

Z-48  
(2014)

REVISED

JUL 30 2014

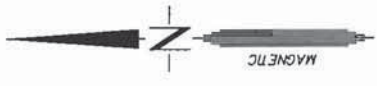
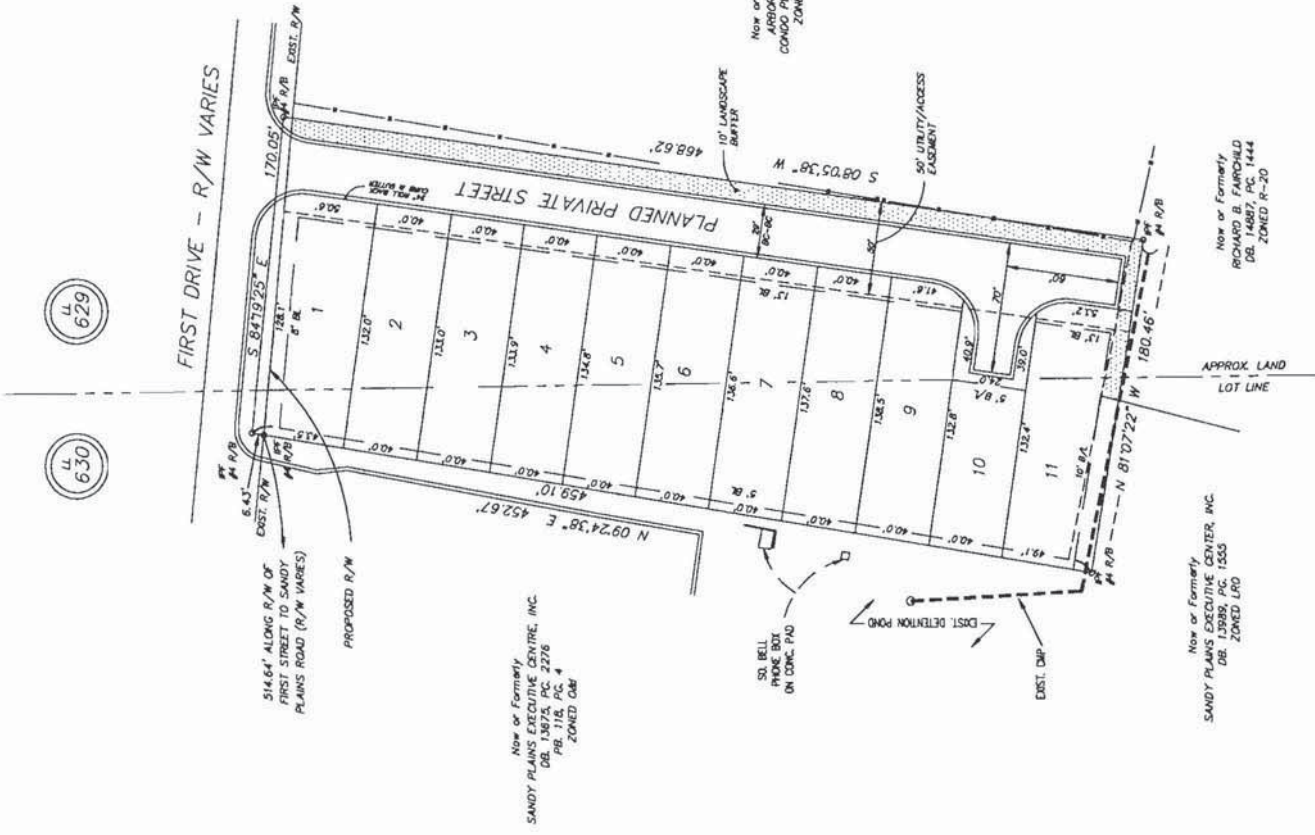


VICINITY MAP

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO COBB COUNTY F.I.R.M. PANEL 00634, COMMUNITY #1-30052, DATED: NOV. 02, 2012

CURRENT OWNER:  
ELIZABETH D. PEARSON  
DB. 14768, PG. 4642

PROPERTY ADDRESS:  
1955 FIRST DRIVE  
MARIETTA, GEORGIA 30062

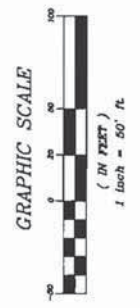


DEVELOPER  
DAVID PEARSON COMMUNITIES  
1955 FIRST DRIVE  
MARIETTA, GA 30362  
(770) 321-5032

BUILDING SETBACK REQUIREMENTS:  
(UNLESS OTHERWISE SHOWN)  
FRONT - 13' (FROM PRIVATE ROAD)  
REAR - 5'  
SIDE - 0' (3.5' MIN. BETWEEN DETACHED UNITS)

GENERAL NOTES  
PROPOSED ZONING: RM-B  
EXISTING ZONING: LRO  
TOTAL AREA - 1.86 ACRES  
TOTAL NO. OF LOTS SHOWN - 11  
LOT DENSITY - 5.91 LOTS/ACRE  
MAXIMUM COVERAGE - 75% (AVG. PER LOT)  
PROPOSED USE: SINGLE FAMILY RESIDENTIAL  
(PRIVATE DEVELOPMENT)

ZONING PLAN FOR:  
DAVID PEARSON COMMUNITIES  
PROPERTY IS LOCATED IN LAND LOT 629 & 630  
IN THE 16TH DISTRICT, 2ND SECTION  
COBB COUNTY, GEORGIA  
SCALE: 1" = 50'  
DATE: APRIL 21, 2014  
REVISED: JULY 24, 2014



Centerline Surveying Systems, Inc.  
1901 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144  
PHONE: (770) 424-0028 FAX: (770) 424-2399

No.	REVISIONS	Date

PROJECT No. 1140182

Sheet No. 1 of 1

**APPLICANT:** David Pearson Communities, Inc.

**PHONE#:** (770) 321-5032 **EMAIL:** michele@davidpearsoncommunities.com

**REPRESENTATIVE:** J. Kevin Moore

**PHONE#:** (770) 429-1499 **EMAIL:** jkm@mijs.com

**TITLEHOLDER:** Elizabeth D. Pearson

**PROPERTY LOCATION:** South side of First Drive, east of Sandy

Plains Road

(1955 First Drive)

**ACCESS TO PROPERTY:** First Drive

**PHYSICAL CHARACTERISTICS TO SITE:** House that was

converted to an office

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** O&I/Office Development
- SOUTH:** LRO/Offices and R-20/Single-family house
- EAST:** SC/Arbor Oaks
- WEST:** O&I/Sandy Plains Executive Center

**PETITION NO:** Z-48

**HEARING DATE (PC):** 07-01-14

**HEARING DATE (BOC):** 07-15-14

**PRESENT ZONING:** LRO

**PROPOSED ZONING:** FST

**PROPOSED USE:** Detached Single-Family

Townhomes

**SIZE OF TRACT:** 1.86 acres

**DISTRICT:** 16

**LAND LOT(S):** 629, 630

**PARCEL(S):** 9

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

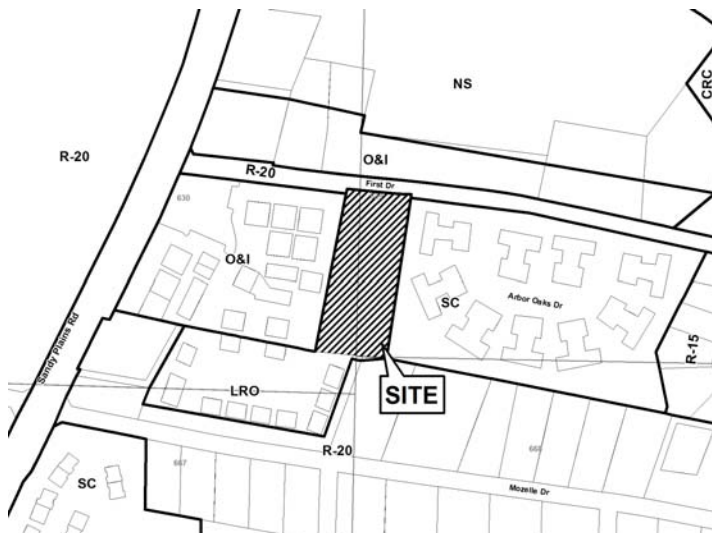
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

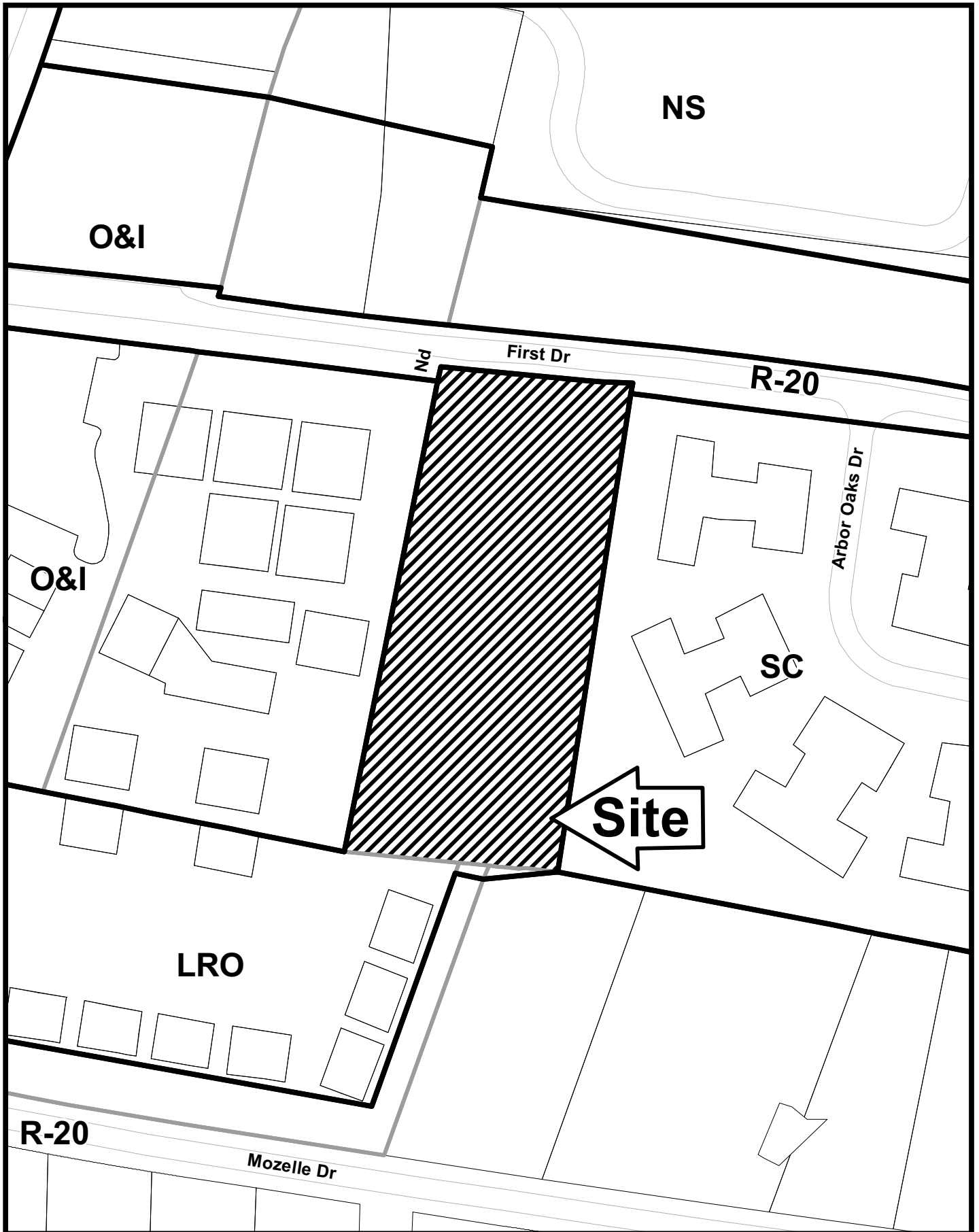
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

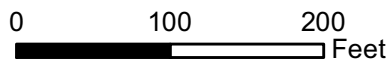
**STIPULATIONS:**





# Z-48



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** David Pearson Communities, Inc.

**PETITION NO.:** Z-48

**PRESENT ZONING:** LRO

**PETITION FOR:** FST

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC)

**Proposed Number of Units:** 11                      **Overall Density:** 5.91                      **Units/Acre**

**Staff estimate for allowable # of units:** 0                      **Units\***                      **Increase of:** 11                      **Units/Lots**

\*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the Fee Simple Townhouse (FST) zoning category for the development of an 11-lot detached townhome community. The proposed detached townhomes will be traditional in architecture and the minimum unit size will be 2,000 square feet. The architectural features will be combinations of brick, stone, cedar shake and hardyplank. The proposed townhomes will range from \$300,000s and greater.

The site plan indicates a private street is planned and the applicant requests that the setbacks for the development be geared toward the private street, instead of First Drive. This will require granting a waiver of the front setback along the private street from 25 feet to 13 feet; waiving the rear setback abutting the eastern property line from 35 feet to 20 feet.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission’s Inventory Listing which is located in this, or adjacent land lot.

**APPLICANT:** David Pearson Communities, Inc.

**PETITION NO.:** Z-48

**PRESENT ZONING:** LRO

**PETITION FOR:** FST

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Kincaid Elem</u>	<u>718</u>	<u>Over</u>	<u>                    </u>
<u>Elementary</u>			
<u>Simpson Middle</u>	<u>898</u>	<u>Over</u>	<u>                    </u>
<u>Middle</u>			
<u>Sprayberry High</u>	<u>1772</u>	<u>Under</u>	<u>                    </u>

**High**

- School attendance zones are subject to revision at any time.

**Additional Comments:**

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**FIRE COMMENTS:**

When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT: David Pearson Communities, Inc.

PETITION NO.: Z-48

PRESENT ZONING: LRO

PETITION FOR: FST

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from LRO to FST for detached single family townhomes. The 1.86 acre site is located on the south side of First Drive, east of Sandy Plains Road.

**Comprehensive Plan**

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

**Master Plan/Corridor Study**

Not applicable.

**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.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?     Yes         No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

**Incentive Zones**

Is the property within an Opportunity Zone?     Yes         No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?     Yes         No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?     Yes         No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

**Special Districts**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes         No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes         No

APPLICANT David Pearson Communities, Inc.

PETITION NO. Z-048

PRESENT ZONING LRO

PETITION FOR FST

\*\*\*\*\*

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

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 6" DI / S side of First Drive

Additional Comments: Master meter to be set at public ROW

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

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: First Drive ROW along property frontage

Estimated Waste Generation (in G.P.D.): A D F= 1,760 Peak= 4,400

Treatment Plant: Sutton

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

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

Additional Sewer to be private in private street  
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 offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: David Pearson Communities, Inc.

PETITION NO.: Z-48

PRESENT ZONING: LRO

PETITION FOR: FST

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sewell Mill 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 existing downstream Arbor Oaks drainage system and detention pond.



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**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- 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 is located on First Drive between Sandy Plains Executive Center to the west and the Arbor Oaks Suburban Condominium development to the east. The entire site drains to the east through the Arbor Oaks development. With the proposed layout a drainage easement will be required along the rear of all the lots to adequately control runoff from the site. Since it appears that underground detention will be utilized under the private street, it may be necessary to relocate the street to the low-side of the site, adjacent to Arbor Oaks, to adequately control site runoff.
2. The detention pond for the adjacent Sandy Plains Executive Center discharges through an existing pipe along the southern boundary of this site. An adequate drainage easement must be provided for this conveyance.
3. Since private streets are proposed all stormwater management within the development including the detention facility will be privately maintained in perpetuity by the HOA.

**APPLICANT: David Pearson Communities, Inc.**

**PETITION NO.: Z-48**

**PRESENT ZONING: LRO**

**PETITION FOR: FST**

\*\*\*\*\*

**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
First Drive	7200	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

First Drive is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of First Drive, a minimum of 25' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the First Drive frontage.

Recommend a deceleration lane and left turn lane for the Paul Samuel Road access.

Recommend private streets be constructed to the Cobb County Standard Specifications.

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

## STAFF RECOMMENDATIONS

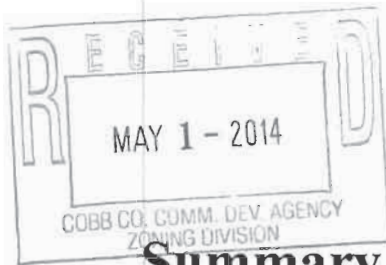
### **Z-48 DAVID PEARSON COMMUNITIES, INC.**

- 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 subject property is bordered by suburban condominiums to the east an office development to the west and single-family houses to the southeast.
- 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 subject property consists of a single-family house that was converted into one office building as a result of Z-54 of 1998 and a subsequent case, Z-89 of 2003 (minutes attached) and the property has only been used for an office under LRO.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Neighborhood Activity Center (NAC) land use category. The requested zoning category of FST for single-family, detached townhomes is not compatible with the *Cobb County Comprehensive Plan*.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for deleting the applicant's rezoning proposal to the RA-5 category. While this is not the intent of the *Cobb County Comprehensive Plan* designation of NAC, staff believes an RA-5 development could be a better fit for this area.

Based on the above analysis, Staff recommends DELETING the request to RA-5 subject to the following conditions:

- Site plan to meet all RA-5 requirements;
- Detached, single-family houses only;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- 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.**



Application #: Z- 46 (2014)

PC Hearing Date: 07/01/2014

BOC Hearing Date: 07/15/2014

## Summary of Intent for Rezoning\*

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): Minimum 2,000 square feet
- b) Proposed building architecture: Traditional; Combination of brick, stone, cedar shake and hardi-plank
- c) Proposed selling prices(s): \$300,000s and greater
- d) List all requested variances: None known at this time

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

None known at this time.

.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?**

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time.

.....  
**Part 5. Is this application a result of a Code Enforcement action? No ; Yes \_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature: BY: [Signature] Date: May 1, 2014

Applicant name (printed) J. Kevin Moore (Georgia Bar No. 519728)

Attorneys for Applicant and Property Owner

**\*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any part of the Application for Rezoning, at any time during the rezoning process.** *Revised August 21, 2013*

ORIGINAL DATE OF APPLICATION: 07-15-03APPLICANTS NAME: PEARSON COMMUNITIES, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 07-15-03 ZONING HEARING:**

**PEARSON COMMUNITIES, INC.** (David Pearson, owner) for Rezoning from **LRO** to **OI** for the purpose of Offices in Land Lots 629 and 630 of the 16<sup>th</sup> District. Located on the south side of First Drive, east of Sandy Plains Road.

The public hearing was opened and Mr. David Pearson, Mr. Bob Ott, Mr. Don Brundage, Mr. Tom Margeson, Ms. Carolyn Stultz, and Mr. Thomas Howard addressed the Board. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by Lee, second by W. Thompson, to delete rezoning to the **LRO** zoning district **subject to:**

- **removal of previous zoning stipulation which restricted use to existing structures (Stipulation No. 1, Z-54 of 4/7/98)**
- **site plan to be approved by the Board of Commissioners**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

**VOTE:** **ADOPTED** unanimously



# Z-89

Z-48 (2014)  
Previous Zoning  
Minutes/Analysis

THIS PROPERTY IS NOT LOCATED WITHIN  
A 100 YEAR FLOOD ZONE ACCORDING TO  
COBB COUNTY F.I.R.M. PANEL 0035 F  
COMMUNITY #130052 DATED: AUG. 18, 1992

TRAVERSE CLOSURE - 1:10,000+  
ANGULAR ERROR - 2 SEC'S/STA.  
ADJUSTMENT - COMPASS RULE  
EQUIPMENT - TOPCON 303 TOTAL STATION  
PLAT CLOSURE - 1:100,000+  
ALL MATTERS OF TITLE EXCEPTED.

LEGEND	
	FIRE HYDRANT
	GAS SERVICE
	HEADWALL
	JUNCTION BOX
	SOUTHERN BELL MANHOLE
	PIPE
	POWER POLE
	POWER LINE
	SANITARY SEWER MANHOLE
	CHAIN LINK FENCE

**NOTES:**  
CURRENT ZONING - LRO W/STIPULATIONS  
ZONING CASE Z-54 BOC DEC. 4-07-98  
PROPOSED ZONING - O&I  
MAXIMUM BUILDING HEIGHT - 4 STORES  
PROPOSED USE - PROFESSIONAL OFFICES  
BUILDING SQUARE FOOTAGE TO BE DETERMINED  
DURING DESIGN. PARKING SPACES WILL BE REQUIRED  
TO BE SUPPLIED AT A RATION OF ONE FOR EVERY  
285 SQ. FT. OF OFFICE. HANDICAP SPACES  
WILL BE SUPPLIED IN THE PROPER RATIO.

**O&I BLDG. SETBACKS**  
FRONT - 40'  
SIDE - 15'  
REAR - 30'

N/F  
SANDY PLAINS  
EXECUTIVE CENTER  
ZONED O&I

N/F  
PALLADIUM, INC.  
ZONED SC

SO. BELL  
PHONE BOX  
ON CONC. PAD

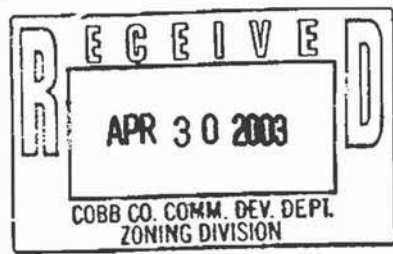
ENCLOSED  
DUMPSTER PAD

**TOTAL AREA:**  
81,231 SF  
(1.86 ACRES)

**PROPERTY ADDRESS:**  
1955 FIRST DRIVE  
MARIETTA, GEORGIA 30062

## REZONING PLAN FOR: PEARSON COMMUNITIES

LOCATED IN LAND LOTS 629 & 630  
IN THE 16TH DISTRICT, 2ND SECTION  
COBB COUNTY, GEORGIA  
SCALE: 1" = 50' DATE: APRIL 28, 2003



Centerline Surveying Systems, Inc.  
1301 SHILON ROAD, SUITE 1210, KENNESAW, GA 30144  
PHONE (770) 424-0028 FAX (770) 424-2399



**APPLICANT:** Pearson Communities, Inc.

770-321-5032

**REPRESENTATIVE:** David Pearson

770-321-5032

**TITLEHOLDER:** David Pearson

770-321-5032

**PROPERTY LOCATION:** Located on the south side of First Drive,  
east of Sandy Plains Road.

**ACCESS TO PROPERTY:** First Drive

**PHYSICAL CHARACTERISTICS TO SITE:** Existing office  
building

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** OI/ office complex
- SOUTH:** LRO, R-20/ undeveloped, single-family house (grandfathered tree service)
- EAST:** SC/ Arbor Oaks Condominiums
- WEST:** OI/ office complex

**PETITION NO:** \_\_\_\_\_

**HEARING DATE (PC):** 7-01-03

**HEARING DATE (BOC):** 7-15-03

**PRESENT ZONING:** LRO

**PROPOSED ZONING:** OI

**PROPOSED USE:** Three-story office  
building

**SIZE OF TRACT:** 1.86 acres

**DISTRICT:** 16

**LAND LOT(S):** 629, 630

**PARCEL(S):** 9

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

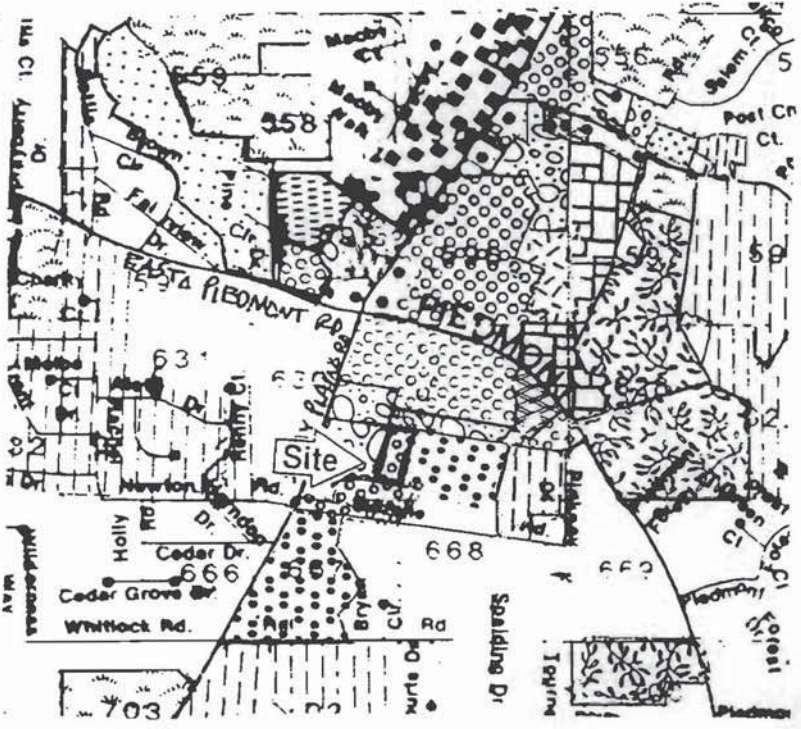
**PLANNING COMMISSION RECOMMENDATION**

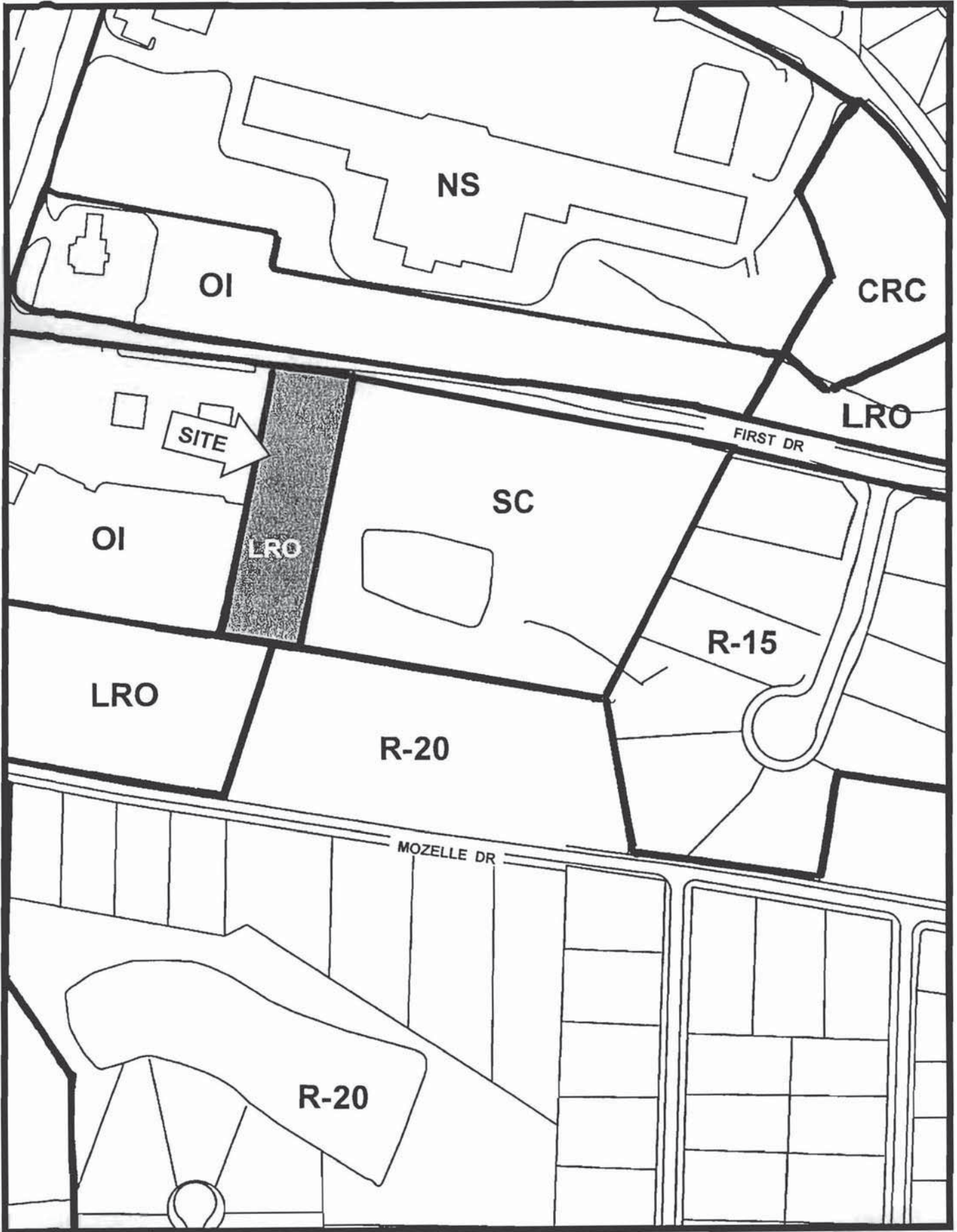
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**







APPLICANT: Pearson Communities, Inc.

PETITION NO.: Z-

PRESENT ZONING: LRO

PETITION FOR: O

\*\*\*\*\*

**PLANNING COMMENTS:**

Staff Member Responsible: Mark A. Danneman

Land Use Plan Recommendation: Community Activity Center

Proposed Number of Buildings: 1 Total Square Footage of Development: 35,000

F.A.R. 18,817 Square Footage/Acre

Parking Spaces Required: 123 Parking Spaces Provided: 100

The applicant is requesting the OI zoning category to develop a three-story office building on this property. The building will be traditional in styling, with a facade of brick and stone. The building will be used for general and professional offices. The previous rezoning stipulations are attached for review (see Exhibit "A"). It should be noted here that there is a 20-foot buffer required adjacent to residentially zoned property, which is not shown, and the required parking is not being met.

**Historic Preservation:** No comments related to potential historic structures and/or earthworks on this site.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

\*\*\*\*\*

**FIRE COMMENTS:**

Station No. & Location

Response Time

1. \_\_\_\_\_ adequateinadequate

2. \_\_\_\_\_ adequateinadequate

3. \_\_\_\_\_ adequateinadequate

GPM Requirements: \_\_\_\_\_ Water Main Size Required: \_\_\_\_\_

APPLICANT Pearson Communities Inc

PETITION NO. Z

PRESENT ZONING LRO

PETITION FOR OI

\*\*\*\*\*

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" DI / S side First Dr

Additional Comments:

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 First Dr

Estimated Waste Generation (in G.P.D.): **A D F** 3500 **Peak** 8750

Treatment Plant: Sutton

- 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:

Also, sewer at or near W property 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: Pearson Communities, Inc.

PETITION NO.: Z-89

PRESENT ZONING: LRO

PETITION FOR: QI

\*\*\*\*\*

**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sewell Mill Creek of Sope System FLOOD HAZARD INFO: None

- 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 **storm drainage system**.

APPLICANT: Pearson Communities, Inc.

PETITION NO.: Z-81

PRESENT ZONING: LRQ

PETITION FOR: Q1

\*\*\*\*\*

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.

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

- Natural slope of tract is to general area of proposed detention. Historically, flow crossed into next property as sheet flow along Eastern boundary. At Plan Review discharges must conform to historical. No concentrated flow channel exists on adjacent property.
- This design is very impervious intensive and will load the downstream system to a greater level than now---downstream are tandem detention ponds---upstream from this project is a major detention pond. At Plan Review, the designer of this project must route the entire system before and after to demonstrate no worse condition than now exists.



APPLICANT: Pearson Communities

PETITION NO.: Z-89

Z-48 (2014)  
Previous Zoning  
Minutes/Analysis

PRESENT ZONING: LRO

PETITION FOR: OI

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**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
First Drive	N/A	Non-residential Local	60'

First Drive is classified as a Non-residential Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Install sidewalk, curb, gutter and drainage structures.

An FAA study is required for all structures 4 stories and greater.

**RECOMMENDATIONS**

Recommend installing sidewalk, curb, gutter and drainage structures.

Recommend an FAA study.

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

## STAFF RECOMMENDATIONS

Z-48 (2014)  
Previous Zoning  
Minutes/Analysis

### Z-89 PEARSON COMMUNITIES, INC.

- 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 offices that are developed to the north and west, and offices under development to the southwest, have zoning stipulations that restrict the buildings to one or two stories. There are new Suburban Condominiums being developed to the east that are one-story. The scale of this building, compared to the development on adjacent and nearby properties, would be out-of-character with the area.
- 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 would be a very intrusive use on First Drive, and would not provide a step-down in zoning intensity. Staff believes it would be inappropriate to place a three story building adjacent to single-story residential units. These larger type buildings should not be placed on the residential edge of commercial nodes; they should be located near the center, or along the major thoroughfares in the commercial nodes.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 of the *Cobb County Comprehensive Plan*, which delineates this property to be within Community Activity Center. However, Staff believes two of the major guidelines are not being followed, which are: 1. "A transition in building scale and land use type should be provided between higher intensity uses and adjacent residential uses. Transitional land uses could include low intensity offices or higher density residential uses." 2. "More intense uses should be focused on those properties near the geographic center of the CAC and away from existing residential development." Based on these two guidelines, Staff believes the applicant's proposal does not meet the intent of the *Cobb County Comprehensive Plan*.
- 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 proposal does not meet two important guidelines as referenced in item D. The proposal does not fit the character of the area, including other office developments, which are two-stories or less. Staff believes a building of this scale should be located near the center of the commercial node, instead of on the residential edge, adjacent to single-story residential development. Additionally, the applicant's proposal does not meet minimum buffering or minimum parking requirements

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.**



ORIGINAL DATE OF APPLICATION: 04-98APPLICANTS NAME: PEARSON COMMUNITIES**Z-48 (2014)  
Previous Zoning  
Minutes/Analysis**

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

**BOC DECISION OF 4-07-98 ZONING HEARING:**

**PEARSON COMMUNITIES** (Kenneth Swan, owner) for Rezoning from **R-20** to **OI** for the purpose of Office Use in Existing Structures in Land Lot 629 and 630 of the 16<sup>th</sup> District. 1.86 acre. Located on the south side of First Street, east of Sandy Plains Road. Following statement of concessions by the applicant, the Board of Commissioners **deleted** Rezoning to the **LRO zoning** district subject to: 1) use of existing structures; 2) no disturbance of site unless approved by the Board of Commissioners, *except* for renovation of existing structures and parking surfaces, and installation of landscaping (including Leyland Cypress) adjacent to residentially zoned properties, with landscaping plan to be approved by Staff; 3) no heavy equipment on site (this condition prohibits storage or parking *and disallows visits to site of any type heavy equipment*); 4) project subject to Stormwater Management Division comments and recommendations; 5) project subject to Cobb DOT comments and recommendations; 6) 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. Motion by Wysong, second by Byrne, carried 4-0.

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD ZONE ACCORDING TO COB COUNTY F.I.R.M. PANEL 0035 F COMMUNITY #130052 DATED: AUG. 18, 1992

# Z-54

## LEGEND

- FIRE HYDRANT
- GAS SERVICE
- HEADWALL
- JUNCTION BOX
- SOUTHERN BELL
- PIPE
- POWER POLE
- POWER LINE
- SANITARY SEWER MANHOLE
- CHAIN LINK FENCE

Exhibit "A"  
Z-89  
PAGE 2 OF 2

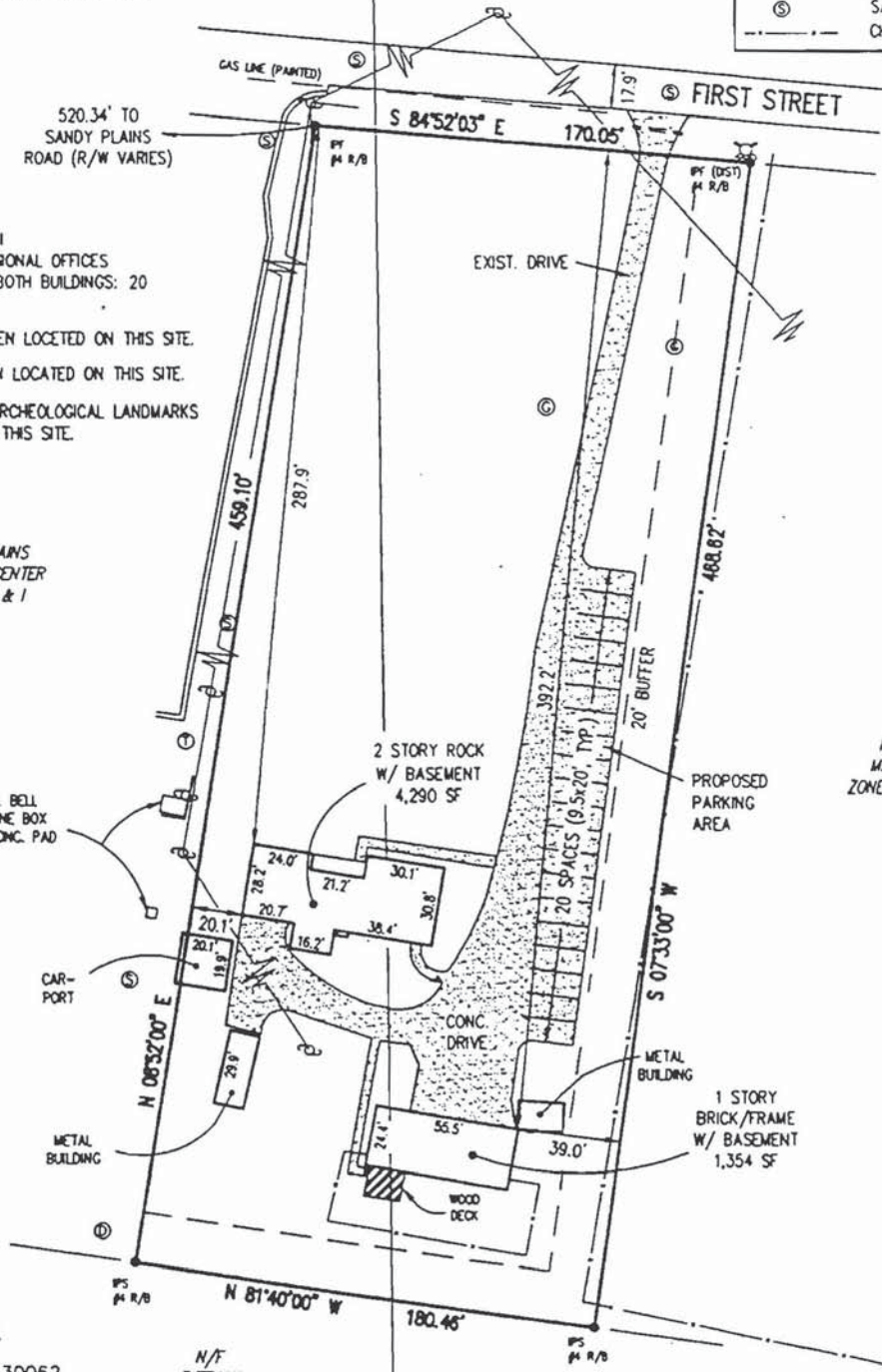
Z-48 (2014)  
Previous Zoning  
Minutes/Analysis

TRAVERSE CLOSURE - 1:10,000+  
ANGULAR ERROR - 2 SEC'S/STA.  
ADJUSTMENT - COMPASS RULE  
EQUIPMENT - TOPCON 303 TOTAL STATION  
PLAT CLOSURE - 1:100,000+  
MAGNETIC BEARING ROTATED TO MATCH REFERENCE PLAT.  
ALL MATTERS OF TITLE EXCEPTED.

NOTES:  
CURRENT ZONING: R-20  
PROPOSED ZONING: O & I  
PROPOSED USE: PROFESSIONAL OFFICES  
PARKING REQUIRED FOR BOTH BUILDINGS: 20  
PARKING SHOWN: 20  
NO CEMETERIES HAVE BEEN LOCATED ON THIS SITE.  
NO WETLANDS HAVE BEEN LOCATED ON THIS SITE.  
NO ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS HAVE BEEN LOCATED ON THIS SITE.

N/F SANDY PLAINS EXECUTIVE CENTER ZONED O & I

N/F MAKES ZONED R-20

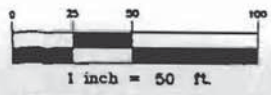


TOTAL AREA:  
81,231 SF  
(1.86 ACRES)

PROPERTY ADDRESS:  
1955 FIRST STREET  
MARIETTA, GEORGIA 30062

REZONING PLAT FOR:  
**PEARSON COMMUNITIES**

LOCATED IN LAND LOTS 629 & 630  
IN THE 16TH DISTRICT, 2ND SECTION  
COB COUNTY, GEORGIA  
SCALE: 1" = 50' DATE: JAN. 23, 1998



Centerline Surveying Systems, Inc.  
1631 ROSWELL ROAD, SUITE 206, MARIETTA, GA. 30062  
PHONE: (770) 665-1866 FAX: (770) 666-1678



March 28, 2003

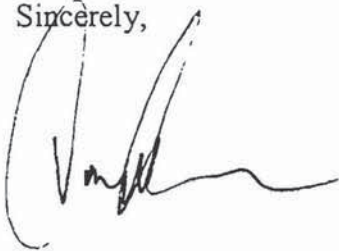
Cobb County Zoning Dept.  
Marietta, GA

To Whom It May Concern:

Following is a complete written, documented analysis of the impact of the proposed rezoning with respect to each of the following matters:

- a. The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;
- b. The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property;
- c. The property to be affected by the zoning proposal has a reasonable economic use as currently zoned;
- d. The zoning proposal will not result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;
- e. The zoning proposal is in conformity with the policy and intent of the land use plan;
- f. The property is currently zoned for LRO.  
Otherwise, there are no other existing or changing conditions affecting the use and development of the property which could give supporting grounds for either approval or disapproval of the zoning proposal.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized name, possibly 'V. Miller' or similar, written over a large, faint circular mark.