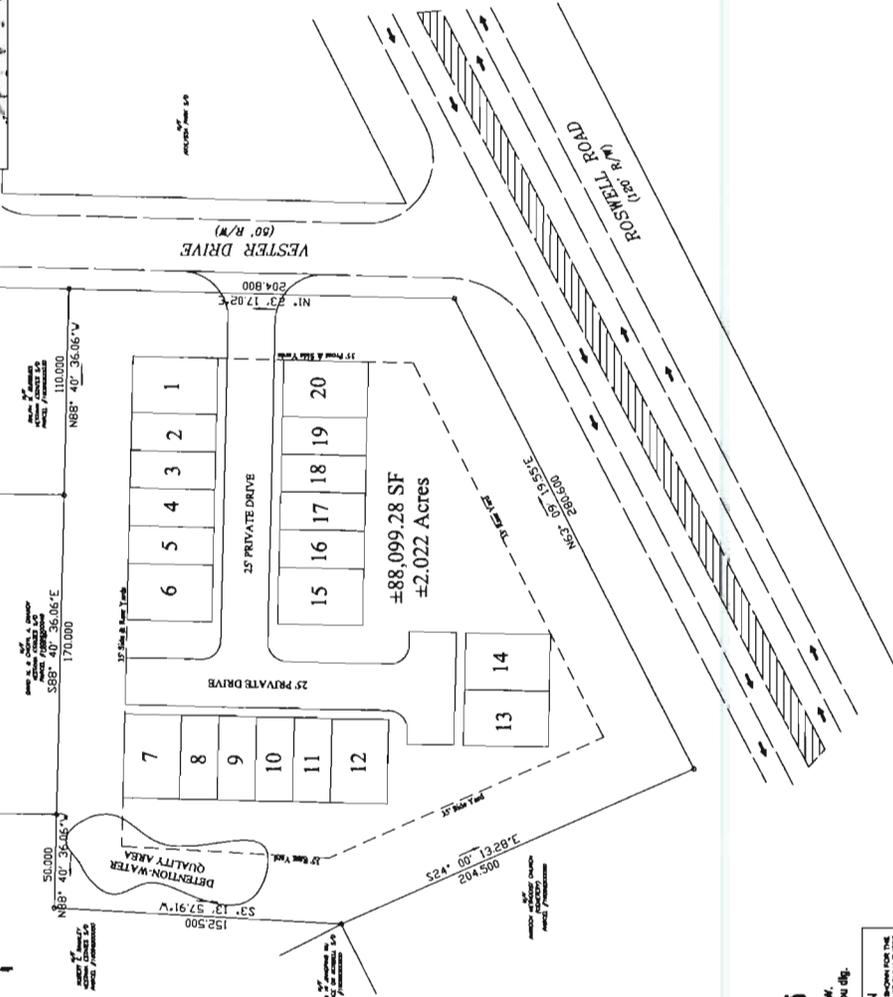
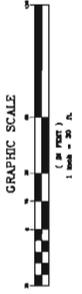


DOPT

LIVE
- 3 2016
I. DEV. AGENCY
DIVISION



- GENERAL NOTES**
1. Owner: Neil Layton
 2. Total Site Area: 88,099.28 sf or 2.022 Acres
 3. Location: 1189 West Drive, Roswell, Georgia 30082
 4. Tax Parcel ID(s): 1806200110 & 1806200100
 5. Zoning: Single-Family Residential Attached; Fee Simple Townhomes, FST
 6. Proposed Improvements: Driveways & Constructed Townhome Units (20 units max.)
 7. Property setbacks: Front - 25'00"; Rear - 25'00"; Side - 10'00"
 8. There are no wetlands located on the site.
 9. Potable Water service is provided by Cobb County Water Authority.
 10. Sanitary Sewer service is provided by Cobb County Water Authority.
 11. Electricity service provided by Georgia Power.
 12. All utility lines are shown as indicated.
 13. The building footprints for the construction project is private.
 14. All work shall comply with Cobb County Development Regulations and codes and O.S.H.A. Standards.
 15. Contractor shall obtain all permits prior to starting construction.
 16. Contractor is responsible for getting utility protection center and determining the location and existence of all utilities.
 17. The person ultimately responsible for the installation and maintenance of erosion and sediment control practices on this site and who is to be contacted in the event of a Stop Work Order is Robert Young, 404-883-2191.



811
Know what's below.
Call before you dig.

CAUTION
THE UTILITIES SHOWN ARE SHOWN FOR THE INFORMATION OF THE CONTRACTOR. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES WITHIN THE LIMITS OF THE UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

APPLICANT: Royal Residential LLC

PHONE#: 404-993-2191 **EMAIL:** robertayoung7@gmail.com

REPRESENTATIVE: Robert Young

PHONE#: 404-993-2191 **EMAIL:** robertayoung7@gmail.com

TITLEHOLDER: Wilma J. Layton

PROPERTY LOCATION: Northwest corner of Roswell Road and Vester Drive

(1189 Vester Drive and 2931 Roswell Road)

ACCESS TO PROPERTY: Vester Drive

PHYSICAL CHARACTERISTICS TO SITE: Single-family residence

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Vestavia Estates
SOUTH: R-15, RA-4/ Blackwell Farm, Camden Glen
EAST: RA-5/ Kaylyssa Park
WEST: R-20, RA-5/ Vestavia Estates, Rutledge Place on Roswell Road

PETITION NO: Z-37

HEARING DATE (PC): 05-03-16

HEARING DATE (BOC): 05-17-16

PRESENT ZONING: R-20

PROPOSED ZONING: RM-8

PROPOSED USE: Townhouses

SIZE OF TRACT: 2.022 acres

DISTRICT: 16

LAND LOT(S): 962

PARCEL(S): 10,11

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

Adjacent Future Land Use:
North: Low Density Residential (LDR)
East: Low Density Residential (LDR)
South: Low Density Residential (LDR)
West: Low Density Residential (LDR) and Public Institutional (PI)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

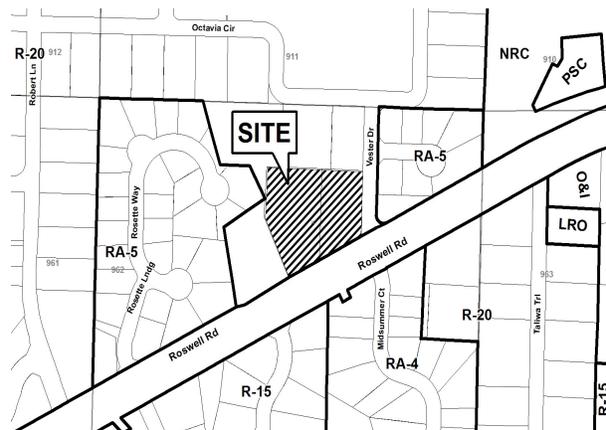
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

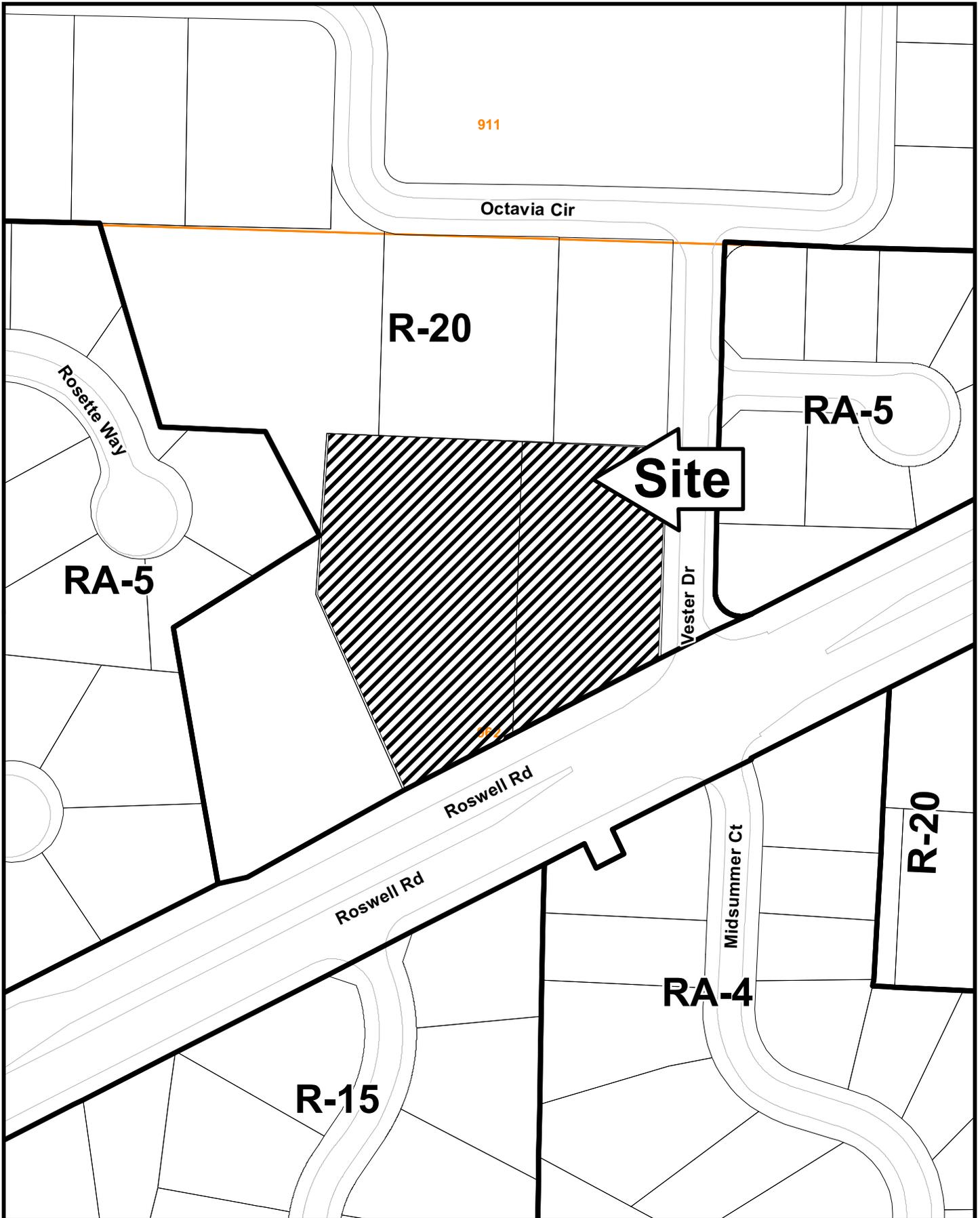
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

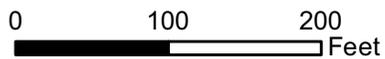
STIPULATIONS:



Z-37



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Royal Residential, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-20

PETITION FOR: RM-8

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: LDR Low Density Residential

Proposed Number of Units: 20 **Overall Density:** 9.89 **Units/Acre**

Staff estimate for allowable # of units: 3.54 **Units*** **Increase of:** 16 **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 RM-8 residential multifamily district in order to develop a 20 unit fee-simple townhome community geared toward seniors. The units will be 1,800 to 2,200 square feet in size and of traditional architecture with anticipated selling prices of \$350,000 to \$400,000. The applicant’s plan proposes a front setback reduction from the required 40 feet to 35 feet while increasing all other setbacks by as much as 20 feet to allow for a 35 foot setback around the property’s entire perimeter. Also, the plan, as submitted, does not propose the otherwise Code-required 25 foot landscaped screening buffer around all three sides where it abuts more restrictive residential categories. Further, the request is for nearly 10 units per acre while the RM-8 district sets a maximum of eight (8) units per acre.

Cemetery Preservation: Zoning petition Z-37, 2016 (in land lot 962 of the 16th District) shows the presence of Antioch cemetery on the western border of the project

The Cobb Cemetery Preservation Ordinance and the County Development Standards for cemeteries call for:

- A) Prepare a site plan identifying the full boundaries with a metes and bounds description.
- B) Provide a fifty (50) foot undisturbed natural buffer from the common property line; or a fifty (50) foot undisturbed natural buffer around the perimeter of the outermost burials of the cemetery; whichever provides the greatest protection for the cemetery
- C) Lots adjacent to the fifty (50) foot undisturbed natural buffer shall have setbacks in addition to the buffer
- D) The fifty (50) foot undisturbed natural buffer shall be recorded as a conservation easement with the Cemetery Preservation Commission having third party right of enforcement
- E) Provide and install permanent six (6) foot chain link fence on the outer perimeter of the fifty foot undisturbed buffer. Fence must be 9 gauge with top and bottom rails and fence posts must be set in concrete. Fence may be upgraded to black vinyl coated chain link and/or wrought iron
- F) Provide and install an orange protective fence on the outer perimeter of the fifty (50) foot undisturbed natural buffer before beginning construction. The protective fence to be maintained in good repair throughout the development phase of the project. At completion of the project, the orange protective shall be removed from the premises.
- G) Permanent signs stating CEMETARY PRESERVATION BUFFER-DO NOT DISTURB shall be erected at fifty (50) foot intervals along the outer perimeter of the fifty (50) foot undisturbed natural cemetery preservation buffer
- H) Compliance with all State and local laws and ordinances
- I) All Cemetery Preservation requirements must be Site Plan specific

Site Plan Review: No comment

APPLICANT: Royal Residential, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-20

PETITION FOR: RM-8

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>East Side</u>	<u>1231</u>	<u>Over</u>	<u> </u>
Elementary			
<u>Dodgen</u>	<u>1251</u>	<u>Over</u>	<u> </u>
Middle			
<u>Walton</u>	<u>2710</u>	<u>Over</u>	<u> </u>

High

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

Additional Comments: Approval of this petition could severely and adversely impact the enrollment at East Side Elementary School, Dodgen Middle School, and Walton High School, as these schools are severely over capacity at this time.

APPLICANT: Royal Residential LLC

PETITION NO.: Z-37

PRESENT ZONING: R-20

PETITION FOR: RM-8

FIRE COMMENTS:

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

GUEST PARKING: When projects contemplate less than 20 foot separation between units, guest parking shall be provided at a ratio of one-half space for each dwelling unit (1 space/ 2 units).

APPLICANT: Royal Residential, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-20

PETITION FOR: RM-8

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RM-8 for the purpose of townhouses. The 2.022 acre site is located on the northwest side corner of Roswell Road and Vester Drive (1189 Vester Drive and 2931 Roswell Road).

HB-489 Intergovernmental 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 Low Density Residential (LDR) future land use category, with R-20 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, and non supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre, depending on existing conditions such as product type and mix, structure/building height, tract size, topographic conditions, etc in order to provide compatibility with adjacent residential uses.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

- North: Low Density Residential (LDR)
- East: Low Density Residential (LDR)
- South: Low Density Residential (LDR)
- West: Low Density Residential (LDR) and Public Institutional (PI)

Master Plan/Corridor Study

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

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.

APPLICANT: Royal Residential, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-20

PETITION FOR: RM-8

PLANNING COMMENTS: Continued

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.

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>.

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

APPLICANT: Royal Residential, LLC

PETITION NO.: Z-37

PRESENT ZONING: R-20 _____

PETITION FOR: RM-8 _____

PLANNING COMMENTS: Continued

Is this property within the Six Flags Special Service District?

- Yes
- No

Is the property within the Dobbins Airfield Safety Zone?

- Yes
- No

If so, which particular safety zone is this property within?

- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Royal Residential LLC

PETITION NO. Z-037

PRESENT ZONING R-20

PETITION FOR RM-8

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): 6" AC / W side of Vester 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: Traversing side along western side

Estimated Waste Generation (in G.P.D.): A D F= 3,200 Peak= 8,000

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

Dry 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 flow study may be required at Plan Review. On-site easement(s) will be required to accommodate public water and sewer.

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: Royal Residential LLC

PETITION NO.: Z-37

PRESENT ZONING: R-20

PETITION FOR: RM-8

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Tributary to Robertson 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: within and adjacent to existing onsite lake.

- 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 downstream receiving system (under Roswell Road and within Camden Glen S/D).

APPLICANT: Royal Residential LLC

PETITION NO.: Z-37

PRESENT ZONING: R-20

PETITION FOR: RM-8

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 at the northwest intersection of Roswell Road and Vester Drive. Approximately one quarter of the site is currently occupied by a 0.5 acre lake that is located in the center of the parcel. The storage effect of this lake provides a stormwater mitigating benefit for downstream property owners that must be maintained or recreated within this redevelopment. Although the footprint of the new pond may be substantially smaller it will still likely require a revision to the proposed development layout. The area designated for detention on the submitted site plan is located at the most upstream portion of the site and would not be a suitable location.
2. The proposed layout will also need to accommodate an adequate drainage system to convey the existing upstream runoff through the site.

APPLICANT: Royal Residential LLC

PETITION NO.: Z-37

PRESENT ZONING: R-20

PETITION FOR: RM-8

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
Roswell Road	37,300	Arterial	45 mph	Georgia DOT	100'
Vester Drive	N/A	Local	25 mph	Cobb County	50'

Based on 2008 traffic counting data taken by Cobb County DOT for Roswell Road.

COMMENTS AND OBSERVATIONS

Roswell Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Vester Drive 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 curb, gutter, and sidewalk along the Roswell Road frontage.

Recommend curb and gutter along the Vester Drive frontage.

Recommend curb and gutter along sides and sidewalk along one side of proposed development roadway.

Recommend private streets be constructed to the Cobb County Standard Specifications.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend the development roadway be located a minimum of 100 feet from the intersection of Roswell Road and Vester Drive.

STAFF RECOMMENDATIONS

Z-37 ROYAL RESIDENTIAL, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. The request for townhouses is out of character with the single-family neighborhoods in the surrounding area. Also, at nearly 10 units per acre, it is much more dense than these neighborhoods such as Vestavia Estates which is zoned R-20 (approximately 1.57 upa), Rutledge Place on Roswell Road which is zoned RA-5 (2.92 upa), Camden Glen which is zoned RA-4 (2.91 upa), and Blackwell Farm which is zoned R-15 (2.41 upa).
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The proposal, at a density three or four times that of adjacent and nearby subdivisions with no proposed buffering, would negatively impact neighbors.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities. The school system has provided comments that this proposal may negatively affect certain schools.
- 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*. The property is delineated as being within the LDR low density residential future land use area which anticipates development within the range of 1-2.5 units per area. The proposal is for 9.89 units per acre, well out of step with the LDR's forecasted range.
- 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 proposal to develop the subject two (2) acres for a 20 unit townhome community is drastically out of character with the surrounding community and the proposed RM-8 district which only allows a maximum of eight (8) units per acre. Nearby neighborhoods are less dense by a wide margin (1.57 upa to 2.91 upa). Also, with no proposed buffering, the density would most certainly have an adverse effect upon these neighboring properties.

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.

May 2016

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 1,800 to 2,200 heated sq. ft.
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): Approximately \$350,000.00 to low \$400,000.00
- d) List all requested variances: none



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)

 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).

