

OCT - 4 2012

APPLICANT: Ballantry Homes (Westcobb) Inc.

905-887-7235

REPRESENTATIVE: J. Kevin Moore 770-429-1499

Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Ballantry Homes (Westcobb) Inc.

PROPERTY LOCATION: Southeast intersection of Macland Road
and Bankstone Drive.

ACCESS TO PROPERTY: Macland Road and Bankstone Drive

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped acreage

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Single-family Houses

SOUTH: R-20/Single-family Houses

EAST: R-15/Macland Park Subdivision, R-20 & R-80/Single-family Houses

WEST: NRC/RaceTrac, RA-5 Undeveloped, and R-20/Shiloh Station Subdivision

PETITION NO: Z-54

HEARING DATE (PC): 12-04-12

HEARING DATE (BOC): 12-18-12

PRESENT ZONING: R-20

PROPOSED ZONING: R-15/OSC

PROPOSED USE: Subdivision

SIZE OF TRACT: 68.0 acres

DISTRICT: 19

LAND LOT(S): 471, 472, 491, 492

PARCEL(S): 8, 1, 1, 2

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** _____

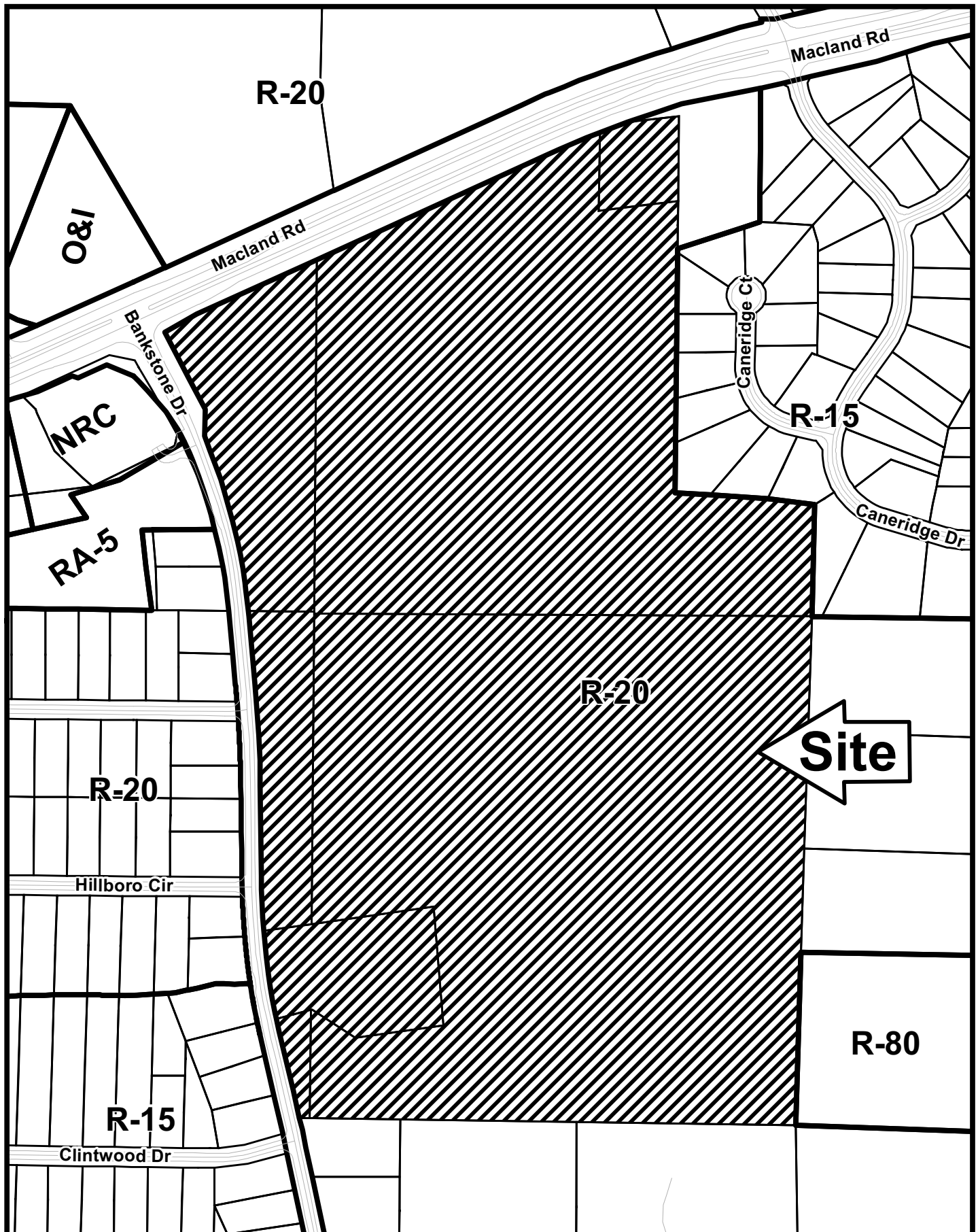
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-54



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

0 200 400
Feet



City Boundary
Zoning Boundary

APPLICANT: Ballantry Homes (Westcobb) Inc.

PETITION NO.: Z-54

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 123

Overall Density: 2.36

Units/Acre

Present Zoning Would Allow: 98 Units

Increase of: 25

Units/Lots

Applicant is requesting R-15/OSC for the purpose of developing an open space community, single-family subdivision. The submitted open space site plan indicates 123 lots. The houses will range in size from 2,600 square feet to 3,500 square feet and will be traditional/European in style. All exteriors will have hard surface materials of either brick, stone, or hardi-plank; or combinations of such materials. The prices of the houses will range from \$200,000 and up. The proposed site plan indicates a total area of 68 acres, with 21.55 acres of conservation (31.7% when 30% is required). The plan also indicates 1.74 acres provided for the amenity area. Applicant has also submitted, as required by the Zoning Ordinance, a site plan for R-15. The exterior lots on the west side are to be 15,000 square feet and up.

Cemetery Preservation: No comment.

APPLICANT: Ballantry Homes (Westcobb) Inc.

PETITION NO.: Z-54

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15 /OSC for purposes of subdivision. The 68 acre site is located on the southeast intersection of Macland Road and Bankstone Drive.

Comprehensive Plan

The parcel is within a Low Density Residential (**LDR**) future land use category with R-20 zoning designation. The purpose of the LDR category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre.

Master Plan/Corridor Study

Macland Road Study. Please review and meet requirements of study.

Open Space Requirement - Planning Staff Analysis (Revised)

Date: 11/15/2012

Contact: Phillip Westbrook

(770) 528-2014

Property Location: Macland Rd. & Bankstone Dr.

Land Lot/District: 471, 472, 491, 492 / 19

Current Zoning: R-20

Proposed Use: R-15 OSC

Total Area: 68.0

Floodplain/Wetland/Lake/Amenity: 9.94

Net Buildable Area: 56.32

Base Density Allowed: 2.1 upa

Max. Density Allowed w/Bonus: 2.25 upa

Proposed Lots: 127

Net Density: 2.25 upa

Open Space requirement for Z-54: 30% = 20.4 acres or with bonus 33% = 22.44 acres

Open Space provided: 21.55 acres or 31.7%

Maximum open space available for floodplain/wetlands/lakes for Z-54: 16.16 acres

Open Space in floodplain/wetlands/lakes: 9.94 acres

Setbacks:

Front: 35' or 40'

Rear: 30'

Side: Major Side 25' or 35', Minor Side 10'

Comments:

1. Need to correct site data figure. Site data box shows 133 lots when 127 lots have been drawn out on the site plan. All above calculations are based on 127 lots.
2. Net Density is 2.25 upa, which is right at the maximum density allowed with bonus. However, to achieve the bonus there must be 33% or greater open space. Site Plan dated received October 4, 2012 contains 31.7%. Therefore, proposal currently exceeds the base density allowed for R-15 OSC.

Need to add another 1.3% of open space or decrease the density to 2.1 upa.

APPLICANT: Ballantry Homes (Westcobb) Inc.

PETITION NO.: Z-54

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

PLANNING COMMENTS: Continued

3. Need to note on site plan whether or not Amenity area is to remain natural, as this will effect open space calculations. If Amenity area remains natural it may be calculated as part of open space. Currently, it does not appear to be part of the open space and has been subtracted out of the total area per Site Plan dated received October 4, 2012.
4. To ensure compatibility with lots adjacent to existing neighborhoods, lots 68 through 73 should be reconfigured to be more compatible with adjacent lots to the east.
5. Please note minimum, maximum and average lot sizes on site plan
6. Provide site plan that delineates and gives description of ground cover types and locations of specimen trees as defined in the county tree ordinance or specific healthy trees greater than 8 inches caliper, as measured from their outermost drip line
7. Provide architectural renderings and description of the façade treatments that will be used on the proposed housing units
8. Must have Cobb Department of Transportation approve lighting plan if outdoor lighting (except for individual residential lots) is proposed
9. 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.

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.

Design Guidelines

Is the parcel in an area with Design Guidelines? ☒ Yes ☐ No

If yes, design guidelines area Macland Road

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings
☐ Yes ☒ No ☐ Not applicable
- Streetscape elements
☐ Yes ☒ No ☐ Not applicable
- Building Frontage
☐ Yes ☒ No ☐ Not applicable
- Parking Standard
☐ Yes ☐ No ☒ Not applicable
- Architecture standard
☐ Yes ☒ No ☐ Not applicable

APPLICANT: Ballantry Homes (Westcobb) Inc.

PETITION NO.: Z-54

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Dowell	981	Under	
Elementary			
Lovinggood	1,223	Over	
Middle			
Hillgrove	2,051	Over	

High

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

Additional Comments: Approval of this petition could adversely affect the enrollment at Lovinggood Middle School and Hillgrove High School, both of which are over enrollment at this time.

FIRE COMMENTS:

GUEST PARKING: When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT Ballantry Homes (Westcobb) Inc.

PETITION NO. Z-054

PRESENT ZONING R-20

PETITION FOR R-15 OSC

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 of Macland Road**

Additional Comments: Also 6" DI / W side of Bankstone Dr.

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 21280 Peak= 53200**

Treatment Plant: **South Cobb**

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

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

Drw 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:

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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PETITION NO.: Z-54

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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noses 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: identified on site 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 systems.

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PETITION NO.: Z-54

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STORMWATER MANAGEMENT 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 site is located southeast of the intersection of Macland Road and Bankstone Drive. The majority of the site drains to the south to small tributary to Noses Creek. The remainder of the site (~15%) drains to the northwest to an existing lake in the northwest corner of the site. The site is a mixture of pasture and woodland with gentle slopes that average less than 10%.
2. The existing dam on the site does not appear to have a functioning principle spillway. The dam will need to be brought up to County Standards with adequate spillway design capacity.
3. Lots 74-78 do not appear to meet the required 12,500 sf minimum lot area above the floodplain. Field run topo will be required to verify the floodplain delineation in this area or the lot lines will need to be revised.

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COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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
Macland Road	26,100	Arterial	55 mph	Georgia DOT	100'
Bankstone Drive	4300	Major Collector	35 mph	Cobb County	80'

Based on 2011 traffic counting data taken by Cobb County DOT (Macland Road)

Based on 2008 traffic counting data taken by Cobb County DOT (Bankstone Drive)

COMMENTS AND OBSERVATIONS

Macland 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.

Bankstone Drive is classified as a major 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 Bankstone Drive, a minimum of 40' from the roadway centerline.

Recommend curb, gutter, and sidewalk along Macland Road and Bankstone Drive frontages.

Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadways.

Recommend a deceleration lane on Macland Road for the entrance.

Recommend a deceleration lane and left turn lane on Bankstone Drive for the entrance.

Recommend applicant verify that minimum intersection sight distance on Bankstone Drive is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390 feet.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-54 BALLANTRY HOMES (WESTCOBB) INC.

- 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 zoned R-15 and R-20 for single-family subdivisions, namely Macland Park, Shiloh Station Units I and II, with densities ranging from approximately 1.81 units per acre to 1.97 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. Neighboring properties are similarly zoned with a slightly less density calculation. Given the nature of the Open Space Community over the R-15 zoning category, applicant is setting aside 31.7% of the property as conservation areas.
- 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 with the Low Density Residential (LDR) land use category with densities ranging from 1-2.5 units per acre. Applicant's proposal indicates a density of 2.36 units per acre, removing floodplains and wetlands from the calculation.
- 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. Applicant's proposal will set aside conservation areas and the proposed density is within the LDR range at 2.36 units per acre.

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

- Site plan received by the Zoning Division on October 4, 2012, with the District Commissioner approving minor modifications;
- Planning Division 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.



Application No. z- 54
Dec. (2012)

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 2,600 - 3,500 square feet
b) Proposed building architecture: Traditional/European; all exteriors will*
c) Proposed selling prices(s): \$200,000 and up
d) List all requested variances: None known at this time

*have hard surface materials of either brick, stone, or hardi-plank;
or combinations of such materials.

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

- a) Proposed use(s): _____
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)

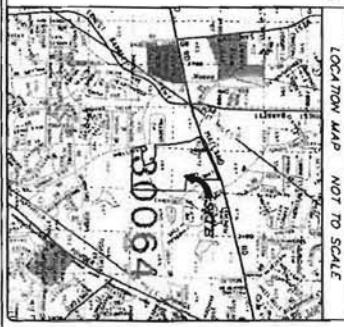
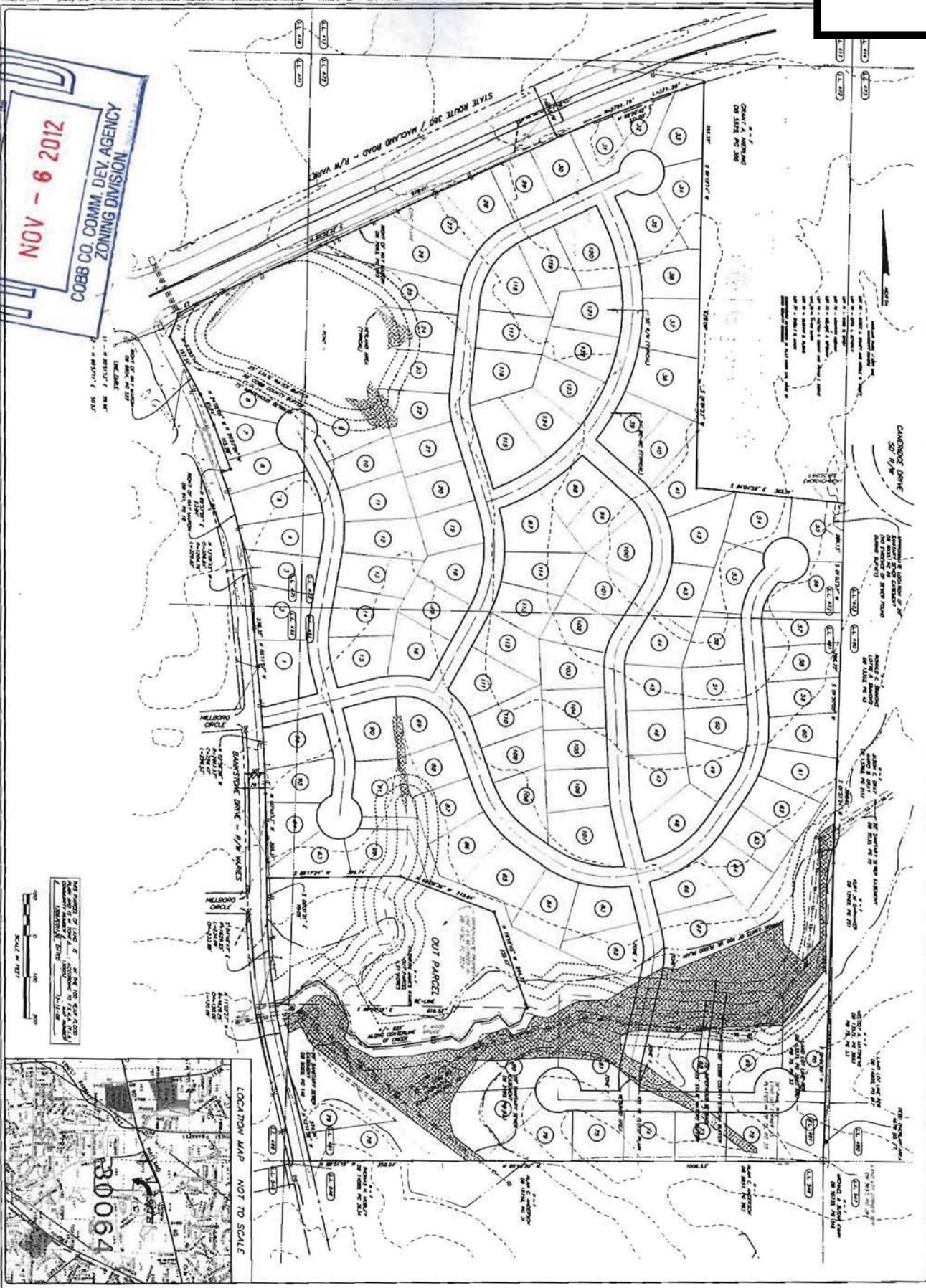
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Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(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 in the Application for Rezoning and the Summary of Intent for Rezoning at any time during the rezoning process.

REVISED
NOV - 6 2012
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



PROJECT ID: 01
PROJECT NAME: BANKSTONE PRESERVE
PROJECT LOCATION: 19th DISTRICT, 2nd DISTRICT, COBB COUNTY, GEORGIA
PROJECT DATE: 09/25/12
PROJECT SCALE: 1"=100'

REVISIONS

NO.	DATE	DESCRIPTION
1	09/25/12	INITIAL DESIGN
2	10/15/12	REVISIONS
3	11/06/12	FINAL DESIGN

BANKSTONE PRESERVE

LAND LOTS 471, 472, 491 & 492,
19th DISTRICT, 2nd DISTRICT, COBB COUNTY, GEORGIA
R15-OSC

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