

APPLICANT: St. Benedict's Episcopal Church, LLC
678-279-4300

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP
John H. Moore 770-429-1499

TITLEHOLDER: Cooper Lake Investments, LLC

PROPERTY LOCATION: Located on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

ACCESS TO PROPERTY: South Atlanta Road and West Atlanta Road

PHYSICAL CHARACTERISTICS TO SITE: Existing church

PETITION NO: Z-21

HEARING DATE (PC): 05-06-08

HEARING DATE (BOC): 05-20-08

PRESENT ZONING: RM-12

PROPOSED ZONING: O&I

PROPOSED USE: Church And Day School

SIZE OF TRACT: 3.553 acres

DISTRICT: 17

LAND LOT(S): 694, 695

PARCEL(S): 2, 3, 4

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NS/ Commerical building
- SOUTH:** GC/ Mortgage Company
- EAST:** UVC/ Ivy Walk
- WEST:** R-20, NRC/ Single-family houses

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

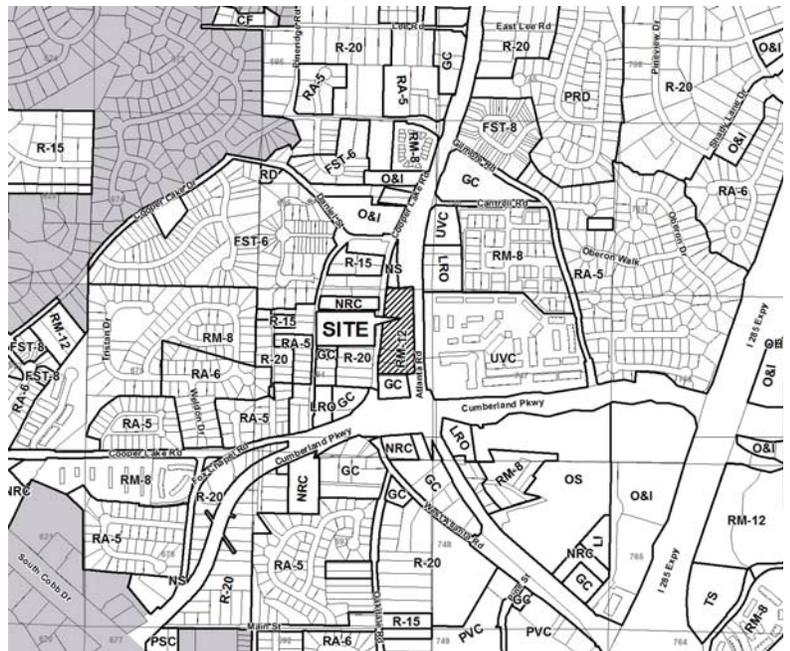
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

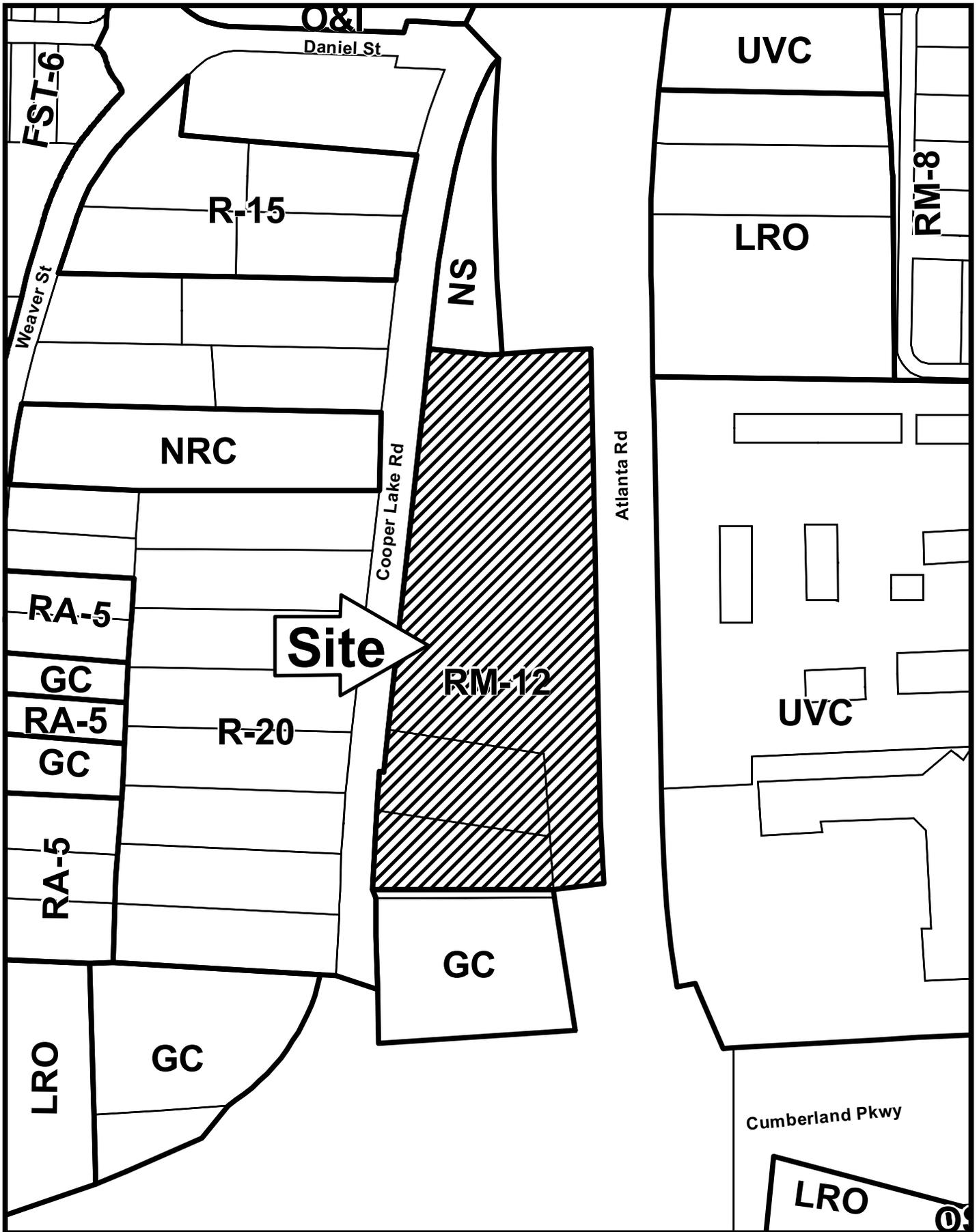
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-21



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

100 0 100
Feet



City Boundary
Zoning Boundary

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PETITION FOR: O&I

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: High Density Residential

Proposed Number of Buildings: 1(existing) **Total Square Footage of Development:** 29,038

F.A.R.: 0.18 **Square Footage/Acre:** 8,172

Parking Spaces Required: 150 **Parking Spaces Provided:** 150

The applicant is requesting the O&I zoning district to place a church and related facilities in the closed church building. The property was rezoned in 2005 for condominiums; however, the condominium development plans have been abandoned. The existing building would be renovated to accommodate the new church. The church will have a day school for children up to six years of age. The school will be open seven days a week, from 6:00 a.m. to noon.

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. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot paved radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT St Benedict's Episcopal Church, LLC

PETITION NO. Z-021

PRESENT ZONING RM-12

PETITION FOR OI

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 8" CI / W side West Atlanta Rd

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: In street

Estimated Waste Generation (in G.P.D.): **A D F** 3360 add'l **Peak** 8400 add'l

Treatment Plant: Sutton

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- Flow Test Required? Yes No
- Septic Tank Recommended by this Department? Yes No
- Subject to Health Department Approval? Yes No

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

Additional Comments:

Notes FYI:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

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DRAINAGE COMMENTS

No building expansion or site improvements are proposed at this time. Minor parking lot changes may be required to improve circulation or meet DOT access requirements. However, if additional impervious area is less than 5000 square feet then no stormwater management will be required. Any redevelopment or significant site changes will be required to meet current Stormwater Management requirements.

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TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cooper Lake Road	3500	Minor Collector	35 mph	Cobb County	60'
Atlanta Road	22100	Arterial	45 mph	Cobb County	100'

*Based on 2006 traffic counting data taken by Cobb County DOT. (Cooper Lake Road)
Based on 2007 traffic counting data taken by Cobb County DOT. (Atlanta Road)*

COMMENTS AND OBSERVATIONS

Cooper Lake Road is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Atlanta 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.

This section of Atlanta Road is identified as the corridor for the extension of the Silver Comet Trail.

Install a 10' multi-use sidewalk along the frontage of Atlanta Road and a 5' sidewalk with curb and gutter along Cooper Lake Road.

Access to Atlanta Road shall be right-in only.

As necessitated by this development for access from Atlanta Road, a deceleration lane will be required.

Develop a circulation plan that will facilitate student drop offs and pick ups.

RECOMMENDATIONS

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 Cooper Lake Road, a minimum of 30' from the roadway centerline.

Recommend applicant coordinate with the Cobb County DOT Engineering Division prior to development plan approval to ensure compatibility with the proposed Silver Comet Trail extension project.

Recommend installing standard sidewalk, curb and gutter along Cooper Lake Road and a 10' multi-use sidewalk along Atlanta Road.

Recommend right-in only access along Atlanta Road.

Recommend a deceleration lane along Atlanta Road.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-21 ST. BENEDICT'S EPISCOPAL CHURCH, LLC

- A. 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. The area contains a mixture of uses, such as single-family houses, condominiums, offices, retail, restaurants, and banks.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal would be compatible with adjacent uses. Additionally, the applicant's proposed use is the same use the property has had for many prior years.
- C. 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, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. 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 to be within a High Density Residential Land Use Category. However, the property has been used for a church for many years, and was, up to 2005 when the property was rezoned for condominiums.
- E. 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. The area contains a mixture of residential and non-residential land uses. The applicant's proposal is the same proposed use as previously experienced on the property. The applicant's proposal would place a feasible use on the property in lieu of having an abandoned building on the property until the residential real estate market returns.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division March 6, 2008, with the District Commissioner approving minor modifications;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations 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.