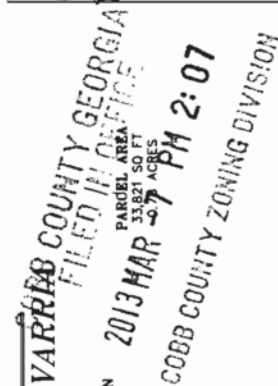
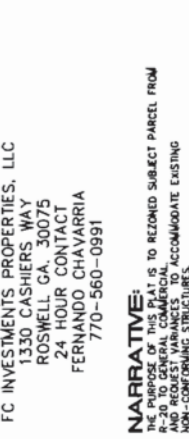


Z-19  
(2013)



$RAD=2833.97$   
 $ARC=90.75$   
 $CHORD=90.75$   
 $S76^{\circ}42'28"E$

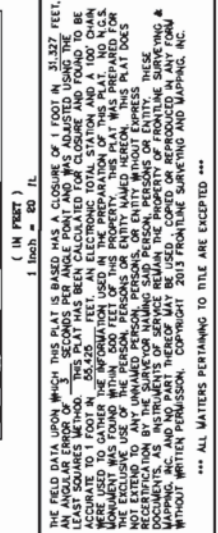


CURRENT ZONING: GC

FRONT SETBACK= 40'or50'  
MIN SIDE SETBACK= 10'  
MAJOR SIDE SETBACK= 25'or35'  
REAR SETBACK= 30'  
MIN LOT SIZE= 20,000 FT<sup>2</sup>

**REFERENCES:**

1. FINAL PLAT FOR HILLCREST SD DATED JULY 1947 FOR N. P. JOHNSON RECORDED COBB CO., GA. RECORDS PLAT BOOK 10, PAGE 87.
2. PLAT OF SURVEY FOR JAMES TIMOTHY MCARDIS BY NORTH GEORGIA ENGINEERS, INC. DATED 03/03/1988 RECORDED COBB CO., GA. RECORDS, PLAT BOOK 120, PAGE 32
3. PLAT OF SURVEY FOR F. FERNANDO CHAVEZ BY MCGILL



DATE	02/27/13
SCALE	1" = 20'
COBB COUNTY, GEORGIA	
BY	DATE
PB 10	
D8 12770	

ZONING PLAN FOR:  
**F. FERNANDEZ**  
LAND LOT 132  
LOT 2  
BLOCK B  
SUBDIVISION: **HILLCREST**  
I HAVE THIS DATE EXAMINED THE "FIA" OFFICIAL FILE  
REFERENCE PARCEL (S) (S NOT IN ANY HAVING SP

**APPLICANT:** FC Landscapes, Inc.

770-560-0991

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

Sams, Larkin & Huff, LLP

**TITLEHOLDER:** F. Fernando Chavarria and Rosa Lillianna

Chavarria

**PROPERTY LOCATION:** South and west sides of Fowler Circle and

north side of Hill Crest Road, east of Canton Road

(1033 and 1037 Hill Crest Road).

**ACCESS TO PROPERTY:** \_\_\_\_\_

**PHYSICAL CHARACTERISTICS TO SITE:** Existing landscape

company

#### **CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** LI/Undeveloped and GC/Landscape Supplier

**SOUTH:** LI/Undeveloped

**EAST:** LI/Partially cleared industrial land

**WEST:** NS/Formal residential buildings used as commercial

**PETITION NO:** Z-19

**HEARING DATE (PC):** 05-07-13

**HEARING DATE (BOC):** 05-21-13

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** GC

**PROPOSED USE:** Landscape Business

**SIZE OF TRACT:** 0.78 acre

**DISTRICT:** 16

**LAND LOT(S):** 132

**PARCEL(S):** 10

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

**COMMISSION DISTRICT:** 3

**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:**



APPLICANT: FC Landscapes, Inc.

PETITION NO.: Z-19

PRESENT ZONING: R-2O

PETITION FOR: GC

\*\*\*\*\*

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Industrial Compatible (IC)

Proposed Number of Buildings: 5(Existing)

Total Square Footage of Development: 3,916

F.A.R.: .115 Square Footage/Acre: 5,020

Parking Spaces Required: 1 per 285 sq ft of net floorspace, 1 per vehicle

Parking Spaces Provided: Gravel parking shown

Applicant is requesting rezoning of the subject property in order to continue the landscape contracting business that has been at the site since the late 1990’s. The hours of operation are Monday through Friday from 8 a.m. until 5 p.m., Saturday from 8 a.m. until 12 p.m., and closed on Sundays. The business currently has a total of 14 seasonal and five employees during off peak times. Presently, there are four operable Bobcats, five lawnmowers, three trailers and one dump truck with assorted pickup trucks.

**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:

Plans must be submitted to the Cobb County Fire Marshal’s Office to initiate the Certificate of Occupancy process.

APPLICANT: FC Landscapes, Inc.

PETITION NO.: Z-19

PRESENT ZONING: R-2O

PETITION FOR: GC

\*\*\*\*\*

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to GC for purpose of landscape business. The 0.78 acre site is located on the south and west side of Fowler Drive and north side of Hill Crest Road, east of Canton Road.

Comprehensive Plan

The parcel is within an Industrial Compatible (IC) future land use category, with R-20 zoning designation. The purpose of Industrial Compatible (IC) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Master Plan/Corridor Study

Not applicable.

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?

The subject parcel is located in the Canton Corridor area; however it does not directly abut Canton Road. Therefore, it does not have to comply with design guidelines requirements. No action requested.

APPLICANT FC Landscapes

PETITION NO. Z-019

PRESENT ZONING R-20

PETITION FOR GC

\*\*\*\*\*

**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 / S side of Hill Crest 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: ***At site (existing unused tap)***

Estimated Waste Generation (in G.P.D.): **A D F 160 Peak= 400**

Treatment Plant: **Noondav**

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: Winfred Drive Sewer Assessment Area (\$9,000/acre). Health Dept approval required for continued use of existing septic system.

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: FC Landscapes, Inc.

PETITION NO.: Z-19

PRESENT ZONING: R-20

PETITION FOR: GC

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS</b>
---------------------------------------

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little Noonday 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 downstream receiving system for any improvements proposed.

APPLICANT: FC Landscapes, Inc.

PETITION NO.: Z-19

PRESENT ZONING: R-20

PETITION FOR: GC

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS – Continued</b>
---

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. No site improvements are proposed at this time. Site must meet Stormwater Management requirements for any future improvements or redevelopment.
2. Due to the nature of this business operation, an environmental audit should be performed by Cobb County Stormwater Management Environmental Compliance. Any site compliance issues or required best management practices must be addressed.

**APPLICANT: FC Landscapes, Inc.**

**PETITION NO.: Z-19**

**PRESENT ZONING: R-20**

**PETITION FOR: GC**

\*\*\*\*\*

**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
Hill Crest Road	N/A	Local	15 mph	Cobb County	50'
Fowler Drive	N/A	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Hill Crest 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.

Fowler Drive 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.

**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 Hill Crest Road, a minimum of 25' from the roadway centerline.

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 south side of Fowler Drive, a minimum of 25' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Hill Crest Road and Fowler Drive frontages upon redevelopment.

Hill Crest Drive is a substandard street. Recommend improving Hill Crest Drive from along the frontage to the intersection with Canton Road to comply with Cobb County Standards upon redevelopment.

Recommend applicant verify that minimum intersection sight distance is available for Fowler Drive access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 115 feet.

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



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## STAFF RECOMMENDATIONS

### **Z-19 FC LANDSCAPES, INC.**

- 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. The property has been used as proposed since the late 1990's.
- 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 will continue to operate the same business that has been at the property for a number of years.
- 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 Industrial Compatible (IC) land use category. The proposed continued use has been located on the property since the late 1990's. The current R-20 zoning does not allow the use and the IC land use category would support the use, but under the Light Industrial (LI) zoning 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 deleting the applicant's rezoning proposal to the Light Industrial (LI) zoning category. The LI category allows the proposed/continued use and is compatible with the IC land use category.

Based on the above analysis, Staff recommends DELETING the request to LI subject to the following conditions:

- Site Plan received by the Zoning Division March 7, 2013, with the District Commissioner approving minor modifications;
- Contemporaneous variances for the LI lot size requirement from 40,000 square feet to 33,821 square feet and the setbacks for the existing buildings as shown on the site plan received by the Zoning Division March 7, 2013;
- Stipulation letter from applicant's representative dated April 19, 2013, not in conflict with the Board of Commissioners' decision;
- 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.**

May 2013**Summary of Intent for Rezoning****Part 1. Residential Rezoning Information (attach additional information if needed)**

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

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

- a) Proposed use(s): Landscape Business
- b) Proposed building architecture: As-Built
- c) Proposed hours of operation: 8:00 a.m. – 5:00 p.m. Monday-Friday; 8:00 a.m. until Noon on Saturday;  
Closed Sundays
- d) List all requested variances: Detailed on the site plan filed concurrently herewith

COBB COUNTY GEORGIA  
FILED IN OFFICE  
2013 MAR -7 PM 2:06  
COBB COUNTY ZONING DIVISION

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

The subject property is located in an area under Cobb County's Future Land Use Map which is denominated as Industrial Compatible (IC) and is totally surrounded by non Residential Zoning Districts.

\_\_\_\_\_

\_\_\_\_\_

**Part 4. Is any of the property included on the proposed site plan owned by 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

COBB COUNTY GEORGIA  
FILED IN OFFICE

2013 MAR -7 PM 2: 07

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION**  
**OF FC LANDSCAPES, INC.**

COBB COUNTY ZONING DIVISION

COMES NOW, FC LANDSCAPES, INC., 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 use of the property that is suitable in the context of development and existing zonings along this section of the Canton Road Corridor.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties, the preponderance of which are Commercial and Industrial Compatible developments.
- C. The subject property to be affected by the zoning proposal has no reasonable 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 R-20.
- 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 located within an area denominated as Industrial Compatible (IC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of R-20 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 Canton Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 7<sup>th</sup> 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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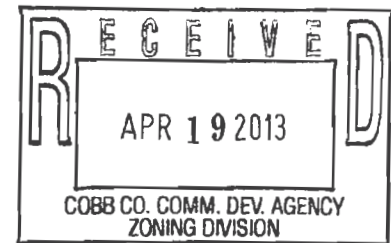
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

April 19, 2013

**VIA EMAIL**

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



Re: Application of FC Landscapes, Inc. to Rezone a 0.768 Acre Tract  
from R-20 to General Commercial (GC) – No. Z-19

Dear John:

As you know, this firm represents FC Landscapes, Inc. 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 20, 2013.

FC Landscapes, Inc. has been securing business licenses each year from Cobb County as a landscaping contractor since the property was purchased in the late 1990's, including the business license purchased on December 28, 2012 for the calendar year 2013. Unfortunately, my client was not aware that the subject property was not properly zoned to conduct the landscape business. The property is zoned R-20 but is located in an area that is denominated as Industrial Compatible (IC) on the County's Future Land Use Map and is surrounded by property zoned Light Industrial (LI), General Commercial (GC) and Neighborhood Shopping (NS). In all respects, the continued utilization of the subject property in the GC classification for a landscape business is entirely appropriate considered in the context of development and existing zonings.

During the pendency of the Application, we have established and continued a dialogue with the County's professional staff. Additionally, we have had discussions with representatives of Canton Road Neighbors, the Northeast Cobb Homeowners Group and others. In that regard, this letter will serve as my client's expression of agreement with the following stipulations which, upon the Application for Rezoning being approved, shall become conditions and a part of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

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

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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 concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The subject property shall be utilized for the current landscaping business and any and all other uses under the GC classification except as hereinafter provided.
3. The rezoning of the subject property shall be in substantial conformity to that certain site plan prepared by Front Line Surveying & Mapping, Inc. which was submitted contemporaneously with the Application for Rezoning.
4. The architectural style and composition of the buildings on the subject property shall remain in substantial conformity to the as-built architecture.
5. Hours of operation for the business shall be from 8:00 a.m. until 5:00 p.m. Monday through Friday and from 8:00 a.m. until 12:00 noon on Saturday with the business being closed on Sundays.
6. Presently, FC Landscapes, Inc. has a total of fourteen (14) seasonal and five (5) employees during off peak times.
7. Presently, there are four (4) operable Bobcats on the site, five (5) lawnmowers, three (3) trailers and one (1) dump truck with assorted pickup trucks. The Applicant agrees that there will be no equipment larger than the trailers or the dump truck on the subject property.
8. Outside storage unrelated to the landscape business either has been or will be removed.
9. Applicant agrees that there are no chemicals, insecticides, fertilizer or hazardous materials on the subject property and agrees that there will be no such materials in the future.



SAMS, LARKIN & HUFF

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**VIA EMAIL**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
April 19, 2013  
Page 3

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10. The following uses otherwise permitted under the GC classification shall be prohibited:
- a. Video arcades as a primary business.
  - b. Tattoo parlors and body piercing shops.
  - c. Billiard parlors.
  - d. Pawn shops, title pawn shops or check cashing establishments.
  - e. Shooting ranges.
  - f. Houses of worship.
  - g. Any business which principally features sexually explicit products or drug related paraphernalia.
  - h. Car washes.
  - i. Commercial produce and agricultural stands.
  - j. Automotive repair establishments.
  - k. Designated recycling and collection locations.
  - l. Full service gasoline stations.
  - m. Radio, television or other communication towers with antennas.
  - n. Self-service laundry facilities.
  - o. Hotels, motels, group homes.



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VIA EMAIL

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
April 19, 2013  
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- 
11. Compliance with the following recommendations from the Cobb County Department of Transportation:
    - a. Paving the driveway apron onto Fowler Circle.
    - b. Ensuring sight distance of one-hundred fifty feet (150') or the implementation of remedial measures in which to mitigate same.
    - c. The voluntary donation and conveyance of right-of-way so that the County can achieve twenty-five feet (25') from the center line of Fowler Circle.
    - d. Upon a redevelopment of the subject property, the installation of sidewalk, curb and gutter along the subject property's frontage.
  12. Compliance with recommendations from the Stormwater Management Division.<sup>1</sup>
  13. Compliance with recommendations from the Cobb County Fire Department.
  14. Compliance with recommendations from the Cobb County Water System with respect to the availability and acquisition of water and sewer that service the subject property.<sup>2</sup>
  15. Minor modifications to the site plan and to these stipulations/conditions may be reviewed and approved by the District Commissioner during the Plan Review process and/or thereafter.

Please do not hesitate to contact me should you require further information or documentation prior to the formulation of the Staff Analysis and Recommendations.

---

<sup>1</sup> Presently, Stormwater Management takes the position that, unless additional impervious surfaces are added, there will be no requirement for stormwater detention on the site.

<sup>2</sup> There is a sewer tap available to the property on Hill Crest Road; however, the Applicant's intention is to continue using the septic system on site subject to review and approval by the Health Department and the Cobb County Water System.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

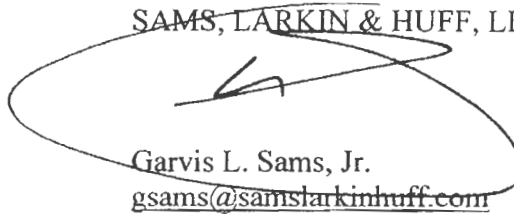
Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
Zoning Division  
April 19, 2013  
Page 5

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With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS/dsj

cc: Members, Cobb County Board of Commissioners (via email)  
Members, Cobb County Planning Commission (via email)  
Mr. Robert L. Hosack, Jr., AICP Director (via email)  
Mr. Jason Campbell, Planner III (via email)  
Mr. David Breaden, P.E., Cobb County Stormwater Management (via email)  
Ms. Jane Stricklin, PE, Cobb County DOT (via email)  
Ms. Karen King, Assistant County Clerk (via email)  
Ms. Lori Barton, Deputy County Clerk (via email)  
Ms. Carol Brown, President, Canton Road Neighbors (via email)  
Mr. Norm DeWalt, President, Northeast Cobb Homeowners Group (via email)  
Mr. Fernando Chavarria, President, FC Landscapes, Inc. (via email)