



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z- 30

Public Hearing Dates:

PC: 5- 5-20

BOC: 5-19-20

SITE BACKGROUND

Applicant: Raouf S. Elmasry

Phone: 404-455-0667

Email: raoufselemasry@aol.com

Representative Contact: Raouf S. Elmasry

Phone: : 404-455-0667

Email: raoufselemasry@aol.com

Titleholder: Agustin Benitez and Elvia Benitez

Property location and address: Located on the east side of Mableton Parkway, north of Factory Shoals Road (6175 Mableton Parkway, 426 Community Drive)

Access to Property: Mableton Parkway and Community Drive

QUICK FACTS

Commission District: 4- Cupid

Current Zoning: NRC (Neighborhood retail commercial) and GC (General commercial)

Current use of property: Vacant restaurant and Vacant lot

Proposed zoning: NRC (Neighborhood retail commercial)

Proposed use: Grocery (Neighborhood retail)

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 1.255

District: 18

Land Lot: 189, 190

Parcel #: 18018900030, 18018900040

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Jeannie Peyton)

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

1. Site Plan received by the Zoning Division on February 11, 2020, with the District Commissioner approving minor modifications;
2. Variance to the required minimum side yard setback from the required 15' to 5';
3. Variance to the required Landscaped screening buffer from the required 20' to 5';
4. Development must adhere to the Mableton Pkwy & Veterans Memorial Hwy Design Guidelines;
5. Fire Department comments and recommendations;
6. Stormwater Management Division comments and recommendations;
7. Water and Sewer comments and recommendations;
8. Department of Transportation comments and recommendations.

RECEIVED
FEB 11 2020

Proposed

GRACE ENGINEERING, LLC.
599 CROSSETT RD.
MABLETON, GA 30126
PHONE (678) 347-1828
FAX (678) 347-1829

AGUSTIN GROCERY STORE
6175 MABLETON HIGHWAY,
MABLETON, GA 30126

PROPOSED SITE PLAN

Z-30-2020
Site Plan

TOTAL PARKING NUMBER: 83 (INCLUDING TWO HANDICAPPED; VAN ACCESSIBLE)

CONCRETE DRIVE AND TREE PROTECTION FENCE AND TREE PROTECTION FENCE
ONE REQUIRED ONE SPACE FOUR SPACES, 200' MIN. W/ 15' WINGS, 30 SPACES
REQUIRED SPACED SPACES 8,500/20'0" W/ 15' WINGS, 30 SPACES
PARKING SPACES PROVIDED IN 15 SPACES INCLUDE TWO HANDICAPPED

SCORE OF NOTES:

1. INSTALL SILT FENCE AND TREE PROTECTION FENCE
2. INSTALL OTHER TREE PROTECTION AND SEDIMENTATION CONTROL MEASURES
3. CONFORM TO ALL APPLICABLE REGULATIONS
4. INSTALL NEW CURB/CUTTER
5. STRIPED PARKING LOT

COBB CO. COMM. DEV. ACCT. NO. 1
ZONING DIVISION

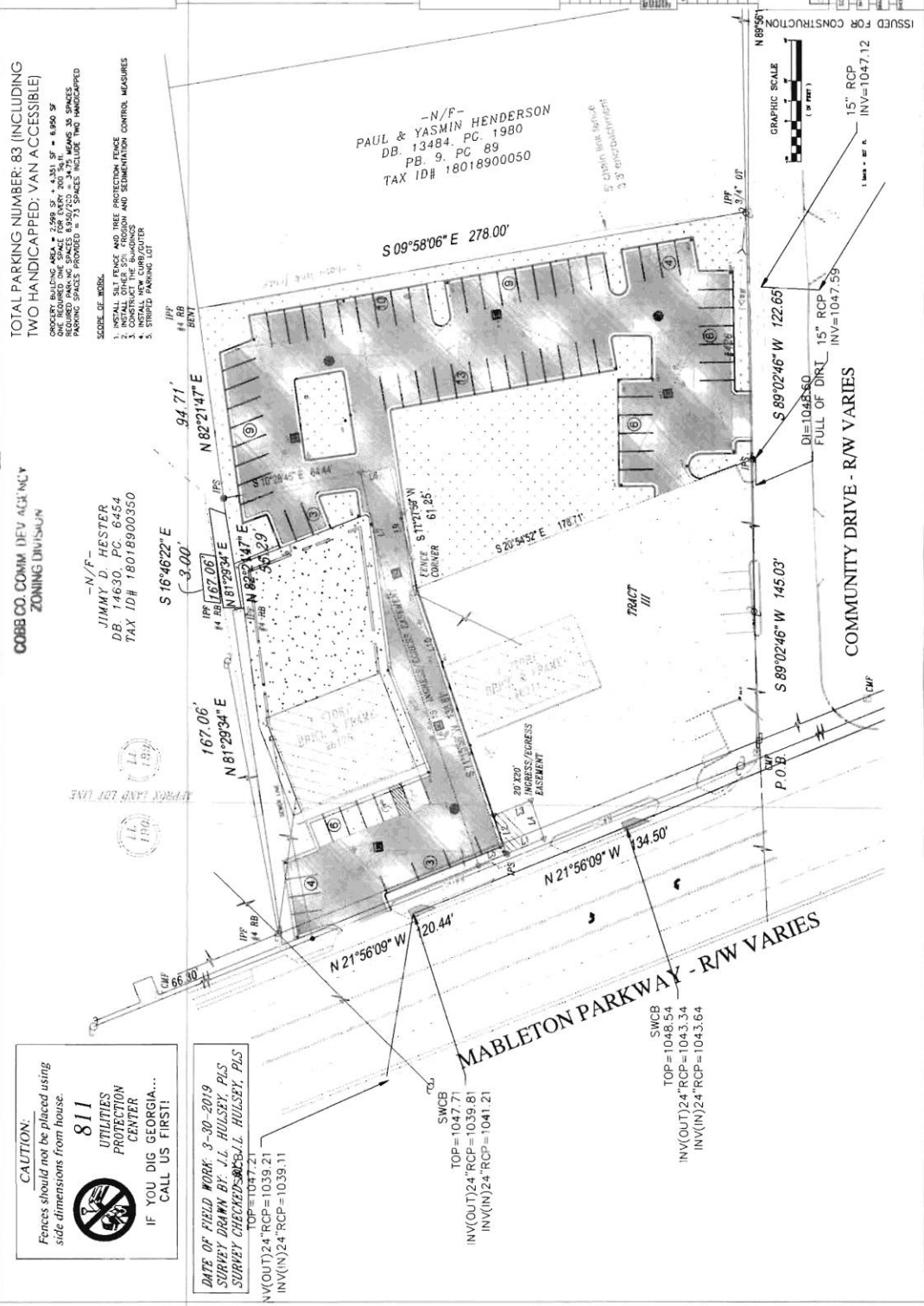
-N/F-
JIMMY D. HESTER
DB. 14630, PC. 6454
TAX ID# 18018900350

-N/F-
PAUL & YASMIN HENDERSON
DB. 13484, PC. 1980
PB. 9, PC. 89
TAX ID# 18018900050

CAUTION:
Fences should not be placed using side dimensions from house.
811
UTILITIES PROTECTION CENTER
IF YOU DIG GEORGIA...
CALL US FIRST!

DATE OF FIELD WORK: 3-30-2019
SURVEY DRAWN BY: J.L. HULSEY, PLS
SURVEY CHECKED BY: J.L. HULSEY, PLS
TOP=1047.21
NW(OUT)24°RCP=1039.21
INV(IN)24°RCP=1039.11

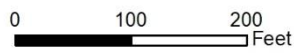
SWCB
TOP=1047.71
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SWCB
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INV(OUT)24°RCP=1043.34
INV(IN)24°RCP=1043.64



Z-30 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

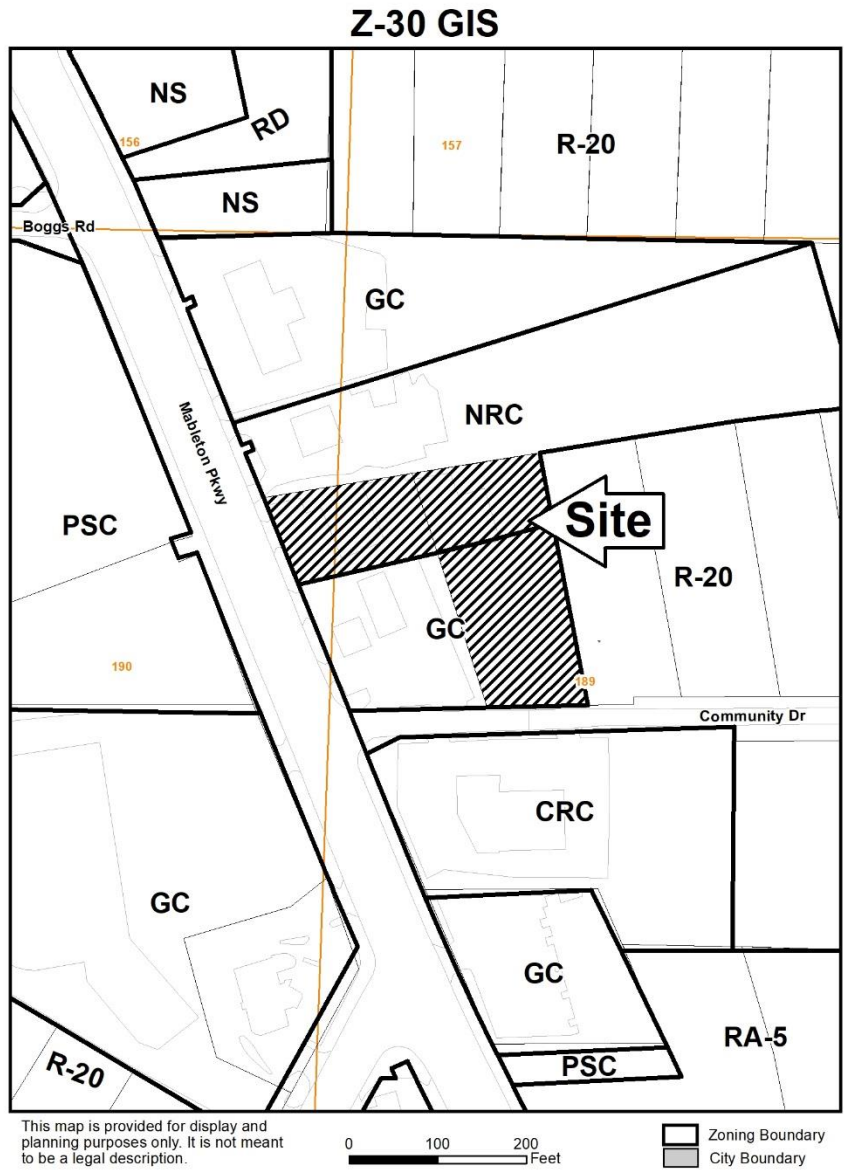
North
Zoning: NRC / Neighborhood retail use
Future Land Use: NAC

WEST
Zoning: GC, PSC
/ Vacant lot,
undeveloped

**Future Land
Use:** NAC

EAST
Zoning: R-20 /
Single Family
Subdivision

**Future Land
Use:** LDR



SOUTH
Zoning: GC, CRC / Convience store with fuel sales, Community retail use
Future Land Use: NAC

DEPARTMENT COMMENTS- Zoning Division

Current 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.

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

DEPARTMENT COMMENTS- Zoning Division (continued)

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 to rezone the entire site to the NRC, Neighborhood Retail Commercial, zoning district to expand an existing structure into a 6,950 square foot grocery store. The grocery store will operate from 9am to 11pm, Sunday through Saturday. One of the two parcels in the development is currently zoned GC, General commercial, located in the future land use area NAC, Neighborhood Activity Center, and therefore is required to be rezoned for the change of use.

Non-residential criteria

Proposed # of buildings: 1
Proposed # of stories: 1
Total sq. footage of development: 6,950
Floor area ratio: 0.13
Square footage per acre: 5,538
Required parking spaces: 35
Proposed parking spaces: 73
Acres in floodplain or wetlands: 0
Impervious surface shown: 70% max allowable

Are there any zoning variances?

Yes;

1. Reduce the minimum side yard setback from 15' to 5'
2. Reduce the Landscaped Screening Buffer from 20' to 5'

DEPARTMENT COMMENTS- Fire Department

Fire Hydrants

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. (Cobb County Development Standards 410.5.2)

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

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 zone: No
2. Drainage Basin: Gordon Creek
3. Wetlands: No
4. Streambank buffer zone: No
5. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
6. Substantially mitigate any effects of concentrated stormwater discharges onto adjacent properties.
7. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
8. Since more than 5000 square feet of impervious is being added to the site, detention and water quality will be required for all new or reformed impervious coverage on the combined parcel. This can be provided in an above ground detention/water quality pond in the open space area of Tract 2 or in an underground system. The stormwater management facility will most likely discharge to the existing conveyance within the Community Drive right-of-way.

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: 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 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)

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.)

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.

(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): 12" in Mableton Pkwy

Additional water comments: Both addresses are existing water customers

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: Mableton Pkwy ROW

Estimated wastewater 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

*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: Both addresses are existing sewer customers

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 (SR 139)	Arterial	45	Georgia DOT	100'
Community Drive	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Mableton Parkway (SR 139)	North of Wood Valley Road	30,700	D
Community Drive	East of Mableton Parkway	700	C

Based on 2018 traffic data taken by Georgia DOT, as published on their website, for Mableton Parkway and Community Drive. 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 state highways or local roadways from this data source. LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

Mableton Parkway (SR 139) 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.

Community Drive is classified as a local road and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

The intersection of Mableton Parkway and Community Drive has been studied for a signal. Signalizing this intersection was not warranted at that time. No recent study has been requested at this location.

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. 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.
3. 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 Community Drive, a minimum of 25' from the roadway centerline.
4. As necessitated by this development, recommend Mableton Parkway access include right turn taper and/or improved curve radius. Recommend location and design be determined during plan review, subject to Cobb County DOT approval and coordination with GDOT.
5. Recommend the access on Mableton Parkway restricted to full-movement-in/right-out access if the intersection of Mableton Parkway and Community Drive is signalized in the future.

DEPARTMENT COMMENTS- Transportation (continued)

6. Recommend driveway on Mableton Parkway be reconstructed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards. GDOT recommends a min 35ft Radius commercial drive with a min 24ft wide drive.
7. Recommend the access on Community Drive restricted to right-in/right-out access if the intersection of Mableton Parkway and Community Drive is signalized in the future.
8. Recommend the driveway on Community Drive be constructed with a minimum of 50' of uninterrupted ingress/egress from the right-of-way to the outer edge of any interior drive or parking space.
9. Recommend GDOT permits for all work that encroaches upon State right-of-way.
10. Recommend curb, gutter, and sidewalk along the Community Drive frontage.
11. Recommend no parking on the right-of-way.

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 the view of use and development of adjacent and nearby properties. The property is in an area with other commercial uses.

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 adversely affect the existing use or usability of adjacent or nearby properties. There are similar uses adjacent and directly across from the proposed location.

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 burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion is 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;

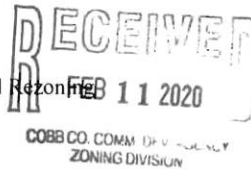
It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policies and intent of the Cobb County Comprehensive Plan. The property is delineated in a Neighborhood Activity Center, NAC future land use category. The requested zoning district and proposed use are consistent with the NAC land use designation.

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 to NRC for the use as a Grocery Store. Part of the property is currently zoned GC, which requires a rezoning application. The proposal would be consistent with the NAC future land use category and compatible to other properties in the area.

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 Proposed Rezoning



Z-30-2020
Impact
Statement

For the subject property located at 6175 Mableton Pkwy, Mableton, GA, the analysis is as follows

- a) The proposed zoning will actually be quite beneficial to the use and development of adjacent properties. There are multiple gas stations, a Family Dollar, Latino stores that will actually attract more business due to the Proposed Mexican Supermarket. People will be able to conveniently fill their gas and do several shopping activities all within a close vicinity.
- b) The affects that Benitez supermarket will have on adjacent properties will be enhanced business and growth. There are no negative effects. In fact, there are other latino businesses which may make it suitable for the Latino community to shop in multiple stores within the same area.
- c) The surrounding businesses and gas stations will retain their economic use with the existing zones which they reside. As mentioned, business should actually increase in these areas as they are still commercial establishments which will be complimented by the proposed Benitez Supermarket.
- d) Benitez Supermarket is proposed at a very strategic area where schools, streets, transportation areas can continue to function as is. The property used to be a local bar, so a the new commercial building will not seem random. The Supermarket is actually next to other Latino stores as well as gas stations. All streets, schools, and transportation facilities will not be burdened in any way. Once again it is already located in a commercial area where even its previous use was for a restaurant bar. The proposed parking area will absorb the large volume of cars that will relieve some of the street traffic.
- e) According to the land use plan, our proposed Mexican Supermarket falls right into place. With a Mexican supermarket, in a commercial area, such as gas stations and other stores provides the community with closer access to products and goods. The safety of the community will be enhanced, as the there is a double entrance with ample amounts of parking that meet the standard code. Sidewalks will not be hindered and buffers will be adjusted so that the supermarket will have plenty of parking, landscape, trees, and easy access.
- f) Overall this will be a very much needed supermarket for families and the community. Benitez Mexican Supermarket will include a brick veneer with concrete masonry walls for stability and protection from severe natural conditions. The Supermarket will include plenty of parking, easy access, and landscape including 3 to 4 Georgia nativity tree species with about a dozen trees total. As any supermarket, this business will serve families and their children and infuse more business and growth for existing surrounding businesses as well in this Mableton community.

Sincerely,

Raouf (Ralph) Elmasry

Civil, PE Engineer

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 _____