

**NOVEMBER 16, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 5

PURPOSE

To consider an application for an Open Space Community Overlay District (OSC-10-02) for First Citizens Bank and Trust Company, Inc., for property located on the south side of Friendship Church Road and on the west side of West Sandtown Road in Land Lots 320 and 347 of the 19th District.

BACKGROUND

According to the Open Space Community (OSC) Overlay Zoning District ordinance, applicants not requesting rezoning may apply for OSC overlay utilization. The project is reviewed and either approved or denied through a streamlined process. This request is to review the attached site plan, staff recommendation and applicant stipulation letter to consider the applicant’s request for R-20 and R-30 OSC.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed R-20 and R-30 OSC application.

ATTACHMENTS

Staff analysis and recommendation (Exhibit A)

Proposed Site Plan (Exhibit B)

Applicant stipulation letter (Exhibit C)

APPLICANT: First Citizens Bank and Trust Company, Inc.

PETITION NO: OSC 10-02

REPRESENTATIVE: Kevin Moore

HEARING DATE (PC): 11/02/10

HEARING DATE (BOC): 11/16/10

TITLEHOLDER: Federal Deposit Insurance Corporation, as
Receiver for Georgian Bank

PRESENT ZONING: R-30 & R-20

PROPERTY LOCATION: On the south side of Freindship
Church Road, and on the west side of West Sandtown Road

PROPOSED ZONING: R-30 OSC &
R-20 OSC

PROPOSED USE: Single-family detached
subdivision

ACCESS TO PROPERTY: West Sandtown Road

SIZE OF TRACT: 20.05

DISTRICT: 19th

PHYSICAL CHARACTERISTICS TO SITE: The site has been
graded from previous LDP with some infrastructure already in
place including stormwater detention facility and street.

LAND LOT(S): 320/347

PARCEL(S): _____

TAXES: PAID _____ **DUE** _____

COMMISSION DISTRICT: 1st

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** Friendship Church Road R-15 & R-20/residential
- SOUTH:** R-15/ Stephanie Manor
- EAST:** R-20 & R-30/residential
- WEST:** R-30/Undeveloped

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

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

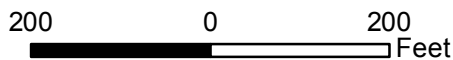
HELD _____ **CARRIED** _____



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: First Citizens Bank & Trust

PETITION NO.: OSC 10-02

PRESENT ZONING: R-30 & R-20

PETITION FOR: R-30 OSC & R-20 OSC

PLANNING COMMENTS:

Staff Member Responsible: Phillip Westbrook

Land Use Plan Recommendation: Very Low Density Residential

Proposed Number of Units: 32 Units

Overall Density: 1.61 Units/Acre

Present Zoning Would Allow: 32 Units

Increase of: 0 Units/Lots

Minimum house size:

Price range:

The applicant is requesting an R-30 OSC and R-20 OSC overlay district to develop a 32 lot single-family detached open space subdivision. The proposed OSC plan would create 7 acres of open space.

Historic Preservation: After consulting various historic resource surveys, historic maps, archeological surveys, and Civil War trench location maps, it is determined that there is no known significant historic resources appear to be affected by this project.

Cemetery Preservation: The Cobb County Cemetery Commission reserves the right to examine this property for ethnic, cultural, and religious evidence located therein. If any ethnic, cultural, and religious evidence is found during development, then the Cobb County Cemetery Preservation Commission must be notified at once at 770.528.2035. Failure to do so will result in a stop work order. No further comments.

FIRE COMMENTS

1. Show fire hydrants with the minimum arrangement being so as 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). Hydrant must be at least 40 feet from building (steamer connection facing street). No hydrants connected to the water lines on the positive side (discharge side) of a fire pump will be allowed. **Minimum 8" DIP supply lines to all hydrants commercial . Minimum 6" DIP supply lines to hydrants residential.**

APPLICANT: First Citizens Bank & Trust

PETITION NO.: OSC 10-02

PRESENT ZONING: R-30 & R-20

PETITION FOR: R-30 OSC & R-20 OSC

Property Location: 1786 West Sandtown Road
Current Zoning: R-30 & R-20

Land Lot/District: LL 320, 347 / Dist. 19
Proposed Use: R-20 / OSC & R-30 / OSC

Total Area: 20.05 acres
Floodplain/Wetland Area: 0
Net Buildable Area: 20.05
Base Density Allowed: 1.75 upa
Base Density Allowed w/Bonus: 1.92 upa
Proposed Lots: 32
Net Density: 1.6 upa

Open Space Requirement: 7.01 acres (35%) **w/ Bonus:** 7.72 acres (38.5%)
Open Space Provided: 7.03 acres (35.1%)
Min. Outside 100 Year Flood: 0
Open Space in 100 Year Flood: 0

Setbacks:
Front: 15'
Rear: 15'
Side: 5' (minimum of 15' between houses)
Other:

Minimum Lot Size: 10,860 square feet
Minimum Floor Area:

Comments:

1. Site is currently zoned R-30 and R-20. Applicant needs to designate the R-30 portion of the last submitted site plan to R-30/OSC and revise all documentation that list proposed zoning to R-20/OSC and R-30/OSC.
2. Provide minimum and average house size
3. Provide anticipated price range of home
4. Provide architectural renderings and description of the façade treatments that will be used on the proposed housing units
5. A Restrictive Covenant or Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting "open space" from development in perpetuity as owned by the mandatory Home Owners Association.

APPLICANT: First Citizens Bank & Trust

PETITION NO.: OSC 10-02

PRESENT ZONING: R-30 & R-20

PETITION FOR: R-30 OSC & R-20 OSC

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Mud 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 **(on site)** lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: Evidence of several springs were observed during the site visit.

- 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 stream bank 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 stormdrainage system.

APPLICANT: First Citizens Bank & Trust

PETITION NO.: OSC 10-02

PRESENT ZONING: R-30 & R-20

PETITION FOR: R-30 OSC & R-20 OSC

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 **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/SUGGESTIONS

1. The previously approved hydrology study and stormwater management pond design must be revised to account for the new development configuration. An as-built survey of the detention pond will be required to verify adequate storage capacity. Perimeter drainage channels and associated easements proposed for the originally approved land disturbance permit for this parcel must be provided to prevent runoff bypass to existing adjacent residential parcels.

APPLICANT: First Citizens Bank & Trust

PETITION NO.: OSC 10-02

PRESENT ZONING: R-30 & R-20

PETITION FOR: R-30 OSC & R-20 OSC

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
West Sandtown Road	4700	Major Collector	45 mph	Cobb County	80'

Based on 2008 traffic counting data taken by Cobb County DOT (West Sandtown Road)

COMMENTS AND OBSERVATIONS

West Sandtown 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.

Install sidewalk along West Sandtown Road frontage.

West Sandtown Road is identified in the 2005 SPLOST as a roadway safety and operational improvement project.

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 west side of West Sandtown Road, a minimum of 40' from the roadway centerline.

Recommend installing sidewalk along the West Sandtown Road frontage.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along West Sandtown Road.

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

APPLICANT: First Citizens Bank & Trust

PETITION NO.: OSC 10-02

PRESENT ZONING: R-30 & R-20

PETITION FOR: R-30 OSC & R-20 OSC

Water System Comments and Recommendation

There is an existing sanitary sewer traversing proposed lots 2 and 31 (based on eyeballing it). Because of the small lot size, the 20' easement and required additional setback may make these lots undevelopable. Relocation of the sewer is not an option, as it is at minimum slope already.

STAFF RECOMMENDATIONS

OSC 10-02

- A. It is Staff's opinion that the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is located in an area that contains other single-family detached houses on similarly zoned property.
- B. The applicant is proposing the same number of lots (32) that is currently stipulated on the property. The current proposed plan includes 7 acres of open space that will be preserved. The open space is strategically placed adjacent to the R-20 and R-30 residential districts with the majority of the residential lots being concentrated more toward the R-15 residential district to the south.
- C. It is Staff's opinion that the applicant's use of the OSC overlay district will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- 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* and the *Open Space Community Overlay Ordinance*.

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

- All Water Division comments
- All Fire Comments
- All Stormwater Division comments
- All Transportation Department comments.
- All Planning Division comments.

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 usage of the Open Space Communities overlay at a public hearing.



EMC ENGINEERING
 Three Rivers Drive
 Suite 1424
 Atlanta, Georgia 30346
 Phone: (770) 999-0442
 Fax: (770) 999-0279

REVISIONS
 No. BY DATE

CONCEPTUAL MASTER PLAN
 DOWELL FARM
 WEST SANDTOWN ROAD DEVELOPMENT
 LOCATED IN LAND LOT 320 AND 347,
 OF THE 19TH DISTRICT, 2ND SECTION
 OF COBB COUNTY, GEORGIA



DESIGN: CEB
 GRAPHICS: C-AM
 REVIEW: CEB
 DATE: 09/23/10
 SCALE: 1"=60'
 PROJECT: 10-30033

SHEET 1 OF 1

VICINITY MAP



DEVELOPMENT CRITERIA
 EXISTING PROPERTY ZONING: R-30 AND R-20
 PROPOSED ZONING: R-30
 TOTAL SITE AREA: 20.06 AC
 TOTAL LOT AREA: 1.51 AC/AC
 NET DENSITY: 13.26 UNITS/AC
 MIN. LOT WIDTH: 75'
 FRONT SETBACK: 10'
 SIDE SETBACK: 5'
 REAR SETBACK: 5' (15' BETWEEN HOUSES)
 OPEN SPACE REQUIRED: 2.0 AC (25%)
 TOTAL OPEN SPACE SHOWN: 2.0 AC (25%)

NOTE:
 1. AREAS OF DRAINAGE SYSTEMS ABOVE THE POINT OF ENTRY THAT CROSS THE SITE = 1/2" GRADES
 2. SURVEY INFORMATION BY COBB COUNTY GIS (FROM JULY 7, 2009) IS USED TO DETERMINE THE EXISTING BOUNDARIES AND TO CORRECT THE EXISTING SURVEY INFORMATION TO MATCH THE EXISTING SURVEY INFORMATION.
 3. ALL SURVEY INFORMATION IS BASED ON THE EXISTING SURVEY INFORMATION.
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CONTACT:
 FIRST CITIZENS BANK & TRUST
 ATLANTA, GEORGIA 30333
 PHONE: (770) 599-9000

BOUNDARY SURVEY BY EMC ENGINEERING
 SURVEY INFORMATION BY COBB COUNTY GIS
 (FROM JULY 7, 2009) IS USED TO DETERMINE THE EXISTING BOUNDARIES AND TO CORRECT THE EXISTING SURVEY INFORMATION TO MATCH THE EXISTING SURVEY INFORMATION.
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November 16, 2010 Exhibit "B"
 Other Business Item 05

West Sandtown Road
 (50' T/W)



LEGEND

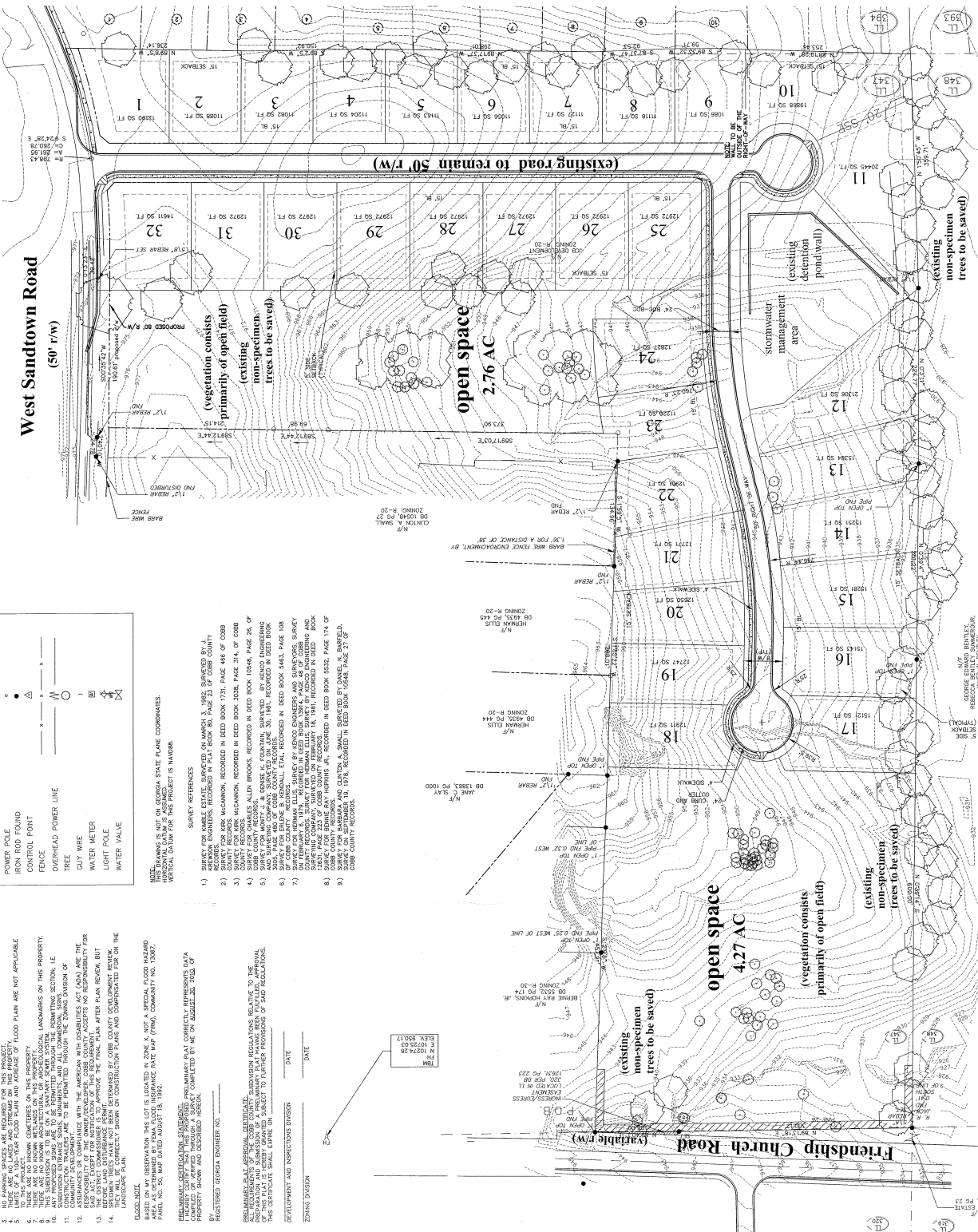
- BOUNDARY/PROPERTY LINE
- MANHOLE
- POWER POLE
- OVERHEAD POWER LINE
- EXISTING ROAD
- EXISTING FENCE
- EXISTING TREE
- EXISTING WATER METER
- EXISTING LIGHT POLE
- EXISTING WATER VALVE
- PROPOSED ROAD
- PROPOSED FENCE
- PROPOSED TREE
- PROPOSED WATER METER
- PROPOSED LIGHT POLE
- PROPOSED WATER VALVE

NOTE: BOUNDARY DATA FOR THIS PROJECT IS NAD83.

- SURVEY REFERENCES
- 1) SURVEY FOR AMBLE ESTATE, SURVEYED ON MARCH 3, 1965, RECORDED IN DEED BOOK 1021, PAGE 496 OF COBB COUNTY RECORDS.
 - 2) SURVEY FOR MORGAN, RECORDED IN DEED BOOK 1021, PAGE 496 OF COBB COUNTY RECORDS.
 - 3) SURVEY FOR MORGAN, RECORDED IN DEED BOOK 1021, PAGE 496 OF COBB COUNTY RECORDS.
 - 4) SURVEY FOR MORGAN, RECORDED IN DEED BOOK 1021, PAGE 496 OF COBB COUNTY RECORDS.
 - 5) SURVEY FOR MORGAN, RECORDED IN DEED BOOK 1021, PAGE 496 OF COBB COUNTY RECORDS.
 - 6) SURVEY FOR MORGAN, RECORDED IN DEED BOOK 1021, PAGE 496 OF COBB COUNTY RECORDS.
 - 7) SURVEY FOR MORGAN, RECORDED IN DEED BOOK 1021, PAGE 496 OF COBB COUNTY RECORDS.
 - 8) SURVEY FOR MORGAN, RECORDED IN DEED BOOK 1021, PAGE 496 OF COBB COUNTY RECORDS.
 - 9) SURVEY FOR MORGAN, RECORDED IN DEED BOOK 1021, PAGE 496 OF COBB COUNTY RECORDS.

GENERAL NOTES:
 1. THE PROPOSED DEVELOPMENT SHALL BE DESIGNED TO MEET THE REQUIREMENTS OF THE ZONING ORDINANCE AND THE SUBDIVISION MAP ACT.
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PRELIMINARY APPROVAL CRITERIA:
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DATE: _____
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MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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ADON J. SOLOMON*
AMY L. JETT*

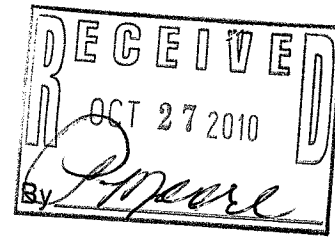
OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
**** ALSO ADMITTED IN CA
∞ ALSO ADMITTED IN PA
♦ ADMITTED ONLY IN TN
‡ ADMITTED ONLY IN FL

October 27, 2010

Hand Delivered

Mr. Phillip Westbrook
Planner/Project Manager
Planning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064



RE: Application for Open Space Community – OSC
Application No.: OSC 10-02
Applicant: First Citizens Bank and Trust Company, Inc.
Owner: Federal Deposit Insurance Corporation,
as Receiver for Georgian Bank
Property: 20.5 acres located on the westerly side of
West Sandtown Road, northerly of Macland
Road; and the southerly side of Friendship
Church Road, westerly of West Sandtown Road
Land Lots 320 and 347, 19th District, 2nd Section,
Cobb County, Georgia

Dear Phil:

As you know, the undersigned and this firm represent First Citizens Bank and Trust Company, Inc., the Applicant (hereinafter referred to as "Applicant"), in the Application for Open Space Community with regard to a 20.5 acre tract located on the westerly side of West Sandtown Road, northerly of Macland Road, and the southerly side of Friendship Church Road, westerly of West Sandtown Road, Land Lots 320 and 347, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions

MOORE INGRAM JOHNSON & STEELE

Mr. Phillip Westbrook
Planner/Project Manager
Planning Division
Cobb County Community Development Agency
Page 2 of 5
October 27, 2010

which, if the Application for Open Space Community is approved, as submitted, shall become a part of the grant of the requested zoning approval and shall be binding upon the Subject Property. The requested stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Approval for the Subject Property shall be from the R-20 and R-30 zoning categories to the R-20/OSC and R-30/OSC categories, site plan specific to that certain revised Conceptual Master Plan for "Dowell Farm," prepared by EMC Engineering Services, Inc., dated September 23, 2010.
- (3) The minimum house size shall be 2,300 square feet, with a minimum two-car attached garage.
- (4) Exteriors of the residences shall be traditional architectural design with the exterior façade consisting of brick, stone, cedar-shake, stucco, or cement-based siding, or combinations thereof.
- (5) Applicant agrees to the recording and enforcement of a Declaration of Covenants, Restrictions, and Conditions which will contain covenants, rules, and regulations applicable to the proposed residential community consistent with other upscale communities within the area.
- (6) Additionally, and in conjunction with the Declaration of Covenants, Restrictions, and Conditions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of all common areas (open space areas), entrance area, and standards of community order.
- (7) Pursuant to the referenced revised Conceptual Master Plan, Applicant agrees to the creation of open space totaling 7.03 acres.
- (8) Due to the existing condition of the proposed open space areas which has been largely graded, Applicant agrees to the re-establishment of natural areas which will include, but not be limited to, the replanting of native tree species and planting material so as to create or re-establish such natural and preserved open

MOORE INGRAM JOHNSON & STEELE

Mr. Phillip Westbrook
Planner/Project Manager
Planning Division
Cobb County Community Development Agency
Page 3 of 5
October 27, 2010

space areas envisioned by the purposes, goals, and intent of the Open Space Community Ordinance. Further, such open space area shall include the installation of walking trails, fields, and other like passive recreational areas for the use of future residents of the community (for example, picnic areas, benches, and the like).

- (9) The entrance signage to the proposed residential community shall be ground-based, monument style signage and will be professionally designed, landscaped, and maintained. The signage shall be more particularly depicted in the landscape plan to be submitted to and approved by staff during the plan review process.
- (10) All detention/retention facilities shall be screened, bermed, or treated with decorative fencing which shall be submitted to and approved by staff during the plan review process.
- (11) Applicant agrees to construct internal sidewalks within the proposed residential community which shall connect to exterior street sidewalks. Said internal sidewalks shall comply in all respects with Cobb County standards and ordinances.
- (12) All utilities servicing the residences within the proposed residential community shall be underground.
- (131) Minor modifications to the referenced Conceptual Master Plan, including, but not limited to, lot layout and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (14) Applicant agrees to comply with all Cobb County Fire Department, Water and Sewer Division, Stormwater Management Division, and Cobb County Department of Transportation comments and recommendations applicable to the Subject Property as set forth in Application for Rezoning No. Z-33 (2006), and approved by the Board of Commissioners at its Zoning Hearing held on April 18, 2006.
- (15) Further, Applicant agrees to comply with revised Cobb County Planning Division, Fire Department, Water and Sewer Division, Stormwater Management Division, and Department of Transportation comments and recommendations made on or about October 14, 2010, and October 19, 2010.

MOORE INGRAM JOHNSON & STEELE

Mr. Phillip Westbrook
Planner/Project Manager
Planning Division
Cobb County Community Development Agency
Page 4 of 5
October 27, 2010

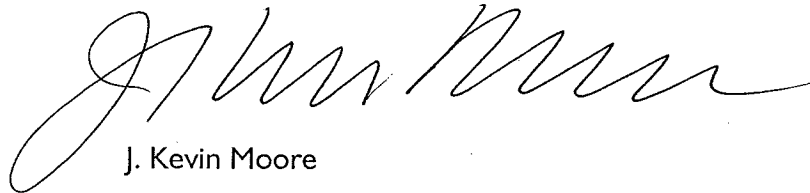
- (16) Applicant/Developer agrees to enter into a Development Agreement pursuant to O.C.G.A. § 36-71-13 for dedication of system improvements to mitigate traffic concerns.

We believe the requested approval of the Open Space Community Application, pursuant to the revised Conceptual Master Plat and the stipulations set forth above, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed residential community shall be a quality development and shall be compatible with surrounding developments and be an enhancement to the Subject Property. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert J. Ott
Thea Powell

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Mike Terry

MOORE INGRAM JOHNSON & STEELE

Mr. Phillip Westbrook
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Page 5 of 5
October 27, 2010

c: Keli Gambrill, President
People Looking After Neighborhoods, Inc.

First Citizens Bank and Trust