

APPLICANT: Lily Estates, LLC
770-690-9255

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

TITLEHOLDER: Larry H. Summerour and Martha Sue Summerour

PROPERTY LOCATION: South side of Robinson Road, south of
Roswell Road
(3706 Robinson Road).

ACCESS TO PROPERTY: Robinson Road

PHYSICAL CHARACTERISTICS TO SITE: Existing single-
family house

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20, RA-4, RA-5/ Single-family House, Glenside Subdivision, Single-family House
- SOUTH:** R-20/ Indian Hills Country Club Subdivision
- EAST:** R-20/ Indian Hills Country Club Subdivision
- WEST:** R-20, R-15/ Single-family House, Robinson Walk Subdivision

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

PLANNING COMMISSION RECOMMENDATION

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

BOARD OF COMMISSIONERS DECISION

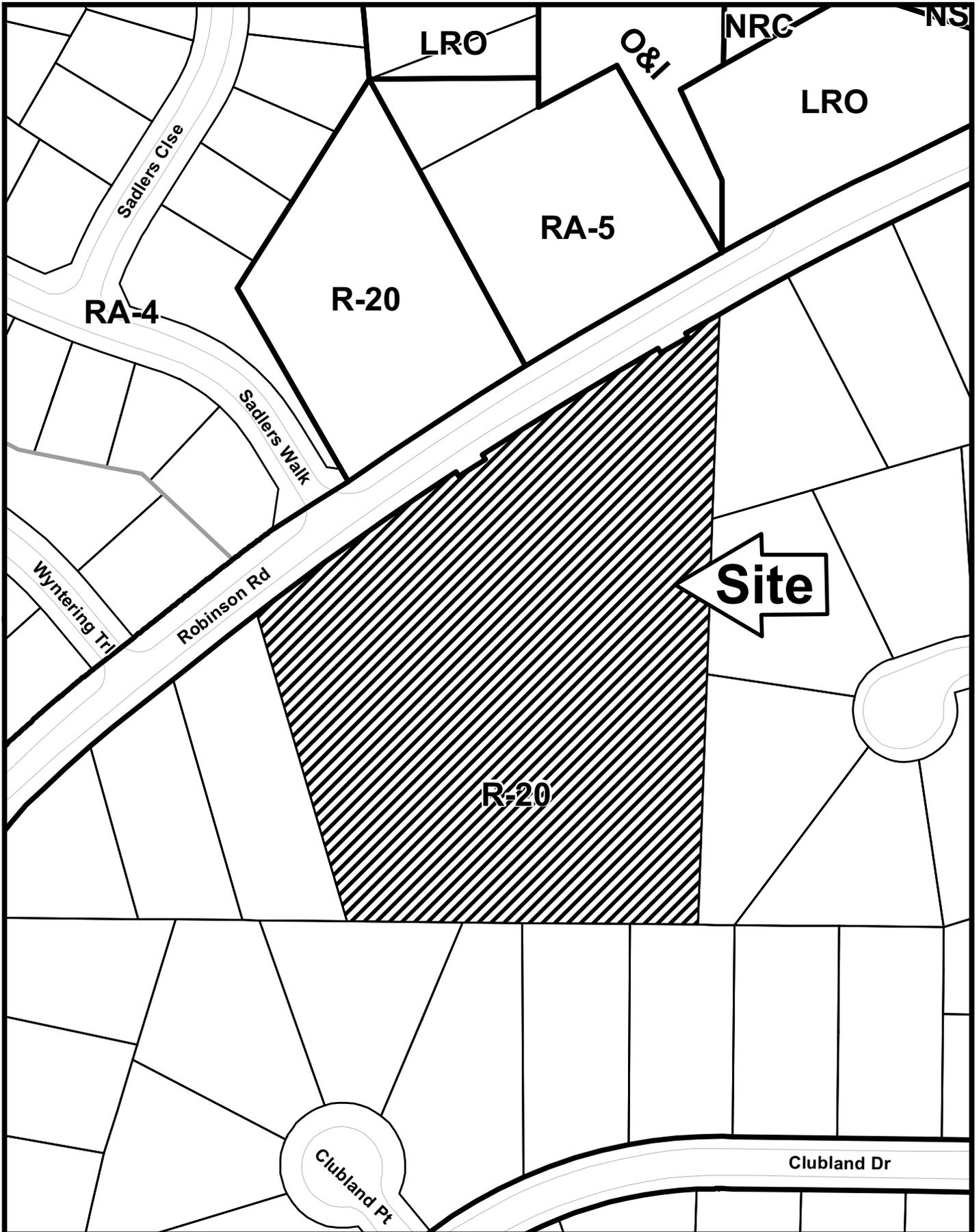
APPROVED **MOTION BY**
REJECTED **SECONDED**
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STIPULATIONS:

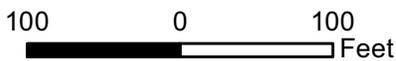
PETITION NO: Z-5
HEARING DATE (PC): 02-05-13
HEARING DATE (BOC): 02-19-13
PRESENT ZONING: R-20
PROPOSED ZONING: R-15
PROPOSED USE: Single-Family Residential
SIZE OF TRACT: 4.05 acres
DISTRICT: 16
LAND LOT(S): 967
PARCEL(S): 9
TAXES: PAID X **DUE**
COMMISSION DISTRICT: 2



Z-5



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Lily Estates, LLC

PETITION NO.: Z-5

PRESENT ZONING: R-20

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: LDR Low Density Residential

Proposed Number of Units: 8 **Overall Density:** 1.98 **Units/Acre**

Present Zoning Would Allow: 7 **Units** **Increase of:** 1 **Units/Lots**

The applicant is requesting a rezoning from the existing R-20 Single-family Residential District to the R-15 Single-family Residential District in order to develop the 4.05 acre site for an eight (8) lot subdivision. The submitted site plan meets or exceeds the required lot sizes and setbacks of the requested zoning district with lot sizes ranging from 17, 260.1 sq. ft. to 20, 028.8 sq. ft. and front setbacks of 40 feet for lots 1, 2, 6, 7, and 8; all lots will meet the required rear and side setbacks. Access is provided by a dedicated 50 ft. right-of-way ending in a cul-de-sac. The applicant has indicated that the homes to be built are anticipated to range in size from 3,000 to 4,500 sq. ft. and will be traditional styling, selling in the “high \$600,000s.”

Cemetery Preservation: No comment.

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15 for the purpose of single-family residential use. The 4.05 acre site is located at the south side of Robinson Road, south of Roswell Road.

Comprehensive Plan

The parcel is within a Low Density Residential (LDR) future land use category, with R-20 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?

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PETITION NO.: Z-5

PRESENT ZONING: R-20

PETITION FOR: R-15

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
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.

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PETITION NO. Z-005

PRESENT ZONING R-20

PETITION FOR R-15

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 / N side of Robinson Road**

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: **Approx 80' E with easement**

Estimated Waste Generation (in G.P.D.): **ADF 1280 Peak= 3200**

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 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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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Eastside 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: _____

- 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 channel and existing culvert at 3432 Clubland Drive.

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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 pond is located adjacent to existing single-family residential parcels. Adequate screening must be provided to visually screen ponds from adjacent residents within Indian Hills Country Club.
2. Adequate swale and recorded drainage easement will be required at rear of lots 3-8 to direct site runoff to proposed detention pond and minimize offsite bypass of runoff.
3. The proposed detention pond will discharge into a recorded drainage easement within the adjacent Indian Hills Country Club (Unit 6). However, there is not an adequate, well-defined existing channel to convey the concentrated pond discharge through the existing downstream lots at 1063 & 1073 Clubland Court. The developer will need to provide adequate conveyance capacity to the existing stormwater culvert located at the rear of 3432 Clubland Drive via a properly sized pipe or open channel.

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
Robinson Road	7400	Major Collector	35 mph	Cobb County	80'

Based on 2008 traffic counting data taken by Cobb County DOT (Robinson Road)

COMMENTS AND OBSERVATIONS

Robinson Road 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 south side of Robinson Road, a minimum of 40' from the roadway centerline.

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

Recommend removing and closing driveway apron along Robinson Road frontage that development renders unnecessary.

Recommend replacing disturbed curb, gutter, and sidewalk along the Robinson Road frontage.

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

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

STAFF RECOMMENDATIONS

Z-5 LILY ESTATES, 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 request, if approved, will allow for the development of this existing acreage into a subdivision not out of character with those immediately adjacent in the area.
- 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. The requested R-15 district will allow the development of the site in a fashion that more closely resembles existing neighbors and will not be as dense as Cluster Residential zonings to the north.
- 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*. At 1.98 dwelling units per acre, the request is will in keeping with the intent of the *Plan* for the LDR Low Density Residential category 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 (p. 74)." Further it facilitates the *Plan's* desire that "new residential uses should be developed in a manner that helps protect the character of these areas (p. 74)" in allowing development that is closer to that existing south of Robinson Road rather than those existing cluster home neighborhoods to the north.
- 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. The request is to allow the development of an eight (8) lot subdivision that will provide its own public street access as well as the necessary stormwater management infrastructure in lot sizes that adhere to the future land use category prescribed for the property by the *Cobb County Comprehensive Plan*. While even cluster home subdivisions are found immediately to the north across Robinson Road, this request will allow development that more closely resembles immediately adjacent areas.

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

- Site Plan received by Zoning Division on December 6, 2012, with District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Stormwater Management Division Comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Department of Transportation 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.

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FILED IN OFFICE

Application No. z- 5
Feb. (2013)

2012 DEC -6 PM 4:01

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): 3,000 - 4,500 square feet
- b) Proposed building architecture: Traditional, Custom
- c) Proposed selling prices(s): High \$600,000s
- 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): _____
- _____
- 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.