



**APPLICANT:** Mack & Abe, Inc.  
404-513-5454

**REPRESENTATIVE:** Ibrahim (Abe) Jivani  
404-513-5454

**TITLEHOLDER:** Mack & Abe, Inc.

**PROPERTY LOCATION:** On the east side of Johnson Ferry Road,  
south of Shallowford Road.

**ACCESS TO PROPERTY:** Johnson Ferry Road

**PHYSICAL CHARACTERISTICS OF SITE:** Existing convenience  
store with fuel sales, carwash.

**PETITION NO:** Z-6

**HEARING DATE (PC):** 03-01-11

**HEARING DATE (BOC):** 03-15-11

**PRESENT ZONING:** GC

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Carwash, Emissions  
Station, Convenience Store With Fuel Sales

**SIZE OF TRACT:** 1.42 acres

**DISTRICT:** 16

**LAND LOT(S):** 470

**PARCEL(S):** 35

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** PSC/Shopping Center
- SOUTH:** LRO/Bank
- EAST:** CRC/Wal-mart
- WEST:** R-20/Church

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

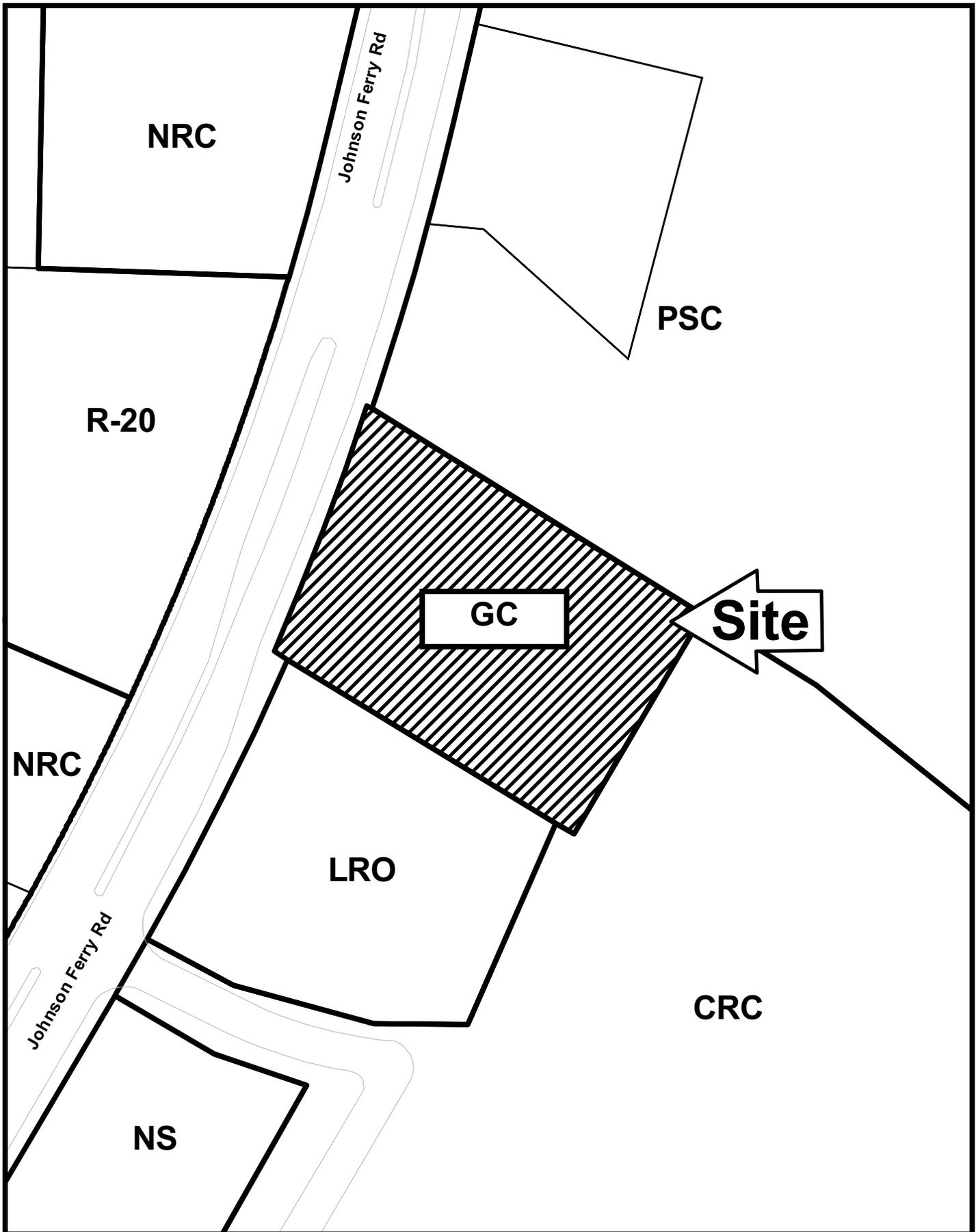
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

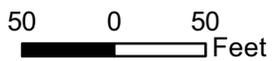
**STIPULATIONS:**



# Z-6



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Mack & Abe, Inc.

PETITION NO.: Z-6

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** Neighborhood Activity Center

**Proposed Number of Buildings:** 2 **Total Square Footage of Development:** 1,536

**F.A.R.:** .025 **Square Footage/Acre:** 1,082

**Parking Spaces Required:** 9 **Parking Spaces Provided:** Not striped out

The applicant is requesting the NRC Neighborhood Retail Commercial District zoning category for the purpose of reopening an existing gas station facility that had been closed for longer than six months and lost its “grandfathered” status. The property is the site of an existing gas station with accessory carwash. The current plan is to first resume operation as a carwash/detail service under the existing canopy while the existing carwash structure will be reused as an emission station, reserving the option to also resume gas sales in the future. The proposed hours of operation are 8 A.M. to 8 P.M., seven days a week.

**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.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**FIRE COMMENTS:**

**C/O:** Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

\*\*\*\*\*

**COBB COUNTY-MARIETTA WATER AUTHORITY COMMENTS (CCMWA):**

CCMWA requests to review the plans for this project as soon as they are available in order to determine the extent of impact upon our facilities. CCMWA has a 36” DIP Transmission Water Line that runs along the east side of Johnson Ferry Road in front of Petition # Z-6. We request to review the plans for this project as soon as they are available to determine the actual impact to our water line. The owner/developer will be financially responsible for any impacts to CCMWA facilities from the project. Contact Chuck Byrge at (770) 426-8788 to coordinate plan review.

APPLICANT Mack & Abe, Inc.

PETITION NO. Z-006

PRESENT ZONING GC

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): **12" DI E / side Johnson Ferry Rd**

Additional Comments:

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: **Along north property line**

Estimated Waste Generation (in G.P.D.): **A D F 750 Peak= 1875**

Treatment Plant: **Big Creek**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv 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 ans 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 Records show property connected. Previously a gas station/car wash  
Comments:

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: Mack & Abe, Inc.

PETITION NO.: Z-6

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Harmony Grove Creek FLOOD HAZARD INFO: Zone AE

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review/State Review.**
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving stream system.

APPLICANT: Mack & Abe, Inc.

PETITION NO.: Z-6

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown - **must be addressed at Plan Review**
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The proposed site was previously operated as a gas station that was constructed adjacent to Harmony Grove Creek prior to current stream buffer ordinances. Per direction by Frank Gipson, Cobb County Erosion Control & Stream Buffer Coordinator, the proposed redevelopment must not encroach any further into the stream buffer than the existing gas station pad.
2. The existing site does not have any stormwater management controls. The proposed project will be required to meet the full current water quality and quantity stormwater management requirements for new development.
3. This site is located just downstream of Maddux Lake Dam. Maddux Lake is located just upstream from Johnson Ferry Road. The dam is a Category II dam (# 033-054-01847) and is currently undergoing rehabilitation by the owner. A dam breach analysis should be obtained to verify the revised breach zone and any design considerations that must be accounted for in the proposed site design.

APPLICANT: Mack & Abe, Inc.

PETITION NO.: Z-6

PRESENT ZONING: GC

PETITION FOR: NRC

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

| ROADWAY            | AVERAGE DAILY TRIPS | ROADWAY CLASSIFICATION | SPEED LIMIT | JURISDICTIONAL CONTROL | MIN. R.O.W. REQUIREMENTS |
|--------------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Johnson Ferry Road | 30800               | Arterial               | 45 mph      | Cobb County            | 100'                     |
|                    |                     |                        |             |                        |                          |

*Based on 2010 traffic counting data taken by Cobb County DOT (Johnson Ferry Road)*

**COMMENTS AND OBSERVATIONS**

Johnson Ferry 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.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of 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 east side of Johnson Ferry Road, a minimum of 50' from the roadway centerline.

Recommend closing the southern curb cut on Johnson Ferry upon redevelopment.

Recommend a deceleration lane.

Recommend installing sidewalk, curb and gutter along the road frontage.

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

## STAFF RECOMMENDATIONS

### **Z-6 MACK & ABE, INC.**

- 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 request is meant to bring the property back into zoning compliance since having lost its "grandfathered" status. Surrounded by other retail/commercial uses, this property and its resumed use will be compatible with these adjacent and nearby properties
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. Currently closed, and therefore underutilized, the current request will allow for the property to be brought back into commerce as it is currently built.
- 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 to be within a Neighborhood Activity Center land use category. This category supports such low-key commercial services as the current request aimed at nearby consumers.
- 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. Having lost its "grandfathered" status previously, the current request would allow the property to be brought back into commerce, utilizing the existing buildings.

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

- Site Plan received by Zoning Division on December 2, 2010 with District Commissioner approving minor modifications;
- Fire department comments;
- Cobb County Marietta Water Authority comments;
- Stormwater Management comments;
- Cobb D.O.T. comments and recommendations.

**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-6  
2011

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): \_\_\_\_\_
- 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): RETAIL/CARWASH/EMISSION
- b) Proposed building architecture: SAME - NO CHANGE
- c) Proposed hours/days of operation: 8 AM TO 8 PM.
- d) List all requested variances: NONE  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**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).**

\_\_\_\_\_  
\_\_\_\_\_