



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-70  
Public Hearing Dates:  
PC: 11-06-18  
BOC: 11-20-18

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**SITE BACKGROUND**

Applicant: The Wasserman Group, LLC

Phone: (404) 874-8800

Email: smw@wassermangroup.com

Representative Contact: J. Kevin Moore

Phone: (770) 429-1499

Email: jkm@mijis.com

Titleholder: Multiple titleholders in Rezoning Application

Property Location: West side of Acworth Dallas Road, south of Cedarcrest Road

Address: 4321, 4331, 4341, 4361, 5001, 5003 Acworth Dallas Road, and five unnumbered parcels on Acworth Dallas Road

Access to Property: Acworth Dallas Road

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**QUICK FACTS**

Commission District: 1-Weatherford

Current Zoning: R-30, R-20 (Single-family Residential), and GC (General Commercial)

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

Proposed zoning: RM-8 (Multi-family Residential), and RSL (Residential Senior Living) (Non-supportive)

Proposed use: Age-restricted Residential Community

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

Site Acreage: 65.610 ac

District: 20

Land Lot: 40 and 75

Parcel #: Multiple parcels in Rezoning Application

Taxes Paid: Yes

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

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

Z-70  
(2018)

**Homestead Communities**

The Wasserman Group

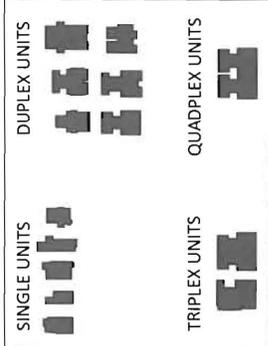


FOR SALE:	
SINGLE 18	
DUPLEX 5	
TRIPLEX 9	
QUADPLEX 17	
TOTAL 123	

LEASED HOMES:	
SINGLE 16	
DUPLEX 33	
TRIPLEX 13	
QUADPLEX 1	
TOTAL 125	

TOTAL UNITS 248



**RECEIVED**  
AUG - 2 2018  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

**ARA**  
ALLISON RAMSEY  
Architects Inc. creating sustainable timeless design

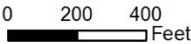
www.allisonramseyarchitect.com

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# Z-70 2018-Aerial Map



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

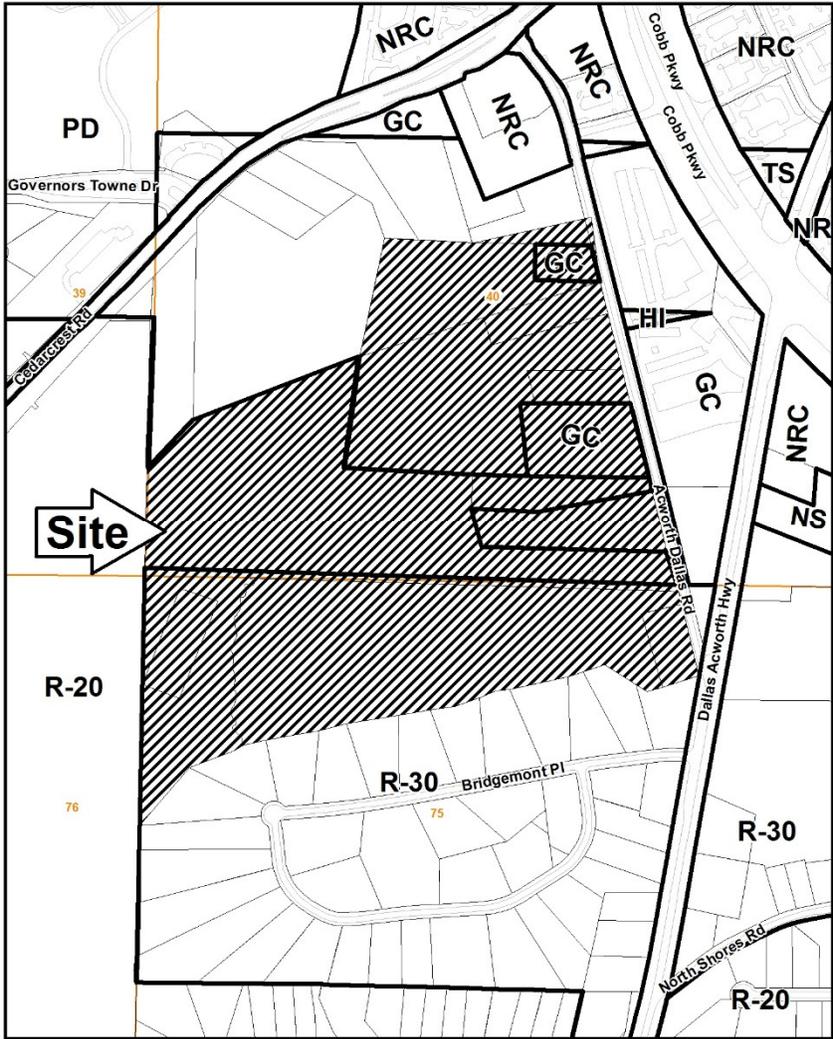


-  Zoning Boundary
-  City Boundary

North

**Zoning:** R-30 (Single-family Residential)  
**Future Land Use:** VLDR (Very Low Density Residential) and NAC (Neighborhood Activity Center)

**Z-70 2018-GIS**



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



Zoning Boundary  
 City Boundary

WEST

**Zoning:** R-30 (Single-family Residential), R-20 (Single-family Residential)

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

EAST

**Zoning:** GC (General Commercial), HI (Heavy Industrial), and R-30 (Single-family Residential)

**Future Land Use:** NAC (Neighborhood Activity Center), RR (Rural Residential)

SOUTH

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

## DEPARTMENT COMMENTS- Zoning Division

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

The R-30 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-30 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.

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.

The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter.

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

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### **Requested zoning district for the property**

The RM-8 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for medium and high density residential and regional activity center categories 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 RM-8 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

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**

Applicant is requesting the RM-8 (Multi-family Residential) and Residential Senior Living (non-supportive) for the purpose of a 248-unit residential community. The RM-8 portion will have units that range from 1,250 square feet and greater, and the RSL portion will have units ranging from 1,550 square feet and greater. The architecture for the development will be traditional, coastal, and craftsman. The homes will be 1-1/2 stories. The proposed plan indicates an amenity building, walking trails, and a gazebo.

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

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### **Residential criteria**

Allowable units as zoned: R-30/16, R-20/31—Approximately 47

Proposed # of units: 248

Net density: 3.77

Increase of units: 201

Acres of floodplain/wetlands: 0

Impervious surface shown: To meet code

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

Yes, the proposal will require the following contemporaneous variances:

1. Allow detached accessory structures on the rear property lines;
2. Waive the required exterior landscape buffer to zero fee along the western property lines.

## **DEPARTMENT COMMENTS- Fire Department**

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Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

## **DEPARTMENT COMMENTS- Fire Department (Continued)**

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Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

### Guest Parking

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

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- 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.
- 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.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- 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 A
3. Drainage Basin: Bridgemont Creek
4. FEMA Designated 100-year Floodplain Flood.
5. Wetlands: Possibly, Not Verified      Location: within streambanks and adjacent buffer
6. Streambank buffer zone: Yes
7. County Buffer Ordinance: 50' each side of creek channel.
8. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream receiving stream.
9. Stormwater discharges through an established residential neighborhood downstream.
10. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream receiving stream.
11. The proposed development may result in an increase in impervious coverage over the current zoning category. If the overall impervious coverage will be 45% or greater then 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).

## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Neighborhood Activity Center (NAC) and Very Low Density Residential (VLDR) future land use categories. 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. 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 - Only the RSL in the NAC  
 Inconsistent – RM -8 in NAC and VLDR; and RSL in VLDR

### House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary?  Yes  No

Acworth

Was the city notified?  Yes  No  N/A

**Specific Area Policy Guidelines:**  Yes  No

In order to establish an appropriate land use transition the Board of Commissioners has expanded the Neighborhood Activity Center (NAC) on the west side of Acworth Dallas Road in Land Lots 40 and 75 of the 20<sup>th</sup> District. In addition to the NAC expansion, the Board of Commissioners recommends low rise professional office type uses with residential architectural style. A transition in building scale and land use type will be encouraged with the most intense uses being along Acworth Dallas Road and the least intense being adjacent to residential. If office uses are adjacent to already established residential neighborhoods, an appropriate buffer will be highly recommended. Architectural compatibility, shared access and land use transition will be of paramount importance and assemblage of properties for development would be preferred and evaluated for appropriateness based on these criteria.

**Masterplan/ Corridor Study:** Northwest Cobb Land Vulnerability  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)*

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

**Is the property eligible for the Façade Improvement Program?**

Yes  No

*(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)*

**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).**

**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

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

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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 Acworth Due West Rd

Additional water comments: Development Standards require secondary water feed for developments of greater than 40 lots

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: +/- 6,500' to Pumpkinvine Creek WRF

Estimated waste generation (in G.P.D.): Average daily flow = 24,800 GPD (248 ERU)

Peak flow = 62,000 GPD (248 ERU)

Treatment plant: Pumpkinvine Creek WRF (Paulding County)

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.

## **DEPARTMENT COMMENTS- Water and Sewer (Continued)**

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Additional sewer comments: Per 2008 Wastewater IGA with Paulding County, only parcels in Cobb County that can be provided sewer service in Paulding without pumping are included for service through the agreement.

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
Acworth Dallas Road	Local	25	Cobb County	50'
Dallas Acworth Highway	Arterial	55	Georgia DOT	100'

Roadway	Location	Average daily trips	Level of service
Acworth Dallas Road	N/A	N/A	N/A
Dallas Acworth Highway	South of Acworth Dallas Road	23,700	F

*Based on 2016 AADT counting data taken by GDOT, as published on their website, for Dallas Acworth Highway.*

*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

Acworth Dallas Road 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.

Dallas Acworth Highway 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 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.
3. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
4. Recommend private streets be constructed to the Cobb County Standard Specifications.
5. Recommend curb, gutter, and sidewalk along the Acworth Dallas Road frontage.
6. As necessitated by this development, recommend both entrances on Acworth Dallas Road include a deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

**DEPARTMENT COMMENTS- Transportation (Continued)**

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7. Recommend applicant coordinate with GDOT to ensure compatibility with their Hwy 92 project.

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 proposal will not be suitable in view of the use and development of adjacent and nearby property. The area includes R-30 and R-20 developed on larger lots, and GC, NRC and HI in commercial nodes.

**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 proposal will adversely affect the existing use or usability of adjacent or nearby property. The proposal would be much more intense than adjacent residential uses.

**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 proposal will result in a use which may cause an excessive burdensome use of existing streets or transportation facilities. The Cobb County School Board is concerned that the proposal will have a negative impact on tax revenue for the Cobb County School District. Additionally, the property lies within the 2008 Wastewater Intergovernmental Agreement area with Paulding County regarding sewer service which prohibits pumping sewerage.

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

It is staff's opinion that the proposal is not in conformity with the policies and intent of the *Cobb County Comprehensive Plan*, which delineates the property as being within the Neighborhood Activity Center (NAC) and Very Low Density Residential (VLDR) future land use categories, to the extent that RSL is not supported by the VLDR section of the property. In addition, the Planning Division has noted that the Board of Commissioners recommends low-rise professional office type uses with residential architectural style in the NAC area of this request. A transition in building scale and land use type will be encouraged with the most intense uses being along Acworth Dallas Road and the least intense being adjacent to residential.

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 supporting grounds for denying the applicant's proposal. The property is surrounded by larger residential lots with single-family houses in the R-30 and R-20 zoning districts, and the RSL Non-supportive zoning category is not supported by the VLDR future land use category.

**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: \_\_\_\_\_

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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 \_\_\_\_\_