

APPLICANT: Pebblebrook Development, LLC

PHONE#: 404-915-0914 **EMAIL:** mitchnimey@gmail.com

REPRESENTATIVE: Garvis L. Sams, Jr.

PHONE#: 770-422-7016 **EMAIL:** gsams@slhb-law.com

TITLEHOLDER: Evenly Joyce Boatright, Kyle Wesley Boatright,
Jason Ashley Mauldin as Executors of the Estate of Thomas Alexander,

Steve T. Woodman as Administrator of the Estate of Mary Evelyn Ellis
and Orion Immobilien, LLC

PROPERTY LOCATION: South side of Old Dallas Road, east of
Villa Rica Way, and on the north end of Hickory Stick Lane

ACCESS TO PROPERTY: Old Dallas Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house
on wooded acreage with a lakes

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Single-family houses
- SOUTH:** R-20/Cheatham Springs Subdivision
- EAST:** R-80/Single-family houses; R-80 & R-20/Wynthrop Manor
- WEST:** R-20/Single-family houses; R-20/Nob Ridge 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:

PETITION NO.: Z-47

HEARING DATE (PC): ~~06-07-16~~ 10-4-16

HEARING DATE (BOC): ~~06-21-16~~ 10-18-16

PRESENT ZONING: R-20 & R-80

PROPOSED ZONING: R-15

PROPOSED USE: Residential Neighborhood

SIZE OF TRACT: 120.56 acres

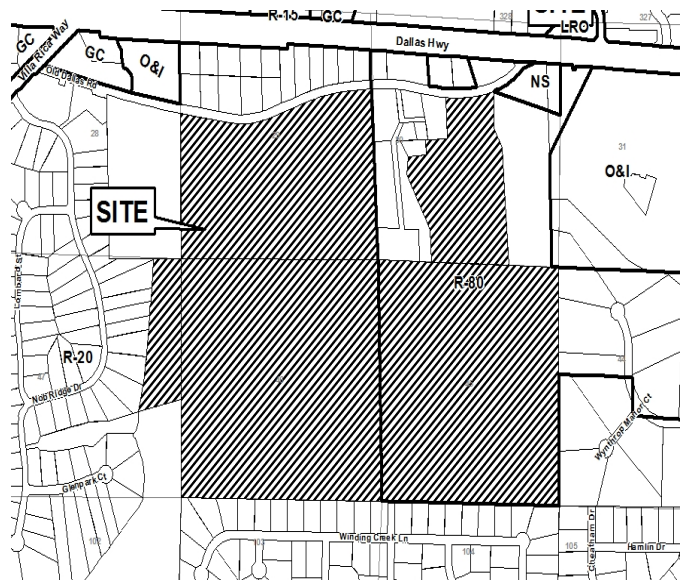
DISTRICT: 19

LAND LOT(S): 29, 30, 45, 46 & 47

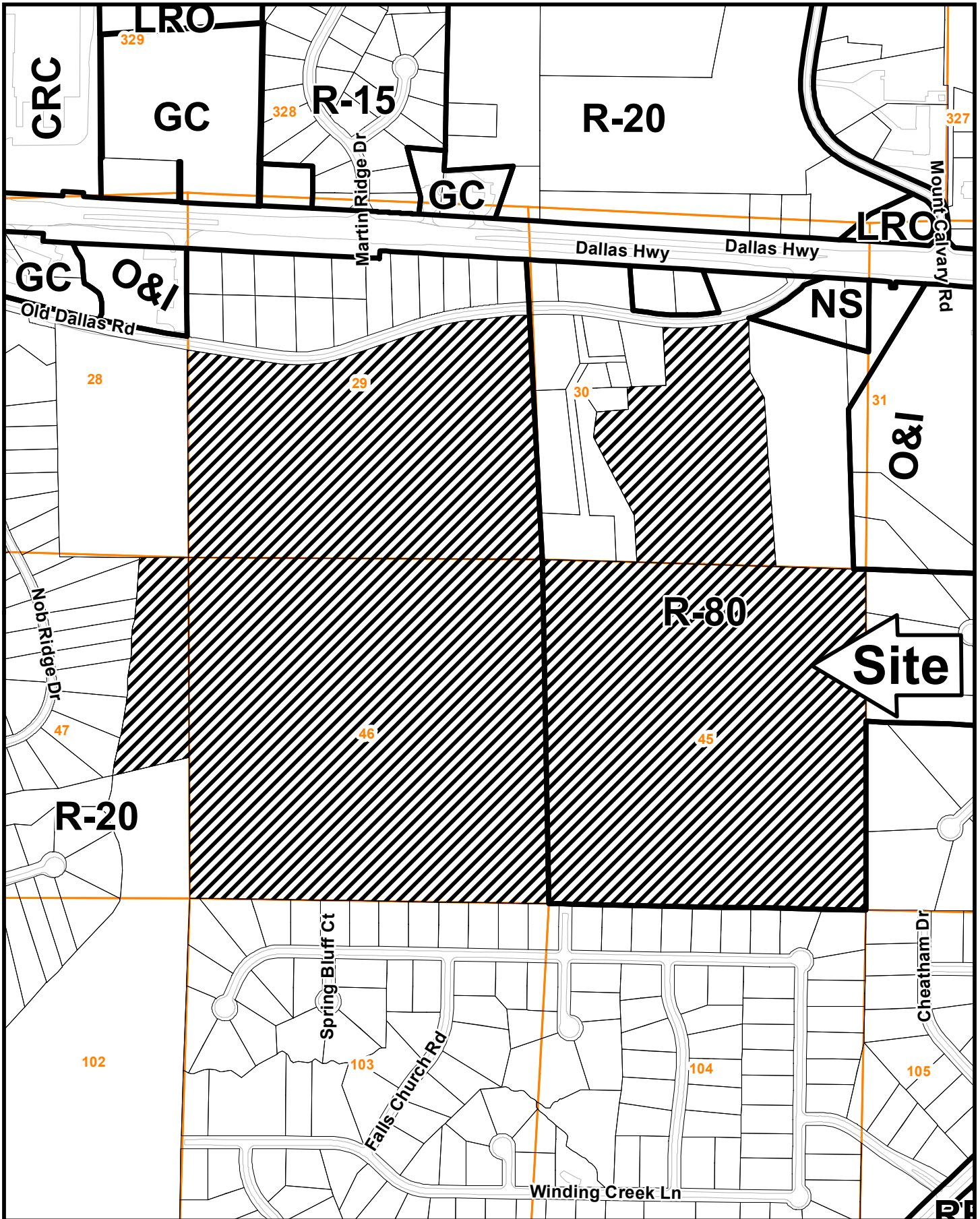
PARCEL(S): 21, 26, 1, 1, & 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1



Z-47-2016 GIS



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

0 300 600
Feet

City Boundary
Zoning Boundary

APPLICANT: Pebblebrook Development, LLC

PETITION NO: Z-47

PRESENT ZONING: R-20 & R-80

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Low Density Residential (1-2.5 units per acre)

Proposed Number of Units: 198 **Overall Density:** 1.92 **Units/Acre**

Staff estimate for allowable # of units: 166 **Units*** **Increase of:** 32 **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 district for the development of a 198-lot single-family subdivision. The proposed houses will range in size from 3,200 to 4,000 square feet and greater, and will consist of four-sided traditional architectural. The roads for the proposed development will be public. An amenity area is proposed and will include a clubhouse, pool, tennis courts and playing fields. The plan indicates 17.58 acres of floodplain and wetlands. The applicant has expressed a desire to keep lots 196-198 zoned R-80 if this is approved.

Cemetery Preservation: No comment.

APPLICANT: Pebblebrook Development, LLC

PETITION NO.: Z-47

PRESENT ZONING: R-20 & R-80

PETITION FOR: R-15

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Cheatham Hill Elem</u>	<u>1078</u>	<u>1073</u>	<u> </u>
Elementary			
<u>Lovinggood Middle</u>	<u>1353</u>	<u>1046</u>	<u> </u>
Middle			
<u>Hillgrove High</u>	<u>2404</u>	<u>1912</u>	<u> </u>

High

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

Additional Comments: Approval of this petition could seriously and adversely affect the enrollment at Lovinggood Middle School and Hillgrove High School, both of which are severely over capacity at this time.

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: Pebblebrook Development, LLC
PRESENT ZONING: R-20 & R-80

PETITION NO.: Z-47
PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and R-80 to R-15 for the purpose of a residential neighborhood. The 120.56 acre site is located on the south side of Old Dallas Road, east of Villa Rica Way, and on the north end of Hickory Stick Lane.

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 Marietta been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Low Density Residential (LDR) future land use category, with R-20 and R-80 zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre, and non supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre, depending on existing conditions such as product type and mix, structure/building height, tract size, topographic conditions, etc in order to provide compatibility with adjacent residential uses. This category presents a range of densities.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

Northeast: Low Density Residential (LDR) and just a corner of a Community Activity Center (CAC)
Southeast: Low Density Residential (LDR)
Southwest: Low Density Residential (LDR)
Northwest: Low Density Residential (LDR)

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.

APPLICANT: Pebblebrook Development, LLC

PETITION NO.: Z-47

PRESENT ZONING: R-20 & R-80

PETITION FOR: R-15

PLANNING COMMENTS: continued

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 Note: Approximately 1/2 to 2/3 of the property on the east side is within this zone.

APPLICANT Pebblebrook Development, LLC

PETITION NO. Z-047

PRESENT ZONING R-20 & R-80

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): 6" CI / S side of Old Dallas Rd

Additional Comments: Dual water feed will be required at Plan Review

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: Along western edge of site

Estimated Waste Generation (in G.P.D.): A D F= 31,680 Peak= 79,200

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: Pebblebrook Development, LLC

PETITION NO.: Z-47

PRESENT ZONING: R-20, R-80

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noses Creek FLOOD HAZARD INFO: Zone AE & 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 and adjacent to stream channels and floodplain

- 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 receiving stream (Noses Creek).

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

Revised Comments based on site plan dated 08/25/16.

1. This site is located south of Old Dallas Road and east of Noses Creek. Average slopes range from 3 to 25%. The site is completely wooded except for an open pasture located between the existing Ellis Lake and the Old Dallas Road frontage. The entire site drains to the Noses Creek floodplain. Approximately half of the site flows directly to the Nose Creek, while the remainder flows through a series of existing lakes (Sagebrush Lake and Ellis Lake) before flowing into Noses Creek. There is approximately 19.4 acres of floodplain identified on the site (per effective FEMA FIRM).
2. The existing on-site lakes will be modified to provide stormwater management for the site. The dams, outlet control structures and emergency spillways must be brought up to current County standards.
3. A multi-dam dam-break analysis will be required to verify that all proposed house pads will be located outside the breach zone. Use of USACE HEC-RAS 5.0 will be adequate.
4. The onsite stream buffers have already been verified by Frank Gipson. Buffer averaging will be required to accomplish the proposed layout.
5. A portion of the recreation area is located within the Noses Creek floodplain. While floodplains are well-suited for many recreational uses, placement of the tennis courts within the floodplain is not recommended due to maintenance issues.

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PETITION FOR: R-15

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
Old Dallas Road	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Old Dallas 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 curb, gutter, and sidewalk along the Old Dallas Road frontage.

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

Recommend deceleration lanes on Old Dallas Road for development roadways.

STAFF RECOMMENDATIONS

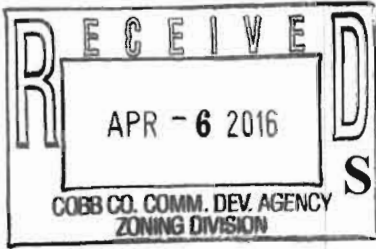
Z-47 PEBBLEBROOK DEVELOPMENT, INC.

- 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. Adjacent and nearby properties are similarly zoned for single-family houses.
- 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. Other adjoining properties are zoned for single-family developments that include R-80 and R-20, and commercial developments that include O&I.
- 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 or utilities. However, the school system has provided comments that this proposal may negatively affect certain schools.
- 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 Low Density Residential (LDR) land use category for properties having a density of 1-2.5 units per acre. The proposed site plan indicates a density of 1.92 units per acre. The zoning and densities of some of the other residential developments in the area include: Hays Farm Unit 1 (Zoned R-20 at 1.20 units per acre); Nob Ridge (zoned R-20 at 1.29 units per acre); Cheatham Woods (zoned R-20 at approximately 1.37 units per acre); Cheatham Springs Unit Two (zoned R-20 at approximately 1.56 units per acre); and Wynthrop Manor (Zoned R-20 and R-80 with 0.44 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 R-20 and R-80. The applicant's proposal for R-15 at 1.92 units per acre is consistent with the *Cobb County Comprehensive Plan*, but is higher than adjacent subdivisions. The adjoining residential area has half-acre and larger size residential lots. Deleting to R-20 and R-80 may be more compatible with neighboring properties.

Based on the above analysis, Staff recommends DELETION to the R-20 and R-80 zoning district subject to the following conditions:

1. Site plan attached to Garvis Sams, Jr. letter dated August 31, 2016;
2. Lots 196-198 be deleted to R-80;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations; and
5. 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-47
PC Hearing: 6-7-2016
BOC Hearing: 6-21-2016

Summary of Intent for Rezoning *

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

- a) Proposed unit square-footage(s): 3,200 square feet to 4000 square feet and greater.
- b) Proposed building architecture: 4 sided traditional architecture.
- c) Proposed selling prices(s): \$400,000 and greater.
- d) List all requested variances: _____

.....
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: _____

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

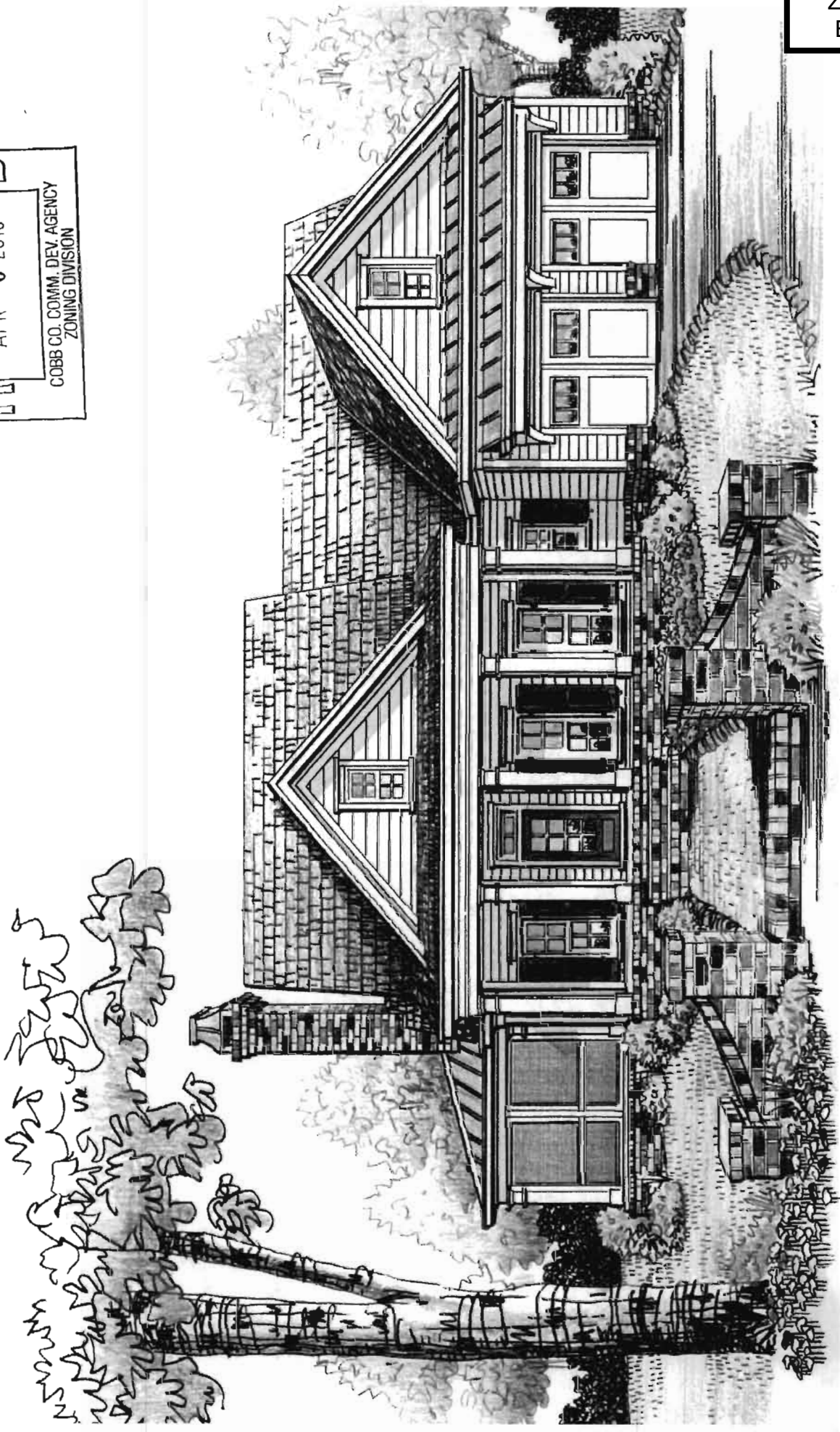
The property will be developed utilizing the existing topography and the site will not be mass graded or clear-cut. The proposed density at 1.87 units per acre is closer to an R-20 density (1.75 upa) than it is to an R-15 typical density (2.25 upa). The Future Land Use Map shows this property as Low Density Residential ("LDR" which allows residential densities ranging from 1.0 - 2.5 units per acre).

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

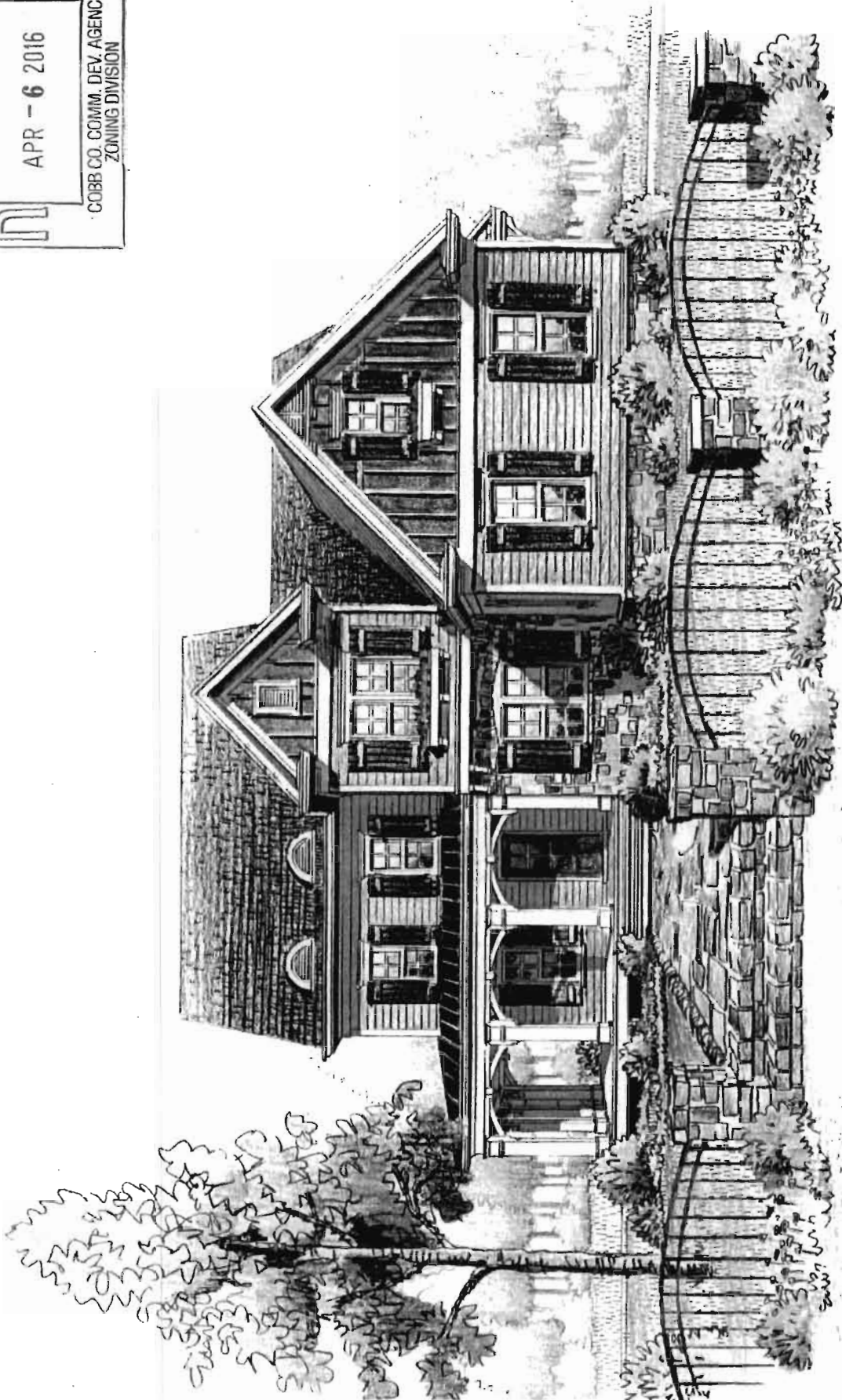
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time.

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

R E C E I V E D
APR - 6 2016
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ZONING DIVISION



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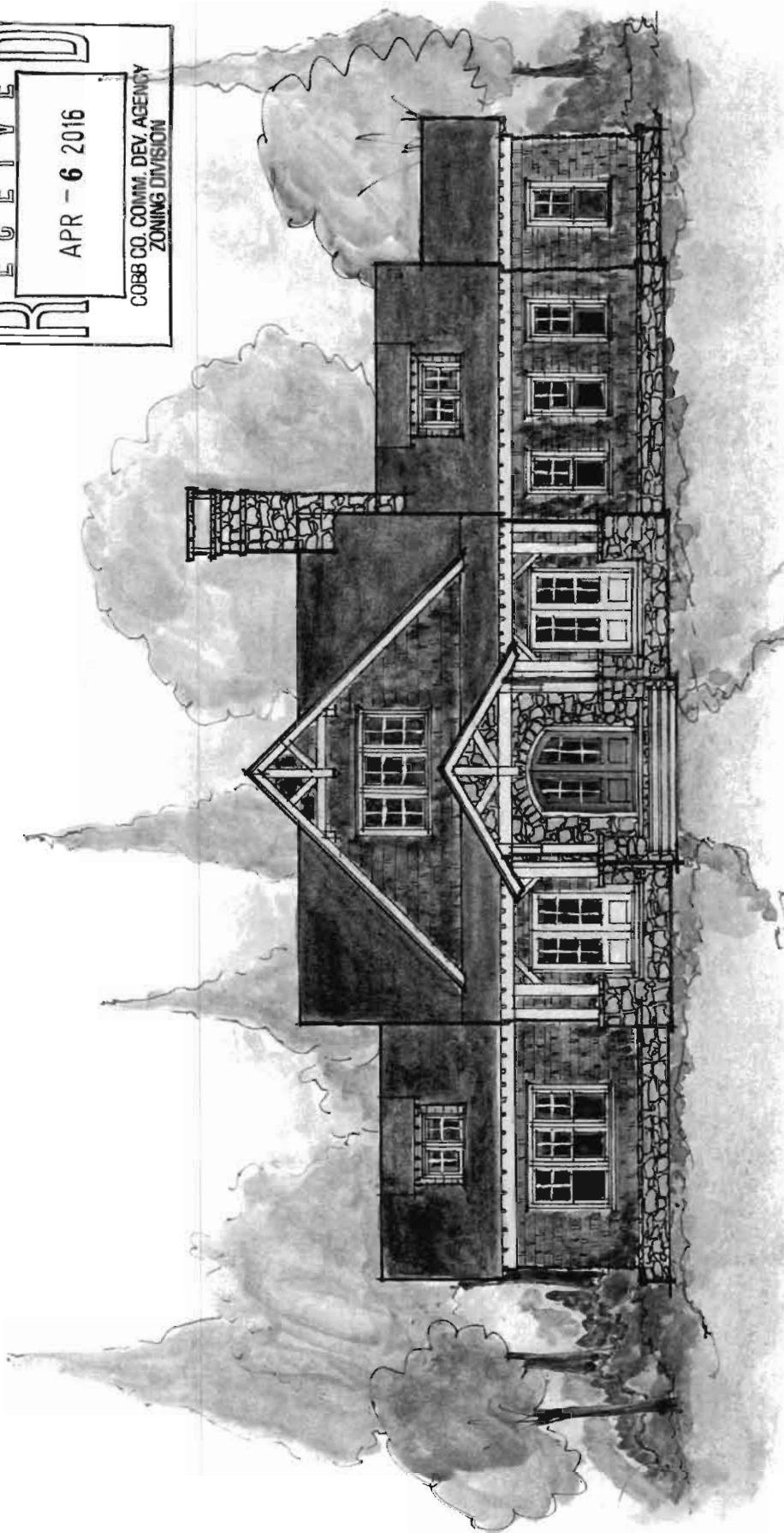


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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



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FRONT ELEVATION