

**MARCH 18, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 3

PURPOSE

To consider a stipulation amendment for Patrick Malloy Communities, LLC regarding rezoning application Z-175 of 2004 and Z-56 of 2006 (Johnson/Willis, LLC), for property located on the north side of Lee Road (AKA West Lee Road) and on the south side of Westwood Road, west of Atlanta Road in Land Lots 696 and 745 of the 17th District.

BACKGROUND

The subject property was rezoned RA-5 for subdivision in 2004 and 2006. At the time of rezoning, the developer of the property was required to over build the detention pond by discharging storm events to the next higher storm event (i.e the 5 year storm event was discharged at the 2 year rate; the 10 year storm event was discharged at the 5 year rate; the 100 year storm event was discharged at the 50 year rate). The maximum impervious surface for the RA-5 zoning district is a maximum of 40% impervious per lot. The applicant would like to increase this amount to 50% impervious per lot since the pond is designed to carry the additional stormwater, and because most of the lots are required to have rear loaded garages via private alleyways, which in turn increases the impervious surface coverage on each lot. The applicant has submitted an analysis performed by their engineer which supports the request for the increase in impervious surface. Cobb County Stormwater Management has reviewed this request and found it to be consistent with the approved hydrology study. The applicant has meet with adjacent property owner (Mr. Taylor Vaughan) and county staff onsite to address drainage concerns. The meeting has lead to a proposed stipulation letter from the applicant’s representative, which is attached for review (letter dated March 4, 2014). If approved, all previous zoning stipulations would remain in effect.

STAFF COMMENTS

Stormwater Management: Based on the design engineer’s analysis the proposed increase in allowable impervious coverage will still meet the requirements of the approved hydrology study. However, drainage complaints from the downstream property owner, Taylor Vaughn, must be addressed.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: February 18, 2014

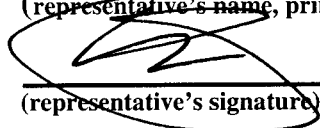
Applicant: Patrick Malloy Communities, LLC **Phone #:** (770) 319-5258
(applicant's name printed)

Address: 851 Cedar Street, Carrollton, GA 30117 **E-Mail:** john.gaskin@pmcommunities.com

Sams, Larkin & Huff, LLP by
Garvis L. Sams, Jr.

Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

(representative's name, printed)



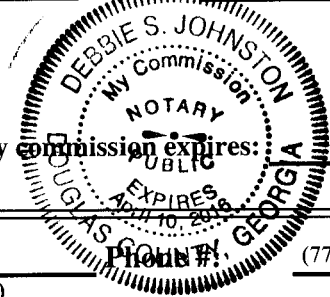
Phone #: (770) 422-7016 **E-Mail:** gsams@samslarkinhuff.com

(representative's signature)

Signed, sealed and delivered in presence of:

Debbie S. Johnston
Notary Public

My commission expires: 04/10/2016



Titleholder(s): Patrick Malloy Communities, LLC **Phone #:** (770) 319-5258
(property owner's name printed)

Address: 851 Cedar Street, Carrollton, GA 30117 **E-Mail:** john.gaskin@pmcommunities.com

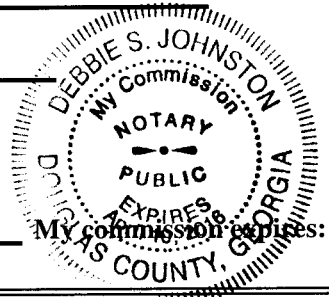


(Property owner's signature)

Signed, sealed and delivered in presence of:

Debbie S. Johnston
Notary Public

My commission expires: 04/10/2016



Commission District: 2 **Zoning Case:** Nos. Z-175 [2004] & Z-56 [2006]

Date of Zoning Decision: 12/21/2004 & 05/16/2006 **Original Date of Hearing:** 12/21/2004 & 05/16/2006

Location: SW Intersection of Atlanta Road and Westwood Road
North side of West Lee Road, west of Atlanta Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 696 and 745 **District(s):** 17th

State specifically the need or reason(s) for Other Business: Clarification of zoning conditions relating to stormwater management/detention and impervious coverage.

(List or attach additional information if needed)

2014 JAN -7 PM 2:45
COBB COUNTY ZONING DIVISION

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

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

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

January 7, 2014

VIA HAND DELIVERY

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

Re: Other Business Application of Patrick Malloy Communities, LLC to Clarify
Zoning Conditions relating to Stormwater Management/Detention and Impervious
Coverage regarding Zoning Case Nos. Z-75 [2004] & Z-56 [2006]

Dear John:

As you know, this firm has been engaged by and represents Patrick Malloy Communities, LLC ("PMC") concerning the above-captioned Other Business Application which we are filing pursuant to the discussions between you and Director Hosack. In that regard, we are requesting that the hearing concerning this matter be scheduled on the Board of Commissioners' "Other Business" Agenda for February 18, 2014 immediately following the regularly scheduled Zoning Hearings that day.

With respect to the foregoing, enclosed is an Other Business Application; Minutes reflecting the two (2) rezoning cases; and other documentation and information incorporated into those Minutes by way of reference. Also enclosed is a copy of a letter from David F. Massey, P.E., General Manager for Gaskins Engineering Surveying and Land Planning, dated August 27, 2013 and five (5) full-sized and one (1) 8.5"x11" copy of the applicable site plan along with a check for the filing and signage fee in the sum Three-Hundred Nine Dollars (\$309.00).

You will recall that PMC was not a part of the original rezonings concerning the subject property which occurred in 2004 (No. Z-175) and 2006 (No. Z-56) for Johnson/Willis, LLC. However, PMC ultimately purchased all twenty-eight (28) undeveloped lots within what is now known as Central Garden Subdivision. The homes which PMC is building are the same architectural style, size and price points dictated by the original rezoning stipulations/ conditions. When the rezonings were approved, they were subject to the District Commissioner approving the final site plan. One of the stipulations/conditions also provided that a maximum of twenty-five percent (25%) of the lots have square footage between 6,000 to 7,000 sq. ft. with no lots having less than 6,000 sq. ft.

COBB COUNTY RECORDS
PROPERTY RECORDS
2014 JAN -7 PM 2:15
COBB COUNTY RECORDS

SAMS, LARKIN & HUFF
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VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
January 7, 2014
Page 2

COBB COUNTY ZONING DIVISION
2014 JAN -7 PM 2:45
COBB COUNTY ZONING DIVISION

After the rezonings of the subject property, Gaskins Engineering & Surveying prepared a Hydrology Report which was used to size the detention pond within Central Garden. In that regard, as mentioned above, enclosed is a copy of a letter from Gaskins' Engineer and General Manager, David Massey, dated August 27, 2013. Mr. Massey's conclusion is that the study measured streets and rear alleys separately and assigned a fifty percent (50%) lot coverage figure to each lot when sizing the detention pond for the subdivision. As a result, Central Garden's detention pond has a significant safety factor which is built into it.

Thus far, nine (9) out of the twelve (12) existing homes within Central Garden Subdivision were approved based upon the fact that the rezonings were predicated upon approval of the site plan which rendered the original rezonings "site plan specific". However, in an abundance of caution and in order to provide a rationale for the manner in which PMC and the County are and have been proceeding, a clarification of the original stipulations/conditions with respect to stormwater management, detention and impervious coverage is indicated.

Please do not hesitate to contact me should you need any additional information or documentation prior to processing this Other Business Application. Additionally, please let me know when the signs are ready so that I can ensure that the subject property is properly posted. With kind regards and best wishes for the New Year, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS/dsj
Enclosures

cc: Mr. Robert L. Hosack, Jr., AICP Director (via hand delivery w/enclosures)
Mr. John Gaskin, Patrick Malloy Communities (via email w/attachments)

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 21, 2004
PAGE 20**

Z-175 **JOHNSON/WILLIS, LLC** (Dabney Partners, LLC, et al., owners) for Rezoning from **R-20** to **FST** for the purpose of a Residential Subdivision in Land Lots 696 and 745 of the 17th District. Located at the southwest intersection of Atlanta Road and Westwood Road and at the northwest intersection of West Lee Road and Dabney Road.

The public hearing was opened and Mr. Garvis Sams, Jr., Mr. David Bunch, Ms. Mary Rose Barnes, and Mr. Robert Cook addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by J. Thompson, second by Lee, to delete rezoning to the **RA-5 (detached)** zoning district **subject to:**

- **maximum of 28 lots**
- **District Commissioner to approve final site plan**
- **letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated November 22, 2004 and November 23, 2004 (copy attached and made a part of these minutes)**
- **maximum of 25% of the lots to be 6,000 to 7,000 square feet, with no lots less than 6,000 square feet; all lots to comply with RA-5 criteria in all other aspects**
- **Applicant's agreement that property will not be annexed into the City of Smyrna for five year period**
- **no walls along Westwood Road or West Lee Road**
- **installation of wood fence along the property line by house(s) on the south side of Atlanta Road**
- **Historic Preservation comments and recommendations and**
- **Water and Sewer comments and recommendations**
- **Stormwater comments and recommendations, with issues resolved at Plan Review**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED 4-1, Olens opposed**

COBB COUNTY GEORGIA
PLANNING COMMISSION
2004 JAN -7 PM 2:45
COBB COUNTY ZONING DIVISION

APPLICANT: Johnson / Willis, LLC

PETITION NO.: Z-175

PRESENT ZONING: R-20

PETITION FOR: EST

DRAINAGE COMMENTS

Revision 11-29-04

COBB COUNTY GEORGIA
2014 JAN -7 PM 2:47
COBB COUNTY ZONING DEPARTMENT

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
Laurel Creek of Nickajack Creek

DRAINAGE BASIN: **Chattahoochee River System** FLOOD HAZARD INFO: **None**

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

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

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

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25-foot stream bank 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 Downstream _____. (**Less than 3000 feet 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: Johnson / Willis, LLC

PETITION NO.: Z-175

PRESENT ZONING: R-20

PETITION FOR: EST

DRAINAGE COMMENTS CONTINUED

Revision 11-29-04

2004 JAN -7 PM 2:47
COUNTY ZONING DEPARTMENT
GALLEGOS PLAZA

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/SUGGESTIONS

- 1) Tract is divided by natural ridges into three drainage zones. Only one of these zones carries detention.
- 2) Ground slopes are moderate at below 15% but must be remanufactured by mass grading to create the building plateaus necessary for the development scheme. This degree of mass grading is not supported by State Law and County Ordinance and is not approvable outside of the Zoning grant here.
- 3) Stormwater Management opposes the creation of side hill detention and ridge top detention as shown here. Available ravines are ignored and appear to be slated for filling according to the plan layout. Recommend detention utilize the natural bottom ravines to reduce some of excessive grading planned.
- 4) Stormwater Management opposes the alleyway concept presented here. Both front and rear roadways / alleyways are provided driving up the pavement area runoff, and pollution discharge. Recommend alleyways be eliminated in favor of front loaded garages.
- 5) Tract has significant vegetation, which benefits the area with increased soil stabilization, air quality, and water quality improvement. Under this plan the vegetation and benefits will be removed. Recommend compensation in form of First Flush Water Quality - Best Management Practice requirements elevated to 2-year storm event (with maximum depth at 18 inches) and all higher storm releases controlled to the reasonable allowable discharge of the next lesser storm (i.e. 5-year discharge at 2-year rates; 10-year discharge at 5-year rate; etc to 100-year discharge at 50-year rate).

APPLICANT: Johnson / Willis, LLC

PETITION NO.: Z-175

PRESENT ZONING: R-20

PETITION FOR: EST

* * * * *

Revision 11-29-04

Revised Plan submitted by 11-22-04 Letter of Agreeable Stipulations over hand of Garvis L. Sams, Jr., Esq. changes application to conditional RA-5 request and reducing number of proposed units to 30 from 34 Fee Simple Townhouse originally proposed.

- 6) The application includes two (2) lots without road frontage (#17, #18);
- 7) Six (6) additional lots with inadequate road frontage and inadequate size as shown;
- 8) Detention shown 2/3 on 16% hillside and 1/3 ravine bottom which will require excessive grading; detention needs to be moved southerly into area of Lots 16, 17;
- 9) Areas via natural terrain in bypass of detention are not addressed to mitigate increased runoff; this implies mass grading to redirect the runoff over ridge to detention, which is not approvable under Georgia Law or County Ordinance.

Improvement in runoff has been achieved via reduction in units but plan does not meet RA-5 requirements. Estimate, to meet those requirements, at least 2, maybe 3, lots will be lost at Plan Review. Additional lots may be lost to provide acceptable stormwater runoff control. Request any approval be made to a concept plan only thereby allowing adequate review at Plan Review.

2014 JAN -7 PM 2:47
 10000 COUNTY ZONING 11-15-04

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

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

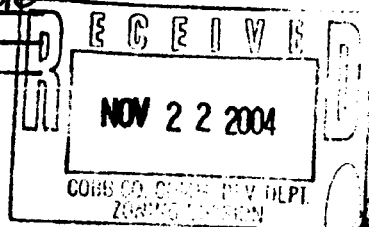
WWW.SAMSLARKINHUFF.COM
INFO@SAMSLARKINHUFF.COM

November 22, 2004

Min. Bk. 32 Petition No. Z-175
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 12/21/04

VIA HAND DELIVERY

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



Re: Application of Johnson/Willis, LLC to Rezone a 6.766 Acre Tract
from R-20 to RA-5 (No. Z-175)

Dear John:

As you know, this firm represents the applicant and property owners concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on December 7, 2004. Thereafter, the application will be heard and considered for final action by the Cobb County Board of Commissioners on December 21, 2004.

With respect to the foregoing, enclosed please find the requisite number of copies of a revised site plan. Reduced color elevations representing the architectural style and composition of the homes proposed for the subject property will be submitted under separate cover. The balance of this letter will serve as my clients' agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and revised, and binding upon the subject property thereafter:

1. Rezoning of the subject property shall be from R-20 to RA-5 conditioned upon the lot sizes and setbacks shown on that certain revised site plan prepared by Sprinkle Design Conservancy being filed contemporaneously herewith.
2. The subject property consists of 6.766 acres of total site area and shall be developed for a single family detached residential community consisting of a maximum of 30 homes at a maximum density of 4.43 units per acre.

Petition No. 2-175
Meeting Date 12-21-04
Continued

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
November 22, 2004
Page 2

3. The residences to be constructed within the proposed residential community shall have a minimum of 2,200 square feet, ranging upwards to 4,000 square feet and greater and shall be traditional or European in styling and architecture.¹
4. The architectural style and composition of the residences within the proposed community shall be consistent with the color renderings which will be submitted under separate cover and shall be either brick, stone, stacked stone, cedar shake or combinations thereof on at least three (3) sides.
5. All front yards of the residences to be constructed within the proposed community shall be sodded.
6. All utilities servicing the residences within the proposed community shall be underground.
7. Applicant agrees to the creation of a mandatory homeowners association consistent with up-scale communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas contained within the proposed development.
8. In conjunction with the creation of the mandatory homeowners association, the applicant agrees to the recordation and enforcement of Protective Covenants which will contain covenants, rules and regulations applicable to the proposed residential community.
9. The entrances to the proposed residential community shall be professionally designed to include entrance walls of brick or stone, together with landscaping which shall be fully irrigated.
10. Minor modifications to the referenced site plan, including, but not limited to, the layout of the lots and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
11. Detention/water quality areas shall be fenced and landscaped for the purposes of visual screening on the subject property's respective road frontages. Said landscaping shall be reviewed and approved by the Community Development Department during the Plan Review process.

¹ Price points are anticipated ranging from \$500,000.00 to \$800,000.00.

COBB COUNTY ZONING DEPARTMENT
2014 JAN -7 PM 2:15
RECEIVED

Petition No. Z-175
Meeting Date 12/21/04
Continued

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
November 22, 2004
Page 3

12. The submission of a landscape plan during the Plan Review process subject to review and approval by the Cobb County Community Development Department.
13. Subject to all recommendations from the Cobb County Stormwater Management Division with respect to stormwater management, detention, hydrology and down stream considerations including, but not limited to, the positioning and configuration of on site detention and/or water quality ponds.
14. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, including the following:
 - a. The voluntary donation and conveyance of right-of-way so that the County can achieve 25' from the centerline of Westwood Road and Wesley Road, respectively.
 - b. The installation of sidewalk, curb and gutter on all of the subject property's frontages.
 - c. An agreement to improve existing roads to the County's Design and Detail Specifications.
 - d. An agreement to petition the Board of Commissioners for the abandonment of existing roads within the development subsequent to the rezoning of the subject property.
 - e. The installation of a 10' no access easement along the subject property's respective frontages except, of course, with respect to subdivision entrances located thereon.
 - f. The granting of a contemporaneous Variance with respect to Lots 17 & 18 waiving the required minimum public road frontage.
15. Compliance with recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer.

COBB COUNTY ZONING DIVISION
2014 JAN -7 PM 2:46
COBB COUNTY GEORGIA
FILED IN 110000

Petition No. 2-175
Meeting Date 12/21/04
Continued

VIA HAND DELIVERY

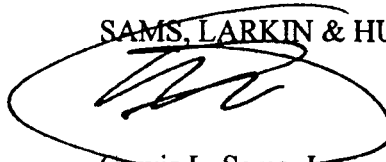
Mr. John P. Pederson, Planner III
Cobb County Zoning Department
November 22, 2004
Page 4

The clear trend for development within this sub-area of Cobb County is for high end residential development which is compatible with surrounding neighborhoods and an enhancement to existing and proposed communities within the area. In that regard, the proposal by Johnson/Willis, LLC is entirely appropriate from a land use planning perspective, particularly when considered in context with the above-referenced stipulations/conditions.

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

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS,Jr./dsj
Enclosures

- cc: Members, Cobb County Board of Commissioners (via hand delivery w/enc.)
Members, Cobb County Planning Commission (w/enc.)
Mr. Robert L. Hosack, Jr., AICP, Director (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.)
Ms. Mary Rose Barnes (w/enc.)
Ms. Sandra Hembree (w/enc.)
Mr. Earl Johnson (w/enc.)

COBB COUNTY ZONING DIVISION
2014 JAN -7 PM 2:46
COBB COUNTY RECORDS
FILED IN 11-10-04

ZONING PLAN B
ATLANTA ROAD
Lot 100 046 040 Parcel 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000

JOHNSON/WILLIS L.L.C.



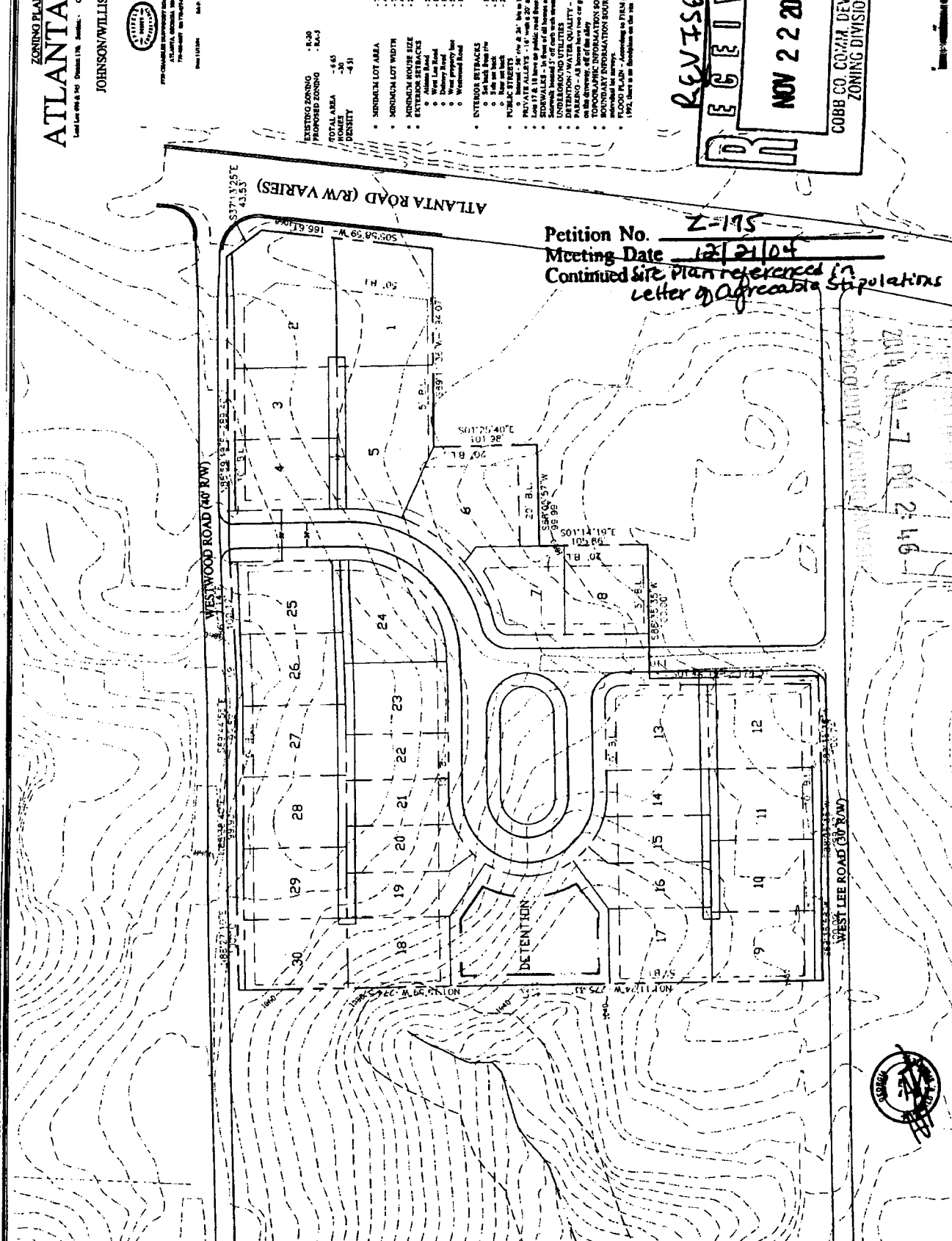
PROFESSIONAL ENGINEER: DOUGLAS S. JOHNSON
 License No. 13547, State of Georgia

EXISTING ZONING - R-20
 PROPOSED ZONING - R-20
 TOTAL AREA - 4.65
 HOUSE / HOUSE DENSITY - 4/1

- 1. 7,000 S.F. Lots 113 & 118 & 123-20
- 2. 4,500 S.F. Lots 14 & 16 & 19-22
- 3. 70' Lot 117 & 17 & 18 & 23-30
- 4. 2,000 S.F. Lots 14 & 16 & 19-22
- 5. 20' (setback from 45')
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- 99. 20' (setback from 45')
- 100. 10' (setback from 20')

REVISED
 RECEIVED
 NOV 22 2004
 COBB CO. COMM. DEV. DEPT.
 ZONING DIVISION

Petition No. 2-15
 Meeting Date 12/21/04
 Continued site plan referenced in
 letter of agreement stipulations



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

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

WWW.SAMSLARKINHUFF.COM
INFO@SAMSLARKINHUFF.COM

November 23, 2004

Min. Bk. 32 Petition No. Z-175
Doc. Type Letter, Agreeable
Stipulation
Meeting Date 12/21/04

R	E	C	E	I	V	E	D
NOV 23 2004							
COBB CO. COMM. DEV. DEPT. ZONING DIVISION							

3-36

VIA HAND DELIVERY

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

Re: Application of Johnson/Willis, LLC to Rezone a 6.766 Acre Tract
from R-20 to RA-5 (No. Z-175)

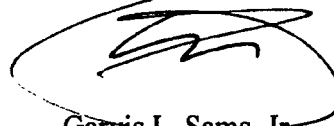
Dear John:

Enclosed please find photographs depicting the architectural style and composition of the residences which will be built within the residential community proposed by Johnson/Willis. In the November 22, 2004 stipulation letter, I had indicated that we would be submitting color renderings; however, the enclosed photographs constitute a better representation of the product which Mr. Johnson and Mr. Willis will build.

Please do not hesitate to call should you need any further information or documentation concerning this matter.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

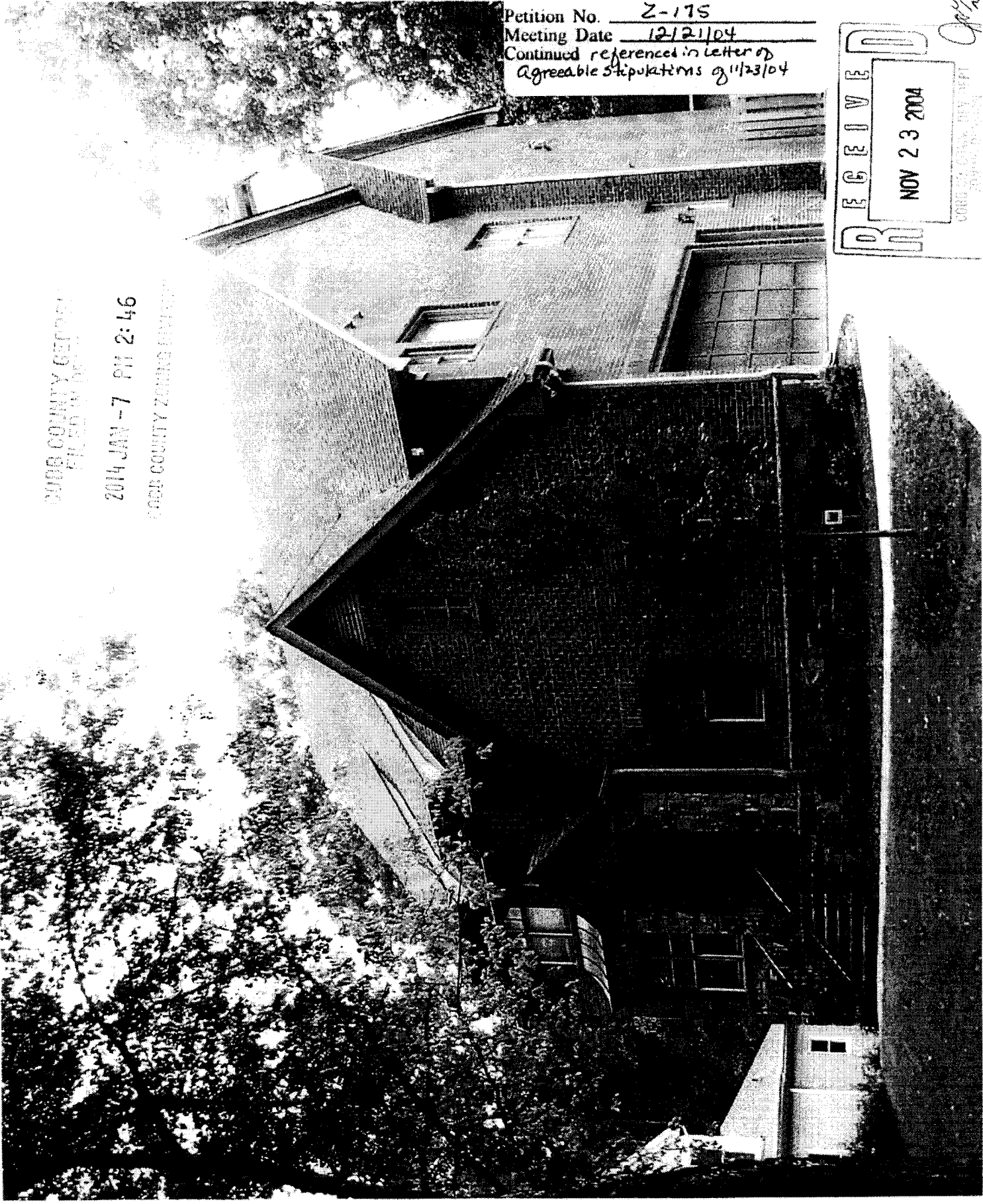


Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS,Jr./dsj
Enclosures

cc: Members, Cobb County Board of Commissioners (via hand delivery w/encs.)
Members, Cobb County Planning Commission (w/encs.)
Mr. Robert L. Hosack, Jr., AICP, Director (via hand delivery w/encs.)
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery w/encs.)
Ms. Sandra Richardson, Deputy County Clerk (via hand delivery w/encs.)
Ms. Mary Rose Barnes (w/encs.)
Ms. Sandra Hembree (w/encs.)
Mr. Earl Johnson (w/out encs.)

COBB COUNTY ZONING DIVISION
2014 JAN -7 PM 2:46
COBB COUNTY ZONING DIVISION



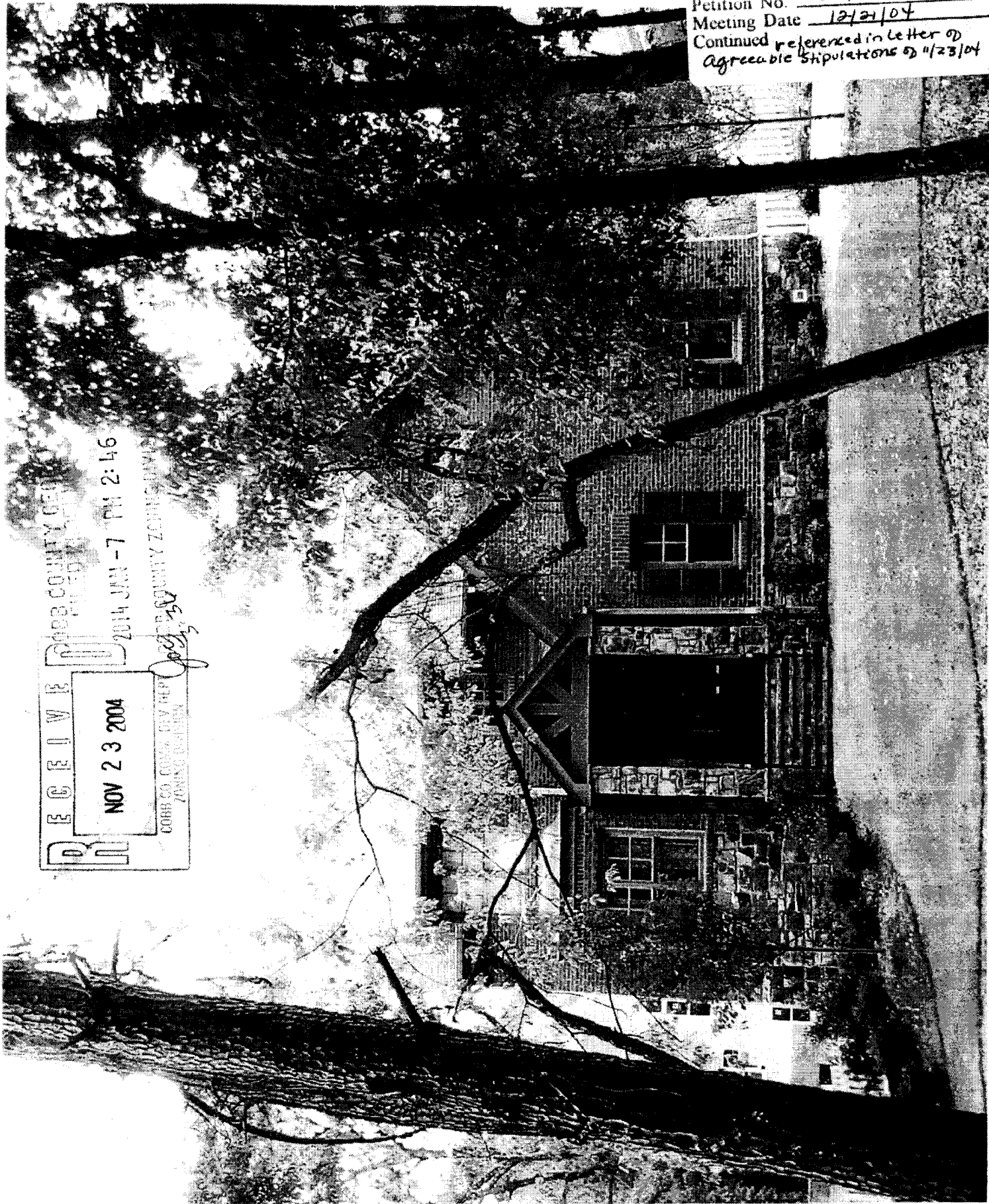
COOS COUNTY DEPT OF
PLANNING & COMMUNITY
2014 JAN -7 PM 2:46
COOS COUNTY ZONING DEPARTMENT

Petition No. 2-175
Meeting Date 12/21/04
Continued referenced in letter of
Agreeable stipulations of 11/23/04

RECEIVED
NOV 23 2004
COOS COUNTY DEPT OF
PLANNING & COMMUNITY
Office 1254

Petition No. Z-175
Meeting Date 12/21/04
Continued referenced in letter of
agreeable stipulations of 11/23/04

R E C E I V E D
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ZONING DEPT
2014 JUN -7 PM 2:46
CORRB COUNTY ZONING DEPT
Prof. [Signature]



COBB COUNTY GEORGIA

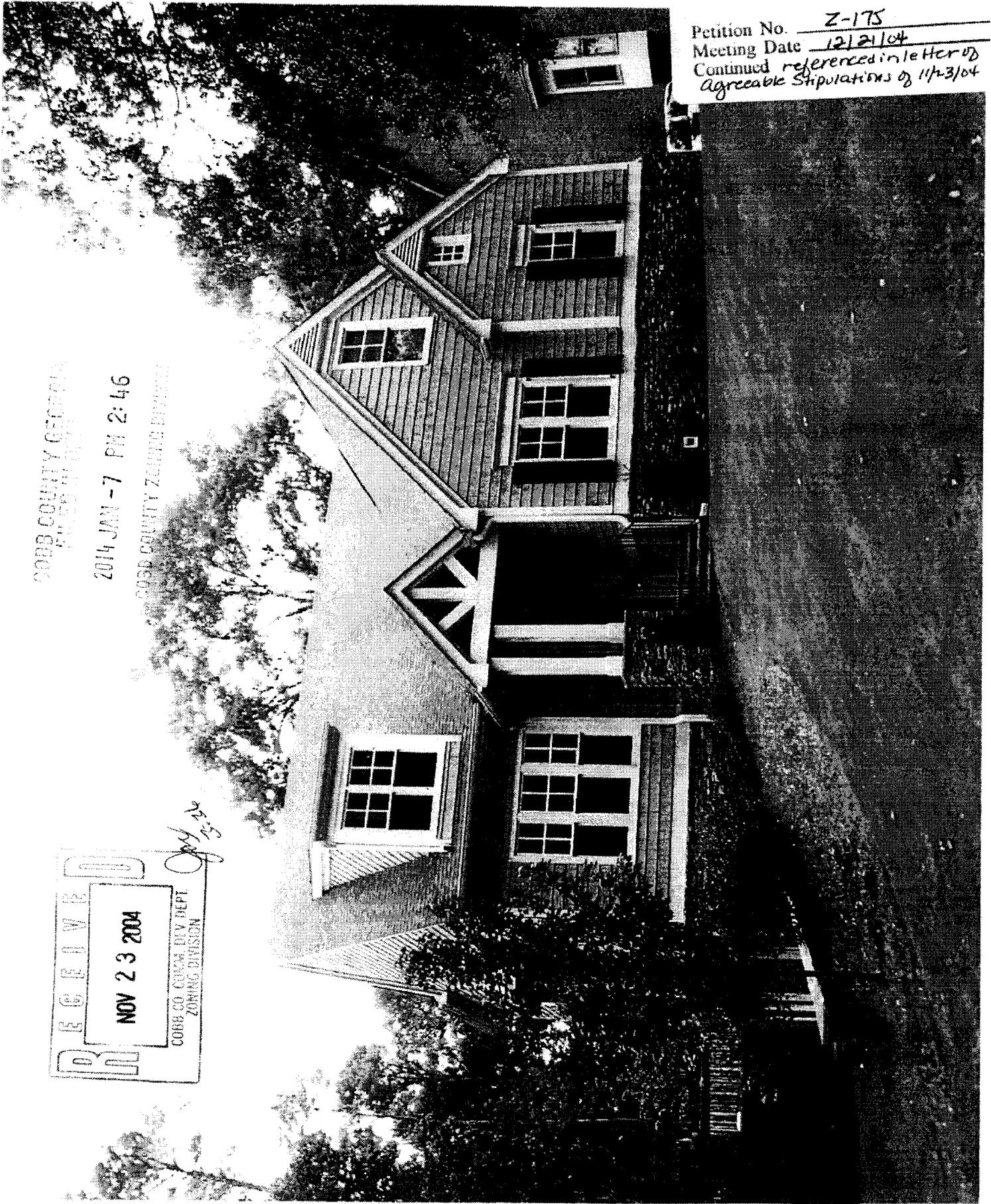
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COBB COUNTY ZONING DEPARTMENT

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NOV 23 2004
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

Handwritten signature

Petition No. Z-175
Meeting Date 12/21/04
Continued referenced in letter of
Agreeable stipulations of 1/23/04





1266 POWDER SPRINGS ROAD
MARIETTA, GA 30064
PHONE: (770) 424-7168
FAX: (770) 424-7593
WWW.GSCSURVEY.COM

August 27, 2013

John Gaskin

Patrick Malloy Communities, Inc
851 Cedar St
Carrollton, GA 30117

RE: CENTRAL GARDEN (FKA BUCKINGHAM AT VININGS) HYDROLOGY STUDY ANALYSIS

Dear John,

We have evaluated the Hydrology Study for the above referenced project prepared by Joan G. Woodward, P.E. dated March 2, 2005 and last revised September 13, 2005. We also reviewed the revision and letter by Jim Wilgus with Gaskins Surveying and Engineering Co. dated January 19, 2007 for the addition of lots 29 and 30.

The amount of stormwater runoff from a site after rainfall events is largely dependent on the amount of impervious surface on the site. The amount of impervious surface is one of the primary factors used in calculating parameters used as input in computer programs used in hydrology studies to model rainstorms and stormwater runoff.

Based on the data in the Study and Revision, the amount of impervious surface used in the developed conditions model accounted for the streets, roadside sidewalks, alleys and approximately 50% of the lot area for additional impervious surface improvements. If no more than an amount equal to 50% of the lot area is used for impervious surface improvements, not including any alley or roadside sidewalk impervious areas, then the development would comply with the approved Hydrology Study.

Please feel free to contact me if you have questions or need additional information.

Sincerely,

DAVID F. MASSEY, P.E.
GENERAL MANAGER

2014 JAN -7 PM 2:48
GSC SURVEYING



Confidential Information

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

JUSTIN H. MEEKS

SLHB-LAW.COM

March 4, 2014

VIA EMAIL:

Mr. David Breaden, P.E.
Cobb County Stormwater Management
680 South Cobb Drive
Marietta, GA 30060

Re: Other Business Application of Patrick Malloy Communities, LLC to clarify zoning conditions relative to stormwater management/detention and impervious coverage regarding Nos.Z-175 [2004] & Z-56 [2006] – Other Business No. 3

Dear David:

As you know, I represent Patrick Malloy Communities, LLC (“PMC”) concerning the above-captioned Application. The Application was heard, considered and held by the Board of Commissioners on March, 4, 2014 with specific instructions that we meet on site with you, John Gaskin of PMC and Mr. Taylor Vaughan who owns property contiguous to Central Garden Subdivision, in order to address and ultimately resolve Mr. Vaughan’s concerns. That meeting took place yesterday and was attended by you, Mr. Vaughan and his daughter, Jody Dodson, who is also with Cobb County, John Gaskin and me.

With respect to the foregoing, and in order to insure that we address the issues raised by Mr. Vaughan (which are not necessarily related to the subject matter of the above Application), we reached an agreement that PMC would be responsible for accomplishing the following:

1. Relocating and reconfiguring the wall drain on Lot 16 in order to insure that stormwater flowing through that drain is directed to the detention pond.
2. Raising the side retaining wall adjacent to the front yard of Lot 16.
3. Giving consideration to providing additional Rip-rap (if needed) where the outlet structure from the detention pond is located adjacent to Mr. Vaughan’s property.
4. Redirecting the drainage between Lot 16 and Mr. Vaughan’s property to a yard inlet and directing the drainage from the yard inlet to the detention pond.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. David Breaden
Cobb County Stormwater Management
March 4, 2014
Page 2

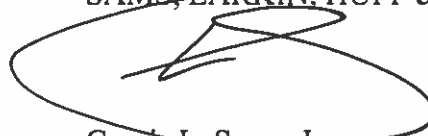
5. Removing the excess dirt (generated by the construction of the retaining wall between the two properties) from Mr. Vaughan's property. In that regard, Mr. Vaughan has granted PMC a license to traverse a portion of his property for this and other hereinafter articulated purposes upon previous notification being given to him.
6. Removing approximately five (5) medium size trees which have evidently fallen as a result of weakened root systems. In this regard, Mr. Vaughan and his daughter have agreed to appropriately mark or tape the trees to be removed by PMC.
7. Agreeing to submit a grading plan to the Stormwater Management Division prior to development of and construction upon Lot 9 which is contiguous to both Lot 16 and Mr. Vaughan's property.

By copy of this letter to Mr. Vaughan, I am confirming that the above items were agreed upon as was the methodology for undertaking the appropriate remedial measures in which to resolve Mr. Vaughan's issues. I will present this letter to the Community Development Agency (Zoning Division) to become a part of the grant of the Other Business Application when the case is presented and appears again on the Board's March 18, 2014 agenda.

In the interim, please do not hesitate to contact me should you have any questions whatsoever regarding these matters. Thanks for attending the on-site meeting to help us resolve these issues. With kind regards, I am

Very truly yours,

~~SAMS, LARKIN, HUFF & BALLI, LLP~~



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

GLS/pgh

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. David Breaden
Cobb County Stormwater Management
March 4, 2014
Page 3

cc: Commissioner Bob Ott (via email)
Mr. John Gaskin, Patrick Malloy Communities, LLC (via email)
Mr. Taylor Vaughan (via email) tvaun@netzero.net
Mr. John Pederson, AICP, Zoning Division Manager (via email)