



Cobb County Community Development Agency  
Zoning Division  
1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-11  
Public Hearing Dates:  
PC: 03-06-18  
BOC: 03-20-18

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## SITE BACKGROUND

Applicant: Aziz Farista

Phone: Not Provided

Email: Not Provided

Representative Contact: Parks F. Huff

Phone: (770) 422-7016

Email: phuff@slhb-law.com

Titleholder: Aziz Farista

Property Location: Southwest corner of Veterans Memorial Highway and Old Bankhead Highway

Address: 1021 Veterans Memorial Highway

Access to Property: Old Bankhead Highway and Veterans Memorial Highway

Taxes Paid: Yes

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## QUICK FACTS

Commission District: 4-Cupid

Current Zoning: R-20 (Single-family Residential)

Current use of property: Former Bankhead Clinic

Proposed Zoning: CRC (Community Retail Commercial)

Proposed use: Retail or Office

Future Land Use Designation: MTC (Mableton Town Center/First Level-Mixed Use, Second Level-Mableton Town Center, Third Level-Community Activity Center)

Site Acreage: 0.780 ac

District: 19

Land Lot: 1296; Parcel #: 9

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

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

1. Site plan received by the Zoning Division on December 7, 2017 with the District Commissioner approving minor modifications;
2. Landscape plan to be reviewed by the County Arborist with final approval by the District Commissioner;
3. Variances as outlined in the Zoning Division Comments;
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-11 2018-Aerial Map



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

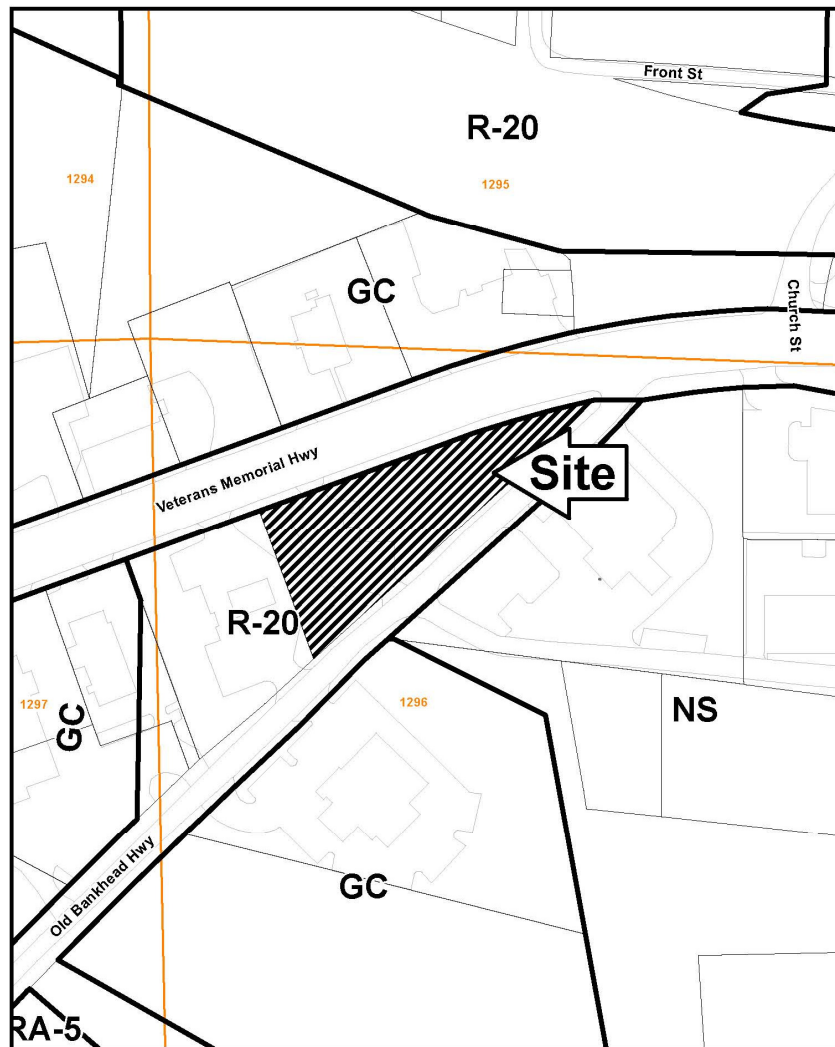
0 100 200 Feet

Land Lot  
City Boundary



North  
**Zoning:** GC (General Commercial)  
**Future Land Use:** MTC (Mableton Town Center)

**Z-11 2018-GIS**



WEST  
**Zoning:** R-20  
(Single-family Residential)  
**Future Land Use:** MTC  
(Mableton Town Center)

EAST  
**Zoning:** NS  
(Neighborhood Shopping)  
**Future Land Use:** MTC  
(Mableton Town Center)

SOUTH  
**Zoning:** NS (Neighborhood Shopping) and GC (General Commercial)  
**Future Land Use:** MTC (Mableton Town Center)

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

## DEPARTMENT COMMENTS- Zoning Division

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### **Current zoning district for the property**

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

### **Requested zoning district for the property**

The CRC district is established to provide locations for retail commercial and service uses which are designed and oriented to serve several neighborhoods making up a community. Projects developed within the CRC district should be done so as compact unified centers. CRC districts should be located on properties which are 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. Additionally, the desired quadrant location will provide for planned developments and one-destination shopping and service locations to serve the community, and will minimize traffic congestion.

### **Summary of the applicant's proposal**

The applicant is requesting a rezoning from the existing R-20 (Single-family Residential District) to the CRC (Community Retail Commercial District) to utilize the as-built site as either a retail or office use. The existing 2,291 square foot one (1) story brick building and 18 parking spaces will remain. The applicant has not determined a particular user but has offered that the District Commissioner have authority to approve future tenants. Due to the reutilization of the site as-is, variances on the front and rear setbacks will be required to accommodate the existing building footprint.

### **Non-residential criteria**

Proposed # of buildings: 1

Proposed # of stories: 1

Total sq. footage of development: 2,291 sq. ft.

Floor area ratio: 0.07

Square footage per acre: 2,937 sq. ft.

Required parking spaces: 12- retail, 8-office

Proposed parking spaces: 18 existing

Acres in floodplain or wetlands:

Impervious surface shown:

## **DEPARTMENT COMMENTS- Zoning Division (continued)**

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### **Are there any zoning variances?**

The applicant's proposal requires the following variances:

1. Waive the front setback from the required 50 feet to 30 feet.
2. Waive the rear setback from the required 30 feet to 13 feet.

## **DEPARTMENT COMMENTS- Fire Department**

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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)**

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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**

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No comment.

## **DEPARTMENT COMMENTS- School System**

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

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: Yes
2. Flood hazard zone: Zone X
3. Drainage Basin: Clay Branch
4. Flood Damage Prevention Ordinance Designated Flood Hazard.
5. Wetlands: No
6. Streambank buffer zone: Yes (50' each side of creek channel)
7. This is an existing facility. Stormwater management must be provided upon redevelopment or substantial improvement.

## DEPARTMENT COMMENTS- Planning Division

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**Cobb 2040 Comprehensive Plan:** The parcel is within a Mableton Town Center (MTC) / Community Activity Center (CAC) future land use category. The purpose of the CAC category is to provide 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.

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

Specific Area Policy Guidelines: "In recognition of the efforts to improve the quality-of-life residents and businesses in the Mableton area, the Board of Commissioners encourages adherence to the fundamental principles of New Urbanism to reflect places where all people can live throughout their lifetime. Specific approaches to the design of social spaces, streetscapes, recreation and entertainment facilities, transportation options, retail and residential buildings that incorporate the needs of the aging population are especially promoted in this area as discussed during the Atlanta Regional Commissions Lifelong Communities Program

With increasing life expectancies and varying levels of ability of the county's aging population, traditional building forms may be modified to reflect this new reality. Also, connectivity, diversity of housing stock, range of transportation options, walkable environment and access to retail, social and health services that provide quality of life at younger ages, becomes essential for older adults. The Board of Commissioners supports staff coordination with other county departments and community through public involvement to encourage these goals.

Due to the physical layout of Mableton, development efforts will require assemblage and phased redevelopment. This area provides an excellent opportunity to develop innovative land management techniques such as land bank, land trust, tax allocation districts, or other such policies and programs that could assist in meeting this desire. This proposed design could substantially improve the area's economy and standard of living.

In addition, it is essential to repair the local infrastructure to provide the connectivity, diversity and the walkability missing in most of the Mableton area. Staff is committed to focusing on street network and safety in order to provide ample passive opportunities for healthy living and combining these with the flagship Mable House property enhancements this would provide an exemplary healthy living environment for Lifelong Communities."

Yes  No

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(Planning comments continued on the next page)

**DEPARTMENT COMMENTS- Planning Division** (continued)

Masterplan/ Corridor Study	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Design guidelines area?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Does the proposal plan comply with the design requirements?	<input type="checkbox"/> Yes	<input type="checkbox"/> No <input checked="" type="checkbox"/> N/A
Is the property within an Opportunity Zone? <i>(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)</i>	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property within an Enterprise Zone? <i>(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)</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? <i>(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)</i>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

**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>.**

**Special District**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is this property within the Cumberland Special District #2 (ad valorem tax)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is this property within the Six Flags Special Service District?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

**Dobbins Air Reserve Base Zones**

Is the property within the Dobbins Airfield Safety Zone?	<input type="checkbox"/> Yes	<input type="checkbox"/> No
Is the property within the Clear Zone (CZ)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
Is the property within the Accident Potential Zone (APZ I)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

(Planning comments continued on the next page)



**DEPARTMENT COMMENTS- Planning Division** (continued)

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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

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**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**

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**Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 8" on south side of Veterans Memorial Pkwy.

Additional water comments: Also, 8" water main on north side of Old Bankhead Hwy. Assumed to be an existing water/sewer customer, but address not in billing system.

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.

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**Sewer comments:**

In the drainage basin:  YES  NO

At development:  YES  NO

Approximate distance to nearest sewer: On site

Estimated waste generation (in G.P.D.): Average daily flow= 3,200 ; Peak flow= 8,000

Treatment plant: Noonday

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: If not currently connected to sewer, recommend continued use of septic system, with Health Department approval.

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 (MPH)	Jurisdictional control	Min. R.O.W. requirements
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'
Old Bankhead Highway	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	South of Old Bankhead Highway	25,300	D
Old Bankhead Highway	N/A	N/A	N/A

*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.

Old Bankhead Highway is classified as a local roadway and according to the available information the existing right-of-way does 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 west side of Atlanta Road, a minimum of 50' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Old Bankhead Highway frontage upon redevelopment.

Recommend a large (improved) turn radius for the entrance on Veterans Memorial Highway.

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

STAFF ANALYSIS

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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. The surrounding area includes retail commercial and other uses including fast food restaurants and a convenience store with fuel sales.

**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 adjacent or nearby property as the request seeks to reutilize an existing commercially developed site. Doing so should not be expected to negatively impact those nearby properties such as the gas station immediately to the southwest or the Dairy Queen across Veterans Memorial Highway.

**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 streets, 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 MTC (Mableton Town Center) future land use category with the third level FLUM Description of CAC (Community Activity Center). The purpose of the CAC future land use category is to provide for areas that can meet the needs of several neighborhoods or communities with uses such as low to medium intensity office, retail and commercial service uses. The request to allow reutilization of this centrally located property for such a use under the appropriate zoning district fulfills the intent of the comprehensive plan.

(Staff recommendation continued on the next page)

STAFF ANALYSIS (continued)

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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):

**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 with stipulations. Previously used for an office use, the property is well suited for reutilization as retail and/or office due to its as-built condition and central location located within an area surrounded other commercial properties. The site's designation within the CAC future land use category also gives support to the request being that this designation encourages office and retail commercial uses.

**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.**



**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 \_\_\_\_\_