

APPLICANT: Feeding God's Children Ministry

(404) 358-0443

REPRESENTATIVE: Sheila D. Bynum

(404) 358-0443

TITLEHOLDER: Sheila Bynum

PROPERTY LOCATION: East side of Sandtown Road, south of Windy Hill Road.

ACCESS TO PROPERTY: Sandtown Road

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped, wooded

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS, RM-12/ Commercial, Apartments

SOUTH: NS, R-15/ Grandfathered Single-family Residence, Single-family Residences

EAST: NS/ Undeveloped Commercial

WEST: R-20/ Dorris H N Subdivision

PETITION NO: Z-40

HEARING DATE (PC): 06-03-14

HEARING DATE (BOC): 06-17-14

PRESENT ZONING: RA-5

PROPOSED ZONING: R-30

PROPOSED USE: Church

SIZE OF TRACT: 2.11 acres

DISTRICT: 17

LAND LOT(S): 202

PARCEL(S): 65

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

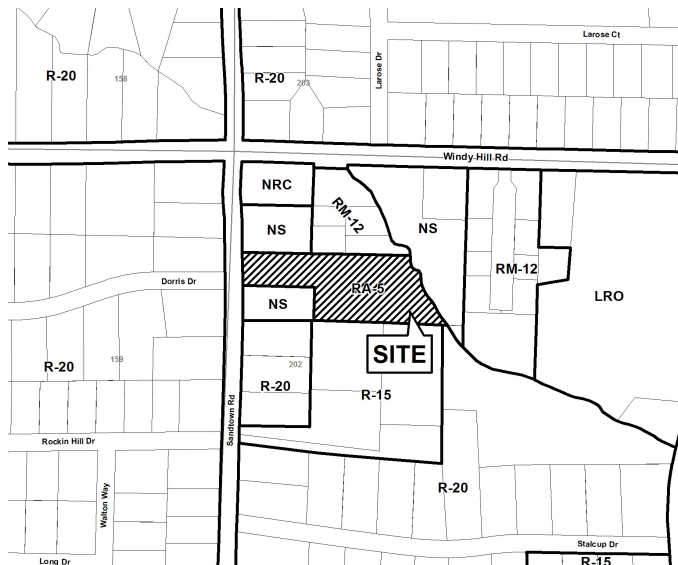
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

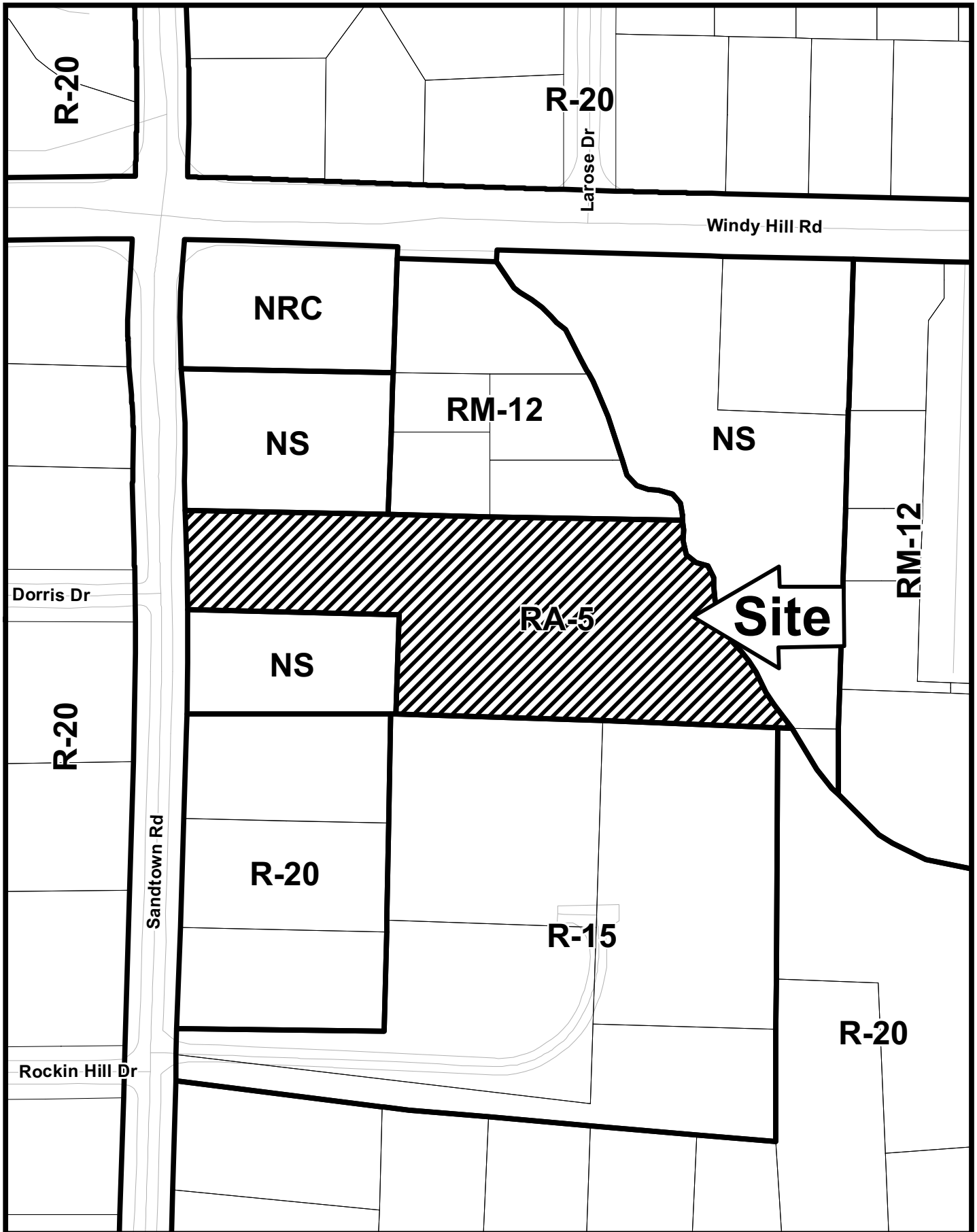
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

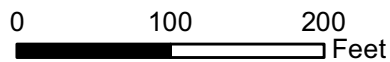
STIPULATIONS:





Z-40



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Feeding God's Children Ministry

PETITION NO.: Z-40

PRESENT ZONING: RA-5

PETITION FOR: R-30

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Units: Church **Overall Density:** 0.11 F.A.R.

Staff estimate for allowable # of units: 5 Units* **Increase of:** n/a Units/Lots

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

The applicant is requesting a rezoning of the property from the existing RA-5 single-family attached/detached residential district to the R-30 single-family residential district in order to construct and operate a church upon the site. The change in zoning is necessary as the current RA-5 district was approved under case Z-65 of 2005 that stipulated a five (5) lot subdivision subject to several conditions having a density of 2.37 units per acre. The proposed church will utilize a proposed 50 ft by 100 ft prefabricated steel building with anticipation of a "future" 50 ft by 100 ft prefabricated steel building being added in the configuration shown on the site plan. The church has indicated it will operate Sunday 8 a.m. to 2 p.m., Wednesday 6 p.m. to 8:30 p.m., and Saturday 10 a.m. to 3 p.m. No landscaping plan has been provided and, as such, the required 35 foot landscaped screening buffer abutting residential property lines to the north and south are not shown.

The applicant will need a simultaneous variance to waive the required five (5) acres for a church in residential zoning to 2.07 acres as well as the required 50 foot setback as the site plan indicates the church being 20 feet from the western property line and 42 feet from the southern property line. Also, the Code requires that churches be located where primary access is provided from an arterial or major collector roadway and Sandtown Road is only categorized as a minor collector.

Cemetery Preservation: No comment.

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PETTION NO.: Z-40

PRESENT ZONING: RA-5

PETITION FOR: R-30

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u> </u>	<u> </u>	<u> </u>
<u>Middle</u>	<u> </u>	<u> </u>	<u> </u>
<u>High</u>	<u> </u>	<u> </u>	<u> </u>

- School attendance zones are subject to revision at any time.

Additional Comments:

FIRE COMMENTS:

ACCESS: 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.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

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PETTION NO.: Z-40

PRESENT ZONING: RA-5

PETITION FOR: R-30

PLANNING COMMENTS:

The applicant is requesting a rezoning from RA-5 to R-30 for purpose of a church. The 2.11 acre site is located on the east side of Sandtown Road, south of Windy Hill Road.

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with RA-5 zoning designation. The purpose of the CAC category is for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

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?

Incentive Zones

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 available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The 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 investments.

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.

Special Districts

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

APPLICANT Feeding God's Children Ministry

PETITION NO. Z-040

PRESENT ZONING RA-5

PETITION FOR R-30

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): 10" CI / E side of Sandtown 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: 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: on site along eastern edge of property

Estimated Waste Generation (in G.P.D.): A D F= 300 Peak= 750

Treatment Plant: South 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 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 Waste generation based upon 150 sanctuary seats
Comments:

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.

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STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack 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 receiving stream.

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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. Contrary to the delineation on the site plan, this site is heavily encumbered by floodplain. Approximately 50% of the site, which is roughly the rear 230 feet of the parcel, is within the 100-year floodplain. This includes part of the main building, the future expansion and the proposed detention pond. All of these will need to be relocated outside the floodplain limits. While it appears possible to relocate at least one building and the detention pond outside the floodplain, most if not all of the parking will need to be located within the floodplain. In any case, a major site plan revision will be required.

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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
Sandtown Road	2400	Minor Collector	35 mph	Cobb County	60'

Based on 2011 traffic counting data taken by Cobb County DOT (Sandtown Road)

COMMENTS AND OBSERVATIONS (REVISED 5/12/14)

Sandtown 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.

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 east side of Sandtown Road, a minimum of 30' from the roadway centerline.

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

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STAFF RECOMMENDATIONS

Z-40 FEEDING GOD'S CHILDREN MINISTRY

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. Adjacent properties are currently zoned or used as residential while nearby commercial properties are more oriented toward Windy Hill Road and not built back into the neighboring residential areas as the church is proposed to be.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The proposal would require variances on lot size (over 50% reduction), setbacks, and primary access. This signals a use that is not suited for the site.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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*. Located within an area delineated as NAC neighborhood activity center, the applicant's request will not result in a use that furthers that category's goals of serving neighborhood residents and businesses while providing a transition in building scale and intensity to adjacent residential uses. The *Plan* suggests transitional land uses that could include higher density residential uses.
- 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 denying the applicant's rezoning proposal. Originally zoned to allow a five (5) lot subdivision on this rather secluded parcel, the applicant's request seeks to allow a church and associated parking. The parcel is deficient by more than half of the Code-required 5 acre minimum and is not located off of an arterial or major collector roadway. Also, the proposed prefabricated steel buildings will require variances of the required 50 foot setback as would the parking require variances of the 35 foot landscaped screening buffer as proposed.

Based on the above analysis, Staff recommends **DENIAL**.

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.



Application #: Z-40

PC Hearing Date: 6-3-14

BOC Hearing Date: 6-17-14

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: _____

COBB COUNTY ZONING DIVISION
 2014 APR -6 AM 11:34
 COBB COUNTY GEORGIA
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Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Church
- b) Proposed building architecture: COSTEL STEEL
- c) Proposed hours/days of operation: S- 8 to 2 - W- 6 to 8:30p.m
Sa- 10 to 3;
- 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

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: Sheila D. Bynum Date: 4/3/14
 Applicant name (printed): Sheila D. Bynum