



**APPLICANT:** Shirley Misad

(404)488-2728

**REPRESENTATIVE:** Shirley Misad

(404)488-2728

**TITLEHOLDER:** Manuel Guerrero and Shirley Misad

**PETITION NO:** Z-14

**HEARING DATE (PC):** 04-07-12

**HEARING DATE (BOC):** 04-17-12

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** R-30

**PROPERTY LOCATION:** On the southeast curve of Brownsville

Road, east of McEachern Way

(4885 Brownsville Road).

**PROPOSED USE:** Removing previous

stipulations to allow a single house

**ACCESS TO PROPERTY:** Brownsville Road

**SIZE OF TRACT:** 13.5 acres

**DISTRICT:** 19

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped acreage

with unfinished accessory structure

**LAND LOT(S):** 1118, 1177

**PARCEL(S):** 3

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/Single-family houses

**SOUTH:** R-30/Undeveloped residential acreage

**EAST:** R-20/Single-family house and Coolamber Forrest Subdivision

**WEST:** R-30/Single-family house

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

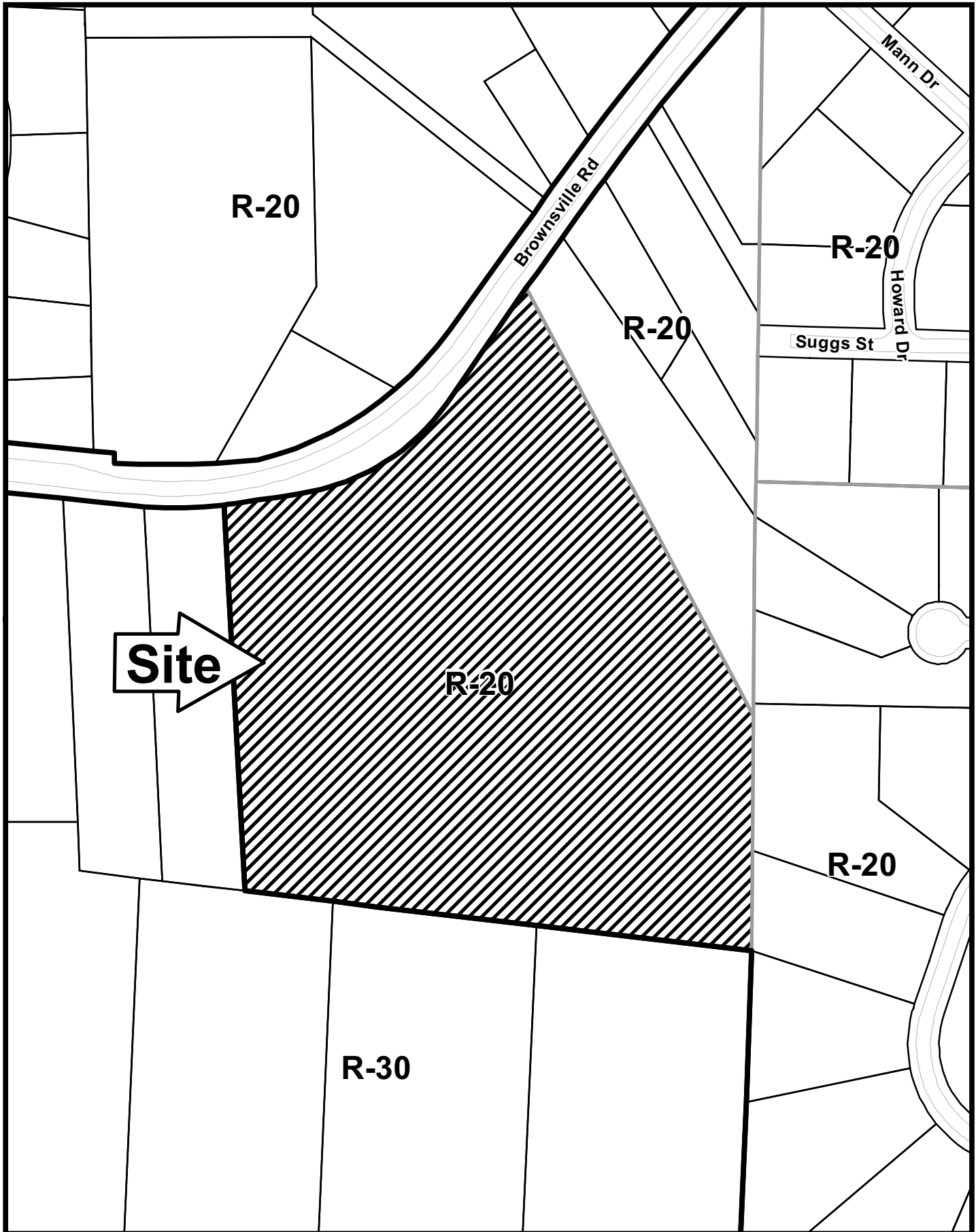
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

**STIPULATIONS:**



# Z-14



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

100 0 100  
Feet



City Boundary  
Zoning Boundary

APPLICANT: Shirley Misad

PETITION NO.: Z-14

PRESENT ZONING: R-20

PETITION FOR: R-30

\*\*\*\*\*

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Very Low Density Residential (0-2 Units/Acre)

Proposed Number of Units: 1 Overall Density: .074 Units/Acre

Present Zoning Would Allow: 20 (Z-15/2006) Units Decrease of: 19 Units/Lots

Applicant is requesting the R-30 zoning category in order to construct one single-family house on the 13.5-acre tract. The applicant purchased the property out of foreclosure. The property was previously rezoned to R-20/With Stipulations as part of Z-15 of 2006, minutes attached for your review. The stipulations of the previous case require the property to be developed for a 20-lot single-family subdivision with a density of 1.49 units per acre. The applicant wants to build one house for her primary residence.

Cemetery Preservation: No comment.

\*\*\*\*\*

PLANNING COMMENTS:

Comprehensive Plan

The parcel is within a Very Low Density Residential (VLDR) future land use category with R-20 zoning designations. The purpose of the VLDR category is to provide for areas that are suitable for very low density housing, particularly in locations which may not have basic services such as sewer, or where the existing or desired residential development pattern is zero to two (2) dwelling units per acre.

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 [x] No

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

Does the current site plan comply with the design requirements?

[ ] Yes [ ] No [x] Not applicable

APPLICANT: Shirley Misad

PETITION NO.: Z-14

PRESENT ZONING: R-20

PETITION FOR: R-30

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Elementary			
Middle			
High			

**Additional Comments:**

\*\*\*\*\*

**FIRE COMMENTS:**

Private Easements and Hydrant requirements for detached one and two family dwellings

- Driveway must have a minimum 12' driving surface width with minimum 25' inside turning radius.
- Fully developed landscaping shall be at least 7'0" from center of drive (14' clear width) and 13'6" vertical clearance. (Indicate on plan minimum setbacks).
- Maximum grade shall not exceed 18%.
- Driveway must extend within 150' of the most remote portion of the structure.
- Driveway is limited to 1000' maximum from roadway unless an approved turn-around is provided. (See note below.)
- Driveway must support 25 Tons (50,000 lbs.)
- Provide emergency access to all gates securing Fire Dept. access with a minimum 12'-0" clear width
- Hydrant within 500' of remote structure, minimum 6" main\*  
( Required Flow: 1000 gpm @ 20 psi)
- Fire Flow Test from closest existing hydrant\*  
( Required Flow: 1000 gpm @ 20 psi)

- \* An alternate equivalency for the above hydrant/flow test requirements, subject to approval by the Cobb County Fire Marshal's Office is one of the following:
  - 1.) NFPA 13D Sprinkler System
  - 2.) Complete structure treated with a Class-A Fire Retardant spray meeting a flame spread of 25 or less and smoke development of 450 or less.
  - 3.) Non-Combustible construction.

Note

-Dead-end access roads in excess of 1000 feet shall be provided with a turn-around. Residential cul-de-sac without island: 38-foot outside radius. Hammerhead turn-around: total of 120 feet needed (60 feet from center of drive).

APPLICANT Shirley Misad

PETITION NO. Z-014

PRESENT ZONING R-20

PETITION FOR R-30

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**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): **12" DI / S side of Brownsville Road**

Additional Comments: Existing residential water account

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: **3000' SE in Rosetrace Terrace**

Estimated Waste Generation (in G.P.D.): **A D F= 400 Peak= 1000**

Treatment Plant: **S Cobb**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drw 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 not available for proposed one single-family home  
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: Shirley Misad

PETITION NO.: Z-14

PRESENT ZONING: R-20

PETITION FOR: R-30

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**STORMWATER MANAGEMENT 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 \_\_\_\_\_.  
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 \_\_\_\_\_.

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**PETITION NO.: Z-14**

**PRESENT ZONING: R-20**

**PETITION FOR: R-30**

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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. No objection to returning zoning to R-30 for single estate-sized lot subject to compliance with Cobb County Code, Development Standards and applicable stormwater management requirements.



**APPLICANT: Shirley Misad**

**PETITION NO.: Z-14**

**PRESENT ZONING: R-20**

**PETITION FOR: R-30**

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**COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS**

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	11200	Arterial	45 mph	Cobb County	100'

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

**COMMENTS AND OBSERVATIONS**

Brownsville Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend one driveway for ingress and egress to the site. Additional driveways are subject to approval by Cobb County Department of Transportation.

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

## STAFF RECOMMENDATIONS

### **Z-14 SHIRLEY MISAD**

- 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. Adjacent and nearby properties are currently developed with single-family houses on large tracts of land, in addition to single-family subdivisions.
- 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 applicant is proposing one house, and not the 20 previously approved by the Board of Commissioners as part of Z-15 of 2006.
- 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 land use category with densities ranging from 0-2 units per acre.
- 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. Applicant's proposal is less intense that the previously approved zoning for the property. The property was previously approved for the development of 20 single-family houses and the applicant's proposal will decrease the number of houses by 19.

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

- Meet all requirements of the R-30 zoning category;
- 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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Application No. Z-14

April  
2012

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed selling prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

- a) Proposed use(s): \_\_\_\_\_
- 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)**

Purchased property out of foreclosure. It has zoning stipulations (Z-15 of 2006) for a 20 lot subdivision. We only want to build one house. Need to remove zoning stipulations to allow us to build.

.....  
**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).

\_\_\_\_\_  
\_\_\_\_\_

ORIGINAL DATE OF APPLICATION: 02-21-06APPLICANTS NAME: STEPHENS & ASSOCIATES, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 06-20-06 ZONING HEARING:**

STEPHENS & ASSOCIATES, INC. (James S. and Sue B. Cash, owners) requesting Rezoning from R-20 and R-30 to R-20 for the purpose of a Subdivision in Land Lots 1118 and 1177 of the 19<sup>th</sup> District. Located on the south side of Brownsville Road, east of McEachern Way.

The public hearing was opened and Mr. Kevin Moore addressed the Board. DOT representative, John Morey, was called forward to address sight distance questions. Following presentations and discussion, the following motion was made:

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

- site plan received by the Zoning Division December 1, 2005, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. Kevin Moore dated April 26, 2006, *not otherwise in conflict, with the following revisions:* (copy attached and made a part of these minutes)
  - Paragraph 6: change "hardi-plank type siding" to read "*hardi-plank accents on the front facade; hardi-plank siding allowed on side and rear facades*"
- installation of dry sewers
- Stormwater Management to approve placement of houses on the lots
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations, including stipulation that standards with respect to sight distance be met or that remedial measures be instituted to achieve appropriate sight distance
- DOT to have the final decision on location of the subdivision entrance, and any required changes/improvements to the roadway to be at applicant/developer expense
- 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. Blk. 42 Petition No. 2-15  
 Doc. Type Reduced site plan  
 YEC# 12-1-2005  
 Meeting Date June 20, 2006

Site Engine  
 2700 N. Hwy 100  
 P.O. Box 100  
 Mooresville, NC 28115  
 CONTACT:  
 Phone: 704.666.1111  
 Fax: 704.666.1112  
 E-Mail: info@siteengine.com

REZONING PLAN FOR  
**BROWNS SUB 15-Z**  
 CAD  
 COUNTY, GEORGIA  
 LAND LOT 1118 & 1177/19th DIS

PREPARED FOR  
 STEPHENS INC  
 110 E. STATE ST. #10  
 DALLAS, TX 75201  
 (772) 488-0877  
 24 HR. CONTACT  
 BROWNS SUB 15-Z  
 (772) 488-0877

Z-14 (2012)  
 Previous Minutes



LEGEND

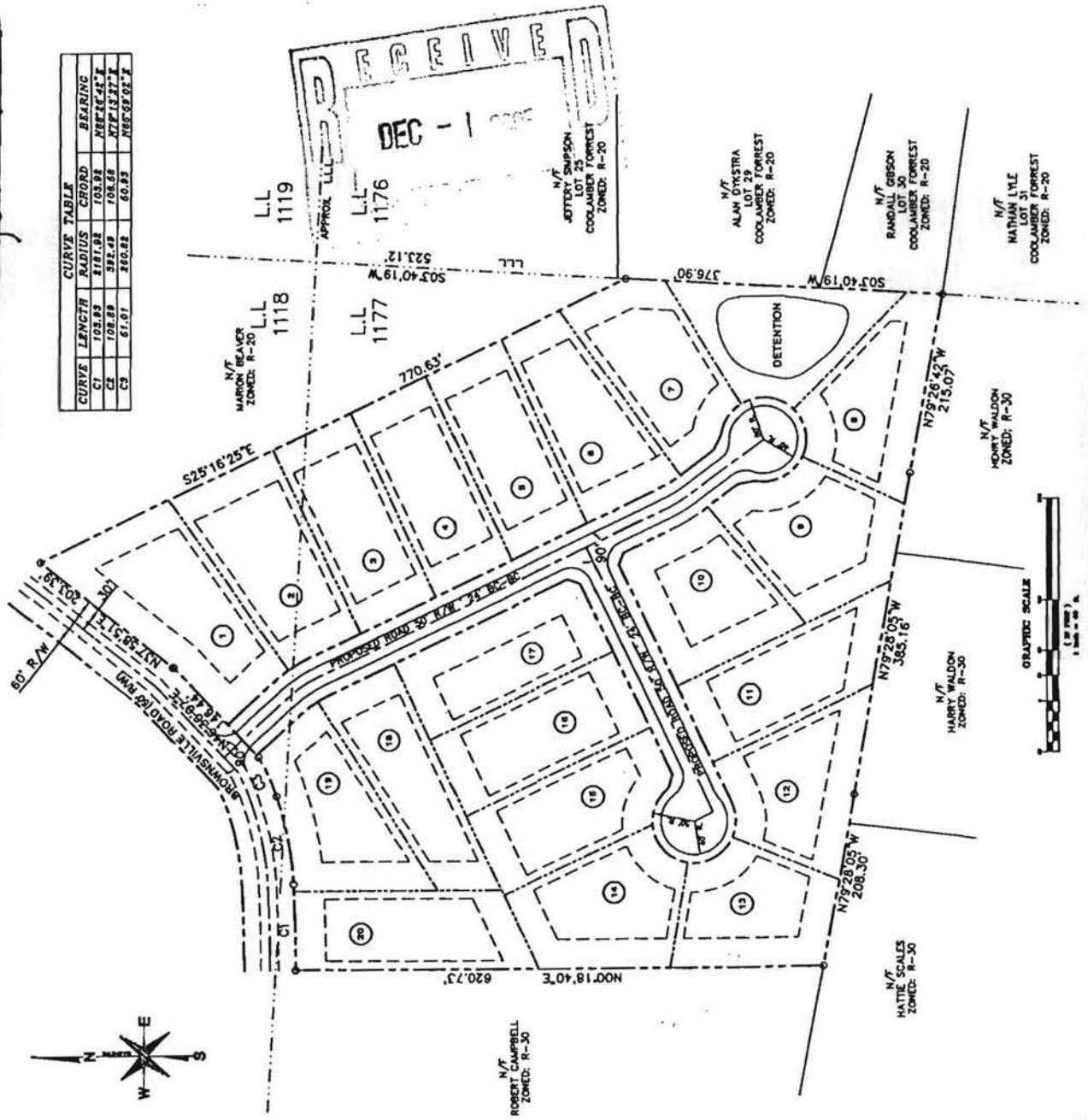
- PROPERTY CORNER
- PROPERTY LINE/ARY
- PROPOSED LOT LINES
- PROPOSED NETWORK
- CA of PROPOSED ROAD
- PROPOSED BACK OF CURBING
- EXISTING ROAD
- LAND LOT LINE

SITE NARRATIVE

1. BACKGROUND INFORMATION FROM MEMORANDUM PROVIDED BY CAROLAN MARETHAN AND ASSOCIATES DATED MAY 24, 2005.
2. OWNER/DEVELOPER: STEPHENS INC ASSOCIATES 170 DOWNS MILL DRIVE SUITE # 401 DALLAS, TX 75207 (772) 488-0877 24 HR. CONTACT: BROWNS SUB 15-Z (772) 488-0877
3. ENGINEER: SITE ENGINEERS, P.C. 2700 N. HWY 100 MOORESVILLE, NC 28115 (772) 488-0877 CONTACT: JONATHAN JONES, P.E.
4. TOTAL SITE AREA = 13.56 ACRES TOTAL NUMBER OF LOTS = 20 PROPOSED LOT AREA = 1.15 ACRES IMPROVED LOT AREA = 1.15 ACRES IMPROVED LOT AREA = 1.15 ACRES
5. PROPOSED ZONE: R-30
6. EXISTING ZONE: R-30
7. THE PROPERTY LIES WITHIN THE 15' SETBACK AS REQUIRED BY THE ZONING MAP. THE PROPERTY LIES WITHIN THE 15' SETBACK AS REQUIRED BY THE ZONING MAP. THE PROPERTY LIES WITHIN THE 15' SETBACK AS REQUIRED BY THE ZONING MAP.
8. NO EXISTING, HISTORICAL, OR ARCHITECTURAL SITES EXIST ON THE SITE.
9. NO LINES, STRUCTURES, POLES, NETWORKS OR OTHER DISTURBANCES ON THE SITE.
10. DECISION TO BE PROVIDED BY 1 COUNCILOR POOL.

CURVE TABLE

CURVE	LENGTH	RADIUS	CHORD	BEARING
C1	103.83	1181.92	103.91	N75°14'17" E
C2	108.89	392.48	108.65	N75°14'17" E
C3	61.01	260.82	60.85	N68°02'01" E



# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

Z-14 (2012)  
Previous Minutes

JOHN H. MOORE  
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ROBERT O. JOHNSON  
J. BRIAN O'NEIL  
G. PHILLIP BEGG  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
JERE C. SMITH  
CLAYTON O. CANNACK  
KEVIN B. CARLOCK  
ALEXANDER T. GALLOWAY III  
J. KEVIN MOORE  
ROONEY R. MCCOY  
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HARRY R. TEAR III  
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TANYA L. CROSSE  
ROBERT W. BROWN II  
VICTOR P. VALMUS  
JEFFERY L. DICKERSON  
I. SHANE MAYES

192 ANDERSON STREET  
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499  
TELECOPIER (770) 429-8631

BILLING ADDRESS  
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE  
CEDAR RIDGE OFFICE PARK, SUITE 463  
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039  
TELECOPIER (865) 692-9071

ANGELA H. SMITH  
OPHELIA W. CHAN  
DARRELL L. SUTTON  
KASI R. WHITAKER  
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BRETT A. MILLER

KAREN S. KURTZ  
CHRISTOPHER C. MINGLEDORFF  
MORGAN E. FOSTER  
KATHERINE G. CRONE  
RYAN E. JARRARD  
ANNE A. HAMMENECKER  
JAMES D. BUSCH

OF COUNSEL:  
JOHN L. SKELTON, JR.

1 ALSO ADMITTED IN TN  
2 ALSO ADMITTED IN FL  
3 ALSO ADMITTED IN NC  
4 ADMITTED ONLY IN TN

April 26, 2006

Min. Bk. 42 Petition No. Z-15  
Doc. Type Letter of agreeable  
conditions dated April 26, 2006  
Meeting Date June 20, 2006

Hand Delivered

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

RE: Application for Rezoning

Application No.: Z-15 (2006)

Applicant: Stephens & Associates, Inc.

Property Owners: Sue B. Cash and James S. Cash

Property: 13.58 acres at 4885 Brownsville  
Road, Land Lots 1118 and 1177,  
19<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia

Dear John:

The undersigned and this firm represent Stephens & Associates, Inc., the Applicant (hereinafter referred to as "Applicant"), and Sue B. Cash and James S. Cash, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning regarding a total tract of 13.58 acres located at 4885 Brownsville Road, Land Lots 1118 and 1177, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, reviewing the staff comments and recommendations, meetings with area residents and homeowners associations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become

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Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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Petition No. 2-15  
Meeting Date June 22, 2006  
Continued

a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full that certain letter of agreeable stipulations and conditions dated and filed February 1, 2006. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the R-30 zoning category to the R-20 zoning category, with reference to that certain revised Rezoning Plan prepared for Stephens & Associates, Inc. by Elite Engineering, Inc. dated November 30, 2005.
- (3) The Subject Property consists of 13.58 acres of total site area and shall be developed for a single-family residential community.
- (4) The proposed residences shall have a minimum of 2,200 square feet, or greater, of heated and cooled living area.
- (5) The proposed residences shall be traditional in style and architecture.
- (6) The exterior facades of the residences to be constructed within the proposed residential community shall be brick, stone, stacked stone, hardi-plank type siding, stucco-type finish, or combinations thereof.
- (7) All front and side yards of the proposed residences shall be sodded.
- (8) Signage for the proposed community shall be ground-based, monument style.



MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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Petition No. Z-15  
Meeting Date June 29, 2006  
Continued

- (9) The entrance area to the proposed residential community shall be professionally designed, landscaped, and maintained.
- (10) Applicant agrees to the creation of a mandatory homeowners association consistent with up-scale communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, entrance areas, and common landscaped areas contained within the single-family community.
- (11) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the single-family residential community.
- (12) The stormwater management area shall be fenced and professionally landscaped. The landscaping shall be approved by the Cobb County arborist during the plan review process.
- (13) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

We believe the requested zoning, together with the Rezoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area surrounding the proposed development. The proposed residential community shall be a

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Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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Petition No. Z-15  
Meeting Date June 20, 2006  
Continued

quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Cobb County Board of Commissioners:  
Samuel S. Olens, Chairman  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
Tim Lee

Cobb County Planning Commission:  
Murray Homan, Chairman  
Judy Williams  
Bob Hovey  
Christi S. Trombetti  
Bob Ott

James Cavedo  
Mableton Improvement Coalition

Clarice Barber Page  
Southwest Austell Neighbors

Robin Meyer  
Area Resident

Stephens & Associates, Inc.

APPLICANT: Stephens & Associates, Inc.

PETITION NO.: Z-14

PRES E N T Z O N I N G : R-20, R-30

P E T I T I O N F O R : R-20

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**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Powder Springs Elementary</u>	<u>                    </u>	<u>Capacity</u>	<u>1</u>
<u>Cooper</u>	<u>                    </u>	<u>Capacity</u>	<u>0</u>
<u>Middle McEachern</u>	<u>                    </u>	<u>Severe</u>	<u>17</u>
<u>High</u>			

**Additional Comments:**

As of today, we are redistricting for McEachern High School. Approval of this density adjustment may cause some overcrowding at Powder Springs Elementary.

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**FIRE COMMENTS:**

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

**Standard comments:**

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Provide access for Fire and Police Department through Cobb County. If access is outside the boundaries of Cobb County, then an intergovernmental agreement would be required prior to any permitting.
3. Fire apparatus access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor IFC 503.1 2003 Edition. All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20-feet, 25-foot inside turning radius, 50-foot outside turning radius and unobstructed vertical clearance of not less than 13-feet 6 inches. Dead-end access roads in excess of 150-feet shall be provided with a turn-around IFC 503.2.5 2003 Edition. Cul-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-foot wide roadway + 45-feet).

**Additional Comments:**

APPLICANT Stephens & Associates, Inc

PETITION NO. Z-015

PRESENT ZONING R-30

PETITION FOR R-20

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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): 12" DI/S side Brownsville Rd

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.

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**SEWER COMMENTS:**

In Drainage Basin?  Yes  No  
At Development?  Yes  No

Approximate Distance to Nearest Sewer: Over 2 miles

Estimated Waste Generation (in G.P.D.): A D F 8,000 Peak 20,000

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 responsibility of the Developer.

Additional Comments:

Sewer (dry) extension by developer required to upper & lower property lines. Lots must be at least 21,780 SF to meet Health Dept minimum requirements.

CCWS has first phase of Sweetwater Creek sewer extension in progress, but extension here is years away

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: Stephens & Associates, Inc.

PETITION NO.: Z-15

PRESENT ZONING: R-30

PETITION FOR: Z-15

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED  
Tributaries to Sweetwater Creek

DRAINAGE BASIN: \_\_\_\_\_ 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 stream bank 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 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.

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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 for Western one-third- 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 terrain is cut by series of ridges such that:
  - \*Rears of Lots 1-4 drain easterly into residential yard;
  - \*Rears of Lots 14, 15, 18, 19 plus all Lot 20 drain westerly into residential yard;
  - \* Fronts of Lots 14, 15 plus all of Lots 11-13 drain southerly into residential lots (estate size, unbuilt); and
  - \*Remainder drains to detention shown and then into subdivision residential yards (Coolamber Forest Subdivision

There are no well defined water courses to receive increased flows with possible exception of below proposed detention but that runs in the yard between two houses in a established subdivision.  
The tract is heavily wooded. Ground slopes run 5% to 33%. Lot 8 appears to be the only one encumbered by slopes over 25%.
- 2) One possible way to accommodate this plan would be to force all improvement runoff from all lots into the street drainage system and to the proposed detention. This would substantially increase the volume of runoff impacting Coolamber Forest Subdivision, thereby, requiring a substantial reduction in the detention release rate and substantial enlargement of the detention. Lot 20 may be lost.  
Alternately, locating a second detention facility at Lot 12 and bringing post-project runoff from Lots 11-15 plus 20 to the second detention.  
Either way clearing and grading would be massive and not supported by regulations. Either the plan must be changed and/or provided with more detail now, or, great latitude for review and change granted to Plan Review.

Z- 15 – February 2006

- 3) The wooded nature of this tract provides significant benefits of air/water quality improvement, storm flow mitigation, and soil stabilization to the property owners in the area and downstream. Anticipate major reduction in trees as result of construction and loss of these benefits. To compensate, the First Flush Water Quality-Best Management Practice Requirements must be raised to at least the 1.5 inch rainfall and each larger event release be controlled not to exceed the allowable rate of flow of the next lower event. (id: 5-year storm release at 2-year rate; 10-year storm at 5-year rate; etc. to 100-year storm at 50-year rate.)
- 4) Recommend limiting grading to roadways and building pads plus front yard only to reduce sediment losses. Reducing front setback to 25 feet would help by moving houses closer to street and reducing required grading.

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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	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Brownsville Road	11991	Arterial	45 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT.

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.

Install sidewalk, curb and gutter along the road frontage.

As necessitated by this development for egress from Brownsville Road a minimum 150' deceleration lane will be required.

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

Recommend installing sidewalk, curb and gutter along the road frontage.

Recommend a minimum 150' deceleration lane.

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