

Cobb County Community Development Agency Zoning Division

Public Hearing Dates: PC: 11-06-18 BOC: 11-20-18

Case # Z-69

1150 Powder Springs St. Marietta, Georgia 30064

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Applicant: Brooks Chadwick Capital, LLC

Phone: (404) 281-4554

Email: todd@brookschadwick.com

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijs.com

Titleholder: Numerous titleholders in the

Rezoning Application

Property Location: East side of Atlanta Road, north and south sides of East Lee Road, across

from Lee Road

Address: 3949, 3959, 3975, 3985, 3993, and 4003 Atlanta Road, 2200, 2201, 2190, 2191, 2180, and

2181 East Lee Road

Access to Property: Atlanta Road

QUICK FACTS

Commission District: 2-Ott

Current Zoning: R-20 (Single-family Residential)

Current use of property: Single-family houses

Proposed zoning: RM-12 (Multi-family Residential)

Proposed use: Townhouse Community

Future Land Use Designation: MDR (Medium

Density Residential)

Site Acreage: 7.02 ac

District: 17

Land Lot: 745

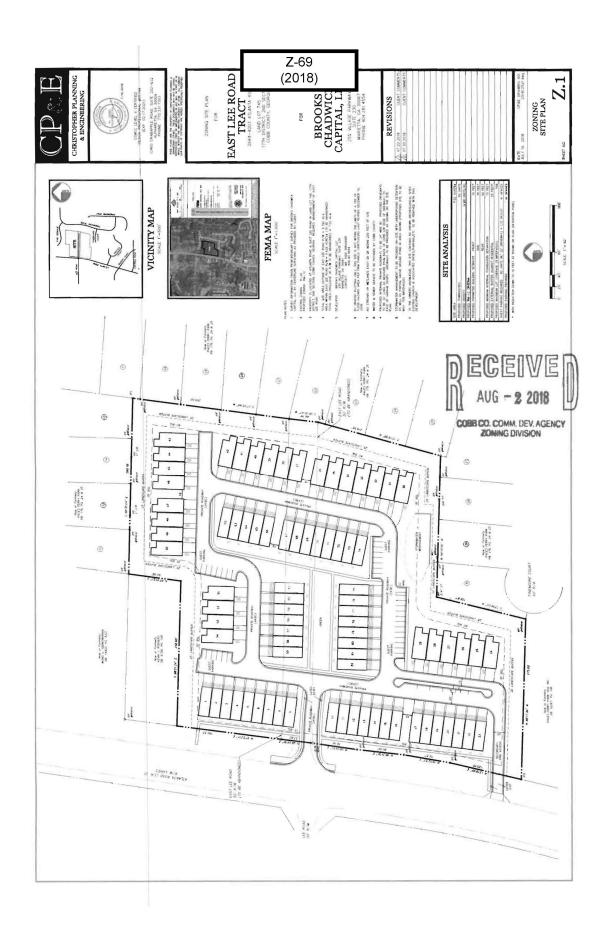
Parcel #s: 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, and

17

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION: (Zoning staff member: <u>Jason Campbell</u>)

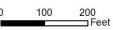
Based on the analysis of this case, Staff recommends **DENIAL**.

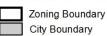


Z-69 2018-Aerial Map



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





North

Zoning: R-20 (Single-family Residential) and PRD (Single-

family Residential)

Future Land Use: MDR (Medium Density Residential)

Z-69 2018-GIS

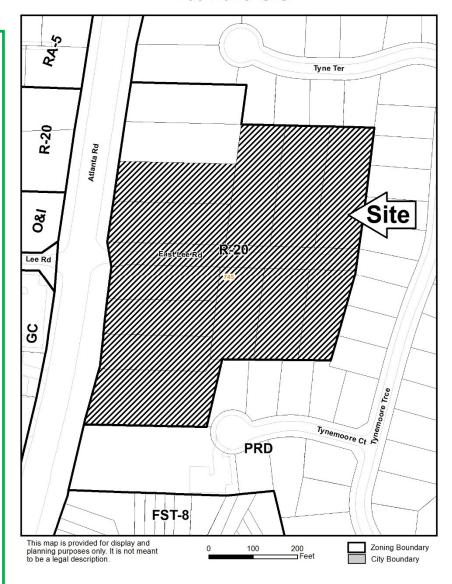
WEST

Zoning: R-20 (Single-family Residential), O&I (Office & Institutional), and GC (General Commercial)

Future Land

Use: LDR (Low Density Residential), MDR (Medium Density Residential) and NAC (Neighborhood Activity

Center)



<u>EAST</u>

Zoning: PRD (Single-family Residential)

Future Land Use: MDR (Medium

Density Residential)

<u>SOUTH</u>

Zoning: PRD (Single-family Residential)

Future Land Use: MDR (Medium Density Residential)

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.

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 the RM-12 (multi-family residential) zoning district for the purpose of developing an 82-unit townhouse community. The units will range in size from 2,000 square feet to 3,500 square feet, and have two-car garages. The architecture will be traditional, and the exteriors will consist of a combination of brick stone, stacked stone, cedar shake, board and batten, and cementitious siding. The proposed site plan indicates private streets and a gated entry.

Residential criteria

Allowable units as zoned: 12 Proposed # of units: 82 Net density: 11.68 Increase of units: 70

Acres of floodplain/wetlands: 0 Impervious surface shown: 70%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the proposal will require the following contemporaneous variances:

- 1. Waive the front setback along Atlanta Road from the required 75 feet to 15 feet;
- 2. Waive the maximum impervious coverage from the allowed 45% to 70%.

DEPARTMENT COMMENTS- Fire Department

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

ACCESS: The hose-pull around Units 30-36 is more than the maximum 150-ft. Additional fire lanes are required or the grouping can be split.

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
Teasley Elem	812	917	102 over capacity
Campbell Middle	1350	1500	150 over capacity
Campbell High	2637	2854	217 over capacity

COMMENTS

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

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

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No

Flood hazard zone: Zone X
 Drainage Basin: Gilmore Creek

4. Wetlands: No

5. Streambank buffer zone: No

- 6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
- 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. Stormwater discharges through an established residential neighborhood downstream.
- 10. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
- 11. Special site conditions and/or additional comments:
 - All of the impervious runoff from this site must be controlled by the proposed stormwater management facility and discharged into the existing stormwater infrastructure located within the adjacent Paces Ferry Park Subdivision. The proposed stormwater management facility discharge must be tied directly into the existing stormline located at the rear of #1911 Tynemoore Court.
 - The proposed development will result in an increase in impervious coverage over the current zoning category. To compensate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).

DEPARTMENT COMMENTS- Planning Division

suitable for moderate density housing between two and one-half (2.5) and five (5) dwelling units per acre. Inconsistent Comprehensive Plan Designation: Consistent House Bill 489 Intergovernmental Agreement Zoning Amendment Notification X Yes Is the proposal within one-half mile of a city boundary? No Smyrna Was the city notified? No N/A imes Yes \bowtie No **Specific Area Policy Guidelines:** Yes ⊠ No Masterplan/ Corridor Study Yes \bowtie No Design guidelines area? Yes Does the proposal plan comply with the design requirements? No \times N/A Yes Yes ⊠ No Is the property within an Opportunity Zone? (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) Yes ⊠ No Is the property within an Enterprise Zone? (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) ⊠ No Is the property eligible for the Façade Improvement Yes Program? (The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

Cobb 2040 Comprehensive Plan: The parcel is within the Medium Density Residential (MDR) future land use category. The purpose of the MDR category is to provide for areas that are

DEPARTMENT COMMENTS- Planning Division (continued)						
Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? (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)	Yes	⊠ No				
Note: For more information on incentives, please call the Community Development Division at 770-528-2018 or find information online at						
Special District	□vos	⊠ No				
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 Noise Zone?	Yes	⊠ No				
Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?	⊠ Yes	□ No				

Historic Preservation

After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1920 house (4003 Atlanta Road) is located within the project area. Due to the age and location of the structure, information about this resource and its occupants appears to have the potential to contribute significantly to the county's public history. Staff recommends the home either be incorporated into the development or, alternately, documented if destroyed. In order to properly document this structure, its inhabitants, and the role it played in Cobb County's history, staff requests a history of the home and its occupants (as well as archival-quality photographs of the structure, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:			
Available at development:	XES	□NO	
Fire flow test required:	XES	□NO	
Size and location of existing water main(s): 20"	in Atlanta F	Road	
Additional water comments: Development Star	ndards will r	equire secor	nd water feed
Note: These comments only reflect what facilities were in exist install/upgrade water mains based on fire flow test results or Fi process.			
Sewer comments:			
In the drainage basin:	XES	☐ NO	
At development:	XES	□NO	
Approximate distance to nearest sewer: On site	e		
Estimated waste generation (in G.P.D.): Average	ge daily flov	v = 13,120 G	PD
Peak f	low = 32,80	00 GPD	
Treatment plant: R.L. Sutton WRF			
Plant capacity:	Yes	☐ NO	
Line capacity:	XES	☐ NO	
Projected plant availability:	◯ 0-5 yea	ars 5-10 y	years 🗌 over 10 years
Dry sewers required:	YES	⊠ NO	
Off-site easement required:	YES*	\boxtimes NO	*If off-site easements are required, the
Flow test required:	YES	⊠ NO	developer/owner must submit easements to the CCWS for review and approval as to form
Letter of allocation issued:	YES	⊠ NO	and stipulations prior to the execution of easements by the property owners. All
Septic tank recommended by this department:	YES	⊠ NO	easement acquisitions are the responsibility of the developer/owner.
Subject to Health Department approval:	YES	$oxed{oxed}$ NO	

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 onsite and/or offsite easements, and dedication of onsite 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.

Additional sewer comments:

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Atlanta Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Atlanta Road	North of Cooper Lake Road	24,000	D

Based on 2016 traffic counting data taken by Cobb County DOT for Atlanta 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

Atlanta Road is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

- 1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
- 2. Recommend a traffic study. The traffic study should include existing and base year (full build out year) Build and No Build analysis. Study assumptions (such as study intersections, trip distribution and annual growth rate) should be agreed to by Cobb DOT before completing the study.
- Recommend applicant submit site details to Cobb DOT for coordination with Cobb County Airport Manager to determine potential need for a FAA study.
- 4. Recommend the call box for the gated entry be a minimum of 50 ft from the right-of-way and meet Cobb County Development standards.
- 5. Recommend the gate for fire access be a minimum of 50 ft from the right-of-way.
- 6. Recommend a no access easement for the lots that border Atlanta Road.
- 7. Recommend a deceleration lane for the entrance on Atlanta Road.
- 8. Recommend private streets be constructed to the Cobb County Standard Specifications.

DEPARTMENT COMMENTS- Transportation

- 9. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
- 10. Recommend removing and closing driveway aprons along the Atlanta Road frontage that development renders unnecessary.
- 11. East Lee Road right-of-way will need to be abandoned prior to Land Disturbance Permit.

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;

It is Staff's opinion that the applicant's proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is in an area containing a mixture of R-20, PRD, RA-5, O&I, and GC.

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

It is Staff's opinion that the applicant's proposal will have an adverse effect on the usability of adjacent or nearby properties. The applicant's proposed development of 82 units at a density of 11.68 units per acre is higher than single-family densities in this area. Other developments include: Paces Ferry Park (zoned PRD at 3.26 units per acre), Wakefield Estates (zoned RA-5 at 3.87 units per acre), Central Garden (zoned RA-5 at 4.27 units per acre), and Vinings Vail Townhouses (zoned FST-8 at 7.86 units per acre). It should be noted that Vinings Vail Townhouses is in the High Density Residential (HDR) future land use category (5-12 units per acre), and is developed less than the applicant's proposal in MDR.

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 proposal will result in a use which may cause an excessive burdensome use of existing streets, or transportation facilities. The Cobb County School District has concerns that the development will have a significant impact on the enrollment at schools in this area.

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

The proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Medium Density Residential (MDR) future land use category. The requested RM-12 zoning district is established for properties delineated as High Density Residential (HDR), having densities of 5-12 units per acre, or for properties delineated as being in a Regional Activity Center (RAC), the highest residential and commercial future land use category.

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 supporting grounds for denying the rezoning proposal. The requested RM-12 is not compatible with the MDR future land use category and the proposed density exceeds the range of densities in the area and the range of the MDR (2.5-5 units per acre) future land use category.

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.



Application No. 2-69 (2018)

Hearing Dates:

PC: BOC: 11/06/2018 11/20/2018

COBB CO. COMM. DEV. AGENCY ZONING DIVISION

Summary of Intent for Rezoning

	a)	Proposed unit square-footage(s):	2,000 square feet - 3,500 square feet
	b)	Proposed building architecture:	Traditional
	c)	List all requested variances:	(1) Waiver of front setback along Atlanta Road
rt 2.	Non-r	esidential Rezoning Information (atta	nch additional information 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 requested variances:	Not Applicable
Part	3. Otl	her Pertinent Information (List or att	ach additional information if needed)
		are of the amoneuty included on the area	posed site plan owned by the Local, State, or Federal Gove
'art			at owned lots, County owned parcels and/or remnants, etc.,

^{*}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.



A&R Engineering Inc.

2160 Kingston Court, Suite O Marietta, GA 30067 Tel: (770) 690-9255 Fax: (770)

www.areng.com



COBB CO. COMM. DEV. AGENCY

ZONING DIVISION



Memorandum

To:

Brooks Chadwick Capital

Date:

July 30, 2018

Subject:

Trip Generation Memo – 82 Townhome Development on East Lee Road Tract.

The purpose of this memorandum is to compute the trip generation that will result from the proposed East Lee Road Tract townhouse development in Smyrna, Georgia. The development will consist of 82 townhomes and will be served by one full-access driveway and one secondary fire access driveway on Atlanta Road. The location of the development is shown below in Figure 1.

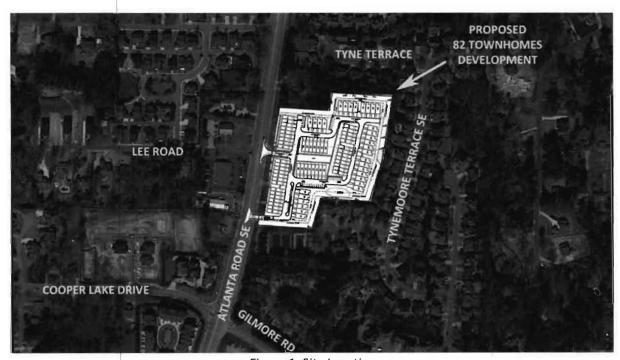


Figure 1: Site Location

METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 10th edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE Land Uses: 220 – Multifamily Housing (Low-Rise).

East Lee Road Tract Townhome Development - Trip Generation Wemo

Page 2 of 2

TAI	BLE 1 - TR	IP GENER	RATION	(CURRI	ENT ZON	IING)	(Total	100 B	EL CO
Land Use	Cina	AN	1 Peak H	our	PM Peak Hour			24 - Hour	
Land Ose	Size	Enter	Exit	Total	Enter	Exit	Total	Enter	Exit
Multifamily Housing Low Rise	82	9	31	40	31	19	50	290	290

As a point of reference, average daily traffic volumes on Atlanta Road were obtained from the Georgia Department of Transportation. The counts revealed a 2016 AADT of 22,700 vehicles per day just south of East Lee Road (Station ID 0672052).



ATTACHMENT TO APPLICATION FOR REZONING

DECEIVED N AUG-2 2018

Application No.:

Z-<u>Le</u>9 (2018)

Hearing Dates: November 6, 2018 November 20, 2018

COBB CO. COMM. DEV. AGENCY

ZONING DIVISION

Brooks Chadwick Capital, LLC

Applicant: Brooks Cha
Titleholders: Michael Cl

Michael Cheney; Chester and Martha Clayborn Revocable Living Trust Dated April 18, 2017; Billie Jo Cozzolino; Paul F. Flack; Deborah A. Flack; The Griffin Family Revocable Living Trust; the Estate of Mary Lee Herren; Bobby R. Hubbard, LLC; Bartley C. Mastin; Justin McMillen; Maris Pantels; the Estate of Frederick C. Reinke, Jr.; Kathryn Lynn Truesdell

TITLEHOLDER, PARCEL, AND ADDRESS FOR PROPERTIES INCLUDED IN APPLICATION FOR REZONING

Property Address	Tax ID/ Parcel No.	Titleholder(s)
3949 Atlanta Road	17074500060	Estate of Frederick C. Reinke, Jr. and
		Kathryn Lynn Truesdell
3959 Atlanta Road	17074500070	Bobby R. Hubbard, LLC
3975 Atlanta Road	17074500140	The Griffin Family Revocable Living
		Trust
3985 Atlanta Road	17074500150	Estate of Mary Lee Herren
3993 Atlanta Road	17074500160	Justin McMillen
4003 Atlanta Road	17074500170	Maris Pantels
2181 East Lee Road	17074500080	Chester and Martha Clayborn Revocable
		Living Trust Dated April 18, 2017
2191 East Lee Road	17074500090	Billie Jo Cozzolino
2201 East Lee Road	17074500100	Paul F. Flack and Deborah A. Flack
2200 East Lee Road	17074500110	Bartley C. Mastin
2190 East Lee Road	17074500120	Bartley C. Mastin
2180 East Lee Road	17074500130	Michael Cheney

Planning Commission Decision

NO. OPPOSED:	APPROVED	DENIED	DELETED TO
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:
Names of those Op	-	Comments:	
	Stipulation letter fro	m	dated
			dated dated
	Board of Commis	sioners Decision	
NO. OPPOSED:	APPROVED	DENIED	DELETED TO
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:
Names of those Op	posed:	Comments:	
	Stipulation letter fro	m	dated
	Stipulation letter fro Stipulation letter fro		dated dated