

Case # OSC-01-2018

Public Hearing Dates:

PC: 10-02-18

Cobb County Community Development Agency BOC: 10-16-18 **Zoning Division**

1150 Powder Springs St. Marietta, Georgia 30064

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Applicant: Province Homes, LLC

Phone: (770) 509-7009

Email: Not provided

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijs.com

Titleholder: Wardlyn Mills Bassler and Wanda

Mills Rademacher

Property Location: North side of Luther Ward Road, and on the northwest and southeast sides

of Midway Road

Address: 4349 Luther Ward Road

Access to Property: Luther Ward Road

QUICK FACTS

Commission District: 1-Weatherford

Current Zoning: R-20 (Single-family Residential)

Current use of property: Undeveloped

Proposed zoning: R-20/OSC (Open Space

Community)

Proposed use: Single-family Subdivision

Future Land Use Designation: VLDR (Very Low

Density Residential)

Site Acreage: 29.09 ac

District: 19

Land Lot: 209

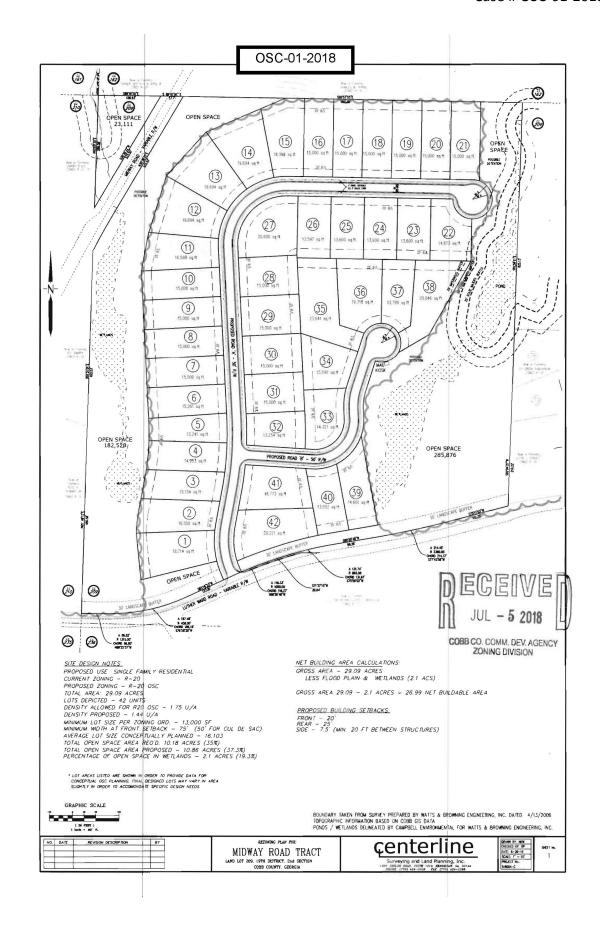
Parcel #: 19020900020

Taxes Paid: Yes

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

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

- 1. Site Plan received by the Zoning Division July 5, 2018;
- 2. Fire Department comments and recommendations;
- 3. Water and Sewer Division comments and recommendations;
- 4. Stormwater Management Division comments and recommendations;
- 5. Department of Transportation comments and recommendations;
- 6. Additional comments under Open Space Community comments; and
- 7. No variances from the code.



OSC-01 2018-Aerial Map



North

Zoning: R-30 (Single-family Residential)

Future Land Use: VLDR (Very Low Density Residential)

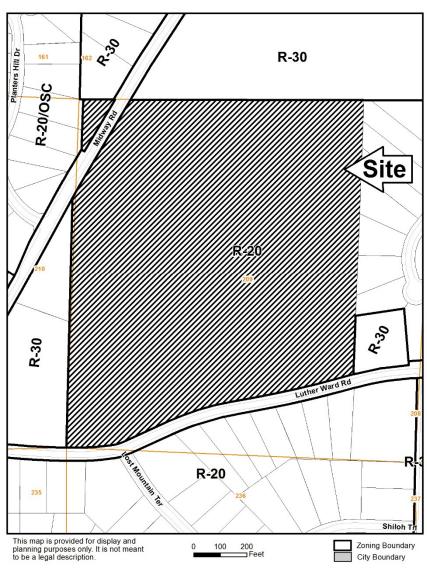
OSC-01 2018-GIS

Zoning: R-30 (Single-family residential) and R-20/OSC (Single-family

Residential)

WEST

Future Land
Use: VLDR
(Very Low
Density
Residential)



EAST

Zoning: R-30 (Single-family Residential) and R-20 (Single-family Residential)

Future Land
Use: VLDR
(Very Low
Density
Residential)

SOUTH

Zoning: R-20 (Single-family Residential)

Future Land Use: VLDR (Very Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category 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 R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Requested zoning district for the property

The OSC overlay district is established to encourage the preservation of natural resources within residential development. The district may be overlaid upon the R-30, R20, and R-15 zoning districts. The overlay district is intended to provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure; to provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land; to preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat; to permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development; to promote interconnected greenways and corridors throughout the community; to promote greenspace contiguous with adjacent jurisdictions; to promote greenspace as passive recreation; to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood; to encourage street designs that reduce traffic speeds and reliance on main arteries; to promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles; to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; and to preserve important historic and archeological sites. Land and water are protected by limiting land disturbance and decreasing the percentage of impervious surface within the planned community, and by adding flexibility to site plan design. Open space design is intended to result in more efficient use of land, lower development and infrastructure costs, and the conservation of land for recreation or aesthetic and environmental enrichment. It is not the intent of this overlay district to significantly increase overall development densities, but to allow for the stipulated densities (and potential minor bonus) of the underlying zoning district. It is also the intent of the overlay district to encourage design flexibility, creativity and development complementary to surrounding and existing neighborhoods. Open space community overlay plans are approved as site plan specific.

DEPARTMENT COMMENTS- Zoning Division

Summary of the applicant's proposal

The applicant is requesting the Open Space Community (OSC) district to be placed on the existing R-20 zoning in order to develop a single-family, open space subdivision. There will be a maximum of 42 lots, planned recreation amenities, and passive amenities. The proposed OSC plan includes 10.86 acres (37.3%) of open space, including areas along Luther Ward Road and Midway Road.

Open space community comments

Future land use: Very Low Density Residential (VLDR)

Current zoning: R-20

Allowable # of units permitted by R-20: 47

Proposed zoning: R-20 OSC Proposed # lots as R-20 OSC: 42

Total area: 29.09 acres

Floodplain/Wetland Area/Cemetery/Amenity Area: 2.1 acres

Net buildable area: 26.99 acres

Maximum density allowed for R-20 OSC: 1.75 units per acre

Net density of the proposal: 1.55 units per acre Open space requirement: 10.18 acres (35%) Open space proposed: 10.86 acres (37.3%)

Percentage of open space within floodplain, wetlands, & lakes: 2.1 acres

Minimum lot size: 13,000 square-feet

Front setback: 20' Rear setback: 25' Side setback: 7.5'

Additional comments:

- 1.) The rear setback for lots 15-21 is shown as 25', but should be 40'. Staff believes the 40' rear setback for these lots is obtainable, and a variance should not be granted from the code for these lots.
- 2.) Fencing that is compatible with the architecture/landscaping/design of development, shall be erected just inside dedicated open space that is contiguous to proposed lots. Fencing should be installed using techniques that provide minimal disturbance to the open space as possible.
- 3.) A conservation easement shall be recorded within the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the open space from development in perpetuity as owned by the mandatory homeowner's association. A conservation easement application shall be submitted to the Planning Division prior to final plat approval.

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the proposed plan will require contemporaneous variances for the following:

- 1. Waiving the rear setback lines for lot numbers 15-21 from 40 feet to 25 feet; and
- 2. Waiving the major side setback for lots 32 and 41 from 25 feet to 0 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:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- 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.

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
Kemp ES	962	969	7 over capacity
Lovinggood MS	1162	1374	212 over capacity
Hillgrove HS	1912	2465	553 over capacity

COMMENTS

Approval of this petition will cause concern for CCSD, as it will result in an impact on enrollment for schools already over capacity.

NOTE: Lovinggood MS and Hillgrove HS will be relieved of overcrowding due to SPLOST V construction.

DEPARTMENT COMMENTS- Stormwater Management

- 1. Flood hazard: Yes
- 2. Flood hazard zone: Zone X
- 3. Drainage Basin: Tributary to Luther Ward Branch
- 4. Flood Damage Prevention Ordinance Designated Flood Hazard (Ivey Green Lake)
- 5. Wetlands: Yes Location: identified on site plan
- 6. Streambank buffer zone: Yes
- 7. County Buffer Ordinance: 50' each side of creek channel.
- 8. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage systems.
- 9. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- 10. Existing Lake Downstream (Ivey Green Lake). Additional BMP's for erosion & sediment control will be required.
- 11. Lake Study required to document pre- and post-development sediment levels.
- 12. Stormwater discharges through an established residential neighborhoods downstream.
- 13. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s) including Ivey Green Lake and the detention pond within Darby Place Subdivision
- 14. Any spring activity discovered must be addressed by a qualified registered geotechnical engineer (PE).

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the 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, and for non-supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre. Allowable residential density is dependent upon factors; such as product type and mix, structure/building height, tract size, topographic conditions and the like, in order to provide compatibility with adjacent residential uses.

Comprehensive Plan Designation:			Inconsiste	nt
House Bill 489 Intergovernmental Agreement Zonions the proposal within one-half mile of a city boundary.	_	otifica Yes	ation	
Was the city notified?		Yes	□No	⊠ N/A
Specific Area Policy Guidelines:		Yes	⊠ No	
Masterplan/ Corridor Study		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? (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)		Yes	⊠ No	
Is the property within an Enterprise Zone? (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)		Yes	⊠ No	
Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? (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)	ım	Yes	⊠ No	

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

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 Noise Zone?	Yes	⊠ No
Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?		☐ 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:	XES	☐ NO				
Size and location of existing water main(s): 8" in	n Luther Wai	rd Road				
Additional water comments:						
Note: These comments only reflect what facilities were in exist install/upgrade water mains based on fire flow test results or Fir process.						
Sewer comments:						
In the drainage basin:	XES YES	☐ NO				
At development:	X YES	□NO				
Approximate distance to nearest sewer: 500+ f	t eastward ir	n Ivey Green	S/D			
Estimated waste generation (in G.P.D.): Averag	ge daily flow	= 6,720 GP	D			
Peak flow = 16,800 GPD						
Treatment plant: South Cobb						
Plant capacity:		☐ NO				
Line capacity:	XES YES	☐ NO				
Projected plant availability:	O-5 years 5-10 years over 10 years					
Dry sewers required:	YES	$oxed{oxed}$ NO				
Off-site easement required:	YES*	\boxtimes NO	*If off-site easements are required, the			
Flow test required:	YES	$oxed{oxed}$ NO	developer/owner must submit easements to the CCWS for review and approval as to form			
Letter of allocation issued:	YES	$oxed{oxed}$ NO	and stipulations prior to the execution of easements by the property owners. All			
Septic tank recommended by this department:	YES	$oxed{oxed}$ NO	easement acquisitions are the responsibility of the developer/owner.			
Subject to Health Department approval:	YES	$oxed{oxed}$ NO				
Additional sewer comments: Final grades will determine gravity sewer options. Sewer in						

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 onsite and/or offsite easements, and dedication of onsite 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.

Midway Road ROW likely too high to serve by gravity flow.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Luther Ward Road	Minor Collector	35	Cobb County	60'
Midway Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Luther Ward Road	East of Jordan Road	3,100	С
Midway Road	North of Broadlands Lane	3,500	С

Based on 2016 traffic counting data taken by Cobb County DOT for Luther Ward Road.

Based on 2017 traffic counting data taken by Cobb County DOT for Midway 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

Luther Ward Road is classified as a minor collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Midway Road is classified as a major collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Recommendations

- 1. 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 north side of Luther Ward Road, a minimum of 30' from the roadway centerline.
- 2. 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 Midway Road, a minimum of 40' from the roadway centerline.
- 3. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
- 4. Recommend curb, gutter, and sidewalk along the Luther Ward Road frontage.
- 5. Recommend curb, gutter, and sidewalk along the Midway Road frontage.

DEPARTMENT COMMENTS- Transportation (continued)

- 6. As necessitated by this development, recommend Luther Ward Road access include deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
- 7. Recommend a no access easement to Luther Ward Road for lots 39 and 40.
- 8. Recommend the driveway for Lots 1 and 42 be a minimum of 50' from the intersection of Luther Ward Road.

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;

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. The area has a mixture of single-family residential uses that include subdivisions and houses on large tracts of land.

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

It is Staff's opinion that the applicant's proposal will not have an adverse effect on the usability of adjacent or nearby properties. The applicant proposes an R-20/OSC development with 42 lots and having a density of 1.55 units per acre. This area contains a mixture of single-family houses on larger lots and developed subdivisions. Other properties in the area are zoned R-30, R-20, PRD, and R-20/OSC. Residential developments in the area include: Lost Mountain Estates (zoned R-20 at approximately 1.70 units per acre, Ivey Green Unit 2 (zoned R-20 at 1.73 units per acre), Darby Place (zoned R-20/OSC at 1.88 units per acre), and Oakleigh Unit III (zoned PRD at 2.00 units per acre).

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 not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. However, the Cobb County School System has concerns that this proposal will have an impact on the enrollment for schools already over capacity. This opinion can be supported by the departmental 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 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 land use category has a density range of 0-2 units per acre. The applicant is proposing 1.55 units per acre, and will be setting aside 10.86 acres of open space.

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 approving the applicant's rezoning proposal. The applicant's proposed 1.55 units per acre is in the VLDR future land use density range of 0-2 units per acre, and it is within the range of other subdivisions in the area that range from approximately 1.70 to 1.88 units per acre.

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.

ATTACHMENT TO APPLICATION FOR OPEN SPACE COMMUNITY ("OSC")

Application No.:

OSC-2018- OSC-01-2018

Hearing Dates:

October 2, 2018 October 16, 2018

JUL - 5 2018

COBB CO. COMM. DEV. AGENCY ZONING DIVISION Applicant: Titleholders:

Province Homes, LLC

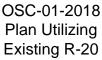
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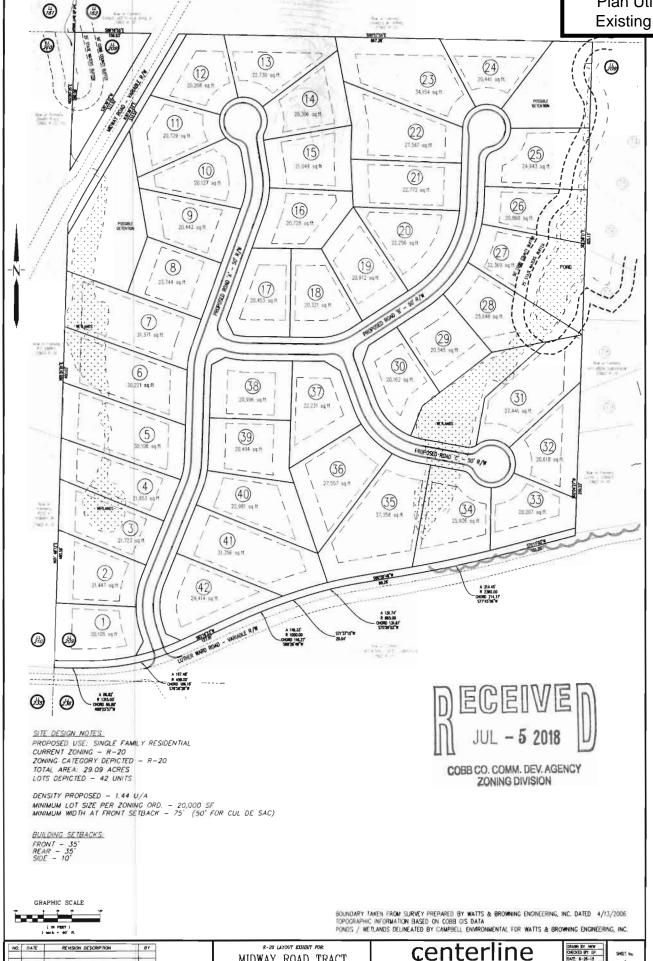
NARRATIVE SITE ANALYSIS OF PROPOSED OSC DEVELOPMENT

The proposed R-20/OSC development is designed for a maximum of forty-two (42) single-family homes; as well as, areas of planned recreation amenities and viable passive amenities through the formation of consolidated open space. This plan design is accomplished through implementation of the OSC planning guidelines. The proposed OSC plan creates 10.86 acres of open space, accommodating streams, a pond, and wetlands which traverse the Subject Property. The OSC plan allows for open space area along Midway Road and Luther Ward Road which preserves the setting along the roadways by placing the residences internally within the development. The plan accomplishes permanent use, preservation, and upkeep of the open space areas by the future owners. Additionally, the buffering of open space areas along the property lines will further mitigate any impact to established and neighboring properties.

The planned R-20/OSC development takes into consideration adjacent residential tracts which are zoned R-20 and R-30. Utilizing an OSC plan for development, the proposal limits building area and establishes significant green space.

The Applicant believes that utilization of the OSC requirements creates a better overall plan for development; as well as, a better quality of life for future homeowners; and, adjacent homeowners as well.





MIDWAY ROAD TRACT LAND LOT 209, 19TH DISTRICT, 2nd SECTION COBB COUNTY, GEORGIA

centerline

DRAWN BY NOW DATE 6-26-10 SCALE 7 = 60' PROJECT ME.

Planning Commission Decision

NO. OPPOSED:	APPROVED	DENIED	DELETED TO		
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:		
Names of those Op	posed:	Comments:			
	Stipulation letter fro	m	dated		
			dated dated		
	Board of Commis	sioners Decision			
NO. OPPOSED:	APPROVED	DENIED	DELETED TO		
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:		
Names of those Op	posed:	Comments:			
	Stipulation letter fro	 m	dated		
	Stipulation letter from	m	dated		
	Stipulation letter fro	m	dated		