



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-27  
Public Hearing Dates:  
PC: 05-01-18  
BOC: 05-15-18

**SITE BACKGROUND**

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Applicant: Walton Communities, LLC

Phone: 678-303-4100

Email: mteague@waltoncommunities.com

Representative Contact: J. Kevin Moore

Phone: 770-429-1499

Email: jkm@mijs.com

Titleholder: Paradise Group Kennesaw

Property Location: Easterly of Interstate 575,  
westerly of Chastain Meadows Parkway and  
northerly of Ernest Barrett Parkway

Address: 190 Roberts Trail

Access to Property: Ernest Barrett Pkwy and  
Roberts Trail

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**QUICK FACTS**

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Commission District: 3

Current Zoning: OMR (Office Mid-Rise)

Current use of property: Undeveloped Lot

Proposed zoning: RSL (Residential Senior Living)

Proposed use: Expansion of Existing Attached  
Residential Senior Living Community

Future Land Use Designation: Regional Activity  
Center

Site Acreage: 2.0 acres

District: 16

Land Lot: 581

Parcel #: 16058100170

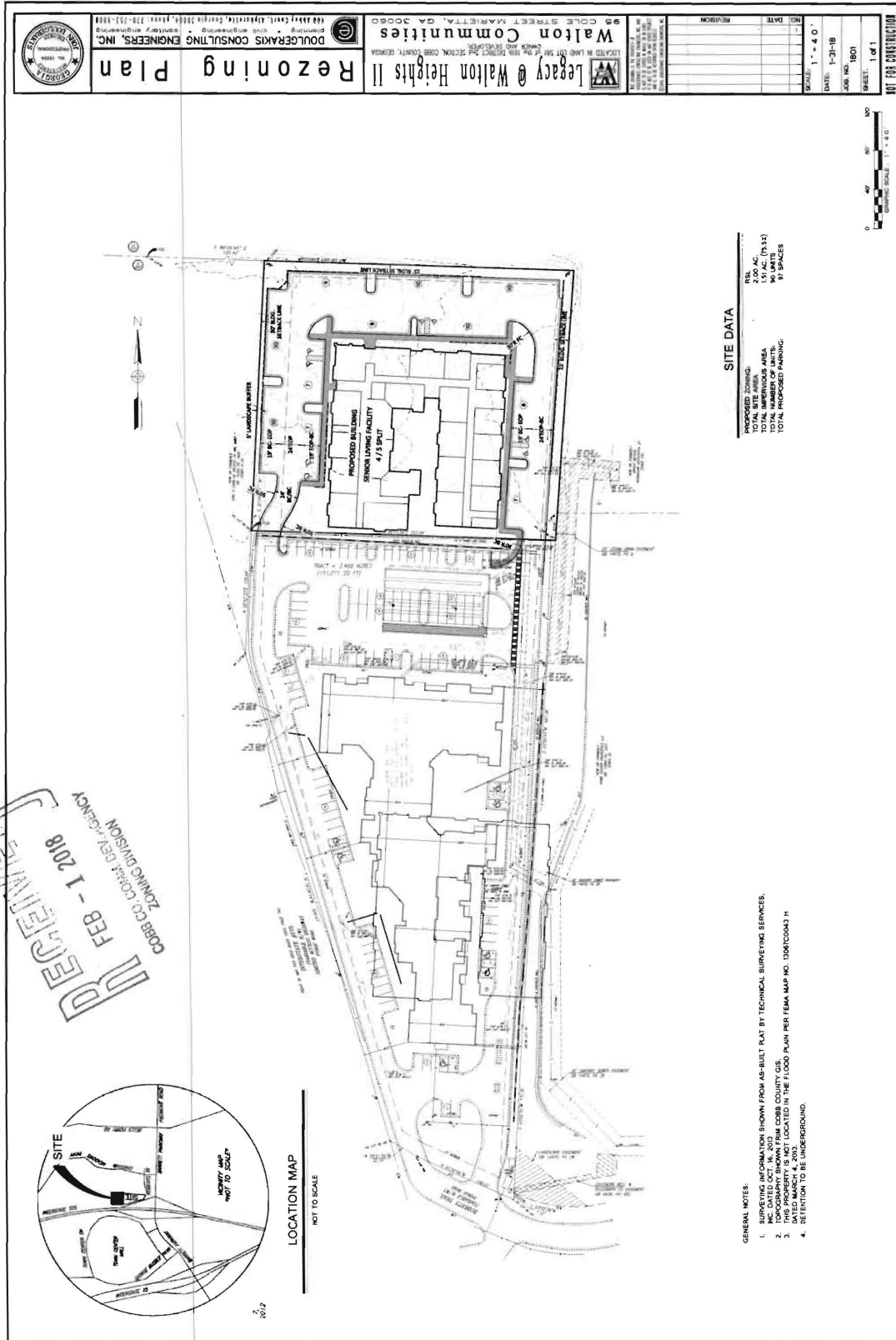
Taxes Paid: Yes

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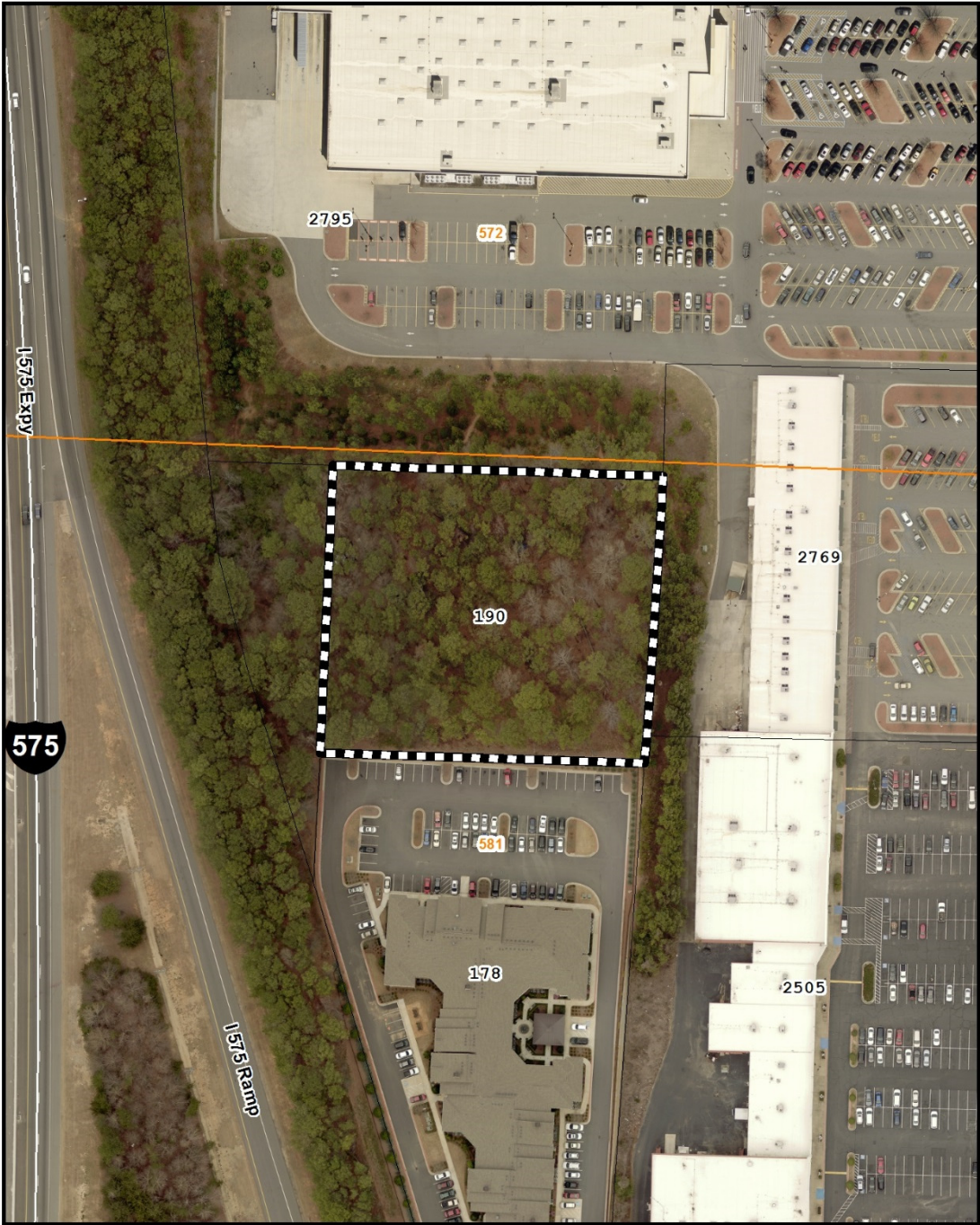
FINAL ZONING STAFF RECOMMENDATION:  
(Zoning staff member: Jason Campbell)

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

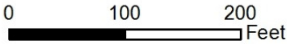
1. Site plan received by the Zoning Division on February 1, 2018, with the District Commissioner approving minor modifications;
2. Variances in the Zoning Division comments;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations; and
5. Department of Transportation comments and recommendations.





# Z-27 2018-Aerial Map



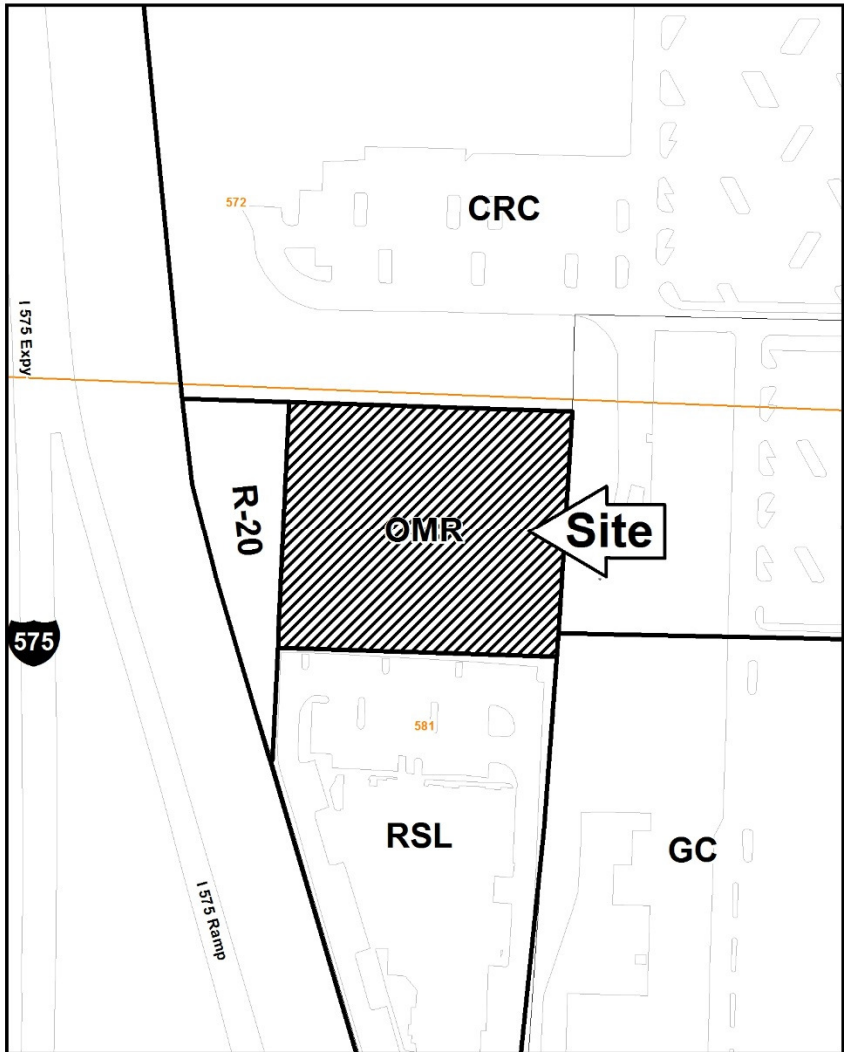
This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  Land Lot
-  City Boundary

**North**  
**Zoning:** CRC (Community Retail Commercial)  
**Future Land Use:** RAC (Regional Activity Center)

**Z-27 2018-GIS**



**WEST**  
**Zoning:** R-20  
(Single-family Residential)  
**Future Land Use:** RAC  
(Regional Activity Center)

**EAST**  
**Zoning:** CRC  
(Community Retail Commercial)  
**Future Land Use:** RAC  
(Regional Activity Center)

**SOUTH**  
**Zoning:** RSL (Residential Senior Living)  
**Future Land Use:** RAC (Regional Activity Center)

## DEPARTMENT COMMENTS- Zoning Division

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### Current zoning district for the property

The OMR district is established to provide locations for uses such as offices, financial institutions and accessory retail sales and service uses (four to eight stories) which are on properties delineated within a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

### 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 purpose of adding 90 units to the existing RSL development immediately south of the subject parcel. The size of the units will range from approximately 692 square feet to 965 square feet. The architecture will be Craftsman style, 4-5 stories in height, and will be comparable to Legacy at Walton Heights, Phase I. The proposed homes will be similar to the attached photo. The subject parcel was rezoned to Office Mid Rise (OMR) as part of Z-23 of 2007 (the same case that made the abutting parcel to the south RSL) for the development of a 300-room hotel and conference center.

### Non-residential criteria

Proposed # of buildings: 1

Proposed # of stories: 4-5

Total sq. footage of development: 114,000

Floor area ratio: 1.30

Square footage per acre: 57,000

Required parking spaces: 112

Proposed parking spaces: 97

Acres in floodplain or wetlands: 0

Impervious surface shown: 75.5%

## **DEPARTMENT COMMENTS- Zoning Division (continued)**

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### **Are there any zoning variances?**

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

1. Waive the required 10-foot perimeter landscape screening buffer;
2. Waive the number of required parking spaces from the required 112 to 97;
3. Waive the perimeter setback from the required 10 feet to 15 feet;
4. Waive the minimum lot size from the required three acres to two acres; and
5. Waive the maximum impervious coverage from 55% to 75.5%.

## **DEPARTMENT COMMENTS- Fire Department**

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No comment.

## **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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No comment.

## **DEPARTMENT COMMENTS- Cemetery Preservation**

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No comment.

## **DEPARTMENT COMMENTS- School System**

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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**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Noonday Creek Trib #4
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the capacity of the existing downstream storm drainage system.
7. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
8. Special site conditions and/or additional comments:
  - The stormwater from this site will discharge into and through the adjacent Chastain Meadows commercial center (Bright Meyers Kennesaw Associates, LP). The proposed underground stormwater management facility will be required to tie directly into the existing downstream drainage system.

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## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Regional Activity Center (RAC) future land use category within an Office (off) subcategory. The purpose of the RAC category is to provide for areas that can support high-intensity development, which serves a regional market. Typical land uses in these areas include high-rise office buildings, regional malls and varying densities of residential development. Office developments are considered the most appropriate development in the Office subcategory. However, mixed-use developments and mid- or high-rise residential developments may also be appropriate in this category. This includes any residential development in excess of four stories per structure. Because of the unique, urban characteristics of RACs, building height and density should be reviewed on a case-by-case basis.

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 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)*

(Planning comments continued on the next page)

**DEPARTMENT COMMENTS- Planning Division** (continued)

**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](http://www.cobbcounty.org/econdev).**

**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**

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**Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 8" in Roberts Trail

Additional water comments: To be served by existing private water in Phase 1

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.

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**Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer:

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

Treatment plant: Noonday

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: To be served by existing on-site Phase 1 sewer. Available capacity of this private sewer is unknown to CCWS.

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**

<b>Roadway</b>	<b>Roadway classification</b>	<b>Speed limit (MPH)</b>	<b>Jurisdictional control</b>	<b>Min. R.O.W. requirements</b>
Private	N/A	N/A	N/A	N/A

<b>Roadway</b>	<b>Location</b>	<b>Average daily trips</b>	<b>Level of service</b>
Private	N/A	N/A	N/A

**Comments and observations**

All bordering roadways are private.

**Recommendations**

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

STAFF ANALYSIS

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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;**

The proposed development will be Phase 2 of the existing Walton community to the south and will be compatible with that use. The new addition will utilize the same driveways that currently exist on Phase 1.

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

The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby properties. The applicant's proposal will be compatible with the mixed use nature of the area.

**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 proposal will not result in a use that would cause an excessive or burdensome use of existing streets, transportation facilities or utilities. However, the Cobb County School System has concerns regarding this request. These opinions can be supported by the departmental comments contained in this analysis.

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

The applicant's proposal is in conformity with the *Cobb County Comprehensive Plan*, which delineates this property as being within the Regional Activity Center (RAC) future land use category. The proposed use is also compatible with the Office (off) subcategory of the RAC. The proposed 4-5 story building is also compatible with the (off) subcategory.

STAFF ANALYSIS (Continued)

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**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 proposal. The RAC supports high density residential, the RSL non-supportive zoning district, and the (off) subcategory of the RAC supports the proposed building height of 4-5 stories. In addition, the proposed development will be an extension of the previously approved RSL developed by the current applicant on the abutting property to the south.

**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.**

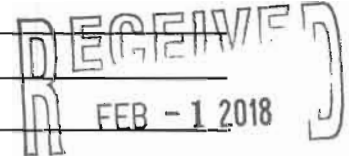
# Summary of Intent for Rezoning\*

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

a) Proposed unit square-footage(s): One bedroom - approximately 692 square feet  
Two bedroom - approximately 965 square feet

b) Proposed building architecture: Craftsman style; 4 -5 stories in height;  
Comparable to Legacy at Walton Heights, Phase 1

c) List all requested variances: None known at this time



COBB COUNTY COMMUNITY DEVELOPMENT AGENCY  
ZONING DIVISION

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

a) Proposed use(s): Not Applicable.

b) Proposed building architecture: Not Applicable.

c) Proposed hours/days of operation: Not Applicable.

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.

Z-27 (2018)  
Rendering

RECEIVED  
FEB - 1 2018  
COBB CO. COMMUNITY AGENCY  
ZONING DIVISION





**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 \_\_\_\_\_  
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 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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