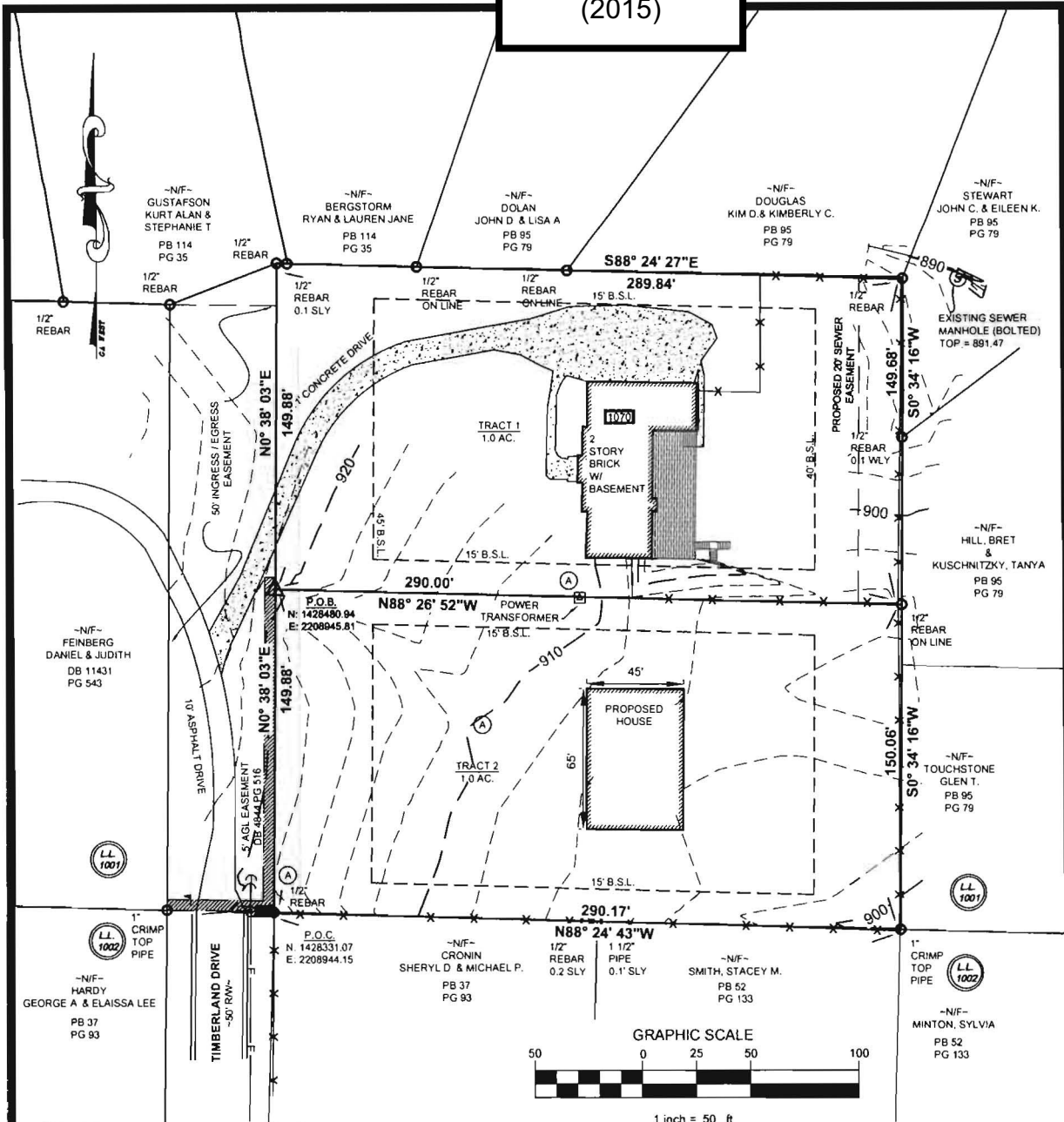


Z-11  
(2015)



**RECEIVED**  
DEC - 4 2014  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

<p><b>TITLE</b> THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT ABSTRACT OF TITLE. THEREFORE THERE MAY BE OTHER RESTRICTIONS, EASEMENTS, SETBACKS, AGREEMENTS, OR OTHER SIMILAR MATTERS NOT SHOWN HEREON. ALL MATTERS OF TITLE ARE EXCEPTED.</p> <p><b>FLOOD ZONE</b> BASED ON GRAPHICAL INTERPRETATION THIS PROPERTY IS SITUATED IN UNSHADED FLOOD ZONE "X" (AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOOD PLAIN) AS DEPICTED ON THE NFIP FLOOD INSURANCE RATE MAP NO. 13067C0137H, HAVING AN EFFECTIVE DATE OF MARCH 4, 2013. USER OF THIS MAP IS CAUTIONED THAT A MORE PRECISE FLOOD DELINEATION MAY BE NEEDED TO VERIFY THIS INFORMATION. (F.E.M.A MAP REVISIONS, IF ANY, ARE NOT ADDRESSED AS PART OF THIS SURVEY)</p> <p><b>SIGNIFICANT OBSERVATIONS</b> A AREA OF 30' UTILITY EASEMENT UNABLE TO PLOT DB 4810 PG 225</p>	<p><b>LEGEND</b></p> <p>AC - ACRE ASPH - ASPHALT BL - BUILDING LINE CONC - CONCRETE DE - DRAINAGE EASEMENT FC - FENCE N/F - NOW OR FORMALLY LWB - LOCAL WATER BUFFER PB/PG - PLAT BOOK PAGE RAW - RIGHT OF WAY SF - SQUARE FEET SSE - SANITARY SEWER EASEMENT SWB - STATE WATER BUFFER WA - WATER EASEMENT ● - MONUMENT FOUND ● - CAPPED RE-BAR SET MSC △ - COMPUTED POINT X - FENCE LINE X - RIGHT-OF-WAY --- - LAND LOT LINE</p>
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**PREPARED FOR**  
Tuley & Tuley Inc.  
3745 Cherokee St. NW # 205  
Kennesaw, Ga 30144

**MITCHELL SURVEYING & CONSULTING, LLC**  
Surveying • Construction Layout • Consulting  
3201 South Cherokee Lane • Suite 310  
Woodstock, GA 30188  
Tel. 770-924-2955 Fax: 770-485-9073  
Email: cmitchell@msc-survey.com

**PROPERTY DESCRIPTION**  
1070 TIMBERLAND DRIVE SE  
COBB COUNTY, GEORGIA  
LAND LOT 1001 17th DISTRICT, 2ND SECTION  
CURRENT ZONING R 80  
PROPOSED ZONING R 40

**AREA TRACT 1**  
1.0 ACRES OR 43,418 FT<sup>2</sup>

**AREA TRACT 2**  
1.0 ACRES OR 43,497 FT<sup>2</sup>

**SURVEY TYPE: SITE PLAN**  
**DATE OF FIELD SURVEY: 12-01-2014**  
**MAP ISSUE DATE: 12-04-2014**  
**JOB No. 14061**

**NOTES:**

1. ANGLES AND DISTANCES MEASURED WITH TOPCON GTS-233V TOTAL STATION & TRIMBLE R-8 5800 DUAL BAND GPS RECEIVER ON THE eGPS NETWORK.
2. THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 15,255 FEET, AND AN ANGULAR ERROR OF 07" PER ANGLE POINT, AND WAS ADJUSTED BY COMPASS.
3. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 385,394 FEET.
4. DIMENSION SHOWN PER PLAT. MONUMENTS NOT RECOVERED UNLESS OTHERWISE SHOWN HEREON.
5. THIS DRAWING IS THE PROPERTY OF THE REFERENCED CLIENT AND IS NOT TO BE USED FOR ANY PURPOSE OTHER THAN THE SPECIFIC PROJECT AND NAMED HEREIN, AND CANNOT BE REPRODUCED IN ANY MANNER WITH OUT THE EXPRESS WRITTEN PERMISSION FROM THE CORPORATION.

**APPLICANT:** Destiny Development Corporation  
**PHONE#:** 404-409-9455 **EMAIL:** rick@tulleygroup.com  
**REPRESENTATIVE:** Richard Tuley, Jr., President  
**PHONE#:** 404-409-9455 **EMAIL:** rick@tulleygroup.com  
**TITLEHOLDER:** Richard L. Yancey

**PETITION NO:** Z-11  
**HEARING DATE (PC):** 02-03-15  
**HEARING DATE (BOC):** 02-17-15  
**PRESENT ZONING:** R-80

**PROPERTY LOCATION:** North of the terminus of Timberland Drive, north of Hallmark Drive (1070 Timberland Drive).

**PROPOSED ZONING:** R-40

**ACCESS TO PROPERTY:** Easement from Timberland Drive

**PROPOSED USE:** Second Single-Family Lot

**PHYSICAL CHARACTERISTICS TO SITE:** Existing two story brick house

**SIZE OF TRACT:** 1.995 acres

**DISTRICT:** 17

**LAND LOT(S):** 1001

**PARCEL(S):** 5

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

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/ Old Paper Mill subdivision
- SOUTH:** R-80/ Terrell Mill Estates
- EAST:** R-20/ Old Paper Mill subdivision
- WEST:** R-40/ Single family house

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

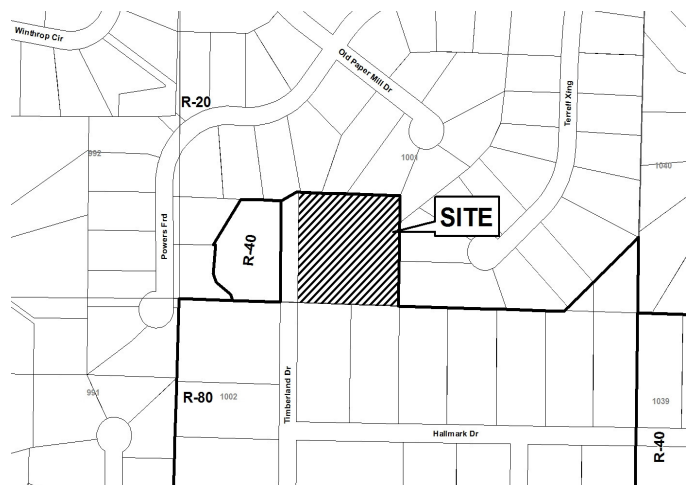
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

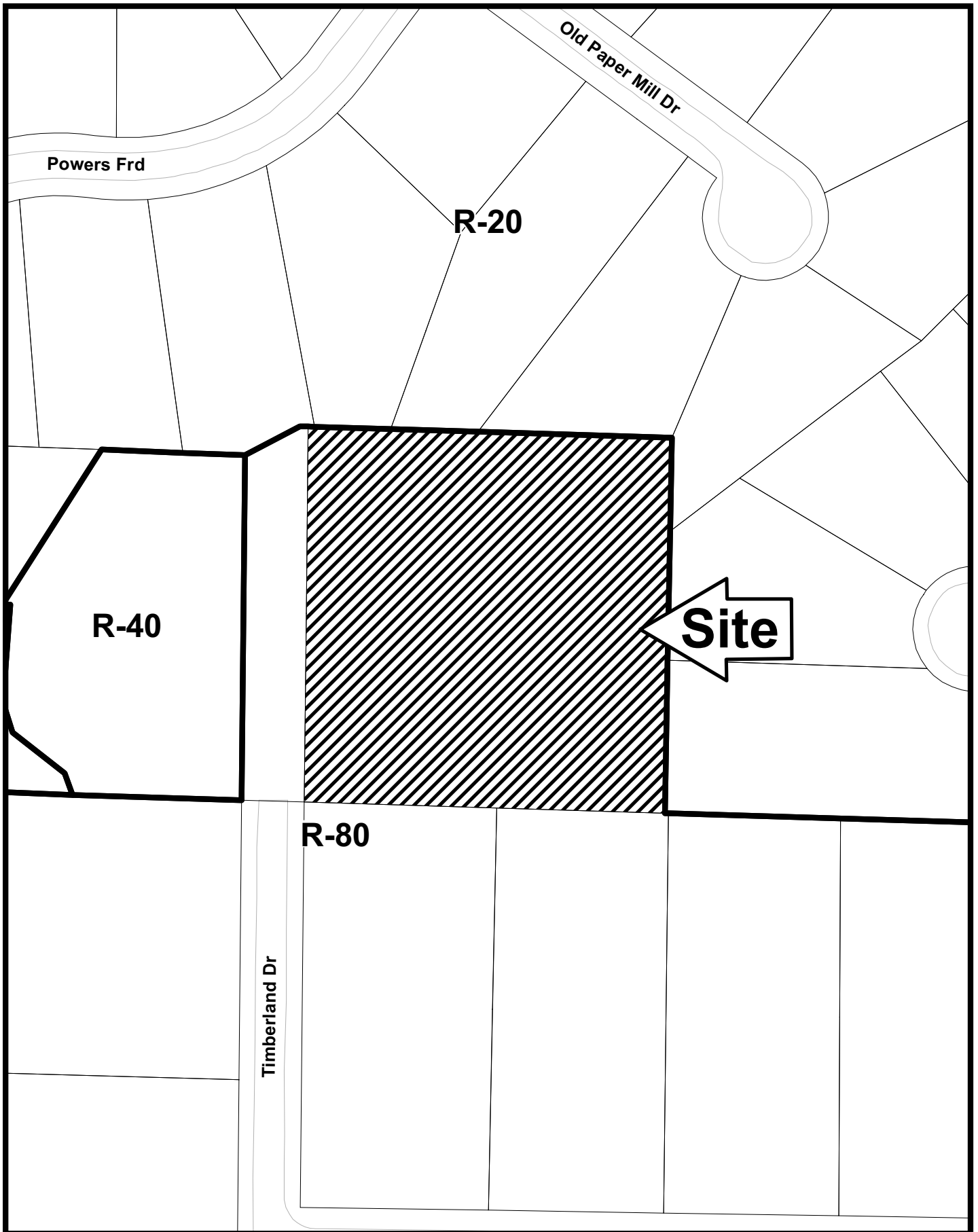
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

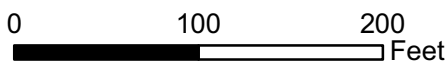
**STIPULATIONS:**





# Z-11



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Destiny Development Corporation

**PETITION NO.:** Z-11

**PRESENT ZONING:** R-80

**PETITION FOR:** R-40

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** John P. Pederson

**Land Use Plan Recommendation:** Very Low Density Residential (0-2 units per acre)

**Proposed Number of Units:** 2                      **Overall Density:** 1.0                      **Units/Acre**

**Staff estimate for allowable # of units:** 1 **Units\***    **Increase of:** 1 **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-40 zoning district to build one additional single-family house on this property. The house would be traditional or craftsman in styling with an exterior consisting of brick, stone, cement fiber siding and/or shingles. The house would be a minimum 3,000 square-feet, and would sell for approximately \$500,000. The house would have a two or three car garage.

The applicant is requesting a contemporaneous variance for no public road frontage for the two lots.

**Cemetery Preservation:** No comment.

**APPLICANT:** Destiny Development Corporation

**PETITION NO.:** Z-11

**PRESENT ZONING:** R-80

**PETITION FOR:** R-40

\*\*\*\*\*

**SCHOOL COMMENTS:**

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

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

**Additional Comments:**

\*\*\*\*\*

**FIRE COMMENTS:**

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.

**APPLICANT:** Destiny Development Corporation

**PETITION NO.:** Z-11

**PRESENT ZONING:** R-80

**PETITION FOR:** R-40

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-80 to R-40 for second single family lot. The 1.995 acre site is located north of the terminus of Timberland Drive, north of Hallmark Drive.

**Comprehensive Plan**

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-80 zoning designation. The purpose of the Very Low Density Residential (VLDR) category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) 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?

**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.

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.

**APPLICANT:** Destiny Development Corporation

**PETITION NO.:** Z-11

**PRESENT ZONING:** R-80

**PETITION FOR:** R-40

\*\*\*\*\*

**PLANNING COMMENTS:** (Continued)

***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

APPLICANT Destiny Development Corporation

PETITION NO. Z-011

PRESENT ZONING R-80

PETITION FOR R-40

\*\*\*\*\*

**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" DI / E side of Timberland 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: NE corner of property

Estimated Waste Generation (in G.P.D.): A D F= +166 Peak= +400

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: Small off-site easement necessary to accommodate full 20' width of standard County sewer easement

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:** Destiny Development Corporation

**PETITION NO.:** Z-11

**PRESENT ZONING:** R-80

**PETITION FOR:** R-40

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

Site plan approval will be required to be approved by Stormwater Management Division. If proposed impervious coverage of lot exceeds 5000 sq ft, a dry well system will need to be provided to mitigate stormwater runoff impacts.

**APPLICANT: Destiny Development Corporation**

**PETITION NO.: Z-11**

**PRESENT ZONING: R-80**

**PETITION FOR: R-40**

\*\*\*\*\*

**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
Timberland Road		Local	25	Cobb	50'

*Based on [] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Timberland Road 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 applicant access property via current easement.

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## STAFF RECOMMENDATIONS

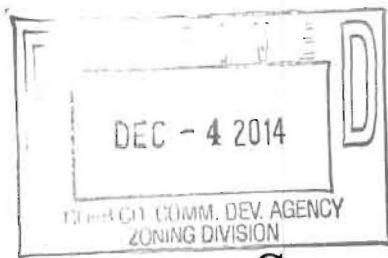
### **Z-11 DESTINY DEVELOPMENT CORPORATION**

- 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 applicant's proposal is adjacent to property zoned R-20, R-40 and R-80.
- 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 applicant's single-family use would be consistent with the adjoining single family uses.
- 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 a Very Low Density Residential with densities that range from 0 to 2 units per acre. The proposed density is 1 unit 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. The applicant's single family house proposal is consistent with adjacent and adjoining properties. The applicant's proposal has lot sizes that are consistent with Terrell Mill Estates. The applicant's proposal is consistent with the Cobb County Comprehensive Plan.

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

- Allowance of no public road frontage for the two lots;
- 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 #: Z-11

PC Hearing Date: 2-3-15

BOC Hearing Date: 2-17-15

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3000+
- b) Proposed building architecture: Traditional or Craftsmen Architecture
- c) Proposed selling prices(s): \$500,000's +
- d) List all requested variances: Required public street frontage reduced to 0 feet

.....  
**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)**

See Attached

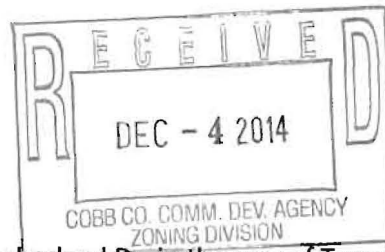
.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

**(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).** No

.....  
**Part 5. Is this application a result of a Code Enforcement action? No X; Yes \_\_\_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

Applicant signature: Richard L Tuley Jr. Date: 12/4/14  
 Applicant name (printed): Richard Tuley Jr.

1070 Timberland Rezoning



Z-11 (2015)  
Applicant's  
Attachment to  
Summary of  
Intent

The property being rezoned is accessed off of Timberland Dr. in the rear of Terrell Mill Estates subdivision. The parcel has 1.99 acres, and has a brick home, built in 1989, on the northern portion of the tract. The owner and applicant desire to split the tract into two (2) R-40 lots. The existing home will remain on the northern most parcel and the intent is to develop a new upscale single family home on the southernmost parcel, both of which will be approximately 1 acre. The new home will be of traditional or craftsman style architecture and will likely feature a combination of brick, stone, cement fiber siding, and shingles along with exterior columns, a front porch, and composite architectural shingle roofing.

The land shares its southern border with 2 R-80 lots on Hallmark Dr. in Terrell Mill Estates.

These homes at 3345 and 3301 Hallmark Dr. were built in approximately 1972 and range from approximately 2500 to 3800 SF according to county tax records. While many of the lots in Terrell Mill are zoned R-80, the vast majority are much closer to one acre. Our intent with this parcel is to maintain the character of the neighborhood which has large single family lots with upscale traditional homes.

On the east and north the subject property is bordered by six R20 lots in Old Paper Mill subdivision. These homes were built in approximately from 1986 to 1990 and are valued at approximately \$375,000 to \$650,000 by the Cobb tax assessor. On the west, across an access easement, the subject property is bordered by a single R 40 lot at 1080 Timberland Drive, which was built in approximately 1972 and contains approximately 3300 square feet. This home was built by the applicant's father and was the childhood home of Rick Tuley. All of the surrounding area which was developed into Old Paper Mill Subdivision was previously owned by his grandfather and uncle. Mr. Tuley is also motivated to uphold the value of the neighborhood because his uncle will also remain in ownership of the existing home at 1070 Timberland Drive.

Concurrent with the rezoning, we are requesting a variance waiving the required public street frontage for an R40 lot. The property, which currently has no public road frontage, will continue to be accessed from a private easement off of the end of Timberland Drive as it has been for the past 40 years.

The addition of one home in this neighborhood will not create a burden on schools, transportation, or fire and safety personnel and should add significantly to the tax base of the county.

Because of childhood and family ties, this area is very dear to Mr. Tuley's heart and it is his intention to build a new home which is updated and attractive to family buyers upholds the character of this great neighborhood.