# Rezone Z21110004 Staff Analysis

Commission District: 2- Banks

Planning Commission Hearing Date: 12-09-2021

Board of Commissioners Hearing Date: 01-04-2022

Parcel ID: Map C0080010 Acreage: Appx. 125.51 acres

Applicant: Owner:

David Pearson Communities James Matthew Mazzawi &

2000 First Drive, Suite 400 John Mark Mazzawi As Trustees of

Marietta, Georgia 30062 the Will of Hugh Mazzawi

P.O. Box 365

Snellville, Georgia 30078

**Property Location:** Georgia Highway 20 & Pointer Road

Current Character Area: Suburban

**Current Zoning: A1** 

Request: Rezone 125.51 acres from A1 to R1OSC to create a subdivision and requesting the following Variances:

- 1. Building setbacks be approved as noted on the site plan as follows:
  - a. Front-20ft, Side-5ft with 15ft between structures, and the interior rear to be 30ft and the exterior rear staying at 50ft.
  - b. Minimum lot size be reduced to 10,000 sf.
  - c. Minimum lot width be reduced to 65 ft. as measured at the Building Setback line.
  - d. Submitted site plan be of record and used as an approved guideline for the development of this community.

e. Allowed to design the site to be in general compliance with the site plan presented, reviewed, and approved by the Walton County Commissioners but not to be considered site plan specific.

Staff Comments/Concerns: This request does not comply with our OSC guidelines. The Applicant is seeking several variances in order to develop as submitted. Staff has requested a sample copy of legal documentation outlining that the system is private, will always be private and all reporting maintenance, operational costs, permitting and liability are the responsibility of the developer and homeowners. A disclosure would need to be signed by any buyers of the houses making them aware of this liability.

<u>Site Analysis:</u> The 125.51 acre tract is located on Georgia Highway 20 & Pointer Road. The surrounding properties are zoned A1 and R1.

**Zoning History:** No History

**Character Area:** The character area for this property is Suburban.

# Comments and Recommendations from various Agencies:

<u>Public Works:</u> Public Works recommends that a proper de-cell and center turn land be installed due to traffic volume and safety concerns.

Sheriffs' Department: The addition of new households in Walton County directly affects the Walton County Sheriff's Office. Based on current numbers, each additional household on average generates 1.25 calls for service per year. The average household has 2.8 people which increases the population. A 240 lot subdivision would on average be an additional 300 calls for service per year and a population increase of 672 people.

<u>Water Authority:</u> Request to rezone 125.51 acres from A1 to R1 OSC to create a subdivision and variances. This area is currently served by a 8" water main along Highway 20. (static pressure: 55 psi, Estimated fire flow available: 1,300 gpm @ 20 psi). <u>A new 8" water main will be required to distribute water within the development. Please coordinate with WCWD.</u>

E-mail from Morris Jordan with Water Authority: The plans show a sewer package plant to handle sewer. The County has no desire to maintain or have responsibility for the plant so it will be up to the developer to get it permitted, built and maintained. An agreement would need to be signed and recorded outlining that the system is private, will always be private and all reporting, maintenance, operational costs, permitting and liability are the responsibility of the developer and homeowners. A disclosure would need to be signed by any buyers of the houses making them aware of this liability.

Per conversations with the developer back in July, they are aware that the pressure in the area is less than optimal and a water allocation request will be denied without the developer taking steps to increase pressure for the development.

### Fire Department: Rezone Z21110004 - Walton County Fire Rescue-

Due to the high density of the houses planned for this subdivision, as well as the planned 15-foot setbacks between the houses, it is our recommendation that the houses be constructed with flame resistant exterior wall coverings, such as brick or concrete siding. If vinyl siding is allowed then with the close proximity of the houses fire could spread rapidly to an adjacent house. At a recent house fire in Walton County there was a fully involved house fire that was in a subdivision where the houses were 30 feet apart. Those houses had vinyl siding and the siding on the adjacent house melted off and started burning the OSB plywood underneath. Had these houses been closer together the other house probably would have also burned.

The addition of 240 houses to the area will have a definite impact on the call volume for Station #13 located at Guthrie Road, the primary responding station for this parcel. Station #13 has one full time firefighter assigned to the station every day, due to the distance from a secondary fire station these firefighters could potentially be working alone for some time before other assistance can arrive to assist.

Fire Code Specialist: No comment received

Board of Education: This will have an impact on the Walton County School District. Additional houses will create the need for additional classrooms, teachers and transportation for additional students.

Development Inspector: No comment received

**DOT Comments:** Will require GDOT coordination - they will need to submit a request for a permit via GPAS at the link below.

https://gpas.dot.ga.gov/

The applicant will also need to meet the requirements set forth in the driveway manual at the link below.

http://www.dot.ga.gov/PartnerSmart/DesignManuals/Encroachment/Driveway.pdf

<u>Archaeological Information:</u> No comment received

### PC ACTION 12/9/2021:

 Rezone – Z21110004 – Rezone 125.51 acres from A1 to R1OSC to create a subdivision including Variances – Applicant: David Pearson Communities/James Matthew Mazzawi & John Mark Mazzawi as Trustees of Will of Hugh Mazzawi-Property located on Hwy 20 & Pointer Rd-Map/Parcel C0080010 – District 2.

Presentation: Doug Patton represented the case. He stated that he is a Land Developer for David Pearson Communities. He stated that he is a retired engineer and has done about 1,500 subdivisions. He is 65 and retired and Mr. Pearson keeps him on a retainer. Mr. Patton stated that the 125 acres would be developed into 240 lots. The county requires 25% open space but they have allowed 28.4% open space. Mr. Patton provided a package to each Planning Commission member present. Mr. Patton stated the plan is proposed in four or five pods and he stated that the prices for the housing would vary in cost and options. He has read the Staff Comments and Mr. Patton stated that he is aware that this is a new product for a private wastewater treatment plan. They would also be bringing in a new water system. He stated that they have done this in Paulding, Forsyth, Cobb & Cherokee Counties. Mr. Patton stated that all entrances will be well maintained and will establish a welcoming feeling. This will be a gated subdivision and there

subdivisions normally have amenities such as a large 2 to 3 story clubhouse, pools that are Olympic size, tennis, basketball and pickle ball courts. He stated that there will be playground that will be very nice, not just a swing set. He stated that there is a lake on the property. He also stated that Technological Solutions their Environmental Engineers came to check on the water and wetlands. He stated that they would create buffers around properties and the right of way. They know there are cemeteries on the property and have taken that into consideration and they will maintain it and re-establish it. Mr. Patton also stated that the Variances that are being requested are all internal to the development. He stated that the self-contained water and wastewater treatment plans will be privately owned and the county would not be responsible for maintaining. He stated that a third party would be hired to monitor, maintain and manage the system. The HOA dues will maintain the facility. He knows of communities in Florida that this has worked in very well. He stated that these master plan communities try to take all into consideration. He stated that he knows that this concept is new but it is not coming without a lot of engineering and thought.

Speaking: A video was played by a concerned citizen.

Robin Dill who is the President of the Homeowners Association for Waverly Subdivision spoke. She stated that she has lived right beside this proposed site for 17  $\frac{1}{2}$  years and this is a quiet community setting. She stated that this subdivision will affect lifestyle and traffic will increase. She stated that entrances will be dangerous and there are many farms there. She stated that she had a conversation with the Water Authority about the sewer system they propose to use and she has concerns about that. She stated that the water will come through 55 psi and Waverly is in 44 psi. She talked to the School System, the buses are full, and the schools are full. She also stated that public safety is an issue. She also stated that there is only one full time firefighter in the area. She stated that if they clear-cut 120 acres - what about the conservation of wildlife. She stated that the wildlife there is amazing. She has talked to the Department of Natural Resources about this. She stated that there are 55 graves on the property and the residents of Waverly would like to ask that they deny this request for rezone. Tim Hinton asked how many homes were in Waverly Subdivision and Ms. Dill stated 74.

Pam King who lives at 4218 Logans Ridge Subdivision is concerned that they are reducing the front, side and rear setbacks. She stated that they are asking for five variances. She stated that they have been saying that they were widening Highway 20 for the past 20 years. She is concerned about the water pressure. She is also concerned with Fire Department being able to meet the needs in this area. She stated that DOT coordination would be required. In short, she stated that the request does not meet the county's development requirements. It would be in the best interest to recommend denial of the application.

Denise Hardin is speaking on behalf of the Barnes and Clay families. She stated that they have farmed here since 1951 across and adjacent to this property in question. She stated that she is not opposed to growth but wants responsible growth. She stated that her father is a grader and he cannot see how this system will work. There will be solid waste trucks going in and out.

Terry Parsons stated that he spoke to Mark Banks because he can hardly get out of his driveway. There are so many accidents at Thompson Rd. He stated that there are four different intersections and DOT actually mailed them a letter stating they are trying to deal with that. He stated that it would add 500 more cars. He stated he would like the lots to be large enough to handle septic.

Doug Patton came back for rebuttal. He stated he is going to reiterate – They will address GDOT concerns. He stated that this would be a private drive, which will be self-contained. He also stated that there will no expense to the county for the self-contained water and treatment plant. He stated that the video that was played was a long time ago when Mr. Pearson's wife had cancer and his wife passed away 2 years ago and Mr. Pearson went back and rectified the situations and they do not look like that now.

Tim Hinton stated that the reason he asked about the number of homes in Waverly Subdivision was because you can rest assure that someone was opposed to the neighborhood. He stated that this is part of growth. He stated that as long as they keep labor & delivery open there will be a need for homes. He said that there is a need for homes and there are people living in campers and this is the worst he has seen this in 28 years. He stated that we need to be pro-active to meet the demands to where people shop and eat. He knows that the traffic is frustrating. It is imperative on how we handle the problem. He stated that we need to consider what is best for the county. He stated on the other hand the applicant needs to be respectful of what the county has in place as far as setbacks, size reductions, and lot sizes and densities. The developer needs to have their master plan meet all county requirements.

Recommendation: Pete Myers made a motion to recommend denial with a second by John Pringle. The motion carried unanimously.



# DAVID PEARSON COMMUNITIES, INC.

2000 FIRST DRIVE, SUITE 400, MARIETTA, GEORGIA 30062

Nov. 1, 2021

### **VIA E-MAIL DELIVERY**

Chandra Parker
Walton County Planning and Development Department
Planning and Development Director
303 South Hammond Dr. Suite 330
Monroe, Ga.

RE: Ga. Hwy 20 – Tranquility - Rezoning Application LETTER OF INTENT

To whom it may concern;

Respectfully we submit this application to rezone approximately 125.515 acres (see attached survey) to allow for 240 quality professional and family targeted single family detached homes. We feel that the proposed community is ideally located in a readily accessible proximity of Monroe with Walton Co., Ga.

We are proposing that residential homes at a density of 1.91 units per acre. The homes will be built with quality materials with alternating architectural elevations. All homes will come with a front entry two car garage.

The proposed zoning and site plan is complimentary to the community, as it brings forth a new Master Planned Style Development with heavy commitment and obligations by the Developer to provide enhanced amenities and an individually owned and privately maintained Sanitary Sewer plant situated uniquely on the site. This project is well thought out and brings forth current design trends and patterns to the Walton County emerging housing market. Expansive Amenities and Open Space along with Quality single family homes will attract a variety of homeowners to the community that will help raise property values and support the schools, while helping local retail and commercial development thrive.

Within our application we request a few site-specific design specifications to allow for the development of our community to fall within our tried and proven model of success. Therefore, we respectfully request the following Concurrent Variances.

We request the building setbacks be approved as noted on the Site Plan as follows:

Front - 20 ft, Side - 5 ft with 15 ft between structures, and the Interior rear be 30 ft and the Exterior rear staying at 50 ft.

We request the minimum lot size be reduced to 10,000 sf.

## DAVID PEARSON COMMUNITIES, INC.

2000 FIRST DRIVE, SUITE 400, MARIETTA, GEORGIA 30062

We request the minimum lot width be reduced to 65 ft. as measured at the Building Setback Line.

We request the ordinance requiring the LDP be issued within 6 mos. of the final Zoning
Resolution approval, or it will expire, be extended to 18 mos., as we anticipate the permitting of
our proposed private sanitary Sewer Plant with the EPD and all governing entities that will be
involved may require an extended process or delay achieving.

We request that the submitted site plan be of record and used as an approved guideline for the development of this community. We request to be allowed to design the site to be in general compliance with the site plan presented, reviewed, and approved by the Walton County Commissioners but not to be considered site plan specific. This will allow for Walton County Staff to further regulate the development to meet the requirements of the Walton County Land Development Ordinance not otherwise approved within this act of zoning.

We respectfully request your approval of this request for Rezoning from a1 to R1, OSC to permit this proposed residential community.

Respectfully submitted,

# Doug Patten

Doug Patten, CPESC, Director of Land for David Pearson Communities, Inc.

# Rezone Application # 221110004 Application to Amend the Official Zoning Map of Walton County, Georgia

Planning Comm. Meeting Date 209-202 at 6:00PM held at WC Board of Comm. Meeting Room
Board of Comm Meeting Date 01-04-2022 at 6:00PM held at WC Historical Court House _ 111 5. Broad
You or your agent must be present at both meetings
Map/Parcel C0080010 Hwy 20 J Pointer Road
Applicant Name/Address/Phone # Property Owner Name/Address/Phone
DAVID PEARSON COMMUNITIES MAZZAWI, JAMES MATTHEW
2000 FIRST DR., STEADO WILL OF HUGH MAZZAWI + ETAL P.O. BOX 365
E-mail address: Doug E-DAVIDPEARSON (If more than one owner, attach Exhibit "A")
Phone # 770-321-5032 Phone # 770-605-2520
GA.HWY ZOSOVIHSIDE J  Location: EAST OF POINTER ROSquested Zoning R-1, OSC Acreage 125.515
Existing Use of Property: UNDEUELOPED LAND
Existing Structures: OLD BLDGS TO BE REMOVED
The purpose of this rezone is <u>DEVELOPE A MASTER PLANNED</u>
Gee attached letter
Property is serviced by the following:
Public Water: VES Provider: WALTON CO. Well:
Public Sewer: No Provider: SELF CONTAINED SYSTEM Septic Tank:
The above statements and accompanying materials are complete and accurate. Applicant hereby grants permission for planning and zoning personnel to enter upon and inspect the property for all purposes allowed and required by the Comprehensive Land Development ordinarice.  Signature  Sig
Public Notice sign will be placed and removed by P&D Office
Signs will not be removed until after Board of Commissioners meeting
Office Use Only:  Existing Zoning A 1  Surrounding Zoning: North A   R   A   South R   A   West R   West R   South R   A   West R   South R   A   West R   West R   South R   A   West R   South R
Comprehensive Land Use: DRI Required? YN
Commission District: 2 - Banks Watershed: Big Haynes TMP
$\omega$ - $\gamma$

Date

I hereby withdraw the above application\_\_\_\_\_

### AUTHORIZATION BY PROPERTY OWNER

I swear that I am the properly owner of the properly which is the subject malter of the attached Petition for Rezoning/Conditional Use Application, as Is shown in the records of Walton County, Georgia.

I authorize the named below to act as Applicant in the pursuit of a Petition for Rezoning/Conditional Use Application.

Name of Applicant:	DAVID PEARSON (	COMMUNITIES, INC.
Address:	2000 FIRST DR,	, STE 400, MARIETTA, GA. 30062
Telephone:	770-321-5032	
Location of Property:	GA. HWY 20	POINTER RD.
Map/Parcel Number:	C0080010	
Current Zoning: Property Owner Signal	A-1 TNUSTE	Requested Zoning: R-1, O.S.C. Property Owner Signature
Print Name: Thurs  Address: 374 Pint  Action 7  Phone #: (404) 37	TREE DR NE 4, GA 3030T	Print Name: Jother MARK MAZAW!  1281 Helson Olmack Rd.  Address: Stathen, GA 30666  Phone #: (770) 665 - 2520
that the information co is true and correct to the	efore me and who swear ontained in this authoriza- ne best of his/her knowled Marketter in the property of th	ation edge.
1	11/1///	



# Article 4, Part 4, Section 160 Standard Review Questions:

# Provide written documentation addressing each of the standards listed below:

Existing uses and zoning of nearby property;
NORTH - ZONED A-1 - RESIDENTIAL
EAST - ZUNED R-1 - RESIDENTIAL
WEST - ZUNED A-1 & B-2, RESIDENTIAL & COMMERCIAL
SOUTH - ZONED R-1, RESIDENTIAL
The extent to which property values are diminished by the particular zoning restrictions;
IMPROVEMENT OF THE PROPERTY WILL ALLOW
FOR A BETTER ECONOMIC USE OF THE LAND.
CURRENT SITE CONDITIONS ARE RESTRICTURE
IN IT'S CURRENT ZONING.
The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;
promotes the health, safety, morals or general welfare of the public;  PROPERTY VALUES SHOVED INCREASE  WITH THIS EFFORT WITHIN OUR.
promotes the health, safety, morals or general welfare of the public;  PROPERTY VALUES SHOVED INCREASE
promotes the health, safety, morals or general welfare of the public;  PROPERTY VALUES SHOVED INCREASE  WITH THIS EFFORT WITHIN OUR.

5. The suitability of the subject property for the zoned purposes; and

CREATIVE DESIGN WHILE PRESERVING

THE NATURAL EVIRONMENTAL FEATURES

OF THIS SITE MAKE THE PROPERTY

I DEAL FUR THIS MASTER PLANNED COMMUNITY

6. The length of time the property has been vacant as zoned, considered in the context of land development in the area in the vicinity of the property

THIS PROPERTY HAS BEEN VALANT AND

UNDEVELOPED AS FAR BACK AS

PROPOS HAVE BEEN KEPT. THE PROPERTY

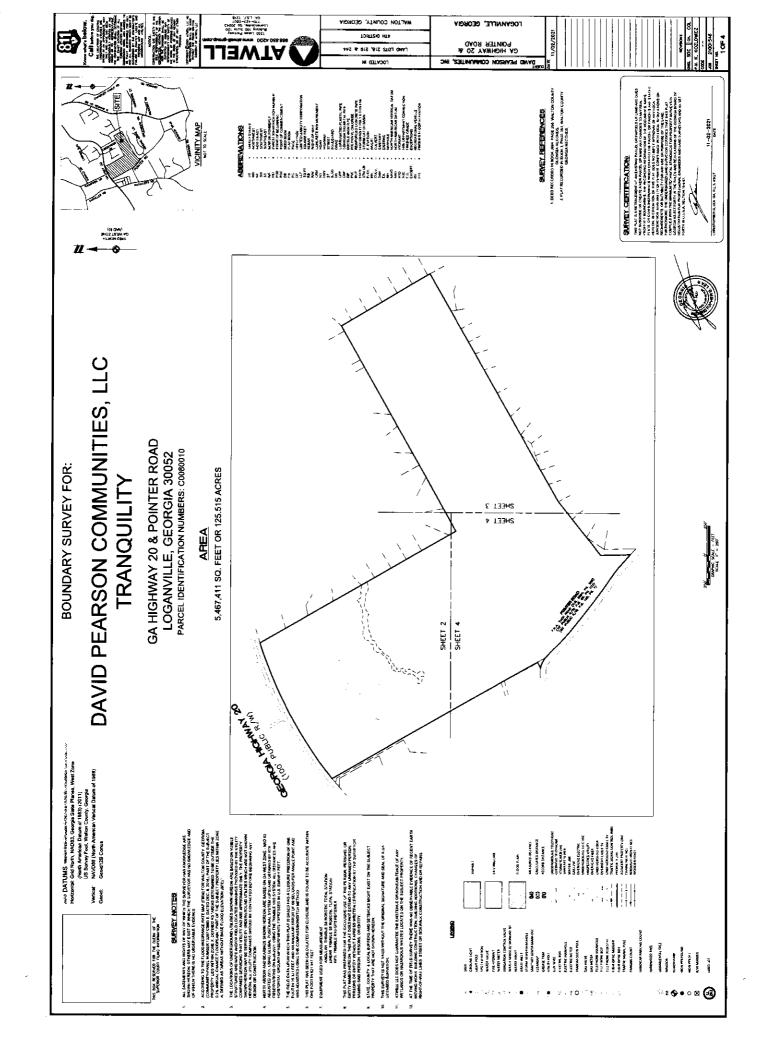
SURROUNDING THIS TRACT HAS BEEN

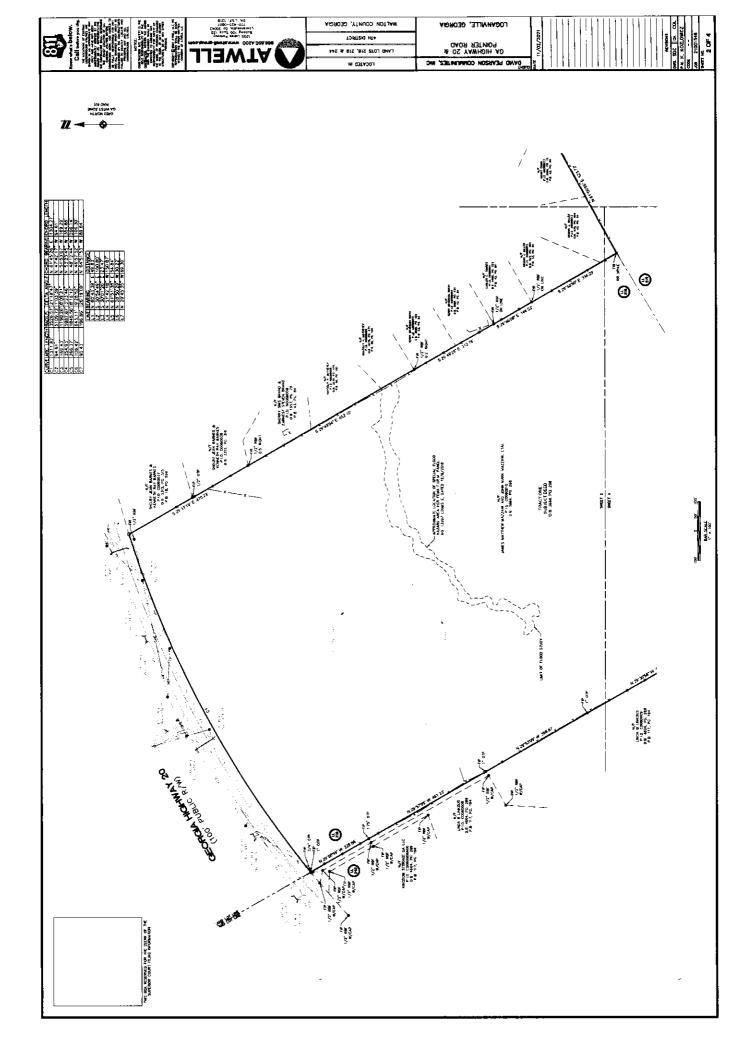
DEVELOPED INTO SINGLE FAMILY

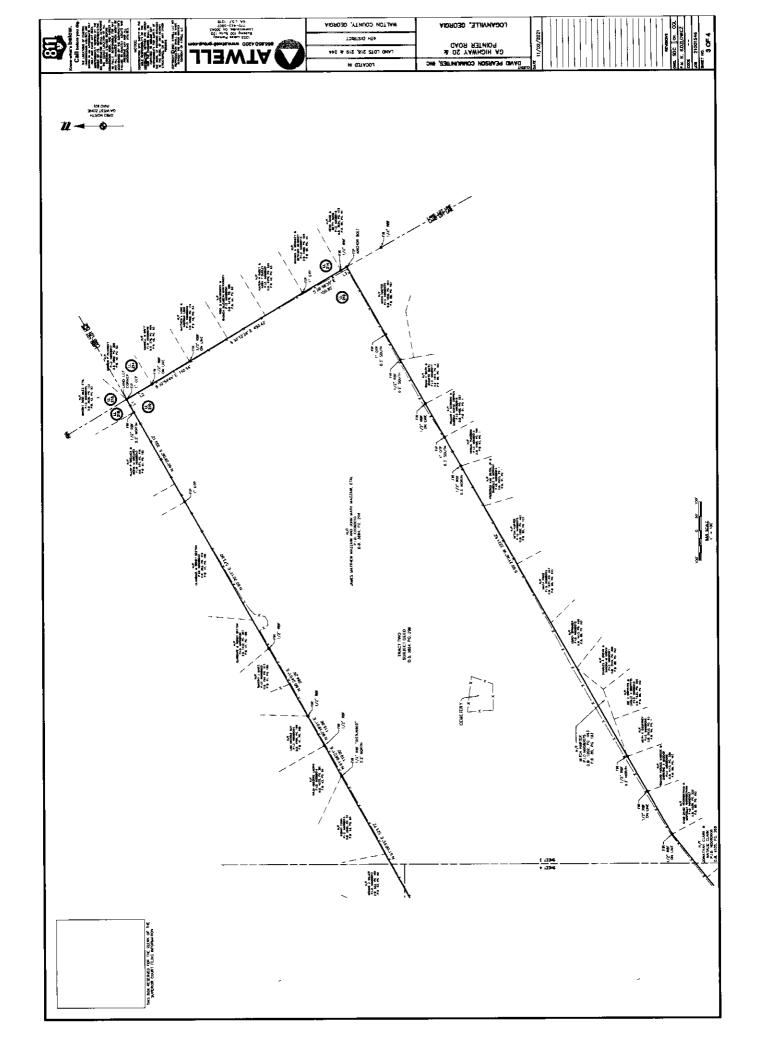
RESIDENTIAL SUBDIUISIONS.

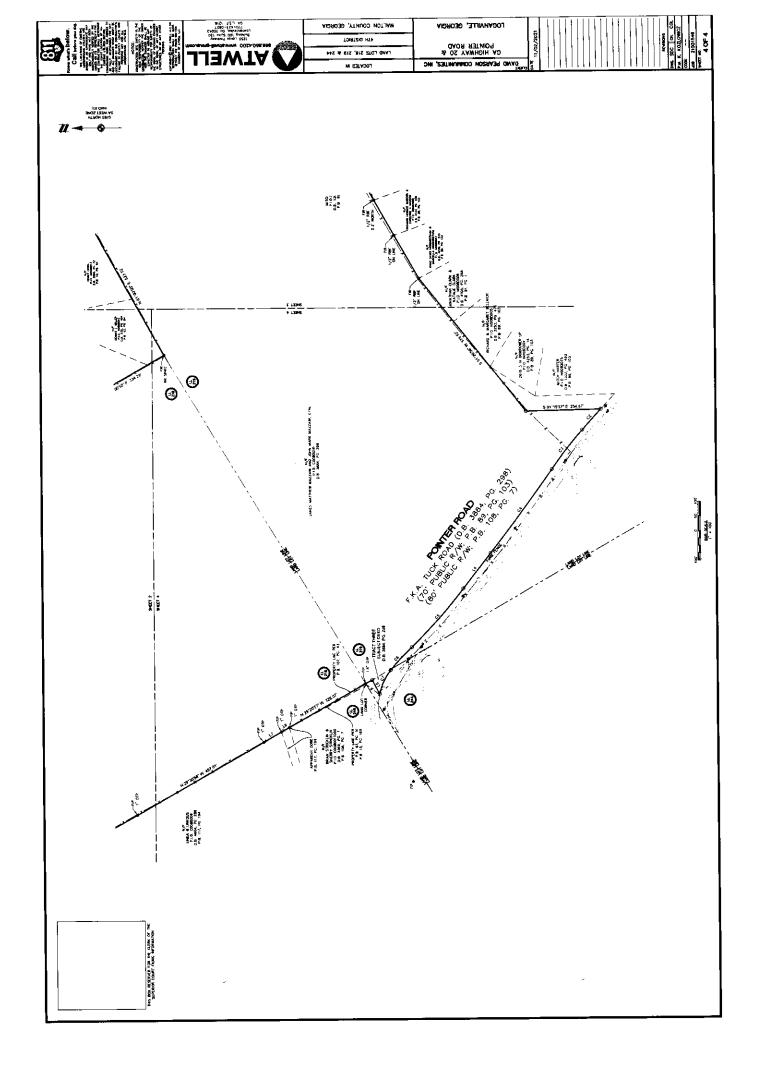
R	ezone Request Z21	110004
	Proposed OSC with Variances**	R1 OSC
SETBACKS		
Front **	25'	40'
Side**	5'-15' between units	10'
Rear Interior**	30'	40'
Density	1.91 units per acre on sewer	2 units per acre on sewer
Lot Size	10,000 sf	no minimum on sewer
Buffers**	100' buffer along roads No buffer shown on westerly property line which is required	100' buffer off county road 50' around perimeter where abutting non-subdivision property
Lot Width**	65' at building line	100' at building line
House Size	Unknown	1,800 sf
Open Space	25%	25%
** denotes varia	nces required	

Apublic.net Walton County, GA









Z21110004 - Highway 20 & Pointer Rd

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Z21110004 – Highway 20 & Pointer Rd

# Rezone Request Z21110004

	Proposed OSC with Variances**	R1 OSC	RND
SETBACKS			
Front **	25'	40'	22'
Side**	5'-15' between units	10'	7.5'
Rear Interior**	30,	40,	20'
Density	1.91 units per acre on sewer	2 units per acre on sewer	2 units per acre on sewer
Lot Size	10,000 sf	no minimum on sewer	no minimum on sewer
	100' buffer along roads		
	esterly	100' buffer off county road	
	property line which is	50' around perimeter where	
Buffers**	required	abutting non-subdivision property	
Lot Width**	65' at building line	100' at building line	None
House Size	Unknown	1,800 sf	2,000 ranch 2,400 -2 story
Open Space	25%	25%	20%
	1		

\*\* denotes variances required

