

APPLICANT: The Pacific Group, Inc.

770-984-8170

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

John H. Moore 770-429-1499

TITLEHOLDER: Traina Enterprises, Inc.

PROPERTY LOCATION: Lcoated at the northeast intersection of

Church Road and Interstate 285.

ACCESS TO PROPERTY: Church Road (via a development

under construction)

PHYSICAL CHARACTERISTICS TO SITE: Wooded with

a billboard

PETITION NO: Z-91

HEARING DATE (PC): 10-02-07

HEARING DATE (BOC): 10-16-07

PRESENT ZONING: LI, R-20

PROPOSED ZONING: RM-12

PROPOSED USE: Addition of Property to
a Previously Approved Project

SIZE OF TRACT: 4.073 acres

DISTRICT: 17

LAND LOT(S): 761

PARCEL(S): 42, 48

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RM-12/ Apartments

SOUTH: GC/ Lodge

EAST: Interstate 285

WEST: RM-12/ White Oak (under construction)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED ___ MOTION BY _____

REJECTED ___ SECONDED _____

HELD ___ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED ___ MOTION BY _____

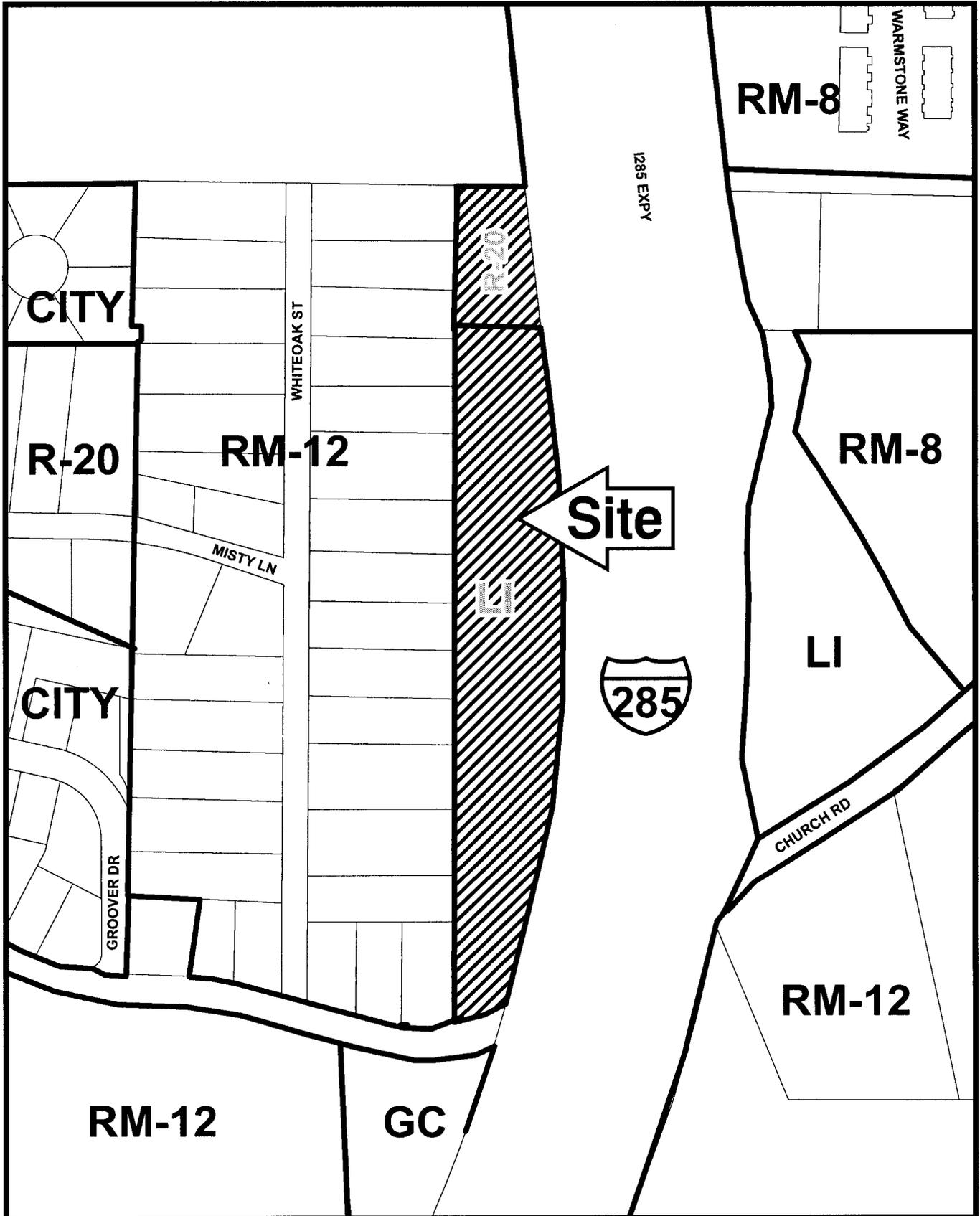
REJECTED ___ SECONDED _____

HELD ___ CARRIED _____

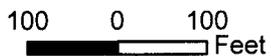
STIPULATIONS:



Z-91



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



- Draft Parcel Boundary
- Approximate Zoning Boundary

APPLICANT: The Pacific Group, Inc.

PETITION NO.: Z-91

PRESENT ZONING: R-20, LI

PETITION FOR: RM-12

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Medium Density Residential (2.5 to 5 units per acre)

Proposed Number of Units: 35 **Overall Density:** 10.83** **Units/Acre**

Present Zoning Would Allow: 1* **Units** **Increase of:** 34 **Units/Lots**

*Based on 0.5 acres zoned R-20. ** based on 3.23 Net Acres.

The applicant is requesting the RM-12 zoning district to add this property to a previously approved townhouse project (Z-67 of 2007 & Z-36 of 2007). The homes would be a minimum of 1,800 square-feet, and would start selling in the mid \$200,000's. The buildings would be traditional in styling with exteriors consisting of brick, stone, stucco and/or cedar shake. The buildings would be two and/or three-stories in height, and each unit would have an attached two-car garage.

The applicant is showing contemporaneous variances which are:

1. Reduce the front setback from 75-feet to 30-feet;
2. Reduce the major side setback from 35-feet to 10-feet.

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 further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

APPLICANT: The Pacific Group, Inc.

PETITION NO.: Z-91

PRESENT ZONING: R-20, LI

PETITION FOR: RM-12

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Nickjack</u>	<u>754</u>	<u>Under</u>	<u> </u>
Elementary <u>Campbell</u>	<u>1,082</u>	<u>Under</u>	<u> </u>
Middle <u>Campbell</u>	<u>2,274</u>	<u>Under</u>	<u> </u>

High

* School attendance zones are subject to revision at anytime.

Additional Comments:

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Residential subdivision: Cul-d-sac with an island- minimum 60 foot radius to outside curb, measured to inside of curb, minimum lane width 24 feet **or** Cul-d-sac without an island- 38 foot outside outside radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Driveway access to a single family home must be 10 feet wide and 20 feet wide for two homes. A hammerhead turnaround or cul-d-sac is required when a driveway exceeds 1000 feet. (see requirements for dimensions under residential subdivision).

Fire Hydrant

Residential: Fire hydrant within 500 feet of structure.

APPLICANT The Pacific Group, Inc

PETITION NO. Z-091

PRESENT ZONING LI

PETITION FOR RM-12

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

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

Size / Location of Existing Water Main(s) 8"DI / on site (pvt)

Additional Comments: Extension to be from existing project to the west

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: On site

Estimated Waste Generation (in G.P.D.): **A D F** 14,000 **Peak** 35,000

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
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:

Notes FYI:

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.

APPLICANT: The Pacific Group, Inc.

PETITION NO.: Z-91

PRESENT ZONING: R-20, LI

PETITION FOR: RM-12

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Tributary to Chattahoochee River 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: within channel and stream buffer.

- 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 CONDITION

- 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 **stormdrainage system**.

APPLICANT: The Pacific Group, Inc.

PETITION NO.: Z-91

PRESENT ZONING: R-20, LI

PETITION FOR: RM-12

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 _____
- 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. Based on previous hydrological analysis for the remainder of this site, the 100-year emergency ponding elevation upstream of the I-575 culvert is 837.20 ft-NGVD. This will require elevation of Units 25-27. Any fill placed within the 100-year headwater pool must be accompanied by compensating cut to maintain the natural flood storage volume.

APPLICANT: The Pacific Group, Inc.

PETITION NO.: Z-91

PRESENT ZONING: LI

PETITION FOR: RM-12

TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Church Road	4940	Major Collector	35 mph	Cobb County	80'

Based on 2006 traffic counting data taken by GDOT.

COMMENTS AND OBSERVATIONS

Church 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.

This development shall have inter-parcel access with Z-67 of 06.

Extend sidewalk, curb and gutter along the road frontage.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of 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 north side of Church Road, a minimum of 40' from the roadway centerline.

Recommend providing inter-parcel access with the earlier phase of the development.

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

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

STAFF RECOMMENDATIONS

Z-91 THE PACIFIC 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 area contains a mixture of apartments, single-family houses and non-residential uses. The apartments on the south side of Church Road were zoned for 10.8 units per acre (per rezoning file). Centex Homes rezoned a site easterly on Church Road that had a density of 8.0 units per acre (per Z-110/2004 zoning file).
- 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 area has seen a surge of redevelopment. The applicant's proposal would be a reasonable extension of the current development known as White Oak.
- 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, schools or utilities. 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 his property to be within a Medium Density Residential Land Use Category, with densities ranging from 2.5 to 5 units per acre. However, the proposed density is 10.83 units per acre, which is similar to the originally approved density of 10.92 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 There are a mixture of residential densities in the area, ranging from R-20 densities to RM-12 densities. Staff is generally amenable to redevelopment such this, which is in close proximity to Interstate 285, and the employment center of the Cumberland/Galleria Regional Activity Center. The applicant's proposal would be a reasonable addition to the previously approved application that will help improve the area. Additionally, the applicant's proposal would help to develop a tract a property that would be very hard to develop otherwise.

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

- Site plan received by the Zoning Division August 2, 2007;
- Fire Department comments;
- 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.