

**JULY 15, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-43

PURPOSE

To consider amending and clarifying zoning stipulations for Can Nguyen regarding rezoning application Z-14 of 2014, for property located on the north side of South Gordon Road, east of Starling Drive; in Land Lots 386 and 412 of the 18th District.

BACKGROUND

The subject property was rezoned for a meditation center May 20, 2014 subject to numerous stipulations. One of the stipulations adopted called for the building to be setback at least 490 feet from South Gordon Road. This Other Business item is to consider amending the zoning stipulation, so the setback is more in keeping with the site plan shown in the zoning analysis.

FUNDING

N/A

RECOMMENDATION

ATTACHMENTS

REGULAR CASES (CONT.)

Z-14 CAN NGUYEN (CONT)

- At least 15 parking spaces to be installed with parking in designated spaces *only* (no parking on grass, along driveway, or streets); five of those spaces may be installed to the front or side of the structures, with the remaining spaces to be installed to the rear of the worship facility; a parking agreement for 25 additional parking spaces with a nearby property owner or owners shall be executed and submitted to Community Development prior to issuance of a Certificate of Occupancy to accommodate additional patronage of the worship facility during events
- All buildings and parking to be located in the interior portion of the property setback at least 490 feet from South Gordon Road
- Landscape or naturally maintained buffer of 35 feet on all property lines with the exception of South Gordon Road and the first 50 feet from South Gordon Road; landscape buffer with the purpose of providing visual and sound screening to be provided along the property lines adjacent to the driveway and parking lot areas; landscaping to be provided in the first 50 feet from South Gordon Road with landscape beds to include a variety of plants and shrubs; all buffers to be maintained and dead plants to be replaced within 60 days
- Naturally maintained 75 foot buffer adjacent to county owned park land
- Landscape plan to be submitted and approved by the District Commissioner and County Arborist
- No daycare use
- District Commissioner may approve minor modifications, except for those that increase overall square footage of a building; cause a reduction in the size of an approved buffer adjacent to a property that is zoned the same or is more restrictive in its designated zoning; cause the relocation of a structure closer to the property line of an adjacent property that is zoned the same or is more restrictive in its designated zoning; increase the height of a building adjacent to a property that is zoned the same or more restrictive zoning; or change access location to a different roadway
- Fire Department comments and recommendations, *not otherwise in conflict*
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- Cobb DOT comments and recommendations, *not otherwise in conflict*
- 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

REGULAR CASES (CONT.)

SLUP-13^{'13} **PEGASUS TOWER COMPANY, LLC** (Carter T. Samples, Jr. and Mildred B. Samples, owners) requesting a **Special Land Use Permit** for the purpose of a New 130 Foot Monopole Telecommunications Tower in Land Lots 406 and 497 of the 18th District. Located at the northwest intersection of Mableton Parkway and Queen Mill Road. *(Previously continued by Staff)*

The public hearing was opened and Mr. Tony Stewart, Mr. David Walker, and Ms. Robin Meyer addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Ott, to **approve** Special Land Use Permit subject to:

- **Site plan received by the Zoning Division October 2, 2013 (attached and made a part of these minutes)**
- **Applicant to modify the support structure to a stealth pine tower per feedback from the community meeting on May 13, 2014 at the South Cobb Library**
- **Height of tower not to exceed 130 feet**
- **Applicant to install a landscape buffer around the compound area, with balance of parcel to remain in a natural maintained buffer state**
- **Applicant to provide a landscape plan subject to approval by the District Commissioner**
- **Applicant shall submit an as-built photographic representation of the proposed tower for approval with final design selection to be reviewed and approved by the District Commissioner**
- **No access to the parcel from Mableton Parkway**
- **No construction vehicles to be parked on right-of-way of either Mableton Parkway or Queen Mill Road**
- **District Commissioner may approve minor modifications except those that increase overall square footage; cause a reduction in the size of the approved buffers adjacent to properties with the same or more restrictive zoning; cause the relocation of a structure closer to the property line that is zoned the same or more restrictive zoning; increase the height; or change access location to a different roadway**
- **Applicant shall design the support structure to accommodate no less than a total of four antenna arras of like design**
- **Applicant to provide a detailed ground compound construction drawing which may add more conditions**

Z-14
(2014)

540 SOUTH GORDON ROAD
MARIETTA GA 30126
MEDITATION CENTER

SITE PLAN

SHEET TITLE

DATE
01/15/14

JOB NUMBER

C-1



STATEMENT OF FLOOD HAZARD
NO PORTION OF THE PROPERTY LAY WITHIN AN AREA
DESIGNATED FLOOD HAZARD ZONE PER THE COBB COUNTY
F.I.R.M. COMMUNITY PANEL # 13067 C0212H
MAPS REVISED 03-04-2013

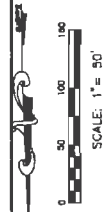
OWNER/DEVELOPER
EL MINA, INC.
CAN NGUYEN-24 HR CONTACT
164 WILHELMINA DRIVE
AUSTELL, GA 30108
PH: (770) 200-8808
CONTACT: 2008@YAHOO.COM
ELMINAENGINEER@GMAIL.COM

ENGINEER
EL MINA, INC.
5914 OLD DAHLONEGA HWY
MURRAYVILLE, GA 30064
PH: (770) 200-8808
CONTACT: 2008@YAHOO.COM
ELMINAENGINEER@GMAIL.COM

COBB COUNTY GEORGIA
FILED IN OFFICE

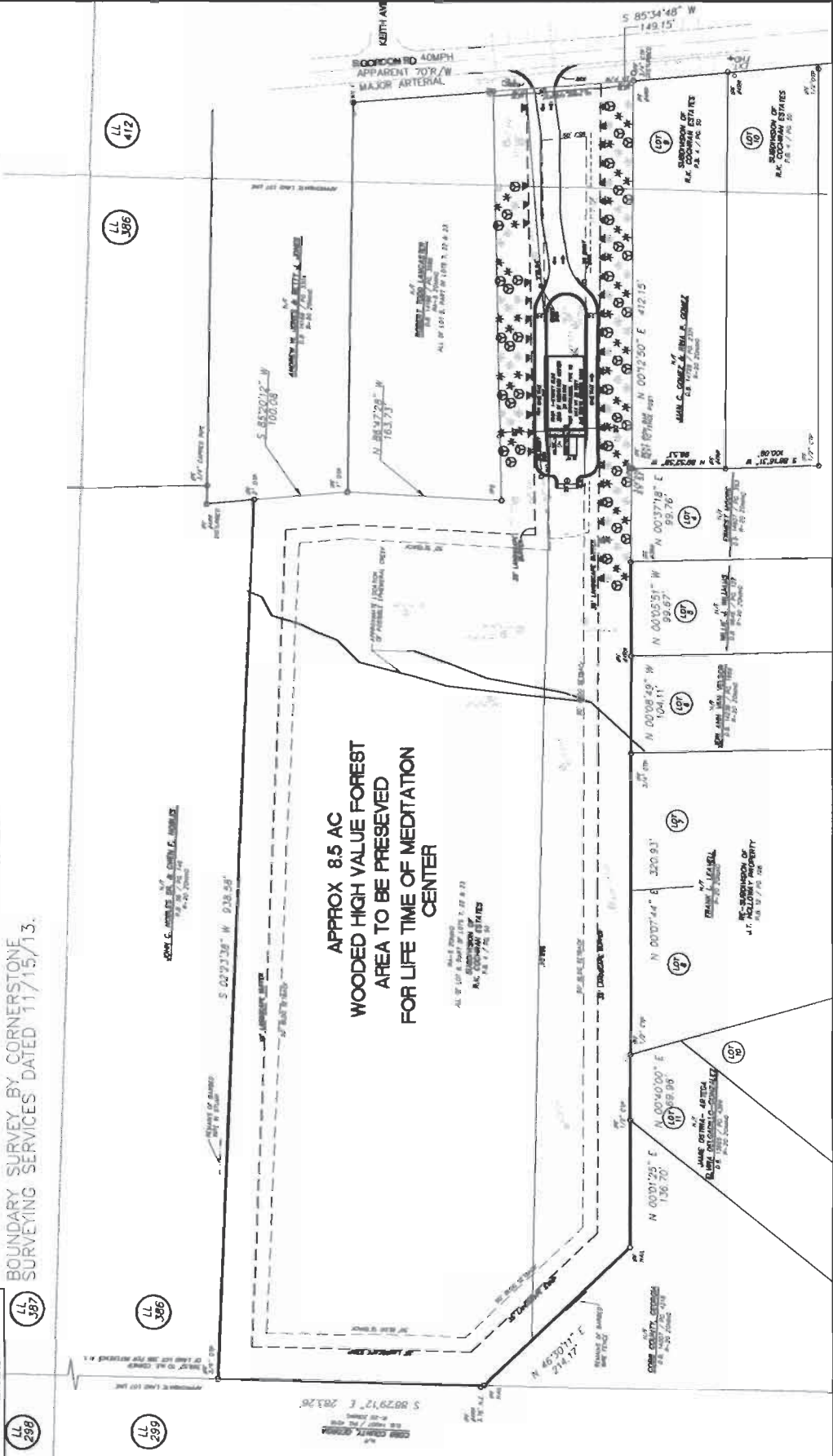
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COBB COUNTY ZONING DIVISION



PARKING REQUIREMENT FOR MEDITATION CENTER OF 25 SEATS
PARKING REQUIREMENT:
1 30' x 60' SPACES
PARKING SPACES PROVIDED = 8
INCLUDING 1 HANDICAP SPACE

NOTES
SITE ACREAGE - 10.296 ACRES.
CURRENT ZONING - RA5/PROP. - R20
PROPOSED USE - MEDITATION CENTER
BLDG. SETBACK - 50 FEET
BUFFERS - 35 FT LANDSCAPE STRIP AS INDICATED
STREAM - EPHEMERAL (0 FT BUFFERS)
WETLANDS - 0 ACRES.
CEMETERIES - 0 ACRES.
FLOODPLAIN - 0 ACRES.
BOUNDARY SURVEY BY CORNERSTONE
SURVEYING SERVICES DATED 11/15/13.



APPROXIMATE 40MPH APPARENT 70' W MAJOR ARTERIAL

APPROX 8.5 AC
WOODED HIGH VALUE FOREST
AREA TO BE PRESERVED
FOR LIFE TIME OF MEDITATION
CENTER

LL 298

LL 387

LL 386

LL 412

LL 299

LL 497

LL 498

LL 499

LL 500

LL 501

LL 502

LL 503

LL 504

LL 505

LL 506

LL 507

LL 508

APPLICANT: Can Nguyen
(678) 200-6808

REPRESENTATIVE: George Awuku
(404) 597-6745

TITLEHOLDER: Can Van Nguyen

PROPERTY LOCATION: North side of South Gordon Road, east of
Starling Drive, west of Mitchell Lane
(540 South Gordon Road).

ACCESS TO PROPERTY: South Gordon Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant, undeveloped
acreage

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/Cobb County Undeveloped with lake
- SOUTH:** R-20/Single-family houses
- EAST:** R-20/Single-family houses
- WEST:** R-20/Single-family houses

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:

PETITION NO: Z-14

HEARING DATE (PC): 04-01-14

HEARING DATE (BOC): 04-15-14

PRESENT ZONING: RA-5

PROPOSED ZONING: R-20

PROPOSED USE: Meditation Center

SIZE OF TRACT: 10.296 acres

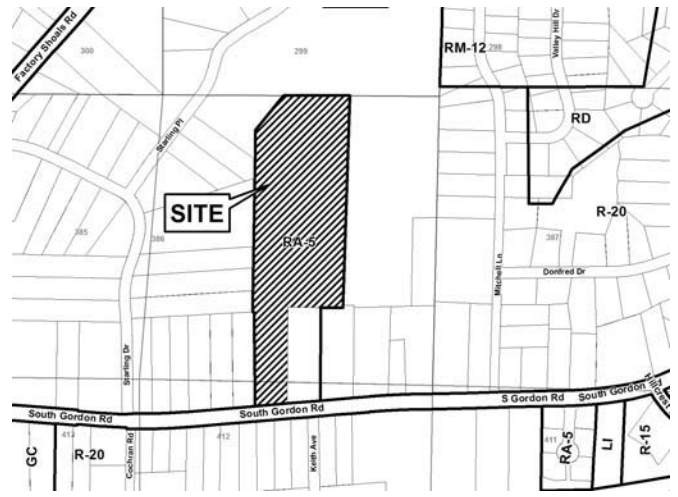
DISTRICT: 18

LAND LOT(S): 386, 412

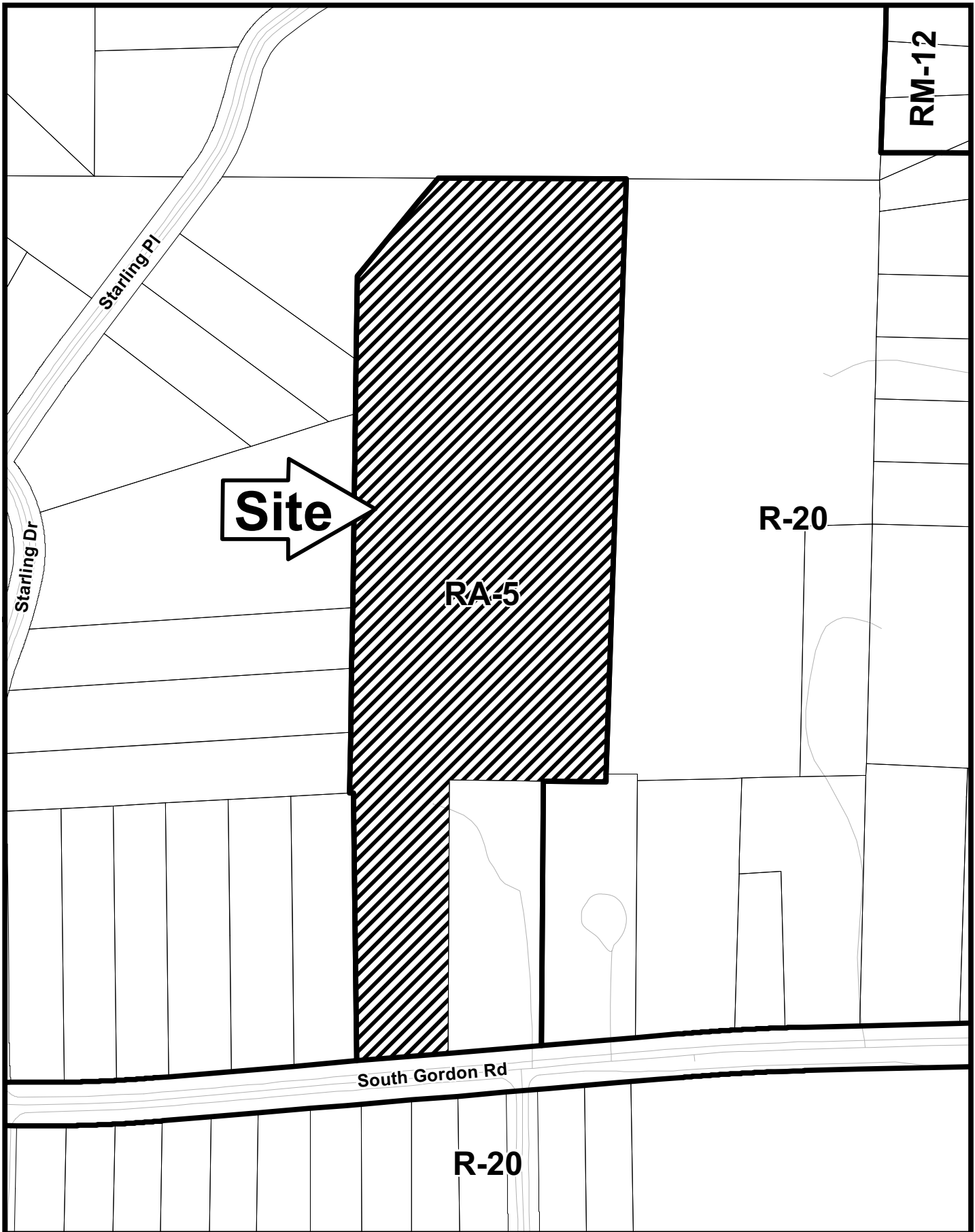
PARCEL(S): 15

TAXES: PAID X **DUE**

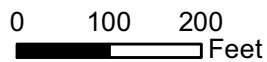
COMMISSION DISTRICT: 4





Z-14



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Can Nguyen

PETITION NO.: Z-14

PRESENT ZONING: RA-5

PETITION FOR: R-20

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Medium Density Residential (2.5-5 units per acre)

Proposed Number of Units: 1 Building

Staff estimate for allowable # of units:46 (Z-163 of 2006) Units*

Decrease of: 45 Units/Lots

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the R-20 zoning category for the purpose of having a 3,200 square-foot Vietnam Buddhist Meditation Center. The building will be one-story, brick with metal or asphalt roofing. The proposed site plan indicates the building will be located 50 or more from the property lines and a 35-foot landscape buffer around the perimeter of the property. The site plan also indicates approximately 8.5 acres as wooded high value forest area that will be preserved for lifetime of meditation center. The subject property was rezoned to RA-5 in 2006 (Z-163, minutes attached) for a 46-lot single-family subdivision at a density of 3.88 units per acre.

The required parking for the proposed use is one space per four seats. The site plan indicates the required five parking spaces for 20 seats.

Cemetery Preservation: No comment.

APPLICANT: Can Nguyen

PETITION NO.: Z-14

PRESENT ZONING: RA-5

PETITION FOR: R-20

SCHOOL COMMENTS:

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

- School attendance zones are subject to revision at any time.

Additional Comments:

FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside 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 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

APPLICANT Can Nguyen

PETITION NO. Z-014

PRESENT ZONING RA-5

PETITION FOR R-20

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

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 8" DI / N side of South Gordon Road

Additional Comments: Existing water customer

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: South Gordon Road ROW

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

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:

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: Can Nguyen

PETITION NO.: Z-14

PRESENT ZONING: RA-5

PETITION FOR: R-20

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: _____

- 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 receiving systems.

APPLICANT: Can Nguyen

PETITION NO.: Z-14

PRESENT ZONING: RA-5

PETITION FOR: R-20

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

APPLICANT: Can Nguyen

PETITION NO.: Z-14

PRESENT ZONING: RA-5

PETITION FOR: R-20

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
South Gordon Road	6500	Major Collector	40 mph	Cobb County	80'

Based on 2011 traffic counting data taken by Cobb County DOT (South Gordon Road).

COMMENTS AND OBSERVATIONS

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

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 side of South Gordon Road, a minimum of 40' from the roadway centerline.

Recommend applicant verify that minimum intersection sight distance is available for ingress and egress maneuvers for the site if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 445'.

Recommend sidewalk along the South Gordon Road frontage.

Recommend a paved commercial driveway.

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

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STAFF RECOMMENDATIONS

Z-14 CAN NGUYEN

- 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 proposed use is allowed under the R-20 zoning category and meets the acreage, setback, landscape buffer and parking requirements.
- 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 proposed site plan indicates the building will be constructed on a small portion of the overall 10.296 acres and that 8.5 acres of the property will remain a forest area for the lifetime of the meditation center. The proposed facility will only have parking for five vehicles, in contrast to the volume of traffic that would be generated under the current RA-5 zoning for 46 residential lots.
- 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. The proposed site plan indicates that only five vehicles will be allowed on the property based on the size of the number of seats in the proposed building. Of the overall 10.296 acres, 8.5 acres will be set aside as a forest area for the duration of the meditation center.
- 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 Medium Density Residential (MDR) land use category, having densities ranging from 2.5 – 5 units per acre. The proposed use is allowed as a special exception in residential zoning categories while meeting certain requirements. The proposed use and development meets those requirements.
- 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 subject property is currently zoned RA-5 for a 46-lot subdivision and, as such, has numerous stipulations under Z-163 of 2006 that would not allow the development of the proposed meditation center, only the 46-lot subdivision. The requested R-20 category will be still be in character with the other properties in the area and will allow the proposed development.

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

- Site plan received by the Zoning Division on February 6, 2014, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation 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 #: Z-14
PC Hearing Date: 4-1-14
BOC Hearing Date: 4-15-14

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3200 SF
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): N/A
- d) List all requested variances: N/A

.....
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: NONE

COBB COUNTY ZONING DIVISION
2014 FEB - 6 PM 12: 05
COBB COUNTY GEORGIA
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.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

NONE

.....
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). NO

.....
Part 5. Is this application a result of a Code Enforcement action? No ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: _____

Can Nguyen

Date: _____

Jan 31, 2014

Applicant name (printed): CAN NGUYEN

ORIGINAL DATE OF APPLICATION: 11-21-06APPLICANTS NAME: PRESSLEY-ALLEN PROPERTIES, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 11-21-06 ZONING HEARING:**

PRESSLEY-ALLEN PROPERTIES, LLC (Robert Todd Lancaster, owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Subdivision in Land Lots 386 and 412 of the 18th District. Located on the north side of South Gordon Road, east of Starling Drive.

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

- **final site plan to be approved by the District Commissioner**
- **letter of agreeable stipulations from Mr. J. Matthew Allen dated November 2, 2006, with the following additions: (copy attached and made a part of these minutes)**
- **Item No. 14(c) – Add to end: (comma) “with any disagreements to be decided by the Community Development Director.”**
 - **Item No. 18 – Add to end: (comma) “for accent only.”**
- **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

Pressley-Allen Properties, LLC
701 Whitlock Avenue
Suite K-46
Marietta, GA 30064

Min. Bk. 46 Petition No. Z-163
Doc. Type Letter of Agreeable
stipulations
Meeting Date Nov. 21, 2006

PAGE 3 OF

November 2, 2006

VIA HAND DELIVERY

Mr. John Pederson, Planner III
Cobb County Community Development Agency
Zoning Division
191 Lawrence Street, Suite 300
Marietta, Georgia 30060-1689

RE: Application: Zoning Case #Z-163, Pressley-Allen Properties, LLC
Owner: Robert Todd Lancaster

Dear Mr. Pederson:

I represent Pressley-Allen Properties, LLC ("Applicant"), and Robert Todd Lancaster, the property Owners ("Owners"), in their rezoning application for 11.85 acres located along South Gordon Road in Land Lot 386 in the 18th District, 2nd Section, Cobb County, Georgia ("Subject Property"). We are scheduled to be heard and considered by the Cobb County Planning Commission on November 7, 2006, and, thereafter, by the Cobb County Board of Commissioners on November 21, 2006. We have met with Cobb County Staff and had discussions with area residents, and reviewed the staff comments and recommendations and surrounding uses. We submit this revised letter of agreeable stipulations and conditions. These agreeable stipulations and conditions shall become part of the grant of the requested zoning and binding upon the Subject Property thereafter. This letter shall supersede and replace the previous letter of agreeable stipulations dated October 31, 2006. The referenced stipulations are as follows:

1. The stipulations and conditions outlined herein shall supersede and replace any and all previous stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
2. The rezoning of the subject property shall be from R-20 to RA-5 consistent with that certain site plan prepared by Krewson Vickrey Engineers and Land Surveyors which was submitted on October 23, 2006. All of the homes which will be constructed on the subject property will be single-family detached homes.

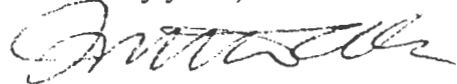
3. The development shall consist of a total of 46 homes at an overall density of 3.88 units per acre, with the District Commissioner approving any minor modifications to the Plan.
4. Home sizes shall range from a minimum of 1700 square feet up to 2400 square feet and shall have two-car garages.
5. It is anticipated that home prices will begin in the \$220's and shall range up to the \$280's.
6. The architectural style of the homes shall be traditional with brick, stone, stucco, siding, and shake exteriors. Any lot adjacent to South Gordon Road shall have brick on the exposed side to South Gordon Road.
7. Homes shall be "for sale" only, and a provision shall be inserted in the restrictive covenants to restrict rentals to no more than 10%.
8. The establishment of a mandatory homeowners association with restrictive covenants. The homeowners association will be responsible for maintaining all common areas.
9. Subject to all Water and Sewer comments and recommendations.
10. Subject to all Stormwater Management comments and recommendations.
11. Subject to Department of Transportation comments and recommendations, including the installation of sidewalk, curb, and gutter along the entire frontage of South Gordon Road.
12. Grading shall be limited to those areas necessary to construct roads and to provide building pads for homes.
13. The submission of a landscape plan during the Plan Review process, subject to staff review and approval.
14. There shall be established a Landscape Committee to review plans and provide comment to the Cobb County Arborist as to the landscaping plan. This committee shall be comprised of the following:
 - A. Applicant or Applicant's designee;
 - B. One representative from the Mableton Improvement Coalition or its designee; and
 - C. Robert L. Hosak, Jr. Director of the Cobb County Community Development Agency, or his successor.

15. Entry signage shall be ground-based, monument style, landscaped, irrigated and to be incorporated into landscape plan.
16. The Applicant shall construct a 6' wooden privacy fence along the western property line adjacent to private land owners.
17. Setbacks shall be as follows:
 - Front - 20'
 - Side - 5'/15' between structures
 - Side - 25' abutting public roadways
 - Rear - 30'
18. The fronts of all homes shall have an exterior comprised of brick, stone, stucco, or shake shingles.
19. Any lot adjacent to South Gordon Road shall have brick or rock on the exposed side to South Gordon Road.
20. It shall be stipulated in the covenants that landscaping to be maintained by the HOA shall be contracted out to a third party contractor for maintenance purposes.
21. The developer shall install curb, gutter, and sidewalks along the interior roads of the proposed development.
22. Detention ponds shall be fenced with a black or green vinyl coated chain link fence, and supplemented with screening plantings that shall be incorporated into the overall landscape plan.

The subject property is classified as Medium Density on the Future Land Use Map, and the allowable densities for that classification range from 2.5 units per acre to 5 units per acre. The subject Preliminary Plan proposes a density of 3.88 units per acre which is in the middle of the density range for the Medium Density classification. In light of the comparable area development and the stipulations/conditions to which the applicant has agreed, we believe the requested zoning is an appropriate use of the Subject Property.

Thank you for your consideration of this request.

Sincerely yours,

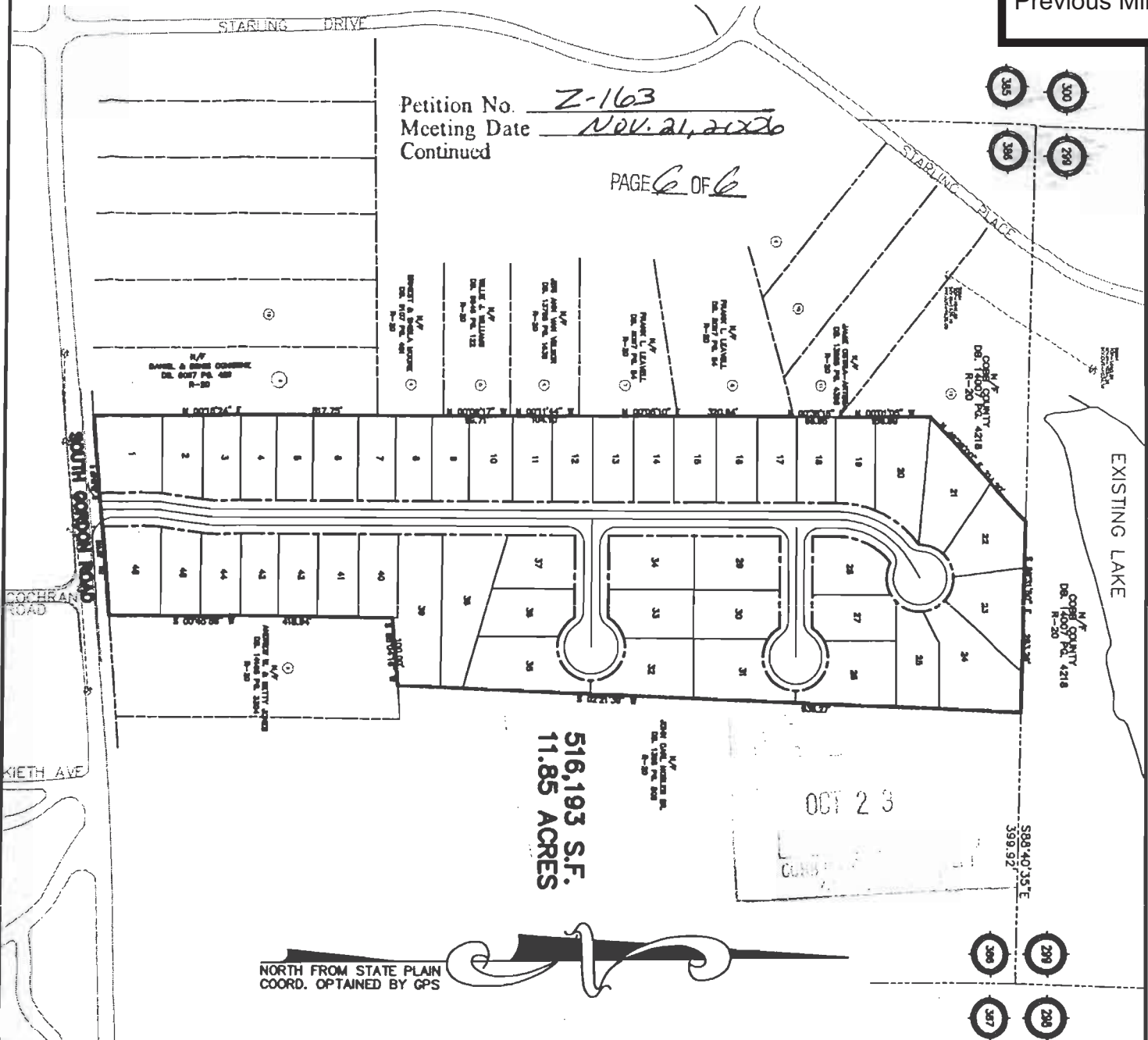


J. Matthew Allen

CC: Ben Clopper, Zoning Director Mableton Improvement Coalition
Cobb County Planning Commission
Cobb County Clerk

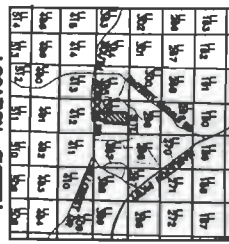
Petition No. Z-163
Meeting Date NOV. 21, 2020
Continued

PAGE 6 OF 6



516,193 S.F.
11.85 ACRES

NORTH FROM STATE PLAIN
COORD. OBTAINED BY GPS



OWNER/DEVELOPER
PRESSLEY-ALLEN PROPERTIES, LLC
P.O. BOX 5074
MARIETTA 30061
CONTACT: JOE PRESSLEY
770-337-1153

SITE SUMMARY:

EXISTING ZONING: R-20
PROPOSED ZONING: RA-5
TOTAL SITE AREA: 11.85 AC.
TOTAL NO. OF LOTS: 46
DENSITY: 3.88 LOTS / AC.
MIN LOT SIZE: 7000 SF
AVERAGE LOT SIZE: 8,455 SF
MINIMUM LOT WIDTH AT FRONT SETBACK: 50 ft., 35 ft. AT CUL-DE-SACS

SETBACKS:
20 ft. FRONT
5 ft. SIDE MINIMUM (15 ft. BETWEEN HOUSES)
10 ft. SIDE MINIMUM OUTSIDE DEVELOPMENT
25 ft. SIDE ABUTTING PUBLIC ROADWAYS
30 ft. REAR
40 ft. REAR ABUTTING PUBLIC ROADWAYS

RETENTION AND WATER QUALITY FOR THE SITE TO BE PROVIDED BY RECONSTRUCTING THE EXISTING LAKE NORTH OF THE SITE - SUBJECT TO COBB COUNTY APPROVAL.

BOUNDARY INFORMATION FROM PLAT BY
KREMSKY INCRETE DATED: 08-28-06

I HAVE EXAMINED THE FLOOD INSURANCE RATE MAP FOR COBB COUNTY, GEORGIA, PANEL 85 OF 85, COMMUNITY-PANEL NUMBER 13067COB85.F, DATED: AUGUST 18, 1992 AND FOUND THAT NO PORTION OF THIS PROPERTY LIES IN A FLOOD HAZARD AREA.

COBB COUNTY ZONING CASE: Z-163



ZONING DRAWING FOR ZONING CASE NUMBER Z-163
PRESSLEY-ALLEN PROPERTIES, LLC
LOCATED ON LAND LISTED AS OF THE 1992 RECORD

NO. 1	NO. 2	NO. 3	NO. 4	NO. 5	NO. 6	NO. 7	NO. 8	NO. 9	NO. 10	NO. 11	NO. 12	NO. 13	NO. 14	NO. 15	NO. 16	NO. 17	NO. 18	NO. 19	NO. 20	NO. 21	NO. 22	NO. 23	NO. 24	NO. 25	NO. 26	NO. 27	NO. 28	NO. 29	NO. 30	NO. 31	NO. 32	NO. 33	NO. 34	NO. 35	NO. 36	NO. 37	NO. 38	NO. 39	NO. 40	NO. 41	NO. 42	NO. 43	NO. 44	NO. 45	NO. 46
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APPLICANT: Pressley-Allen Properties, LLC

PETITION NO.: Z-14

PRESENT ZONING: R-20

PETITION FOR: RA-5

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Riverside Primary	499	Under	
Riverside Intermediate	821	Under	
Elementary Lindley	1,402	Over	
Middle Pebblebrook	1,916	Over	

High
* School attendance zones are subject to revision at anytime.

Additional Comments:

Approval of this rezoning could adversely impact enrollment at Lindley Middle.

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-foot wide roadway + 45-feet).

Additional Comments:

APPLICANT Pressley-Allen Properties, LLC

PETITION NO. Z-163

PRESENT ZONING R-20

PETITION FOR RA-5

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): 8" CI/N side S Gordon Rd

Additional Comments: Dual feed requirement

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

SEWER COMMENTS:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: 200' NW

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

Treatment Plant: S Cobb

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- Flow Test Required? Yes No
- Letter of Allocation issued? Yes No
- Septic Tank Recommended by this Department? Yes No
- Subject to Health Department Approval? Yes No

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Sewer extension by developer required to upper property line (east)

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: Presley-Allen Properties, LLC

PETITION NO.: Z-163

PRESENT ZONING: R-20

PETITION FOR: RA-5

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Queen Creek 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:

- 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 owned by Cobb County.
Additional BMP's for erosion sediment controls will be required.
- Pre- and Post-Development 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 lake and stormdrainage system.

APPLICANT: Presley-Allen Properties, LLC

PETITION NO.: Z-163

PRESENT ZONING: R-20

PETITION FOR: RA-5

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 southern portion of site - **must be addressed at Plan Review.**
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.

ADDITIONAL COMMENTS/SUGGESTIONS

1. This site drains generally to the northwest via two fairly well-defined channels through existing residential parcels for the southern half of the site and via overland flow into an existing lake owned by Cobb County for the northern half of the site.
2. A single stormwater management facility is proposed at the northwestern corner of the site. The pond lot provided does not appear large enough to provide adequate detention for the entire site. It may be possible to utilize the existing downstream Cobb County lake for detention if a suitable agreement can be reached with the County. However, if an agreement cannot be negotiated additional area for detention will likely be required. Also, unless a significant portion of the southern half of the site and upstream offsite drainage area can be intercepted and conveyed directly to the proposed detention facility additional ponds may be required at Lots 2 and 11 to meet downstream discharge limitations.
3. 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).

APPLICANT: Pressley-Allen Properties, LLC

PETITION NO.: Z-163

Z-14 (2014)
Previous Minutes

PRESENT ZONING: R-20

PETITION FOR: RA-5

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
South Gordon Road	7200	Major Collector	40 mph	Cobb County	80'

Based on 2004 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

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

As necessitated by this development for egress from South Gordon Road, a deceleration lane and a left turn lane will be required.

Install sidewalk, curb and gutter along the road frontage.

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 side of South Gordon Road, a minimum of 40' from the roadway centerline.

Recommend installing sidewalk, curb and gutter along the frontage.

Recommend a deceleration lane and a left turn lane.

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