



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

Case # Z-2

Public Hearing Dates:

PC: 2-5-20

BOC: 2-18-20

SITE BACKGROUND

Applicant: Mond Igbinowanhia

Phone: 404-402-0073

Email: mui734@yahoo.com

Representative Contact: Mond Igbinowanhia

Phone: 404-402-0073

Email: constantcaregrp@gmail.com

Titleholder: Mond Igbinowanhia

Property location and address: Located on the west side of Mableton Parkway, north of Pine Valley Road (5786 Mableton Parkway)

Access to Property: Mableton Parkway

QUICK FACTS

Commission District: 4- Cupid

Current Zoning: NS

Current use of property: Single-family house

Proposed zoning: NRC

Proposed use: Personal Care Home

Future Land Use Designation: Neighborhood Activity Center

Site Acreage: 0.56 acres

District: 18; Land Lots: 39

Parcel #: 18003900170

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION: (Zoning staff member: Margie Vazquez)

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

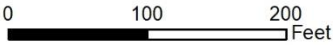
1. Site plan received by the Zoning Division on November 1, 2019 with District Commissioner approving minor modifications;
2. No more than 6 residents;
3. Site Plan Review comments;
4. Water and Sewer comments; and
5. Cobb County Department of transportation comments and recommendations.



Z-2 Aerial Map



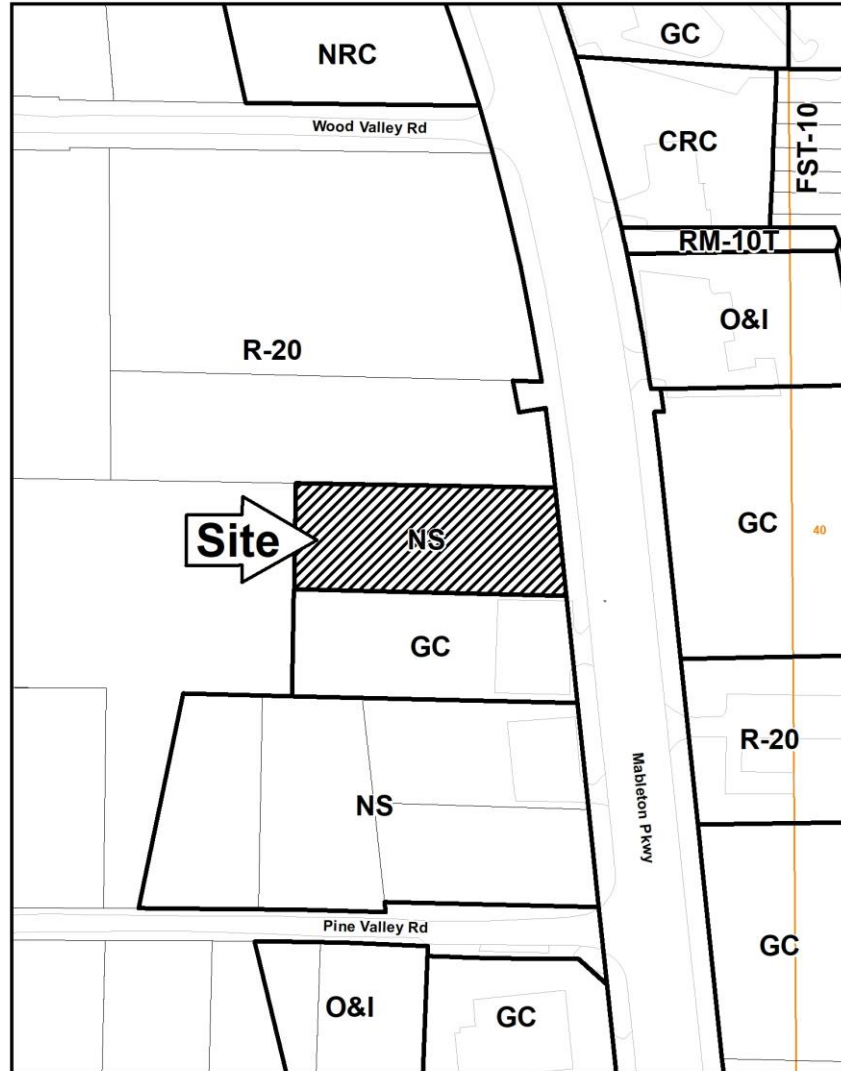
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Zoning Boundary
- City Boundary

North
Zoning: R-20/ Single-family houses
Future Land Use: Neighborhood Activity Center

Z-2 GIS



WEST
Zoning: R-20/
 Single-family
 houses

**Future Land
 Use:**
 Neighborhood
 Activity Center

EAST
Zoning:
 GC/General
 Commercial-
 wooded lot

**Future Land
 Use:**
 Neighborhood
 Activity Center

SOUTH
Zoning: GC/General Commercial/Daycare Center
Future Land Use: Neighborhood Activity Center

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The Neighborhood Shopping (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 Neighborhood Retail Commercial (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 to rezone to the NRC zoning district to use the existing property to operate a personal care home. The current NS zoning district is a grandfathered, nonconforming use because this property is not located within a Community Activity Center or a Regional Activity Center. The applicant indicates that this will be a 6-bed personal care home with 2 full time staff members. The home will be in operation 24 hours a day, 7 days a week. There is adequate parking in the driveway.

DEPARTMENT COMMENTS- Zoning Division (continued)

Non-residential criteria

Proposed # of buildings: n/a

Proposed # of stories: n/a

Total sq. footage of development: 2,545

Floor area ratio: 0.10

Square footage per acre: 4,545

Required parking spaces: 2

Proposed parking spaces: 2

Acres in floodplain or wetlands: None

Impervious surface shown: None

Are there any zoning variances?

Reduce the side setback from the required 10' to 5'2" (for an existing approximately 400 square foot carport) adjacent to the south property line; and reduce the side setback for an accessory structure under 650 square feet (a shed that is approximately 400 square feet) from the required 10' to 6'2' adjacent to the south property line; and reduce the rear setback from the required 30' to 21'4" for the existing accessory structure adjacent to the west property line.

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 to perform any site modifications, as required per stipulation approval (fencing, landscaping, curb/gutter & sidewalk installation, etc.) or otherwise. 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 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

No comments (no site changes are proposed).

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

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 Parkway

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: along frontage in Mableton Parkway

Estimated wastewater generation (in G.P.D.): Average daily flow = +0 GPD

Peak flow = +0 GPD

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
Mableton Parkway (SR 139)	Arterial	45	GDOT	100'

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

Based on 2018 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 state highways 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 planned SPLOST match project for a 10' multi-use trail along Mableton Parkway – Project No. X2770. A section of the multi-use trail runs along the frontage of this development.

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 match project X2770 – Mableton Parkway Pedestrian Improvements. Recommend applicant upgrade the commercial driveways to meet design standards and construct the section of 10' multi-use trail and 3' grass strip along their frontage.
3. Recommend driveway on Mableton Parkway be reconstructed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.
4. As necessitated by this development, recommend Mableton Parkway access include taper and/or improved curve radius. Recommend location and design be determined during plan review, subject to Cobb County DOT and GDOT approval.
5. 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 the applicant's rezoning proposal will permit a use that it is suitable in a view of the use and development of nearby properties. The applicant's proposal is located in an area containing several other retail and 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 have an adverse effect of the usability of the adjacent or nearby properties. The proposed use should be consistent with the character of the area.

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 not 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 policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center (NRC).

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 to NRC. The proposal is consistent with the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center. The proposal would be consistent with other commercial zonings along Mableton Parkway. The proposal would allow a use that had previously been permitted on the property.

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:**

_____	_____
_____	_____
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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 _____