

Z-4  
(2013)

**Gaskins**  
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COBB COUNTY ZONING DIVISION  
FILED IN BOOK 11003 BBOB  
MARS HILL CHURCH ROAD TRACT

PROJECT ID.	FIELD BOOK
DRAWN BY	CHECKED BY
KEY	CRD
SCALE	ISSUE DATE
1"=100'	12/4/13
SHEET NUMBER	

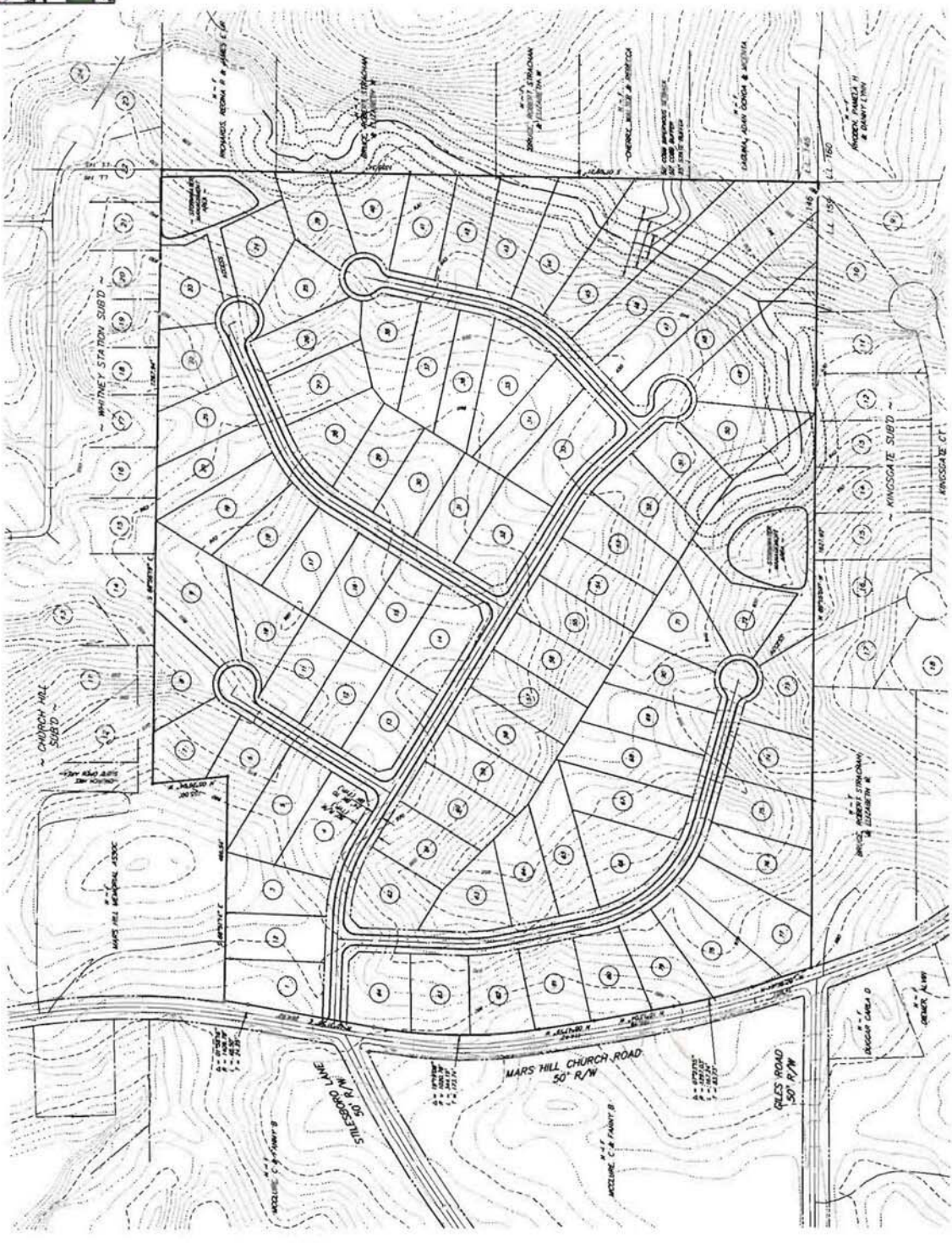
2012 DEC -6 PM 3:54  
COBB COUNTY ZONING DIVISION



LOCATION MAP - 1"=2000'

**SIZE DATA**  
TOTAL SITE AREA: 33.49 AC  
ZONING: R-20  
OWNER: JAMES C. & JAMES L. GASKINS  
SUBDIVISION: MARS HILL CHURCH ROAD TRACT  
SUBDIVISION NO.: 11003 BBOB  
DATE OF SUBDIVISION: 12/14/12  
DATE OF THIS PLAN: 12/4/13  
PROJECT NO.: 13-001  
SCALE: 1"=100'  
DRAWN BY: J. GASKINS  
CHECKED BY: J. GASKINS  
DATE: 12/4/13

**BOUNDARY BY SURVEY**  
BY: JAMES C. & JAMES L. GASKINS  
DATE: 12/14/12



**APPLICANT:** Traton Homes, LLC  
770-427-2714

**REPRESENTATIVE:** J. Kevin Moore 770-429-1499  
Moore Ingram Johnson & Steele, LLP

**TITLEHOLDER:** Estate of Fanny B. McClure

**PROPERTY LOCATION:** Easterly side of Mars Hill Church Road,  
northeasterly of the intersection of Giles Road and Mars Hill Church  
Road.

**ACCESS TO PROPERTY:** Mars Hill Church Road

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped acreage

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-30/Cemetery and R-20/Church Hill and Whitney Station Subdivisions
- SOUTH:** R-30/Single-family house and R-20/Kingsgate Subdivision
- EAST:** R-30 and R-80/Single-family houses
- WEST:**

**PETITION NO:** Z-4

**HEARING DATE (PC):** 02-05-13

**HEARING DATE (BOC):** 02-19-13

**PRESENT ZONING:** R-30

**PROPOSED ZONING:** R-20

**PROPOSED USE:** Single-Family Residential

**SIZE OF TRACT:** 52.49 acres

**DISTRICT:** 20

**LAND LOT(S):** 146

**PARCEL(S):** 23

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

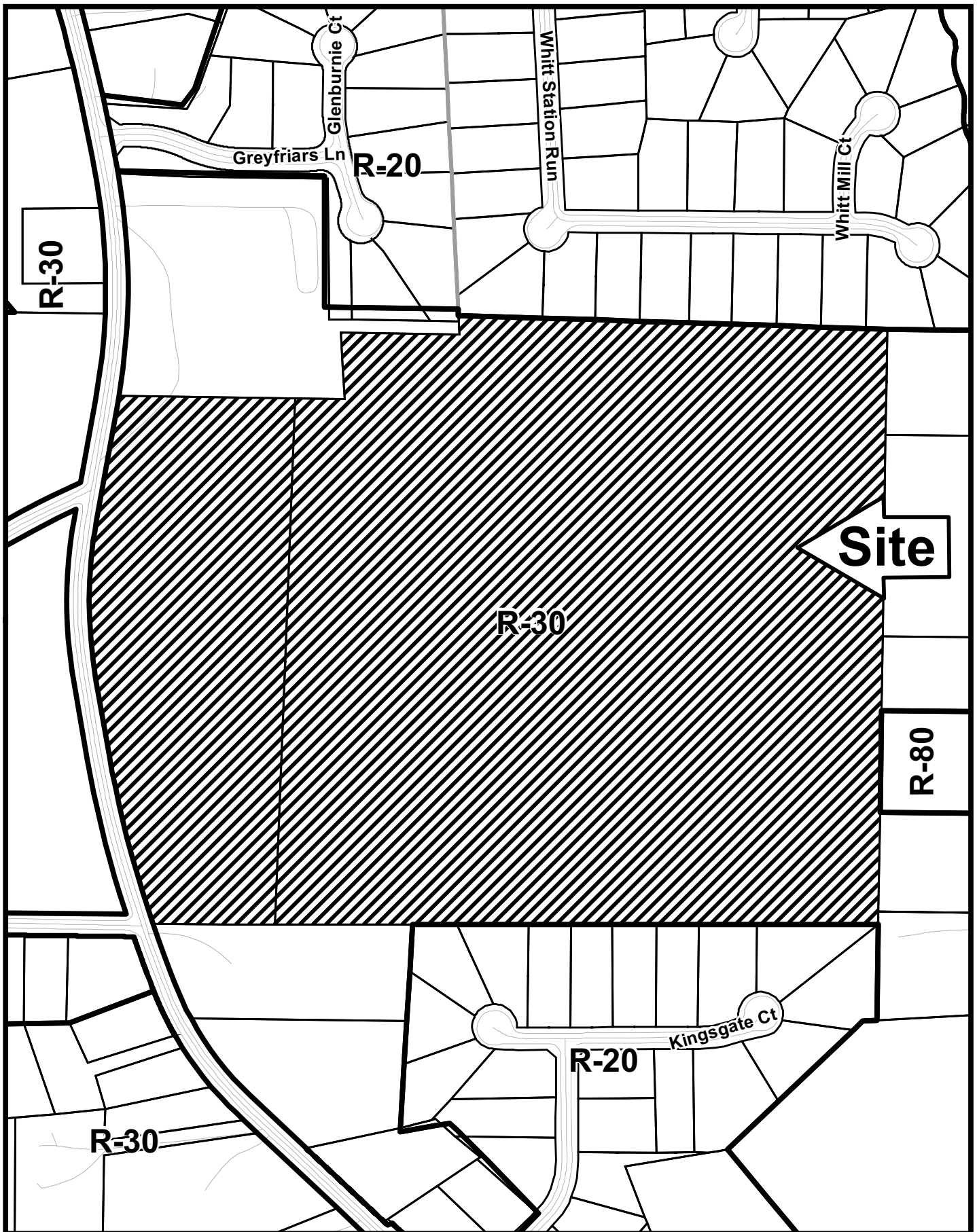
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

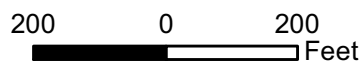
**STIPULATIONS:**



# Z-4



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



City Boundary  
Zoning Boundary

APPLICANT: Traton Homes, LLC

PETITION NO.: Z-4

PRESENT ZONING: R-30

PETITION FOR: R-20

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**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:** 84                      **Overall Density:** 1.6                      **Units/Acre**

**Present Zoning Would Allow:** 57      **Units**                      **Increase of:** 27                      **Units/Lots**

Applicant is requesting the R-20 zoning category for the development of an 84-lot single-family subdivision. The proposed houses will range in size from 2,000 square feet to 3,000 square feet and greater. The style of the houses will be traditional having hard surface exteriors with a mixture of architectural elevations and materials. Houses in the proposed development will range in price from the \$300,000s to \$400,000s.

**Cemetery Preservation:** The Cobb Cemetery Preservation Ordinance and the County Development Standards for Cemeteries call for:

- A. Prepare a site plan identifying the full boundaries with a metes and bounds description
- B. Provide a fifty (50) foot undisturbed natural buffer from the common property line; or 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 archeology survey will locate all grave shafts and define the boundary. Member(s) of Cemetery Preservation Commission must be present during archaeology survey.
- Lots adjacent to the fifty (56) 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.
- C. Provide and install a permanent six (6) foot chain link fence with gate on the outer perimeter of the cemetery property line. Fence must be 9 gauge with top and bottom rails and fence posts must be set in concrete. Fence may be upgraded to vinyl coated chain link and/or wrought iron.
- D. Provide and install an orange protective fence on the outer perimeter of the fifty (50) foot undisturbed natural buffer before beginning construction. The protective fence to be maintained in good repair throughout the development phase of the project. At completion of the project, the orange protective fence shall be removed from the premises.
- E. Permanent signs stating CEMETERY PRESERVATION BUFFER - DO NOT DISTURB shall be erected at fifty (50) foot intervals along the outer perimeter of the fifty (50) foot undisturbed natural cemetery preservation buffer.
- F. Compliance with all State and local laws and ordinances.
- G. All Cemetery Preservation requirements must be Site Plan specific.

APPLICANT: Traton Homes, LLC

PETITION NO.: Z-4

PRESENT ZONING: R-30

PETITION FOR: R-20

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-30 to R-20 for single-family residential use. The 52.49 acre site is located on the easterly side of Mars Hill Church Road, northeasterly of the intersection of Giles Road and Mars Hill Church Road.

**Comprehensive Plan**

The parcel is within a Low Density Residential (LDR) future land use category, with R-30 zoning designation. The purpose of the Low Density Residential (**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. This category presents a range of densities.

**Master Plan/Corridor Study**

Not applicable.

**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 \_\_\_\_\_

Does the current site plan comply with the design requirements?

**APPLICANT:** Traton Homes, LLC

**PETITION NO.:** Z-4

**PRESENT ZONING:** R-30

**PETITION FOR:** R-20

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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:**

\*\*\*\*\*

**FIRE COMMENTS:**

**HYDRANT:** Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

**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 Traton Homes, LLC

PETITION NO. Z-004

PRESENT ZONING R-30

PETITION FOR R-20

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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): 6" AC / E side of Mars Hill Church rd

Additional Comments: Secondary water feed will be required at Plan Review

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 along eastern property line

Estimated Waste Generation (in G.P.D.): **A D F** 13440 **Peak=** 33600

Treatment Plant: **Northwest**

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: Traton Homes, LLC

PETITION NO.: Z-4

PRESENT ZONING: R-30

PETITION FOR: R-20

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Tributary to Butler Creek FLOOD HAZARD INFO: Zone X

- 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 and adjacent to onsite streams and stream buffer

- 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



APPLICANT: Traton Homes, LLC

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PRESENT ZONING: R-30

PETITION FOR: R-20

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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. Proposed detention ponds are located adjacent to existing single-family residential parcels. Adequate screening must be provided to visually screen ponds from adjacent residents in KingsGate and Whitney Station Subdivisions.
2. Adequate swale and associated drainage easement must be provided along rear of lots abutting Whitney Station Subdivision to direct any offsite runoff to existing platted drainage easement(s) within Whitney Station.

**APPLICANT: Traton Homes LLC**

**PETITION NO.: Z-4**

**PRESENT ZONING: R-30**

**PETITION FOR: R-20**

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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
Mars Hill Church Road	4000	Minor Collector	35 mph	Cobb County	60'

*Based on 2007 traffic counting data taken by Cobb DOT (Mars Hill Church Road)*

**COMMENTS AND OBSERVATIONS**

Mars Hill Church 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 Mars Hill Church Road, a minimum of 30' from the roadway centerline.

Recommend curb, gutter, and sidewalk for the Mars Hill Church Road frontage.

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

Recommend a deceleration lane and left turn lane on Mars Hill Church Road for the entrance.

Recommend removing and closing driveway apron along Mars Hill Church Road frontage that development renders unnecessary.

Recommend applicant verify that minimum intersection sight distance is available for Mars Hill Church Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390 feet.

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

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## STAFF RECOMMENDATIONS

### Z-4 TRATON HOMES, 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. Abutting and nearby properties have been developed as R-20 single-family subdivisions.
- 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 with similar densities.
- 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 the Low Density Residential (LDR) land use category having densities ranging from 1 – 2.5 units per acre. Applicant's proposed development indicates a density of 1.60 units per acre, similar to other R-20 subdivisions in this area. Densities of some of the subdivisions in the area range from 1.13 units per acre (Walkabout Creek zoned R-30) to 1.73 units per acre (Whitney Station zoned R-20). Also in the area to the north is Church Hill Subdivision (zoned R-20 and platted for 1.44 units per acre) and Kingsgate Subdivision to the south (zoned R-20, having a density of 1.66 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 approving the applicant's rezoning proposal. Applicant's request for the R-20 zoning category is compatible with the LDR land use category and the proposed density of 1.60 units per acre is compatible with the range of 1 – 2.5 units per acre for LDR, and is in the range of the densities of the other R-20 subdivisions in the area.

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

- Site plan received by the Zoning Division on December 6, 2012, with the District Commissioner approving minor modifications;
- Cemetery Preservation 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 the 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.**

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FILED IN OFFICE

Application No. z- 4  
Feb. (2013)

2012 DEC -6 PM 3: 54

COBB COUNTY ZONING DIVISION

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): Minimum 2,000 square feet, ranging to 3,000 square feet, and greater  
b) Proposed building architecture: Traditional; hard surface exteriors with a mixture of architectural elevations and materials  
c) Proposed selling prices(s): \$300s - \$400s  
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): \_\_\_\_\_  
\_\_\_\_\_  
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, or within any part of the Application for Rezoning, at any time during the rezoning process.