



APPLICANT: Capital City View Homes, LLC

PETITION NO: Z-103

PHONE#: 678-591-7755 EMAIL: zia.rahman75@gmail.com

HEARING DATE (PC): 12-06-16

REPRESENTATIVE: Garvis L. Sams, Jr.

HEARING DATE (BOC): 12-20-16

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

PRESENT ZONING R-20

TITLEHOLDER: Zia Rahman

PROPOSED ZONING: R-12

PROPERTY LOCATION: Located on the northwestern side of Woodlawn Drive, north of Powers Road

PROPOSED USE: Residential subdivision

ACCESS TO PROPERTY: Woodlawn Drive

SIZE OF TRACT: 2.15 acres

PHYSICAL CHARACTERISTICS TO SITE: Single-family house on wooded lot

DISTRICT: 1

LAND LOT(S): 8

PARCEL(S): 7

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

COMMISSION DISTRICT: 2

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH: RA-4/The Fountain at Woodlawn Subdivision
- SOUTH: R-20/King's Cove Subdivision
- EAST: RA-4/The Fountain at Woodlawn and single-family house
- WEST: R-20/King's Cove Subdivision

- Adjacent Future Land Use:*
- Northeast: Low Density Residential (LDR)
  - Southeast: Medium Density Residential (MDR)
  - Southwest: Low Density Residential (LDR)
  - West: Low Density Residential (LDR)

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

HELD \_\_\_\_\_ VOTE \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

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

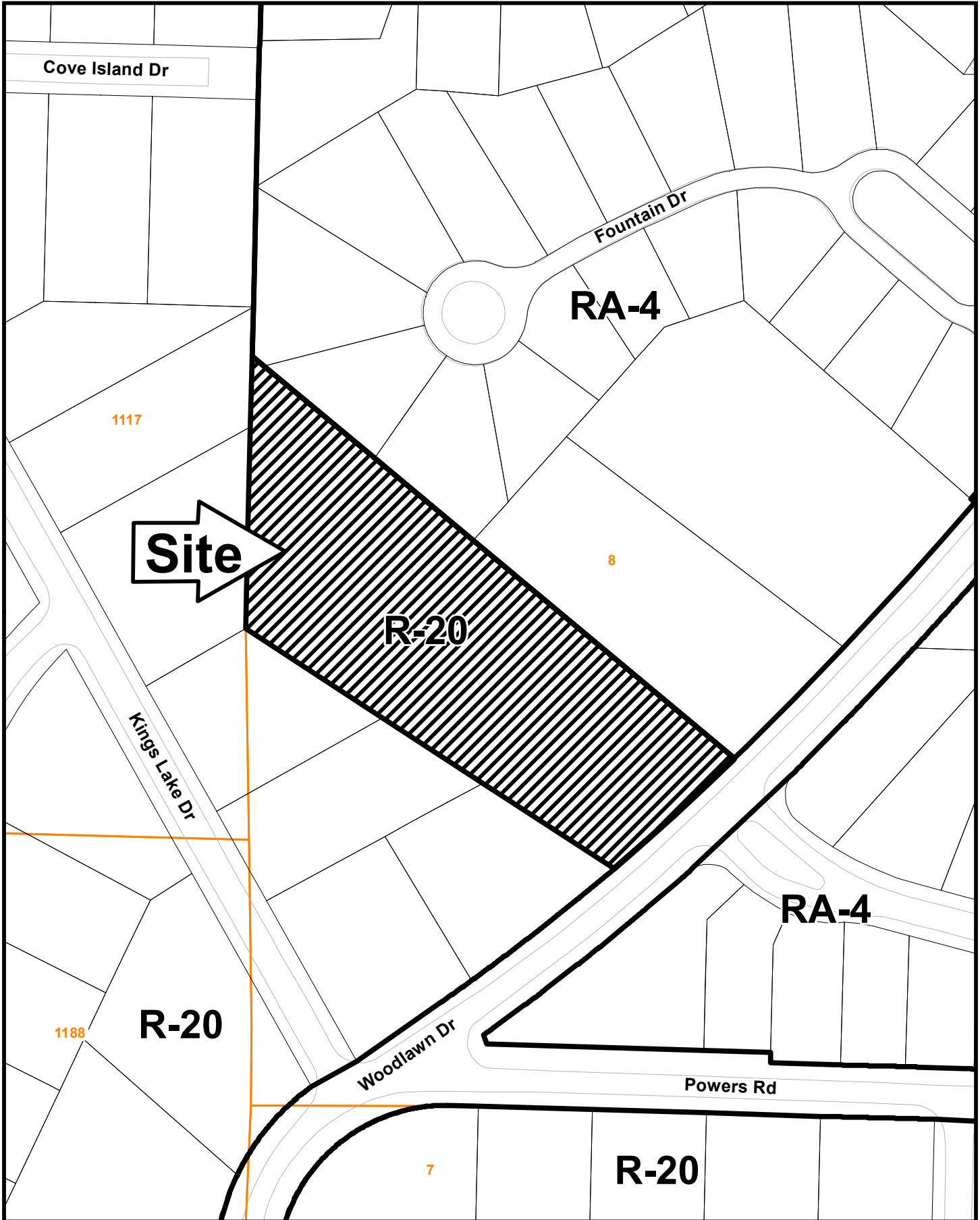
REJECTED \_\_\_\_\_ SECONDED \_\_\_\_\_

HELD \_\_\_\_\_ VOTE \_\_\_\_\_

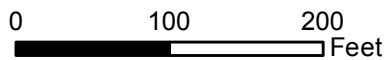
STIPULATIONS:





# Z-103-2016 GIS



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



-  City Boundary
-  Zoning Boundary

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**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

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

**Proposed Number of Units:** 5                      **Overall Density:** 2.32                      **Units/Acre**

**Staff estimate for allowable # of units:** 3 **Units\***    **Increase of:** 2 **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 a rezoning to the R-12 single-family residential district in order to develop a five (5) lot subdivision. The homes will be 3,500 square feet and greater in size of traditional architecture with a mixture of brick, stacked stone, cedar, hardiplank shake or hardiplank siding or a combination thereof. Proposed selling prices will range from \$850,000 to \$1.2 million. The average lot size is 14,520 square feet.

The request is to rezone the property as it was last approved by the Board of Commissioners when it was zoned to the R-12 district per Z-61 of 2014. That case included a reversion clause that was triggered, necessitating the current request.

If approved, the request will require the following contemporaneous variances:

1. Waive the required public road frontage to zero to allow for access by a private road for lots 3-5;
2. Waive setbacks due to private road orientation as follows: front from required 25 feet to 5 feet and rear from required 20 feet to 5 feet with increases of sides from required 5 feet to 25 and 30 feet in the front and rear yards of the homes.

**Cemetery Preservation:** No comment.

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**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
Sope Creek Elementary <b>Elementary</b>	1108	1113	
Dickerson Middle <b>Middle</b>	1279	1068	
Walton High <b>High</b>	2710	2362	

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

**Additional Comments:** Approval of this petition will cause concern for Cobb County School District, as It will result in a nominal impact on the enrollment for schools already over capacity.

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**FIRE COMMENTS:**

Guest Parking: When projects contemplate less than 20 foot separation between units, guest parking shall be provided at a ratio of one-half space for each dwelling unit (1 space/2 units).

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to R-12 for the purpose of a residential subdivision. The 2.15 acre site is located on the northwestern side of Woodlawn Drive, north of Powers 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 Low Density Residential (LDR) future land use category, with R-20 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. 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)  
Southeast: Medium Density Residential (MDR)  
Southwest: Low Density Residential (LDR)  
West: 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.

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.

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**PLANNING COMMENTS:**

CONT.

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

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PRESENT ZONING R-20

PETITION FOR R-12

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**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 / SE side of Woodlawn Drive

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.

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**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: 130' W in Kings Lake Drive

Estimated Waste Generation (in G.P.D.): A D F= 800 Peak= 2,000

Treatment Plant: Sutton

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 Sewer easments have been recorded  
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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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Sope 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 – within Kings Cove Subdivision.  
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.

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**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 entire site drains to the northwest into the Kings Cove Subdivision. The applicant has already obtained the downstream easements to tie into the existing downstream storm system on Kings Lake Drive.
2. As indicated under Downstream Conditions, there is a private lake located approximately 500 feet downstream within the Kings Cove Subdivision. A pre- and post-sediment survey will be required.
3. Private street will require that all stormwater infrastructure be privately maintained by the mandatory HOA.

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**TRANSPORTATION COMMENTS:**

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Woodlawn Drive	5,500	Minor Collector	35 mph	Cobb County	60'

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

**COMMENTS AND OBSERVATIONS**

Woodlawn 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 west side of Woodlawn Drive, a minimum of 30' from the roadway centerline.

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.

Recommend applicant verify that minimum intersection sight distance is available for Woodlawn Drive access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390 feet.

Recommend development street either directly align or have an offset of a minimum of 125 feet from Wynmeade Park per Development Standard 401.10.

## STAFF RECOMMENDATIONS

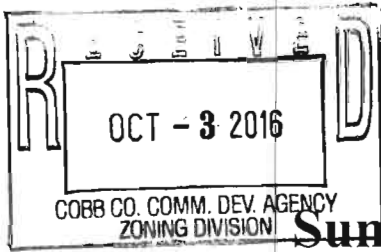
### **Z-103 CAPITAL CITY VIEW HOMES, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The subject parcels lies between RA-4 district zoned property and R-20 district zoned properties that make up the preponderance of property along this side of Woodlawn Drive.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The subject property is bounded by R-20 lots to the west and southwest, and about half of the property's northeast border includes an RA-4 subdivision and the other half includes a single-family house on a larger RA-4 lot that is one acre according to tax records. The character of the area is mixed with cluster homes to estate-sized lots.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates the property to be within the Low Density Residential (LDR) land use category. The property abuts an existing RA-4 subdivision to the northeast (The Fountain at Woodlawn, at 3.42 units per acre), the proposed 2.32 units per acre is within the LDR density range of 1-2.5 units per acre. Other properties in this area include: Boulevard at Woodlawn, Unit I, zoned R-20 at 1.72 units per acre; Fairview Farm I, zoned R-20 at approximately 1.85 units per acre; Fairview Farm II, zoned R-20 at approximately 1.63 units per acre; Kings Cove Section Three, zoned R-20 at approximately 1.53 units per acre; Woodlawn Walk, zoned RA-5 at 2.65 units per acre; Wynmeade, zoned RA-4 at approximately 3.07 units per acre; and Woodhaven Unit I, zoned RA-4 at approximately 3.45 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 approving the applicant's rezoning proposal. As previously stated, the subject property abuts an RA-4 development, almost all of this side of Woodlawn Drive, from Paper Mill Road to Lower Roswell Road, is in the LDR land use category. Most of the zonings on this same side are R-20, with some R-40, R-30, R-80, and even RA-4. Most of the other RA-4 or RA-5 developments in this area are on the other side of Woodlawn Drive and are in the Medium Density Residential (MDR) land use category, for densities ranging from 2.5-5 units per acre. Staff believes that the requested R-12 district with a density within the LDR range of 1-2.5 units per acre would be consistent with the area and provide an appropriate transition.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

1. Site plan received by the Zoning Division on October 3, 2016, with the District Commissioner approving minor modifications;
2. Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated November 2, 2016;
3. Density not to exceed 2.5 units per acre;
4. Fire Department comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. 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-103

PC Hearing: Dec. 6, 2016  
BOC Hearing: Dec. 20, 2016

## Summary of Intent for Rezoning \*

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

- a) **Proposed unit square-footage(s):** 3,500 square feet and greater
- b) **Proposed building architecture:** Mixture of brick, stacked stone, cedar, Hardiplank shake or Hardiplank siding or a combination thereof
- c) **Proposed selling prices(s):** Price points for the homes are anticipated ranging from \$850,000.00 to 1.2 Million Dollars
- d) **List all requested variances:** Proposed building setbacks: front: 25', rear: 30', side: 5'

.....  
**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:** \_\_\_\_\_

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

The subject property was rezoned by the BOC to the R-12 zoning classification on February 17, 2015. However, due to the proposed developer's failure to close on the subject property, the reversion clause was triggered with the result being that the subject property inadvertently returned to its original R-20 zoning classification.

.....  
**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 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.