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## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2010-02                      **LEGISTAR #:** 20100085

**LANDOWNERS:** Venture Homes, Inc.  
Robert C. White, Sr.  
1580 Terrell Mill Road  
Marietta, GA 30067

**APPLICANT:** Reformed Theological Seminary, Inc.  
Attn: John Sowell  
5422 Clinton Blvd.  
Jackson, MS 39209-3099

**AGENT:** J. Kevin Moore  
Moore Ingram Johnson & Steele, LLP  
Emerson Overlook  
326 Roswell Street  
Marietta, GA 30060

**PROPERTY ADDRESS:** 1580 and 1584 Terrell Mill Road

**PARCEL DESCRIPTION:** Land Lot 801 and 855, District 17, Parcels 15 and 7

**AREA:** 7.8899 acs.                      **COUNCIL WARD:** 1

**EXISTING ZONING:** CRC (Community Retail Commercial)

**REQUEST:** CRC (Community Retail Commercial)  
with stipulations

**FUTURE LAND USE MAP  
RECOMMENDATION:** CAC (Community Activity Center)

**REASON FOR REQUEST:** The proposed use of the subject property is for a  
theological seminary school.

**PLANNING COMMISSION HEARING:** Tuesday, March 2, 2010 – 6:00 p.m.

**CITY COUNCIL HEARING:** Wednesday, March 10, 2010 – 7:00 p.m.

# MAP

## City of Marietta Area Zoning Map



Zoning	COMMERCIAL	District	Land Lot	Parcel	Zoning
<b>SINGLE FAMILY RESIDENTIAL</b> R-1: One Unit/Acre R-2: Two Unit/Acre R-3: Three Unit/Acre R-4: Four Unit/Acre  <b>ATTACHED FAMILY RESIDENTIAL</b> RA-4: Four Unit/Acre RA-6: Six Unit/Acre RA-8: Eight Unit/Acre PRD(S): Planned Residential Dev. MHP: Manufactured Housing Park  <b>MULTI-FAMILY RESIDENTIAL</b> RM-8: Eight Unit/Acre RM-10: Ten Unit/Acre RM-12: Twelve Unit/Acre RHR: Residential High Rise PRD(MF): Planned Residential Dev.	NRC: Neighborhood Retail CRC: Community Retail RRC: Regional Retail CBD: Central Business District PCD: Planned Commercial Dev. MXD: Mixed-Use Dev. OIT: Office Institutional Trans. LRO: Low-Rise Office OI: Office Institutional OS: Office Services OHR: Office High-Rise  <b>INDUSTRIAL</b> LI: Light Industrial HI: Heavy Industrial PID: Planned Industrial Dev.	17 17	08550 08010	0070 0150	CRC CRC

**Comments:**  
 1580 & 1584 Terrell Mill Rd

Date: **02/05/2010**

**Planning and Zoning Department**




1" = 200'

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**PICTURES OF PROPERTY**



View north from entrance/exit driveway. Creek is along the eastern boundary of the properties, and I-75 is to the west.



View north at 1580 and 1582 Terrell Mill Road. The applicant is proposing to utilize existing building at 1580 Terrell Mill Road and the existing parking lot for seminary development. The most northerly building is not part of this rezoning proposal, 1582 Terrell Mill Road.

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## STAFF ANALYSIS

### *Location Compatibility*

The applicant, J. Kevin Moore, petitioner for the Reformed Theological Seminary, Inc. and property owners Venture Homes, Inc. and Robert C. White, Sr. are requesting to rezone two parcels, totaling 7.89 acres, located at 1580 and 1584 Terrell Mill Road. The applicant is requesting to rezone both parcels to CRC (Community Retail Commercial) with stipulations to allow the use of a seminary school/university. Both parcels are currently zoned CRC. According to the submitted conceptual site plan, Tract 1 is identified as 1580 Terrell Mill Road, which occupies the Venture Home building; and Tract 3 is identified as 1584 Terrell Mill Road, which occupies part of a parking lot and is vacant to the rear, and is where the seminary proposes to build a 2-story building. Both parcels are bordered by I-75 to the west; Rottenwood Creek and an apartment complex located in Cobb County to the east; commercial properties zoned CRC with billboards located upon them are to the north; and to the south is Terrell Mill Road and properties located in Cobb County jurisdiction.

The applicant is requesting to rezone the property to CRC with stipulations to permit the development of a seminary/university campus. According to the submitted conceptual site plan, the applicant proposes to utilize the existing one 1-story building on Tract 1, and to build a new 2-story building on Tract 3.

### *Use Potential and Impacts*

The property at 1580 Terrell Mill Road was once occupied by Venture Homes, a local residential home builder, but is currently a vacant building. The front portion of the property identified as 1584 Terrell Mill Road is used as a parking lot, while the rear of the property is currently undeveloped. As mentioned above, the applicant is proposing to utilize the existing building on Tract 1 and to construct a new 2-story building on Tract 3. One constraining factor that may limit the construction footprint of the proposed 2-story building is that some of the property is located within the flood plain and required stream bank buffers. Further, the existing detention pond may require variances due to the proximity of the creek and the required stream buffers. More information will need to be provided on the site development plans should this rezoning request be approved.

There are also two (2) billboards located on the 1580 Terrell Mill Road property; and one of those billboards is a digital billboard erected in 2008 by Lamar Advertising. Another billboard is located north of the subject property, at 1582 Terrell Mill Road.

The site is located within the Franklin/Delk LCI (Livable Centers Initiative) study area. The LCI Plan specifically encourages improvement, redevelopment, and investment to the area, and also promotes walkability through the development of sidewalk and multi-use trail networks. The Franklin/Delk LCI study proposes a multi-use trail along the Rottenwood Creek corridor that would link to the programmed Rottenwood Creek Trail, which is being constructed by Cobb County Department of Transportation. This trail will link to the Chattahoochee River National Recreation Area in southeast Cobb County.

The existing Future Land Use designation of both subject properties is CAC (Community Activity Center). The City's Comprehensive Plan states that the CAC category is to provide for areas that can meet the retail and service needs of several neighborhoods and communities. Private schools and colleges are typically included in the CSI, Community Service & Institution category, and are not indicated as compatible with the CAC category.

### *Environmental Impacts*

Both properties are within the Rottenwood Creek corridor at the eastern and southern perimeters of the properties. Additional development within this corridor may increase the amount of impervious surface, runoff, and flooding. Both properties have portions of the property that lie within the Rottenwood Creek floodplain. The following Department of Public Works comments address environmental impacts that exist on 1580 and 1584 Terrell Mill Road.

- The existing detention pond may be used if it is brought up to current standards.
- The FEMA FIRM Flood Plain effective December 16, 2008, including State Mandated (25') Stream Buffer(s), City Stream Buffers (50'), and Impervious Area Setback (75') from buffers must be delineated on the plans. It does not appear that the FEMA Flood Plain on the plan is correct, nor are the flood elevations noted on the plans.
- It appears that the proposed building may be within the FEMA Flood Plain. Portions of the drive from Terrell Mill Road appear to be within the FEMA Flood Plain.
- The access drive must be constructed to City standards for a road with 50' R.O.W. and 24' back of curb to back of curb (min. 20' asphalt).

### *Economic Functionality*

The property at 1580 Terrell Mill Road was once occupied by Venture Homes, but is now vacant. The property at 1584 Terrell Mill Road was only used for parking. These two properties share an access driveway off of Terrell Mill Road, which also provides access to 1582 Terrell Mill Road, the northern-most property. An office building that houses a number of business consultant services occupies the property at 1582 Terrell Mill Road.

There are also two (2) billboards located on the 1580 Terrell Mill Road property; and one of those billboards is a digital billboard erected in 2008 by Lamar Advertising. Another billboard is located north of the subject property, on the property at 1582 Terrell Mill Road. All three of the billboards are considered legally nonconforming as they do not meet current spacing requirements.

Although current economic conditions, specifically in the housing industry, have caused the current vacancy of this property, the property is economically functional as it is currently zoned. However, the Marietta zoning ordinance does not include public or private colleges/universities as a permitted use in CRC zoned properties.

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## STAFF ANALYSIS CONTINUED

### *Infrastructure*

The proposed development would potentially have some impact to the existing transportation infrastructure in the area as well as on the water, sewer and electricity infrastructures. The Department of Public Works had the following comments.

- Site plans will be required for construction. Site plans must include, parking, driveways, streets, stormwater management, stormwater quality, 10% downstream analysis, and any other applicable improvements required by City code and Georgia Stormwater Management Manual. Additional comments will be made at time of site plan submittal. There can be no point discharge onto adjacent property which is not into a stream, defined drainageway, or storm sewer. Discharge will not be allowable at the property line. If easements are required for drainage through adjacent property, then the owner is to obtain.
- The existing detention pond may be used if it is brought up to current standards.
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- The access drive must be constructed to City standards for a road with 50' R.O.W. and 24' back of curb to back of curb (min. 20' asphalt).
- The access for the site should be right-in – right-out for safety. This recommendation is made to the County DOT.
- A six foot sidewalk with two foot grass strip is required along entire frontage at Terrell Mill Road.
- A five foot sidewalk with 2' grass strip is to be provided along at least one side of the entrance road from Terrell Mill Road to the buildings and parking.

The two subject properties access Terrell Mill Road, which is a Cobb County collector roadway, and any development proposed for this property will result in increased traffic along the corridor, thus impacting nearby residential and commercial/office complexes.

### *History of Property*

In September 1999, 11.905 acres included both subject properties and the property to the north was rezoned (Z-9924) from CRC with stipulations to CRC. The purpose of the approved rezoning request was to construct an office development that proposed three building sites. At present, two of the three buildings have been constructed.



In March 1996, the two subject parcels, and parcel to the north were rezoned from RMPD (Multi-Family Planned Development) to GC (General Commercial) with stipulations. The stipulations are as follows:

- Directional lighting will be incorporated so as not to shine on the adjoining residential areas;
- The approval of the general commercial zoning shall be granted only for the purpose of the erection of two billboards and for no other uses;
- The billboards are to be located in the two areas described in the legal descriptions submitted.



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## ANALYSIS & CONCLUSION

The applicant, J. Kevin Moore, petitioner for the Reformed Theological Seminary, Inc. and property owners Venture Homes, Inc. and Robert C. White, Sr. are requesting to rezone two parcels, located at 1580 and 1584 Terrell Mill Road, and totaling 7.89 acres. The applicant is requesting to rezone both parcels to CRC (Community Retail Commercial) with stipulations to allow the use of a seminary school/university. Both parcels are currently zoned CRC. The proposed conceptual site plan identifies Tract 1 as 1580 Terrell Mill Road, which occupies the Venture Home building; and Tract 3 as 1584 Terrell Mill Road, a portion of which is developed as a parking lot (the rear portion of the property is vacant). The seminary proposes to utilize the existing building at 1580 Terrell Mill Road and to build new a 2-story building on the 1584 Terrell Mill Road property. The proposed use of both properties is to develop a seminary/university campus.

Both properties are within the Rottenwood Creek corridor at the eastern and southern perimeters of the properties. Additional development within this corridor may increase the amount of impervious surface, runoff, and flooding. Both properties have portions of the property that lie within the Rottenwood Creek floodplain. The following Department of Public Works comments address environmental impacts that exist on 1580 and 1584 Terrell Mill Road:

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**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_



## DATA APPENDIX

### ***COBB COUNTY - WATER***

Is a water line adjacent to the property?	Yes (CMWA)
If not, how far is the closest water line?	
Size of the water line?	20"
Capacity of the water line?	---
Approximate water usage by proposed use?	Unknown

### ***COBB COUNTY - SEWER***

Is a sewer line adjacent to the property?	Yes
If not, how far is the closest sewer line?	--
Size of the sewer line?	36"
Capacity of the sewer line?	---
Estimated waste generated by proposed development?	A.D.F                  Peak
Treatment Plant Name?	Unknown
	R. L. Sutton
Treatment Plant Capacity?	40 mgd
Future Plant Availability?	40 mgd

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## DATA APPENDIX CONTINUED

### *DRAINAGE AND ENVIRONMENTAL CONCERNS*

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Does flood plain exist on the property?	YES
What percentage of the property is in a floodplain?	20% +/-
What is the drainage basin for the property?	Rottenwood Creek
Is there potential for the presence of wetlands as determined by the U.S. Environmental Protection Agency?	YES
If so, is the use compatible with the possible presence of wetlands?	Most likely no conflict
Do stream bank buffers exist on the parcel?	YES
Are there other topographical concerns on the parcel?	NO
Are there storm water issues related to the application?	NO
Potential presence of endangered species in the area?	NO

### *Transportation*

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What is the road affected by the proposed change?	Terrell Mill Road
What is the classification of the road?	Collector – Cobb County Road
What is the traffic count for the road?	14,250 AADT (2-way)
Estimated number of cars generated by the proposed development?	Insufficient data provided
Estimated number of trips generated by the proposed development?	Insufficient data provided
Do sidewalks exist in the area?	NO
Transportation improvements in the area?	NO
If yes, what are they?	---



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***MARIETTA POWER - ELECTRICAL***

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Does Marietta Power serve this site?      Yes \_\_\_\_\_      No   X  

If not, can this site be served?      Yes \_\_\_\_\_      No   X  

What special conditions would be involved in serving this site? Served by GPC.

Additional comments:

***EMERGENCY SERVICES***

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Nearest city or county fire station from the development?      Cobb County #19

Distance of the nearest station?      .9 miles

Most likely station for 1<sup>st</sup> response?      Cobb County #19 or  
Marietta Station 55 (2.5 miles away)

Service burdens at the nearest city fire station (under, at, or above capacity)?      None



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## DATA APPENDIX CONTINUED

### *MARIETTA CITY SCHOOLS*

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#### **Marietta City Schools Impact Assessment:**

Elementary School Zone Servicing Development:

Grades six (6) through twelve (12) will be serviced by:

- Marietta Sixth Grade Academy
- Marietta Middle School
- Marietta High School

Current Capacity at Servicing Elementary School:

Current Capacity at Marietta Sixth Grade Academy:

Current Capacity at Marietta Middle School:

Current Capacity at Marietta High School:

Current Enrollment at Servicing Elementary School:

Current Enrollment at:

- Marietta Sixth Grade Academy:
- Marietta Middle School:
- Marietta High School:

Number of students generated by present development:

Number of students projected from proposed development at:

- Elementary level:
- Sixth Grade level:
- Middle School 7<sup>th</sup> & 8<sup>th</sup> Grade level:
- High School level:

New School(s) planned that might serve this area:

#### **Comments:**