

APPLICANT: Hicks Business Enterprises, LLC
PHONE#: (678) 462-4021 **EMAIL:** bhicks@bhdeng.com
REPRESENTATIVE: J. Kevin Moore
PHONE#: (770) 429-1499 **EMAIL:** jkm@mijs.com
TITLEHOLDER: The Estate of Freeman Alexander Moon

PETITION NO: Z-117
HEARING DATE (PC): 12-06-16
HEARING DATE (BOC): 12-20-16
PRESENT ZONING: R-20

PROPERTY LOCATION: South side of Hurt Road, east of
Tramore Park
(1855 Hurt Road)

PROPOSED ZONING: RM-8

ACCESS TO PROPERTY: Hurt Road

PROPOSED USE: Single-family Residential

PHYSICAL CHARACTERISTICS TO SITE: Wooded, undeveloped
acreage

SIZE OF TRACT: 41.21 acres

DISTRICT: 19

LAND LOT(S): 784,785

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20 & R-15/Single-family houses;
R-15/Kingscourt West
- SOUTH:** R-20/Cherokee Trails; RM-10T/Main Station Townhomes
- EAST:** R-20/Single-family house; RM-10T/Main Station Townhomes
- WEST:** RA-4/Tramore Park

Adjacent Future Land Use:
 North: Low Density Residential (LDR)
 Southeast: Medium Density Residential (MDR)
 South: Medium Density Residential (MDR)
 Northwest: Park / Recreation / Conservation (PRC)

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

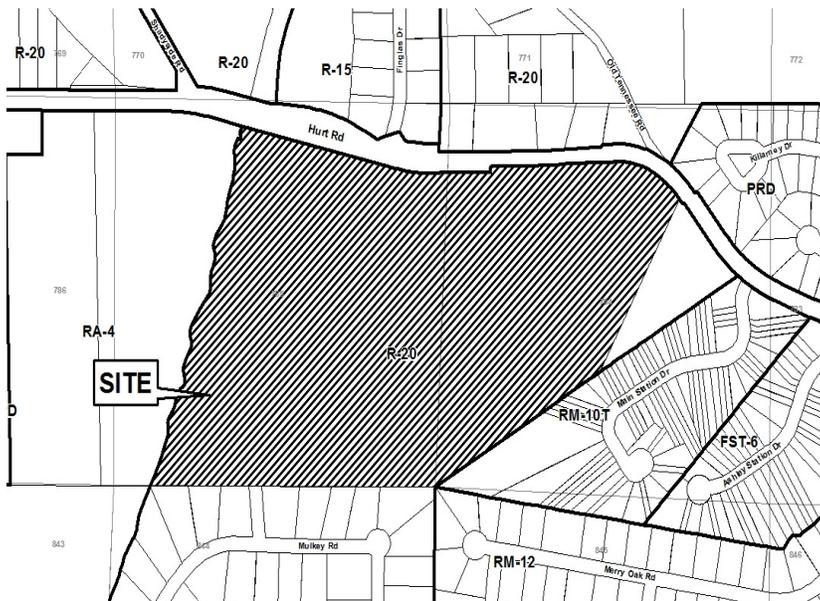
PLANNING COMMISSION RECOMMENDATION

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

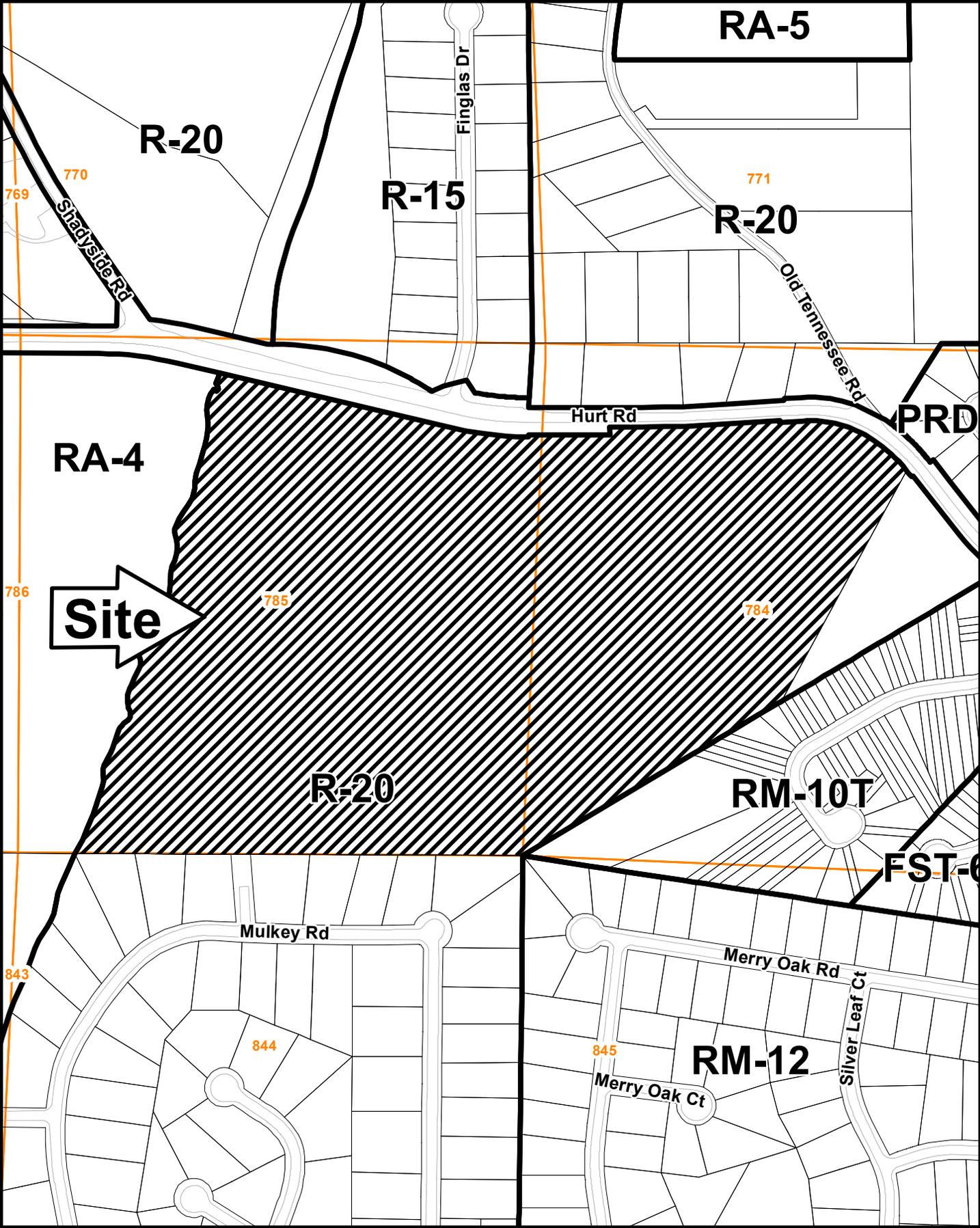
BOARD OF COMMISSIONERS DECISION

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

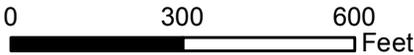
STIPULATIONS:



Z-117-2016 GIS



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



- City Boundary
- Zoning Boundary

APPLICANT: Hicks Business Enterprises, LLC

PETITION NO.: Z-117

PRESENT ZONING: R-20

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: 117 **Overall Density:** 4.88 **Units/Acre**

Staff estimate for allowable # of units: 42 **Units*** **Increase of:** 75 **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 117-lot single-family subdivision. The houses will range in size from 1,800 square feet to 2,800 square feet and greater. The prices will start in the low \$200,000s. There will be open space commonly owned throughout the proposed subdivision.

The proposed site plan will require the following contemporaneous variances:

1. Waiver of the rear yard setbacks for exterior lots from the required 40 feet to 20 feet;
2. Waiver of the rear yard setbacks for interior lots from the required 30 feet to 20 feet; and
3. Waiver of the minimum lot size from 7,000 square feet to 4,400

Cemetery Preservation: Zoning petition Z-117, 2016 (in land lots 784 and 785 of the 19th district) shows the presence of Unidentified #8 cemetery located on the south side of Hurt Road, to the right of and very close to the home of Mr. Freeman Moon, 1855 Hurt Road. One lone grave is marked with head and footstones made of fieldstone. It is on a steep hill overlooking Olley Creek. This grave is suspected to be that of a Civil War soldier.

The Cobb County Cemetery Preservation Commission recommends:

- A. Prepare a site plan identifying the full boundaries with a metes and bounds description;
- B. Provide a fifteen (15) foot undisturbed natural buffer from the common property line; or a fifteen (15) foot undisturbed natural buffer around the perimeter of the outermost burials of the cemetery; whichever provides the greatest protection for the cemetery;
- C. Provide and install a permanent six (6) foot chain link fence on the outer perimeter of the fifteen foot undisturbed buffer with walk through access gate. Fence must be 9 gauge with top and bottom rails and fence posts must be set in concrete. Fence may be upgraded to black vinyl coated chain link and/or wrought iron.
- D. Provide and install an orange protective fence on the outer perimeter of the fifteen (15) foot undisturbed buffer before beginning construction. The protective fence to be maintained in good repair throughout the development phase of the project. At completion of the project, the orange protective fence shall be removed from the premises;
- E. Compliance with all State and local laws and ordinances; and
- F. All Cemetery Preservation requirements must be site plan specific.

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SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Sanders</u>	<u>749</u>	<u>794</u>	<u> </u>
Elementary			
<u>Garrett</u>	<u>907</u>	<u>867</u>	<u> </u>
Middle			
<u>South Cobb</u>	<u>2050</u>	<u>2612</u>	<u> </u>

High

- 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:

Modifications may be required to incorporate the Cobb County Fire Marshal's Office 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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PRESENT ZONING: R-20

PETITION FOR: RM-8

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RM-8 for the purpose of single family residential. The 41.21 acre site is located on the south side of Hurt Road, east of Tramore Park (1855 Hurt 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 Medium Density Residential (MDR) future land use category, with R-20 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.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: Low Density Residential (LDR)
Southeast: Medium Density Residential (MDR)
South: Medium Density Residential (MDR)
Northwest: Park / Recreation / Conservation (PRC)

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 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" AC / N side of Hurt Rd

Additional Comments: Development Standards call for secondary water feed

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: Traversing site

Estimated Waste Generation (in G.P.D.): A D F= 18,720 Peak= 46,800

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 Sewer flow study may be required at Plan Review 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: Olley Creek FLOOD HAZARD INFO: Zone AE/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: within and adjacent to stream channels

- 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.

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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. This site is located south of Hurt Road and to the east of Olley Creek. The site is heavily wooded with a mixture of hard and soft woods. Average slopes on the site range from approximately 6 to 30%. The entire site drains to the east into the floodplain of Olley Creek. The 100-year floodplain of Olley Creek and a small tributary that bisects the site encumbers approximately 17.2 acres.
2. Olley Creek is listed by EPD as an impaired stream and has a TMDL limit established for fecal coliform. Elevated water quality measures or expanded undisturbed buffers will be required.
3. Cobb County’s Flood Damage Prevention Ordinance requires that a minimum of 12,500 sf of each lot be above the 100-year floodplain. Since the proposed lot areas are less than 12,500 sf the entire lot must be out of the floodplain. This will impact the layout of lots 58, and 105 – 107.

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TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Hurt Road	12,600	Major Collector	35 mph	Cobb County	80'

Based on 2007 traffic counting data taken by Cobb County DOT for Hurt Road.

COMMENTS AND OBSERVATIONS

Hurt Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

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 south side of Hurt Road, a minimum of 40' from the roadway centerline.

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

Recommend curb, gutter, and sidewalk along the frontage of Hurt Road.

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

As necessitated by this development, recommend Hurt Road access include deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

Recommend a traffic impact study.

Recommend a no access easement along the Hurt Road frontage.

STAFF RECOMMENDATIONS

Z-117 HICKS BUSINESS ENTERPRISES, 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. Other properties in the area are developed for single-family houses, townhomes and a park.
- 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 proposed development would be consistent with other uses in the area.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Medium Density Residential (MDR) land use category, having densities ranging from 2.5-5 units per acre. The proposed site plan indicates a net density of 4.88 units per acre. Other single-family subdivisions in the area include: Kingscourt West (zoned R-15 at 2.2 units per acre); Woodmere Subdivision, Unit One (zoned RM-12 {developed as detached residential units following RA-5} at approximately 2.85 units per acre); Main Station Townhouses (zoned RM-10T at 7.47 units per acre); and Tramore Cottage (zoned PRD at 3.36 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. Staff believes the applicant's proposed density of 4.88 units per acre is compatible when compared to the densities listed above. Staff believes deleting to RA-5 will be more consistent with other single-family zoning districts in this area.

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

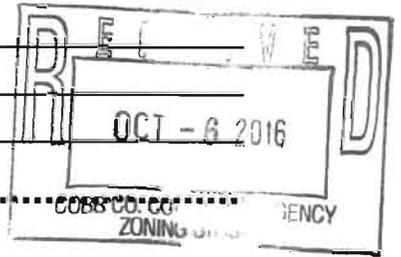
1. Site plan received October 6, 2016, with the District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Cemetery Preservation Commission's comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations;
7. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns; and
8. Variances as mentioned in the Zoning Comments.

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.

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 1,800 - 2,800 square feet, and greater
b) Proposed building architecture: Samples to be provided
c) Proposed selling prices(s): Beginning low \$200s
d) List all requested variances: None known at this time



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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

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

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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.

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