

APPLICANT: Daniel Mosteller and Olivia Mosteller	PETITION NO:	Z-79
PHONE #: (770) 312-8098 EMAIL: mostellerconstruction@hotmail.com	HEARING DATE (PC):	12-05-17
<b>REPRESENTATIVE:</b> Daniel Mosteller and Olivia Mosteller	HEARING DATE (BOC): _	12-19-17
PHONE #: (770) 312-8098 EMAIL: mostellerconstruction@hotmail.com	PRESENT ZONING:	LRO
TITLEHOLDER: Cole Mosteller		
	PROPOSED ZONING:	R-20
PROPERTY LOCATION: southeast side of Old Mountain Road,		
east of Alabama Road	PROPOSED USE: single-f	amily house
ACCESS TO PROPERTY: Old Mountain Road	SIZE OF TRACT:	3.877 acres
	DISTRICT:	16
PHYSICAL CHARACTERISTICS TO SITE: brick ranch single-	LAND LOT(S):	37
family house	PARCEL(S):	4
	TAXES: PAID X DU	JE
	COMMISSION DISTRICT:	3
CONTIGUOUS ZONING/DEVELOPMENT		

NORTH: R-20/ Single F	Family Home
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- SOUTH: R-20/ Brighton Woods Subdivision
- EAST: R-20/ Hollister Subdivision
- WEST: NRC/ Shopping Center

Adjacent Future Land Use: Northwest: LDR Northeast: LDR South: NAC and LDR Southwest: NAC

OPPOSITION: NO. OPPOSED\_\_\_\_PETITION NO:\_\_\_\_SPOKESMAN \_\_\_\_\_

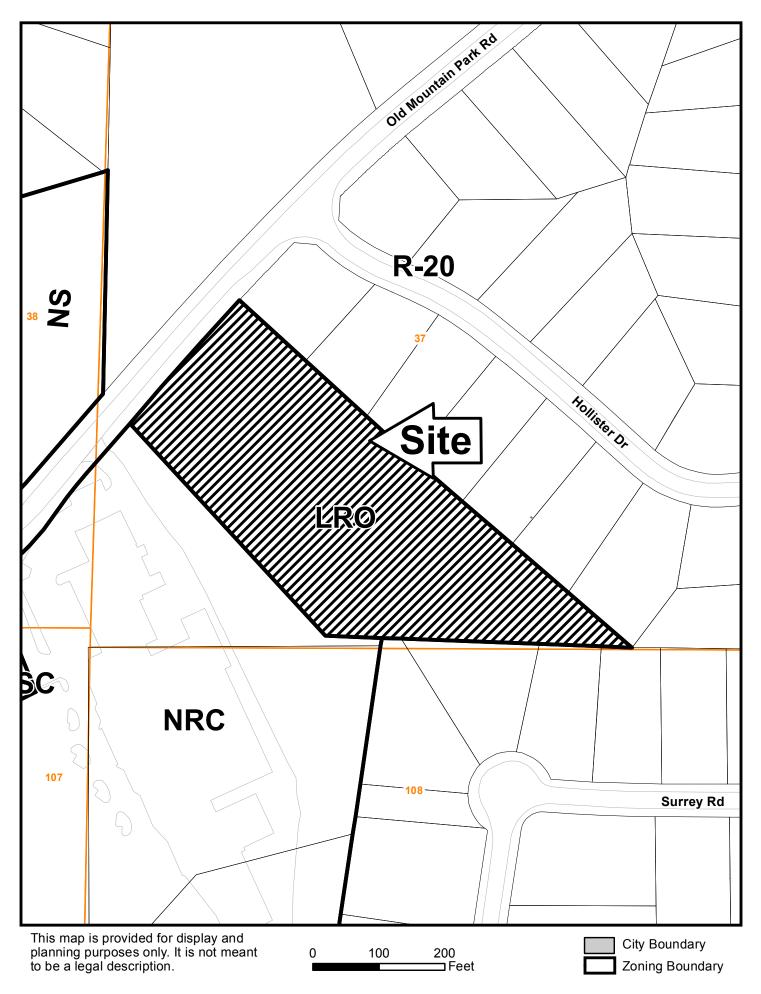
# PLANNING COMMISSION RECOMMENDATION

APPROVED	MOTION BY
REJECTED	SECONDED
HELD	CARRIED
BUY DD UE CUV	
<b>DUARD OF COM</b>	<b>IMISSIONERS DECISION</b>
	<u>1MISSIONERS DECISION</u> MOTION BY
APPROVED	
APPROVED REJECTED	MOTION BY





Z-79 2017-GIS



APPLICANT: Daniel Mostel	ler and Olivia Mosteller	<b>PETITION NO.:</b>	Z-79
PRESENT ZONING: LRO		<b>PETITION FOR:</b>	R-20
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ZONING COMMENTS:	Staff Member Responsib	le: Donald Wells	
Land Use Plan Recommendati	on: Neighborhood Activit	ty Center (NAC)	
<b>Proposed Number of Units:</b> 1	Overal	Density: .26 Uni	ts/Acre
Staff estimate for allowable #	of units: <u>0     Un</u> its*	Increase of: <u>1</u> Un	its/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 the R-20 zoning district in order to use the existing house as a home to live in. The house was built in 1964 and the current owner intends to renovate the structure. The applicant intends to use both of the existing buildings. The property was rezoned in 2006 to LRO from PSC with the intention of developing an office complex. The existing gravel driveway will either be removed or paved.

The applicant will require the following contemporaneous variances:

1. Allow an accessory structure (pole shed) to the side of the house and;

2. Waive the side setback for an accessory structure over 650 square feet from 100 feet to 95 feet.

Cemetery Preservation: No comment.

Name of School	Enrollment	Status	Classrooms
		Capacity	Portable
	-		Number of
SCHOOL COMMENTS:			
* * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	* * * * * * * * *
PRESENT ZONING:	C	PETITION FOR:	R-20
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**Elementary** NOT SUBMITTED

Middle NOT SUBMITTED

# 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.

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# 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.

# **PLANNING COMMENTS:**

The applicant is requesting a rezoning to allow the site to be used for a single family house. The 3.877 acre site is located on the southeast side of Old Mountain Road, east of Alabama 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?	$\Box$ Yes	■ No / N/A

## *Comprehensive Plan*

This application pertains to a site designated as Neighborhood Activity Center (NAC) future land use category. The purpose of the 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:

In order to better implement and promote the nodal concept of development and eliminate any potential for expanding the NAC, the Board of Commissioners has slightly expanded the NAC at Sandy Plains Road and SR-92. This expansion was done with carefully negotiated, highly restrictive zoning stipulations designed to protect the adjacent residential areas and eliminate any potential for further expansion through the life of this plan. Among the more important stipulations which will accomplish this task include an unprecedented 175foot R-15 buffer totaling 6.61 acres (zoning stipulation and 20 year covenant), square footage maximums, use limitations and the formation of an architectural review committee. The map of this NAC is show in the Appendix [of the Comprehensive Plan].

## Adjacent Future Land Use:

Low Density Residential (LDR) Northwest: Northeast: LDR South: NAC and LDR Southwest: NAC

## 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.

<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	requirements?	

## Incentive Zones

Is the property within an Opportunity Zone?  $\Box$  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.

APPLICANT: <u>Daniel Mosteller and Olivia Mosteler</u> PRESENT ZONING: <u>LRO</u>	PETITION NO.: Z-79 PETITION FOR: R-20
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Is the property within an Enterprise Zone?	
Is the property eligible for incentives through the Commercial and I Program? □ Yes ■ No The Commercial and Industrial Property Rehabilitation Program is ad valorem property taxes for qualifying redevelopment in eligible	an incentive that provides a reduction in
For more information on incentives, please call the Community Dev 770.528.2018 or find information online at <u>www.cobbcounty.org/pl</u>	
<u>Special Districts</u> Is this property within the Cumberland Special District #1 (hotel/me □ Yes ■ No	otel fee)?
Is this property within the Cumberland Special District #2 (ad valor □ Yes ■ No	rem tax)?
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 Daniel and Olivia Mosteller				PE	TITION NO. <u>Z-079</u>
PRESENT ZONING <u>LRO</u>				PE	TITION FOR <u>R-20</u>
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WATER COMMENTS: NOTE: Comments refl	ect oi	nly what facilities w	/ere	in exi	stence at the time of this review.
Available at Development:	<ul> <li>.</li> </ul>	Yes			No
Fire Flow Test Required:	<ul> <li>Image: A start of the start of</li></ul>	Yes			No
Size / Location of Existing Water Main(s): 6" A	\C / I	NW side of Old M	loun	itain	Park Road
Additional Comments:					
Developer may be required to install/upgrade water mains, based on Review Process.	fire flo	ow test results or Fire De	epartn	nent Co	ode. This will be resolved in the Plan
* * * * * * * * * * * * * * * * * * * *	* *	* * * * * * * * *	* *	* *	* * * * * * * * * * * * * * *
SEWER COMMENTS: NOTE: Comments r	reflec	t only what facilitie	s we	re in e	existence at the time of this review.
In Drainage Basin:	$\checkmark$	Yes			No
At Development:		Yes		✓	No
Approximate Distance to Nearest Sewer: +/-	650'	in adjacent shopp	ing	cente	r
Estimated Waste Generation (in G.P.D.): A I	D F=	+0		F	Peak= +0
Treatment Plant:		Big Cr	eek		
Plant Capacity:	✓	Available		Not	Available
Line Capacity:	✓	Available		Not	Available
Projected Plant Availability:		0 - 5 years		5 - 1	0 vears $\Box$ over 10 vears
Drv Sewers Required:		Yes	$\checkmark$	No	
Off-site Easements Required:		Yes*	✓	No	*If off-site easements are required, Developer must submit easements to CCWS for
Flow Test Required:		Yes	✓	No	review/approval as to form and stipulations prior to the execution of easements by the
Letter of Allocation issued:		Yes	$\checkmark$	No	property owners. All easement acquisitions are the responsibility of the Developer
Septic Tank Recommended by this Department:	: 🗸	Yes		No	
Subject to Health Department Approval:	✓	Yes		No	
	1		· · ·		0/06/0017

Additional Existing septic system. Acceptable evaluation by Env Health Dept 9/26/2017 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.

# APPLICANT: Daniel Mosteller & Olivia Mosteller

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# PRESENT ZONING: LRO

PETITION FOR: <u>R-20</u>

# STORMWATER MANAGEMENT COMMENTS

No comment.

#### **PETITION NO.:** Z-79

# PRESENT ZONING: LRO

**PETITION FOR:** R-20

# TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Old Mountain Park Road	Minor Collector	35 mph	Cobb County	60'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Old Mountain Park Road	East of Hollister Drive	3,600	С

Based on 2009 traffic counting data taken by Cobb County DOT for Old Mountain Park 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**

Old Mountain Park Road is classified as a minor collector 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 gravel driveway on Old Mountain Park Road be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.

# **STAFF RECOMMENDATIONS**

# Z-79 DANIEL MOSTELLER AND OLIVIA MOSTELLER

- 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. This request will in fact allow the applicant to renovate and maintain the property. The office development that was approved never came to fruition and ownership has changed several times since 2006.
- 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 existing house was built in 1964 and has been used as home since. This house was built prior to the surrounding developments.
- 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 Neighborhood Activity Center (NAC). 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. It should be noted that the Board of Commissioners uses the future land use map as a guide in the decision making process. 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 existing house will help keep the characteristics of this neighborhood. This request is consistent with contiguous zoning districts. The applicant's proposal will allow the applicant to maintain and improve the existing home.

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

- 1. Site plan received by the Zoning Division on October 4, 2017, with the District Commissioner approving minor modifications;
- 2. Fire Department comments and recommendations;
- 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.

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<b>Application No</b>	).	<u>2-</u> `	70	1
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# **Summary of Intent for Rezoning**

			1/
Part 1.	Residential I	Rezoning Information (attach additional information if needed) posed unit square-footage(s): <u>Veepexisting</u> 2,500 sg.ft house	urrently zonec
	a) Pro	posed unit square-footage(s): Keep existing 2,500 sq.ft house	anneral Lkc
	b) Pro	posed building architecture:	residential
	c) List	all requested variances:	
Part 2.		ial Rezoning Information (attach additional information if needed) posed use(s):	
	b) Pro	posed building architecture:	
	c) Pro	posed hours/days of operation:	
	d) List	all requested variances:	
Part 3	3. Other Per	inent Information (List or attach additional information if needed)	
Part 4	-	e property included on the proposed site plan owned by the Local, State, or Federal Gover	
		Ill Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., a	nd attach a
	plat clearly s	howing where these properties are located).	
	None		

						Z-79 (2017)
						Health
	ting On	-site Sewage		ystem Performan	ice Evaluation Report	Department
Applicant:			Cole Mosteller		Reason for Existing Sewage S zoning	Approval
Property/System Add	ress:		4840 OLD MOUNTAIN PA 30075	RK RD ROSWELL, GA		( # 14-4
Subdivision Name:			Lot:	Block:	APPRO	View
					N P	1
Existing System Info	rmation: W	ater Supply (circle)	Number of	Garbage Grinder: (circle)	Men Dida	10.3 17
(1) Public (2) Pr		(3) Community	Bedrooms/GPD: 3/0	(1) Yes (2) No	CORS PUBLIC HEALI	11
			* One of Section A, B,	or C should be Comple		
~	Evisting	n-site Sewage M		System on Record	Comments:	
(1) Yes (2) No	that all co the time o	mponents of the s of the original insp	system were properly co ection.	onstructed and installed at	Ok to re-zone for residential, 3 bedroe	om home
(1) Yes (2) No	Report is	attached.	te Sewage Managemen			047
(1) Yes (2) No		within the last five		was installed within that	0CT - 4 2	017
(1) Yes (2) No			tem on this date reveale th would adversely affect	ed no evidence of system at the functioning of the	COBB CO. COMM. DE ZONING DIVIS	V. AGENCY ION
Evaluating Environm	entalist		Title:	Date:	verify this data to be correct at the time of verification shall not be construed as a guar	
for the	arra a		Environmental Health Specialist III	26-Sep-17	functioning of this system for any given peri essumed for future damages that may be c	od of time. No linbility is
			a second contract of	ystem Not on Record	pascined for fotore cairrages that may be c	absed by manufiction,
(1) Yes			on file showing the On-s approved at the time of	ite Sewage Management the installation	Comments:	
(1) Yes (2) No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.					
(1) Yes (2) No	the condition	ion of the septic t	rgia Certified Installer h ank and its respective c istallation criteria. A co	omponents, certifying its		
(1) Yes (2) No	Maintena	nce records indica within the last five	ate that the system has			
(1) Yes (2) No	A site eva	luation of the sys of conditions whic	tem on this date reveale th would adversely affect ateness of the sizing an			
Production Providence		nce no initial insp	ection records exist.	Delas	verify this data to be correct at the time of	the eveluation. This
Evaluating Environm	entalist		Title:	Date:	verification shall not be construed as a guar	rantee of the proper
					functioning of this system for any given peri assumed for future damages that may be c	
(4) V (0) 11	The On c	to Sewage Mana		approved at the time of	Comments:	
(1) Yes (2) No			onsidered an approved s			
(1) Yes (2) No	Evaluation of the system revealed evidence of system failure or malfunction					
(1) Yes (2) No	the prope	functioning of th	evealed conditions which e system, and will there proval of the system.	would adversely affect fore require corrective		
Evaluating Environm		inder to obtain ap	Title:	Date:	verify this data to be correct at the time of	
					verification shall not be construed as a guar functioning of this system for any given per- assumed for future damages that may be c	od of time. No liability is aused by malfunction.
SECT		and the second se	and the second sec	and the statement of the same shall be a ball of the same second statement of the same second statement of the	in conjunction with A, B, or C a	
(1) Yes (2) No	An existin listed abo above.	g On-site Sewage ve and has been	e Management System evaluated in accordance	is located on the property e with Section A or B	Ok to re-zone for residential. 3 bedro	om home
X			te as well as the provide tion to home or property			
(1) Yes (2) No	relocation the existin	of the home sho	uld not adversely affect d that no additional sew	the proper functioning of vage load is added to the		1) Yes (2) No
Evaluating Environm	entalist		Title:	Date:	venily this data to be correct at the time of	the evaluation. This
draw in			Environmental Health Specialist III	26-Sep-17	venification shall not be construed as a guar functioning of this system for any given per assumed for future damages that may be c	rantee of the proper od of time. No liability is