

**MARCH 17, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-014

PURPOSE

To consider amending the site plan and the stipulations for O’Dwyer Properties, LLC regarding rezoning application Z-35 of 2014 (O’Dwyer Properties, LLC), for property located on the northeast side of Jamerson Road, west of Wigley Road in Land Lots 48 and 97 of the 16th District.

BACKGROUND

The subject property was rezoned to R-20 (site plan specific) in 2014 for a 26 lot subdivision on 15.17 acres. Since the rezoning hearing, certain aspects about the sale of the property have changed. Specifically, one of the sellers is not going through with the sale of part of the property, which will reduce the area to be developed to 11.84 acres with 22 lots. The density of the original plan was 1.71 units per acre; the density for the new proposal is 1.85 units per acre. The entrance road will be moved to the east side of the property. The Stormwater Management Division has expressed concerns in their comments that five of the twenty-two lots do not have stormwater detention and another detention pond may be required in the area of lot 22. If approved, all previous zoning stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: This request will not have an adverse impact on the transportation network.

Stormwater Management: The revised plan does not appear to provide stormwater management for Lots 11, 12, and 20-22. Part or all of Lot 22 may be required for a detention pond. Proposed plan must be subject to Plan Review comments.

RECOMMENDATION

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

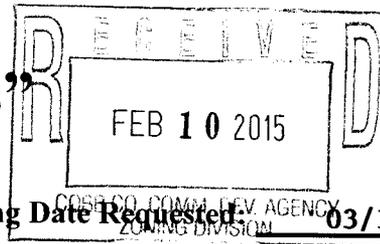
ATTACHMENTS

Other Business application and stipulations.

(Site Plan Amendment and Approval)

Application for "Other Business" Cobb County, Georgia

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



OB-014-2015

BOC Hearing Date Requested: 03/17/2015

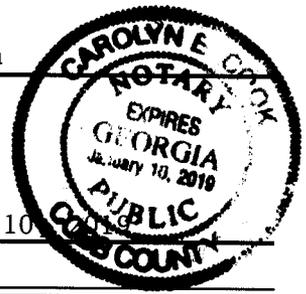
Applicant: O'Dwyer Properties, LLC **Phone #:** (770) 887-2177
(applicant's name printed)

Address: 850 Old Alpharetta Road, Alpharetta, GA 30005 **E-Mail:** dano@odwyerhomes.com

Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
J. Kevin Moore **Address:** Marietta, GA 30060

(representative's name, printed)

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jkm@mij.com
(representative's signature) Georgia Bar No. 519728



Signed, sealed and delivered in presence of:

[Signature] My commission expires: January 10, 2019
Notary Public

Titleholder(s): Killarney Investments, LLC; W. A. Jett; Steven Galper; Waverly Thornton; and Earl D. Thornton **Phone #:** _____
(property owner's name printed)

Address: _____ **E-Mail:** _____

See Attached Exhibit "A" Collectively for Titleholders' Signatures and Contact Information

(Property owner's signature)

Signed, sealed and delivered in presence of:

_____ My commission expires: _____
Notary Public

Commission District: 3 (Birrell) **Zoning Case:** Z-35 (2014)

Date of Zoning Decision: 07/15/2014 **Original Date of Hearing:** 06/17/2014

Location: Northeast side of Jamerson Road; west of Wigley Road
(street address, if applicable; nearest intersection, etc.)

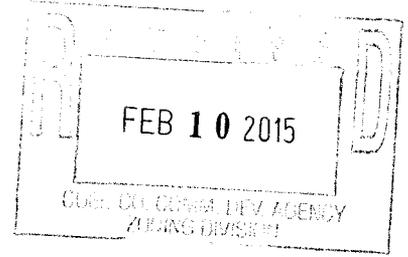
Land Lot(s): 48, 97 **District(s):** 16th

State specifically the need or reason(s) for Other Business: _____
See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Amendment and Approval)

Application No.: Z-35 (2014)
Original Hearing Date: June 17, 2014
Date of Original Zoning Decision: July 15, 2014
Current Hearing Date: March 17, 2015



Applicant: O'Dwyer Properties, LLC
Titleholders: Killarney Investments, LLC;
W. A. Jett; Steven Galper;
Waverly Thornton; and Earl D. Thornton

Killarney Investments, LLC

BY: [Signature]
TITLE: owner

Printed Name: Kathleen B. O'Dwyer

Date Executed: 2/4/15

Address: 850 Old Alpharetta Road
Alpharetta, Georgia 30005

Telephone No.: (770) 887-2177

Signed, sealed, and delivered in the presence of:

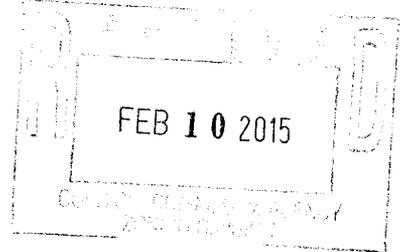
[Signature]
Notary Public
Commission Expires: 3/30/16

[Notary Seal]

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EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
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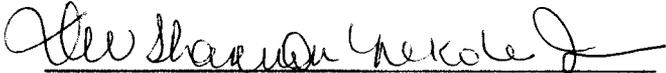
W. A. Jett

Date Executed: 2 / 9 / 15

Address: 5233 Hadaway Road
Kennesaw, Georgia 30152

Telephone No.: (678) 200-5825

Signed, sealed, and delivered in the presence of:



Notary Public
Commission Expires: Dec. 22, 2018

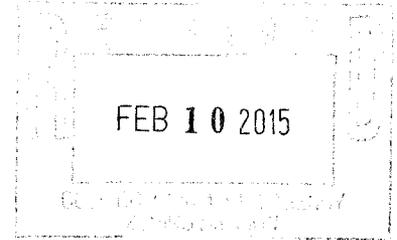
[Notary Seal]

DEESHANNON NEKOLE JOHNSON
NOTARY PUBLIC, FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES DECEMBER 22, 2018

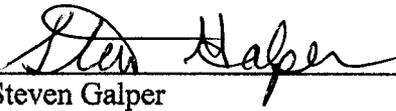
DEESHANNON NEKOLE JOHNSON
NOTARY PUBLIC, FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES DECEMBER 22, 2018

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
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Applicant: O'Dwyer Properties, LLC
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W. A. Jett; Steven Galper;
Waverly Thornton; and Earl D. Thornton



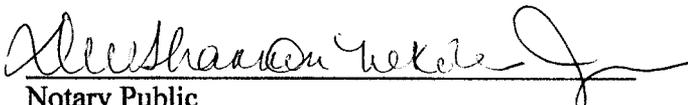
Steven Galper

Date Executed: 02.09.15

Address: 1056 Reed Road, S.E.
Smyrna, Georgia 30082

Telephone No.: (678) 595-1012

Signed, sealed, and delivered in the presence of:



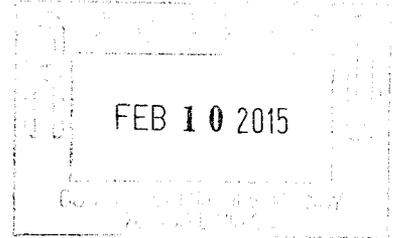
Notary Public
Commission Expires: Dec. 22, 2018

[Notary Seal]

6
DEESHANNON NEKOLE JOHNSON
NOTARY PUBLIC, FULTON COUNTY, GEORGIA
MY COMMISSION EXPIRES DECEMBER 22, 2018

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Amendment and Approval)

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Date of Original Zoning Decision: July 15, 2014
Current Hearing Date: March 17, 2015



Applicant: O'Dwyer Properties, LLC
Titleholders: Killarney Investments, LLC;
W. A. Jett; Steven Galper;
Waverly Thornton; and Earl D. Thornton



Earl D. Thornton

Date Executed: 2-9-15

Address: 2727 Jamerson Road
Marietta, Georgia 30066

Telephone No.: (404) 375-6545

Signed, sealed, and delivered in the presence of:



Notary Public

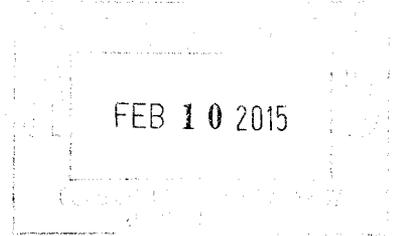
Commission Expires: January 15, 2017

[Notary Seal]



EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Amendment and Approval)

Application No.: Z-35 (2014)
Original Hearing Date: June 17, 2014
Date of Original Zoning Decision: July 15, 2014
Current Hearing Date: March 17, 2015



Applicant: O'Dwyer Properties, LLC
Titleholders: Killarney Investments, LLC;
W. A. Jett; Steven Galper;
Waverly Thornton; and Earl D. Thornton



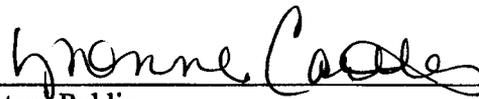
Waverly Thornton

Date Executed: February 9, 2015

Address: 2727 Jamerson Road
Marietta, Georgia 30066

Telephone No.: (770) 367-1579

Signed, sealed, and delivered in the presence of:



Notary Public
Commission Expires: January 15, 2017

[Notary Seal]

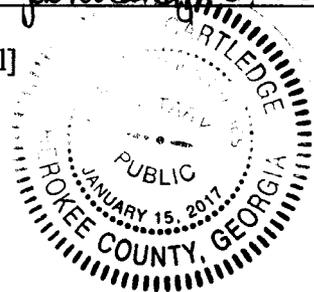
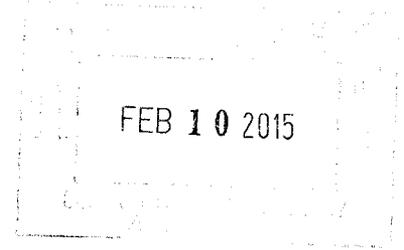


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Amendment and Approval)

Application No.: Z-35 (2014)
Original Hearing Date: June 17, 2014
Date of Original Zoning Decision: July 15, 2014
Current Hearing Date: March 17, 2015



Applicant: O'Dwyer Properties, LLC
Titleholders: Killarney Investments, LLC;
W. A. Jett; Steven Galper;
Waverly Thornton; and Earl D. Thornton

On July 15, 2014, the Cobb County Board of Commissioners approved rezoning to the R-20 zoning classification of approximately 15.17 acres located on the northeast side of Jamerson Road, west of Wigley Road (being known as 2711, 2727, and 2750 Jamerson Road), Land Lots 48 and 97, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). The rezoning was approved site plan specific to the Site Plan attached and incorporated as part of the final, official minutes.

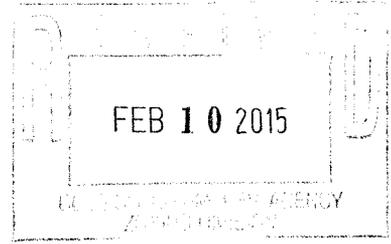
Applicant now seeks amendment to and approval of a modification to the previously approved Site Plan, as follows:

- (1) Submitted with this Application for "Other Business" is the Revised Zoning Plan titled as Site Layout and Water Plan prepared by WK Dickson (undated) (hereinafter "Site Plan"). The revised Site Plan reduces the total acreage within the development to 11.84 acres, and further reduces the number of lots within the development from a maximum of twenty-six (26) single-family residential lots to a maximum of twenty-two (22) single-family residential lots, as more particularly shown and reflected on the revised Site Plan. A reduced copy of the revised Site Plan is attached as Exhibit "1," and incorporated herein by reference.

If the revised Site Plan is approved, as submitted in this Application, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on July 15, 2014, applicable to the development of the Subject Property are unaltered by this request for Site Plan Amendment and Approval and shall remain in full force and effect.

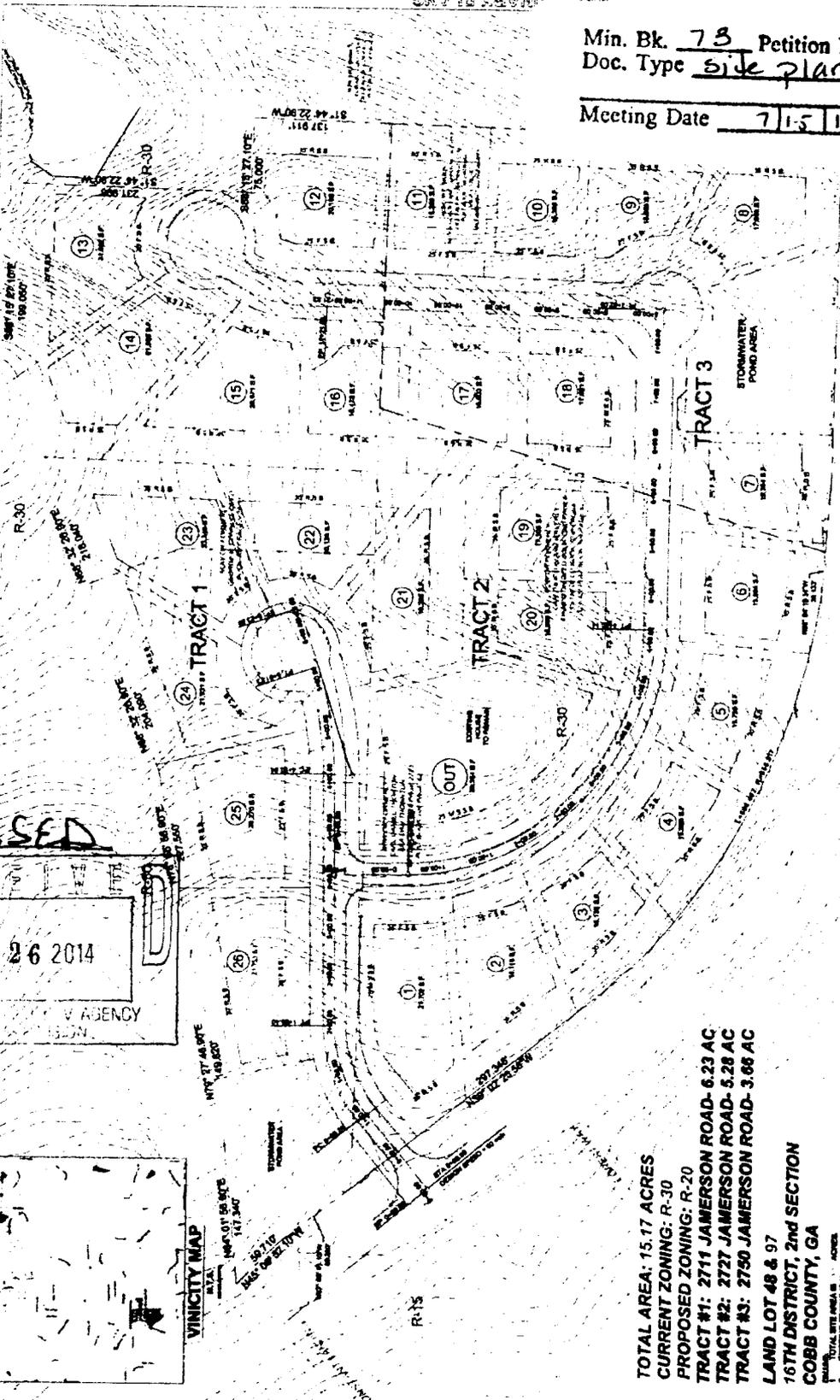
**ZONING SITE PLAN SUBMITTED FOR
AMENDMENT AND APPROVAL
BY THE BOARD OF COMMISSIONERS
PURSUANT TO APPLICATION FOR “OTHER
BUSINESS” – MARCH 17, 2015**



**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
Z-35 (2014) – JULY 15, 2014**

		<table border="1"> <tr><th>NO.</th><th>DATE</th><th>REVISION</th></tr> <tr><td> </td><td> </td><td> </td></tr> </table>	NO.	DATE	REVISION																												PROJECT NAME JAMERSON ROAD SUBDIVISION	DRAWING TITLE ZONING PLAN	PROJECT NO. Z-01
			NO.	DATE	REVISION																														
PROJECT LOCATION 16TH DISTRICT, 2ND SECTION COBB COUNTY, GA	SHEET NO. 20140041.001A1	DATE 7/15/14	SCALE 1" = 40'	DRAWN BY CHECKED BY DATE	PROJECT NO. Z-01																														

Min. Bk. 78 Petition No. 2-35
 Doc. Type side plan
 Meeting Date 7/15/14



REVISED

R

JUN 26 2014

COBB COUNTY PLANNING AGENCY



TOTAL AREA: 15.17 ACRES
CURRENT ZONING: R-30
PROPOSED ZONING: R-20
TRACT #1: 2711 JAMERSON ROAD- 6.23 AC
TRACT #2: 2727 JAMERSON ROAD- 5.28 AC
TRACT #3: 2750 JAMERSON ROAD- 3.66 AC
LAND LOT 48 & 97
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GA

DEVELOPER:
E-ROCK DEVELOPMENT, LLC
2171 JIMS ROAD
MARIETTA, GA 30066
PHONE: (770) 940-4505

- TOTAL SITE AREA IS ... ACRES
- PROPOSED ZONING IS ...
- BLINDING ...
- BLINDING ...
- TOTAL NUMBER OF LOTS ...
- PROPOSED LOTS ...

THIS PLAN IS SUBJECT TO THE CITY OF ATLANTA'S ZONING ORDINANCES AND THE COBB COUNTY ZONING ORDINANCES. THE CITY OF ATLANTA AND COBB COUNTY ARE NOT RESPONSIBLE FOR THE ACCURACY OF THIS PLAN OR THE INFORMATION CONTAINED HEREIN. THE CITY OF ATLANTA AND COBB COUNTY ARE NOT RESPONSIBLE FOR THE ACCURACY OF THIS PLAN OR THE INFORMATION CONTAINED HEREIN. THE CITY OF ATLANTA AND COBB COUNTY ARE NOT RESPONSIBLE FOR THE ACCURACY OF THIS PLAN OR THE INFORMATION CONTAINED HEREIN.

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. Z-35 (2014) – JULY 15, 2014**

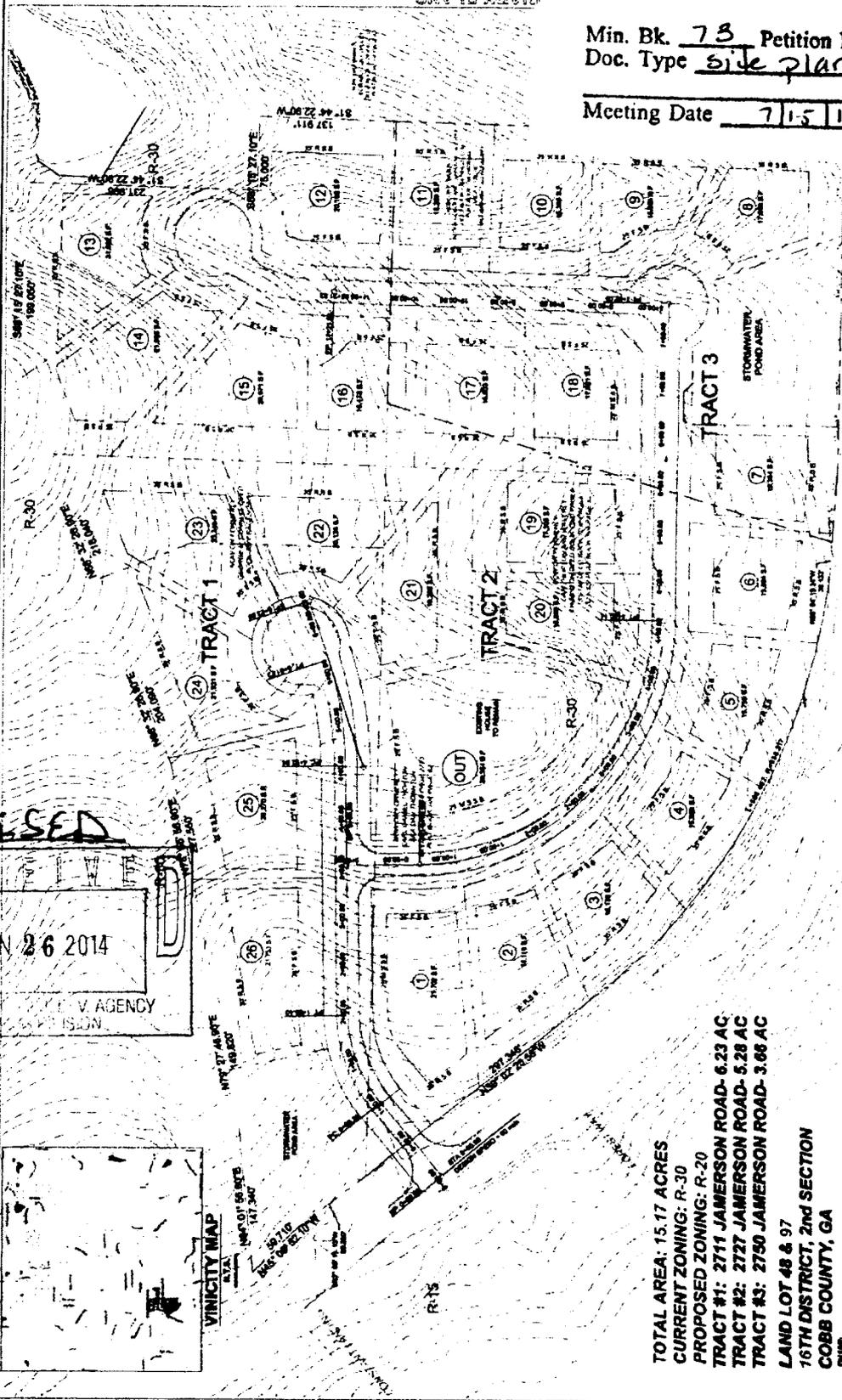


NO.	DATE	REVISION

PROJECT NAME: JAMERSON ROAD SUBDIVISION
 DRAWING TITLE: ZONING PLAN

PROJECT NO.: 20140041.00.A1
 SHEET NO.: 201
 DATE: 7/15/14

Min. Bk. 78 Petition No. 2-35
 Doc. Type side plan
 Meeting Date 7/15/14



REVISED

RESUBMIT

JUN 26 2014

COBBLER V. AGENCY
 ZONING DIVISION

DEVELOPER:
 E-ROCK DEVELOPMENT, LLC
 2171 JAMES ROAD
 MARIETTA, GA 30066
 PHONE: (770) 940-4505

TOTAL AREA: 15.17 ACRES
 CURRENT ZONING: R-30
 PROPOSED ZONING: R-20
 TRACT #1: 2711 JAMERSON ROAD- 6.23 AC
 TRACT #2: 2727 JAMERSON ROAD- 5.28 AC
 TRACT #3: 2750 JAMERSON ROAD- 3.66 AC

LAND LOT 48 & 97
 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GA

1. TOTAL SITE AREA IS 15.17 ACRES.
2. EXISTING ZONING IS R-30.
3. PROPOSED ZONING IS R-20.
4. PARCELS WITHIN LOTS ARE AS FOLLOWS:
 LOT 48 - 1.57 ACRES
 LOT 97 - 1.57 ACRES
5. TOTAL AREA OF LOTS IS 3.14 ACRES.
6. TOTAL AREA OF LOTS IS 3.14 ACRES.
7. TOTAL AREA OF LOTS IS 3.14 ACRES.
8. TOTAL AREA OF LOTS IS 3.14 ACRES.
9. TOTAL AREA OF LOTS IS 3.14 ACRES.
10. TOTAL AREA OF LOTS IS 3.14 ACRES.
11. TOTAL AREA OF LOTS IS 3.14 ACRES.
12. TOTAL AREA OF LOTS IS 3.14 ACRES.
13. TOTAL AREA OF LOTS IS 3.14 ACRES.
14. TOTAL AREA OF LOTS IS 3.14 ACRES.

THIS PLAN AND THE INFORMATION HEREON IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT CONSTITUTE A CONTRACT. THE USER OF THIS PLAN AND THE INFORMATION HEREON IS SOLELY RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES. THE USER OF THIS PLAN AND THE INFORMATION HEREON IS SOLELY RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES AND AUTHORITIES.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 15, 2014
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 15, 2014 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Helen Goreham
Commissioner Bob Ott

CONSENT AGENDA

MOTION: Motion by Ott, second by Birrell, to **approve** the following cases on the Consent Agenda as *revised*:

Z-35 **O'DWYER PROPERTIES, LLC** (Killarney Investments, LLC, W. A. Jett, Steven Galpher, Waverly Thornton, and Earl D. Thornton, owners) requesting Rezoning from **R-30** to **R-15** for the purpose of Single-Family Residential in Land Lots 48 and 97 of the 16th District. Located on the northeast side of Jamerson Road, west of Wigley Road (2711, 2727 and 2750 Jamerson Road). *(Previously held by the Planning Commission from their June 3, 2014 hearing).*

To **delete** Rezoning to the **R-20** zoning district subject to:

- Site plan received by the Zoning Division June 26, 2014 (attached and made a part of these minutes)
- Letter of agreeable conditions from Mr. John Moore dated July 9, 2014 (attached and made a part of these minutes), *with the following changes:*
 - Item No. 15, delete in its entirety and replace with: *"There shall be a non-disturbed buffer 20 feet in width along the rear of lots 8, 9, 10, 11, 12, 14, 23, 24, 25, and 26. The buffer may be fenced by the eventual homeowners. Dead or dying trees, together with any tree that poses a danger to a residence, may be removed."*
 - Item No. 16, add to end: *"The referenced fence shall run the entire length of the Kaufman property line without interruption."*
 - Add Item No. 28: *"Applicant agrees to post 'No Trespassing' signs on the property prior to and during development."*
- Detention and entrance landscape plan received July 1, 2014 (attached and made a part of these minutes)
- Future homeowners shall not remove or effect in any manner the retaining wall (adjacent to Lot 13, Evans property), this prohibition to be included in the protective covenants
- Proposed sign located on detention pond wall to be reviewed and approved by Stormwater Management Division in Plan Review
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- Cobb DOT comments and recommendations, *not otherwise in conflict*

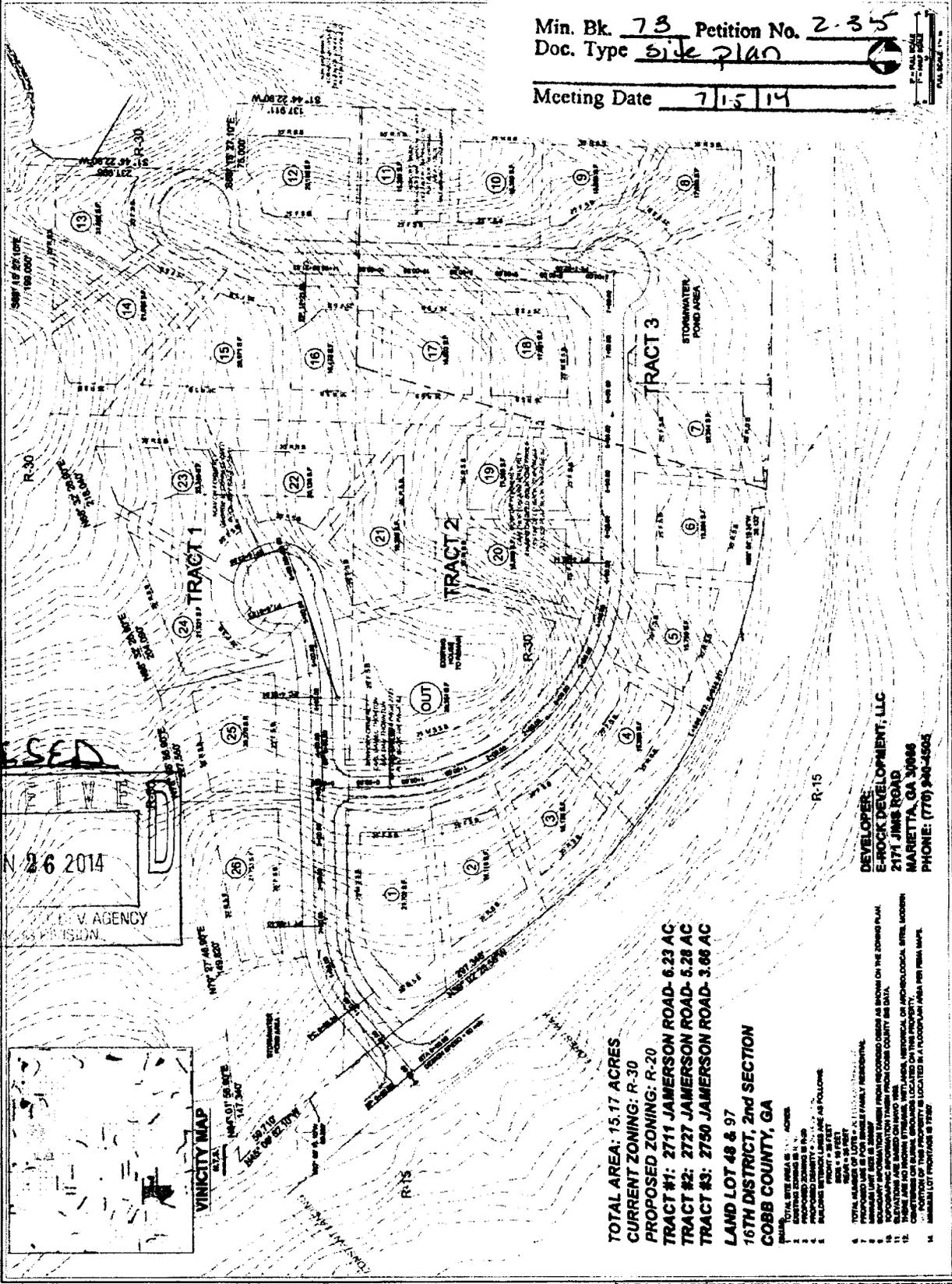


NO.	DESCRIPTION	DATE

PROJECT NAME: JAMERSON ROAD SUBDIVISION
 DRAWING TITLE: ZONING PLAN

PROJECT NO: 7-01
 SHEET NO: 2014001.004AT

Min. Bk. 73 Petition No. 2-35
 Doc. Type side plan
 Meeting Date 7/15/14



REVISED

RECEIVED

JUN 26 2014

COBBLAND DEVELOPMENT AGENCY
 ZONING DIVISION

TOTAL AREA: 15.17 ACRES
CURRENT ZONING: R-30
PROPOSED ZONING: R-20
TRACT #1: 2711 JAMERSON ROAD- 6.23 AC
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LAND LOT 48 & 97
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GA

DEVELOPER:
E-ROCK DEVELOPMENT, LLC
2171 JIMS ROAD
MARIETTA, GA 30066
PHONE: (770) 940-4505

1. TOTAL AREA IS 15.17 ACRES.
 2. PROPOSED LOTS ARE 25 LOTS.
 3. TOTAL AREA IS 15.17 ACRES.
 4. PROPOSED LOTS ARE 25 LOTS.
 5. TOTAL AREA IS 15.17 ACRES.
 6. PROPOSED LOTS ARE 25 LOTS.
 7. TOTAL AREA IS 15.17 ACRES.
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 12. PROPOSED LOTS ARE 25 LOTS.
 13. TOTAL AREA IS 15.17 ACRES.
 14. PROPOSED LOTS ARE 25 LOTS.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

FEB 10 2015

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON[†]
ROBERT D. INGRAM[†]
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK[†]
ALEXANDER T. GALLOWAY III[†]
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART[†]
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS
WILLIAM R. WINDERS, JR.[†]
ANGELA H. SMITH[†]
CHRISTOPHER C. MINGLEDORFF

ANGELA D. TARTLINE
JOYCE W. HARPER
CAREY E. OLSON[†]
CHARLES E. PIERCE[†]
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER[†]
VERONICA L. RICHARDSON
TODD I. HEIRD[†]
ALEXANDER B. MORRISON[†]
DOUGLAS W. BUTLER, JR.
APRIL A. HOLLOWAY
CARLA C. WESTER[†]
AMY L. JETT[†]
JEFF C. MORMAN[†]
RYAN M. INGRAM
SHAWN G. SHELTON
D. AUSTIN GILLIS
KRISTEN C. STEVENSON[†]
SARAH H. BEST[†]
RYAN C. EDENS[†]
JULIE C. FULLER[†]
JODI B. LODEN[†]
TAMMI L. BROWN

MARIETTA, GEORGIA
EMERSON OVERLOOK
328 ROSWELL ST.
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD. • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32258
TELEPHONE (904) 428-1465

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347

LOUISVILLE, KENTUCKY
9900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8021

CHARLESTON, SOUTH CAROLINA
885 ISLAND PARK DR • STE B
CHARLESTON, SOUTH CAROLINA 29492
TELEPHONE (843) 302-0002

DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
TRISTAN B. MORRISON[†]
WILLIAM B. WARIHAY[†]
COLLEEN K. HORN[†]
DAVID J. OTTEN[†]
JONATHAN S. FUTRELL
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
B. CHASE ELLEBY
G. BARDIN HOOKS
TYLER R. MORGAN[†]
MARIANNA L. JABLONSKI[†]
LOURDES SANCERNI-
FULTON[†]
LEAH C. FOX
ALISHA I. WYATT-BULLMAN
J. DANIEL COLE
RYAN S. ROBINSON
JOSEPH D. SHELLEY
LESLIE S. SMITH
CHRISTOPHER L. JOHNSON
CHRISTIAN H. LAYCOCK

LIZA D. HARRELL[†]
JESSICA A. KING
JOHN A. EARLY
CHRISTOPHER W. SHERMAN[†]
JOHN T. RICE[†]
W. ANDREW MOORE[†]
JESS E. MAPLES[†]
FREDERICK F. FISHER[†]
OF COUNSEL:
JOHN L. SKELTON, JR.[†]

[†] ALSO ADMITTED IN TN
[•] ALSO ADMITTED IN TN
^{****} ALSO ADMITTED IN CA
[^] ALSO ADMITTED IN TX
[‡] ALSO ADMITTED IN AL
[‡] ALSO ADMITTED IN KY
[‡] ALSO ADMITTED IN NC
^{**} ALSO ADMITTED IN IN
[‡] ADMITTED ONLY IN TN
[◊] ADMITTED ONLY IN FL
^{***} ADMITTED ONLY IN SC

July 9, 2014

Hand Delivered

Min. Bk. 73 Petition No. Z-35
Doc. Type letter of agree-
able conditions
Meeting Date 7/6/14

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

JUL - 9 2014

RE: Application for Rezoning - Application No. Z-35 (2014)
Applicant: O'Dwyer Properties, LLC
Property Owners: Killarney Investments, LLC; W. A. Jett;
Steven Galper; Waverly Thornton; and
Earl D. Thornton
Property: 15.17 acres, more or less, located on the
northerly side of Jamerson Road, westerly of
Wigley Road, Land Lots 48 and 97, 16th District,
2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent O'Dwyer Properties, LLC, who is the Applicant, and Killarney Investments, LLC; W.A. Jett; Steven Galper; Waverly Thornton; and Earl D. Thornton, who are the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to property located on the northerly side of Jamerson Road, westerly of Wigley Road, Land Lots 48 and 97, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meeting with planning and zoning staff and various Cobb County departmental representatives, reviewing the staff comments and recommendations and the uses of surrounding properties, meetings and

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discussions with area residents, and following the presentation to and hearing before the Cobb County Planning Commission and the recommendation thereof, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This revised letter of agreeable stipulations and conditions shall replace and supersede in full the previous letters dated and filed May 28, 2014, and June 26, 2014. The revised stipulations are as follows:

- (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 on the Subject Property; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-30 to the proposed zoning category of R-20, site plan specific to the revised Zoning Plan prepared by WK Dickson dated April 1, 2014, and filed with the previously revised stipulation letter dated and filed June 26, 2014. A reduced copy of the revised Zoning Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of 15.17 acres of total site area and shall be developed for a residential community comprised of a maximum of twenty-six (26) single-family, detached residences. The existing residence and real property shall remain and not be a part of the proposed residential community. Therefore, the overall density is 1.71 units per acre.
- (4) The proposed residences shall have a minimum of 2,000 square feet, ranging upwards to 4,000 square feet, and greater.
- (5) The proposed residences shall be traditional and craftsman in style and architecture and will have a minimum two-car garage.
- (6) The residences within the proposed community shall have "three-sided" architecture, having the front and sides of the proposed residences comprised of brick, stone, stacked stone, hardi-plank, and stucco-type finishes, with complementary accents, or combinations thereof. No vinyl materials shall be used on the exterior of the proposed residences. The residences which back-up to

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Jamerson Road shall have a water table of brick, stone, or combinations thereof, and a mix of cedar-shake type and hardi-plank siding on the rear elevation. Elevations of homes comparable to those to be constructed within the proposed development will be presented to the Planning Commission and Board of Commissioners at their respective zoning hearings.

- (7) The setbacks for the proposed residential community shall be as follows:
 - (a) Front Setback: Twenty-five (25) feet;
 - (b) Rear Setback: Thirty-five (35) feet;
(Excepting only Lot 26, which shall be thirty (30) feet; and
 - (c) Side Setback: Ten (10) feet.
- (8) All front and side yard areas of the proposed residences shall be fully sodded.
- (9) Applicant agrees to the creation of a mandatory homeowners association consistent with communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, entrance area, and areas around the detention ponds contained within the proposed residential community.
- (10) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed development.
- (11) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, or combinations thereof, with accents. The entrance landscaping shall be professionally designed and implemented. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions.
- (12) All utilities servicing the residences within the proposed community shall be underground.

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- (13) The side of the detention ponds facing Jamerson Road shall be brick, stone, or a combination thereof. The landscaping for the detention areas and the frontage of Jamerson Road shall be as shown and depicted on that certain Landscape Plan which shall be presented to the Cobb County Planning Commission and Cobb County Board of Commissioners at their respective Zoning Hearings.
- (14) Any trees or wood debris removed during the development or construction process shall be ground on site or removed, but in no instance shall be burned on site.
- (15) There shall be a non-disturbed buffer twenty (20) feet in width along the rear of Lots 14, 23, 24, 25, and 26. The buffer may be fenced by the eventual homeowners. Dead or dying trees, together with any tree that poses a danger to a residence, may be removed.
- (16) Applicant agrees to construct a solid wooden, stained fence, a minimum of six (6) feet in height, along the boundaries of the Subject Property; excepting only, that no fence shall be erected along Jamerson Road; and excepting, that along proposed Lot 13 boundary, Applicant shall install said fence on the property of the owner of the property adjacent to Lot 13. Said fence shall be maintained by the mandatory homeowners association.
- (17) Applicant agrees to orient the residence to be constructed on proposed Lot 13 with the residence facing down the hill, and the thirty (30) foot side driveway turn-in entrance on the wall side of the Lot. There shall be no upstairs windows facing the wall; excepting only, if such window or windows are required by Cobb County, and if any window is a bathroom window, said window shall be frosted.
- (18) Applicant agrees to include and insert within the protective covenants for the subdivision a requirement that no homeowner or resident may remove or alter the wall next to Lot 13.
- (19) There shall be no direct access from any lots within the proposed community to Jamerson Road.
- (20) 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 Jamerson Road or

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surrounding neighborhood streets. There will be no stacking of vehicles on Jamerson Road waiting for entry onto the Subject Property.

- (21) Applicant shall construct a sidewalk along one side of the street within the proposed community. The interior sidewalk shall connect to Jamerson Road.
- (22) The District Commissioner shall have the authority to approve minor modifications to these stipulations and conditions and the Zoning 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 area 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 agenda.
- (23) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community, and shall be irrigated as necessary.
- (24) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (25) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (26) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas must be replanted.
- (27) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Verification that minimum sight distance is available; and if not, implement remedial measures to correct any deficiency; and

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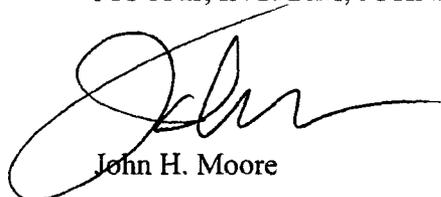
- (b) Any existing curb, gutter, and sidewalk along Jamerson Road which may be damaged during construction shall be replaced by Applicant following completion of the development.

We believe the requested zoning, together with the revised Zoning Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community 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.

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)

Christi S. Trombetti, Member
Cobb County Planning Commission
(With Copy of Attachment)

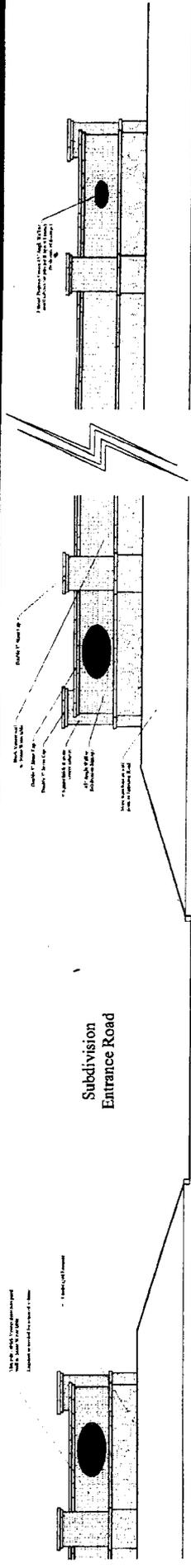
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- c: Charles Koninsky
- David Evans
- Mike Kaufman
- Area Residents
- (With Copy of Attachment)

- O'Dwyer Properties, LLC
- (With Copy of Attachment)



Exterior Property Corner Walls

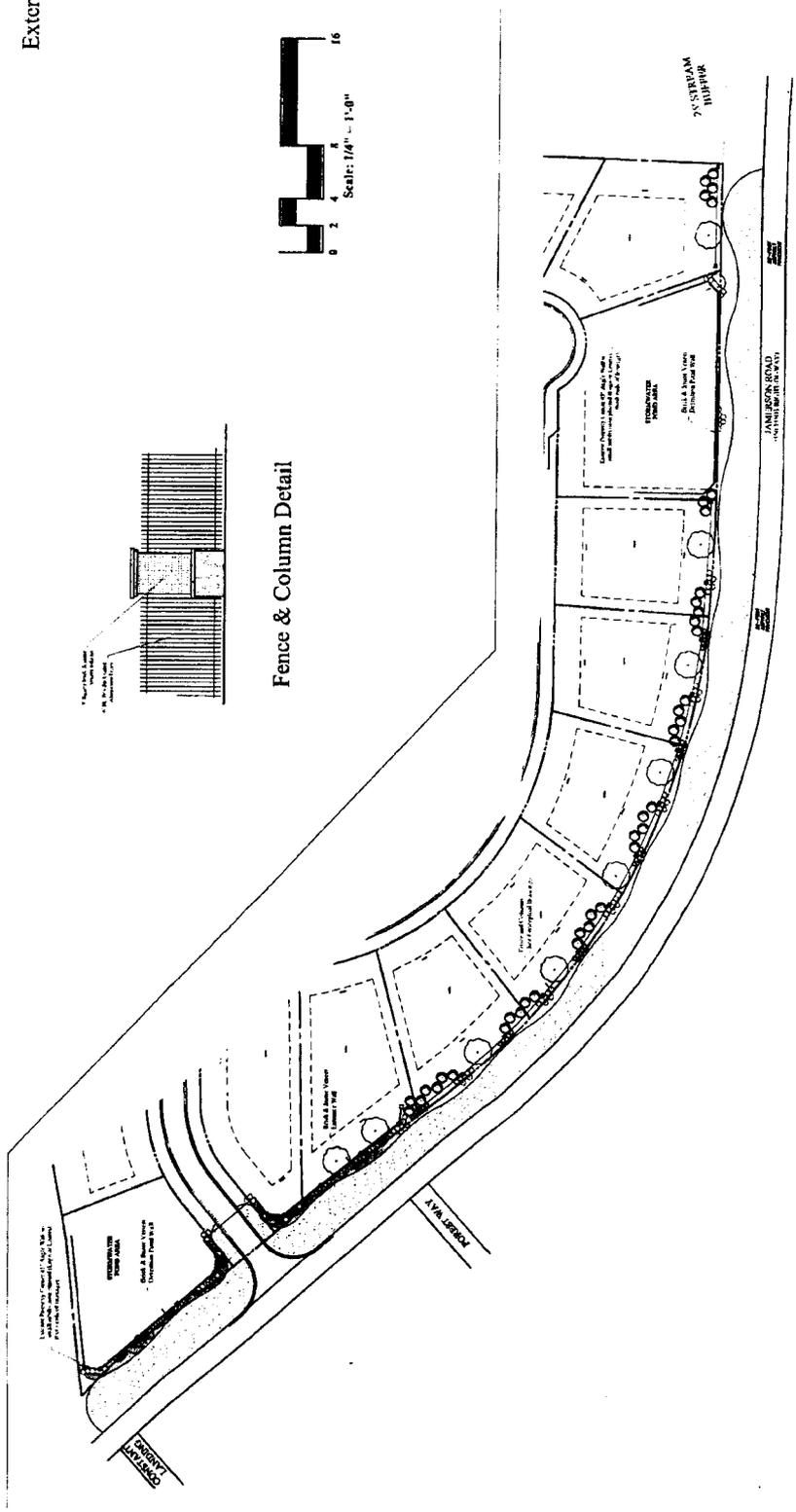
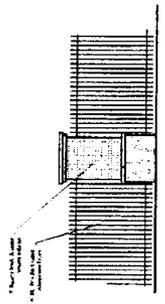
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Revisions:



Fence & Column Detail



Entrance Wall Concept Drawings
Jamerson Road Parcel
 prepared for:
E-Rock Development

June 25, 2014



WHITE PINE
LAND STUDIO, LLC
 404.406.1577 info@whitepinelandstudio.com