

APPLICANT: Gina H. Vincent
PHONE#: N/A **EMAIL:** N/A
REPRESENTATIVE: Parks F. Huff
PHONE#: (770) 422-7016 **EMAIL:** phuff@slhb-law.com
TITLEHOLDER: Gina Vincent

PETITION NO: Z-29
HEARING DATE (PC): 06-06-17
HEARING DATE (BOC): 06-20-17
PRESENT ZONING: LRO
PROPOSED ZONING: R-15

PROPERTY LOCATION: East side of Blackwell Circle, south of Chastain Corner (717 Blackwell Circle)

PROPOSED USE: Single-family Houses

ACCESS TO PROPERTY: Blackwell Circle

SIZE OF TRACT: .81 acres

PHYSICAL CHARACTERISTICS TO SITE: Vacant, undeveloped

DISTRICT: 16

LAND LOT(S): 371,372

PARCEL(S): 10

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/ Kroger Shopping Center
SOUTH: R-20/ Blackwell Heights Subdivision
EAST: NRC/ Shell Gas Station and Strip Center
WEST: LRO/ Professional Office

Adjacent Future Land Use:
 North: Neighborhood Activity Center (NAC)
 Northeast: Neighborhood Activity Center (NAC)
 South: Medium Density Residential (MDR)
 Northwest: Neighborhood Activity Center (NAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

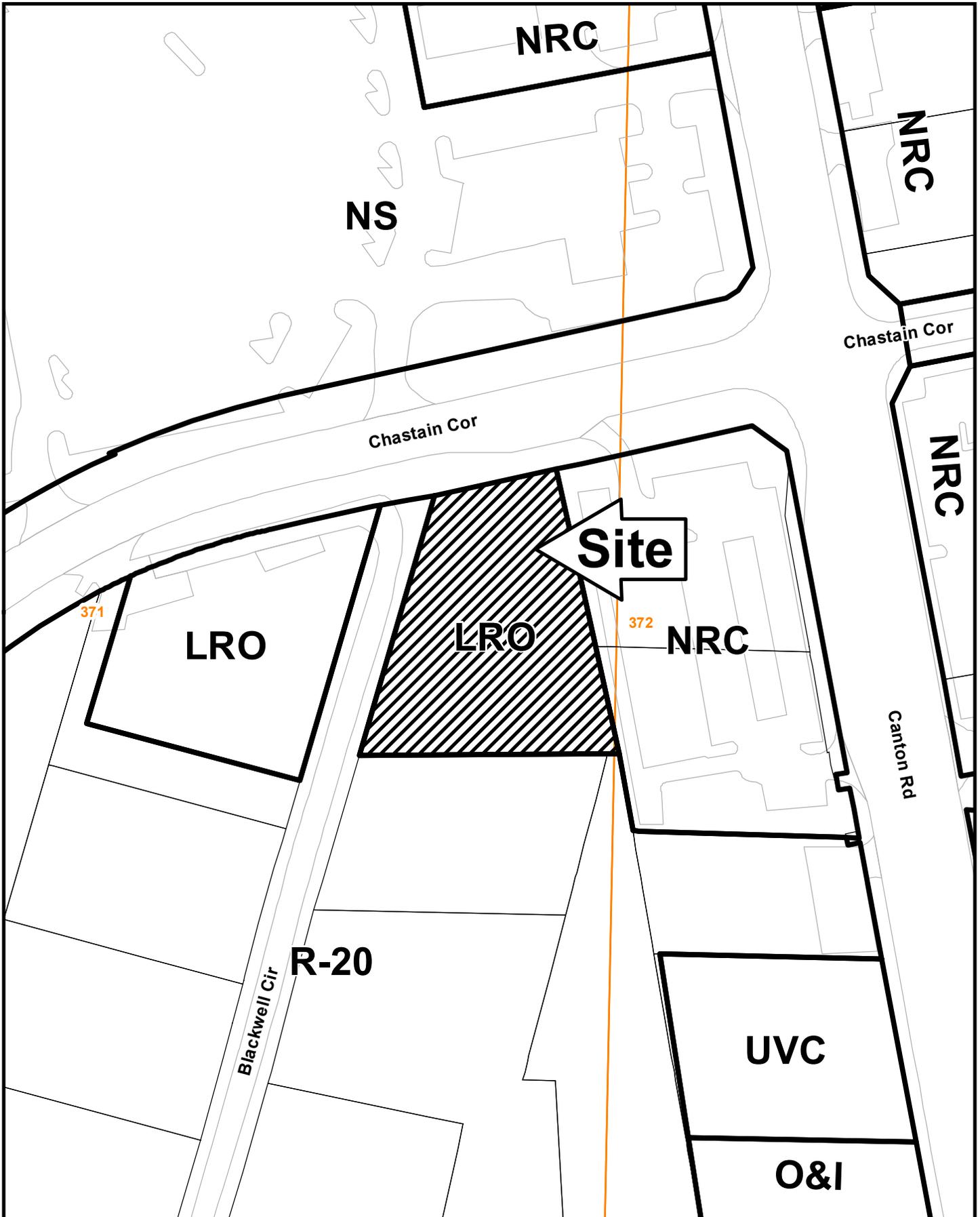
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

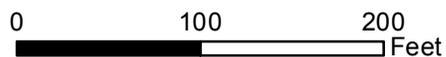
STIPULATIONS:



Z-29-2017-GIS



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Gina H. Vincent

PETITION NO.: Z-29

PRESENT ZONING: LRO

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Units: 2 **Overall Density:** 2.5 **Units/Acre**

Staff estimate for allowable # of units: 0 **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.

The applicant is seeking a rezoning of the subject property from its current zoning of LRO low rise office district to the R-15 single-family residential district in order to subdivide and develop two (2) residential lots. The current office zoning results from a 2000 rezoning case which changed the property’s former R-20 residential zoning to the current LRO category. The site was never developed for office use.

The applicant’s proposal includes subdividing the 0.81 acres parcel into two (2) lots each over 15,000 square feet in size (16,384 sq. ft. and 17,863sq. ft.). Though there is no access to Chastain Corner, proposed tract 1 is a corner lot with frontage on two (2) public roads (Chastain Corner and Blackwell Circle). All required setbacks are able to be met on both lots as required by the requested R-15 district regulations.

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>Blackwell</u>	<u>726</u>	<u>771</u>	<u> </u>
Elementary			
<u>Daniell</u>	<u>991</u>	<u>1046</u>	<u> </u>
Middle			
<u>Sprayberry</u>	<u>1693</u>	<u>2062</u>	<u> </u>

High

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

Additional Comments: Approval of this petition will not have an impact on the enrollment at Cobb County schools.

FIRE COMMENTS:

Modifications will be required to incorporate the Cobb County Fire Marshal’s Office comments.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

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: A new public hydrant will be required.

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PRESENT ZONING: LRO

PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from LRO to R-15 for the purpose of single-family houses. The 0.81 acre site is located on the east side of Blackwell Circle, south of Chastain Corner (717 Blackwell Circle).

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 Neighborhood Activity Center (NAC) future land use category, with LRO 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:

North: Neighborhood Activity Center (NAC)
Northeast: Neighborhood Activity Center (NAC)
South: Medium Density Residential (MDR)
Northwest: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is located within the boundary of a Canton Road 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.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

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PRESENT ZONING: LRO

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PLANNING COMMENTS:

CONT.

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?
- 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 LRO

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): 6" DI / W side of Blackwell Circle

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: Chastain Corner ROW

Estimated Waste Generation (in G.P.D.): A D F= 320 Peak= 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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PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday 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 easements 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 stream.

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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.

ADDITIONAL COMMENTS

1. This parcel is located at the southeast corner of Chastain Corner and Blackwell Circle. The parcel is currently undeveloped. Rezoning this current commercially zoned parcel to single-family residential use will result in significantly less stormwater runoff. If approved, building permits must be subject to Stormwater Management Division review.

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TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Chastain Corner	Major Collector	35 mph	Cobb County	80'
Blackwell Circle	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Chastain Corner	North of New Chastain Road	7,300	C
Blackwell Circle	N/A	N/A	N/A

*Based on 2009 traffic counting data taken by Cobb County DOT for Chastain Corner.
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

COMMENTS AND OBSERVATIONS

Chastain Corner is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Blackwell Circle is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

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 east side of Blackwell Circle, a minimum of 25' from the roadway centerline.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Recommend a no access easement to Chastain Corner.

STAFF RECOMMENDATIONS

Z-29 GINA H. VINCENT

- 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 to the west and south are zoned R-20. All other uses on Blackwell Circle remain residential and Blackwell Circle is barricaded on the north end which prevent commercial development of the property.
- 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 request, as a “down-zoning” of the property, should not result in a use that negatively impacts surrounding parcels. The directly abutting gas station to the rear and office use across the street from the site should not be adversely affected by a potential residence or residences due to the grade separation of the uses.
- 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 the property to be within the NAC neighborhood activity center future land use category. However, the property was rezoned to LRO in 2000 and has not been developed for office use likely due to its limited access onto a purely residential street and the fact that Blackwell Circle is barricade at Chastain Corner. This part of the NAC is grade separated much higher than the other commercial uses, and is more closely aligned with the residential uses on Blackwell Circle. It should be noted that the Board of Commissioners, in making land use decisions, use the future land use map as a guide in the decision making process, but there are circumstances when decisions will be made that are contrary to this document based upon a change in market conditions, information unbeknownst to staff/community in the preparation of this document, or some other condition.
- 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 to rezone the property back to residential from the current LRO low rise office category that was received in 2000 can be supported given the unique circumstances of the property. Its limited access to Chastain Corner is less than favorable for a commercial or office use and the parcel, at the end of Blackwell Circle, follows predominately residential uses up and down that street. The applicant's proposal for two (2) lots follow the regulations for the requested R-15 district, meeting both size and setback requirements.

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

1. Site plan received by the Zoning Division on May 11, 2017, with the District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Water Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations;

Z-29 GINA H. VINCENT (Continued)

6. 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;
7. Applicant/Developer to install a 20 foot buffer along the north side of Tract 1 and a 10 foot buffer along the eastern side of Tracts 1 and 2; and
8. Access only to Blackwell Circle.

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-29
June 2017

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): Unknown at this time
- b) Proposed building architecture: Unknown at this time
- c) List all requested variances: _____

.....
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).

