



REZONING APPLICATION ANALYSIS

ZONING CASE #: Z2013-25 **LEGISTAR #:** 20130928

PROPERTY OWNERS: The Farm at the Retreat, LLC
Attn: Robert V. Blalock
P. O. Box 825
Marietta, GA 30061

AGENT: Garvis Sams, Jr.
Sams, Larkin & Huff
376 Powder Springs Street
Marietta, GA 30064-3448

PROPERTY ADDRESS: 1637 Burnt Hickory Road

PARCEL DESCRIPTION: Land Lot 02880, District 20, Parcels 0270 and 0070

AREA: 16.22 acres **COUNCIL WARD:** 4

EXISTING ZONING: County - R-20 (20,000 sq. ft. per lot)

REQUEST: City - R-2 (Single Family Residential) 2 units/acre

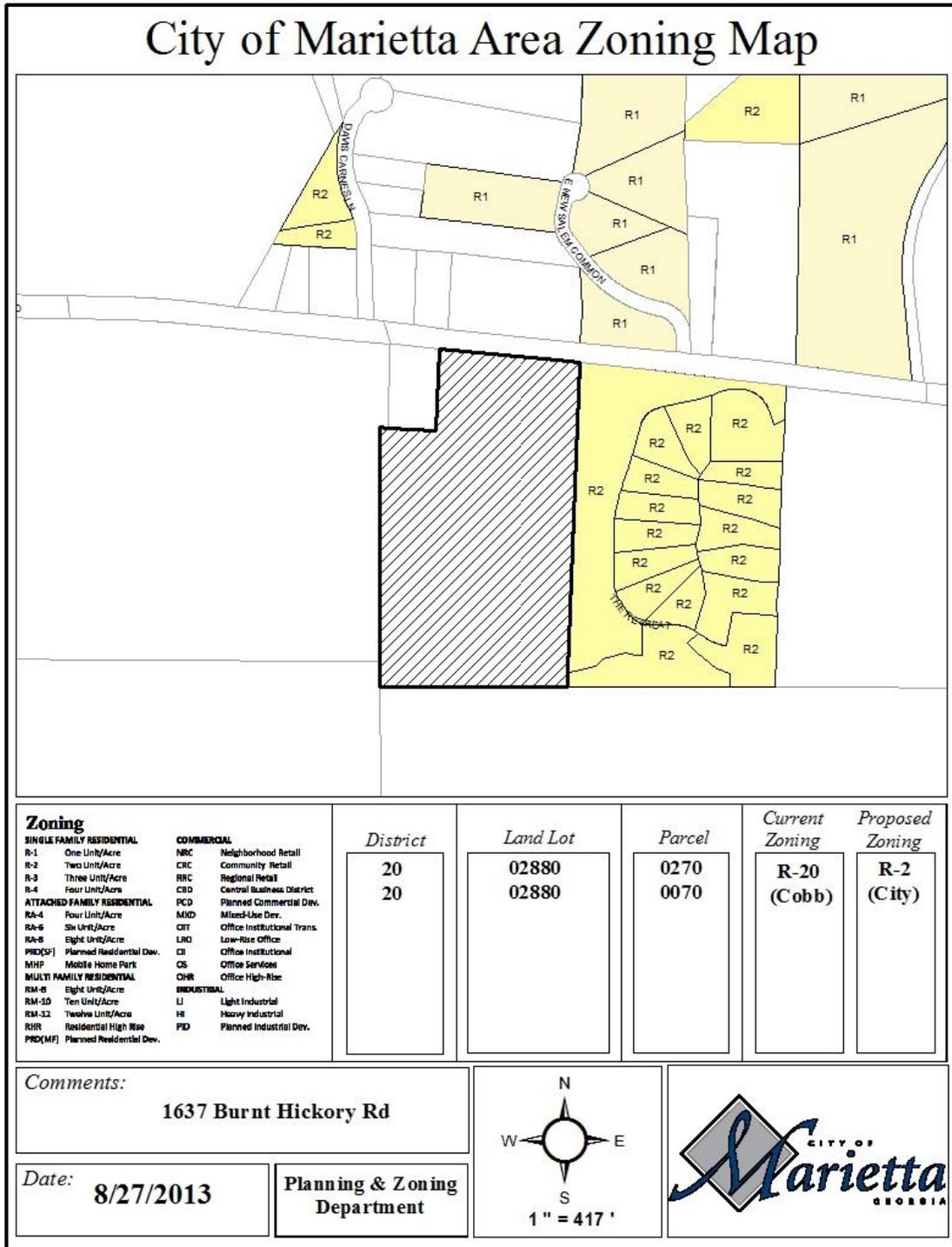
**FUTURE LAND USE
RECOMMENDATION:** LDR (Low Density Residential)

REASON FOR REQUEST: The applicant is requesting the annexation and rezoning of 16.22 acres, currently zoned R-20 in Cobb County, to R-2 in the City for a six lot subdivision.

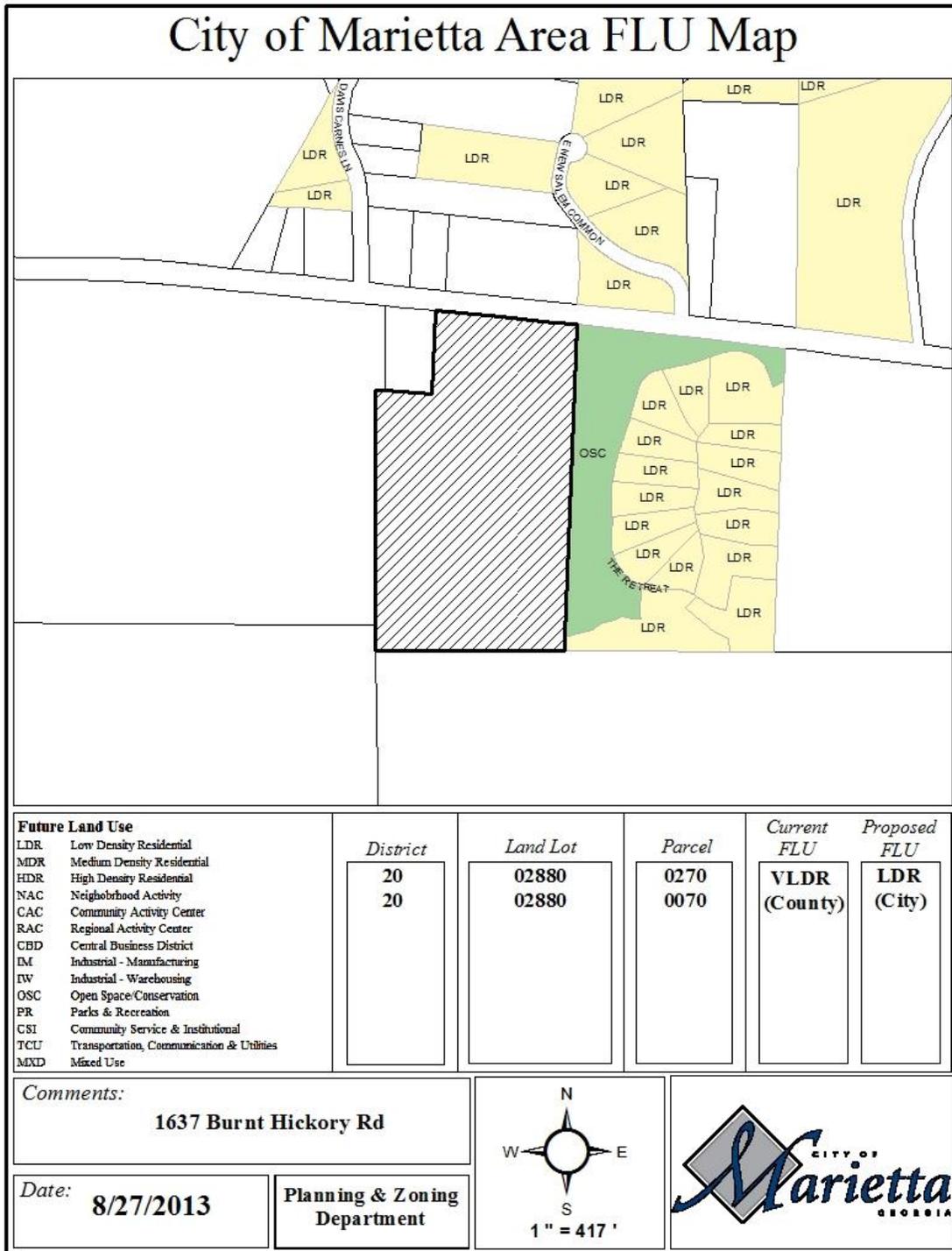
PLANNING COMMISSION HEARING: Tuesday, October 1, 2013 – 6:00 p.m.

CITY COUNCIL HEARING: Wednesday, October 9, 2013 – 7:00 p.m.

MAP



FLU MAP



PICTURES OF PROPERTY



1637 Burnt Hickory Rd



Existing driveway leading into property



Existing house on subject property



Existing storage building on subject property

STAFF ANALYSIS

Location Compatibility

The property owner, The Farm at the Retreat LLC, is requesting the annexation and rezoning of a 16.22 acre parcel located off of Burnt Hickory Road in Cobb County so it may be developed as a six (6) lot subdivision. The Kennesaw Mountain National Battlefield Park is located immediately to the west and south. To the east is the Retreat at Kennesaw Mountain, a residential subdivision zoned R-2. Single family homes located both in the City and in the County are located across Burnt Hickory Road to the north.

Use Potential and Impacts

The development of a six (6) lot residential subdivision is consistent with the development pattern of the area. Although the submitted plans indicate the density will only be 0.37 units per acre (6/16.22), Section 710.10 of the Zoning Ordinance does not allow any acreage included in a floodplain to be used when determining a residential development's density. Subtracting the ~6.7 acres of floodplain shown on this property, the density of the subdivision is still less than one unit per acre (0.63), and also less dense than the Retreat at Kennesaw Mountain to the east. As a result, this development should have minimal impact on the surrounding residences.

The current future land use of the property in Cobb County is VLDR (Very Low Density Residential), which is described as being suitable for areas that do “*not have basic services such as sewer, or where the existing or desired development pattern is zero to two (2) dwelling units per acre.*” The future land use designation of the surrounding properties in the City is LDR (Low Density Residential), which is the City's least intense residential future land use category by allowing no more than three (3) units per acre. The requested zoning district of R-2 is compatible with the future land use for both Cobb County and the City.

Environmental Impacts

A large portion (40% - 45%) of the property is covered in flood plain and there is a stream traveling along the entire length of the eastern property line. Although these issues will impact the development of the property, the applicant has isolated the flood plain area into a common area with the individual lots concentrated on along the western (higher) side of the property.

There is no indication of any endangered species on the property. Also, considering the presence of thick vegetation throughout the property, there should be no issue with satisfying the required tree density. However, street trees will be required along the roadway based on the lineal frontage. Existing trees may be used to satisfy this requirement as long as they are continuously protected throughout construction. Otherwise, replacement trees will be required.

Economic Functionality

The property is currently zoned R-20 in Cobb County, which would allow a similar subdivision and use of land to what is being requested. This indicates that the property is economically viable as-is. However, the applicant wishes for the property to be located within the city limits under City of Marietta regulations.

Infrastructure

Although the additional lots will cause an additional impact on the existing transportation, education, and water infrastructure, the burden of five additional homes should not be substantial.

The nearest sanitary sewer line is approximately 3,800 feet to the southwest. Whenever a sanitary sewage system is not available within a reasonable distance, septic tanks may be permitted upon obtaining special permission of the Cobb County Health Department. For septic tank installation, the minimum lot size shall be one (1) acre with one hundred (100) feet of road frontage, or greater if required by the health department. This lot width requirement also mimics that required of lots zoned R-2.

The Public Works Department has indicated that a 6' wide sidewalk, with a 2' grass strip, will be required along the Burnt Hickory Road frontage.

The Marietta and Cobb County Trail maps indicate a proposed multi-use trail along Burnt Hickory Road from Barrett Parkway to Polk Streets. However, Cobb County DOT reported that currently there is no funding source to move this proposed project forward, and no priority has not been placed on the construction this segment of the trail.

History of Property

The City has no records of any rezonings, variances, or special land uses for this property.

Other Issues

The site plans submitted by the applicant indicate the installation of entry gates along Burnt Hickory Road. Zoning regulations require that private roads constructed for the purpose of establishing gated communities may be granted as a variance by City Council only after development plans meeting the conditions specified under Section 726.03 are submitted by the developer and reviewed and approved by the City.

These conditions require, along with certain setbacks, access permissions, and liability releases, that the roads meet the design standards established for public roads under Section 730. Gates must be setback from the public right of way at least fifty (5) feet; the eastern side of the gates will have to be shifted back at least 5' in order to comply with this requirement. Based on the design shown on the plan, the following variances would be necessary in order to construct the private roadway as shown:

- Variance to allow the construction of entry gates subject to Section 726.03.
- Variance to allow a cul-de-sac to exceed the maximum length of 700 feet. [§730.01 (E)]
- Variance to allow a cul-de-sac with a diameter of less than 80 feet. [§730.01 (E)]
 - *There appears to be a central island in the cul-de-sac which may make turnarounds for certain vehicles (AASHTO SU-30 and Fire Department) difficult*



ANALYSIS & CONCLUSION

The Farm at the Retreat, LLC is requesting to annex 16.22 acres currently located in Cobb County, and to rezone the property from R-20 in Cobb County to R-2 in the City. There is one existing home on the property. The applicant’s proposal is to subdivide the property into six residential lots, with common area, which would be accessed by a private, gated roadway off of Burnt Hickory Road. Another residential subdivision, The Retreat at Kennesaw Mountain, is located to the east and is also zoned R-2 in the City. The subject property is bordered on the west and south by the Kennesaw Mountain National Battlefield Park. Single family homes, located both in the City and in the County, are located across Burnt Hickory Road to the north.

The proposed density of this subdivision is less than one unit per acre, which is consistent with the surrounding area. Although the additional lots will cause an additional impact on the existing transportation, education, and water infrastructure, the burden of five additional homes should not be substantial. As a result, this development should have minimal impact on the surrounding area.

A large portion of the property is located within the floodplain and contains a stream; this area will become the common area for the development. The property also has no access to the sanitary sewer system so will require septic tanks at the discretion of the Cobb County Health Department. A gated entry to a private roadway is proposed. The following are design issues that would either need to be adjusted or granted the following variances:

1. Variance to allow the construction of entry gates subject to Section 726.03.
2. Variance to reduce the required setback for gates from 50’ to 44’ from the right of way. [*§726.03 (B)*]
3. Variance to allow a cul-de-sac to exceed the maximum length of 700 feet.[*§730.01 (E)*]
4. Variance to allow a cul-de-sac with a diameter of less than 80 feet.[*§730.01 (E)*]

The current future land use of the property in Cobb County is VLDR (Very Low Density Residential). The future land use designation of the surrounding properties in the City is LDR (Low Density Residential), which is the City’s least intense residential future land use category by allowing no more than three (3) units per acre. The requested zoning district of R-2 is compatible with the future land use for both Cobb County and the City.

Prepared by: _____

Approved by: _____



DATA APPENDIX

COBB COUNTY - WATER

Is a water line adjacent to the property?	Yes
If not, how far is the closest water line?	Northern r-o-w at Burnt Hickory
Size of the water line?	6" ac
Capacity of the water line?	
Approximate water usage by proposed use?	2400 GPD max

COBB COUNTY - SEWER

Is a sewer line adjacent to the property?	No
If not, how far is the closest sewer line?	Approx. 3800' to southwest
Size of the sewer line?	12"
Capacity of the sewer line?	
Estimated waste generated by proposed development?	A.D.F Peak 2400 GPD max
Treatment Plant Name?	South Cobb WRF
Treatment Plant Capacity?	40 MGD
Future Plant Availability?	0-5 years



Drainage and Environmental Concerns

Does flood plain exist on the property?	YES
What percentage of the property is in a floodplain?	40 – 45%
What is the drainage basin for the property?	Noses Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	YES -- possible
If so, is the use compatible with the possible presence of wetlands?	YES
Do stream bank buffers exist on the parcel?	YES
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

Transportation

What is the road affected by the proposed change?	Burnt Hickory Road
What is the classification of the road?	Collector
What is the traffic count for the road?	No Data Available
Estimated number of cars generated by the proposed development? **	Insufficient Data Provided
Estimated number of trips generated by the proposed development? **	Insufficient Data Provided
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---

*** The above Trip Generation numbers are estimated from an ITE list. We make these estimates in good faith using known data at the time of the review.*

- Site plans will be required for construction. Site plans must include, parking, driveways, streets, erosion-sedimentation-and pollution control plan, stormwater management (preventing concentrated flows from adjacent lots roads, and areas), stormwater quality (bioretention or other on each lot), and any other applicable improvements required by City Code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line, or into the street R.O.W. If easements are required for drainage through adjacent property, then the owner is to obtain.
- Please remove the “buffer averaging” notes and areas shown on this plan. They will be provided on the construction civil drawings.
- Plans should provide a 2’ grass strip and 6’ sidewalk along frontage of property.
- The 20’ asphalt paving is proper however, since the conventional R.O.W. is not 50’, a Variance is required from City Council.
- At the intersection with Burnt Hickory Road the radii must be a minimum of 25’.
- All turns – especially the proposed cul-de-sac -- must comply with the AASHTO SU-30 turning template. As designed, the rear tire of the truck (trash or fire) will be well off pavement and onto grass areas. If this delineation is allowed, then trash pick-up of the 7 lots will be on concrete pads at Burnt Hickory Road. See AASHTO requirements.
- Note that existing driveway is to be removed.



EMERGENCY SERVICES

Nearest city or county fire station from the development?	Marietta Fire Station 53
Distance of the nearest station?	1.3 miles
Most likely station for 1 st response?	Marietta Fire Station 53
Service burdens at the nearest city fire station (under, at, or above capacity)?	None
Comments	Must meet fire department requirements for access.

MARIETTA POWER - ELECTRICAL

Does Marietta Power serve this site? Yes _____ No x

If not, can this site be served? Yes _____ No x

What special conditions would be involved in serving this site?

Additional comments:



MARIETTA CITY SCHOOLS

Marietta City Schools Impact Assessment:

Elementary School Zone Servicing Development: West Side Elementary

Grades six (6) through twelve (12) will be serviced by:

- Marietta Sixth Grade Academy
- Marietta Middle School
- Marietta High School

Current Capacity at Servicing Elementary School: 450-550

Current Capacity at Marietta Sixth Grade Academy: 800-900

Current Capacity at Marietta Middle School: 1300-1400

Current Capacity at Marietta High School: 2500-2600

Current Enrollment at Servicing Elementary School: 492

Current Enrollment at:

- Marietta Sixth Grade Academy: 661
- Marietta Middle School: 1272
- Marietta High School: 2122

Number of students generated by present development: n/a

Number of students projected from proposed development at: Total: None

- Elementary level: n/a
- Sixth Grade level: n/a
- Middle School 7th & 8th Grade level: n/a
- High School level: n/a

New School(s) planned that might serve this area: None

Comments: No new students, annexation is for a proposed gate and buffer zones at the Farm at the Retreat. No impact to school system.