

Z-1  
(2015)

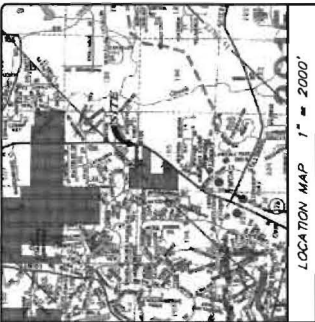


MARS HILL ROAD  
TRACT  
LAND LOT 186 & 195, 20TH DISTRICT, 2ND SECTION,  
COBB COUNTY, GEORGIA



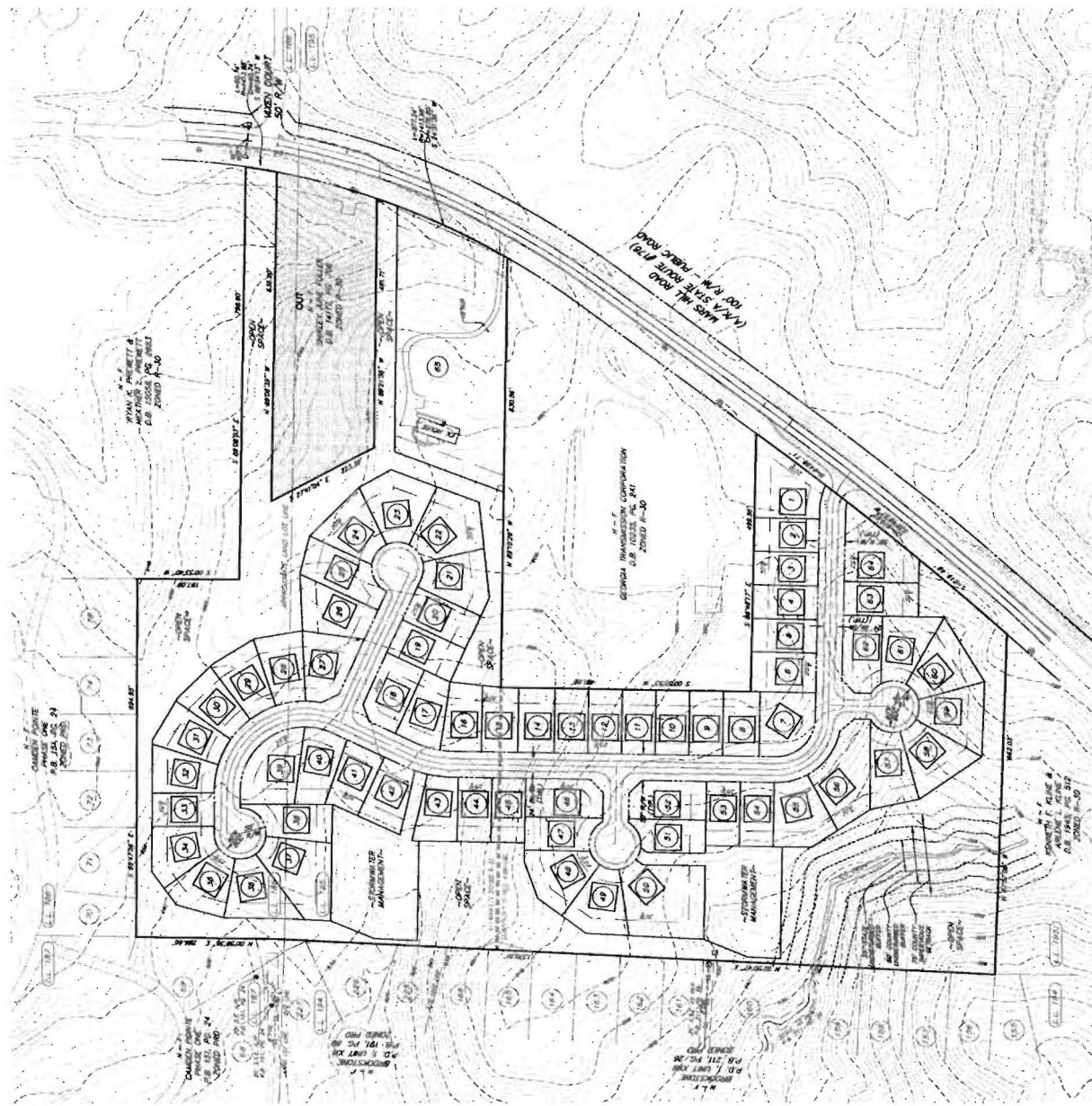
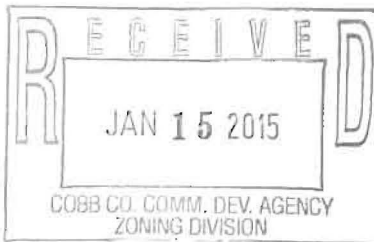
PROJECT NO.	FIELD BOOK
DRAWN BY	CHKD BY
BWD	DPH
DATE	1/9/14
SHEET NUMBER	01

NOT ISSUED FOR CONSTRUCTION



- REVISIONS**
- 1.1. DATE: 1/15/15
  - 1.2. DRAWN BY: BWD
  - 1.3. CHECKED BY: DPH
  - 1.4. DATE: 1/15/15
  - 1.5. PROJECT NO.: 14-000
  - 1.6. SHEET NO.: 01
  - 1.7. DATE: 1/15/15
  - 1.8. PROJECT NO.: 14-000
  - 1.9. SHEET NO.: 01
  - 1.10. DATE: 1/15/15
  - 1.11. PROJECT NO.: 14-000
  - 1.12. SHEET NO.: 01
  - 1.13. DATE: 1/15/15
  - 1.14. PROJECT NO.: 14-000
  - 1.15. SHEET NO.: 01
  - 1.16. DATE: 1/15/15
  - 1.17. PROJECT NO.: 14-000
  - 1.18. SHEET NO.: 01
  - 1.19. DATE: 1/15/15
  - 1.20. PROJECT NO.: 14-000
  - 1.21. SHEET NO.: 01
  - 1.22. DATE: 1/15/15
  - 1.23. PROJECT NO.: 14-000
  - 1.24. SHEET NO.: 01
  - 1.25. DATE: 1/15/15
  - 1.26. PROJECT NO.: 14-000
  - 1.27. SHEET NO.: 01
  - 1.28. DATE: 1/15/15
  - 1.29. PROJECT NO.: 14-000
  - 1.30. SHEET NO.: 01

**REVISIONS**



**APPLICANT:** Forestar (USA) Real Estate Group, Inc.

**PETITION NO:** Z-1

**PHONE#:**770-272-8139 **EMAIL:** ChuckOlderman@forestargroup.com

**HEARING DATE (PC):** 02-03-15

**REPRESENTATIVE:** Parks Huff

**HEARING DATE (BOC):** 02-17-15

**PHONE#:**770-422-7016 **EMAIL:** phuff@slhb-law.com

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

**TITLEHOLDER:** Estate of Leona Hall Price f/k/a Leona Hall Johnson,

Debra B. Landers, Shirley June Fuller, Margaret P. Glenn

**PROPOSED ZONING:** R-15/OSC

**PROPERTY LOCATION:** West side of Mars Hill Road, south of

Camden Lake Parkway.

**PROPOSED USE:** Residential Subdivision

**ACCESS TO PROPERTY:** Mars Hill Road

**SIZE OF TRACT:** 32.51 acres

**DISTRICT:** 20

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

**LAND LOT(S):** 186, 195

and wooded undeveloped acreage

**PARCEL(S):** 1, 3, 12, 135

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

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-30/Single-family house and PRD/Camden Pointe Subdivision

**SOUTH:** R-30/Single-family house

**EAST:** R-30/Power Station; R-30/Single-family house; R-20/Fox Creek Subdivision and R-30/OSC/Undeveloped

**WEST:** PD/Brookstone Subdivision

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_ **REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

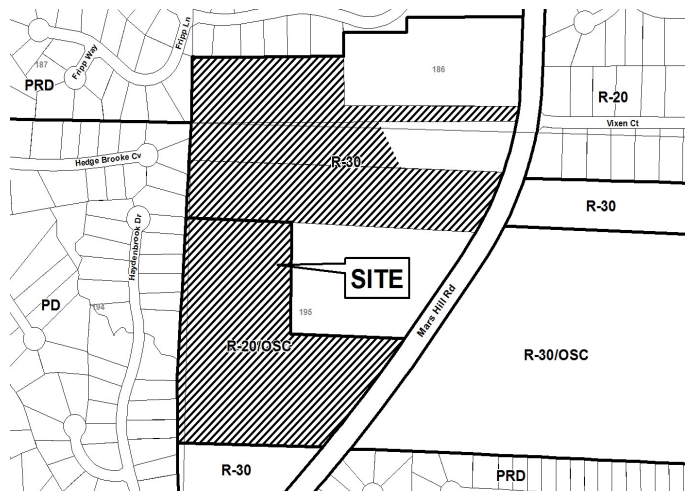
**BOARD OF COMMISSIONERS DECISION**

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

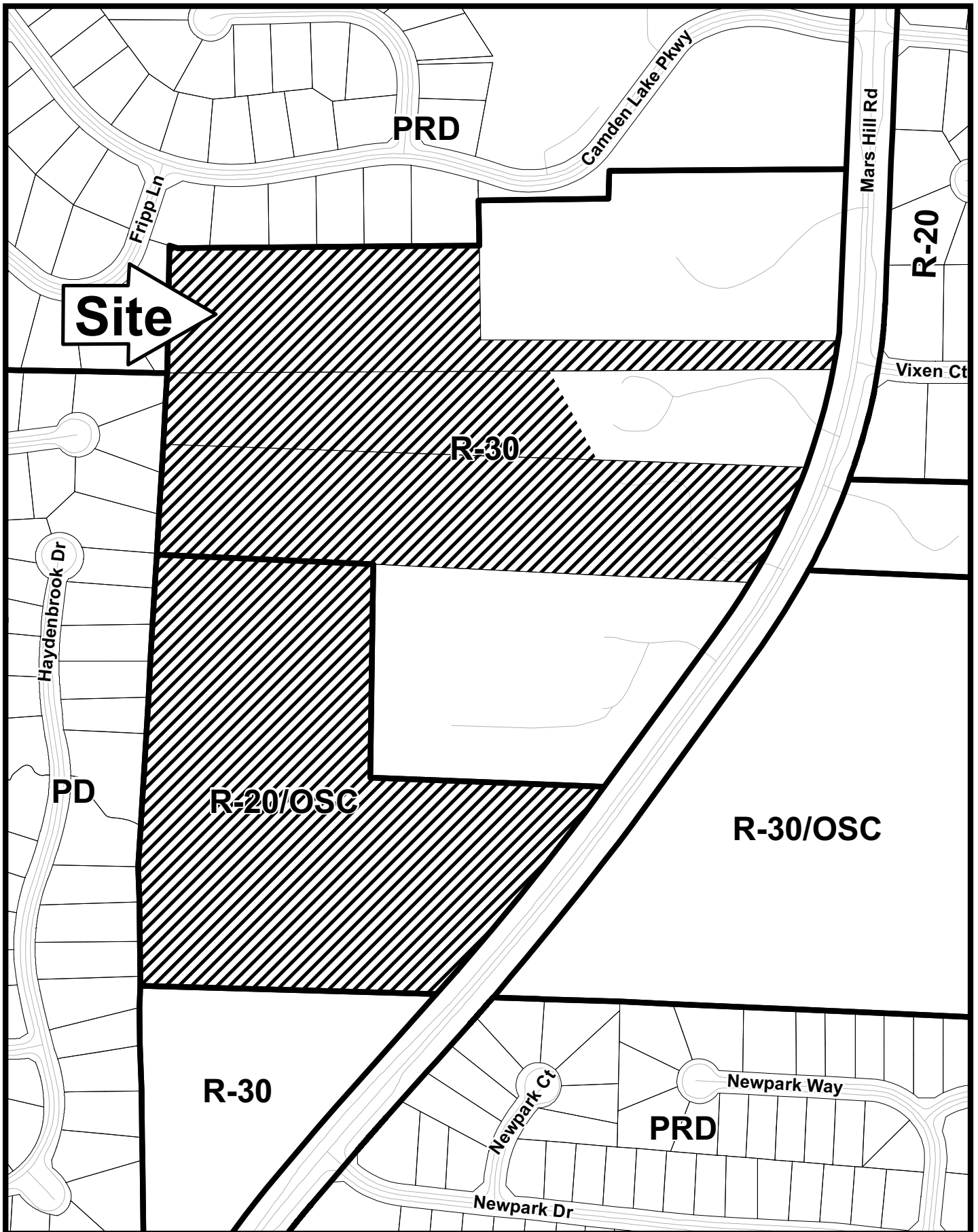
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

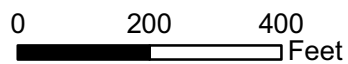
**STIPULATIONS:**



# Z-1



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



City Boundary  
Zoning Boundary

**APPLICANT:** Forestar (USA) Real Estate Group, Inc.

**PETITION NO.:** Z-1

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

**PETITION FOR:** R-15/OSC

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**ZONING COMMENTS:**

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

**Land Use Plan Recommendation:** Very Low Density Residential (0-2 units/acre) & Rural Residential (0-1 units/acre)

**Proposed Number of Units:** 65                      **Overall Density:** 2.00                      **Units/Acre**

**Staff estimate for allowable # of units:** 46 (27 on R-20/OSC Portion (Z-6 of 2003) and 19 on R-30 Portion) **Units\***

**Increase of:** 19 **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-15 Open Space Community (OSC) zoning category for the purpose of developing a single-family residential subdivision. The houses will be traditional with brick, stone and cementitious board siding, and will range in size from 2,500 to 3,500 square feet. The price range will be \$300,000 to \$400,000. Applicant’s proposed site plan indicates 9.77 acres of open space.

The portion of the property that is currently zoned R-20/OSC was part of Z-6 of 2003 for a 27-lot open space community at 1.77 units per acre with 5.6 acres of open space (minutes attached).

Applicant is also requesting to have 25-foot front setbacks.

**Cemetery Preservation:** No comment.

**APPLICANT:** Forestar (USA) Real Estate Group, Inc.

**PETITION NO.:** Z-1

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

**PETITION FOR:** R-15/OSC

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Pickett's Mill</u>	<u>720</u>	<u>Under</u>	<u>                    </u>
<b>Elementary</b>			
<u>Durham</u>	<u>1,031</u>	<u>Under</u>	<u>                    </u>
<b>Middle</b>			
<u>Allatoona</u>	<u>1,790</u>	<u>Under</u>	<u>                    </u>

**High**

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

**Additional Comments:**

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**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:** Forestar (USA) Real Estate Group, Inc.

**PETITION NO.:** Z-1

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

**PETITION FOR:** R-15/OSC

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20/OSC, R-30 to R-15/OSC for purpose of residential subdivision. The 32.51 acre site is located on the west side of Mars Hill Road, south of Camden Lake Parkway.

**Comprehensive Plan**

The parcel is within a Very Low Density Residential (**VLDR**) and Rural Residential (**RR**) future land use categories, with R-20/OSC 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. The purpose of the Rural Residential (RR) category is to provide for areas that are for housing from 0 to 1 dwellings/acre.

**Master Plan/Corridor Study**

Not applicable.

**Open space Requirements**

**Property Location:** West side of Mars Hill Road south of Camden Lake Parkway

**Land Lot/District:** 186, 195 / 20

**Current Zoning:** R-20/OSC, R-30

**Proposed Use:** R-15 OSC

**Total Area:** 32.51 acres

**Floodplain /Wetland Area/Cemetery:** 0 acres

**Amenity Area:** 0 acres

**Net Buildable Area:** 32.51 acres

**Base Density Allowed:** 2.1 upa

**Base Density Allowed w/Bonus:** 2.25 upa

**Proposed Lots:** 67

**Net Density:** 2.06 upa

**Future Land Use:** Very Low Density Residential (1 to 2 upa) & Rural Residential (0 to 1 upa)

**Open Space Requirement:** 9.75 acres or 30%; for bonus 10.73 acres or 33%

**Open Space Provided:** 9.77 acres or 30.1%

**Percentage of Open Space within Floodplain, Wetlands, & Lakes w:** N/A

**Setbacks:**

Front: 35'

Rear: 30'

Side Minor: 5'/ 15' between units

Side Major: 20'

APPLICANT: Forestar (USA) Real Estate Group, Inc.

PETITION NO.: Z-1

PRESENT ZONING: R-20/OSC, R-30

PETITION FOR: R-15/OSC

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**PLANNING COMMENTS:** (Continued)

**Comments:**

1. Current density exceeds future land use guidelines. Please provide plan with density that is consistent with the VLDR range (1 to 2 upa).
2. Provide pedestrian easement(s) of at least 15 feet wide to allow access of commonly owned open space.
3. Must have Cobb Department of Transportation approved lighting plan if outdoor lighting (except individual residential lots) is proposed
4. 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. The open space may also be protected via a conservation easement in favor of the county for conservation uses. Application can be acquired and submitted to the Planning Division before final plat approval.
5. 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 and cannot be disturbed.
6. 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.

**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?

**APPLICANT:** Forestar (USA) Real Estate Group, Inc.

**PETITION NO.:** Z-1

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

**PETITION FOR:** R-15/OSC

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**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

Is this property within the Six Flags Special Service District?

Yes  No



APPLICANT Forestar (USA) Real Estate Group

PETITION NO. Z-001

PRESENT ZONING R-20/OSC, R-30

PETITION FOR R-15/OSC

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**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" CI/ W side of Mars Hill Road

Additional Comments: Secondary water feed will be required at Plan Review

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.

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**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: At western p/l extended from Brookstone

Estimated Waste Generation (in G.P.D.): A D F= 10720 Peak= 26800

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: Depending on final grades, easement(s) may be necessary for sewer outfall

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: Forestar (USA) Real Estate Group, Inc.

PETITION NO. : Z-1

PRESENT ZONING: R-20/OSC, R-30

PETITION FOR: R-15/OSC

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Allatoona 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 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 Camden Pointe Lake.  
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 culverts within Brookstone S/D.

**APPLICANT:** Forestar (USA) Real Estate Group, Inc.

**PETITION NO.:** Z-1

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

**PETITION FOR:** R-15/OSC

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**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. A drainage easement will be required at the rear of lots 37-39 to limit offsite runoff bypass.
2. Elevated erosion control measures including a mulch berm along the rear of lots 24-26 will be required to protect the downstream lake within Camden Pointe Subdivision.

**APPLICANT: Forestar (USA) Real Estate Group, Inc.      PETITION NO.: Z-1**

**PRESENT ZONING: R-20/OSC, R-30      PETITION FOR: R-15/OSC**

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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
Mars Hill Road	17,800	Arterial	45	Cobb	100'

*Based on [2013] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Mars Hill 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 be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Recommend curb, gutter, and sidewalk along the Mars Hill Road frontage.

Recommend sidewalk on one side of the street within subdivision.

Recommend deceleration lane for the Mars Hill Road entrance.

Recommend left turn lane for the Mars Hill Road entrance.

Recommend applicant verify that minimum intersection sight distance is available for Mars Hill Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 500 feet.

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## STAFF RECOMMENDATIONS

### **Z-1 FORESTAR (USA) REAL ESTATE GROUP, INC.**

- 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. Other developments in this area are zoned for similar single-family densities and lower.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. Applicant's request is for a single-family subdivision similar in density to the other developments along this side of Mars Hill Road.
- 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 to be within the Very Low Density Residential (VLDR) land use category, having densities ranging from 0-2 units per acre. Applicant's request is for an open space community having 2.00 units per acre. While the proposed density is above the limit of one unit per acre for the northern portion located in the RR land use category, Staff believes the proposal can be reduced in order to comply with the 0-2 units per acre limit of VLDR. Other developments and densities in the area include: Woodcliff Subdivision (R-20 at 1.21 units per acre); Fox Creek Subdivision (R-20 at 1.26 units per acre); Brafferton Subdivision (R-20 at 1.47 units per acre); Sherbrooke Subdivision (R-20 at 1.61 units per acre); Sun Brook Estates (R-15 at 1.96 units per acre); Camden Pointe Phase 1 (PRD at 2.0 units per acre); Brookstone PD1, Unit XXIII (PRD at 2.08 units per acre); and Parkwood at Brookstone Unit II (PRD at 3.04 units per acre). Staff would be supportive of the density remaining in the range of VLDR and remaining consistent with the densities on the west side of Mars Hill Road.
- 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 to the R-20/OSC category. Applicant's proposed density of 2.00 units per acre is similar to other single-family subdivisions in this area, but is slightly over the RR range of 0-1 unit per acre. Limiting the density to 1.92 units per acre will allow 62 lots, three less than proposed. This would better fit the character of the area and would reduce possible drainage problems downstream.

Based on the above analysis, Staff recommends DELETING to R-20/OSC subject to the following conditions:

- Maximum density of 1.92 units per acre;
- Final site plan to be approved by the District Commissioner;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

**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-1  
PC Hearing Date: 2-3-15  
BOC Hearing Date: 2-17-15



# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 2500 to 3500 square feet
- b) Proposed building architecture: Traditional with brick, stone and cementitious board siding
- c) Proposed selling prices(s): \$300k to 400k
- d) List all requested variances: None at this time

.....  
**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).* No

.....  
**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: 10-3-14

Applicant name (printed): Parks F. Huff, Esq., On Behalf of Applicant