



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-40  
Public Hearing Dates:  
PC: 07-03-18  
BOC: 07-17-18

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**SITE BACKGROUND**

Applicant: Jim Chapman Communities

Phone: (770) 434-3602

Email: jim@jimchapmancommunities.com

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: Multiple Titleholders in Zoning File

Property Location: North side of North Booth Road, the west side of Bells Ferry Road, and the southeasterly side of I-575

Address: 3920 and 3941 Bells Ferry Road

Access to Property: Bells Ferry Road

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**QUICK FACTS**

Commission District: 3-Birrell

Current Zoning: R-20 (Single-family Residential)

Current use of property: Single-family house and undeveloped acreage

Proposed zoning: Residential Senior Living (Non-supportive) (RSL)

Proposed use: Independent Senior Living/Age Restricted

Future Land Use Designation: LDR (Low Density Residential)

Site Acreage: 35.8 ac

District: 16

Land Lot: 284 and 285

Parcel #: 16028400010, 16028400020, and 16028500010

Taxes Paid: Yes

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**FINAL ZONING STAFF RECOMMENDATION:**

(Zoning staff member: Jason Campbell)

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

1. Site plan received by the Zoning Division on April 5, 2018, with the District Commissioner approving minor modifications;
2. Variance listed in the Zoning comments;
3. District Commissioner to approve final site plan;
4. Fire Department comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations; and
7. Department of Transportation comments and recommendations.









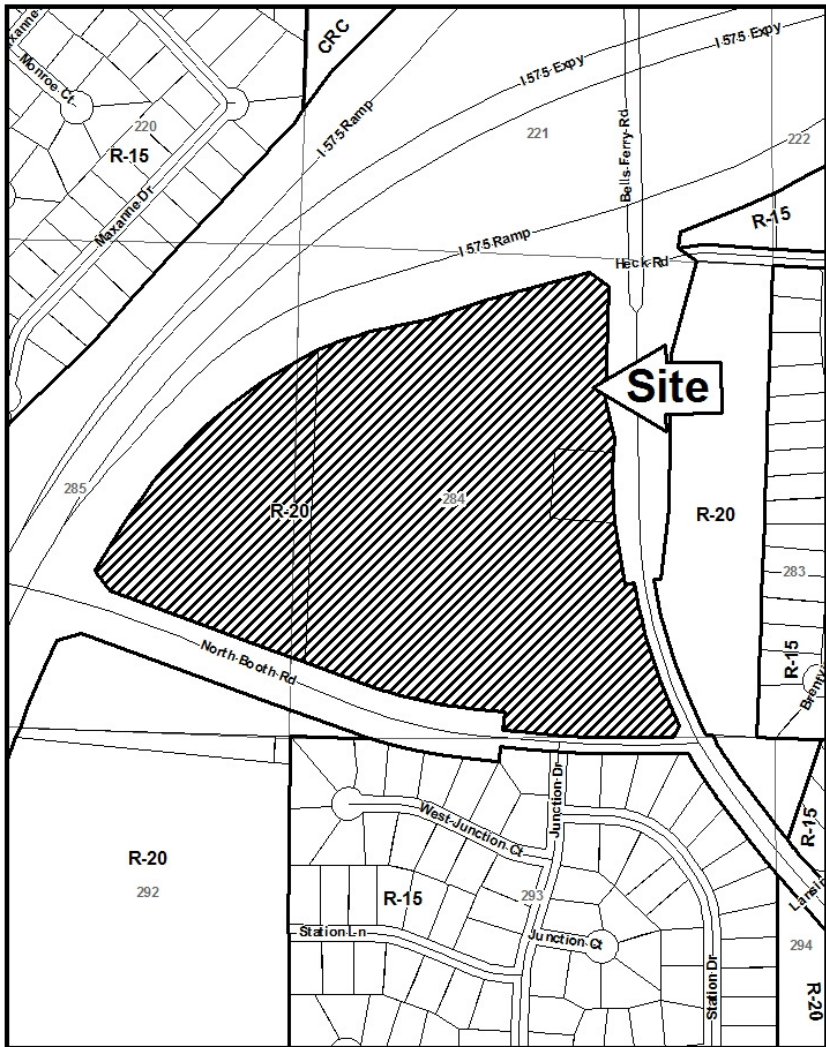


North

**Zoning:** R-15 (Single-family Residential) and CRC (Community Retail Commercial)  
**Future Land Use:** LDR (Low Density Residential) and CAC (Community Activity Center)

WEST

**Zoning:** R-15 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential)



EAST

**Zoning:** R-20 (Single-family Residential)  
**Future Land Use:** LDR (Low Density Residential)

SOUTH

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

## DEPARTMENT COMMENTS- Zoning Division

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### **Current zoning district for the property**

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.

### **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 commissioner may reduce the density based on the surrounding density, topography, deforestation, drainage concerns, or other similar factor.

### **Summary of the applicant's proposal**

The applicant is requesting the Residential Senior Living (RSL) non-supportive zoning district for the development of an RSL non-supportive/age restricted subdivision. The house sizes will range in size from 1,600 square feet to 2,400 square feet, and possibly greater. The architecture will be traditional and the composition on all sides will be as shown on the renderings/elevations attached to this analysis. Each home will have an attached two-car garage. There will be an amenity area centrally located that has a pool, clubhouse and other things for residents.

### **Residential criteria**

Allowable units as zoned: 62

Proposed # of units: 178

Net density: 4.97

Increase of units: 116

Acres of floodplain/wetlands: 0

Impervious surface shown: 55%

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

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

Yes, the proposal will require a contemporaneous variance to waive the minimum setback between structures from the required 15 feet to 10 feet.

## **DEPARTMENT COMMENTS- Fire Department**

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Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

1. Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
2. Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
3. Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
4. Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
5. Guest parking spaces must be evenly distributed throughout the project.

## **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 Tributary #1
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage systems.
7. Stormwater discharges through an established residential neighborhood downstream.
8. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
9. Special site conditions and/or additional comments:
  - 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 the vast majority 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).
  - This project is proposed to be private, therefore all stormwater infrastructure will be privately maintained by the mandatory HOA.



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## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Low Density Residential (LDR) future land use category. 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 for 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.

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  N/A

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 reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1900 house (3941 Bells Ferry Road) is located within the project area. Due to the age and location of the structure, information about this resource and its occupants appears to have the potential to contribute significantly to the county's public history. Staff recommends the home either be incorporated into the development or, alternately, documented if destroyed.

In order to properly document this structure, its inhabitants, and the role it played in Cobb County's history, staff requests a history of the home and its occupants (as well as archival-quality photographs of the structure, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

**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): 12" in Bells Ferry Road

Additional water comments: Development Standards call for a secondary water feed for a subdivision of this size. Also 12" water main in North Booth Rd

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: ~250 ft. south in Junction Drive ROW

Estimated waste generation (in G.P.D.): Average daily flow = 28,480; Peak flow = 71,200

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: Sewer flow study is required of applicant to confirm downstream sewer line capacity if connection is proposed to sewer on west side of Bells Ferry Rd. \*\*Line Capacity: "YES" refers to the capacity of large diameter sewer interceptors.\*\*

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 onsite and/or offsite easements, and dedication of onsite 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.



**DEPARTMENT COMMENTS- Transportation**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Bells Ferry Road	Arterial	45	Cobb County	100'
North Booth Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Bells Ferry Road	North of Parkwood Drive	15,300	E
North Booth Road	East of Southwick Drive	8,170	C

*Based on 2016 traffic counting data taken by Cobb County DOT for Bells Ferry Road.*

*Based on 2016 AADT counting data taken by GDOT, as published on their website, for North Booth 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**

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

North Booth road is classified as a major collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**Recommendations**

1. 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 Bells Ferry Road, a minimum of 50' from the roadway centerline.
2. 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 north side of North Booth Road, a minimum of 40' from the roadway centerline.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**DEPARTMENT COMMENTS- Transportation (Continued)**

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4. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
5. Recommend private streets be constructed to the Cobb County Standard Specifications.
6. Recommend curb, gutter, and sidewalk along the Bells Ferry Road frontage.
7. Recommend curb, gutter, and sidewalk along the North Booth Road frontage.
8. 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.
9. Recommend the call box for the proposed gate be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards.
10. Recommend a no access easement for the lots that border Bells Ferry Road and North Booth Road.

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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;**

It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The subject property is located in an area that has single-family subdivisions, schools, retail, and office uses.

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

It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby properties. Nearby properties are developed for single-family subdivisions and include: Booth Crossing S/D Unit No. 2 (zoned R-15 at 2.04 units per acre), Bells Ferry Station (zoned R-20 at 2.27 units per acre), Brentview at Bells Ferry (zoned R-20 at 2.3 units per acre), and Cambridge Grove Phase 1-A (zoned RA-4 at approximately 3.00 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 will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. The Cobb County School District has concerns the Residential Senior Living developments generally have a negative impact on tax revenue for the Cobb County School District. These opinions can be supported by the department comments contained in this analysis.

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

The Low Density Residential (LDR) future land use category allows non-supportive RSL, and it is Staff's opinion that the applicant's rezoning proposal at a density of 4.97 units per acre is consistent with the Zoning Ordinance maximum density of five units per acre for RSL non-supportive.



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 changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The requested RSL non-supportive district is allowed in the LDR future land use category and the proposed density of 4.97 units per acre is compatible with the RSL section of the Zoning Ordinance.

**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): 1,600 - 2,400 & possibly greater
  - b) Proposed building architecture: Traditional architectural style and composition  
(on all sides) as shown in the renderings/elevations which are being submitted concurrently herewith.
  - c) List all requested variances: None, at this time.
- \_\_\_\_\_  
\_\_\_\_\_

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

- a) Proposed use(s): N/A
  - b) Proposed building architecture: N/A
  - c) Proposed hours/days of operation: N/A
  - d) List all requested variances: N/A
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**Part 3. Other Pertinent Information (List or attach additional information if needed)**

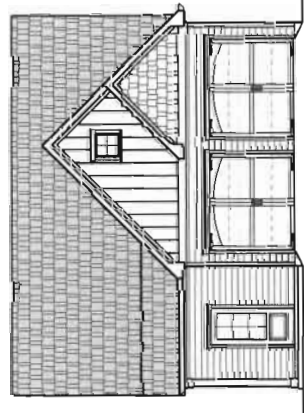
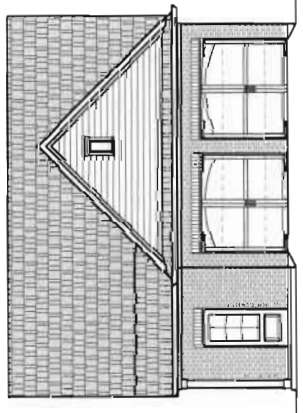
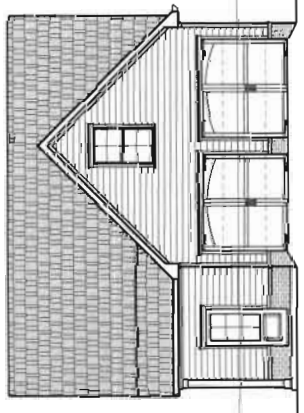
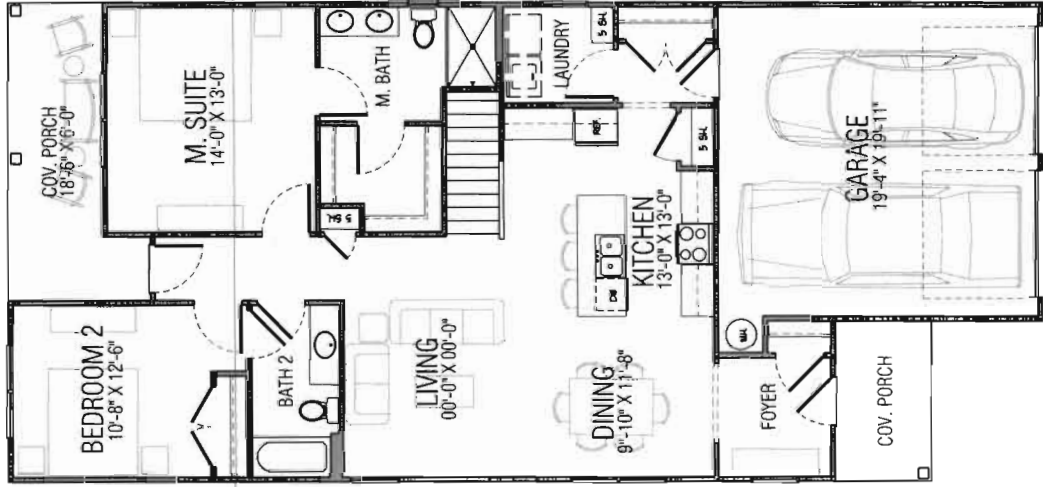
The subject property is located at the confluence of I-575, Bells Ferry Road and North Booth Road. Age restricted single-family detached homes will have no adverse effects upon existing county infrastructure; area schools; and/or a.m./p.m. peak hour traffic/transportation issues.

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**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.

\* The 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.

SAMPLE



THIS PLAN IS THE PROPERTY OF JIM CHAPMAN COMMUNITIES, INC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON.

30' WIDE CONCEPT

RECEIVED  
 APR - 5 2018  
 CODE: 2018-0000000000

**JIM CHAPMAN COMMUNITIES**  
 2700 CUMBERLAND PARKWAY SE  
 SUITE 120 ATLANTA, GA 30339  
 PH: 770.434.3602 FAX: 770.434.3607  
 WWW.JIMCHAPMANCOMMUNITIES.COM

SAMPLE



THIS PLAN AND SPECIFICATIONS ARE THE PROPERTY OF JIM CHAPMAN COMMUNITIES, INC. AND ARE NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM.

39' WIDE CONCEPT

RECEIVED  
APR - 5 2018  
COBB COUNTY PLANNING AGENCY  
ZONING DIVISION

JIM  
CHAPMAN  
COMMUNITIES  
2700 CAMBERLAND PARKWAY SE  
SUITE 130 ATLANTA, GA 30339  
PH. 770.434.4602 FAX. 770.434.4607  
WWW.JIMCHAPMANCOMMUNITIES.COM



**Planning Commission Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

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**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

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**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

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**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

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