

CONTACT  
 ROB ADAMSON @ 404-307-8389

FEMA MAP



**SITE DATA:**

TOTAL SITE AREA:	12.136 ACRES
ZONING:	R20
DEVELOPMENT TYPE:	FAMILY RESIDENT
TOWNHOME UNITS:	14 UNITS
MINIMUM LOT SIZE:	15,112 SQUARE FEET
MINIMUM FRONT YARD SETBACK:	4 FEET
MINIMUM SIDE SETBACK:	4 FEET
MINIMUM REAR SETBACK:	4 FEET
MINIMUM FRONT YARD SETBACK:	4 FEET
MINIMUM SIDE SETBACK:	4 FEET
MINIMUM REAR SETBACK:	4 FEET
MINIMUM FRONT YARD SETBACK:	4 FEET
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MINIMUM FRONT YARD SETBACK:	4 FEET
MINIMUM SIDE SETBACK:	4 FEET
MINIMUM REAR SETBACK:	4 FEET

SITE LOCATION MAP (NTS)



Z-54  
 (2014)  
 REVISED SITE  
 PLAN OF 6-23-14

Atlanta Road at Jane Lyle Road  
 A MASTER PLANNED RESIDENTIAL COMMUNITY  
 BELMONT ASSOCIATES, LLC  
 1500 BELMONT ROAD, SUITE 100  
 ATLANTA, GEORGIA 30310  
 PHONE: 404-307-8389  
 FAX: 404-307-8389  
 WWW.BELMONTASSOCIATES.COM

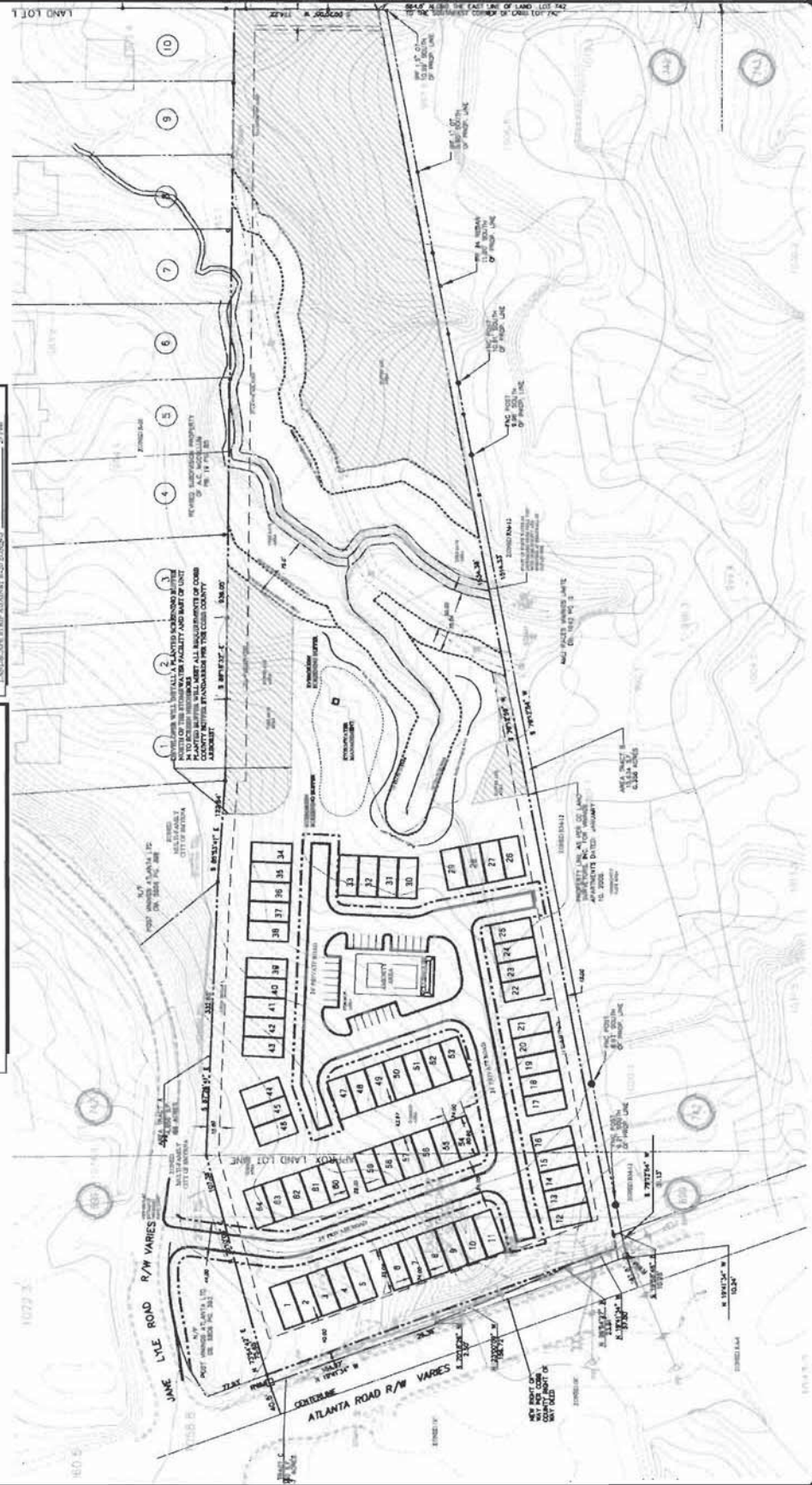
PLANNERS AND ENGINEERS COLLABORATIVE  
 ARCHITECTURE, INTERIOR DESIGN, AND LANDSCAPE ARCHITECTURE  
 1115 W. PINE STREET, SUITE 100  
 ATLANTA, GEORGIA 30310  
 PHONE: 404-307-8389  
 FAX: 404-307-8389  
 WWW.PECCOLLABORATIVE.COM

MASTER  
 SITE PLAN

SCALE: 1" = 60'  
 DATE: May 13, 2014  
 PROJECT: 12179-01  
 DRAWN BY: J. ADAMSON  
 CHECKED BY: J. ADAMSON



76  
 SHEET



**APPLICANT:** Belmont Associates, LLC  
**PHONE#:** (770) 451-2741 **EMAIL:** kwood@pecatly.com  
**REPRESENTATIVE:** Garvis L. Sams, Jr.  
**PHONE#:** (770) 422-7016 **EMAIL:** gsams@slhb-law.com  
**TITLEHOLDER:** Madge H. Duncan Estate; Our Future is Bright, LLLP

**PETITION NO:** Z-54  
**HEARING DATE (PC):** 08-05-14  
**HEARING DATE (BOC):** 08-19-14  
**PRESENT ZONING:** RM-8, R-20

**PROPERTY LOCATION:** East side of Atlanta Road, south of Jane Lyle Road.

**PROPOSED ZONING:** RM-8

**ACCESS TO PROPERTY:** Atlanta Road

**PROPOSED USE:** Single-Family Townhomes

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

**SIZE OF TRACT:** 12.336 acres  
**DISTRICT:** 17  
**LAND LOT(S):** 699, 742  
**PARCEL(S):** 2, 17  
**TAXES: PAID** X **DUE** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**COMMISSION DISTRICT:** 2

- NORTH:** City of Smyrna, R-20/ Multi-family residential, Single-family residential
- SOUTH:** RM-12/ Mutli-family residential
- EAST:** R-20, R-12/ Single-family residential, Vinings Close Subdivision
- WEST:** City of Smyrna, GC, PSC/ Light Auto Repair, Auto Dealer, Sign Company

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

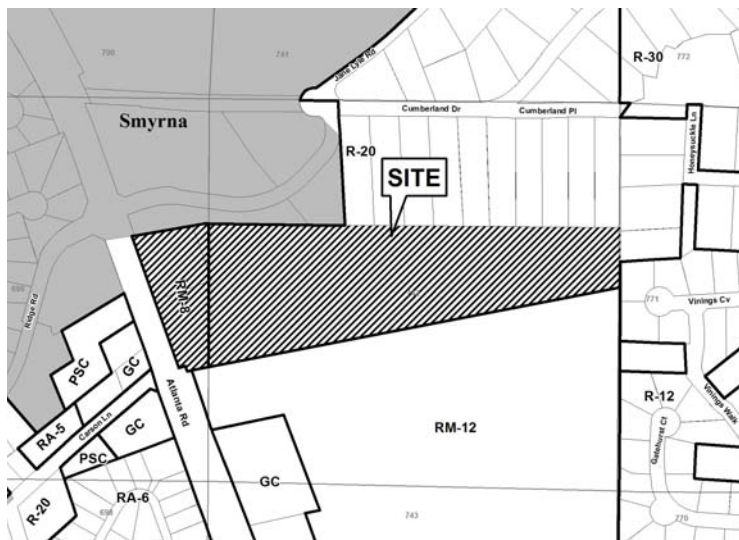
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



**APPLICANT:** Belmont Associates, LLC

**PETITION NO.:** Z-54

**PRESENT ZONING:** RM-8, R-20

**PETITION FOR:** RM-8

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** MDR – Medium Density Residential

**Proposed Number of Units:** 64                      **Overall Density:** 5.18                      **Units/Acre**

**Staff estimate for allowable # of units:** 35 **Units\***    **Increase of:** 29 **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.

The applicant is requesting a rezoning to the RM-8 residential multifamily district from the current RM-8 and R-20 single-family residential district in order to develop a 64 unit residential community composed of townhomes. With a total acreage of 12.336, the proposal would result in a density of 5.18 units per acre. The applicant proposes units ranging in size from 1,800 square feet to 3,500 square feet being traditional in style and having anticipated selling prices of \$222,000 to \$475,000.

As presented, the proposal requires variances. The front setbacks are reduced from the required 75 feet to 40 feet, and side setbacks are reduced from 35 feet to 15 feet.

**Cemetery Preservation:** No comment.

**APPLICANT:** Belmont Associates, LLC

**PETITION NO.:** Z-54

**PRESENT ZONING:** RM-8, R-20

**PETITION FOR:** RM-8

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Teasley</u>	<u>733</u>	<u>Over</u>	<u>                    </u>
<b>Elementary</b> <u>Campbell</u>	<u>1,308</u>	<u>Over</u>	<u>                    </u>
<b>Middle</b> <u>Campbell</u>	<u>2,394</u>	<u>Under</u>	<u>                    </u>

**High**

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

**Additional Comments:** Approval of this petition could seriously adversely impact the enrollment at Teasley Elementary School and Campbell Middle School, as both of these schools are severely over capacity at this time.

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**FIRE COMMENTS:**

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: Belmont Associates, LLC

PETITION NO.: Z-54

PRESENT ZONING: RM-8, R-20

PETITION FOR: RM-8

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 and RM-8 to RM-8 for purpose of single family subdivision and townhomes. The 12.336 acre site is located on east side of Atlanta Road, south of Jane Lyle Road.

**Comprehensive Plan**

The parcel is within the Medium Density Residential (MDR) area future land use category, with R-20 and RM-8 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?

**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.

APPLICANT: Belmont Associates, LLC

PETITION NO.: Z-54

PRESENT ZONING: RM-8, R-20

PETITION FOR: RM-8

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**PLANNING COMMENTS:** (Continued)

**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 Belmont Associates, LLC

PETITION NO. Z-054

PRESENT ZONING RM-8 and R-20

PETITION FOR RM-8

\*\*\*\*\*

**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): 20" DI / E side of Atlanta Road

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:** 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= 9280 Peak= 23200

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

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 Proposed subdivision must connect to sanitary sewer Comments:

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

APPLICANT: Belmont Associates, LLC

PETITION NO.: Z-54

PRESENT ZONING: RM-8 & R-20

PETITION FOR: RM-8

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Bert Adams Lake Tributary 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: within and adjacent to stream buffers

- 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 receiving stream.



APPLICANT: Belmont Associates, LLC

PETITION NO.: Z-54

PRESENT ZONING: RM-8 & R-20

PETITION FOR: RM-8

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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.

ADDITIONAL COMMENTS

1. This parcel is located to the east of Atlanta Road. The site is heavily wooded with average slopes ranging from 5 to 20 percent. The site receives offsite drainage from Jane Lyle Road and existing single-family residential parcels along Cumberland Drive to the north, from Atlanta Road to the west and the Amli Paces Vinings Apartments to the south that flows to a central stream channel through the site.
2. The extensive existing tree stand and undergrowth provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate the vast majority of this vegetation and increase pavement, storm runoff and non-point source pollution. In addition there are multiple downstream drainage complaints and capacity issues. To mitigate these impacts, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).
3. Lots 41 through 44 have significant portions that extend into the stream buffer area. It is recommended that these lot lines be modified to remove these lots from the stream buffer to provide adequate buffer protection.

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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
Atlanta Road	32,700	Arterial	45 mph	Cobb County	100'
Jane Lyle Road	N/A	Local	25 mph	City of Smyrna	50'

*Based on 2007 traffic counting data taken by Cobb County DOT (Atlanta Road)*

**COMMENTS AND OBSERVATIONS**

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

Jane Lyle Road is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend applicant consider entering into a development agreement pursuant 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 east side of Atlanta Road, a minimum of 50' from the roadway centerline.

Recommend applicant verify that minimum intersection sight distance is available for Jane Lyle Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 280 feet.

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

Recommend sidewalk along the Jane Lyle Road frontage.

Permits from the City of Smyrna will be required for all work that encroaches on the City of Smyrna right-of-way.

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

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## STAFF RECOMMENDATIONS

### **Z-54 BELMONT ASSOCIATES, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. The site is situated between both multifamily developments and single-family residential uses, and as such, should serve as a transition between the two. However, the proposed density and numerous necessary variances may not serve as an appropriate transition.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse effect on the usability of adjacent or nearby property. The proposed development offers the single family houses to the east and north very large buffers.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. While the property is located within an area delineated as MDR medium density residential, it is located adjacent to both multifamily and single-family residential uses. In fact, its unique positioning was specifically called out in a 2012 *Comprehensive Plan* amendment:

*“In an effort to encourage neighborhood compatibility between Atlanta Road and single-family residences to the east and the preservation of natural resources, the existing tract of land, know as parcel 17 in Land Lot 742 of the 17<sup>th</sup> district is encouraged to be developed at the medium density residential scale with single-family detached homes concentrated toward the rear of the property or in a conservation focused residential development.”*

Therefore, while a similar development could accomplish the goals of the *Plan* in acting as a transition between neighboring uses, the applicant's proposal is just barely over the maximum density for medium density uses. Staff would recommend the density be reduced to be 5 or less 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 deleting the applicant's rezoning proposal to RA-5. The proposal, while on the surface appears to follow the recommendations of the *Comprehensive Plan*, requires variances to accomplish its footprint. Also, the proposed density is just barely over the allowable density range of MDR (2.5 to 5 UPA). With a reduced density, the proposal could serve as an adequate transition between the multifamily and single-family uses lying immediately adjacent to the site.

Based on the above analysis, Staff recommends **DELETION to RA-5** subject to:

- Maximum of 5 units per acre, with the District Commissioner approving the final site plan;
- Letter from Mr. Garvis L. Sams, Jr. dated September 23, 2014;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

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

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Application #: Z 54  
PC Hearing Date: 8-5-14  
BOC Hearing Date: 8-19-14

2014-08-05 PM 3:28

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 1,800 - 3,500 sq. ft.
- b) Proposed building architecture: Traditional and consistent with the photographs and/or elevations submitted under separate cover.
- c) Proposed selling prices(s): \$222,000.00 - \$475,000.00
- d) List all requested variances: 1. Minimum lots widths on all single family detached lots; 2. Minimum front, side, rear, setbacks;  
3. Minimum lot size on all detached lots (maintaining on average lot size throughout the development of 7,000 sq ft which meets the RA-5 district requirements).

.....  
**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)**

The subject property is in an area denominated as Medium Density Residential (MDR) under the County's Future Land Use Map which contemplates densities from 2.5 -5 unites per acre. At 4.7 units per acre and being directly contiguous to high density apartment complexes within Cobb County to the south and within the City of Smyrna to the north, the use and density proposed is entirely appropriate from a land use planning perspective.

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

.....  
**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: [Signature] Date: 6/5/14  
By: Garvis L. Sams, Jr., Attorney for Applicant  
Applicant name (printed): BELMONT ASSOCIATES, LLC

**SAMS, LARKIN, HUFF & BALLI**  
A LIMITED LIABILITY PARTNERSHIP

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

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

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

JUSTIN H. MEEKS

SLHB-LAW.COM

September 23, 2014

**VIA HAND DELIVERY & EMAIL**

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

Re: Application of Belmont Associates, LLC to Rezone a 12.336± Acre Tract  
from RM-8 and R-20 to RM-8 (No. Z-54)

Dear John:

As you know, this firm represents Belmont Associates, LLC (“Belmont”) concerning the above-captioned Application for Rezoning. The Application has been continued on a number of occasions primarily based upon Belmont’s change in position as a result of discussions with area residents. However, it is currently scheduled to be heard and considered by the Cobb County Planning Commission on November 4, 2014. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 18, 2014.

As reported to you previously, we have continued our ongoing dialogue and discussions with area residents, specifically focusing those discussions upon homeowners on Cumberland Drive and Cumberland Place which are local residential streets located off of Jane Lyle Road. Additionally, we have heard from and responded to a number of officials and residents in the City of Smyrna to which the subject property has contiguity. With respect to all of these discussions, we have again revised the site plan and have been authorized by Belmont to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted and revised, shall become conditions and a part of the grant of the requested rezoning and shall be binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The revised 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.

**SAMS, LARKIN, HUFF & BALLI**  
A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY & EMAIL**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
September 23, 2014  
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2. The subject property shall be developed in substantial conformity to that certain revised Master Site Plan prepared by Planners & Engineers Collaborative which is being submitted contemporaneously herewith.
3. The subject property is comprised of approximately 12.336 acres which shall be developed as a single-family, owner-occupied, residential townhome community consisting of a total number of sixty-four (64) homes at a maximum density of 5.18 units per acre.
4. Of the total acreage as mentioned above, 5.95 acres (48.2% of the total site area) shall remain as a buffer area and is inclusive of those portions of the subject property east of the rear of Townhomes Nos. 26-33 and the Stormwater Management Area.

With respect to Open Space, 7.45 acres (60.4% of the total site area) shall be provided as Open Space as shown on the revised Master Site Plan.

Buffer areas, tree save areas and stream bank buffers as shown on the revised site plan shall be placed in a Conservation Easement in favor of Cobb County in perpetuity.

5. The townhomes shall be a maximum of three (3) stories in height and shall be a minimum of 1,800 sq. ft.
6. The architectural style and composition of the homes shall be traditional in style as will be demonstrated by the architectural renderings/elevations which will be submitted under separate cover. The front and sides of the townhomes shall include a mixture of components consisting of brick, stacked stone, cementitious stucco, Hardiplank and Hardiplank shake.
7. The creation of a mandatory Homeowners Association (“HOA”) and the submission of a Declaration of Covenants, Conditions and Restrictions (“CCRs”) which shall include, among other components, strict architectural controls.

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<sup>1</sup> The preponderance of the subject property which is being developed for townhomes is already zoned in the RM-8 zoning classification with the subject property being situated between two (2) multi-family apartment developments, one of which is located within the City of Smyrna and the other of which is located within unincorporated Cobb County.



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**VIA HAND DELIVERY & EMAIL**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
September 23, 2014  
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8. The residential community's entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition as will be depicted on the entrance exhibit which will be filed under separate cover.
9. The townhomes within the residential community shall be "for sale". At any one time, no more than ten percent (10%) of the townhomes shall be leased by the owners. This recital shall be contained within the Declaration of Covenants insuring same with said Covenants being submitted to the County prior to the issuance of building permits.
10. The residential community shall be professionally landscaped and shall be of equal or better quality when compared to the quality of the landscaping contained within and around other residential developments along the Atlanta Road Corridor as evidenced by the Landscape exhibit, prepared by Planners and Engineers Collaborative, which is being submitted contemporaneously herewith.

The townhomes on the subject property have been shifted internal to the site in order to ensure that they are substantially removed from the closest single-family residential properties. In so doing, Belmont has provided an undisturbed area directly behind the properties now consisting of the Glaser and Hinson residences, respectively, and has added new buffer plantings at the edge of the land disturbance on the subject property with said planted buffer meeting all requirements of Cobb County Buffer Standards subject to review and approval by the County's Arborist.

In addition to the foregoing, the installation of a black or green vinyl-coated, chain-link fence built to Cobb County standards around the above-ground Stormwater Management Area. The black or green vinyl-coated, chain-link fence shall have attendant landscaping as shown on the revised Master Site Plan on the edge of the undisturbed areas in order to additionally screen the Stormwater Management Area.

11. Common areas within the community such as the clubhouse, landscaping, fencing, signage, lighting and designated Open Space shall be owned, maintained and controlled by the Mandatory Homeowners Association. Certain common space areas may be used for recreational purposes or may include such features as gazebos, benches and walking trails.
12. The Mandatory Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, amenity areas, walking trails, fences, streets, lighting and strategically located guest parking spaces within the proposed residential community.

**SAMS, LARKIN, HUFF & BALLI**  
A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY & EMAIL**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
September 23, 2014  
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13. Compliance with the following recommendations from the Cobb County Department of Transportation:
  - a) The voluntary donation and conveyance of right-of-way on Atlanta Road so that the County can achieve fifty feet (50') from the centerline. However, notwithstanding the conveyance of additional right-of-way on Atlanta Road, Belmont agrees that a ten foot (10') vehicular no access easement will be located along the entirety of the subject property's frontage on Atlanta Road. However, the no access easement shall in no way discourage, impede or negate pedestrian connectivity and walkability.
  - b) At the entrance to the proposed residential development, Belmont will erect appropriate signage which states that no right-hand turning movements will be allowed onto Jane Lyle Road from the subject property and will implement such other remedial measures as DOT determines are appropriate in order to ensure that right-hand turning movements from the subject property do not occur.
  - c) The installation of a sidewalk on at least one side of the interior streets.
  - d) To the extent not already installed and to the extent that existing topography does not preclude same, the installation of sidewalk, curb and gutter along the subject property's frontage along Atlanta Road.
  - e) All streets within the community shall be private with the construction thereof complying in all respects to Cobb County's Design and Detail Specifications regarding public streets.
14. Lighting within the residential community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. Signage interior to the community shall be themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom shall not extend beyond the subject property's boundaries.
15. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site, including the recommendation from the Water System that the townhome community be master-metered and that there be a requirement for a sub-meter on every townhome to encourage water conservation.

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16. Subject to recommendations from the Cobb County Stormwater Management Division with respect to stormwater management requirements, including the following:
  - a) The recognition of fifty foot (50') stream bank buffers and the placement of undisturbed sections of same within a Conservation Easement in favor of Cobb County.
  - b) Insuring that there is a ten percent (10%) reduction in peak stormwater discharges because of existing downstream stormwater management issues which will be alleviated considerably as a result of the inordinate amount of Open Space being preserved.
  - c) In order to maximize the width of stream bank buffers at strategic positions, Belmont will be "buffer averaging" with concurrence from the Stormwater Management Division as shown on the revised Master Site Plan.
17. Compliance with recommendations from the Cobb County Fire Department with respect to life-safety and fire prevention issues.
18. 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> to March 31<sup>st</sup>.
  - b) 7:00 a.m. until 8:00 p.m., Monday through Friday, from April 1<sup>st</sup> to 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.
19. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the residential community.
20. Roads within the residential community shall be built in compliance with Development Regulation 41.08.02.1 (Local Residential Streets) which requires .50 guest parking space per unit. The Applicant shall be allowed to shift the guest parking spaces to accommodate the positioning of driveways.

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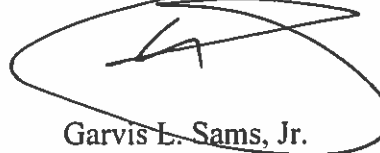
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21. The Applicant agrees to allow the Georgia Native Plant Society to conduct a “plant rescue” prior to the commencement of construction and development on the subject property. However, once notified by the Applicant, the “plant rescue” process shall be completed expeditiously so as not to delay the development.
22. The District Commissioner shall have the authority to approve minor modifications as the development proposal proceeds through the Plan Review process and thereafter 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 property that is zoned in the same or more restrictive zoning district.
  - e) Violate the Cobb County Zoning Ordinance.

I trust that, with this additionally revised information and documentation, you and your staff are now in a position to formulate staff’s Final Zoning Analysis and Recommendations. However, please do not hesitate to contact me should you need anything further in connection with these matters. 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

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Cobb County Zoning Division  
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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, Deputy Director (via email w/attachments)  
Mr. Terry Martin, Planner III (via email w/attachments)  
Mr. Jason Campbell, Planner III (via email w/attachments)  
Mr. David Breaden, P.E. (via email w/attachments)  
Ms. Jane Stricklin, P.E. (via email w/attachments)  
Ms. Lori Barton (via email w/attachments)  
Mr. Frank Savini (via email w/attachments)  
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Mr. Rob Adamson (via email w/attachments)