

**DECEMBER 16, 2008 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3**

ITEM # 3

PURPOSE

To consider amending the stipulations for Palladian, Inc. regarding Z-93 (LAND TRENDS DEVELOPMENT, LLC) of June 21, 2005 for property in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

BACKGROUND

The subject property is zoned RSL subject to numerous conditions/stipulations that are attached. This request is to amend the site plan and stipulations to allow construction of a dedicated public street in lieu of the private streets originally approved. The access is still limited to Morgan Road and all of the units are interior to the proposed public street. The proposed site plan is attached. Staff is concerned with this proposal due to the fact all of the units are directly adjacent to the proposed right-of-way only providing nominal setbacks. If the original proposal had proposed public infrastructure, it is unlikely the existing density of 4.99 units per acre would have been granted since staff comments were based on this development utilizing private utilities and streets. The Zoning Analysis prepared for the original application is attached. Easements, setbacks and intersection requirements need to be addressed if the infrastructure is to be public. This project was presented as a condominium and most condominiums don't utilize public infrastructure, they utilize private infrastructure with common areas. The Other Business application is also attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider denying this amendment based on the above concerns. However, if approved all other previously approved conditions/stipulations should remain in effect especially the District Commissioner to approve the final site plan after review and comments from plan review.

ATTACHMENTS

Board of Commissioners Decision
Approved Site Plan
Proposed Site Plan
Original Zoning Analysis
Other Business Application

ORIGINAL DATE OF APPLICATION: 06-21-05APPLICANTS NAME: LAND TRENDS DEVELOPMENT, LLC

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

BOC DECISION OF 06-21-05 ZONING HEARING:

LAND TRENDS DEVELOPMENT, LLC (1160 Piedmont Road NE Land Holding Trust #764, et al., owners) for Rezoning from **R-20** to **RSL** for the purpose of Residential Senior Living in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

The public hearing opened and Mr. Kevin Moore, Ms. Carol Brown and Ms. Ethel Hursey addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to approve rezoning to the **RSL** zoning district **subject to:**

- **maximum twenty (20) units**
- **letter of agreeable stipulations from Mr. Kevin Moore dated June 1, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **installation of right-turn lane on East Piedmont**
- **consideration of pedestrian access to adjacent church**
- **creation of central or common greenspace/park area for the development**
- **final site plan to be approved by District Commissioner**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT 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**

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STEELE

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A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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OF COUNSEL:
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JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN SC
*** ALSO ADMITTED IN NC
ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

June 1, 2005

Min. Bk. 35 Petition No. Z-93
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 6/21/05

Hand Delivered

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

RE: Application for Rezoning

Application No.: Z-93 (2005)

Applicant: Land Trends Development, LLC

Owners: 1160 Piedmont Rd. NE Land
Holding Trust #764;
1180 Piedmont Rd. NE Land
Holding Trust #763; and
Eastside Baptist Church @
Piedmont, Inc.

Property: 4.81 acres located at the
southwesterly intersection of
East Piedmont Road and Morgan
Road; Land Lot 563,
16th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Land Trends Development, LLC, the Applicant (hereinafter "Applicant"), and 1160 Piedmont Rd. NE Land Holding Trust #764; 1180 Piedmont Rd. NE Land Holding Trust #763; and Eastside Baptist Church @ Piedmont, Inc. the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 4.81 acres located at the southwesterly intersection of East Piedmont Road and Morgan Road, Land Lot 563, 16th District, Cobb County, Georgia (hereinafter the "Subject Property" or, alternatively, the "Property"). After meetings with planning and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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zoning staff and various departmental representatives, discussions and meetings with area residents, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the Residential Senior Living ("RSL") zoning category, site plan specific to that certain Zoning Plan prepared by Site Development Consultants, Inc. dated May 11, 2005, filed with the Cobb County Zoning Office May 19, 2005.
- (3) The Subject Property consists of approximately 4.81 acres of total site area and shall contain a maximum of twenty-four (24) units.
- (4) The proposed residential community shall be a condominium development, complying in all respects with the Georgia Condominium Act, and being "for sale" units.
- (5) The units within the proposed community shall have a minimum of 1,800 square feet, ranging upwards to a maximum of 2,500 square feet; and each unit shall have an attached two-car garage.
- (6) The exteriors of the proposed homes shall be constructed of a combination of brick, stone, stacked stone, stucco, cedar shake siding, masonry siding, or combinations thereof, and shall be substantially similar to the elevations attached hereto as Exhibit "A."

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Planner III
Zoning Division
Cobb County Community Development Agency
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- (7) The main living area and master bedroom of each unit shall be located on the main level.
- (8) Sales of the units shall be limited to senior citizens fifty-five (55) years of age and older under the Federal Fair Housing Act.
- (9) Applicant agrees to comply with the "easy living" standards as set forth in the subject Ordinance.
- (10) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential community.
- (11) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the exteriors, entrance area, signage, amenity area, all common areas, and private streets contained within the proposed residential community.
- (12) The yard area around each unit shall be fully sodded and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the residential community.
- (13) The entrance into the proposed community shall be professionally designed, landscaped, and maintained with signage being ground-based, monument style.
- (14) Applicant agrees to submit a landscape plan for the Subject Property's frontage along East Piedmont Road and Morgan Road, which plan shall incorporate the entrance features as well as be designed to provide visual screening; and such plan shall be approved by the Cobb County Arborist during the plan review process.
- (15) All utilities for the proposed residential community shall be located underground.

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- (16) Access to the proposed residential community shall be limited to Morgan Road, and there shall be no access permitted from East Piedmont Road.
- (17) There shall be established a minimum twenty (20) foot landscape buffer along the boundaries of the Subject Property adjacent to all existing residential properties.
- (18) Applicant agrees that all lighting within the proposed development shall be limited to no more than eight (8) feet in height and environmentally sensitive, low-level luminous, so as to prevent light from penetrating onto surrounding residential properties.
- (19) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.
- (20) Internal sidewalks shall be constructed providing connectivity to public sidewalks.
- (21) All streets within the proposed community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (22) Minor modifications to the referenced Zoning Plan, including, but not limited to, the layout of buildings and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (23) The stormwater management area shall be appropriately fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the plan review process.
- (24) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention

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facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

- (25) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (26) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Donation of right-of-way along the westerly side of Morgan Road a maximum of thirty (30) feet from the existing roadway centerline;
 - (b) Donation of right-of-way along the southerly side of East Piedmont Road a maximum of thirty (30) feet from the existing roadway centerline;
 - (c) Installation of sidewalk, curb, and gutter along the frontage of the Subject Property on East Piedmont Road and Morgan Road; and
 - (d) Construction of a deceleration lane one hundred fifty (150) feet in length along the westerly side of Morgan Road for purposes of ingress into the proposed residential community.
- (27) The above stipulations shall bind the Subject Property and the Applicant, and any other future or potential developer of the Subject Property; however, in the event that Applicant, or an affiliated or subsidiary company of Applicant, does not purchase, or close on, the Subject Property within six (6) months of the final rezoning, the zoning category shall revert to its existing R-20 zoning classification and notice shall be filed by Applicant with the Cobb County Planning and Zoning Office.

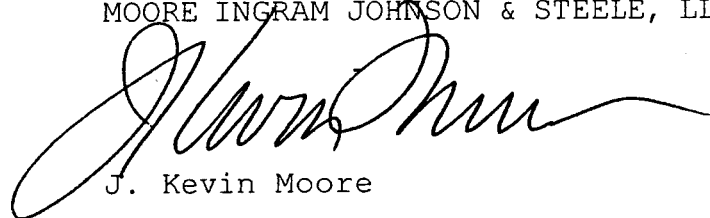
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Planner III
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We believe the requested zoning, pursuant to the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed residential community shall be a quality development, providing a much-needed and highly sought after type of community within the Cobb County area. Additionally, the proposed community shall be compatible with surrounding developments and be an enhancement to the Subject Property. Thank you for your consideration in this request.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Enclosure

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

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Planner III
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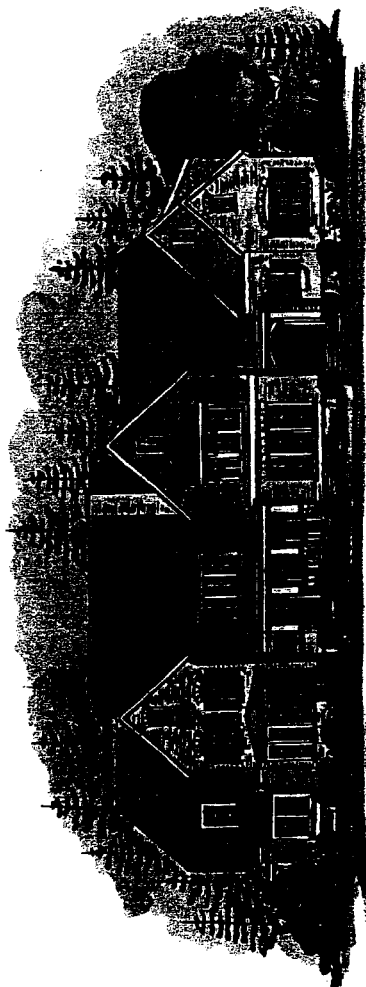
- c: Martha Adams, President
East Cobb Civic Association, Inc.
(With Copy of Enclosure)

- Don Brundage
Northeast Cobb Homeowners Group
(With Copy of Enclosure)

- Carl Carver
(With Copy of Enclosure)

- Land Trends Development, LLC
(With Copy of Enclosure)

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Continued Elevation referenced
in letter



TYPICAL ELEVATION "A"



TYPICAL ELEVATION "B"

TYPICAL ELEVATION "C"



ORIGINAL DATE OF APPLICATION: 06-21-05APPLICANTS NAME: LAND TRENDS DEVELOPMENT, LLC

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

BOC DECISION OF 02-21-06 ZONING HEARING:

**OTHER BUSINESS ITEM #7 - TO CONSIDER AMENDING THE
STIPULATIONS FOR PALLADIAN, INC. REGARDING Z-93 (LAND TRENDS
DEVELOPMENT, LLC) OF JUNE 21, 2005**

To consider amending the stipulations for Palladian, Inc. regarding Z-93 (LAND TRENDS DEVELOPMENT, LLC) of June 21, 2005 for property in Land Lot 563 of the 16th District. Located at the southwest intersection of East Piedmont Road and Morgan Road.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend stipulations. The public hearing was opened and Mr. Kevin Moore addressed the Board. Following presentation and discussion, the following motion was made.

MOTION: Motion by Lee, second by Olens, to **reject** request to remove stipulation requiring right-turn lane on East Piedmont Road and to **authorize** removal of stipulation requiring deceleration lane on Morgan Road.

VOTE: **ADOPTED** unanimously

Clerk's Note: Cobb DOT staff to file letter with the Zoning Division stating approval of the changes outlined above.

EAST PIEDMONT ROAD
(100' RIGHT OF WAY)
ASPHALT

N: 1462600.92
E: 2190468.48
STATE PLANE GRIL

S 57°29'04"
22.15

MORGAN ROAD
(50' RIGHT OF WAY)
ASPHALT

S 05°40'04" E
352.70

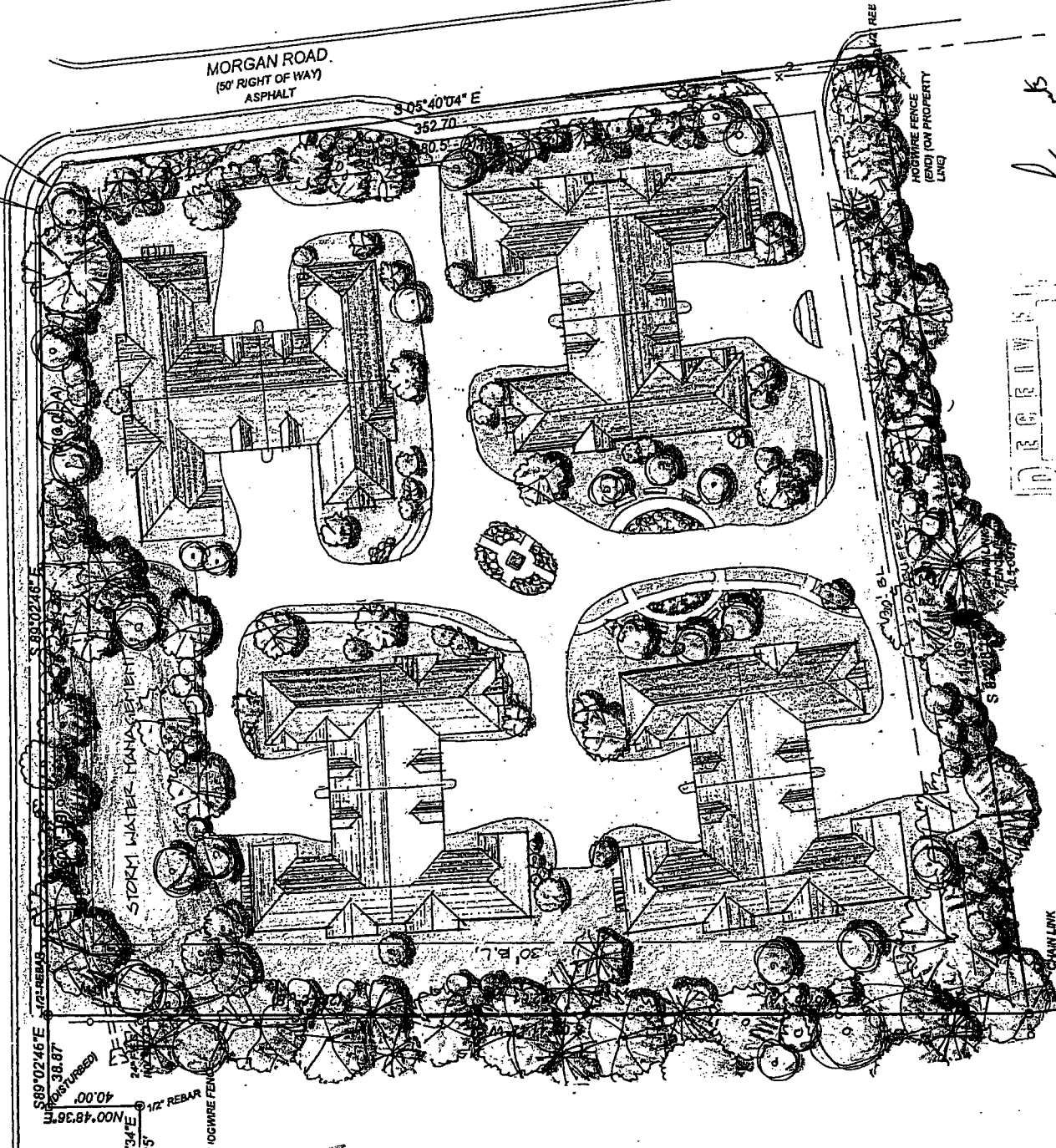
S 89°02'45" E 147.88 REBAR
38.87
40.00
N 00°48'36" E
34° E
5'

STORM WATER MANIFESTATION

100 WIRE FENCE

100 WIRE FENCE
(END) (ON PROPERTY
LINE)

CHAIN LINK
FENCE (END)



LEGEND

100 WIRE FENCE
(END) (ON PROPERTY
LINE)

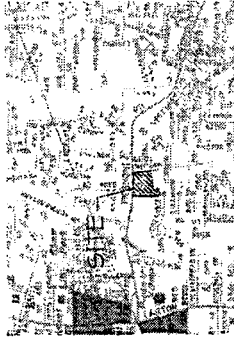
CHAIN LINK
FENCE (END)

SITE SUMMARY

SITE INFORMATION
 CURRENT ZONING: R-20
 PROPOSED ZONING: RES.
 TOTAL SITE AREA: 4.01 ACRES
 QUADS: 24
 ALLOWABLE DENSITY: 5 UNITS/ACRE
 PROPOSED DENSITY: 24 UNITS/4.01 ACRES = 4.99 UNITS PER ACRE

THIS SITE DOES NOT LIE WITHIN A FLOOD HAZARD AREA PER FIRI PANEL 13067C0025 F, DATED AUG. 10 1992

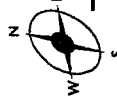
THIS SITE DOES NOT CONTAIN NETLAND AREAS PER THE NATIONAL NETLANDS INVENTORY ONLINE MAPPING SERVICE.



LOCATION MAP
N.T.S.

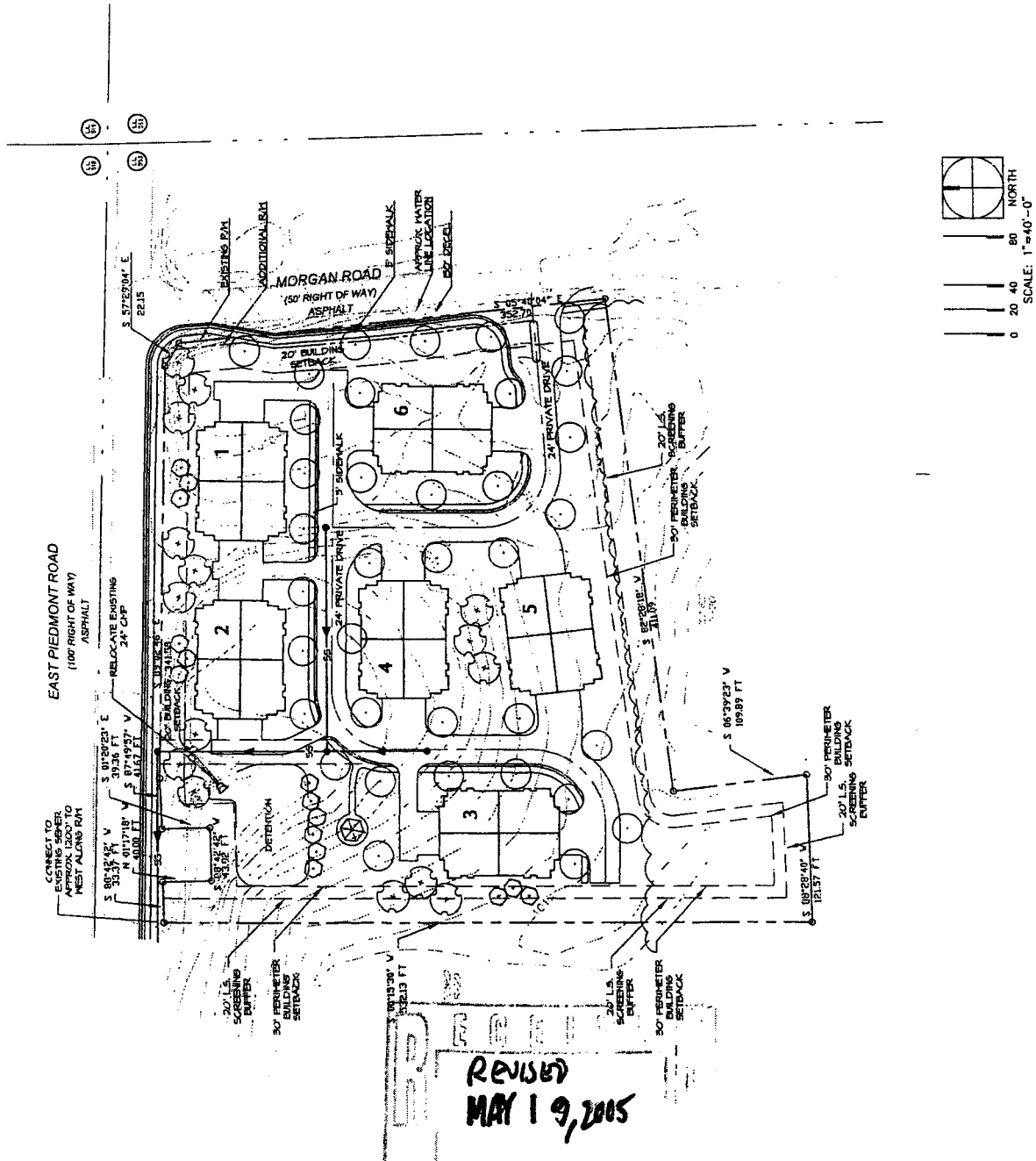
**EASTSIDE VILLAGE
ZONING PLAN**

LOCATED IN L.L. 563
 8TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA



Prepared for:
**LAND TRENDS
 DEVELOPMENT LLC.**
 Phone 478-764-2291 Fax 478-643-5138
 348 Powers Ferry Rd., Bldg. #1, Suite 200
 Marietta, GA 30067 Fax 478-933-5238

5/11/05
 Prepared By:
Site Development Consultants, Inc.
 Land Planning, Site Development & Landscape Architecture
 1075 Old Atlanta Road, Suite 400
 Marietta, GA 30067
 Tel: 478-393-2828



APPLICANT: Land Trends Development, LLC

678-483-3000

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

J. Kevin Moore 770-429-1499

TITLEHOLDER: 1160 Piedmont Road NE Land Holding Trust

#764, et al.

PROPERTY LOCATION: Located at the southwest intersection of East Piedmont Road and Morgan Road.

ACCESS TO PROPERTY: Morgan Road

PHYSICAL CHARACTERISTICS TO SITE: Existing houses

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Northeast Colony subdivision

SOUTH: R-20, R-15/ Single-family house, Ramblewood subdivision

EAST: R-20/ Power substation

WEST: R-20/ Church

PETITION NO: Z-93

HEARING DATE (PC): 06-07-05

HEARING DATE (BOC): 06-21-05

PRESENT ZONING: R-20

PROPOSED ZONING: RSL

PROPOSED USE: Residential Senior Living

SIZE OF TRACT: 4.81 acres

DISTRICT: 16

LAND LOT(S): 563

PARCEL(S): 2, 5

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

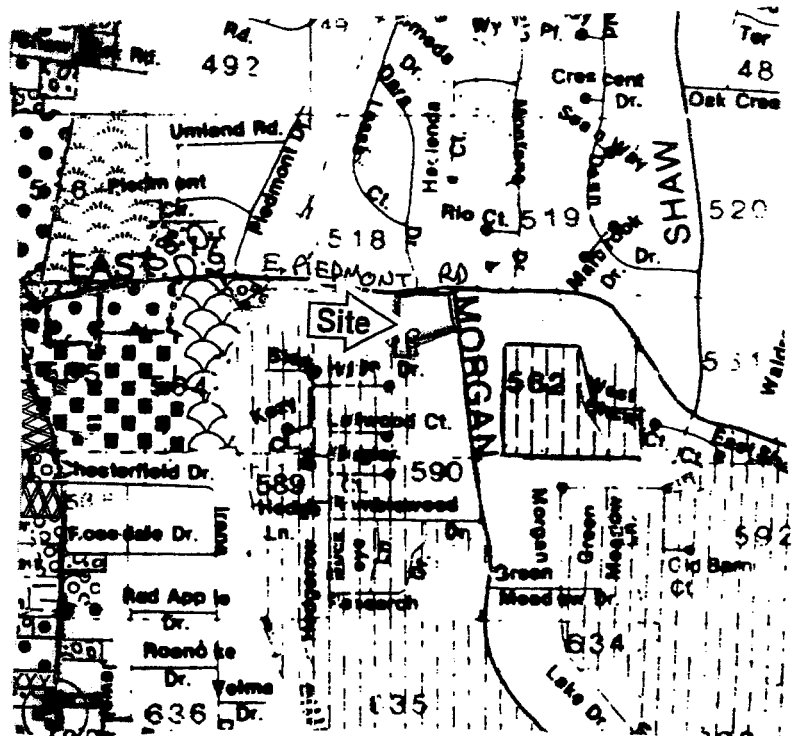
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

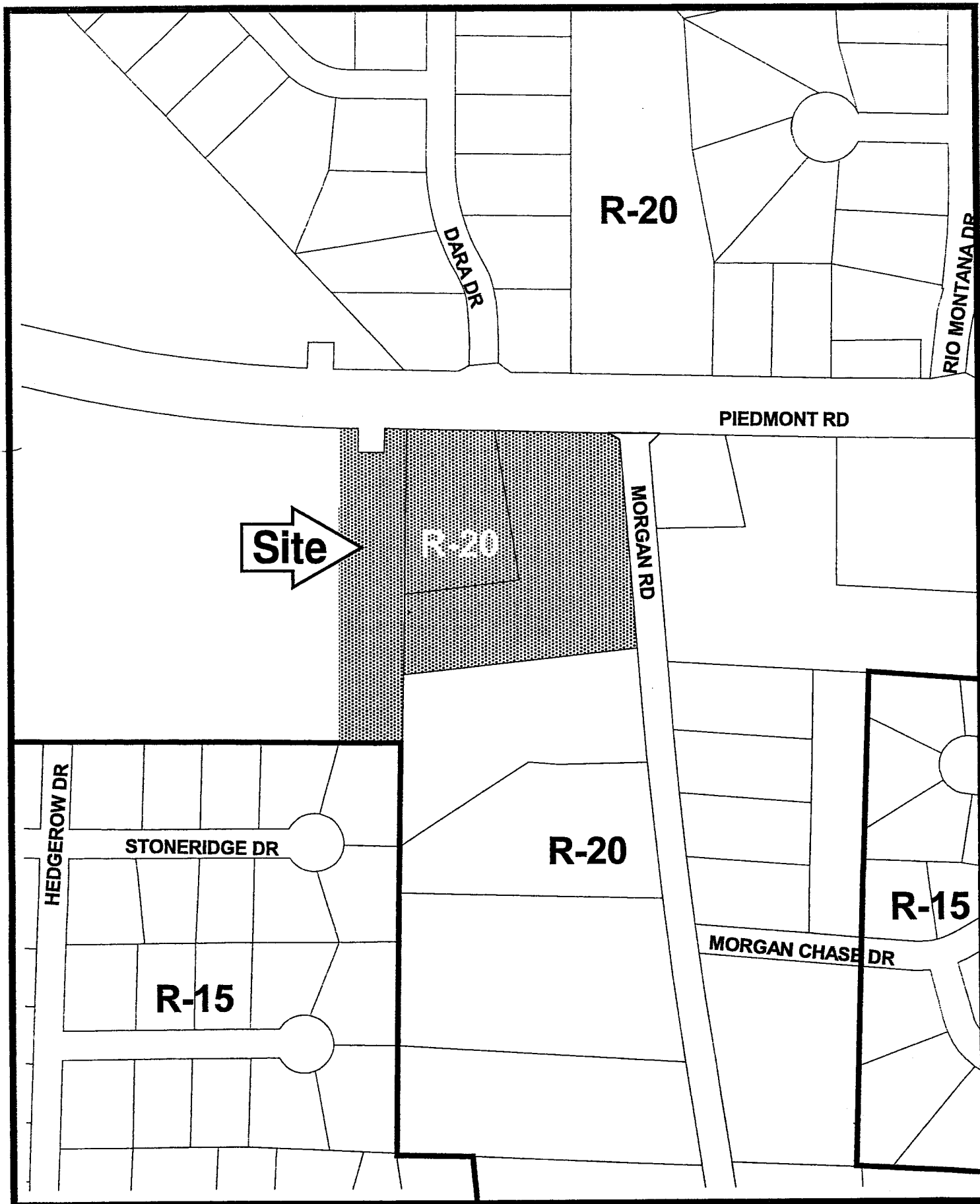
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:



Z-93



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



-  Approximate Zoning Boundaries
-  Draft Parcel Boundaries

APPLICANT: Land Trends Development, LLC

PETITION NO.: Z-93

PRESENT ZONING: R-20

PETITION FOR: RSL

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson

Land Use Plan Recommendation: Low Density Residential, Public Institutional

Proposed Number of Units: 24 **Overall Density:** 4.99 **Units/Acre**

Present Zoning Would Allow: 8 **Units** **Increase of:** 16 **Units/Lots**

The applicant is requesting the RSL zoning district to develop a small senior condominium community. The buildings would be traditional in styling with hard surface exteriors, and range from 1 to 1½ stories. The units would be a minimum 1,800 square-feet, and would start selling in the high \$200,000's. Each home would have an attached two-car garage.

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

APPLICANT Land Trends Development, LLC

PETITION NO. Z-093

PRESENT ZONING R-20

PETITION FOR RSL

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 6" AC / W side Morgan Rd

Additional Comments: Master meter to be at entrance

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:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: 1000' W across creek

Estimated Waste Generation (in G.P.D.): **A D F** 9,600 **Peak** 24,000

Treatment Plant: Noonday

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- 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

* 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional 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 off site easements, dedication of on and/or off site 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: Land Trends Development, LLC

PETITION NO.: Z-93

PRESENT ZONING: R-20

PETITION FOR: RSL

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

Little Noonday Creek of Noonday Creek / Little River

Undefined-culvert headwater

DRAINAGE BASIN: Lake Allatoona System FLOOD HAZARD INFO: pool in northwest quarter

- 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: within Flood Hazard

- 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 stream bank 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 downstream stormdrainage system.

APPLICANT: Land Trends Development, LLC

PETITION NO.: Z-93

PRESENT ZONING: R-20

PETITION FOR: RSL

DRAINAGE 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 **in flood hazard, westland** 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/SUGGESTIONS

- 1) Tract terrain is dominated by an amphitheater shape centered in the northwest quarter. Ground slopes vary from 8-10% at the top rim along east and south property line, and in the "stage" area, to 21% - 24% on completely circling the "stage". A tree stand, over 100-feet wide, runs continuously along west property line. Remainder of tract is randomly wooded in small clumps and singles.
- 2) The proposed quad layout will require mass grading the site to remanufacture the terrain to the flat condition mandated and the flat land condition for which the quad concept was created. This is not fitting the development to the natural terrain using minimal grading as called for in State / Local Regulations. This design on this terrain is not supported.
- 3) The flood hazard / headwater pool at the culvert under Piedmont Road defines how the culvert operates and defines the rate of discharge for any given storm event. Said flood hazard encumbers ¾ of the building #2, and parts of buildings #5 and #3. The only way these buildings and their infrastructure can be built is to fill the pool hole. In doing so, the eliminated volume operation must be folded into the detention, which will grow significantly.
- 4) Plan calls for perimeter 20-foot landscape buffer through predominantly heavily wooded areas. Recommend this natural growth be utilized with added plantings where needed and as approved by County Arborist.
- 5) With Lake downstream, recommend higher level Erosion Sediment Control in the bottom of the flood hazard area during construction and elevated Water Quality-Best Management Practice afterward. Recommend Water Quality-Best Management Practice volume be calculated at 1.5 inch water on all impervious areas. This will reduce output to a trickle for approximately 90% of all storm events. The existing flow rate allowed by the culvert and headwater pool combo will establish the allowable to which the detention discharge must conform.

APPLICANT: Land Trends Development, LLC

PETITION NO.: Z-93

PRESENT ZONING: R-20

PETITION FOR: RSL

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
East Piedmont Road	23220	Arterial	100'
Morgan Road	2222	Minor Collector	60'

*Based on 2003 traffic counting data taken by GDOT. (East Piedmont Road)
Based on 9-9-04 traffic counting data taken by Cobb County DOT.*

East Piedmont Road is classified as a Major Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Morgan Road is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

As necessitated by this development for egress from Morgan Road, a deceleration lane will be required.

Install sidewalk, curb and gutter along both road frontages.

No access to East Piedmont Road.

Full driveway access must maintain a minimum of 250' separation from signalized intersections.

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 west side of Morgan Road, a minimum of 30' from the roadway centerline. Recommend a minimum 150' deceleration lane on South Gordon Road.

Recommend installing sidewalk, curb and gutter along both road frontages.

Recommend a 10' no access easement along East Piedmont Road.

Shift proposed driveway further south to comply with minimum separation requirements.

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

STAFF RECOMMENDATIONS

Z-93

LAND TRENDS DEVELOPMENT, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The surrounding area is all low density residential; the proposed density is much higher than adjacent residential densities. There is new R-20 single-family residential development within a short distance on Piedmont Road and Morgan Road
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal could encourage other developments that are not consistent with the low density residential character of the area. The RSL zoning code requires that the applicant's proposal be compatible with neighboring residential uses.
- 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 to be within a Low Density Residential and Public Institutional Land Use Category. The density range for Low Density Residential is 1 to 2.5 units per acre; the proposed density is 4.99 units per acre.
- 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 denying the applicant's rezoning proposal. The applicant's proposal is not consistent with the *Cobb County Comprehensive Plan*. The applicant's proposal is located in an area characterized as R-15 and R-20, and the applicant's proposal would contain much more density then adjacent properties. The applicant's proposal could encourage other applications that are not consistent with the area. The RSL applications that have been approved recently have been located in areas that contain a conglomerate of land uses.

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 for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 12-16-08

Applicant: PALLADIAN, INC Phone #: 770.509.3390
(applicant's name printed)

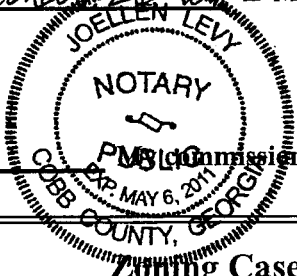
Address: 601 Woodlawn Dr #330 Marietta GA E-Mail: info@palladianproperties.com
30067

CRAIG WRIGLEY Address: SAME
(representative's name, printed)

[Signature] Phone #: 770.605.2190 E-Mail: craig@palladianproperties.com
(representative's signature) CELL

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



Commission expires: 5-6-2011

Commission District: 3 Zoning Case: Z-93

Date of Zoning Decision: 6.21.2005 Original Date of Hearing: 6.21.05

Location: Southwest corner of the intersection of Morgan Rd and Piedmont Rd
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 563 District(s): 1C

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

To approve a modification to the approved site plan to show an interior street right-of-way with reduced front yard setbacks, as shown, that will allow the street, water, sewer and storm drainage to be dedicated to Cobb County.

(List or attach additional information if needed)