

APPLICANT: Babcock Realty Group, LLC

770-241-8389

REPRESENTATIVE: Garvis L. Sams, Jr. 770-422-7016

Sams, Larkin & Huff, LLP

TITLEHOLDER: Babcock Realty Group, LLC; Stephens 100, LLC

PROPERTY LOCATION: Northwest intersection of Sandy Plains

Road and Bryant Lane; on the south side of Beaver Shop Road

ACCESS TO PROPERTY: Sandy Plains Road and Beaver Shop Road

PHYSICAL CHARACTERISTICS TO SITE: Developed offices

PETITION NO: Z-18

HEARING DATE (PC): 05-07-13

HEARING DATE (BOC): 05-21-13

PRESENT ZONING: LRO

with Stipulations

PROPOSED ZONING: LRO

with Stipulations

PROPOSED USE: Additional Parking Spaces

SIZE OF TRACT: 0.892 acre

DISTRICT: 16

LAND LOT(S): 525, 526

PARCEL(S): 900 and 901

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/Single-family houses and R-15/Bryant Pointe Subdivision

SOUTH: RA-5/Rosemoore at Harper Woods Subdivision

EAST: RA-5/Undeveloped

WEST: R-20/Single-family House and LRO/Veterinarian's Office

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

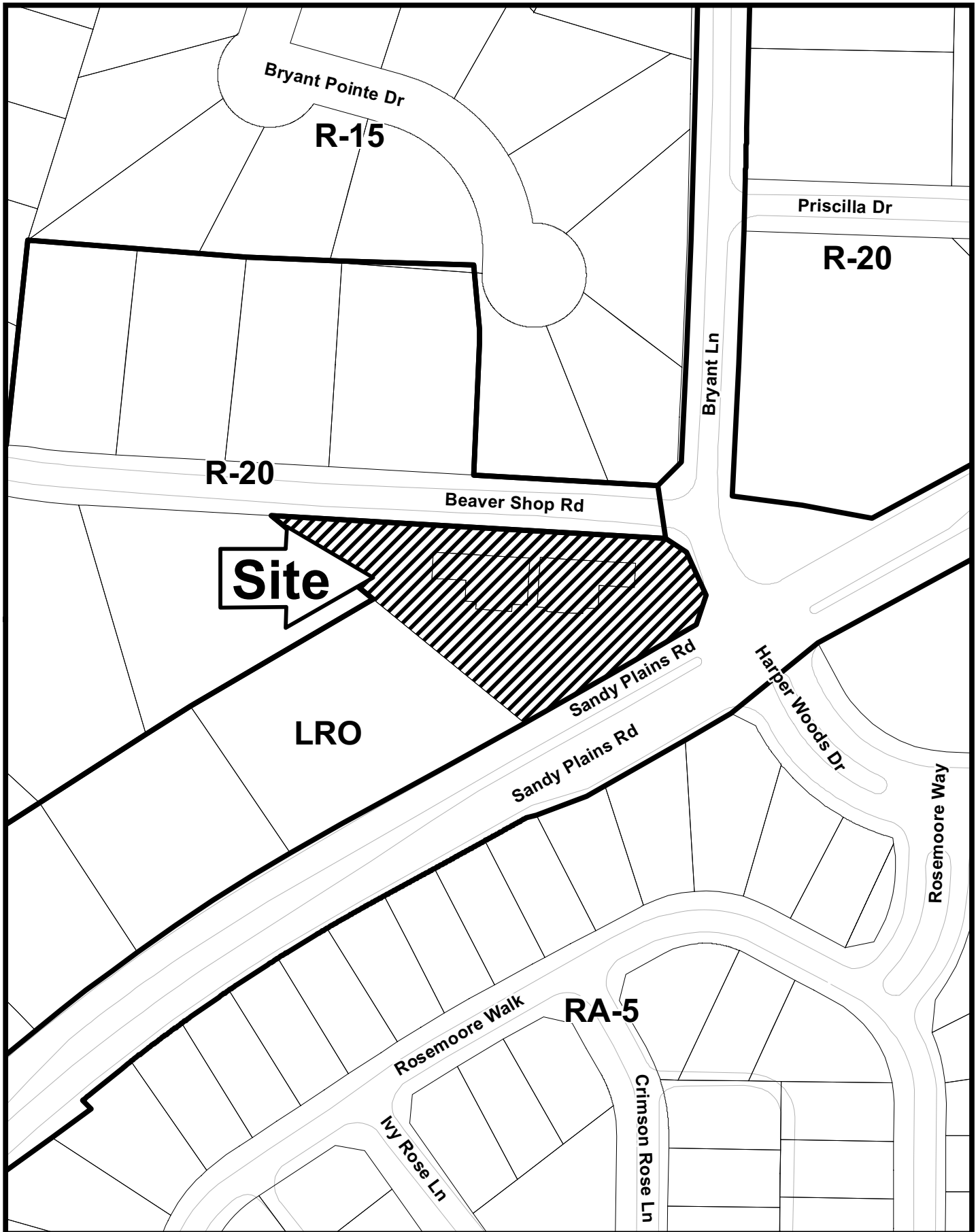
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

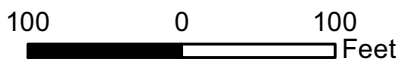
STIPULATIONS:



Z-18



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



City Boundary
Zoning Boundary

APPLICANT: Babcock Realty Group, LLC

PETITION NO.: Z-18

PRESENT ZONING: LRO

PETITION FOR: LRO

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 2 (Existing) **Total Square Footage of Development:** 10,092

F.A.R.: .259 **Square Footage/Acre:** 11,313

Parking Spaces Required: 34 **Parking Spaces Provided:** 38

Applicant is requesting rezoning from Low Rise Office (LRO) with stipulations to LRO with stipulations in order to add parking spaces to existing office uses. The subject property was rezoned as Z-99 in 2005 to LRO subject to numerous stipulations with the District Commissioner approving the final site plan. The final site plan and landscape plans were approved by the District Commissioner in April 2006 and the property was developed. A stipulation was not made that allowed the District Commissioner to make minor modifications. Applicant is requesting to change the site plan by adding additional parking spaces for the office development, which requires the property to come back to change the previously approved stipulations and plans. Applicant has also indicated that the adjoining property owner does not object to removing the landscaped buffer that is approximately 40 feet in length. Previous minutes and approved plans are attached for review.

The applicant will also require a contemporaneous variance to waive approximately 40 feet of the required 10-foot landscape buffer abutting the R-20 property along the southwest property line. The applicant has submitted approvals for this request from the owners of that property.

Historic Preservation:

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

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: Babcock Realty Group, LLC

PETITION NO.: Z-18

PRESENT ZONING: LRO

PETITION FOR: LRO

PLANNING COMMENTS:

The applicant is requesting a rezoning from LRO to LRO for purpose of additional parking spaces. The 0.892 acre site is located at the northwest intersection of Sandy Plains Road and Bryant Lane and on the south side of Beaver Shop Road.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with LRO zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

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?

APPLICANT Babcock Realty Group, LLC

PETITION NO. Z-018

PRESENT ZONING LRO

PETITION FOR LRO

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): **8" DI / N side of Sandy Plains Road**

Additional Comments: Existing water customer

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: **On site**

Estimated Waste Generation (in G.P.D.): **A D F +0 Peak= +0**

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 Existing sewer customer
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: Babcock Realty Group, LLC

PETITION NO.: Z-18

PRESENT ZONING: LRO

PETITION FOR: LRO

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sewell Mill Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

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

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on the existing stormwater management facility.

APPLICANT: Babcock Realty Group, LLC

PETITION NO.: Z-18

PRESENT ZONING: LRO

PETITION FOR: LRO

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. Detention is to be provided in the existing stormwater management facility. The proposed site plan must comply with the allowable design impervious coverage or additional volume provided.

APPLICANT: Babcock Realty Group, LLC

PETITION NO.: Z-18

PRESENT ZONING: LRO

PETITION FOR: LRO

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
Sandy Plains Road	43,900	Arterial	45 mph	Cobb County	100'
Beaver Shop Road	N/A	Local	30 mph	Cobb County	50'

Based on 2003 traffic counting data taken by Cobb DOT (Sandy Plains Road)

COMMENTS AND OBSERVATIONS

Sandy Plains Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Beaver Shop Road 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 applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Sandy Plains Road, a minimum of 50' from the roadway centerline.

Recommend no changes to the existing access.

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

STAFF RECOMMENDATIONS

Z-18 BABCOCK REALY GROUP, 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 properties along this side of Sandy Plains Road have been rezoned to the LRO category and are also in a Neighborhood Activity Center land use category.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The property was rezoned in 2005 for a professional office complex and has been used that way since development in 2006.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Neighborhood Activity Center (NAC) land use category. Both the LRO zoning category and the continued proposed uses are allowed in the NAC land use category.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The property was previously rezoned in 2005 (Z-99) for the existing office development. In the numerous stipulations from that case, a stipulation was not made for the District Commissioner to approve minor modifications. The current application seeks to add an additional 10 parking spaces.

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

- Site Plan received by the Zoning Division March 7, 2013, with the District Commissioner approving minor modifications;
- Stipulation letter from applicant's representative dated April 19, 2013;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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

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May 2013

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): _____
 - b) Proposed building architecture: _____
 - c) Proposed selling prices(s): _____
 - d) List all requested variances: _____
- _____

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

- a) Proposed use(s): Adding parking spaces to existing office uses
 - b) Proposed building architecture: As-built
 - c) Proposed hours/days of operation: Regular professional office hours
 - d) List all requested variances: As shown on the site plan filed contemporaneously herewith
- _____

COBB COUNTY ZONING DIVISION

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COBB COUNTY GEORGIA
FILED IN OFFICE

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

The subject property was originally rezoned in 2005 (No. Z-99) and is situated within the confines of a Neighborhood Activity Center (NAC)

.....
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).

N/A

* The Applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION
OF BABCOCK OFFICE GROUP, LLC**

COMES NOW, BABCOCK OFFICE GROUP, LLC, and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will permit a continued use of the property which is suitable in the context of development and existing zonings along this section of the Sandy Plains Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties, the preponderance of which are designated for Medium Density Residential (MDR) utilization or commercially zoned and located within an existing Neighborhood Activity Center (NAC).
- C. The subject property to be affected by the zoning proposal has limited economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. Additionally, the present owner of the subject property is suffering a significant economic detriment by virtue of the continuation of the present zoning classification of Conditional LRO.

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COBB COUNTY ZONING DIVISION

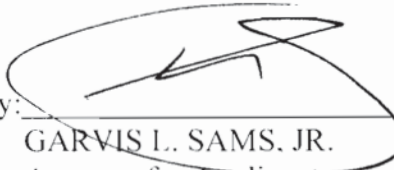
- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools.

- E. The zoning proposal is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map with the subject property lying and being within an existing Neighborhood Activity Center (NAC).

- F. There is no substantial relationship between the existing zoning classification of Conditional LRO which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of the Sandy Plains Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 7th day of March, 2013.

SAMS, LARKIN & HUFF, LLP

By: 
GARVIS L. SAMS, JR.
Attorney for Applicant
Ga. Bar No. 623950

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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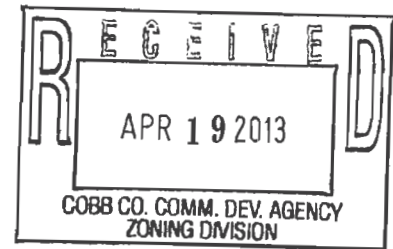
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

April 19, 2013

VIA EMAIL

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



Re: Application of Babcock Realty Group, LLC to Rezone a 0.97 ± Acre Tract
From Conditional LRO to Conditional LRO (Z-18)

Dear John:

As you know, this firm has been engaged by and represents Babcock Realty Group, LLC concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on May 7, 2013 and, thereafter is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on May 21, 2013.

The Application seeks a rezoning from Conditional LRO to Conditional LRO for the purposes of adding additional parking spaces to the subject property which is located at the northwest intersection of Sandy Plains Road and Bryant Lane (on the south side of Beaver Shop Road).

In 2005, the subject property was rezoned from R-20 to LRO on behalf of Babcock Office Group, LLC for the purpose of professional offices (No. Z-99). The rezoning was subject to numerous stipulations/conditions; however, it was not subject to minor modifications being made by the District Commissioner thus constituting the reason for this Application being filed as opposed to bringing the matter back to the District Commissioner for what is, essentially, a minor modification/addition to the site plan.

During the pendency of the Application, we have established a dialogue with the County's professional staff and with others. In that regard, attached please find a letter from Danny Williamson and Larry Williamson (owners of Williamson Brothers Bar-B-Que), dated March 26, 2013. They own an adjoining tract of land immediately south of the subject property

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
April 19, 2013
Page 2

which fronts on Beaver Shop Road. Their letter states that they do not object to the Applicant removing the landscaped buffer which is approximately forty feet (40') in length.

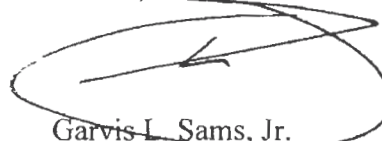
The discussions with staff have led to the following stipulations which Babcock Realty Group, LLC is amenable to having become conditions and a part of the grant of the Rezoning and binding upon the subject property thereafter:

1. Compliance with recommendations from Stormwater Management Division with respect to existing on-site detention. The original Hydrology Study conducted in 2005 was very conservative and allows for and contemplates the minor amount of additional impervious surface and provides the appropriate water quality volumes needed.
2. All of the stipulations/conditions of the original Rezoning in 2005 (No. Z-99) shall remain in full force and effect not otherwise in conflict with the stipulations/conditions contained herein.
3. The District Commissioner shall have the authority to make minor modifications regarding this Rezoning and the original Rezoning of the subject property during Plan Review and thereafter.

Please do not hesitate to contact me should you require additional information or documentation prior to the formulation of your Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS/dsj
Attachments

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

April 19, 2013

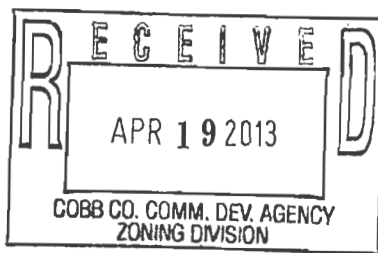
Page 3

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. David Breaden, P.E., Cobb County Stormwater Management
(via email w/attachments)
Ms. Jane Stricklin, PE, Cobb County DOT (via email w/attachments)
Ms. Karen King, Assistant County Clerk (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Ms. Jill Flamm, East Cobb Civic Association (via email w/attachments)
Mr. Bob Babcock, Babcock Realty Group, LLC (via email w/attachments)

March 26, 2013

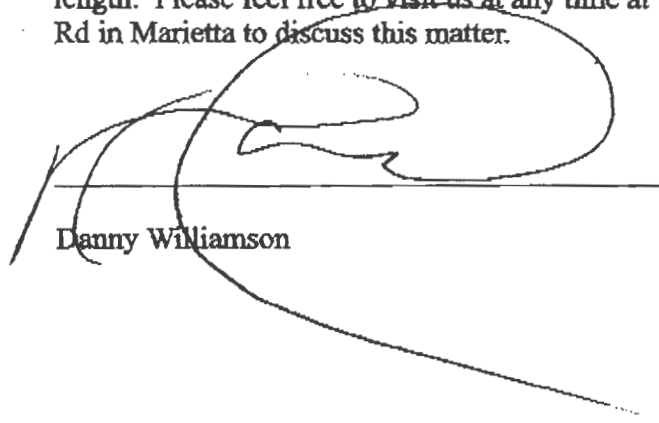
To: Cobb County Zoning Department

Re: Babcock Ralty Group, LLC
Rezoning application No Z-18

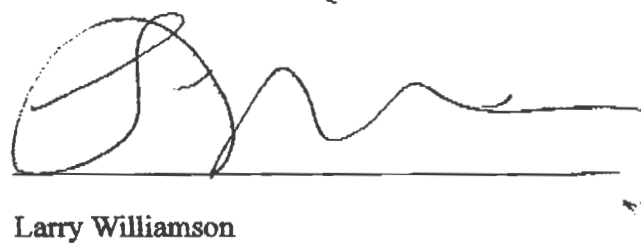


We are the owners of a tract of land adjoining 2993 Sandy Plains Rd, Marietta, GA 30066. We are immediately south of the site and our property fronts on Beaver Shop Rd. Attached is a tax plat of our site showing our ownership.

We do not object to the applicant removing the landscape buffer which is approximately 40 feet in length. Please feel free to visit us at any time at Williamson Brothers Bar-B-Que located on Roswell Rd in Marietta to discuss this matter.

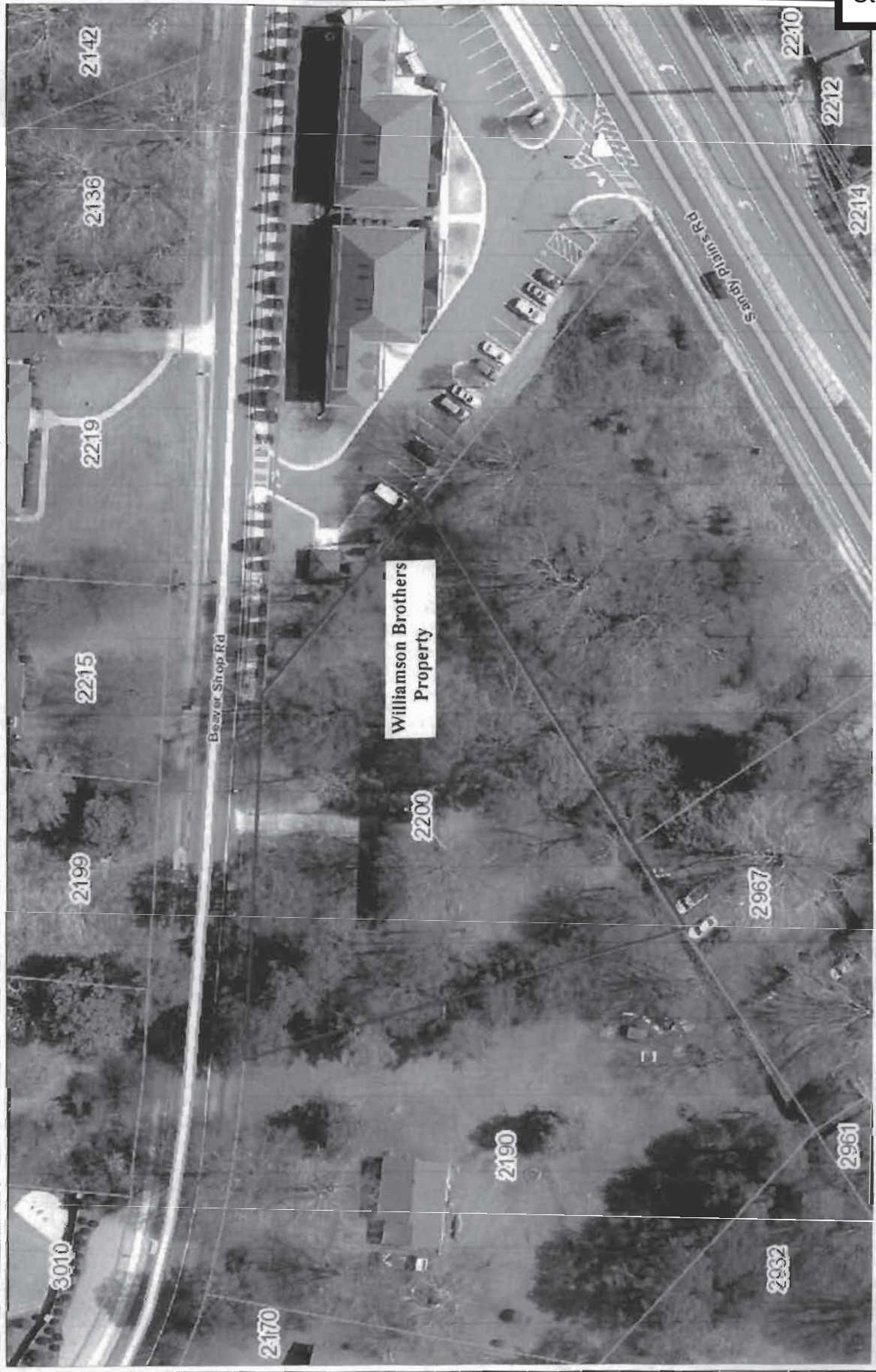


Danny Williamson



Larry Williamson

2200 Beaver Shop Road



WGS_1984_Web_Mercator_Auxiliary_Sphere
© Cobb County Georgia

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THIS MAP IS NOT TO BE USED FOR NAVIGATION

1: 961

Map Notes:



ORIGINAL DATE OF APPLICATION: 07-19-05APPLICANTS NAME: BABCOCK OFFICE GROUP, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 07-19-05 ZONING HEARING:

BABCOCK OFFICE GROUP, LLC (E. Cullene M. Harper and Betty Jo Cooper, owners) requesting Rezoning from **R-20** to **LRO** for the purpose of Professional Offices in Land Lots 525 and 526 of the 16th District. Located at the northwest intersection of Sandy Plains Road and Bryant Lane and located on the south side of Beaver Shop Road.

The public hearing was opened and Mr. Garvis Sams, Jr., Ms. Laura Weiss, and Mr. Mike Stehlik addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Kesting, to **approve** rezoning to the **LRO** zoning district **subject to:**

- letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated June 15, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)
- final site plan to be approved by the District Commissioner
- right-out only to Beaver Shop Road
- ten (10) foot landscape buffer be installed adjacent to the R-20 zoned property, Beaver Shop Road, and Bryant Lane
- no outdoor storage
- Cobb Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: **ADOPTED** unanimously

Min. Bk. 36 p
Doc. Type Letter
Stipulations 0
Meeting Date 7/19/05
PAGE 5 OF 5

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A LIMITED LIABILITY PARTNERSHIP
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JOEL L. LARKIN
PARKS F. HUFF
RICHARD A. HARRAH
MICHAEL P. PRYOR
OF COUNSEL
DAVID P. HARTIN

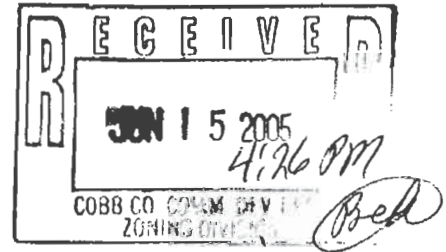
770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

WWW.SAMSLARKINHUFF.COM
INFO@SAMSLARKINHUFF.COM

June 15, 2005

VIA HAND DELIVERY

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



Re: Application of Babcock Office Group, LLC to Rezone a 0.97 Acre Tract
from R-20 to Low Rise Office (LRO) (No. Z-99)

Dear John:

This firm has been engaged by and represents the applicant and property owners 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 July 7, 2005 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on July 19, 2005.

With respect to the foregoing, consistent with the dialogue established with the County's professional staff and after receiving input from certain area residents and business owners, enclosed please find the requisite number of copies of a revised site plan. Also enclosed is a color rendering/elevation depicting the architectural style and composition of the proposed office buildings. The balance of this letter will serve as my clients' expression of agreement with the following stipulations which, upon the zoning application being approved as requested, as amended and modified hereby, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

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.

Petition No. Z-1
Meeting Date 7/19/05
Continued

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 2
June 15, 2005

2. Subject to that certain revised site plan, prepared by TerraNova Engineers, Inc., being filed contemporaneously herewith, subject to minor modifications by the District Commissioner.
3. The architectural style and composition of the office building shall be consistent with the color elevation/rendering being submitted contemporaneously herewith. The building shall have a residential appearance with a pitched roof, architectural shingles and shall be brick on four (4) sides. Final architectural elevations, if at variance with the foregoing, shall be subject to review and approval by the District Commissioner with respect to any minor modifications.
4. The Low Rise Office development shall consist of two (2) two-story office buildings, for a total amount of 10,092 square feet of office space. Said office space shall be used for professional offices only as defined under the provisions of the Cobb County Zoning Ordinance applicable to the LRO District.
5. Subject to the following recommendations from the Cobb County Department of Transportation:
 - a. Vehicular access to Beaver Shop Road shall be as depicted on the revised site plan and shall be "right-out only".
 - b. The voluntary donation and conveyance of right-of-way so that the County can achieve 25' from the centerline of Beaver Shop Road.
 - c. The voluntary donation and conveyance of right-of-way so that the County can achieve 30' from the centerline of Bryant Lane.
 - d. The voluntary donation and conveyance of right-of-way so that the County can achieve 50' from the centerline of Sandy Plains Road.
 - e. That the point of ingress/egress on Sandy Plains Road be right-in/right-out only.
 - f. The installation of a 10' no access easement along the subject property's frontages on Sandy Plains Road, Bryant Road and Beaver Shop Road, except, of course, with respect to the aforementioned point of ingress/egress on Sandy Plains Road and the aforementioned point of egress on Beaver Shop Road.
 - g. Ensuring sufficient sight distance along Sandy Plains Road which is classified as an arterial.

Petition No. Z-18
Meeting Date 7/19/05
Continued

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 3
June 15, 2005

- h. The installation of a 150' deceleration lane and a 50' taper along the subject property's frontage at the point of ingress/egress on Sandy Plains Road.
 - i. The installation of sidewalk, curb and gutter on all three (3) road frontages.
6. Subject to recommendations from the Stormwater Management Division with respect to stormwater detention, hydrology and down stream considerations, including the ultimate location and configuration of on site detention and/or water quality ponds on the site.
7. Subject to recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer.
8. Landscaping for the office development shall be pursuant to a specific landscape plan which shall be subject to staff's and the Arborist's review and approval during the Plan Review process and which shall include, but not be necessarily limited to, the following:
 - a. If not constructed underground as presently shown, the detention areas on site shall be landscaped and screened from view from area residents and public rights-of-way.
 - b. Landscaped areas within the office development shall be well kept, irrigated and regularly maintained by the applicant and/or its successors in title.
 - c. Grass planted within landscaped areas or otherwise shall be sod and shall be irrigated as appropriate.
 - d. Dumpsters shall be incorporated into the landscape plan and shall be screened from view on at least three (3) sides. All dumpsters shall have rubber lids and bumpers to minimize noise, or in lieu of dumpsters, the applicant and/or its successors in title may utilize at-grade trash compaction facilities which shall also be screened. Dumpster and/or trash pick up shall be limited to the hours between 7:00 a.m. until 7:00 p.m.
 - e. Any HVAC or mechanical systems attendant to the office buildings shall be incorporated into the landscape plan and screened from view.

Petition No. Z-99
Meeting Date 7/19/05
Continued

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 4
June 15, 2005

- f. The areas between those sections of the subject property reserved for required parking shall be included in the final landscape plan and shall be landscaped in a manner consistent with the landscape plan approved by staff and the arborist during Plan Review.
9. The installation of ground-based, monument style signage, consistent with the architectural style and composition as aforementioned, which shall be landscaped, irrigated and incorporated into the aforementioned landscape plan.
10. All lighting shall be environmentally sensitive and subject to review and approval by the County's professional staff.
11. Subject to the granting of the following contemporaneous variance: Elimination of the required landscape buffer between the subject property and the veterinarian clinic office which is contiguous and to the west.

The subject property is positioned within the confines of a Neighborhood Activity Center (NAC) as depicted on Cobb County's Future Land Use Map and Comprehensive Land Use Plan. Additionally, it has direct contiguity to a veterinarian clinic office building which was rezoned to the LRO classification last year (No. Z-40). When considered in view of the stipulations/ conditions to which the applicant and property owners have agreed, the zoning proposal for professional offices and a rezoning to the LRO District are entirely appropriate from a land use planning perspective.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the formulation of your zoning analysis and recommendations to the Planning Commission and Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLSjr/jbmc
Enclosures

cc: Shown on next page.

Petition No. Z-9
Meeting Date 7/19/05
Continued

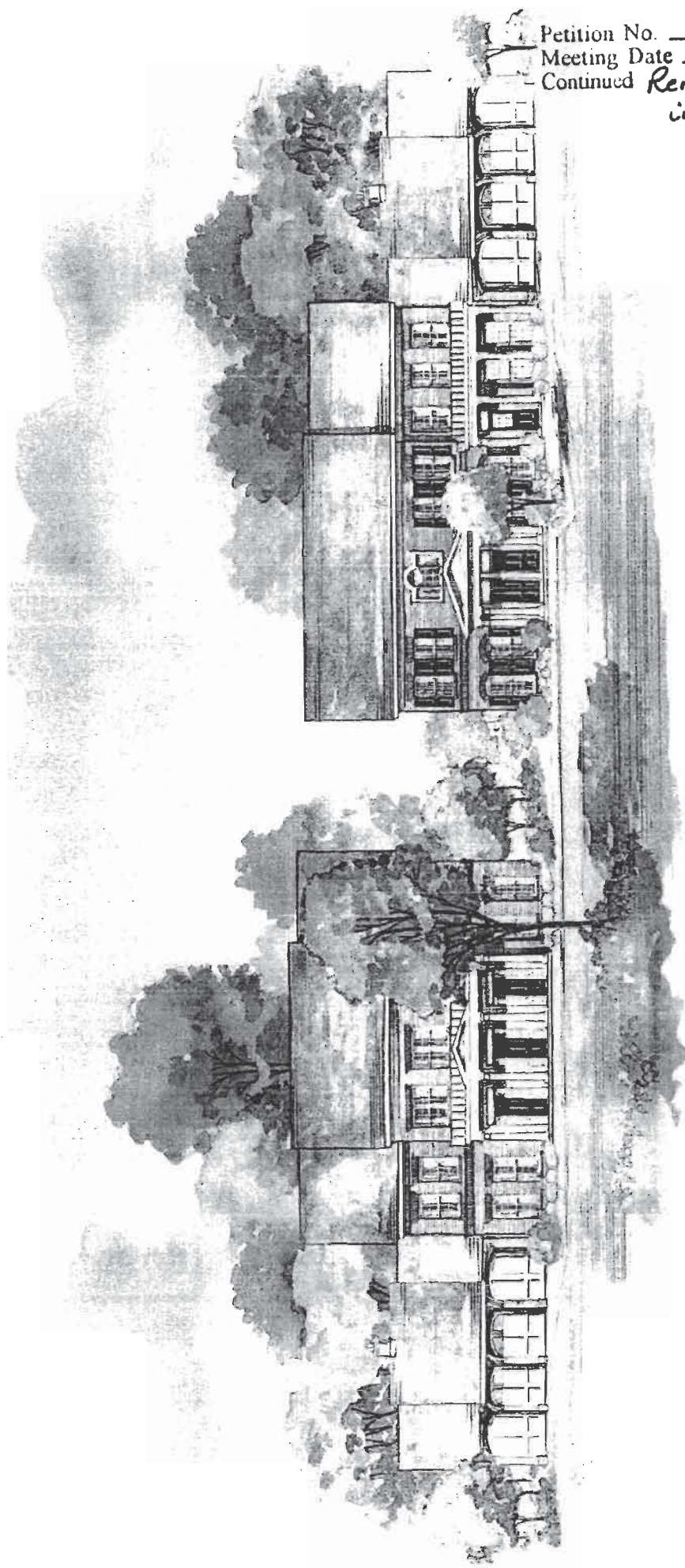
VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 5
June 15, 2005

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosures
Members, Cobb County Planning Commission – w/enclosures
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosures
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery – w/enclosures
Ms. Sandra Richardson, Deputy County Clerk – VIA Hand Delivery – w/enclosures
Ms. Martha Adams, President, ECCA – w/enclosures
Mr. Bob Babcock, Babcock Office Group, LLC – w/enclosures

Petition No. Z-
Meeting Date
Continued Render

in letter



APPLICANT: Babcock Office Group, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: L

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 2 Total Square Footage of Development: 10,092

F.A.R. 10,404 Square Footage/Acre

Parking Spaces Required: 36 Parking Spaces Provided: 36

The applicant is requesting the LRO zoning district to develop two small office buildings. The buildings would be two-stories in height with all brick exteriors and asphalt shingle roofs. The applicant has submitted a letter of agreeable stipulations (see Exhibit "A").

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Provide access for Fire and Police Department through Cobb County. If access is outside the boundaries of Cobb County, then an intergovernmental agreement would be required prior to any permitting.
3. Fire apparatus access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor IFC 503.1 2003 Edition. Authority having jurisdiction may increase the 150 distance, if building is equipped throughout with an automatic sprinkler system. **All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20-feet, 25-foot inside turning radius, 50-foot outside turning radius and unobstructed vertical clearance of not less than 13-feet 6 inches.** Dead-end access roads in excess of 150-feet shall be provided with a turn-around IFC 503.2.5 2003 Edition. Cul-d-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential Cul-d-sac without island: 38-foot outside radius. Commercial cul-d-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-foot wide roadway + 45-feet).

APPLICANT Babcock Office Group, LLC

PETITION NO. Z

PRESENT ZONING R-20

PETITION FOR LRO

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

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

Size / Location of Existing Water Main(s): 6" DI / N side Beaver Shop Rd

Additional Comments: Also, 8" DI / N side Sandy Plains 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: At site across Sandy Plains Rd

Estimated Waste Generation (in G.P.D.): **A D F** 500 **Peak** 1250

Treatment Plant: Sutton

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- Flow Test Required? Yes No
- Letter of Allocation issued? Yes No
- Septic Tank Recommended by this Department? Yes No
- Subject to Health Department Approval? Yes No

* 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:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Babcock Office Group, LLC

PETITION NO.: Z-99

PRESENT ZONING: R-20

PETITION FOR: LRO

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
Sewell Mill Creek

DRAINAGE BASIN: Sope Creek FLOOD HAZARD INFO: None

- 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 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: Babcock Office Group, LLC

PETITION NO.: Z-5

Z-18 (2013)
Previous Zoning
Minutes

PRESENT ZONING: R-20

PETITION FOR: LRO

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 N/A

- 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) Tract is very gently sloped with vast majority natural runoff discharging northerly at culvert of Beaver Shop Road. Tract is heavily wooded.
- 2) Plan shown appears to be acceptably done. Reduction in parking slips is supported. Detention is quite large and shallow providing better controls.
- 3) The tree stand and undergrowth here provide significant benefits to the community. Removal during construction will diminish these benefits. To compensate, recommend the First Flush Water Quality Best Management Practice Requirements be elevated from 1.2-inch to 1.5-inch rainfall.

APPLICANT: Babcock Office Group, LLC

PETITION NO.: Z-99

PRESENT ZONING: R-20

PETITION FOR: LRO

TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Beaver Shop Road	NA	Local	50'
Sandy Plains Road	25300	Arterial	100'
Bryant Lane	1784	Minor Collector	60'

*Based on 2003 traffic counting data taken by GDOT. (Sandy Plains Road)
 Based on 5-1-01 traffic counting data taken by Cobb DOT. (Bryant Lane)*

Beaver Shop Road is classified as a Local and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Sandy Plains Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Bryant Lane is classified as a Minor Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

No access to Beaver Shop Road and Bryant Lane.

Install sidewalk, curb and gutter along all road frontages.

Right-in/right-out drive on Sandy Plains Road.

As necessitated by this development for egress from Sandy Plains Road, a minimum 150' deceleration lane will be required.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Beaver Shop Road a minimum of 25' from the roadway centerline; b) donation of right-of-way on the north side of Sandy Plains Road a minimum of 50' from the roadway centerline; and c) donation of right-of-way on the west side of Bryant Lane a minimum of 30' from the roadway centerline.

Recommend no access to Beaver Shop Road and Bryant Lane.

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

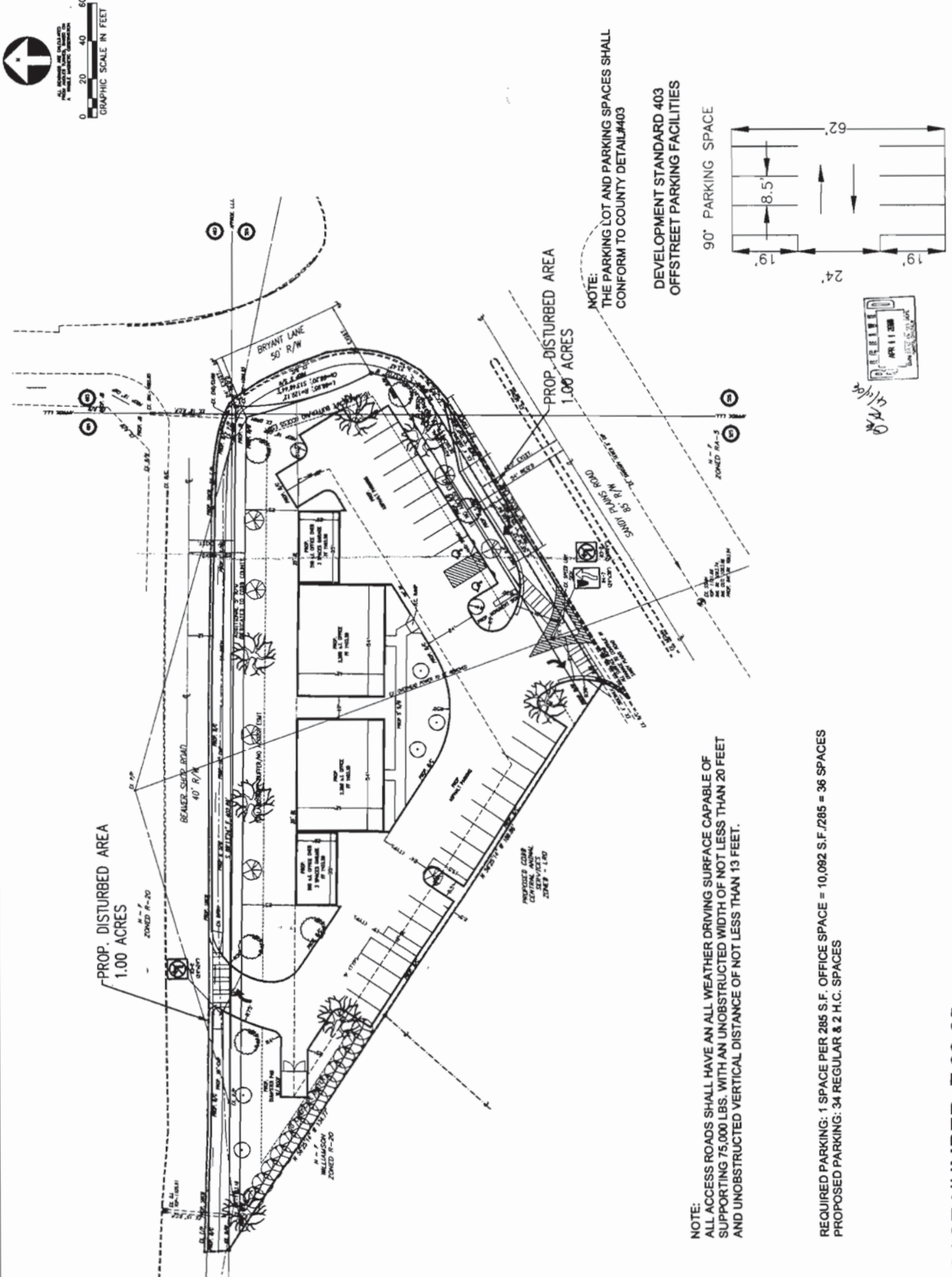
Recommend a right-in/right-out driveway on Sandy Plains Road.

Recommend a minimum 150' deceleration lane on Sandy Plains Road.

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



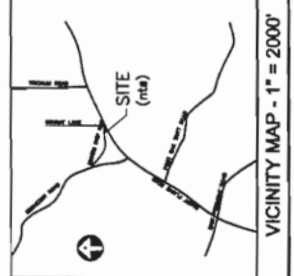
ALL DISTURBED AREAS SHALL BE RESTORED TO ORIGINAL OR BETTER CONDITION AND SHALL BE PLANTED WITH NATIVE SPECIES. ALL PLANTINGS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE GEORGIA PLANTING STANDARDS. ALL PLANTINGS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE GEORGIA PLANTING STANDARDS. ALL PLANTINGS SHALL BE INSTALLED AND MAINTAINED IN ACCORDANCE WITH THE GEORGIA PLANTING STANDARDS.



NOTE:
 ALL ACCESS ROADS SHALL HAVE AN ALL WEATHER DRIVING SURFACE CAPABLE OF SUPPORTING 75,000 LBS. WITH AN UNOBSTRUCTED WIDTH OF NOT LESS THAN 20 FEET AND UNOBSTRUCTED VERTICAL DISTANCE OF NOT LESS THAN 13 FEET.

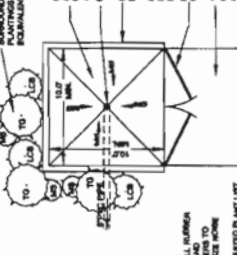
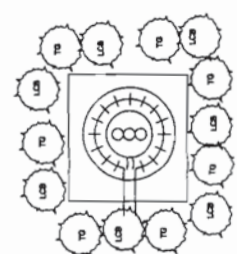
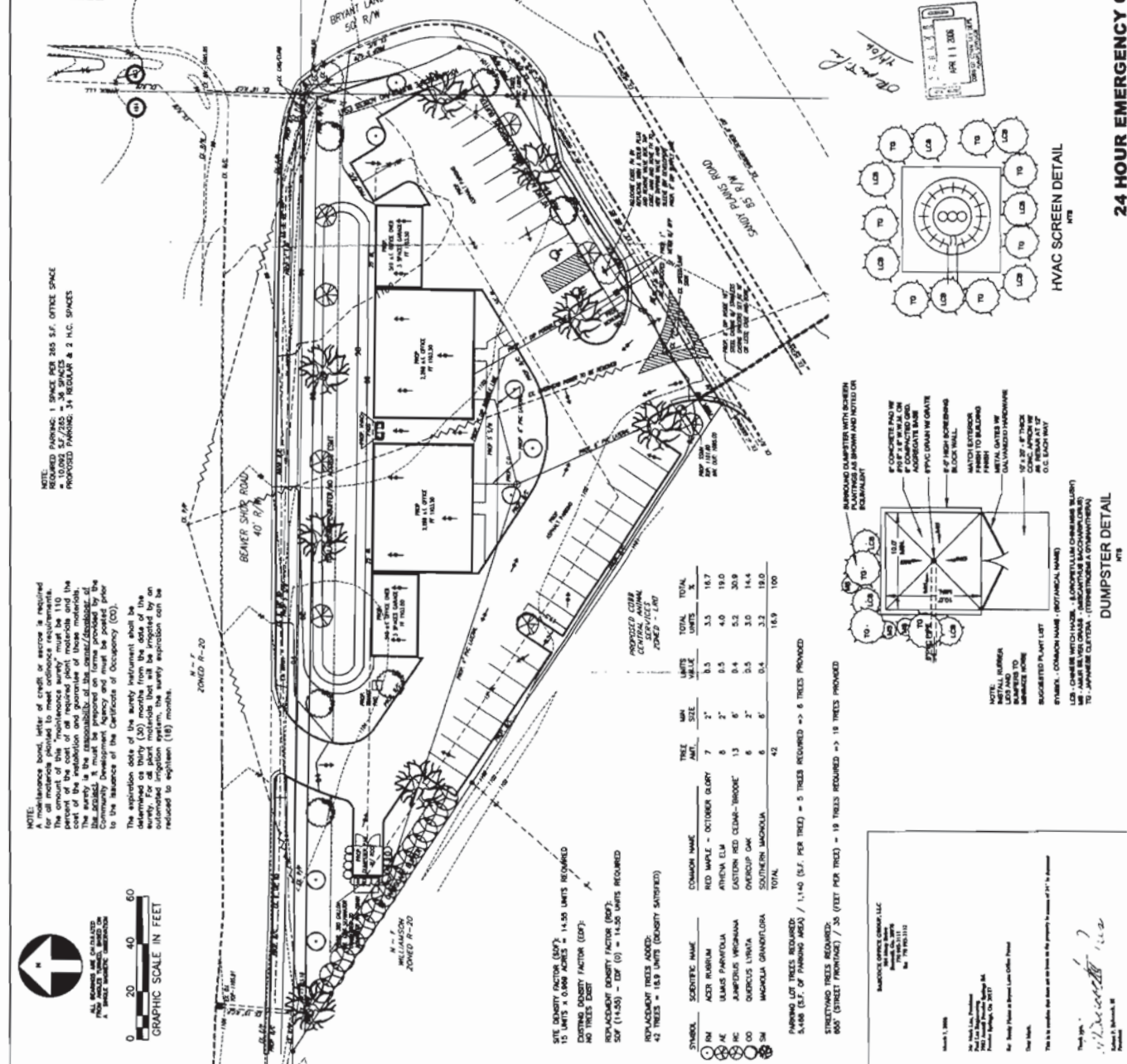
REQUIRED PARKING: 1 SPACE PER 285 S.F. OFFICE SPACE = 10,062 S.F./285 = 36 SPACES
 PROPOSED PARKING: 34 REGULAR & 2 H.C. SPACES

Z-18 (2013)
Previously
Approved
Landscape Plan
from Z-99 of
2005



VICINITY MAP - 1" = 2000'

ALL ELECTRONIC LANDSCAPE IRRIGATION SYSTEMS INSTALLED AFTER CONSTRUCTION SHALL BE INSTALLED IN ACCORDANCE WITH GEORGIA HB 1277. SHUT-OFF SWITCH IN ACCORDANCE WITH GEORGIA HB 1277.



24 HOUR EMERGENCY CONTACT **BOB BABCOCK @ (770) 421-8389**

NOTE:
ALL ELECTRONIC LANDSCAPE IRRIGATION SYSTEMS INSTALLED AFTER CONSTRUCTION SHALL BE INSTALLED IN ACCORDANCE WITH GEORGIA HB 1277. SHUT-OFF SWITCH IN ACCORDANCE WITH GEORGIA HB 1277.