



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-63
Public Hearing Dates:
PC: 11-06-18
BOC: 11-20-18

SITE BACKGROUND

Applicant: Loyd Development Services

Phone: (770) 868-7591

Email: john@loyddevelopment.com

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: The Margaret A. Keheley Living Trust

Property Location: East side of Holly Springs Road, and on the south side of Davis Road

Address: 2876 Davis Road and 3102 Holly Springs Road

Access to Property: Holly Springs Road

QUICK FACTS

Commission District: 3-Birrell

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

Current use of property: Single-family houses

Proposed zoning: RSL (Residential Senior Living)

Proposed use: Non-supportive Senior Living Subdivision

Future Land Use Designation: LDR (Low Density Residential)

Site Acreage: 4.3 ac

District: 16

Land Lot: 458, 479, and 480

Parcel #: 16047900010 and 16047900030

Taxes Paid: Yes

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

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

1. Maximum of 2.5 units per acre;
2. Board of Commissioners approve the final site plan;
3. No variances;
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 recommendation.

Z-63
(2018)



CRESTLINE ENGINEERING
4615 WOODBRICK ROAD
SUITE 2000, LAWRENCEVILLE, GA 30046
770.868.7591 | F | 888.319.0222

PROJECT NAME:
MERRITT MANOR



REVISIONS

LAND PLAN
LP1

DEVELOPMENT SUMMARY

OWNER	JOHN LOYD
DATE	07/20/18
PROJECT TYPE	RESIDENTIAL
PROJECT ADDRESS	4615 WOODBRICK ROAD, SUITE 2000, LAWRENCEVILLE, GA 30046
PROJECT NUMBER	Z-63
PROJECT DESCRIPTION	REVISIONS TO SITE PLAN
PROJECT STATUS	IN PROGRESS
PROJECT CONTACT	JOHN LOYD
PROJECT PHONE	770.868.7591
PROJECT FAX	
PROJECT EMAIL	
PROJECT WEBSITE	
PROJECT SOCIAL MEDIA	
PROJECT NOTES	

24 HOUR CONTACT:
JOHN LOYD
770.868.7591



RECEIVED
OCT 05 2018
REVISED

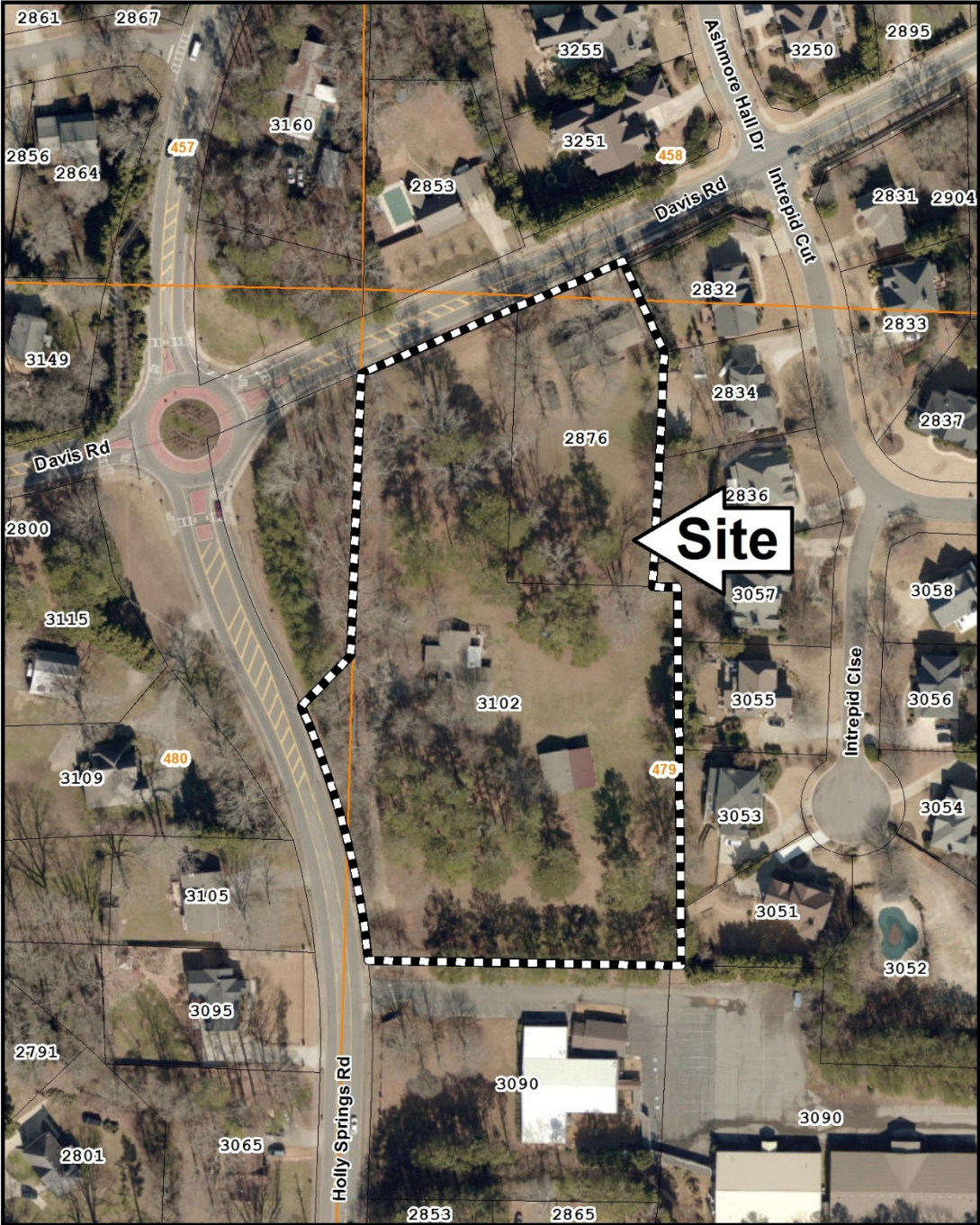
SITE LOCATION (NTS)

THE CITY OF LAWRENCEVILLE, GA, IS RECEIVING THIS APPLICATION FOR ZONING REVIEW. THE CITY ENGINEER HAS REVIEWED THE APPLICATION AND HAS FOUND IT TO BE IN COMPLIANCE WITH THE ZONING ORDINANCE. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE APPLICATION AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.

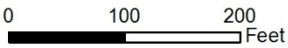
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



Z-63 2018-Aerial Map



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

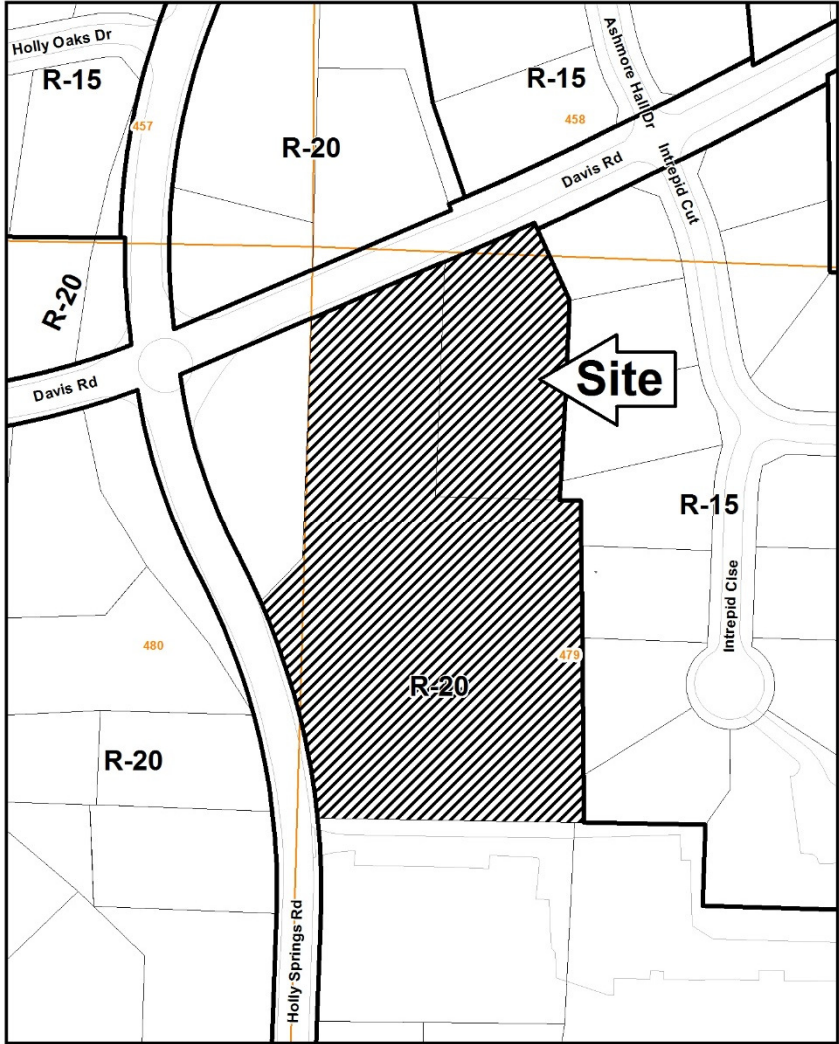


- Zoning Boundary
- City Boundary

North

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

Z-63 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

Zoning Boundary
City Boundary

WEST

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

EAST

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

SOUTH

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

DEPARTMENT COMMENTS- Zoning Division

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).

Summary of the applicant's proposal

The applicant is requesting a rezoning to the Residential Senior Living (RSL) non-supportive zoning district to develop the property as a 16-lot subdivision. The house sizes will range from 2,000 square feet to 2,500 square feet and greater. The architecture of the homes will be traditional. Each house will have an attached two-car garage.

Residential criteria

Allowable units as zoned: 7

Proposed # of units: 16

Net density: 3.72

Increase of units: 9

Acres of floodplain/wetlands: 0

Impervious surface shown: No more than 55%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the proposal will require the following setbacks as demonstrated:

1. Waive the landscape screening buffer adjacent to residentially zoned property from the required 20 foot to 10 feet along the southern property line and to zero along the western property line;
2. Waive the rear setback from the required 30 feet to 20 feet; and
3. Waive the requirement that the project include specific common or recreational space for residents.

DEPARTMENT COMMENTS- Fire Department

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

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)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

The Cobb County Board of Education has concerns about this development. Senior residential developments generally have a negative impact on tax revenue for the Cobb County School District, unlike standard residential or commercial developments, where property taxes are not exempted. We, therefore, would like to express our concern to the Planning Commission and Board of Commissioners and ask that you take our concerns under consideration as you review this zoning application.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Sewell Mill Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Potential or known drainage problems exist for developments downstream from this site.
7. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage systems.
8. Stormwater discharges through an established residential neighborhood downstream.
9. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
10. Special site conditions and/or additional comments:
 - All runoff from this site must be discharged into the existing stormwater infrastructure located to the northwest within the DOT right-of-way.
 - The proposed development will result in an increase in impervious coverage over the current zoning category. 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).

DEPARTMENT COMMENTS- Planning Division

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 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.)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)**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.

Special District

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

 Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

 Yes No

Is this property within the Six Flags Special Service District?

 Yes No**Dobbins Air Reserve Base Zones**

Is the property within the Dobbins Airfield Safety Zone?

 Yes No

Is the property within the Clear Zone (CZ)?

 Yes No

Is the property within the Accident Potential Zone (APZ I)?

 Yes No

Is the property within the Accident Potential Zone II (APZ II)?

 Yes No

Is the property within the Noise Zone?

 Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

 Yes No**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 8" in Holly Springs Road

Additional water comments:

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: At eastern property line

Estimated waste generation (in G.P.D.): Average daily flow = 2,560 GPD

Peak flow = 6,400 GPD

Treatment plant: R.L. Sutton WRF

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
Holly Springs Road	Arterial	35	Cobb County	100'
Davis Road	Minor Collector	35	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
Holly Springs Road	South of St Andrews Way	11,700	D
Davis Road	West of Holly Springs Road	3,800	C

Based on 2011 traffic counting data taken by Cobb County DOT for Holly Springs Road.

Based on 2011 traffic counting data taken by Cobb County DOT for Davis 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

Holly Springs 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.

Davis Road is classified as a minor 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 east side of Holly Springs 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 south side of Davis Road, a minimum of 30' from the roadway centerline.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
4. Recommend private streets be constructed to the Cobb County Standard Specifications.
5. Recommend replacing disturbed curb, gutter, and sidewalk along the frontage of Holly Springs Road and Davis Road.

DEPARTMENT COMMENTS- Transportation (Continued)

6. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
7. Recommend a short deceleration lane and/or taper on Holly Springs Road for the entrance. Recommend length and design be determined during plan review, subject to Cobb County DOT approval.
8. Recommend a 10' no access easement for the lots that border Holly Springs Road and Davis Road.
9. Recommend the driveway for Lot 16 be a minimum of 50 ft from Holly Springs Road.
10. Recommend removing and closing driveway aprons along Holly Springs Road and Davis Road frontage that development renders unnecessary.

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 permit a use that is suitable in view of the use and development of adjacent and nearby properties if the density were lower. The subject property is located in an area that has single-family subdivisions, churches, and schools.

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 if the density was more consistent with the area. The proposed density of 3.72 units per acre is higher than adjacent properties. The proposed development is adequately buffered from the adjacent Ashmore subdivision to the east which is developed at 2.3 units per acre. Also, the property is bounded by Davis Road to the north, Holly Springs Road to the west, and a church to the south.

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.

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

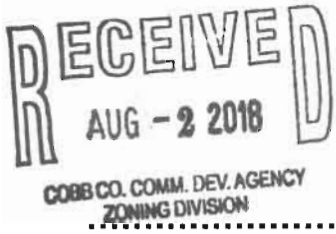
The Low Density Residential (LDR) future land use category allows non-supportive RSL, and it is Staff's opinion that the applicant's rezoning proposal at a density of 3.72 units per acre is not consistent with the area.

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 changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal with a maximum of 2.5 units per acre. The requested RSL non-supportive district is allowed in the LDR future land use category and the proposed density of 3.72 units per acre is compatible with the RSL section. However, the proposal should be consistent with and compatible with adjacent properties.

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- 63
PC: Nov. 6, 2018
BOC: Nov. 20, 2018

Summary of Intent for Rezoning*

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

- a) Proposed unit square-footage(s): Ranging from 2,000 square feet to 2,500 square feet (and greater)
 - b) Proposed building architecture: Traditional - renderings/elevations will be provided under separate cover.
 - c) List all requested variances: As shown on the site plan.
- _____

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

- a) Proposed use(s): N/A
 - b) Proposed building architecture: _____
 - c) Proposed hours/days of operation: _____
 - d) List all requested variances: _____
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The subject property is located at the round-about confluence of Holly Springs Road and Davis 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.

-
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time.
- _____

* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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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 _____