

APPLICANT: EAH Acquisitions, L.L.C.

PETITION NO: Z-105

PHONE#: (770) 541-5250 **EMAIL:** k.rhino@eahomes.com

HEARING DATE (PC): 12-01-15

REPRESENTATIVE: J. Kevin Moore

HEARING DATE (BOC): 12-15-15

PHONE#: (770) 429-1499 **EMAIL:** jkm@mijs.com

PRESENT ZONING R-30

TITLEHOLDER: Multiple titleholders on file in the Zoning Division

PROPOSED ZONING: RSL

PROPERTY LOCATION: North intersection of Johnson Ferry Road and Bishop Lake Road

PROPOSED USE: Residential Senior Living (Non-supportive)

ACCESS TO PROPERTY: Bishop Lake Road

SIZE OF TRACT: 6.15 acres

PHYSICAL CHARACTERISTICS TO SITE: Wooded acreage

DISTRICT: 16

LAND LOT(S): 758, 759, 826 and 827

PARCEL(S): 4

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-30/Wood Acres School
- SOUTH:** R-20/Churches; R-12/Camden Park; R-15/Hunters Trace
- EAST:** R-15/Bishops Green Subdivision
- WEST:** R-20/Oakhill Manor; R-30/Wood Acres School

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

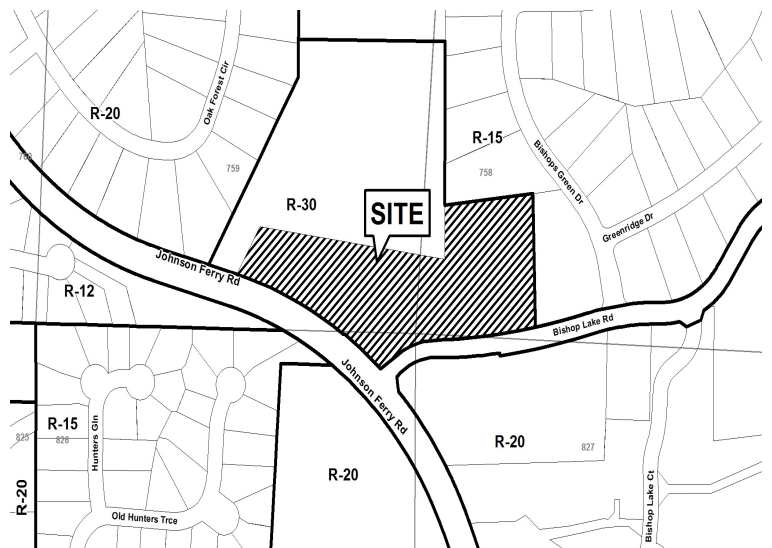
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

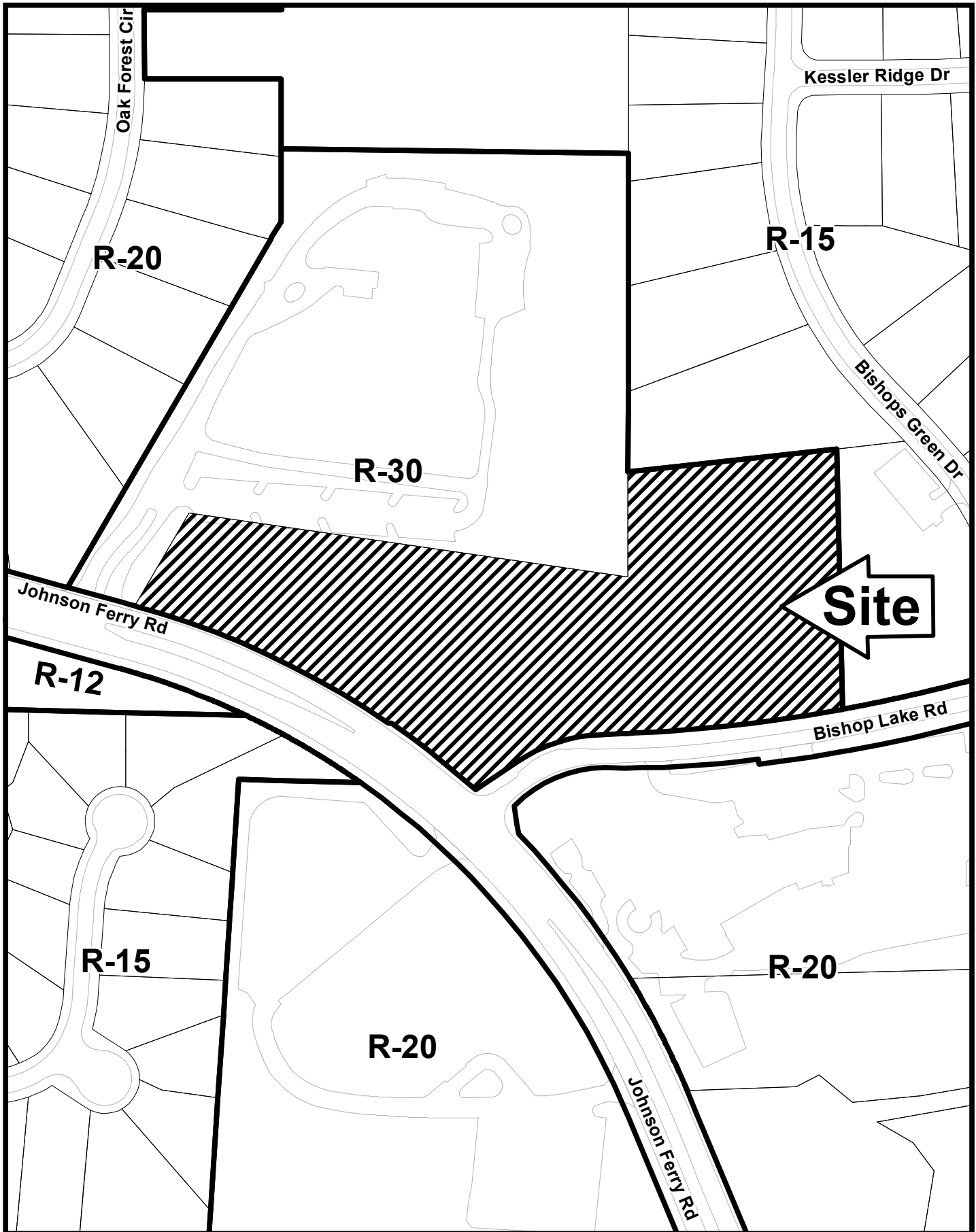
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-105



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

0 100 200
Feet



City Boundary
Zoning Boundary

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PRESENT ZONING: R-30

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: 30 **Overall Density:** 4.88 **Units/Acre**

Staff estimate for allowable # of units: 6 **Units*** **Increase of:** 24 **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 development of a 30-unit attached senior living development. The units will range in size from 2,900 square feet to 3,500 square feet and will be traditional with brick, stone, cedar shake, and board and batten exteriors. The price range will be from the \$500,000s and greater.

Cemetery Preservation:

No Comment.

FIRE 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.

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PLANNING COMMENTS:

The applicant is requesting a rezoning from R-30 to RSL for the purpose of residential senior living (non-supportive). The 6.15 acre site is located on the north side of the intersection of Johnson Ferry Road and Bishop Lake 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-30 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.

Adjacent Future Land Use:

North: Public Institution (PI) and Low Density Residential (LDR)
East: Park / Recreation / Conservation (PRC)
South: Public Institution (PI) and Low Density Residential (LDR) (across Johnson Ferry Road and Bishop Lake Roads)
West: Public Institution (PI)

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.

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PLANNING COMMENTS: **Continued**

Is the property within an Enterprise Zone? Yes No

The Smyrna-Osborne 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.

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

APPLICANT EAH Acquisitions LLC

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PRESENT ZONING R-30

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): 8" DI / N side of Bishop Lake 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: At eastern property line

Estimated Waste Generation (in G.P.D.): A D F= 3,600 Peak= 9,000

Treatment Plant: Big Creek

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 Capacity study of existing lift station(s) may be required at Plan Review Comments:

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: Tributary to Bishop Lake 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 within Bishop's Green Subdivision.
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 conveyance through the Wood Acres School site, the Wood Acres School detention pond and the headwater pool at Bishop's Green Drive.

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 north of the intersection of Johnson Ferry and Bishop’s Lake Roads. Except for a very small area at the northeast and southeast corners, the entire site drains into and through the adjacent Wood Acres School site to the north. The existing conveyance through the school is not well-defined and will likely need to be improved to accommodate the increase runoff from the proposed development.
2. Downstream hydrograph routings will be required for the existing Wood Acres School detention pond as well as the culvert at Bishop’s Green Drive at Plan Review to verify no adverse impact at these structures.
3. A 20-foot drainage easement will be required along the rear of lots 10-21 to direct site runoff to the proposed detention pond and to limit runoff bypass from the site.

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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
Johnson Ferry Road	39,300	Arterial	45 mph	Cobb County	100'
Bishop Lake Road	1379	Minor Collector	25 mph	Cobb County	60'

*Based on [2009] traffic counting data taken by Cobb County DOT for Johnson Ferry Road.
Based on [2013] traffic counting data taken by Cobb County DOT for Bishop Lake Road.*

COMMENTS AND OBSERVATIONS

Johnson Ferry Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Bishop Lake Road is classified as a minor 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 of 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 Johnson Ferry Road, a minimum of 50' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of 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 side of Bishop Lake Road, a minimum of 30' from the roadway centerline.

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

Recommend a deceleration lane on Bishop Lake Road for the entrance with the length to be determined during plan review.

Recommend curb, gutter, and sidewalk along the Bishop Lake Road frontage and connect to the sidewalk on Johnson Ferry Road.

Recommend the proposed gate meet Cobb County Development Standards.

STAFF RECOMMENDATIONS

Z-105 EAH ACQUISITIONS, L.L.C.

- 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 will 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 zoning category in the Low Density Residential (LDR) land use category. However, the proposed density of 4.88 units per acre is not compatible with some of the abutting and nearby single-family residential subdivisions. These subdivisions include: Bishop's Hollow (zoned R-20 at .33 units per acre); Oakhill Manor (zoned R-20 at approximately 1.62 units per acre); Easthampton Unit V (zoned PRD at 1.70 units per acre); Bishop's Green (zoned R-15 at 1.81 units per acre); and Hunter's Trace (zoned R-15 at 2.25 units per acre).
- 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 neighborhoods in the surrounding area. 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 development be compatible with existing development. While properties to the south are developed for church uses and the abutting property to the north has been developed for a school for many years, the area includes numerous single-family developments that are less intense than the proposed 4.88 units per acre.

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

- Board of Commissioners to approve final site plan, with the District Commissioner approving minor modifications;
- Maximum density of 2.5 units per acre;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- 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.

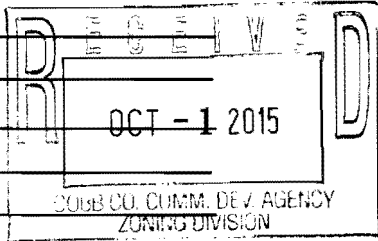
Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Minimum 2,900 sf, ranging upwards to 3,500 sf, and greater
 - b) Proposed building architecture: Traditional (with brick, stone, cedar shake, and board and batten exteriors)
 - c) Proposed selling prices(s): \$500s, and greater
 - d) List all requested variances: None known at this time
- _____
- _____
- _____

.....
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)

.....
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 within Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.**