

APPLICANT: JW Homes, LLC
PHONE#: (404) 895-8913 **EMAIL:** bryan.musolf@jwhomes.com
REPRESENTATIVE: J. Kevin Moore
PHONE#: (770) 429-1499 **EMAIL:** jkm@mijs.com
TITLEHOLDER: Paul Samuel Properties, LLP; Double Eagle, LLC;
Laverne and Carl Abbott
PROPERTY LOCATION: South side of Paul Samuel Road, east side of
Acworth Due West Road, eastern terminus of West Pointe Drive, eastern
terminus of Justice Drive, and the southern terminus of Liberty Lane
ACCESS TO PROPERTY: Paul Samuel Road and Acworth
Due West Road
PHYSICAL CHARACTERISTICS TO SITE: Single-family house
and undeveloped acreage with lake

PETITION NO: Z-46
HEARING DATE (PC): 07-01-14
HEARING DATE (BOC): 07-15-14
PRESENT ZONING: R-20, R-30
PROPOSED ZONING: R-20/OSC
PROPOSED USE: Single-Family Residential
Subdivision
SIZE OF TRACT: 132.385 acres
DISTRICT: 20
LAND LOT(S): 237, 258, 259
PARCEL(S): 30, 67, 1, 10, 226
TAXES: PAID X **DUE** _____
COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-30/Hampton Crest Subdivision
- SOUTH:** R-30/Single-family Houses; R-20/West Point and Due West Station Subdivisions
- EAST:** R-30/Single-family Houses; R-30/OSC/Woodbridge at Hamilton Lake; and R-20/Hamilton Country Estates
- WEST:** R-30/Single-family Houses and R-20/West Point Subdivision

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

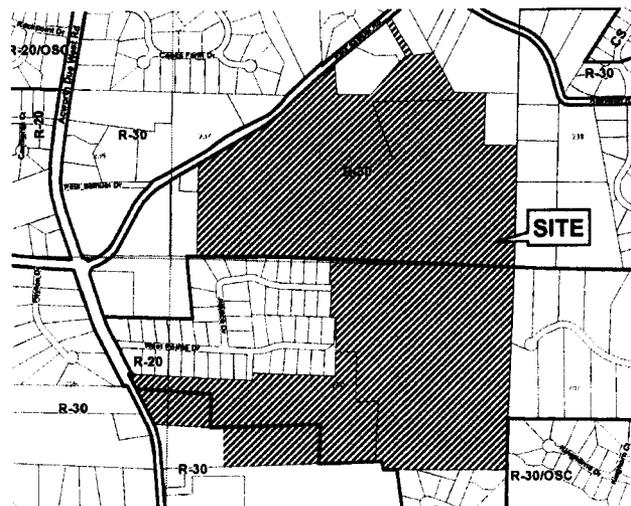
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

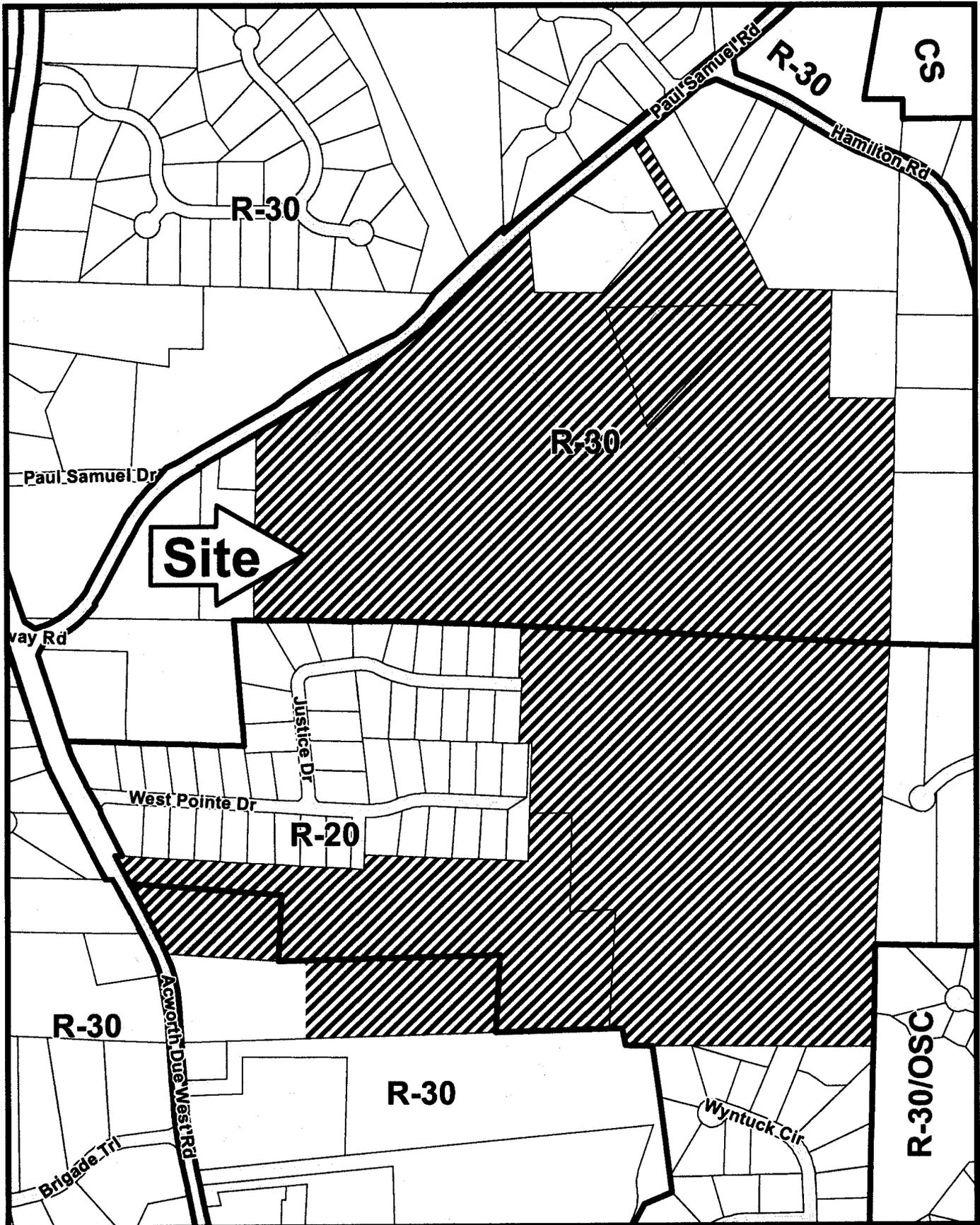
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

STIPULATIONS:



Z-46



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

0 500 1,000 Feet



City Boundary
Zoning Boundary

APPLICANT: JW Homes, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20, 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: 195 Overall Density: 1.86 Units/Acre

Staff estimate for allowable # of units: R-30/63 & R-20/83 Units* Increase of: 49 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/Open Space Community (OSC) zoning category for the development of a 195-unit, single-family subdivision. The proposed site plan indicates 52.94 acres of the overall 137.183 acres will be set aside as open space. The proposed houses will be traditional and will range in size from 3,400 square feet to 4,400 square feet. The houses will range in price from \$500,000 to \$700,000.

Cemetery Preservation: No comment.

APPLICANT: JW Homes, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20, R-30

PETITION FOR: R-20/OSC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Bullard/Due West Elem</u>	<u> </u>	<u> </u>	<u> </u>
<u>Elementary</u>			
<u>McClure Middle</u>	<u>110</u>	<u>Over</u>	<u> </u>
<u>Middle</u>			
<u>Harrison/Kennesaw Mtn High</u>	<u> </u>	<u> </u>	<u> </u>

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: JW Homes, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20, R-30

PETITION FOR: R-20/OSC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and R-30 to R-20/OSC for purposes of single family residential. The 137.183 acre site is located on the south side of Paul Samuel Road, east side of Acworth Due West Road.

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-20 and 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.

Open Space

Date: July 17, 2014

Contact: Philip Westbrook

(770) 528-2014

Property Location: South side of Paul Samuel Rd, east side of Acworth Due West Rd.

Land Lot/District: 237,258,259 / 20

Current Zoning: R-20 / R-30

Proposed Use: R-20 OSC

Total Area: 137.183 acres

Floodplain /Wetland Area/Cemetery: 31.10 acres

Amenity Area: 1.19 acres

Net Buildable Area: 104.893 acres

Base Density Allowed: 1.75 upa

Base Density Allowed w/Bonus: 1.92 upa

Proposed Lots: 195

Net Density: 1.86 upa

Future Land Use: Very Low Density Residential (1 to 2 upa)

Open Space Requirement: 48.01 acres or 35%; for bonus 52.82 acres or 38.5%

Open Space Provided: 52.94 acres or 38.6%

Percentage of Open Space within Floodplain, Wetlands, & Lakes w: 58.7%

Setbacks:

Interior:

Front: 15'; Rear: 20'; Side: 5' / 20' between units

Exterior

Rear: 40' adjacent to R-30

Rear: 35' adjacent to R-20

Comments:

- Overall residential development shall be compatible with neighboring residential uses. In areas where adjoining neighborhood lots are larger than those proposed (i.e. lots 41 – 48 & 104-112) the plan should incorporate larger lots adjacent to existing neighborhoods with smaller lots designed to the interior.

APPLICANT: JW Homes, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20, R-30

PETITION FOR: R-20/OSC

PLANNING COMMENTS: **Continued**

- 2. Must have Cobb Department of Transportation approved lighting plan if outdoor lighting (except individual residential lots) is proposed.
- 3. 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.
- 4. 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.
- 5. 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.

Master Plan/Corridor Study
Not applicable.

Historic Preservation
It has 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: JW Homes, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20, R-30

PETITION FOR: R-20/OSC

PLANNING COMMENTS: Continued

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.

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 JW Homes, LLC

PETITION NO. Z-046

PRESENT ZONING R-20, 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): 12" DI / N side of Paul Samuel Road

Additional Comments: Also 12" DI E side of Acworth Due West Rd

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= 29,920 Peak= 74,800

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

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: JW Homes, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20, R-30

PETITION FOR: R-20 OSC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Due West 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 streams and lake and within stream buffer areas.

- 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: JW Homes, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20, 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. The revised site plan received 7/3/2014 provides adequate open space to meet the County’s stream buffer protection ordinance. Since this project is located on Due West Creek, a tributary to Allatoona Creek, it is also subject to additional water intake protection buffers. Additional undisturbed and impervious setbacks have been provided to meet the intake buffer requirement as well utilizing buffer averaging.
2. There is an existing lake located on the parcel. If there is any increase in the hydrologic loading of this dam it will be required to be brought up to current development standards.
3. In addition to the existing lake, there are two stormwater management facilities proposed. While it appears that these may provide adequate stormwater detention, if during plan review it is determined that additional detention is needed another pond could be required. This would impact the total open space area since the detention facilities cannot be included.
4. All proposed bridge crossings must be designed to provide no increase in off-site flood elevations. A “no-rise” certification study will be required. A Conditional Letter of Map Revision (CLOMR) submittal to FEMA will be required for the proposed bridge/culvert over Due West Creek.

APPLICANT: JW Homes, LLC PETITION NO.: Z-46

PRESENT ZONING: R-20, 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
Paul Samuel Road	7200	Minor Collector	35 mph	Cobb County	60'
Acworth Due West Road	8500	Arterial	40 mph	Cobb County	100'

*Based on 2009 traffic counting data taken by Cobb County DOT (Paul Samuel Road)
Based on 2005 traffic counting data taken by Cobb County DOT (Acworth Due West Road)*

COMMENTS AND OBSERVATIONS

Paul Samuel 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.

Acworth 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.

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 south side of Paul Samuel Road, a minimum of 30' from the roadway centerline.

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 Acworth Due West Road, a minimum of 50' 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' on Paul Samuel Road.

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 445' on Acworth Due West Road.

Recommend curb, gutter, and sidewalk along the Paul Samuel Road and Acworth Due West Road frontages.

Recommend a deceleration lane and left turn lane for the Paul Samuel Road western access.

Recommend a deceleration lane and left turn lane for the Acworth Due West Road access.

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

Recommend a traffic study.

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

STAFF RECOMMENDATIONS

Z-46 JW HOMES, 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 properties are zoned for single-family developments 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 for single-family developments that include R-20, R-30, R-30/OSC and R-80.
- 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*, which delineates this property to be within the Very Low Density Residential (VLDR) land use category, having densities ranging from 0-2 units per acre. The requested density of 1.86 units per acre can be allowed in VLDR. Densities of some of the nearby subdivisions include: Hamilton Country Estates (zoned R-20 at approximately 0.395 units per acre); Woodbridge at Hamilton Lake Unit One (zoned R-30/OSC at 1.54 units per acre); West Pointe Unit One (zoned R-20 at approximately 1.632 units per acre); and West Pointe Unit Two (zoned R-20 at 1.816 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. Applicant's proposed site plan has set aside 52.94 acres (38.6%) of the total 137.183 acres as open space. The proposed density 1.86 units per acre is slightly higher than another nearby subdivision that is 1.816 units per acre. The proposed 1.86 units per acre is also consistent with the VLDR range of 0-2 units per acre.

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

- Site plan to be approved by the Board of Commissioners;
- Lots abutting R-30 property to have 40-foot rear setbacks and lots abutting R-20 zoning to have a 35-foot rear setback;
- Planning Division Analysis dated July 17, 2014;
- 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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COBB COUNTY RECORDS

2014 MAY -1 PM 4:45

COBB COUNTY ZONING DIVISION



Application #: Z- 46 (2014)

PC Hearing Date: 07/01/2014

BOC Hearing Date: 07/15/2014

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 3,400 - 4,400 sqft.
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): \$500,000 to \$700,000
- d) List all requested variances: _____

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

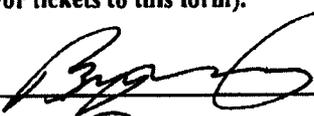
- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

.....
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).

Applicant signature:  Date: May 1, 2014

Applicant name (printed): Bryan Musolf

*Applicant specifically reserves the right to amend any portion of the Summary of Intent to Rezone, or any other part of the Application for Rezoning, at ~~any time~~ any time during the rezoning process. Revised August 21, 2013

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY
Planning Division
1150 Powder Springs Street
Marietta, Georgia 30060
(770) 528-2018

Z-46 (2014)
Planning Staff
Analysis

Planning Staff Analysis

Z-46 REVISED

Date: **July 17, 2014**

Contact: Philip Westbrook

(770) 528-2014

Property Location: South side of Paul Samuel Rd, east side
of Acworth Due West Rd.

Land Lot/District: 237,258,259 / 20
Proposed Use: R-20 OSC

Current Zoning: R-20 / R-30

Total Area: 137.183 acres

Floodplain /Wetland Area/Cemetery: 31.10 acres

Amenity Area: 1.19 acres

Net Buildable Area: 104.893 acres

Base Density Allowed: 1.75 upa

Base Density Allowed w/Bonus: 1.92 upa

Proposed Lots: 195

Net Density: 1.86 upa

Future Land Use: Very Low Density Residential (1 to 2 upa)

Open Space Requirement: 48.01 acres or 35%; for bonus 52.82 acres or 38.5%

Open Space Provided: 52.94 acres or 38.6%

Percentage of Open Space within Floodplain, Wetlands, & Lakes w: 58.7%

Setbacks:

Interior:

Front: 15'; Rear: 20'; Side: 5'/ 20' between units

Exterior

Rear: 40' adjacent to R-30

Rear: 35' adjacent to R-20

Comments:

1. Overall residential development shall be compatible with neighboring residential uses. In areas where adjoining neighborhood lots are larger than those proposed (i.e. lots 41 – 48 & 104-112) the plan should incorporate larger lots adjacent to existing neighborhoods with smaller lots designed to the interior.
2. Must have Cobb Department of Transportation approved lighting plan if outdoor lighting (except individual residential lots) is proposed.
3. 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.

4. 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.
5. 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.