

Z-10
(2017)

1. THIS PLAN SHALL BE USED IN CONJUNCTION WITH THE ZONING ORDINANCE AND SUBORDINATE REGULATIONS AND SPECIFICATIONS.
 2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.
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DINER/DEVELOPER/PRIMARY PERMITTEE
 PRIME SENIOR LIVING GROUP, LLC
 11622 EL CAMINO REAL STE. 1042
 SAN DIEGO, CA 92130

REVISIONS:

PROJECT: INDEPENDENT LIVING

PROJECT ADDRESS: 1602 S 1625 MARS HILL ROAD

PROJECT ADDRESS: ACWORTH, GA 30001

CLIENT: PRIME SENIOR LIVING GROUP, LLC

CLIENT ADDRESS: 11622 EL CAMINO REAL

CLIENT ADDRESS: SUITE 1042

CLIENT ADDRESS: SAN DIEGO, CA 92130

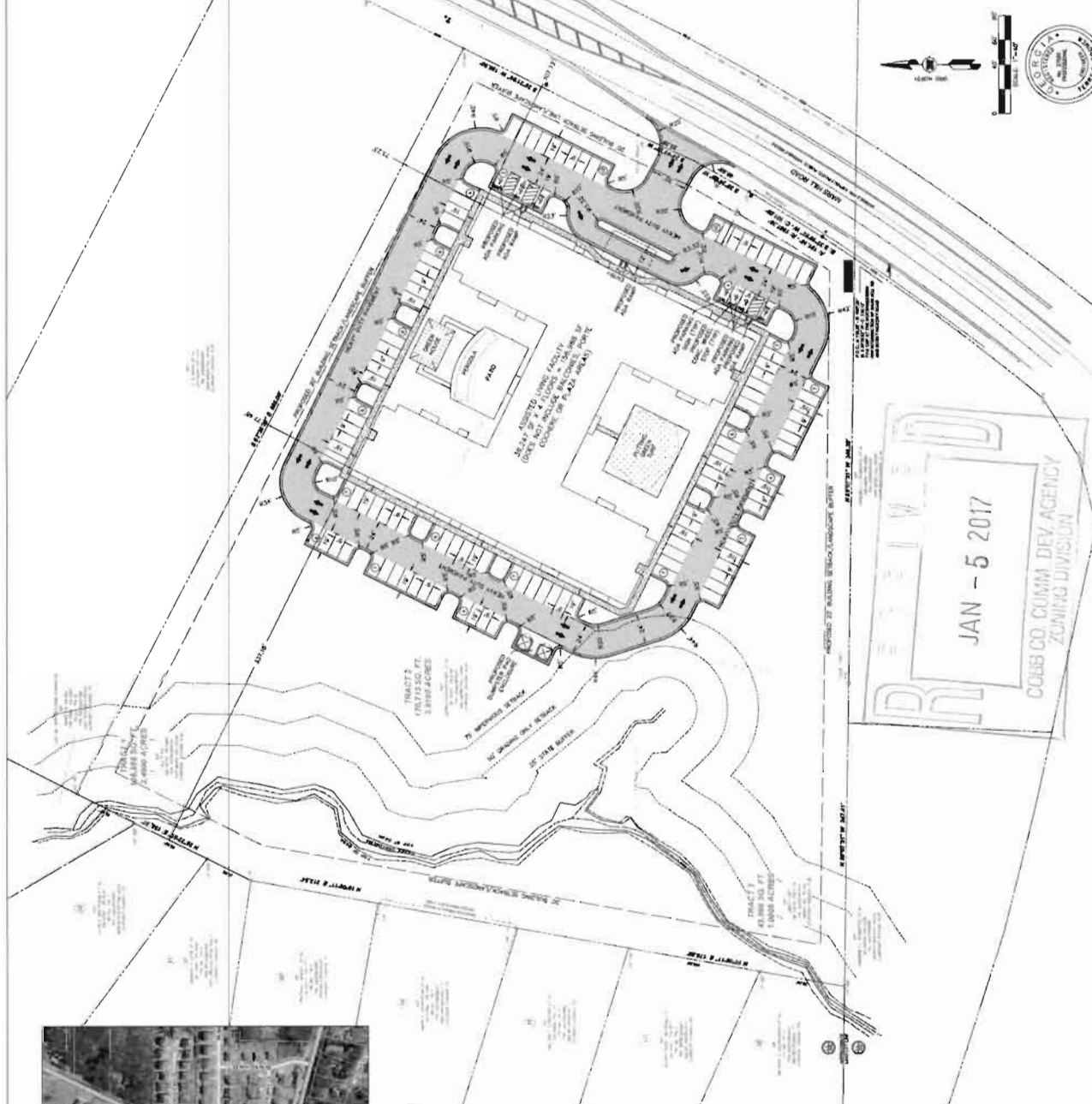
DATE: 01/03/2017 DWG: RZP

City Operating Engineers, Inc.

122 CEDAR WOODS TRAIL
 CANTON, GA 30116
 678-462-4072



REZONING PLAN RZ01



VICINITY MAP

N.T.S.
 THE LOCATION OF THE SUBJECT PROPERTY IS INDICATED BY A RED STAR ON THIS MAP. THE MAP IS NOT TO BE USED FOR ANY OTHER PURPOSES.

APPLICANT: Prime Senior Living Group, LLC

PHONE#: (678) 361-4854 **EMAIL:** Jgcraft1@gmail.com

REPRESENTATIVE: Parks F. Huff

PHONE#: (770) 422-7016 **EMAIL:** phuff@slhb-law.com

TITLEHOLDER: Gerald Gordon Key, aka Jerry Key, Larry Steven

Key, Jill Corbett, fka Jill D. Key

PROPERTY LOCATION: West side of Mars Hill Road, north of

Burnt Hickory Road

ACCESS TO PROPERTY: Mars Hill Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family houses

and undeveloped

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-80/Single-family house; RA-5/Brookstone Commons

SOUTH: R-30/Wooded, undeveloped

EAST: RA-5/Hickory Plantation

WEST: PD/Brookstone PD1

PETITION NO: Z-10

HEARING DATE (PC): 03-07-17

HEARING DATE (BOC): 03-21-17

PRESENT ZONING: R-80

PROPOSED ZONING: RSL (Supportive)

PROPOSED USE: Supportive Senior Living

SIZE OF TRACT: 7.3 acres

DISTRICT: 20

LAND LOT(S): 225

PARCEL(S): 24,25,181

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

Adjacent Future Land Use:

Northeast: Low Density Residential (LDR)
Southeast: Low Density Residential (LDR)
South: Low Density Residential (LDR)
Northwest: Very Low Density Residential (VLDR)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

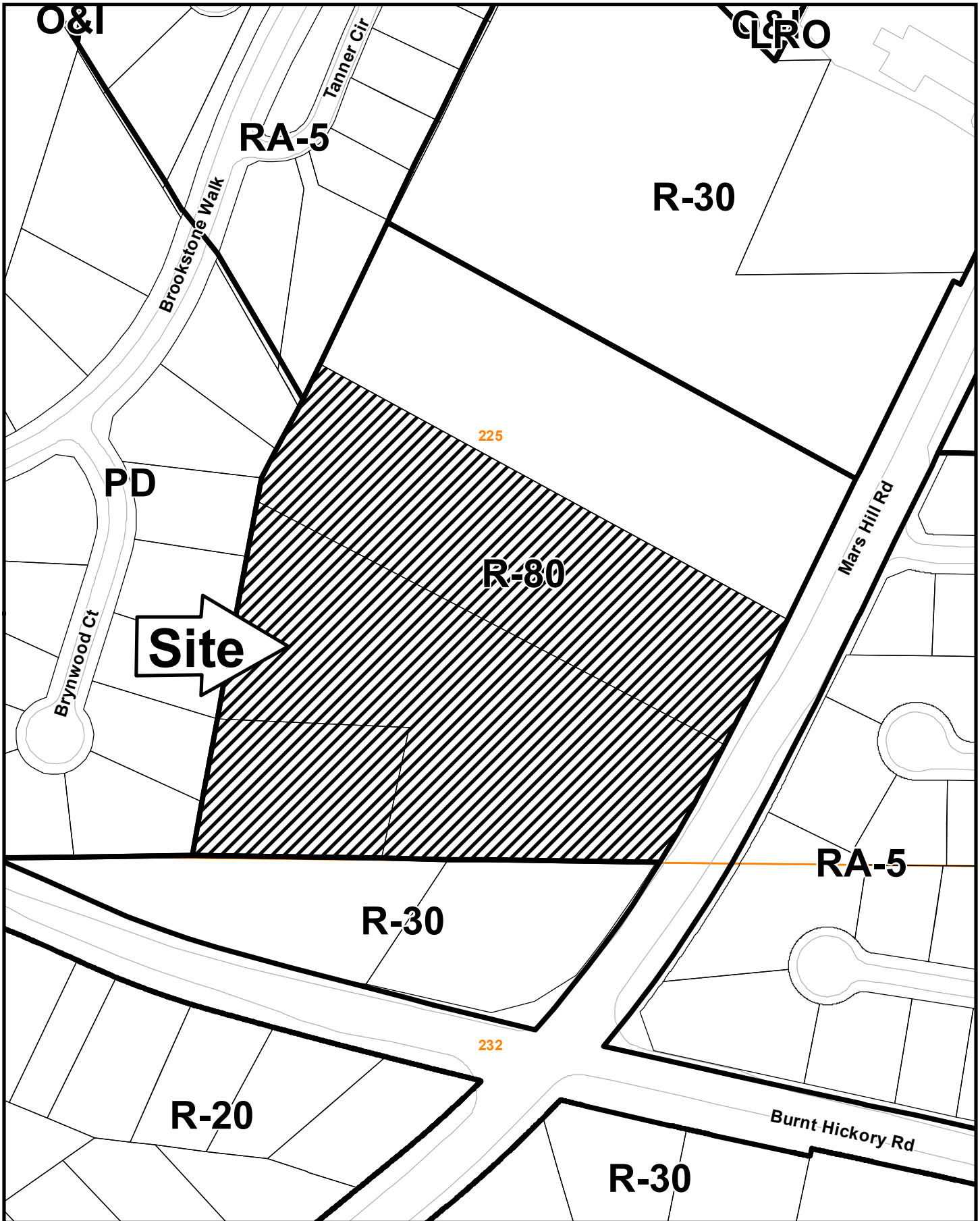
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-10-2017 GIS



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

APPLICANT: Prime Senior Living Group, LLC

PETITION NO.: Z-10

PRESENT ZONING: R-80

PETITION FOR: RSL (Supportive)

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: 138 **Overall Density:** 18.9 **Units/Acre**

Staff estimate for allowable # of units: 3 **Units*** **Increase of:** 135 **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 purpose of developing a 138-unit supportive facility. While the facility will be supportive, there will be no nursing care. Residents will receive assistance with transportation and food. The development will be staffed 24 hours. The building will be traditional in architecture and the proposed site plan indicates a total of 156,988 square feet and will be four stories. The senior housing units will be leased.

The proposed development will require the following contemporaneous variances:

1. Waiving the required 40-foot landscape buffer on the northern property line to 20 feet;
2. Waiving the required 40-foot landscape buffer on the western property line to 30 feet;
3. Waiving the required 40-foot landscape buffer on the southern property line to 20 feet;
4. Waiving the front setback from the required 30 feet to 20 feet;
5. Waiving the 40-foot required side setbacks abutting more restrictively zoned property to 20 feet;
6. Waiving the 40-foot required rear setback abutting more restrictively zoned property to 30 feet; and
7. Allow this use outside a commercial activity center.

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 lot.

APPLICANT: Prime Senior Living Group, LLC

PETITION NO.: Z-10

PRESENT ZONING: R-80

PETITION FOR: RSL (Supportive)

SCHOOL COMMENTS:

Approval of this petition will not have an impact on the enrollment at Cobb County schools.

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.

FIRE COMMENTS:

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

APPLICANT: Prime Senior Living Group, LLC

PETITION NO.: Z-10

PRESENT ZONING: R-80

PETITION FOR: RSL (Supportive)

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-80 to RSL (Supportive) for the purpose of supportive senior living. The 7.3 acre site is located on the west side of Mars Hill Road, north of Burnt Hickory 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-80 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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

Northeast: Low Density Residential (LDR)
Southeast: Low Density Residential (LDR)
South: Low Density Residential (LDR)
Northwest: Very Low Density Residential (VLDR)

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.

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.

APPLICANT: Prime Senior Living Group, LLC

PETITION NO.: Z-10

PRESENT ZONING: R-80

PETITION FOR: RSL (Supportive)

PLANNING COMMENTS:

CONT.

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

Is the property within the:

- Dobbins Airfield Safety Zone?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Prime Senior Living Group LLC

PETITION NO. Z-010

PRESENT ZONING R-80

PETITION FOR RSL supportive

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 / W side of Mars Hill 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: +/- 180' W in Brynwood Court

Estimated Waste Generation (in G.P.D.): A D F= 16,560 Peak= 41,400

Treatment Plant: Northwest

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Dry 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 Sewer flow study will likely 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.

APPLICANT: Prime Senior Living Group, LLC

PETITION NO.: Z-10

PRESENT ZONING: R-80

PETITION FOR: RSL (Supportive)

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Allatoona 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: within and adjacent to streams

- 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 easements required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream - Brookstone Lake No. 2.
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 existing downstream culvert at Brookstone Walk (48" CMP).

APPLICANT: Prime Senior Living Group, LLC

PETITION NO.: Z-10

PRESENT ZONING: R-80

PETITION FOR: RSL (Supportive)

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.

ADDITIONAL COMMENTS

1. This site is located to the west of Mars Hill Road just to the north of its intersection with Burnt Hickory Road. The existing site is mostly wooded with average slopes ranging from 4% near the road frontage to 25% near the rear of the site adjacent to the stream. The entire site drains to the northwest via an existing stream channel into and through the adjacent Brookstone Commons Subdivision.
2. A stream buffer variance will be required to accommodate the encroachment into the impervious setback near the southwest corner of the facility. There appears to be more than adequate area to provide the necessary mitigation using buffer averaging.
3. The extensive existing tree stand and undergrowth provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate a significant portion of this vegetation and increase pavement, storm runoff and non-point source pollution. To compensate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).

APPLICANT: Prime Senior Living Group, LLC

PETITION NO.: Z-10

PRESENT ZONING: R-30

PETITION FOR: R-20/OSC

TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Mars Hill Road	16,200	Arterial	45 mph	Cobb County	100'

Based on 2012 traffic counting data taken by Cobb County DOT for Mars Hill Road.

COMMENTS AND OBSERVATIONS

Mars Hill 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.

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 west side of Mars Hill Road, a minimum of 50' from the roadway centerline.

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

Recommend curb, gutter, and sidewalk along the Mars Hill Road frontage.

Recommend a traffic study. The traffic study should include existing and base year (full build out year) Build and No Build analysis; and horizon year (base year + 10 years) Build and No Build analysis. Study assumptions (such as study intersections, trip distribution and annual growth rate) should be agreed to by Cobb DOT before completing the study.

Recommend applicant verify that minimum intersection sight distance of 560' is available for Mars Hill Road access. If minimum sight distance can not be achieved, recommended Mars Hill Road access include a deceleration lane and be limited to right-in right-out.

As necessitated by this development, if minimum sight distance can be achieved, recommend Mars Hill Road access include deceleration lane and left turn lane. Recommend relocating driveway northward to accommodate a left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

Recommend a FAA Study.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed SPLOST project E7330.

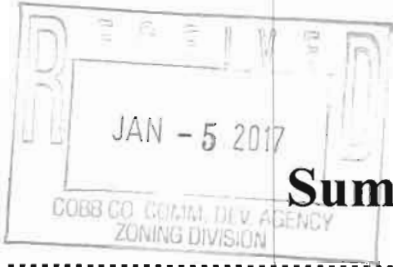
STAFF RECOMMENDATIONS

Z-10 PRIME SENIOR LIVING GROUP, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The subject property abuts R-80, PD and R-30 for single-family houses on individual lots.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. The proposed use is more intense than what exists on abutting properties. The zoning and land use categories increase north of the subject property approaching the intersection of Mars Hill Road, Stilesboro Road and Brookstone Drive.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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. The Cobb County Board of Education has concerns about this development will have a negative impact.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Low Density Residential (LDR) land use category for densities ranging from 1-2.5 units per acre. The requested RSL (supportive) zoning category is designed to be located on properties designated as Regional Activity Center (RAC), Community Activity Center (CAC), and Neighborhood Activity Center (NAC) on the *Cobb County Comprehensive Plan*. Other properties in the area include: Burnt Hickory Lakes Phase 1 (zoned R-30 at 1.19 units per acre); Brookstone PD1 (zoned PD at approximately 2.03 units per acre); Hickory Plantation (zoned RA-5 at approximately 2.45 units per acre); and Brookstone Commons (zoned RA-5 at 2.87 units per acre). The proposed density is 18.9 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 denying the applicant's rezoning proposal. Staff feels applicant's request is not compatible with the surrounding properties that consist of single-family houses on individual lots, nor is it compatible with the *Cobb County Comprehensive Plan* designation of Low Density Residential (LDR). RSL (supportive) is designed to be located within properties delineated as being in the Regional Activity Center (RAC), Community Activity Center (CAC) and Neighborhood Activity Center (NAC) land use categories. The RSL (supportive) category is also designed to function as a cut-off for non-residential uses *within* an activity center and a transitional use to residential uses adjoining activity centers. The subject property is in the LDR land use category and does not adjoin an activity center such as RAC, CAC and NAC.

Based on the above analysis, Staff recommends DENIAL.

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.



Application No. Z-10

PC Hearing: 3-7-17

BOC Hearing: 3-21-17

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): 160,000 sq. ft. / 138 unit senior housing
 - b) Proposed building architecture: Traditional
 - c) Proposed selling prices(s): senior housing units are leased
 - d) List all requested variances: none identified at this time
- _____
- _____
- _____

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

- a) Proposed use(s): N/A
 - 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 this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.