





Year	Percent Total				Percent Year			
	1990	1991	1992	1993	1990	1991	1992	1993
1990	100	100	100	100	100	100	100	100
1991	100	100	100	100	100	100	100	100
1992	100	100	100	100	100	100	100	100
1993	100	100	100	100	100	100	100	100
1994	100	100	100	100	100	100	100	100
1995	100	100	100	100	100	100	100	100
1996	100	100	100	100	100	100	100	100
1997	100	100	100	100	100	100	100	100
1998	100	100	100	100	100	100	100	100
1999	100	100	100	100	100	100	100	100
2000	100	100	100	100	100	100	100	100
2001	100	100	100	100	100	100	100	100
2002	100	100	100	100	100	100	100	100
2003	100	100	100	100	100	100	100	100
2004	100	100	100	100	100	100	100	100
2005	100	100	100	100	100	100	100	100
2006	100	100	100	100	100	100	100	100
2007	100	100	100	100	100	100	100	100
2008	100	100	100	100	100	100	100	100
2009	100	100	100	100	100	100	100	100
2010	100	100	100	100	100	100	100	100
2011	100	100	100	100	100	100	100	100
2012	100	100	100	100	100	100	100	100
2013	100	100	100	100	100	100	100	100
2014	100	100	100	100	100	100	100	100
2015	100	100	100	100	100	100	100	100
2016	100	100	100	100	100	100	100	100
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2027	100	100	100	100	100	100	100	100
2028	100	100	100	100	100	100	100	100
2029	100	100	100	100	100	100	100	100
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2080	100	100	100	100	100	100	100	100
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2096	100	100	100	100	100	100	100	100
2097	100	100	100	100	100	100	100	100
2098	100	100	100	100	100	100	100	100
2099	100	100	100	100	100	100	100	100
2100	100	100	100	100	100	100	100	100

## BUILDING SETBACKS

[illegible]

-  = Existing SFD Lots  
 = Proposed SFD Lots  
 = Constructed SFD Home  
 = Constructed Townhome



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IT'S THE LAW

**APPLICANT:** The Pacific Group, Inc.

(678) 385-2887

**REPRESENTATIVE:** Garvis L. Sams, Jr. (770) 422-7016

SAMS, LARKIN & HUFF, LLP

**TITLEHOLDER:** GDCI GA 1, L.P., a Georgia Limited Partnership

**PROPERTY LOCATION:** On the east and west sides of Shiloh Road,  
south of Hickory Grove Road, and on the west side of I-75.

**ACCESS TO PROPERTY:** Shiloh Road

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped portion  
of property previously zoned FST

#### **CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/Church; RA-5 & FST/Hickory Estates at Shiloh Ridge

**SOUTH:** PRD/Paces Club; LI/Developed industrial properties

**EAST:** FST/Hickory at Shiloh

**WEST:** PRD/Paces Club Subdivision; RA-5/ Undeveloped

**PETITION NO:** Z-19

**HEARING DATE (PC):** 05-01-12

**HEARING DATE (BOC):** 05-15-12

**PRESENT ZONING:** FST

**PROPOSED ZONING:** RA-5

**PROPOSED USE:** Subdivision

**SIZE OF TRACT:** 11.49 acres

**DISTRICT:** 20

**LAND LOT(S):** 24, 53, 54

**PARCEL(S):** On file in Zoning Division

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**OPPOSITION:** NO. OPPOSED \_\_\_\_ **PETITION NO:** \_\_\_\_ **SPOKESMAN** \_\_\_\_\_

#### **PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_ **CARRIED** \_\_\_\_\_

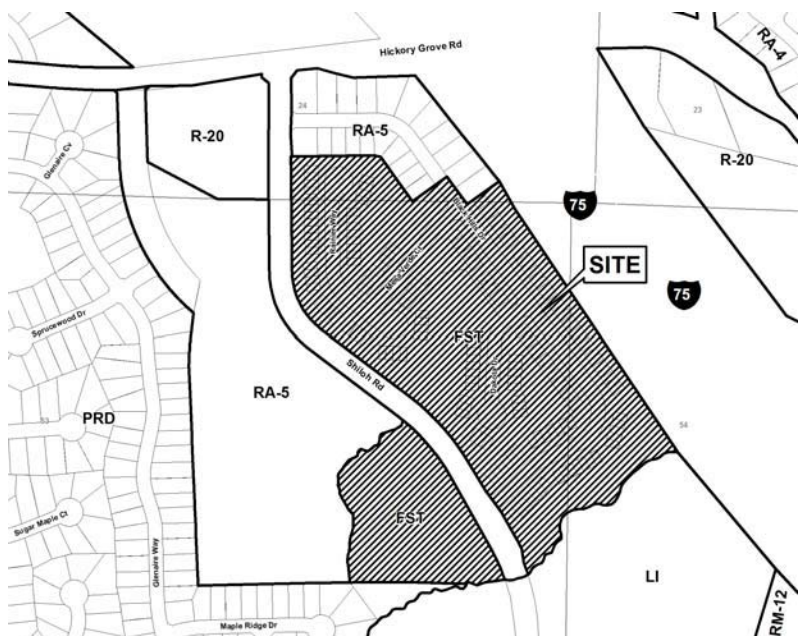
#### **BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_ **MOTION BY** \_\_\_\_\_

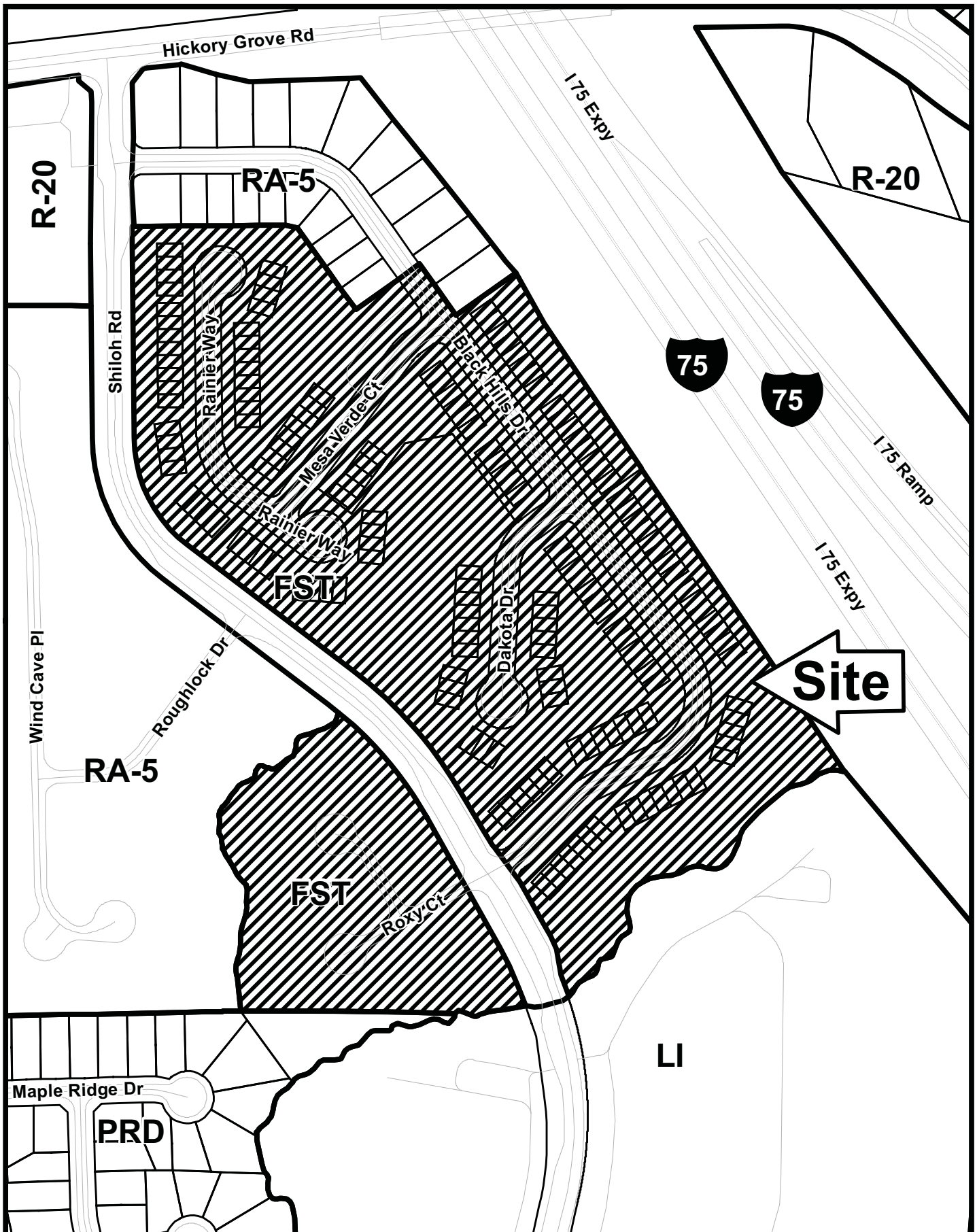
**REJECTED** \_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-19



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

0 200 400 Feet



City Boundary  
Zoning Boundary

APPLICANT: The Pacific Group, Inc.

PETITION NO.: Z-19

PRESENT ZONING: FST

PETITION FOR: RA-5

\*\*\*\*\*

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Medium Density Residential (2.5—5 units per acre)

Proposed Number of Units: 61

Overall Density: 3.37

Units/Acre

Present Zoning Would Allow: 147 Units

Decrease of: 86

Units/Lots

Applicant is requesting the RA-5 category in order to develop 61 single-family houses. The property was previously approved for a townhouse development that was not completed. The proposed application will allow 61 single-family detached houses to be developed on the remaining property. The subject property was part of a 53.72-acre tract that was rezoned to RA-5 and FST as Z-84 of 2004 (minutes attached). The proposed houses will be two-story traditional consisting of brick, stone, stucco, hardiplank, cedar shake siding or combinations thereof. The house sizes will range from 1,800 square feet to 2,200 square feet.

The applicant is also seeking a variance for the front setbacks to be waived from 25 feet to 20 feet.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

PLANNING COMMENTS:

The applicant is requesting a rezoning from FST to RA-5 for purposes of residential subdivision. The 11.49 acre site is located on the northeast side of Shiloh Road, south of Hickory Grove Road, and on the west side of I-75.

**Comprehensive Plan**

The parcel is within an Industrial Compatible (IC) future land use category with FST zoning designations. The purpose of the IC category is to provide for areas that can support light industrial, office/warehouse and distribution uses.

**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?

☐ Yes ☐ No ☒ Not applicable

**APPLICANT:**   The Pacific Group, Inc.  
**PRESENT ZONING:** FST

**PETITION NO.:**   Z-19  
**PETITION FOR:**   RA-5

\* \* \* \* \*

**SCHOOL COMMENTS:**

		Capacity	Number of
Name of School	Enrollment	Status	Portable
Baker	777	Over	
Elementary			
Barber	978	Under	
Middle			
North Cobb	2,664	Under	

**High**  
 \* School attendance zones are subject to revision at any time.

**Additional Comments:**  
 Baker Elementary School is over-crowded at this time. Approval of this petition could adversely impact the enrollment at this school.

\* \* \* \* \*

**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT The Pacific Group, Inc.

PETITION NO. Z-019

PRESENT ZONING FST

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 / W side of Shiloh Road

Additional Comments: Water services are installed for previously-approved site plan. Removal, addition, or relocation of services will be the responsibility of the developer.

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: on site on ROW

Estimated Waste Generation (in G.P.D.): **A D F=** 400/lot **Peak=** 1000/lot

Treatment Plant: **Northwest**

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

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

Drw 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: Sewer services are installed for previously-approved site plan. Removal, addition, or relocation of services will be the responsibility of the developer

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: The Pacific Group, Inc.

PETITION NO.: Z-19

PRESENT ZONING: FST

PETITION FOR: RA-5

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS</b>
---------------------------------------

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Proctor 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: Identified on site plan.

- ☒ 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 \_\_\_\_\_.

APPLICANT: The Pacific Group, Inc.

PETITION NO.: Z-19

PRESENT ZONING: FST

PETITION FOR: RA-5

\*\*\*\*\*

<b>STORMWATER MANAGEMENT COMMENTS – Continued</b>
---

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. This project was originally permitted with a mixture of single-family and fee-simple townhomes with the stormwater management facilities located within the open space/common area to be maintained by the homeowners association. Latitude in the detention pond design was allowed due to the maintenance being private. The fencing, pond access and embankment design are not such that the County would accept them for maintenance and need to remain privately maintained.

**APPLICANT: The Pacific Group, Inc.**

**PETITION NO.: Z-19**

**PRESENT ZONING: FST**

**PETITION FOR: RA-5**

\*\*\*\*\*

<b>COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS</b>
---

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
Shiloh Road	7900	Arterial	35 mph	Cobb County	100'

*Based on 2009 traffic counting data taken by Cobb County DOT (Shiloh Road)*

## COMMENTS AND OBSERVATIONS

Shiloh 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.

## 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 east and west side of Shiloh Road, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk along all road frontages per Chapter 106 of the Cobb County Code of Ordinances.

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

## **STAFF RECOMMENDATIONS**

### **Z-19 THE PACIFIC GROUP, INC.**

- 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. Adjacent and nearby properties are also zoned for single-family residential houses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. Other properties in the area are also zoned for medium density single-family developments.
- 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Medium Density Residential category with densities ranging from 2.5 to 5 units per acre. The overall density with the proposed development will have density of 3.37 units per acre.
- 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. Applicant's proposal is consistent with the *Cobb County Comprehensive Plan* designation of Medium Density Residential. The property was previously approved for townhomes and the applicant is proposing single-family homes. Nearby properties are developed with similar single-family homes.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- Site plan received by the Zoning Division on February 29, 2012, with the District Commissioner approving minor modifications;
- Reducing front setbacks for the new lots from 25 feet to 20 feet;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT 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 No. z-19

May  
2012.

## Summary of Intent for Rezoning\*

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

Proposed unit square-footage(s): 1,800 square feet – 2,200 square feet

Proposed building architecture: 2 story traditional consisting of brick, stone, stucco, hardiplank, cedar shake or combinations thereof.

Proposed selling prices(s): \$220,000 and up

a) List all requested variances: None

### 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)

The subject property was a part of the rezoning of a 53.72 acre tract to RA-5 & FST in 2004 (No. Z-84). The present proposal consists of a request that the undeveloped portion of the property which is zoned FST be converted to single family detached residential (RA-5) which is essentially a down-zoning of the property. The property is located in an area under Cobb County's Future Land Use Map which is shown as Medium Density Residential (MDR).

### 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 those properties are located.)

N/A

\*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
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MELISSA P. HAISTEN  
JUSTIN H. MEEKS

April 10, 2012

[SAMSLARKINHUFF.COM](http://SAMSLARKINHUFF.COM)

**VIA E-MAIL &  
HAND DELIVERY**

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



Re: Application of The Pacific Group, Inc. to Rezone an 11.49 Acre Tract from  
FST to RA-5 (No. Z-19)

Dear John:

As you know, this firm represents The Pacific Group, Inc. regarding the above-captioned application for rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on May 1, 2012 and, thereafter, it is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on May 15, 2012.

This rezoning application emanates from the split rezoning of a 53.72 acre tract to FST and RA-5 in 2004 (No. Z-84). That rezoning was accomplished subject to numerous stipulations/conditions regarding both the FST and the RA-5 components. However, only a portion of the residential communities have had homes and townhomes constructed within them, thus precipitating circumstances which have led The Pacific Group to the present rezoning which, in effect, constitutes a down-zoning of those portions of the property having no homes constructed thereon.

While the application has been pending, we have interfaced with the County's Professional Staff, area residents and property owners and by copy of this letter with the North Cobb Homeowners Coalition (NCHC). In that regard, this letter will serve as The Pacific Group's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

**VIA E-MAIL &  
HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
April 10, 2012  
Page 2

---

1. The stipulations and conditions made a part of the original rezoning (No. Z-84 [2004]) shall remain in full force and effect except where in conflict with the following stipulations and conditions which shall replace and supersede those stipulations and conditions so effected 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 site plan prepared by Travis Pruitt & Associates, Inc. (Hickory at Shiloh Ridge) filed contemporaneously with the application for rezoning on February 29, 2012.<sup>1</sup>
3. The construction of a maximum number of sixty-one (61) single family detached homes under the RA-5 zoning district at a maximum density of 3.37 units per acre which is a reduction of the overall density of the community.
4. The minimum house size within the proposed residential community shall be 1,800 square feet ranging up to 2,200 square feet and possibly greater. Each home shall have an attached 2-car garage which shall be used for the parking and storage of vehicles.
5. The exterior facades of the residences shall be a 2-story traditional in styling and the architecture composition shall consist of a mixture of brick, stone, stucco, hardy plank and cedar shake.
6. Lighting within the residential community shall be decorative and themed to the style and architecture of the homes.
7. The front and side yards of all homes shall be sodded and irrigated where appropriate. The front setbacks shall remain consistent with the front setbacks of the existing homes at twenty feet (20').

---

<sup>1</sup> Attached is an exhibit which clearly reflects the existingsingle family lots, the proposed single family lots, the constructed single family homes and the constructed townhomeson the overall 53.72 acre tract.

**VIA E-MAIL &  
HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
April 10, 2012  
Page 3

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8. There is be a community amenity area with a swimming pool, cabana and "tot lot" located on an adjacent part of the residential community which shall also serve the property which is the subject matter of this Application.
9. The creation of a mandatory Homeowners Association and the submission of Declaration of Covenants, Conditions and Restrictions which shall include, among other components, strict architectural controls.
10. A third party management company shall be hired to manage the day-to-day operations of the Homeowners Association, including the responsibility for all commonly owned properties and all amenities within the subject property. The third party management company should also be responsible of all Association monies as well as ensuring that the Association is properly insured.
11. All common/open space, recreational and buffer areas may be penetrated for the purposes of access, utilities and stormwater management.
12. Subject to recommendations from the Cobb County Stormwater Management Division with respect to stormwater, on site detention, hydrology and downstream considerations, including the ultimate location and configuration of on site detention and water quality ponds.
13. Conveying a restrictive easement in favor of Cobb County with respect to the 50-foot streambank buffers in order that same shall remain undeveloped in perpetuity.
14. The submission of a landscape plan during the Plan Review process which shall be subject to review and approval by Community Development Agency and/or the County Arborist. Said landscape plan shall include, but not necessarily be limited to, the construction of a 6-foot high landscaped berm along the subject property's frontage on Hickory Grove Road. Said berm shall be irrigated and the utilization of specific vegetation and plant species shall be approved by the Community Development Agency and/or the County Arborist during the Plan Review process.

**VIA E-MAIL &  
HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
April 10, 2012  
Page 4

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15. Compliance with all Cobb County Development Standards and Ordinances related to project improvements, except as otherwise approved by the Cobb County Board of Commissioners.
16. In locations where the subject property, excluding right-of-way, is contiguous to the property of the Free Baptist Church, an agreement to maintain a 20-foot enhanced landscaped buffer which will be established within the 40-foot building setback area. Further, there will be an agreement that there will no removal of healthy trees within said buffer area during any enhancement process and/or installation process.
17. In locations where the subject property is in direct contiguity to Paces Club Subdivision, an agreement to maintain a 20-foot enhanced landscaped screening buffer which will be established within the 40-foot building setback area. Further, there will be an agreement that there will be no removal of healthy trees within said buffer area during any enhancement process or installation process.
18. All maintained natural buffers, which may be enhanced with plantings which are ecologically compatible to the area, will be maintained after development by the owner. Only dead, dying, diseased, or invasive vines or plants will be removed from the buffer. No storage, structures or other non-growing items shall be placed in the buffer. Invisible fencing (i.e. electronic underground fencing for the containment of domestic animals) is acceptable.
19. Recommendations from the Cobb County Department of Transportation include a request for the voluntary donation and conveyance of right-of-way along Shiloh Road so that the County can achieve 50-feet from the center line on both sides of Shiloh Road. However, Shiloh Road has already been built consistent with and in accordance with the mandates and specific directives of Cobb DOT in 2004 (No. Z-84).
20. Subdivision entry signage shall be ground-based, monument style, fully irrigated and incorporated into the landscape plan which shall be submitted for staff review and approval.

**VIA E-MAIL &  
HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
April 10, 2012  
Page 5

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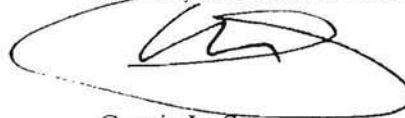
21. An agreement to include a recital in the Declaration of Covenants and a recital within the warranty deeds conveying title to the purchasers of homes which provide notice that portions of the residential community have direct contiguity to existing industrial developments and industrially zoned properties.
22. Compliance with the recommendations from the Cobb County Water System regarding the availability and accessibility of water and sewer for the site.<sup>2</sup>
23. Compliance with the recommendations from the Cobb County Fire Department.
24. The District Commissioner shall have the authority to review and approve minor modifications to these stipulations as well as the final site plan and landscape plan during the Plan Review process and thereafter.

Please do not hesitate to call should you or your staff require any further information or documentation prior to the formulation of the Zoning Analysis and staff recommendations.

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS, Jr./dsj  
Enclosure/Attachment

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<sup>2</sup> Water and sewer has been installed; however, the service and laterals will have to be relocated in some instances to accommodate the single family detached product in lieu of the originally proposed townhomes.

**VIA E-MAIL &  
HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Community Development Agency  
April 10, 2012  
Page 6

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cc: Members, Cobb County Board of Commissioners - Via E-Mail w/ attachment  
& Via Hand Delivery w/ enclosure  
Members, Cobb County Planning Commission - Via E-Mail w/ attachment  
Mr. Robert Hosack, Jr., AICP, Director - Via E-Mail w/ attachment  
Mr. Dana Johnson, AICP, Planning Manager - Via E-Mail w/ attachment  
Mr. Jason Campbell, Planner III - Via E-Mail w/ attachment  
Ms. Jane Stricklin, P.E. - Via E-Mail w/ attachment  
Mr. David Breden, P.E. - Via E-Mail w/ attachment  
Ms. Karen King, Assistant County Clerk - Via E-Mail w/ attachment  
& Via Hand Delivery w/ enclosure  
Ms. Lori Presnell, Deputy County Clerk - Via E-Mail w/ attachment  
& Via Hand Delivery w/ enclosure  
Mr. David Warner, NCHC - Via E-Mail w/ attachment  
Mr. Mike Kilgallon, President, The Pacific Group, Inc. - Via E-Mail w/ attachment  
Mr. Ray Cunliffe, The Pacific Group, Inc. - Via E-Mail w/ attachment

Z-19  
Previous  
MinutesORIGINAL DATE OF APPLICATION: 06-15-04APPLICANTS NAME: FOUR SEASONS DEVELOPMENT GROUP

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

**BOC DECISION OF 02-15-05 ZONING HEARING:****OTHER BUSINESS ITEM #5 – TO CONSIDER A SITE PLAN AMENDMENT REGARDING Z-84 (FOUR SEASONS DEVELOPMENT GROUP) OF JUNE 15, 2004**

To consider a site plan amendment regarding Z-84 (Four Seasons Development Corp.) of June 15, 2004, for property located on the south side of Hickory Grove Road, on the west side Interstate 75, at the terminus of Shiloh Road and on the west and south sides of Styles Road in Land Lots 24, 53 and 54 of the 20<sup>th</sup> District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend site plan. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Olens, to **approve** site plan amendment regarding Z-84 (Four Seasons Development Corp.) of June 15, 2004, for property located on the south side of Hickory Grove Road, on the west side Interstate 75, at the terminus of Shiloh Road and on the west and south sides of Styles Road in Land Lots 24, 53 and 54 of the 20<sup>th</sup> District

- site plan last revised November 9, 2004 (copy attached and made a part of these minutes)
- request letter from Mr. Garvis Sams, Jr., dated December 29, 2004 (copy attached and made a part of these minutes)
- Stormwater Management Division memorandum from Mr. G. H. Mingledorff dated February 10, 2005 (copy attached and made a part of these minutes)
- all other previously approved conditions/stipulations to remain in full force and effect

VOTE: **ADOPTED** unanimously

LAND LOTS 24, 25 & 26  
30TH DISTRICT - 2ND SECTION  
COBB COUNTY, GEORGIA  
SCALE 1"=100' / NOVEMBER 9 2004

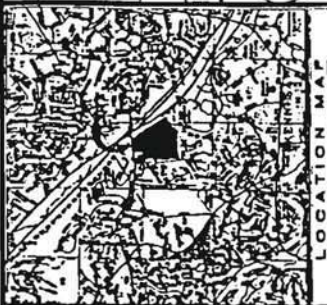
PORTRAIT HOMES - GEORGIA, LLC

**SITE PLAN FOR**



06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	00	01	02	03	04	05	06	07	08	09	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89
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DATE	10/10/10
TIME	10:10
LOCATION	10:10
REMARKS	10:10



**LOCATION MAP**

**TOTAL AREA: 517 ACRES**

TOTAL INTNS: 246

TOTAL DENSITY: 4.77 UNITS/ACRE

ZONING

11-11-11

00-1

Flight is  
Biology 301 1000 1000

100

DATE RECEIVED - 10/1/68  
BY - JIM GALT

NOTES

THE  
JOURNAL  
OF  
THE  
ROYAL  
ANTHROPOLOGICAL  
INSTITUTE

**THE**

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**3-10**

11

© Copyright 2004

9-11-08

DATE: 11/17/2010 10:10:10 AM  
BY: [REDACTED] / [REDACTED]

1-800-441-1111

THE UNIVERSITY OF CHICAGO

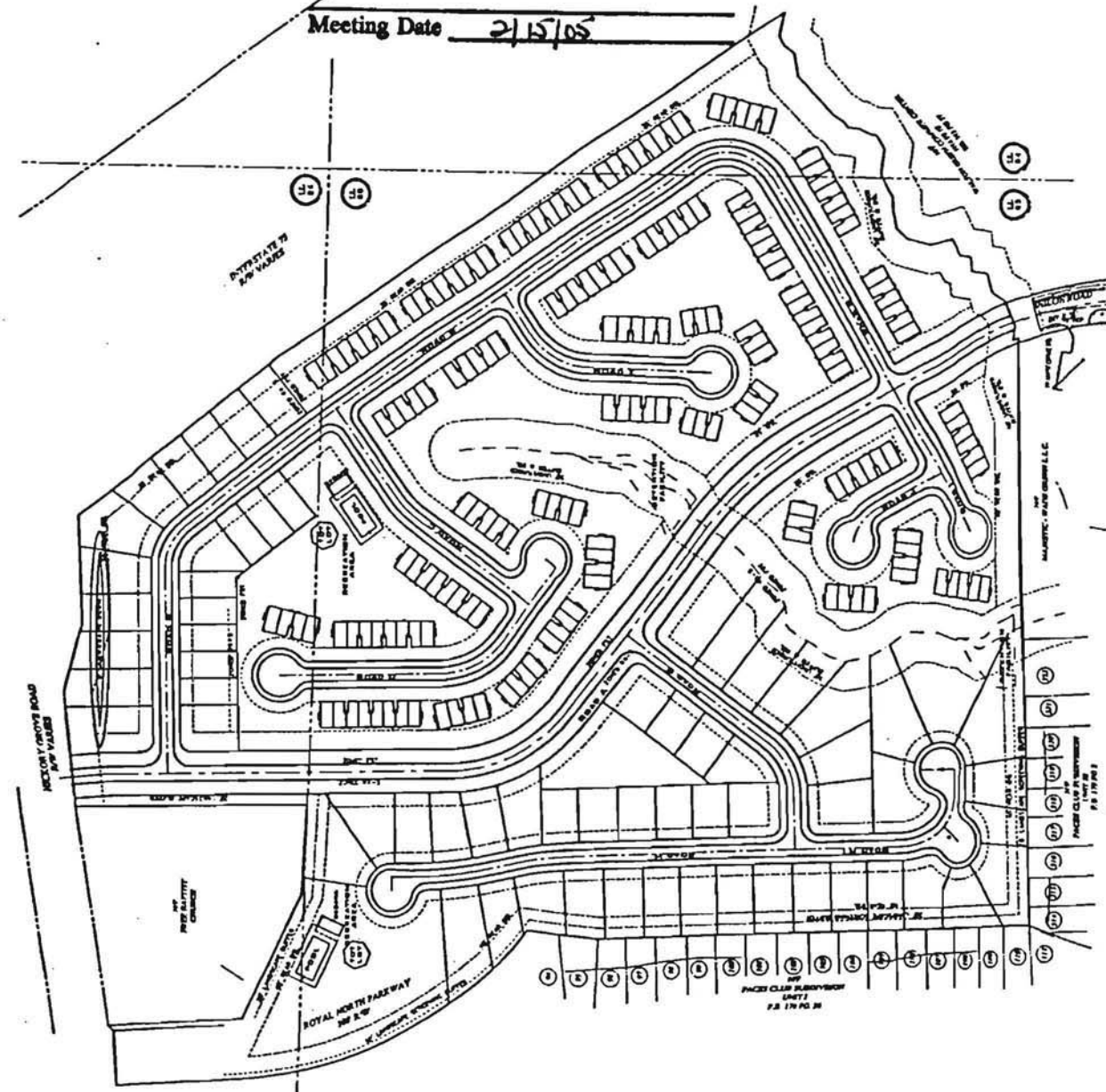
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一、二、三、四、五、六、七、八、九、十、十一、十二、十三、十四、十五、十六、十七、十八、十九、二十、二十一、二十二、二十三、二十四、二十五、二十六、二十七、二十八、二十九、三十、三十一、三十二、三十三、三十四、三十五、三十六、三十七、三十八、三十九、四十、四十一、四十二、四十三、四十四、四十五、四十六、四十七、四十八、四十九、五十、五十一、五十二、五十三、五十四、五十五、五十六、五十七、五十八、五十九、六十、六十一、六十二、六十三、六十四、六十五、六十六、六十七、六十八、六十九、七十、七十一、七十二、七十三、七十四、七十五、七十六、七十七、七十八、七十九、八十、八十一、八十二、八十三、八十四、八十五、八十六、八十七、八十八、八十九、九十、九十一、九十二、九十三、九十四、九十五、九十六、九十七、九十八、九十九、一百。

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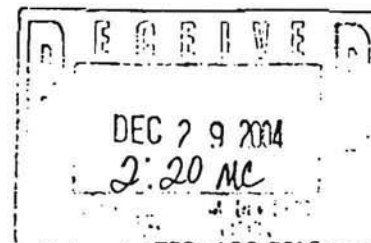
Min. Bk. 33 Petition No. OB#6  
 Doc. Type Site Plan (Z-84 or 6/15/04)

Meeting Date 2/15/05

[illegible]

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

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



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770-426-6583

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INFO@SAMSLARKINHUFF.COM

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

RICHARD A. HARRAH

MICHAEL P. PRYOR

OF COUNSEL

DAVID P. HARTIN

December 29, 2004

**VIA HAND DELIVERY**

Mr. Mark A. Danneman, Manager  
Cobb County Zoning Department  
191 Lawrence Street  
Suite 300  
Marietta, Georgia 30060-1661

Min. Bk. 33 Petition No. 0B#5 Z-84 g 6/15/04  
Doc. Type Request Letter  
Meeting Date 2/15/05

Re: Application of Four Seasons Development Corporation to Rezone a 53.72 Acre Tract from R-20 & LI to RA-5 & FST-10 (No. Z-84)

Dear Mark:

You will recall that I represented Four Seasons Development Corporation regarding the above-captioned application for rezoning which was unanimously approved by the Board of Commissioners on September 21, 2004. Thereafter, the application was heard as an "Other Business" agenda item for approval of the site plan on October 7, 2004 and was unanimously approved once again.

Since the latest approval of the site plan in October, the site plan has again been revised based upon more definitive engineering information which has resulted in a reduction in the number of units (from 268 to 256) and a reduction in the density from 4.99 units per acre to 4.77 units per acre. Additionally, a minor change to the site plan has been made as a result of the reconfiguration of one of the cul-de-sacs. However, as you can see, for the most part the site plan remains unchanged and is still configured in accordance with the Board's previous actions approving the zoning and the site plan.

With respect to the foregoing and based upon my conversations with Commissioner Goreham, through her assistant, Annette Friant, it is my understanding that Commissioner Goreham has requested that I contact you so that the matter can be placed on the Board's next available "Other Business" agenda which will immediately follow the regularly scheduled zoning hearings on February 15, 2005. In that regard, please find the requisite number of copies of the revised site plan. Please let me know when the notification signage has been prepared so

VIA HAND DELIVERY

Petition No. 08#5  
12-84 03 6/15/04  
Meeting Date 2/15/05  
Continued

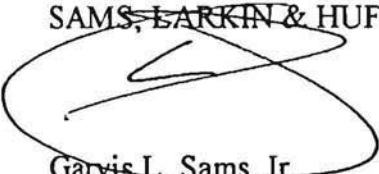
Mr. Mark A. Danneman, Manager  
December 28, 2004  
Page 2 of 3

that I can assure that the subject property is properly posted. Additionally, please advise me if you need to receive a telephone call from Commissioner Goreham.

In the interim, please do not hesitate to call should you require any further information or documentation concerning these matters.

Very truly yours,

~~SAMS, LARKIN & HUFF, LLP~~

  
Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS,Jr./na  
Enclosures

cc: Commissioner Helen Goreham - VIA Hand Delivery - w/enclosure  
Mr. David Warner, President North Cobb Homeowner's Coalition, w/enclosure  
Mr. Lloyd Milholland - w/enclosure  
Mr. Mike Brinegar, Portrait Homes - w/enclosure

[illegible]



# COBB COUNTY WATER SYSTEM

Operations Facility  
680 South Cobb Drive  
Marietta, Georgia 30060-3111

OB#5

PAGE 26 OF     

Robert L. Brice  
DIRECTOR

DIVISIONS:  
Business Services  
Customer Services  
Engineering & Records  
Solid Waste  
Stormwater Management  
System Maintenance  
Water Protection

Min. Bk. 33 Petition No. OB#5  
(Z-84 07/15/04)  
Doc. Type memorandum from  
G.H. Mingledorff  
Meeting Date 2/15/05

Date: February 10, 2005

Memo: Mark Danneman, Manager  
Zoning Division, Community Development

Subject: Z-84 (2004)  
Four Seasons Development Corporation  
Shiloh Road / Hickory Grove Road  
LL 24, 53, 54 / 20th

Revised Plan submitted via December 29, 2004 transmittal over hand of Garvis L. Sams, Jr., Esq. Due to aggressive terrain, engineering problems were anticipated in the Stormwater Management Zoning Comments for this project. The reduction in density is a move in correct direction to reduce impact.

Recommend lots along Road G and Road H which now extend into the stream buffer be removed from the buffer. As is, the County must engage 8 individual property owners, who will be endeavoring to create that perfect yard, in order to protect the undisturbed character mandated for the stream buffer. First report of violation is usually from a neighbor after the buffer is decimated. And once one goes County has no handle to prevent all. Recommend all stream buffers be included in open / community space to reduce potential of violation.

Sincerely,  
COBB COUNTY STORMWATER MANAGEMENT

for G.H. Mingledorff, P. E., RLS  
Senior Engineer, Stormwater Management  
GHM/fd

Cc: Chairman Sam Olens  
Commissioner Helen Goreham  
Commissioner Joe L Thompson  
Commissioner Tim Lee  
Commissioner Annette Kesting  
David Hankerson, County Manager  
Bob Brice, Director, Water System  
Bill Higgins, Stormwater Management  
Rob Hosack, Director, Community Development  
Gail Huff, Assistant County Clerk  
Sandra Richardson, Deputy County Clerk  
Garvis L. Sams, Jr., Esq.

COBB COUNTY GEORGIA  
FILED IN OFFICE  
2005 FEB 14 PM 3:00  
COBB COUNTY CLERK'S OFFICE

ORIGINAL DATE OF APPLICATION: 06-15-04APPLICANTS NAME: FOUR SEASONS DEVELOPMENT CORPORATIONTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-21-04 ZONING HEARING:**

**FOUR SEASONS DEVELOPMENT CORPORATION** (Donald E. Kemp and Dewey L. Styles, owners) for Rezoning from **LI** and **R-20** to **RA-5**, **RM-8** and **FST-10** for the purpose of Attached and Detached Residential Housing in Land Lots 24, 53 and 54 of the 20<sup>th</sup> District. Located on the south side of Hickory Grove Road, on the west side of Interstate 75, at the terminus of Shiloh Road and on the west and south sides of Styles Road.

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

**MOTION:** Motion by Goreham, second by Olens, to delete rezoning to the **RA-5 (detached)** and **FST** zoning districts **subject to:**

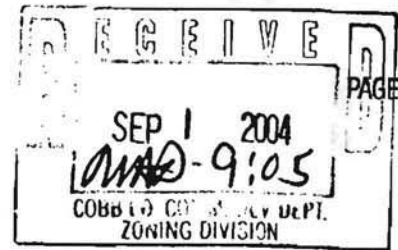
- single-family detached housing along the Hickory Grove corridor
- allowance of contemporaneous variance to allow the RA-5 portion of the project to exceed 20 acres, if necessary
- maximum final blended project density, including RA-5 and FST, of 5.0 units per acre
- final site plan to be approved by the Board of Commissioners
- minimum of 15 feet between buildings
- minimum house size of 1,600 square feet in FST district
- letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated August 31, 2004, *not otherwise in conflict* (copy attached and made a part of these minutes)
- maintained natural buffers, which may be enhanced with plantings ecologically compatible to the area (not to be clear cut or mowed) and will be maintained after development by the owner; only dead, dying, diseased, or invasive vines or plants may be removed from the buffer; no storage, structures, or other non-growing items to be placed in the buffer; invisible fencing (i.e. electronic underground fence for containment of animals) is acceptable on private lots; County Arborist shall have final authority as to plantings
- County Arborist to approve landscape plan, which shall include detention areas and buffers
- dedication of greenspace by Cobb County, in conformity with future agenda item prepared by County Attorneys Office and presented at an October, 2004 Regular Board of Commissioners meeting, contingent upon issuance of land disturbance permits for this development

ORIGINAL DATE OF APPLICATION: 06-15-04APPLICANTS NAME: FOUR SEASONS DEVELOPMENT CORPORATIONTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-21-04 ZONING HEARING: (Continued)**

- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- revised Cobb DOT comments and recommendations, *not otherwise in conflict*
- 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

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448



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

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FACSIMILE

WWW.SAMSLARKINHUFF.COM  
INFO@SAMSLARKINHUFF.COM

August 31, 2004

VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager  
Cobb County Zoning Department  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661

Min. Bk. 30 Petition No. Z-84  
Doc. Type Letter of agreeable  
stipulations  
Meeting Date Sept. 21, 2004

Re: Application of Four Seasons Development Corporation to Rezone a 53.72 Acre Tract from R-20 & LI to RA-5, RM-8 & FST-10 (No. Z-84)

Dear Mark:

You will recall that this firm represents Four Seasons Development Corporation ("Four Seasons") which is the Applicant and the Property Owner concerning the above-captioned Application for Rezoning. In that regard, the Application was recommended for approval by the Planning Commission on July 26, 2004; held by the Board of Commissioners on July 20, 2004; and, held again by the Board on August 17, 2004. The Application is now scheduled to be heard and considered for final action by the Board of Commissioners on September 21, 2004.

With respect to the foregoing and in accordance with direction from the Board, enclosed please find the requisite number of copies of a revised site plan. The balance of this letter will serve as Four Seasons' agreement to the following revised stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and modified, and binding upon the subject property thereafter. In that regard, this stipulation letter supercedes Four Seasons' four (4) previously submitted stipulation letters, dated May 6, 2004, June 24, 2004, July 13, 2004, and August 3, 2004, respectively.

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

Petition No. Z-84  
Meeting Date Sept. 21, 2004  
Continued

Mr. Mark A. Danneman, Manager  
Cobb County Zoning Department  
August 31, 2004  
Page 2

**GENERAL STIPULATIONS APPLICABLE TO ALL CATEGORIES**

1. Rezoning of the subject property shall be from R-20 & LI to the RA-5 and FST zoning categories with reference to that certain revised site plan, prepared by BH&D Engineering, Inc., being filed contemporaneously herewith.
2. The subject property shall be developed for single family detached residences and single family attached residences upon a total area of 53.72 acres.<sup>1</sup>
3. Decorative lighting, themed to the architecture and styling of the residences to be constructed, shall be utilized throughout the proposed residential community.
4. There shall be two (2) community amenity areas which each having a swimming pool, cabana and "tot lot" located thereon. These community amenity areas have been positioned within the subject property so that they will be located in areas of the subject property where slopes do not exceed twenty percent (20%).
5. Four Seasons agrees to the recording and enforcement of a master Declaration of Covenants, Conditions and Restrictions for the proposed residential community which will contain covenants, rules and regulations applicable to the entire community.
6. An agreement that the homes throughout the entirety of the community shall be "for sale" only with an agreement that any subsequent leaseings of the homes after their respective original purchases shall be limited to no more than ten percent (10%) of the total number of homes and for no lease term less than one (1) year in duration. These provisions shall be included as a specific recital in the Master Declaration of Covenants, Conditions and Restrictions as referred to in the preceding paragraph.
7. Four Seasons agrees to the creation of a mandatory, master homeowners association which shall be responsible for the upkeep and maintenance of all common/open space areas, landscaped areas, amenity areas, fences and lighting.

---

<sup>1</sup> Consistent with the Board's direction, the total acreage includes the 1.81 acres which was previously acquired by Cobb County for right-of-way purposes.

Petition No. Z-84  
Meeting Date Sept 21, 2004  
Continued

**VIA HAND DELIVERY**

Mr. Mark A. Danneman, Manager  
Cobb County Zoning Department  
August 31, 2004  
Page 3

8. A third-party management company shall be hired to manage the day-to-day operations of the homeowners association, including the responsibility for all commonly owned properties and all amenities within the subject property. The third-party management company shall also be responsible for the management of all association monies as well as ensuring that the association is properly insured.
9. All common/open space, recreational and buffer areas may be penetrated for the purposes of access, utilities and stormwater management.
10. Subject to recommendations from the Cobb County Stormwater Management Division with respect to stormwater, on-site detention, hydrology and down stream considerations, including the ultimate location and configuration of on-site detention and water quality ponds.
11. Conveying a restrictive easement in favor of Cobb County with respect to the 50' stream bank buffers in order that same shall remain undisturbed in perpetuity.<sup>2</sup>
12. Recognition of the fifty foot (50') undisturbed buffers and Greenspace Declaration of Covenants and Restrictions as contained in that certain instrument recorded on March 29, 2004 in Deed Book 13950, Page 359, Cobb County, Georgia Records.<sup>3</sup>
13. The submission of a landscape plan during the Plan Review process which shall be subject to review and approval by the Community Development Department and/or the County Arborist. Said landscape plan shall include, but not be limited to the construction of a six foot (6') high landscaped berm along the subject property's frontage on Hickory Grove Road. Said berm shall be irrigated and the utilization of specific vegetation and plant species shall be approved by the Community Development Department during the Plan Review process.

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<sup>2</sup> There is a creek, not shown on County Buffer Maps, wherein Cobb County's Erosion Control Manager (Frank Gipson) has indicated a twenty-five foot (25') screenbank buffer will be required rather than the fifty foot (50') buffer.

<sup>3</sup> A small portion of this tract encumbers the positioning of the southern terminus of the proposed right-of-way which traverses the subject property. The City of Kennesaw has agreed to assist with respect to this issue so that north/south connectivity between Hickory Grove Road and Shiloh Road can be accomplished. Ultimately, however, it will be the State of Georgia Property Commission which will make the final decision concerning this issue.

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14. Compliance with all Cobb County Development Standards and Ordinances related to project improvements, except as otherwise approved by the Board of Commissioners.
15. Compliance with Historic Preservation Comments contained within the Zoning Analysis.
16. In locations where the subject property, excluding the proposed right-of-way, is contiguous to the property of the Free Baptist Church, an agreement to maintain a twenty foot (20') enhanced landscaped buffer which will be established within the forty foot (40') building set back area. Further, there will be an agreement that there will be no removal of healthy trees within said buffer area during the enhancement process and installation.
17. In locations where the subject property is in direct contiguity to Paces Club Subdivision, an agreement to maintain twenty foot (20') enhanced landscaped screening buffer which will be established within the forty foot (40') building set back area. Further, there will be an agreement that there will be no removal of healthy trees within said buffer area during the enhancement process and installation.
18. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, including the following:
  - a. In accordance with the revised site plan being filed contemporaneously herewith, the voluntary conveyance and dedication of 3.90 acres which will create a eighty feet (80') right-of-way traversing the subject property and an agreement to construct a two (2) lane road within said right-of-way built to Cobb County's Design and Detail Specifications in order to create north/south connectivity between Hickory Grove Road and Shiloh Road. There shall be no individual curb cuts onto said road.

No building permits shall be issued by Cobb County for the subject property until the 80' right-of-way proposed to connect Shiloh Road and Hickory Grove Road, as shown on the site plan prepared by BH&D Engineering, Inc., and filed contemporaneously herewith, has been dedicated free of encumbrances to Cobb County. If the dedication is not complete and if construction of the road has not begun within 24 months, the zoning amendment shall be null and void and the subject property shall revert back to its previous zoning categories.

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

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- b. The voluntary donation and conveyance of right-of-way along Hickory Grove Road so that the County can achieve 40' from the centerline of said road.
  - c. The installation of sidewalk, curb and gutter along Hickory Grove Road.
  - d. Insuring sufficient sight distance along Hickory Grove Road or, in the alternative, the implementation of remedial measures in order to mitigate same.
  - e. The installation of a 10' no access easement along the subject property's frontage on Hickory Grove Road except, of course, with respect to the subdivision entrance located thereon.
19. Subdivision entry signage shall be ground-based, monument style, fully irrigated and incorporated into the landscape plan which shall be submitted for staff review and approval.
20. An agreement not to exceed the overall blended density of 5.56 units per acre (299 homes on 53.72 acres).
21. Minor modifications to the proposed residential development shall be approved by the District Commissioner, as needed or necessary.

**PROPOSED RA-5 SINGLE FAMILY DETACHED RESIDENCES**

- 1. Rezoning of a portion of the subject property shall be to the RA-5 zoning category with reference to that certain revised site plan prepared by BH&D Engineering being filed contemporaneously herewith.
- 2. The RA-5 component shall consist of a total number of 43 homes at a maximum density of 2.96 units per acre.
- 3. Residences within the RA-5 community shall have a minimum of 1,800 square feet, ranging up to 2,200 square feet and possibly greater. Each home shall have a two-car garage.
- 4. The exterior facades of the residences within the RA-5 community shall be two-story traditional in styling and architecture and shall consist of brick, stone, stucco, hardy plank, cedar shake or combinations thereof.

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5. Lighting within the RA-5 community shall be decorative and themed to the style and architecture of the homes.
6. The front and side yards of all homes shall be sodded.

**PROPOSED FST SINGLE FAMILY ATTACHED TOWNHOME RESIDENCES**

1. Rezoning of a portion of the subject property shall be to the FST zoning category with reference to that certain revised site plan prepared by BH&D Engineering, Inc. being filed contemporaneously herewith.
2. The FST component shall consist of a total number of 256 single family attached homes at a maximum density of 7.65 units per acre.
3. Residences within the single family attached townhome community shall have a minimum of 1,400 square feet, ranging up to 1,800 square feet and possibly greater. Each townhome shall have a two-car garage.
4. The exterior facades of the residences within the townhome community shall be two-story traditional in styling and architecture and shall consist of brick, stone, stucco, hardy plank, cedar shake or combinations thereof.
5. Lighting within the townhome community shall be decorative and themed to the style and architecture of the homes.
6. The front and side yards of all units shall be sodded.
7. Buildings shall be constructed within the FST component on no slopes greater than twenty-five percent (25%).
8. An agreement to include a recital in the Declaration of Covenants and a recital within the Warranty Deeds conveying title to the purchasers of the townhomes which provides notice that the FST component has direct contiguity to existing industrial developments and industrially-zoned properties. Such language shall be submitted to and approved by the County Attorney.

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

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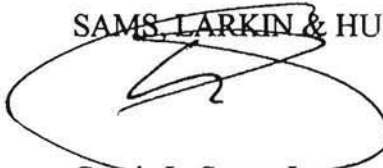
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Four Seasons' revised zoning proposal comports with the Planning Commission's recommendation for approval, follows the directives of the Board of Commissioners and represents the culmination of discussions with representatives of the North Cobb Homeowners Coalition, area residents and the County's professional staff.

Please do not hesitate to call should you or your staff require any further information or documentation prior to our next appearance before the Cobb County Board of Commissioners on September 21, 2004.

Very truly yours,

~~SAMS, LARKIN & HUFF, LLP~~



Garvis L. Sams, Jr.

GLS,Jr./dsj

Enclosures

cc: Members, Cobb County Board of Commissioners (via hand delivery w/enc.)  
Mr. Robert L. Hosack, Jr., AICP, Director (via hand delivery w/enc.)  
Mr. David A. Jackson, P.E. (via hand delivery w/enc.)  
Mr. John P. Pederson, Planner III (via hand delivery w/enc.)  
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery w/enc.)  
Ms. Sandra Richardson, Deputy County Clerk (via hand delivery w/enc.)  
Mr. David Warner, NCHC (w/enc.)  
Ms. Kristi Treadway (w/enc.)  
Shea Roberts, Esq. (w/enc.)  
Mr. Lloyd Milholland, Four Seasons Development Corporation (w/enc.)



APPLICANT Four Seasons Development Corp

PETITION NO. Z-084

PRESENT ZONING LI, R-20

PETITION FOR RA5/RM8/FST

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**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 / S side Hickory Grove Rd

Additional Comments: Dual feed required with the 10" DI / W side Shiloh Rd. Master meter to be on Shiloh Rd for FST

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.

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**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: Near site in Shiloh Rd

Estimated Waste Generation (in G.P.D.): **A D F** 100,000 **Peak** 250,000

Treatment Plant: **Northwest**

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

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

Dry 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: Sewer also in adjacent S/D W & S, if Shiloh Rd sewer elevation will not serve all of the tract (easements required)

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: Four Seasons Development Corp.

PETITION NO.: Z-84

PRESENT ZONING: LI/R-20

PETITION FOR: RA-5/RM-8/EST-10

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**DRAINAGE COMMENTS**

FLOOD HAZARD: ☐ YES ☐ NO ☒ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Proctor Creek FLOOD HAZARD INFO: Undefined

- ☐ 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: within Flood Hazard

- ☒ 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: Four Seasons Development Corp.

PETITION NO.: Z-84

PRESENT ZONING: LI / R-20

PETITION FOR: RA-5/RM-8/EST-10

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**DRAINAGE 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 **in Flood Hazard, Wetland, or Stream Buffer** 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 (Northwest section and Southeast section). Must be addressed at Plan Review.
- ☐ 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/SUGGESTIONS**

- 1) Observe that according to dimensions given on plan 16 of RA-5 lots and 19 of RM-8 lots are substandard (less than 7000 square feet) in area. This represents 40% of the RA-5 lots and 31% of the RM-8 lots.
- 2) Overall tract is split by natural ridge / ravine terrain into 3 sub-basins. Northwest section, of 26 lots and supporting roadway, flows westerly without stormwater controls or Water Quality-Best Management Practice directly into an established residential subdivision. Southeast section, of 88 Fee Simple Townhouse units and supporting roadways, flows south directly into creek without stormwater controls and without Water Quality-Best Management Practice. Central section, made up of remaining lands plus stream bank buffer and spring activity, flowing south into same creek as southeast section and with 2 detention / Water Quality - Best Management Practice facilities designated.
- 3) Ground slopes run 13% to 22% for RM-8 with average above 15%; 8% to 20% for RA-5 with average near 15%; 5% to 30% for Fee Simple Townhouse with average well above 15%. Massive grading will be required to create this plan particularly in the Fee Simple Townhouse area. The intensity of this project is well above the limited activity recommended by the Georgia Stormwater Management Manual (Cobb County Standard 507). Past subdivisions of similar intensity on similar terrain in area have contributed volumes of sediment to Proctor Creek and have been so

APPLICANT: Four Seasons Development Corp.

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PETITION FOR: RA-5/RM-8/EST-10

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documented by the County Stream Monitoring Program. This layout is singularly insensitive by arranging the most massive grading requirements on the steepest slopes.

- 4) Layout calls for individual building lots to run through the designated stream bank buffer. Maintaining the water quality improvement benefits of an undisturbed buffer when the property owner desires an improved landscaped yard will be impossible. Recommend the stream bank buffers be established in a public common area outside of individual building lots.
- 5) Mandates of the United States-Clean Water Act call for limited development on this type terrain to restrict grading and thereby reduce sediment losses. The plan proposed here will remanufacture the terrain to fit this project thereby increasing the potential for sediment losses, which conflicts with the Clean Water Act mandate.
- 6) The layout calls for detention to be excavated pits on hillside adjacent to the ravine crossed by roadway. Stormwater Management submits the headwater pool created by the roadway (dam) and culvert (outlet) system can be made effective detention without the grading required here to excavate a detention pit.
- 7) The recreation area is proposed on a 22% ground slope. Any activity to create level plateaus for tennis or pool will require mass grading of area. Better this be moved to a flatter zone.
- 8) The County Buffer Map notes the presence of a stream buffer. Per Cobb County Code, Chapter 50-75, a permanent natural undisturbed buffer shall be recorded on all plats and revisions and / or property deeds and will also contain a restrictive covenant in favor of Cobb County for conservation uses. It is recommended that the applicant determine the exact area of the stream buffer and illustrate same on the final plat and approved construction plans. The Restrictive Covenant text must be recorded on the Final Plat and with the Cobb Superior Court.

**APPLICANT:** Four Seasons Development Corporation

**PETITION NO.:** Z-84

**PRESENT ZONING:** LI, R-20

**PETITION FOR:** RA-5, RM-8, EST-10

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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Shiloh Road	N/A	Arterial	100'
Hickory Grove Road	13642	Arterial	100'

*Based on 4-10-01 traffic counting data taken by Cobb County DOT.*

Shiloh 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.

Hickory Grove 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.

This tract is identified as the proposed corridor for the Royal North Parkway Extension (N.K.A. Shiloh Road).

Comply with zoning stipulations for Z-129 of 1996.

As necessitated by this development a deceleration lane will be required.

Install sidewalk curb and gutter along the road frontage.

**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 south side of Hickory Grove Road, a minimum of 40' from the roadway centerline.

Recommend applicant coordinate with Cobb County Department of Transportation Engineering Division, Attn Bob Galante, to develop plans and construct as part of the development a connector road from Shiloh Road to Hickory Grove Road. Applicant to consider incorporating Local Service Road (Styles Road) into the connector road from Shiloh Road.

Recommend a deceleration lane on Hickory Grove Road.

Recommend installing sidewalk, curb and gutter along the road frontage of Hickory Grove Road.

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