

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: May 20, 2014

OB-24

Applicant: Pebblebrook Development, LLC **Phone #:** (404) 915-0914
(applicant's name printed)

Address: 5486 Burdette Road, Mableton, GA 30126 **E-Mail:** mitchnimey@gmail.com

Sams, Larkin, Huff & Balli, LLP
by Garvis L. Sams, Jr.

376 Powder Springs Street, Suite 100

Address: Marietta, GA 30064

(representative's name, printed)

[Signature] **Phone #:** (770) 422-7016 **E-Mail:** gsams@slhb-law.com

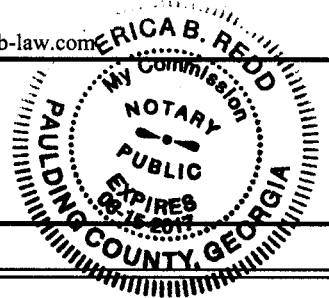
(representative's signature)

Signed, sealed and delivered in presence of:

Erica B. Redd

My commission expires: _____

Notary Public



Titleholder(s) : Pebblebrook Development, LLC **Phone #:** (404) 915-0914
(property owner's name printed)

Address: 5486 Burdette Road, Mableton, GA 30126 **E-Mail:** mitchnimey@gmail.com

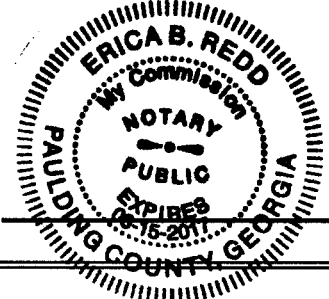
[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

Erica B. Redd

My commission expires: _____

Notary Public



Commission District: 4 (Cupid) **Zoning Case:** No. Z-61 (2006)

Date of Zoning Decision: August 15, 2006 **Original Date of Hearing:** August 15, 2006

Location: East side of Veterans Memorial Highway, west of Buckner Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 68 & 69 **District(s):** 18th

State specifically the need or reason(s) for Other Business: To revise the site plan from private streets to
public streets which are built to the County's Design and Detail Specifications.

COBB COUNTY GEORGIA
FILED IN OFFICE
20 APR 11 PM 2:50
COBB COUNTY ZONING DIVISION

(List or attach additional information if needed)

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

JUSTIN H. MEEKS

SLHB-LAW.COM

April 11, 2014

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 APR 11 PM 2:50
COBB COUNTY ZONING DIVISION

VIA EMAIL & 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: Other Business Application of Pebblebrook Development, LLC regarding the Rezoning Application of Talley Development (No. Z-61 [2006])

Dear John:

This firm has been engaged by and represents Pebblebrook Development, LLC which has partnered with Larry Thompson for the development of Volunteer Ridge, a 12.43 acre tract which was rezoned to the RA-5 district on August 15, 2006. Plans for Volunteer Ridge have already proceeded through the Plan Review process and were approved in August of 2013 (No. SPR 2013 00219).

What the Applicant is seeking is to revise the original site plan to change the streets from private streets to public streets. In that regard, enclosed is the Other Business Application, a check for the filing fee in the sum of Three-Hundred Nine Dollars (\$309.00), and the requisite number of copies of the site plan. Also enclosed are the Minutes from the August 15, 2006 approval by the Cobb County Board of Commissioners which include a stipulation letter, the Staff Analysis and all documentation and information incorporated into those Minutes and related documentation concerning the subject property.

We are requesting that the Application be heard by the Board of Commissioners on the May 20, 2014 Agenda. Please let me know when the notification signage for the property is prepared so that I can ensure that the property is properly posted. In the interim, please do not hesitate to call should you have any questions whatsoever regarding these matters.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

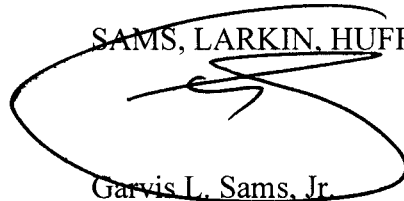
VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 11, 2014
Page 2

With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

A handwritten signature in black ink, appearing to read "Garvis L. Sams, Jr.", is written over the printed name of the law firm. The signature is enclosed within a large, hand-drawn oval.

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/ebr

Enclosures/Attachments

cc: Mr. Mitchell Nimey (via email w/attachments)
Mr. Larry Thompson (via email w/attachments)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 15, 2006
PAGE 2

~~Z-80 JOSEPH TYSON HOMES, INC. (Edgar C. Long, E. E. Beavers Family Partnership, L.P., James R. Jenkins, Charles B. Roberts and Thomas Christopher Roberts, owners) requesting Rezoning from R-20, GC and NS to RM-8 for the purpose of Townhouse Style Condominiums in Land Lot 36 of the 18th District and Land Lots 1296 and 1297 of the 19th District. Located on the north and southeasterly sides of Old U.S. Highway 78, south of Veterans Memorial Highway, on the south side of Veterans Memorial Highway at Vonda Lane, at the northern terminus of Haggard Drive and the northwesterly intersection of Larry Lane and Brenda Drive.~~

~~Commissioner Kesting pulled this case from the Consent Agenda. There was no opposition present. Thereafter, the following motion was made:~~

~~MOTION: Motion by Kesting, second by Goreham, to continue rezoning request until the September 19, 2006 Board of Commissioners Zoning Hearing.~~

~~VOTE: ADOPTED unanimously~~

CONSENT AGENDA:

Rezoning:

Z-61 **TALLEY DEVELOPMENT** (Ronald F. Williams, owner) requesting Rezoning from R-20 to RM-8 for the purpose of Townhouse Style Condominiums in Land Lots 68 and 69 of the 18th District. Located on the east side of Veterans Memorial Highway, west of Buckner Road.

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

- maximum density 4.50 units per acre
- letter of agreeable stipulations from Mr. James Balli dated June 28, 2006, *not otherwise in conflict*, with the following changes: (copy attached and made a part of these minutes)
 - Page 3, add Item No. 13 – *“Landscape review committee comprised of the County development staff and representative from the Mableton Coalition with District Commissioner to approve final landscape plan.”*

COBB COUNTY GEORGIA
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COBB COUNTY ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 15, 2006
PAGE 3

Z-61 **TALLEY DEVELOPMENT (Continued):**

- **hardy-plank on sides or rear only**
- **Fire Department comments and recommendations**
- **Historic Preservation comments and recommendations**
- **Water and Sewer comments and recommendations**
- **Stormwater Management comments and recommendations**
- **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

~~Z-103 **NORTH POINT PARK BUILDERS, LLC (Phillip Allen Boyd, Robin Janet Boyd, J. James Bryan, Sybil S. Bryan and Barbara New, owners) requesting Rezoning from R-20 to R-15 for the purpose of a Subdivision in Land Lot 112 of the 17th District. Located on the north side of Fontaine Road, northeasterly of Montpelier Drive.**~~

~~MOTION: Motion by Goreham, second by Lee, as part of the Consent Agenda, to approve rezoning to the R-15 zoning district subject to:~~

- ~~site plan received by the Zoning Division August 8, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)~~
- ~~letter of agreeable stipulations from Mr. Garvis L. Sams, Jr., dated July 28, 2006 (copy attached and made a part of these minutes)~~
- ~~Fire Department comments and recommendations~~
- ~~Water and Sewer comments and recommendations~~
- ~~Stormwater Management comments and recommendations~~
- ~~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~~

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

Min. Bk. 44 Petition No. Z-61
Doc. Type stipulation letter
dated 6-28-2006
Meeting Date August 15, 2006

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN

June 28, 2006

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

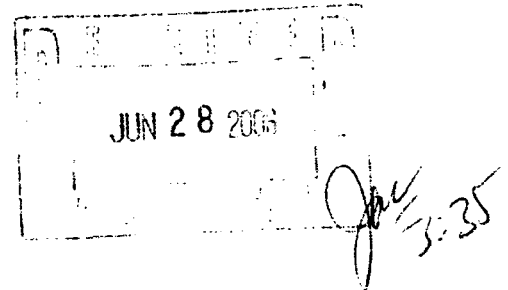
WWW.SAMSLARKINHUFF.COM

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

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



Re: Application of Talley Development to Rezone a 12.43 Acre Tract from R-20 to RM-8 (No. Z-61).

Dear John:

This firm represents the Applicant concerning the above-captioned application for a Rezoning. The application was continued and is now scheduled to be heard and considered by the Cobb County Planning Commission on July 6, 2006, and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on July 18, 2006.

As you are aware, Planning and Zoning has recommended approval of the application at a density of 5 units per acre. The application was held at the June Planning Commission meeting. After additional meetings with adjacent property owners and the Mableton Improvement Coalition, I am submitting five (5) large and two (2) reduced copies of an fourth amended Site Plan. Although surrounded by attached town home developments, the Applicant wishes to cooperate with the apparent desire to attempt economically viable detached single-family homes on the Site. The new Site Plan, therefore, sets forth a continued reduction in density to 4.58 units per acre and a reduction from 75 to 57 single family homes. As set forth in the Site Plan, the average lot size is 6,648 square feet and all homes are now single-family detached.

The balance of this letter will serve as my client's expression of agreement with the following stipulations which, upon the rezoning application being approved, as amended and modified hereby, shall become conditions and a part of rezoning binding upon the subject property thereafter:

VIA HAND DELIVERY

Petition No. Z-61
Meeting Date August 15, 2006
Continued

Mr. John Pederson, Planner III
Cobb County Zoning Department
Page 2
June 28, 2006

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 subject property shall be developed for 57 single-family detached homes. The average lot size being 6,648 square feet, contemporaneous variances to be granted to allow (1) the minimum lot size shall be reduced to 4,500 square feet with a minimum distance between homes of 10 feet and (2) as shown on the "typical lot detail" included on the Plan, each lot will have a minimum of 5' side yard setbacks, 20' front yard and 30' rear yard setbacks. All building setback lines shall be as set forth on the Site Plan.
3. To minimize disturbance at or near the property line with Brookmere Subdivision, all lots that are adjacent to Brookmere Subdivision shall maintain the required 40' foot rear yard set back and shall further include a 10' foot landscaping screening buffer. All Lots that are adjacent to Veterans Memorial Highway shall maintain the 50' foot building setback line.
4. The Applicant shall utilize a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ, among others, the use of differing front elevations, architectural styles, building exteriors, setbacks or other similar techniques to provide a more pleasing appearance to the subdivision. The architectural style of the homes will be two-story traditional and the facades must be brick, stone or a cementitious material such as, but not limited to, "hardy-plank." The architectural style and composition shall be consistent with the photographs being submitted herewith.¹
5. All single-family homes shall be 1800 square feet and up. There will be sidewalks as requested by DOT and there shall also be sidewalks along the interior street.
6. Submission of a landscape plan during the Plan Review process, subject to staff review and approval. Mableton Improvement Coalition will also be copied on the landscape plan during the Plan Review Process. The landscaping plan will include appropriate screening between the detention pond area and Brookmere Subdivision.
7. Entrance signage will be monument-style compliant with the Cobb County Sign Ordinance. Applicant will agree to place the "Riverline" logo on all street signs within the community if applicable.

¹ Price points of the single-family homes will be \$300,000 and up.

VIA HAND DELIVERY

Mr. John Pederson, Planner III
Cobb County Zoning Department
Page 3
June 28, 2006

8. Any minor modifications to the Site Plan shall be approved by the District Commissioner at Plan Review.
9. An agreement to set up a mandatory homeowners' association which shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, amenity areas, fences, lighting and streets within the proposed residential community.
10. A third-party management company shall be hired to manage the day-to-day operations of the homeowners' association, including the management of all association monies.
11. An agreement to record all covenants, rules and regulations applicable to the proposed residential community.
12. Subject to appropriate and applicable Staff comments and recommendations, including agreement to reduce the rezoning category from RM-8 to RA-5 (conditional).

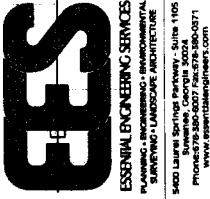
Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the formulation of your analysis and recommendation to the Board of Commissioners and Planning Commission.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

James A. Balli
jballi@samslarkinhuff.com

cc: Cobb County Board of Commissioners (Copied via Zoning Department).
Cobb County Planning Commissioners (Copied via email).
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Mr. Brian Clark



Site Plan
Volunteer Ridge
Land Lots 68 & 69
18th District
Cobb County
Georgia

December 6, 2006
Scale: 1" = 50'

OWNER / DEVELOPER
PEBBLEBROOK DEVELOPMENT, LLC
Mitchell J. Nimoy
5446 Buckhead Road
Atlanta, GA 30324

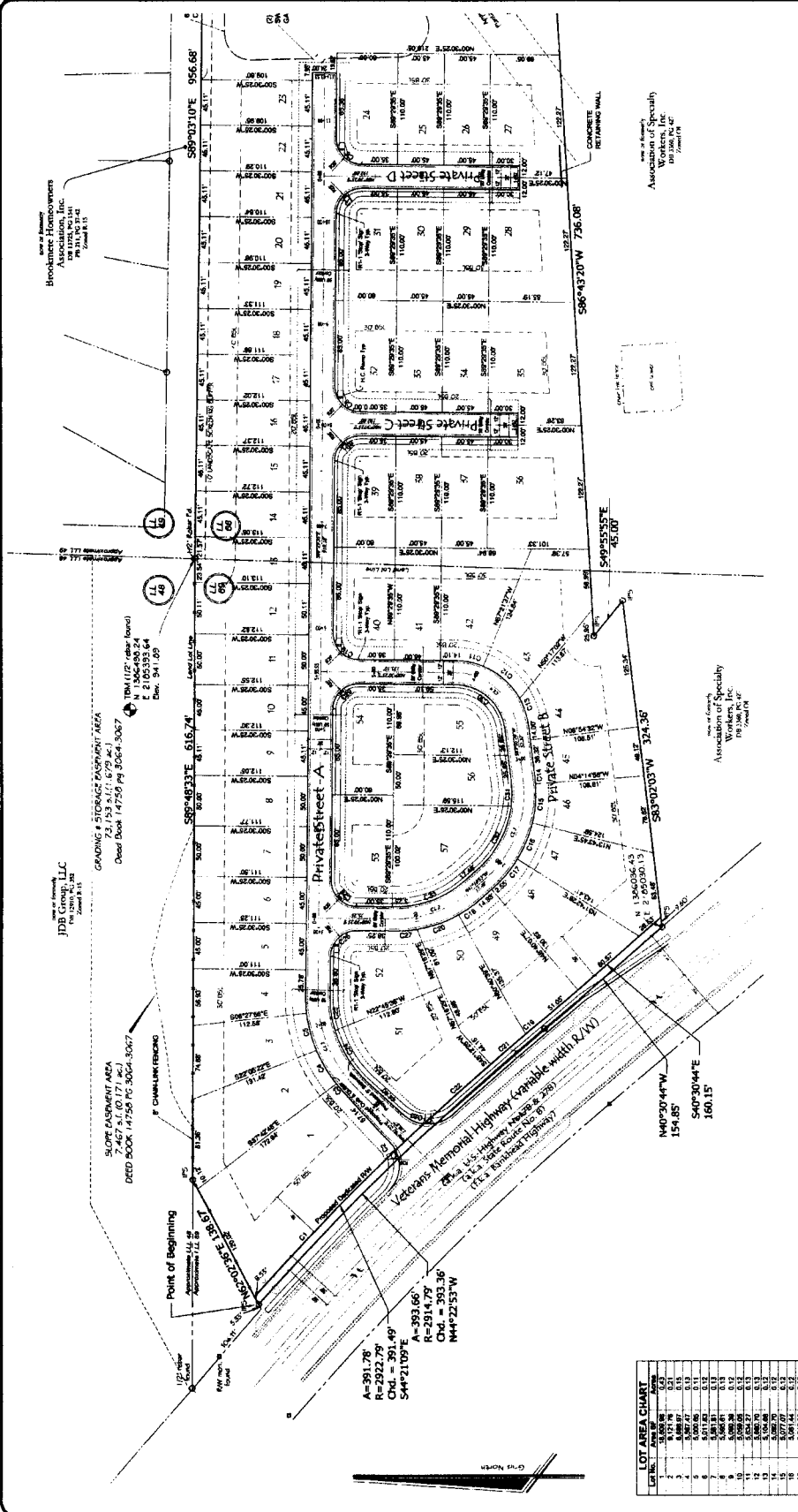
24 HOUR - EMERGENCY CONTACT
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This drawing and its reproduction as the property of Essential Engineering Services, L.L.C. are published or used in any way without the written permission of this engineer.

REVISIONS

No.	DATE	DESCRIPTION
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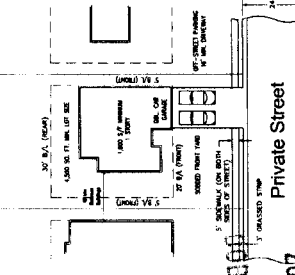
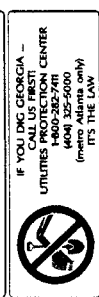
Cobb County Project #3632
Cobb County, Georgia
EKA: Veterans Memorial Hwy

Sheet 4



Check that fence to be 5-gauge with top and bottom rail and fence post must be set in concrete.
Street lights are to be installed per county specs; paid for by the developer and power paid for by the Homeowners Association.
All easements are to read as shown, unless otherwise noted.
See Cover Sheet for General Notes
All information regarding the location of services, the construction and location of the easements, and the location of the easements is to be confirmed by the owner before construction. The engineer is not responsible for the accuracy of this information and is not to be held liable for any errors or omissions. The engineer is not responsible for the accuracy of this information and is not to be held liable for any errors or omissions. The engineer is not responsible for the accuracy of this information and is not to be held liable for any errors or omissions.

IF YOU DIG GEORGIA - CALL US FIRST! UTILITIES PROTECTION CENTER (800) 325-5000 (metro Atlanta only) IT'S THE LAW



Typical Lot Detail
2014 APR 11 PM 2:50
COBB COUNTY ZONING DIVISION
FILED IN...
COBB COUNTY GEORGIA

LOT CURVE TABLE

STATION	CHORD BEARING	CHORD LENGTH	ARC BEARING	ARC LENGTH	CHORD BEARING	CHORD LENGTH	ARC BEARING	ARC LENGTH
1	N40°30'44"W	154.85'	S40°30'44"E	160.15'				
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LOT AREA CHART

LOT NO.	AREA (SQ FT)	AREA (SQ YD)
1	1,111.79	126.88
2	1,111.79	126.88
3	1,111.79	126.88
4	1,111.79	126.88
5	1,111.79	126.88
6	1,111.79	126.88
7	1,111.79	126.88
8	1,111.79	126.88
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Petition No. 2-61
Meeting Date August 15, 2006
Continued

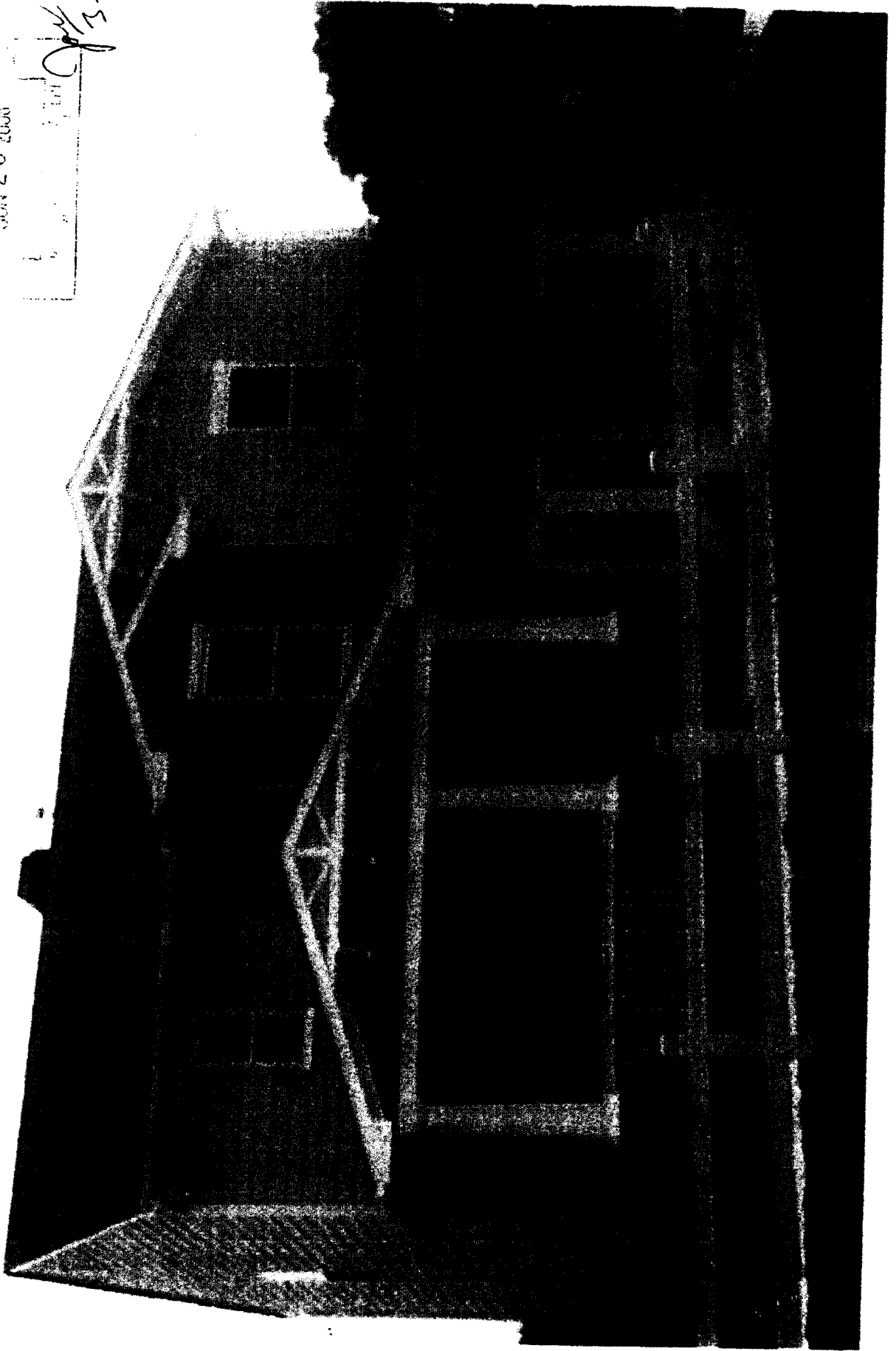


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Petition No. Z-61
Meeting Date August 15, 2006
Continued

JUN 28 2006

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3-35



APPLICANT: Talley Development
770-760-9376

PETITION NO: Z-61

REPRESENTATIVE: Roy L. Talley, Jr.
770-760-9376

HEARING DATE (PC): 05-02-06

HEARING DATE (BOC): 05-16-06

TITLEHOLDER: Ronald F. Williams

PRESENT ZONING: R-20

PROPOSED ZONING: RM-8

PROPERTY LOCATION: Located on the east side of Veterans Memorial Highway, west of Buckner Road.

PROPOSED USE: Townhouse Style
Condominiums

ACCESS TO PROPERTY: Veterans Memorial Highway

SIZE OF TRACT: 12.43 acres

DISTRICT: 18

PHYSICAL CHARACTERISTICS TO SITE: Existing house

LAND LOT(S): 68, 69

PARCEL(S): 1

TAXES: PAID X DUE

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: R-15, R-15 OSC/ Mount Harmony Cemetery, Brookmere West subdivision
- SOUTH: OI, RM-8/ Graphic Communication Union, Undeveloped
- EAST: R-15/ Brookmere West subdivision
- WEST: NS, RM-8/ Furniture Store, Undeveloped

OPPOSITION: NO. OPPOSED PETITION NO: SPOKESMAN

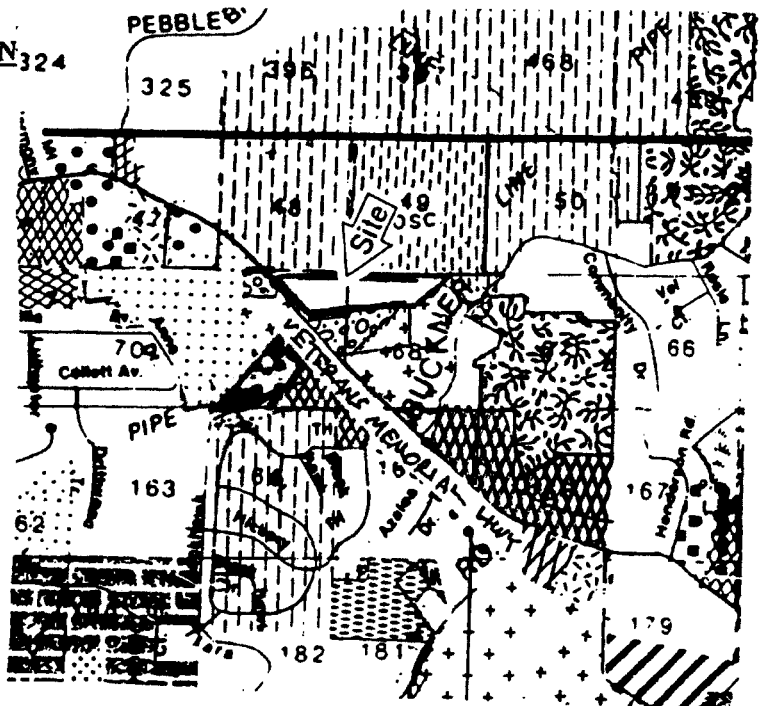
PLANNING COMMISSION RECOMMENDATION 324

APPROVED MOTION BY
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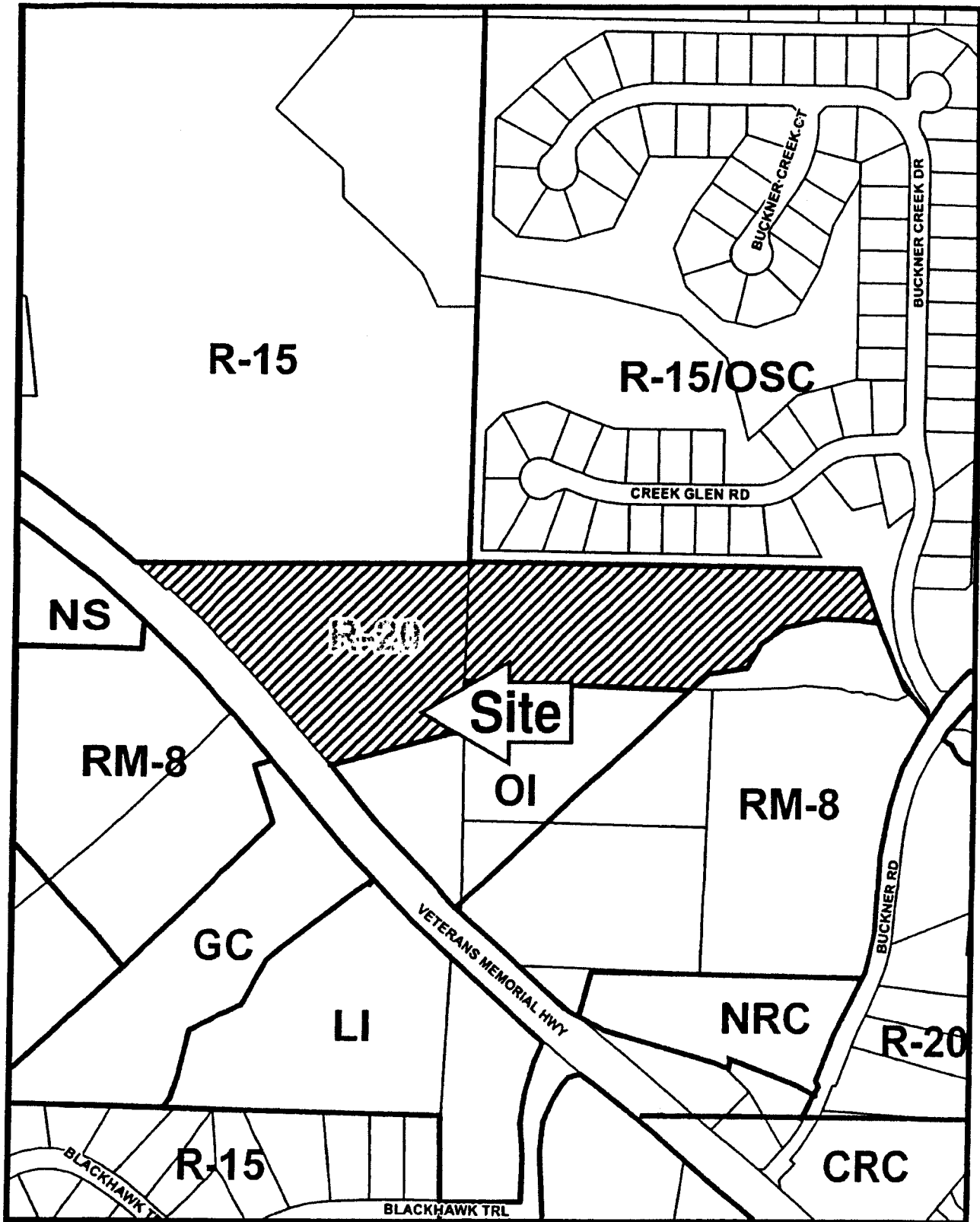
BOARD OF COMMISSIONERS DECISION

APPROVED MOTION BY
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 HELD CARRIED

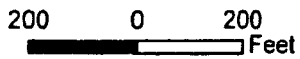
STIPULATIONS:



Z-61



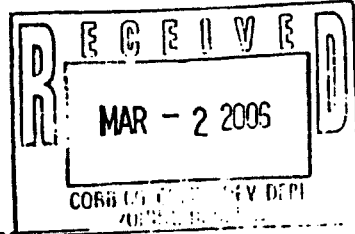
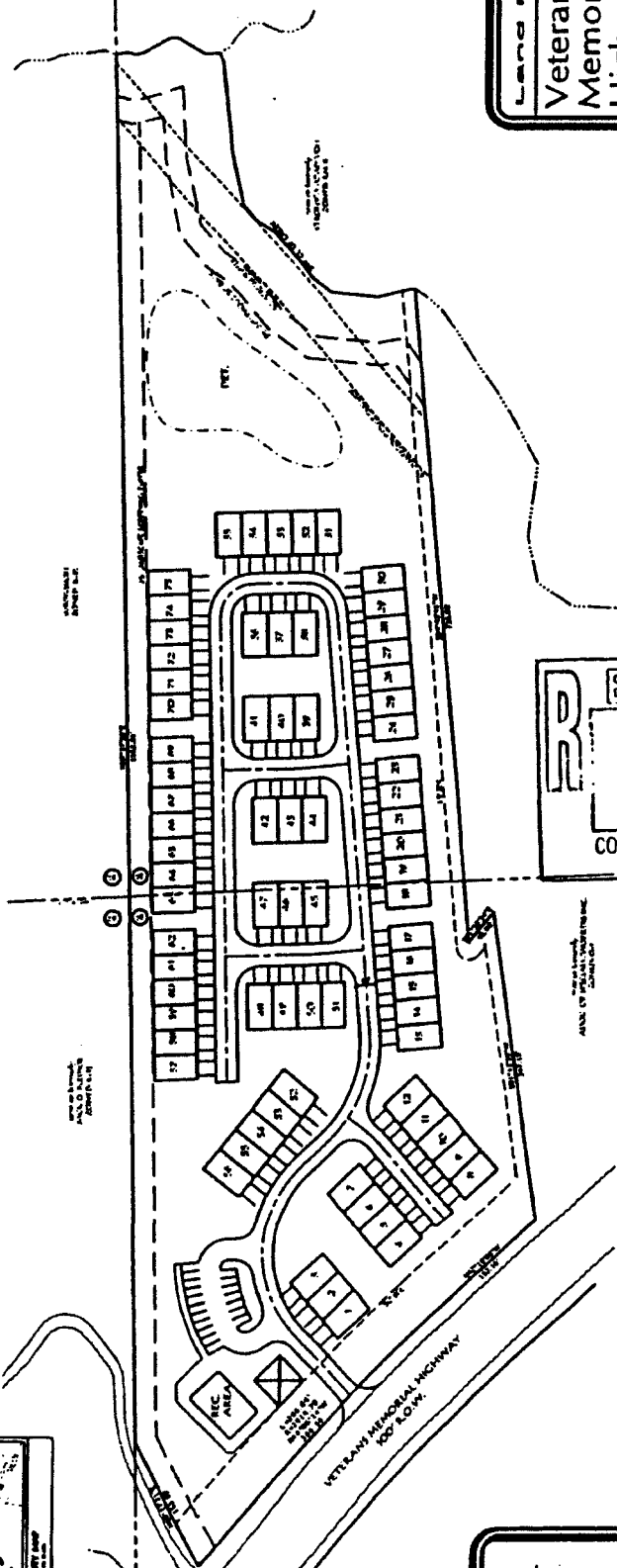
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Draft Parcel Boundary
- Approximate Zoning Boundary

Z-61

Veterans Memorial Highway Tract	
Land Use 06 & 09	2nd Edition
11th District	Cable County, Georgia
March, 2005	Scale: 1" = 40'
1. Owner: Project Number 1	
2. Date: 03/02/2005	
3. Title: 1 of 1	



1. REC AREA = 11.43 acres
 2. Total Area = 11.43 acres
 3. Proposed Building = 84,400 sq. ft.
 4. Lot Area = 79 units
 5. Density = 6.9 units/acre
 6. This project is subject to all applicable zoning and subdivision regulations of Cable County, Georgia. Community Plan Number: 1300700000 P.



Clark Design Group
Professional Engineering & Architecture
1100 Peachtree Street, N.W.
Atlanta, Georgia 30309
Phone: 404.525.1100
Fax: 404.525.1101
www.clarkdesigngroup.com

OWNER / DEVELOPER
FALLEN INVESTMENTS, LLC
1100 Peachtree Street, N.W.
Atlanta, Georgia 30309
Phone: 404.525.1100
Fax: 404.525.1101
www.clarkdesigngroup.com

DESIGNER
Clark Design Group, P.C.
1100 Peachtree Street, N.W.
Atlanta, Georgia 30309
Phone: 404.525.1100
Fax: 404.525.1101
www.clarkdesigngroup.com

APPLICANT: Talley Development

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RM-8

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson

Land Use Plan Recommendation: Neighborhood Activity Center (+/-46%), Medium Den. Res. (+/-54%)*

Proposed Number of Units: 75 **Overall Density:** 6.03 **Units/Acre**

Present Zoning Would Allow: 22 **Units** **Increase of:** 53 **Units/Lots**

*Based on +/-5.7 acres in the neighborhood Activity Center & +/-6.73 acres in Medium Density Residential.

The applicant is requesting the RM-8 zoning district to develop a townhouse-style condominium community. The homes would be a minimum of 1,800 square-feet, and would start selling in the \$200,000's. The buildings would be traditional in styling with brick and/or masonry on four sides. The buildings would be two-stories in height, and each unit would have an attached two-car garage.

The applicant is showing contemporaneous variances which are:

1. Reduce the front setback from 75-feet to 50-feet;
2. Reduce the side setbacks from 35-feet to 25-feet;

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, it is determined that the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional is recommended. Based on the determination of either the presence or absence of potentially significant features, further recommendations shall be made by staff.

Cemetery Preservation: No comment.

APPLICANT: Talley Development

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RM-8

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Harmony Leland Elementary		Over	7
Lindley Middle		Over	5
Pebblebrook High		Capacity	0

*School Attendance zones are subject to revision at anytime.

Additional Comments:

Approval of this density adjustment would adversely impact already overcrowding at two school levels.

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. Fire Hydrant
 - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
 - b. Residential: Fire hydrant within 500 feet of structure.
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 Talley Development

PETITION NO. Z-061

PRESENT ZONING R-20

PETITION FOR RM-8

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 / N side Veterans Memorial Hwy

Additional Comments: Master meter to be at entrance

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: 75' E in Buckner Cr Dr

Estimated Waste Generation (in G.P.D.): **A D F** 30,000 **Peak** 75,000

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 extension by developer required to upper property line

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

APPLICANT: Talley Development

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RM-8

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Tributary to Nickajack Cr FLOOD HAZARD INFO: Zone A

- 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: along stream

- 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. (Brookmere S/D)
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream stormdrainage system.

APPLICANT: Talley Development

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RM-8

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

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

INSUFFICIENT INFORMATION

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

ADDITIONAL COMMENTS/SUGGESTIONS

1. The site is located on a fairly heavily wooded site with slopes from 10 - 20%. The proposed RM-8 attached condominium units are not well suited for the terrain on this site and will result in significant grading.
2. The extensive existing tree stand and undergrowth provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate the vast majority of this vegetation and increase pavement, storm runoff and non-point source pollution. To compensate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).
3. There is the potential for significant bypass of developed runoff across the southern property boundary. Runoff from the rear of Units 8 - 30 must be directed to flow to the proposed detention pond.
4. Contrary to Site Note #6, this project does lie within a 100-year flood hazard area as identified on the effective FEMA FIRM map. A detailed flood study will be required to determine the 100-year flood elevations along the stream at the rear of the property to verify that that detention pond is located out of the flood zone.

APPLICANT: Talley Development

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RM-8

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
Veterans Memorial Hwy	22100	Arterial	45 mph	GDOT	100'

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

COMMENTS AND OBSERVATIONS

Veterans Memorial Highway 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 entire road frontage.

As necessitated by this development for egress from Veterans Memorial Highway, a deceleration lane will be required.

GADOT permits will be required.

RECOMMENDATIONS

Recommend installing sidewalk, curb and gutter along the entire frontage of Veterans Memorial Highway.

Recommend a deceleration lane.

Recommend GADOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-61 TALLEY DEVELOPMENT

- 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 an area that contains commercial uses, single-family houses, industrial uses, and institutional uses.
- 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 area has seen much new development in the last few years.
- 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, or utilities. This opinion can be supported by the departmental comments contained in this analysis. However, the school system has expressed concerns regarding the proposal.
- 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 a Neighborhood Activity Center and Medium Density Residential Land Use Categories, if the density is reduced to 5 units per acre. NAC's do allow for "higher density residential uses" to serve as a transitional use between higher intensity uses and adjacent residential uses. This text is found in the *Cobb County Comprehensive Plan*. Staff has generally recommended that residential transitional uses in NAC's be no more then five- units-per-acre. County Staff believes that five-units-per-acre is the most intensity, and residential density acceptable to place at the end of an activity center, or adjacent to single-family houses. The proposed density is 6.03 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. The applicant's proposal is consistent with the *Cobb County Comprehensive Plan*, if the density is reduced to five, or fewer units per acre. The applicant's proposal is located in an area that contains a multitude of zoning categories, and land uses. The area has been transitioning to residential uses in the last few years, with new medium density projects approved to the south and to the west.

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

- Maximum of five units per acre;
- District Commissioner approve the final plan;
- Fire Department comments;
- Historic Preservation comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- 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.

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.