

Z-53  
(2012)

BK: 145  
JHT C. ST  
CLERK OF SUPERIOR COURT COBB CO. GA.

09023.DWG

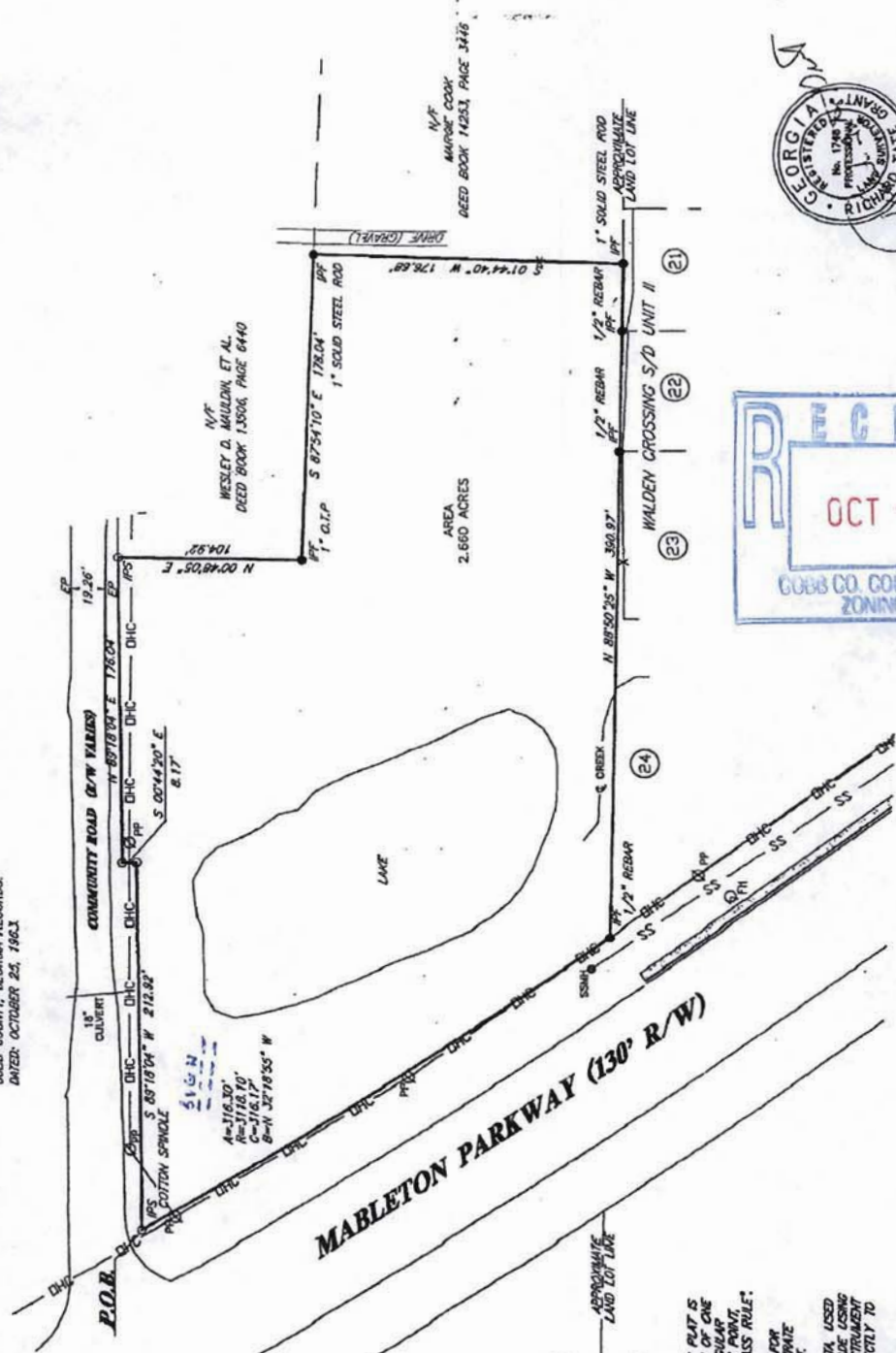


GRID - GA WEST  
ZONE  
NAD 83

- REFERENCE DOCUMENTS:**
1. GEORGIA DOT R/W PLANS 11-9018(S), DATED: 10-24-1984 LATEST REVISION: 08-10-1988
  2. SUBDIVISION PLAT FOR WALDEN CROSSING, UNIT II BY MARISE J. HENSLEY, DATED: NOVEMBER 13, 1998, REVISED: NOVEMBER 24, 1998.
  3. WARRANTY DEED RECORDED AT DEED BOOK 731, PAGE 121, COBB COUNTY, GEORGIA RECORDS. DATED: OCTOBER 23, 1963.

**LEGEND**

ALA	ALSO KNOWN AS
FP	IRON ROD PIN
IP	IRON PIPE FOUND (1/2" REBAR U/LG.)
IP	IRON PIPE SET (1/2" REBAR & CIV U/LG.)
U.L.	LAND LOT LINE
PP	PIPE POWER POLE
U.L.G.	UNLESS NOTED OTHERWISE
G.C.	GRID CONTROL
G.A.C.	GRID ADJUSTED CONTROL
R/W	RIGHT-OF-WAY
R/W-F	CONCRETE R/W MARKER FOUND
N/P	NOT ON PROPERTY
U.L.G.	UNLESS NOTED OTHERWISE



SURVEY OF PROPERTY FOR  
**DAVID ARNOLD**  
LAND LOT 189, \* 18TH DISTRICT \* 2ND SECTION  
COBB COUNTY, GEORGIA  
DATE: NOVEMBER 6, 2009  
SCALE: 1" = 50'

PREPARED BY  
**TATE ENGINEERING AND SURVEYING, INC.**  
5825-A HILBERRY STREET, S.W.  
AUSTELL, GEORGIA 30168  
PH: (770) 732-0270 FAX: (770) 732-0468

**SURVEY NOTES:**

1. THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 1,500 FEET AND AN ANGULAR ERROR OF 1.5 SECONDS PER STATION. THE PLAT AND THIS ADJUSTED USING COMPASS RULE.
2. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE WITHIN ONE FOOT IN 187,544 FEET.
3. THE MEASUREMENTS FOR FIELD DATA USED IN THIS SURVEY WERE MADE USING AN ELECTRONIC TOTAL STATION INSTRUMENT TO 700000 (0.5"-110" READING DIRECTLY TO 5 SECONDS.

**NOTES:**

1. UTILITY LOCATIONS ARE FROM FIELD OBSERVATION AND/OR DOCUMENTATION FURNISHED BY THE OWNER AND/OR THE ENGINEER. THE ENGINEER'S RESPONSIBILITY FOR THE COMPLETENESS OF THE UTILITIES IS LIMITED TO THE INFORMATION RECEIVED AND IS NOT GUARANTEED BY TATE ENGINEERING & SURVEYING, INC.
2. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A CURRENT TITLE REPORT. ENCUMBRANCES OR OTHER ENCUMBRANCES MAY EXIST ON PUBLIC RECORD BUT ARE NOT SHOWN HEREON.

3. CURRENT ZONING-PA-5 \*\*  
FRONT: 15'  
SIDE: 5'  
REAR: 30'

**FLOOD NOTE:**  
THE SUBJECT PROPERTY IS NOT LOCATED IN AN AREA IDENTIFIED AS A SPECIAL FLOOD HAZARD, PER FLOOD INSURANCE RATE MAP NUMBER 17060C-0219B, INCORPORATED REELS, COB COUNTY, GA. LANDS-0219B MAP AND ADJACENT AREAS, EFFECTIVE DATE: DECEMBER 18, 2008. MAPS WERE CHECKED FOR SUBJECT PROPERTY BY GEOMATICS PLOTTING ONLY. SUBJECT PROPERTY APPEARS TO BE IN ZONE X.

NO.	DATE	REVISIONS	DESCRIPTION

**APPLICANT:** New Life Missionary Baptist Church  
770-948-2495

**REPRESENTATIVE:** Ronald McCrary  
770-948-2498

**TITLEHOLDER:** New Life Missionary Baptist Church of  
Mableton, Inc.

**PROPERTY LOCATION:** Southeast corner of Mableton Parkway and  
Community Road  
(371 Community Road).

**ACCESS TO PROPERTY:** Community Road

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant property  
with a pond

**PETITION NO:** Z-53

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

**HEARING DATE (BOC):** 12-18-12

**PRESENT ZONING:** RA-5

**PROPOSED ZONING:** O&I

**PROPOSED USE:** Church Activities  
and LED Sign

**SIZE OF TRACT:** 2 .66 acres

**DISTRICT:** 18

**LAND LOT(S):** 189

**PARCEL(S):** 29

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** RA-5/Undeveloped Property owned by Church
- SOUTH:** RA-5/Walden Crossing Subdivision
- EAST:** RA-5/Single-family house and Undeveloped Parcel
- WEST:** GC/Carwash and PSC/Retail Center

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

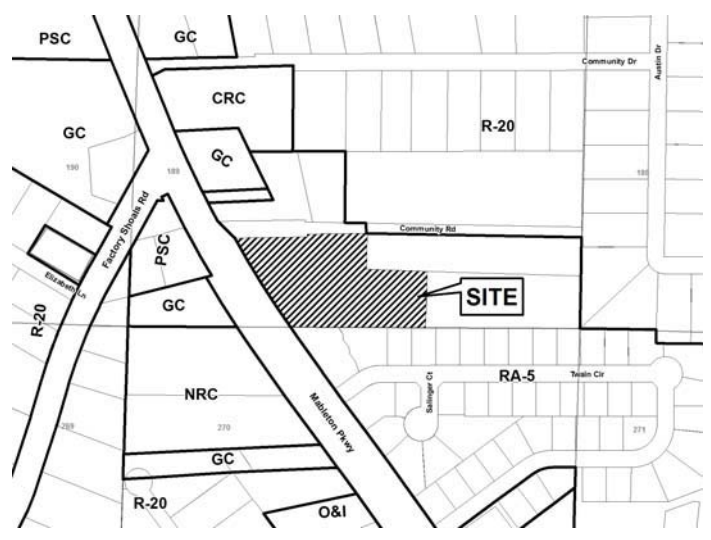
**BOARD OF COMMISSIONERS DECISION**

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

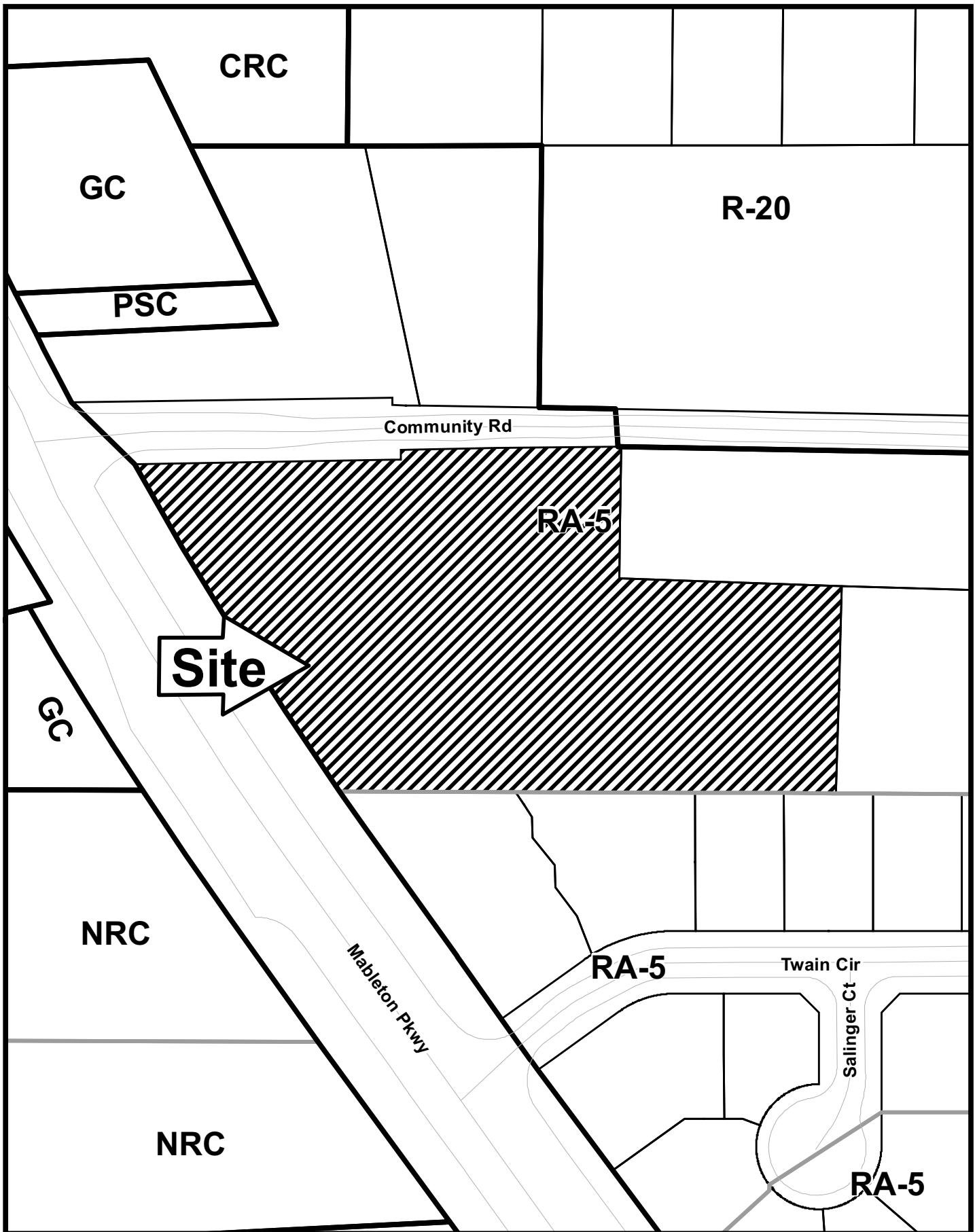
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

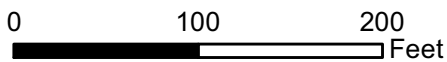
**STIPULATIONS:**



# Z-53



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



- City Boundary
- Zoning Boundary

**APPLICANT:** New Life Missionary Baptist Church

**PETITION NO.:** Z-53

**PRESENT ZONING:** RA-5

**PETITION FOR:** O&I

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**ZONING COMMENTS:**

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

**Land Use Plan Recommendation:** Low Density Residential (LDR) 1-2.5 units per acre

**Proposed Number of Buildings:** 0 **Total Square Footage of Development:** 20

**F.A.R.:** .00017 **Square Footage/Acre:** 7.5

**Parking Spaces Required:** 0 **Parking Spaces Provided:** 0

Applicant is requesting the Office and Institutional (O&I) zoning category in order to erect a 100 square-foot monument sign for the church. The rendering of the proposed sign is attached to this analysis and indicates a sign area of 40 square feet on the overall monument. The O&I zoning category is needed in order to erect a sign this size, as well as meeting the requirement that this type of sign must be in a commercial zoning category. The actual church building is located a little further down Community Road. The subject property will also be used for church activities such as games, cookouts, outside spring and fall services, etc. The subject property was rezoned from GC and R-20 to RA-5 to a site plan as part of Z-175 of 2005 (minutes attached).

**Cemetery Preservation:** No comment.

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**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: New Life Missionary Baptist Church

PETITION NO.: Z-53

PRESENT ZONING: RA-5

PETITION FOR: O&I

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from RA-5 to O&I for purposes of LED sign and church activities. The 2.66 acre site is located on the southeast corner of Mableton Parkway and Community Road. (371 Community Road)

Comprehensive Plan

The parcel is within a Low Density Residential (LDR) future land use category with RA-5 zoning designation. The purpose of the LDR category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) 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             No

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

Does the current site plan comply with the design requirements?

APPLICANT New Life Missionary Baptist Church

PETITION NO. Z-053

PRESENT ZONING RA-5

PETITION FOR O&I

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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): 6" AC / N side of Mableton Parkway

Additional Comments: No proposed building or need for service

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:** 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: At SW property corner in ROW

Estimated Waste Generation (in G.P.D.): **A D F** 0 **Peak=** 0

Treatment Plant: **South Cobb**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Comments: No proposed building or need for service

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: New Life Missionary Baptist Church

PETITION NO.: Z-53

PRESENT ZONING: RA-5

PETITION FOR: O&I

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Queen 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: within and adjacent to onsite lake

- 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 system (54-inch RCP Culvert).

APPLICANT: New Life Missionary Baptist Church

PETITION NO.: Z-53

PRESENT ZONING: RA-5

PETITION FOR: O&I

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**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This site is currently undeveloped, but has a small existing pond located along its frontage with Mableton Parkway. The pond appears to be spring-fed since it has a bypass channel around most of its perimeter. The pond area is in need of maintenance and cleanup. The bypass channel through the site has been filled with brush and tree clippings which must be removed. The pond dam does not appear to have adequate spillway capacity since a head cut has eroded approximately 1/4 of the way through the dam. These maintenance issues must be addressed as soon as possible.
2. If any improvements are proposed in this parcel, then the dam must be brought up to Cobb County Development Standards.





## STAFF RECOMMENDATIONS

### **Z-53 NEW LIFE MISSIONARY BAPTIST CHURCH**

- 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 church's building is located on Community Road and the only use being proposed is the addition of the sign along with church activities on this vacant.
- 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 church's developed property on Community Road can provide parking for the seasonal outdoor activities that are planned on the subject property.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Low Density Residential (LDR) zoning category, with densities ranging from 1-2.5 units per acre. While the *Cobb County Comprehensive Plan* does not support the requested O&I zoning category, it is staff's opinion that the proposed use will not result in a use that will be burdensome on the surrounding properties. The church actually owns two of the parcels across Community Road from the subject property – one is the parcel on which the church building is located and the other is a vacant lot.
- 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 church has been located on Community Road for some time now and the church is one of two property owners accessing on Community Road. The proposed use of a sign and an outdoor recreational/seasonal service area will propose less of an impact on the surrounding area than the RA-5 subdivision that was approved for the subject property in 2005 as part of Z-175.

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

- Only the proposed uses of a sign and outdoor recreational/seasonal service locations for the church;
- Sign rendering attached to this analysis;
- Maintain the required 50-foot landscaped or natural screening buffer abutting residentially zoned properties;
- District Commissioner to approve minor changes;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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

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Application No. Z-53

Dec. 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): Non-residential - Church activities-games
- b) Proposed building architecture: COOK OUTS, OUTSIDE SPRING, FALL SERVICES etc. LED SIGN
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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

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

**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).

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



Official Sign Company for  
SOUTHERN BAPTIST  
CONVENTION



6' Man

2' 8"  
TekStar 20mm 24x112 5'x8'

Cabinet: 5' x 8'  
Mount: 1 Custom (7' 6" x 2' 8")

Cabinet Color: Holly Green  
Face Color: Holly Green  
Line Color: White

Fonts: Opificio, Murray Hill  
Logos: line, 7506061\_Green, square, VBS\_24

**Stewart**  
AMERICA'S PREMIER SIGN COMPANY  
1-800-237-3928

**ORIGINAL DESIGN DO NOT DUPLICATE**

DUE TO THE PHYSICAL LIMITATIONS OF THE PAPER AND INK-BASED PRINTING PROCESS THIS CUSTOM ARTWORK IS NOT INTENDED TO PROVIDE AN EXACT MATCH BETWEEN INK, VINYL, PAINT, OR LED COLOR. ARTIST'S RENDITION OF BRICKWORK, MASONRY AND LANDSCAPING IS NOT INCLUDED IN THE PROPOSAL. ALL MEASUREMENTS SHOWN ARE APPROXIMATIONS; DIMENSIONS OF FINAL PRODUCT MAY VARY.

APPROVED AS SHOWN.

X \_\_\_\_\_ DATE \_\_\_\_\_ 1. \_\_\_\_\_

APPROVED WITH LISTED CHANGES. \_\_\_\_\_ 2. \_\_\_\_\_

X \_\_\_\_\_ DATE \_\_\_\_\_ 3. \_\_\_\_\_

ORIGINAL DATE OF APPLICATION: 10-18-05APPLICANTS NAME: RONALD A. LINDSEYTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 12-20-05 ZONING HEARING:**

**RONALD A. LINDSEY** (Ronald A. Lindsey, James K. and Bonnell Cook and Michael Walker, owners) requesting Rezoning from **GC** and **R-20** to **RA-5** and **NRC** for the purpose of Retail and Residential in Land Lot 189 of the 18<sup>th</sup> District. Located on the east side of Mableton Parkway, south of Community Drive and on the north and south sides of Community Road.

**MOTION:** Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **NRC** and **RA-5 (detached)** zoning district **subject to:**

- *revised* site plan received by the Zoning Division November 23, 2005, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. Jim Cavedo, Mableton Improvement Coalition dated November 25, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)
- minimum 1,850 square feet heated living space
- landscaping to be approved by the County Arborist
- safety of dam to be determined by Stormwater Management staff at plan review with Applicant/Developer to make corrections as needed to bring it into compliance with County standards prior to the start of any construction
- homeowner association to be responsible for maintenance of the dam and detention pond(s); deed for each lot to contain a recital reflecting responsibility for said maintenance
- no vehicles to be parked on NRC property containing advertisement for any business
- District Commissioner to approve building architecture for building(s) on the NRC property
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- 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

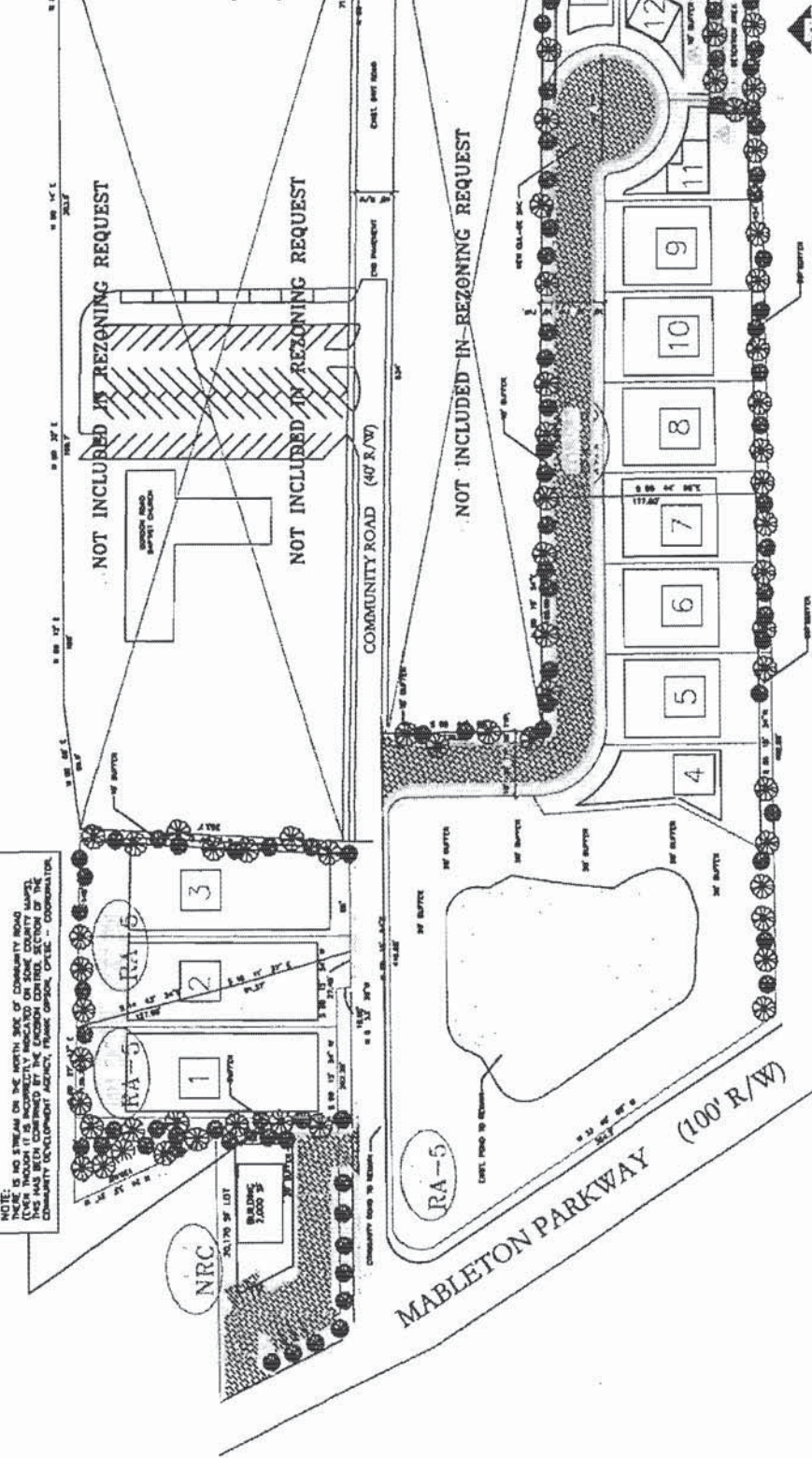
Cobb County, Georgia  
Gordon Road

**CBA**

Site Plan  
C.I.

Min. Bk. 39 Petition No. Z-175  
 Doc. Type Site Plan  
 Meeting Date 12/20/05

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NOTE: NO STRIPES ON THE NORTH SIDE OF COMMUNITY ROAD (THE STRIPES ON THE SOUTH SIDE OF COMMUNITY ROAD HAS BEEN CHANGED BY THE ENGINEER CONTROL SECTION OF THE COMMUNITY DEVELOPMENT AGENCY, PUBLIC OPION, CHIEF - COORDINATOR.

NO.	DATE	DESCRIPTION	BY
1	11/17/05	PRELIMINARY PLAN	...
2	11/17/05	...	...
3	11/17/05	...	...
4	11/17/05	...	...
5	11/17/05	...	...
6	11/17/05	...	...
7	11/17/05	...	...
8	11/17/05	...	...
9	11/17/05	...	...
10	11/17/05	...	...
11	11/17/05	...	...
12	11/17/05	...	...
13	11/17/05	...	...

- Proposed Zoning Site Plan
- 11/17/05: REVISION 1: CORRECTED LOT 4 NUMBER IN LINE OF LOT, PROPERTY INCLUDES LOT 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

Site Data:  
 General: Commercial A & B 2B  
 Proposed Zoning: NRC (RA-5) (Site Plan Specific)  
 Total Lot Area: 100,000 sq. ft.  
 Density: 200 Units/Acre for RA-5  
 Building Setback (Site Plan Specific): 10'  
 Street: Mableton Parkway  
 Notes: Squares and rectangles within 600 sq. ft. of area. These are not intended to delineate actual lot lines of areas.

NOV 23 2005  
 REVISIONS

Min. Bk. 39 Petition No. Z-175  
Doc. Type Letter of agreeable  
Stipulations  
Meeting Date 12/20/05



FILED WITH COUNTY CLERK THIS 6<sup>th</sup> DAY  
OF Dec 2005 BY Robin Meyer  
RE Z-175  
Chail K. Duff  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

November 25, 2005

Ronald Lindsey  
Via email to: Ronald\_lindsey55@yahoo.com

Frank C. Blanton, AIA  
Chamberlain Blanton Associates – Architects  
Via email to: cbaa@bellsouth.net

Dear Mr. Lindsey and Mr. Blanton:

RE: Application of Ronald Lindsey to Rezone an 11.7 Acre Tract at Land Lot 189  
in the 18th district from GC/R-20 to NRC, RA-5 (case No. Z-175)

Thank you for meeting with us to discuss the re-zoning application referenced above. While we are pleased to see a detached, single family residential use for the property, we believe that it will be challenging to market these homes, some of which are not sheltered from the effects of the highway and surrounding substandard uses. Therefore, the quality and curb appeal of this development is especially important. At MIC, we work hard to help create communities and neighborhoods in Mableton. Creating your development in a way that integrates it into the surrounding neighborhood as much as possible is very important.

We appreciate your willingness to forgo the use of your NRC-zoned parcel for retail use. The very small size of this building and its proximity to the homes you are building make retail use problematic. We encourage you to pursue the office condominium concept that you described, realizing, however, that such offices could not be used for the sale or distribution of goods.

Based upon our meeting November 25 and the plans you provided at that time, we would like to see the following stipulations:

For the entire project:

- Sidewalks, curb and gutter will be installed along the Mableton Parkway frontage, along your frontage on Community Drive and along one side of the new streets you are building.
- You agree to notify MIC of any request to modify these stipulations at least two weeks prior to the Board of Commissioner's meeting at which the modification will be considered.
- All detention ponds, except the existing spring-fed pond at the corner of Mableton Parkway and Community Drive, are to be bordered by green chain-link fencing along which will be placed sufficient plant material to screen the fence and the ponds from view. This landscaping will be maintained by a professional, third-party contractor.

For the parcel identified as "Lot A" on your plans and designated as NRC:

General:

- The existing structure will be demolished within 90 days of receipt of issuance of a building permit for any residential structure in this development. We encourage you to demolish the building as soon as possible, well before this deadline. As we all agreed, it is an eyesore and creates a bad impression of the area.
- The trash dumpster will be placed near the property line of the adjoining commercial property if it can be set behind the corner of your building. If this is not possible, it will be placed behind



the corner of the building along the boundary between the parcel to be zoned NRC and first house. In either case, it will be hidden from view by a wooden or metal enclosure style complementary to the building. The doors on this structure must be kept closed at all times, unless trash is being added to or removed from the enclosure.

- All lighting must be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the commercial property.

#### Transportation

- No trucks accessing the commercial building are allowed to park or stand on Community Drive at any time.

#### Structure:

- Must be 4-sided brick or stone.
- Roof line must be peaked, faux gable, and not flat. Any roof mounted equipment must be shielded from view from the ground.

#### Landscaping

- Trees, shrubbery, ground cover and grass must be used along the planted areas between the parking lot and the street and in any islands in the parking lot. Large expanses of mulch are not acceptable.
- All landscaping must be maintained by a professional, third-party contractor.

#### Signage

- Only one sign per business may be placed on the building and that sign may state only the business name.
- The parcel may have only one sign on Mableton Parkway and none on Community Road.
- The sign on Mableton Parkway must be of the same color and design as the sign(s) on the building, must be monument style, matching the look and feel of the design of the structure, have no metal poles exposed and not exceed 10 feet in height.
- No placards, signs or writing on the glass is allowed in the windows of the building.
- Banners may be used only to announce grand openings or special sales, and, in total banners may not be displayed for more than 60 days in any calendar year.
- No flashing lights are allowed.

#### Prohibited Uses

- Retail sales of any kind, including specifically liquor stores, adult entertainment, pawn shops, tattoo parlors, auto sales, checking cashing establishments, art frame sales, gun sales, knife sales, weapons sales, shooting ranges, thrift stores, second hand stores, or flea markets.
- Wholesale sales or distribution

#### For the parcels identified as "Lot A, B, D and F" on your plans and designated as RA-5:

##### General:

- A mandatory homeowners association will be formed.
- A ground mounted sign with the development's name will be placed at the corner of Community Drive and Mableton Parkway. The sign will have landscaping maintained by a professional, third-party contractor.
- The land around the pond on Lot D must be maintained by periodic mowing and litter removal. A professional, third-party contractor must be used for this work.
- The 50-foot buffer around the pond on Lot D will not be encroached upon during any construction activity.
- Any fencing around the pond on Lot D shall be in keeping with the style of the sign and the homes, and shall not be chain link of any color.

##### Structures:

Petition No. Z-175  
Meeting Date 12/20/08  
Continued

Z-53 (2012)  
Previous Minutes

- All homes must be of a style compatible with the McCar RA-5 development on the eastern side of your property.
- All houses must have brick or stone fronts, and the houses built on lots 1, 3 and 4 must have the same exterior materials on the front and both sides so as to present a pleasing appearance from Community Drive.
- All houses must have 2 car garages, which may not be converted to living space unless additional garage spaces are built.
- All houses must have a minimum of 2,000 square feet of heating living space, with the exception of the house on Lot 11.

If your plans change prior to the hearing on December 6, please notify us immediately. Significant changes to your plans or your application will invalidate the stipulations contained in this letter. Similarly, information published by the county as part of their zoning analysis may bring to our attention issues which will need to be addressed as part of these stipulations.

Please contact Robin Meyer at (770)948-5394 or robinmeyerga@yahoo.com and let her know if you agree with these stipulations or if you would like to discuss any of them. After we hear from you, but no later than Tuesday, November 29, we will forward our stipulations to the Planning Commission.

Again, thank you for working with the Mableton Improvement Coalition in the planning for your development.

Regards,  
Jim Cavedo  
President  
Mableton Improvement Coalition

APPLICANT: Ronald A. Lindsey

PETITION NO.: Z-1

Z-53 (2012)  
Previous Minutes

PRESENT ZONING: GC, R-20

PETITION FOR: NR

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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-feet wide roadway + 45-feet).

Additional Comments:

APPLICANT Ronald A Lindsey

PETITION NO. Z-

**Z-53 (2012)  
Previous Minutes**

PRESENT ZONING GC, R-20

PETITION FOR R-

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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 / E side Mableton Pkwy

Additional Comments: Master meter required for homes on private streets.

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: At site, W side Mableton Pkwy

Estimated Waste Generation (in G.P.D.): A D F 32,000 Peak 80,000

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:

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: Ronald A. Lindsey

PETITION NO.: Z-1

Z-53 (2012)  
Previous Minutes

PRESENT ZONING: GC/R-20

PETITION FOR: R-1

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**DRAINAGE COMMENTS**

Revised 9-16-05

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

Queen Creek / Nickajack Creek

Undefined

DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: Lake / Channel

- 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 (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 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 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 stormdrainage system.

APPLICANT: Ronald A. Lindsey

PETITION NO.: Z-17

Z-53 (2012)  
Previous Minutes

PRESENT ZONING: GC/R-20

PETITION FOR: R-20/FST/NRC

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**DRAINAGE COMMENTS CONTINUED**

Revised 9-15-05

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 **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 dominated by high peak in northeast and ravine with lake in west. Approximate 75% of site is wooded or in vegetated lawn most of which will be eliminated by the development plan. Ground slopes vary from 7% to 16%. Top of peak is near 50 vertical feet above the lake surface. Backside of peak drains easterly into existing subdivision.
- 2) Creating the proposed development program will most likely result in mass grading to remanufacture the land for the chosen plan. Proposed Lots 12-15 drain naturally away from the lake / detention and Lots 5-11 must be reconfigured to drain to the roadway which is at a higher elevation. This is not supported by State / County Regulations or United States-Clean Water Act which call for projects to be made to conform to natural terrain using minimum grading. Recommend plan be revised accordingly.
- 3) The tree stand and undergrowth currently provide significant benefits to the community at large by improving air/water quality, stabilizing soil, and mitigating stormwater flow. The proposed development program will at once eliminate these benefits (with the removal of the existing vegetation) and will increase the pavement, runoff, and pollution. To compensate, the First Flush Water Quality-Best Management Practice Requirements must be raised to 1.5 inch rainfall and each larger storm release restricted to the allowable discharge of the next lower event (i.e.: 5-year storm release at 2-year rate; 10-year storm release at 5-year rate; etc.; to 100-year release at 50-year rate).
- 4) Verbal indications are that the existing lake will be utilized for stormwater control and Water Quality-Best Management Practice. This will require extensive modifications including upgrading dam to meet County Regulations.

APPLICANT: Ronald A. Lindsey

PETITION NO.: Z-175

PRESENT ZONING: GC/R-20

PETITION FOR: R-20/FST/NRC

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Revised 9-16-05

- 5) The County Buffer Map notes the presence of a stream buffer around lake and extending northward between Lot 1 and Neighbor Retail Commercial Lot. Per Cobb County Code, Chapter 50-75, a permanent natural undisturbed buffer shall be recorded on all plats and revisions and / or property deeds and will also contain a restrictive covenant in favor of Cobb County for conservation uses. It is recommended that the applicant determine the exact area of the stream buffer and illustrate same on the final plat and approved construction plans. The Restrictive Covenant text must be recorded on the Final Plat and with the Cobb Superior Court. Recommend all lots be removed from buffer and buffer area be set-aside as green belt.
- 6) Recommend stormwater controls / detention required for this project be calculated based on the maximum impervious cover allowed in County Code / Regulations. For any commercial designation Cobb County supports the State Mandate for minimum 30% of tract as landscaping.
- 7) Development program defined for the Neighbor Retail Commercial portion (now GC) is sketchy. Right of review and comment must be reserved for future when development program is better defined.
- 8) The revised development program south of Community Road is very pavement intensive in that all lots are served on one side only. A much more efficient system with lots on both sides would reduce the stormwater loading on the lake and downstream.
- 9) The revised development program north of Community Road is compromised by the stream buffer and produces lots uniquely difficult on which to build. Special house designs will be required. After Lot 1 is removed from the buffer and the lots are adjusted, anticipate only two good lots, or, maybe three requiring special attention.

APPLICANT: Ronald A. Lindsey

PETITION NO.: Z-175

Z-53 (2012)  
Previous Minutes

PRESENT ZONING: GC, R-20

PETITION FOR: R-20, FST, NCC

\* \* \* \* \*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Mableton Parkway	26380	Arterial	100'
Community Road	NA	Local	50'

*Based on 2004 estimated traffic counting data taken by GDOT.*

Mableton Parkway is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Community Road is classified as a Local and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Relocate the intersection of Community Road with Mableton Parkway to provide minimum separation of 250' from the signalized intersection of Factory Shoals and Mableton Parkway.

As necessitated by this development for egress from Mableton Parkway, a minimum 150' deceleration lane will be required.

Improve Community Road to comply with County Standards.

If proposed subdivision streets are to be public, construct them in accordance to County Development Standards.

**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 north and south sides of Community Road, a minimum of 25' from the roadway centerline.

Recommend relocating the intersection of Community Road with Mableton Parkway to provide a minimum separation distance of 250' from the signalized intersection.

Recommend a minimum 150' deceleration lane along Mableton Parkway.

Recommend improving Community Road to comply with County Standards.

Recommend proposed streets be constructed in accordance with County Development Standards.

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