



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-44  
Public Hearing Dates:  
PC: 07-03-18  
BOC: 07-17-18

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**SITE BACKGROUND**

Applicant: Traton Homes, LLC

Phone: (770) 427-9064

Email: [clif@tratonhomes.com](mailto:clif@tratonhomes.com)

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: [jkm@mijis.com](mailto:jkm@mijis.com)

Titleholder: Estate of Leone Hall Price, a/k/a  
Leone Hall Johnson

Property Location: East side of Mars Hill Road,  
north of Stilesboro Road

Address: 2040 Mars Hill Road

Access to Property: Mars Hill Road

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**QUICK FACTS**

Commission District: 1-Weatherford

Current Zoning: R-20/OSC (Single-family Open  
Space Community) and R-30/OSC (Single-family  
Open Space Community)

Current use of property: Undeveloped

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: 39.87 ac

District: 20

Land Lot: 195 and 196

Parcel #: 20019500040

Taxes Paid: Yes

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FINAL ZONING STAFF RECOMMENDATION:  
(Zoning staff member: Terry Martin, MPA)

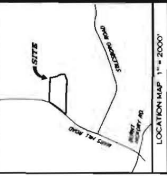
Based on the analysis of this case, Staff recommends **DENIAL.**

Z-44  
(2018)

Gaskins

WATERFORD PARK SUBDIVISION

NOT ISSUED FOR CONSTRUCTION

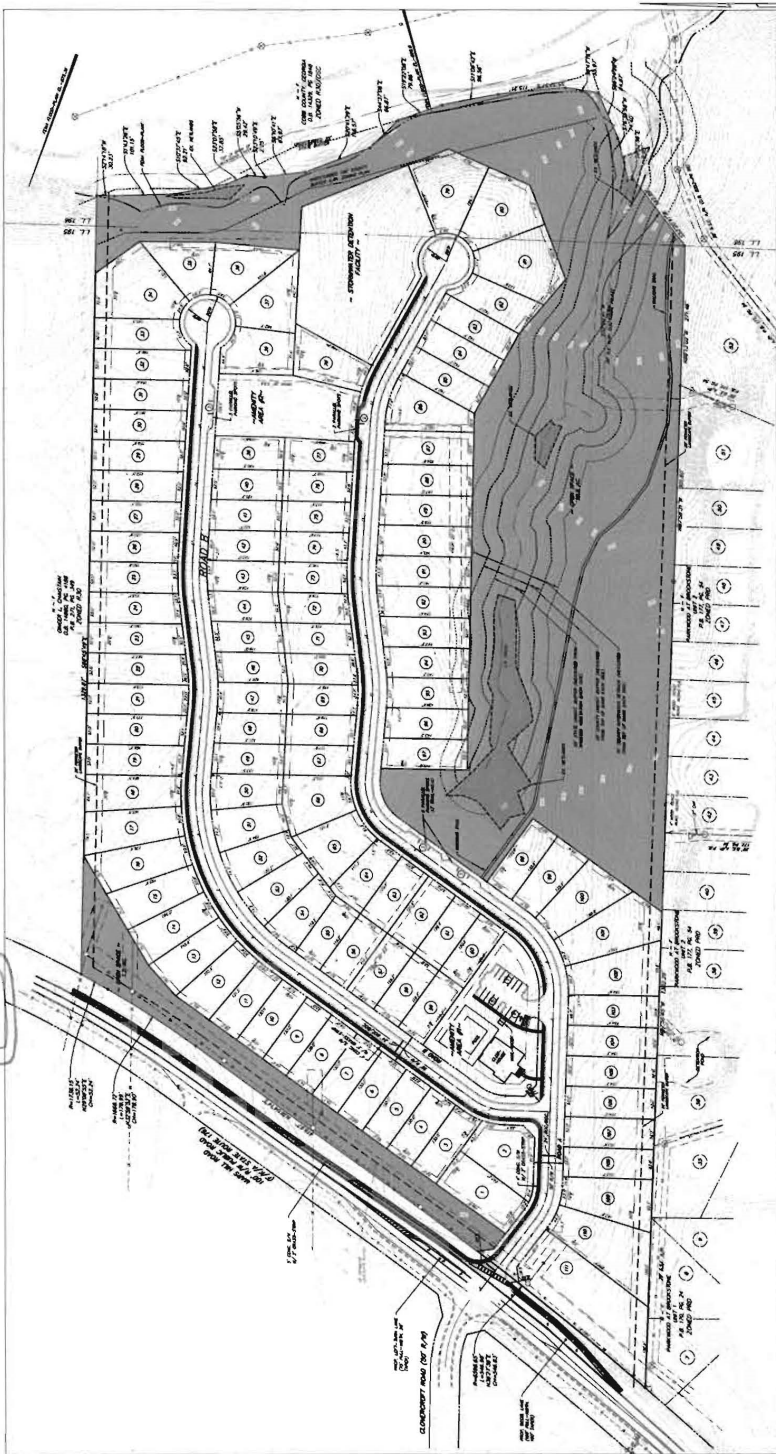


COMMENTS:  
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Tables containing lot area and acreage data for various lots in the subdivision.

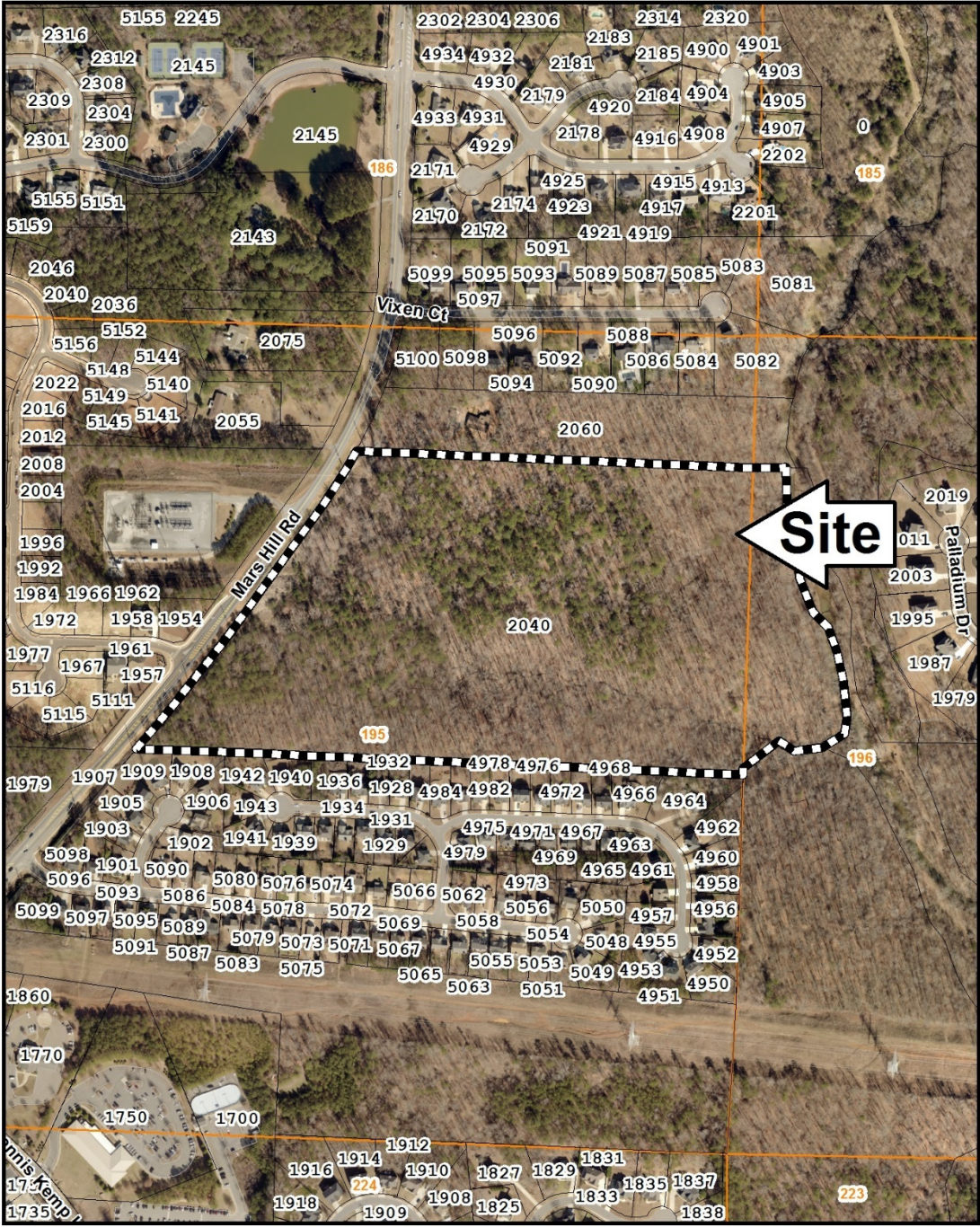
Legend table defining symbols and line styles used in the subdivision plan.

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APR - 5 2018  
COUNTY PLANNING & ZONING DIVISION



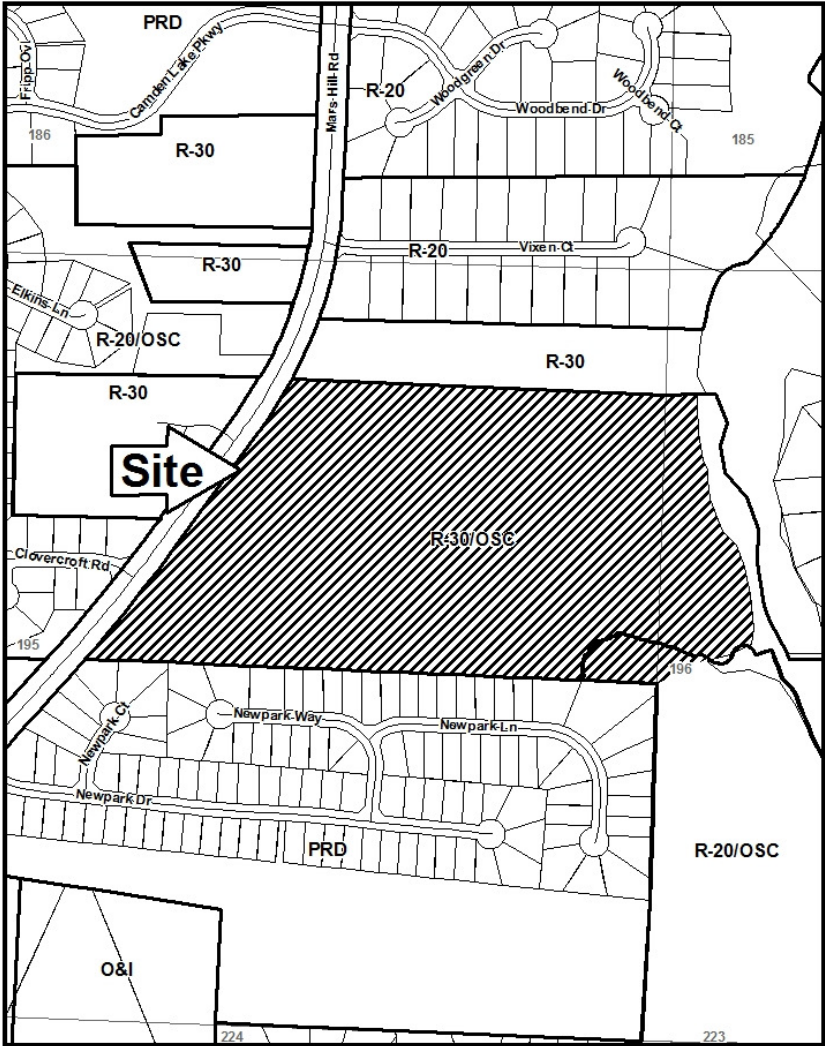


# Z-44 2018-Aerial Map



North  
**Zoning:** R-30 (Single-family Residential)  
**Future Land Use:** VLDR (Very Low Density Residential)

**Z-44 2018-GIS**



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

WEST

**Zoning:** R-30 (Single-family Residential and R-20/OSC (Single-family Residential Open Space Community))

**Future Land Use:** TCU (Transportation/Communication/Utilities and VLDR (Very Low Density Residential))

EAST

**Zoning:** R-30 (Single-family Residential and R-20/OSC (Single-family Residential Open Space Community))

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

SOUTH  
**Zoning:** PRD (Planned Residential Development)  
**Future Land Use:** VLDR (Very Low Density Residential)



## DEPARTMENT COMMENTS- Zoning Division

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### Current zoning district for the property

The OSC overlay district is established to encourage the preservation of natural resources within residential development. The district may be overlaid upon the R-80, R-40, R-30, R-20, and R-15 zoning districts. The overlay district is intended to provide for the preservation of greenspace as a nonstructural stormwater runoff and watershed protection measure; to provide a residential zoning district that permits flexibility of design in order to promote environmentally sensitive and efficient uses of the land; to preserve in perpetuity unique or sensitive natural resources such as groundwater, floodplains, wetlands, streams, steep slopes, woodlands and wildlife habitat; to permit clustering of houses and structures on less environmentally sensitive soils which will reduce the amount of infrastructure, including paved surfaces and utility easements, necessary for residential development; to reduce erosion and sedimentation by minimizing land disturbance and removal of vegetation in residential development; to promote interconnected greenways and corridors throughout the community; to promote greenspace contiguous with adjacent jurisdictions; to promote greenspace as passive recreation; to encourage interaction in the community by clustering houses and orienting them closer to the street, providing public gathering places and encouraging use of parks and community facilities as focal points in the neighborhood; to encourage street designs that reduce traffic speeds and reliance on main arteries; to promote construction of convenient landscaped walking trails and bike paths both within the subdivision and connected to neighboring communities, businesses, and facilities to reduce reliance on automobiles; to conserve scenic views and reduce perceived density by maximizing the number of houses with direct access to and views of open space; and to preserve important historic and archeological sites. Land and water are protected by limiting land disturbance and decreasing the percentage of impervious surface within the planned community, and by adding flexibility to site plan design. Open space design is intended to result in more efficient use of land, lower development and infrastructure costs, and the conservation of land for recreation or aesthetic and environmental enrichment. It is not the intent of this overlay district to significantly increase overall development densities, but to allow for the stipulated densities (and potential minor bonus) of the underlying zoning district. It is also the intent of the overlay district to encourage design flexibility, creativity and development complementary to surrounding and existing neighborhoods. Open space community overlay plans are approved as site plan specific.

## DEPARTMENT COMMENTS- Zoning Division (Continued)

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### 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).

### Summary of the applicant's proposal

The applicant is requesting a rezoning of the subject property from the existing R-30 OSC and R-20 OSC (Single-family Residential Open Space Community District) to the RSL non-supportive (Residential Senior Living District) in order to develop a 111 unit senior living subdivision on its 39.87 acres. The proposal will result in a density of 2.87 units per acre. Lots range in size from 6,060 square feet to 27,054 square feet. The applicant indicates that the proposed homes will be of traditional/craftsman style and be 1,800 square feet or greater in size.

### Residential criteria

Allowable units as zoned: 83

Proposed # of units: 111

Net density: 2.87

Increase of units: 28

Acres of floodplain/wetlands: 1.14

Impervious surface shown: 55%

### Are there any zoning variances?

The applicant's proposal requires the following variances:

1. Waive the setback between buildings from the required 15 feet to 10 feet; and
2. Allow RSL in the Very Low Density Residential future land use category.

## **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: Yes
2. Flood hazard zone: Zone AE
3. Drainage Basin: Allatoona Creek
4. FEMA Designated 100-year Floodplain Flood.
5. Wetlands: Yes    Location: identified on site plan
6. Streambank buffer zone: Yes
7. County Buffer Ordinance: 50' (tributary) & 100' (Allatoona Cr) each side of creek channel.
8. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
9. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream receiving stream.
10. Any spring activity discovered must be addressed by a qualified registered geotechnical engineer (PE).
11. Special site conditions and/or additional comments:
  - Drainage easements and adequate conveyance must be provided for existing discharge points from adjacent Parkwood at Brookstone S/D to the south.
  - This project may be developed as a private subdivision. If it is, all stormwater infrastructure will be privately maintained by the mandatory HOA.
  - This project is located within the 7-mile Water Intake Buffer Area. Although the 100-foot expanded buffer is property located on the site plan. The required 50-foot impervious setback will likely impact the structure locations on lots 34-36 and 79. A stream buffer variance for buffer averaging may be required.



## DEPARTMENT COMMENTS- Planning Division

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

(Planning comments continued on the next page)

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

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**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

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**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

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**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 Mars Hill 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.

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**Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: ~30' SE, with easement

Estimated waste generation (in G.P.D.): Average daily flow = 17,760; Peak flow = 44,400

Treatment plant: Northwest

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 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
Mars Hill Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Mars Hill Road	South of Mclain Road	14,800	E

*Based on 2016 traffic counting data taken by Cobb County DOT for Mars Hill 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**

Mars Hill 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.

**Recommendations**

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



**DEPARTMENT COMMENTS- Transportation (Continued)**

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8. Recommend a no access easement for the lots that border Mars Hill Road.
9. Recommend first driveway be a minimum of 50' from the Mars Hill Road intersection.

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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 denying the applicant's rezoning proposal. The subject property is located in a residential area of established subdivisions of less density than that proposed by the applicant- with the proposal resulting in 2.87 units per acre and the next highest in the vicinity being only 1.85 (Parkwood at Brookstone). Also, the property lies within the VLDR future land use category and per the RSL district's regulations, this zoning category is not to be located within this future land use designation.

**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-44 (2018)

Hearing Dates: PC - 07/03/2018  
BOC - 07/17/2018

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): 1,800 square feet and greater
- b) Proposed building architecture: Traditional/Craftsman
- c) List all requested variances: None known at this time.

.....  
**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 portion of the Application for Rezoning, at any time during the rezoning process.





## A&R Engineering Inc.

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Marietta, GA 30067  
Tel: (770) 690-9255 Fax: (770) 690-9210  
www.areng.com

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APR - 5 2018

COUNTY COMM. DEV. AGENCY  
ZONING DIVISION



### Memorandum

To: Traton Homes  
From: Abdul K. Amer, PE, PTOE  
Date: April 5, 2018  
Subject: Trip Generation Memo for Waterford Park Residential Development – Acworth, GA

The purpose of this memorandum is to determine the trip generation characteristics that will result from the proposed Waterford Park residential development in Acworth, Georgia. The development will consist of 111 senior adult detached housing units and proposes one full-access driveway on Mars Hill Road aligned with Clovercroft Road. The location of the development is shown below in Figure 1.



Figure 1: Site Location

#### METHODOLOGY

Trip generation estimates for the project were based on the rates and equations published in the 10<sup>th</sup> edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE Land Uses: 251 – Senior Adult Housing – Detached.

TABLE 1 – TRIP GENERATION								
Land Use	Size	AM Peak Hour			PM Peak Hour			24-Hour
		Enter	Exit	Total	Enter	Exit	Total	Two-way
ITE 251 – Senior Adult Housing – Detached	111 Units	15	29	44	32	20	52	423

As part of this memorandum, annual average daily traffic volumes were collected from the Georgia Department of Transportation. The traffic counters near the proposed development were used to determine the average daily traffic in the surrounding area. The counts revealed a 2016 ADT of 14,800 vehicles per day on Mars Hill Road, north of the site, and 14,700 vehicles per day on Stilesboro Road. The locations of the surrounding traffic counters near the proposed development are shown in Figure 2, below.

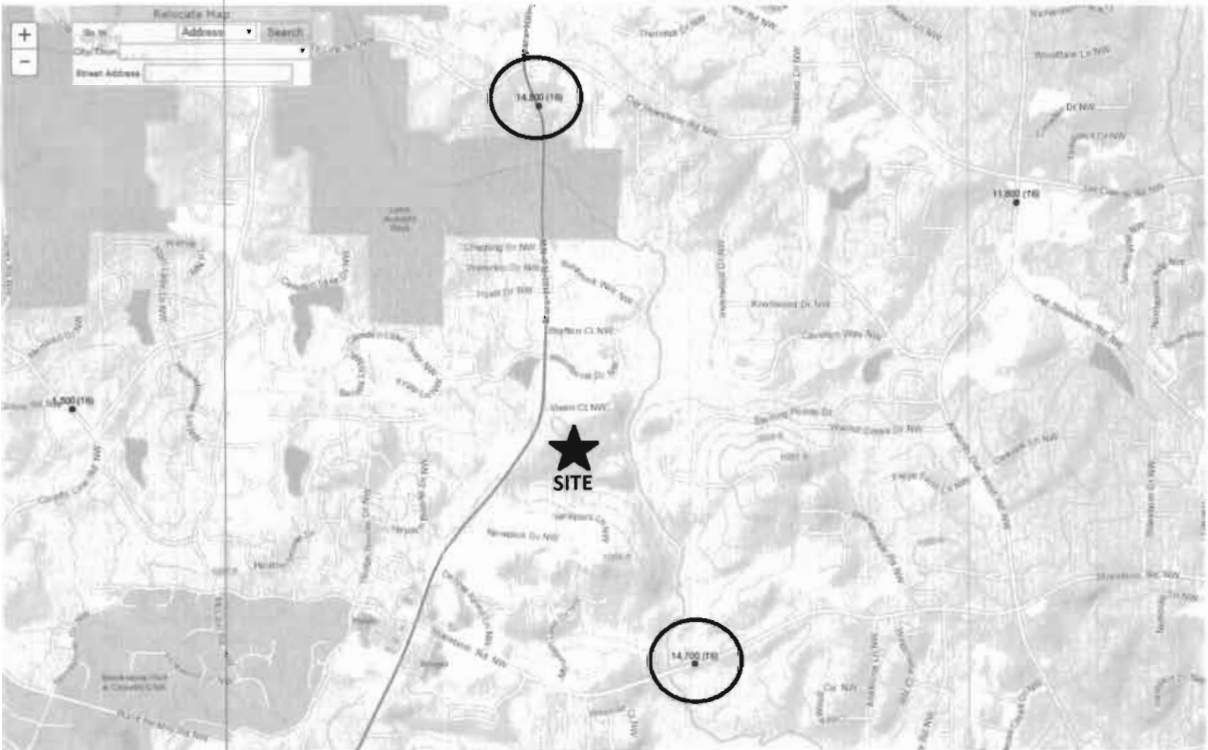


Figure 2: Traffic Counter Locations

As a point of reference, average daily traffic volumes were also obtained from the Cobb County Department of Transportation. The adjacent counters to the proposed development are located on Mars Hill Road, Old Stilesboro Road, Dennis Kemp Lane, and Stilesboro Road. The counts revealed a 2017 ADT of 21,350 vehicles per day on Mars Hill Road, a 2011 ADT of 1,800 vehicles per day on Old Stilesboro Road, a 2017 ADT of 3,375 vehicles per day on Dennis Kemp Lane, and a 2010 ADT of 12,000 vehicles per day on Stilesboro Road.

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

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 zoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby property. Other uses in the area include residential subdivisions all of which are under 2 units per acre in density (Fox Creek Subdivision to the north – 1.26 units per acre, West Oaks Subdivision across Mars Hill Road – 1.75 units per acre) with Parkwood at Brookstone immediately abutting to the south having the highest averaging 1.85. This is in comparison to the proposal's 2.87 units per acre.

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

The zoning proposal has the potential to adversely affect the existing use or usability of the adjacent or nearby properties. The proposed use is more dense 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. 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;**

The zoning proposal is not in conformity with the policies and intent of the comprehensive plan which delineates the property to be within the VLDR (Very Low Density Residential) future land use category. This category forecasts residential development in the range of 0-2 units per acre. Moreover, the RSL non-supportive district may be located within nearly any land use category but the very low density residential category is one in which it is not intended to be located as per the district's regulations.