

APPLICANT: The Pacific Group, Inc.	PETITION NO:	Z-9
678-385-2887	HEARING DATE (PC):	03-05-13
REPRESENTATIVE: Garvis L. Sams, Jr. 770-422-7016	HEARING DATE (BOC):03-19-13
Sams Larkin & Huff, LLP	PRESENT ZONING:	R-20
TITLEHOLDER: GDCI GA 1, L.P.		
	PROPOSED ZONING:	R-15
PROPERTY LOCATION: East side of John Ward Road, north of		
Lyons Way.	PROPOSED USE:	Single-Family
	Detached Reside	ential Subdivision
ACCESS TO PROPERTY: John Ward Road	SIZE OF TRACT:	17.73 acres
	DISTRICT:	19
PHYSICAL CHARACTERISTICS TO SITE: Undeveloped acreage	LAND LOT(S):	194
	PARCEL(S):	2, 10, 49
	TAXES: PAID X	DUE
CONTIGUOUS ZONING/DEVELOPMENT	COMMISSION DISTRI	CT:_1

NORTH:	R-20/Undeveloped
SOUTH:	R-15/Lorings Square Subdivision
EAST:	R-20/Windwood Forest Subdivision
WEST:	R-20/OSC - Glenn Park Subdivision and R-20/Brookmont and McNeel Farms Subdivisions

OPPOSITION: NO. OPPOSED ____PETITION NO: ____SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED____MOTION BY_____

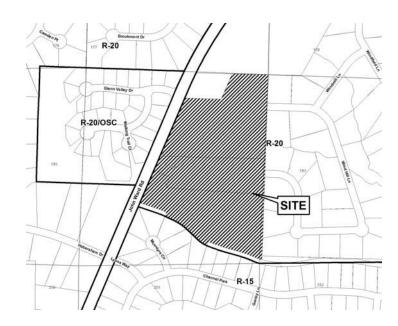
REJECTED____SECONDED____

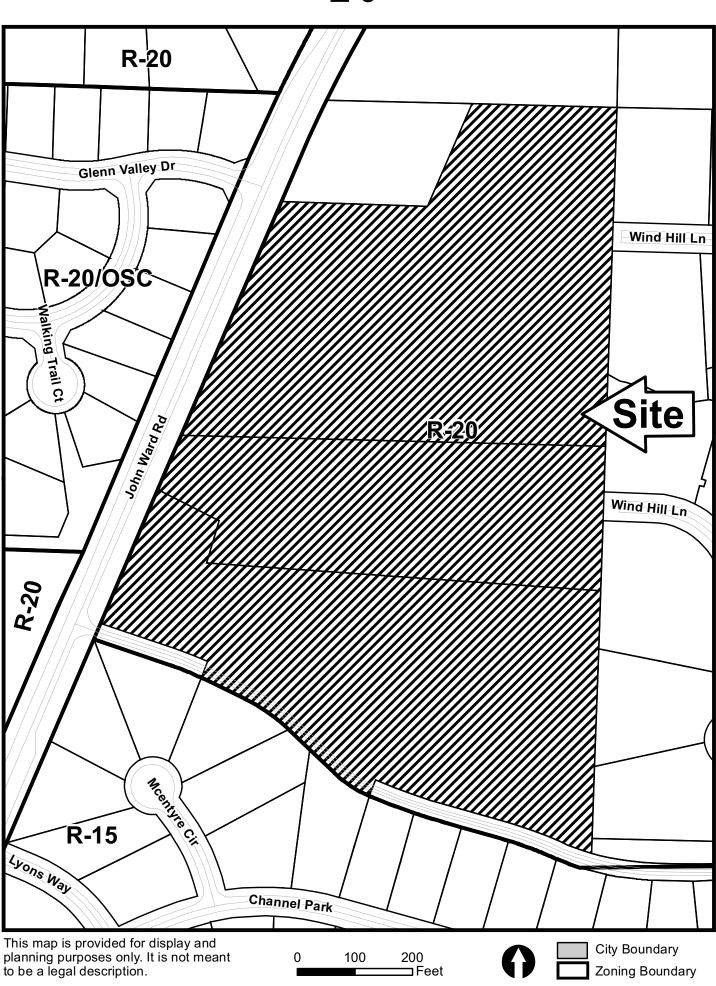
HELD____CARRIED_____

BOARD OF COMMISSIONERS DECISION

APPROVEDMOTION BYREJECTEDSECONDEDHELDCARRIED

STIPULATIONS:





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APPLICANT:	The Pacific Group	, Inc.	PETITION N	NO.: <u>Z-9</u>
PRESENT ZON	ING: <u>R-20</u>		PETITION F	FOR: <u>R-15</u>
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ZONING COM	MENTS: S	taff Member Respons	ble: Jason A. Campbe	11
Land Use Plan H	Recommendation	: Low Density Resi	dential (1-2.5 units per	acre)
Proposed Numb	er of Units: 37	Over:	all Density: 2.08	Units/Acre
Present Zoning	Would Allow: 3	Units Incre	ase of: 6	Units/Lots

Applicant is requesting the R-15 zoning category for the development of a 37-lot subdivision. The homes will range in size from 2,400 square feet to 4,000 feet and above. Each home shall have, at a minimum, an attached two-car garage. The architectural style and composition of the homes shall consist of brick, stacked stone, cedar, Hardy Plank shake or Hardy Plank siding or a combination thereof. The price range is anticipated to be \$320,000 to \$420,000.

Historic Preservation:

Cemetery Preservation: No comment.

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PRESENT ZONING: R-20

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SCHOOL COMMENTS:

			Number of
		Capacity	Portable
Name of School	Enrollment	Status	Classrooms
Cheatham Hill	1,105	Over	
Elementary Lovinggood	1, 133	Over	
Middle Hillgrove	2,051	Over	

High

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

Additional Comments:

Approval of this petition could adversely impact the enrollment at all of these schools, as Cheatham Hill Elementary, Lovinggood Middle and Hillgrove High schools are all over capacity at this time.

FIRE COMMENTS:

When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT The Pacific Group, Inc.			PETITION NO. <u>Z-009</u>
PRESENT ZONING <u>R-20</u>			PETITION FOR <u>R-15</u>
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WATER COMMENTS: NOTE: Comments r	eflect on	ly what facilitie	es were in existence at the time of this review.
Available at Development:		Yes	□ No
Fire Flow Test Required:		Yes	
Size / Location of Existing Water Main(s): 6	″AC/V	V side of Johr	ı Ward Road
Additional Comments: Secondary water feed	will be	required at Pla	an Review
Developer may be required to install/upgrade water mains, in the Plan Review Process.	based on	fire flow test rest	ults or Fire Department Code. This will be resolved
* * * * * * * * * * * * * * * * * * * *	* * * * *	* * * * * * *	* * * * * * * * * * * * * * * * * * * *
SEWER COMMENTS: NOTE: Commen	ts reflect	only what facil	lities were in existence at the time of this review.
In Drainage Basin:	\checkmark	Yes	□ No
At Development:	\checkmark	Yes	🗌 No
Approximate Distance to Nearest Sewer: A	At site at	John Ward/	Battlefield ROW
Estimated Waste Generation (in G.P.D.):	A D F	5920	Peak= 14800
Treatment Plant:		Sou	ith Cobb
Plant Capacity:	\checkmark	Available	□ Not Available
Line Capacity:	\checkmark	Available	□ Not Available
Proiected Plant Availability:	\checkmark	0 - 5 vears	\Box 5 - 10 vears \Box over 10 vears
Drv Sewers Required:		Yes	☑ No
Off-site Easements Required:		Yes*	✓ No *If off-site easements are required, Develop must submit easements to CCWS for
Flow Test Required:		Yes	■ No review/approval as to form and stipulations prior to the execution of easements by the
Letter of Allocation issued:		Yes	✓ No property owners. All easement acquisition are the responsibility of the Developer
Septic Tank Recommended by this Departme	ent:	Yes	☑ No
Subject to Health Department Approval:		Yes	☑ No
Additional <u>Development Standards requin</u> Comments:	re sewer	extension to	uppermost property line

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: <u>The Pacific Group, Inc.</u>

on downstream receiving systems.

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PRESENT ZONING: <u>R-20</u>

PETITION FOR: <u>R-15</u>

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
 DRAINAGE BASIN: <u>Ward Creek</u> 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.
$\underline{\text{WETLANDS:}} \ \Box \ \text{YES} \ \ \boxtimes \ \text{NO} \ \ \ \Box \ \text{POSSIBLY, NOT VERIFIED}$
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 (<u>undisturbed</u> 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 CONDITION
 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 within Lorings Square S/D. 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

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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. The revised site plan has relocated the proposed stormwater management facility such that it now discharges into an existing drainage easement through the adjacent Windwood Forest Subdivision. Any runoff bypass to the southwest into the John Ward Road R/W or to the southeast across Battlefield Road into the Lorings Square Subdivision must be limited and subject to the capacity of the receiving conveyance systems.
- 2. The southeastern portion of the site discharges into the Lorings Square Subdivision and through a series of small lakes. Due to the close proximity of the upper lake (~600') a pre- and post-development sediment survey will be required to verify no significant sediment impact to the lake.

PRESENT ZONING: <u>R-20</u> PETITION FOR: <u>R-15</u>

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
John Ward Road	4500	Major Collector	45 mph	Cobb County	80'
Battlefield Drive	N/A	Local	15 mph	Private	N/A

Based on 2012 traffic counting data taken by Cobb DOT (John Ward Road)

COMMENTS AND OBSERVATIONS

John Ward 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 of 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 John Ward Road, a minimum of 40' from the roadway centerline.

Recommend curb, gutter, and sidewalk for the John Ward Road frontage.

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

Recommend a deceleration lane and left turn lane on John Ward Road for the entrance.

Recommend removing and closing driveway apron along John Ward Road frontage that development renders unnecessary.

Recommend applicant verify that minimum intersection sight distance is available for John Ward Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 500 feet.

Recommend no monument signs on the right-of-way.

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

STAFF RECOMMENDATIONS

Z-9 THE PACIFIC GROUP, INC.

- A. 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 some of the adjacent and nearby properties. However, while there are some other properties in the area also zoned R-15, most are in the R-20 category.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property because the proposed density will only increase the number of lots allowed under the current R-20 by six lots. Be that as it may, most of the area is R-20 with densities of approximately 1.18 units per acre (Windwood Forest, zoned R-20); 1.36 units per acre (McNeel Farms Unit III, zoned R-20); and 1.69 units per acre (Brookmont Subdivision, also zoned R-20). Glenn Park Subdivision, across John Ward Road from the subject property was zoned to R-20/OSC in 2005 (OSC 05-12) with a density of 1.9 units per acre. The closest R-15 is Lorings Square to the south at approximately 2.4 units per acre.
- C. 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, utilities, or schools. This opinion can be 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 to be within the Low Density Residential land use category, with densities ranging from 1 2.5 units per acre. While the proposed R-15 density of 2.08 fits in the Low Density Range of 1-2.5 units per acre, staff believes the current R-20 zoning with a density of 1.74 lots (31 lots on the 17.73 acres) is also in the LDR range and would be similar to other R-20 subdivisions in this area.
- 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. Most of the surrounding subdivisions are zoned R-20 with densities ranging from approximately 1.18 units per acre to 1.69 units per acre. The character of the area is mostly R-20 zoning with larger sized lots.

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.

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	COBB COUNTY GEORGIA Application No. <u>29</u> FILED IN OFFICE March
	2013 JAN -3. PM 2: 45 Summary of Intent for Rezoning* 2013 2013
I. Resid	lential Rezoning Information (attach additional information if needed)
a)	Proposed unit square-footage(s): 2.400 sq. ft 4,000 sq. ft.
b)	Proposed building architecture: 2-story traditional consisting of a mixture of brick, stone, stucco, Hardy Plan 2-story traditional consisting of a mixture of brick, stone, stucco, Hardy Plan
e)	Proposed selling prices(s): \$320,000.00 - \$420,000.00
d)	List all requested variances: None
	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:
	her Pertinent Information (List or attach additional information if needed)
The s	subject property is m an area denominated for Low Density Residential (LDR) developments ranging from
1-2.5	5 units per acre. At a density of 2.29 units per acre, the subject property is within the range of densities
	emplated by the Future Land Use Map. Additionally, the R-15 zoning district, the same zoning district as the subdi
(Lori	ings Square) which is contiguous and to the south of the subject property.
t 4. Is an	ny of the property included on the proposed site plan owned by the Local, State, or Federal Government?
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(Plea	ise list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a

* The Appleant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

SAMS, LARKIN & HUFF

GARVIS L. SAMS, JR. JOFE L. LARKIN PARKS F. HUFF JAMES A. BALLT

JUSTIN H. MELKS

SUITE 100 376 Powder Springs Street Marifelea, Georgia 30064-3448

February 4, 2013

770+422+7016 TELEPHONE 770+426+6583 FACSIMILE

SAMSLARKINDULE COM-

VIA E-MAIL & HAND DELIVERY

Mr. John P. Pederson, AICP. Manager Cobb County Zoning Division Community Development Agency 1150 Powder Springs Road, Suite 400 Marietta, GA 30064

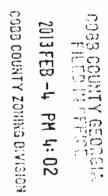
> Re: Application of The Pacific Group, Inc. to Rezone a 17.73± Acre Tract from R-20 to R-15 (No. Z-9)

Dear John:

You will recall that this firm represents the Applicant and Property Owner concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on March 5, 2013 and, thereafter, is scheduled to be heard and considered for final action by the Cobh County Board of Commissioners on March 19, 2013.

In accordance with the dialogue which we have established with the County's Professional Staff, this letter will serve as our clients' expression of agreement that the following stipulations shall become conditions and a part of the grant of the requested Rezoning and binding upon the subject property thereafter:

- 1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
- 2. The subject property shall be developed in substantial conformity to that certain revised site plan, prepared by Travis Pruitt & Associates Inc., which was submitted under separate cover on January 22, 2013.
- 3. The construction of a maximum number of thirty-seven (37) single-family detached homes at a maximum density of 2.08 units per acre.¹



¹ The subject property is located in an area on the Future I and Use Map designated for Low Density Residential (LDR) development ranging up to 2.5 units per acre – The proposed density of 2.08 units per acre is in keeping with the density of Lorings Square Subdivision (also zoned R-15) which is contiguous and to the south of the subject

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Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division February 4, 2013 Page 2

- 4. The minimum house size within the proposed residential community shall be 2,400 sq. ft. and will range to 4,000 sq. ft. and above. Each of the homes shall have, at a minimum, an attached two (2) car garage which shall be used for the parking and storage of vehicles.²
- 5. The architectural style and composition of the homes shall consist of brick, stacked stone, cedar, Hardy Plank shake or Hardy Plank siding or a combination thereof.
- 6. The creation of a mandatory HOA and the submission of Declaration of Covenants, Conditions and Restrictions which shall include, among other components, strict architectural controls.
- Subdivision entrance signage shall be ground-based, monument style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage located on John Ward Road, shall be incorporated into the landscape plan for the subdivision and shall be fully landscaped and irrigated.
- The submission of a landscape plan during the Plan Review Process subject to review and approval by the County Arborist.
- 9. Subject to recommendations from the Cobb County Stormwater Management Division with respect to hydrological issues, including the following:
 - a. The ultimate location and configuration of onsite detention and/or stormwater management and water quality components.³
 - b. To the extent it is effective to do so, stormwater shall be directed from the gutters of the homes to the street system and ultimately to the established point of detention and water quality.

property and consistent with the density of Glenn Park Subdivision (zoned R-20 OSC) which is located directly across John Ward Road from the subject property.

² Price points are anticipated ranging from approximately Three Hundred Twenty Thousand Dollars (\$320,000) to Four Hundred Twenty Thousand Dollars (\$420,000).

³ With the filing of the revised site plan, the detention facility was been shifted to the north so that the storm outfall drains to an existing drainage easement located in neighboring Winwood Forest residential community. There are no lakes or streams which will directly receive stormwater.

VIA E-MAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division February 4, 2013 Page 3

- 10. Subject to recommendations from the Cobb County Department of Transportation ("DOT"), including the following:
 - a. The installation of a deceleration lane and taper.
 - b. The installation of a left-turn lane.
 - c. The installation of sidewalk, curb and gutter along the subject property's John Ward Road frontage.⁴
 - d. Providing a 10 ft. no access easement along the subject property's frontage on John Ward Road except, of course, with respect to the subdivision entrance located thereon.
 - e. During the construction and build-out of the proposed development, there shall be no parking or stacking of trucks and/or construction vehicles on John Ward Road.
- 11. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site. Additionally, an agreement that those lots which end up being traversed along a common property line by a sewer easement, 12 ft, as opposed to 10 ft, side setbacks will be recognized.
- 12. Subject to recommendations from the Cobb County Fire Department.
- 13. The District Commissioner shall have the authority to approve minor modifications to these stipulations as well as the final site plan as the development proposal proceeds through the Plan Review Process and thereafter.

The proposed residential development under the R-15 zoning district is appropriate considering the context of development in which the subject property is situated as noted hereinabove. Additionally, with the subject property being located in an area under the Future Land Use Map calling for densities up to 2.5 units per acre, the proposed density of 2.08 units per acre is consistent with the policy and intent embodied in both the Future Land Use Map and the Comprehensive Land Use Plan.

⁴ Cobb DOT is not requiring additional right-of-way, with the existing right-of-way on John Ward Road being 80 ft. in width.

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VIA E-MAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division February 4, 2013 Page 4

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to preparation of the Zoning Analysis and Staff Recommendations. With kind regards. I am

Very truly yours,

SAMS_LARKIN & HSFF, LLP

Garvis I. Sams, Jr. gsams a samslarkinhuff.com

GLS,Jr./dsj

Memhers, Cobb County Board of Commissioners (Via E-mail & Hand Delivery) Members, Cobb County Planning Commission (Via E-mail & Hand Delivery)
Mr. Robert L. Hosack, Jr., AICP Director (Via E-mail & Hand Delivery)
Mr. Dana Johnson, AICP Planning Manager (Via E-mail & Hand Delivery)
Mr. Jason Campbell, Planner III (Via E-mail & Hand Delivery)
Ms. Jane Stricklin, P.E., Cobb County DOT (Via E-mail)
Mr. David Breaden, P.E., Cobb County Stormwater Management (Via E-mail)
Ms. Karen King, Assistant County Clerk (Via E-mail & Hand Delivery)
Ms. Lori Barton, Deputy County Clerk (Via E-mail & Hand Delivery)
Ms. Keli Gambrill, PLAN (Via E-mail)
Mr. Gary Wolovick (Via E-mail)
Mr. Michael Kilgallon, The Pacific Group, Inc. (Via E-mail)
Mr. Ray Cunliffe, The Pacific Group, Inc. (Via E-mail)
Mr. Chris Patterson, P.E., Travis Pruitt & Associates (Via E-mail)