



Cobb County Community Development Agency
Zoning Division
1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-5
Public Hearing Dates:
PC: 03-06-18
BOC: 03-20-18

SITE BACKGROUND

Applicant: Pulte Home Company, LLC

Phone: (770) 422-7016

Email: jballi@slhb-law.com

Representative Contact: James A. Balli

Phone: (770) 422-7016

Email: jballi@slhb-law.com

Titleholder: CP Old Towne, LLC

Property Location: Southwest corner of Olde Towne Parkway and Olde Towne Lane

Address: 5000 Olde Towne Parkway

Access to Property: Olde Towne Parkway

QUICK FACTS

Commission District: 2-Ott

Current Zoning: PSC (Planned Shopping Center)

Current use of property: Office/Warehouse

Proposed zoning: RM-12 (Multi-family Residential)

Proposed use: Townhouses

Future Land Use Designation: CAC (Community Activity Center)

Site Acreage: 4.089 ac

District: 1

Land Lot: 86

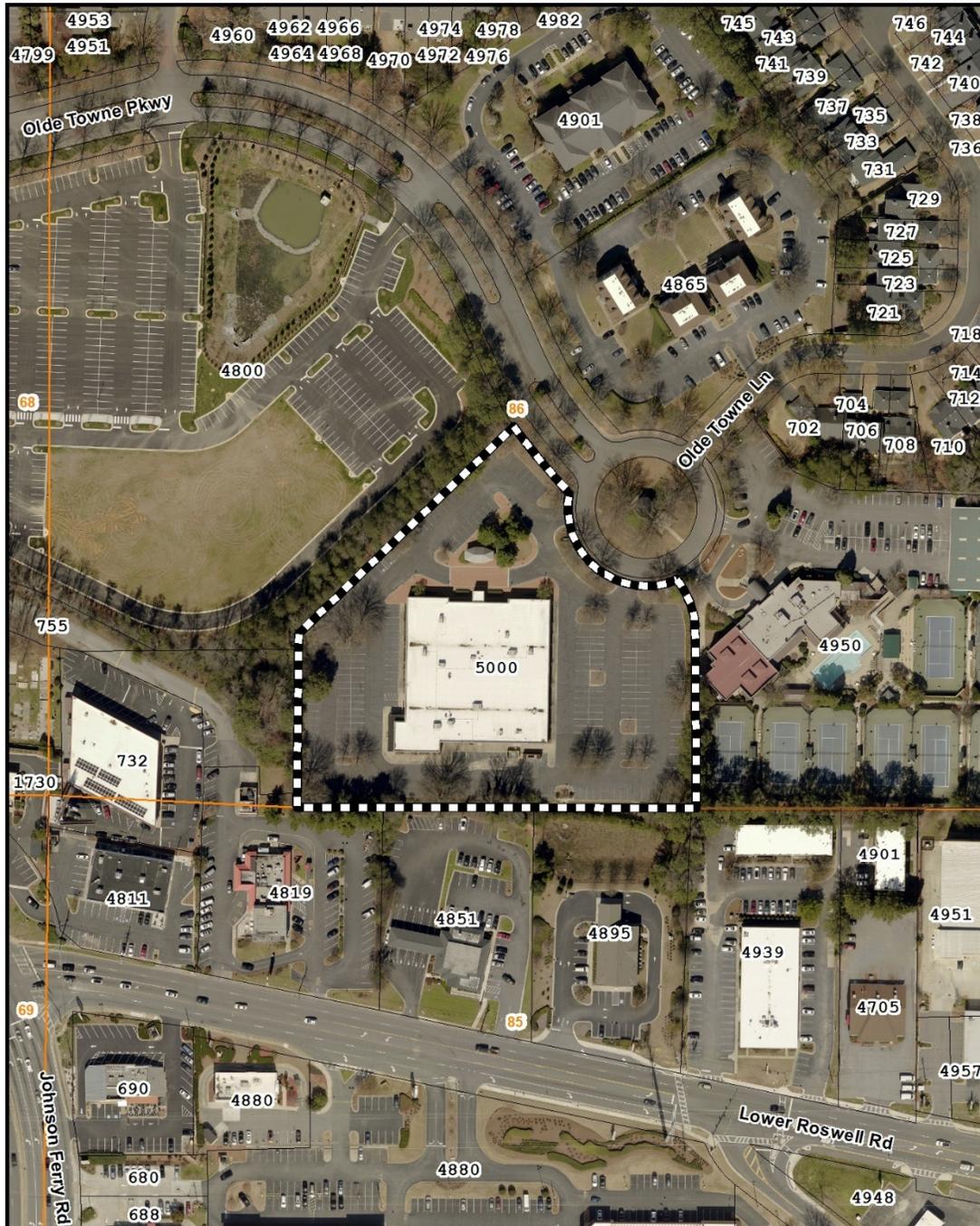
Parcel #: 01008600510

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Jason A. Campbell)

Based on the analysis of this case, Staff recommends **DENIAL**.

Z-5 2018-Aerial Map



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

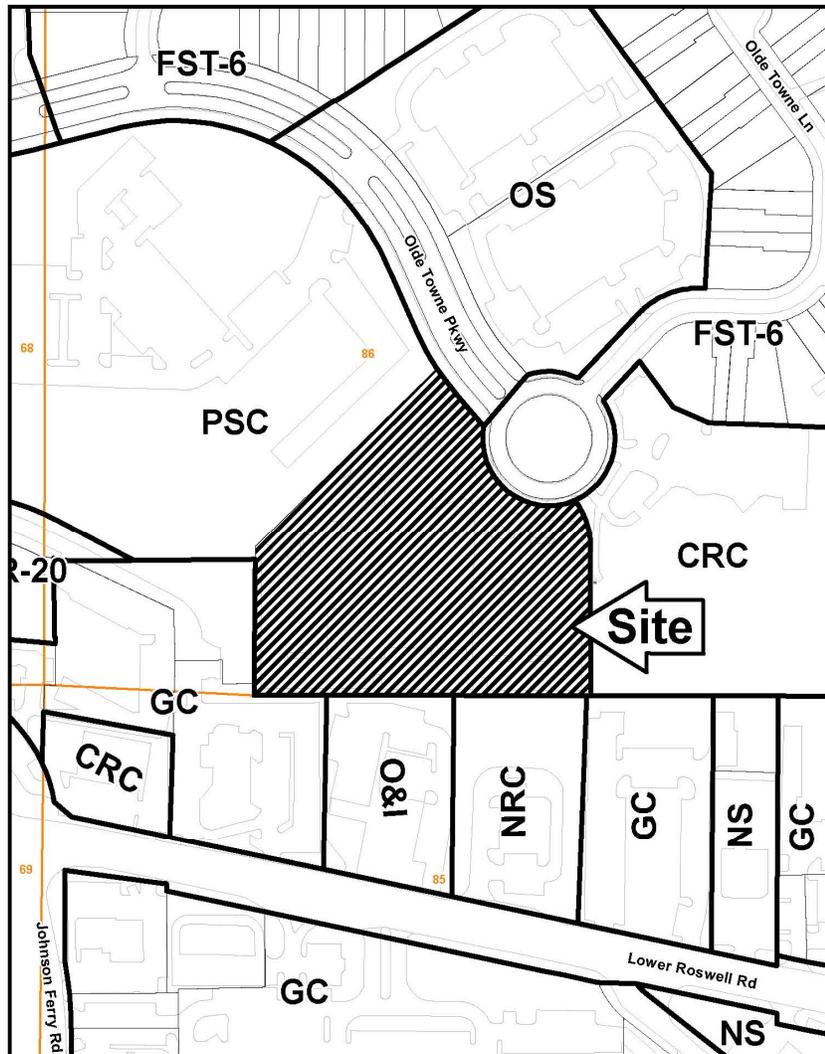


-  Land Lot
-  City Boundary

North

Zoning: OS (Office Services)
Future Land Use: CAC (Community Activity Center)

Z-5 2018-GIS



WEST

Zoning: GC (General Commercial) and PSC (Planned Shopping Center)

Future Land Use: CAC (Community Activity Center)

EAST

Zoning: CRC (Community Retail Commercial)

Future Land Use: CAC (Community Activity Center)

SOUTH

Zoning: GC (General Commercial), O&I (Office & Institutional), and NRC (Neighborhood Retail Commercial)
Future Land Use: CAC (Community Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The PSC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the PSC zoning district should be done as compact, unified centers. Projects developed within the PSC zoning district should occupy a quadrant of an intersection, with ingress and egress only from a major collector street or state highway, within an area delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing, developed PSC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned PSC outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

Requested zoning district for the property

The RM-12 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for high density residential and regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RM-12 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Summary of the applicant's proposal

The applicant is requesting the RM-12 zoning district for the purpose of developing a 43-unit townhouse community. The townhouse units will have Traditional architecture with a mixture of architectural materials such as brick, stacked stone, shake and hardi-plank style material but no vinyl siding of any type. The unit sizes will range in size from 2,500 square feet to 3,000 square feet and up.

DEPARTMENT COMMENTS- Zoning Division (continued)

Residential criteria

Allowable units as zoned: 0
Proposed # of units: 43
Net density: 10.52 units per acre
Increase of units: 43
Acres of floodplain/wetlands: None.
Impervious surface shown: 2.83 ac

Are there any zoning variances?

The proposed site plan will require the following contemporaneous variances:

1. Waiving the front setback from the required 50 feet for a local street to 15 feet; and
2. Waiving the rear setback from the required 40 feet to 20 feet.

DEPARTMENT COMMENTS- Fire Department

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

GUEST PARKING: Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

1. Where driveways to two car garages are at least 20 feet long and 18 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
2. Where driveways to two car garages are less than 20 feet long and 18 feet wide, additional parking shall be required at 1 space per dwelling unit.
3. Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.

Guest parking spaces must be evenly distributed throughout the project and no dwelling unit shall be more than 200 feet walking distance from a guest parking space.

Driveways shall be measured from back of curb (or sidewalk, if applicable) to garage. For purposes of this section, a driveway must be on the deeded property of the dwelling unit.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

School	Student Capacity	Student Enrollment	Capacity Status
Mount Bethel ES	962	1117	155 over capacity
Dickerson MS	1187	1294	107 over capacity
Walton HS	2687	2691	4 over capacity

COMMENTS

Approval of this petition will have a significant impact on the enrollment at these schools and we oppose its approval.

Note: Dickerson MS will be relieved of overcrowding with SPLOST V classroom addition.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Tributary to Timber Ridge Branch
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
7. The proposed site plan results in a reduction in impervious coverage over existing site conditions. Stormwater management is provided in master detention facility located downstream on Northside Family Medical & Urgent Care Facility Site.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within a Community Activity Center (CAC) future land use category. The purpose of the CAC category is to provide for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Was the city notified? Yes No

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study – Johnson Ferry Urban Design Plan Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

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 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 investment)

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)

Note: 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>.

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Special District

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

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone? Yes No

Is the property within the Clear Zone (CZ)? Yes No

Is the property within the Accident Potential Zone (APZ I)? Yes No

Is the property within the Accident Potential Zone II (APZ II)? Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)? Yes No

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.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 10" on south side of Olde Towne Parkway.

Additional water comments:

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: Opposite side of Sandy Plains Road ROW

Estimated waste generation (in G.P.D.): Average daily flow= 6,880 ; Peak flow= 17,200

Treatment plant: R.L. Sutton

Plant capacity: Yes NO

Line capacity: YES NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Dry sewers required: YES NO

Off-site easement required: YES* NO

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

*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Additional sewer comments: Relocation of on-site public sewer/easement likely at Plan Review.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining on and/or offsite easements, dedication or on and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed Limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Olde Towne Parkway	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
N/A	N/A	N/A	N/A

Comments and observations

Old Towne Parkway is classified as a local roadway and according to the available information the existing right-of-way does 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 curb, gutter, and sidewalk along the Olde Town Parkway frontage.

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 a FAA Study.

Recommend private street from Old Town Parkway behind Units 1-12 have one-way flow.

Recommend signage be placed at the one way street to read either entrance only or exit only.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The applicant's rezoning request is to allow a proposed 43-unit townhouse development at a density of 10.52 units per acre. The subject property is in an area that has commercial development that includes a medical center, tennis center, banks, and fast food restaurants. The applicant's use would be suitable, at a lower density, since there are townhouses that were developed as part of the Old Towne mixed use development.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The proposed density of 10.52 units per acre exceeds the densities of other residential uses in this area. Those developments include: Rose Oak (zoned RA-4 at 4.00 units per acre), Hamptons of Olde Towne (zoned FST-6 at approximately 4.487 units per acre, and Olde Towne Colony (zoned FST-6 at approximately 5.6 units per acre. Approval of residential at this location will place buffers that would not otherwise be in effect that could inhibit future redevelopment potential of the surrounding commercial properties.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

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, and schools. This opinion can be supported by the department comments contained in this analysis.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the *Cobb County Comprehensive Plan*, which delineates this property as being within the Community Activity Center (CAC) future land use category. This category seeks to promote development areas for low to medium intensity office, retail and commercial service uses. CAC's also allow transitional residential development, but these densities are normal capped at 5-6 units per acre.

(STAFF ANALYSIS CONTINUED ON NEXT PAGE)

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

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 proposed 43-unit townhouse development and its 10.52 units per acre are not consistent with abutting properties or nearby residential properties, and it is not compatible with the CAC future land use category. This property was previously used for office/warehouse uses in an area developed for commercial use. The proposed RM-12 development would not act a transition area as it is situated between commercial uses, while other residential uses in the "Olde Towne" area are located north of the subject property and around an existing office development.

The staff analysis and recommendation 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.

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

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Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

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Stipulation letter from _____ dated _____
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