

APPLICANT: Arrowhead Real Estate Partners, LLC
770-246-0085

REPRESENTATIVE: Garvis L. Sams, Jr. 770-422-7016
Sams, Larkin & Huff

TITLEHOLDER: Estate of Mary Annette Blackwell Farrell,
deceased, Farrell Realty Partners, LLLP

PROPERTY LOCATION: North side of Roswell Road, west of
Robert Lane
(2671 Roswell Road).

ACCESS TO PROPERTY: Roswell Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house
and wooded acreage

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: R-20/Crafton Heights and Stone Hall Subdivisions
- SOUTH: R-20/Single-family House, RA-4 & PD/Bridgewater Subdivision
- EAST: R-20/Stone Hall Subdivision
- WEST: R-15/Sterling Ridge 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:

PETITION NO: Z-51

HEARING DATE (PC): 12-04-12

HEARING DATE (BOC): 12-18-12

PRESENT ZONING: R-20

PROPOSED ZONING: RA-5

PROPOSED USE: Single-family homes

SIZE OF TRACT: 10.589 acres

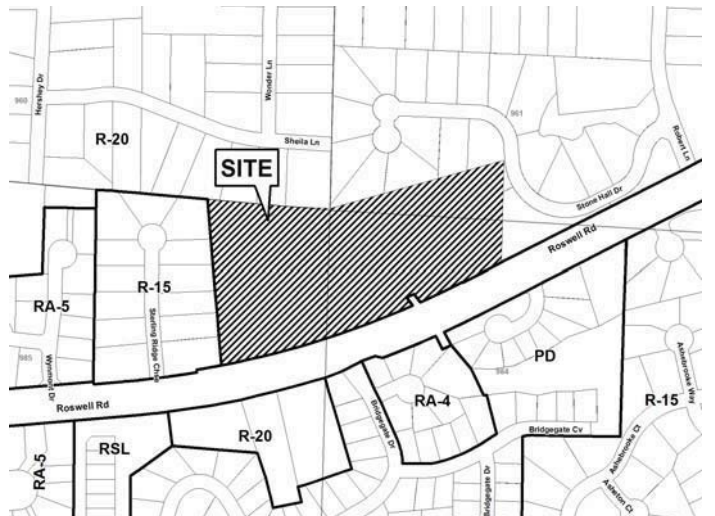
DISTRICT: 16

LAND LOT(S): 961,984,985

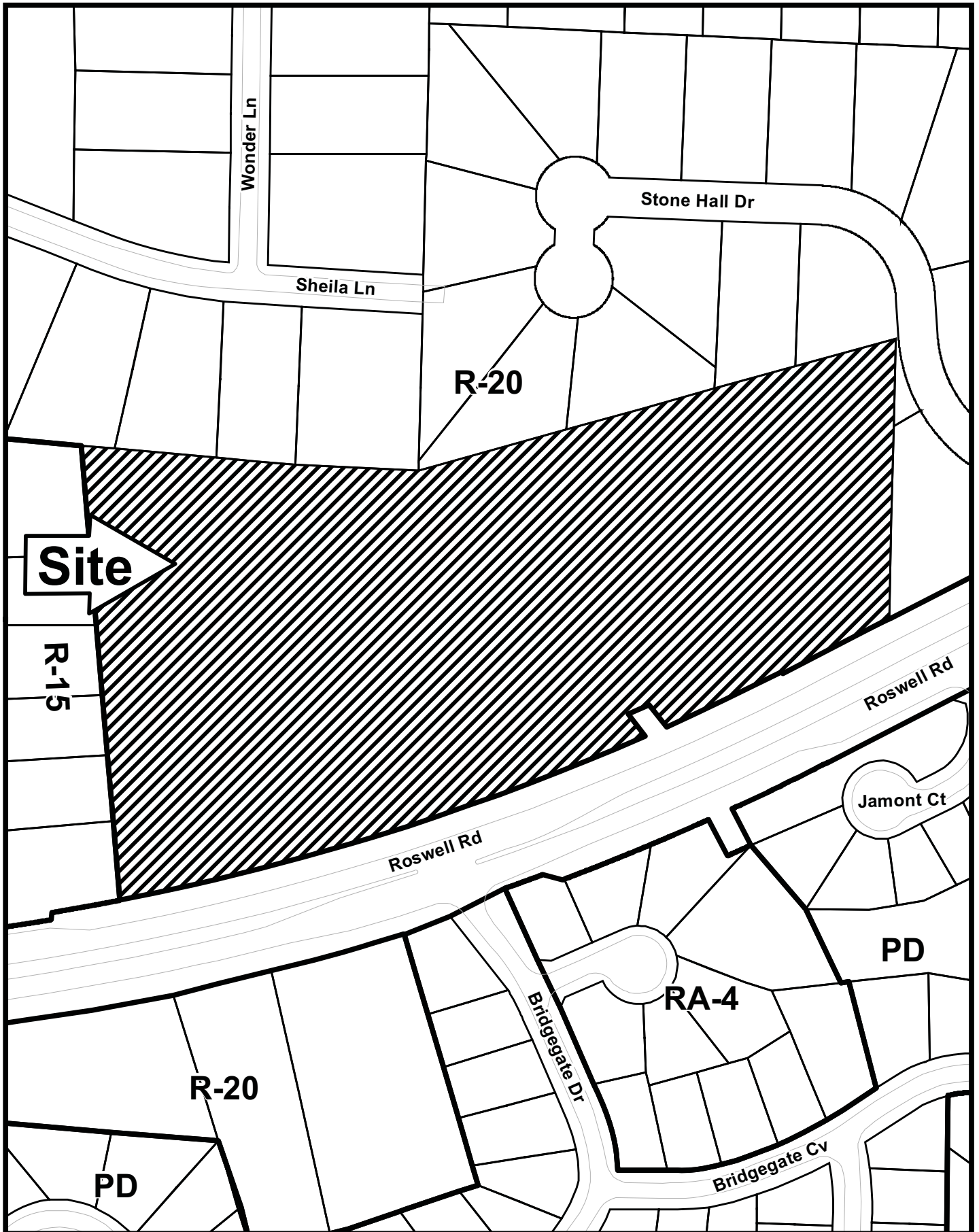
PARCEL(S): 12

TAXES: PAID X DUE

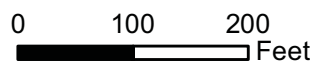
COMMISSION DISTRICT: 3



Z-51



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



City Boundary
Zoning Boundary

APPLICANT: Arrowhead Real Estate Partners, LLC

PETITION NO.: Z-51

PRESENT ZONING: R-20

PETITION FOR: RA-5

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: 23 Overall Density: 2.17 Units/Acre

Present Zoning Would Allow: 18 Units Increase of: 5 Units/Lots

Applicant is requesting the RA-5 zoning categories for the purpose of developing a 23-lot detached subdivision. The minimum house size for the proposed residential community shall be 2,400 square feet and will range up to 4,000 square feet and above. Each home is proposed to have, at a minimum, an attached two-garage. The architectural style and composition of the homes shall consist of brick, stack stone, cedar, Hardy Plank shake or Hardy Plank siding or a combination thereof.

NOTE: Applicant has submitted a revised plan and concept to R-15 OSC on March 19, 2013. No variances are anticipated.

Cemetery Preservation: No comment.

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RA-5 for purposes of single family homes. The 10.589 acre site is located on the north side of Roswell Road, west of Robert Lane. (2671 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 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

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: Arrowhead Real Estate Partners, LLC

PETITION NO.: Z-51

PRESENT ZONING: R-20

PETITION FOR: RA-5

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>East Side</u>	<u>1,068</u>	<u>Under</u>	<u> </u>
Elementary <u>Dodgen</u>	<u>1,179</u>	<u>Over</u>	<u> </u>
Middle <u>Walton</u>	<u>2,636</u>	<u>Over</u>	<u> </u>
High			

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

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

REVISED 03-04-13

APPLICANT: Arrowhead Real Estate Partners, LLC

PETITION NO.: Z-51

PRESENT ZONING: R-20

PETITION FOR: RA-5

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 Arrowhead Real Estate Partners, LLC

PETITION NO. Z-051

PRESENT ZONING R-20

PETITION FOR RA-5

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" and 10" DI / N side of Roswell Road**

Additional Comments: CCWS meter(s) to be set at public ROW

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 3680 Peak= 9200**

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 Proposed 23-lot SD
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: Arrowhead Real Estate Partners, LLC

PETITION NO.: Z-51

PRESENT ZONING: R-20

PETITION FOR: RA-5

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Robertson 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 or adjacent to 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 (Bridgegate Pond Subdivision).
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 the downstream receiving system including the lake located immediately downstream.

APPLICANT: Arrowhead Real Estate Partners, LLC

PETITION NO.: Z-51

PRESENT ZONING: R-20

PETITION FOR: RA-5

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 (Based on Revised Plan submitted 2/15/2013)

1. This site is located just north of Roswell Road and is bounded by Sterling Ridge S/D to the west, Crafton Heights and Stone Hill S/Ds to the north and Stone Hill S/D to the east. The site is dominated by a stream the runs diagonally across the site that roughly divides the parcel in half. Average slopes on the site are approximately 10%.
2. One of the proposed detention ponds will be located near the entrance adjacent to Roswell Road. Adequate landscaping should be provided to visually screen the pond from the Roswell Road R/W..
3. The embankment created by Roswell Road creates a significant flooding potential for this parcel. County Code will require that all minimum finished floor elevations be at least 2 feet above the overflow low point of Roswell Road.

APPLICANT: Arrowhead Real Estate Partners, LLC **PETITION NO.:** Z-51

PRESENT ZONING: R-20 **PETITION FOR:** RA-5

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
Roswell Road	35,960	Arterial	45 mph	Georgia DOT	100'

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

COMMENTS AND OBSERVATIONS

Roswell 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.

RECOMMENDATIONS

Recommend curb, gutter, and sidewalk along Roswell Road frontage.

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

Recommend a deceleration lane on Roswell Road for the entrance.

Recommend if streets are private then be constructed to the Cobb County Standard Specifications.

Recommend developer contribute 100% of the cost for a traffic signal at the entrance, if and when warranted and installation approved by Cobb County DOT. The signal warrant study shall be completed after full build-out of the development when true traffic data is available.

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

Recommend no monument signs on the right-of-way.

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

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STAFF RECOMMENDATIONS

Z-51 ARROWHEAD REAL ESTATE PARTNERS, 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 which are zoned R-20, R-15, RA-4, RA-5 and PD. The character of the area is well defined with single-family detached homes.
- 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 have similar zonings and densities.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would not 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 categories, having densities ranging from 1-2.5 units per acre. The proposed density is 2.17 units per acre. Other properties in this area are zoned R-15, R-20, PD, RA-4 and RA-5, with densities ranging from 1.43 units per acre (Stone Hall, zoned R-20); to 2.14 units per acre (Sterling Ridge, zoned R-15); to 2.57 units per acre (Wynmont, zoned RA-5); and to 4.03 units per acre (Bridge Gate, zoned PD). Applicant's proposal is set on a unique property that accomplishes the desired number of lots for the applicant, while keeping the density within the range for the Low Density Residential land use category (1-2.5 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 rezoning proposal to R-15 OSC. The applicant's proposal appears to meet the requirements of the OSC code. Utilizing the OSC code will help to protect the open in perpetuity and would alleviate the need for all the variances. Applicant has revised the proposed site plan to provide for the development of a 23-lot single-family residential subdivision at a density of 2.17 units per acre, which is in keeping with the allowable densities in the OSC code. The current zoning will allow 18 lots and the proposed development is only an increase of five lots and still remains in the Low Density Residential range of 1-2.5 units per acre.

Based on the above analysis, Staff recommends DELETION to R-15 OSC subject to the following stipulations:

- Site plan dated March 10, 2013, with the District Commissioner approving minor changes;
- Letter from Mr. Garvis L. Sams, Jr. dated March 19, 2013 (where not in conflict);
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

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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SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
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March 19, 2013

VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Application of Arrowhead Real Estate Partners, LLC
To Rezone a 10.589± Acre Tract from R-20 to R-15 OSC
(No. Z-51)

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 MAR 19 PM 3:22
COBB COUNTY ZONING DIVISION

Dear John:

You will recall that this firm represents Arrowhead Real Estate Partners, LLC (“Arrowhead”) regarding the above-captioned Application for Rezoning. The Application was heard and considered by the Cobb County Planning Commission on March 5, 2013 wherein the Planning Commission unanimously approved a Motion to hold the Application until the April zoning cycle. The Planning Commission’s action was primarily based upon major revisions to Arrowhead’s proposal and the County’s professional staff’s revisions to its original Analysis and Recommendations. Presently, the Application is scheduled to be heard and considered by the Planning Commission on April 2, 2013 and, thereafter, scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on April 16, 2013.

With respect to the foregoing, enclosed please find the requisite number of copies of a revised site plan which further modifies Arrowhead’s Application so that the proposal is consistent with staff’s revised Analysis and Recommendations. The proposal now constitutes a request for a rezoning of the subject property from R-20 to R-15 OSC for the purposes of the development of a single-family residential subdivision consisting of twenty-three (23) homes at a density of 2.17 units per acre. As you know, the County’s Future Land Use Map presently allows Residential developments within this area up to 2.5 units per acre.¹

¹ Contiguous and adjacent densities are as follows: Sterling Ridge (R-15) 2.14 u.p.a.; Wynmont (RA-5) 2.57 u.p.a.; and, Bridgegate (PD) 4.03 u.p.a.

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VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

March 19, 2013

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In accordance with the dialogue which we have established with the County's professional staff and after receiving input from area residents since the Fall of 2012, this letter will serve as Arrowhead's expression of agreement with the following revised stipulations which, upon the Application for Rezoning being approved as modified, shall become conditions and a part of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows to wit:

1. The revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The subject property shall be developed in accordance with recommendations from Cobb County's professional staff and in conformity to that certain revised site plan, prepared by Planners and Engineers Collaborative which is being submitted contemporaneously herewith.²
3. Construction of a maximum number of twenty-three (23) single-family detached homes at a maximum density of 2.17 units per acre.
4. In accordance with Open Space Community (OSC) regulations, a minimum of 31.5% of the subject property shall remain in Open Space as shown on the revised site plan.
5. The minimum house size for the proposed residential community shall be twenty-four hundred (2,400) sq. ft. Each of the homes shall have, at a minimum, an attached two (2) car garage which shall be used for the parking and storage of vehicles.
6. The architectural style and composition of the homes shall consist of brick, stacked stone, cedar, Hardy Plank shake or Hardy Plank siding or a combination thereof as shown on the architectural elevations/renderings which will be submitted under separate cover.

² Development of the subject property under the R-15 OSC zoning category provides Arrowhead with the ability to master plan around the stream and protect the stream's extensive buffers while maintaining the density at an acceptable level and eliminating contemporaneous variances which would be required under other zoning categories.

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VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

March 19, 2013

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7. The creation of a mandatory Homeowner's Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs"), which shall include, among other components, strict architectural controls.
 8. Subdivision entrance signage shall be ground-based, monument style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage located on Roswell Road, shall be incorporated into the landscape plan for the subdivision and shall be fully landscaped and irrigated.
 9. The submission of a landscape plan during the Plan and Review Process which shall be subject to review and approval by the County Arborist.
 10. Subject to recommendations from the Cobb County Stormwater Management Division and with respect to stormwater management and hydrological issues, including the following:
 - a. The ultimate location and configuration of on-site detention, stormwater management and water quality components.
 - b. Predevelopment and post-development studies of the lake which is located downstream in Bridgegate Subdivision.
 - c. Recognizing the seventy-five ft. (75') streambank buffers (150' total) and the placement of same within a Restrictive Easement in favor of Cobb County.
 - d. Finished floor elevations will be positioned at least two feet (2') above the overflow low point of Roswell Road.
 - e. The master stormwater management pond, which is located directly adjacent to Roswell Road, shall be landscaped to visually screen the pond from Roswell Road.

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VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

March 19, 2013

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11. Subject to recommendations from the Cobb County Department of Transportation (“DOT”), including the following recommendations:
 - a. In terms of the subject property’s frontage on Roswell Road, tying into existing sidewalk, curb and gutter.
 - b. The construction of a deceleration lane with a taper.
 - c. Any encroachments upon Roswell Road Right-of-Way shall be subject to review and approval by the Georgia Department of Transportation.
 - d. The installation of curb and gutter along both sides and a sidewalk along one side of the residential community’s streets.
 - e. Currently, traffic signalization is not warranted at the subdivision’s entrance and alignment with the median break on Roswell Road according to representations made by Cobb DOT representatives. If and when signalization is warranted, the costs for same should be apportioned as opposed to any single Property Owner having to contribute 100% of the costs.
 12. Compliance with the recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
 13. Subject to recommendations from the Cobb County Fire Department.
 14. The District Commissioner shall have the authority to approve minor modifications to these stipulations and the Site Plan as the development proposal proceeds through the Plan and Review Process and thereafter.

Arrowhead’s revised proposal is consistent with staff’s revised recommendations and in conformity with the policy and intent embodied in both the Future Land Use Map and the Comprehensive Land Use Plan. Please do not hesitate to contact me should you or your staff require further information or documentation prior to the Application being heard and considered by the Planning Commission and Board of Commissioners next month.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

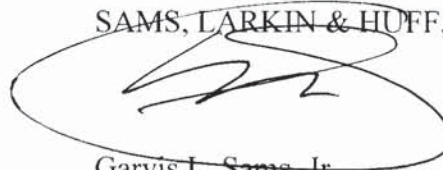
VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
March 19, 2013
Page 5

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLS/dsj(snw)

Attachments/Enclosures

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachments)
Mr. Dana Johnson, AICP Planning Manager (via email w/attachments)
Mr. Jason A. Campbell, Planner III
(via email w/attachments & hand delivery w/enclosures)
Mr. David Breden, PE, Cobb County Stormwater Management
(via email w/attachments)
Ms. Jane Stricklin, PE, Cobb County DOT (via email w/attachments)
Ms. Karen King, Assistant County Clerk (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Ms. Jodie Hayes, Sterling Ridge Subdivision (via email w/attachments)
Mr. Massoud Fatemi, Stone Hall Subdivision (via email w/attachments)
Ms. Jill Flamm, ECCA (via email w/attachments)
Ms. Trish Steiner, ECCA (via email w/attachments)
Mr. Bryan Flint, Arrowhead Real Estate Partners, LLC (via email w/attachments)
Mr. Kenneth J. Wood, P.E., LEED AP Planners and Engineers Collaborative
(via email w/attachments)