

Z-24
(2009)



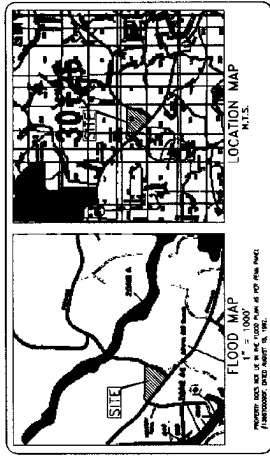
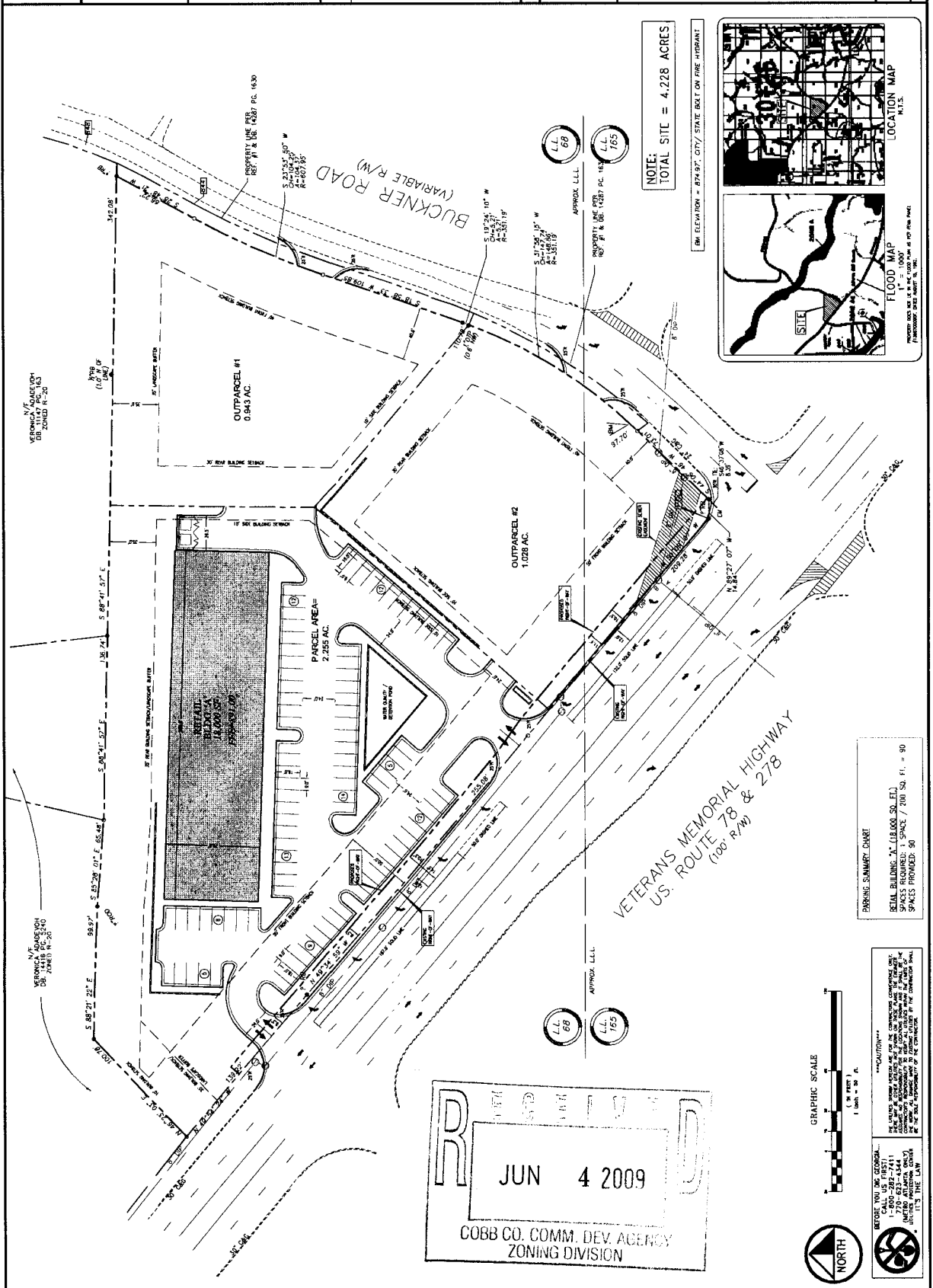
HIGHLAND ENGINEERING, INC.
 1453 LINDEN PARKWAY, SUITE 200
 ATLANTA, GEORGIA 30344
 (404) 525-7401
 WWW.HIGHLANDENG.COM

William C. Gibbs (Designer)
 115 Soyolas Alley
 Cape Hatteras, NC 28584
 (919) 698-0800

No.	Revision	Date

Project No. 09-010
 Design By: CGH
 Drawn By: CGH
 Checked By: CGH
 Date: 6/1/09

ZONING PLAN
 BUCKNER ROAD
 COBB COUNTY, GEORGIA
 LAND LOTS 68 & 165 - 18th DISTRICT - 2ND SECTION



RECEIVED
 JUN 4 2009
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

BEFORE YOU DR. GEORGIA...
 CALL US FIRST!
 1-770-633-4344
 WWW.COBBGEORGIA.COM
 OFFICE: 1155 W. PARKWAY, SUITE 100
 ATLANTA, GA 30340
 IT'S THE LAW

GRAPHIC SCALE
 1" = 100'

NORTH

CAUTION
 THE UNITS SHOWN HEREON ARE FOR THE CONSTRUCTION CONTRACTOR ONLY.
 ACCURACY OF DIMENSIONS IS THE RESPONSIBILITY OF THE CONTRACTOR.
 THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS
 AND FOR THE FULL COMPLIANCE OF ALL APPLICABLE REGULATIONS.

APPLICANT: William E. Gillan

941-698-0080

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: William E. Gillan and Lee James Wagner

PROPERTY LOCATION: Located at the northwesterly intersection of Veterans Memorial Highway and Buckner Road.

ACCESS TO PROPERTY: Veterans Memorial Highway, Buckner Road

PHYSICAL CHARACTERISTICS TO SITE: Existing house and commercial building

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** RM-8/ wooded
- SOUTH:** GC/ McDonalds, Starbucks
- EAST:** CRC/ Walgreens; R-20/ Single-family houses
- WEST:** LI/ wooded

PETITION NO: Z-24

HEARING DATE (PC): 08-04-09

HEARING DATE (BOC): 08-18-09

PRESENT ZONING: GC, NRC, R-20

PROPOSED ZONING: NRC

PROPOSED USE: Office And Retail

SIZE OF TRACT: 4.228 acres

DISTRICT: 18

LAND LOT(S): 68, 165

PARCEL(S): 8, 2, 3, 4

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

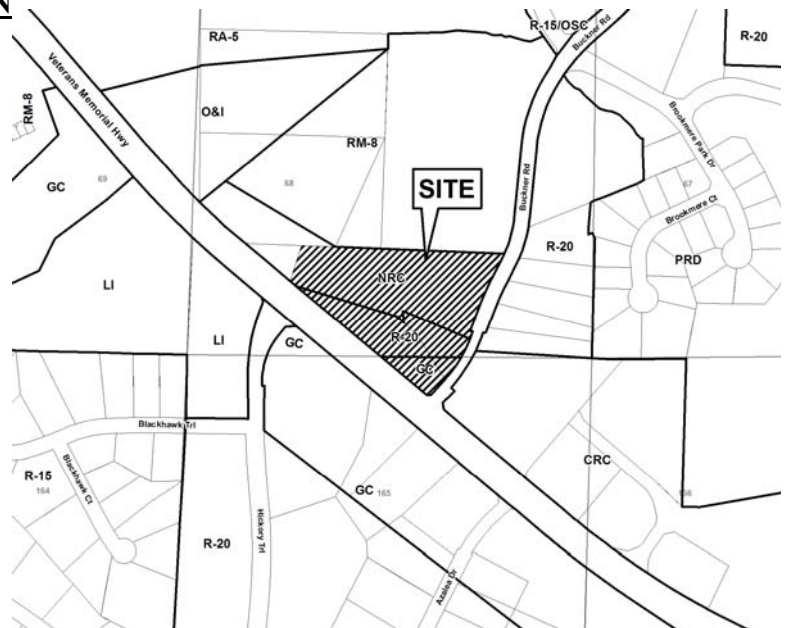
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

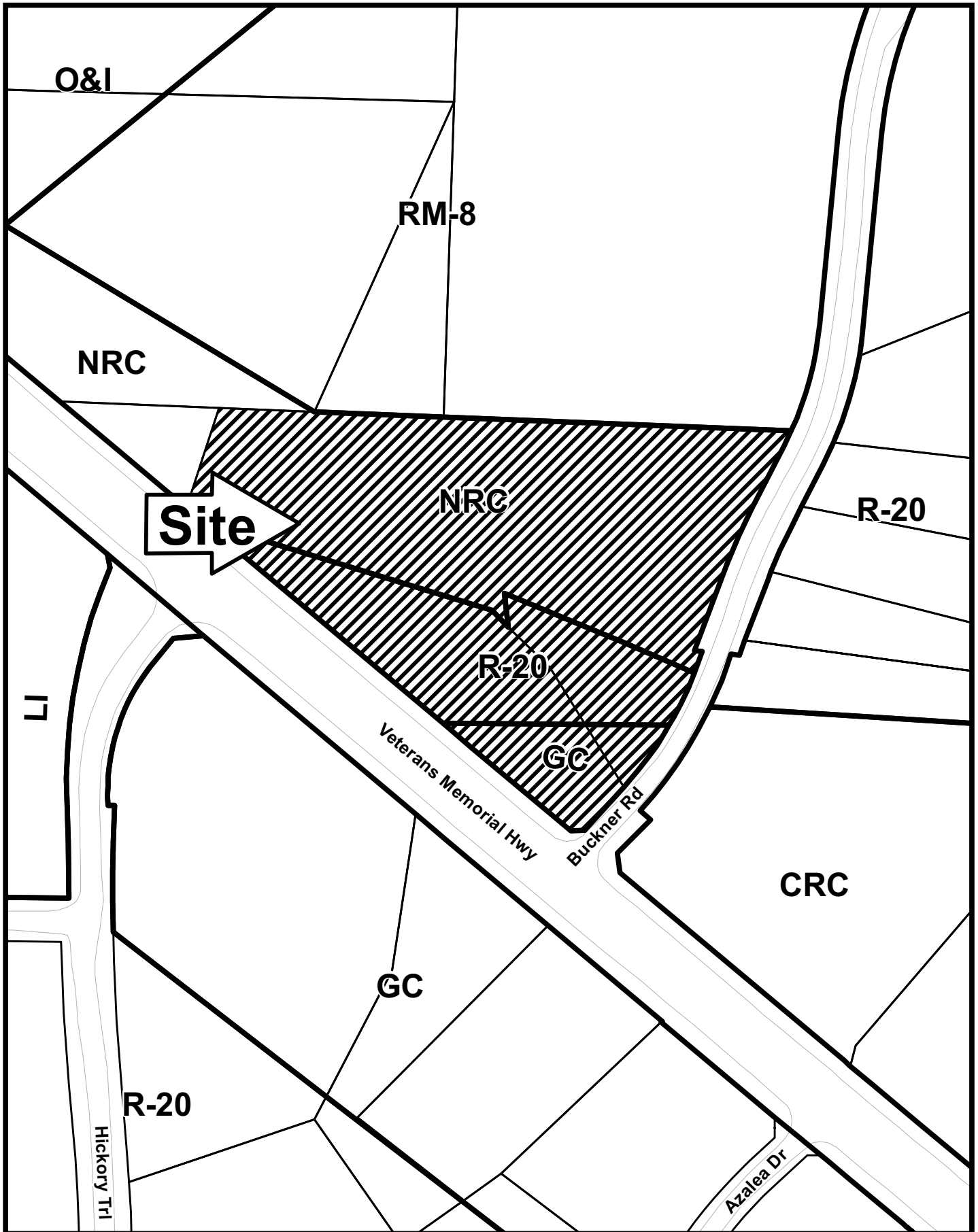
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

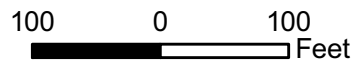
STIPULATIONS:





Z-24



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



-  City Boundary
-  Zoning Boundary

APPLICANT: William E. Gillan

PETITION NO.: Z-24

PRESENT ZONING: R-20, NRC, GC

PETITION FOR: NRC

ZONING DIVISION COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood and Community Activity Center, Medium Density Res.

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 18,000

F.A.R.: 0.09 **Square Footage/Acre:** 4,257

Parking Spaces Required: 90 **Parking Spaces Provided:** 90

The applicant is requesting the NRC zoning district to develop shopping center. The building will be one-story in height will a stone and stucco exterior. The building will be leased to small retailers, offices and restaurants. The applicant anticipates the businesses will be open seven days a week, with hours varying per user, from 8:00 a.m. to midnight. There are two out parcels near the intersection. The applicant has submitted a zoning impact analysis (Exhibit "A"), and a stipulation letter (Exhibit "B").

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: No comments.

FIRE COMMENTS:

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT William E Gillan

PETITION NO. Z-024

PRESENT ZONING GC, NRC, 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) 12" DI / NE side Veterans Memorial Hwy

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: At site in roads

Estimated Waste Generation (in G.P.D.): **A D F** 1800 **Peak** 4500

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 responsibility of the Developer.

Additional Comments:

Pre-installed grease interceptors required for each restaurant, if any. Installation inspection/approval required before CO.

Sewer extension by developer required to upper property line if necessary at time of plan review

Notes FYI:

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: William E. Gillan

PETITION NO.: Z-24

PRESENT ZONING: R-20, NRC, GC

PETITION FOR: NRC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack 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: _____

- 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.

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: William E. Gillan

PETITION NO.: Z-24

PRESENT ZONING: R-20, NRC, GC

PETITION FOR: NRC

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of Outparcel #1.
- 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.

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. This site currently drains to the existing stormdrainage system within the Veteran’s Memorial Highway R/W. The proposed stormwater management facility must be tied directly into this system. The allowable discharge must account for the existing capacity of the system which must be verified at Plan Review.
2. Although a single water quality/detention pond is shown on the exhibit within the retail portion of the site, detention and water quality will be required for Outparcels #1 and #2 as well. It is anticipated that the development will include the two outparcels and that a master detention facility will be designed to accommodate the entire site. This issue will be addressed at Plan Review.

APPLICANT: William E. Gillan

PETITION NO.: Z-24

PRESENT ZONING: GC, NRC, 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
Veterans Memorial	20150	Arterial	45 mph	GDOT	100'
Buckner Road	4000	Minor Collector	35 mph	Cobb County	60'

*Based on 2008 traffic counting data taken by GDOT. (Veterans Memorial Highway)
Based on 2008 traffic counting data taken by Cobb County DOT. (Buckner Road)*

COMMENTS AND OBSERVATIONS

Veterans Memorial Highway is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

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

Restrict the left turns off of Buckner Road into Outparcel #2.

Proposed driveways along Veterans Memorial Highway shall consist of one full access drive to align with Hickory Trail and one mid block right-in/right-out driveway.

As necessitated by this development for egress from Veterans Memorial Highway and Buckner Road, a deceleration lane will be required at each access point.

Install sidewalk, curb and gutter along both road frontages.

The applicant will have to verify that minimum intersection sight distance is available. If it is not, the applicant will have to implement remedial measures, subject to approval be the Department, to achieve the minimum requirement of 500' along Veterans Memorial Highway and 390' along Buckner Road.

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

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 Buckner Road, a minimum of 30' from the roadway centerline.

Recommend restricting the left turns off of Buckner Road into Outparcel #2.

Recommend one full access driveway and one right-in/right-out driveway along Veterans Memorial Highway.

APPLICANT: William E. Gillan

PETITION NO.: Z-24

PRESENT ZONING: GC, NRC, R-20

PETITION FOR: NRC

**TRANSPORTATION COMMENTS
CONTINUED**

Recommend a deceleration lane at each access point along Veterans Memorial Highway and Buckner Road.

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

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures subject to the Department’s approval, to achieve the minimum of 500’ along Veterans Memorial Highway and 390’ along Buckner Road.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-24 WILLIAM E. GILLAN

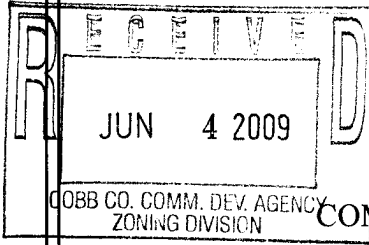
- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposed development is located in an area of Veterans Memorial Highway where there has been much redevelopment over the last five years. The proposal is located in an area that contains a mixture of land uses, such as commercial, institutional uses, single-family houses and townhouses.
- 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 proposed development will be compatible with adjacent properties.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be in a Neighborhood Activity Center and Community Activity Center. Additionally, the applicant's proposal is in an area designated a Development Opportunity Sites (DOS) in *The Veterans Memorial Highway Corridor Study* (adopted by the Board of Commissioners December 9, 1997). The applicant's proposal would fulfill the goals of the study by eliminating uncoordinated curb cuts, assembling properties for a unified development, eliminating the outdoor storage that currently exists, and eliminating the unaesthetic structures that have inconsistent architecture. There is a little portion of the property in the Medium Density Residential Category that was zoned to NRC in 2004.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is consistent with the *Cobb County Comprehensive Plan* and the *Veterans Memorial Highway Corridor Study*. The applicant's proposal would be consistent with other commercial developments along this road. The applicant's proposal presents a good opportunity to redevelop several properties that have very little visual appeal. The applicant's proposal could help spur-on additional redevelopment in the area.

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

- Site plan received by the Zoning Division June 4, 2009, with the District Commissioner approving minor modifications,
- Letter from Mr. Garvis L. Sams, Jr. dated July 20, 2009;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- 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.

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.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF WILLIAM E. GILLAN**



COMES NOW, WILLIAM E. GILLAN, 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 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, the preponderance of which are commercial developments located within the confines of an Community Activity Center.

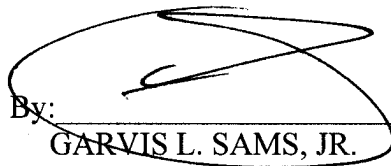
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owners of the subject property are suffering a significant economic detriment by virtue of the continuation of the present zoning classification.

- 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 Community Activity Center 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 classifications of R-20 & GC 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 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 4th day of June, 2009.

SAMS, LARKIN & HUFF, LLP

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

SAMS, LARKIN & HUFF
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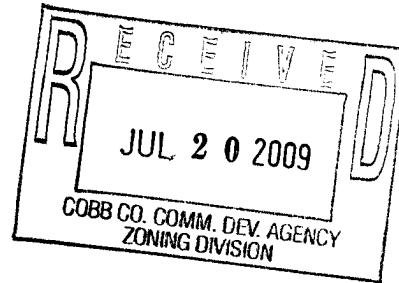
GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

MELISSA P. HAISTEN
JUSTIN H. MEEKS

July 20, 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 William E. Gillan to Rezone a 4.228 Acre Tract
from GC, NRC & R-20 to Neighborhood Retail Commercial
(NRC) (No. Z-24)

Dear John:

As you know, this firm represents the applicant and property owners (hereinafter collectively the "Applicant") concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on August 4, 2009 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on August 18, 2009.

Previously, on July 1, 2009, we submitted a letter of agreeable stipulations/conditions. Since that time, we have continued our dialogue with the County's professional staff and representatives of the Mableton Improvement Coalition ("MIC"). Those discussions have precipitated revisions and modifications to the zoning proposal and to the original letter of agreeable stipulations/conditions. In that regard, the applicant is amenable to the following revised stipulations becoming conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced revised stipulations are as follows, to-wit:

1. The revised 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.

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A LIMITED LIABILITY PARTNERSHIP

VIA E-MAL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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2. Rezoning of the subject property shall be from GC, NRC & R-20 to NRC in substantial conformity to the Zoning Site Plan prepared by Highland Engineering, Inc. which was filed contemporaneously with the Application for Rezoning.
3. The total site area of the subject property (4.228 acres) shall be developed as a neighborhood retail center anchored by offices, retail shops, restaurant(s) and a potential child development center.
4. The architectural style, composition and treatment of all of the buildings shall be uniform in nature and shall be subject to approval by the District Commissioner after review by the Architectural Oversight Committee as described hereinafter. The composition of said buildings shall consist of a mixture of brick, stone, EFIS and other masonry components and shall be in substantial conformity to photographs which shall be submitted under separate cover.
5. The formation of an Architectural Oversight Committee consisting of representatives of MIC, the Applicant or its designee and a representative of the Community Development Department Agency, who shall be the final arbiter with respect to the resolution of any issues which can not be otherwise resolved.
6. Specific uses for the out parcels shall be subject to review and approval by the District Commissioner after notification to representatives of MIC.
7. Entrance signage for the proposed development shall be ground-based, monument style, with finished materials and colors being in substantial conformity to the architectural style and composition 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.¹
8. Parking area lighting shall be environmentally sensitive, low level, shoe box luminaries fitted with non-glare lenses and cut-off shields to minimize illumination from penetrating outside the boundaries of the subject property. Security lighting on the rear of the buildings shall be designed to minimize illumination from penetrating outside the boundaries of the subject property.

¹ Banners shall be allowed to announce grand openings or special sales. In total, no store may display any banner for more than sixty (60) days in any calendar year.

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9. All dumpsters servicing the proposed retail center which are visible from adjacent properties or public rights-of-way 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 except when the dumpsters are being emptied. All dumpsters shall have rubber lids to minimize noise. Additionally, all trash cans within the retail center shall be themed to the architectural style and composition as aforementioned.
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 or checking cashing establishments.
 - e. Shooting ranges.
 - f. Houses of worship.
 - g. Wholesale establishments which sell only to businesses and not to retail customer.
 - h. Package sale of alcoholic beverages as a primary use; excepting a store specializing in the sale of wine.
 - i. Any business which principally features sexually explicit products or drug-related paraphernalia.
 - j. Any stores which sell guns or knives as a primary business.
 - k. There shall be no outside paging systems, phone bells, or loud speakers; excepting only low-decibel outdoor music systems.
 - l. Second hand stores, thrift stores and flea markets.

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Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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- m. All outside displays of merchandise besides sidewalk sales or special events lasting seven (7) days or less.
 - n. Signs in windows covering more than ten percent (10%) of the total window space shall not be allowed.
11. The submission of a landscape plan during the Plan Review process subject to review and approval by the Community Development Agency, including the following:
- a. The formation of a Landscape Oversight Committee consisting of representatives of MIC, the Applicant and a representative of the Community Development Agency who shall be the final arbiter with respect to the resolution of any issues which can not otherwise be resolved.
 - b. The installation of a 35' rear building setback/landscaped buffer along the northern property lines of the subject property.
 - c. 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.
 - d. 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.
 - e. 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.
 - f. All HVAC and/or mechanical systems shall be screened from view.
12. Compliance with the recommendations from the Cobb County Department of Transportation with respect to traffic/transportation issues, including the following:
- a. An agreement to participate in the costs for the installation of signalization at the intersection of Buckner Road and Veterans Memorial Highway.

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HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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- b. The voluntary donation and conveyance of right-of-way on Buckner Road so that the County can achieve 30' from the centerline of same.
 - c. Securing Georgia Department of Transportation's permission with respect to any encroachments or points of ingress/egress on Veterans Memorial Highway which is under state control.
 - d. The voluntary donation and conveyance of right-of-way on Buckner Road so that the subject property's northernmost point of ingress/egress has the benefit of a dedicated left turn lane.
 - e. Eliminating left-in turning movements on the southernmost point of ingress/egress on Buckner Road.
 - f. In order to ensure walkability and accessibility, the Applicant will ensure that clear pedestrian pathways shall be provided from both Buckner Road and Veterans Memorial Highway to all of the buildings with pavement striping and/or sidewalks.
 - g. An agreement to install a rack for the storage of bicycles on the subject property.
13. Within 120 days of a successful rezoning of the subject property, the applicant agrees to demolish the structure located at 821 Buckner Road or, in the alternative, ensure that said structure is safely stabilized in accordance with applicable Cobb County Codes.
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. Exercising heighten sensitivity with respect to downstream hydrological conditions.
 - b. 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.
 - c. An agreement to utilize a master detention facility for the site as opposed to individual detention/water quality facilities for the out parcels and in-line retail center.

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VIA E-MAL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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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. Minor modifications to the site plan, landscape plan and architectural elevations/renderings may be approved by the District Commissioner.

A preponderance of the subject property is located within the confines of either a Community Activity Center ("CAC") or a Neighborhood Activity Center ("NAC") under Cobb County's Future Land Use Map. For those reasons and in view of the subject property's positioning within the context of existing and planned commercial developments along this section of the Veterans Memorial Highway Corridor, the proposed rezoning is appropriate from a land use planning perspective.

Please do not hesitate to call me should you or the staff require any further information or documentation prior to the formulation of your Zoning Analysis and staff recommendations.
With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
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SAMS, LARKIN & HUFF
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VIA E-MAL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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July 20, 2009

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Mr. David Breaden, P.E. – VIA E-Mail
Ms. Jane Stricklin, P.E. – VIA E-Mail
Mr. Ben Clopper, President, Mableton Improvement Coalition – VIA E-Mail
Ms. Robin Meyer, Mableton Improvement Coalition – VIA E-Mail
Ms. Clarice Barber-Page, President, SWAN – VIA E-Mail
Mr. and Mrs. Scott Field (Buckner Road Residents) – VIA E-Mail
Mr. William Gillan
Mr. Arthur Andrew Schulte
Mr. Ronnie Edwards