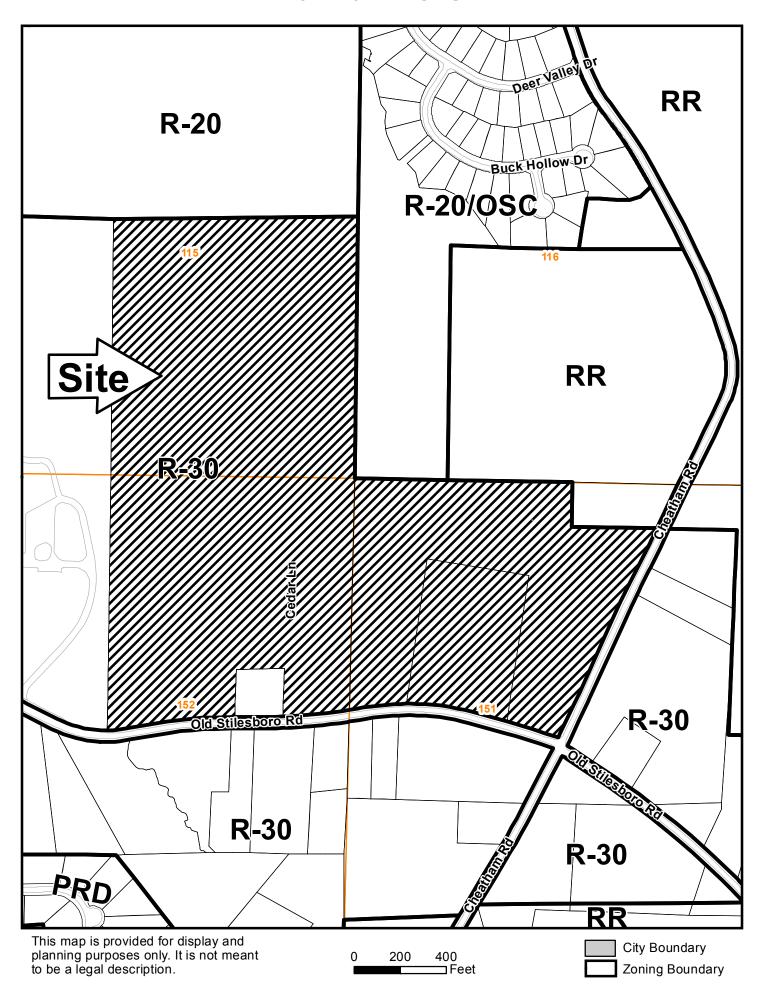


APPLICANT	Province Homes, LLC	PETITION NO:	Z-75	
PHONE #: (7	70) 509-7009 EMAIL: mblackwood@province.com	HEARING DATE (PC):		
REPRESENT	TATIVE: J. Kevin Moore	HEARING DATE (BOC): _	11-21-17	
PHONE #: (7	70) 429-1499 EMAIL: jkm@mijs.com	PRESENT ZONING:	R-30	
TITLEHOLD	DER: Estate of Louise Chumley Maloney and Estate of			
Fred Marvin N	Maloney, Sr., and Testamentary Trust Under the Will of		D 00 1000	
Fred Marvin N	Maloney, Sr.; Peter L. Tarter and James O. Tarter	PROPOSED ZONING:	R-20/OSC	
PROPERTY	LOCATION: North side of Old Stilesboro Road, west	- 	_	
side of Cheath	am Road	PROPOSED USE: Single-	family Residential	
		Subdiv	ision	
ACCESS TO	PROPERTY: Old Stilesboro Road	SIZE OF TRACT:	77.03 acres	
		DISTRICT:	20	
PHYSICAL (CHARACTERISTICS TO SITE: Single-family house	LAND LOT(S):	115, <i>151</i> , 152	
on wooded acr	reage	PARCEL(S):	8,11,7	
		TAXES: PAID X DU	JE	
CONTICUO	US ZONING/DEVELOPMENT	COMMISSION DISTRICT	:1	
NORTH: SOUTH: EAST: WEST:	R-20/Allatoona High School; R-20/OSC Deer Valley; RR/Lake Allatoona Corps Property R-30/Single-family houses R-30/Single-family houses R-30/Pickett's Mill Elementary School	Adjacent Future Land Use: North: Public Institutional (PI), Rural Residential (RR), and Park/ Recreation / Conservation (PRC) East: Rural Residential (RR) South: Rural Residential (RR) West: Public Institutional (PI)		
OPPOSITION: NO. OPPOSEDPETITION NO:SPOKESMAN PLANNING COMMISSION RECOMMENDATION APPROVEDMOTION BY HELDCARRIED BOARD OF COMMISSIONERS DECISION APPROVEDMOTION BY REJECTEDSECONDED HELDCARRIED REJECTEDSECONDED HELDCARRIED				
116170	CARRIED	151		

STIPULATIONS:

Z-75 2017-GIS



APPLICANT: Province Homes, LLC	PETITION NO.: _	Z-75			
PRESENT ZONING: R-30	PETITION FOR:	R-20/OSC			
**********	*****	******			
ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell					
Land Use Plan Recommendation: Rural Residential (RR)					
Proposed Number of Units: 91 Overall Density: 1.23 Units/Acre					
Staff estimate for allowable # of units: 81 Units* Increase of: 10 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 the R-20/OSC zoning district for the purpose of a 91-lot single-family subdivision. The proposed houses will be a minimum of 3,200 square feet, and possibly greater. The architecture will be European Traditional. The site plan indicates 31.8 acres (41%) of the property being set aside as open space.

The application will require the following contemporaneous variances:

- 1. Waiving the rear setback adjacent to existing residential from the required 40 feet to 25 feet; and
- 2. Waiving the required 10-foot landscape strip abutting residential subdivisions.

OSC Comments and Recommendations

Total Area: 77.3 acres

Floodplain/Wetland Area/Cemetery/Amenity Area: 3.2 acres

Net Buildable Area: 74.1 Density Allowed: 1.75 upa Proposed Lots: 91

Net Density: 1.23 upa

Future Land Use: Rural Residential (0 to 1 upa) **Open Space Requirement:** 27.1 acres or 35% **Open Space Proposed:** 31.8 acres or 41%

Percentage of Open Space within Floodplain, Wetlands, & Lakes: 10%

Setbacks: Front: 20' Rear: 25'

Side: 7.5' (20' between buildings)

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

COMMENTS:

- 1.) According to code, a 10 foot natural landscaped buffer shall be provided on any exterior lot that abuts an existing subdivision. This requirement impacts lots 2 through 4 and 38 through 44. While 38 and 44 are adjacent to the Deer Valley subdivision, which is an OSC subdivision, they are directly contiguous to the open space portion of the neighborhood.
- 2.) OSC access points or easements must be signed as access points.
- 3.) Either on the plan or in a stipulation letter, please include language indicating fencing that is compatible with the architecture/landscaping/design of development shall be established along lot lines that are contiguous to open space. Exact location of fence placement along lots 38 and 40 through 44 shall be coordinated with the Deer Valley HOA.

APPLICANT:	Province Homes, LLC	PETITION NO.:	Z-75
PRESENT ZON	NING: R-30	PETITION FOR:	R-20/OSC
* * * * * * * * *	**** *********	*******	* * * * * * * * * *

ZONING COMMENTS (Continued)

4.) A conservation easement shall be recorded within the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the open space from development in perpetuity as owned by the mandatory homeowners association. A conservation easement application shall be submitted to the Planning Division prior to final plat approval.

RECOMMENDATIONS:

- 5.) Provide stipulation letter.
- 6.) Provide architectural renderings of proposed exterior design and façade treatments.

<u>Cemetery Preservation</u>: No comment.

APPLICANT:	Province Homes, LLC	PETITION NO.:	Z-75
PRESENT ZON	NING: R-30	PETITION FOR:	R-20/OSC
*****	*** *** *** *** * * * * * * * * * * * *	- : * * * * * * * * * * * * * * *	****

SCHOOL COMMENTS:

			Number of
		Capacity	Portable
Name of School	Enrollment	Status	Classrooms
Pickett's Mill	754	990	
Elementary Durham	1064	1046	
Middle Allatoona	1715	1912	

High

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

Additional Comments: Approval of this petition will cause concern for CCSD, as it will result in an impact on the enrollment for schools already over capacity.

APPLICANT: Province Homes	PETITION NO.: Z-75
PRESENT ZONING: R-30	PETITION FOR: R-20/OSC
**********	* * * * * * * * * * * * * * * * * * * *
FIRE COMMENTS:	
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *

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

GUEST PARKING: We recommend the required guest parking be distributed in a manner to provide a guest parking space within 200-ft walking distance to each unit and each driveway be at least 2 vehicles wide and 20 feet deep as measured from the back of the sidewalk or curb, whichever is applicable.

APPLICANT: Province Homes, LLC	PETITION NO.: <u>Z-75</u>
PRESENT ZONING: R-30	PETITION FOR: R-20 / OSC
************	* * * * * * * * * * * * * * * * * * * *
PLANNING COMMENTS:	
The applicant is requesting a rezoning from R-30 to R-20 / O subdivision. The 77.03 acre site is located on the north side o Road.	± ± • • • • • • • • • • • • • • • • • •
HB-489 Intergovernmental Agreement Zoning Amendment N	otification:
Is the application site within one half $(1/2)$ mile of a city bour	· ·
If yes, has the city of been notified?	☐ Yes ■ No / N/A
<u>Comprehensive Plan</u>	
The parcel is within a Rural Residential (RR) future land use purpose of the Rural Residential (RR) category is to provide lowest density housing development. Such areas include tho activity centers, public services, and transportation corridors, features or scenic value. The Rural Residential category provunit per acre.	for areas that are suitable for Cobb County's se difficult to sewer, furthest from major or have particular sensitive environment
Specific Area Policy Cuidelines	
<u>Specific Area Policy Guidelines:</u> There are no specific policy guidelines for this area in the Co	amprahanciya Dlan
There are no specific policy guidennes for this area in the Co	imprenensive i ian.
Adjacent Future Land Use: North: Public Institutional (PI), Rural Residential (RI East: Rural Residential (RR) South: Rural Residential (RR) West: Public Institutional (PI)	R), and Park/ Recreation / Conservation (PRC)
<u>Master Plan/Corridor Study</u> The property is not located within the boundary of a Plan or G	Corridor Study.
Historic Preservation After consulting various county historic resources surveys, historic hocation maps, staff finds that no known significant application. No further comment. No action by applicant recomments.	historic resources appear to be affected by this
Design Guidelines	
Is the parcel in an area with Design Guidelines? \square Yes	■ No
If yes, design guidelines area	_110
Does the current site plan comply with the design requirement	nts?
<i>Incentive Zones</i> Is the property within an Opportunity Zone? □ Yes The Opportunity Zone is an incentive that provides \$3,500 ta jobs are being created. This incentive is available for new or	
Is the property within an Enterprise Zone? ☐ Yes	■ No
Is the property within an Enterprise Zone? ☐ Yes The Enterprise Zone is an incentive that provide	
incentives for qualifying businesses locating or expanding wi	
investments.	and confined areas for new jobs and capital

APPLICANT: Province Homes, LLC	PE11110N NO.: Z-/5
PRESENT ZONING: R-30	PETITION FOR: R-20 / OSC
* * * * * * * * * * * * * * * * * * * *	*******
PLANNING COMMENTS:	CONT.
Is the property eligible for incentives through the Commer	* ·
Program? ☐ Yes ■ No	
The Commercial and Industrial Property Rehabilitation Pr ad valorem property taxes for qualifying redevelopment in	· ·
For more information on incentives, please call the Comm 770.528.2018 or find information online at	

PRESENT ZONING <u>R-30</u> ************************************	* * .	* * * * * * * * * * * *	.		TITION FOR R-20 OSC
WALTED GOAD FORT					tence at the time of this review.
		Yes			No
Fire Flow Test Required:	✓	Yes			No
Size / Location of Existing Water Main(s): 6" D	oI/S	side of Old Stiles	sboro)	
Additional Comments: Secondary feed required	by I	Development Stan	dard	s	
Developer may be required to install/upgrade water mains, based on Review Process.					
SEWER COMMENTS: NOTE: Comments r					xistence at the time of this review.
In Drainage Basin:	✓	Yes			No
At Development:		Yes		✓]	No
Approximate Distance to Nearest Sewer: 350	'Ni	n Cheatham Road			
Estimated Waste Generation (in G.P.D.): A I	D F=	= 14,560		Pe	eak= 36,400
Treatment Plant:		Northy	vest		
Plant Capacity:	~	Available		Not A	Available
Line Capacity:	~	Available		Not A	Available
Projected Plant Availability:	~	0 - 5 years		5 - 10	vears 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
Flow Test Required:		Yes	✓	No	review/approval as to form and stipulations prior to the execution of easements by the
Letter of Allocation issued:		Yes	~	No	property owners. All easement acquisitions are the responsibility of the Developer
Septic Tank Recommended by this Department:		Yes	✓	No	
Subject to Health Department Approval:		Yes	✓	No	
Additional Easement encroachment agreeme	ent re	equired from Arm	v Co	orns of	f Engineers for proposed

PETITION NO.

Z-075

APPLICANT Province Homes, LLC

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.

sewer in Cheatham Rd

Comments:

PRESENT ZONING: <u>R-30</u>	PETITION FOR: <u>R-20/OSC</u>
*************	********
STORMWATER MANAGEMENT COMMENTS	
FLOOD HAZARD: YES NO POSSIBLY, NO	OT VERIFIED
DRAINAGE BASIN: Little Allatoona Creek FLOOD	ion Ordinance Requirements.
<u>WETLANDS:</u> ☐ YES ☐ NO ☐ POSSIBLY, NOT V	ERIFIED
Location: within and adjacent to stream channels	
The Owner/Developer is responsible for obtaining any records of Engineer.	quired wetland permits from the U.S. Army
STREAMBANK BUFFER ZONE: X YES NO F	POSSIBLY, NOT VERIFIED
 Metropolitan River Protection Area (within 2000' of Chattal buffer each side of waterway). Chattahoochee River Corridor Tributary Area - County rev ✓ Georgia Erosion-Sediment Control Law and County Ordina ☐ Georgia DNR Variance may be required to work in 25 foot ✓ County Buffer Ordinance: 50', 75', 100' or 200' each side 	iew (<u>undisturbed</u> buffer each side). ance - County Review/State Review. streambank buffers.
DOWNSTREAM CONDITIONS	
 Potential or Known drainage problems exist for developme Stormwater discharges must be controlled not to exceed the drainage system. Minimize runoff into public roads. 	e capacity available in the downstream storm
Minimize the effect of concentrated stormwater discharges Developer must secure any R.O.W required to receive naturally	
 Existing Lake Downstream Additional BMP's for erosion sediment controls will be req Lake Study needed to document sediment levels. 	uired.
Stormwater discharges through an established residential not project engineer must evaluate the impact of increased very project on receiving streams.	-

APPLICANT: Province Homes, LLC

PETITION NO.: $\underline{Z-75}$

APPLICANT: Province Homes, LLC	PE11110N NO.: <u>Z-75</u>		
PRESENT ZONING: <u>R-30</u>	PETITION FOR: <u>R-20/OSC</u>		
**********	**********		
STORMWATER MANAGEMENT COMMEN	TS – Continued		
SPECIAL SITE CONDITIONS			
 □ Provide comprehensive hydrology/stormwater controls □ Submit all proposed site improvements to Plan Review □ Any spring activity uncovered must be addressed by a Structural fill must be placed under the direction engineer (PE). □ Existing facility. □ Project must comply with the Water Quality requirement Water Quality Ordinance. □ Water Quality/Quantity contributions of the existing It conditions into proposed project. □ Calculate and provide % impervious of project site. □ Revisit design; reduce pavement area to reduce runoff 	a qualified geotechnical engineer (PE). on of a qualified registered Georgia geotechnical ents of the CWA-NPDES-NPS Permit and County lake/pond on site must be continued as baseline		
INSUFFICIENT INFORMATION			
 No Stormwater controls shown Copy of survey is not current − Additional comments rare exposed. 	may be forthcoming when current site conditions		

ADDITIONAL COMMENTS

No site improvements showing on exhibit.

- 1. This site is located at the northwest intersection of Old Stilesboro and Cheatham Roads. The site is predominately wooded and undeveloped with several small cleared pasture/homestead areas. Average slopes range from 5 to 25%. The majority of the site drains to the north into the floodplain of an unnamed tributary of Little Allatoona Creek. A small portion of the southwest corner of the site drains to the south also to Little Allatoona Creek via another small tributary.
- 2. Stormwater management will be provided by multiple facilities. An additional pond may be required in the vicinity of lots 38 & 39 to provide stormwater for this portion of the site.
- 3. The site is located within the 7-mile water intake buffer area for Lake Allatoona. The expanded buffer applies to the main tributary only that runs along the northernmost portion of the site. This expanded water quality buffer is a 100-foot undisturbed buffer with a 50-foot impervious setback. There appears to be sufficient site area in the undisturbed open space to allow for adequate buffer averaging to accommodate the proposed site layout.

APPLICANT: Province Homes, LLC	PETITION NO.: <u>Z-75</u>		
PRESENT ZONING: R-30	PETITION FOR: R-20/OSC		

TRANSPORTATION COMMENTS:	REVISED 10-19-17		

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Old Stilesboro Road	Minor Collector	35 mph	Cobb County	60'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Old Stilesboro Road	West of County Line Road	4,270	С

Based on 2016AADT counting data taken by GDOT, as published on their website, for Old Stilesboro 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

Old Stilesboro Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

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 north side of Old Stilesboro Road, a minimum of 30' from the roadway centerline.

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

Recommend curb, gutter, and sidewalk along the frontage of Old Stilesboro Road.

Recommend a no access easement for the lots along the Old Stilesboro Road frontage.

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

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STAFF RECOMMENDATIONS

Z-75 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. The proposed subdivision would be suitable considering the other OSC developments that have been approved in this area.
- 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 applicant proposes an R-20/OSC development with 91 lots containing a density of 1.23 units per acre. This area contains a mixture of single-family houses on larger lots and developed subdivisions. Other properties in the area are zoned RR, R-30, R-20/OSC and PRD. Nearby developments include: Cheatham Lake Phase 2 (zoned PRD at 1.57 units per acre); Ambrose Lake (zoned R-20/OSC at approximately 1.58 units per acre); and Deer Valley Subdivision (zoned R-20/OSC at 1.76 units per acre).
- 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, or utilities. However, the Cobb County School System has concerns that this proposal will have an impact on enrollment at schools already over capacity. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Rural Residential (RR) land use category, having a density range of 0-1 unit per acre. The proposed development has a density of 1.23 units per acre. However, the proposed density is similar to other developed subdivisions in this area. The RR land use category includes properties difficult to sewer, furthest from major activity centers, public services, and transportation corridors, or have particular sensitive environment features or scenic values. It should be noted that the Board of Commissioners, in making land use decisions, use the future land use map as a guide in the decision-making process, but there are circumstances when decisions will be made that are contrary to this document based upon a change in market conditions, information unbeknownst to staff/community in the preparation of this document, or some other condition.
- 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 applicant's proposed density of 1.23 units per acre is in the range of densities of other subdivisions in this area. The applicant's proposal is consistent with, and compatible with, nearby residential subdivisions.

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

- 1. Site plan to be approved by the Board of Commissioners, with the District Commissioner approving minor modifications;
- 2. Lot sizes to meet the 13,000 square-foot requirement for R-20/OSC;
- 3. Fire Department comments and recommendations;
- 4. OSC comments and recommendations;
- 5. Water and Sewer Division comments and recommendations;
- 6. Stormwater Management Division comments and recommendations;

Z-75 PROVINCE HOMES, LLC (Continued)

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/	Denartment of	Transportation	comments and	recommendations:	าลทศ
<i>,</i> .	Department of	Transportation	comments and	10001111110110ations.	, and

8.	Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for
	ledication 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. 2.75

Hearing Dates:

PC: BOC: 11/07/2017 11/21/2017

SEP - 7 2017

Summary of Intent for Rezoning

	Proposed	unit square-footage(s): _	Minimum 3,200 square feet, and possibly greater
b)	Proposed	building architecture:	European Traditional
c)	List all re	equested variances:	Waiver of 7.5 foot side setback between structures to
	5 feet be	tween structures.	
Non-r	esidential R	ezoning Information (atta	ach additional information if needed)
a)	Proposed	l use(s):	Not Applicable
b)	Proposed	building architecture:	Not Applicable
c)	Proposed	hours/days of operation:	Not Applicable
d)	List all r	equested variances:	Not Applicable
	-		
. Otl	ner Pertinen	t Information (List or atta	ach additional information if needed)
		1	
		1	posed site plan owned by the Local, State, or Federal Gover

^{*}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.

