



Cobb County Community Development Agency  
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-30  
Public Hearing Dates:  
PC: 06-05-18  
BOC: 06-19-18

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**SITE BACKGROUND**

Applicant: The Key Auto Collision

Phone: (678) 983-1175

Email: N/A

Representative Contact: Dinier O. Castillo

Phone: (813) 598-3679

Email: cdinier21@gmail.com

Titleholder: Jimmy Harrison

Property Location: West side of Powell Drive,  
south of Sydney Ann Boulevard

Address: 5830 Powell Drive

Access to Property: Powell Drive

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**QUICK FACTS**

Commission District: 4

Current Zoning: GC (General Commercial) and R-20  
(Single-family Residential)

Current use of property: Auto Repair

Proposed zoning: HI (Heavy Industrial)

Proposed use: Auto Body Collision

Future Land Use Designation: Neighborhood  
Activity Center (NAC)

Site Acreage: 0.925 ac

District: 18

Land Lot: 34

Parcel #: 18003400190

Taxes Paid: Yes

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FINAL ZONING STAFF RECOMMENDATION:  
(Zoning staff member: Terry Martin, MPA)

Based on the analysis of the request, Staff recommends **DENIAL.**



# Z-30 2018-Aerial Map



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

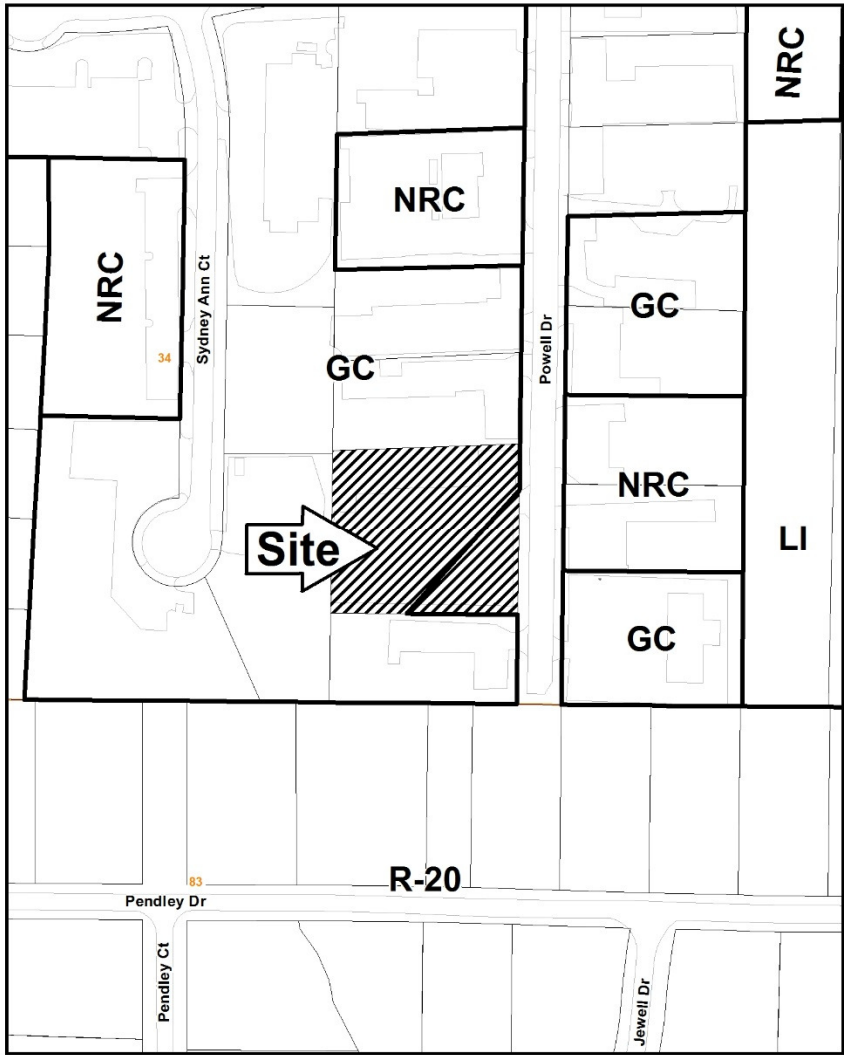
0 100 200 Feet

Land Lot  
City Boundary



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

**Z-30 2018-GIS**



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

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

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

## DEPARTMENT COMMENTS- Zoning Division

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### Current zoning district for the property

The R-20 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-20 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter. Acreage within floodplains or wetlands shall be excluded when calculating the overall density of the development.

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, 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. Commencing January 1, 1991, no applications for rezoning to the GC district will be accepted by the board of commissioners for properties located in areas delineated within and shown on the comprehensive plan. This shall only apply to industrial-compatible and industrial areas. 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. Any existing developed GC 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 GC outside of 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 permit or grading permit for such development shall be deemed to be commencing development. Due to the fact that general commercial has been the predominant commercial zoning district since its inception in 1972, the board of commissioners has determined that certain uses previously permitted are no longer appropriate for properties within an area delineated as a community activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. See section 134-227(12) for those uses no longer appropriate.

## **DEPARTMENT COMMENTS- Zoning Division (Continued)**

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### **Requested zoning district for the property**

The HI district is established to provide locations for heavy industrial uses such as intensive automobile repair and service, heavy manufacturing, chemical manufacturing and storage, petroleum or petrochemical storage, warehousing and storage, which are on properties delineated within an industrial category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When located on the perimeter of an industrial node, the HI district should provide for uses that are lower in intensity and scale such as to ensure compatibility with surrounding properties.

### **Summary of the applicant's proposal**

The applicant is requesting the rezoning of the property to the HI zoning district for the purpose of auto body collision. The existing one story metal building and accessory structures will be utilized as-is with no proposed building additions. The proposed hours of operation will be Monday through Saturday 9 am to 5 pm. There will be anywhere from three to 10 employees at this location.

### **Non-residential criteria**

Proposed # of buildings: 4 existing  
Proposed # of stories: one story  
Total sq. footage of development: 3,480  
Floor area ratio: 0.09  
Square footage per acre: 3,762  
Required parking spaces: 18  
Proposed parking spaces: 18, if striped  
Acres in floodplain or wetlands: 0  
Impervious surface shown: 99%

## **DEPARTMENT COMMENTS- Zoning Division (continued)**

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### **Are there any zoning variances?**

Yes. The site plan depicting as-is conditions will need to address needed variances pertaining to the following:

1. Waive the front setback from the required 75 feet to 63 feet;
2. Waive the side setback from the required 20 feet to four (4) feet adjacent to the northern property line;
3. Waive the rear setback from the required 40 feet to seven (7) feet;
4. Waive the maximum allowable impervious surface from 70% to 99%.

## **DEPARTMENT COMMENTS- Fire Department**

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Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

## **DEPARTMENT COMMENTS- Site Plan Review (County Arborist)**

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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**

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There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this or adjacent land lot.

## **DEPARTMENT COMMENTS- School System**

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

## **DEPARTMENT COMMENTS- Stormwater Management**

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1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Unnamed Tributary to Pine Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Existing facility.
7. Special site conditions and/or additional comments:
  - No immediate site improvements are proposed or anticipated.
  - Stormwater management must be provided upon redevelopment or substantial improvement of site.



## DEPARTMENT COMMENTS- Planning Division

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**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  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?  
*(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)*  Yes  No

Is the property within an Enterprise Zone?  
*(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)*  Yes  No

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?  
*(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)*  Yes  No

**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](http://www.cobbcounty.org/econdev).**

(Planning comments continued on the next page)

**DEPARTMENT COMMENTS- Planning Division** (continued)

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**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

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**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

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**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**

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**Water comments:**

Available at development:  YES  NO

Fire flow test required:  YES  NO

Size and location of existing water main(s): 6" in Powell Drive

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: 125' west, with easement

Estimated waste generation (in G.P.D.): Average daily flow = +0; Peak flow = +0

Treatment plant: South Cobb

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: Environmental Health Department approval required for continued use of on-site wastewater collection system. Connection to sanitary sewer not required at this time.

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
Powell Drive	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	East of Powell Drive	28,600	D

*Based on 2008 traffic counting data taken by Cobb County DOT for Veterans Memorial Highway.*

*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

Powell Drive is classified as a local roadway and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

### Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend commercial driveway on Powell Drive be upgraded per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.
3. Recommend proposed gate be set back a minimum of 50' from the right-of-way and meet Cobb County Development Standards upon redevelopment.

STAFF ANALYSIS

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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 not permit a use that is suitable in view of the activity and development of adjacent and nearby properties. The area contains existing commercial and industrial uses, many of which are automotive related but not collision/auto body repair.

**B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;**

Though the proposed use will continue the property's history of automotive repair, the intended auto body/collision is more intense than light automotive repair such as found elsewhere on Powell Drive.

**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 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 not in conformity with the policy 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 proposed autobody collision use is not consistent with those uses encouraged by this designation such as small offices, limited retail and similar stores that serve neighborhood residents and businesses.



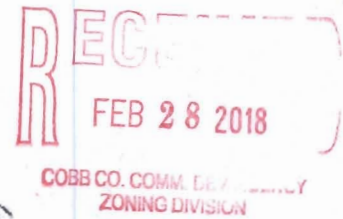
STAFF ANALYSIS (Continued)

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**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 subject property which give supporting grounds for denying the applicant's rezoning proposal. The requested HI zoning district is not consistent with nearby properties that are currently zoned GC or which have recently been rezoned to NRC. Rather than the more intense use of auto body or collision repair, retail uses, including light automotive repair, would better fit the future land use designation of the property and the recent trend in rezoning along Powell Drive.

**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 KEY AUTO COLLISION

[thekeyautocollision@gmail.com](mailto:thekeyautocollision@gmail.com)

**Analysis of impact for:**  
5830 Powell Dr. Mableton, GA 30126

- a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property; Property should be suitable for Auto Body Collision because adjacent properties are all of similar use.
- b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property; No because adjacent properties are mechanic or body shops as well.
- c) Whether the property to be affected by the zoning proposal has a reasonable economic uses currently zoned; Yes, property for proposal has previously done painting on vehicles.
- d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing street, transportation facilities, utilities, or schools; No property is in a prime location with ample parking space that is fenced in.
- e) Whether the zoning proposal is in conformity with the policy and the intent of the land use plan; Yes
- f) 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. None that I am aware of.

June 2018

# 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): NIA
- b) Proposed building architecture: NIA
- c) List all requested variances: NIA

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

- a) Proposed use(s): Autobody Collision Shop
- b) Proposed building architecture: Existing building to be used
- c) Proposed hours/days of operation: 9 am to 5 pm Monday through Saturday
- d) List all requested variances: None Requested

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

NIA

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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).

NIA

**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 \_\_\_\_\_