

APPLICANT: Isakson Living Communities, LLC

PETITION NO: Z-2

REPRESENTATIVE: J. Kevin Moore 770-429-1499
Moore, Ingram, Johnson & Steele, LLP

HEARING DATE (PC): 05-06-14

HEARING DATE (BOC): 05-20-14

TITLEHOLDER: Wylene S. Tritt

PRESENT ZONING: R-20

PROPOSED ZONING: CCRC

PROPERTY LOCATION: South side of Roswell Road, across from Providence Road, and west of Robinson Road (3540 Roswell Road).

PROPOSED USE: Continuing Care Retirement Facility

ACCESS TO PROPERTY: Roswell Road

SIZE OF TRACT: 53.7 acres

DISTRICT: 16

PHYSICAL CHARACTERISTICS TO SITE: Single-family house and wooded acreage

LAND LOT(S): 965, 966

PARCEL(S): 1

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** LRO/Office condominiums
- SOUTH:** R-20/Hidden Hollow; R-15/Robinson Walk Subdivisions
- EAST:** R-15/Robinson Walk; RA-4/Wyntergreen and Glenside Subdivisions
- WEST:** R-20/Cobb County Park - Fullers Park

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

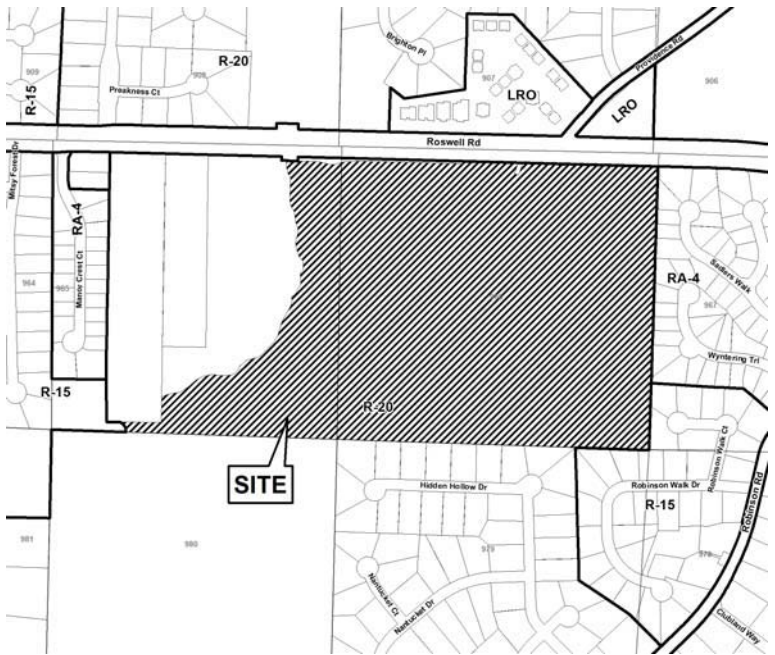
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

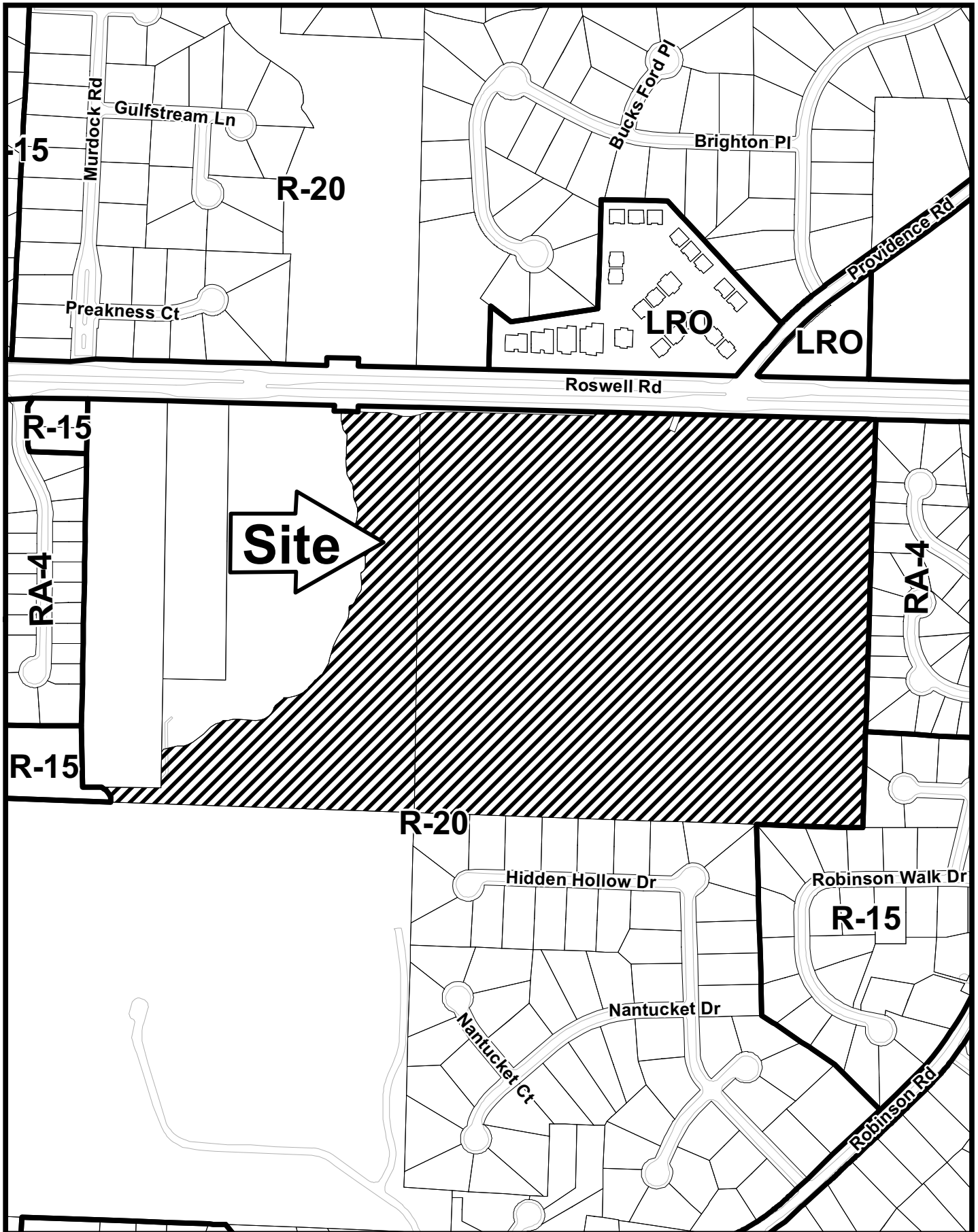
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-2



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

0 300 600 Feet



City Boundary
Zoning Boundary

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ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell, John P. Pederson

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

Proposed Number of Units: 652 (Indep) 96 (Healthcare) **Overall Density:** 13.92* **Units/Acre**

Present Zoning Would Allow: 93 **Units** **Increase of:** 655 **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. It should be noted that the CCRC zoning district is not a density based district like other zoning districts (i.e. R-20=1.75 units per acre, R-30= 1.1 units per acre, or RM-12= 12 units per acre).

Applicant is requesting the Continuing Care Retirement Community (CCRC) zoning category in order to develop a CCRC having a total of 748 units – 652 independent units and 96 units in healthcare. The proposed development is intended for persons aged 62 and up. In keeping with the CCRC section of the Zoning Ordinance, the proposed development will offer independent living, assisted living, and skilled nursing care in an integrated system. The CCRC development is also enhanced by onsite amenities such as dining, activities, entertainment, fitness, wellness and providing health services including assisted living, memory care and skilled nursing, all of which enable members to age in place. The submitted site plan indicates some buildings will be a maximum of four stories. The maximum building height is two stories, but the Board of Commissioners may consider higher buildings on a case by case basis. Since the abutting properties to the south and east are residential on the future land use map, the minimum setback is 50 feet.

For properties requesting CCRC in the Low Density Residential (LDR) land use category, per the Zoning Ordinance in §134-202.1(4)(7), “when any building is within 100 feet of the perimeter of the project and is contiguous to less dense residentially zoned property, that building will consist of single-family, duplex, triplex or quadraplex units not exceeding one and one-half stories in height”. Applicant’s revised plan indicates cottages in these areas.

Cemetery Preservation: No comment.

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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:

FIRE COMMENTS:

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.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet, maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

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PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to CCRC for purposes of a continuing care retirement facility. The 53.7 acre site is located on the south side of Roswell Road, across from Providence Road and west of Robinson Road.

Comprehensive Plan

The parcel is within the Low Density Residential (LDR) area future land use category, with R-20 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. This category presents a range of densities.

Master Plan/Corridor Study

Not applicable.

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

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 indicates applicant has met the corresponding issue.

NO indicates applicant has not met the corresponding issue and/or there is not enough information provided.

N/A indicates issue is not applicable.

APPLICANT Isakson Living Communities, LLC

PETITION NO. Z-002

PRESENT ZONING R-20

PETITION FOR CCRC

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" DI / S side of Roswell Road

Additional Comments:

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: On site, southern and western sides of property

Estimated Waste Generation (in G.P.D.): A D F= 83040 Peak= 207600

Treatment Plant: Sutton

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: Flow assumes 652 ind living units + 96 hospital/nursing beds. Sewer Flow study may be required at Plan Review

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: Sewell Mill Creek FLOOD HAZARD INFO: Zone AE

- 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: within and adjacent to onsite stream channels.

- 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 CONDITION

- 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 receiving stream (Sewell Mill Creek).

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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. This site is located just south of Roswell Road adjacent to Sewell Mill Creek which forms the western property boundary. The site is predominately woodland with the majority of the site sloping between 10 and 20%. There are two areas where slopes approach 30% at the northeast and southwest corners of the site. The site is dominated by a central knoll and ridgeline that runs east and west through the center of the parcel. The entire site drains to the west into the floodplain of Sewell Mill Creek. Two existing channels along the northern and southern boundaries convey offsite runoff through the site.
2. The location of this parcel within the Sewell Mill Creek watershed qualifies for fee-in-lieu of detention. However, this will need to be justified during Plan Review. Onsite water quality as well as channel protection volume will be required.

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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 |
|--------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Roswell Road | 36,020 | Arterial | 45 mph | Georgia DOT | 100' |
| | | | | | |

Based on 2012 traffic counting data taken by Georgia DOT (Roswell Road)

COMMENTS AND OBSERVATIONS

Roswell 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 developer contribute 100% of the cost for the traffic signal upgrade at the entrance.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend a deceleration lane on Roswell Road for the entrance.

Recommend developer comply with all transportation related requirements of GRTA's Notice of Decision recommendations.

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

Recommend GDOT to determine if curb and gutter is required along Roswell Road frontage.

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

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STAFF RECOMMENDATIONS

Z-2 ISAKSON LIVING COMMUNITIES, LLC

- 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 as long as the intensity and scale is complimentary with adjoining uses. The area contains many types of land uses, including houses, offices, a public park, a daycare and WellStar is building a medical facility on the other side of Roswell Road.
- 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, given the proposed components of the CCRC development, which allow "aging in place". The CCRC zoning district is not a density based zoning district like other zoning districts (i.e. R-20=1.75 units per acre or RM-12= 12 units per acre). However, adverse affects on adjacent or nearby properties are commonly based on intensity and density. Zoning exists to protect property owners from non-compatible uses. The size and scale of the proposal as currently designed would not be compatible with the adjacent singly family houses.
- C. It is Staff's opinion that the applicant's rezoning proposal may 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*, which delineates this property to be within the Low Density Residential (LDR) land use category. While the proposed density is not typical, the CCRC zoning category is an allowable zoning in LDR, given a number of guidelines to follow. Applicant has set aside 39.72 acres of the property as open space when the requirement is two acres or 10%, whichever is greater. The proposal has received an approval of its Development of Regional Impact application from the Georgia Regional Transportation Authority, and the Atlanta Regional Commission for the previous proposal that had more units.
- 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 much lower intensity and scale. The proposed development should be designed to maintain a semi-residential appearance, while offering the accessory uses that provide services primarily to the residents and employees to enhance the convenience of residents who prefer to remain on site. The proposed development is in close proximity to the new East Cobb Health Park, which was developed exempt from zoning, and from public review. The large amount of open space will help to buffer this use from adjacent uses, but the intensity and scale of the project should be reduced in order for this project to fit in with the character of the adjacent residential uses and East Cobb Park.

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

- Revised site plan to be approved by the Board of Commissioners;
- Open space to remain 39.72 acres, with setback and buffers as shown on the plan in this Zoning Analysis;
- Obtaining state certificates as required by the Zoning Ordinance in §134-202.1(12)(c-e);
- Maximum of two stories, or as otherwise determined by the Board of Commissioners taking into consideration the viewsheds, setbacks and height of buildings;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- DOT 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.

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Application #: Z-2 (2014)

PC Hearing Date: 02/04/2014

BOC Hearing Date: 02/18/2014

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): See detailed information provided by
- b) Proposed building architecture: Applicant and submitted as part of the
- c) Proposed selling prices(s): Application for Rezoning.
- 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: _____

COBB COUNTY ZONING DIVISION
 2013 NOV -5 PM 3:49
 COBB COUNTY GEORGIA
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.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

Refer to submitted site plan for additional information.

.....
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). Not Applicable.

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature: BY: [Signature] Date: November 5, 2013

Applicant name (printed): J. Kevin Moore, Georgia Bar No. 519728
Attorneys for Applicant and Property Owner

*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, the detailed information, or any portion of the Application for Rezoning at any time during the rezoning process. *Revised August 21, 2013*