

APPLICANT: JW Homes, LLC

PETITION NO: Z-46

PHONE#: (404) 895-8913 **EMAIL:** bryan.musolf@jwhomes.com

HEARING DATE (PC): 07-01-14

REPRESENTATIVE: J. Kevin Moore

HEARING DATE (BOC): 07-15-14

PHONE#: (770) 429-1499 **EMAIL:** jkm@mijs.com

PRESENT ZONING: R-20, R-30

TITLEHOLDER: Paul Samuel Properties, LLP; Double Eagle, LLC;
Laverne and Carl Abbott

PROPOSED ZONING: R-20/OSC

PROPERTY LOCATION: South side of Paul Samuel Road, east side of
Acworth Due West Road, eastern terminus of West Pointe Drive, eastern
terminus of Justice Drive, and the southern terminus of Liberty Lane

PROPOSED USE: Single-Family Residential
Subdivision

ACCESS TO PROPERTY: Paul Samuel Road and Acworth
Due West Road

SIZE OF TRACT: 137.183 acres

DISTRICT: 20

PHYSICAL CHARACTERISTICS TO SITE: Single-family house
and undeveloped acreage with lake

LAND LOT(S): 237, 258, 259

PARCEL(S): 30, 67, 1, 10, 226

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-30/Hampton Crest Subdivision

SOUTH: R-30/Single-family Houses; R-20/West Point and Due West Station Subdivisions

EAST: R-30/Single-family Houses; R-30/OSC/Woodbridge at Hamilton Lake; and R-20/Hamilton Country Estates

WEST: R-30/Single-family Houses and R-20/West Point Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

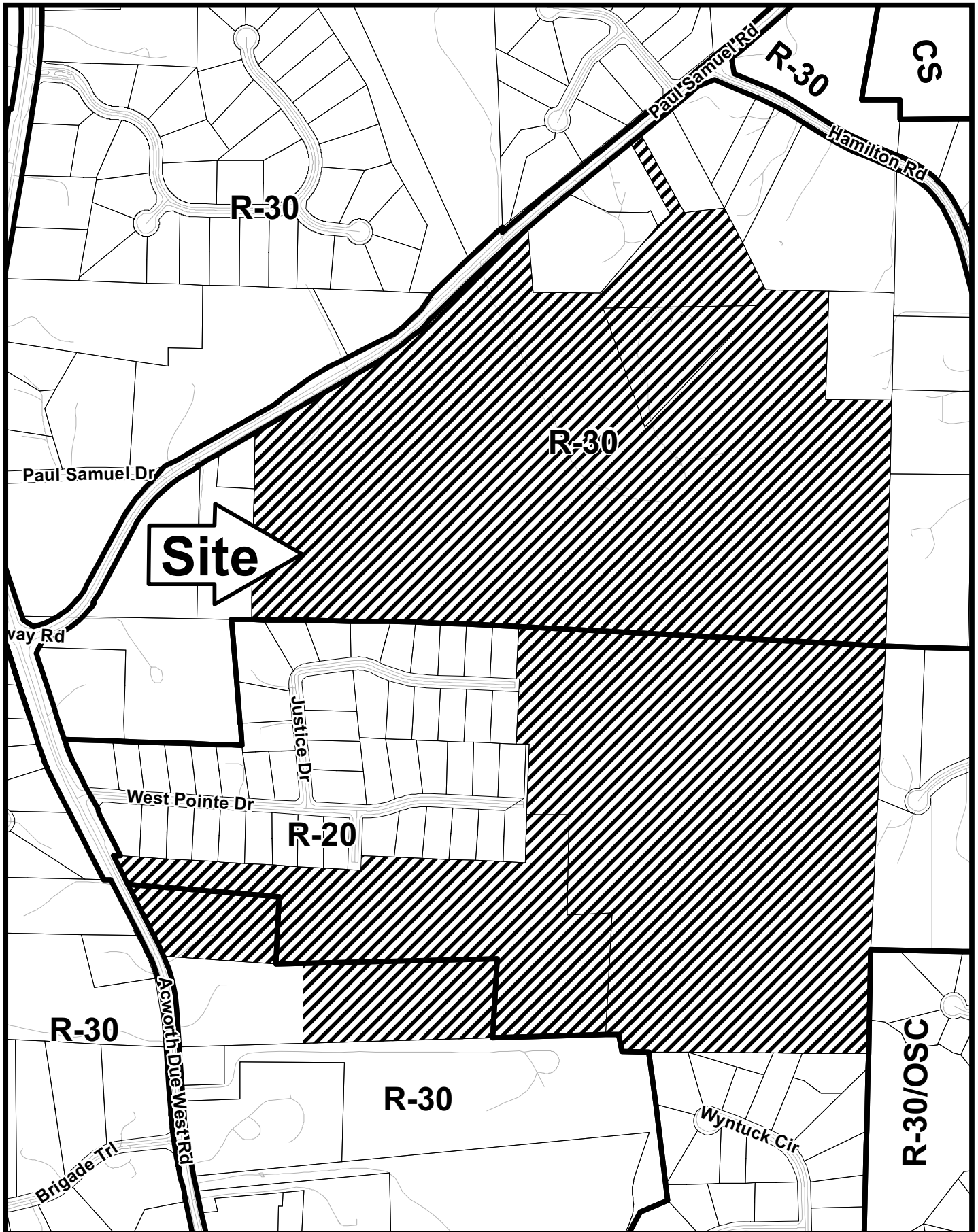
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

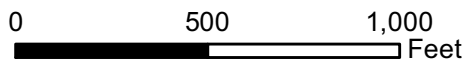
STIPULATIONS:





Z-46



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



-  City Boundary
-  Zoning Boundary

APPLICANT: JW Homes, LLC

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PRESENT ZONING: R-20, R-30

PETITION FOR: R-20/OSC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Very Low Density Residential (0-2 units per acre)

Proposed Number of Units: 183 **Overall Density:** 1.74 **Units/Acre**

Staff estimate for allowable # of units: R-30/63 & R-20/83 **Units* Increase of:** 37 **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 R-20/Open Space Community (OSC) zoning category for the development of a 183-unit single-family subdivision. The proposed site plan indicates 51.34 acres of the overall 137.183 acres will be set aside as open space. The proposed houses will be traditional and will range in size from 3,400 square feet to 4,400 square feet. The houses will range in price from \$500,000 to \$700,000.

Cemetery Preservation: No comment.

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PRESENT ZONING: R-20, R-30

PETITION FOR: R-20/OSC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Bullard/Due West Elem	_____	_____	_____
Elementary McClure Middle	110	Over	_____
Middle Harrison/Kennesaw Mtn High	_____	_____	_____

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.

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PRESENT ZONING: R-20, R-30

PETITION FOR: R-20/OSC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and R-30 to R-20/OSC for purposes of single family residential. The 137.183 acre site is located on the south side of Paul Samuel Road, east side of Acworth Due West Road.

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-20 and R-30 zoning designations. The purpose of the Very Low Density Residential (VLDR) category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) dwelling units per acre.

Open Space

Date: **July 17, 2014**
Contact: Philip Westbrook

(770) 528-2014

Property Location: South side of Paul Samuel Rd, east side of Acworth Due West Rd.

Land Lot/District: 237,258,259 / 20
Proposed Use: R-20 OSC

Current Zoning: R-20 / R-30

Total Area: 137.183 acres
Floodplain /Wetland Area/Cemetery: 31.10 acres
Amenity Area: 1.19 acres
Net Buildable Area: 104.893 acres
Base Density Allowed: 1.75 upa
Base Density Allowed w/Bonus: 1.92 upa
Proposed Lots: 195
Net Density: 1.86 upa
Future Land Use: Very Low Density Residential (1 to 2 upa)

Open Space Requirement: 48.01 acres or 35%; for bonus 52.82 acres or 38.5%
Open Space Provided: 52.94 acres or 38.6%
Percentage of Open Space within Floodplain, Wetlands, & Lakes w: 58.7%

Setbacks:

Interior:
Front: 15'; Rear: 20'; Side: 5' / 20' between units
Exterior
Rear: 40' adjacent to R-30
Rear: 35' adjacent to R-20

Comments:

1. Overall residential development shall be compatible with neighboring residential uses. In areas where adjoining neighborhood lots are larger than those proposed (i.e. lots 41 – 48 & 104-112) the plan should incorporate larger lots adjacent to existing neighborhoods with smaller lots designed to the interior.

APPLICANT: JW Homes, LLC

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PRESENT ZONING: R-20, R-30

PETITION FOR: R-20/OSC

PLANNING COMMENTS: **Continued**

- 2. Must have Cobb Department of Transportation approved lighting plan if outdoor lighting (except individual residential lots) is proposed.
- 3. A Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the "Open Space" from development in perpetuity as owned by the mandatory Home Owners Association. Conservation Easement application must be submitted to the Planning Division before final plat approval.
- 4. For all lots contiguous to commonly owned open space, staff recommends including a deed that explains that said lots are adjacent to commonly owned Open Space that cannot be disturbed.
- 5. Recommend split rail fence to be installed just on the inside of commonly owned open space and not on the individual lot side of the property.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

It has been determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional is to be considered at site plan review. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

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 FOR: R-20/OSC

PLANNING COMMENTS: Continued

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

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY

Planning Division
1150 Powder Springs Street
Marietta, Georgia 30060
(770) 528-2018

Planning Staff Analysis

Z-46 REVISED

Date: **September 2, 2014**

Contact: Philip Westbrook

(770) 528-2014

Property Location: South side of Paul Samuel Rd, east side of Acworth Due West Rd.

Land Lot/District: 237,258,259 / 20

Current Zoning: R-20 / R-30

Proposed Use: R-20 OSC

Total Area: 137.183 acres

Floodplain /Wetland Area/Cemetery: 31.10 acres

Amenity Area: 1.19 acres

Net Buildable Area: 104.894 acres

Base Density Allowed: 1.75 upa

Base Density Allowed w/Bonus: 1.92 upa

Proposed Lots: 183

Net Density: 1.74 upa

Future Land Use: Very Low Density Residential (1 to 2 upa)

Open Space Requirement: 48.01 acres or 35%; for bonus 52.82 acres or 38.5%

Open Space Provided: 51.34 acres or 37.4%

Percentage of Open Space within Floodplain, Wetlands, & Lakes w: 58.7%

Setbacks:

Interior:

Front: 15'; Rear: 20'; Side: 5' / 20' between units

Exterior

Rear: 40' adjacent to R-30

Rear: 35' adjacent to R-20

Comments:

1. Since density has been reduced to 1.74 upa applicant is no longer within the density bonus range and is only required to provide 35% open space, which has been satisfied with the 51.34 acres or 37.4% of noted open space on site plan received August 29, 2014.
2. Open Space % calculations are incorrect on site plan received August 29, 2014 and must be corrected to reflect accurate percentage.
3. Must have Cobb Department of Transportation approved lighting plan if outdoor lighting (except individual residential lots) is proposed.

4. A Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the “Open Space” from development in perpetuity as owned by the mandatory Home Owners Association. Conservation Easement application must be submitted to the Planning Division before final plat approval.
5. For all lots contiguous to commonly owned open space, staff recommends including a deed that explains that said lots are adjacent to commonly owned Open Space that cannot be disturbed.
6. Recommend split rail fence to be installed just on the inside of commonly owned open space and not on the individual lot side of the property.

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STAFF RECOMMENDATIONS

Z-46 JW 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. Nearby properties are zoned for single-family developments with similar densities.
- 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 zoned for single-family developments that include R-20, R-30, R-30/OSC and R-80.
- 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 Very Low Density Residential (VLDR) land use category, having densities ranging from 0-2 units per acre. The requested density of 1.74 units per acre can be allowed in VLDR. Densities of some of the nearby subdivisions include: Hamilton Country Estates (zoned R-20 at approximately 0.395 units per acre); Woodbridge at Hamilton Lake Unit One (zoned R-30/OSC at 1.54 units per acre); West Pointe Unit One (zoned R-20 at approximately 1.632 units per acre); and West Pointe Unit Two (zoned R-20 at 1.816 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 proposed site plan has set aside 51.34 acres (38.8%) of the total 137.183 acres as open space. The proposed density of 1.74 units per acre is consistent with other properties in the area. The proposed density of 1.74 units per acre is also consistent with the VLDR range of 0-2 units per acre.

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

- Site plan received September 2, 2014 with the District Commissioner approving minor modifications;
- Lots abutting R-30 property to have 40-foot rear setbacks and lots abutting R-20 zoning to have a 35-foot rear setback;
- Planning Division comments including the revised OSC analysis;
- 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 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.

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAY -1 PM 4:45
COBB COUNTY ZONING DIVISION



Application #: Z- 46 (2014)
PC Hearing Date: 07/01/2014
BOC Hearing Date: 07/15/2014

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 3,400 - 4,400 sqft.
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): \$500,000 to \$700,000
- d) List all requested variances: _____

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

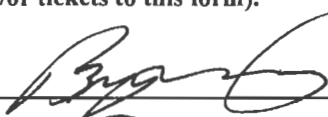
- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

.....
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.

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

Applicant signature:  Date: May 1, 2014
Applicant name (printed): Bryon Musolf

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