

APPLICAN	F: Province Homes, LLC	PETITION NO:	Z-75	
<u>PHONE #: (7</u>	70) 509-7009 EMAIL: mblackwood@province.com	HEARING DATE (PC):	11-07-17	
REPRESENT	FATIVE: J. Kevin Moore	HEARING DATE (BOC):	11-21-17	
<u>PHONE #: (7</u>	70) 429-1499 EMAIL: jkm@mijs.com	PRESENT ZONING:	R-30	
TITLEHOLI	DER: _Estate of Louise Chumley Maloney and Estate of			
Fred Marvin N	Maloney, Sr., and Testamentary Trust Under the Will of			
	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	nam Road	PROPOSED USE: Single-family Residential		
		Subdivision		
ACCESS TO	PROPERTY: Old Stilesboro Road	SIZE OF TRACT:	77.03 acres	
		DISTRICT:		
PHYSICAL	CHARACTERISTICS TO SITE: Single-family house	DISTRICT:	20	
PHYSICAL (20 115, <i>151</i> , 152	
		LAND LOT(S):	20 115,151, 152 8,11,7	
on wooded ac		LAND LOT(S): PARCEL(S):	20 115, <i>151</i> , 152 8, <i>11</i> ,7 JE	
on wooded ac	reage	LAND LOT(S): PARCEL(S): TAXES: PAID X DU COMMISSION DISTRICT: Adjacent Future Land Use:	20 115,151, 152 8,11,7 JE :	
on wooded ac	reage US ZONING/DEVELOPMENT	LAND LOT(S): PARCEL(S): TAXES: PAID _X DU COMMISSION DISTRICT:	20 115,151, 152 8,11,7 JE : _1 PI), Rural	

East: Rural Residential (RR)

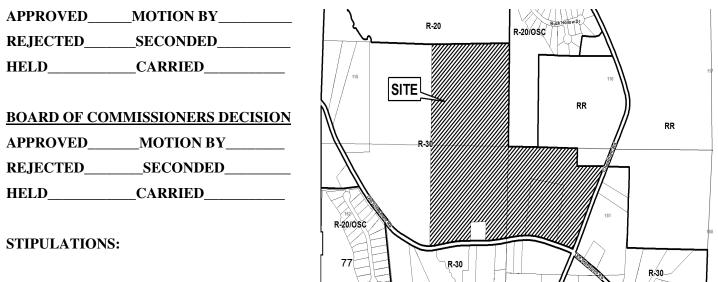
South: Rural Residential (RR)

West: Public Institutional (PI)

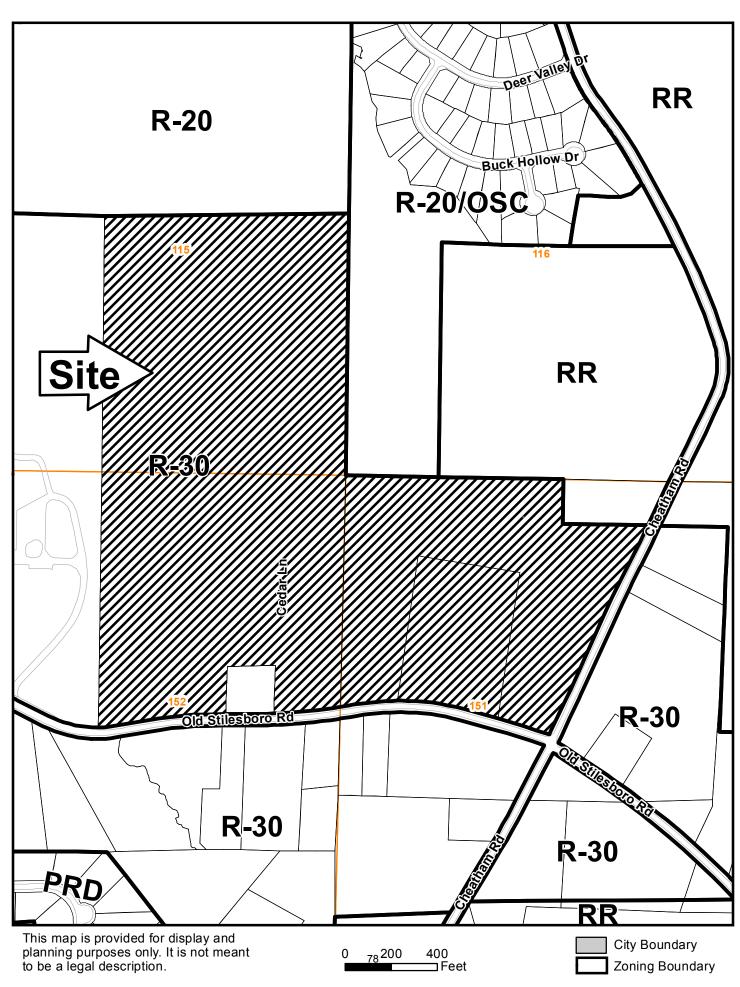
- EAST: R-30/Single-family houses
- WEST: R-30/Pickett's Mill Elementary School

OPPOSITION: NO. OPPOSED ____PETITION NO: ____SPOKESMAN

PLANNING COMMISSION RECOMMENDATION



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	e: Jason A. Campbell	
Land Use Plan Recommendation: Rural Residential (R	R)	
Proposed Number of Units: 91 Overall	Density: 1.23 Unit	s/Acre
	ncrease of: <u>10</u> Uni	ts/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.

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.

Cemetery Preservation: No comment.

APPLICANT: Province Homes, LLC

PRESENT ZONING: R-30

PETITION NO.: Z-75

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: <u>R-30</u>	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.

PETITION NO.: Z-75 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 subdivision. The 77.03 acre site is located on the north side of Old Stilesboro Road, east side of Cheatham 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 Rural Residential (RR) future land use category, with R-30 zoning designation. The purpose of the Rural Residential (RR) category is to provide for areas that are suitable for Cobb County's lowest density housing development. Such areas include those difficult to sewer, furthest from major activity centers, public services, and transportation corridors, or have particular sensitive environment features or scenic value. The Rural Residential category provides for development that is zero (0) to one (1) unit per acre.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: Public Institutional (PI), Rural Residential (RR), and Park/ Recreation / Conservation (PRC) Rural Residential (RR) East: South: Rural Residential (RR) West: Public Institutional (PI)

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.

<u>Design Guidelines</u>		
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 re-	equirements?	

Incentive Zones

Is the property within an Opportunity Zone? \Box 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? \Box Yes ■ No 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.

APPLICANT: <u>Province Homes, LLC</u> PRESENT ZONING: <u>R-30</u>	PETITION NO.: Z-75 PETITION FOR: R-20 / OSC
*******	* * * * * * * * * * * * * * * * * * * *
PLANNING COMMENTS:	CONT.
Is the property eligible for incentives through the Commerc Program? □ Yes ■ No	ial and Industrial Property Rehabilitation
The Commercial and Industrial Property Rehabilitation Pro ad valorem property taxes for qualifying redevelopment in a	
For more information on incentives, please call the Commu 770.528.2018 or find information online at <u>http://economic.</u>	
<u>Special Districts</u> Is this property within the Cumberland Special District #1 (□ Yes ■ No	hotel/motel fee)?
Is this property within the Cumberland Special District #2 (□ Yes ■ No	ad valorem tax)?
Is this property within the Six Flags Special Service Distric □ Yes ■ No	t?
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 <u>Province Homes, LLC</u>				РЕТ	TITION NO. <u>Z-075</u>
PRESENT ZONING <u>R-30</u>				РЕТ	TITION FOR <u>R-20 OSC</u>
* * * * * * * * * * * * * * * * * * * *	* * *	* * * * * * * * *	* *	* * *	* * * * * * * * * * * * * * *
WATER COMMENTS: NOTE: Comments refle	ect or	nly what facilities w	vere	in exis	stence 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" D	I/S	side of Old Stiles	sbore)	
Additional Comments: Secondary feed required	by D	Development Stan	dard	S	
Developer may be required to install/upgrade water mains, based on f Review Process.	fire flo	ow test results or Fire De	epartm	ient Co	de. This will be resolved in the Plan
* * * * * * * * * * * * * * * * * * * *	* * :	* * * * * * * * *	* *	* * *	* * * * * * * * * * * * * * *
SEWER COMMENTS: NOTE: Comments re	eflec	t only what facilitie	s we	re in e	xistence at the time of this review.
In Drainage Basin:	✓	Yes			No
At Development:		Yes			No
Approximate Distance to Nearest Sewer: 350'	N iı	n Cheatham Road			
Estimated Waste Generation (in G.P.D.): A I) F=	14,560		Р	eak= 36,400
Treatment Plant:		Northv	vest		
Plant Capacity:	✓	Available		Not 4	Available
Line Capacity:	\checkmark	Available		Not 4	Available
Proiected Plant Availability:	\checkmark	0 - 5 vears		5 - 10	0 vears \Box over 10 vears
Drv Sewers Required:		Yes	\checkmark	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	
			~		

AdditionalEasement encroachment agreement required from Army Corps of Engineers for proposedComments:sewer in Cheatham Rd

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: Province Homes, LLC

PETITION NO.: <u>Z-75</u>

PRESENT ZONING: <u>R-30</u>

PETITION FOR: <u>R-20/OSC</u>

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: XES NO POSSIBLY, NOT VERIFIED
 DRAINAGE BASIN: Little Allatoona Creek FLOOD HAZARD INFO: Zone 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.
<u>WETLANDS:</u> YES NO \boxtimes POSSIBLY, NOT VERIFIED
Location: _within and adjacent to stream channels_
The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.
STREAMBANK BUFFER ZONE: X 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 (<u>undisturbed</u> 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
 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 streams.

APPLICANT: <u>Province Homes, LLC</u>

PETITION NO.: <u>Z-75</u>

PRESENT ZONING: <u>R-30</u>

PETITION FOR: <u>R-20/OSC</u>

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

Provide comprehensive	hvdrology/stormwater	controls to include	development of out	parcels.
1	5 05		1	1

- 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 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.

PETITION NO.: Z-75

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	Old Stilesboro Road West of County Line Road		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.

THIS PAGE INTENTIONALLY LEFT **BLANK**

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)

- 7. Department of Transportation comments and recommendations; and
- 8. 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.

		e A			Application	ı No.	z-75 (2017)
C	EL				Hearing Dates:	PC: BOC:	11/07/2017 11/21/2017
SE	P - 7	-057 1V	Summary o	of Intent fo	r Rezoning	BOC:	11/21/2017
Part 18	Reside	ntial Rezon	ing Information (attach a	additional information	if needed)		
/	a)	•	unit square-footage(s):		uare feet, and possibly	greater	
	b)	Proposed	building architecture:	European Traditio	nal		
	c)	List all r	equested variances:	Waiver of 7.5 foot si	de setback between struc	tures to	
		5 feet be	tween structures.				
							•
							ı
Part 2.			ezoning Information (atta		tion if needed)		
	a)	Proposed	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			
						_	-
					_		
Part (3. Oth	er Pertinen	Information (List or att		ntion if needed)		1
						_	-
							-
Part 4	. Is an	v of the pro			by the Local, State, or Fe		rnment?
			1 -		owned parcels and/or rem		
	plat c	learly show	ing where these propertie	es 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.

