

APPLICANT: Tanglewood Development, Inc.

PETITION NO: Z-91

PHONE#: (770) 321-5032 **EMAIL:** michele@davidpearsoncommunities.com

HEARING DATE (PC): 12-02-14

REPRESENTATIVE: J. Kevin Moore

HEARING DATE (BOC): 12-16-14

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

PRESENT ZONING: R-20/OSC

TITLEHOLDER: Tanglewood Development, Inc.

PROPOSED ZONING: R-15

PROPERTY LOCATION: Northeast side of Jamerson Road,
southeast of Hawk Trail.

PROPOSED USE: Single-Family
Residential Subdivision

ACCESS TO PROPERTY: Jamerson Road

SIZE OF TRACT: 12.58 acres

PHYSICAL CHARACTERISTICS TO SITE: Partially developed
subdivision

DISTRICT: 16

LAND LOT(S): 48, 49

PARCEL(S): 21, 22, 23, 32, 36

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-15/Falcon Crest Subdivision
- SOUTH:** R-30/Single family homes on large lots
- EAST:** R-30/Single family homes on large lots
- WEST:** R-15, R-30/Falcon Crest Subdivision, single family house on large lot

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

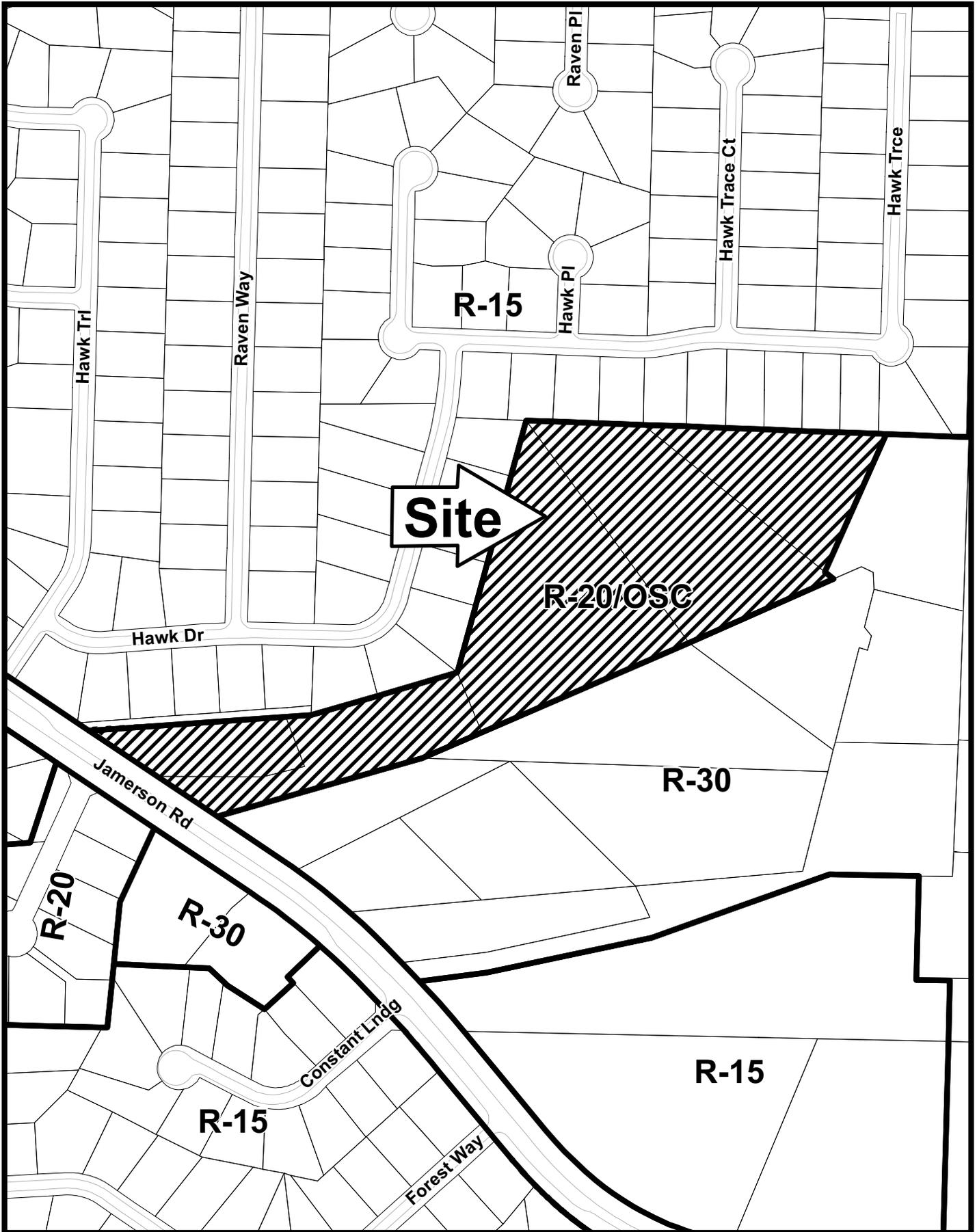
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

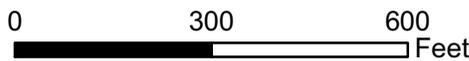
STIPULATIONS:



Z-91



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



City Boundary
Zoning Boundary

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PRESENT ZONING: R-20/OSC

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ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Low Density Residential (1-2.5 units per acre)

Proposed Number of Units: 22 **Overall Density:** 1.74 **Units/Acre**

Staff estimate for allowable # of units: 20 **Units*** **Increase of:** 2 **Units/Lots**

*Per Z-87 if 2000

The applicant is proposing a single family detached subdivision. The homes will be traditional in styling with a mixture of brick, stone, stacked stone, and cedar shake. The minimum house size will be 2,000 square feet. The prices of the homes are anticipated to be \$500,000 and up. The front entrance will be landscaped and include a ground base monument style sign.

The property was partially developed in the mid 2000's for a 20 lot subdivision. The previous zoning conditions for Z-87 of 2000 are attached for review, as well as the approved site plan and landscape plan. The area the applicant is showing as lots 21 and 22 was stipulated to be a designated tree save area, which was to be deed restricted in perpetuity.

The applicant is showing two variances from the R-15 zoning code on the site plan. First, the applicant would like to reduce the front setback from 35 feet to 20 feet. Second, the applicant would like to reduce the major side setback from 25 feet to 20 feet.

Cemetery Preservation: No comment.

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SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Davis</u>	<u>553</u>	<u>Under</u>	<u> </u>
Elementary			
<u>Mabry</u>	<u>889</u>	<u>Under</u>	<u> </u>
Middle			
<u>Lassiter</u>	<u>2,035</u>	<u>Under</u>	<u> </u>

High

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

Additional Comments:

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage

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PRESENT ZONING: R-20/OSC

PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20/OSC to R-15 for single family residential subdivision. The 12.58 acre site is located on the northeast side of Jamerson Road, southeast of Hawk Trail.

Comprehensive Plan

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

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PLANNING COMMENTS: (Continued)

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 Tanglewood Development, Inc.

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PRESENT ZONING R-20/OSC

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): 8" DI HS / W side of Wigley Road

Additional Comments: Elevation requires connection to Sweat Mountain High Sevice line

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: +/- 270' NE in Jamerson Rd ROW

Estimated Waste Generation (in G.P.D.): A D F= 3520 Peak= 8800

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:

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: Trib to Trickum 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 existing receiving systems.

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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. Slopes on this site are steep and exceed 35% within the eastern portion of the site. Elevated erosion and sediment control measures will be required to prevent erosion issues during development.
2. A 20-foot drainage easement will be required at the rear of lots 2-7 to limit offsite runoff bypass.
3. Due to the close proximity of the proposed detention pond to the public right-of-way and the existing adjacent residence, a landscape plan that provides adequate screening will be required to be approved by the County Arborist. If retaining walls are required within the detention pond they will need to be decoratively faced or utilize mechanically stabilized block.

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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
Jamerson Road	8800	Arterial	45 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT (Jamerson Road)

COMMENTS AND OBSERVATIONS

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

Recommend a deceleration lane for the Jamerson Road access.

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

STAFF RECOMMENDATIONS

Z-91 TANGLEWOOD DEVELOPMENT, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The site is very steep and required clearing much of the property in order to get the grades to work properly. This area was designated to be a tree save area by the Board of Commissioners' due to the deforestation on the rest of the site.
- 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. The proposed development, because of the steep slopes and run off of storm water, will impact the adjoining properties. There have been numerous complaints regarding the erosion runoff this property has caused. Removing this natural area will increase the erosion problem.
- 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. The Stormwater Management comments raise possible concerns of drainage and excessive grading to the site, which could impact the adjoining properties. The Water and Sewer Department has concerns about the elevation of the homes and their ability to serve the homes adequately with water pressure.
- 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 projects this site to be within a Low Density Residential area with densities ranging from 1 to 2.5 units per acre. The proposed development has a net density of 1.74 units per acre. However, the current zoning designation and stipulations have a density of 1.58 units per acre, which is also consistent with the *Cobb County Comprehensive Plan*.
- 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 not approving the applicant's rezoning proposal. The existing development under the Z-87 of 2000 is consistent with the *Cobb County Comprehensive Plan*, which projects this site to be within a Low Density Residential area with densities ranging from 1 to 2.5 units per acre. The density under Z-87 of 2000 is 1.58 units per acre. The Staff would recommend that the application for R-15 be rejected and remain at R-20 OSC, which will be at a lower density and have less impact on grading and drainage.

Based on the above analysis, Staff recommends **DENIAL**.

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.



Application #: Z- 91 (2014)
 PC Hearing Date: 12/02/2014
 BOC Hearing Date: 12/16/2014

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Minimum of 2,000 square feet
- b) Proposed building architecture: Traditional; Combination of brick, stone, stacked
- c) Proposed selling prices(s): \$500,000 and ^{stone} greater cedar shake
- 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): 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). No, to the best of our knowledge, information, and belief.

.....
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).

TANGLEWOOD DEVELOPMENT, INC.

Applicant signature: BY: [Signature] Date: October 2, 2014

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 other portion of the Application for Rezoning, at any time during the rezoning process.**
Revised August 21, 2013

CONTINUED CASE:

Z-87 **PEARSON COMMUNITIES** (David Pearson, David and Debra H. Thornton, Anne and Harold R. Ingle, Jr. et al., owners) for Rezoning from **R-30** to **R-15** for the purpose of a Subdivision in Land Lots 48 and 49 of the 16th District. Located on the north side of Jamerson Road, east of Hawk Trail.

The public hearing was opened and Louis Smith, Chuck Clay, Glenn Groszmann, and Michael Gregg addressed the Board. Following presentations and extensive discussion, the following motion was made:

MOTION: Motion by Olens, second by Byrne, to **delete** the Rezoning request to the **R-20/OSC zoning district subject to:**

- **Development limited to 20 lots, site plan specific, with density of 1.59 units per acre**
- **Lots 21, 22, and 23 to be deed restricted in perpetuity as green space**
- **Designated tree save areas are to be deed restricted in perpetuity**
- **The grading limited to the footprint as agreed to by applicant**
- **private storm drainage system to be installed for the collection of all water runoff in the development**
- **Applicant and Cobb DOT to work together to make the deceleration lane closest to Mr. Kuniansky's property as short as safety permits, and request that Mr. Kuniansky and/or his attorney are invited to discussions regarding same**
- **The letter of agreeable stipulations from David Pearson, President of Pearson Communities, dated September 15, 2000, not in conflict with the provisions herein (copy attached and made a part of these minutes)**
- **Stormwater Management comments and recommendations**
- **Water and Sewer comments and recommendations**