

**MAY 15, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM # 4**

**PURPOSE**

To consider amending the site plan for Baldwin Paving, Inc. regarding rezoning application #76 (Carl E. Hammock) of 1985, for property located in Land Lot 939 of the 16<sup>th</sup> District, on the northwest side of Kenmill Drive, north of Marble Mill Road.

**BACKGROUND**

The subject property is zoned Light Industrial (LI) for an industrial business park. The applicant would like to amend the approved site plan to expand their growing paving company. Originally, the parking lot parcel was designated to have a 10,500 square foot industrial building; the applicant has an office building already and would like to use this parcel for a parking lot. The applicant has submitted a letter signed by the neighbor to the north agreeing to waive the fifty foot landscape buffer since their property is designated as industrial also. Stormwater Management has submitted a recommendation, which is below. If approved, all other zoning stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

Stormwater Management recommends the developer provide adequate stormwater management for the proposed parking lot.

**ATTACHMENTS**

Other Business Application, letter from Mr. Kirk, proposed site pan and zoning stipulations.

# Application for "Other Business"

## Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 5-15-12

Applicant: Baldwin Paving, Inc Phone #: 770-425-9191  
(applicant's name printed)

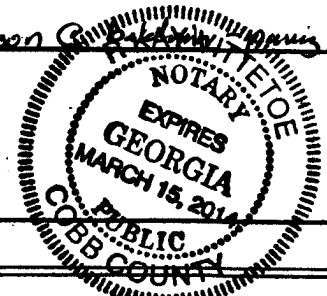
Address: 1014 Kenmill Drive, Marietta, GA 30060 E-Mail: jharrison@baldwin-paving.com

John Harrison Address: 1014 Kenmill Drive, Marietta, GA 30060  
(representative's name, printed)

[Signature] Phone #: 770-425-9191 E-Mail: jharrison@baldwin-paving.com  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: \_\_\_\_\_  
Notary Public



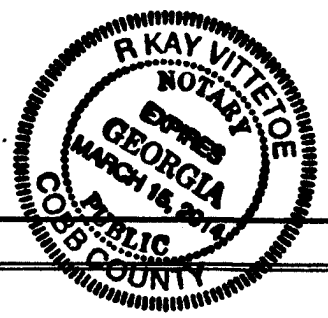
Titleholder(s): John B Harrison and Ernest L. Baldwin Phone #: 770-425-9191  
(property owner's name printed)

Address: 1003 Kenmill Drive, Marietta, GA 30060 E-Mail: jharrison@baldwin-paving.com

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: \_\_\_\_\_  
Notary Public



Commission District: 1 Zoning Case: \_\_\_\_\_

Date of Zoning Decision: \_\_\_\_\_ Original Date of Hearing: \_\_\_\_\_

Location: Lot #4 of North Marietta Business Park - Kenmill Drive  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 939 District(s): 16

State specifically the need or reason(s) for Other Business: The applicant is requesting the amendment of the original site plan Z-76 of 1985 to reduce the existing 50' landscape buffer to 0'. The applicant has received the support of the only residential property owner adjacent to the property and a letter of support is attached. (Exhibit "A")

(List or attach additional information if needed)

proposed site plan (Exhibit B)

Exhibit "A"

**Dempsey B. Kirk**  
438 Saint Mary's Lane  
Marietta, GA 30064  
770-846-7 651  
[Dempsey.kirk@harrynorman.com](mailto:Dempsey.kirk@harrynorman.com)

March 20, 2012

To Whom it May Concern:

I, Dempsey Kirk, am the administrator of the estate of Corene Bearden Kirk, located at 862 Kennesaw Avenue, Marietta in Cobb County, Georgia. I have met with John Harrison, who intends to buy the lot #4 of the North Marietta Business Center, which borders my south property line. By signature below, it is hereby acknowledged that I give my consent/ or have no objection that John Harrison of Baldwin Paving intends to make an application to the appropriate Cobb County Authorities for a variance request for the purpose of eliminating the 50 foot landscape buffer requirement placed on the property, because the subject property has a Light Industrial zoning bordering my property which currently has a Residential zoning but is shown as Commercial in the Future Land Use Plan.

  
Dempsey Kirk

# PROPOSED PARKING LOT Exhibit B

Prepared By:  
CRESCENT VIEW  
ENGINEERING, LLC  
3600 North Park Road  
Kennesaw, Georgia 30144  
770-428-2008  
www.crescentviewengineering.com

Prepared For:  
**Baldwin Paving Co., Inc.**  
1514 Powell Drive  
Marietta, Georgia 30067

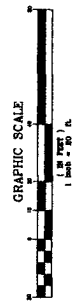
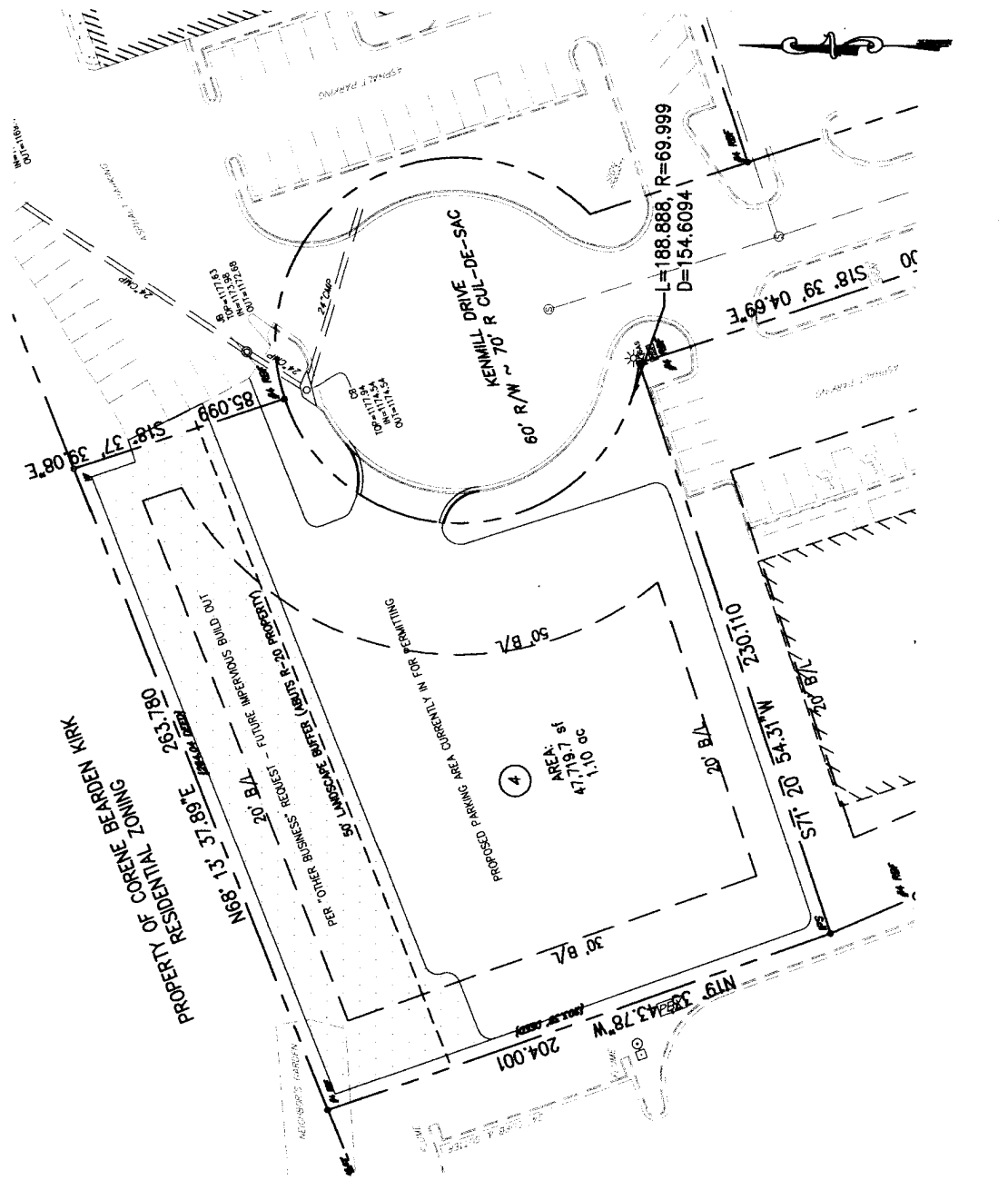
Proposed Site Plan



Construction Plans For  
**Baldwin Paving**  
New Parking Facility  
Land Lot 939, 18th District  
Cobb County, Georgia

Sheet No. **G-1**

**24 HOUR EMERGENCY CONTACT: JOHN HARRISON 404-725-6716**



**Site Notes:**

1. THE SITE COVERS 1.06 ACRES TOTAL SETBACK AVERAGE. 110 ACRES (0.55 ACRES OVER) AND OUR ACREAGE OF POND CLEARCUT STREET LOCATING 104 NORMAL DRIVE ZONING U
2. SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY SURVEYS PLUS, INC DATED 5-28-12
3. THE SITE IS NOT LOCATED WITHIN A FLOOD (F.A.) HAZARD ZONE AS SHOWN BY THE FLOOD INSURANCE RATE MAP (FIRM) NUMBER 13057C0400A0000, DATED NOVEMBER 14, 2009 FOR THE BALDWIN PAVING NEW COBB COUNTY, GEORGIA.
4. THERE ARE NO BARRIERS OF THE STATE OF GEORGIA OR WETLANDS WITHIN 500 FEET OF THE SITE. ALL APPROPRIATE STATE WATER BARRIERS ARE SHOWN ON THE SITE PLAN. THERE ARE NO PROPOSED BARRIERS TO ANY STATE WATER SUPPLY.
5. TO THE BEST OF OUR KNOWLEDGE AS OF THE DATE OF THE SURVEY, THE SITE IS NOT LOCATED WITHIN AN UNDESIRABLE GROUND CONDITIONAL ZONE. THE COMMENTS MUST BE CONTACTED IMMEDIATELY FOR REVIEW AND ADDRESSING THE CONSTRUCTION PLANS.

**Zoning Notes:**

1. COBB COUNTY ACCEPTS NO RESPONSIBILITY FOR THE APPLICANTS WHO QUALIFIED FOR THIS PROJECT. THE APPLICANT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL LOCAL AGENCIES. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH THIS ACT.
2. ANY CONSTRUCTION VIOLATIONS TO BE PERMITTED THROUGH THE ZONING ENFORCEMENT.
3. ANY WORKS TO BE PERMITTED THROUGH COBB COUNTY CODE ENFORCEMENT (ZONING, L.C., SURVEYING, ENTRANCE SIGN, MOBILITY, AND ALL COMMERCIAL) MUST BE COMPLETED WITHIN THE SPECIFIED TIME FRAME.
4. NO COMPENSATION IS PROPOSED FOR THIS SITE. GARAGE PICKUP WILL BE PROVIDED BY THE OWNER.

**Project Description:**

THE PROPOSED PROJECT CALL FOR THE CONSTRUCTION OF A NEW AREA TO BALDWIN PAVING NEW COBB COUNTY, GEORGIA. THE PROJECT IS SITUATED ON BALDWIN PAVING NEW COBB COUNTY, GEORGIA. THE PROJECT IS SITUATED ON BALDWIN PAVING NEW COBB COUNTY, GEORGIA. THE PROJECT IS SITUATED ON BALDWIN PAVING NEW COBB COUNTY, GEORGIA.

THE PROPOSED PROJECT IS TO REDUCE THE LANDSCAPE BUFFER REQUIREMENT FROM 50 FEET TO 0 FEET.

NO BALDWIN OR VEHICLE PARKING SPACES ARE PROPOSED AS PART OF THIS PROJECT.

ATTACHMENT A

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application January 28, 1985 Date of Hearing \_\_\_\_\_  
 Titleholder Bertha Mae Bearden Signature Bertha Bearden Kirk  
Corene E. Bearden  
 Address 862 Kennesaw Avenue, Marietta, Ga. Phone 428-0210  
 Applicant Carl E. Hammock Signature Carl E Hammock  
 Address 100 Cherokee Street, Suite 510, Marietta, Ga. Day Phone 428-7720  
 To Zone From Residential R-20 GC To Light Industrial LI Land Use \_\_\_\_\_  
 For the Purpose of Warehouses  
 Land Lot(s) 939 & 1006 District 16th Section 2nd, Cobb County  
 Containing 13.29 Approx 1.35 acre and GC acres  
 Located at Northeast corner of the intersection Kennesaw Avenue & Marble Mill Road

This property being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED:

RECOMMENDATION OF PLANNING COMMISSION 3-12-85. Planning Commission recommended

application be rejected. Motion by Jones, seconded by Brown: vote 2-2. Vansant, Adams  
opposed. Motion failed. On a motion by Vansant, seconded by Adams, the Planning  
Commission passed on application without recommendation, vote 4-0.

Henry A. Vansant, Chairman

FINAL DECISION OF BOARD OF COMMISSIONERS 3-12-85. Board of Commissioners held application

for 30 days. Motion by Smith, seconded by Thompson; carried 5-0. 5-14-85. Board of  
Commissioners approved the above request subject to the letter of conditions and revised site  
plan on file in the Planning and zoning dept. and marked Exhibit A and subject to the final  
site plan being approved by the Planning and Zoning Department. Motion by Smith, seconded by  
Thompson; carried 5-0.

Carl E. Smith, Chairman

EXHIBIT "A"  
5-14-85 MAP



**ED HAMMOCK REALTY COMPANY**

First National Bank Building 100 Cherokee Street, Suite 510 Marietta, Georgia 30060 (404) 428-7720

May 6, 1985

Mr. Louis Smith  
Cobb County Planning & Zoning

Re: Rezoning Application  
Kennesaw Avenue/Marble Mill Road

Dear Mr. Smith:

Enclosed is a copy of the revised site plan we discussed with you and Mr. Mark Danneman regarding the subject property. We propose:

- I. The frontage along Kennesaw Avenue with 200 feet of depth to be used as "Office Services." The proposed building on the portion of the property will have all brick exterior on the front and sides of the building. Along Kennesaw Avenue, we will landscape with shrubbery and trees (dogwood if possible) and at the corner of Kennewaw Avenue and Marble Mill Road. The design & exterior of the building will be similar to the building shown in the attached photograph. The building would be used by those businesses allowed in the "Office Services" classification.
- II. The balance of the property as it fronts on the proposed cul-de-sac street (off Marble Mill Road) to be "Light Industrial". There will be six (6) lots and they will be covered under the "Restrictive Covenants" attached and the use of these lots will be businesses allowed under light industrial zoning except the type businesses in the attached list which we will prohibit and will agree to have as a condition on the rezoning approval.

I sincerely hope this new plan will be acceptable. Please let me know if you have any questions.

Sincerely,

A handwritten signature in cursive script that reads 'Ed Hammock'.

Ed Hammock

CEH:mh  
Enclosures

We agree to prohibit the following Light Industrial uses:

1. Dairies
2. Field Crops
3. Livestock and poultry facilities
4. Poultry Hatcheries
5. Riding Stables
6. Boarding and Breeding Kennels
7. Auto and Truck Sales
8. Auto Parking Lots and Garages
9. Auto Service Stations
10. Auto Wash Establishment
11. Storage Yard for damaged or confiscated autos
12. Temporary Sawmills
13. Tire retreading and recapping
14. Trailer Sales
15. Carvinals, rodeo, horse shows
16. Stadiums
17. Drive-in-theatre
18. Golf and Baseball Driving Range
19. Miniature Golf Courses
20. Par 3 Golf Course
21. Cemeteries
22. Golf Courses and Clubhouse
23. Non Commercial club or lodge
24. Mining
25. Crematories
26. Bus Stations for freight
27. General Aviation airport & private airport
28. Helicopter Landing Pad
29. Railroad car yards and team truck yards
30. Railroad stations for freight
31. Taxi Stands
32. Bus or Railroad Passenger Stations
33. Truck terminal

Original Date of Application: 3-12-85

Applicant's Name: CARL E. HAMMOCK

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY PLANNING COMMISSION AND THE COBB COUNTY BOARD OF COMMISSIONERS

THE FOLLOWING IS AN EXCERPT FROM THE MINUTES OF THE REGULAR MEETING OF THE COBB COUNTY BOARD OF COMMISSIONERS MEETING HELD ON 11-23-93:

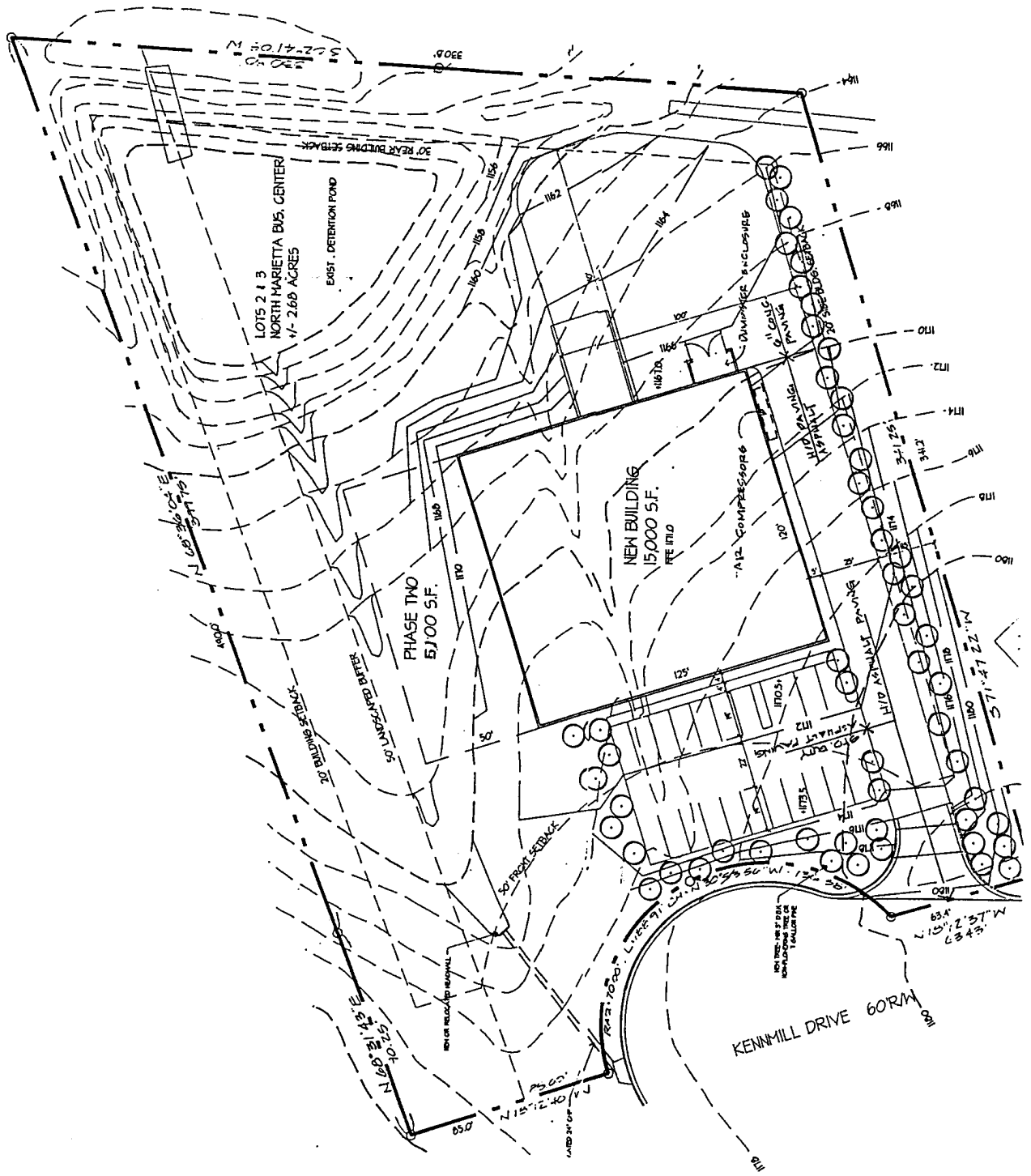
Item #21: COMMUNITY DEVELOPMENT DEPARTMENT - APPROVAL OF SITE PLAN AMENDMENT FOR BEAUMONT PRODUCTS, ZONING APPLICATION NO. 76, MARCH 1985, CARL E. HAMMOCK, LOCATED AT THE NORTHEAST INTERSECTION OF KENNESAW AVENUE AND MARBLE MILL ROAD:

MOTION: Motion by Byrne to approve the site plan amendment as recommended for Beaumont Products, Zoning Application No. 76, March, 1985, Carl E. Hammock, to allow the combination of lots 2 and 3 into one lot for the construction of a 20,100 sq. ft. building, located at the northeast intersection of Kennesaw Avenue and Marble Mill Road, with all other previously approved conditions to remain in effect. Copy of revised site plan attached and made a part hereof.

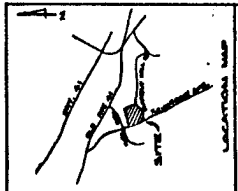
VOTE: ADOPTED unanimously

Karen L. Hach
Karen L. Hach, Deputy Clerk
Cobb County Board of Commissioners



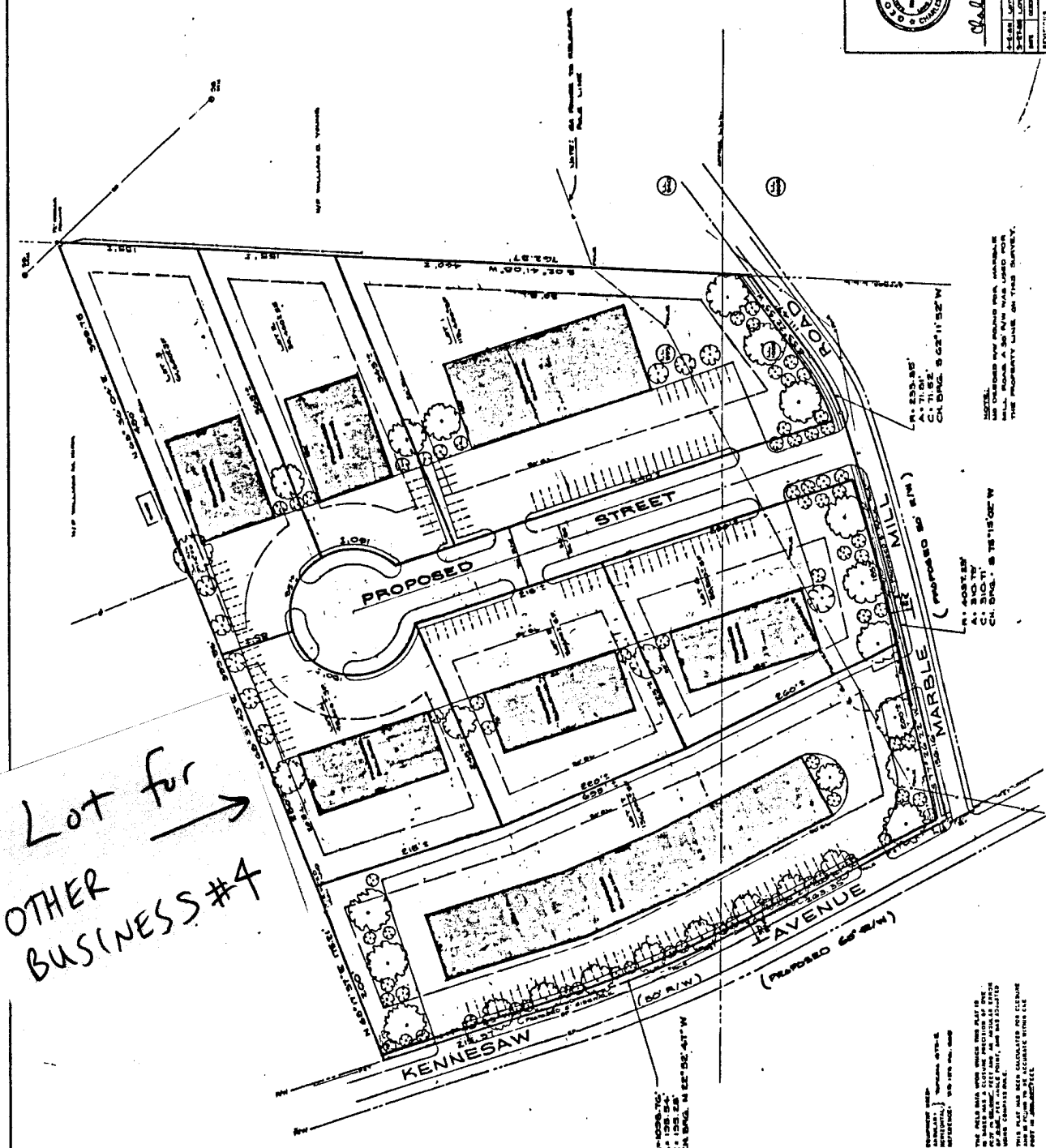


Approved  
C. H.



MAP NORTH

TOTAL TRACT AREA: 13.23 ACRES



Lot for  
OTHER  
BUSINESS #4

		<b>ED HAMMOCK</b> <small>PROFESSIONAL SURVEYOR</small>	
		LAND LOT 33A, 1006 2nd SECTION 16th DISTRICT COBB COUNTY, GEORGIA <b>CHARLES D. MCCANN ASSOCIATE, INC.</b> LAND SURVEYING ATLANTA, GEORGIA	DATE: JAN. 7, 1988 FIELD BY:
SCALE: 1" = 80' DATE:	FIELD NO.: 2568-88	REVISIONS:	FIELD BY:

NOTE:  
ALL DISTANCES SHOWN ARE MEASURED  
AND CALCULATED BY MEANS OF THE  
MILL. A 30' R/W WAS USED FOR  
THE PROPERTY LINE ON THIS SURVEY.

R. 108.25'  
C. 11.52'  
CH. BNG. 8°21'32"W

R. 108.25'  
C. 11.52'  
CH. BNG. 8°21'32"W

R. 108.25'  
C. 11.52'  
CH. BNG. 8°21'32"W