

Z-9
(2015)

CLARENCE TINSLEY TRACT
ZONING PLAT
LOCATED IN
18TH DISTRICT, AND SECTION
1800, 1ST 1/4 SEC.
COBB COUNTY, GEORGIA
PREPARED FOR
PIEDMONT LAND GROUP OF GEORGIA

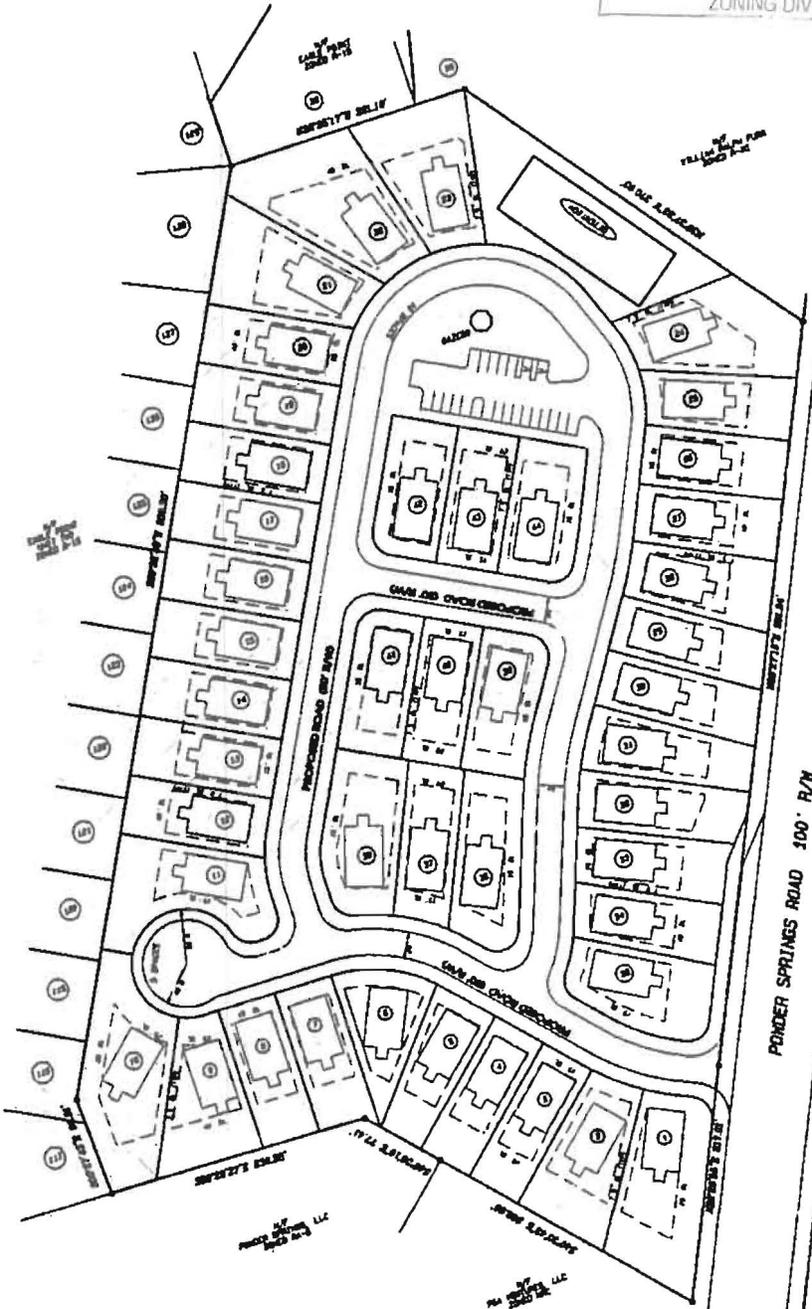
BETTERTON
SURVEYING & DESIGN, INC.
LAND SURVEYING & DESIGN
RESURVEYING & CONVEYANCE
220 WEST HAZLETON ROAD
MARIETTA, GEORGIA 30066
(770) 429-0242



1 OF 1



REVISED
RECEIVED
JAN - 6 2015
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



PROJECT: LAND GROUP OF GEORGIA, LLC
AND AFFILIATES
PROJECT NO. 15000
PROJECT: AMPLIFY

DATE: 1/6/2015
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DATE: 1/6/2015
BY: [Signature]
TITLE: SURVEYOR
15000-0000-0000

APPLICANT: Piedmont Land Group of Georgia 2, LLC
PHONE#: 678-517-3033 **EMAIL:** seville@mindspring.com
REPRESENTATIVE: Garvis L. Sams, Jr.
PHONE#: 770-422-7016 **EMAIL:** gsams@slhb-law.com
TITLEHOLDER: Charles C. Tinsley, Sr.

PETITION NO: Z-9
HEARING DATE (PC): 02-03-15
HEARING DATE (BOC): 02-17-15
PRESENT ZONING: R-20
PROPOSED ZONING: RA-5

PROPERTY LOCATION: East side of Powder Springs Road, south of Pair Road (2375 Powder Springs Road).

PROPOSED USE: Single-Family Detached Residential Subdivision

ACCESS TO PROPERTY: Powder Springs Road

SIZE OF TRACT: 11.729 acres

PHYSICAL CHARACTERISTICS TO SITE: Wooded, undeveloped

DISTRICT: 19

LAND LOT(S): 694, 695, 713

PARCEL(S): 7, 9

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** NRC, RA-5/ Shopping Center, Undeveloped Subdivision
- SOUTH:** R-15/ Eagle Point Subdivision
- EAST:** R-15/ Eagle Point Subdivision
- WEST:** NS/ Daycare Center, Undeveloped Commercial

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

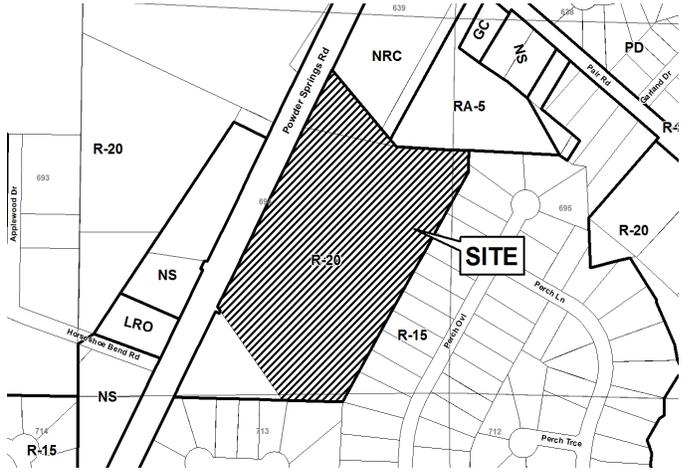
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

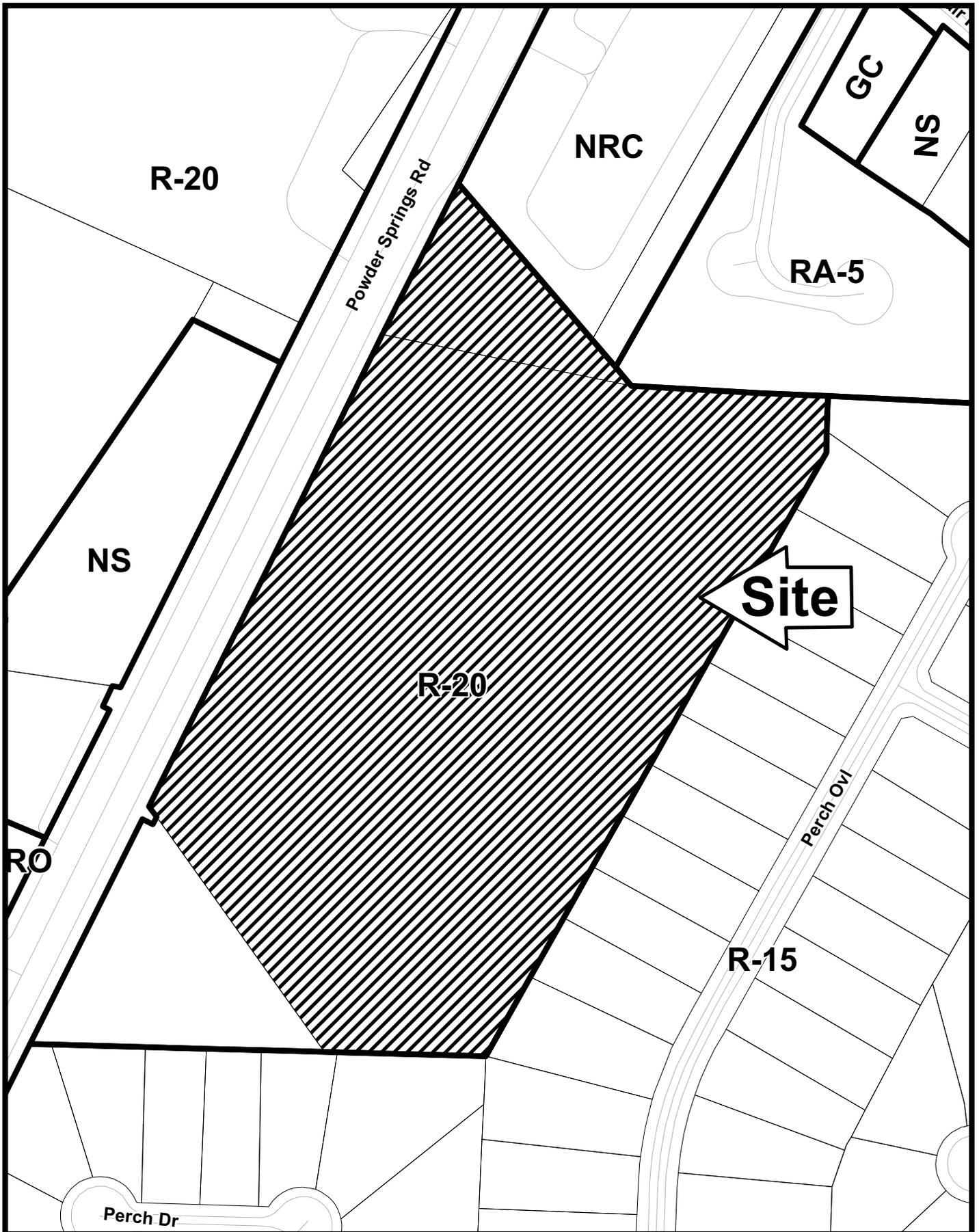
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

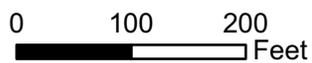
STIPULATIONS:



Z-9



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Piedmont Land Group of Georgia 2, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: RA-5

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Low Density Residential (1-2.5 units per acre)

Proposed Number of Units: 44 **Overall Density:** 3.75 **Units/Acre**

Staff estimate for allowable # of units: 20 **Units*** **Increase of:** 24 **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 proposing a single-family detached subdivision. The homes will be traditional or craftsman in styling. The minimum house size will be 1,800 square feet. The prices of the homes are anticipated to be \$225,000 and up.

The subject property sits adjacent to Powder Springs Road, an arterial roadway, and consists of 11.729 acres. The applicant’s proposal consists of 44 lots which nets a density of 3.75 units per acre. Such a density is greater than the 1 to 2.5 units per acre forecasted by the Low Density Residential future land use category as well as the 2.20, 2.14, and 2.28 units per acre contained within the immediately adjacent Eagle Point Subdivision Units One, Two, and Three. The undeveloped RA-5 tract to the north behind the shopping center will contain 3.33 units per acre as called for in its rezoning plan and the Horseshoe Village Subdivision, a PD neighborhood on the north side of Pair Road, averages 4.15 units per acre.

The applicant’s submitted site plan indicates the need for setback variances from the RA-5 regulations. These include reducing the front setback from the required 20 feet to 15 feet, reducing the interior major side setback from the required 20 feet to 15 feet, and reducing the interior rear setback from the required 30 feet to 20 feet as well as a waiver of the required 10 foot landscape buffer adjacent to more restrictive zonings.

Cemetery Preservation: No comment.

APPLICANT: Piedmont Land Group of Georgia 2, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: RA-5

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
Hollydale	689	Over	
Elementary Smitha	986	Under	
Middle Osborne	1,999	Under	

High

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

Additional Comments: Approval of this petition could adversely affect the enrollment at Hollydale Elementary School, which is over capacity at this time.

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: Piedmont Land Group of Georgia 2, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: RA-5

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RA-5 for single family detached residential subdivision. The 11.719 acre site is located on the east side of Powder Springs Road, south of Pair Road.

Comprehensive Plan

The parcel is within a Low Density Residential (**LDR**) future land use category, with R-20 zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

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: Piedmont Land Group of Georgia 2, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: RA-5

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

Is this property within the Six Flags Special Service District?

Yes No

APPLICANT Piedmont Land Group of Georgia 2, LLC

PETITION NO. Z-009

PRESENT ZONING R-20

PETITION FOR RA-5

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

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 12" DI / E side of Powder Springs Rd.

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.

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: Approx 240' S in Perch Drive

Estimated Waste Generation (in G.P.D.): A D F= 6,720 Peak= 16,800

Treatment Plant: South Cobb

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments:

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: Piedmont Land Group of Georgia 2, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: RA-5

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley Creek FLOOD HAZARD INFO: Zone X

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

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

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

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

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

DOWNSTREAM CONDITION

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

APPLICANT: Piedmont Land Group of Georgia 2, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: RA-5

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

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

INSUFFICIENT INFORMATION

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

ADDITIONAL COMMENTS

1. The majority of this site drains to the south into and through the Eagle Point Subdivision. To limit offsite bypass of runoff a drainage easement will be required along the rear of lots 11-21 and lots 3-10 must be graded such that all impervious areas drain to the street.
2. The detention facility must be tied directly to the existing downstream system within Eagle Point S/D.

APPLICANT: Piedmont Land Group of Georgia 2, LLC

PETITION NO.: Z-9

PRESENT ZONING: R-20

PETITION FOR: RA-5

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
Powder Springs Road	26,100	Arterial	45	GDOT	100'

Based on [2008] traffic counting data taken by Cobb County DOT

COMMENTS AND OBSERVATIONS

Powder Springs Road is classified as an arterial, a state route, and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

Georgia Department of Transportation permits required for all work that encroaches upon State right-of-way.

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Powder Springs Road, a minimum of 10' from the back of curb.

Recommend deceleration lane for the Powder Springs Road access.

Recommend parking spaces be removed from right-of-way.

STAFF RECOMMENDATIONS

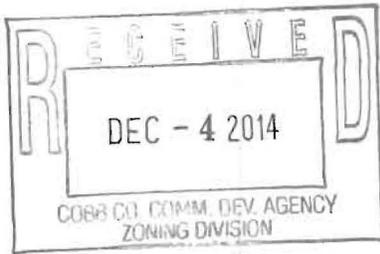
Z-9 PIEDMONT LAND GROUP OF GEORGIA 2, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains a mixture of commercial properties and single family houses (cluster homes and non cluster homes). Staff is concerned the proposed density of 3.75 units per acre is much greater than that of the adjacent neighborhood, Eagle Point, which averages 2.2 units per acre. Higher density subdivisions exist to the north such as the undeveloped RA-5 tract (3.33 units per acre) and Horseshoe Village (4.15 units per acre) but these exist between commercial developments along Powder Springs Road and adjacent R-15 zonings.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal is more dense than immediately adjacent subdivisions. The applicant's proposal could encourage higher density proposals in an area that may not support it.
- 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*, which projects this site to be within the LDR Low Density Residential area within densities ranging from 1 to 2.5 units per acre. The proposed development has a density of 3.75 units per acre. While the existing R-20 zoning may be anticipated to yield a density of 1.75 on average, a rezoning to R-15 may give 2.1 units per acre, closer to the 2.2 units per acre found in the adjacent Eagle Point Subdivision.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal, but at a lower density. The applicant's request for RA-5 constitutes a density that is out of character with adjacent subdivisions and the property's future land use. Also, the variances required imply that the applicant's request is ill suited to the property. While the existing R-20 zoning may yield approximately 20 units, an RA-5 zoning with a density of 2.5 units per acre would give the applicant 29 homes on the same piece of property. Zoning the property with a density of 2.5 units per acre under the RA-5 zoning district would be more in keeping with adjacent neighborhoods.

Based on the above analysis, Staff recommends **APPROVAL TO RA-5** subject to the following conditions:

- Max 2.5 units per acre;
- Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. received by the Zoning Division on January 6, 2015;
- Site plan to be approved by District Commissioner;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Fire Department 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.



Application #: Z-9
PC Hearing Date: February 3, 2015
BOC Hearing Date: February 17, 2015

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 1,800-2,400 Square Feet
- b) Proposed building architecture: Traditional or Craftsman as shown on Architectural Rendering/Elevation which will be submitted under separate cover
- c) Proposed selling prices(s): \$225,000 and greater
- d) List all requested variances: shown on site plan

.....
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)

A portion of the subject property is located within the confines of a Neighborhood Activity Center ("NAC") under the Cobb County's Future Land Use Map with the balance of the property being situated in an area denominated for Low Density Residential ("LDR"). The property is bounded by properties zoned in RC, RA-5, R15, NS, and LRO.

.....
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: _____ Date: 12/4/14
Applicant name (printed): Garvis L. Sams, Jr., Attorney for Applicant

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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

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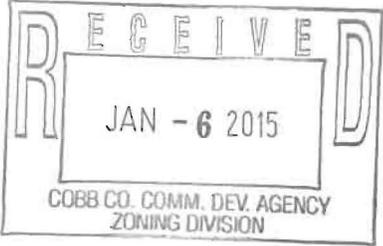
ADAM J. ROZEN

SLHB-LAW.COM

January 6, 2015

VIA EMAIL & HAND DELIVERY:

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 Piedmont Land Group of Georgia 2, LLC to Rezone an 11.729
Acre Tract from R-20 to RA-5 (No. Z-9)

Dear John:

As you know, this firm represents Piedmont Land Group of Georgia, 2, LLC ("Piedmont") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on February 3, 2015 and, thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on February 17, 2015.

While this Application has been pending, we have established a dialogue with the County's professional staff and others concerning the Application. In that regard, this letter will serve as Piedmont's expression of agreement with the following stipulations which, upon the rezoning being approved as submitted shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The subject property shall be developed in substantial conformity to that certain revised site plan, prepared by Betterton Surveying & Design, Inc. which is being submitted contemporaneously herewith.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
January 6, 2015
Page 2

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3. The construction of a maximum number of forty-four (44) quality-built, single-family detached homes at a maximum density of 3.75 units per acre.¹
 4. The homes shall range in size from 1,800 sq. ft. to 2,400 sq. ft. and possibly greater. Each of the homes shall have an attached two-car garage which shall be used for the parking and storage of vehicles and which will not be allowed to be converted into living space. Driveways will be sufficient to park at least two (2) additional vehicles.
 5. The architectural style and composition of the homes, which shall be a maximum of two stories in height, shall consist of a mixture of brick, stacked stone, cedar, Hardiplank shake or Hardiplank siding or a combination thereof as depicted on the photographs which are being submitted contemporaneously herewith.
 6. 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.
 7. Subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage, which will be located on Powder Springs Road, shall be incorporated into the Landscape Plan for the subdivision and shall be landscaped, irrigated and illuminated.
 8. The submission of a Landscape Plan during the Plan Review Process which shall be subject to review and approval by the County’s Arborist. A six foot (6’) black or green vinyl-coated chain-link fence shall be erected around the detention/stormwater management area. Said fencing shall have attendant landscaping in order to further screen the detention area from view.

¹ A portion of the subject property is located within the confines of a Neighborhood Activity Center (“NAC”) under Cobb County’s Future Land Use Map and is surrounded by properties zoned NRC, RA-5, R-15, NS & LRO.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
January 6, 2015
Page 3

9. Subject to the following recommendations from the Cobb County Department of Transportation (“DOT”) with respect to traffic and transportation issues:
 - a. The installation of sidewalks on at least one (1) side of the interior streets within the proposed subdivision.
 - b. Compliance with Section 401.08.02 (Local Residential Streets) with respect to the number of guest parking spaces (.5 spaces per home) provided pursuant to said Development Regulations.
 - c. The installation of sidewalk, curb and gutter along Powder Springs Road.
 - d. Insuring appropriate sight distance on Powder Springs Road or the implementation of remedial measures in which to mitigate same.
10. Subject to recommendations from the Cobb County Stormwater Management Division with respect to detention, stormwater management and hydrological issues, including the following:
 - a. The ultimate location and configuration of on-site detention, stormwater management and water quality components.
 - b. Detention on the subject property will be sized and configured to ensure that the subdivision located downstream from the subject property does not receive any more concentrated flow of stormwater than it is presently receiving.
 - c. Downspouts shall be directed to the street or other strategically placed stormwater conveyance components in accordance with directions received from the Stormwater Management Division in order to ensure that stormwater ultimately reaches the designated detention area.

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VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
January 6, 2015
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11. Adherence to the following construction hours:
 - a. Monday-Friday from 7:30 a.m. until 6:30 p.m. (outside work) and 7:00 a.m. until 7:30 p.m. (inside work).
 - b. Saturdays from 9:00 a.m. until 5:30 p.m. (all work).
 - c. There will be no work on Sundays.
12. All construction worker vehicles shall be parked on the subject property during the construction and build-out of the subdivision.
13. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site, including Piedmont's agreement to secure off-site easements in order to gain access to sewer to service the subject property.²
14. Subject to recommendations from the Cobb County Fire Department with respect to fire prevention and life safety issues.
15. Piedmont agrees to allow the Georgia Native Plant Society to conduct a "plant rescue" prior to the commencement of development and construction on the subject property as long as said plant rescue does not delay or impede the commencement of development and construction on the site.
16. The granting of a contemporaneous variance waiving the front setback of all lots to fifteen feet (15'). However, a commensurate amount of property shall be added to the rear setbacks of each home to ensure that the "building envelope" of each lot is not increased.

² Piedmont has already secured the necessary off-site sewer easement in order to gain access to sewer to service the subject property.

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Community Development Agency
January 6, 2015
Page 5

17. The District Commissioner shall have the authority to approve minor modifications to these stipulations, the site plan, the landscape plan and the architectural components as the development proposal proceeds through the Plan Review Process and thereafter, except for those that:
- a. Increase the density.
 - b. Reduce the size or composition of an approved buffer or landscape strip adjacent to property.
 - c. Relocate a structure closer to a property line.
 - d. Increase the height of a building adjacent to contiguous residential properties.
 - e. Violate the Cobb County Zoning Ordinance.
 - f. Require a variance waiving Zoning Ordinance requirements.

In all respects, Piedmont's proposal for the rezoning of the subject property is entirely appropriate from a land use planning perspective particularly when considered in the context in which the subject property is situated. Nevertheless, please do not hesitate to contact me should you or the staff require any further information or documentation concerning this Application prior to the Final Zoning Analysis and Staff Recommendations being formulated.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

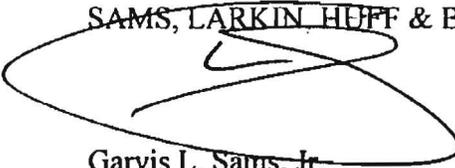
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Community Development Agency
January 6, 2015
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With kind regards and best wishes for the New Year, I am

Very truly yours.

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachments)
Mr. Dana Johnson, AICP Deputy Director (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Mr. Eric Meyer, P.E. (via email w/attachments)
Mr. Tim Davidson, Cobb County Water System (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Mr. Sal Gullo, Eagle Point HOA (via email w/attachments)
Mr. Howard Zuckerman (via email w/attachments)
Mr. Bobby Betterton (via email w/attachments)



Z-9 (2015)
Stipulation Letter
with Attachments



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JAN - 6 2015
CORR CORM DEV AGENCY
ZONING DIVISION



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COBB COUNTY CLERK DEV AGENCY
ZONING DIVISION