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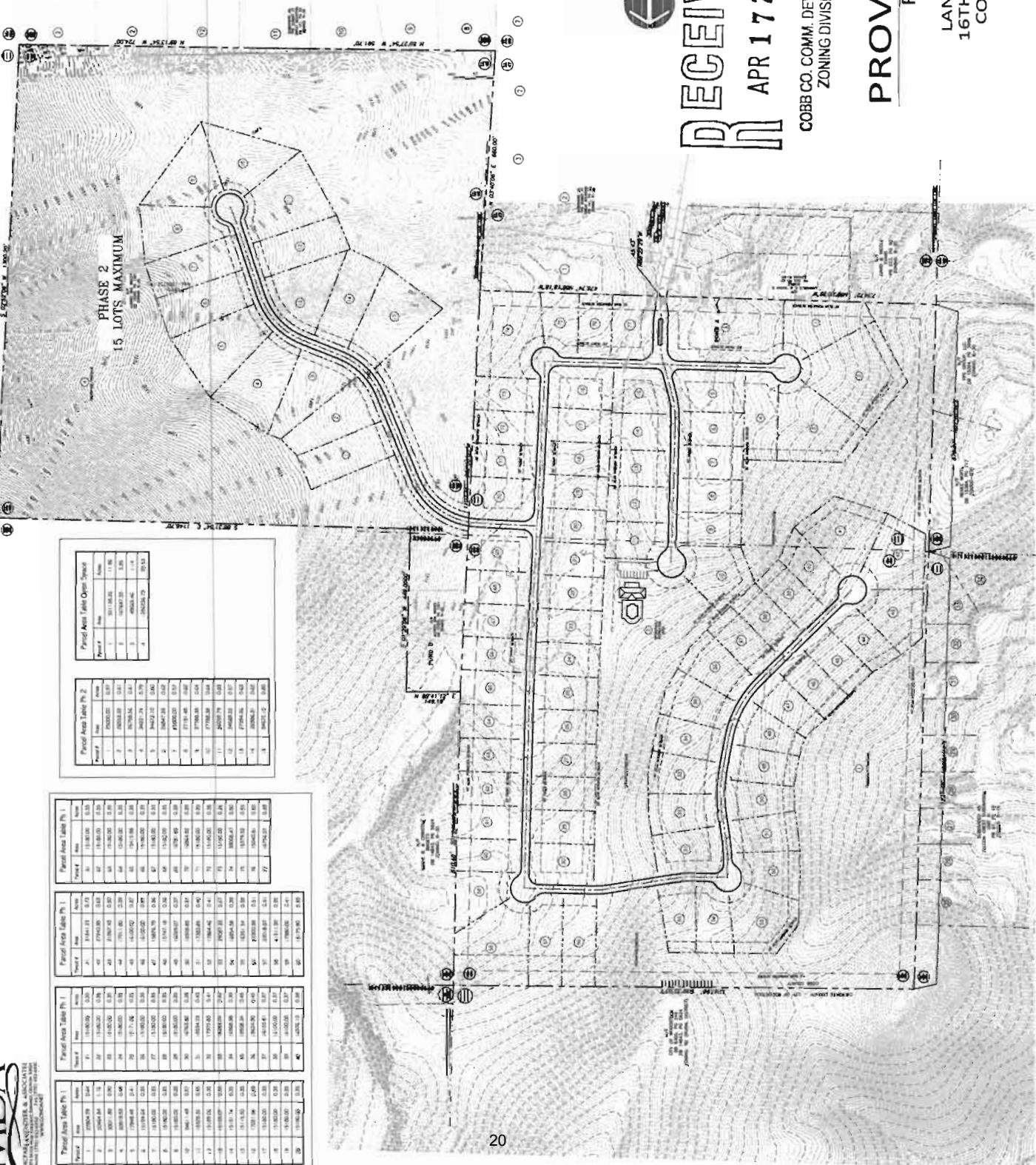
R RECEIVED APR 17 2018 COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

PROVENCE ESTATES REZONING PLAN

REZONING PLAN

LAND LOTS 26, 27, 46 & 47
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
April 11, 2018



APPLICANT: Oak Hall Companies, LLC

PHONE #: _____ **EMAIL:** _____

REPRESENTATIVE: Parks F. Huff

PHONE #: (770) 422-7016 **EMAIL:** phuff@slhb-law.com

TITLEHOLDER: Audrey Mae Wigley, By Gloria Wigley as
Administrator for the Estate of Audrey Wigley

PROPERTY LOCATION: East and west sides of Wigley Road,
north of Summitop Road

ACCESS TO PROPERTY: Wigley Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house
and undeveloped acreage

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-30/Undeveloped acreage and Cherokee County

SOUTH: R-30/Single-family houses, and
The Summit at Sweat Mountain

EAST: R-30/Undeveloped acreage

WEST: R-15/Undeveloped and Falcon Crest Subdivision;
R-30/Single-family houses and The Summit at
Sweat Mountain

PETITION NO: Z-56

HEARING DATE (PC): 9-07-17 5-1-18

HEARING DATE (BOC): 9-19-17 5-15-18

PRESENT ZONING: R-30

PROPOSED ZONING: R-20 OSC

PROPOSED USE: Single-family Subdivision

SIZE OF TRACT: 96.23 acres

DISTRICT: 16

LAND LOT(S): 26, 27, 46, 47

PARCEL(S): 1, 2, 1, 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

Adjacent Future Land Use:

North: Cherokee County

East: Very Low Density Residential
(VLDR)

South: Very Low Density Residential
(VLDR)

West: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

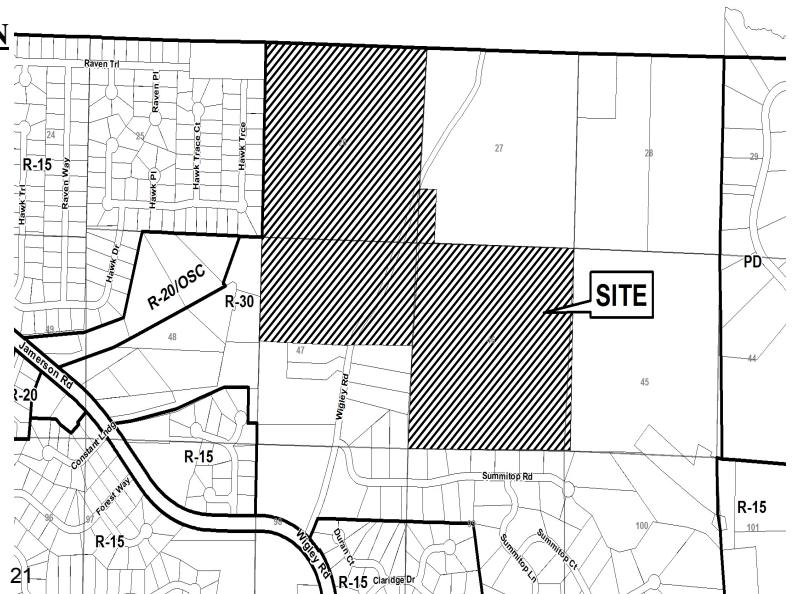
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

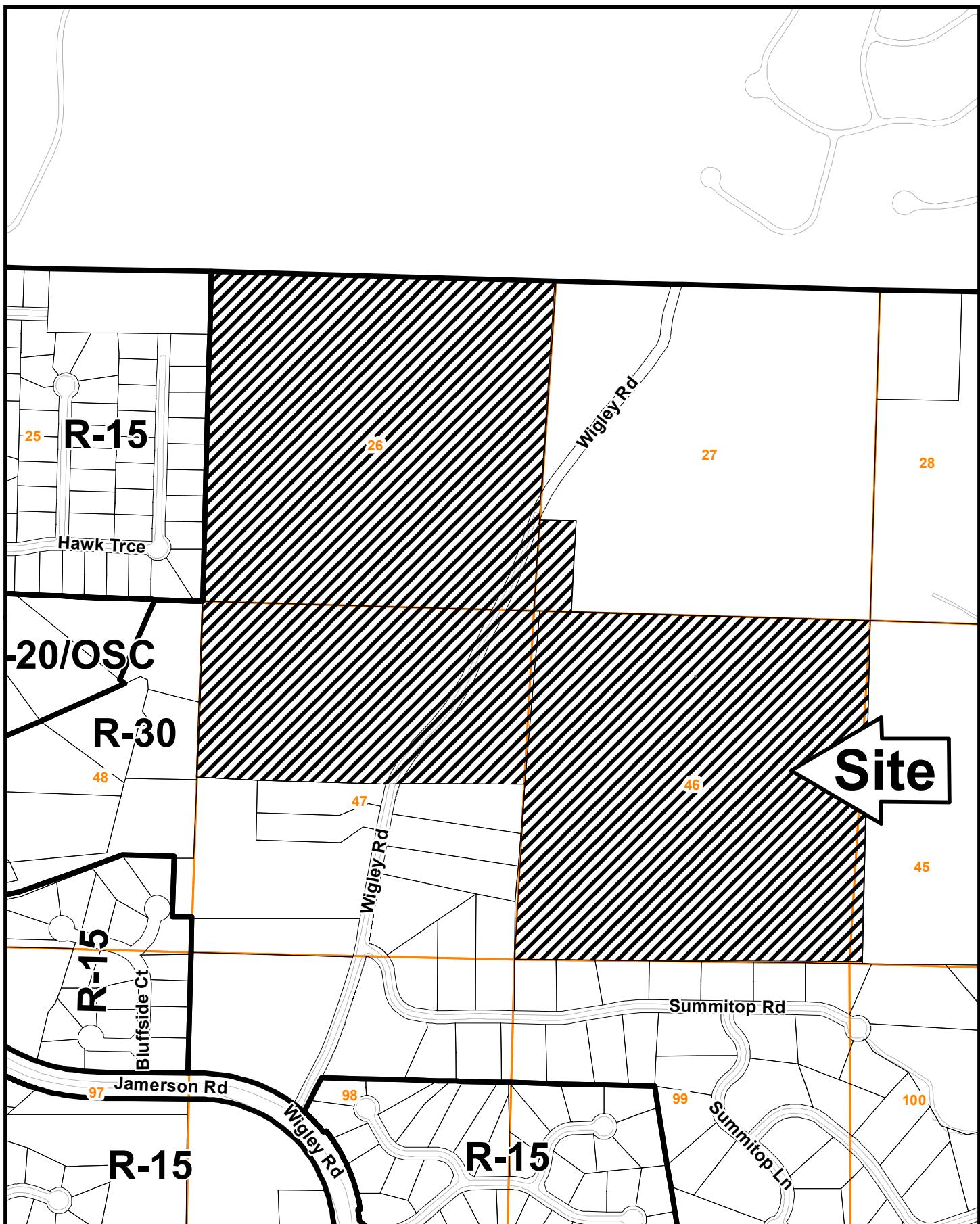
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-56 2017-GIS



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

Zoning Boundary
City Boundary

APPLICANT: Oak Hall Companies, LLC

PETITION NO.: Z-56

PRESENT ZONING: R-30

PETITION FOR: R-20 OSC

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Very Low Density Residential (0-2 units per acre)

Proposed Number of Units: 92 **Overall Density:** 0.95 **Units/Acre**

Staff estimate for allowable # of units: 105 **Units*** **Decrease of:** 13 **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 R-20 OSC zoning district for the development of a 92-lot single-family, open space community. The proposed houses will range in size from 3,000 to 4,000 square feet and greater, and will have traditional architecture with brick, stone and cementitious siding. The lot sizes will be a minimum of 13,000 square feet. Amenities will include a pool, clubhouse, and 46.48 acres (48.3%) of open space. The proposed site plan indicates the property will be developed in two phases. The plan also includes a 50-foot undisturbed buffer on the southern and eastern portions of the property.

The proposed site plan will require the following contemporaneous variance:

1. Allow slopes greater than 25% to be located outside of the required open space.

NOTE: THE APPLICANT HAS SUBMITTED A REVISED SITE WHICH IS SHOWN IN THIS REPORT.

Cemetery Preservation: No comment.

APPLICANT: Oak Hall Companies, LLC

PRESENT ZONING: R-30

PETITION NO.: Z-56

PETITION FOR: R-20 OSC

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity	Number of Portable Classrooms
Status			
Rocky Mount Elementary Elementary	575	611	_____
Mabry Middle Middle	876	1023	_____
Lassiter High High	2220	2137	_____

- 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 Cobb County schools.

APPLICANT: Oak Hall Companies

PETITION NO.: Z-56

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

* * * * *

FIRE COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Oak Hall Companies, LLC
PRESENT ZONING: R-30

PETITION NO.: Z-56
PETITION FOR: R-20/OSC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to R-20 / OSC for the purpose of single-family subdivision. The 55.26 acre site is located on the east and west sides of Wigley Road, north of Summitop 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 Very Low Density Residential (VLDR) future land use category, with R-30 zoning designation. The purpose of the Very Low Density Residential (VLDR) category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) 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: Cherokee County
East: Very Low Density Residential (VLDR)
South: Very Low Density Residential (VLDR)
West: Low Density Residential (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.

APPLICANT: Oak Hall Companies, LLC

PRESENT ZONING: R-30

PETITION NO.: Z-56

PETITION FOR: R-20/OSC

PLANNING COMMENTS:

CONT.

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

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

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY

Planning Division
1150 Powder Springs Street
Marietta, Georgia 30060
(770) 528-2018

Z-56

Date: **April 18, 2018**

Site Plan Date: **Stamped received April 17, 2018**

Contact: Phillip Westbrook (770) 528-2014

Property Location: East and west sides of Wigley Road, north of Summitop Road

Land Lot/District: 26, 27, 46 & 47 of 16th Dist.

Current Zoning: R-30

Proposed Use: R-20 OSC

Total Area: 96.23 acres

Floodplain/Wetland Area/Cemetery/Amenity Area: .26 acres

Net Buildable Area: 95.97 acres

Density Allowed: 1.75 upa

Proposed Lots: 92

Net Density: .96 upa

Future Land Use: Very Low Density Residential (0 to 2 upa)

Open Space Requirement: 33.7 acres or 35%

Open Space Proposed: 46.48 acres or 48.3%

Percentage of Open Space within Floodplain, Wetlands, & Lakes: 0%

Setbacks:

Front: 20'

Rear: 20'

Side: 7.5' (20' between buildings)

NOTE: Open Space community overlay plans are approved as site plan specific.

COMMENTS:

- 1.) Impervious surfaces of amenity areas should be subtracted from the total area to determine Net Buildable Area. Please provide acreage of the impervious surface of amenity area. Also, please note on plan that no floodplains, wetlands and/or cemeteries are evident on site, if that is indeed the case.
- 2.) Proposed open space on site plan (46.48 acres or 48.3%) does not match the percentage open space that is referenced in Item #1 (45%) in the April 17, 2017 stipulation letter.
- 3.) Slopes greater than 25 percent must be included in the required open space, but shall allow for perpendicular (except when non-perpendicular is necessary to satisfy drainage/storm water requirements) utility and access crossings, when necessary. Based on GIS generated slope analysis, there are several lots that encroach into slopes greater than 25%.
- 4.) The buffer area on the southern and eastern portions of the subject property show 40 foot. Item #2 of the April 17, 2017 Stipulation letter says 50 foot. Please show 50' undisturbed buffer along the southern and eastern portions of the subject property, as well as to the rear of lots 42 and 43 on the western side of subject property.

- 5.) Allow pedestrian access to the open space pocket located in the southwest portion of the tract (likely to the rear of lot 10).
- 6.) Either on the plan or in stipulation letter include language referencing fencing that is compatible with the architecture/landscape/design of development shall be established along lot lines that are contiguous to open space.
- 7.) A Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the “Open Space” from development in perpetuity as owned by the mandatory Home Owners Association. Conservation Easement application must be submitted to the Planning Division before final plat approval.

APPLICANT Oak Hall Companies,LLC

PETITION NO. Z-056

PRESENT ZONING R-30

PETITION FOR R-20 OSC

* * * * *

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 / W side of Wigley stubbed at S end of parcel

Additional Comments: A portion of Ph 2 is in the \$3,000 per ERU High Service Area. However, no lots are proposed in that particular area.

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: 115' S in Wigley Road

Estimated Waste Generation (in G.P.D.): A D F= 14,720 Peak= 36,800

Treatment Plant: Noonday

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: The Falcon Crest Lift Station, which would serve lots outfalling to the west, has limited excess capacity. Easement(s) and flow study may be required based upon final sewer design.

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: Oak Hall Companies, LLC

PETITION NO.: Z-56

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Trickum Creek (S)/Kelly Creek (N)** 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 Engineers.

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 systems.
 - Minimize runoff into public roads.
 - Minimize the effect of concentrated stormwater discharges onto adjacent properties.
 - Developer must secure any easements required to receive concentrated discharges where none exist naturally
 - Existing Lake Downstream **Evan's Lake (4800 Wigley Rd).**
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 any increased volume of runoff generated by the proposed project on receiving streams.

APPLICANT: Oak Hall Companies, LLC

PETITION NO.: Z-56

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

* * * * *

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.

ADDITIONAL COMMENTS

1. This site is located on the northern portion of Wigley Road. The site lies on a steep ridgeline and drains in three directions. The majority of the site (40%) drains to the south roughly parallel to Wigley Road. Approximately 35% of the site drains to the northeast along Wigley Road into Cherokee County. The remaining 25% of the site drains to the west into and through the adjacent Falcon Crest Subdivision. The site is predominately wooded with steep slopes ranging from 12 to 40%. The site layout needs to be sensitive to the steep topography. A preliminary rough grading plan should be provided to verify feasibility of the proposed layout.
2. Stormwater management for the site will be provided by multiple onsite detention ponds. The pond locations may need to be adjusted to limit grading required and to adequately control runoff from the development.
3. As indicated in the Downstream Conditions comments above, there is an existing lake located approximately 300 feet downstream. A pre- and post-development sediment study will be required to document any sediment impacts to this lake. Elevated onsite erosion control measures will be required due to the steepness of the site.
4. A downstream headwater pool analysis will be required for the existing receiving culvert in Falcon Crest S/D to verify no adverse impact. The basement at 2254 Hawk Trace is located significantly below the low point of the road.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Wigley Road	Local	25 mph	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Wigley Road	North of Summitop Road	40	C

Based on 2015AADT counting data taken by GDOT, as published on their website, for Wigley 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

Wigley 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.

The parcel to the northeast of the site has current access on Wigley Road. The current site plan shows this access removed. Recommend providing public access to this parcel from the newly aligned roadway.

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
3. The existing Wigley Road right-of-way will need to be abandoned prior to Land Disturbance Permit. Public access will need to be provided for the parcel to the northeast of the site before abandonment can occur.

STAFF RECOMMENDATIONS

Z-56 OAK HALL COMPANIES, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Almost all of the properties on this part of Wigley Road are zoned R-30 (only a portion of this part of Wigley Road is not zoned R-30). R-30 OSC would be a better choice due to the slopes.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse effect on the usability of adjacent or nearby property. The property is severely impacted by steep slopes and staff is concerned about erosion issues downstream and downslope. Other developments, zonings and densities in the area include: Jefferson Township Phase Five (zoned PD at approximately 0.32 units per acre); The Summit at Sweat Mountain (zoned R-30 at 0.72 units per acre); Bluffs at Jamerson (zoned R-20 at approximately 1.60 units per acre overall for Phases 1 and 2); Hampton Ridge Unit IV (zoned R-15 at 1.65 units per acre); and Falcon Crest Subdivision Unit III (zoned R-15 at approximately 2.50 units per acre).
- 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 is 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 within the Very Low Density Residential (VLDR) future land use category. The VLDR category has densities ranging from 0 to 2 units per acre. The applicant's proposed density is within the VLDR range at 0.95 units per acre. It should be noted that the current zoning R-30 district is also in conformity with the *Cobb County Comprehensive Plan*.
- 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 to R-30 OSC. The surrounding area of Wigley Road is zoned as R-30. The steep slopes on the property, if developed in a more intense manner, can impact surrounding and downstream properties. Larger lot R-30 development would be preferable due to less grading activity. Staff is aware that other neighborhoods in this area have caused drainage and sedimentation problems due to smaller lot sizes on steep slopes. Staff would be amenable to an R-30 OSC plan due the steep slopes and adjacent zoning districts.

Based on the above analysis, Staff recommends **DELETION TO R-30 OSC** subject to:

1. Site plan to be approved by the Board of Commissioners.
2. Variance for the steep slopes since most of the property is impacted by this condition.
3. Applicant to provide the Biasetti property with legal public road frontage so their lot is not landlocked.
4. All department comments not in conflict with this recommendation.

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. 7-56

Sept. 2017

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3,200-4,000 square foot
- b) Proposed building architecture: Traditional with brick, stone and cementitious siding
- c) List all requested variances: None known at this time



Part 2. Non-residential Rezoning Information (attach additional information if needed)

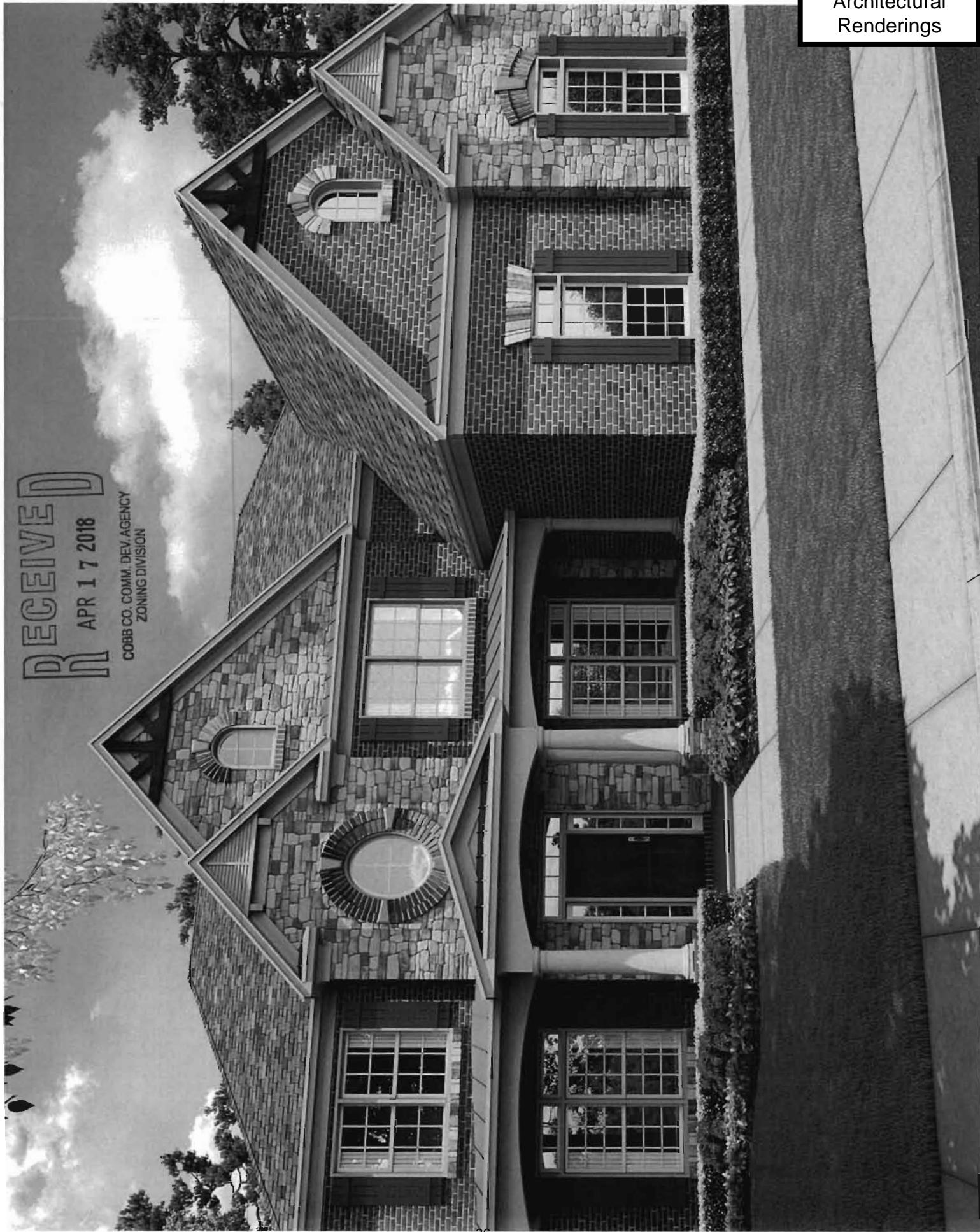
- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

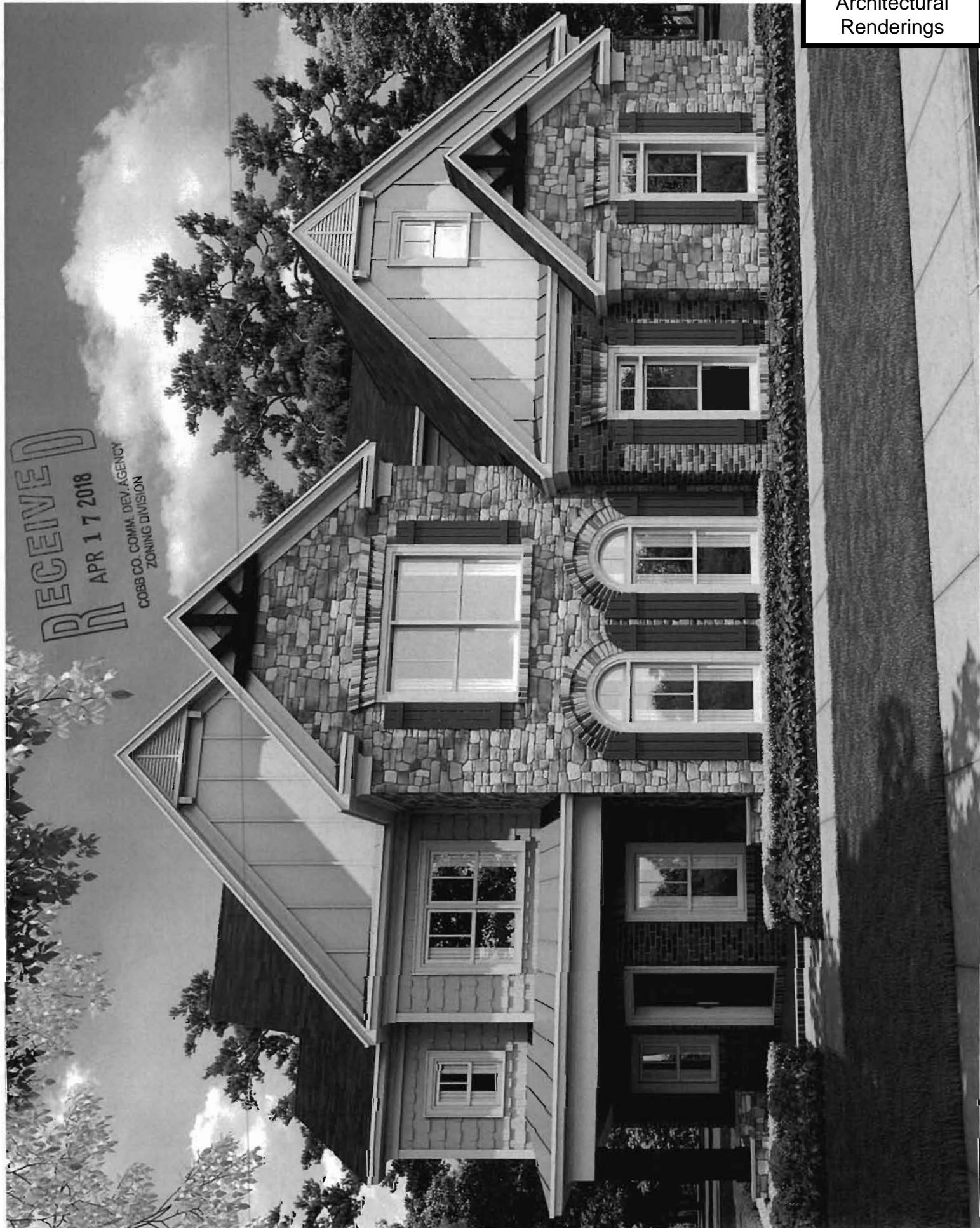
Part 3. Other Pertinent Information (List or attach additional information if needed)

Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

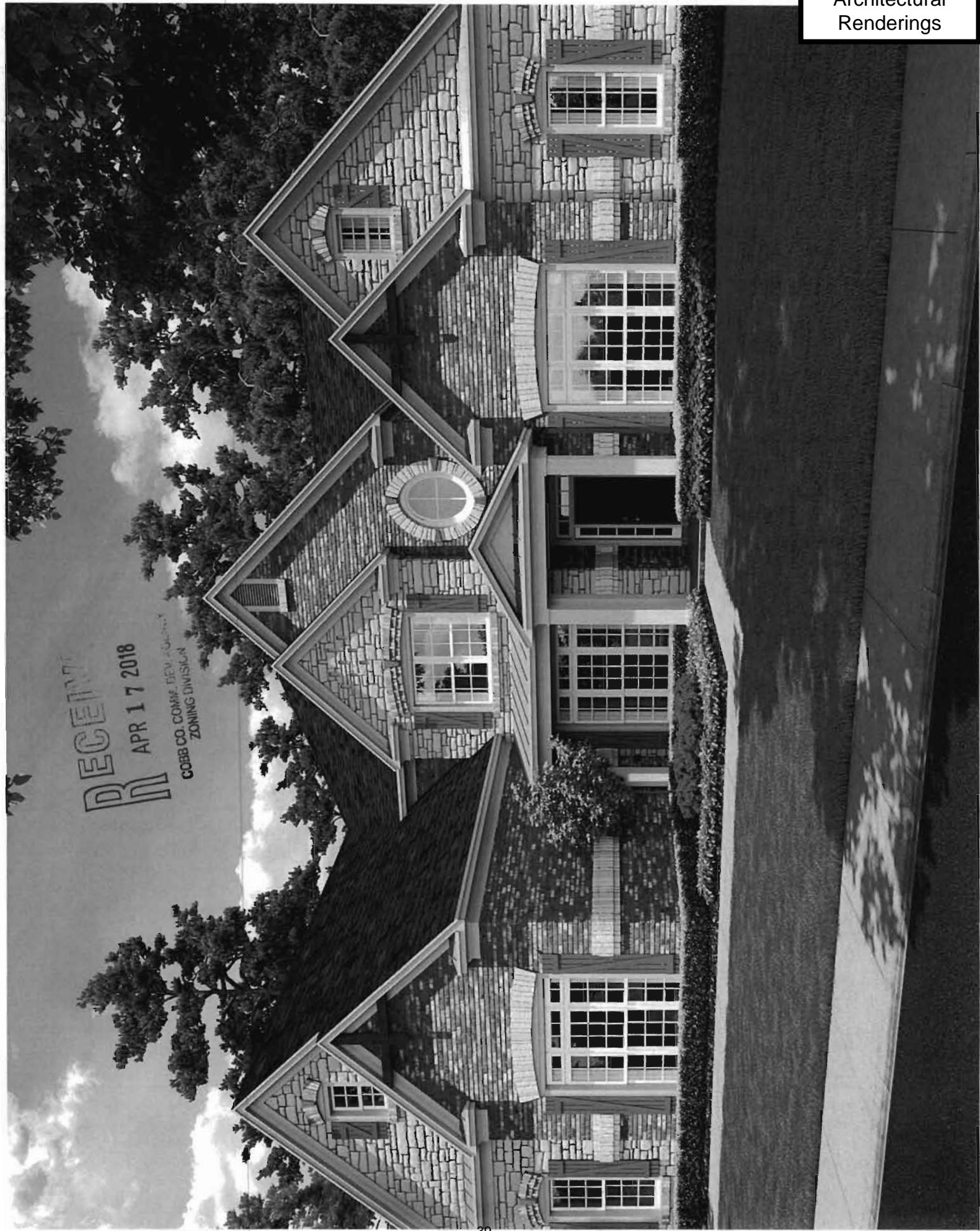
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located.)

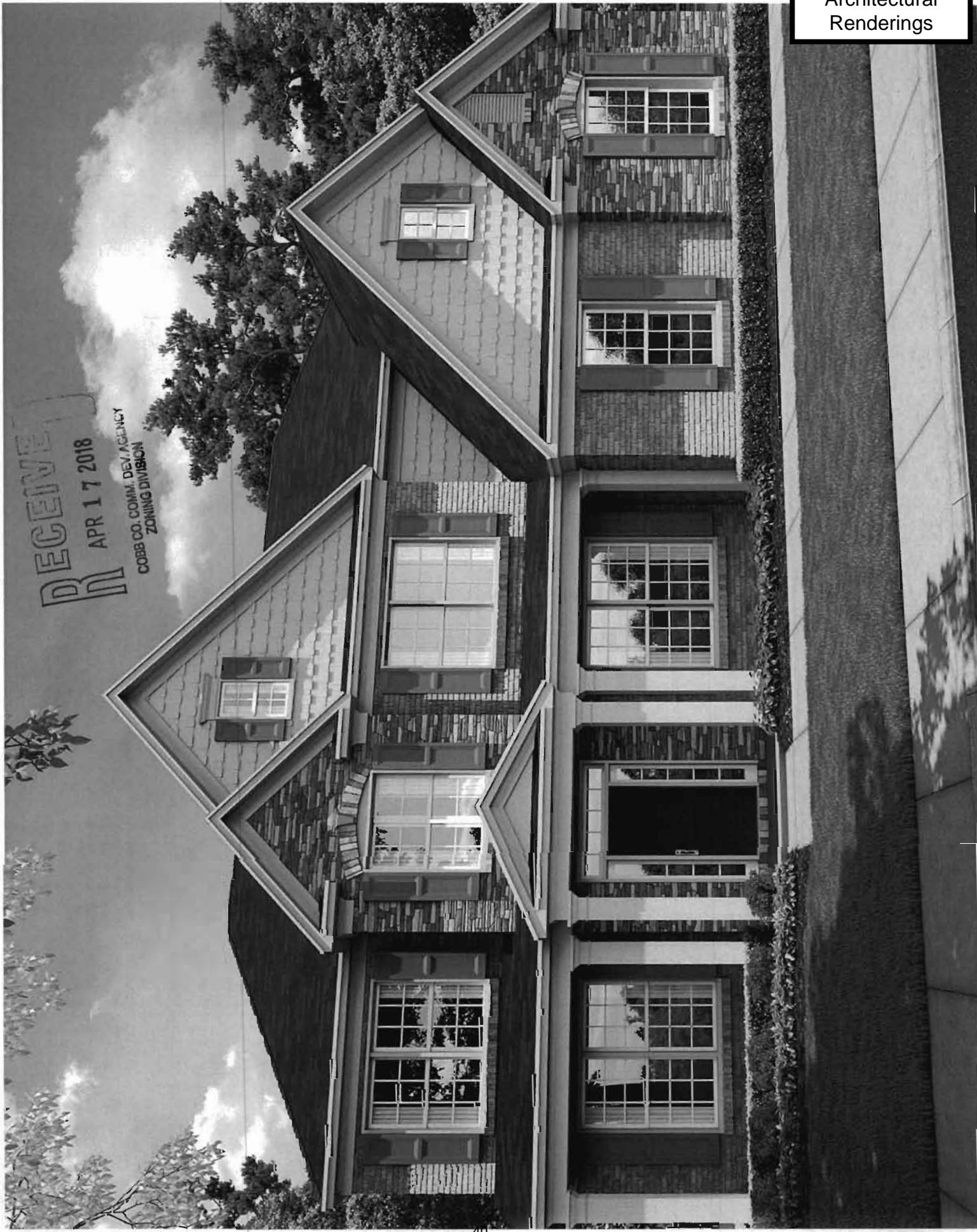
Wigley Road



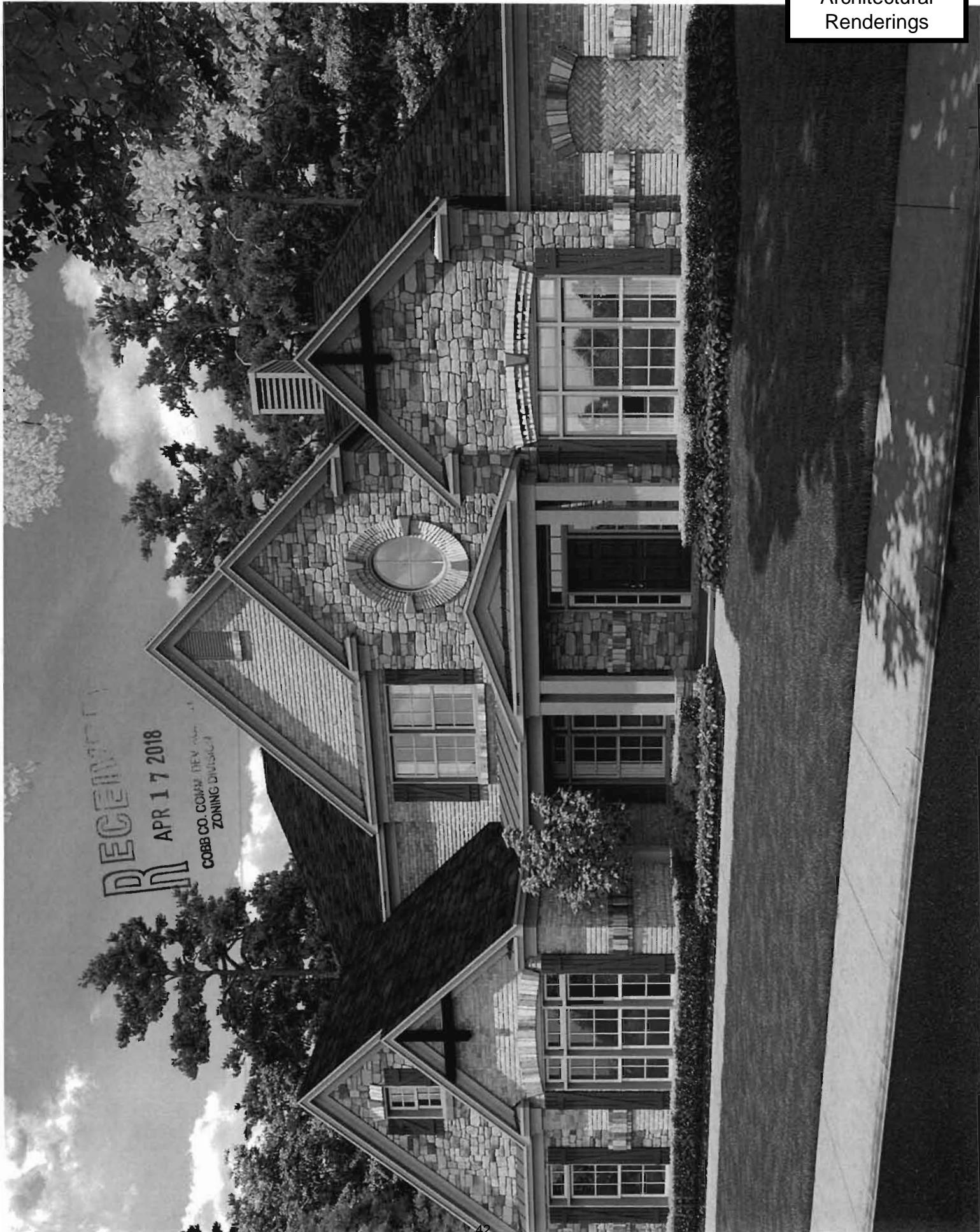




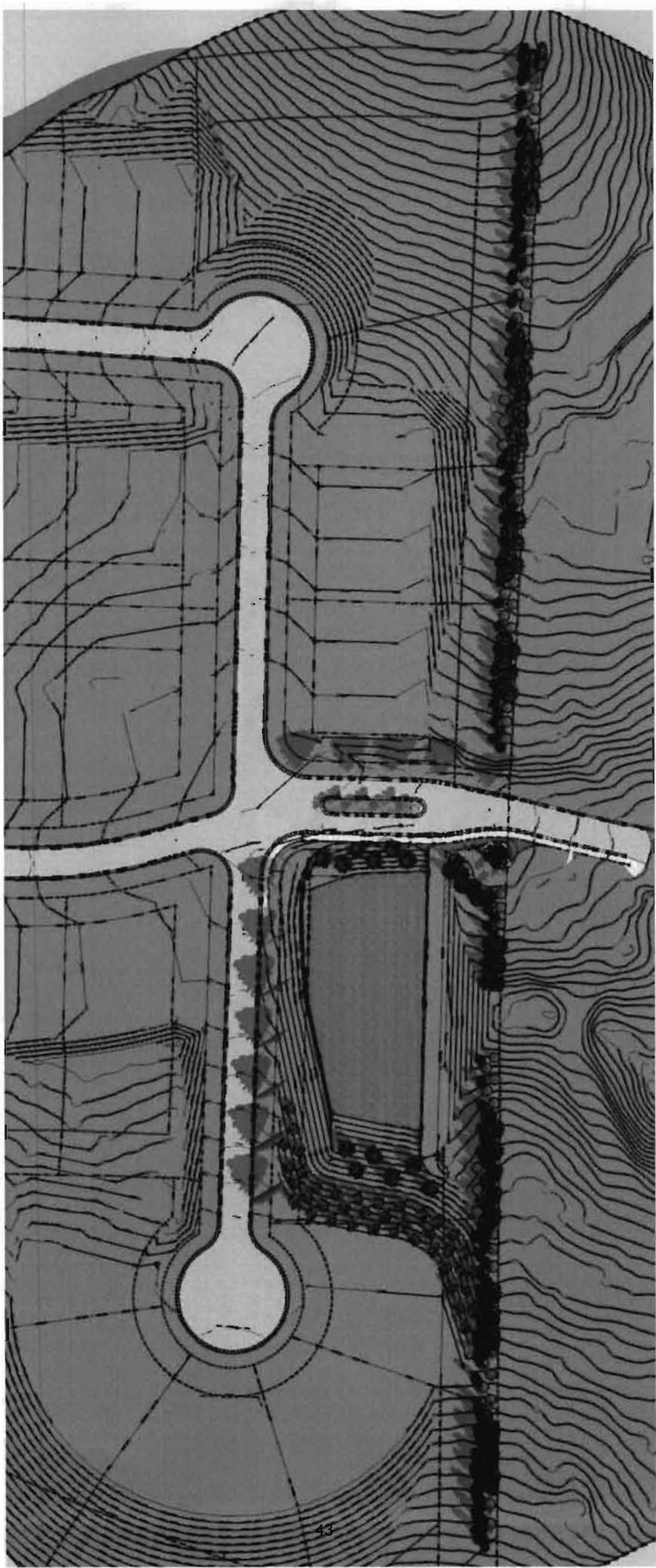








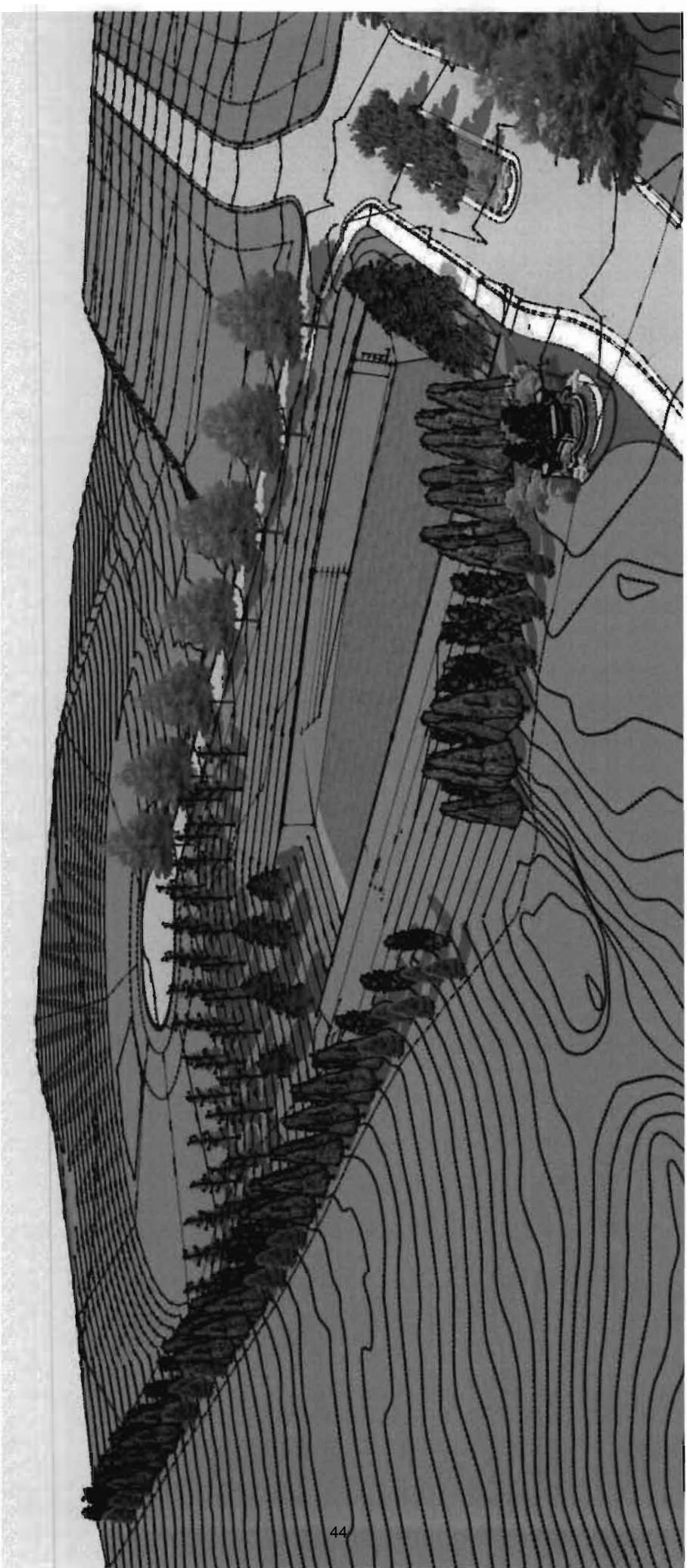
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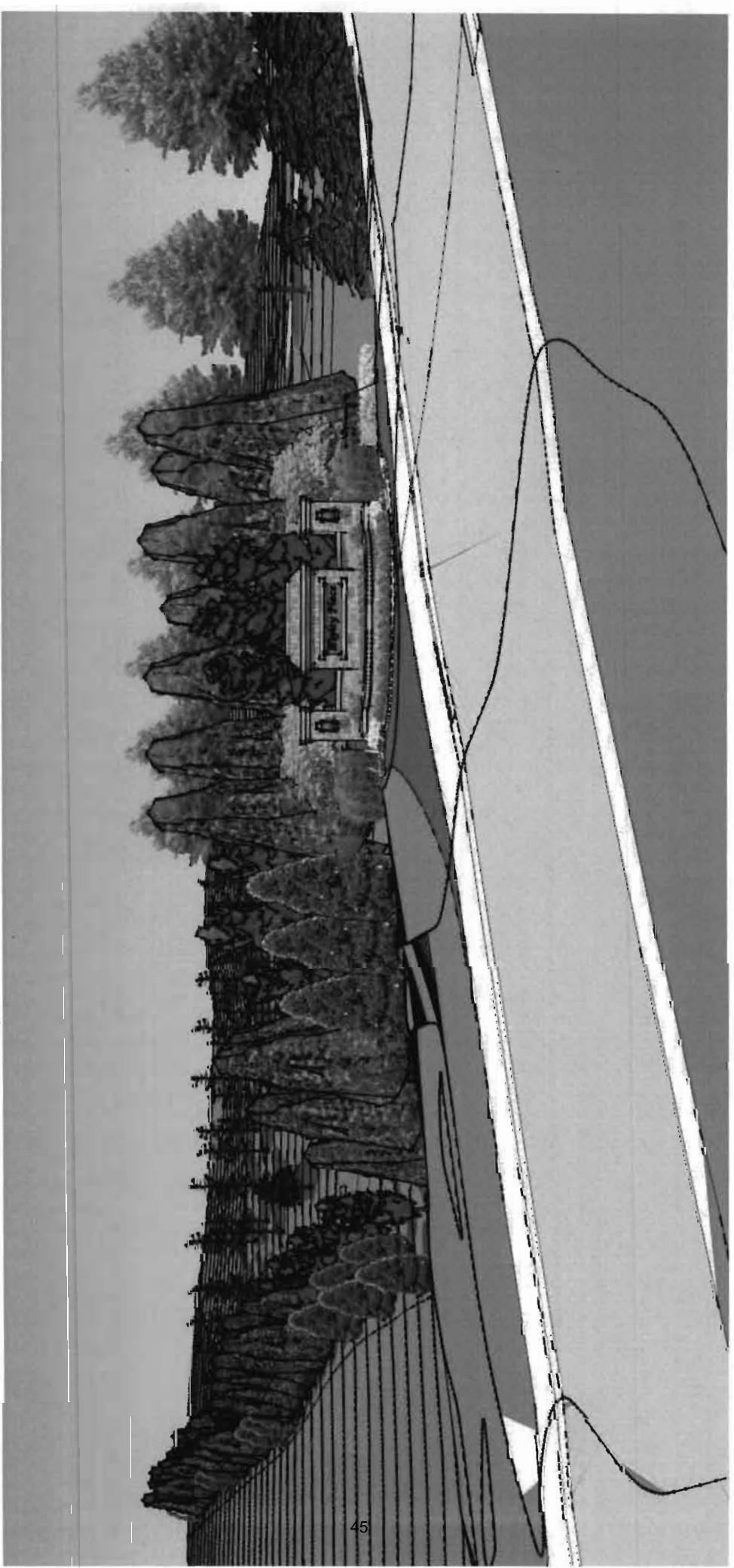
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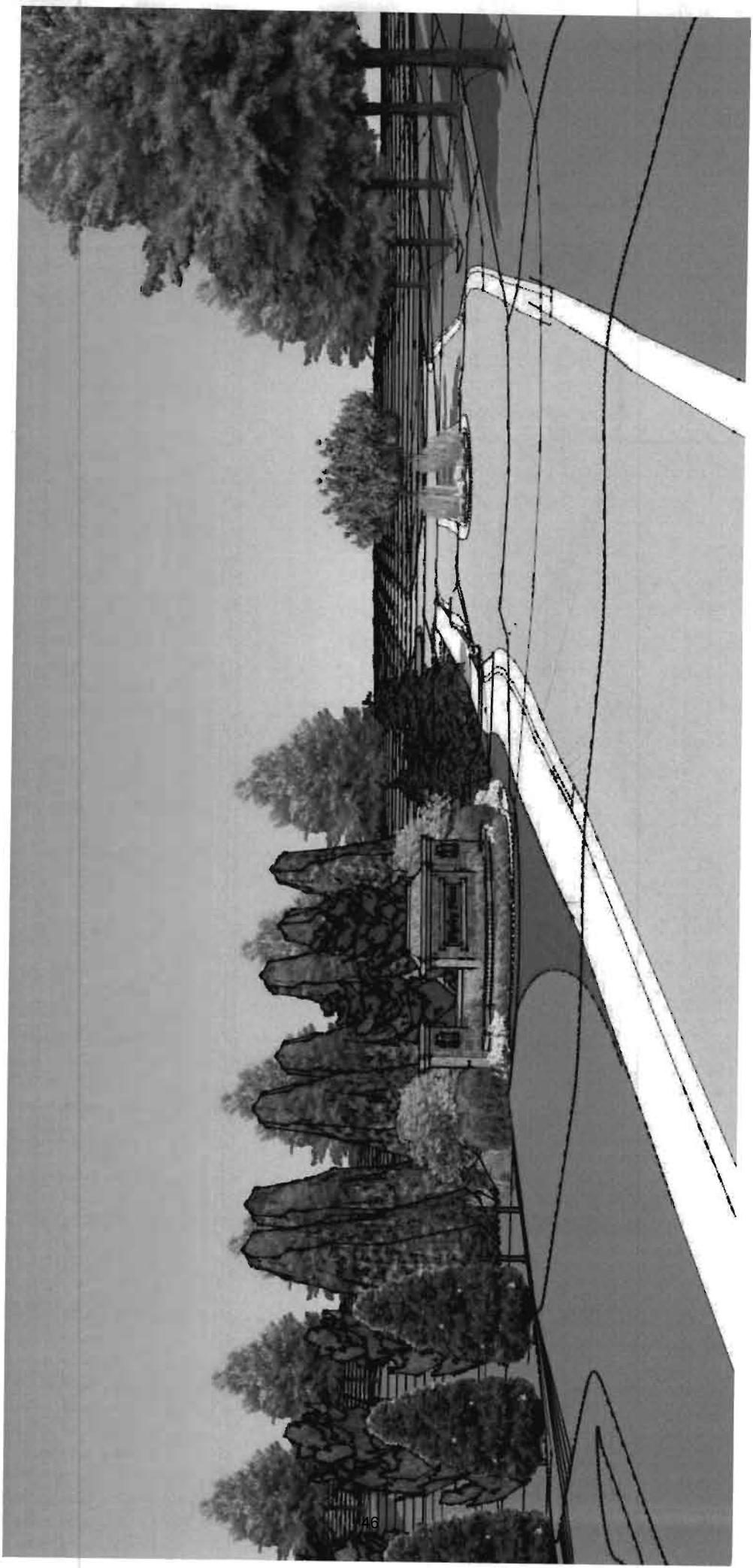


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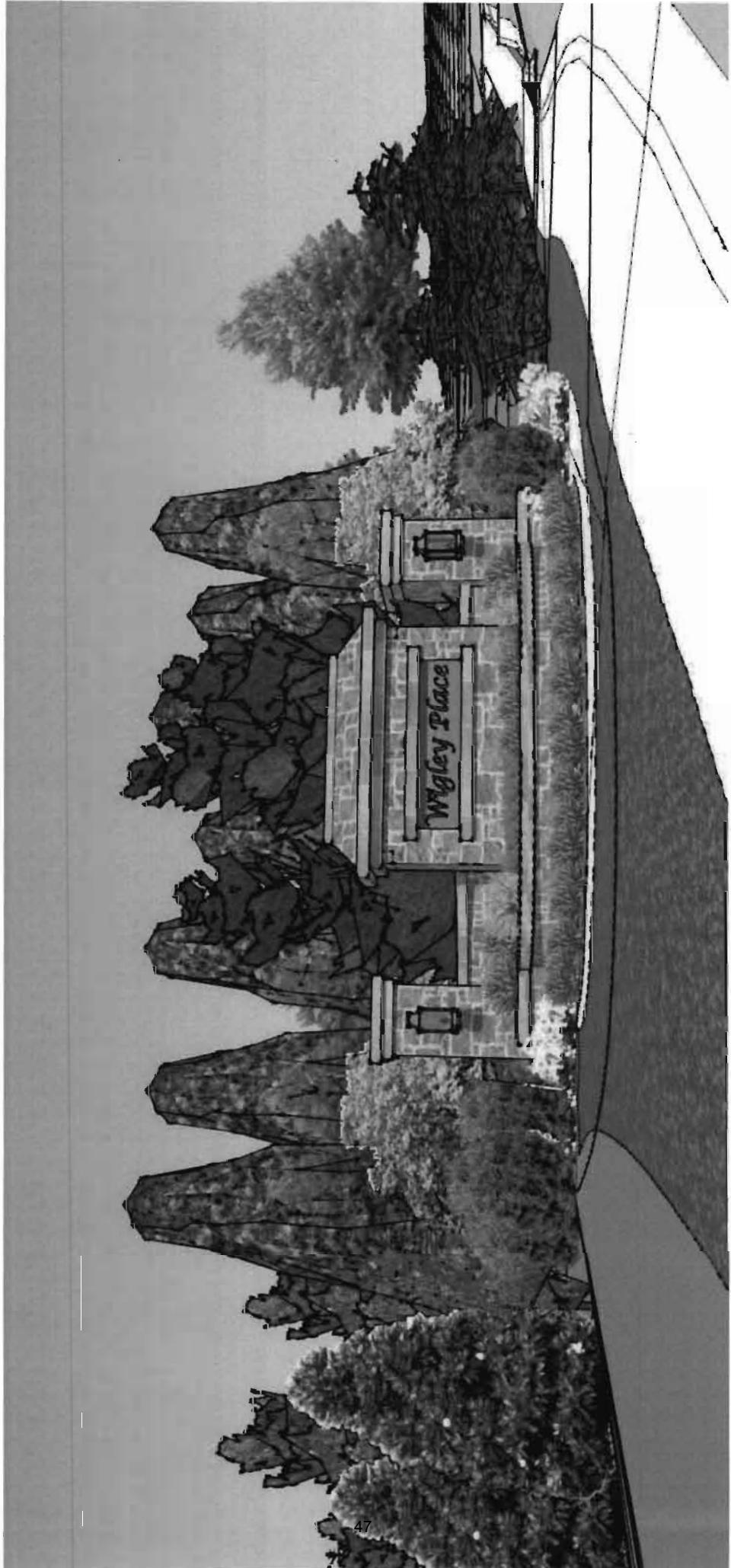


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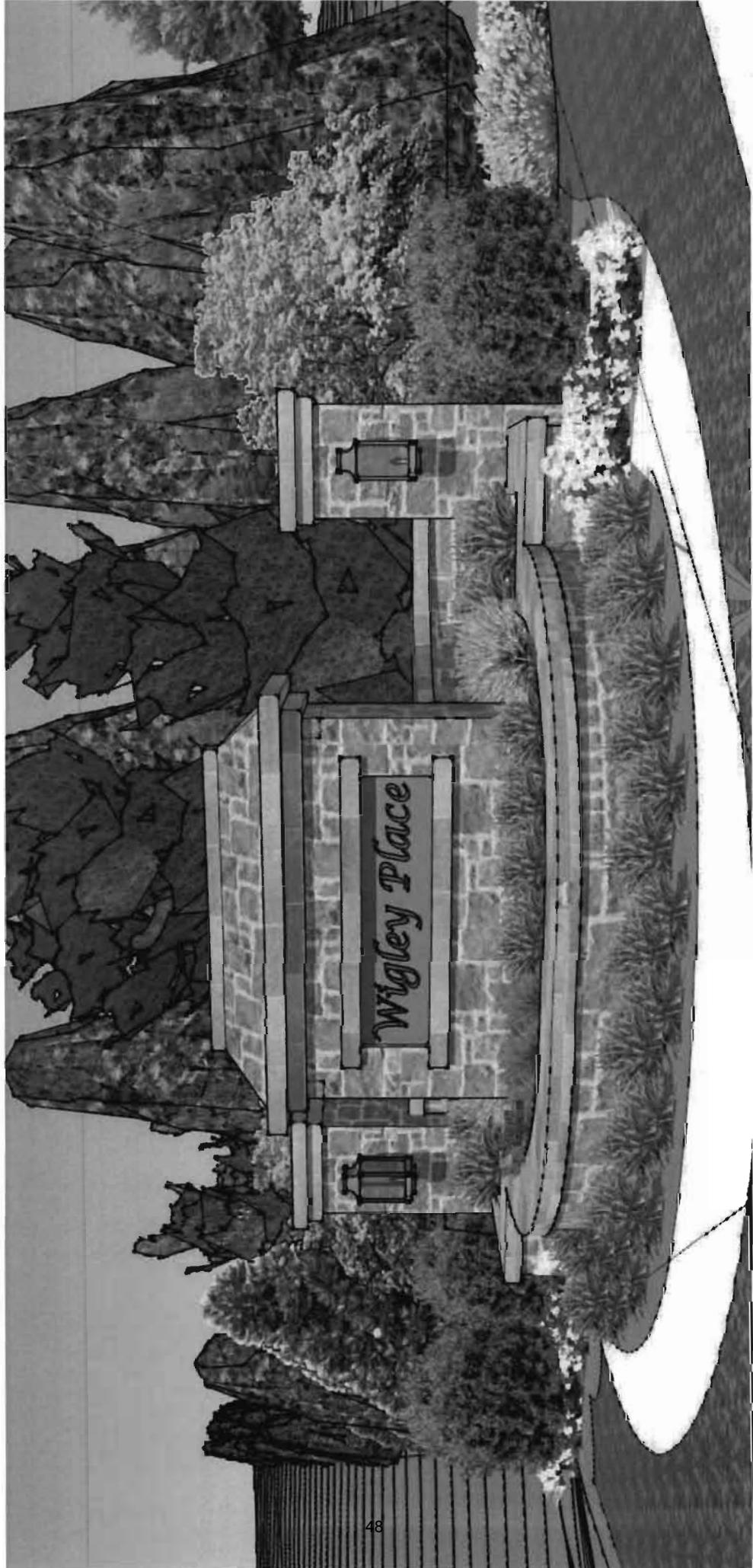


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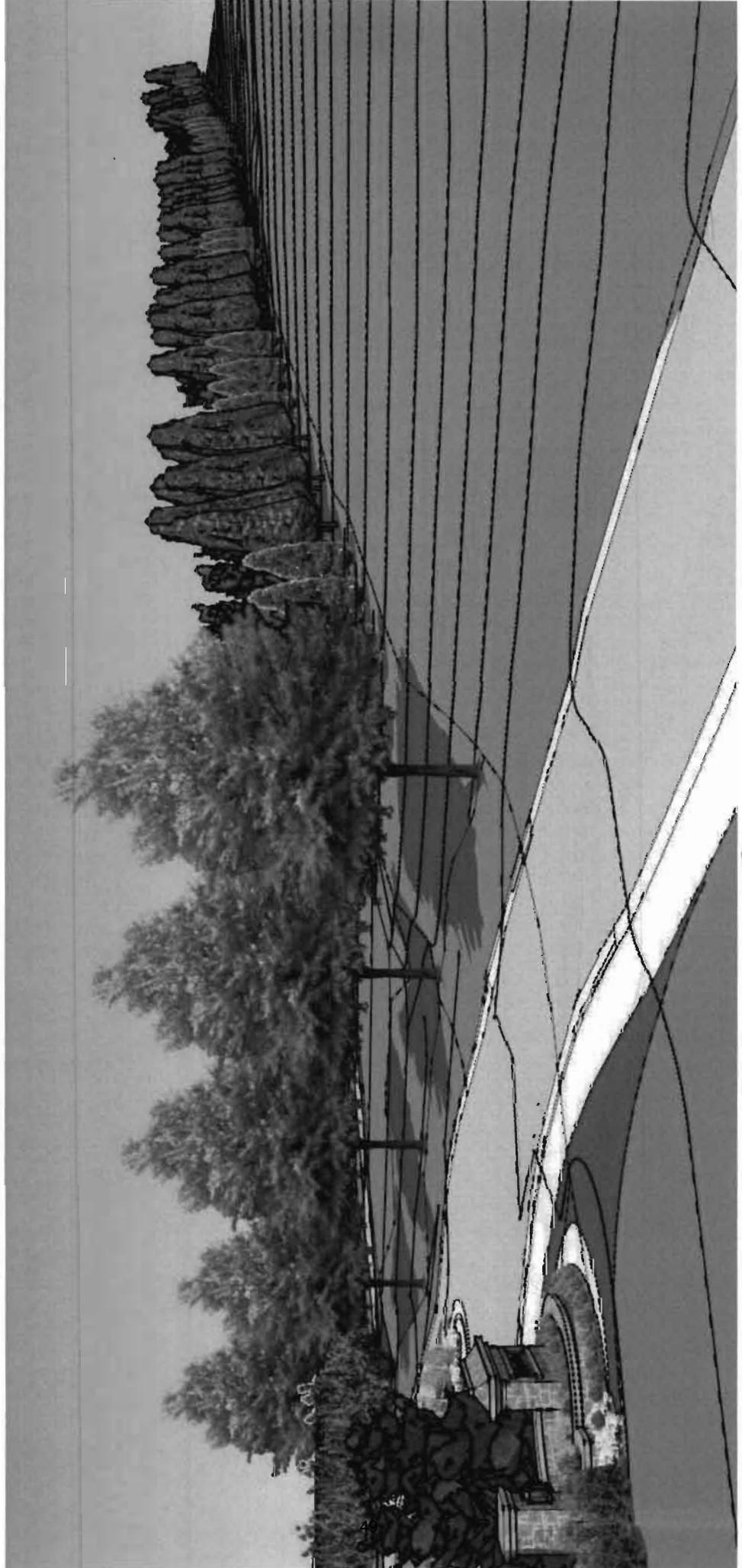
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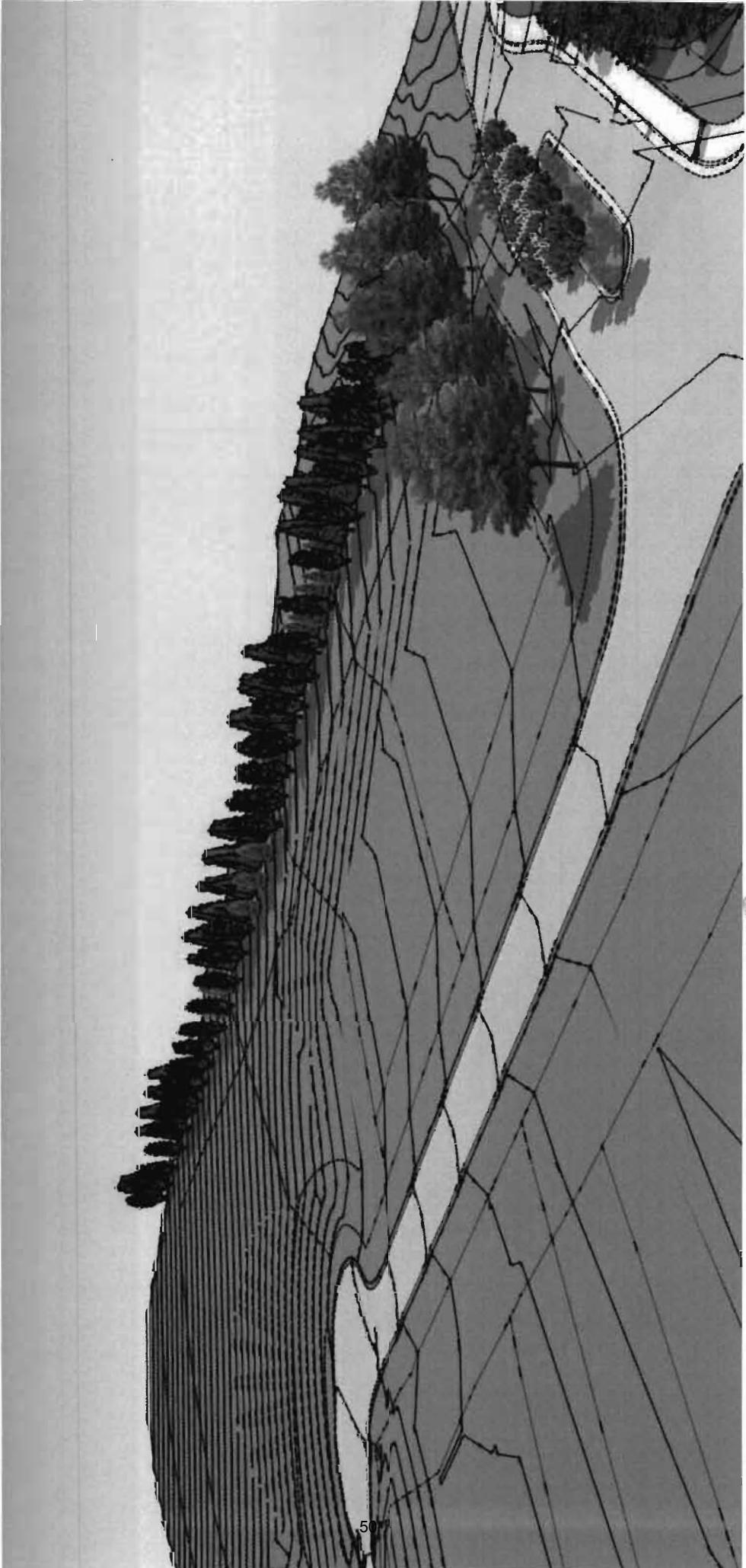
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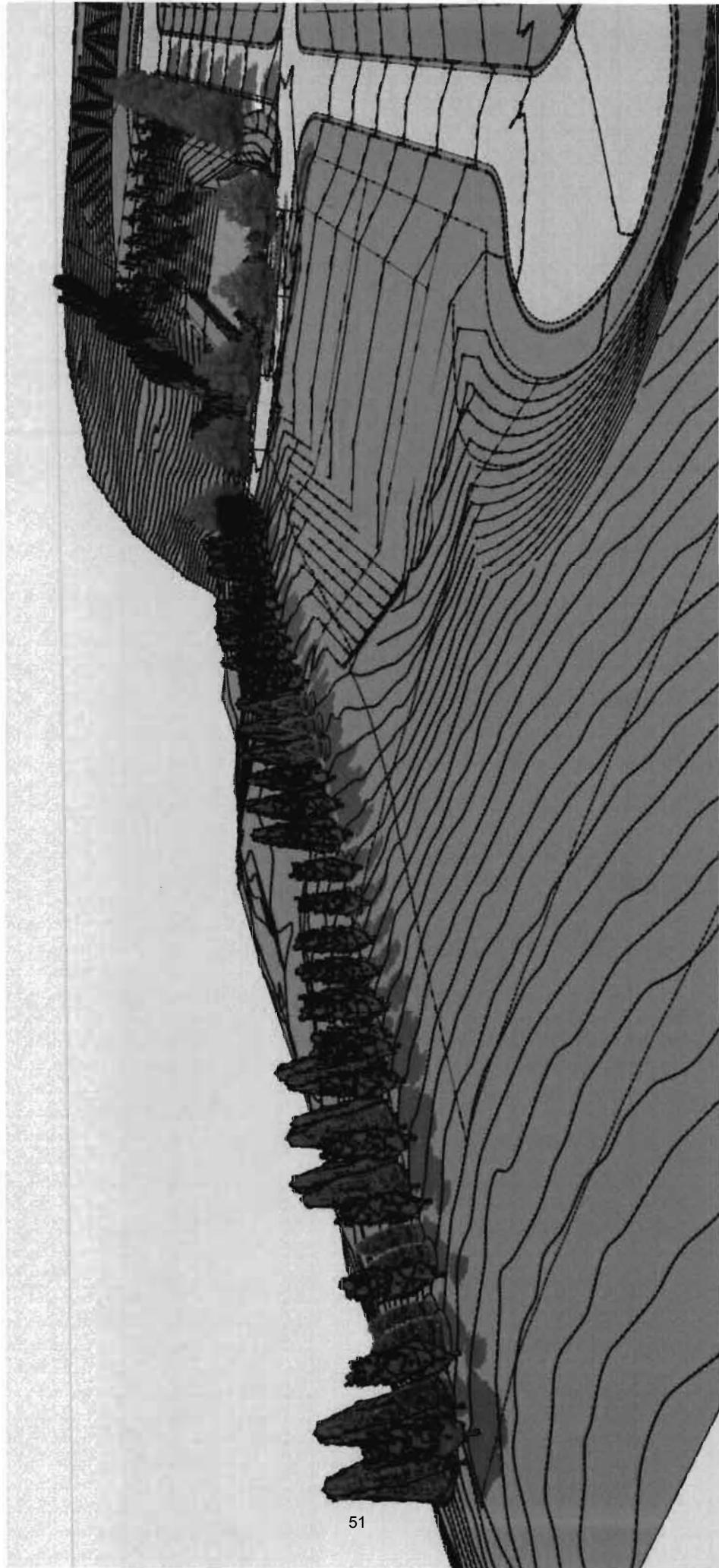


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