



**APPLICANT:** Brooks Chadwick Capital, LLC  
(404) 281-4554

**REPRESENTATIVE:** John H. Moore (770) 429-1499  
Moore Ingram Johnson & Steele, LLP

**TITLEHOLDER:** Universal Tennis Academy, L.L.C.

**PROPERTY LOCATION:** East side of Atlanta Country Club Drive  
and on the north side of Chattahoochee Plantation Drive  
(1 Chattahoochee Plantation Drive).

**ACCESS TO PROPERTY:** Atlanta Country Club Drive

**PHYSICAL CHARACTERISTICS TO SITE:** Tennis court facility

**PETITION NO:** Z-26

**HEARING DATE (PC):** 06-05-12

**HEARING DATE (BOC):** 06-19-12

**PRESENT ZONING:** R-15  
(With Stipulations)

**PROPOSED ZONING:** R-15  
(With Stipulations)

**PROPOSED USE:** Single-Family Subdivision

**SIZE OF TRACT:** 4.53 acres

**DISTRICT:** 17

**LAND LOT(S):** 1100

**PARCEL(S):** 12, 14

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-30/The Columns Subdivision
- SOUTH:** R-15/Chattahoochee Plantation Subdivision
- EAST:** R-15/Chattahoochee Plantation Subdivision
- WEST:** R-30/The Columns Subdivision

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

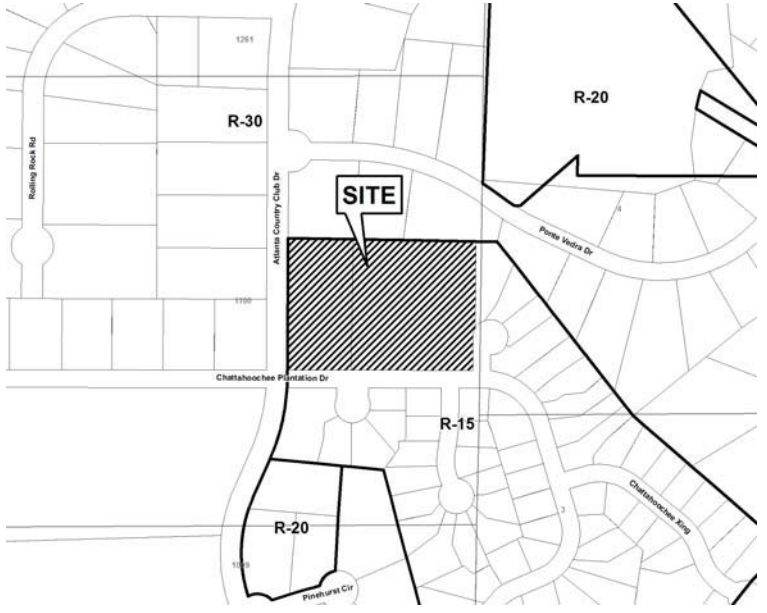
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

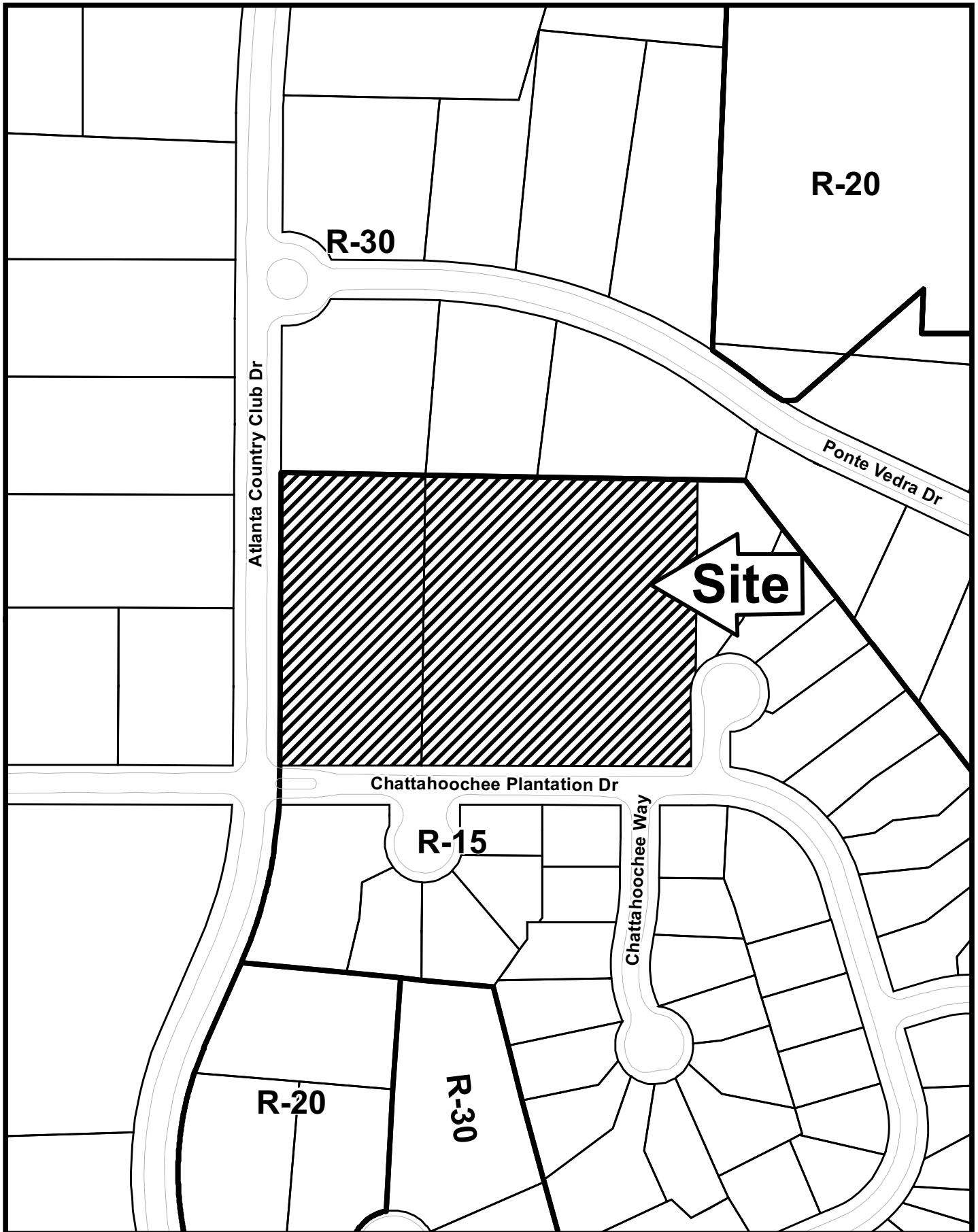
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-26



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

0 100 200 Feet



City Boundary  
Zoning Boundary

APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-26

PRESENT ZONING: R-15 w/Stipulations

PETITION FOR: R-15 w/Stipulations

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Very Low Density Residential (0-2 units per acre)

**Proposed Number of Units:** 11 **Overall Density:** 2.42 **Units/Acre**

**Present Zoning Would Allow:** 3 Along Atlanta Country Club Drive **Units Increase of:** 8 **Units/Lots**

Applicant is requesting the R-15 zoning category with stipulations in order to change the stipulations that were put in place with Z-464 of 1984. The property was originally approved as the tennis facility for the subdivision with the new lots as part of Z-464 of 1984 (minutes attached). The proposed houses will be a minimum of 3,000 square feet and be traditional/European in architecture, with a minimum of a two-car garage. According to the applicant's stipulation letter, the residences shall have "three-sided" architecture, having the fronts and sides of the proposed residences comprised of brick, stone, stacked stone, hardi-plank, and stucco-type finishes, with complementary accents, or combinations thereof. The prices of the proposed houses will range from \$800,000 to \$1,500,000.

Applicant is asking to be rezoned site-plan specific, which necessitates the need for the following contemporaneous variances:

1. Waiving the front setbacks to 25 feet;
2. Waiving the side setbacks to 5 feet;
3. Reducing the public road frontage for Lots 5-7; and
4. Allowing Lots 2-10 to have no public road frontage.

**Cemetery Preservation:** No comment.

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-15 with stipulation to R-15 with stipulation for purposes of single-family subdivision. The 4.53 acre site is located on the east side of Atlanta Country Club Drive, north side of Chattahoochee Plantation Drive.

**Comprehensive Plan**

The parcel is within a Community Activity Center (CAC) future land use category with NS with stipulation zoning designations. The purpose of the CAC category is for areas that can meet the immediate needs of several neighborhoods or communities.

**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?

Yes  No  Not applicable

**APPLICANT:** Brooks Chadwick Capital, LLC

**PETITION NO.:** Z-26

**PRESENT ZONING:** R-15 w/Stipulations

**PETITION FOR:** R-15 w/Stipulations

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**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
<b>Elementary</b>			
<b>Middle</b>			
<b>High</b>			

**Additional Comments:**

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**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT Brooks Chadwick Capital, LLC

PETITION NO. Z-026

PRESENT ZONING R-15 w/stips

PETITION FOR R-15 w/stips

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**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 / W side of Atlanta Country Club Dr.

Additional Comments: Water meter(s) will be set at edge of public ROW. 8" water mains also in ROW on south and east sides of property.

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.

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**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: At site

Estimated Waste Generation (in G.P.D.): **A D F** 4400 **Peak=** 11000

Treatment Plant: **Sutton**

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: Brooks Chadwick Capital, LLC

PETITION NO.: Z-26

PRESENT ZONING: R-15

PETITION FOR: R-15 w/ stips

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**STORMWATER MANAGEMENT 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: \_\_\_\_\_

- 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 system..

APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-26

PRESENT ZONING: R-15

PETITION FOR: R-15 w/ stips

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**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

1. This parcel is currently occupied by the Chattahoochee Plantation Pool and Tennis Center. Over 72% of the existing site is impervious. Except for a small portion at the southwest corner, the majority of the site sheet flows to the west through residential lots within Chattahoochee Plantation Subdivision.
2. The proposed 11-lot development will have a private road and private stormwater management infrastructure to be perpetually maintained by the homeowners association.



**APPLICANT: Brooks Chadwick Capital, LLC**

**PETITION NO.: Z-26**

**PRESENT ZONING: R-15 (with stipulations) PETITION FOR: R-15 (with stipulations)**

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**COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS**

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
Atlanta Country Club Drive	2800	Local	25 mph	Cobb County	50'
Chattahoochee Plantation Drive	1400	Local	25 mph	Cobb County	50'

*Based on 1999 traffic counting data taken by Cobb County (Atlanta Country Club Drive)  
Based on 1999 traffic counting data taken by Cobb County (Chattahoochee Plantation Drive)*

**COMMENTS AND OBSERVATIONS**

Atlanta Country Club Drive is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Chattahoochee Plantation Drive is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend sidewalk along Atlanta Country Club Drive frontage.

Recommend Planned Road 'A' as shown on the plans to remain private if not built to the Cobb County Development Standards.

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

## STAFF RECOMMENDATIONS

### **Z-26 BROOKS CHADWICK CAPITAL, LLC**

- 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. Other adjacent and nearby properties are similarly zoned as R-15 for single-family residential subdivisions.
- 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 because the proposal is much denser than adjacent properties. The property was previously zoned as a tennis facility in 1984 (Z-464) for use within a single-family residential area. The current zoning does not allow the property to be developed for residential lots. While other adjacent and nearby properties in the area are also zoned R-15, other properties are developed as R-30 and R-20, with densities ranging from 1.08 to 2.7 units per acre.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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 the Very Low Density Residential (VLDR) land use category, with densities ranging from 0-2 units per acre. Applicant's proposal of an 11-lot subdivision (2.42 units per acre) exceeds the range for VLDR. The R-15 zoning category has an average density of 2.1 units per acre. While R-15 can sometimes be made to meet the requirements of Low Density Residential (LDR), having a range of 1-2.5 units per acre, it is most difficult to make R-15 fit the range for VLDR (0-2 units per acre).
- 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. Given the number of needed contemporaneous variances with this proposal, staff suggests application be straight R-15 with no variances.

Based on the above analysis, Staff recommends APPROVAL to R-15 subject to the following conditions:

- Site plan to be approved by the District Commissioner, meeting all R-15 criteria;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- Letter from John H. Moore dated May 23, 2012, where not in conflict.

**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.**



## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): 3,000 square feet, minimum
- b) Proposed building architecture: Traditional/European
- c) Proposed selling prices(s): \$800,000 - \$1,500,000
- d) List all requested variances: None known at this time
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

- a) Proposed use(s): Not Applicable.
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

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

Not Applicable.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- .....  
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?  
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time
- \_\_\_\_\_
- \_\_\_\_\_

\*Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

Z-26 (2012)  
Stipulation Letter

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~ ALSO ADMITTED IN TX  
• ALSO ADMITTED IN AL  
‡ ALSO ADMITTED IN KY  
Δ ALSO ADMITTED IN NV  
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May 23, 2012

Hand Delivered



Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Suite 400  
1150 Powder Springs Road  
Marietta, Georgia 30064

RE: Application for Rezoning - Application No. Z-26 (2012)  
Applicant: Brooks Chadwick Capital, LLC  
Property Owner: Universal Tennis Academy, L.L.C.  
Property: 4.53 acres, more or less, located at the intersection of the easterly side of Atlanta Country Club Drive and the northerly side of Chattahoochee Plantation Drive, Land Lot 1100, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Brooks Chadwick Capital, LLC, the Applicant (hereinafter "Applicant"), and Universal Tennis Academy, L.L.C., the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to property located at the intersection of the easterly side of Atlanta Country Club Drive and the northerly side of Chattahoochee Plantation Drive, and being 4.53 acres, Land Lot 1100, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After



**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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May 23, 2012

meeting and discussions with planning and zoning staff and various Cobb County departmental representatives, ongoing discussions and meetings with area civic and homeowner representatives, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed 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; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions. All stipulations and conditions of zoning shall apply equally to Applicant and Owner.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-15, with stipulations, to the proposed zoning category of R-15, with stipulations, site plan specific to the revised Zoning Plat prepared by Centerline Surveying Systems, Inc., dated May 3, 2012, last revised May 16, 2012, and submitted to the Zoning Office this date contemporaneously with this stipulation letter. A copy of the revised Zoning Plat is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Zoning Plat hereinabove referenced, same being prepared by Centerline Surveying Systems, Inc., dated May 3, 2012, last revised May 16, 2012, and submitted to the Zoning Office contemporaneously herewith.
- (4) The Subject Property consists of 4.53 acres of total site area and shall be developed for a residential community comprised of a maximum of eleven (11) single-family, detached residences, resulting in an overall density of 2.42 units per acre.
- (5) The proposed residences shall have a minimum of 3,000 square feet.

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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- (6) The proposed residences shall be traditional and European in style and architecture and shall have a minimum two-car garage.
- (7) The residences within the proposed community shall have "three-sided" architecture, having the fronts and sides of the proposed residences comprised of brick, stone, stacked stone, hardi-plank, and stucco-type finishes, with complementary accents, or combinations thereof. No vinyl materials shall be used on the exterior of the proposed residences. No residence constructed shall have all three remaining sides solely hardi-plank.
- (8) The minimum lot size of lots within the proposed residential community shall be 15,000 square feet.
- (9) The setbacks, except as otherwise expressly set forth herein, for the proposed residential community shall be as follows:
  - (a) Front setback: Twenty-five (25) feet;
  - (b) Rear setback: Forty (40) feet;
  - (c) Side setback: Five (5) feet  
(fifteen (15) feet between residences); and
  - (d) Major side setback: Twenty-five (25) feet.
- (10) All front and side yard areas of the proposed residences shall be fully sodded.
- (11) Applicant agrees to the creation of a mandatory homeowners association consistent with communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas and entrance area contained within the proposed residential community.
- (12) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed development.



**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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Z-26 (2012)  
Stipulation Letter

- (13) It is the intention of Applicant to improve the natural berm currently existing along Atlanta Country Club Drive. If trees are removed from the berm, it is the intention of Applicant to plant additional trees.
- (14) Applicant intends to erect an opaque screening fence or wall, six (6) feet in height, along Chattahoochee Plantation Drive. There exists a line of trees along Chattahoochee Plantation Drive, located within the Cobb County right-of-way. Applicant intends to maintain a line of trees in the same location along Chattahoochee Plantation Drive, if approved by the Cobb County Board of Commissioners. If approved by the Board, Applicant intends to remove any dead or dying trees. Further, if approved by the Board, if any trees are removed, or, severely damaged as a result of removing the tennis club improvements, Applicant agrees to place additional trees along said frontage. Applicant agrees to maintain the tree-lined area for a period of one (1) year following final zoning approval by the Cobb County Board of Commissioners. Thereafter, the maintenance, upkeep, and replacement of any trees would be the sole responsibility of the Chattahoochee Plantation Homeowners Association.
- (15) Applicant will maintain the entrance monument at Chattahoochee Plantation Subdivision even though said monument is currently erected upon the property of Applicant. Further, it is the intention of Applicant to erect on the opposite side of its entrance drive a monument substantially similar to that currently existing.
- (16) All detention and water-quality facilities shall be located underground and subject to the standards and approval of the Cobb County Stormwater Management Division.
- (17) All utilities servicing the residences within the proposed community shall be underground.
- (18) The street within the proposed community shall be private and may be constructed of pervious brick pavers. Additionally, the aprons and driveways of the residences within the proposed community may be constructed with pervious brick pavers as well.
- (19) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards.

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May 23, 2012

- (20) There shall be no direct access from any lots within the proposed community to either Atlanta Country Club Drive or Chattahoochee Plantation Drive. If any curb and/or gutter are damaged along Chattahoochee Plantation Drive as a result of removing the existing improvements, Applicant agrees to repair or replace same of like kind.
- (21) Minor modifications to the referenced Zoning Plat, including, but not limited to, the layout of lots, landscaping, and elevations, may be approved by the District Commissioner, as needed or necessary.
- (22) There shall be no sidewalk along Atlanta Country Club Drive or Chattahoochee Plantation Drive.
- (23) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (24) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (25) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing.

We believe the requested zoning, together with the revised Zoning Plat and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing neighborhoods and residents surrounding the proposed development. The proposed residential community shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.



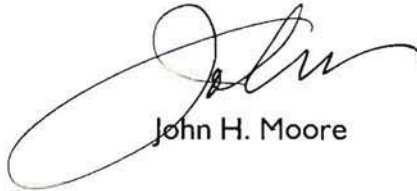
**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 6 of 6  
May 23, 2012

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachment

c: Cobb County Board of Commissioners:  
Timothy D. Lee, Chairman  
George W. "Woody" Thompson  
Helen C. Goreham  
Robert Ott  
Joann Birrell  
(With Copy of Attachment)

Cobb County Planning Commission:  
Murray Homan, Chairman  
Judy Williams  
Robert Hovey  
Christi S. Trombetti  
Mike Terry  
(With Copy of Attachment)

Hans Kemper  
Chris Schneider  
Chattahoochee Plantation Residents  
(With Copy of Attachment)

Joe O'Connor  
Area Resident  
(With Copy of Attachment)

Brooks Chadwick Capital, LLC  
(With Copy of Attachment)

No. 464

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES  
COBB COUNTY PLANNING COMMISSION

Date of Application October 30, 1984 Date of Hearing Dec. 11, 1984  
 For Plantation  
 Titleholder L. M. Adamson Investments Inc. Signature [Signature]  
 Address No. 1 Plantation Dr. Marietta, GA 30067 Phone 958-2020  
 for Rutenberg  
 Applicant James A. Hill Jr. and Bondi Signature [Signature]  
 Address 3313 Clubland Dr. Marietta Day Phone 977-9376  
 To Zone From RHR To RA4 Land Use \_\_\_\_\_  
 For the Purpose of Single family detached houses  
 Land Lot(s) 3 and 4 District 1st Section 2nd, Cobb County  
 Containing 30.57 acres  
 Located At Atlanta Country Club Drive and Chattahoochee Plantation Drive.

This property being more particularly described as follows: ALL THAT TRACT or parcel of land lying and being in Land Lots 3 and 4 of the 1st District and 2nd Section of Cobb County, Georgia and Land Lots 1099 and 1100 of the 17th District and 2nd Section of Cobb County, Georgia, consisting of 30.57 acres of land as per survey by Watts and Browning, Engineers, dated March 29, 1977, and being more particularly described as follows:  
 BEGINNING at a point marked by an iron pin located on the easterly side of the right-of-way of Atlanta Country Club Drive, which point is located 25.0 feet northerly, as measured along the easterly side of the right-of-way of Atlanta Country Club Drive, from the intersection formed by the easterly side of the right-of-way of Atlanta Country Club Drive with the center line of Chattahoochee Plantation Drive (if said center line were extended in an easterly direction to intersect the easterly side of the right-of-way of Atlanta Country Club Drive); and thence running north 00°10'54" west along the easterly side of the right-of-way of Atlanta Country Club Drive 374.6 feet to a point marked by an iron pin; thence running south 89°30' east 589.2 feet to a point marked by an iron pin; thence running south 38°50' east 634.2 feet to: a point marked by an iron pin; thence running south 49°00' east 640.0 feet to a point marked by an iron pin; thence running south 44°20'30" west 1271.3 feet to a point marked by an iron pin; thence running north 14°18'30" west 1211.3 feet to a point marked by a nail and cap; thence running north 85°03'30" west 328.3 feet to a point marked by an iron pin located on the southeasterly side of the right-of-way of Atlanta Country Club Drive; thence running northeasterly and northerly along the southeasterly and easterly side of the right-of-way of Atlanta Country Club Drive 257.7 feet to the POINT OF BEGINNING.

RECOMMENDATION OF PLANNING COMMISSION: 12-11-84, Planning Commission recommended application be continued for 30 days. Motion by Brown, seconded by Adams; carried 5-0.

1-8-85, Planning Commission recommended application be approved subject to plan as submitted. Motion by Jones, seconded by Adams; carried 5-0.

[Signature], Chairman

FINAL DECISION OF BOARD OF COMMISSIONERS 1-8-85, Board of Commissioners approved application subject to 3000 sq.ft. minimum house size, deleted to R-15 as site plan submitted at 87 lots without club house or 74 lots with club house, subject to site plan submitted and changes recommended by plan review, and subject to applicant recording restrictive covenants. Motion by Smith, seconded by Burton, carried 5-0. 8-13-85, Board of Commissioners approved the site plan modification subject to issuance of development certificate on the lots within the Chattahoochee River Corridor. Said site plan modification on file in the Planning Zoning Dept. marked as exhibit B. Motion by [Signature], Chairman Dept. marked as exhibit B. Motion by Williams, seconded by Burton; carried 5-0.



**Arthur  
Rutenberg  
Homes**

Since 1953

August 7, 1985

EXHIBIT B<sup>12</sup>

*MAA*

8-13-85

Mr. Earl Smith  
Chairman  
Cobb County Board of Commissioners  
10 East Park Square  
Marietta, Georgia 30390-9602

Dear Earl:

This letter is in reference to our Chattahoochee project in which we have been fortunate enough to obtain the option to purchase the 6.77 acres directly to the southern portion of our property, further described by the enclosure and highlighted by red pen. Our request is that we tie the 6.77 acres into our existing property by extending the two cul-de-sacs located in the southeastly portion of the property, which has been highlighted in yellow, in order to allow the building sites of this property to be accessed via our project, taking us from 87 lots to 91 lots-using our Atlanta Country Club Drive entrance.

Please note by allowing this merger of property, you are actually taking the overall acreage yield down, as the 6.77 acres is maintaining the existing zoning and is described as R-30 in that area. (i.e. existing zoning yields 2.85 lots to the acre and by adding 4 lots with the 6.77, the yield per acre drops to 2.44.) The main thing that we are asking for is having the access to the property, and further understand that this would in no way allow us to bring on contiguous property that would contemplate a through street, which is a concern of the homeowners' association, and we have assured them we are not interested in, nor are we seeking.

Our project is coming along as advertised, as we have gotten our plans approved in our first phase. We look forward to an excellent project, and feel it will be enhanced by the additional four units, as they will allow us some one acre building sites.

Thank you for the opportunity of establishing this area of Atlanta County Club as one of the truly unique and distinctive building



Mr. Smith  
August 7, 1985  
Page 2

EXHIBIT "B"

projects for Cobb County. Please do not hesitate to call if you have any questions.

Best personal regards.

Sincerely,

Robert I.I. Bondi

RIIB:dlb

Enclosure

cc: Jack Johnson, Sr. Vice President, C & S Bank  
Bob Schellman, President, Chat. Plantation Homeowners' Assoc.  
Ed Henning

bcc: Mark Danneman

Subject Area for  
Z-26 (2012)

