

APPLICANT: Sweetwater Congregation of Jehovah's Witnesses
404-557-0278

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Parks F. Huff 770-422-7016

TITLEHOLDER: Lycurtis Bester, Ernest W. Price, Jr., and Kenneth G. Skrobot, Trustees for Sweetwater Congregation of Jehovah's Witnesses, Powder Springs, Georgia

PROPERTY LOCATION: Located on the west side of Brownsville Road, north of Burnt Hickory Road and on the east side of Pine Valley Road, north of Burnt Hickory Road.

ACCESS TO PROPERTY: Brownsville Road, Pine Valley Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant land

PETITION NO: Z-29

HEARING DATE (PC): 10-05-10

HEARING DATE (BOC): 10-19-10

PRESENT ZONING: NRC, R-20

PROPOSED ZONING: R-20

PROPOSED USE: Church

SIZE OF TRACT: 5.0 acres

DISTRICT: 19

LAND LOT(S): 1263

PARCEL(S): 47

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-30/Single-family Residential

SOUTH: NRC/Vacant Land

EAST: R-20/Millers Creek Subdivision

WEST: R-20/Millers Creek Subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

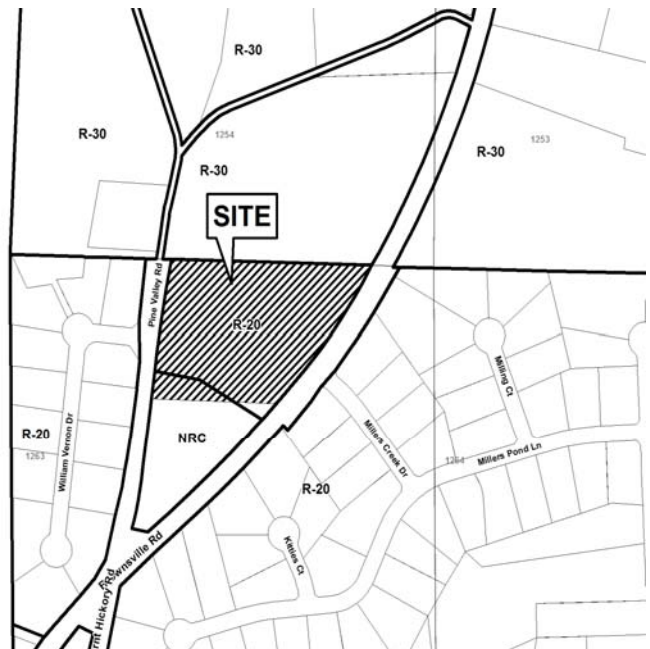
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

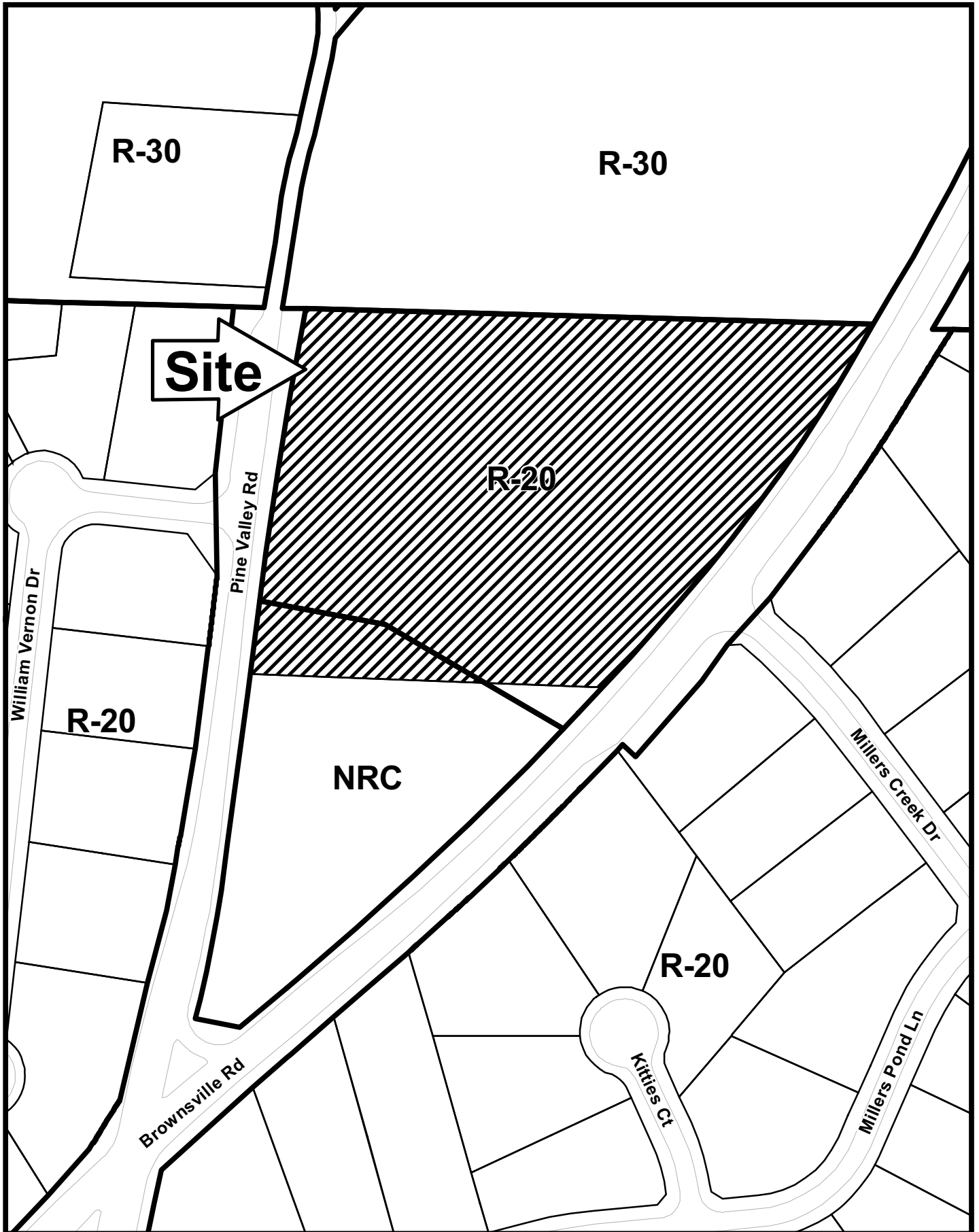
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

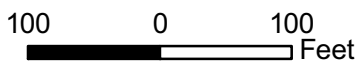
STIPULATIONS:



Z-29



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



City Boundary
Zoning Boundary

APPLICANT: Sweetwater Congregation of Jehovah's Witnesses **PETITION NO.:** Z-29

PRESENT ZONING: R-20 & NRC w/Stips **PETITION FOR:** R-20

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

Land Use Plan Recommendation: Very Low Density Residential (0-2 DUA)

Proposed Number of Units: N/A **Overall Density:** N/A **Units/Acre**

Present Zoning Would Allow: N/A **Units** **Increase of:** N/A **Units/Lots**

Applicant is requesting to rezone the subject property in order to remove the stipulation from a previous rezoning application (Z-100 of 1996). From the previous case, a stipulation was placed on the property that divided the total tract into the NRC and R-20 zoning districts. The R-20 section was stipulated to be residential. Applicant was not aware of the stipulations at the time plans for the proposed church were submitted for plan review in December of 2009. The minutes of Z-100 of 1996 are attached to this application. Applicant is requesting a contemporaneous variance to reduce the required 35-foot landscape buffer along the northern side of the property to 10 feet. The applicant is also requesting that sidewalk, curb and gutter not be required on the Brownsville Road side of the property along with allowing a right turn exit only drive as shown on the revised site plan. Also, the applicant is requesting a contemporaneous variance to reduce the required 5-acre lot size requirement for a place of worship due to the voluntary donation and conveyance of right-of-way. The applicant has submitted the attached letter of agreeable conditions for your review.

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 comment.

APPLICANT: Sweetwater Congregation of Jehovah's Witnesses

PETITION NO.: Z-29

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PETITION FOR: R-20

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

Additional Comments:

FIRE COMMENTS:

Fire Hydrant

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

APPLICANT Sweetwater Congregation of Jehovah's Witnesses

PETITION NO. Z-029

PRESENT ZONING NRC, R-20

PETITION FOR R-20

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): **8" DI / W side of Brownsville Road**

Additional Comments: Meter to be at entrance at 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: **Approx. 9,000' E w/easements**

Estimated Waste Generation (in G.P.D.): **A D F 2250 Peak= 5625**

Treatment Plant:

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 ans 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 Health Dept approval of any on-site sewage management system(s) required.
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: Sweetwater Congregation of Jehovah's Witnesses PETITION NO.: Z-29

PRESENT ZONING: NRC, R-20

PETITION FOR: R-20

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sweetwater 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 (Cobb County Parks & Recreation).
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 receiving system.

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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

1. This site has been through a conceptual site plan review. Applicant must address plan review comments provided for the conceptual site plan.
2. Although there is a lake located approximately 1100 feet downstream from this site, the flow path is almost entirely sheet flow across a well-vegetated field with two existing culvert controls in place. If elevated erosion control measures are utilized on the site, it should not be necessary to require a downstream lake study.

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
Brownsville Road	12900	Arterial	45 mph	Cobb County	100'
Pine Valley Road	6500	Minor Collector	25 mph	Cobb County	60'

*Based on 2005 traffic counting data taken by Cobb County DOT (Brownsville Road)
Based on 2010 traffic counting data taken by Cobb County DOT (Pine Valley Road)*

COMMENTS AND OBSERVATIONS

Brownsville Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Pine Valley Road is classified as a minor collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Install curb, gutter, and sidewalk along all roadway frontages.

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 Brownsville Road, a minimum of 50' from the roadway centerline.

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 east side of Pine Valley Road, a minimum of 30' from the roadway centerline.

Recommend installing curb, gutter, and sidewalk along all roadway frontages.

Recommend exit only driveway onto Brownsville Road. The driveway alignment to be reviewed at plan review.

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

STAFF RECOMMENDATIONS

Z-29 SWEETWATER CONGREGATION OF JEHOVAH'S WITNESSES

- 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 applicant's proposal is located in a residential area and the proposed use would have been allowed at the time of plan review had the previous stipulations not prevented the proposed use.
- 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 property has the required lot size for a place of worship and can meet the required number of parking spaces. Churches and other places of worship are allowed in residential zoning districts.
- 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 within the Very Low Density Residential land use category.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*, which indicates this property is in the Very Low Density land use category. The applicant's proposal for a place of worship is a use that would have been allowed under the R-20 zoning district had a previous rezoning case (Z-100 of 1996) not had stipulations restricting the use of the property.

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

- Revised site plan received by the Zoning Division on September 16, 2010, with the District Commissioner approving minor modifications;
- Letter of agreeable stipulations from Melissa P. Haisten dated September 16, 2010;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- DOT comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

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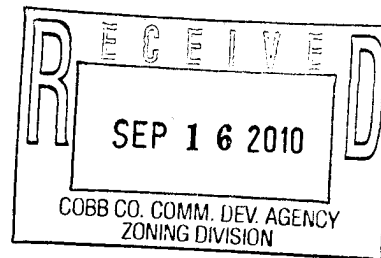
MELISSA R. HAISTEN
JUSTIN H. MEEKS

September 16, 2010

SAMSLARKINHUFF.COM

VIA E-MAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road
Suite 400
Marietta, GA 30064



Re: Rezoning Application of Sweetwater Congregation of
Jehovah's Witnesses (No. Z-29)

Dear John:

You may recall that this firm represents Sweetwater Congregation of Jehovah's Witnesses concerning the above-captioned Rezoning Application. The Application is scheduled to be heard before the Planning Commission on October 5, 2010 and before the Board of Commissioners on October 19, 2010. Also, enclosed herein please find the requisite number of copies of a revised site plan dated September 3, 2010 being submitted with this letter. Please allow this revised site plan to replace the site plan submitted with the original application. The purpose of the revised site plan is to address several concerns raised by the County's professional staff at the Applicant's meeting.

With respect to the foregoing and consistent with the dialogue we have established with the County's professional staff, I have been authorized by the applicant to submit this letter of agreeable stipulations which, if the Rezoning Application is approved, shall become conditions and a part of the grant of the requested amendments to the rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. The rezoning of the subject property shall be in substantial conformity to that certain revised site plan prepared for Kingdom Hall of Jehovah's Witnesses Sweetwater

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Department
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- Congregation by Engineering Drafting Department dated September 3, 2010 which is being filed contemporaneously herewith.
3. The proposed use is for two (2) meeting halls for the Applicant's congregation. The first phase will be completed now, while the second phase will be constructed at a later date.
 4. Compliance with the following recommendations from the Cobb County Department of Transportation:
 - a. The installation of a deceleration lane, sidewalk, curb and gutter along the subject property's frontage on Pine Valley Road.
 - b. The voluntary donation and conveyance of right-of-way along Pine Valley Road necessary for the County to achieve thirty feet (30') of right-of-way to the center line.
 - c. The voluntary donation and conveyance of right-of-way along Brownsville Road necessary for the County to achieve fifty feet (50') of right-of-way to the center line (a ten (10') foot right-of-way dedication).
 - d. Waiver of the installation of sidewalk, curb and gutter along the subject property's frontage on Brownsville Road.
 - e. Waiver of the five (5) acre minimum lot size requirement for a place of worship due to Applicant's voluntary donation and conveyance of right-of-way.
 5. Any Entrance signage for the proposed use shall be ground-based, monument style, and in compliance with the Cobb County Code.
 6. Any parking area lighting shall be environmentally sensitive, low level, shoe box luminaries fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.
 7. The submission of a landscape plan during the Plan Review process subject to final review and approval by the Community Development Agency, including the following:
 - a. The installation of a 10' landscaped buffer along the northern property line.

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Department
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September 16, 2010

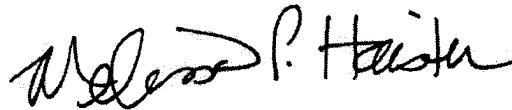
- b. The landscaped buffer will be planted with Leyland Cypress trees, or comparable species, staggered, spaced ten feet (10') apart on center.
 - c. All landscaped areas shall be perpetually maintained and any dead or irrevocably diseased vegetation shall be replaced as necessary.
 - d. All landscaped 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.
8. Minor modifications to the site plan, landscape plan, and this letter of agreeable stipulations/conditions may be reviewed and approved by the District Commissioner.

Please do not hesitate to contact me should you or your staff require further information or documentation prior to the Planning Commission or Board of Commissioners hearings.

With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Melissa P. Haisten
mhaisten@samslarkinhuff.com

MPH/snb
Enclosures

cc's continued on next page

SAMS, LARKIN & HUFF
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VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Department
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September 16, 2010

cc: Members, Cobb County Board of Commissioners – VIA E-Mail
Members, Cobb County Planning Commission – VIA E-Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail
Ms. Jane Stricklin, Development Services Manager, Cobb DOT – VIA E-Mail
Mr. David Breaden, P.E., Senior Stormwater Plan Reviewer – VIA E-Mail
Mr. Jason Campbell, Planner III – VIA E-Mail
Ms. Karen King, Deputy County Clerk –E-Mail
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail
Mr. Harry Floyd – VIA First Class Mail and E-Mail