

APPLICANT: Loyd Development Services

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REPRESENTATIVE: Garvis L. Sams, Jr.

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TITLEHOLDER: Early Wendell Wood and Maudina J. Wood

(a/k/a M. Ashley Wood)

PROPERTY LOCATION: East, west and south and north sides of

Hilltop Drive and Hilltop Circle, southeast of Kelly Drive, and south

side of Suholdon Circle

ACCESS TO PROPERTY: Hilltop Drive, to be relocated Hilltop

Circle

PHYSICAL CHARACTERISTICS TO SITE: Wooded, undeveloped

and single-family residences amongst the various parcels

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: LRO, R-20/ Nursing home, Addison Heights Subdivision

SOUTH: O&I, R-20/ Professional office, Addison Heights Subdivision

EAST: GC/ Various commercial users along Canton Road

WEST: R-20/ Addison Heights Subdivision

PETITION NO: Z-71

HEARING DATE (PC): 11-07-17

HEARING DATE (BOC): 11-21-17

PRESENT ZONING: O&I, R-20

PROPOSED ZONING: RA-5

PROPOSED USE: Single-family Subdivision

SIZE OF TRACT: 13.15 acres

DISTRICT: 16

LAND LOT(S): 443,494

PARCEL(S): Numerous Parcels in Zoning File

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

Adjacent Future Land Use:

North: Low Density Residential (LDR),
Neighborhood Activity Center (NAC)
and Community Activity Center (CAC)
East: Community Activity Center (CAC)
South: Neighborhood Activity Center
(NAC) and Low Density Residential
(LDR)
West: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

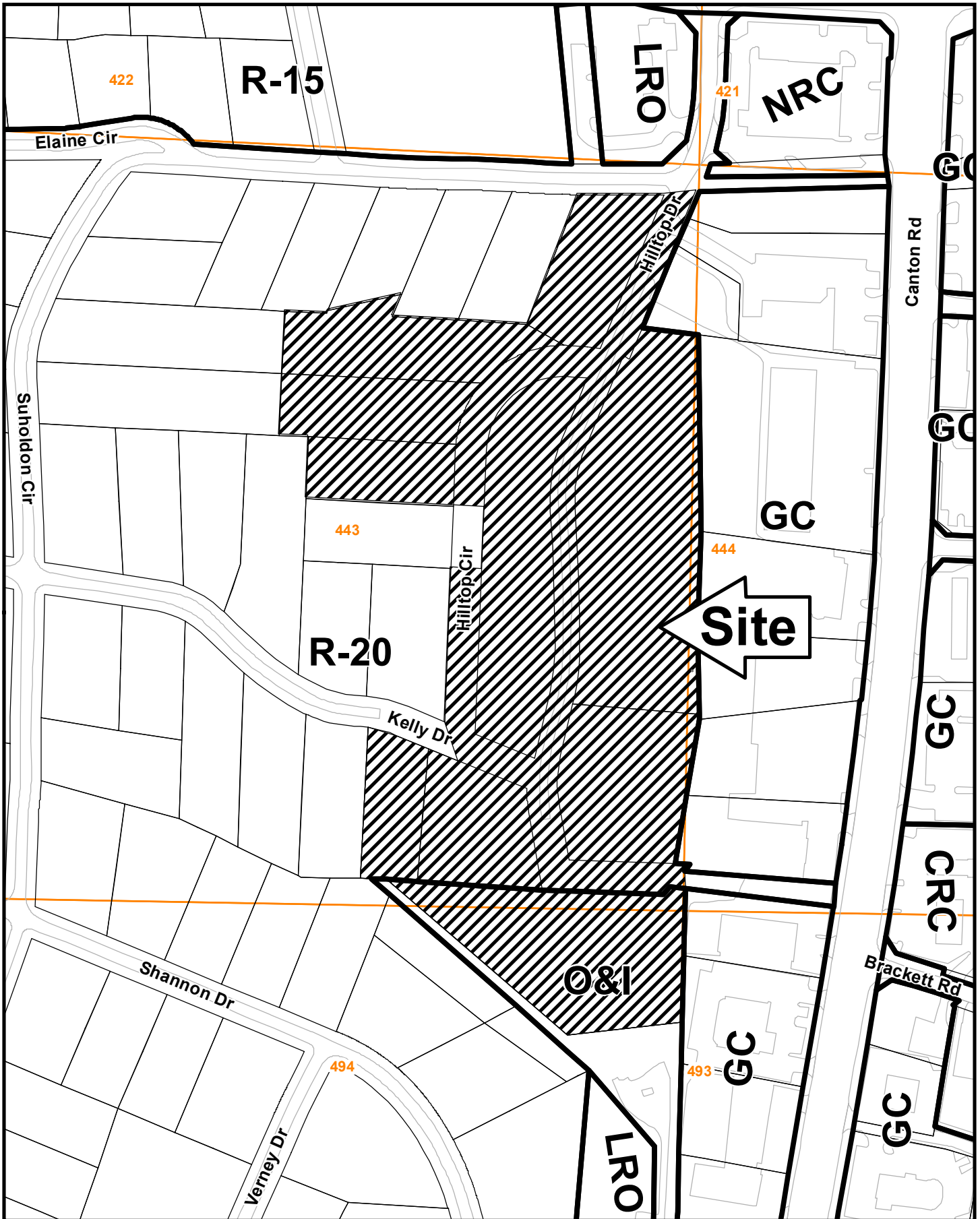
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

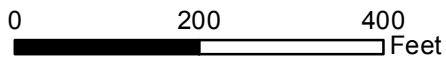
STIPULATIONS:





Z-71 2017-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: Loyd Development Services

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PRESENT ZONING: O&I, R-20

PETITION FOR: RA-5

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

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

Proposed Number of Units: 45 **Overall Density:** 3.42 **Units/Acre**

Staff estimate for allowable # of units: 20 **Units*** **Increase of:** 25 **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 of the subject property from the current office and institutional (O&I) district and R-20 single-family residential district to the RA-5 single-family residential district in order to develop a 45-unit residential subdivision on 13.15 acres resulting in a density of 3.42 units per acre. The proposed homes will range from 2,000 square feet to 3,200 square feet in size and be of traditional architecture.

The applicant’s plan envisages the realignment of Hilltop Drive as well as the relocation and abandonment of portions of Hilltop Circle. As a result of this relocation and abandonment of portions of Hilltop Circle and due to the exclusion of the parcel at 3229 Hilltop Circle, a concurrent variance should be considered for this property whether as part of this application or as a later variance application due to that parcel no longer having the Code-required 75 feet of public road frontage.

Otherwise, the applicant’s plan demonstrates the need for the following concurrent variances:

1. Waiver of the minimum lot size to allow three (3) lots under 7,000 square feet in size (lot 37 – 6,892, 38 – 6,867, 39 – 6,859);
2. Waive the minimum lot width at the front setback line as well as required public road frontage from the required 75 feet for exterior lots to approximately to as low as 54 feet for lots 43, 44, and 45;
3. Waive the rear setbacks from the required 40 feet for exterior lots to 20 feet; and
4. Waive the front setbacks from the required 25 feet for interior lots to 20 feet.

Though the applicant’s proposal does not indicate the Code-required 10-foot landscape buffer that should be placed along the proposed community’s western edge where it abuts more restrictive residential zoning, a variance is not appropriate as there is ample room to provide such buffering if required as part of a Board of Commissioners approval.

The portion of the property in a Neighborhood Activity Center is the O&I zoned property. All the other property is in Low Density Residential.

Cemetery Preservation: 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 land lot.

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PETITION NO.: Z-71

PRESENT ZONING: O&I, R-20

PETITION FOR: RA-5

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Blackwell</u>	<u>726</u>	<u>771</u>	<u> </u>
Elementary			
<u>Daniel</u>	<u>991</u>	<u>1046</u>	<u> </u>
Middle			
<u>Sprayberry</u>	<u>1693</u>	<u>2062</u>	<u> </u>

High

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

Additional Comments: Approval of this petition will not have an impact on the enrollment at these schools.

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PRESENT ZONING: O&I, R-20

PETITION FOR: RA-5

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).

APPLICANT: Loyd Development Service
PRESENT ZONING: O&I & R-20

PETITION NO.: Z-71
PETITION FOR: RA-5

PLANNING COMMENTS:

The applicant is requesting a rezoning from O&I and R-20 to RA-5 for the purpose of a single family subdivision. The 13.15 acre site is located on the east, west and south and north sides of Hilltop Drive and Hilltop Circle, southeast of Kelly Drive, and south side of Suholdon Circle.

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 the Low Density Residential (LDR) future land use category, with R-20 zoning designation and the Neighborhood Activity Center (NAC) future land use category, with O&I zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between 1 to 2.5 dwelling units per acre. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

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), Neighborhood Activity Center (NAC) and Community Activity Center (CAC)
East: Community Activity Center (CAC)
South: Neighborhood Activity Center (NAC) and Low Density Residential (LDR)
West: Low Density Residential (LDR)

Master Plan/Corridor Study

The southernmost parcel in the Community Activity Center (CAC) future land use category and the O&I zoning designation of the subject property is located within the boundary of the Canton Road 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

APPLICANT: Loyd Development Service

PRESENT ZONING: O&I & R-20

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PETITION FOR: RA-5

PLANNING COMMENTS:

CONT.

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.org>.

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?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Loyd Development Services

PETITION NO. Z-071

PRESENT ZONING O&I, R-20

PETITION FOR RA-5

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" DI / S side of Suholden Circle

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: Kelly Drive ROW

Estimated Waste Generation (in G.P.D.): A D F= 7,200 Peak= 18,000

Treatment Plant: Noontday

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 capacity 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

Revised 10-23-17

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nonday 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 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 drainage easements 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 existing downstream systems.

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PETITION FOR: RA-5

STORMWATER MANAGEMENT COMMENTS – Continued

Revised 10-23-17

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 to the west of the Canton Road commercial corridor and south of Suholden Drive. This assemblage of parcels is mostly undeveloped with at least four existing residential homes. The average slopes on the site range from 5 to 30%. The steep slopes and irregularly shaped parcel will make stormwater management difficult. The adjacent Addison Heights Subdivision is old and has limited stormwater infrastructure. Downstream drainage easements will likely be required to convey concentrated discharges and increased runoff volume from the site. The proposed placement of the stormwater management ponds are on very steep slopes and may need to be relocated.

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PETITION FOR: RA-5

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Hilltop Drive	Local	25 mph	Cobb County	50'
Suholdon Circle	Local	25 mph	Cobb County	50'
Kelly Drive	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Hilltop Drive	N/A	N/A	N/A
Suholdon Circle	N/A	N/A	N/A
Kelly Drive	N/A	N/A	N/A

COMMENTS AND OBSERVATIONS

Hilltop Drive 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.

Suholdon Circle is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Kelly Drive is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

The proposed realignment of Hilltop Circle cuts off access to the property at 3229 Hilltop Circle. An access easement will be required.

There is existing queuing on New Chastain Road, past the Hilltop Drive intersection. As an off-site improvement, a deceleration lane on New Chastain Road is recommended.

RECOMMENDATIONS

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

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

Recommend a deceleration lane on New Chastain Road at the Hilltop Drive intersection.

Hilltop Drive right-of-way will need to be abandoned prior to Land Disturbance Permit.

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PETITION FOR: RA-5

Hilltop Drive is a substandard street. Recommend improving Hilltop Drive from along the frontage to the intersection with Suholdon Circle to comply with Cobb County Standards.

Hilltop Circle is a substandard street. Recommend improving Hilltop Circle from along the frontage to the intersection with Hilltop Drive to comply with Cobb County Standards.

Recommend a driveway access easement for the residential property at the end of Hilltop Circle.

Recommend guest parking be located outside of the right-of-way.

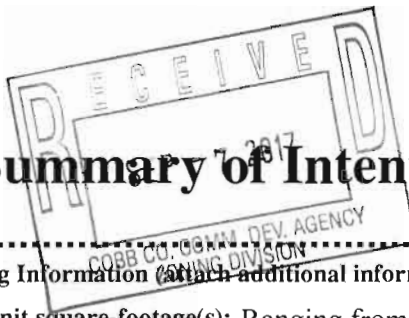
STAFF RECOMMENDATIONS

Z-71 LOYD DEVELOPMENT SERVICES

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. The applicant's rezoning request is to allow a proposed 45 unit development at a density of 3.42 upa. Though the subject site neighbors commercial development to the east where properties front Canton Road, the adjoining residential subdivision to the north and west is zoned R-20. The adjacent neighborhood is called Addison Heights and it contains approximately 40 units over 25 acres for a density of 1.57 units per acre.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. The proposed 3.42 units per acre is twice as dense as the adjacent Addison Heights Subdivision (1.57 units per acre). Such density brings with it increased traffic and other concerns that may disrupt the quiet enjoyment of the established neighborhood. Also, the proposed realignments and abandonments of existing rights-of-way have the potential to negatively impact parcels such as 3229 Hilltop Circle.
- 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, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis. Additionally, Staff is concerned the steep slopes may cause erosion and drainage problems to downstream properties.
- 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 Low Density Residential (LDR). This category seeks to promote low density housing in the range of between 1 to 2.5 dwelling units per acre. The applicant's proposal results in a density of 3.42 units per acre. The south tip of the subject property does lie within a Neighborhood Activity Center (NAC) future land use category.
- 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 proposal is for a 45-unit single-family residential development that will result in a density of 3.42 units per acre. The proposed density is twice that of the existing Addison Heights subdivision. The proposal is above the upper limit of the Low Density Residential category. Staff notes that DOT indicated infrastructure deficiencies that will be exacerbated by this proposed development. The applicant's proposed plan demonstrates the need for variances to be approved for lot sizes, lot widths and public road frontage minimums, as well as front and rear setbacks. The plan negatively impacts the parcel at 3229 Hilltop Circle which will lose access to a public right-of-way.

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.



Application No. Z- 71

PC: 11-07-2017
BOC: 11-21-2017

Summary of Intent for Rezoning *

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

- a) Proposed unit square-footage(s): Ranging from 2,000 square feet to 3,200 square feet
- b) Proposed building architecture: Traditional (renderings/elevations provided under separate cover)
- c) List all requested variances: As shown on the site plan.

.....
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 is denominated as LDR but has direct contiguity to a Community Activity Center ("CAC").
Moreover, that portion of the subject property zoned OI is within a Neighborhood Activity Center ("NAC")
and will make it a transitional/step-down tract on the County's Future Land Use Plan.

.....
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.