

APPLICANT: Loyd Development Services

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REPRESENTATIVE: Garvis L. Sams, Jr.

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TITLEHOLDER: The Estate of Donald T. Allbright, Richard B.

Wages, and Billy E. Martin

PROPERTY LOCATION: Northern terminus of Pebblebrook Lane,
on the northwest side of Pebblebrook Road

ACCESS TO PROPERTY: Pebblebrook Lane

PHYSICAL CHARACTERISTICS TO SITE: Wooded, undeveloped

PETITION NO: Z-14

HEARING DATE (PC): 04-04-17

HEARING DATE (BOC): 04-18-17

PRESENT ZONING: R-20

PROPOSED ZONING: R-15/OSC

PROPOSED USE: Single-family Residential
Subdivision

SIZE OF TRACT: 23.06 acres

DISTRICT: 17

LAND LOT(S): 394

PARCEL(S): 1, 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: City of Smyrna/ Vinings Estates Subdivision

SOUTH: R-20/ Single-family Residential

EAST: R-20/ Vinings Springs Subdivision

WEST: City of Smyrna/ Vinings Estates Subdivision

Adjacent Future Land Use:

North: City of Smyrna

East: City of Smyrna

South: Public Institutional (PI) and Low Density Residential (LDR)

West: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

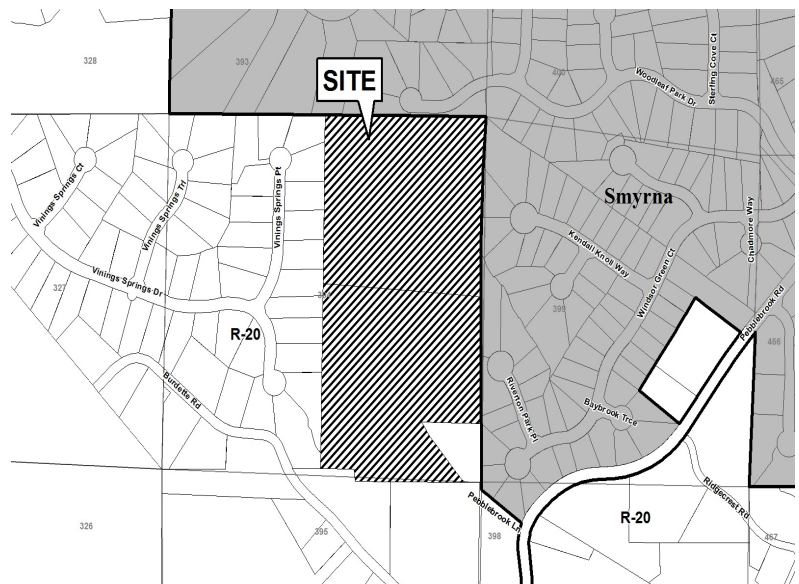
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

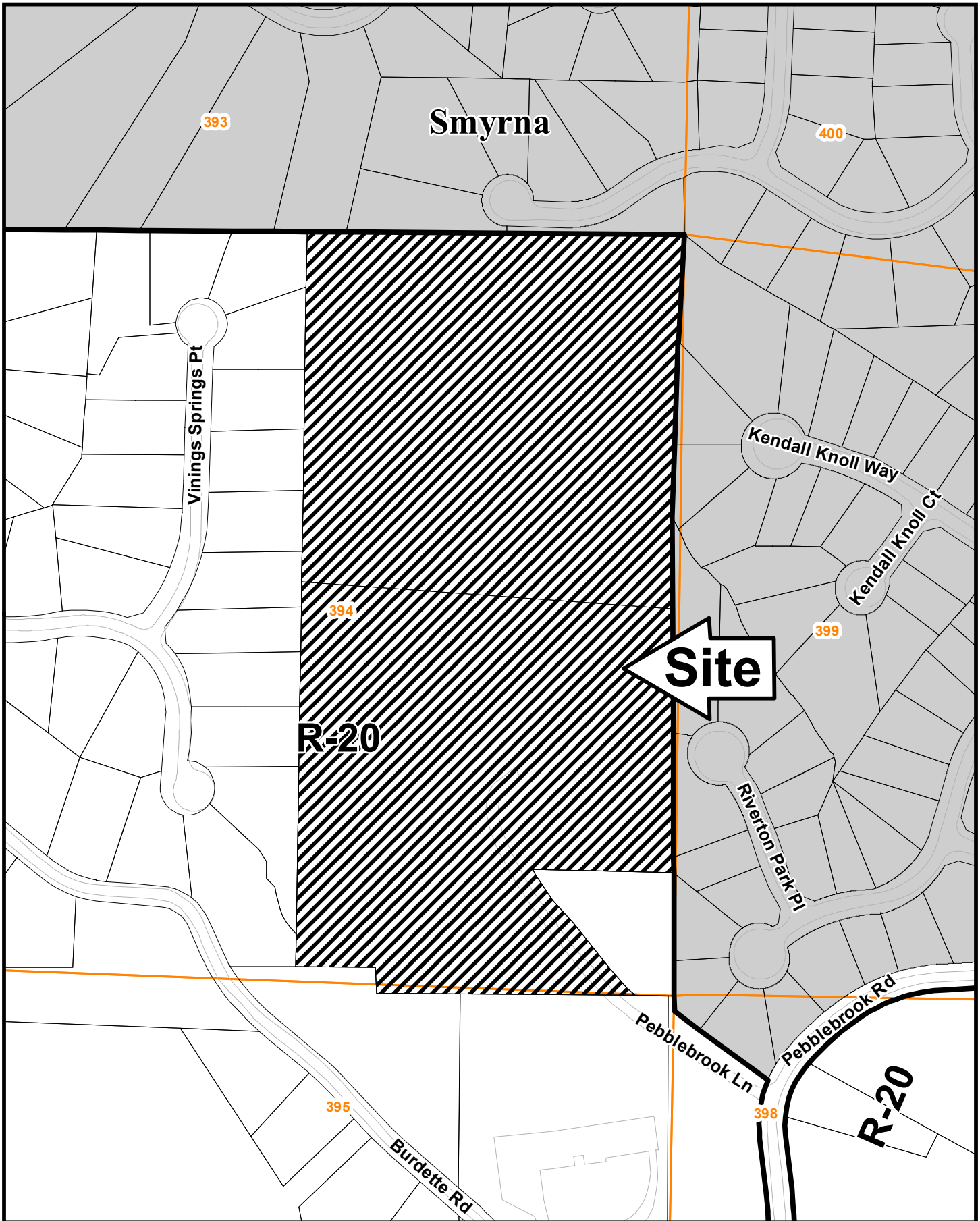
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-14-2017 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: Loyd Development Services

PETITION NO.: Z-14

PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Low Density Residential (1-2.5 units per acre)

Proposed Number of Units: 48 **Overall Density:** 2.08 **Units/Acre**

Staff estimate for allowable # of units: 40 **Units*** **Increase of:** 8 **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 a rezoning to the R-15/OSC single-family residential open space community zoning district in order to develop a 45 lot single-family open space subdivision. The proposed houses will be a minimum of 2,200 square feet and of a traditional architecture. The minimum lot size proposed is 7,500 square feet.

The proposed site plan indicates 10.31 acres of the site will be set aside as open space amounting to a full 43% of the subject site. As the applicant is requesting rezoning to the R-15/OSC district, this amount of open space is more than the minimum required 30% for the OSC designation and also surpasses the necessary 33% to achieve the maximum density bonus of 2.25 units per acre. In fact, at 43% open space and a proposed 2.08 density, the applicant is reserving enough open space to achieve the maximum density of 1.92 upa that would be the requirement if the existing R-20 zoning were kept which would provide the benefit of keeping the existing zoning consistent throughout the wider area where the neighboring properties are zoned R-20 within a near one half mile radius.

The applicant’s proposal intends to meet all other requirements of the OSC overlay identifying no required variances.

Cemetery Preservation: No comment.

APPLICANT: Loyd Development Services

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PRESENT ZONING: R-20

PETITION FOR: R-15/OSC

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Harmony Leland</u> Elementary	<u>657</u>	<u>478</u>	<u> </u>
<u>Lindley Middle</u> Middle	<u>1055</u>	<u>1046</u>	<u> </u>
<u>Lindley 6th Grade</u>	<u>502</u>	<u>708</u>	<u> </u>
<u>Pebblebrook High</u> High	<u>2535</u>	<u>1862</u>	<u> </u>

- 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 an impact on the enrollment for schools already over capacity.

FIRE COMMENTS:

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

GUEST PARKING: When projects contemplate less than 20-ft separation between units (10-ft side setbacks), guest parking shall be provided at a ratio of one-half space for each dwelling unit (1 space/ 2 units) distributed throughout the community.

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PETITION NO.: Z-14

PRESENT ZONING: R-20

PETITION FOR: R-15 / OSC

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15 / OSC for the purpose of single-family residential subdivision. The 23.06 acre site is located at the northern terminus of Pebblebrook Lane, on the northwest side of Pebblebrook 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 Smyrna 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. 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. This category presents a range of densities.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: City of Smyrna
East: City of Smyrna
South: Public Institutional (PI) and 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.

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.

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PETITION FOR: R-15 / OSC

PLANNING COMMENTS:

CONT.

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?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Bird / Wildlife Air Strike Hazard (BASH) area

OSC Comment:

Date: **March 20, 2017**

SITE PLAN DATED 3-15-17

Contact: Philip Westbrook

(770) 528-2014

Land Lot/District: 394 / 17

Total Area: 23.06 acres

Floodplain/Wetland Area/Cemetery: 0

Amenity Area: 0

Net Buildable Area: 23.06

Base Density Allowed: 2.1 upa

Base Density Allowed w/Bonus: 2.25 upa

Proposed Lots: 48

Net Density: 2.1 upa

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

Open Space Requirement: 6.9 acres or 30%; for bonus 7.06 acres or 33%

Open Space Proposed: 9.93 acres or 43.1%

Percentage of Open Space within Floodplain, Wetlands, & Lakes: 0

Setbacks:

Front: 20'

APPLICANT: Loyd Development Services

PRESENT ZONING: R-20

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PETITION FOR: R-15 / OSC

PLANNING COMMENTS:

CONT.

Rear: 25'

Side: 5' w/20' Between Bldgs.

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

Comments:

1. All slopes greater than 25% must be in the required open space
2. All structural detention/retention area must be outside of open space and cannot be calculated as open space.
3. Overall residential development shall be compatible with neighboring residential uses. To the west is Vinings Springs which is zoned R-20 and at least 20,000 SQFT. lots. To the east is Vinings Estates, which is inside the city limits of Smyrna. A GIS calculated sample of lot sizes show lots ranging from 10,000 SQFT to Average lot size of 7,500 SQFT adjacent to R-20 on the west side is incompatible. Consider increasing all lots to at least 10,000 SQFT.
4. Note that all trails within the open space must 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. Mass grading of the project tract is discouraged unless done to facilitate the clustering of lots or to protect open space remaining on overall tract.
7. 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:

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. 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 Loyd Development Services

PETITION NO. Z-014

PRESENT ZONING R-20

PETITION FOR R-15, 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 W side of Pebblebrook Lane

Additional Comments: Development Standards require a secondary water feed

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: +/- 65' W in Vinings Springs S/D

Estimated Waste Generation (in G.P.D.): A D F= 7,200 Peak= 18,000

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: Existing combined SSE/DE on Vinings Springs subdivision plat to western property line of this development

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: Summerlin 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: within or adjacent to stream buffers or old lake bed

- 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 systems. No increase in headwater pool elevations will be allowed at Vinings Springs Drive and Vinings Springs Place.
- 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 as well as existing downstream culverts at Vinings Springs Drive and Vinings Springs Place.

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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 within old lake bed 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.

ADDITIONAL COMMENTS

1. This site is located to the north of Pebblebrook Road off Pebblebrook Lane. The site is wooded with a mixture of both pine and hardwood species. Slopes on the site range from relatively flat (7%) to very steep (60%). The entire site drains to the northwest into and through the adjacent Vinings Springs and Vinings Estates Subdivisions.
2. Breach opening in old onsite dam will likely need to be armored or stabilized to reduce potential for erosion.

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TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Pebblebrook Lane	Local	25 mph	Cobb County	50'
Pebblebrook Road	Minor Collector	30 mph	Cobb County	60'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Pebblebrook Lane	N/A	N/A	N/A
Pebblebrook Road	South of Burdette Road	1,200	C

*Based on 2011 traffic counting data taken by Cobb County DOT for Pebblebrook Road.
 Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.
 LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

COMMENTS AND OBSERVATIONS

Pebblebrook Lane 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 Pebblebrook Lane, 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.

Pebblebrook Lane is a substandard street. Recommend improving Pebblebrook Lane from along the frontage to the intersection with Pebblebrook Road to comply with Cobb County Standards. Improvements to include road widening, sidewalk on one side of the roadway, curb and gutter, and drainage.

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

Recommend applicant verify that minimum intersection sight distance is available at Pebblebrook Road and if it is not, implement remedial measures, subject to the Department’s approval, to achieve the minimum requirement of 280’.

STAFF RECOMMENDATIONS

Z-14 LOYD DEVELOPMENT SERVICES

- 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 are zoned R-20 single-family residential district and are developed accordingly.
- 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 Vinings Springs Subdivision lying within the County to the west of the subject site contains a density of approximately 1.68 upa while the Vinings Estates Subdivision lying within the City of Smyrna to the east contains a density of approximately 2.22 upa. The proposed density of the applicant's project lies between these two immediately adjacent neighborhoods at 2.08 upa.
- 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 the subject property to be within the LDR low density residential category intending for density ranges of one (1) and two and one-half (2.5) dwelling units per acre. The applicant's requested R-15/OSC and proposed density of 2.08 upa is compatible with the LDR land use category as would be the existing R-20 with the added OSC overlay. The aforementioned surrounding neighborhoods are of similar zoning and density (Vinings Springs – R-20, 1.68 upa and Vinings Estates – Smyrna City, 2.22 upa).
- 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 R-20/OSC. While the applicant's proposal is consistent with the LDR land use designation at 2.08 upa and is similar to immediately adjacent developments, keeping the existing R-20 zoning with consideration of the adequate open space reserved in order to meet the maximum bonus density (38.5% for 1.92 upa) brings the added benefit of keeping the zoning consistent with the existing R-20 of the subject site and surrounding property in the area.

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

1. Site plan received by the Zoning Division on March 17, 2017, with the District Commissioner approving minor modifications;
2. Planning Division 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; and
6. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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-14

PC: 4-4-2017
BOC: 4-18-2017

Summary of Intent for Rezoning *

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

- a) Proposed unit square-footage(s): Minimum 2,200 square feet
- b) Proposed building architecture: Traditional (Renderings to be provided under separate cover).
- c) List all requested variances: None known at this time.

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

- a) Proposed use(s): N/A
- 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)

The Applicant is proposing an R-15/OSC single-family detached residential community consisting of 45 units.
The subject property is shown on Cobb County's Future Land Use Map in an area denominated as Low Density Residential ("LDR"). The proposed density of 2.14 falls within the parameters of the LDR designation of 1 - 2.5 units per acre. The proposed OSC plan would preserve 7.05 or 30% as Open Space.

.....
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.

* The applicant specifically reserves the right to amend and/or revise any information set forth in this Summary of Intent for Rezoning or any portion of the Application for Rezoning at any time during the Rezoning process.