



**COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY**

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*Jason S. Gaines, AICP
Planning Division Manager*

TO: Board of Commissioners, Planning Commission, Debbie Blair & Lori Barton

FROM: Phillip Westbrook

CC: Jason Gaines, AICP, John Pederson, AICP

DATE: August 10, 2016

RE: OSC 16-01

Beverly L. McAfee has applied for an Open Space Community Overlay (R-20 to R-20 OSC), filed July 7, 2016 for property located at 693 Tarpley Road. The development proposal is located in LL 279 of the 20th District within Commission District 1.

The case is known as OSC 16-01 and has been reviewed by staff. A zoning analysis report, which includes staff comments and recommendations are attached, in addition a site narrative and straight R-20 plan has been provided by the applicant and is attached as well. There is a 30 day posting period according to the OSC ordinance and OSC 16-01 will be heard by both the Planning Commission and Board of Commissioners as an Other Business item during the September rezoning cycle.

APPLICANT: Beverly L. McAfee

770-460-4603

REPRESENTATIVE: Beverly L. McAfee

770-560-4603

TITLEHOLDER: Beverly L. McAfee

PROPERTY LOCATION: 693 Tarpley Road

ACCESS TO PROPERTY: Tarpley Road

PHYSICAL CHARACTERISTICS TO SITE: Pastoral setting.

Gently sloping toward pond located to the southwest portion of the tract.

north east corner of tract does contain structure with some vegetation

CONTIGUOUS ZONING/DEVELOPMENT

NORTH:	R-20	NORTH FLU:	Low Density Residential
SOUTH:	R-20	SOUTH FLU:	Low Density Residential
EAST:	R-20	EAST FLU:	Low Density Residential
WEST:	R-20	WEST FLU:	Low Density Residential

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:

PETITION NO: OSC 16-01

HEARING DATE (PC): 09-08-16

HEARING DATE (BOC): 09-20-16

PRESENT ZONING: R-20

PROPOSED ZONING: R-20 OSC

PROPOSED USE:

Single Family Residential

SIZE OF TRACT: 10.848

DISTRICT: 20

LAND LOT(S): 279

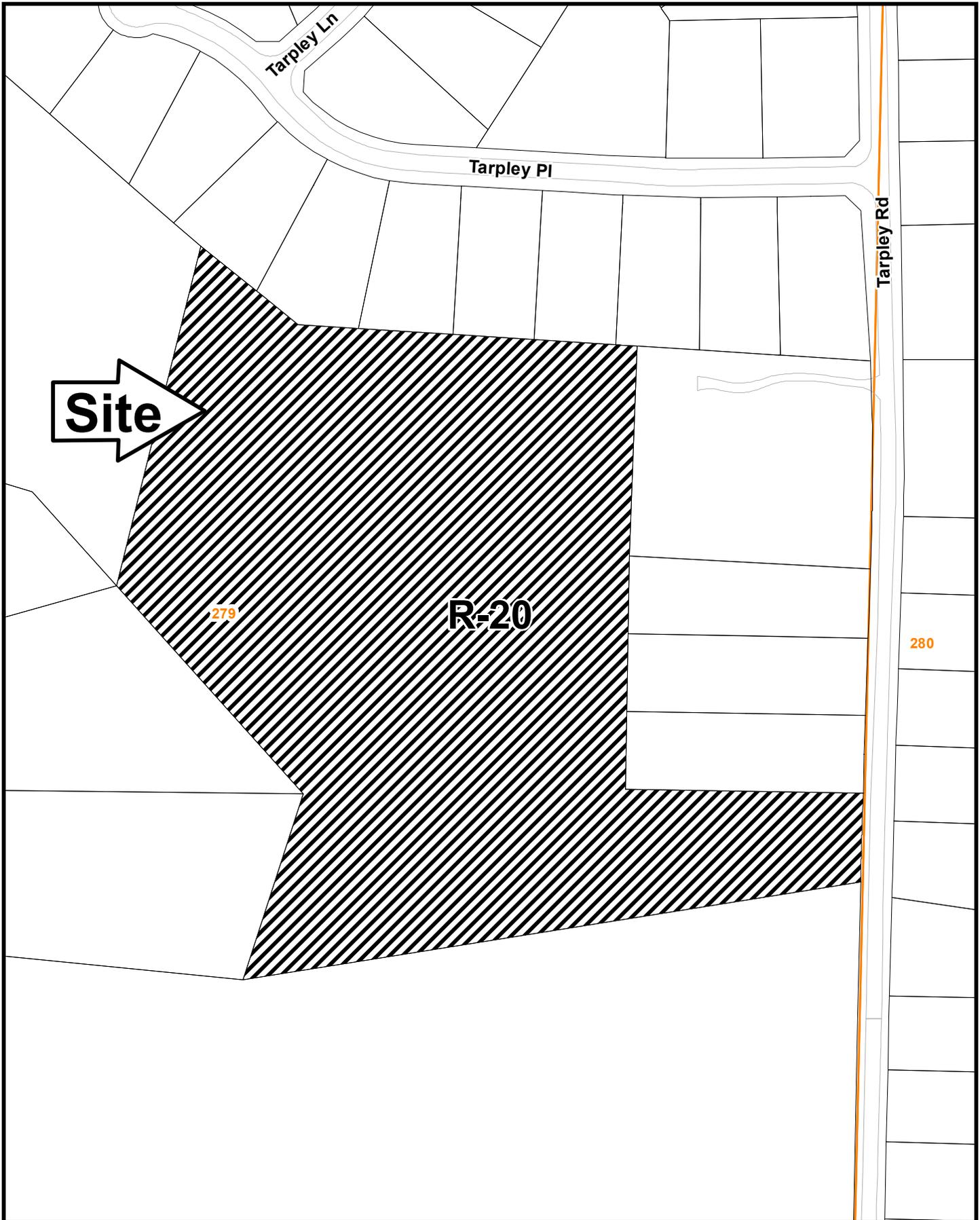
PARCEL(S): 20027900170

TAXES: PAID X **DUE**

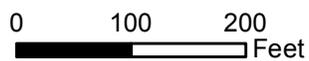
COMMISSION DISTRICT: 1



OSC-01-2016 GIS



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Beverly L. McAfee

PETITION NO.: OSC 16-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

ZONING COMMENTS:

Staff Member Responsible: Phillip Westbrook

Land Use Plan Recommendation: Low Density Residential

Proposed Number of Units: 13 **Overall Density:** 1.85 **Units/Acre**

Staff estimate for allowable # of units: 12 **Units*** **Increase of:** 1 **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.

The applicant is requesting an R-20 OSC overlay to develop a 13 lot single-family detached open space subdivision. The proposed OSC plan would create 6.169 acres of open space that includes 3 acres of floodplain.

CEMETARY PRESERVATION COMMENTS:

APPLICANT: Beverly L. McAfee

PETITION NO.: OSC 16-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

FIRE COMMENTS:

- No comments, as long as 10 ft. side set backs are maintained throughout

APPLICANT: Beverly L. McAfee

PETITION NO.: OSC 16-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

PLANNING COMMENTS:

The applicant is requesting Open Space Community overlay district approval for the purpose of a subdivision. The 10.848 acre site is located on the west side of Tarpley Road.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Low Density Residential (LDR) future land use category, with R-20 zoning designation in an Open Space Community overlay district. 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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Low Density Residential (LDR)
East: Low Density Residential (LDR)
South: Low Density Residential (LDR)
West: Low Density Residential (LDR)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or 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.

APPLICANT: Beverly L. McAfee

PETITION NO.: OSC 16-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

PLANNING COMMENTS:

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

Is the property within the Dobbins Airfield Safety Zone?

Yes No

If so, which particular safety zone is this property within?

CZ (Clear Zone) APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

Open Space Community Overlay District Comments

Property Location: 693 Tarpley Road

Land Lot/District: 279 / 20

Current Zoning: R-20

Proposed Use: R-20 OSC

Total Area: 10.85 acres

Floodplain/Wetland Area/Cemetery: 3.84

Net Buildable Area: 7.01

Base Density Allowed: 1.75 upa

Base Density Allowed w/Bonus: 1.92 upa

Proposed Lots: 13

Net Density: 1.85

Future Land Use: Low Density Residential (1 to 2.5 upa)

Open Space Requirement: 3.8 acres or 35%; for bonus 4.2 acres or 38.5%

Open Space Provided: 6.169 acres or 56.8%

APPLICANT: Beverly L. McAfee

PETITION NO.: OSC 16-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

PLANNING COMMENTS:

Percentage of Open Space within Floodplain, Wetlands, & Lakes: 62.3%

Setbacks:

- Front: 20'
- Rear: 20' (Lots 1-6; interior)
- Rear: 40' (Lots 7-13; exterior)
- Side: 10'

NOTE: Open Space community overlay plans are approved as site plan specific

Comments:

Development calculations as noted on site plan received on 07/07/16 meets the technical requirements of the OSC ordinance and exceeds the required percentage of open space that allows a density bonus up to 1.92 units per acre for an R-20 OSC. To further enhance this proposal and meet other aspects of the OSC ordinance, the following comments and recommendations should be met.

1. Lots 1, 5, & 6 encroach into 100 year flood plain. The floodplain is considered a primary conservation area and should be included within required open space.
2. Lots 5 & 6 encroach into the state and Cobb undisturbed stream buffer. Stream buffers are considered a primary conservation area and should be included within the required open space.
3. Overall residential development shall be compatible with neighboring residential uses. Adjacent residential uses are ~20,000 SF to the north and east and ~3 acres to the west. Consider larger lot sizes to allow proposed development to be more compatible to the character of the area.
4. If walking or bike trails are proposed throughout open space please add them to site plan and note that they will be constructed of porous materials.
5. Must have Cobb Department of Transportation approved lighting plan in if outdoor lighting (except individual residential lots) is proposed
6. 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.

Recommendations:

7. Provide stipulation letter
8. For all lots contiguous to open space staff recommends including a deed during sale of homes so that future lot owners are aware that commonly owned open space exists adjacent to their property and cannot be built on.
9. Provide architectural renderings and description of the façade treatments that will be used on the proposed housing units.

APPLICANT Beverly McAfee

PETITION NO. OSC-1

PRESENT ZONING R-20

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): 6" DI / E side of Tarpley Road

Additional Comments:

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= 2,080 Peak= 5,200

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

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 Comments: On site sewer on high-side of property. An off-site sewer easement is likely required for gravity flow

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: Beverly McAfee

PETITION NO.: OSC 16-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Mud Creek FLOOD HAZARD INFO: Zone AE

- 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 stream channel and adjacent to lake

- 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/easements required to receive concentrated discharges where none exist naturally
- Existing Lake OnSite.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhoods downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream and existing lake.

APPLICANT: Beverly McAfee

PETITION NO.: OSC 16-01

PRESENT ZONING: R-20

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. This site is located to the west of Tarpley Road adjacent to the Mud Creek floodplain. The parcel is bounded by McAfee Farms and Paper Chase Farm Subdivisions to the east, north and west and the large Thurman estate to the south. There is an existing lake and dam located on the property. The lake area is shared with four other property owners.
2. The existing lake is propose to be utilized to provide stormwater management for the development. Any modifications to the existing spillway must not increase 100-year flood elevations within the lake or on Mud Creek. Any change in the normal pool lake level must be approved by the other lake property owners.
3. The proposed site plan must be revised so that all the lots are located outside the 100-year floodplain of Mud Creek.
4. This site receives runoff from the Paper Chase Farm Subdivision to the north. Adequate conveyance of the existing offsite runoff must be accommodated through the site. A 20-foot drainage easement for this conveyance will be required.

APPLICANT: Beverly L. McAfee

PETITION NO.: OSC 16-01

PRESENT ZONING: R-20

PETITION FOR: R-20 OSC

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Tarpley Road	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Tarpley 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 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 west side of Tarpley Road, a minimum of 25' from the roadway centerline.

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

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

STAFF RECOMMENDATIONS

- A. It is Staff's opinion that the applicant's use of the OSC overlay will permit a use that is suitable in view of the use of adjacent and nearby properties as long as appropriate measures are taking, which are highlighted within staffs comments. The compatibility of lot sizes are not suitable compared to lot sizes adjacent to proposed development. Lot sizes for the proposed OSC overlay are significantly less (minimum; 9,739 SF, mean; 1,119 SF) than adjacent R-20 lots, which range from 20,000 SF to 3 acres.
- B. It is Staff's opinion that the applicant's use of the OSC overlay will not have an adverse effect on the usability of adjacent or nearby property. The applicant's proposal is only 1 more lot than would be currently allowed under a straight R-20 plan. The proposed development has a density that is compatible with adjacent properties plus over half of the property will remain natural open space.
- C. It is Staff's opinion that the applicant's use of the OSC overlay district will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being Low Density Residential land use category, having a density range of 1-2.5 units per acres. The proposed development has a density of 1.85 units per acre. All zonings surrounding the proposed tract are R-20. Subdivisions to the east and north of the proposed tract contain densities around 1.75 units per acres. Lots to the west, which are mostly across the lake are zoned R-20 with lots sizes around 3 acres.
- 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.

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

1. Fire Department Comments and recommendations
2. Planning Division Comments and recommendations
3. Water and Sewer Division comments and recommendations
4. Stormwater Management Division comments and recommendations; and
5. 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.

Westover Pointe

Narrative Site Analysis



This site is composed of mostly pastureland with cross fences and few scattered trees. The owner/developer would prefer to develop this property with smaller lots to accommodate young professional buyers and buyers wanting to downsize from larger homes and estates.

The open areas will remain pristine with the homeowners association maintaining the maintenance of the existing lake. The developer will establish some landscaping in the open areas as needed for screening. The open space will be maintained as a passive area for the homeowners to utilize. With the ability of the open space to be used by all residence it will result in a better environment for all.



General Notes:

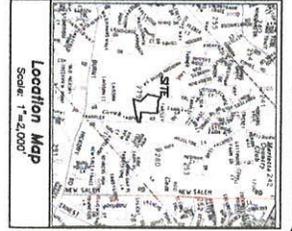
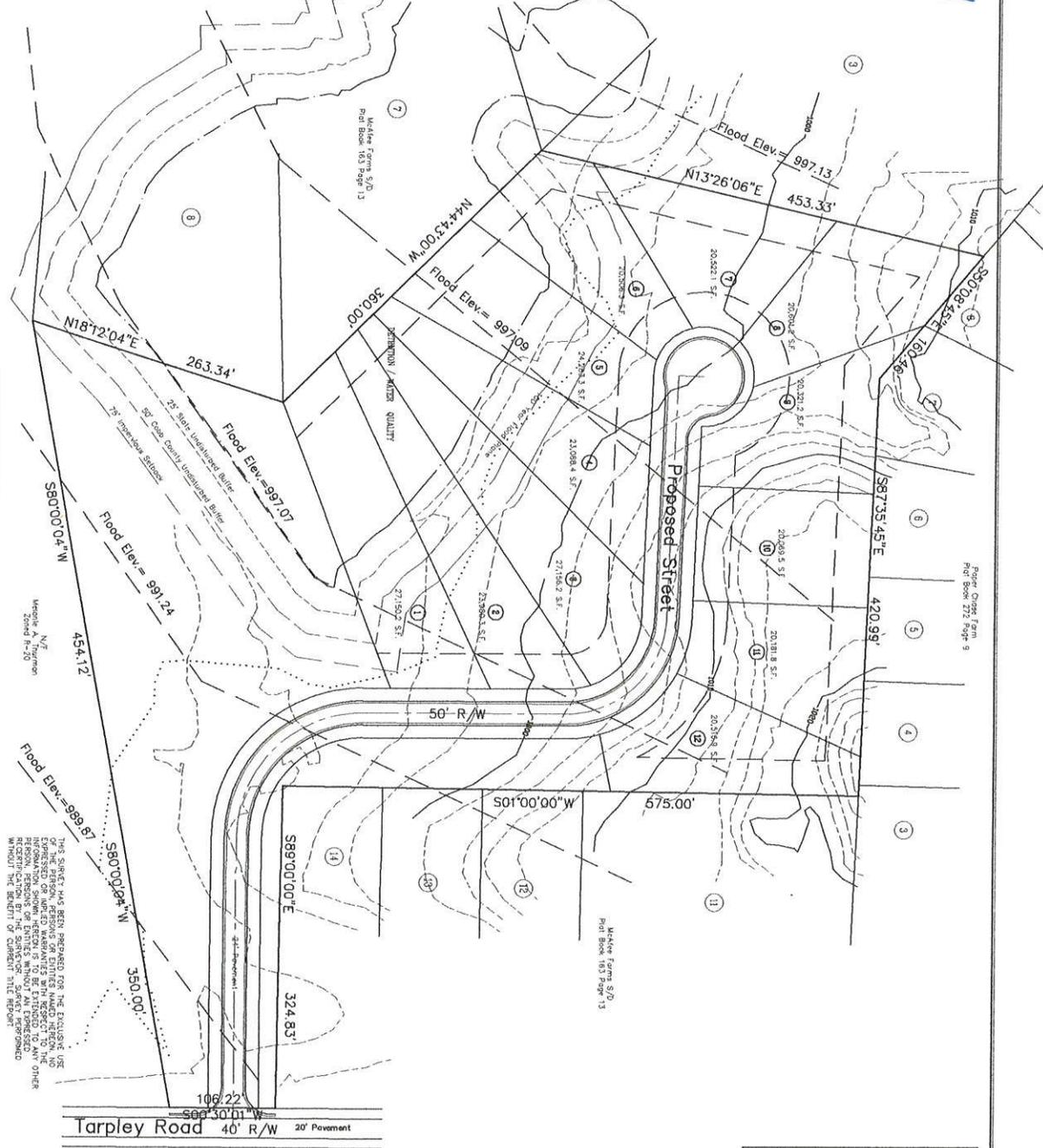
1. Boundary and Topographic information from compiled by Larry D. Neese, PLS, dated July 7, 2016. Reference Plat: Book 183, Page 13 and Cobb County GIS.
2. Total Area = 10.848 Acres
3. Existing Zoning = R-20
4. Sublot: Front 35' Side 10' Rear 33'
5. Minimum Heated Floor Space to be 2,400 S.F.
7. Minimum Lot Size 20,000 S.F.
8. Density 7.004 Acres with 12 Lots = 1.71 Units/Acre
9. There are No Architectural or Archeological Landmarks on or adjacent to this property.
10. There are No Cemeteries located on or adjacent to this property.
11. There is a Lake and streams on this property with Buffers and Flood Plane areas shown.
12. Property has a Lake and is mostly pasture with scattered trees.

This property (or some portion) is a FLOOD PLANE AREA AS SHOWN ON THE OFFICIAL FLOOD HAZARD MAPS. THE FLOOD PLANE INFORMATION IS BASED ON THE 1% ANNUAL FLOOD PROBABILITY AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION. THE FLOOD PLANE INFORMATION IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A WARRANTY. THE PLANNING BOARD IS NOT RESPONSIBLE FOR DAMAGE TO PROPERTY OR PERSONS ARISING FROM THE USE OF THIS INFORMATION.

ENGINEER'S DRAWING: SHOWING THE PROPOSED LOTS AND ALL MATTERS PERTAINING TO THIS SET OF PLANS. LARRY D. NEESE, PLS., COBB COUNTY REGISTERED LAND SURVEYOR NO. 2222



REVISIONS:			



Owner / Developer:
Beverly McAfee
755 Tarpley Road
Kennesaw, Georgia 30152

Engineers / Surveyors:
Larry D. Neese, PLS
196 Cadence Trail
Canton, Georgia 30115
(770) 428-2122
E-Mail: Lneese@233@aol.com

Professional Land Surveyor:
Beverly McAfee
Formerly Sublot 1 of Farm S/D
as Recorded in Plat Book 103
Page 13
Cobb County Survey
Scale: 1"=50'
Field Dates: 02-19-16, Plat Date: 07-07-2016

SHEET