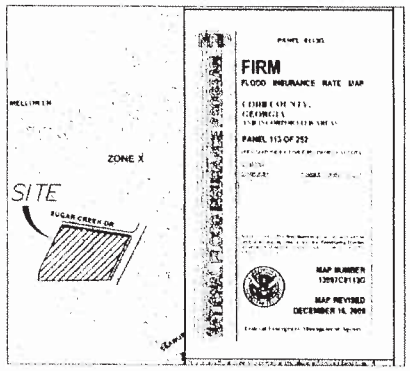
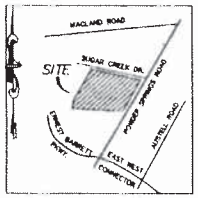


FIRM MAP - 13067C0113G

NOTE
THIS PROPERTY IS NOT IN A 100 YEAR FLOOD HAZARD AREA AS PER FEMA FLOOD HAZARD BOUNDARY MAP PANEL NUMBER 13067C0113G



LOCATION MAP
NTS

SITE LAYOUT

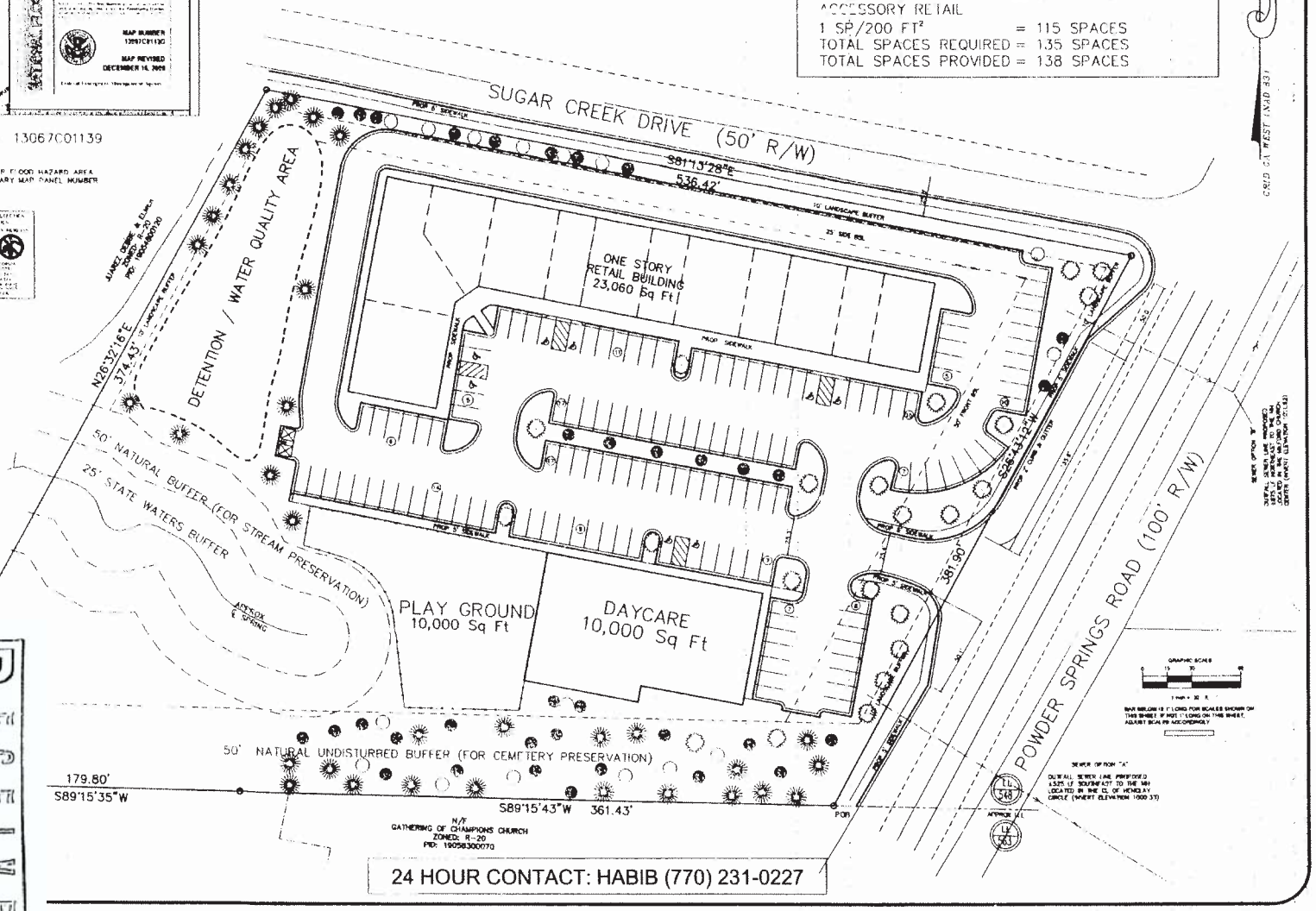
POWDER SPRINGS PROPERTIES, LLC

1990 Powder Springs Road
Land Lots 548 20th District 2nd Section
Cobb County, Georgia
PID: 19054800070

SITE DATA

SITE AREA: 5.02 Ac. SITE AREA: 218,497 sq ft.
EXISTING ZONING: R-20 OPEN SPACE: 128,327 sq ft., 58%
PROPOSED ZONING: NRC
PROPOSED USE: NEIGHBORHOOD COMMERCIAL
LOT SETBACK INFORMATION:
FRONT: 40' (50' ADJACENT TO POWDER SPRINGS ROAD)
REAR 30'
SIDE 15'
MAJOR SIDE: 25'

PARKING SPACES REQUIRED
CHILD CARE = 20 SPACES
ACCESSORY RETAIL
1 SP/200 FT² = 115 SPACES
TOTAL SPACES REQUIRED = 135 SPACES
TOTAL SPACES PROVIDED = 138 SPACES



24 HOUR CONTACT: HABIB (770) 231-0227

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MAR 23 2009
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ZONING DIVISION

Prepared By:
TerraNova Engineering, Inc.
3025 Dean Road
Marietta, Georgia 30066
678.445.0844

Prepared For
J & J Construction Group, Inc.
Habib Kaseem
Marietta, Georgia 30071
(770) 231-0227

DATE 01-29-2009

SITE LAYOUT
POWDER SPRINGS PROPERTIES, LLC
1990 Powder Springs Road
Land Lots 548 20th District 2nd Section
Cobb County, Georgia

JOB # 42134-4

Z-10
(2009)

APPLICANT: Powder Springs Properties, LLC
770-231-0227

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: J & J Construction Group, Inc.

PROPERTY LOCATION: Located at the southwest intersection of Powder Springs Road and Sugar Creek Drive.

ACCESS TO PROPERTY: Powder Springs Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house

PETITION NO: Z-10

HEARING DATE (PC): 04-07-09

HEARING DATE (BOC): 04-21-09

PRESENT ZONING: R-20

PROPOSED ZONING: NRC

PROPOSED USE: Retail, Office And Daycare

SIZE OF TRACT: 5.02 acres

DISTRICT: 19

LAND LOT(S): 548

PARCEL(S): 7

TAXES: PAID X **DUE** ____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Single-family house

SOUTH: R-20/ Gathering of Champions Church, Big Bethel Baptist Church Cemetery

EAST: R-20, GC/ Single-family house

WEST: R-80/ Single-family house

OPPOSITION: NO. OPPOSED____PETITION NO:_____SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED_____MOTION BY_____

REJECTED_____SECONDED_____

HELD_____CARRIED_____

BOARD OF COMMISSIONERS DECISION

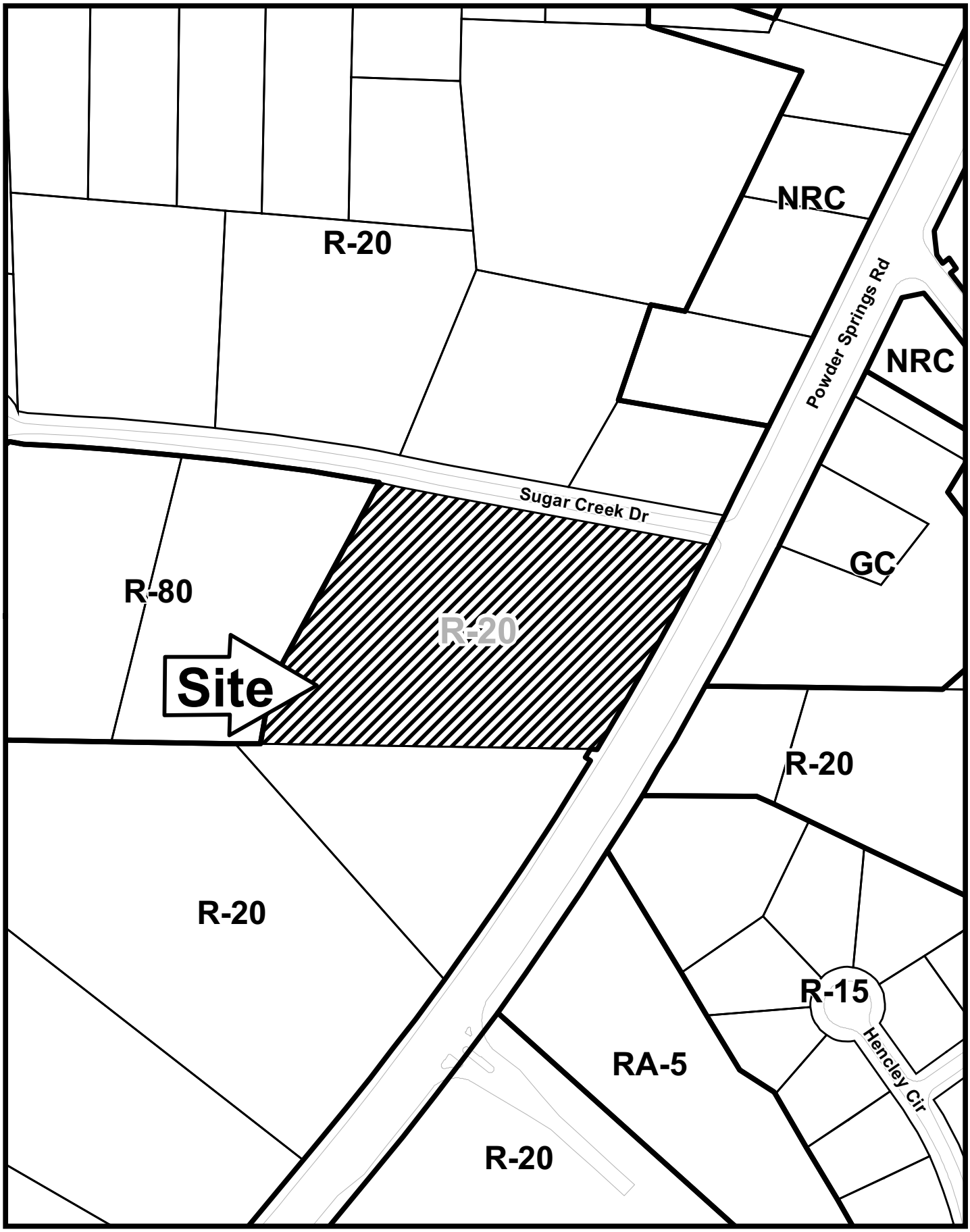
APPROVED_____MOTION BY_____

REJECTED_____SECONDED_____

HELD_____CARRIED_____

STIPULATIONS:

Z-10



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

200 0 200 Feet

City Boundary

Zoning Boundary

APPLICANT: Powder Springs Properties, LLC **PETITION NO.:** Z-10

PRESENT ZONING: R-20 **PETITION FOR:** NRC

* *

PLANNING COMMENTS: **Staff Member Responsible:** John P. Pederson, AICP

Land Use Plan Recommendation: Low Density Residential

Proposed Number of Buildings: 3 **Total Square Footage of Development:** 33,060

F.A.R.: 0.15 **Square Footage/Acre:** 6,585

Parking Spaces Required: 135 **Parking Spaces Provided:** 138

The applicant is requesting the NRC zoning district to develop a small shopping center and daycare facility on this property. The buildings will be one and two-stories in height with traditional building architecture; the exterior of the buildings would contain brick, stacked stone and/or EFIS. The applicant is showing contemporaneous variances to reduce the 20-foot landscape buffer adjacent to residential property to 10-feet. See Exhibit "A" for the applicant's Impact Analysis, and see Exhibit "B" for the applicant's letter of stipulations.

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.

Cemetery Preservation: Petition shows the presence of Big Bethel Baptist Church cemetery adjacent to the southern boundary. The Cobb Cemetery Preserviation Ordinance and the County Development Standards for Cemeteries call for: A) Prepare a site plan that identifies the common boundary , and a metes and bounds description. B) Provide a fifty (50) foot undisturbed natural buffer from the common property line; or a fifty (50) foot undisturbed natural buffer around the perimeter of the outermost burials of the cemetery; whichever provides the greatest protection for the cemetery. The outermost burials to be determined by a professional archaeologist (Cobb County Code 26-29 Section C). The archeology survey will locate all grave shafts and define the boundary. Member(s) of Cemetery Preservation Commission must be present during archaeology survey. Lots adjacent to the fifty (50) foot undisturbed natural buffer shall have setbacks in addition to the buffer. The fifty (50) foot undistrubed natural buffer shall be recorded as a conservation easement with the Cemetery Preservation Commission having third party right of enforcement. C) A plat to be prepared by a registered surveyor denoting the location of all grave shafts, the cemetery property line and fence. The archaeology survey and the register surveyor's plat **must** be submitted to the Cemetery Preservation Commission three (3) business days prior to any zoning hearing, or three (3) business days prior to Plan Review if the subject tract is not being rezoned. D) Provide and install a permanent six (6) foot chain link fence outside the line of the outermost burials. Fence must be 9 gauge with top and bottom rails and fence posts must be set in concrete. Fence may be upgraded to vinyl coated chain link and/or wrought iron. E) Provide and install an orange protective fence on the outer perimeter of the fifty (50) foot undisturbed naturla buffer before beginnng construction. The protective fence to be maintained in good repair throughout the development phase of the project. At completion of the project, the orange protective fence shall be removed from the premises. F) Permanent signs stating **CEMETERY PRESERVATION BUFFER - DO NOT DISTURB** shall be erected at fifty (50) foot intervals along the outer perimeter of the fifty (50) foot undisturbed natural cemetery preservation buffer. G) Compliance with all State and local laws and ordinances. H) All Cemetery Preservation requirements must be Site Plan specific.

* *

FIRE COMMENTS:

No comments.

APPLICANT Powder Springs Properties, LLC **PETITION NO.** Z-010

PRESENT ZONING R-20 **PETITION FOR** NRC

* *

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development?	☑ Yes	☐ No
Fire Flow Test Required?	☑ Yes	☐ No

Size / Location of Existing Water Main(s) ***8" DI / W side Powder Springs 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: ***660' SE in Henclay Circle (15'+ deep cuts)***

Estimated Waste Generation (in G.P.D.): **A D F** 4,445 **Peak** 11,110

Treatment Plant: **S Cobb**

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	
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 responsiblity of the Developer.

Additional Comments:

Also, sewer 1600' SW across Powder Springs Rd, no easements necessary.

Pre-installed grease trap(s) required for each food service establishment

Notes FYI: *Pumping required to direct flow to Powder Sprgs Rd. Flow off the site must be by gravity. An all gravity sewer to W would be ~ 1/2 mi of line*

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: Powder Springs Properties, LLC **PETITION NO.: Z-10**

PRESENT ZONING: R-20 **PETITION FOR: NRC**

* *

DRAINAGE COMMENTS

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Noses Creek** 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: **ravine at southwest corner of site.**

☒ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☐ YES ☐ NO ☒ POSSIBLY, NOT VERIFIED

☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
☐ Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
☒ Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
☐ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
☒ County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel. (Not verified)

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 **~ 1500 ft (Private)**.
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 **driveway culverts and private lake**.

APPLICANT: Powder Springs Properties, LLC **PETITION NO.: Z-10**

PRESENT ZONING: R-20 **PETITION FOR: NRC**

* *

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 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 and impervious area encroachment on stream buffer.

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. The existing site drains to the west via an existing ravine located near the southwest corner of the site. Development for commercial use will require significant site grading. The topography falls more than 30 feet across the site. With the exception of the small stream buffer area the site will be mass graded. Extra care must be exercised with the erosion control for this site to protect the downstream private lake located approximately 1500 ft downstream. As indicated in the Downstream Condition Comments, a pre- and post-development lake sediment study must be performed.

2. The existing tree stand and undergrowth provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate the vast majority of this vegetation as well as significantly increase pavement, storm runoff and non-point source pollution. To compensate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).

APPLICANT: Powder Springs Properties, LLC **PETITION NO.:** Z-10

PRESENT ZONING: R-20 **PETITION FOR:** NRC

* *

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
Powder Springs Rd	28000	Arterial	45 mph	Cobb County	100’
Sugar Creek Drive		Local	25 mph	Cobb County	50’

Based on 2007 traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Powder Springs Road is classified as an Arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Sugar Creek Road is classified as a Local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Install sidewalk, curb and gutter along road frontages.

No access to Sugar Creek Road.

RECOMMENDATIONS

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

Recommend no access to Sugar Creek Road.

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

STAFF RECOMMENDATIONS

Z-10 POWDER SPRINGS PROPERTIES, 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 applicant's property has single-family detached uses on three sides, with a church and cemetery on the fourth side. Sugar Creek Drive is a small rural road with large acreage residential tracts.

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 rezoning applications that are not consistent with area. There is not a transition in zoning intensity, and the applicant is showing reduced buffers on the west and south property lines.

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 Land Use Category.

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 applicant's rezoning proposal. The applicant's proposal is not in accordance with the *Cobb County Comprehensive Plan*, which delineates this property to be within a Low Density Residential area. The applicant proposal does not meet the County Code for the landscape buffer. The applicant's proposal does not provide a transition in zoning intensity for the adjacent residentially zoned properties.

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.

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ZONING DIVISION

ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION OF POWDER SPRINGS PROPERTIES, LLC

COMES NOW, POWDER SPRINGS PROPERTIES, LLC, and, pursuant to §134-121(a)(7) the Cobb County Zoning Ordinance, files this its 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 Powder Springs Road Corridor.

B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties, the majority of which are commercial and institutional.

C. The subject property to be affected by the zoning proposal has limited economic use as currently zoned.

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.

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

E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being contiguous to an existing Neighborhood Activity Center (NAC).

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 section of the Powder Springs Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 4th day of February, 2009.

SAMS, LARKIN & HUFF, LLP

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

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March 18, 2009

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Re: Application of Powder Springs Properties, LLC to Rezone a 5.02 Acre Tract from R-20 to Neighborhood Retail Commercial (NRC) (No. Z-10)

Dear John:

You will recall that this firm represents Powder Springs Properties, LLC concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on April 7, 2009 and, thereafter, will be heard and considered for final action by the Cobb County Board of Commissioners on April 21, 2009.

This letter will provide you with a comprehensive list of stipulations/conditions based upon our discussions with staff and area property/business owners. The applicant is amenable to the following stipulations becoming conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.

2. Rezoning of the subject property shall be from R-20 to Neighborhood Retail Commercial ("NRC") in substantial conformity to the revised site plan which will be submitted under separate cover this week.

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A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
March 18, 2009

3. The total site area of the subject property (5.02 acres) shall be developed as a neighborhood retail center anchored by offices, retail shops, restaurant(s) and a child development center.

4. The architectural style and composition of the neighborhood retail center shall be in substantial conformity to the architectural style and composition depicted in the rendering/elevation being submitted contemporaneously herewith except that the buildings constructed on the subject property shall be a maximum of one (1) story in height.[1]

5. The neighborhood retail center shall consist of two (2) one-story buildings with approximately 23,060 square feet in office/retail/restaurant space and approximately 10,000 square feet attributable to the child development center.

6. Entrance signage for the proposed retail center shall be ground-based, monument style, with finished materials and color being in substantial conformity to the architectural style as aforementioned. There shall be no roof signs, exterior temporary signs or banners nor shall there be any flashing sign components. Temporary signage announcing the grand opening, signage indicating the coming development and signage relating to leasing opportunities shall be allowed.

7. Parking area lighting shall be environmentally sensitive, low level, shoe box luminaries fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.

8. Security lighting on the rear of the buildings shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.

9. All dumpsters servicing the proposed retail center shall be enclosed with a minimum 6' high enclosure consistent with the architectural style as aforementioned on three (3) sides with an opaque wooden door on the access side which shall remain in a closed position

[1] This replicates the architectural style and composition of the development across Powder Springs Road at its intersection with Milford Church Road.

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Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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March 18, 2009

except when the dumpsters are being emptied. All dumpsters shall have rubber lids to minimize noise.

10. The following otherwise permitted uses under the NRC classification shall be prohibited:

    a. Video arcades as a primary business.

    b. Tattoo parlors and body piercing shops.

    c. Billiard parlors.

    d. Pawn shops, title pawn shops or checking cashing establishments.

    e. Shooting ranges.

    f. Houses of worship.

    g. Wholesale establishments which sell only to businesses and not to retail customers.

    h. Any business which principally features sexually explicit products or drug-related paraphernalia.

    i. Self car washes.

    j. Commercial produce and agricultural product stands.

    k. Community fairs.

    l. Automotive repair establishments.

    m. Designated recycling and collection locations.

    n. Emissions and inspection stations.

    o. Full service gasoline stations.

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Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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p. Group homes.

q. In-home day care.

r. Radio, television or other communication towers with antennas, subject to Sec. 134-273.

s. Rest homes, personal care homes or convalescent homes.

t. Self service laundry facilities.

u. No merchandise shall be allowed to be displayed outside on the sidewalks or in the parking lots except for special events (sidewalk sales, grand openings, etc.). During these special events, merchandise shall be moved inside the retail store to which it belongs each night. All long term outside storage shall be prohibited.

v. There shall be no outside paging systems, phone bells, or loud speakers.

11. Deliveries to the neighborhood retail center shall be limited to the period of time between 8:00 a.m. until 9:00 p.m. on weekdays and between 10:00 a.m. and 8:00 p.m. on weekends. During the hours that deliveries are prohibited, trucks shall not be allowed to stand or park in the delivery area with running motors.

12. The submission of a landscape plan during the Plan Review process subject to final review and approval by the Community Development Agency, including the following:

a. A 50' undisturbed natural buffer along the southern property line in accordance with the recommendations of the Cobb County Cemetery Preservation Commission ("CCCPC").

b. The installation of a 10' landscaped screening buffer along the eastern property lines adjacent to residential areas. Said landscaped screening buffer shall contain a preponderance of evergreen vegetation designed to screen and shield adjacent residential properties.

c. The installation of a 10' landscaped screening buffer adjacent to Powder Springs Road.

VIA E-MAIL and
HAND DELIVERY

d. Species of vegetation which will be utilized shall be ecologically compatible to the site and appropriate for the design circumstances. Additionally, species of vegetation utilized shall be as drought resistant as possible.

e. Those areas between sections of the subject property reserved for required parking, as well as public rights-of-way, shall be included in the final landscape plan. The landscaping and foliage contained within the parking islands shall consist of both upper and lower vegetative canopies.

f. All landscaping for the proposed retail center shall be professionally designed, maintained and irrigated. Additionally, said landscaped areas shall be perpetually maintained and any dead or irrevocably diseased vegetation shall be replaced as necessary.

g. All landscaped and buffer areas may be penetrated for purpose of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features.

h. All HVAC and/or mechanical systems shall be screened from view from adjacent residences and rights-of-way.

i. The detention pond area shall be visually screened with attendant landscaping and/or fencing.

13. Compliance with the following recommendations from the Cobb County Department of Transportation with respect to traffic/transportation issues, as follows:

a. The construction of sidewalk, curb and gutter along the subject property's frontages on Powder Springs Road and Sugar Creek Drive.

b. The construction of a 150' deceleration lane with a 50' taper.

c. No vehicular access to Sugar Creek Drive.

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Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 6
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14. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on site detention and water quality ponds, including, the following:

    a. Performing pre-development and post-development sedimentation analyses on the down stream lake.

    b. The voluntary donation and conveyance of restrictive easements so that the existing stream on the subject property is protected on both sides by 50' stream bank buffers.

    c. Exercising height and sensitivity with respect to downstream hydrological conditions.

    e. An agreement to design and adhere to Best Management Practices and the construction of detention and water quality areas on site with such design and installation based upon a 100-year Stormwater Management design.

15. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.

16. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.

17. Compliance with the following recommendations from the CCCPC:

    a. A 50' undisturbed natural buffer along the southern property line.

    b. An agreement to conduct an archeological reconnaissance within the 50' undisturbed natural buffer adjacent to the existing cemetery. [2]

[2] The Gathering of Champions Church was granted a variance which reduced the required lot size from 7 acres to 2.4 acres (No. V-56 [2005]). In that respect, an archeological reconnaissance was performed by TRC and submitted to the County on or about June 17, 2004.

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HAND DELIVERY

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Cobb County Zoning Department
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c. During the construction of the development proposed for the subject property, the erection of orange protective fencing along the 50' undisturbed buffer with signs stating "Cemetery Preservation Buffer – Do Not Disturb".

18. Final site plan, final landscape plan and final architectural rendering/elevations are subject to review and approval by the District Commissioner who shall have the latitude to make minor modifications to the stipulations and the plans as they proceed through the Plan Review process.

As you know, this same developer is presently developing the property across Powder Springs Street at its intersection with Milford Church Road. In that regard, the subject property will receive the same attention to development details and the high quality of architectural aesthetics shall be followed. Please do not hesitate to call me should you or the staff require any further information or documentation prior to the formulation of your recommendation to the Cobb County Planning Commission and the Cobb County Board of Commissioners.

With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc
Enclosure
cc: Shown on next page.

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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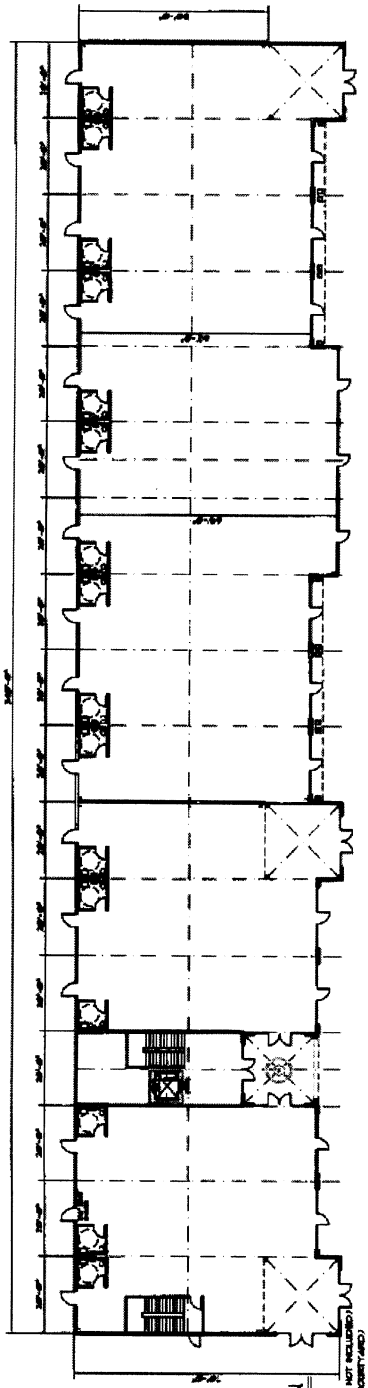
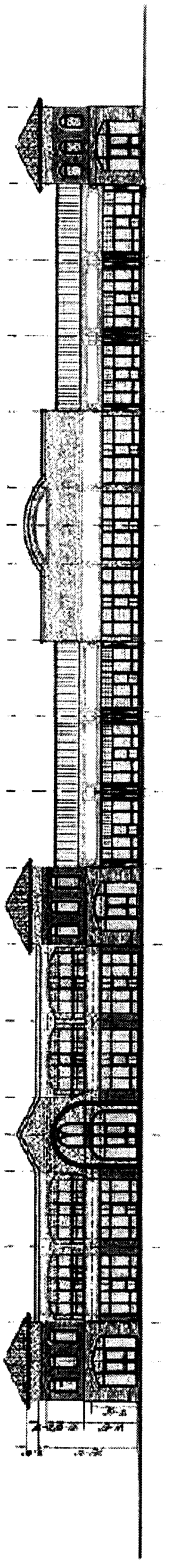
cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosure
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail – w/enclosure
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosure
Mr. Mark A. Danneman, Manager – VIA Hand Delivery – w/enclosure
Ms. Jane Stricklin, P.E. – VIA E-Mail - w/attachment
Mr. David Breaden, P.E. – VIA E-Mail – w/attachment
Ms. Helga Hong, CCCPC – VIA E-Mail – w/attachment
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosure
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery – w/enclosure
Powder Springs Properties, LLC – w/enclosure



MAIN FLOOR PLAN
SCALE 1/32" = 1'-0"



FRONT ELEVATION
SCALE 1/32" = 1'-0"