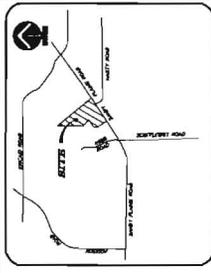
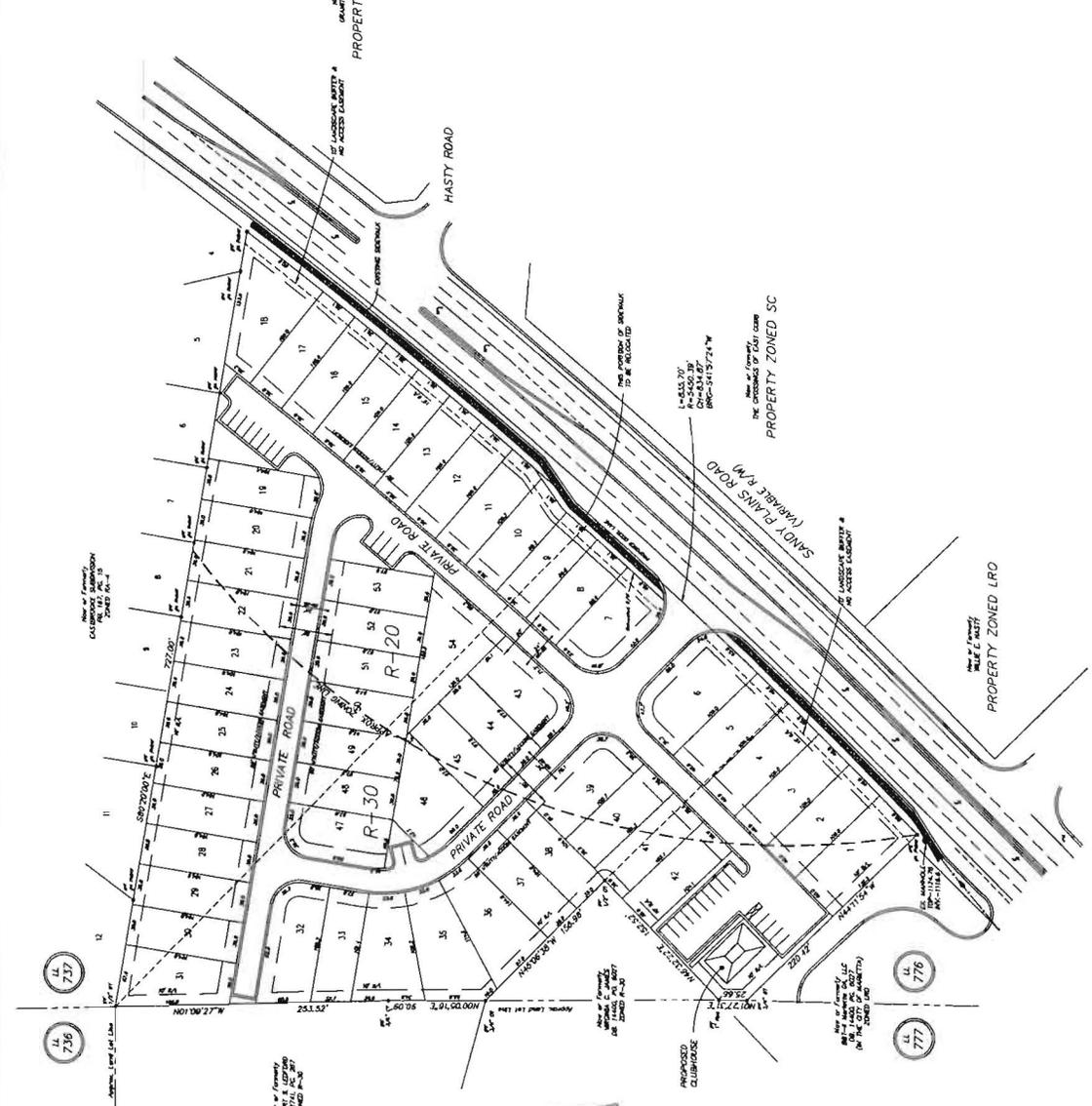


Z-90  
(2015)



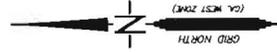
LEGEND

- PIPE ALIGNMENT
- WATER VALVE
- POWER POLE
- SEWER MANHOLE
- STREET LIGHT
- TRUNK AND BRANCH
- CLAND MAIN
- DRAINAGE JUNCTION BOX
- PUMP
- RECEPTACLE
- SANITARY SEWER SERVICE
- SEWER SERVICE



THIS PROPERTY IS NOT LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO FIRM NO. 130602. MAP REVISED NOV. 02, 2012.

TRAVELER CLOSURE - 1:31, 488  
EQUIPMENT - TOPCON 303 TOTAL STATION  
PLAT CLOSURES - 174-184S  
ALL MATTERS OF TITLE ENSURED.



**RECEIVED**  
AUG - 6 2015  
PLANNING DIVISION

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

GENERAL NOTES:  
EXISTING ZONING: R-20 & R-30  
TOTAL AREA - 6.821 ACRES  
LOT DENSITY - 7.85 LOTS/ACRE  
MAXIMUM COVERAGE - 75%  
PROPOSED USE: SINGLE-FAMILY RESIDENTIAL  
PROPOSED PRIVATE CATED COMMUNITY

CURRENT OWNERS:  
1811 SANDY PLAINS ROAD  
MARIETTA, GEORGIA 30062  
PARCEL - 1807796000  
BETTY ANN HANSON BOUGHTY  
1827 SANDY PLAINS ROAD  
MARIETTA, GEORGIA 30062  
PARCEL - 1807796000  
WALTER L. LYNDS  
1837 SANDY PLAINS ROAD  
MARIETTA, GEORGIA 30062  
PARCEL - 1807796000

REFERENCE PLATS:  
08-7534, PG. 437  
08-7534, PG. 437  
08-12005, PG. 289 (RM)  
08-12005, PG. 331 (RM)

TOTAL AREA:  
6.821 ACRES  
(287,100 sq. ft.)

ZONING: PLANNED  
DAVID PEARSON COMMUNITIES  
PROPERTY IS LOCATED IN LAND LOT 776  
IN THE 16TH DISTRICT, 2ND SECTION  
COBB COUNTY, GEORGIA  
SCALE: 1" = 50' DATE: AUG 5, 2015



**Centerline Surveying Systems, Inc.**  
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA 30144  
PHONE: (770) 424-0028 FAX: (770) 424-2399

NO.	REVISIONS	DATE

PROJECT No. 4160362

**APPLICANT:** David Pearson Communities, Inc.

**PETITION NO:** Z-90

**PHONE#:** (770) 321-5032 **EMAIL:** N/A

**HEARING DATE (PC):** 10-06-15

**REPRESENTATIVE:** J. Kevin Moore

**HEARING DATE (BOC):** 10-20-15

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

**PRESENT ZONING:** R-20, R-30

**TITLEHOLDER:** Multiple titleholders on file in the Zoning Division

**PROPOSED ZONING:** RM-8

**PROPERTY LOCATION:** Northwest side of Sandy Plains Road,  
north of Ross Road

**PROPOSED USE:** Residential Subdivision

**ACCESS TO PROPERTY:** Sandy Plains Road

**SIZE OF TRACT:** 6.821 acres

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family houses  
on wooded lots

**DISTRICT:** 16

**LAND LOT(S):** 737,776

**PARCEL(S):** 2,3,4

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** RA-4/Eastbrooke Subdivision  
**SOUTH:** City of Marietta  
**EAST:** LRO/Undeveloped; SC/The Crossings of  
East Cobb; RA-5/Granite Mill Subdivision  
**WEST:** R-30/Single-family houses

*Adjacent Future Land Use:*

North: Medium Density Residential (MDR)  
East: Medium Density Residential (MDR) and Neighborhood Activity Center (NAC) - across Sandy Pines Road  
South: Medium Density Residential (MDR)  
West: Medium Density Residential (MDR)

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

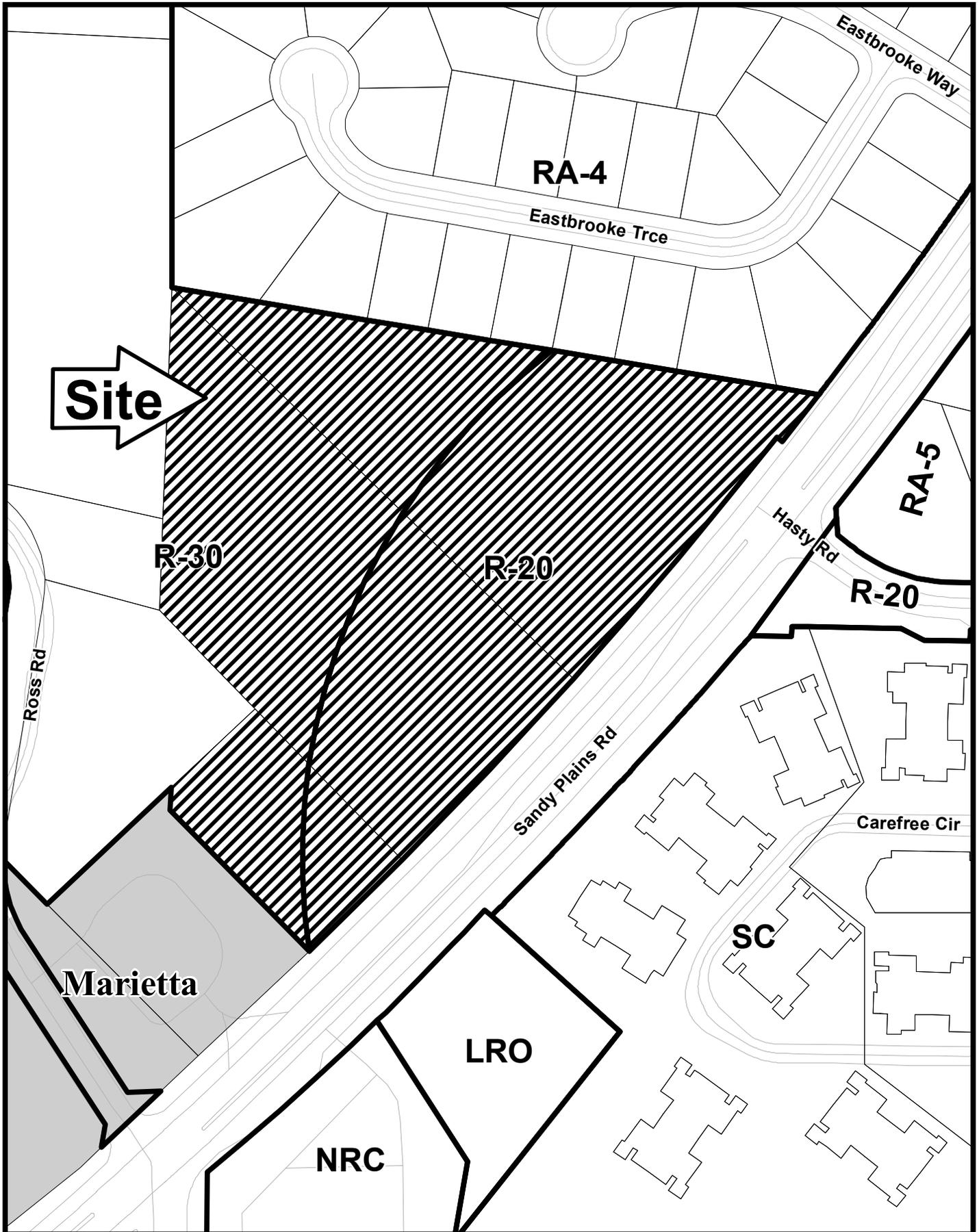
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

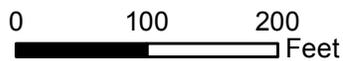
**STIPULATIONS:**



# Z-90



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** David Pearson Communities, Inc.

**PETITION NO.:** Z-90

**PRESENT ZONING:** R-20, R-30

**PETITION FOR:** RM-8

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Medium Density Residential (2.5-5 units per acre)

**Proposed Number of Units:** 54                      **Overall Density:** 7.92                      **Units/Acre**

**Staff estimate for allowable # of units:** 3-R-30/6-R-20 **Units\*Increase of:** 45                      **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 RM-8 zoning district for the purpose of developing a 54-lot private, gated single-family subdivision. The houses will range in size from 1,800 square feet to 2,800 square feet. The architecture will be traditional and the prices will range from the \$400,000s to \$600,000s.

The applicant is requesting the following contemporaneous variances:

1. 75% impervious surface;
2. Waiving front, side and rear setbacks to 0;
3. 10 feet setback from adjacent property; and
4. Allowing three feet between structures.

**Cemetery Preservation:** No comment.

**APPLICANT:** David Pearson Communities, Inc.

**PETITION NO.:** Z-90

**PRESENT ZONING:** R-20, R-30

**PETITION FOR:** RM-8

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Student Capacity</u>	<u>Student Enrollment</u>	<u>Portable Classrooms</u>
<u>Kincaid</u>	<u>693</u>	<u>732</u>	<u>39 over enrollment</u>
<b>Elementary</b> <u>Daniell</u>	<u>1,046</u>	<u>952</u>	<u>94 under enrollment</u>
<b>Middle</b> <u>Sprayberry</u>	<u>2,062</u>	<u>1,761</u>	<u>301 under enrollment</u>

**High**

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

**Additional Comments:**

Approval of this petition could adversely impact the enrollment at Kincaid Elementary School, as this school is over capacity at this time.

\*\*\*\*\*

**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: David Pearson Communities, Inc.

PETITION NO.: Z-90

PRESENT ZONING: R-20, R-30

PETITION FOR: RM-8

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 and R-30 to RM-8 for purpose of residential subdivision. The 6.821 acre site is located on the northwest side of Sandy Plains Road.

Comprehensive Plan

The parcel is within a Medium Density Residential (MDR) future land use category with R-20 and R-30 zoning designation. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing between two and one-half (2.5) and five (5) dwelling units per acre. This category presents a range of densities. RM-8 is an acceptable conversion zone in the MDR category.

Specific Area Policy Guidelines:

There are no specific policies for this area.

Adjacent Future Land Use:

North: Medium Density Residential (MDR)

East: Medium Density Residential (MDR) and Neighborhood Activity Center (NAC) – across Sandy Pines Road

South: Medium Density Residential (MDR)

West: Medium Density Residential (MDR)

Master Plan/Corridor Study

The property is not located within the boundary of a Corridor Study.

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

**APPLICANT:** David Pearson Communities, Inc.

**PETITION NO.:** Z-90

**PRESENT ZONING:** R-20, R-30

**PETITION FOR:** RM-8

\*\*\*\*\*

**PLANNING COMMENTS:** **Continued**

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 David Pearson Communities

PETITION NO. Z-090

PRESENT ZONING R-20, R-30

PETITION FOR RM-8

\*\*\*\*\*

**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 / NW side of Sandy Plains Rd

Additional Comments: If private streets, CCWS requires master water meter, and all sewer fees to be collected at time of master water meter purchase

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: Sandy Plains Rd ROW at southern end of property

Estimated Waste Generation (in G.P.D.): A D F= 8,480 Peak= 21,200

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: Sewer flow test may be required at Plan Review. If sewer in Sandy Plains Rd is not at sufficient depth to serve entire site, easements will be required

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: David Pearson Communities, Inc.

PETITION NO.: Z-90

PRESENT ZONING: R-20, R-30

PETITION FOR: RM-8

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little 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:   

- 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 stream.

**APPLICANT: David Pearson Communties, Inc.**

**PETITION NO.: Z-90**

**PRESENT ZONING: R-20, R-30**

**PETITION FOR: RM-8**

\*\*\*\*\*

**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 the site drains to the west through existing residential parcels. There does not appear to be any well-defined conveyance through these parcels or any existing culvert under Ross Road. This issue will need to be addressed at Plan Review. The northeast corner of the site (approximately 1.3 acres) drains to the Sandy Plains Road Right-of-Way.
2. The developer is proposing the use of private roads which will require that all stormwater infrastructure be private as well and maintained by a mandatory home-owners association.

**APPLICANT: David Pearson Communities**

**PETITION NO.: Z-90**

**PRESENT ZONING: R-20, R-30**

**PETITION FOR: RM-8**

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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
Sandy Plains Road	26,500	Arterial	45 mph	Cobb County	100'

*Based on 2009 traffic counting data taken by Cobb County DOT for Sandy Plains Road.*

**COMMENTS AND OBSERVATIONS**

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

Recommend a deceleration lane on Sandy Plains Road for the entrance.

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

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

Recommend the proposed gate meet Cobb County Development Standards.

## STAFF RECOMMENDATIONS

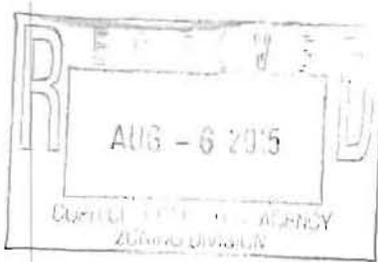
### **Z-90 DAVID PEARSON COMMUNITIES, INC.**

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties if approved at a lower density. Other properties in this area have medium-density single-family developments.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property if approved at a lower density. Other properties in the area zoned for medium density residential uses, including cluster developments and suburban condominiums.
- 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 or utilities. This opinion can be supported by the departmental comments contained in this analysis. The school system is concerned the proposal could adversely affect certain schools.
- 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 Medium Density Residential (MDR) land use category having densities ranging from 2.5 to 5 units per acre. The applicant's proposed density is 7.92 units per acre. Other properties in the area include Hasty Acres (zoned R-20 at approximately 2.35 units per acre); Eastbrooke (zoned RA-4 at 2.90 units per acre); Granite Mill (zoned RA-5 at 3.43 units per acre); and The Crossings of East Cobb (zoned SC at 4.23 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 to RA-5. Other residential properties in this area of Sandy Plains Road that have been rezoned have been to the RA-5 or RA-4 categories, with the exception of The Crossings of East Cobb (zoned SC across Sandy Plains Road). The applicant's current proposed density of 7.92 units per acre is higher than what is allowed by the range of 2.5-5 units per acre under the Medium Density Residential (MDR) land use designation.

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

- Board of Commissioners to approve the final site plan, with the District Commissioner approving minor modifications;
- Detached units only;
- Maximum of 5 units per acre;
- 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.**



Application No. z-90  
Oct. (2015)

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 1,800-2,800 square feet
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): \$400s - \$600s
- d) List all requested variances: See Attached.

.....  
**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.

\*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.

**ATTACHMENT TO SUMMARY OF INTENT FOR REZONING**

**Application No.:** Z- 90 (2015)  
**Hearing Dates:** October 6, 2015  
October 20, 2015

**Applicant:** David Pearson Communities, Inc.  
**Titleholders:** Walter L. Atkins; Lillie Rea Atkins;  
Judith G. Coe; Betty Ann Harrison Doughty; and  
Homer M. Harrison, Jr.

Part 1. Residential Rezoning Information

(d) List all requested variances:

75 percent impervious surface;  
0 feet front, side, and rear setbacks;  
10' foot setback from adjacent property;  
3 feet between structures on site;  
Private Streets;  
Gated Entrance;  
Subsurface Detention Facility;  
On-Site Clubhouse.