



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-39
Public Hearing Dates:
PC: 07-03-18
BOC: 07-17-18

SITE BACKGROUND

Applicant: Mableton Center, Inc.

Phone: (404) 720-2200

Email: aneeqllc@gmail.com

Representative Contact: Charles Woodard

Phone: (404) 542-1599

Email: aneeqllc@gmail.com

Titleholder: Jimmy D. Hester

Property Location: East side of Mableton
Parkway, north of Community Drive

Address: 6145 Mableton Parkway

Access to Property: Mableton Parkway

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: R-20 (Single-family Residential) and
GC (General Commercial)

Current use of property: Appliance Liquidation
Business

Proposed zoning: NRC (Neighborhood Retail
Commercial)

Proposed use: Place of worship, retail or office

Future Land Use Designation: NAC (Neighborhood
Retail Commercial)

Site Acreage: 2.295 ac

District: 18

Land Lot: 189 and 190

Parcel #: 18018900350

Taxes Paid: Yes

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

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following conditions:

1. Site plan received by the Zoning Division on April 18, 2018, with the District Commissioner approving minor modifications;
2. Landscape plan to be approved by the District Commissioner after review by County Arborist to include Code-required 20-foot landscape screening buffer adjacent to residentially zoned properties and 8-foot landscape enhancement strip along property's frontage adjacent to Right of Way;
3. Building elevations to be approved by District Commissioner prior to any work/renovations;
4. Fire Department comments and recommendations;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Department of Transportation comments and recommendations;

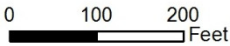
FINAL ZONING STAFF RECOMMENDATION (Continued)



8. All parking to be paved and striped to County Standards;
9. No automotive repair; and
10. No outdoor storage or display of merchandise.

Z-39 2018-Aerial Map



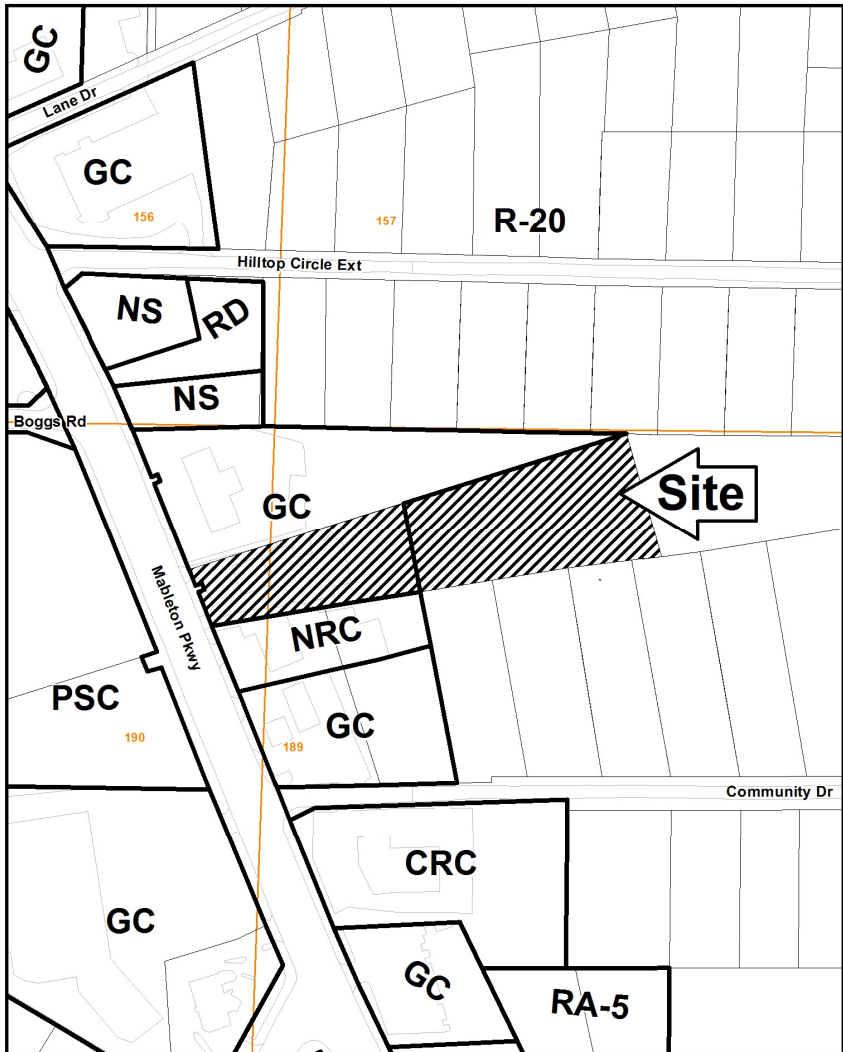
This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  Land Lot
-  City Boundary

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

Z-39 2018-GIS



WEST
Zoning: PSC
(Planned Shopping Center)
Future Land Use: NAC
(Neighborhood Activity Center)

EAST
Zoning: R-20
(Single-family Residential)
Future Land Use: LDR (Low Density Residential)

SOUTH
Zoning: NRC and R-20 (Neighborhood Retail Center and Single-family Residential)
Future Land Use: NAC and LDR (Neighborhood Activity Center and Low Density Residential)

DEPARTMENT COMMENTS- Zoning Division

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.

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.

DEPARTMENT COMMENTS- Zoning Division (continued)

Summary of the applicant's proposal

The applicant is requesting a rezoning to the Neighborhood Retail Commercial (NRC) district to utilize the property for both a retail or office establishment and a place of worship. The two existing buildings will be used as is with the commercial tenant occupying the front approximately 1,000 square foot building and the church of 100-110 persons going in to the rear 3,625 square foot building. Parking will be provided as indicated on the submitted site plan.

Non-residential criteria

Proposed # of buildings: 2
Proposed # of stories: 1
Total sq. footage of development: 4,718 square feet
Floor area ratio: .05
Square footage per acre: 2,055 square feet
Required parking spaces: 32
Proposed parking spaces: 23
Acres in floodplain or wetlands: 0
Impervious surface shown: 23.23%

Are there any zoning variances?

Yes, there are variances. The proposed site plan will require contemporaneous variances to waive the following:

1. Waive the side setback from the required 15 feet to 10 feet (existing) adjacent to the northern property line; and
2. Waive the required number of parking spaces from 32 to 23.

DEPARTMENT COMMENTS- Fire Department

Based on the proposed use of assemblage the rear most building may require a fire alarm and sprinkler system. Our preliminary findings indicate a new fire hydrant may be required at the entrance.

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

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

The parcels along Mableton Parkway from Veterans Memorial Highway to Hunnicut Drive are in need of redevelopment and revitalization. Allowing mixed-use developments in this area will assist in creating live work areas as well as reduce traffic congestion and improve traffic flow. If mixed uses are to occur along the corridor, the mixing should occur vertically or horizontally by encouraging village-style developments with residential over retail/office along major streets. On the minor streets within the development, stand-alone residential would be appropriate as long as there is a commercial or a LRO component fronting Mableton Parkway. All areas of the new mixed-use development should be pedestrian friendly. Some of the basic characteristics of these developments should include:

- Well-designed buildings that create a frame for the street system by being constructed close to the sidewalk
- On-street parking should be allowed where there is sufficient right-of-way and where it is appropriate for the particular roadway classification.
- Pedestrian-oriented amenities should be included within the site development to create an inviting atmosphere and encourage the use of public spaces as community gathering spaces. Pedestrian-oriented amenities include decorative paving, human scale street lighting, plazas, benches, landscaping, etc.
- Residential densities within the development should be determined on a case-by-case basis depending on the location of the project, intensity of the project and proximity to other stable residential uses.
- In order to make mixed-use developments along this corridor successful, scale is an important component. Mixed-use buildings should be no more than three stories tall. The three-story height limit will provide the necessary density to financially allow a mixed-use development and it will also provide a consistency of scale with the surrounding residential neighborhoods.
- Residential uses in the mixed-use developments should provide for additional owner-occupied housing opportunities.
- Mixed-use developments adjacent to stable single-family residential neighborhoods should provide a change in scale or buffering/screening that will ensure the desirability and viability of the surrounding community.

(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 checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
If yes, design guidelines area: <u>Mableton Parkway Design Guidelines</u>		
Does the proposal plan comply with the design requirements?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No <input 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 type="checkbox"/> Yes	<input checked="" type="checkbox"/> 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.

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 checked="" 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
Is the property within the Accident Potential Zone II (APZ II)?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

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): 12" in Mableton Pkwy

Additional water comments: CCWS records show the property being connected to water

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: in Mableton Pkwy ROW

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

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: CCWS records show the property being connected to sewer

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
Mableton Parkway	Arterial	45	Georgia DOT	100'

Roadway	Location	Average daily trips	Level of service
Mableton Parkway	South of Factory Shoals Road	21,700	C

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

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

Mableton Parkway 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 east side of Mableton Parkway, a minimum of 50' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend entrances be marked for one way in, one way out.
4. Recommend a larger (improved) turn radius for the southernmost entrance.
5. Recommend GDOT permits for all work that encroaches upon State right-of-way.
6. Recommend commercial driveways on Mableton Parkway to be upgraded per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.
7. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed SPLOST project E7560-X2762 - Mableton Parkway Pedestrian Improvements.

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;

It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby properties. The applicant's proposal fronts on Mableton Parkway in a predominately commercial area, with residential properties to the south and east.

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 proposal will not have an adverse effect on the usability of adjacent or nearby property in that it will allow the applicant to improve the property which is not currently possible due to its grandfathered status. While no improvements are proposed within the area immediately adjacent to residential neighbors, the rezoning can require landscape buffers which will protect those neighbors in the future.

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 that 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 herein.

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

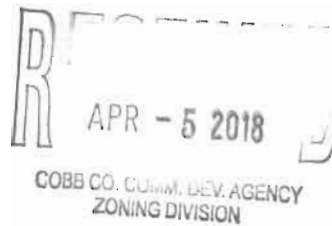
It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the "Cobb County Comprehensive Plan," which delineates this property as being in the Neighborhood Activity Center (NAC) future land use category. The NAC category provides for areas that serve neighborhood residents and businesses with typical land uses such as small offices, limited retail, etc.

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 grounds for approving the applicant's rezoning proposal with the appropriate safeguards to nearby residents. The intended uses are appropriate for the intended zoning district and a rezoning would allow the owner to improve the property which is currently limited by the property's grandfathered status.

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.



**ANALYSIS OF IMPACT OF THE RE-ZONING APPLICATION OF
MABLETON CENTER, INC.**

Property: 6145 Mableton Pkwy, Mableton (Cobb County) Ga 30126

A.

The proposed rezoning of the subject property will permit a use of the property that is suitable to the uses and the development, including zoning classifications, of adjacent and nearby property along Mableton Parkway. Moreover, the subject property to be rezoned is part of a lot that has split zoning classifications. The front part of the lot is zoned General Commercial (“GC”), while the back part of the lot is zoned R-20, Single-Family Residential (“R-20”). The proposed rezoning will permit the entire lot to be developed in a consistent manner pursuant to the uses allowed under the Neighborhood Retail Commercial (“NRC”) zoning classification. The property which is immediately south and adjacent to the right side of the subject property is now zoned NRC. Eventually, in order to comply with the Cobb County Comprehensive Land Use Plan and Future Land Use Map, the property which is immediately north and adjacent to the left of the subject property will be rezoned from its present zoning classification of GC to NRC, as well. Therefore, the rezoning application request will align the subject property with the neighboring properties.

B.

The zoning proposal for the subject property will not adversely affect or impact the existing uses or usability of adjacent or nearby properties. The subject property is situated between a gas station on one side, and Fanatics Sports Bar and Grill and another gas station on the other side. The requested zoning proposal will complement and be in conformance with the adjacent properties.

C.

The subject property to be affected by the zoning proposal has no reasonable economic use as it is currently zoned. The property has a split zoning classification. The front part of the lot is zoned "GC" and the back portion is zoned R-20. It is difficult to develop the portion of the parcel that is zoned R-20 under the R-20 zoning classification because it is land-locked. Thus, the present owners of the subject property have experienced a significant economic disadvantage because a portion of their lot continues to carry a zoning classification of "R-20" while the other portion of the same lot carries a zoning classification of "GC." The rezoning proposal will allow the property to have a reasonable economic use by allowing the entire lot to be utilized in a consistent manner in accordance with the uses authorized under one zoning designation, NRC.

D.

The proposed rezoning and the uses allowed by the rezoning will not adversely impact the existing streets, transportation facilities, utilities, or schools. Said uses will have no burdensome or excessive effect on the existing infrastructure. The portion of Mableton Parkway on which the subject property is located is highly commercialized and there will be no adverse impact which would be caused by the rezoning proposal.

E.

The proposed rezoning conforms to and complies with the policy and intent and the uses contemplated in the Cobb County Comprehensive Land Use Plan and Future Land Use Map for the subject property.

F.

As is detailed above, the subject property currently has two zoning classifications which make it extremely difficult to use the entire in a uniform and consistent manner. The fact that the

portion of the lot that is zoned R-20 is landlocked and is not capable of being developed in conformance with the existing buildings which are located on the part of the property currently zoned GC, provides a clearly reasonable basis for the County to approve the zoning request. Furthermore, the development along the Mableton Parkway Corridor will not be adversely impacted by the zoning request. To the contrary, the uses proposed by the zoning request conform to and align with the uses of the properties within the Corridor and specifically with the uses of the properties immediately adjacent to the subject property.

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: N/A

c) List all requested variances: N/A



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

a) Proposed use(s): The front building, which is on land zoned GC, will be used for office and/or retail space; The back building which is on land zoned GC, will be used as a place of worship

b) Proposed building architecture: We intend to renovate the front facade of the front building to make it more attractive using brick, and the fence will be replaced. The back building is a steel

rimed metal building Proposed hours/days of operation: The front building will have office &/or retail tenants with hours not determined yet. The back building will be used from 6:00 am to 9:00 pm daily.

d) List all requested variances: See Site Plan

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

The lot is split into two zoning classifications. The front part of the lot is zoned GC (grandfathered) and the back part of the lot is zoned R-20. Applicant wishes to rezone the portion zoned R-20 and the portion zoned GC to the NRC zoning classification in order to provide consistency and conformity for uses for both portions of the lot. The R-20 portion is currently land-locked and very difficult to develop under its present zoning classification.

.....
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). See Site Plan.

*Applicant expressly reserves the right to modify or amend its Application for Rezoning, including the Summary of Intent for Rezoning and any other portions of said Application, at any time during the rezoning process. Applicant also reserves the right to submit a list of Constitutional legal allegations to supplement its application and to be included in the record of this rezoning case.

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

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:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____