

APPLICANT: Duncan Land Investments, LLC

PETITION NO: Z-112

PHONE#: 678-591-7624 **EMAIL:** duncanlandinvest@yahoo.com

HEARING DATE (PC): 12-06-16

REPRESENTATIVE: Cynthia Duncan, Richard Duncan

HEARING DATE (BOC): 12-20-16

PHONE#: 770-480-8110, 678-591-7624

EMAIL: duncanlandinvest@yahoo.com, riversouth59@yahoo.com

PRESENT ZONING: R-20

TITLEHOLDER: Duncan Land Investments, LLC and Brumby D.

Hanson and Margaret M. Hanson

PROPOSED ZONING: R-15

PROPERTY LOCATION: Located on the western side of Blackwell

Road at Blackwell Place, and on the southern side of North Woods

PROPOSED USE: Residential Subdivision

Drive (2035 and 2027 Blackwell Road)

ACCESS TO PROPERTY: Blackwell Road

SIZE OF TRACT: 3.288 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Single-family house

LAND LOT(S): 308

and accessory structure

PARCEL(S): 21,24

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/North Woods Estates
- SOUTH:** R-20/Single-family houses
- EAST:** R-20/Blackwell Place
- WEST:** R-20/North Woods Estates; Single-family house

Adjacent Future Land Use:

- Northeast: Low Density Residential (LDR)
- Southeast: Low Density Residential (LDR)
- Southwest: Low Density Residential (LDR)
- Northwest: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

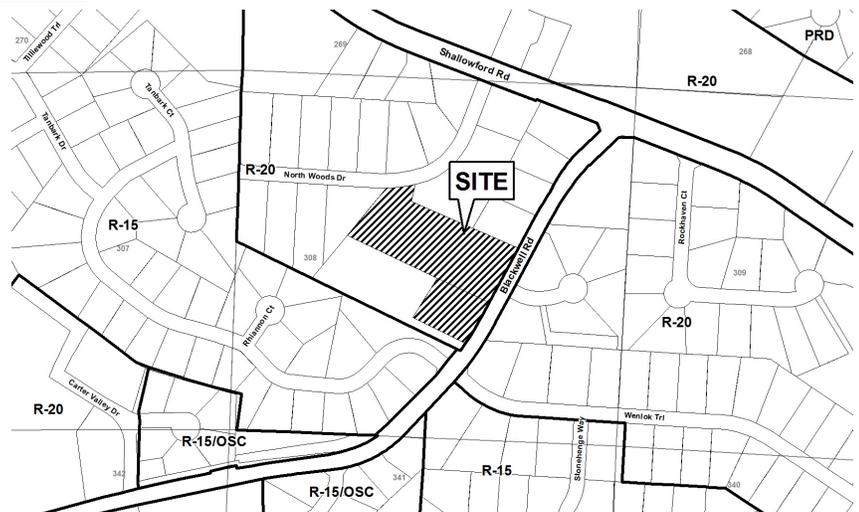
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

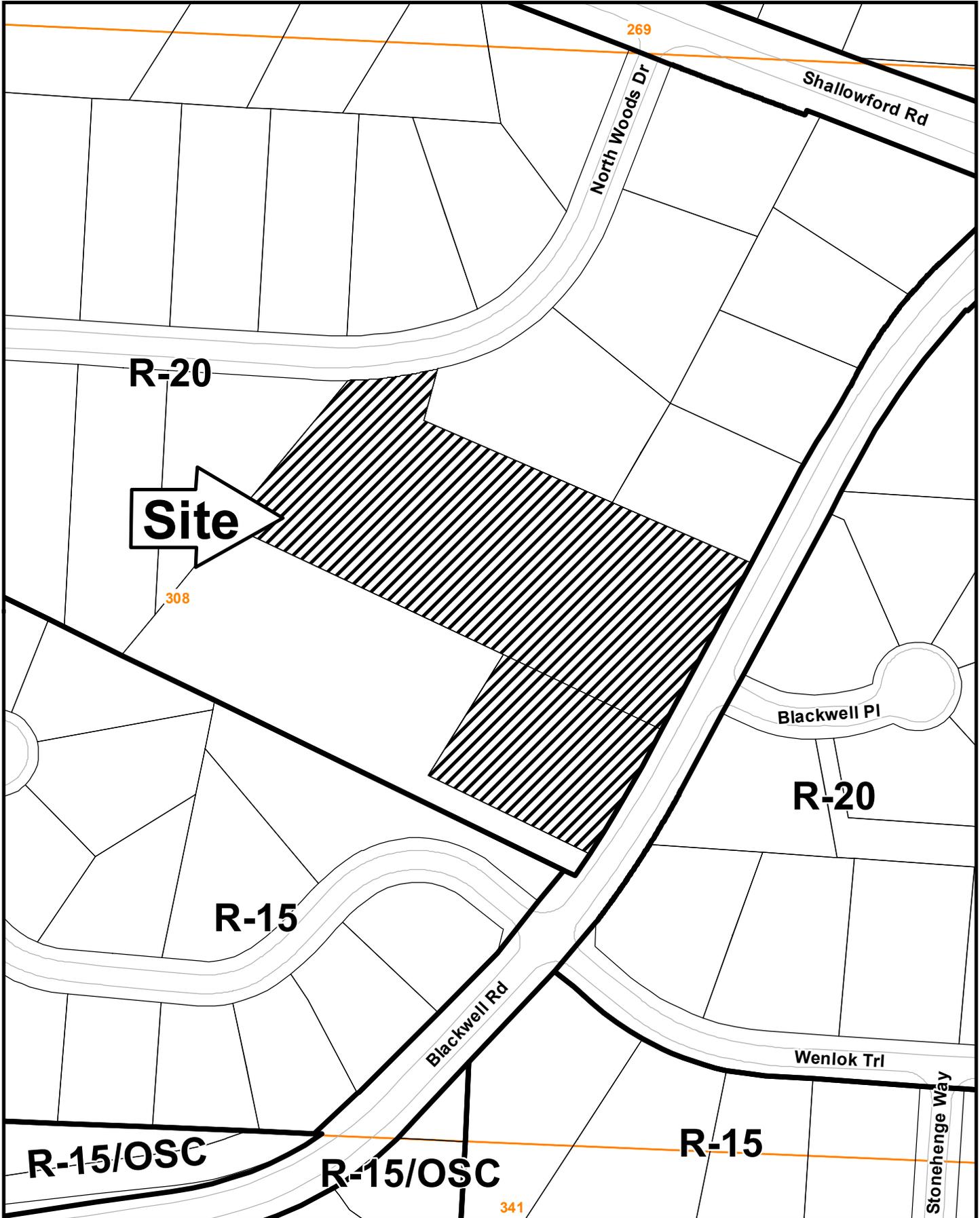
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

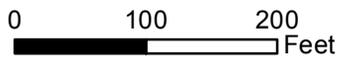
STIPULATIONS:



Z-112-2016-GIS



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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PRESENT ZONING: R-20

PETITION FOR: R-15

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: 7 **Overall Density:** 2.13 **Units/Acre**

Staff estimate for allowable # of units: 5 **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 the R-15 zoning district for the purpose of developing a seven-lot single-family residential subdivision. The houses will be a minimum of 2,800 square feet in the Craftsman style.

The proposed site plan indicates a contemporaneous variance will be needed to waive the front setbacks from the required 35 feet to 25 feet. The plan also indicates an increased rear setback of 40 feet instead of the required 30 feet for R-15.

Cemetery Preservation: 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 lot.

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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>Rocky Mount</u>	<u>604</u>	<u>611</u>	<u> </u>
<u>Elementary Simpson</u>	<u>952</u>	<u>865</u>	<u> </u>
<u>Middle Lassiter</u>	<u>2176</u>	<u>2137</u>	<u> </u>

High

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

Additional Comments: Approval of this petition will cause concern for Cobb County School district, as it will result in a nominal impact on the enrollment for schools already over capacity.

FIRE COMMENTS:

NO 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: **Duncan Land Investments, LLC**

PETITION NO.: **Z-112**

PRESENT ZONING: **R-20**

PETITION FOR: **R-15**

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and R-15 for the purpose of a residential subdivision. The 2.536 acre site is located on the western side of Blackwell Road at Blackwell Place, and on the southern side of North Woods.

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. This category presents a range of densities.

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: Low Density Residential (LDR)
Southwest: Low Density Residential (LDR)
Northwest: Low Density Residential (LDR)

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.

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.

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PLANNING COMMENTS:

CONT.

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

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

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PRESENT ZONING R-20

PETITION FOR R-15

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): 16" DI / E side of Blackwell 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: 150' E in Blackwell Place ROW

Estimated Waste Generation (in G.P.D.): A D F= 1,120 Peak= 2,800

Treatment Plant: Noontday

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 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: Rubes 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 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 drainage easement(s) 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 any increased volume of runoff generated by any proposed site improvements 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 between North Woods Drive and Blackwell Road just west of its intersection with Blackwell Place. Approximately 60% of the site drains to the south through an adjacent single-family residential lot. The remainder of the site drains to the north into the North Woods Drive right-of-way. The site is mostly clear with some wooded area mainly along the south and western boundary. Average slopes on the site range from approximately 8 to 20%.
2. The proposed stormwater management facility will drain through two adjacent single-family residential lots to the south before reaching a recorded drainage easement within Stockton’s Chase Subdivision. A drainage easement agreement will be required to convey the concentrated discharge from this development through the adjacent parcels. If a wall is required for the detention facility it will need to be decoratively faced and or screened from the adjacent property.

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TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Blackwell Road	10,189	Local	35 mph	Cobb County	50'
North Woods Road	N/A	Local	25 mph	Cobb County	50'

Based on 2015 traffic counting data taken by Cobb County DOT for Blackwell Road.

COMMENTS AND OBSERVATIONS

Blackwell 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.

North Woods 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 curb and gutter along both sides and sidewalk along one side of proposed development roadway.

Recommend development street either directly align or have an offset of a minimum of 125 feet from Blackwell Place per Development Standard 401.10.

STAFF RECOMMENDATIONS

Z-112 DUNCAN LAND INVESTMENTS, 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. Other properties in the area are developed with similar densities.
- 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. Nearby properties are zoned for single-family developments that include R-20 and R-15.
- 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 as being in the Low Density Residential (LDR) land use category, having densities that range from 1-2.5 units per acre. The applicant's requested R-15 and density of 2.13 units per acre are consistent with the LDR land use category. Other developments in the area include: North Woods Estates (zoned R-20 at approximately 1.52 units per acre); Cork Wren (zoned R-20 at approximately 1.78 units per acre); Blackwell Place (zoned R-20 at 1.77 units per acre); Stockton's Chase, Unit-2 (zoned R-15 at 2.11 units per acre); and Carter Valley Estates (zoned R-15 at 2.33 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 applicant's proposal of 2.13 units per acre is consistent with the LDR land use designation. Other properties in the area are zoned R-20 and R-15 and the proposed density falls into the range of those developments.

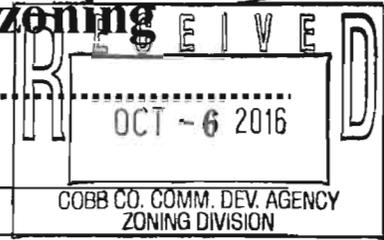
Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

1. Site plan received by the Zoning Division on April 6, 2017, with the District Commissioner approving minor modifications;
2. Variance listed in the Zoning Comments section;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations; and
5. 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.

Dec. 2016

Summary of Intent for Rezoning



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

- a) Proposed unit square-footage(s): Min 2800
 - b) Proposed building architecture: craftman
 - c) Proposed selling prices(s): 500 - 600
 - d) List all requested variances: front setbacks 25 ft instead of 35, with 40 in rear instead of 30
-
-

.....
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). NO
