

APPLICANT	Brooks Chadwick Capital, LLC	PETITION NO:	Z-115
<u>PHONE#: (40</u>	04) 281-4554 EMAIL: todd@brookschadwick.com	HEARING DATE (PC):	12-06-16
REPRESENT	ATIVE: John H. Moore	HEARING DATE (BOC): _	12-20-16
<u>PHONE#: (77</u>	0) 422-1499 EMAIL: jmoore @mijs.com	PRESENT ZONING:	O&I, R-20
TITLEHOLD	<b>ER:</b> <u>Cooper LakeDaniel, LLC</u>		
_		PROPOSED ZONING:	RM-8
PROPERTY	LOCATION: Northwest side of Cooper Lake Road and		
the north and e	ast sides of Daniel Street	PROPOSED USE: Single-fa	mily Townhomes
(2235 Cooper	Lake Road and 2001 Daniel Street)		
ACCESS TO	<b>PROPERTY:</b> Cooper Lake Road and Daniel Street	SIZE OF TRACT:	4.218 acres
		DISTRICT:	17
PHYSICAL (	CHARACTERISTICS TO SITE: <u>Two single-family</u>	LAND LOT(S):	695
homes on three	e parcels	PARCEL(S):	1,12
		TAXES: PAID X DU	JE
CONTIGUO	US ZONING/DEVELOPMENT	COMMISSION DISTRICT:	
		Adjacent Future Land Us	<u>e:</u>
NORTH:	FST-6, R-20/ Coopers Hill Subdivision, Single-family hou	North: Medium Density	
		(IVIDR)	
SOUTH:	R-20/ Single-family house	Southeast: Medium Dens	ity
EAST:	County/ Oakdale Park	Residential (MDR)	D: 1 1
WEST:	FST-6/ Kensington Green Subdivision	South: Medium Density (MDR)	Kesidential
		(MDR) Southwest: Medium Den	sity
		Southwest. Medium Den	511.9

OPPOSITION: NO. OPPOSED\_\_\_\_PETITION NO:\_\_\_\_SPOKESMAN \_\_\_\_\_

Residential (MDR)

#### PLANNING COMMISSION RECOMMENDATION APPROVED MOTION BY KA Dr RA-5 REJECTED\_\_\_\_SECONDED\_\_\_\_ Smyrna R-20 $\exists \mathcal{A}$ HELD\_\_\_\_CARRIED\_\_\_ FST-6 四 RD 0&1 GC **BOARD OF COMMISSIONERS DECISION** U APPROVED\_\_\_\_\_MOTION BY\_\_\_\_\_ SITE REJECTED\_\_\_\_SECONDED\_\_\_ UVC HELD\_\_\_\_CARRIED\_\_\_\_ R=20-FST-6 RM-8 **STIPULATIONS:** R-15-LRO Sz RM-8 0&1 -UVC-NRC 1 t

# Z-115-2016 GIS



APPLICANT: Brood	ks Chadwick Capital, LLC	<b>PETITION NO.:</b>	Z-115
PRESENT ZONING:	O&I, R-20	PETITION FOR:	RM-8
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ZONING COMMEN	TS: Staff Member Response	ible: Terry Martin, MPA	
Land Use Plan Recom	nmendation: MDR Medium De	ensity Residential	
Proposed Number of	Units: 21 Overa	all Density: 5.06 Uni	ts/Acre
Staff estimate for allo	wable # of units: 1 (R-20 portion)	Units* Increase of: 20	Units/Lots

Stall estimate for allowable # of units: 1 (K-20 portion)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.

Applicant is requesting a rezoning to the RM-8 residential multifamily district in order to develop a 21 lot single-family residential community. The proposed units will be of traditional architecture ranging in size from 2,000 - 3,300 and greater with anticipated prices of \$500,000 to \$600,000. There will be a mixture of front entry (13) and rear entry (8) homes.

Park area and green space is proposed as well as 27 spaces for guest parking (11 internal and 16 on street in the adjacent Daniel Street and Cooper Lake Road ROWs).

If approved, the following contemporaneous variances are required:

- 1. Waive the minimum lot size from the required 7,000 square feet to 4,800 square feet;
- 2. Waive the rear setback from the required 40 feet to 10 feet; and
- 3. Waive the major side setbacks from the required 35 feet to 10 feet.

<u>Cemetery Preservation</u>: 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 lot.

PRESENT ZONING: O&I, R-20

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# **SCHOOL COMMENTS:**

			Number of
		Capacity	Portable
Name of School	Enrollment	Status	Classrooms
Nickajack	1017	1025	
<b>Elementary</b> Campbell	1437	1203	
<b>Middle</b> Campbell	2669	2637	

\*\*\*\*\*\*\*\*\*

#### 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.

#### FIRE COMMENTS:

Modifications may be required to incorporate the Cobb County Fire Marshal's Office 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).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

#### **PETITION NO.: Z-115 PETITION FOR: RM-8**

# **PLANNING COMMENTS:**

The applicant is requesting a rezoning from O&I and R-20 to RM-8 for the purpose of single family townhomes. The 4.218 acre site is located on the northwest side of Cooper Lake Road and the north and east sides of Daniel Street (2235 Cooper Lake Road and 2001 Daniel Street).

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 a Medium Density Residential (MDR) future land use category, with O&I and 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:

On January 21, 2003, the Board of Commissioners adopted a land use initiative for the area along Cooper Lake Road in an effort to control residential development patterns. Sue to the topographical sensitivity of the surrounding area, the Board of Commissioners articulated a desire to minimize the intensity of the development for this area. In order to implement this objective, the Board of Commissioners will only consider development below or at the midpoint of the MDR designation (2.5-5 dua) and require the use of the Open Space Community Overlay specifications to minimize grading and impact to sites along Cooper Lake Road. (This applies to the larger 3.3 acre parcel bordered by Daniel Street and Cooper Lake Road.)

#### Adjacent Future Land Use:

North:	Medium Density Residential (MDR)
Southeast:	Medium Density Residential (MDR)
South:	Medium Density Residential (MDR)
Southwest:	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.

<u>Design Guidelines</u>		
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 i	requirements?	

# Incentive Zones

Is the property within an Opportunity Zone?  $\Box$  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: Brooks Chadwick Capital, LLC PRESENT ZONING: O&I and R-20 ************************************	PETITION NO <u>.: Z-115</u> PETITION FOR: RM-8
PLANNING COMMENTS:	CONT.
Is the property within an Enterprise Zone?	
Is the property eligible for incentives through the Commercial and IProgram? □ Yes ■ No The Commercial and Industrial Property Rehabilitation Program is a ad valorem property taxes for qualifying redevelopment in eligible a	an incentive that provides a reduction in
For more information on incentives, please call the Community Dev 770.528.2018 or find information online at <u>http://economic.cobbcou</u>	
<u>Special Districts</u> Is this property within the Cumberland Special District #1 (hotel/mo □ Yes ■ No	otel fee)?
Is this property within the Cumberland Special District #2 (ad valor ☐ Yes ■ No	em tax)?
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 Brooks Chadwick Capital, LLC				РЕЛ	TITION NO.	<u>Z-115</u>
PRESENT ZONING <u>O&amp;I, R-20</u>				РЕЛ	TITION FOR	<u>RM-8</u>
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WATER COMMENTS: NOTE: Comments refle	ect on	ly what facilities w	vere	in exis	stence at the tim	e of this review.
Available at Development:		Yes			No	
Fire Flow Test Required:		Yes			No	
Size / Location of Existing Water Main(s): 6" C	I / W	side of Cooper I	Lake	Road	1	
Additional Comments: Also 6" AC / W side of I	Danie	el St				
Developer may be required to install/upgrade water mains, based on Review Process.	fire flo	w test results or Fire De	epartn	nent Co	de. This will be reso	blved in the Plan
* * * * * * * * * * * * * * * * * * * *	* * *	* * * * * * * * *	* *	* * *	* * * * * * * *	* * * * * * *
SEWER COMMENTS: NOTE: Comments r	eflect	only what facilitie	s we	re in e	xistence at the t	me of this review.
In Drainage Basin:	$\checkmark$	Yes			No	
At Development:	$\checkmark$	Yes			No	
Approximate Distance to Nearest Sewer: Dan	niel S	t ROW & on-site	aloi	ng Co	oper Lake Rd.	
Estimated Waste Generation (in G.P.D.): A I	) F=	5,280		Р	eak= 13,200	
Treatment Plant:		South	Cob	b		
Plant Capacity:	$\checkmark$	Available		Not A	Available	
Line Capacity:	$\checkmark$	Available		Not 4	Available	
Projected Plant Availability:	$\checkmark$	0 - 5 years		5 - 10	0 vears	over 10 years
Drv Sewers Required:		Yes	$\checkmark$	No		
Off-site Easements Required:		Yes*	$\checkmark$	No		ents are required, Developer nents to CCWS for
Flow Test Required:		Yes	$\checkmark$	No	review/approval a	s to form and stipulations ion of easements by the
Letter of Allocation issued:		Yes	$\checkmark$	No	property owners.	All easement acquisitions ity of the Developer
Septic Tank Recommended by this Department:		Yes	$\checkmark$	No		
Subject to Health Department Approval:		Yes	$\checkmark$	No		

Additional Submitted site plan shows building Unit 1 encroaching upon existing sewer easement, which is a violation of Code 122-123..

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: Brooks Chadwick Capital, LLC

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# PETITION FOR: <u>RM-8</u>

STORMWATER MANAGEMENT COMMENTS
FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
<ul> <li>DRAINAGE BASIN: <u>Trib to Laurel Creek</u> FLOOD HAZARD INFO: Zone X</li> <li>FEMA Designated 100 year Floodplain Flood.</li> <li>Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.</li> <li>Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.</li> <li>Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.</li> </ul>
<u>WETLANDS:</u> $\Box$ YES $\boxtimes$ NO $\Box$ 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 X NO POSSIBLY, NOT VERIFIED
<ul> <li>Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).</li> <li>Chattahoochee River Corridor Tributary Area - County review (<u>undisturbed</u> buffer each side).</li> <li>Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.</li> <li>Georgia DNR Variance may be required to work in 25 foot streambank buffers.</li> <li>County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.</li> </ul>
DOWNSTREAM CONDITIONS
<ul> <li>Potential or Known drainage problems exist for developments downstream from this site.</li> <li>Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.</li> <li>Minimize runoff into public roads.</li> </ul>
<ul> <li>Minimize runoff into public roads.</li> <li>Minimize the effect of concentrated stormwater discharges onto adjacent properties.</li> <li>Developer must secure any drainage easements required to receive concentrated discharges where none exist naturally</li> </ul>
<ul> <li>Existing Lake Downstream</li> <li>Additional BMP's for erosion sediment controls will be required.</li> <li>Lake Study needed to document sediment levels.</li> </ul>
<ul> <li>Stormwater discharges through an established residential neighborhood downstream.</li> <li>Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving systems.</li> </ul>

### APPLICANT: Brooks Chadwick Capital, LLC

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#### PRESENT ZONING: <u>R-20. O&I</u>

# PETITION FOR: <u>RM-8</u>

# **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 at the northwest corner of Daniel Street and Cooper Lake Road. The site is predominately wooded with average slopes ranging from 5 to 15%. The majority of the site (~2/3) drains to the west into the Daniel Street right-of-way. The remainder of the site drains to the east towards Atlanta Road.
- 2. While it appears that adequate site area has been reserved or is available to provide adequate stormwater management volume for the site, downstream conveyance is an issue particularly to the west. There is no current stormwater infrastructure along Daniel Street to accommodate the proposed concentrated site discharges. It is anticipated that storm sewer will need to be installed down the current right-of-way to the receiving stream located approximately 230 feet to the west.

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#### **PRESENT ZONING:** OI, R-20

**PETITION FOR: RM-8** 

### **TRANSPORTATION COMMENTS:**

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Daniel Street	5,200	Local	25 mph	Cobb County	50'
Cooper Lake Road	3,850	Local	35 mph	Cobb County	50'

Based on 2015 traffic counting data taken by Cobb County DOT for Daniel Street.

Based on 2016 traffic counting data taken by Cobb County DOT for Cooper Lake Road.

#### COMMENTS AND OBSERVATIONS

Daniel Street is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Cooper Lake Road is classified as a local and according to the available information the existing right-ofway does 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 east side of Daniel Street, a minimum of 25' 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 Cooper Lake Road and Daniel Street.

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 no striping for parallel parking spaces in the right-of-way.

# **STAFF RECOMMENDATIONS**

# **Z-115 BROOKS CHADWICK CAPITAL, 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. It is similar to other properties that are single-family homes in the area on R-20 or R-15 lots and of a similar density to those neighboring townhome communities.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The request proposes a density similar to adjacent properties but does so while requiring both setback and lot size variances.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. This opinion can be supported by the departmental comments contained in this analysis. The school system has expressed concerns regarding this application
- 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 to be within the MDR medium density residential future land use category. This category forecasts areas that provide for moderate density housing between the range of 2 and one-half (2.5) and five (5) units per acre. The site is also included in an area of specific policy guidelines adopted by the Board of Commissioner on January 21, 2003 which seek to limit residential development patterns along Cooper Lake Road to no more than below or at the midpoint of the MDR designation while requiring the use of the Open Space Community Overlay specifications (see Planning Division Comments).

The current proposal results in a density of 5.06 units per acre with proposed setback and lot size reductions. The FST-6 development to the northwest, Coopers Hill, contains a density of approximately four (4) upa while the FST-6 development to the west across Daniel Street, Kensington Green, contains a density 4.45 upa. These existing communities follow the purpose of the MDR future land use. Higher densities can be found in the RM-8 community which lies to the northeast of the subject property and is within an HDR high density residential future land use category. This development, Paces Walk, contains a density of 7.7 upa but does so without drastically reduced variances. The R-15 subdivision to the south, Cooper Lake at Weaver, falls comfortably within the MDR recommended density range at 2.61 upa.

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 with stipulations that seek to encourage a more compatible development. While the property is currently predominately zoned for office use, it has never been developed for such. Moreover, the property's current future land use is MDR which calls for moderate density housing in the range of 2.5 to 5 upa with a recommendation by the *Comprehensive Plan* that the density be kept on the lower half of this range. While the applicant's request is for a community that contains 21 units for a density of 5.06 upa (which tops out the recommended MDR range), it does so with the need to greatly reduce required setbacks and lot sizes.

Based on the above analysis, Staff recommends DELETION TO RA-6 subject to the following conditions:

- 1. Maximum of 21 lots;
- 2. Final site plan to be approved by the District Commissioner;
- 3. Final architecture to be approved by the District Commissioner;
- 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; and

# Z-115 BROOKS CHADWICK CAPITAL, LLC (Continued)

8. 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.

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. $\underline{z-115}$

# Summary of Intent for Rezoning\*

		tial Rezoning Information (attach ad		
a	,		2,000 - 3,300 square feet, and greater	
b	b) Proposed building architecture: <u>Traditional</u>			
c	)	Proposed selling prices(s):		
d	l)	List all requested variances:		
_				
_				
	•••••	•••••		
rt 2. N	on-resi	dential Rezoning Information (attac	h 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	I)	List all requested variances:	Not Applicable	
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Part 3.	Other	Pertinent Information (List or attac	h additional information if needed)	
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_				
_				
Part 4. ]	Is any c	of the property included on the prope	osed site plan owned by the Local, State, or Federal Gove	
Q	Please	list all Right-of-Ways, Government	owned lots, County owned parcels and/or remnants, etc.,	
р	olat clea	arly showing where these properties a	are located). None known at this time.	
_			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 part or portion, of the Application for Rezoning, at any time during the rezonking process.