

Z-17
(2014)

DATE: 06/09/14
OWNER/DEVELOPER:
CRP EAM, LLC
1640 POWERS FERRY ROAD
MARIETTA, GA 30067
KELLY PIRRO: 678-210-4877

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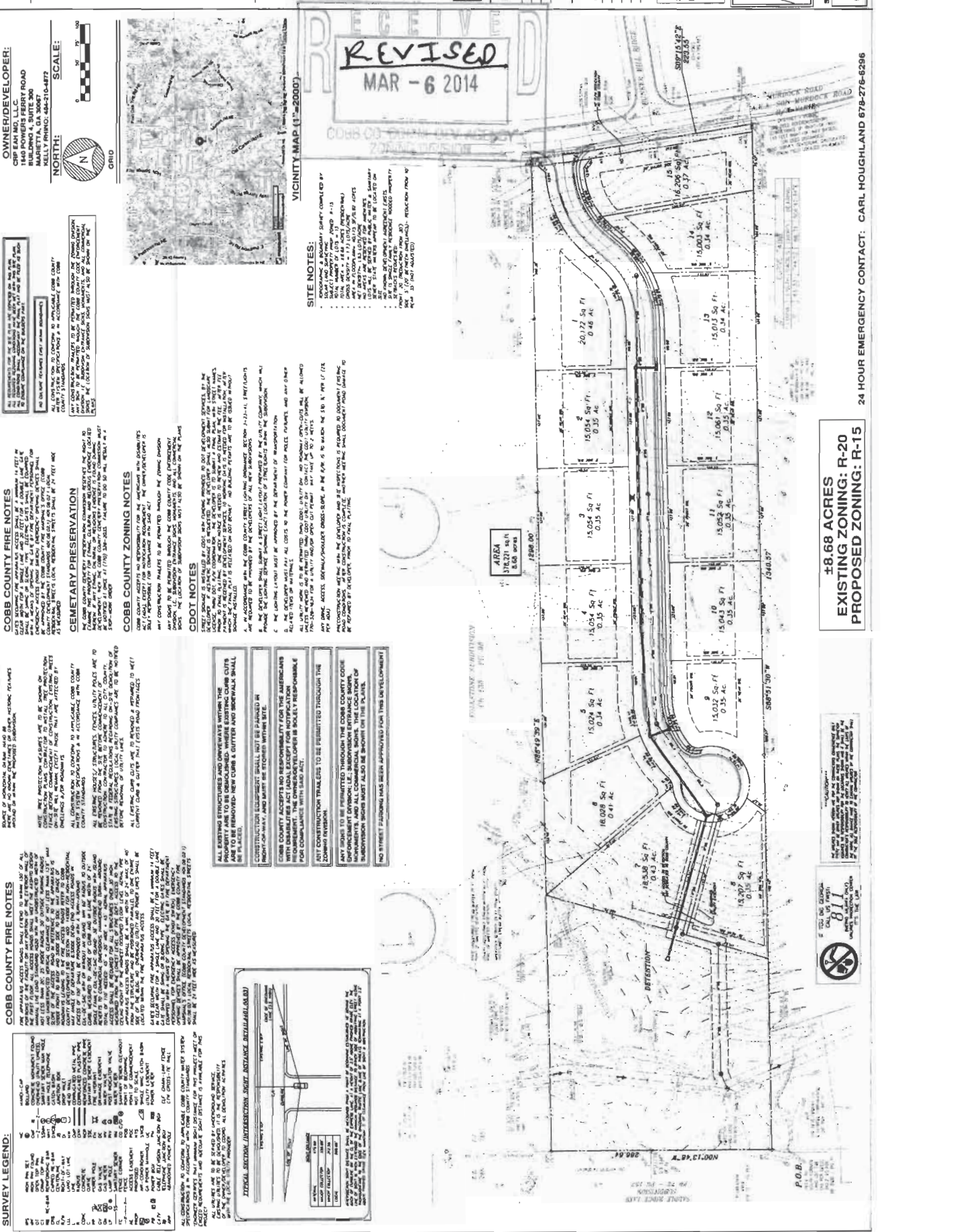
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±8.68 ACRES
EXISTING ZONING: R-20
PROPOSED ZONING: R-15

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24 HOUR EMERGENCY CONTACT: CARL HOUGHLAND 678-276-6296

APPLICANT: CRP EAH MD, L.L.C.
(770) 541-5256

REPRESENTATIVE: John H. Moore (770) 429-1499
Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: CRP EAH MD, L.L.C., a Delaware limited
liability company

PROPERTY LOCATION: West side of Murdock Road, across from
Bunker Hill Road
(2001 Murdock Road).

ACCESS TO PROPERTY: Murdock Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house
and undeveloped acreage

PETITION NO: Z-17

HEARING DATE (PC): 04-01-14

HEARING DATE (BOC): 04-15-14

PRESENT ZONING: R-20

PROPOSED ZONING: R-15

PROPOSED USE: Single-family Subdivision

SIZE OF TRACT: 8.68 acres

DISTRICT: 16

LAND LOT(S): 746

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Folkstone Subdivision
- SOUTH:** R-20/ Single-family Residence
- EAST:** R-20/ Bunker Hills Subdivision
- WEST:** R-15/ Saddle Ridge Lake Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

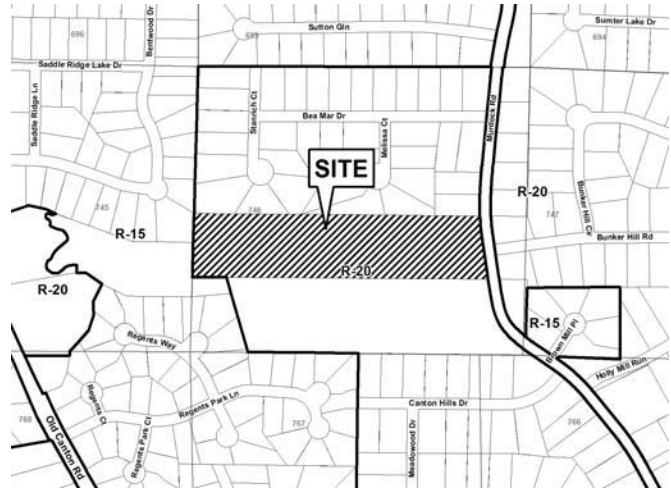
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

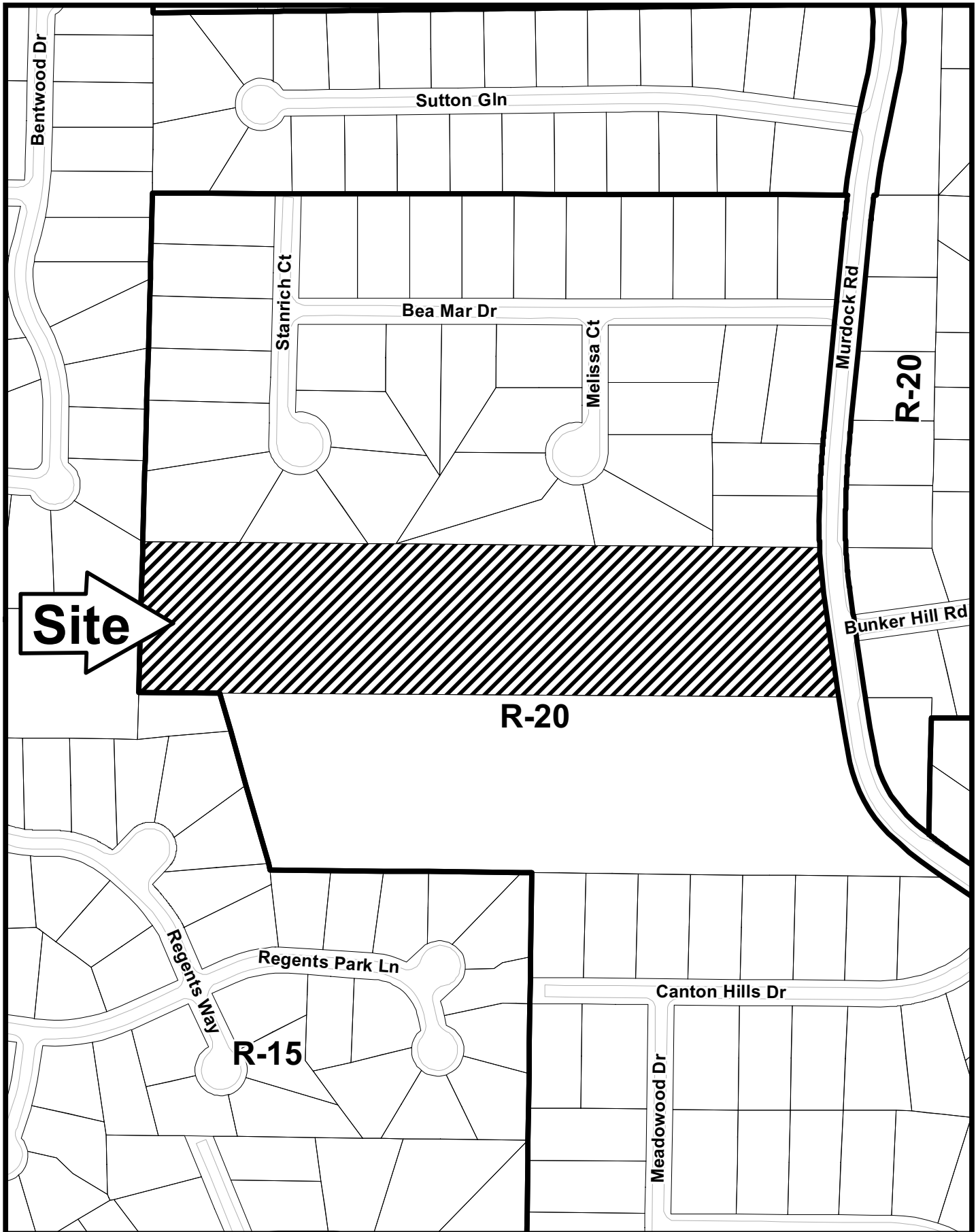
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

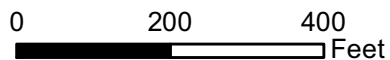
STIPULATIONS:





Z-17



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



-  City Boundary
-  Zoning Boundary

APPLICANT: CRP EAH MD, L.L.C.

PETITION NO.: Z-17

PRESENT ZONING: R-20

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

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

Proposed Number of Units: 15 **Overall Density:** 1.93 **Units/Acre**

Staff estimate for allowable # of units: 14 **Units*** **Increase of:** 1 **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.

The applicant is requesting a rezoning from the existing R-20 single-family residential district to the R-15 single-family residential district in order to develop a 15 lot subdivision on the site’s 8.68 acres. Proposed with a single public road down the center, the applicant proposes lot sizes within the range of 15,003 square feet to 20,172 square feet. Therefore, the applicant has specifically requested consideration of front setback variances from the required 35 feet to 20 feet and side setback variances from the required 10 feet to 5 feet while proposing an increase in the required rear setbacks from 30 feet to 35 feet. The proposed homes will be 3,000 to 4,200 square feet in size with a traditional architecture (mix of brick, stone, hardi-plank, and cedar shake) and are anticipated to sell from the high \$500,000s to mid \$600,000s.

As presented, the applicant is requesting a variance of the front setback from the required 35 feet to 20 feet and a reduction of the required side setback from the required 10 feet to 5 feet. However, the applicant’s plans indicate a rear 35 foot setback where 30 feet would be required.

Cemetery Preservation: No comment.

APPLICANT: CRP EAH MD, L.L.C.

PETITION NO.: Z-17

PRESENT ZONING: R-20

PETITION FOR: R-15

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Murdock	853	Under	
Elementary Dodgen	1,163	Over	
Middle Pope	1,828	Under	

High

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

Additional Comments: Approval of this petition could adversely affect the enrollment at Dodgen Middle School, which is over capacity at this time.

FIRE COMMENTS:

GUEST PARKING: 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: CRP EAH MD, L.L.C.

PETITION NO.: Z-17

PRESENT ZONING: R-20

PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15 for single-family subdivision. The 8.68 acre site is located on the west side of Murdock Road, across from Bunker Hill Road.

Comprehensive Plan

The parcel is within the Low Density Residential (LDR) area future land use category, with R-20 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?

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.

APPLICANT: CRP EAH MD, L.L.C.

PETITION NO.: Z-17

PRESENT ZONING: R-20

PETITION FOR: R-15

PLANNING COMMENTS: (Continued)

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT CRP EAH MD, L.L.C

PETITION NO. Z-017

PRESENT ZONING R-20

PETITION FOR R-15

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): 6" AC / E side of Murdock Road

Additional Comments:

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

Estimated Waste Generation (in G.P.D.): A D F= 2560 Peak= 6400

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

Drv 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:

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: CRP EAH MD, LLC

PETITION NO.: Z-17

PRESENT ZONING: R-20

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Sewell Mill Creek 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 or adjacent to 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 downstream receiving stream including culvert at Regents Park Lane.

APPLICANT: CRP EAH MD, LLC

PETITION NO.: Z-17

PRESENT ZONING: R-20

PETITION FOR: R-15

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 existing site is well wooded with average slopes ranging from 10 to 20%. Drainage on the site is divided by a ridge line the runs approximately north-south through the front third of the site. There is a small swale that drains the front third of the site. The remainder of the site discharges to an unnamed tributary to Sewell Mill Creek at the rear of the site. This area is encumbered by floodplain and stream buffers.

APPLICANT: CRP EAH MD, L.L.C.

PETITION NO.: Z-17

PRESENT ZONING: R-20

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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
Murdock Road	4900	Minor Collector	35 mph	Cobb County	60'

Based on 2011 traffic counting data taken by Cobb County DOT (Murdock Road).

COMMENTS AND OBSERVATIONS

Murdock Road is classified as a minor 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 west side of Murdock Road, a minimum of 30' from the roadway centerline.

Recommend applicant verify that minimum intersection sight distance is available for ingress and egress maneuvers for the site if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.

Recommend a deceleration lane for the Murdock Road access.

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

Recommend development street either directly align or have an offset of a minimum of 125 feet from Bunker Hill Ridge per Development Standard 401.10.

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

STAFF RECOMMENDATIONS

Z-17 CRP EAH MD, L.L.C.

- 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. As proposed, the development will result in a density of 1.93 units per acre. This is between existing densities of adjacent subdivisions such as Folkstone immediately to the north which contains 1.68 units per acre and Saddle Ridge Lake to the west that contains 2.56 units per acre.
- 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. The request will allow development of the currently undeveloped parcel into a single-family subdivision in keeping with those in the vicinity.
- 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*. Located within an area delineated as LDR low density residential on the future land use map, the proposed density of 1.93 falls within that category's prescribed 1 to 2.5 dwelling units per acre.
- 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. The site is adjacent to subdivisions zoned R-20 as well as R-15 that range in densities from 1.68 to 2.56 units per acre. The applicant's proposal, if developed as presented, requires variances in setbacks.

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

- Revised site plan received by the Zoning Division on March 6, 2014, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- 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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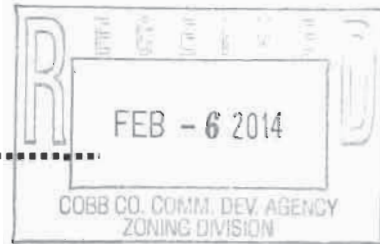
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Application #: Z- 17 (2014)

PC Hearing Date: 04/01/2014

BOC Hearing Date: 04/15/2014



Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 3,000 - 4,200 square feet
- b) Proposed building architecture: Traditional (mix of brick, stone, hardi-plank, cedar shake)
- c) Proposed selling prices(s): High 500s - Mid-600s
- d) List all requested variances: (1) Front setback-30 feet to 20 feet; (2) Side setback-10 feet to 5 feet (other side will have 15 feet) 20 feet between structures;

(3) 4 lots under 15,000 square feet

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

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

.....
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:  Date: February 6, 2014

Applicant name (printed): John H. Moore, Georgia Bar No. 519800
Attorneys for Applicant/Property Owner

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