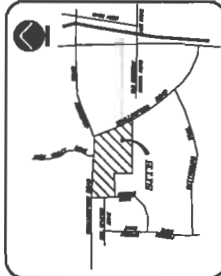
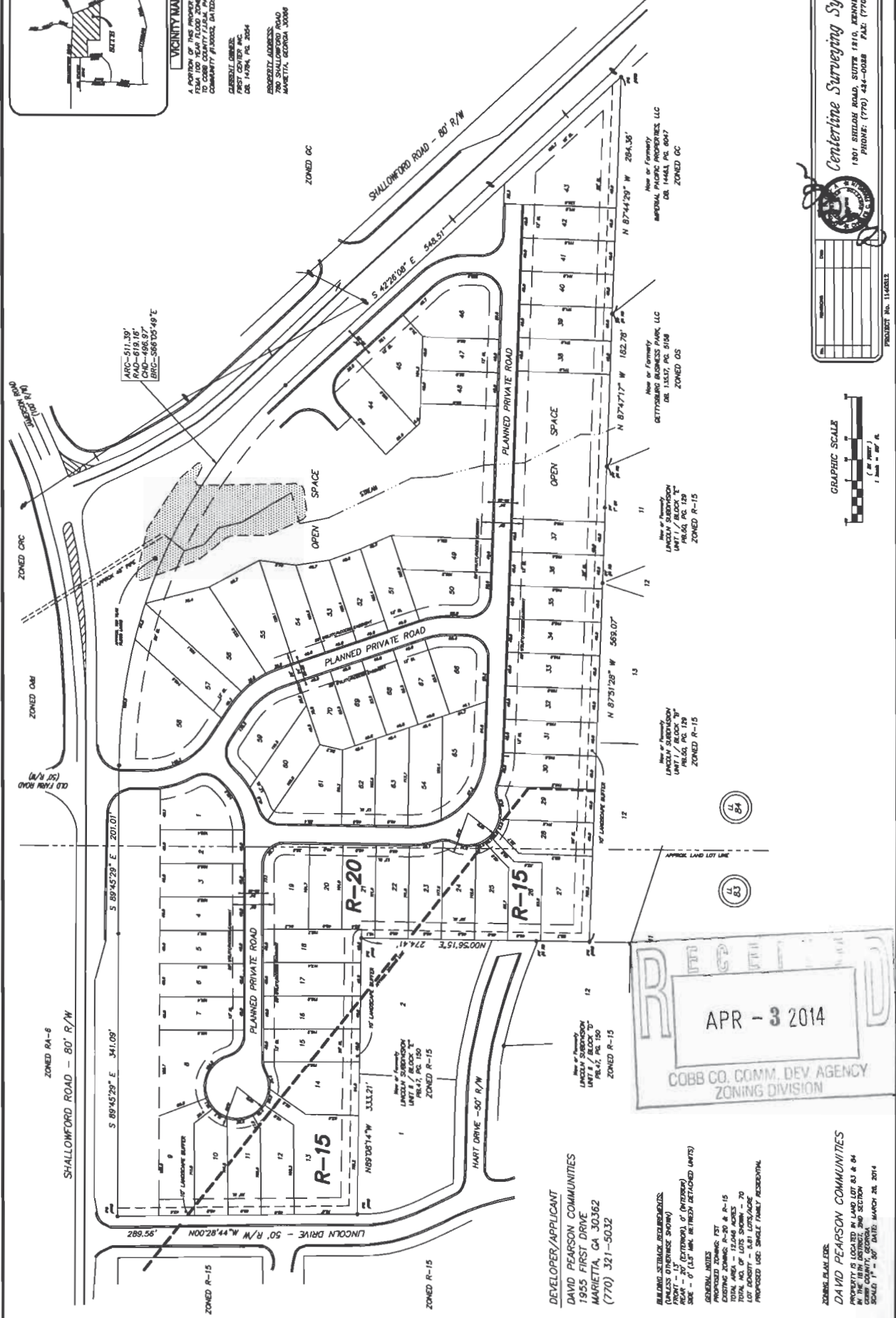


Z-37
(2014)



VICINITY MAP
A PORTION OF THIS PROPERTY LIES WITHIN A
PLANNED SUBDIVISION BEING SUBMITTED
TO COBB COUNTY (L.A.M. PARK, O.D.M. G.
COMMUNITY #130052, DATED: DEC. 18, 2008
SUBJECT: ZONING
FIRST COVERED BY
DE. 14784, P.L. 2004
PROPERTY ADDRESS:
200 SHALLOWFORD ROAD
MARIETTA, GEORGIA 30066



Centerline Surveying Systems, Inc.
1301 SULLOGE ROAD, SUITE 1310, KENNESAW, GA 30144
PHONE: (770) 434-0088 FAX: (770) 434-2999



APR - 3 2014
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

DEVELOPER/APPLICANT
DAVID PEARSON COMMUNITIES
1955 FIRST DRIVE
MARIETTA, GA 30062
(770) 321-5032

BUILDING SETBACK REQUIREMENTS
(UNLESS OTHERWISE SHOWN)
FRONT - 20' (EXTENSION OF INTERIOR)
SIDE - 0' (15' MIN. BETWEEN DETACHED UNITS)
GENERAL NOTES
PROPOSED ZONING: R-15
EXISTING ZONING: R-20 & R-15
TOTAL ACRES: 10.00
TOTAL NO. OF LOTS: 100
LOT DENSITY - 0.81 LOTS/ACRE
PROPOSED USE: SINGLE FAMILY RESIDENTIAL

ZONING BOARD
DAVID PEARSON COMMUNITIES
PROPERTY IS LOCATED IN LAND LOT 83 & 84
OF THE 19TH SUBDIVISION, 2ND SECTION
OF THE COBB COUNTY, GEORGIA
SCALE: 1" = 50' (DATE: MARCH 28, 2014)

APPLICANT: First Center, Inc.
(770) 321-5032

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

TITLEHOLDER: First Center, Inc.

PROPERTY LOCATION: Southwest intersection of Shallowford Road and Jamerson Road
(682, 780 and 792 Shallowford Road).

ACCESS TO PROPERTY: Shallowford Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house and acreage

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** RA-6/Chadd's Ridge Subdivision; O&I, CRC and GC/Commercial developments
- SOUTH:** R-15/Lincoln Subdivision; OS, GC & LI/Commercial and Industrial developments
- EAST:** GC and CRC/Offices and Warehouses
- WEST:** R-15/Lincoln 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-37

HEARING DATE (PC): 06-03-14

HEARING DATE (BOC): 06-17-14

PRESENT ZONING: R-20, R-15

PROPOSED ZONING: FST

PROPOSED USE: Fee Simple Townhomes

SIZE OF TRACT: 12.046 acres

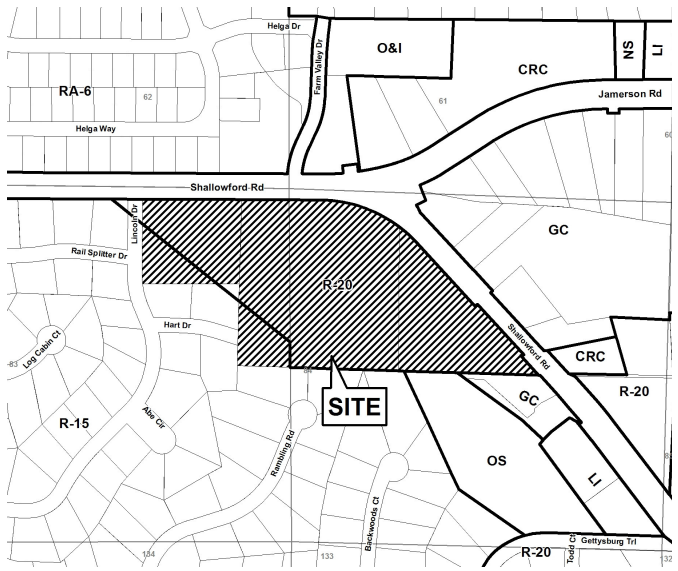
DISTRICT: 16

LAND LOT(S): 83, 84

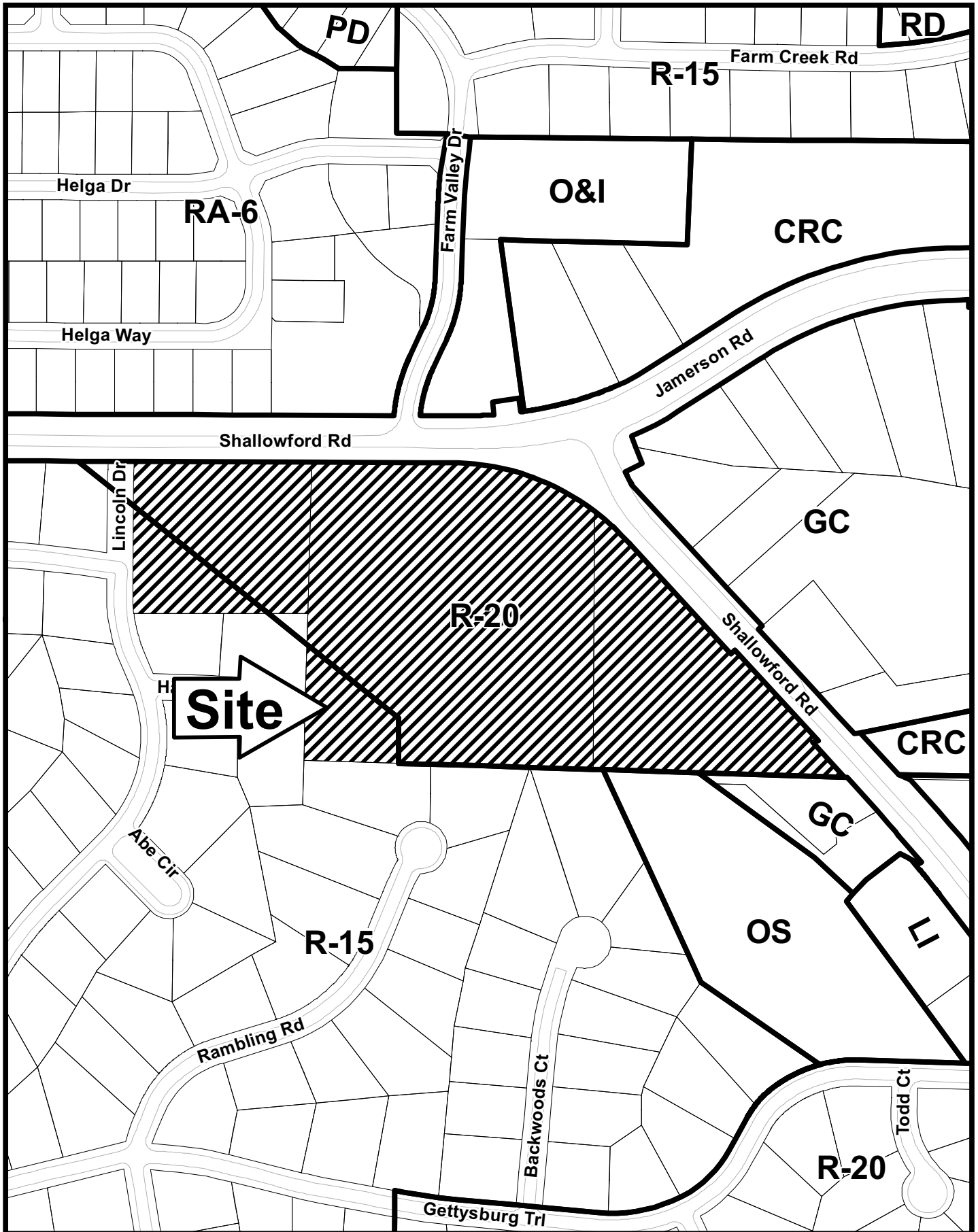
PARCEL(S): 1, 2, 9

TAXES: PAID X **DUE**

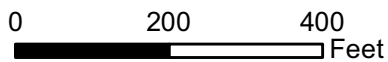
COMMISSION DISTRICT: 3



Z-37



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



City Boundary
Zoning Boundary

APPLICANT: First Center, Inc.

PETITION NO.: Z-37

PRESENT ZONING: R-20, R-15

PETITION FOR: FST

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: 70 **Overall Density:** 5.81 **Units/Acre**

Staff estimate for allowable # of units: 21 **Units*** **Increase of:** 49 **Units/Lots**

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the FST zoning category for the development of a 70-lot detached townhome subdivision. The townhomes will be traditional in architecture. The proposed site plan indicates variances will be required and include: waiving the front setbacks from the required 35 feet (exterior lots) or 25 feet (interior lots) to 13 feet; waive the major side setbacks from 25 feet or 35 feet to 13 feet, 15 feet and 20 feet; waive the required rear setback from the required 35 feet (exterior lots) or 25 feet (interior lots) to 20 feet (exterior) and 0 feet (interior); waive the side setback from the required 40 feet (exterior lots) or 10 feet (interior lots) to 0 feet (3.5 feet between detached units); and allow detached units in the FST zoning district.

Cemetery Preservation: No comment.

APPLICANT: First Center, Inc.

PETITION NO.: Z-37

PRESENT ZONING: R-20, R-15

PETITION FOR: FST

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Nicholson</u>	<u>472</u>	<u>560</u>	<u>Under</u>
Elementary <u>McClesky</u>	<u>703</u>	<u>843</u>	<u>Under</u>
Middle <u>Kell</u>	<u>1,538</u>	<u>1,912</u>	<u>Under</u>

High

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

Additional Comments:

FIRE COMMENTS:

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: First Center, Inc.

PETITION NO.: Z-37

PRESENT ZONING: R-20, R-15

PETITION FOR: FST

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-15 and R-20 to FST for fee simple townhomes. The 12.046 acre site is located on the southwest intersection of Shallowford Road and Jamerson Road.

Comprehensive Plan

The parcel is within the Low Density Residential (LDR) area future land use category, with R-15 and R-20 zoning designations. 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?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT First Center, Inc.
PRESENT ZONING R-20, R-15

PETITION NO. Z-037
PETITION FOR FST

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" AC / S and E side of Shallowford Road

Additional Comments: Master meter 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: 110' N in Shallowford/Jamerson Rd. ROW

Estimated Waste Generation (in G.P.D.): A D F= 11200 Peak= 28000

Treatment Plant: Noontday

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: On-site sewer to be private

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: First Center, Inc.

PETITION NO.: Z-37

PRESENT ZONING: R-20, R-15

PETITION FOR: FST

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Noonday 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 stream channel

- 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 existing downstream receiving culverts.

APPLICANT: First Center, Inc.

PETITION NO.: Z-37

PRESENT ZONING: R-20, R-15

PETITION FOR: FST

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. The site is located at the southwest intersection of Shallowford and Jamerson Roads. The majority of the site (80%) drains to the north via two existing culverts under Shallowford Road. The remainder of the site drains to the west to Lincoln Drive and into the adjacent Lincoln Subdivision. The existing site is fairly heavily wooded with slopes ranging from approximately 5 to 25%.
2. The proposed site plan shows only one detention pond at the northwest corner. However, since a significant portion of the site drains to the eastern stream channel, a second pond may be required which may reduce the total number of lots since the pond cannot be located within the stream buffer.
3. A drainage easement will likely be required along the rear of lots 9-18 to limit offsite runoff bypass.
4. Since private streets are proposed all stormwater management within the development including the detention pond(s) will be privately maintained in perpetuity by the HOA.

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
Shallowford Road (East West)	14,500	Arterial	45 mph	Cobb County	100'
Shallowford Road (North South)	3900	Minor Collector	35 mph	Cobb County	60'

*Based on 2005 traffic counting data taken by Cobb County DOT (Shallowford Road EW)
Based on 2011 traffic counting data taken by Cobb County DOT (Shallowford Road NS)*

COMMENTS AND OBSERVATIONS (REVISED 5/12/14)

Shallowford Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Shallowford Road is classified as a minor collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant to 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 Shallowford Road, a minimum of 50' from the roadway centerline.

Recommend curb, gutter, and sidewalk along Shallowford Road frontages.

Recommend a deceleration lane and left turn lane for the Shallowford Road access.

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

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

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STAFF RECOMMENDATIONS

Z-37 FIRST CENTER, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other residential properties in this area developed at lower densities.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. While other properties in this area are developed with single-family homes, Staff feels the proposed density is too intense for the area.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Low Density Residential land use category, having densities ranging from 1-2.5 units per acre. The densities of other developments in this area include: Lincoln Subdivision Unit I (zoned R-15 and R-20 at approximately 1.92 units per acre); Dover Downs Unit I (zoned PD at approximately 1.75 units per acre); Lincoln Subdivision Unit II (Zoned R-15 at approximately 2.58 units per acre); Chadds Ridge, Unit I (Zoned RA-6 at 2.9 units per acre); Chadds Ridge Unit III (zoned RA-6 at 3.02 units per acre); and Old Farm Place II (zoned RM-10T at approximately 4.19 units per acre). The FST zoning category is geared toward properties delineated for Medium Density Residential (MDR), High Density Residential (HDR) and Regional Activity Center (RAC) land use categories. As previously noted, the subject property is in the Low Density Residential (LDR) land use category.
- 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. Staff believes applicant's proposed density of 5.81 units per acre is too intense when compared to the densities listed above. The property is located in a transitional area in between single family houses and commercially zoned properties. Staff believes rezoning the property to RA-5 will provides a suitable transition in zoning intensity. The Future Land Use Map (FLUM) anticipates densities of 1 to 2.5 units per acre; Staff would suggest the density for this project be at the top end of the FLUM since there is RA-6 across the road.

Based on the above analysis, Staff recommends DELETING the request to RA-5 subject to the following conditions:

- Site plan to be approved by the Board of Commissioners;
- Maximum density of 2.5 units per acre;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management 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 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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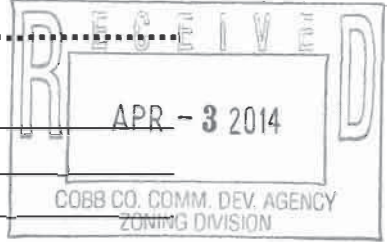


Application #: Z- 37 (2014)

PC Hearing Date: 06/03/2014

BOC Hearing Date: 06/17/2014

Summary of Intent for Rezoning*



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

- a) Proposed unit square-footage(s): To Be Provided
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): To Be Provided
- d) List all requested variances: Rezone for 70+ lots.

.....
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)

None known at this time.

.....
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.

.....
Part 5. Is this application a result of a Code Enforcement action? No X; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

FIRST CENTER, INC.

Applicant signature BY: David Pearson Date: 3/31/14

Applicant name (printed): David Pearson, President

*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any part of the Application for Rezoning, at any time during the rezoning process. Revised August 21, 2013