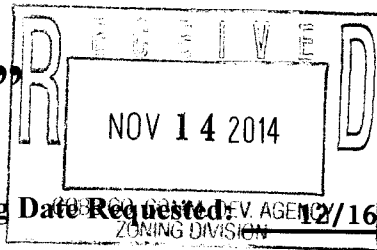


(Site Plan Approval)

# Application for "Other Business" Cobb County, Georgia

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



OB-73

BOC Hearing Date Requested: 12/16/2014

**Applicant:** JW Homes, LLC Phone #: (770) 432-7995  
(applicant's name printed)

**Address:** 4125 Atlanta Road, S.E., Smyrna, GA 30080 E-Mail: \_\_\_\_\_

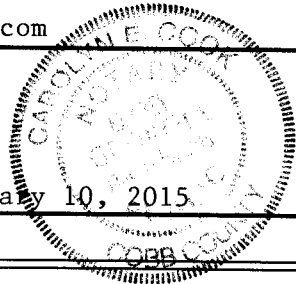
**Moore Ingram Johnson & Steele, LLP** Emerson Overlook, 326 Roswell Street  
**J. Kevin Moore** Address: Marietta, GA 30060

(representative's name, printed)

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

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook] My commission expires: January 10, 2015  
Notary Public



**Titleholder(s):** Paul Samuel Properties, LLP; Double Eagle, LLC;  
Laverne and Carl R. Abbott; Phone #: \_\_\_\_\_

(property owner's name printed) The Estate of Georgia Ruth Parson; and  
**Address:** \_\_\_\_\_ E-Mail: Mary Diane Parson Bill

See Attached Exhibit "A"  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

**Commission District:** 1 (Goreham) **Zoning Case:** Z-46 (2014)

**Date of Zoning Decision:** 10/21/2014 **Original Date of Hearing:** 07/15/2014

**Location:** South side of Paul Samuel Road; East side of Acworth Due West Road; Eastern Terminus of Justice Drive; Eastern terminus of West Pointe Drive; Southern (street address, if applicable; nearest intersection, etc.) terminus of Liberty Lane

**Land Lot(s):** 237, 258, 259 **District(s):** 20th

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

(List or attach additional information if needed)

**EXHIBIT “B” - ATTACHMENT TO APPLICATION FOR “OTHER BUSINESS”**  
**(Site Plan Approval)**

**Application No.: Z-46 (2014)**  
**Original Hearing Date: July 15, 2014**  
**Date of Zoning Decision: October 21, 2014**  
**Current Hearing Date: December 16, 2014**

**Applicant: JW Homes, LLC**  
**Titleholders: Paul Samuel Properties, LLP;**  
**Double Eagle, LLC; Carl R. Abbott and**  
**Laverne Abbott; The Estate of Georgia Ruth Parson,**  
**a/k/a Ruth Cantrell Parson, Deceased;**  
**Mary Diane Parson Bill,**  
**f/k/a Dianne [sic] P. Bill,**  
**n/k/a Dianne P. Milton**

On October 21, 2014, the Cobb County Board of Commissioners approved rezoning to the R-20/OSC zoning classification approximately 137.183 acres located on the south side of Paul Samuel Road, the east side of Acworth Due West Road, at the eastern terminus of Justice Drive, at the eastern terminus of West Pointe Drive, and at the southern terminus of Liberty Lane, Land Lots 237, 258, and 259, 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the “Property” or the “Subject Property”). The rezoning was approved; however, pursuant to the Board’s approval, the final site plan reflecting “removal of three lots” was to come back for approval by the Board as an “Other Business” item.

Therefore, Applicant presents revised Zoning Plans, last revised October 13, 2014, prepared by Ridge Planning and Engineering, for consideration and approval by the Board of Commissioners. Reduced copies of the Zoning Plans, noted as Z.100, Z.101, and Z.102, are attached collectively hereto as Exhibit “A” and incorporated herein by reference.

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

The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on October 21, 2014, applicable to the Subject Property are unaltered by this request for Site Plan Approval and shall remain in full force and effect.

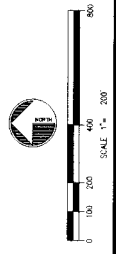
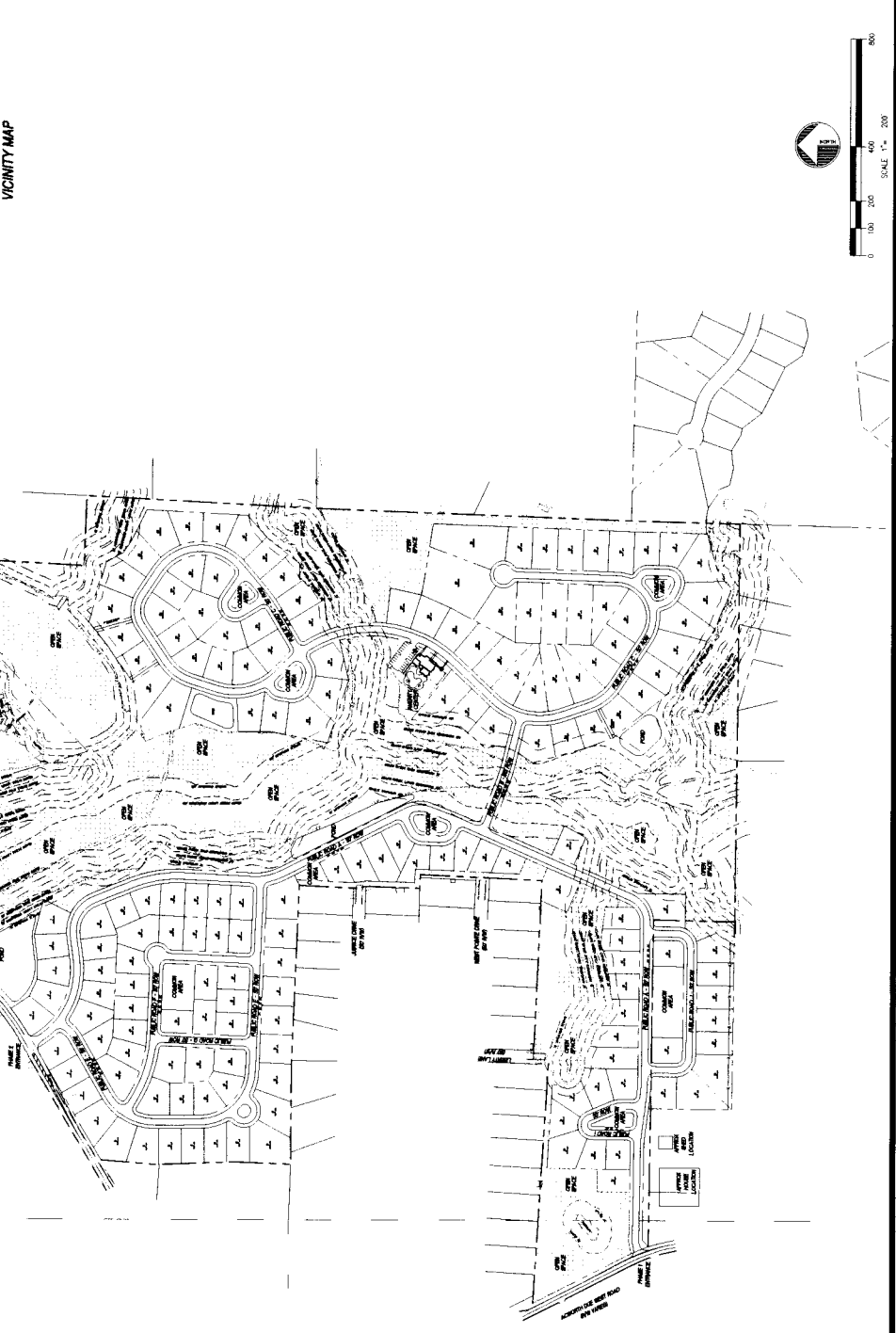
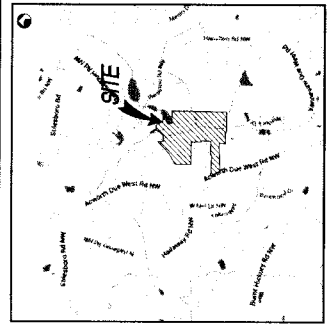
**RIDGE PLANNING AND ENGINEERING**  
 1785 WHITE CIRCLE - SUITE 202 - HAMPTON, VA 23066  
 JEFF SMITH, P.E. DIRECT 404.328.8280 - FAX 819.0872

**ZONING PLAN**  
 ACWORTH DUE WEST TRACT  
 20TH DISTRICT, 2ND SECTION  
 LL 287, 258 AND 259  
 COBB COUNTY, GEORGIA

**OWNER / DEVELOPER**  
*John Wieland Homes*  
**JOHN WIELAND HOMES AND NEIGHBORHOODS**  
 4122 Adams Road SE - Smyrna, GA 30080  
 770.433.6200  
 jwhomes.com

**REVISIONS**  
 0.0114 - REVISE ZONING PLAN  
 0.0114 - REVISE ZONING PLAN

**ZONING PLAN**  
**Z.100**



**DEVELOPMENT SUMMARY**

ZONING	LL 287, 258 & 259
EXISTING ZONING	R-20, A-1, R-20
PROPOSED ZONING	R-20, A-1, R-20
TOTAL SITE AREA	136,207.4 ACRES
TOTAL DEVELOPABLE AREA	1,039 ACRES
NET BUILDABLE AREA	104,442 ACRES
DENSITY	0.1
PROPOSED NUMBER OF NEW LOTS	175 LOTS
TOTAL NUMBER OF PROPOSED LOTS	167 UNITS/LOTS
PROPOSED DENSITY	1.92 UNITS/ACRE
MINIMUM DENSITY ALLOWED	1.92 UNITS/ACRE
OPEN SPACE REQUIRED	52.81 ACRES (38.5%)
OPEN SPACE PROVIDED	52.81 ACRES (38.5%)
PUBLIC ROAD WIDTH	24' TO 40'
MINIMUM FLOOR AREA	3,120 SF
FLOOR AREA RANGE	3,120 SF TO 8,000 SF
MINIMUM LOT COVERAGE	65%
MINIMUM LOT DEPTH	100 FEET
MINIMUM LOT AREA	10,000 SF
STREETS (TOTAL LENGTH)	14,000 SF
PRINT	15 FEET
SIZE (ADJACENT TO STREET)	15 FEET
SIZE (ADJACENT TO LOTS)	25 FEET
MINIMUM TO BUILDING SEPARATION WALL TO WALL	20 FEET
STREET FRONT SETBACK	40 FEET
ADJACENT TO R-20	25 FEET
ADJACENT TO A-1	25 FEET

**EXHIBIT "A"**





**OFFICIAL MINUTES OF BOARD OF  
COMMISSIONERS ZONING HEARING  
AS TO APPLICATION FOR REZONING  
NO. Z-46 (2014) – OCTOBER 21, 2014**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 21, 2014  
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 21, 2014 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

**Z-46**      **JW HOMES, LLC** (Paul Samuel Properties, LLP, Double Edge, LLC, and Laverne and Carl Abbott, owners) requesting Rezoning from R-20 and R-30 to R-20/OSC for the purpose of a Single-Family Residential Subdivision in Land Lots 237, 258 and 259 of the 20th District. Located on the south side of Paul Samuel Road, on the east side of Acworth Due West Road, at the eastern terminus of Justice Drive, at the eastern terminus of West Pointe Drive, and at the southern terminus of Liberty Lane. (Previously continued by Staff)

The public hearing was opened and Mr. Kevin Moore, Mr. William Lathem, Ms. Kelli Gabriell, Mr. Kyle Williams, Mr. Scott Allen, and Ms. Melissa O'Brien addressed the Board. Following presentation and discussion, the following motion was made:

**MOTION:** Motion by Goreham, second by Ott, to **approve** rezoning to the **R-20 OSC** zoning category subject to:

- **Site plan last revised October 13, 2014, with final site plan showing removal of three lots adjacent to existing residential properties to come back as an Other Business Item (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Mr. Kevin Moore dated October 20, 2014 (attached and made a part of these minutes), with the following changes:**
  - **Item No. 3 – revise to read: “...maximum of one hundred seventy-five (175) single family residences.”**
  - **Item No. 11 – revise second sentence to read: “The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, open space, landscaping around detention, lake, dam, and entrance areas....”**
  - **Item No. 26 – revise to read: “...establishment of 40’ perimeter buffers, as specifically shown on the revised plan;...”**
- **Planning Division comments and recommendations revised October 20, 2014, not otherwise in conflict (attached and made a part of these minutes)**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 21, 2014  
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 21, 2014 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

**Z-46 REGULAR AGENDA (CONT.)**

- **Fire Department comments and recommendations, *not otherwise in conflict***
- **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
- **Stormwater Management Division comments and recommendations, *not otherwise in conflict***
- **Cobb DOT comments and recommendations, *not otherwise in conflict***
- **Historic Preservation 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





**RIDGE PLANNING AND ENGINEERING**  
 1288 WHITE CREEK, SUITE 200, MARIETTA, GA 30067  
 (770) 575-1111 FAX (770) 575-1112  
 WWW.RIDGEPE.COM

**ACWORTH DUE WEST TRACT**  
 ZONING PLAN  
 LT 27, 28 AND 29  
 28TH DISTRICT, 3RD SECTION  
 COBB COUNTY, GEORGIA

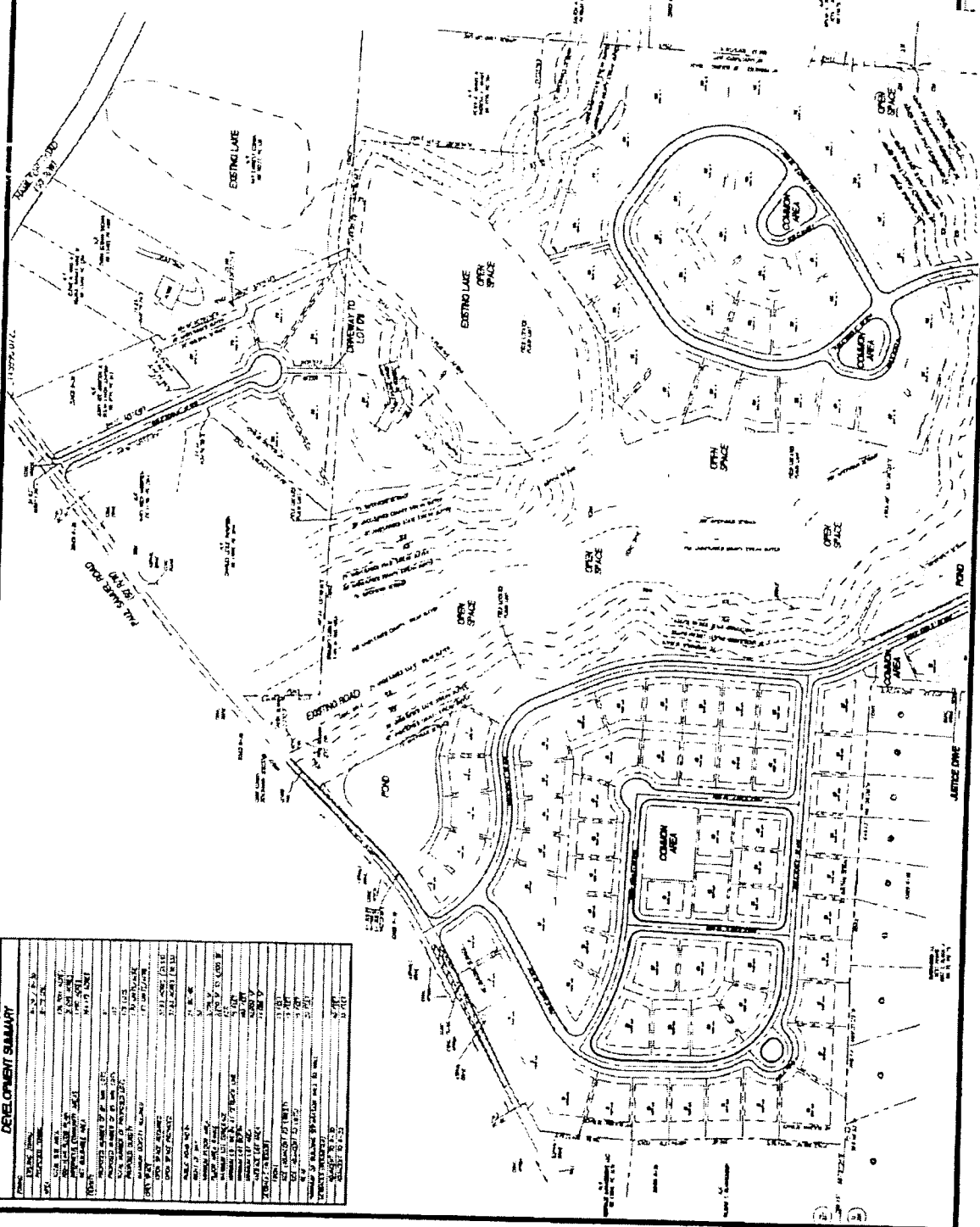
**JOHN WIELAND HOMES AND NEIGHBORHOODS**  
 OWNER / DEVELOPER  
 4115 Peachtree Dunwoody Road, Suite 100, Atlanta, GA 30340  
 (404) 453-1111

**ZONING PLAN**  
**Z-102**

**REVISIONS**

NO.	DATE	DESCRIPTION
1	10/21/14	INITIAL PLAN

Petition No. 2-46  
 Meeting Date 10/21/14  
 Continued



**DEVELOPMENT SUMMARY**

NO.	DESCRIPTION	AMOUNT	PERCENT
1	TOTAL AREA	1,234,567	100%
2	EXISTING IMPROVEMENTS	123,456	10%
3	NEW IMPROVEMENTS	1,111,111	90%
4	TOTAL IMPROVEMENTS	1,234,567	100%
5	OPEN SPACE	123,456	10%
6	COMMON AREA	123,456	10%
7	ARTISTE DRIVE	123,456	10%
8	POOD	123,456	10%
9	DRAINAGE TO LOT 17A	123,456	10%
10	EXISTING LAKE	123,456	10%



Case No. 74 Petition No. 2-46  
 Letter of agreement  
 10/21/14

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
 WWW.MIJS.COM

JOHN H. MOORE  
 STEPHEN C. STEELE  
 WILLIAM R. JOHNSON<sup>1</sup>  
 ROBERT D. INGRAM<sup>1</sup>  
 J. BRIAN O'NEIL  
 G. PHILLIP BEGGS  
 ELDON L. BASHAM  
 MATTHEW J. HOWARD  
 JERE C. SMITH  
 CLAYTON O. CARMACK  
 KEVIN B. CARLOCK<sup>2</sup>  
 ALEXANDER T. GALLOWAY III<sup>2</sup>  
 J. KEVIN MOORE  
 RODNEY R. MCCOLLOCH  
 SUSAN S. STUART  
 BRIAN D. SMITH  
 HARRY R. TEAR III  
 W. TROY HART<sup>3</sup>  
 JEFFREY A. DAXE  
 KIM A. ROPER  
 VICTOR P. VALMUS  
 WILLIAM D. WINDERS, JR.<sup>4</sup>  
 ANGELA H. SMITH<sup>4</sup>  
 CHRISTOPHER C. MINGLEDORFF

ANGELA D. TARTLINE  
 JOYCE W. HARPER  
 CAREY E. OLSON<sup>5</sup>  
 CHARLES E. PIERCE<sup>5</sup>  
 WILMA R. BUSH  
 GREGORY H. FULLER<sup>6</sup>  
 TODD I. HEIRD<sup>6</sup>  
 ALEXANDER B. MORRISON<sup>6</sup>  
 DOUGLAS W. BUTLER, JR.  
 APRIL R. HOLLOWAY  
 CARLA C. WESTER<sup>7</sup>  
 AMY L. JETT<sup>7</sup>  
 JEFF C. MORMAN<sup>7</sup>  
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 SARAH H. BEST<sup>8</sup>  
 RYAN C. EDENS<sup>8</sup>  
 JULIE C. FULLER<sup>8</sup>  
 JODI B. LODEN<sup>8</sup>  
 TAMMI L. CROWN  
 DAVID A. HURTADO  
 J. MARSHALL WELMONT

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 EMERSON OVERLOOK  
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 MARIETTA, GEORGIA 30080  
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 KNOXVILLE, TENNESSEE 37923  
 TELEPHONE (885) 892-9039

JACKSONVILLE, FLORIDA  
 10161 DEERWOOD PARK BLVD • BLDG 200, STE 250  
 JACKSONVILLE, FLORIDA 32258  
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 3200 WEST END AVE • STE 500  
 NASHVILLE, TENNESSEE 37203  
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 LEXINGTON, KENTUCKY 40504  
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 886 ISLAND PARK DR • STE B  
 CHARLESTON, SOUTH CAROLINA 29492  
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ORLANDO, FLORIDA  
 7380 W. SAND LAKE RD • STE 500  
 ORLANDO, FLORIDA 32818  
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JONATHAN J. SMITH  
 TRISTAN B. MORRISON<sup>9</sup>  
 WILLIAM B. WARINAY<sup>9</sup>  
 COLLEEN K. HORN<sup>9</sup>  
 DAVID J. OTTEN<sup>9</sup>  
 JONATHAN S. FUTRELL  
 NORBERT D. HUMMEL, IV  
 DAVID P. CONLEY  
 B. CHASE ELLEBY  
 TYLER R. MORGAN<sup>9</sup>  
 MARIANNA L. JABLONSKI<sup>9</sup>  
 LOURDES SANCERNI FULTON<sup>9</sup>  
 LEAH C. FOX  
 ALISHA I. WYATT-BULLMAN<sup>9</sup>  
 J. DANIEL COLE  
 RYAN S. ROBINSON  
 JOSEPH D. SHELLEY  
 LESLIE S. SMITH  
 CHRISTOPHER L. JOHNSON  
 CHRISTIAN H. LAYCOCK  
 LIZA D. HARRELL<sup>9</sup>  
 JESSICA A. KING  
 JOHN A. EARLY  
 CHRISTOPHER W. SHERMAN<sup>9</sup>

JOHN T. RICE<sup>9</sup>  
 JESS E. MAPLES<sup>9</sup>  
 FREDERICK F. FISHER<sup>9</sup>

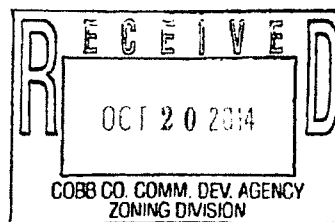
OF COUNSEL:  
 JOHN L. SKELTON, JR.<sup>9</sup>

<sup>1</sup> ALSO ADMITTED IN TN  
<sup>2</sup> ALSO ADMITTED IN FL  
<sup>3</sup> ALSO ADMITTED IN CA  
<sup>4</sup> ALSO ADMITTED IN TX  
<sup>5</sup> ALSO ADMITTED IN AL  
<sup>6</sup> ALSO ADMITTED IN KY  
<sup>7</sup> ALSO ADMITTED IN SC  
<sup>8</sup> ALSO ADMITTED IN NC  
<sup>9</sup> ALSO ADMITTED IN IN  
<sup>0</sup> ADMITTED ONLY IN TN  
<sup>1</sup> ADMITTED ONLY IN FL

October 20, 2014

Hand Delivered

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



RE: Application for Rezoning - Application No. Z-46 (2014)  
 Applicant: JW Homes, LLC  
 Property Owners: Paul Samuel Properties, LLP; Double Eagle, LLC; Laverne and Carl Abbott; and The Estate of Georgia Ruth Parson, a/k/a Ruth Cantrell Parson, Deceased, and Mary Diane Parson Bill, f/k/a Dianne P. Bill, n/k/a Dianne P. Milton  
 Property: 136.7011 acres, more or less, located at the intersection of Acworth Due West Road and Paul Samuel Road, Land Lots 237, 258, and 259, 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent JW Homes, LLC, the Applicant (hereinafter referred to as "Applicant"), and Paul Samuel Properties, LLP; Double Eagle, LLC; Laverne and Carl Abbott; and The Estate of Georgia Ruth Parson, a/k/a Ruth Cantrell Parson, Deceased, and Dianne P. Milton, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to property totaling 136.7011 acres located at the

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 8  
October 20, 2014

Petition No. 2-46  
Meeting Date 10/21/14  
Continued

intersection of Acworth Due West Road and Paul Samuel Road, Land Lots 237, 258, and 259, 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After numerous meetings with planning and zoning staff and various Cobb County Departmental representatives, ongoing discussions and meetings with area civic and homeowner representatives and residents, reviewing the Staff Comments and Recommendations; as well as, the uses of surrounding properties, and following the presentation to and hearing before the Cobb County Planning Commission and the recommendations thereof, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter will supersede and replace in full any and all previous letters of agreeable stipulations and conditions submitted in connection with this Application for Rezoning; excepting only the submission of the revised Zoning Plans, dated April 28, 2014, last revised October 13, 2014, submitted on October 17, 2014. The revised stipulations are as follows:

- (1) Approval for the Subject Property shall be from the R-20 and R-30 zoning categories to the R-20/OSC category, site plan specific to the revised Zoning Plan prepared for Applicant by Ridge Planning and Engineering dated April 28, 2014, last revised October 13, 2014. A reduced copy of the revised Zoning Plan is attached hereto as Exhibit "A" and incorporated herein by reference.
- (2) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Zoning Plan for the proposed development hereinabove referenced, same being prepared for Applicant by Ridge Planning and Engineering dated April 28, 2014, last revised October 13, 2014, and filed with the Zoning Office on October 17, 2014.
- (3) The Subject Property consists of 136.7011 acres of total site area and shall be developed for a residential community comprised of a maximum of one hundred seventy-eight (178) single-family residences.
- (4) The proposed development shall contain a minimum of 52.63 acres of dedicated open space, as more particularly shown and reflected on the revised Zoning Plan, subject to final engineering. All pathways and any other amenity in the dedicated open space will be approved by the Zoning Division Manager.
- (5) The minimum lot size of lots within the proposed residential community shall be 10,000 square feet.

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 3 of 8  
October 20, 2014

Petition No. 2-46  
Meeting Date 10/21/14  
Continued

- (6) The residences within the proposed community shall have a minimum of 3,250 square feet (heated and cooled space), ranging up to 6,000 square feet, and possibly greater.
- (7) The proposed residences shall be traditional in style and architecture and shall have a minimum three-car, attached garage.
- (8) Additionally, the architectural style and composition of the exterior of the homes shall consist of brick, stacked stone, stone, cedar shake-type, hardi-plank shake type, and hardi-plank siding, or combinations thereof, on a minimum of three (3) sides. Photographs representative of the homes to be built within the community are attached hereto collectively as Exhibit "B."
- (9) The minimum setbacks for the proposed residential community shall be as follows:
  - (a) Front setback – Fifteen (15) feet;
  - (b) Interior rear setback – Twenty (20) feet;
  - (c) Side setback – Five (5) feet  
(Minimum twenty (20) feet between homes);  
Fifteen (15) feet  
(Adjacent to street); and
  - (d) Exterior setback – Forty (40) feet  
(Adjacent to R-30 zoned property);  
Thirty-five (35) feet  
(Adjacent to R-20 zoned property).
- (10) Entrance signage shall be ground based, monument-style signage, and shall consist of brick, stone, or combinations thereof, with accents. Entrance landscaping shall be professionally designed, implemented, and maintained. Maintenance of the entrance areas shall be by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions.

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 4 of 8  
October 20, 2014

Petition No. 2-46  
Meeting Date 10/21/14  
Continued

- (11) Applicant agrees to the creation of a mandatory homeowners association consistent with communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, open space, landscaping around detention areas, and entrance areas contained within the proposed residential community.
- (12) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed development.
- (13) The proposed community shall have both active and passive amenities consisting of clubhouse, walking trails, and usable passive park areas.
- (14) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences, as offered by the power provider.
- (15) Applicant agrees to construct internal sidewalks along one side of the streets within the proposed residential community which shall connect to exterior street sidewalks. Said internal sidewalks shall comply in all respects with Cobb County standards and ordinances.
- (16) Applicant agrees to install professional landscaping and street buffer treatment along Paul Samuel Road to be maintained by the homeowners association.
- (17) Applicant agrees to comply with all Cobb County and State of Georgia stream buffer requirements as more particularly shown and reflected on the revised Zoning Plan.
- (18) Stormwater management facilities shall be as shown and reflected on the revised Zoning Plan. Said facilities shall be screened by black, vinyl-clad chain link fencing, black wrought iron-type, or split-rail fencing. The fencing shall be a minimum of four (4) feet in height with landscaping to the exterior of the fencing where needed for purposes of visual screening for proposed lots and proposed rights-of-way. The landscaping shall be approved by the County Arborist during the plan review process.

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 5 of 8  
October 20, 2014

Petition No. 2-46  
Meeting Date 10/21/14  
Continued

- (19) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.
- (20) All utilities servicing the residences within the proposed community shall be underground.
- (21) Minor modifications to the revised Zoning Plan, including, but not limited to, the layout of lots and stormwater control measures, may be approved by the District Commissioner, as needed or necessary; except for those changes that increase the density of a residential project; reduce the size of an approved buffer adjacent to a property that is zoned in the same or in a more restrictive zoning district; relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district; increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or change an access location to a different roadway.
- (22) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (23) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (24) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing.
- (25) Applicant agrees to the following system improvements to mitigate traffic concerns:
  - (a) Donation of right-of-way a maximum of fifty (50) feet in width from the existing roadway centerline along the frontage of property along Acworth Due West Road and Paul Samuel Road;
  - (b) Installation of curb, gutter, and sidewalk along the property frontage on Acworth Due West Road and Paul Samuel Road;



**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
Page 6 of 8  
October 20, 2014

Petition No. 2-46  
Meeting Date 10 | 21 | 14  
Continued

- (c) Installation of curb and gutter along both sides of the streets; as well as, installation of sidewalk along one side of streets within the proposed community;
  - (d) Construction of deceleration lanes for ingress purposes along the property frontage on Acworth Due West Road and Paul Samuel Road; and
  - (e) Construction of left-turn lanes at entrances on Acworth Due West Road and Paul Samuel Road.
- (26) Applicant agrees to the establishment of perimeter buffers as specifically shown on the revised Zoning Plan; said buffers to be natural and maintained buffers, as defined in County Code.
- (27) Applicant agrees to protect the historical earthworks located on the Subject Property as more specifically shown on the revised Zoning Plan; so as to create dedicated open space, to be natural and maintained, as defined in County Code. The historical area public access and layout will be approved by the Cobb County historical staff.
- (28) Stipulations applicable to the Searcy property:
- Establishment of fifteen (15) foot undisturbed buffer along adjacent property line (proposed lots 97-103);
  - Fifteen (15) foot undisturbed buffer will be made a part of the permanent green space and incorporated into the Conservation Easement and owned by the mandatory homeowners association.
  - Installation of a wooden privacy fence, six (6) feet in height, fifteen (15) feet off the Searcy property line, within the undisturbed buffer area (along the property lines of proposed lots 97-103).
  - Supplemental plantings within the undisturbed buffer area shall be added upon agreement between the Applicant and Dr. Searcy, which shall become a final zoning condition, if approved, as presented.

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
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(29) Stipulations applicable to the Godwin property:

- Establishment of a twenty (20) foot undisturbed buffer and Conservation Easement along the adjoining property lines between the proposed development and those of Diana Godwin Skehan and Ray Godwin, as more particularly shown and reflected on attached Exhibit "C."
- Applicant shall repair the broken and downed fence between the properties of the proposed development and those of Diana Godwin Skehan and Ray Godwin, as more particularly shown and reflected on attached Exhibit "C."
- Installation of new chain link fencing in the area separating the two lakes, including the area spanning the spillway behind the lake on the property owned by Ray Godwin, as it crosses the common property line onto the Subject Property; said chain link fencing also being more particularly shown and reflected on attached Exhibit "C."
- Applicant agrees to the planting of a combination of Cedar trees, Magnolia trees, Cryptomeria, Ligustrum (for lower buffering), and Arborvitae along the common boundary line between the Diana Godwin Skehan property and the Subject Property.

(30) There will be a landscape buffer twenty (20) feet in width across the rear of proposed lots 16 through 25, within the rear building setback area.

We believe the requested approval of the Application for Rezoning, pursuant to the revised Zoning Plan, together with the revised stipulations set forth above, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed residential community shall be a quality development and shall be compatible with the quality of surrounding developments and be an enhancement to the Subject Property and the community. Thank you for your consideration in this request.

**MOORE INGRAM JOHNSON & STEELE**

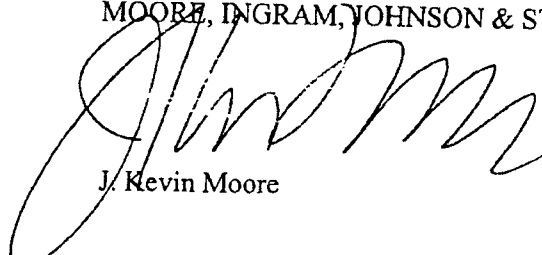
Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
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With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

c: Cobb County Board of Commissioners:  
Timothy D. Lee, Chairman  
Helen C. Goreham  
Robert J. Ott  
JoAnn Birrell  
Lisa N. Cupid  
(With Copies of Attachments)

Cobb County Planning Commission:  
Bob Hovey  
(With Copies of Attachments)

Diana Godwin Skehan Cotney  
Ray Godwin  
Area Residents  
(With Copies of Attachments)

Ashburn P. Searcy, M.D.  
Area Resident  
(With Copies of Attachments)

Keli Gambrell, President  
People Looking After Neighborhoods, Inc.  
(With Copies of Attachments)

JW Homes, LLC  
(With Copies of Enclosures)



**COBB COUNTY COMMUNITY DEVELOPMENT AGENCY**  
Planning Division  
1150 Powder Springs Street  
Marietta, Georgia 30060  
(770) 528-2018

Planning Staff Analysis

## Z-46 REVISED

Date: **October 20, 2014**  
Contact: Philip Westbrook

Min. Bk. 74 Petition No. 2-46  
Doc. Type Planning Div  
Comments  
Meeting Date 10/21/14

(770) 528-2014

**Property Location:** South side of Paul Samuel Rd, east side  
of Acworth Due West Rd.

**Current Zoning:** R-20 / R-30

**Land Lot/District:** 237,258,259 / 20  
**Proposed Use:** R-20 OSC

**Total Area:** 136.7011 acres  
**Floodplain /Wetland Area/Cemetery:** 31.10 acres  
**Amenity Area:** 1.19 acres  
**Net Buildable Area:** 104.412 acres  
**Base Density Allowed:** 1.75 upa  
**Base Density Allowed w/Bonus:** 1.92 upa  
**Proposed Lots:** 178  
**Net Density:** 1.70 upa  
**Future Land Use:** Very Low Density Residential (1 to 2 upa)

**Open Space Requirement:** 47.85 acres or 35%; for bonus 52.63 acres or 38.5%  
**Open Space Provided:** 52.63 acres or 38.5%  
**Percentage of Open Space within Floodplain, Wetlands, & Lakes w:** 58.7%

### Setbacks:

Interior:  
Front: 15'; Rear: 20'  
Side (adjacent to street): 15'  
Side (adjacent to lots): 5' / 20' between buildings  
Exterior  
Rear: 40' adjacent to R-30  
Rear: 35' adjacent to R-20

### Comments:

1. All floodplain must be within required open space. Specifically, the revised site plan received Oct. 17, 2014 shows the floodplain boundary traversing through the center of middle detention pond.
2. Need to correctly label the rear setbacks for lots 93 through 98. Site Plan received Oct. 17, 2014 show rear setbacks of 25' but labeled 20'.

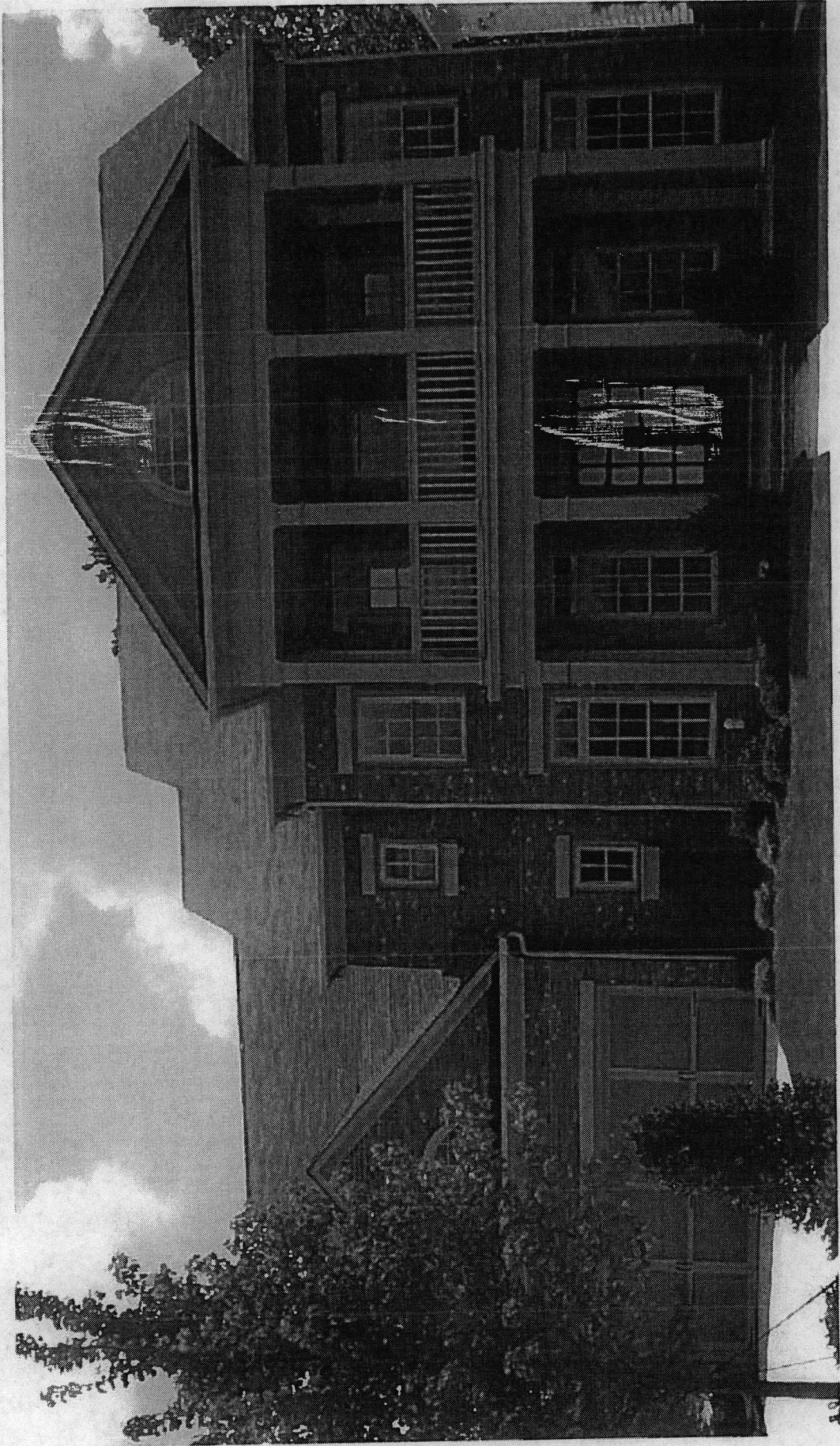
3. Must have Cobb Department of Transportation approved lighting plan (except individual residential lots).
4. A Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the "Open Space" from development in perpetuity as owned by the mandatory Home Owners Association. Conservation Easement application must be submitted to the Planning Division before final plat approval.
5. For all lots contiguous to commonly owned open space, staff recommends including a deed that explains that said lots are adjacent to commonly owned Open Space and cannot be disturbed.
6. Recommend split rail fence to be installed within the open space along the common property line between the commonly owned open space and individual lots.

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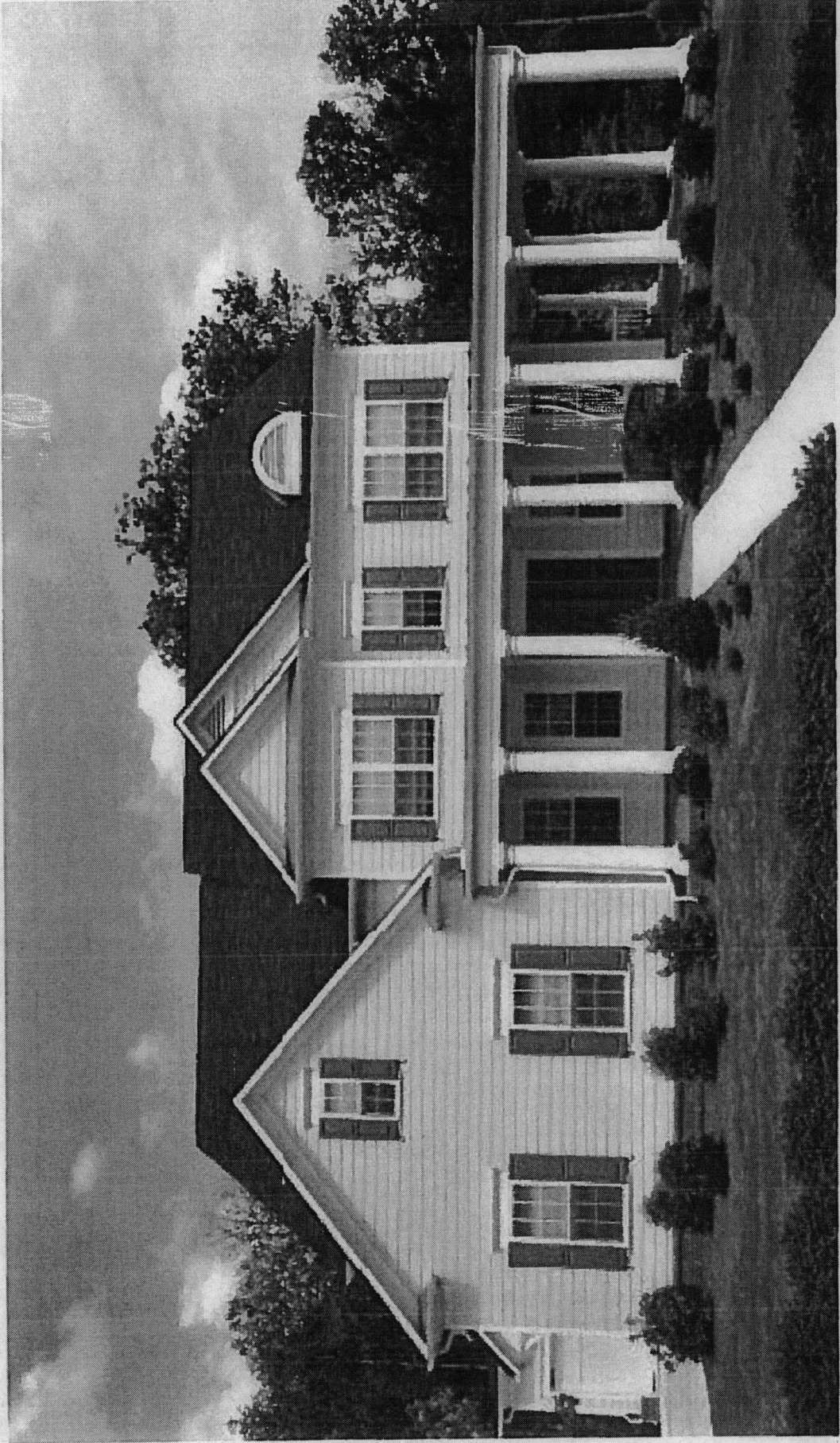
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EXHIBIT "B"

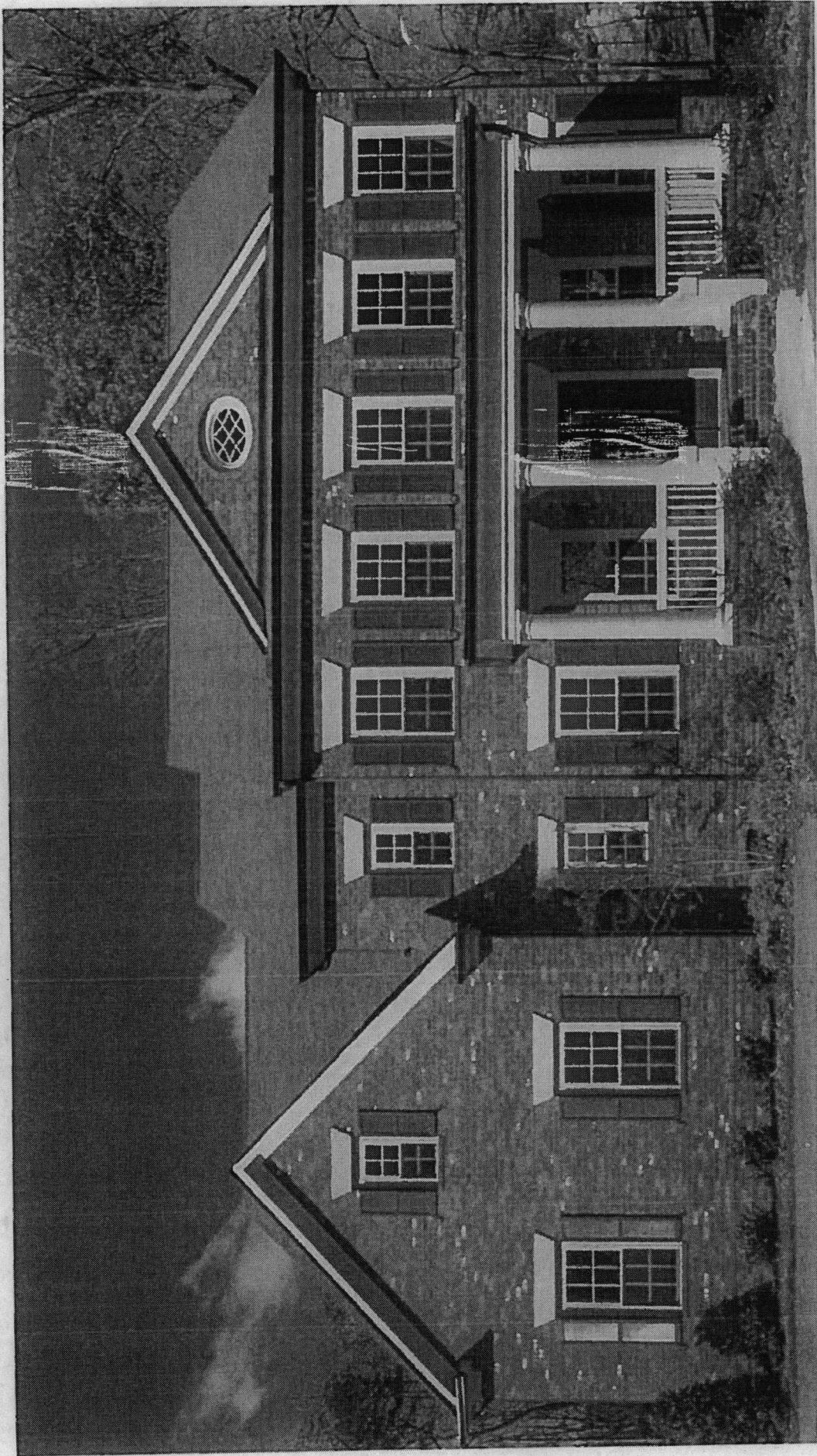


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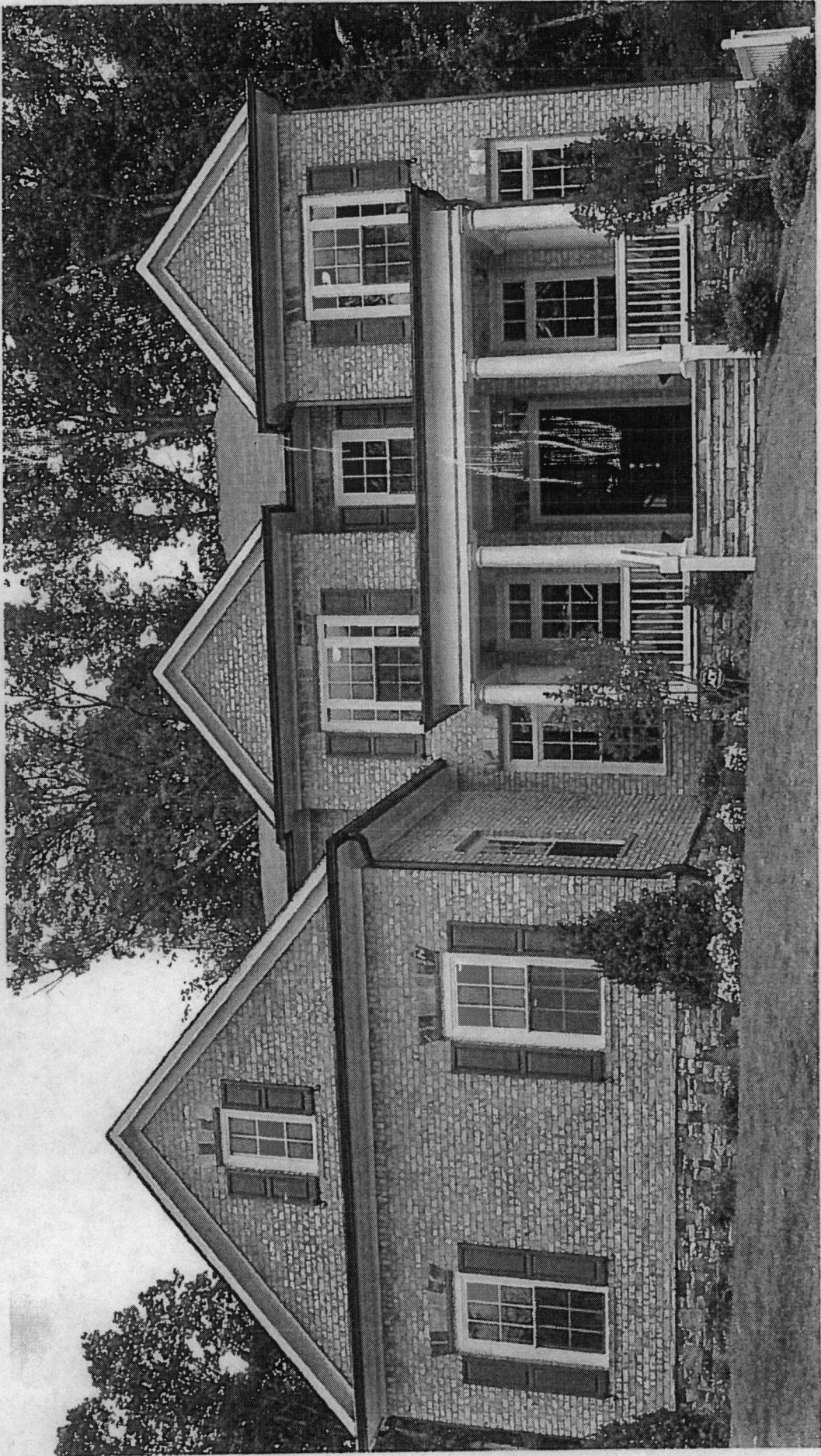




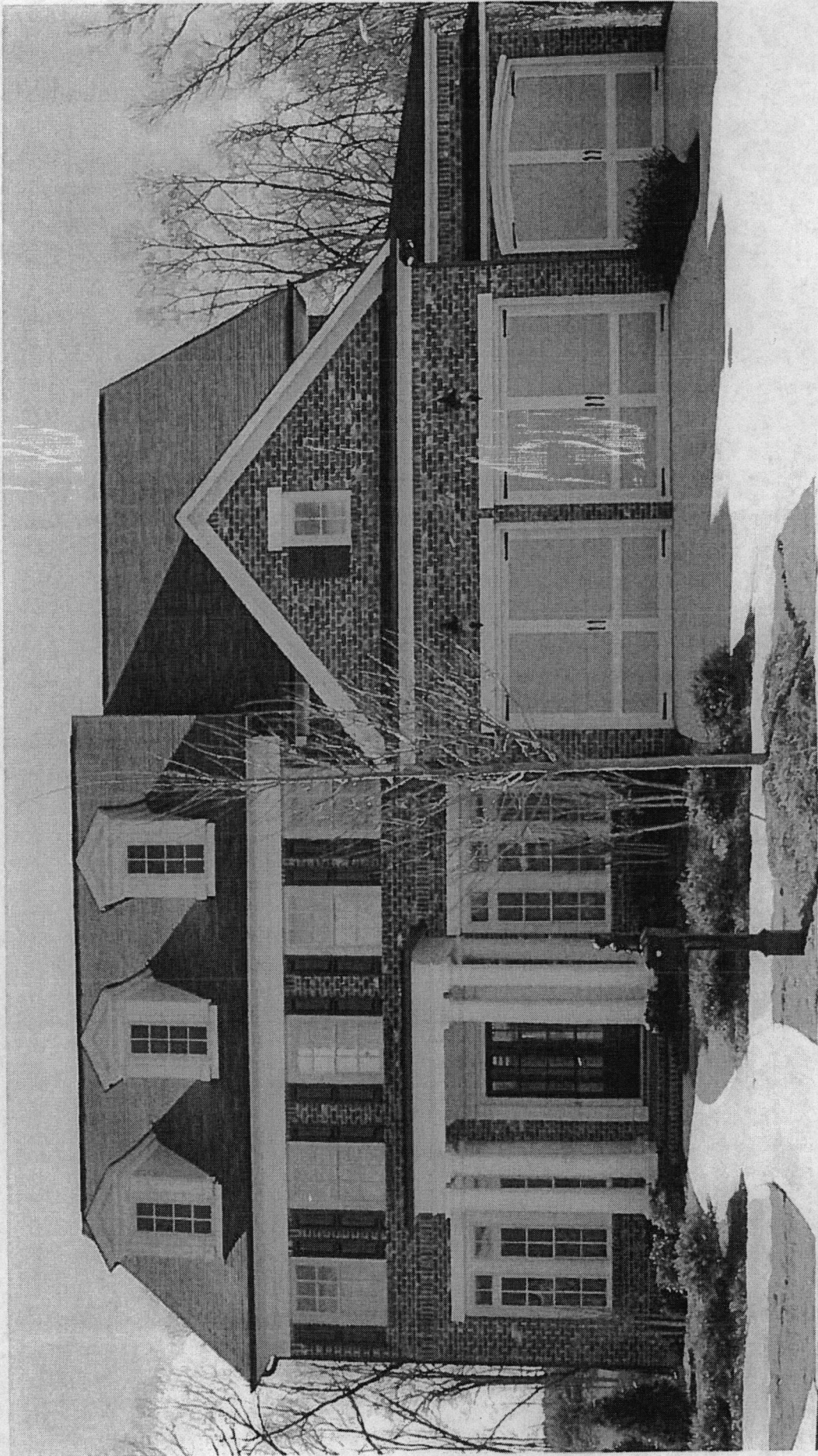
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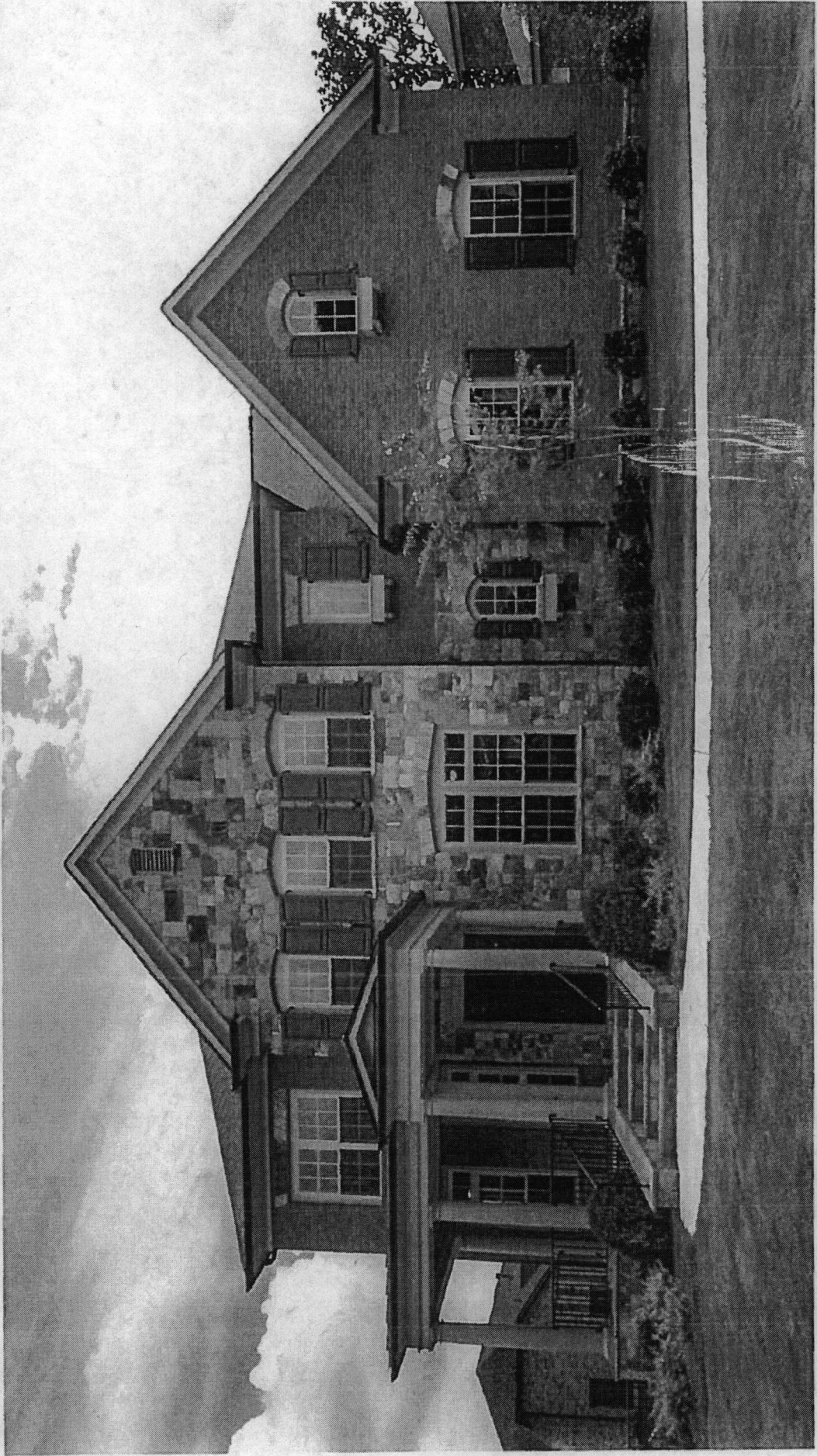
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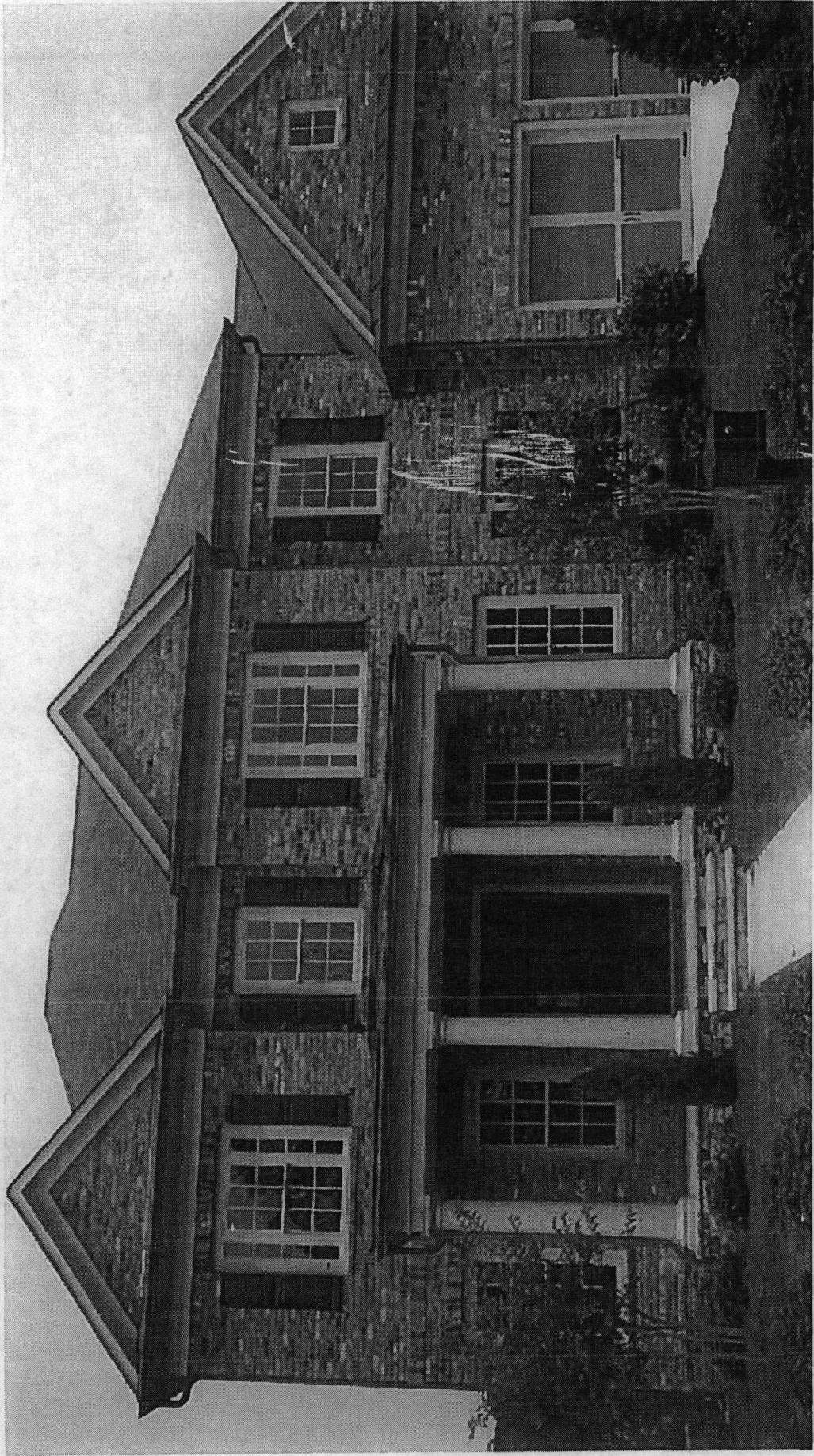
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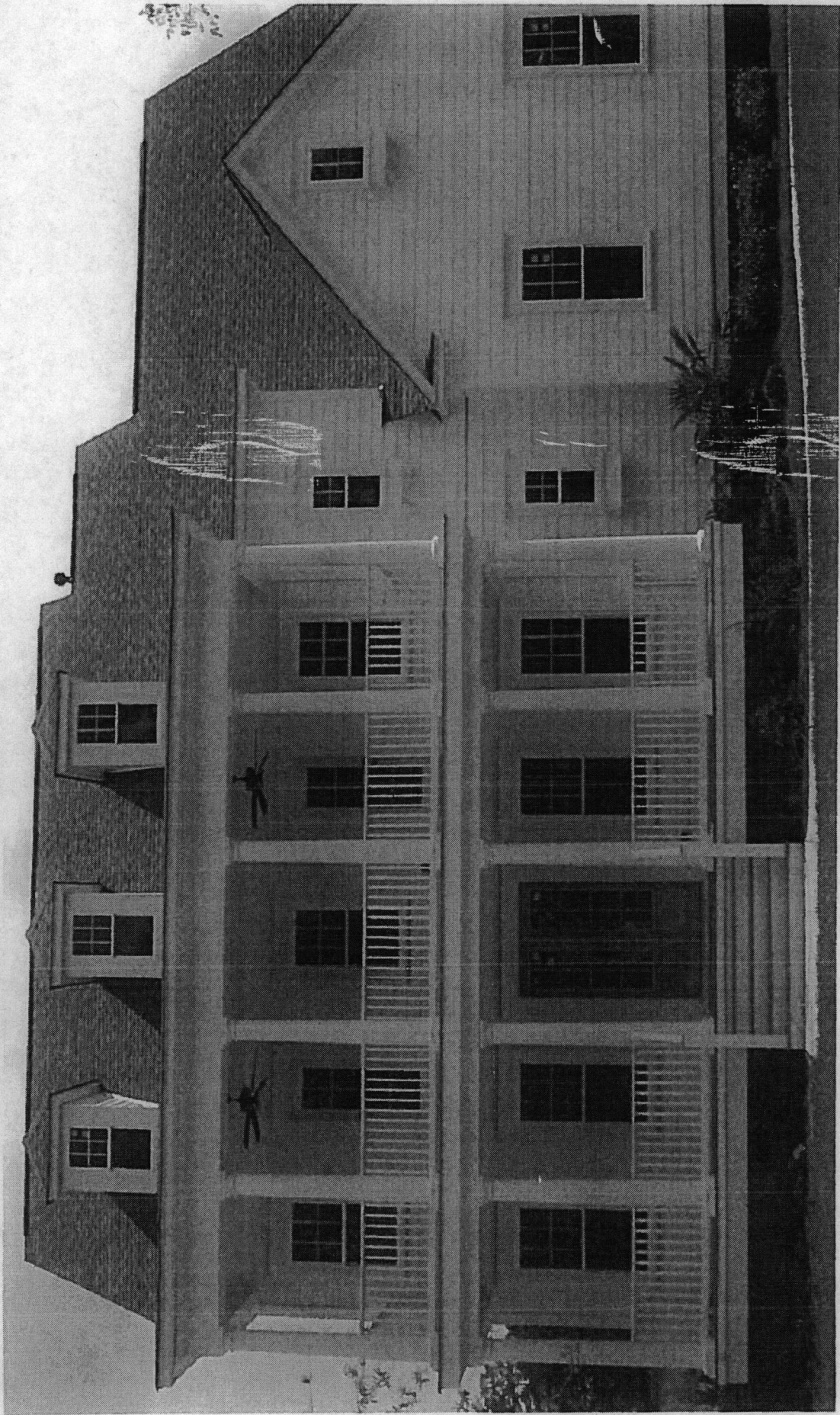
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Petition No. 2-40  
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Petition No. 2-46  
Meeting Date 10-21-14  
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Petition No. 2-46  
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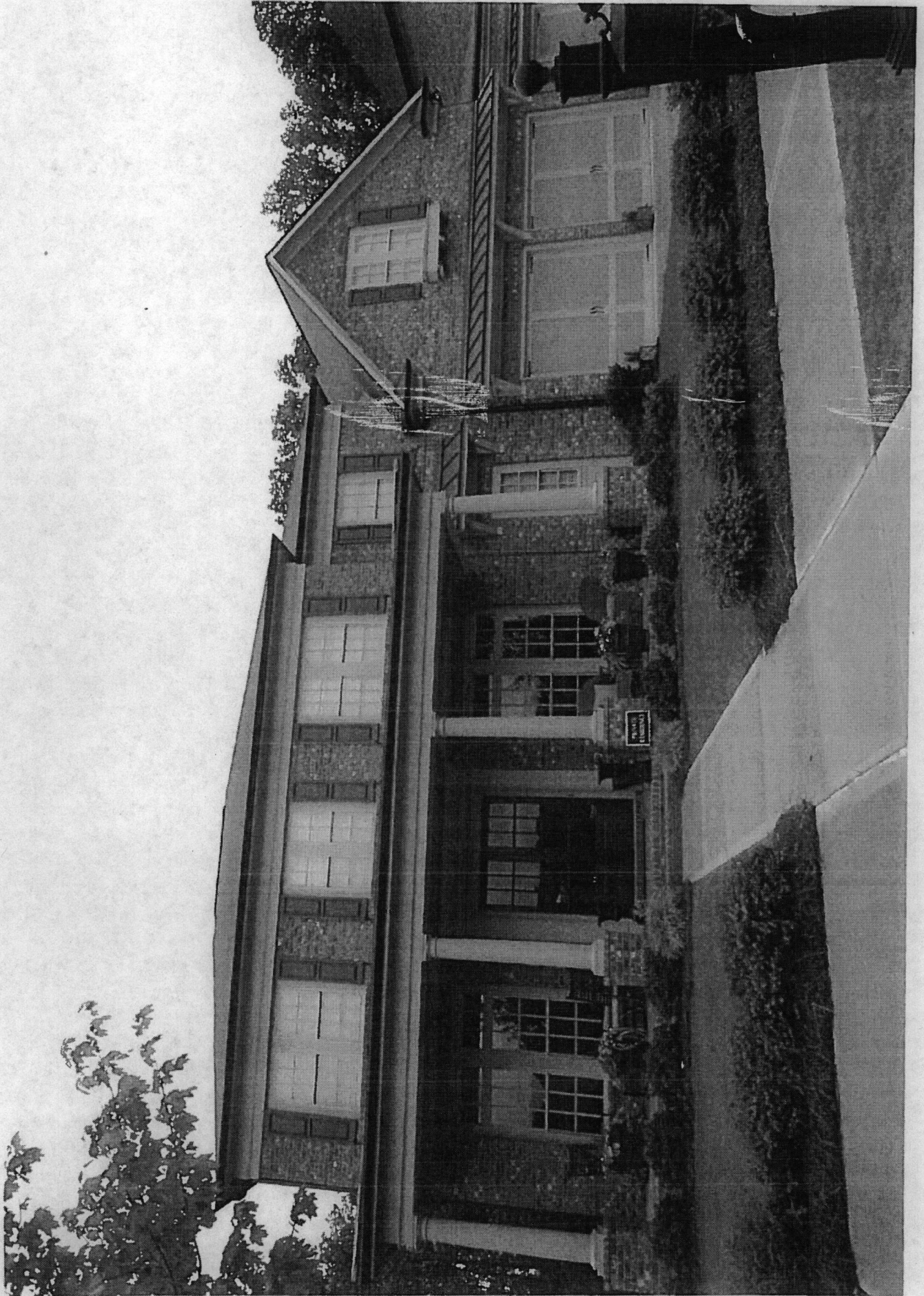




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