

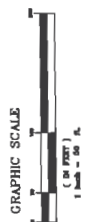
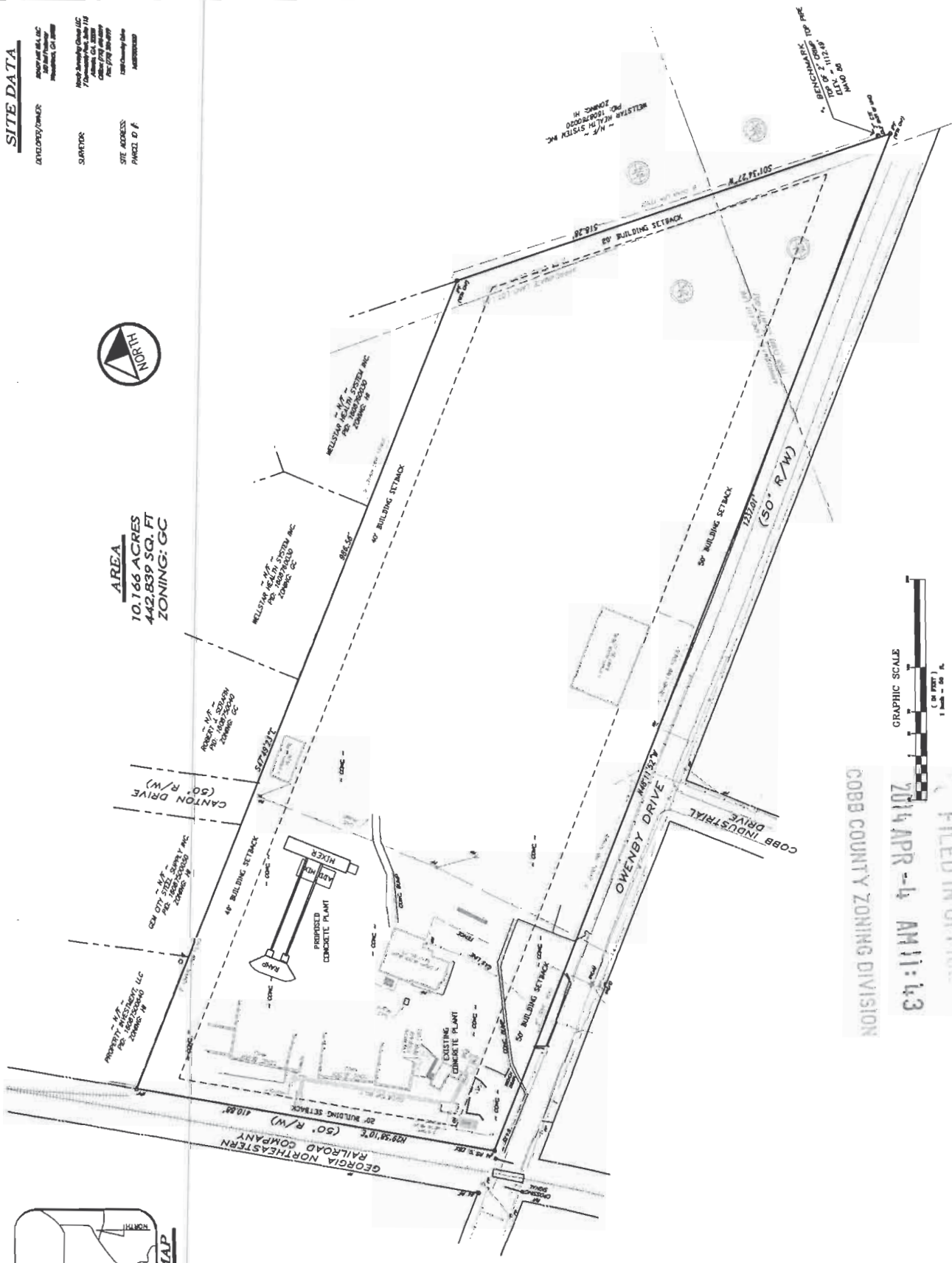
SITE DATA

DEVELOPER/OWNER:
 READY MIX USA, LLC
 100 BELL PARKWAY
 WOODSTOCK, GA 30188

START/END DATE:
 7/20/2014 - 8/11/2014

SITE ADDRESS:
 PARCEL D & F

AREA
 10.166 ACRES
 442,839 SQ. FT
 ZONING: GC



COBB COUNTY GEORGIA
 FILED IN OFFICE
 2014 APR - 4 AM 11:43
 COBB COUNTY ZONING DIVISION



APPLICANT: Ready Mix USA, LLC
(678) 494-9693

REPRESENTATIVE: Brian Johnson—Black Rock Consulting
(404) 550-6042

TITLEHOLDER: Ready Mix USA, LLC

PROPERTY LOCATION: Northeast side of Owenby Drive, southeast
of Canton Road, and at the southern end of Canton Drive
(1398 Owenby Drive).

ACCESS TO PROPERTY: Owenby Drive

PHYSICAL CHARACTERISTICS TO SITE: Concrete Batch
Plant (Existing)

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: HI/Developed Industrial and GC/Developed and Undeveloped Commercial

SOUTH: City of Marietta

EAST: City of Marietta

WEST: City of Marietta

PETITION NO: Z-39

HEARING DATE (PC): 06-03-14

HEARING DATE (BOC): 06-17-14

PRESENT ZONING: GC, HI

PROPOSED ZONING: HI

PROPOSED USE: Concrete Batch Plant

SIZE OF TRACT: 10.166 acres

DISTRICT: 16

LAND LOT(S): 875, 876, **925, 926**

PARCEL(S): 12

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

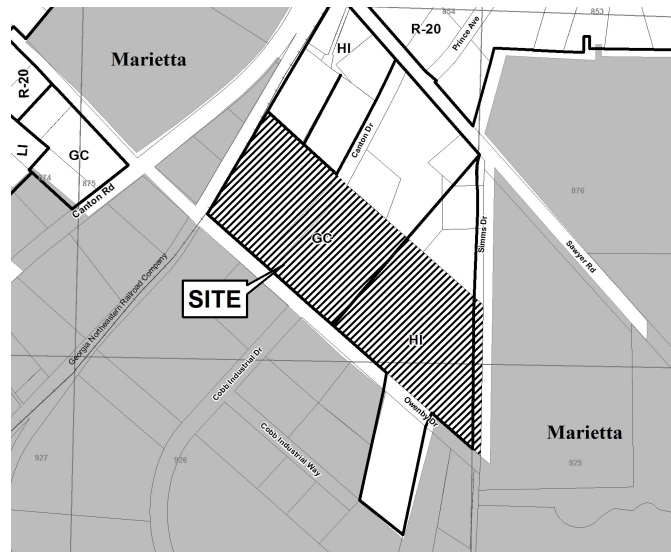
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

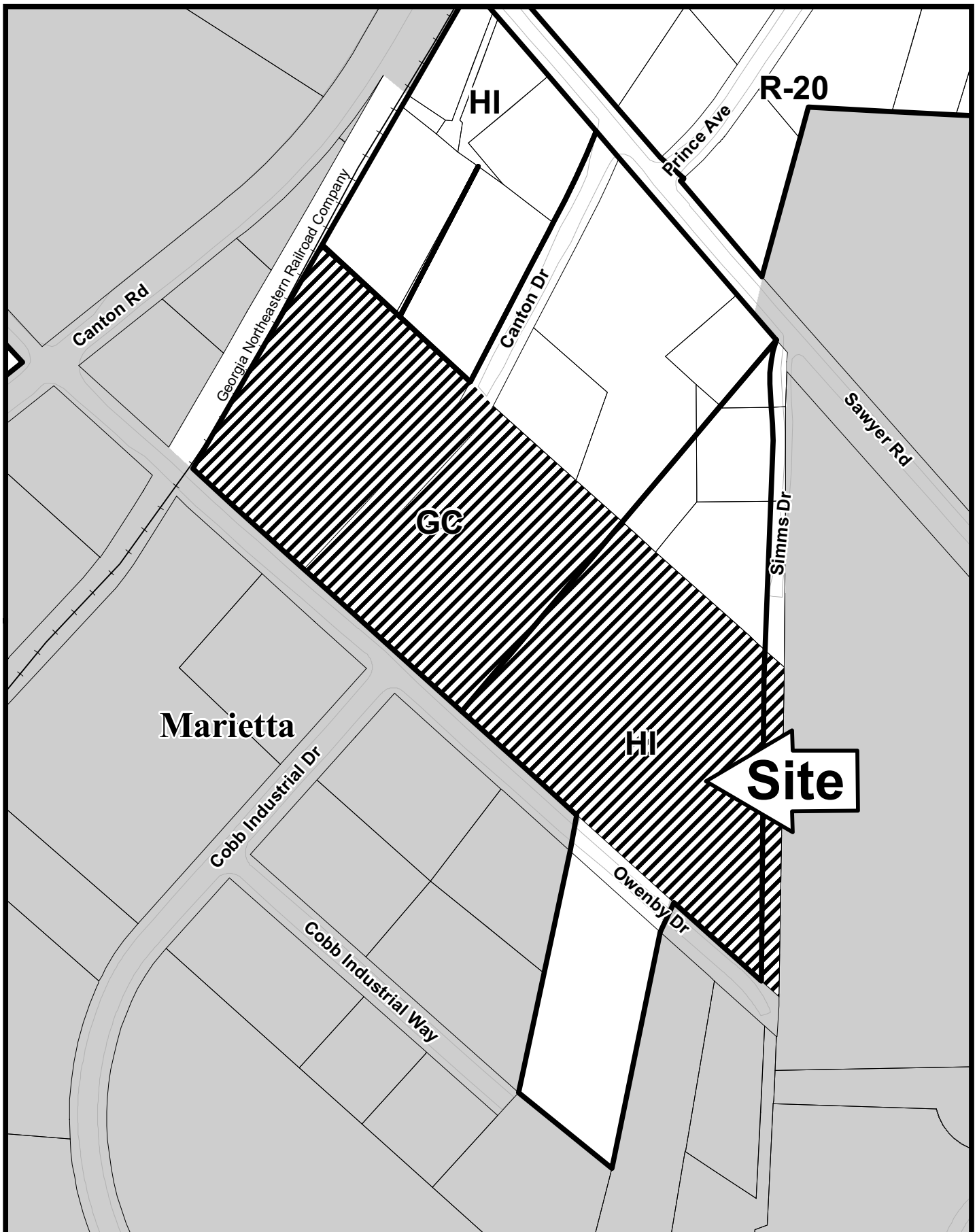
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-39



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

0 200 400 Feet



City Boundary
Zoning Boundary

APPLICANT: Ready Mix USA, LLC

PETITION NO.: Z-39

PRESENT ZONING: GC, HI

PETITION FOR: HI

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 3 **Total Square Footage of Development:** 9,780

F.A.R.: 0.022 **Square Footage/Acre:** 962

Parking Spaces Required: 6 **Parking Spaces Provided:** Concrete with no striped parking

Applicant is requesting the Heavy Industrial (HI) zoning category (along with SLUP-11) for the purpose of construction of a new concrete batch plant. The property is currently split-zoned HI and GC and has operated as a concrete batch plant since the early 1970s. The current applications will bring the existing property into compliance for the existing concrete batch plant and allow for a new concrete batch plant to be constructed. The proposed architecture of the new facility will be structural steel.

This application will require the following variances:

1. Waive the required 1,000 square-foot distance requirement from a residential dwelling and a school to 500 feet and 900 feet respectively; and
2. Waive the height of a structure from the maximum of 50 feet to 85 feet for the silo.

Cemetery Preservation: No comment.

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Ready Mix USA, LLC

PETITION NO.: Z-39

PRESENT ZONING: GC, HI

PETITION FOR: HI

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC and HI to HI for concrete batch plant. The 10.16 acre site is located on the northeast side of Owenby Drive, southeast of Canton Road, and at the southern end of Canton Drive.

Comprehensive Plan

The parcel is within the Industrial Compatible (IC) future land use category, with GC and HI zoning designations. The purpose of Industrial Compatible (IC) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks.

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?

Incentive Zones

Is the property within an Opportunity Zone? ☐ Yes ☒ No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? ☐ Yes ☒ No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

☐ Yes ☒ No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

☐ Yes ☒ No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

☐ Yes ☒ No

APPLICANT Ready Mix USA, LLC

PETITION NO. Z-039

PRESENT ZONING GC, HI

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): Contact City of Marietta for water information

Additional Comments: City of Marietta Water service area

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: Contact City of Marietta for sewer information

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

Treatment Plant: Sutton

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☐ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw 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 City of Marietta sewer service area
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: Ready Mix USA, LLC

PETITION NO.: Z-39

PRESENT ZONING: GC, HI

PETITION FOR: HI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Elizabeth Branch 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 downstream receiving system.

APPLICANT: Ready Mix USA, LLC

PETITION NO.: Z-39

PRESENT ZONING: GC, HI

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. The proposed ready-mix concrete batch plant falls under SIC Code 3273 and must apply for coverage under the Georgia NPDES General Permit for Stormwater Discharges Associated with Industrial Activity. A copy of the Spill Prevention Plan must be provided to the Stormwater Management Division.

APPLICANT: Ready Mix USA, LLC

PETITION NO.: Z-39

PRESENT ZONING: GC, HI

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
Owenby Road	N/A	Local	25 mph	Cobb County	50'
Canton Drive	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Owenby Road is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Canton Drive is classified as a local 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 Owenby Road frontage.

Recommend two commercial driveways along the Owenby Road frontage and additional driveways to be removed.

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

STAFF RECOMMENDATIONS

Z-39 READY MIX USA, 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. Other properties in the area are also zoned HI with industrial uses. The existing business has been at this location since the early 1970s.
- 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 property has been utilized as a concrete batch plant since the early 1970s. The applicant is not able to construct a new plant at this site under its current split zoning of HI/GC.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as Industrial Compatible for industrial uses. Other properties in the area are zoned Heavy Industrial and developed with industrial uses.
- 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 approving the applicant's rezoning proposal. The existing concrete batch plant has been at this location since the early 1970s. The property is split zoned HI/GC as a result of the adoption of the Cobb County Zoning Map on December 26, 1972.

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

- Site plan received by the Zoning Division on April 4, 2014, with the District Commissioner approving minor modifications;
- 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.



Application #: Z-39

PC Hearing Date: 6-3-14

BOC Hearing Date: 6-17-14

Summary of Intent for Rezoning

.....
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): Concrete Batch Plant
b) Proposed building architecture: Structural Steel
c) Proposed hours/days of operation: _____
d) List all requested variances: Height Variance for 85' silo

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

.....
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). _____

.....
Part 5. Is this application a result of a Code Enforcement action? No X; Yes ____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: _____

Date: 3/17/14

Applicant name (printed): Ryan Chenail



BLACK ROCK CONSULTING, LLC

March 29, 2014

Cobb County Zoning Department
1150 Powder Springs Street
Suite 400
Marietta, GA 30064

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 APR -4 AM 11:42
COBB COUNTY ZONING DIVISION

Dear Sir/Madam,

Ready Mix USA is requesting a rezoning for their property located at 1398 Owensby Drive. Ready Mix USA is requesting a rezoning from GC to HI with a Special Use Permit for the construction of a new concrete batch plant. The property currently has a split zoning with GC to the west and HI to the east. Ready Mix USA has an existing concrete batch plant on the property in the area that is zoned GC that was constructed in the early 1970's. Ready Mix USA is requesting a rezoning to both bring the existing property into compliance for the existing concrete batch plant, and to also allow for a new concrete batch plant to be constructed.

As per the rezoning application Ready Mix USA has reviewed the impact of the proposed rezoning for each of the following:

- a. The rezoning of the property follows the trend of the adjacent properties which are mainly HI and a few GC.
- b. The rezoning will not adversely affect the existing use of the property due to the fact that a concrete plant has been in operation on the property since the early 1970's.
- c. The current zoning of the property would require that the operation that has been in use would have to be removed and a new use to found for the subject property.
- d. Ready Mix USA does not anticipate an excessive or burdensome use for the existing transportation or utilities due to the fact that the anticipated sales would not diverge greatly from what is currently produced.
- e. The rezoning of the property is within conformity with the intent of the zoning of the adjacent area which is mainly heavy industrial in nature. The intent of the land use plan as Ready Mix USA understands is that the proposed concrete batch plant would be placed in an area that is away from residential zoning districts.
- f. The existing concrete batch plant has been in operation at the property since the early 1970's, therefore the supporting grounds for approval of the rezoning would be in updating the zoning maps to allow an existing use of the subject property in an area predominantly heavy industrial in nature.

Thank you for your consideration in the rezoning for the subject property. Please call me at 404-550-6042 if you have any questions or need any additional information.

Sincerely,

Brian Johnson
Project Manager

Seven Dunwoody Park, Suite 115 - Atlanta, Georgia 30338
Phone: (770) 395-6111 – Fax: (770) 395-6999