

APPLICANT: Pulte Home Corporation
PHONE#: (678) 381-3450 **EMAIL:** garen.smith@pultegroup.com
REPRESENTATIVE: John H. Moore
PHONE#: (770) 429-1499 **EMAIL:** jmoore@mijs.com
TITLEHOLDER: Cash Family Limited Partnership

PROPERTY LOCATION: Northeast side of South Cobb Drive, north
side of Wright Road, west side of Oakdale Road.
(4719 and 4680 South Cobb Drive, and 4696 Oakdale Road)

ACCESS TO PROPERTY: Wright Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house
and office/warehouse

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: LI/Storage Facility
SOUTH: NRC/Advance Auto Parts and R-20
EAST: R-20/Single-family house and Oakdale Park Subdivision
WEST: City of Smyrna/Industrial use

PETITION NO: Z-75
HEARING DATE (PC): 10-07-14
HEARING DATE (BOC): 10-21-14
PRESENT ZONING: LI
PROPOSED ZONING: RM-8
PROPOSED USE: Townhomes
SIZE OF TRACT: 5.25 acres
DISTRICT: 17
LAND LOT(S): 691
PARCEL(S): 1, 2, 27
TAXES: PAID X **DUE** _____
COMMISSION DISTRICT: 2

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

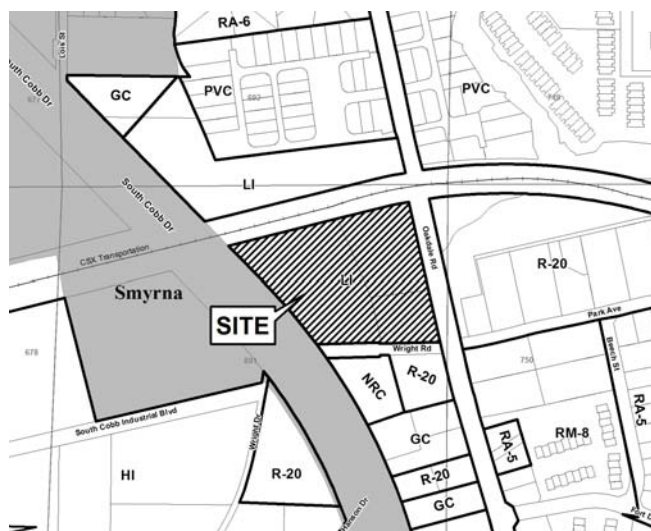
PLANNING COMMISSION RECOMMENDATION

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

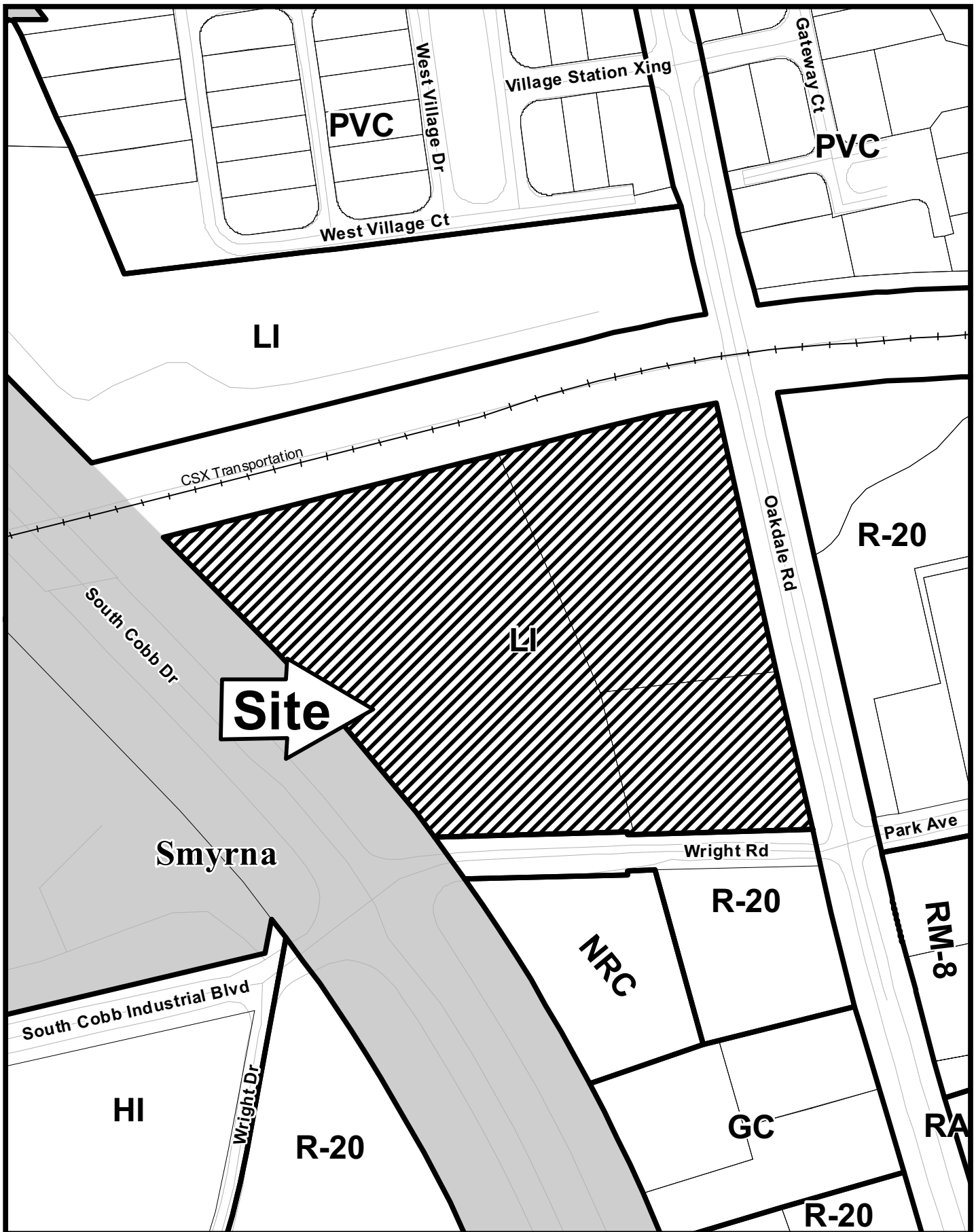
BOARD OF COMMISSIONERS DECISION

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

STIPULATIONS:



Z-75



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

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Pulte Home Corporation

PETITION NO.: Z-75

PRESENT ZONING: LI

PETITION FOR: RM-8

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Units: 41 **Overall Density:** 7.80 **Units/Acre**

Staff estimate for allowable # of units: 0 **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 RM-8 zoning category for the development of a 41-unit residential townhome community. The minimum house size will be 1,800 square feet. The buildings will be traditional with three-sided brick and prices will start in the high \$200,000s. The townhomes will be 28-feet wide and the proposed development will have private streets.

Cemetery Preservation: No comment.

APPLICANT: Pulte Home Corporation

PETITION NO.: Z-75

PRESENT ZONING: LI

PETITION FOR: RM-8

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Nickajack	1,046	Over	
Elementary Campbell	1,308	Over	
Middle Campbell	2,394	Under	

High

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

Additional Comments: Approval of this petition could adversely impact the enrollment at Nickajack Elementary School and Campbell Middle School, as both of these schools are over capacity at this time.

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: Pulte Home Corporation

PETITION NO.: Z-75

PRESENT ZONING: LI

PETITION FOR: RM-8

PLANNING COMMENTS:

The applicant is requesting a rezoning from and LI to RM-8 for Townhomes. The 5.25 acre site is located on the northeast side of South Cobb Drive, north side of Wright Road, west side of Oakdale Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with LI zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1920 house is located within the project area. Due to the age and location of the structure, information about this resource and its occupants appears to have the potential to contribute significantly to the county's public history. Staff recommends the home either be incorporated into the development or, alternately, documented if destroyed.

In order to properly document this structure, its inhabitants, and the role it played in Cobb County's history, staff requests a history of the home and its occupants (as well as archival-quality photographs of the structure, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

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: Pulte Home Corporation

PETITION NO.: Z-75

PRESENT ZONING: LI

PETITION FOR: RM-8

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 Pulte Home Corp.

PETITION NO. Z-075

PRESENT ZONING LI

PETITION FOR RM-8

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 / E side of South Cobb Drive

Additional Comments: Master county meter with private submeters required by Code

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= 6080 Peak= 15200

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

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 Sewer flow study may be required at Plan Review
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.

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PETITION NO.: Z-75

PRESENT ZONING: LI

PETITION FOR: RM-8

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River 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 onsite stream channel

- ☒ 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.

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PETITION NO.: Z-75

PRESENT ZONING: LI

PETITION FOR: RM-8

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 parcel is bounded by Oakdale Road to the east, Wright Road to the south, South Cobb Drive to the west and the Railroad to the north. The entire site drains to the east to an existing culvert under Oakdale Road. This culvert has been extended partially through the site. This conveyance drains approximately 75 acres from the drainage basin to the north of the railroad. To accommodate the proposed layout, the existing pipe system will need to be relocated and sized to accommodate the onsite as well as offsite 100-year design flow. This may require a stream buffer variance, which will be determined at Plan Review.
2. The proposed site plan shows the underground detention system located beneath the street. The applicant has agreed to Stormwater Management's recommendation to relocate this facility to the open space area to significantly reduce future maintenance costs.

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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
South Cobb Drive	21,600	Arterial	45 mph	Georgia DOT	100'
Wright Road	N/A	Local	25 mph	Cobb County	50'
Oakdale Road	N/A	Local	35 mph	Cobb County	50'

Based on 2008 traffic counting data taken by Cobb County DOT (South Cobb Drive)

COMMENTS AND OBSERVATIONS

South Cobb Drive is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Wright 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.

Oakdale 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 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 north side of Wright Road, a minimum of 25' from the roadway centerline.

Recommend removing and closing driveway apron along Wright Road and Oakdale Road frontages that development renders unnecessary.

Recommend curb, gutter, and sidewalk along the Wright Road and Oakdale Road frontages.

Recommend sidewalk along the South Cobb Drive frontage.

Georgia DOT permits will be required for all work that encroaches upon State right-of-way.

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

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.

STAFF RECOMMENDATIONS

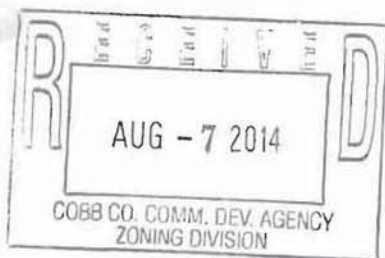
Z-75 PULTE HOME CORPORATION

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. This area is a mixture of industrial, commercial and mixed residential.
- 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. Some properties in the area have been rezoned to mixed residential with commercial uses and other properties situated on the South Cobb Drive side have remained industrial.
- 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 conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Neighborhood Activity Center (NAC) land use category. The RM-8 zoning category should be in Medium Density Residential (MDR), High Density Residential (HDR) or Regional Activity Center (RAC) land use categories. However, the *Comprehensive Plan* does encourage Medium Density Residential uses in NAC's to provide for a transition in zoning intensity.
- 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 deleting the applicant's rezoning proposal. The property is located in an area that contains a mixture of land uses. The applicant's proposal would be consistent with other land uses, if zoned with a lower density. NAC's do encourage Medium Density uses to serve as transitions in zoning intensity.

Based on the above analysis, Staff recommends DELETING the request to RA-5 subject to the following conditions:

- Maximum of five units per acre;
- District Commissioner to approve site plan;
- 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.



Application #: Z- 75 (2014)

PC Hearing Date: 10/07/2014

BOC Hearing Date: 10/21/2014

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Minimum 1,800 square feet
- b) Proposed building architecture: Traditional, 3-sided brick
- c) Proposed selling prices(s): High \$200s
- 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: 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 X; 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: August 7, 2014

John H. Moore; Georgia Bar No. 519800

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

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

Revised August 21, 2013