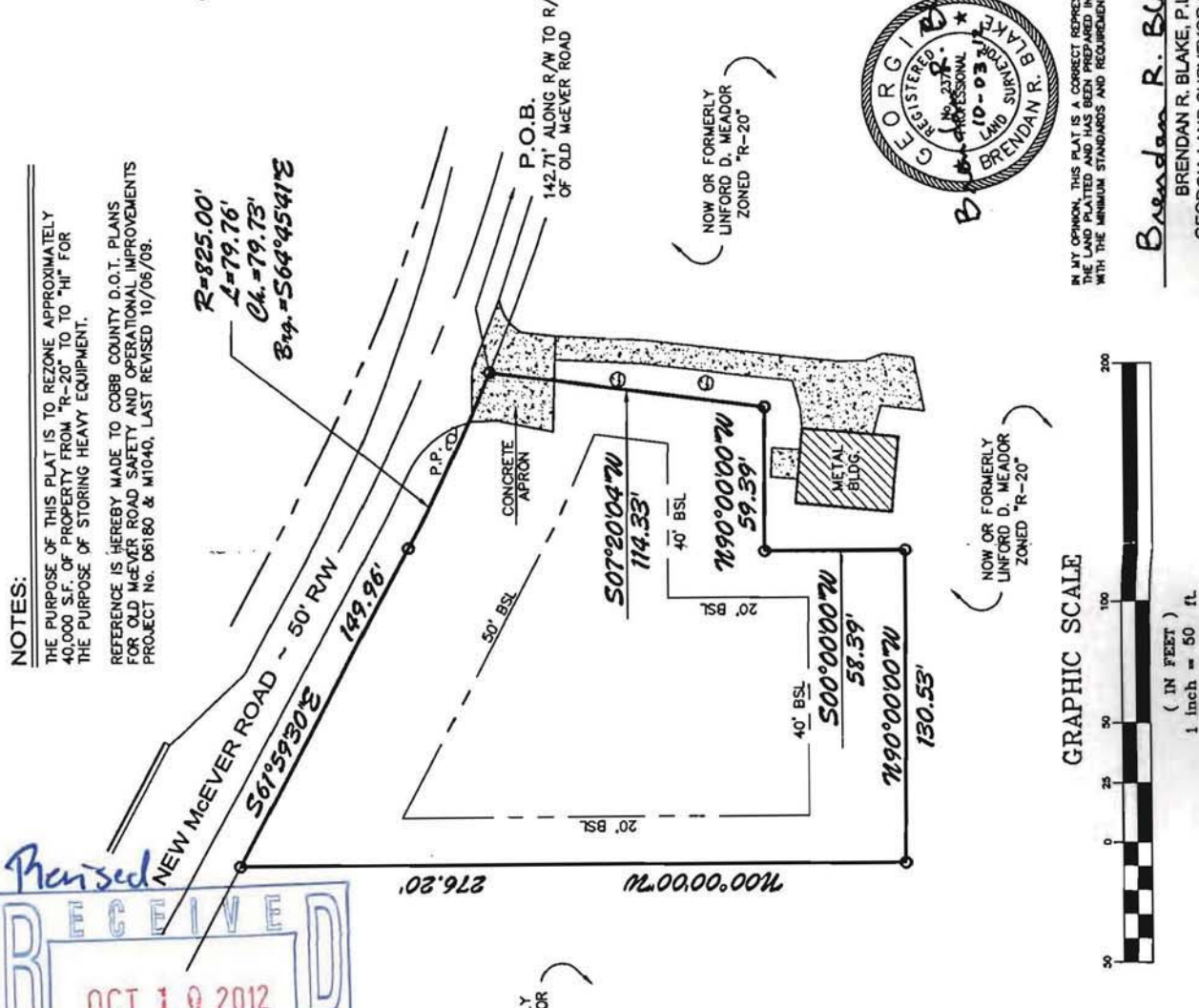


**Z-47
 (2012)
 Revised Site
 Plan**

REZONING PLAT PREPARED FOR:
LINFORD MEADOR
 SCALE 1" = 50'
 DATE 10/01/12



RECEIVED
 OCT 10 2012
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



Brendan R. Blake
 BRENDAN R. BLAKE, P.L.S.
 GEORGIA LAND SURVEYOR #2375

IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS BY LAW.

APPLICANT: Linford D. Meador
678-409-7349

REPRESENTATIVE: Linford D. Meador
678-409-7349

TITLEHOLDER: Linford D. Meador

PROPERTY LOCATION: South side of New McEver Road, west of
Old McEver Road
(3661 New McEver Road).

ACCESS TO PROPERTY: New McEver Road and Old McEver
Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant parcel

PETITION NO: Z-47

HEARING DATE (PC): 12-04-12

HEARING DATE (BOC): 12-18-12

PRESENT ZONING: R-20

PROPOSED ZONING: HI

PROPOSED USE: Parking Equipment
And Two Trucks

SIZE OF TRACT: 0.93 acre

DISTRICT: 20

LAND LOT(S): 67

PARCEL(S): 4

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** LI/Machine Shop; LI/Single-family house and R-20/Single-family house
- SOUTH:** R-20/Single-family house
- EAST:** City of Acworth/McEver Village Subdivision
- WEST:** City of Acworth/US Government Property/Park

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

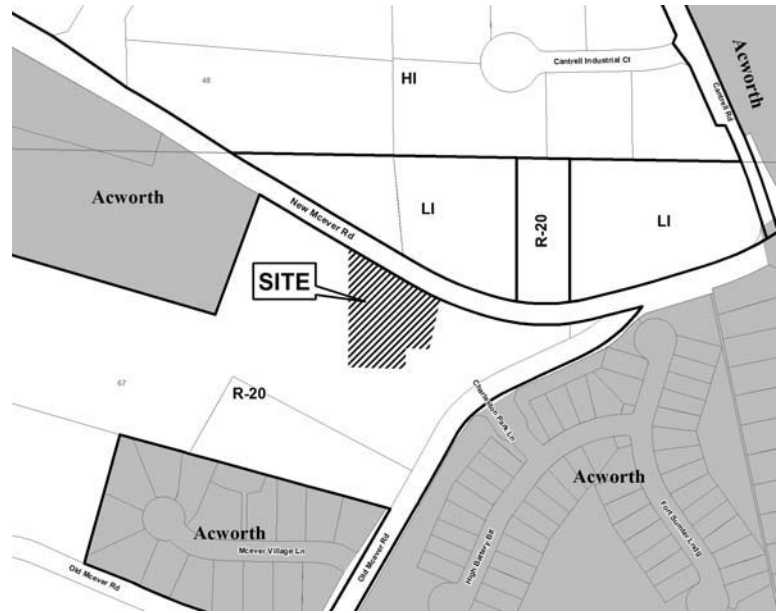
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____ **REJECTED** _____ **SECONDED** _____
HELD _____ **CARRIED** _____

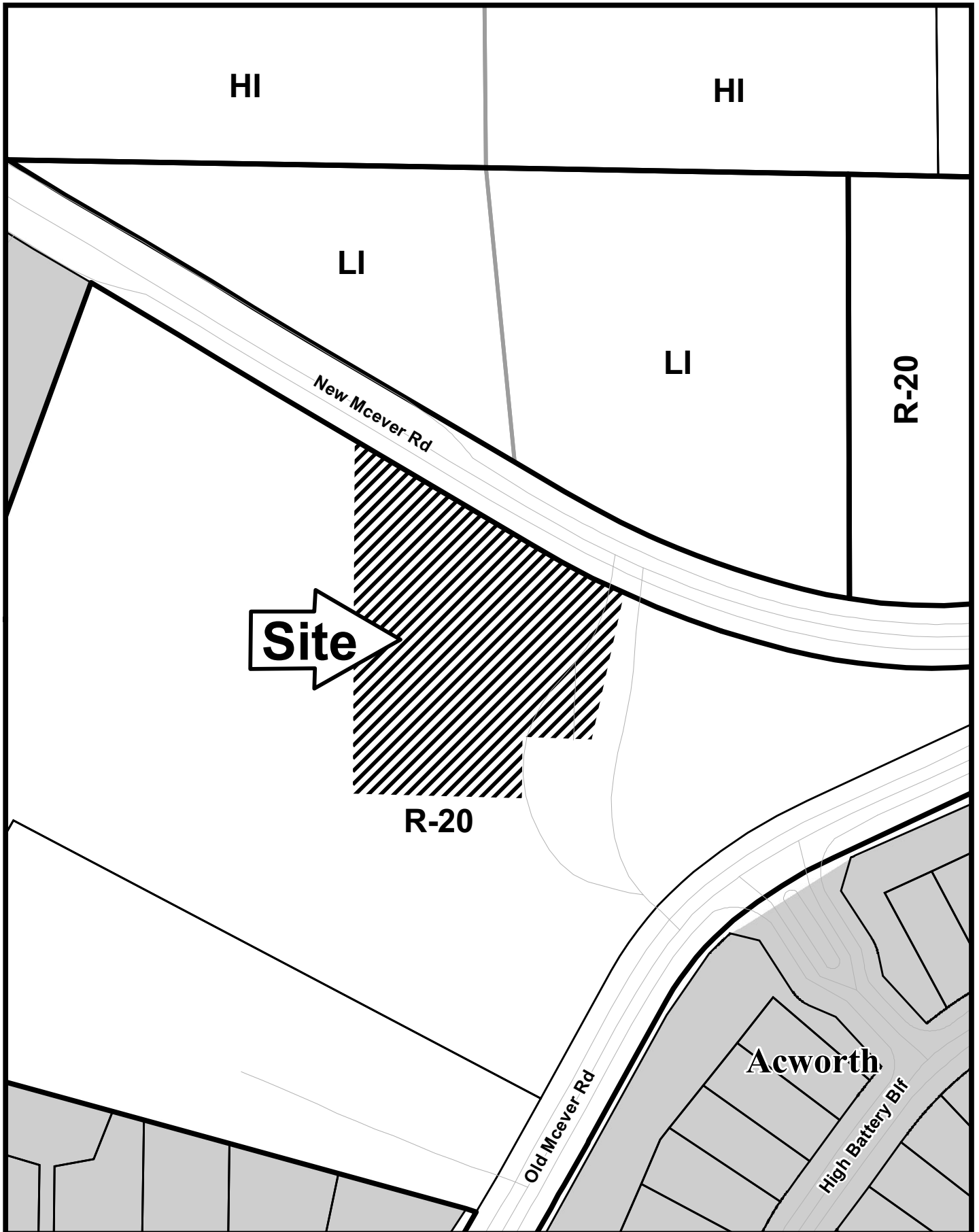
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

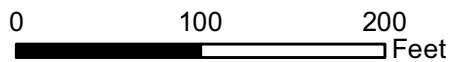
STIPULATIONS:



Z-47



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



- City Boundary
- Zoning Boundary

APPLICANT: Linford D. Meador

PETITION NO.: Z-47

PRESENT ZONING: R-20

PETITION FOR: HI

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Industrial Compatible

Proposed Number of Buildings: 0 **Total Square Footage of Development:** 40,000 sq. ft. of land

F.A.R.: 0 **Square Footage/Acre:** 0

Parking Spaces Required: 5 **Parking Spaces Provided:** 0 (gravel parking)

Applicant is requesting a rezoning to the HI heavy industrial district to better accomplish the goal of parking grading and hauling equipment on his property. Having withdrawn his recent request for a Temporary Land Use Permit, it was determined that the rezoning would facilitate the continuation of this business which has been in operation for 20 years. The recent request, LUP-19 of October 2012, detailed the applicant's hours of operation as five days per week from 7 a.m. until 5 p.m. storing two heavy trucks (one dump truck and one truck tractor) as well as a 320 CAT TracHoe, a 953 CAT front loader, a 963 CAT front loader, and a 140 Takeuchi skid loader and trailer.

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: Linford D. Meador
PRESENT ZONING: R-20

PETITION NO.: Z-47
PETITION FOR: HI

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to HI for purposes of parking equipment, heavy machines and two trucks. The 0.93 acre site is located on the south side of New McEver Road, west of Old McEver Road. (3661 New McEver Road).

Comprehensive Plan

The parcel is within an Industrial Compatible (IC) future land use category with R-20 zoning designation. The purpose of the IC category is to provide for areas that can support light industrial, office/warehouse and distribution uses. Typical uses include professional business parks and distribution centers.

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 Linford D. Meador

PETITION NO. Z-047

PRESENT ZONING 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): **6" DI / N side of New McEver Road**

Additional Comments: Existing domestic service for 3661 New McEver Road

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: **Approx 900' W of rezoned area**

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

Treatment Plant: **Northwest**

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 Comments: Residential property currently served by septic system. Connection to sewer not required for proposed usage (parking).

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: Linford D. Meador

PETITION NO.: Z-47

PRESENT ZONING: R-20

PETITION FOR: HI

STORMWATER MANAGEMENT COMMENTS

This business has apparently been in operation for over 30 years. No adverse stormwater management issues were observed. All equipment maintenance activities are performed in the shop. The only outside storage is the hauling and grading equipment itself.

APPLICANT: Linford D. Meador

PETITION NO.: Z-47

PRESENT ZONING: R-20

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
New McEver Road	7900	Major Collector	35 mph	Cobb County	80'

Based on 2007 traffic counting data taken by Cobb County DOT (New McEver Road)

COMMENTS AND OBSERVATIONS

New McEver Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of New McEver Road, a minimum of 40' from the roadway centerline.

Recommend curb, gutter, and sidewalk along New McEver Road frontage upon redevelopment.

Recommend a deceleration lane on New McEver Road for the entrance upon redevelopment.

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

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STAFF RECOMMENDATIONS

Z-47 LINFORD D. MEADOR

- 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. Virtually all the properties under the County's jurisdiction in the area across New McEver Road are already zoned either Light Industrial or Heavy Industrial.
- 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 request is simply to allow the continuation of the operations that have existed on this property for 20 years.
- 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*. The property is within an area delineated as IC industrial compatible. This future land use category supports light industrial use such as the one currently being requested.
- 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. Being located within an IC future land use category, the request will simply allow the continuation of the property usage that has been there for 20 years. Moreover, the area subject to this request is bounded on all sides by the applicant's remaining residential property which should serve as a buffer to any other outlying property owners.

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

- Site plan received by Zoning Division on October 12, 2012, with District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Water and Sewer Division comments and recommendations; and
- Department of Transportation comments and recommendations;
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. § 36-71-13 for dedication of system improvements to mitigate traffic concerns.

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. 247

Dec. 2012

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 40,000 sq. ft. of Land
 - b) Proposed building architecture: _____
 - c) Proposed selling prices(s): _____
 - d) List all requested variances: _____
- _____

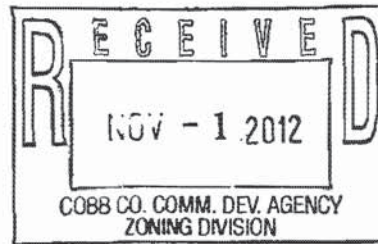
.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): PARKING 2 TRUCKS + 3 HEAVY MACHINES
 - b) Proposed building architecture: NONE
 - c) Proposed hours/days of operation: NO SET TIME
 - d) List all requested variances: NONE
- _____

.....
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). NO

Z-47 (2012)
Letter from
Applicant



Linford Meador
3661 New McEver Road
Acworth, Ga 30101

October 31, 2012

Mr. Jason Campbell,

I moved to New McEver Road in 1980, I had an old frontend loader. A man from Cobb County stopped here one day in 1981 and told me that I would be grandfathered in. Everything went fine for about 26 years. In 2007 I came in from work one day there was a notice on my door stating I was in violation. I contacted the woman that left the notice and told her about the man 26 years ago that told me I was grandfathered in. Now five to six years later Officer PacPaco came by and told me to get three letters from people who knew the equipment had been here all those years and I would be grandfathered in. I sent him the three letters and never heard from him. About four months later Officer Miller came by here and said I was in violation, to apply for a land use permit. After I applied, Mr. Hovey called to inform me I didn't need to apply for a land use permit. He stated I needed to apply for a rezoning permit from R-20 to HI. That application has been filled out with Cobb County. At the meeting Mr. Bentley stated I would need to have a D-cell lane, curbing and sidewalks installed. I am not able to afford these expenses. I have asked the commission to please not require this of my business. In the last year I have paid Cobb County Tax Commissioner \$2377.55 for Personal Property and \$3351.24 for Business taxes, totaling \$5728.79. I do not feel I am a liability to Cobb County but and asset. Thank you for your time and consideration.

Thank you,

Linford Meador

A handwritten signature in cursive script that reads "Linford Meador".