

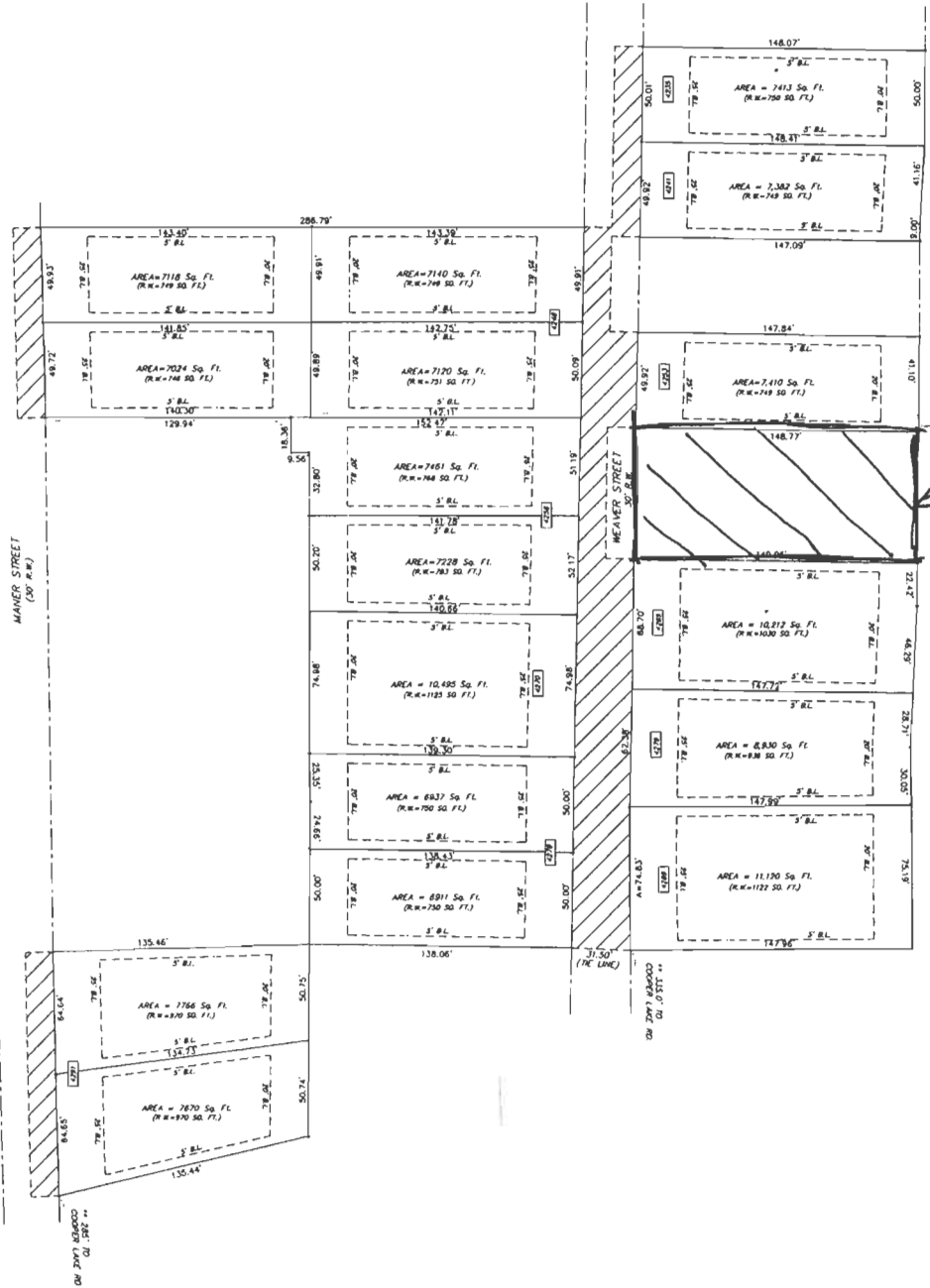
SETBACKS:  
FRONT = 25'  
SIDE = 5' (10' BETWEEN BLDGS.)  
REAR = 20'

AREA:  
TOTAL SQ. FOOTAGE OF ALL LOTS = 135,337 Sq. Ft.  
OVERALL SQ. FOOTAGE (R.W. INCL.) = 149,784 Sq. Ft.  
TOTAL UNITS = 17  
DENSITY = 4.944 LOTS PER ACRE.  
ALL LOTS MUST BE GREATER THAN 8500 Sq. Ft.

\*\* = PER DEED AND PLAT RECORDS:  
NO MONUMENT FOUND.  
ALL MATTERS OF TITLE ARE EXCEPTED.

GENERAL NOTES --  
ACCORDING TO THE CURRENT T.L.A. OFFICIAL FLOOD HAZARD MAP, COMMUNITY PANEL NO. 13087C 0075 F, DATED AUGUST 18, 1992, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.  
IMPROVEMENTS NOT SHOWN.

\* = LOTS THAT HAVE NOT BEEN FIELD SURVEYED.



Site

COBB COUNTY ZONING DIVISION  
2013 APR -5 AM 11:59  
COBB COUNTY GEORGIA  
FILED IN OFFICE

COMPILED PLAT FOR  
ATLANTA REAL ESTATE ACQUISITIONS, L.L.C.

LOCATED IN LAND LOT 694  
17th DISTRICT, 2nd SECTION  
COBB COUNTY, GEORGIA  
FEBRUARY 22, 2006 1"=30'



- LEGEND
- 1/2" REBAR FND
  - 1/2" REBAR SET
  - FRONT OF 100'
  - SANITARY SEWER EASEMENT
  - DRAINAGE EASEMENT
  - LAND LOT LINE
  - CENTERLINE
  - CRIMP TOP PIPE
  - OPEN TOP PIPE
  - CORRUGATED METAL PIPE
  - REINFORCED CONCRETE PIPE
  - DROP INLET
  - JUNCTION BOX
  - MANHOLE
  - CATCH BASIN
  - TIRE MARKER
  - POWER POLE
  - TIRE HYDRANT
  - CONCRETE MONUMENT FND
  - BACK OF CURB
  - EDGE OF PAVEMENT
  - FENCE
  - OVERHEAD ELEC SERVICE LINE
  - 8" LONG LINE
  - UNDERGROUND POWER LINE



**APPLICANT:** Paige Murphy  
(404) 606-3807

**REPRESENTATIVE:** Paige Murphy  
(404) 606-3807

**TITLEHOLDER:** Paige Covington a/k/a Paige Covington Murphy

**PROPERTY LOCATION:** East side of Weaver Street, north of  
Cooper Lake Road  
(4259 Weaver Street).

**ACCESS TO PROPERTY:** Weaver Street

**PHYSICAL CHARACTERISTICS TO SITE:** Single-family house

**PETITION NO:** Z-29

**HEARING DATE (PC):** 06-04-13

**HEARING DATE (BOC):** 06-18-13

**PRESENT ZONING:** GC

**PROPOSED ZONING:** RA-5

**PROPOSED USE:** Addition of property  
to previous RA-5 (Single-family)

**SIZE OF TRACT:** 0.2208 acre

**DISTRICT:** 17

**LAND LOT(S):** 694

**PARCEL(S):** 33

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

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** RA-5/Gilmore Heights Subdivision
- SOUTH:** RA-5/Gilmore Heights Subdivision
- EAST:** R-20/Coopers Point Subdivision
- WEST:** RA-5/Weaver Street at Maner Street Subdivision

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

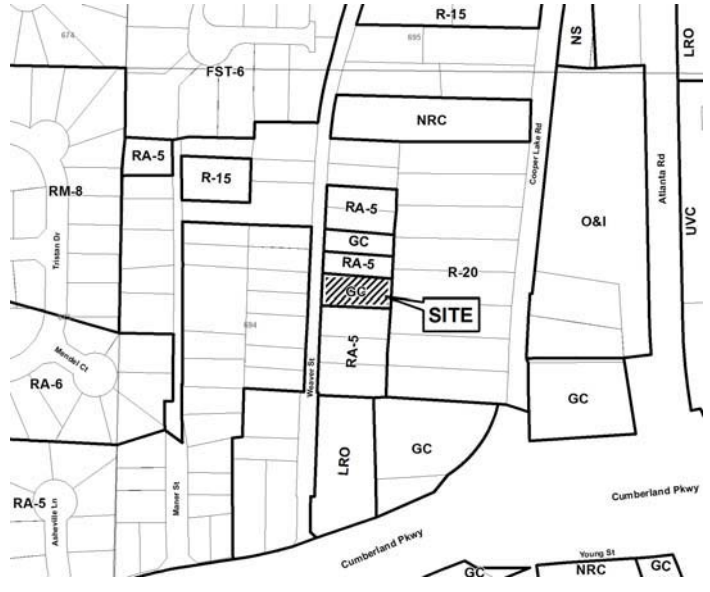
**BOARD OF COMMISSIONERS DECISION**

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

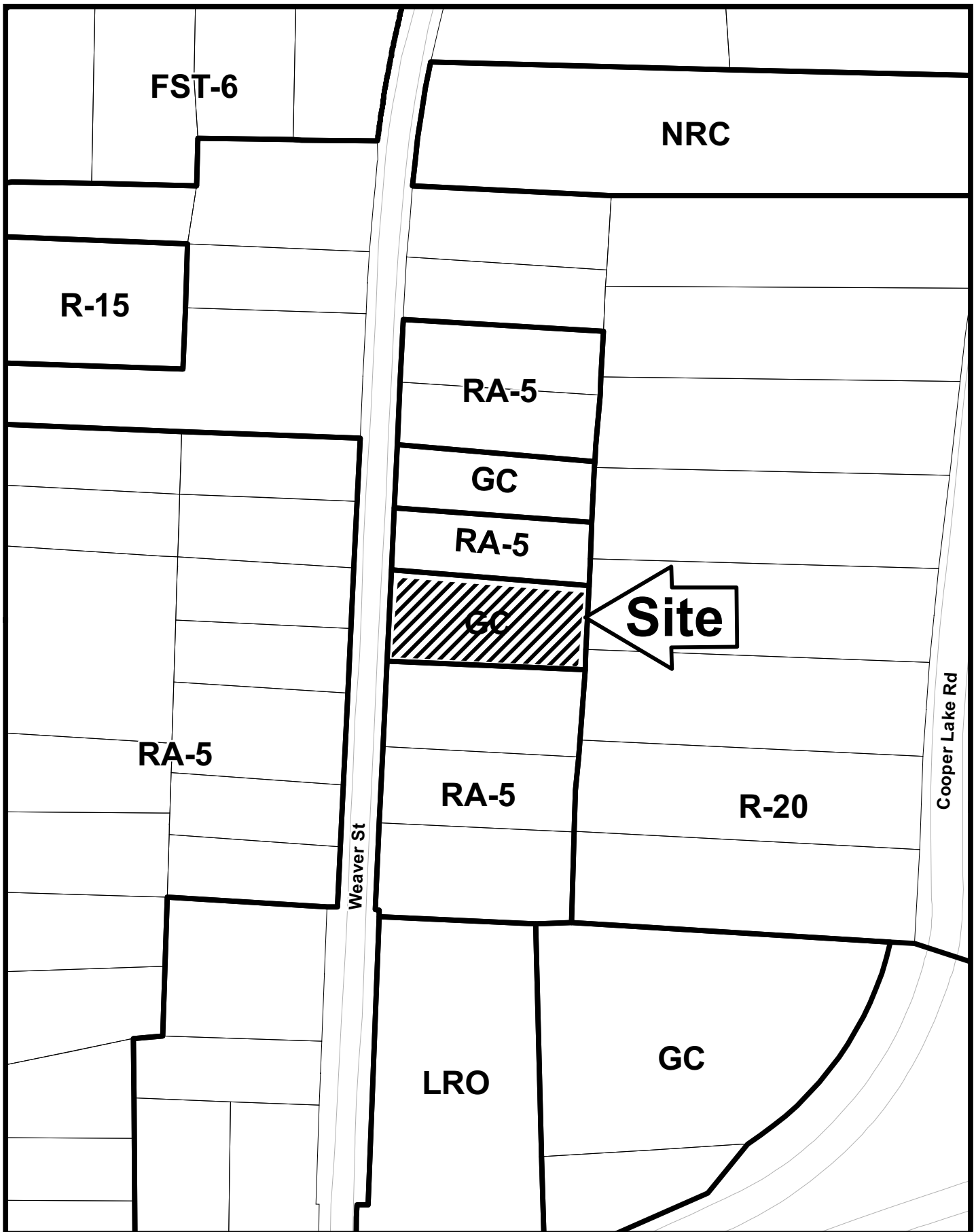
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

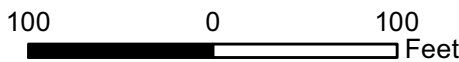
**STIPULATIONS:**





# Z-29



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Paige Murphy

**PETITION NO.:** Z-29

**PRESENT ZONING:** GC

**PETITION FOR:** RA-5

\*\*\*\*\*

**ZONING COMMENTS:**

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

**Land Use Plan Recommendation:** Medium Density Residential (2.5-5 units per acre)

**Proposed Number of Units:** 1 (Existing)      **Overall Density:** 4      **Units/Acre**

**Present Zoning Would Allow:** 0      **Units**      **Increase of:** 1      **Units/Lots**

Applicant is requesting the RA-5 zoning category for the purpose of making her existing property compliant with the rest of the subdivision and the *Cobb County Comprehensive Plan*. The subject property exists as a grandfathered, nonconforming single-family house in the General Commercial (GC) zoning category. Many of the abutting and adjacent properties were rezoned to RA-5 in 2006 as part of Z-71 and Z-148. The subject property was not included in either rezoning case. The applicant plans to make some additions/improvements to the house similar to other houses in the subdivision, but is not able to do so because of the grandfathered GC status of the property.

**Cemetery Preservation:** No comment.

**APPLICANT:** Paige Murphy

**PETITION NO.:** Z-29

**PRESENT ZONING:** GC

**PETITION FOR:** RA-5

\*\*\*\*\*

**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:**

\*\*\*\*\*

**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: Paige Murphy

PETITION NO.: Z-29

PRESENT ZONING: GC

PETITION FOR: RA-5

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to RA-5 for purpose of a single family residential addition. The 0.2208 acre site is located on the east side of Weaver Street, north of Cooper Lake Road.

**Comprehensive Plan**

The parcel is within a Medium Density Residential (MDR) future land use category, with GC zoning designations. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

**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 Paige Murphy

PETITION NO. Z-029

PRESENT ZONING GC

PETITION FOR RA-5

\*\*\*\*\*

**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): **6" DI W / side of Weaver Street**

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 in Weaver Street ROW**

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

Treatment Plant: **Septic**

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: Health Dept approval required for continued use of existing septic system. No site changes are proposed.

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: Paige Muphy

PETITION NO.: Z-29

PRESENT ZONING: GC

PETITION FOR: RA-5

\*\*\*\*\*

**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 \_\_\_\_\_.



APPLICANT: Paige Muphy

PETITION NO.: Z-29

PRESENT ZONING: GC

PETITION FOR: RA-5

\*\*\*\*\*

**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. Subject to all previous Weaver/Maner Street RA-5 zoning stipulations. Maximum impervious coverage limit is 40%.

**APPLICANT: Paige Murphy**

**PETITION NO.: Z-29**

**PRESENT ZONING: GC**

**PETITION FOR: RA-5**

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Weaver Street	N/A	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Weaver Street 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 east side of Weaver Street, a minimum of 25' from the roadway centerline upon redevelopment.

Recommend applicant reimburse Cobb County DOT \$8000.00 for a proportionate share of infrastructure improvements along Weaver Street upon redevelopment.

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

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## STAFF RECOMMENDATIONS

### **Z-29 PAIGE MURPHY**

- 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 portions of this subdivision were rezoned to RA-5 in 2006; however, this parcel was not included.
- 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. Adjacent and nearby properties are similarly zoned and the subject parcel will continue to be utilized as a single-family property, just as it has been used in decades past.
- 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 Medium Density Residential (MDR) land use category, having densities ranging from 2.5—5 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. Applicant is requesting the same zoning category of RA-5 that was approved for other portions of her subdivision on two occasions in 2006 (Z-71 and Z-148). Applicant is not able to make additions to her home because of the grandfathered General Commercial zoning category that is currently on the property. Applicant purchased the property two years after the other RA-5 zonings were approved in 2006.

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

- Plat submitted to the Zoning Division on April 5, 2013;
- Stipulations of previous RA-5 rezonings for this subdivision (Z-71 and Z-148 of 2006), where not in conflict with the Board of Commissioners' decision;
- Water and Sewer comments and recommendations;
- Stormwater Management Division 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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Application No. Z-29

June  
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 prices(s): \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_

Purpose of requesting re-zone is so that, if ever a change or renovation is done on the house, it will be zoned appropriately.

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

- a) Proposed use(s): \_\_\_\_\_
- 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)**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
**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)**

COBB COUNTY ZONING DIVISION  
 2013 APR -5 AM 11:52  
 COBB COUNTY GEORGIA  
 FILED IN OFFICE

Hi Jason,

Thank you for your help and time last Friday concerning the rezoning of my property at:

4259 Weaver St. Se  
Smyrna, GA 30080

The purpose of my desire to rezone is to be ready and able to finish off our attic should we choose to do so seeing that our family is growing. We plan on putting 2 bedrooms upstairs and possibly a jack and jill bath. We also plan on adding an awning on the front porch and windows similar to those on the second stories of the neighboring homes. In doing these things, our home will definitely fit in better with the neighborhood .

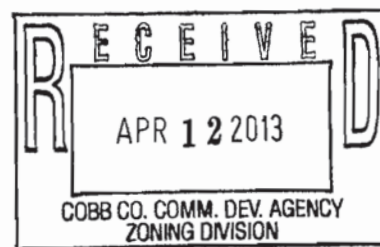
We do not plan on putting in elevators like the houses directly across the street. We are not sure of the stipulations upon which those houses were built, but I can tell you that our addition will be a more "basic" floor plan than a couple of the houses around us. We hope this is satisfactory.

To offer an update on the septic system, I have registered for a system evaluation with environmental services as requested on the re-zoning application. I anticipate that an inspector will be out by Monday or Tuesday of next week. They know that I need documentation by next Friday.

My appointment with a re-zoning team member is next Wednesday there at your office, so I am hopeful I will have something to bring him/her by then.

Please let me know if you need any additional information from me prior to Wednesday, April 17<sup>th</sup>, and I will be sure to provide for you. Again, thank you for your time and assistance.

Have a great weekend,  
Paige Murphy



**Martin, Terry L**

**From:** Paige Murphy [paigemurphy@me.com]  
**Sent:** Friday, May 10, 2013 12:20 PM  
**To:** Martin, Terry L  
**Cc:** Paige Murphy  
**Subject:** Fwd: 4259 Weaver St Smyrna 30080  
**Attachments:** Letter to Terry Martin regarding Rezoning.docx



Hi Terry,

I am attaching my letter that we discussed last week regarding my home being rezoned to RA-5 from GC. I am also including some pictures of the house to give you an idea of the interior and exterior. I can take more if needed.

Thanks so much! Please let me know if this is helpful.

Paige  
Paige Murphy

Begin forwarded message:

**From:** Paige Covington <pcovington@blueripplepm.com>  
**Date:** May 10, 2013 12:15:36 PM  
**To:** paigemurphy@me.com  
**Subject:** Fwd: Weaver St

----- Forwarded message -----

**From:** Paige Covington <paigecovington1@gmail.com>  
**Date:** 2013/5/10  
**Subject:** Weaver St  
**To:** [pcovington@blueripplepm.com](mailto:pcovington@blueripplepm.com)



Z-29 (2013)  
Applicant's  
E-mail with  
Photographs



RECEIVED  
MAY 10 2013  
B CO. COMM. DEV. AGENCY  
ZONING DIVISION

Z-29 (2013)  
Applicant's  
E-mail with  
Photographs



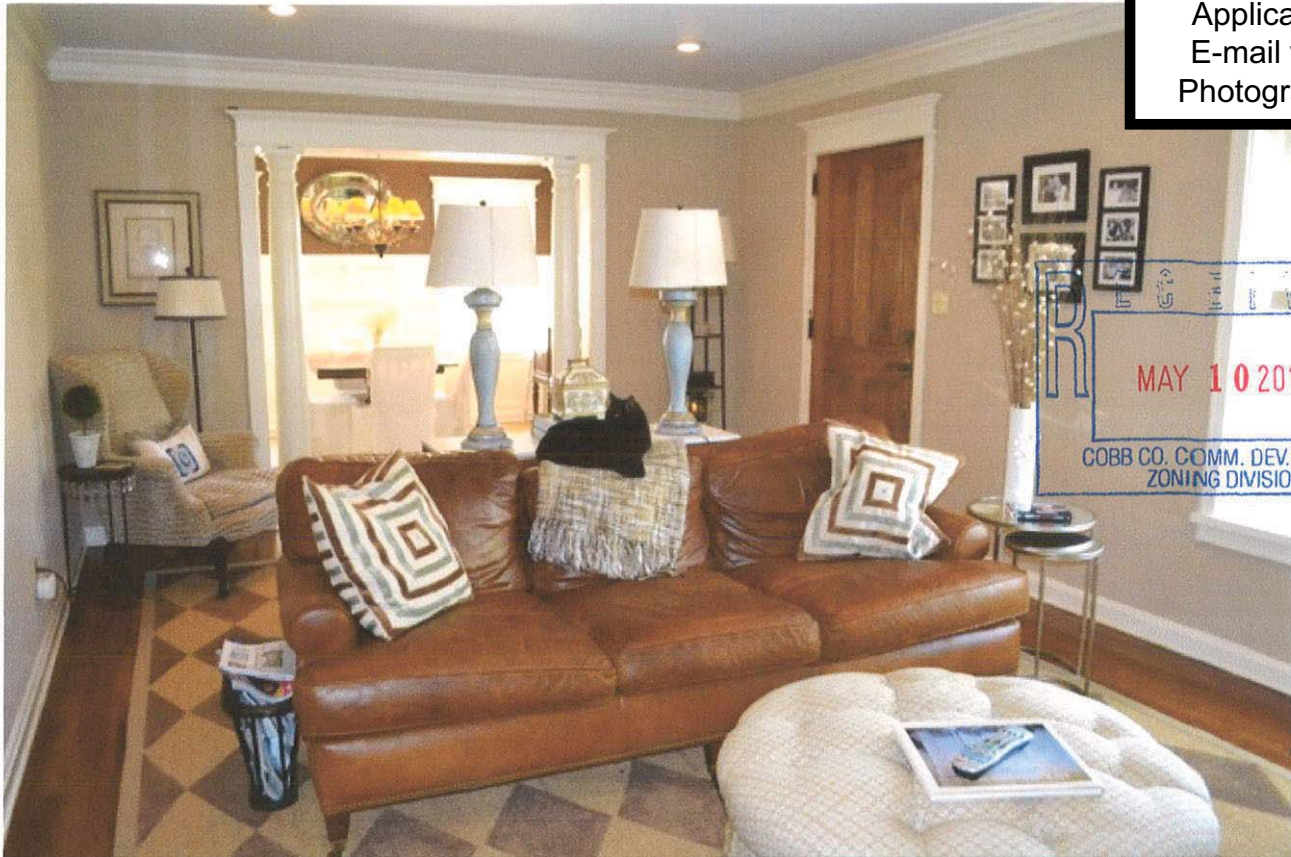
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ZONING DIVISION



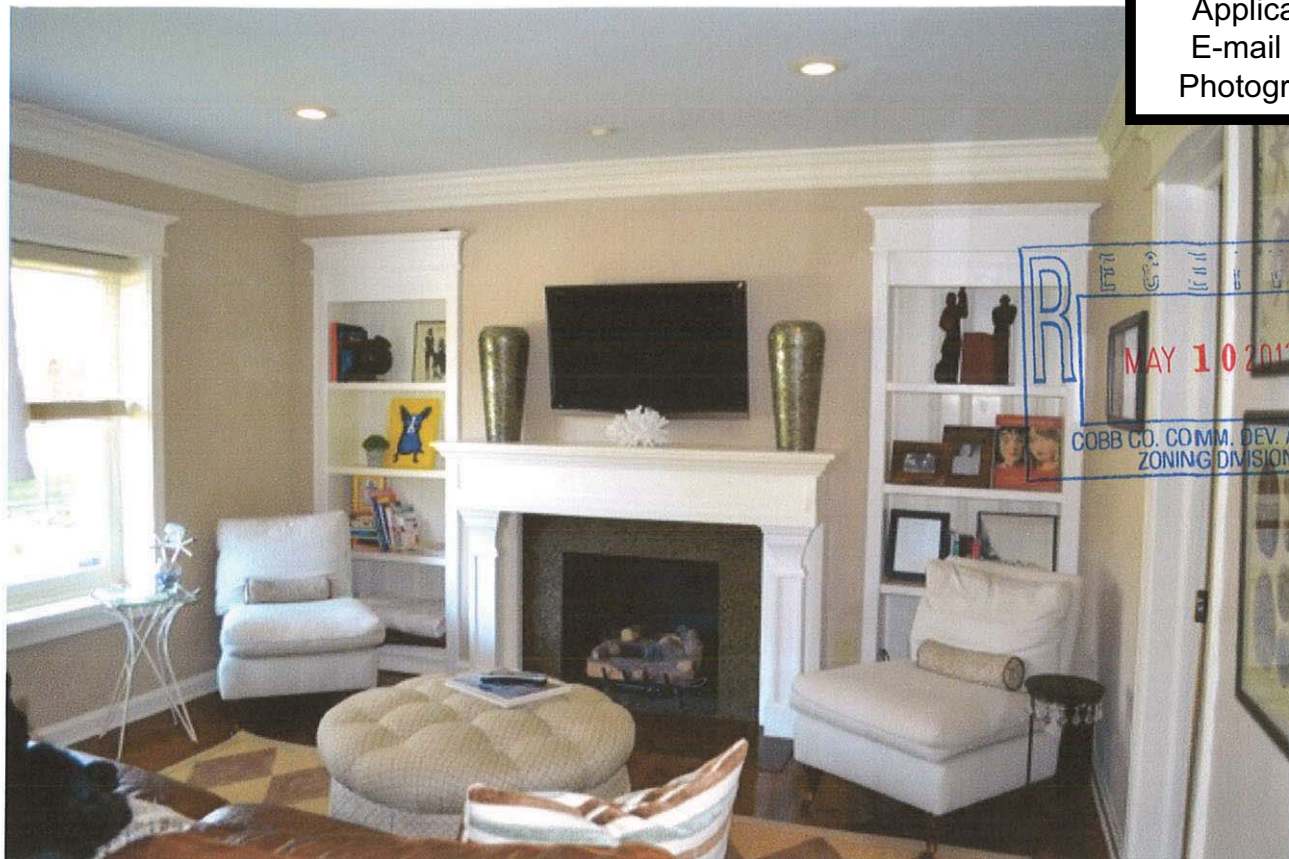
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E-mail with  
Photographs



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ZONING DIVISION



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Applicant's  
E-mail with  
Photographs



RECEIVED  
MAY 10 2013  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

ORIGINAL DATE OF APPLICATION: 06-20-06APPLICANTS NAME: ATLANTA REAL ESTATE ACQUISITIONS, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 06-20-06 ZONING HEARING:**

**ATLANTA REAL ESTATE ACQUISITIONS, LLC** (Atlanta Real Estate Acquisitions, LLC, Helen M. Ishii, Real Answer Investments, LLC, RFL Family Partnership, LLLP and Roy and Patricia Parker, owners) requesting Rezoning from **R-20** and **GC** to **RA-5** for the purpose of a Subdivision in Land Lot 694 of the 17<sup>th</sup> District. Located on the east and west sides of Weaver Street and on the east side of Maner Street, north of Cooper Lake Road.

The public hearing was opened and Mr. Parks Huff, Ms. Suzanne Ballew and Ms. Mary Rose Barnes addressed the Board. Following discussion and presentations, the following motion was made:

**MOTION:** Motion by Thompson, second by Lee to **approve** rezoning to the **RA-5** zoning district **subject to:**

- site plan received June 20, 2006, District Commissioner to approve final site plan (copy attached and made a part of these minutes)
- revised letter of agreeable stipulations from Mr. Parks Huff, dated June 16, 2006 *with the following addition* (copy attached and made a part of these minutes):
  - *Paragraph 7: Add sentence to read: "Include sidewalks, curbs, gutters and street widened to 9 foot lanes."*
- letter from Larry Freeman dated June 16, 2006 (copy attached and made a part of these minutes)
- letter from Ms. Helen Ishii dated June 16, 2006 (copy attached and made a part of these minutes)
- letter from Ms. Debbie Cooke dated June 16, 2006 (copy attached and made a part of these minutes)
- mandatory homeowners association; residents on Weaver and Maner Streets to be encouraged to join
- tree save area be created along the rear property line
- sidewalks along streets be designed to save trees
- one traffic lane to remain open at all times during construction
- compliance with the noise ordinance during construction
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and **approval**
- 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

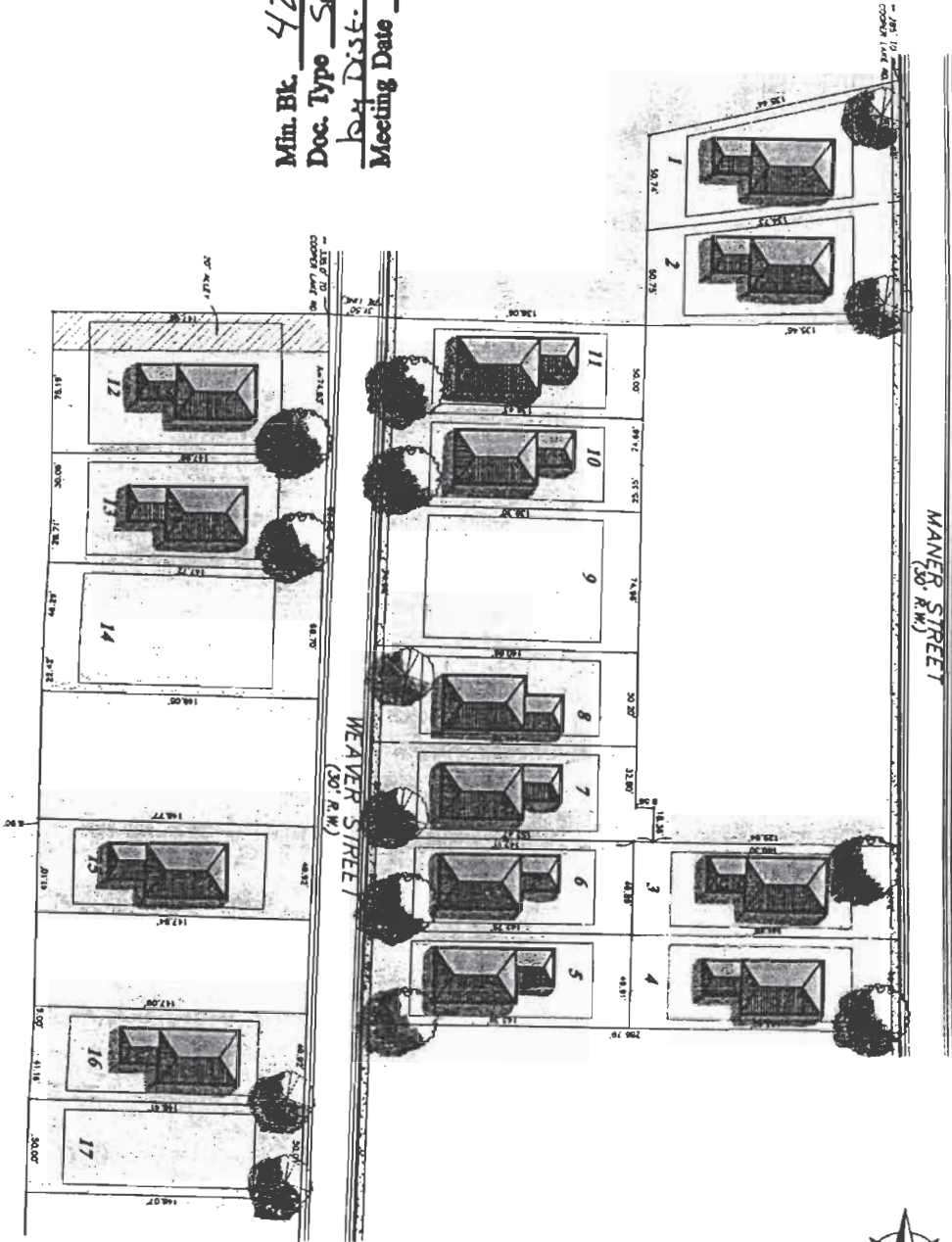
*Clerk's Note:* Staff directed to provide advanced written notice to property owners of road widening improvements.

FILED WITH COUNTY CLERK THIS 20th DAY  
 OF June 2006 BY Joe Thompson  
 DE Paul R. Ches  
 COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
 COUNTY, GEORGIA

6-20-06  
 Joe L. Thompson

Min. Blk. 42 Petition No. Z-71  
 Doc. Type Site plan reference  
by Dist. Commission  
 Meeting Date June 20, 2006

Z-29 (2013)  
 Minutes from  
 other Portions of  
 Same  
 Subdivision





Z-29 (2013)  
Minutes from  
other Portions of  
Same  
Subdivision

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

COBB COUNTY, GEORGIA  
FILED IN OFFICE

2006 JUN 16 PM 4:58

COBB COUNTY CLERK'S OFFICE  
770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

WWW.SAMSLARKINHUFF.COM

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI\*  
MELISSA P. HAISTEN

OF COUNSEL  
DAVID P. HARTIN

\*ALSO LICENSED TO PRACTICE  
IN ALABAMA

June 16, 2006

VIA HAND DELIVERY- REVISED

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

Min. Bk. 42 Petition No. Z-71  
Doc. Type Letter from Parks  
Huff dated June 16, 2006  
Meeting Date June 20, 2006

Re: Application of Atlanta Real Estate Acquisitions, LLC to Rezone a 3.44 Acre Tract from GC and R-20 to RA-5, Land Lot 694, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia. (Z-71).

Dear John:

As you know, I represent Atlanta Real Estate Acquisitions in the above-styled rezoning application. The application was heard by the Planning Commission on June 6, 2006 and will be before the Board of Commissioners on June 20, 2006. Subsequent to the Planning Commission meeting, the applicant has continued a dialogue with the community and county staff. Following is a list of stipulations that my client will agree to becoming a condition on the rezoning approval. The property owners have agreed to these conditions also and their agreement is reflected in the attachment Exhibit A.

1. The applicant and property owners will build seventeen (17) custom homes on the 3.44 acre tract (including existing right-of-way) yielding a density of approximately 4.944 units per acre.
2. The homes shall have a consistent architecture and the exterior siding shall include materials such as architectural shingles, stack stone, hard-coat stucco, brick and cement-based board siding. The homes will have a minimum of a two car garage and shall have a minimum of 2,500 square feet of heated and cooled living area. Other architectural details include:
  - a. A minimum of 9 foot ceilings on all floors.

Petition No. Z-11  
Meeting Date June 27, 2016  
Continued

Mr. John P. Peterson  
June 16, 2006  
Page 2

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- b. Crown Moldings on the first floor.
  - c. Ceramic tiles in all bathrooms.
  - d. Hard surface countertops such as marble or granite.
  - e. Upgraded insulated windows and doors.
  - f. Architectural roof shingles.
  - g. Zoned mechanical systems.
  - h. The first floor shall have hardwood flooring throughout the main living areas.
3. The lots will be no less than 50 feet in width at the building line, except as shown on the plat prepared by Barton Surveying dated February 22, 2006. The side setbacks will be as shown on the plat with a minimum of 15 feet between buildings.
  4. The lots will be a minimum of 7,000 square feet except as shown on the February 22, 2006 Barton Surveying Plat which shows two lots being greater than 6,900 square feet. If the developer acquires additional property the lot lines will be shifted to make all the lots 7,000 square feet where possible.
  5. The applicant will extend sewer down Weaver Street and shall dedicate the sewer improvements to the County.
  6. The development will comply with the stormwater comments.
  7. The County will be making improvements to Weaver and Maner Streets. The applicant and owners agree to make a contribution to the county of \$8,000 per lot which represents a proportional share of the cost of these improvements. The payments are to be made prior to obtaining a building permit for each lot. The applicant and owners will also dedicate sufficient right-of-way to create a 50 foot right-of-way provided the lot size is determined prior to this voluntary dedication of additional right-of-way.
  8. The applicant and owners with the assistance of the county arborist will implement a tree save plan that will incorporate a tree save area encompassing the

Mr. John P. Peterson  
June 16, 2006  
Page 2

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back ten feet (10') of each lot. This area will remain undisturbed during construction to save existing trees with the addition of understory plantings consistent with an arborist plan. In those areas where there aren't existing trees, the applicant will plant two specimen shade trees on the back of each lot in addition to the understory plantings.

9. When a house is vacated, the owner will immediately place a no trespassing sign on the property and will board the house within 30 days.
10. All septic tanks will be pumped out by a plumbing company before grading the lots.
11. The applicant agrees to the Noise Ordinance being incorporated in the zoning approval.
12. The zoning will be site plan specific consistent with the Barton Surveying zoning plat dated February 22, 2006 with minor modifications to be approved by the district commissioner.

Please contact me if you need any additional information.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff  
phuff@samslarkinhuff.com

PFH/brl

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery  
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery  
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery  
Mr. Bryan L. Starr, Dubose Paces Ferry, Ltd. – Via Email  
Mrs. Suzanne Ballew, Via Email  
Mrs. Dottie Bishop, County Attorney – VIA Hand Delivery

Agreeable Stipulations & Comments dated 16<sup>th</sup>  
Meeting Date May 16, 2006 OF May 2006 BY Jahn M  
Z-67 RE Z-67  
~~FILED~~ (2006) – SOUTHEAST REAL ESTATE ACQUISITIONS, LLC  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

Z-29 (2013)  
Minutes from  
other Portions of  
Same  
Subdivision

PAGE 2 OF 21

ADDENDUM TO LETTER OF AGREEABLE STIPULATIONS AND  
AND CONDITIONS DATED APRIL 19, 2006

I. Additions to April 19, 2006, letter of agreeable stipulations and conditions are as follows:

(26) Floor plans and finishes shall consist, at a minimum, of the following:

- (a) Enhanced corian, granite, or marble counter tops, as an upgrade;
- (b) Gas burning fireplaces, as an upgrade;
- (c) Minimum ceiling heights:
  - i) Minimum 9 feet from floor to finished ceiling and greater on the first floor; and
  - ii) Minimum 10 feet between floors;
- (d) Wooden face-frame cabinetry;
- (e) General Electric appliances, or equal;
- (f) Extra deep stainless steel sinks and side-by-side refrigerators/freezers, as an upgrade;
- (g) A selection of hardwood flooring, Berber carpet, and tile throughout, as an upgrade;
- (h) Spacious open floor plans;
- (i) Brushed chrome bathroom and kitchen fixtures, as an upgrade;
- (j) Ceramic tile bathrooms;
- (k) Spacious closets;
- (l) Surround-sound wiring, as an upgrade;
- (m) High-speed internet wiring in all rooms of each unit, as an upgrade;
- (n) Spa-jet garden tubs, as an upgrade; and
- (o) The proposed residential units shall range from a minimum of 2,000 gross square feet to 2,400 gross square feet, and greater.

Petition No. 2-71  
Meeting Date June 28, 2006  
Continued

June 16, 2006

PAGE 13 OF 21

Larry Freeman  
RFL Family Partnership, LLLP  
PO Box 813154  
Smyrna, GA 30081

Min. Bk. 42 Petition No. Z-71  
Doc. Type Larry Freeman  
letter, dated June 16, 2006  
Meeting Date June 22, 2006

VIA HAND DELIVERY

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

Re: Application of Atlanta Real Estate Acquisitions, LLC to Rezone a 3.44 Acre Tract from GC and R-20 to RA-5, Land Lot 694, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia. (Z-71).

Dear John:

RFL Family Partnership, LLLP owns property included in the above-styled rezoning application. The matter was heard by the Planning Commission on June 6, 2006 and will be heard by the Board of Commissioners on June 20, 2006. Following is a list of stipulations that RFL Family Partnership, LLLP agrees to being a condition on the granting of the rezoning request. As an owner, RFL Family Partnership, LLLP agrees that these stipulations will be binding on the subject property as part of the zoning conditions.

1. The applicant and property owners will build seventeen (17) custom homes on the 3.44 acre tract (including existing right-of-way) yielding a density of approximately 4.944 units per acre.
2. The homes shall have a consistent architecture and the exterior siding shall include materials such as architectural shingles, stack stone, hard-coat stucco, brick and cement-based board siding. The homes will have a minimum of a two car garage and shall have a minimum of 2,500 square feet of heated and cooled living area. Other architectural details include:
  - a. A minimum of 9 foot ceilings on all floors.
  - b. Crown Moldings on the first floor.
  - c. Ceramic tiles in all bathrooms.
  - d. Hard surface countertops such as marble or granite.

Mr. John P. Peterson  
June 16, 2006  
Page 2

Petition No. Z-71  
Meeting Date June 29, 2006  
Continued

- e. Upgraded insulated windows and doors.
  - f. Architectural roof shingles.
  - g. Zoned mechanical systems.
  - h. The first floor shall have hardwood flooring throughout the main living areas.
3. The lots will be no less than 50 feet in width at the building line, except as shown on the plat prepared by Barton Surveying dated February 22, 2006. The side setbacks will be as shown on the plat with a minimum of 15 feet between buildings.
  4. The lots will be a minimum of 7,000 square feet except as shown on the February 22, 2006 Barton Surveying Plat which shows two lots being greater than 6,900 square feet. If the developer acquires additional property the lot lines will be shifted to make all the lots 7,000 square feet where possible.
  5. The applicant will extend sewer down Weaver Street and shall dedicate the sewer improvements to the County.
  6. The development will comply with the stormwater comments.
  7. The County will be making improvements to Weaver and Maner Streets. The applicant and owners agree to make a contribution to the county of \$8,000 per lot which represents a proportional share of the cost of these improvements. The payments are to be made prior to obtaining a building permit for each lot. The applicant and owners will also dedicate sufficient right-of-way to create a 50 foot right-of-way provided the lot size is determined prior to this voluntary dedication of additional right-of-way.
  8. The applicant and owners with the assistance of the county arborist will implement a tree save plan that will incorporate a tree save area encompassing the back ten feet (10') of each lot. This area will remain undisturbed during construction to save existing trees with the addition of understory plantings consistent with an arborist plan. In those areas where there aren't existing trees, the applicant will plant two specimen shade trees on the back of each lot in addition to the understory plantings.

Mr. John P. Peterson  
June 16, 2006  
Page 2

Petition No 2-71  
Meeting Date June 20, 2006  
Continued

PAGE 15 OF 21

9. When a house is vacated, the owner will immediately place a no trespassing sign on the property and will board the house within 30 days.
10. All septic tanks will be pumped out by a plumbing company before grading the lots.
11. The applicant agrees to the Noise Ordinance being incorporated in the zoning approval.
12. The zoning will be site plan specific consistent with the Barton Surveying zoning plat dated February 22, 2006 with minor modifications to be approved by the district commissioner.

Please contact me if you need any additional information.

Sincerely,  
  
Larry Freeman, Managing Partner  
RFL Family Partnership, LLLP

June 16, 2006

Helen Ishii  
4235 Weaver Street  
Smyrna, GA 30180

PAGE 16

Min. Bk. 42 Petition No. Z-71  
Doc. Type Letter from Helen  
Ishii, dated June 16, 2006  
Meeting Date June 20, 2006

**VIA HAND DELIVERY**

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

Re: Application of Atlanta Real Estate Acquisitions, LLC to Rezone a 3.44 Acre Tract from GC and R-20 to RA-5, Land Lot 694, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia. (Z-71).

Dear John:

I own property included in the above-styled rezoning application. The matter was heard by the Planning Commission on June 6, 2006 and will be heard by the Board of Commissioners on June 20, 2006. Following is a list of stipulations that I agree to becoming a condition on the granting of the rezoning request. As an owner, I agree that these stipulations will be binding on the subject property as part of the zoning conditions.

1. The applicant and property owners will build seventeen (17) custom homes on the 3.44 acre tract (including existing right-of-way) yielding a density of approximately 4.944 units per acre.
2. The homes shall have a consistent architecture and the exterior siding shall include materials such as architectural shingles, stack stone, hard-coat stucco, brick and cement-based board siding. The homes will have a minimum of a two car garage and shall have a minimum of 2,500 square feet of heated and cooled living area. Other architectural details include:
  - a. A minimum of 9 foot ceilings on all floors.
  - b. Crown Moldings on the first floor.
  - c. Ceramic tiles in all bathrooms.
  - d. Hard surface countertops such as marble or granite.
  - e. Upgraded insulated windows and doors.



Mr. John P. Peterson  
June 16, 2006  
Page 2

PAGE 17

Petition No. 2-11  
Meeting Date June 20, 2006  
Continued

- f. Architectural roof shingles.
  - g. Zoned mechanical systems.
  - h. The first floor shall have hardwood flooring throughout the main living areas.
3. The lots will be no less than 50 feet in width at the building line, except as shown on the plat prepared by Barton Surveying dated February 22, 2006. The side setbacks will be as shown on the plat with a minimum of 15 feet between buildings.
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  9. When a house is vacated, the owner will immediately place a no trespassing sign on the property and will board the house within 30 days.

Mr. John P. Peterson  
June 16, 2006  
Page 2

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Petition No. 2-71  
Meeting Date June 20, 2006  
Continued

10. All septic tanks will be pumped out by a plumbing company before grading the lots.
11. The applicant agrees to the Noise Ordinance being incorporated in the zoning approval.
12. The zoning will be site plan specific consistent with the Barton Surveying zoning plat dated February 22, 2006 with minor modifications to be approved by the district commissioner.

Please contact me if you need any additional information.

Sincerely,

  
Helen Ishii

June 16, 2006

PAGE 19 OF

Debbie Cooke  
Real Answer Investments, LLC  
PO Box 813475  
Smyrna, GA 30081-8475

Min. Bk. 42 Petition No. Z-71  
Doc. Type Letter from Debbie  
Cooke, dated June 16, 2006  
Meeting Date June 20, 2006

**VIA HAND DELIVERY**

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

Re: Application of Atlanta Real Estate Acquisitions, LLC to Rezone a 3.44 Acre Tract from GC and R-20 to RA-5, Land Lot 694, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia. (Z-71).

Dear John:

Real Answer Investments, LLC owns property included in the above-styled rezoning application. The matter was heard by the Planning Commission on June 6, 2006 and will be heard by the Board of Commissioners on June 20, 2006. Following is a list of stipulations that Real Answer Investments, LLC agrees to being a condition on the granting of the rezoning request. As an owner, Real Answer Investments, LLC agrees that these stipulations will be binding on the subject property as part of the zoning conditions.

1. The applicant and property owners will build seventeen (17) custom homes on the 3.44 acre tract (including existing right-of-way) yielding a density of approximately 4.944 units per acre.
2. The homes shall have a consistent architecture and the exterior siding shall include materials such as architectural shingles, stack stone, hard-coat stucco, brick and cement-based board siding. The homes will have a minimum of a two car garage and shall have a minimum of 2,500 square feet of heated and cooled living area. Other architectural details include:
  - a. A minimum of 9 foot ceilings on all floors.
  - b. Crown Moldings on the first floor.
  - c. Ceramic tiles in all bathrooms.
  - d. Hard surface countertops such as marble or granite.

Mr. John P. Peterson  
June 16, 2006  
Page 2

Petition No. Z-29  
Meeting Date June 20, 2006  
Continued

PAGE 20 OF 21

- e. Upgraded insulated windows and doors.
  - f. Architectural roof shingles.
  - g. Zoned mechanical systems.
  - h. The first floor shall have hardwood flooring throughout the main living areas.
3. The lots will be no less than 50 feet in width at the building line, except as shown on the plat prepared by Barton Surveying dated February 22, 2006. The side setbacks will be as shown on the plat with a minimum of 15 feet between buildings.
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  8. The applicant and owners with the assistance of the county arborist will implement a tree save plan that will incorporate a tree save area encompassing the back ten feet (10') of each lot. This area will remain undisturbed during construction to save existing trees with the addition of understory plantings consistent with an arborist plan. In those areas where there aren't existing trees, the applicant will plant two specimen shade trees on the back of each lot in addition to the understory plantings.

Mr. John P. Peterson  
June 16, 2006  
Page 2

Petition No. Z-71  
Meeting Date June 16, 2006  
Continued

PAGE 21 OF 21

9. When a house is vacated, the owner will immediately place a no trespassing sign on the property and will board the house within 30 days.
10. All septic tanks will be pumped out by a plumbing company before grading the lots.
11. The applicant agrees to the Noise Ordinance being incorporated in the zoning approval.
12. The zoning will be site plan specific consistent with the Barton Surveying zoning plat dated February 22, 2006 with minor modifications to be approved by the district commissioner.

Please contact me if you need any additional information.

Sincerely,



Debbie Cooke, Managing Member  
Real Answer Investments, LLC

Z-29 (2013)  
Minutes from  
other Portions of  
Same  
Subdivision

APPLICANT: Atlanta Real Estate Acquisitions, LLC

PETITION NO.: Z-

PRESENT ZONING: R-20, GC

PETITION FOR: RA

\*\*\*\*\*

**SCHOOL COMMENTS:**

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Nickajack Elementary		Capacity	0
Campbell		Severe	17
Middle Campbell		Over	8

High

\*School Attendance zones are subject to revision at anytime.

**Additional Comments:**

At the present time, approval of this density adjustment could adversely impact overcrowding at two of the schools. Future expansion is planned for Campbell Middle and Campbell High Schools.

\*\*\*\*\*

**FIRE COMMENTS:**

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Fire Hydrant
  - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
  - b. Residential: Fire hydrant within 500 feet of structure.
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. **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-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-feet wide roadway + 45-feet).

**Additional Comments:**

APPLICANT Atlanta Real Estate Acquisitions, LLC

PETITION NO.

PRESENT ZONING R-20, GC

PETITION FOR

\*\*\*\*\*

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 / W side Weaver St

Additional Comments:

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: 300' E / Cooper Lake Rd\*\*

Estimated Waste Generation (in G.P.D.): **A D F** 6,800 **Peak** 17,000

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:

\*\*Sewer available in Maner St for lots facing Maner St.  
Sewer extension required by developer to upper property line

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: Atlanta Real Estate Acquisitions, LLC

PETITION NO.: Z-71

Z-29 (2013)  
Minutes from  
other Portions of  
Same  
Subdivision

PRESENT ZONING: R-20, GC

PETITION FOR: RA-5

\*\*\*\*\*

**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Laurel Ck (W) / Gilmore Ck (E) FLOOD HAZARD INFO:

- 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 (Paces Green S/D detention pond).  
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: Atlanta Real Estate Acquisitions, LLC

PETITION NO.: Z

PRESENT ZONING: R-20, GC

PETITION FOR: F

\*\*\*\*\*

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown - **must be addressed at Plan Review.**
- 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. No provision for detention or water quality has been provided for this project. Redevelopment of these parcels with significantly larger house footprints will increase runoff to adjacent properties – particularly 4243, 4261 and 4269 Maner Street and the Paces Green Subdivision just downstream. Acquisition of 4261 and/or 4269 may be required to provide adequate onsite detention and water quality for this development unless an agreement can be negotiated to utilize the existing Paces Green Subdivision detention facility.

APPLICANT: Atlanta Real Estate Acquisitions, LLC PETITION NO.: Z-71

PRESENT ZONING: R-20, GC PETITION FOR: RA

\*\*\*\*\*

**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
Maner Street	NA	Local	25 mph	Cobb County	50'
Weaver Street	NA	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Maner Street 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.  
 Weaver Street 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.

Install sidewalk, curb and gutter along both road frontages as determined at plan review.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east and west sides of Weaver Street, a minimum of 25' from the roadway centerline and b) donation of right-of-way on the east side of Maner Street, a minimum of 25' from the roadway centerline.

Recommend installing sidewalk, curb and gutter along both roadway frontages as determined at Plan Review.

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

Z-29 (2013)  
Minutes from  
other Portions of  
Same  
Subdivision

ORIGINAL DATE OF APPLICATION: 10-17-06

APPLICANTS NAME: ATLANTA REAL ESTATE ACQUISITIONS, LLC

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

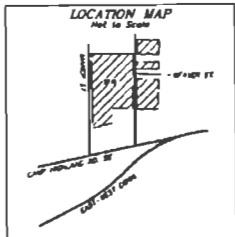
**BOC DECISION OF 10-17-06 ZONING HEARING:**

**ATLANTA REAL ESTATE ACQUISITIONS, LLC** (William B. C. Vinson and Ella Mae Buroughs, owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of an Addition of Property to a Previously Approved Project in Land Lot 694 of the 17<sup>th</sup> District. Located on the east side of Maner Street, north of Cooper Lake Road.

**MOTION:** Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **RA-5** zoning district **subject to:**

- **site plan received by the Zoning Division August 3, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Parks Huff, dated October 3, 2006 (copy attached and made a part of these minutes)**
- **all previous zoning stipulations of Z-71 of 2006, Exhibit A (copy attached and made a part of these minutes)**
- **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



SETBACKS:  
FRONT = 25'  
SIDE = 5' (10' BETWEEN BLOCKS)  
REAR = 20'

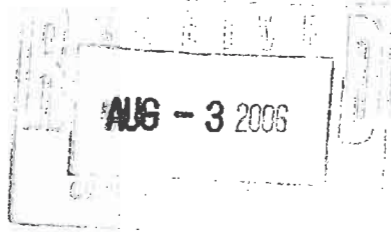
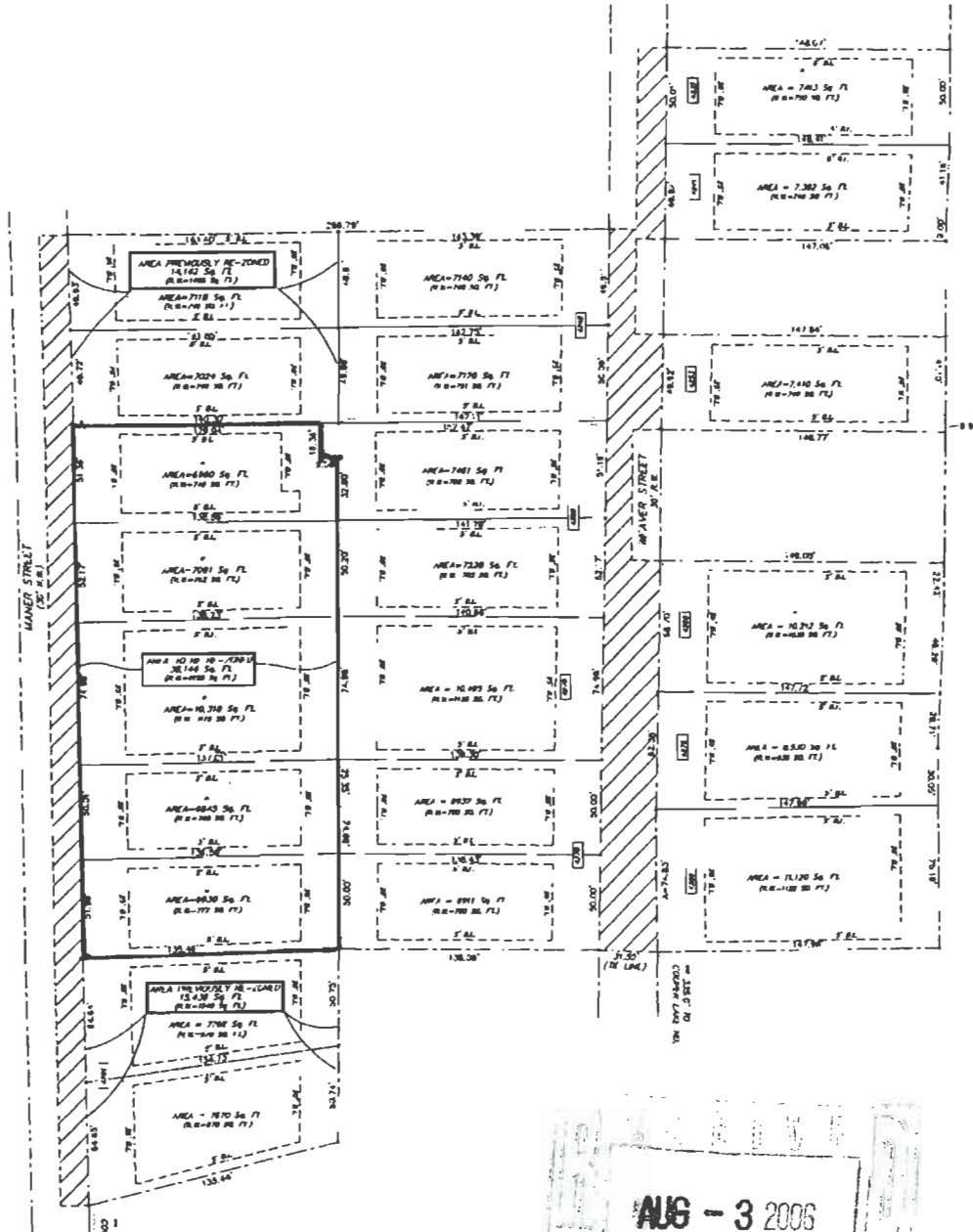
AREA:  
TOTAL SQ FOOTAGE OF  
ALL LOTS = 171,491 SQ FT  
OVERALL SQ FOOTAGE (R & INCL.) =  
192,043 SQ FT  
TOTAL LOTS = 22  
DENSITY = 6.989 LOTS PER ACRE  
ALL LOTS WILL BE GREATER THAN  
6500 SQ FT.

NO PER FEED AND PLAT RECORDS  
NO DEPARTMENT RECORDS  
ALL MATERIAL IS 110% AND 100% 110%

GENERAL NOTES  
ACCORDING TO THE  
FLOOD HAZARD MAP  
1,000-YR FLOOD  
THIS PROPERTY IS IN  
SPECIAL FLOOD HAZARD  
IMPROVEMENTS NOT

Min. Bk. 46 Petition No.             
Doc. Type Site Plan  
Received August 3, 2006  
Meeting Date 10/17/06

PAGE 5 OF           



REVISED 8-2-06  
REVISED TO REFLECT AREAS PREVIOUSLY RE-ZONED  
REVISED TO REFLECT AREA TO BE RE-ZONED

LEGEND	
---	1/2" REBAR PAD
---	1/2" REBAR SET
---	R & I
---	RIGHT OF WAY
---	SAVINARY STRIP EASEMENT
---	DRAINAGE EASEMENT
---	1" AND 1 1/2" PIP
---	CONCRETE
---	CONCRETE TOP PIPE
---	OPEN TOP PIPE
---	CONCRETE 12" OR 14" DIA
---	REINFORCED CONCRETE PIPE
---	DROP PILE
---	LANTERN BOX
---	MANHOLE
---	CATCH BASIN
---	BENCH MARK
---	POWER POLE
---	1/4" HYDRANT
---	CONCRETE MONUMENT PAD
---	BACK OF CURB
---	EDGE OF PAVEMENT
---	EDGE
---	FOUR
---	OVERHEAD ELEC. SERVICE LINE
---	BUILDING LINE
---	LINE MARKERS POINT IN LINE

COMPILED PLAT FOR  
**ATLANTA REAL ESTATE ACQUISITIONS, L.L.C.**

LOCATED IN LAND LOT 694  
17th DISTRICT, 2nd SECTION  
COBB COUNTY, GEORGIA  
JULY 28, 2006 1"-30'



DAVID AMICK  
LICENSED PROFESSIONAL SURVEYOR  
STATE OF GEORGIA  
NO. 2553

Min. Bk. HLE Petition No. Z-148  
Doc. Type Stipulation Letter  
dated 10/3/06  
Meeting Date 10/17/2006

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNER

ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

Z-29 (2013)  
Minutes from  
other Portions of  
Same  
Subdivision

Received at Hearing  
10-3-06  
9:00 AM  
JPP

PAGE 6 OF     

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI\*  
MELISSA P. HAISTEN

OF COUNSEL  
DAVID P. HARTIN

\*ALSO LICENSED TO PRACTICE  
IN ALABAMA

October 3, 2006

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

WWW.SAMSLARKINHUFF.COM

VIA HAND DELIVERY

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

Re: Application of Atlanta Real Estate Acquisitions, LLC to Rezone a .875 Acre Tract from R-20 to RA-5, Land Lot 694, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia. (Z-148).

Dear John:

As you know, I represent Atlanta Real Estate Acquisitions in the above-styled rezoning application. The application will be heard by the Planning Commission on October 3, 2006 and thereafter by the Board of Commissioners on October 17, 2006. This rezoning application is adding additional property and additional lots to an already approved RA-5 development known as Z-71 (2006). The applicant proposes to add an additional .875 acres to the development and an additional five lots.

1. The applicant and property owners will add an additional five (5) lots on the .875 acres to the already approved (17) homes on the 3.44 acre tract known as Z-71 (2006). The properties owned by this applicant will be developed as one unified development. The development shall include a mandatory homeowners association.
2. The homes shall have a consistent architecture and the exterior siding shall include materials such as architectural shingles, stack stone, hard-coat stucco, brick and cement-based board siding. The homes will have a minimum of a two car garage and shall have a minimum of 2,500 square feet of heated and cooled living area. Other architectural details include:

Mr. John P. Peterson  
October 3, 2006  
Page 2

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- a. A minimum of 9 foot ceilings on all floors
  - b. Crown Moldings on the first floor.
  - c. Ceramic or marble tiles in all bathrooms.
  - d. Hard surface countertops such as marble or granite.
  - e. Upgraded insulated windows and doors.
  - f. Architectural roof shingles.
  - g. Zoned mechanical systems.
  - h. The first floor shall have hardwood flooring throughout the main living areas.
3. The lots will be no less than 50 feet in width at the building line. The side setbacks will be as shown on the plat prepared by Barton Surveying dated July 28, 2006, with a minimum of 15 feet between buildings.
  4. The lots will be a minimum of 6,500 square feet as shown on the above-described Barton Surveying Plat.
  5. The county will be making improvements to Weaver and Maner Streets. The improvements include sidewalks, curbs, gutters, street lanes of nine feet, and stormwater management. The applicant agrees to make a contribution to the county of \$8,000 per lot which represents the proportional share of the cost of these improvements. The payments are to be made prior to obtaining a building permit for each lot. The applicant will also dedicate sufficient right of way to create a 50 foot right of way provided the lot size is determined prior to this dedication of additional right of way.
  6. The applicant with the assistance of the county arborist will implement a tree save plan that will incorporate a tree save area encompassing the back ten feet (10') of each lot. This area will remain undisturbed during construction to save existing trees with the addition of understory plantings consistent with an arborist plan. Applicant agrees to install a tree save fence in the back 10 feet of property prior to any development work including demolition work. In those areas where there

Mr. John P. Peterson  
October 3, 2006  
Page 3.

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aren't existing trees, the applicant will plant two specimen shade trees on the back of each lot in addition to the understory plantings. The applicant agrees to walk the site with a representative of the WVCA. The applicant will attempt to save as many trees as possible provided such trees do not impact the construction or cause the loss of any lot. The applicant agrees that there shall be no negative stormwater effects to Paces Green subdivision.

7. When a house is vacated, the owner will immediately place a no trespassing sign on the property and will board the house within 30 days. Any house on the subject property shall be demolished within 90 days of the property being vacated.
8. All septic tanks will be pumped out by a plumbing company before grading the lots. The septic tanks shall be removed prior to the granting of the demolition permit.
9. The applicant agrees to the Noise Ordinance being incorporated in the zoning approval.
10. The zoning will be site plan specific consistent with the Barton Surveying zoning plat dated July 28, 2006 with minor modifications to be approved by the district commissioner.

Please contact me if you need any additional information.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff  
phuff@samslarkinhuff.com

PFH/brl

cc: Members, Cobb County Planning Commission

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

Mr. John P. Peterson  
October 3, 2006  
Page 4

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Petition No. Z-11  
Meeting Date 10/11  
Continued

PAGE 7 OF       

Z-29 (2013)  
Minutes from  
other Portions of  
Same  
Subdivision

Members, Cobb County Board of Commissioners – VIA Hand Delivery  
Ms. Gail K. Huff, Assistant County Clerk –VIA Hand Delivery  
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery  
Mr. Bryan L. Starr, Dubose Paces Ferry, Ltd. – VIA Email  
Mrs. Suzanne Ballew, VIA Email  
Mrs. Dottie Bishop, County Attorney – VIA Hand Delivery



Z-29 (2013)  
 Minutes from  
 other Portions of  
 Same  
 Subdivision

APPLICANT: Atlanta Real Estate Acquisitions, LLC  
 PRESENT ZONING: R-20

PETITION NO.: Z-14  
 PETITION FOR: RA-5

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Nickajack Elementary	785	Under	
Campbell Middle	1,283	Under	
Campbell High	2,383	Under	

- School attendance zones are subject to revision at anytime.

**Additional Comments:**

\*\*\*\*\*

**FIRE COMMENTS:**

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Fire Hydrant
  - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
  - b. Residential: Fire hydrant within 500 feet of structure.
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. **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-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-foot wide roadway + 45-feet).

**Additional Comments:**

APPLICANT Atlanta Real Estate Acquisitions, LLC

PETITION NO. Z-

PRESENT ZONING R-20

PETITION FOR RA

\*\*\*\*\*

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 / W side Maner St

Additional Comments:

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 in Maner St

Estimated Waste Generation (in G.P.D.): **A D F** 6800 net **Peak** 17000 net

Treatment Plant: S Cobb

Plant Capacity Available?  Yes  No

Line Capacity Available?  Yes  No

Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years

Dry Sewers Required?  Yes  No

Off-site Easements Required?  Yes\*  No

Flow Test Required?  Yes  No

Letter of Allocation issued?  Yes  No

Septic Tank Recommended by this Department?  Yes  No

Subject to Health Department Approval?  Yes  No

Additional Comments:

\* 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.

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: Atlanta Real Estate Acquisitions, LLC

PETITION NO.: Z-148

Z-29 (2013)  
Minutes from  
other Portions of  
Same  
Subdivision

PRESENT ZONING: R-20

PETITION FOR: RA-5

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: 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 drainage system.

APPLICANT: Atlanta Real Estate Acquisitions, LLC

PETITION NO.: Z-14

Z-29 (2013)  
Minutes from  
other Portions of  
Same  
Subdivision

PRESENT ZONING: R-20

PETITION FOR: RA

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DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown - **must be addressed at Plan Review.**
- 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. This parcel currently drains through an existing culvert under Maner Road and through Paces Green S/D via an existing storm drain system. The proposed development will result in an increase in stormwater runoff. To mitigate this impact either detention must be provided onsite or sufficient area currently draining to this discharge point must be redirected to or through another facility that will result in no increase in peak flow being discharged into Paces Green S/D. This issue must be resolved in Plan Review as the Cobb DOT road improvement plans for Maner and Weaver Streets are finalized.

APPLICANT: Atlanta Real Estate Acquisitions, LLC

PETITION NO.: Z-148

PRESENT ZONING: R-20

PETITION FOR: RA-5

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**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
Maner Street	NA	Local	25 mph	Cobb County	50'

**COMMENTS AND OBSERVATIONS**

Maner Street 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.

Reimburse Cobb DOT \$8000 per lot for road improvements along Maner Street prior to obtaining building permits. (Per Z-71-06 agreement).

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Maner Street, a minimum of 25' from the roadway centerline.

Recommend developer reimburse Cobb County DOT \$8000.00 per lot for proposed road improvements along Maner Street.

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

PAGE 29 OF 30

APPLICATION NO. Z

ORIGINAL DATE OF APPLICATION: 06-20-06

APPLICANTS NAME: ATLANTA REAL ESTATE ACQUISITIONS, LLC

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

**BOC DECISION OF 07-20-10 ZONING HEARING:**

**OTHER BUSINESS ITEM #2 – TO CONSIDER SITE PLAN AMENDMENT FOR  
ATLANTA SIGNATURE HOMES, INC. REGARDING APPLICATIONS Z-71 AND Z-  
148 (ATLANTA REAL ESTATE ACQUISITIONS, LLC) OF 2006**

To consider site plan amendment for Atlanta Signature Homes, Inc. regarding applications Z-71 and Z-148 (Atlanta Real Estate Acquisitions, LLC) of 2006, for property located on the east side of Maner Street, north of Cooper Lake Road in Land Lot 694 of the 17<sup>th</sup> District.

Mr. John Pederson, Zoning Division Manager, provided information regarding request to amend the site plan. The public hearing was opened and Ms. Mary Rose Barnes addressed the Board. Following presentation, the following motion was made:

MOTION: Motion by Ott, second by Powell, to **approve** site plan amendment for Atlanta Signature Homes, Inc. regarding applications Z-71 and Z-148 (Atlanta Real Estate Acquisitions, LLC) of 2006, for property located on the east side of Maner Street, north of Cooper Lake Road in Land Lot 694 of the 17<sup>th</sup> District **subject to:**

- site plan received by the Zoning Division June 18, 2010 (attached and made a part of these minutes)
- reduction of front setbacks for lots seven (7) through twelve (12) to be 20' from the back of the curb (*reflects change in reference point for calculating the front setback*)
- reduction in front setback is to be added to the rear setback, so as not to increase the net buildable area
- all other previously approved conditions/stipulations not in conflict with this request to remain in effect

VOTE: **ADOPTED 4-0**

