



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-73
Public Hearing Dates:
PC: 12-04-18
BOC: 12-18-18

SITE BACKGROUND

Applicant: Duncan Land Investments, LLC

Phone: (678) 591-7624

Email: duncanlandinvest@yahoo.com

Representative Contact: Richard Duncan

Phone: (678) 591-7624

Email: duncanlandinvest@yahoo.com

Titleholder: Duncan Land Investments, LLC

Property Location: Southwest intersection of
Piedmont Road and Cajun Drive

Address: 462 Piedmont Road

Access to Property: Cajun Drive

QUICK FACTS

Commission District: 3-Birrell

Current Zoning: R-20

Current use of property: Single-family house

Proposed zoning: R-12 (Single-family Residential)

Proposed use: Single-family residential subdivision

Future Land Use Designation: MDR (Medium
Density Residential)

Site Acreage: 3.1 ac

District: 16

Land Lot: 586

Parcel #: 30

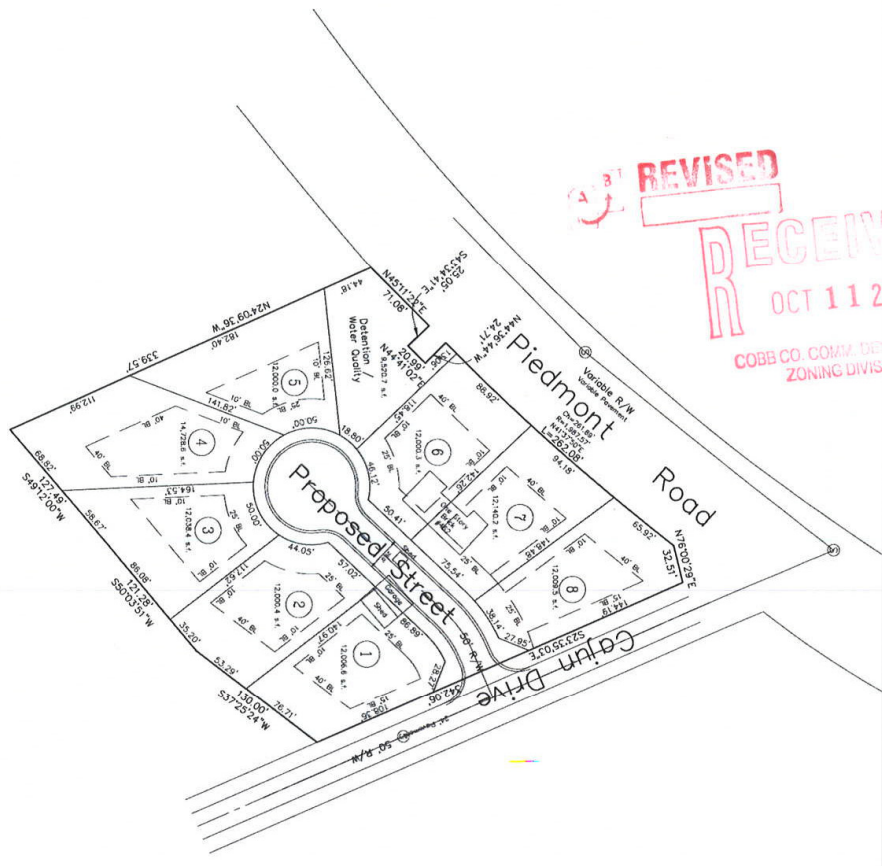
Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Donald Wells)

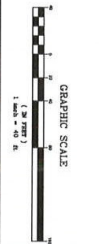
Based on the included analysis, staff recommends **DENIAL**.



REVISED
RECEIVED
 OCT 11 2018
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



LSVICK
 LAND DESIGN
 Land & Survey
 10000 Peachtree Dunwoody Rd, Suite 100
 Atlanta, GA 30328
 Phone: 404.251.1234
 Fax: 404.251.1235
 www.lsvick.com



REVISIONS

1	Original Plan	2/28/18
2	Revised Plan	10/11/18

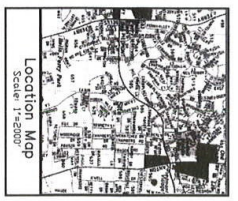


Larry D. Neese, PLS
 ENGINEER PLANNING SERVICES
 194 Cadence Trail
 Canton, Georgia 30115
 E-Mail: LNeese@LSVICK.com

RDC Development Group
 PROJECT MANAGER/ENGINEER
 462 Piedmont Road
 Marietta, Georgia 30066
 16th District, 1st Sub Section
 Cobb County, Georgia
 Date: Aug. 27, 2018 Scale: 1"=40'

SHEET

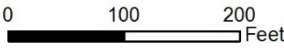
- General Notes:**
1. Boundary information taken from Survey For Richard Cox, prepared by Meridian Demetrick, LLC, 216 Powers Ferry Road, Marietta, Georgia 30067.
 2. There are no streams, side waters or wetlands located on this property.
 3. There is not a cemetery on or adjacent to this property.
 4. There are no Archeological or Architectural Landmarks are known to exist on site.
 5. Existing Zoning R-20 Proposed Zoning R-12
 Side Building Line 25'
 Major Side Building Line 15'
 Minimum Lot Size 12,000.0 Sq. Ft.
 Total Density = 2.8 Lots / Acre
 6. Total Number Lots = 8
 7. Existing Improvements, Issues, Groups and Sheds to be removed.





Z-73 2018-Aerial Map



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

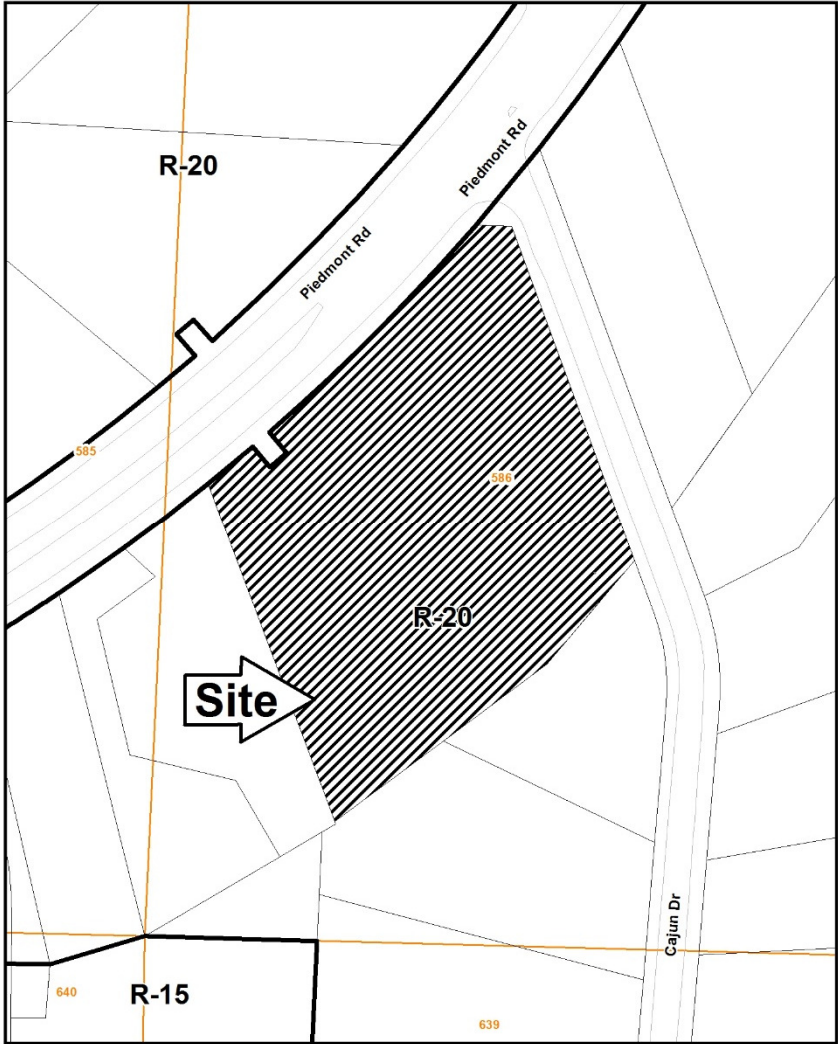


-  Zoning Boundary
-  City Boundary

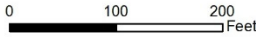
North



Zoning: R-20 (Single-family Residential)
Future Land Use: MDR (Medium Density Residential)

Z-73 2018-GIS



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



 Zoning Boundary
 City Boundary

WEST

Zoning: R-20 (Single-family Residential)

Future Land Use: MDR (Medium Density Residential)

EAST

Zoning: R-20 (Single-family Residential)

Future Land Use: MDR (Medium Density Residential)

SOUTH

Zoning: R-20 (Single-family Residential)
Future Land Use: LDR (Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

Requested zoning district for the property

The R-12 district is established to provide locations for single-family detached residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for low and medium density residential categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses or residential uses are developed within the R-12 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Summary of the applicant's proposal

The applicant is requesting the RA-4 zoning district for the purpose of developing an 8-lot subdivision. The houses will have Craftsmen architecture with a mixture of architectural materials. The house sizes will start at 2,600 square feet in size. This is the second request this year. The previous application was withdrawn without prejudice back in March (Z-13 of 2018).

Residential criteria

Allowable units as zoned: 5

Proposed # of units: 8

Net density: 2.8

Increase of units: 3

Acres of floodplain/wetlands: 0

Impervious surface shown: Not to exceed maximum of 35%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

There are no variance requests shown.

DEPARTMENT COMMENTS- Fire Department

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

Guest Parking

Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project.

OPTIONAL APPROACH

Development standard 425.5 refers to a roadway being 28 feet wide or wider and being used for on-street parking. The regulation also indicates that this elimination of parking is intended for developments with rear alleys and parking in the rear of homes.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

Per Cobb County Development Standards section 409.03.02, any detention facility proposed for the exterior boundary of a project which will abut an existing, residential property, or public right of way exterior to the development being constructed shall provide a 10-foot landscape buffer. The landscape buffer may not coincide with any underground or overhead public or private easement or line of sight easement. Pond access easements may not coincide with the buffer except that the buffer may be interrupted for an access easement perpendicular to the buffer. Stabilizing components of the detention pond may not encroach into the buffer. The required perimeter fencing must be located behind the landscape buffer.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

Approval of this petition will not have an impact on the enrollment.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Noonday Creek Tributary #3
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the capacity of the existing downstream storm drainage system.
7. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
8. Special site conditions and/or additional comments:
 - This site is located at the southwest corner of Piedmont Road and Cajun Drive. The parcel is currently occupied by a single residential house and an accessory structure. The entire site drains to the northwest to an existing drop inlet within the DOT right-of-way.
 - Stormwater management will be provided by a single stormwater management facility as shown on the proposed site plan. If an exposed wall is used, it must be decoratively faced.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Medium Density Residential (MDR) future land use category. The purpose of the MDR category is to provide for areas that are suitable for moderate density housing between two and one-half (2.5) and five (5) dwelling units per acre.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

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 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 investment)

Is the property eligible for the Façade Improvement Program? Yes No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (Continued)

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)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

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

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?

Yes No

Is the property within the Clear Zone (CZ)?

Yes No

Is the property within the Accident Potential Zone (APZ I)?

Yes No

Is the property within the Accident Potential Zone II (APZ II)?

Yes No

Is the property within the Noise Zone?

Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

Yes No

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.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 6" on east side of Cajun Drive

Additional water comments: Also a 16" water main on the southeast side of Piedmont Rd

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: Along frontage on other side of Piedmont Rd

Estimated waste generation (in G.P.D.): Average daily flow = 1,280; Peak flow = 3,200

Treatment plant: Noonday

Plant capacity: Yes NO

Line capacity: YES NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Dry sewers required: YES NO

Off-site easement required: YES* NO

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

*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Additional sewer comments

Sewer also in Cajun Drive ROW along frontage

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining on and/or offsite easements, dedication or on and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Piedmont Road	Arterial	45	Cobb County	100'
Cajun Drive	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Piedmont Road	East of Cottonwood Drive	24,400	D
Cajun Drive	N/A	N/A	N/A

Based on 2017 traffic counting data taken by Cobb County DOT for Piedmont 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

Piedmont 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.

Cajun 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

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend curb, gutter, and sidewalk along the Shallowford Road frontage.
3. Recommend curb, gutter, and sidewalk along the Cajun Drive frontage.
4. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
5. Recommend entrance on Cajun Drive be a minimum tangent distance of 100' from Piedmont Road.
6. Recommend driveway entrances be a minimum of 50' from the Cajun Drive subdivision intersection.
7. Recommend a 10' no access easement for the lots along the Piedmont Road frontage.
8. Recommend a minimum driveway length of 20 ft between the right-of-way and garage.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The zoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby property. The applicant's rezoning proposal is totally surrounded by R-20 zoned properties. The applicant's proposal would be much more dense than adjoining properties.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The zoning proposal will adversely affect the existing use or usability of adjacent or nearby property. The proposed density of 2.8 units per acre exceeds the densities of other residential uses in this area. Those subdivisions include: Maner CL (zoned R-20 at approximately .97 units per acre), Haven Pointe (zoned R-20 at 1.87 units per acre), Stone Creek (zoned R-15 at approximately 1.89 units per acre), and Hidden Hills (zoned R-15 at approximately 1.98 units per acre). Approval of this application will encourage other zoning requests that are not consistent with the other properties in the area.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

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, and schools.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

It is Staff's opinion that the applicant's rezoning proposal is in conformity with the *Cobb County Comprehensive Plan*, which delineates this property as being within the Medium Density Residential (MDR) future land use category. The purpose of the MDR category is to provide for areas that are suitable for moderate density housing between two and one-half and five dwelling units per acre. The proposed density is 2.8 units per acre.

STAFF ANALYSIS (Continued)

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

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 property is surrounded by single-family subdivisions with lower densities. The proposal should be consistent with adjoining properties in order to preserve the character of the area.

The staff analysis and recommendation 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.

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Stipulation Letter

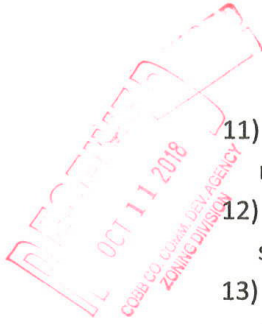
For zoning case Z-73

Duncan Land Investments, LLC

October 11, 2018



- 1) Applicant seeks rezoning for the subject property from the existing category of R-20 to the proposed zoning category of R-12.
- 2) Subject property will be developed for a single family detached residential development consisting of 8 lots. All lots shall comply with the minimum square feet per lot required under R-12 zoning.
- 3) Minimum house size in the new proposed subdivision will be 2,600 square feet of heated and cooled living space
- 4) Elevations of the homes shall contain brick, stone, stacked stone, cedar shakes, cementious shake siding and/or cementious siding, board and batten, hardy plank siding or combinations thereof.
- 5) All lots in the new proposed subdivision will be sodded fronts and at least 15 feet along both sides.
- 6) Road will be 29 feet wide from back of curb to accommodate regulation under fire code for additional parking.
- 7) The entrance signage for the proposed community shall be ground based monument style signage.
- 8) Applicant agrees to put a 6' tall privacy fence along Piedmont Rd. and Cajun Rd.
- 9) There will be a mandatory HOA that will require maintenance and upkeep of landscaping and fencing around the detention pond and entrance as well as the fence along Piedmont Rd.
- 10) Construction work hours will comply with Cobb County Code Ordinance on Monday through Friday. Construction work hours on Saturday will be from 9-6. No work on Sundays.



- 11) Applicant agrees that all workers' vehicles will be parked on site and not on Cajun Rd., or on any other surrounding subdivision streets.
- 12) All utilities servicing the residents within the proposed subdivision shall be underground.
- 13) Applicant agrees to comply with all Cobb County Stormwater management comments and recommendations, and also all Cobb County DOT comments and recommendation of the subject property.
- 14) The District Commissioner shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or, increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business" Application.