

**JULY 16, 2024 ZONING HEARING**  
**“OTHER BUSINESS”**  
**COMMISSION DISTRICT 4**

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**ITEM OB-43-2024**

To consider a Settlement of Litigation for Aquas Vivas Centro Familiar de Adoracion, Inc. regarding case Z-9 of 2023. The property is located on the north side of South Gordon Road, east of Starling Drive in Land Lots 386 and 412 of the 18<sup>th</sup> District (540 South Gordon Road).

**BACKGROUND**

The subject property was filed in 2023 to rezone the property from R-20 with stipulations to R-20 with Stipulations for a church. The Board of Commissioners denied the application on July 18, 2023. The applicant filed a lawsuit challenging the decision. Since the filing of the lawsuit, the applicant has communicated with the County regarding a potential compromise to the decision. The applicant has proposed rezoning the property to R-20 with stipulations to address transportation and buffering issues. The applicant has submitted a detailed letter of the proposal dated June 13, 2024 (see attached).

**STAFF COMMENTS**

**To be submitted in the Final Other Business Item.**

**RECOMMENDATION**

The Board of Commissioners conduct a public hearing and consider the proposed settlement of litigation.

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JULY 18, 2023  
PAGE 8

**CONSENT AGENDA (CONT.)**

**OTHER BUSINESS (CONT.)**

**O.B. 31 (CONT.)**

To approve O.B. 31, subject to:

1. Staff comments and recommendations, *not otherwise in conflict* (attached and made a part of these minutes)
2. Site Plan received by the Zoning Division on May 25, 2023 contained in the Other Business packet (attached and made a part of these minutes), with the District Commissioner approving minor modifications

MOTION: Motion by Richardson, second by Birrell, to add O.B. 31 to the Consent Agenda as previously read in.

VOTE: **ADOPTED** 5-0 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

CONSENT VOTE: **ADOPTED** 5-0, Gambrill opposed to O.B. 31 *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

**REGULAR AGENDA**

**Z-9** **AGUAS VIVAS CENTRO FAMILIAR DE ADORACION INC.** (Can Van Nguyen, owner) requesting rezoning from **R-20** to **R-20** for a church in land lots 386 and 412 of the 18<sup>th</sup> district. Property is located on the north side of South Gordon Road, east of Starling Drive (540 South Gordon Road). *(Previously held by the Planning Commission (PC) from the April 4, 2023, through the June 6, 2023, PC hearings until the July 5, 2023, PC hearing).*

The public hearing was opened; Mike Crawford, Robin Meyer, and Clayton Mendez addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to deny Z-9.

VOTE: **ADOPTED** 4-1, Cupid opposed *(Statements read in by Commissioner Gambrill and Commissioner Birrell are attached and made a part of these minutes.)*

*Chairwoman Cupid called for a brief recess from 10:30 a.m. until 10:36 a.m.*

# MOORE INGRAM JOHNSON & STEELE

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June 13, 2024

Via E-mail Only

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Suite 400  
1150 Powder Springs Road  
Marietta, Georgia 30064

RE:                      Application for Rezoning - Application No. Z-9 (2023)  
Applicant:            Aguas Vivas Centro Familiar  
                              de Adoracion, Inc.  
Property:            10.296 acres, more or less, located on the  
                              north side of South Gordon Road, east of  
                              Starling Drive, being more particularly  
                              known as 540 South Gordon Road, Land  
                              Lots 386 and 412, 18<sup>th</sup> District, 2<sup>nd</sup> Section,  
                              Cobb County, Georgia

AND

Aguas Vivas Centro Familiar de Adoracion, Inc. v. Cobb County, Georgia; *et al.*  
Civil Action, File No.:            1:23-CV-4251-TWT  
United States District Court, Northern District of Georgia, Atlanta Division

Dear John:

As you know, the undersigned and this firm represent Aguas Vivas Centro Familiar de Adoracion, Inc. ("Aguas Vivas") with regard to a total tract of 10.296 acres, more or less, located on the northerly side of South Gordon Road, east of Starling Drive, being more particularly known as 540 South Gordon Road, Land Lots 386 and 412, 18<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia ("Property" or the "Subject Property"). This lawsuit arose from the July 19, 2023, decision by the Board of Commissioners to deny the Application to rezone the Property to the R-20 category, with stipulations, for a church. Aguas Vivas contends the denial was contrary to the laws of this State, the Constitutions of the United States of America and the State of

# MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
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June 13, 2024

Georgia, and Federal Statutes. Cobb County removed the suit filed in the Superior Court of Cobb County to the United States District Court for the Northern District of Georgia, Atlanta Division, and responded to the lawsuit denying all allegations and contending the Plaintiff is not entitled to any relief under the law.

The settlement, as proposed in this letter, the stipulations contained herein, and the accompanying revised Site Plan, result from efforts to resolve the issues presented without the necessity of further litigation or further uncertainty with respect to the future development and use of the Property.

Aguas Vivas agrees to the following stipulations and conditions, subject to approval of the revised Site Plan submitted herewith, which, if approved, as submitted, shall be in complete settlement of the pending lawsuit and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) Aguas Vivas seeks rezoning of the Subject Property from the existing zoning classification of R-20, with stipulations, to the proposed zoning classification of R-20, with stipulations, including the contemporaneous approval of a Special Use Exception, for purposes of a Church (place of worship), site plan specific to the revised Site Plan prepared for Aguas Vivas by Miller Architecture and Planning, last revised June 11, 2024. A reduced copy of the revised Site Plan is attached as Exhibit "A."
- (2) The Church building shall contain a maximum of 6,808 net square feet, with maximum seating of 380.
- (3) There shall be established an undisturbed, natural and landscaped buffer, in conformance with County Code, adjacent to existing residentially zoned properties. For purposes of clarity, this buffer shall be landscaped where necessitated by clearance or disturbance or where natural screening is not present. In areas where natural vegetation provides adequate screening, such buffer shall be considered undisturbed and/or natural and maintained.
- (4) For purposes of traffic mitigation, Aguas Vivas agrees to install a deceleration lane and left-turn lane on South Gordon Road substantially consistent with Exhibit "B," which includes Cobb County Department of Transportation recommendations. Final design and location of the deceleration lane and left-turn lane shall be subject to Cobb County Department of Transportation approval.

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Zoning Division  
Cobb County Community Development Agency  
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- (5) Signage for the proposed Church shall be ground-based, monument style signage, consistent with and complementary to the architectural style, finish, materials, and colors of the proposed Church building.
- (6) Lighting fixtures for the parking area shall be environmentally sensitive, shoe-box style, or other lighting style which contains the lighting within the boundary of the Subject Property.
- (7) Dumpsters shall be enclosed, with materials and color for the enclosure being comparable and consistent with the façade of the Church structure.
- (8) Aguas Vivas agrees to comply with all Stormwater Division Comments and Recommendations, including, but not limited to, compliance with all applicable stream buffer standards and ordinances.
- (9) Minor modifications to the within stipulations, the referenced revised Site Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
  - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
  - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
  - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (e) Change an access location to a different roadway;
  - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
  - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or

# MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
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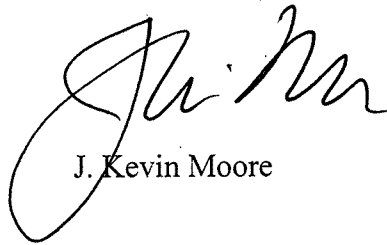
- (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (10) Aguas Vivas agrees to comply with Cobb County Code and Development Standards.

We believe the requested rezoning and Special Use Exception, pursuant to the referenced, revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the overall area and uses of properties surrounding the proposed Church. In addition, we believe this offer of settlement in a disputed matter is reasonable and appropriate. If approved, Aguas Vivas shall dismiss the pending suit, with prejudice.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

c: Debra L. Blair, Esq.  
Deputy County Attorney  
(With Copies of Attachments)

Brian Scott Johnson, Esq.  
Senior Associate County Attorney  
(With Copies of Attachments)

Aguas Vivas Centro Familiar de Adoracion, Inc.  
(With Copies of Attachments)











## Community Development – Zoning Division

John Pederson – Division Manager

### **ZONING CASE**

Z-9-2023

### **SITE BACKGROUND**

Applicant	Aguas Vivas Centro Familiar De Adoracion Inc.
Phone	401-497-7003
Email	jdmendez2010@gmail.com
Representative Contact	Johenny Mendez
Phone	401-497-7003
Email	jdmendez2010@gmail.com
Titleholder	Can Van Nguyen
Property Location	Located on the north side of South Gordon Road, east of Starling Drive
Address	540 South Gordon Road
Access to Property	South Gordon Road

### **QUICK FACTS**

Commission District	4-Sheffield
Current Zoning	R-20 with stipulations
Current Use of Property	Undeveloped, wooded lot
Proposed Zoning	R-20 with stipulations
Proposed Use	Church
Future Land Use	MDR
Site Acreage	10.296
District	18
Land Lot	386, 412
Parcel #	18038600150
Taxes Paid	Yes

### **FINAL ZONING STAFF RECOMMENDATIONS**

(Zoning staff member: LeDarius Scott, AICP Candidate)

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

## **Z-9-2023 DEPARTMENT COMMENTS – Zoning Division**

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1. The District Commissioner to approve the final site plan;
2. Fire Department comments and recommendations;
3. Water and Sewer Division comments and recommendations;
4. Stormwater Management Division comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. 35' landscape buffer plan, adjacent to all residential properties to meet 35' requirement except along entrance road (which may be reduced enough to allow entrance driveway) and to be approved by County Arborist.

The American Society retains the program and educational programs of Midlife Achievement and Planning and now has been reorganized as it is identified in with both National the press was announced at said time.



## Z-9 Aerial Map



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

0 100 200  
Feet

— Zoning Boundary  
— City Boundary



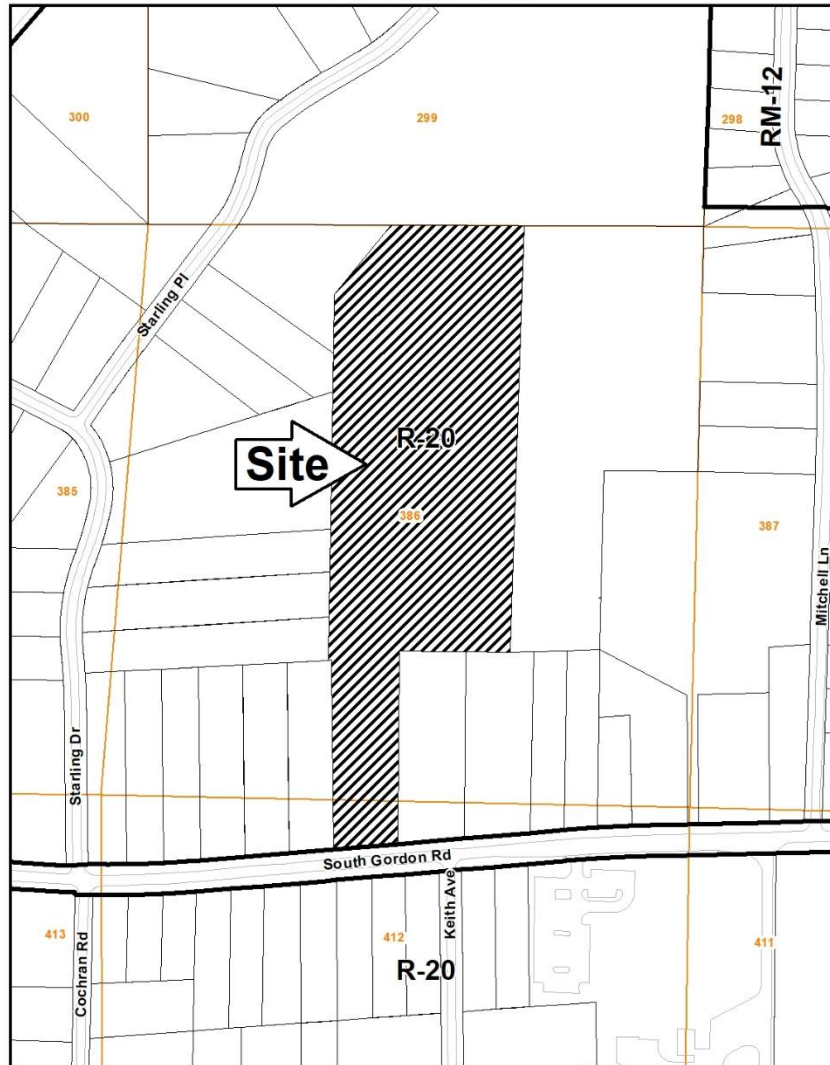
## Z-9-2023 DEPARTMENT COMMENTS – Zoning Division

### North

**Zoning:** R-20/Undeveloped land w/lake owned by Cobb

**Future Land Use:** PRC

### Z-9 2023 GIS



### WEST

**Zoning:** R-20/  
Single Family  
Houses

**Future Land  
Use:** MDR

### EAST

**Zoning:** R-20/  
Single Family  
Houses

**Future Land  
Use:** MDR

### SOUTH

**Zoning:** R-20/Single Family houses

**Future Land Use:** MDR

## **Z-9-2023 DEPARTMENT COMMENTS – Zoning Division**

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### **Current zoning district for the property**

The R-20 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-20 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 R-20 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-20 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.

### **Summary of the applicant's proposal**

The applicant is requesting to rezone to the R-20 zoning district to modify a previous approval to develop a one story, 10,000 square foot church on a 10.3-acre site. The style of the building will be brick. According to the site plan, a potential expansion could result in an 8,000 square foot increase of the facility's footprint, bringing the overall development to 18,000 square feet in the future. The church will be operating three (3) to four (4) days a week, meeting at about thirty to forty hours a week. The subject property was rezoned to R-20 with stipulations in 2014 (Z-14, minutes attached) for a meditation center.

### **Non-residential criteria**

Proposed # of buildings: 1  
Proposed # of stories: 1  
Total sq. footage of development: 10,000  
Floor area ratio: 0.022  
Square footage per acre: 971  
Required parking spaces: 62  
Proposed parking spaces: 145 (plus 5 for handicap)  
Acres in floodplain or wetlands: 0  
Impervious surface shown: Max impervious 70%

## **Z-9-2023 DEPARTMENT COMMENTS – Zoning Division**

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### **Are there any zoning variances?**

Yes;

1. Reduce the required 35' landscape buffer to a 20' landscape buffer (shown on plans).
2. Reduce the side setback for a church from 50' to 20' along the west property line.
3. Reduce the rear setback for a church from 50' to 40' on the north property line.



## **Z-9-2023 DEPARTMENT COMMENTS – Fire Department**

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2/24/23

**The proposed zoning case must address the comments listed below by prescriptive code or equivalency, as approved by the Cobb County Fire Marshal's Office**

### **IFC 510- EMERGENCY RESPONDER RADIO COVERAGE:**

New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This serves as an early notification to owners and developers for budgeting purposes.

### **FIRE DEPARTMENT 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 2018 Edition and Cobb County Development Standards 402.11).

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. (Cobb County Development Standards 402.11)

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level.

- Aerial fire apparatus access roads shall have a minimum width of 26 feet
- Aerial fire apparatus access roads shall be at least 15 feet but no more than 30 ft from the structure
- Aerial fire apparatus access roads shall be positioned parallel to one entire side of the building.
- No overhead utility and power lines shall be located within the aerial fire apparatus access. (IFC Appendix D105)

## Z-9-2023 DEPARTMENT COMMENTS – Fire Department

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(continued)

### COMMERCIAL AND INDUSTRIAL DEVELOPMENTS

**Buildings exceeding three stories or 30 ft in height.** A minimum of two remote means of fire department access roads must be provided

**Buildings exceeding 62,000 square feet in area.** A minimum of two remote means of fire department access roads must be provided

**Remoteness.** Where two fire department access road are required, they must be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the lot or area to be served

### CERTIFICATE OF OCCUPANCY:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

### ACCESS GATES:

Gates securing fire apparatus access shall meet the following requirements:

- minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway.
- Double lane gates shall be a minimum of 20 feet in clear width.
- Gates shall be of the swinging or sliding type.
- Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access during normal operations and in power failure.
- Emergency opening devices require a permit and shall be approved by the Cobb County Fire Marshal's Office. (Cobb County Development Standards 401.8.2)

### FIRE HYDRANT:

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. (Cobb County Development Standards 410.5.2)

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

### FIRE PROTECTION:

Automatic sprinkler protection must be provided where mandated by the applicable codes.

**Jeff Byrd**

(770) 528-8814

[Jeffrey.Byrd@cobbcounty.org](mailto:Jeffrey.Byrd@cobbcounty.org)

## **Z-9-2023 DEPARTMENT COMMENTS – Site Plan Review (Arborist)**

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**2/24/2023**

The submitted site plan does not appear to satisfy the minimum parking lot tree standards of the Cobb County Tree Ordinance. Additional parking lot peninsulas may be required, as determined by the Cobb County Arborist during the Site Plan Review process.

## **Z-9-2023 DEPARTMENT COMMENTS – Cemetery Preservation**

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No comment

## **Z-9-2023 DEPARTMENT COMMENTS – School System**

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**4/4/23**

Approval of this petition will not have an impact on the enrollment of schools.

**02/14/2023**

**Site Data**

1. Address:            540 South Gordon Road
2. District:            4
3. Existing Zoning: R-20                      Existing Allowable Impervious Coverage: 35%
4. Proposed Zoning: R-20                      Allowable Future Impervious Coverage: 35%
5. Future Land Use: MDR

**Existing Conditions**

**Floodplain Information**

1. Flood Damage Prevention Designated Flood Hazard: No / Yes; Zone:
2. FEMA Map Number:

**Stormwater Information**

1. Drainage Basin: Tributary to Queen Creek
2. State Stream Buffers: Yes; Georgia DNR Variance may be required to disturb within 25-foot streambank buffers. All stream buffers are to be located by the State's guidelines.
3. County Stream Buffer Ordinance: Yes; The County's Undisturbed Stream Buffer is 50', each side of the stream; with an additional 25' impervious setback from the undisturbed buffer line.
4. Impaired Stream: No
5. Hotspot: No
6. Wetlands: Possibly, Not Verified            Location: Within streambanks
7. Water Intake Zone: No

**Topography Information**

1. General site Description: The property is currently undeveloped wooded lot. The land slopes and drains to the west and north property lines. The slope of the land varies between 6% to 10%. The property is adjacent to Starling Park to the north including the Starling Park Lake.
2. Downstream Description: Stormwater discharges through an established residential neighborhood downstream. The drainage from this site passes through the Holloway J T Subdivision and then into Starling Lake
3. Potential or known drainage problems may exist downstream from this site.

(continued)

### **Project Design Comments and Recommendations**

*The following comments and recommendations are typically required at the time of plan review and permitting.*

#### **Existing Onsite and Offsite Ponds and/or Lakes Design Requirements**

1. Existing Downstream Offsite Lakes/Ponds: Additional Best Management Practices (BMP's) for Erosion & Sediment Control may be required during construction. Erosion Control BMP's shall be designed in accordance with the "Manual for Erosion and Sediment Control in Georgia".
2. Existing Downstream Lakes/Ponds Sediment Study Required: Provide a pre-development and post-construction sediment survey/study to document pre-development and post-development sediment levels within the downstream lakes/ponds.
  - Location(s): Starling Lake- adjacent to the north property line of the property

#### **Proposed Project Onsite Design Requirements**

1. At the time of plan review provide a comprehensive Hydrology Study and Design for the Stormwater Management Design will be required. The design and study shall be in accordance with the Georgia Stormwater Management Manual and the current Cobb County Codes. The design and study shall include but not limited to stormwater detention, runoff reduction and/or water quality, channel protection, and downstream flood prevention.
2. Project Engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s). Including hydrologic routing of upstream and/or downstream detention ponds or lakes.
3. At the time of plan review calculate and provide the percentage of impervious coverage for the project site on the plans.
4. Recommend a pre-design concept meeting with Cobb County Stormwater Management Division. At the time of the Concept Meeting a proposed concept stormwater management plan shall be presented.
5. The proposed onsite storm drain system and stormwater management facility is considered private. All annual inspections, maintenance and repairs are the responsibility of the property owner. A stormwater facility "Maintenance Agreement and Access Easement" will be required at the time of the land disturbance permit with the Cobb County Stormwater Management Division.



## **Z-09-2023    DEPARTMENT COMMENTS – Stormwater Management**

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(continued)

6. The Owner/Developer is responsible for obtaining any required stream piping and wetland disturbance permits from the U.S. Army Corps of Engineers including any required mitigation. Copies of the Corps of Engineers approvals, permits, and proof of mitigation are to be furnished at the time of the Land Disturbance Permit and scanned onto the plan sheets of the project drawings.
7. The Owner/Developer is responsible for obtaining any required stream piping and buffer variances from the Georgia EPD including any mitigation. Copies of the State's approvals, permits, and proof of mitigation are to be furnished at the time of the Land Disturbance Permit and scanned onto the plan sheets of the project drawings.
8. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system including drainage swales and roadside ditches.
9. Substantially mitigate any effects of concentrated stormwater discharges onto adjacent properties. Level spreaders may be required to disburse the stormwater discharge.
10. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist downstream.
11. Any spring activity discovered must be addressed by a qualified registered geotechnical professional engineer (PE) at the expense of the owner/developer.
12. Structural fill must be placed under the direction of a qualified registered geotechnical engineer (PE) at the expense of the owner/developer.

### **Special Conditions**

1. All stream buffers need to be confirmed by the project engineer with the Community Development Department Erosion Control Division.
2. Based on the submitted zoning site plan the proposed building, entrance drive, and parking is possibly shown within the stream buffers.

02/24/2023

**Cobb 2040 Comprehensive Plan:** The subject tract is within the Medium Density Residential (MDR) future land use category. The purpose of the MDR category is to provide for areas that are suitable for moderate density housing between two and one-half (2.5) and five (5) dwelling units per acre.

**Comprehensive Plan Designation:**☒ Consistent☐ Inconsistent

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**House Bill 489 Intergovernmental Agreement Zoning Amendment Notification**

Is the proposal within one-half mile of a city boundary?

☐ Yes☒ No

If yes, which City:

Was the city notified?

☐ Yes☐ No☒ N/A

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**Specific Area Policy Guidelines:**☒ Yes☐ No

MDR-P13

In an effort to encourage residential revitalization, redevelopment along South Gordon Road, from Factory Shoals Road to Mableton Parkway, should include single-family detached structures to complement the existing neighborhoods in the area. To encourage redevelopment, additional density may be provided, as long as, it does not exceed the maximum densities encouraged in the MDR category.

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**Masterplan/ Corridor Study:**☒ Yes☐ NoSouth Cobb Implementation Strategy

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**Design guidelines area?**☐ Yes☒ No

If yes, design guidelines area:

Does the proposal plan comply with the design requirements?

☐ Yes☐ No☒ N/A

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**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)*

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**Is the property within an Enterprise Zone?**☒ Yes☐ No

*(The South Cobb 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)*

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**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)*

(continued)

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.)

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**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)*

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**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](http://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

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**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 3000' of Dobbins ARB?

☐ 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

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**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.

**Z-09-2023**

**DEPARTMENT COMMENTS – Water and Sewer**

**03/01/23 – DATE OPTIONAL**

**Water comments:**

At development: ☒ YES ☐ NO

Fire flow test required: ☒ YES ☐ NO

Size/location of existing water main(s): 8" in South Gordon Rd.

Additional water comments:

**Sewer comments:**

In the drainage basin: ☒ YES ☐ NO

At development: ☒ YES ☐ NO

Approx. distance to nearest sewer: South Gordon Rd right-of-way

Estimated waste generation (in G.P.D.): Average daily flow = 1,200

Peak flow = 3,000

Treatment plant: South Cobb WRF

Plant capacity: ☒ Yes ☐ NO

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

Off-site easement required: ☐ YES\* ☒ NO

Line capacity study 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 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: Depending on finished floor elevation, private pumping to South Gordon Road may be necessary. Sewer also available ~200' NW with easement

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. 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.

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
South Gordon Road	Major Collector	40	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
South Gordon Road	East of Cochran Road	8,850	D

Based on 2021 AADT count data taken by Cobb County for South Gordon 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 arterial roads from this data source.

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

ITE Land Use	Description	Expected Size (seats)	Peak Hour of Development (Sunday)			Daily (Sunday) (vpd)
			In (vph)	Out (vph)	Total (vph)	
560	Church	600	150	156	306	1,326

vph = vehicles per hour, vpd = vehicles per day, N/A = not available

Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11<sup>th</sup> edition.

### 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.

This development requires a traffic study submittal based on Cobb County Code 134-121. This requirement was communicated to the development team on February 14, 2023.

### 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 north side of South Gordon Road, a minimum of 40' from the roadway centerline.
2. Recommend a traffic study. Study assumptions (such as study peak periods, study intersections, trip distribution, future analysis years, and annual growth rate) should be submitted in a memorandum (Submittal 1) and agreed to by Cobb DOT before continuing the full traffic study (Submittal 2).. Cobb DOT recommendations may be updated after the revised study's receipt.
3. As necessitated by this development, recommend South Gordon Road access point include a deceleration lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

(continued)

4. As necessitated by this development, recommend South Gordon Road access include left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.
5. Recommend applicant verify that minimum intersection sight distance is available for South Gordon Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 445'.
6. Recommend replacing any disturbed curb and gutter in addition to installing sidewalk along the South Gordon Road frontage. Final cross-section should include sidewalk, curb and gutter along entire South Gordon Road frontage.
7. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

## **Z-9-2023 DEPARTMENT COMMENTS – Zoning Division**

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### **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. The property is in an area that has residential uses and institutional uses (school and county park).

**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 rezoning proposal will not adversely affect the existing use or usability of adjacent properties if stipulations are implemented that help protect the existing residential properties. The proposed site plan indicates that the church facility will be at least fifty (50) feet from all property lines and the requested R-20 category will be still in character with other properties in the area, with code required buffering.

**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 this rezoning proposal does not create an excessive burdensome on the use of existing streets, transportation facilities, utilities, or schools. The opinion is supported by 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 in conformity with the policies and intent of the Cobb County Comprehensive Plan. The property is delineated in a Medium Density Residential, MDR, future land use category. The requested zoning district and proposed use is consistent with the MDR future land use category which allows for churches in R-20 as a special exception.

**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;**

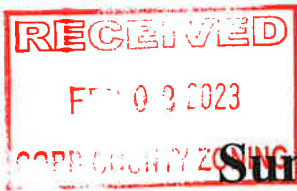
It is Staff's opinion that there are no existing or changing conditions affecting the use or development of the property which give grounds for approving the applicant's rezoning proposal for the use as a church. The proposal would be consistent with the MDR future land use category and compatible to other properties in the area. The property was previously approved to be a religious facility that was never built.



## **Z-9-2023 DEPARTMENT COMMENTS – Zoning Division**

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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. 29

## Summary of Intent for Rezoning

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

N/A

- a) Proposed unit square-footage(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) List all requested variances: N/A

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

- a) Proposed use(s): Church (New Construction)
- b) Proposed building architecture: Standard
- c) Proposed hours/days of operation: 3-4 days/week 30-40 hr/week
- d) List all requested variances: No variances requested

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

No additional info

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

February 1<sup>st</sup>, 2023

Re: 540 South Gordon Road

Austell GA, 30126

Cobb County

Zoning Division

1150 Powder Spring St, Ste 400

Marietta, GA 30064



## LETTER OF INTENT

To whom it may concern

Please accept this Rezoning Application for allowing a proposed worship center (church) construction in Land Lots 386 and 412 of the 18<sup>th</sup>, district request by Aguas Vivas Centro Familiar De Adoracion, Inc

According to the Cobb County Code of Ordinances, Chapter 134 Zoning, Article V, Supplemental Regulations Sec.134-271 Special Exemptions...

places of worship (churches) when located within R-20 zone are permitted as special exception uses with meeting specific requirements.

The property has been rezoned (2014) with stipulations, the applicant is aware that the site/building design prepared by licensed professionals will be a subject of the Community Development standard review

process. Nothing will be changed regarding the previous conditions on this property.

A proposed use is suitable in view of the land use and development of adjacent and nearby property.

The proposed zoning will not affect the existing use or usability of adjacent or nearby properties.

The property has the same and a reasonable economic use as currently zoned.

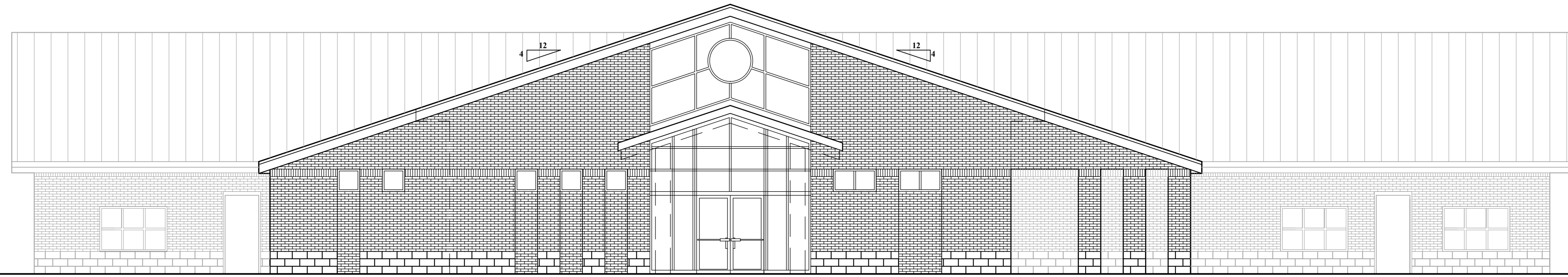
The zoning proposal will not cause an extensive or burdensome of the existing streets, utilities and schools.

The zoning proposal is in conformity with the policy and intent of the land use plan.

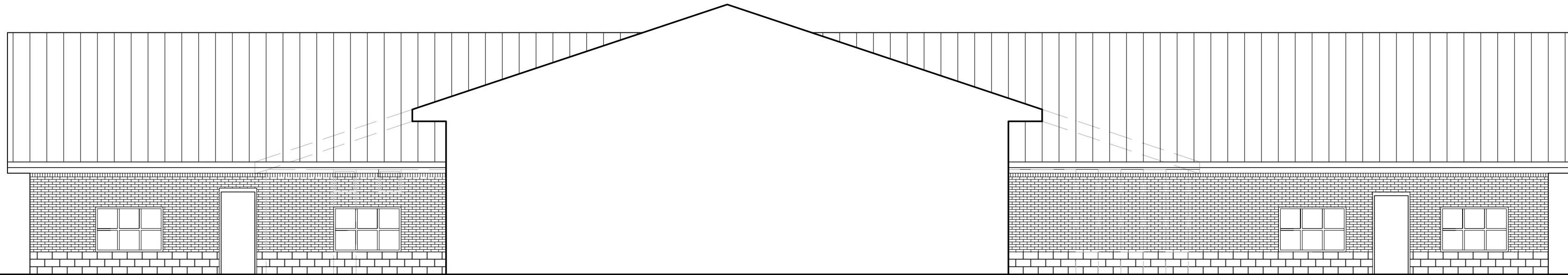
There are no other existing or changing conditions.

Feel free to contact the applicant representative Johenny Mendez with questions or additional information ([cleyton7@gmail.com](mailto:cleyton7@gmail.com), 4014977003).

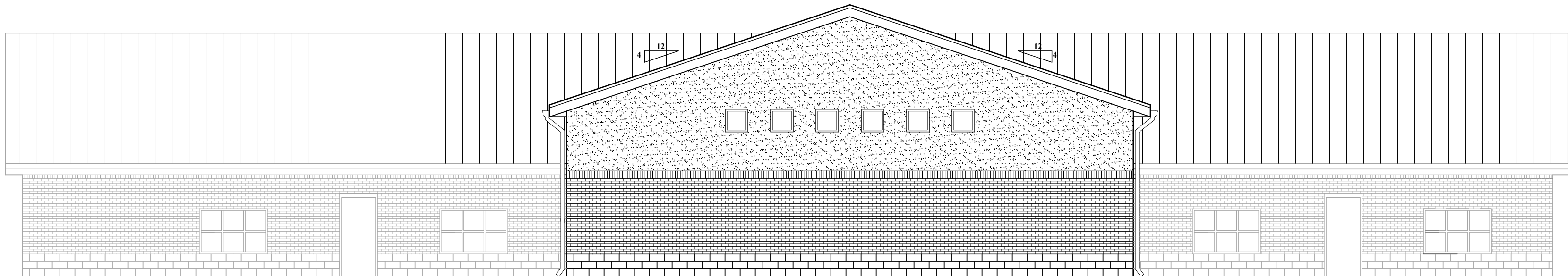




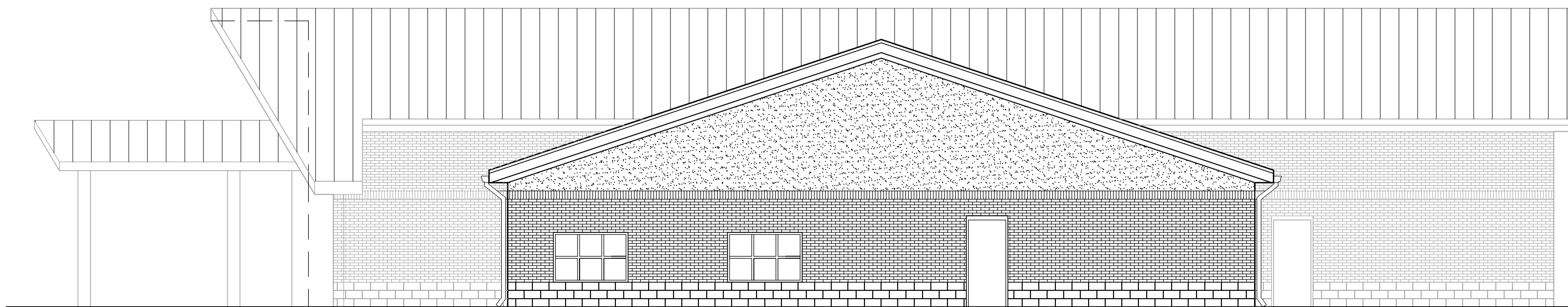
1 FRONT ELEVATION  
A-51 SCALE: 1/8" TYP. = 1'-0"



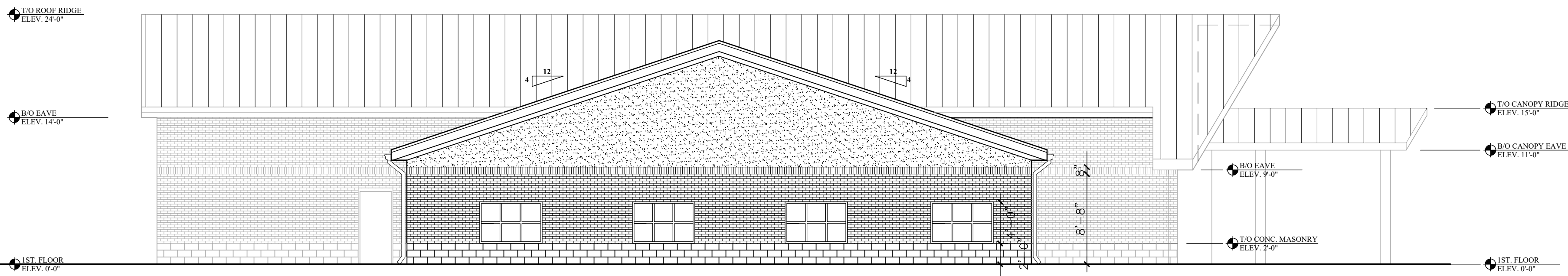
2 FRONT ELEVATION  
A-51 SCALE: 1/8" TYP. = 1'-0"



3 REAR ELEVATION  
A-51 SCALE: 1/8" = 1'-0"



4 SIDE ELEVATION  
A-51 SCALE: 1/8" = 1'-0"



5 SIDE ELEVATION  
A-51 SCALE: 1/8" = 1'-0"

**GENERAL CONSTRUCTION NOTES:**

1. THE CONTRACTOR SHALL GUARANTEE TO THE OWNER ALL WORKMANSHIP AND MATERIALS, WHETHER FURNISHED BY THE CONTRACTOR OR SUB-CONTRACTORS, AGAINST DEFECTS FOR A MINIMUM PERIOD OF ONE (1) YEAR AFTER THE DATE OF FINAL ACCEPTANCE BY OWNER. FAILURE OF ANY SUCH ITEMS SHALL BE MADE GOOD BY THE CONTRACTOR AT THE CONTRACTOR'S OWN EXPENSE.
2. THE CONTRACTOR SHALL TAKE ALL NECESSARY PRECAUTIONS TO PROTECT FROM DAMAGE OR DESTRUCTION ALL EXISTING MATERIALS AND FINISHES TO REMAIN IN ADJACENT OR NEARBY AREAS. THE CONTRACTOR SHALL REPLACE ANY DAMAGED OR DESTROYED ITEMS BY OPERATIONS UNDER THIS CONTRACT.
3. PRODUCTS, TRADE NAMES AND/OR MANUFACTURERS NOTED WITHIN THESE DOCUMENTS ARE PROVIDED TO ESTABLISH A STANDARD OF QUALITY. UNLESS OTHERWISE INDICATED, APPROVED EQUAL PRODUCTS OF ANOTHER MANUFACTURER MAY BE USED WITH THE WRITTEN PERMISSION OF THE ARCHITECT. IT IS THE RESPONSIBILITY OF THE CONTRACTOR AND SUPPLIER TO PROVE TO THE ARCHITECT BEFORE THE DATE OF BID THAT THEIR PRODUCT IS EQUAL TO OR BETTER THAN THOSE PRODUCTS SPECIFIED. IF AN "OR EQUAL" PRODUCT IS USED, IT IS THE RESPONSIBILITY OF THE CONTRACTOR TO MAKE ANY NECESSARY CHANGES TO THE STRUCTURE AND INTERIOR LAYOUT AT THE CONTRACTOR'S OWN EXPENSE, AFTER OBTAINING THE ARCHITECT'S ACCEPTANCE OF SUCH CHANGES.
4. THE CONTRACTOR SHALL COORDINATE WITH THE OWNER A DESIGNATED SITE OR SITES FOR STORAGE OF MATERIALS AND EQUIPMENT FOR THE DURATION OF THE CONSTRUCTION CONTRACT.
5. DIMENSIONS SHOWN ON THE DRAWINGS ARE TO ROUGH SURFACES, EXCLUSIVE OF FINISH MATERIALS, EXCEPT AS NOTED OTHERWISE. DO NOT SCALE THE DRAWINGS.
6. THE CONTRACTOR SHALL COMPLY WITH ALL RELEVANT AND CURRENTLY ENFORCED BUILDING CODES AND LAWS BY ALL GOVERNING JURISDICTIONS, INCLUDING BUT NOT LIMITED TO ALL PROVISIONS OF THE AMERICAN WITH DISABILITIES ACT.

The contractor shall be responsible for all fees and obtaining all necessary and relevant permits and approvals relating to staging and construction of this project. The contractor shall comply with all relevant building, construction and work safety codes. The contractor shall verify all dimensions and elevations in the field before starting work and immediately report to the architect any discrepancies discovered.

**AGUAS VIVAS CENTRO  
FAMILIAR DE ADORACION  
540 GORDON ROAD SW  
AUSTELL, GA 30126**

CLIENT:  
AGUAS VIVAS CENTRO DE ADORACION  
4750 COVENANT WAY  
POWDER SPRINGS, GA 30127

DRAWING TITLE:  
**ELEVATIONS**

ISSUANCE:	DATE:	DRAWING NO.
PRLM. SCHEM. DES.	MARCH 1, 2023	<b>A-51</b>
---	---	
---	---	
---	---	
---	---	
---	---	COMMISSION: 266-2
---	---	DRAWN BY: TSM

**PRELIMINARY - NOT FOR CONSTRUCTION**



MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 20, 2014  
PAGE 8

CONSENT CASES (CONT.)

~~SLUP-7 CUMBERLAND CHRISTIAN ACADEMY, INC. (CONT.)~~

- ~~• Fire Department comments and recommendations~~
- ~~• Water and Sewer Division comments and recommendations~~
- ~~• Stormwater Management Division comments and recommendations~~

~~CONSENT VOTE: ADOPTED unanimously~~

REGULAR CASES

Z-14

CAN NGUYEN (Can Van Nguyen, owner) requesting Rezoning from RA-5 to R-20 for the purpose of a Meditation Center in Land Lots 386 and 412 of the 18<sup>th</sup> District. Located on the north side of South Gordon Road, east of Starling Drive, west of Mitchell Lane (540 South Gordon Road). *(Previously continued by the Board of Commissioners from their April 15, 2014 hearing)*

The public hearing was opened and Mr. George Awuku addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Lee, to approve Rezoning to the R-20 zoning district subject to:

- Specific to the *revised* site plan to be submitted and approved by the District Commissioner
- Letter from Mr. George Awuku dated May 15, 2014 showing intent to hire a peace officer to manage traffic and the number of events per year (attached and made a part of these minutes)
- Approval is limited to this Applicant and for this use *only* (worship facility) including possible residence of one worship leader inside the facility
- Applicant to submit architectural renderings of all structures, which shall be subject to approval of the District Commissioner
- Any additional structures on the property, including structures for outdoor gatherings, shall be considered through the site plan amendment process
- Addition of walking trails are subject to approval by the District Commissioner and any associated fees shall be waived
- Pervious driveway and paver parking systems are subject to approval by the Stormwater Management Division and Fire Department

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





5914 OLD DAHLONEGA HWY, MURRAYVILLE, GA 30056, TEL 404 597 6745/ELMINAENGINEER@GMAIL.COM

May 15, 2014

Lisa N. Cupid  
Cobb County Commissioner - District 4  
100 Cherokee Street  
Marietta, GA 30090

R-AS → R20  
subject

Min. Bk. 7a Petition No. 2-14  
Doc. Type letter of  
agreeable conditions  
Meeting Date 5/20/14

Dear Commissioner Cupid,

**Re: 540 SOUTH GORDON ROAD, MABLETON - REZONING.**

I have discussed your concerns regarding off street parking requirements for the planned temple during large events with the applicant. I can confirm that they hold 3 to 4 events in a year. During these events, which may last the whole day, members, their family and friends will congregate. It my understanding that a maximum number of congregants at any given time, on the premises will not exceed 60. It is also my understanding that a "large gathering (or crowd)" permit will be obtained from the Cobb County Police Department and a Peace Officer hired to manage traffic during the event. This has been their approach for similar events held in Gwinnett County. Additionally, neighbors are notified in writing a week in advance of their plans to hold such events. My client is prepared at this time to provide up to 15 off street parking as to the proposed 5 spaces shown on the site plan submitted as part of the rezoning application. We note that this is far in excess of their needs. Perhaps consideration shall be given to using "green" type parking space consisting of paver with grass cover in between for 10 of the 15 spaces.

On the issue regarding exterior finish for the proposed temple. The applicant will accept recommendations to have the commissioner or its designee. Additionally sufficient frontage landscape will be provided so as to screen the building from the right of way, if so requested.

We note that the temple has a large tract of wooded area at the rear of the proposed development that will be maintained as much possible in its current state. A walking trail and seats are planned. The wooded area will be a preserved for outdoor meditation and it is their intention that the preserve with its trails be opened for the use and enjoyment of the local community.



5914 OLD DAHLONEGA HWY, MURRAYVILLE, GA 30564, TEL 404 597 6745/ELMINAENGINEER@GMAIL.COM

Thank you for your consideration of this rezoning request.

Sincerely,

George Awuku, P.E.  
Agent for Applicant

Petition No. 2-14  
Meeting Date 3/20/14  
Continued



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

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

OPPOSITION: NO. OPPOSED        PETITION NO:        SPOKESMAN       

#### PLANNING COMMISSION RECOMMENDATION

APPROVED        MOTION BY       

REJECTED        SECONDED       

HELD        CARRIED       

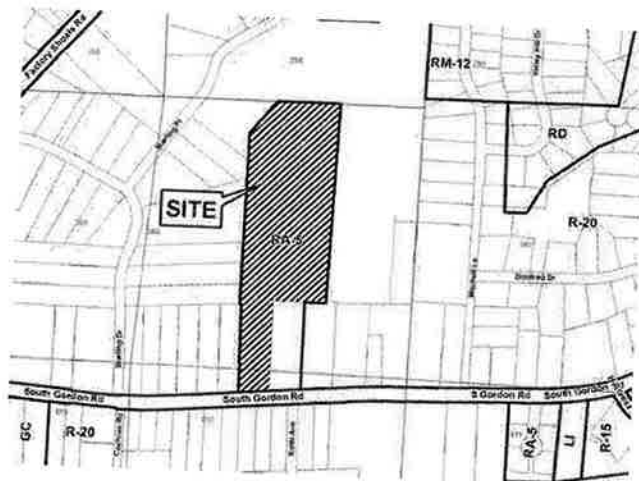
#### BOARD OF COMMISSIONERS DECISION

APPROVED        MOTION BY       

REJECTED        SECONDED       

HELD        CARRIED       



STIPULATIONS:





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

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from RA-5 to R-20 for purposes of meditation center. The 10.296 acre site is located on the north side of South Gordon Road, east of Starling Drive, west of Mitchell Lane.

**Comprehensive Plan**

The parcel is within a Medium Density Residential (MDR) future land use category, with RA-5 zoning designation. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

**Master Plan/Corridor Study**

Not applicable.

**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Design Guidelines**

Is the parcel in an area with Design Guidelines? ☐ Yes ☒ No

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

Does the current site plan comply with the design requirements?

**Incentive Zones**

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 available 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 investments.

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.

**Special Districts**

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



**APPLICANT:** Can Nguyen

**PETITION NO.:** Z-14

**PRESENT ZONING:** RA-5

**PETITION FOR:** R-20

\*\*\*\*\*

**SCHOOL COMMENTS:**

Name of School	Enrollment	Capacity	Number of
		Status	Portable Classrooms
Elementary			
Middle			
High			

- 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

Drw Sewers Required:

☐ Yes

☒ No

Off-site Easements Required:

☐ Yes\*

☒ No

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

Flow Test Required:

☐ Yes

☒ No

Letter of Allocation issued:

☐ Yes

☒ No

Septic Tank Recommended by this Department:

☐ Yes

☒ No

Subject to Health Department Approval:

☐ Yes

☒ No

Additional  
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

.....  
**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

.....  
**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 X; Yes \_\_\_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

Applicant signature: \_\_\_\_\_

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 18<sup>th</sup> 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

Am. 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 18<sup>th</sup> District, 2<sup>nd</sup> 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.

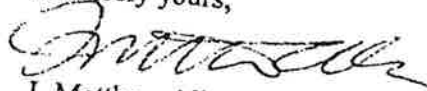
3. The development shall consist of a total of 46 homes at an overall density of 3.88 units per acre, with the District Commissioner approving any minor modifications to the Plan.
4. Home sizes shall range from a minimum of 1700 square feet up to 2400 square feet and shall have two-car garages.
5. It 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,

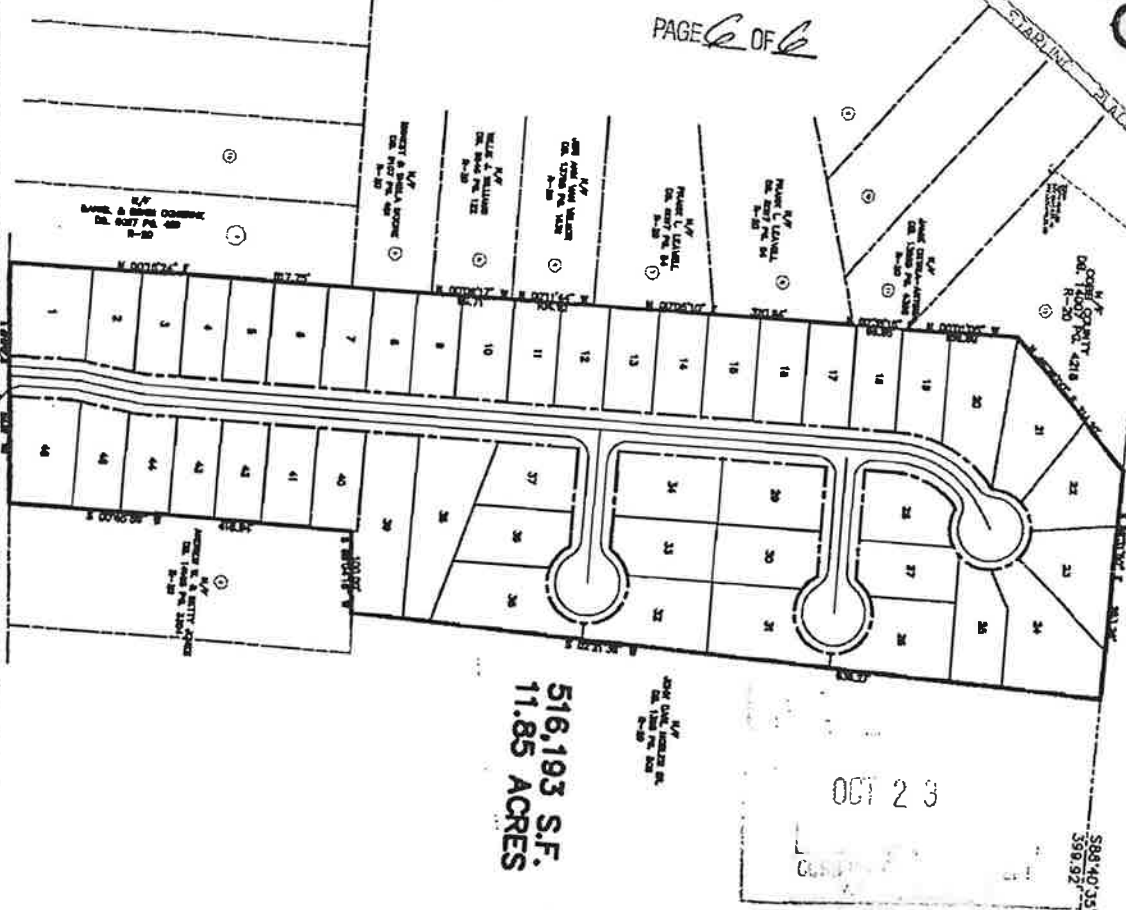


J. Matthew Allen

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



NORTH FROM STATE PLAIN  
COORD. OBTAINED BY GPS

**OWNER/DEVELOPER**  
PRESSLEY-ALLEN PROPERTIES, LLC  
P.O. BOX 5074  
MARLETTA 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  
DETENTION 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  
KONENSON WICKREY DATED: 08-28-05

I HAVE EXAMINED THE FLOOD INSURANCE RATE  
MAP FOR COBB COUNTY, GEORGIA, PANEL  
130670005 F, DATED: AUGUST 10, 1992  
AND FOUND THAT NO PORTION OF THIS  
PROPERTY LIES IN A FLOOD HAZARD AREA.

**COBB COUNTY ZONING CASE: Z-163**



**PRESSLEY-ALLEN PROPERTIES, LLC**



Z-1



APPLICANT: Pressley-Allen Properties, LLC  
PRESENT ZONING: R-20

PETITION NO.: Z-16  
PETITION FOR: RA-5

Z-14 (2014)  
Previous Minutes

SCHOOL COMMENTS:

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

\* 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-feet wide roadway + 45-feet).

Additional Comments:

APPLICANT Pressley-Allen Properties, LLC

PETITION NO. Z-163

~~PRES~~ENT 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  
Additional Comments:  
Sewer extension by developer required to upper property line (east)

\* 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.

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

Z-14 (2014)  
Previous Minutes

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

Z-14 (2014)  
Previous Minutes

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

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### TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
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.