



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-32
Public Hearing Dates:
PC: 06-05-18
BOC: 06-19-18

SITE BACKGROUND

Applicant: InLine Communities, LLC

Phone: See representative.

Email: See representative.

Representative Contact: James A. Balli

Phone: (770) 422-7016

Email: jballi@slhb-law.com

Titleholder: Barbara Brickley Taylor

Property Location: East side of Old Lost Mountain Road, north side of Meek Road, south of Gaydon Meadows Drive

Address: 2727 and 2785 Old Lost Mountain Road

Access to Property: Old Lost Mountain Road

QUICK FACTS

Commission District: 4-Cupid

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

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

Proposed zoning: RSL (Non-supportive)/Residential Senior Living (Non-supportive)

Proposed use: Residential Senior Living

Future Land Use Designation: Low Density Residential (LDR)

Site Acreage: 51.882 ac

District: 19

Land Lot: 579, 605, and 606

Parcel #: 19060600010 and 19060600050

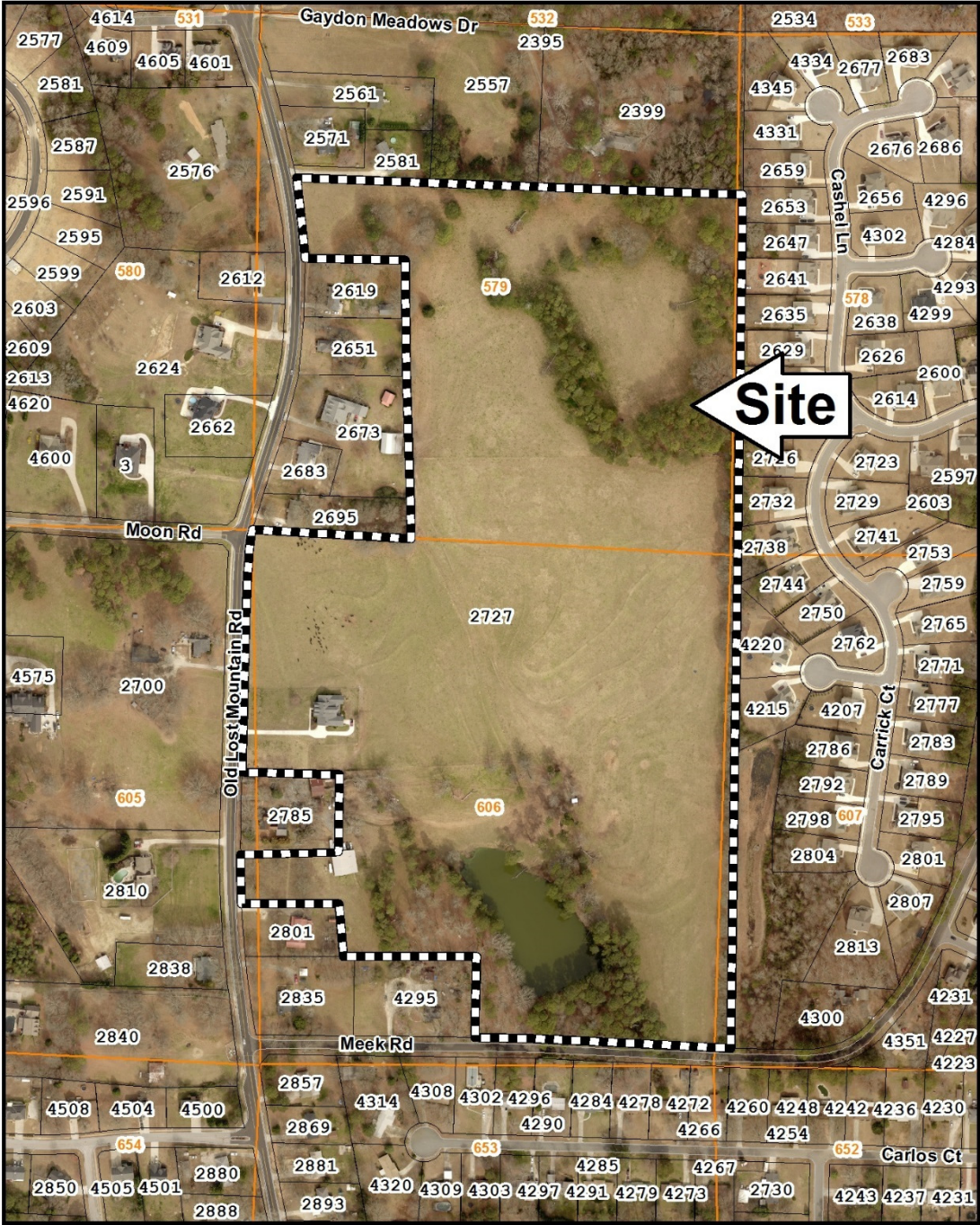
Taxes Paid: Yes

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

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

1. Site plan received by the Zoning Division on May 4, 2018, with the District Commissioner approving minor modifications;
2. Maximum of 2.5 units per acre;
3. Variances referenced in the Zoning Comments section;
4. Fire Department comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations; and
7. Department of Transportation comments and recommendations.

Z-32 2018-Aerial Map



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

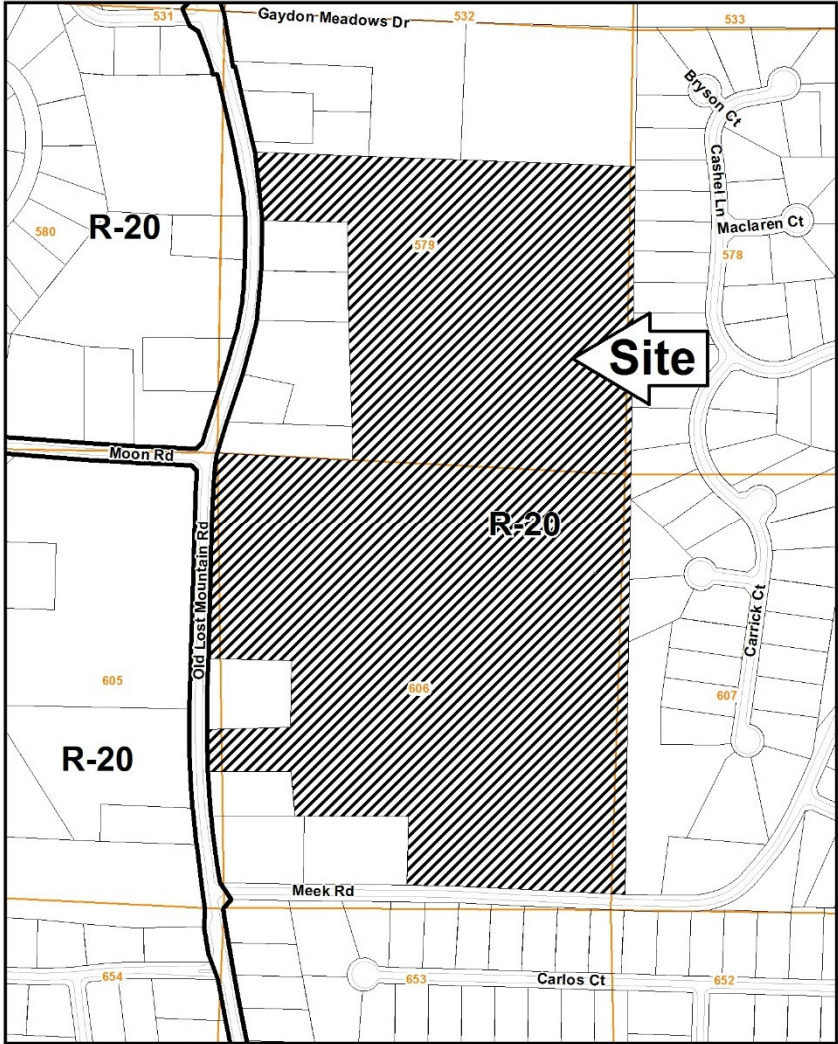
0 300 600 Feet

- Land Lot
- City Boundary

North

Zoning: R-20 (Single-family Residential)
Future Land Use: LDR (Low Density Residential)

Z-32 2018-GIS



WEST

Zoning: R-20
 (Single-family Residential)

Future Land Use: LDR (Low Density Residential)

EAST

Zoning: R-20
 (Single-family Residential)

Future Land Use: LDR (Low Density Residential)

SOUTH

Zoning: R-20 (Single-family Residential)
Future Land Use: LDR (Low Density Residential)

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0 300 600 Feet

Zoning Boundary
City Boundary

DEPARTMENT COMMENTS- Zoning Division

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 Commissioners may reduce the density based on the surrounding density, topography, deforestation, drainage concerns, or other similar factor.

Summary of the applicant's proposal

Applicant is requesting the Residential Senior Living (RSL) non-supportive zoning district for the development of a 121-lot senior living subdivision. The house sizes will be 1,600 square feet and up, and the houses will have traditional architecture. The applicant's proposal includes a master amenity area, mail kiosk, pocket parks, and walking trails.

Residential criteria

Allowable units as zoned: 91

Proposed # of units: 121

Net density: 2.33

Increase of units: 30

Acres of floodplain/wetlands: No FEMA floodplain. There may be a small amount of wetlands located downstream of the dam.

Impervious surface shown: Under code requirement of 55%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the proposed plan will require the following contemporaneous variance:

1. Waiver of the side setbacks from the required 15 feet between buildings to five-foot setbacks with 12 feet between buildings.

DEPARTMENT COMMENTS- Fire Department

Keep guest parking. Make driveways 20-ft long, 2 cars wide. Maintain at least 10-ft free and clear between units. Gates may need to shift toward Old Lost Mtn for turning movement into first street to the left.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

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

1. Flood hazard: Yes
2. Flood hazard zone: Zone X
3. Drainage Basin: Lost Mountain Creek
4. Flood Damage Prevention Ordinance Designated Flood Hazard (Lake).
5. Dam Breach zone from (onsite) lake - residential structures must be located outside hazard area.
6. Wetlands: Yes Location: downstream of dam

DEPARTMENT COMMENTS- Stormwater Management (Continued)

7. The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers and/or stream buffer variances from GA EPD.
8. Streambank buffer zone: Yes
9. County Buffer Ordinance: 25' from existing lake edge of water and 50' each side of creek channel (downstream of dam).
10. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage systems.
11. Existing Lake Downstream at 2399 Brandt Rd Additional BMP's for erosion & sediment control will be required.
12. Lake Study required to document pre- and post-development sediment levels.
13. Stormwater discharges through an established residential neighborhood downstream.
14. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage systems including existing downstream lake to the north at 2399 Brandt Road and culvert at Meeks Road within adjacent Jennings Estates Subdivision. No increase in 100-year headwater pool elevations will be allowed.
15. Any spring activity discovered must be addressed by a qualified registered geotechnical engineer (PE).
16. Structural fill must be placed under the direction of a qualified registered geotechnical engineer (PE).
17. Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
18. Special site conditions and/or additional comments:
 - Existing Dam must be brought up to current Cobb County standards.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Low Density Residential (LDR) future land use category. 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 for 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

Powder Springs

Was the City notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

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 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 investment)

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)

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.

(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 Noise Zone? Yes No

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

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.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 8" in Old Lost Mountain 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: Eastern prop. line, extended from Merrion Park SD

Estimated waste generation (in G.P.D.): Average daily flow = 20,480; Peak flow = 51,200

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

Additional sewer comments:

*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.

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 onsite and/or offsite easements, and dedication of onsite 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.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Old Lost Mountain Road	Major Collector	35	Cobb County	80'
Meek Road	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Old Lost Mountain Road	North of Macedonia Road	6,100	C
Meek Road	N/A	N/A	N/A

Based on 2007 traffic counting data taken by Cobb County DOT for Old Lost Mountain 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

Old Lost Mountain 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.

Meek Road is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

1. 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 Old Lost Mountain Road, a minimum of 40' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. As necessitated by this development, recommend Old Lost Mountain Road access include deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
4. Recommend private streets be constructed to the Cobb County Standard Specifications.
5. If gated, recommend call box be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards.

DEPARTMENT COMMENTS- Transportation (Continued)

6. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
7. Recommend curb, gutter, and sidewalk along the Old Lost Mountain Road frontage.
8. Recommend a no access easement for the lots that border Old Lost Mountain road.
9. Recommend removing fence out of the right-of-way.

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 adjacent and nearby properties. Other properties in the area are developed for single-family uses, which are similar to the applicant's use.

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. The area contains a mixture of single-family houses, and a large institutional use (McEachern High School).

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 applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use on existing streets, transportation facilities, and utilities. The Cobb County School District has concerns that approval of this application will have a negative effect on the tax revenue for the school district.

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

It is Staff's opinion that applicant's proposal is in compliance with the *Cobb County Comprehensive Plan*, which delineates this property as being within the Low Density Residential (LDR) future land use category, having density ranges from 1-2.5 units per acre. The applicant's proposal is for 2.33 units per acre is within the LDR range. Some of those residential developments have densities ranging from 1.51 units per acre to 1.83 units per acre. Other properties in this area include single-family houses on larger tracts, and the following residential subdivisions: Merrion Park Unit II & III (zoned R-20 at 1.51 units per acre), The Reserve at Old Lost Mountain (zoned R-20 at 1.55 units per acre), Battle Gate (zoned R-20 at 1.56 units per acre), Jennings Estates Unit II (zoned R-20 at approximately 1.78 units per acre), and New Macland Place (zoned R-20 at 1.83 units per acre).

STAFF ANALYSIS (Continued)

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 with stipulations. The requested Residential Senior Living (RSL) non-supportive zoning category is compatible with the LDR future land use designation. The applicant's request presents a reasonable use of the property that would preserve more open space and buffers than if it were developed as R-20.

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.



Application No. 732
June 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): 1,600 square feet and up.
 - b) Proposed building architecture: Traditional architecture
 - c) List all requested variances: Site Plan Specific
-

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

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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 to the Applicant's knowledge.

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 _____
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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Stipulation letter from _____ dated _____
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