

APPLICANT: Loyd Development Services

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REPRESENTATIVE: Garvis L. Sams, Jr.

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TITLEHOLDER: Anna Prance Hunter as The Executrix of The Estate of Marie Foster Prance

PROPERTY LOCATION: southwest side of Hawkins Store Road, west of Canton Road (694 Hawkins Store Road)

ACCESS TO PROPERTY: Hawkins Store Road

PHYSICAL CHARACTERISTICS TO SITE: single-family house on wooded acreage

PETITION NO: Z-83

HEARING DATE (PC): 12-05-17

HEARING DATE (BOC): 12-19-17

PRESENT ZONING: R-20

PROPOSED ZONING: RA-5

PROPOSED USE: single-family residential subdivision

SIZE OF TRACT: 4.66 acres

DISTRICT: 16

LAND LOT(S): 227

PARCEL(S): 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/United Soccer Club
- SOUTH:** R-15/Lookout Point Subdivision
- EAST:** R-20/United Soccer Club; CRC/Titans Sports Academy
- WEST:** R-20/Canterbury North, Canterbury Hills

Adjacent Future Land Use:

- Northeast: PRC
- South: LDR
- West: LDR

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

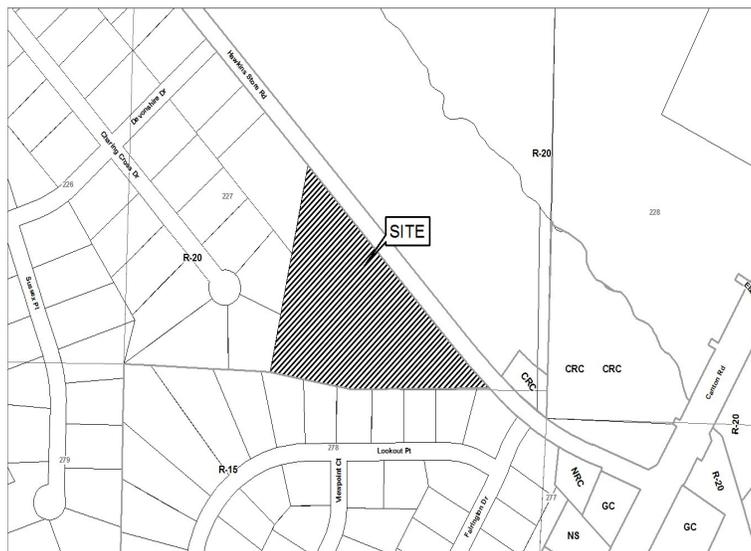
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

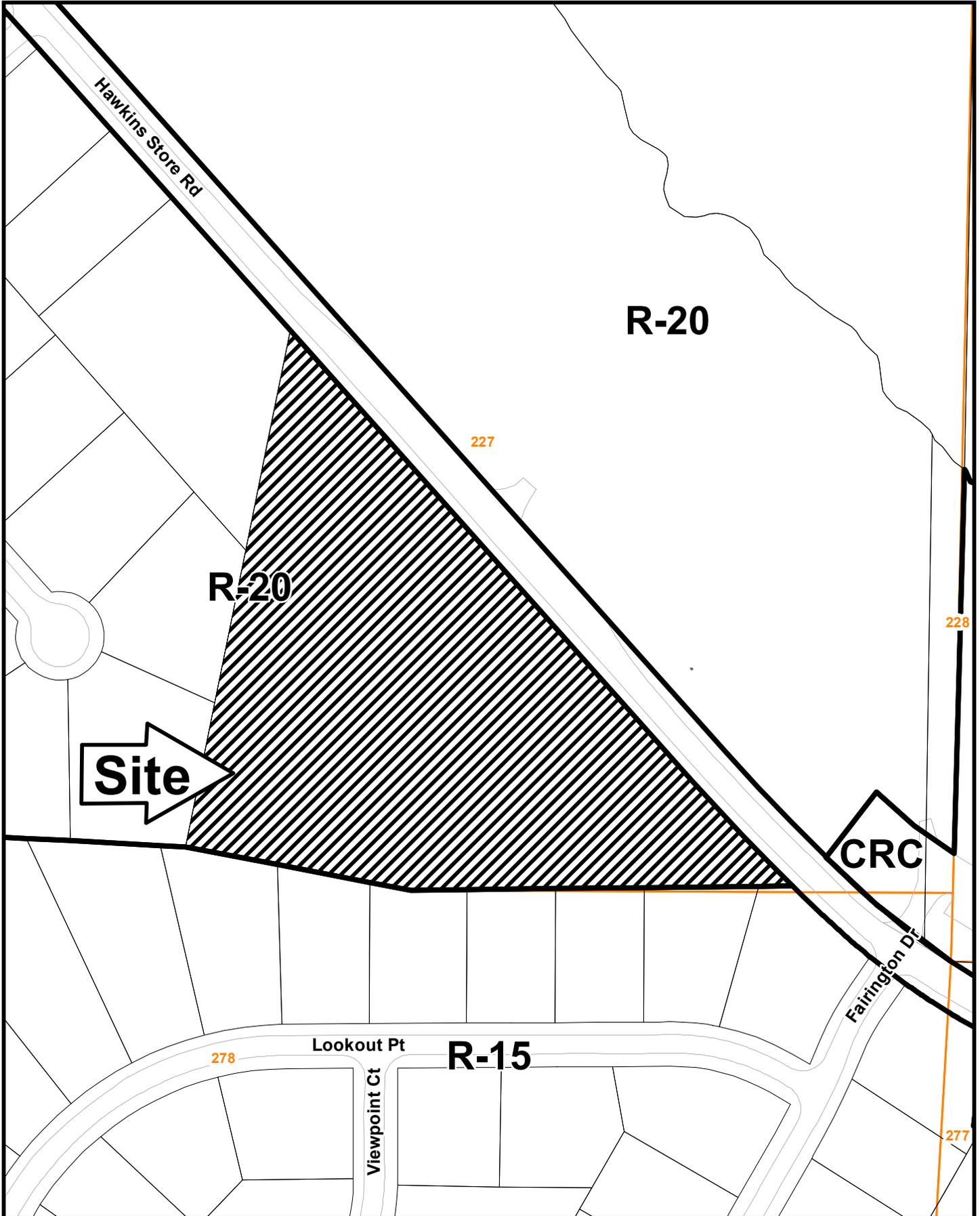
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

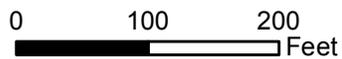
STIPULATIONS:



Z-83 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

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PRESENT ZONING: R-20

PETITION FOR: RA-5

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 16 **Overall Density:** 3.43 **Units/Acre**

Staff estimate for allowable # of units: 8 **Units*** **Increase of:** 8 **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 the RA-5 zoning district for the purpose of developing a 16-lot single-family subdivision. The proposed detached houses will be traditional, ranging in size from 2,000 square feet to 3,200 square feet. As indicated on the site plan, the applicant has proposed a 30-foot, undisturbed buffer along the western and southern property lines. The road serving the lots would be a private road.

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 the adjacent land lot.

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SITE PLAN REVIEW SECTION COMMENTS:

Per Cobb County Development Standards, Tree Ordinance density credit is not given to tree save areas less than 50' deep. There must be an additional 20' of tree save area along the back of the lots if the trees within the proposed 30' undisturbed buffer are to be counted towards meeting the Cobb County Tree Ordinance.

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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>Blackwell</u>	<u>726</u>	<u>771</u>	<u> </u>
Elementary			
<u>Daniell</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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FIRE COMMENTS:

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

GUEST PARKING: Unless a driveway is provided for each unit that is 2 vehicles wide and 20-ft deep as measured from the back of the sidewalk or the back of the curb -where a sidewalk is not present- guest parking is recommended to be at least 1 dedicated parking space for every unit. The current plan dated 10/05/2017 would require an additional 8 guest parking spaces for the 16 units proposed.

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PRESENT ZONING: R-20

PETITION FOR: RA-5

PLANNING COMMENTS:

The applicant is requesting a rezoning to allow the site to be used for a single-family residential subdivision. The 4.66 acre site is located on the southwest side of Hawkins Store Road, west of Canton Road (694 Hawkins Store 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

This application pertains to a site designated as Low Density Residential (LDR) future land use category. The purpose of the 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

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

Northeast: Park / Recreation / Conservation (PRC)
South: LDR
West: 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.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

APPLICANT: Loyd Development Services

PRESENT ZONING: R-20

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PETITION FOR: RA-5

PLANNING COMMENTS:

CONT.

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 www.cobbcounty.org/planning.

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-083

PRESENT ZONING 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): 8" DI / SW side of Hawkins Store Road

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: On site

Estimated Waste Generation (in G.P.D.): A D F= 2,560 Peak= 6,400

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 Comments: Developer will likely have to relocate existing sewer/easement

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: Little Noonday Creek FLOOD HAZARD INFO: Zone AE

- 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 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 existing downstream 24" RCP culvert under Hawkins Store Road.

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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 on the south side of Hawkins Store Road just north of its intersection with Fairington Drive. It is surrounded by Lookout Point Subdivision to the south, Canterbury North and Canterbury Hills Subdivisions to the west and Hawkins Store R/W and the United Soccer Club, Inc (NASA) soccer fields to the northeast. The site is totally wooded with average slopes of less than 10%.
2. A small portion of the site is impacted by the 100-year floodplain of Little Noonday Creek (El 913.5 ft NAVD). This will impact the design of the stormwater management facility and the size of Lot 12. A minimum of 12,500 square feet of this lot must be above the 100-year floodplain.

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TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Hawkins Store Road	Major Collector	40 mph	Cobb County	80'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Hawkins Store Road	North of Ansley Drive	7,160	C

*Based on 2016 AADT counting data taken by GDOT, as published on their website, for Hawkins Store Road.
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

COMMENTS AND OBSERVATIONS

Hawkins Store 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 west side of Hawkins Store 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 a deceleration lane on Hawkins Store Road for the northernmost entrance.

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

Recommend curb, gutter, and sidewalk along the Hawkins Store Road frontage.

STAFF RECOMMENDATIONS

Z-83 LOYD DEVELOPMENT SERVICES

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. This area is predominately R-20 and R-15 with a mixture of single-family residential subdivisions with recreational developments across Hawkins Store Road.
- 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 property is abutted by R-20 and R-15 single-family subdivisions. Developments in the area include: Canterbury North Unit 1 (zoned R-20 at approximately 1.49 units per acre); Canterbury Hills (zoned R-20 at approximately 1.62 units per acre); Country Plantation Unit-1 (zoned R-15 at 1.90 units per acre); and Lookout Point Unit-3 (zoned R-15 at approximately 1.92 units per acre). The applicant's proposed density is 3.43 units per acre. RA-5 is meant to be a transitional district that steps down intensity from less restrictive zoning districts. It is not meant to be placed in a low density area.
- 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.
- D. It is Staff's opinion that the applicant's requested zoning district of RA-5 is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Low Density Residential (LDR) future land use category. The RA-5 zoning district is designed to be located within or on the edge of properties delineated for any residential categories on the *Cobb County Comprehensive Plan*. However, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings. The density is much higher than adjoining properties.
- 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 applicant has requested a zoning district that can be allowed in any future land use designation, but the proposed development should be consistent with the densities of adjacent dwellings, which this proposal is not. The applicant is proposing a density of 3.43 units per acre and is not compatible with the surrounding densities that range from 1.49 units per acre to 1.92 units per acre. In addition, the applicant's proposed density exceeds the LDR range of 1 to 2.5 units per acre.

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-83

PC: Dec. 5, 2017
BOC: Dec. 19, 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 is adjacent to Neighborhood Activity Center ("NAC"), containing CRC zoned properties. Across Hawkins Store Road is the quasi-commercial North Atlanta Soccer Association ("NASA") facility.

.....
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.