



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-14
Public Hearing Dates:
PC: 03-06-18
BOC: 03-20-18

SITE BACKGROUND

Applicant: EAH Acquisitions, L.L.C.

Phone: (770) 541-5250

Email: k.rhino@eahomes.com

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijs.com

Titleholder: Fellowship Christian Center, Inc. and
Noble Realty, Inc.

Property Location: East side Beech Haven Trail

Address: 4425 and 4391 Beech Haven Trail

Access to Property: Beech Haven Trail

QUICK FACTS

Commission District: 2-Ott

Current Zoning R-20 (Single-family Residential) and
LRO (Low Rise Office)

Current use of property: Church

Proposed zoning: RM-12

Proposed use: Townhomes

Future Land Use Designation: RAC (Regional Activity
Center)

Site Acreage: 2.41 ac

District: 17

Land Lot: 820

Parcel #: 7 and 8

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Terry Martin, MPA)

Based on the included analysis, staff recommends **APPROVAL** subject to:

1. Site plan received by the Zoning Division on January 8, 2018 with the District Commissioner approving minor modifications;
2. Variances as outlined in the Zoning Division Comments;
3. Fire Department's comments and recommendations;
4. Sewer and Water Division's comments and recommendations;
5. Stormwater Management Division's comments and recommendations; and
6. Department of Transportation's comments and recommendations.

CHRISTOPHER PLANNING & ENGINEERING
CINCINNATI, OH
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WWW.CPE-ENGINEERS.COM

ZONING PLANS
FOR
**BEECH HAVEN
TRAIL TRACT**
LAND LOT 800
17TH DISTRICT, ZONE SE
COBB COUNTY, GEORGIA

FOR
EDWARD ANI HOMES
2333 BUCKLEBUSH LANE
ALPHARETTA, GA 30205
770.541.5250

REVISIONS
DATE/CLIENT COMMENTS
CLIENT COMMENTS

NO.	DATE	DESCRIPTION

DATE: DECEMBER 4, 2017
DRAWN BY: [Signature]
ZONING SITE PLAN
SHEET NO. **Z.1**

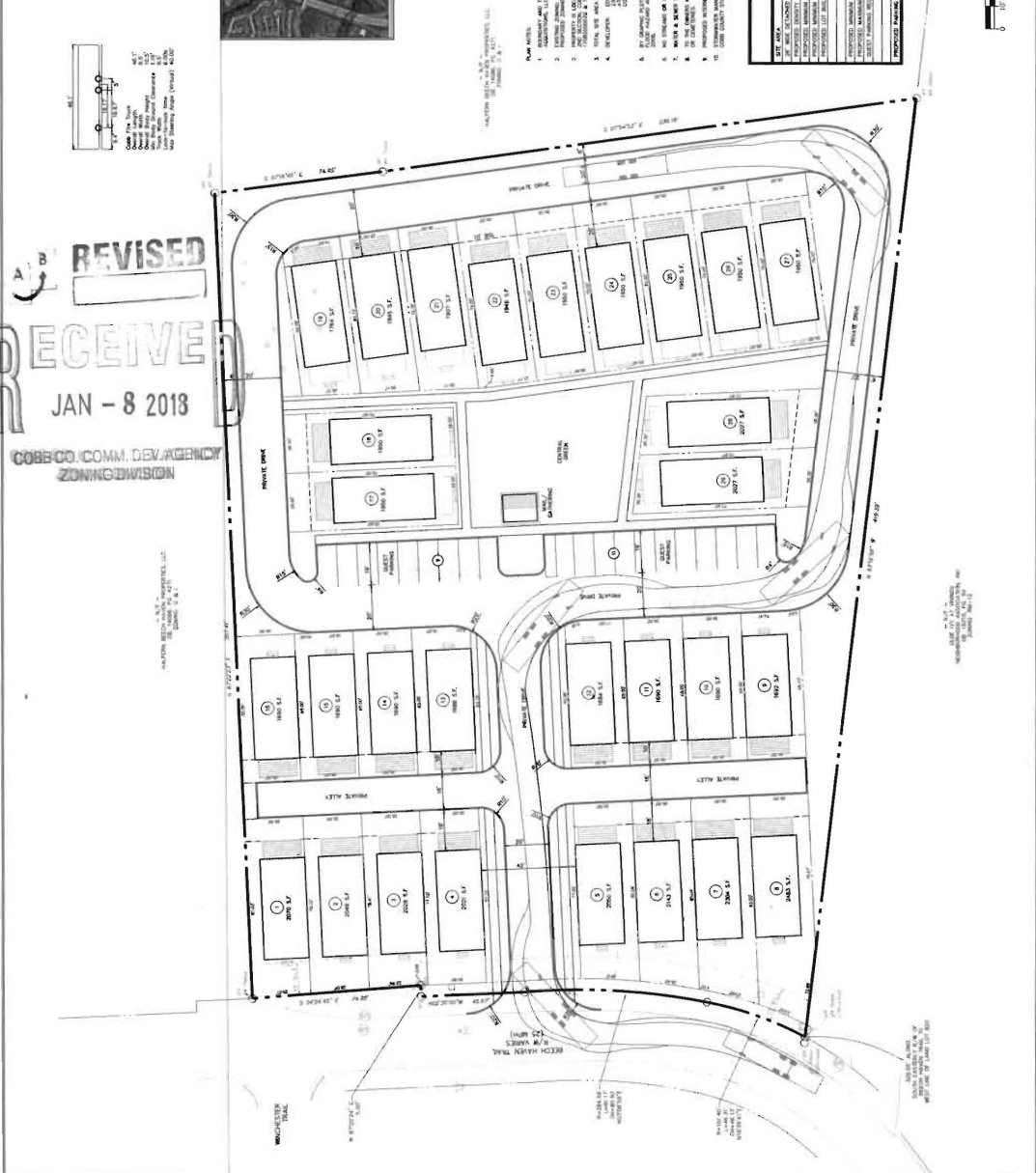


PLAN NOTES

1. THE PROPOSED DEVELOPMENT SHALL BE CONFINED TO THE BOUNDARIES OF THE TRACT AS SHOWN ON THIS PLAN.
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SITE ANALYSIS

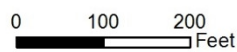
ITEM	DESCRIPTION	STATUS
1. SITE AREA	100,000 SQ. FT.	OK
2. ZONING DISTRICT	SE	OK
3. FLOOD HAZARD	NO	OK
4. ENVIRONMENTAL	NO	OK
5. UTILITIES	OK	OK
6. ACCESS	OK	OK
7. PARKING	OK	OK
8. SIGNAGE	OK	OK
9. LIGHTING	OK	OK
10. LANDSCAPE	OK	OK
11. SECURITY	OK	OK
12. SOUND BARRIER	OK	OK
13. BUFFER	OK	OK
14. SCREENING	OK	OK
15. VISUAL QUALITY	OK	OK
16. HISTORIC PRESERVATION	NO	OK
17. OPEN SPACE	NO	OK
18. OTHER	NO	OK



Z-14 2018-Aerial Map



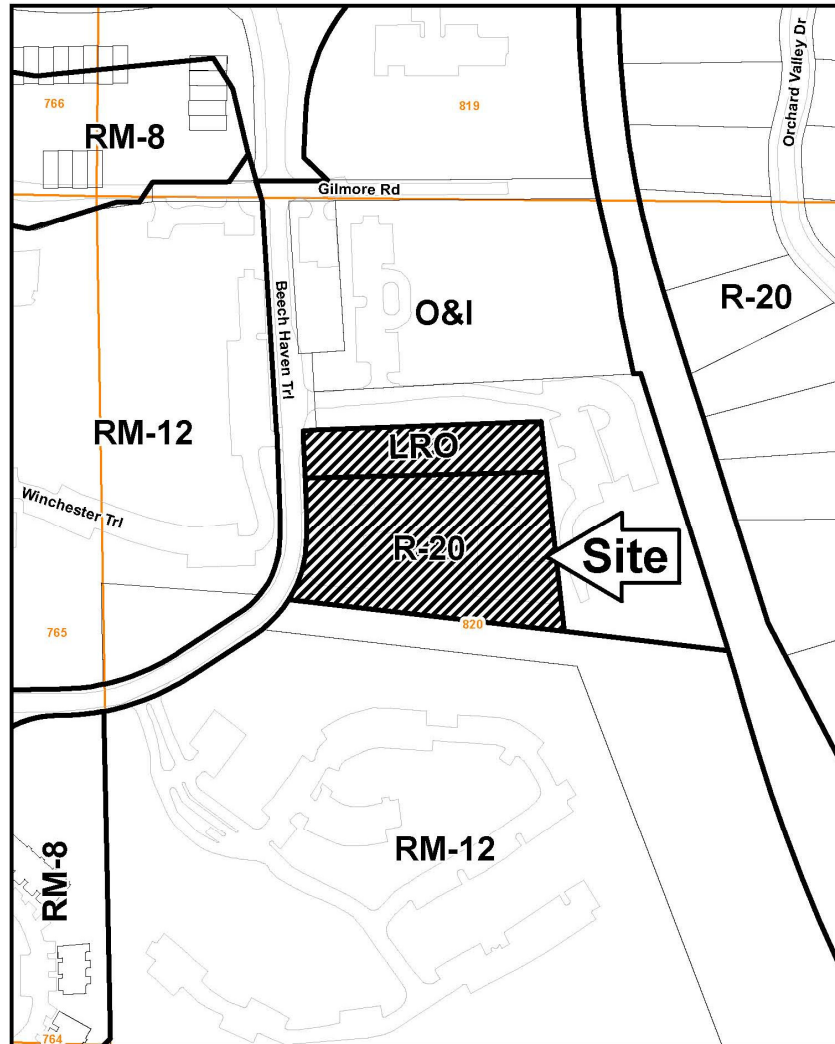
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Land Lot
- City Boundary

North
Zoning: O&I (Office & Institutional)
Future Land Use: RAC (Regional Activity Center)

Z-14 2018-GIS



WEST
Zoning: RM-12 (Multi-family Residential)
Future Land Use: RAC (Regional Activity Center)

EAST
Zoning: O&I (Office & Institutional)
Future Land Use: RAC (Regional Activity Center)

SOUTH
Zoning: RM-12 (Multi-family Residential)
Future Land Use: PRC (Parks/Recreation/Conservation)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

The LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Requested zoning district for the property

The RM-12 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for high density residential and regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RM-12 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Summary of the applicant's proposal

The applicant is requesting a rezoning from the existing R-20 and LRO in order to develop a 29 unit development on the property. The proposed lots are a minimum 26 feet wide and begin at a size of 1,650 sq. ft. ranging up to 2,483 sq. ft. The proposed houses will be a minimum of 1,800 sq. ft. and greater of a traditional southern cottage style. The proposal will require variances in lot width, public road frontage, lot size, and setbacks as discussed further in this analysis. The internal road will be private.

Residential criteria

Allowable units as zoned: 5

Proposed # of units: 29

Net density: 12 units per acre

Increase of units: 24

Acres of floodplain/wetlands: None; Impervious surface shown: 70%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, as follows:

1. Waive the minimum lot width from the required 75 feet to 26 feet per lot;
2. Waive the minimum public road frontage from the required 75 feet to zero due to private drives;
3. Waive the minimum lot sizes from the required 7,000 square feet to as low as 1,650 square feet;
4. Waive the front setback from the required 40 feet for external lots and 20 feet for internal lots to zero feet;
5. Waive the side setbacks from the required 20 feet for external lots and 5 feet for internal lots to zero feet;
6. Waive the rear setbacks from the required 30 feet to 10 feet with allowance for covered, unenclosed porches and/or decks to encroach; and
7. Waive the maximum impervious coverage per lot from 45% to 70%.

DEPARTMENT COMMENTS- Fire Department

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

School	Student Capacity	Student Enrollment	Capacity Status
Nickajack Elem.	937	1123	186 over capacity
Campbell Middle	1350	1500	150 over capacity
Campbell High	2637	2854	217 over capacity

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.

Note: Campbell MS and Campbell HS will be relieved of overcrowding with SPLOST V construction.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Gilmore Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the capacity of the existing downstream storm drainage system within the adjacent Olde Ivy at Vinings Apartments.
7. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
9. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
10. Special site conditions and/or additional comments:
 - As indicated on the proposed site plan, stormwater management will be provided by an underground facility beneath the parking area and/or central green.
 - The existing church site currently discharges into and through the adjacent Olde Ivy at Vinings Apartment development to the south. The site discharge must be tied directly to the existing downstream infrastructure within the apartment site.
 - Since this will be a private development with private roads, the stormwater infrastructure will be private as well and must be maintained by the mandatory HOA.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within a Regional Activity Center (RAC) with High Density Residential (hdr) subcategory future land use categories. The purpose of the RAC category is to provide for areas that can support high-intensity development, which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and varying densities of residential development. The High Density Residential (hdr) subcategory provides areas that are suitable for low-rise, high-density housing and mixed-use developments. Mid- or high-rise residential/mixed use developments are also appropriate in this category. This shall include developments in excess of four (4) stories per structure. Because of the unique, urban characteristics of RACs, building height and density shall be reviewed on a case-by-case basis.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Was the city notified? Yes No

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study – Vinings Vision Plan Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

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 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 investment)

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)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

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

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone? Yes No

Is the property within the Clear Zone (CZ)? Yes No

Is the property within the Accident Potential Zone (APZ I)? Yes No

Is the property within the Accident Potential Zone II (APZ II)? Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)? Yes No

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.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 12" on west side of Beech Haven Trail.

Additional water comments:

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: Along frontage in Beech Haven Trail.

Estimated waste generation (in G.P.D.): Average daily flow= 4,640 ; Peak flow= 11,600

Treatment plant: R.L. Sutton

Plant capacity: Yes NO

Line capacity: YES NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Dry sewers required: YES NO

Off-site easement required: YES* NO

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 comments:

*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining on and/or offsite easements, dedication or on and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed Limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Beech Haven Trail	Minor Collector	25	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
Beech Haven Trail	South of Gilmore Road	4,800	C

Based on 2008 traffic counting data taken by Cobb County DOT for Beech Haven Trail.

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

Beech Haven Trail is classified as a minor collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

SPLOST project X2722 - Beech Haven Trail Sidewalk includes the installation of sidewalk along this section of Beech Haven Trail. Recommend applicant coordinate with Cobb County DOT in regards to installation of sidewalk and/ or right-of-way dedication.

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 east side of Beech Haven Trail, 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 private streets be constructed to the Cobb County Standard Specifications.

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

Recommend curb, gutter, and sidewalk along the Beech Haven Trail frontage.

DEPARTMENT COMMENTS- Transportation (Continued)

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

Recommend a no access easement for the lots along the Beech Haven Trail frontage.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Beech Haven Trail SPLOST project X2722.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties which include apartments, offices, and condominiums.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The applicant's proposal will be compatible with the mixed use nature of the area.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

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. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

The zoning proposal is in conformity with the policies and intent of the comprehensive plan which delineates the property to be within the RAC (Regional Activity Center) future land use category. This category seeks to encourage a high intensity of development including high-rise office buildings, regional malls and varying densities of residential development.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

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 RAC future land use category supports high density residential development. The area is mixed use in nature, which would support the applicant's proposal. There are variances for the proposal, but they are mainly needed due to the in-fill nature of the area.

The staff analysis and recommendation 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.

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

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Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____