

APPLICANT: Macallan Capital, LLC
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REPRESENTATIVE: Parks F. Huff
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TITLEHOLDER: Emerson Unitarian Universalist Congregation, Inc.

PETITION NO: Z-63
HEARING DATE (PC): 07-07-15
HEARING DATE (BOC): 07-21-15
PRESENT ZONING: R-20
PROPOSED ZONING: R-15

PROPERTY LOCATION: West side of Holly Springs Road, south of Frankie Lane
(2715 Holly Springs Road).

PROPOSED USE: Single-Family
Subdivision

ACCESS TO PROPERTY: Holly Springs Road

SIZE OF TRACT: 5.46 acres

PHYSICAL CHARACTERISTICS TO SITE: Existing church

DISTRICT: 16

LAND LOT(S): 552

PARCEL(S): 5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Holly Woods Subdivision
- SOUTH:** R-20/Holly Springs Subdivision
- EAST:** R-20/Single-family house; Pine Shadows Subdivision; Cemetery
- WEST:** R-20/Holly Springs Subdivision

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

PLANNING COMMISSION RECOMMENDATION

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

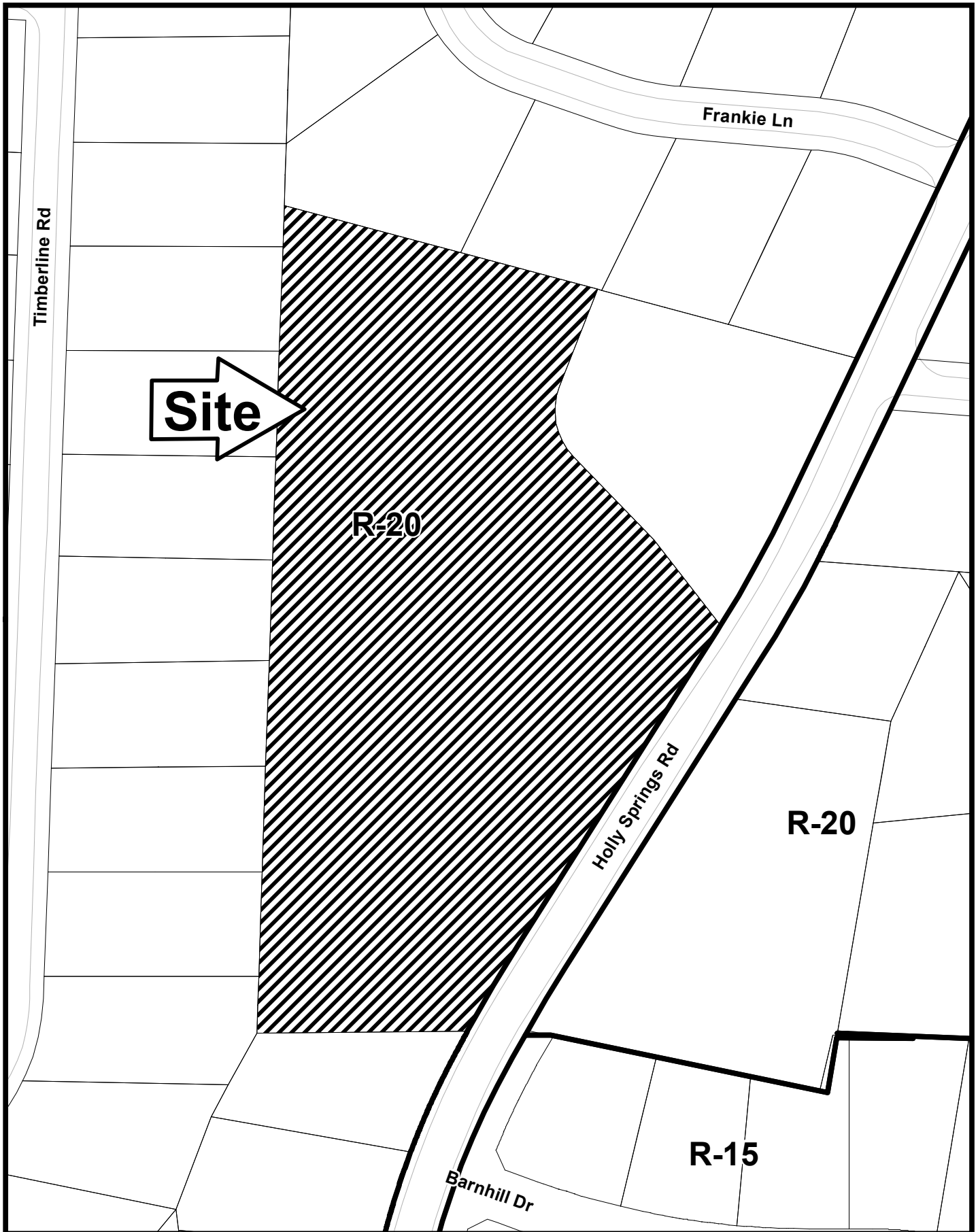
BOARD OF COMMISSIONERS DECISION

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

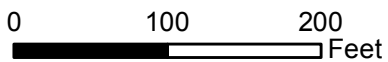
STIPULATIONS:





Z-63



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Macallan Capital, LLC

PETITION NO.: Z-63

PRESENT ZONING: R-20

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Public Institutional (PI)

Proposed Number of Units: 11 **Overall Density:** 2.00 **Units/Acre**

Staff estimate for allowable # of units: 9 **Units*** **Increase of:** 2 **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-15 zoning category for the development of an 11-lot single-family subdivision. The proposed homes will be traditional, ranging in size from 3,000 square feet to 5,000 square feet. The proposed prices ranges are \$700,000 - \$800,000.

Applicant is requesting to waive the front setbacks from the required 35 feet to 25 feet and would like the setbacks along Holly Springs Road to be adjusted for any required right-of-way donation. In addition, the applicant is requesting to waive the side setbacks from the required 10 feet to five feet, with a minimum of 20 feet between structures.

Cemetery Preservation: Zoning petition Z-63, 2015 (in land lot 552 of the 16th district) shows the presence of Holly Springs Memorial Cemetery.

The Emerson Unitarian Universalist Congregation, Inc., has deeded the 50 foot and 10 foot cemetery buffers to the Holly Springs Memorial Association.

Lot 9 – The 15 foot building setback is deed restricted to prohibit any pool or impervious surfaces within setback. Six to seven foot evergreen trees will be planted to provide screening.

The 50 foot buffer is to contain cemetery access and gravel parking area.

The developer is to install a 6 foot, black vinyl chain link fence to surround cemetery inclusive of buffer.

The Cobb Cemetery Preservation Ordinance and the County Development Standards for Cemeteries call for:

- A. Provide and install a permanent six (6) foot chain link fence with gate on the outer perimeter of the cemetery property line. Fence must be 9 gauge with top and bottom rails and fence posts must be set in concrete. Fence may be upgraded to vinyl coated chain link and/or wrought iron.
- B. Provide and install an orange protective fence on the outer perimeter of the fifty (50) foot undisturbed natural buffer before beginning construction. The protective fence is to be maintained in good repair throughout the development phase of the project. At completion of the project, the orange protective fence shall be removed from the premises.
- C. Compliance with all State and local laws and ordinances.
- D. All Cemetery Preservation requirements must be Site Plan specific.

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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>Mountain View</u>	<u>838</u>	<u>Over</u>	<u> </u>
Elementary <u>Hightower Trail</u>	<u>1,063</u>	<u>Over</u>	<u> </u>
Middle <u>Pope</u>	<u>1,929</u>	<u>Over</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.

APPLICANT: Macallan Capital, LLC

PETITION NO.: Z-63

PRESENT ZONING: R-20

PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15 for purpose of a single family subdivision. The 5.46 acre site is located on the west side of Holly Springs Road, south of Frankie Lane (2715 Holly Springs Road).

Comprehensive Plan

The parcel is within a Public Institutional (PI) future land use category, with R-20 zoning designation. The purpose of the PI category is to provide for certain state, federal or local government uses and institutional land uses such as government building complexes, police and fire stations, colleges, churches, hospitals, etc.

Adjacent Future Land Use

North: Low Density Residential (LDR)
East: Public Institutional (PI), Low Density Residential (LDR)
South: Low Density Residential (LDR)
West: Low Density Residential (LDR)

Master Plan/Corridor Study

N/A

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? N/A

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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PETITION NO.: Z-63

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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

Is the property within the Six Flags Special Services District?

Yes No

APPLICANT Macallan Capital, LLC

PETITION NO. Z-063

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 / W side of Holly Springs Rd

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: 230' W in Timberline Rd

Estimated Waste Generation (in G.P.D.): A D F= 1760 Peak= 4400

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: Sope 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 CONDITIONS

- 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 system.

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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. The majority of this site drains to the west into and through an existing adjacent residential lot within the Holly Springs S/D. There is an existing recorded drainage easement on this parcel, but the existing channel has limited capacity. It is recommended that the proposed detention pond be directly connected to the existing downstream pipe system located on the adjacent parcel – 2740 Timberline Road and a pedestal inlet installed at or near the existing pipe headwall to accommodate intermediate drainage.
2. A 20-foot drainage easement will be required along the rear of lots 4, 6 & 7 to limit offsite runoff bypass.

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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
Holly Springs Road	11,700	Arterial	35 mph	Cobb	100'

Based on [2011] traffic counting data taken by Cobb County DOT for Holly Springs Road

COMMENTS AND OBSERVATIONS

Holly Springs 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.

RECOMMENDATIONS

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

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

Recommend deceleration lane for the Holly Springs Road access with the limits to be determined during Plan Review.

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

STAFF RECOMMENDATIONS

Z-63 MACALLAN CAPITAL, 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 proposed density is similar to other developments 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. Other properties in this area are similarly zoned with similar densities.
- 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. However, the school system has noted certain schools may be over capacity.
- 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 as being in the Public Institutional (PI) land use category. The PI land use on the property can be attributed to its long-time use as a church. Other residentially zoned properties in this area are in the Low Density Residential (LDR) land use category, having densities ranging from 1-2.5 units per acre. Some of the other developments in the area include: Pine Shadows Subdivision Unit 2 (zoned R-20 at approximately 1.57 units per acre); Holly Woods Subdivision (zoned R-20 at approximately 1.70 units per acre); Holly Springs Subdivision (zoned R-20 at approximately 1.78 units per acre); Mabry Manor (zoned R-15 at 2.15 units per acre); Holly Mill Subdivision (zoned R-15 at approximately 2.24 units per acre); and Holly Pointe Subdivision (zoned R-15 at 2.26 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. Staff believes the proposed development at 2.00 units per acre is in line with the density ranges of 1.57 to 2.26 of other developments in this area. The property has been utilized for a church for many years and the current PI land use category is reflective of that use. Staff believes that this property would still be in the Low Density Residential land use category like the rest of the abutting properties had the property not been developed for a church.

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

- Site plan received by the Zoning Division on April 20, 2015, with the District Commissioner approving minor modifications;
- Variances permitted as described in the Zoning Comments;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

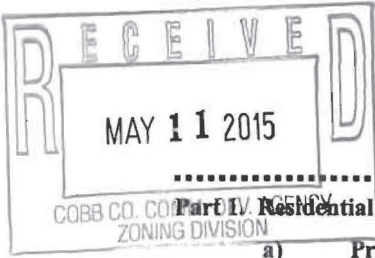
The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

REVISED
May 11, 2015

Application No. Z-63

PC: July 7, 2015

BOC: July 21, 2015



Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3,000 to 5,000
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): \$700,000 - \$800,000
- d) List all requested variances: 1) Reduce the front setback from 35 feet to 25 feet (with contemporaneous increase to rear setbacks); 2) waive the side yard setback to 5' feet; with minimum of 20' feet between structures

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

- a) Proposed use(s): N/A
- 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)

N/A

.....
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).

N/A