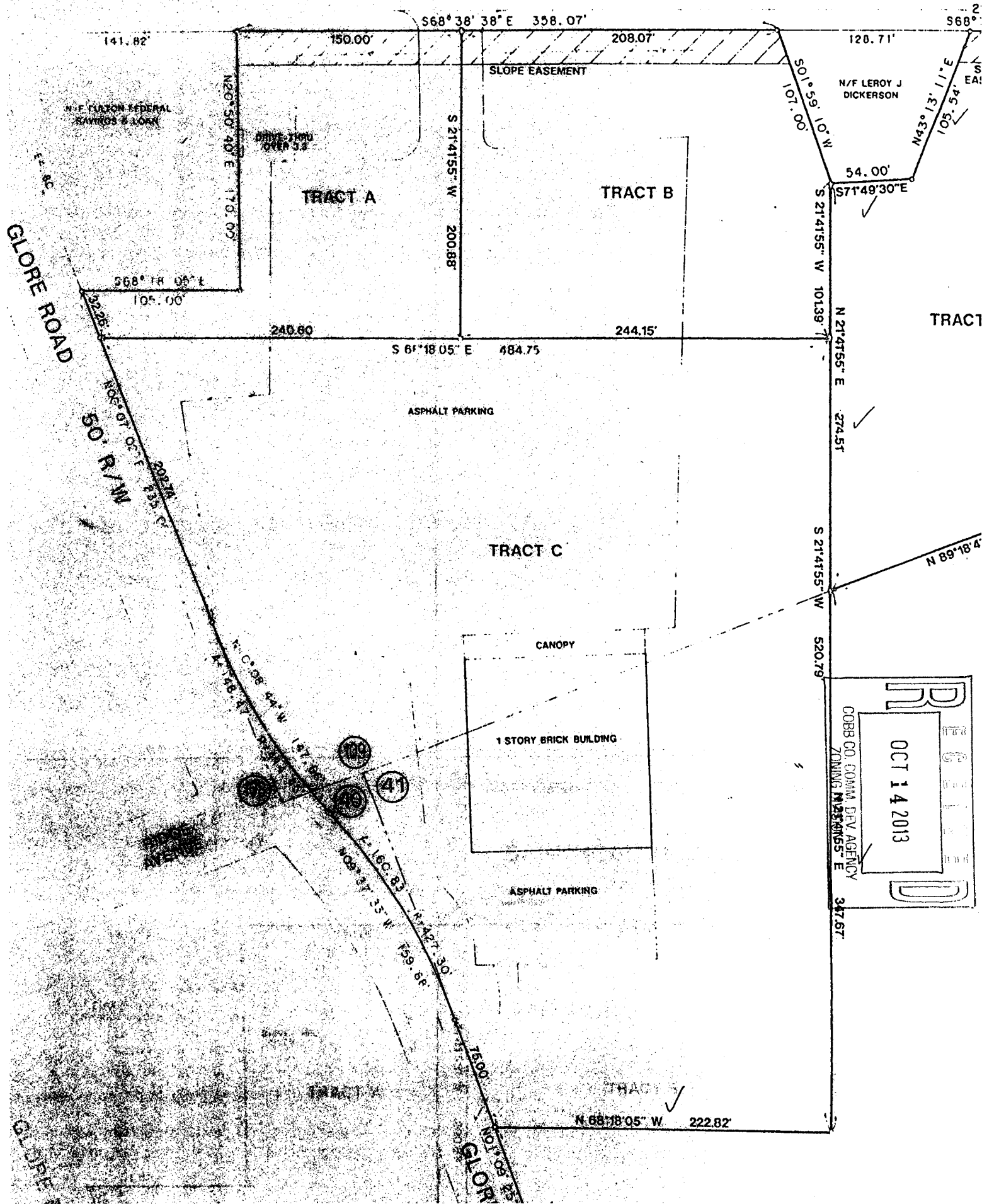


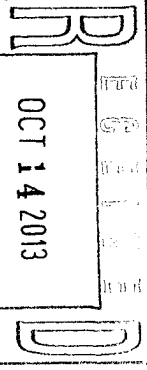
Record book shows the 175.00

Z-1 (2014)

BANKHEAD HIGHWAY (U.S. HIGHWAY 78 & 27E) (UNDER CONSTRUCTION AT THIS TIME)



COBB CO. COMM. DEV. AGENCY ZONING DEPARTMENT OCT 14 2013



APPLICANT: Galaxy Properties & Investment, Inc.
(770) 941-4583

REPRESENTATIVE: Muzzamil Ghaffar
(678) 641-5452

TITLEHOLDER: Mohammed Ilyas and Muzzamil Ghaffar

PROPERTY LOCATION: Southwest side of Veterans Memorial Highway, east side of Glore Drive (429 Veterans Memorial Highway).

ACCESS TO PROPERTY: Glore Drive and Veterans Memorial Highway

PHYSICAL CHARACTERISTICS TO SITE: Developed commercial building

PETITION NO: Z-1

HEARING DATE (PC): 02-04-14

HEARING DATE (BOC): 02-18-14

PRESENT ZONING: PSC, GC

PROPOSED ZONING: LI

PROPOSED USE: Warehouse

SIZE OF TRACT: 4.2 acres (Tract C on Plan)

DISTRICT: 17, 18

LAND LOT(S): 109, 40, 41

PARCEL(S): 52

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: PSC, CRC/ Commercial, Parking

SOUTH: CRC/ Indoor Soccer

EAST: GC, CRC/ Indoor Soccer, Retail Commercial

WEST: GC, O&I, R-20/ Single-family Residential

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

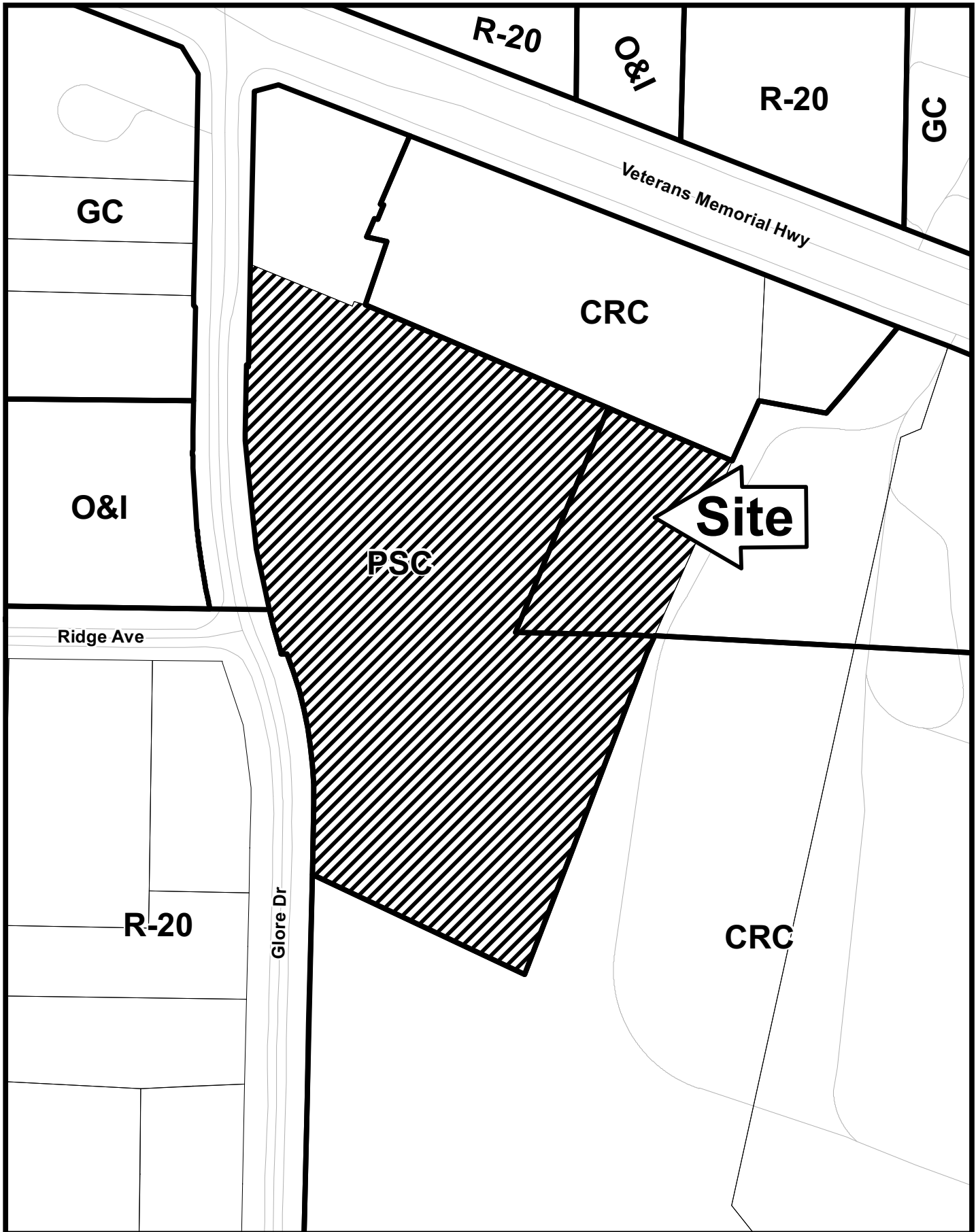
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

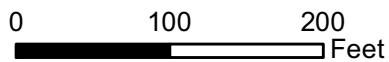
STIPULATIONS:



Z-1



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Galaxy Properties & Investment, Inc.

PETITION NO.: Z-1

PRESENT ZONING: PSC, GC

PETITION FOR: LI

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: CAC - Community Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 16,000 sq. ft.

F.A.R.: 0.09 **Square Footage/Acre:** 3,810 sq. ft.

Parking Spaces Required: 8 **Parking Spaces Provided:** 8+

The applicant is requesting a rezoning to the LI Light Industrial District zoning category in order to continue operation of the existing wholesale and distribution business that currently exists on the property. Having been in business at this site for over 20 years, the applicant recently has been approached by Code Enforcement to address issues with the business operation at this site including vehicle parking, container storage, and general nonconformance with the existing PSC Planned Shopping Center District and GC General Commercial District zoning that otherwise would not allow this type of business. The applicant does not propose any additions or improvements to the property as a part of this request.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Galaxy Properties & Investment, Inc.

PETITION NO.: Z-1

PRESENT ZONING: PSC, GC

PETITION FOR: LI

PLANNING COMMENTS:

The applicant is requesting a rezoning from PSC and GC to LI for purpose warehouse use. The 4.2 acre site is located on the southwest side of Veterans Memorial Highway, east side of Glore Drive.

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with a PSC and GC zoning designations. The purpose of the CAC category is 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.

Master Plan/Corridor Study

Not applicable.

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.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

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 available 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 investments.

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.

For more information on incentives, please call the Office of Economic Development at 770-528-2607 or find information online at <http://economic.cobbcountyga.gov>.

- YES indicates applicant has met the corresponding issue.
- NO indicates applicant has not met the corresponding issue and/or there is not enough information provided.
- N/A indicates issue is not applicable.

APPLICANT Galaxy Properties & Investment, Inc.

PETITION NO. Z-001

PRESENT ZONING PSC, GC

PETITION FOR LI

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): *8" CI / E side of Glore Drive*

Additional Comments: Existing water customer

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: *Glore Drive ROW*

Estimated Waste Generation (in G.P.D.): **A D F +0** **Peak= +0**

Treatment Plant: **South Cobb**

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 and 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 Existing sewer customer
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: Galaxy Properties & Investments, Inc.

PETITION NO.: Z-1

PRESENT ZONING: PSC, GC

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Milam Branch FLOOD HAZARD INFO: Zone X

- 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 _____.

APPLICANT: Galaxy Properties & Investments, Inc.

PETITION NO.: Z-1

PRESENT ZONING: PSC, GC

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit any future 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 _____
- 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. No site improvements are proposed at the present time. Any future improvements or redevelopment must meet current Stormwater Management requirements.

APPLICANT: Galaxy Properties & Investment, Inc. PETITION NO.: Z-1

PRESENT ZONING: PSC, GC PETITION FOR: LI

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 |
|--------------------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Glore Drive | N/A | Non-residential Local | 25 mph | Cobb County | 60' |
| Veteran Memorial Highway | 22,100 | Arterial | 45 mph | Georgia DOT | 100' |

Based on 2010 traffic counting data taken by Cobb DOT (Veterans Memorial Highway)

COMMENTS AND OBSERVATIONS

Veterans Memorial 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.

Glore Road is classified as a non-residential local 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 Glore Drive, a minimum of 30' from the roadway centerline upon redevelopment.

Recommend curb, gutter, and sidewalk along the Glore Drive frontage upon redevelopment.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-1 GALAXY PROPERTIES & INVESTMENT, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Surrounded by existing community retail commercial uses as well as long-established single-family residences, the continuance of a warehouse/distribution business at this location would be disruptive to adjacent and nearby properties.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. By allowing the continuance of a disruptive use such as warehouse/distribution at this site adjacent and nearby properties may become less attractive to current and future owners/investors.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. This *Plan* designates this property within the CAC Community Activity Center future land use category which calls for low to medium intensity office, retail, and commercial uses that can serve the immediate needs of several surrounding neighborhoods or communities.
- 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 deleting the applicant's rezoning proposal to the Community Retail Commercial (CRC) zoning district. While still not allowing the continuance of the current operation of a warehouse/distribution business, this zoning will more closely reflect the intention of the property's future land use designation as well as allow any number of commercial retail and office tenants in the near future.

Based on the above analysis, Staff recommends DELETING the request to CRC subject to the following conditions:

- Property to be brought into compliance with commercial standards relative to adequate parking to be provided in number and striped to County standards including parking area landscaping that may be required by County Arborist for any areas of parking that are "re-formed" by means of submittal to the Site Plan Review process before next future Certificate of Occupancy is issued;
- No outside storage;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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 #: 2-1
PC Hearing Date: 2-4-13 *14*
BOC Hearing Date: 2-18-13 *14*

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): N/A
- 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): WAREHOUSING & DISTRIBUTING
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: FLEXIBLE
- d) List all requested variances: _____

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). _____

Part 5. Is this application a result of a Code Enforcement action? No ___; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: Muzzamil Ghaffar Date: 10-14-13
Applicant name (printed): MUZZAMIL GHAFFAR

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 OCT 14 AM 10:35

COBB COUNTY ZONING DIVISION

We have been in the wholesale business for over 20 years and we now come to know that with the zoning of public shopping center (PSC) we cannot do wholesale and distributing and that we have to change into light industrial (LI). We believe the following questions should not affect us, but we are responding to the best of our understanding.

9. Every application for rezoning involving a request for a non-residential zoning district shall include a complete written, document analysis of the impact of the proposed rezoning with respect to each of the following matters:

(a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; YES

(b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; NO

(c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned; YES

(d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools; NO

(e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and YES

(f) 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. NO