

APPLICANT: Griffin Real Estate Management

PETITION NO: Z-102

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

HEARING DATE (PC): 12-01-15

REPRESENTATIVE: James A. Balli, Esq.

HEARING DATE (BOC): 12-15-15

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

PRESENT ZONING R-30

TITLEHOLDER: Kenneth F. Kline & Arlene L. Kline

PROPOSED ZONING: RSL

PROPERTY LOCATION: Northwest side of Mars Hill Road,
northeast of Brookstone Drive
(1979 Mars Hill Road)

PROPOSED USE: Residential Senior Living
(Supportive)

ACCESS TO PROPERTY: Mars Hill Road

SIZE OF TRACT: 6.2 acres

DISTRICT: 20

PHYSICAL CHARACTERISTICS TO SITE: Single-family house
on wooded lot

LAND LOT(S): 195

PARCEL(S): 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/OSC - Proposed West Oaks Subdivision
- SOUTH:** NRC/Waffle House, Auto Service Center
- EAST:** PRD/Parkwood at Brookstone Subdivision
- WEST:** PD/Brookstone PD1 Subdivision; GC/McDonald's

Adjacent Future Land Use:

- North: Very Low Density Residential (VLDR)
- Southeast: Very Low Density Residential (VLDR) and Community Activity Center (CAC) (across Mars Hill Road)
- West: Very Low Density Residential (VLDR) and Community Activity Center (CAC)

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

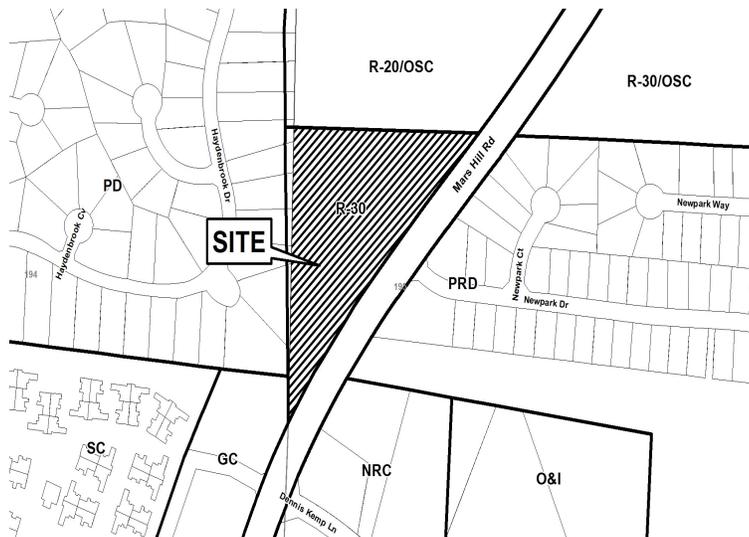
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

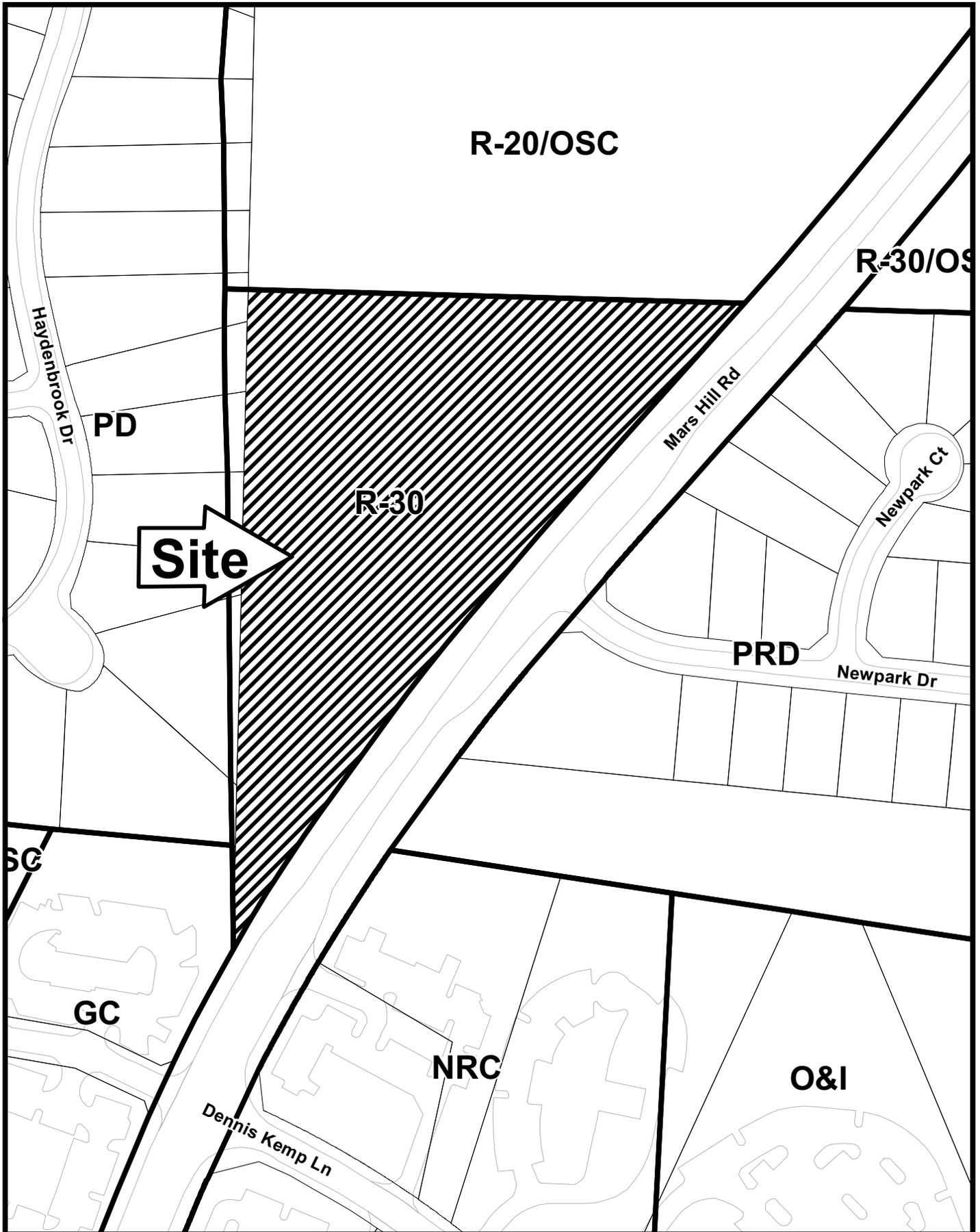
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

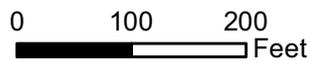
STIPULATIONS:



Z-102



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



City Boundary
Zoning Boundary

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ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Very Low Density Residential (0-2 units per acre)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 80,000

F.A.R.: 0.295 **Square Footage/Acre:** 12,861

Parking Spaces Required: 71 **Parking Spaces Provided:** 83

Applicant is requesting the Residential Senior Living (RSL) zoning district in order to develop a 95 unit supportive senior living facility. The building will be two stories over a basement. The height of the building will be 31-32 feet at the front and slope down to a height of 41-42 feet at the rear. The brick architecture and design will be as shown on the attached front elevation.

The proposed site plan will require the following contemporaneous variance:

1. Reducing the required 40-foot landscape buffer on the western property line to 30 feet.

Cemetery Preservation:

No Comment.

FIRE COMMENTS:

No comment. 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.

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PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to RSL for the purpose of residential senior living (supportive). The 6.2 acre site is located on the northwest side of Mars Hill Road at 1979 Mars Hill Road.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of _____ been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category, with R-30 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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Very Low Density Residential (VLDR)
Southeast: Very Low Density Residential (VLDR) and Community Activity Center (CAC) (across Mars Hill Road)
West: Very Low Density Residential (VLDR) and Community Activity Center (CAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

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.

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PLANNING COMMENTS: **Continued**

Is the property within an Enterprise Zone? Yes No

The Smyrna-Osborne 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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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

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PRESENT ZONING R-30

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" CI / W side of Mars Hill Road

Additional Comments: Also a 30" CCMWA transmission water main along Mars Hill 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.

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: 600' NW in Haydenbrook Drive

Estimated Waste Generation (in G.P.D.): A D F= 4,950 Peak= 12,375

Treatment Plant: Northwest

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:

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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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Allatoona 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: Identified on site plan

- 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 CONDITIONS

- 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 culvert within Brookstone S/D at Haydenbrook Drive.

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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. A stream buffer variance will be required for buffer averaging proposed.

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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
Mars Hill Road	16,200	Arterial	45 mph	Cobb County	100'

Based on [2012] traffic counting data taken by Cobb County DOT for Mars Hill Road.

COMMENTS AND OBSERVATIONS

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

RECOMMENDATIONS

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

Recommend curb, gutter, and sidewalk along the Mars Hill Road frontage.

Recommend deceleration lane and left turn lane on Mars Hill Road for the northern entrance.

Recommend northern Mars Hill Road access either directly align or have an offset of a minimum of 125 feet from Newpark Drive per Development Standard 401.10.

Recommend southern Mars Hill Road access be restricted to a right in/ right out only.

Recommend applicant verify that minimum intersection sight distance is available for Mars Hill Road access and if it is not, implement remedial measures, subject to the Department's approval.

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STAFF RECOMMENDATIONS

Z-102 GRIFFIN REAL ESTATE MANAGEMENT

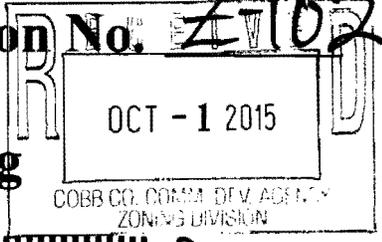
- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. Adjacent and nearby properties are developed for institutional, residential and commercial uses.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse effect on the usability of adjacent or nearby property. The RSL zoning district is used to provide a transitional use between higher and lower intensity uses.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Very Low Density Residential (VLDR) land use category, with densities ranging from 0-2 units per acre. The requested RSL (supportive) zoning district is designed to be located within properties delineated as Regional Activity Center (RAC), Community Activity Center (CAC) or Neighborhood Activity Center (NAC); however, it is also designed to function as a cut-off for nonresidential uses within an activity center and a transitional use to residential uses adjoining activity centers. The southern tip of the property abuts a Community Activity Center (CAC) land use designation that extends southwesterly along Mars Hill Road to Piney Grove Baptist Church. The requested RSL (supportive) zoning could function as a transition between the residential properties to the north and the commercial properties to the south.
- 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 proposed use is typically used to transition from higher intensity uses to lower intensity uses. The proposed use would have much less impact on adjoining properties than other uses that are permitted in the R-30 zoning district, such as churches which could have bigger buildings and more traffic impact.

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

1. Site plan received by the Zoning Division dated February 11, 2016, with the District Commissioner approving minor modifications;
2. Water and Sewer Division comments and recommendations;
3. Stormwater Management Division comments and recommendations; and
4. 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.

Application No. ZV102



Summary of Intent for Rezoning

Dec. 2015

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

- a) Proposed unit square-footage(s): See attached site plan.
 - b) Proposed building architecture: _____
 - c) Proposed selling prices(s): _____
 - d) List all requested variances: _____
- See attached site plan.

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)

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.

RECEIVED
FEB 11 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

