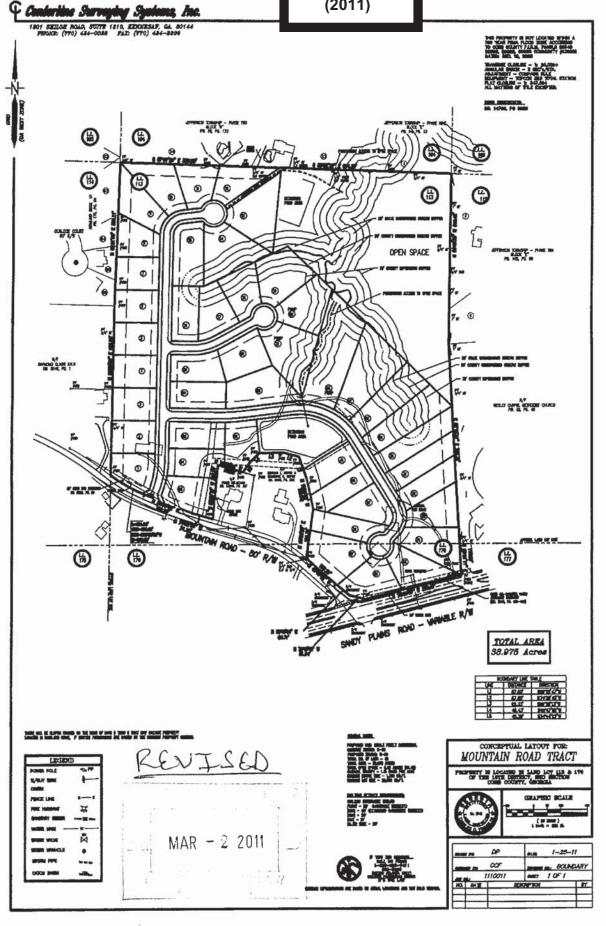
Z-11 (2011)



APPLICANT: Brooks Chadwick Capital, LLC	PETITION NO:	Z-11
404-281-4554	HEARING DATE (PC):	04-05-11
REPRESENTATIVE: Sams, Larkin & Huff, LLP	HEARING DATE (BOC):	04-19-11
Garvis L. Sams, Jr. 770-422-7016	PRESENT ZONING:	R-30
TITLEHOLDER: Freeman Capital Group, LLC		
	PROPOSED ZONING:	R-20
PROPERTY LOCATION: At the northeasterly intersection of		
Sandy Plains Road and Mountain Road.	PROPOSED USE:	Subdivision
ACCESS TO PROPERTY: Mountain Road	SIZE OF TRACT:	38.975 acres
	DISTRICT:	16
PHYSICAL CHARACTERISTICS TO SITE: Existing single-family	LAND LOT(S):	113, 176
house with accessory structures to be removed.	PARCEL(S):	2, 7
	TAXES: PAID X D	UE
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRICT	: _3

NORTH: PD/Jefferson Township Subdivision

SOUTH: R-20/Mountain Ridge Subdivision

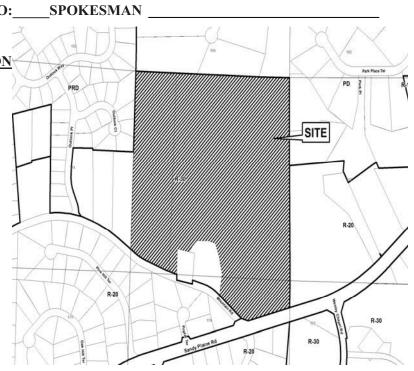
EAST: R-20/Wesley Chapel UMC and PD/Jefferson Township Subdivision
WEST: R-30/Single-family Residence and PRD/Highland Ridge Subdivision

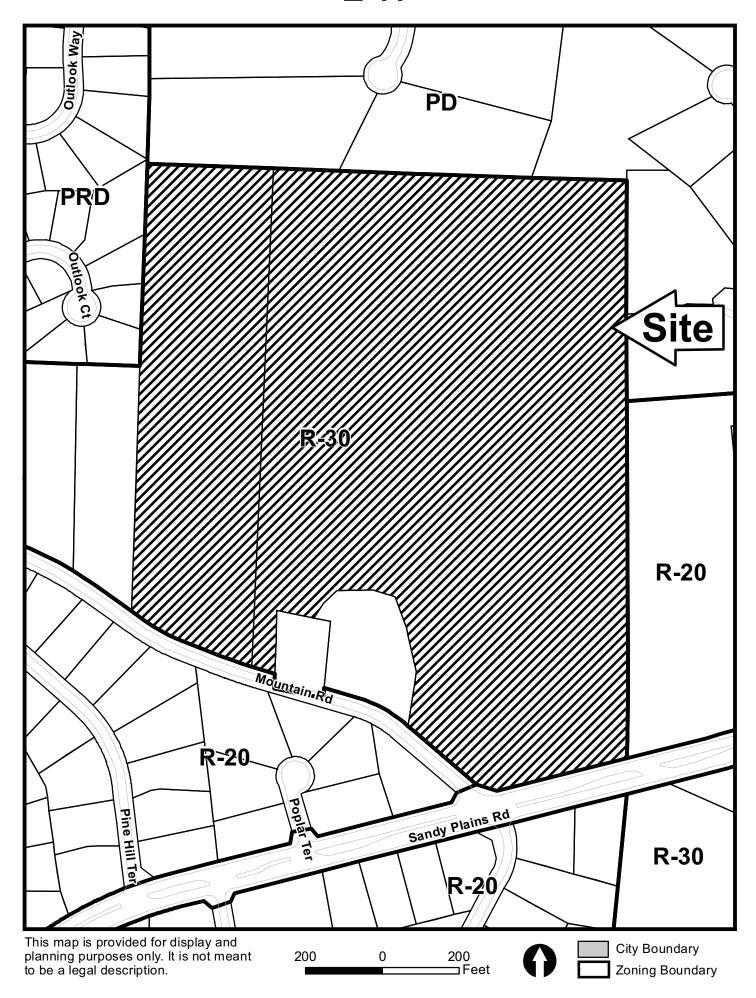
OPPOSITION: NO. OPPOSED___PETITION NO:___SPOKESMAN

PLANNING COMMISSION RECOMMENDATION APPROVED _____MOTION BY ____ REJECTED _____SECONDED ____ HELD _____CARRIED ____ BOARD OF COMMISSIONERS DECISION APPROVED _____MOTION BY _____

REJECTED____SECONDED____ HELD___CARRIED____

STIPULATIONS:





APPLICANT:	Brooks Chad	wick Capital, LLC		PETITION NO.:	<u>Z-11</u>
PRESENT ZONI	NG: R-	-30		PETITION FOR:	R-20
* * * * * * * * * *	* * * * * * *	* * * * * * * * *	* * * * * * * * * *	* * * * * * * * * *	* * * * * * * * * *
ZONING COMM	IENTS:	Staff Member	Responsible: J	ason A. Campbell	
Land Use Plan R	ecommendat	ion: Very Lov	w Density Residen	tial (0-2 Units/Acre	e)
Proposed Numbe	er of Units:	45	Overall Densi	ty: 1.15	Units/Acre
Present Zoning V	Vould Allow:	42 Units	Increase of:	3 U	nits/Lots

Applicant is requesting to rezone the subject property to the R-20 zoning category for the purpose of developing a single-family residential subdivision containing 45 lots. The subdivision will have an open space of approximately eight acres on the northeastern corner of the property that will be placed in a conservation easement. The homes will start selling from the low \$300,000s and will be traditional in architecture with a mixture of stone, brick, hardi-plank or stacked stone. The minimum house size will be 2,400 square feet.

The applicant is also requesting a contemporaneous variance to waive the front setbacks from the required 35 feet to 25 feet. However, the site plan submitted indicates 45-foot rear setbacks on the exterior lots of the subdivision, 10 feet more than the required 35 feet.

<u>Historic Preservation</u>: 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.

<u>Cemetery Preservation</u>: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

APPLICANT: Br	ooks Chadwick Capital, LLC	PETITION NO.:	Z-11
PRESENT ZONING	G: R-30	PETITION FOR:	R-20
* * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	*******	*****
SCHOOL COMME	NTS:		
			Number of
		Capacity	Portable
Name of School	Enrollment	Status	Classrooms
Davis	533	636	
Elementary			
Mabry	851	1,023	
Middle Lassiter	2,024	2,137	
High			
*School attendance z	cones are subject to revision at any	time.	
Additional Comment	ts:		

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT Brooks Chadwick Capital, LLC

PRESENT ZONING R-30

PETITION NO. $\underline{Z-011}$ PETITION FOR $\underline{R-20}$

WATER COMMENTS: NOTE: Comments re	eflect or	nly what facilit	ies were in ex	istence at t	he time of this review.
Available at Development:	v			No	
Fire Flow Test Required:	<u>,</u>	Yes		No	
Size / Location of Existing Water Main(s): 6"	CI/N	and S side M	Mountain Ro	ad	
Additional Comments: Also 8" DI / N side San	ndy Pla	ins Road			
Developer may be required to install/upgrade water mains, to in the Plan Review Process. **********************************					
SEWER COMMENTS: NOTE: Comments	s reflect	only what faci	ilities were in	existence a	t the time of this review.
In Drainage Basin:	\checkmark	Yes		No	
At Development:		Yes	y	No	
Approximate Distance to Nearest Sewer: 15	50' W, a	also 275' SW	, also 300' S		
Estimated Waste Generation (in G.P.D.): A	DF	18000	F	Peak= 45	000
Treatment Plant:		Big	Creek		
Plant Capacity:	~	Available	☐ Not	Available	
Line Capacity:	~	Available	☐ Not	Available	
Proiected Plant Availability:	✓.	0 - 5 vears	□ 5-1	0 vears	over 10 years
Drv Sewers Required:		Yes	▼ No		
Off-site Easements Required:	~	Yes*	\square No		easements are required, Developer it easements to CCWS for
Flow Test Required:	Ш	Yes	✓ No	review/app	roval as to form ans stipulations execution of easements by the
Letter of Allocation issued:	$\overline{}$	Yes	✓ No	property ov	vners. All easement acquisitions consibility of the Developer
Septic Tank Recommended by this Departmen	it: 📋	Yes	✓ No		
Subject to Health Department Approval:		Yes	✓ No		
Additional Comments: Lots that cannot flow to Cobb C CCWS requirements for septic zoning for septic tank lots.					

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.

APPLICANT: Brooks Chadwick Capital, LLC	PETITION NO.: <u>Z-11</u>
PRESENT ZONING: <u>R-30</u>	PETITION FOR: $R-20$
************	*******
DRAINAGE COMMENTS	
FLOOD HAZARD: YES NO POSSIBLY, NOT	VERIFIED
DRAINAGE BASIN: Favor Creek ☐ FEMA Designated 100 year Floodplain Flood. ☐ Flood Damage Prevention Ordinance DESIGNATED FLOOD ☐ Project subject to the Cobb County Flood Damage Prevention ☐ Dam Breach zone from (upstream) (onsite) lake - need to kee	DD HAZARD. on Ordinance Requirements.
WETLANDS: ☐ YES ☐ NO ☒ POSSIBLY, NOT VER	RIFIED
Location: Adjacent to stream buffer and springhead.	
☐ The Owner/Developer is responsible for obtaining any require of Engineer.	red wetland permits from the U.S. Army Corps
STREAMBANK BUFFER ZONE: ☐ YES ☐ NO ☐ PO	SSIBLY, NOT VERIFIED
 Metropolitan River Protection Area (within 2000' of Chatta buffer each side of waterway). Chattahoochee River Corridor Tributary Area - County revie Georgia Erosion-Sediment Control Law and County Ordinan Georgia DNR Variance may be required to work in 25 foot si County Buffer Ordinance: 50', 75', 100' or 200' each side of 	ew (undisturbed buffer each side). nce - County Review/State Review. treambank buffers.
DOWNSTREAM CONDITION	
 Potential or Known drainage problems exist for development Stormwater discharges must be controlled not to exceed the drainage system. Minimize runoff into public roads. Minimize the effect of concentrated stormwater discharges or Developer must secure any R.O.W required to receive concentrated. 	nto adjacent properties.
 Existing Lake Downstream Additional BMP's for erosion sediment controls will be requi Lake Study needed to document sediment levels. Stormwater discharges through an established residential neight 	
Project engineer must evaluate the impact of increased volum on downstream receiving system within Jefferson Township.	ne of runoff generated by the proposed project

APPLICANT: Brooks Chadwick Capital, LLC	PETITION NO.: <u>Z-11</u>
PRESENT ZONING: R-30	PETITION FOR: R-20
************	* * * * * * * * * * * * * * * * *
DRAINAGE COMMENTS CONTINUED	
SPECIAL SITE CONDITIONS	
 □ Provide comprehensive hydrology/stormwater controls to include d □ Submit all proposed site improvements to Plan Review. □ Any spring activity uncovered must be addressed by a qualified ge □ Structural fill must be placed under the direction of a quengineer (PE). □ Existing facility. □ Project must comply with the Water Quality requirements of the Water Quality Ordinance. □ Water Quality/Quantity contributions of the existing lake/pond conditions into proposed project. □ Calculate and provide % impervious of project site. □ Revisit design; reduce pavement area to reduce runoff and pollution 	otechnical engineer (PE). alified registered Georgia geotechnical CWA-NPDES-NPS Permit and County on site must be continued as baseline
INSUFFICIENT INFORMATION	
 No Stormwater controls shown Copy of survey is not current - Additional comments may be forthe exposed. No site improvements showing on exhibit. 	oming when current site conditions are

ADDITIONAL COMMENTS

- 1. This site is located on fairly steep terrain. Almost the entire site is located on slopes greater than 10% and approximately 29 percent of the site (outside the proposed open space area) is sloped at 25% or greater. A fairly large open space area has been reserved, however, and the proposed road layout does take advantage of the natural terrain and ridge lines. Several portions of the proposed site will require significant grading within the 25% steep slope area. These include the middle cul-de-sac, a significant portion of the northern detention pond and lots 14, 20, 21, 22 and 43. A revised site layout may help reduce these impacts. Elevated erosion control will be required to protect the receiving streams from impact due to this development. Drop foundations should be utilized where possible to minimize grading and land disturbance in the rear yards.
- 2. The Wesley Chapel Methodist Church located to the east has two detention ponds that discharge through this parcel. Adequate conveyance as well as twenty foot drainage easements must be provided through lots 29-33 to accommodate these discharge points.

	PETITION NO.: Z-11
RESENT ZONING: R-30	PETITION FOR: R-20
***********	******

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
Sandy Plains Road	24200	Arterial	45 mph	Cobb County	100'
Mountain Road	2200	Local	25 mph	Cobb County	50'

Based on 2009 traffic counting data taken by Cobb County DOT (Sandy Plains Road) Based on 2007 traffic counting data taken by Cobb County DOT (Mountain Road)

COMMENTS AND OBSERVATIONS

Sandy Plains Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Mountain 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

Sandy Plains Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification. 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 Sandy Plains Road, a minimum of 50' from the roadway centerline.

Recommend deceleration lane along Sandy Plains Road for Mountain Road.

Recommend installing curb, gutter, and sidewalk along the Mountain Road frontage.

Recommend applicant verify that minimum intersection sight distance is available for Mountain Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 280'.

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

STAFF RECOMMENDATIONS

Z-11 BROOKS CHADWICK CAPITAL, 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. Other properties in the area are developed for single-family residential subdivisions with similar or lower densities.
- 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. Other properties in the area are similarly zoned and developed for single-family subdivisions.
- 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 as Very Low Density Residential. Applicant's proposal indicates a density of 1.15 units per acre, which is compatible with the 0-2 units per acre density range allowed in the Very Low 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. Nearby properties are similarly zoned and developed for single-family residential subdivisions and the proposal meets the density range of the *Cobb County Comprehensive Plan* designation of Very Low Density Residential.

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

- Revised site plan submitted to the Zoning Division on March 2, 2011, with the District Commissioner approving minor modifications;
- Stipulation letter from applicant's representative dated March 8, 2011, not in conflict;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- 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.

SAMS, LARKIN & HUFF

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

March 8, 2011

Exhibit Z-11 April 2011

770 · 422 · 7016 TELEPHONE

770.426.6583 FACSIMILE

SAMSLARKINHUFF.COM

MAR - 8 2011

VIA EMAIL & HAND DELIVERY

Mr. Jason Campbell, Planner III Cobb County Community Development Agency Zoning Division 1150 Powder Springs Road Suite 400 Marietta, GA 30064

Re:

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

MELISSA P. HAISTEN JUSTIN H. MEEKS

Application of Brooks Chadwick Capital, LLC to Rezone a 38.975 Acre Tract

from R-30 to R-20 (No. Z-11)

Dear Jason:

You will recall that this firm represents Brooks Chadwick Capital, LLC ("Brooks Chadwick") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on April 5, 2011 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on April 19, 2011.

During the pendency of the Application, we have had an opportunity to speak with representatives of the East Cobb Civic Association ("ECCA") and the Northeast Cobb Coalition ("NCC"). Additionally, we have established a dialogue with the County's professional staff. In that regard, this letter will serve as Brooks Chadwick's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

- The stipulations and conditions set forth herein shall replace and supersede 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. The subject property shall be developed in substantial conformity to that certain revised site plan, prepared by Centerline Surveying Systems, Inc. which was submitted under separate cover on March 2, 2011.

Mr. Jason Campbell, Planner III Cobb County Community Development Agency Zoning Division March 8, 2011 Page 2

- 3. The construction of a maximum number of forty-five (45) single-family detached homes at a maximum density of 1.15 units per acre. ¹
- 4. A total of 9.52 acres (24.4% of the total site area) of the subject property shall be designated as Open Space and shall serve as a neighborhood amenity and be protected in perpetuity from development with Brooks Chadwick's agreement to convey the Open Space property to Cobb County in the form of a Conservation Easement.
- 5. The minimum house size within the proposed residential community shall be 2,400 sq. ft. Each of the homes shall have, at a minimum, an attached two-car garage which shall be used for the parking and storage of vehicles.
- 6. The architectural style and composition of the homes shall be consistent with the elevations/renderings being submitted under separate cover. The composition of the homes shall consist on a minimum of three (3) sides of a combination of either brick, stacked stone, cedar and/or hardy plank shake, and hardy plank siding.
- 7. The creation of a mandatory homeowners association and the submission of Declaration of Covenants, Conditions and Restrictions which shall include, inter alia, strict architectural controls.
- 8. Subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage, located on Mountain Road, shall be incorporated in the landscape plan for the subdivision and shall be fully irrigated.
- 9. The submission of a landscape plan during the Plan Review process which shall include the installation of underground utilities and sodded front and side yards.

¹ The subject property is in an area under the Future Land Use Map designated for Very Low Density Residential (VLDR) development ranging from 0-2 units per acre. The proposed density of 1.15 units per acre is within the middle of that range of contemplated residential densities.

Mr. Jason Campbell, Planner III Cobb County Community Development Agency Zoning Division March 8, 2011 Page 3

- 9. Subject to recommendations from the Cobb County Stormwater Management Division with respect to exercising heightened sensitivity concerning hydrological issues, including the following:
 - a) Recommendations concerning the ultimate location and configuration of on-site detention and/or stormwater management and water quality issues.
 - b) Ensuring that the fifty foot (50') stream bank buffers along both sides of the stream shall remain undisturbed in perpetuity by means of a restrictive easement in favor of Cobb County except in instances where walking trails and/or other encroachments are allowed.
 - c) The installation of vegetative screening around the detention ponds. Said landscaping shall be incorporated into the aforementioned landscape plan.
- 10. Subject to recommendations from the Cobb County Department of Transportation, including the following:
 - The voluntary donation and conveyance of right-of-way in order to straighten out the curve on Mountain Road.
 - b) Compliance with sight distance requirements or the implementation of remedial measures in order to mitigate same.
 - c) The construction of a right-turn lane.²
 - d) The installation of sidewalk, curb and gutter on the subject property's frontage on Mountain Road. ³
 - e) Setbacks are considered to be established prior to the donation of additional right-of-way on Mountain Road by being measured from the original property line.

² DOT is not requiring a deceleration lane.

³ Sidewalk, curb and gutter presently exist on the subject property's frontage on Sandy Plains Road.

Mr. Jason Campbell, Planner III Cobb County Community Development Agency Zoning Division March 8, 2011 Page 4

- f) Providing a ten foot (10') no access easement along the subject property's frontage on both Mountain Road and Sandy Plains Road except, of course, with respect to the subdivision entrance located on Mountain Road.
- 11. Compliance with recommendations from the Cobb County Water System with regarding the availability and accessibility of water and sewer for the site.
- 12. Subject to recommendations from the Cobb County Fire Department.
- 13. The granting of contemporaneous variances to all front building setbacks to twenty-five feet (25') and increasing the rear setbacks on exterior lots to forty-five feet (45'). All other rear setbacks on the interior of the subdivision shall remain at thirty-five fee (35').
- 14. The District Commissioner shall have the authority to approve minor modifications to these stipulations as well as the final site plan, landscape plan and architecture as the development proposal proceeds through the Plan Review process and thereafter.

The proposed development under the R-20 zoning district is entirely appropriate considered in the context of development in which the subject property is situated. The property is surrounded on three (3) sides by similarly zoned R-20 properties. Additionally, with the subject property being located in an area under the Future Land Use Map calling for densities of 0-2 units per acre, the proposed density of 1.15 units per acre is consistent with the policy and intent embodied in both the Future Land Use Map and Comprehensive Land Use Plan..

Mr. Jason Campbell, Planner III Cobb County Community Development Agency Zoning Division March 8, 2011 Page 5

Please do not hesitate to call should you require any further information or documentation prior to the formulation of your recommendation to the Planning Commission and Board of Commissioners. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLS, Jr./dsj

cc: Members, Cobb County Board of Commissioners (via email and hand delivery)

Members, Cobb County Planning Commission (via email)

Mr. Robert L. Hosack, Jr., AICP, Director

Cobb County Community Development Agency (via email)

Mr. John Pederson, AICP, Manager (via email)

Mr. Dana Johnson, Planning Manager (via email)

Ms. Jane Stricklin, P.E. (via email)

Mr. David Breaden, P.E. (via email)

Ms. Karen King, Assistant County Clerk (via hand delivery)

Ms. Lori Presnell, Deputy County Clerk (via hand delivery)

Ms. Jill Flamm, President, ECCA (via email)

Mr. Lee Berg, President, Northeast Cobb Coalition (via email)

Mr. Todd Thrasher, Brooks Chadwick (via email)

Mr. Doug Patten, P.E. (via email)

2011

COBB CO. COMM. DEV. AGENCY ZONING DIVISION

Application No. 2-11

Summary of Intent for Rezoning*

Reside	ential Rezoning Information (attach additional information if needed)
a)	Proposed unit square-footage(s): The homes will be built with a minimum square
	footage of 2,400 square feet
	Proposed building architecture: Traditional architecture with a mixture of stone,
	brick, hardi-plank or stacked stone. Elevations/renderings will be submitted under separate
	cover during the pendency of the application.
	Proposed selling prices(s): It is anticipated that the starting price point will be in the low \$300's.
b)	List all requested variances: N/A
Non-r	esidential Rezoning Information (attach additional information if needed)
a)	
,	Proposed use(s):
b)	Proposed building architecture:
<u>c)</u>	Proposed hours/days of operation:
d)	List all requested variances:
3 Oth	er Pertinent Information (List or attach additional information if needed)
	subject property is located in an area under Cobb County's Future Land Use Map
20	h is denominated as Very Low Density Residential (VLDR) which contemplates
resid	ential densities ranging from 0-2 units per acre. The proposed density at 1.15 units
per a	cre is well within the range of contemplated residential densities.
	ny of the property included on the proposed site plan owned by the Local, State, or Federal Gov se list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc.,
plat c	learly showing where those properties are located.)
	N/A

^{*}The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.