

APPLICANT: Randy P. Wolpin	PETITION NO:	Z-99
PHONE#: (407) 748-7200 EMAIL: randy@annabellassociates.com	HEARING DATE (PC):	12-01-15
REPRESENTATIVE: Randy P. Wolpin	HEARING DATE (BOC):	12-15-15
PHONE#: (407) 748-7200 EMAIL: randy@annabellassociates.com	PRESENT ZONING	RSL
TITLEHOLDER: Randy Wolpin		
	PROPOSED ZONING:	R-20
PROPERTY LOCATION: Southwest side of Bankstone Drive,		
north side of Horseshoe Bend Road	PROPOSED USE: Single F	amily Residential
(2790 Bankstone Drive, S.W.)		
ACCESS TO PROPERTY: Bankstone Drive	SIZE OF TRACT:	.804 acre
	DISTRICT:	19
PHYSICAL CHARACTERISTICS TO SITE: <u>Existing 2 story house</u>	LAND LOT(S):	621,638
	PARCEL(S):	57
	TAXES: PAID <u>X</u> DU	Е
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRICT	: 4

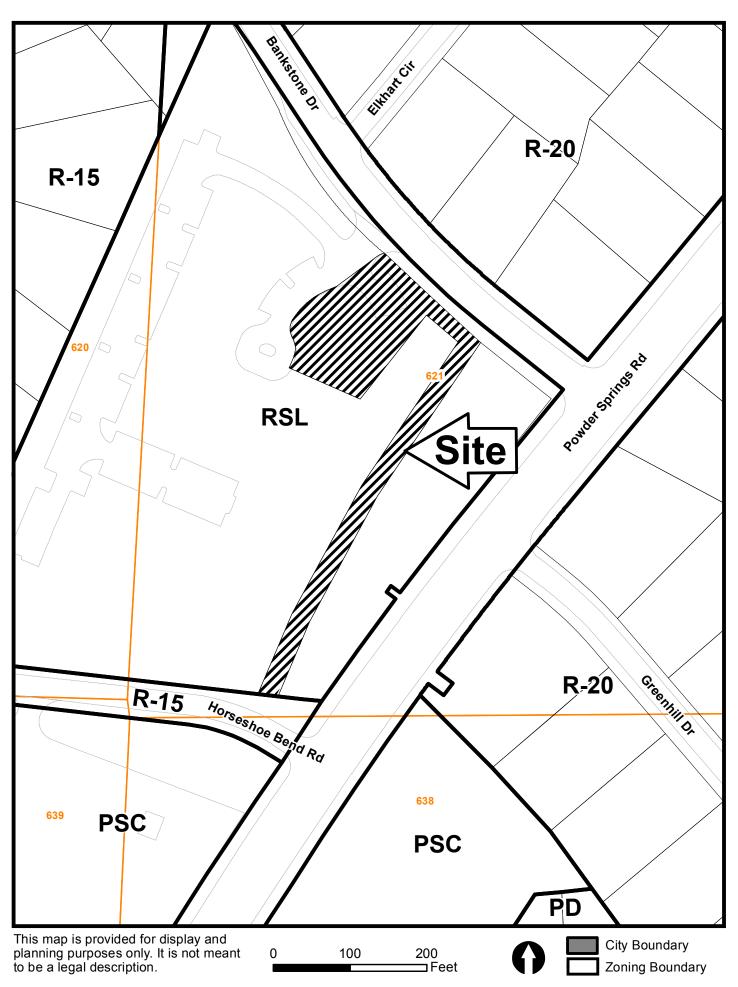
NORTH:	RSL/ Residential Single Living Facility
SOUTH:	RSL/ Residential Single Living Facility
EAST:	R-20/ Sebring Ridge Subdivision
WEST:	RSL/ Residential Single Living Facility

OPPOSITION: NO. OPPOSED____PETITION NO:____SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED_____MOTION BY_____ REJECTED____SECONDED____ Battle Ct R-20 HELD____CARRIED____ **BOARD OF COMMISSIONERS DECISION** SITE APPROVED_____MOTION BY_____ R-15 RSL REJECTED SECONDED R-20 HELD____CARRIED____ Hollydale Ct Red Berry Ln **STIPULATIONS:** PSC PSC PD 081

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ZONING COMMENTS: Staff Mem	ber Responsible: Donald Wells
Land Use Plan Recommendation: Neighb	porhood Activity Center
Proposed Number of Units: 1 (existing)	Overall Density: 1.25 Units/Acre
Staff estimate for allowable # of units: 1 *Estimate could be higher or lower based on engineer	Units* Increase of: 0 Units/Lots ed plans taking into account topography, shape of property, utilities, roady

natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

The applicant is requesting rezoning from Residential Senior Living (RSL) to R-20 for the purpose of a single family home. The house was built in 1856 and is listed on the National Register of Historic Places. The property was rezoned in 2002 to RSL and the subject property was used as an office. The property was sold in 2014 and now the applicant intends to use it for a single family home. The applicant does not intend to make any changes to the house he just wants to move into the house.

The request will require the following contemporaneous variances:

- Waive the rear setback from 35 feet to 3 feet;
- Waive the north side setback from 10 feet to 6 feet.

<u>Cemetery Preservation</u>:

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.

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:	Randy P.	Wolpin
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PRESENT ZONING: RSL

PLANNING COMMENTS:

The applicant is requesting a rezoning from RSL to R-20 for the purpose of single family residential. The .804 acre site extends from the southwest side of Bankstone Drive to the north side of Horseshoe Bend Road and is located at 2790 Bankstone Drive, S.W.

HB-489 Intergovernmental A	Agreement Zoning Amendment Notification:		
Is the application site within	one half (1/2) mile of a city boundary?	□ Yes	■ No
If yes, has the city of	_been notified?	□ Yes	■ No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with RSL zoning designation. The purpose of the Neighborhood Activity Center (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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

Northeast:	Low Density Residential (LDR)
Southeast:	Neighborhood Activity Center (NAC)
Southwest:	Neighborhood Activity Center (NAC)
Northwest:	Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

Historic Preservation

The property in question is the Cheney-Newcomer House (c. 1850), a locally designated historic property. The applicant is requesting a rezoning to a residential category and will be preserving the house. Staff makes no further request of the applicant at this time and believes that the rezoning will be in the best interest of this historic property.

<u>Design Guidelines</u>		
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	equirements?	
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.

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PLANNING COMMENTS: Continued

Is the property within an Enterprise Zone? The Smyrna-Osborne 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 <u>http://economic.cobbcountyga.gov</u>.

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?

 \Box Yes \blacksquare No

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PRESENT ZONING RSL				PE	TITION I	FOR	<u>R-20</u>
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WATER COMMENTS: NOTE: Comments refle	ect o	nly what facilities w	vere	in exi	istence at th	e time	of this review.
Available at Development:	✓	Yes			No		
Fire Flow Test Required:		Yes			No		
Size / Location of Existing Water Main(s): 6" A	C / 2	NE side of Bankst	one	Driv	e		
Additional Comments: Existing water customer							
Developer may be required to install/upgrade water mains, based on Review Process.	fire fl	ow test results or Fire De	epartn	nent Co	ode. This will	be resolv	ved in the Plan
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SEWER COMMENTS: NOTE: Comments r	eflec	ct only what facilitie	s we	re in o	existence at	the tin	ne of this review.
In Drainage Basin:	\checkmark	Yes			No		
At Development:	✓	Yes			No		
Approximate Distance to Nearest Sewer: Ban	kstc	one Drive					
Estimated Waste Generation (in G.P.D.): A I) F=	= +0		F	Peak= +0		
Treatment Plant:		Souh C	Cobb)			
Plant Capacity:	✓	Available		Not	Available		
Line Capacity:	✓	Available		Not	Available		
Proiected Plant Availability:	✓	0 - 5 vears		5 - 1	0 vears		over 10 years
Drv Sewers Required:		Yes	✓	No			
Off-site Easements Required:		Yes*	✓	No			ts are required, Developer ents to CCWS for
Flow Test Required:		Yes	✓	No	review/app	roval as t	to form and stipulations on of easements by the
Letter of Allocation issued:		Yes	✓	No	property ov	vners. A	ll easement acquisitions y of the Developer
Septic Tank Recommended by this Department:		Yes	✓	No			
Subject to Health Department Approval:		Yes	✓	No			
Additional Existing sewer customer 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

No comments.

PRESENT ZONING: <u>RSL</u>

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
Bankstone Drive	4300	Major Collector	35 mph	Cobb County	80'

Based on traffic counting data taken by Cobb County DOT for Bankstone Drive in 2008.

COMMENTS AND OBSERVATIONS

Bankstone Drive is classified as a major 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.

STAFF RECOMMENDATIONS

Z-99 RANDY P. WOLPIN

- 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 property was intended to be used as an office for the senior living development that was developed in 2002. The house was built in 1856 and the surrounding properties have been designed to complement the existing house.
- 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 the property to be used as already developed while encouraging upkeep of the property.
- 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 conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a NAC Neighborhood Activity Center land use category. This NAC category seeks to encourage uses such as small offices, limited retail uses and other low intense uses to serve the surrounding residential areas.
- 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 is to allow the owner to live in the house as it is. The house was built in 1856 and this application will allow the owner to help preserve the historic character of the area.

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

- Site plan received in zoning dated September 28, 2015;
- Any improvements to the property must get Cobb County Historic Preservation Commission approval prior to issuance of any permits.
- Fire Department comments and recommendations;
- Water and Sewer Department comments and recommendations;
- Stormwater Management Division comments and recommendations and;
- Department of Transportation 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.

a)	idential Rezoning Information (attach additional information if needed) Proposed unit square-footage(s): 3610 scf +
b) c) d)	Proposed building architecture: <u>Greek Revival</u> (Historic) Proposed selling prices(s): <u>\$250,000</u> List all requested variances: <u>Setback</u> , other
°art 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. Ot	ther Pertinent Information (List or attach additional information if needed)