

Z-23
(2015)

Gaskins
ENGINEERING
SURVEYING
PLANNING/CONSULTING
CONSTRUCTION MGMT
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BEL-AIRE
UNIT III
LAND LOTS 381 & 382, 19TH DISTRICT, 2ND SECTION,
COBB COUNTY, GEORGIA
PROP. ZONING RSL

ZONING PLAN

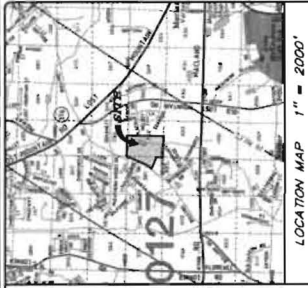


PROJECT NO.	FIELD BOOK
W164	—
DRAWN BY	CHUCKLE BY
BWD	DFM
SCALE	DATE
1"=100'	01/02/14

FOOTING

1

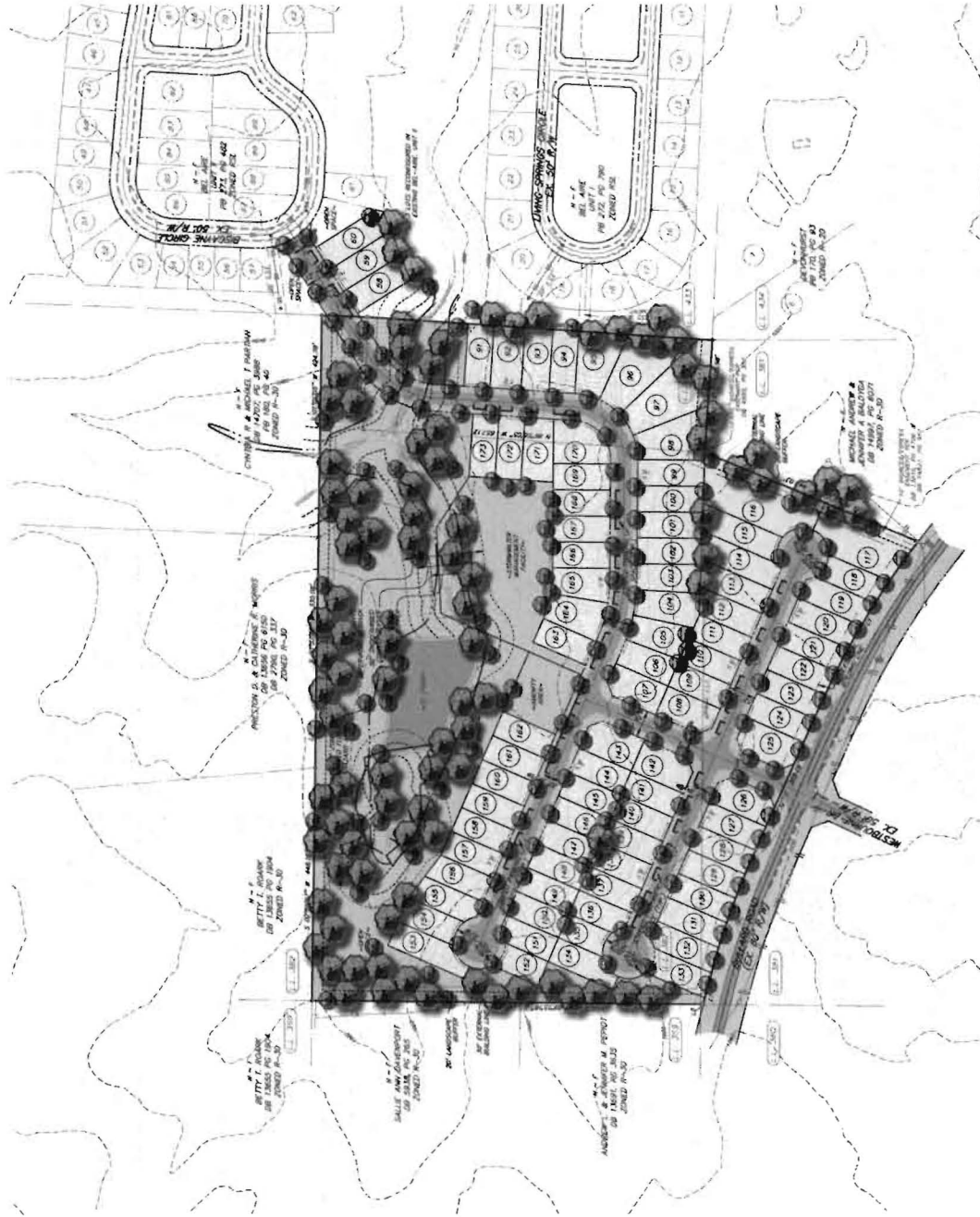
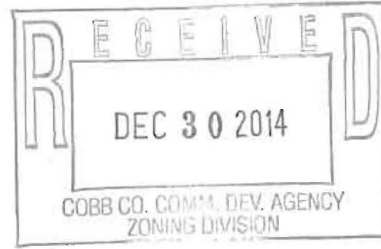
NOT ISSUED FOR CONSTRUCTION



LOCATION MAP 1" = 2000'

[illegible]

CLP#	RACE	AGE	LENGTH	WEIGHT	WING	TAIL	CHUCK	FLY IN
51	12 M 41	31	21	11	19	19	1	30
52	12 M 42	31	21	11	19	19	1	30
53	12 M 43	31	21	11	19	19	1	30

[illegible]

APPLICANT: Windsong Properties, LLC

PHONE#: (770) 516-3409 **EMAIL:** steve@windsonglife.com

REPRESENTATIVE: Parks F. Huff

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

TITLEHOLDER: Sallie B. Davenport, North Star Investors,

Mollie Times, LLC

PROPERTY LOCATION: East side of Bullard Road, north of

Macland Road, north of Biscayne Circle

ACCESS TO PROPERTY: Bullard Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house

and undeveloped acreage

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-30/Single-family houses

SOUTH: RSL/Bel Aire Subdivision

EAST: R-30/Single-family houses

WEST: R-20/Single-family houses and McEachern Woods West Subdivision

PETITION NO: Z-23

HEARING DATE (PC): 03-03-15

HEARING DATE (BOC): 03-17-15

PRESENT ZONING: R-30

PROPOSED ZONING: RSL

PROPOSED USE: Non-Supportive

Residential Senior Living

SIZE OF TRACT: 26.56 acres

DISTRICT: 19

LAND LOT(S): 381, 382

PARCEL(S): 3, 1, 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

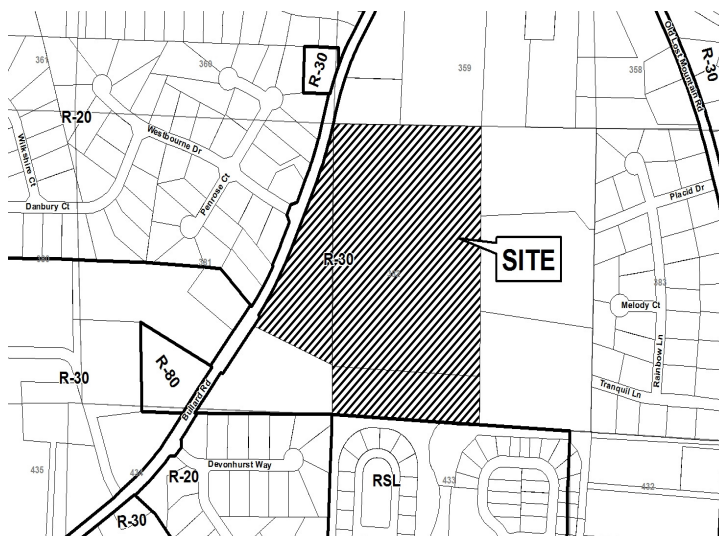
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

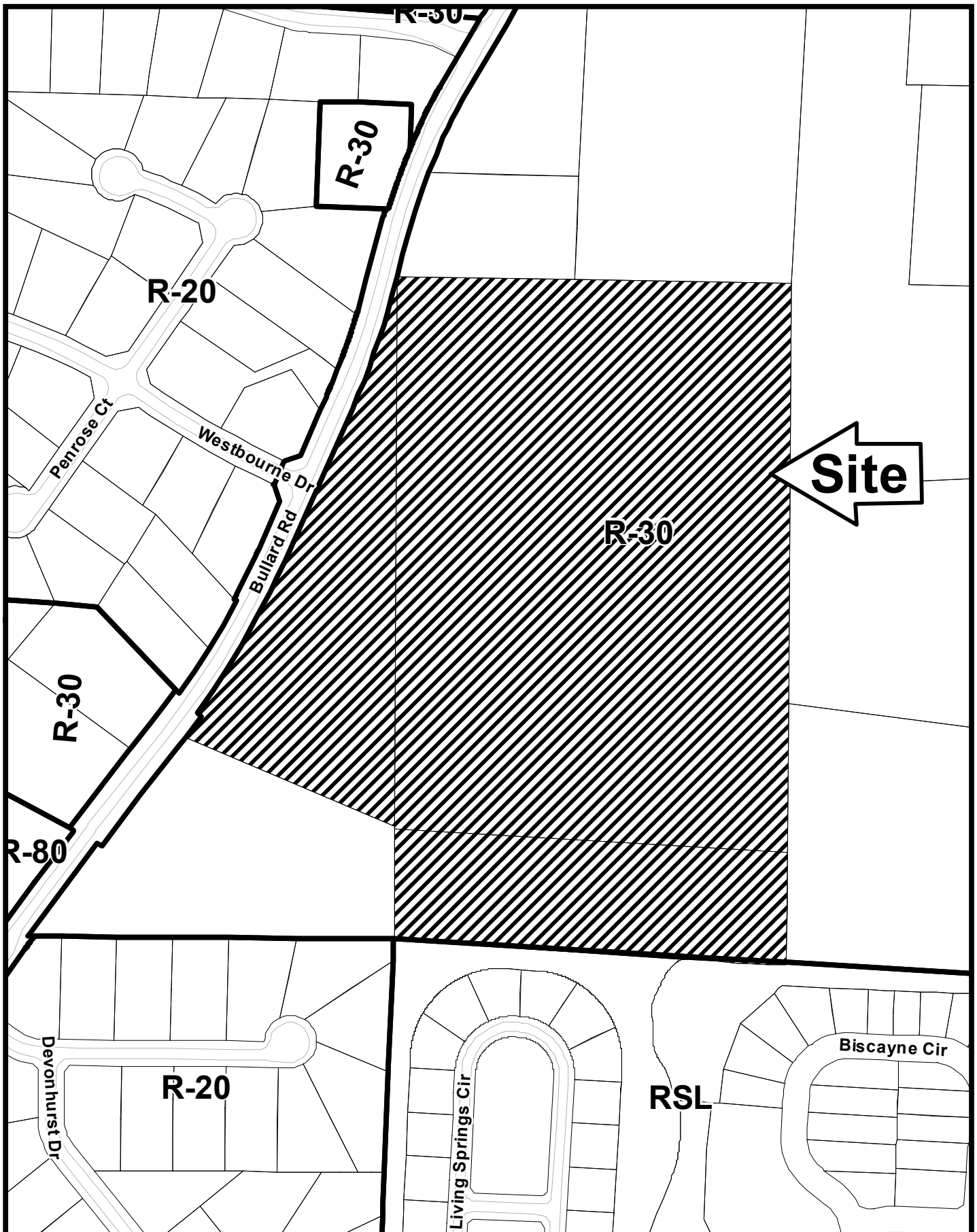
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-23



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

0 200 400 Feet



City Boundary
Zoning Boundary

APPLICANT: Windsong Properties, LLC

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: RSL

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: 83 **Overall Density:** 3.45 **Units/Acre**

Staff estimate for allowable # of units: 26 **Units*** **Increase of:** 57 **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 Residential Senior Living (RSL) zoning category for a non-supportive senior residential subdivision. The houses will be traditional and will range in size from 2,000 square feet to 2,500 square feet. The price range will be \$300,000 to \$350,000. The proposed development is to be an extension of Bel Aire, the abutting RSL (non-supportive) development to the south. The proposed site plan indicates 8.41 acres of open space. The proposed plan also incorporates the setbacks found in Bel Aire Subdivision previously approved as RSL in 2004 and 2005. The previously approved RSL also has a 40-foot maintained natural buffer along the exterior property lines and the proposed site plan indicates the required 20-foot landscaped buffer abutting residentially zoned properties.

The applicant is requesting a simultaneous variance to waive the required 15-foot setback between buildings to 5 feet with 10 feet between each home. The previously approved RSL for Bel Aire has zero side setbacks with 10 feet between houses. Also, the applicant is requesting to allow this use in Very Low Density Residential.

Cemetery Preservation: No comment.

APPLICANT: Windsong Properties, LLC

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: RSL

SCHOOL COMMENTS:

		Capacity	Number of
Name of School	Enrollment	Status	Portable
			Classrooms
Elementary			
Middle			
High			

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

Additional Comments:

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Windsong Properties, LLC

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: RSL

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to RSL for purpose of non-supportive residential senior living. The 26.56 acre site is located on the East side of Bullard Road, north of Macland Road.

Comprehensive Plan

The parcel is within a Very Low Density Residential (**VLDR**) future land use category, with R-30 zoning designation. 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.

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.

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 Windsong Properties LLC

PETITION NO. Z-023

PRESENT ZONING R-30

PETITION FOR RSL

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 / E side of Bullard Rd

Additional Comments: Reviewed as public R/O/W streets

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: 60' S in Bel Aire S/D

Estimated Waste Generation (in G.P.D.): A D F= 13,280 Peak= 33,200

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 Sanitary sewer easement extends to southern property line
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: Windsong Properties, LLC

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: RSL

STORMWATER MANAGEMENT COMMENTS

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

DRAINAGE BASIN: Florence Branch FLOOD HAZARD INFO: Zone A

- ☒ 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: identified on site plan

- ☒ 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: Windsong Properties, LLC

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: RSL

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 majority of this site is wooded with a triangular portion along Bullard Road that has been cleared. There is a small farm pond located at rear of the parcel that drains to the south via a small stream. The entire site drains to this stream and flow into the adjacent BelAire Subdivision to the south. Average slopes on the site are mild.
2. The existing pond dam must be brought up to current design standards.

APPLICANT: Windsong Properties, LLC

PETITION NO.: Z-23

PRESENT ZONING: R-30

PETITION FOR: RSL

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
Bullard Road	3,000	Minor	35	Cobb	60'

Based on [2012] traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Bullard Road is classified as a minor collector 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 Bullard Road frontage.

Recommend sidewalk on one side of the street within subdivision.

Recommend deceleration lane for the Bullard Road entrance.

Recommend left turn lane for the Bullard Road entrance.

Recommend applicant verify that minimum intersection sight distance is available for Bullard Road access and if it is not, implement remedial measures, subject to the Department's approval.

Recommend parking within R/W addressed at plan review, subject to Department's approval.

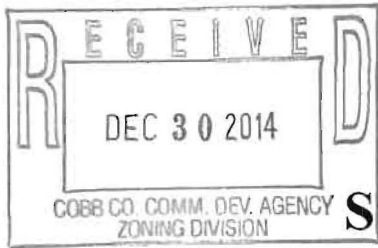
STAFF RECOMMENDATIONS

Z-23 WINDSONG PROPERTIES, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties, for large-lot, single-family detached houses. The RSL code requires overall residential developments to be compatible with neighboring residential uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. Other properties along Bullard Road are developed with larger single-family lots. The proposal would be out of character with adjoining large rural lots.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Very Low Density Residential (VLDR) land use category, having densities ranging from 0-2 units per acre. Other developments in this area include: Shannon Trace Subdivision (zoned R-30 at 1.25 units per acre); McEachern Woods West Phase I (zoned R-20 at 1.59 units per acre); Devonhurst Subdivision (zoned R-20 at approximately 1.69 units per acre); and McEachern Woods Unit I (zoned R-20 at approximately 1.88 units per acre). While this proposed development is planned to be a continuation of the existing RSL known as Bel Aire, with access to Bullard Road, Bel Aire Unit I is zoned RSL at 1.81 units per acre and Bel Aire Unit II, Phase 1 is zoned RSL at 2.29 units per acre. The site plan for the proposed development indicates 3.45 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. While the plan for this development is to make it a continuation of the existing RSL zoning of the developed Bel Aire Subdivision, the proposed density of 3.45 units per acre is not in compliance with the *Cobb County Comprehensive Plan* designation of VLDR, for densities ranging from 0-2 units per acre. In addition, the VLDR land use designation is not a land use category to be used for the RSL non-supportive zoning category.

Based on the above analysis, Staff recommends DENIAL.

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 No. z-23

PC 3-3-15
BSC 3-17-15

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 2,000 to 2,500
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): \$300,000 to \$350,000
- d) List all requested variances: 5' side setback with 10' between
each home
-

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

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

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

None

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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

.....