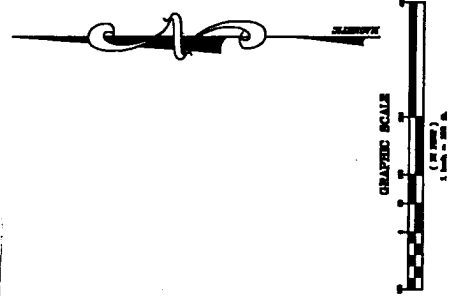
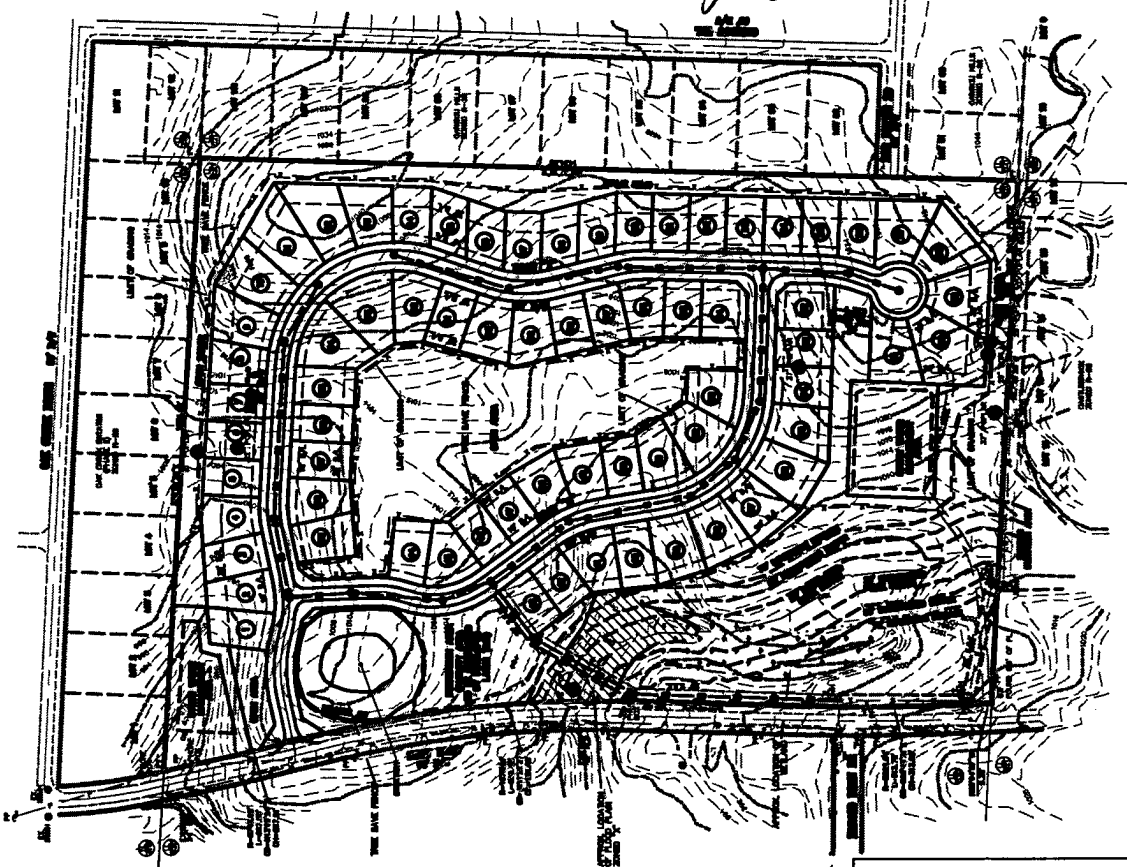


REVISED
 RECEIVED
 JUN 16 2011
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



THIS SITE IS LOCATED AT 8900 SHAW ROAD, COBB COUNTY, THE AREA OF THE TRACT TO BE SUBDIVIDED IS SHOWN IN BLACK AND THE PROPERTY TO BE SUBDIVIDED IS SHOWN IN WHITE.



OWNER: J. SMITH
 8900 SHAW ROAD
 MARIETTA, GA 30066
 (770) 575-1000

OWNER/DESIGNER:
 J. SMITH
 8900 SHAW ROAD
 MARIETTA, GA 30066
 (770) 575-1000

DATE: 06/16/2011
 TIME: 10:00 AM
 DRAWN BY: J. SMITH
 CHECKED BY: J. SMITH

TOTAL SITE AREA	31.63 A.C.
PROPOSED ZONING	R-15 ORC
WETLAND AREA	0.531 A.C.
WETLAND AREA ADDED TO OPEN SPACE=0.531/0.531 A.C.	0.531 A.C.
FLOOD PLAIN AREA	0.419 A.C.
FLOOD AREA ADDED TO OPEN SPACE=0.419/0.419 A.C.	0.419 A.C.
TOTAL OPEN SPACE AREA	11.09 A.C. (35%)
NET AREA	20.54 A.C.
TOTAL LOT SHOWN	68 LOTS
TYPICAL LOT SIZE	682/100'
NET DENSITY	0.46 UNITS/A.C.
PROPOSED BUILDING SETBACKS LOT 1-52:	15' FRONT 25' REAR 7.5' SIDE
PROPOSED BUILDING SETBACKS LOT 53-68:	15' FRONT 25' REAR 7.5' SIDE

APPLICANT: Pulte Home Corporation
(770) 381-3450

REPRESENTATIVE: John H. Moore (770) 429-1499
Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Alan Sharples and Brian Sharples as Co-Trustees
of the Wilbert Sharples Living Trust dated October 30, 2001, and Sharples
Investments, LLLP

PROPERTY LOCATION: East side of Shaw Road, north
of Piedmont Road.

ACCESS TO PROPERTY: Shaw Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family
house and large wooded lot

FUTURE LAND USE MAP: Low Density Residential

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Oak Creek Estates Subdivision
- SOUTH:** R-20/Castlebrooke Subdivision and Single-family house
- EAST:** R-20/Caribou Hills Subdivision
- WEST:** R-20/Richwood Subdivision; CS/Mitchell Falls Subdivision; and R-20/Single-family house

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:

PETITION NO: Z-24

HEARING DATE (PC): 07-07-2011

HEARING DATE (BOC): 07-19-2011

PRESENT ZONING: R-20

PROPOSED ZONING: R-15/OSC

PROPOSED USE: Single-Family
Subdivision

SIZE OF TRACT: 31.63 acres

DISTRICT: 16

LAND LOT(S): 520

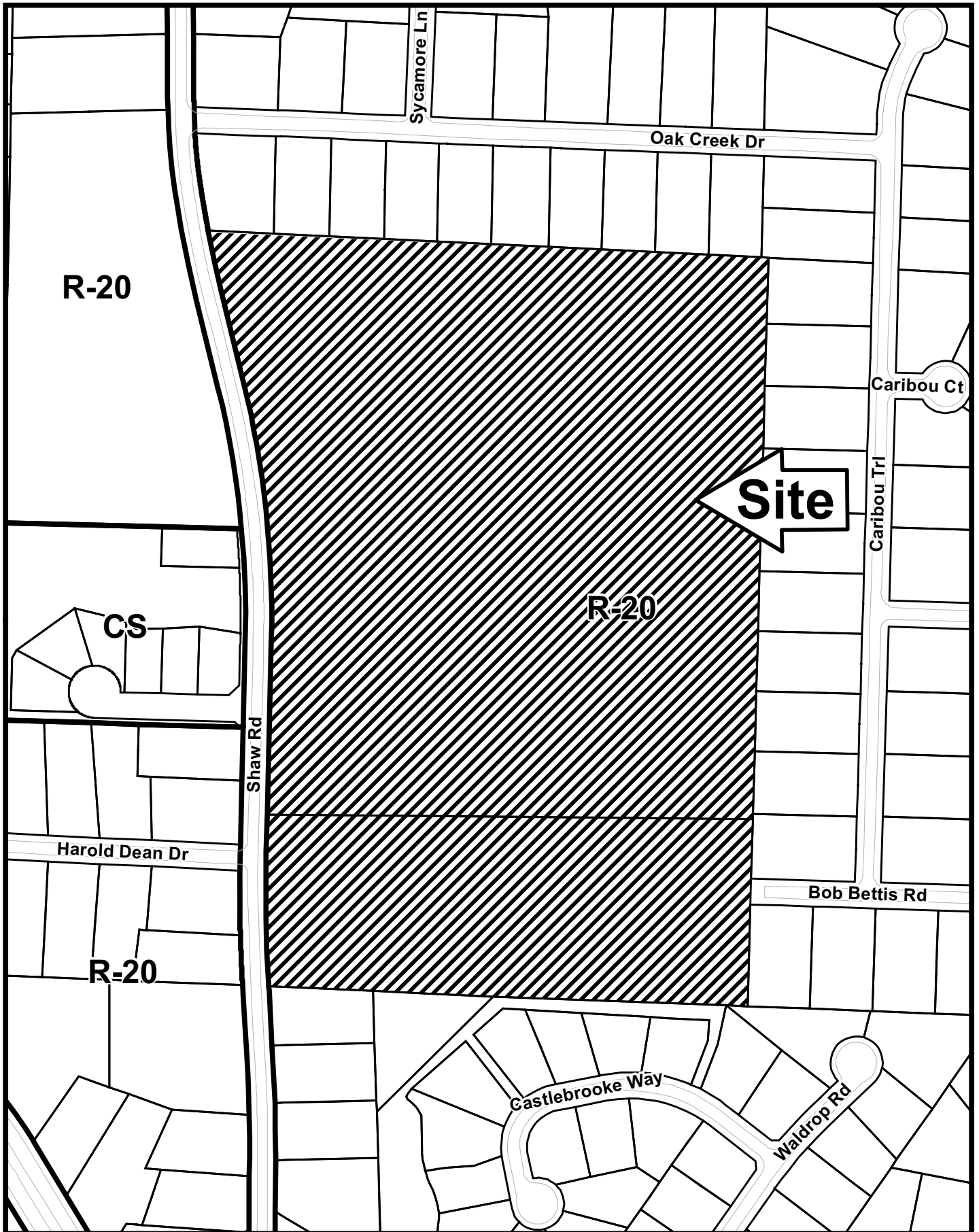
PARCEL(S): 25, 2

TAXES: **PAID** **DUE**

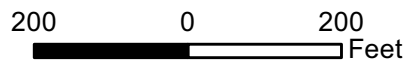
COMMISSION DISTRICT: 3



Z-24



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



- City Boundary
- Zoning Boundary

APPLICANT: Pulte Home Corporation

PETITION No.: Z-24

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units:	<u>69</u>	Overall Density:	<u>2.25</u>	Units/Acre
Present Zoning Would Allow:	<u>55</u>	Units Increase of:	<u>14</u>	Units/Lots

Applicant is requesting to rezone the property to the R-15/OSC category for the development of a 69-lot residential subdivision. The revised site plan received June 16, 2011 indicates that 11.09 acres (or 35%) of the tract has been set aside as open space for the proposed development. The houses for the proposed development will be comprised of traditional, detached single-family homes, with a minimum house size of 2,000 square feet. The proposal also indicates that a recreation/amenity area may be determined later by the developer. The plan also indicates a 40-foot open space area around the exterior boundaries of the subject property.

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: Zoning petition shows the presence of the Old Sandy Plains/Old Mount Pleasant Church cemetery on the west side of the subject property, adjacent to its proposed recreation area. The Cobb Cemetery Preservation Ordinance and the County Development Standards for Cemeteries call for: 1) Prepare a site plan identifying the full boundaries with a metes and bounds description; 2) Provide a fifty (50) foot undisturbed natural buffer around the perimeter of the outermost burials of the cemetery; whichever provides the greatest protection for the cemetery. The outermost burials to be determined by a professional archaeologist (Cobb County Code 26-29 Section C). The archaeology survey will locate all grave shafts and define the burial boundary. Member(s) of Cemetery Preservation Commission must be present during archaeology survey. Lots adjacent to the fifty (50) foot undisturbed natural buffer shall have setbacks in addition to the buffer. The fifty (50) foot undisturbed natural buffer shall be recorded as a conservation easement with the Cemetery Preservation Commission having third party right of enforcement; 3) Provide uninhibited daylight access to the cemetery via at least a twenty (20) foot wide grveled easement to the cemetery from the nearest public road (Shaw Road). The outer boundaries of this easement may be landscaped; 4) A plat to be prepared by a registered surveyor denoting the location of all grave shafts, the fifty (50) foot undisturbed natural buffer, the fence line and the access easement. The archaeology survey and the registered surveyor's plat must be submitted to the Cemetery Preservation Commission three (3) business days prior to any zoning hearing, or three (3) business days prior to Plan Review if the subject tract is not being rezoned; 5) Provide and install at least a permanent six (6) foot chain link fence with gate on the outer perimeter of the fifty (50) foot undisturbed natural buffer; fence to enclose all sides of the cemetery. Fence must be 9 gauge with top and bottom rail and fence post must be set in concrete. Fence may be upgraded to vinyl coated chain link and/or wrought iron; 6) Provide **and install** an orange protective fence on the outer perimeter of the fifty (50) foot undisturbed natural buffer before beginning construction. **This fence shall be maintained throughout the life of the project. At completion of the project, the orange protective fence shall be removed from the premises. A permanent sign stating CEMETERY PRESERVATION BUFFER - DO NOT DISTURB shall be erected at 50' (fifty foot) intervals along the outer perimeter of the 50' (50 foot) undisturbed natural cemetery preservation buffer;** 7) Comply with State and local law and ordinance; and 8) All cemetery preservation requirements must be Site Plan specific.

APPLICANT: Pulte Home Corporation

PETITION No.: Z-24

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classroom
<u>Addison Elementary</u>	<u>581</u>	<u>Under by 45 students</u>	<u> </u>
<u>Daniell Middle</u>	<u>990</u>	<u>Under by 56 students</u>	<u> </u>
<u>Sprayberry High</u>	<u>1,813</u>	<u>Under by 299 students</u>	<u> </u>

*** School attendance zones are subject to revision at anytime.**

Additional Comments:

FIRE COMMENTS:

NO 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 Pulte Home Corporation

PETITION NO. Z-024

PRESENT ZONING R-20

PETITION FOR R-15 OS

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 / W side of Shaw Road**

Additional Comments: Dual water feed required

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: 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, also 100' W in Mitchell Falls Ct**

Estimated Waste Generation (in G.P.D.): **A D F 27600 Peak= 69000**

Treatment Plant: **Noonday**

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 and 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: Development Standards require sewer extension 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 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: Pulte Home Corporation

PETITION NO.: Z-24

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

DRAINAGE COMMENTS

FLOOD HAZARD: [X] YES [] NO [] POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Morgan Lake Trib (Little Noonday Cr) FLOOD HAZARD INFO: Zone X

- [X] FEMA Designated 100 year Floodplain Flood.
[X] Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
[X] 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: [X] YES [] NO [] POSSIBLY, NOT VERIFIED

Location: indicated on site plan

- [X] The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: [X] 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).
[X] 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.
[X] 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.
[X] Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
[X] 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.
[X] Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving system.

APPLICANT: Pulte Home Corporation

PETITION NO.: Z-24

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

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 total % impervious for project site and maximum allowable per lot at Plan Review.
- 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. Both detention ponds must be located on separate parcels with adequate direct access from the public right-of-way. The northern most detention pond is located directly adjacent to a neighboring existing residential subdivision. Adequate landscaping must be provided to screen this pond from the existing residences.

APPLICANT: Pulte Home Corporation

PETITION NO.: Z-24

PRESENT ZONING: R-20

PETITION FOR: R-15/ OSC

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
Shaw Road	2300	Minor Collector	35 mph	Cobb County	60'

Based on 2009 traffic counting data taken by Cobb County DOT (Shaw Road)

COMMENTS AND OBSERVATIONS

Shaw 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.

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 east side of Shaw Road, a minimum of 30' from the roadway centerline.

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

Recommend a left turn lane on Shaw Road.

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.

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

STAFF RECOMMENDATIONS

Z-24 PULTE HOME CORPORATION

- 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. Surrounding properties are developed with single-family subdivisions. The density for applicant's proposal (2.25 units per acre) is within the 1-2.5 units per acre range for the Low Density Residential land use category. However, density calculations for surrounding subdivisions range from approximately 1.38 units per acre up to 1.99 units per acre.
- 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 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 Low Density Residential. Applicant's proposal indicates a density of 2.25 units per acre, which is compatible with the 1-2.5 units per acre density range allowed in the Low Density Residential land use category. However, surrounding subdivisions have densities ranging from approximately 1.38 units per acre to 1.99 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 deleting the applicant's request to R-20/OSC. Nearby properties are zoned for single-family subdivisions and the density of the proposed development of 2.25 units per acre is within the 1-2.5 units per acre range for the *Cobb County Comprehensive Plan* designation of Low Density Residential. However, surrounding subdivisions have lower densities (maximum of 1.99 units per acre) and larger R-20 lot sizes as compared to the proposed average lot size of 6,500 square feet. The revised site plan received June 16, 2011 indicates property lines being established at a minimum of 40 feet, with a rear setback on those lots at 35' on the eastern border of the property. This means that houses on these lots will be at least 75 feet from the bordering lots of Caribou Hills Subdivision.

Based on the above analysis, Staff recommends DELETING the request to the R-20/OSC category subject to the following conditions:

- District Commissioner to approve final site plan;
- Lot sizes and density to be comparable to the surrounding R-20 lots;
- Planning Division comments and recommendations;
- Fire Department comments and recommendations;
- Water and Sewer 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.

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY

Planning Division
191 Lawrence Street
Marietta, Georgia 30060-1661
(770) 528-2018

Planning Staff Analysis

Z-24

Date: Revised June 20, 2011

Contact: Philip Westbrook

(770) 528-2014

Property Location: Eside Shaw Rd., N. Piedmont Rd **Land Lot/District:** 520 / 16
Current Zoning: R-20 **Proposed Use:** R-15 OSC

Total Area: 31.63
Floodplain/Wetland Area: .95 a.
Net Buildable Area: 30.68
Base Density Allowed: 2.1 upa
Base Density Allowed w/Bonus: 2.25 upa
Proposed Lots: 69
Net Density: 2.25

Open Space Requirement: 9.2 acres or 30% for Bonus 10.12 acres or 33%
Open Space Provided: 11.09 acres or 36.1%
Min. Outside 100 Year Flood: N/A
Open Space in 100 Year Flood: N/A

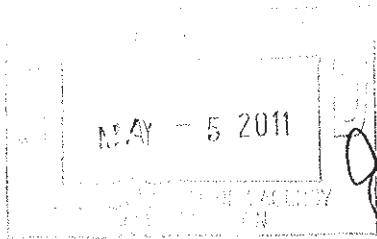
Setbacks:

Lots 1-32	Lots 33-70
Front: 15'	15'
Rear: 35'	20'
Side: 7.5'	7.5'

Comments:

1. Overall residential development shall be compatible with neighboring residential uses. Submitted, revised site plan received on June 16th shows typical lot sizes of 6,500 sf. Consider increasing lot sizes to be more attuned to neighboring residential uses which range from 14,000 sf. in Castelbrooke to 24,000 sf. in Caribou Hills to the east. Mitchell Falls, a 7 unit Conservation Subdivision (CS) across Shaw Road, contains typical lots sizes around 8,700.
2. No portion of floodplain, wetland area, cemetery or impervious community areas may be used in calculating density. Need to subtract wetlands, cemetery and any impervious community or recreation areas from overall acreage in calculating density. Since the documented floodplain is Zone X or 500 yr. flood, it can be included as part of the overall development density calculation.
3. Recreation Area must be constructed with pervious material since it is calculated as part of open space.

4. Stormwater management areas need to be identified as structural or non-structural. If stormwater management area is structural then it can not be calculated within open space and be subtracted from total open space area.
5. Wetlands can only account for 75% of required open space. The total wetland area is approximately 8% of required open space so entire wetland area can be calculated within open space. Because Floodplain is Zone X or 500 yr floodplain there is no need to include it as part of the 75% requirement.
6. Must have Cobb Department of Transportation approve lighting plan if outdoor lighting (except for individual residential lots) is proposed
7. Any pedestrian easements should be signed as access points
8. Provide architectural renderings and description of the façade treatments that will be used on the proposed housing units
9. Provide preliminary layout utilizing existing zoning
10. A Restrictive Covenant or Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting “open space” from development in perpetuity as owned by the mandatory Home Owners Association.



Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 2,000 square feet minimum
 - b) Proposed building architecture: Traditional, detached homes
 - c) Proposed selling prices(s): \$200-\$300,000s
 - d) List all requested variances: None known at this time
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Not Applicable
 - b) Proposed building architecture: _____
 - c) Proposed hours/days of operation: _____
 - d) List all requested variances: _____
- _____
- _____
- _____

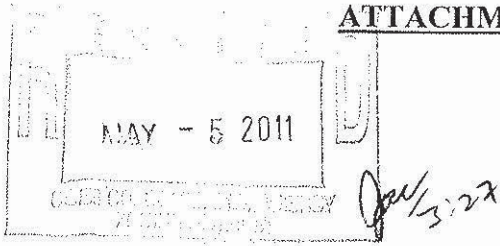
.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

None known at this time

-
- Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time
- _____
- _____

*Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.

ATTACHMENT TO APPLICATION FOR REZONING



Application No.: Z-24 (2011)
Hearing Dates: July 7, 2011 (Thurs)
July 19, 2011

Applicant: Pulte Home Corporation
Titleholders: Wilbert Sharples Living Trust Dated October 30, 2001, and
Sharples Investments, LLLP

NARRATIVE SITE ANALYSIS OF PROPOSED R-15/OSC DEVELOPMENT

The proposed R-15/OSC development is designed to create seventy-one (71) single-family lots; as well as, open space area, a passive recreation and passive amenity areas through the consolidation of lots within the buildable site area. Through the implementation of the OSC planning guidelines, the lot layout of the proposed development allows for all lots to be located to the interior of the development, along open space and tree save areas. The proposed R-15/OSC plan creates 11.84 acres of open space (36 percent) congregated in two locations which accomplishes two primary goals. First, the congregated open space provides viable passive areas for use by future homeowners within the development. Secondly, the placement of the open space towards Shaw Road acts to enhance the aesthetic view-shed from the public right-of-way and provides substantial buffer to adjacent, established residential tracts.

The planned R-15/OSC development takes into consideration adjacent residential tracts which are zoned R-20, R-20/OSC, and Conservation Subdivision ("CS"). Utilizing an OSC plan for development, the proposal limits grading and building areas and establishes significant green space and tree save areas, even with slightly smaller residential lots. Development of the Subject Property to either a straight R-20 or R-15 development would not allow for any creativity in land planning to consider and account for designated green space areas, passive recreational areas, and enhanced buffer areas adjacent to residential tracts. By contrast, the proposed R-15/OSC development allows for density, but yet creates open space areas, tree save areas, stream protection, and preserves the cemetery and existing specimen trees, all where back yards would have been located if adhering to either an R-20 or R-15 development.

Applicant believes that utilization of the OSC requirements, together with the R-15 rezoning of the Subject Property, creates a better overall plan for development; as well as, a better quality of life for future homeowners; and, adjacent homeowners as well.