



**Cobb County Community Development Agency
Zoning Division**
1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-33
Public Hearing Dates:
PC: 5-7-19
BOC: 5-21-19

SITE BACKGROUND

Applicant: The DeVille Group of Companies, Inc.

Phone: 770-690-0212

Email: N/A

Representative Contact: J. Kevin Moore

Phone: 770-429-1499

Email: jkm@mijs.com

Titleholders: David Birkman, Lyonel Joffre, Estate of Felix Dziewienski, Estate of John Cowart, and Estate of Gerald Blonder

Property location and address: Southerly side of Mableton Parkway; southeasterly of South Gordon Road

Access to Property: Mableton Parkway

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: NS (Neighborhood Shopping)

Current use of property: Wooded acreage

Proposed zoning: NRC (Neighborhood Retail Commercial)

Proposed use: Convenience and Fuel Center

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 2.1 acres

District: 18

Land Lots: 389

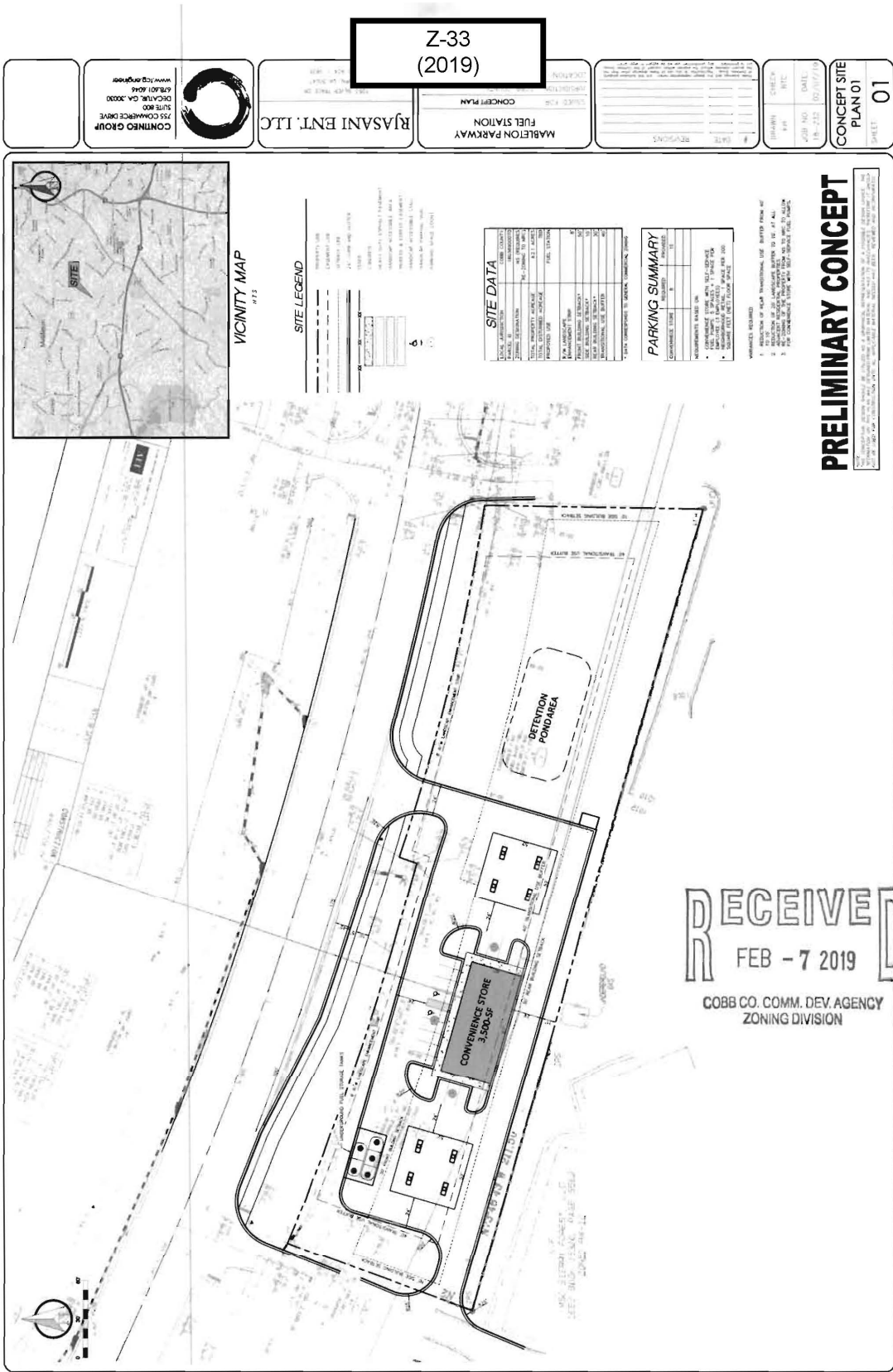
Parcel #'s: 18038900070

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION: (Zoning staff member: Jason Campbell)

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

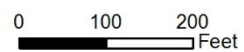
1. Site plan received by the Zoning Division on February 7, 2019, with the District Commissioner approving minor modifications;
2. Variances from the Zoning Comments section;
3. Fire Department comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations; and
6. Department of Transportation comments and recommendations.





Z-33 2019-Aerial Map



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



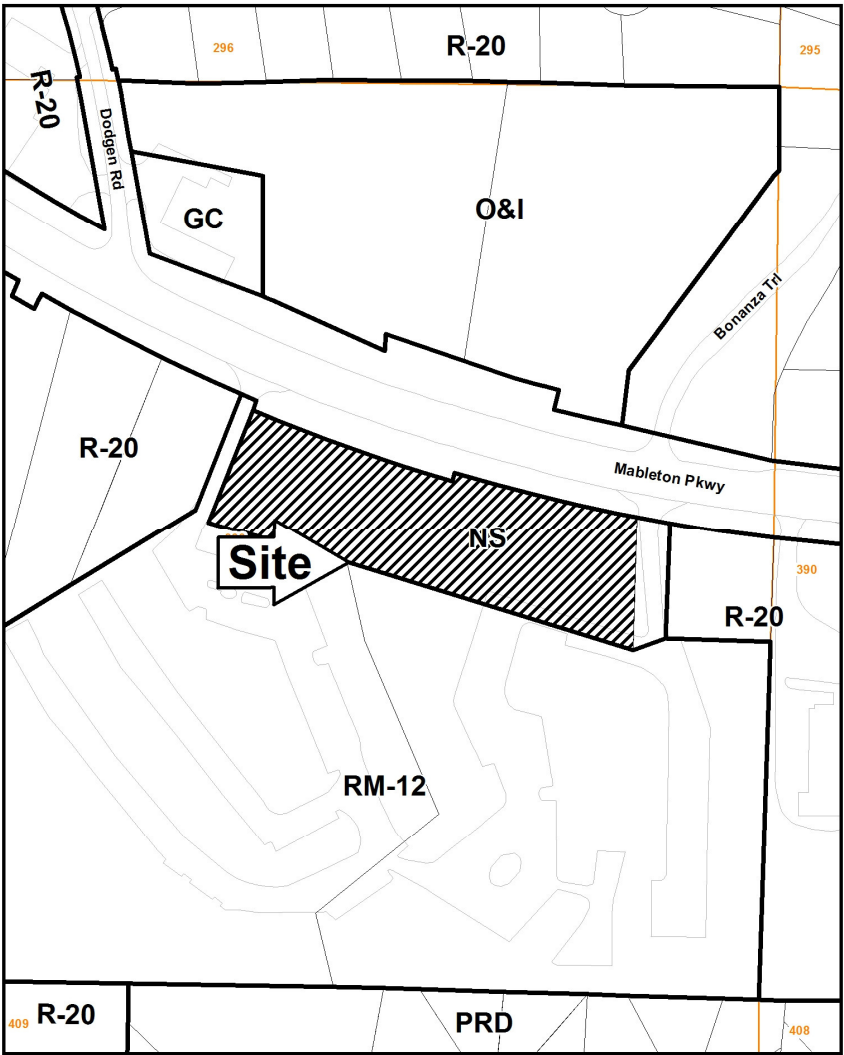
 Land Lot
 City Boundary

North

Zoning: O&I (Office & Institutional), and GC (General Commercial)

Future Land Use: MDR (Medium Density Residential), and NAC (Neighborhood Retail Commercial)

Z-33 2019-GIS



WEST

Zoning: RM-12 (Multi-family Residential), and R-20 (Single-family Residential)

Future Land Use: HDR (High Density Residential), and MDR (Medium Density Residential)

EAST

Zoning: RM-12 (Multi-family Residential)

Future Land Use: HDR (High Density Residential)

SOUTH

Zoning: RM-12 (Multi-family Residential)
Future Land Use: HDR (High Density Residential)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The NS district is established to provide locations for retail commercial and services uses which are designed and oriented to serve two to four neighborhoods and are located in areas delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Commencing January 1, 1991, no new applications for rezoning to the NS district will be accepted by the board of commissioners. Any existing, developed NS zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned as NS outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

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 the Neighborhood Retail Commercial (NRC) zoning district for the purpose of developing a 3,500 square-foot convenience store with fuel sales. The building will be one-story, brick and glass with stucco accents. The proposed hours of operation will be Sunday through Saturday from 6 a.m. until 12 a.m.

DEPARTMENT COMMENTS- Zoning Division (Continued)

Non-residential criteria

Proposed # of buildings: 1
Proposed # of stories: 1
Total sq. footage of development: 3,500 square feet
Floor area ratio: 0.038
Square footage per acre: 1,666 square feet
Required parking spaces: 8
Proposed parking spaces: 15
Acres in floodplain or wetlands: Not indicated
Impervious surface shown: Not indicated

Are there any zoning variances?

Yes, the proposal will require the following contemporaneous variance:

1. Reducing the required 20-foot landscape buffer abutting all residentially zoning properties to 10 feet.

DEPARTMENT COMMENTS- Fire Department

Underground fuel storage tanks will require State and County permits.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comments.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

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: Queen Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
7. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
8. The proposed stormwater management facility must be tied directly to the existing infrastructure within the adjacent DOT right-of-way. The design discharge may be limited by existing downstream capacity which must be verified at Plan Review.
9. Fuel Centers are considered water quality "hot-spots" and will require the installation of an oil/water separation device to treat runoff from the fuel bay and storage tank areas.

DEPARTMENT COMMENTS- Planning Division (continued)

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 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.)

(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): 6" in Mableton Pkwy

Additional water comments:

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: northern ROW of Mableton Pkwy

Estimated waste generation (in G.P.D.): Average daily flow = 160

Peak flow = 400

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:

*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
Mableton Parkway	Arterial	45	Georgia DOT	100'

Roadway	Location	Average daily trips	Level of service
Mableton Parkway	East of Bonanza Trail	22,000	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 meet the minimum requirements for this classification.

Cobb DOT has a SPLOST project that will run along the frontage of this development on Mableton Parkway. SPLOST Project X2762 – Mableton Parkway Sidewalk involves the construction of a 10 ft trail along the west side of Mableton Parkway from Discovery Boulevard to Factory Shoals Road.

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed SPLOST project X2762 – Mableton Parkway Sidewalk. Recommend applicant construct the section of 10 ft multi-use trail along their frontage of Mableton Parkway.
3. Recommend GDOT permits for all work that encroaches upon State 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 zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The area consists of a mixture of zonings including O&I, GC, NRC, LRO, RM-12, R-20, and RA-5.

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. Nearby properties include commercial, institutional, office, single-family and multi-family uses.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

It is Staff's opinion that the 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. This opinion can be supported by the department 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 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 is permitted in the NAC land use designation, and the proposed convenience store with fuel sales is permitted under NRC.

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 or changing conditions affecting the use and development of the property which give supporting grounds for approving the zoning proposal. The property cannot be developed under its current Neighborhood Shopping (NS) zoning district, located in the NAC future land use category. The requested NRC zoning district and the proposed convenience store with fuel sales use are compatible with the NAC future land use.

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.

IMPACT ANALYSIS STATEMENT

Application No.: Z-33 (2019)
Hearing Dates: May 7, 2019
May 21, 2019



Applicant: The DeVille Group of Companies, Inc.
Titleholders: Estate of Gerald Blonder;
Estate of Felix Dziewienski;
Estate of John Cowart;
David Berkman; and Lyonel Joffre

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS
OF ROADS AND REVENUES AND THE
COBB COUNTY PLANNING COMMISSION

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The DeVille Group of Companies, Inc., as Applicant (hereinafter "Applicant"), filed the Application for Rezoning seeking rezoning of an approximately 2.1 acre tract of real property located on the southerly side of Mableton Parkway, southeasterly of Gordon Road, in Land Lot 389, 18th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). The Property is currently undeveloped and is within the Neighborhood Shopping ("NS") zoning classification. Applicant proposes to rezone the Property to the Neighborhood Retail Commercial ("NRC") zoning classification to allow for the construction and operation of a convenience store, with fuel center. The requested category of NRC will permit a use that is more suitable for the Subject Property due to its size and location. The Property is located on the southerly side of Mableton Parkway, southeasterly of South Gordon Road, and is currently undeveloped. It is bounded immediately to the south by multi-family residential (zoned to the RM-12 zoning classification); to the west and east by the R-20 zoning classification; and General Commercial ("GC") and Office and Institutional ("OI") across Mableton Parkway from the Subject Property. If the Subject Property is rezoned as requested, the existing structure and improvements to the Property will be renovated and refurbished.
- (b) This zoning proposal should have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed use of the Subject Property should have a lesser impact on surrounding properties than the uses allowed under the existing NS zoning category. If approved and developed according to the request, the adjacent and nearby property owners should benefit in increased land values.

- (c) The Subject Property, as presently zoned, does not have a reasonable economic use due to current zoning restrictions under the NS zoning category. The proposed zoning will allow for a higher and better use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Commercial development has almost no effect on schools, minimal effect on utilities and transportation facilities. The major effect will be on traffic; however, the impact should be minimal due to the nature of the business for which this rezoning is sought. The widened and improved roadways in the area will ease any increased traffic without burdensome effects.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia; as well as in conformity with the policy and intent of the Land Use Plan.
- (f) This zoning proposal is consistent with the current conditions affecting the development of this Property. As previously set forth above, redevelopment and improved roadways support the proposed usage of the Subject Property for “neighborhood commercial” rather than for use as a “shopping center.” The rezoning proposed in the pending Application for Rezoning would allow for a more suitable and economic use without high impact into any neighboring residential areas.

Summary of Intent for Rezoning*

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Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): Not Applicable.
- b) Proposed building architecture: Not Applicable.
- c) List all requested variances: Not Applicable.
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Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Convenience Store with Fuel Pumps
- b) Proposed building architecture: One-story retail building; brick and glass with stucco accents
- c) Proposed hours/days of operation: Sunday - Saturday; 6:00 a.m. - 12:00 a.m.
- d) List all requested variances: See Site Plan submitted with Application for Rezoning
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Part 3. Other Pertinent Information (List or attach additional information if needed)

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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). None known at this time.

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*Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any portion of the Application for Rezoning, at any time during the rezoning process.

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 _____