

**AUGUST 20, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 3

PURPOSE

To consider a stipulation amendment for Steve Phillips regarding rezoning application Z-21 of 2007 (WW Georgia Properties, LLC), for property located on the north side of New McEver Road, east of McEver Industrial Drive in Land Lot 67 of the 20th District.

BACKGROUND

The subject property was zoned Light Industrial (LI) in 2007 for a landscaping business. The landscaping company is not located on the property, so the owner would like to utilize the property to an exterminating company. No other changes are proposed for the building or the property. An exterminating company is a permitted use in the Light Industrial zoning district. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

DEPARTMENT COMMENTS

Stormwater Management: All chemicals must be stored indoors or under cover.

Water & Sewer Comments: Department of Environmental Health approval required for continued use of one-site septic system.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 8/20/2013

Applicant: Steve Phillips Phone #: 770-293-2700
(applicant's name printed)

Address: 830 Kennesaw Ave, Marietta, GA 30060 E-Mail: sphillips@callnorthwest.com

Steve Phillips Address: "same"
(representative's name, printed)

Steve Phillips Phone #: 770-293-2700 E-Mail: sphillips@CALLNORTHWEST.COM
(representative's signature)

Signed, sealed and delivered in presence of:

Priscilla Mezick My commission expires: May 29, 2016
Notary Public

Titleholder(s): Steve Phillips Phone #: 770-293-2700
(property owner's name printed)

Address: 830 Kennesaw Ave, Marietta, GA 30060 E-Mail: sphillips@callnorthwest.com

Steve Phillips
(Property owner's signature)

Signed, sealed and delivered in presence of:

Priscilla G. Mezick My commission expires: May 29, 2016
Notary Public

Commission District: 1 Zoning Case: Z-21

Date of Zoning Decision: 3-20-07 Original Date of Hearing: 3-20-07

Location: 3650 NEW McEVER RD ACWORTH, GA 30101
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 67 District(s): 20TH

State specifically the need or reason(s) for Other Business: _____

PROPERTY MAY BE USED BY NORTHWEST
EXTERMINATING.
TO OPERATE A BUSINESS

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 03-20-07APPLICANTS NAME: WW GEORGIA PROPERTIES, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 03-20-07 ZONING HEARING:

WW GEORGIA PROPERTIES, LLC (William N. Willis, owner) requesting Rezoning from R-20 to LI for the purpose of a Landscaping Business in Land Lot 67 of the 20th District. Located on the north side of New McEver Road, east of McEver Industrial Drive.

MOTION: Motion by Lee, second by Kesting, as part of the Consent Agenda, to **approve** rezoning to the LI zoning district subject to:

- existing structure (as shown on the site plan received by the Zoning Division on January 4, 2007), which is to maintain a residential style and décor may be used for a landscaping business (copy attached and made a part of these minutes)
- any proposal to change structures, plans, elevations and/or lot design is subject to Plan Review and approval by the District Commissioner
- letter of agreeable conditions from Mr. Parks Huff, dated February 28, 2007, *not otherwise in conflict and with the following changes:* (copy attached and made a part of these minutes)
 - Item No. 1 – Add to end: *“Signs will not be mounted on the house.”*
 - Item No. 2 – Amend to read: *“The chemicals and fertilizers associated with the landscaping business, or any other business, shall be stored...”*
 - Item No. 4 – Replace with: *“Donation of right-of-way, sight distance conformance and driveway upgrade to commercial standards are to be accomplished when this zoning is approved.”*
 - Item No. 5 – Replace with: *“The remainder of the DOT recommendations will be accomplished when the site is redeveloped or significant facilities are added.”*
 - Item No. 6 – Change to read: *“The site plan for any redevelopment shall be subject to Plan Review and the plans and elevations will be approved by the District Commissioner.”*
- equipment parked on the property must be prevented from leaking oils and other contaminants into water runoff. Water quality features will be installed if required by the Stormwater Management Division
- minor changes may be approved by the District Commissioner
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations (*not otherwise in conflict*)
- 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

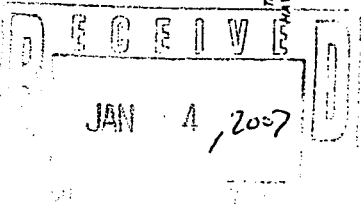
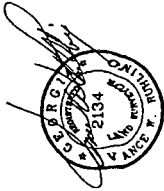
VOTE: **ADOPTED** unanimously

Min. Bk. 48 Petition No. Z-21
Doc. Type SITE PLAN

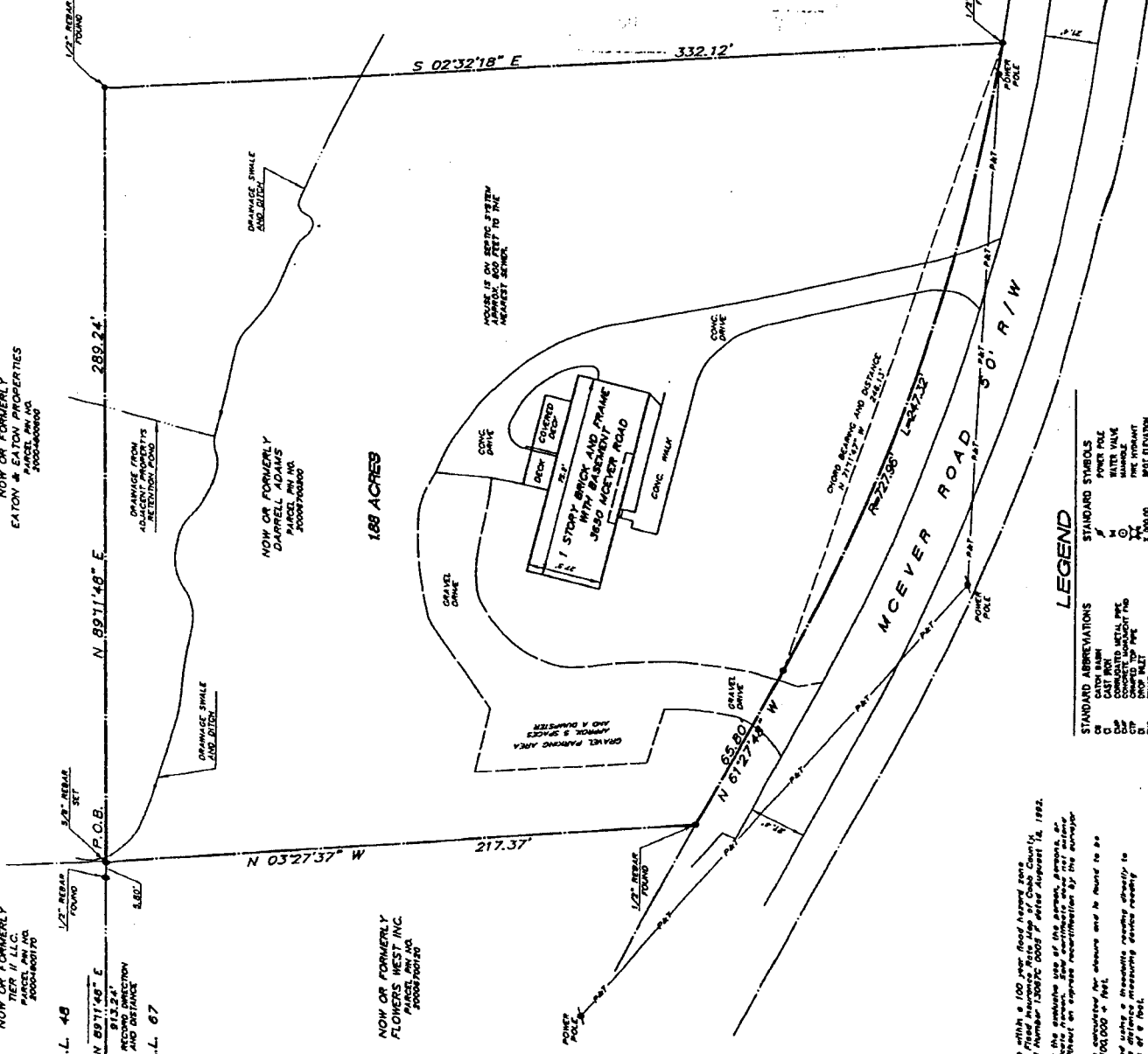
Meeting Date March 20, 2007

SURVEY FOR
MARK L WILLIAMS
AND
DR WILLIAM N. WILLS
BEING A 1.88 ACRE TRACT
LOCATED IN LAND LOT 67 OF
THE 20TH DISTRICT 2ND SECTION
OF COBB COUNTY, GEORGIA
SCALE 1" = 30'

DATED NOVEMBER 16, 2006
THIS PROPERTY IS NOT LOCATED IN AN AREA
REQUIRING ANY SPECIAL FLOOD HAZARD CONDITIONS
EQUIPMENT USED ANGULAR WILD 01-1000
LINEAR WILD T-1000
TRAVERSE PRECISION 1/100,000+
PLAT PRECISION 1/100,000+
JOB NUMBER 3132-06
RULLING AND RULLING LAND SURVEYORS
2690-S SUMMERS STREET N.W.
KENNESAW GEORGIA 30144
PHONE (770) 422-8768



NOW OR FORMERLY
LINFORD D. HEADOR
AND
CATHERINE G. HEADOR
PARCEL # 001
2006070080



LEGEND

Table with columns for STANDARD ABBREVIATIONS and STANDARD SYMBOLS, listing symbols for various features like power poles, water lines, and easements.

FLOOD HAZARD NOTE
This property does not lie within a 100 year flood hazard zone as defined by the F.E.L.A. Flood Insurance Risk Map of Cobb County, Georgia, Community Flood Number 13087C 0005 F dated August 14, 1992.
This plat was prepared for the exclusive use of the person, persons, or persons named herein and is not to be used for any other purpose without the express authorization of the surveyor.
The plat was prepared for the exclusive use of the person, persons, or persons named herein and is not to be used for any other purpose without the express authorization of the surveyor.
The surveyor is not responsible for the correctness of the information furnished by the contractor or the correctness of the information furnished by the contractor.



SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
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GARVIS L. SAMS, JR.
JOEL L. LARKIN
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JAMES A. BALLI*
MELISSA P. HAISTEN

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

February 28, 2007

VIA HAND DELIVERY

Mr. John Pederson, Zoning Analyst
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Min. Bk. 48 Petition No. Z-21
Doc. Type Letter of agreeable
Conditions
Meeting Date March 22, 2007

COBB COUNTY GEORGIA
2007 FEB 28 AM 11:16
Cobb County Clerk's Office

Re: Application of WW Georgia Properties, LLC to Rezone a 1.88 Acre Tract
from R-20 to LI (No. Z-21)

Dear John:

WW Georgia Properties proposes to rezone a 1.88 acre tract of land from R-20 to LI. The Light Industrial designation is consistent with zonings in this area of New McEver Road and it is consistent with the Industrial Compatible land use designation on the Future Land Use Map. The immediate proposed use of the property is for a landscaping business. This use will use the existing house and maintain its residential character. When the property redevelops to a more traditional industrial building the applicant proposes to make the road improvements proposed by Cobb County Department of Transportation. Following is a list of conditions that my client will agree to becoming a condition on the grant of the rezoning request.

1. Prior to redevelopment, the existing house will retain its residential character. All storage of material and equipment shall be located behind the house to limit their visibility from New McEver Road.
2. The chemicals and fertilizers associated with the landscaping business shall be stored undercover in dry conditions to ensure that no chemicals leave the site. The applicant recognizes the proximity of the property to the Allatoona Water Shed.
3. Any lighting to the front of the existing house or that shall be installed in the future shall be downcast environmentally sensitive lighting that shall limit light shining towards New

VIA HAND DELIVERY

Mr. John Pederson, Zoning Analyst
Cobb County Zoning Department
February 28, 2007
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Meeting Date march 29, 2007
Continued

McEver Road and the residential properties located across New McEver Road.

4. The applicant will comply with the recommendations of the Department of Transportation by donating sufficient right of way to create a 40 foot half.
5. When the property redevelops, the applicant will comply with the DOT requests regarding the installation of curbs, gutters and sidewalks as well as the installation of a commercial grade driveway and deceleration lane.
6. The site plan for the redevelopment shall be subject to the review and approval of the District Commissioner.

Please do not hesitate to call should you need any additional information regarding this request.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samslarkinhuff.com

PFH/brl

- cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA First Class Mail
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Mr. Steve Innes, Cobb County Water System (via e-mail)
Mr. John Morey, Cobb County DOT (via e-mail)
Mr. Dave Breaden, P. E., Cobb County Water System (via e-mail)
Mr. Jim McKay, Cobb County DOT (via e-mail)
Mr. Mark Williams