

Preliminary Plan - R-15

Reece Road Community

Cobb County, Georgia Land Lots 575, 19th District, 2nd Section

prepared for:

K2 Ventures

DGM
LAND PLANNING
CONSULTANTS

9775 Oak Park
Lawrenceville, GA 30044
770 962-9491

NOVEMBER 12, 2009

Scale: 1" = 100'





Site Data

- Total Site Area: 24.36 AC
- Total Lots Shown: 51
- Net Density: 2.09 UN/AC
- Present Zoning: R-20
- Proposed Zoning: R-15
- Minimum Lot Size: 15,000 SF
- Min. Lot Width at B.L.: 75' (variances shown)

- Building Setbacks:**
- front: 35' (variances shown)
 - rear: 30'
 - side: 10'

Variances Requested

Lot #	Lot Width B.L.	Lot Width B.L. per regulations requested
4	75'	70'
5	75'	67'
6	75'	70.5'
7	75'	67'
8	75'	68'
9	75'	63.5'
10	75'	60'
11	75'	62'
12	75'	67'
13	75'	67'

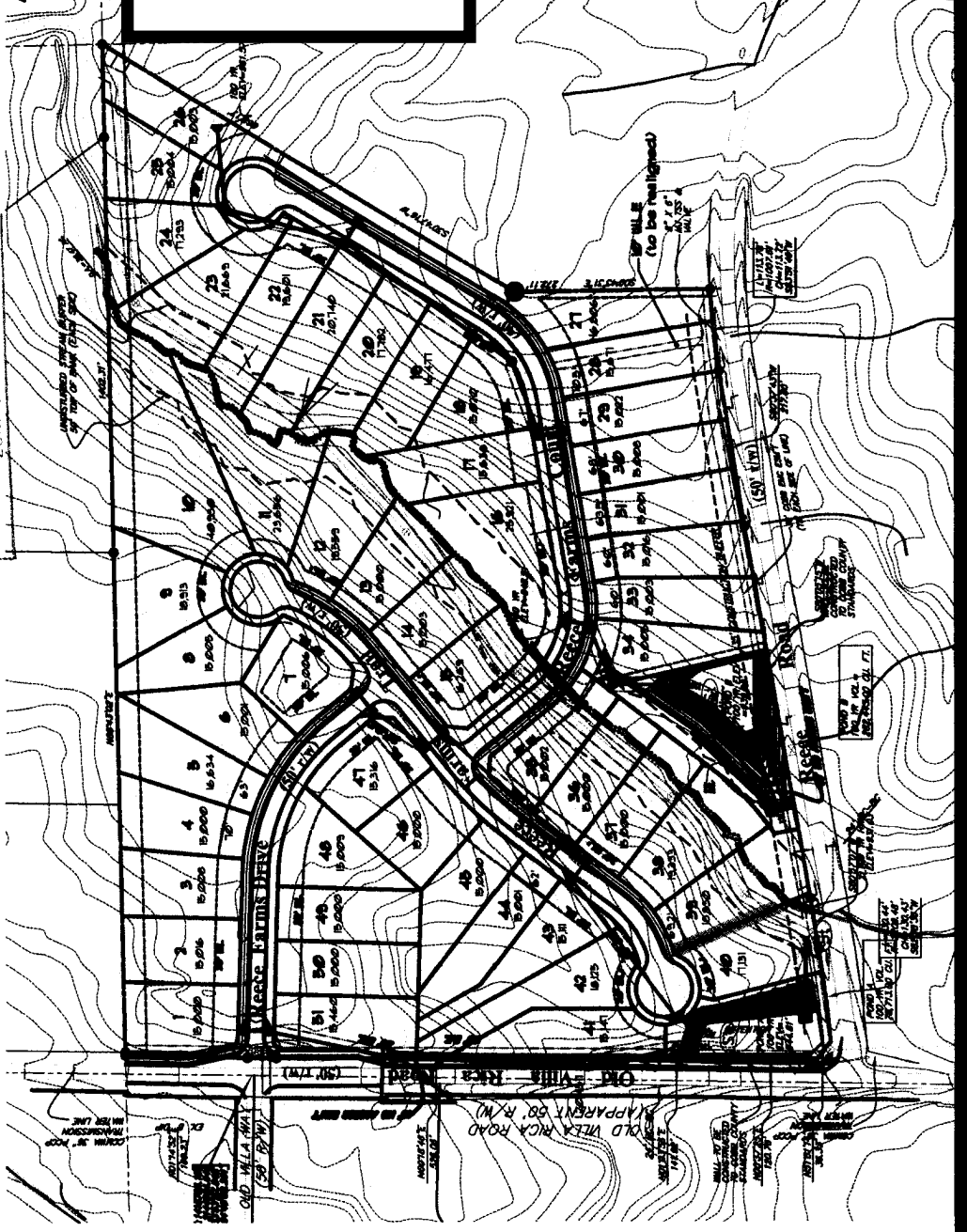
*20 building lots previously approved per plan dated 9/14/2006

Z-9
(2010)

REGISTERED

JAN 7 2010

CURR. CO. ENGINEERING AGENCY
ZONING DIVISION



APPLICANT: K2 Ventures, LLC
 770-319-7424

REPRESENTATIVE: Sams, Larkin & Huff, LLP
 Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Reece Farms, LLC and Mountainside, LLC

PROPERTY LOCATION: Located at the northeast intersection of
 Old Villa Rica Road and Reece Road.

ACCESS TO PROPERTY: Old Villa Rica Road

PHYSICAL CHARACTERISTICS TO SITE: subdivision under
 construction

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Villa Rica Estates
- SOUTH:** R-20/ Single-family houses
- EAST:** R-20/ Single-family house
- WEST:** R-20/ Old Villa Farms

PETITION NO: Z-9

HEARING DATE (PC): 03-02-10

HEARING DATE (BOC): 03-23-10

PRESENT ZONING: R-20

PROPOSED ZONING: R-15

PROPOSED USE: Subdivision

SIZE OF TRACT: 24.36 acres

DISTRICT: 19

LAND LOT(S): 575

PARCEL(S): 14-53

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

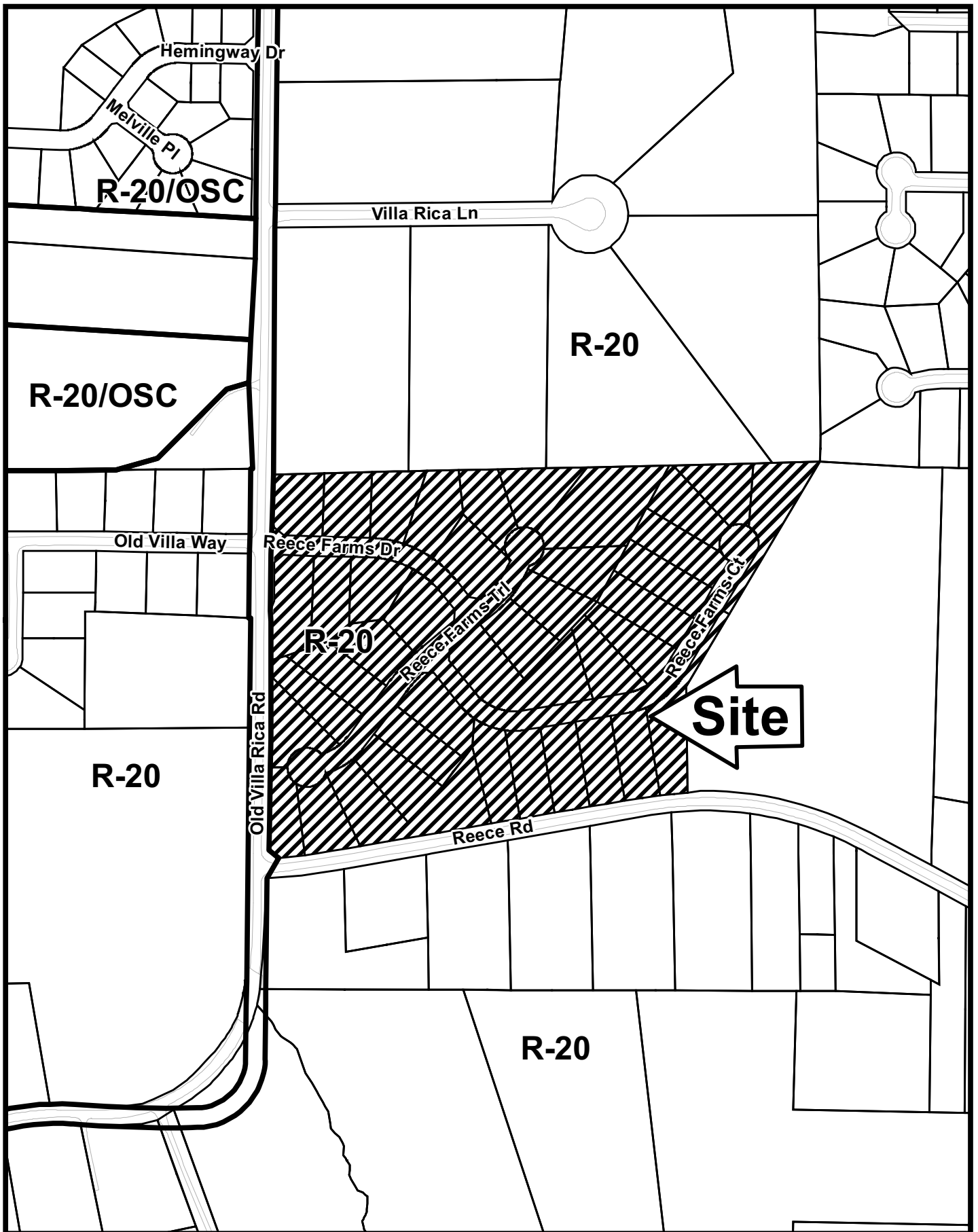
APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

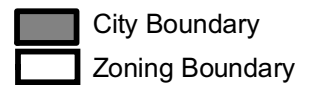
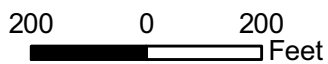
HELD _____ **CARRIED** _____

STIPULATIONS:





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



APPLICANT: K2 Ventures, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: R-15

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

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

Proposed Number of Units: 51 **Overall Density:** 2.09 **Units/Acre**

Present Zoning Would Allow: 40 **Units** **Increase of:** 11 **Units/Lots**

The applicant is requesting the R-15 zoning district to develop a single-family detached subdivision. The subdivision was developed as R-20 in 2006, but has sat vacant since then. The houses would be traditional and French in styling. The houses would be a minimum 1,800 square-foot (up to 3,200 square-foot), and would start selling from the low \$200,000's. The applicant has submitted a letter of agreeable stipulations (see Exhibit "A").

The applicant is showing contemporaneous variances which are:

1. Reduce the lot width from 75-feet to as small as 60-feet on 9 lots (lots shown on the plan).
2. Reduce the front setback from 35-feet to 20-feet, for 14 lots shown on the plan (Note: Variance V-48 of 2006 was approved to reduce the front building setback to 20-feet for 11 lots).

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.

Cemetery Preservation: No comment.

COBB COUNTY-MARIETTA WATER AUTHORITY COMMENTS (CCMWA):

CCMWA requests to review the plans for this project as soon as they are available in order to determine the extent of impact upon our facilities. On the east side of Old Villa Rica Road is CCMWA's 36" DIP Transmission Water Line. The owner/developer will be financially responsible for any impacts to CCMWA facilities from the project. Contact Chuck Byrge at (770) 426-8788 to coordinate plan review.

APPLICANT K2 Ventures, LLC

PETITION NO. Z-009

PRESENT ZONING R-20

PETITION FOR R-15

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)

Additional Comments: Installed previously for Reece Farms. New connections will have to be added and some existing taps removed and reinstalled in more suitable places

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** 4,400 **Peak** 11,000

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:

Installed previously for Reece Farms. New connections will have to be added and some existing taps removed and reinstalled in more suitable places

Notes FYI: *Dual feed water line to be removed & realigned on a property line and the sewer extension to N property line similarly moved. Quit claims required*

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: **K2 Ventures, LLC**

PETITION NO.: **Z-9**

PRESENT ZONING: **R-20**

PETITION FOR: **R-15**

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Wildhorse 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 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 the existing stormwater management facilities as well as the downstream receiving stream.

APPLICANT: K2 Ventures, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: R-15

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

- 1. The hydrology study for this development must be revised to verify that adequate stormwater management is provided for the increased lot density. As-built surveys of the existing ponds may be required to verify that adequate storage has been provided.
2. The existing discharge headwall from Pond A located adjacent to Reece Road may need to be extended closer to the receiving stream or an adequate flowpath created to keep pond discharges from flowing directly across the Reece Road R/W to the roadway.

APPLICANT: K2 Ventures, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: R-15

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
Old Villa Rica Road	1700	Minor Collector	35 mph	Cobb County	60'
Reece Road	1400	Local	35 mph	Cobb County	50'

*Based on 2000 traffic counting data taken by Cobb County DOT (Old Villa Rica Road)
Based on 2000 traffic counting data taken by Cobb County DOT (Reece Road)*

COMMENTS AND OBSERVATIONS

Old Villa Rica 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.

Reece 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.

RECOMMENDATIONS

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

STAFF RECOMMENDATIONS

Z-9

K2 VENTURES, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The subject property is bordered by R-20 zoned property to the north, south, east and west. The character of this area does not include any R-15 zoned uses or densities. There is an R-20 OSC subdivision nearby (Enclave at Millers Pond), but it has a density of 1.75 units per acre, with a minimum house size of 2,600 square-feet, and dedicated open space of 14.1 acres (44% of the site); the applicants proposal is denser, with smaller houses, with no open space.
- 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 proposal will be much more dense than the rest of the surrounding residential area, which predominately includes single-family homes on R-20 (and greater) sized lots. Approval of the request could encourage denser housing in an area that is zoned R-20.
- 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. However, the existing zoning also is in compliance with the *Cobb County Comprehensive Plan*, and fits the character of the area much better.
- 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 denying the applicant's rezoning proposal. The proposal is located in an area that is primarily zoned R-20. Even the nearby property zoned R-20 OSC has a typical R-20 density, which is 1.75 units per acre. Staff has concerns that approval of the request would encourage additional rezoning requests that are not consistent with the character and setting of the area. The existing zoning district is in compliance with the *Cobb County Comprehensive Plan*.

Based on the above analysis, Staff recommends DENIAL.

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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

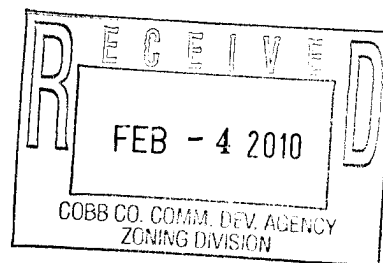
MELISSA P. HAISTEN
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

February 4, 2010

**VIA E-MAIL and
HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



Re: Application of K2 Ventures, LLC to Rezone a 24.36 Acre Tract
from R-20 to R-15 (No. Z-9)

Dear John:

You will recall that this firm represents K2 Ventures, LLC ("K2") concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on March 2, 2010, and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on March 23, 2010.

In accordance with discussions which we have had with the County's professional staff thus far during the pendency of the application, please allow this letter to serve as my client's expression of agreement with the following stipulations which shall, upon the proposed rezoning being approved, become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. A maximum number of 51 homes at a maximum density of 2.09 units per acre.¹
3. The square footage of the homes shall range in size from 1,800 square feet to 3,200 square feet.²

¹ This density is consistent with the Future Land Use Map which reflects and recommends residential densities ranging up to 2.5 units per acre.

² Price points for the residential subdivision are anticipated ranging from \$230,000 and upwards.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
February 4, 2010

4. Subject to the setback variances granted and the conditions imposed by the Cobb County Board of Zoning Appeals on April 12, 2006 (No. V-48).
5. The architectural style and composition of the homes shall be two-story traditional and French in styling with facades consisting of brick, stacked stone, cedar shake and/or Hardiplank consistent with the elevations/renderings which shall be submitted under separate cover.
6. The creation of a mandatory homeowners association and the submission of Declaration of Covenants which shall include, inter alia, strict architectural controls.
7. A third-party management company shall be hired to manage the day-to-day operations of the homeowner's association and shall be responsible for the management of all association monies as well as ensuring that the association is properly insured.
8. If the subject property is determined to be undevelopable for the purposes sought or if within twelve (12) months from the date of a successful rezoning of same construction of the homes has not commenced, then, and in such an event(s), the zoning classification of the subject property shall revert to its original classification of R-20 without further action being necessary on the part of Cobb County or the owners of the subject property.
9. Subject to recommendations from the Stormwater Management Division with respect to stormwater management, hydrology and downstream considerations, including the following:
 - a. Subject to recommendations regarding the ultimate location, configuration and methodology of on site detention and water quality.³
 - b. The installation of vegetative screening around the detention pond in order to shield the detention area from view, subject to review and approval by the County's Arborist and the Stormwater Management Division.

³ Gaskins Surveying Company has submitted a hydrological study to the Stormwater Management Division; however, the existing detention pond, at the corner of Reece Road and Old Villa Rica Road, may need to be reconfigured so that it drains more efficiently.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 3
February 4, 2010

- c. The voluntary donation and conveyance of 50' stream bank buffers in the form of a restrictive easement to Cobb County so that said areas shall remain undisturbed in perpetuity.
10. Compliance with recommendations from the Cobb County Department of Transportation.⁴
11. The submission of a landscape plan during the Plan Review process which shall include the following:
 - a. The installation of underground utilities.
 - b. Sodded front yards.
 - c. Ground-based, monument style subdivision entrance signage which shall be landscaped, irrigated and constructed in a fashion consistent with the architectural style and composition as aforementioned.
 - d. Agreeing to engage the services of a third-party landscape maintenance company to be responsible for landscaping, upkeep, irrigation and maintenance for the subdivision entrance signage, any other common areas and the vegetative screening relative to the detention pond as aforementioned.⁵
12. Following recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer to the site.⁶
13. Subject to recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.

⁴ A deceleration lane with a taper has already been constructed as have sidewalk, curb and gutter along Old Villa Rica Road. With respect to Reece Road, K2 has paid a substantial fee to the County in lieu of the construction of sidewalks.

⁵ All landscaping provisions are subject to the potential imposition of drought restrictions by state or local authorities.

⁶ The Water System is requiring the relocation of the dual water feed on the subject property.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 4
February 4, 2010

14. The granting of contemporaneous variances with respect to lot width at the building lines as shown on the site plan filed contemporaneously with the Application for Rezoning.
15. The final site plan, landscape plan and architecture shall be subject to review and approval by the District Commissioner. Additionally, the District Commissioners shall have the authority to approve minor modifications to these stipulations as the development proposal proceeds through the Plan Review process.

The proposed development of the subject property under the R-15 classification will include lot sizes ranging from 15,000 square feet to 25,921 square feet for an average lot size of 17,108 square feet. By way of comparison, the R-20 OSC development (The Enclave at Miller's Pond) located across Old Villa Rica Road was approved on June 21, 2005 (Other Business Item No. 8) for a total number of 48 lots with lot sizes ranging from 8,800 square feet to 19,491 square feet for an average lot size of 11,464 square feet.

Please do not hesitate to call should you require any additional information or documentation prior to the formulation of your Zoning Analysis. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery
Mr. Mark A. Danneman, Manager – VIA Hand Delivery
Ms. Jane Stricklin, P.E. – VIA E-Mail
Mr. David Breaden, P.E. – VIA E-Mail
Ms. Karen King, Assistant County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Mr. Gregg Goldenberg, K2 Ventures, LLC – VIA E-Mail