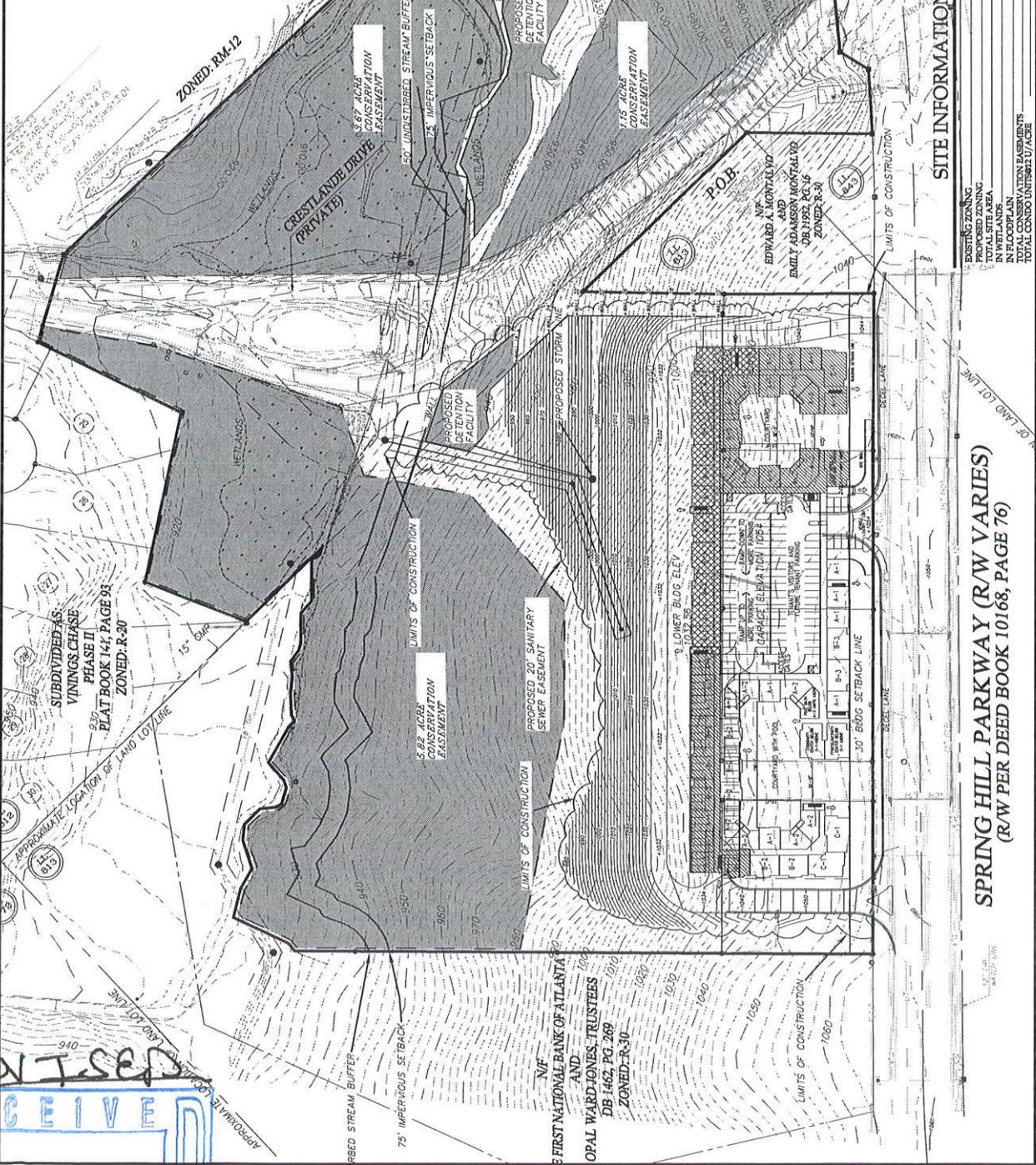
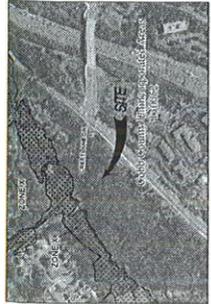


Z-41
(2011)



SITE INFORMATION

| | |
|------------------------|-------------|
| PROPOSED ZONING | Z-41 |
| TOTAL SITE AREA | 23.51 ACRES |
| IN WETLANDS | 2.77 ACRES |
| IN FLOODPLAIN | 1.48 ACRES |
| TOTAL CONDO UNITS/ACRE | 240 UNITS |

SPRING HILL PARKWAY (R/W VARIES)
(R/W PER DEED BOOK 10168, PAGE 76)

RENTISED

RECEIVED

OCT - 6 2011

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APPLICANT: Walton Communities, LLC
(678) 303-4100

PETITION NO: Z-41
HEARING DATE (PC): 11-01-2011

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

HEARING DATE (BOC): 11-15-2011
PRESENT ZONING: RM-8, RM-12,

TITLEHOLDER: Teague Investments, L.P.; Teague Spring Hill,
L.L.C.; and Teague-Morris/Zimmerman, LLC

R-15 and R-30
PROPOSED ZONING: UC

PROPERTY LOCATION: On the northwesterly side of Spring Hill
Parkway, southwesterly of the intersection of Mt. Wilkinson
Parkway and Spring Hill Parkway.

PROPOSED USE: Residential Condominiums

ACCESS TO PROPERTY: Spring Hill Parkway

SIZE OF TRACT: 23.51 acres
DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Single-family
houses and acreage

LAND LOT(S): 812, 813, 843, 844
PARCEL(S): 2, 3, 4, 8, 20, 21, 2
TAXES: PAID X **DUE** _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 2

- NORTH:** RM-12/Cumberland Hills Multi-family
- SOUTH:** R-30 Acreage and RM-12 Post Multi-family Development
- EAST:** RM-12 Cumberland Hills and RMR Post Multi-family Development
- WEST:** R-30 Acreage and Lakeland Estates Subdivision and R-20 Vinings Chase Subdivision

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

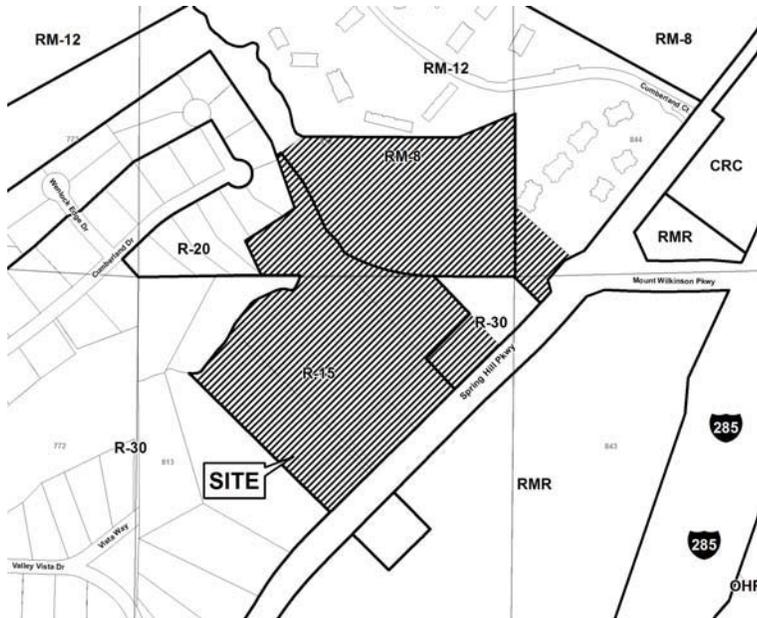
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

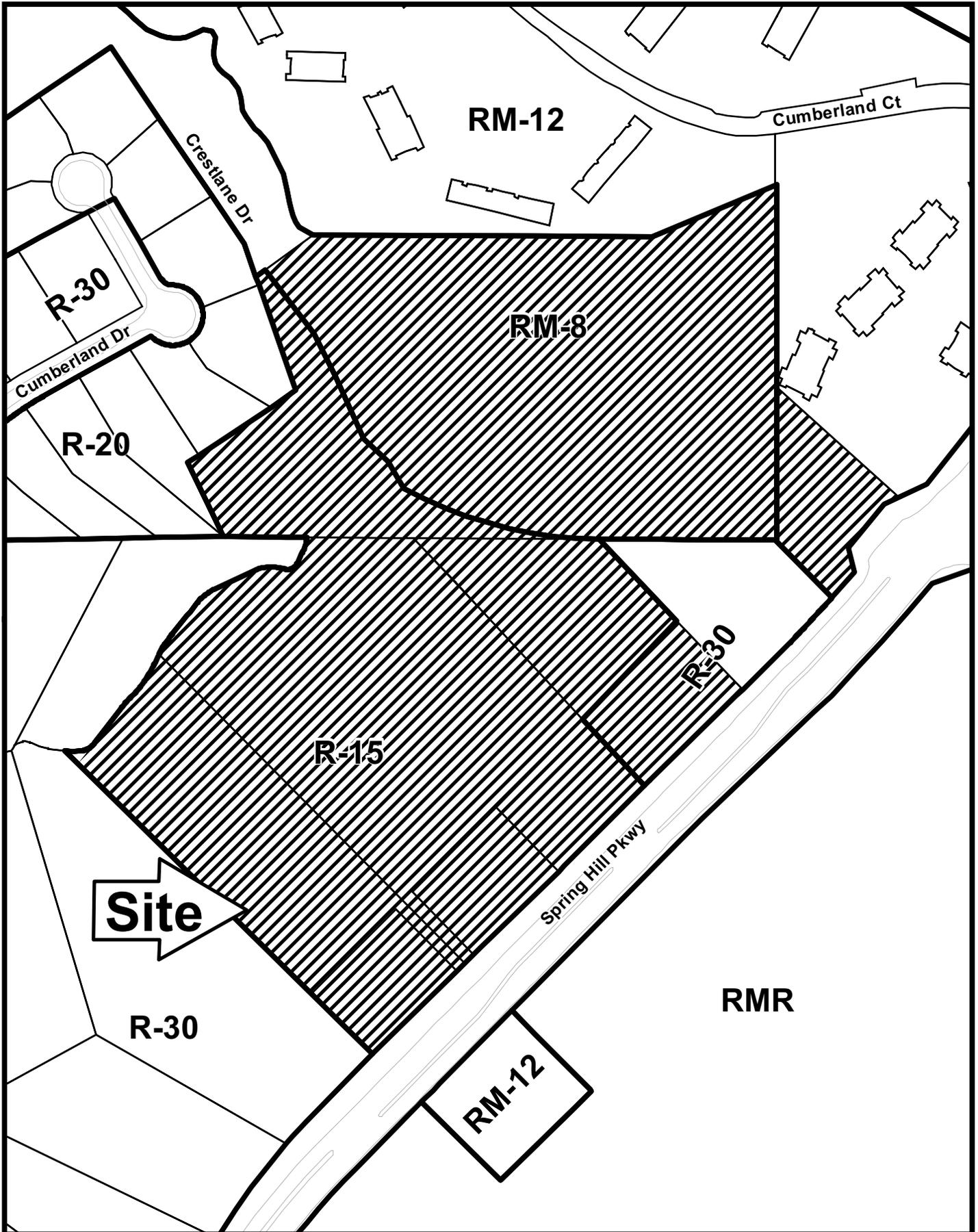
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

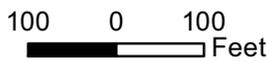
STIPULATIONS:



Z-41



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



City Boundary
Zoning Boundary

APPLICANT: Walton Communities, LLC

PETITION NO.: Z-41

PRESENT ZONING: RM-8, RM-12, R-15 and R-30

PETITION FOR: UC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Low Density Residential (1-2.5 upa) and HDR (5-12 upa)

Proposed Number of Units: 249 **Overall Density:** 12 **Units/Acre**

Present Zoning Would Allow: 110 **Units Increase of:** 139 **Units/Lots**

Applicant is requesting the Urban Condominium zoning category for the development of a 249-unit residential condominium development. The units will range in size from 700 to 1,300 square feet and will be craftsman style, with stone, stucco and some brick, similar to Ashwood at Perimeter Park. The buildings will be mid-rise. The units will be marketed toward adults in the professional, empty nest and young married demographic groups. The units will be “for sale” with the allowance for leasing. The price range of the units will be from \$200,000 - \$400,000. The proposed site plans indicates the dedication of 10.64 acres as being set aside for conservation. Applicant has submitted the attached Summary of Intent for your review. Minutes from previous zoning cases relative to the subject property are also attached.

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.

APPLICANT: Walton Communities, LLC

PETITION NO.: Z-41

PRESENT ZONING: RM-8, RM-12, R-15 and R-30

PETITION FOR: UC

SCHOOL COMMENTS:

| <u>Name of School</u> | <u>Enrollment</u> | <u>Capacity Status</u> | <u>Number of Portable Classrooms</u> |
|-------------------------------|-------------------|------------------------|--------------------------------------|
| Teasley | 668 | Over | |
| Elementary Campbell | 1,180 | Under | |
| Middle Campbell | 2,314 | Under | |

High

***School attendance zones are subject to revision at any time.**

Additional Comments:

Approval of this zoning could adversely impact enrollment at Teasley Elementary School, which is currently over enrollment.

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 Walton Communities, LLC

PETITION NO. Z-041

PRESENT ZONING RM8, RM12, R15, R30

PETITION FOR UC

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): **12" DI / NW side of Spring Hill Pkwy**

Additional Comments:

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**

Estimated Waste Generation (in G.P.D.): **A D F= 99600 Peak= 24900**

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 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 Development Standards require sewer extension to uppermost property line
Comments:

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: Walton Communities, LLC

PETITION NO.: Z-41

PRESENT ZONING: RM-8, RM-12, R-15, R-30

PETITION FOR: UC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: Zone A

- 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: identified on plan

- 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 receiving stream.

APPLICANT: Walton Communities, LLC

PETITION NO.: Z-41

PRESENT ZONING: RM-8, RM-12, R-15, R-30

PETITION FOR: UC

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. A significant portion of this site is encumbered by floodplain, wetlands and steep slopes. The proposed development will be located on slopes of 25 to 35% and fill heights of 10 to 40 feet. Due to the proximity of the stream, elevated erosion and sediment control measures will be required. At a minimum, a mulch berm should be placed along the lower clearing limit boundary to protect the stream buffer and proposed conservation easement area. The limits of disturbance could be significantly reduced with the use of retaining walls.
2. The proposed detention ponds must be located outside the 100-year floodplain and wetlands.

APPLICANT: Walton Communities, LLC

PETITION NO.: Z-41

PRESENT ZONING: RM-8, RM-12, R-15 and R-30

PETITION FOR: UC

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 |
|---------------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Spring Hill Parkway | 8400 | Major Collector | 40 mph | Cobb County DOT | 80' |
| | | | | | |

Based on 2009 traffic counting data taken by Cobb County DOT (Spring Hill Parkway)

COMMENTS AND OBSERVATIONS

Spring Hill Parkway is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend one full access driveway, one right-in/ right-out driveway and removing the northeastern full access driveway.

Recommend installing a deceleration lane for the full access driveway.

Recommend sidewalk along frontage.

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

STAFF RECOMMENDATIONS

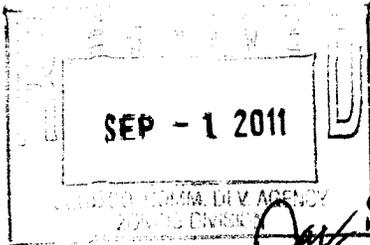
Z-41 WALTON COMMUNITIES, LLC

- 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 area contains a mixture of uses, including single-family houses, apartments, commercially zoned property, and offices. These proposed units would be located much further away from the single-family homes than some of the existing apartments.
- 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. Again, while other multi-family developments exist in the area, the subject property has been the subject of previous rezoning attempts to a multi-family category and those attempts resulted in a portion of the subject property being deleted to the R-15 category, said portion also being delineated as Low Density Residential on the land use plan. Since the last zoning attempt in 1998, Post Spring Apartments has developed directly across the street. Additionally, this rezoning request has moved the building and development close to Spring Hill Parkway. The building will be approximately 700 feet away from the closest house.
- 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. In front of this property, Spring Hill Parkway is a four-lane divided road.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in total conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which indicates that approximately 12.5 acres of the subject property is in the Low Density Residential category and approximately 11 acres are in the High Density Residential category. Taking into account the existing zoning categories on the property and basing calculations on approximate numbers within each category, the subject property could possibly be developed with an approximate overall density of 6.875 units per acre (approximate figures: 40 units in the current R-15; 69 units in the current RM-8, and one unit in the current R-30). In addition, the UC category is intended for a maximum of 10 acres. While the proposed site plan indicates 10.64 acres being set aside as conservation, the remaining 12+ acres is over the 10-acre maximum tract size.
- 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 rezoning proposal to the UC and R-20 zoning districts. The property has been the subject of two rezoning applications in the last 23 years, and both were rejected. However, it is staff's opinion that the area has changed to include apartments across the street and the expansion of the Home Depot headquarters. Additionally, this rezoning request proposes pushing all the development adjacent to Spring Hill Parkway, leaving one of the largest setbacks and buffers in the county. This is much better than previous zoning applications, which had development and building very close to the single-family houses. Staff would suggest deleting the area where the building is (400 feet from Spring Hill Parkway) to the UC zoning district. This would be approximately 7.7 acres. Staff would recommend deleting the rest of the property into the R-20 zoning district to act as a buffer (approximately 15.81 acres).

Based on the above analysis, Staff recommends DELETING to UC and R-20 subject to the following conditions:

- Revised site plan received by the Zoning Division on October 6, 2011; with the District Commissioner approving minor modifications and architectural renderings.
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations;
- The area of the property where the building is located 400 feet deep into the property be zoned UC; and
- The remainder of the property to be zoned R-20.

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.



Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 700 - 1,300 square feet
 - b) Proposed building architecture: Traditional
 - c) Proposed selling prices(s): \$200,000 - \$400,000
 - 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)

.....
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.**