

**FEBRUARY 20, 2018 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 4**

ITEM OB-005

PURPOSE

To consider a site plan amendment for ALDI, Inc. regarding rezoning application Z-54 of 2001 for property located at the southeast intersection of Floyd Road and Joseph Club Drive, in Land Lot 32 of the 17th District.

BACKGROUND

The subject property was rezoned in 2001 to NRC for an Aldi store. The applicant would like to amend the site plan to add approximately 20-feet to the front of the store. This translates into a 2,500 square-foot expansion to the existing store. The expansion will impact a row of parking spaces along the front of the store, however the applicant will still have excess required parking after the expansion. The new portion of the building will have the same brick facade the rest of the building has on four sides. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

DEPARTMENT COMMENTS

Stormwater Management: Subject to Plan Review comments.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan 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: 2-20-18

OB-005

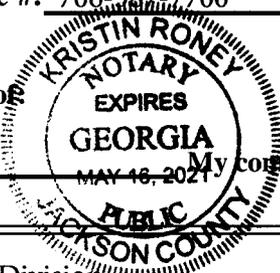
Applicant: ALDI, Inc. **Phone #:** 706-387-7700
(applicant's name printed)

Address: 1597 Dry Pond Road / Jefferson, GA / 30549 **E-Mail:** al.keeler@aldi.us

Al Keeler **Address:** 1597 Dry Pond Road / Jefferson, GA / 30549
(representative's name, printed)

[Signature] **Phone #:** 706-387-7700 **E-Mail:** al.keeler@aldi.us
(representative's signature)

Signed, sealed and delivered in presence of Kristin Roney **My commission expires:** May 16th, 2021
Notary Public

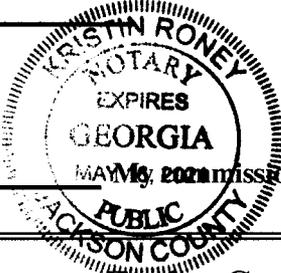


Titleholder(s): ALDI Inc. Jefferson Division **Phone #:** 706-387-7700
(property owner's name printed)

Address: 1597 Dry Pond Road / Jefferson, GA / 30549 **E-Mail:** al.keeler@aldi.us

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of: Kristin Roney **My commission expires:** May 16th, 2021
Notary Public



Commission District: 4 **Zoning Case:** Z-54-2001

Size of property in acres: +/-3.343 **Original Date of Hearing:** May 15, 2001

Location: 5020 Floyd Road SW / Mableton, GA / 30126
(street address, if applicable; nearest intersection, etc.)

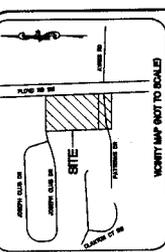
Land Lot(s): 32 **District(s):** 17th

State specifically the need or reason(s) for Other Business: This site was part of rezoning case Z-54 of 2001. The proposed site plan proposes an addition to the building included on the original site plan.

(List or attach additional information if needed)

RECEIVED

JAN 12 2018
 COMM. DEV. AGENCY
 ZONING DIVISION



SURVEYOR'S NOTES

1) THESE PLANS AND INSTRUMENTS OF SURVEYING ARE THE PROPERTY OF THE SURVEYOR AND ARE NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN CONSENT OF THE SURVEYOR.

2) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBSTRUCTIONS TO THE SURVEY.

3) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBSTRUCTIONS TO THE SURVEY.

4) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBSTRUCTIONS TO THE SURVEY.

5) THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO OBSTRUCTIONS TO THE SURVEY.

FREELAND
 SURVEYORS & ENGINEERS, INC.
 223 WEST STONE AVE.
 SUITE 100
 ATLANTA, GA 30333
 TEL: (404) 251-0212 FAX: (404) 233-0315
 EMAIL: info@freeland-surveyors.com

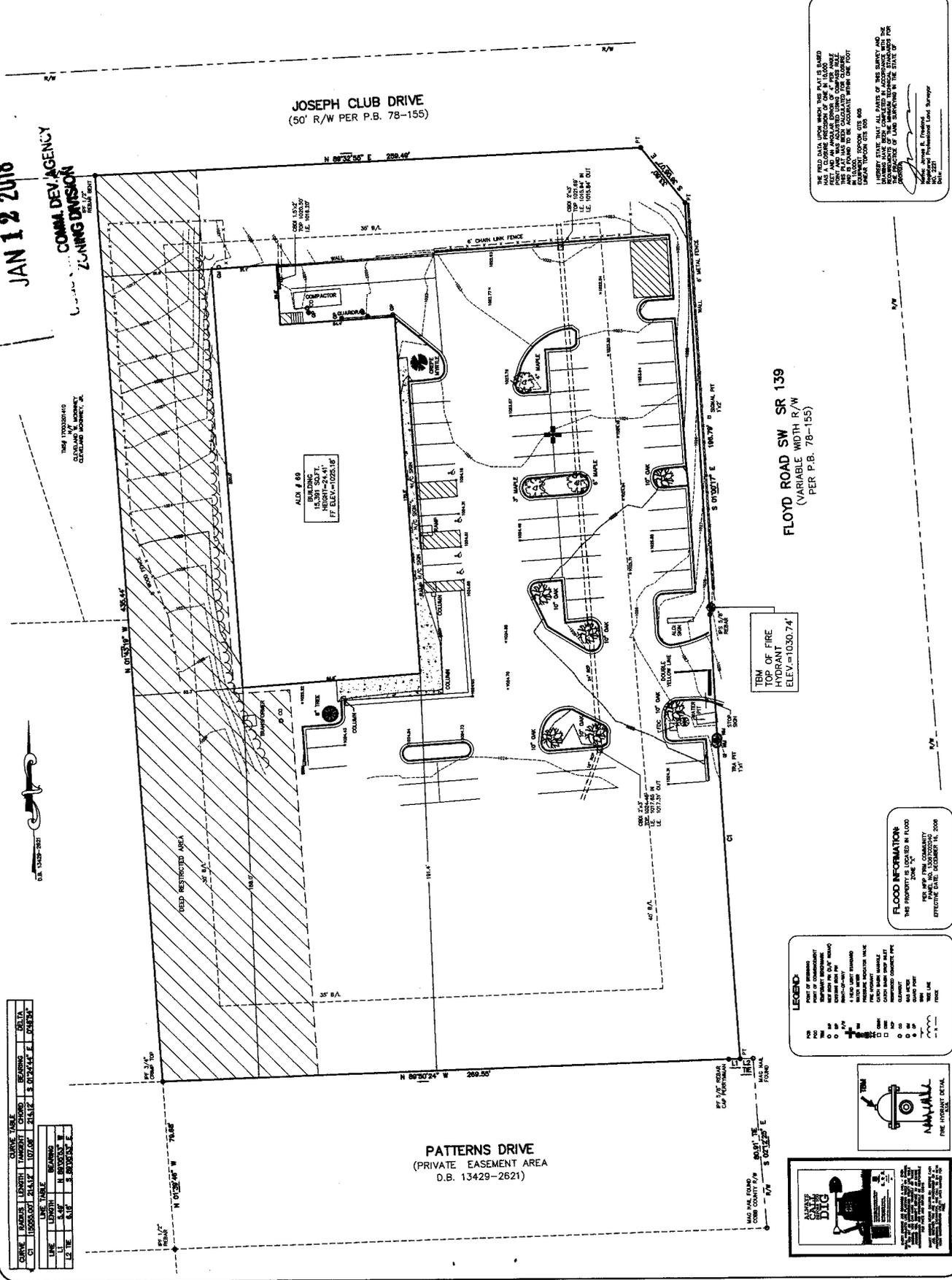
DATE OF SURVEY: 07-09-2017
 DATE OF LAST REVISION: 07-11-2017

SCALE: 1" = 30'

STATE OF GEORGIA
 COBB COUNTY
 17TH DISTRICT
AS-BUILT/TOPOGRAPHIC SURVEY FOR
 ALDI, INC.

SITE ADDRESS:
 150 PATTERNS DRIVE
 MABLETON, GA 30128

08-005
 Etching



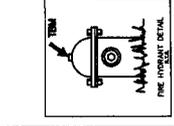
CURVE	POINTS	LENGTH	TANGENT	CHORD	AREA
CI	108.50	108.50	108.50	108.50	108.50
LI	108.50	108.50	108.50	108.50	108.50
LI	108.50	108.50	108.50	108.50	108.50

THE AREA SHOWN WITHIN THIS PLAN IS BUILT AND HAS A COVERED ROOF. THE AREA IS TO BE BUILT AND HAS A COVERED ROOF. THE AREA IS TO BE BUILT AND HAS A COVERED ROOF.

FLOOD INFORMATION:
 THIS PROPERTY IS LOCATED IN FLOOD ZONE "X".
 FLOOD INSURANCE COVERAGE IS REQUIRED.
 EFFECTIVE DATE: DECEMBER 18, 2006

LEGEND:

- PROPOSED
- EXISTING
- PROPERTY BOUNDARY
- ADJACENT PROPERTY
- ADJACENT ROAD
- ADJACENT RAILROAD
- ADJACENT AIRPORT
- ADJACENT WATERWAY
- ADJACENT POWERLINE
- ADJACENT TELEPHONE LINE
- ADJACENT CABLE
- ADJACENT GAS
- ADJACENT WATER
- ADJACENT SEWER
- ADJACENT DRAINAGE
- ADJACENT FENCE



AS-BUILT/TOPOGRAPHIC SURVEY FOR ALDI, INC.

08-005
 Etching

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
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HELD AND CONTINUED CASES:

- Z-35 Development Company of Georgia, Inc. (Held indefinitely by the Board of Commissioners from their March 20, 2001 hearing)
- Z-48 FVY Development Company, Inc. (Held by the Planning Commission until their June 5, 2001 hearing)
- Z-50 OWF Investments Corporation (Continued by the Planning Commission until their June 5, 2001 hearing)
- Z-53 HBW Development Company, LLC (Continued by the Planning Commission until their June 5, 2001 hearing)
- Z-55 Yonas Bayou (Held by the Planning Commission until their June 5, 2001 hearing)
- Z-58 Mitchell F. Cooke (Held by the Planning Commission until their June 5, 2001 hearing)

REGULAR AGENDA -- NEW BUSINESS:

Rezoning:

- Z-54 ALDI, INC.** (W. C. Barnes and Sibyl Ragan, owners) for Rezoning from R-20 to NRC for the purpose of a Grocery Store and Retail in Land Lot 32 of the 17th District. Located at the southeast intersection of Floyd Road and Joseph Club Drive, north of Patterns Drive.

Due to the number of people present in opposition to this application, the Board of Commissioners agreed to hear Z-54 as the first case on the Regular Agenda. The public hearing was opened and Mr. Garvis Sams, Mr. David Kwon, Mr. Jim Williams and Ms. Cheryl Vinson addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by W. Thompson, second by J. Thompson, to **approve** rezoning to the NRC zoning district subject to:

- Letter of agreeable stipulations from Mr. Garvis Sams dated May 9, 2001, not otherwise in conflict (copy attached and made a part of these minutes)
- Revised site plan prepared by Stormwater Management Division (copy attached and made a part of these minutes)
- Building to be brick on all sides

**MINUTES OF ZONING HEARING
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Z-54 ALDI, INC. (Continued)

- **Landscape plan to be approved by Staff**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **Water and Sewer Division comments and recommendations**

Commissioner Olens asked Commissioner W. Thompson if he would amend his motion to add additional stipulations regarding a deed covenant in greenspace for the buffer along the western property line; and also installation of curbs, gutters, and sidewalks along both sides of Patterns Drive. Commissioner W. Thompson agreed to include the amendments offered by Commissioner Olens. Therefore, the motion is restated to include amendments as follows:

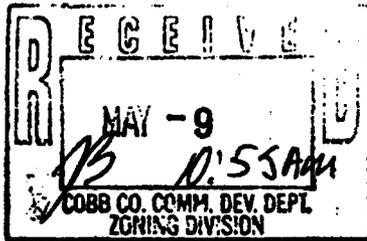
AMENDED MOTION: Motion by W. Thompson, second by J. Thompson, to **approve** Rezoning request to the NRC zoning district subject to:

- **Letter of agreeable stipulations from Mr. Garvis Sams dated May 9, 2001, not otherwise in conflict (copy attached and made a part of these minutes)**
- **Revised site plan prepared by Stormwater Management Division (copy attached and made a part of these minutes)**
- **Building to be brick on all sides**
- **Landscape plan to be approved by Staff**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Buffer along the western property line to be deed restricted green space in perpetuity**
- **Installation of curbs, gutters, and sidewalks along both sides of Patterns Drive**

VOTE: **ADOPTED 4-1; Byrne opposed**

Z-47

DIODATI PROPERTIES, LLC. (Massachusetts Mutual Life, owner) for Rezoning from OI to OS for the purpose of an Office/Warehouse in Land Lot 173 of the 20th District. Located at the northwest intersection of Roberts Boulevard and Cobb Place Boulevard. **WITHDRAWN WITHOUT PREJUDICE**



SAMS & LARKIN
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064

Min. Bk. 17 Petition No. Z-54
Doc. Type Letter of Agreeable
Stipulations
Meeting Date May 15, 2001

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
M. KYLE GREENE
RICHARD A. HARRAH
OF COUNSEL
DAVID P. HARTIN

May 9, 2001

(770) 422-7016
TELEPHONE
(770) 426-6583
FACSIMILE
SAMSLARKIN@AOL.COM
E-MAIL

VIA HAND DELIVERY

Mr. Edwin L. Thomas, Jr., Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Re: Application of ALDI, Inc. to Rezone a 3.35 Acre Tract from R-20 to NRC
(No. Z-54)

Dear Ed:

Enclosed please find five (5) full sized copies of a revised site plan and an 8½ x 11 copy of same concerning the above-captioned application for rezoning. The revisions to the site plan embody the applicant's efforts to address and resolve the issues raised during the context of the meeting before the Cobb County Planning Commission on May 1, 2001. As you know, the application is now scheduled to be heard by the Cobb County Board of Commissioners on May 15, 2001.

With respect to the foregoing, please allow this letter to serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the rezoning, as amended and revised, and binding upon the subject property thereafter. This letter and enclosures supersede all previous submissions concerning this application:

1. Rezoning of the subject property shall be from R-20 to NRC specifically for purposes of an ALDI grocery store.
2. The hours of operations shall be from 9:00 A.M. until 9:00 P.M., Monday through Saturday with the store being closed on Sundays.

VIA HAND DELIVERY

Mr. Edwin L. Thomas, Jr., Planner III
Cobb County Zoning Department
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May 9, 2001

3. Architectural style shall be brick on all sides and consistent with the architectural renderings and photographs provided to staff during the pendency of the application.
4. Landscaping for the proposed development shall be pursuant to a specific landscape plan which shall be submitted during the Plan Review process and which shall be subject to staff and the Arborist's review and approval, including the following:
 - a. A 70' buffer along the western property line which shall remain undisturbed with the exception of required grading and utility installation. Those areas disturbed shall be re-landscaped. Existing trees shall remain in the buffer and same shall be enhanced (where needed) with Leyland Cypress trees, Crepe Myrtle, Willow Oaks, Red Maple, Burford Holly and a 6' wooden screen fence.
 - b. Installation of extensive landscaping along the subject property's frontages on Joseph Club Drive and Patterns Drive, respectively.
 - c. The landscaped areas shall be well kept with trees, foliage and other vegetation and regularly maintained by the applicant and/or its successors in title.
 - d. Grass planted within the landscaped areas or otherwise shall be sod.
 - e. Dumpsters shall be incorporated into the landscape plan and shall be screened on at least three (3) sides consistent with the architectural theme and composition as aforementioned. All dumpsters shall have rubber lids and bumpers to minimize noise or, in lieu of dumpsters, the applicant or its successors in title may utilize at-grade trash compaction facilities which also shall be screened.
 - f. HVAC and mechanical systems shall be incorporated into the landscape plan and screened from view or, in the alternative, situated on the roof of the building (which will be a maximum of 22.5 feet in height) and screened from view.
 - g. The areas between those sections of the subject property reserved for required parking, as well as public rights of way, shall be included in the final landscape plan and shall be landscaped in a manner consistent with the landscape plan provided to staff and the Arborist during Plan Review.

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Meeting Date May 15, 2001
Continued

VIA HAND DELIVERY

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5. Subject to recommendations from the Stormwater Management Division with respect to the ultimate location and configuration of detention facilities on the site.
 - a. Exercising sensitivity with respect to all Erosion and Sediment Control Ordinance requirements and Clean Water Act provisions including an agreement that stormwater stored on the site shall not be released at a rate exceeding pre-development stormwater flows.
 - b. Undertaking appropriate measures recommended by the Stormwater Management Division in order to preserve and protect downstream properties and any lakes and streams located thereon.
 - c. Controlling site stormwater discharge so as not to exceed the capacity of downstream stormwater systems and in order to minimize stormwater runoff.
 - d. Detention area shall be landscaped and fenced in accordance with landscape plan submitted during Plan Review.
6. Compliance with all Cobb County Development Standards and Ordinances related to project improvements, except as otherwise approved by the Board of Commissioners.
7. Subject to Cobb County Department of Transportation's recommendations, including the following:
 - a. Alignment of the Floyd Road access with the commercial driveway across Floyd Road.
 - b. The installation of a 150' deceleration lane with a 50' taper at the Floyd Road access.
 - c. No access to Joseph Club Drive and only one (1) point of access on Patterns Drive.
 - d. The installation of curb, gutter and sidewalk along the subject property's frontages on Floyd Road, Patterns Drive and Joseph Club Drive.

VIA HAND DELIVERY

Mr. Edwin L. Thomas, Jr., Planner III
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- e. An agreement to upgrade traffic signalization at the intersection of Floyd Road and Patterns Drive.
 - f. Entering into a Development Agreement, pursuant to O.C.G.A. §36-71-13, for the dedication of the foregoing system improvements.
 - g. It is the applicant's understanding that DOT will not require the additional voluntary conveyance of right-of-way.
8. Proposed lighting will be wedge series, with cut-off luminaire down-facing heads and high pressure sodium, 400 watt bulbs. Any and all pole lights within the premises shall be no higher than 30'.
9. Utilization of ground based, monument style signage consistent with the architectural theme and composition as aforementioned. There shall be no flashing sign components or the exterior illumination of any signs by remote floodlighting. Additionally, applicant shall construct and erect replacement signage for the Patterns Condominiums and shall replace and enhance vegetation and plantings.
10. There shall be no outside storage, no food preparation and the sale of alcohol and tobacco products shall be prohibited.

As you know, the subject property is located within the confines of a Neighborhood Activity Center (NAC). In that regard and with respect to the efforts which my clients have exerted in order to provide stipulations/conditions which insure a successful development and the protection of nearby residences, we submit to you that the rezoning proposal is appropriate from a land use planning perspective.

VIA HAND DELIVERY

Mr. Edwin L. Thomas, Jr., Planner III
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Please do not hesitate to call should you or the staff require any further information or documentation.

Very truly yours,

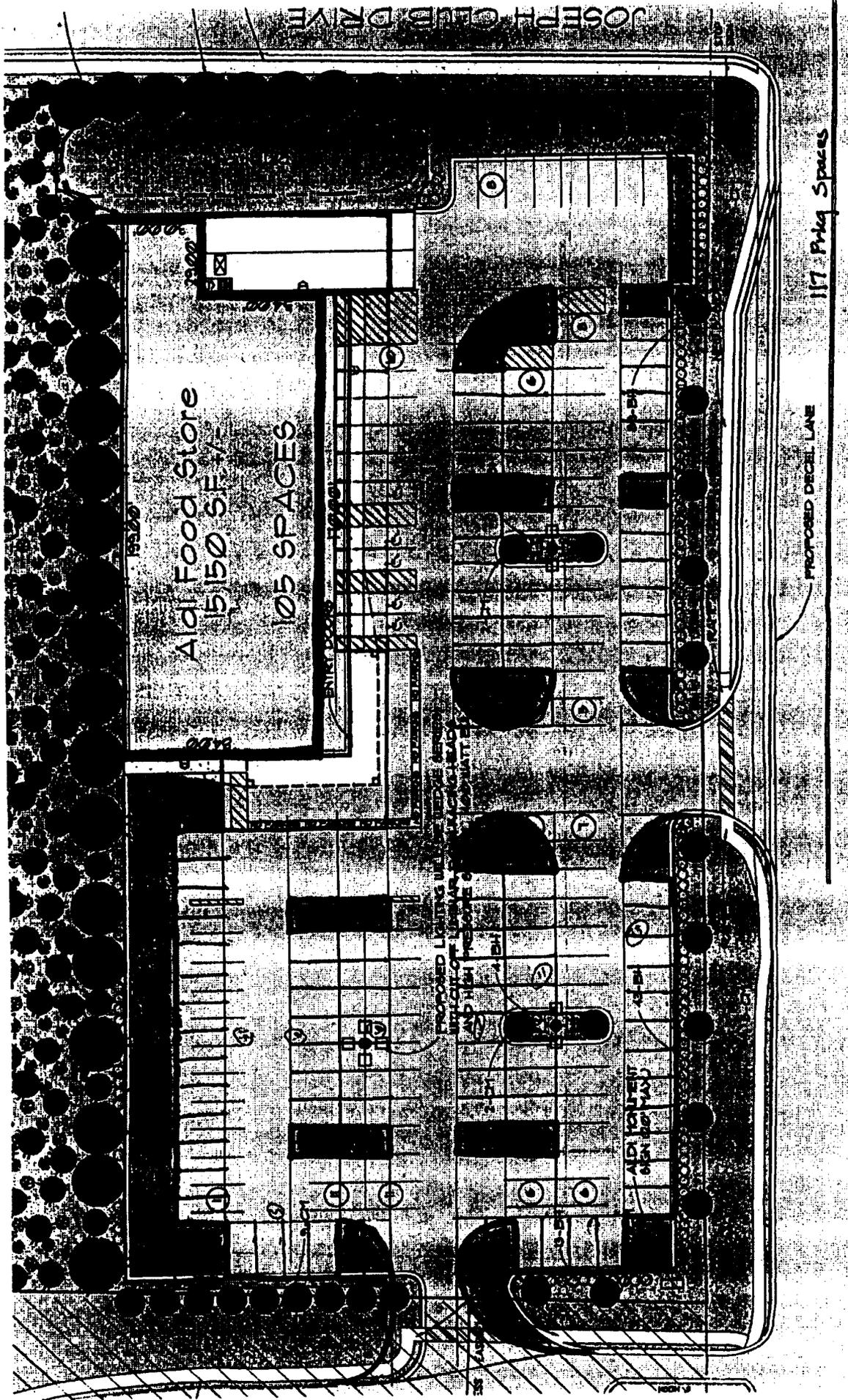
SAMS & LARKIN, LLP



Garvis L. Sams, Jr.

GLSjr/jbmc
Enclosures

cc: Members, Cobb County Board of Commissioners - VIA Hand Delivery - w/enclosure
Ms. Malinda Bradley, Assistant County Clerk - VIA Hand Delivery - w/enclosure
David Y. Kwon, Esquire - w/enclosure
Mr. David Niekamp - w/enclosure
Mr. Kirk Buttle, Trammell Crow Co. - w/enclosure



SR 139 FLOYD ROAD

117 Parking Spaces

PROPOSED DRIVE LANE

Min. Blk. 17, Petition No. Z-54
 Doc. Type Revised Site Plan
 Meeting Date May 15, 2001