

APPLICANT: E. Lamarr Scotti & Associates
404-788-8072

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: K. Hoyt McGee a/k/a Kermie Hoyt McGee

PROPERTY LOCATION: Located on the easterly side of South Gordon Road, southwesterly of Mableton Parkway and on the south side of Mableton Parkway, west of Dodgen Road.

ACCESS TO PROPERTY: Mableton Parkway

PHYSICAL CHARACTERISTICS TO SITE: Existing house on
a large wooded lot

PETITION NO: Z-10

HEARING DATE (PC): 03-04-08

HEARING DATE (BOC): 03-18-08

PRESENT ZONING: R-20

PROPOSED ZONING: HI

PROPOSED USE: Inert Landfill

SIZE OF TRACT: 12.47 acres

DISTRICT: 18

LAND LOT(S): 388

PARCEL(S): 1

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH: NS/ vacant lot
- SOUTH: R-20/ Riverside Intermediate Elementary School
- EAST: R-20/ Single-family house, wooded lot
- WEST: R-15/ Gordon Woods subdivision

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

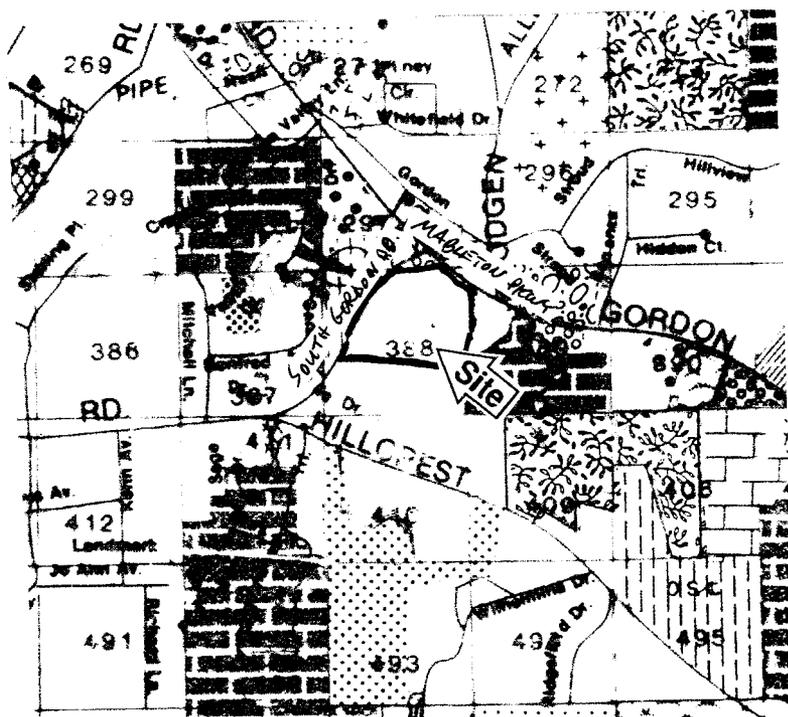
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____
REJECTED _____ SECONDED _____
HELD _____ CARRIED _____

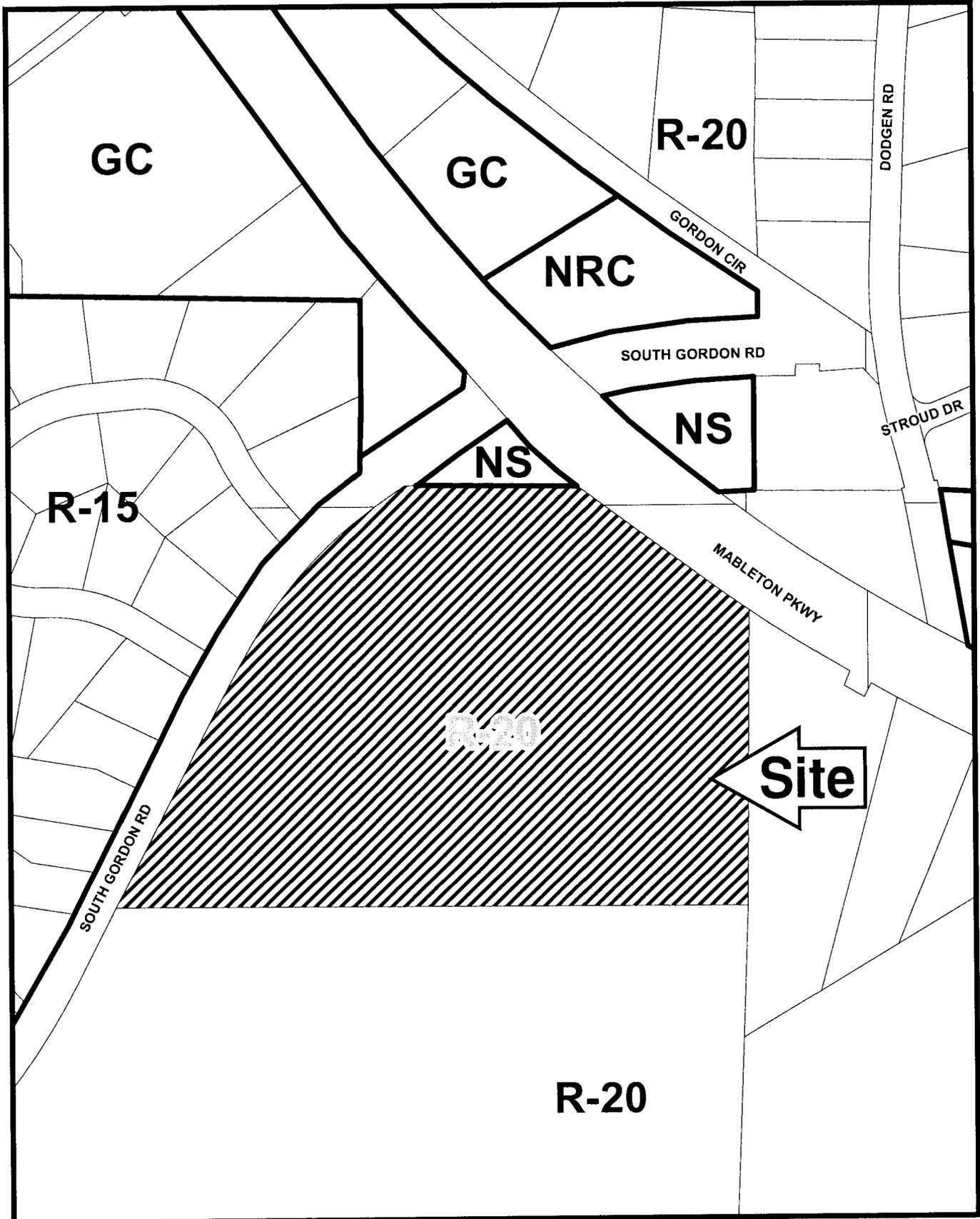
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____
REJECTED _____ SECONDED _____
HELD _____ CARRIED _____

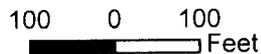
STIPULATIONS:



Z-10



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



-  Draft Parcel Boundary
-  Approximate Zoning Boundary

APPLICANT: E. Lamarr Scotti & Associates

PETITION NO.: Z-10

PRESENT ZONING: R-20

PETITION FOR: HI

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Medium Den. Res. (+/-11.7 acres), Neighborhood Activity Center (+/-0.76 acres)

Proposed Number of Buildings: None Total Square Footage of Development: None

F.A.R.: None Square Footage/Acre: None

Parking Spaces Required: None Parking Spaces Provided: None

The applicant is requesting the HI zoning district to operate a temporary land fill. Only inert material, such as dirt, rock, asphalt, and concrete will be buried; no organic or combustible material will be buried. The landfill will be open Monday through Saturday, from 8:00 a.m. to 6:00 p.m., and there will be four employees. The applicant anticipates 25 to 100 dump truck loads a day, and the entrance will be closed to prevent access to the property during non-business hours. The applicant has offered to have the property revert back to R-20 zoning after the land filling operation is complete. The project has received positive findings on the required Development of Regional Impact from the Atlanta Regional Commission and the Georgia Regional Transportation Authority. The applicant has submitted a letter of agreeable stipulations (see Exhibit "A").

Historic Preservation: After consulting various county historic resource 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.

Cemetery Preservation: No comment.

FIRE COMMENTS:

No combustibles allowed in land fill.

APPLICANT E Lamar Scotti & Associates

PETITION NO. Z-010

PRESENT ZONING R-20

PETITION FOR HI

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No
Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 6" DI / S side Mableton Pkwy

Additional Comments:

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: 660' S (gravity service)

Estimated Waste Generation (in G.P.D.): **A D F** 125 **Peak** 315

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

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? Yes No

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

Additional Comments:

Notes FYI: *Septic system use for site allowable by code since less than one ERU (400 gpd) and over 80,000 SF*

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: E. Lamar Scotti & Associates

PETITION NO.: Z-10 / SLUP-1

PRESENT ZONING: R-20

PETITION FOR: HI

DRAINAGE COMMENTS

FLOOD HAZARD: [X] YES [] NO [] POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River FLOOD HAZARD INFO: Zone X

- [] FEMA Designated 100 year Floodplain Flood.
[X] Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
[X] 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 [X] POSSIBLY, NOT VERIFIED

Location: not determined

- [X] The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: [X] 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).
[X] 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.
[X] 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.
[X] Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
[X] Minimize runoff into public roads.
[X] 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.
[X] Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving stream..

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

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

INSUFFICIENT INFORMATION

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

ADDITIONAL COMMENTS

- 1. The only stream buffer associated with this site is at the very southeast corner downstream of the proposed detention facility. This area is just downstream of an existing pond that has been drained. Due to the extended period of active earthwork associated with this fill/grading operation, it is recommended that the existing pond be incorporated into the stormwater management system as a forebay to provide an extra level of erosion and sediment control protection for the site.
2. The proposed detention facility must be designed to accommodate existing flow from the 24-inch RCP culvert under Mableton Parkway that enters the site near the southeast corner of the site. There is no other significant offsite runoff onto the property.

APPLICANT: E. Lamar Scotti & Associates

PETITION NO.: Z-10

PRESENT ZONING: R-20

PETITION FOR: HI

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
Mableton Parkway	19900	Arterial	45 mph	GDOT	100'
S. Gordon Road	6800	Major Collector	35 mph	Cobb County	80'

*Based on 2006 traffic counting data taken by GDOT. (Mableton Parkway)
Based on 2004 traffic counting data taken by Cobb County DOT. (S. Gordon Road)*

COMMENTS AND OBSERVATIONS

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

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.

One access point from Mableton Parkway shall serve the site.

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

No access to South Gordon Road.

The applicant will have to verify that minimum intersection sight distance is available. If it is not, the applicant will have to implement remedial measures, subject to approval be the Department, to achieve the minimum requirement of 630' along Mableton Parkway.

Install sidewalk, curb and gutter when property redevelops.

GDOT permit will be required for all work that encroaches upon the State right-of-way.

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

Recommend no access to South Gordon Road.

Recommend one driveway access along Mableton Parkway.

Recommend a deceleration lane along Mableton Parkway.

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures subject to the Department's approval, to achieve the minimum of 630'

Recommend installing sidewalk, curb and gutter along both road frontages when redevelopment occurs.

APPLICANT: E. Lamar Scotti & Associates

PETITION NO.: Z-10

PRESENT ZONING: R-20

PETITION FOR: HI

TRANSPORTATION COMMENTS cont.

Recommend GDOT permits for all work within State right-of-way.

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

STAFF RECOMMENDATIONS

Z-10

E. LAMAR SCOTTI & ASSOCIATES

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties are use for residential, institutional, or light commercial activities. There is not any HI zoning property close by.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal may encourage other non-compatible zonings in the area.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Medium Density Residential Land Use Category (+/-93%) and a Neighborhood Activity Center (+/-7%).
- 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 denying the applicant's rezoning proposal. The applicant's proposal is not in accordance with the *Cobb County Comprehensive Plan*. There is not any HI zoned property in the area, and Staff is concerned this may lead to other rezoning applications that are not consistent with the area.

Based on the above analysis, Staff recommends DENIAL.

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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

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

February 11, 2008

770-422-7016

TELEPHONE

770-426-6583

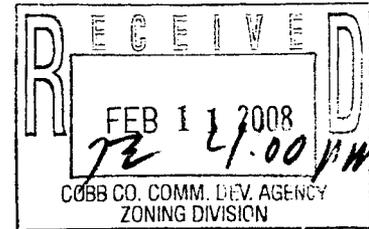
FACSIMILE

SAMSLARKINHUFF.COM

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA E-MAIL and
HAND DELIVERY

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



Re: Application of E. Lamarr Scotti & Associates to Rezone a 12.47
Acre Tract from R-20 to Heavy Industrial (HI) (No. Z-10)

Application of E. Lamarr Scotti & Associates for Special Land Use
Permit (No. SLUP-1)

Mableton Parkway Site Stabilization (DRI #1700)

Dear John:

You will recall that I represent the applicant and property owner concerning the above-captioned applications. In that regard, the applications are scheduled to be heard and considered by the Cobb County Planning Commission on March 4, 2008 and, thereafter, are scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on March 18, 2008. This schedule is dependent upon ARC's Regional Review and GRTA's Final Notice of Decision (Mableton Parkway Site Stabilization [Cobb County DRI #1700]).

With respect to the foregoing and consistent with discussions which we have initiated with the County's professional staff and representatives of ARC, GRTA and DGOT, please allow this letter to serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
February 11, 2008

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned applications.
2. The rezoning of the subject property shall be in substantial conformity to that certain site plan prepared by Walden, Ashton & Associates, Inc. and the subsequent modified sketch which was submitted under separate cover.
3. The rezoning of the subject property and contemporaneous granting of a Special Land Use Permit shall be solely and exclusively for utilization of the property for a temporary inert landfill for the purposes of site stabilization. Once stabilization is completed, or no later than a maximum duration of twenty-four (24) months, the Special Land Use Permit shall terminate and the zoning shall revert to the subject property's original R-20 zoning classification.
4. There will be a maximum number of five (5) employees which will include, but necessarily be limited to, an operator, an administrative employee, two (2) laborers and the applicant. It is anticipated that there will be an average number of 25 to 100 trips per day for the trucks which will be going in and out of the temporary inert landfill site.
5. The hours of operation of the temporary inert landfill shall be from 8:00 a.m. until 8:00 p.m. Monday through Saturday. However, on that portion of the subject property adjacent to Riverside Elementary School, there shall be no work on the site during the week with work only occurring on weekends and during the summer months in which school is not in session. At all times, a 150' buffer between the subject property and Riverside Elementary School shall remain in place.
6. Compliance with recommendations from the Cobb County Department of Transportation which shall include, but not necessarily be limited to, the following:
 - a. There will be no point of ingress and egress on nor any truck traffic related to the project with respect to South Gordon Road.
 - b. Limiting the entrance to the subject property to one (1) point of ingress/egress on Mableton Parkway (an arterial).

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 3
February 11, 2008

- c. Ensuring minimum sight distance of 630' on Mableton Parkway.
 - d. The installation of a deceleration lane with an appropriate taper at the subject property's point of ingress/egress on Mableton Parkway.
 - e. Any encroachments into Mableton Parkway will be subject to review and approval by the Georgia Department of Transportation.
 - f. The project will be subject to recommendations from the Georgia Regional Transportation Authority ("GRTA").
7. Compliance with the recommendations from the Cobb County Stormwater Management Division with respect to stormwater management, hydrology and downstream considerations, including the following:
- a. Following recommendations with respect to the ultimate location and configuration of on site detention and/or water quality ponds.
 - b. Utilization of the existing pond as a "first flush" water quality measure on site.
 - c. An agreement that the current and future drainage patterns on the subject property shall be thoroughly examined in order to obviate adverse stormwater drainage issues with respect to down stream and neighboring properties.
8. Compliance with the recommendations from the Cobb County Fire Department including, but not limited to, the following:
- a. That the site be gated, manned and monitored.
 - b. That the temporary inert landfill shall not contain methane producing components and shall contain only dirt, rock and masonry components.
 - c. The proposed temporary inert landfill is exempt from the EPD's permitting requirement under the Georgia Air Quality Act's Rules and Regulations Sec. 391-3-1-.03.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

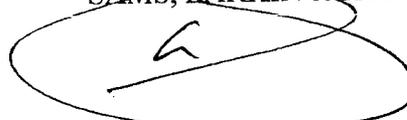
Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 4
February 11, 2008

9. Compliance with the recommendations from the Cobb County Water System with respect to all issues attendant to the availability of water and sewer to the site. Additionally, and agreement to instruct the applicant's surveyor to pin-point the exact locations of the 36" Cobb-Marietta Authority line on the south side of Mableton Parkway and within South Gordon Road.
10. The submission of a full set of engineered plans depicting the extent of the temporary inert landfill area.
11. The District Commissioner shall retain the latitude to review and approve modifications to these stipulations and the site plan.

Please do not hesitate to call should you or the County staff require any additional information or documentation prior to the formulation of your recommendation to the Planning Commission and Board of Commissioners.

Very truly yours,

~~SAMS, LARKIN & HUFF, LLP~~



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc

cc: Shown on next page.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA E-MAIL and
HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 5
February 11, 2008

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery
Mr. John M. Morey, P.E. – VIA E-Mail and First Class Mail
Mr. David W. Breden, P.E. - VIA E-Mail and First Class Mail
Mr. Tom Simler, Fire Marshal – VIA E-Mail and First Class Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Ms. Haley Fleming, ARC – VIA E-Mail
Ms. Julie Ann McQueen, GRTA – VIA E-Mail
Mr. Joe Palladi, GDOT – VAI E-Mail
Mr. Michael Roberson, GRTA – VIA E-Mail
Ms. Betty Gray, Chairman, Cobb County Board of Education – VIA E-Mail
Mr. Ben Clopper, P.E., Mableton Improvement Coalition – VIA E-Mail
Mr. Steve Reents, President, Mableton Improvement Coalition – VIA E-Mail
Ms. Clarice Barber-Page, President, SWAN – VIA E-Mail
Mr. Lamarr Scotti – VIA E-Mail
Mr. Bryan H. Flint, Vice President, The Columns Group – VIA E-Mail