

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

**ITEM OB-71**

**PURPOSE**

To consider amending the site plan for Kerley Family Homes regarding zoning application Z-126 of 2003 (Tal Mar Properties, Inc.), for property located at the southwesterly intersection of New Chastain Road and Blackwell Circle in Land Lot 371 of the 16th District.

**BACKGROUND**

The subject property was rezoned in 2003 to Low Rise Office (LRO) and R-20 for an office building. The property was zoned to the site plan with many conditions. The applicant would like to amend the approved site plan in order to construct a 2,300 square foot addition to the eastern side of the existing building. The addition will match the existing building with an exterior consisting of brick, stucco and siding, with a standing seam metal roof. The applicant will also add 23 parking spaces so the required number of parking spaces is met. The proposal will continue to meet the R-20 buffers on the southern and western property lines. If approved, all previous zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Stormwater Management:** Subject to Plan Review. May require stormwater management to be provided. At a minimum new parking area may need to be constructed using pervious pavers/ pavement to mitigate increase in site runoff.

**Water & Sewer Comments:** Department of Environmental Health approval will be required for continued use of septic system.

**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

OB-71

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

BOC Hearing Date Requested: 12-16-14

Applicant: Kerley Family Homes Phone #: 770-792-5500  
(applicant's name printed)

Address: 750 Chastain Corner, MHA Ga 30066 E-Mail: caxley@kerleyfamilyhomes.com

Gene Kerley Address: 750 Chastain Corner, Marietta Ga 30066  
(representative's name printed)

[Signature] Phone #: 404-480-9601 E-Mail: gkerley@kerleyfamilyhomes.com  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: Sept. 9, 2018  
Notary Public

Titleholder(s): Kerley Family Homes Phone #: 770-792-5500  
(property owner's name printed)

Address: 750 Chastain Corner, MHA Ga 30066 E-Mail: gkerley@kerleyfamilyhomes.com

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: Sept. 9, 2018  
Notary Public

Commission District: 3 Zoning Case: z-126 - 2003

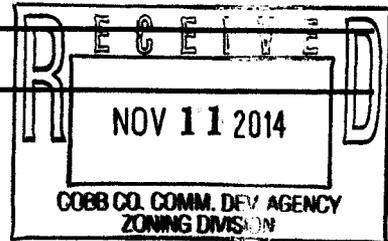
Date of Zoning Decision: 2003 Original Date of Hearing: 9-16-03

Location: 750 Chastain Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 371 District(s): 16

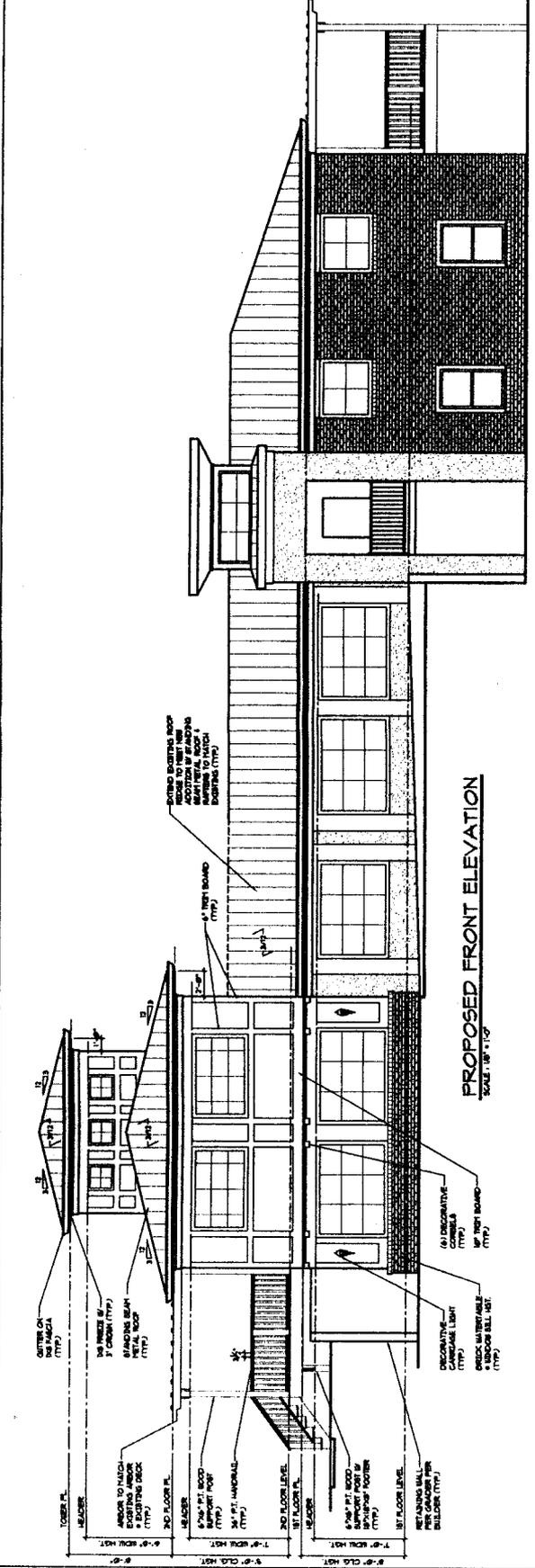
State specifically the need or reason(s) for Other Business: to add addition to current office

(List or attach additional information if needed)

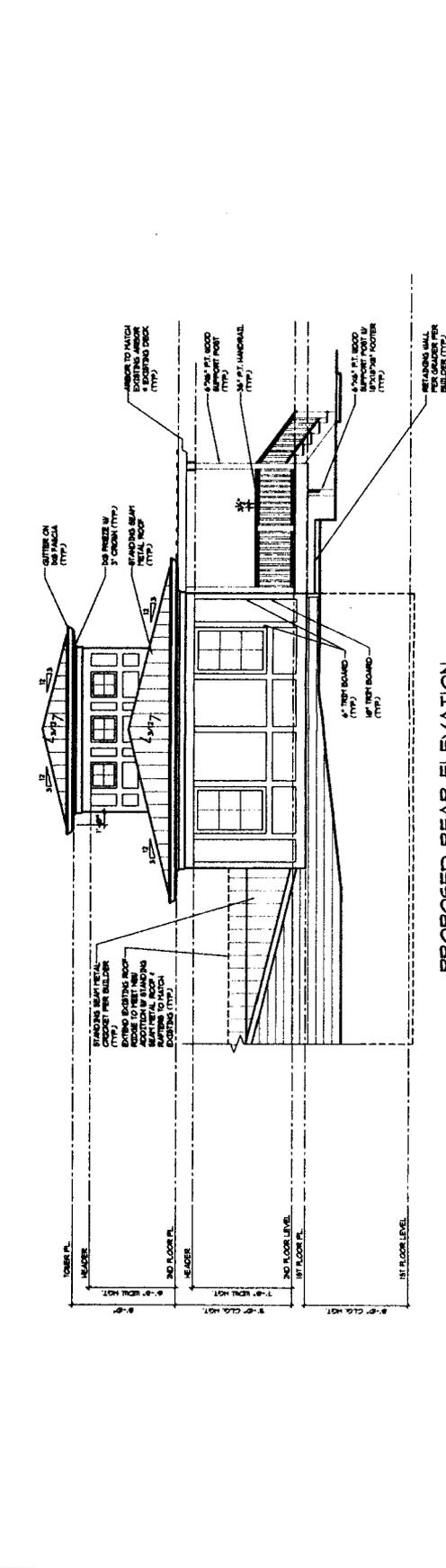




COMP. DATE	12/14
DRAWN BY	JL
CHECKED BY	JD
REVISION	02/14/15
NO.	DATE



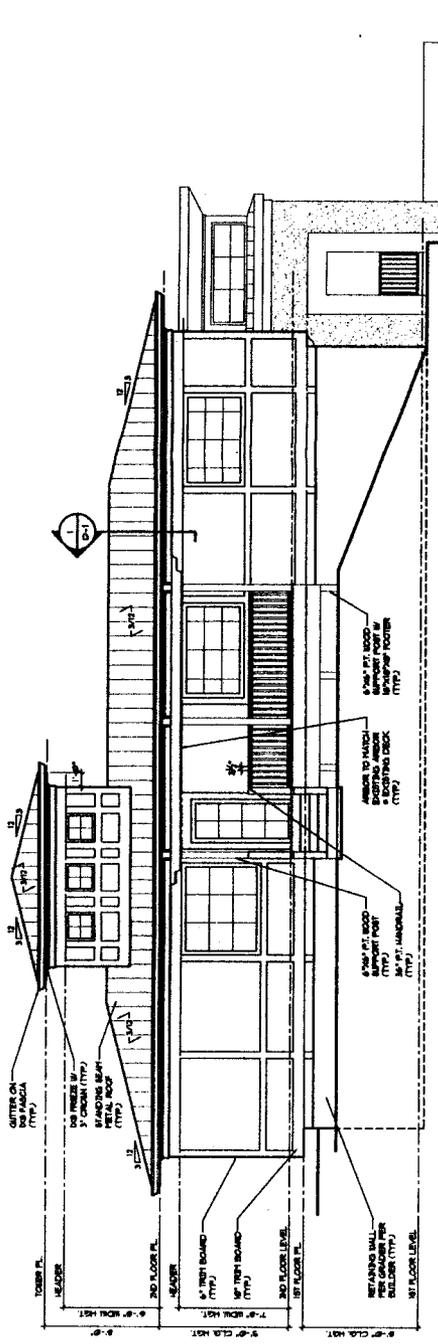
**PROPOSED FRONT ELEVATION**  
 SCALE: 1/8" = 1'-0"



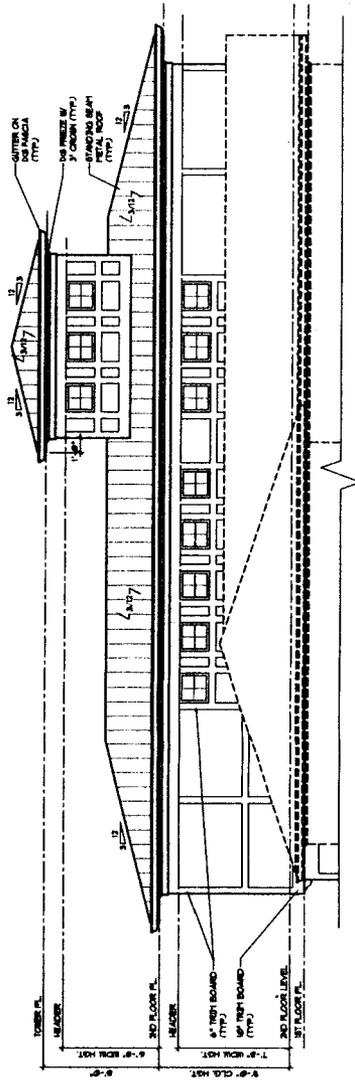
**PROPOSED REAR ELEVATION**  
 SCALE: 1/8" = 1'-0"

**PLANS RELEASED FOR CONSTRUCTION**

THIS SET OF ARCHITECTURAL DRAWINGS IS THE PROPERTY OF CADD DRAFTING SERVICES LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, REPRODUCED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF CADD DRAFTING SERVICES LLC. ANY UNAUTHORIZED USE OF THESE DRAWINGS IS STRICTLY PROHIBITED. THE USER OF THESE DRAWINGS AGREES TO HOLD CADD DRAFTING SERVICES LLC HARMLESS FROM AND AGAINST ALL LIABILITY, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED BY CADD DRAFTING SERVICES LLC AS A RESULT OF SUCH UNAUTHORIZED USE. THE USER OF THESE DRAWINGS AGREES TO INDEMNIFY AND HOLD CADD DRAFTING SERVICES LLC HARMLESS FROM AND AGAINST ALL LIABILITY, DAMAGES, LOSSES, AND EXPENSES, INCLUDING REASONABLE ATTORNEY'S FEES, THAT MAY BE INCURRED BY CADD DRAFTING SERVICES LLC AS A RESULT OF SUCH UNAUTHORIZED USE.



**PROPOSED LEFT ELEVATION**  
 SCALE: 1/8" = 1'-0"



**PROPOSED RIGHT ELEVATION**  
 SCALE: 1/8" = 1'-0"

**PLANS RELEASED FOR CONSTRUCTION**

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ORIGINAL DATE OF APPLICATION: 09-16-03APPLICANTS NAME: TAL MAR PROPERTIES, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-16-03 ZONING HEARING:**

**TAL MAR PROPERTIES, INC.** (Julian Ray Leroy, et al., owners) for Rezoning from **R-20** to **LRO** for the purpose of an Office in Land Lot 371 of the 16<sup>th</sup> District. Located at the southwest intersection of New Chastain Road and Blackwell Circle.

The public hearing was opened and Mr. Garvis Sams, Jr., and Ms. Hilda Towery addressed the Board. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by Lee, second by W. Thompson, to **delete** rezoning to the **LRO** and **R-20** zoning districts **subject to:**

- letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated August 11, 2003 (copy attached and made a part of these minutes)
- revised site plan depicting a 30-foot buffer along the Southern property line and 20-foot buffer along the Western property line, which shall be zoned R-20
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

**VOTE:** ADOPTED 4-1, J. Thompson opposed

**Preliminary Plan**

# New Chastain Office Site

Cobb County, Georgia Land Lots 371, 16th District, 2nd Section

prepared for:

**TalMar Properties, Inc.**

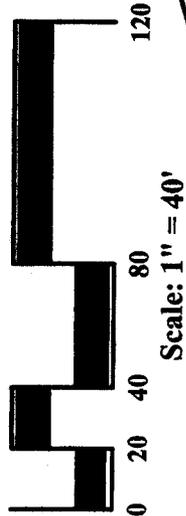
Bradley T. Barnett



3750 Oak Run  
Box 212  
Kennesaw  
GA 30144  
770 514-9008  
Fax 514-9481



NRC



Scale: 1" = 40'

June 30, 2003

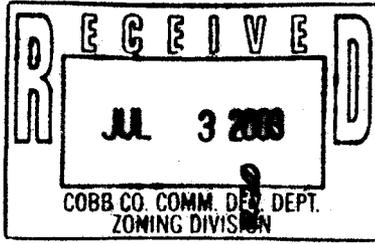
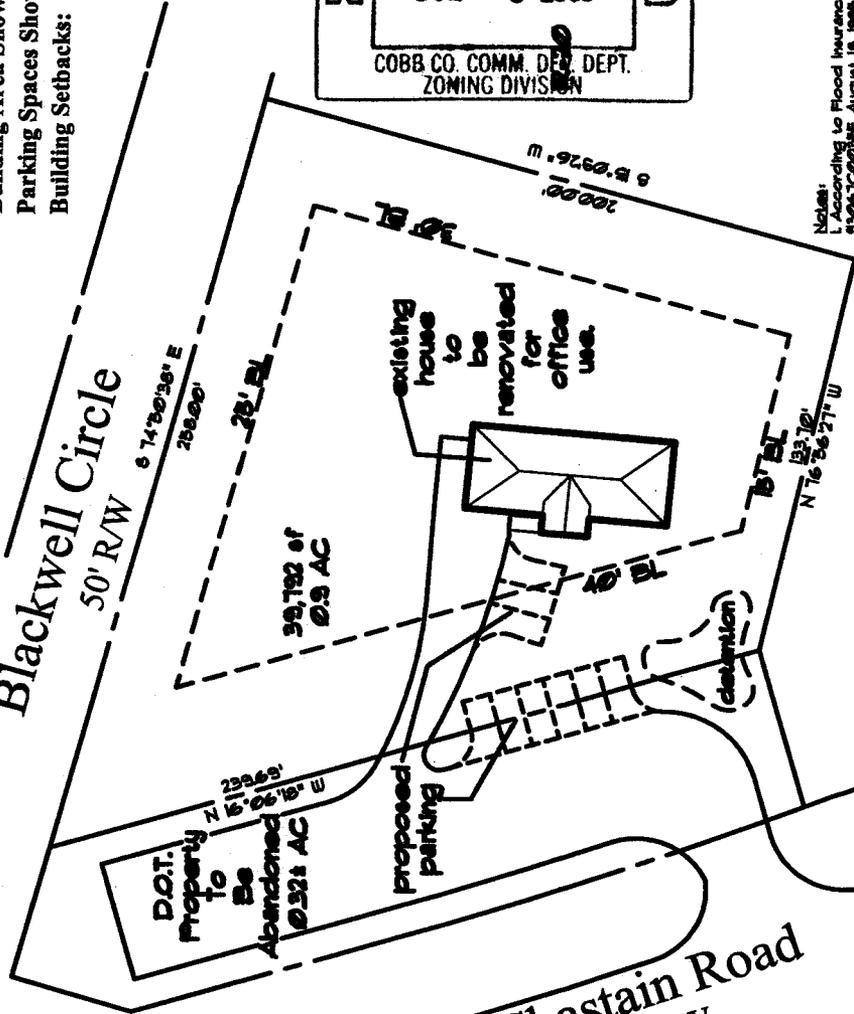
**Site Data**

Total Site Area: 0.9 AC  
 Present Zoning: R-20  
 Proposed Zoning: LRO  
 Building Area Shown (net): 1,396 SF  
 Parking Spaces Shown: 9  
 Building Setbacks:

front: 30'  
 rear: 30'  
 side: 15'

**Blackwell Circle**  
 50' R/W

LRO



Notes:  
 1. According to Flood Insurance Rate Map (FIRM) 15067C0038F, August 16, 1985, this site does not contain floodplain.  
 2. No cemeteries are known to exist on site.  
 3. No archeological or architectural landmarks are known to exist on site.  
 4. No utility easements are known to exist on site.  
 5. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.  
 6. No streams or wetlands are known to exist on site.

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

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

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
RICHARD A. HARRAH  
MICHAEL P. PRYOR  
  
OF COUNSEL  
DAVID P. HARTIN

August 11, 2003

Min. Bk. 24 Petition No. Z-126  
Doc. Type Letters agreeable  
stipulations  
Meeting Date 9/16/03

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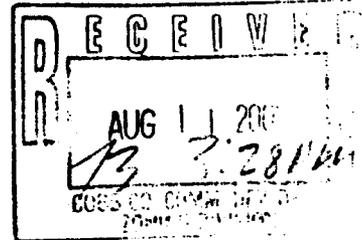
770.422.7016  
TELEPHONE

770.426.6583  
FACSIMILE

SAMSLARKIN@AOL.COM  
E-MAIL

**VIA HAND DELIVERY**

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



Re: Application of Tal Mar Properties, Inc. to Rezone a 0.9 Acre Tract  
from R-20 to LRO. (Z-126)

Dear John:

As you know, this firm has been engaged by and represents the applicant and property owners concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on September 2, 2003 and, thereafter, scheduled for final action by the Cobb County Board of Commissioners on September 16, 2003.

With respect to the foregoing and in accordance with our discussions with area residents, representatives of the Northeast Cobb Homeowners Group and the County's professional staff, please allow this letter to serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter, to wit:

1. Rezoning of the subject property to the Low Rise Office (LRO) classification shall be specifically for purposes of the corporate offices of Tal Mar Properties, Inc. and its subsidiaries.
2. Architectural style and composition shall be consistent with the architectural rendering/elevation which was submitted to the staff on July 22, 2003.<sup>1</sup>

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<sup>1</sup>Additional copies of architectural rendering/elevation and a photograph depicting the existing house located on the subject property are enclosed for those receiving a copy of this letter.

**VIA HAND DELIVERY**

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
August 11, 2003  
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3. Landscaping for the proposed development shall be pursuant to a specific landscape plan which shall be subject to the staff's and the Arborist's review and approval during the Plan Review process, including the following:
  - a. The existing mature hardwood trees located on the subject property shall have their lower canopy pruned and accent environmental lighting added to their upper canopy.
  - b. The installation of landscaping along the front of the building and around the parking areas, stone wall and trellis areas on both sides of the building.
  - c. Grass planted within landscaped areas or otherwise shall be sod.
  - d. Landscaped areas shall be irrigated, well kept and regularly maintained by the applicant.
  - e. The areas between those portions of the subject property reserved for required parking, as well as public rights-of-way, shall be included in the final landscape plan and shall be landscaped in a manner consistent with the plan approved by staff and the Arborist during Plan Review.
4. HVAC and mechanical systems shall be incorporated into the foregoing landscape plan and screened from view from public rights-of-way nearby businesses and adjacent residences.
5. Subject to recommendations from the Stormwater Management Division with respect to stormwater management, hydrology and downstream considerations.
6. Subject to the recommendations of the Cobb County Department of Transportation including the following:
  - a. The voluntary donation and conveyance of right-of-way along New Chastain Road so that the County can achieve 50' from the centerline of same.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
August 11, 2003  
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- b. Insuring appropriate sight distance along New Chastain Road or the implementation of remedial measures with respect to same.
  - c. There will be no requirement for an acceleration or deceleration lane because of the presence of a turn lane within new Chastain Road; however, applicant will be required to reconfigure the striping alignment of the turn lane.
  - d. Entering into a development agreement, pursuant to O.C.G.A. § 36-71-13, for the dedication of the foregoing system improvements to mitigate traffic concerns.
7. Utilization of ground based, monument style signage consistent with the architectural theme and composition as aforementioned. There shall be no reader boards, flashing sign components or the exterior illumination of the sign by remote floodlighting.
8. If exterior lighting is employed within the subject property it shall consist of low intensity, recessed, shoebox type lighting with any lighting on the building being shielded to prevent outward illumination.

The subject property is located in an area which is denominated as MDR; however, it is oriented toward New Chastain Road directly across from the shopping center parking lot. Moreover, the property is in direct contiguity to another tract zoned LRO which is located within the Community Activity Center (CAC). All of these reasons, particularly when considered in context with the foregoing stipulations/conditions, render the zoning proposal appropriate from a land use planning perspective.

**VIA HAND DELIVERY**

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
August 11, 2003  
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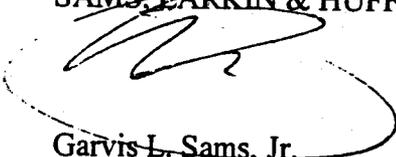
Petition No. Z-126  
Meeting Date 9/16/03  
Continued

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Please do not hesitate to call should you or the staff require and further information or documentation prior to the formulation of your recommendation to the Planning Commission and Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

  
Garvis L. Sams, Jr.

GLS,Jr./jbmc  
Enclosures

- cc: Members, Cobb County Board of Commissioners - w/enclosures  
Members, Cobb County Planning Commission - w/enclosures  
Sandra Richardson, Deputy County Clerk - w/enclosures  
Mr. Donald M. Brundage, President, Northeast Cobb Homeowners Group - w/enclosures  
Mr. David V. Poteet - w/enclosures  
Mr. Bradley T. Barnett - w/o enclosures

Petition No.  
Meeting Date  
Continued

Z-126  
11/16/03

Architectural rendering/  
elevations referenced in  
specifications to the



*Future Home of*

# The Talmar Companies

Bradley T. Barnett

CHASTAIN CORNERS - MARIETTA, GEORGIA

Petition No. Z-126  
Meeting Date 9/11/03  
Continued Photograph of existing house referred to in stipulation letter

