## JULY 16, 2013 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 1

### **ITEM #10**

### **PURPOSE**

To consider approval of an R-20 Open Space Community Overlay application for The Pacific Group, Inc. regarding Application OSC 13-02 filed May 6, 2013, for property located southwesterly side of Stilesboro Road; west of New Salem Road; east of Kennesaw Due West Road in LL's 241 of the 20<sup>th</sup> District, Cobb County, Georgia.

### **BACKGROUND**

According to the Open Space Community (OSC) Overlay Zoning District ordinance, applicants without formal property rezoning may apply for OSC overlay utilization. The project is reviewed by the Planning Commission during a public hearing and is given a recommendation of approval or denial to the Board of Commissioners.

This request is to review the attached site plan, staff comments and Archeological Survey and take action regarding the recommended approval or denial of the petition. This is the first hearing for this particular application.

### **FUNDING**

N/A

## **RECOMMENDATION**

The Board of Commissioners considers the request to review the site plan and the staff recommendations regarding OSC 13-02.

### **ATTACHMENTS**

OSC 13-02 Site Plan received May 16, 2013 Staff Analysis Staff Recommendation R.S. Webb & Associates Archeological Survey



APPLICANT: Pa	cific Group Inc.	PETITION NO: OSC 13-02		
		HEARING DATE (PC):	07/08/13	
REPRESENTATIV	VE: Moore, Ingram, Johnson & Steele, LLP	HEARING DATE (BOC):	07/16/13	
	John H. Moore	PRESENT ZONING:	R-20	
TITLEHOLDER:	The Estate of Bessie Abney; The Estate of Glen	-		
Paul Abney; and Ne	w Salem Baptist Church of Kennesaw, Inc.	PROPOSED ZONING:	R-20 OSC	
PROPERTY LOC	ATION: South side of Stilesboro Road east of			
Kennesaw Due Wes	at Road	PROPOSED USE: Single-fa	amily detached	
		subdivision		
ACCESS TO PRO	PERTY: Stilesboro Road & Kennesaw Due	SIZE OF TRACT: 56.48 a	icres	
West Road		DISTRICT: 20th		
	RACTERISTICS TO SITE: Site is wooded	LAND LOT(S): 241		
with stream traversithe southeast.	ng center of property in from the northwest to	PARCEL(S): 2		
the southeast.		TAXES: PAID DUE		
CONTIGUOUS ZO	ONING/DEVELOPMENT	COMMISSION DISTRICT	Γ: <u>1st</u>	
NORTH:	R-30/Residential			
SOUTH:	R-20/Residential			
EAST:	R-20/Residential			
WEST:	R-20/LRC Commercial			
OPPOSITION: NO	O. OPPOSEDPETITION NO:SPOI	KESMAN		
	MISSIONERS DECISION			
	MOTION BY			
	SECONDED			
HELD	CARRIED			
STIPULATIONS:				

APPLICANT:	Pacific Gr	oup Inc.		PETITION NO.:	OSC 13-02
PRESENT ZON	ING:	R-20		PETITION FOR:	R-20 OSC
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PLANNING DIVISION COMMENTS

Staff Member Responsible: Phillip Westbrook

Land Use Plan Recommendation: Low Density Residential (0-2.5 upa)

Proposed Number of Units: 96 Overall Density: 1.91 upa

Present Zoning Would Allow: 95 Increase of: 1 Lot

Minimum house size:

### **Price range:**

The applicant is requesting an R-20 OSC overlay to develop a 96 lot single-family detached open space subdivision with a planned recreation amenity package. The proposed OSC plan would create 22.38 acres of open space that includes 5.27 acres of floodplain.

## HISTORIC PRESERVATION COMMENTS

An archaeological survey by R. S. Webb & Associates (dated May 28, 2013) has been completed. The survey notes that earthworks and artillery redoubts were found on the property.

The following mitigation is recommended for the impact development would have on these archaeological resources.

### Preservation of All/Part of the Earthworks

- In order to preserve all or part of the trench line and redoubts, staff recommends the reworking of the site plan to move lots to new locations and/or the removal of lots to accommodate trench line.
- Staff recommends a 25-foot buffer around all sides of any preserved trench or redoubt.
- Staff recommends that all preserved trenches or redoubts be fenced at the edge of the 25-foot buffer.
- Staff recommends a historic marker/interpretative signage be placed on the property detailing the history of the trenches and their significance.
- The preserved areas should be made part of the conservation easement and all maintenance will be the responsibility of any Homeowner's Association.
- Staff recommends mitigation payment of \$50,000 to Cobb County that will be set aside for preservation of other historic assets in unincorporated Cobb County.

#### **Destruction of All of the Earthworks**

- Staff recommends a historic marker/interpretative signage be placed on the property detailing the history of the trenches and their significance.
- Staff recommends mitigation payment of \$80,000 to Cobb County that will be set aside for preservation of other historic assets in unincorporated Cobb County.

## **CEMETARY PRESERVATION COMMENTS**

The Cobb County Cemetery Commission reserves the right to examine this property for ethnic, cultural, and religious evidence located therein. If any ethnic, cultural, and religious evidence is found during development, then the Cobb County Preservation Commission must be notified at once at 770.528.2035. Failure to do so will result in a stop work order. Nor further comments.

### **FIRE COMMENTS**

When projects contemplate less than 20 foot separation between units, emergency vehicle access can be accomplished by any of the following methods or combinations of methods:

- Parking spaces as required by zoning in addition to .50 guest parking per unit.
- Streets shall be designated as fire lanes, appropriately marked/identified in accordance with Cobb County Code, Section 118-231.

 APPLICANT:
 Pacific Group Inc.
 PETITION NO.:
 OSC 13-02

 PRESENT ZONING:
 R-20
 PETITION FOR:
 R-20 OSC

### **OPEN SPACE COMMENTS**

Property Location: Stilesboro Rd./Kennesaw Due West Rd.

Current Zoning: R-20

Land Lot/District: 241 / 20

Proposed Use: R-20 OSC

Total Area: 56.48

Floodplain/Lake/Wetland Area: 5.27 Impervious Amenity Area: 1.02 Net Buildable Area: 50.19 Base Density Allowed: 1.75 upa

Base Density Allowed w/Bonus: 1.92 upa

**Proposed Lots:** 96 **Net Density:** 1.91 upa

**Open Space Requirement:** Bonus 21.74 acres or 38.5%

Open Space Provided: 22.38 acres or 39.6%

Percentage of Open Space within Floodplain, Wetlands, & Lakes: 22.7%

# Setbacks:-

Front: 20'

Rear: 20' interior setback; 50' exterior setback

Side: 5' with 15' between structures

### **Comments:**

- 1. Lots 82 and 92 should be completely above Floodplain
- 2. Civil War earthworks have been observed on site. Please provide a plan that depicts location, orientation and type of earthworks that exist on property and include the historic area to be protected within the required Open Space unless other measures have been agreed upon.
- 3. For all lots contiguous to open space please provide documentation to ensure future lot owners understand that commonly owned open space exists adjacent to their property and cannot be built on.
- 4. As another form of privacy barrier staff recommends installing a 6' high green, black or brown vinyl coated chain link fence between the open space and all lots that are contiguous to open space. Fence should be erected along property line with minimal land disturbance.
- 5. Staff recommends maintaining the 25' natural buffer for lots 10 through 29 until Certificate of Occupancy has been issued for each of the lots.
- 6. Note on site plan that Detention Pond areas are subtracted out of the required open space.
- 7. Must have Cobb Department of Transportation approved lighting plan in if outdoor lighting (except individual residential lots) is proposed
- 8. Provide architectural renderings and description of the façade treatments that will be used on the proposed housing units as well as housing size price range.
- 9. A Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the "Open Space" from development in perpetuity as owned by the mandatory Home Owners Association. Conservation Easement application must be submitted to the Planning Division before final plat approval.

APPLICANT: Pacific Group Inc.	PETITION NO.:	OSC 13-02
PRESENT ZONING: R-20	PETITION FOR:	R-20 OSC
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STORMWATER MANAGEMENT COM- MENTS		
FLOOD HAZARD: YES NO POSSIBLY	Y, NOT VERIFIED	
DRAINAGE BASIN: Noonday Creek FLOOD  ☐ FEMA Designated 100 year Floodplain Flood. ☐ Flood Damage Prevention Ordinance DESIGNATED ☐ Project subject to the Cobb County Flood Damage P ☐ Dam Breach zone from (upstream) (onsite) lake - ne	D FLOOD HAZARD. Prevention Ordinance Requirements. The detailed to keep residential buildings out of	f hazard.
WETLANDS: ☐ YES ☐ NO ☐ POSSIBLY, N	OT VERIFIED	
Location: <u>adjacent to stream</u>		
The Owner/Developer is responsible for obtaining a of Engineer.	ny required wetland permits from the	e U.S. Army Corps
STREAMBANK BUFFER ZONE:  ☐ YES ☐ NO	☐ POSSIBLY, NOT VERIFIED	
<ul> <li>Metropolitan River Protection Area (within 2000' of buffer each side of waterway).</li> <li>□ Chattahoochee River Corridor Tributary Area - Cour</li> <li>☑ Georgia Erosion-Sediment Control Law and County</li> <li>□ Georgia DNR Variance may be required to work in 2</li> <li>☑ County Buffer Ordinance: 50', 75', 100' or 200' each</li> </ul>	nty review ( <u>undisturbed</u> buffer Ordinance - <b>County Review</b> /State R 25 foot streambank buffers.	each side).
DOWNSTREAM CONDITION		
<ul> <li>□ Potential or Known drainage problems exist for development of the drainage system.</li> <li>□ Minimize runoff into public roads.</li> <li>□ Minimize the effect of concentrated stormwater discited to receive the drainage system.</li> </ul>	exceed the capacity available in the harges onto adjacent properties.	downstream storm
<ul> <li>Existing Lake Downstream – Marietta Country Club</li> <li>Additional BMP's for erosion sediment controls will</li> <li>Lake Study needed to document sediment levels.</li> </ul>	Lake. be required.	ic exist naturally
<ul> <li>✓ Stormwater discharges through an established reside</li> <li>✓ Project engineer must evaluate the impact of increase on receiving stream.</li> </ul>	· ·	ne proposed project

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STORMWATER MANAGEMENT COMMENTS	S - CONTINUED	
SPECIAL SITE CONDITIONS		
Provide comprehensive hydrology/stormwater control	ls to include development of out par	cels.
Submit all proposed site improvements to Plan Review	W.	
Any <b>spring activity</b> uncovered must be addressed by		PE).
Structural fill must be placed under the direction engineer (PE).		,
Existing facility.		
Project must comply with the Water Quality require Water Quality Ordinance.	ements of the CWA-NPDES-NPS	Permit and County
Water Quality/Quantity contributions of the existing conditions into proposed project.	ng lake/pond on site must be con	ntinued as baseline
Calculate and provide % impervious of project site.		
Revisit design; reduce pavement area to reduce runoff	f and pollution.	
INSUFFICIENT INFORMATION		
No Stormwater controls shown		
Copy of survey is not current – Additional comments exposed.	s may be forthcoming when current	t site conditions are
No site improvements showing on exhibit.		

## ADDITIONAL COMMENTS/SUGGESTIONS

The plan appears to properly account for the 100-year floodplain and stream buffers on the site. However, I do not think that the straight R-20 plan is a valid one, since it does not account for area needed for detention. If you overlay the detention ponds shown on the OSC layout you would have to eliminate lots 77, 78, 89 & 90 and parts of lots 44, 45, 46 & 47. Also, several lots do not have the necessary 12,500 sf minimum area above the floodplain to be buildable. These include lots 75, 76, 77, 80, 81, 82 & 83.

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PRESENT ZONING: R-20	<b>PETITION FOR:</b>	R-20 OSC	
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## 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
Kennesaw Due West Road	13,100	Arterial	45 mph	Cobb County	100'
Stilesboro Road	19,100	Arterial	45 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Cobb DOT (Kennesaw Due West Road) Based on 2007 traffic counting data taken by Cobb DOT (Stilesboro Road)

#### COMMENTS AND OBSERVATIONS

Kennesaw 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.

Stilesboro Road is classified as an arterial and according to the available information the existing right-of-way does 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 Kennesaw Due West Road, a minimum of 50' from the roadway centerline.

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

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

Recommend a deceleration lane on Kennesaw Due West Road for the entrance.

Recommend a deceleration lane on Stilesboro Road for the entrance.

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

Recommend replacing any disturbed curb, gutter, and sidewalk along Stilesboro Road frontage.

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

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WATER SYSTEMS COMMENTS		

Project will need to be served by public water and sanitary sewer

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## **STAFF RECOMMENDATIONS**

#### OSC 13-02

- A. It is Staff's opinion that the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is located in an area that contains other single-family detached houses on similarly zoned property.
- B. The applicant is proposing one lot more (96) than is currently allowed on the property based on straight R-20 plan provided by Applicant. However, it has been noted that 14 lots would likely have to be eliminated on the straight R-20 plan based on unbuildable lots due to floodplain and detention pond requirements. The current proposed plan does include 22.38 acres of open space that will be preserved as well as an area for recreational amenities. Portion of the open space is strategically placed to preserve the natural environment along the creek and roadway frontage at the two entrances.
- C. It is Staff's opinion that the applicant's use of the OSC overlay district will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- 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* and the *Open Space Community Overlay Ordinance*.

Based on the above analysis, Staff recommends Approval subject to:

- All Historic Preservation comments
- All Fire comments
- All Open Space Comments
- All Stormwater Management comments
- All Transportation Department comments.
- All Water Systems comments.

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 usage of the Open Space Communities overlay at a public hearing.

## R.S. Webb & Associates

Cultural Resource Management Consultants 2800 Holly Springs Parkway, Suite 200 • P.O. Drawer 1319 Holly Springs, Georgia 30142 Phone: 770-345-0706 • Fax: 770-345-0707

May 28, 2013

Mr. Wade Gilbert Travis Pruitt & Associates, Inc. 4317 Park Drive Suite 400 Norcross, Georgia 30093

Subject:

Cobb County Historic Structure and Civil War Feature Survey

Stilesboro Road Tract Cobb County, Georgia

R.S. Webb & Associates No. 13-096-071

Dear Mr. Gilbert:

#### **BACKGROUND**

During the period of May 17 through 23, 2013, R.S. Webb & Associates (RSWA) conducted a literature search and field survey of a 55-acre tract on Stilesboro Road south of its intersection with Kennesaw Due West Road in Cobb County, Georgia (Figure 1). The current study is required by Cobb County prior to development to determine the presence or absence of Civil War military features and/or historic structures located within the property boundaries.

#### **METHODOLOGY**

Literature Search: Background research for the project included a search of Georgia's Natural, Archeological, and Historic Resource Geographic Information System (GNAHRGIS) database, a review of Civil War related maps and narrative histories, and an examination of 20<sup>th</sup> century maps and aerial photographs of Cobb County, Georgia. Structures were photographed and plotted on the project map.

Field Survey: The field survey included inspection of standing structures within the project area to determine age, style/form, and condition. The Civil War feature survey involved walking transects spaced no more than 100 feet apart in order to scan the landscape for Civil War earthworks such as trenches, gun emplacements, and rifle pits.

### LITERATURE SEARCH RESULTS

Previous Historic Resource Surveys: The project area is located in Land Lot 241, 20<sup>th</sup> District, Second Section, original Cherokee County. No historic resources are listed in the 1975 inventory of Cobb County historic resources (Secrist 1975). the 1988 survey of Cobb County historic properties (Ross 1988), or on Civil War-era maps (Davis *et al.* 1983). Likewise, no historic structures were noted at this location in a 1997 historic resources survey of western Cobb County (Jordan 1997). No historic structures are noted in this land lot in the GNAHRGIS database.

Civil War-era Maps: During the period of June 4 to 18, 1864, Civil War activity in the project vicinity was not only intense but very fluid [Figure 2 after Scaife (1993)]. Both Confederate and Union earthworks were constructed and thousands of troops moved across the project area as the Union army drove incrementally toward Kennesaw Mountain. Campaign maps produced in the two decades following the war were used in part to create Cobb County Planning and Zoning Department's 1992 Historic Locations of Civil War Earthworks map. This map shows a Confederate earthwork abutting the northwest boundary of the project area. The map shows a Union trench segment paralleling Kennesaw Due West Road just west of the project area and also a trench segment entering the project area from the east side, north of Noonday Creek (Figure 1; also see Figure 3 after Davis et al. 1983: Plate LIX. No 3).

It is important to note that during the current field survey the Union trench segment along Kennesaw Due West Road was observed to be approximately 655 feet east of the location shown on the Cobb County Civil War features map, putting the trench partially within the project area. The break between the east and west Union trench segments on the Cobb County map is actually at Noonday Creek, which bisects the project area northwest-southeast (Figure 1).

#### FIELD SURVEY RESULTS

Structures: The only structure observed during the current study that is approaching 50 years in age is a brick ranch house located in the northeastern part of the project area along Stilesboro Road (Figures 1 and 4). Aerial photographs from 1960 and 1966 indicate that this structure was not present in 1960, but was constructed by 1966. This house type is very common in Cobb County and this particular structure has no bearing on Cobb County history.

Civil War Features: Earthworks were observed along a ridge line in the southwestern part of the project area (Figures 1, 5 and 6). Within the project area, these earthworks are approximately 770 feet long, north/northeast-south/southwest, and are variable in width. Features include a linear defensive berm and six embedded east- to southeast-facing U-shaped berms indicative of temporary artillery redoubts. The earthworks location and orientation correlate reasonably well with the recorded location of the Union trench/line section constructed on the west side of Noonday Creek on June 15, 1864. Based on Scaife's (1993) accounting of the number of artillery pieces estimated to be present during the time frame of interest, it appears that these redoubts probably were occupied by the 19<sup>th</sup> Indiana Light Battery, or possibly the 7<sup>th</sup> Indiana Light Battery, both under Brigadier General Absalom Baird. According to Scaife, the 19<sup>th</sup> Indiana wielded four Napoleon cannons and two 3-inch ordnance rifles, while the 7<sup>th</sup> Light Battery had four 10-pound Parrott rifles. These pieces had effective ranges of 1,600 to 1,850 yards. From the observed locations, such artillery would have been within range of the Latimer's Farm battlefield (less than 1.0 mile southeast of the project area), where Union and Confederate forces engaged on June 18, 1864 (Figure 2).

### CONCLUSIONS AND RECOMMENDATIONS

The ranch house observed in the project area along Stilesboro Road is of marginal age (47 to 53 years old) and is not significant to Cobb County history. No additional work is recommended for this structure.

Earthworks in the southwestern part of the project area appear to date to June 15, 1864 and were constructed by Union forces. It appears likely that the observed redoubts were occupied by the 19<sup>th</sup> Indiana Light Battery, or possibly the 7<sup>th</sup> Indiana Light Battery. The earthworks are in fair to good condition and, if feasible, preservation is recommended. If preservation is not an option, it is recommended that treatment alternatives be discussed with the Cobb County Historic Preservation Planner.

#### **CLOSING COMMENTS**

Mr. Gilbert, we appreciate the opportunity to work with you on this project. If you have questions concerning our findings, please contact us at 770-345-0706.

Sincerely,

R.S. WEBB & ASSOCIATES

Robert S. Webb

President, Senior Principal Archeologist

Attachments: Figures 1-6

### REFERENCES CITED

- Davis, G.B., L. J. Perry and J. W. Kirkley, compiled by C. D. Cowles
  - 1983 Atlas to Accompany the Official Records of the Union and Confederate Armies. Reprint of the 1891-1895 edition. The Fairfax Press, New York.
- Jordan, W.R.
  - 1997 West Cobb Survey of Historic and Archeological Resources. Brockington and Associates, Atlanta, Georgia.
- Ross, D.R.
  - 1988 Architecture, Archeology, and Landscapes: Resources for Historic Preservation in Unincorporated Cobb County, Georgia. Cobb County Historic Preservation Commission, Marietta, Georgia.
- Scaife, W.R.
  1993 The Campaign for Atlanta. Self-Published. W.R. Scaife, Atlanta, Georgia.
- Secrist, P.
  1975 Cobb County Bicentennial Project: Historical Inventory of Marietta and Cobb County. Cobb
  County Landmarks and Cobb County Commissioners, Marietta, Georgia.

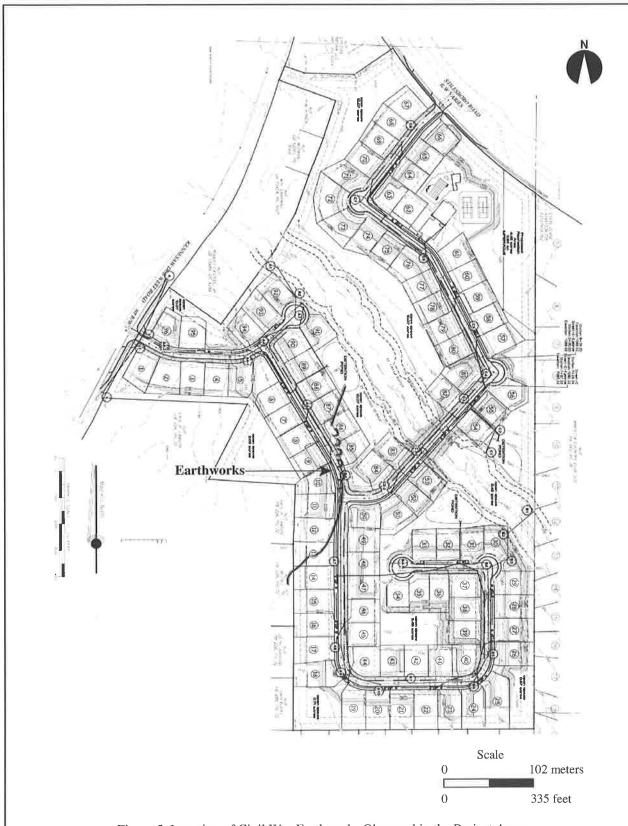


Figure 5 Location of Civil War Earthworks Observed in the Project Area

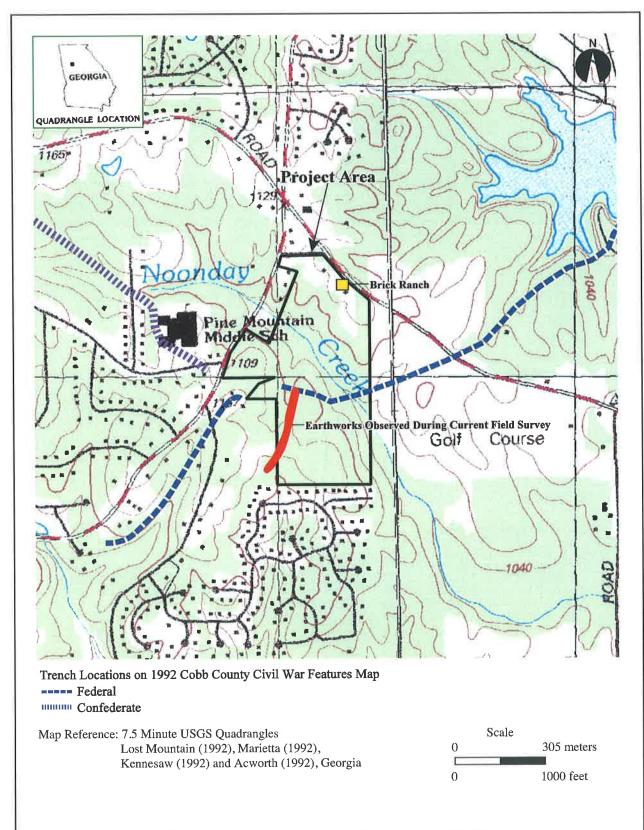
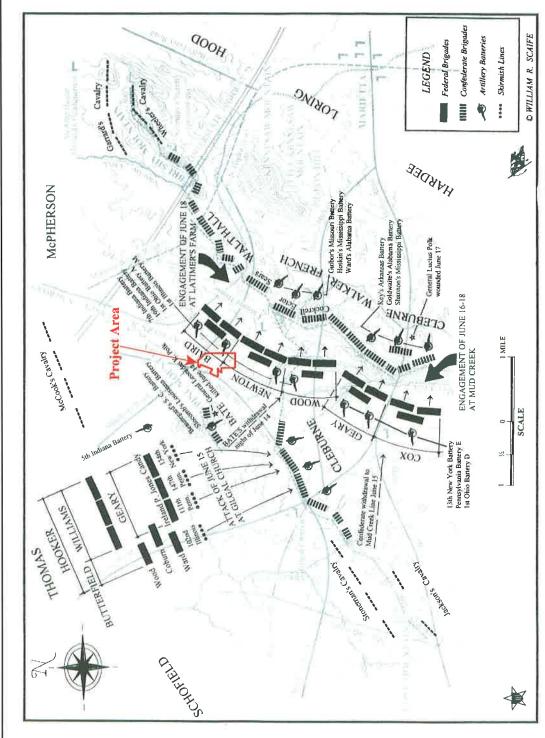


Figure 1 Project Area and Cultural Resources Location Map



LOST MOUNTAIN - BRUSHY MOUNTAIN LINE
June 4 to June 18, 1864

Figure 2 W. R. Scaife Map of the Lost Mountain-Brushy Mountain Line (Scaife 1993)

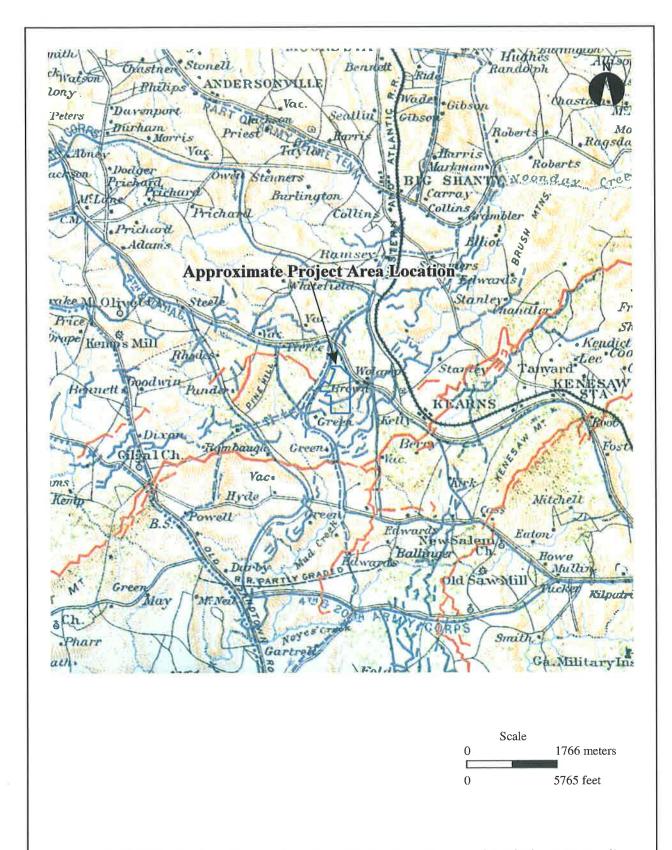


Figure 3 Civil War Era Map Showing Location of Project Area (Davis et al. 1983:Plate LIX, No. 3)



Facing Southwest



Facing West

Figure 4 Selected Views of Brick Ranch off Stilesboro Road



Defensive Berm on Ridge Crest above Noonday Creek, Facing East



Redoubt, Facing North/Northeast

Figure 6 Selected Views of Civil War Earthworks

