



**APPLICANT:** Josh Thompson

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**REPRESENTATIVE:** Garvis L. Sams, Jr.

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

**TITLEHOLDER:** Barnes Land and Investments, LLC

**PETITION NO:** Z-34

**HEARING DATE (PC):** 07-06-17

**HEARING DATE (BOC):** 07-18-17

**PRESENT ZONING:** R-15, R-20

**PROPOSED ZONING:** RA-5

**PROPERTY LOCATION:** Northern terminus of Burrus Lane, northwestern terminus of Milton Place and the northern terminus of Lakeview Drive, at the eastern end of Mark Lee Drive, northeast of Veterans Memorial Highway

**PROPOSED USE:** Single-family Subdivision

**ACCESS TO PROPERTY:** Burrus Lane and Milton Place

**SIZE OF TRACT:** 46.43 acres

**DISTRICT:** 19

**PHYSICAL CHARACTERISTICS TO SITE:** Wooded, undeveloped acreage

**LAND LOT(S):** 1226,1291

**PARCEL(S):** Multiple parcels in Zoning file

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/Norfolk Southern; Undeveloped and Huntcrest Subdivision

**SOUTH:** R-20/H F Alexander Subdivision; Single-family houses

**EAST:** R-20/Leonard C. Hall and Iris Heights Subdivisions

**WEST:** R-20/Coleman Hills Subdivision

*Adjacent Future Land Use:*

North: Transportation / Communications / Utilities

East: Low Density Residential (LDR)

South: Low Density Residential (LDR)

West: 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** \_\_\_\_\_

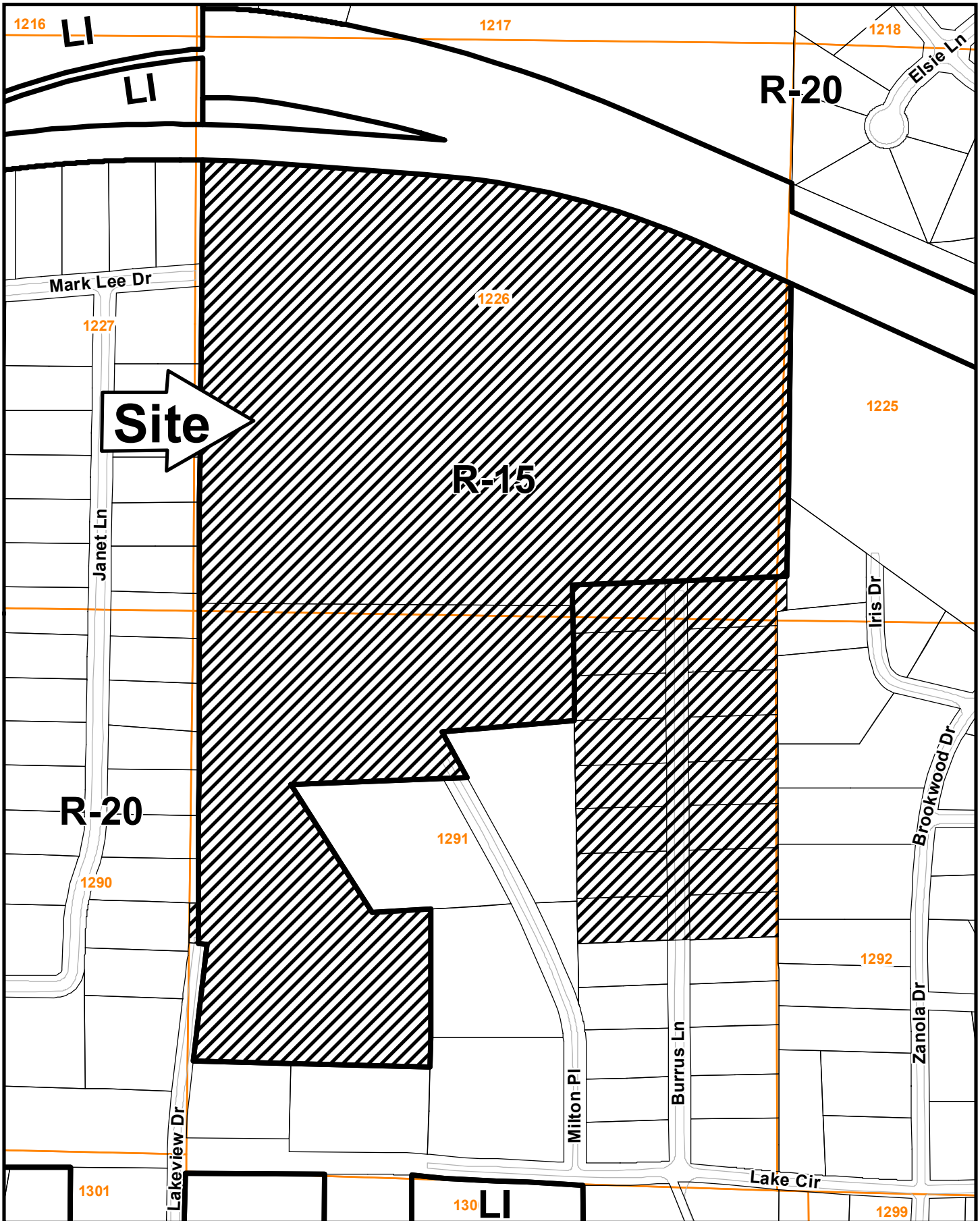
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

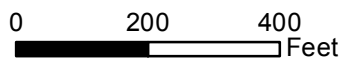
**STIPULATIONS:**





# Z-34 2017-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: Josh Thompson

PETITION NO.: Z-34

PRESENT ZONING: R-15, R-20

PETITION FOR: RA-5

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**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

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

**Proposed Number of Units:** 153      **Overall Density:** 3.44      **Units/Acre**

**Staff estimate for allowable # of units:** 94      **Units\***      **Increase of:** 59      **Units/Lots**

--Approximately 14 lots in R-20 and approximately 80 in R-15

\*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 RA-5 zoning district to develop a 153-lot, detached, single-family subdivision. The minimum house size for ranch-style homes shall be 1,800 square feet with all other home sizes ranging in size from a minimum of 2,000 square feet and up to 3,500 square feet and possibly greater. The houses will be traditional in architecture. The density of 3.44 units per acre was determined after subtracting approximately 2.0 acres of floodplain from the total 46.43 acres.

The applicant is requesting the following contemporaneous variances:

1. Waiver to exceed the maximum acreage allowed for RA-5 from 20 acres to 46.43 acres;
2. Waiver of the lot width to 50 feet concerning only those lots not fronting onto cul-de-sacs; and
3. Waiver to allow a minimum of 10 feet between certain homes.

**Cemetery Preservation:** No comments.

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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>Mableton</u>	<u>1059</u>	<u>904</u>	<u>                    </u>
<b>Elementary</b>			
<u>Garrett</u>	<u>855</u>	<u>867</u>	<u>                    </u>
<b>Middle</b>			
<u>South Cobb</u>	<u>2014</u>	<u>2612</u>	<u>                    </u>

**High**

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

**Additional Comments:** Approval of this petition will have a significant impact on the enrollment at these schools, and we oppose its approval.

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**FIRE COMMENTS:**

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

**GUEST PARKING:** When projects contemplate less than 20 foot separation between units, guest parking shall be provided at a ratio of one-half space for each dwelling unit (1 space/ 2 units).

**APPLICANT: Josh Thompson**

**PETITION NO.: Z-34**

**PRESENT ZONING: R-15 & R-20**

**PETITION FOR: RA-5**

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-15 and R-20 to RA-5 for the purpose of a single family subdivision. The 46.43 acre site is located at the northern terminus of Burrus Lane, northwestern terminus of Milton Place and the northern terminus of Lakeview Drive, northeast of Veterans Memorial Highway.

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 Austell 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: Transportation / Communications / Utilities  
East: Low Density Residential (LDR)  
South: Low Density Residential (LDR)  
West: Medium Density Residential (MDR)

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 South Cobb 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

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**PRESENT ZONING: R-15 & R-20**

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**PETITION FOR: RA-5**

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**PLANNING COMMENTS:**

CONT.

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)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area



APPLICANT Josh Thompson

PETITION NO. Z-034

PRESENT ZONING R-15, R-20

PETITION FOR RA-5

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**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 Milton Place

Additional Comments: Secondary feed will be required

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.

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**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= 25,120 Peak= 62,800

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 Sewer also in Mark Lee Drive  
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: Buttermilk 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:

- 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 easements 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 systems and existing downstream stormwater inlets at Janet Lane.

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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.

ADDITIONAL COMMENTS

1. This site is located at the northern terminus of Milton Place and Burriss Lane. The site is predominately undeveloped and wooded with moderate slopes averaging from 5 to 15%. A portion of the site was previously developed as the Alexander Subdivision. There is an existing detention pond that was constructed for this development just north of the Georgia Power Line easement near the northeast corner of the site.
2. Stormwater management will be provided by the existing detention pond will be modified to accommodate the runoff from the proposed site, as well as an additional new pond at the northwest corner of the site.
3. Runoff from the upstream adjacent Iris Heights Subdivision to the east must be accommodated through the site. A drainage easement along the rear of lots 1 – 17 will likely be required.
4. Approximately 11.7 acres of the site currently drains into and through the Coleman Hills Subdivision to the west. This is an older subdivision that lacks adequate stormwater infrastructure to accommodate any increase in runoff volume. The applicant has agreed to significantly reduce the runoff discharged to #5489 Janet Lane and to convey all impervious runoff away from #5393 Janet Lane. This will likely require a drainage easement along the rear of lots 40 – 70.

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**TRANSPORTATION COMMENTS:**

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Burrus Lane	Local	25 mph	Cobb County	50'
Milton Place	Local	25 mph	Cobb County	50'
Lakeview Drive	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Burrus Lane	N/A	N/A	N/A
Milton Place	N/A	N/A	N/A
Lakeview Drive	N/A	N/A	N/A
Veterans Memorial Highway	West of Lakeview Drive	20,400	B

*Based on 2015AADT counting data taken by GDOT, as published on their website, for Veterans Memorial Highway.  
 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**

This development will have the following impact on the Burrus Road at Veterans Memorial Highway intersection:

- Increase of 92% of right turns on to Burrus Road in the AM Peak Hour; 89% in the PM Peak Hour.
- Increase of 94% of left turns on to Veterans Memorial from Burrus Road in AM Peak Hour; 90% in the PM Peak Hour.
- Increase of 77% of right turns on to Veterans Memorial from Burrus Road in the AM Peak Hour; 22% in the PM Peak Hour.

Burrus Lane is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Milton Place is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Lakeview Drive is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend guest parking be located outside of the right-of-way.

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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 the developer be responsible for the cost of on and off-site improvements caused by or significantly contributed to site-generated traffic. These improvements include a deceleration lane on Veterans Memorial Highway, a right turn lane on Burrus Road, and improving Burrus Road up to its intersection with Veterans Memorial Highway to comply with Cobb County Standards.

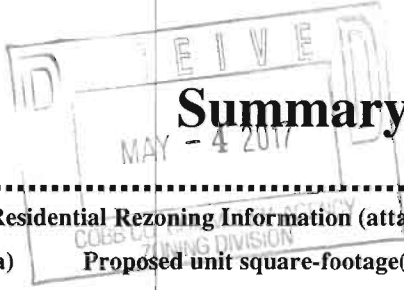
## STAFF RECOMMENDATIONS

### **Z-34 JOSH THOMPSON**

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The property is surrounded by properties zoned R-20. Staff is concerned the cluster home development will not be compatible with larger lots in the area.
- 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. Nearby subdivisions are zoned R-20 with houses on larger lots in subdivisions having lower densities.
- 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 and utilities. This opinion can be supported by the departmental comments contained in this analysis. In addition, the school board has concerned that this proposal will have a significant impact on enrollment at certain schools.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Low Density Residential (LDR) land use category having densities ranging from 1-2.5 units per acre. The property abuts Coleman Hills Subdivision Units 1 and 2 (zoned R-20/Units 1 at approximately 1.67 units per acre and Unit 2 at approximately 1.89 units per acre). To the east is Iris Heights Subdivision (zoned R-20 at approximately 1.26 units per acre) and the Leonard C. Hall Subdivision (zoned R-20 at approximately 1.66 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 denying the applicant's rezoning proposal. The requested RA-5 zoning district is not compatible with the LDR land use designation and the proposed density of 3.44 units per acre is above the LDR range of 1-2.5 units per acre. The subject property is bordered by R-20 subdivisions at lower densities and any higher density or commercial use is closer to Veterans Memorial Highway.

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.**



## Summary of Intent for Rezoning \*

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

- a) Proposed unit square-footage(s): 2,500 - 3,500 square feet
- b) Proposed building architecture: Traditional (renderings to be provided under separate cover)
- c) List all requested variances: Waiver of maximum acreage requirement to 46.43 acres. Other Variances (if any) will be articulated during the pendency of the Rezoning Application.

.....  
**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 subject property is within a sub-area of South Cobb County which has aging homes and infrastructure but is an area which is poised for new high-end residential development.

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**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

**(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).**

None known at this time.

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