



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-54
Public Hearing Dates:
PC: 09-04-18
BOC: 09-18-18

SITE BACKGROUND

Applicant: Gregory A. King

Phone: (404) 276-9674

Email: king172@aol.com

Representative Contact: Gregory A. King

Phone: (404) 276-9674

Email: king172@aol.com

Titleholder: Greg King

Property Location: South side of Veterans
Memorial Highway, across from Pebblebrook
Road

Address: 488 Veterans Memorial Highway

Access to Property: Veterans Memorial Highway

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: GC (General Commercial)

Current use of property: Vacant Retail Building

Proposed zoning: NRC (Neighborhood Retail
Commercial)

Proposed use: Retail

Future Land Use Designation: Neighborhood
Activity Center (NAC)

Site Acreage: 0.86 ac

District: 18

Land Lot: 47

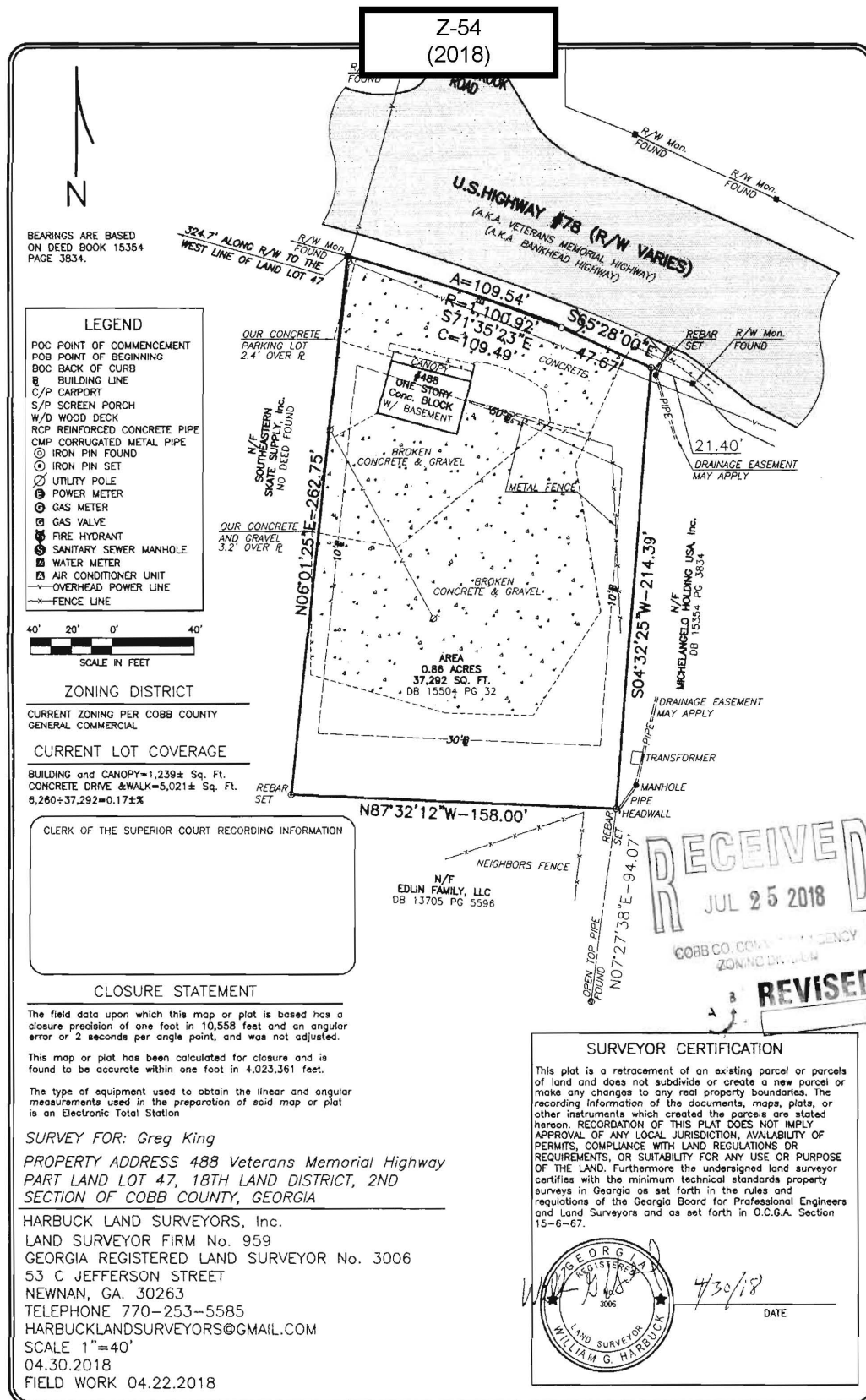
Parcel #: 18004700110

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Terry Martin, MPA)

Based on the included analysis, staff recommends **APPROVAL** subject to:

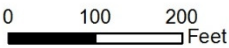
1. Site plan/parking plan to be submitted to Community Development Staff with final approval by the District Commissioner in order to incorporate Code-compliant parking and landscaping where appropriate;
2. Variances as outlined in the Zoning Division Comments;
3. Compliance with Veterans Memorial Highway Design Guidelines;
4. Fire Department's comments and recommendations;
5. Sewer and Water Division's comments and recommendations;
6. Stormwater Management Division's comments and recommendations;
7. Department of Transportation's comments and recommendations;
8. Planning Division's comments and recommendations; and
9. No automotive repair, tire shops, or outdoor displays of merchandise permitted.



Z-54 2018-Aerial Map



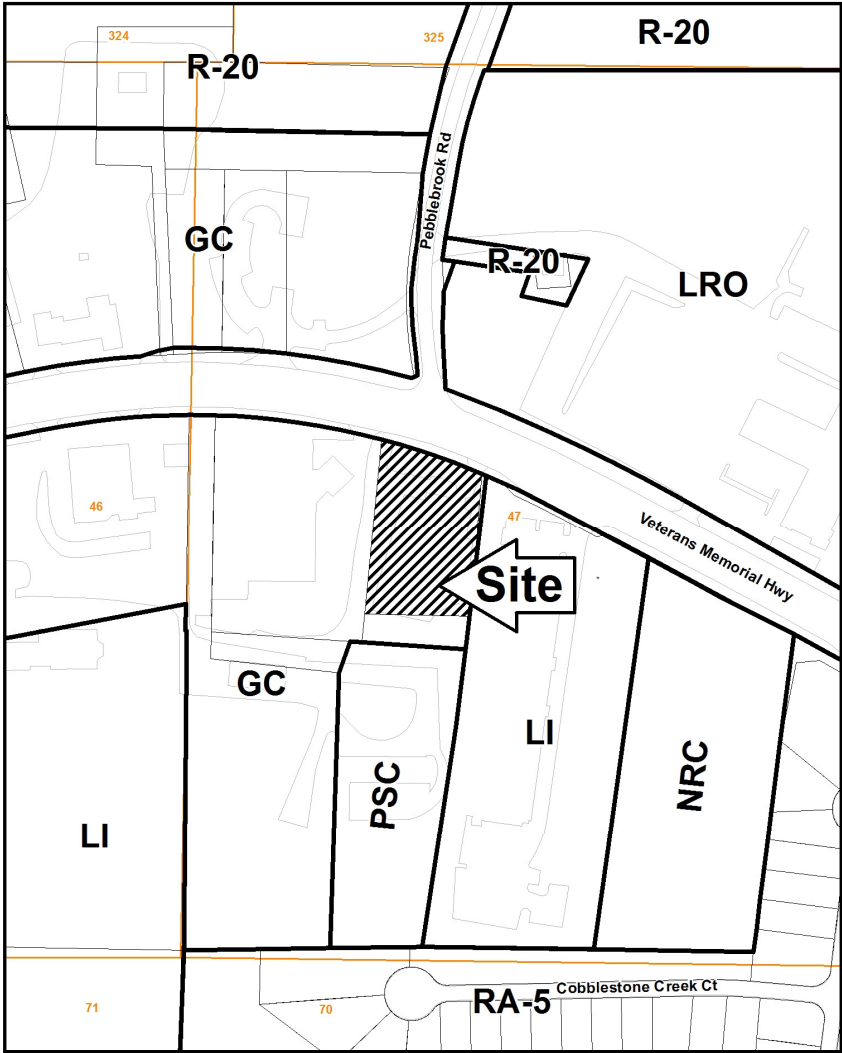
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Zoning Boundary
- City Boundary

North
Zoning: GC (General Commercial), LRO (Low Rise Office)
Future Land Use: PI (Public Institutional)

Z-54 2018-GIS



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: GC (General Commercial)
Future Land Use: NAC (Neighborhood Activity Center)

WEST
Zoning: GC
(General Commercial)

Future Land Use: NAC
(Neighborhood Activity Center)

EAST
Zoning: LI
(Light Industrial)

Future Land Use: NAC
(Neighborhood Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter.

Requested zoning district for the property

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within 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. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

Summary of the applicant's proposal

The applicant is requesting a rezoning to the NRC (Neighborhood Retail Commercial) district in order to use the property as a commercial rental property. The property has been vacant for some time and has lost its "grandfathered" status as a result. The building was constructed in 1963.

DEPARTMENT COMMENTS- Zoning Division (Continued)

Non-residential criteria

Proposed # of buildings: 1
Proposed # of stories: 1
Total sq. footage of development: 2,080 sq. ft.
Floor area ratio: .06
Square footage per acre: 2,419 sq. ft.
Required parking spaces: 8
Proposed parking spaces: To Be Paved/Striped
Acres in floodplain or wetlands: 0
Impervious surface shown: 65.2%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

The applicant's proposal requires the following variance:

1. Waive the front setback from the required 50 feet to 30 feet (existing).

DEPARTMENT COMMENTS- Fire Department

No Comment.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

The property owner will be required to obtain a Land Disturbance Permit if there are any staff comments or approval stipulations which require any type of site modifications (fencing, landscaping, curb/gutter & sidewalk installation, etc.). Contact Site Plan Review, 770-528-2147.

DEPARTMENT COMMENTS- 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.

DEPARTMENT COMMENTS- School System

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

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Liberty Hill Branch
4. Wetlands: No
5. Streambank buffer zone: No
6. Existing facility.
7. Special site conditions and/or additional comments:
 - No significant site improvements are proposed.
 - Stormwater management must be provided upon redevelopment or substantial site improvement.

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DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Neighborhood Activity Center (NAC) future land use category. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail, and grocery stores.

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

If yes, design guidelines area: Veterans Memorial Highway Design Guidelines

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 South Cobb 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 incentives through the ☒ Yes ☐ No

Commercial and Industrial Property Rehabilitation Program?

(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.

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

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

Water comments:

Available at development: ☒ YES ☐ NO

Fire flow test required: ☐ YES ☒ NO

Size and location of existing water main(s): 8" in Veterans Memorial Hwy

Additional water comments: Existing water customer.

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.

Sewer comments:

In the drainage basin: ☒ YES ☐ NO

At development: ☐ YES ☒ NO

Approximate distance to nearest sewer: 400' south w/easement

Estimated waste generation (in G.P.D.): Average daily flow = 160; Peak flow = 400

Treatment plant: South Cobb

Plant capacity: ☒ Yes ☐ NO

Line capacity: ☒ YES ☐ NO

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

Dry sewers required: ☐ YES ☒ NO

Off-site easement required: ☒ YES* ☐ NO

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

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

Additional sewer comments: Dept. of Environmental Health approval required for continued use of septic system (included with application.)

Note: 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.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	South of Pebblebrook Road	24,400	D

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Veterans Memorial Highway.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

Veterans Memorial Highway is classified as an arterial roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

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 Veterans Memorial Highway, a minimum of 50' from the roadway centerline upon redevelopment.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend sidewalk along the frontage of Veterans Memorial Highway upon redevelopment.
4. Recommend a deceleration lane or large (improved) turn radius for the entrance on Veterans Memorial Highway upon redevelopment.
5. Recommend GDOT permits for all work that encroaches upon State right-of-way.

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;

The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. Other uses in the area include commercial, industrial, and institutional uses.

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

The zoning proposal will not adversely affect the existing use or usability of the adjacent or nearby properties. The applicant's proposal would constitute a decrease in intensity from the site's former use, as well as those to the east, in favor of a more neighborhood oriented commercial and/or office use.

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 or burdensome use of existing street, transportation facilities, utilities, or schools. This opinion can be 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;

The zoning proposal is in conformity with the policies and intent of the comprehensive plan which delineates the property to be within the NAC (Neighborhood Activity Center) future land use category. This category seeks to encourage retail commercial uses which serve neighborhood residents and businesses.

STAFF ANALYSIS (Continued)

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 supporting grounds for approving the applicant's rezoning proposal. The subject property is located within an area which has commercial and institutional uses. The proposed use would allow reuse of the property in a commercial manner consistent with the established commercial nature of Veterans Memorial Highway.

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.

June 5, 2018

Proposed Zoning Analysis

488 Veterans Memorial Hwy

Mableton, Ga 30126



I am filing this analysis as required to meet the requests for rezoning application on my property located at 488 Veterans Memorial Hwy, in Mableton, Ga. I purchased this property vacant, and at the time the GC zoning on the building had expired due to the length of vacancy.

I would like to bring the property back into zoning compliance and am filing to have the property rezoned NRC. This should address item 9 paragraphs 'a-f' in the rezoning application.

- (a) The adjacent properties are of a wholesale/retail nature on both sides of the property and up and down Veterans Memorial; my rezoning application is to bring this property into compliance with the same nature of the other businesses that are adjoining and nearby.
- (b) As to affecting existing use, the property was used in a retail/storefront nature in the past when occupied and will complement other business of a wholesale/retail storefront nature.
- (c) Its best and reasonable economic use is as a retail/wholesale storefront nature and is configured currently as such with large storefront windows.
- (d) In regard to a burden to increasing traffic, to being a burden on utilities or schools. It has a small retail storefront area which will stay the same as it currently is, about 1000 square feet of 'selling area' which in itself limits the occupants as well as the visiting customers. As to the 'small' amount of useable area, it should not be taxing or burdensome on the local gas, water or electrical utility services.
- (e) Conformity. The filing is to bring back the property into previous conformity as a retail outlet and to update the zoning to a current zoning of NRC.
- (f) Existing/Changing conditions. As the property currently exists its best and greatest use is as a small retail center until such a time that conditions change to make its use otherwise, its best use is to have zoning established with an NRC designation. Right now the only changing conditions that I would anticipate are a greater need for retail business to support a growing population.

This property was purchased as an investment for me. I believe Mableton is underserved by retail development, has a growing population base, and is very well priced in relation to its

proximity to downtown Atlanta. My intent is to greatly improve the appearance of this property so as to also increase its attractiveness and value.

I am requesting the NRC zoning designation so I can move forward with attracting a small business to lease this property and that operates in compliance with the NRC guidelines and that will grow the value of my property as well as serving the needs of the surrounding neighborhoods.

I have already applied for all necessary permits to renovate/remodel and improve the appearance of this building, the grass gets cut on a regular basis, trash is picked up around the property and the general overall appearance will greatly improve as time goes by.

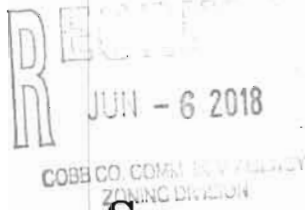
Thank you,

Greg King – owner

488 Veterans Memorial Hwy.

Mableton, Ga 30126

404-276-9674



Application No. Z-54

Sept. 2018

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) List all requested variances: _____
- _____
- _____
- _____

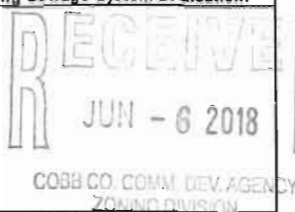
.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): RETAIL rental space
- b) Proposed building architecture: existing structure is
cinder block construction
- c) Proposed hours/days of operation: 8 am - 6 pm
- 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).

Existing On-site Sewage Management System Performance Evaluation Report Form

Applicant: GREGORY KING		Reason for Existing Sewage System Evaluation: remodel	
Property/System Address: 488 VETERANS MEMORIAL HWY MABLETON, GA 30126			
Subdivision Name:	Lot: Block:		
Existing System Information: Water Supply (circle) (1) Public (2) Private Well (3) Community	Number of Bedrooms/GPD: 0 Garbage Grinder: (circle) (1) Yes (2) No		

*** One of Section A, B, or C should be Completed ***

SECTION A - System on Record

(1) Yes (2) No	Existing On-site Sewage Management System inspection records indicate that all components of the system were properly constructed and installed at the time of the original inspection.	Comments: OKAY FOR REMODELING BUILDING WITH NO FOOTPRINT CHANGES, RETAIL SPACE WITH NO MORE THAN 3 EMPLOYEES.		
(1) Yes (2) No	A copy of the original On-site Sewage Management System Inspection Report is attached.			
(1) Yes (2) No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.			
(1) Yes (2) No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system.			
Evaluating Environmentalist: Jennifer Delveau		Title: EHSI	Date: 04-Jun-18	Verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION B - System Not on Record

(1) Yes	No inspection records are on file showing the On-site Sewage Management System was inspected and approved at the time of the installation	Comments:		
(1) Yes (2) No	The septic tank was uncovered at the time of the evaluation and it appears to meet the required design, construction and installation criteria.			
(1) Yes (2) No	Documentation from a Georgia Certified Installer has been provided as to the condition of the septic tank and its respective components, certifying its design, construction, and installation criteria. A copy is attached.			
(1) Yes (2) No	Maintenance records indicate that the system has been pumped out or serviced within the last five (5) years or the system was installed within that time frame.			
(1) Yes (2) No	A site evaluation of the system on this date revealed no evidence of system failure or of conditions which would adversely affect the functioning of the system; however, appropriateness of the sizing and installation cannot be verified since no initial inspection records exist.			
Evaluating Environmentalist:		Title:	Date:	Verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION C - System Not Approved

(1) Yes (2) No	The On-site Sewage Management System was disapproved at the time of the initial and is thus not considered an approved system.	Comments:		
(1) Yes (2) No	Evaluation of the system revealed evidence of system failure or malfunction, and will therefore require corrective action in order to obtain approval of the system.			
(1) Yes (2) No	Evaluation of the system revealed conditions which would adversely affect the proper functioning of the system, and will therefore require corrective action in order to obtain approval of the system.			
Evaluating Environmentalist:		Title:	Date:	Verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

SECTION D - Addition to Property or Relocation of Home (section completed in conjunction with A, B, or C above)

(1) Yes (2) No	An existing On-site Sewage Management System is located on the property listed above and has been evaluated in accordance with Section A or B above.	Comments:		
(1) Yes (2) No	A site evaluation on this date as well as the provided information indicate that the proposed construction to home or property or that the proposed relocation of the home should not adversely affect the proper functioning of the existing system provided that no additional sewage load is added to the system for the listed size home adjacent.			
Evaluating Environmentalist: Jennifer Delveau		Title: EHSI	Date: 04-Jun-18	Verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.

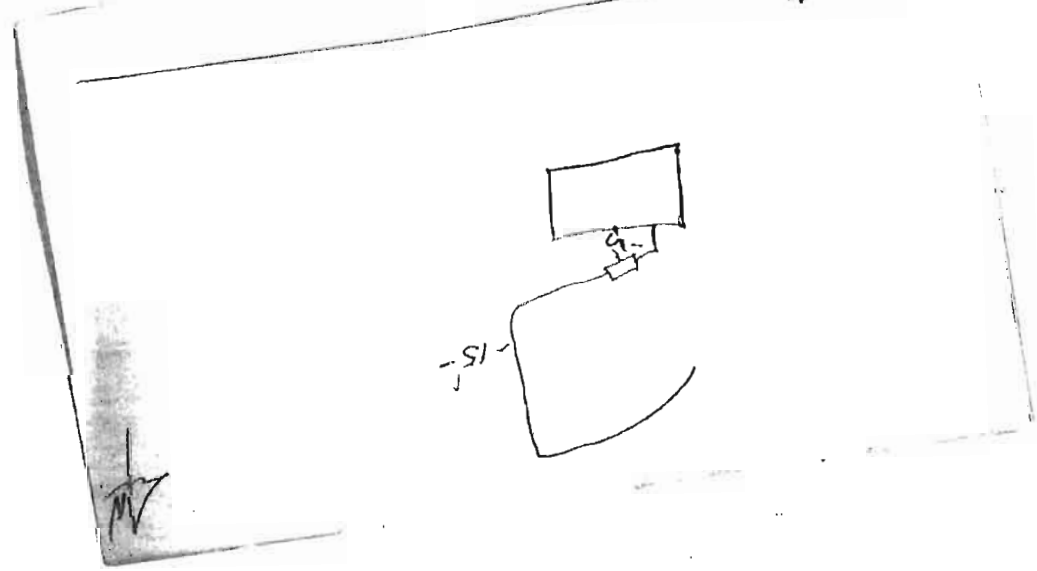
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COBB CO. COMMUNITY DEVELOPMENT
ZONING DIVISION

Bankhead Hwy Leland
785X32 (M.V.) Boat Co.
110' X 36"
Stone
Kitchen
Shower
10/30/63
J.S.L.

APPROVED
C. Delveau 6/5/18
COBB PUBLIC HEALTH DATE
CENTER FOR ENVIRONMENTAL HEALTH

Any modifications
or additions to this
plan must be approved
thru this office.



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 _____

Stipulation letter from _____ dated _____

Stipulation letter from _____ dated _____