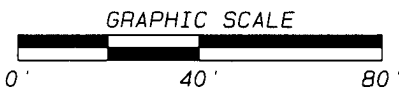
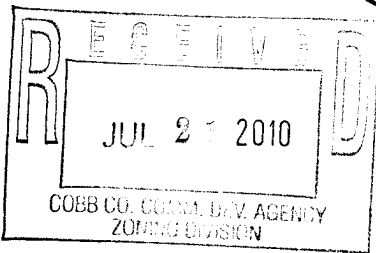
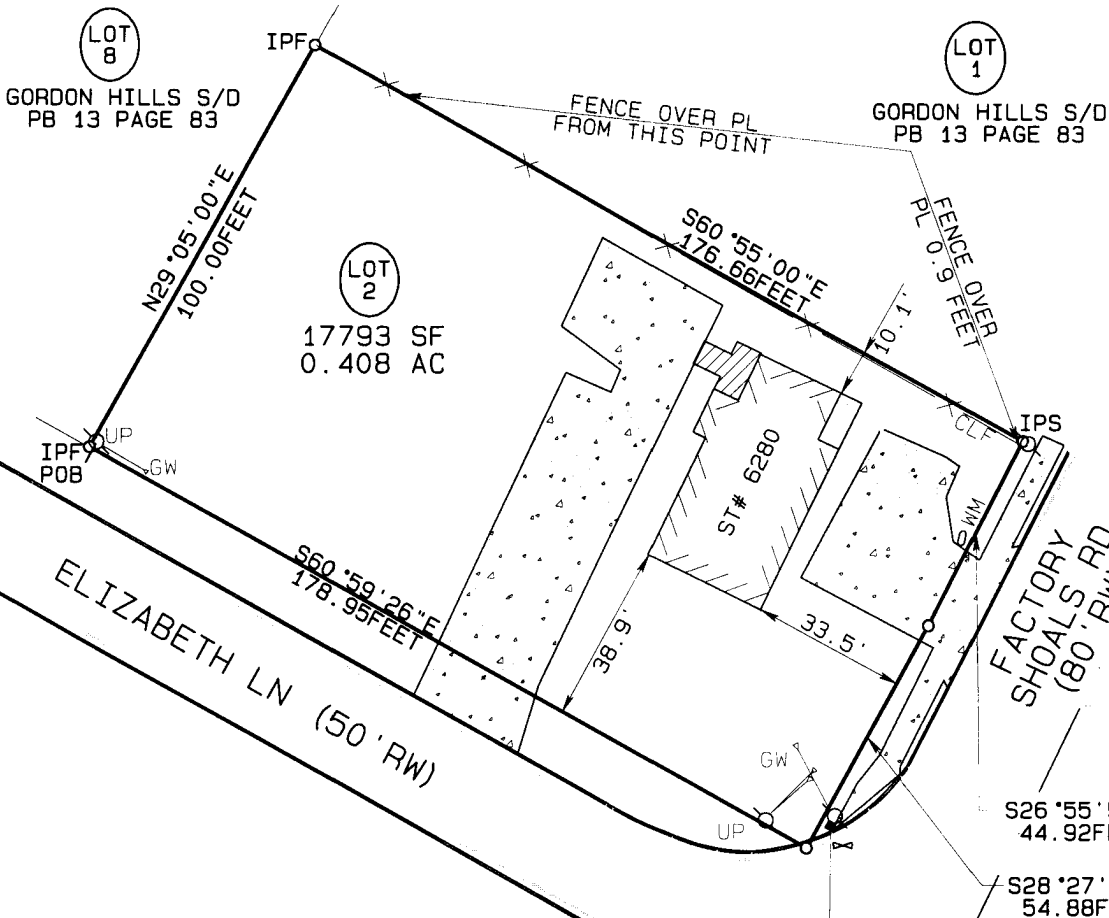


Z-26  
(2010)

DEED REFERENCE  
NORTH



THIS PLAT IS NOT VALID UNLESS IT BEARS THE ORIGINAL SIGNATURE, IN BLACK INK, OF THE REGISTRANT ACROSS THE REGISTRANT'S SEAL. THIS SURVEY IS INCOMPLETE WITHOUT THE NOTES ON PAGE 1

SHEET 2 OF 2  
 DATE: 11-27-2009  
 SCALE: 1"=40'  
 JOB#FACTORY6280  
 DRAWN BY BAC

SURVEY FOR  
**DANIEL ESCOBAR TORRES**  
 BEING  
**6280 FACTORY SHOALS RD**  
 LOCATED IN  
 LANDLOT 190  
 DISTRICT 18, SECTION 2  
 COBB COUNTY, GEORGIA

**Compass Surveying, Inc.**  
 9337 Meadow Gate Lane  
 Jonesboro, Georgia 30236  
 Tel 770-478-2679  
 Fax 1-866-476-4318

THIS PLAT IS FOR THE EXCLUSIVE USE OF DANIEL ESCOBAR TORRES, USE BY THIRD PARTIES IS AT THEIR OWN RISK

**APPLICANT:** Daniel S. Escobar-Torres  
678-360-0907

**REPRESENTATIVE:** Daniel Escobar  
678-360-0907

**TITLEHOLDER:** Daniel S. Escobar

**PROPERTY LOCATION:** Located at the northwesterly intersection  
of Factory Shoals Road and Elizabeth Lane.

**ACCESS TO PROPERTY:** Factory Shoals Road, Elizabeth Lane

**PHYSICAL CHARACTERISTICS TO SITE:** Existing Single Story  
Residential Structure

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/ Single-Family Residential with GC/ Shopping Center
- SOUTH:** R-20/ Single-Family Residential
- EAST:** PSC/ Retail Commercial
- WEST:** R-20/ Single-Family Residential

**PETITION NO:** Z-26

**HEARING DATE (PC):** 10-05-10

**HEARING DATE (BOC):** 10-19-10

**PRESENT ZONING:** OI

**PROPOSED ZONING:** R-15

**PROPOSED USE:** Single Family House

**SIZE OF TRACT:** 0.408 acre

**DISTRICT:** 18

**LAND LOT(S):** 190

**PARCEL(S):** 23

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

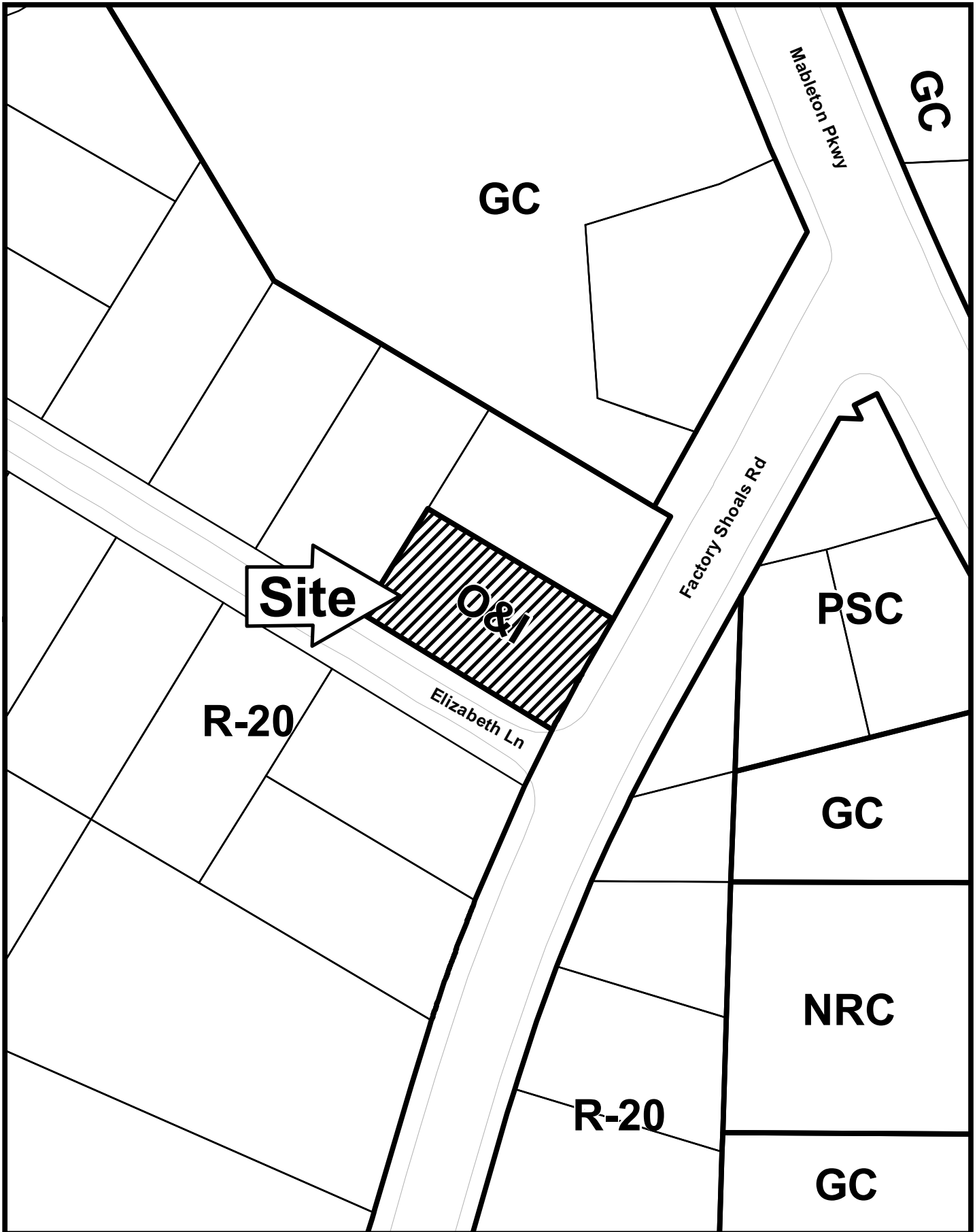
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

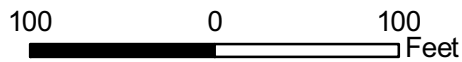
**STIPULATIONS:**





# Z-26



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Daniel S. Escobar-Torres

**PETITION NO.:** Z-26

**PRESENT ZONING:** OI

**PETITION FOR:** R-15

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** Neighborhood Activity Center

The applicant, who purchased the bank owned property in late 2009 not knowing that it was zoned commercial, wishes to utilize the residential structure as a single-family residence. The property, rezoned from R-20 to OI in 1979, has most recently been used as a commercial business in 2007. If approved the applicant's property would need a contemporaneous variance to reduce the front setback from 40-feet to 33.5-feet.

**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 appears to be affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** No comment.

APPLICANT: Daniel S. Escobar-Torres

PETITION NO.: Z-26

PRESENT ZONING: OI

PETITION FOR: R-15

\*\*\*\*\*

**SCHOOL COMMENTS:**

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

**Additional Comments:**

\*\*\*\*\*

**FIRE COMMENTS:**

No comments

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS:**

No comments.

APPLICANT Daniel S. Escobar-Torres

PETITION NO. Z-026

PRESENT ZONING OI

PETITION FOR R-15

\*\*\*\*\*

**WATER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): **6" DI / N Side Elizabeth Lane**

Additional Comments: Records show property as connected and active. Also 8" DI / W side Factory Shoals

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:** NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: **At site W / side of Factory Shoals**

Estimated Waste Generation (in G.P.D.): **A D F +0 Peak= +0**

Treatment Plant: **South Cobb**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drw Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form ans stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

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 Record show property connected  
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

**APPLICANT: Daniel S. Escobar-Torres**

**PETITION NO.: Z-26**

**PRESENT ZONING: OI**

**PETITION FOR: R-15**

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Factory Shoals Road	11600	Arterial	40 mph	Cobb County	100'
Elizabeth Lane	N/A	Local	25 mph	Cobb County	50'

*Based on 2010 traffic counting data taken by Cobb County DOT (Factory Shoals Road).*

**COMMENTS AND OBSERVATIONS**

Factory Shoals Road is classified as an arterial and according to the available information; the existing right-of-way does not meet the minimum requirements for this classification.

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

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of 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 west side of Factory Shoals Road, a minimum of 50' from the roadway centerline.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

## STAFF RECOMMENDATIONS

### **Z-26 DANIEL S. ESCOBAR-TORRES**

- A. 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. The applicant wishes to utilize the existing residential structure as residential once again in keeping with neighboring properties that remain zoned residential.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant is seeking to revert the currently commercially zoned property to residential for single-family use similar to immediately surrounding properties.
- C. 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. 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 as being within the Neighborhood Activity Center Future Land Use category. The requested rezoning will bring the property within conformity with its immediate neighbors.
- E. 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. The property, previously rezoned to OI in 1979, still contains the original residential structure and the applicant's request would bring the property into conformity with its immediate neighbors which remain residentially zoned today. The request, if approved, would work to strengthen the existing neighborhood condition.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Single-family use only;
- Allowance of 33.5-foot front setback; and
- Cobb DOT comments and recommendations.

**The recommendations 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.**