

Z-13
(2010)

Rezoning Plan Westside Church

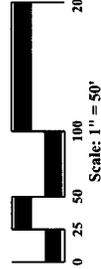
Cobb County, Georgia Land Lots 31 & 32, 17th District, 2nd Section

prepared for:

Dr. A.T. Stewart



975 Ch. Rd.
Box 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491



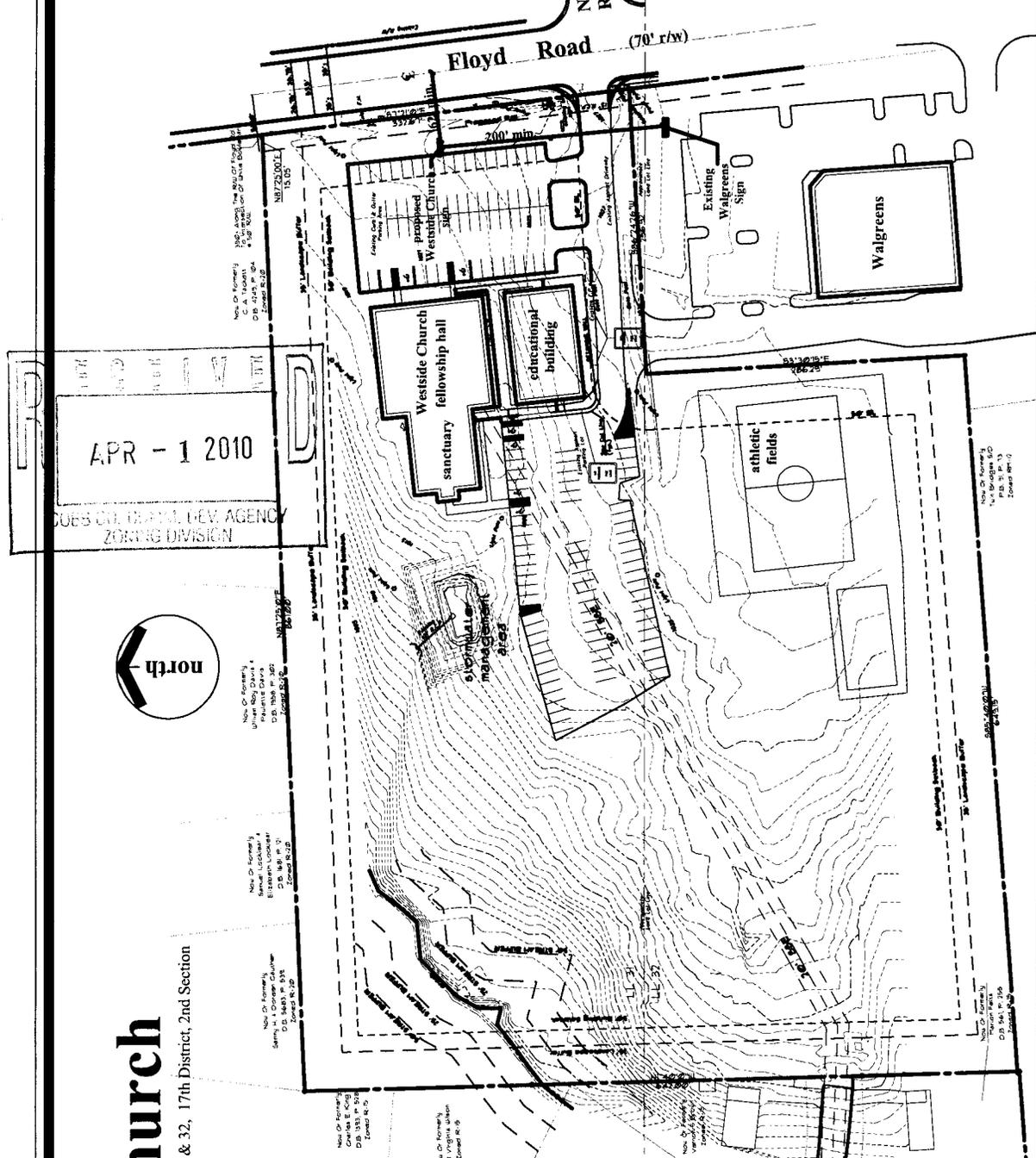
March 31, 2010



Site Data

Total Site Area: 11.1 AC
Present Zoning: R-20
Proposed Zoning: NRC

- Notes:**
1. Boundary survey and topographic information by Gray Engineering
 2. According to Flood Hazard Risk Map 2009, no portion of this site contains floodplain
 3. No cemeteries are known to exist on site.
 4. Stream and wetland classifications are to be determined.
 5. No archeological or architectural landmarks are known to exist on site.
 6. Stormwater management and water quality structures are conceptual in nature and will be revised based on hydrologic study.



APR - 1 2010
COBB COUNTY DEV. AGENCY
ZONING DIVISION



APPLICANT: Westside Baptist Church of Mableton, Inc.
770-948-0121

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Westside Baptist Church of Mableton, Inc

PROPERTY LOCATION: Located on the west side of Floyd Road,
south of White Boulevard.

ACCESS TO PROPERTY: Floyd Road

PHYSICAL CHARACTERISTICS TO SITE: Existing church

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NRC, R-20/ McDonalds, Single-family houses
- SOUTH:** NRC, RM-12/ Walgreens, Twin Bridges Townhomes
- EAST:** NRC/ Kroger
- WEST:** R-15/ Clay Manor subdivision

PETITION NO: Z-13

HEARING DATE (PC): 06-03-10

HEARING DATE (BOC): 06-15-10

PRESENT ZONING: R-20

PROPOSED ZONING: NRC

PROPOSED USE: Religious Facility With
Electronic Signage

SIZE OF TRACT: 11.1 acres

DISTRICT: 17

LAND LOT(S): 31, 32

PARCEL(S): 1, 5

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

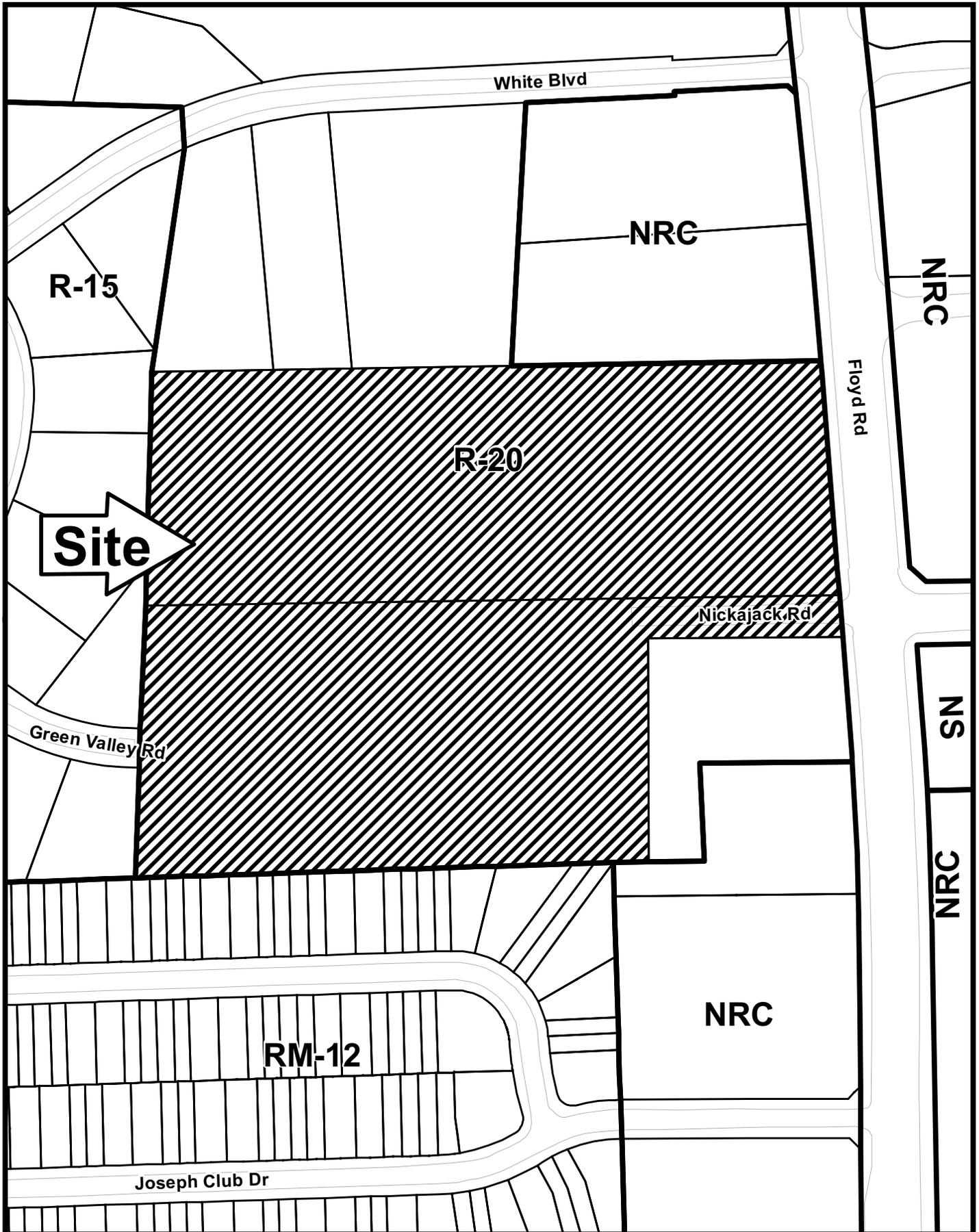
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

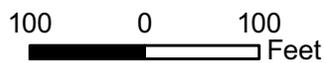
STIPULATIONS:



Z-13



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



City Boundary
Zoning Boundary

APPLICANT: Westside Baptist Church of Mableton, Inc.

PETITION NO.: Z-13

PRESENT ZONING: R-20

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Public/ Institutional

Existing Number of Buildings: 2 **Total Square Footage of Development:** 22,869

F.A.R.: 0.05 **Square Footage/Acre:** 2,060

Parking Spaces Required: 137 **Parking Spaces Provided:** 137

The applicant is requesting rezoning to the NRC zoning district mainly to install a sign with an electronic message board. The County Code does not allow electronic signs on residentially zoned property. The sign would be approximately 13.3 feet tall and 11.8 feet wide; the electronic reader board portion would be approximately 3.5 feet tall and 8 feet long. A rendering of the sign is attached as Exhibit "A". The existing church facility and operation will remain unchanged. The applicant has submitted a Zoning Impact Statement, which is attached as Exhibit "B".

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:

No Comments.

STORMWATER MANAGEMENT COMMENTS:

No comments.

APPLICANT Westside Baptist Church of Mableton

PETITION NO. Z-013

PRESENT ZONING R-20

PETITION FOR NRC

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 12" DI/W side of Floyd Rd

Additional Comments: Records show 4900 Floyd Rd connected and active

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: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: 100' W Green Valley Rd ROW

Estimated Waste Generation (in G.P.D.): **A D F** 0 incr **Peak=** 0 incr

Treatment Plant: **S Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form ans stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

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 Comments: Records show 4900 Floyd Rd as connected

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 offsite easements, dedication of on and/or offsite 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.

APPLICANT: Westside Baptist Church of Mableton, Inc.

PETITION NO.: Z-13

PRESENT ZONING: R-20

PETITION FOR: NRC

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
Floyd Road	35200	Arterial	40 mph	Cobb County	100'

Based on 2007 traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Floyd 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.

Install sidewalk along Floyd Road frontage.

Floyd Road is identified in the 2005 SPLOST as a roadway safety and operational improvement project.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of 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 Floyd Road, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk along the Floyd Road frontage.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along Floyd Road.

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

STAFF RECOMMENDATIONS

Z-13 WESTSIDE BAPTIST CHURCH OF MABLETON, INC.

- 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 applicant's property is located in a commercial section of Floyd Road.
- 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 consistent with adjacent properties. The Walgreen's next door also has an electronic sign. However, Staff is concerned with placing the NRC zoning district so far west into the residential area, and would suggest the western 300-feet of the property be left zoned R-20; this would still allow the applicant to have the requested sign.
- 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 Public Institutional Land Use Category. However, there is commercially zoned property on three sides of the applicant's property.
- 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 for a portion of the property. The applicant's property is located in an area that has commercially zoned property on three sides, with residentially zoned property to the west. The applicant's proposal would be consistent with other non-residentially used properties along this portion of Floyd Road that have electronic reader board signs. Staff is conscience of the residentially zoned property behind the applicant's proposal and would suggest approximately the rear third of the property be left zoned R-20 to serve as a zoning step-down.

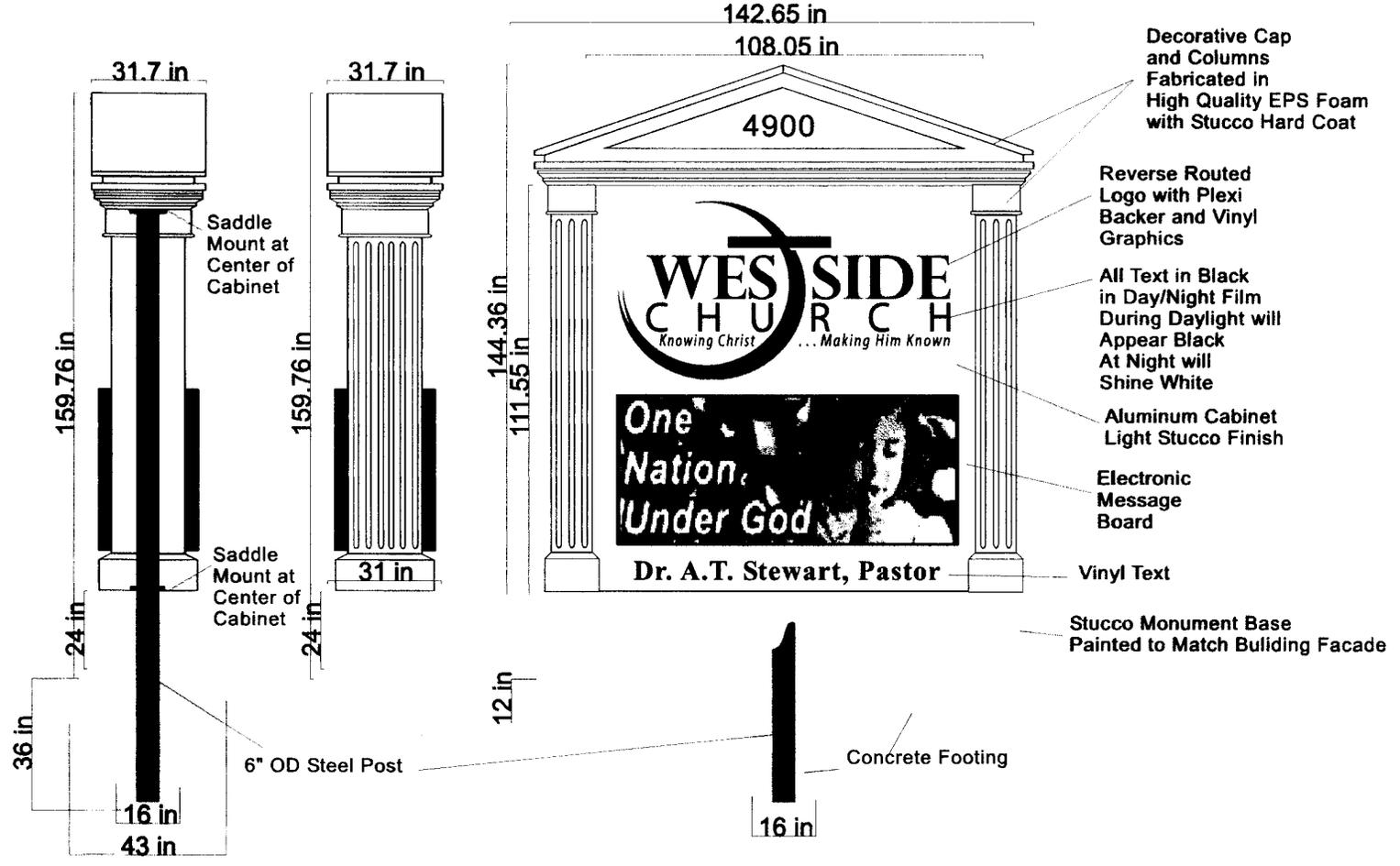
Based on the above analysis, Staff recommends DELETION AND APPROVAL subject to the following conditions:

- The western 300-feet of the property be deleted to R-20, the balance of the property be zoned NRC;
- The property be used for church related use only;
- Sign rendering received by the Zoning Division April 1, 2010; and
- DOT comments and recommendations.

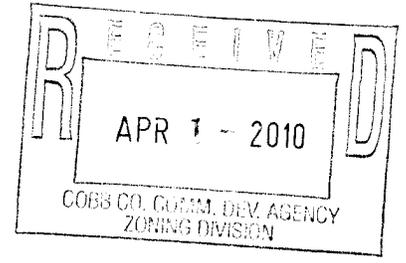
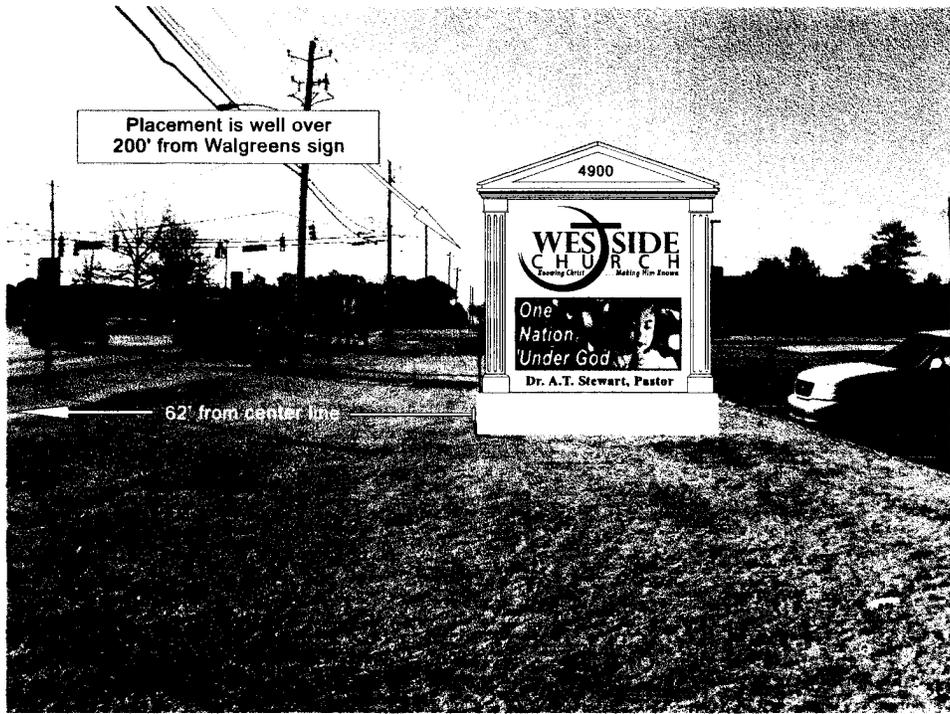
The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

End View

Front and Back View

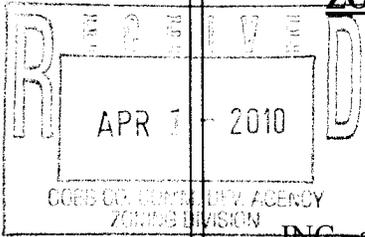


EMC Board meets all Cobb County requirements as set forth in Section 134-318.1.



ANY QUESTIONS CALL
 Ph: 678-290-1613
 Fax: 678-290-1650

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF WESTSIDE BAPTIST CHURCH OF MABLETON, INC.**



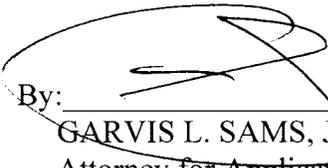
COMES NOW, WESTSIDE BAPTIST CHURCH OF MABLETON, INC., and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a continued use of the property which is suitable in the context of development and existing zonings along this section of the Floyd Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the preponderance of which are commercial and retail developments located within the confines of a Neighborhood Activity Center (NAC).
- C. The subject property to be affected by the zoning proposal has a reasonable economic use as currently zoned; however, the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility in the absence of being rezoned to allow electronic signage. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present zoning classification R-20.
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is located within a Public/Institutional area, surrounded by a Neighborhood Activity Center (NAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of R-20 which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Floyd Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 1st day of April, 2010.

SAMS, LARKIN & HUFF, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950