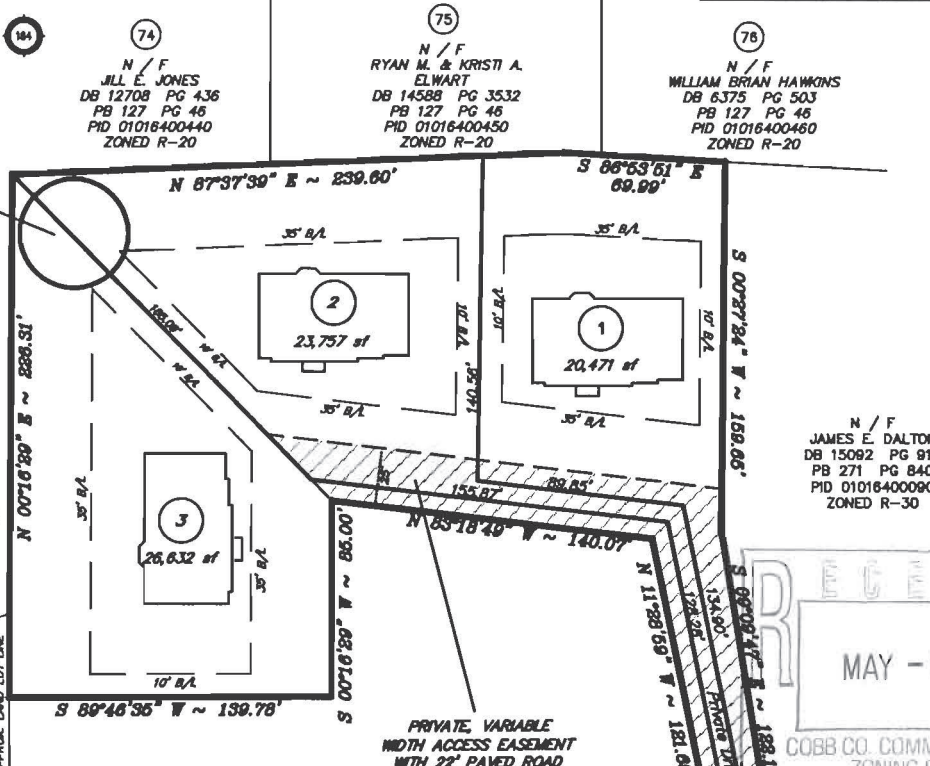


VICINITY MAP  
NIS

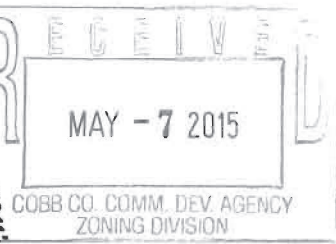


Private Storm Water Management

BALDWIN TERRACE



N / F  
JAMES E. DALTON  
DB 15092 PG 912  
PB 271 PG 840  
PID 01018400090  
ZONED R-30



VARIANCE REQUESTED

1. REDUCTION IN PUBLIC ROAD FRONTAGE REQUIREMENT FROM 75' TO 26' FOR LOTS 1, 2, AND 3.

REFERENCES

1. PB 127 PG 46
2. PB 271 PG 840
3. DB 14808 PG 913

NOTES

1. BOUNDARY PREPARED FROM DEED AND PLATS. NO FIELD WORK DONE AT THIS TIME.
2. TOPOGRAPHIC INFORMATION FROM COBB COUNTY GIS.
3. ACCORDING TO FEMA PANEL 13087D0132L, NO PORTION OF THIS SITE CONTAINS FLOODPLAIN.
4. NO CEMETARIES ARE KNOWN TO EXIST ON THE SITE.
5. NO LAKES, STREAMS, OR WETLANDS ARE KNOWN TO EXIST ON THE SITE.
6. NO ARCHAEOLOGICAL OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON THE SITE.
7. NO UTILITY EASEMENTS ARE KNOWN TO EXIST ON THE SITE.

SITE DATA

Total Acreage: 1.625  
Existing Zoning: R-30  
Proposed Zoning: R-20

Community Requirement:  
Mandatory HOA  
Private Road Access  
Private Storm Water Management  
Private Sanitary Sewer - (connection to Cobb County Sewer)

House Requirements:  
2,900sf to 3,200sf  
3 side Masonry (brick, stone, stucco)  
3 car garage  
Price Range - \$850k to \$850k

Proposed Building Setbacks:  
Front: 35'  
Side: 10'  
Rear: 35'

N / F  
JAMES E. DALTON  
DB 13237 PG 1540  
PID 01018400180  
ZONED R-30

N / F  
JAMES E. DALTON  
DB 15092 PG 912  
PID 01018400090  
ZONED R-30

*DM [Signature]*  
5-6-15



LEGEND	
IPF Iron Pin Found	Fire Hydrant
BB Meter	Water Meter
CTP Closed Top Pipe	Gas Meter
OTF Open Top Pipe	4" Dia. Sewer Cleanout
CMF Castorol Manometer Pit	6" Dia. Sewer Manhole
DI Drop Inlet	8" Dia. Sewer Manhole
JB Junction Box	1" Power Pole
CB Catch Basin	Light Pole
CCP Corrugated Metal Pipe	Guy Wire
RCR Reinforced Concrete Pipe	Overhead Power Line
M Monitoring Well	Phone Line
TP Telephone Pedestal	



REZONING PLAT OF 5123 TIMBER RIDGE ROAD FOR:  
**FRANK D'ARIES**  
DEED BOOK 14808 PAGE 913

JOB NO.	4801
DRAWN BY	ET AL
CHECKED BY	DLP
DATE	4/29/15
FIELD DATE	
SCALE	1"=40'

REVISIONS	DATE

**SURVEYS PLUS INC.**  
3585 SOUTH COBB DR., S.E.  
SMYRNA, GEORGIA 30080  
PHONE: (770) 444-9738  
FAX: (770) 444-9739

LOCATED IN  
LAND LOT 164  
1ST DISTRICT  
2ND SECTION  
COBB COUNTY,  
CITY OF  
GEORGIA

**APPLICANT:** Frank D'Aries

**PHONE#:** (678) 368-7113 **EMAIL:** daries.frank@gmail.com

**REPRESENTATIVE:** Frank D'Aries

**PHONE#:** (678) 368-7113 **EMAIL:** daries.frank@gmail.com

**TITLEHOLDER:** Nobuko MacKay

**PROPERTY LOCATION:** North side of Timber Ridge Road, east of Shelburne Ridge (5123 Timber Ridge Road).

**ACCESS TO PROPERTY:** Timber Ridge Road

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped parcel

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/Baldwin Farms Subdivision
- SOUTH:** R-30 and R-20/Single-family houses
- EAST:** R-30/Single-family house
- WEST:** R-20/Baldwin Farms Subdivision and Single-family house

**PETITION NO:** Z-65

**HEARING DATE (PC):** 07-07-15

**HEARING DATE (BOC):** 07-21-15

**PRESENT ZONING:** R-30

**PROPOSED ZONING:** R-20

**PROPOSED USE:** Residential Subdivision

**SIZE OF TRACT:** 1.625 acres

**DISTRICT:** 1

**LAND LOT(S):** 164

**PARCEL(S):** 54

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

**COMMISSION DISTRICT:** 3

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

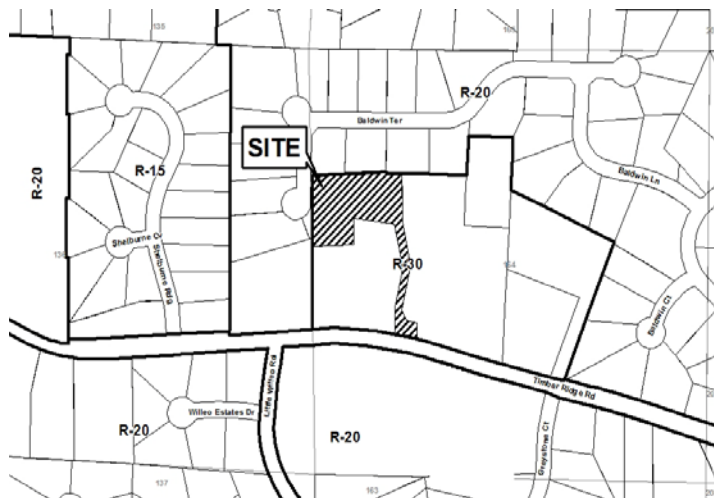
**BOARD OF COMMISSIONERS DECISION**

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

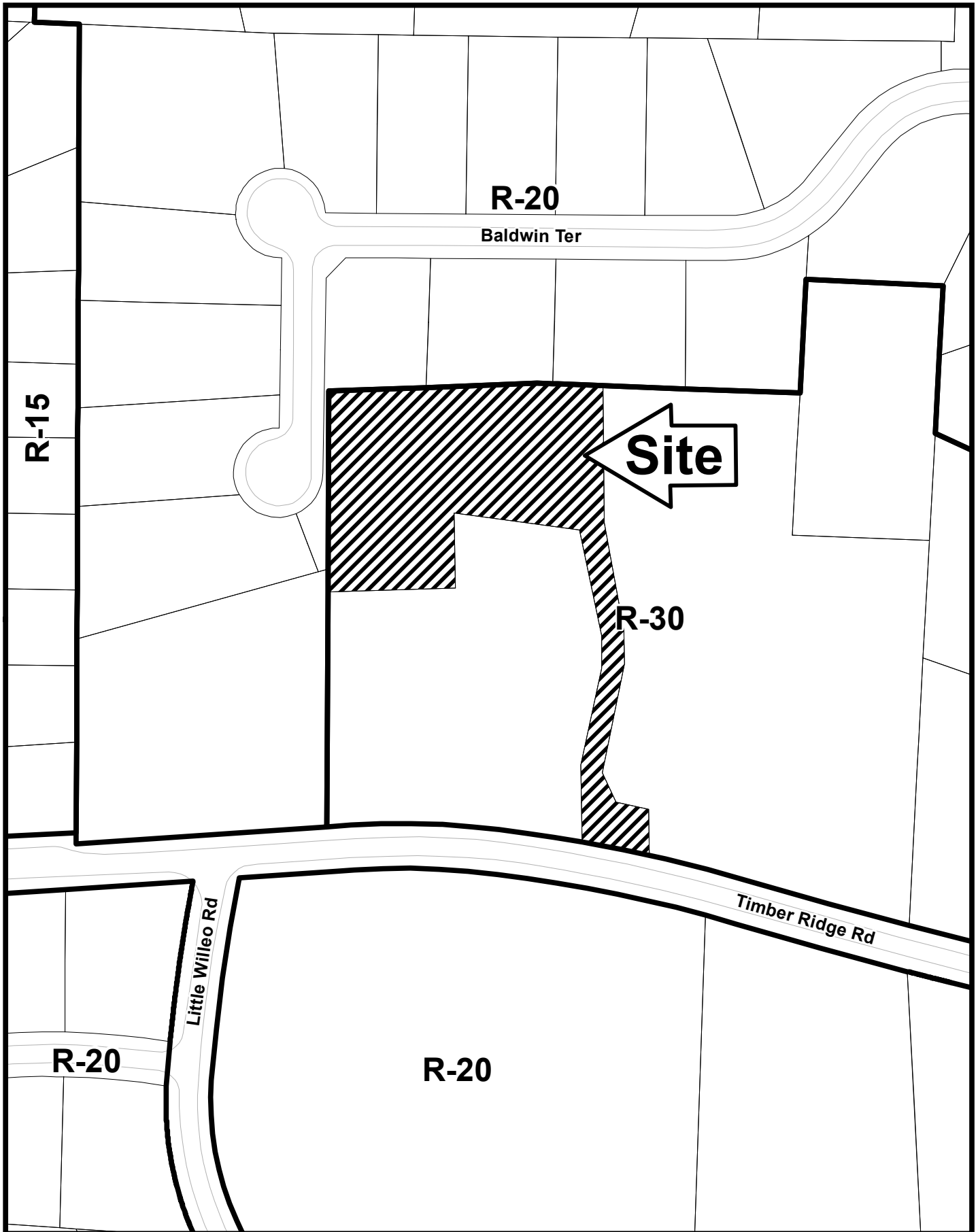
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

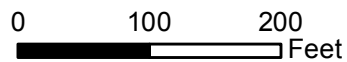
**STIPULATIONS:**





# Z-65



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Frank D'Aries

**PETITION NO.:** Z-65

**PRESENT ZONING:** R-30

**PETITION FOR:** R-20

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

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

**Proposed Number of Units:** 3                      **Overall Density:** 1.84                      **Units/Acre**

**Staff estimate for allowable # of units:** 1                      **Units\***                      **Increase of:** 2                      **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.

Applicant is requesting to rezone the subject property to the R-20 zoning category in order to develop three residential lots. The proposed houses will range in size from 2,900 square feet to 3,200 square feet and the architecture will consist of three-sided masonry of brick, stone or stucco. The proposed price ranges will be from \$650,000 to \$850,000. The applicant proposes a mandatory homeowners association (HOA) and the HOA will control and maintain the driveway easement, stormwater management system, and private sanitary sewer line.

The proposed development requires the following contemporaneous variances:

1. Waiving the required public road frontage from the required 75 feet to 25 feet for each proposed lot; and
2. Allowing the setbacks for Lot 3 to be arranged toward the private drive as shown on the proposed site plan.

**Cemetery Preservation:** No comment.

**APPLICANT:** Frank D'Aries

**PETITION NO.:** Z-65

**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>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:**

**ACCESS:** 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.

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).

**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.

APPLICANT: Frank D'Aries

PETITION NO.: Z-65

PRESENT ZONING: R-30

PETITION FOR: R-20

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-30 to R-20 for purpose of single family residential subdivision. The 1.625 acre site is located on the north side of Timber Ridge Road, east of Shelburne Ridge (5123 Timber Ridge Road)

**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. This category presents a range of densities.

**Adjacent Future Land Use**

North: Low Density Residential (LDR)  
East: Low Density Residential (LDR)  
South: Low Density Residential (LDR)  
West: Low Density Residential (LDR)

**Master Plan/Corridor Study**

N/A

**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? N/A

**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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>

APPLICANT: Frank D'Aries

PETITION NO.: Z-65

PRESENT ZONING: R-30

PETITION FOR: R-20

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<p><b>PLANNING COMMENTS:</b> <b>Continued</b></p>
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**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 Frank D'Aries

PETITION NO. Z-065

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 Timber Ridge Rd

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: 175' N in Baldwin Terrace

Estimated Waste Generation (in G.P.D.): A D F= 480 Peak= 1200

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 Private sewer for 3-member HOA (per application) is discouraged. Design alternatives can be evaluated at Plan Review.

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: Frank D'Aries

PETITION NO.: Z-65

PRESENT ZONING: R-30

PETITION FOR: R-20

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Willeo Creek FLOOD HAZARD INFO: Zone A

- 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 CONDITIONS

- 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 receiving system.

APPLICANT: Frank D'Aries

PETITION NO.: Z-65

PRESENT ZONING: R-30

PETITION FOR: R-20

\*\*\*\*\*

**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. Since the proposed development is creating 3 or more lots it must provide for full stormwater management for the site. A separate parcel must be provided for the stormwater management facility. Due to the parcel shape and topography this will require a downstream easement to accommodate a concentrated discharge that does not currently exist. If the facility is to be dedicated to the County for maintenance, the pond parcel must be accessed directly from the public right-of-way.

**APPLICANT: Frank D'Aries**

**PETITION NO.: Z-65**

**PRESENT ZONING: R-30**

**PETITION FOR: R-20**

\*\*\*\*\*

**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
Timber Ridge Road	4400	Minor Collector	35 mph	Cobb	60'

*Based on [2013] traffic counting data taken by Cobb County DOT for Timber Ridge Road*

**COMMENTS AND OBSERVATIONS**

Timber Ridge 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 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 north side of Timber Ridge Road, a minimum of 30' from the roadway centerline.

Recommend replacing disturbed curb, gutter, and sidewalk along the Timber Ridge Road frontage.

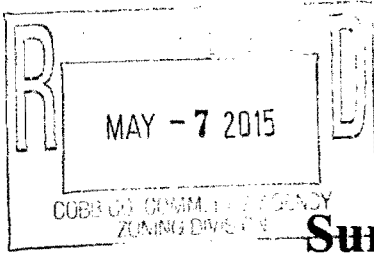
## STAFF RECOMMENDATIONS

### **Z-65 FRANK D'ARIES**

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties in this area are developed subdivisions and single-family houses on larger lots, meeting public road frontage requirements.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse affect on the usability of adjacent or nearby property. Properties in developed subdivisions and the single-family lots in the area have public road frontage. The subject property, with enough public road frontage for one lot, was parceled out from a larger tract.
- C. It is Staff's opinion that the applicant's rezoning proposal may 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 as being within the Low Density Residential (LDR) land use category, having densities ranging from 1-2.5 units per acre. The applicant's proposal of 1.84 units per acre is within the LDR range and the requested R-20 is compatible with the LDR land use category. However, under R-20, each lot is supposed to have 75 feet of public road frontage. The parcel was split off with enough road frontage for one lot. Other developments in the area include: Baldwin Farms, Phase II (zoned R-20 at 1.62 units per acre); Willow Point (zoned R-20 at approximately 1.74 units per acre); Willeo Estates (zoned R-20 at approximately 1.85 units per acre); and Shelburne Subdivision (zoned R-15 at approximately 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 denying the applicant's rezoning proposal. The subject property was divided out from a larger tract and the fact that it had enough road frontage for one lot appears to have been the intent at the time of creating the current lot. While the proposed density is within the range for LDR and the requested R-20 zoning category is compatible with LDR, Staff believes the proposed development is out of character with other developments in the area because properties in those developments have public road frontage and other lots in the area that have less road frontage are single, larger lots.

Based on the above analysis, Staff recommends **DENIAL**.

**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-65

July 2015

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 2,900 sf - 3200 sf
- b) Proposed building architecture: 3 side masonry - either brick, stone or stucco
- c) Proposed selling prices(s): \$650,000 - \$850,000
- d) List all requested variances: \_\_\_\_\_  
Reduction in public road frontage requirement from 75' to 25' for lots 1, 2, 3

.....  
**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)**

This will be a private community with a mandatory Homeowner Association (HOA). The HOA to control and maintain the driveway easement, storm management system, and private sanitary sewer line from Cobb County sewer connection at Timber Ridge Road through-out the property.

.....  
**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