

**FEBRUARY 17, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # OB-03

PURPOSE

To consider amending the site plan for Baldwin Paving, Inc. regarding rezoning application #76 (Carl E. Hammock) of 1985, for property located in Land Lot 939 of the 16th District, on the northwest side of Kenmill Drive, north of Marble Mill Road.

BACKGROUND

The subject property is zoned Light Industrial (LI) for an industrial business park. This property was approved as a parking lot for the applicant in May 2012 by the Board of Commissioners'. The applicant is still using the property as a parking lot, but would like to add a 15,000 gallon fuel tank along the north property line. The fuel tank will only be used to fuel the applicant's construction fleet vehicles. There would be a concrete containment area surrounding the tank in case there is a leak. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

COBB D.O.T.: Recommend fence is to be located out of R/W. Recommend gate is to be located 25' from R/W.

STORMWATER MANAGEMENT: Subject to Plan Review Comments and addressing existing detention pond maintenance issues. Installation must meet Georgia EPD above ground fuel storage tank requirements. Copy of Stormwater Pollution Prevention Plan to be provided to Stormwater Management Division.

RECOMMENDATION

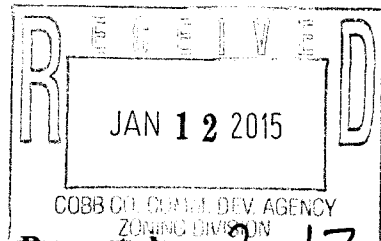
The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

ATTACHMENTS

Other Business Application, proposed site plan and zoning stipulations.

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)



OB-003-2015

BOC Hearing Date Requested: 2-17-15

Applicant: Baldwin Paving Co., Inc. Phone #: 770-425-9191
(applicant's name printed)

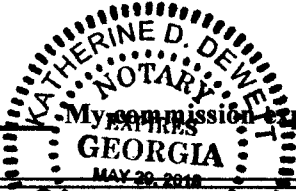
Address: 1014 Kennill Dr NW, Marietta, GA 30060 E-Mail: johnharrisonjr@baldwin-paving.com

John Harrison, Jr. Address: 1014 Kennill Dr NW, Marietta, GA 30060
(representative's name, printed)

[Signature] Phone #: 678-761-5276 E-Mail: johnharrisonjr@baldwin-paving.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: May 29, 2018
Notary Public



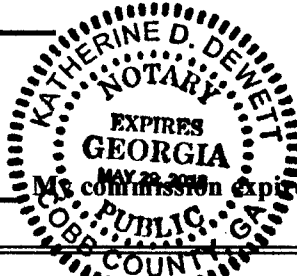
Titleholder(s): John Harrison Phone #: 678-761-5276
(property owner's name printed)

Address: 1014 Kennill Dr NW, Marietta, GA 30060 E-Mail: johnharrisonjr@baldwin-paving.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: May 29, 2018
Notary Public



Commission District: 3 Zoning Case: 2-76

Date of Zoning Decision: 3-12-85 Original Date of Hearing: 3-12-85

Location: 1014 Kennill Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 939 District(s): 16th

State specifically the need or reason(s) for Other Business: _____

The request for the variance is to allow a fuel tank to be placed on the property with the tank and concrete containment to be located within building setbacks. This fuel tank will provide fuel to the construction fleet only

(List or attach additional information if needed)

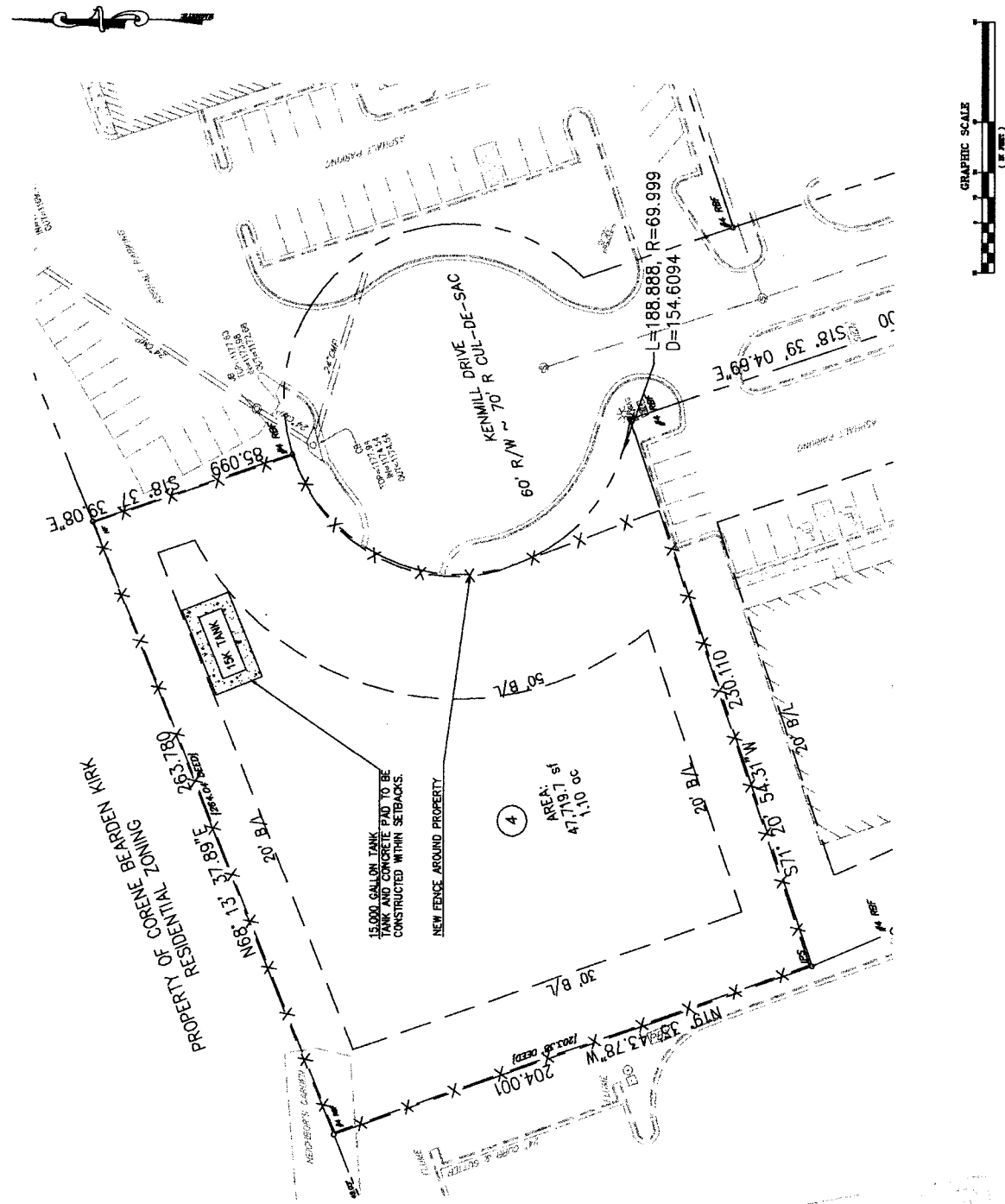


DATE	1-22-2015
SCALE	AS SHOWN
DRAWN BY	REVISIONS
PROJECT	

Baldwin Paving Co., Inc.
Prepared For
1811 Kowalski Drive
Marietta, Georgia 30066

Prepared By:
ENGINEERING, L.L.C.
CRESCENT VIEW
10000 Peachtree
Atlanta, Georgia 30339
www.baldwinpaving.com

24 HOUR EMERGENCY CONTACT: JOHN HARRISON 404-725-5716



Site Notes:

1. THE SITE CONTAINS 1.15 ACRES TOTAL ESTIMATED AREA. SEE ADJACENT MAPS FOR TOTAL AREA.
2. SURVEY INFORMATION TAKEN FROM SURVEYS PERFORMED BY SURVEYS PLUS, INC. DATED 3-28-12.
3. THIS SITE IS NOT LOCATED WITHIN A ZONE (A, AE, SHADER ZONE X), AS DEFINED BY THE ZONING ORDINANCES OF COBB COUNTY, GEORGIA, WHICH DATED MARCH 4, 2013 FOR UNINCORPORATED COBB COUNTY, GEORGIA.
4. THERE ARE NO WATER OR SEWERAGE LINES WITHIN 100 FEET OF THE SITE. ALL PROPOSED STATE WATER MAINS AND SANITARY LINES ARE SHOWN ON THE SITE PLAN. THERE ARE NO PROPOSED IMPACTS TO ANY STATE WATER MAINS.
5. TO THE BEST OF OUR KNOWLEDGE, THERE ARE NO HISTORICAL, ARCHAEOLOGICAL, OR OTHER CULTURAL RESOURCES ON THE SITE. ANY SUCH RESOURCES SHOULD BE IDENTIFIED AND PROTECTED DURING CONSTRUCTION. THE PROPOSED ALIEN CONSTRUCTION SHALL BE LOCATED IMMEDIATELY UPON REVIEW AND APPROVAL OF THE CONSTRUCTION PLANS.

Zoning Notes:

1. COBB COUNTY ACCEPTS NO RESPONSIBILITY FOR THE ACCURACY OF THE INFORMATION WITH COORDINATES SOLELY RESPONSIBLE FOR COMPLIANCE WITH SAID ACT. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH SAID ACT.
2. ANY CONSTRUCTION TRAILERS TO BE PERMITTED THROUGH THE ZONING DISTRICT.
3. ALL UTILITIES TO BE DELETED FROM THE CONSTRUCTION PLANS BY THE OWNER/DEVELOPER. THE LOCATION OF SUBMITTALS MUST BE SHOWN ON THE PLANS.
4. UTILITIES TO BE DELETED FROM THE CONSTRUCTION PLANS BY THE OWNER/DEVELOPER.

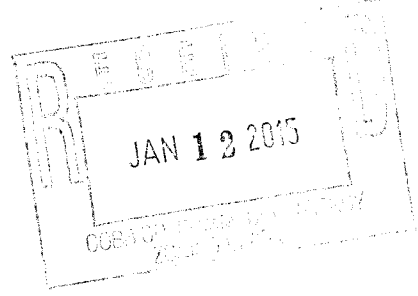
Project Description:

THE PROPOSED PROJECT CALLS FOR THE CONSTRUCTION OF A NEW 15,000 GALLON TANK TO SUPPLY FUEL TO THE BALDWIN PAVING CONSTRUCTION FLEET. THE PROPOSED TANK WILL BE CONSTRUCTED AS A PAVING AREA FOR THE CONSTRUCTION FLEET. THE TANK WILL BE 15' X 15' X 10' HIGH.

THE TANK WILL BE CONSTRUCTED WITHIN THE SETBACKS. THE TANK WILL BE LOCATED WITHIN THE SETBACKS. THE TANK WILL BE CONSTRUCTED WITHIN THE SETBACKS.

THE "OTHER BUSINESS" REQUEST IS TO ALLOW FOR THE TANK TO BE INSTALLED WITHIN THE EXISTING SETBACKS.

NO BUILDINGS OR VEHICLE PARKING SPACES ARE PROPOSED AS PART OF THIS PROJECT.



PROPOSED PLAN

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
COBB COUNTY PLANNING COMMISSION

Date of Application January 28, 1985 Date of Hearing _____
 Titleholder Bertha Mae Bearden Signature Bertha Mae Bearden
Corene E. Bearden Signature Corene Bearden Kirk
 Address 862 Kennesaw Avenue, Marietta, Ga. Phone 428-0210
 Applicant Carl E. Hammock Signature Carl E. Hammock
 Address 100 Cherokee Street, Suite 510, Marietta, Ga. Day Phone 428-7720
 To Zone From Residential R-20 → GC To Light Industrial Land Use LI
 For the Purpose of Warehouses
 Land Lot(s) 939 & 1006 District 16th Section 2nd, Cobb County
 Containing 13.29 approx 1.35 acre and GC acres
 Located at Northeast corner of the intersection Kennesaw Avenue & Marble Mill Road
 This property being more particularly described as follows:

SEE LEGAL DESCRIPTION ATTACHED:

RECOMMENDATION OF PLANNING COMMISSION 3-12-85, Planning Commission recommended
application be rejected. Motion by Jones, seconded by Brown: vote 2-2. Vansant, Adams
opposed. Motion failed. On a motion by Vansant, seconded by Adams, the Planning
Commission passed on application without recommendation, vote 4-0.

Henry A. Vansant, Chairman

FINAL DECISION OF BOARD OF COMMISSIONERS 3-12-85, Board of Commissioners held application
for 30 days. Motion by Smith, seconded by Thompson: carried 5-0. 5-14-85, Board of
Commissioners approved the above request subject to the letter of conditions and revised site
plan on file in the Planning and zoning dept. and marked Exhibit A and subject to the final
site plan being approved by the Planning and Zoning Department. Motion by Smith, seconded by
Thompson: carried 5-0.

Carl E. Smith, Chairman
 See attached page for
 OB Item of 11/6/93. (D)



ED HAMMOCK REALTY COMPANY

EXHIBIT "A"
5-14-85 MAD

First National Bank Building 100 Cherokee Street, Suite 510 Marietta, Georgia 30060 (404) 428-7720

May 6, 1985

Mr. Louis Smith
Cobb County Planning & Zoning

Re: Rezoning Application
Kennesaw Avenue/Marble Mill Road

Dear Mr. Smith:

Enclosed is a copy of the revised site plan we discussed with you and Mr. Mark Danneman regarding the subject property. We propose:

- I. The frontage along Kennesaw Avenue with 200 feet of depth to be used as "Office Services." The proposed building on the portion of the property will have all brick exterior on the front and sides of the building. Along Kennesaw Avenue, we will landscape with shrubbery and trees (dogwood if possible) and at the corner of Kennesaw Avenue and Marble Mill Road. The design & exterior of the building will be similar to the building shown in the attached photograph. The building would be used by those businesses allowed in the "Office Services" classification.

- II. The balance of the property as it fronts on the proposed cul-de-sac street (off Marble Mill Road) to be "Light Industrial". There will be six (6) lots and they will be covered under the "Restrictive Covenants" attached and the use of these lots will be businesses allowed under light industrial zoning except the type businesses in the attached list which we will prohibit and will agree to have as a condition on the rezoning approval.

I sincerely hope this new plan will be acceptable. Please let me know if you have any questions.

Sincerely,

Ed Hammock

CEH:mh
Enclosures

RESTRICTIVE COVENANTS

A. SET-BACK AND SIDE YARD

1. Structures fronting on all streets must be located at least fifty (50) feet from the front property line.
2. Structures must be at least twenty (20) feet from any side line unless specific approval requested and obtained in writing from adjoining property owners affected and the appropriate governmental authorities.
3. Only driveways, parking spaces, and landscaped areas shall be permitted in the area between structures and front property line.

B. BUILDINGS

1. Outside walls of all main buildings will be of masonry construction, painted metal, its equivalent, or better.
2. No wood siding will be permitted.

C. PARKING AND MANEUVERING

1. No parking will be permitted on streets and highways
2. Parking spaces and truck docks shall be so located that maneuvering in streets or highways will not be necessary.
3. Ample parking spaces shall be supplied for personnel, visitors, and company vehicles, subject to the zoning laws of Cobb County.
4. Driveways and parking areas shall be paved with concrete, asphalt, their equivalent, or better.

D. OUTSIDE STORAGE

1. No outside storage will be permitted on the front of the property.
2. Outside storage areas must be enclosed by a chain link fence at least 6 feet in height, its equivalent, or better. The use of fence material to shield the storage area may be substituted. No doors or docks shall be used for the purpose of loading or unloading trucks where the trucks will park perpendicular or approximately perpendicular to a thoroughfare so as to constitute an obstruction of the thoroughfare.
3. Outside storage of hazardous material of any kind is strictly prohibited.

RESTRICTIVE COVENANTS CONTINUED

E. SIGNS

1. No billboards or flashing signs shall be permitted.
2. Signs erected between the main building and the street shall not exceed the following dimensions:
 - (a) Identifying Signs: 20 square feet
 - (b) Directional Signs: 2 square feet
3. Elevated signs (atop structures) shall not be allowed.
4. All signs must be in keeping with the general character of development.

F. USE

1. The following manufacturing operations are strictly prohibited, namely abattoirs, slaughter houses, paper pulp processing plants, and junk yards; no manufacturing operation associated with nauseous, irritable, unpleasant or corrosive smoke, odors, fumes, gases, or other waste materials.

G. MISCELLANEOUS

1. An Industrial Park Association shall be established consisting of one (1) representative of each property owner within the industrial park. Each owner of any portion of the industrial park shall be required to agree in writing, prior to purchasing said portion, to support and participate in the Industrial Park Association. The purpose of the Industrial Park Association shall be to review site and building plans for each parcel in the park, maintain and enforce the restrictive covenants set forth for the industrial park. Further, any plans for new construction or addition to improvements to any parcel shall be submitted to the Industrial Park Association for approval prior to the beginning of any construction. The association's approval or disapproval shall be guided by the restrictive covenants for the industrial park and all plans will include architectural design, exterior colors, site plan and landscaping plans.
2. Prior to the establishment of the Industrial Park Association, all plans for buildings and site development shall be submitted to the developer of the industrial park or his legal assigns for approval prior to beginning construction. All plans shall include architectural design, exterior colors, site plan and landscaping plans.
3. Where these restrictions are more restrictive than municipal building and zoning regulations, these restrictions shall apply. Where the restrictions are less restrictive than county building and zoning regulations, the municipal regulations shall apply.

RESTRICTIVE COVENANTS CONTINUED

4. The grounds abutting buildings and other improvements will be suitably landscaped and properly maintained, so that a neat appearance is maintained. Further, all plans shall include landscaping plans, which will designate sufficient amount of the total area to be landscaped.
5. No fence enclosures shall be allowed beyond the front line of any building.
6. The exterior of all buildings shall be maintained as necessary to insure that the building exteriors shall remain in good condition.

We agree to prohibit the following Light Industrial uses:

1. Dairies
2. Field Crops
3. Livestock and poultry facilities
4. Poultry Hatcheries
5. Riding Stables
6. Boarding and Breeding Kennels
7. Auto and Truck Sales
8. Auto Parking Lots and Garages
9. Auto Service Stations
10. Auto Wash Establishment
11. Storage Yard for damaged or confiscated autos
12. Temporary Sawmills
13. Tire retreading and recapping
14. Trailer Sales
15. Carvinals, rodeo, horse shows
16. Stadiums
17. Drive-in-theatre
18. Golf and Baseball Driving Range
19. Miniature Golf Courses
20. Par 3 Golf Course
21. Cemeteries
22. Golf Courses and Clubhouse
23. Non Commercial club or lodge
24. Mining
25. Crematories
26. Bus Stations for freight
27. General Aviation airport & private airport
28. Helicopter Landing Pad
29. Railroad car yards and team truck yards
30. Railroad stations for freight
31. Taxi Stands
32. Bus or Railroad Passenger Stations
33. Truck terminal

Original Date of Application: 3-12-85

Applicant's Name: CARL E. HAMMOCK

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY PLANNING COMMISSION AND THE COBB COUNTY BOARD OF COMMISSIONERS

THE FOLLOWING IS AN EXCERPT FROM THE MINUTES OF THE REGULAR MEETING OF THE COBB COUNTY BOARD OF COMMISSIONERS MEETING HELD ON 11-23-93:

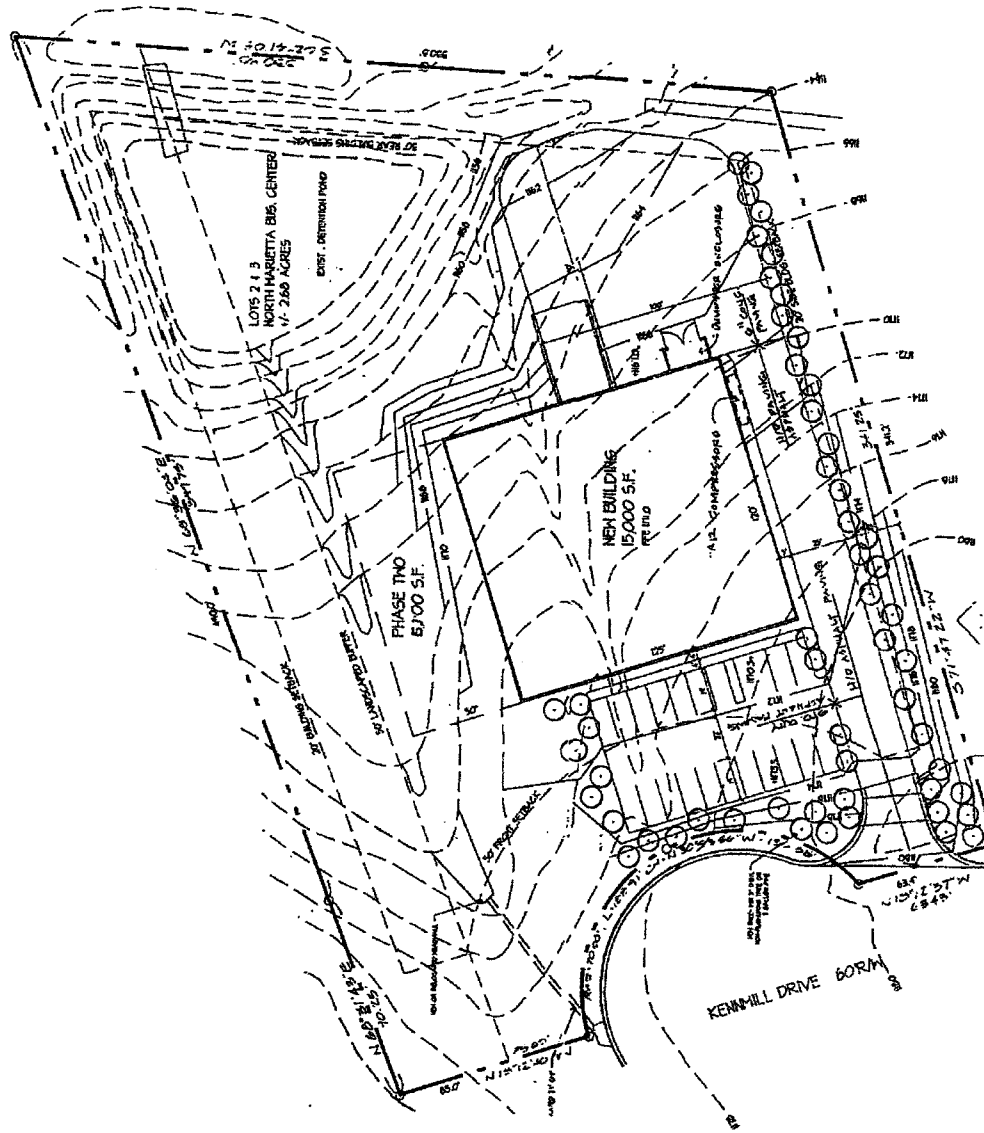
Item #21: COMMUNITY DEVELOPMENT DEPARTMENT - APPROVAL OF SITE PLAN AMENDMENT FOR BEAUMONT PRODUCTS, ZONING APPLICATION NO. 76, MARCH 1985, CARL E. HAMMOCK, LOCATED AT THE NORTHEAST INTERSECTION OF KENNESAW AVENUE AND MARBLE MILL ROAD:

MOTION: Motion by Byrne to **approve** the site plan amendment as recommended for Beaumont Products, Zoning Application No. 76, March, 1985, Carl E. Hammock, to allow the combination of lots 2 and 3 into one lot for the construction of a 20,100 sq. ft. building, located at the northeast intersection of Kennesaw Avenue and Marble Mill Road, with all other previously approved conditions to remain in effect. Copy of revised site plan attached and made a part hereof.

VOTE: **ADOPTED** unanimously

Karen L. Hach
Karen L. Hach, Deputy Clerk
Cobb County Board of Commissioners

ATTACHMENT B



Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 5-15-12

Applicant: Baldwin Pring, Inc Phone #: 770-425-9191
(applicant's name printed)

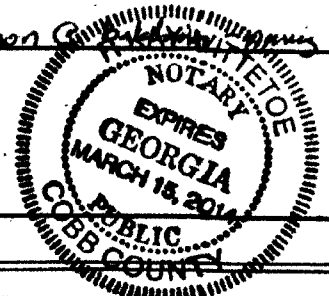
Address: 1014 Kennill Drive, Marietta, GA 30060 E-Mail: jharrison@baldwin-pring.com

John Harrison Address: 1014 Kennill Drive, Marietta, GA 30060
(representative's name, printed)

J. B. Harrison Phone #: 770-425-9191 E-Mail: jharrison@baldwin-pring.com
(representative's signature)

Signed, sealed and delivered in presence of:

K. Kay Vitello My commission expires: _____
Notary Public



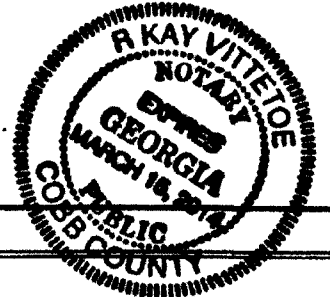
Titleholder(s): John B Harrison and Ernest L. Balkin Phone #: 770-425-9191
(property owner's name printed)

Address: 1003 Kennill Drive, Marietta, GA 30060 E-Mail: jharrison@baldwin-pring.com

John B. Harrison
(Property owner's signature)

Signed, sealed and delivered in presence of:

K. Kay Vitello My commission expires: _____
Notary Public



Commission District: 1 Zoning Case: _____

Date of Zoning Decision: _____ Original Date of Hearing: _____

Location: Lot #4 of North Marietta Business Park - Kennill Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 939 District(s): 16

State specifically the need or reason(s) for Other Business: The applicant is requesting the amendment of the original site plan Z-76 of 1985 to reduce the existing 50' landscape buffer to 0'. The applicant has received the support of the only residential property owner adjacent to the property and a letter of support is attached. (Exhibit 'A')

(List or attach additional information if needed)

proposed site plan (Exhibit)

ORIGINAL DATE OF APPLICATION: 03-12-85APPLICANTS NAME: CARL E. HAMMOCK

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 05-15-12 ZONING HEARING:

**OTHER BUSINESS ITEM #4 - TO CONSIDER AMENDING THE SITE PLAN FOR
BALDWIN PAVING, INC. REGARDING REZONING APPLICATION #76 (CARL E.
HAMMOCK) OF 1985**

To consider amending the site plan for Baldwin Paving, Inc. regarding rezoning application #76 (Carl E. Hammock) of 1985, for property located in Land Lot 939 of the 16th District, on the northwest side of Kenmill Drive, north of Marble Mill Road.

Mr. John Pederson, Zoning Division Manager, provided information regarding a site plan amendment to use parcel as parking lot. The public hearing was opened and there being no speakers, the public hearing was closed. Following presentation and discussion, the following motion was made:

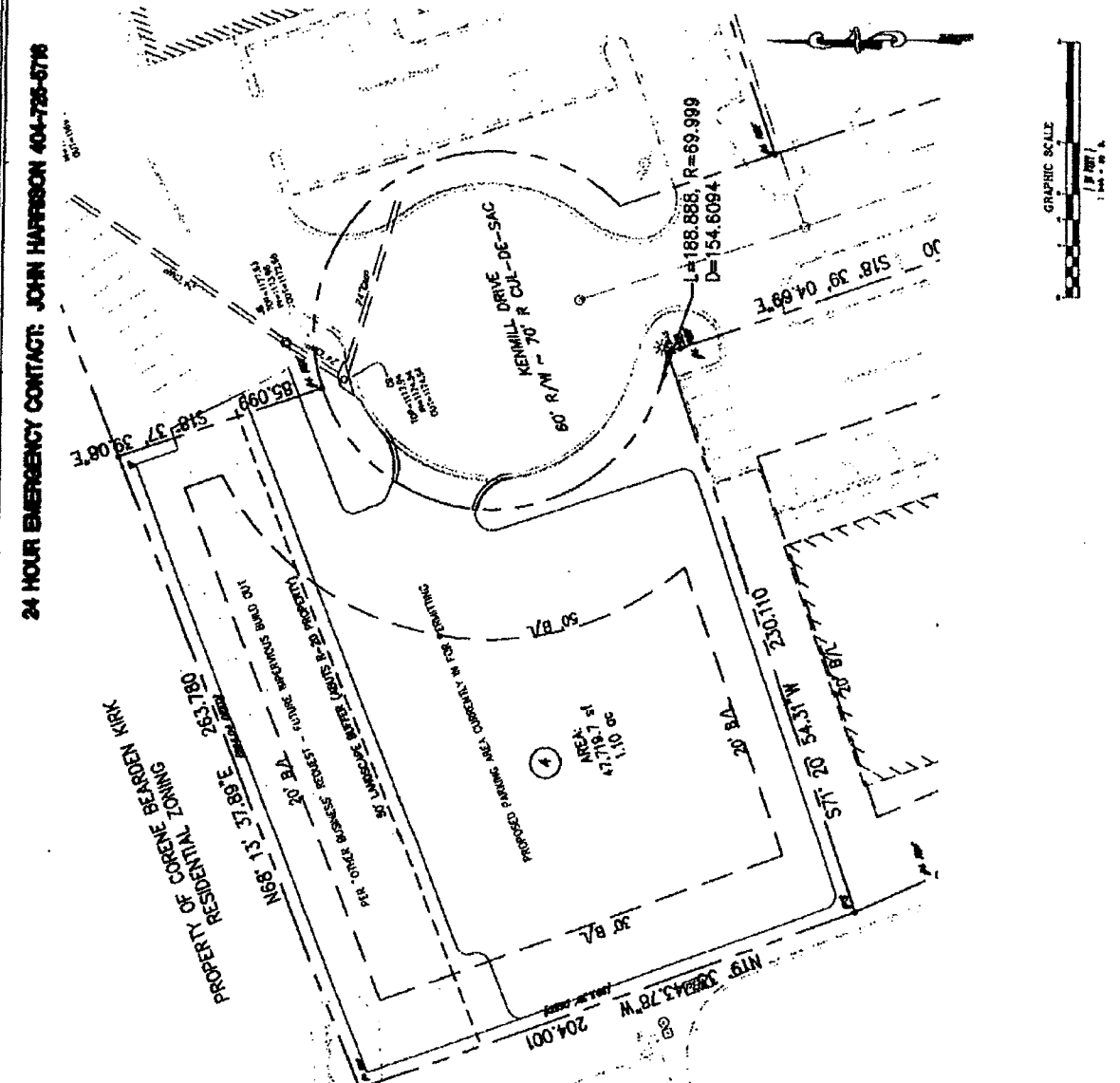
MOTION: Motion by Goreham, second by Birrell, to **approve** Other Business Item No. 4 for site plan amendment regarding application #76 (Carl E. Hammock) of 1985, for property located in Land Lot 939 of the 16th District, on the northwest side of Kenmill Drive, north of Marble Mill Road, subject to:

- site plan dated April 3, 2012 (attached and made a part of these minutes)
- letter from Mr. Dempsey Kirk dated March 20, 2012 (attached and made a part of these minutes)
- Stormwater Management Division recommendation stating that developer provide adequate stormwater management for the proposed parking lot
- all previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: **ADOPTED** unanimously

PROPOSED PARKING LOT Exhibit B

Prepared By CRENSHAW VIEW ENGINEERING LLC 1000 Peachtree St. N.E. Atlanta, Georgia 30309 404.525.1100 www.crenshawview.com	Proposed For Baldwin Paving Co., Inc. 1000 Peachtree St. N.E. Atlanta, Georgia 30309 404.525.1100 www.baldwinpaving.com	Proposed Site Plan		Construction Plans For Baldwin Paving New Parking Facility Land Lot 236, 19th District Cobb County, Georgia	Sheet No. 15
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24 HOUR EMERGENCY CONTACT: JOHN HARRISON 404-728-0718



Min. Bk. 666 Petition No. 084
Doc. Type Site Plan
Meeting Date 5/15/12

- Site Notes:**
1. THE CITY ENGINEER HAS REVIEWED THIS SITE PLAN AND HAS ISSUED HIS APPROVAL OF THIS PLAN.
 2. ANY CHANGES TO THIS PLAN MUST BE APPROVED BY THE CITY ENGINEER.
 3. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.
 4. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE INFORMATION PROVIDED AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.
- zoning Notes:**
1. THIS PROJECT IS PROPOSED FOR THE CITY ENGINEER TO BE REVIEWED.
 2. THE CITY ENGINEER'S REVIEW IS LIMITED TO THE TECHNICAL ASPECTS OF THE PLAN AND DOES NOT CONSTITUTE AN ENDORSEMENT OF THE PROJECT OR A GUARANTEE OF THE ACCURACY OF THE INFORMATION PROVIDED.

Project Description:

THE PROPOSED PROJECT IS THE CONSTRUCTION OF A NEW PARKING LOT TO ACCOMMODATE THE NEEDS OF THE BALDWIN PAVING COMPANY. THE PROJECT IS LOCATED AT THE INTERSECTION OF KENMILL DRIVE-DE-SAC AND A ROAD TO THE EAST. THE PROJECT AREA IS 1.01 ACRES IN AREA. THE PROJECT IS PROPOSED FOR THE CITY ENGINEER TO BE REVIEWED.

Exhibit "A"

PAGE 6 OF 6

Dempsey B. Kirk
438 Saint Mary's Lane
Marietta, GA 30064
770-846-7 651
Dempsey.kirk@harrynorman.com

March 20, 2012

Min. Bk. Case Petition No. 084
Doc. Type letter

To Whom it May Concern:

Meeting Date 5/15/12

I, Dempsey Kirk, am the administrator of the estate of Corene Bearden Kirk, located at 862 Kennesaw Avenue, Marietta in Cobb County, Georgia. I have met with John Harrison, who intends to buy the lot #4 of the North Marietta Business Center, which borders my south property line. By signature below, it is hereby acknowledged that I give my consent/ or have no objection that John Harrison of Baldwin Paving intends to make an application to the appropriate Cobb County Authorities for a variance request for the purpose of eliminating the 50 foot landscape buffer requirement placed on the property, because the subject property has a Light Industrial zoning bordering my property which currently has a Residential zoning but is shown as Commercial in the Future Land Use Plan.


Dempsey Kirk