

**DECEMBER 16, 2013 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

**ITEM OB-70**

**PURPOSE**

To consider amending the site plan for Albert G. Schmerge regarding zoning application Z-95 of 1997 (Schmerge, Campbell & Young), for property located at the northeasterly intersection of Childers Road and Rock Ivy Trail and at the eastern terminus of Huntridge Drive in Land Lots 48, 49, 105 and 106 of the 1st District.

**BACKGROUND**

The subject property was rezoned to Planned Residential Development (PRD) in 1997 to build a residential development on 57.8 acres with eighteen estate size lots. Some of eighteen original lots are undeveloped, which are the subject of this Other Business application. There have been a couple of Other Business items to reconfigure some of the other eighteen lots since 1997. The owner of lots 7-10 desires to slightly revise the lots lines for these four lots in order to have better lots in which to build houses. The access points and private road will remain as they exist today. All the proposed lots are over 2 acres in size. If approved, all previous zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Stormwater Management:** No objections as long as all lots exceed 80,000 sf.

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

**ATTACHMENTS**

Other Business application, proposed site plan and stipulations.

# Application for "Other Business"

## Cobb County, Georgia

08-70

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 12-16-14

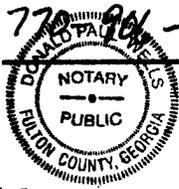
Applicant: Albert G. Schmerge Phone #: 770-906-1100  
(applicant's name printed)

Address: 3752 Rock Ivy Trail, Roswell E-Mail: aschmerge3@mindspring.com  
30075

Albert G. Schmerge III Address: \_\_\_\_\_  
(representative's name, printed)

[Signature] Phone #: 770-906-1100 E-Mail: aschmerge3@mindspring.com  
(representative's signature)

Signed, sealed and delivered in presence of:



[Signature] My commission expires: 3-24-17  
Notary Public

Titleholder(s): Albert & Judith Schmerge Phone #: (770)-552-1522  
(property owner's name printed)

Address: 3752 Rock Ivy Trail, Roswell E-Mail: aschmerge3@mindspring.com  
30075

[Signature] Judith J. Schmerge  
(Property owner's signature) Property owners signature

Signed, sealed and delivered in presence of:

[Signature] My commission expires: 10/24/2018  
Notary Public

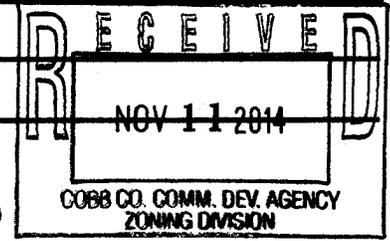
Commission District: Birrell Zoning Case: 295

Date of Zoning Decision: AUG 97 Original Date of Hearing: AUG 97

Location: 3732-3702 ROCK IVY TR.  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 48, 49, 105 + 106 District(s): 175

State specifically the need or reason(s) for Other Business: \_\_\_\_\_  
APPROVE LOT LINE REVISION FOR PRD  
ZONING



(List or attach additional information if needed)

OB-70-2014

Proposed  
Plan

TRANSVERSE CLOSURE - 1:06,063  
 ANGULAR ERROR - 0.0 sec  
 ADJUSTMENT - COMPASS RULE  
 EQUIPMENT - TOPCON 303 TOTAL STATION  
 MAGNETIC BEARING ROTATED TO MATCH  
 RECORDS DEED  
 PLAT CLOSURE - 1:322,487  
 ALL MATTERS OF TITLE ARE EXCEPTED.  
 ORIGINAL FIELD WORK COMPLETED SEPT. 4, 2013.  
 ADDITIONAL FIELD WORK COMPLETED SEPT. 3, 2014.

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A FEMA  
 FLOOD ZONE ACCORDING TO COBB COUNTY FIRM PANEL 0088 N  
 COMMUNITY No. 130022 DATED MARCH 4, 2013.

I HEREBY CERTIFY THAT I AM THE OWNER OF THE LAND SHOWN ON THIS PLAT (IF A BARELY APPROVED AGENT WORKED)  
 WHOSE NAME IS SUBSCRIBED HEREON. I ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY. I UNDERSTAND  
 THAT THE APPROVAL OF THIS PLAT BY COBB COUNTY IS ONLY FOR THE SUBMISSION OR COMPLETION OF THIS PROPERTY,  
 AND IS NOT MEANT TO BE AN APPROVAL OF ANY NON-COMPLIANCE CONDITIONS THAT CURRENTLY EXIST ON THIS  
 PROPERTY OR WILL BE CREATED BY THE SUBMISSION OR COMPLETION OF THIS PROPERTY.  
 AND FURTHER, I WARRANT THAT I OWN THE WHOLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREE THAT COBB COUNTY  
 SHALL NOT BE LIABLE TO ME FOR ANY NON-COMPLIANCE, OR DAMAGES FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE  
 RECORDING OF THIS PLAT, AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND  
 CONVEY THE LAND ACCORDING TO THIS PLAT AND HEREBY BIND MYSELF AND MYSELF AGREEMENT IN WRITING TO DEFEND BY  
 WRITING OF THESE PROVISIONS.

SUBSCRIBER \_\_\_\_\_ DATE \_\_\_\_\_  
 SUBSCRIBER \_\_\_\_\_ DATE \_\_\_\_\_



**BUILDING LINE SETBACKS:**  
 (UNLESS OTHERWISE SHOWN)  
 FRONT - 50'  
 SIDE - 30'  
 REAR - 35'

**PROPERTY ADDRESS:**  
 LOT 7 - 3742 ROCK IVY TRAIL  
 ROSWELL, GA. 30075  
 LOT 8 - 3742 ROCK IVY TRAIL  
 ROSWELL, GA. 30075  
 LOT 9 - 3742 ROCK IVY TRAIL  
 ROSWELL, GA. 30075  
 LOT 10 - 3742 ROCK IVY TRAIL  
 ROSWELL, GA. 30075

**REFERENCE DEED:**  
 DB. 14746, PG. 6363  
 LOT RE-CONFIGURATION  
 BASED ON SURVEY FROM  
 DB. 14746, PG. 6367  
 OLD I.V. UNIT # RECORDED  
 IN P.B. 103, PG. 12

**ZONING:**  
 PHD

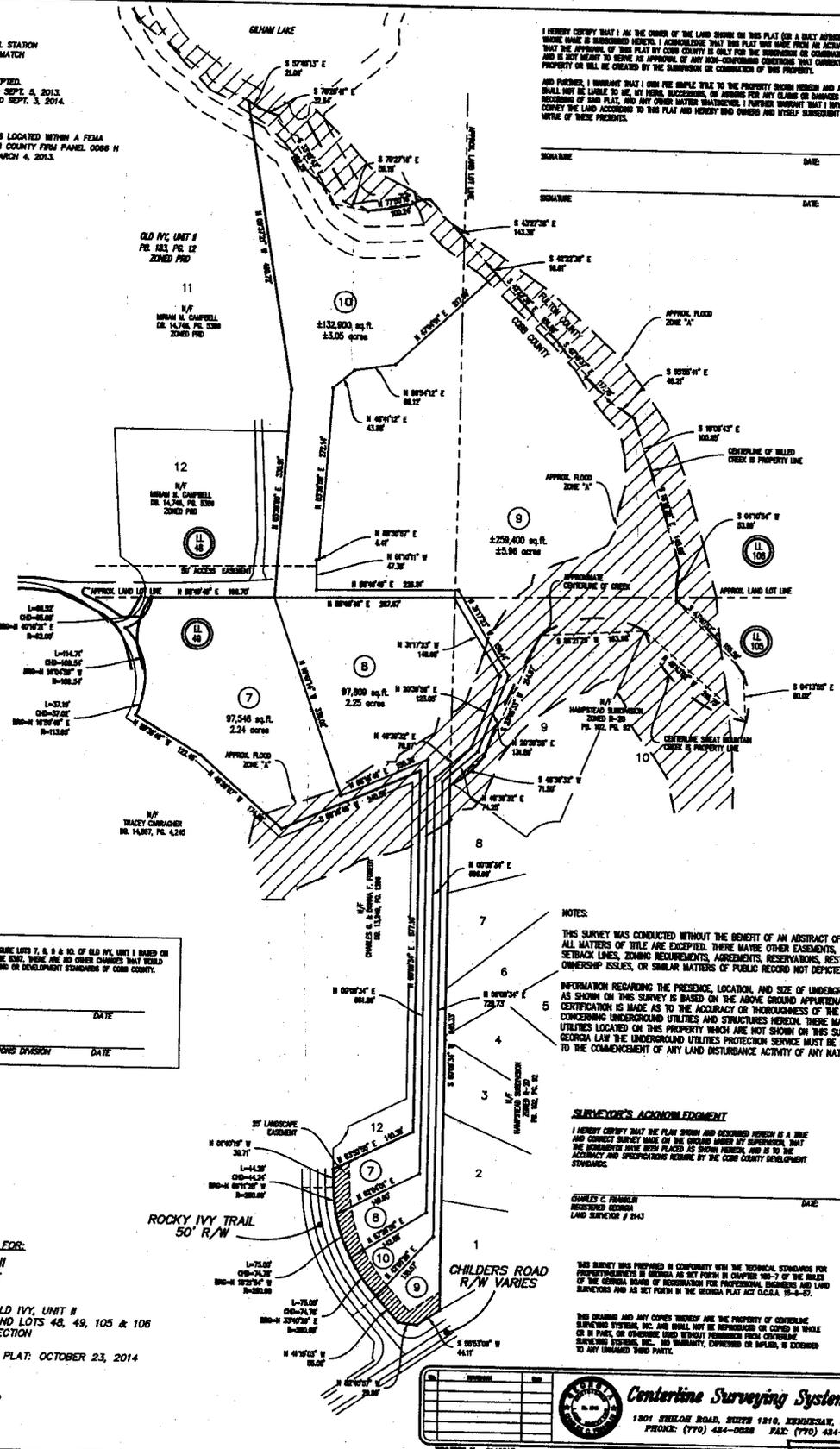
THE PURPOSE OF THIS PLAT IS TO RE-CONFIGURE LOTS 7, 8, 9 & 10 OF OLD I.V. UNIT # BASED ON  
 SURVEY RECORDED IN DEED BOOK 14746, PAGE 6367. THERE ARE NO OTHER CHANGES THAT WOULD  
 CREATE A NON-COMPLIANCE WITH THE ZONING OR DEVELOPMENT STANDARDS OF COBB COUNTY.

ZONING DIVISION \_\_\_\_\_ DATE \_\_\_\_\_  
 DEVELOPMENT & INSPECTIONS DIVISION \_\_\_\_\_ DATE \_\_\_\_\_

**TRACT CONTAINS:**  
 ±13.5 ACRES  
 (587,700 SQ. FT.)

**LOT RECONFIGURATION PLAT FOR:**  
 ALBERT G. SCHMERGE III  
 & JUDITH F. SCHMERGE

BEING LOTS 7, 8, 9 & 10, OLD I.V. UNIT #  
 PROPERTY IS LOCATED IN LAND LOTS 48, 49, 105 & 106  
 IN THE 1ST DISTRICT, 2ND SECTION  
 COBB COUNTY, GEORGIA  
 SCALE: 1" = 100' DATE OF PLAT: OCTOBER 23, 2014



**NOTES:**  
 THIS SURVEY WAS CONDUCTED WITHOUT THE BENEFIT OF AN ABSTRACT OF TITLE. THEREFORE  
 ALL MATTERS OF TITLE ARE EXCEPTED. THERE MAYBE OTHER EASEMENTS, RIGHTS-OF-WAY,  
 SETBACK LINES, ZONING REQUIREMENTS, AGREEMENTS, RESERVATIONS, RESTRICTIONS,  
 OWNERSHIP ISSUES, OR SIMILAR MATTERS OF PUBLIC RECORD NOT DEPICTED HEREON.  
 INFORMATION REGARDING THE PRESENCE, LOCATION, AND SIZE OF UNDERGROUND UTILITIES  
 AS SHOWN ON THIS SURVEY IS BASED ON THE ABOVE GROUND APPEARANCES. NO  
 CERTIFICATION IS MADE AS TO THE ACCURACY OR TRUTHFULNESS OF THE INFORMATION  
 CONCERNING UNDERGROUND UTILITIES AND STRUCTURES HEREON. THERE MAY BE OTHER  
 UTILITIES LOCATED ON THIS PROPERTY WHICH ARE NOT SHOWN ON THIS SURVEY. PER  
 GEORGIA LAW THE UNDERGROUND UTILITIES PROTECTION SERVICE MUST BE NOTIFIED PRIOR  
 TO THE COMMENCEMENT OF ANY LAND DISTURBANCE ACTIVITY OF ANY NATURE.

**SURVEYOR'S ACKNOWLEDGMENT**  
 I HEREBY CERTIFY THAT THE PLAT SHOWN AND RECORDED HEREON IS A TRUE  
 AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT  
 THE INSTRUMENTS HAVE BEEN PLACED AS SHOWN HEREON, AND AS TO THE  
 ACCURACY AND SPECIFICATIONS REQUIRE BY THE COBB COUNTY DEVELOPMENT  
 STANDARDS.  
 CHARLES C. FRANKLIN \_\_\_\_\_ DATE \_\_\_\_\_  
 REGISTERED GEORGIA  
 LAND SURVEYOR # 5143

THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR  
 SURVEYING IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES  
 OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND  
 SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 18-5-2.

THIS DRAWING AND ANY COPIES THEREOF ARE THE PROPERTY OF CENTERLINE  
 SURVEYING SYSTEMS, INC. AND SHALL NOT BE REPRODUCED OR COPIED IN WHOLE  
 OR IN PART, OR OTHERWISE USED WITHOUT WRITING FROM CENTERLINE  
 SURVEYING SYSTEMS, INC. AN INQUIRY, EXPRESSION OR IMPLIES, IS EXTENDED  
 TO ANY UNMIND THIRD PARTY.

FORMER No. 064617

SEARCHED	INDEXED
SERIALIZED	FILED

**Centerline Surveying Systems, Inc.**  
 1901 BRIDLE ROAD, SUITE 1810, KENNESAW, GA 30144  
 PHONE: (770) 424-0028 FAX: (770) 424-8588

**RECEIVED**  
 NOV 11 2014  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

**CONSENT AGENDA**

~~MI-9 BETTY JO BARNES (Betty Jo Barnes, owner) for a Land Use Permit (renewal) for the purpose of Parking a Mobile Home (medical hardship) in Land Lot 75 of the 20<sup>th</sup> District. 1 acre. Located on the west side of Acworth-Dallas Road, west of Georgia Highway 92. The Board of Commissioners, as part of the Consent Agenda, **approved** Land Use Permit for 12 months. Motion by Wysong, second by W. Thompson, carried 5-0.~~

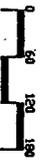
Z-94 **CORNERSTONE INVESTMENTS COMPANY (G. F. Doyal, L. C. Doyal, et al, owners) for Rezoning from R-20 to R-15 for the purpose of a Subdivision in Land Lots 416, 417, 472 and 473 in the 19<sup>th</sup> District. 52.8 acres. Located on the south side of Macland Road, east of Bankstone Road. The Board of Commissioners, as part of the Consent Agenda, **approved** Rezoning to the R-15 zoning district subject to: 1) minimum house size of 1,800 square feet; 2) project subject to Stormwater Management Division comments and recommendations; 3) Water and Sewer comments and recommendations; 4) project subject to Cobb DOT comments and recommendations; 5) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements. Motion by Wysong, second by W. Thompson, carried 5-0.**

Z-95 **SCHMERGE, CAMPBELL & YOUNG (Julia H. Green, Judith F. Schmerge, A. G. Schmerge and Diane Gilkey, owners) for Rezoning from R-30 and PRD to PRD for the purpose of a Subdivision in Land Lots 30, 48, 49 and 106 of the 1<sup>st</sup> District. 57.8 acres. Located on the northwest side of Childers Road, west of Hampstead Lane and east of Huntridge Drive. The Board of Commissioners, as part of the Consent Agenda, **approved** Rezoning to the PRD zoning district subject to: 1) minimum house size of 4,000 square feet; 2) home sites to be located as shown on revised site plan for setback purposes (plan attached and made a part hereof); 3) private drive to be recorded as a permanent access easement to serve all 18 lots; 4) protective covenants to be recorded conveying all responsibility for maintenance/upkeep of any open space, bridges, and private drives to the homeowners; 5) Water and Sewer comments and recommendations; 6) project subject to Cobb DOT comments and recommendations; 7) project subject to Stormwater Management Division comments and recommendations; 8) 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. Motion by Wysong, second by W. Thompson, carried 5-0.**

PRELIMINARY LAND USE PLAN  
**CHILDERS ROAD TRACT**  
 COBB COUNTY, GEORGIA

Prepared for:  
**SCHERBEE, CAMPBELL, AND YOUNG**

SCALE: 1" = 60'

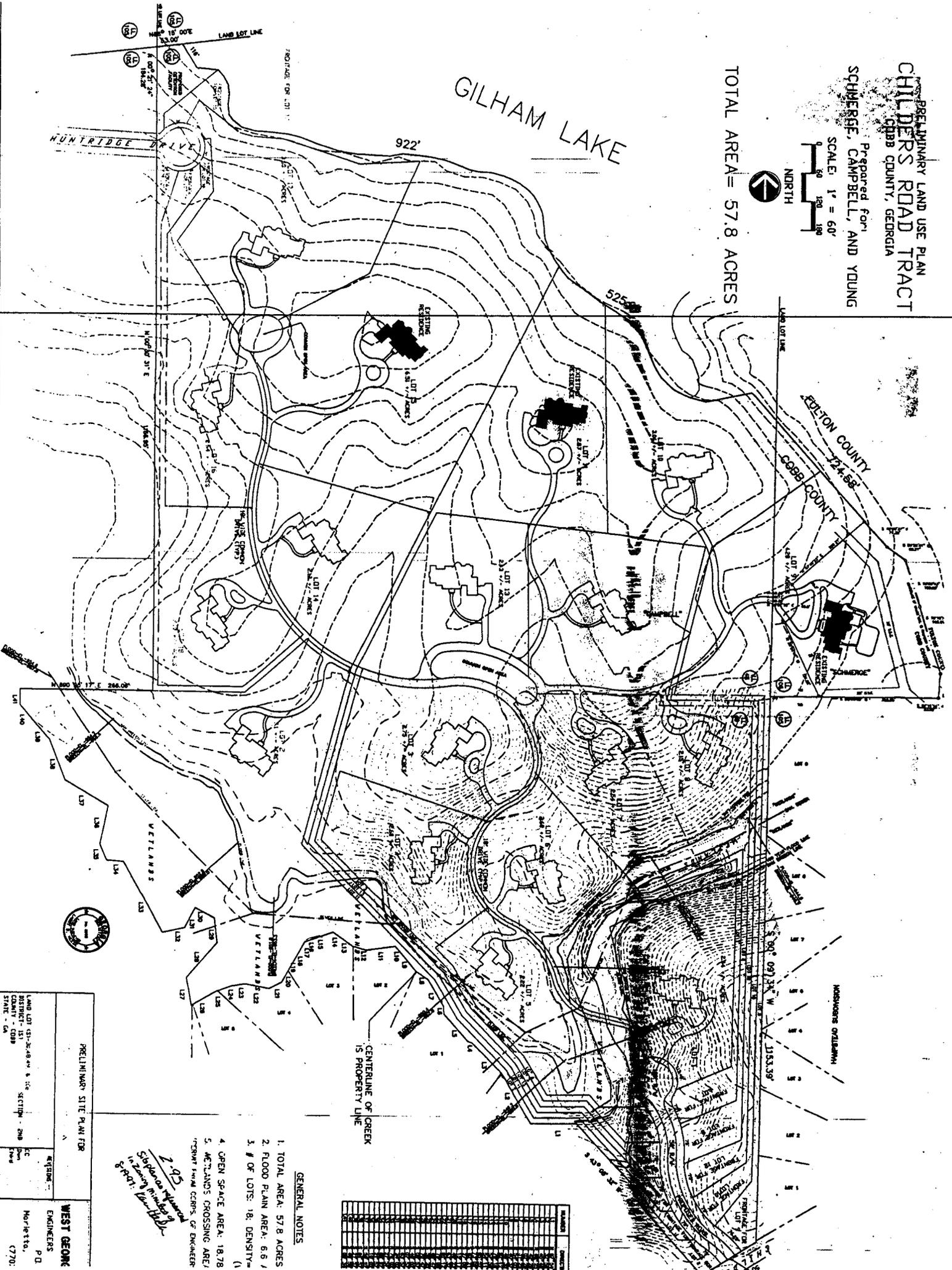


NORTH



TOTAL AREA = 57.8 ACRES

GILHAM LAKE



**GENERAL NOTES**

1. TOTAL AREA: 57.8 ACRES
2. FLOOD PLAIN AREA: 6.6 /
3. # OF LOTS: 18. DENSITY = (
4. OPEN SPACE AREA: 18.78
5. METRANS CROSSING AREA

*105*  
 Steven A. ...  
 ...  
 ...

PRELIMINARY SITE PLAN FOR

LAND LOT 105-20-0000 & 106 DISTRICT - 131 COUNTY - COBB STATE - GA DATE - 02/17/77	ACTION - 200 SHEET NO. 105	ENGINEER <b>WEST GEORGE</b> ENGINEERS P.O. Norretto, 1770:
--	-------------------------------	---

ORIGINAL DATE OF APPLICATION: 08-19-97APPLICANTS NAME: SCHMERGE, CAMPBELL & YOUNGTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 04-20-00 ZONING HEARING:****OTHER BUSINESS ITEM #6 - TO CONSIDER A SITE PLAN  
AMENDMENT FOR WEST GEORGIA SURVEYORS REGARDING Z-95  
(SCHMERGE, CAMPBELL & YOUNG) OF AUGUST 19, 1997**

To consider a Site Plan Amendment for West Georgia Surveyors regarding Z-95 (Schmerge, Campbell & Young) of August 19, 1997, for property located on the northwest side of Childers Road, west of Hampstead Lane and east of Huntridge Drive in Land Lots 30, 48, 49 and 106 of the 16<sup>th</sup> District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request. The Board of Commissioners **approved** request to amend site plan for West Georgia Surveyors regarding Z-95 (Schmerge, Campbell & Young) of August 19, 1997, for property located on the northwest side of Childers Road, west of Hampstead Lane and east of Huntridge Drive in Land Lots 30, 48, 49 and 106 of the 16<sup>th</sup> District **subject to:** 1) **amended site plan submitted (reduced copy attached and made a part of these minutes);** 2) **letter from West Georgia Surveyors, Inc. dated April 4, 2000 (copy attached and made a part of these minutes);** 3) **all other previously approved conditions/stipulations remain in effect.** Motion by Olens, carried 5-0.



# WEST GEORGIA SURVEYORS, INC.

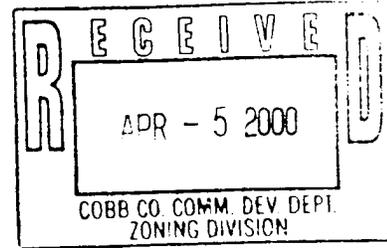
PAGE 10 OF 10

ENGINEERS • PLANNERS • SURVEYORS  
731 SANDTOWN ROAD MARIETTA, GEORGIA 30008  
FAX (770) 422-9178  
(770) 428-2122

Deut. 27:17

April 4, 2000

Mr. Mark Danneman  
Cobb County Zoning Division  
191 Lawrence Street, 3<sup>rd</sup> Floor  
Marietta, Georgia 30060



Re: Old Ivy Subdivision

Dear Mark:

Please except this letter as an official request to petition the Cobb County Board of Commissioners for a minor plan amendment to the above referenced subdivision. I have reviewed the revisions with your staff and was advised to contact the commissioner for this District, Mr. Sam Olens. I have discussed the proposed changes with his office and they agree this is a minor change in the previously approved plan for this development.

The changes we are requesting are to the "legs" serving Lot 14 moving from the south side of Lot 18 to the north side of Lot 18. The purchaser of Lot 2, Dr. Jerdan, is also requesting us to combine Lots 2 and 18 for a total of 9.36 Acres (eliminating Lot 18) and moving the Proposed Home Site closer to the original line dividing these lots. We are also requested to move the line dividing Lots 3 and 4 a distance of 10.0' north (onto lot 3) at the same time these other revisions are made to the recorded Subdivision Plat.

Thank you for your assistance in this matter. If I may be of any service please contact me.

Sincerely,

Larry D. Neese  
President

Min. Bk. 14 Planning No. 2950 '97  
Doc. Type site plan Amendment  
request letter  
Working Date 4/20/00  
Other Business Item # 6

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 15, 2013  
PAGE 14

OTHER BUSINESS (CONT.)

O.B. 7 Continued (see page 2)

O.B. 8 To consider a site plan amendment for Brooks Chadwick Capital, LLC regarding rezoning application Z-95 of 1997 (Schmerge, Campbell & Young), for property located at the eastern end of Huntridge Drive and on the northern end of Rock Ivy Trail in Land Lots 48, 49 and 106 of the 1st District.

Mr. Rob Hosack, Community Development Director, provided information regarding a site plan amendment. The public hearing was opened and Mr. John Moore, Mr. Paul Wertz, and Mr. Dean Waters addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to approve Other Business Item No. 8 for stipulation amendments regarding application Z-95 of 1997 (Schmerge, Campbell & Young), for property located at the eastern end of Huntridge Drive and on the northern end of Rock Ivy Trail in Land Lots 48, 49 and 106 of the 1st District, subject to:

- *Revised* letter of agreeable conditions from Mr. John Moore dated October 14, 2013 including site plan (attached and made a part of these minutes)
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED unanimously

ADJOURNMENT

The meeting was adjourned at 11:44 a.m.

  
\_\_\_\_\_  
Lori Barton, Deputy County Clerk  
Cobb County Board of Commissioners

# MOORE INGRAM JOHNSON & STEELE

A FULL SERVICE LAW FIRM  
WWW.MIJS.COM

JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON<sup>1</sup>  
ROBERT D. INGRAM<sup>1</sup>  
J. BRIAN O'NEIL  
G. PHILLIP BEGGGS  
ELOON L. BASHAM  
MATTHEW J. HOWARD  
JERE C. SMITH  
CLAYTON O. CARMACK  
KEVIN S. CANLOCK<sup>2</sup>  
ALEXANDER T. GALLOWAY III<sup>2</sup>  
J. KEVIN MOORE  
RODNEY R. MCCOLLOCH  
SUDAN S. STUART  
BRIAN D. SMITH  
HARRY R. TEAR III  
W. TROY HART<sup>3</sup>  
JEFFREY A. DAXE  
KIM A. ROBER  
VICTOR P. VALMUS  
WILLIAM R. WINDERS, JR.<sup>4</sup>

ANGELA H. SMITH<sup>2</sup>  
JOYCE W. HARPER  
CHRISTOPHER C. MINGLEDORFF  
ANGELA D. TARTLINE  
DAREY E. OLSON<sup>2</sup>  
CHARLES E. PIERCE<sup>2</sup>  
PRESTON D. HOLLOWAY<sup>2</sup>  
WILMA R. BUSH  
GREGORY H. FULLER<sup>2</sup>  
VERÓNICA L. RICHARDSON  
TUDD I. HEIRD<sup>2</sup>  
ALEXANDER B. MORRISON<sup>2</sup>  
DOUGLAS W. BUTLER, JR.  
APRIL R. HOLLOWAY  
CARLA C. WESTER<sup>2</sup>  
ADDN J. SOLOMON<sup>2</sup>  
AMY L. JETT<sup>2</sup>  
JEFF C. NORMAN<sup>2</sup>  
RYAN M. INGRAM  
SHAWN G. SHELTON  
KRISTEN C. STEVENSON<sup>2</sup>  
CARLY R. FEDELE

**MARIETTA, GEORGIA**  
EMERSON OVERLOOK  
325 ROSWELL ST  
MARIETTA, GEORGIA 30060  
TELEPHONE (770) 429-1499

**KNOXVILLE, TENNESSEE**  
408 N. CEDAR BLUFF RD. • STE 300  
KNOXVILLE, TENNESSEE 37923  
TELEPHONE (865) 582-9039

**JACKSONVILLE, FLORIDA**  
10155 DEERWOOD PARK BLVD • BLDG 200, STE 250  
JACKSONVILLE, FLORIDA 32256  
TELEPHONE (904) 424-1445

**NASHVILLE, TENNESSEE**  
3200 WEST END AVE • STE 600  
NASHVILLE, TENNESSEE 37203  
TELEPHONE (615) 425-7347

**LOUISVILLE, KENTUCKY**  
9500 CORPORATE CAMPUS DR • STE 5000  
LOUISVILLE, KENTUCKY 40223  
TELEPHONE (502) 410-6021

**CHARLESTON, SOUTH CAROLINA**  
4000 S. FABER PLACE DR • STE 300  
CHARLESTON, SOUTH CAROLINA 29405  
TELEPHONE (843) 302-0002

SARAH H. BEST<sup>1</sup>  
RYAN C. EDENS<sup>2</sup>  
JULIE D. FULLER<sup>2</sup>  
JODI D. LODEN<sup>2</sup>  
TAMMI L. BROWN  
TRAVIS R. JACKSON  
DAVID A. HURJADU  
J. MARSHALL WEHUNT  
JONATHAN J. SMITH  
MONTOYA M. HO-SANG<sup>1</sup>  
TRISTAN B. MORRISON<sup>2</sup>  
WILLIAM B. WARRHAY<sup>2</sup>  
W. COLLINS BROWN  
ROBERT A. BUTLER  
COLLEEN K. HORN<sup>2</sup><sup>2</sup>  
GRAHAM P. ROBERTS  
DAVID J. OTTEN<sup>2</sup>  
JONATHAN S. FUTRELL  
JOSHUA D. ARTERS<sup>2</sup>  
NORBERT D. HUMMEL, IV  
DAVID P. CONLEY  
LYNDOSEY J. HURST

B. CHASE ELLEBY  
G. BARDIA HOOKS  
DAPHNE B. WITHROW  
WILLIAM W. MCGOWAN, II<sup>2</sup>  
TYLER R. MORGAN<sup>2</sup>  
MARIANNA L. JABLONSKI<sup>2</sup>

OF COUNSEL  
JOHN L. SKELTON, JR.<sup>1</sup>

<sup>1</sup> ALSO ADMITTED IN TN  
<sup>2</sup> ALSO ADMITTED IN FL  
<sup>3</sup> ALSO ADMITTED IN TX  
<sup>4</sup> ALSO ADMITTED IN AL  
<sup>5</sup> ALSO ADMITTED IN KY  
<sup>6</sup> ALSO ADMITTED IN SC  
<sup>7</sup> ALSO ADMITTED IN NC  
<sup>8</sup> ADMITTED ONLY IN TN  
<sup>9</sup> ADMITTED ONLY IN FL

October 14, 2013

## Hand Delivered

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

Min. Bk. 70 Petition No. 088  
Doc. Type letter of agree-  
able conditions  
Meeting Date 10/15/13

RE: Application for "Other Business" - Application No. Z-95 (1997)  
(Other Business Item No. 8)

Applicant: Brooks Chadwick Capital, LLC  
Property Owners: Kenneth H. Young and Jenny Lee Young  
Property: 19.6 acres located on the northeasterly side of Childers Road and at the current end of Huntridge Drive, Land Lot 48, 1<sup>st</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent the Applicant, Brooks Chadwick Capital, LLC hereinafter "Applicant"), and the Property Owners, Kenneth H. Young and Jenny Lee Young (hereinafter collectively "Owners"), in the above-referenced Application for "Other Business" regarding the 19.6 acre tract located on the northeasterly side of Childers Road and at the current terminus of Huntridge Drive, Land Lot 48, 1<sup>st</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or the "Subject Property"), which was the subject of Application No. Z-95 (1997) and an "Other Business" amendment, both of which were approved by the Cobb

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 5  
October 14, 2013

Petition No. OB B  
Meeting Date 10/15/13  
Continued

County Board of Commissioners on August 19, 1997, and April 20, 2000, respectively. After continuing discussions with area residents, we respectfully submit the following revised stipulations and conditions, which, if the amendments requested in the pending Application for "Other Business," are approved, as presented, shall become binding approvals and stipulations for development of the Subject Property. This letter of revised agreeable stipulations and conditions shall supersede and replace in full the prior stipulation letter dated and filed October 9, 2013. The revised stipulations and conditions proposed on behalf of Applicant are as follows:

- (1) The zoning classification applicable to the Subject Property is Planned Residential Development ("PRD"), with stipulations, and Applicant proposes development to the PRD zoning classification, site plan specific to the Site Plan prepared for Applicant by Centerline Surveying Systems, Inc., dated July 13, 2013, and submitted to the Zoning Office with the Application for "Other Business" on August 13, 2013. A reduced copy of the Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (2) The purpose of this amendment is to amend prior site plans and certain stipulation as follows:
  - (a) To allow the re-location of the private roadway to the location as shown and delineated on the subject Site Plan;
  - (b) To allow the removal of any and all roadway features such as cul-de-sacs, turn arounds, and the like as shown and reflected on previously approved site plans;
  - (c) To allow the removal of the detention pond shown adjacent to Gilham Lake;
  - (d) Deletion of the stipulation requiring residences within the development to be located as shown and reflected on the previously approved site plans; and
  - (e) Lots 2 and 18 shall remain separate lots and shall not be combined.
- (3) Applicant agrees to meet with Cobb County Department of Transportation representatives to determine the existing condition of Huntridge Drive and to photograph the street. A Huntridge Drive representative, whose name shall be supplied to Applicant, shall be notified of the meeting between Applicant and Cobb County Department of Transportation, and shall be allowed to participate

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP

Zoning Administrator

Zoning Division

Cobb County Community Development Agency

Page 3 of 5

October 14, 2013

Petition No. 088  
Meeting Date 10/15/13  
Continued

in the viewing and photographing. Any damage occurring to Huntridge Drive as a result of development activities of Applicant shall be repaired by Applicant at its cost.

- (4) All construction worker vehicles shall not be allowed to utilize Huntridge Drive.
- (5) During the school year, all vehicles seeking to deliver materials and equipment to the Subject Property over Huntridge Drive shall do so only after 9:00 a.m. In addition, there shall be no delivery of materials or equipment on Saturdays, Sundays, or holidays.
- (6) If the residents along Huntridge Drive desire to tie-in to the sewer located on the Subject Property at Gilham Lake, nearest and adjacent to Lot 8, Block B, Huntridge Estates (4637 Huntridge Drive) and rear to the common corner of Land Lots 31, 32, 47, and 48, 1<sup>st</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, then Applicant shall meet with the residents and representatives of the Cobb County Water System to determine the feasibility of any such sewer connection. If it is determined by the Cobb County Water System that it is feasible to tie-in to the sewer, as above stated, and the rules and regulations allow such connection and use therefor is allowed by the system, then Applicant agrees to work with the residents to provide a private easement, if necessary, for access to sewer easement tie-in. However, any and all costs associated with any approved tie-in to sewer service shall be at the sole cost and expense of said residents of Huntridge Drive.
- (7) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of residences, and shall not be parked on or along either Childers Road or Huntridge Drive. There will be no stacking of vehicles on either road waiting for entry onto the Subject Property.
- (8) A gate at the end of Huntridge Drive, prior to entering upon the Subject Property, shall be in place during development and construction.
- (9) There shall be no fuel storage upon the areas to be developed.

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- (10) The post-development stormwater flows from the Subject Property shall be reduced to at or below the existing flows; and, therefore, no adverse effect on downstream properties is anticipated.
- (11) The District Commissioner shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or, increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business" Application."
- (12) Except as otherwise amended by the Site Plan and the stipulations presented in the pending Application for "Other Business," the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, approved by the Cobb County Board of Commissioners on August 19, 1997, and April 20, 2000, are unaltered and unchanged by this request for site plan and stipulation amendment.

We believe the amendments requested pursuant to the revised stipulations and conditions and the Site Plan presented herein will allow for an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed addition to the existing residential community of Old Ivy shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

**MOORE INGRAM JOHNSON & STEELE**

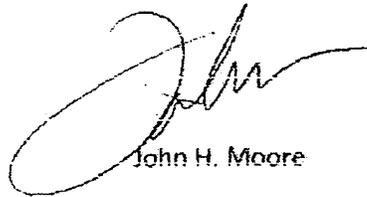
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With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachment

c: Cobb County Board of Commissioners:

Timothy D. Lee, Chairman

Helen C. Goreham

Robert J. Ott

Joann Birrell

Lisa N. Cupid

(With Copy of Attachment)

Paul Wertz

Receiving Representative for Huntridge Estates Residents

(With Copy of Attachment)

Brooks Chadwick Capital, LLC

(With Copy of Attachment)

