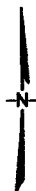


Z-18
(2010)



LEGEND:

- CONC CONCRETE
- BL BUILDING LINE
- R/W RIGHT-OF-WAY
- IPF REBAR FOUND
- CTF CRIMP TOP PIPE FOUND
- WD WOOD DECK
- PK NAIL PARKER-KALON NAIL
- WD WOOD DECK
- IPF REBAR FOUND

EQUIPMENT USED:
TOPCON GTS-225 & RECON DATA
COLLECTOR

CURRENT ZONING:
R-20 MINIMUM LOT SIZE 20,000 sq. ft.
SETBACKS:
35' FRONT SETBACK
10' SIDE SETBACK
35' REAR SETBACK

REQUEST IS MADE TO HAVE PROPERTY
REZONED FROM R-20 TO LI/GC

FLOOD NOTE

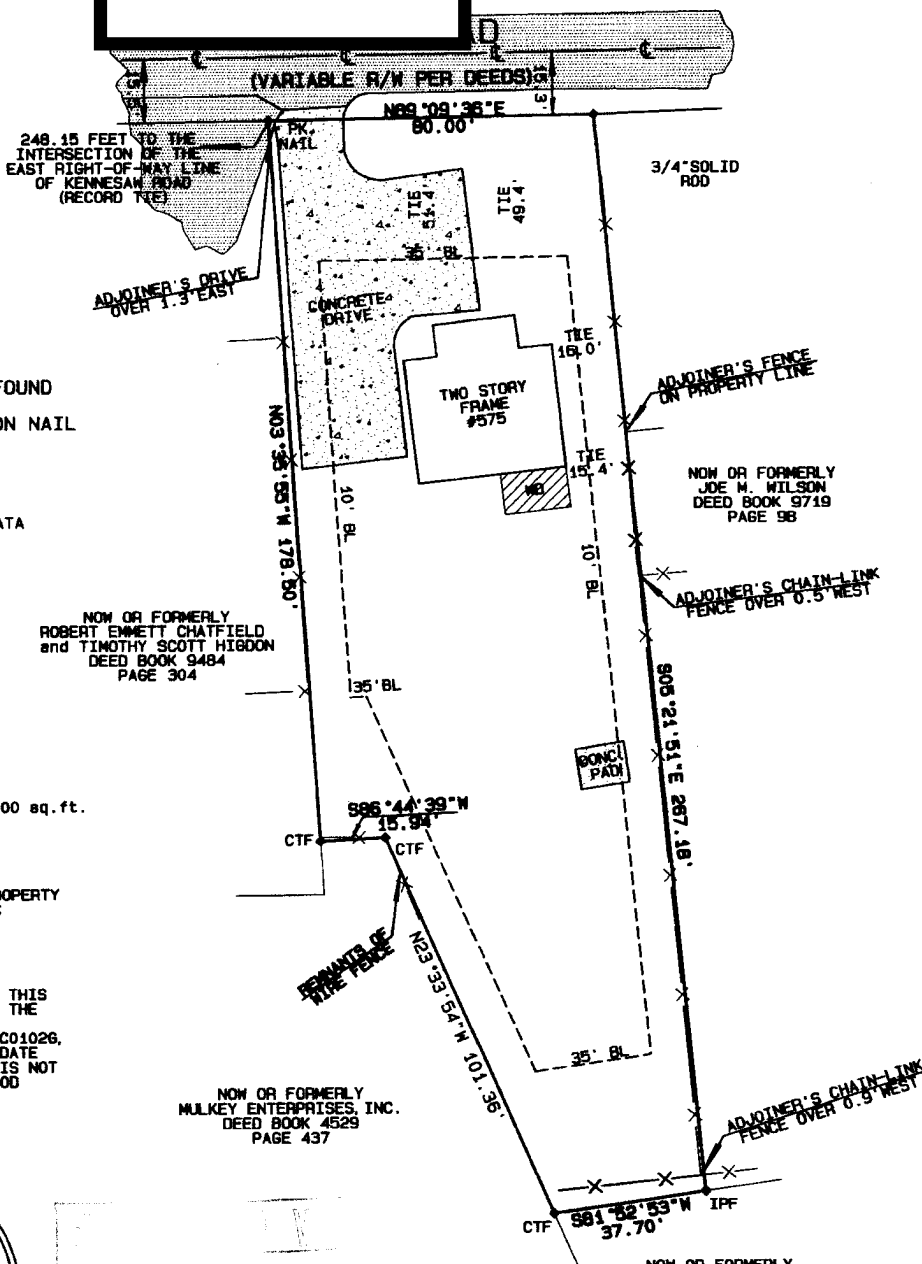
BY GRAPHIC PLOTTING ONLY, THIS
PROPERTY IS IN ZONE "X" OF THE
FLOOD INSURANCE RATE MAP,
COMMUNITY PANEL NO. 13087C01026,
WHICH BEARS AN EFFECTIVE DATE
OF DECEMBER 16, 2008 AND IS NOT
IN A SPECIAL 100-YEAR FLOOD
HAZARD AREA.



MAY - 4, 2010

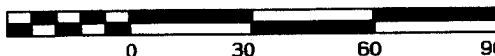
SURVEYORS CERTIFICATION:
IN MY OPINION THIS PLAT IS A TRUE
AND CORRECT REPRESENTATION OF
THE LAND PLATTED AND WAS PREPARED
IN CONFORMITY WITH THE MINIMUM
STANDARDS AND REQUIREMENTS BY LAW.

James A. Evans, Jr.
GEORGIA REGISTERED LAND SURVEYOR # 2167



#575 HAMES ROAD
AREA=0.4506 ACRES
(19,630 sq. ft.)

GRAPHIC SCALE 1"=30'



SURVEY & RE-ZONING PLAT FOR:

GAYLE LOWE

G.W.L. and MARY LOU KIRK ESTATE

DEED BOOK 14640, PAGE 5325

PLAT BOOK 63, PAGE 21

LAND LOT 939, 16TH DISTRICT, 2ND SECTION

COBB COUNTY, GEORGIA

DATE: DECEMBER 23, 2009

DRAWN BY: d1b

CHECKED BY: cep

SCALE: 1"= 30'

JOB#090579-2



J.A. Evans & Associates, Inc.
3279 POWDER SPRINGS ROAD
POWDER SPRINGS, GEORGIA 30127
770-943-0000 OFFICE
770-943-9003 FAX
evansassoc@att.net

JAE JOB #090579-2

APPLICANT: Randal Lowe Plumbing, LLC
770-499-2296

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Gayle A. Lowe

PROPERTY LOCATION: Located on the south side of Hames Road,
east of Kennesaw Avenue.

ACCESS TO PROPERTY: Hames Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house

PETITION NO: Z-18

HEARING DATE (PC): 7-08-10

HEARING DATE (BOC): 7-20-10

PRESENT ZONING: R-20

PROPOSED ZONING: GC

PROPOSED USE: Office With Outside
Storage

SIZE OF TRACT: 0.4506 acre

DISTRICT: 16

LAND LOT(S): 939

PARCEL(S): 10

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** RM-8/ Gates at Parkside Village
- SOUTH:** LI/ Mulkey Enterprises, office/warehouse
- EAST:** GC/ contractor
- WEST:** R-20/ Chatfield Contracting

OPPOSITION: NO. OPPOSED _____ **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

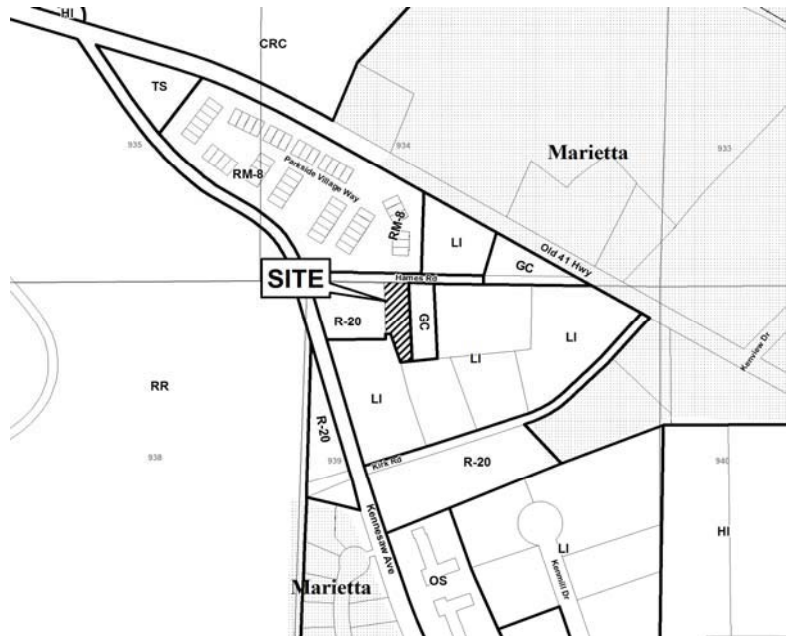
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

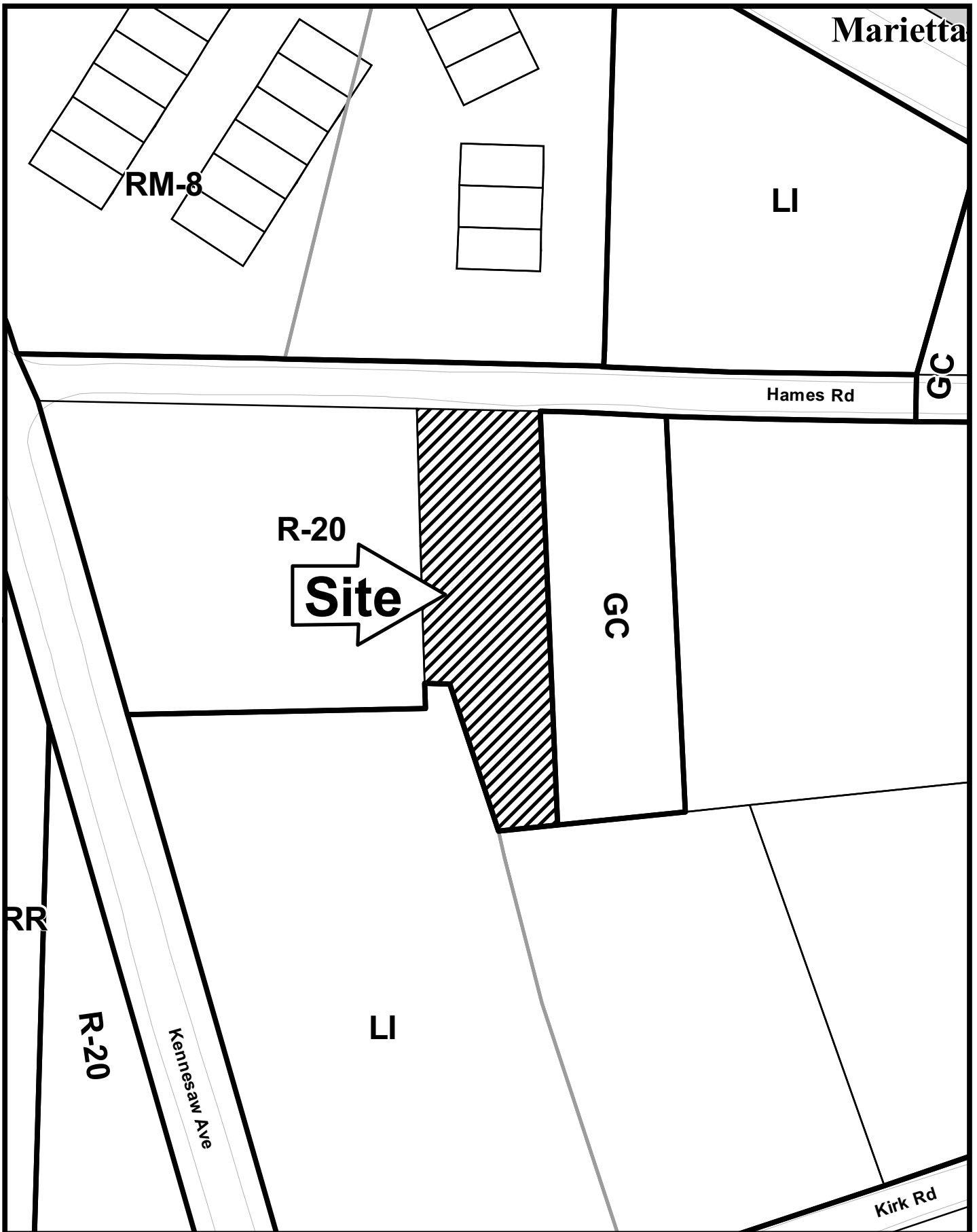
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

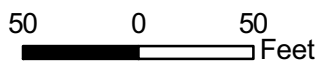
STIPULATIONS:





Z-18



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Randal Lowe Plumbing, LLC

PETITION NO.: Z-18

PRESENT ZONING: R-20

PETITION FOR: GC

ZONING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Industrial Compatible

Existing Number of Buildings: 1 **Total Square Footage of Development:** 2,500

F.A.R.: 0.12 **Square Footage/Acre:** 5,555

Parking Spaces Required: 9 **Parking Spaces Provided:** 9

The applicant is requesting rezoning to the GC zoning district to convert this house into an office for Liberty Disposal. The business will operate Monday through Friday, from 8:00 a.m. to 6:00 p.m. There will be no storage of garbage trucks or used trash containers at this property. The applicant received a zoning variance for the minimum lot size in April 2010, subject to many stipulations agreed upon by the neighboring residential development (Gates at Parkside Village); these stipulations are attached as Exhibit "A". The applicant has submitted a Zoning Impact Analysis, which is attached as Exhibit "B".

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.

Cemetery Preservation: No comment.

FIRE COMMENTS:

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

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT Randal Lowe Plumbing LLC

PETITION NO. Z-018

PRESENT ZONING R-20

PETITION FOR GC

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 of Hames Rd**

Additional Comments: Records show 575 Hames Rd connected and active

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: **400' NE at Old Hwy 41 w/easements**

Estimated Waste Generation (in G.P.D.): **A D F 400 Peak= 1000**

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 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 Comments: Records show address connected to sewer in Marietta Service Area to south.

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: Randall Lowe Plumbing, LLC

PETITION NO.: Z-18

PRESENT ZONING: R-20

PETITION FOR: GC

DRAINAGE COMMENTS

Any site improvement or redevelopment must meet full stormwater management requirements.

APPLICANT: Randal Lowe Plumbing, LLC

PETITION NO.: Z-18

PRESENT ZONING: R-20

PETITION FOR: GC

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
Hames Road	N/A	Local	30 mph	Cobb County	60'

COMMENTS AND OBSERVATIONS

Hames Road is classified as a local road 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 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 south side of Hames 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.

STAFF RECOMMENDATIONS

Z-18 RANDALL LOWE PLUMBING, LLC

- 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 area contains a mixture of residential, commercial and industrial-type uses.
- 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 proposal, along with the stipulations from Exhibit "A", should be a low intensity use that would fit the character of the area. Additionally, deleting the proposal to Low Rise Office (LRO) would ensure low intensity uses in the future.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within an Industrial Compatible Land Use Area.
- 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 deleting the applicant's rezoning proposal to LRO. The applicant proposal is located in an area that contains many different uses, such as multi-family residential, industrial, commercial, and institutional uses. The applicant's proposed office use would be compatible with the area, and the adjacent land uses. The applicant's agreement with the adjacent residential development would ensure a low intensity use for the property (see Exhibit "A"). Lastly, deletion to LRO would help to define a future development direction for the area.

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

- Site plan received by the Zoning Division May 4, 2010, with the District Commissioner approving minor modifications;
- All stipulations from Exhibit "A";
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- 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.

Min. Bk. 16 Petition No. V-18
Doc. Type Email Correspondence
Meeting Date 4/14/10

From: Bob Wanex <gateshoa.bob@gmail.com>
Date: April 13, 2010 1:57:04 PM EDT
To: murray.homan@cobbcounty.org, bob.hovey@cobbcounty.org,
christi.trombetti@cobbcounty.org, judy.williams@cobbcounty.org,
kim.swanson@cobbcounty.org
Cc: Matt DeHaven <dehavenmatt@yahoo.com>, Gus Suarez <gus.j.suarez@gmail.com>, "S.
and R. Bush" <bush166@yahoo.com>
Subject: V-18 - 575 Hames Road Rezoning

Dear Board of Zoning Appeals Members:

Due to work and travel complications, a member of our homeowners' board will not be able to represent our community at the April 14th meeting of your board. Therefore, we submit this communication for your consideration.

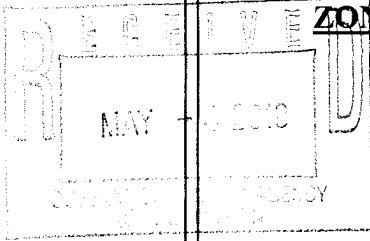
The residents of the Gates at Parkside Village appreciate the attention your Board gave to our concerns regarding the variance of 575 Hames Road (V-18), and the 30 day extension that was granted. This time has been used for our resident committee to meet with the lot owners, Randall Lowe Plumbing, and the business owners of Liberty Disposal (tenants). The following is a list of agreements that have resulted from those meetings with the owners and the tenants:

1. Used trash containers will not be stored at 575 Hames Road.
2. Drivers will not stop or park their waste retrieval trucks on the property or on the street in front of the property.
3. Liberty Disposal will not wash their trucks or containers at 575 Hames Road.
4. Liberty Disposal will continue to store new containers in two storage units at 575 until an alternate site is located. The tenants are investigating the installation of a gated fence across the property to block the view of the storage units.
5. The tenant's drivers will not drive their trucks on Hames road before 6:30 AM.
6. The building at 575 will be used as an office and corporate headquarters.
7. Parking at 575 will be limited to cars and pickup trucks. Parking in front of the building will be limited. Additional parking may be available at the rear of the office building.

We hope these agreements can be carried forward by your board to the future rezoning for this property. With these agreements honored, we have no objection to the variance request scheduled for review on April 14, 2010, and affirm our support to grant the variance request.

Sincerely,
Bob Wanex
Board of Directors
The Gates at Parkside Village Townhome Association, Inc.
Email: GatesHOA.Bob@gmail.com

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF RANDAL LOWE PLUMBING, LLC**



COMES NOW, RANDAL LOWE PLUMBING, LLC, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of Hames Road.

- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties the preponderance of which are zoned and utilized commercially or industrially.

- C. The subject property to be affected by the zoning proposal has no economic use as currently zoned in the single family residential classification of R-20.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being within an area denominated as Industrial Compatible.
- F. There is no substantial relationship between the existing zoning classification of R-20 which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of Hames Road, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 4th day of **May**, 2010.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.

Attorney for Applicant

Ga. Bar No. 623950