



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-26
Public Hearing Dates:
PC: 05-01-18
BOC: 05-15-18

SITE BACKGROUND

Applicant: Austell Cosmetic Dentistry

Phone: 770-941-9995

Email: Acdentistry@yahoo.com

Representative Contact: Craig Brown

Phone: 404-784-6964

Email: cbrown326@aol.com

Titleholder: Austell Cosmetic Dentistry

Property Location: East side of Austell Road,
south of Anderson Mill Road

Address: 4337, 4357, 4371 and 4379 Austell
Road

Access to Property: Austell Road

QUICK FACTS

Commission District: 4

Current Zoning: NRC (Neighborhood Retail
Commercial) and LRO (Low Rise Office)

Current use of property: Single-family Houses and
Undeveloped

Proposed zoning: RSL (Residential Senior Living)

Proposed use: Senior Independent Living

Future Land Use Designation: Neighborhood
Activity Center (NAC)

Site Acreage: 6.5 acres

District: 19

Land Lot: 993 and 1006

Parcel #: 19099300170, 19100600010,
19100600020, and 19100600470

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

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

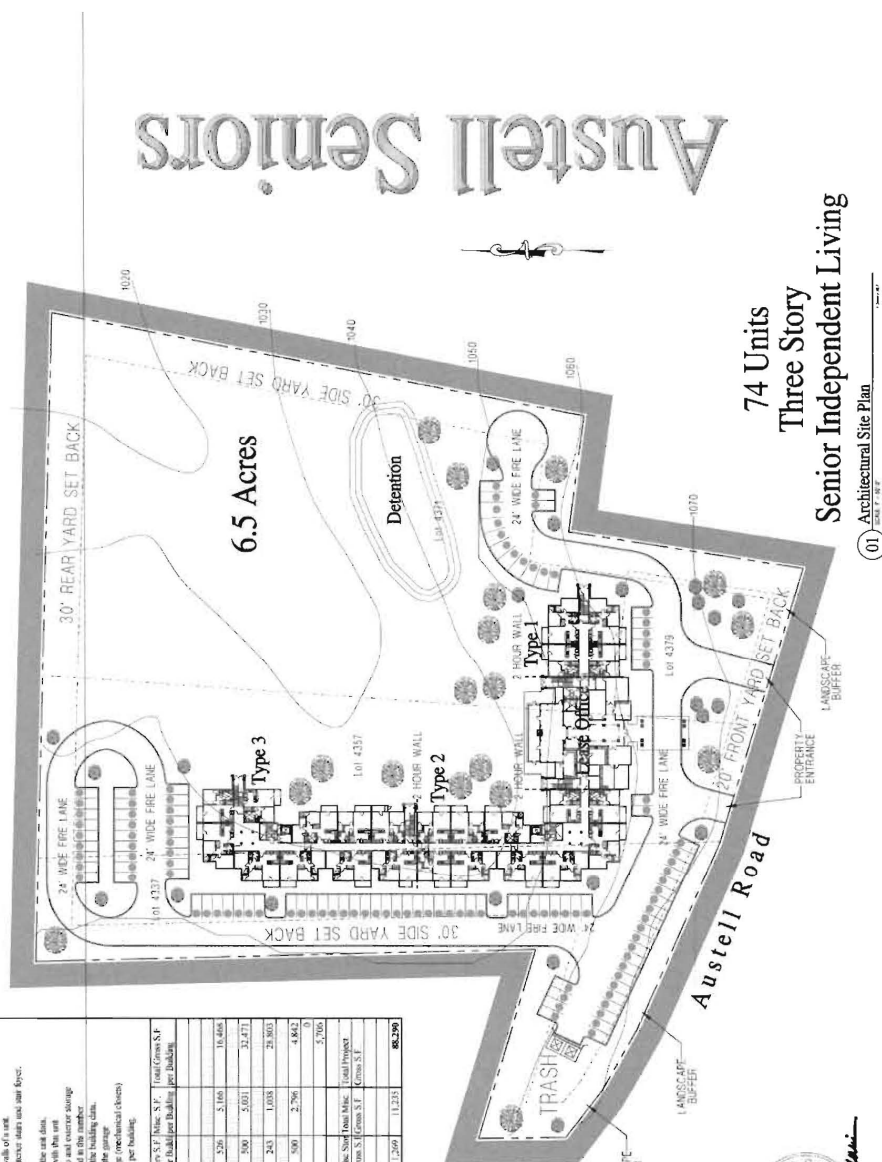
1. Maximum of five units per acre;
2. Maximum of 35 feet in height;
3. No variances;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations; and
6. Department of Transportation comments and recommendations.

PROJECT TABULATION
 1/22/018
 Project: 0201318

UNIT DATA:	AS-C		B-B		C-C		D-D		Total	Average	Notes
	IB	IB	IB	IB	IB	IB	IB	IB			
Unit	33	109	2	52	Net square footage includes all conditioned space included within the perimeter exterior work of unit. This number does not include private in-unit main and unit keys.						
Description	746	540	773	847	Gross S.F. Gross square footage when applied to the unit data.						
Net Square Footage	44,239	52,730	2,730	902	including private main, balconies, patios and exterior storage closets. Private garages are not included in the member counts. Private garages are not included in the member counts. Gross square footage when applied to the building data.						
Percent of Total	24.01%	30.66%	1.54%	0.52%	Net S.F. Net square footage when applied to the building data.						
Unit Gross Totals	26,413	38,850	1,546	65,784	to result in a total gross square footage per building.						
BUILDING DATA:											
AS-C	11	11	11	11	Total Net S.F.	Total Net S.F.	Total Net S.F.	Total Net S.F.	Total Net S.F.	Total Net S.F.	Total Net S.F.
B-B	11	11	11	11	AS-C+D	AS-C+D	AS-C+D	AS-C+D	AS-C+D	AS-C+D	AS-C+D
C-C	11	11	11	11	per Building	per Building	per Building	per Building	per Building	per Building	per Building
D-D	11	11	11	11	67,282	70,944	1,209	11,233	88,299		
Other	11	11	11	11							
Total	33	109	2	52							

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 ZONING DIVISION

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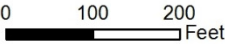


**74 Units
 Three Story
 Senior Independent Living**
 Architectural Site Plan
 01

Z-26 2018-Aerial Map



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



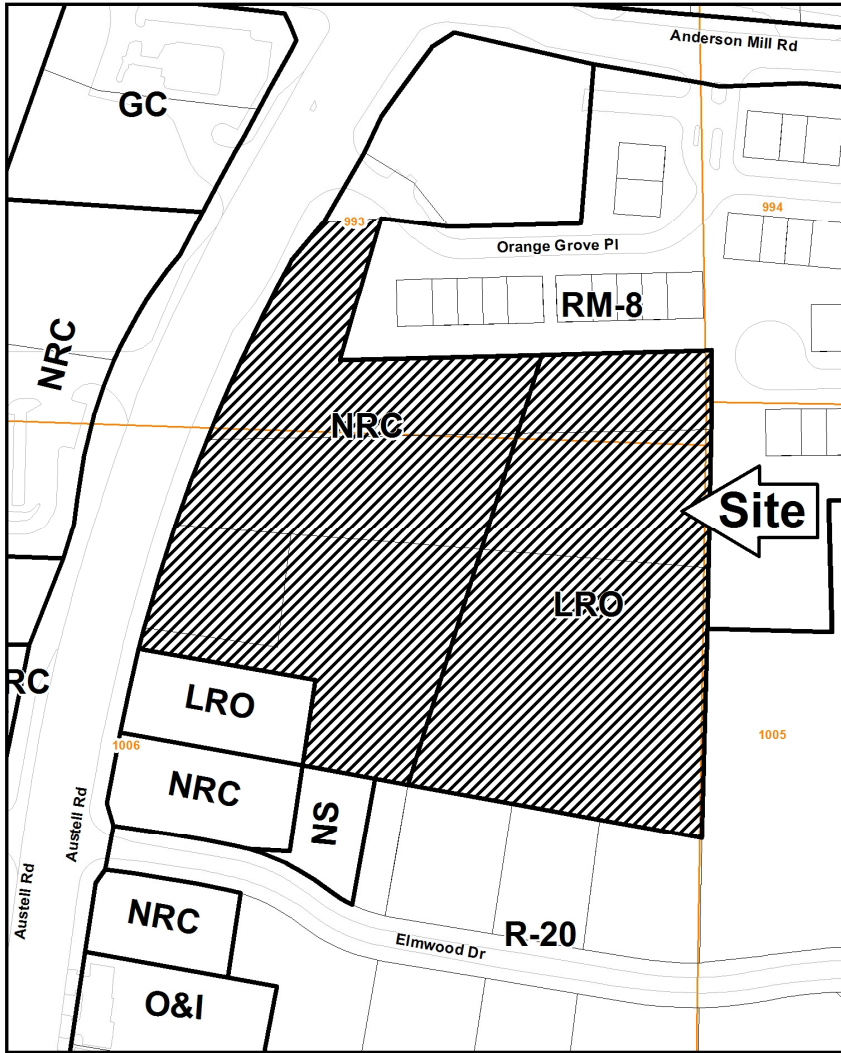
- Land Lot
- City Boundary

North

Zoning: RM-8 (Multi-family Residential) and NRC (Neighborhood Retail Commercial)

Future Land Use: MDR (Medium Density Residential)

Z-26 2018-GIS



WEST

Zoning: NRC (Neighborhood Retail Commercial) and R-20 (Single-family Residential)

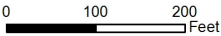
Future Land Use: HDR (High Density Residential) and NAC (Neighborhood Activity Center)

EAST

Zoning: RM-8 (Multi-family Residential) and R-20 (Single-family Residential)

Future Land Use: MDR (Medium Density Residential) and LDR (Low Density Residential)

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



Land Lot
City Boundary

SOUTH

Zoning: LRO (Low Rise Office), NS (Neighborhood Shopping), and R-20 (Single-family Residential)

Future Land Use: NAC (Neighborhood Activity Center) and LDR (Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

The LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure 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.

DEPARTMENT COMMENTS- Zoning Division (Continued)

Summary of the applicant's proposal

The applicant is requesting the Residential Senior Living (RSL) non-supportive zoning district for the purpose of developing a three-story, 74-unit, senior independent living facility, with an approximate density of 11.38 units per acre. The units will be attached and will have traditional architecture.

Non-residential criteria

Proposed # of buildings: 5
Proposed # of stories: 3
Total sq. footage of development: 88,290
Floor area ratio: 0.311
Square footage per acre: 13,583
Required parking spaces: 55
Proposed parking spaces: 88
Acres in floodplain or wetlands: 0
Impervious surface shown: Under 55%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

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

1. Waive the required 50-foot landscape buffer abutting residentially zoned properties;
2. Waive the required 10-foot landscape buffer abutting non-residential properties;
3. Allow more than four units attached side by side;
4. Waive the maximum building height from two stories to three stories; and
5. Waive the maximum density from five units per acre to 11.38 units per acre.

DEPARTMENT COMMENTS- Fire Department

Modifications will be required to incorporate the Cobb County Fire Marshal's Office comments.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

The proposed configuration of the parking areas does not appear to satisfy the Cobb County Tree Ordinance. Additional parking lot peninsulas, as determined during the site plan review process, may be required.

DEPARTMENT COMMENTS- 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.

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: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Harmony Grove Creek
4. Wetlands: No
5. Streambank buffer zone: Yes
6. County Buffer Ordinance: 50' each side of creek channel.
7. Potential or known drainage problems exist for developments downstream from this site.
8. Stormwater discharges must be controlled not to exceed the capacity of the existing downstream storm drainage system.
9. Existing Lake Downstream ~ 350' downstream (1796 Fairview Circle). Additional BMP's for erosion & sediment control will be required.
10. Lake Study will be required to document pre- and post-development sediment levels.
11. Stormwater discharges through an established residential neighborhood downstream.
12. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage systems (**Elmwood Drive culvert and downstream private lake**).
13. Special site conditions and/or additional comments:
 - This entire site drains to the southeast corner to an existing culvert under Elmwood Drive and into a private lake located just downstream of Elmwood Drive. As mentioned above, a pre- and post-development sediment survey will be required to document any sediment impact on the downstream lake. At plan review, the applicant will be required to verify the extent of the stream buffer limit on the site as well as provide downstream hydrologic routings to demonstrate no adverse impacts to the Elmwood Drive culvert and the private lake. The basement of the existing residential structure at 1784 Elmwood Drive appears to be located below the low point of the road. No increase in the headwater pool elevation of the Elmwood Drive culvert will be allowed.
 - The proposed detention pond location will require significant grading. It may be possible to relocate the pond to a more natural location centrally in the site depending on field verification of stream buffer limit.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Neighborhood Activity Center (NAC) future land use category, within the NRC and LRO zoning districts. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

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

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 South Cobb 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): 6" in Austell 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: 500' east in Chelou Drive, if elevations allow

Estimated waste generation (in G.P.D.): Average daily flow = 8,880; Peak flow = 22,200

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

*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: Sewer in Orange Hill Place is private. As such, it cannot be utilized by this development.

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
Austell Road	Arterial	45	Georgia DOT	100'

Roadway	Location	Average daily trips	Level of service
Austell Road	North of Elmwood Drive	34,500	F

Based on 2013 traffic counting data taken by Cobb County DOT for Austell 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

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

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend only one entrance on Austell Road.
3. Recommend a deceleration lane on Austell Road for the entrance.
4. Recommend private streets be constructed to the Cobb County Standard Specifications.
5. Recommend replacing any disturbed curb, gutter, and sidewalk along the Austell Road frontage.
6. Recommend GDOT permits for all work that encroaches upon State 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;

Staff believes the proposed use will be suitable in view of the use and development of adjacent and nearby properties. Properties in the area are zoned R-20, RM-8, NRC, GC, O&I, and CRC, with single-family, multi-family, retail, office and institutional uses.

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

The applicant's proposal will not adversely affect the existing use or usability of adjacent or nearby properties. The area contains a mixture of commercial and residential uses that do not adversely affect each other.

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

It is Staff's opinion that the proposal will not cause an excessive or burdensome use; however, the school system has concerns regarding the proposal.

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

It is Staff's opinion that the requested Residential Senior Living (RSL) non-supportive zoning district is in conformity with the *Cobb County Comprehensive Plan*, which delineates this property as being within the Neighborhood Activity Center (NAC) future land use category.

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 a lower density. The requested RSL non-supportive zoning district has a requirement that the overall development should be compatible with neighboring residential uses. The applicant's proposal will be at a much higher density (at 11.38 units per acre) than residential developments in the area. The proposed buildings will be taller than other residential developments in the area. In addition, the proposed site plan will require variances for landscape buffers abutting other properties. Staff would recommend the proposal not exceed five units per acre and not exceed 35 feet in height.

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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ZONING DIVISION

Application No. 2-26

May 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): 88,290 (TOTAL)
- b) Proposed building architecture: TRADITIONAL (ATTACHED)
- c) List all requested variances: NONE

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

- a) Proposed use(s): SENIOR INDEPENDENT LIVING
- b) Proposed building architecture: TRADITIONAL (ATTACHED)
- c) Proposed hours/days of operation: _____
- d) List all requested variances: NONE

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

NONE

.....
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

QJH

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 _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
