

**DECEMBER 17, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 2 WITHDRAWN BY STAFF

PURPOSE

To consider a stipulation clarification and amendment regarding a detention facility for rezoning application Z-107 of 2006 (Palladian, Inc.), for property located on the south side of Stilesboro Road at Johnston Trail in Land Lot 216 of the 20th District.

BACKGROUND

The subject property was rezoned to residential Senior Living (RSL) in 2006 to build a senior condominium community on this property. There was an amendment to the stipulations in 2007 to allow the private roads to become public roads. During the 2007 stipulation amendment, the Cobb County Stormwater Management Division made comments that are exactly like the stormwater management comments below. Cobb County Stormwater Management believes the detention pond is private and should be maintained by the condominium association. The developer, Palladian Inc. believes the detention pond belongs to Cobb County, and Cobb County should maintain the pond. This other business item is to clarify the Board of Commissioners intent regarding the ownership of the detention pond. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

STAFF COMMENTS

Stormwater Management: Because this project was submitted, reviewed and permitted as an RSL development many stormwater design considerations were approved with the understanding that all the stormwater infrastructure as well as the detention pond would be maintained by the development HOA. The severely reduced setbacks allowed for this development and tight site design would make stormwater maintenance difficult for the County. The Stormwater Management Division is not in favor of converting this detention pond from private to public.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation clarification and amendment.

ATTACHMENTS

Other Business application and stipulations.