



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-43
Public Hearing Dates:
PC: 07-03-18
BOC: 07-17-18

SITE BACKGROUND

Applicant: Century Communities of Georgia, LLC

Phone: (678) 533-1160

Email: sbutler@centurycommunities.com

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijs.com

Titleholder: Estate of Bernard E. Inhulsen; Karen Savage Landers

Property Location: Northeast side of Lost Mountain Road, north of Macland Road

Address: 1945 and 1949 Lost Mountain Road

Access to Property: Lost Mountain Road

QUICK FACTS

Commission District: 1-Weatherford

Current Zoning: R-80 (Single-family Residential)

Current use of property: Single-family houses

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

Proposed use: Residential Senior Living Subdivision

Future Land Use Designation: VLDR (Very Low Density Residential)

Site Acreage: 42.10 ac

District: 19

Land Lot: 386 and 429

Parcel #: 19038600010 and 19038600020

Taxes Paid: Yes

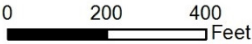
FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Jason Campbell)

Base on the analysis of this case, Staff recommends **DENIAL**.

Z-43 2018-Aerial Map



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

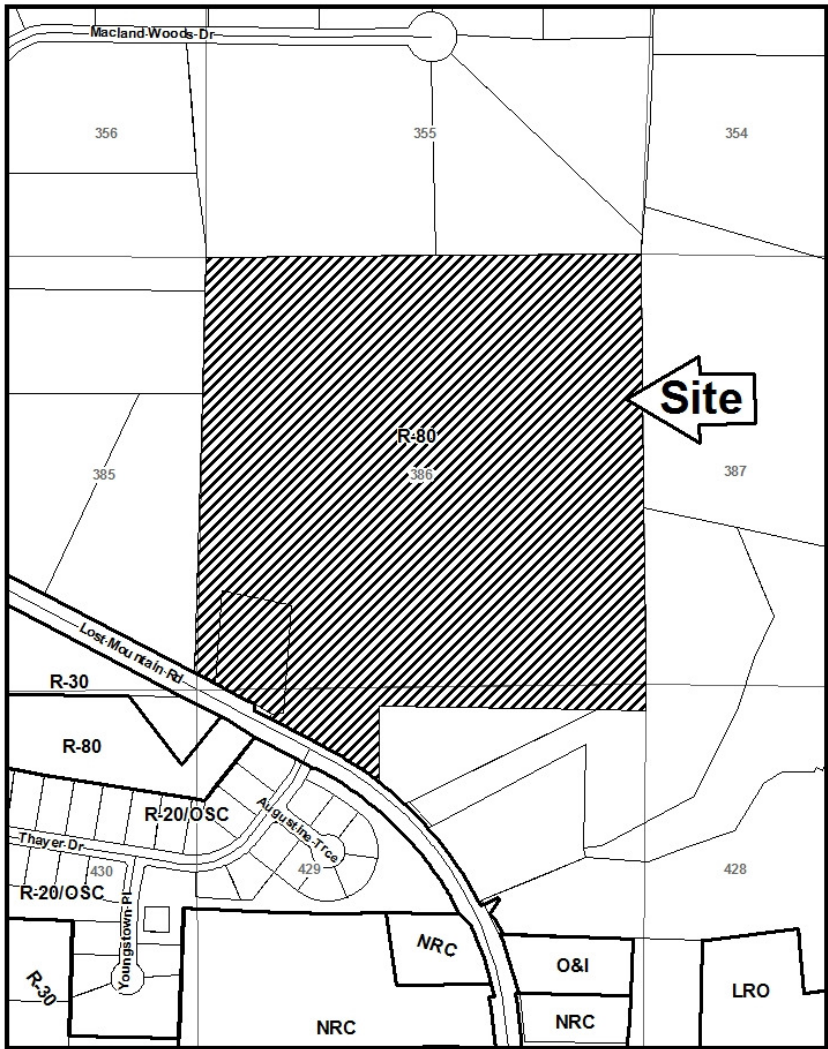


- Land Lot
- City Boundary

North

Zoning: R-80 (Single-family Residential)
Future Land Use: RR (Rural Residential) and VLDR (Very Low Density Residential)

Z-43 2018-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

WEST

Zoning: R-80 (Single-family Residential)

Future Land Use: RR (Rural Residential) and VLDR (Very Low Density Residential)

EAST

Zoning: R-80 (Single-family Residential)

Future Land Use: RR (Rural Residential)

SOUTH

Zoning: R-80 (Single-family Residential), R-20/OSC (Single-family Residential-Open Space)
Future Land Use: RR (Rural Residential) and LDR (Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-80 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-80 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 purpose of developing an 87-lot, non-supportive senior living community. The proposed houses will be 1,800 square feet and greater. The architecture will be Traditional/Craftsman.

Residential criteria

Allowable units as zoned: 21

Proposed # of units: 87

Net density: 2.1

Increase of units: 66

Acres of floodplain/wetlands: 0

Impervious surface shown: Less than 55% of the total site area.

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes. The following contemporaneous variances will be required:

1. Allow non-supportive RSL in Very Low Density Residential.

DEPARTMENT COMMENTS- Fire Department

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)

No comment.

DEPARTMENT COMMENTS- 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 land lot.

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: Trib to Luther Ward Branch
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. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
9. Existing Lake Downstream Dobb's Lake Additional BMP's for erosion & sediment control will be required.
10. Lake Study required to document pre- and post-development sediment levels.
11. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
12. Special site conditions and/or additional comments:
 - This project is proposed to be private, therefore all stormwater infrastructure will be privately maintained by the mandatory HOA.
 - Maintenance access to the proposed stormwater management pond must be provided on the final site plan.

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DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Very Low Density Residential (VLDR) future land use category. The purpose of the VLDR category is to provide for areas that are suitable for very low-density housing, particularly in locations that may not have basic services such as sewer, or where the existing or desired residential density is zero (0) to two (2) dwelling units per acre.

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)

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.

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)**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): 12" in Lost Mountain Rd

Additional water comments: Development Standards call for a secondary water feed for a subdivision of this size.

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: In ROW, Lost Mountain Rd and Thayer Dr. intersection

Estimated waste generation (in G.P.D.): Average daily flow = 13,920; Peak flow = 34,800

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

*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 will be required of applicant to confirm downstream sewer line capacity. **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
Lost Mountain Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Lost Mountain Road	North of Midway Road	14,400	D

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Lost Mountain 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

Lost Mountain 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.

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 east side of Lost Mountain Road, a minimum of 50' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
4. Recommend curb, gutter, and sidewalk along the Lost Mountain Road frontage.
5. Recommend private streets be constructed to the Cobb County Standard Specifications.
6. As necessitated by this development, recommend Lost Mountain Road access include deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
7. Recommend call box for gated entry be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards.

DEPARTMENT COMMENTS- Transportation (Continued)

8. Recommend a traffic study. The traffic study should include existing and base year (full build out year) 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 development street either directly align or have an offset of a minimum of 125 feet from Thayer Drive per Development Standard 401.10.
10. Recommend a no access easement for the lots that border Lost Mountain Road.
11. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Macland Transportation Improvement Project.

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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 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 not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The subject property is mostly surrounded by properties zoned R-80 for single-family houses on larger tracts.

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 have an adverse effect on the usability of adjacent or nearby property. The proposed use is denser than that of abutting properties, which may change the character of this 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 rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The Cobb County School District has concerns that the proposed senior living development will have a negative impact on tax revenue for the Cobb County School District. 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;

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 Very Low Density Residential (VLDR) future land use category, having a density range of 0-2 units per acre. The Residential Senior Living (RSL) non-supportive zoning district is specifically not designed for the VLDR future land use category. The requested RSL non-supportive is designed to be located within any land use category other than industrial, industrial compatible, rural residential and very low density residential. Nearby subdivisions include: New Macland Estates (zoned R-20 at 1.55 units per acre), Lost Mountain Trails (zoned R-20/OSC at 1.71 units per acre), and The Retreat at Lost Mountain (zoned CS at 1.75 units per acre). In addition, the subject property is surrounded by residential lots that are five acres or larger.

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 denying the applicant's rezoning proposal. It is Staff's opinion that the applicant's request is not compatible with the surrounding properties that consist of single-family houses on large individual lots. The proposal is not compatible with the *Cobb County Comprehensive Plan* designation of VLDR. The RSL non-supportive category is designed to be located in other categories, and particularly not in VLDR. In addition, the proposed density of 2.1 units per acre is higher than a few of the nearby residential subdivisions, and it is just over the density range for VLDR (0-2 units per acre). Surrounding properties are also VLDR and RR (Rural Residential).

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.

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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