

APPLICANT: Adventur Living LLC

PHONE#: 770-652-0044 **EMAIL:** Berniesmith@kw.com

REPRESENTATIVE: Bernie Smith

PHONE#: 770-652-0044 **EMAIL:** Berniesmith@kw.com

TITLEHOLDER: T.M. Denome, William Harry Nelson and Glenna S.

Nelson; and Harold R. Burtz

PROPERTY LOCATION: East side of Ebenezer Road, north of

Blackwell Road, and the western terminus of Cedar Ridge Road

(3750, 3860 and 3862 Ebenezer Road)

ACCESS TO PROPERTY: Ebenezer Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family houses

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Single-family house and Princeton Manor

SOUTH: R-20/Wooded lot

EAST: R-20/North Ridge

WEST: R-20/Single-family houses

PETITION NO: Z-35

HEARING DATE (PC): 05-03-16

HEARING DATE (BOC): 05-17-16

PRESENT ZONING: R-20, R-80

PROPOSED ZONING: RSL

PROPOSED USE: Senior Living

SIZE OF TRACT: 15.58 acres

DISTRICT: 16

LAND LOT(S): 304,345

PARCEL(S): 9,45,2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

Adjacent Future Land Use:

Northeast: Low Density Residential (LDR)

Southeast: Low Density Residential (LDR)

Southwest: Low Density Residential (LDR)

Northwest: Low Density Residential (LDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

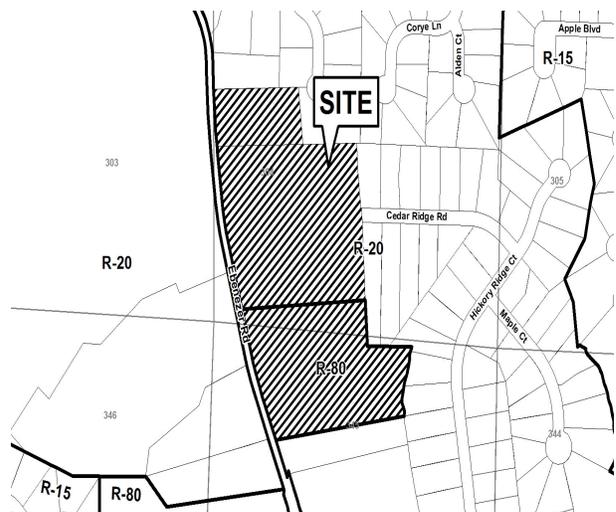
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

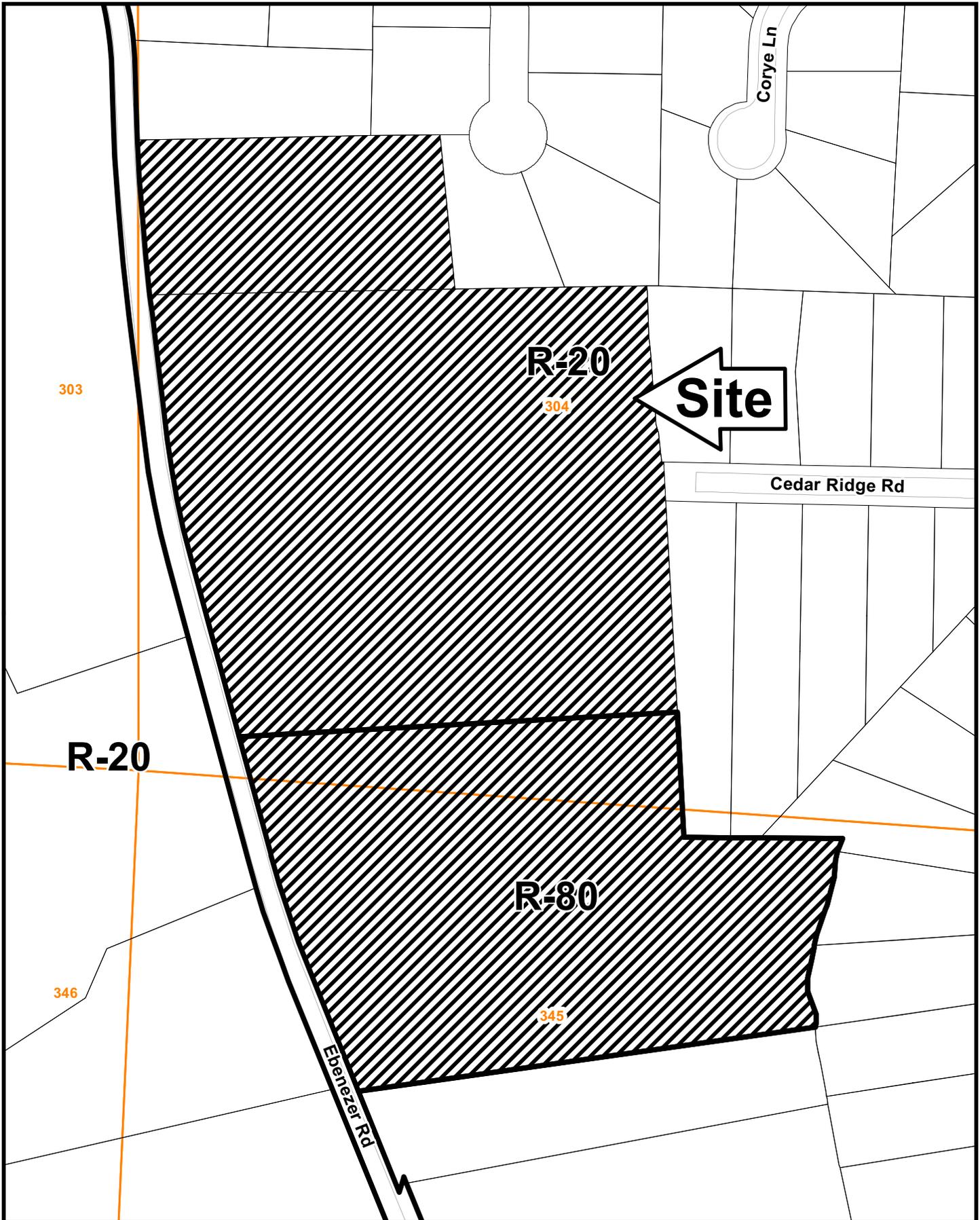
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

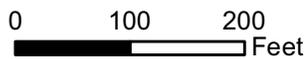
STIPULATIONS:



Z-35



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Adventur Living, LLC

PETITION NO.: Z-35

PRESENT ZONING: R-20, R-80

PETITION FOR: RSL

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 76 **Overall Density:** 4.87 **Units/Acre**

Staff estimate for allowable # of units: 27 **Units*** **Increase of:** 49 **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 district for the purpose of a 76-unit non-supportive senior living development. The units will be detached and arranged in quads. The units will be traditional one and a half stories, and will range in size from 1,750 square feet and up. Prices will range in from \$300,000 to \$450,000. The proposed development includes private streets, clubhouse and pool. The site plan indicates the required 20-foot landscape buffer abutting more restrictive residentially zoned properties.

Cemetery Preservation: No comments.

Site Plan Review: No comment.

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FIRE COMMENTS:

NO 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.

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PETITION NO.: Z-35

PRESENT ZONING: R-20, R-80

PETITION FOR: RSL

SCHOOL COMMENTS:

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

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

Additional Comments:

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and r-80 to RSL for the purpose of senior living. The .15.58 acre site is located on the east side of Ebenezer Road, north of Blackwell Road, and the western terminus of Cedar Ridge 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 Low Density Residential (LDR) future land use category, with R-20 and R-80 zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre, and non supportive senior living housing that in certain circumstances may reach five (5) dwelling units per acre, depending on existing conditions such as product type and mix, structure/building height, tract size, topographic conditions, etc in order to provide compatibility with adjacent residential uses.

Specific Area Policy Guidelines:

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

APPLICANT: Adventur Living, LLC

PETITION NO.: Z-35

PRESENT ZONING: R-20, R-80

PETITION FOR: RSL

PLANNING COMMENTS: Continued

Adjacent Future Land Use:

Northeast: Low Density Residential (LDR)

Southeast: Low Density Residential (LDR)

Southwest: Low Density Residential (LDR)

Northwest: Low Density Residential (LDR)

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.

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

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PETITION FOR: RSL

PLANNING COMMENTS: Continued

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

Is the property within the Dobbins Airfield Safety Zone?

Yes No

If so, which particular safety zone is this property within?

CZ (Clear Zone) APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Adventur Living, LLC

PETITION NO. Z-035

PRESENT ZONING R-20, R-80

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" AC / E side of Ebenezer Road

Additional Comments: Secondary water feed will be required at Plan Review

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: 80' E in Cedar Ridge Rd ROW

Estimated Waste Generation (in G.P.D.): A D F= 12,160 Peak= 30,400

Treatment Plant: Noontday

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Dry 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 Sewer flow study may be required at Plan Review. On-site easement(s) will be required to accommodate public water and 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 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 FOR: RSL

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rubes 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 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 downstream receiving system including the existing culvert at Cedar Ridge Road.

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. This site is located to the west of Ebenezer Road between its intersections with Blackwell and May Breeze Roads. It abuts Princeton Manor Subdivision to the north and North Ridge (aka Heritage Farms) Subdivision to the east and south. The site is primarily pasture with small wooded areas along the fence rows and the northern and southern boundaries. Average slopes on the site range from 5 to 15%. The majority of the site drains to the east into and through the North Ridge Subdivision via an existing channel platted as a drainage easement. A very small portion of the northwest corner of the site (1.3 ac) drains across Ebenezer Road to the Phillips Farm property to the west.
2. Development of this project will result in an increase in impervious coverage, storm runoff and non-point source pollution compared to build-out under the current single-family zoning categories. To mitigate, 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).
3. Pervious pavers may be required for selected areas to meet the 55% impervious coverage limit.

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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
Ebenezer Road	4200	Major Collector	35 mph	Cobb County	80'

Based on 2008 traffic counting data taken by Cobb County DOT for Ebenezer Road.

COMMENTS AND OBSERVATIONS

Ebenezer Road is classified as a major collector and according to the available information the existing right-of-way does not 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 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 east side of Ebenezer Road, a minimum of 40' from the roadway centerline.

Recommend a left turn land and a deceleration lane on Ebenezer Road for the entrance.

Recommend private streets be constructed to the Cobb County Standard Specifications.

Recommend curb, gutter, and sidewalk along the Ebenezer Road frontage.

Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.

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STAFF RECOMMENDATIONS

Z-35 ADVENTUR LIVING, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties in this area are zoned and developed for single-family houses on individual lots.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. The proposed development has a higher density than other single-family residential subdivisions in this area.
- 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*, as far as being an allowed category in the Low Density Residential (LDR) land use category. However, the proposed density of 4.87 units per acre is not compatible with some of the abutting and nearby single-family residential subdivisions. These subdivisions include: North Ridge Unit Two (zoned R-20 at approximately 1.40 units per acre); Princeton Manor (zoned R-20 at 1.7 units per acre); and Kristen Trace (zoned R-20 at 2.169 units per acre). The area also includes single-family house on large tracts of land.
- 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, but at a density that is compatible with the LDR range of 1-2.5 units per acre. While the RSL nonsupportive district is allowed in the Low Density Residential (LDR) land use category, one of the requirements in that section of the ordinance is that the proposed RSL development be compatible with existing development. The developed single-family subdivisions in the area are at lower densities than the proposed 4.87 units per acre proposed in this application.

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

1. Board of Commissioners to approve final site plan, with the District Commissioner approving minor modifications;
2. Maximum density of 2.5 units per acre;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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-35

May 2016

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): MIN 1780 SF + GREATER
- b) Proposed building architecture: TRADITIONAL
- c) Proposed selling prices(s): 295K + GREATER
- d) List all requested variances: _____

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

- a) Proposed use(s): NOT APPLICABLE
- 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)

NONE AT THIS TIME

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).

NONE KNOWN AT THIS TIME

* APPLICANT SPECIFICALLY RESERVES THE RIGHT TO AMEND ANY INFORMATION SET FORTH IN THE SUMMARY OF INTENT, OR ANY PORTION OF THE APPLICATION FOR REZONING AT ANY TIME DURING THE RE ZONING PROCESS.