



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-65

Public Hearing Dates:

PC: 11-5-19

BOC: 11-19-19

SITE BACKGROUND

Applicant: HRA Investments, LLC

Phone: 678-200-6142

Email: harmeetsinghwfg@gmail.com

Representative Contact: Amarjit Singh

Phone: 404-452-9622

Email: uniquetouchusa@aol.com

Titleholder: HRA Investments, LLC

Property location and address: North side of
Veterans Memorial Highway, west of
Pebblebrook Road
(399 Veterans Memorial Highway)

Access to Property: Veterans Memorial Highway

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: GC (General Commercial)

Current use of property: Vacant auto repair
building

Proposed zoning: NRC (Neighborhood Retail
Commercial)

Proposed use: Light Auto Repair and Retail

Future Land Use Designation: NAC (Neighborhood
Activity Center)

Site Acreage: 0.152 ac

District: 18

Land Lots: 46

Parcel #'s: 18004600060

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:

1. Revised site plan received by the Zoning Division on September 18, 2019, with the District Commissioner approving minor modifications;
2. Variances as specified in the Zoning comments;
3. Submittal of a parking plan to be approved by Staff and installed prior to issuance of CO;
4. Planning Division 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; and
8. Property to meet the Veterans Memorial Highway Design Guidelines upon redevelopment.

Z-65
(2019)

GRID NORTH
GA WEST NAD 83
DATUM NAVD 88
SCALE: 1"=30'

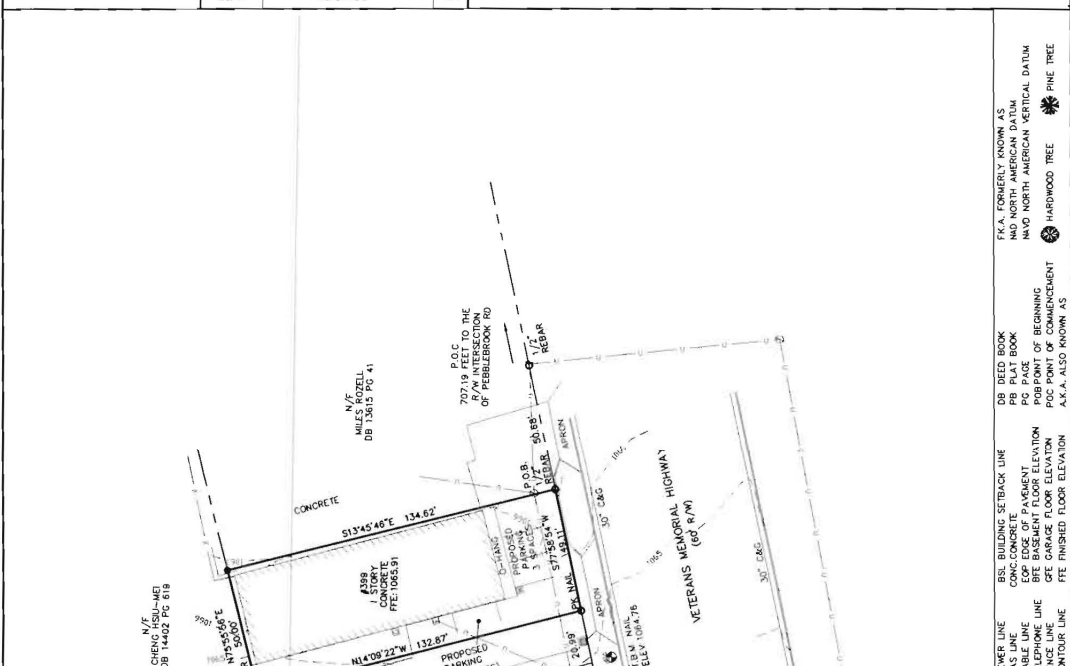
GRAPHIC SCALE - IN FEET
0 15 30 60

NO.	REVISION	DATE

BOUNDARY & TOPOGRAPHIC SURVEY
PREPARED FOR: HRA INVESTMENTS LLC
COBB COUNTY, GEORGIA - 07/26/2019

PROJECT
2058602

SHEET
1 OF 1



RECEIVED
SEP 18 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

REVISED

THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE AND BOUNDARY RECORDS. THE EXACT BOUNDARY LINE OF THE PROPERTY OR ENTITY NAMED HEREON DOES NOT EXTEND TO ANY UNLAWFUL PERSON WITHOUT A REIFICATION BY THE SURVEYOR OR NAMING SAID PERSON.

FOR THE FIRM
BOUNDARY ZONE, INC.
NOT VALID WITHOUT
ORIGINAL SIGNATURE

BEN E. BUTTEWORTH, PLS #2294 09/20/2019 DATE

BOUNDARY
Zone, Inc.
LAND SURVEYING SERVICES
SURVEYING LANDSCAPE ARCHITECTURE LAND PLANNING
WWW.BOUNDARYZONE.COM

811
Know what's below.
Call before you dig.

PROPERTY CORNER
FOUND (AS NOTED)
C&G SET 157 # 839
R/W MONUMENT
FIRE HYDRANT
MANHOLE
CLEAN OUT
WATER VALVE
POWER POLE
LIGHT POLE
A/C UNIT
DRAINAGE BOX
DRAINAGE STRUCTURE
DRAINAGE INLET
POWER/ALIGHT POLE
GAS VALVE
POWER METER
POWER BOX
REGULAR PARKING
HANDICAP
LL LAND LOT
P/A RIGHT-OF-WAY
P/A PROPERTY LINE
OR OVERHANG
GAS METER
C.B. CATCH BASIN
C.B. MANHOLE
D TELEPHONE BOX
D TELEPHONE SIGN
W-WATER LINE
U-UNDERHEAD UTILITY LINE
S-SSEWER LINE
C-CURB LINE
T-TELEPHONE LINE
X-FENCE LINE
O-OUTDOOR LINE
B.S. BUILDING SETBACK LINE
C&G EDGE OF PAVEMENT
BITE BASEMENT FLOOR ELEVATION
C&G GARAGE FLOOR ELEVATION
P&E FINISHED FLOOR ELEVATION
DB DEED BOOK
C&G BOOK
PG PAGE
POB POINT OF BEGINNING
POC POINT OF COMMENCEMENT
A.C.A. ALSO KNOWN AS
F.K.A. FORMERLY KNOWN AS
NAO NORTH AMERICAN VERTICAL DATUM
HARDWOOD TREE
PINE TREE

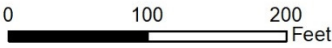
TOTAL AREA: 0.152 ACRES / 6,628 SQUARE FEET
BOUNDARY REFERENCE: DEED BOOK 14311 PAGE 206
FIELDWORK PERFORMED ON 04/17/2019
THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 45.73 FEET
THIS PLAT HAS BEEN PREPARED USING A TRIMBLE ROBOTIC TOTAL STATION.
THE FIELD TOTAL STATION WHICH THIS PLAT IS BASED ON HAS A RELATIVE POSITIONAL ACCURACY OF 0.002 FEET.

© COPYRIGHT 2019 - BOUNDARY ZONE, INC.
ALL RIGHTS RESERVED. NO PART OF THIS SURVEY OR ANY PART THEREOF MAY BE REPRODUCED, TRANSMITTED, OR USED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF THIS SURVEYOR.

Z-65 2019-Aerial Map



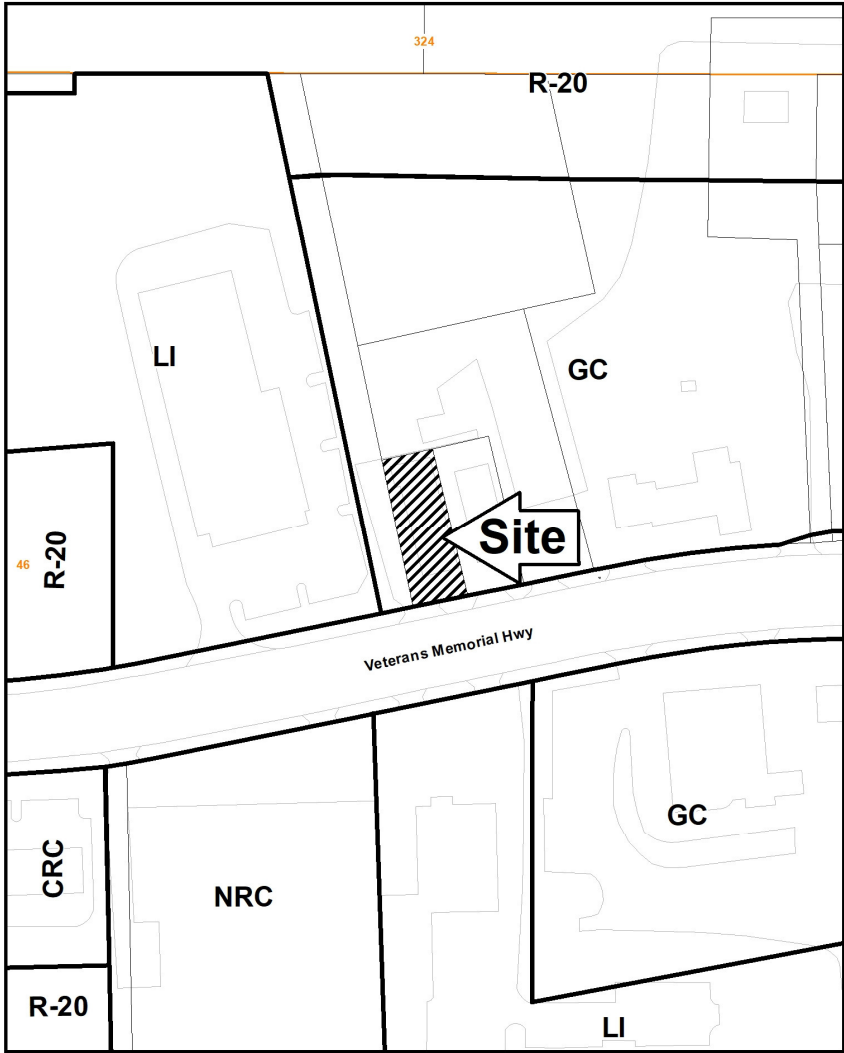
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Zoning Boundary
- City Boundary

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

Z-65 2019-GIS



This map is provided for display and planning purposes only. It is not meant to be a legal description. 0 100 200 Feet 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, 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 of the subject property from its current General Commercial (GC) zoning district to the Neighborhood Retail Commercial (NRC) zoning district to continue operation of the existing property for retail and other commercial uses. The property has lost its previous "grandfathered" status due to its current GC zoning, and being located within an area designated as Neighborhood Activity Center (NRC) future land use category. The requested rezoning is needed to reinstate previous light automotive uses, or to lease to commercial tenants. The existing building was built in 1963.

DEPARTMENT COMMENTS- Zoning Division (continued)

Non-residential criteria

Proposed # of buildings: 1 (existing).

Proposed # of stories: 1 with rear two story addition (existing).

Total sq. footage of development: 4,293 sq. ft.

Floor area ratio: 0.65

Square footage per acre: 28,243 sq. ft.

Required parking spaces: approximately 15, dependent upon use

Proposed parking spaces: 5

Acres in floodplain or wetlands: 0

Impervious surface shown: 99%

Are there any zoning variances?

The submitted plan demonstrates the need for the following variances:

1. Reduce the minimum lot size from the required 20,000 sq. ft. to 6,626 sq. ft. (existing);
2. Reduce the minimum lot width at the front setback line from the required 60 feet to 49 feet (existing);
3. Reduce the minimum public road frontage from the required 50 feet to 49 feet (existing);
4. Reduce the front setback from the required 50 feet to 23 feet (existing);
5. Reduce the side setbacks from the required 15 feet to 11 feet adjacent to the western property line (existing) and to zero feet adjacent to the eastern property line (existing);
6. Reduce the rear setback from the required 30 feet to zero feet (existing);
7. Increase the maximum allowable floor to area ratio from 0.25 to 0.65;
8. Increase the maximum allowable impervious surface from 70% to 99% (existing); and
9. Reduce the minimum number of required parking spaces to the number feasibly demonstrated on a Staff approved parking plan to be submitted and installed prior to CO.

DEPARTMENT COMMENTS- Fire Department

No comments.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

As determined by the Site Plan Review Section, the property owner may 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 of schools.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Nickajack Creek
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. 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

Masterplan/ Corridor Study: South Cobb Implementation Strategy Yes No

Design guidelines area? Yes No

If yes, design guidelines area: Mableton Pkwy & Veterans Memorial Hwy Design Guidelines

Does the proposal plan comply with the design requirements? Yes No N/A

Is the property within an Opportunity Zone? Yes No

(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)

Is the property within an Enterprise Zone? Yes No

(The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)

Is the property eligible for the Façade Improvement Program? Yes No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes No

(The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)

Note: For more information on incentives, please call the Community Development Agency- 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)?

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): 12" in Veterans Memorial Highway

Additional water comments: existing water customer

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: in Veterans memorial Hwy ROW

Estimated waste generation (in G.P.D.): Average daily flow = +/- nominal

Peak flow = +/- nominal

Treatment plant: South Cobb WRF

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
Veterans Memorial Highway (US 278)	Arterial	45	Georgia DOT	100'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway (US 278)	West of Cooks Road	26,200	C

Based on 2018 traffic counting data taken by Georgia DOT for Veterans Memorial Highway.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A are not available for state highways 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 and according to the available information the existing right-of-way does not 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 no parking in the right-of-way.
3. Recommend GDOT permits for all work that encroaches upon State right-of-way.
4. 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 north side of Veterans Memorial Highway, a minimum of 50' from the roadway centerline. This recommendation should be implemented upon redevelopment of the property, where redevelopment is defined as site work requiring a Land Disturbance Permit.

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 zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The area has a mixture of commercial and industrial businesses. The rezoning will allow continued utilization of the property in a commercial manner.

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 zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. The property has been used for years for various commercial uses including light automobile repair. Nearby properties are used for similar or even more intense uses than those which will be allowed for this property under the required NRC zoning district.

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 zoning proposal will not result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools.

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

It is Staff's opinion that the zoning proposal is in conformity with the policies and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Neighborhood Activity Center (NAC) future land use category. The requested NRC zoning district and the proposed uses are compatible with the NAC land use designation. The property lost its ability to use its current General Commercial (GC) zoning district.

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 the zoning proposal is in conformity with the policies and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Neighborhood Activity Center (NAC) future land use category. The requested NRC zoning district and the proposed uses are compatible with the NAC land use designation. The property lost its ability to use its current General Commercial (GC) zoning district. While variances are necessary to address existing conditions of the property, the request will allow the owner to improve the property. Parking will be addressed through a Staff approved parking plan and installed prior to CO.

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:

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

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 _____