

**DECEMBER 17, 2013 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

**ITEM # 1**

**PURPOSE**

To consider a site plan amendment for Jason Williams regarding application SLUP-22 of 1996 (McArthur Concrete Products), for property located on the west side of New McEver Road and on the north side of Toonigh Road, in Land Lot 50 of the 20<sup>th</sup> District.

**BACKGROUND**

The subject property was approved March 17, 1998 for a concrete plant as a result of a court order relating to the original denial of this application in 1996. As part of the 1998 action, the concrete plant was approved subject to the site plan dated April 5, 1995, which is attached for review. The applicant would like to use the property for their concrete plant, but cannot since the current site plan has minor deviations from the approved 1998 site plan. These deviations appear to have been here for 7-12 years without adversely affecting adjacent or nearby properties. The deviations include 1) slightly different building locations and sizes, 2) bulk material storage locations are now shown, 3) the detention pond area has been expanded, and 4) the second access drive onto Toonigh Road is now shown, and the access road onto New McEver Road has been closed. The required Virginia Pines were planted along New McEver Road, and there is not any access shown to New McEver Road. If approved, all previous stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

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

**STAFF COMMENTS**

**Stormwater Management:** Subject to the requirements of Georgia NPDES General Permit for Stormwater Discharges Associated with Industrial Activity. Provide copy of Notice of Intent and current Stormwater Pollution Prevention Plan to Stormwater Management Division prior to operation.

**ATTACHMENTS**

Other Business application and stipulations.

# Application for "Other Business"

## Cobb County, Georgia

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

BOC Hearing Date Requested: 10/15/2013

12/17/2013

#1

Applicant: Jason Williams (applicant's name printed) Phone #: 770-508-3873

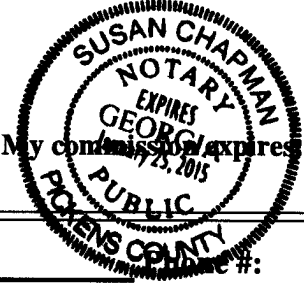
Address: P.O. Box 1390 Jasper, GA 30143 E-Mail: J-f-williams@hotmail.com

Jason Williams (representative's name, printed) Address: 1200 South Main St Jasper, GA 30143

J-f-williams (representative's signature) Phone #: 770-508-3873 E-Mail: J-f-williams

Signed, sealed and delivered in presence of:

Susan Chapman Notary Public

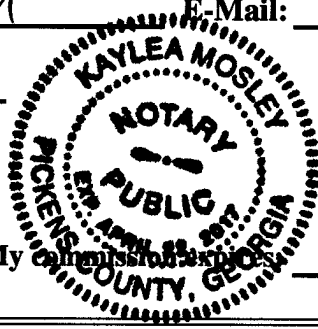


My commission expires 1-25-15

Titleholder(s): Robert James (property owner's name printed)

Address: 3000 New McEver Rd E-Mail: \_\_\_\_\_

Robert W. James (Property owner's signature)



Signed, sealed and delivered in presence of:

Kaylea Mosley Notary Public

My commission expires 4/22/2017

COBB COUNTY ZONING DIVISION  
2013 NOV 11 PM 12:50  
COBB COUNTY GEORGIA  
FILED IN OFFICE

Commission District: 3 Zoning Case: SLUP-22

Date of Zoning Decision: 3-17-1998 Original Date of Hearing: 12-17-1996

Location: 3000 New McEver Road (street address, if applicable; nearest intersection, etc.)

Land Lot(s): 50 District(s): 20th

State specifically the need or reason(s) for Other Business: Request Business License  
see letter of intent

(List or attach additional information if needed)

COBB COUNTY GEORGIA  
FILED IN OFFICE



2013 NOV 11 PM 12: 50

COBB COUNTY ZONING DIVISION

Development Planning & Engineering, Inc.

October 10, 2013

Mr. John Pederson  
Cobb County Planning & Zoning  
100 Cherokee Street  
Marietta, Georgia 30060

Dear Mr. Pederson:

Please accept our other business application for the Williams Brothers Concrete facility in Acworth located at 3000 New McEver Road. The site was previously in operation as a concrete facility as zoned and approved under SLUP-22 on December 17, 1996. Williams Brothers is the new leasee of the property and would like to open our facility in this location.

We have provided an as built survey of the property to show all existing conditions on the site. We would appreciate the Board of Commissioners approval of our Other Business application.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tonya Woods', written over the word 'Sincerely,'.

Tonya Woods  
Agent for Williams Brothers Concrete



ORIGINAL DATE OF APPLICATION: 12-17-96APPLICANTS NAME: MCARTHUR CONCRETE PRODUCTSTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERSBOC DECISION OF 03-17-98 ZONING HEARING:OTHER BUSINESS ITEM #1 - TO CONDUCT A HEARING AND CONSIDER SLUP-22 OF DECEMBER 17, 1996 (MCARTHUR CONCRETE PRODUCTS), PURSUANT TO COURT ORDER

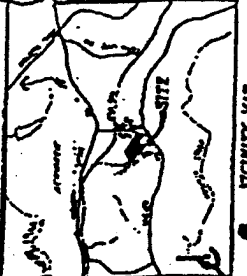
To conduct a hearing and consider SLUP-22 of December 17, 1996 (McArthur Concrete Products), pursuant to Court Order, for property located in Land Lot 50 of the 20<sup>th</sup> District, on the west side of New McEver Road, north of Toonigh Road.

Mr. Mark Danneman, Zoning Division Manager, explained the requirement to conduct a public hearing, pursuant to a court order signed by Judge Dorothy A. Robinson, dated January 8, 1998, reversing the Board of Commissioners' decision to deny SLUP-22 of December 17, 1996 (McArthur Concrete Products). Judge Robinson found the requirement that a concrete plant not be located closer than 1,000 feet from a residential dwelling to be unconstitutional as applied to the subject property and ordered Defendant Cobb County to reconsider said application. Mr. Danneman stated that the subject property had been properly posted and advertised as required. The public hearing was opened for persons wishing to address the Board. Mr. Douglas Dillard, Counsel for Applicant McArthur Concrete Products, Inc., came forward to make a presentation. Mr. Dillard gave a brief background concerning the denial of Applicant's request for a Special Land Use Permit to allow for a ready-mix concrete plant located on McArthur's industrial property.

Mr. Dillard informed the Board that the applicant has obtained all required State and Federal permits and will comply in all respects to all environmental and other regulations controlling this type business. Mr. Dillard stated the site plan does not include any new access onto New McEver Road but does contain one additional access onto Toonigh Road.

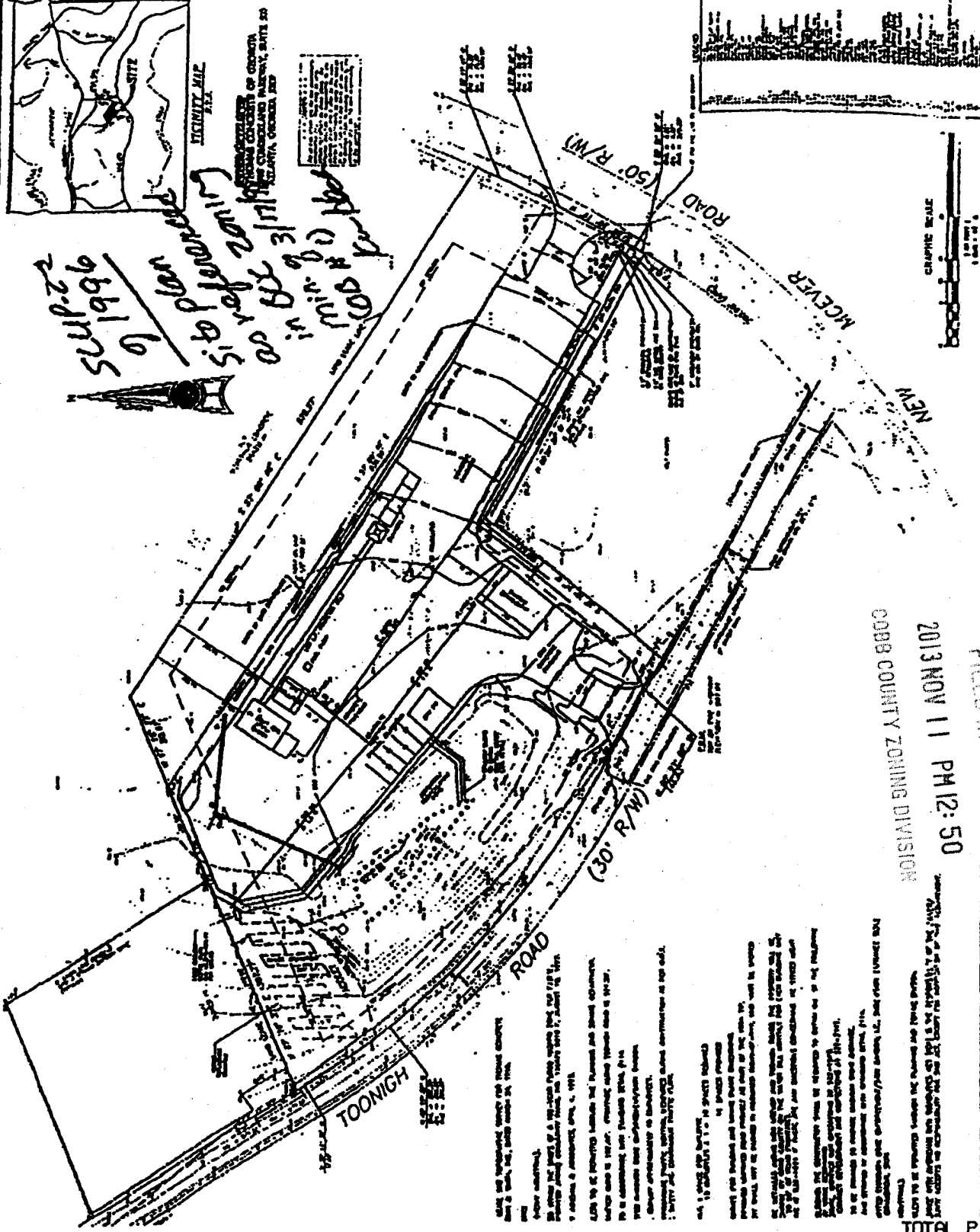
Following the public hearing, the Board of Commissioners approved Special Land Use Permit SLUP-22 of 1996 (McArthur Concrete Products) located in Land Lot 50 of the 20<sup>th</sup> District subject to: 1) site plan dated April 5, 1995 (reduced copy attached hereto and made a part hereof); 2) owner/applicant to plant Virginia Pines (4' to 6' in height) along New McEver Road; 3) no truck access to any roads located within Legacy Park Subdivision; 4) location of access onto Toonigh Road to be approved by Cobb Department of Transportation. Motion by Byrne, second by Wysong, carried 5-0.

COBB COUNTY GEORGIA  
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2013 NOV 11 PM 12:50  
COBB COUNTY ZONING DIVISION



THE CITY OF HILLABEE, GEORGIA  
THOMAS CONCRETE OF GEORGIA  
1400 IRT & RD. NORTON, GA 31092  
CONCRETE DIVISION

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2013 NOV 11 PM 12: 50  
COBB COUNTY ZONING DIVISION

THIS PLAN IS TO BE USED FOR THE DESIGN AND CONSTRUCTION OF THE PROPOSED BUILDING AND PAVING. THE ZONING DIVISION HAS REVIEWED THE PLAN AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE ZONING ORDINANCES OF COBB COUNTY, GEORGIA. THE ZONING DIVISION DOES NOT GUARANTEE THE ACCURACY OF THE INFORMATION PROVIDED ON THIS PLAN. THE ZONING DIVISION IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS ON THIS PLAN. THE ZONING DIVISION IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS PLAN. THE ZONING DIVISION IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING REASONABLE ATTORNEY'S FEES, ARISING FROM THE USE OF THIS PLAN.

*Note: Large marked plan in zoning file*