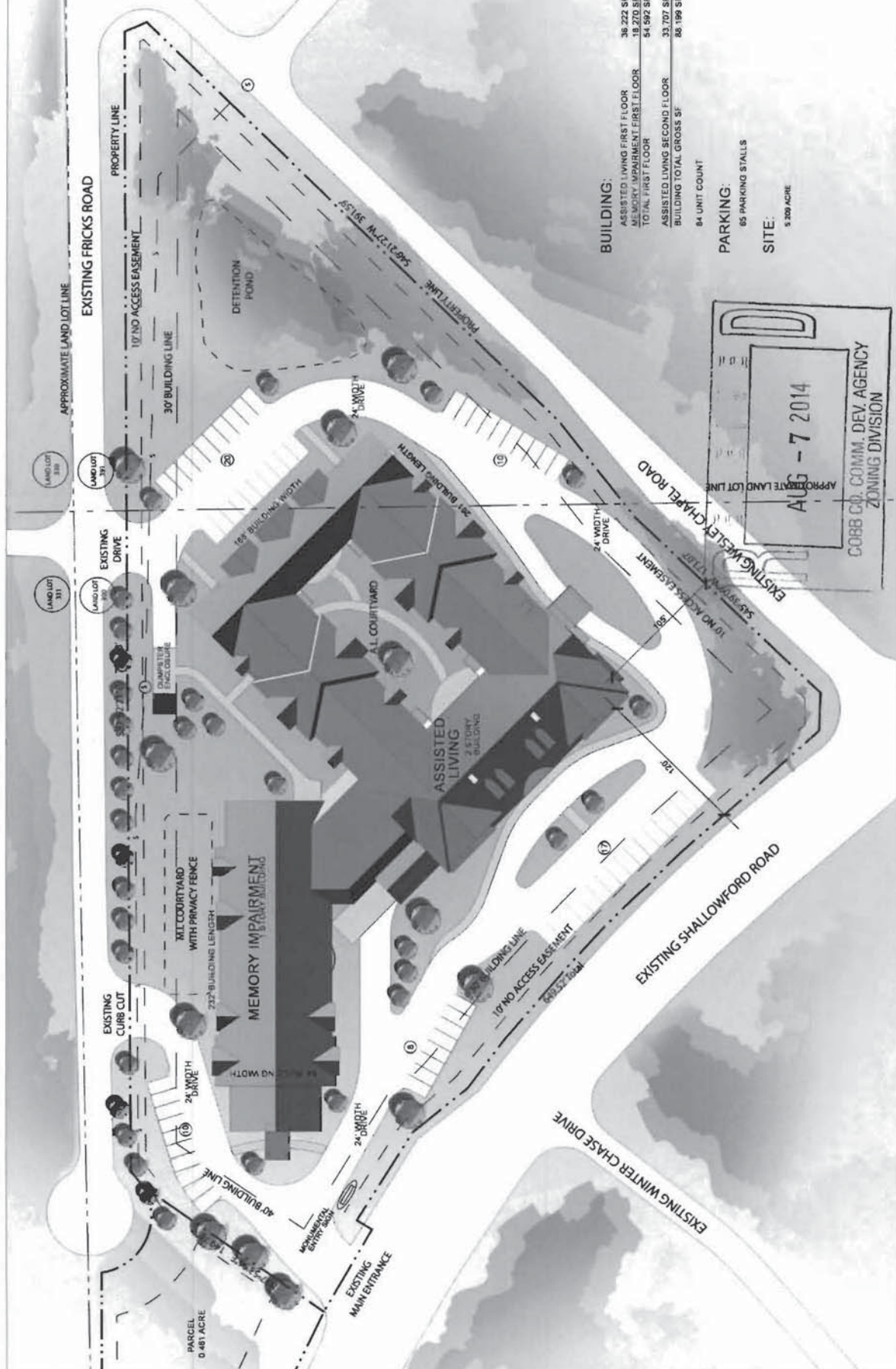


Z-71  
(2014)



**BUILDING:**

ASSISTED LIVING FIRST FLOOR	36,222 SF
MEMORY IMPAIRMENT FIRST FLOOR	18,270 SF
TOTAL FIRST FLOOR	54,492 SF
ASSISTED LIVING SECOND FLOOR	33,707 SF
BUILDING TOTAL GROSS SF	88,199 SF

84 UNIT COUNT

**PARKING:**  
65 PARKING STALLS

**SITE:**  
5.200 ACRE

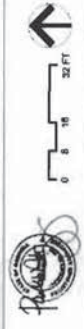
APPROXIMATE LAND LOT LINE

**AUG - 7 2014**

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

**TRINITY LIFESTYLES ASSISTED LIVING**

PROPOSED SITE PLAN - 3535 SHALLOWFORD ROAD, MARIETTA, GA 30062



AUGUST 7, 2014

CDH

**APPLICANT:** CCL Associates, LLC  
**PHONE#:** (678) 352-0595 **EMAIL:** cpitts@cclassociates.com  
**REPRESENTATIVE:** Christian Pitts  
**PHONE#:** (678) 352-0595 **EMAIL:** cpitts@cclassociates.com  
**TITLEHOLDER:** Northwest Christian Church, Inc.

**PETITION NO.:** Z-71  
**HEARING DATE (PC):** 10-07-14  
**HEARING DATE (BOC):** 10-21-14  
**PRESENT ZONING:** R-20  
**PROPOSED ZONING:** RSL

**PROPERTY LOCATION:** North intersection of Shallowford Road and Wesley Chapel Road, and on the south side of Fricks Road (3535 Shallowford Road).

**PROPOSED USE:** Residential Senior Living

**ACCESS TO PROPERTY:** Shallowford Road

**SIZE OF TRACT:** 5.209 acres

**PHYSICAL CHARACTERISTICS TO SITE:** Church

**DISTRICT:** 16

**LAND LOT(S):** 390, 391

**PARCEL(S):** 1

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-15/Single-family house and R-20/Mountain Lake Estates Subdivision
- SOUTH:** R-20/Single-family house and Winter Chase Subdivision
- EAST:** R-20/Shallowford Heights Subdivision
- WEST:** R-20/Single-family house

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

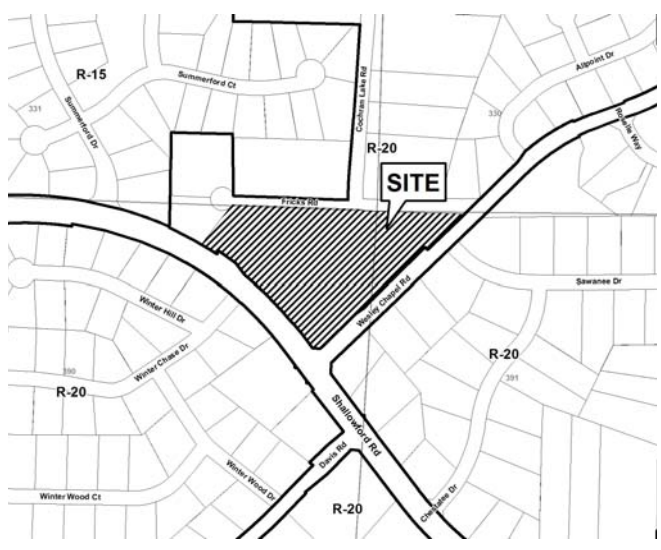
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

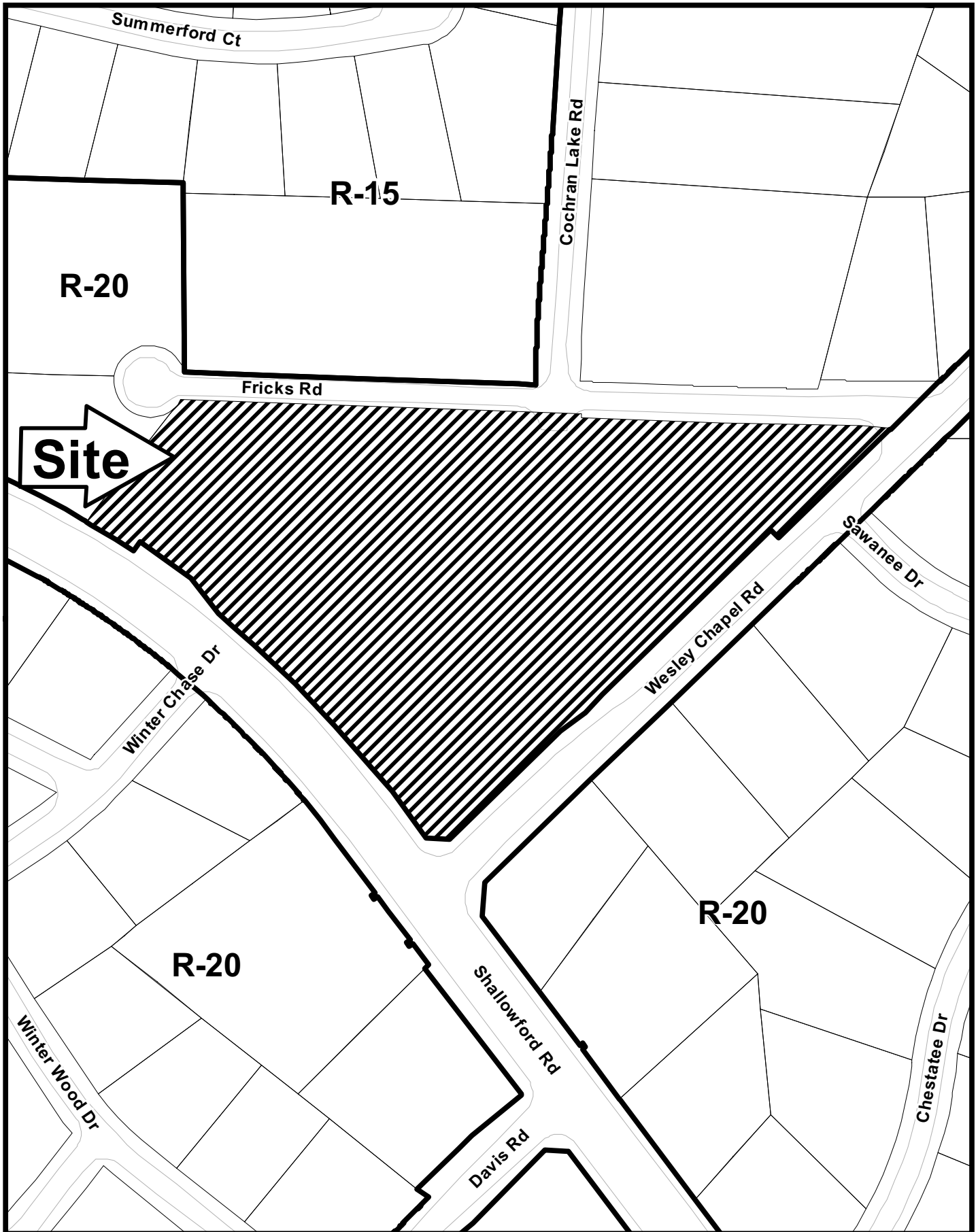
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

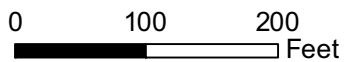
**STIPULATIONS:**



# Z-71



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



City Boundary  
Zoning Boundary

**APPLICANT:** CCL Associates, LLC

**PETITION NO.:** Z-71

**PRESENT ZONING:** R-20

**PETITION FOR:** RSL

\*\*\*\*\*

**ZONING COMMENTS:**

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

**Land Use Plan Recommendation:** Public Institutional

**Proposed Number of Units:** 85      **Overall Density:** 16.12      **Units/Acre**

**Staff estimate for allowable # of units:** 9      **Units\***      **Increase of:** 76      **Units/Lots**

\*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

The property has been utilized as a church with a daycare for a number of years and the applicant is requesting the Residential Senior Living (RSL) zoning category for the development of a senior living facility that includes assisted living and memory impairment living. The buildings will be partially 2-story and partially 1-story. The total square footage of the buildings will be 87,000 square feet. The facility will operate 24 hours per day, seven days per week.

**Cemetery Preservation:** No comment.

**APPLICANT:** CCL Associates, LLC

**PETITION NO.:** Z-71

**PRESENT ZONING:** R-20

**PETITION FOR:** RSL

\*\*\*\*\*

**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
<b>Elementary</b>			
<b>Middle</b>			
<b>High</b>			

- School attendance zones are subject to revision at any time.

**Additional Comments:**

\*\*\*\*\*

**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: CCL Associates, LLC

PETITION NO.: Z-71

PRESENT ZONING: R-20

PETITION FOR: RSL

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from and R-20 to RSL for residential senior living. The 5.209 acre site is located on the north intersection of Shallowford Road and Wesley Chapel Road.

Comprehensive Plan

The parcel is within a Public/Institutional (PI) future land use category, with R-20 zoning designation. The purpose of the Public/Institutional (PI) category is to provide for certain state, federal or local government uses and institutional land uses such as government building complexes, police and fire stations, colleges, churches, hospitals, etc.

Master Plan/Corridor Study

Not applicable.

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.

Design Guidelines

Is the parcel in an area with Design Guidelines?  Yes  No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone?  Yes  No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?  Yes  No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes  No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes  No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes  No

APPLICANT CCL Associates, LLC

PETITION NO. Z-071

PRESENT ZONING R-20

PETITION FOR RSL

\*\*\*\*\*

**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): 6" DI / S side of Fricks Road

Additional Comments:

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:** 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: On site

Estimated Waste Generation (in G.P.D.): A D F= 4200\* Peak= 10500\*

Treatment Plant: Big Creek

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: \*for 84 beds. Additional 25 GPD max/day per employee

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.

APPLICANT: CCL Associates, LLC

PETITION NO.: Z-71

PRESENT ZONING: R-20

PETITION FOR: RSL

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sweat Mountain Cr/Piney Grove Cr 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 \_\_\_\_\_.  
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 existing downstream receiving systems.



APPLICANT: CCL Associates, LLC

PETITION NO.: Z-71

PRESENT ZONING: R-20

PETITION FOR: RSL

\*\*\*\*\*

**STORMWATER MANAGEMENT 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. Redevelopment of this existing church property will require meeting the current stormwater management requirements. The proposed detention pond location is on the highest portion of the site and will need to be relocated. If the existing detention pond location is used it will need to be re-designed to meet current standards.

\*\*\*\*\*

**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
Shallowford Road	27,300	Arterial	45 mph	Cobb County	100'
Wesley Chapel Road	3500	Minor Collector	35 mph	Cobb County	60'
Fricks Road	N/A	Local	25 mph	Cobb County	50'

*Based on 2011 traffic counting data taken by Cobb County DOT (Shallowford Road)  
Based on 2011 traffic counting data taken by Cobb County DOT (Wesley Chapel Road)*

**COMMENTS AND OBSERVATIONS**

Shallowford 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.

Wesley Chapel Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Fricks Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant to 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 north side of Shallowford Road, a minimum of 50' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant to 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 west side of Wesley Chapel Road, a minimum of 30' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant to 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 Fricks Road, a minimum of 25' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Wesley Chapel Road and Fricks Road frontages.

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

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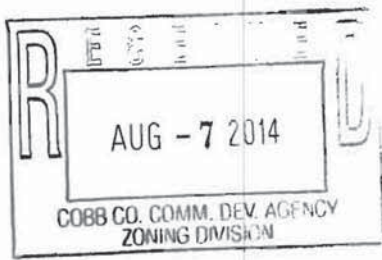
## STAFF RECOMMENDATIONS

### **Z-71 CCL ASSOCIATES, LLC**

- 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 subject property is surrounded by single-family houses and subdivisions.
- 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. The proposed use is more intense than what exists in the area and is also more intense than that result in developing the property as it is currently zoned.
- 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 Public/Institutional (PI) land use category. The land use category can be attributed to the years the property has existed as a church. The proposed supportive senior living use is supposed to be developed within the Community Activity Center (CAC) or Neighborhood Activity Center (NAC) land use categories. Surrounding property are developed for single-family residential uses under the R-15 and R-20 zoning categories, which are compatible with the Low Density Residential (LDR) land use category having densities ranging from 1-2.5 units per acre. Alternatively, zoning for non-supportive residential senior living is an allowed use in land use categories other than Industrial (I), Industrial Compatible (IC), Rural Residential (RR) and Very Low Density Residential (VLDR).
- 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 proposed assisted senior living development is not compatible with the *Cobb County Comprehensive Plan* or the surrounding zonings and uses in this area.

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.**



Application No. Z-71

Oct. 2014

# Summary of Intent for Rezoning

.....  
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): RESIDENTIAL SENIOR LIVING
- b) Proposed building architecture: SEE ATTACHED ELEVATION PROPOSED.
- c) Proposed hours/days of operation: 24/7 AS A RESIDENTIAL LIVING FACILITY.
- d) List all requested variances: SETBACK AND UNDISTURBED BUFFERS TO BE AS SHOWN ON THE PROPOSED SITE PLAN.

.....  
Part 3. Other Pertinent Information (List or attach additional information if needed)

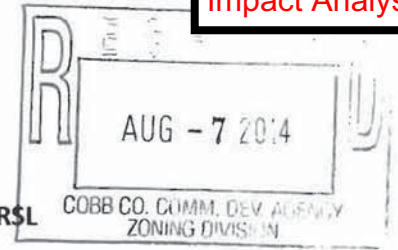
BUILDING IS TO BE APPROXIMATELY 85 UNITS AND WILL BE PARTIALLY 2 STORY / PARTIALLY 1-STORY. TOTAL SQUARE FOOTAGE IS 87,000.

.....  
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

NO.

Residential Senior Living Impact Analysis  
3535 Shallowford Road  
Marietta, Georgia 30060  
CCL Associates, LLC proposed rezoning from R-20 to RSL



For every application for rezoning involving a request for non-residential zoning district shall include a complete, written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

- a) The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.

*The proposed rezoning is suitable in view of the use and development of nearby property. The proposed Residential Senior Living buildings will have a more residential look than the current church. The traffic for the Senior Living is substantially less than a church with assemblage occupancy.*

- b) Whether the zoning proposal will adversely impact the existing use or usability of adjacent or nearby property.

*The zoning proposal will not affect the existing use or usability of adjacent or nearby property and is compatible with the uses already in the area.*

- c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.

*The property is currently zoned with a special use permit for a church does not have a reasonable economic use. It is currently a church and the property owner has marketed the property for sale as a church over the last 6 years and has been unable to find a church to purchase the property. The current lessor has been unable to fulfil their lease requirements due to declining growth. The current property Owner is another church in Acworth, Georgia who took ownership of the property after the previous owner, Northside Christian Church, went out of business in 2008 due to declining attendance. The nearest church is South on Shallowford Road and also went out of business and was bought by First Baptist Woodstock. They have not seen the typical or expected growth there and are contemplating selling that property also. The improvements on the property prevent the property from being sold as residential and returned to R-20 as the residential values do not support a possible purchase price.*

- d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.

***The property rezoning will not result in an excessive or burdensome use of existing transportation infrastructure, facilities, utilities, or schools. Existing infrastructure adequately supports similar and compatible uses in this area.***

- e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan.

***The County's Future Land Use plan shows this property to be Public / Institution which would allow the zoning and use as a public facility such as police station or firehouse, school, college, or church. The proposed change to a Residential Senior Living will bring the property back to a residential use, decrease traffic from the use as a church or school, and provide a buffer between Shallowford Road and the residential area at Fricks Road and beyond, and put the property back on the property tax roll for Cobb County.***

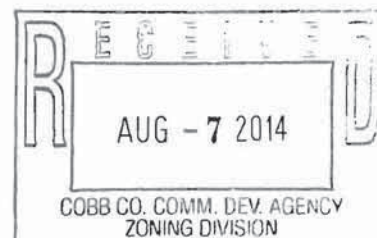
- f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

***The current use of the property as a Church is no longer sustainable in this area, as evidence of the 2 churches in this building failing over the last 6 years, as well as the church South of the property failing in the last 2 years and possible closure of the current church there as well. The property is no longer marketable as a Church as it has been on the market for the last six (6) years. The current property owner still has a mortgage on the property from its purchase in 2008 that prevents its sale below the current sales price to be Residential Senior Living. The Owner attempted to sell the property as residential but the residential values of the land do not include the value of the current improvements and does not support a sale as residential.***

Submitted this 7<sup>th</sup> day of August, 2014.

CCL Associates, LLC

By:   
Christian L. Pitts  
Project Director

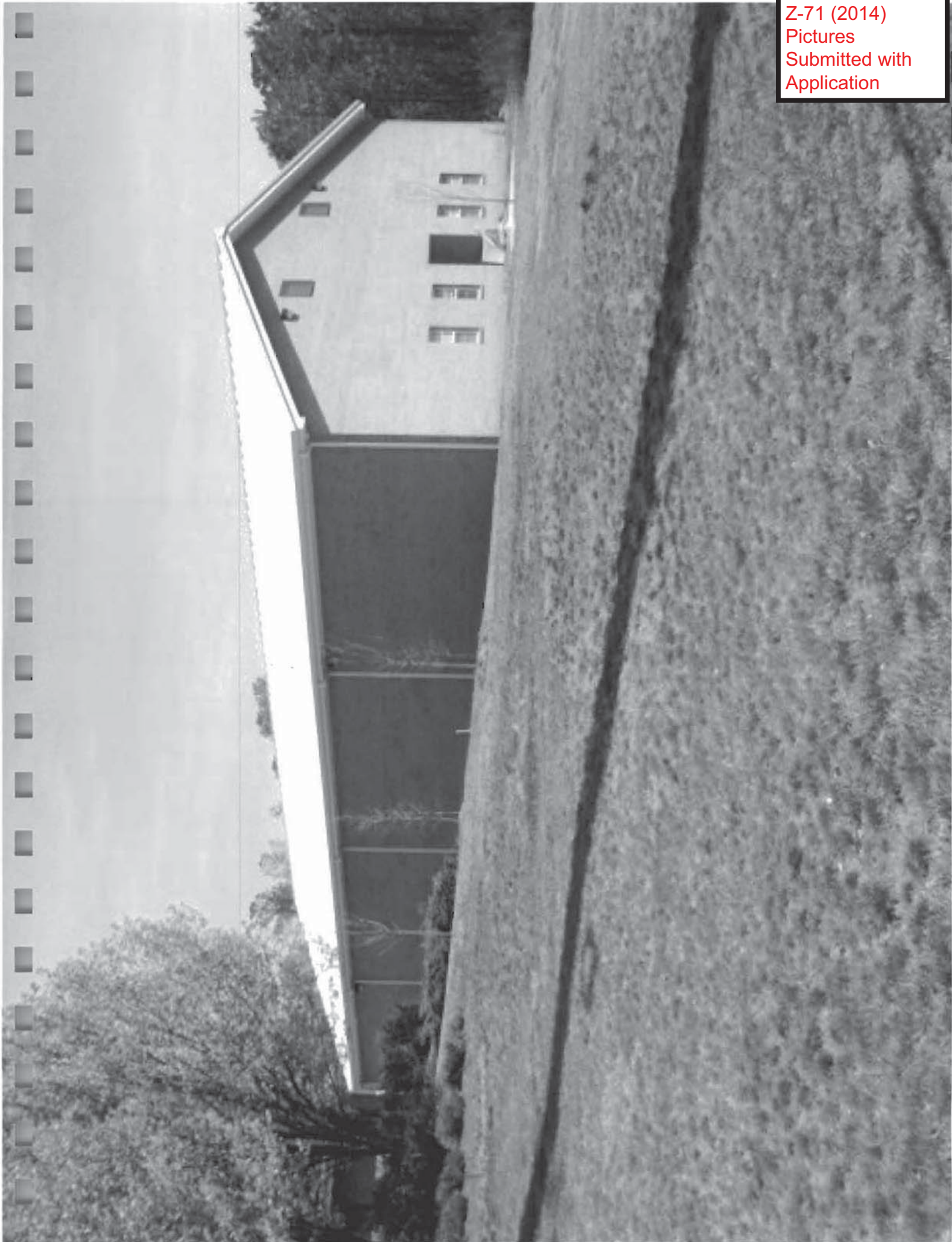


Z-71 (2014)  
Pictures  
Submitted with  
Application





Z-71 (2014)  
Pictures  
Submitted with  
Application



Z-71 (2014)  
Pictures  
Submitted with  
Application



Z-71 (2014)  
Rendering

**R** E S E I C E D  
AUG - 7 2014  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

