

Z-11
(2013)



COBB COUNTY ZONING DIVISION
OFFICE ADDRESS: 1000 BENTLEY AVE. NW
CITY: ATLANTA, GA 30309
STATE: GEORGIA
PHONE: 404-376-2345

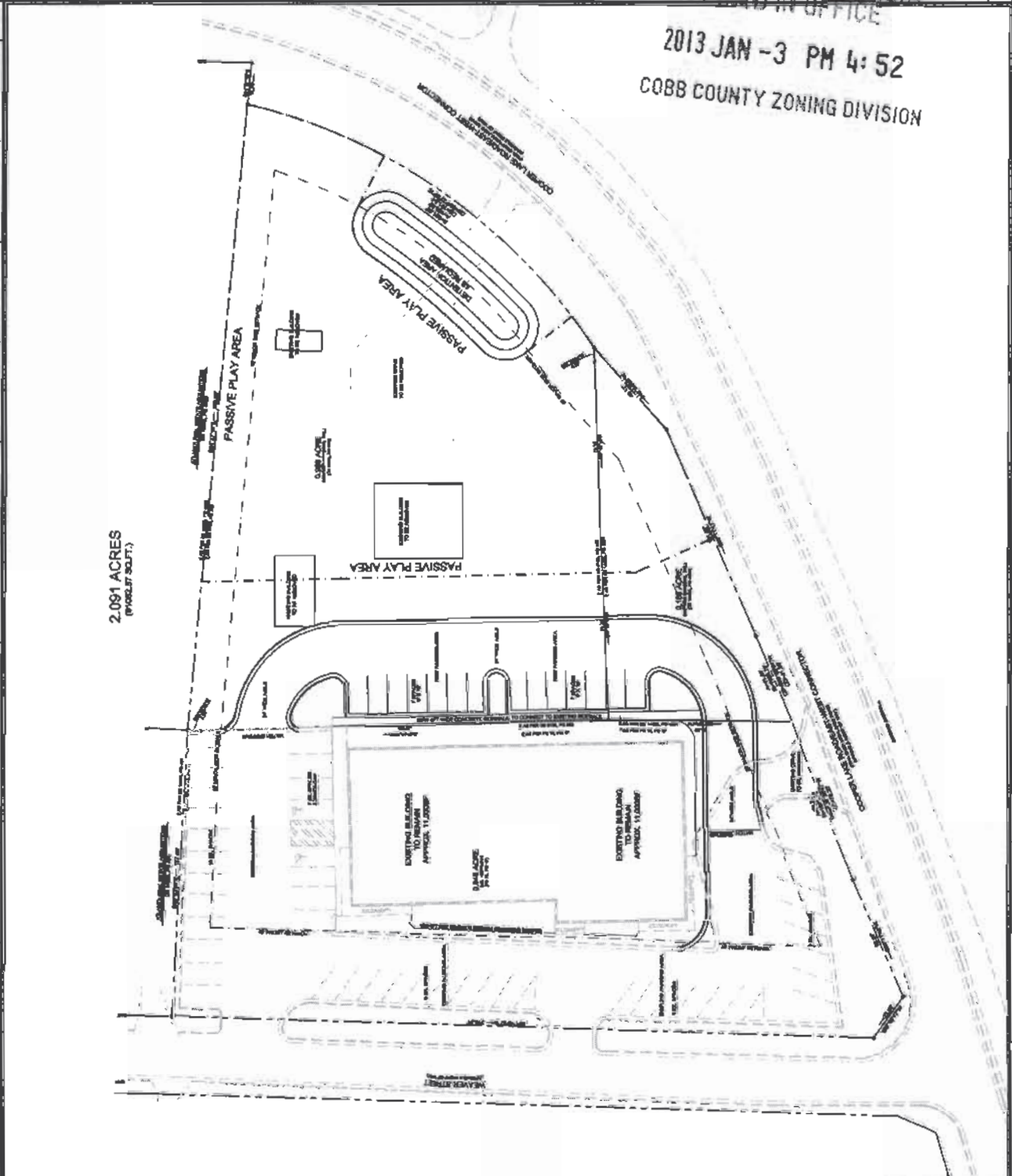
SECTION 2.091 ACRES
BENEDICT'S EPISCOPAL CHURCH

DATE	DESCRIPTION

CONCEPTUAL
NOT FOR RECORDING
TS.1

2013 JAN -3 PM 4: 52

COBB COUNTY ZONING DIVISION



PARCEL NUMBER	ADDRESS	OWNER	PLOT AREA (S.F.)	PERCENTAGE
20	10777 WILSON	10777 WILSON	5,888.42	25.00
11	10777 WILSON	10777 WILSON	5,111.58	25.00
12	10777 WILSON	10777 WILSON	5,111.58	25.00

1. THIS TRACT SHALL BE CONVEYED INTO ONE (1) TRACT THAT WILL BE ZONED O-1.

PROPOSED DEVELOPMENT
 PRIVATE SCHOOL
 1000 BENTLEY AVE. NW
 ATLANTA, GA 30309
 1000 BENTLEY AVE. NW
 ATLANTA, GA 30309
 1000 BENTLEY AVE. NW
 ATLANTA, GA 30309
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 ATLANTA, GA 30309

EXISTING BUILDING AREA: 11,000 SF
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 ATLANTA, GA 30309

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

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

TITLEHOLDER: Irving C. Hoffman and Haynes Grading, Inc.

PROPERTY LOCATION: Northeast intersection of Cooper Lake
Road and Weaver Street

ACCESS TO PROPERTY: Weaver Street

PHYSICAL CHARACTERISTICS TO SITE: Exising 11,000 sq. ft.
building

PETITION NO: Z-11

HEARING DATE (PC): 03-05-13

HEARING DATE (BOC): 03-19-13

PRESENT ZONING: GC, LRO

PROPOSED ZONING: O&I

PROPOSED USE: Day School

SIZE OF TRACT: 2.091 acres

DISTRICT: 17

LAND LOT(S): 694

PARCEL(S): 19,37,111

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20, RA-5/Coopers Point Subdivision, Weaver Street at Manor Street Subdivision
- SOUTH:** GC/Commercial Retail and Offices
- EAST:** GC/Office
- WEST:** R-20/Gilmore Heights Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

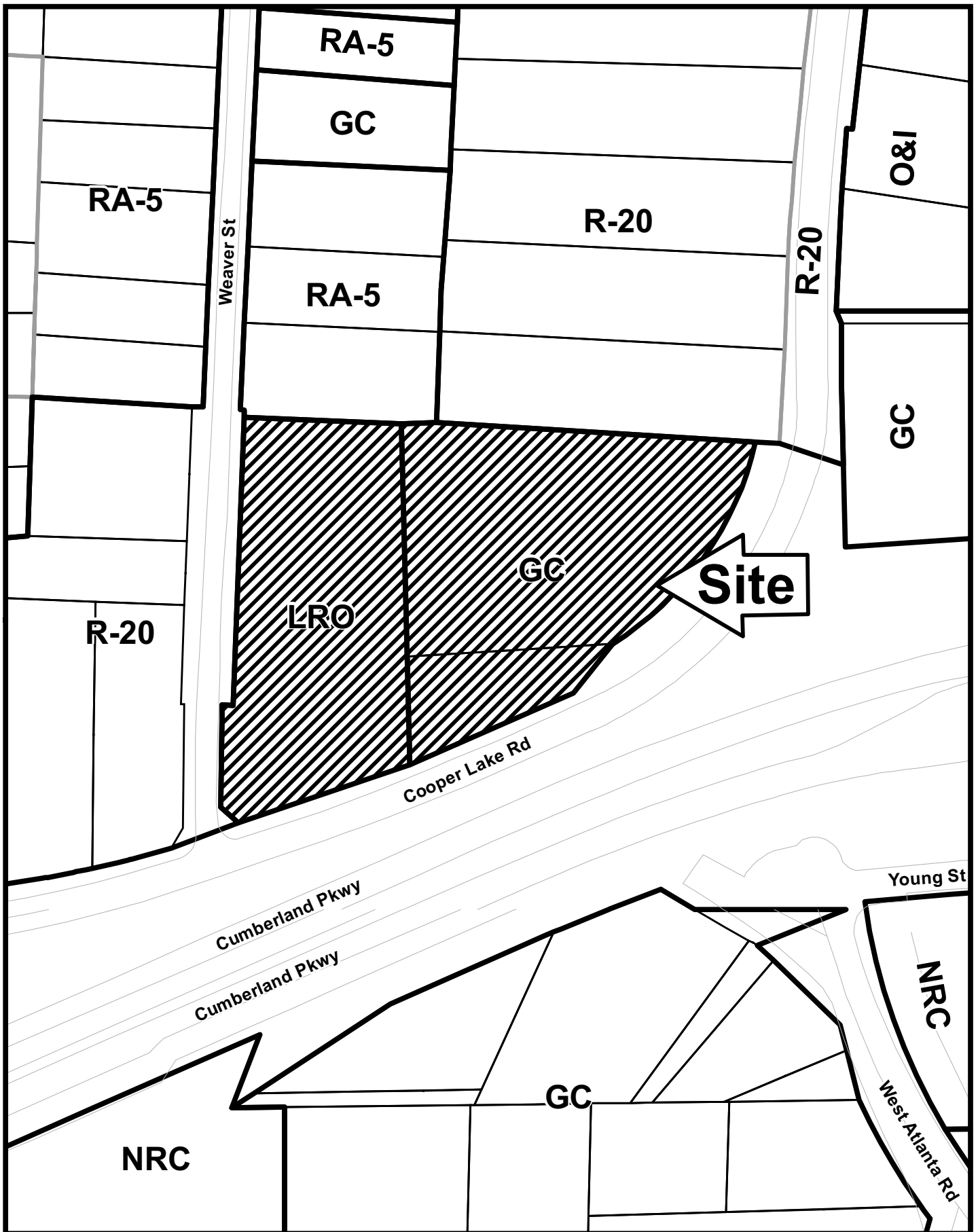
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

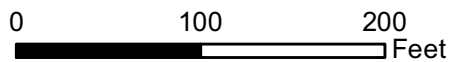
STIPULATIONS:



Z-11



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



- City Boundary
- Zoning Boundary

APPLICANT: St. Benedict's Episcopal Church, LLC PETITION NO.: Z-11

PRESENT ZONING: GC, LRO PETITION FOR: O&I

ZONING COMMENTS: Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Medium Density Residential

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 11,000 sq. ft.

F.A.R.: 0.12 **Square Footage/Acre:** 5,261

Parking Spaces Required: 14, 40 projected **Parking Spaces Provided:** 54

The applicant is requesting a rezoning to the O&I office and institutional district to accomplish the goal of operating a "day school" private school on the property. At present, the property is split zoned between the LRO low rise office district and GC general commercial district; the GC zoned portion being grandfathered considering its MDR medium density residential future land use designation. The Church hopes to utilize the existing 11,000 sq. ft. building already present on this property that it owns. Operating Monday through Friday 8:00 a.m. to 6:00 p.m., the school will open with four (4) classrooms and six (6) employees the first year teaching sixth grade, growing to a total of 10 classrooms and 20 employees as it adds additional grades to eighth grade in subsequent years.

If the currently requested rezoning is approved, the applicant will follow with a variance request planned for April (to waive the required five (5) acre lot size minimum for private schools to 2.091 acres) and a special land use permit application request in May which is necessary to operate a private school.

Historic Preservation:

Cemetery Preservation: No comment.

FIRE COMMENTS:

Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

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 401.08.02.1)

APPLICANT: St. Benedict's Episcopal Church, LLC PETITION NO.: Z-11
PRESENT ZONING: GC, LRO PETITION FOR: O&I

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC and LRO to O & I for the purpose of a day school. The 2.091 acre site is located at the northwest side of Cooper Lake Road, eastside of Weaver Street.

Comprehensive Plan

The parcel is within a Medium Density Residential (MDR) future land use category, with GC and LRO zoning designations. The purpose of the MDR category is to provide for areas that are suitable for moderate density housing between two and one-half (2.5) and five (5) dwelling units per acre.

Master Plan/Corridor Study

Not applicable.

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.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

APPLICANT St. Benedict's Episcopal Church, LLC

PETITION NO. Z-011

PRESENT ZONING GC, LRO

PETITION FOR O&I

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): **6" DI / N side of Cooper Lake Road**

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: 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: **Adjacent to property in Cooper Lake Road ROW**

Estimated Waste Generation (in G.P.D.): **ADF 440 Peak= 1100**

Treatment Plant: **Sutton**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drw 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 and 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: Existing office building is connected to sewer. Existing warehouse (currently sptic) will be required to connect to sewer as well.

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: St. Benedict's Episcopal Church, LLC

PETITION NO.: Z-11

PRESENT ZONING: GC, LRO

PETITION FOR: O&I

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Gilmore Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location:

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving system.

APPLICANT: St. Benedict's Episcopal Church, LLC

PETITION NO.: Z-11

PRESENT ZONING: GC, LRO

PETITION FOR: O&I

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown.
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. Proposed detention pond discharge must tie directly into existing storm system located in the Cooper Lake Road R/W. Detention and water quality must be provided for all new impervious and disturbed areas.

APPLICANT: St. Benedict's Episcopal Church, LLC PETITION NO.: Z-11

PRESENT ZONING: GC, LRO PETITION FOR: O&I

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'
Weaver Street	N/A	Local	25 mph	Cobb County	50'

Based on 2006 traffic counting data taken by Cobb DOT (Cooper Lake 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.

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

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

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 east side of Weaver Street, a minimum of 25' from the roadway centerline.

Recommend sidewalk along the Cooper Lake Road and Weaver Street frontages.

Recommend removing and closing driveway apron along Cooper Lake Road frontage that development renders unnecessary.

Recommend Cobb County DOT review Traffic Circulation Plan.

Recommend guardrail or berm to protect play area along Cooper Lake Road.

Recommend Weaver Street line of sight not be obstructed by development related improvements.

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

STAFF RECOMMENDATIONS

Z-11 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. A more community oriented use such as the proposed school may be viewed as more in keeping with the surrounding residential neighborhoods, both new and existing.
- 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. Representing a move away from the existing commercial zoning and usage of the property, the proposed school use should not negatively impact adjacent properties to the degree those former uses may have. Furthermore, some buffering may serve to screen the use from those adjacent residences to the north if appropriate.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. Furthering the *Plan's* goal for MDR medium density residential future land use areas to serve as "a transitional category between more intensive uses and less intensive uses," the request and proposed use of a private school could help serve as a step-down from commercial uses across and along Cumberland Parkway and those homes to the north along Weaver Street and Cooper Lake Road.
- 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 request would allow for a more community oriented use of a private school operated by the nearby church. This use, located within a MDR future land use area, could further that category's goal of providing areas of transition between more intense uses and less intense uses of property as it buffers homes to the north from existing and potential commercial uses to the south along Cumberland Parkway. If deemed appropriate, buffering may be provided to the north to screen the school from adjacent residences to the north. This may be a consideration as part of the potential Special Land Use Permit approval specifically for the school. Based on the disconnection from the main school campus, staff believes this property would better serve as administrative offices or storage for the school.

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

- Site plan received by Zoning Division on January 3, 2013 with District Commissioner approving minor modifications;
- For private school administrative office/storage use only with District Commissioner approving additional or subsequent uses;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Department of Transportation 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.

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) Proposed selling prices(s): _____
- d) List all requested variances: _____

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

- a) Proposed use(s): Day School
- b) Proposed building architecture: Utilization of existing building with renovations and upgrades to interior and exterior
- c) Proposed hours/days of operation: Monday - Friday; 8:00 a.m. - 6:00 p.m.
- d) List all requested variances: None known at this time

.....
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). None known at this time

*Applicant specifically reserves the right to amend any information set forth herein, or within any part of the Application for Rezoning, at any time during the rezoning process.

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COBB COUNTY ZONING DIVISION

Z-11 (2013)
Impact Analysis

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT

Application No.: Z- 11 (2013)
Hearing Dates: March 5, 2013 and
March 19, 2013

Applicant: St. Benedict's Episcopal Church, LLC
Titleholders: Irving C. Hoffman and Haynes Grading, Inc.

Analysis of impact of the proposed rezoning with respect to the following:

- (a) Applicant and Property Owners are seeking rezoning of an approximately 2.091 acre tract from the existing zoning categories General Commercial ("GC") and Low Rise Office ("LRO") to the Office and Institutional ("OI") zoning category. The property consists of three parcels located at 2025 and 2105 Cooper Lake Road, being more particularly located on the easterly side of Weaver Street, at the intersection of Cooper Lake Road and Weaver Street, and the northwesterly side of Cooper Lake Road, northerly of Cumberland Boulevard, Land Lot 694, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). Applicant proposes rezoning of the Property to the OI zoning category to refurbish and renovate the existing building located on the 2025 Cooper Lake Road tract to accommodate an expansion of its existing day school facilities located on the main Church campus at 2160 Cooper Lake Road. The requested category of OI will permit this use which will be more suitable to the Subject Property and more beneficial to the surrounding community. This use will not be intrusive into surrounding residential areas and will allow for a transitional area between existing residential properties and established commercial businesses. Additionally, it will afford ease of access to parents of students enrolled in the proposed day school which is in close proximity to I-75, I-285, and the East-West Connector.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed renovation and use of the Property as a day school should have a minimal, if any, impact on surrounding properties.
- (c) The Property as zoned does have a reasonable economic use; however, the proposed rezoning will allow for an equally reasonable economic use of the Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. The use proposed by the Applicant has almost no effect on schools, minimal effect on utilities and transportation facilities. The

improved roadways in the area can accommodate any traffic flow the Church facilities and day school may bring without burdensome effects.

- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.
- (f) The rezoning of the Property will allow the existing structure located at 2025 Cooper Lake Road to be renovated and refurbished. The buildings located on the remainder of the Property (2105 Cooper Lake Road) will be removed and the area will be landscaped and maintained for a passive play area for the proposed expanded day school. It is Applicant's belief that the proposed day school and passive play area will allow the highest and best use of the Property with minimal disturbance to it.