



Cobb County Community Development Agency
Zoning Division

1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-62
Public Hearing Dates:
PC: 11-06-18
BOC: 11-20-18

SITE BACKGROUND

Applicant: McConnell Green II, LLC

Phone: N/A

Email: N/A

Representative Contact: Parks F. Huff

Phone: (770) 422-7016

Email: phuff@slhb-law.com

Titleholder: Lisa Spillane, as Executor of the Estate of Jeffrey C. Spillane; Kevin T. Spillane

Property Location: West side of Lost Mountain Road, south of Dallas Highway

Address: 750 Lost Mountain Road

Access to Property: Lost Mountain Road

QUICK FACTS

Commission District: 1-Weatherford

Current Zoning: R-30 (Single-family Residential)

Current use of property: Undeveloped

Proposed zoning: RSL (Residential Senior Living)

Proposed use: Non-supportive Residential Senior Community

Future Land Use Designation: VLDR (Very Low Density Residential)

Site Acreage: 5.9 ac

District: 19

Land Lot: 83 and 84

Parcel #: 19008300020

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Jason Campbell)

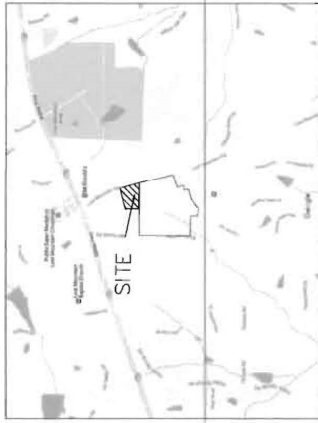
Based on the analysis of this case, Staff recommends **DENIAL**.

Z-62
(2018)

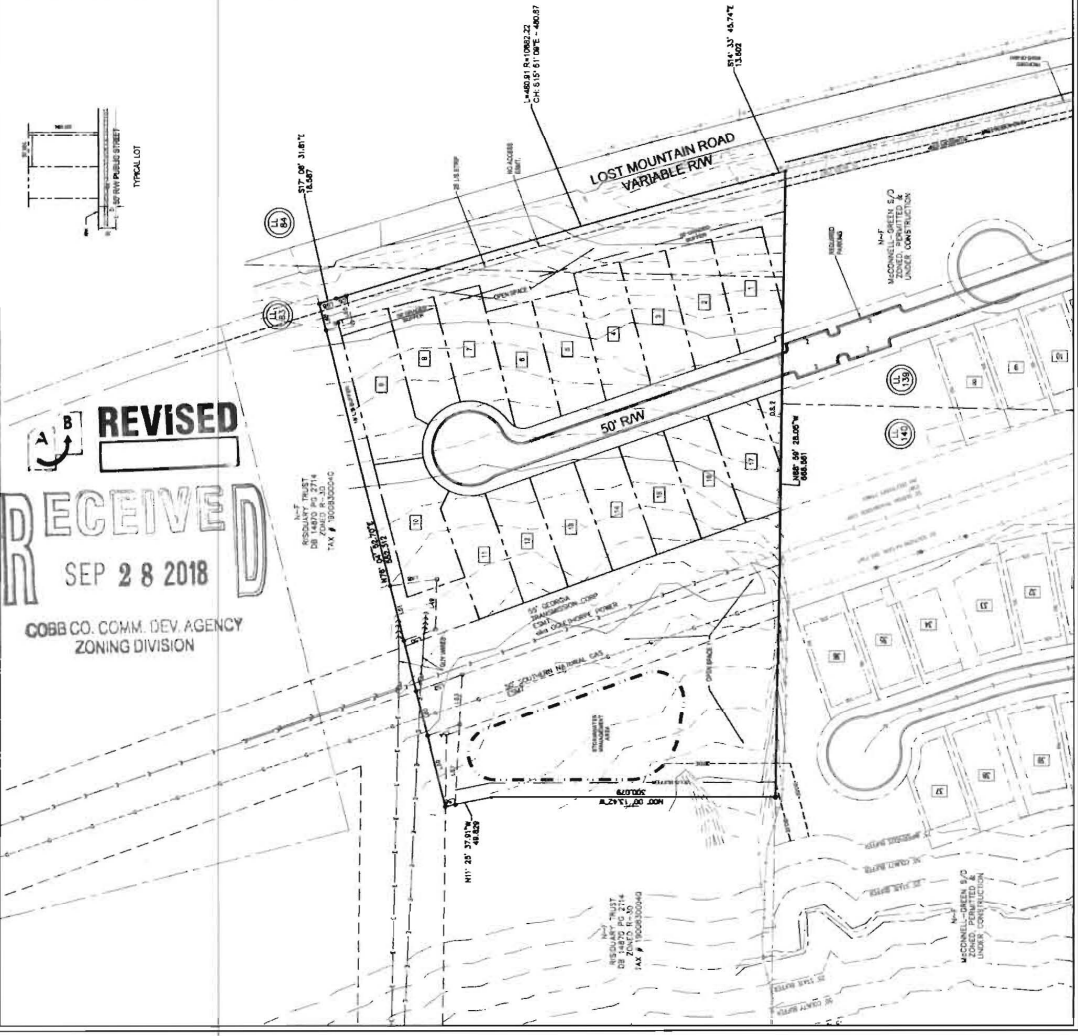
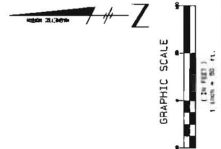
ZONING EXHIBIT
FOR
MCCONNELL GREEN NORTH
COBB COUNTY, GEORGIA
LAND LOTS 83 & 84 - 19th DISTRICT - 2nd SECTION



SCALE	PROJECT	DATE
AS SHOWN	Z-62	07/18/18
DRAWN BY	DESIGNED BY	CHECKED BY
JANIS BROWN	JANIS BROWN	JANIS BROWN
DATE PLOTTED	PROJECT NO.	CLIENT
07/18/18	100718	MCCONNELL GREEN NORTH
APP. NUMBER	1	



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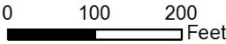


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SEP 28 2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Z-62 2018-Aerial Map



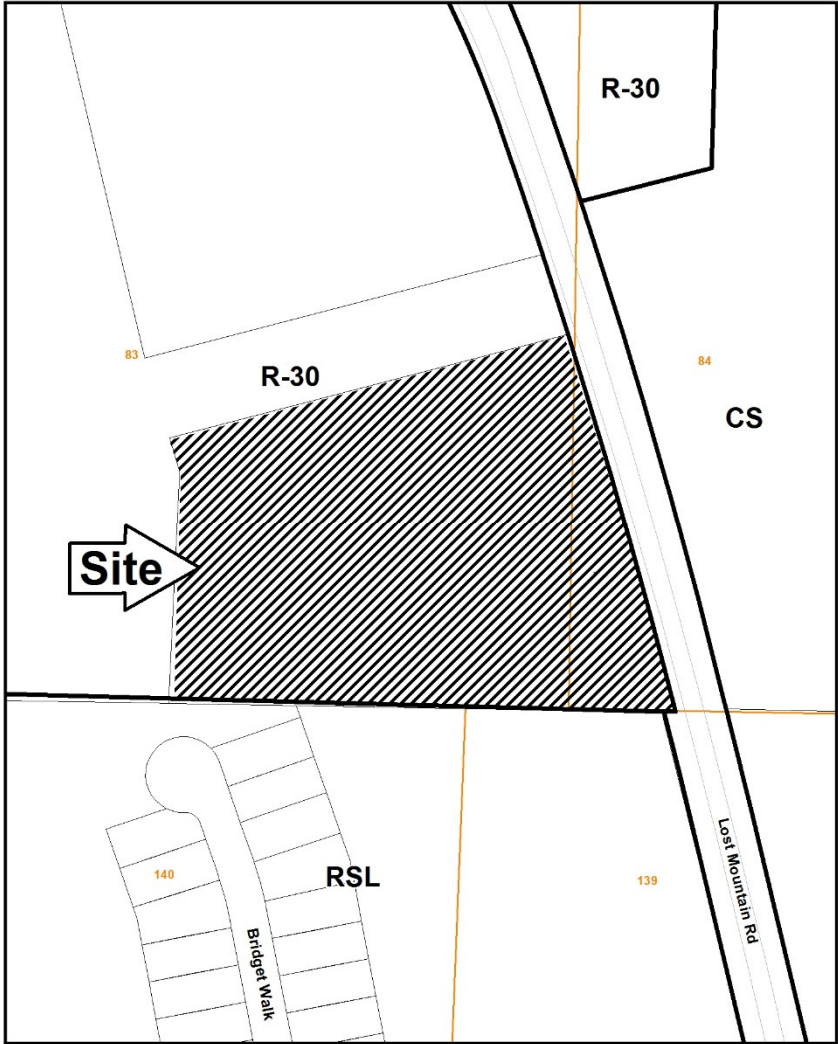
This map is provided for display and planning purposes only. It is not meant to be a legal description.



- Zoning Boundary
- City Boundary

North
Zoning: R-30 (Single-family Residential)
Future Land Use: VLDR (Very Low Density Residential)

Z-62 2018-GIS



WEST
Zoning: R-30 (Single-family Residential)
Future Land Use: VLDR (Very Low Density Residential)

EAST
Zoning: CS (Conservation Subdivision)
Future Land Use: VLDR (Very Low Density Residential)

SOUTH
Zoning: RSL (Residential Senior Living)
Future Land Use: VLDR (Very Low Density Residential)

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

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The R-30 district is established to provide locations for single-family residential uses or residentially compatible institutional and recreational uses which are within or on the edge of properties delineated for any residential category as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the R-30 district, they should be designed and built to ensure intensity and density compatibility with adjacent single-family detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Requested zoning district for the property

The RSL nonsupportive residential units is established to provide locations for the development of attached and detached dwelling units limited to those persons age 55 and older as defined by the Fair Housing Act as may be amended from time to time and shall not be established as a precedent for any other residential or nonresidential district. This residential use is designed to be located within any land use category other than industrial, industrial compatible, rural residential and very low density residential as defined by the Cobb County Comprehensive Plan, as may be amended from time to time, provided that it must be located along an arterial or collector roadway (as defined by the Cobb County Major Thoroughfare Plan, as may be amended from time to time). A non-supportive RSL may only be located on a collector road if the following criteria is met: a minimum of ten acres and a density maximum of four units per acre. The board of commissioner may reduce the density based on the surrounding density, topography, deforestation, drainage concerns, or other similar factor.

Summary of the applicant's proposal

The applicant is requesting the RSL (Residential Senior Living) non-supportive zoning district in order to extend its existing RSL development that abuts the property to the south. The extension will have 17 units. The development will have traditional architecture, utilizing a combination of brick, stone, and cementitious siding. The units will range in size from 1,200 square feet to 2,500 square feet.

Residential criteria

Allowable units as zoned: 6

Proposed # of units: 17

Net density: 2.9

Increase of units: 11

Acres of floodplain/wetlands: 0

Impervious surface shown: 32%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the proposal will require the following contemporaneous variances:

1. Waive all setbacks to zero and have 10 feet between buildings; and
2. Waive the landscape buffer abutting more restrictive residential zonings to the west and north from the required 20 feet to 15 feet.

DEPARTMENT COMMENTS- Fire Department

Modifications will be required to incorporate the Cobb County Fire Marshal's Office comments.

Guest Parking

Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.
- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

No comment.

DEPARTMENT COMMENTS- Cemetery Preservation

No comment.

DEPARTMENT COMMENTS- School System

The Cobb County Board of Education has concerns about this development. Senior residential developments generally have a negative impact on tax revenue for the Cobb County School District, unlike standard residential or commercial developments, where property taxes are not exempted. We, therefore, would like to express our concern to the Planning Commission and Board of Commissioners and ask that you take our concerns under consideration as you review this zoning application.

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Tributary to Mill Creek No. 1
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
7. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
8. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist.
9. Existing Lake Downstream – Woodward Pond (~2300' downstream). Additional BMP's for erosion & sediment control will be required.
10. Lake Study will be required to document pre- and post-development sediment levels within pond located on Woodward property to document any possible sediment impacts to pond.
11. Stormwater discharges through an established residential neighborhood downstream.
12. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
13. Special site conditions and/or additional comments:
 - Project engineer must evaluate the impact of the increased runoff volume generated by the proposed project on receiving stream and existing culvert at Pickens Road.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Very Low Density Residential (VLDR) future land use category. The purpose of the VLDR category is to provide for areas that are suitable for very low-density housing, particularly in locations that may not have basic services such as sewer, or where the existing or desired residential density is zero (0) to two (2) dwelling units per acre.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

Is the property within an Opportunity Zone? Yes No

(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)

Is the property within an Enterprise Zone? Yes No

(The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)

Is the property eligible for the Façade Improvement Program? Yes No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes No

(The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Is this property within the Six Flags Special Service District?

Yes No

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?

Yes No

Is the property within the Clear Zone (CZ)?

Yes No

Is the property within the Accident Potential Zone (APZ I)?

Yes No

Is the property within the Accident Potential Zone II (APZ II)?

Yes No

Is the property within the Noise Zone?

Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

Yes No

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.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 6" in McConnell Green S/D

Additional water comments: Extension by developer from McConnell Green. Lost Mountain

High Service fee (\$3,000 per ERU) may apply, depending on FFE of lot.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: under construction in McConnell Green S/D

Estimated waste generation (in G.P.D.): Average daily flow = 2,720 GPD

Peak flow = 6,800 GPD

Treatment plant: South Cobb

Plant capacity: Yes NO

Line capacity: YES NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Dry sewers required: YES NO

Off-site easement 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, the developer/owner must submit easements to the CCWS for review and 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/owner.

Additional sewer comments: Revision to McConnell Green S/D plans needed to eliminate cul-de-sac and bring water and sewer to Z-62 property

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Lost Mountain Road	Arterial	45	Cobb County	100'

Roadway	Location	Average daily trips	Level of service
Lost Mountain Road	North of Amberton Drive	14,600	E

Based on 2015 traffic counting data taken by Cobb County DOT for Lost Mountain Road.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for local roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

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

Cobb County DOT SPLOST project Dallas Highway at Lost Mountain/Mars Hill Road (X2305) will require permanent easement on Lost Mountain Road along the frontage of this development.

Recommendations

1. Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Lost Mountain Road, a minimum of 50' from the roadway centerline.
2. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
3. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.
4. Recommend a 10' no access easement for the lots that border Lost Mountain Road.
5. Recommend removing and closing driveway aprons along Lost Mountain Road frontage that development renders unnecessary.
6. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed SPLOST project – Dallas Highway at

DEPARTMENT COMMENTS- Transportation (Continued)

Lost Mountain/Mars Hill Road (X2305). Permanent easements will be needed for grading and drainage improvements.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

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.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby properties.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

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, and utilities. The Cobb County School District has concerns that senior residential developments generally have a negative impact on tax revenue for the Cobb County School District. This opinion can be supported by the departmental comments contained in this analysis.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

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 as being within the Very Low Density Residential (VLDR) future land use category, having densities ranging from 0-2 units per acre. The proposed development indicates a density of 2.9 units per acre; however, the applicant will be adding this section as an extension of its RSL development to the south, for an overall density of 2.166 units per acre. The requested Residential Senior Living (RSL) non-supportive zoning district is designed to be located within any land use category other than industrial, industrial compatible, rural residential, and *very low density residential*. Other properties in the area include: Poplar Springs (zoned CS at 1.31 units per acre), The Park at Kyle Farm (zoned CS at 1.549 units per acre, Amberton (zoned PRD at 2.00 units per acre), and numerous single-family houses on lots zoned R-30.

STAFF ANALYSIS (Continued)

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

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 denying the applicant's rezoning proposal. Staff feels the applicant's request is not compatible with the surrounding properties that consist of single-family houses on larger lots, nor is it compatible with the *Cobb County Comprehensive Plan* designation of VLDR. These comments echo Staff's concerns regarding Z-75 of 2016 (the zoning case for applicant's abutting RSL property to the south).

The staff analysis and recommendation 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.

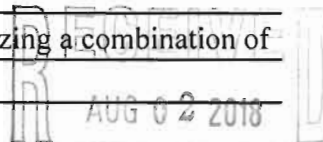
Application No. Z-62

Nov. 2018

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): 1,200-2,500
- b) Proposed building architecture: Traditional architecture utilizing a combination of brick, stone and cementitious siding
- c) List all requested variances: None known at this time



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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

- a) Proposed use(s): N/A
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

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

This community is an addition to the previously zoned RSL community at Lost Mountain and Corner Roads

.....
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).

None known at this time

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
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Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____
Stipulation letter from _____ dated _____