

APPLICANT: Madison Hills, LLC  
770-952-7047

REPRESENTATIVE: Margaret Stagmeier  
404-949-0180

TITLEHOLDER: Madison Hills, LLC

PROPERTY LOCATION: Located on the south side of Delk Road,  
west of Bentley Road.

ACCESS TO PROPERTY: Delk Road

PHYSICAL CHARACTERISTICS TO SITE: Existing apartments

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** City of Marietta/ Spaghetti Warehouse, Jiffy Lube, KFC
- SOUTH:** RM-12/ Madison Hills Apartments
- EAST:** City of Marietta/ Concepts 21, Bentley Manor Apartments
- WEST:** City of Marietta/ Scottish Inn, Motel 6, I-75

PETITION NO: Z-22

HEARING DATE (PC): 08-03-10

HEARING DATE (BOC): 08-17-10

PRESENT ZONING: CF, OI, RM-12

PROPOSED ZONING: RM-12

PROPOSED USE: Apartments

SIZE OF TRACT: 37.574 acres

DISTRICT: 17

LAND LOT(S): 799, 800, 856, 857

PARCEL(S): 3

TAXES: PAID  DUE \_\_\_\_\_

COMMISSION DISTRICT: 2

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ PETITION NO: \_\_\_\_\_ SPOKESMAN \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

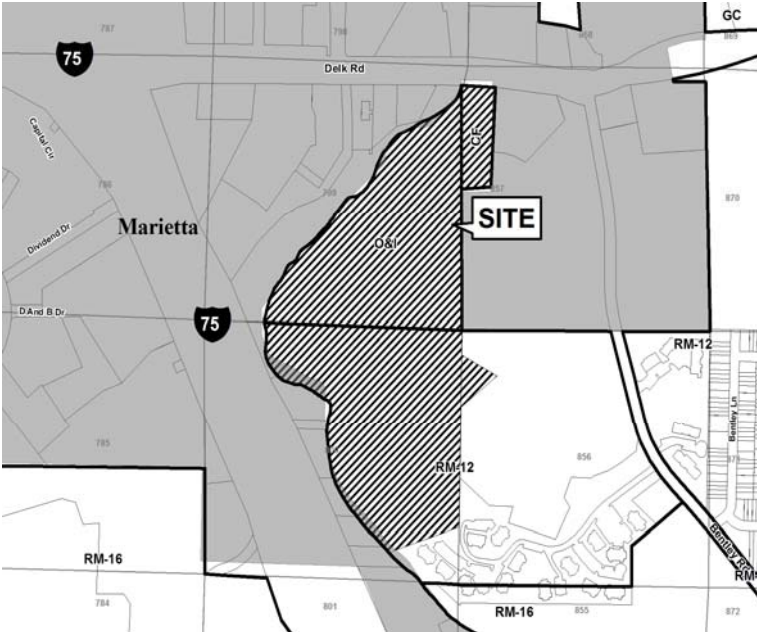
**BOARD OF COMMISSIONERS DECISION**

APPROVED \_\_\_\_\_ MOTION BY \_\_\_\_\_

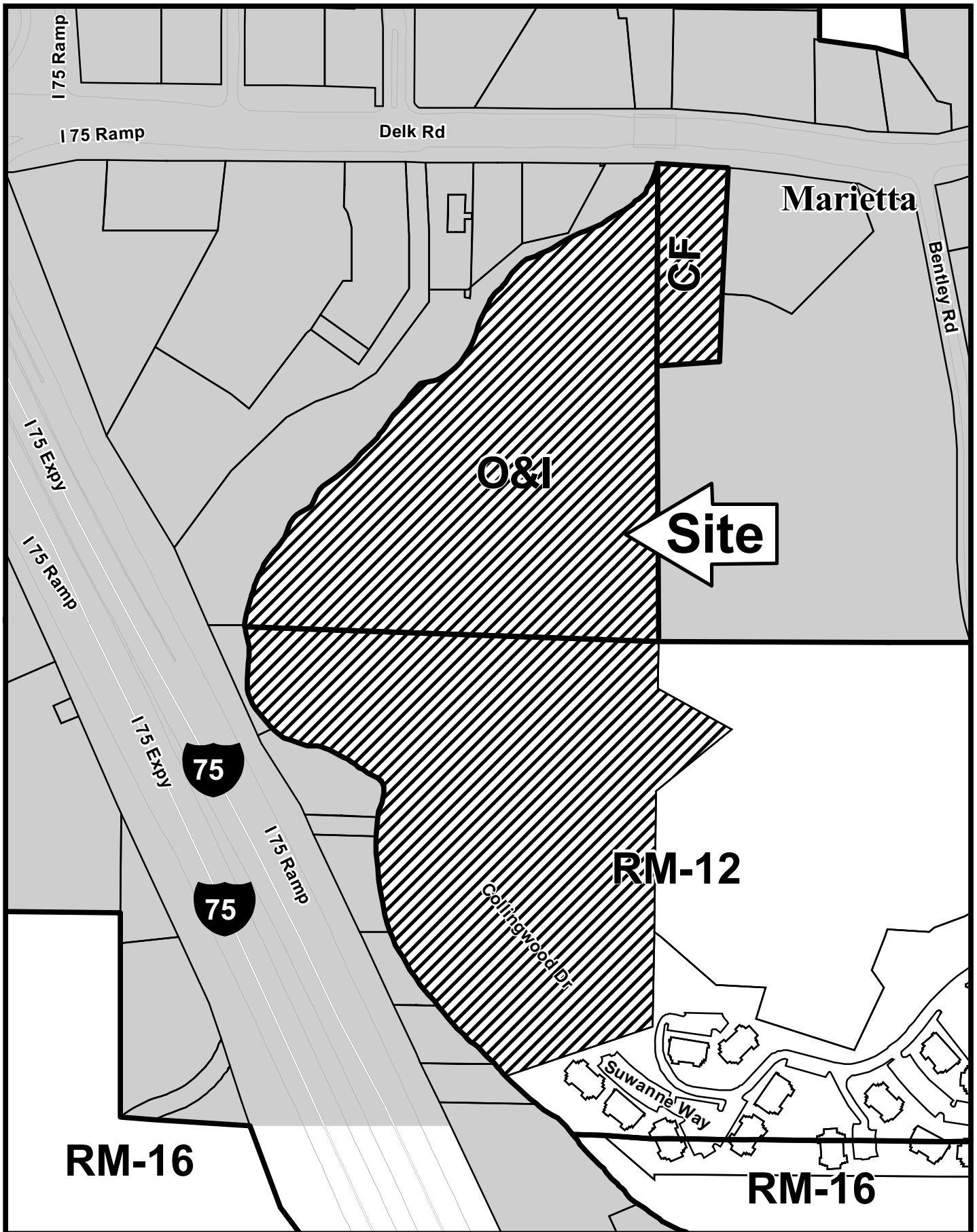
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ CARRIED \_\_\_\_\_

**STIPULATIONS:**



# Z-22



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

200 0 200 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** Madison Hills, LLC

**PETITION NO.:** Z-22

**PRESENT ZONING:** OI, CF , RM-12

**PETITION FOR:** RM-12

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**ZONING COMMENTS:**

**Staff Member Responsible:** John P. Pederson, AICP

**Land Use Plan Recommendation:** High Density Residential (5-12 units per acre)

**Proposed Number of Units:** 446                      **Overall Density:** 11.86                      **Units/Acre**

**Present Zoning Would Allow:** 446      **Units**      **Increase of:** 0                      **Units/Lots**

The applicant is requesting the RM-12 zoning district to bring this property into compliance with the *Cobb County Code and Cobb County Comprehensive Plan*. The property was developed for apartments in 1972, which is how the property looks today. The applicant desires to renovate and update the apartments, but cannot, since the property is grandfathered. If approved, there will be no change in the site plan, and no increase in the number of units. The existing apartments are mostly rented.

**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.

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**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
Elementary			
Middle			
High			

**Additional Comments:**

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**FIRE COMMENTS:**

No comments.

APPLICANT Madison Hills, LLC

PETITION NO. Z-022

PRESENT ZONING CF, OI, RM-12

PETITION FOR RM-12

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

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 8" DI / S side Delk Rd

Additional Comments: Records show property as connected and active

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.

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

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 +0 new **Peak= +0 new**

Treatment Plant: **Sutton**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form ans stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

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

Additional Comments: Records show property as connected

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.

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Rottenwood Creek** FLOOD HAZARD INFO: **Zone AE**

- 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 stream buffer and adjacent floodplain areas.**

- 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 \_\_\_\_\_.

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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. This rezoning will allow rehabilitation of existing apartment buildings. Any re-development or significant site work will require meeting full stormwater management requirements.



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**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
Delk Road	33900	Arterial	45 mph	Cobb County	100'

*Based on 2008 traffic counting data taken by Georgia DOT (Delk Road)*

**COMMENTS AND OBSERVATIONS**

Delk 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.

**RECOMMENDATIONS**

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

## STAFF RECOMMENDATIONS

### Z-22            MADISON HILLS, LLC

- 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 proposal is located in an area that contains a mixture of uses, including restaurants, auto repair, commercial, and other apartment communities.
- 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 has been here for almost 40-years without negatively affecting adjacent properties. Additionally, approval of the request would allow the apartment to be renovated, which would help improve the aesthetics in the area.
- 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 High Density Residential Land Use Category
- 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 in accordance with the *Cobb County Comprehensive Plan*, which shows this property to be within a High Density Residential area. The applicant's proposal is located in an area that contains a lot of different land use types. The applicant proposal has been here for almost 40-years and approval of the request would allow the apartments to be significantly upgraded.

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

- Site plan received by the Zoning Division June 6, 2010, with the District Commissioner approving minor modifications;
- Stormwater Management comments and recommendations; and
- DOT 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.**