



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-28
Public Hearing Dates:
PC: 05-01-18
BOC: 05-15-18

SITE BACKGROUND

Applicant: Tyler Chandler Homes, LLC

Phone: 404-921-0240

Email: whiott@tylerchandlerhomes.com

Representative Contact: J. Kevin Moore

Phone: 770-429-1499

Email: jkm@mijis.com

Titleholder: Richard J. Schuster PHD Psychologist
PC and Charles C. Tinsley, Sr.

Property Location: Northwesterly side of Powder Springs Road, northeasterly of Horseshoe Bend Road, and on the north side of Applewood Drive and Cider Mill Court

Address: Not Indicated

QUICK FACTS

Commission District: 4 - Cupid

Current Zoning: NS (Neighborhood Shopping) and R-20 (Single-family Residential)

Current use of property: Undeveloped

Proposed zoning: RSL (Residential Senior Living)

Proposed use: Non-Supportive, Detached Residential Senior Living Community

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

Site Acreage: 11.048 acres

District: 19

Land Lot: 693 and 694

Parcel #: 19069300530, 19069400040, and 19069400070

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Terry Martin)

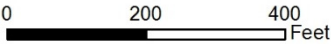
Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

1. Fire Department comments and recommendations;
2. Water and Sewer Division comments and recommendations;
3. Stormwater Management Division comments and recommendations; and
4. Department of Transportation comments and recommendations; and
5. Site plan revised February 1, 2018, with the District Commissioner approving minor modifications.

Z-28 2018-Aerial Map



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

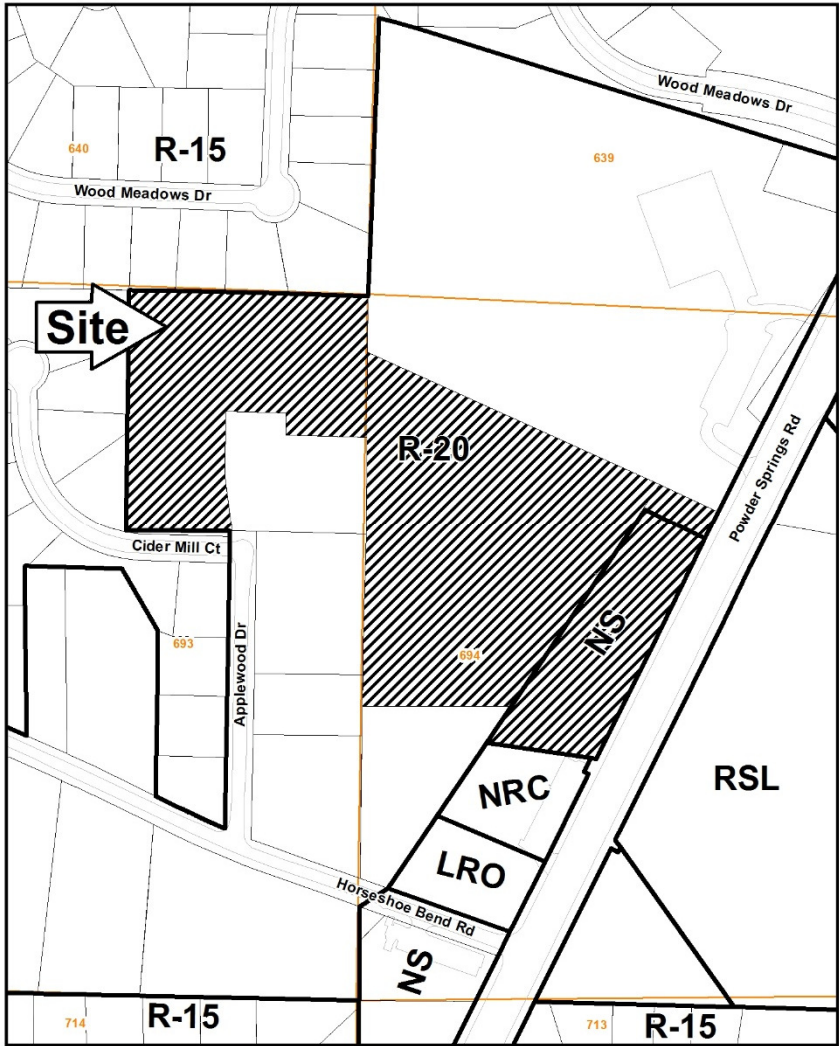


- Land Lot
- City Boundary

North

Zoning: R-20, R-15 (Single-family Residential)
Future Land Use: LDR, PI (Low Density Residential, Public Institutional)

Z-28 2018-GIS



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

0 200 400 Feet

Zoning Boundary
City Boundary

WEST

Zoning: R-20, R-15 (Single-family Residential)

Future Land Use: LDR (Low Density Residential)

EAST

Zoning: RSL (Residential Senior Living)

Future Land Use: LDR (Low Density Residential)

SOUTH

Zoning: R-20, R-15, NRC (Single-family Residential, Neighborhood Retail Commercial)
Future Land Use: LDR, NAC (Low Density Residential, Neighborhood Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The NS district is established to provide locations for retail commercial and service uses which are designed and oriented to serve two to four neighborhoods and are located in areas delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Commencing January 1, 1991, no new applications for rezoning to the NS district will be accepted by the Board of Commissioners. Any existing developed NS zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned as NS outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

Requested zoning district for the property

The RSL district is established to provide locations for the development of residential living facilities, both assisted and independent, for tenants age 55 and older which shall not be established as a precedent for any other residential or nonresidential district. This residential use is designed to be located within properties delineated as a regional activity center, community activity center or neighborhood activity center as defined and shown on the Cobb County Comprehensive Plan. This residential use is also designed to function as a cut-off for nonresidential uses within an activity center and a transitional use to residential uses adjoining activity centers.

Summary of the applicant's proposal

The applicant is requesting the Residential Senior Living (RSL) zoning category for the development of a non-supportive senior living community. The homes will range in size from 1,800 square feet to 2,400 square feet and up. The proposed 40 units will be detached and of Craftsman, traditional cottage style architecture.

DEPARTMENT COMMENTS- Zoning Division

Residential criteria

Allowable units as zoned: 15
Proposed # of units: 40
Net density: 3.62
Increase of units: 25
Acres of floodplain/wetlands: 0
Impervious surface shown: Under 55%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

No.

DEPARTMENT COMMENTS- Fire Department

No comment.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

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: Unnamed Tributary to Noses Creek
4. Wetlands: No
5. Potential or known drainage problems exist for developments downstream from this site.
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system (Applewood Estates detention pond).
7. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Stormwater discharges through an established residential neighborhood downstream.
9. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
10. Special site conditions and/or additional comments:
 - This entire site drains to the west into and through the adjacent Applewood Estates Subdivision via an existing recorded drainage easement. There are structural issues with the existing Applewood Estates detention pond that will need to be addressed prior to or during development of this project. Cobb County Water System will be responsible for making the necessary structural repairs. However, due to lack of available access, those repairs will need to be done from the rear of this site. The applicant has agreed to provide temporary access for the Stormwater Management Division as part of the land disturbance permit.
 - This project is proposed as a private development with private streets. As such, all stormwater management infrastructure will be privately maintained by the mandatory homeowners association.

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DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Low Density Residential (LDR) and Neighborhood Activity Center (NAC) future land use categories. The purpose of the 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. Allowable residential density is dependent upon factors such as product type and mix, structure/building height, tract size, topographic conditions and the like, in order to provide compatibility with adjacent residential uses. 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 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.

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): 8" in Powder Springs 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: +/- 10' to Cider Mill Court ROW

Estimated waste generation (in G.P.D.): Average daily flow = 6,400; Peak flow = 16,000

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

Additional sewer comments:

*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.

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
Powder Springs Road	Arterial	45	Cobb County	100'
Cider Mill Court	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Powder Springs Road	South of Pair Road	21,200	D
Cider Mill Court	N/A	N/A	N/A

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Powder Springs 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

Powder Springs 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.

Cider Mill Court is classified as a local 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 driveways be a minimum of 50' from Powder Springs Road.
3. Recommend a deceleration lane on Powder Springs Road for the entrance.
4. Recommend private streets be constructed to the Cobb County Standard Specifications.
5. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
6. Recommend replacing any disturbed curb, gutter, and sidewalk along the Powder Springs Road frontage.
7. Recommend removing and closing driveway apron along Powder Springs Road frontage that development renders unnecessary.
8. Recommend a no access easement for the lots that border Powder Springs Road.
9. Recommend any gates be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards.

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 bolded):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

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. Properties in the area include a mixture of single-family residential developments, commercial and institutional uses, and the RSL development located directly across Powder Springs Road.

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

It is Staff's opinion that the applicant's rezoning proposal may not have an adverse effect on the usability of adjacent or nearby property. Other residential properties in the area are developed for single-family homes at densities that range from 2.44 units per acre to 4.24 units per acre compared to the proposed development's 3.62 units per acre

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

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 as being predominately within the Low Density Residential (LDR) land use category having a density range of 1-2.5 units per acre. The proposed RSL non-supportive request is allowed in LDR, but RSL developments in LDR are to be compatible with neighboring residential uses. Other developments in the area include: Applewood Estates (zoned R-15 at 2.44 units per acre); Westwood Meadows – Unit Two (zoned R-15 at 4.24 units per acre); and The Reserve at Marietta, the previously approved RSL development across Powder Springs Road (zoned RSL at 4.26 units per acre). Additionally, there is commercially zoned property to the north and south. This could serve as a step down in intensity.

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. The area contains a mixture of residential and commercial uses as well as existing RSL. The applicant's proposal is not inconsistent with the existing densities and would be a reasonable transition in intensity.

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.

Application No. Z-28 (2018)

Hearing Dates: PC: 05/01/2018
BOC: 05/15/2018

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): 1,800 - 2,400 square feet, and greater

b) Proposed building architecture: Craftsman, Traditional, Cottage Style

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

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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.

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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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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