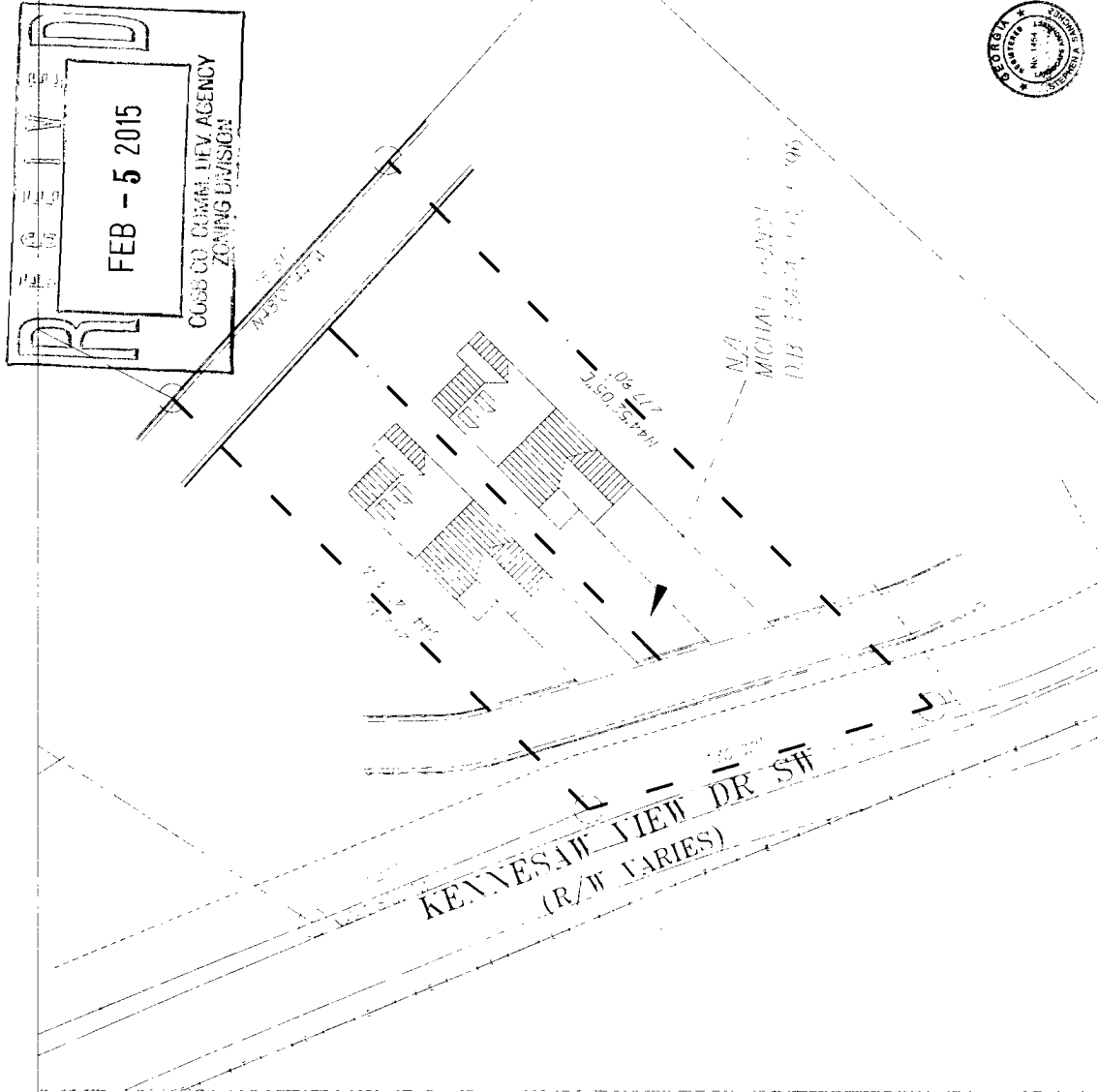


LEGAL DESCRIPTION (ZONING)
3250 KENNESAW VIEW DRIVE

ALL THAT TRACT OR PARCEL OF LAND LYING AND BEING IN LAND LOT 332 OF THE 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA, BEING LOT 8 OF THE PROPERTY OF L.L. CASTLEBERRY, AS PER PLAT RECORDED IN PLAT BOOK 24, PAGE 143, COBB COUNTY, GEORGIA RECORDS, A COPY OF WHICH PLAT IS ATTACHED HERETO AND WHICH PLAT IS INCORPORATED HEREIN BY THIS REFERENCE. SAID PROPERTY IS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT LOCATED ON THE SOUTHWEST CORNER OF LOT 8, AS SHOWN ON THE AFORESAID SUBDIVISION PLAT FOR THE PROPERTY OF L.L. CASTLEBERRY, SAID POINT BEING LOCATED ON THE EASTERN SIDE OF THE RIGHT OF WAY OF KENNESAW VIEW DRIVE (A 40 FOOT RIGHT OF WAY) AND BEING THE POINT OF BEGINNING; PROCEEDING THENCE NORTH 44 DEGREES 34 MINUTES 24 SECONDS WEST FOR A DISTANCE OF 210.40 FEET TO A POINT AND CORNER; PROCEEDING THENCE SOUTH 48 DEGREES 01 MINUTES 44 SECONDS EAST FOR A DISTANCE OF 11531 FEET TO A POINT AND CORNER; PROCEEDING THENCE SOUTH 44 DEGREES 52 MINUTES 05 SECONDS WEST FOR A DISTANCE OF 271.80 FEET TO A POINT AND CORNER LOCATED ON THE EASTERLY RIGHT OF WAY OF KENNESAW VIEW DRIVE; PROCEEDING THENCE IN A NORTHWESTERLY DIRECTION ALONG THE EASTERLY RIGHT OF WAY OF KENNESAW VIEW DRIVE FOR A DISTANCE OF APPROXIMATELY 130 FEET TO THE POINT OF BEGINNING.

THIS PROPERTY IS GENERALLY KNOWN AND REFERRED TO AS 3250 KENNESAW VIEW DRIVE, MARIETTA, GEORGIA AND IS THE SAME PROPERTY THAT WAS CONVEYED ON DECEMBER 14, 2001 FROM CAROLYN ANN COLEMAN A/K/A CAROLYN A. COLEMAN TO MICHAEL M. PUNDT BY MARRIAGE DEED WHICH WAS RECORDED ON JANUARY 10, 2002 AT DEED BOOK 13474, PAGE 5746, COBB COUNTY, GEORGIA RECORDS.



		Z-31 (2015)	
Sterling Estates of West Cobb Cobb County, GA West Cobb Atlanta, GA		TOTAL 14034PW1 - ZONING SUBMITTAL	
Date: 2015-02-03 Plan: 14034	No. 35 No. 55	Scale: 1" = 20' Title: ZP-1	1 of 1

APPLICANT: West Cobb Senior Living, LLC

PETITION NO: Z-31

PHONE#: (770) 393-3355 **EMAIL:** pete@hccseniorliving.com

HEARING DATE (PC): 04-07-15

REPRESENTATIVE: Parks F. Huff

HEARING DATE (BOC): 04-21-15

PHONE#: (770) 422-7016 **EMAIL:** phuff@slhb-law.com

PRESENT ZONING: R-20

TITLEHOLDER: Michael M. Pundt

PROPOSED ZONING: RSL

PROPERTY LOCATION: Northeast side of Kennesaw View Drive,

South of Dallas Highway

(3250 Kennesaw View Drive).

PROPOSED USE: Addition to Senior

Living Community

ACCESS TO PROPERTY: Private drive inside development from

Dallas Highway

SIZE OF TRACT: 0.60 acre

DISTRICT: 20

PHYSICAL CHARACTERISTICS TO SITE: Single-family houses

LAND LOT(S): 332

PARCEL(S): 21

TAXES: PAID **DUE** _____

CONTIGUOUS ZONING/DEVELOPMENT

COMMISSION DISTRICT: 1

NORTH: RSL/ Proposed Senior Living Development

SOUTH: R-20/ Single-family houses

EAST: RSL/ Proposed Senior Living Development

WEST: RSL/ Proposed Senior Living Development

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-31

LRO

R-20

RSL

Site

Dallas Hwy

Dallas Hwy

Kennesaw View Dr

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



City Boundary
Zoning Boundary

APPLICANT: West Cobb Senior Living, LLC

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RSL

ZONING COMMENTS: Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Low Density Residential (1-2.5 units per acre)

Proposed Number of Units: 2 **Overall Density:** 3 **Units/Acre**

Staff estimate for allowable # of units: 1 **Units*** **Increase of:** 1 **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.*

Applicant is requesting the Residential Senior Living (RSL) zoning category for the purpose of incorporating the subject 0.60 acre tract into the adjacent, recently rezoned RSL property. That property, subject of case Z-60 of 2014 was approved to a certain site plan that allowed for 120 units within a central assisted living building, 40 units within a congregate care building, 14 garden homes, and 48 cottages. This request will allow the addition of two (2), traditional cottage style units similar to those previously approved in size and architecture.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

APPLICANT: West Cobb Senior Living, LLC

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RSL

SCHOOL COMMENTS:

Number of

Capacity

Portable

Name of School

Enrollment

Status

Classrooms

Elementary

Middle

High

- 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: West Cobb Senior Living, LLC

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RSL

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RSL for purpose of addition to senior living community. The 0.60 acre site is located on the northeast side of Kennesaw View Drive, south of Dallas Highway.

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-20 zoning designation. The purpose of the Very Low Density Residential (VLDR) category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) dwelling units per acre.

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.

APPLICANT: West Cobb Senior Living, LLC

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RSL

PLANNING COMMENTS: (Continued)

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

Is this property within the Six Flags Special Service District?
 Yes No

Z-31 - Comprehensive Plan section should be Low Density Residential (LDR):

The Parcel is within a Low Density Residential (LDR) future land use category. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

Also add the following text as a specific area guideline.

In an effort to halt the expansion of commercial nodes, to assist with the revitalization of declining structures, and the need to provide an adequate transition and buffering to protect the surrounding VLDR and RR neighborhoods; the properties located along the south side of Dallas Highway west of West Sandtown Road and east of Kennesaw View Drive are to be Low Density Residential (LDR). The LDR area should be constrained by Kennesaw View Drive and West Sandtown Road so that it will not set a precedent for higher densities in this area of Cobb County. Preferred developments in this LDR area would be made up of an assemblage of properties with a single curb cut on Dallas Highway. Any development should maintain the focus of the development on Dallas Highway so that it can transition to a less intense development plan along Kennesaw View Drive in an effort to minimize impacts of the neighboring established residential areas. Densities should be a maximum of two (2) units per acre for single family detached dwelling units and a maximum of four (4) units per acre for developments using the Residential Senior Living zoning category.

APPLICANT West Cobb Senior Living LLC
PRESENT ZONING R-20

PETITION NO. Z-031
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): 8" DI / N side of Dallas Hwy

Additional Comments: Addition to Z-60 2014

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: In Dallas Hwy ROW

Estimated Waste Generation (in G.P.D.): A D F= 800 Peak= 320

Treatment Plant: South Cobb

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availabilitv: 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 Addition to Z-60 2014

Comments:

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: West Cobb Senior Living, LLC

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RSL

STORMWATER MANAGEMENT COMMENTS

All previous Z-60 (2014) comments to apply.

APPLICANT: West Cobb Senior Living

PETITION NO.: Z-31

PRESENT ZONING: R-20

PETITION FOR: RSL

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
Dallas Hwy	43300	Arterial	45	GDOT	100'

Based on [2002] traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Dallas Highway is classified as an arterial, a state route, and according to the available information the existing right-of-way meets the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements at the time of redevelopment.

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

STAFF RECOMMENDATIONS

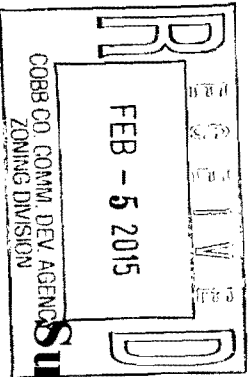
Z-31 WEST COBB SENIOR LIVING, LLC

- 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. Adjoining property was recently rezoned to allow RSL residential senior living to which this property will become a part.
- 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 request is to incorporate the subject 0.60 acres into the adjacent, already approved RSL development adding two (2) additional cottage units to the mixture of assisted living, independent living, and congregate care living units.
- 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 LDR Low Density Residential land use category. RSL Non-supportive is compatible with the LDR land use category. The *Cobb County Comprehensive Plan* contains language specifically for the development of a Residential Senior Living zoning category for this property.
- 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. The request is to incorporate the subject 0.60 acres into the already approved RSL development on the adjacent property. Approval will allow completion of the RSL development in a way that continues to be consistent with the County's previous approval of Z-60 of 2014.

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

- Site plan dated received by Zoning Division on February 5, 2015;
- All previous conditions of case Z-60 of 2014, not otherwise in conflict;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Cobb Department of Transportation 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.



Summary of Intent for Rezoning

Application No. 231
April 2015

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

- a) Proposed unit square-footage(s): 7,500 square feet
- b) Proposed building architecture: Traditional Cottage Style
- c) Proposed selling prices(s): Rental - Senior Residential
- d) List all requested variances: 10 feet between buildings.

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

- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

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

The property will be added to the already approved senior community.

.....
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).

