

APPLICANT: Palladian, Inc.

770-509-3390

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

John H. Moore 770-429-1499

TITLEHOLDER: Palladian, Inc.

PROPERTY LOCATION: Located at the southeast intersection of
Robinson Road and Old Canton Road.

ACCESS TO PROPERTY: Robinson Road

PHYSICAL CHARACTERISTICS TO SITE: Existing houses

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Cobb Estates subdivision
- SOUTH:** R-20/ Olde Canton Court subdivision
- EAST:** R-20, R-20 OSC/ Single-family houses, Sumpter Ridge subdivision
- WEST:** R-20/ Cobb Estates subdivision

PETITION NO: Z-8

HEARING DATE (PC): 02-05-08

HEARING DATE (BOC): 02-19-08

PRESENT ZONING: R-20

PROPOSED ZONING: RSL

PROPOSED USE: Senior Residential
Community

SIZE OF TRACT: 9.282 acres

DISTRICT: 16

LAND LOT(S): 1054

PARCEL(S): 4, 34, 58

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 2

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

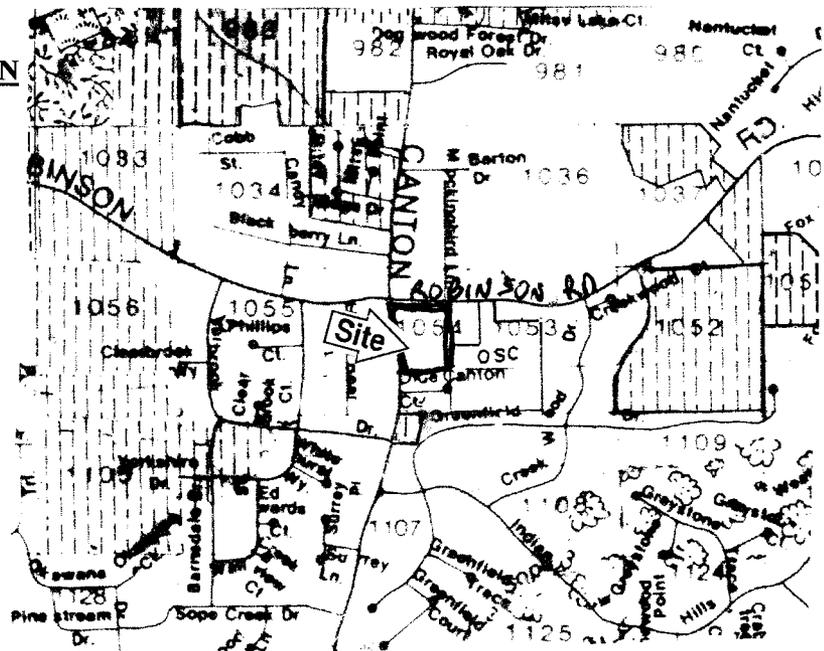
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

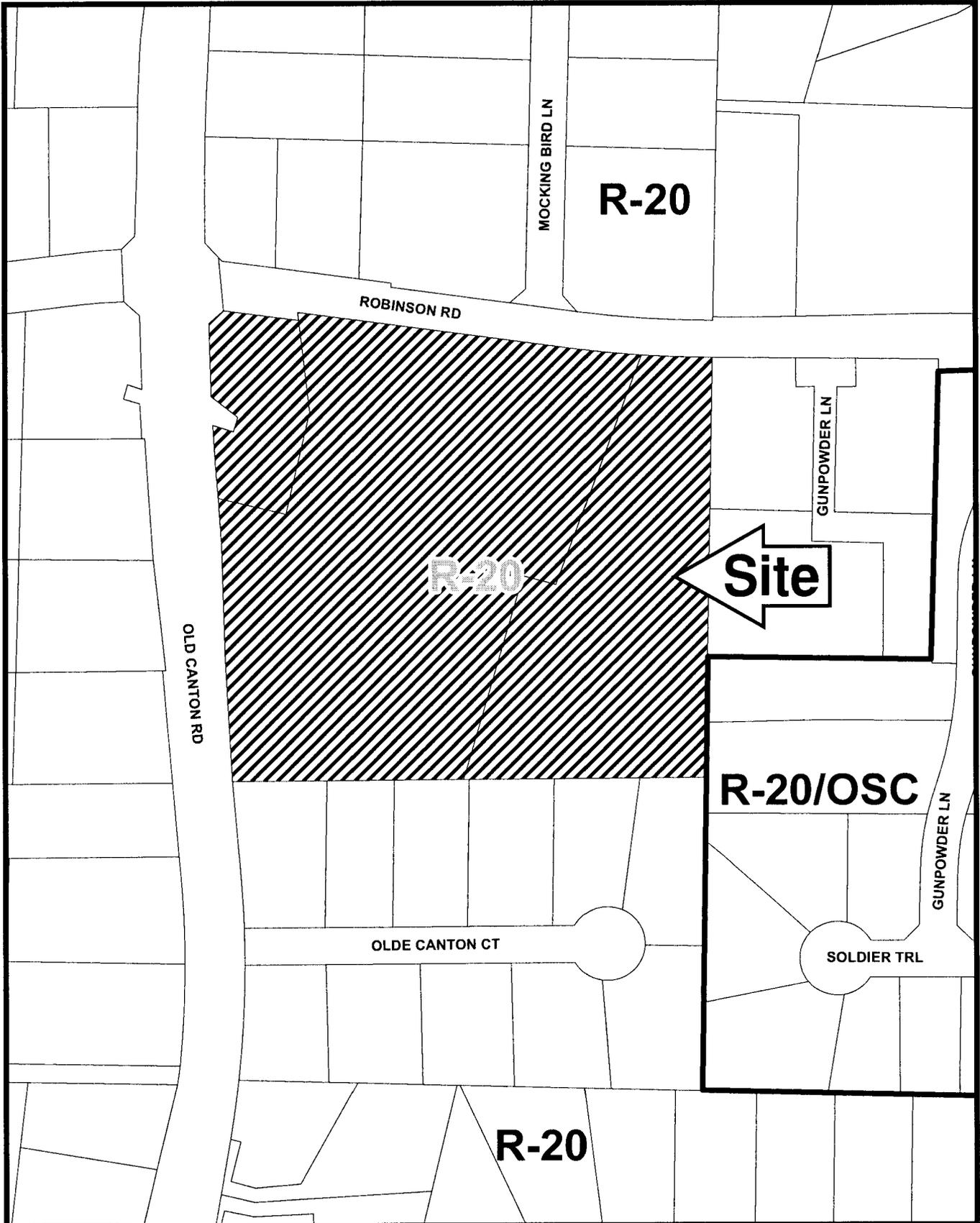
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

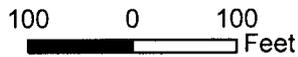
STIPULATIONS:



Z-8



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



-  Draft Parcel Boundary
-  Approximate Zoning Boundary

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PETITION FOR: RSL

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Low Density Residential (0 to 2.5 units per acre)

Proposed Number of Units: 30 **Overall Density:** 3.23 **Units/Acre**

Present Zoning Would Allow: 16 **Units** **Increase of:** 14 **Units/Lots**

The applicant is requesting the RSL zoning district to develop a senior residential community. There would be 30 detached houses that would be a minimum of 2,400 square-feet. The houses would start selling for \$475,000. The houses would be traditional in styling and would range from 1 to 1½ stories. Each house will have an attached two car garage.

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.

Cemetery Preservation: No comment.

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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>East Side</u>	<u>938</u>	<u>Over</u>	<u> </u>
Elementary			
<u>Dodgen</u>	<u>1,142</u>	<u>Under</u>	<u> </u>
Middle			
<u>Walton</u>	<u>2,629</u>	<u>Over</u>	<u> </u>

High
* School attendance zones are subject to revision at anytime.

Additional Comments:

Approval of this rezoning could adversely impact enrollment at East Side Elementary and Walton High School.

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Residential subdivision: Cul-d-sac with an island- minimum 60 foot radius to outside curb, measured to inside of curb, minimum lane width 24 feet **or** Cul-d-sac without an island- 38 foot outside outside radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Residential: Fire hydrant within 500 feet of structure.

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PRESENT ZONING R-20

PETITION FOR RSL

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 12" DI / N side Robinson Rd

Additional Comments: Service by master meter unless approvable access/easements provided for individual meters

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.

SEWER COMMENTS:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: In roads

Estimated Waste Generation (in G.P.D.): **A D F** 12,000 **Peak** 30,000

Treatment Plant: Sutton

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Notes FYI:

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 off site easements, dedication of on and/or off site 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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DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Tributary to Sewell Mill Creek FLOOD HAZARD INFO: Zone X

- 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 CONDITION

- 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 _____.
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 downstream stormdrainage system (including High Gates @ Robinson Farms).

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DRAINAGE 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.

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. Although slopes on the site are moderate, the intensity of the proposed development will require clearing and grading of the majority of the site. However, the proposed impervious area is well below the allowable for RSL developments (55%) and only slightly above the allowable for the current underlying R-20 Zoning Category (35%). No elevated water quality or detention requirements will be imposed, unless there is an issue with limited downstream capacity of the existing stormdrainage system determined during Plan Review.

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TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Robinson Road	6417	Major Collector	35 mph	Cobb County	80'
Old Canton Road	13439	Arterial	35 mph	Cobb County	100'

*Based on 2002 traffic counting data taken by Cobb County DOT. (Robinson Road)
Based on 2006 traffic counting data taken by Cobb County DOT. (Old Canton Road)*

COMMENTS AND OBSERVATIONS

Robinson Road is classified is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Old Canton Road is classified is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Align proposed access with Mockingbird Lane.

Replace all disturbed sidewalk, curb and gutter along the frontage of Robinson Road.

As necessitated by this development for egress from Robinson Road, a deceleration lane will be required.

Construct a minimum 75' left turn lane with a 50' taper.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of 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 south side of Robinson Road, a minimum of 40' from the roadway centerline and b) donation of right-of-way on east side of Old Canton Road, a minimum of 50' from the roadway centerline.

Recommend a deceleration lane. and left turn lane along the frontage of Robinson Road.

Recommend a minimum 75' left turn lane with a 50' taper on Robinson Road.

Recommend replacing sidewalk, curb and gutter along Robinson Road.

Recommend aligning the proposed street with Mockingbird Lane.

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

STAFF RECOMMENDATIONS

Z-8 PALLADIAN, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The surrounding area is all low density residential; the proposed density is much higher than adjacent residential densities. Sumpter Ridge subdivision has a density of 1.84 units per acre (per final plat), Olde Canton Court subdivision has a density of 1.86 units per acre (per final plat and aerial photography), and Cobb Estates subdivision has a density of 1.5 units per acre (per final plats and aerial photography). The proposed density should fit in the range allowed by the *Cobb County Comprehensive Plan*, which is 1 to 2.5 units per acre.
- B. It is Staff's opinion that the applicant's rezoning proposal could have an adverse effect on the usability of adjacent or nearby property. The applicant's proposal could encourage other developments that are not consistent with the low density residential character of the area. The RSL zoning code requires that the applicant's proposal be compatible with neighboring residential uses, which is best expressed by the density range of the Land Use Plan. It should be noted that the applicant has reduced the density from the prior 2005 rezoning request, from 40 attached units to 30 detached units.
- 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, utilities, or schools. 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 to be within a Low Density Residential (LDR) Land Use Category. The density range for Low Density Residential is 1 to 2.5 units per acre; the proposed density is 3.23 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 approving the applicant's rezoning proposal, but with fewer units. The applicant's proposal is not consistent with the *Cobb County Comprehensive Plan* with regards to density; RSL is allowed in the LDR category and may reach 5 dwelling units per acre depending on product type, structure/building height, topography, and compatibility with adjacent residential uses. The applicant's proposal is located in an area characterized as R-20, and the applicant's proposal would contain more density than adjacent properties. The proposal has changed since 2005 to a single-family development, which is type of housing that is adjacent to the proposal. To address the density issue and ensure compatibility with adjacent residential uses, Staff would recommend the density be limited to 2.5 units per acre, which is the maximum amount allowed by the Land Use Plan.

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

- Site plan approval be the Board of Commissioners';
- Maximum of 2.5 units per acre (23 detached lots);
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- 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.