



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-41

Public Hearing Dates:

PC: 07-03-18

BOC: 07-17-18

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**SITE BACKGROUND**

Applicant: Shree Mandir, Inc.

Phone: (678) 207-9994

Email: tovarinder@gmail.com

Representative Contact: Adam J. Rozen

Phone: (770) 422-7016

Email: arozen@slhb-law.com

Titleholder: Shree Mandir Inc.

Property Location: North side of Lions Club Drive,  
west of Glore Drive

Address: 560 Lions Club Drive

Access to Property: Lions Club Drive

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**QUICK FACTS**

Commission District: 4-Cupid

Current Zoning: R-20 (Single-family Residential) and  
GC (General Commercial)

Current use of property: Merchandise and Service  
Broker

Proposed zoning: GC (General Commercial)

Proposed use: Assembly Hall and  
Warehouse/Storage

Future Land Use Designation: MTC (Mableton Town  
Center)

Site Acreage: 2.72 ac

District: 17

Land Lot: 107

Parcel #: 17010700080

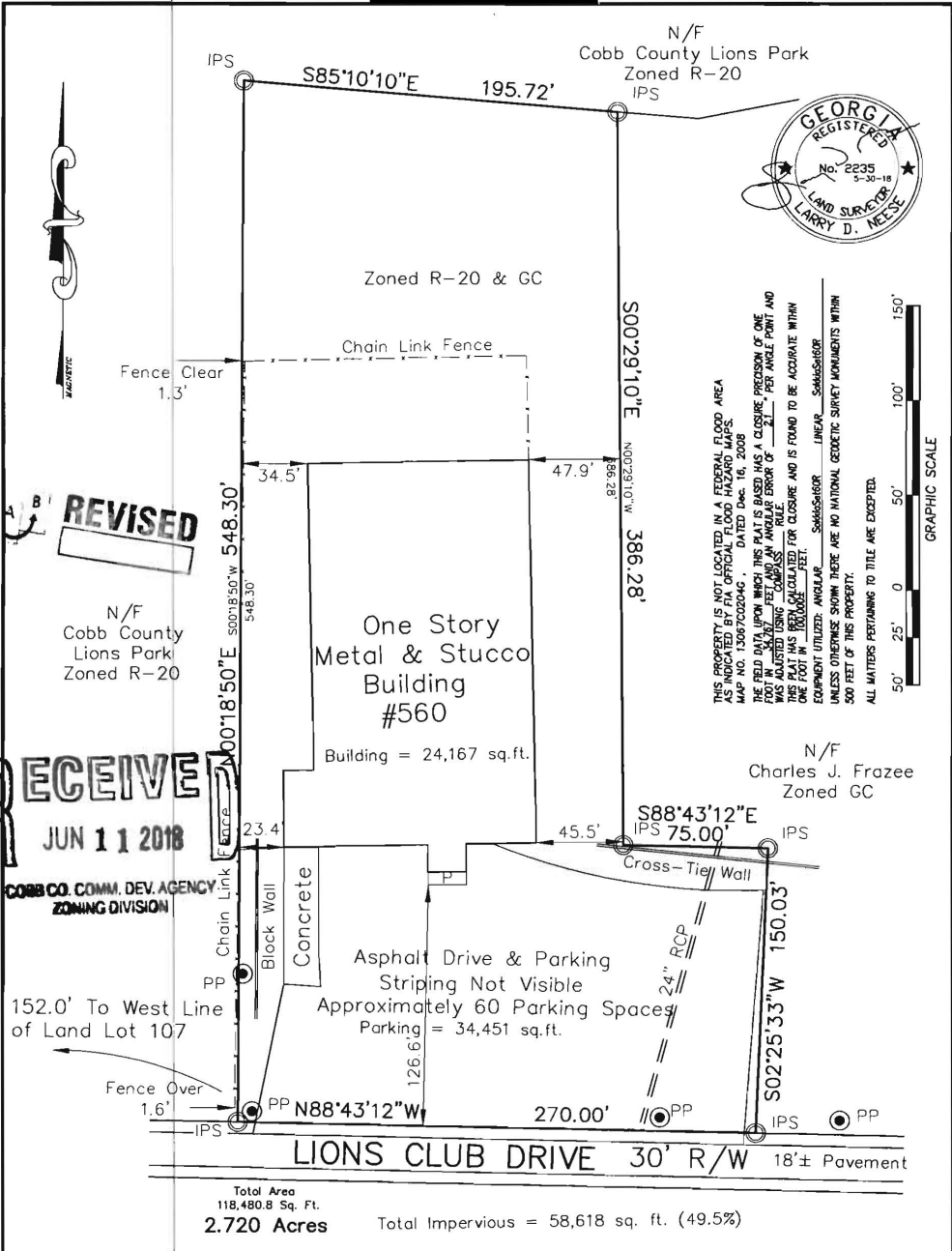
Taxes Paid: Yes

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**FINAL ZONING STAFF RECOMMENDATION:** Approval subject to;  
(Zoning staff member: Donald Wells)

1. Site plan received by the Zoning Division on June 11, 2018, with the District Commissioner approving minor modifications;
2. Parking plan to be approved by the District Commissioner;
3. Use limited to House of Worship;
4. Building colors to be approved by District Commissioner prior to any work/renovations;
5. Fire Department comments and recommendations;
6. Water and Sewer Division comments and recommendations;
7. Stormwater Management Division comments and recommendations; and
8. Department of Transportation comments and recommendations.

Z-41  
(2018)



**REVISED**

N/F  
Cobb County  
Lions Park  
Zoned R-20

**RECEIVED**  
JUN 11 2018  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

152.0' To West Line  
of Land Lot 107

THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA  
AS SHOWN ON THE FLOOD INSURANCE RATE MAP, DATED Dec. 16, 2009  
MAP NO. 130970004G

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSEST PRECISION OF ONE  
FOOT IN 50,000 FEET AND AN ANGULAR ERROR OF 2.1" PER ANGLE POINT AND  
WAS ADJUSTED USING THE LEAST SQUARES RULE.

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN  
ONE FOOT IN 100,000 FEET.

EQUIPMENT UTILIZED: ANGLAR... SHASSHORE LINEAR... SHASSHORE  
UNLESS OTHERWISE SHOWN THERE ARE NO NATIONAL GEODETIC SURVEY MONUMENTS WITHIN  
500 FEET OF THIS PROPERTY.

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED.

GRAPHIC SCALE  
50' 25' 0 50' 100' 150'

Total Area  
118,480.8 Sq. Ft.  
**2.720 Acres** Total Impervious = 58,618 sq. ft. (49.5%)

ZONING PLAN FOR:

**Shree Mandir, Inc.**

560 Lions Club Drive Mableton, Georgia 30126	REVISIONS --- May 30, 2018
LAND LOT: 107	CC: LT
DISTRICT: 17th SECTION: 2nd	DWN: LN
COUNTY: Cobb	CHKD: LDN
STATE: Georgia SCALE: 1"=50'	SURVEY/
FIELD DATE: Aug. 31, 2009 PLAT DATE: April 5, 2018	JOB: 180015

**Larry D. Neese, PLS**  
194 Cadence Trail  
Canton, Georgia 30115  
(770) 428-2122  
E-Mail: Lneese2235@aol.com

LARRY D. NEESE, GEORGIA REGISTERED LAND SURVEYOR NO. 2235.  
CURSED IS HE WHO MOVES HIS NEIGHBOR'S BOUNDARY  
MARK, AND ALL THE PEOPLE SHALL SAY, "AMEN". Deut. 27:17

# Z-41 2018-Aerial Map



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

0 200 400 Feet

Land Lot  
City Boundary

**North**  
**Zoning:** R-20 (Single Family Residential)  
**Future Land Use:** CAC (Community Activity Center)

**Z-41 2018-GIS**



**WEST**  
**Zoning:** R-20  
(Single Family Residential)  
  
**Future Land Use:** CAC  
(Community Activity Center)

**EAST**  
**Zoning:** GC  
(General Commercial)  
  
**Future Land Use:** CAC  
(Community Activity Center)

**SOUTH**  
**Zoning:** GC (General Commercial)  
**Future Land Use:** CAC (Community Activity Center)

## **DEPARTMENT COMMENTS- Zoning Division**

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### **Current zoning district for the property**

The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

### **Requested zoning district for the property**

The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990.

### **Summary of the applicant's proposal**

The applicant is requesting the GC zoning district to use the existing building as an assembly hall and warehouse. The building was built in 1959 and was used as a skating rink. The property is currently zoned R-20 and GC that splits the building. The building has been vacant for longer than 6 months and has lost its grandfathered status. The code requires the applicant to rezone the property to use the other half of the building. The applicant will use the building for religious services and use the extra space to warehouse items related to the church.

## **DEPARTMENT COMMENTS- Zoning Division (continued)**

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### **Non-residential criteria**

Proposed # of buildings: 1  
Proposed # of stories: 1  
Total sq. footage of development: 24588  
Floor area ratio: 4.82  
Square footage per acre: 9040  
Required parking spaces: 67  
Proposed parking spaces: 60  
Acres in floodplain or wetlands: None  
Impervious surface shown: 48.9%

### **Are there any zoning variances?**

1. Waive landscape buffer on east and north property line from 40 feet to 23 feet (existing).
2. Waive the required parking spaces from 67 spaces to 60 spaces.

## **DEPARTMENT COMMENTS- Fire Department**

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Our preliminary analysis indicates the building may require a fire alarm and sprinkler system. Before the building is occupied a certificate of occupancy is required.

## **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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## **DEPARTMENT COMMENTS- Cemetery Preservation**

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No comment.

## **DEPARTMENT COMMENTS- School System**

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Approval of this petition will not have an impact on the enrollment.

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Trib to Nickajack Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Existing facility.
7. Special site conditions and/or additional comments:
  - No immediate site improvements are proposed or anticipated.
  - Stormwater management must be provided upon redevelopment or substantial improvement of site.

## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within the Mableton Town Center (MTC) future land use category. If applying for traditional zoning the applicable future land use category is Community Activity center (CAC). The MTC category provides for areas that institute development standards and incentives to assist in the creation of a mixed-use community. Throughout the Mableton community, transect zones are established to guide development that responds to regional characteristics and needs. The purpose of the CAC category is to provide 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.

Comprehensive Plan Designation:  Consistent  Inconsistent

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### House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary?  Yes  No

Was the City notified?  Yes  No  N/A

Specific Area Policy Guidelines:  Yes  No

In recognition of the efforts to improve the quality-of-life of residents and businesses in the Mableton area, the Board of Commissioners encourages adherence to the fundamental principles of New Urbanism to reflect places where all people can live throughout their lifetime. Specific approaches to the design of social spaces, streetscapes, recreation and entertainment facilities, transportation options, retail and residential buildings that incorporate the needs of an aging population are especially promoted in this area as discussed during the Atlanta Regional Commissions Lifelong Communities Program.

With increasing life expectancies and varying levels of ability of the County's aging population, traditional building forms may be modified to reflect this new reality. Also, connectivity, diversity of housing stock, range of transportation options, walkable environment and access to retail, social and health services that provide quality of life at younger ages become essential for older adults. The Board of Commissioners supports staff coordination with other County departments and the community through public involvement to encourage these goals.

Due to the physical layout of Mableton, development efforts will require assemblage and phased redevelopment. This area provides an excellent opportunity to develop innovative land management techniques such as land trust, tax allocation districts or other such policies and programs that could assist in meeting this desire. This proposed design could substantially improve the area's economy and standard of living.

In addition, it is essential to repair the local infrastructure to provide the connectivity, diversity and walkability missing in most of the Mableton area. Staff is committed to focusing on street network and safety in order to provide ample passive opportunities for healthy living. By combining these with the flagship Mable House property enhancements, this would provide an exemplary healthy living environment for Lifelong Communities.

(Planning comments continued on the next page)



**DEPARTMENT COMMENTS- Planning Division** (continued)

Masterplan/ Corridor Study	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Design guidelines area?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, design guidelines area: <u>Veterans Memorial Design Guidelines</u>		
Does the proposal plan comply with the design requirements?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input type="checkbox"/> N/A
Is the property within an Opportunity Zone? <i>(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 for new or existing businesses)</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property within an Enterprise Zone? <i>(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 investment)</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? <i>(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)</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<b>Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at <a href="http://www.cobbcounty.org/econdev">www.cobbcounty.org/econdev</a>.</b>		
<b>Special District</b>		
Is this property within the Cumberland Special District #1 (hotel/motel fee)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is this property within the Cumberland Special District #2 (ad valorem tax)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is this property within the Six Flags Special Service District?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
<b>Dobbins Air Reserve Base Zones</b>		
Is the property within the Dobbins Airfield Safety Zone?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property within the Clear Zone (CZ)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property within the Accident Potential Zone (APZ I)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

(Planning comments continued on the next page)

**DEPARTMENT COMMENTS- Planning Division** (continued)

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Is the property within the Accident Potential Zone II (APZ II)?  Yes  No

Is the property within the Noise Zone?  Yes  No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?  Yes  No

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**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.

## **DEPARTMENT COMMENTS- Water and Sewer**

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### **Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 6" in Lions Club Drive

Additional water comments:

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

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### **Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: ~500 ft. West in Lions Club Drive

Estimated waste generation (in G.P.D.): Average daily flow = TBD; Peak flow = TBD

Treatment plant: South Cobb

Plant capacity:  Yes  NO

Line capacity:  YES  NO

Projected plant availability:  0-5 years  5-10 years  over 10 years

Dry sewers required:  YES  NO

Off-site easement required:  YES\*  NO

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

\*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and 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/owner.

Additional sewer comments: Environmental Health Department approval required for continued use of existing septic system

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

## DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Lions Club Drive	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Lions Club Drive	N/A	N/A	N/A

### Comments and observations

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

Current field conditions have no designated entrance. The parking lot and roadway are flush along the entire frontage of the site. Recommend a new site plan be submitted to show the proposed parking layout, entrance, and traffic circulation.

### Recommendations

1. 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 north side of Lions Club Drive, a minimum of 25' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend curb, gutter, and sidewalk along the Lions Club Drive frontage upon redevelopment.
4. Recommend the frontage along Lions Club Drive be improved to provide a designated entrance. Recommend driveway be installed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.

STAFF ANALYSIS

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Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

**A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;**

It is staff's opinion the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. This proposal has institutional, commercial, and residential uses in the area.

**B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

The proposal will not adversely affect the existing use or usability of the adjacent or nearby properties. Staff believes nearby properties will benefit from the renovations and upkeep that a new user will employ on the property.

**C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;**

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. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;**

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 within the Community Activity Center (CAC) future land use category. The requested GC zoning district allows for assembly hall as well as houses of worship.

STAFF ANALYSIS (Continued)

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**E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;**

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give grounds for approving the applicant's request. The intended use is appropriate for the intended zoning district and a rezoning would allow the owner to improve the property which is currently limited by the property's split zoning and grandfathered status.

**The staff analysis and recommendation 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.**

**ZONING IMPACT STATEMENT FOR THE REZONING  
APPLICATION OF SHREE MANDIR, INC.**

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

RECEIVED  
APR - 5 2018

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of Lions Club Drive and the Veterans Memorial Highway Corridor, particularly in view of adjacent and nearby Industrial uses, and retail/commercial uses including non-conforming General Commercial zonings and uses.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is currently within an area denominated as a Community Activity Center (“CAC”) under Cobb County’s Future Land Use Map. The approximate 24,000 square foot building was originally built circa 1959. The Applicant proposes the reutilization of the existing building for compatible use to other uses in this area. The proposed uses are compatible with and less intense than surrounding and nearby uses.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the disallowance of the proposed uses.
- 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 commercially oriented and is located within a Community Activity Center (“CAC”) and is adjacent to predominantly commercially zoned and/or public use (Lions Park, South Cobb Community Center, electrical utility) properties. There are several GC zoned properties in the immediate area around the subject property including non-conforming Industrial type uses.

F. There is no substantial relationship between the existing zoning classifications of R-20 & GC 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 Lions Club Drive and the Veterans Memorial Highway Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the SR day of APRIL, 2018.

SAMS, LARKIN, HUFF & BALLI, LLP

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





# Summary of Intent for Rezoning \*

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

a) Proposed unit square-footage(s): N/A

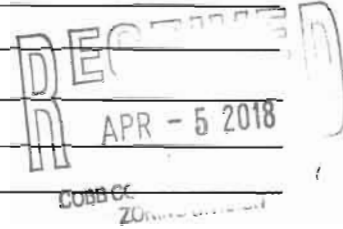
b) Proposed building architecture: \_\_\_\_\_

c) List all requested variances: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_



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

a) Proposed use(s): Assembly hall for religious services & related warehouse and storage.

b) Proposed building architecture: Reutilization of the existing building with minor exterior aesthetic upgrades and necessary interior rehabbing and retrofitting.

c) Proposed hours/days of operation: Monday through Saturday 7:00 a.m. to 8:00 p.m. and Sundays from 9:00 a.m. until 8:00 p.m.

d) List all requested variances: To be determined.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

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

The subject property is located within an area denominated as Community Activity Center.

The property has been utilized along with other contiguous GC tracts for industrial type business uses for an extended length of time.

\_\_\_\_\_

.....  
**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.

\_\_\_\_\_

\_\_\_\_\_

\* The 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.

**Planning Commission Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

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**Names of those Opposed:**

**Comments:**

_____	_____
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_____	_____
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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_

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**Board of Commissioners Decision**

NO. OPPOSED: \_\_\_\_\_ APPROVED \_\_\_\_\_ DENIED \_\_\_\_\_ DELETED TO \_\_\_\_\_

NO. IN SUPPORT \_\_\_\_\_ MOTION BY: \_\_\_\_\_ SECONDED: \_\_\_\_\_ VOTE: \_\_\_\_\_

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**Names of those Opposed:**

**Comments:**

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Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_  
Stipulation letter from \_\_\_\_\_ dated \_\_\_\_\_