

**JULY 1, 2014 PLANNING COMMISSION HEARING
JULY 15, 2014 BOARD OF COMMISSIONER HEARING
“OTHER BUSINESS”
OPEN SPACE REVIEWS AND APPROVALS
COMMISSION DISTRICT 4**

ITEM OB-42

PURPOSE

To consider approval of an R-20 Open Space Community Overlay application for Landgroup Group Atlanta, Inc. regarding Application OSC 14-01 filed May 5, 2014, for property located at 76 Cooper Lake Road; in Land Lot 250 of the 17th 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 with staff comments 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 Planning Commission to consider a recommendation to the Board of Commissioners to review the site plan and with staff recommendations regarding OSC 14-01.

ATTACHMENTS

OSC 14-01 Site Plan received May 12, 2014
Staff Analysis
Staff Recommendation

76 COOPER LAKE ROAD PROPERTY
 ZONING PLAN FOR: LAND LOT 250
 LOCATED IN: COBB COUNTY, GEORGIA
 17TH DISTRICT, 2ND SECTION



PREPARED BY:
 John P. Jack, O'Hanlon, P.E.
 P.O. Box 76439
 Atlanta, Georgia 30358
 jack@jllresidential.com

SITE ZONING DATA SUMMARY:

PRESENT ZONING = R-30
 PROPOSED ZONING = R-30 OSC
 ZONING PARCEL AREA = 16.63 ACRES
 NET BUILDABLE AREA = 16.65 ACRES
 TOTAL NO. OF LOTS = 26 LOTS
 PROP. BASE DENSITY = 1.56 LOTS/ACRE
 MIN. LOT SIZE = 7,000 SF
 FRONT YARD SETBACK = 15 FEET
 SIDE YARD SETBACK = 5 FEET
 REAR YARD SETBACK = 30 FEET
 MIN. DWELLING SEPARATION = 15 FEET
 ROAD FRONTAGE SETBACKS = 20 FEET
 MINIMUM HOUSE SIZE = 1,800 SF

PROPERTY ADDRESS & TAX ID:

76 COOPER LAKE ROAD
 LAND LOT 250

FLOODPLAIN:

NO PORTION OF THE LOCATED WITHIN AN AREA OF SPECIAL FLOOD HAZARD AS DETERMINED ON THE COBB COUNTY FLOOD HAZARD ZONE MAP (PFD), NUMBER 100-00-0000.

WATER RESOURCES:

THERE ARE STREAMS OR WETLANDS FORMING A LAKE ON THE PROPERTY. NO DETERMINATION OF ANTHROPOGENIC STRUCTURES OR ARCHEOLOGICAL REMAINS ON THE PROPERTY.

SITE RESOURCES:

NO PORTION OF THE LOCATED WITHIN AN AREA OF SPECIAL FLOOD HAZARD AS DETERMINED ON THE COBB COUNTY FLOOD HAZARD ZONE MAP (PFD), NUMBER 100-00-0000.

REFERENCE DATA:

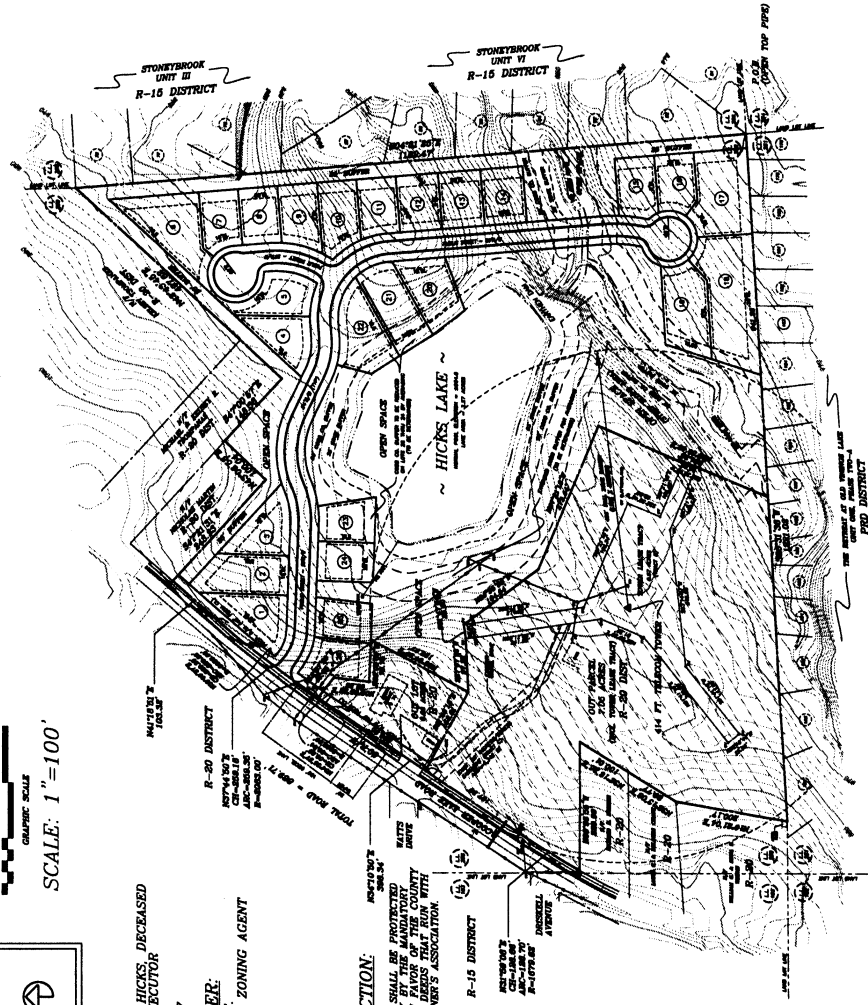
BOUNDARY INFORMATION BASED ON A SURVEY OF 76 COOPER LAKE ROAD PREPARED BY RIV CONSULTING, LLC DATED FEBRUARY 21, 2011. TOPOGRAPHY BASED ON COBB COUNTY 61.5 MAPS.

SITE & OPEN SPACE AREA CALC:

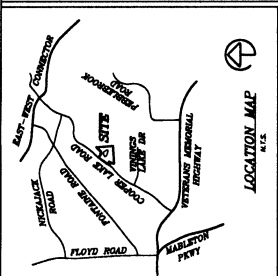
ENTIRE PARCEL AREA = 24.48 ACRES
 GUT PARCEL EXIST DWELLING = 0.60 ACRES
 GUT PARCEL FOR TOWER = 7.05 ACRES
 ZONING PARCEL AREA = 16.63 ACRES
 WETLANDS AREA (*) = 0.18 ACRES
 NET BUILDABLE AREA (NBA) = 16.65 ACRES
 * WETLAND AREA BASED ON TOP OF CREEK BANKS
 NO DETERMINATION OF WETLANDS HAS BEEN MADE.

OPEN SPACE AREA = 9.06 ACRES
 MIN. REQD. OPEN SPACE = 36% OF NBA
 ALLOWABLE BASE DENSITY = 1.75 LOTS/ACRE
 PROP. NUMBER OF LOTS = 26
 PROPOSED BASE DENSITY = 1.57 LOTS/ACRE
 WETLANDS AREA = 0.18 ACRES
 FLOODPLAIN AREA = 0.00 ACRES
 LAKE AREA = 2.87 ACRES
 TOTAL = 2.45 ACRES
 ALLOWABLE % OF OPEN SPACE = 75%
 PROPOSED % OF OPEN SPACE = 27.14

DATE: MAY 1, 2014



SCALE: 1" = 100'
 GRAPHIC SCALE



PROPERTY OWNER:

THE ESTATE OF FRANK L. HICKS, DECEASED
 DEBORAH GREATHOUSE, EXECUTOR
 618 FRIENDSHIP CHURCH ROAD
 ATLANTA, GEORGIA 30127
 PHONE: (770) 438-8700

APPLICANT/DEVELOPER:

LAND GROUP, LLC
 JOHN P. JACK, O'HANLON, ZONING AGENT
 P.O. BOX 76439
 ATLANTA, GEORGIA 30358
 PHONE: (404) 258-5596

OPEN SPACE PROTECTION:

THE OPEN SPACE SHOWN ON PLAN SHALL BE PROTECTED IN ACCORDANCE WITH THE COBB COUNTY COVENANTS OF THE SUBDIVISION IN FAVOR OF THE COUNTY FOR CONSERVATION USES AND THE DESIGN SHALL RUN WITH THE LAND OWNED BY THE TRANSFEROR'S ASSOCIATION.

APPLICANT: Land Group Atlanta, Inc.

PETITION NO.: OSC 14-01

REPRESENTATIVE: John P. O'Hanlon

HEARING DATE (PC): 07/01/14

HEARING DATE (BOC): 07/15/14

TITLEHOLDER: The Estate of Frank L. Hicks

PRESENT ZONING: R-20

PROPERTY LOCATION: 76 Cooper Lake Road

PROPOSED ZONING: R-20 OSC

PROPOSED USE: Single-family detached subdivision

ACCESS TO PROPERTY: Cooper Lake Road

SIZE OF TRACT: 16.83 acres

PHYSICAL CHARACTERISTICS TO SITE: _____

DISTRICT: 17th

LAND LOT(S): 250

PARCEL(S): 1

TAXES: PAID: Paid

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 4th

- NORTH:** R-20/Residential
- SOUTH:** PRD/Residential
- EAST:** R-15/Residential
- WEST:** R-20/R-15 Residential

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

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:

APPLICANT: Land Group Atlanta Inc.

PETITION NO.: OSC 14-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

PLANNING DIVISION COMMENTS

Staff Member Responsible: Phillip Westbrook

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

Proposed Number of Units: 26

Overall Density: 1.56 upa

Present Zoning Would Allow: 15

Increase of: 11 Lots

Minimum house size: 1,800 SF

Price range:

The applicant is requesting an R-20 OSC overlay to develop a 26 lot single-family detached open space subdivision. The proposed OSC plan would create 9 acres of open space that includes a 2.27 acre lake and .18 acre wetland area.

HISTORIC PRESERVATION COMMENTS

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.

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: Land Group Atlanta, Inc.

PETITION NO.: OSC 14-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

OPEN SPACE COMMENTS

Property Location: 76 Cooper Lake Rd.
Current Zoning: R-20

Land Lot/District: 250/17
Proposed Use: R-20 OSC

Total Area: 16.83
Floodplain/Wetland Area: .18
Impervious Amenity Area: NA
Net Buildable Area: 16.65
Base Density Allowed: 1.75
Base Density Allowed w/Bonus: 1.92
Proposed Lots: 26
Net Density: 1.56 upa

Open Space Requirement: 35% or 5.9 acres; Bonus: 38.5% or 6.41 acres
Open Space Provided: 9.05 acres or 54.4%
Percentage of Open Space within Floodplain, Wetlands, & Lakes: 27.1%

Setbacks:-
Front: 15'
Rear: 30'
Side: 5' with 15' between structures

Comments:

1. All required stream buffers must be within open space. This includes lots 18, 19, 20, 21, 22, 23, & 24. Seven lots encroach into required stream buffer.
2. Per OSC code item (f)(1) ... Lots must be designed so to accommodate on-site parking for at least two vehicles and provide for side setbacks, the sum of which equals the total sum of side setbacks required for the underlying zoning district, with a minimum of 5'.
3. Overall residential development shall be compatible with neighboring residential uses. In areas where adjoining neighborhood lots are larger than those proposed (i.e. lots 6 – 17) the plan should incorporate larger lots adjacent to existing neighborhoods with smaller lots designed to the interior.
4. Must have Cobb Department of Transportation approved lighting plan if outdoor lighting (except individual residential lots) is proposed.
5. 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.
6. Recommend providing architectural renderings and descriptions of the façade treatments that will be used on the proposed housing units
7. For all lots contiguous to commonly owned open space, staff recommends including a deed that explains that said lots are adjacent to commonly owned Open Space that cannot be disturbed.
8. Recommend split rail fence to be installed just on the inside of commonly owned open space and not on the individual lot side of the property.

APPLICANT: Land Group Atlanta, Inc.

PETITION NO.: OSC 14-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack 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: adjacent to stream and lake and within stream buffer area

- 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 culvert at 5343 Martins Court and verify no adverse impact.

APPLICANT: Land Group Atlanta Inc.

PETITION NO.: OSC 14-01

PRESENT ZONING: R-20

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. The underlying zoning density and lot yield plan assumes that the existing lake will be drained and detention provided elsewhere on the site. However, no consideration has been provided for the stream buffer that would be reestablished through the existing lake to the upstream springhead. This would most likely eliminate Lot 15.
2. The proposed OSC layout has allowed for the undisturbed stream buffers that exist on the site, but not for the 25-foot additional impervious setback from the undisturbed buffer. The impervious setbacks will make lots 19, 20, 22 & 23 unbuildable and likely impact lots 18, 21 & 24.
3. The dam and outlet control structure(s) will be required to be brought up to existing County design standards.

APPLICANT Land Group Atlanta, Inc

PETITION NO. OSC 14-01

PRESENT ZONING R-20

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): 16" DI / W side of Cooper Lake Rd

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: 180' E in Saint Martin's Court

Estimated Waste Generation (in G.P.D.): A D F= 4160 Peak= 10,400

Treatment Plant: South Cobb

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: Land Group Atlanta, Inc.

PETITION NO.: OSC 14-01

PRESENT ZONING: R-20

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
Cooper Lake Road	6000	Major Collector	35 mph	Cobb County	80'

Based on 2009 traffic counting data taken by Cobb County DOT (Cooper Lake Road)

COMMENTS AND OBSERVATIONS

Cooper Lake 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 to 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 Cooper Lake Road, a minimum of 40' 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 feet.

Recommend a deceleration lane for the Cooper Lake Road access.

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

Recommend private streets 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.

APPLICANT: Land Group Atlanta Inc.

PETITION NO.: OSC 14-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

STAFF RECOMMENDATIONS

OSC 14-01

- A. It is Staff's opinion that the applicant's proposal will permit a use that is not 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. However, adjacent lot sizes are significantly greater than those being proposed. Stoney Brook to the east is around 15,000 sqft. The Retreat at Old Vinings Lake is around 11,000 sqft. The smallest parcel to the north is 25,000 sqft. and across Cooper Lake Road is 19,000 sqft. This proposal shows a minimum lot size of 7,000 sqft.
- B. It is Staff's opinion that the applicant's proposal will have an adverse affect on adjacent or nearby properties. The development is proposing eleven (11) more lots than is currently allowed on the property based on the straight R-20 plan provided by the applicant. Stormwater Management Comments, suggest the straight R-20 plan would likely lose Lot 15 making the proposed development 12 lots more.
- C. It is Staff's opinion that the applicant's use of the Open Space Community 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 proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which projects this site to be within the Low Density Residential area with densities ranging from 1 to 2.5 units per acre. The proposed development has a density of 1.56 units per acre. However, the applicant's proposal is not in conformity with the *Open Space Community Overlay Ordinance*, which states that all required stream buffers should be within the open space. In addition, Stormwater Management comments suggest applicant needs to provide an additional 25' impervious buffer on site plan to adequately determine affected lots.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property to give supporting grounds for not approving the applicant's proposal. The Open Space Community Overlay district strictly prohibits individual lots within stream buffers and mandates all required stream buffers to be within the required Open Space. In addition, Staff has not been given the opportunity to fully provide an adequate analysis due to required information that is missing from site plan stamp dated received May 12, 2014.

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

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.