

**NOVEMBER 16, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 2

PURPOSE

To consider a stipulation amendment for Southeast Real Estate Acquisitions, LLC regarding application Z-59 (Presley Property Development) of 2006, for property located on the northwesterly side of Hembree Road, north of Creek Park Drive in Land Lots 532 and 533 of the 16th District.

BACKGROUND

The subject property was zoned CS with stipulations in 2006. Stipulations from the applicant’s stipulations letter detailed a number of conditions regarding the detached single-family houses. Price points were added in a footnote to further describe the house product. This was done by way of common practice to describe the proposed subdivision, not to stipulate a house price, which the County does not practice. The applicant’s request would be to remove footnote #2 on page 2 of the stipulation letter dated May 22, 2006. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached (see Exhibit A). The request has been submitted to Staff, which has no comments.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed stipulation amendment to remove footnote #2, on page 2 of the letter of stipulations dated May 22, 2006.

ATTACHMENTS

Zoning Stipulations (Exhibit A)
Other Business Application (Exhibit B)

PAGE 6 OF 15

APPLICATION NO. _____

ORIGINAL DATE OF APPLICATION: 5-16-06

APPLICANTS NAME: PRESLEY PROPERTY DEVELOPMENT

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

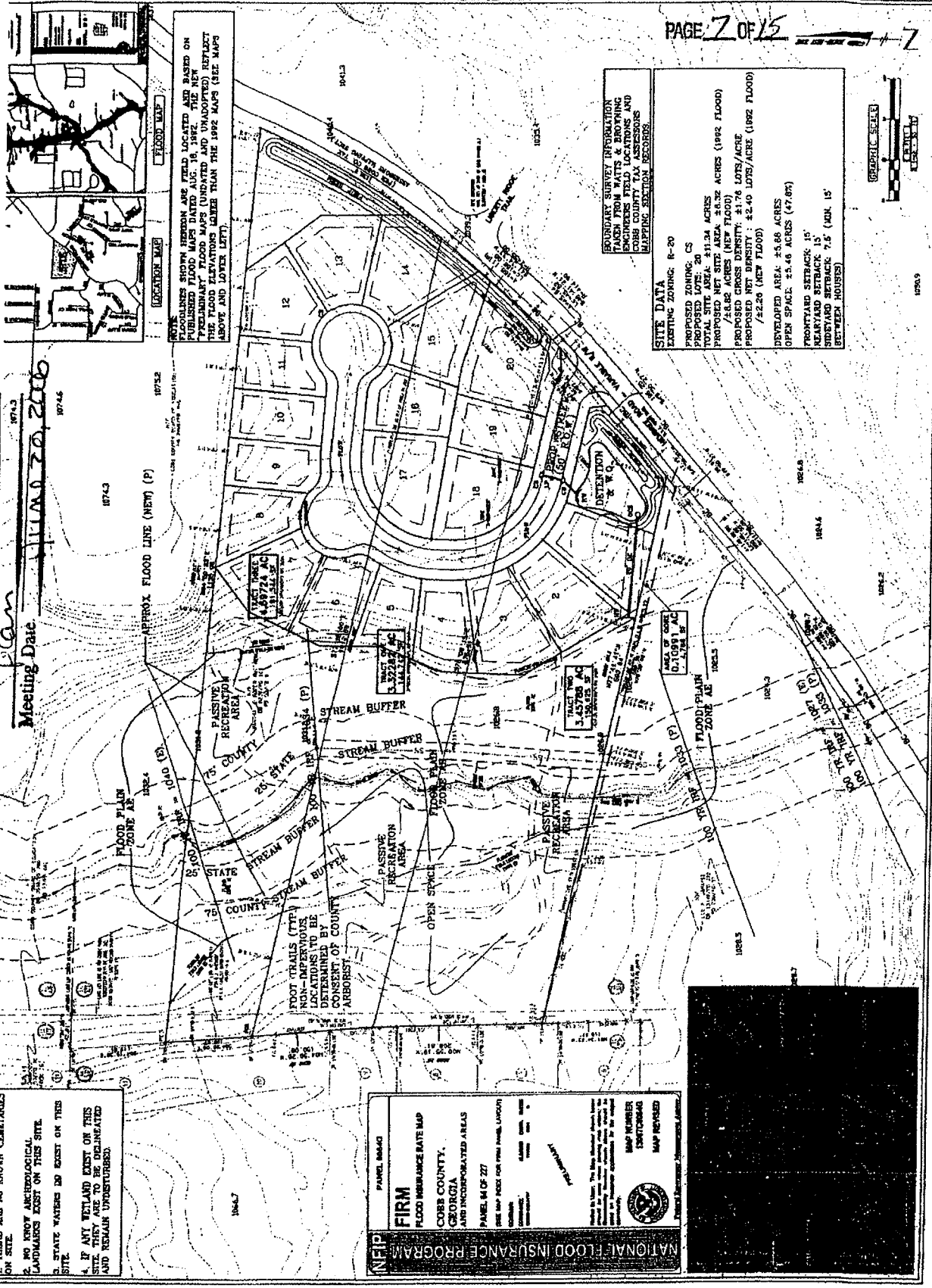
BOC DECISION OF 06-20-06 ZONING HEARING:

PRESLEY PROPERTY DEVELOPMENT (f/k/a Harold Rogers and Cecil Grambling) (Harold Rogers, Cecil Grambling and Martha Whitmire, owners) requesting Rezoning from R-30 to CS for the purpose of a Subdivision in Land Lots 532 and 533 of the 16th District. Located on the northwesterly side of Hembree Road, north of Creek Park Drive

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the CS zoning district **subject to:**

- revised site plan dated May 16, 2006, District Commissioner to approve minor modifications (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. Garvis Sams, Jr. dated May 22, 2006 (copy attached and made a part of these minutes)
- final site plan to be approved by the District Commissioner
- applicant/developer to provide fully dedicated easement to the open space provided
- engineering plan to be approved by the District Commissioner
- engineering to be completed prior to issuance of Land Development Permit
- installation of fence along the north side of the property to the easternmost part of the streambuffer
- landscaping plan to be approved by the District Commissioner
- registered arborist provide guidelines relevant to maintenance of open space to be included in covenants
- Fire Department comments
- Water and Sewer Division comments and recommendations
- revised Stormwater Management Division comments and recommendations (copy attached and made a part of these minutes)
- 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** unanimously



PAGE 2 OF 5

BOUNDARY SURVEY INFORMATION
 TAKEN FROM WATTS & BROWNING
 ENGINEERS FIELD LOCATIONS AND
 COBB COUNTY TAX ASSESSORS
 REPLYING SECTION RECORDS

SITE DATA
 EXISTING ZONING: R-20
 PROPOSED ZONING: CS
 PROPOSED LOTS: 20
 TOTAL SITE AREA: 111.24 ACRES
 FRONT YARD SETBACK: 15'
 SIDEYARD SETBACK: 15'
 REAR YARD SETBACK: 15' (MIN. 15'
 BETWEEN HOUSES)

PROPOSED GROSS DENSITY: 41.76 LOTS/ACRE
PROPOSED NET DENSITY: 42.40 LOTS/ACRE (1992 FLOOD)
PROPOSED NET DENSITY: 42.20 (NEW FLOOD)

DEVELOPED AREA: 43.88 ACRES
 OPEN SPACE: 67.36 ACRES (+7.00)
 FRONT YARD SETBACK: 15'
 SIDEYARD SETBACK: 15' (MIN. 15'
 BETWEEN HOUSES)

Min. Bk. 42 Petition No. 259
 Doc. Type 5-10-00 3:50
 Meeting Date JAN 20, 2006

1. THERE ARE NO KNOWN CEMETARIES ON SITE.
 2. NO NEW ARCHAEOLOGICAL LANDMARKS EXIST ON THIS SITE.
 3. STATE WATERS DO EXIST ON THIS SITE.
 4. IF ANY WETLAND EXIST ON THIS SITE, THEY WILL BE IDENTIFIED AND REMAIN UNDISTURBED.

NATIONAL FLOOD INSURANCE PROGRAM

FIRM
 COBB COUNTY,
 GEORGIA
 AND INCORPORATED AREAS

PANEL M OF 27
 SEE MAP INDEX FOR PANEL LOCATION

NEIP

MAP NUMBER
EXAMINER
MAP REVISED

REZONING EXHIBIT FOR
 HEMBREE ROAD TRACT
 LOCATED IN LAND LOTS 532 & 533
 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA

2-59 Revised Plan

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

COBB COUNTY GEORGIA
FILED IN OFFICE

2006 MAY 23 AM 7: 25

770-422-7016

COBB COUNTY TELEPHONE OFFICE

770-426-6588

FACSIMILE

WWW.SAMSLARKINHUFF.COM

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

OF COUNSEL
DAVID P. HARTIN

May 22, 2006

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

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

Min. Blk. 42 Petition No. Z-59
Doc. Type 5-22-06 Letter
of agreeable conditions
Meeting Date June 20, 2006

Re: Application of Presley Property Development to Rezone an 11.34 Acre Tract
from R-30 to Conservation Subdivision (CS) (No. Z-59)

Dear John:

As you know, this firm represents the Applicant and Property Owners concerning the above-captioned Application for Rezoning. The Application was heard and held by the Cobb County Planning Commission and is now scheduled to be heard by the Planning Commission again on June 6, 2006 and, thereafter, scheduled to be heard and considered for final action by the Board of Commissioners on June 20, 2006.

Following direction from the Planning Commission after public input earlier this month and in keeping with the ongoing dialogue and discussions with the County's Professional Staff, enclosed please find the requisite number of copies of a revised site plan. The balance of this letter will serve as my clients' expression of agreement with the following revised stipulations which, as amended and modified hereby, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

1. The revised stipulations and conditions set forth herein shall replace and supercede 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 granting of the rezoning to Conservation Subdivision (CS) shall be specific to that certain revised site plan prepared by Watts & Browning Engineers, being submitted contemporaneously herewith.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Community Development Department
Zoning Division
May 22, 2006
Page 2

Petition No. 2-59
Meeting Date June 20, 2006
Continued

3. There shall be a maximum number of 20 homes at a maximum net density of 2.26 units per acre.¹
4. Homes shall range in size from a minimum of 3,000 square feet up to 4,500 square feet and possibly greater.²
5. The architectural style of the homes shall be traditional with all four (4) sides of each home consisting of a mixture of either brick, stone, cedar shake or hardy plank consistent with revised elevations/renderings which will be submitted under separate cover.
6. An agreement to the recordation and enforcement of Declaration of Covenants, Conditions and Restrictions for the proposed residential community which shall contain rules and regulations applicable to the entire community, including strict architectural controls.
7. The creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of all common/open space areas, landscaped areas, amenity areas, fences and lighting.
8. The submission of a landscape plan during the Plan Review process which will be subject to review and approval by the Community Development Department and/or the County Arborist, including the following:
 - a. The construction of a foot bridge or similar structure which will traverse the creek to gain access to the Open Space and the passive recreation areas and foot trails on the western side of the subject property, subject to and conditioned upon the issuance of permits effectuating same.
 - b. The construction of or planting of landscaped features along the subject property's frontage on Hembree Road which shall be irrigated subject to the County Arborist's review and approval.

¹ This density is calculated based upon the most recent FEMA Guidelines and is consistent with or lower than the net as-built densities of the following nearby subdivisions: Liberty Ridge (2.3 upa), Dorset (2.3 upa) and Creek Park (2.15 upa).

² Price points will range from \$800,000's upwards.

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VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Community Development Department
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Petition No. 2-59
Meeting Date June 29, 2006
Continued

- c. Lighting within the residential community shall be decorative and themed to the architectural style and composition of the homes.
 - d. The front and side yards of all homes shall be sodded and irrigated where appropriate.
 - e. Subdivision entrance signage shall be ground-based, monument style, fully landscaped and irrigated and incorporated into the landscape plan which shall be submitted for staff review and approval.
9. Subject to the recommendations from the Cobb County Stormwater Management Division with respect to stormwater, on site detention, water quality ponds, hydrology and downstream considerations, including the following:
- a. The voluntary donation and conveyance of 75' stream bank buffers as a restrictive easement in favor of Cobb County so that said buffers shall remain undisturbed in perpetuity.
 - b. Open Space (5.46 acres or 47.8% of the subject property) shall be placed in a conservation easement in favor of Cobb County.³
 - c. Keeping all of the lots out of the flood plain.
 - d. Performing a pre-development and post-development Sediment and Erosion Analysis regarding downstream considerations.
 - e. Compliance with the newly-adopted FEMA Guidelines as reflected on the revised site plan.
10. Compliance with the recommendations from the Cobb County Department of Transportation regarding traffic/transportational issues including the following:
- a. The voluntary donation and conveyance of right-of-way on the north side of Hembree Road a minimum of 30' from the roadway centerline.

³ This Open Space acreage figure may change slightly during the Plan Review process.

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A LIMITED LIABILITY PARTNERSHIP

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VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Community Development Department
Zoning Division
May 22, 2006
Page 4

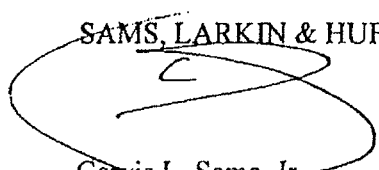
Petition No. 2-59
Meeting Date June 2006
Continued

- b. The installation of sidewalk, curb and gutter along the Hembree Road frontage.
 - c. The installation of a deceleration lane with an appropriate taper.
 - d. Verification of minimum intersection sight distance of 390' or the implementation of remedial measures in which to mitigate same.⁴
11. Compliance with the recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer.
 12. Compliance with the recommendations from the Cobb County Fire Department contained within the zoning analysis.
 13. Minor modifications to these stipulations or the site plan may be approved by the District Commissioner as needed or necessary during Plan Review.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the application's appearance before the Planning Commission and Board of Commissioners next month.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/dsj
Enclosures (Revised Site Plan)

⁴ The recently approved SPLOST includes improvements along the frontage of Pope High School; however, the high school's point of ingress/egress will not be affected.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Community Development Department
Zoning Division
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Page 5

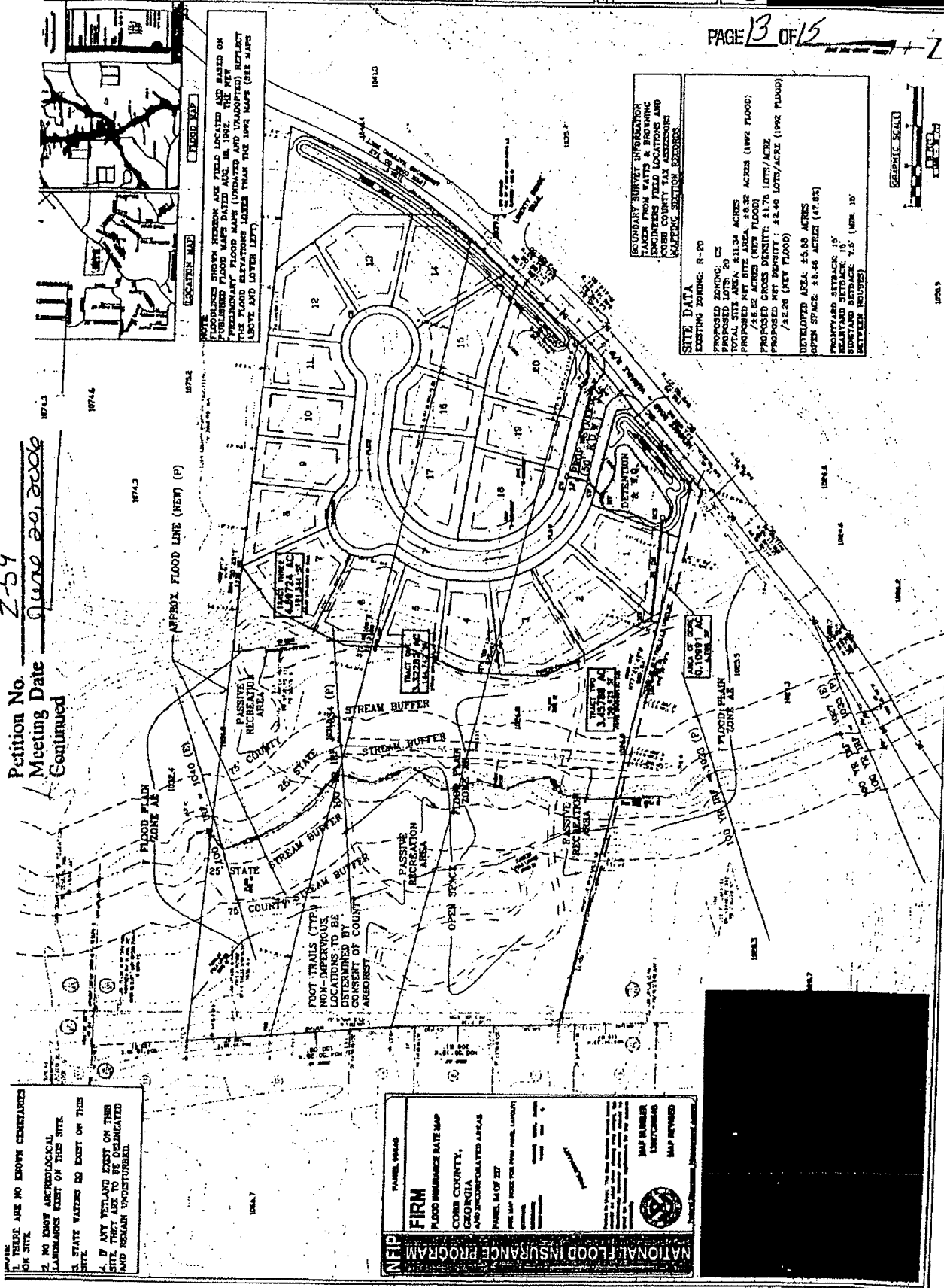
Petition No. 2-59
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Continued

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosure
Members, Cobb County Planning Commission – w/enclosure
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosure
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery – w/enclosure
Ms. Martha Adams, President, ECCA – w/enclosure
Ms. Melinda Shannon Freels – w/enclosure
Mr. Doug Presley – w/o enclosure

REZONING EXHIBIT FOR
 HEMBREE ROAD TRACT
 LOCATED IN LAND LOTS 632 & 633
 16th DISTRICT, 2nd SECTION
 COBB COUNTY, GEORGIA



Petition No. 259
 Meeting Date June 29, 2006
 Continued



NOTE: FLOODING SHOWN HEREON ARE FIELD LOCATED AND BASED ON FLOODING FLOOD MAPS DATED AUG. 18, 1982. THE NEW PRELIMINARY MAPS (UPDATED AND UNADOPTED) REFLECT THE FLOOD ELEVATIONS LOWER THAN THE 1982 MAPS (SEE MAPS ABOVE AND LOWER LEFT).

SITE DATA

EXISTING ZONING:	R-20
PROPOSED ZONING:	CS
PROPOSED LOTS:	20
TOTAL SITE AREA:	41.34 ACRES
PROPOSED NET SITE AREA:	28.82 ACRES
PROPOSED GROSS DENSITY:	41.7% LOTS/ACRE
PROPOSED NET DENSITY:	42.40 LOTS/ACRE (1982 FLOOD)
	42.26 (NEW FLOOD)
DEVELOPED AREA:	15.88 ACRES
OPEN SPACE:	16.46 ACRES (47.8%)
FRONTIARD SETBACK:	10'
REAR IARD SETBACK:	10'
MINIMUM SETBACK:	5.0' (MIN. 10' BETWEEN HOUSES)

1. THERE ARE NO KNOWN CONTAMINANTS ON SITE.
2. NO KNOWN ARCHAEOLOGICAL REMAINS EXIST ON THIS SITE.
3. STATE WATERS DO EXIST ON THIS SITE.
4. IF ANY WETLAND EXIST ON THIS SITE, THEY WILL BE DELINEATED AND REMAIN UNDEVELOPED.

NFIP FIRM
 FLOOD INSURANCE RATE MAP
 COBB COUNTY,
 GEORGIA
 AND INCORPORATED AREAS
 PANEL 14 OF 27
 THIS MAP SHOWS THE FIRM FLOOD INSURANCE RATE MAP NUMBER, LIMITATIONS, AND MAP REVISIONS



APPLICANT: Presley Property Development

PETITION NO

PRESENT ZONING: R-20

PETITION FOR: CS

Revised

PAGE 14 OF 15

DRAINAGE COMMENTS

Min. Bk. 42 Petition No. 2-59
Doc. Type revised SWM
comments + recommendations
Meeting Date June 20, 2010

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Piney Grove Creek FLOOD HAZARD INFO: Zone AE

- 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: Along stream and within floodplain

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 stormdrainage system.

APPLICANT: Presley Property Development

PETITION

PRESENT ZONING: R-20

PETITION FOR: CS

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REVISED DRAINAGE COMMENTS CONTINUED

Petition No. 2-59
Meeting Date June 20, 2006
Continued

SPECIAL SITE CONDITIONS

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

ADDITIONAL COMMENTS/SUGGESTIONS

1. The site is heavily encumbered by floodplain associated with Piney Grove Creek which runs almost through the middle of the site. The site is a good candidate for a conservation subdivision due to the significant floodplain and difficulty in providing access to the rear of the parcel. The field located floodplain must be verified since it differs slightly from the topography provided. All lots must be located above the flood zone.
2. The proposed detention pond locations are not ideal. Both are located on the high side of the site which will make grading difficult and result in a significant amount of bypass runoff. In addition, the pond adjacent to the stream must be located on a separate lot with frontage on the public R/W. With some site plan modifications it may be possible to provide a single pond located approximately where lots 3 & 4 are shown which could provide adequate detention for the entire development and significantly reduce the amount of grading required as well as runoff bypass. This revision may or may not result in the loss of a lot.

Revised Plan Dated 05-16-2006

1. This revised plan addresses previous comments regarding the location of the proposed detention pond. The pond has been moved to a more suitable location and placed on its own lot as required by Code.
2. The proposed foot trails must be created with pervious materials and minimal land disturbance. To minimize stream buffer disturbance the stream crossings must be limited to a single crossing.

APPLICANT: Presley Property Development (f/k/a Harold Rogers... PETITION N

PRESENT ZONING: R-30

PETITION FOR: CS

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Mountain View Elementary	_____	Capacity	0
High Tower Trail Middle	_____	Capacity	0
Pope High	_____	Capacity	0

*School Attendance zones are subject to revision at anytime.

Additional Comments:

FIRE COMMENTS:

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Fire Hydrant
 - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
 - b. Residential: Fire hydrant within 500 feet of structure.
3. Fire apparatus access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor IFC 503.1 2003 Edition. All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20-feet, 25-foot inside turning radius, 50-foot outside turning radius and unobstructed vertical clearance of not less than 13-feet 6 inches. Dead-end access roads in excess of 150-feet shall be provided with a turn-around IFC 503.2.5 2003 Edition. Cul-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-feet wide roadway + 45-feet).

Additional Comments:

APPLICANT Presley Property Development

PETITION NO. 2039

PRESENT ZONING R-30

PETITION FOR CS

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

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size/ Location of Existing Water Main(s): 6" CI / W side Hembree 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:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: On site / E side of stream

Estimated Waste Generation (in G.P.D.): **A D F** 8,400 **Peak** 21,000

Treatment Plant: Sutton

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- 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

* 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

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 off site easements, dedication of on and/or off site 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: Presley Property Development

PETITION

PRESENT ZONING: R-30

PETITION FOR: CS

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
Hembree Road	6000	Minor Collector	35 mph	Cobb County	60'

Based on 2000 traffic counting data taken by Cobb County DOT.

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

Install sidewalk, curb and gutter along the road frontage.

The applicant will have to verify that minimum intersection sight distance is available. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirement of 390'.

As necessitated by this development for egress from Hembree Road, a deceleration lane will be required.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of 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 Hembree Road, a minimum of 30' from the roadway centerline.

Recommend installing sidewalk along the road frontage.

Recommend a deceleration lane.

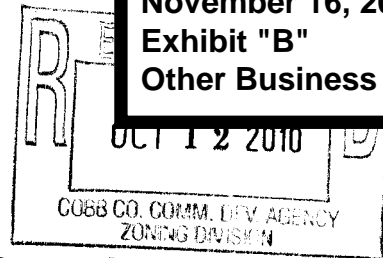
Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.

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

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 11/16/2010



Applicant: Southeast Real Estate Acquisitions, LLC Phone #: (404) 442-7888
(applicant's name printed)

Address: Suite 300, 3328 Peachtree Road, Atlanta, GA E-Mail: _____
Moore Ingram Johnson & Steele, LLP 30326

John H. Moore Address: Emerson Overlook, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800 w7@mijs.com

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook] My commission expires: January 10, 2011
Notary Public

Titleholder(s): Decatur Properties, Inc. Phone #: (404) 814-8070
(property owner's name printed)

Address: Suite 1550, 3490 Piedmont Road, N.E., Atlanta, GA E-Mail: _____
DECATUR PROPERTIES, INC. GA 30305

BY: [Signature]
(Property owner's signature) Ted Skopinski, Assistant Vice President

Signed, sealed and delivered in presence of:

[Signature: Cheryl L. Bearder] My commission expires: 9/22/2014
Notary Public

Commission District: 3 (Powell) **Zoning Case:** Z-59 (2006)

Date of Zoning Decision: 06/20/2006 **Original Date of Hearing:** 05/16/2006

Location: Lots 1, 2, 4, 5, 6, 8, 9, 10, 11, 12, 13, 14, 15, 16, 18, 19, Ansley Creek
Subdivision; Northwesterly side of Hembree Road, north of Creek Park Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 532, 533 **District(s):** 16th

State specifically the need or reason(s) for Other Business: _____

See Exhibit "A" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

Application No.: Z-59 (2006)
Original Hearing Date: May 16, 2006
Date of Zoning Decision: June 20, 2006
Current Hearing Date: November 16, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Southeast Real Estate Acquisitions, LLC
Property Owner: Decatur Properties, Inc.

On June 20, 2006, the Cobb County Board of Commissioners approved the rezoning of property located on the northwesterly side of Hembree Road, north of Creek Park Drive, Land Lots 532 and 533, 16th District, 2nd Section, Cobb County, Georgia. The rezoning would allow for the development of a residential subdivision within Cobb County's "Conservation Subdivision" zoning classification. The current Applicant and Property Owner in this Application for "Other Business" request an amendment as to one of the stipulations approved by the Board of Commissioners through the rezoning process. The proposed amendment is as follows:

(1) Paragraph 4, including footnote 2, of the letter of agreeable stipulations and conditions dated May 22, 2006, attached and made a part of the final, official minutes of the Board of Commissioners Zoning Hearing held on June 20, 2006, reads as follows:

4. Homes shall range in size from a minimum of 3,000 square feet up to 4,500 square feet and possibly greater.²

²Price points will range from \$800,000's upwards.

By this amendment, Applicant and Property Owner propose the deletion of footnote 2 from the stipulation. If the amendment is approved, as submitted, paragraph 4 shall be as follows:

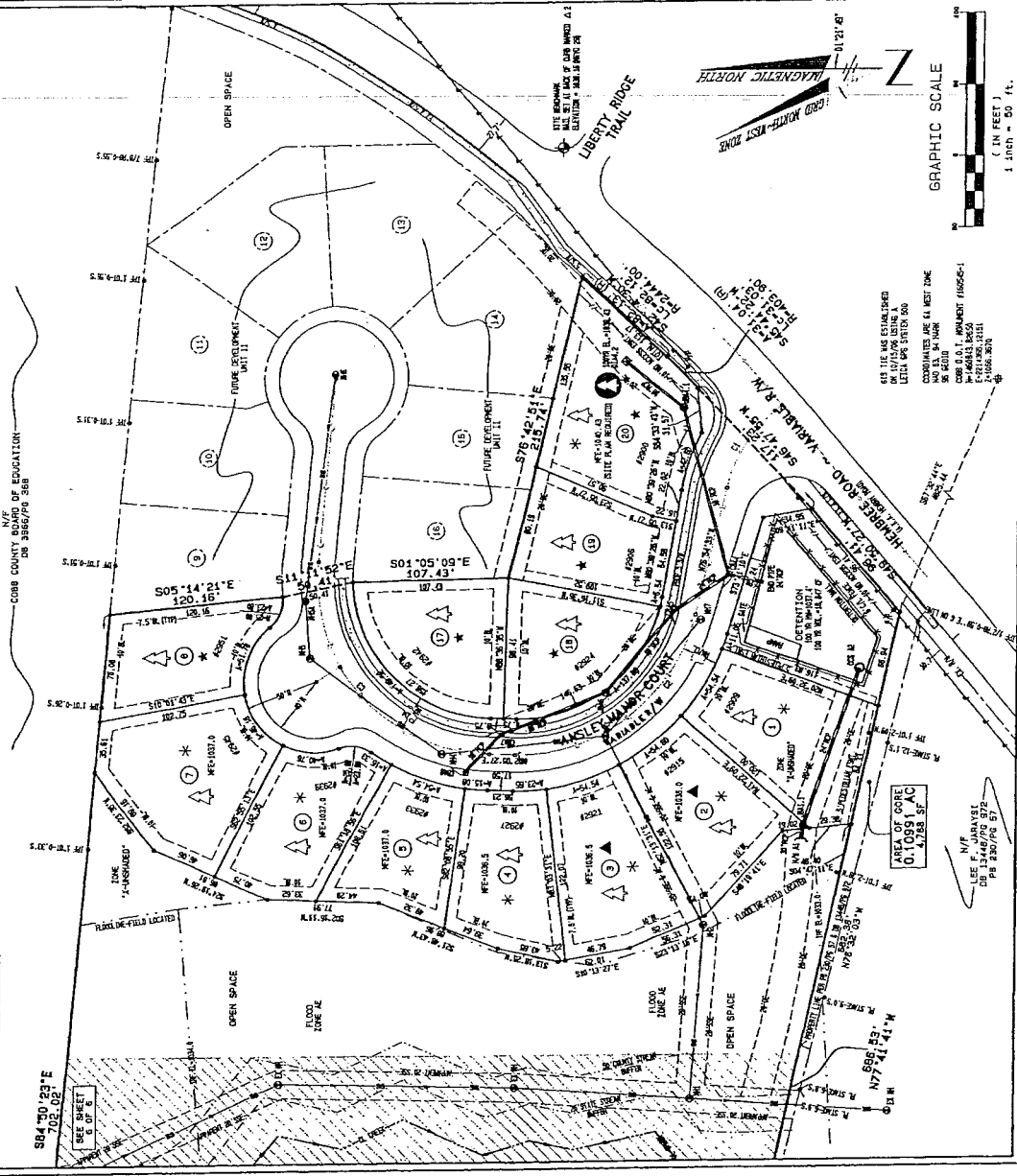
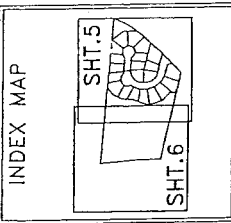
4. Homes shall range in size from a minimum of 3,000 square feet up to 4,500 square feet and possibly greater.

The proposed amendment presented herein in no way adversely impacts or affects the remainder of the overall development approved in the original rezoning of the Subject Property. At this time, residences on only four lots have been constructed and sold. The remaining lots are unimproved and owned by the Property Owner. Additionally, the Declaration of Covenants, Conditions, and Restrictions, as set forth in the stipulations approved by the Board of Commissioners, has been recorded for all lots within the Ansley Creek Subdivision. If the

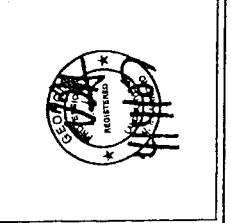
requested amendment is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the specified lots within the Ansley Creek Subdivision. A true and correct copy of the recorded Final Plat of Ansley Creek, Unit I, is attached hereto as Exhibit "I" and incorporated herein by reference.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on June 20, 2006, in Application No. Z-59 (2006), are unaltered or unchanged by this request for stipulation amendment.

PLAT FILED IN OFFICE _____ RECORDED IN PLAT BOOK
 2617 PAGE 80
 DATE 6-7-07
 CLERK: _____
 COUNTY: _____
 FILE NO: _____



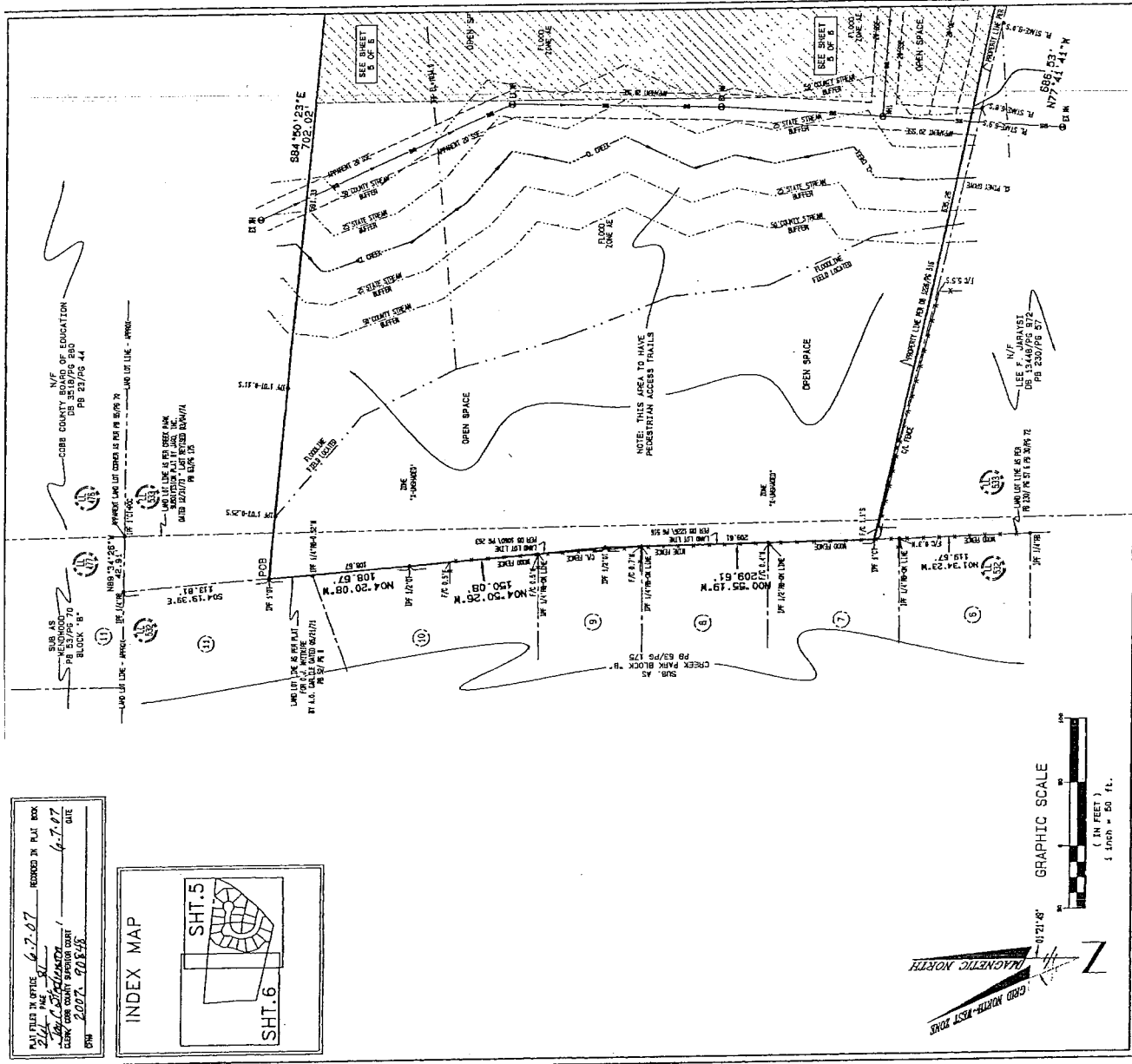
FINAL PLAT OF
ANSLEY CREEK
 UNIT II
 LOCATED IN
 LAND LOTS 532 & 533
 16TH DISTRICT ~ 2ND SECTION
 COBB COUNTY, GEORGIA



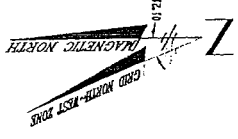
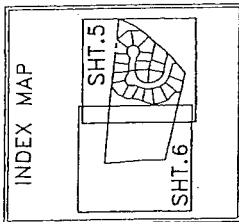
REVISIONS	DATE	DESCRIPTION
1.	11/16/2010	ADDED COUNTY COMMENTS.

WATT'S & BROWNING ENGINEERS, INC.
 CIVIL ENGINEERS & LAND SURVEYORS
 5582 PEACHTREE ROAD
 ATLANTA, GEORGIA 30341-4953
 PHONE (770) 451-4559
 WWW.W&BENR.COM

SCALE:	1" = 50'
DATE SURVEYED:	03/22/06
DATE RECORDED:	06/07/07
DRAWN BY:	J. HARRIS
CHECKED BY:	J. HARRIS
FIELD BOOK #:	672
PLAT NUMBER:	06222
FILE #:	06-109922
DATE FILED:	06/07/07
COUNTY/STATE:	COBB/GEORGIA
PLAT FILE:	0606222/06222
SHEET:	5 OF 5



PLAT FILED IN OFFICE 6-7-07 RECORDED IN PLAT BOOK 2114 PAGE 11
 DATE 6-7-07
 SURVEYOR
 WATS & BROWNING ENGINEERS, INC.
 2007-00018



<p>FINAL PLAT OF ANSLEY CREEK UNIT 1 LOCATED IN LAND LOTS 532 & 533 16TH DISTRICT ~ 2ND SECTION COBB COUNTY, GEORGIA</p>		<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>REVISION</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>11/16/10</td> <td>ADRESSED COUNTY COMMENTS.</td> </tr> </tbody> </table>	REVISION	DATE	DESCRIPTION	1	11/16/10	ADRESSED COUNTY COMMENTS.														
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