



**APPLICANT:** Kamal K. Najhawan  
678-207-9994

**REPRESENTATIVE:** Kamal K. Najhawan  
678-207-9994

**TITLEHOLDER:** Kamal K. Najhawan

**PROPERTY LOCATION:** North side of Veterans Memorial Highway, east of North Allen Road (357 Veterans Memorial Highway).

**ACCESS TO PROPERTY:** Veterans Memorial Highway

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant gravel lot

**PETITION NO:** Z-28

**HEARING DATE (PC):** 08-07-12

**HEARING DATE (BOC):** 08-21-12

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** LI

**PROPOSED USE:** Light Industrial

**SIZE OF TRACT:** 0.914 acre

**DISTRICT:** 18

**LAND LOT(S):** 46

**PARCEL(S):** 8

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** LI/Manufacturing (owned by applicant)
- SOUTH:** CRC/Vacant Parcel
- EAST:** LI/Manufacturing (owned by applicant)
- WEST:** R-20/Vacant Parcel

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

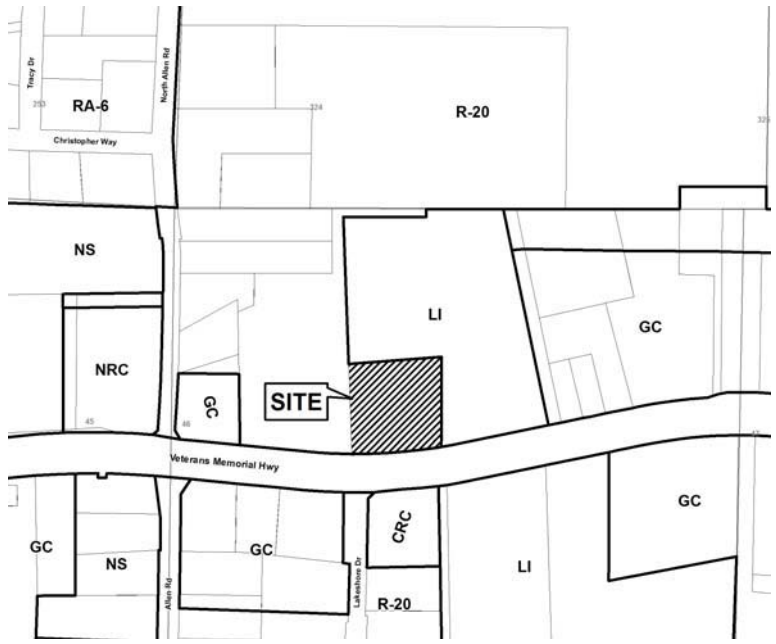
**BOARD OF COMMISSIONERS DECISION**

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

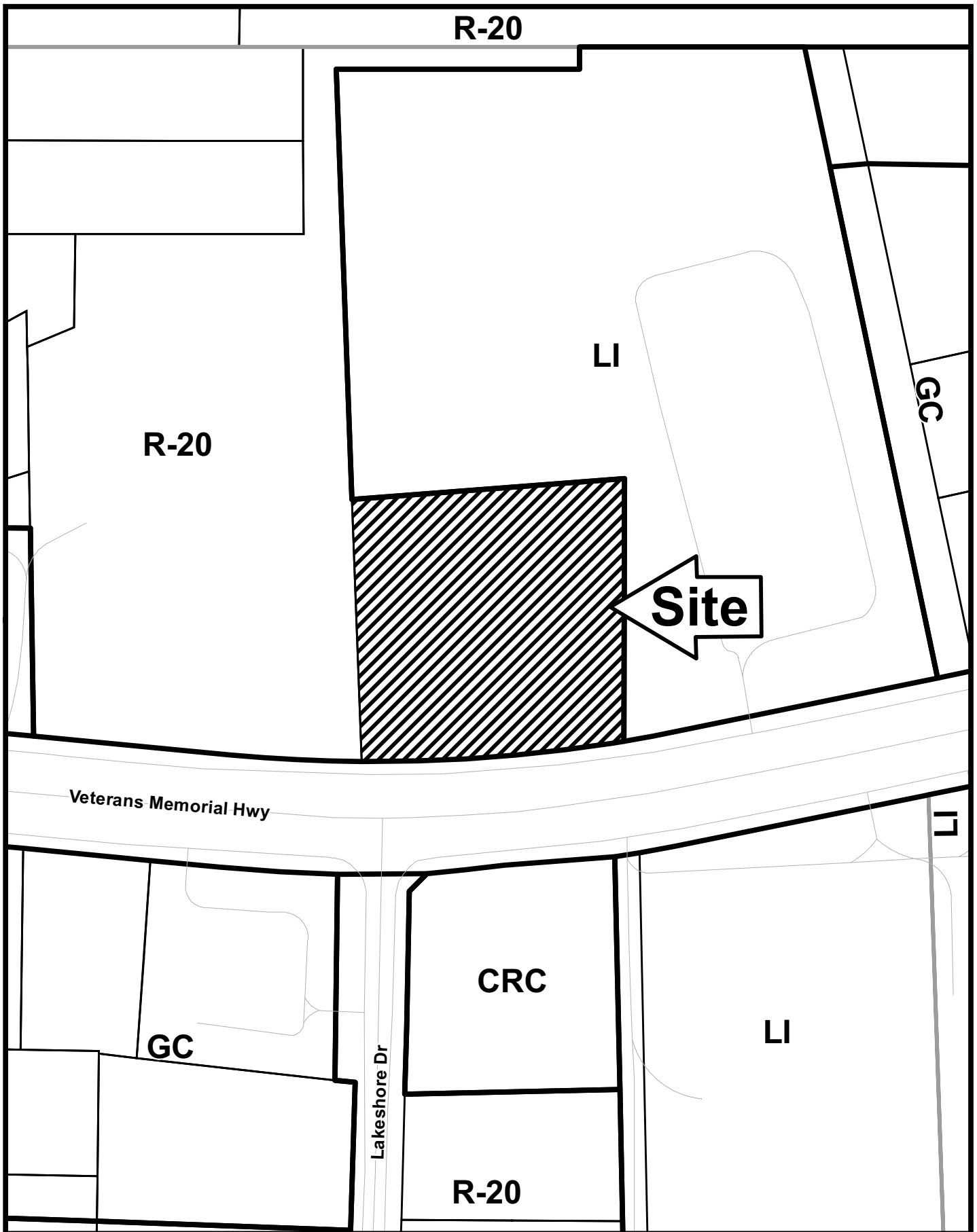
**REJECTED** \_\_\_ **SECONDED** \_\_\_\_\_

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

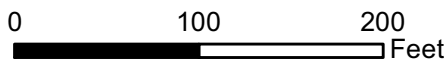
**STIPULATIONS:**



# Z-28



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



- City Boundary
- Zoning Boundary

APPLICANT: Kamal K. Najhawan

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: LI

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**ZONING COMMENTS:**

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

**Land Use Plan Recommendation:** CAC community activity center

**Proposed Number of Buildings:** 0 **Total Square Footage of Development:** 0

**F.A.R.:** N/A **Square Footage/Acre:** 0

**Parking Spaces Required:**0 **Parking Spaces Provided:** 0

The applicant is requesting a rezoning from R-20 single-family residential district to LI light industrial district in order to utilize the property for “transportation equipment storage” or possible consolidation with the adjacent parcel commonly owned. The subject property is currently vacant and holds gravel tunnel rock. While the applicant may wish to consolidate the property with the adjacent parcel that is site to the US Art frame manufacturing business, it may also be used separately as a “transportation equipment storage” area. As a result, the applicant requests a waiver of the requirement to pave this parking area as he asserts that any pavement will be quickly destroyed as a result of the site’s intended usage. Zoned LI and located within a CAC future land use area, the maximum impervious surface coverage allowed is 70% and as such, whether paved or graveled, consideration should be given as to the site’s impervious coverage/stormwater management in either case. Also, the site, if rezoned, will require a 50 foot landscaped buffer on its western edge where it abuts property still zoned residential. The applicant’s commonly owned parcel which surrounds the subject property to the north and east should also be brought into compliance with this buffer requirement as well as future intent may be to consolidate these two (2) parcels.

**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.

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**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.

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APPLICANT: Kamal K. Najhawan

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: LI

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to LI for purposes of consolidation/light industrial. The 0.914 acre site is located on the North side of Veterans Memorial Highway, east of North Allen Road.

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category with R-20 zoning designations. The purpose of the CAC category is for areas that can meet the immediate needs of several neighborhoods or communities.

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?

Yes         No         Not applicable

APPLICANT Kamal K. Najhawan

PETITION NO. Z-028

PRESENT ZONING R-20

PETITION FOR LI

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**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 / N side of Veterans Memorial Hwy

Additional Comments: To consolidate with a parcel currently served by water

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.

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**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: At site on south side of Veterans Memorial Hwy

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 Comments: To consolidate with a parcel currently served by sewer. No building(s) proposed at this time.

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.

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack Creek 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 existing master detention facility.

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**STORMWATER MANAGEMENT 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 \_\_\_\_\_
- 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 existing storm line on this parcel has a 20-foot drainage easement associated with it. However, due the depth of this existing system any proposed site plan must provide additional building setback from the easement to allow adequate access for future replacement of this pipe if needed.



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**COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS**

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
Veterans Memorial Highway	25,400	Arterial	45 mph	Georgia DOT	100'

*Based on 2008 traffic counting data taken by Georgia DOT (Veterans Memorial Highway)*

**COMMENTS AND OBSERVATIONS**

Veterans Memorial Highway 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 north side of Veterans Memorial Highway, a minimum of 50' from the roadway centerline.

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

Recommend sidewalk along Veterans Memorial Highway frontage.

Recommend paving the driveway with a treated hardened surface to the right-of-way line.

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

## STAFF RECOMMENDATIONS

### **Z-28 KAMAL K. NAJHAWAN**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. Though having already been utilized by the owner as a gravel storage yard and other uses in connection with his other, adjacent parcel, the property is located within a CAC community activity center along Veterans Memorial Highway where other nearby properties are predominately commercial or residential.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. As noted, most neighboring properties are zoned commercially and the site is located along Veterans Memorial Highway. Also noted, the abutting property to the west is zoned residentially but may not be currently used as such. Nevertheless, this property to the west lacks sufficient buffering and the current request would represent further encroachment of industrial zoning into this area that is predominately commercial and even residential in the outlying area.
- 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*. The parcel that is the subject of this request is located within a CAC community activity center future land use category. The current request does not support the *Plan's* goals of locating retail and mixed use developments adjacent to stable single-family residential neighborhoods along corridors such as Veterans Memorial Highway.
- 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 denial of the applicant's rezoning proposal. The property, located within a CAC along Veterans Memorial Highway has been utilized for commercial/industrial uses for several years but a further intensification to industrial zoning would be disruptive to those established, surrounding uses. The current request would allow the applicant to legally continue these potentially obtrusive uses.

Based on the above analysis, Staff recommends DENIAL.

**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-28

Aug.  
2012

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): NO
  - 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): CONSOLIDATION
  - b) Proposed building architecture: None
  - c) Proposed hours/days of operation: \_\_\_\_\_
  - d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

THIS LOT COMPLETES A SQUARE, PLANNING  
COMMISSION COMMENTS THAT IT BE REZONED.

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

.....  
**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).**

NO

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

June 6 2012

COBB COUNTY  
RE-ZONING DEPT



SUBJECT: ANSWERS TO ITEM #9  
OF INSTRUCTIONS

DEAR SIRs,

In response to questions

- (a) I believe the rezoning will not adversely impact adjacent property.
- (b) will not adversely impact nearby property.
- (c) The property as zoned "Residential" has no economic use, as all nearby property is commercial or light industrial. The property is not suitable for residence.
- (d) we do not foresee an additional burden on existing infrastructure.
- (e) It is my firm belief that this is the case, as it has been suggested as a comment by Planning & Review.
- (f) The entire area has become commercial and service oriented.

Thank you.

Kamal K Najjaran  
377 Veterans Memorial Hwy  
MABLETON GA 30126