



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

Case # Z-38

Public Hearing Dates:

PC: 6-4-19

BOC: 6-18-19

SITE BACKGROUND

Applicant: Joseph M. Thomas/Cynthia Erin Thomas

Phone: 770-992-7559

Email: thomasjph2015@gmail.com

Representative Contact: Joseph M. Thomas/Cynthia Erin Thomas

Phone: 770-992-7559

Email: thomasjph2015@gmail.com

Titleholder: J.M. Thomas

Property location and address: Southeast corner of Dodgen Road and Veterans Memorial Highway (5845 Dodgen Road)

Access to Property: Dodgen Road

QUICK FACTS

Commission District: 4-Cupid

Current Zoning: GC (General Commercial)

Current use of property: Vacant commercial building

Proposed zoning: NRC (Neighborhood Retail Commercial)

Proposed use: Auto Repair

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 0.7122 ac

District: 18

Land Lots: 43

Parcel #'s: 18004300080

Taxes Paid: Yes

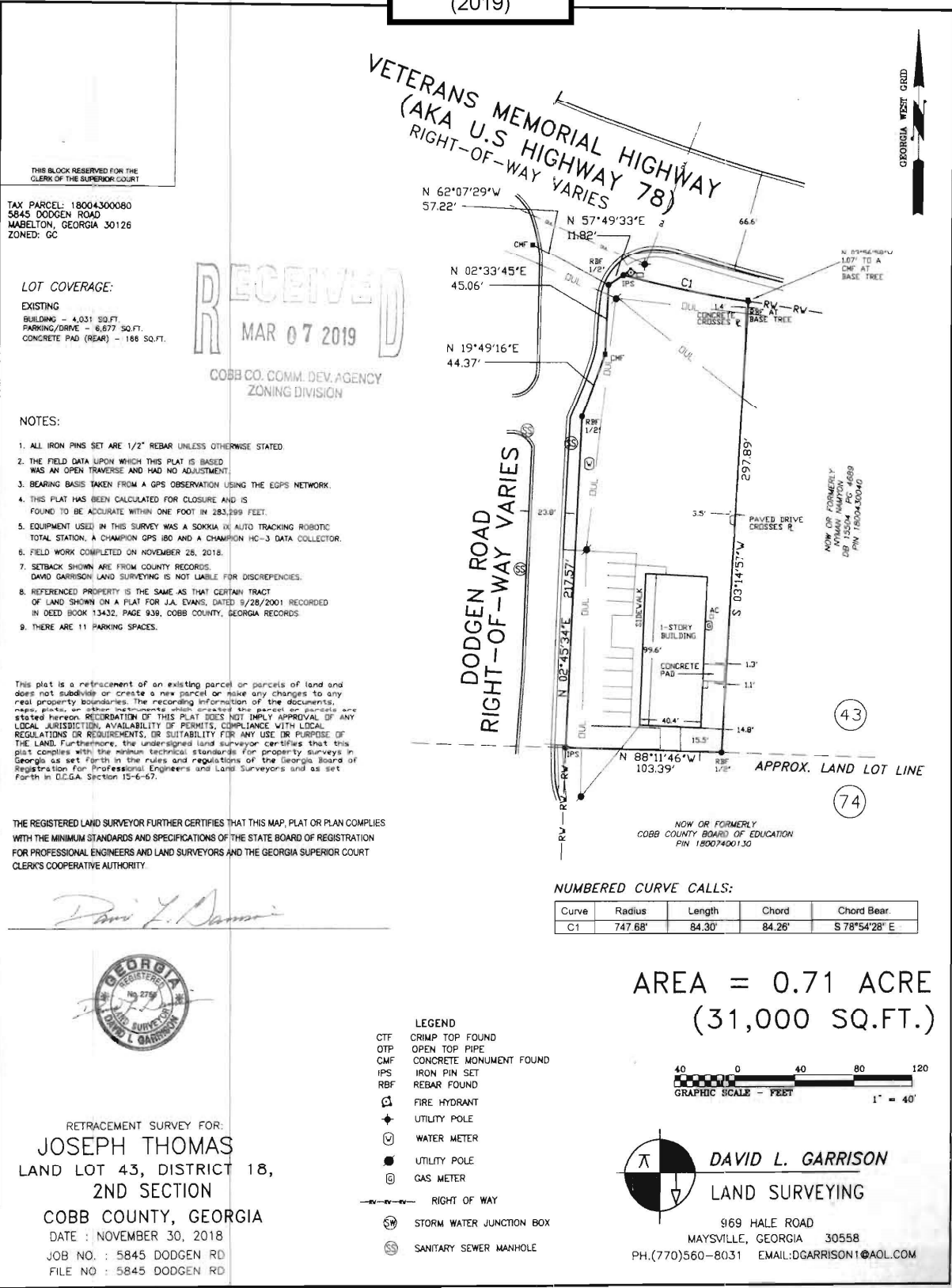
FINAL ZONING STAFF RECOMMENDATION:

(Zoning staff member: Donald Wells)

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

1. Site plan received by the Zoning Division March 7, 2019, with the District Commissioner approving minor modifications;
2. Six foot privacy fence to be installed on the southern property line.
3. Variances identified in Zoning comments;
4. Light auto repair and emission station related work to be done inside the building;
5. Water and Sewer Division comments and recommendations;
6. Stormwater Management Division comments and recommendations, and
7. Department of Transportation comments and recommendations.

Z-38
(2019)



THIS BLOCK RESERVED FOR THE CLERK OF THE SUPERIOR COURT

TAX PARCEL: 18004300080
5845 DODGEN ROAD
MABELTON, GEORGIA 30126
ZONED: GC

LOT COVERAGE:

EXISTING
BUILDING - 4,031 SQ.FT.
PARKING/DRIVE - 8,677 SQ.FT.
CONCRETE PAD (REAR) - 186 SQ.FT.

RECEIVED
MAR 07 2019

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

NOTES:

1. ALL IRON PINS SET ARE 1/2" REBAR UNLESS OTHERWISE STATED.
2. THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS AN OPEN TRAVERSE AND HAD NO ADJUSTMENT.
3. BEARING BASIS TAKEN FROM A GPS OBSERVATION USING THE EGPS NETWORK.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 283,299 FEET.
5. EQUIPMENT USED IN THIS SURVEY WAS A SOKKIA IX AUTO TRACKING ROBOTIC TOTAL STATION, A CHAMPION GPS 180 AND A CHAMPION HC-3 DATA COLLECTOR.
6. FIELD WORK COMPLETED ON NOVEMBER 28, 2018.
7. SETBACK SHOWN ARE FROM COUNTY RECORDS. DAVID GARRISON LAND SURVEYING IS NOT LIABLE FOR DISCREPANCIES.
8. REFERENCED PROPERTY IS THE SAME AS THAT CERTAIN TRACT OF LAND SHOWN ON A PLAT FOR J.A. EVANS, DATED 5/28/2001 RECORDED IN DEED BOOK 13432, PAGE 939, COBB COUNTY, GEORGIA RECORDS.
9. THERE ARE 11 PARKING SPACES.

This plat is a retracement of an existing parcel or parcels of land and does not subdivide or create a new parcel or make any changes to any real property boundaries. The recording information of the documents, maps, plans, or other instruments which created the parcel or parcels are stated herein. RECORDATION OF THIS PLAT DOES NOT IMPLY APPROVAL OF ANY LOCAL JURISDICTION, AVAILABILITY OF PERMITS, COMPLIANCE WITH LOCAL REGULATIONS OR REQUIREMENTS, OR SUITABILITY FOR ANY USE OR PURPOSE OF THE LAND. Furthermore, the undersigned land surveyor certifies that this plat complies with the minimum technical standards for property surveys in Georgia as set forth in the rules and regulations of the Georgia Board of Registration for Professional Engineers and Land Surveyors and as set forth in O.C.G.A. Section 15-6-67.

THE REGISTERED LAND SURVEYOR FURTHER CERTIFIES THAT THIS MAP, PLAT OR PLAN COMPLIES WITH THE MINIMUM STANDARDS AND SPECIFICATIONS OF THE STATE BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND THE GEORGIA SUPERIOR COURT CLERK'S COOPERATIVE AUTHORITY.

David L. Garrison



RETRACEMENT SURVEY FOR:
JOSEPH THOMAS
LAND LOT 43, DISTRICT 18,
2ND SECTION
COBB COUNTY, GEORGIA
DATE : NOVEMBER 30, 2018
JOB NO. : 5845 DODGEN RD
FILE NO : 5845 DODGEN RD

- LEGEND**
- CTF CRIMP TOP FOUND
 - OTF OPEN TOP PIPE
 - CMF CONCRETE MONUMENT FOUND
 - IPS IRON PIN SET
 - RBF REBAR FOUND
 - ⊕ FIRE HYDRANT
 - ⊙ UTILITY POLE
 - ⊙ WATER METER
 - ⊙ UTILITY POLE
 - ⊙ GAS METER
 - RIGHT OF WAY
 - ⊙ STORM WATER JUNCTION BOX
 - ⊙ SANITARY SEWER MANHOLE

NUMBERED CURVE CALLS:

Curve	Radius	Length	Chord	Chord Bear
C1	747.68'	84.30'	84.26'	S 78°54'28" E

AREA = 0.71 ACRE
(31,000 SQ.FT.)

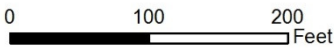




DAVID L. GARRISON
LAND SURVEYING
969 HALE ROAD
MAYSVILLE, GEORGIA 30558
PH. (770) 560-8031 EMAIL: DGARRISON1@AOL.COM

Z-38 2019-Aerial Map



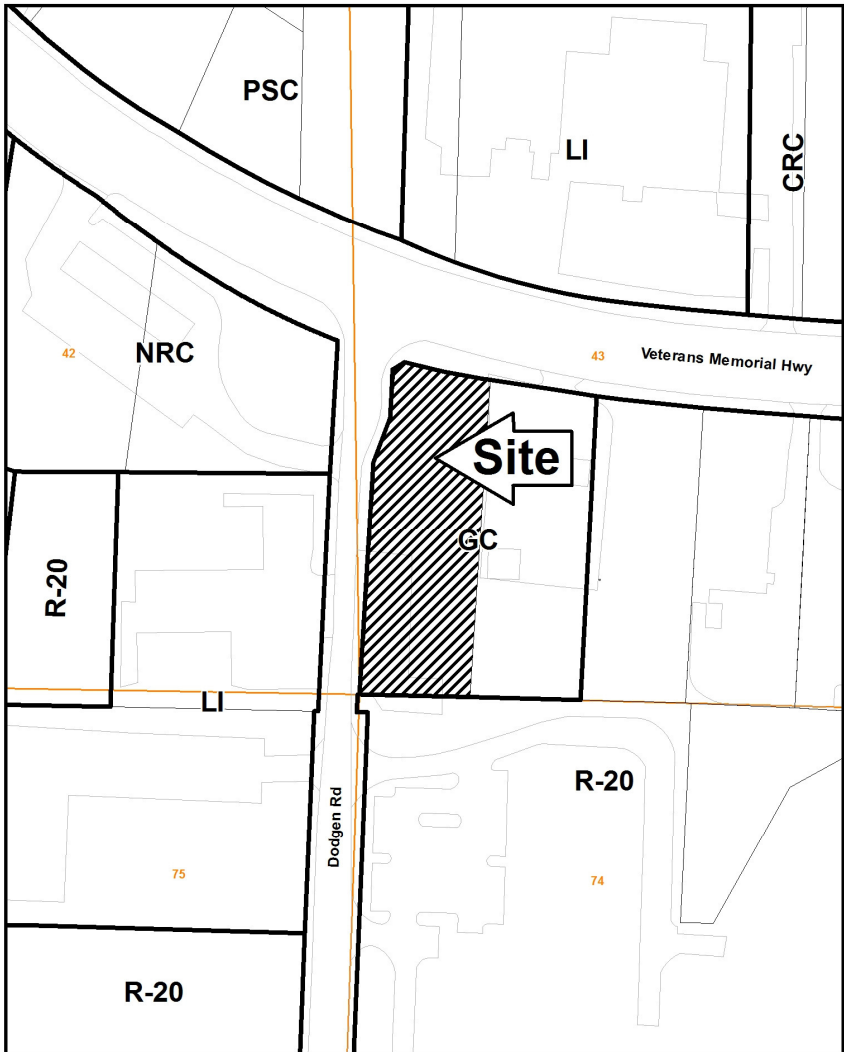
This map is provided for display and planning purposes only. It is not meant to be a legal description.



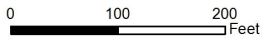
-  Land Lot
-  City Boundary



North
Zoning: LI (Light Industrial)
Future Land Use: NAC (Neighborhood Activity Center)

Z-38 2019-GIS



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



 Zoning Boundary
 City Boundary

WEST

Zoning: LI (Light Industrial)/ NRC (Neighborhood Retail)

Future Land Use: NAC (Neighborhood Activity Center)

EAST

Zoning: GC (General Commercial)

Future Land Use: NAC (Neighborhood Activity Center)

SOUTH

Zoning: R-20 (Single Family Residential)
Future Land Use: PI (Public Institutional)

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

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

Summary of the applicant's proposal

The applicant is requesting the NRC zoning district to operate a light automotive repair shop and an emission station. This property was used as an auto repair center in the past, but lost its grandfathered status due to it being vacant for longer than 6 months. The applicant intends to use the current building without making any renovations or changes. The shop will operate Monday through Friday from 9am to 5pm.

DEPARTMENT COMMENTS- Zoning Division (continued)

Non-residential criteria

Proposed # of buildings: 1
Proposed # of stories: 1
Total sq. footage of development: 4031
Floor area ratio: .13
Square footage per acre: 5677
Required parking spaces: 5
Proposed parking spaces: 11
Acres in floodplain or wetlands: 0
Impervious surface shown: 35%

Are there any zoning variances?

1. Waive the rear setback (south property line) from 30 feet to 15 feet;
2. Waive the side setback (east property line) from 15 feet to 14 feet; and
3. Reduce landscape screening buffer adjacent to residential from the required 20 feet to 0 feet on the south property line.

DEPARTMENT COMMENTS- Fire Department

Change of use will require building and fire department review as part of the building permit process.

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

No comment.

DEPARTMENT COMMENTS- School System

Approval of this petition will not have an impact on the enrollment of schools.

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 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): 12" in Dodgen Road

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: Dodgen Road 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- Stormwater Management

Stormwater management must be provided upon redevelopment or substantial improvement. If used as an auto repair shop all repairs must be performed inside the building.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'
Dodgen Road	Minor Collector	35	Cobb County	60'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	West of Cooks Road	23,000	D
Dodgen Road	South of Hilltop Circle	4,050	C

Based on 2016 AADT counting data taken by GDOT, as published on their website, for Veterans Memorial Highway.

Based on 2016 traffic counting data taken by Cobb County DOT for Dodgen Road.

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 meet the minimum requirements for this classification.

Dodgen Road is classified as a minor collector roadway and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Recommendations

1. 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 Dodgen Road, a minimum of 30' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend curb, gutter, and sidewalk along the Dodgen Road frontage.

DEPARTMENT COMMENTS- Transportation (continued)

4. Recommend commercial driveway on Dodgen Road be upgraded per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.
5. Recommend entrance on Dodgen Road be a minimum of 24 ft and a maximum of 32 ft wide.
6. Recommend entrance on Dodgen Road be located a minimum of 250 ft (tangent) from Veterans Memorial Highway.

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 is suitable in view of the use and development of adjacent and nearby properties. This building was used as an auto repair shop for many years.

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 on the usability of adjacent or nearby property. The properties across Dodgen Road are warehouse uses and the proposed use should not adversely effect the neighboring school.

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 streets, transportation facilities, utilities, or schools. This opinion can be supported by the transportation 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*. This property is located within an area delineated as NAC future land use category. A NAC is to encourage uses that 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. Due to its current zoning of the GC districts, this property is grandfathered because it is located within a NAC future land use category and has been used commercially for many years. By rezoning the property to a more appropriate commercial category such as the requested NRC district that will allow a light auto repair shop.

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.

THE ZONING IMPACT STATEMENT

- (a) The subject property was used for years as a GC, using the subject location as a Car repair shop. All around the neighborhood are commercial enterprises and therefore appears to have no conflict of interest.
- (b) The proposed zoning proposal will not adversely affect the existing use or usability of adjacent properties.
- (c) The property does not currently have a reasonable economic use as currently zoned because the zoning does not conform with the future land use plan, which has restricted its development and operation.
- (d) The small car repair shop which was there for over 10 years will not cause any excessive use of existing streets, its facilities or utilities for that matter.
- (e) The proposed NRC zoning will be in conformity with the policy and intent of the land use plan.
- (f) As far as we know, there are no existing or changing conditions affecting the use and development of the property. This is only a small car repair shop.

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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MAR 07 2019

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Application No. 2-38

June 2019

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): NO CHANGE IN THE CURRENT BUILDING
b) Proposed building architecture: NO CHANGE IN THE EXISTING BUILDING
c) List all requested variances: _____
NO VARIANCE REQUIRED

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): PROBABLY A SMALL CAR REPAIR. THIS WAS A SMALL CAR REPAIR SHOP FOR OVER 10 YEARS. OR ANY BUSINESS COMPATIBLE TO NRC
b) Proposed building architecture: EXISTING BUILDING AS IS
M-F, 9 AM 5 PM
c) Proposed hours/days of operation: 8 HRS/DAY 5 DAYS
d) List all requested variances: THIS IS A 'GC' AND WOULD LIKE TO CONTINUE AS NRC SINCE GC IS NOT AVAILABLE ANY MORE

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

THIS AREA IS A COMMERCIAL AREA. THE SUBJECT PROPERTY WAS USED AS "GC" AS A SMALL CAR REPAIR SHOP FOR OVER 10 YEARS. I WOULD PREFER TO START A SMALL REPAIR CAR SHOP.

-
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).

NO

March 5, 2019

Joseph M. Thomas,
1247 Colony Terrace,
Marietta, GA-30068-2822
PH: (678) 215-7102



E-Mail: thomasjph2015@gmail.com

Subject: Zoning /Re-Zoning of : 5845 Dodgen rd, Mableton, GA-30126.. Land lot #43, District 18, Parcel ID# 18-0043-0-008-0, Area= .71 acre (31,000 sq.ft)

Dear Zoning Manager,

The subject property has been zoned as GC, and had an auto shop for more than 10 years, until I bought the property on June 5th 2018, some 9 months ago.

I like to start a very small auto shop or an emission center on the subject property. I am a minority owned small business, and have a plan to hire few employees which could help our neighborhood economy at this time. The subject property is being surrounded by small businesses, such as a granite business in the front, another framing business, a BP gas station and a car wash, and a metal fabrication building nearby. There is no single family or residential housing anywhere nearby. Also, there are no emission shops or auto shop nearby. One side of the property is the Veterans Highway and there is very high traffic volume and there is excellent visibility. I already lost 9 months in deciding how to go with the zoning process, and when I bought the property, I did not that it required extensive and expensive Zoning process.

Therefore, I kindly request you to approve the zoning process very soon, so that I can plan to proceed with my dream of starting a "small business". Please note that time is of essence in this matter, and sincerely and whole heartedly beg you to expedite the process as soon as possible.

Thank you so much in advance for your positive consideration of this project..

Very Sincerely,

JOSEPH M THOMAS.

A handwritten signature in black ink, appearing to read "Joseph M. Thomas", written over a horizontal line.



RECORDED
MAR 07 2019
COBB CO. CLERK
ZONING DEPARTMENT

dPlanning 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 _____