



Case # Z- 22  
Public Hearing Dates:  
PC: 04-03-18  
BOC: 04-17-18

Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

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**SITE BACKGROUND**

Applicant: Fortress Builders, LLC

Phone: (770)-424-1819

Email: skip@hseproperties.com

Representative Contact: Skip Harper/ Colby Henson

Phone: (404) 372-5739

Email: skip@hseproperties.com

Titleholder: The Estate of Martha Frances Moore and David and Marcia McGinnis

Property Location: Northeast and southwest sides of Harris Road, south of Church Road

Address: 3245 and 3250 Harris Road

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**QUICK FACTS**

Commission District: 4-Cupid

Current Zoning: R-20 (Single-family Residential)

Current use of property: Single-family houses and wooded acreage

Proposed zoning: RSL (Residential Senior Living)

Proposed use: Non-supportive Senior Living

Future Land Use Designation: LDR (Low Density Residential)

Site Acreage: 22.83 ac

District: 17

Land Lot: 124 & 125

Parcel #: 17-125-2, 3 and 30

Taxes Paid: Yes

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**FINAL ZONING STAFF RECOMMENDATION:**  
(Zoning staff member: Jason Campbell)

Based on the analysis of this application, Staff recommends **APPROVAL** subject to the following:

1. Site plan received by the Zoning Division on January 23, 2018, with the District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Historic Preservation comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations; and
6. Department of Transportation comments and recommendations.

**RECEIVED**  
JAN 23 2018

**REVISED**

Z-22  
(2018)

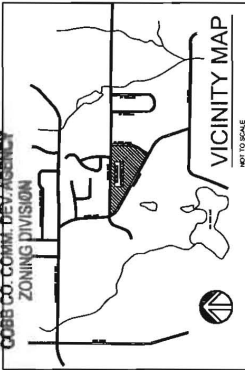
**W & H PROPERTIES**  
PREPARED FOR  
**HARRIS ROAD TRACT**  
COBB COUNTY, GEORGIA  
PRELIMINARY SITE PLAN

**MP-01**

SHEET NO. 1 OF 1

REVISIONS: 

NO.	DATE	DESCRIPTION

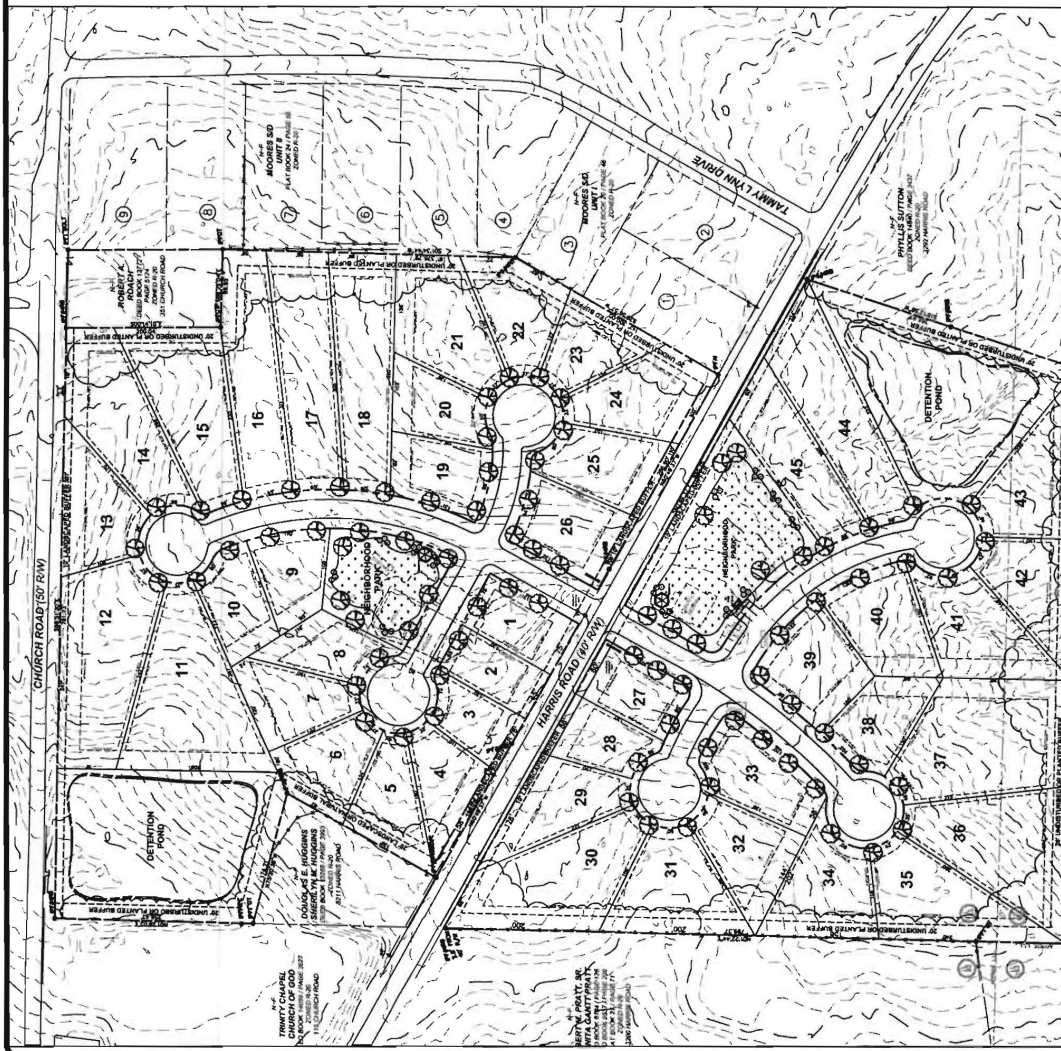


LOT NO.	SIZE SF	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45																														
1	6,560 SF	17	21,245 SF	18	22,840 SF	19	11,010 SF	20	10,480 SF	21	17,085 SF	22	10,680 SF	23	14,070 SF	24	15,000 SF	25	13,500 SF	26	13,700 SF	27	10,500 SF	28	14,470 SF	29	14,540 SF	30	24,200 SF	31	17,840 SF	32	13,140 SF	33	13,620 SF	34	13,500 SF	35	28,260 SF	36	31,250 SF	37	15,910 SF	38	14,225 SF	39	14,225 SF	40	13,720 SF	41	17,475 SF	42	14,470 SF	43	14,470 SF	44	23,540 SF	45	17,440 SF

**SITE SUMMARY**

TOTAL SITE AREA: 22.83 AC.  
 TOTAL NUMBER OF LOTS: 45  
 OVERALL DENSITY: 2.0 LOTS/AC.  
 MINIMUM LOT SIZE: 7,800 SF  
 AVERAGE LOT SIZE: 15,762 SF  
 MINIMUM LOT WIDTH: 65'  
 EXISTING ZONING: R-20  
 PROPOSED ZONING: RSL

SETBACKS:  
 FRONT: 15'  
 SIDE: 5' (20' BETWEEN BLDGS.)  
 REAR: 25'  
 PERIMETER SETBACK: 30'



# Z-22 2018-Aerial Map



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

0 100 200 Feet

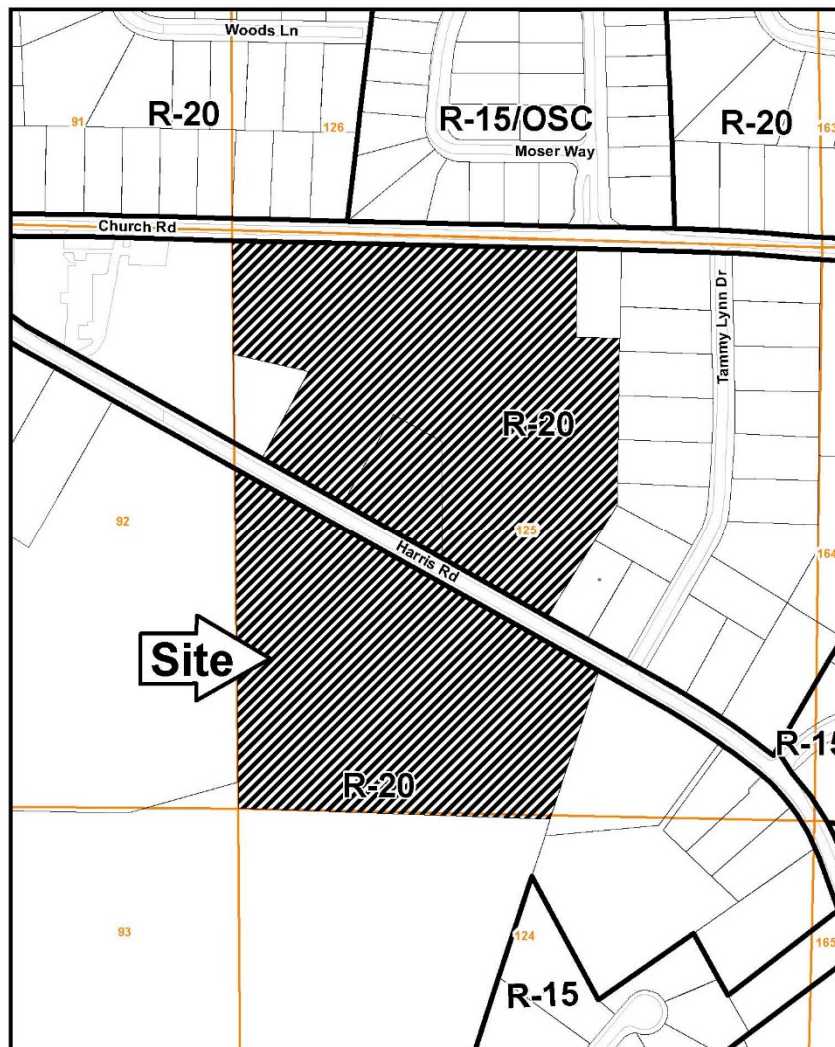
Land Lot  
City Boundary

North

**Zoning:** R-20 (Single-family Residential) and R-15/OSC (Single-family Residential)

**Future Land Use:** Low Density Residential (LDR)

**Z-22 2018-GIS**



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

0 200 400 Feet

City Boundary  
Zoning Boundary

WEST

**Zoning:** R-20 (Single-family Residential- Developed as Church and Houses)

**Future Land Use:** Public Institutional (PI) and Low Density Residential (LDR)

EAST

**Zoning:** R-20 (Single-family Residential)

**Future Land Use:** Low Density Residential (LDR)

SOUTH

**Zoning:** R-20 (Single-family Residential)

**Future Land Use:** Low Density Residential (LDR)

## DEPARTMENT COMMENTS- Zoning Division

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### Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

### Requested zoning district for the property

The RSL nonsupportive residential units is established to provide locations for the development of attached and detached dwelling units limited to those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and shall not be established as a precedent for any other residential or nonresidential district. This residential use is designed to be located within any land use category other than industrial, industrial compatible, rural residential and very low density residential as defined by the Cobb County Comprehensive Plan, as may be amended from time to time, provided that it must be located along an arterial or collector roadway (as defined by the Cobb County Major Thoroughfare Plan, as may be amended from time to time). A non-supportive RSL may only be located on a collector road if the following criteria is met: a minimum of ten acres and a density maximum of four units per acre. The board of commissioner may reduce the density based on the surrounding density, topography, deforestation, drainage concerns, or other similar factor.

### Summary of the applicant's proposal

The applicant is requesting the Residential Senior Living (RSL) zoning district for the purpose of developing a 45-lot independent senior living subdivision. The proposed minimum house size is 1,800 square feet. The houses will consist of brick, stone, and cement siding. The development will also include a neighborhood park on the north and sides of Harris Road.

### Residential criteria

Allowable units as zoned: 39

Proposed # of units: 45

Net density: 1.97

Increase of units: 6

Acres of floodplain/wetlands: 0

Impervious surface shown: 25.13%

**DEPARTMENT COMMENTS- Zoning Division (continued)**

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Are there any zoning variances?

No.

**DEPARTMENT COMMENTS- Fire Department**

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Guest Parking spaces shall be installed as required by zoning in addition to .50 guest parking per unit unless all the following are met, all units shall be separated by 20 feet or more, all units shall have a minimum 2-vehicle garage, all units shall have a driveway at least 18 feet wide and 20 feet long from back of curb (or sidewalk if applicable) to garage and street parking shall be prohibited and garages shall be used for resident parking.

**DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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No comment.

**DEPARTMENT COMMENTS- Cemetery Preservation**

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No comment.

**DEPARTMENT COMMENTS- School System**

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The Cobb County Board of Education has concerns about this development. Senior residential developments generally have a negative impact on tax revenue for the Cobb County School District, unlike standard residential or commercial developments, where property taxes are not exempted. We, therefore, would like to express our concern to the Planning Commission and Board of Commissioners and ask that you take our concerns under consideration as you review this zoning application.

**DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Favor Creek (North)/Mill Creek #2 (South)
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the capacity of the existing downstream storm drainage systems. There is limited existing stormwater capacity to the north through Harris Wood Subdivision.
7. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
9. Existing Lakes Downstream - Pratt Lake (400' East) & Cindy's Lake (2000' South) Additional BMP's for erosion & sediment control will be required.
10. Lake Studies will be required to document pre- and post-development sediment levels in Pratt and Cindy's Lakes.
11. Stormwater discharges through an established residential neighborhoods downstream.
12. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system including the existing detention pond within Alexander Place S/D.

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**DEPARTMENT COMMENTS- Planning Division**

**Cobb 2040 Comprehensive Plan:** The parcel is within a Low Density Residential (LDR) future land use category, within the R-20 zoning district. The purpose of the 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. Allowable residential density is dependent upon factors, such as product type and mix, structure/building height, tract size, topographic conditions and the like, in order to provide compatibility with adjacent residential uses.

Comprehensive Plan Designation:  Consistent  Inconsistent

**House Bill 489 Intergovernmental Agreement Zoning Amendment Notification**

Is the proposal within one-half mile of a city boundary?  Yes  No  
Was the city notified?  Yes  No

Specific Area Policy Guidelines:  Yes  No

Masterplan/ Corridor Study  Yes  No

Design guidelines area?  Yes  No

Is the property within an Opportunity Zone?  
*(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 for new or existing businesses)*  Yes  No

Is the property within an Enterprise Zone?  
*(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 investment)*  Yes  No

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?  
*(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)*  Yes  No

**Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at [www.cobbcounty.org/econdev](http://www.cobbcounty.org/econdev).**

(Planning comments continued on the next page)

**DEPARTMENT COMMENTS- Planning Division** (continued)**Special District**

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

**Dobbins Air Reserve Base Zones**

Is the property within the Dobbins Airfield Safety Zone?  Yes  No

Is the property within the Clear Zone (CZ)?  Yes  No

Is the property within the Accident Potential Zone (APZ I)?  Yes  No

Is the property within the Accident Potential Zone II (APZ II)?  Yes  No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?  Yes  No

**Historic Preservation**

After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1930 house (3250 Harris Road) is located within the project area. Due to the age and location of the structure, information about this resource and its occupants appears to have the potential to contribute significantly to the county's public history. Staff recommends the home either be incorporated into the development or, alternately, documented if destroyed.

In order to properly document this structure, its inhabitants, and the role it played in Cobb County's history, staff requests a history of the home and its occupants (as well as archival-quality photographs of the structure, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

**DEPARTMENT COMMENTS- Water and Sewer**

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**Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 10" on south side of Harris Road

Additional water comments:

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

**Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: Sewer in Church Road ROW to serve northern portion.

Southern portion likely to be served +/- 1,000' south, with easement.

Estimated waste generation (in G.P.D.): Average daily flow = 7,200; Peak flow = 18,000

Treatment plant: South Cobb

Plant capacity:  Yes  NO

Line capacity:  YES  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

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

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Additional sewer comments

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining on and/or offsite easements, dedication or on and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

## DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Harris Road	Major Collector	35	Cobb County	80'
Church Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Harris Road	South of Harris Court	5,800	C
Church Road	East of Biggern Avenue	9,100	D

*Based on 2016 traffic counting data taken by Cobb County DOT for Harris Road.*

*Based on 2006 traffic counting data taken by Cobb County DOT for Church Road.*

*Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.*

*LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

### Comments and observations

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

Church Road is classified as a major collector roadway 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 and south side of Harris 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 Church Road, a minimum of 35' from the roadway centerline.

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

**DEPARTMENT COMMENTS- Transportation (Continued)**

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

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

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

Recommend a deceleration lane for both entrances on Harris Road.

Recommend a no access easement for the lots along the Church Road frontage.

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## STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

**A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

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. Other development in the area includes properties developed for single-family residential subdivisions, single-family houses on larger tracts, and a church.

**B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. Nearby properties include: Brownmoore Manor Unit Two (zoned R-20 at approximately 1.48 units per acre, Moores Subdivision Unit 1 (zoned R-20 at approximately 1.89 units per acre), Alexander Place (zoned R-15 at 2.11 units per acre), Churchill Place (zoned R-15 at 2.26 units per acre), Saddlebrook Creek (zoned R-15/OSC at 2.30 units per acre), and Harris Woods Subdivision (zoned R-20 at approximately 2.72 units per acre).

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

It is Staff's opinion that the rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. However, the Cobb County School System has concerns that rezoning to the RSL category will have a negative impact on tax revenue for the Cobb County School District. These opinions are supported by the departmental comments contained in this analysis.

**D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;**

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 as being within the Low Density Residential (LDR) future land use category. The requested Residential Senior Living (RSL) zoning district for non-supportive senior living is allowed in LDR and the proposed density of 1.97 units per acre is within the LDR range of 1 to 2.5 units per acre.

STAFF ANALYSIS (Continued)

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**E. 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;**

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 plan indicates required buffers, amenities and landscaping that will provide development consistent with other single-family developments in this area. The RSL Non-supportive zoning district and the proposed density are compatible with the LDR future land use category.

**The staff analysis and recommendation 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.**



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COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

Application No. 2-22

April 2018

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 1800+
- b) Proposed building architecture: Brick, stone or cement siding
- c) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**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).**

\_\_\_\_\_  
\_\_\_\_\_

**Planning Commission Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

**Names of those Opposed:**

**Comments:**

_____	_____
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 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
 Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

**Names of those Opposed:**

**Comments:**

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