

APPLICANT: Health Care Capital Consolidated, Inc.

770-393-3355

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Charles E. James

PROPERTY LOCATION: Located on the south side of Lower

Roswell Road, northeasterly of Cove Drive.

ACCESS TO PROPERTY: Lower Roswell Road

PHYSICAL CHARACTERISTICS TO SITE: Existing single-family
houses on acreage

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Indain Hills Country Club

SOUTH: R-20/ Kings Cove

EAST: R-20/ Single-family house, CCMWA Quarles plant

WEST: R-20/ Kings Cove

PETITION NO: Z-3

HEARING DATE (PC): 2-02-10

HEARING DATE (BOC): 2-16-10

PRESENT ZONING: R-20

PROPOSED ZONING: RSL

PROPOSED USE: Senior Living Facility

SIZE OF TRACT: 9.63 acres

DISTRICT: 16

LAND LOT(S): 1114, 1115

PARCEL(S): 2, 8, 9, 10, 17, 26

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** _____

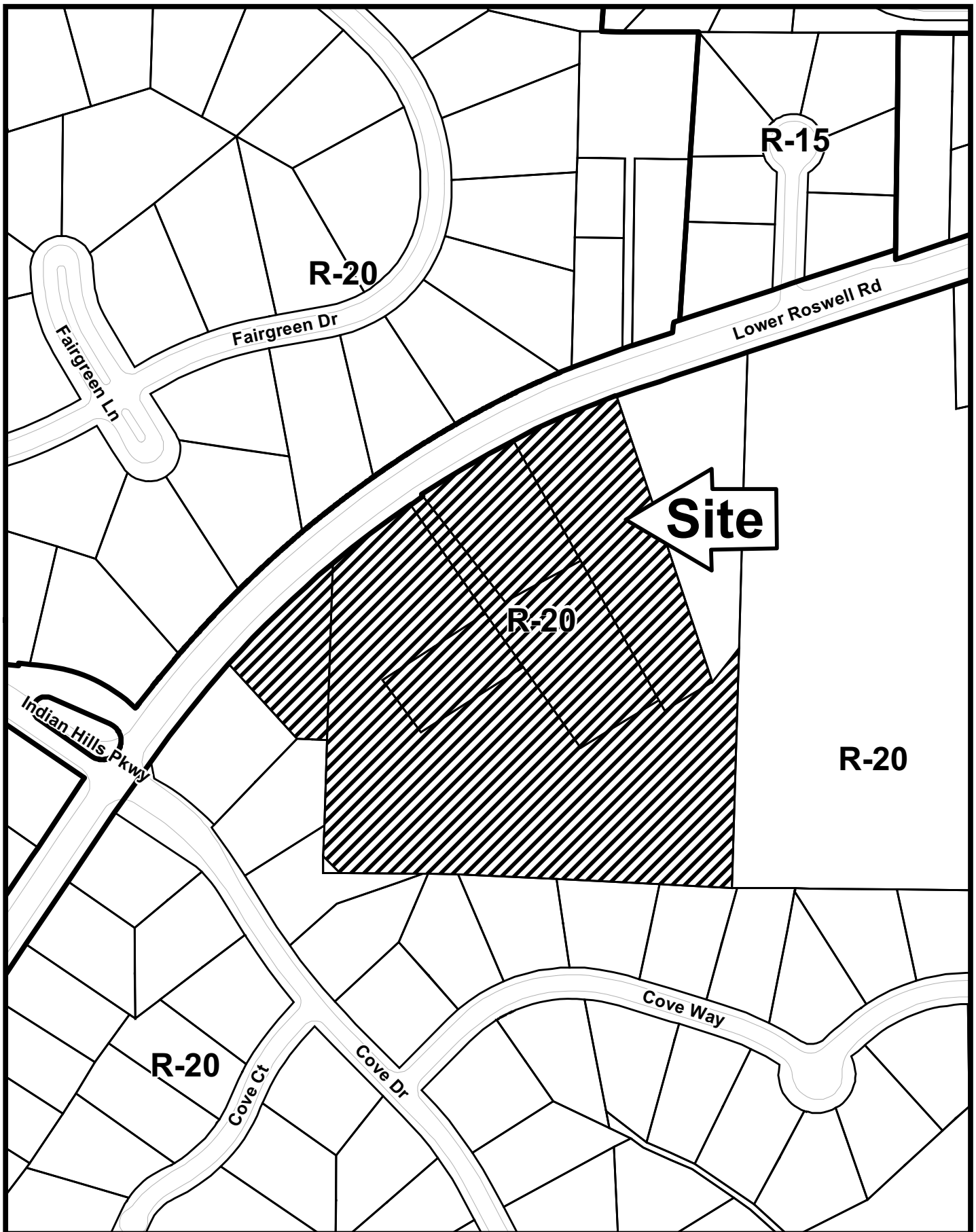
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-3



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

100 0 100
Feet



City Boundary
Zoning Boundary

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PRESENT ZONING: R-20

PETITION FOR: RSL

PLANNING COMMENTS: **Staff Member Responsible:** John P. Pederson, AICP

Land Use Plan Recommendation: Low Density Residential

Proposed Number of Buildings: 11 **Total Square Footage of Development:** 136,000

F.A.R.: 0.32 **Square Footage/Acre:** 14,122

Parking Spaces Required: 112 **Parking Spaces Provided:** 130

The applicant is requesting the RSL zoning district to develop a senior living facility. There will be two different housing components to this development. First, there will be an 80,000 square-foot supportive living facility, which is the large building in the center of the site. This building will have a one-story appearance from Lower Roswell Road and a three story appearance from the rear (due to the sloping topography). The supportive component will have 100 residential units, and will contain a main dining room, workout facility, courtyard and other amenities. The building will be traditional in styling with a stone, brick and stucco exterior. The second part of the development will be independent living units which are located around the main building. There would be 30 units that range in size from 2,000 square-feet to 2,500 square-feet. Depending on market conditions, these units would either be for-sale (\$400,000 to \$500,000), or would be leased (approximately \$4,000 per month). These units would have traditional building architecture that would compliment the main building. The applicant has submitted renderings of the proposal (see Exhibit "A").

The applicant is showing contemporaneous variances which are:

1. Reduce the landscape buffer for a supportive facility from 40-feet to 25-feet;
2. Allow a supportive residential facility outside of a Regional, Community, or Neighborhood Activity Center;
3. Allow the building height to be 55-feet in lieu the maximum height of 35-feet;

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.

COBB COUNTY-MARIETTA WATER AUTHORITY COMMENTS (CCMWA):

CCMWA requests to review the plans for this project as soon as they are available in order to determine the extent of impact upon our facilities. On Lower Roswell Road, backs up to CCMWA's Quarles WTP and the Authority has a 30" PCCP Transmission Water Line and a 60' Permanent Easement that runs through the proposed project. The owner/developer will be financially responsible for any impacts to CCMWA facilities from the project. Contact Chuck Byrge at (770) 426-8788 to coordinate plan review.

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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.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupiable floor level. Aerial fire apparatus roads shall be a minimum with of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

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

Commercial: Cul-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – total of 110-feet needed (45 feet + 20 foot wide roadway + 45 feet).

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office.

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part 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 / S side Lower Roswell Rd

Additional Comments: Master meter to be at entrance

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: On site** plus 155' & 180' S / Cove Way

Estimated Waste Generation (in G.P.D.): **A D F** 19,700 **Peak** 49,250

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:

**On-site sewer (W edge of property) would require private pump station.

Sewer flow test necessary unless water plant flow data becomes available and not capacity limiting.
Central kitchens require exterior grease traps & architectural plans approval

Notes FYI: *Gravity flow for wastewater highly preferable (connecting S thru residential easement to Cove Wy sewer)*

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: Sope 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 (Kings Cove ~ 900 ft).
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 **drainage system as well as Kings Cove Lake.**

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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. The extensive existing tree stand and undergrowth provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate the vast majority of this vegetation and increase pavement, storm runoff and non-point source pollution. 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).
2. As indicated under downstream conditions, there is an existing lake located approximately 900 feet downstream. Elevated erosion & sediment control measures will be required to protect this lake. A pre- and post-development sediment survey will also be required to document any impact to the lake.
3. The area allocated for the stormwater management facility is relatively small for the proposed site. Site plan modifications will likely be required to provide adequate space for this facility.
4. The proposed site discharges to the south through an existing channel located on single-family residential lots. The site discharge should be directly connected to the existing downstream culvert at Cove Way to eliminate potential problems associated with this short open channel.

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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
Lower Roswell Rd	20100	Arterial	40 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Lower Roswell Road 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.

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

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 Lower Roswell Road, a minimum of 50' from the roadway centerline.

Recommend a deceleration lane.

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

STAFF RECOMMENDATIONS

Z-3

HEALTH CARE CAPITAL CONSOLIDATED, INC.

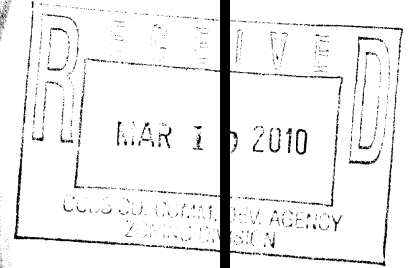
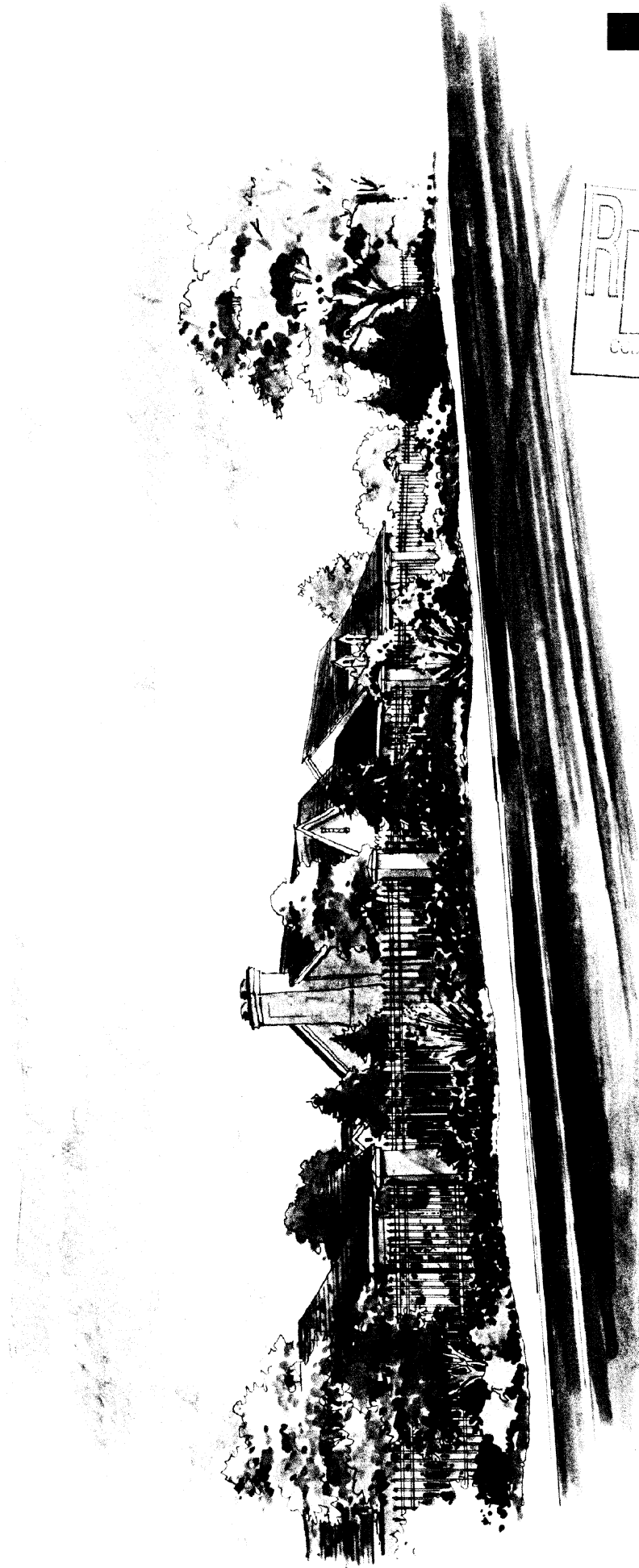
- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The surrounding property is zoned R-15 and R-20. Once past the allowable institutional uses to the east, the character of the area is well defined as single-family detached homes that are in the 2,000 to 3,000 square-foot range. It is Staff's opinion is that the 80,000 square-foot supportive building would be out of scale with the existing houses, and does not meet the location requirement specified by the County Code.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. Although building suitable housing for the senior population is important and needed, this may not be an appropriate location. This proposal would visually impact the single-family houses with a development that would not be architecturally compatible with adjacent single-family houses. Additionally, to build the proposal, the property would have to be clear cut and mass graded which would impact the adjacent single-family houses and down stream lake.
- 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. Staff is concerned with the amount of tree removal and grading that would have to be done to place this use on the property.
- 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 Land Use Category. This type of development is required to be in a Regional Activity Center, Community Activity Center, or Neighborhood Activity Center.
- 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 denying the applicant's rezoning proposal. The RSL proposal is not in accordance with *Cobb County Comprehensive Plan*, which delineates this property to be within a Low Density Residential Land Use Category. Staff is concerned with the fact the property would have to be clear cut and mass graded, which would negatively impact the adjacent houses. Staff believes this is use would be suitable, if built to match the intensity and scale of the adjacent single-family houses.

Based on the above analysis, Staff recommends DENIAL.

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.

HEEE

Z-3 (2010)
Exhibit "A"
Renderings 1/3



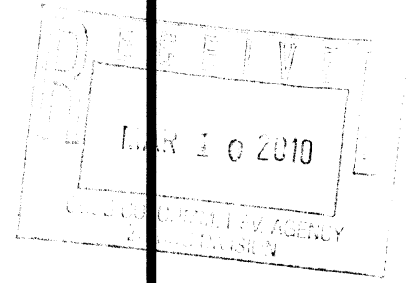
B - View of Community Frontage

Looking West from Lower Roswell Road

HECC



Z-3 (2010)
Exhibit "A"
Renderings 2/3



View into Community
Looking North from Kings Cove

