



Community Development – Zoning Division

John Pederson – Division Manager

ZONING CASE

Z-22-2023

SITE BACKGROUND

Applicant	MRE Properties & Investments, LLC
Phone	678-232-9871
Email	sam@mrepropertiesandinvestments.com
Representative Contact	J. Kevin Moore
Phone	770-429-1499
Email	jkm@mijs.com
Titleholder	Mt. Bethel Church, Inc.
Property Location	Located on the south side of Lower Roswell Road, west of
Woodlawn Drive	
Address	4608 Lower Roswell Road
Access to Property	Lower Roswell Road

QUICK FACTS

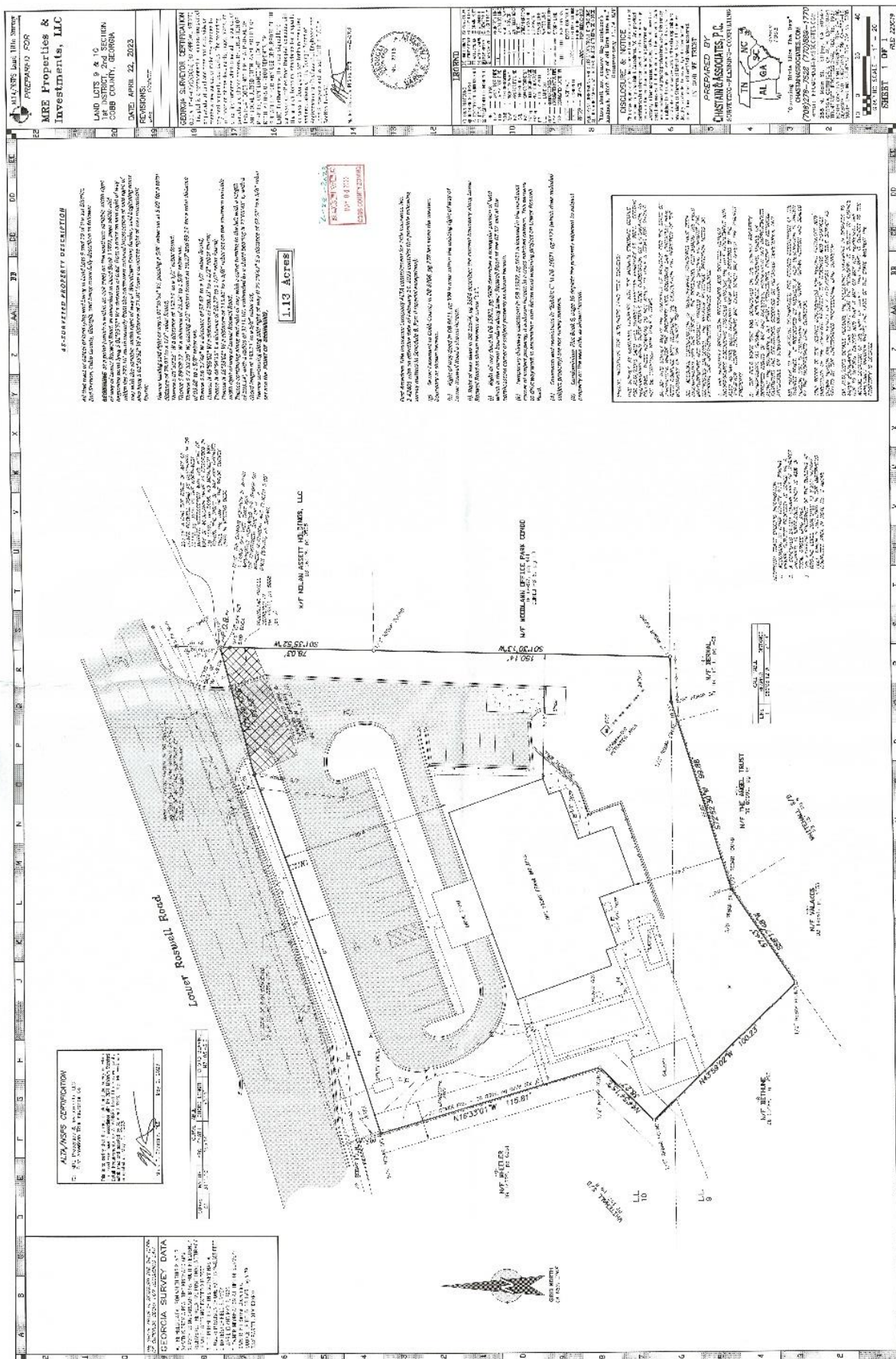
Commission District	2-Richardson
Current Zoning	RA-4
Current Use of Property	Church
Proposed Zoning	LRO
Proposed Use	Office
Future Land Use	PI
Site Acreage	1.13
District	1
Land Lot	9, 10
Parcel #	01001000140
Taxes Paid	Exempt

FINAL ZONING STAFF RECOMMENDATIONS

(Zoning staff member: Margie Vazquez)

Based on the analysis of the case, Staff recommends **DELETION to RA-4, with a Limited Professional Services Permit (LPSP)** subject to the following:

1. Site plan received by Zoning Division on May 4, 2023;
2. Stormwater comments and recommendations;
3. Department of Transportation comments and recommendations;
4. Water and Sewer recommendations; and
5. Variance as described in Zoning analysis.



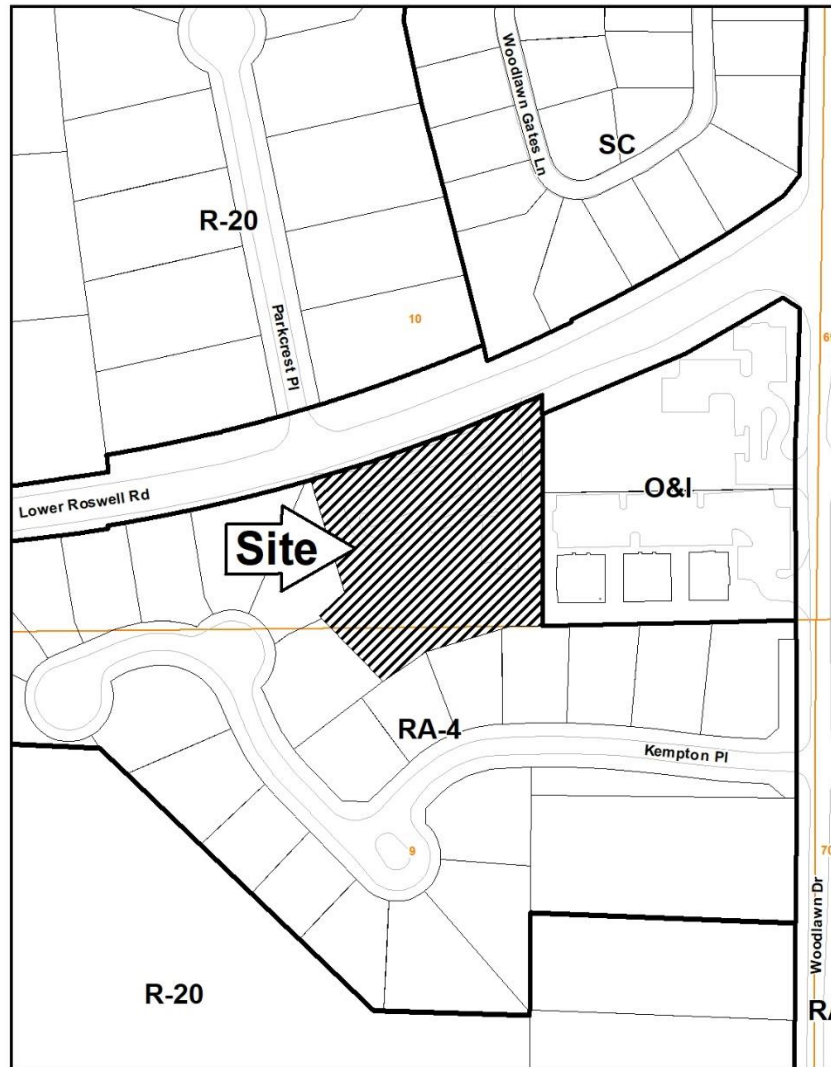
Z-22 Aerial Map



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

0 100 200
Feet

□ Zoning Boundary
■ City Boundary

North**Zoning:** R-20/Single-family subdivision**Future Land Use:** MDR**Z-22 2023 GIS**WEST**Zoning:** RA-4/
Single-family
subdivision**Future Land
Use:** MDREAST**Zoning:** O&I/
Church**Future Land
Use:** MDRSOUTH**Zoning:** RA-4/Single-family subdivision**Future Land Use:** MDR

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

0 100 200 Feet

□ Zoning Boundary
■ City Boundary

Current zoning district for the property

The RA-4 district is established to provide locations for the development of single-family detached or attached residential dwelling units including the combination of duplexes, triplexes and quadruplexes. The dwelling units are to be designed so as to be placed on an individual lot attached to another dwelling unit or on an adjoining lot where the units will be attached by a common party wall. This residential use is designed to be located within or on the edge of properties delineated for low and medium density residential categories as defined and shown on the Cobb County Comprehensive Plan. When residentially compatible institutional and recreational uses or residential uses are developed within the RA-4 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 LRO district is established to provide locations for low scale professional offices and other nonretail commercial uses such as offices and nursery schools, which are on properties delineated within or on the edge of a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the edge of a neighborhood activity center node as defined by the comprehensive plan, the LRO district should provide for office uses that are low in intensity to ensure compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Summary of the applicant's proposal

The applicant proposes to rezone the property to the LRO (Low Rise office) zoning district for a professional office on this 1.13 acre lot. The existing approximately 6,250 square foot building will be utilized, with upgrades to the exterior and interior. The hours of operation will be Monday through Friday from 8:00 am until 6:00 pm.

Non-residential criteria

Proposed # of buildings: 1 (existing)

Proposed # of stories: 1 (existing)

Total sq. footage of development: 6,250

Floor area ratio: 0.13

Square footage per acre: 5,531

Required parking spaces: 19

Proposed parking spaces: 19

Acres in floodplain or wetlands: N/A

Impervious surface shown: None shown

Are there any zoning variances?

Yes,

1. Waive 20' landscape screening buffer adjacent to all residentially zoned property,

Are there any environmental conditions existing or proposed on the site?

No. The proposed rezoning will have no impact or effect upon any wetlands, flood plains, streams, stream buffers, slopes, vegetation, wildlife, or archeological or historical sites as none exist on the property. With the nature of the project being a refurbishing and renovation of existing features, there will be no impact upon environmental conditions.

Z-22-2023

DEPARTMENT COMMENTS – Fire Department

06/01/23

CCFMO is acceptable to the proposed zoning case as presented. A full review will be conducted when a full set of plans are submitted

Jeff Byrd

(770) 528-8814

Jeffrey.Byrd@cobbcounty.org

Z-22-2023 DEPARTMENT COMMENTS – Cemetery Preservation

No comment

7/5/23

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

05/24/2023

Site Data

1. Address: 4608 Lower Roswell
2. District: 2
3. Existing Zoning: RA-4 Existing Allowable Impervious Coverage: 40%
4. Proposed Zoning: LRO Allowable Future Impervious Coverage: 70%
5. Future Land Use: PI

Existing Conditions

Floodplain Information

1. Flood Damage Prevention Designated Flood Hazard: No

Stormwater Information

1. Drainage Basin: Sope Creek
2. State Stream Buffers: No
3. County Stream Buffer Ordinance: No
4. Impaired Stream: No
5. Hotspot: No
6. Wetlands: No
7. Water Intake Zone: No

Topography Information

1. General site Description: The existing site is developed as office building with associated parking and other site features. The existing site contains an existing stormwater management pond.

Project Design Comments and Recommendations

The following comments and recommendations are typically required at the time of plan review and permitting.

Proposed Project Onsite Design Requirements

1. At this time there are no present or future site improvement/modifications proposed.
2. Any Future improvements to the site will be considered a redevelopment project. Redevelopment projects that create, adds, or replaces 5,000 square feet or greater of new impervious surface area or that involves other land disturbing activity of one acre or more. Therefore, requiring an updated stormwater management facility that may require runoff reduction, water quality, and detention per the Georgia Stormwater Management Manual (GSMM).

Special Conditions

1. The existing onsite stormwater management facility is privately owned and shall be inspected annually and maintained as necessary by the property owner. Any future site redevelopment will require the existing stormwater management facility to be updated current stormwater regulations.

5/26/2023

Comprehensive Plan Future Land Use Designation: Public Institutional

The subject tract is within the Public Institutional (PI) future land use category. The purpose of PI is to provide for certain state, federal or local government use and institutional land uses such as government building complexes, police and fire stations, colleges, churches, hospitals, etc. While the future land use map reflects existing uses, it is important to realize that uses in this category have the potential to be developed at a regional, community or neighborhood scale. Any use in this category should be developed in a manner consistent with other policies in this plan.

Future Land Use Sub-Category? N/A☐ Consistent ☒ Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment NotificationIs the proposal within one-half mile of a city boundary? ☐ Yes ☒ No

If yes, which City: N/A

Was the city notified? N/A

Specific Area Policy Guidelines: ☐ Yes ☒ No
Policy:

Masterplan/ Corridor Study: ☐ Yes ☒ No
Name of Masterplan/Corridor Study: N/A

Design guidelines area? ☒ Yes ☐ No
If yes, design guidelines area? Johnson Ferry Road
Does the proposal plan comply with the design requirements? No

Is the property within an Opportunity Zone? ☐ Yes ☒ No
If yes, Opportunity Zone? N/A

(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)

Is the property within an Enterprise Zone? ☐ Yes ☒ No
If yes, Enterprise Zone? N/A

(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)

Is the property eligible for the Façade Improvement Program? ☐ Yes ☒ No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites)

(continued)

or in a corridor study area and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

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)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District:

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

Dobbins Air Reserve Base Zones:

Is the property within the Dobbins Airfield Safety Zone?

☐ Yes ☒ No

Is the property within the Clear Zone (CZ)?

☐ Yes ☒ No

Is the property within 3000' of Dobbins ARB?

☐ Yes ☒ No

Is the property within the Accident Potential Zone (APZ I)?

☐ Yes ☒ No

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

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.

Z-22-2023

DEPARTMENT COMMENTS – Water and Sewer

5/25/23 – DATE OPTIONAL

Water comments:

At development: ☒ YES ☐ NO

Fire flow test required: ☐ YES ☒ NO

Size/location of existing water main(s): 12" in Lower Roswell Road

Additional water comments: existing water customer

Sewer comments:

In the drainage basin: ☒ YES ☐ NO

At development: ☒ YES ☐ NO

Approx. distance to nearest sewer: Lower Roswell Rd ROW

Estimated waste generation (in G.P.D.): Average daily flow = +0

Peak flow = +0

Treatment plant: R.L. Sutton WRF

Plant capacity: ☒ Yes ☐ NO

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

Off-site easement required: ☐ YES* ☒ NO

Line capacity study 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 sewer comments: Existing sewer customer.

*If off-site easements are required, the developer/owner must submit easements to 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.

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. 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.

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Lower Roswell Road	Arterial	40	Cobb	100'

Roadway	Location	Average daily trips	Level of service
Lower Roswell Road	EAST OF LINDSEY RD	10,200	N/A

Based on 2018 traffic count data collected by Cobb County DOT for Lower Roswell Road

ITE Land Use	Description	Expected Size (KSF)	AM			PM			Daily (vpd)
			In (vph)	Out (vph)	Total (vph)	In (vph)	Out (vph)	Total (vph)	
712	Small Office	6.25	9	2	10	5	9	14	90

vph = vehicles per hour, vpd = vehicles per day

Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11th edition.

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.

Cobb DOT has a roadway project (E6020 Lower Roswell Road Safety and Operational Improvements) along Lower Roswell Road. A section of the roadway improvement run along the frontage of this development.

In accordance with Cobb County Code 134-121 and based on site plan received May 4, 2023, this development does not require a traffic study submittal.

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 south side of Lower Roswell Road, a minimum of 50' from the roadway centerline, and in coordination with right-of-way requirements for proposed roadway project.
2. All signage and landscaping should be installed off county right-of-way and where it will not impede the line of sight for the driveways or roadway.
3. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF ANALYSIS

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 that the applicant's rezoning proposal will permit a use that is suitable in the view of use and development of adjacent and nearby properties, if deleted to RA-4 with a LPSP. The property has an existing commercial structure in an area with residential uses.

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

It is Staff's opinion that the applicant's rezoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties, if deleted to RA-4 with a LPSP. The proposed use will be a low-intensity commercial use that is located along an arterial road.

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 burdensome use of existing streets, transportation facilities, utilities, or schools, if deleted to RA-4 with a LPSP. This opinion is 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 policies and intent of the Cobb County Comprehensive Plan, if deleted to RA-4 with a LPSP. Approval of an LPSP would be more appropriate to the residential neighborhoods surrounding the site.

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 rezoning proposal for the use as a professional office.

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.

Application No. Z- 22 (2023)

Hearing Dates: PC - 07/05/2023

BOC - 07/18/2023

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): Not Applicable.

b) Proposed building architecture: Not Applicable.

c) List all requested variances: Not Applicable.

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

a) Proposed use(s): Office

b) Proposed building architecture: Existing building will be utilized, with upgrades to the exterior and interior.

c) Proposed hours/days of operation: Monday - Friday; 8:00 a.m. - 6:00 p.m.

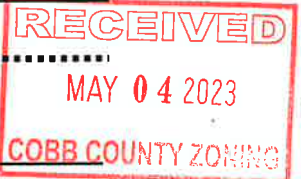
d) List all requested variances: None known at this time.

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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).

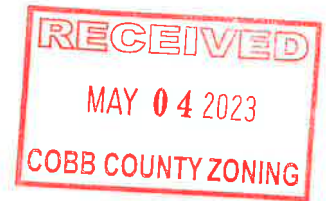
None known at this time.



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

IMPACT ANALYSIS STATEMENT

Application No.: Z- 22 (2023)
Hearing Dates: July 5, 2023
July 18, 2023



Applicant: MRE Properties & Investments, LLC
Titleholder: Mt. Bethel Church, Inc.

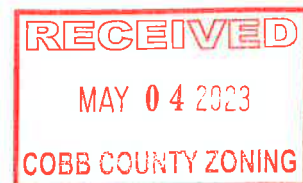
BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS **OF ROADS AND REVENUES AND THE** **COBB COUNTY PLANNING COMMISSION**

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

- (a) Applicant, MRE Properties & Investments, LLC (hereinafter "Applicant"), is seeking rezoning of approximately 1.13 acres located on the southerly side of Lower Roswell Road, westerly of Woodlawn Drive, being more particularly known as 4608 Lower Roswell Road, Land Lots 9 and 10, 1st District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). The Property is zoned to the RA-4 zoning category and has an existing building and parking, which has been utilized by the owner, Mt. Bethel Church, Inc., for Church-related activities. Applicant is seeking rezoning of the Property to the Low Rise Office ("LRO") zoning category to allow the structure to be utilized as a professional office. The requested zoning is suitable for the Subject Property as adjacent and nearby properties are zoned to various commercial categories, such as Office and Institutional ("OI"), General Commercial ("GC"), Community Retail Commercial ("CRC"), Neighborhood Retail Commercial ("NRC"), and Neighborhood Shopping ("NS"); as well as to the residential categories of RA-4, RA-5, and R-20. To rezone the Subject Property to the proposed LRO zoning classification for the proposed use, would allow for a transitional rezoning with little to no impact upon the existing residential areas.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed use of the Subject Property should have no impact on surrounding properties. If approved and developed according to the request, the adjacent and nearby property owners should benefit in increased land values.
- (c) The Subject Property, as presently zoned, does not have a reasonable economic use. The proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no

effect on schools and minimal effect on utilities and transportation facilities. There should be minimal impact on traffic in and around the Subject Property

- (e) The zoning proposal is not in conformity with the Land Use Map of Cobb County, Georgia, as the Property is currently classified within the "Public Institutional" classification due to its ownership and use by Mt. Bethel Church, Inc. However, immediately adjacent to the Property is an Office/Institutional zoned parcel, lying within the Medium Density Residential land use category, and both properties being immediately adjacent to and westerly of a Community Activity Center. Moreover, the Property is already developed consistent with the LRO standards.
- (f) This zoning proposal is consistent with the current conditions affecting the use of this Property; as well as surrounding properties. The proposed rezoning would allow for a more suitable and economic use of the Subject Property without high impact into any adjacent or surrounding properties. Applicant proposes renovations and upgrades to the exterior and interior of the existing structure, including upgrades to the landscaping, signage, parking, and the like, with no new building or development on the remaining acreage of the tract. The proposed office use would provide a low-impact, transitional use between existing residential neighborhoods and more intense commercial development to the east along Lower Roswell Road.



ENVIRONMENTAL SITE ANALYSIS (ESA) FORM

Application No.: Z- 22 (2023)
Hearing Dates: July 5, 2023
July 18, 2023



Applicant: MRE Properties & Investments, LLC
Titleholder: Mt. Bethel Church, Inc.

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS
OF ROADS AND REVENUES AND THE
COBB COUNTY PLANNING COMMISSION**

Applicant, MRE Properties & Investments, LLC (hereinafter "Applicant"), is seeking rezoning of approximately 1.13 acres, with an existing structure and related parking, located at 4608 Lower Roswell Road (the "Property" or the "Subject Property") to the Low Rise Office ("LRO") zoning category to allow the structure to be utilized for as an office for Applicant's business. Adjacent and nearby properties are utilized for residential, commercial, and public/institutional purposes.

1. Conformance with the Comprehensive Plan

Rezoning of the Subject Property to the requested LRO zoning classification to allow for the redevelopment of the Property for office purposes clearly complies and conforms to the policy and intent of the Comprehensive Land Use Plan. The rezoning will allow an under-utilized Property to be repurposed, with little to no effect upon surrounding residential neighborhoods.

2. Environmental Impacts of the Proposed Project

The proposed rezoning will have no impact or effect upon any wetlands, flood plain, streams, stream buffers, slopes, vegetation, wildlife, or archeological or historical sites as none exist on the Subject Property. There is an existing structure with related parking which was previously constructed, and Applicant will perform renovations and upgrades to those features.

3. Project Implementation Measures

With the nature of the project being renovation and refurbishing of existing site features, there will be no impact upon environmental features.