

APPLICANT: 825 Mars Hill LLC

PHONE#: (404) 909-2717 **EMAIL:** _____

REPRESENTATIVE: J. Kevin Moore

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

TITLEHOLDER: 825 Mars Hill LLC, Harold Richard Mintz, Mary

Mintz, Trustees of the Harold Richard Mintz Trust, dated January 16, 2005

PROPERTY LOCATION: On the north and south sides of Hadaway Road, on the west side of Mars Hill Road, on the easterly side of Due West Road, on the east side of Carter Road, and on the southeasterly

side of Brown Store Road

ACCESS TO PROPERTY: Hadaway Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family houses on large tract

PETITION NO: Z-66

HEARING DATE (PC): 07-07-15

HEARING DATE (BOC): 07-21-15

PRESENT ZONING: R-30

PROPOSED ZONING: R-20/OSC

PROPOSED USE: Single-Family Subdivision

SIZE OF TRACT: 45.30 acres

DISTRICT: 20

LAND LOT(S): 264, 269

PARCEL(S): 29, 2

TAXES: PAID **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-30/Victory Park; R-30/Single-family house

SOUTH: R-30/Single-family houses and R-20 Browns Farm

EAST: R-30/Single-family houses; CS/Fords Crossing; R-20/Undeveloped; RA-5/West Hill Crossing; and R-20/Karington Subdivision

WEST: R-30/Single-family houses

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

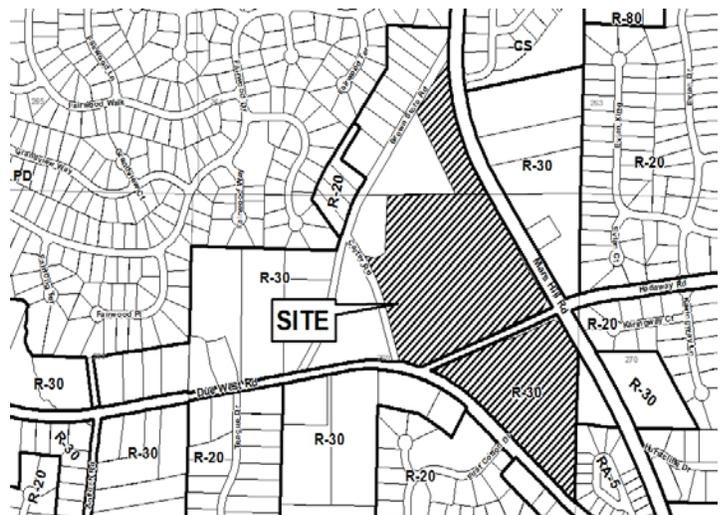
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

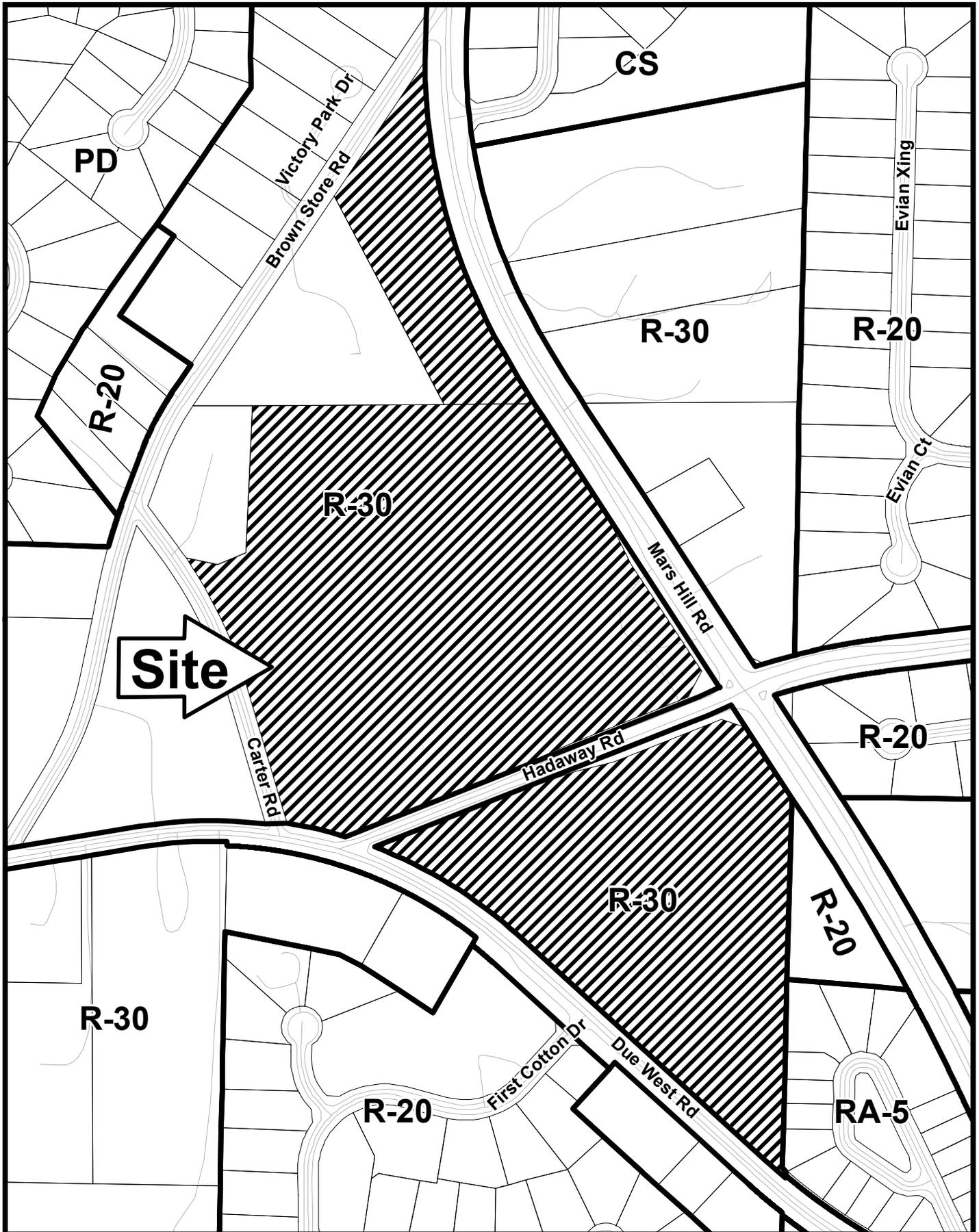
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

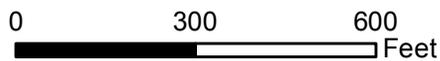
STIPULATIONS:



Z-66



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



-  City Boundary
-  Zoning Boundary

APPLICANT: 825 Mars Hill LLC

PETITION NO.: Z-66

PRESENT ZONING: 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: 58 **Overall Density:** 1.75 **Units/Acre**

Staff estimate for allowable # of units: 48 **Units*** **Increase of:** 10 **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 (R-20/OSC) category for the development of a 58-lot single-family subdivision. The proposed site plan indicates 11.33 acres of the total 35.30-acre tract to be set aside as open space. The OSC is required to set aside 35%, which would be 12.35 acres. The houses for the proposed development will range in size from 2,500 square feet to 4,500 square feet and will be in the Craftsman style with brick, stone, stacked stone, cementitious siding, Board and Batten, cedar shake or combinations thereof. The price range for the homes will be from the \$450,000s to \$550,000s.

Applicant is requesting to waive the rear setbacks on Lots 37-41 from 40 feet to 20 feet abutting R-30. OSC developments are to have similar rear setbacks as the exterior lots they abut.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

APPLICANT: 825 Mars Hill LLC

PETITION NO.: Z-66

PRESENT ZONING: 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>
<u>Ford Elementary</u>	<u>708</u>	<u>Under</u>	<u> </u>
<u>Elementary Durham Middle</u>	<u>1064</u>	<u>Over</u>	<u> </u>
<u>Middle Harrison High</u>	<u>1947</u>	<u>Under</u>	<u> </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: 825 Mars Hill LLC

PETITION NO.: Z-66

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to R-20/OSC for the purpose of a single-family residential subdivision. The 45.30 acre site is located on the north and south sides of Hadaway Road, on the west side of Mars Hill Road, on the easterly side of Due West Road, on the east side of Carter Road, and on the southeasterly side of Brown Store Road.

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-30 zoning designation. 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.

Adjacent Future Land Use

- North: Very Low Density Residential (VLDR)
- East: Very Low Density Residential (VLDR)
- South: Very Low Density Residential (VLDR)
- West: Very Low Density Residential (VLDR)

Open Space Community Comments

Contact: Philip Westbrook
(770) 528-2014

Property Location: 825 Mars Hill Road
Land Lot/District: 269 / 20
Current Zoning: R-30
Proposed Use: R-20 OSC

Total Area: 35.30 acres
Floodplain /Wetland Area/Cemetery: 2.07 acres
Amenity Area: 0 acres
Net Buildable Area: 33.23 acres
Base Density Allowed: 1.75 upa
Base Density Allowed w/Bonus: 1.92 upa
Proposed Lots: 58
Net Density: 1.75 upa
Future Land Use: Very Low Density Residential (0 to 2 upa)

Open Space requirement: 12.35 acres or 35%; for bonus 13.59 acres or 38.5%
Open Space provided: 11.33 acres or 32.1%
Percentage of Open Space within Floodplain, Wetlands, & Lakes w: 18%

Setbacks:

- Front: 20'
- Rear: 20'
- Side: 5' (Min. 15' between buildings)

APPLICANT: 825 Mars Hill LLC

PETITION NO.: Z-66

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

PLANNING COMMENTS:
Continued

Comments:

1. Site Plan stamped received on May 7, 2015 does not currently meet the requirements for R-20 Open Space Community, which requires 35% open space. The submitted plan provides 11.33 acres. Required open space for this plan would need to be 12.35 acres.
2. Lots 1 through 4 and a portion of 5 are located within the 25’ state stream buffer and the 50’ county stream buffer. All stream buffers must be within the open space.
3. Open space shall be designed to provide connection to adjacent property when the adjacent property is currently undeveloped or consists of established open space or conservation area. Contiguity of open space is highly desirable. Need to design connection of open space between the tract on the north side of Hadaway Road and the tract on the south side of Hadaway Road.
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 Homeowners Association. The open space may also be protected via a conservation easement in favor of the county for conservation uses. Application can be acquired and submitted to the Planning Division before final plat approval.

Recommendations:

5. For all lots contiguous to commonly owned open space (lots 1 – 19), staff recommends including a deed that explains that said lots are adjacent to commonly owned Open Space and cannot be disturbed. This is to notify lot owners that there is commonly owned Open Space and it shall remain undisturbed.
6. Recommend fencing or some type of barrier to be installed just on the inside of commonly owned open space and not on the individual lot side of the property. This is to protect open space from land disturbance.

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

APPLICANT: 825 Mars Hill LLC

PETITION NO.: Z-66

PRESENT ZONING: R-30

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.

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>.

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 this property within the Six Flags Special Service District?
 Yes No

APPLICANT 825 Mars Hill LLC

PETITION NO. Z-066

PRESENT ZONING R-30

PETITION FOR R-20 OSC

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 / N side of Hadaway 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: At SE property line, extended from West Hill Crossing S/D

Estimated Waste Generation (in G.P.D.): A D F= 9,280 Peak= 23,200

Treatment Plant: Northwest

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.

APPLICANT: 825 Mars Hill LLC

PETITION NO.: Z-66

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Allatoona 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: identified on site plan

- 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 – **Burnt Hickory Lake #2 (Upper)**. 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 receiving streams and existing detention pond in West Hill Crossing Subdivision.

APPLICANT: 825 Mars Hill LLC

PETITION NO.: Z-66

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

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 just west of Mars Hill Road and east of Due West, Carter and Brown Store Roads. The parcel is bisected by Hadaway Road. Approximately 53% of the site drains to the southeast into and through the adjacent West Hill Crossing Subdivision. The remainder of the site drains to the northeast through an existing culvert under Mars Hill Road. The average slopes ranges from 5 to 15% within the active development area (outside the reserved open space).
2. There is an existing farm pond located on the northern portion of the site. This dam will be required to be brought up to current Cobb County design standards.
3. The existing receiving culvert within the West Hill Crossing Subdivision must be evaluated during Plan Review to verify adequate design capacity. The hydrology study must include storage routings through the existing West Hill Crossing detention pond to verify adequate capacity as well.

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
Mars Hill Road	10,600	Arterial	45 mph	Cobb	100'
Hadaway Road	2400	Minor Collector	40 mph	Cobb	60'
Due West Road	14,900	Arterial	40 mph	Cobb	100'
Brown Store Road	N/A	Local	25 mph	Cobb	50'
Carter Road	N/A	Local	25 mph	Cobb	50'

*Based on [2015] traffic counting data taken by Cobb County DOT for Mars Hill Road
Based on [2012] traffic counting data taken by Cobb County DOT for Hadaway Road
Based on [2013] traffic counting data taken by Cobb County DOT for Due West Road*

COMMENTS AND OBSERVATIONS

Mars Hill 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.

Hadaway 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.

Due West 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.

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

Carter Road is classified as a local and according to the available information the existing right-of-way does 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 applicant consider entering into a development agreement pursuant of 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 west side of Mars Hill Road, a minimum of 50' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of 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 north side of Due West Road, a minimum of 50' from the roadway centerline.

APPLICANT: 825 Mars Hill LLC

PETITION NO.: Z-66

PRESENT ZONING: R-30

PETITION FOR: R-20/ OSC

TRANSPORTATION COMMENTS CONTINUED

Recommend left turn lane and deceleration lane for the Hadaway Road western access.

Recommend curb, gutter, and sidewalk along all roadway frontages.

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

Recommend no access to Carter Road and Mars Hill Road.

STAFF RECOMMENDATIONS

Z-66 825 MARS HILL LLC

- 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. Other single-family subdivisions in the area have larger lot sizes, with the exception of the RA-5 subdivision to the southeast.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse affect on the usability of adjacent or nearby property. The proposed R-20/OSC is not meeting all of the OSC requirements. As noted in the Planning Division comments and recommendations, 12.35 acres of open space is required and the plan indicates 11.33 acres and some lots are located in the stream buffers. Under the OSC, the stream buffers must be within the open space.
- C. It is Staff's opinion that the applicant's rezoning proposal may 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 that certain schools may be over capacity.
- 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 applicant's proposed density of 1.75 units per acre is within the VLDR range. Other developments in the area include: Red Rock Hills (zoned R-20 at approximately 1.22 units per acre); Victory Park (zoned R-30 at 1.34 units per acre); Hickory Springs Unit II (zoned R-20 at 1.54 units per acre); Brown's Farm (zoned R-20 at 1.68 units per acre); Westcliffe Subdivision (zoned R-20 at 1.73 units per acre); Karington Subdivision (zoned R-20 at 1.75 units per acre); Waverly, Unit I, Phase II (zoned R-20 at 1.86 units per acre); Brookstone PD II, Unit I (zoned PD at 2.09 units per acre); and West Hill Crossing (zoned RA-5 at 2.84 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. As noted in the Planning Division's comments and recommendations, the proposed development has not provided the required 35% of open space, some lots are in the state and count stream buffers (under OSC, those buffers must be within the open space); and the plan needs to be designed to show connection of open space between the tract on the north side of Hadaway Road and the tract on the south side of Hadaway Road.

Based on the above analysis, Staff recommends **DELETING** to R-20 subject to the following conditions:

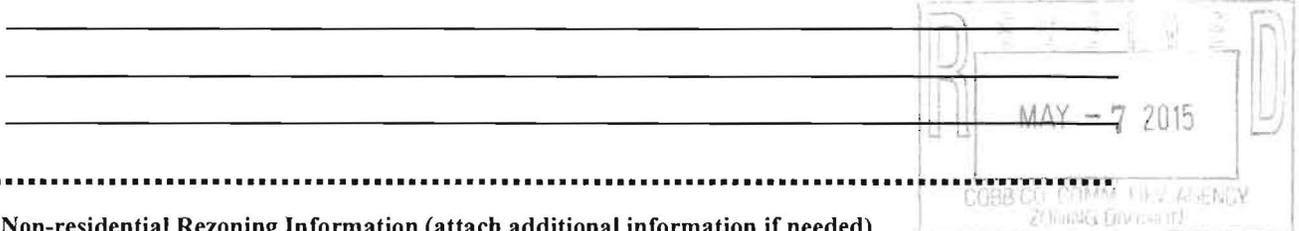
- Site plan to be approved by the Board of Commissioners, with the District Commissioner approving minor modifications;
- Meeting all R-20 requirements;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and 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.

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 2,500-4,500 square feet
- b) Proposed building architecture: Craftsmen with brick, stone, stacked stone, Cementitious Siding, Board and Batten, Cedar, Shake, or combinations
- c) Proposed selling prices(s): \$450-\$550s
- d) List all requested variances: None known at this time



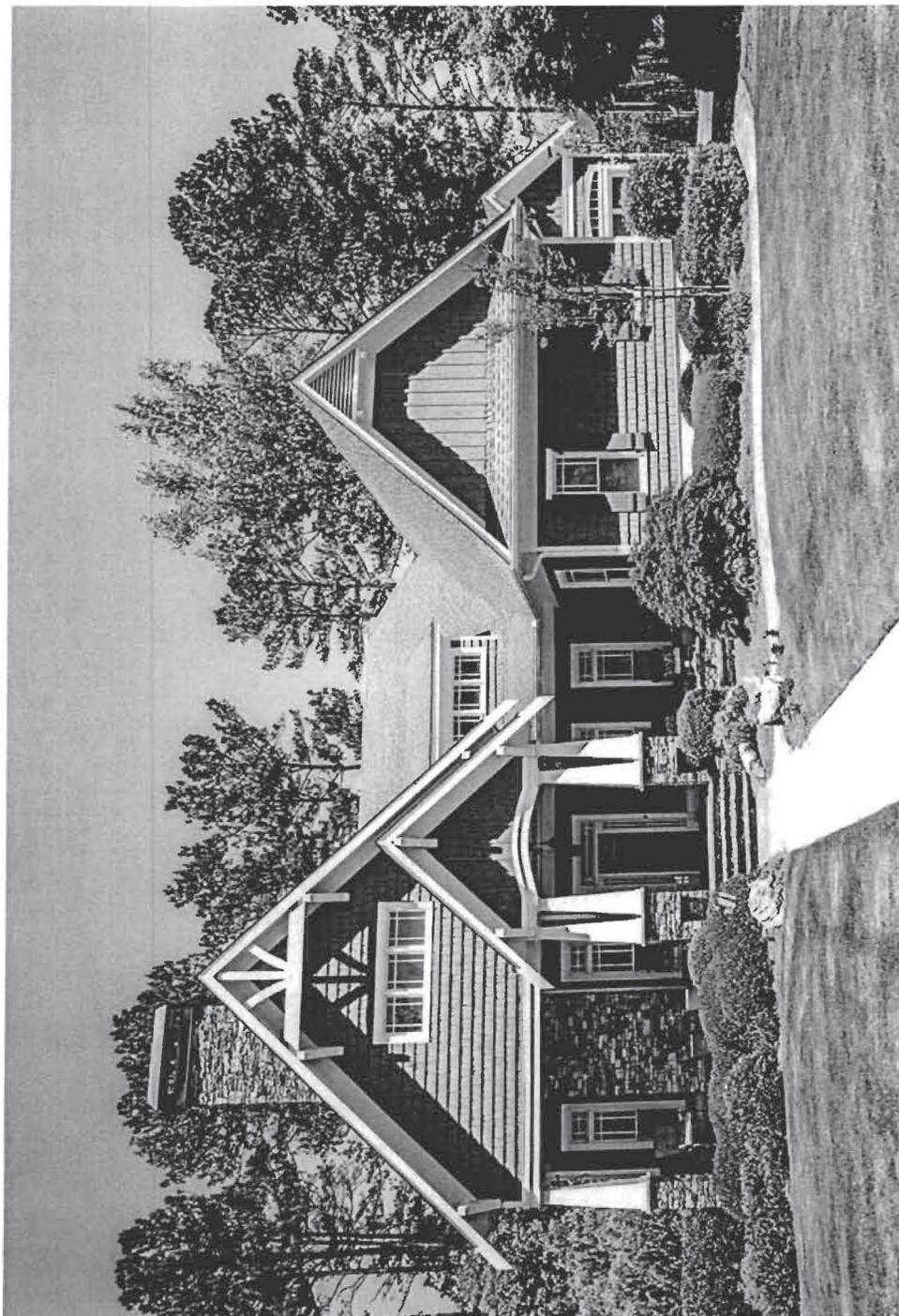
.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

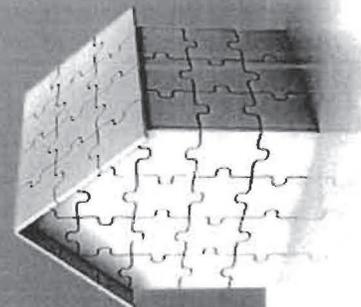
.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

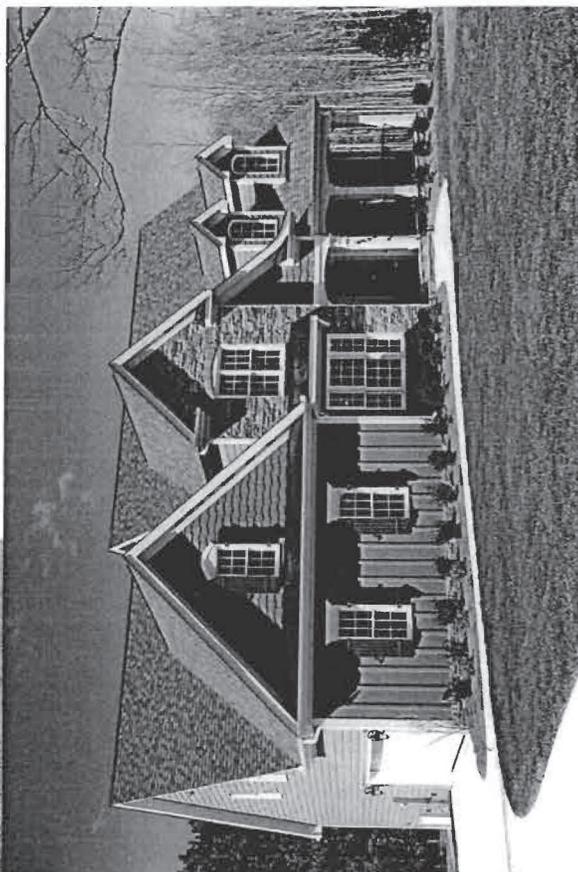
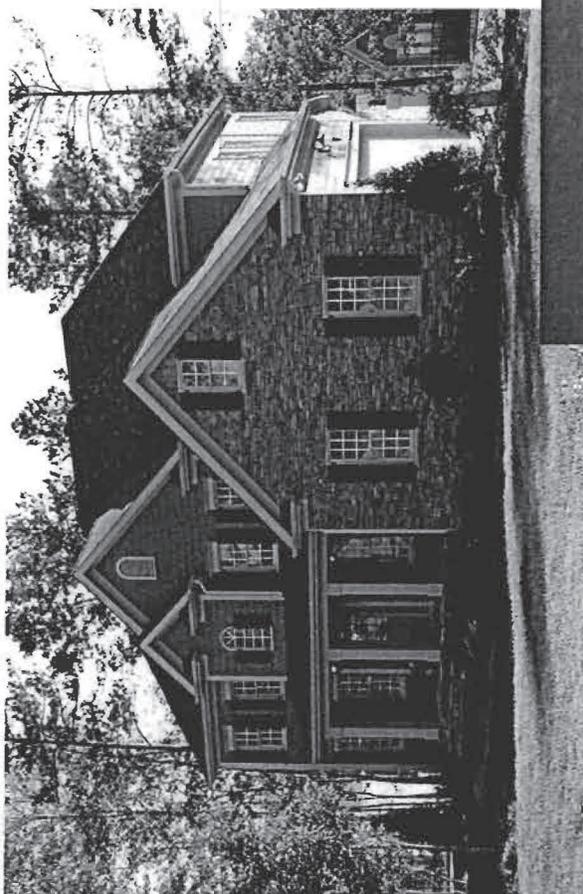
.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time

*Applicant specifically reserves the right to amend any information set forth in this Summary of Intent to Rezone, or any other portion of the Application for Rezoning, at any time during the rezoning process.

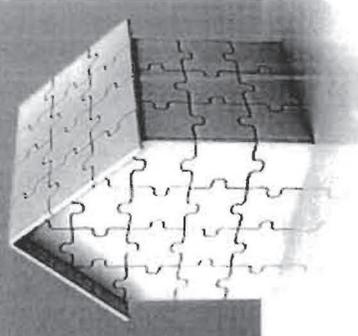


825 Mars Hill, LLC





825 Mars Hill, LLC



825 Mars Hill, LLC

