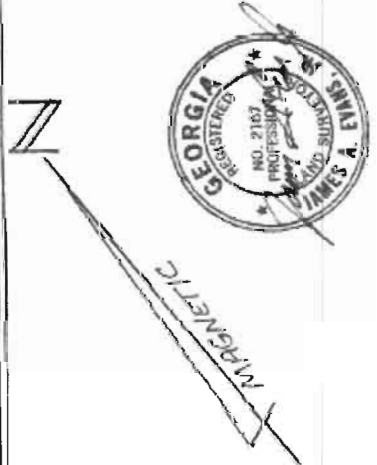
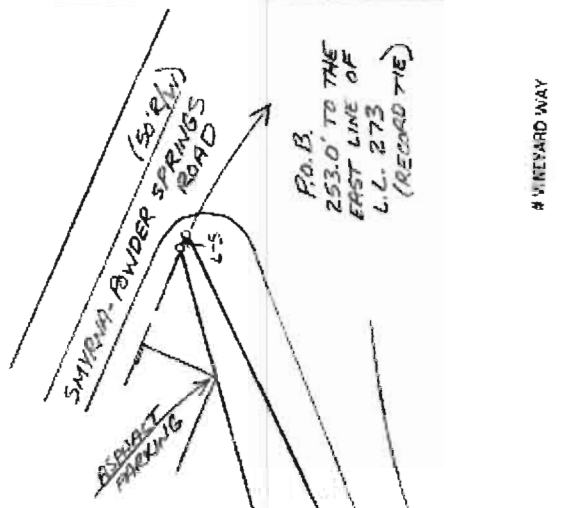


**RECEIVED**  
SEP - 5 2017  
GOBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



N/F  
WOODLANDS  
FALLS  
LLC.



P.O.B.  
253.0' TO THE  
EAST LINE OF  
L.L. 273  
(RECORD 71E)

# VINEYARD WAY

TRACT I = 20,000.3 SQ. FT.  
0.4591 ACRE  
TRACT II = 35,486.4 SQ. FT.  
0.8147 ACRE



PLAT NO. 1306700118H  
LOCATION 60 RES  
TOWNSHIP 11 X W

NOTE: THIS DATE EXAMINED THE  
TWO OFFICIAL PLATS AND FOUND  
THEY WERE CORRECT AND  
IN ACCORD WITH SPECIAL PLAT  
REQUIREMENTS.

REZONING PLAT FOR:

JOE A. MCHARG

LOT	BLK	UNIT	REVISIONS
08	1580		3-14-17
			12-14-17
			3-14-17
			3-14-17
LAND LOT 273			
DISTRICT 17TH SECTION 2ND			
COUNTY, GEORGIA			
PLAT BOOK PAGE			
DATE: 8-24-17			SCALE: 1" = 60'

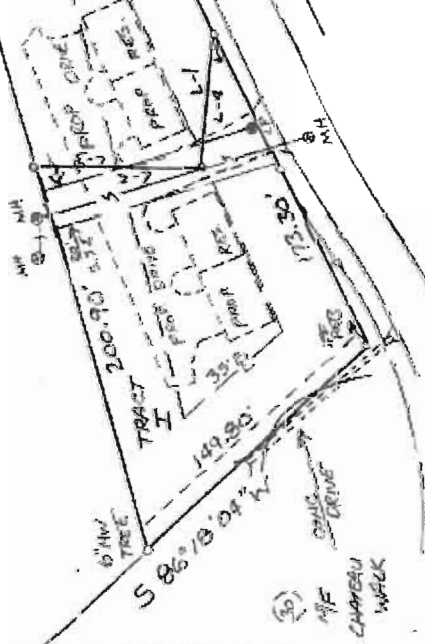
THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS  
A DOUBLE CHECK OF ONE FOOT IN EVERY FEET, AND AN  
ANGULAR ERROR OF ONE SECOND PER FULL PLAT. ALL  
MEASUREMENTS WERE MADE WITH A TOTAL STATION  
CALCULATED FOR SLOPE AND IS FOUND TO BE ACCURATE  
WITHIN ONE FOOT IN 2,000 FEET.  
EQUIPMENT USED:  
TOPCON 673-RTS

IN MY OPINION THIS PLAT IS A CORRECT  
REPRESENTATION OF THE LAND PLAT AND  
ALL NECESSARY INFORMATION IS CONTAINED  
HEREIN FOR THE PURPOSES OF THE  
RECORDING OF THE PLAT.

*James A. Smith*  
**J.A. EVANS**  
SURVEYING CO., INC.  
POWDER SPRINGS, GEORGIA  
PH 770-943-0000  
JSEF00248

N 23° 41' 02" E  
596.32' TRACT II  
572.95'

VINEYARD WAY (50' R/W)



NOTE: THE PURPOSE OF THIS PLAT IS  
TO CHANGE THE ZONING FROM  
RM-5 TO RD

- L-1 = S 44° 58' 24" W 67.18'
- L-2 = S 49° 31' 26" E 82.51'
- L-3 = N 69° 31' 26" W 82.51'
- L-4 = N 44° 59' 24" E 67.18'

This survey was prepared in conformity with the  
Technical Standards for Property Surveys in Georgia  
As Set forth in Chapter 30-2 of the Board Rules of the  
Georgia Board of Registration for the Professional  
Surveyors and Land Surveyors and as set forth in the  
Statutes of the State of Georgia, A.C.S.A. 15-6-52.

**7APPLICANT:** Joe A. McHarg  
**PHONE #:** (770) 953-2186 **EMAIL:** jmcharg@hotmail.com  
**REPRESENTATIVE:** Joe A. McHarg  
**PHONE #:** (770) 953-2186 **EMAIL:** jmcharg@hotmail.com  
**TITLEHOLDER:** B&M Equities, LLC

**PETITION NO:** Z-70  
**HEARING DATE (PC):** 11-07-17  
**HEARING DATE (BOC):** 11-21-17  
**PRESENT ZONING:** RM-8  
**PROPOSED ZONING:** RD

**PROPERTY LOCATION:** Southwest corner of Smyrna-Powder Springs Road and Vineyard Way

**PROPOSED USE:** Townhomes

**ACCESS TO PROPERTY:** Vineyard Way

**SIZE OF TRACT:** 1.274 acres

**PHYSICAL CHARACTERISTICS TO SITE:** Wooded, undeveloped

**DISTRICT:** 17

**LAND LOT(S):** 273

**PARCEL(S):** 2

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** RM-12/ Apartment complex  
**SOUTH:** City of Smyrna/ Chateau Walk Subdivision  
**EAST:** RM-8, City of Smyrna/ Martha's Vineyard Condominium, Chateau Walk Subdivision  
**WEST:** RM-12/ Apartment Complex

*Adjacent Future Land Use:*  
 Southeast: High Density Residential (HDR) and City of Smyrna (across road right of way)  
 South: City of Smyrna  
 Northwest: High Density Residential (HDR)

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

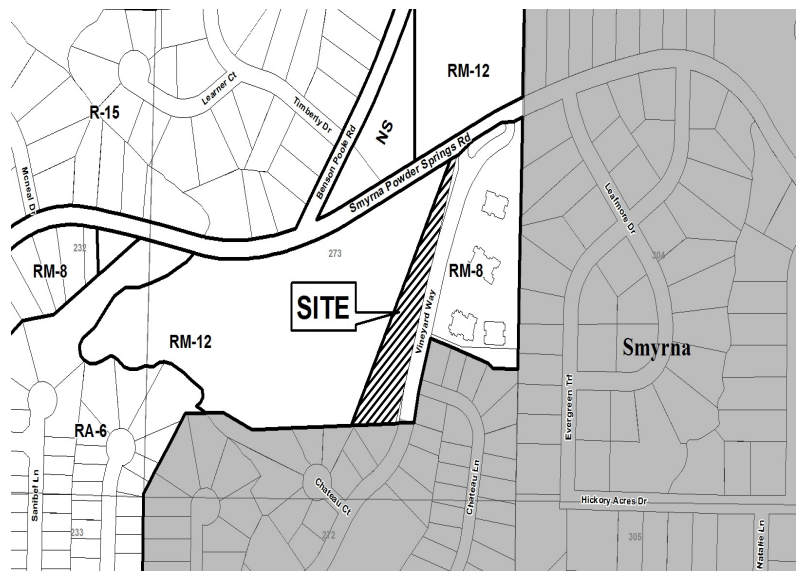
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

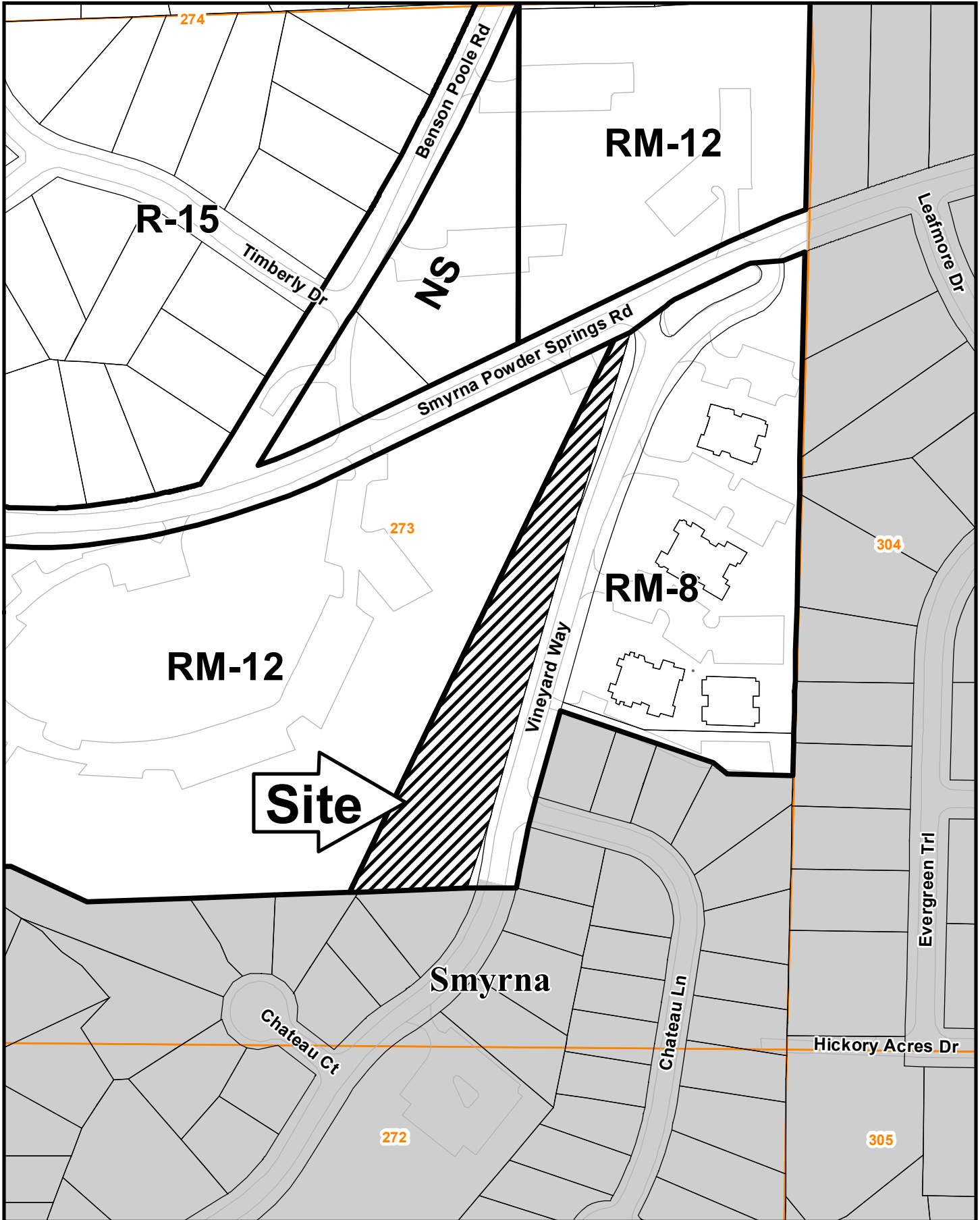
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

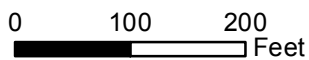
**STIPULATIONS:**





# Z-70 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:** Joe A. McHarg

**PETITION NO.:** Z-70

**PRESENT ZONING:** RM-8

**PETITION FOR:** RD

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** High Density Residential (5-12 units per acre)

**Proposed Number of Units:** 4                      **Overall Density:** 3.14                      **Units/Acre**

**Staff estimate for allowable # of units:** 0                      **Units\***                      **Increase of:** 4                      **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 of the subject property from the current RM-8 residential multifamily district to the RD residential duplex district in order to develop two (2) separate two (2) unit residential buildings. The existing zoning of RM-8 bars development as the lot does not meet that district’s minimum 80,000 square foot lot size requirement. The RD district best suits the request as the proposal places each two (2) unit building upon its own lot. The buildings are proposed to be of traditional townhouse design and consist of 1,800 to 2,000 square feet.

If the lot is considered to be a corner lot with road frontages on both Smyrna-Powder Springs Road and Vineyard Way, with Smyrna-Powder Springs Road being the front, the submitted plan represents the following variance:

1. Waive the rear setback from the required 40 feet to 35 feet with an increase in both the major side yard and minor side yard setbacks to 35 feet (from 25 feet and 20 feet, respectively).

**Cemetery Preservation:** No comment.

APPLICANT: Joe A. McHarg

PETITION NO.: Z-70

PRESENT ZONING: RM-8

PETITION FOR: RD

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Norton Park</u>	<u>916</u>	<u>766</u>	<u>                    </u>
<b>Elementary</b> <u>Griffin</u>	<u>1295</u>	<u>1046</u>	<u>                    </u>
<b>Middle</b> <u>Campbell</u>	<u>2788</u>	<u>2637</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 of these schools.

\*\*\*\*\*

**APPLICANT:** Joe A McHarg

**PETITION NO.:** Z-70

**PRESENT ZONING:** RM-8

**PETITION FOR:** RD

\*\*\*\*\*

**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: Joe A. McHarg**

**PETITION NO.: Z-70**

**PRESENT ZONING: RM-8**

**PETITION FOR: RD**

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from RM-8 to RD for the purpose of townhomes. The 1.274 acre site is located on the southwest corner of Smyrna-Powder Springs Road and Vineyard Way.

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 Smyrna been notified?  Yes  No / N/A

Comprehensive Plan

The parcel is within a High Density Residential (HDR) future land use category, with RM-8 zoning designation. The purpose of High Density Residential (HDR) category is to provide areas suitable for low rise, high density housing between five (5) and twelve (12) units per acre. Mid or high-rise residential developments are also appropriate in this category. This shall include any residential developments in excess of 4 stories per structure.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

Southeast: High Density Residential (HDR) and City of Smyrna (across road right of way)  
South: City of Smyrna  
Northwest: High Density Residential (HDR)

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 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

**APPLICANT: Joe A. McHarg** \_\_\_\_\_

**PRESENT ZONING: RM-8** \_\_\_\_\_

**PETITION NO.: Z-70** \_\_\_\_\_

**PETITION FOR: RD** \_\_\_\_\_

\*\*\*\*\*

**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> .org.

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)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area



APPLICANT Joe A. McHarg

PETITION NO. Z-070

PRESENT ZONING RM-8

PETITION FOR RD

\*\*\*\*\*

**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): Contact Smyrna Water and Sewer

Additional Comments: CCWS has no water main on Vineyard Way or that portion of Smyrna Powder Springs Rd

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: On site

Estimated Waste Generation (in G.P.D.): A D F= 640 Peak= 1,600

Treatment Plant: South Cobb

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: County Code 122-123 requires minimum 2' setback from edge of sewer easement to permanent structures.

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: Joe A. McHarg

PETITION NO.: Z-70

PRESENT ZONING: RM-8

PETITION FOR: RD

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Nickajack 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 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 stream.

APPLICANT: Joe A. McHarg

PETITION NO.: Z-70

PRESENT ZONING: RM-8

PETITION FOR: RD

\*\*\*\*\*

**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 – Stormwater management must be provided for this site.
- 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 parcel is located at the southwest intersection of Smyrna Powder Springs Road and Vineyard Way. This triangular-shaped parcel is bounded by Martha’s Vineyard Condominiums to the east, Chateau Walk Subdivision the east and south and Woodland Falls Apartments to the west. The site is completely wooded with mild slopes of less than 10%. The entire site drains to the southeast into and existing recorded drainage easement.
2. Stormwater management must be provided for the site. The required facility will likely be located to the north of the proposed duplex units. The discharge will need to directed to the existing drainage easement at the southwest corner of the site.

**APPLICANT:** Joe A. McHarg

**PETITION NO.:** Z-70

**PRESENT ZONING:** RM-8

**PETITION FOR:** RD

\*\*\*\*\*

**TRANSPORTATION COMMENTS:**

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Vineyard Way	Local	25 mph	Cobb County	50'
Smyrna Powder Springs Road	Major Collector	35 mph	Cobb County	80'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Vineyard Way	N/A	N/A	N/A
Smyrna Powder Springs Road	West of Benson Poole Road	6,360	C

*Based on 2016 AADT counting data taken by GDOT, as published on their website, for Smyrna Powder Springs Road.  
 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**

Vineyard Way is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Smyrna Powder Springs Road 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 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 south side of Smyrna Powder Springs Road, a minimum of 40' from the roadway centerline.

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

Recommend entrance directly align with Chateau Lane.

Recommend curb, gutter, and sidewalk along the Vineyard Way frontage.

## STAFF RECOMMENDATIONS

### **Z-70 JOE A. MCHARG**

- 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. With condominiums and apartments immediately adjacent to the north, east, and west, the proposed four (4) townhouse-style duplexes will be consistent with the established development pattern in the area.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The applicant's proposal represents a residential development that is consistent with surrounding development. Due to the shape and size of the subject property, the request represents a density of 3.14 units per acre. The proposed density is higher than the 2.79 units per acre of Chateau Walk Subdivision located within the City Limits of Smyrna to the South but less than the approximately 4.64 units per acre of Martha's Vineyard Condominiums which lie to the northeast. The apartments which lie to the north and west of the subject site, being zoned RM-12, contain upwards of 12 units per acre.
- 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 is 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 site to be within the High Density Residential (HDR) future land use category. The requested Residential Duplex (RD) zoning district is outlined by the Code to be located within areas delineated as Medium Density Residential (MDR). It should be noted that the Board of Commissioners, in making land use decisions, uses 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 that supports approval of the applicant's rezoning proposal. The request is to develop the uniquely shaped property into a four-unit townhouse-style duplex on two separate lots. The lot size of 1.274 acres would result in a density of 3.14 units per acre, which lies within the established range for the area of 2.79 units per acre (Chateau Walk Subdivision) and 4.64 units per acre (Martha's Vineyard Condominiums).

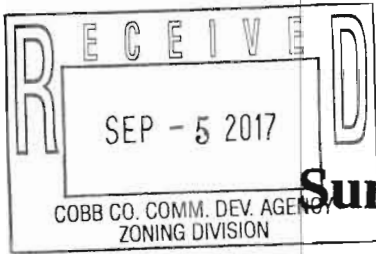
Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

1. Site plan received by the Zoning Division on September 5, 2017, with the District Commissioner approving minor modifications;
2. District Commissioner to approve building architecture;
3. Fire Department's comments and recommendations;
4. Sewer and Water Division's comments and recommendations;
5. Stormwater Management Division's comments and recommendations;

**Z-70 JOE A. MCHARG (Continued)**

6. Department of Transportation's comments and recommendations; and
7. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for the dedication of system improvements to mitigate traffic concerns.

**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-70

Nov. 2017

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s) 1800-2000
- b) Proposed building architecture: traditional townhouse design
- 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).**      N/a

\_\_\_\_\_  
\_\_\_\_\_