

**ZONING PLAN**  
FOR  
**CENTRAL GARDEN EAST**  
LOCATED IN  
LAND LOT 696  
17TH DISTRICT, 2ND SECTION  
COBB COUNTY, GEORGIA

Z-32  
(2014)



**WATTS & BROWNING ENGINEERS, INC.**  
1180 BELLS Ferry ROAD  
MARIETTA, GEORGIA 30067-6030  
PHONE: (770) 444-6030  
FAX: (770) 444-6030

DATE	11-11-11
DRAWN BY	W. J. ...
CHECKED BY	...
SCALE	AS SHOWN
PROJECT NO.	...
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COBB COUNTY GEORGIA  
FILED IN OFFICE  
2014 MAY -2 PM 4:27  
COBB COUNTY ZONING DIVISION

**DEVELOPMENT DATA:**

- TOTAL AREA: 23.4 ACRES (GROSS) 21.1 ACRES (NET)
- EXISTING ZONING: R-10
- TOTAL LOTS: 23
- PROPOSED DENSITY: 1 LOT PER ACRE
- PROPOSED MINIMUM LOT WIDTH: 40 FT
- PROPOSED MINIMUM LOT DEPTH: 100 FT

**SECTION 20.2(b)(2):**

- 1. INTERIOR
- 2. FROM EXISTING OR LATER ROAD
- 3. BETWEEN STRUCTURES
- 4. BETWEEN PROPERTY HOSE RESTRICTION ZONING SEPARATION

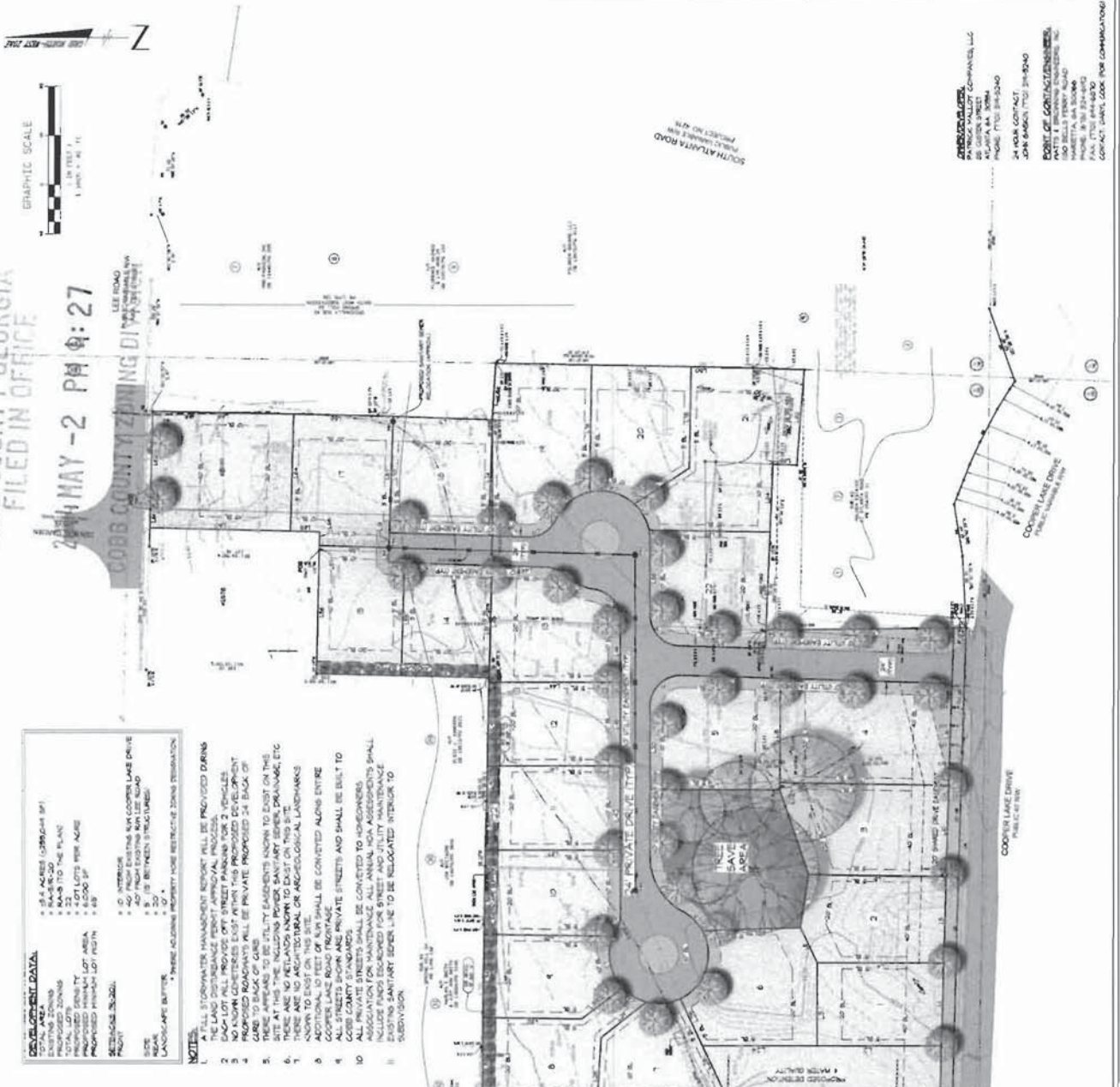
**NOTES:**

1. ALL STORMWATER MANAGEMENT REPORT WILL BE PROVIDED DURING THE LAND DEVELOPMENT PERMIT APPROVAL PROCESS. REGRADING SHALL BE PROVIDED TO MAINTAIN PROPOSED GRADES AND TO PREVENT EROSION. NO KNOWN OBSTACLES EXIST WITHIN THIS PROPOSED DEVELOPMENT.
2. PROPOSED ROADSWAYS WILL BE PRIVATE PROPOSED 24' BACK OF GARDEN TO BACK OF GARAGE.
3. ALL UTILITY ELEMENTS KNOWN TO EXIST ON THIS SITE AT THIS INCLUDING PRIVATE SANITARY SEWER DRAINAGE, ETC.
4. THERE ARE NO UTILITIES KNOWN TO EXIST ON THIS SITE.
5. ALL STREETS SHOWN ARE PRIVATE STREETS AND SHALL BE BUILT TO STANDARD SPECIFICATIONS FOR PRIVATE STREETS.
6. ALL PRIVATE STREETS SHALL BE CONVERTED TO HOMEOWNERS ASSOCIATION FOR MAINTENANCE. ALL ANNUAL HOA ASSESSMENTS SHALL INCLUDE FUNDS DESIGNATED FOR STREET AND UTILITY MAINTENANCE.
7. SANITARY SEWER LINE TO BE RELOCATED INTERIOR TO SUBDIVISION.
8. COOPER'S LAKE ROAD FRONTAGE.
9. COOPER'S LAKE ROAD FRONTAGE.
10. ALL STREETS SHOWN ARE PRIVATE STREETS AND SHALL BE BUILT TO STANDARD SPECIFICATIONS FOR PRIVATE STREETS.
11. ALL PRIVATE STREETS SHALL BE CONVERTED TO HOMEOWNERS ASSOCIATION FOR MAINTENANCE. ALL ANNUAL HOA ASSESSMENTS SHALL INCLUDE FUNDS DESIGNATED FOR STREET AND UTILITY MAINTENANCE.
12. SANITARY SEWER LINE TO BE RELOCATED INTERIOR TO SUBDIVISION.



**DETAILED FLOOD MAP**  
N.T.S.

NOTICE: THIS FLOOD MAP WAS PREPARED BY THE NATIONAL FLOOD INSURANCE PROGRAM AND IS NOT A GUARANTEE OF THE ACCURACY OF THE INFORMATION SHOWN THEREON. THE INFORMATION IS FOR GENERAL INFORMATION ONLY AND IS NOT TO BE USED FOR ANY OTHER PURPOSE.



**CONTRACTOR:**  
PATRICK VALLEY COMPANIES, LLC  
1100 BELLS Ferry ROAD  
MARIETTA, GA 30067  
PHONE: (770) 844-6030

**24 HOUR CONTACT:**  
JOHN RABON (770) 244-9340

**POINT OF CONTACTS:**  
WATTS & BROWNING ENGINEERS, INC.  
1180 BELLS Ferry ROAD  
MARIETTA, GA 30067-6030  
PHONE: (770) 444-6030  
FAX: (770) 444-6030  
CONTACT: WATTS, BOB (770) 444-6030

**APPLICANT:** Patrick Malloy Companies, LLC

(770) 319-5258

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

Sams, Larkin, Huff & Balli

**TITLEHOLDER:** Dabney Partners, LLC, Cooper Lake Holdings, LLC,

George M. Hardage, Rosemary N. Hardage, Estate of Inez Glass

**PROPERTY LOCATION:** South side of Lee Road, north side of

Cooper Lake Drive, west of Atlanta Road.

**ACCESS TO PROPERTY:** Cooper Lake Drive

**PHYSICAL CHARACTERISTICS TO SITE:** Existing houses

**PETITION NO:** Z-32

**HEARING DATE (PC):** 06-03-14

**HEARING DATE (BOC):** 06-17-14

**PRESENT ZONING:** RA-5, R-20

**PROPOSED ZONING:** RA-5

**PROPOSED USE:** Single-Family Residential

**SIZE OF TRACT:** 5.4 acres

**DISTRICT:** 17

**LAND LOT(S):** 696, 745

**PARCEL(S):** 23, 24, 27, 28, 36, 112

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

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** RA-5/ Central Garden

**SOUTH:** R-20, RM-8/ Single-family houses, Paces Walk townhomes

**EAST:** RA-5, GC/ Holden Estates, Meineke, Happy Paws Pet Camp, Shops of Vinings West

**WEST:** RA-5, R-20/ Olde Whiteoak Estates, Single-family house

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

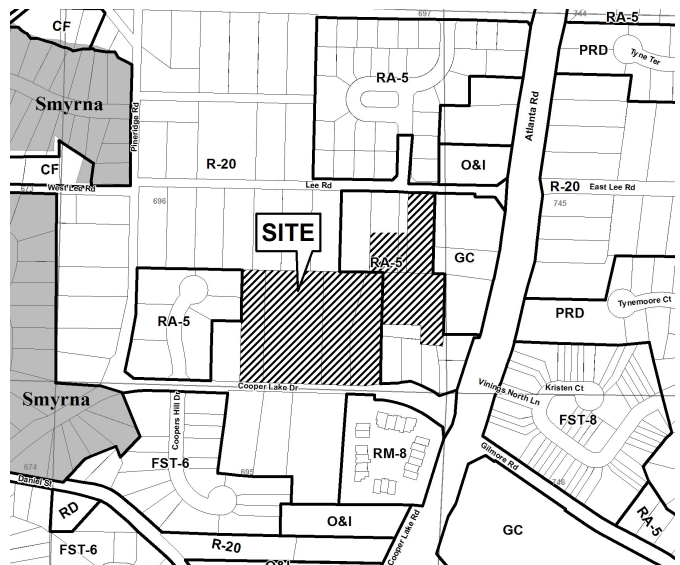
**BOARD OF COMMISSIONERS DECISION**

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

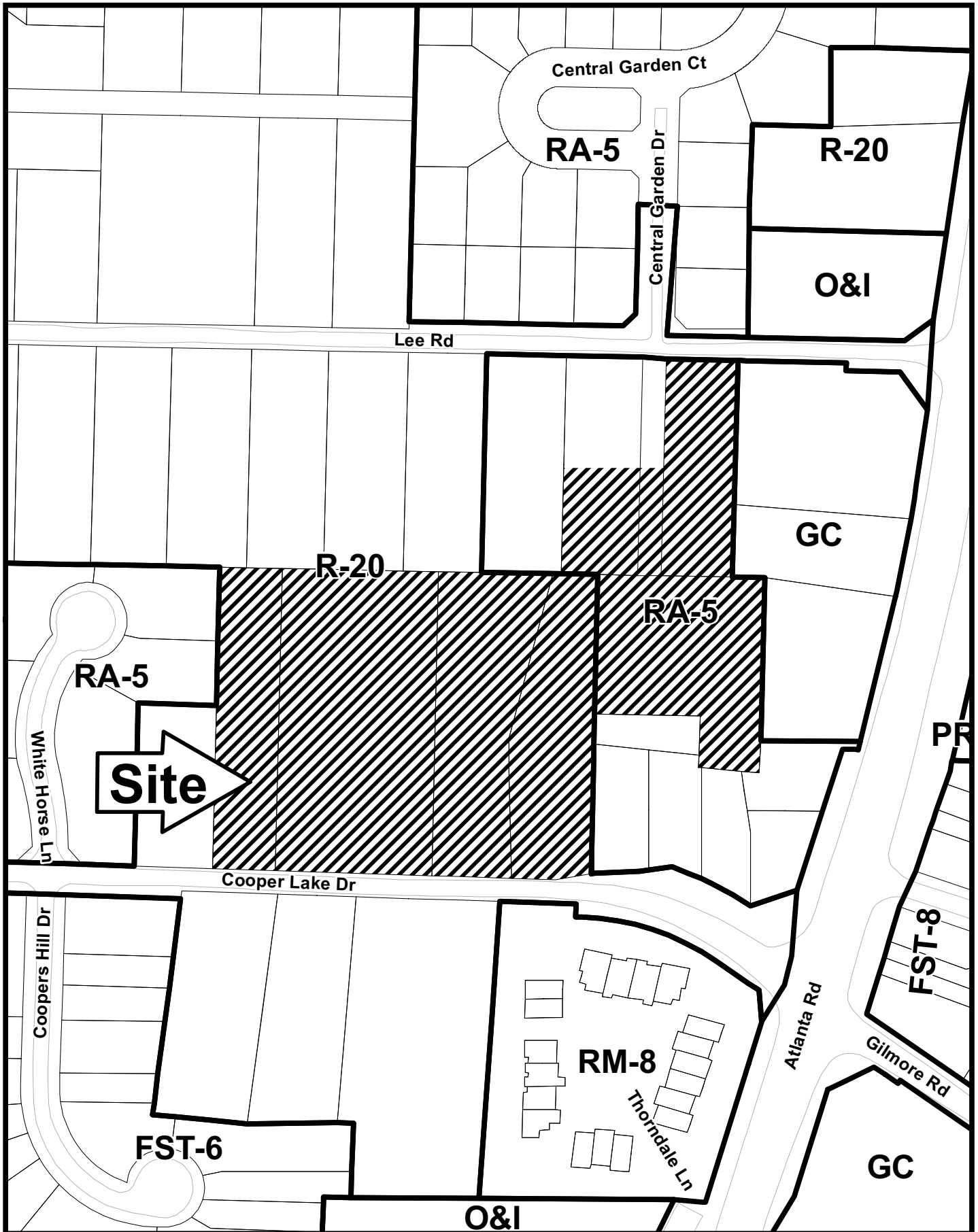
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

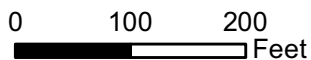
**STIPULATIONS:**



# Z-32



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



City Boundary  
Zoning Boundary

APPLICANT: Patrick Malloy Companies, LLC

PETITION NO.: Z-32

PRESENT ZONING: RA-5, R-20

PETITION FOR: RA-5

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** John P. Pederson

**Land Use Plan Recommendation:** Medium Density Residential (2.5-5 units per acre) (+/-1.9 acres) and Low Density Residential (1-2.5 units per acre) (+/-3.5 acres).

**Proposed Number of Units:** 23                      **Overall Density:** 4.25                      **Units/Acre**

**Staff estimate for allowable # of units:** 16 **Units\***    **Increase of:** 7 **Units/Lots**

\*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances. Ten lots on the current RA-5 property and six lots on the current R-20 property.

The applicant is requesting the RA-5 zoning district to develop a single-family detached subdivision. The houses would be traditional in styling with exteriors consisting of a mixture of components, such as brick, stone, cedar shake, masonry siding and/or stucco. The houses would be a minimum 2,800 square-feet, and would start selling in the \$600,000's.

The applicant is showing contemporaneous variances which are:

1. Reduce the lot width from 70-feet to as little as 63-feet;
2. Reduce the interior front setback from 20-feet to 10-feet;
3. Reduce the exterior rear setbacks from 40-feet to 20-feet;
4. Reduce the major side setback from 25-feet to 15-feet;
5. Reduce the minimum lot size from 7,000 square-feet to 6,000 square-feet.

**Cemetery Preservation:** No comment.

**APPLICANT:** Patrick Malloy Companies, LLC

**PETITION NO.:** Z-32

**PRESENT ZONING:** RA-5, R-20

**PETITION FOR:** RA-5

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Nickajack</u>	<u>1,046</u>	<u>1,025</u>	<u>Over</u>
<b>Elementary</b> <u>Campbell</u>	<u>1,308</u>	<u>1,203</u>	<u>Over</u>
<b>Middle</b> <u>Campbell</u>	<u>2,394</u>	<u>2,637</u>	<u>Under</u>

**High**

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

**Additional Comments:** Approval of this petition could adversely affect the enrollment at Campbell Middle School and Nickajack Elementary School, both of which are over capacity at this time.

\*\*\*\*\*

**FIRE COMMENTS:**

**ACCESS:** Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

**GUEST PARKING:** When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

**APPLICANT:** Patrick Malloy Companies, LLC

**PETITION NO.:** Z-32

**PRESENT ZONING:** RA-5, R-20

**PETITION FOR:** RA-5

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from RA-5 and R-20 to RA-5 for purposes of single family residential. The 5.4 acre site is located on the south side of Lee Road, north side of Cooper Lake Drive, west of Atlanta Road.

Comprehensive Plan

The parcels are within Low Density Residential (**LDR**) and Medium Density Residential (**MDR**) area future land use category, with RA-5 and R-20 zoning designations.

The purpose of the Low Density Residential (**LDR**) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

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?

Incentive Zones

Is the property within an Opportunity Zone?  Yes  No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?  Yes  No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes  No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes  No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes  No

APPLICANT Patrick Malloy Companies, LLC

PETITION NO. Z-032

PRESENT ZONING RA-5, R-20

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" AC / N side of Cooper Lake Drive

Additional Comments: Also 6" Di on N side of Lee Rd.

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

\*\*\*\*\*

**SEWER COMMENTS:**

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

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: on site

Estimated Waste Generation (in G.P.D.): A D F= 3680 Peak= 9200

Treatment Plant: South Cobb

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drv 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: Relocation of on-site sewer main likely necessary, depending on lot configuration

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: Patrick Malloy Companies, LLC

PETITION NO.: Z-32

PRESENT ZONING: RA-5, R-20

PETITION FOR: RA-5

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Laurel Creek FLOOD HAZARD INFO: Zone X

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

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

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

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

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

DOWNSTREAM CONDITION

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



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**STORMWATER MANAGEMENT COMMENTS – Continued**

SPECIAL SITE CONDITIONS

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

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This parcel drains to the west through existing residential lots. The site receives stormwater runoff from commercial and residential parcels located to the east along Atlanta Road which must be conveyed through the site. As indicated on the site plan there is an existing 54-inch CMP culvert located at the downstream property line. However, the capacity of this pipe is limited by a 36-inch RCP culvert within 30 feet of the property line. Both properties located immediately to the west have experienced flooding due to upstream runoff. This issue must be addressed at plan review.
2. Since private streets are proposed all stormwater management within the development will be privately maintained.

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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
Cooper Lake Drive	4100	Minor Collector	35 mph	Cobb County	60'
Lee Road	N/A	Local	25 mph	Cobb County	50'

*Based on 2010 traffic counting data taken by Cobb County DOT (Cooper Lake Drive)*

**COMMENTS AND OBSERVATIONS (REVISED 5/12/14)**

Cooper Lake Drive is classified as a minor collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

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

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Cooper Lake Drive, a minimum of 30' from the roadway centerline.

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

Recommend a deceleration lane for the main Cooper Lake Drive access.

Recommend applicant verify that minimum intersection sight distance is available for ingress and egress maneuvers for the site if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390 feet.

Recommend private streets be constructed to the Cobb County Standard Specifications.

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

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## STAFF RECOMMENDATIONS

### **Z-32 PATRICK MALLOY COMPANIES, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Adjacent and nearby properties are zoned RA-5, FST-6, RM-8, R-20, O&I and GC.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal would be compatible with other properties in the area. The applicant's proposal would be an aesthetic upgrade of this property and would continue to encourage the trend of redeveloping distressed properties in the area.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of some of the *Cobb County Comprehensive Plan*, which delineates a part of the property to be in the Medium Density Residential Land Use Category with densities ranging from 2.5 to 5 units per acre. The proposed density is 4.25 units per acre. However, a portion property is designated as Low Density Residential along Cooper Lake Road, but it has RA-5, FST-6 and RM-8 zoning adjoining or near this property.
- 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. A portion of the applicant's proposal is located in a Medium Density Residential Land Use Category. The applicant's proposal would be consistent with newer subdivisions in the area. The variances requested are consistent with other RA-5 subdivisions in the area. The applicant's proposal would continue to help redevelop older, distressed properties.

Based on the above analysis, Staff recommends APPROVAL of this application:

- Site plan received by the Zoning Division April 3, 2014, with the District Commissioner approving minor modifications;
- Letter from Mr. Garvis L. Sams, Jr., dated May 2, 2014;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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

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COBB COUNTY GEORGIA  
FILED IN OFFICE  
2014 APR -3 PM 3:45  
COBB COUNTY ZONING DIVISION



Application #: Z-32  
PC Hearing Date: 6-3-14  
BOC Hearing Date: 6-17-14

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): minimum 2800 SF - up to 3500 SF  
b) Proposed building architecture: traditional  
c) Proposed selling prices(s): 600,000  
d) List all requested variances: \_\_\_\_\_

.....  
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). NO

.....  
Part 5. Is this application a result of a Code Enforcement action? No  ; Yes \_\_\_ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: \_\_\_\_\_

Date: 4.1.14

Applicant name (printed): \_\_\_\_\_

John B. Gadin

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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

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JUSTIN H. MEEKS

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May 2, 2014

**VIA HAND DELIVERY  
AND EMAIL**

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

Re: Rezoning Application of Patrick Malloy Companies, LLC to rezone a 5.4 Acre Tract from RA-5 and R-20 to RA-5 (No. Z-32).

Dear John:

You will recall that this firm represents Patrick Malloy Communities, LLC (“PMC”) concerning the above-captioned Application for Rezoning which was filed on April 3, 2014. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on June 3, 2014 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on June 17, 2014.

The property at issue consists of an approximate 5.4 acre tract of land which is situated on Cooper Lake Drive, with frontage on Lee Road and which is directly across Lee Road from PMC’s current subdivision named “Central Garden”. The subject property, once it is zoned and entitled, will be known as “Central Garden East”. While the Application has been pending, we have had an opportunity to establish a dialogue with Cobb County’s professional staff and with others. In that regard, this letter will serve as PMC’s agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and revised, and binding upon the subject property. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The Rezoning of the subject property shall be from R-20 & RA-5 to RA-5 conditioned upon the lot sizes, setbacks and coverage as shown on that certain revised site plan prepared by Watts & Browning Engineers, Inc. (“Central Garden East”) which is being filed contemporaneously herewith.

SAMS, LARKIN, HUFF & BALLI  
A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY  
AND EMAIL**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
May 2, 2014  
Page 2

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3. The subject property consists of approximately 5.4 acres of total site area and shall be developed for a Single-Family detached residential community consisting of a maximum number of twenty-two (22) homes at a maximum density of 4.07 units per acre.
4. The homes to be constructed within the proposed residential community shall have a minimum of 2,800 sq. ft., ranging up to 3,500 sq. ft. and greater and shall be two-story traditional homes.<sup>1</sup>
5. The architectural style and composition of the homes shall be consistent with the homes constructed and/or under construction within Central Garden Subdivision and shall be consistent with the photographs which will be submitted under separate cover and which reflect brick, stone, stacked stone, cedar shake or a combinations thereof on at least three (3) sides.
6. The submission of a landscape plan during the Plan Review Process subject to the Arborist's review and approval which shall include, but not necessarily be limited to, the following:
  - a) Tree Save Area consisting of mature, specimen trees.<sup>2</sup>
  - b) The front yards of all homes to be constructed within the proposed residential community shall be sodded and irrigated.
  - c) All utilities servicing the homes within the proposed residential community shall be located underground.
  - d) The proposed detention & water quality area shall be professionally landscaped and fenced for purposes of visual screening.

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<sup>1</sup> Price points are anticipated ranging from \$450,000.00 to \$650,000.00.

<sup>2</sup> Arbor Guard is conducting a Specimen Tree Assessment in determining the extent of the Critical Root Zone ("CRZ") for the Tree Save Area and with respect to other mature specimen trees located on the subject property.



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7. The creation of a mandatory Homeowners Association consistent with upscale residential communities within the area. The mandatory HOA shall be responsible for the upkeep and maintenance of all common areas contained within the proposed residential development including the private streets, fencing, landscaping, subdivision entrance signage and lighting. All private streets shall be conveyed to the mandatory HOA for maintenance and all annual HOA assessments shall include funds escrowed for street and utility maintenance.
8. In conjunction with the creation of the mandatory Homeowners Association, PMC agrees to the recordation and enforcement of Protective Covenants which shall include, among other components, strict architectural controls.
9. Subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage shall be located on Cooper Lake Drive, shall be incorporated into the aforementioned landscape plan for the residential community and shall be fully landscaped and irrigated.
10. Subject to all recommendations from the Cobb County Stormwater Management Division with respect to stormwater management, detention, hydrology and downstream considerations including, but not limited to the position and configuration of on-site detention and/or water quality ponds.

A full Stormwater Management Report will be provided during the Plan Review/Land Disturbance Permit Approval Process. Ultimately, the stormwater management/detention area shall be designed and configured to handle fifty percent (50%) impervious coverage which anticipates approximately 10,000 cubic feet of storage per acre for the development.

11. Compliance with the recommendations from the Cobb County Department of Transportation with respect to traffic and transportation issues, including the following:
  - a) The voluntary donation and conveyance of right-of-way on Cooper Lake Drive so that the County can achieve twenty-five feet (25') from the centerline of said right-of-way.

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- b) The construction of a deceleration lane with an appropriate taper at the subdivision's entrance on Cooper Lake Drive predicated upon coordination with and approval from the four (4) home development to the east which is presently served by a common driveway.
  - c) A maximum of one (1) home accessing Lee Road.
  - d) Insuring appropriate sight distance at all points of ingress/egress or implementing remedial measures in which to mitigate same.
  - e) The installation of curb, gutter and sidewalk on Cooper Lake Drive.
  - f) The installation of private streets (with parallel utility easements) built to the County's Design and Detail Specifications.
  - g) Providing off-street parking for a minimum of two (2) vehicles per home.
12. Compliance with recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer to the site recognizing that the existing sewer line will have to be relocated (rerouted) in a fashion interior to the residential community.
13. Compliance with recommendations from the Cobb County Fire Department.
14. The granting of contemporaneous Variances with respect to Lots 1, 9 and 14 which are slightly under the required 7,000 sq. ft. lot minimum. The average lot size for the residential community is 8,516.42 sq. ft. per lot.

Additionally, the granting of a contemporaneous Variance as to impervious surface on Lots 1, 2, 3 & 4 which will be served by a twenty-foot (20') shared driveway easement (front Alley). Said impervious area will still be calculated with respect to PMC's plans to oversize the Detention Facility.

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15. Adherence to the following construction hours:

- a. 7:00 a.m. until 7:00 p.m., Monday through Friday, from October 1<sup>st</sup> through March 31<sup>st</sup>.
- b. 7:00 a.m. until 8:00 p.m., Monday through Friday, from April 1<sup>st</sup> through September 30<sup>th</sup>.
- c. 9:00 a.m. until 6:00 p.m. on Saturdays.
- d. No outside work on Sunday unless approved ahead of time by the District Commissioner.

16. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the subdivision.

17. The District Commissioner shall have the authority to approve minor modifications as the development proposal proceeds through the Plan Review process and thereafter (upon prior notice being given to MIC) except for those that:

- a. Increase the density of the residential community.
- b. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
- c. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
- d. Increase the height of a building that is adjacent to a property that is zoned in the same or a more restrictive zoning district.
- e. Change access location to a different roadway.

Please do not hesitate to contact me should you or your staff require additional information or documentation prior to the formulation of staff's Zoning Analysis and Recommendations.

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**AND EMAIL**

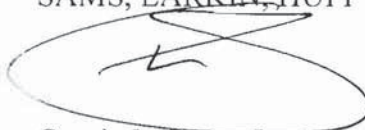
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With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS/dsj

Enclosures/Attachments

- cc: Members, Cobb County Board of Commissioners (via email w/attachments)  
Members, Cobb County Planning Commission (via email w/attachments)  
Mr. Robert L. Hosack, Jr., AICP, Director (via email w/attachments)  
Mr. Dana Johnson, AICP, Assistant Director (via email w/attachments)  
Mr. Jason Campbell, Planner III (via email w/attachments)  
Mr. David Breden, P.E. (via email w/attachments)  
Ms. Jane Stricklin, P.E. (via email w/attachments)  
Ms. Karen King, Assistant County Clerk (via email w/attachments)  
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)  
Ms. Mary Rose Barnes, Oakdale Civic Association (via email w/attachments)  
Mr. John Gaskin, Patrick Malloy Communities (via email w/attachments)  
Mr. Thornton Morris (via email w/attachments)  
Mr. Daryl R. Cook, P.E., LEED AP B+C, Watts & Browning Engineers, Inc.  
(via email w/attachments)