



**APPLICANT:** E-Rock Development, LLC

**PETITION NO:** Z-17

**PHONE#:** (770)940-4505 **EMAIL:** jonathan\_edwards50@yahoo.com

**HEARING DATE (PC):** 02-03-15

**REPRESENTATIVE:** John H. Moore, Moore Ingram Johnson & Steele,LLP

**HEARING DATE (BOC):** 02-17-15

**PHONE#:** (770)429-1499 **EMAIL:** jmoore@mijs.com

**PRESENT ZONING:** R-30

**TITLEHOLDER:** Melonee Bates, Petrelia Lawhorn

**PROPOSED ZONING:** R-15

**PROPERTY LOCATION:** Northwesterly side of Childers Road,  
south of Monet Drive  
(3383 Childers Road).

**PROPOSED USE:** Single-Family  
Residential

**ACCESS TO PROPERTY:** Childers Road

**SIZE OF TRACT:** 4.16 acres

**DISTRICT:** 1

**PHYSICAL CHARACTERISTICS TO SITE:** Single-story wood  
frame home.

**LAND LOT(S):** 28

**PARCEL(S):** 2

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-15/ Tiffany Place Subdivision
- SOUTH:** R-30/ Single-family Home
- EAST:** R-15/ Coventry Green Subdivision
- WEST:** R-20/ Chimney Lakes Subdivision

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

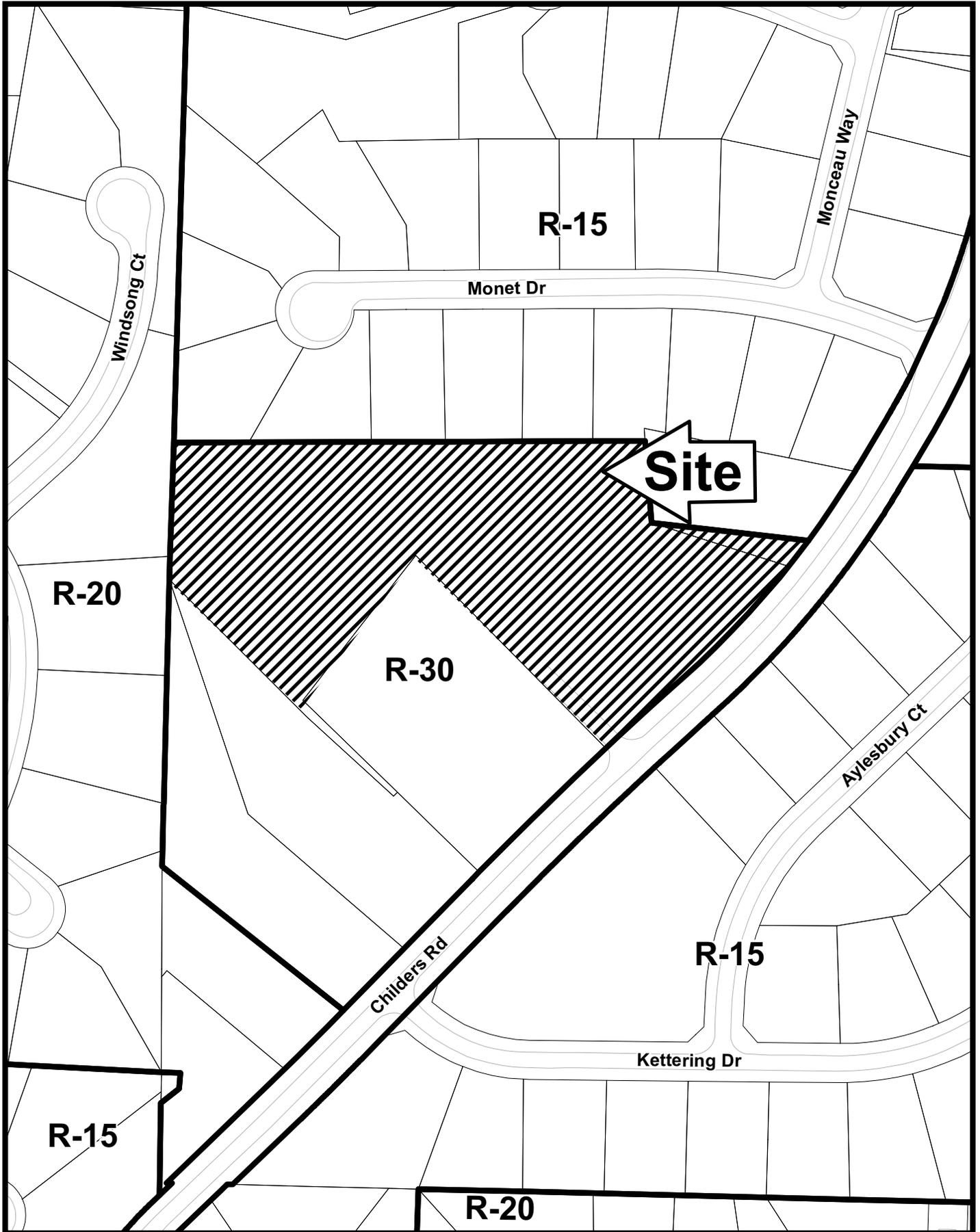
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

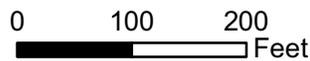
**STIPULATIONS:**



# Z-17



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



-  City Boundary
-  Zoning Boundary

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**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** LDR Low Density Residential

**Proposed Number of Units:** 8                      **Overall Density:** 1.92 **Units/Acre**

**Staff estimate for allowable # of units:** 4 **Units\***    **Increase of:** 4 **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 a rezoning to the R-15 single-family residential zoning district in order to develop an eight (8) lot subdivision. The homes' sizes will be 3,200 square feet and greater. The proposed architecture is traditional and craftsman with anticipated selling prices in the \$800,000s. As presented, the applicant is requesting a waiver of the front setbacks from the required 35 feet to 25 feet for lots 3 through 8 and from the required 35 feet to 30 feet on lots 1 and 2.

**Cemetery Preservation:** No comment.

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Tritt</u>	<u>892</u>	<u>Over</u>	<u>                    </u>
<b>Elementary</b>			
<u>Hightower Trail</u>	<u>1,063</u>	<u>Over</u>	<u>                    </u>
<b>Middle</b>			
<u>Pope</u>	<u>1,929</u>	<u>Over</u>	<u>                    </u>

**High**

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

**Additional Comments:** Approval of this petition could adversely affect the enrollment at Tritt Elementary School, Hightower Trail Middle School and Pope High School, **all** of which are over capacity at this time.

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**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-30 to R-15 for purpose of single family residential. The 4.16 acre site is located on northwesterly side of Childers Road, south of Monet Drive.

**Comprehensive Plan**

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

**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.

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**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 E-Rock Development

PETITION NO. Z-017

PRESENT ZONING R-30

PETITION FOR R-15

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**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 8" CI / NW side of Childers 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.

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**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: 15' N in Tiffany Place S/D

Estimated Waste Generation (in G.P.D.): A D F= 1,280 Peak= 3,200

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 Sewer easement in Tiffany Place lots 5 and 6 extends to property line  
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sweat Mountain 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 Chimney Lakes S/D.  
Elevated 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.

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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. This site is located just northwest of Childers Road. Average slopes are relatively flat to moderate with maximum of 15%. The site cover is a mixture of open and wooded areas. The majority of the site (2/3) drains to the north into Tiffany Place Subdivision. The rear third drains into the Chimney Lakes Subdivision.
2. The detention facility must be tied directly to the existing downstream system within Tiffany Place S/D (Lot 4). The current channel conveyance through this lot does not have adequate capacity to handle the proposed increased runoff volume.
3. The majority of lots 6-8 will naturally bypass the detention pond. A drainage easement will be required at the rear of lots 4-6 to convey site runoff to the pond. Grading or landscape walls will likely be required to direct all impervious lot runoff to this easement.

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**TRANSPORTATION COMMENTS**

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Childers Road	8,700	Minor Collector	35	Cobb	60'

*Based on [2004] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Childers Road is classified as a minor collector and according to the available information the existing right-of-way does not 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 verify that minimum right-of-way is available for Childers Road and if it is not, recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Childers Road, a minimum of 30' from the roadway centerline.

Recommend taper for the Childers Road access.

Recommend no driveways access Childers Road.

Recommend curb, gutter, and sidewalk along the Childers Road frontage.

## STAFF RECOMMENDATIONS

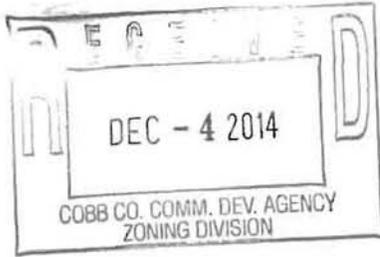
### **Z-17 E-ROCK DEVELOPMENT, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The requested development will result in a density of 1.92 units per acre that is within the range of adjacent subdivisions such as Tiffany Place to the north (1.94 units per acre), Chimney Lakes to the west (1.66 units per acre) and Coventry Green to the east (2.06 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 proposed development will be similar to existing, adjacent neighborhoods and have access on a proposed internal street.
- 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*. Located within an area that is delineated as LDR low density residential on the future land use map, the proposed development's density of 1.92 units per acre falls well within the LDR category's prescribed 1-2.5 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. The proposed development's density of 1.92 is similar to adjacent subdivisions such as Tiffany Place (1.94 units per acre) and Coventry Green (2.06 units per acre) and falls well within the range forecasted by the LDR future land use category of 1-2.5 units per acre. The requested front setback waivers will allow access by internal street reducing traffic entry points on Childers Road.

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

- Site plan received by the Zoning Division on April 13, 2015, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Sewer and Water Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation 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.**



Application #: Z- 17 (2015)  
PC Hearing Date: 02/03/2015  
BOC Hearing Date: 02/17/2015

# Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): minimum 3,200 sf and greater
- b) Proposed building architecture: Traditional/Craftsman
- c) Proposed selling prices(s): \$800s and greater
- d) List all requested variances: None known at this time.

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Not Applicable.
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

*(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).* None known at this time.

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

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature BY: [Signature] Date: December 4, 2014

John H. Moore; Georgia Bar No. 519800

Applicant name (printed): Attorneys for Applicant and Property Owners

**\*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any other part of the Application for Rezoning, at any time during the rezoning process.** *Revised August 21, 2013*