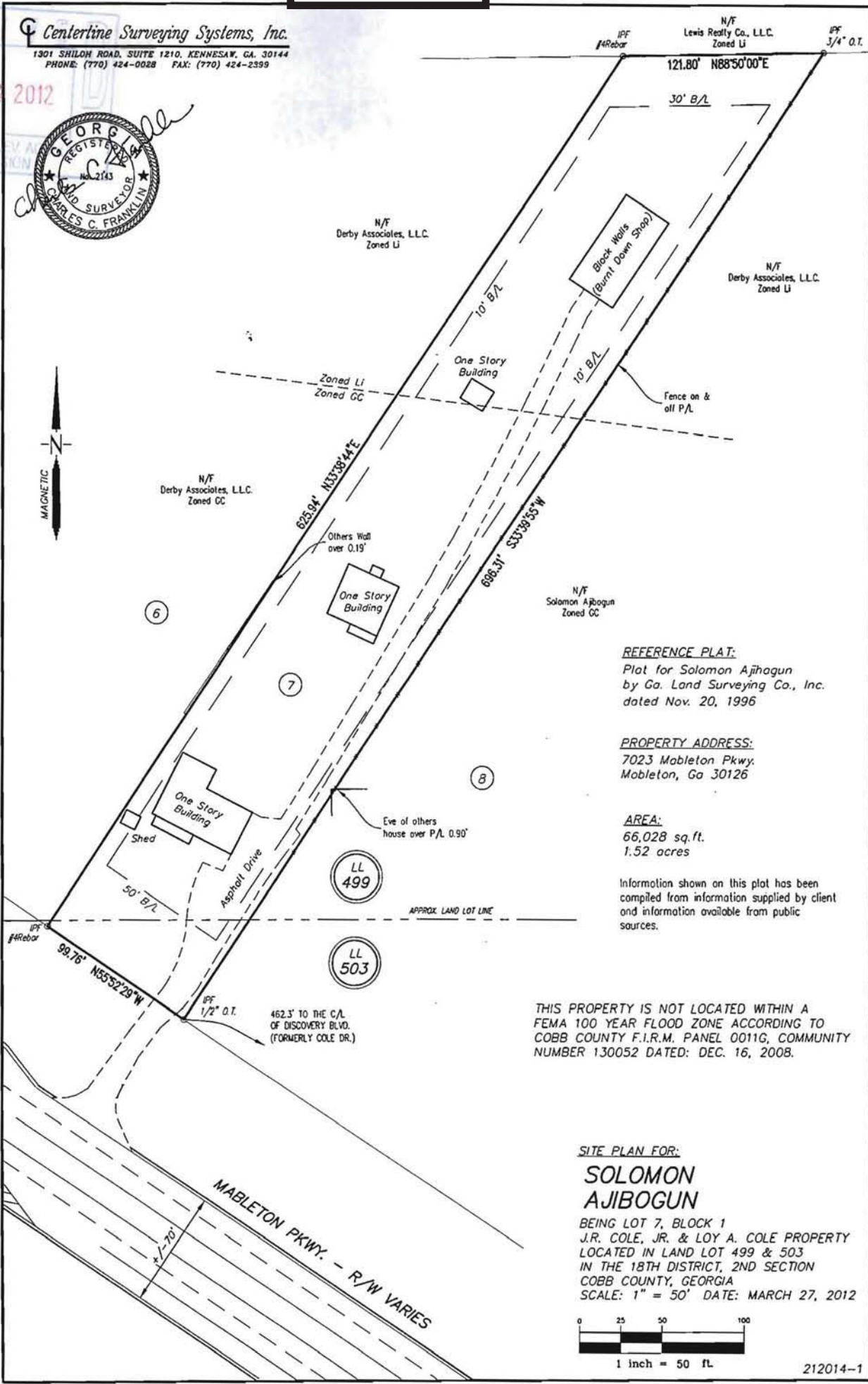


Z-33
(2012)

Centerline Surveying Systems, Inc.
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
PHONE: (770) 424-0028 FAX: (770) 424-2399

JUN 28 2012



6

7

8

LL 499

LL 503

REFERENCE PLAT:
Plat for Solomon Ajibogun
by Ga. Land Surveying Co., Inc.
dated Nov. 20, 1996

PROPERTY ADDRESS:
7023 Mableton Pkwy.
Mableton, Ga 30126

AREA:
66,028 sq. ft.
1.52 acres

Information shown on this plat has been
compiled from information supplied by client
and information available from public
sources.

THIS PROPERTY IS NOT LOCATED WITHIN A
FEMA 100 YEAR FLOOD ZONE ACCORDING TO
COBB COUNTY F.I.R.M. PANEL 0011G, COMMUNITY
NUMBER 130052 DATED: DEC. 16, 2008.

SITE PLAN FOR:
**SOLOMON
AJIBOGUN**
BEING LOT 7, BLOCK 1
J.R. COLE, JR. & LOY A. COLE PROPERTY
LOCATED IN LAND LOT 499 & 503
IN THE 18TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
SCALE: 1" = 50' DATE: MARCH 27, 2012



APPLICANT: Solomon Ajibogun
770-403-1005

REPRESENTATIVE: Doug Patten
770-424-0028

TITLEHOLDER: Solomon Ajibogun

PROPERTY LOCATION: Northeasterly side of Mableton Parkway,
northwest of Discovery Boulevard
(7023 Mableton Parkway).

ACCESS TO PROPERTY: Mableton Parkway

PHYSICAL CHARACTERISTICS TO SITE: Three (3) one-story
buildings and small shed

PETITION NO: Z-33

HEARING DATE (PC): 09-06-12

HEARING DATE (BOC): 09-18-12

PRESENT ZONING: GC, LI

PROPOSED ZONING: HI

PROPOSED USE: Recycling Center

SIZE OF TRACT: 1.52 acres

DISTRICT: 18

LAND LOT(S): 499, 503

PARCEL(S): 32

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** LI/industrial lots
- SOUTH:** HI/industrial offices
- EAST:** GC/commercial lot
- WEST:** GC and LI/commercial/industrial lot

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

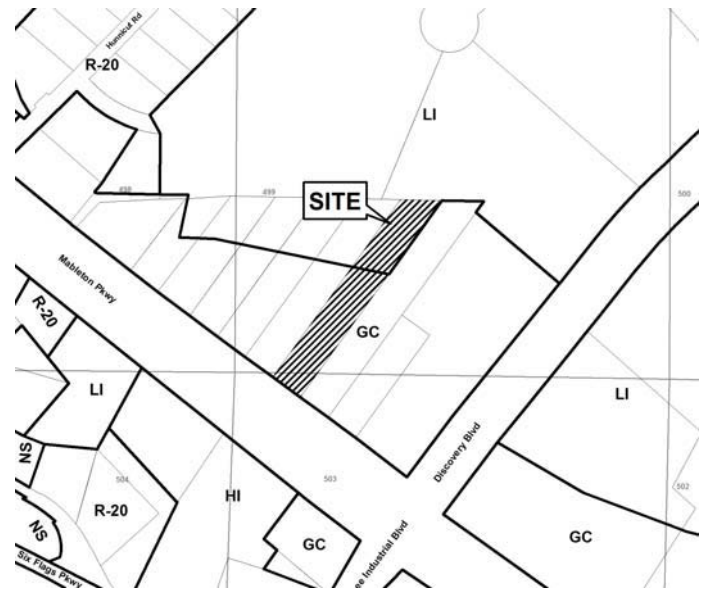
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

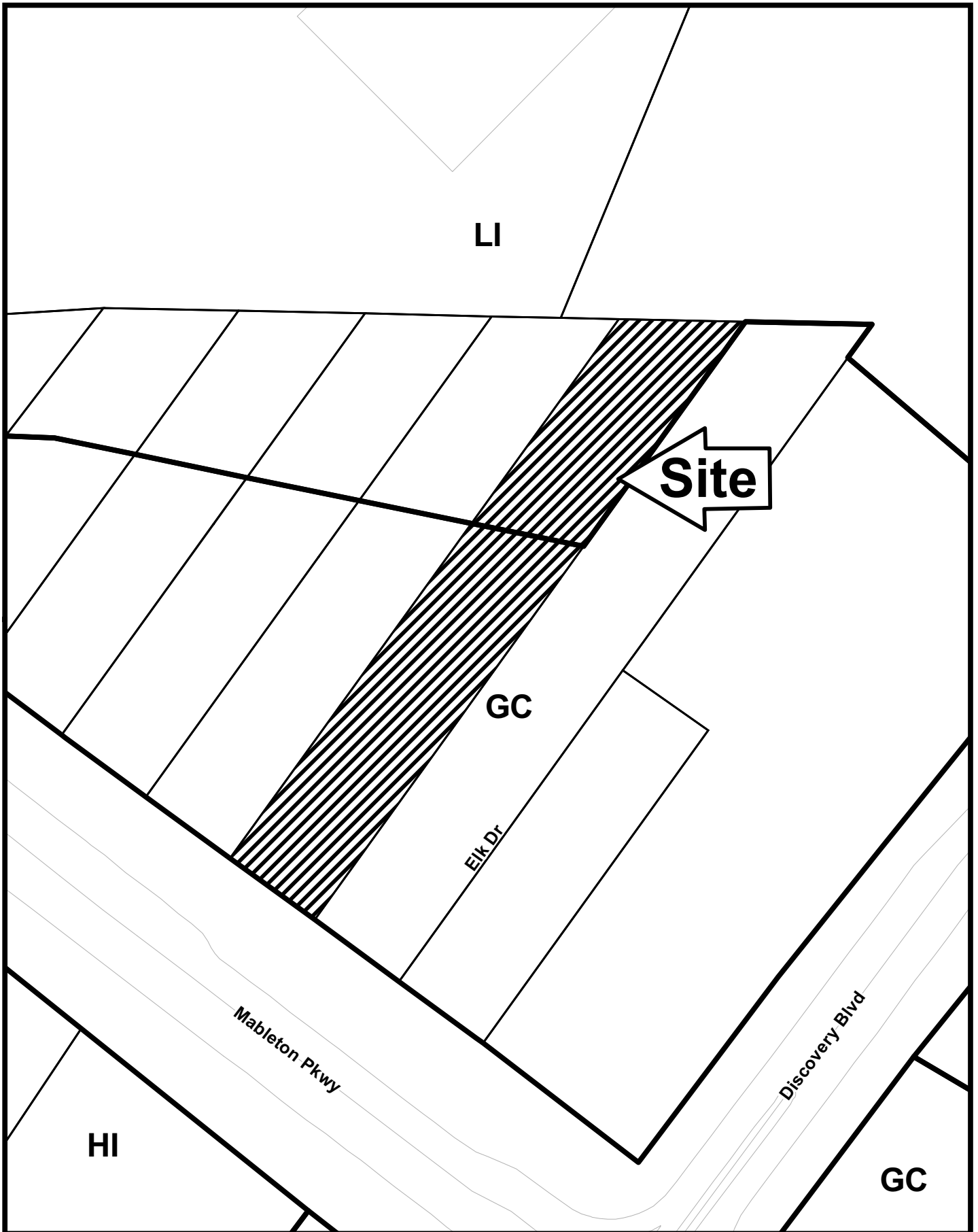
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

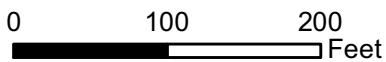
STIPULATIONS:





Z-33



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Solomon Ajibogun

PETITION NO.: Z-33

PRESENT ZONING: GC, LI

PETITION FOR: HI

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: CAC Community Activity Center

Proposed Number of Buildings: 3 **Total Square Footage of Development:** 2,968 sq. ft.

F.A.R.: .04 **Square Footage/Acre:** 1,953 sq. ft.

Parking Spaces Required: 5 **Parking Spaces Provided:** 0

The applicant is requesting rezoning to the HI heavy industrial district to bring the existing recycling center operation into compliance. While the applicant has claimed that the operation has been in business at this location “for over a decade,” the Cobb County Business License Division confirms a registration for Daybreak Recycling for computer sales at 7027 Mableton Parkway only. The Code requires recycling centers, “location[s] designated for sorting or collection of recyclables from designated recycling collection locations and other private entity sources,” to be located within the HI district as well as an industrial future land use area on the future land use map before requesting a Special Land Use Permit for such operations. This property, while requesting the necessary rezoning from GC and LI districts to HI district, is not located within the prescribed future land use area, being in a CAC community activity center.

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.

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC, LI to HI for purposes of recycling center. The 1.52 acre site is located on the northeasterly side of Mableton Parkway, northwest of Discovery Boulevard.

Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category with GC, LI zoning designations. The purpose of the CAC category is for areas that can meet the immediate needs of several neighborhoods or communities.

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?

Yes No Not applicable

APPLICANT: Solomon Ajibogun

PETITION NO.: Z-33

PRESENT ZONING: GC, LI

PETITION FOR: HI

FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

GATE: Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access (Knox Switch). Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office. (Cobb County Development Standards 401.08.02.1)

APPLICANT Solomon Ajibogun

PETITION NO. Z-033

PRESENT ZONING GC, LI

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): **12" DI / N side of Mableton Parkway**

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: **At site**

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

Treatment Plant: **S 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 Existing sewer customer
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: Solomon Ajibogun

PETITION NO.: Z-33

PRESENT ZONING: GC, LI

PETITION FOR: HI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: 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: Solomon Ajibogun

PETITION NO.: Z-33

PRESENT ZONING: GC, LI

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. A Notice of Intent must be filed with the Georgia Environmental Protection Division for coverage under the NPDES General Permit to discharge stormwater associated with industrial activities. This recycling facility will likely be classified under the Standard Industrial Classification (SIC) Code 5093 for scrap and waste materials operations. Any requirements associated with this permit must be addressed including the development of a written stormwater pollution prevention plan (SWPPP) for the site.
2. This parcel is located within the ARC Chattahoochee River Corridor and is therefore subject to the provisions of the Metropolitan River Protection Act. If any site improvements are proposed an ARC review will be required to obtain a development certificate.

APPLICANT: Solomon Ajibogun **PETITION NO.: Z-33**

PRESENT ZONING: GC, LI **PETITION FOR: HI**

COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS

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
Mableton Parkway	19,870	Arterial	45 mph	Georgia DOT	100'

Based on 2010 traffic counting data taken by Georgia DOT (Mableton Parkway)

COMMENTS AND OBSERVATIONS

Mableton Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend curb, gutter, and sidewalk along Mableton Parkway frontage.

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

STAFF RECOMMENDATIONS

Z-33 Solomon Ajibogun

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. Immediately adjacent parcels are zoned GC general commercial district with other properties in the wider area also zoned LI light industrial district. Even with a couple of properties across Mableton Parkway zoned HI heavy industrial district, all these properties appear to be utilized for commercial or industrial warehouse/offices. None exhibit the outwardly appearance or potential conflicts of an open lot use such as the recycling center.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. The potential for such an operation to cause nuisances to neighboring properties exists and should be a major factor in considering the request with the knowledge that this may work as a deterrent to potential growth and redevelopment of the surrounding area which lies within a Community Activity Center.
- 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*. Being located within a CAC Community Activity Center, the *Plan* seeks to encourage low to medium intensity office, retail, and commercial uses that can serve the needs of the immediate needs of several neighborhoods or communities. More specifically, the *Plan* identifies the area just west of the site along Mableton Parkway between Veterans Memorial Highway and Hunnicut Drive as an area where mixed use development should be encourage indicating the intent for village style developments in the area with commercial or office uses fronting on Mableton.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of this property which give supporting grounds for denial of the applicant's rezoning proposal. The property, located within a CAC along Mableton Parkway does not meet the necessary requirements set out by the Code for qualification as a recycling center and, if approved, may serve to discourage other desired redevelopment in the area as foreseen by the *Comprehensive Plan*. While having been in operation for several years at this location, whether properly permitted or not, the allowance for the continuation of this use in this area does not agree with the County's previously adopted goals and policies.

Based on the above analysis, Staff recommends DENIAL.

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 No.

2-33
Sept.
2012

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): N/A
 - b) Proposed building architecture: N/A
 - c) Proposed selling prices(s): N/A
 - d) List all requested variances: N/A
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Recycling center
 - b) Proposed building architecture: _____
 - c) Proposed hours/days of operation: Mon - Fri 9 AM - 6 PM
SAT. 9 AM - 3 PM
 - d) List all requested variances: _____
- _____
- _____
- _____

.....
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).

Mableton Pkwy right of way

CENTERLINE SURVEYING SYSTEMS, INC.

1301 Shiloh Road, Suite 1210
Kennesaw, GA 30144
(770) 424-0028 telephone (770) 424-2399 fax

June 26, 2012

Mr. John Pederson
Manager, Zoning Division
Cobb County Community Development Dept.
1150 Powders Spring St.
Marietta, Ga. 30064



Re: Solomon Ajibogun

John,

Please accept this letter as documentation for your files.

This will serve as the summary letter for the above referenced project. I have had conversations with the client and the counties code enforcement division representative in regards to this application and feel this application is warranted. We respectfully request within our application to be zoned HI (Heavy Industrial) due to the proposed use of the site.

1. We feel that due to the fact this recycling operation has been operating for over a decade in this location, that the use appears to be suitable for this location. This area has other Industrial businesses located around this location.
2. There has been no adverse impact to the neighbors adjacent to this operation over the past several years and non are anticipated.
3. The economic use of this tract being a light recycling facility appears to nicely conform to the lot configuration. The shape of the lot would be a restriction and hinder most other uses on this tract of land.
4. The existing streets and utilities have been handling this business for years and no changes in operation are proposed to cause any additional burden to the infrastructure.
5. This area has been targeted for industrial uses and this existing operation seems to have fit within the Land Use Plan for the area.
6. Once again Daybreak recycling has been in operation in this location for years and we are simply trying to get the zoning changed to match its current use. No Changes are planned for the current operation

We hope this letter of is found to be satisfactory and to appropriately serve its intended purpose. If any additional information is required, Please feel free to contact me.

Doug Patten, CPESC
Vice President
Centerline Surveying Systems, Inc.