



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-29
Public Hearing Dates:
PC: 06-05-18
BOC: 06-19-18

SITE BACKGROUND

Applicant: ANE Investments, LLC

Phone: (404) 514-6632

Email: veranatalie123@gmail.com

Representative Contact: Arkady Yakubova

Phone: (404) 514-6632

Email: veranatalie123@gmail.com

Titleholder: ANE Investments, LLC

Property Location: South side of Jamerson Road,
west of Canton Road

Address: 892 Jamerson Road

Access to Property: Jamerson Road

QUICK FACTS

Commission District: 3-Birrell

Current Zoning: GC (General Commercial)

Current use of property: Former auto care center

Proposed zoning: CRC (Community Retail
Commercial)

Proposed use: Auto repair, auto restoration,
motorcycle repair shop

Future Land Use Designation: Neighborhood
Activity Center (NAC)

Site Acreage: 0.94 ac

District: 16

Land Lot: 60, 61, and 84

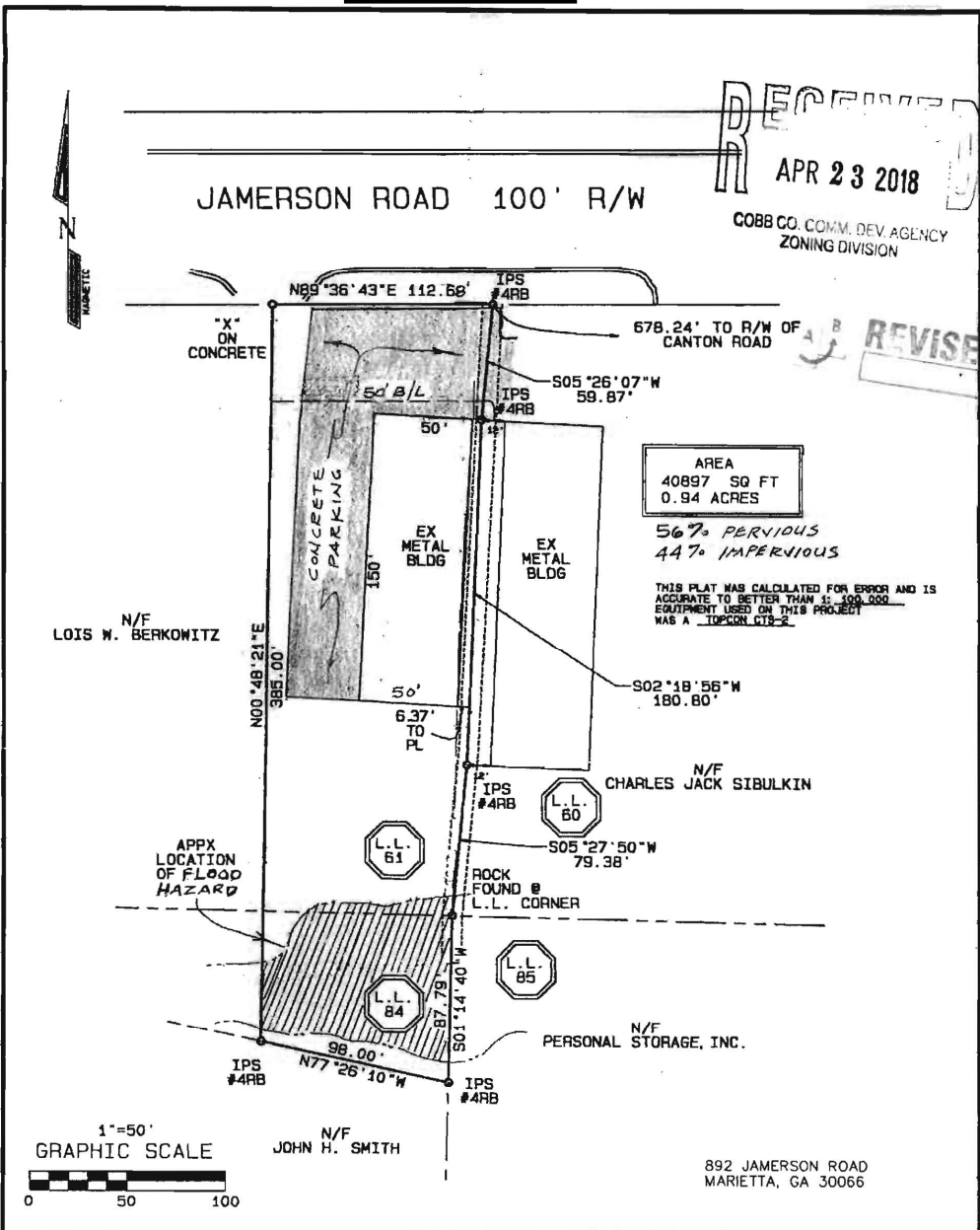
Parcel #: 16006100560

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Donald Wells)

Based on this analysis staff recommends **DENIAL**.

Z-29
(2018)



REGISTERED
LAND SURVEYOR
No. 1549
THOMAS M. GINN, SR.

SOUTHERN SURVEYING & MAPPING CO., INC.
4078 EBENEZER ROAD, N.E.
MARIETTA, GEORGIA 30066
PHONE (770) 928-7768

F.I.A. OFFICIAL FLOOD HAZARD MAP COMMUNITY NUMBER 13067C
PAGE 00226A DATED 12-16-2008
SHOWS THIS PROPERTY TO BE IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

REFERENCE PLAT:
BOOK _____ PAGE _____

ALL MATTERS OF TITLE ARE EXCEPTED.

SURVEY FOR:

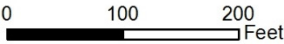
ANE INVESTMENTS, LLC

SUBD.		
LOT-	BLOCK-	UNIT-
LAND LOT- 60, 61 & 64		
DISTRICT- 16		SECTION- 2
COUNTY- COBB		STATE- GEORGIA
DATE- 9-12-01		SCALE 1"=50'
REVISED- 2-24-18		B 119-01-3

Z-29 2018-Aerial Map



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



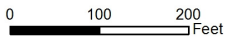
- Land Lot
- City Boundary



North
Zoning: LI (Light Industrial)
Future Land Use: NAC (Neighborhood Activity Center)

Z-29 2018-GIS



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



 Zoning Boundary
 City 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

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. Commencing January 1, 1991, no applications for rezoning to the GC district will be accepted by the board of commissioners for properties located in areas delineated within and shown on the comprehensive plan. This shall only apply to industrial-compatible and industrial areas. 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. Any existing developed GC zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned GC outside of a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building permit or grading permit for such development shall be deemed to be commencing development.

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. Ideally, projects developed within the CRC district should occupy a quadrant of an intersection, which is 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, one-destination shopping and service locations to serve the community, and to minimize traffic congestion.

Summary of the applicant's proposal

The applicant is requesting a rezoning from the GC zoning district to the CRC zoning district to operate an auto and motorcycle repair and body shop. The building was used as an auto repair shop previously, but has been vacant for the past year. The Zoning Ordinance requires the property to be rezoned if the property has been vacant for longer than six months if the property is located outside of a community activity center or regional activity center. The applicant intends to use the existing 3 bay steel building. The operating hours will be Monday through Saturday from 8am to 6pm. The applicant may pave the rear yard if it is needed for the business.

DEPARTMENT COMMENTS- Zoning Division (Continued)

Non-residential criteria

Proposed # of buildings: 1

Proposed # of stories: 1

Total sq. footage of development: 5000

Floor area ratio: .12

Square footage per acre: 5319

Required parking spaces: 9 plus one space per employee and per car

Proposed parking spaces: 4 shown on site

Acres in floodplain or wetlands: .14

Impervious surface shown: 44%

Are there any zoning variances?

The applicant's proposal requires the following variances:

1. Waive the side setback from 10 feet to 4.65 feet.

DEPARTMENT COMMENTS- Fire Department

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

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

No comment.

DEPARTMENT COMMENTS- School System

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

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: Yes
2. Flood hazard zone: Zone A
3. Drainage Basin: Unnamed Tributary to Noonday Creek
4. FEMA Designated 100-year Floodplain Flood.
5. Wetlands: No
6. Streambank buffer zone: Yes
7. County Buffer Ordinance: 50' each side of creek channel.
8. Existing facility.
9. Special site conditions and/or additional comments:
 - No immediate site improvements are proposed or anticipated.
 - Any site expansion or redevelopment will need to meet current stormwater management requirements.

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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 – Canton Road 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?
(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) Yes No

Is the property within an Enterprise Zone?
(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 investment) Yes No

Is the property eligible for incentives through the 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) Yes No

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 Jamerson Road

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: at property line

Estimated waste generation (in G.P.D.): Average daily flow = +0; Peak flow = +0

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

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 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
Jamerson Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Jamerson Road	West of Kemp Road	13,200	D

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Jamerson Road.

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

Jamerson Road is classified as an arterial roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend a deceleration lane on Jamerson Road for the entrance upon redevelopment.

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 may permit a use that is suitable in view of the uses and developments of adjacent and nearby property. Other uses in the area include light auto repair shops and specialized contractors.

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

It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. Other properties in the area have businesses geared toward automotive repair, industrial, and retail 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;

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;

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, which delineates this property as being within the Neighborhood Activity Center (NAC) land use designation. The property needs to be rezoned to establish any new use on the property. The property was grandfathered under GC and the NAC land use designation, but the property sat vacant for over six months and as a result lost the ability to continue utilization of the GC zoning. The requested CRC zoning district is not compatible with the NAC land use designation. The applicant has requested CRC to operate the collision center portion of the business along with the auto repair. CRC is the least intense district that allows an auto body shop.

(CONTINUED ON FOLLOWING PAGE)

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 denying the applicant's rezoning proposal. The property had been used for light auto repair in the past but not as a collision center. The property sat vacant over six months and lost its grandfathered ability to use the GC zoning. The applicant is requesting a zoning category that is not compatible with the Cobb County Comprehensive Plan and that will not accommodate the auto body work business.

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.

ARRADY YADUBOVA. for
ANE Investments LLC.

2/27/18.

Z-29 (2018)
Impact Analysis

RECEIVED
FEB 27 2018
COBB CO. COMM. DEVELOPMENT BY
ZONING DIVISION

- A) Yes the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.
- B) The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property.
- C) Said property that is being affected by the zoning proposal will have a reasonable economic use as currently zoned.
- D) The zoning proposal will result in a use which will not cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- E) Yes the zoning proposal is in conformity with the policy and intent of the land use plan.
- F) There are no existing or changing conditions affecting the use and development of the property which gives supporting ¹⁰⁰ grounds for disapproval of the zoning proposal.

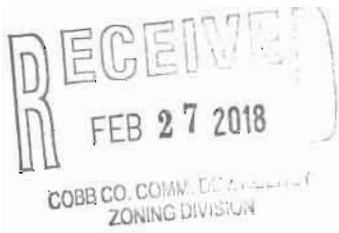
2/27/18

ANE Investments, LLC gives
permission to Arkady Yarbora
to act on behalf of the LLC

REC
FEB 27 2018
COBB CO. COMMISSION
ZONING DIVISION

Arkady Yarbora

+ ~~Arkady Yarbora~~ 2/27/18.



Application No. 7-29
June 2018

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): auto repair, auto mechanic, auto body shop, auto restoration, motorcycle repair shop
- b) Proposed building architecture: steel frame
- c) Proposed hours/days of operation: 8 AM - 6 PM
Monday - Saturday
- d) List all requested variances: _____
N/A

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

N/A

.....
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

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 _____