



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-13

Public Hearing Dates:

PC: 2-5-20

BOC: 2-18-20

SITE BACKGROUND

Applicant: Arturo Martinez

Phone: 770-745-2266

Email: arturomartinezch@yahoo.com

Representative Contact: Darryl D. Ray

Phone: 770-942-0196

Email: dray@hughesray.com

Titleholder: Iglesia Misionera Roca De Salvacion,
Inc.

Property location and address: Located at the southwest intersection of Mableton Parkway and Boggs Road (6170 and 6190 Mableton Pkwy, and 529 Boggs Road)

Access to Property: Boggs Road

QUICK FACTS

Commission District: 4- Cupid

Current Zoning: PSC

Current use of property: Single-family houses

Proposed zoning: NRC

Proposed use: Church

Future Land Use Designation: Neighborhood Activity Center

Site Acreage: 6.24 acres

District: 18; Land Lots: 190

Parcel #'s: 18019000050, 18019000040, 18019000030

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Margie Vazquez)

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

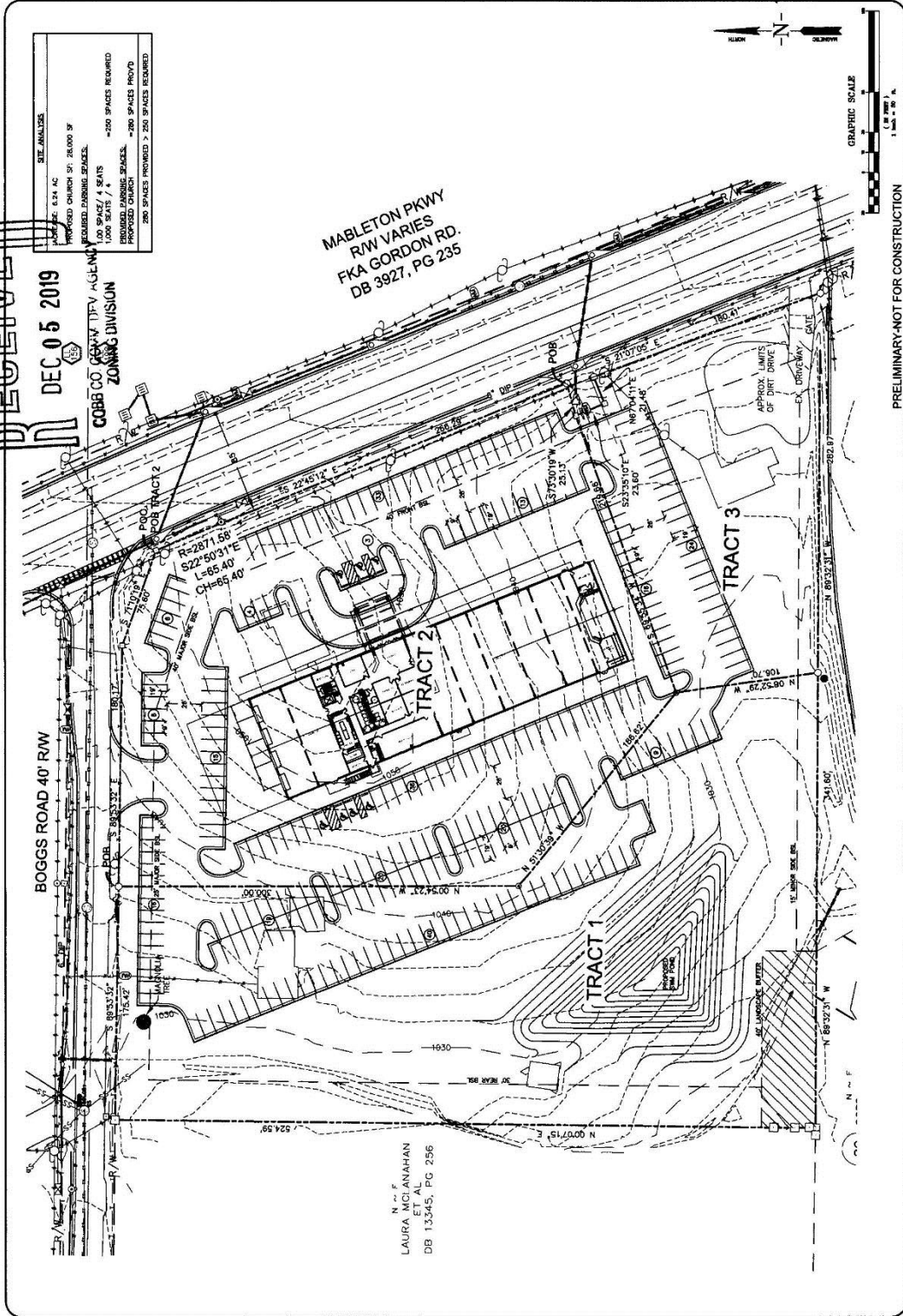
1. Site plan received by the Zoning Division on December 5, 2019, with the District Commissioner approving minor modifications;
2. Fire Department comments;
3. Site Plan Review comments;
4. Water and Sewer comments;
5. Stormwater Management comments;
6. Cobb County Department of Transportation comments and recommendations;
7. District Commissioner approve the final building architecture; and
8. Mableton Parkway Design Guidelines be met at permitting.

2-13-2020

	NO. DATE	L.L. 190, 188 DISTRICT, 2ND SECTION COBB COUNTY, GEORGIA ROCK OF SALVATION CHURCH or PRELIMINARY SITE PLAN	OWNER: DEVELOPER: NAME AND ADDRESS: ZALHR CONTACT (404) 412-0000		DATE: _____ DRAWN BY: _____ CHECKED BY: _____ JOB# H-18177.01 SP1
	REVISION				

RECEIVED
 DEC 05 2019
 COBB COUNTY ZONING DIVISION

SITE ANALYSIS
 TOTAL SITE AREA: 28,000 SF
 PROPOSED CHURCH SPACES: _____
 PROPOSED PARKING SPACES: _____
 PROPOSED CHURCH SEATING: _____
 PROPOSED CHURCH PROYD: _____
 200 SPACES PROVIDED > 250 SPACES REQUIRED



N ~ F
 LAURA MC ANAHAN
 ET AL.
 DB 13345, PG 256

Z-13 Aerial Map



Site

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

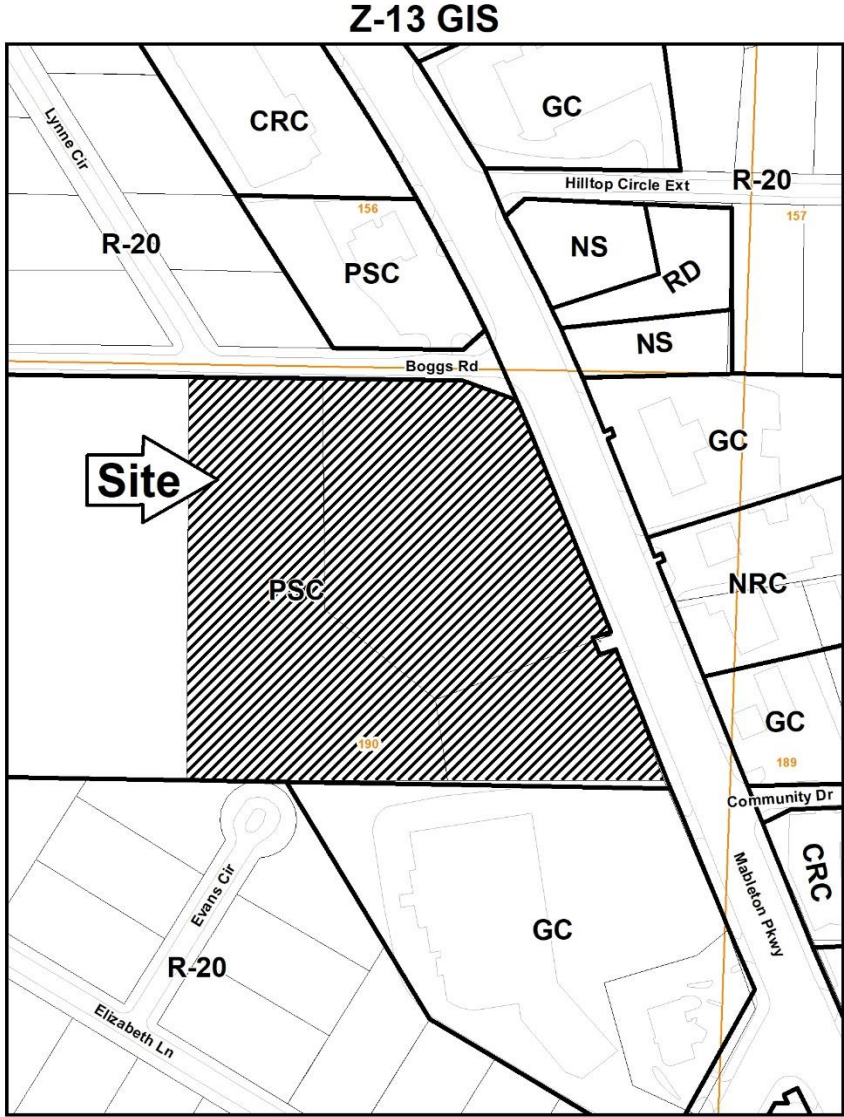
North

Zoning: PSC/Same Like Faith International Christian Fellowship Church; R-20/Single -family house
Future Land Use: Neighborhood Activity Center

WEST

Zoning:
PSC/Residential home

Future Land Use:
Neighborhood Activity Center;
Low Density Residential



EAST

Zoning:
GC/NRC

Future Land Use:
Neighborhood Activity Center

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

SOUTH

Zoning: GC/Shopping Center; R-20/Single-family houses
Future Land Use: Neighborhood Activity Center and Low Density Residential

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The PSC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the PSC zoning district should be done as compact, unified centers. Projects developed within the PSC zoning district should occupy a quadrant of an intersection, with ingress and egress only from a major collector street or state highway, within an area delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing, developed PSC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned PSC outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

Requested zoning district for the property

The Neighborhood Retail Commercial (NRC) district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

Summary of the applicant's proposal

The applicant is requesting to rezone to the NRC zoning district to develop a Church. The applicant intends to build a 28,000-square foot building. The building will have one story (22,000 square feet) on the first floor, with a half-story mezzanine (6,000 square feet). The building architecture will be comprised of brick, stone, and stucco on the front, back and sides. The hours of operation will be 8:00 am until 8:00 pm, 7 days a week.

DEPARTMENT COMMENTS- Zoning Division (continued)

Non-residential criteria

Proposed # of buildings: 1
Proposed # of stories: 1 1/2
Total sq. footage of development: 28,000
Floor area ratio: 0.10
Square footage per acre: 4,487
Required parking spaces: 250
Proposed parking spaces: 280
Acres in floodplain or wetlands: None
Impervious surface shown: none shown

Are there any zoning variances?

None

DEPARTMENT COMMENTS- Fire Department

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.8.2.1)

Fire Hydrants

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. (Cobb County Development Standards 410.5.2)

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

The proposed parking lot does not appear to comply with the Cobb County Tree Ordinance. Additional parking lot peninsulas and/or islands may be required, as determined by the Cobb County Arborist during site plan review.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

DEPARTMENT COMMENTS- School System

Approval of this petition will not have an impact on the enrollment of schools.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard zone: No
2. Drainage Basin: Gordon Creek
3. Wetlands: No
4. Streambank buffer zone: No
5. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
6. Stormwater discharges through an established residential neighborhood downstream.
7. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
8. Provide comprehensive hydrology/stormwater controls to include development of out parcels.
9. Existing offsite runoff from Mableton Parkway, Boggs Road and the adjacent commercial parcel to the south must be conveyed adequately through the site.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Neighborhood Activity Center (NAC) future land use category. 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.

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

NAC-P47 In an effort to mitigate commercial land use impacts affecting adjacent residential land uses, it is recommended any proposed development in the Neighborhood Activity Center (NAC) for an assemblage of parcels (18019000030, 18019000040, 18019000050 and 18019000060) located on the west side of Mableton Parkway, south of Boggs Road, that the Planning Commission and Board of Commissioners consider inclusion of a higher density residential component as a transition between the commercial development and the adjacent Low Density Residential (LDR) neighborhoods.

Masterplan/ Corridor Study South Cobb Implementation Strategy Yes No

Design guidelines area? Yes No

If yes, design guidelines area: Mableton Pkwy & Veterans Memorial Hwy Design Guidelines

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 South Cobb 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)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)**Is the property eligible for the Facade Improvement Program?** Yes No

(The Facade 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.

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): 6" in Mableton Pkwy

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: along frontage in Boggs Rd ROW

Estimated wastewater generation (in G.P.D.): Average daily flow = TBD ; Peak flow = TBD

Treatment plant: South Cobb 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

*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Additional sewer comments: Wastewater flow estimates determined by sanctuary capacity

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
Mableton Parkway (SR 139)	Arterial	45	Georgia DOT	100'
Boggs Road	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Mableton Parkway (SR 139)	North of Wood Valley Road	30,700	D
Boggs Road	NA	NA	NA

Based on 2018 traffic data taken by Georgia DOT for Mableton Parkway.

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 state highways from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

Mableton Parkway (SR 139) 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.

Cobb DOT has a planned SPLOST match project for a 10' multi-use trail along Mableton Parkway – Project No. X2770. A section of the multi-use trail runs along the frontage of this development.

Boggs Road is classified as a local road and according to the available information the existing right-of-way does not 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 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 west side of Mableton Parkway, a minimum of 50' from the roadway centerline.
3. 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 north side of Boggs Road, a minimum of 25' from the roadway centerline.
4. As necessitated by this development, recommend Mableton Parkway access to include deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval and coordination with GDOT.
5. Recommend the access on Mableton Parkway be a minimum of 250' tangent distance from Boggs Road or restricted to right-in/right-out access.

DEPARTMENT COMMENTS- Transportation (Continued)

6. Recommend the access on Boggs Road be a minimum of 250 feet tangent distance from the intersection at Mableton Parkway or be restricted to right-in/right-out access.
7. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed SPLOST match project X2770 – Mableton Parkway Pedestrian Improvements. Recommend applicant construct the driveways to meet commercial design standards and construct the section of 10' multi-use trail along their frontage. Fee in lieu of the trail section may be requested in coordination with the existing project depending on final construction schedules.
8. Recommend GDOT permits for all work that encroaches upon State right-of-way.

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;

The applicant's proposal will permit a suitable use given the character of the area, which includes commercial and residential properties.

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

The applicant's zoning proposal would not adversely affect the existing use or usability of adjacent or nearby properties due to the commercial nature of the 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 not result in a use which would cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion is 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center.

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 approving the applicant's rezoning proposal to NRC. The proposal is consistent with the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center. The proposal would be consistent with other commercial zonings along Mableton Parkway. The proposal would help continue raising the aesthetics of the commercially zoned properties along Mableton Pkwy. Buffering along the rear will protect the adjacent single-family houses.

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



Applicant's Impact Analysis for Z-13

ENGINEERS | SURVEYORS
LANDSCAPE ARCHITECTS

6554 E. CHURCH ST DOUGLASVILLE, GA 30134
TEL: 770.942.0196 | FAX: 770.942.0152
www.HughesRay.com



Cobb County Zoning Department
1150 Powder Springs St., Ste 400
Marietta, GA 30064

RE: Zoning Analysis of Impact

- a) *Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent nearby property;*

It is the opinion of our client that the proposed use is suitable in view of the use and development of adjacent nearby property. The property to the south that also fronts Mableton Parkway is currently zoned General Commercial. The adjacent property to the east of our subject property along Boggs Road is currently zoned PSC, a commercial district. The limited amount of residential property that abuts our subject piece will be screened per the Cobb County Ordinance.

- b) *Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;*

No adverse effects will be created due to the rezoning our subject parcels. All utilities and access ways will be on site or within public right of way.

- c) *Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;*

Per Chapter 34, Article IV, Section 134-225, our subject properties are required to be rezoned due to development post January 17, 2016. It is our client's intent to rezone the property in accordance with the 2040 Cobb County Comprehensive Plan.

- d) *Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;*

The proposed use of a 'Church' will not have excessive or burdensome impacts on streets, transportation facilities, utilities, or schools. The existing location of the church is approximately 0.25 miles north of the proposed property the church is interested in developing.

- e) *Whether the zoning proposal is in conformity with the policy and intent of the land use plan;*

It is our client's intent to rezone the property as NPC, which follows the 2040 Cobb County Comprehensive Plan.

- f) *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.*

Our client is not aware of any existing or changing conditions that would affect our client's development.

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 _____