

Rezone Z21010020

Staff Analysis

Commission District: 6 Dixon

Planning Commission Hearing Date: 03-04-2021 – Tabled to 04-01-2021

Board of Commissioners Hearing Date: 05-04-2021

Parcel ID: Map C1200083

Acreage: 87.85

Applicant:

Psachya Futterman

1830D Independence Square NE

Atlanta, Georgia 30338

Owner:

Scenic Hill Estates Inc.

c/o Leonard Habif

1830D Independence Square NE

Atlanta, Georgia 30338

Property Location: Dry Pond Road

Current Character Area: Suburban

Current Zoning: R1

Request: Rezone from R1 to R1 OSC for an open space residential subdivision.

Staff Comments/Concerns: The tract of land is 92.81 – Only 87.85 is being requested to be rezoned to R1 OSC.

Site Analysis:

Zoning History:

4-3-86	Scenic Hills Inc	A1 to R1 S.D	W27-80	Approved 4-15-86
4-7-88	Scenic Hills Est	R1 to A2 92.182 ac	W27-80 Dry Pond Rd	Denied 5-17-98

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

Comments and Recommendations from various Agencies:

Public Works: Public Works recommends that the Entrance Ingress/Egress proposed location be changed/modified to the location on the opposite North East Corner of Dry Pond Road to access preferably between Lots 44 & 45 on the plan design. The proposed location submitted is not a suitable location with the existing road design with limited sight distance and alignment concerns to facilitate the traffic concerns with construction and associated residential traffic for 78 lots. (APPLICANT REVISED PLAN AS REQUESTED).

Sheriffs' Department: Based on the number of lots requested, the population would increase approximately 218 people and calls for service would increase about 97 per year.

Water Authority: This area is served by an existing 8" diameter water main along Dry Pond Rd. (static pressure: 110 psi, Estimated fire flow available: 950 gpm @ 20 psi). A new 8" water main will be required to distribute water within the development. Please coordinate with WCWD.

Fire Department: If approved, the additional housing and population contained therein would affect Walton County Fire Rescue with adding to the potential for fires (House, Brush, etc.), and an increase in the number of medical related calls we would potentially respond to. This parcel is located in Walton County Fire Rescue Station # 9's first due territory. Station #9 has only one firefighter assigned on-duty every 24-hour shift. The next closest fire station is located 5.51 miles away at Station # 14. This distance from the second arriving engine company along with the low number of on duty personnel at the primary station,

could increase the property damage sustained from a fire, as well as added time it would require to respond additional skilled medical personnel in the event of a life threatening emergency medical call.

Fire Code Specialist: No comment

Board of Education: Will have considerable effect on the Walton County School District. Could create a need for class rooms and teachers.

Development Inspector: No comment received.

DOT Comments: Will not require DOT coordination.

Archaeological Information: No comment received.

PC ACTION 3/4/2021:

1. Rezone – Z21010020– Rezone 87.85 acres from R1 to R1OSC for a residential subdivision – Applicant: Psachya Futterman/Owner: Scenic Hill Estates Inc – Property located on Dry Pond Rd-Map/Parcel C1200083 – District 6.

Presentation: Chairman Tim Hinton stated that the applicant and neighborhood are all in agreement that the case be tabled until next month to allow them time to get together to work out their differences.

Speaking: None

Recommendation: Wesley Sisk made a motion to table with a second by Pete Myers. The motion carried unanimously.

PC Action 4-1-2021

Presentation Tip Huynh with Alcovy Consulting Engineering & Associates represented the rezone. Mr. Huynh stated that this case was tabled from last month due to opposition. His client has reached out to concerned neighbors to

meet and address concerns. At this point both parties have not come to an agreement. Some items they are willing to meet but they are not able to commit to all concerns. They have revised the layout and reduced the number of lots from 79 to 72 due to bad soils and have provided more open space. The required open space is 21 acres; they are providing 35 acres hoping it would be more appealing to the neighbors. Mr. Huynh also stated that the layout is way under the allowable density. They ask that the planning commission seriously recommend approval of this rezone. Timothy Kemp verified they reduced the lots from 79 to 72 which is 1 lot per acre density. Tip Huynh said that was correct. He advised a lot of the requirements they cannot meet such as bigger house size. Chairman Tim Hinton stated that they can develop as a R1 subdivision now with 1600 sq. ft. homes on 1 acre lots. The layout they have provided shows 1800sqft homes and 1.5 to 2.0 acres per lot.

Lenny Hammoth with Scenic Hill Estates stated that they have owned the property for 35 years and the zoning has been R1 for the past 35 years. Mr. Hammoth stated that the neighbors just don't want a subdivision development on the property. They have tried to meet with the neighbors and a lot of the conditions they want is so it will enhance their own property. The neighbors want 50% of the homes to be 2200sqft and 50% to be 1800 sqft, and for us to provide a 50' buffer. They wanted a HOA and a management company which they are willing to do. The neighbors want Hardy plank on all sides of house. The code allows vinyl but they are willing to use stone, brick and a new product from cedar impressions. Mr. Hammoth stated that he feels like this is a good plan and a quality home. Timothy Kemp asked would you live in one of the homes and do you live in Walton County. Mr. Hammoth said yes he would and he does not live in Walton County.

Speaking: Tim Coker lives close to this property and has concerns with the development and as a community they are looking to protect what they have. They did agree to table from last month. Mr. Coker stated that meeting with the developer seemed like a threat that they said they will go and develop as R1 if they did not agree with the R1 OSC rezone. Mr. Coker said that the developer would not commit to anything, when asked who the builder would be they could not tell them.

Sarah & Jerry Smith adjacent property owner on two sides of the property spoke in opposition to the rezone. They had concerns with traffic and decreased property values. They would rather them develop the property as an R1 subdivision with 1 acre lot sizes and 1600 sqft homes as long as they were quality homes.

Larry Webb lives 1000 feet to the back of the S/D. He moved last summer and enjoyed the peace and quiet and wants to know what the time frame would be for building out the development.

Lenny Hammoth came back for rebuttal. He provided an email to the board of the requests the neighbors had asked for and his responses (see attached). He felt like the Open Space development was better for a quality community. He is not against better quality but in the market he just cannot commit to some things right now.

Mr. Huynh's response to Mr. Webb they would have two phases to minimize the development. Chairman Hinton stated that he was glad that they were able to meet. Charna Parker Director of Planning and Development stated the 50' buffer cannot be built in and it is required by code.

Timothy Kemp stated growth has been here since 1982, this side slower than other parts of Walton County. We need better homes & quality of homes. With that he made a motion.

Recommendation: Timothy Kemp made a motion to recommend approval with conditions with the comment from public works regarding placement of entrance with a second by Josh Ferguson. The motion carried unanimously.

Rezone Application # 221010020

Planning Comm. Meeting Date 3/4/2021 at 6:00PM held at **WC Board of Comm. Meeting Room**
Board of Comm Meeting Date 4/6/2021 at 6:00PM held at **WC Historical Court House**
You or your agent must be present at both meetings

Map/Parcel C1200083

Applicant Name/Address/Phone # <u>Psachya Futterman</u> <u>1830D Independence Square NE</u> <u>Atlanta, GA 30338</u> Phone # <u>404-797-3430</u>	Property Owner Name/Address/Phone <u>Scenic Hill Estates Inc % Leonard Habif</u> <u>1830D Independence Square NE</u> <u>Atlanta, GA 30338</u> (If more than one owner, attach Exhibit "A") Phone # <u>404-797-3430</u>
---	--

Location: Dry Pond Road Requested Zoning R1OSC Acreage 87.85
Existing Use of Property: Vacant
Existing Structures: None
The purpose of this rezone is to construct an open space residential subdivision.

Property is serviced by:
Public Water: X Provider: Walton County Well: _____
Public Sewer: _____ Provider: _____ 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 Ordinance.

Signature [Signature] Date 1/27/21 Fee Paid \$ 500 ✓

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 R1 Surrounding Zoning: North A1 South A1, A2, R1
East A1 West A1, A2
Comprehensive Land Use: Suburban **DRI Required?** Y _____ N ✓
Commission District: 6-Dixon Watershed: ✓

I hereby withdraw the above application _____ Date _____

**AUTHORIZATION
BY PROPERTY OWNER**

I swear that I am the property owner of the property which is the subject matter 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: Psachya Futterman

Address: 1830D Independence Square NE Atlanta, GA 30338

Telephone: 404-797-3430

Location of Property: Dry Pond Road

Monroe, GA

Map/Parcel Number: C1200083

Current Zoning: R1 Requested Zoning: R1OSC

Robere Habib
Property Owner Signature

Property Owner Signature

Print Name: ROBERE HABIF
SECRETARY

Print Name: _____

Address: 4004 SUMMIT BLVD.
ATLANTA, GA 30319

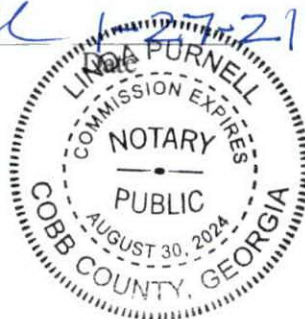
Address: _____

Phone #: 404-835-1903

Phone #: _____

Personally appeared before me and who swears that the information contained in this authorization is true and correct to the best of his/her knowledge.

Synda Purnell
Notary Public



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

Provide written documentation addressing each of the standards listed below:

1. Existing uses and zoning of nearby property;

The existing uses of nearby property are predominantly A1, A2 & R1. The property immediately east of the project is currently zoned A2. Further to the northeast, there is Bellewoode S/D, which is zoned R1-OSC. And directly to the west of the project there is The Ridge at Dry Pond S/D, which is also zoned R1-OSC.

2. The extent to which property values are diminished by the particular zoning restrictions;

Due to the presence of existing stream & flood plain on the site, it would be difficult & cost-prohibitive to develop the property in the manner in which it is currently zoned.

3. The extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public;

The proposed land use change represents a fair balance request. This area is emerging as a medium density residential area. There are already several surrounding tracts zoned R1, and most have been developed using the R1-Open Space Conservation approach.

4. The relative gain to the public, as compared to the hardship imposed upon the individual property owner;

If rezoned, the property will be developed in accordance to the R1-OSC zoning standard, which will promote growth of this region, and better meet the demand for residential housing of this region. The property cannot reasonably be used as a rural estate due to increasing land prices.

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

The proposed zoning is consistent with the trend of nearby property. If approved, this property will provide 78 residential lots to this area, which is consistent with existing residential developments to the northeast & west of the property.

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

The property has been vacant to this day with many residential subdivisions being added in the last 20 years.

TO: Walton County Planning and Development
303 S Hammond Drive, Suite 98
Monroe, Georgia 30655

January 26, 2021

SUBJECT: Letter of Intent, Dry Pond Road Rezoning,
Tax Parcel No. C1200083

To Whom It May Concern,

A rezone of 87.85 acres is requested for the subject project, for the purpose of constructing an Open Space Conservation Residential Subdivision. The property currently lies with Walton County R-1 zoning district. The proposed rezoning request will change the zoning classification from R1 to R1-OSC.

The proposed use of the property is to construct a 78 Lot Open Space Conservation Residential Subdivision, per the Comprehensive Land Development Ordinance and Subdivision Regulations for Walton County.

We look forward to developing this project in Walton County, as we feel it fits with the current development patterns in the area and will complement the needs of both Walton County and our proposed residential development.

For questions or further information please contact me at 404-797-3430.

Sincerely,



Psachya Futterman

Revised Plan #2

NOTES

- BOUNDARY SURVEY INFORMATION TAKEN FROM A SURVEY BY NORTHEAST LAND SURVEYING, LLC DATED 03/01/2021.
- THERE ARE NWI WETLAND ON THE SITE. LIMIT SHOWN.
- SHOAL CREEK IS RUNNING ALONG THE SOUTH PROPERTY LINE.
- A PORTION OF THIS PROPERTY IS IN A DESIGNATED FLOOD HAZARD AREA PER F.L.R.M. PANEL 13297C01350, 13297C00450 DATED MAY 18, 2009 AND 13297C0130C DATED DEC. 08, 2016. LIMIT SHOWN.
- THE PROJECT WILL BE SERVED BY WALTON COUNTY WATER.
- THE PROJECT WILL BE SERVED BY A SEPTIC SYSTEM.

REZONING FROM R-1 TO R-1 OSC

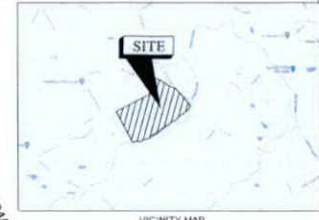
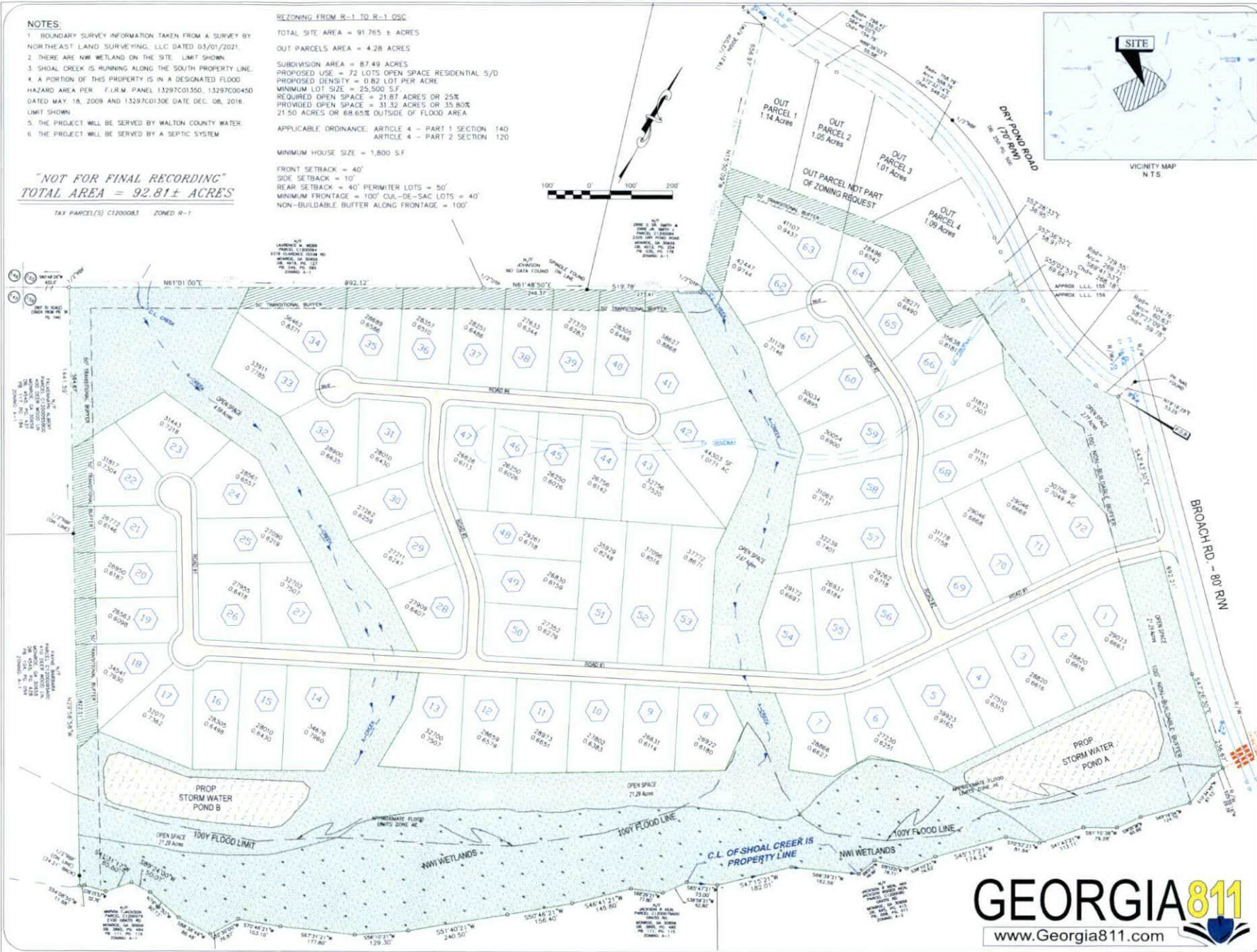
TOTAL SITE AREA = 91.765 ± ACRES
 OUT PARCELS AREA = 4.28 ACRES
 SUBDIVISION AREA = 87.49 ACRES
 PROPOSED USE = 72 LOTS OPEN SPACE RESIDENTIAL S/D
 PROPOSED DENSITY = 0.82 LOT PER ACRE
 MINIMUM LOT SIZE = 25,500 S.F.
 REQUIRED OPEN SPACE = 21.87 ACRES OR 25%
 PROVIDED OPEN SPACE = 31.32 ACRES OR 35.80%
 21.50 ACRES OR 88.65% OUTSIDE OF FLOOD AREA

APPLICABLE ORDINANCE: ARTICLE 4 - PART 1 SECTION 140
 ARTICLE 4 - PART 2 SECTION 120

MINIMUM HOUSE SIZE = 1,800 S.F.
 FRONT SETBACK = 40'
 SIDE SETBACK = 10'
 REAR SETBACK = 40' PERMETER LOTS = 50'
 MINIMUM FRONTAGE = 100' CUL-DE-SAC LOTS = 40'
 NON-BUILDABLE BUFFER ALONG FRONTAGE = 100'

"NOT FOR FINAL RECORDING"
TOTAL AREA = 92.81 ± ACRES

TAX PARCEL(S) C1200083 ZONED R-1



ALCOVY
 SURVEYING & ENGINEERING, INC.
 P.O. BOX 1100
 2206 Highway 81 South
 Loganville, Georgia 30052
 Phone: 770-468-4002
 Fax: 770-468-4286
 info@alcovy.com
 © 2021
 All rights reserved.



PRELIMINARY PLAT

PROPOSED SCENIC HILL ESTATES OPEN SPACE CONSERVATION S/D

PARCEL PART OF C1200083
 LAND LOT 155 & 156
 DISTRICT JRD
 DRY POND RD.
 CITY OF MONROE, GA

DATE: 3/22/2021
 SCALE: 1" = 100'

OWNER / DEVELOPER

SCENIC HILLS ESTATES, INC.
 LEONARD HABIB
 1830 INDEPENDENCE SQ NE
 ATLANTA, GA 30338

24 HOUR - EMERGENCY CONTACT
 SAKI FUTTEHMAN
 404-797-3630
 futtermar@gmail.com

REVISIONS	
NO.	DESCRIPTION

JOB # 21.001
 C-1

GEORGIA811
 www.Georgia811.com

Revised Site Plan # 1

NOTES:

- BOUNDARY SURVEY INFORMATION TAKEN FROM A SURVEY BY KENNETH SIMS DATED 11/6/1985
- THERE ARE NW WETLAND ON THE SITE LIMIT SHOWN
- SHOAL CREEK IS RUNNING ALONG THE SOUTH PROPERTY LINE
- A PORTION OF THIS PROPERTY IS IN A DESIGNATED FLOOD HAZARD AREA PER F.I.R.M. PANEL 13297C01350, 13297C0450 DATED MAY 18, 2009 AND 13297C0150E DATE DEC 08, 2016 LIMIT SHOWN
- THE PROJECT WILL BE SERVED BY WALTON COUNTY WATER
- THE PROJECT WILL BE SERVED BY A SEPTIC SYSTEM

"NOT FOR FINAL RECORDING"
TOTAL AREA = 92.81± ACRES

TAX PARCEL(S) C1200081 ZONED R-1

REZONING FROM R-1 TO R-1 OSC

TOTAL SITE AREA = 87.85 ± ACRES
 PROPOSED USE = 79 LOTS OPEN SPACE RESIDENTIAL S/D
 PROPOSED DENSITY = 0.90 LOT PER ACRE
 MINIMUM LOT SIZE = 25,500 S.F.
 REQUIRED OPEN SPACE = 21.96 ACRES OR 25%
 PROVIDED OPEN SPACE = 22.81 ACRES OR 25.96%
 APPLICABLE ORDINANCE: ARTICLE 4 - PART 1 SECTION 140
 ARTICLE 4 - PART 2 SECTION 120
 MINIMUM HOUSE SIZE = 1,800 S.F.
 FRONT SETBACK = 40'
 SIDE SETBACK = 10'
 REAR SETBACK = 40' PERIMETER LOTS = 50'
 MINIMUM FRONTAGE = 100' CUL-DE-SAC LOTS = 40'
 NON-BUILDABLE BUFFER ALONG FRONTAGE = 100'



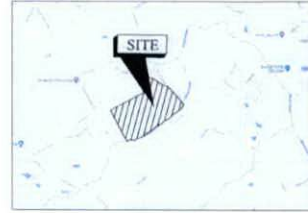
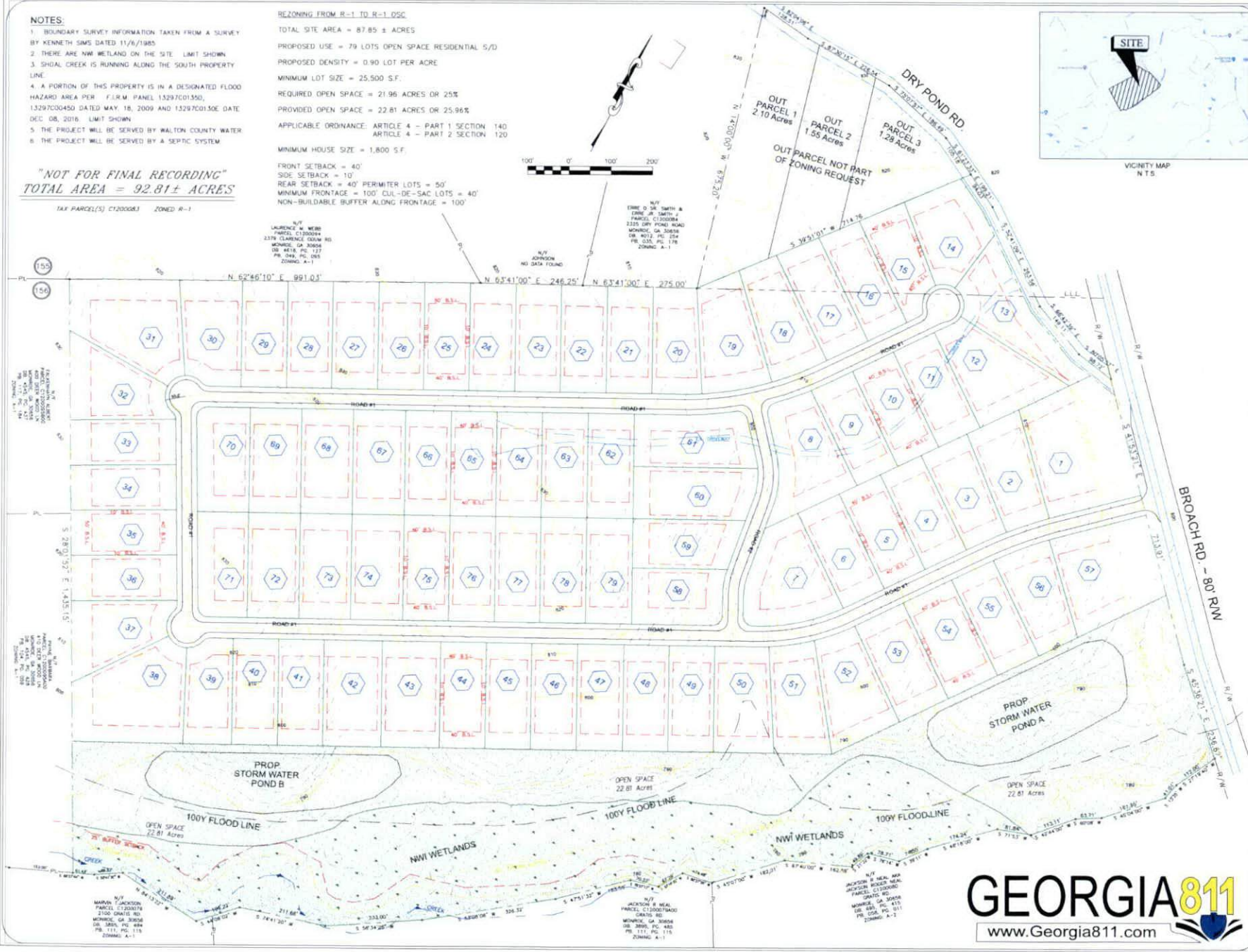
N/T LAURENCE M. WEBB
 PARCEL C1200094
 2378 CLARENCE COOK RD
 MONROE, GA 30656
 PB 0474, PC 127
 PB 049, PC 083
 ZONING A-1

N/T ERNE D. SMITH &
 ERNE J. SMITH, II
 PARCEL C1200084
 2325 DRY POND ROAD
 MONROE, GA 30656
 DR 0012, PC 154
 PB 032, PC 176
 ZONING A-1

N/T JOHNSON
 NO DATA FOUND

N/T JACKSON B. NEAL AND
 PARCEL C12002780
 380 SHELBY RD 488
 MONROE, GA 30608
 PB 111, PC 115
 ZONING A-1

N/T JACOBSON B. NEAL AND
 PARCEL C12002780
 380 SHELBY RD 488
 MONROE, GA 30608
 PB 111, PC 115
 ZONING A-1



VICINITY MAP
N.T.S.

ALCOVY
 SURVEYING & ENGINEERING, INC.
 P.O. C. TIRILYAN, P.E.
 2308 Highway 81 South
 Loganville, Georgia 30052
 Phone: 770-466-4002
 Fax: 770-466-4296
 tp@alcovy.com
 © 2021
 All Rights Reserved
 This drawing and any permitted reproductions, in whole or part, are the sole property of Alcovy Surveying & Engineering, Inc. and shall not be reproduced or stored in any way without the written permission of Alcovy Surveying & Engineering, Inc.



SITE PLAN

PROPOSED SCENIC HILL ESTATES OPEN SPACE CONSERVATION S/D

PARCEL: PART OF C1200083
 LAND LOT: 155 & 156
 DISTRICT: 3RD
 DRY POND RD.
 CITY OF MONROE, GA

DATE: 1/22/2021
 SCALE: 1" = 100'

OWNER / DEVELOPER

SCENIC HILLS ESTATES, INC.
 LEONARD HABIB
 18300 INDEPENDENCE SQ NE
 ATLANTA, GA 30338

24 HOUR - EMERGENCY CONTACT
 SAKI FUTTELMAN
 404-767-3630
 futtermanp@gmail.com

REVISIONS

NO.	DATE	DESCRIPTION

JOB No # 21-031
 C-1

GEORGIA811
 www.Georgia811.com

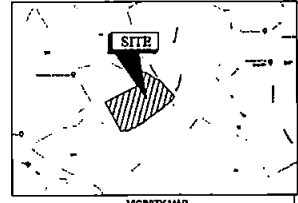
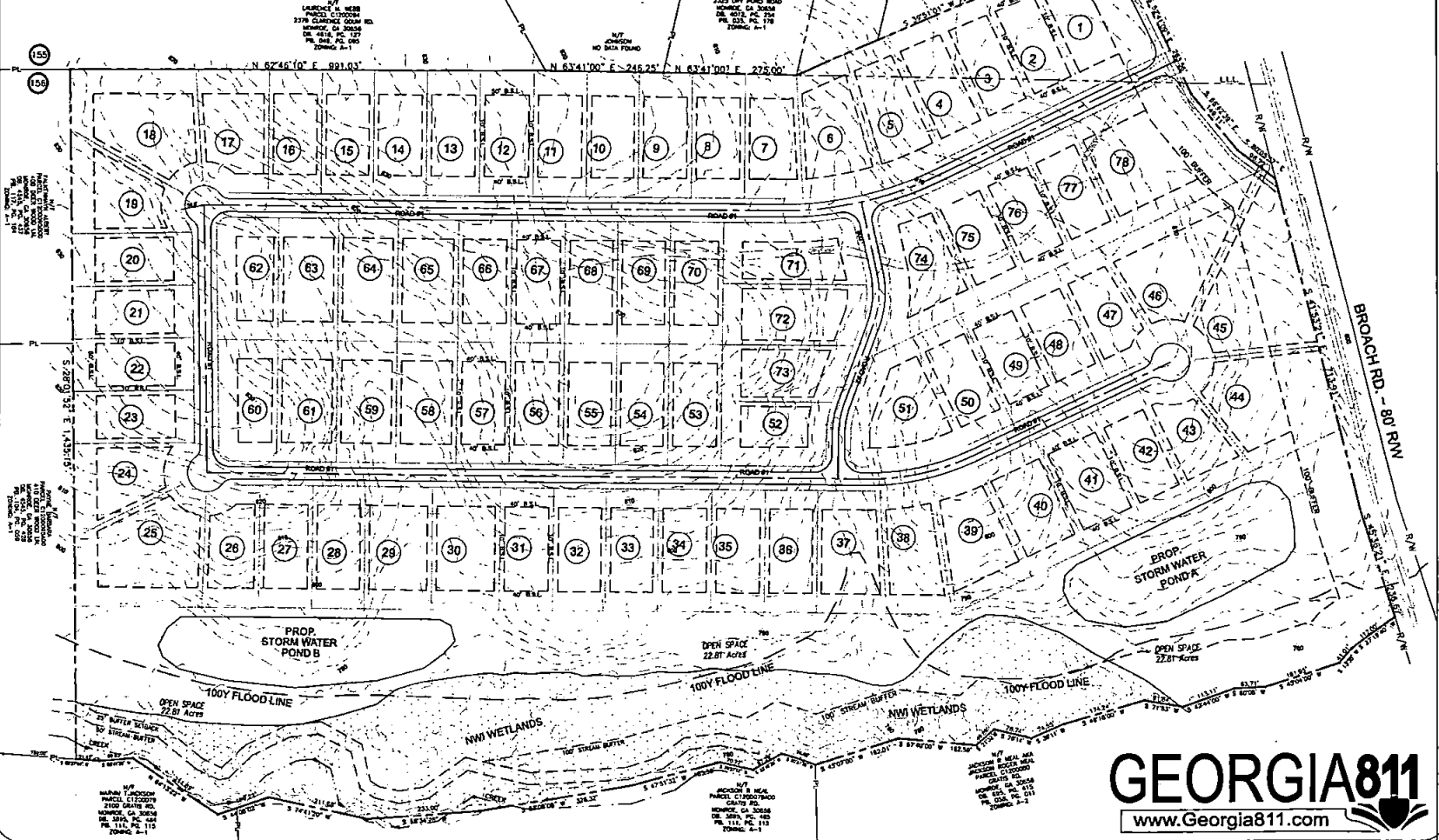
Original Plan

NOTES:

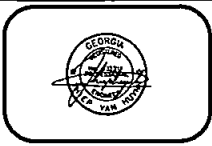
- BOUNDARY SURVEY INFORMATION TAKEN FROM A SURVEY BY KENNETH SMS DATED 11/6/1983
- THERE ARE NWI WETLAND ON THE SITE. LIMIT SHOWN
- SHOAL CREEK IS RUNNING ALONG THE SOUTH PROPERTY LINE.
- A PORTION OF THIS PROPERTY IS IN A DESIGNATED FLOOD HAZARD AREA PER F.I.R.M. PANEL 13297C01350, 13297C00450 DATED MAY 18, 2006 AND 13297C01350 DATE DEC. 08, 2016. LIMIT SHOWN
- THE PROJECT WILL BE SERVED BY WALTON COUNTY WATER.
- THE PROJECT WILL BE SERVED BY A SEPTIC SYSTEM.

REZONING FROM R-1 TO R-1 OSC
 TOTAL SITE AREA = 87.85 ± ACRES
 PROPOSED USE = 78 LOTS OPEN SPACE RESIDENTIAL S/D
 PROPOSED DENSITY = 0.89 LOT PER ACRE
 MINIMUM LOT SIZE = 25,500 S.F.
 REQUIRED OPEN SPACE = 21.95 ACRES OR 25%
 PROVIDED OPEN SPACE = 22.81 ACRES OR 25.96%
 APPLICABLE ORDINANCE: ARTICLE 4 - PART 1 SECTION 140
 ARTICLE 4 - PART 2 SECTION 120
 MINIMUM HOUSE SIZE = 1,800 S.F.
 FRONT SETBACK = 40'
 SIDE SETBACK = 10'
 REAR SETBACK = 40' PERIMETER LOTS = 50'
 MINIMUM FRONTAGE = 100' CUL-DE-SAC LOTS = 40'
 NON-BUILDABLE BUFFER ALONG FRONTAGE = 100'

"NOT FOR FINAL RECORDING"
TOTAL AREA = 92.81± ACRES
 TAX PARCEL(S) C1200083 ZONED R-1



ALCOVY
 SURVEYING & ENGINEERING, INC.
 9142 172 RD NW
 2205 Highway 81 South
 Loganville, Georgia 30002
 Phone: 770-468-4022
 Fax: 770-468-4298
 602@alcovy.com



SITE PLAN

PROPOSED SCENIC HILL ESTATES OPEN SPACE CONSERVATION S/D

PARCEL: PART OF C1200083
 LAND LOT: 155 & 156
 DISTRICT: 3RD
 DRY POND RD.
 CITY OF MONROE, GA

DATE: 1/22/2021
 SCALE: 1" = 100'

OWNER / DEVELOPER

SCENIC HILLS ESTATES, INC.
 LEONARD HABIF
 18300 INDEPENDENCE SQ NE
 ATLANTA, GA 30338

24 HOUR - EMERGENCY CONTACT
 2400 FUITTEMAN
 404-797-3430
 666@scenic.com

REVISIONS

NO.	DATE	DESCRIPTION

JOB No. # 21-001
 C-1

GEORGIA811
 www.Georgia811.com





