

DATE	DESCRIPTION

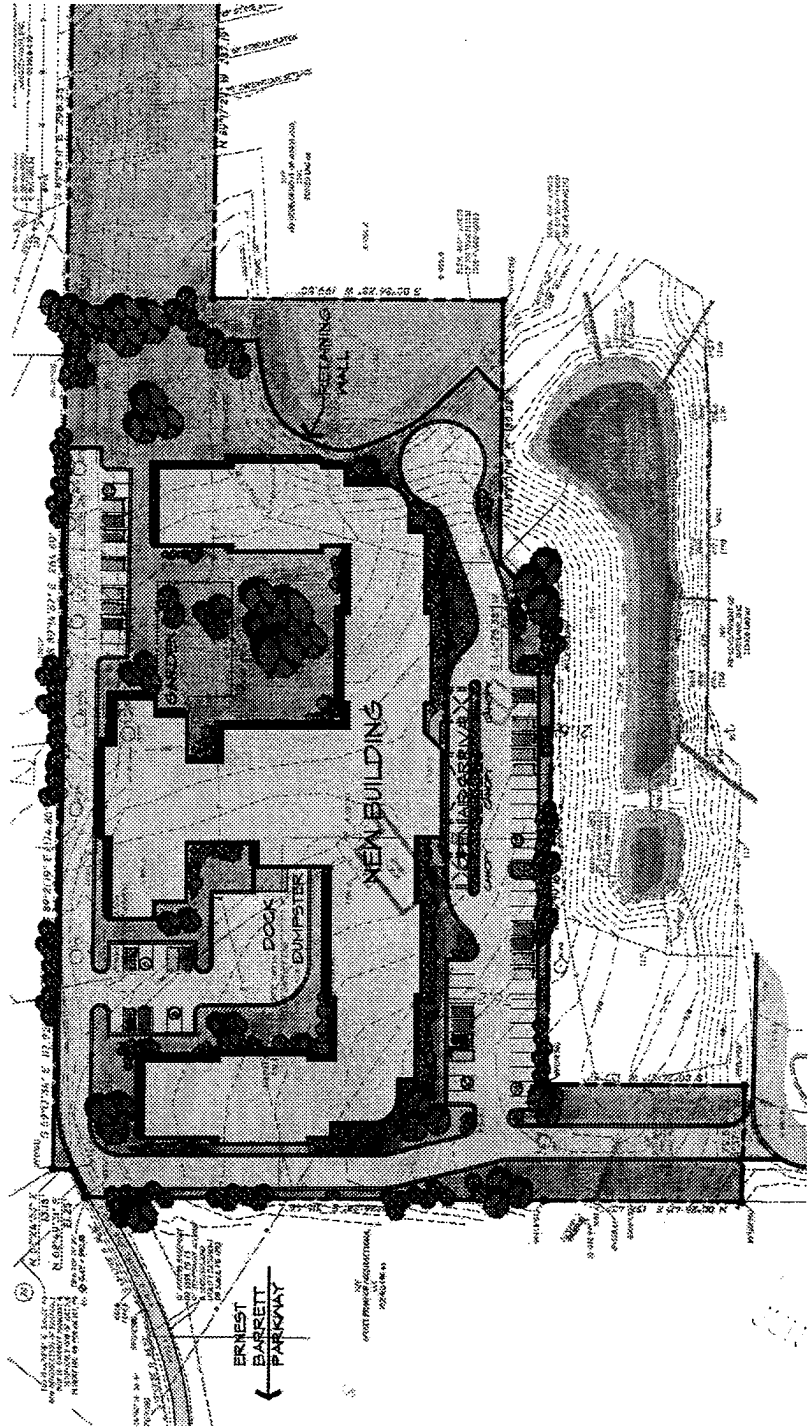
**Z-29  
(1102)**



**LEGEND:**

SQUARE FOOTAGE:	50,000 S.F.
NO. OF BEDS:	60 BEDS
CURRENT ZONING:	LD/PC/CHC
PROPOSED ZONING:	CHC
PARKING REQUIRED:	24 SPACES
PARKING PROVIDED:	63 SPACES

1 SITE PLAN  
 SCALE: 1" = 40'-0"



**APPLICANT:** Helton Real Estate Advisors, LLC  
770-579-3436

**PETITION NO.:** Z-29

**REPRESENTATIVE:** John H. Moore 770-429-1499  
Moore Ingram Johnson & Steele, LLP

**HEARING DATE (PC):** 08-02-2011

**HEARING DATE (BOC):** 08-16-2011

**TITLEHOLDER:** Sanctuary Park West Real Estate, LLC

**PRESENT ZONING:** CRC, LRO

**PROPOSED ZONING:** O&I

**PROPERTY LOCATION:** On the east side of Ernest Barrett Parkway, north of Dallas Highway.

**PROPOSED USE:** Assisted Living Facility

**ACCESS TO PROPERTY:** Ernest Barrett Parkway

**SIZE OF TRACT:** 5.82 acres

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family house with accessory buildings, vacant, wooded parcels

**DISTRICT:** 20

**LAND LOT(S):** 329

**PARCEL(S):** 8, 115, 137

**TAXES:** PAID  DUE

**FUTURE LAND USE MAP:** Community Activity Center

**COMMISSION DISTRICT:** 1

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-15/Battle Forest Subdivision
- SOUTH:** LRO/Vacant property
- EAST:** LRO/Vacant property
- WEST:** NRC/Bank and CRC/Vacant single-family house

**OPPOSITION:** No. **OPPOSED:** \_\_\_\_\_ **PETITION No.:** \_\_\_\_\_ **SPOKESMAN:** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

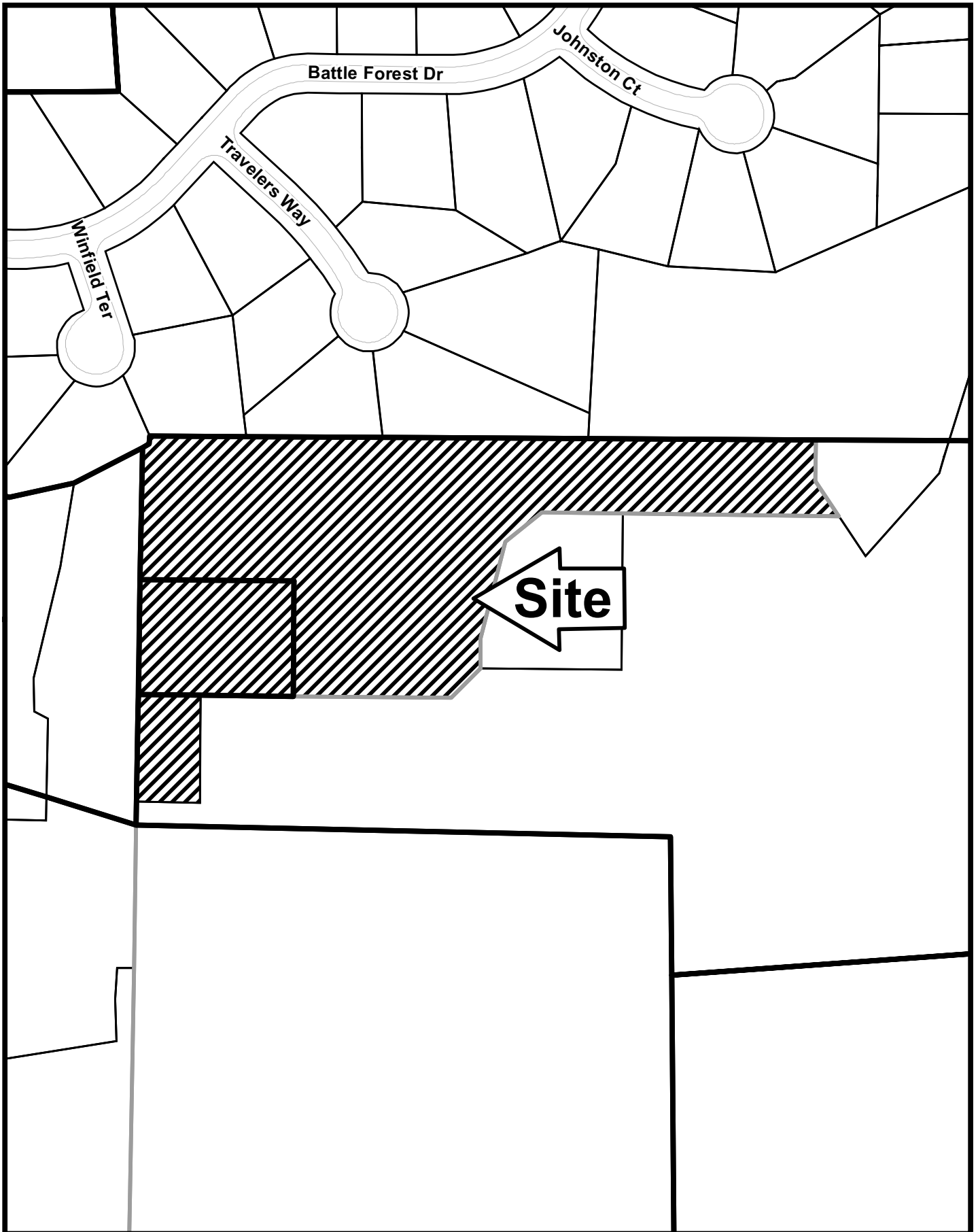
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

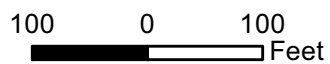
**STIPULATIONS:**





# Z-29



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Helton Real Estate Advisors, LLC

**PETITION No.:** Z-29

**PRESENT ZONING:** CRC & LRO

**PETITION FOR:** O&I

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Community Activity Center

**Proposed Number of Buildings:** 1

**Total Square Footage of Development:** 55,000

**F.A.R:** 0.216

**Square Footage/Acre:** 9,450

**Parking Spaces Required:** 15

**Parking Spaces Provided:** 63

Applicant is requesting the O&I category for the purpose of developing a 60-bed assisted living facility. The building façade will be traditional and similar to the attached elevation drawings. The hours will be Sunday–Saturday; 24 hours per day. The parcels involved in this application were rezoned in 1997 (Z-80) and 2007 (Z-75). This application seeks to combine the parcels into one zoning category for the development of the assisted living facility.

**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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**APPLICANT:** Helton Real Estate Advisors, LLC

**PETITION No.:** Z-29

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**FIRE COMMENTS:**

**ACCESS:** Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

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 occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

**HYDRANT:** Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

APPLICANT Helton Real Estate Advisors, LLC

PETITION NO. Z-029

PRESENT ZONING CRC and LRO

PETITION FOR O&I

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**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 12" DI / E side Ernest Barrett Pkwy

Additional Comments: Private waterline/meter easement required (no public road frontage)

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.

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**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: 20' N on HOA property

Estimated Waste Generation (in G.P.D.): **A D F** 7,500+ **Peak=** 18,750+

Treatment Plant: **South Cobb**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drv Sewers Required:  Yes  No

Off-site Easements Required:  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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Comments: Central kitchens require exterior grease traps and architectural plans submittal/approval

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 offsite easements, dedication of on and/or offsite 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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PETITION NO.: Z-29

PRESENT ZONING: CRC & LRO

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noses Creek FLOOD HAZARD INFO: Zone AE

- 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: along stream and within adjacent stream buffer.

- 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 **Home Depot detention facility.**

**APPLICANT: Helton Real Estate Advisors, LLC**

**PETITION NO.: Z-29**

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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 applicant is proposing to utilize the existing adjacent Home Depot stormwater facility for water quality and detention. Permission to modify the existing pond has been obtained from Home Depot as well as a flow easement and shared maintenance agreement.
2. The current effective 100-year floodplain for Noses Creek on this site is at elevation 964. The floodplain delineated on the site plan (El 956) is significantly lower and will not become effective until the pending FIRM map revision is approved by FEMA. This must be confirmed at Plan Review.



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**PETITION NO.: Z-29**

**PRESENT ZONING: CRC and LRO**

**PETITION FOR: O & I**

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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
Ernest Barrett Parkway	37300	Arterial	45 mph	Cobb County	100'

*Based on 2008 traffic counting data taken by Cobb County DOT (Ernest Barrett Parkway)*

**COMMENTS AND OBSERVATIONS**

Ernest Barrett Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

An access easement is needed to access the property.

**RECOMMENDATIONS**

Recommend access easement agreement with adjoining property owner.

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

## STAFF RECOMMENDATIONS

### **Z-29 HELTON REAL ESTATE ADVISORS, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Nearby properties are zoned for commercial, institutional and residential uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. Abutting properties to the south, east and west are zoned for commercial uses and the abutting properties to the north are zoned for single-family residential uses. The access for the proposed project is through the commercial property to the south.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Community Activity Center land use category. The O&I zoning category is compatible with the Community Activity Center land use category.
- 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.

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

- Site plan received by the Zoning Division on June 2, 2011, with revision to add the required 20-foot landscape screening buffer abutting the residentially zoned properties to the north, and with the District Commissioner approving minor modifications;
- Extinguish the use, if any, of access drive to Ernest Barrett Parkway prior to the issuance of building permit;
- Access is to be from Dallas Highway, through recorded easement;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations; and
- DOT comments and recommendations

**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.**

## **ATTACHMENT TO APPLICATION FOR REZONING**

**Application No.:** Z- 29 (2011)  
**Hearing Dates:** August 2, 2011  
August 16, 2011

### **IMPACT ANALYSIS STATEMENT**

**Applicant:** Helton Real Estate Advisors, LLC  
**Property Owner:** Sanctuary Park West Real Estate, LLC

Analysis of impact of the proposed rezoning with respect to the following:

- (a) Applicant and Property Owner are seeking rezoning of an approximately 5.82 acre tract from the existing zoning categories of Community Retail Commercial ("CRC") and Low Rise Office ("LRO") to the proposed zoning category of Office and Institutional ("OI") for the development of an assisted living facility. The property is located on the easterly side of Barrett Parkway, northerly of the intersection of Dallas Highway (State Route 120), Land Lot 329, 20<sup>th</sup> District, 2<sup>nd</sup> Section (hereinafter referred to as the "Property" or the "Subject Property"). Properties located westerly, easterly, and southerly of the Subject Property are zoned to various commercial categories and uses (i.e., Neighborhood Retail Commercial ("NRC"); Community Retail Commercial ("CRC"); Low Rise Office ("LRO"); General Commercial). Property located northerly of the Subject Property is zoned R-15 and is developed for a single-family residential subdivision. Therefore, rezoning the Subject Property to the proposed OI zoning classification would permit a use of the Property which is compatible to the uses of adjacent and surrounding properties; as well as consistent with prior zoning approvals of said properties. Additionally, the proposed use of the Subject Property would provide a "step-down" transition from the intense commercial uses located within the major intersections and along the major thoroughfare routes of Barrett Parkway and Dallas Highway to the adjacent residential neighborhoods. The proposed assisted living facility would also provide a quality service to families within the West Cobb community who have aging parents and relatives who desire to be located nearby.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed development will have minimal, if any, impact on surrounding properties as it currently is zoned to commercial classifications. If approved and developed according to the request, the adjacent and nearby property owners should benefit in higher land values. Cobb County will benefit in increased revenue.
- (c) The Property as zoned does have a reasonable economic use; however, the proposed zoning would allow for a higher and better use.

- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial developments have almost no effect on schools, and minimal effect on utilities and transportation facilities. The improved roadways in the area can accommodate the minimal increase traffic the proposed development may bring without burdensome effects.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.
- (f) Due to the economic climate, the needs and uses available for development of properties have changed. The development of an assisted living facility within the area will provide a quality, much-needed service to the residents of the West Cobb community.



**HREA**  
Helton Real Estate Advisors  
KERR E. ATCOCK, P.C. ARCHITECTS

**HELTON REAL ESTATE ADVISORS**  
COBB COUNTY, GEORGIA



**JEA** realty

JEA PROJECT NUMBER 19024

Z-29  
(2011)  
Elevations



JEA ARCHITECT

HELTON REAL ESTATE ADVISORS  
COBB COUNTY, GEORGIA



SCALE: NOT TO SCALE

JEA PROJECT NUMBER 10028

**HREA**  
Helton Real Estate Advisors

**JOSE E. ATCOCK, P.C. ARCHITECTS**  
JOSE E. ATCOCK, P.C. ARCHITECTS, INC. is a registered professional architectural firm in the State of Georgia. The firm is a member of the American Institute of Architects (AIA) and the Georgia Institute of Architects (GIA). The firm is located at 1000 Peachtree Street, N.E., Atlanta, Georgia 30309. The firm's telephone number is 404.525.1234. The firm's website is www.jea.com.