

APPLICANT: The Columns Group, Inc.
(Formally E. Lamarr Scotti & Associates)

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: RA-5, NRC

PROPOSED USE: Residential And Retail

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 _____

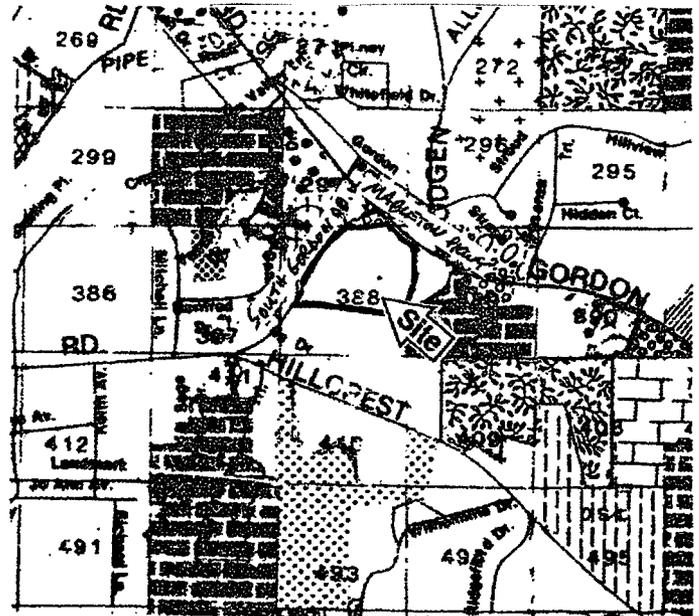
PLANNING COMMISSION RECOMMENDATION

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

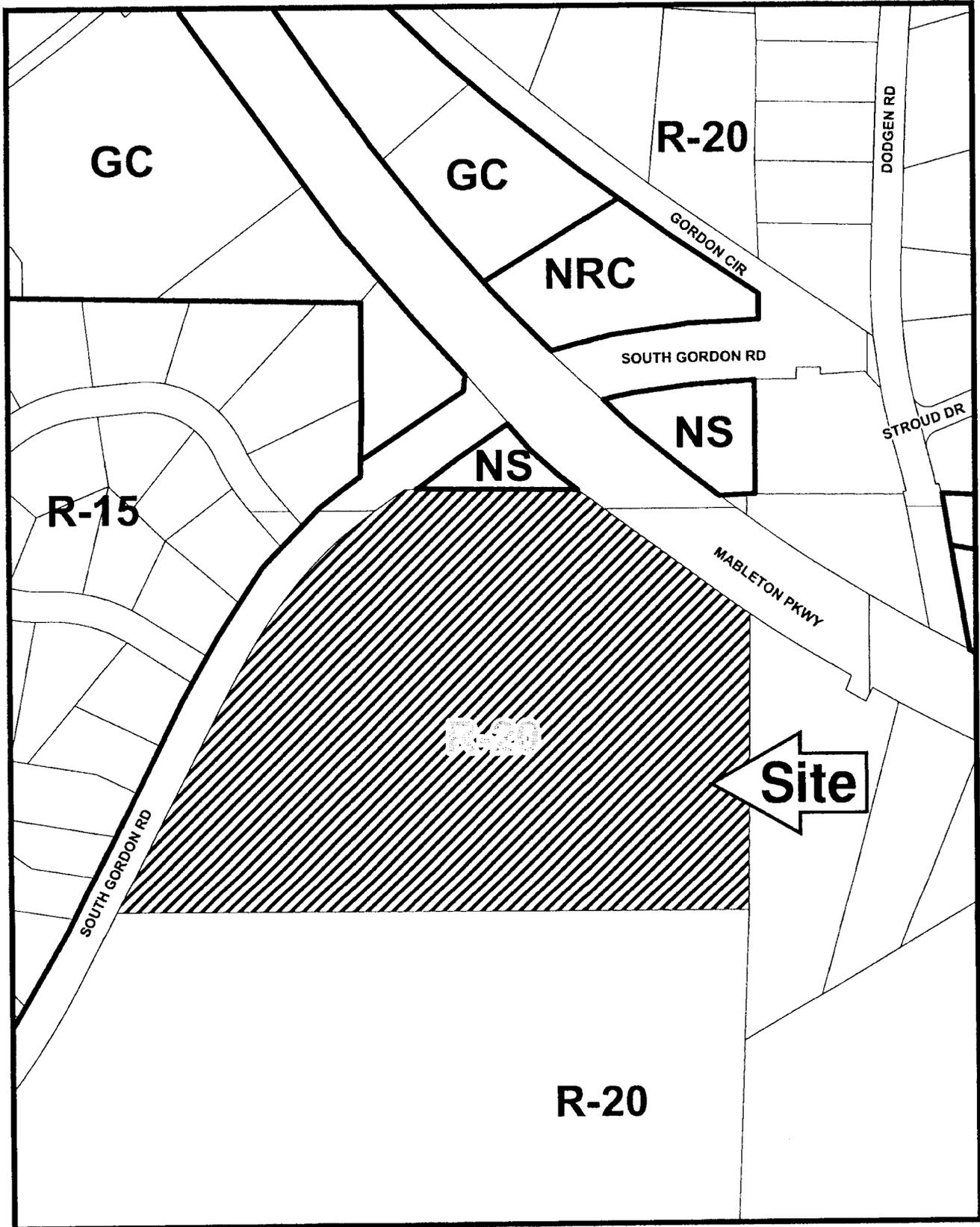
BOARD OF COMMISSIONERS DECISION

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

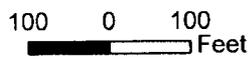
STIPULATIONS:



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: The Columns Group, Inc. (Formally E. Lamarr Scotti & Associates) PETITION NO.: Z-10

PRESENT ZONING: R-20 PETITION FOR: RA-5, NRC

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)

RESIDENTIAL PORTION

Proposed Number of Units: 22 Overall Density: 3.98* Units/Acre

Present Zoning Would Allow: 9* Units Increase of: 13 Units/Lots

*Based on +/- 5.52 acres being zoned RA-5.

COMMERCIAL PORTION

Proposed Number of Buildings: 5 Total Square Footage of Development: 40,500

F.A.R.: 0.13* Square Footage/Total Acres: 5,827*

Parking Spaces Required: 188 Parking Spaces Provided: 218

*Based on +/-6.95 acres being zoned NRC.

The applicant is proposing to rezone the property to RA-5 for a residential development and NRC for a small shopping center. The RA-5 portion of the proposal would be developed as a single-family detached subdivision. The houses would be traditional and craftsman in styling with exteriors consisting of a mixture of components, such as brick, stone, stacked stone, masonry siding, cedar shake and/or stucco. The houses would be a minimum 2,000 square-feet, and would start selling in the \$200,000's. Each house would have an attached two-car garage. The NRC portion of the proposal would be developed as a small shopping center with retail and office. The buildings would be one story in height with a traditional brick and stone exterior. 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.

APPLICANT: The Columns Group, Inc. (Formally E. Lamarr Scotti & Associates) PETITION NO.: Z-10

PRESENT ZONING: R-20 PETITION FOR: RA-5, NRC

FIRE COMMENTS:

Fire Apparatus Access Road

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 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

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.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Residential subdivision: Cul-d-sac with an island- minimum 60 foot radius to outside curb, measured to inside of curb, minimum lane width 24 feet **or** Cul-d-sac without an island- 38 foot outside outside radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Driveway access to a single family home must be 10 feet wide and 20 feet wide for two homes. A hammerhead turnaround or cul-d-sac is required when a driveway exceeds 1000 feet. (see requirements for dimensions under residential subdivision).

Commercial: Cul-d-sac without an island to have a 60 foot paved radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Residential: Fire hydrant within 500 feet of structure.

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT: The Columns Group, Inc. (Formally E. Lamarr Scotti & Associates) PETITION NO.: Z-10

PRESENT ZONING: R-20 PETITION FOR: RA-5, NRC

SCHOOL COMMENTS:

**Capacity
Status**

<u>Name of School</u>	<u>Capacity</u>	<u>Enrollment</u>	
<u>Riverside Primary</u>	<u>512</u>	<u>517</u>	<u>Over 5 students</u>
<u>Riverside Intermediate</u>	<u>962</u>	<u>810</u>	<u>Under 152 students</u>
<u>Lindley Middle</u>	<u>1162</u>	<u>1274</u>	<u>Over 112 students</u>
<u>Pebblebrook High</u>	<u>1862</u>	<u>2039</u>	<u>Over 177 students</u>

* School attendance zones are subject to revision at anytime.

Additional Comments:

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

APPLICANT The Columns Group, Inc

PETITION NO. Z-010

PRESENT ZONING R-20

PETITION FOR RA-5, NRC

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: Also, 12" DI / W side S Gordon Rd

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

Estimated Waste Generation (in G.P.D.): **A D F** 12850 **Peak** 32125

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:

Gravity sewer required.

REVISED 3/31/08

Notes FYI: A 36" CMWA line is located on the property frontage along S Gordon Rd and Mableton Pkwy.

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.

Received 4-1-08 jpp

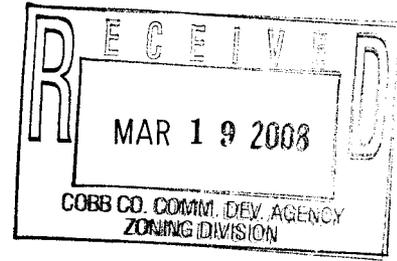
APPLICANT: The Columns Group, Inc.

PETITION NO.: Z-10

PRESENT ZONING: R-20

PETITION FOR: NRC, RA-5

DRAINAGE COMMENTS



FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Trib to Chattahoochee River 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: not determined

- 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 stream.

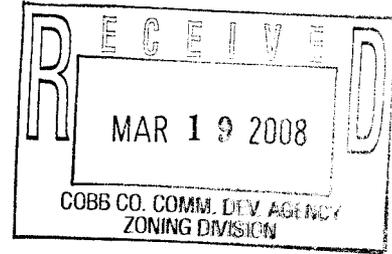
APPLICANT: The Columns Group, Inc.

PETITION NO.: Z-10

PRESENT ZONING: R-20

PETITION FOR: NRC, 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 _____
- 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

Comments based on revised application and site plan received March 13, 2008.

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 likelihood of an 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.
3. As noted above under Special Site Conditions, all structural fill must be well-compacted and certified by a licensed geotechnical engineer prior to permitting.
4. Since the proposed stormwater management facility will provide management for the commercial/private development, maintenance of the facility needs to be the responsibility of the commercial property owner. Adequate access and a maintenance agreement must be provided.
5. Due to the proposed intensity of the commercial portion of this project, a more substantial buffer should be provided between the residential and commercial parcels.

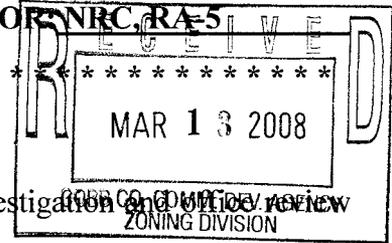
APPLICANT: The Columns Group, Inc.

PETITION NO.: Z-10

PRESENT ZONING: R-20

PETITION FOR NRC, RA-5

TRANSPORTATION COMMENTS



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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
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 and one access point from South Gordon Road shall serve the NRC portion of the site.

Provide inter-parcel access to the northern out parcel.

As necessitated by this development for egress from Mableton Parkway and South Gordon Road, a deceleration lane will be required at each access point.

Construct a left turn lane on South Gordon Road for the commercial component of the development.

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 by the Department, to achieve the minimum requirement of 630' along Mableton Parkway and 390' along South Gordon Road.

Install sidewalk, curb and gutter along both road frontages.

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 one curb cut to South Gordon Road and one curb cut to Mableton Parkway for the commercial section of the development.

Recommend providing inter-parcel access to the small tract along the northern property line.

Recommend a deceleration lane for each access point along Mableton Parkway and South Gordon Road.

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PETITION FOR: NRC, RA-5

TRANSPORTATION COMMENTS cont.

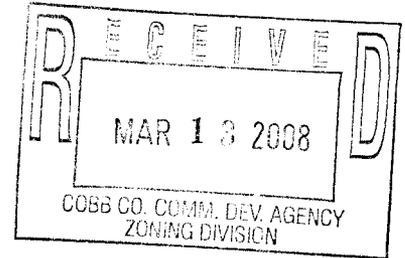
Recommend a left turn lane at the commercial entrance along South Gordon Road.

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' along Mableton Parkway and 390' along South Gordon Road.

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

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.



REVISED 04-21-08
STAFF RECOMMENDATIONS

Z-10 THE COLUMNS GROUP, INC. (Formally 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 for the commercial portion of the request. The proposed commercial development is placed very deep into the property, close to the existing residential uses along South Gordon Road. The proposed residential development would be a suitable use in view of adjacent properties.
- 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. The commercial portion of the request places the largest commercial building fronting South Gordon Road with two curb cuts; this is in an area of single-family houses. Commercial development on this part of the property would be out of character with the area. Staff would suggest the commercial portion of the request be limited to within 250-feet of Mableton Parkway, which is approximately how deep the existing node is from Mableton Parkway. Once beyond 250-feet from Mableton Parkway, and along South Gordon Road, the property should be developed residentially to provide a transition for the existing residential properties.
- 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* for some of the applicant's proposal. Most of the property is delineated to be within a Medium Density Residential Land Use Category (+/-93%). A very small portion of the property is delineated as a Neighborhood Activity Center (+/-7%). Most of the commercial portion of the request is not consistent with the Future Land Use Map. The residential portion is consistent with the Future land Use Map.
- 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, but with a different zoning boundary and site layout. The applicant's proposal is not in accordance with the *Cobb County Comprehensive Plan* for much of the commercial portion of the proposal. Staff is concerned with placing commercial development on South Gordon Road, in the proposed location, because there is not presently any commercial development along this part of the road. Staff would suggest the NRC zoning district be limited to within 250-feet of Mableton Parkway, with the rest of the property being zoned RA-5.

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

- Site plan be approved by the Board of Commissioners with NRC limited to within 250-feet of Mableton Parkway, and the rest of the property being zoned RA-5;
- Letter of agreeable stipulations from Mr. Garvis L. Sams, Jr. dated April 17, 2008 (not in conflict with Staff recommendations);
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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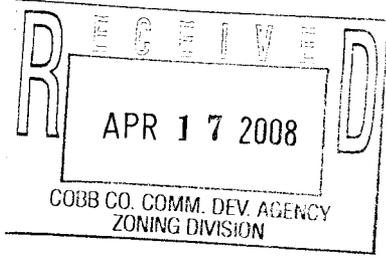
SAMSLARKINHUFF.COM

April 17, 2008

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA 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 The Columns Group, Inc. to Rezone a 12.47 Acre
Tract from R-20 to Neighborhood Retail Commercial (NRC) &
RA-5 (No. Z-10)

Dear John:

As you know, this firm has been engaged by and represents The Columns Group, Inc. concerning the above-captioned application for rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on May 5, 2008 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on May 20, 2008.

With respect to the foregoing and consistent with the dialogue which we have established with the County's professional staff, representatives of the Mableton Improvement Coalition ("MIC") and Southwest Austell Neighbors ("SWAN"), the balance of this letter will serve as The Columns Group's agreement with the following stipulations becoming conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

GENERAL STIPULATIONS APPLICABLE TO BOTH ZONING DISTRICTS

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning ("subject property").

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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2. Rezoning of the subject property shall be from the R-20 zoning district to the Neighborhood Retail Commercial (NRC) and RA-5 zoning districts, with respect to that certain revised site plan prepared by Planners and Engineers Collaborative.
3. The total site area of the subject property consists of 12.5 acres which shall be developed as a mixed use development including residential, office, retail and restaurant utilization.
4. The meaningful positioning of 2.7 acres (21.6% of the total site area) of Green Space throughout the mixed use development.
5. Entrance signage shall be ground-based, monument-style signage, with the finish, materials and color being in substantial conformity to the architectural style embodied in the mixed use development. There shall be no exterior, temporary signs, excepting only grand opening signage and signage indicating the coming development.
6. Environmentally sensitive, shoe-box-style lighting, themed to the architecture and styling of the buildings and residences shall be utilized throughout the mixed use development.
7. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on-site detention and water quality ponds. Additionally, an agreement to the following:
 - a. Incorporating the existing pond into the stormwater management system bay to provide an extra level of erosion and sediment control protection for the subject property.
 - b. The proposed detention facility shall be designed to accommodate existing flow from the 24" RCP culvert under Mableton Parkway which enters the site near the southeastern corner of the subject property.
 - c. All structural fill shall be well compacted and certified by a licensed geotechnical engineer prior to permitting.
 - d. Maintenance of the stormwater management facility shall be the responsibility of the applicant/owner and adequate access to the facility.
 - e. All detention areas shall be landscaped and fenced where appropriate.

VIA HAND DELIVERY

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Cobb County Zoning Department
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8. Compliance with recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.
9. Compliance with recommendations from the Cobb County Fire Department as contained in the Zoning Analysis.
10. Compliance with the following recommendations from the Cobb County Department of Transportation regarding traffic/transportational issues:
 - a. The voluntary donation and conveyance of right-of-way on the east side of Gordon Road a minimum of 40' from the roadway centerline.
 - b. Limiting the commercial tract to one (1) curb cut on South Gordon Road and one (1) curb cut on Mableton Parkway.
 - c. Providing inter-parcel access to the NS tract north of the subject property.
 - d. The installation of a deceleration lane and an appropriate taper at each access point along Mableton Parkway and South Gordon Road.
 - e. The installation of sidewalk, curb and gutter along both road frontages.
 - f. Providing pedestrian connectivity between the sidewalks (which will be installed on South Gordon Road and Mableton Parkway) to those within the commercial tract.
 - g. The construction of a left turn lane at the commercial entrance on South Gordon Road.
 - h. Verification of intersection sight distance or the implementation of remedial measures in which to mitigate same.
 - i. Securing GDOT permits for any and all work which encroaches within State right-of-way on Mableton Parkway.
11. The District Commissioner shall retain the latitude to make modifications to these stipulations/conditions, the revised site plan and architectural style and composition of the buildings and residences.

VIA HAND DELIVERY

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Cobb County Zoning Department
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**STIPULATIONS APPLICABLE TO
THE PROPOSED NRC COMPONENT**

1. The Columns Group proposes a retail center and offices utilizing a concept with varying storefronts, roof elevations and other aesthetically pleasing treatments. The architectural style and composition shall be consistent with the renderings/elevations which shall be submitted under separate cover.
2. The submission of a landscape plan during the Plan Review process with the specific delineation and location of plantings and species to be planted. Additionally, creating a 25' landscape buffer within the concurrent setback on South Gordon Road to provide visual screening from the Gordon Woods Subdivision.
3. Parking area lighting shall be a maximum height of thirty feet (30') and shall be environmentally sensitive, low-level, shoe-box luminaries so as to prevent illumination from penetrating outside of the boundaries of the subject property.
4. Hooded security lighting shall be utilized on the buildings.
5. Entrance signage for the development shall be ground-based, monument-style signage which shall be internally illuminated or "up-lit" and which shall contain no flashing sign components.
6. Dumpsters shall be shielded from view and shall have rubber lids and bumpers to minimize noise during emptying.
7. All exhaust from restaurant facilities (if any) shall be filtered and attenuated to minimize odors.
8. There shall be no outside paging systems, phone bells, or loud speakers; excepting only low-decibel outdoor music systems.
9. The following uses shall be prohibited:
 - a. Cellular or communication towers, monopoles or antennas of any type, except for the use of tenants with a maximum height of six feet (6') and screened to the fullest extent possible while at the same time permitting the intended function.

VIA HAND DELIVERY

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- b. Gas stations.
 - c. Automotive sales, repair and/or service facilities.
 - d. Video arcades.
 - e. Adult themed bookstores.
 - f. Pawn shops or check cashing establishments.
 - g. Discos and nightclubs.
 - h. Skating rinks.
 - i. Bowling alleys.
 - j. Tattoo or body piercing parlors or any business which features sexually explicit products or drug related paraphernalia.
12. Hours of operation shall be from 7:00 a.m. until 11:00 p.m. Restaurants (if any) shall be allowed to operate between the hours of 6:00 a.m. until 11:30 p.m., Sunday through Thursday and between the hours of 6:00 a.m. until 2:00 a.m. Friday and Saturday.
13. There shall be no outside storage as such term is used and defined in the Cobb County Zoning Ordinance.
14. All open space, green space, and buffer areas may be penetrated for purposes of access, utilities and stormwater management, including, but not limited to, detention/retention facilities, water quality ponds, drainage facilities and any and all slopes or other required engineering features.

**STIPULATIONS APPLICABLE TO
THE RA-5 RESIDENTIAL COMMUNITY**

- 1. A maximum number of twenty-two (22) homes at a maximum density of 3.98 units per acre.
- 2. The architectural style and composition of the homes shall be consistent with the renderings/elevations which shall be submitted under separate cover. The houses shall be

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

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a minimum of 2,000 square feet and shall range in size from 2,000 square feet to 2,400 square feet. Each home shall have an attached two-car garage.

3. An agreement that all of the homes shall be "for sale" only and that any leasing of the homes after the original purchase and sale shall be limited to no more than ten percent (10%) of the total number of homes and for no lease term of less than one (1) year in duration.
4. The establishment of a mandatory homeowners association which shall include architectural control oversights and the submission of Declaration of Covenants, Conditions and Restrictions. The association shall be responsible for the upkeep and maintenance of any common areas, detention ponds, utility easements and landscaped/irrigated subdivision entrance signage.
5. Sidewalks throughout the residential community shall be designed to promote a pedestrian friendly atmosphere and in order to provide meaningful connectivity to the adjacent commercial tract.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the application's appearance before the Planning Commission and Board of Commissioners next month. With regards, I am

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 HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
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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
Mr. David Breaden, P.E. – VIA E-Mail
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery
Mr. Steve Reents, MIC – VIA E-Mail
Mr. Ben Clopper, P.E., MIC – VIA E-Mail
Ms. Robin Meyer, MIC – VIA E-Mail
Ms. Clarice Barber-Page, SWAN – VIA E-Mail
Mr. Bryan H. Flint, Vice President, The Columns Group – VIA E-Mail
Mr. Kenneth J. Wood, E.I.T. – VIA E-Mail