

Z-24
(2013)

COBB COUNTY GEORGIA
PLANNING DEPARTMENT

2013 APR -4 PM 3:06

COBB COUNTY ZONING DIVISION

TRACT NO.	AREA (SQ. FT.)	AREA (AC.)
1	1,125,000.00	25.56
2	1,125,000.00	25.56
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LEGEND

1	Subdivision
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PROPERTY NOTES

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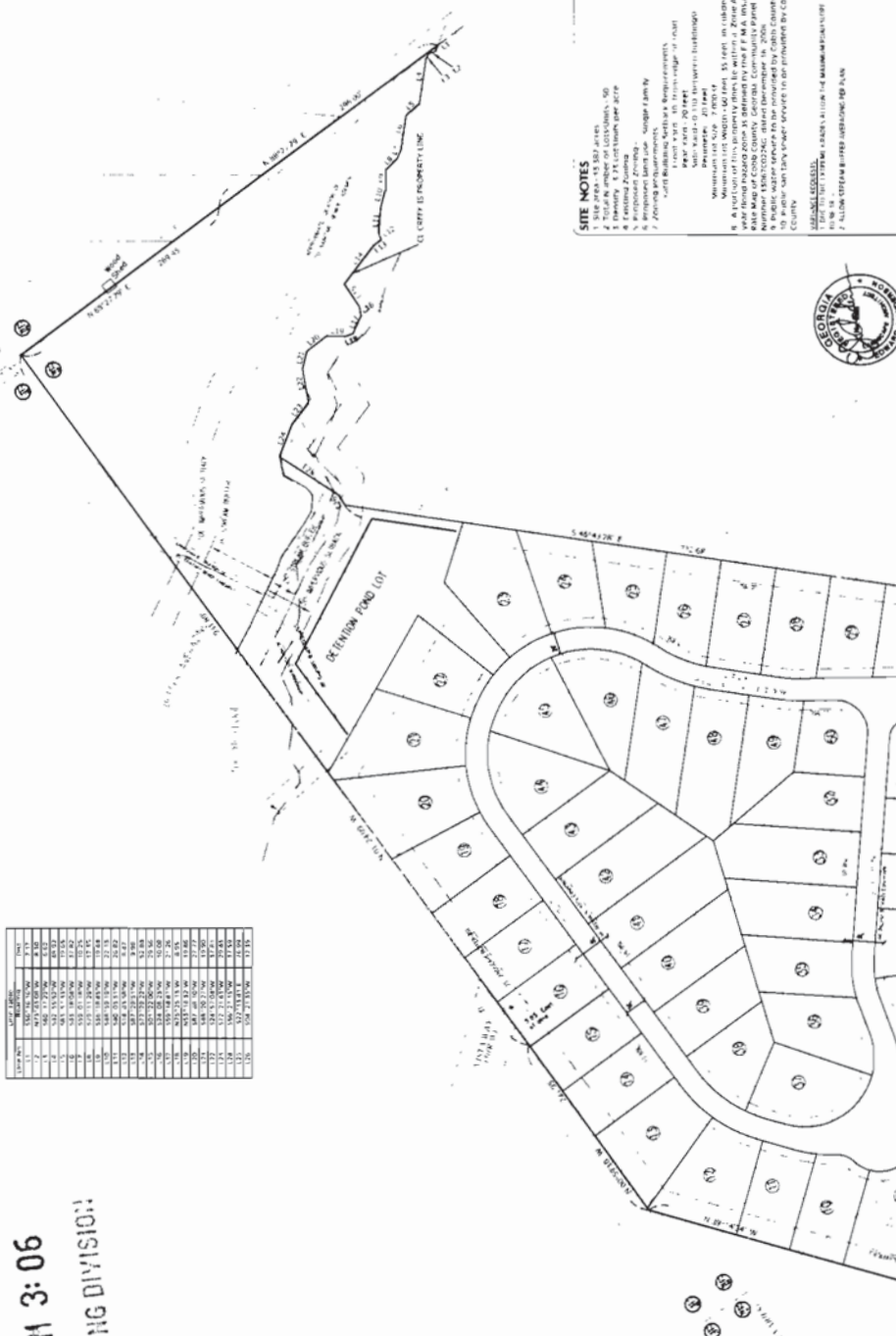
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SITE NOTES

1. SEE AREA 15 (2013) PLANS
2. TOTAL NUMBER OF LOTS: 100
3. TOTAL AREA: 10.0 AC.
4. EXISTING ZONING: UNZONED
5. PROPOSED ZONING: UNZONED
6. EXISTING UTILITIES: SEE AREA 15 (2013) PLANS
7. EXISTING UTILITIES: SEE AREA 15 (2013) PLANS
8. ALL UTILITIES TO BE DELETED WITHIN 100 FEET OF THE PROPOSED LOT LINES.
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ZONING PLAN
Spring Hill Parkway Tract

Land Lots 772, 813 & 814
17th District, 2nd Section
Cobb County
Georgia

April 4, 2013
Scale: 1" = 60'

CH: DSK, C:\projects\ch\ch.dwg
Job: 1001
Sheet 1 of 1

EES
ESSENTIAL ENGINEERING SERVICES
3800 LINDSEY DRIVE, SUITE 1100
PHOENIX, ARIZONA 85043
WWW.ESSENTIALENGINEERS.COM

OWNER / DEVELOPER
Gutter Properties and Development, L.L.C.
10101 N. GULF DR., SUITE 100
PHOENIX, ARIZONA 85028
TEL: 602.998.8888

24 HOUR - EMERGENCY CONTACT
Gutter Properties and Development, L.L.C.
10101 N. GULF DR., SUITE 100
PHOENIX, ARIZONA 85028
TEL: 602.998.8888

ESSENTIAL ENGINEERING SERVICES, L.L.C.
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APPLICANT: Cotter Properties & Development, LLC
(770) 231-8054

REPRESENTATIVE: Parks F. Huff (770) 422-7016
Sams, Larkin & Huff, LLP

TITLEHOLDER: Charles A. Jones Estate, Augusta P. Jones,
Norma M. and A A Gentry c/o Aubry Gentry, and Rawn Lee Shaw

PROPERTY LOCATION: West side of Spring Hill Parkway, north of
Spring Hill Road; and the eastern terminus of Vista Way (3303, 3313
Cumberland Drive, 3400, 3410, 3420, 3440, 3450 Spring Hill Parkway).

ACCESS TO PROPERTY: Spring Hill Parkway

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped acreage
and single-family house

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Vinings Chase Subdivision and R-15/Undeveloped
- SOUTH:** R-30/Atkinson Subdivision
- EAST:** R-15/Single-family house and Undeveloped
- WEST:** R-30/Lakeland Estates Subdivision

PETITION NO: Z-24

HEARING DATE (PC): 06-04-13

HEARING DATE (BOC): 06-18-13

PRESENT ZONING: R-30

PROPOSED ZONING: RA-5

PROPOSED USE: Residential Subdivision

SIZE OF TRACT: 13.3 acres

DISTRICT: 17

LAND LOT(S): 772, 813, 814

PARCEL(S): 7, 9, 10, 11, 12, 18, 19

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

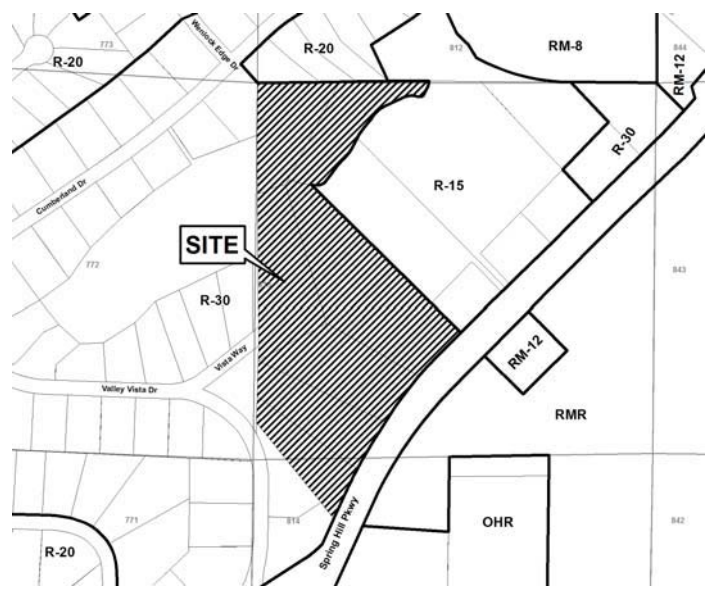
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

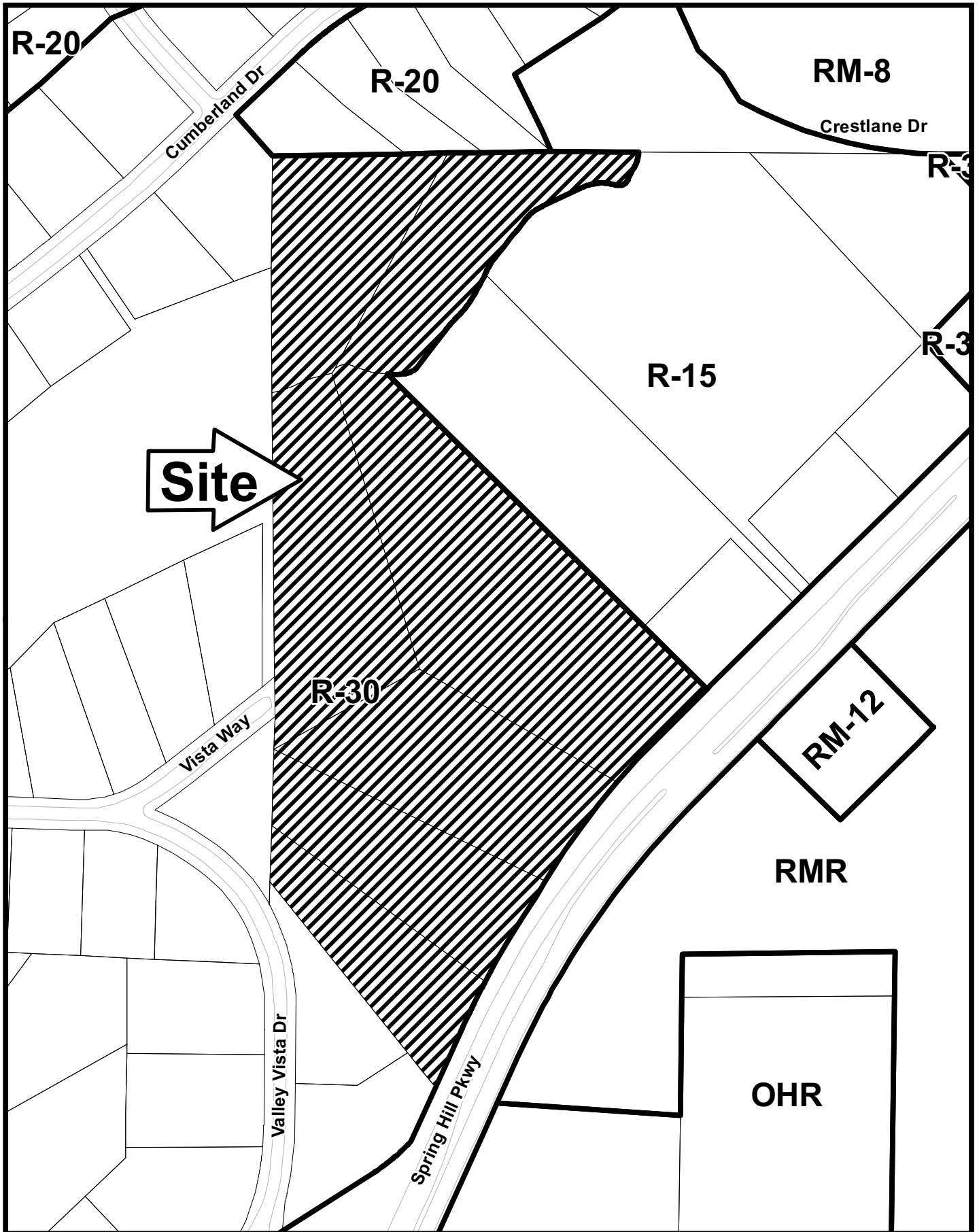
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-24



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

200 0 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Cotter Properties & Development, LLC

PETITION NO.: Z-24

PRESENT ZONING: R-30

PETITION FOR: RA-5

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 50

Overall Density: 3.73

Units/Acre

Present Zoning Would Allow: 14 **Units**

Increase of: 36

Units/Lots

Applicant is requesting the RA-5 zoning category for the purpose of developing a gated, single-family detached residential subdivision with a private street. The square footage for the houses will range in size from 2,500 to 4,500 square feet and will range in price from \$400,000 to \$700,000.

Applicant is also requesting the following contemporaneous variances:

1. Reduce the lot width from 70' to 60 ';
2. Reduce the required lot size from 7,000 square feet to 6,000 square feet;
3. Stream buffer averaging; and
4. Allow 18% grade on a private road.

Cemetery Preservation: No comment.

APPLICANT: Cotter Properties & Development, LLC

PETITION NO.: Z-24

PRESENT ZONING: R-30

PETITION FOR: RA-5

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Teasley</u>	<u>740</u>	<u>Over</u>	<u> </u>
Elementary <u>Campbell</u>	<u>1,314</u>	<u>Over</u>	<u> </u>
Middle <u>Campbell</u>	<u>2,342</u>	<u>Under</u>	<u> </u>

High

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

Additional Comments: Approval of this petition could seriously and adversely affect the enrollment at Teasley Elementary School, which is severely over capacity at this time, and it could adversely affect the enrollment at Campbell Middle School, which is 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: Cotter Properties & Development, LLC

PETITION NO.: Z-24

PRESENT ZONING: R-30 _____

PETITION FOR: RA-5 _____

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to RA-5 for purpose of residential neighborhood. The 13.3 acre site is located on the west side of Spring Hill Parkway, north of Spring Hill Road.

Comprehensive Plan

The parcel is within a Low Density Residential (**LDR**) future land use category, with R-30 zoning designation. The purpose of the Low Density Residential (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. This category presents a range of densities.

Master Plan/Corridor Study

Not applicable.

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?

APPLICANT Cotter Properties & Development

PETITION NO. Z-024

PRESENT ZONING R-30

PETITION FOR RA-5

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): *12 " DI / NW side of Spring Hill Pkwy*

Additional Comments: Master water meter for private development. Private water meters required at Plan Review

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: *On site along creek*

Estimated Waste Generation (in G.P.D.): **A D F** 8000 **Peak=** 20000

Treatment Plant: **Sutton**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drw 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 Sanitary sewer to be private (private streets).
Comments:

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: Cotter Properties & Development, LLC

PETITION NO.: Z-24

PRESENT ZONING: R-30

PETITION FOR: RA-5

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River 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: within floodplain and stream buffer

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM 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 _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream.

APPLICANT: Cotter Properties & Development, LLC

PETITION NO.: Z-24

PRESENT ZONING: R-30

PETITION FOR: RA-5

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This parcel is located on very steep terrain. The average slope for the majority of the site is approximately 25% with some areas exceeding 30%. The proposed small lots with narrow widths will require significant grading. Adequate erosion control will be difficult to maintain. Elevated erosion and sediment control measures will be required.
2. While the general location of the detention facility is appropriate, the proposed configuration will require a stream buffer variance. The northwest corner of the pond conflicts with the existing sanitary sewer. Either the detention pond or the sanitary sewer must be relocated.
3. Private streets are proposed. This will require the infrastructure (water, sewer and storm drainage systems) to be private as well. Provision for perpetual maintenance of these systems must be provided for in the HOA covenants.
4. Drainage easements and adequate swales will be required at the rear of the lots along the western and eastern site boundary to control offsite runoff bypass.

APPLICANT: Cotter Properties & Development, LLC **PETITION NO.: Z-24**

PRESENT ZONING: R-30 **PETITION FOR:** RA-5

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
Spring Hill Parkway	8400	Major Collector	40 mph	Cobb County	80'

Based on 2009 traffic counting data taken by Cobb DOT (Spring Hill Parkway)

COMMENTS AND OBSERVATIONS

Spring Hill Parkway is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend a deceleration lane on Spring Hill Parkway for the entrance.

Recommend removing and closing driveway aprons along Spring Hill Parkway frontage that development renders unnecessary.

Recommend no advertising on the right-of-way.

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

Recommend if streets are private then be constructed to the Cobb County Standard Specifications.

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

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STAFF RECOMMENDATIONS

Z-24 COTTER PROPERTIES & DEVELOPMENT, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Properties developed for single-family residential use along this section of Spring Hill Parkway are R-30, R-20 and R-15.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. Abutting properties have are zoned for lower densities and have larger lot sizes than the applicant's proposal.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Low Density Residential (LDR) land use category, having densities ranging from 1-2.5 units per acre. Other properties along this side of Spring Hill Parkway are developed at densities ranging from approximately 1.34 units per acre (Simpson Subdivision, Phase 1, zoned R-30 and R-20); to approximately 1.52 units per acre (Lakeland Estates, zoned R-30); to 1.66 units per acre (Vinings Chase, Phase 1, zoned R-20); and 1.76 units per acre (Vinings Chase, Phase 2, zoned R-20).
- 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. Applicant's proposed density of 3.73 units per acre is outside the range of 1-2.5 units per acre allowed in the Low Density Residential (LDR) land use category. Other densities along this section of Spring Hill Road have densities ranging from approximately 1.34 to 1.76 units per acre. Applying the average density of 2.1 units per acre given in the Zoning Ordinance for the R-15 category, 27 lots could be possible, yielding an approximate density of 2.03 units per acre, still within the Low Density Range of 1-2.5 units per acre. Larger R-15 (15,000 square-foot) lots, as opposed to the requested 6,000 square-foot lot sizes will probably work better due to the steep topography of the subject property and the Board of Commissioners' decision in 2012 (as part of Z-41 of 2011) to leave the abutting property to the east as R-15.

Based on the above analysis, Staff recommends **DELETING** the request to R-15 subject to the following conditions:

- District Commissioner to approve site plan along with minor modifications;
- Meeting R-15 zoning requirements;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- DOT comments and recommendations.

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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Application No. z-24

June
2013

Summary of Intent for Rezoning *

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

- a) Proposed unit square-footage(s): 2,500 - 4,500
- b) Proposed building architecture: Typical residential
- c) Proposed selling prices(s): \$400,000 - \$700,000
- d) List all requested variances: 1. Reduce lot width from 70 to 60
2. Reduce lot size from 7,000 - 6,000 sq. ft.
3. Stream buffer averaging
4. Allow 18% grade on private road

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

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

COBB COUNTY ZONING DIVISION
 2013 APR -4 PM 2:53
 COBB COUNTY GEORGIA
 PERMITS OFFICE

.....
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).

N/A

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