

APPLICANT: Wade Coots Company
770-819-0601

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

TITLEHOLDER: Coots Family Properties, LLC, Series 7

PROPERTY LOCATION: Northwest side of Six Flags Parkway and
southwest side of Hillcrest Drive; north of Six Flags Drive
(298 Six Flags Parkway).

ACCESS TO PROPERTY: Six Flags Parkway and Hillcrest Drive

PHYSICAL CHARACTERISTICS TO SITE: Existing Contracting
business and ancillary outdoor storage

PETITION NO: Z-62

HEARING DATE (PC): 11-05-13

HEARING DATE (BOC): 11-19-13

PRESENT ZONING: GC, CF, R-20

PROPOSED ZONING: HI

PROPOSED USE: Contracting Company

SIZE OF TRACT: 2.123 acres

DISTRICT: 18

LAND LOT(S): 505, 506, 595

PARCEL(S): 40, 13

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Single-family residences
- SOUTH:** HI/ Industrial businesses
- EAST:** HI/ Industrial businesses
- WEST:** HI, R-20/ Industrial businesses, Single-family residence

OPPOSITION: NO. OPPOSED PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

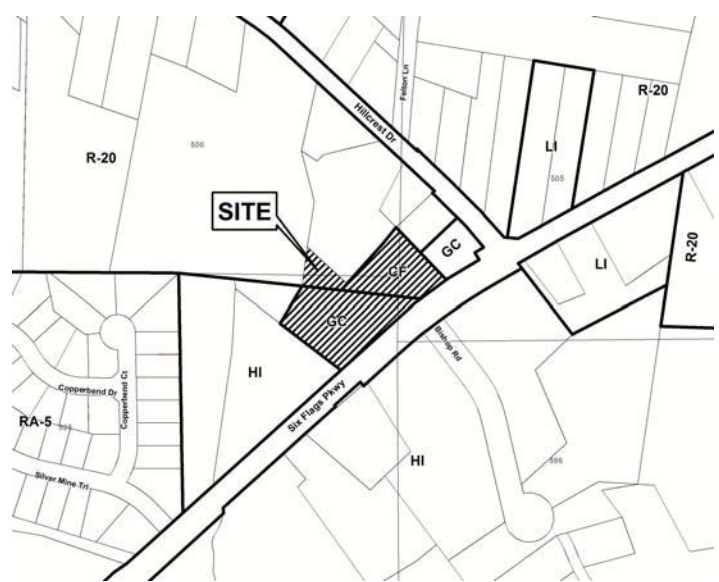
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

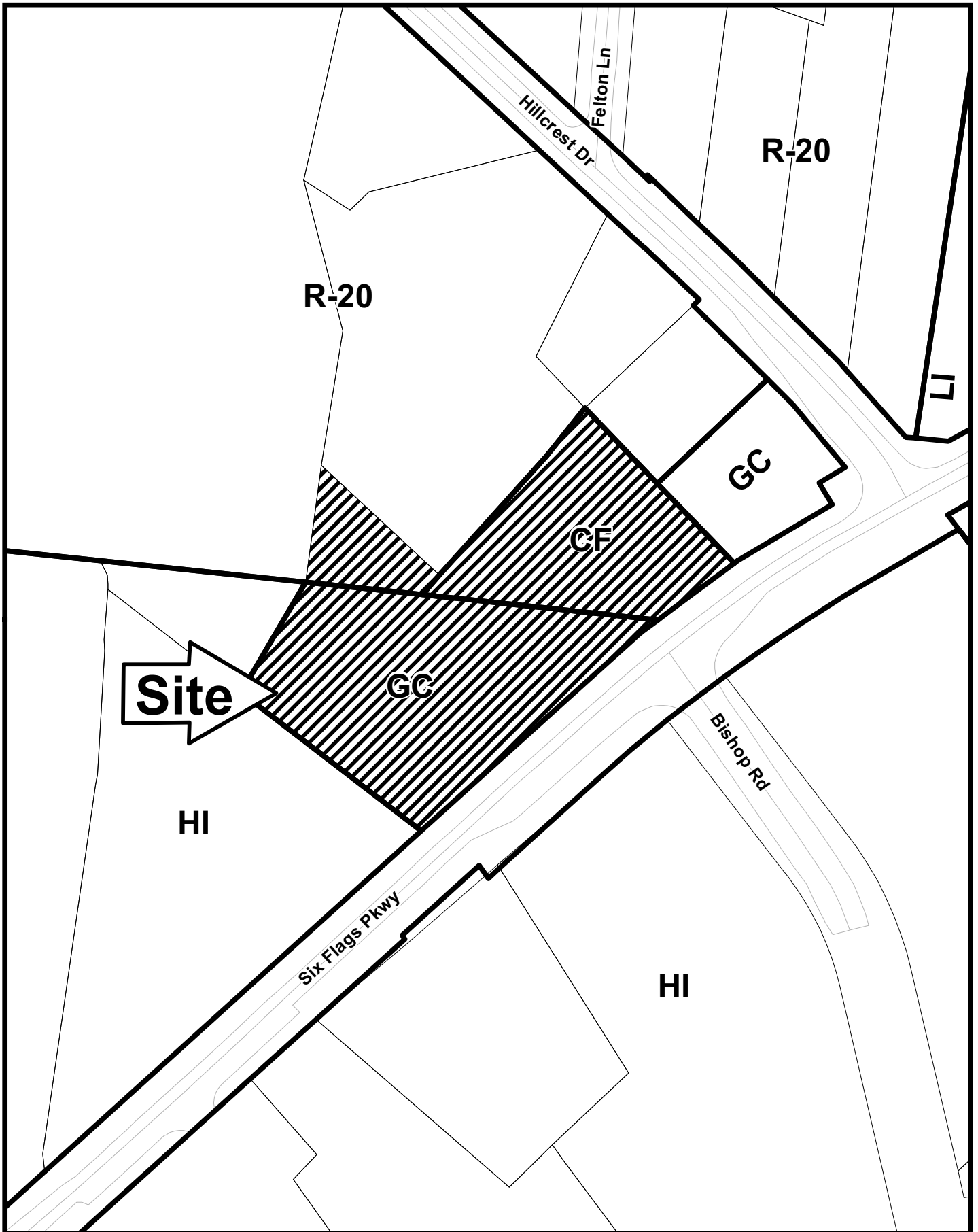
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:



Z-62



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

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Wade Coots Company

PETITION NO.: Z-62

PRESENT ZONING: GC, CF, R-20

PETITION FOR: HI

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Medium Density Residential (MDR)

Proposed Number of Buildings: 3, existing **Total Square Footage of Development:** 3,267 sq. ft.

F.A.R.: .04 **Square Footage/Acre:** 1,538.86 sq. ft.

Parking Spaces Required: 13 or more **Parking Spaces Provided:** none indicated

The applicant is requesting a rezoning to the HI heavy industrial district in order to continue operation of the existing contracting business that has been located on the subject property for over 25 years. The business, which includes outside storage of heavy equipment, operates Monday through Friday 7:30 a.m. until 6:00 p.m. with occasional work on Saturday from 7:30 a.m. until 6:00 p.m.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

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

APPLICANT: Wade Coots Company

PETITION NO.: Z-62

PRESENT ZONING: GC, CF, R-20

PETITION FOR: HI

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC, CF and R-20 to HI for purpose of contracting company. The ~3.75 acre site is located at the intersection of Six Flags Parkway and Hillcrest Drive.

Comprehensive Plan

The parcel is within a Medium Density Residential (**MDR**) future land use category, with GC, CF and R-20 zoning designations. The purpose of the Medium Density Residential (**MDR**) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

Master Plan/Corridor Study

Not applicable.

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?

APPLICANT Wade Coots Company

PETITION NO. Z-062

PRESENT ZONING GC,CF,R-20

PETITION FOR HI

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): **10" CIN / side of Six Flags Drive**

Additional Comments: existing water customer

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: **100' W w/easement or 425 SW in Six Flags Pkwy ROW**

Estimated Waste Generation (in G.P.D.): **A D F +0 Peak= +0**

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 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 Health Dept approval required for use of septic system (assuming no redevelopment)
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: Wade Coots Company

PETITION NO.: Z-62

PRESENT ZONING: GC, CF, R-20

PETITION FOR: HI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River FLOOD HAZARD INFO: Zone X

- 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 CONDITION

- 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 _____.

APPLICANT: Wade Coots Company

PETITION NO.: Z-62

PRESENT ZONING: GC, CF, R-20

PETITION FOR: HI

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.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. There do not appear to be any stormwater management controls on the existing site. Any site improvements or redevelopment will be required to meet current stormwater management standards.
2. Owner will be required to address any site deficiencies uncovered during Environmental Compliance Audit.

APPLICANT: Wade Coots Company

PETITION NO.: Z-62

PRESENT ZONING: GC, CF, R-20

PETITION FOR: HI

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
Six Flags Parkway	8200	Major Collector	40 mph	Cobb County	80'

Based on 2005 traffic counting data taken by Cobb DOT (Six Flags Parkway)

COMMENTS AND OBSERVATIONS

Six Flags Parkway is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend curb, gutter, and sidewalk along Six Flags Parkway.

Recommend the driveway be paved with a treated hardened surface a minimum of 25 feet in length or to the edge of the right-of-way, whichever is greater.

Recommend a commercial driveway apron for the access on Six Flags Parkway.

Recommend no additional access to Six Flags Parkway.

Recommend a deceleration lane for the access on Six Flags Parkway.

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

STAFF RECOMMENDATIONS

Z-62 WADE COOTS COMPANY

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties, as long as outside storage and aesthetics can be addressed. Surrounding properties contain a number of existing uses which adjoin this property, which include residential uses, institutional uses, and industrial uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. While such an industrial use may not be anticipated today within this area forecasted as medium density residential, the property has been used as a construction office. The area zoned CF has been expanded since 2000 without County approval. The nearby properties have been improved lately, and this proposal does not fit in with the improved properties.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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*. Located within an area delineated as MDR medium density residential on the future land use map, the proposed use does not serve that category's intention of providing for areas of medium density housing.
- 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 the Low Rise Office (LRO) zoning district. While not supported by the *Cobb County Comprehensive Plan's* designation as Medium Density Residential (MDR), the request will allow continuance of an existing business and does not propose an expansion to the use. Staff is concerned the use has expanded without County approval and without proper zoning. Staff believes zoning the property to LRO would provide for a better transition in zoning intensity and use.

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

- Property to be brought into compliance with commercial standards relative to adequate parking and visual screening/buffering by means of submittal for Plan Review with final approval of parking and screening/buffering plan by District Commissioner;
- No outside storage or storage of heavy equipment;
- Office only;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

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.

Summary of Intent for Rezoning *

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 SEP -5 PM 3:08
COBB COUNTY ZONING DIVISION

.....
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):** To continue the existing contracting business and for the storage of construction equipment and construction materials.
- b) **Proposed building architecture:** _____
- c) **Proposed hours/days of operation:** Monday through Friday from 7:30 a.m. until 6:00 p.m. with occasional work on Saturday from 7:30 a.m. until 6:00 p.m.
- d) **List all requested variances:** _____

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

The subject property has been utilized as proposed for over 25 years and is directly contiguous to HI zoned properties.

.....
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). No. _____

*The Applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 SEP -5 PM 3: 08

COBB COUNTY ZONING DIVISION

ZONING IMPACT STATEMENT FOR
THE REZONING APPLICATION
OF WADE COOTS COMPANY

COMES NOW, WADE COOTS COMPANY, 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 and developments along the Six Flags Parkway Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the preponderance of which are industrial developments which are located within the confines of a Industrial, Industrial Compatible or Priority Industrial sites.
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present zoning classifications of GC, CF & 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 located contiguous and in close proximity to Industrial uses and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classifications of GC, CF and R-20 which limit the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development on the Six Flags Parkway Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 5th day of September, 2013.

SAMS, LARKIN & HUFF, LLP

By: 

GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

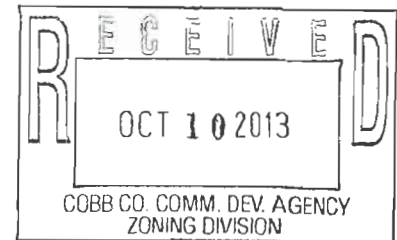
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

October 10, 2013

VIA EMAIL

Mr. Jason Campbell, Planner III
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application of Wade Coots Company to Rezone a 2.123 Acre Tract
from GC, CF & R-20 to HI (Application No. Z-62)

Dear Jason:

As you know, this firm has been engaged by and represents Wade Coots Company which is the Applicant and Property Owner with respect to the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on November 5, 2013. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 19, 2013.

During the pendency of this Application, we have had the opportunity to initiate and engage in discussions with the Planning & Zoning staff and with various departmental representatives. In that regard, we are submitting this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, shall become a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Jason Campbell, Planner III
Cobb County Zoning Division
Community Development Agency
October 10, 2013
Page 2

2. Rezoning of the subject property shall be from its existing zoning categories of GC, CF & R-20 to HI for the purposes of the continuation of an existing contracting business which has been in operation in excess of twenty-five (25) years.¹
3. The total site area consists of 2.123 acres and the Applicant proposes to continue utilizing the subject property for a contracting business which has among its clients the Cobb County Water System which engages the company for purposes of the construction and installation of stormwater piping and related components.
4. The days and hours of operation will be Monday through Friday from 7:30 a.m. until 6:00 p.m. with occasional work on Saturday during that same time frame.
5. The Applicant agrees to remove all materials on the subject property not otherwise related to the subject business and to store all materials ancillary to the business in accordance with County regulations.
6. The Applicant agrees to continue to maintain the wooden fence along the northern portions of the subject property which are contiguous to residentially zoned and utilized properties.
7. The Applicant agrees to continue to maintain the chain link fence, a minimum of six feet (6') in height along the frontage of the subject property on Six Flags Parkway.
8. The Applicant agrees to the installation of landscaping which will include a staggered row of White Pines, a minimum of six feet (6') in height, along and in front of the chain link fence referenced in Paragraph 6 above to be reviewed and approved by the County Arborist.
9. The foregoing paragraphs, relating to fencing and the installation of landscaping, shall be accomplished on or before the expiration of one-hundred eighty (180) days from the final zoning approval of the rezoning by the Cobb County Board of Commissioners.

¹ The subject property has direct contiguity to Heavy Industrially zoned property to its southwest and is located directly across Six Flags Drive from numerous industrially utilized properties, all of which are zoned Heavy Industrial.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Jason Campbell, Planner III
Cobb County Zoning Division
Community Development Agency
October 10, 2013
Page 3

10. The Applicant agrees that it shall not store on site nor be involved in the transport of construction and/or demolition debris or municipal solid waste materials.
11. The Stormwater Management Division has informed the Applicant that, if there are no substantive site changes and no substantial impervious surfaces added to the site, then there will be no requirements for the installation of detention or water quality components on the subject property. However, if the Stormwater Management Division does require detention at a later date, then fencing as described above with attendant landscaping shall be installed to screen/shield said detention areas from residentially zoned and utilized properties.
12. All landscape and buffer areas may be penetrated for purposes of access, utilities and stormwater management, including, but not limited to, detention facilities, drainage facilities and any and all slopes or other required engineering features.
13. Compliance with the following Department of Transportation recommendations, upon a redevelopment of the subject property, as follows:
 - a. The installation of curb, gutter and sidewalk along the subject property's frontage on Six Flags Parkway.
 - b. The voluntary donation and conveyance of right-of-way so that the County can achieve thirty feet (30') from the centerline of Six Flags Parkway.
 - c. An agreement to comply with Cobb County Development Standards and Ordinances related to project improvements except as otherwise approved by the Board of Commissioners, the Cobb County Department of Transportation or the Cobb County Community Development Agency, as their respective authority may allow.
14. Compliance with recommendations from the Cobb County Water System with respect to the availability of water and sewer to the subject property.
15. Compliance with recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Jason Campbell, Planner III
Cobb County Zoning Division
Community Development Agency
October 10, 2013
Page 4

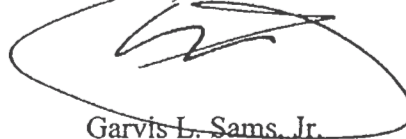
16. The District Commissioner shall have the authority to approve minor modifications as the development proposal proceeds through the Plan Review process and thereafter, except for those that:
- a. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
 - b. Relocate a structure closer to the property line of adjacent property that is zoned the same or in a more restrictive zoning district.
 - c. Increase the height of a building that is adjacent to a property that is zoned in the same or in a more restrictive zoning district.
 - d. Change access location to a different roadway.

The subject property is located within a long-established industrial area along the Six Flags Parkway Corridor. With contiguous Heavy Industrial property to the southwest and with all of the industrially utilized properties across Six Flags Parkway being zoned HI, the Applicant's proposal is entirely appropriate from a land use planning perspective particularly considered in the context of existing and planned development within this area.

Please do not hesitate to contact me should you need additional information or documentation prior to the formulation of staff's Zoning Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS/dsj

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. Jason Campbell, Planner III
Cobb County Zoning Division
Community Development Agency
October 10, 2013
Page 5

- cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. John P. Pederson, AICP, Manager (via email)
Ms. Jane Stricklin, P.E. (via email)
Mr. David Breaden, PE, Cobb County Stormwater Management (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Presnell, Deputy County Clerk (via email)
Ms. Robin Meyer, Mableton Improvement Coalition (via email)
Mr. Wade Coots (via email)