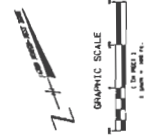
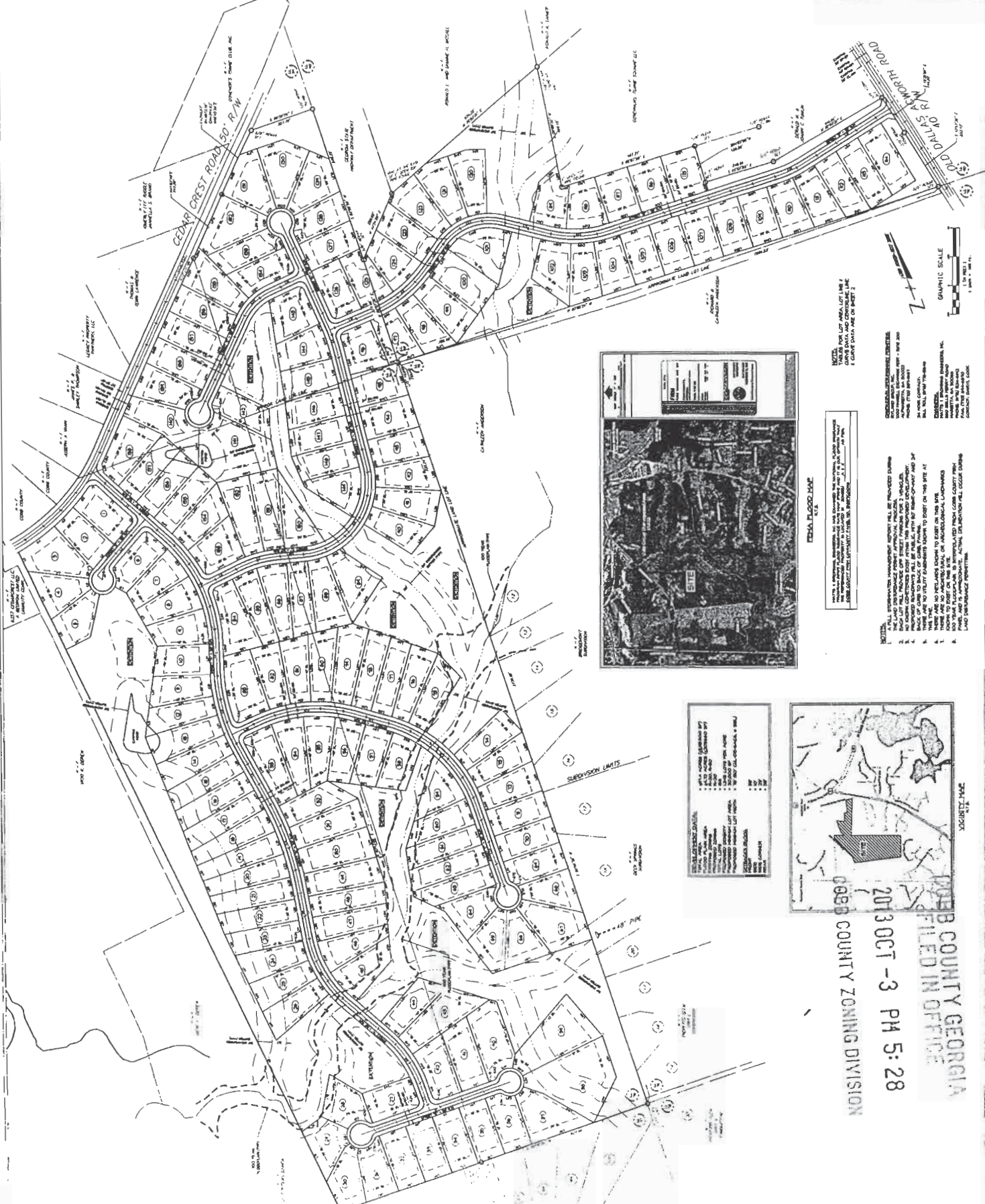


Z-72  
(2013)

CEARCREST ROAD TRACT  
FOR  
ZONING PLAN  
LOCATED IN  
LAND DISTRICT 2ND SECTION  
COBB COUNTY, GEORGIA



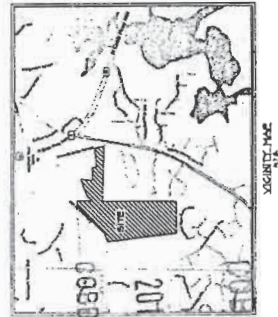
DATE: 10/28/13  
PROJECT: ZONING PLAN  
DRAWN BY: [Name]  
CHECKED BY: [Name]  
SCALE: AS SHOWN  
SHEET NO. 1 OF 1



GRAPHIC SCALE  
1" = 40'



THE INFORMATION CONTAINED HEREIN IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A GUARANTEE OF ACCURACY. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF THE INFORMATION CONTAINED HEREIN.



2013 OCT -3 PH 5: 28  
COBB COUNTY ZONING DIVISION  
COBB COUNTY GEORGIA  
FILED IN OFFICE

Legend table with symbols and descriptions for zoning boundaries and other features.

**APPLICANT:** The Ryland Group, LLC

**PETITION NO:** Z-72

**REPRESENTATIVE:** John H. Moore 770-429-1499

**HEARING DATE (PC):** 12-03-13

Moore Ingram Johnson & Steele, LLP

**HEARING DATE (BOC):** 12-17-13

**TITLEHOLDER:** Willoughby & Sewell Development, Ltd.; A. Lee

**PRESENT ZONING:** R-30. R-20

Brand, Jr.; Janella S. Brand; Jennifer B. Gruber

**PROPOSED ZONING:** R-20

**PROPERTY LOCATION:** Southeast side of Cedarcrest Road

and the west side of Old Dallas Acworth Road

**PROPOSED USE:** Single-Family Residential

**ACCESS TO PROPERTY:** Cedarcrest Road and

**SIZE OF TRACT:** 117.4 acres

Old Dallas Acworth Road

**DISTRICT:** 20

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family house

**LAND LOT(S):** 39, 40, 76

and wooded acreage

**PARCEL(S):** 16, 17, 1, 4, 9

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-30/Single-family Houses and PD/Governors Towne Club
- SOUTH:** R-30/Single-family Houses and R-20/Woodstream Subdivision
- EAST:** R-30/Bridgemont Subdivision; R-20/Deer Springs & Picketts Glen Subdivisions and R-30/Single-family Houses
- WEST:** R-30/Single-family Houses

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

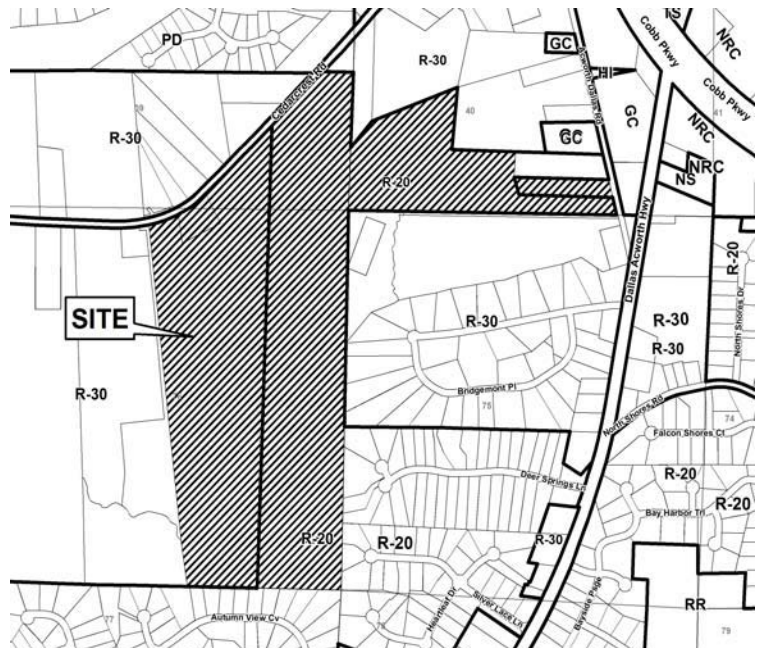
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

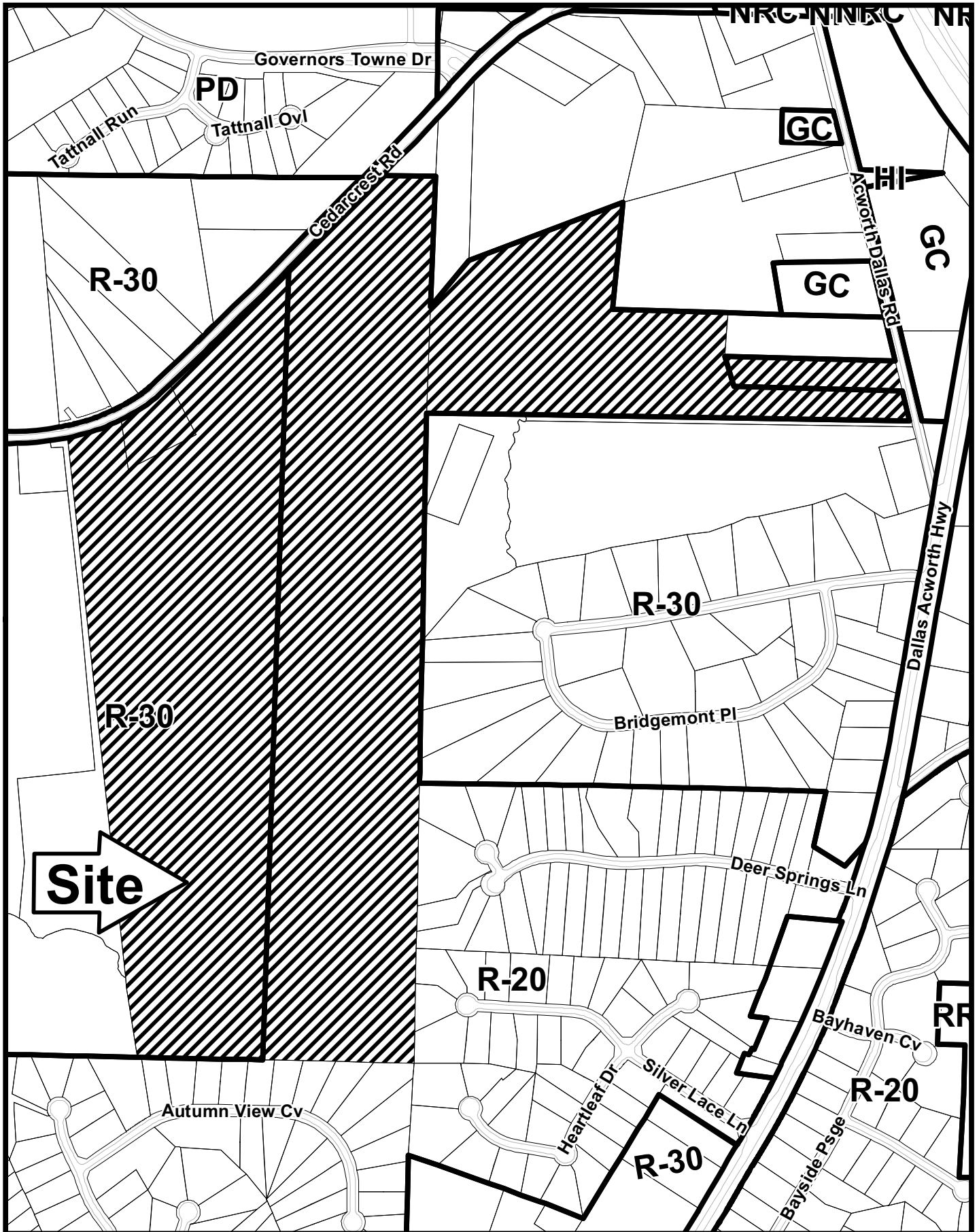
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-72



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

0 300 600  
Feet



City Boundary  
Zoning Boundary

**APPLICANT:** The Ryland Group, LLC

**PETITION NO.:** Z-72

**PRESENT ZONING:** R-30, R-20

**PETITION FOR:** R-20

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Rural Residential (0-1 unit per acre)

**Proposed Number of Units:** 158      **Overall Density:** 1.345      **Units/Acre**

**Staff estimate for allowable # of units:** 117      **Units\***      **Increase of:** 41      **Units/Lots**

\*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the R-20 zoning category for the purpose of developing a single-family detached subdivision. The houses will be a minimum of 2,400 square feet and will be traditional and cottage-style. The exteriors will be of brick, stone, stacked stone, cedar-shake type, hardi-plank type sidings and combinations thereof. The houses will range in price from \$300,000 and greater.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

\*\*\*\*\*

**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

**APPLICANT:** The Ryland Group, LLC

**PETITION NO.:** Z-72

**PRESENT ZONING:** R-30, R-20

**PETITION FOR:** R-20

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-30 and R-20 to R-20 for purpose of single-family residential. The 117.4 acre site is located on the southeast side of Cedarcrest Road and the westerly side of Old Dallas Acworth Road.

**Comprehensive Plan**

The parcel is within a Rural Residential (**RR**) future land use category, with R-30 and R-20 zoning designations. The purpose of the Rural Residential (**RR**) category is to provide for areas that are suitable for Cobb County’s lowest density housing development. Such areas include those difficult to sewer, furthest from major activity centers, public services, and transportation corridors, or have particular sensitive environment features or scenic value. The Rural Residential category provides for development that is zero (0) to one (1) unit per acre.

**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?

**Incentive Zones**

Is the property within an Opportunity Zone?  Yes  No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?  Yes  No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes  No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on design guidelines, please contact the Community Development Planning Division at 770.528.2015.

For more information on incentives, please call the Office of Economic Development at 770.528.2607 or find information online at <http://economic.cobbcountyga.gov>.

APPLICANT The Ryland Group, LLC

PETITION NO. Z-072

PRESENT ZONING R-30, R-20

PETITION FOR R-20

\*\*\*\*\*

**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" DI / S side of Cedarcrest Road

Additional Comments: Dual water feed will be required.

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: +/- 1,350' to Paulding County line

Estimated Waste Generation (in G.P.D.): **A D F** 15800 **Peak=** 39500

Treatment Plant: **Paulding**

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 Comments: Development to be served by Paulding County per the 2008 intergovernmental agreement. 1 ERU = 250 GPD

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: The Ryland Group, LLC

PETITION NO.: Z-72

PRESENT ZONING: R-20, R-30

PETITION FOR: R-20

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Trib to Pumpkinvine 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(s) - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: within and adjacent to onsite streams and ponds

- 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: The Ryland Group, LLC**

**PETITION NO.: Z-72**

**PRESENT ZONING: R-20, R-30**

**PETITION FOR: R-20**

\*\*\*\*\*

**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 site is located just south of Cedarcrest Road adjacent to an unnamed tributary to Pumpkinvine Creek just east of Paulding County line. The site is predominately wooded with average slopes ranging from 5 to 15 %.
2. The main stream through the site has been studied by approximate methods and several tributaries are unstudied. A detailed floodplain study will be required at Plan Review before the site layout can be finalized.



\*\*\*\*\*

**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
Cedarcrest Road	12,200	Major Collector	35 mph	Cobb County	80'
Acworth Dallas Road	N/A	Local	25 mph	Cobb County	50'

*Based on 2008 traffic counting data taken by Cobb County DOT (Cedarcrest Road)*

**COMMENTS AND OBSERVATIONS**

Cedarcrest 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.

Acworth Dallas Road is classified as a local 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 and easements on the south side of Cedarcrest Road, a minimum to accommodate the road widening project, Cobb County project number D4070.

Recommend a traffic study.

Recommend coordinating with Cobb County DOT on the Cedarcrest Road widening project. A median is shown at the location of the ingress/ egress.

Recommend a deceleration lane for the ingress on Cedarcrest Road.

Recommend curb, gutter, and sidewalk along the Cedarcrest Road frontage.

Recommend coordinating with Georgia DOT on the SR 92 widening project. The intersection of Acworth Dallas Road and SR 92 is being relocated which may affect the Acworth Dallas Road access.

Recommend curb, gutter, and sidewalk along the Acworth Dallas Road frontage.

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

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

## STAFF RECOMMENDATIONS

### **Z-72 THE RYLAND GROUP, LLC**

- 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 adjacent and nearby properties. Nearby subdivisions are also zoned R-20 with similar densities.
- 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. Other properties in the area are zoned R-20 and R-30 for single-family residential subdivisions with similar densities.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Rural Residential land use category, having densities of 0-1 units per acre. However, Staff believes the current land use recommendation of RR was established many years ago due to no public sewer; this project will connect to public sewer. Properties in the surrounding area have been rezoned with densities that fit in the Very Low Density Residential (VLDR) land use category (0-2 units per acre) and the Low Density Residential land use category (1-2.5 units per acre). The range of densities for residential subdivisions in the area include Bridgemont (zoned R-30 with an approximate density of 0.744 units per acre); Deer Springs (zoned R-20 at 1.29 units per acre); Woodstream, Unit IV (zoned R-20 at 1.41 units per acre); Picketts Glen – Unit I (zoned R-20 at 1.57 units per acre); and The Governors Towne Club Unit A (zoned PRD at 1.89 units per acre). While the applicant's proposed development is over the RR range of 0-1 unit per acre, Staff believes the proposed development falls in the density range of most of the other subdivisions developed 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 approving the applicant's rezoning proposal.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division on October 3, 2013, with the District Commissioner approving minor modifications;
- Architecture to be approved by the District Commissioner;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation 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.**

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Application #: z-72 (2013)  
PC Hearing Date: 12/03/2013  
BOC Hearing Date: 12/17/2013

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): Minimum 2,400 square feet
- b) Proposed building architecture: Traditional and Cottage-Style; Exteriors of Brick, Stone Stacked Stone, Cedar-Shake Type; Hardi-Plank Type and Combinations thereof
- c) Proposed selling prices(s): \$300,000 and greater
- d) List all requested variances: None known at this time.

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

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

COBB COUNTY GEORGIA  
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COBB COUNTY ZONING DIVISION

.....  
**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). None known at this time

.....  
**Part 5. Is this application a result of a Code Enforcement action? No ; Yes \_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

MOORE, INGRAM, JOHNSON & STEELE, LLP

Applicant signature: BY: [Signature] Date: October 3, 2013

John H. Moore; Georgia Bar No. 519800

Applicant name (printed): Attorneys for Applicant and Property Owners

\*Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other part of the Application for Rezoning, at any time during the rezoning process. Revised August 21, 2013