



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case #Z-1

Public Hearing Dates:

PC: 02-06-18

BOC: 02-20-18

SITE BACKGROUND

Applicant: MAG Trading, LLC

Phone: 678-923-9839

Email: tradingmagco@gmail.com

Representative Contact: Garvis L. Sams, Jr.

Phone: 770-422-7016

Email: gsams@slhb-law.com

Titleholder: MAG Trading, LLC

Property Location: South side of Veterans
Memorial Highway, west of Powell Drive

Address: 1415 Veterans Memorial Highway

Access to Property:
Veterans Memorial Highway

QUICK FACTS

Commission District: 4- Cupid

Current Zoning: GC

Current use of property: Vacant commercial
building

Proposed Zoning: NRC

Proposed use: Neighborhood Retail Uses

Future Land Use Designation: Neighborhood
Activity Center

Site Acreage: 1.19 acres

District: 18

Land Lot: 34

Parcel #: 18003400050

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Donald Wells)

Staff recommends **APPROVAL** subject to the following conditions:

1. Site plan received by the Zoning Division on September 5, 2017, with the District Commissioner approving minor modifications;
2. No automotive related uses;
3. District Commissioner to approve building architecture;
4. Fire Department's comments and recommendations;
5. Sewer and Water Division's comments and recommendations;
6. Stormwater Management Division's comments and recommendations; and
7. Department of Transportation's comments and recommendations.

Z-1
(2018)



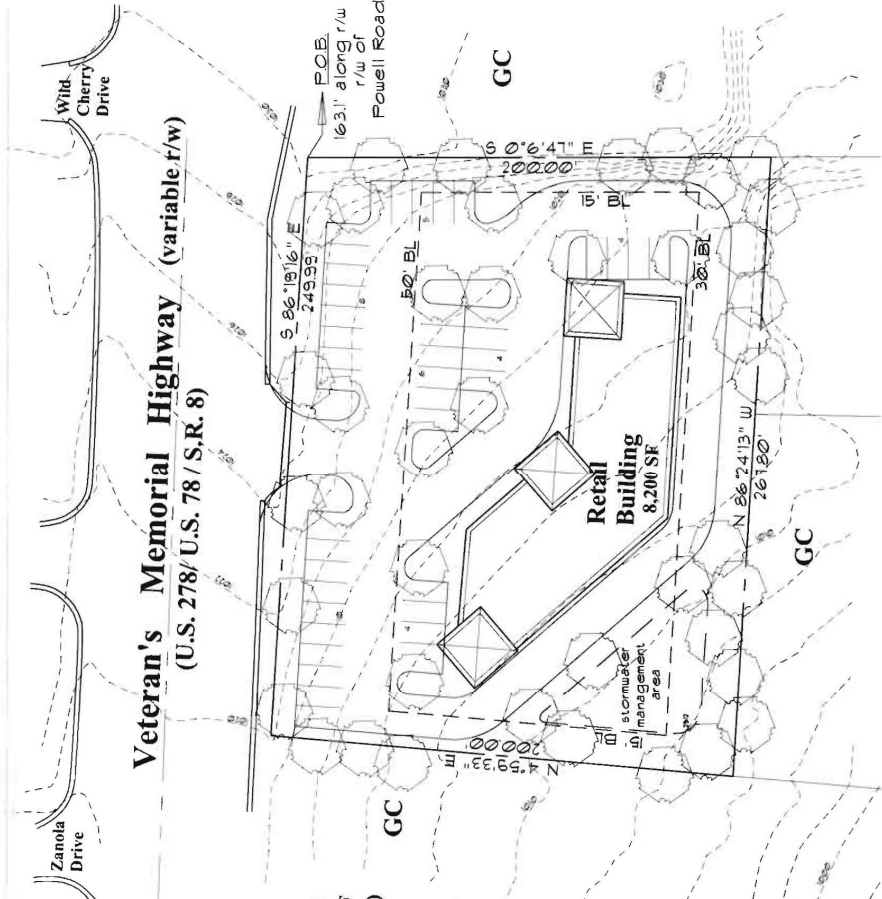
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COBB COUNTY PLANNING AND ZONING DIVISION

Rezoning Plat
1415 Veteran's Memorial Highway
Cobb County, Georgia
Land Lot 34, 18th District, 2nd Section

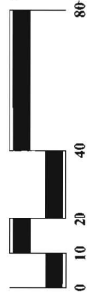
prepared for:
Mr. Abe Jafaar and Mr. Mohammad Ghallab



1635 Ga Hwy 41
Suite 112-314
KENNESAW
GA 30152
770 514-9006
FAX 514-9491



Veteran's Memorial Highway
(U.S. 278/U.S. 78 / S.R. 8)
(variable r/w)



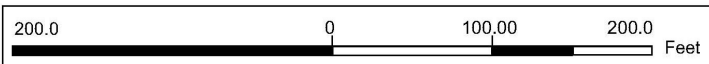
Site Data

Total Site Area: 1.19 AC
Building Area Shown: 8,200 SF
FAR: 16% (max. = 25%)
Existing Zoning: GC
Proposed Zoning: NRC
Parking Shown: 41 spaces
NRC Building Setbacks:
(1 space/200 SF floorspace for commercial retail)
front: 50' (arterial)
side: 15'
rear: 30'

- Notes:**
1. Surveyed from survey by Blake Engineering and Land Surveying, dated October 2, 2012.
 2. Topographic information from Cobb County GIS.
 3. All dimensions to be shown on this plat are in feet, unless otherwise noted.
 4. No easements are shown to exist on this site.
 5. No utility easements are shown to exist on this site.
 6. No archaeological or architectural landmarks are known to exist on this site.
 7. No utility easements are known to exist on this site.



Rezoning case Z-001-2018 aerial map



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Cobb County Georgia

This map is a user generated static output from an Internet mapping site and is for reference only. Data layers that appear on this map may or may not be accurate, current, or otherwise reliable.

THIS MAP IS NOT TO BE USED FOR NAVIGATION

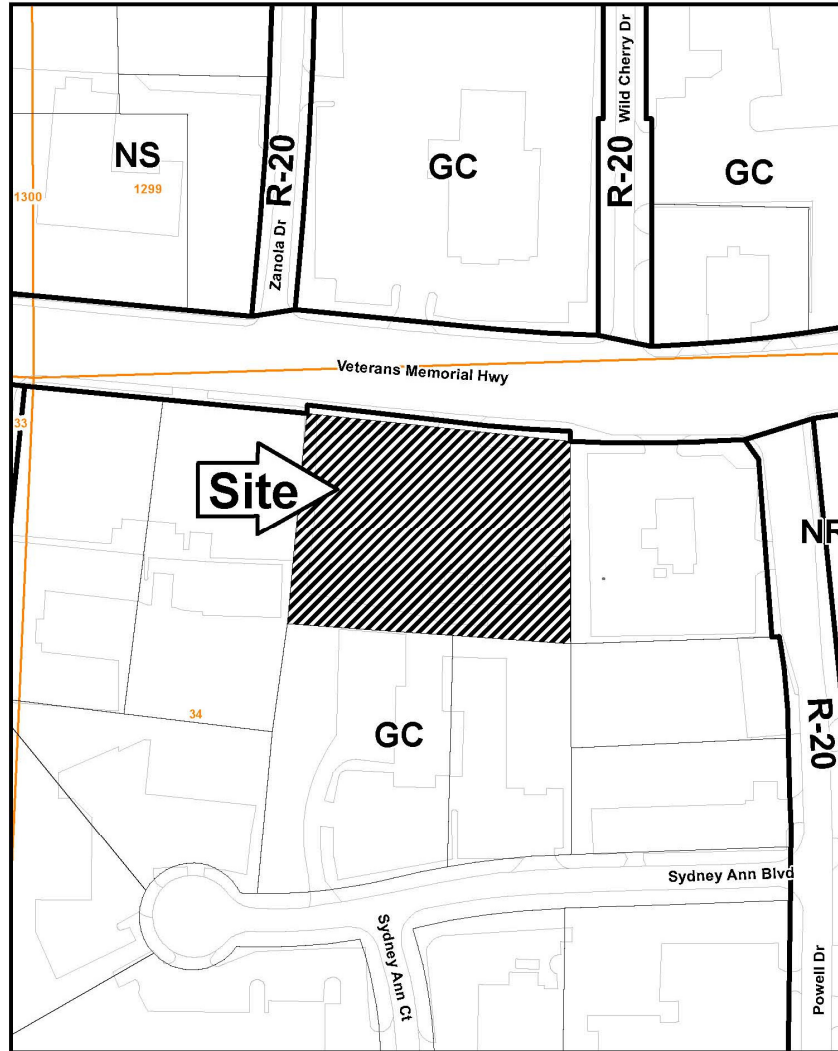
1:1,200



Map Notes: Rezoning case Z-001-2018

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

Z-1 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

City Boundary
Zoning Boundary

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

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

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

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

GC (general commercial). 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, 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.

Requested zoning district for the property

NRC (neighborhood retail commercial). 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

Summary of the applicant's proposal

The applicant is requesting the NRC (Neighborhood Retail Use) zoning district in order to develop a retail center. The applicant intends to demolish the existing house and garage that had been used as a light automotive service center. The proposed building will be one-story in height, and the applicant will submit the architectural style of the building at the zoning hearing. The proposed hours of the new retail center will vary based off tenant needs. The applicant is requesting the NRC (Neighborhood Retail Use) because the existing GC (General Commercial) is considered grandfathered and is a nonconforming use.

Non-residential criteria

Proposed # of buildings: 1

Proposed # of stories: 1

Total sq. footage of development: 8,200

Floor area ratio: 0.16

Square footage per acre: 6,891

Required parking spaces: 41

Proposed parking spaces: 41

Acres in floodplain or wetlands: NA

Impervious surface shown: The proposed plan will not exceed the impervious limits.

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

There are no variances requested or shown on the proposed site plan

DEPARTMENT COMMENTS- Fire Department

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.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

DEPARTMENT COMMENTS- School System

No school comments.

DEPARTMENT COMMENTS- Stormwater management

1. Flood hazard: No
2. Flood hazard info: Zone X
3. Drainage basin: Pine Creek
4. Wetlands: No
5. Stream buffer zone: No.
6. Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
7. Minimize runoff into public roads.
8. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
9. Special site conditions and/or additional comments: A downstream drainage easement will be required to receive the concentrated discharge that will be created by the proposed stormwater management facility. There is an existing conveyance located within the adjacent commercial parcel to the west (1495 Veterans Memorial Hwy) that might be adequate. This must be addressed at Plan Review.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within a Neighborhood Activity Center (NAC) future land use category, within the GC zoning district. The purpose of the Neighborhood Activity Center (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
Neighborhood Activity Center

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

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

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- Planning Division at 770-528-2018 or find information online at <http://economic.cobbcountyga.gov>.

(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 Bird/Wildlife Air Strike Hazard Area (BASH)? Yes No

Historic Preservation

After consulting various county historic resources surveys, historic map, 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" D.I. in the side of Veterans Memorial Highway.

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: Veterans Memorial Hwy ROW

Estimated waste generation (in G.P.D.): Average daily flow= 328 ; Peak flow= 820

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

Additional sewer comments: Existing sewer customer

*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.

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 on and/or offsite easements, dedication or on 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. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

DEPARTMENT COMMENTS- Transportation

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

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	East of Davis Drive	21,100	C

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

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.

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

Recommend a deceleration lane on Veterans Memorial Highway for the entrance.

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 bolded):

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 applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The retail uses proposed are consistent with the strip center at Powell Drive. Although the contiguous properties are automotive related businesses, their nonconforming status would require a rezoning in the future.

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

The usability of the existing properties will not be affected by this request. The applicant's rezoning proposal would be compatible with adjacent and nearby uses.

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;

The applicant's proposal will not cause an excessive burdensome of existing streets, transportation facilities, utilities, or schools.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

The land use plan delineates this property within a NAC (neighborhood activity center) category. The purpose of the NAC (neighborhood activity center) category is to provide for areas that serve neighborhood residents and businesses. The applicant's proposal is in conformity with the policy and intent of the land use plan.

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;

There are existing conditions that would support staff recommending approval of the applicant request. The applicant has lost the nonconforming use status and rezoning the property is the only avenue the applicant has to have any permitted use. The retail uses proposed are consistent with nearby properties, and is consistent with the land use plan.

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.

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ZONING DIVISION

**ZONING IMPACT STATEMENT FOR THE REZONING
APPLICATION OF MAG TRADING, LLC**

COMES NOW, MAG TRADING, LLC, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:


- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Veterans Memorial Highway Corridor, particularly in view of adjacent and nearby Industrial and Commercial uses including non-conforming General Commercial zonings and uses such as automotive repair establishments (engine and body work).
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is located within an area denominated as a Neighborhood Activity Center (“NAC”) under Cobb County’s Future Land Use Map. Prior to 2014, this and numerous properties along Veterans Memorial Highway were designated as Community Activity Center (“CAC”). Most recently, the subject property contained a pre-owned automobile and truck sales lot and has been zoned General Commercial since 1972. This nonconforming use cannot be reinstated after it has been vacant for longer than 6 months.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the disallowance of the use of the property.
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is commercially oriented and is located within a Neighborhood Activity Center (“NAC”) which, until 2014, was designated as a Community Activity Center and is entirely surrounded by commercially zoned properties (NS, GC, NRC, CRC).

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ZONING DIVISION

F. There is no substantial relationship between the existing zoning classification of GC which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Veterans Memorial Highway Corridor, there are no established land use planning principles or political considerations which would weigh against this application for Rezoning.

Respectfully submitted, this the 2nd day of Nov., 2017.

SAMS, LARKIN, HUFF & BALLI, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

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Application No. Z-1

PC: Feb. 6, 2018
BOC: Feb. 20, 2018

COBB CO. COMM. ZONING DEPARTMENT
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) List all requested variances: _____

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

- a) Proposed use(s): Neighborhood Retail Uses
- b) Proposed building architecture: To be submitted under separate cover.
- c) Proposed hours/days of operation: Hours of operation will vary according to each individual user.
- d) List all requested variances: None known at this time.

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

The subject property is located within an area denominated as Neighborhood Activity Center ("NAC") but surrounded by GC zonings and uses. The Comprehensive Land Use Map was re-designated from a Community Center ("CAC") to NAC in 2014. The current GC zoning is a grandfathered, nonconforming use and must be rezoned to allow the property to be entitled for utilization.

-
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). None known at this time.

* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

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 _____