

APPLICANT: Lennar Georgia, Inc.

(770) 422-7016

REPRESENTATIVE: Parks F. Huff (770) 422-7016

Sams, Larkin & Huff

TITLEHOLDER: Jonathan Jackson Tucker, Bridgette G. Tucker,

Carolyn H. Mills, Nancy Tucker Farr

PROPERTY LOCATION: Southwest corner of Due West Road and

Midway Road

(4327, 4235, 4225 Due West Road, 64 Midway Road).

ACCESS TO PROPERTY: Due West Road

PHYSICAL CHARACTERISTICS TO SITE: Two single-family

houses and undeveloped acreage

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-30/Carriage Gates Subdivision and Single-family house

SOUTH: R-30/Single-family house and PRD/Madison Woods Subdivision

EAST: R-80/Single-family houses

WEST: R-30/Single-family houses and R-20/Harrison Ridge Subdivision

PETITION NO: Z-23

HEARING DATE (PC): 06-04-13

HEARING DATE (BOC): 06-18-13

PRESENT ZONING: R-30

PROPOSED ZONING: R-20/OSC

PROPOSED USE: Residential Neighborhood

SIZE OF TRACT: 25.13 acres

DISTRICT: 20

LAND LOT(S): 297

PARCEL(S): 7, 9, 18, 20

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

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

PLANNING COMMISSION RECOMMENDATION

APPROVED ____ **MOTION BY** _____

REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

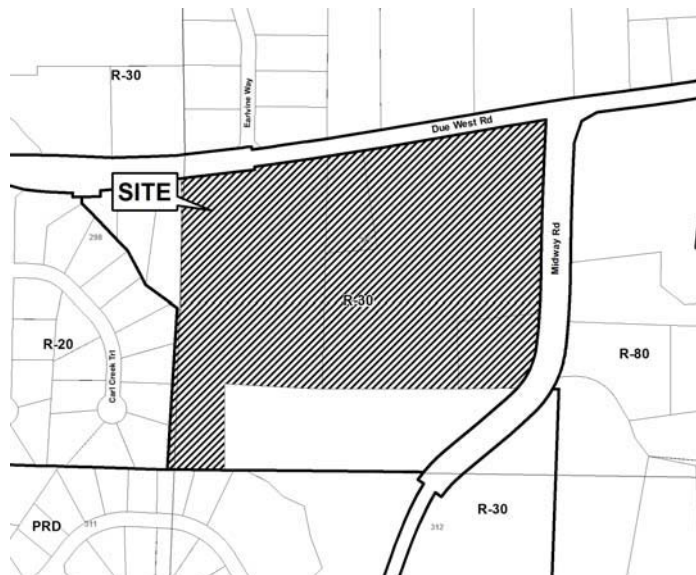
BOARD OF COMMISSIONERS DECISION

APPROVED ____ **MOTION BY** _____

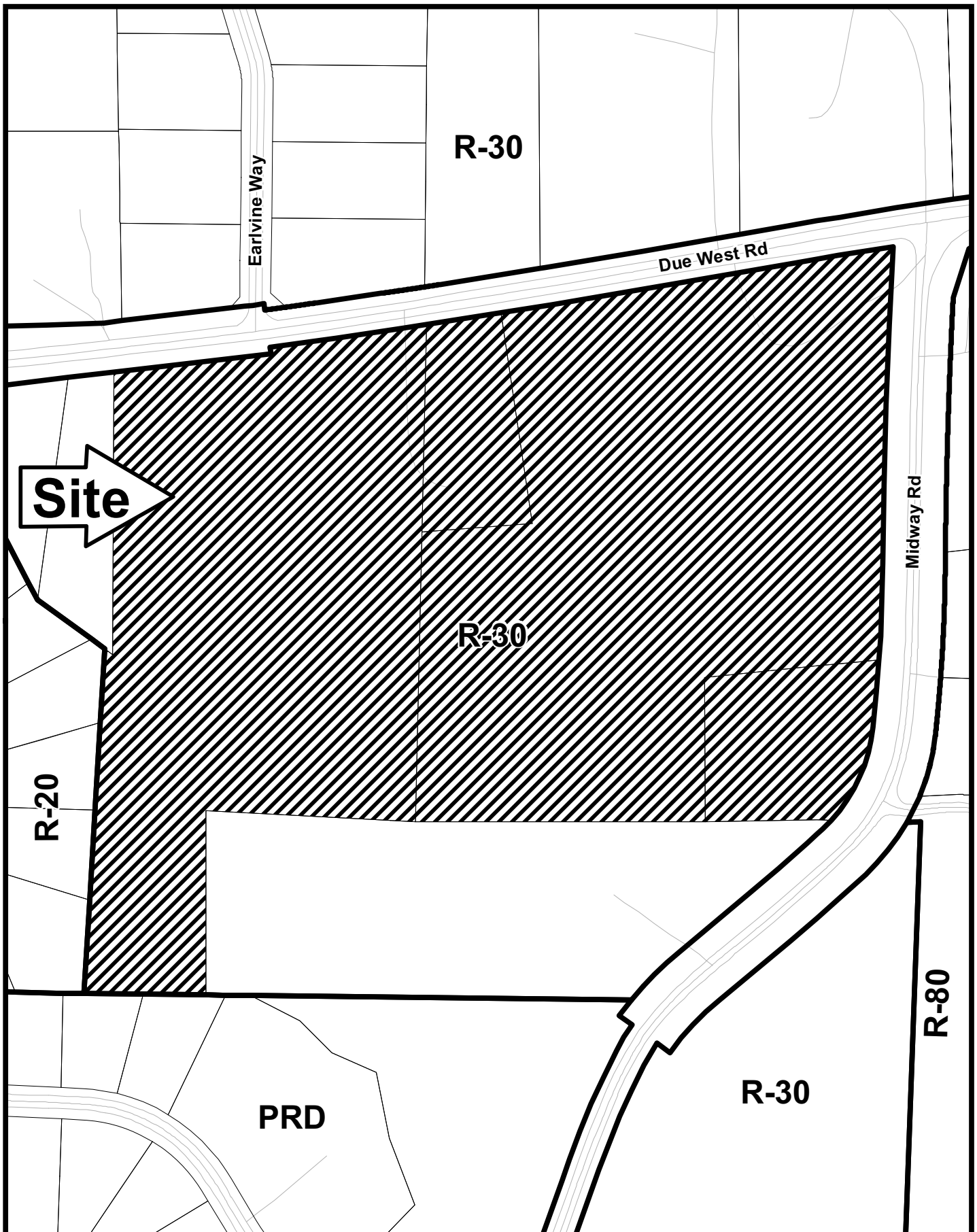
REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

STIPULATIONS:



Z-23



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

100 0 100
Feet



City Boundary
Zoning Boundary

APPLICANT: Lennar Georgia, Inc.

PETITION NO.: Z-23

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: 44 **Overall Density:** 1.98 **Units/Acre**

Present Zoning Would Allow: 27 **Units** **Increase of:** 17 **Units/Lots**

Applicant is requesting the R-20/OSC zoning classification for the purpose of developing a single-family, open space subdivision. The proposed houses will range in size from 3,000 – 4,000 square feet and will range in price from \$320,000 to \$400,000. The applicant has included architectural renderings of the proposed houses. The site plan indicates 10.76 acres set aside as open space, being 42.8% of the site when 38.5% is required. The average lot size shown is 11,548 square feet.

Cemetery Preservation: No comment.

APPLICANT: Lennar Georgia, Inc.

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

SCHOOL COMMENTS:

		Capacity	Number of
		Status	Portable
Name of School	Enrollment		Classrooms
Due West	543	Over	
Elementary			
Lost Mountain	939	Under	
Middle			
Harrison	1,964	Under	

High

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

Additional Comments:

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: Lennar Georgia, Inc.

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to R-20/OSC for purposes of residential neighborhood. The 25.13 acre site is located on the southwest corner of Due West Road and Midway Road.

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-30 zoning designations. 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.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1900 house is located within the project area. Due to the age and location of the structure, information about this resource and its occupants appears to have the potential to contribute significantly to the county’s public history. Staff recommends the home either be incorporated into the development or, alternately, documented if destroyed. In order to properly document this structure, its inhabitants, and the role it played in Cobb County’s history, staff requests a history of the home and its occupants (as well as archival-quality photographs of the structure, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

It has also been determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional is to be considered at site plan review. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

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 Lennar Georgia, Inc.

PETITION NO. Z-023

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" AC / N side of Due West Road***

Additional Comments: Also 6" AC W / side of Midway Rd. Dual water feed required for subdivision.

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 Allatoona Creek***

Estimated Waste Generation (in G.P.D.): **A D F 7040 Peak= 17600**

Treatment Plant: **Northwest**

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 Proposed 44 lots.
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: Lennar Georgia, Inc.

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: R-20 OSC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Allatoona Creek FLOOD HAZARD INFO: Zone A

- ☒ 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 and adjacent to floodplain

- ☒ 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 downstream receiving stream.

APPLICANT: Lennar Georgia, Inc.

PETITION NO.: Z-23

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.

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. Slopes on the site average approximately 10% and do not exceed 20%. The entire site drains to the west into the floodplain of an unnamed tributary to Allatoona Creek.
2. This parcel is located within the Seven Mile Water Intake Buffer for Lake Allatoona. There is a 100-foot undisturbed stream buffer and an additional 50-foot impervious setback that applies to the main stream that traverses the western portion of the site. The proposed plan shows all of the undisturbed buffer within the proposed open space area.

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PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

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
Due West Road	12,300	Arterial	45 mph	Cobb County	100'
Midway Road	5200	Major Collector	40 mph	Cobb County	80'

Based on 2010 traffic counting data taken by Cobb DOT (Due West Road)

Based on 2003 traffic counting data taken by Cobb DOT (Midway Road)

COMMENTS AND OBSERVATIONS

Due West Road is classified as an arterial 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 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 south side of Due West Road, a minimum of 50' from the roadway centerline.

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 west side of Midway Road, a minimum of 40' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Due West Road and Midway Road frontages.

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

Recommend a left turn lane and a deceleration lane on Due West Road for the entrance.

Recommend removing and closing driveway aprons along Due West Road and Midway Road frontages that development renders unnecessary.

Recommend no advertising on the right-of-way.

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.

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STAFF RECOMMENDATIONS

Z-23 LENNAR GEORGIA, INC.

- 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. Other properties in the area have R-80, R-30, R-20 and PRD zonings with larger lot sizes.
- 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. Other properties in the area are well defined and developed with larger single-family lots.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Very Low Density Residential (VLDR) land use category for densities ranging from 0-2 units per acre. While the proposed development has a density within the VLDR range (1.98 units per acre), the area has been developed with densities ranging from 0.66 units per acre (Laurel Place, zoned R-30); 1.01 units per acre (Sweet Pine Creek Unit 1, zoned R-30); 1.11 units per acre (Carriage Gates, zoned R-30); 1.16 units per acre (The Lanesborough, zoned R-30); 1.62 units per acre (Madison Woods, zoned PRD); to 1.77 units per acre (Harrison Ridge, 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. While the proposed density of 1.98 falls within the VLDR range, staff believes the proposed development does not present a plan that is compatible with other developments in the area with the density ranges listed above in Paragraph D. Applying the Zoning Ordinance density averaging rule of 1.1 units per acre for R-30, 27 lots could be developed under the current R-30 zoning, yielding an approximate density 1.07 units per acre. Applying the R-20 average of 1.75 units per acre, 43 lots could be developed, yielding a density of 1.711 units per acre. These density ranges are more consistent with surrounding developments than the proposed development at 1.98 units per acre.

Based on the above analysis, Staff recommends **DELETING** the request to R-20 subject to the following conditions:

- Final site plan and minor modifications to be approved by the District Commissioner;
- Meeting all R-20 guidelines;
- Historic Preservation comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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. z-23

June
2013

Summary of Intent for Rezoning *

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

- a) Proposed unit square-footage(s): 3,000 - 4,000 sq. ft.
b) Proposed building architecture: See attached.
c) Proposed selling prices(s): \$320,000 - \$400,000
d) List all requested variances: No variances are identified at this time.
- _____

.....
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: _____
- _____

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

N/A

.....
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).

* 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.

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY

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

Planning Staff Analysis

Z-23

Date: **April 17, 2013**

Contact: Philip Westbrook

(770) 528-2014

Property Location: Due West Rd. & Midway Rd.
Current Zoning: R-30

Land Lot/District: 297 / 20
Proposed Use: R-20 OSC

Total Area: 25.13

Floodplain/Wetland Area/Cemetery: 2.86

Net Buildable Area: 22.27

Base Density Allowed: 1.75 upa

Base Density Allowed w/Bonus: 1.92 upa

Proposed Lots: 44

Net Density: 1.98 upa

Open Space Requirement: 8.80 acres or 35% for Bonus 9.68 acres or 38.5%

Open Space Provided: 10.76 acres or 42.8%

Percentage of Open Space within Floodplain, Wetlands, & Lakes: 22%

Setbacks:

Front: 20'

Rear: 20'

Major Side: 15'

Minor Side: 7.5'

Comments:

1. Site plan dated April 4, 2013 exceeds the allowable maximum density for bonus of an R-20 OSC. The maximum density with bonus is 1.92 upa.
2. Lots 24 and 25 encroach upon the 100 year floodplain. The entire area of the 100 year floodplain is required to be within open space.
3. Please provide straight R-30 site plan
4. Provide pedestrian easement at least 15 feet wide to the center portion of the open space as well sign any pedestrian easements as access points
5. Contiguity of open space is highly desirable. Open Space is contiguous when open space elements are connected in minimums of 25 feet in width

6. For all lots contiguous to open space please provide documentation to ensure future lot owners understand that commonly owned open space exists to the rear of their property and cannot be built on.
7. It is unclear whether the stormwater facility is calculated as part of the open space. If it is it must be deducted from the Open Space acreage.
8. Must have Cobb Department of Transportation approved lighting plan in if outdoor lighting (except individual residential lots) is proposed
9. Provide architectural renderings and description of the façade treatments that will be used on the proposed housing units
10. 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.

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MAGNOLIA
BENNETT



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RYANNE
WATSON





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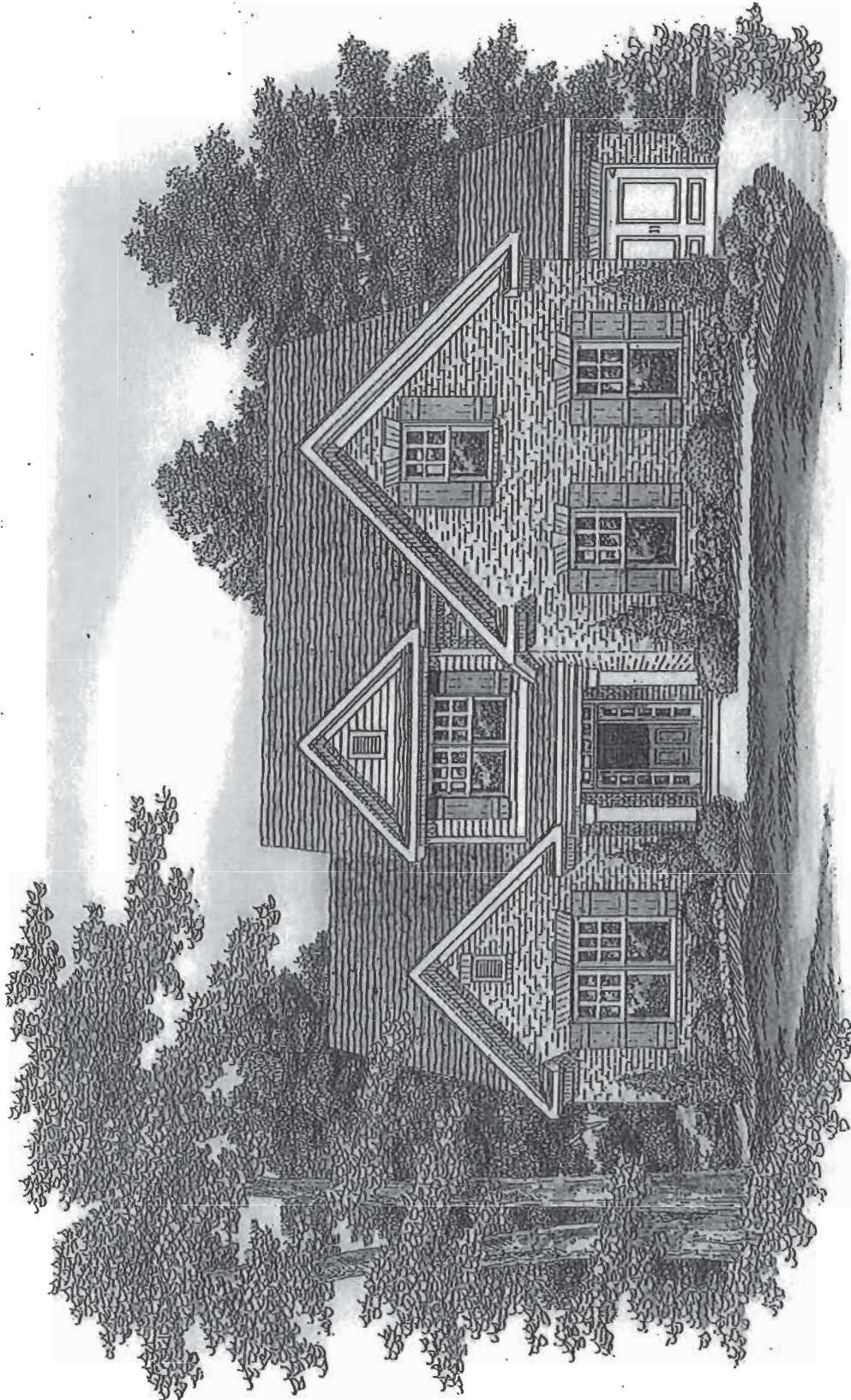
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COBB COUNTY ZONING DIVISION



HATHAWAY SIDE ENTRY
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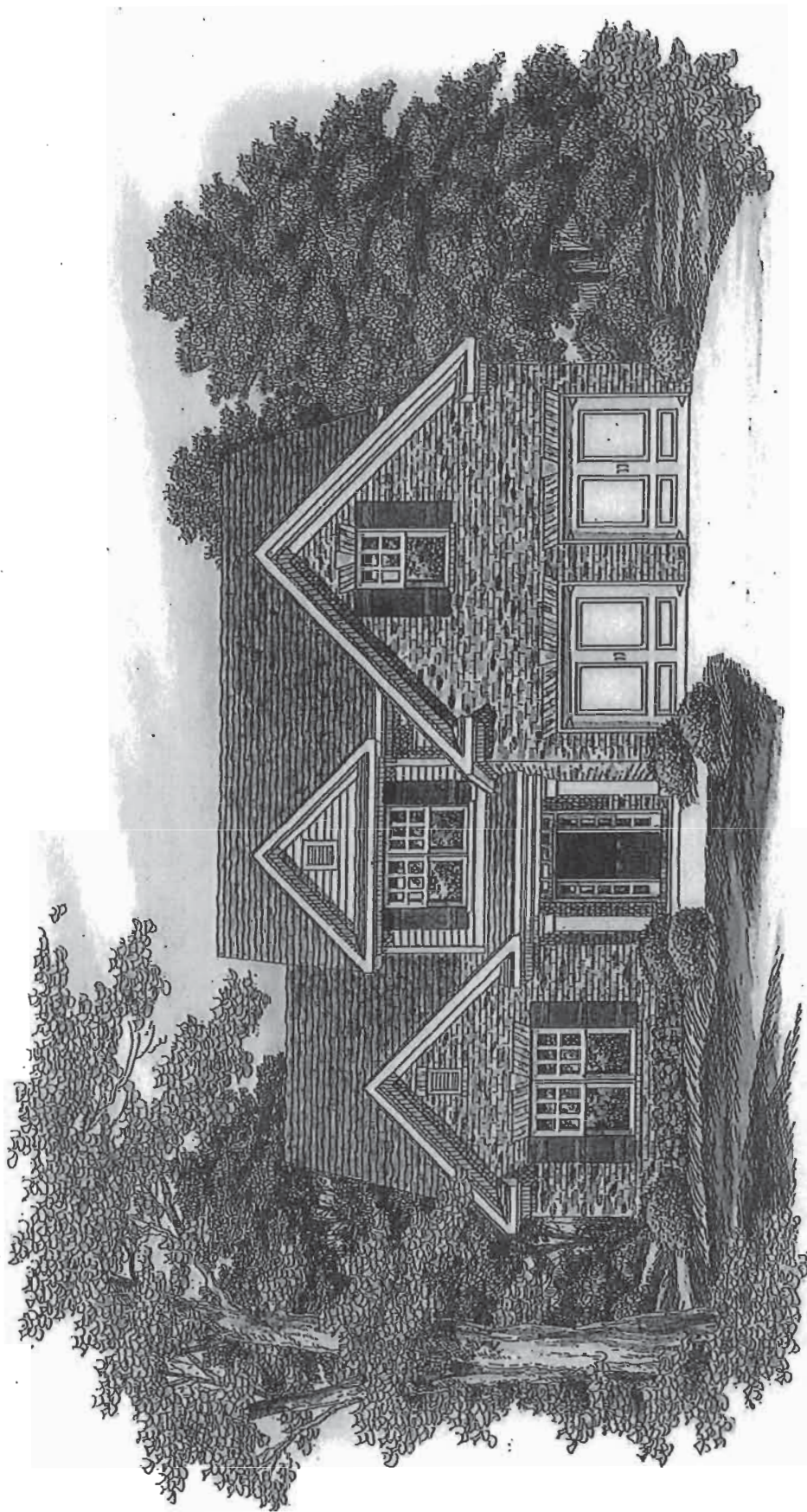


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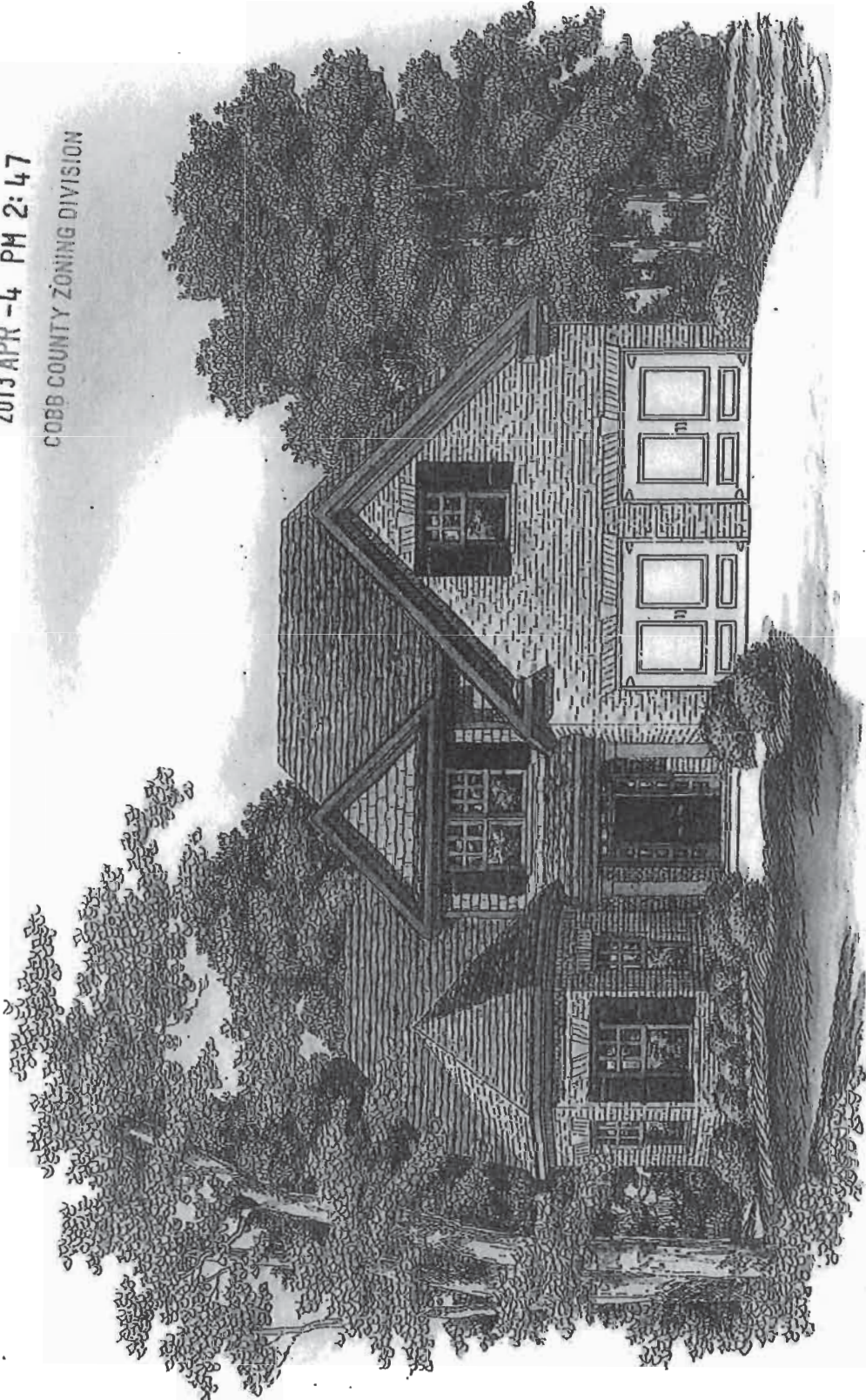


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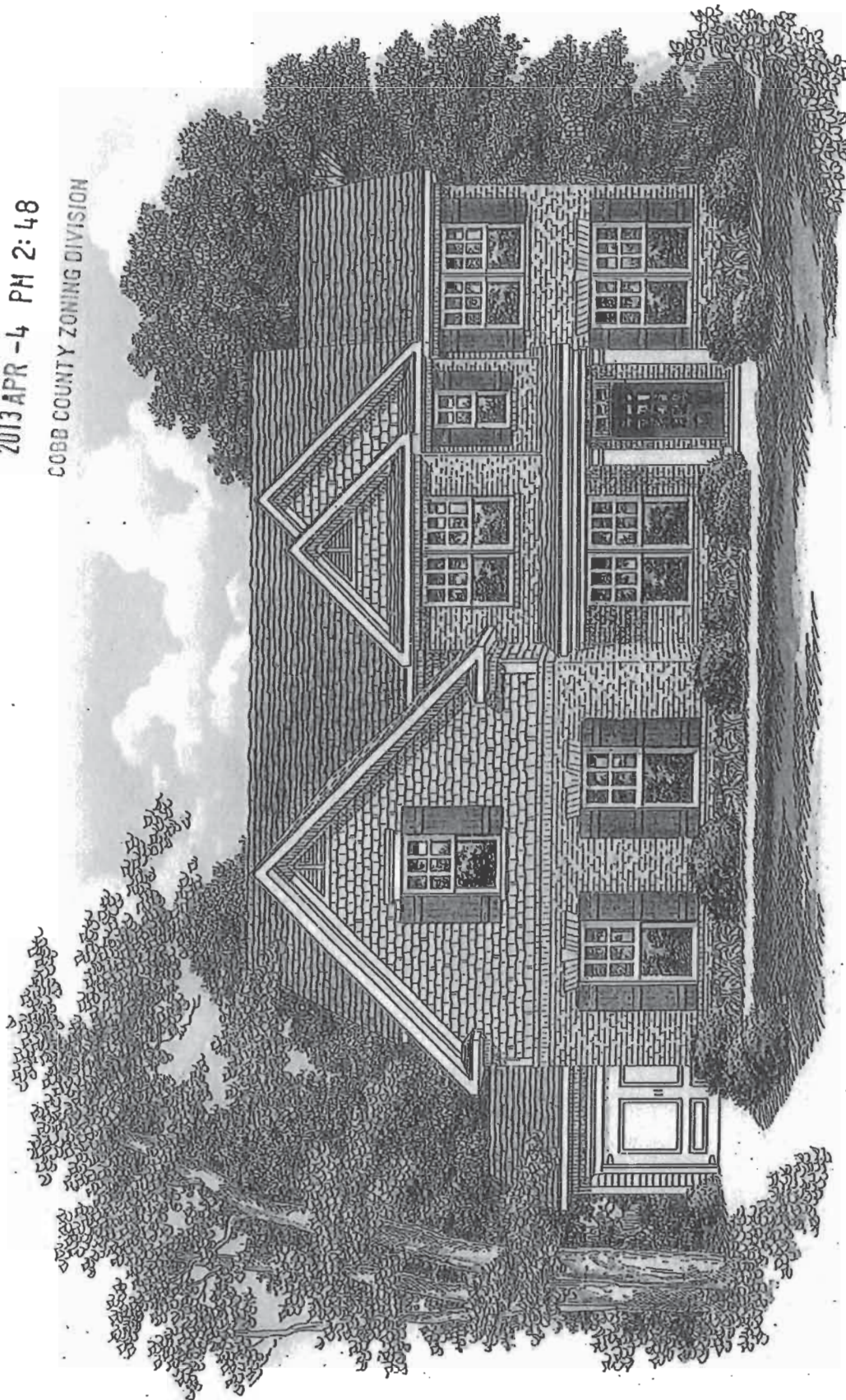


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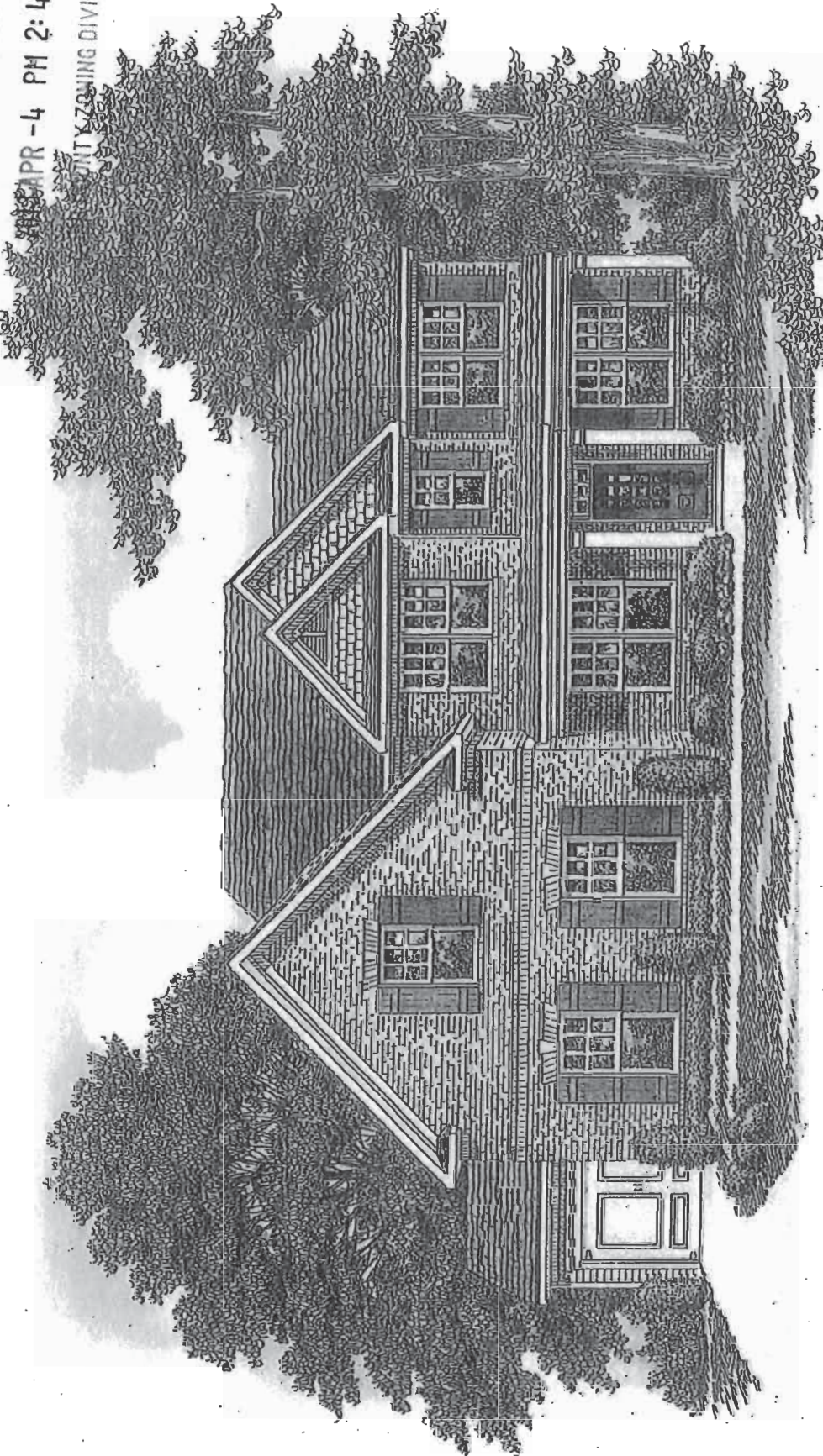


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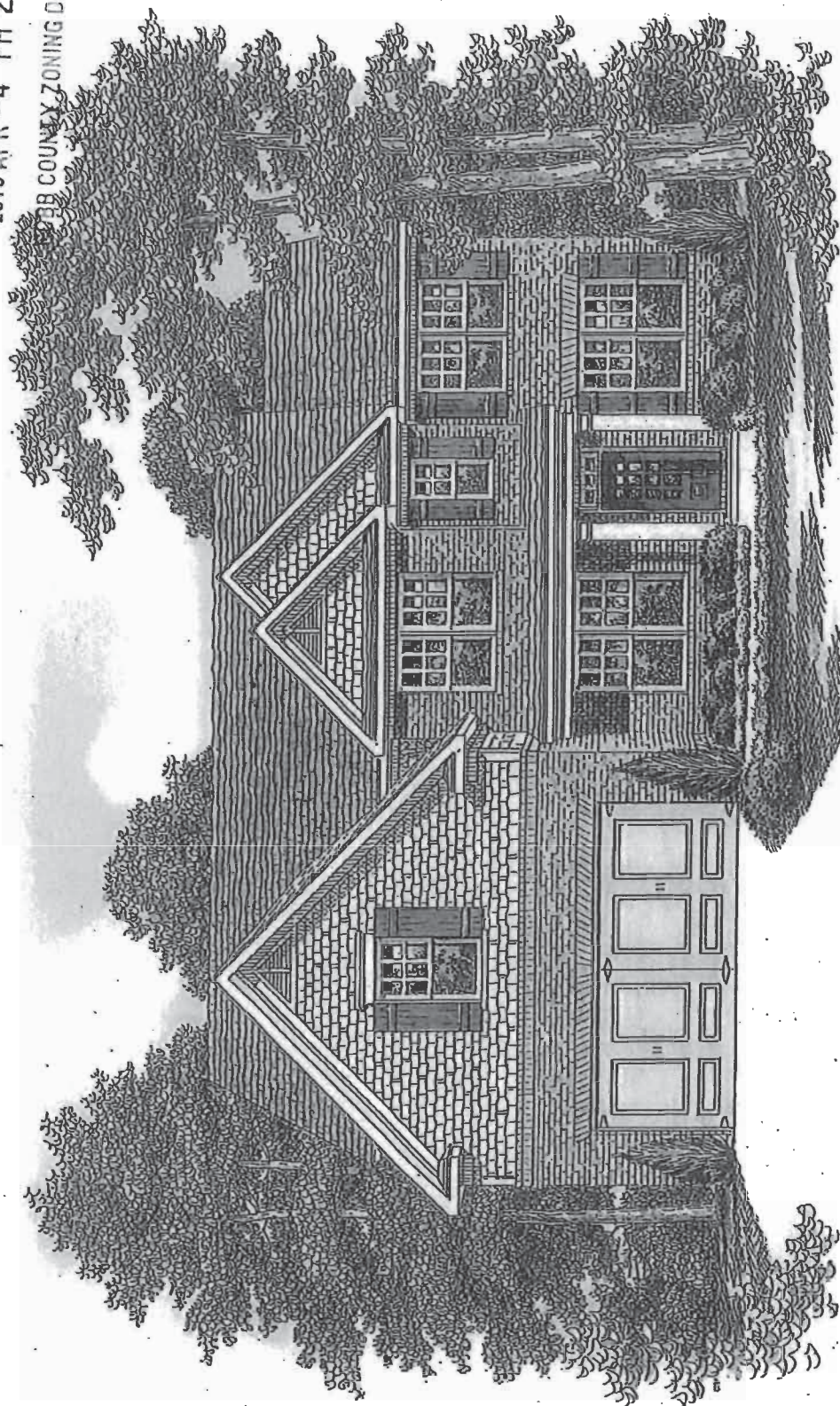


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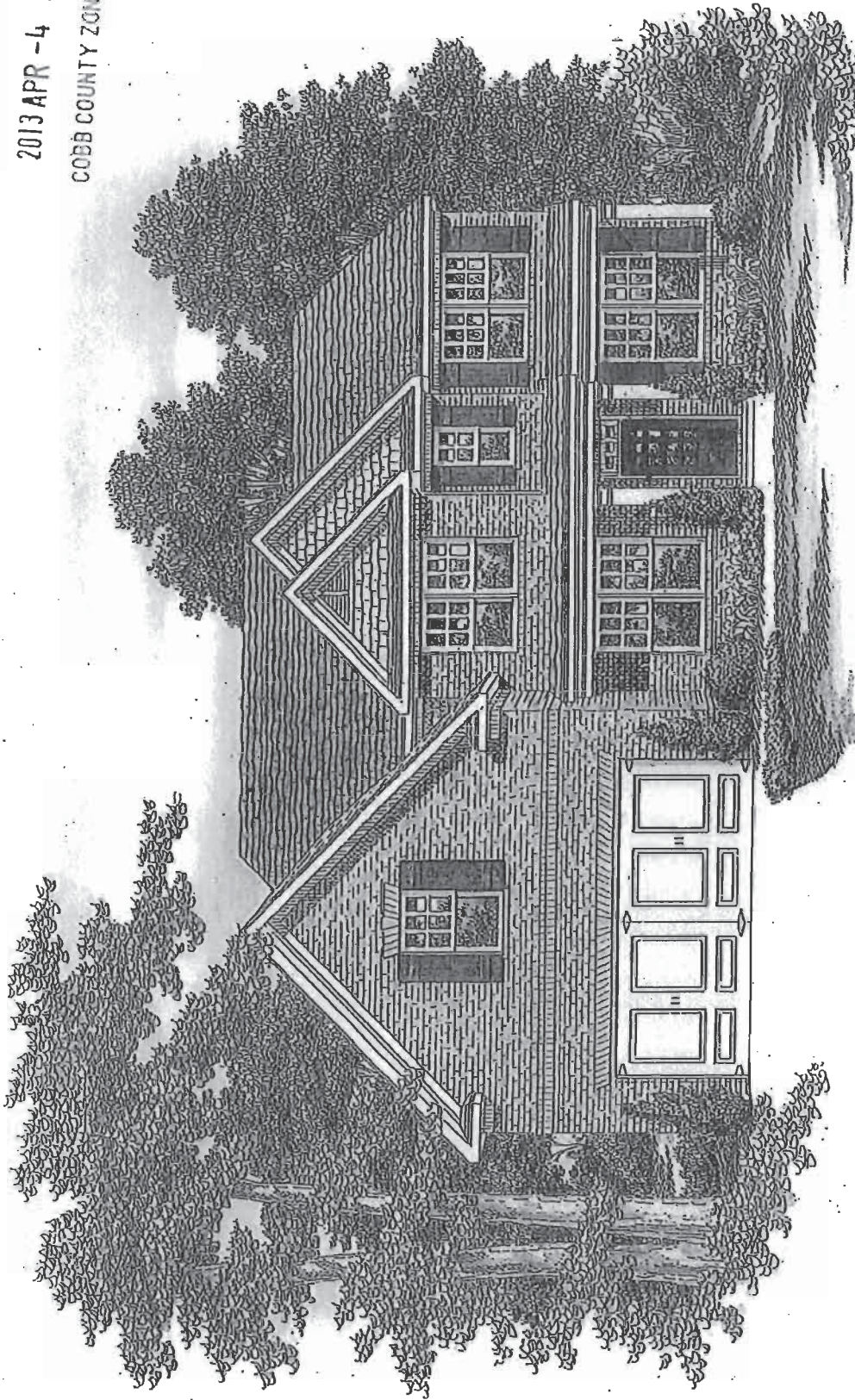
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Z-23 (2013)
Proposed
Elevations

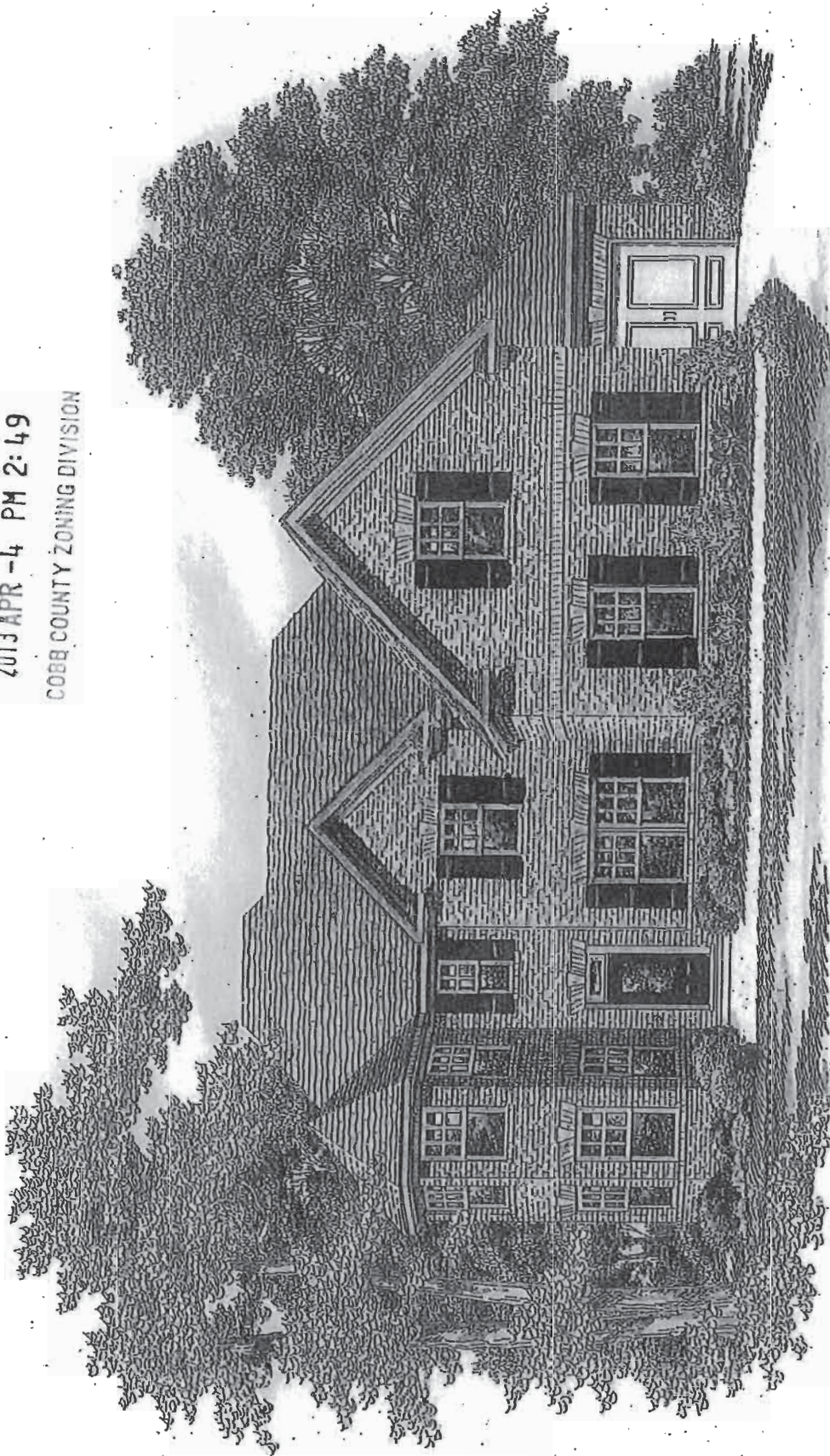


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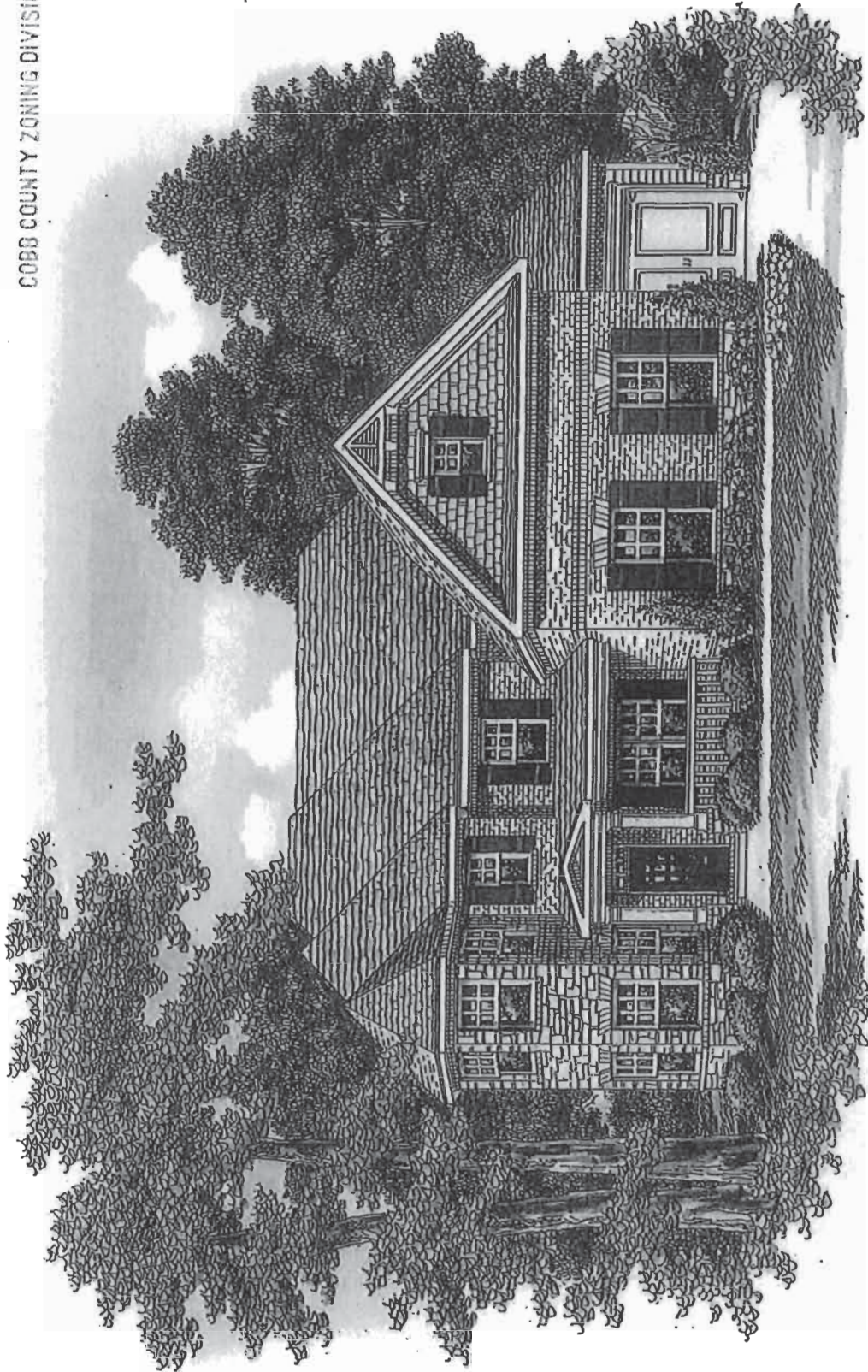


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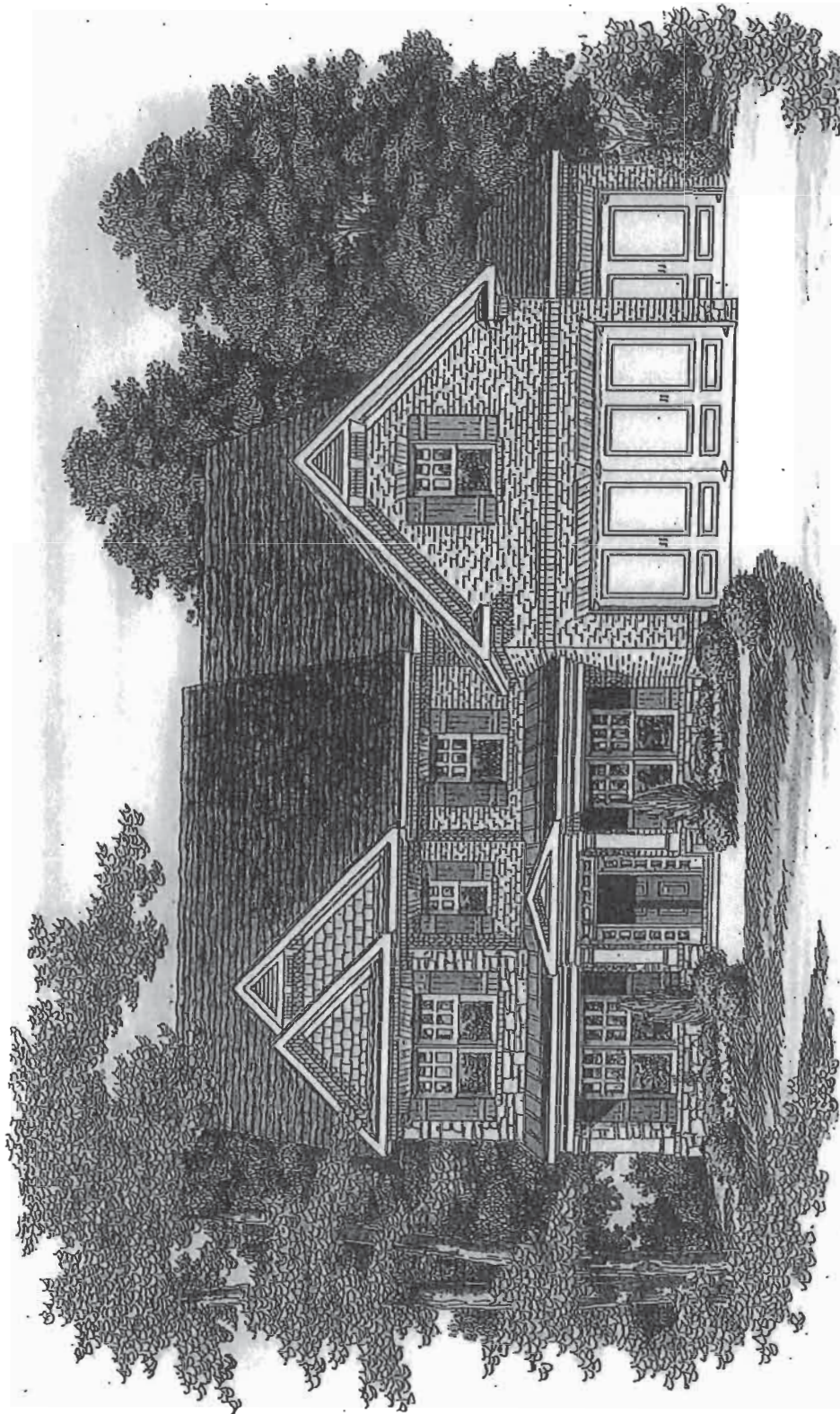
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Z-23 (2013)
Proposed
Elevations

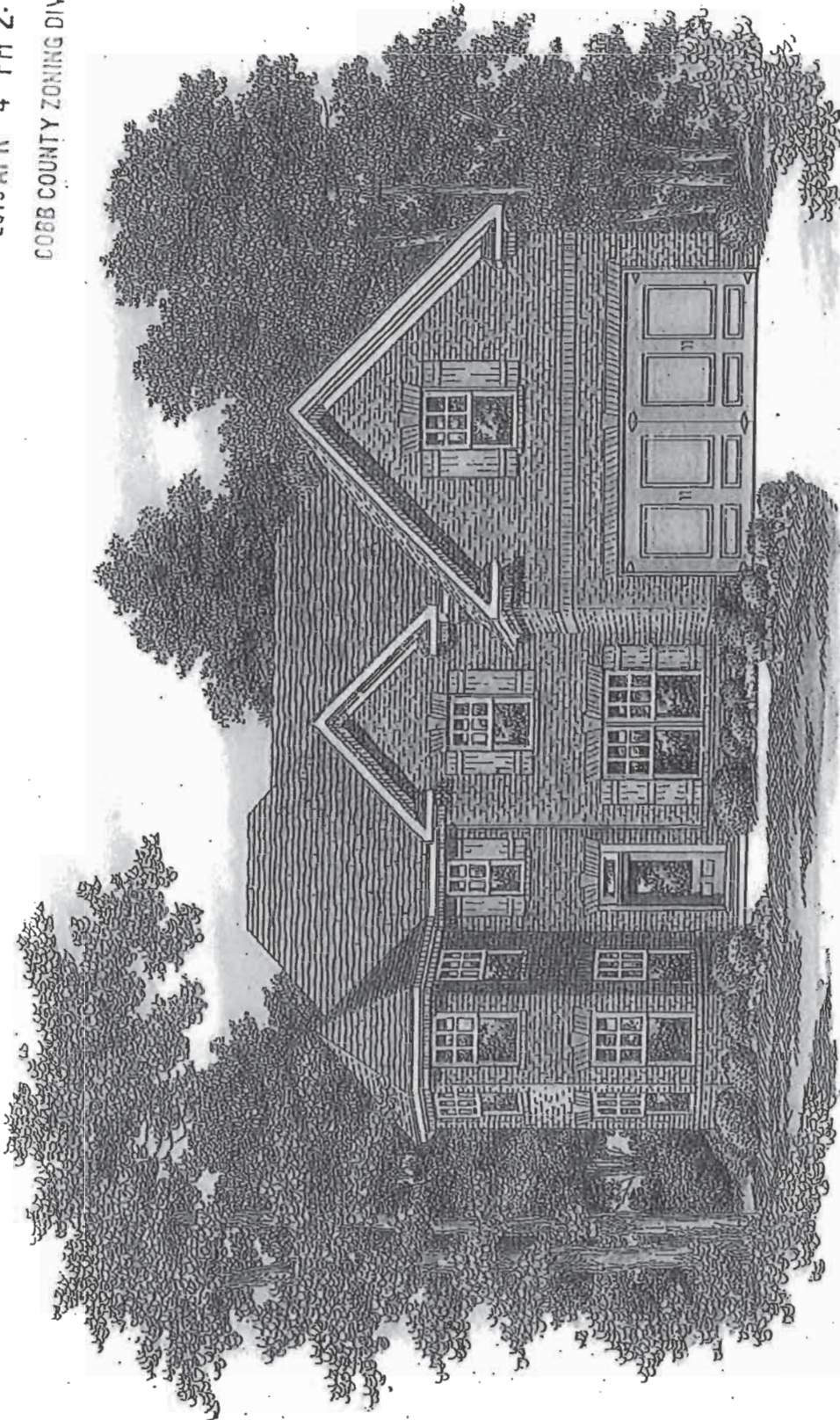


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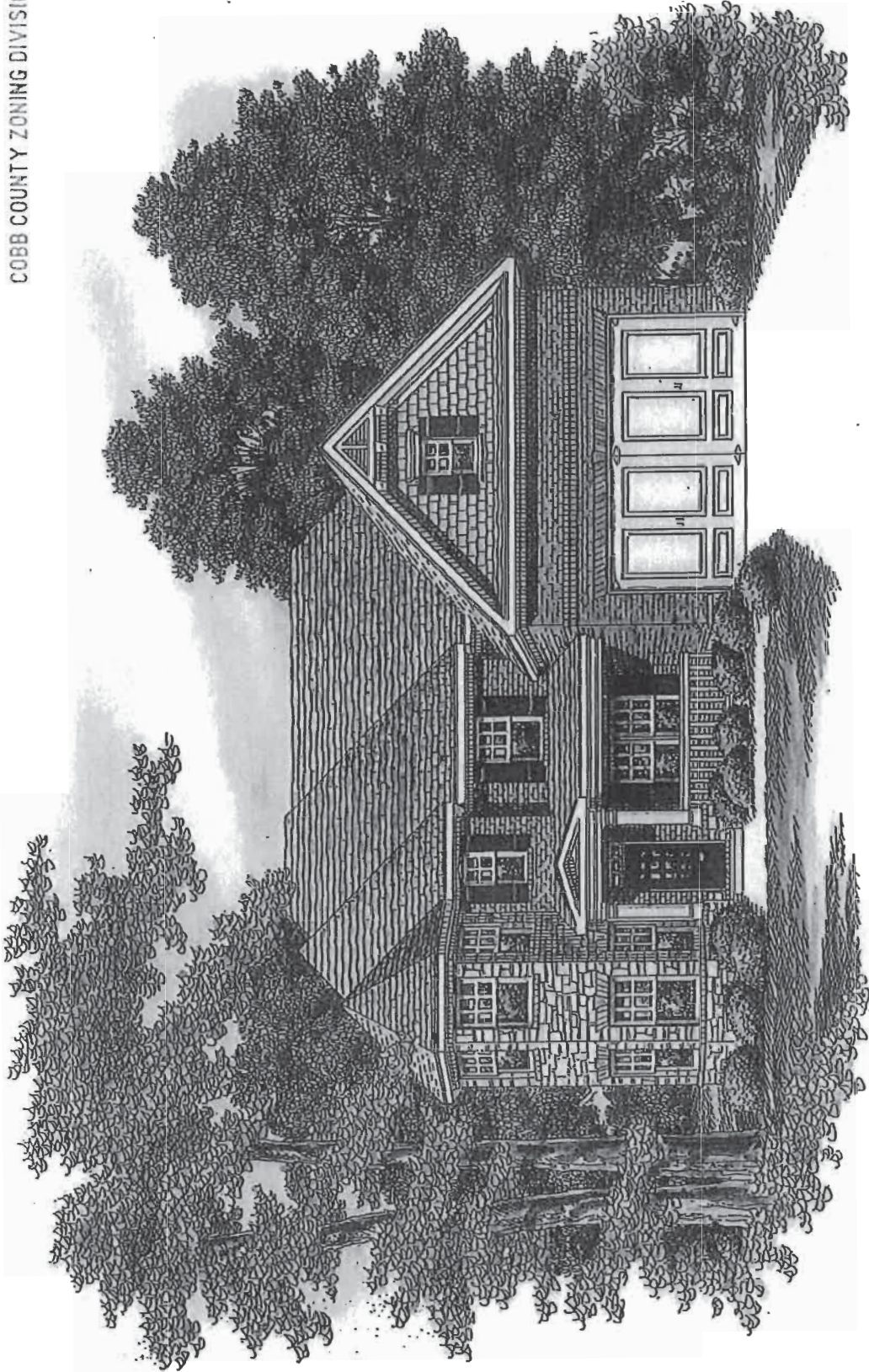
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Z-23 (2013)
Proposed
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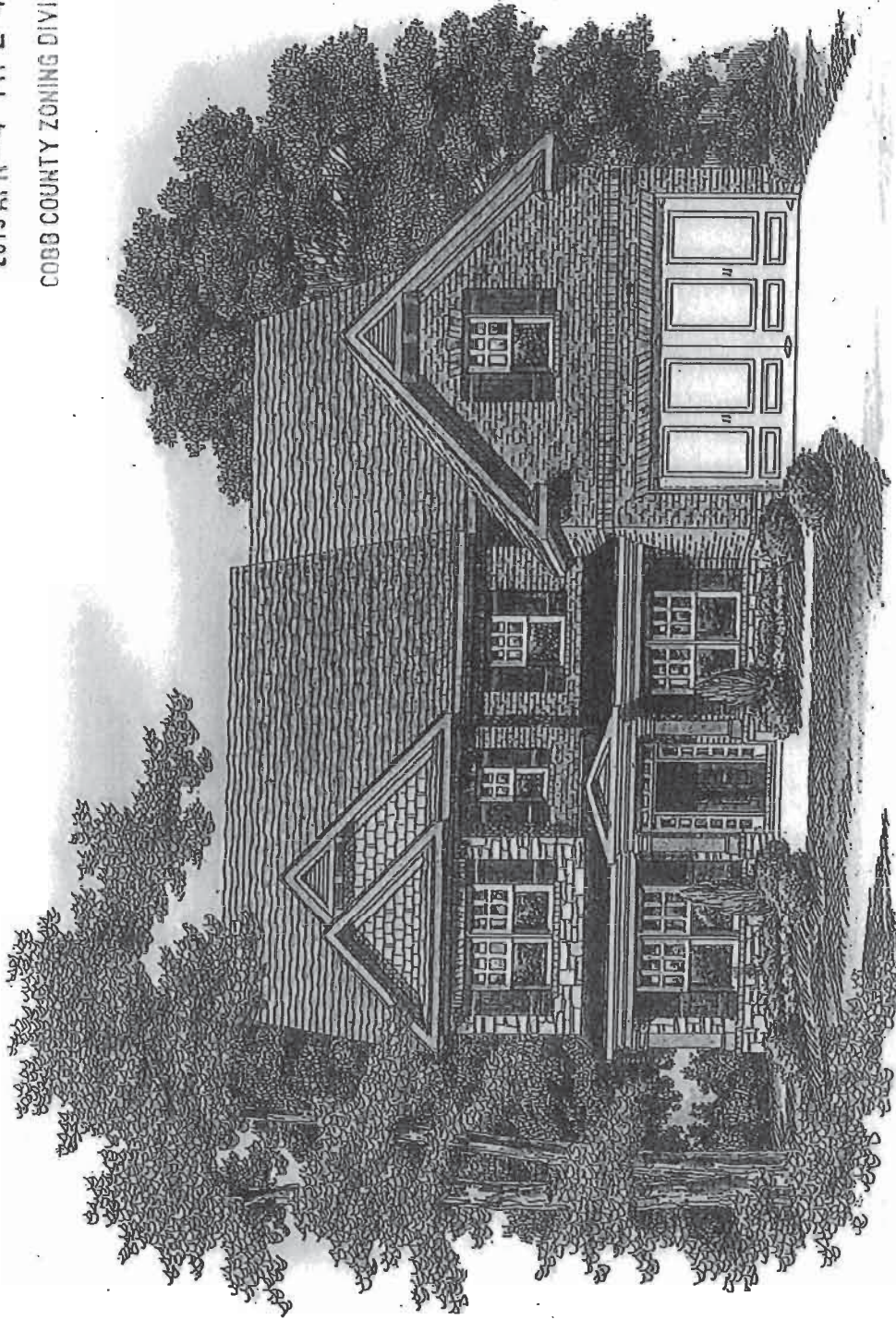


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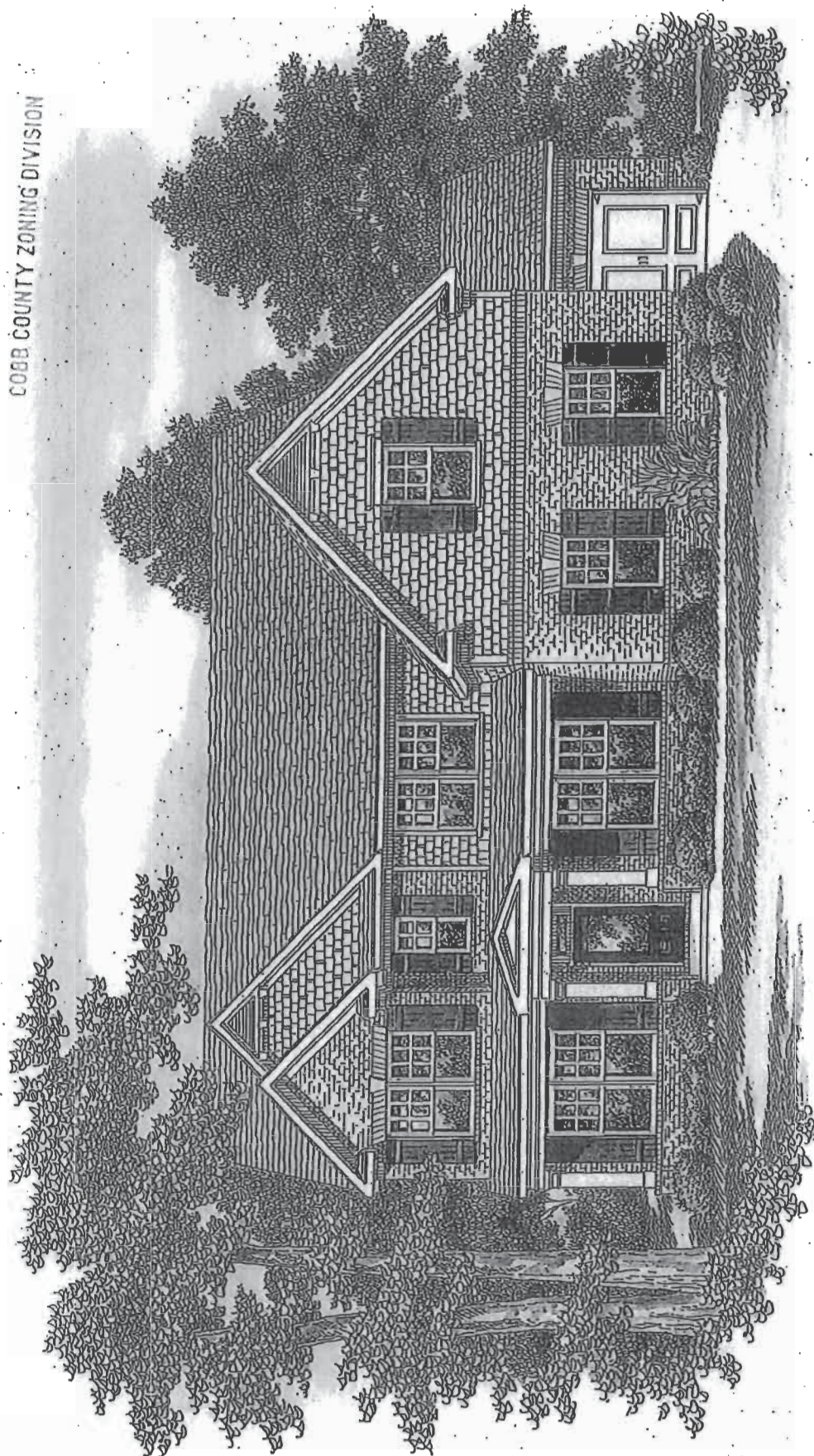


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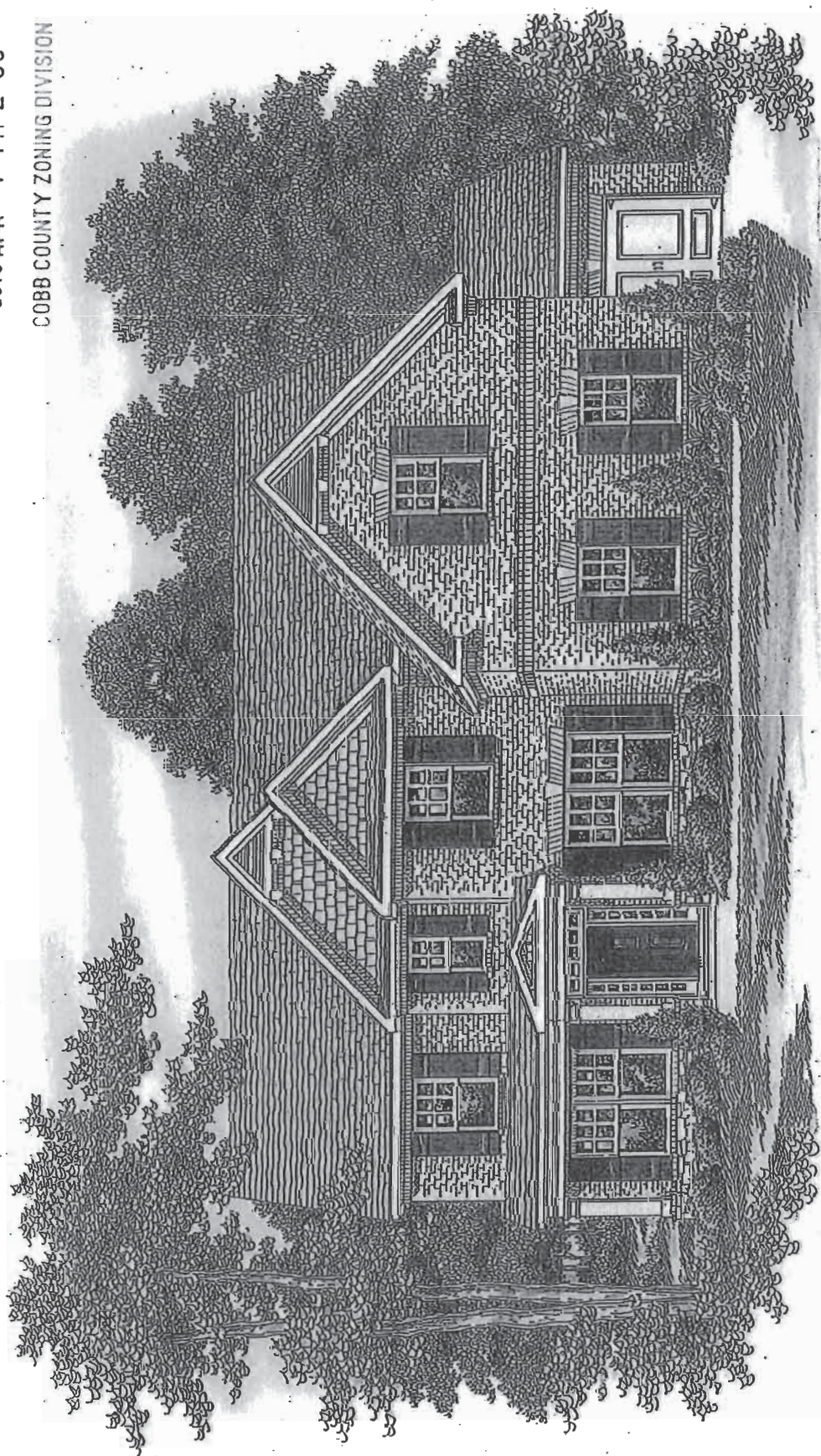


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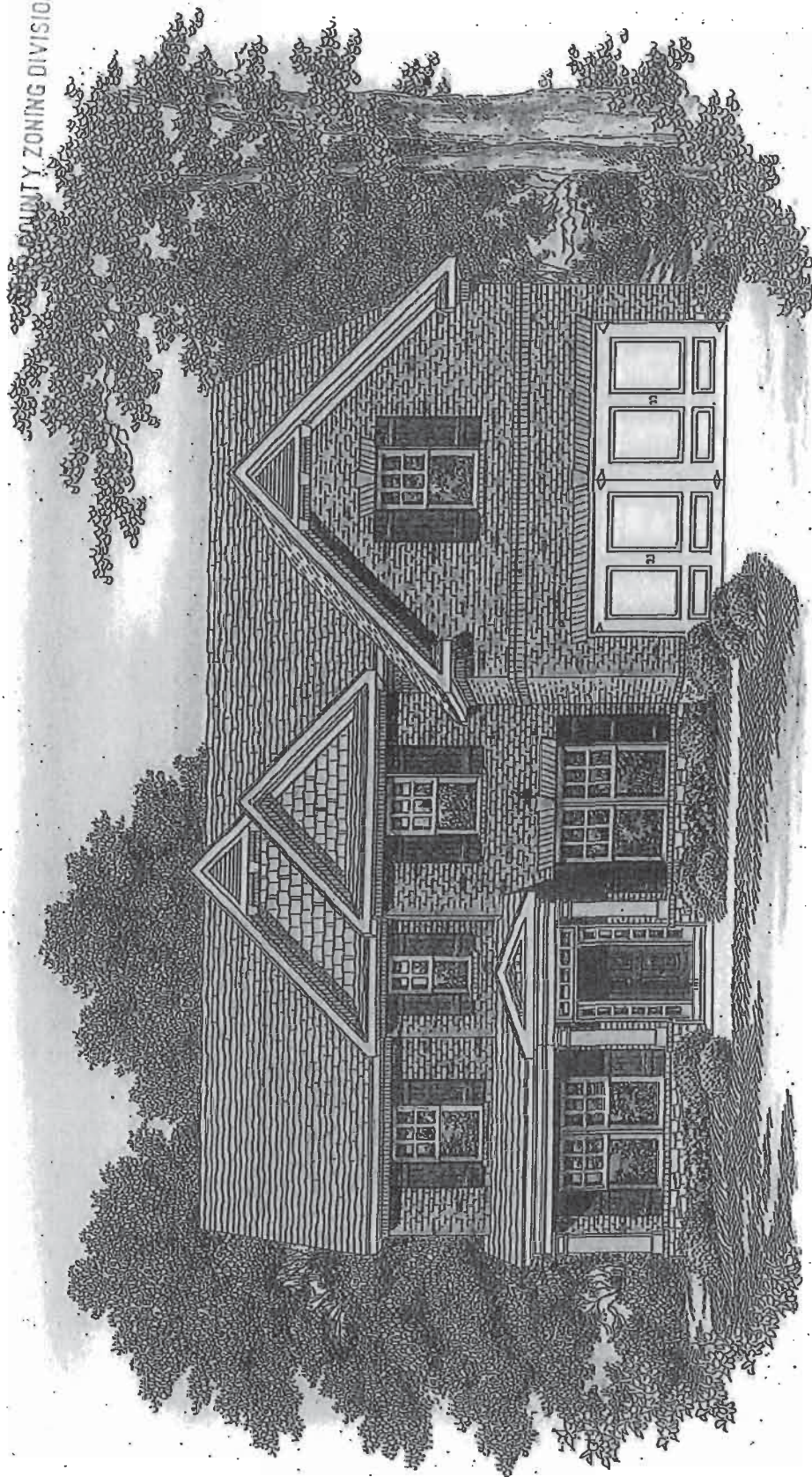
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Z-23 (2013)
Proposed
Elevations

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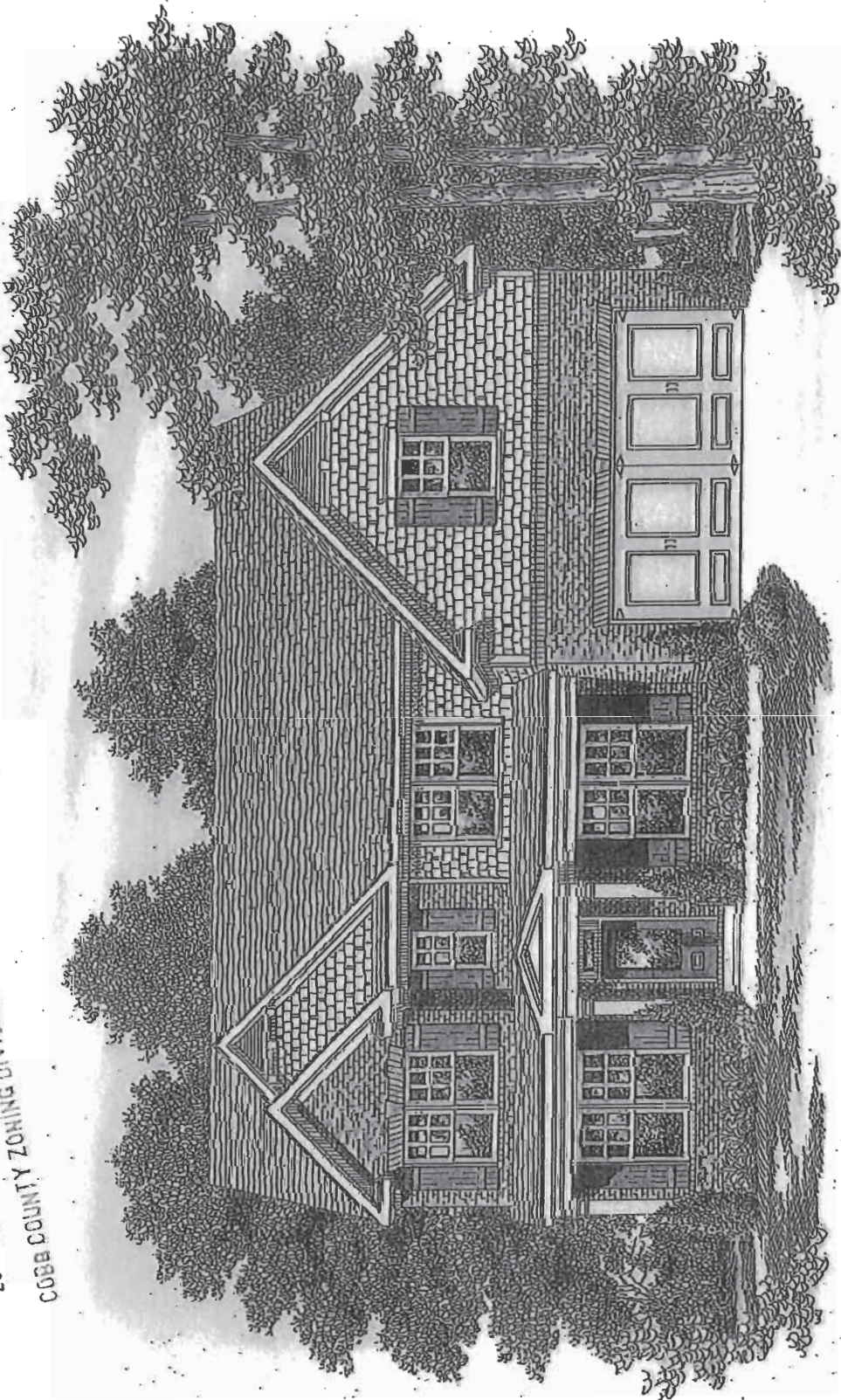
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COBB COUNTY ZONING DIVISION



ASPEN C
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