



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-75

Public Hearing Dates:

PC: 12-04-18

BOC: 12-18-18

SITE BACKGROUND

Applicant: 825 Mars Hill LLC

Phone: (404) 909-2717

Email: britt@capstoneresolutions.com

Representative Contact: Garvis L. Sams, Jr.

Phone: (770) 422-7016

Email: gsams@slhb-law.com

Titleholder: 825 Mars Hill LLC

Property Location: Southwest intersection of
Hadaway Road and Mars Hill Road, and on the
northeast side of Due West Road

Address: 825 Mars Hill Road

Access to Property: Hadaway Road

QUICK FACTS

Commission District: 1-Weatherford

Current Zoning: R-30 (Single-family Residential)

Current use of property: Single-family house

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

Proposed use: Non-supportive Senior Living
Subdivision

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

Site Acreage: 11.98 ac

District: 20

Land Lot: 269

Parcel #: 20026900020

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Jason Campbell)

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

Z-75
(2018)

Rezoning Plat for

Hadaway Road Community

Cobb County, Georgia Land Lot 269, 20th District, 2nd Section

prepared for:

825 Mars Hill, LLC

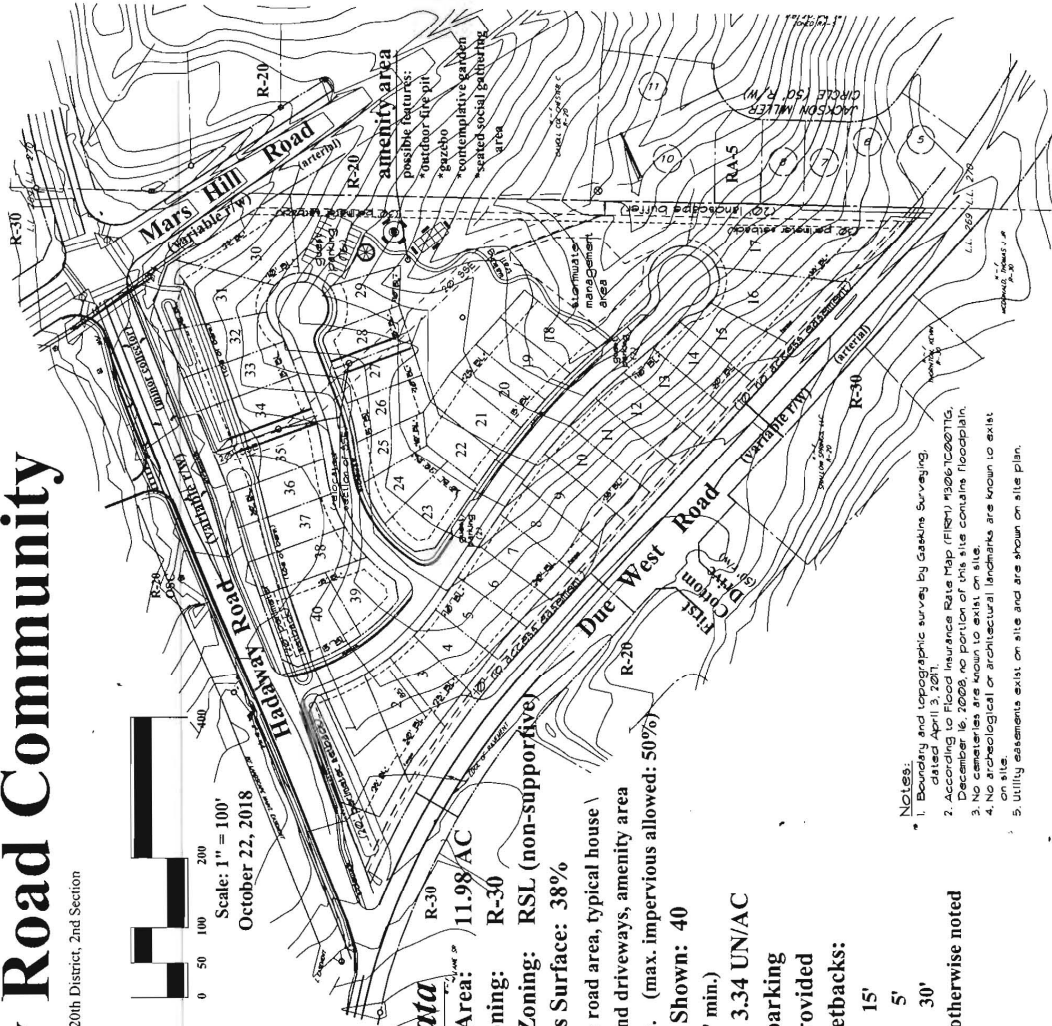
DGM
LAND PLANNING
CONSULTANTS



975 Cobb Place
Blvd, Suite 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491



Scale: 1" = 100'
October 22, 2018



Site Data

Total Site Area: **11.98 AC**

Present Zoning: **R-30**

Proposed Zoning: **RSL (non-supportive)**

Impervious Surface: **38%**

calculated: road area, typical house footprint and driveways, amenity area
hardscapes. (max. impervious allowed: 50%)

Total Lots Shown: **40**
(52' x 120' min.)

Density: **3.34 UN/AC**

*21 guest parking spaces provided

Building Setbacks:

front: 15'

side: 5'

rear: 30'

*unless otherwise noted

- Notes:
1. Boundary and topographic survey by Gaskins Surveying.
 2. According to Flood Insurance Rate Map (FIRM) #19067C02071G, December 18, 2009, no portion of this site contains floodplain.
 3. No cemeteries are known to exist on site.
 4. No archeological or architectural landmarks are known to exist on site.
 5. Utility easements exist on site and are shown on site plan.

RECEIVED
OCT 24 2018

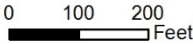
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



REVISED

Z-75 2018-Aerial Map



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

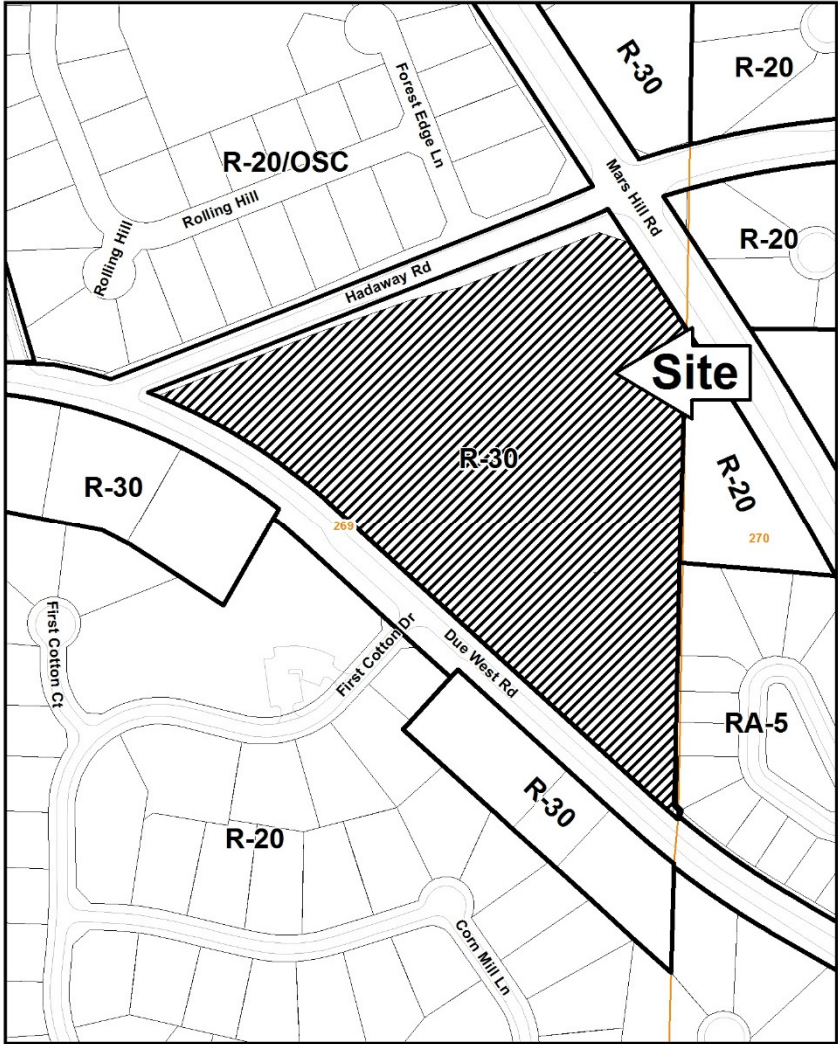


-  Zoning Boundary
-  City Boundary

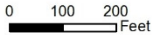
North

Zoning: R-20/OSC (Single-family Residential)
Future Land Use: VLDR (Very Low Density Residential)

Z-75 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), and R-20 (Single-family Residential)

Future Land Use: VLDR (Very Low Density Residential)

EAST

Zoning: R-20 (Single-family Residential), and RA-5 (Single-family Residential)

Future Land Use: VLDR (Very Low Density Residential)

SOUTH

Zoning: R-30 (Single-family Residential), and R-20 (Single-family Residential)
Future Land Use: VLDR (Very Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

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.

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 a 40-lot senior living subdivision with private streets and an amenity area with possible features to include: outdoor fire pit, gazebo, contemplative garden, and a seated social gathering area. The proposed homes will range in size from a minimum of 2,000 square feet to 3,000 square feet, and greater. The architectural style and composition of the houses will be as depicted in the attached renderings/elevations.

Residential criteria

Allowable units as zoned: 13

Proposed # of units: 40

Net density: 3.34

Increase of units: 27

Acres of floodplain/wetlands: 0

Impervious surface shown: 38%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the proposed development will require the following contemporaneous variances:

1. Reduce the distance between homes from 15 feet to 10 feet; and
2. Reduce the landscaped buffer abutting more restrictive residential zoning from the required 20 feet to 10 feet (along the eastern property line).

DEPARTMENT COMMENTS- Fire Department

Modifications may 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.
- 40 lots = 20 guest spaces

Side setback

- Side setback will need to be a minimum of 5 ft. each side providing a 10-foot-wide (clear to sky) space between building roof lines.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

A land disturbance permit was issued in 2016 for Chestnut Farms subdivision on the north side of Hadaway Road. The plans for that project required the installation of the new sewer line through the subject property. The installation of this sewer line impacted a 40" diameter specimen White Oak. Per the approved plans for Chestnut Farms, this was to be mitigated per the Cobb County Tree Ordinance via the installation of (18) 4" caliper hardwood trees on the subject property upon its development. Accordingly, these trees must be included on the Tree Protection and Replacement Plan for this project, subject to the approval of the Cobb County Arborist.

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: Allatoona Creek
4. Wetlands: Yes Location: identified on site plan
5. The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers.
6. Streambank buffer zone: Yes
7. County Buffer Ordinance: 50' each side of creek channel.
8. Georgia DNR Variance may be required to disturb within 25-foot streambank buffers.
9. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
10. Stormwater discharges through an established residential neighborhood downstream.
11. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
12. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream receiving system. A storage routing will be required for the existing detention pond within the West Hill Crossing Subdivision located immediately downstream.
13. Special site conditions and/or additional comments:
 - The entire site drains to the southeast into and through the West Hill Crossing Subdivision. Existing offsite runoff from the north side of Hadaway Road must be properly conveyed through the site.

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 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 Hadaway Road

Additional water comments: Also 12" in Due West Road

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: on site

Estimated waste generation (in G.P.D.): Average daily flow = 6,400

Peak flow = 16,000

Treatment plant: Northwest 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
Hadaway Road	Minor Collector	40	Cobb County	60'
Mars Hill Road	Arterial	45	Cobb County	100'
Due West Road	Arterial	40	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Hadaway Road	West of Mars Hill Road	2,400	C
Mars Hill Road	South of Fords Road	8,450	D
Due West Road	East of Antioch Road	8,650	D

Based on 2012 traffic counting data taken by Cobb County DOT for Hadaway Road.

Based on 2018 traffic counting data taken by Cobb County DOT for Mars Hill Road.

Based on 2018 traffic counting data taken by Cobb County DOT for Due West 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

Hadaway Road is classified as a minor collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Mars Hill Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Due West Road is classified as an arterial 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 Due West 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. As necessitated by this development, recommend Hadaway Road access include 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)

4. Recommend curb, gutter, and sidewalk along the frontage of Hadaway Road, Mars Hill Road, and Due West Road.
5. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
6. Recommend the driveways for lots 1 and 40 be a minimum tangent distance of 50 ft from Hadaway Road.
7. Recommend a 10' no access easement for the lots that border Hadaway Road, Mars Hill Road, and Due West Road.
8. Recommend a minimum driveway length of 20 ft between the right-of-way and garage.
9. Recommend private streets be constructed to the Cobb County Standard Specifications and be clearly labelled as private on the site plan.

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 comprised of single-family detached houses, zoned R-30, R-20, and RA-5.

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 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. 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 designated for the VLDR category. The requested RSL Non-supportive is designated to be located within any land use category other than industrial, industrial compatible, rural residential, and very low density residential. Nearby subdivisions include: Chestnut Farms (zoned R-20/OSC at 1.64 units per acre), Brown's Farm (zoned R-20 at 1.68 units per acre), Waverly Unit 1, Phase 2 at 1.86 units per acre), Brookstone PD II Unit I (zoned PD at 2.114 units per acre), and West Hill Crossing (zoned RA-5 at 2.84 units per acre)

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. The proposal is also not compatible with the *Cobb County Comprehensive Plan* designation of VLDR. The RSL Non-supportive category is specifically designated to not be allowed in VLDR. In addition, the proposed density of 3.34 units per acre is higher than other nearby residential subdivisions, and is over the density range for VLDR (0-2 units per acre). Surrounding properties are in 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.



Application No. 2-75

PC Hearing: December 4, 2018

BOC Hearing: December 18, 2018

COBB CO. COMMUNITY DEVELOPMENT AGENCY
ZONING DIVISION

Summary of Intent for Rezoning*

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

- a) **Proposed unit square-footage(s):** Minimum of 2,000 square feet, ranging up to 3,000 square feet and greater
- b) **Proposed building architecture:** Renderings/elevations are submitted herein representing the architectural style and composition.
- c) **List all requested variances:** A request for the granting of a concurrent Variance reducing the distance between homes from 15 feet to 10 feet.

.....
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)

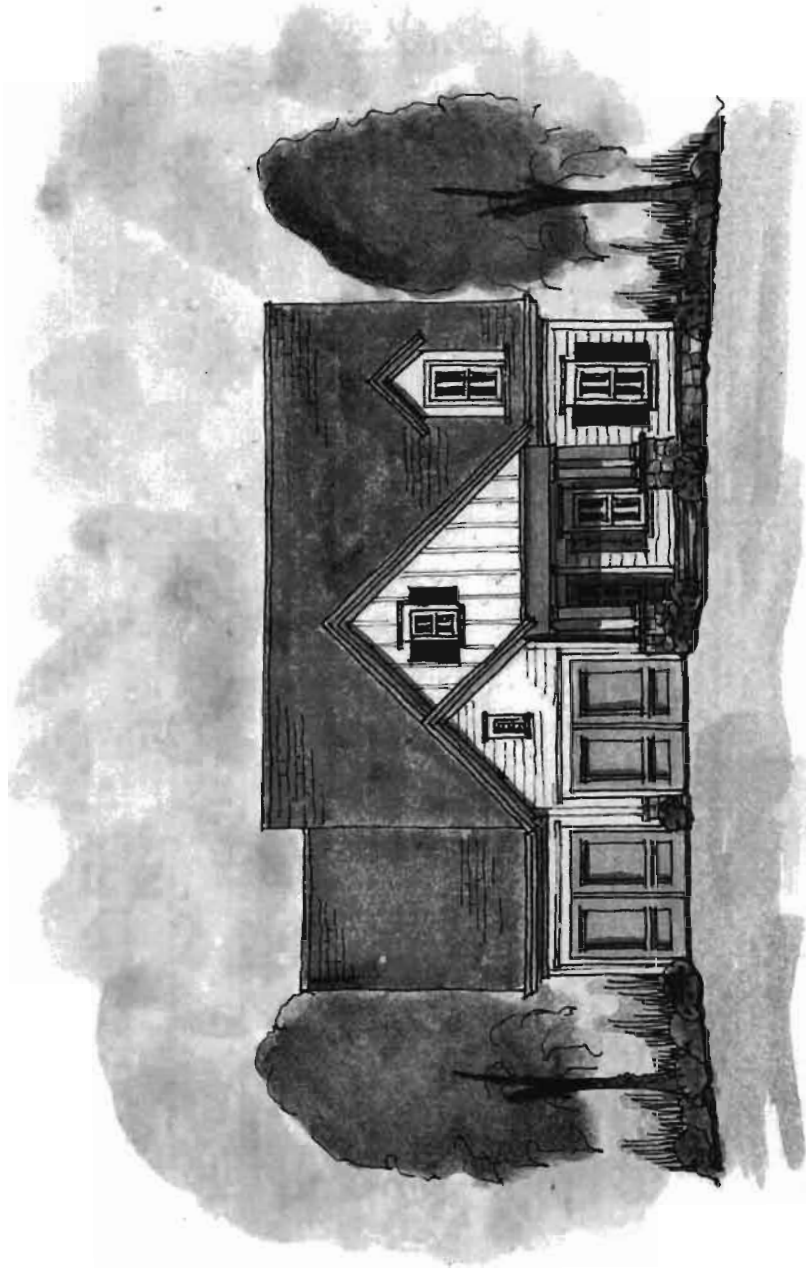
The subject property (11.98 acres) is located at the confluence of 3 roadways: Mars Hill Road/State Route 176 (Arterial); Due West Road/State Route 120 (Arterial); and, Hadaway Road (Minor Collector). Age restricted single-family detached homes will have no adverse effects upon existing County infrastructure; area schools; and/or a.m./p.m. peak hour traffic/transportation issues. Moreover, the property which is contiguous and to the southeast of the subject property is zoned RA-5 with an as-built density of 2.84 upa.

.....
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.



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CALDWELL • CLINE
ARCHITECTS • DESIGNERS
227 OBERON CIRCLE MARETTA, GA 30064
PHONE: 770-424-3882 FAX: 770-568-8830

FRONT ELEVATION

LIVINGSTONE PARK

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FRONT ELEVATION

LIVINGSTONE PARK

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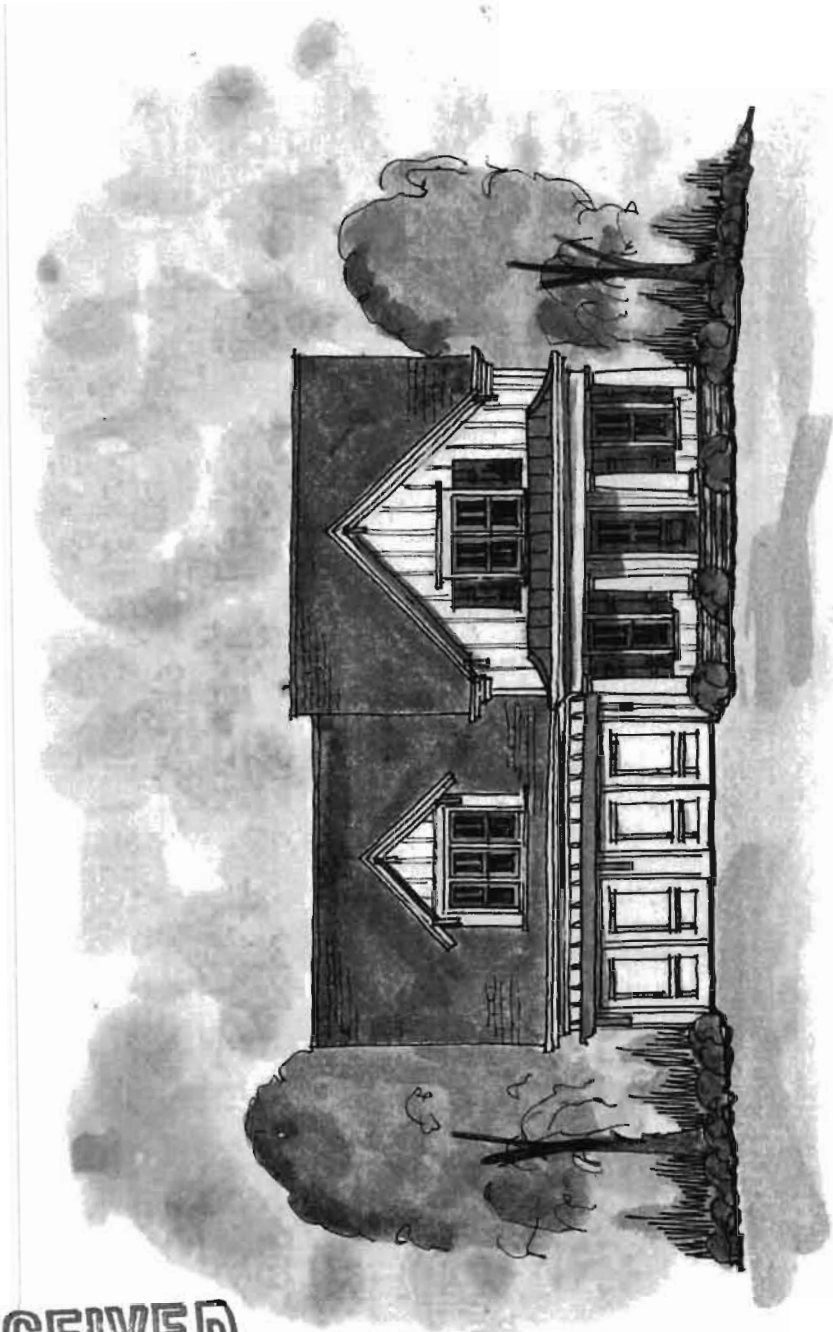
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CALDWELL • CLINE
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PHONE 770-424-3882 678-858-8930 FAX

FRONT ELEVATION

LIVINGSTONE PARK

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ZONING DIVISION



1266 Powder Spring Rd.
Marietta, GA 30064
Phone: (770) 424-7168
Fax: (770) 424-7593
www.gscsurvey.com

October 4, 2018

Mr. Britt Harbour
Capestone Real Estate Solutions
P.O. Box 240
Acworth, Georgia 30101



RE: DUE WEST ROAD TREES

Dear Mr. Harbour:

I have conducted a site visit at 825 Mars Hill Road to assess the potential impact of the proposed construction of a right turn lane and concrete sidewalk on existing pin oaks along Due West Road.

It is my belief that the existing oak trees will be negatively impacted by the construction of a driving lane, sidewalk and widened right of way. The trees are located approximately 22' from the existing edge of pavement.

Any construction activity will destroy structural and feeder roots in the drip line and critical root zones of the trees as well as cause breakage to scaffold limbs in the canopy.

More importantly, given the width of proposed widening and grading necessary to meet Cobb County road construction guidelines, it is likely the trees will have to be removed.

Sincerely,

Sarah J. Jordan, R.L.A.
ISA Certified Arborist

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 _____