

Z-74  
(2016)

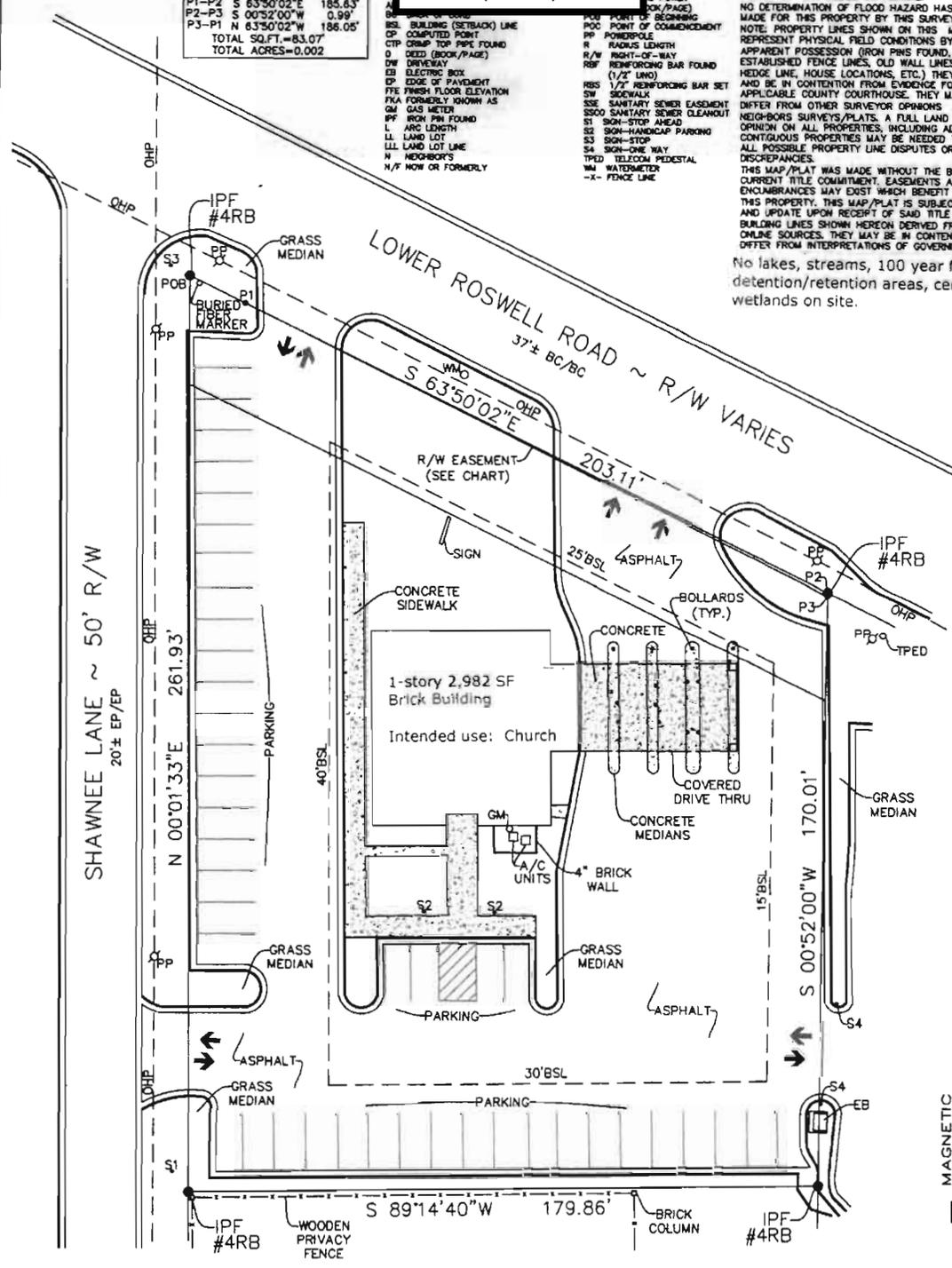
**R/W EASEMENT CHART**

LINE	BEARING	DISTANCE
P1-P2	S 63°50'02"E	185.83'
P2-P3	S 03°52'00"W	0.99'
P3-P1	N 63°50'02"W	186.05'
TOTAL SQ.FT.=83.07'		
TOTAL ACRES=0.002		

- PLAT.
- ND
- AD POWER
- BOOK/PAGE
- POB POINT OF BEGINNING
- POC POINT OF COMMENCEMENT
- PP POWERPOLE
- R RADIUS LENGTH
- R/W RIGHT-OF-WAY
- RSB REINFORCING BAR FOUND
- RSB 1/2" REINFORCING BAR SET
- RSB 1/2" REINFORCING BAR SET (1/2" LIN)
- RSB 1/2" REINFORCING BAR SET
- SSS SANITARY SEWER EASEMENT
- SSS SANITARY SEWER EASEMENT
- S1 SIGN-STOP AHEAD
- S2 SIGN-HANDICAP PARKING
- S3 SIGN-STOP
- S4 SIGN-ONE WAY
- TPED TELECOM PEDESTAL
- WM WATERMETER
- X- FENCE LINE

ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASEMENTS AND RIGHTS-OF-WAY PUBLIC OR PRIVATE. NO DETERMINATION OF FLOOD HAZARD HAS BEEN MADE FOR THIS PROPERTY BY THIS SURVEYOR. NOTE: PROPERTY LINES SHOWN ON THIS MAP/PLAT REPRESENT PHYSICAL FIELD CONDITIONS BY EVIDENCE OF APPARENT POSSESSION (IRON PINS FOUND, OLD & ESTABLISHED FENCE LINES, OLD WALL LINES, SHRUB & HEDGE LINE, HOUSE LOCATIONS, ETC.) THEY MAY DIFFER AND BE IN CONFLICT WITH THE APPLICABLE COUNTY COURTHOUSE. THEY MAY ALSO DIFFER FROM OTHER SURVEYOR OPINIONS AND/OR NEIGHBORS SURVEYS/PLATS. A FULL LAND TITLE REPORT OPINION ON ALL PROPERTIES, INCLUDING ADJACENT AND CONTIGUOUS PROPERTIES MAY BE NEEDED TO RESOLVE ALL POSSIBLE PROPERTY LINE DISPUTES OR DISCREPANCIES. THIS MAP/PLAT WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENTS AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY. THIS MAP/PLAT IS SUBJECT TO REVISIONS AND UPDATE UPON RECEIPT OF SAID TITLE COMMITMENT. BUILDING LINES SHOWN HEREON DERIVED FROM VARIOUS ONLINE SOURCES. THEY MAY BE IN CONFLICT WITH OR DIFFER FROM INTERPRETATIONS OF GOVERNING AUTHORITIES.

No lakes, streams, 100 year flood plan, detention/retention areas, cemeteries or wetlands on site.



RECEIVED  
 JUL 07 2016  
 COBB CO/COMM. DEV. AGENCY  
 ZONING DIVISION

PROPERTY ADDRESS:  
2040 LOWER ROSWELL ROAD  
MARIETTA, GA 30068

LAND AREA:  
39,164 SF  
0.8991 AC

ZONING: NS



SITE PLAN PREPARED FOR:  
**HYUNG SEOK SUH**

LOT	BLOCK	UNIT	SUBDIVISION
LAND LOT 1244	16th DISTRICT	2nd SECTION	BY:
COBB COUNTY, GEORGIA	FIELD: DATE 07-05-2016	MRH	
UNINCORP	DRWN: DATE 07-06-2016	MRH	
DEED BOOK 14302, PAGE 5671	ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED		



**SURVEY SYSTEMS & ASSOC., INC.**  
657 Lcke Drive, Snellville, GA 30039 ~ COA # LSP000867 ~ INFO@SURVEYSYSTEMSATLANTA.COM  
CELL 770-558-7895 ~ OFFICE 404-760-0010

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN \_\_\_\_\_ FEET. AN ELECTRONIC TOTAL STATION WAS USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 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. 15-6-67.

SURVEY SYSTEMS & ASSOC., INC. ASSUMES NO LIABILITY OR RESPONSIBILITY FOR ERRORS OR OMISSIONS ON SITE PLANS. IT IS THE CLIENT'S RESPONSIBILITY TO REVIEW PLANS FOR COMPLETENESS AND ACCURACY. ANY REDLINES, COMMENTS, CORRECTIONS, ALTERATIONS, ETC. (FROM ANYONE EXCEPT THE CLIENT SHALL BE DEEMED AS BILLABLE AND ADDITIONAL CHARGES SHALL APPLY.

**APPLICANT:** Hyung Seok Suh  
**PHONE#:** (770) 955-2311 **EMAIL:** \_\_\_\_\_  
**REPRESENTATIVE:** Adam J. Rozen  
**PHONE#:** (770) 422-7016 **EMAIL:** arozen@slhb-law.com  
**TITLEHOLDER:** Southeast Mortgage of Georgia, Inc.

**PETITION NO:** Z-74  
**HEARING DATE (PC):** 09-08-16  
**HEARING DATE (BOC):** 09-20-16  
**PRESENT ZONING** NS  
**PROPOSED ZONING:** NRC

**PROPERTY LOCATION:** South side of Lower Roswell Road and on the east side of Shawnee Lane (2040 Lower Roswell Road)

**PROPOSED USE:** Church

**ACCESS TO PROPERTY:** Lower Roswell Road, Shawnee Lane

**SIZE OF TRACT:** 0.8991 ac

**PHYSICAL CHARACTERISTICS TO SITE:** One story brick building

**DISTRICT:** 16

**LAND LOT(S):** 1244

**PARCEL(S):** 51

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/ Sewell Park  
**SOUTH:** CRC/Automotive Repair Shop  
**EAST:** CRC/ Retail Center  
**WEST:** GC/ Convenience Store with Fuel Sales

*Adjacent Future Land Use:*  
 Northeast: Public Institutional (PI)  
 East: Community Activity Center (CAC)  
 South: Community Activity Center (CAC)  
 West: Neighborhood Activity Center (NAC)

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

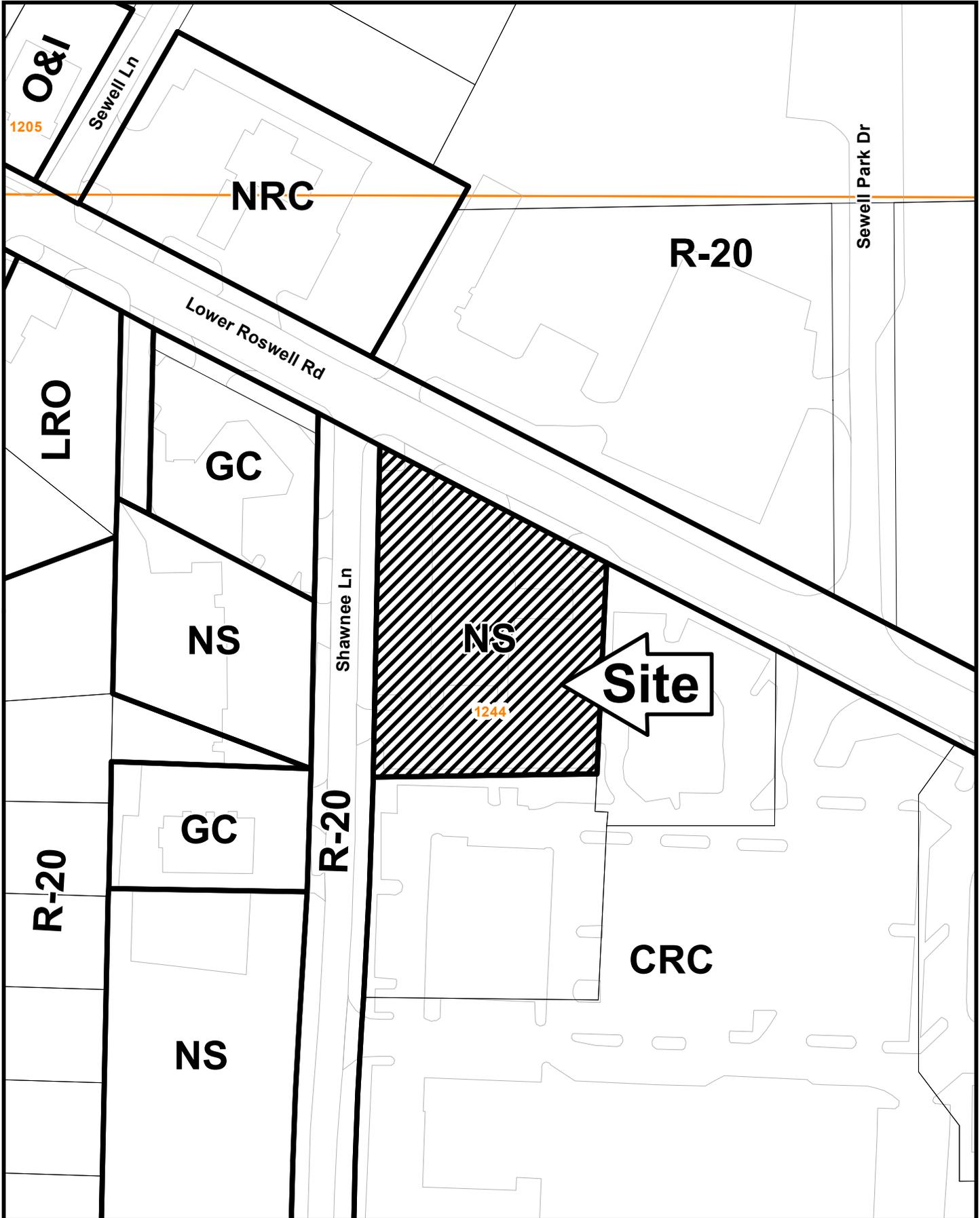
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **VOTE** \_\_\_\_\_

**STIPULATIONS:**



# Z-74-2016 GIS



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

0 100 200 Feet

City Boundary  
Zoning Boundary

APPLICANT Hyung Seok Suh

PETITION NO.: Z-74

PRESENT ZONING: NS

PETITION FOR: NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Donald Wells

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC)

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 2982

**F.A.R.:** .08 **Square Footage/Acre:** 3316

**Parking Spaces Required:** 5\* **Parking Spaces Provided:** 40

The application is requesting Neighborhood Retail Commercial (NRC) zoning district for the purpose of a Church. The applicant intends to use the existing 2982 square foot building. The applicant does not intend to make any site changes, but will make some minor exterior renovations along with interior changes. The hours will be 8:00 am through 5:00 pm (office hours) Monday, Tuesday and Thursday; 8:00 am through 10:00 pm Wednesday and Friday; 8:00 am through 9:00 pm on Sunday. This property is located outside of a Community Activity Center or a Regional Activity Center, therefor it must rezoned in order to allow any development or permit any new uses.

\*One paved parking space shall be provided per four seats in the principal place of worship. The applicant only have 20 members at this time. The parking requirements are subject to change based off Fire Codes.

**Cemetery Preservation:** No comment

\*\*\*\*\*

APPLICANT Hyung Seok Suh

PETITION NO.: Z-74

PRESENT ZONING: NS

PETITION FOR: NRC

\*\*\*\*\*

**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.

**Comments:** Approval of this petition will not have an impact on the enrollment at Cobb County Schools.

\*\*\*\*\*

**APPLICANT:** Hyung Seok Suh

**PETITION NO.:** Z-74

\*\*\*\*\*

**FIRE COMMENTS:**

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Hyung Seok Suh

PETITION NO.: Z-74

PRESENT ZONING: NS

PETITION FOR: NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from NS to NRC for the purpose of a church. The .8991 acre site is located on the south side of Lower Roswell Road and the east side of Shawnee Lane.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?  Yes  No  
If yes, has the city of Marietta been notified?  Yes  No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with NS zoning designation. The purpose of the Neighborhood Activity Center (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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

Northeast: Public Institutional (PI)  
East: Community Activity Center (CAC)  
South: Community Activity Center (CAC)  
West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

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

**APPLICANT: Hyung Seok Suh**

**PRESENT ZONING: NS**

**PETITION NO.: Z-74**

**PETITION FOR: NRC**

\*\*\*\*\*

**PLANNING COMMENTS:**

CONT.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

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

Is this property within the Six Flags Special Service District?

Yes       No

Is the property within the Dobbins Airfield Safety Zone?

Yes       No

If so, which particular safety zone is this property within?

CZ (Clear Zone)       APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Hyung Seok Suh

PETITION NO. Z-074

PRESENT ZONING NS

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): City Of Marietta Service

Additional Comments: City of Marietta water service

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: Ciy of Marietta Service

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

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

Dry 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: City of Marietta sewer service

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: Hyung Seok Suh**

**PETITION NO.: Z-74**

**PRESENT ZONING: NS**

**PETITION FOR: NRC**

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<b>STORMWATER MANAGEMENT COMMENTS</b>
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This is an existing facility and no significant site improvements are proposed. Stormwater Management must be provided upon redevelopment or substantial improvement to the site.

**APPLICANT:** Hyung Seok Suh

**PETITION NO.:** Z-74

**PRESENT ZONING:** NS

**PETITION FOR:** NRC

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**TRANSPORTATION COMMENTS:**

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Lower Roswell Rd	16,700	Arterial	35 mph	Cobb County	100'
Shawnee Lane	N/A	Local	25 mph	Cobb County	50'

*Based on 2009 traffic counting data taken by Cobb County DOT for Lower Roswell Road.*

**COMMENTS AND OBSERVATIONS**

Lower Roswell 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.

Shawnee Lane is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

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

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 Lower Roswell Road, a minimum of 50' from the roadway centerline.

Recommend sidewalk along the frontage of Lower Roswell Road and Shawnee Lane.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Lower Roswell Road Improvement project.

Recommend removing and closing westernmost entrance along Lower Roswell Road frontage that development renders unnecessary.

Recommend right-in right-out for easternmost entrance along Lower Roswell Road.

## STAFF RECOMMENDATIONS

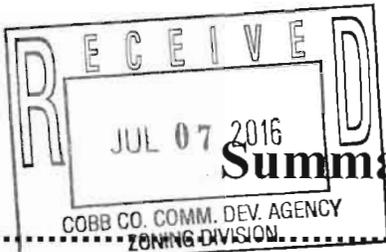
### **Z-74 HYUNG SEOK SUH**

- 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 will not make any changes to the building. The structure has been established in the area since 1973, and a Church would be less intense or very similar to the previous bank use.
- 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. It will allow the owner to provide a new use for the property and to continue to maintain the building and surrounding property.
- 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*, which delineates this property as being in the Neighborhood Activity Center (NAC) land use category which is to provide areas that serve neighborhood residents and businesses. The Neighborhood Retail Commercial (NRC) zoning district is compatible with the NAC land use category, and the proposed use is permitted as a special exception.
- 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 to the NRC zoning district. This property is located outside of a Community Activity Center or a Regional Activity Center, therefor it must rezoned in order to allow any development or permit any new uses. A church use is a special exception and would be permitted in most districts. NRC will allow the applicant the opportunity use the property in ways consistent to nearby uses.

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

1. Site Plane received by the Zoning Division on July 7, 2016 with District Commissioner approving minor modifications;
2. Church use with District Commissioner approving other uses
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. 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.**



Application No. Z-74

PC Hearing Date: 9-8-16  
BOC Hearing Date: 9-20-16

# Summary of Intent for Rezoning \*

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

- a) Proposed unit square-footage(s): N/A
  - b) Proposed building architecture: \_\_\_\_\_
  - c) Proposed selling prices(s): \_\_\_\_\_
  - d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

- a) Proposed use(s): Church facility
  - b) Proposed building architecture: As built, with minor exterior and interior renovations
  - c) Proposed hours/days of operation: 8 a.m. - 5 p.m. (Office use - Monday, Tuesday & Thursday);  
8 a.m. - 10 p.m. (Wednesday & Friday); 8 a.m. - 9 p.m. (Sundays)
  - d) List all requested variances: None known or identified at this time.
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

There are currently 20 members in the congregation. There are no plans to expand the size of the building which

further limits the occupancy allowed. Additionally, a day care/school is not planned for this location.

This non-conforming NS zoned property is located within the confines of a Neighborhood Activity Center.

The proposed use is allowable under the NS and proposed NRC zoning districts.

.....  
**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).**

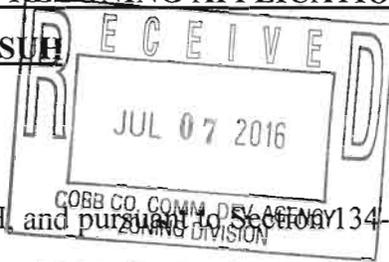
None known at this time.

\_\_\_\_\_

\_\_\_\_\_

\* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION**  
**OF HYUNG SEOK SUH**



COMES NOW, HYUNG SEOK SUH, and pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this his Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property that is suitable in view of the use and development of adjacent and nearby properties along the Lower Roswell Road Corridor and this section of Shawnee Lane.
- B. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties, the preponderance of which are existing commercial developments including offices, automotive repair and gasoline sales. Additionally, across Lower Roswell Road there are existing public institutional uses including the East Marietta Branch Library and Sewell Mill Park. Furthermore, there are additional places of worship within the adjoining shopping center as well as directly across Lower Roswell Road.
- C. The property as currently zoned does not have a reasonable economic use in that the subject property is zoned NS and is not located within a Community Activity Center or a Regional Activity Center as defined and shown on the Cobb County Comprehensive Plan.
- 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 as its hours of operation are generally non-conflicting and will maintain a relatively small membership.

- E. The zoning proposal and use is consistent with the Neighborhood Activity Center (NAC) land use designation as defined by the Cobb County's Comprehensive Land Use Plan and Future Land Use Map. The proposed Church is a permitted use under the NS zoning district, but a use change requires rezoning of the property.
  
- F. The NS zoning of the subject property is an existing nonconforming use because the County placed the property in the NAC land use category. Additionally, there is no substantial relationship between the NS zoning classification which limits the property in terms of its proposed utilization and the public's health, safety and general welfare.

Respectfully submitted, this 7<sup>th</sup> day of July, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

By:   
ADAM J. ROZEN  
Attorney for Applicant  
Ga. Bar No. 161610

