Application for "Other Business"
Cobb County, Georgia

OB-022-2016

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** 05-17-2016

Applicant: Thanh Tran & Loan Nguyen **Phone #:** 770-366-9150
(applicant's name printed)

Address: 4260 Thayer Dr, Powder Spgs, GA 30127 **E-Mail:** hanqb80@yahoo.com 30127

Thanh Xuan Tran 4260 thayer DR powder Springs
(representative's name, printed)

(representative's signature) **Phone #:** **E-Mail:**

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:**

DONALD PAUL WELLS NOTARY PUBLIC COBB COUNTY, GEORGIA My Commission Expires March 24, 2017

RECEIVED APR - 8 2016 COBB CO. COMM. DEV. AGENCY ZONING DIVISION

Titleholder(s): Thanh Tran & Loan Nguyen **Phone #:** 770-366-9150
(property owner's name printed)

Address: 4260 Thayer DR, Powder Spgs, GA 30127 **E-Mail:** hanqb80@yahoo.com

Loan Nguyen
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:** 6/20/17

JOHN MCDOUGALL NOTARY PUBLIC GEORGIA EXPIRES June 20, 2017 COBB COUNTY

Commission District: 1 **Zoning Case:** Z-59 (2004)

Date of Zoning Decision: 5-18-2004 **Original Date of Hearing:** 5-18-2004

Location: 4260 THAYER DR.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 0430 **District(s):** 19

State specifically the need or reason(s) for Other Business: To reduce 30 foot undisturbed buffer area in the rear of my property at 4260 Thayer DR, Lot 11. This is per O.B. 30, 08-18-2015 BOC hearing

(List or attach additional information if needed)

Application for "Other Business"
Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** 5-17-16

Applicant: Jimmy L Satterfield **Phone #:** 561-339-9545
(applicant's name printed)

Address: 4220 Thayer Drive, Powder Springs, GA 30127 **E-Mail:** lynnandjim208@gmail.com

Jimmy Lee Satterfield **Address:** 4220 Thayer Drive, Powder Springs, GA 30127
(representative's name, printed)

Jimmy Lee Satterfield **Phone #:** 561-339-9545 **E-Mail:** lynnandjim208@gmail.com
(representative's signature)

DONALD PAUL VIELE NOTARY PUBLIC FULTON COUNTY, GEORGIA My Commission Expires March 24, 2017

RECEIVED APR - 8 2016 COBB CO. COMM. DEV. AGENCY ZONING DIVISION

Signed, sealed and delivered in presence of:

Paul Viele **My commission expires:**
Notary Public

Titleholder(s): Jimmy L Satterfield, Harriett L Satterfield **Phone #:** 561-339-9545
(property owner's name printed)

Address: 4220 Thayer Drive, Powder Springs, GA 30127 **E-Mail:** lynnandjim208@gmail.com

Jimmy L Satterfield Harriett L. Satterfield
(Property owner's signature)

Signed, sealed and delivered in presence of:

Alessandra Barbosa **My commission expires:**
Notary Public

ALESSANDRA BARBOSA
NOTARY PUBLIC
Cobb County
State of Georgia
My Comm. Expires June 25, 2017

Commission District: 1 **Zoning Case:** Z-59 (2004)

Date of Zoning Decision: 5-18-2004 **Original Date of Hearing:** 5-18-2004

Location: Thayer Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 0430 **District(s):** 19

State specifically the need or reason(s) for Other Business: To Change the 30 foot buffer to a 10 foot buffer in the rear of 4220 Thayer Drive (Lot 7) in an agreement with OB38 08/18/15

(List or attach additional information if needed)

Lost Mountain Trails

F.K.A. HIGH HILL ESTATES
F.K.A. FOXCROFT
LAND LOTS 429 & 430
19th DISTRICT, 2nd SECTION
COBB COUNTY, GEORGIA

TOTAL AREA
1,113,155 sq.f.
25.55 acres
MINUS: 2.06 ACRES (DONATION)
MINUS: 0.73 ACRES (CELL TOWER)
TOTAL: 23.01 ACRES TO BE DEVELOPED

OWNER / DEVELOPER
COONCE PARTNERS, LLC
4299 ABBOTTS BRIDGE ROAD
DULUTH, GEORGIA 30097
BUILDING 800 - SUITE 302
PHONE: 678-388-1600

RECEIVED
APR - 8 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

LOST MOUNTAIN ROAD
(A.K.A. STATE ROUTE 176)
R/W VARIES (ARTERIAL)

VICINITY MAP
(1"=2,000')

GRAPHIC SCALE

STORM LINE CHART

SOLAR LAND SURVEYING COMPANY
P.O. BOX 723993 ATLANTA, GEORGIA 30139-0993
TELEPHONE (770) 794-9055 FAX (770) 794-9052

DIVISION
DATE 4/28/05
SCALE 1" = 100'
COBB COUNTY, GEORGIA
SCHM. ZHD
REV. 8/5/05
REV. 8/9/05
REV. 8/12/05

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

08-022-2016
For Lots
7 + 11

ORIGINAL DATE OF APPLICATION: 05-18-04

APPLICANTS NAME: SIR PROPERTIES, INC.

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

BOC DECISION OF 05-18-04 ZONING HEARING:

SIR PROPERTIES, INC. (Brenda and Amanda Howard, owners) for Rezoning from **R-30** to **R-20 OSC** for the purpose of a Subdivision in Land Lots 429 and 430 of the 19th District. Located on the west side of Lost Mountain Road, north of Macland Road.

The public hearing was opened and Mr. Garvis Sams, Jr., and Mr. Patrick Hilton addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Olens, to **approve** rezoning to the **R-20 OSC** zoning district **subject to:**

- **revised site plan received by the Zoning Division May 6, 2004 with District Commissioner to approve minor modifications to site layout (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated April 14, 2004 *with the following change:* (copy attached and made a part of these minutes)**
  - **Paragraph 6: Subject to recommendations from the Stormwater Management Division with respect to the ultimate location, configuration and methodology of on-side detention and water quality ponds *with the District Commissioner to approve final site plan following Plan Review.***
- **letter of agreeable stipulation from Mr. Garvis Sams, Jr., dated May 6, 2004 (copy attached and made a part of these minutes)**
- **pre- and post-development hydrology study on nearby lake(s) in compliance with Cobb County Code**
- **tree save plan to be approved by the County Arborist**
- **maintained natural perimeter buffers to be enhanced with living trees, bushes and other plantings ecologically compatible to the area (not to be clear cut or mowed) and to be maintained by the owner, and approved by the County Arborist who shall have final authority as to plantings; only dead, dying, diseased, or invasive vines or plants (i.e. kudzu, poison ivy, etc.) may be removed from buffer; no storage or structures, including swing sets, signs, tree houses, trailers, storage buildings and/or other non-growing items to be placed in the buffer, invisible fencing (i.e. electronic underground fence for containment of animals) is acceptable**
- **Planning Staff analysis**
- **Historic Preservation comments and recommendations**

Z-59 Continued on next page

ORIGINAL DATE OF APPLICATION: 05-18-04

APPLICANTS NAME: SIR PROPERTIES, INC.

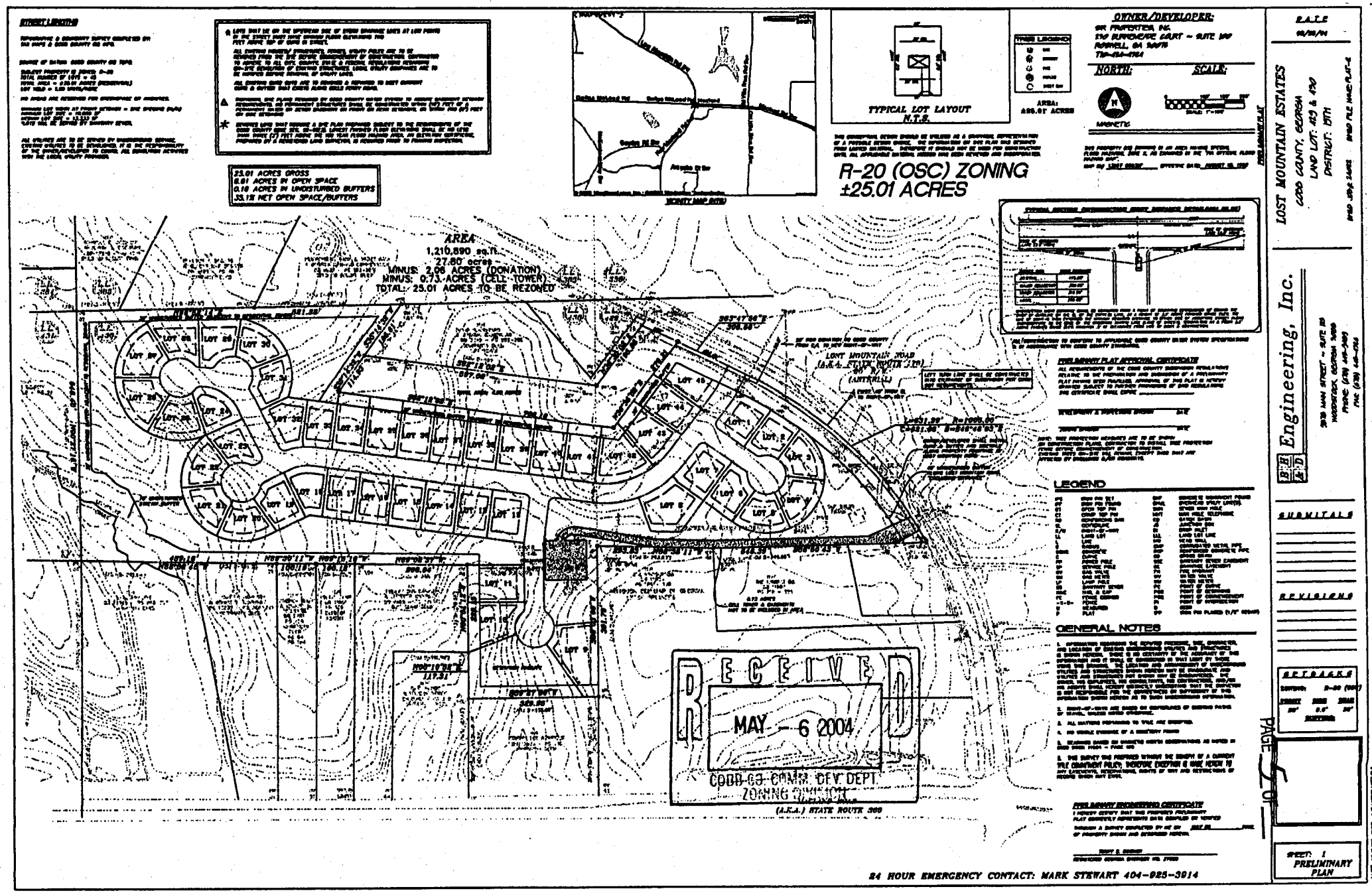
THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 05-18-04 ZONING HEARING (Continued):

- **Water and Sewer Division comments and recommendations (copy attached and made a part of these minutes)**
- **Stormwater Management Division comments and recommendations, *to include memo from Mr. Henry Mingledorff dated May 13, 2004* (copy attached and made a part of these minutes)**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously

Min. Bk. ____ Petition No. ____
Doc. Type Site Plan
Meeting Date May 18, 2004



Min. Bk. 27 Petition No. Z-59
Doc. Type Letter of Agreeable Stipulations
Meeting Date May 18, 2004

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
RICHARD A. HARRAH
MICHAEL P. PRYOR

OF COUNSEL
DAVID P. HARTIN

770.422.7016
TELEPHONE
770.426.6583
FACSIMILE
SAMSLARKIN@AOL.COM
E-MAIL

April 14, 2004

RECEIVED
APR 14 2004
COBB CO. COMM. DEV. DEPT
ZONING DIVISION
9:43

VIA HAND DELIVERY

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

Re: Application of SIR Properties, Inc. to Rezone a 26 Acre Tract from R-30 to R-20 (OSC) (No. Z-59)

Dear John:

As you know, this firm has been engaged by and represented the applicant and property owners concerning the above-captioned application for rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on May 4, 2004 and, thereafter, is scheduled for consideration and final action by the Cobb County Board of Commissioners on May 18, 2004.

With respect to the foregoing and in keeping with the dialogue established with the County's professional staff and area residents, this letter will serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and modified, and binding upon the subject property thereafter:

1. The rezoning of the subject property to the R-20 (OSC) classification shall be specific to that certain site plan, prepared by BH&D Engineering and submitted on March 30, 2004, subject to minor modifications by the District Commissioner.

2. A maximum number of 45 homes at a maximum density of 1.73 units per acre.[1]

[1] The subject property is located within an area denominated Very Low Density (VLD) under the Future Land Use Map which contemplates residential densities from 0 – 2 units per acre. However, said property is contiguous and to the north and west of property zoned and developed as a shopping center under the NRC classification (No. Z-102 [1998]).

VIA HAND DELIVERY

3. Minimum square footage of the homes shall be 2,200 square feet and shall range up to 2,800 square feet.[2]

4. Each home shall have, at a minimum, an attached two-car garage.

5. Architectural style of the homes shall be two-story traditional and shall have front elevations consisting of a mixture of brick, stone, stucco and hardy plank.

6. Subject to recommendations from the Stormwater Management Division with respect to the ultimate location, configuration and methodology of on-site detention and water quality ponds.

7. Open space/undisturbed buffers consisting of 12.99 acres which is 50% of the total acreage.[3]

8. The submission of a landscape plan during the Plan Review process which shall be subject to staff review and approval and which shall include the following:

   a. Sodded front and side yards.

   b. The installation of underground utilities.

   c. Decorative lighting throughout the residential community which shall be themed to the architectural style.

   d. Ground based, monument style entranceway signage which shall be landscaped and irrigated.

9. The establishment of a mandatory homeowners association which shall include architectural control oversights and the submission of Declaration of Covenants, Conditions and Restrictions.

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[2] Anticipated price points are expected to range from the high $200's to the mid-$300's.

[3] The open space provided at 50% of the total site area more than doubles green space initiatives advanced by the Atlanta Regional Commission.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 3
April 14, 2004

10. Subject to the following recommendations of the Cobb County Department of Transportation with respect to traffic/transportational issues:

    a. The voluntary donation and conveyance of sufficient right-of-way along Lost Mountain Road (arterial) so that the County can achieve 50' from the centerline of said right-of-way.

    b. Construction of acceleration/deceleration lanes which, as Lost Mountain Road is ultimately widened, will become "through lanes".

    c. The installation of curb, gutter and sidewalk along the Lost Mountain Road frontage.

    d. The construction of a left turn lane within Lost Mountain Road.

    e. Approval from the Georgia Department of Transportation with respect to encroachments into Lost Mountain road which is controlled by GDOT.

The subject property is located in an area in which the Comprehensive Land Use Plan and Future Land Use Map have designated as Very Low Density residential (VLD) which contemplates a range in residential densities from 0 – 2 units per acre. SIR's proposal, with a total number of 45 homes at a maximum density of 1.73 homes per acre is well within that contemplated range of densities and is otherwise appropriate from a land use planning perspective, particularly when considered in the context of the foregoing stipulations/conditions and in relation to contiguous commercial development.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the formulation of your staff analysis and recommendations to the Planning Commission and Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.

GLS,Jr./jbmc
cc: Shown on next page.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 4
April 14, 2004

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission
Mr. Robert L. Hosack, Jr., AICP, Director - VIA Hand Delivery
Mr. Joseph J. Pressley – VIA Hand Delivery
Mr. David A. Jackson, P.E. – VIA Hand Delivery
Mr. G. Henry Mingledorff –VIA Hand Delivery
Ms. Gail K. Huff, Assistant County Clerk - VIA Hand Delivery
Ms. Sandra Richardson, Deputy County Clerk – VIA Hand Delivery
Mr. Michael Perla, President, PLAN
Mr. Mark F. Stewart

Min. Bk. 27 Petition No. Z-59
Doc. Type Letter of Agreeable Stipulations
Meeting Date May 18, 2004

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
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FACSIMILE

SAMSLARKIN@AOL.COM
E-MAIL

May 6, 2004

RECEIVED
MAY - 6 2004
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

VIA HAND DELIVERY

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

Re: Application of SIR Properties, Inc. to Rezone a 26 Acre Tract from R-30 to R-20 (OSC) (No. Z-59)

Dear John:

As you know, this firm represents the Applicant and Property Owner concerning the above-captioned Application for Rezoning. In that regard, the Application received a unanimous recommendation for approval from the Cobb County Planning Commission on May 4, 2004 and is scheduled for final action by the Cobb County Board of Commissioners on May 18, 2004.

With respect to the foregoing and in accordance with the Planning Commission's recommendation for approval, enclosed please find the requisite number of copies of a revised site plan. Please note that the site plan shows the location and positioning of the existing cellular tower and the resultant change in the acreage from 26 acres to 25.01 acres. Additionally, the revised site plan shows a reconfiguration of the lots in accordance with recommendations from staff, including comments from Mr. Joe Pressley and Mr. Henry Mingledorff. The number of homes remains the same at forty-five (45); however, because of the extraction of the acreage upon which the cellular tower is situated, the density changes from 1.73 units per acre to 1.80 units per acre with 35.1% open space.

Please do not hesitate to call should you or the staff require any further information or documentation concerning these latest developments.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.

GLS,Jr./dsj
Enclosures

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
May 6, 2004
Page 2

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cc: Members, Cobb County Board of Commissioners (via hand delivery w/enc.)
Members, Cobb County Planning Commission (w/enc.)
Mr. Robert L. Hosack, Jr., AICP, Director (via hand delivery w/enc.)
Mr. Joseph J. Pressley (via hand delivery w/enc.)
Mr. David A. Jackson, P.E. (via hand delivery w/enc.)
Mr. G. Henry Mingledorff (via hand delivery w/enc.)
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery w/enc.)
Ms. Sandra Richardson, Deputy County Clerk (via hand delivery w/enc.)
Mr. Michael Perla, President, PLAN (w/enc.)
Mr. Mark F. Stewart (w/enc.)

APPLICANT SIR Properties, Inc

PETITION NO. Z-059 PAGE 12 OF ___

PRESENT ZONING R-30

PETITION FOR R-20 OSC

* *

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

Min. Bk. 27 Petition No. Z-59
Doc. Type Water & Sewer Division Comments + Recs
Meeting Date May 18, 2004

WATER COMMENTS:

Available at Development? ☑ Yes ☐ No

Fire Flow Test Required? ☑ Yes ☐ No

Size / Location of Existing Water Main(s): ***6" DI / E side Lost Mountain Rd***

Additional Comments: 8" DI / S side Macland Rd. Dual feed requirement

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: ***250' S at Macland Rd***

Estimated Waste Generation (in G.P.D.): **A D F** 18,000 **Peak** 45,000

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

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 responsiblity of the Developer.

Additional Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

* Petition No. * * * * * * * * Z-59
Meeting Date May 18, 2004
Continued

DRAINAGE COMMENTS

Revision 4-16-04
Revision 3-31-04

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

DRAINAGE BASIN: Wildhorse Creek of Sweetwater Creek System FLOOD HAZARD INFO: Undefined: stream southwest corner and ravines carrying offsite runoff

- ☐ FEMA Designated 100 year Floodplain Flood.
- ☒ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- ☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- ☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☐ NO ☒ POSSIBLY, NOT VERIFIED

Location: within Flood Hazard

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

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

- ☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- ☐ Chattahoochee River Corridor Tributary Area - County review (_____undisturbed buffer each side).
- ☐ Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- ☐ Georgia DNR Variance may be required to work in 25 foot 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 (x3).
  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: road culverts and lakes / dams..

APPLICANT: SIR Properties, Inc.

PETITION NO.: Z-59 PAGE 14 OF ___

PRESENT ZONING: R-30

PETITION FOR: R-20 OSC

* *

Petition No. Z-59
Meeting Date May 18, 2004
Continued

DRAINAGE COMMENTS CONTINUED

Revision 4-16-04
Revision 3-31-04

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 Western sections in bypass must be addressed at Plan Review.
- ☐ Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1) Tract is rolling hill and valley terrain. Ground slopes vary from below 10% to near 20%. Several acres of runoff flows via natural ravine concentration through designated Lot 9. A major detention pond from shopping center at southeast flows through designated Lot 34. Sixteen (16) designated lots at extreme west of development will bypass detention via natural ravines directly to lakes offsite. Designated detention does not take advantage of natural ravine but requires pond excavation into steep hillside.
2) Tract is heavily wooded in west and along south property line and within south extension. North of woods are semi-open fields bearing evidence of significant farm terracing. Both wooded areas and farm terracing have mitigated concentrated runoff thereby protecting downstream areas from heavy runoff and preserving water quality.
3) Layout does not flow with terrain. Lots are designated on steep slopes and in well-defined ravines while leaving relatively flat and open (un-wooded) terrain as open space. Concept of open space design (to utilize open / flatter areas for development while reserving wooded areas and ravines as open space) is not utilized here. Conformance with that concept would improve the quality of the project and lessen impact on downstream properties. Suggest lots 31-36 could be exchanged with southeast open space and lots 20-23 exchanged with open space in northwest corner. This would allow use of natural ravines without excavation for stormwater control and Water Quality-Best Management Practice. This would also eliminate discharge of residential lots through Kroger detention facility.

4) Due to wooded nature of tract and farm terracing currently mitigating flow from a majority of storm events the final hydrology / stormwater controls for this project must be more conservative than normal in reducing flow. Recommend detention discharges be limited to no more than 65% of the reasonable pre-development flow without a comprehensive downstream analysis to include the lakes downstream.
5) This project is intensive considering the terrain on which it will be constructed. Without constraints, grading can be expected to be massive. Suggest lots not be leveled by grading but houses be constructed into existing terrain with minimal grading. To the maximum extent possible, mass grading should be confined to the roadways. The more grading permitted the greater the risk of sediment / pollution loss into the downstream lakes.

Revised Plan 3-30-04 to Zoning
Revisions appear to be addition of undisturbed buffer 30-40 feet wide around outer perimeter adjacent to residential property and addition of note defining statistics of open space. Note is taken of said undisturbed buffer being superimposed upon residential building lots. With each owner endeavoring to create that unique landscaping on the lot the chance of the undisturbed buffer character remaining is slim. Suggest all building lots be removed from the buffer and placed totally in the community open space.

All other Stormwater Management comments / recommendations remain in effect.

Revision dated 4-14-04 in form of Letter of Agreeable Stipulations offered by Applicant over hand of Garvis L. Sams, Jr., Esq.

This writing appears to ignore concerns of Stormwater Management relative to amount of grading required (and the pollution potential there from) plus, the layout not flowing with terrain (lots being placed on wooded steep slopes while vast expanses of cleared flatter land is left open) plus, special needs to protect downstream lakes, plus, inadequate detention proposed. The objective of Open Space Community is to allow for more concentrated development on the more useable areas of the site, and leave the less useable areas unused-open space. The proposed plan does not accomplish that goal. As "Open Space Community" was created to protect critical areas and any approval will be "to a plan" we submit this plan as not ready for approval.

To reiterate, Lots 30-36 need to be moved from the much steeper wooded slopes behind the shopping center detention facility and loading docks to the flatter open area in southeast corner. Lots 20-23 need to be moved from the steeper wooded slopes to the flatter open area in the northwest corner. Site detention can be easily fitted into the established ravines without major change if the lots are so relocated. In this way grading requirements can be reduced and sediment / pollution loss potential can be diminished and the downstream lakes can be better protected.

COBB COUNTY WATER SYSTEM

Operations Facility
680 South Cobb Drive
Marietta, Georgia 30060-3111

Min. Bk. 22 Petition No. Z-59
Doc. Type Memo from Henry Mingledorff
Meeting Date May 18, 2004

Robert L. Brice
DIRECTOR

DIVISIONS
Business Services
Customer Services
Engineering & Records
Solid Waste
Stormwater Management
System Maintenance
Water Protection

COBB COUNTY, GEORGIA
FILED IN OFFICE
2004 MAY 13 PM 2:41
COBB COUNTY CLERK'S OFFICE

DATE: May 13, 2004

MEMO TO: Mark Danneman, Manager
Zoning Division, Community Development

SUBJECT: Z-59 May 2004
SIR Properties, Inc.
Lost Mountain Road
LL 429, 430 / 19th

Revised Plan dated May 6, 2004 transmitted to Mr. John Pederson of Zoning by Letter of same date, over hand of Garvis L. Sams, Jr., Esq.

This revised plan does redistribute lots utilizing more of the flatter terrain per previous Stormwater Management requests but:

(1) Still does not provide stormwater controls for the western section which naturally flows away from the proposed detention;
(2) Several lots remain on very steep slopes;
(3) The natural ravine of Lots 10, 11 is not utilized for detention, which has been sited on an elevated hillside requiring massive grading.

Recommend:

(4) Latitude be granted to Stormwater Management staff, to work with plan and developer, to insure adequate Stormwater / Water Quality protection for downstream Lakes.
(5) For any lot with greater than 15% natural grade in building area and for any lot intended to be mass graded to a level (+/-) plateau, request an individual site plan be submitted to Stormwater Management for review.
(6) Detention be relocated to take full advantage of the natural ravine in the southern panhandle to minimize grading and the pollution potential higher level grading will generate.
(7) Negotiations be entered into with cell tower easement owner to make certain adjustments that would allow Lots 9-11 to be located between Lot 8 and Lot 12 on the main road. This would reduce the road work and lot grading amount and thereby reduce pollution potential of downstream lakes.

Stormwater Management still has concerns about the ability to accurately predict a specific number of lots given the steep terrain and future lot grading which is unknown at this time. Fifteen (15) lots and 3 cul-de-sacs in the west still drain away from detention as shown. This area must be adjusted by addition of detention / Water Quality-Best Management Practice or mass graded to redirect runoff and thereby increase the pollution potential. A significant area of offsite drainage is naturally concentrated into Lot 38, which will require very special design at Plan Review. The 30-foot undisturbed buffer

lying on Lot 34-45 will be difficult at best to enforce in the face of each property owner working to use all of each lot to create that uniquely landscaped yard desired.

Due to terrain and other limitations of this site request staff negotiating latitude to adjust plan (which may affect lot yield) at Plan Review with confirmation by District Commissioner.

Sincerely,
COBB COUNTY STORMWATER MANAGEMENT

G.H. Mingledorff III, P. E., RLS
Senior Engineer, Stormwater Management
GHM/fd

Cc: Commissioner Sam Olens, Chairman
Commissioner Helen Goreham
Commissioner Joe L. Thompson
Commissioner Tim Lee
Commissioner G Woody Thompson
Garvis L. Sams, Jr., Esq.
Carol Granger, County Clerk
John Pederson, Zoning
Bill Higgins, Stormwater Management

Year 2012 Form

Application for "Other Business"
Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2035) BOC Hearing Date Requested: 2/21/12

Applicant: Vernard Robbins (applicant's name printed) Phone #: 404-771-2145

Address: 4190 Thayer Dr. Powder Springs, 30127 E-Mail: VernardAtl@hotmail.com

Same as above (representative's name, printed) Address: same as above

(representative's signature) Phone #: 404-771-2145 E-Mail: VernardAtl@hotmail.com

Signed, sealed and delivered in presence of: MARCIA D. GOODWILL Notary Public, Cobb County, Georgia My Commission Expires October 9, 2014

Marcia D. Goodwill My commission expires: 10/9/2014

Notary Public

Titleholder(s): Vernard Robbins (property owner's name printed) Phone #: 404-771-2145

Address: 4190 Thayer Dr. Powder Springs, 30127 E-Mail: Vernardatl@hotmail.com

(Property owner's signature)

Signed, sealed and delivered in presence of: MARCIA D. GOODWILL Notary Public, Cobb County, Georgia My Commission Expires October 9, 2014

Marcia D. Goodwill My commission expires: 10/9/2014

Notary Public

Commission District: 1 Zoning Case: Z-59 of 2004

Date of Zoning Decision: 5-18-04 Original Date of Hearing: 5-18-04

Location: Lost Mountain Trail subdivision on Lost Mt. Road (street address, if applicable; nearest intersection, etc.)

Land Lot(s): 429, 430 District(s): 19

State specifically the need or reason(s) for Other Business: Building a fence perpendicular to the buffer zone. The zoning stipulations allow underground invisible fencing. Would like to amend the stipulations to allow other types of fencing in the buffer area.

(List or attach additional information if needed)

 APPLICATION NO. Z-59

ORIGINAL DATE OF APPLICATION: 05-18-04

APPLICANTS NAME: SIR PROPERTIES, INC.

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

BOC DECISION OF 02-21-12 ZONING HEARING:

OTHER BUSINESS ITEM #5 – TO CONSIDER A STIPULATION AMENDMENT TO ALLOW FENCING IN THE NATURAL PERIMETER BUFFERS BROUGHT FORWARD BY MR. VERNARD ROBBINS (LOST MOUNTAIN TRAILS SUBDIVISION) REGARDING REZONING APPLICATION Z-59 OF 2004

To consider a stipulation amendment to allow fencing in the natural perimeter buffers brought forward by Mr. Vernard Robbins (Lost Mountain Trails Subdivision) regarding rezoning application Z-59 of 2004, for property located on the west side of Lost Mountain Road, north of Macland Road, and on the north side of Thayer Drive in Land Lots 429 and 430 of the 19th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a stipulation amendment. The public hearing was opened and Mr. Vernard Robbins and Mr. Michael Benten addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Lee, to **approve** Other Business Item No. 5 for stipulation amendment regarding rezoning application Z-59 of 2004, for property located on the west side of Lost Mountain Road, north of Macland Road, and on the north side of Thayer Drive in Land Lots 429 and 430 of the 19th District, **subject to:**

- **no permitting of any fences in the buffer areas of the subdivision, until letter from Homeowner's Association is received giving permission for the fencing**
- **all previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** 4-0

REGULAR AGENDA (CONT.)

Z-78 **FRANK WARD** (Franklin B. Ward and Brenda K. Ward, owners) requesting Rezoning from **R-80** to **R-30** for the purpose of a Single Family House in Land Lots 365 and 376 of the 19th District. Located on the southwest side of Wright Road, east of Poplar Springs Road (5555 Wright Road).

The public hearing was opened and Mr. Travis Ward addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Weatherford, second by Birrell, to **approve** Z-78 to the **R-30** zoning category, subject to:

- **Site plan received by the Zoning Division on June 4, 2015 (attached and made a part of these minutes)**
- **Allow additional 35,247 square-foot lot off private easement from Wright Road**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

OTHER BUSINESS

O.B. 30 To consider amending the site plan and zoning stipulations for certain residents of Lost Mountain Trails regarding rezoning application Z-59 (SIR Properties, Inc.) of 2004, for property located on the western side of Lost Mountain Road, north of Macland Road in Land Lots 429 and 430 of the 19th District.

Mr. Pederson provided information regarding the site plan and stipulation amendments to allow for deleting the 30 foot natural buffer in the backyards of lots of 1 through 14. The public hearing was opened and Ms. Nicole Nurse, Mr. Jeffrey Gorden, Mr. James Cuitkovic, Ms. Lauren Gaines, Mr. Chris Rehkopf, and Ms. Linda Rehkopf addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Weatherford, second by Lee, to **approve** O.B. 30 for rezoning application Z-59 (SIR Properties, Inc.) of 2004, for property located on the western side of Lost Mountain Road, north of Macland Road in Land Lots 429 and 430 of the 19th District, subject to:

- **The 30 foot natural buffer be reduced to a 10 foot landscape buffer to be approved by the County Arborist and installed by December 31, 2015**
- **Mature trees should be left in the buffer where possible**
- **The buffer may include a six foot wooden privacy fence**
- **Delete Lot 14 from the request since it does not have a 30 foot natural buffer on it**
- **Open space to remain as originally approved regarding acreage**

OTHER BUSINESS (CONT.)

O.B. 30 **(CONT.)**

- **Homeowners Association to replant the 30 foot buffer to the rear of Lot 14 prior to any more permits**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** 4-1, Commissioner Ott opposed

O.B. 31 To consider amending the site plan for John Saunders regarding rezoning application #66 (Wayne A. Sturgis) of 1984, for property located at the northeast intersection of Wooten Lake Road and Wade Green Road in Land Lot 55 of the 20th District.

Mr. Pederson provided information regarding the site plan amendment to allow demolition of an old ATM machine and installation of a new Chase Bank ATM machine on the property. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Lee, to **approve** O.B. 31 for John Saunders regarding rezoning application #66 (Wayne A. Sturgis) of 1984, for property located at the northeast intersection of Wooten Lake Road and Wade Green Road in Land Lot 55 of the 20th District, subject to:

Correction to minutes approved September 8, 2015, O.B. 31

- **Letter from Mr. John Saunders ~~dated July 10, 2015~~ received by the Zoning Division on July 13, 2015, including site plan, (attached and made a part of these minutes)**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

O.B. 32 To consider amending the site plan for John Saunders regarding rezoning application #167 (The Oxford Group, Inc.) of 1987, for property located on the north side of the East West Connector between Hospital South Drive and Brookwood Drive, and on the south side of Mulkey Road in Land Lot 920 of the 19th District.

Mr. Pederson provided information regarding the site plan amendment to allow for installing a new Chase Bank ATM on the property. The public hearing was opened and Mr. John Saunders addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Weatherford, to **approve** O.B. 32 for John Saunders regarding rezoning application #167 (The Oxford Group, Inc.) of 1987, for property located on the north side of the East West Connector between Hospital South Drive and Brookwood Drive, and on the south side of Mulkey Road in Land Lot 920 of the 19th District, subject to: