

Z-101
(2016)

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SURVEYING AND LAND PLANNING, INC.

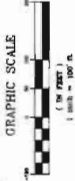


NO.	DATE	REVISION DESCRIPTION



SITE ANALYSIS
 TOTAL AREA = 87.639 ACRES
 TOTAL OPEN SPACE AREA = 28.00 ACRES
 TOTAL BUILDING AREA = 144,580 SQ. FT.
 TOTAL LOT AREA = 1,445,800 SQ. FT.
 TOTAL LOT COUNT = 100 LOTS
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GENERAL NOTES
 ALL PROPOSED DEVELOPMENT SHALL BE IN ACCORDANCE WITH THE CITY OF CHERRY HILLS ZONING ORDINANCE, CHAPTER 110.00, AND ALL APPLICABLE ORDINANCES.
 THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHERRY HILLS.
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APPLICANT: Province Homes, LLC

PHONE# 770-509-7009 **EMAIL:** mblackwood@province.com

REPRESENTATIVE: John H. Moore

PHONE# 770429-1499 **EMAIL:** jmoore@mijs.com

TITLEHOLDER: The Estate of Clyde H. Kemp, JR.

The Estate of Carolyn L. Ellis Kemp

PROPERTY LOCATION: Southwest side of Burnt Hickory Road,
west of Acworth-Due West Road

ACCESS TO PROPERTY: Burnt Hickory Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family house

PETITION NO: Z-101

HEARING DATE (PC): 11-01-16

HEARING DATE (BOC): 11-15-16

PRESENT ZONING: R-30

PROPOSED ZONING: R-20/OSC

PROPOSED USE: Single-family Residential

SIZE OF TRACT: 87.639 acre(s)

DISTRICT: 20

LAND LOT(S): 273, 274

PARCEL(S): 5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-30/Burnt Hickory Township;
R-20/Single-family house
SOUTH: R-30/Harrison High School
EAST: R-30/Single-family house
WEST: R-30/Dominion Christian High School
and Lost Mountain Middle School

Adjacent Future Land Use:

North: Very Low Density Residential (VLDR)
Northeast Very Low Density Residential (VLDR)
Southeast: Very Low Density Residential (VLDR)
South: Public Institutional (PI) and Very Low
Density Residential (VLDR)
West: Public Institutional (PI)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

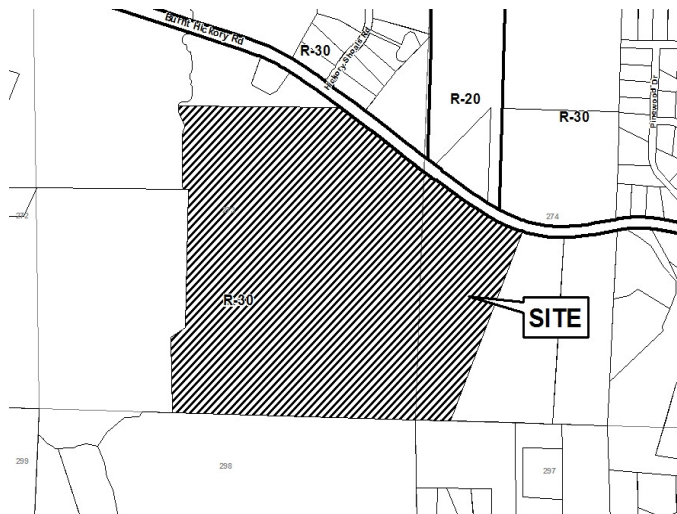
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

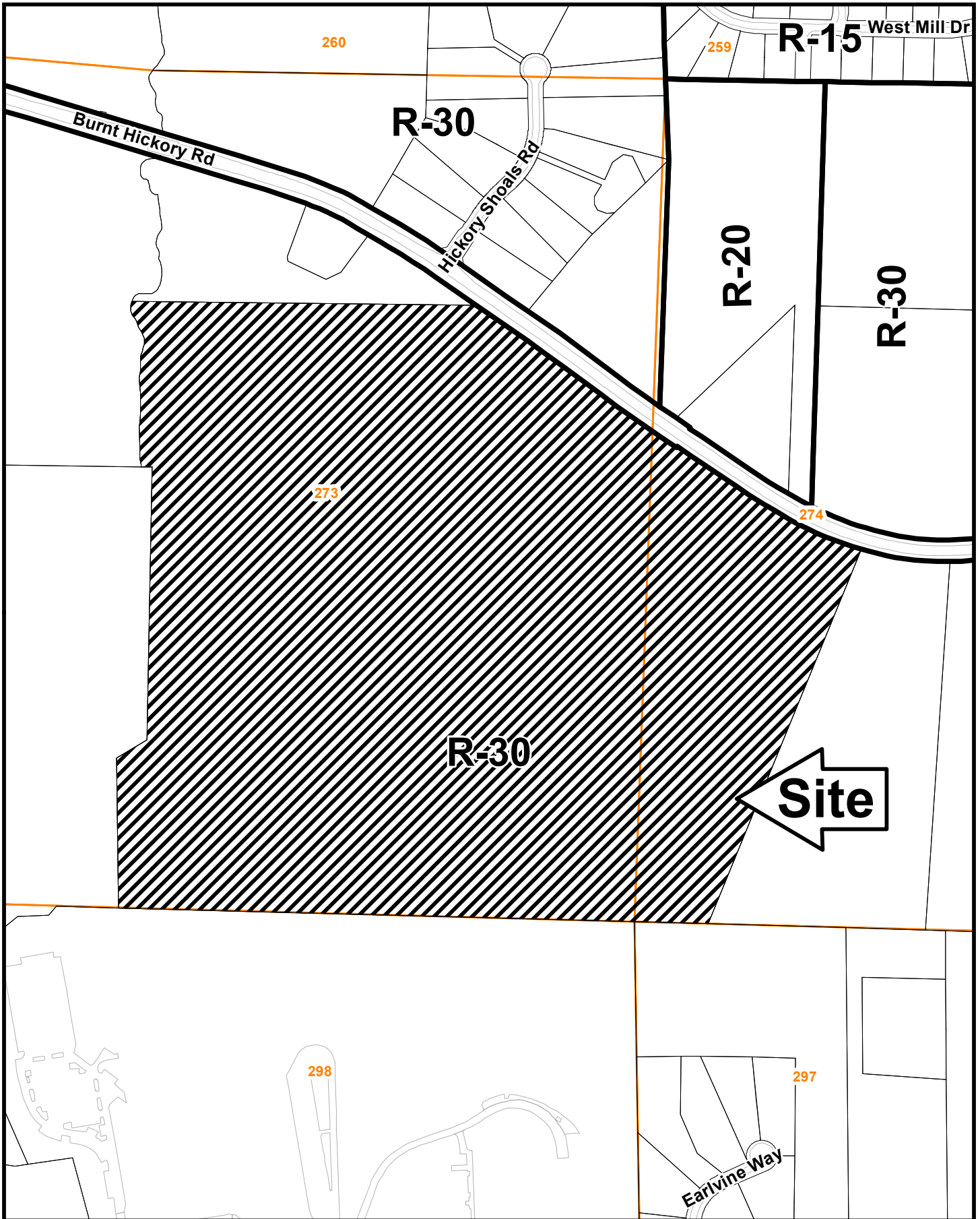
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-101-2016 GIS



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

0 300 600 Feet

City Boundary
Zoning Boundary

APPLICANT: Province Homes, LLC

PETITION NO.: Z-101

PRESENT ZONING: R-30

PETITION FOR: R-20 / OSC

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: 92 **Overall Density:** 1.33 **Units/Acre**

Staff estimate for allowable # of units: 76 **Units*** **Increase of:** 16 **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-20/OSC zoning district for the purpose of developing a 100-lot open space residential subdivision. The proposed houses will range in size from 2,800-3,800 square feet and will be traditional architecture. The prices will range from \$450,000 to \$650,000.

The overall tract consists of 87.639 acres, of which 39 acres (44.5%) has been set aside as open space. The proposed plan indicates an amenity area that includes a clubhouse, pool and tennis courts.

APPLICANT: Province Homes, LLC

PETITION NO.: Z-101

PRESENT ZONING: R-30

PETITION FOR: R-20 / OSC

Cemetery Preservation: In the event a cemetery or burial site is located on or adjacent to the property the developer is required to adhere to the following:

1. Prepare a site plan identifying the full boundaries with a metes and bounds description.
2. Provide a fifty (50) foot undisturbed natural buffer from the common property line; or a fifty (50) foot undisturbed natural buffer around the perimeter of the outermost burials of the cemetery; whichever provides the greatest protection for the cemetery. The outermost burials to be determined by a professional archaeologist (Cobb County Code 26-29 Section C). The archaeology survey will located all grave shafts and define the burial boundary. Member(s) of Cemetery Preservation Commission must be present during archaeology survey.

Lots adjacent to the fifty (50) foot undisturbed natural buffer shall have setbacks in addition to the buffer.

The fifty (50) foot undisturbed natural buffer shall be recorded as a conservation easement with the Cemetery Preservation Commission having third party right of enforcement.

3. Provide uninhibited daylight access to the cemetery via at least a twenty (20) foot wide graveled easement to the cemetery from the nearest public road. The outer boundaries of this easement may be landscaped.
4. A plat to be prepared by a registered surveyor denoting the location of all grave shafts, the fifty (50) foot undisturbed natural buffer, the fence line and the access easement.

The archaeology survey and the registered surveyor’s plat must be submitted to the Cemetery Preservation Commission three (3) business days prior to any zoning hearing, or three (3) business days prior to Plan Review if the subject tract is not being rezoned.

5. Provide and install at least a permanent six (6) foot chain link fence with gate on the outer perimeter of the fifty (50) foot undisturbed natural buffer. Fence must be 9 gauge with top and bottom rail and fence post must be set in concrete. Fence may be upgraded to vinyl coated chain link and/or wrought iron.
6. Provide and install an orange protective fence on the outer perimeter of the fifty (50) foot undisturbed natural buffer before beginning construction. This fence shall be maintained throughout the life of the project. At completion of the project the orange protective fence shall be removed from the premises. A permanent sign stating CEMETERY PRESERVATION BUFFER DO NOT DISTURB shall be erected at 50 (fifty foot) intervals along the outer perimeter of the 50’ (fifty foot) undisturbed natural cemetery preservation buffer.
7. Comply with State and local law and ordinance.
8. All cemetery preservation requirements must be Site Plan specific.

APPLICANT: Province Homes, LLC

PETITION NO.: Z-101

PRESENT ZONING: R-30

PETITION FOR: R-20 / OSC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Due West Elem</u>	<u>601</u>	<u>494</u>	<u> </u>
Elementary			
<u>Lost Mtn Middle</u>	<u>1064</u>	<u>1046</u>	<u> </u>
Middle			
<u>Harrison High</u>	<u>1990</u>	<u>2587</u>	<u> </u>

High

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

Additional Comments: Approval of this petition will cause concern for Cobb County School District, as it will result in a nominal impact on the enrollment for schools already over capacity.

APPLICANT: Province Homes

PETITION NO.: Z-101

FIRE COMMENTS:

NO 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: Province Homes, LLC

PETITION NO.: Z-101

PRESENT ZONING: R-30

PETITION FOR: R-20 / OSC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to R-20 / OSC for the purpose of single-family residential. The 87.639 acre site is located on the southwest side of Burnt Hickory Road, west of Acworth-Due West 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 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.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: Very Low Density Residential (VLDR)
Northeast: Very Low Density Residential (VLDR)
Southeast: Very Low Density Residential (VLDR)
South: Public Institutional (PI) and Very Low Density Residential (VLDR)
West: Public Institutional (PI)

Master Plan/Corridor Study

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

Historic Preservation

It has been determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional should be considered. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

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: Province Homes, LLC

PETITION NO.: Z-101

PRESENT ZONING: R-30

PETITION FOR: R-20 / OSC

PLANNING COMMENTS:

CONT.

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

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COBB COUNTY COMMUNITY DEVELOPMENT AGENCY

Planning Division
1150 Powder Springs Street
Marietta, Georgia 30060
(770) 528-2018

Planning Staff Analysis

Z-101

Date: **January 30, 2017**

REVISED SUBJECT TO SITE PLAN RECEIVED JAN. 25, 2017

Contact: Philip Westbrook

(770) 528-2014

Property Location: Southwest side of Burnt Hickory Road, west of Acworth-Due West Road

Land Lot/District: 273, 274 / 20

Current Zoning: R-30

Proposed Use: R-20 OSC

Total Area: 87.639 acres

Floodplain/Wetland Area/Cemetery/Amenity: 18.5

Net Buildable Area: 69.17

Base Density Allowed: 1.75 upa

Base Density Allowed w/Bonus: 1.92 upa

Proposed Lots: 92

Net Density: 1.3 upa

Future Land Use: Very Low Density Residential (0 to 2 upa)

Open Space Requirement: 30.67 acres or 35%; for bonus 33.7 acres or 38.5%

Open Space Proposed: 39.0 acres or 44.5%

Percentage of Open Space within Floodplain, Wetlands, & Lakes: ~47%

Setbacks:

Front: 20'

Rear: 25'

Side: 5' w/20' Between Bldgs.

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

Comments:

1. Provide acreage of floodplain and wetlands on site plan.
2. Area of "Possible Water Quality Pond" in the south eastern portion of the tract must be omitted from open space calculations.
3. If walking or bike trails are proposed throughout open space please add them to site plan and note that they must be constructed of porous materials.
4. Must have Cobb Department of Transportation approved lighting plan in if outdoor lighting (except individual residential lots) is proposed

5. 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:

6. 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. Or, as another form of privacy barrier staff recommends installing fence (split rail or any fencing compatible with architecture/landscaping/design of development) to the rear of lots that are adjacent to open space.

APPLICANT Province Homes, LLC

PETITION NO. Z-101

PRESENT ZONING R-30

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" AC / NE side of Burnt Hickory Rd

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= 16,000 Peak= 40,000

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

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:

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: Providence Homes, LLC

PETITION NO.: Z-101

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Allatoona Creek FLOOD HAZARD INFO: Zone AE/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 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 receiving stream.

APPLICANT: Providence Homes, LLC

PETITION NO.: Z-101

PRESENT ZONING: R-30

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 east of Allatoona Creek just south of Burnt Hickory Road. Approximately half of the site is open pasture with the remaining area a mixture of soft and hardwood trees. Average slopes on the site range from 5 to 25%. The entire site drains to the floodplain of Allatoona Creek.
2. Portions of lots 20-25 are located within the 100-year floodplain. These lots will need to be reconfigured such that the entire lot area is outside the floodplain to meet the OSC design criteria.
3. This section of Allatoona Creek is within the 7-mile water intake expanded buffer limit and is listed on GA EPD’s impaired stream list. The stormwater management facilities will be required to provide appropriate water quality measures to protect the receiving stream.

APPLICANT: Province Homes, LLC

PETITION NO.: Z-101

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Burnt Hickory Road	5,200	Major Collector	40 mph	Cobb County	80'

Based on 2008 traffic counting data taken by Cobb County DOT for Burnt Hickory Road.

COMMENTS AND OBSERVATIONS

Burnt Hickory Road is classified as a major 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 and gutter along both sides and sidewalk along one side of proposed development roadway.

Recommend curb, gutter, and sidewalk along the Burnt Hickory Road frontage.

Recommend no parking on the right-of-way.

Recommend a no access easement along the lots that border the Burnt Hickory Road frontage.

As necessitated by this development, recommend Burnt Hickory Road access include deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

STAFF RECOMMENDATIONS

Z-101 PROVINCE HOMES, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties in the area include single-family houses on larger lots, single-family subdivision, and schools.
- 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. The area is made of single-family subdivisions zoned R-30, R-20, R-15 and PRD. The applicant's proposal has a density that is compatible with adjacent properties and 44.5% of the property will be open space.
- 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 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 that range from 0-2 units per acre. The proposed development has a density of 1.33 units per acre. Other zonings and densities in this area include: Laurel Place (zoned R-30 at 0.66 units per acre); Burnt Hickory Township (zoned R-30 at 0.93 units per acre); Carriage Gates (zoned R-30 at 1.11 units per acre); and Burnt Hickory Registry (zoned PRD at 1.32 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. The proposal is consistent with single-family uses in the area and is consistent with the future land use map. The proposal will set aside 44.5% of the property as open space.

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

1. Site plan received by the Zoning Division on January 25, 2017, with the District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations;
6. Cobb County Cemetery Preservation Commission comments and recommendations; and
7. Planning Division 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.

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 2,800 - 3,800 square feet
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): \$450,000 - \$650,000
- 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: _____
- 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). None known at this time.

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

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JAN 25 2017
COBS CO. COMM. DEV. AG
ZONING DIVISION





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JAN 25 2017
COURT CLERK'S OFFICE
PLANNING DIVISION

Z-101 (2016)
Proposed
Elevations

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CORP. COMM. DEV. AG.
ZONING DIVISION

