

APPLICANT: Paulding Construction Solutions
PHONE#: 678-202-5957 **EMAIL:** mike@pauldingconstruction.com
REPRESENTATIVE: Garvis L. Sams
PHONE#: 770-422-7016 **EMAIL:** gsams@slhb-law.com
TITLEHOLDER: John W. Lewis, Sr. and Classic Elias Properties, LLC

PETITION NO: Z-23
HEARING DATE (PC): 03-01-16
HEARING DATE (BOC): 03-15-16
PRESENT ZONING: R-30

PROPERTY LOCATION: West side of Mars Hill Road, south of Mars Hill Church Road

PROPOSED ZONING: RSL

ACCESS TO PROPERTY: Mars Hill Road

PROPOSED USE: Senior Residential Development

PHYSICAL CHARACTERISTICS TO SITE: Vacant and wooded property

SIZE OF TRACT: 7.92 acres

DISTRICT: 20

LAND LOT(S): 120

PARCEL(S): 20, 26

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Single-family houses
SOUTH: R-20/Edgewood Estates; R-30/Single-family house
EAST: R-30/Single-family houses, undeveloped acreage
WEST: R-30/The Aviary Subdivision

Adjacent Future Land Use:
 North: Rural Residential (RR)
 East: Rural Residential (RR)
 Southeast: Very Low Density Residential (VLDR)
 Southwest: Rural Residential (RR)
 West: Rural Residential (RR)

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

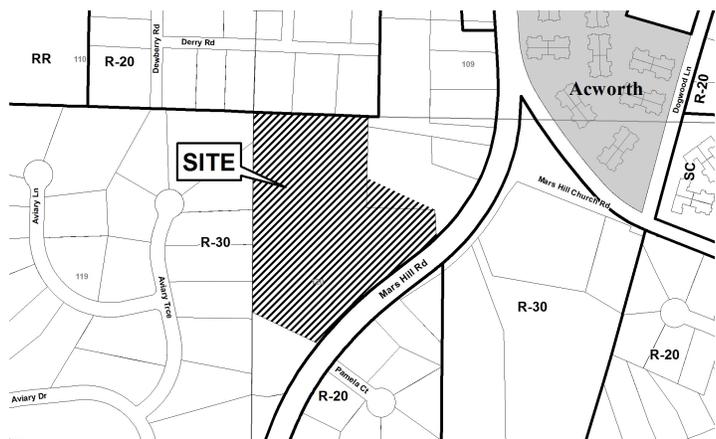
PLANNING COMMISSION RECOMMENDATION

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

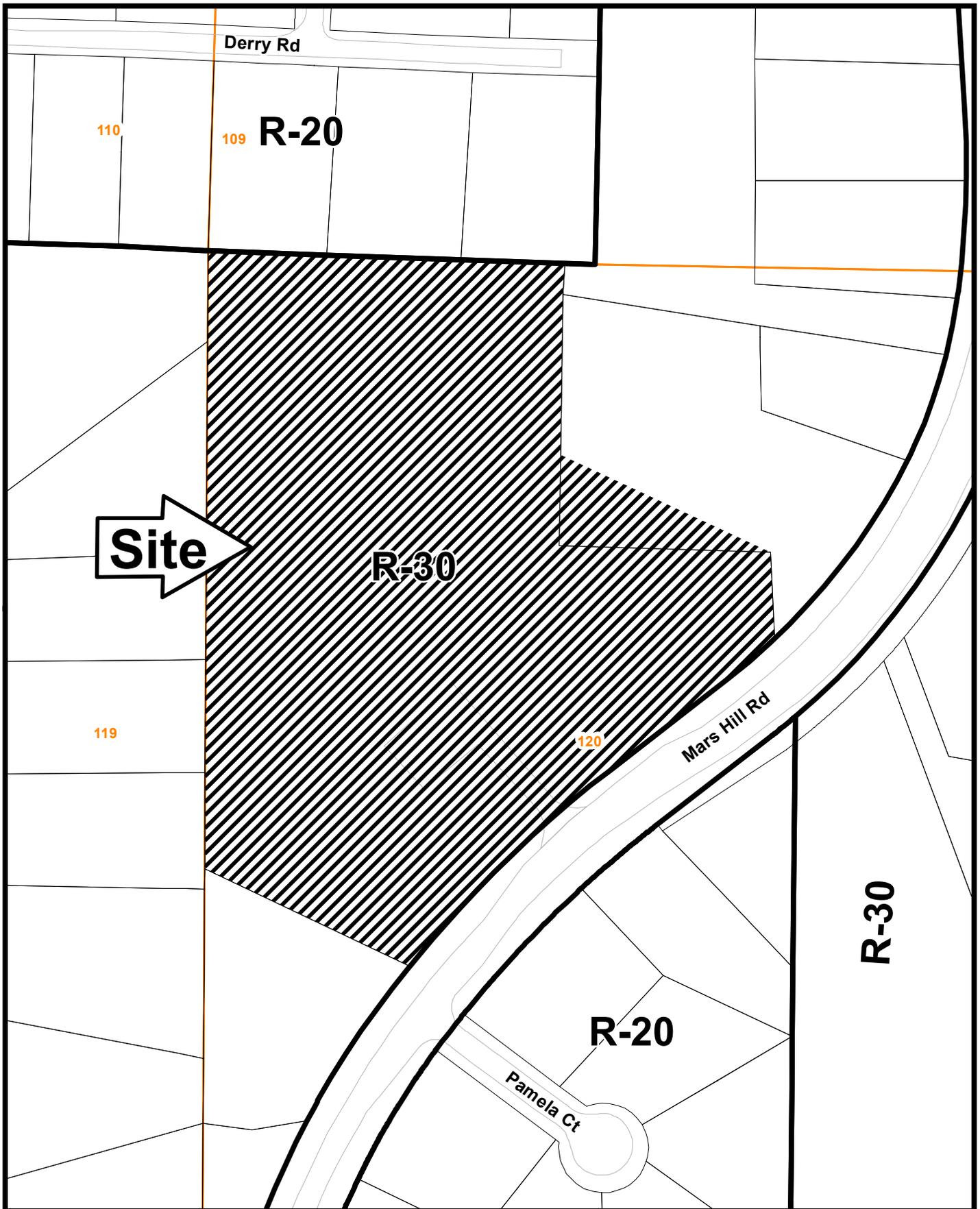
BOARD OF COMMISSIONERS DECISION

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

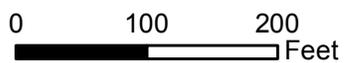
STIPULATIONS:



Z-23



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Paulding Construction Solutions

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: RSL

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Rural Residential (0-1 unit per acre)

Proposed Number of Units: 28 **Overall Density:** 3.54 **Units/Acre**

Staff estimate for allowable # of units: 8 **Units*** **Increase of:** 20 **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.

The applicant is requesting the Residential Senior Living (RSL) zoning district for the purpose of developing a 28 unit active adult community. The development will consist of seven quadraplexes and the units are proposed to be 3,000 square feet and greater and will be four-sided European stone and brick ranch villas. The homes will range in price from \$320,000 and greater. The applicant proposes private streets for the development. Applicant has constructed a substantially similar community in the City of Acworth at the northeast intersection of Mars Hill Road and Mars Hill Church Road, known as Stonehaven Villas.

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.

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PETITION FOR: RSL

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u> </u>	<u> </u>	<u> </u>
<u>Middle</u>	<u> </u>	<u> </u>	<u> </u>
<u>High</u>	<u> </u>	<u> </u>	<u> </u>

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

Additional Comments:

FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

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PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: RSL

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to RSL for the purpose of senior residential development. The 6.2 acre site is located on the northwest side of Mars Hill Road at 1979 Mars Hill Road.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Rural Residential (RR) future land use category, with R-30 zoning designation. The purpose of the Rural Residential (RR) category is to provide for areas that are suitable for Cobb County’s lowest density housing development. Such areas include those difficult to sewer, furthest from major activity centers, public services, and transportation corridors, or have particular sensitive environment features or scenic value. The RR category provides for development that is zero (0) to one (1) unit per acre.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Rural Residential (RR)
East: Rural Residential (RR)
Southeast: Very Low Density Residential (VLDR)
Southwest: Rural Residential (RR)
West: Rural Residential (RR)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or 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.

APPLICANT: Paulding Construction Solutions

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: RSL

PLANNING COMMENTS: (Continued)

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.

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

Is the property within the Dobbins Airfield Safety Zone?

Yes No

If so, which particular safety zone is this property within?

CZ (Clear Zone) APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Paulding Construction Solutions

PETITION NO. Z-023

PRESENT ZONING R-30

PETITION FOR RSL

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" CI / W side of Mars Hill Rd

Additional Comments: Master meter to be set at edge of ROW. Private sub-meters required by Code

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: 600' N

Estimated Waste Generation (in G.P.D.): A D F= 4,480 Peak= 11,200

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 Private lift station appears to be required. Wastewater to leave site by gravity flow.
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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PETITION FOR: RSL

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: _____

- 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 downstream receiving systems.

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. This parcel is located to the west of Mars Hill Road just south of the western terminus of Mars Hill Church Road. Approximately 25% of the site has been cleared, with the remainder wooded with a mixture of soft and hardwoods. Average slopes on the proposed active portion of the site are mild ranging from 4 to 10%. The entire site drains to the east into and through the adjacent Aviary Subdivision. The majority of the site (4.6 Ac) flows to an existing stream that traverses the northern portion of the site and through several lots with The Aviary via a dedicated drainage easement and undisturbed buffer area. The remainder of the site drains to a recorded drainage easement with The Aviary located at the southwest corner of the site.

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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
Mars Hill Road	18,200	Arterial	45 mph	Cobb County	100'

Based on 2013 traffic counting data taken by Cobb County DOT for Mars Hill 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.

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 curb, gutter, and sidewalk along the Mars Hill Road frontage.

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

Recommend applicant verify that minimum intersection sight distance is available for Mars Hill Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 500 feet.

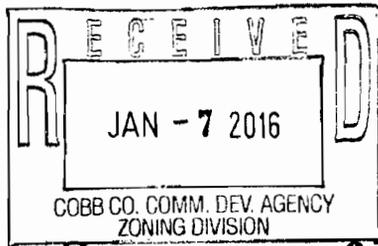
STAFF RECOMMENDATIONS

Z-23 PAULDING CONSTRUCTION SOLUTIONS

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The majority of properties in the area zoned and developed for single-family houses on larger tracts. However, there is RSL further up Mars Hill Road.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse effect on the usability of adjacent or nearby property. The proposed density is higher than other developments in this area along Mars Hill Road.
- 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.
- 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 Rural Residential (RR) land use category, having densities ranging from 0-1 unit per acre. An RSL development like the subject proposal is supposed to be on properties delineated for any land use OTHER THAN industrial, industrial compatible, RURAL RESIDENTIAL and very low density residential. While meeting some of the RSL non-supportive requirements, the proposed density exceeds the range of RR's 0-1 unit per acre limit, as well as most of the other densities in the area. Some of the other densities include: The Aviary (zoned R-30 at 0.94 units per acre); Edgewood Estates (zoned R-20 at approximately 1.43 units per acre); and Ivey L. Womack Subdivision (zoned R-20 at approximately 1.78 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 denying the applicant's rezoning proposal. The proposed RSL non-supportive zoning district is not designed for properties delineated as being in the RR land use category and the proposed density is 3.54 units per acre. The range for RR is 0-1 unit per acre.

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 No. z-23

March 2016

Summary of Intent for Rezoning *

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

- a) Proposed unit square-footage(s): 3,000 sq. ft. and greater
- b) Proposed building architecture: Four-sided European Stone & Brick, Ranch Villas
- c) Proposed selling prices(s): \$320,000.00 and greater
- d) List all requested variances: None at this time unless shown on the site plan.

.....
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)

The Applicant has constructed a substantially similar Active Adult, Age-Restricted Community in the
City of Acworth which is situated at the northeast intersection of Mars Hill Road and Mars Hill Church Road,
which is located just north of the subject property.

.....
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). Not applicable.

*Applicant specifically reserves the right to amend and/or revise any information set forth in this Summary of Intent for Rezoning or any portion of the Application for Rezoning at any time during the Rezoning process.

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Renderings and
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