

Application for "Other Business" OB-11

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 4/16/24

Applicant: Juscelio Cruz Phone #: 678255 6579
(applicant's name printed)

Address: 869 Pickens Industrial Dr, Suite 7 E-Mail: jp Realty Investments@gmail.com
Marietta GA 30062

Stuart Napshin Address: 59 Carriage Oaks Dr SW Marietta GA 30069
(representative's name, printed)

[Signature] Phone #: 610220-4741 E-Mail: SNAPSHIN@GMAIL.COM
(representative's signature)

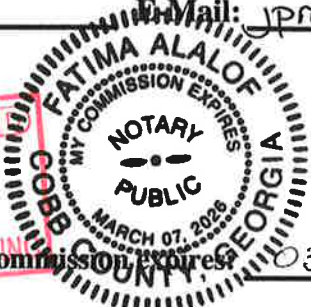


Signed, sealed and delivered in presence of:
[Signature] My commission expires 03/07/26
Notary Public

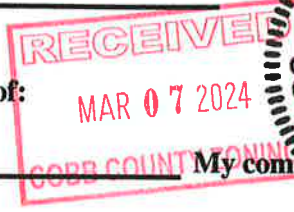
Titleholder(s): JP Realty Investments, LLC Phone #: 678255 6579
(property owner's name printed)

Address: 869 Pickens Industrial Dr Suite 7 E-Mail: jp Realty Investments@gmail.com
Marietta GA 30062

[Signature]
(Property owner's signature)



Signed, sealed and delivered in presence of:
[Signature] My commission expires 03/07/26
Notary Public



Commission District: 4 Zoning Case: 2422005

Size of property in acres: 2.14 AC Original Date of Hearing: 3/15/2005

Location: 6258 Ivey Rd SE Mableton GA 30126
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 185 District(s): 18

State specifically the need or reason(s) for Other Business:
To Remove DOT's recommendation for sidewalk, curb and gutter.

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 03-15-05APPLICANTS NAME: GENERAL INVESTMENTS GROUP, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

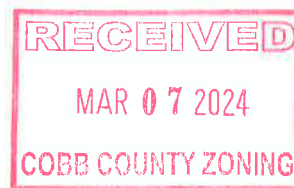
BOC DECISION OF 03-15-05 ZONING HEARING:

GENERAL INVESTMENTS GROUP, INC. (H. Dorsey and Lou Ellen W. Summers, owners) for Rezoning from **R-20 with Stipulations** to **R-20** for the purpose of a Three-Lot Subdivision in Land Lot 185 of the 18th District. Located on the southeasterly side of Ivey Road, south of Regency Way.

MOTION: Motion by Olens, second by Lee, as part of the Consent Agenda, to **approve** rezoning to the **R-20** zoning district **subject to:**

- site plan received by the Zoning Division January 6, 2005, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- 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

VOTE: **ADOPTED** unanimously



Min. Bk. 33 Petition No. Z-42
 Doc. Type Site Plan

Meeting Date 3-15-05

R E C E I V E D
JAN - 6 2005
 COBB CO. COMM. DEV. DEPT.
 ZONING DIVISION

2-47

THIS PROPERTY (X)(IS NOT) LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIA OFFICIAL FLOOD HAZARD MAPS. MAP # 13087C 0085F, DATED AUG. 18, 1992
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 10,000 FEET AND AN ANGULAR ERROR OF 2 PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.

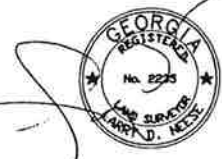
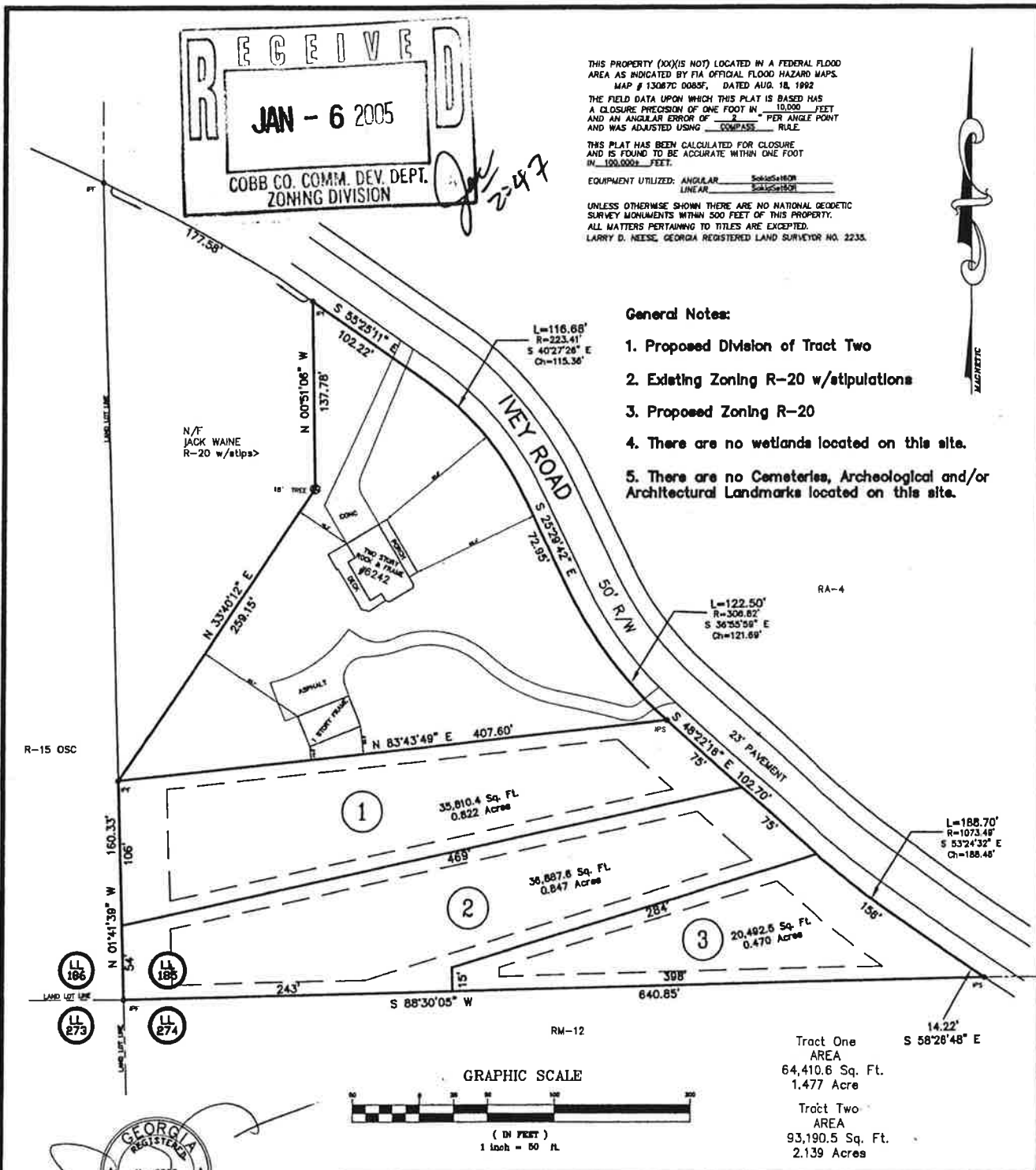
THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 100,000 FEET.

EQUIPMENT UTILIZED: ANGULAR Sokkia 6180N
 LINEAR Sokkia 1801

UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN 500 FEET OF THIS PROPERTY. ALL MATTERS PERTAINING TO TITLES ARE EXCEPTED.
 LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.

General Notes:

1. Proposed Division of Tract Two
2. Existing Zoning R-20 w/stipulations
3. Proposed Zoning R-20
4. There are no wetlands located on this site.
5. There are no Cemeteries, Archeological and/or Architectural Landmarks located on this site.



THIS SURVEY HAS BEEN PREPARED FOR THE EXCLUSIVE USE OF THE PERSON, PERSONS OR ENTITIES NAMED HEREON. NO EXPRESSED OR IMPLIED WARRANTIES WITH RESPECT TO THE INFORMATION SHOWN HEREON IS TO BE EXTENDED TO ANY OTHER PERSON, PERSONS OR ENTITIES WITHOUT AN EXPRESSED REIDENTIFICATION BY THE SURVEYOR. SURVEY PERFORMED WITHOUT THE BENEFIT OF CURRENT TITLE REPORT.

CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY MARK, AND ALL THE PEOPLE SHALL SAY, "AMEN". Deut. 27:17

SURVEY & SITE PLAN FOR:
 General Investment Group, Inc.
IVEY PLACE SUBDIVISION

REVISIONS	

LAND LOT: 185	CC: GF
DISTRICT: 18TH	SECTION: 2nd
COUNTY: COBB	DWN: VJH
STATE: GEORGIA	CHKD: LDN
DATE: JANUARY 6, 2005	SCALE: 1"=50'
	JOB: 04-0179

WEST GEORGIA SURVEYORS, INC.
 731 Sandtown Road
 Marietta, Georgia 30008
 (770) 428-2122
 FAX: (770) 422-9178

APPLICANT: General Investments Group, Inc.

PETITION NO.: Z-42

PRESENT ZONING: R-20 w/s

PETITION FOR: R-20 w/s

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson

Land Use Plan Recommendation: Low Density Residential (1 to 2.5 units per acre)

Proposed Number of Units: 3 **Overall Density:** 1.4 **Units/Acre**

Present Zoning Would Allow: 0 **Units** **Increase of:** 3 **Units/Lots**

The applicant is requesting the R-20 zoning district to develop a small single-family detached subdivision. The houses would be traditional in styling. The houses would be a minimum 1,800 square-feet, and would start selling for \$180,000. The prior zoning conditions are attached for review (see Exhibit "A").

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No comment.

Cemetery Preservation: No comment.

APPLICANT General Investments Group, Inc

PETITION NO. Z-042

PRESENT ZONING R-20 w/ stips

PETITION FOR R-20 w/ stips

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 6" CI / NE side Ivey 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:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: 140' SW (18" dia)

Estimated Waste Generation (in G.P.D.): **A D F** 1,200 **Peak** 3,000

Treatment Plant: S Cobb

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements 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, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Sewer to be extended by developer to uppermost property line.

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 off site easements, dedication of on and/or off site 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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DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

Queen Creek of Nickajack Creek

DRAINAGE BASIN: Chattahoochee River System FLOOD HAZARD INFO: None

- 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 stream bank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION N/A

- 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 downstream _____.

APPLICANT: General Investments Group, Inc.

PETITION NO.: Z-42

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PETITION FOR: R-20 with stipulations

DRAINAGE 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 -- must be addressed at Plan Review.
- 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/SUGGESTIONS

- 1) Tract perimeter does not conform to tax map dating back several years. Appears property owner (the same for both this tract and that to north) built detached garage over line resulting in need to change property line. Resultant change compromises this tract.
- 2) The tract under consideration is dominated by 150-foot wide ridge of gentle to moderate ground slopes running parallel and adjacent to Ivey Road, and, in rear by very steep hillside ranging from 34% to 46%. The selected property change described above removed approximately 200-foot of road frontage and 75-foot of ridge from the tract as platted by the tax maps. The only allowable sites for house construction is along the ridge near the road. The resultant lots are narrow and restricted in the available building area. Construction of housing, similar to those two (2) to the north, could be quite challenging.
- 3) Originally, with the two houses to north and the one designated for this tract, there were to be three (3) houses on this gross triangle. Now, with this application there would be five (5). That represents a 67% increase in runoff and pollution. There is no Water Quality-Best Management Practice, nor detentions proposed here to mitigate the impact on downstream. There is no viable channel into which a detention system could discharge.

Providing detention and water quality here would be overly expensive and technically challenging. Alternatively, recommend developer pay fee in lieu of detention, and, restrict improvement hard surface to 25% of an R-20 lot size (5000 square feet impervious; approximately equal to the improvements to north), and, require roof water to discharge to lawn at structure and be created as sheet flow a minimum of 50 horizontal feet across vegetated area before leaving property.

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Note Ivey Road to be a rural section with roadside ditches. Driveway water must be directed to those ditches and not onto Ivey Road travel surface.

- 4) Tract is heavily wooded. Tree removal must be limited to only those within the footprint of house and nominally 10-feet to 20-feet outside to minimize the loss of benefits now provided by the trees.
- 5) Each lot must submit a Site Plan demonstrating conformance with these comments to Stormwater Management for review and approval prior to building permit.

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PETITION NO.: Z-42

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PETITION FOR: R-20 w/stipulations

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Ivey Road	NA	Local	50'

Ivey 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.

Install sidewalk, curb and gutter along the frontage.

The applicant will have to verify that minimum intersection sight distance is available. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirement of 200'.

RECOMMENDATIONS

Recommend installing sidewalk, curb and gutter along the road frontage.

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 200'.

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

STAFF RECOMMENDATIONS

Z-42 GENERAL INVESTMENT GROUP, INC.

- 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 applicant's single-family proposal would be compatible with other single-family properties in the area.
- 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 applicant's proposal would be consistent with adjacent and nearby properties.
- 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 to be within a Low Density Residential Land Use Category, with densities ranging from 1 to 2.5 units per acre. The proposed density is 1.4 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 is consistent with the *Cobb County Comprehensive Plan*. The applicant's proposal would be consistent with other single-family detached houses in the area, which is a mixture of R-15, R-20, PD and RA-4 zoned properties.

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

- Site plan received by the Zoning Division January 6, 2005, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- 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.

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.