

APPLICANT: Fuqua Acquisitions II, LLC

PETITION NO: Z-87

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

HEARING DATE (PC): 10-06-15

REPRESENTATIVE: James A. Balli

HEARING DATE (BOC): 10-20-15

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

PRESENT ZONING: R-30, R-20

TITLEHOLDER: Due to individual parcels, a complete list of titleholders is available in the Zoning Office

PROPOSED ZONING: NRC, RM-12, RSL

PROPERTY LOCATION: West side of Spring Hill Parkway, north side of Paces Ferry Road, east side of Spring Hill Road, and on the southwest side of Simpson Road.

PROPOSED USE: Townhomes

ACCESS TO PROPERTY: Paces Ferry Road, Spring Hill Parkway, and Simpson Road

SIZE OF TRACT: 6.01 acres

DISTRICT: 17

PHYSICAL CHARACTERISTICS TO SITE: Church, single-family houses

LAND LOT(S): 769, 770

PARCEL(S): 1, 2, 3, 4, 10

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RA-5/Olde Vinings Est; R-30/Teasley Elem School

SOUTH: R-20/Ridgewood Hts; RD/Residential Duplexes

EAST: CRC/Panera Bread; OHR/LaQuinta Inn & Suites

WEST: RA-5/Olde Vinings Est; R-20/Vinings Hts

Adjacent Future Land Use:

North: Low Public Institutional (PI)
East: Regional Activity Center (RAC)
South: Low Density Residential (LDR) - across Paces Ferry Road
West: Low Density Residential (LDR) and Medium Density Residential (MDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

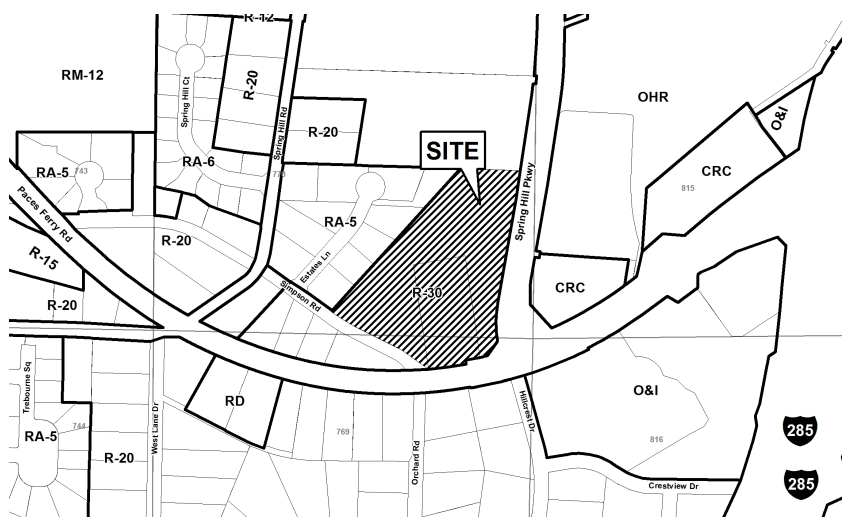
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

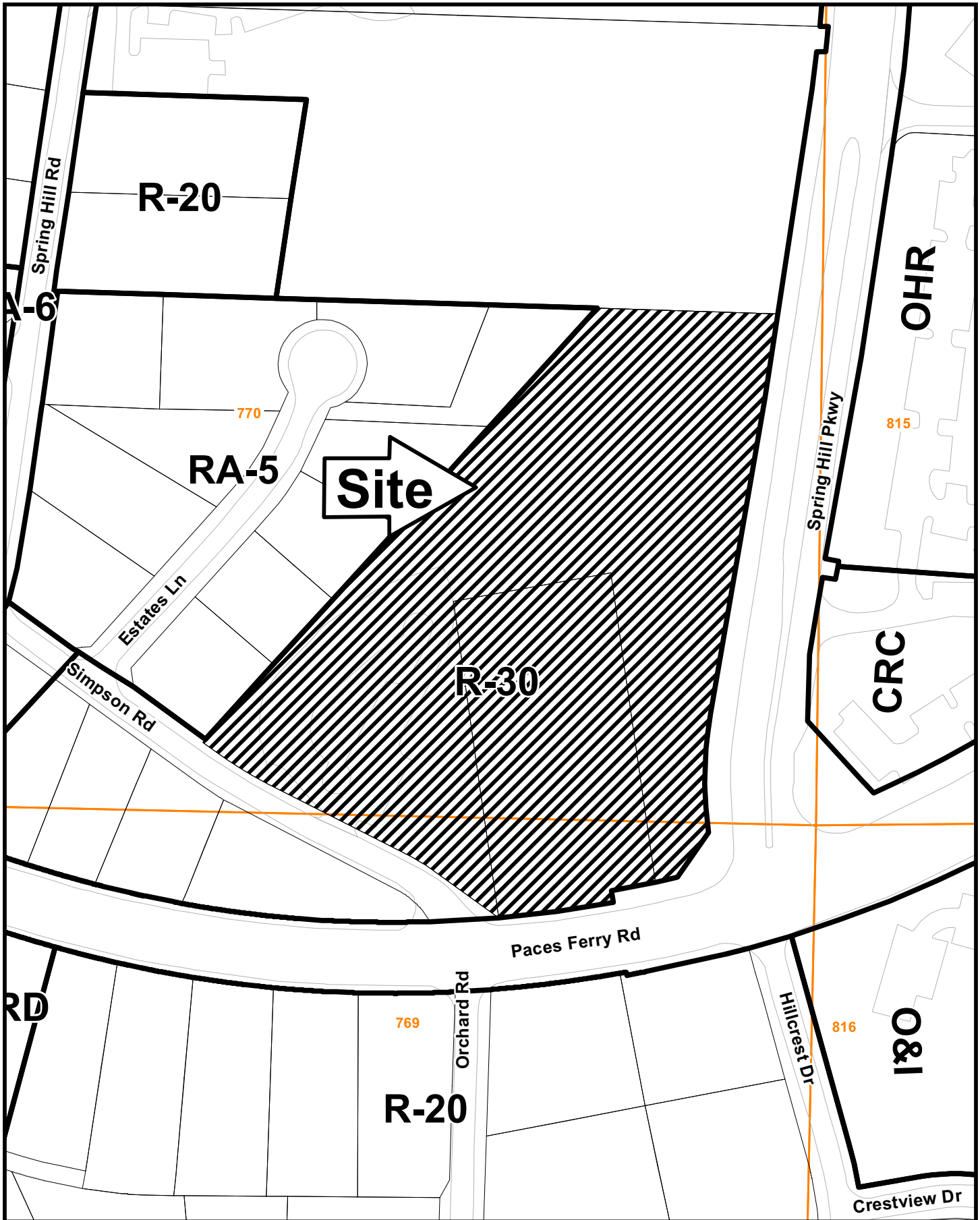
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

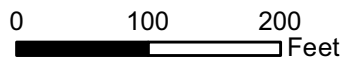
STIPULATIONS:





Z-87-2015 GIS REVISED 031816



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Fuqua Acquisitions II, LLC

PETITION NO.: Z-87

PRESENT ZONING: R-30, R-20

PETITION FOR: NRC, RM-12, RSL

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Public Institutional (PI)

Proposed Number of Units: 67 **Overall Density:** 11.15 **Units/Acre**

Staff estimate for allowable # of units: 10 **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 rezoning for the development of a 67-unit residential townhouse subdivision. The proposed development will feature 37 units that are 24 feet wide with front entry garages and 30 units that are 18 feet wide with rear entry garages. The proposed building architecture will include a mixture of brick, stone and other materials.

The following contemporaneous variances will be required:

1. Waiver of the setbacks as shown on the site plan submitted March 4, 2016;
2. Waiver of the required 25-foot landscape buffer abutting residential properties to 10 feet along the northwestern portion of the property; and
3. Increase the maximum allowed 45% impervious coverage to 60%.

Please note, the plan received by the Zoning Division on March 14, 2016 deletes the RSL and NRC uses.

Cemetery Preservation: No comment.

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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>Elementary</u>	<u> </u>	<u> </u>	<u> </u>
<u>Middle</u>	<u> </u>	<u> </u>	<u> </u>
<u>High</u>	<u> </u>	<u> </u>	<u> </u>

- 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.

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PETITION NO.: Z-87

PRESENT ZONING: R-30, R-20

PETITION FOR: NRC, RM-12, RSL

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and R-30 to NRC, RM-12, RSL for purpose of Residential, Senior Living and Retail. The 8.427acre site is located on the west side of Spring Hill Parkway, north side of Paces Ferry Road, east side of Spring Hill Road, and on the southwest side of Simpson Road.

Comprehensive Plan

The parcel is within a Public Institutional (PI) future land use category and the Low Density Residential category (LDR), with R-20 and R-30 zoning designation. The purpose of Public Institutional (PI) category is to provide for certain state, federal or local government uses and institutional land uses such as government building complexes, police and fire stations, colleges, churches, hospitals, etc. While the future land use map reflects existing uses, it is important to realize that uses in this category have the potential to be developed at a regional, community or neighborhood scale. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre, and non supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre, depending on existing conditions such as product type and mix, structure/building height, tract size, topographic conditions, etc in order to provide compatibility with adjacent residential uses. This category presents a range of densities.

Specific Area Policy Guidelines:

There are no policy guidelines for this area.

Adjacent Future Land Use:

- North: Low Public Institutional (PI)
- East: Regional Activity Center (RAC)
- South: Low Density Residential (LDR) – across Paces Ferry Road
- West: Low Density Residential (LDR) and Medium Density Residential (MDR)

Master Plan/Corridor Study

The property is not located within the boundary of a Corridor Study

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.

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PLANNING COMMENTS: **Continued**

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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

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PRESENT ZONING R-30, R-20

PETITION FOR RM-12

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 / N side of Paces Ferry Road

Additional Comments: Acceptance of water/sewer infrastructure contingent upon design to be worked out 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.

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: Spring Hill Pkwy at northern edge of site

Estimated Waste Generation (in G.P.D.): A D F= 10,720 Peak= 26,800

Treatment Plant: Sutton

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Dry 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. Sewer also in Paces Ferry Rd ROW
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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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Bert Adams Lake Tributary 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: _____

- 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 CONDITIONS

- 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 culvert under Spring Hill Parkway.

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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 (Revised based on Site Plan received 3/14/2016)

1. The majority of the site discharges to the northeast to an existing culvert under Spring Hill Parkway into and through the Home Depot Headquarters Facility. The small triangular portion of the site bounded by Spring Hill Road, Simpson Road and Paces Ferry Road drains across Paces Ferry Road into the Ridgewood Heights Subdivision.
2. Development of this project will result in an increase in impervious coverage, storm runoff and non-point source pollution compared to build-out under the current single-family zoning categories. To mitigate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).

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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
Paces Ferry Road	27,000	Arterial	35 mph	Cobb County	100'
Spring Hill Pkwy	11,100	Major Collector	40 mph	Cobb County	80'
Spring Hill Road	1500	Minor Collector	30 mph	Cobb County	60'
Simpson Road	N/A	Local	25 mph	Cobb County	50'

*Based on 2007 traffic counting data taken by Cobb County DOT for Paces Ferry Road.
Based on 2013 traffic counting data taken by Cobb County DOT for Spring Hill Parkway.
Based on 2009 traffic counting data taken by Cobb County DOT for Spring Hill Road.*

COMMENTS AND OBSERVATIONS

Paces Ferry 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.

Spring Hill Parkway is classified as a major collector and according to the available information the existing right-of-way may meet the minimum requirements for this classification.

Spring Hill 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.

Simpson Road is classified as a local and according to the available information the existing right-of-way does not 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 applicant consider entering into a development agreement pursuant of 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 Paces Ferry Road, a minimum of 50' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of 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 Spring Hill Road Road, a minimum of 30' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of 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 Spring Hill Road Road, a minimum of 30' from the roadway centerline.

71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Simpson Road, a minimum of 25' from the roadway centerline.

Recommend deceleration lane on Paces Ferry Road for Simpson Road.

Recommend no parking spaces along Simpson Road.

Recommend private streets be constructed to the Cobb County Standard Specifications.

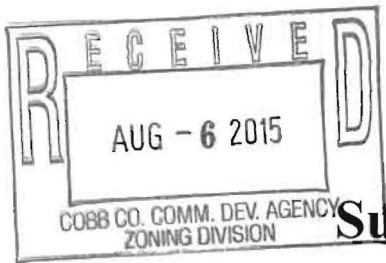
STAFF RECOMMENDATIONS

Z-87 FUQUA ACQUISITIONS II, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Abutting properties are zoned for single-family residential uses. However, a higher density residential use may provide a reasonable transition in density.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse effect on the usability of adjacent or nearby property. The subject parcels are zoned and have been used for single-family houses and a church and the parcels are designated as Public Institutional on the *Cobb County Comprehensive Plan*.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 Public/Institutional (PI). Spring Hill Parkway separates the Regional Activity Center (RAC) land use from the residential and public/institutional land uses along this section of Paces Ferry Road. Some of the nearby properties include Olde Vinings Estates (zoned RA-5 at 2.27 units per acre) and Spring Hill at Vinings (zoned RA-6 at 4.67 units per acre). The requested RM-12 should be in the High Density Residential (HDR) land use category (properties having 5-12 units per acre) or in the Regional Activity Center (RAC) land use category. The subject parcels are not in any of the needed land use categories for the requested zoning district. The RAC is across Spring Hill Parkway. However, property within the PI land use category may be developed at a Regional, Community or Neighborhood scale.
- 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 denying the applicant's rezoning proposal. Staff believes the proposed development is too intense. Also, the proposed development requires contemporaneous variances as indicated in the Zoning Comments. However, a transitional use between the Regional Activity Center to the Low Density Residential may be needed due to the church use being discontinued.

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-87

OCT 2015

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): Residential Senior Living (134-203.3) & homes.
 - b) Proposed building architecture: TBD will include mixture of brick/stone/materials
 - c) Proposed selling prices(s): TBD
 - d) List all requested variances: The portion zoned RM-12 for a residential buffer along Paces Ferry Road will need a lot size variance. Others TBD if needed.
- _____
- _____

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

- a) Proposed use(s): Neighborhood Retail uses with an organic grocery store.
 - b) Proposed building architecture: TBD by supplement
 - c) Proposed hours/days of operation: Normal business hours for NRC businesses.
 - d) List all requested variances: TBD if needed and/or any identified by Staff
- _____
- _____
- _____

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

See Statement of Impact attached. All parcels are defined as "Project Site"

.....
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). See zoning plan. A portion of

Simpson Road currently crosses the Project Site.
