

APPLICANT: Vanquish Property Partners, LLC

PETITION NO: Z-78

PHONE#: (404) 569-9756 **EMAIL:** mike@vanquishpartnersga.com

HEARING DATE (PC): 09-08-16

REPRESENTATIVE: J. Kevin Moore

HEARING DATE (BOC): 09-20-16

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

PRESENT ZONING: R-20, LI

TITLEHOLDER(S): Rebecca A. Morris, 5130 Manner Road SE, LLC;
and 2483 Maner Road Land Trust, Larry Ridgeway as Trustee

PROPOSED ZONING: RM-8

PROPERTY LOCATION: Northwesterly side of Maner Road;
south of Plant Atkinson Road

PROPOSED USE: Attached Residential

ACCESS TO PROPERTY: Maner Road

SIZE OF TRACT: 5.29 acres

PHYSICAL CHARACTERISTICS TO SITE: Two commercial
buildings and undeveloped acreage

DISTRICT: 17

LAND LOT(S): 825

PARCEL(S): 7,9,10

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RM-8/Park at Vinings
SOUTH: R-20/Georgia Power
EAST: R-20/Georgia Power
WEST: RM-12/Apartments

Adjacent Future Land Use:

North: High Density Residential (HDR)
Southeast: Transportation / Communication / Utility (TCU)
West: Medium Density Residential (MDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

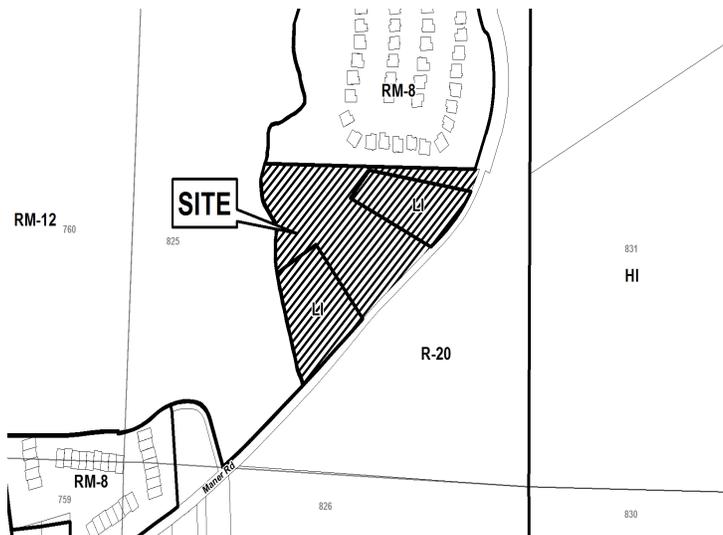
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

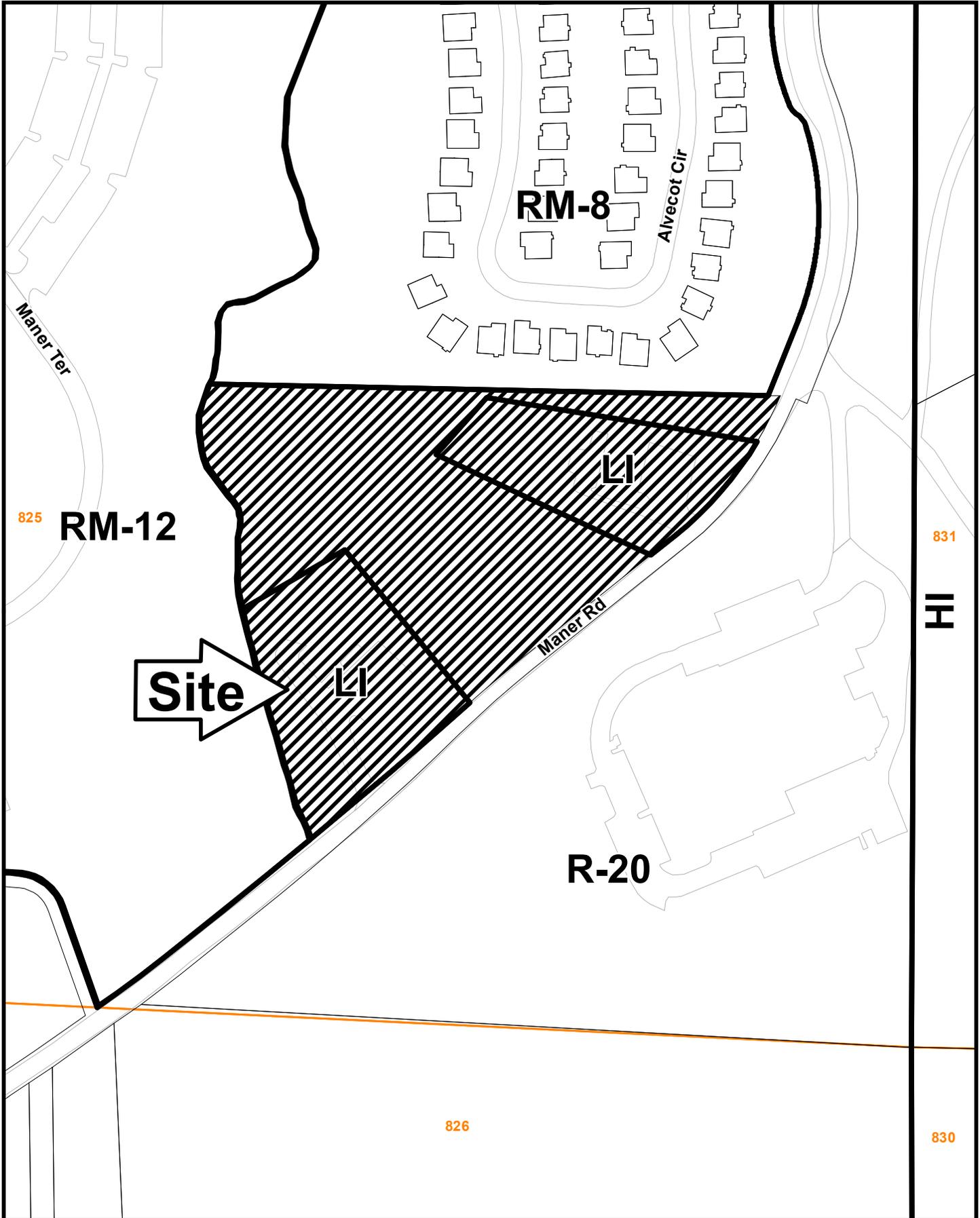
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-78-2016 GIS



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

0 100 200
Feet

City Boundary
Zoning Boundary

APPLICANT: Vanquish Property Partners, LLC

PETITION NO.: Z-78

PRESENT ZONING: R-20, LI

PETITION FOR: RM-8

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Industrial

Proposed Number of Units: 35 **Overall Density:** 8.0 **Units/Acre**

Staff estimate for allowable # of units: 5 (R-20 Portion) **Units*Increase of:** 30 **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 35-unit, townhouse style condominium subdivision. The units will be traditional and will range in size from 1,600 to 2,400 square feet. The price range will be from the high \$200,000s and greater.

The proposed development will require the following contemporaneous variances:

1. Waiver of the front setback from the required 50 feet to 20 feet; and
2. Waiver of the rear setback from the required 40 feet to 35 feet.

Cemetery Preservation: No comment

APPLICANT: Vanquish Property Partners, LLC

PETITION NO.: Z-78

PRESENT ZONING: R-20, LI

PETITION FOR: RM-8

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Nickajack Elem	1017	1025	
Elementary Campbell Middle	1437	1203	
Middle Campbell High	2669	2637	

High

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

Additional Comments:

Approval of this petition will not have a significant impact on the enrollment at these schools.

APPLICANT: Vanquish Property Partners

PETITION NO.: Z-78

FIRE COMMENTS:

NO 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: Vanquish Property Partners, LLC

PETITION NO.: Z-78

PRESENT ZONING: R-20 and LI

PETITION FOR: RM-8

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and LI to RM-8 for the purpose of attached residential. The 5.29 acre site is located on the northwesterly side of Maner 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 Smyrna been notified? Yes No / N/A

Comprehensive Plan

The parcel is within an Industrial (IND) future land use category, with R-20 and LI zoning designations. The purpose of the IND category is to provide for areas that can support heavy industrial and manufacturing uses. Typical land uses for these areas include plants that convert raw materials into a finished product.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: High Density Residential (HDR)
Southeast: Transportation / Communication / Utility (TCU)
West: Medium Density Residential (MDR)

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.

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.

APPLICANT: Vanquish Property Partners, LLC

PRESENT ZONING: R-20 and LI

PETITION NO.: Z-78

PETITION FOR: RM-8

PLANNING COMMENTS:

CONT.

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 Vanquish Property Partners, LLC

PETITION NO. Z-078

PRESENT ZONING R-20, LI

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): 12" DI / N side of Maner Road

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: 30' SW in Maner Road ROW

Estimated Waste Generation (in G.P.D.): A D F= 5,600 Peak= 14,000

Treatment Plant: South Cobb

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Dry 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: Vanquish Property Partners, LLC

PETITION NO.: Z-78

PRESENT ZONING: R-20, LI

PETITION FOR: RM-8

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee Rvr FLOOD HAZARD INFO: Zone A

- 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: within or adjacent to stream channel

- 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 neighborhoods downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream and existing Maner Road culvert.

APPLICANT: Vanquish Property Partners, LLC

PETITION NO.: Z-78

PRESENT ZONING: R-20, LI

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. This parcel is located north of Maner Road just to the south of the Park at Vinings development. There are currently two small commercial developments on this parcel. The entire site drains to the west into the floodplain of an unnamed tributary to the Chattahoochee River. There is approximately 0.9 acres of floodplain on the site.
2. The site is proposed to be served by a single stormwater management pond at the low point of the site adjacent to the floodplain. This will be a private development with private streets, therefore the stormwater infrastructure will be maintained by the HOA.

APPLICANT: Vanquish Property Partners, LLC

PETITION NO.: Z-78

PRESENT ZONING: R-20, LI

PETITION FOR: RM-8

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Maner Road	2,300	Minor Collector	35 mph	Cobb County	60'

Based on 2011 traffic counting data taken by Cobb County DOT for Maner Road.

COMMENTS AND OBSERVATIONS

Maner Road is classified as a minor collector 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 to 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 Maner Road, a minimum of 30' from the roadway centerline.

Recommend a deceleration lane on Maner Road for the entrance.

Recommend curb, gutter, and sidewalk along the Maner Road frontage.

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

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

STAFF RECOMMENDATIONS

Z-78 VANQUISH PROPERTY PARTNERS, LLC

- 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. This area is developed with similar residential uses.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse effect on the usability of adjacent or nearby property. The subject property abuts apartments to the west and a detached condominium development to the north. Staff is concerned with the industrial and anticipated industrial uses in the area.
- 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.
- 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 Industrial future land use category. The requested RM-8 zoning district is not compatible with the Industrial land use category. The Industrial land use category could allow for the least restrictive land uses which could include chemical manufacturing, concrete and asphalt plants, heavy automotive/truck/tractor repair, intensive outdoor storage, manufacturing involving raw materials, and recycling centers. Approval of the proposed residential development in this industrial area has the potential of causing conflicts in the future between the residential and industrial uses.
- 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 applicant's proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan* designation of Industrial.

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.

Sept.

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 1,600-2,400 square feet
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): High \$200,000s and greater
- d) List all requested variances: Waiver of front setback from required 35 feet to 20 feet

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

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

.....
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 the Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.**