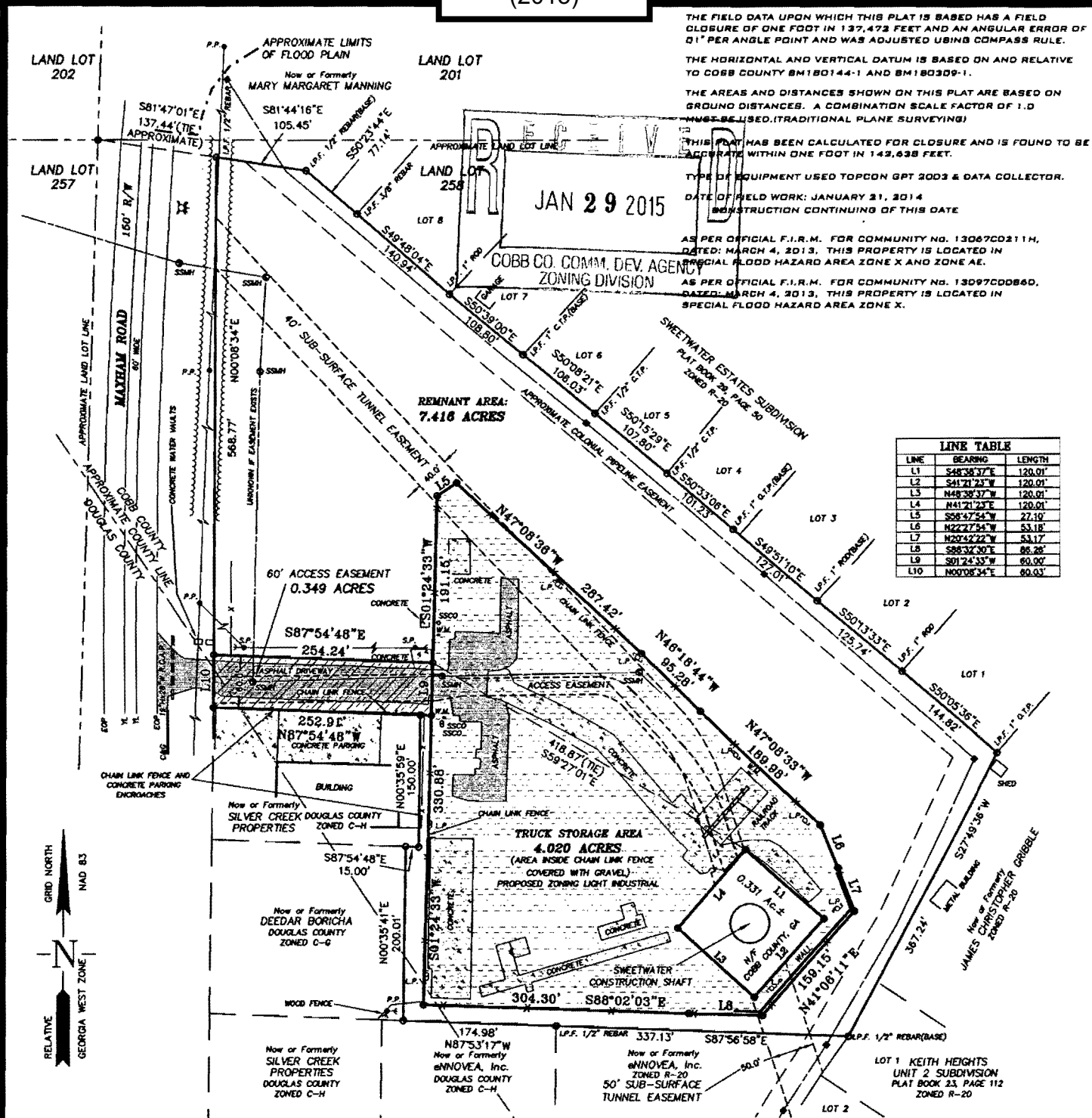


THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A FIELD CLOSURE OF ONE FOOT IN 137,473 FEET AND AN ANGULAR ERROR OF 01" PER ANGLE POINT AND WAS ADJUSTED USING COMPASS RULE.  
THE HORIZONTAL AND VERTICAL DATUM IS BASED ON AND RELATIVE TO COBB COUNTY 8M180144-1 AND 8M180309-1.  
THE AREAS AND DISTANCES SHOWN ON THIS PLAT ARE BASED ON GROUND DISTANCES. A COMBINATION SCALE FACTOR OF 1.0 MUST BE USED. (TRADITIONAL PLANE SURVEYING)

THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 142,638 FEET.  
TYPE OF EQUIPMENT USED TOPCON GPT 3003 & DATA COLLECTOR.  
DATE OF FIELD WORK: JANUARY 21, 2014  
CONSTRUCTION CONTINUING OF THIS DATE

AS PER OFFICIAL F.I.R.M. FOR COMMUNITY NO. 13067C0211H, DATED: MARCH 4, 2013, THIS PROPERTY IS LOCATED IN SPECIAL FLOOD HAZARD AREA ZONE X AND ZONE AE.  
AS PER OFFICIAL F.I.R.M. FOR COMMUNITY NO. 13097C0086D, DATED: MARCH 4, 2013, THIS PROPERTY IS LOCATED IN SPECIAL FLOOD HAZARD AREA ZONE X.



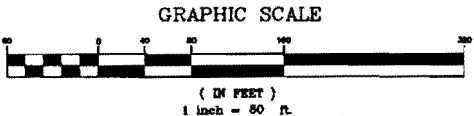
LINE	BEARING	LENGTH
L1	S48°28'37"E	120.01'
L2	S41°21'23"W	120.01'
L3	N48°28'37"W	120.01'
L4	N41°21'23"E	120.01'
L5	S58°47'54"W	27.10'
L6	N27°27'54"W	53.18'
L7	N20°42'22"W	53.17'
L8	S88°32'30"E	85.26'
L9	S81°24'33"E	83.00'
L10	N00°08'34"E	60.03'

- NOTE:
- TOTAL AREA: 11.436 ACRES
  - CURRENT ZONING: R-20
  - TRUCK STORAGE AREA: 4.020 ACRES  
PROPOSED ZONING: LIGHT INDUSTRIAL
  - REMAINING AREA: 7.416 ACRES
  - EXISTING SITE CONDITION:  
CONSTRUCTION STAGING AREA FOR THE SWEETWATER CONSTRUCTION SHAFT AND SUB-SURFACE TUNNEL.
  - PROPOSED SITE CONDITION:  
TRUCK PARKING AND STORAGE AREA

- LEGEND
- R/W ----- RIGHT OF WAY
  - I.P.F. ----- IRON PIN FOUND
  - I.P.P. ----- IRON PIN PLACED
  - C.T. ----- CRIMPED TOP PIPE
  - R.B. ----- REINFORCING BAR
  - O.T. ----- OPEN TOP PIPE
  - N/F ----- NOW OR FORMERLY
  - S.L. ----- BUILDING LINE

ZONING PLAT FOR  
**SILVER CREEK PROPERTIES**  
LOCATED IN  
LAND LOT 258 18TH DISTRICT 2ND SECTION  
COBB COUNTY GEORGIA  
DOUGLAS COUNTY GEORGIA

DATE: JANUARY 15, 2015  
JOB No. = T:2015LOTS115-029.DWG



PREPARED BY  
**VANSANT - CAMPBELL**  
CIVIL ENGINEERING - LAND SURVEYING

8667 BALDWIN PARKWAY, DOUGLASVILLE, GEORGIA 30134  
PHONE: (770) 942-1234 FAX: (770) 942-2010

**APPLICANT:** Jose Valencia

**PETITION NO:** Z-28

**PHONE#:** (404) 787-1778 **EMAIL:** miguelcrew@yahoo.com

**HEARING DATE (PC):** 04-07-15

**REPRESENTATIVE:** Kevin Pritchett

**HEARING DATE (BOC):** 04-21-15

**PHONE#:** (770) 789-4408 **EMAIL:** pritchett95@comcast.net

**PRESENT ZONING:** R-20

**TITLEHOLDER:** Silver Creek Properties

**PROPOSED ZONING:** LI

**PROPERTY LOCATION:** East side of Maxham Road, south of

Old Alabama Road

**PROPOSED USE:** Truck Parking

(160 Maxham Road).

**ACCESS TO PROPERTY:** Maxham Road

**SIZE OF TRACT:** 4.020 acres

**DISTRICT:** 18

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant Lot

**LAND LOT(S):** 258

**PARCEL(S):** 31

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/Undeveloped

**SOUTH:** R-20/Undeveloped

**EAST:** R-20/Undeveloped

**WEST:** R-20/Developed industrial and R-20/Undeveloped

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

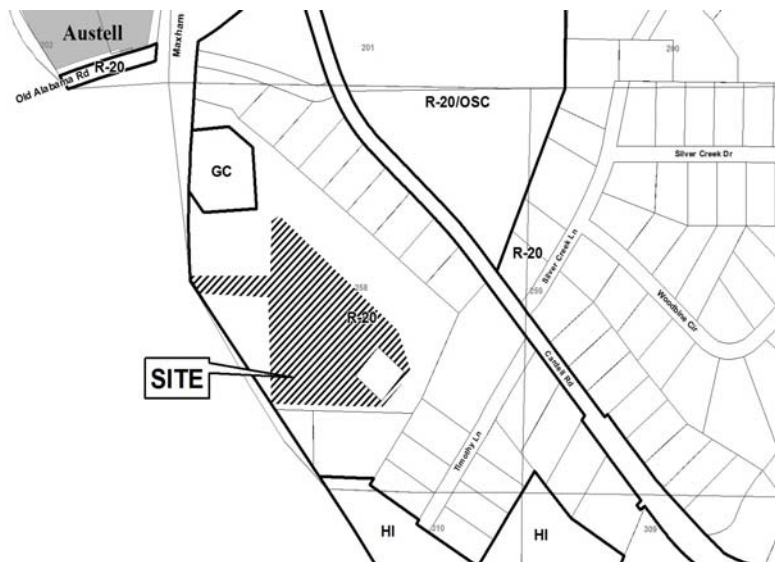
**BOARD OF COMMISSIONERS DECISION**

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

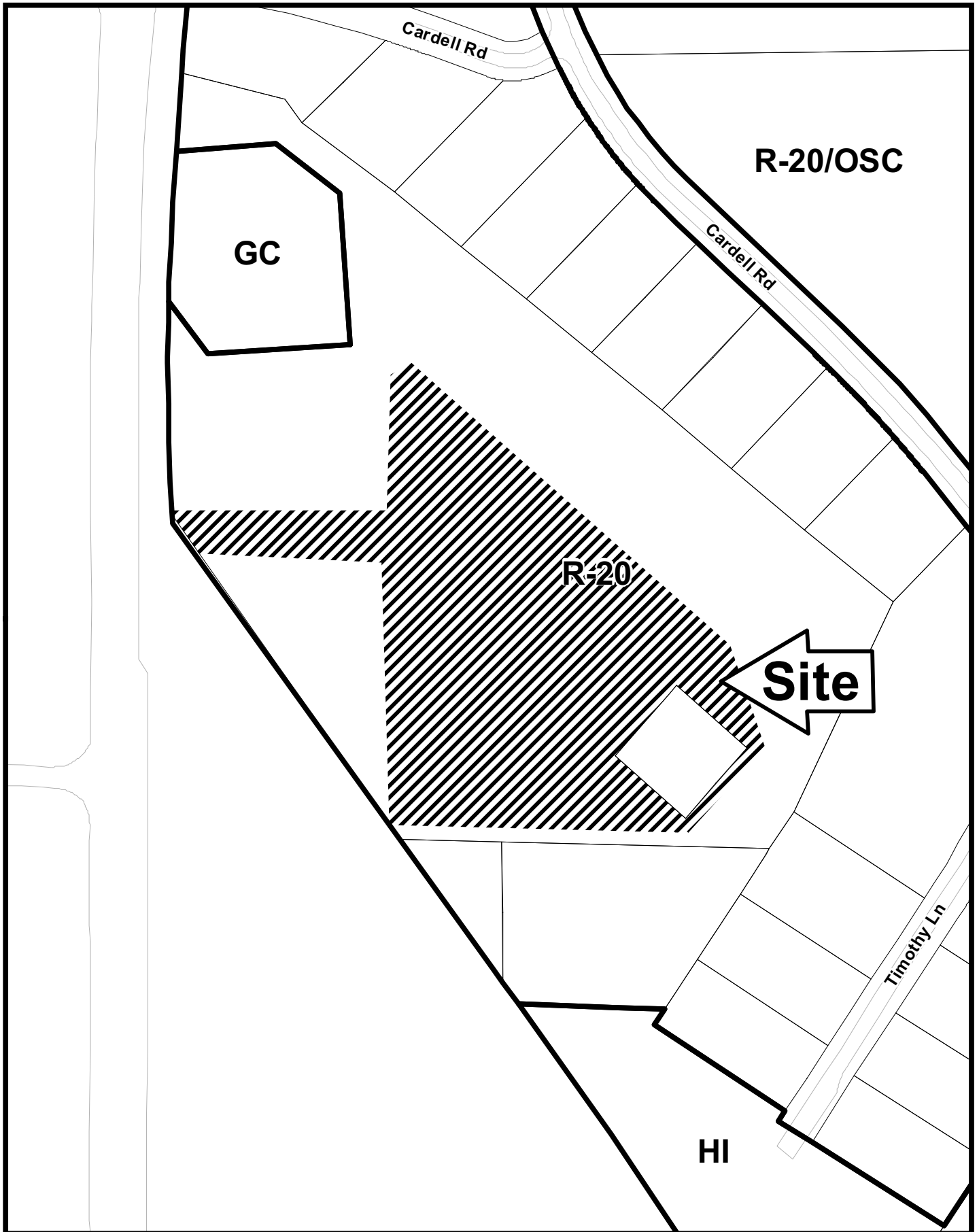
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

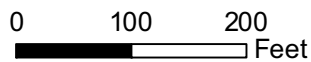
**STIPULATIONS:**





# Z-28



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Jose Valencia

**PETITION NO.:** Z-28

**PRESENT ZONING:** R-20

**PETITION FOR:** LI

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** High Density Residential (5-12 units per acre)

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 4,200

**F.A.R.:** 0.0239      **Square Footage/Acre:** 1,044.77

**Parking Spaces Required:** 1 per employee      **Parking Spaces Provided:** No Striped Parking

Applicant is requesting the Light Industrial (LI) zoning category for the purpose of parking trucks on gravel. The trucks will be tractor trailers and seven of them will be for the applicant and there will be up to 50 trucks on the lot. The applicant also proposed a 4,000 square-foot building and a temporary office trailer (approximately 200 square feet). The hours of operation will be seven days per week/24 hours per day. The buildings will be for a mechanic to check trucks prior to their departure.

Applicant is requesting the following contemporaneous variances:

1. Waive the required 50-foot landscape buffer abutting residentially zoned properties;
2. Waive the parking standards to allow gravel parking; and
3. Waive the public road frontage.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Jose Valencia

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: LI

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to LI for purpose of truck parking. The 4.02 acre site is located on the east side of Maxham road, south of Old Alabama Road.

**Comprehensive Plan**

The parcel is within a High Density Residential (**HDR**) future land use category, with R-20 zoning designation. The purpose of High Density Residential (HDR) category is to provide areas suitable for low rise, high density housing between five (5) and twelve (12) units per acre. Mid or high-rise residential developments are also appropriate in this category. This shall include any residential developments in excess of 4 stories per structure.

**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. No further comment. No action by applicant requested at this time.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?     Yes         No  
If yes, design guidelines area \_\_\_\_\_  
Does the current site plan comply with the design requirements?

**Incentive Zones**

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 available for new or existing businesses.

Is the property within an Enterprise Zone?         Yes         No  
The 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 investments.

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

APPLICANT: Jose Valencia

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: LI

\*\*\*\*\*

**PLANNING COMMENTS:** (Continued)

***Special Districts***

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

APPLICANT Jose Valencia

PETITION NO. Z-028

PRESENT ZONING R-20

PETITION FOR LI

\*\*\*\*\*

**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): Austell/Douglas County

Additional Comments: No utilities proposed

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: On Site

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

Drv 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 and 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 Comments: No utilities proposed

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: Jose Valencia

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: LI

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sweetwater Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving systems.



APPLICANT: Jose Valencia

PETITION NO.: Z-28

PRESENT ZONING: R-20

PETITION FOR: LI

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The existing site has been heavily impacted by construction activity associated with the Cobb County Water System sanitary sewer tunnel project. One of the access shafts is located on the site. The site is relatively flat, but drains in two directions with approximately a third of the site draining to the southeast and the remaining two-thirds discharging to the northwest. Two separate stormwater management facilities will likely be required.

**APPLICANT: Valencia**

**PETITION NO.: Z-28**

**PRESENT ZONING: R-20**

**PETITION FOR: LI**

\*\*\*\*\*

**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
Maxham Road	27,900	Arterial	45	GDOT	100'

*Based on [2009] traffic counting data taken by Cobb County DOT*

**COMMENTS AND OBSERVATIONS**

Maxham Road is classified as an arterial, a state route, and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

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

Recommend the driveway be upgraded to the commercial standard.

Georgia Department of Transportation permits required for all work that encroaches upon State right-of-way.

Recommend coordination with Douglas County.

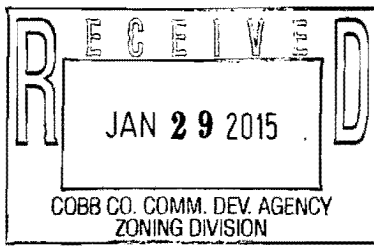
## STAFF RECOMMENDATIONS

### Z-28 JOSE VALENCIA

- A. It is Staff's opinion that the applicant's rezoning proposal may not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Properties to the north, east and south are zoned and developed for residential uses. The property to the west is used commercially.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse affect on the usability of adjacent or nearby property. Applicant's proposed use will create additional traffic in this area. While there is HI zoning southeast of the subject property, this area in Cobb County is predominantly zoned for and developed as residential.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the High Density Residential (HDR) land use category. The requested LI zoning category is not compatible with HDR.
- 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 denying the applicant's rezoning proposal. The property has residentially zoned property on most sides and is High Density Residential on the *Cobb County Comprehensive Plan*. Staff believes the use will be too intense on the existing residential uses in the area. The proposed industrial use will create more tractor trailer traffic in the area.

Based on the above analysis, Staff recommends DENIAL.

**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.**



Application No. 2-28

April 2015

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- a) Proposed use(s): Truck Parking
- b) Proposed building architecture: N/A
- c) Proposed hours/days of operation: 24 hours a day / 7 days  
a week access
- d) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**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).**

yes, Cobb County  
owns .331 Acres located on the site, and has an  
access easement to the property identified on survey.

### Analysis for Rezoning of Property at 160 Maxham Road

The impact of a zoning change for the property located at 160 Maxham Road would be minimal. The zoning change would be for 4.02 acres of land that is part of a larger parcel that is approximately 11.5 acres. It is currently zoned R-20, and has been undeveloped since it was purchased. The area that is requesting a zoning change was leased by the Cobb County Water System for a period of 84 months. The only improvements on the property were performed by Cobb County Water. It is the former site of the South Cobb Sewer Tunnel project. Cobb County owns .31 acres which is located on the site. It is located in a highly commercial area of the County. The backside of the property is adjacent to residential property with a significant buffer between the 4.02 acres requested for zoning and the residential lots. The proposed zoning would allow for truck parking. There is a need in the community for truck parking, as many drivers live in nearby apartments, and are not allowed to park at their apartments. Due to the location, buffered from Maxham road and residential areas, the site would not be visible, and would not impose a negative impact for the surrounding properties. The impact upon the utilities and services provided by the county would be minimal as well.

