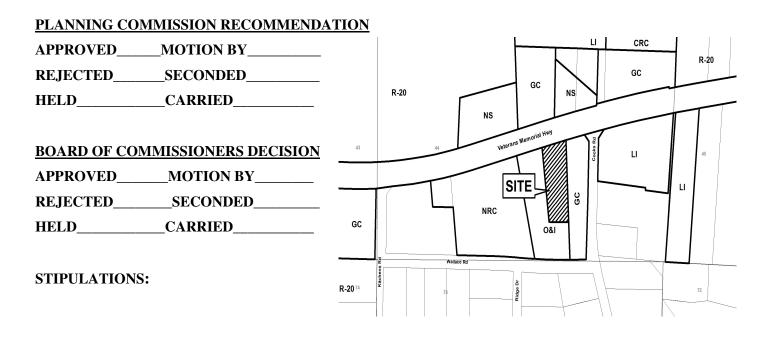
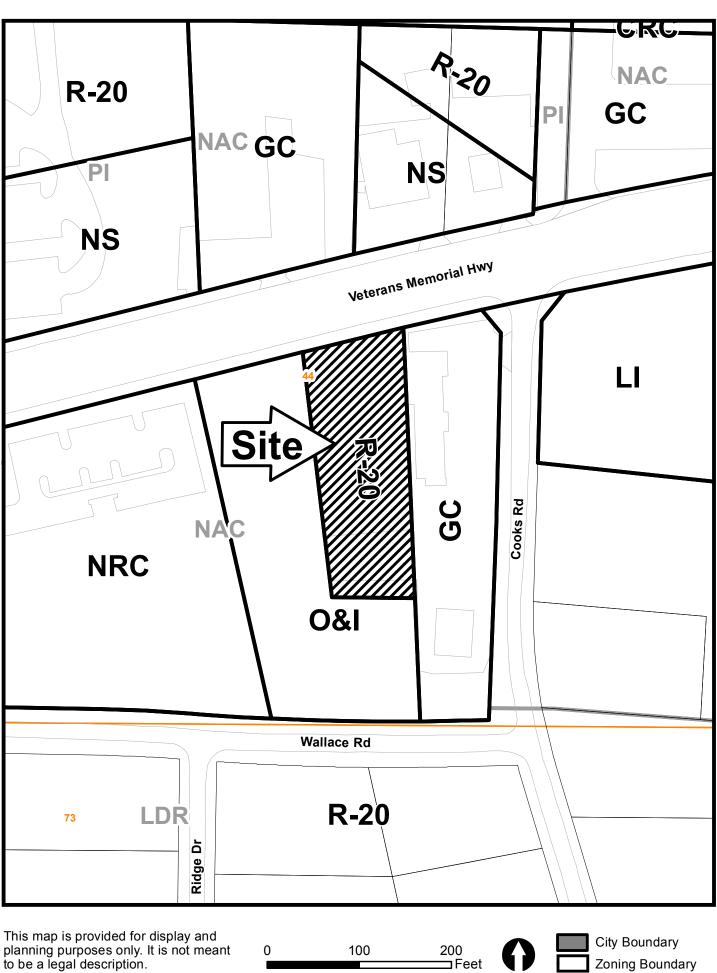


APPLICAN	T: <u>Aldridge Grading & Trucking Company, Inc.</u>	PETITION NO:	Z-5
PHONE#: (678) 945-4400 EMAIL: Aldridge7575@gmail.com	HEARING DATE (PC): _	02-02-16
REPRESEN	TATIVE: Garvis L. Sams, Jr.	HEARING DATE (BOC)	02-16-16
PHONE#: (770) 422-7016 EMAIL: gsams@slhb-law.com	PRESENT ZONING	R-20
TITLEHOL	DER: <u>Timothy C. Aldridge</u>		
		PROPOSED ZONING:	LI
PROPERTY	LOCATION: South side of Veterans Memorial Highw	ay,	
west of Cook	s Road	PROPOSED USE:	Contractor
(86 Veterans	Memorial Highway).		
ACCESS TO	DPROPERTY: Veterans Memorial Highway	SIZE OF TRACT:	0.60 acre
		DISTRICT:	18
PHYSICAL	CHARACTERISTICS TO SITE: One-story block	LAND LOT(S):	44
building		PARCEL(S):	6
		TAXES: PAID <u>X</u> D	UE
CONTIGU	OUS ZONING/DEVELOPMENT	COMMISSION DISTRIC	T: <u>4</u>
NORTH:	NS/Auto Repair; GC/Home Furnishings Wholesale	Adjacent Future Land Use: North: Neighborhood Ac	tivity Center
SOUTH:	O&I/Undeveloped	(NAC)	conter
EAST:	GC/Contractor's Office	East: Neighborhood Activity	
WEST:	O&I/Undeveloped	South: Neighborhood Ac (NAC)	tivity Center
	~	West: Neighborhood Ac (NAC)	tivity Center

OPPOSITION: NO. OPPOSED___PETITION NO:____SPOKESMAN __





Z-5



Zoning Boundary

APPLICANT: Aldridge Grading & Trucking Company, Inc.	PETITION NO.: <u>Z-5</u>
PRESENT ZONING: R-20	PETITION FOR: LI
***********	********
ZONING COMMENTS: Staff Member Responsible:	Jason A. Campbell
Land Use Plan Recommendation: Neighborhood Activity	Center (NAC)
Proposed Number of Buildings: 1 (Existing) Total Square For	otage of Development: 780
F.A.R.: 0.0294 Square Footage/Acre: 1,278	

Parking Spaces Required: 2 Parking Spaces Provided: No striped parking

Applicant is requesting the Light Industrial (LI) zoning district for the purpose of operating a landscape contractor's office in conjunction with applicant's contracting company to the east. The existing building on the subject property will be used as the landscape contractor's office. The hours of operation will be Monday through Saturday from 7 a.m. until 6 p.m. There will be eight to 10 employees. All equipment will be behind fencing and most of the equipment stays at job sites. This application is the result of a Code Enforcement action.

The proposed rezoning will require a contemporaneous variance to waive the required minimum lot size of 40,000 square feet for LI to 26,530 square feet.

Cemetery Preservation: No comment.

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.

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.

APPLICANT: Aldridge	Grading & Trucking Company, Inc.	PETITION NO.:	Z-5
PRESENT ZONING: _R	2-20	PETITION FOR:	LI
* * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * *	* * * * * * * * * *

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 with stipulations to LI for the purpose of a contractors business. The 0.60 acre site is located on the south side of Veterans Memorial Highway, west of Cooks Road.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within	one half (1/2) mile of a city boundary?	□ Y	Tes ■ No
If yes, has the city of	_been notified?	□ Yes	■ No / N/A

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with R-20 zoning designation. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC) East: Neighborhood Activity Center (NAC) South: Neighborhood Activity Center (NAC) West: Neighborhood Activity Center (NAC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

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.

<u>Design Guidelines</u>

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.

Planning comments continued on next page

APPLICANT: Aldridge Grading & Trucking Company, Inc.	PETITION NO.: Z-5
PRESENT ZONING: R-20	PETITION FOR: LI
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
PLANNING COMMENTS: (Continued)	
Is the property within an Enterprise Zone? The south Cobb Enterprise Zone is an incentive that provides tax for qualifying businesses locating or expanding within designated	
Is the property eligible for incentives through the Commerce Program?	\Box No is an incentive that provides a reduction in
For more information on incentives, please call the Community 1 770.528.2018 or find information online at <u>http://economic.cobbc</u>	1 0 0
Special Districts Is this property within the Cumberland Special District #1 (hotel/n □ Yes No	notel fee)?
Is this property within the Cumberland Special District #2 (ad value ☐ Yes ■ No	orem tax)?
Is this property within the Six Flags Special Service District? □ Yes ■ No	
Is the property within the Dobbins Airfield Safety Zone? □ Yes ■ No If so, which particular safety zone is this property within? □ CZ (Clear Zone) □ APZ I (Accident Potential Zone II)	I)

APPLICANT <u>Aldridge Grading & Trucking Co</u>	ompa	any, Inc.		PET	TITION NO.	<u>Z-005</u>
PRESENT ZONING <u>R-20</u>				PET	TITION FOR	LI
* * * * * * * * * * * * * * * * * * * *	* * *	* * * * * * * *	* *	* * *	* * * * * * *	* * * * * * * *
WATER COMMENTS: NOTE: Comments refle	ect on	ly what facilities w	vere	in exis	stence at the tim	e of this review.
Available at Development:	✓)	les			No	
Fire Flow Test Required:	Y	les			No	
Size / Location of Existing Water Main(s): 8" D	I/S	side of Veteran's	Mer	norial	l Hwy	
Additional Comments: Existing water customer						
Developer may be required to install/upgrade water mains, based on Review Process.	fire flov	w test results or Fire De	epartm	ent Coc	le. This will be res	olved in the Plan
* * * * * * * * * * * * * * * * * * * *	* * *	* * * * * * * *	* *	* * *	* * * * * * *	* * * * * * * *
SEWER COMMENTS: NOTE: Comments re	eflect	only what facilitie	s wei	re in e	xistence at the t	ime of this review.
In Drainage Basin:	✓	Yes			No	
At Development:		Yes			No	
Approximate Distance to Nearest Sewer: 200	SE i	n Cooks Road				
Estimated Waste Generation (in G.P.D.): A I) F=	160		Pe	eak= 400	
Treatment Plant:		South	Cobl)		
Plant Capacity:	\checkmark	Available		Not A	Available	
Line Capacity:	✓	Available		Not A	Available	
Proiected Plant Availability:	✓	0 - 5 vears		5 - 10) vears \Box	over 10 years
Drv Sewers Required:		Yes	\checkmark	No		
Off-site Easements Required:	\checkmark	Yes*		No		ents are required, Developer ments to CCWS for
Flow Test Required:		Yes	✓	No	review/approval a	is to form and stipulations tion of easements by the
Letter of Allocation issued:		Yes	✓	No	property owners.	All easement acquisitions lity of the Developer
Septic Tank Recommended by this Department:	\checkmark	Yes		No		
Subject to Health Department Approval:	✓	Yes		No		

Additional Health Dept approval required for continued use of existing septic system. No site changes proposed.

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:	Aldridge	Grading 8	k Trucking	Co., Inc.

PETITION NO.: <u>Z-5</u>

PRESENT ZONING: <u>R-20</u>

PETITION FOR: LI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
 DRAINAGE BASIN: <u>Unnamed Trib to Milam Branch</u> 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.
<u>STREAMBANK BUFFER ZONE:</u> 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 (<u>undisturbed</u> 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 CONDITIONS
 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 any proposed site

improvements on downstream receiving system.

APPLICANT: Aldridge Grading & Trucking Co., Inc.

PETITION NO.: <u>Z-5</u>

PRESENT ZONING: <u>R-20</u>

PETITION FOR: <u>LI</u>

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).
- \boxtimes 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. No significant site improvements are currently proposed. Any site improvement or expansion must meet current stormwater management requirements.

35APPLICANT: Aldridge Grading & Trucking Company, Inc. PETITION NO.: Z-5

PRESENT ZONING: R-20

PETITION FOR: LI

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
Veterans Memorial Highway	25,400	Arterial	45 mph	Cobb County	100'

Based on 2008 traffic counting data taken by Cobb County DOT for Veterans Memorial Highway.

COMMENTS AND OBSERVATIONS

Veterans Memorial Highway is classified as a state route, an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

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

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 Veterans Memorial Highway, a minimum of 50' from the roadway centerline.

GDOT permits will be required for all work that encroaches upon State right-of-way.

Recommend one commercial driveway on Veterans Memorial Highway to be installed per Section 402.08, Non-Residential Driveways, of the Cobb County Development Standards.

Recommend commercial driveway on Veterans Memorial Highway be paved with a treated hardened surface for a minimum of 25' from the edge of pavement or to the State right-of-way, whichever is greater in length.

STAFF RECOMMENDATIONS

Z-5 ALDRIDGE GRADING & TRUCKING COMPANY, INC.

- 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. Nearby properties are utilized for schools, commercial, industrial and residential uses.
- 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 in conjunction with applicant's abutting property to the east for a number of years. The subject property will continue to be utilized in this manner as a landscape contractor's office.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Neighborhood Activity Center (NAC) land use category. The requested LI zoning is not compatible with NAC, but the LI zoning allows the special contractor's use.
- 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 deleting the applicant's rezoning proposal to the NRC zoning district with the additional use of a special contractor's office. Staff believes deleting to the NRC category will be in keeping with the NAC land use category and will not require a variance of the lot size.

Based on the above analysis, Staff recommends **DELETING** to **NRC** subject to the following conditions:

- 1. Site plan received by the Zoning Division on November 30, 2015, with the District Commissioner approving minor modifications;
- 2. Allowance of a special contractor's office as a permitted use for this applicant only;
- 3. Allowance of outdoor storage in the existing fenced area located on the rear of the lot only;
- 4. Applicant plants landscape buffer along north, south, and west side of fence.
- 5. Fire Department comments and recommendations;
- 6. Water and Sewer Division comments and recommendations;
- 7. Stormwater Management Division comments and recommendations;
- 8. Department of Transportation comments and recommendations; and
- 9. 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.

NOV 30 2015

Application No. Z-5 PC: Feb. 2, 2016

BOC: Feb. 16, 2016

Summary of Intent for Rezoning *

	lential Rezoning Information (attach additional information if needed)
a)	Proposed unit square-footage(s): <u>N/A</u>
b)	Proposed building architecture:
c)	Proposed selling prices(s):
d)	List all requested variances:
t 2. Non-r	residential Rezoning Information (attach additional information if needed)
a)	Proposed use(s): Contractor
b)	Proposed building architecture: As-built
~)	As-built
c)	Proposed hours/days of operation: 7:00 a.m 6:00 p.m. (Monday - Saturday)
d)	List all requested variances: To waive the required square footage under the LI
Zc	oning District from 40,000 square feet to 26,530 square feet (0.60 acres).
art 3. Ot	her Pertinent Information (List or attach additional information if needed)
The	property has been utilized along with the contiguous GC tract (which is a grandfathere
	-conforming use) for this business for an extended length of time and is located
with	in the confines of a Neighborhood Activity Center ("NAC").
rt A Is o	w of the property included on the proposed site plan owned by the Local State, or Rederal Cover
	ny of the property included on the proposed site plan owned by the Local, State, or Federal Gover use list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., a

* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION OF ALDRIDGE GRADING & TRUCKING COMPANY, INC., A GEORGIA DOMESTIC PROFIT CORPORATION

COMES NOW, ALDRIDGE GRADING & TRUCKING COMPANY,

INC., and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a use of the property which is suitable in the context of development and existing zonings along this section of the Veterans
 2.0.2015 Memorial Highway Corridor.
 - B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is within an area designated as a Neighborhood Activity Center ("NAC") under Cobb County's Future Land Use Map. The property is adjacent to a multiplicity of industrial, commercial and retail uses.
 - C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility.

SAMS, LARKIN, HUFF & BALLI, LLP A LIMIED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA. GA 30064 770.422.7016

MO

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.
- E. The zoning proposal is located within a Neighborhood Activity Center category and is consistent with those uses and purposes contemplated under Cobb
 County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of R-20 which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this area of the Veterans Memorial Highway Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the <u>30</u> day of <u> $\mathcal{N}0\mathcal{V}$ </u>, 2015.

SAMS, LARKIN, HUFF AND BALLI, LLP

NOV 8 0 2015

GARVIS L. SAMS, JR. Attorney for Applicant Ga. Bar No. 623950

SAMS, LARKIN, HUFF & BALLI, LLP A LIMITED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 770, 422, 7016