

## Cobb County Community Development Agency

Case # Z-54 Public Hearing Dates: PC: 09-04-18 BOC: 09-18-18

**Zoning Division** 

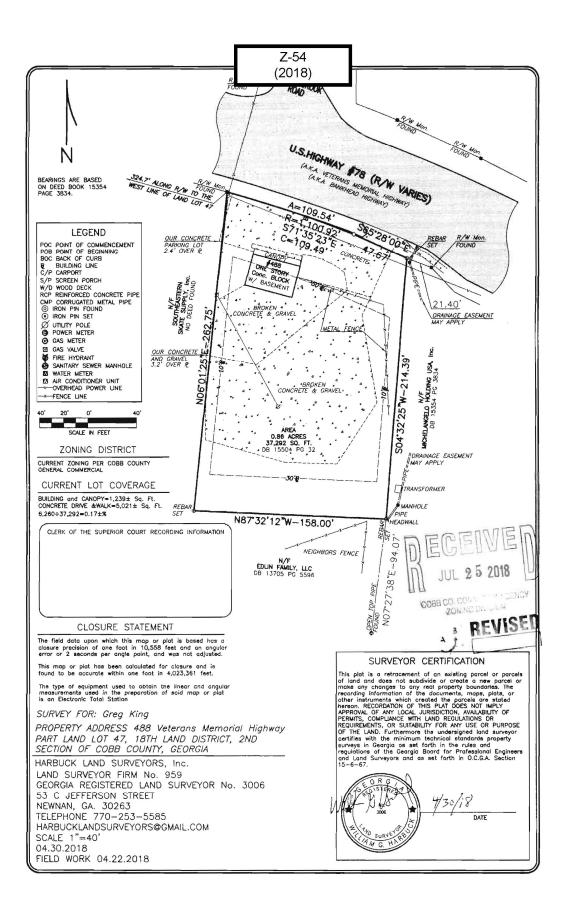
1150 Powder Springs St. Marietta, Georgia 30064

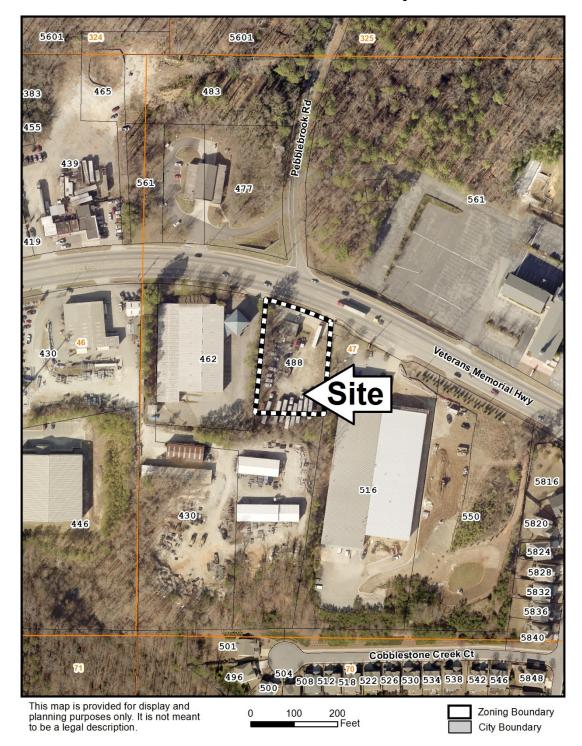
SITE BACKGROUND	QUICK FACTS		
Applicant: Gregory A. King	Commission District: 4-Cupid		
Phone: (404) 276-9674	Current Zoning: GC (General Commercial)		
Email: king172@aol.com	Current use of property: Vacant Retail Building		
Representative Contact: Gregory A. King	Proposed zoning: NRC (Neighborhood Retail Commercial)		
Phone: (404) 276-9674			
Email: king172@aol.com	Proposed use: Retail		
Titleholder: Greg King	Future Land Use Designation: Neighborhood Activity Center (NAC)		
Property Location: South side of Veterans Memorial Highway, across from Pebblebrook	Site Acreage: 0.86 ac		
Road	District: 18		
Address: 488 Veterans Memorial Highway	Land Lot: 47		
Access to Property: Veterans Memorial Highway	Parcel #: 18004700110		
	Taxes Paid: Yes		

FINAL ZONING STAFF RECOMMENDATION: (Zoning staff member: <u>Terry Martin, MPA</u>)

Based on the included analysis, staff recommends **<u>APPROVAL</u>** subject to:

- 1. Site plan/parking plan to be submitted to Community Development Staff with final approval by the District Commissioner in order to incorporate Code-compliant parking and landscaping where appropriate;
- 2. Variances as outlined in the Zoning Division Comments;
- 3. Compliance with Veterans Memorial Highway Design Guidelines;
- 4. Fire Department's comments and recommendations;
- 5. Sewer and Water Division's comments and recommendations;
- 6. Stormwater Management Division's comments and recommendations;
- 7. Department of Transportation's comments and recommendations;
- 8. Planning Division's comments and recommendations; and
- 9. No automotive repair, tire shops, or outdoor displays of merchandise permitted.

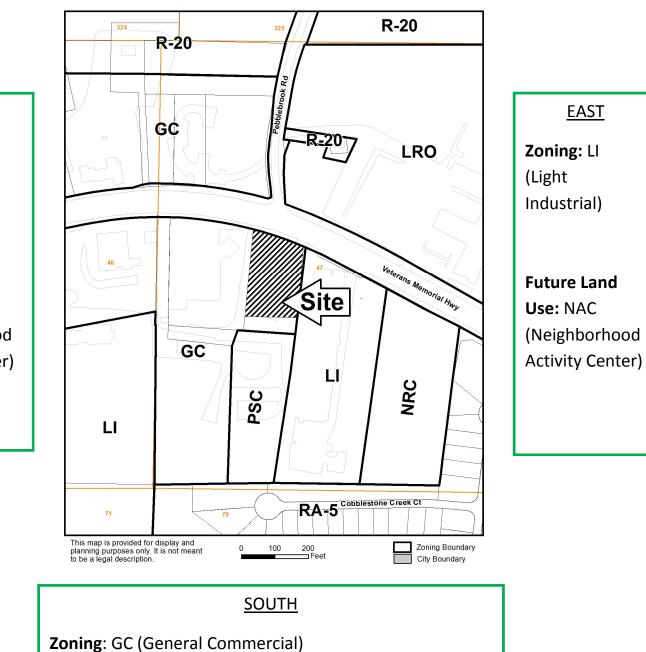




# Z-54 2018-Aerial Map

### <u>North</u>

**Zoning**: GC (General Commercial), LRO (Low Rise Office) **Future Land Use**: PI (Public Institutional)



Future Land Use: NAC (Neighborhood Activity Center)

Z-54 2018-GIS

<u>WEST</u>

**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, 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.

#### Summary of the applicant's proposal

The applicant is requesting a rezoning to the NRC (Neighborhood Retail Commercial) district in order to use the property as a commercial rental property. The property has been vacant for some time and has lost its "grandfathered" status as a result. The building was constructed in 1963.

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

#### Non-residential criteria

Proposed # of buildings: 1 Proposed # of stories: 1 Total sq. footage of development: 2,080 sq. ft. Floor area ratio: .06 Square footage per acre: 2,419 sq. ft. Required parking spaces: 8 Proposed parking spaces: To Be Paved/Striped Acres in floodplain or wetlands: 0 Impervious surface shown: 65.2%

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

#### Are there any zoning variances?

The applicant's proposal requires the following variance:

1. Waive the front setback from the required 50 feet to 30 feet (existing).

## **DEPARTMENT COMMENTS- Fire Department**

No Comment.

## 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**

There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

## **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: Liberty Hill Branch
- 4. Wetlands: No
- 5. Streambank buffer zone: No
- 6. Existing facility.
- 7. Special site conditions and/or additional comments:
  - No significant site improvements are proposed.
  - Stormwater management must be provided upon redevelopment or substantial site improvement.

#### **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	🗌 Ind	consistent	t
House Bill 489 Intergovernmental Agreement Zoni Is the proposal within one-half mile of a city bounda	-	l <b>otificatio</b> ] Yes	n 🔀 No	
Was the city notified?		] Yes	🗌 No	🛛 N/A
Specific Area Policy Guidelines:		] Yes	No	
Masterplan/ Corridor Study		] Yes	No	
Design guidelines area? If yes, design guidelines area: <u>Veterans Memorial Hi</u> Does the proposal plan comply with the design requ	ighway Design Gu	] Yes <u>idelines</u> ] 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 No	
Is the property within an Enterprise Zone? (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)		] Yes	No No	
Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? (The Commercial and Industrial Property Rehabilitation Progra Is an incentive that provides a reduction in ad valorem propert taxes for qualifying redevelopment in eligible areas)		] Yes	No 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					
Fire flow test required:	YES					
Size and location of existing water main(s): 8" ir			vv			
Additional water comments: Existing water cus			• 1			
Note: These comments only reflect what facilities were in exist install/upgrade water mains based on fire flow test results or Fin process.						
<u>Sewer comments:</u>						
In the drainage basin:	YES	NO				
At development:	YES					
Approximate distance to nearest sewer: 400' so	outh w/ease	ment				
Estimated waste generation (in G.P.D.): Average	e daily flow =	= 160; Peak f	flow = 400			
Treatment plant: South Cobb						
Plant capacity:	🔀 Yes	NO NO				
Line capacity:	YES	NO				
Projected plant availability:	🔀 0-5 yea	rs 🗌 5-10 y	years 🗌 over 10 years			
Dry sewers required:	YES					
Off-site easement required:	YES*	🗌 NO	*If off-site easements are required, the			
Flow test required:	YES	NO 🔀	developer/owner must submit easements to the CCWS for review and approval as to form			
Letter of allocation issued:	YES		and stipulations prior to the execution of easements by the property owners. All			
Septic tank recommended by this department:	YES	NO	easement acquisitions are the responsibility of the developer/owner.			
Subject to Health Department approval:	YES	NO				
Additional sewer comments: Dept. of Environmental Health approval required for continued						

use of septic system (included with application.)

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
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	South of Pebblebrook Road	24,400	D

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 upon redevelopment.
- 2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
- 3. Recommend sidewalk along the frontage of Veterans Memorial Highway upon redevelopment.
- 4. Recommend a deceleration lane or large (improved) turn radius for the entrance on Veterans Memorial Highway upon redevelopment.
- 5. Recommend GDOT permits for all work that encroaches upon State right-of-way.

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. Other uses in the area include commercial, industrial, and institutional uses.

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 the adjacent or nearby properties. The applicant's proposal would constitute a decrease in intensity from the site's former use, as well as those to the east, in favor of a more neighborhood oriented commercial and/or office use.

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 street, 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 NAC (Neighborhood Activity Center) future land use category. This category seeks to encourage retail commercial uses which serve neighborhood residents and businesses. 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. The subject property is located within an area which has commercial and institutional uses. The proposed use would allow reuse of the property in a commercial manner consistent with the established commercial nature of Veterans Memorial Highway.

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.

June 5, 2018

Proposed Zoning Analysis

488 Veterans Memorial Hwy

Mableton, Ga 30126



I am filing this analysis as required to meet the requests for rezoning application on my property located at 488 Veterans Memorial Hwy, in Mableton, Ga. I purchased this property vacant, and at the time the GC zoning on the building had expired due to the length of vacancy.

I would like to bring the property back into zoning compliance and am filing to have the property rezoned NRC. This should address item 9 paragraphs 'a-f' in the rezoning application.

- (a) The adjacent properties are of a wholesale/retail nature on both sides of the property and up and down Veterans Memorial; my rezoning application is to bring this property into compliance with the same nature of the other businesses that are adjoining and nearby.
- (b) As to affecting existing use, the property was used in a retail/storefront nature in the past when occupied and will complement other business of a wholesale/retail storefront nature.
- (c) Its best and reasonable economic use is as a retail/wholesale storefront nature and is configured currently as such with large storefront windows.
- (d) In regard to a burden to increasing traffic, to being a burden on utilities or schools. It has a small retail storefront area which will stay the same as it currently is, about 1000 square feet of 'selling area' which in itself limits the occupants as well as the visiting customers. As to the 'small' amount of useable area, it should not be taxing or burdensome on the local gas, water or electrical utility services.
- (e) Conformity. The filing is to bring back the property into previous conformity as a retail outlet and to update the zoning to a current zoning of NRC.
- (f) Existing/Changing conditions. As the property currently exists its best and greatest use is as a small retail center until such a time that conditions change to make its use otherwise, its best use is to have zoning established with an NRC designation. Right now the only changing conditions that I would anticipate are a greater need for retail business to support a growing population.

This property was purchased as an investment for me. I believe Mableton is underserved by retail development, has a growing population base, and is very well priced in relation to its

proximity to downtown Atlanta. My intent is to greatly improve the appearance of this property so as to also increase its attractiveness and value.

I am requesting the NRC zoning designation so I can move forward with attracting a small business to lease this property and that operates in compliance with the NRC guidelines and that will grow the value of my property as well as serving the needs of the surrounding neighborhoods.

I have already applied for all necessary permits to renovate/remodel and improve the appearance of this building, the grass gets cut on a regular basis, trash is picked up around the property and the general overall appearance will greatly improve as time goes by.

Thank you,

Greg King – owner

488 Veterans Memorial Hwy.

Mableton, Ga 30126

404-276-9674



	DUIN - 6 2018 Application No.	Sept.
	Summary of Intent for Rezoning	
Resid	ential Rezoning Information (attach additional information if needed)	
a)	Proposed unit square-footage(s):	
b)	Proposed building architecture:	
<b>c</b> )	List all requested variances:	
Non-r	residential Rezoning Information (attach additional information if needed)	
a)	Proposed use(s): RETAIL rental SPACE	
<b>b</b> )	Proposed building architecture: existing shours is	
	under block construction	
c)	Proposed hours/days of operation: 8 an - 4 pm	
<b>d</b> )	List all requested variances:	
	er Pertinent Information (List or attach additional information if needed)	
3. Oth		
3. Ott		
3. Ott		
3. Otł		
3. Otł		
Is an	ay of the property included on the proposed site plan owned by the Local, State, or Federal Gover se list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., s	

						Z-54 (2018)
						Health Department Rep
	Exist	ing O	n-site Sewage	e Management S	System Performan	ce Evaluation Report Form
pplicant:			U	GREGORY KING		Reason for Existing Sewage System Evaluation:
roperty/S	ystem Add	ress;		488 VETERANS MEMORI 30126	AL HWY MABLETON, GA	DECENTED
ubdivisio	n Name:			Lot:	Block:	JUN - 6 2018
xisting S	ystem info	rmation	Water Supply (circle)	Number of Bedrooms/GPD:	Garbage Grinder: (circle)	COSE CO. COMM NEV AGENTY
1)Publi	ic (2) Pr	ivate W	ell (3) Community		(1) Yes (2)No or C should be Comple	ZONINO DIVISION
				, ,	- System on Record	
(1)Yes	(2) No	that all the tim	components of the se of the original insp	system were properly co ection.		Comments: OKAY FOR REMODELING BUILDING WITH NO FOOTPRINT CHANGES, RETAIL SPACE WITH NO MORE THAN 3 EMPLOYEES.
(1)Yes	(2) No	Report	is attached.	te Sewage Managemen		-
(1) Yes	(2)No	service time fra	d within the last five me,	(5) years or the system	n was installed within that	_
(1)Yes	(2) No		or of conditions whic		ed no evidence of system ct the functioning of the	
valuating			000001911	Title:	Date; 04-Jun-18	I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No (lability is
JAH	up	20	ann	SECTION B - S	System Not on Record	assumed for future demages that may be caused by mailunction.
(1) Yes				on file showing the On-s approved at the time o	site Sewage Management f the installation	Comments:
(1) Yes	(2) No	to mee	the required design	n, construction and insta		-
(1) Yes	(2) No	(2) No the condition of the septic tank and its respective components, certifying its design, construction, and installation criteria. A copy is attached.				
(1) Yes	(2) No	service time fra	d within the last five ame.		n was installed within that	
(1) Yes	(2) No	failure system	or of conditions which	h would adversely affe ateness of the sizing an	ed no evidence of system ct the functioning of the ad installation cannot be	
valuating	Environn			Title:	Date:	I verify this data to be correct at the time of the evaluation. This verification shall not be construed as a guarantee of the proper
						functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.
		,			System Not Approved	
(1) Yes	(2) No	1		gement System was di insidered an approved	sapproved at the time of system.	Comments:
(1) Yes	(2) No	Evalua	ion of the system re therefore require of	vealed evidence of sys	stem failure or malfunction r to obtain approval of the	
(1) Yes	(2) No	Evalua the pro	tion of the system re per functioning of th	evealed conditions whic e system, and will there proval of the system.	h would adversely affect efore require corrective	
valuating	Environn		and a second sec	Title:	Date:	I verify this data to be correct at the time of the evaluation. This
						Twrification shall not be construed as a guarantee of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.
	SECT	ON D -	Addition to Proper	ty or Relocation of He	ome (section completed	in conjunction with A, B, or C above)
1)Yes	(2) No			e Management System evaluated in accordance	is located on the property ce with Section A or B	Commenta:
		A site e	valuation on this da	te as well as the provid tion to home or propert	led information indicate y or that the proposed	https://www.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerce.commerc
(1)Yes	(2) No	relocat	on of the home sho	uld not adversely affect d that no additional sev	the proper functioning of wage load is added to the	
Seal and a	Carle	Ľ			Date:	t verify this data to be correct at the time of the evaluation. This
valuating	Environn MUR	D (	elipau	EUSI	Date: 04-Jun-18	n verify and guide to boothet, a turb tine of the production into a reinfication shall not boothet, a statute and the production of the proper functioning of this system for any given period of time. No liability is assumed for future damages that may be caused by malfunction.
0	U					

Z-54 (2018) Health Department Report JUN - 6 2018 COBBICO COURSE Banklerd Hury Leland Boat Co. 785X32(MI) 110' × 36" one Kitchens flower 63 30 Any modifications or additions to this plan must be approved thru this office CENTER FOR ENVIRONMENTAL HEALTH - 51-

#### Case # Z-54

	Planning Comm	ission Decision	
NO. OPPOSED:	APPROVED	DENIED	DELETED TO
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:
Names of those Op		Comments:	
	Stipulation letter from	m	dated
	Stipulation letter from	m	dated dated
	Board of Commis	sioners Decision	
NO. OPPOSED:	APPROVED	DENIED	DELETED TO
NO. IN SUPPORT	MOTION BY:	SECONDED:	VOTE:
Names of those Op	posed:	Comments:	
	Stipulation letter from		dated
	Stipulation letter from Stipulation letter from		dated dated