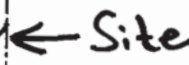


[illegible]

GENERAL NOTES --  
ACCORDING TO THE CURRENT T.L.A. OFFICIAL  
FLOOD HAZARD MAP\*, COMMUNITY PANEL NO.  
13067C 0073 F, DATED AUGUST 18, 1992,  
THIS PROPERTY IS NOT IN AN AREA HAVING  
SPECIAL FLOOD HAZARDS.  
IMPROVEMENTS NOT SHOWN.



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'



**APPLICANT:** Keith Sharp

(678) 778-8774

**REPRESENTATIVE:** Keith Sharp

(678) 778-8774

**TITLEHOLDER:** John F. Stinn and Stephanie S. Stinn

**PROPERTY LOCATION:** East side of Weaver Street, north of

Cooper Lake Road

(4247 Weaver Street).

**ACCESS TO PROPERTY:** Weaver Street

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant lot

#### **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

**PETITION NO:** Z-42

**HEARING DATE (PC):** 07-08-13

**HEARING DATE (BOC):** 07-16-13

**PRESENT ZONING:** GC

**PROPOSED ZONING:** RA-5

**PROPOSED USE:** Single-Family House

**SIZE OF TRACT:** 0.172 acre

**DISTRICT:** 17

**LAND LOT(S):** 694

**PARCEL(S):** 31

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

**COMMISSION DISTRICT:** 2

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

#### **PLANNING COMMISSION RECOMMENDATION**

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

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

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

#### **BOARD OF COMMISSIONERS DECISION**

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

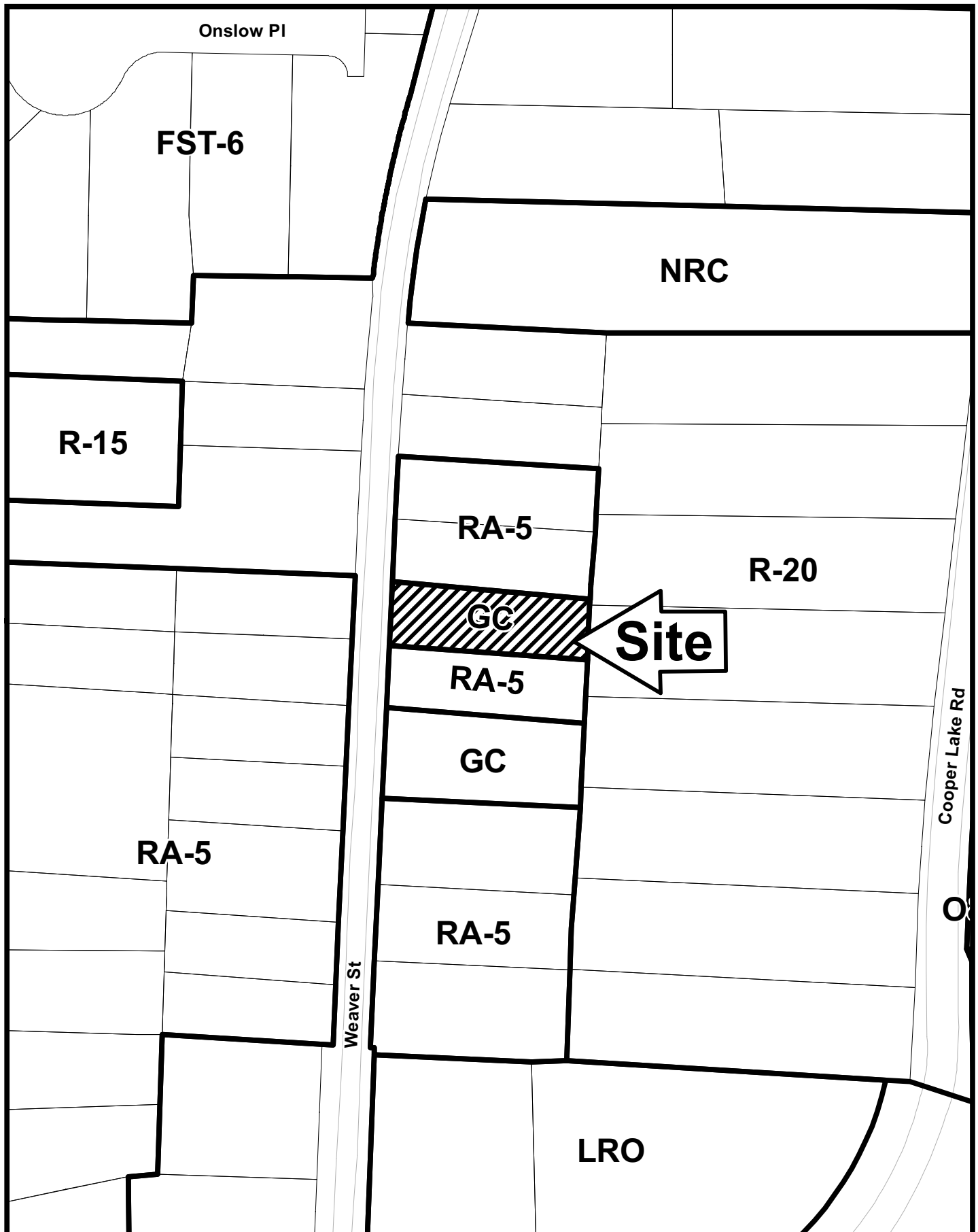
**REJECTED** \_\_\_\_ **SECONDED** \_\_\_\_\_

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

**STIPULATIONS:**



# Z-42



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

100 0 100 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** Keith Sharp

**PETITION NO.:** Z-42

**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 **Overall Density:** 5.55 **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 the existing property compliant with the rest of the subdivision and the *Cobb County Comprehensive Plan*. The subject property existed 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 build a new house on the subject property similar to other houses in the subdivision, but is not able to do so because of the grandfathered GC status of the property. Applicant has indicated that the owners plan to build a new 2,800 square-foot house. The house will be traditional and the proposed price will be \$395,000. The owners have paid the \$8,000 to DOT for road improvements (see attached e-mail), which was a requirement for the two previous zoning cases for the houses in this area in 2006 (minutes attached).

**Cemetery Preservation:**

APPLICANT: Keith Sharp

PETITION NO.: Z-42

PRESENT ZONING: GC

PETITION FOR: RA-5

\*\*\*\*\*

SCHOOL COMMENTS:

		Capacity	Number of
		Status	Portable
Name of School	Enrollment		Classrooms
Elementary			
Middle			
High			

- School attendance zones are subject to revision at any time.

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:       Keith Sharp

PETITION NO.:    Z-42

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 home. The 0.178 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 Keith Sharp

PETITION NO. Z-042

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 / E 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: ***In Weaver Street ROW at property***

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

Treatment Plant: **Sutton**

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw Sewers Required: ☐ Yes ☒ No

Off-site Easements Required: ☐ Yes\* ☒ No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: ☐ Yes ☒ No

Letter of Allocation issued: ☐ Yes ☒ No

Septic Tank Recommended by this Department: ☐ Yes ☒ No

Subject to Health Department Approval: ☐ Yes ☒ No

Additional Comments: Connection to sanitary sewer required. Tap fee and SDF paid 5/23/2013

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: Keith Sharp

PETITION NO.: Z-42

PRESENT ZONING: GC

PETITION FOR: RA-5

\*\*\*\*\*

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

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: Keith Sharp

PETITION NO.: Z-42

PRESENT ZONING: GC

PETITION FOR: RA-5

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS – Continued</b>
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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: Keith Sharp** **PETITION NO.: Z-42**

**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.

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

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## **STAFF RECOMMENDATIONS**

### **Z-42 KEITH SHARP**

- 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 the subdivision on two occasions in 2006 (Z-71 and Z-148). The owners are not able to build a new house because of the grandfathered General Commercial zoning category that is currently on the property. Applicant purchased the property 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 May 24, 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.**

COBB COUNTY GEORGIA  
FILED IN OFFICE

2013 MAY 24 PM 4:50

COBB COUNTY ZONING DIVISION

Application No. Z-42

July 2013

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 2800
- b) Proposed building architecture: traditional
- c) Proposed selling prices(s): \$395,000.00
- d) List all requested variances: none

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

- a) Proposed use(s): N/A
- b) Proposed building architecture: u
- c) Proposed hours/days of operation: u
- d) List all requested variances: u

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

Remnant GC zoning, the rest of the  
entire street is zoned residential.

### 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).

NO

**Waits, Charlie**

**From:** Campbell, Jason  
**Sent:** Friday, April 12, 2013 3:39 PM  
**To:** Waits, Charlie  
**Cc:** Morris, Renee  
**Subject:** FW: 4247 Weaver St

Is this the one you needed?

Jason A. Campbell, Planner III  
**COBB COUNTY COMMUNITY DEVELOPMENT  
ZONING DIVISION**

Physical Address:

1150 Powder Springs Street  
Suite 400

Marietta, GA 30064

Mailing Address:

P.O. Box 649

Marietta, GA 30061-0649

Phone: (770) 528-2022 Fax: (770) 528-2003

**From:** Bentley, Fred  
**Sent:** Tuesday, April 09, 2013 3:56 PM  
**To:** Pederson, John  
**Cc:** Campbell, Jason; Stricklin, Jane; Martin, Terry L  
**Subject:** 4247 Weaver St

4247 has delivered an \$8K check for road improvements. Good for permitting. Thanks

*Fred K. Bentley, Transportation Analyst  
Cobb County Department of Transportation  
1890 County Services Parkway  
Marietta, Ga. 30008  
770-528-1666, Fax 770-528-1601  
fred.bentley@cobbcounty.org*

4/12/2013

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

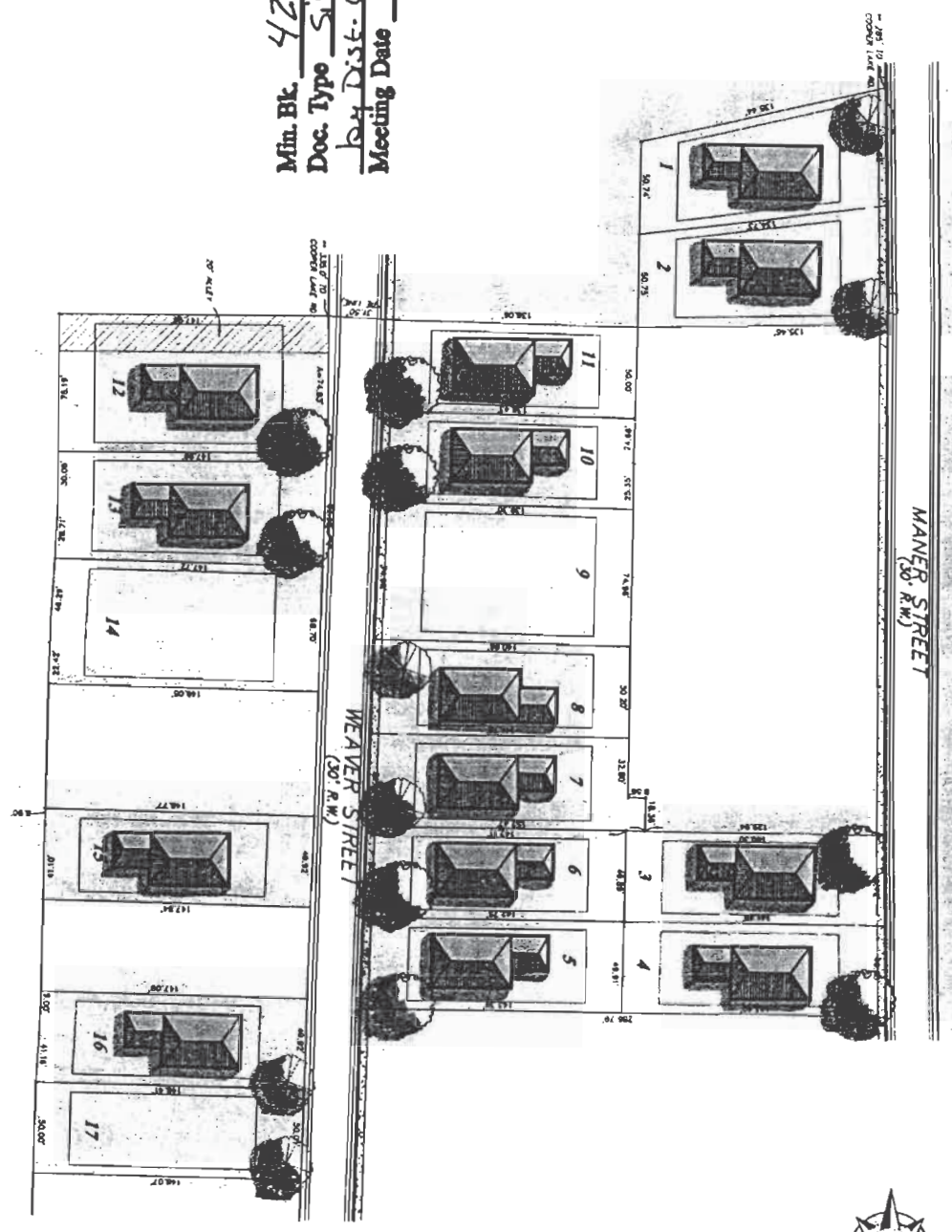
**VOTE:** **ADOPTED** unanimously

*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. Hughes  
 COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
 3RD COUNTY, GEORGIA

6-20-06  
 Joe L. Hughes

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



SAMS, LARKIN & HUFF COBB COUNTY, GEORGIA  
A LIMITED LIABILITY PARTNERSHIP FILED IN OFFICE

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

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-42  
Meeting Date June 20, 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

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 Taha 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-42 (2013)  
Minutes from  
Other Portions of  
Same  
Subdivision

PAGE 22 OF 27

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 23, 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 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:

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

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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.
  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.
  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. Z-21  
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

VIA HAND DELIVERY

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 Debbie  
Cooke, 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:

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  
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Petition No. 2-71  
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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  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. 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

APPLICANT: Atlanta Real Estate Acquisitions, LLC

PETITION NO.: Z-

PRESENT ZONING: R-20, GC

PETITION FOR: RA

Z-42 (2013)  
Minutes from  
Other Portions of  
Same  
Subdivision

\*\*\*\*\*

**SCHOOL COMMENTS:**

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Nickajack		Capacity	0
Elementary 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

PRESENT ZONING: R-20, GC

PETITION FOR: RA-

\*\*\*\*\*

**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: I

\*\*\*\*\*

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 utilized 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.

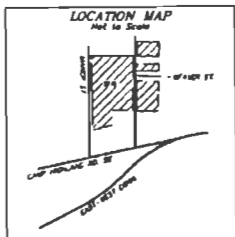
ORIGINAL DATE OF APPLICATION: 10-17-06APPLICANTS NAME: ATLANTA REAL ESTATE ACQUISITIONS, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 10-17-06 ZONING HEARING:**

ATLANTA REAL ESTATE ACQUISITIONS, LLC (William B. C. Vinson and Ella Mae Burroughs, 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'

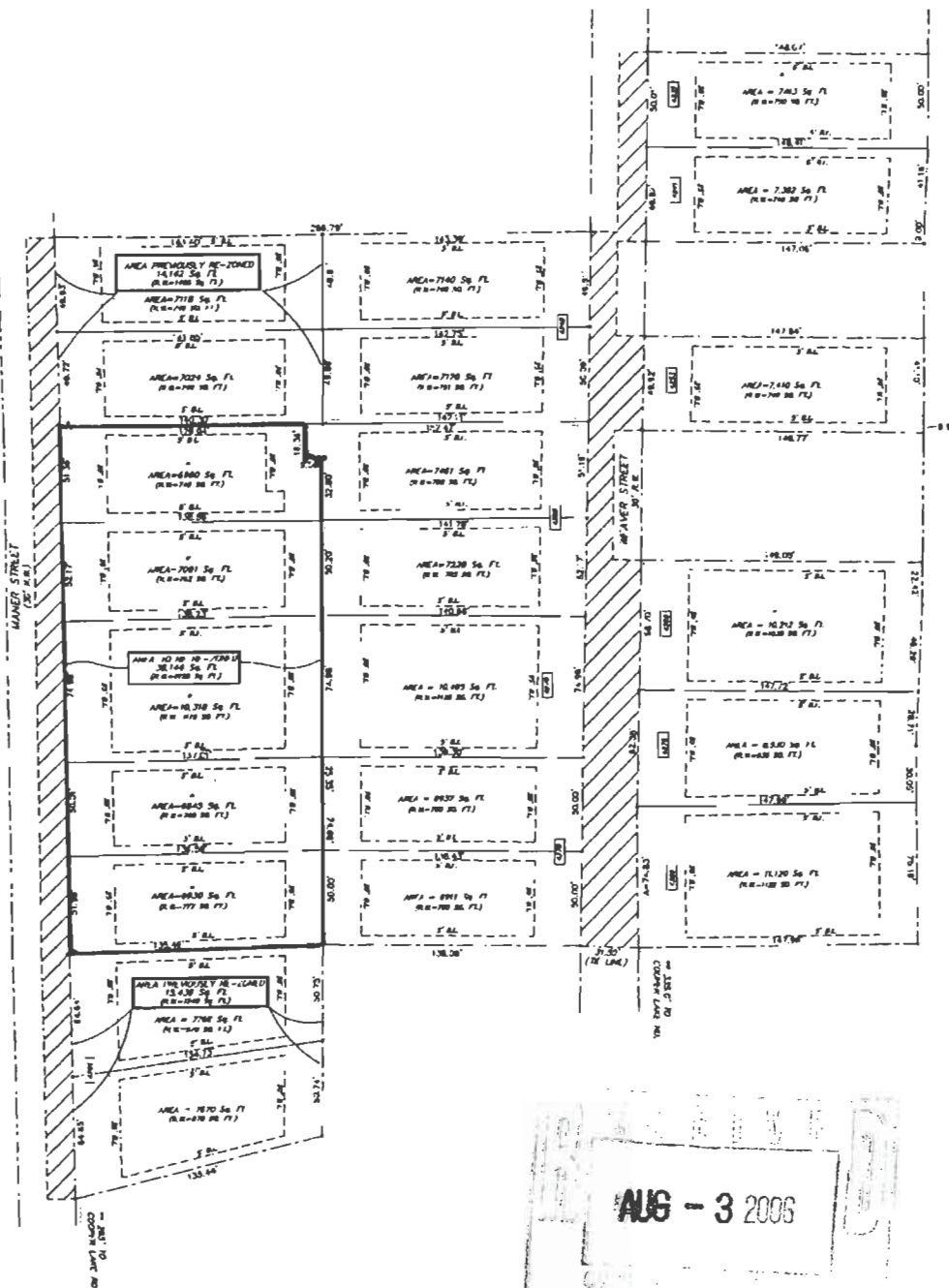
AREA:  
TOTAL SQ. FOOTAGE OF  
ALL LOTS = 171,491.56 FL  
OVERALL SQ. FOOTAGE (R & INCL.) =  
172,083.56 FL  
TOTAL LOTS = 22  
DENSITY = 6.989 LOTS PER ACRE  
ALL LOTS SHALL BE GREATER THAN  
6300 SQ. FT.

NO - PER RECD AND PLAT RECORDS  
NO IMPROVEMENTS (100%)  
ALL IMPROVEMENTS IN 1110 AND 1210

GENERAL NOTES:  
ACCORDING TO THE  
FLOOD HAZARD MAP  
1,500 FC DOTS F. ON  
THIS PROPERTY IS NO  
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       



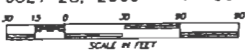
**AUG - 3 2006**

REMOVED 8-3-06  
REMOVED TO REFLECT AREAS PREVIOUSLY RE-ZONED  
REMOVED TO REFLECT AREAS PREVIOUSLY RE-ZONED

LEGEND	
---	1/2" REAR FID
---	1/2" REAR SET
---	R.R.
---	RIGHT OF WAY
---	SANITARY SEWER EASEMENT
---	DRAINAGE EASEMENT
---	1 AND 101 1/2"
---	CENTERLINE
---	CORNER TOP PIPE
---	OPEN TOP PIPE
---	CONCRETE 12 IN DIA 12 IN DIA
---	REINFORCED CONCRETE PIPE
---	DROP PILE
---	JUNCTION BOX
---	MANHOLE
---	CATCH BASIN
---	BENCH MARK
---	POWER POLE
---	1/4" HYDRA-PIPE
---	CONCRETE MONUMENT FID
---	BACK OF CURB
---	EDGE OF PARKING
---	FOUR
---	OVERHEAD ELEC. SERVICE LINE
---	BUILDING LINE
---	LINE MARKERS FROM 1/4" DIA

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'



**SARAH STEVENS**  
COUNTY CLERK  
COBB COUNTY, GEORGIA  
JULY 28, 2006

Min. Bk. 46 Petition No. Z-148  
Doc. Type Stipulation Letter  
dated 10/3/06  
Meeting Date 10/17/2006

Z-42 (2013)  
Minutes from  
Other Portions of  
Same  
Subdivision

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

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

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

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

WWW.SAMSLARKINHUFF.COM

October 3, 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 .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  
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Petition No. Z-1  
Meeting Date 10/12  
Continued

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Z-42 (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

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

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

\*\*\*\*\*

SCHOOL COMMENTS:

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

- High
- School attendance zones are subject to revision at anytime.

Additional Comments:

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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

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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.

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**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

PRESENT ZONING: R-20

PETITION FOR: RA-5

Z-42 (2013)  
Minutes from  
Other Portions of  
Same  
Subdivision

**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

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  
 PRESENT ZONING: R-20  
 \*\*\*\*\*

PETITION NO.: Z-148  
 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
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.

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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**

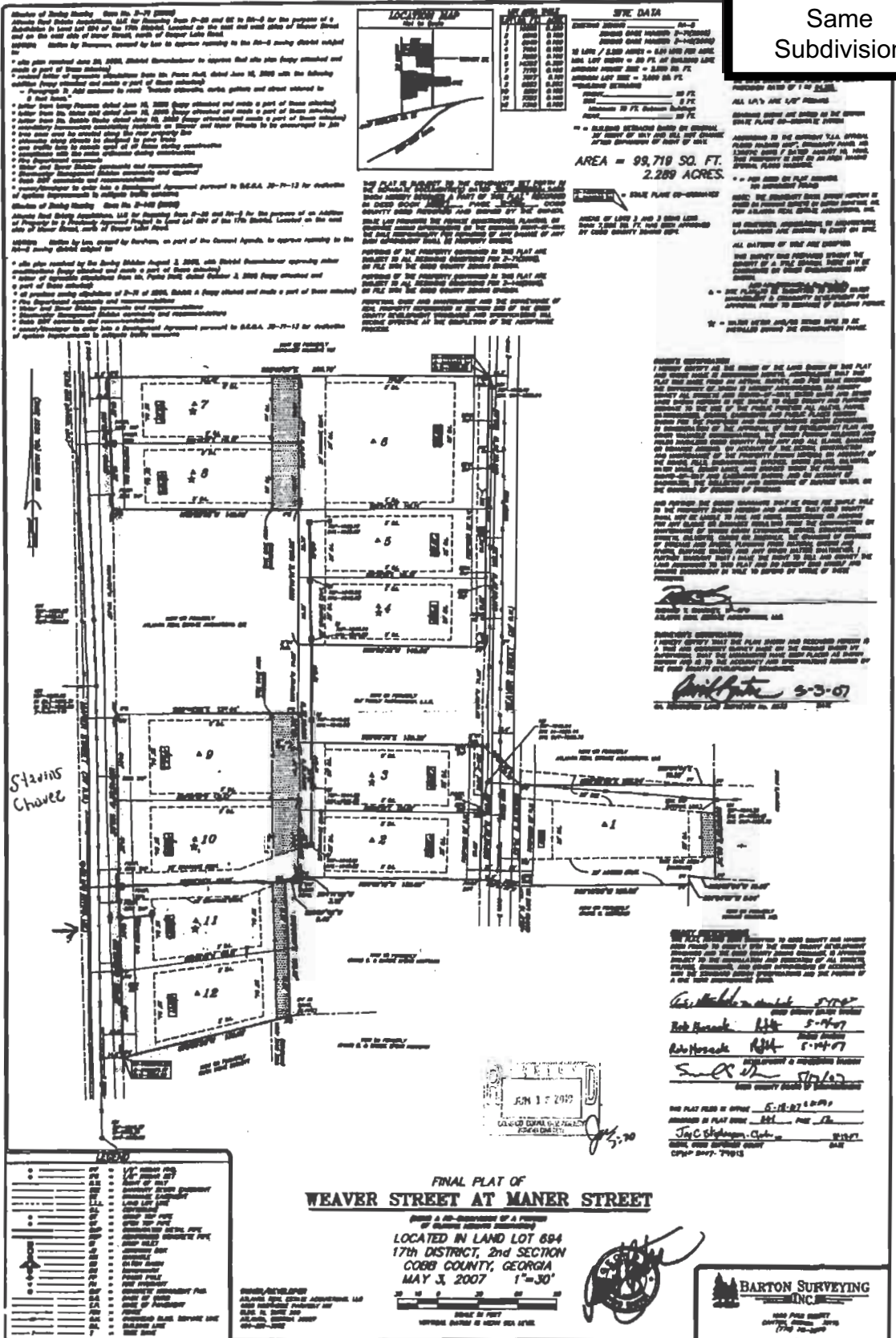
To consider site plan amendment for Atlanta Signature Homes, Inc. regarding applications Z-71 and Z-148 (Atlanta Real Estate Acquisitions, LLC) of 2006, for property located on the east side of Maner Street, north of Cooper Lake Road in Land Lot 694 of the 17<sup>th</sup> District.

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**



Min. Bk. 60 Petition No. 082  
Doc. Type side plan  
Meeting Date 7/20/10