivision
- EAST:** NRC/ Retail Commercial Center
- WEST:** R-15/ Chatsworth Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

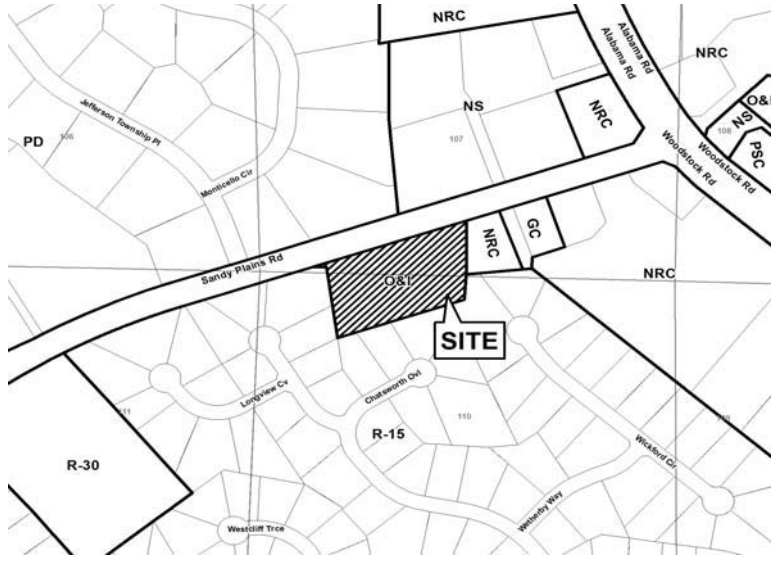
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

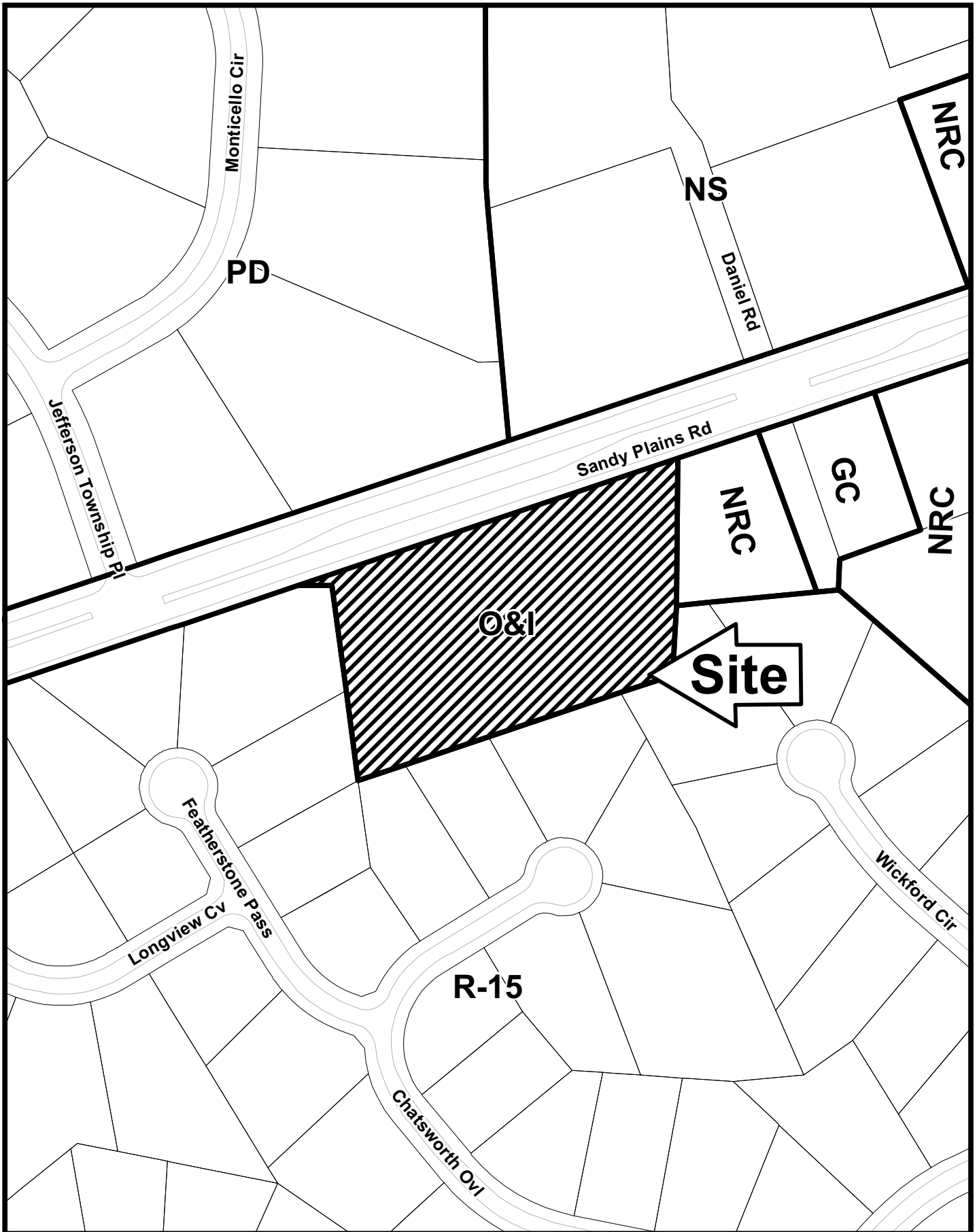
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

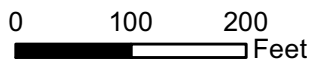
STIPULATIONS:





Z-57



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-57

PRESENT ZONING: O&I

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Units: 2 **Overall Density:** 0.76 **Units/Acre**

Present Zoning Would Allow: 2 - 13,350 Office Buildings

The applicant is requesting a rezoning of the subject parcel in order to develop for two (2) single-family residences each on lots of 1.27 and 1.37 acres even though with the requested R-15 zoning, the applicant could possibly develop 6 to 7 lots based on available area and road frontage. The applicant states that the houses will be a minimum of 2,200 sq. ft. in size, traditional architecture with one (1) or two (2) stories and have proposed selling prices of \$350,000.

The property received its current O&I zoning as part of previous case Z-182 of 1985 which also zoned the adjacent property to the south and west R-15 which was developed as the Chatsworth subdivision. At the time of that rezoning, the subject property fell within the low density residential future land use area, presumably re-categorized to the now neighborhood activity center as a result of its rezoning to O&I.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

APPLICANT: Southeast Real Estate Acquisitions, LLC

PETITION NO.: Z-57

PRESENT ZONING: O&I

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>Garrison Mill</u>	<u>694</u>	<u>Under</u>	<u> </u>
Elementary			
<u>Mabry</u>	<u>839</u>	<u>Under</u>	<u> </u>
Middle			
<u>Lassiter</u>	<u>1,980</u>	<u>Under</u>	<u> </u>

High

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

Additional Comments:

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-57

PRESENT ZONING: O&I

PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from O & I to R-15 for purpose of single family homes. The 2.64 acre site is located on the South side of Sandy Plains Road, west of the intersection of Sandy Plains Road, Alabama Road and Woodstock Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with O&I zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

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 Southeast Real Estate Acquisitions, LLC

PETITION NO. Z-057

PRESENT ZONING O&I

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): **12" DI / S side of Sandy Plains Road**

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: **Approx. 200' south in Chatsworth Overlook with easement(s)**

Estimated Waste Generation (in G.P.D.): **A D F 320 Peak= 800**

Treatment Plant: **Big Creek**

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: Connection to sewer not required, provided that minimum lot size is 1.25 acres, each lot having dual septic fields with alternating usage annually

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: Southeast Real Estate Acquisitions, LLC

PETITION NO.: Z-57

PRESENT ZONING: O&I

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Willeo 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 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 system.

APPLICANT: Southeast Real Estate Acquisitions, LLC

PETITION NO.: Z-57

PRESENT ZONING: O&I

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 _____
- 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 proposed lot split will result in two residential parcels with a proposed impervious coverage of less than 15%. As such, these lots will be exempt from formal detention requirements. It is recommended, however, that all downspouts be discharged as near to the structures as possible and that a minimum of 50 feet of overland flow be provided before runoff is discharged into the existing drainage easement within the adjacent Chatsworth Subdivision. Site plans will be required to be submitted to the Stormwater Management Division prior to issuance of a building permit.

APPLICANT: Southeast Real Estate Acquisitions, LLC **PETITION NO.: Z-57**

PRESENT ZONING: O&I **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
Sandy Plains Road	23,100	Arterial	45 mph	Cobb County	100'

Based on 2013 traffic counting data taken by Cobb County DOT (Sandy Plains Road)

COMMENTS AND OBSERVATIONS

Sandy Plains 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.

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 Sandy Plains Road, a minimum of 50' from the roadway centerline.

Recommend Sandy Plains Road access be right-in/ right-out.

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

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STAFF RECOMMENDATIONS

Z-57 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. Located within a transitional area between residential and commercial development, the request will allow for residential development of the site.
- 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. In fact, the request will allow development of only two (2) residences as proposed rather than the 26,700 sq. ft. of office development previously proposed on this site; having a much less impact on nearby properties.
- 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 strict conformity with the policy and intent of the *Cobb County Comprehensive Plan*. While currently categorized within the neighborhood activity center future land use area, the request can be said to adhere to the site's previous categorization of low density residential it held until being rezoned to the O&I district.
- 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 will return the property to a residential zoning category such as it held before it was rezoned to O&I in 1985. In fact, the requested R-15 will match the existing neighborhoods zoned R-15 bordering the subject property to the south, east, and west while providing for much less density with only two (2) lots proposed.

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

- Site plan received by Zoning Division on July 5, 2013 with District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management 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.

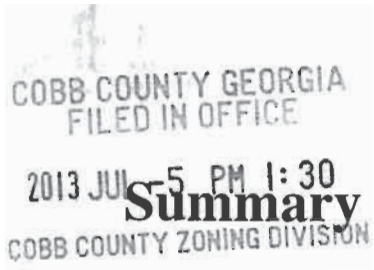
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Application No. Z-57

Sept. 2013

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): minimum of 2200 square feet
- b) Proposed building architecture: traditional 1 and/or 2 story
- c) Proposed selling prices(s): \$ 350,000
- d) List all requested variances: NONE

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).**

APPLICATION FOR REZONING
TO THE
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUE
AND THE
COBB COUNTY PLANNING COMMISSION
(type or print clearly)

Application No. 182

Applicant John Wieland Homes and H. G. Kalb, Jr. (business name) Business Phone 522-8354 Home Phone 887-0384
255-1480

Hearing Date
887-0384
355-1766

John Gillespie & H.G. Kalb, Jr. (representative's name, printed) Address 124 Johnson Ferry Road - Atlanta, Ga. 30328

John Gillespie

Business Phone 522-8354 Home Phone 887-0384
255-1480 355-1766

(representative's signature)

Titleholder John Wieland Homes (404) 255-1480
M. Linda Mabry
Carolyn M. Whitney Business Phone (912) 742-2597 Home Phone 887-0384

Signature M. Linda Mabry Address 355 Vista Circle and 124 Johnson Ferry Rd
Carolyn M. Whitney Macon, Georgia 31204 Atlanta, Georgia
(attach additional signatures, if needed) 30328

John Wieland

Zoning Request From R-20 and R-30 To QI & R-15
(present zoning) (proposed zoning)

For the Purpose of Residential Development and Office Buildings Size of Tract 23.56 Acres acre(s)
(subdivision, restaurant, warehouse, apts., etc.)

Location South side of Sandy Plains Road between Woodstock Road and Wesley Chapel Road
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 107 and 110 and 111 District 16th District, 2nd Section

Recommendation of Planning Commission 6-11-85, Planning commission recommended application
be approved subject to letter of conditions marked exhibit A. Motion by Brown, seconded by
Adams; carried 5-0.

John A. Williams Chairman

Board of Commissioners' Decision 6-11-85, Board of Commissioners approved application
subject to traffic omments marked exhibit B, letter of conditions marked exhibit A, no
more than 10,000 sq.ft. per acre of office building. Motion by Williams, seconded by Smith;
carried 4-1, Burton opposed.

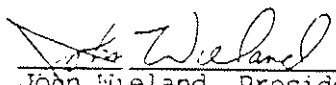
Carl Smith Chairman

EXHIBIT "A"


O & I
CONDITIONS OF ZONING

The following Conditions of Zoning for Application # 182 to be heard by the Cobb County Zoning Commission on June 11, 1985 have been agreed upon by the parties signed below.

1. The site shall consist of two buildings consisting of a maximum of 13,350 square feet per building.
2. The buildings will be located at least seventy-five (75) feet inside the Sandy Plains Road right-of-way.
3. The front setback area shall be maintained as a landscaped buffer. All construction traffic must use the permanent curb cut and trees having a diameter of four (4) inches or more shall not be removed unless damaged, except to provide ingress and egress to property and buildings and proper drainage of the site.
4. There shall be no overhead lighting higher than four (4) feet between the front of the buildings and Sandy Plains Road. The lighting of the parking areas in the rear shall be of a design that will focus the light inward to and down toward the parking area itself and of a type which will not be objectionable to the adjacent property owners.
5. There will be no parking between the front of the buildings and Sandy Plains Road.
6. All the buildings will be constructed with all brick exteriors and shall be of traditional architecture.
7. The building and site shall be landscaped in keeping with other buildings of this size and quality in East Cobb.



 John Wieland, President
 John Wieland Homes, Inc.
 Co-Applicant and Adjacent Landowner



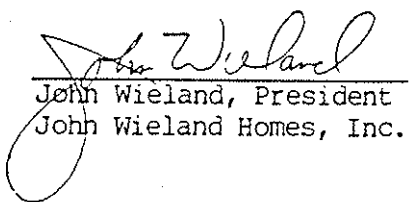
 H. G. Kalb, Jr.
 Co-Applicant

EXHIBIT A

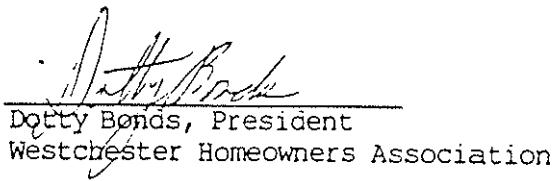
R-15
Conditions of Zoning

The following Conditions of Zoning for Application # 182 to be heard by the Cobb County Zoning Commission on June 11, 1985, have been agreed upon by the parties signed below.

1. The lots resulting from this rezoning will not receive permanent memberships to the existing Westchester Swim and Tennis Association.
2. The lots being rezoned will not have direct road access to or through the existing Westchester subdivision.



John Wieland, President
John Wieland Homes, Inc.



Dotty Bonds, President
Westchester Homeowners Association

APPLICANT John Wieland Homes and H.G. Kalb, Jr.

PETITION NO. 182

PRESENT ZONING R-20 & R-30

PETITION FOR O&I & R-15

PLANNING COMMENTS:

Land Use Plan Recommendation: Low density residential usage not to exceed two units per acre

Proposed Number of Units 40 Buildings 2 Overall Density 1.92 Units/Acre

Present Zoning Would Allow 26 Units F.A.R. 9,780 Sq. Ft./Acre

Total Commercial Sq. Ft. 26,700 Increase In Units/Lots 14

Parking Spaces Required 107 Parking Spaces Provided 107

Agreeable Conditions By Applicant:

- 1,800 sq. ft. minimum house size.
- Rezoning be conditioned upon two letters submitted by the applicant attached to this analysis.

Additional Comments:

- 14.56 acres are presently zoned R-30.
- Nine acres are presently zoned R-20.
- R-15 request consist of 20.83 acres.
- O&I request consist of 2.73 acres.
- Style of the offices and the homes to be traditional.

EXHIBIT "B"

TRAFFIC COMMENTS:

	Average Daily Trips	Classification	Minimum Right-of-Way Requirements
Sandy Plains Road	7,366	Arterial	100'
S.R. 92 (Alabama Road)	10,083	Arterial	100'

Additional Comments: Sandy Plains Road, from Shallowford Road to S.R. 92, is scheduled to be widened from 2 to 4 lanes with a divided median in the present guaranteed portion of the County Wide Road Assessment Program. This proposed development's access should be aligned with any existing public roadway situated on the north side of Sandy Plains Road in order to justify a median break at this location. The O&I portion, or out parcel portion of this proposed site, would be subject to a restricted access arrangement, as dictated by the median design. Only one curb cut would be allowed to the out parcel site which should be designed to "Right-In/Right-Out" specifications.

Staff Recommendations: The Traffic Division recommends that until additional road capacities have been obtained on Sandy Plains Road, it would not be advisable to increase the potential for additional traffic loads above what is presently committed with the existing Land Use Category.

ZONING PLAN FOR THE SANDY PLAINS ROAD PROJECT
 (VARIABLE WIDTH)