



Case # SLUP- 2
Public Hearing Dates:
PC: 2-5-20
BOC: 2-18-20

Cobb County Community Development Agency
Zoning Division
1150 Powder Springs St. Marietta, Georgia 30064

SITE BACKGROUND

Applicant: Legacy Christian Schools, Inc.

Phone: 678-640-4498

Email: heidimilton@comcast.net

Representative Contact: Adam Rozen

Phone: 770-422-7016

Email: arozen@slhb-law.com

Titleholder: Bethany Presbyterian Church
(PCUSA), Inc.

Property location and address: Located on the
south side of Sandy Plains Road, east of
Springwood Place (4644 Sandy Plains Road)

Access to Property: Sandy Plains Road

QUICK FACTS

Commission District: 2- Ott

Current Zoning: R-30

Current use of property: Church

Proposed use: Private School

Future Land Use Designation: Public Institutional

Site Acreage: 6.6 acres

District: 16

Land Lot: 111

Parcel #: 16011100050

Taxes Paid: Exempt

FINAL ZONING STAFF RECOMMENDATION: (Zoning staff member: John Pederson)

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

1. Site plan received by the Zoning Division on November 7, 2019, with the District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Department of Transportation comments and recommendations; and
4. Water and Sewer Division comments.

Legacy Christian School

Special Land Use Permit, Plat and Traffic Flow Exhibit

Cobb County, Georgia Land Lot 111, 10th District, 2nd Section

property owner:
Bethany Presbyterian Church
4644 Sandy Plains Road
Marietta, Georgia 30062
Phone: 678-756-4898



Scale: 1" = 30'
July 19, 2019



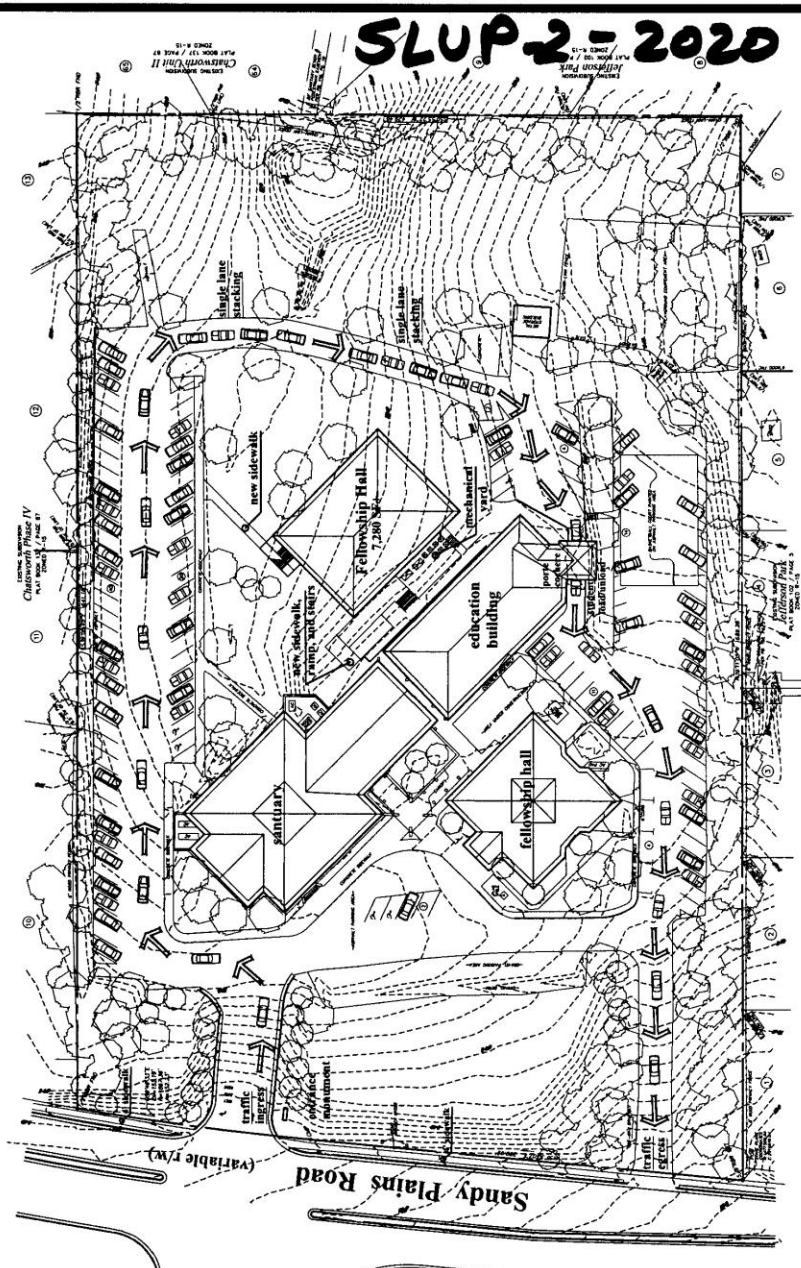
Site Data
Total Site Area: 6.6 AC
Present Zoning: R-30

Special Land Use Permit Request:
to allow a private preschool in an existing worship center
within an R-30 district

DGM
LAND PLANNING
CONSULTANTS

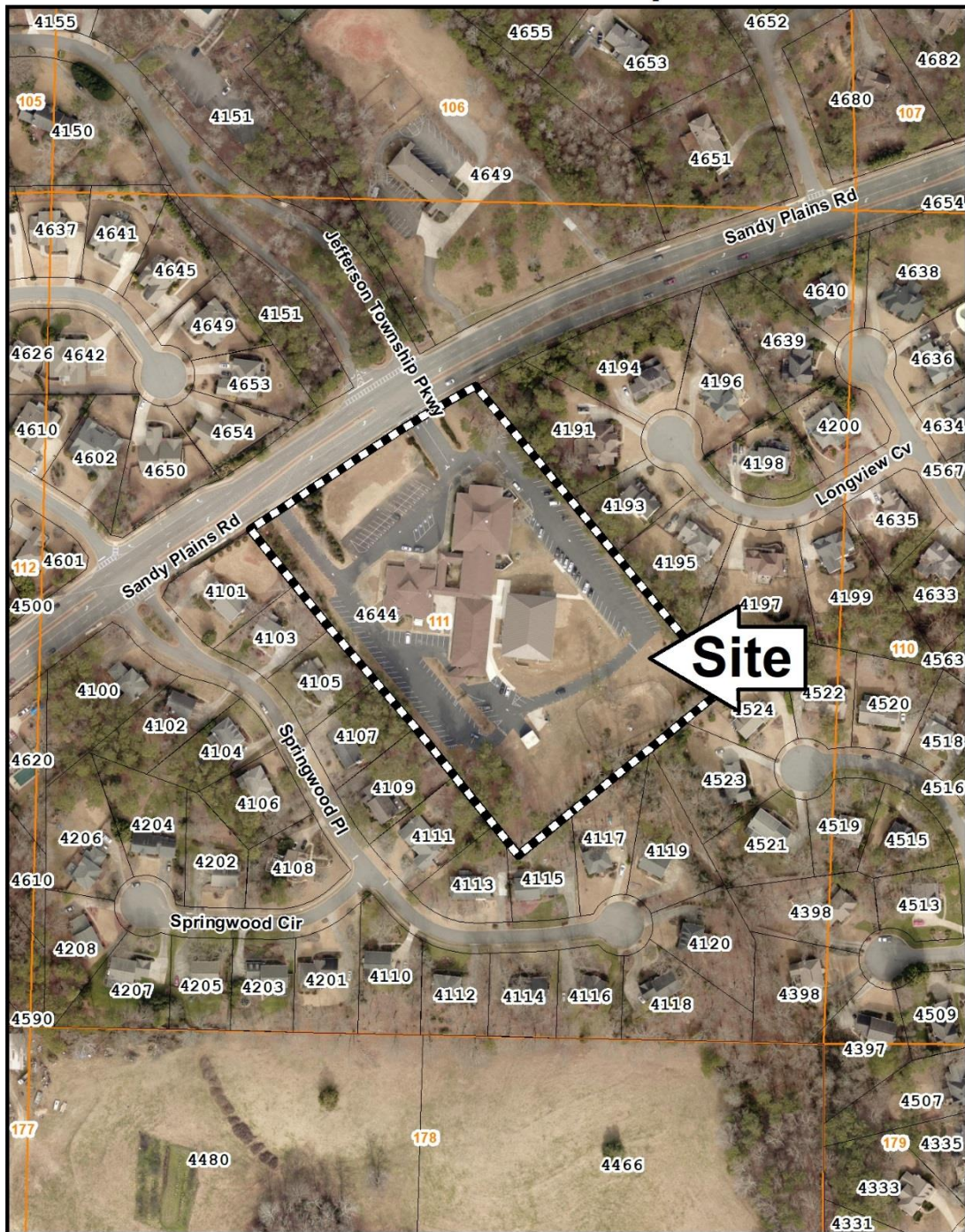
975 COBB PLACE
BLVD SUITE 212
KENNESAW
GA 30144
770 514-9006
FAX 514-9491

RECEIVED
NOV 07 2019
COBB CO COMM DEV AGENCY
ZONING DIVISION

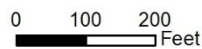




- NOTES:
1. Boundary and Topography from GED Survey, Ltd. dated October 8, 1995.
 2. Accretion from 1995 Survey, Sheet 4, 1205, no portion of the site contains topographic.
 3. No easements are known to exist on this site.
 4. No archaeological or architectural landmarks are known to exist on this site.
 5. Stormwater management and water quality structures are to be designed in accordance with the current Cobb County standards.

SLUP-2 Aerial Map



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



-  Zoning Boundary
-  City Boundary

North

Zoning: R-15/ The Enclave at Jefferson Ridge; PD/
Jefferson Township

Future Land Use: Very Low Density Residential; Rural
Residential

WEST

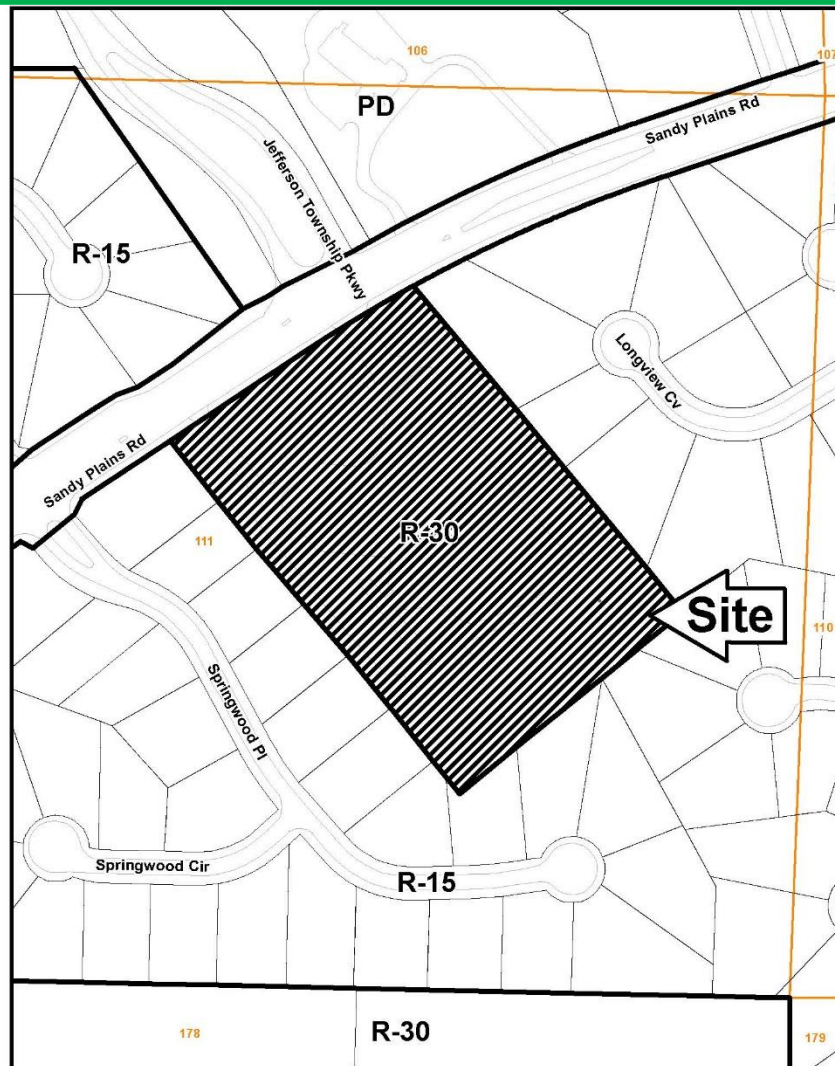
Zoning: R-15/
Jefferson Park

**Future Land
Use:** Low
Density
Residential

EAST

Zoning: R-15/
Chatsworth

**Future Land
Use:** Low
Density
Residential



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

SOUTH

Zoning: R-15/ Jefferson Park

Future Land Use: Low Density Residential

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-30 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-30 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.

Request for the property

The applicant has requested a Special Land Use Permit (SLUP) as required by the Official Code of Cobb County Sec. 134-37(20) for a private school. The Board of Commissioners may grant special land use permits for the uses enumerated in SLUP section of the code. The granting of a special land use permit is conditional upon the site plan considered by the Board of Commissioners. All applications for special land use permits shall be advertised in the same manner as applications for rezoning, and public hearings will be held thereon in the same manner as applications for rezoning are conducted. The Board of Commissioners may grant special land use permits for any period of time in the discretion of the Board of Commissioners. In addition to general district, the Board of Commissioners shall consider, at a minimum, 15 criteria in its determination of whether or not to grant a special land use permit; the criteria are listed in the back of this report in the Staff Analysis section.

Summary of the applicant's proposal

Applicant is requesting a Special Land Use Permit (SLUP) to operate a private school. This location was utilized previously as a preschool and is currently outfitted for the proposed classroom use. The existing one-story education building will be used and no new construction is needed for this request. The proposed school will be for children ages 2-6 and will include kindergarten (which requires the SLUP). The school will implement a carpool schedule and a traffic circulation plan for daily drop-off and pick-up times. The expected hours of operation will be Monday through Friday from 9 a.m. until 1 p.m. The applicant proposes up to 65 students. The applicant currently operates a private school at 3662 Shallowford Road with a maximum enrollment of 68 children (per SLUP-2 of 2016). The Shallowford Road operations would be moving to this proposed location.

DEPARTMENT COMMENTS- Zoning Division (continued)

Non-residential criteria

Proposed # of buildings: 1 (existing)

Proposed # of stories: 1 (existing)

Total sq. footage of development: 5,483 (existing)

Required parking spaces: 90 (Based on 300 seats in the main sanctuary, and one space per fulltime school employee)

Proposed parking spaces: 131

Acres in floodplain or wetlands: None

Impervious surface shown: 60% (70% is the maximum)

Are there any zoning variances? Yes.

1. Waive the lot size for a church with a school from 8-acres to 6.6 acres.

DEPARTMENT COMMENTS- Fire Department

No comments.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

DEPARTMENT COMMENTS- School System

No comments.

DEPARTMENT COMMENTS- Stormwater Management

No site changes are proposed. No comments.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Public Institutional (PI) future land use category. The purpose of the PI category is to provide for certain state, federal or local government and institutional uses such as government administrative building complexes, police and fire stations, schools and colleges, churches, hospitals and the like.

Comprehensive Plan Designation: Consistent Inconsistent

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

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

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 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 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 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.)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)**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 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.

DEPARTMENT COMMENTS- Water and Sewer

Property connected to public water and sewer. Additional sewer fee will be assessed if student enrollment exceeds 125 children.

DEPARTMENT COMMENTS- Transportation

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend Sandy Plains Road access include deceleration lane upon redevelopment, where redevelopment is defined as any action requiring a Land Disturbance Permit.
3. Recommend applicant submit queuing information to confirm that up to 100 students can be accommodated within development property.

STAFF ANALYSIS

There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in bold, with the staff analysis written not bold:

- (1) Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.**
The property has been utilized as a church and preschool for many years. The new proposal will add kindergarten, which adds a small number of children coming to this property.
- (2) Whether or not the use is otherwise compatible with the neighborhood.**
The proposed use is compatible with the surrounding neighborhoods. This use is typically found in residential areas.
- (3) Whether or not the use proposed will result in a nuisance as defined under state law.**
The proposed use will not result in a nuisance as defined under state law.
- (4) Whether or not quiet enjoyment of surrounding property will be adversely affected.**
Quiet enjoyment of the surrounding property will not be adversely affected. The property has accommodated a church and preschool for several years.
- (5) Whether or not property values of surrounding property will be adversely affected.**
Property values will not be adversely affected. The proposed use will be like the previous daycare use, but will be adding kindergarten.
- (6) Whether or not adequate provisions are made for parking and traffic considerations.**
The site plan submitted provides sufficient parking for the proposed use. A traffic routing plan for drop-offs and pick-ups will be submitted for approval.
- (7) Whether or not the site or intensity of the use is appropriate.**
The applicant will utilize existing structures and the proposal's lot size is the same as the Shallowford Road location. The lot size should not be problematic due to the amount of queuing driveways on the property. A review of the applicant's other SLUP file does not show any complaints. The SLUP is needed for the addition of the kindergarten grade that is offered in public schools.
- (8) Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.**
The proposed use is compatible with other uses in the area. The property is located in the Public Institutional land use category.

STAFF ANALYSIS (continued)

There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in bold, with the staff analysis written not bold:

- (9) **Whether or not adequate provisions are made regarding hours of operation.**
The hours of operation are proposed to be Monday through Friday from 9 a.m. until 1 p.m. and will not conflict with other traffic of the church.
- (10) **Whether or not adequate controls and limits are placed on commercial and business deliveries.**
Deliveries to the property are proposed to be minimal.
- (11) **Whether or not adequate landscape plans are incorporated to ensure appropriate transition.**
The property is currently landscaped with mature trees, shrubs and other vegetation.
- (12) **Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.**
The public health, safety, welfare or moral concerns of the surrounding areas will not be adversely affected.
- (13) **Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.**
The proposed use meets the requirements for a Special Land Use Permit.
- (14) **Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.**
The applicant has presented the required information and will also be submitting a traffic flow plan to be approved for drop-off and pick-up times.
- (15) **In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county.**
The applicant has provided required information and the proposal meets the requirements for a private school and a special land use permit.

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.

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
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Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

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Stipulation letter from _____ dated _____
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