



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-48

Public Hearing Dates:

PC: 9-1-20

BOC: 9-15-20

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**SITE BACKGROUND**

Applicant: Bennett Real Estate Holdings, LLC

Phone: 770-337-9795

Email:

Representative Contact: Chris Samuda

Phone: 404-441-8067

Email: [chris@csdesigngroupllc.com](mailto:chris@csdesigngroupllc.com)

Titleholder: Bennett Real Estate Holdings, LLC

Property location and address: Located on the south side of Veterans Memorial Highway, east of Kitchens Road, and on the north side of Wallace Road (10 Veterans Memorial Highway).

Access to Property: Veterans Memorial Highway (via 20 Veterans Memorial Highway entrance)

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**QUICK FACTS**

Commission District: 4-Cupid

Current Zoning: R-20 (Single-family residential), NRC (Neighborhood retail commercial)

Current use of property: Single-family residence (vacant)

Proposed zoning: NRC (Neighborhood retail commercial)

Proposed use: Child day care center

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 2.341

District: 18

Land Lot: 44

Parcel #: 18004400040

Taxes Paid: Yes

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**FINAL ZONING STAFF RECOMMENDATION:**

(Zoning staff member: Jeannie Peyton )

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

1. Site Plan received by the Zoning Division on July 2, 2020, with the District Commissioner approving minor modifications;
2. Site Plan Review comments and recommendations;
3. Stormwater comments and recommendations;
4. Water and Sewer comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. Adhere to Mableton Pkwy & Veterans Memorial Hwy Design Guidelines.

Z-48-2020  
Site Plan

**centerline**  
Surveying and Land Planning  
1301 Shiloh Road, Suite 1210, Roswell, GA  
PHONE: (770) 424-0028 FAX: (770) 424-



INFORMATION REGARDING THE PRESENCE, LOCATION, AND SIZE OF UNDERGROUND UTILITIES AS SHOWN ON THIS SURVEY IS BASED ON THE ABOVE GROUND APPEARANCES. NO CONFIRMATION IS MADE AS TO THE DEPTHS OF UNDERGROUND UTILITIES AND STRUCTURES HEREON. THERE MAY BE OTHER UTILITIES LOCATED ON THIS PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY. ANY SUCH UTILITIES SHOULD BE LOCATED PRIOR TO THE COMMENCEMENT OF ANY LAND DISTURBANCE ACTIVITY OF ANY NATURE.

This survey was prepared in conformity with the Technical Standards for Property Surveys in Georgia as set forth in Chapter 180-2 of the Rules of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in the Georgia Plat Act O.C.G.A. 15-6-57.

THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE OR OTHER EASEMENTS, RIGHTS-OF-WAY, SETBACK LINES, ZONING REQUIREMENTS, AGREEMENTS, RESERVATIONS, RESTRICTIONS, COVENANTS, OR SIMILAR MATTERS OF PUBLIC RECORD NOT DEPICTED HEREON.

TRAVERSE CLOSURE - 1:22.829  
TOTAL ANGULAR ERROR - 11 SECONDS  
ADJUSTMENT - TOPCON 303 TOTAL STATION  
PLAT CLOSURE - 1:306.894  
ALL MATTERS OF TITLE EXCEPTED.

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE, ACCORDING TO FEMA MAP 15087/00216H1, DATED MARCH 4, 2013.

REFERENCE PLAT:  
PB. 250, PG. 20

PRESENT ZONING:  
R-20 & MRC

SETBACKS AS SHOWN  
PER REFERENCE PLAT.

AREA:  
101,971 SQ. FT.  
2.341 ACRES

CURRENT OWNER:  
JUDITH ANN KITCHENS HOWARD

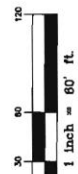
REFERENCE DEED:  
DB. 15090, PG. 3568

PROPERTY ADDRESS:  
10 VETERANS MEMORIAL HIGHWAY  
MABLETON, GEORGIA 30126

BEFOREMENT SURVEY FOR:

**BENNETT REAL ESTATES  
HOLDINGS BY SANDI DOUGET**

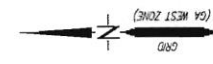
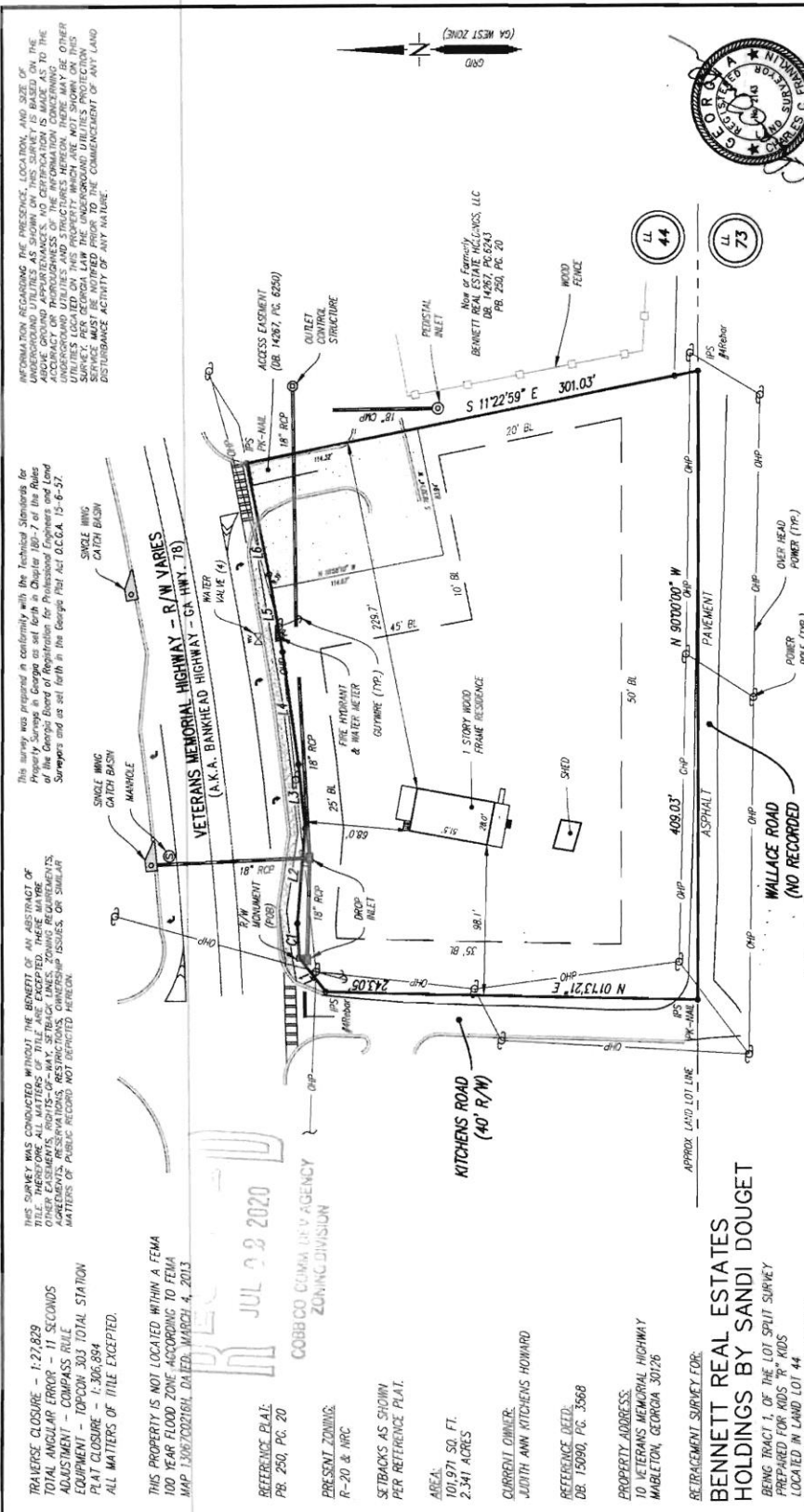
BEING TRACT 1 OF THE LOT SPLIT SURVEY  
PREPARED FOR WDS "B" LOTS  
LOCATED IN LAND LOT 4  
IN THE 18TH DISTRICT, 2ND SECTION  
COBB COUNTY, GEORGIA  
SCALE: 1" = 60' DATE: MAY 19, 2017



LINE	DISTANCE	DIRECTION
L1	22.76'	S51°36'39"E
L2	62.25'	S03°09'00"E
L3	41.89'	N83°42'00"E
L4	23.88'	N81°46'49"E
L5	51.70'	N02°00'00"E
L6	73.73'	N08°36'51"E

CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	1854.86'	22.64'	22.64'	N86°52'12"E

NO DEASING AND ANY CORRECTIONS HEREON ARE THE PROPERTY OF CENTERLINE SURVEYING AND LAND PLANNING, INC. NO WARRANTIES OR REPRESENTATIONS ARE MADE BY CENTERLINE SURVEYING AND LAND PLANNING, INC. NO WARRANTIES OR REPRESENTATIONS ARE MADE BY CENTERLINE SURVEYING AND LAND PLANNING, INC. TO ANY UNDATED THIRD PARTY.



# Z-48 Aerial Map



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

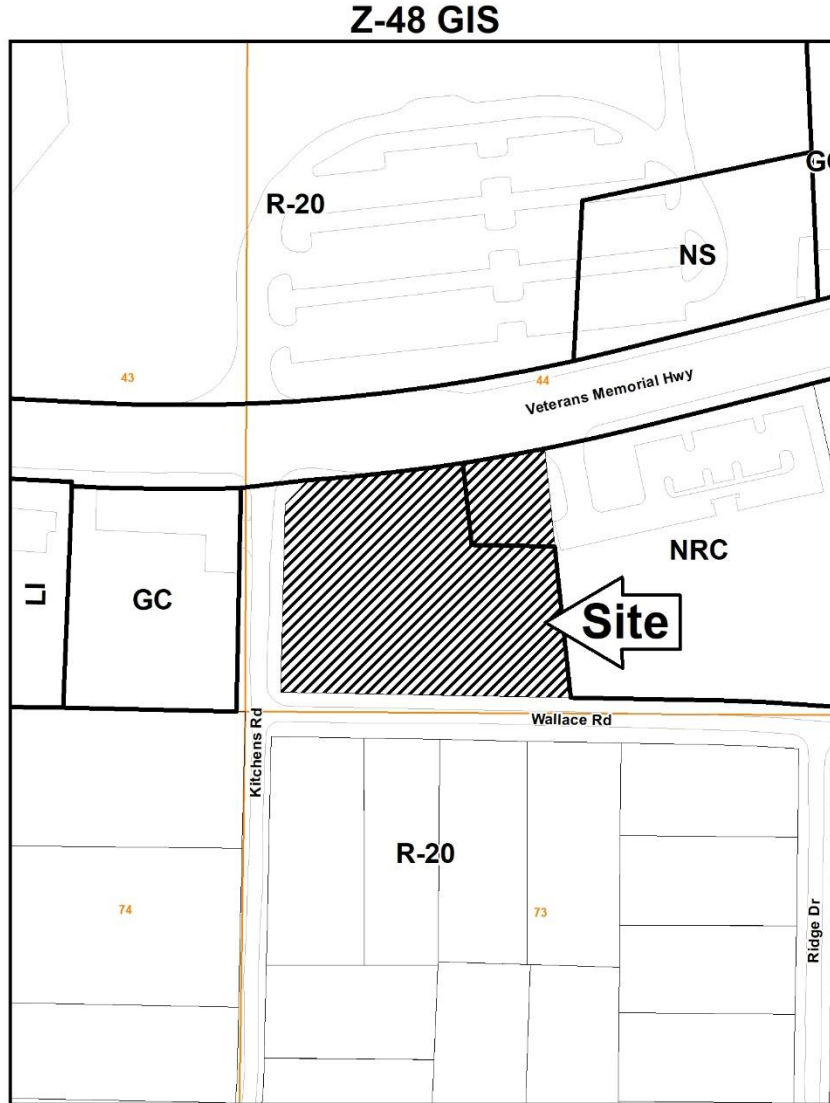
North

**Zoning:** R-20 / School  
**Future Land Use:** PI

WEST

**Zoning:** GC /  
Automotive  
repair

**Future Land  
Use:** NAC



EAST

**Zoning:** NRC /  
Child day care  
center

**Future Land  
Use:** NAC

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:** R-20 / Single-family residences  
**Future Land Use:** LDR



## **DEPARTMENT COMMENTS- Zoning Division**

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### **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.

The 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.

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

The 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.

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

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### **Summary of the applicant's proposal**

The applicant is requesting to rezone to the NRC, Neighborhood Retail Commercial, zoning district to use an existing 1,456 square foot structure as a child day care center "learning house". The existing building is one (1) story and located adjacent to the currently operating child day care center and will supplement the facility during hours of operation which are Monday through Friday, 7 a.m. to 6 p.m.

### **Non-residential criteria**

Proposed # of buildings: 1 (existing)  
Proposed # of stories: 1 (existing)  
Total sq. footage of development: 1,456  
Floor area ratio: 0.014  
Square footage per acre: 622  
Required parking spaces: 20  
Proposed parking spaces: 35 (existing)  
Acres in floodplain or wetlands: 0  
Impervious surface shown: 70% maximum

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

No

## **DEPARTMENT COMMENTS- Fire Department**

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No comments.

## **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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As determined by the Site Plan Review Section, the property owner may be required to obtain a Land Disturbance Permit to perform any site modifications, as required per stipulation approval (fencing, landscaping, curb/gutter & sidewalk installation, etc.) or otherwise. Contact Site Plan Review, 770-528-2147.

## **DEPARTMENT COMMENTS- Cemetery Preservation**

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No comments.

## **DEPARTMENT COMMENTS- School System**

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

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard zone: No
2. Drainage Basin: Tributary to Nickajack Creek
3. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
4. No stormwater management shown. Any new site improvements may require current stormwater management requirements including water quality.

## DEPARTMENT COMMENTS- Planning Division

R

**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

If Yes, which city?

Was the city notified?  Yes  No  N/A

**Specific Area Policy Guidelines:**  Yes  No

**Masterplan/ Corridor Study:** South Cobb Implementation Strategy  Yes  No

**Design guidelines area?**  Yes  No

If yes, which guidelines area is it? 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)*

**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)

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**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)*

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**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

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### Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

Is the property within the Clear Zone (CZ)?

Yes  No

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

Yes  No

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

Yes  No

Is the property within the Noise Zone?

Yes  No

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

Yes  No

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### Historic Preservation

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

## DEPARTMENT COMMENTS- Water and Sewer

### Water comments:

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): Veteran's Memorial Hwy

Additional water comments: existing water customer

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: +/- 300 ft south in Kitchens Rd

Estimated waste generation (in G.P.D.): Average daily flow = +/- nominal GPD

Peak flow = +/- nominal GPD

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: Environmental Health Department approval required for continued use of existing septic system. Connection to sewer required if expansion of septic system is deemed necessary by Env. Health Dept.

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

R

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'
Kitchens Road	Local	25	Cobb County	50'
Wallace Road	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	West of Cooks Road	26,400	LOS C
Kitchens Road	N/A	N/A	N/A
Wallace Road	N/A	N/A	N/A

*Based on 2019 AADT count data taken by Georgia DOT, as published on their website, for Veterans Memorial 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 state highways from this data source.*

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

### Roadway comments and observations

Veterans Memorial Highway 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.

Kitchens Road is classified as a local roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Wallace 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. The site survey for this development shows no recorded right-of-way for Wallace Road. Cobb DOT data shows this roadway located within public ROW.

### Site plan comments and observations

The intended use of this site is as additional facility space for the adjacent daycare with all intended traffic to and from this site will be by foot. No vehicular drop-off or pick-up is intended to happen on this property.

### 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 south side of Veteran Memorial Highway, a minimum of 50' from the roadway centerline.

**DEPARTMENT COMMENTS- Transportation (continued)**

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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 east side of Kitchens Road, a minimum of 25' from the roadway centerline.
3. Recommend applicant confirm that Wallace Road has a 50' public right of way or 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 Wallace Road, a minimum of 25' from the roadway centerline.
4. Recommend a 10' no access easement along the Veterans Memorial Highway frontage.
5. Recommend a 10' no access easement along the Wallace Road frontage.
6. Recommend no vehicular drop-off or pick-up activity on this site as a zoning stipulation.
7. Recommend driveway on Kitchens Road closed since all site traffic is intended to be by foot. If driveway is retained, recommend the driveway be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.
8. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

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 rezoning proposal will permit a use that is suitable in the view of use and development of adjacent and nearby properties. The property is in an area with residential and neighborhood commercial uses.

**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 adversely affect the existing use or usability of adjacent or nearby properties. There are similar uses adjacent and directly across from the proposed location.

**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.

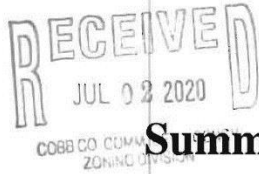
**D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;**

It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policies and intent of the Cobb County Comprehensive Plan. The property is delineated in a Neighborhood Activity Center, NAC future land use category. The requested zoning district and proposed use are consistent with the NAC land use designation.

**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 grounds for approving the applicant's rezoning proposal for the use as a child day care center. The proposal would be consistent with the NAC future land use category and compatible to other properties in the area.

**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-48

### Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- a) Proposed use(s): childcare
- b) Proposed building architecture: use existing structure
- c) Proposed hours/days of operation: 7am 6pm Mon-Fri
- d) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

*(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).* no

\_\_\_\_\_  
\_\_\_\_\_



**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 \_\_\_\_\_