

Z-1  
(2017)

4331

OGLESBY ROAD (50' RW)

LEGEND

- POC Point of Commencement
- POB Point of Beginning
- ⊙ Iron pin found
- ⊙ Iron Pin Set
- ⊘ Utility pole
- Overhead power line
- BOC Back of curb

N 81°36'28" W 100.00'  
ALONG THE RW OF  
OGLESBY ROAD (50' RW) TO  
THE WEST LINE OF LAND LOT 1051

BEARINGS ARE BASED ON  
DEED BOOK 3845 PAGE 124

JAN 3 2017

PLANNING AGENCY  
DIVISION

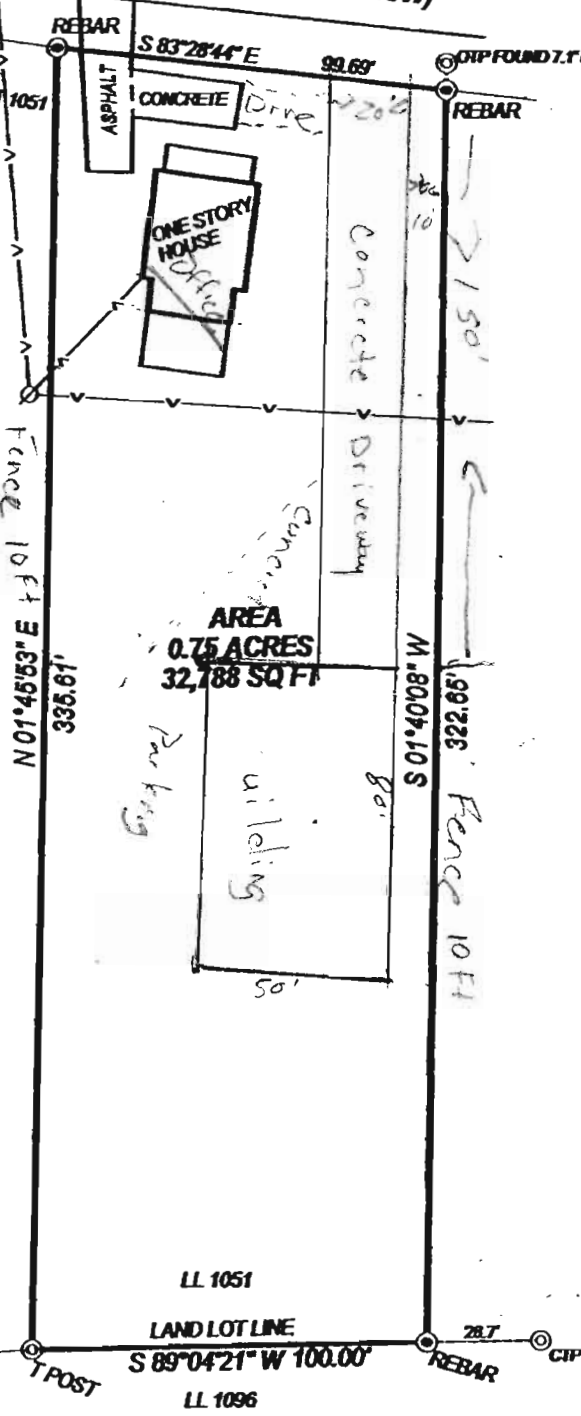
REVISED

The field data upon which this map or plat is based has a closure precision of less than one foot in 40,000 feet and an angular error of 3 seconds per angle point, and was adjusted using compass rule.

This map or plat has been calculated for closure and is found to be accurate within one foot in 197,573 feet.

The type of equipment used to obtain the linear and angular measurements used in the preparation of said map or plat is an Electronic Total Station

AREA  
0.75 ACRES  
32,788 SQ FT



REFERENCES

DEED BOOK 14970 PAGE 6327  
DEED BOOK 7774 PAGE 48  
DEED BOOK 3845 PAGE 124

SURVEY FOR:  
JACKIE PAYNE

PART LAND LOT 1051, 19TH LAND DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA

HARBUCK LAND SURVEYORS, INC.  
WILLIAM G. HARBUCK

GEORGIA REGISTERED LAND SURVEYOR NO. 3006  
GRAPHIC SCALE IN FEET

TELEPHONE 770-253-5585  
GHARB@NJMAIL.ORG

35 MANSOUR CIRCLE  
NEWMAN, GEORGIA 30263

11.19.12

SCALE 1" = 50'

APPLICANT: Jackie Payne

PETITION NO: Z-1

PHONE#: (770) 312-5455 EMAIL: mjconstruction@yahoo.com

HEARING DATE (PC): 02-07-17

REPRESENTATIVE: Jackie Payne

HEARING DATE (BOC): 02-21-17

PHONE#: (770) 312-5455 EMAIL: mjconstruction@yahoo.com

PRESENT ZONING: R-30

TITLEHOLDER: Jackie Payne

PROPOSED ZONING: LI

PROPERTY LOCATION: South side of Oglesby Road, east of Lewis Road

PROPOSED USE: Warehouse with Office

ACCESS TO PROPERTY: Oglesby Road

SIZE OF TRACT: 0.75 ac

PHYSICAL CHARACTERISTICS TO SITE: One story house

DISTRICT: 19

LAND LOT(S): 1051

PARCEL(S): 5

TAXES: PAID X DUE

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-30/ Single-family residential
SOUTH: LI/ Vacant, undeveloped
EAST: R-30/ Vacant County Property
WEST: R-30/ Single-family residential

Adjacent Future Land Use:
North: Very Low Density Residential (VLDR)
East: Industrial Compatible (IC)
South: Industrial Compatible (IC)
West: Industrial Compatible (IC)

OPPOSITION: NO. OPPOSED PETITION NO: SPOKESMAN

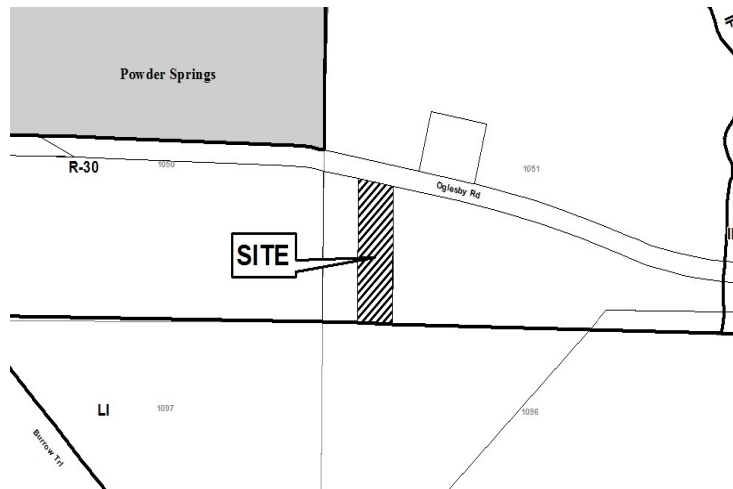
PLANNING COMMISSION RECOMMENDATION

APPROVED MOTION BY
REJECTED SECONDED
HELD VOTE

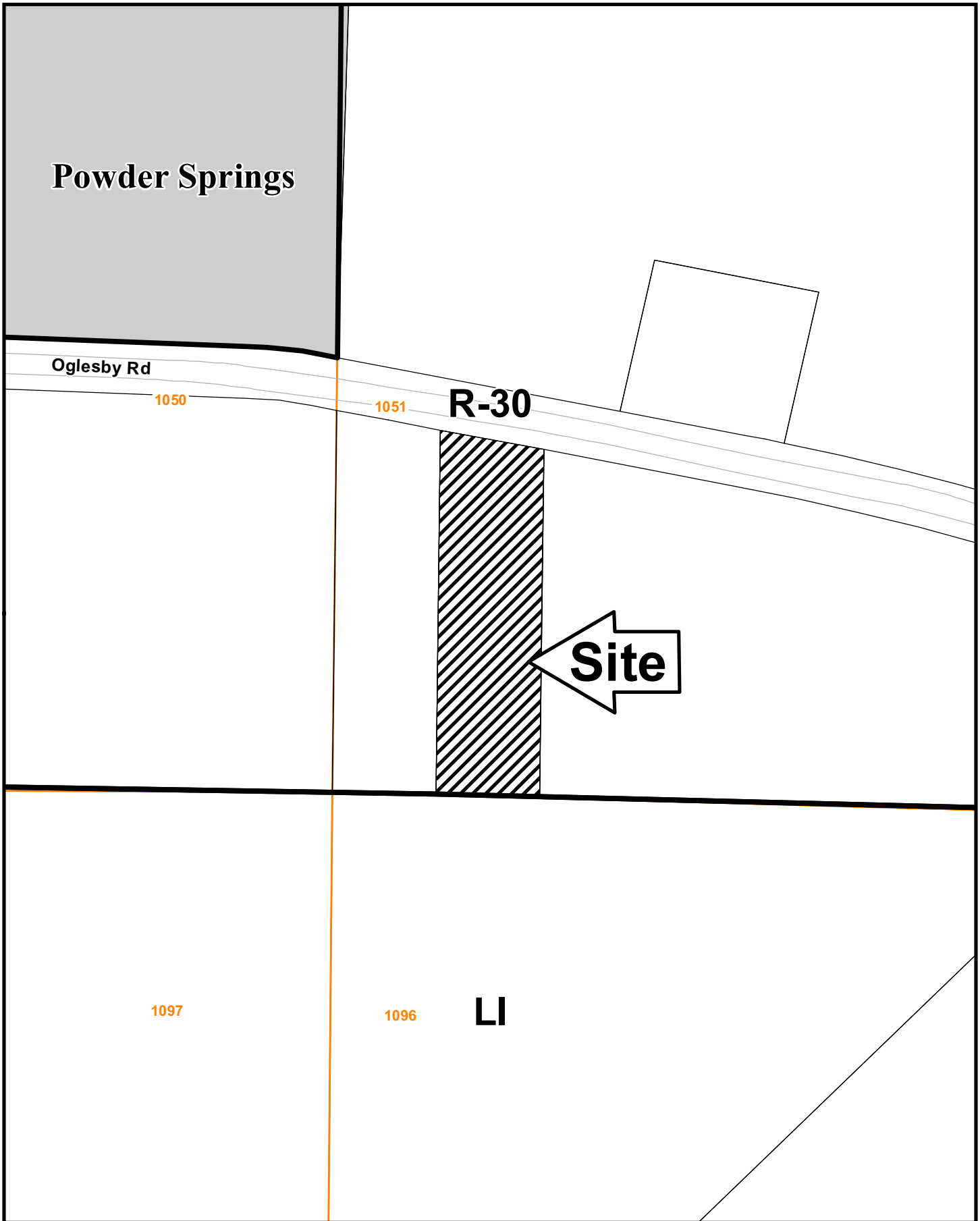
BOARD OF COMMISSIONERS DECISION

APPROVED MOTION BY
REJECTED SECONDED
HELD VOTE

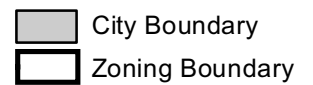
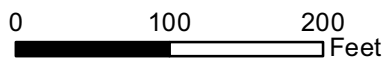
STIPULATIONS:



# Z-1-2017 GIS



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



APPLICANT: Jackie Payne

PETITION NO.: Z-1

PRESENT ZONING: R-30

PETITION FOR: LI

\*\*\*\*\*

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: IC – Industrial Compatible

Proposed Number of Buildings: 2 Total Square Footage of Development: 5,000 sq. ft.

F.A.R.: 0.15 Square Footage/Acre: 6,667 sq. ft.

Parking Spaces Required: 6 Parking Spaces Provided: None at present

The applicant is requesting a rezoning of the subject property in order to develop the site for a contractor’s office/warehouse. The existing house will be renovated and there will be an addition of an approximately 4,000 square foot building as shown on the revised site plan submitted. In addition to the business office, the site will be used for storage of materials and to park company vehicles. Anticipated hours of operation are Monday through Saturday 8a.m. to 5p.m.

If approved, the following variances will be needed:

1. Waive the allowable height of a fence from eight (8) feet to 10 feet;
2. Waive the front setback from the required 75 feet to 20 feet (existing);
3. Waive the side setback from the required 20 feet to 10 feet adjacent to the eastern property line;
4. Waive the landscape screening buffer adjacent to residentially zoned properties from the required 50 feet to zero feet on both the east and west sides; and
5. Waive the minimum lot size from the required 40,000 sq. ft. to 32,788 sq. ft.

Cemetery Preservation: No comment.

SCHOOL COMMENTS:

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

\*\*\*\*\*

\*\*\*\*\*

**FIRE COMMENTS:**

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

\*\*\*\*\*

Modifications may be required to incorporate the Cobb County Fire Marshal’s Office comments.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

\*\*\*\*\*

C/O: Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.



**APPLICANT: Jackie Payne**

**PETITION NO.: Z-1**

**PRESENT ZONING: R-30**

**PETITION FOR: LI**

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-30 to LI for the purpose of a warehouse with office. The 0.75 acre site is located on the south side of Oglesby Road, east of Lewis Road.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?  Yes  No  
If yes, has the city of Powder Springs been notified?  Yes  No / N/A

Comprehensive Plan

The parcel is within an Industrial Compatible (IC) future land use category, with R-30 zoning designation. The purpose of Industrial Compatible (IC) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Very Low Density Residential (VLDR)  
East: Industrial Compatible (IC)  
South: Industrial Compatible (IC)  
West: Industrial Compatible (IC)

Master Plan/Corridor Study

The property is located within the boundary of the C. H. James Parkway Corridor Study

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.

**APPLICANT: Jackie Payne** \_\_\_\_\_

**PRESENT ZONING: R-30** \_\_\_\_\_

**PETITION NO.: Z-1** \_\_\_\_\_

**PETITION FOR: LI** \_\_\_\_\_

\*\*\*\*\*

**PLANNING COMMENTS:**

CONT.

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>.

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

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

If so, which particular safety zone is this property within?

CZ (Clear Zone)  APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

Bird / Wildlife Air Strike Hazard (BASH) area



APPLICANT Jackie Payne

PETITION NO. Z-001

PRESENT ZONING R-30

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): Powder Springs Service Area

Additional Comments:

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:

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

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

Dry 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 Powder Springs Service Area 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: Jackie Payne

PETITION NO.: Z-1

PRESENT ZONING: R-30

PETITION FOR: LI

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Powder Springs Creek FLOOD HAZARD INFO: Zone AE

- 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 CONDITIONS

- 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 receiving stream.

APPLICANT: Jackie Payne

PETITION NO.: Z-1

PRESENT ZONING: R-30

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.

ADDITIONAL COMMENTS

1. The rear of this site is encumbered by the 100-year floodplain of Powder Springs Creek and stream buffers associated with an unnamed tributary that traverses the southern portion of the site. The floodplain and stream buffer will impact/limit the potential location of the proposed warehouse building. Building location and any required stormwater management must be addressed at Plan Review.

**APPLICANT:** Jackie Payne

**PETITION NO.:** Z-1

**PRESENT ZONING:** R-30

**PETITION FOR:** LI

\*\*\*\*\*

**TRANSPORTATION COMMENTS:**

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Oglesby Road	1,800	Minor Collector	25 mph	Cobb County	60'

*Based on 2011 traffic counting data taken by Cobb County DOT for Oglesby Road.*

**COMMENTS AND OBSERVATIONS**

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

**RECOMMENDATIONS**

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 south side of Oglesby Road, a minimum of 30' from the roadway centerline.

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

Recommend access be limited to one driveway on Oglesby Road.

Recommend driveway width be increased to accommodate two-way traffic.

Recommend increasing the driveway turning radius to accommodate entry and exit of vehicles.

Recommend driveway on Oglesby Road be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the County right-of-way, whichever is greater in length.

Recommend curb, gutter, and sidewalk along the Oglesby Road frontage.

THIS

PAGE

INTENTIONALLY

LEFT

BLANK

## STAFF RECOMMENDATIONS

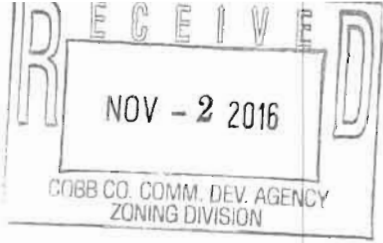
### **Z-1 JACKIE PAYNE**

- 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 property, though having residential neighbors to the west and across Oglesby Road, backs up to industrially zoned property and lies immediately adjacent to County owned property to the east.
- 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 rezoning will allow for the renovation of the house into an office and the proposed building will house all materials inside.
- 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*. Located within an area delineated IC industrial compatible future land use, the requested LI light industrial zoning district is in keeping with that category's goal of locating office/warehouses in areas that have easy access to transportation networks.
- 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. Though, currently, there exist adjacent residential neighbors, the property falls within an area delineated as IC future land use and the rezoning proposal seeks to secure a zoning category that is in line with this designation. The existing house, vacant for some time, will be renovated into a business office while a larger building will be built for warehousing purposes. This larger building will be placed along the property's eastern edge adjacent to County owned property. Though setback and buffering requirements will require variances, the placement of this building in this location will lessen its potential impact to the western residential neighbor. With proper restrictions and balanced site planning, the applicant's request can be accommodated without adversely affecting neighbors.

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

1. Final site plan to be approved by District Commissioner;
2. Front, former residential building to be used for business office only, all storage to be within larger proposed warehouse building;
3. New concrete driveway and adequate minimum parking to be installed as per DOT and County standards and to be shown on site plan approved by District Commissioner;
4. 10 foot landscape screening buffer to be provided along the western property line in addition to privacy fencing (eight (8) foot fence unless 10 foot, as requested, approved by District Commissioner);
5. Hours, as requested, to be Monday through Saturday 8a.m. to 5p.m.;
6. Fire Department comments and recommendations;
7. Water and Sewer Division comments and recommendations;
8. Stormwater Management Division comments and recommendations;
9. Department of Transportation comments and recommendations; and
10. Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

**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. Z-1  
Feb. 2017

## 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): Small Office / warehouse to store materials. Park company vehicles
  - b) Proposed building architecture: Exit House
  - c) Proposed hours/days of operation: 8-5 MON - Sat
  - d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_  
\_\_\_\_\_

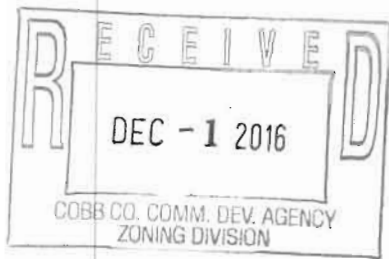
.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

Should be employee parking and materials.  
Construction Office / warehouse

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

.....  
**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).**

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



9)

A) This rezoning of this property from R-20 to Light Industrial will not have any effect on the any properties adjacent or nearby. By rezoning this property it would develop and utilized.

B) This would not have any adverse effect of the existing use or usability of adjacent or any other properties in the surrounding area.

C) This property does not have any economic use as currently zoned R-20 it has been in use for over 5 years and falls below the fair market value.

D) To rezone this property would not have any adverse impact on the streets, transportation facilities, utilities, or schools.

E) This is not located in any neighborhood this property is zoned R-20 with the compatible land use of Light Industrial.

F) There is nothing that would present any public health safety by rezoning this property for R-20 to Light Industrial. There is no land use planning principles or political considerations that would vitiate the rezoning of this property.