

Preliminary Plan **Woodlawn Drive Community** Cobb County, Georgia Land Lot 8, 17th District, 2nd Section

prepared for:
Bradley Barnett
324 Hicks Farm Road
Acworth, Georgia 30102

DGM
LAND PLANNING
CONSULTANTS

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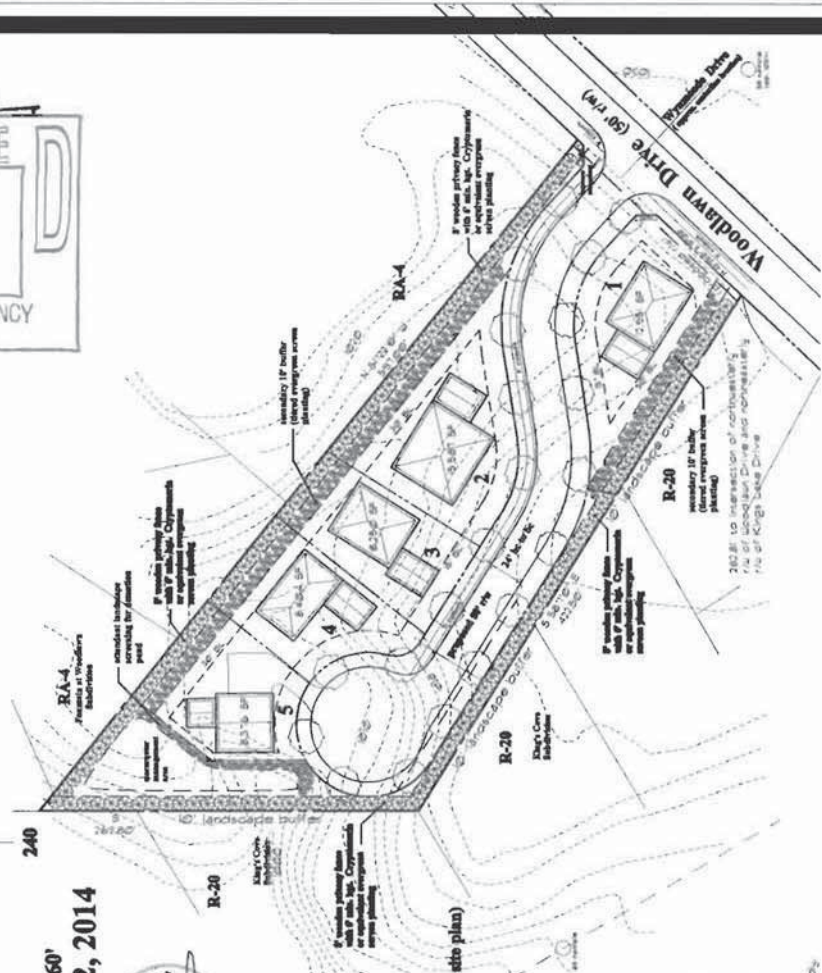
September 22, 2014



Site Data

Total Site Area: 2.15 AC
Total Units Shown: 5
Proposed Density: 2.32 UN/AC
Present Zoning: R-20
Proposed Zoning: RA-5 (specific to site plan)
Minimum Lot Size: 7,000 SF
Ave. Lot Size: 10,714 SF
Minimum Lot Width: 70'
Proposed Building Setbacks:
front: 15', rear: 30", side: 5'

- Notes:**
1. Boundary lines by West Georgia Survey, dated 2/23/01
 2. Topographic information by Cobb County, D.S.
 3. According to Flood Insurance Rate Map (FIRM) #30247C0285.
 4. No portion of this site contains floodplain.
 5. No easements are known to exist on site.
 6. No wetlands or wetland areas are known to exist on site.
 7. Utility easements are known to exist on site.
 8. Structures and water quality structures are conceptual in size and will be revised based on hydrologic study.



APPLICANT: Capital City View Homes, LLC

PHONE#: (404) 895-5555 **EMAIL:** bradtbarnett@gmail.com

REPRESENTATIVE: Garvis L. Sams, Jr.

PHONE#: (404) 895-5555 **EMAIL:** bradtbarnett@gmail.com

TITLEHOLDER: Nasreen Rafiq, Mohammad Goshayeshi, and

Esrafil Hervani

PROPERTY LOCATION: Northwest side of Woodlawn Drive,

north of Powers Road

(333 Woodlawn Drive).

ACCESS TO PROPERTY: Woodlawn Drive

PHYSICAL CHARACTERISTICS TO SITE: Single-family house

on wooded lot

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RA-4/The Fountain at Woodlawn Subdivision

SOUTH: R-20/King's Cove Subdivision

EAST: RA-4/The Fountain at Woodlawn and single-family house

WEST: R-20/King's Cove Subdivision

PETITION NO: Z-61

HEARING DATE (PC): 09-04-14

HEARING DATE (BOC): 09-16-14

PRESENT ZONING: R-20

PROPOSED ZONING: RA-5

PROPOSED USE: Single-family Residential

Subdivision

SIZE OF TRACT: 2.5 acres

DISTRICT: 1

LAND LOT(S): 8

PARCEL(S): 7

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

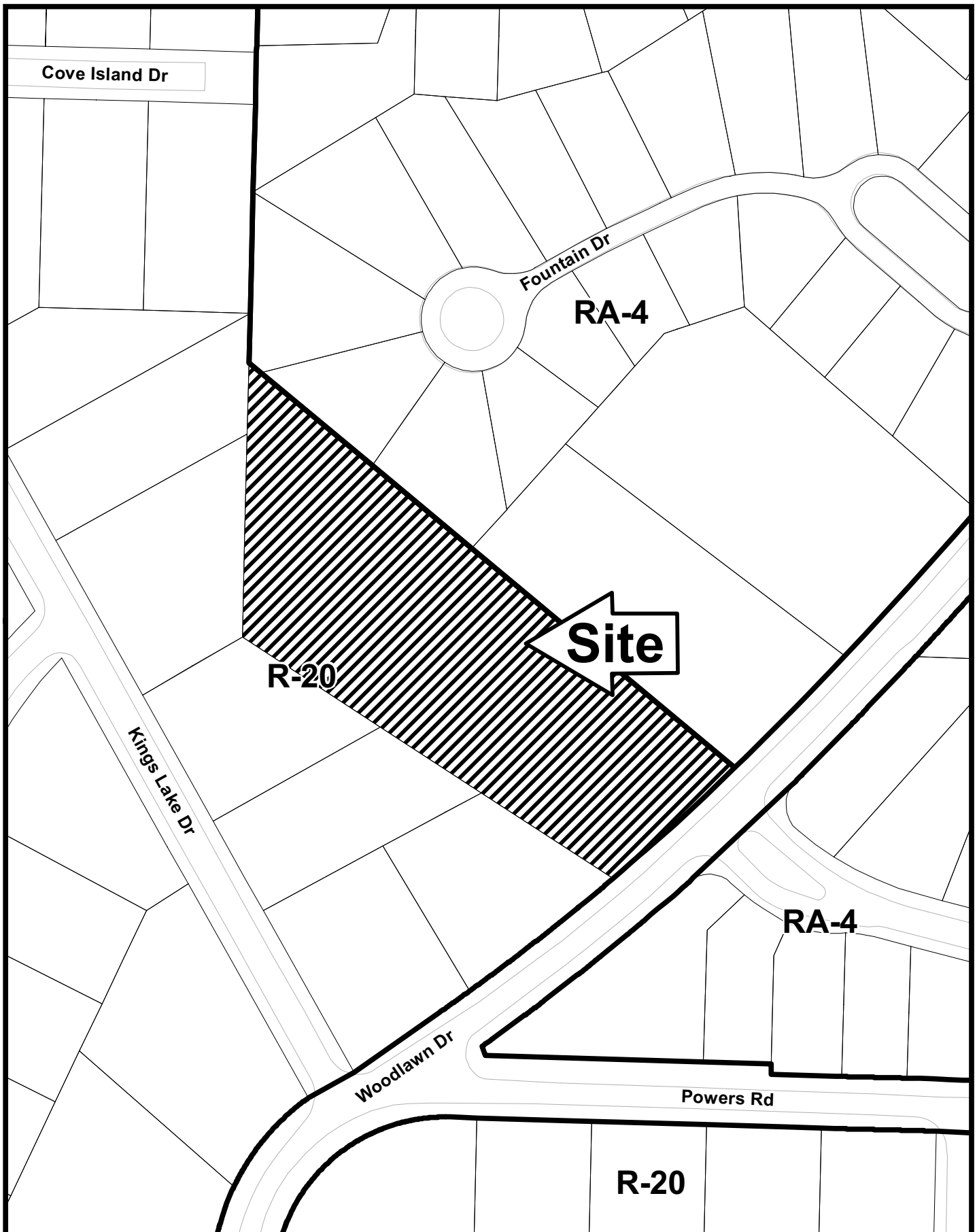
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-61



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

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Capital City View Homes, LLC

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RA-5

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 5 **Overall Density:** 2.32 **Units/Acre**

Staff estimate for allowable # of units: 3 **Units*** **Increase of:** 2 **Units/Lots**

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the RA-5 zoning category for the purpose of developing a five-lot detached subdivision. The house will be traditional with four-sided architecture and the sizes will be 4,000-6,000 square feet and greater. The proposed selling prices will range from \$850,000 to \$1.2 Million. The lot sizes range from 8,250 square feet to 15,587 square feet.

The applicant is requesting a contemporaneous variance to reduce the front setback from 20 feet to 15 feet and also to allow 30-foot rear setbacks instead of the required 40 feet as shown for Lots 2-5 and to allow the setbacks as shown for Lot 1 on the site plan received by the Zoning Division on September 23, 2014.

Cemetery Preservation: No comment.

APPLICANT: Capital City View Homes, LLC

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RA-5

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Sope Creek Elem	1153	Over	
Elementary Dickerson Middle	1238	Over	
Middle Walton High	2732	Over	

High

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

Additional Comments:

FIRE COMMENTS:

When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT: Capital City View Homes, LLC

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RA-5

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RA-5 for purposes of single family residential subdivision. The 2.5 acre site is located on the northwest side of Woodlawn Drive, north of Powers Road.

Comprehensive Plan

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

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? ☐ Yes ☒ No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? ☐ Yes ☒ No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? ☐ Yes ☒ No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? ☐ Yes ☒ No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

APPLICANT: Capital City View Homes, LLC

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RA-5

PLANNING COMMENTS: (Continued)

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

☐ Yes ☒ No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

☐ Yes ☒ No

APPLICANT Capital City View Homes

PETITION NO. Z-061

PRESENT ZONING R-20

PETITION FOR RA-5

WATER COMMENTS:

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

Available at Development: ☐ Yes ☐ No

Fire Flow Test Required: ☒ Yes ☐ No

Size / Location of Existing Water Main(s): 12" DI / SE side of Woodlawn Drive

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

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

In Drainage Basin: ☒ Yes ☐ No

At Development: ☐ Yes ☒ No

Approximate Distance to Nearest Sewer: 130' W in Kings Lake Drive

Estimated Waste Generation (in G.P.D.): A D F= 960 Peak= 2400

Treatment Plant: Sutton

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 Sewer also 170' NE in Fountain Drive if elevations allow
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Capital City View Homes, LLC

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RA-5

STORMWATER MANAGEMENT COMMENTS

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

DRAINAGE BASIN: Trib to Sope Creek FLOOD HAZARD INFO: Zone X

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

WETLANDS: ☐ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

Location:

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

STREAMBANK BUFFER ZONE: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

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

DOWNSTREAM CONDITION

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

APPLICANT: Capital City View Homes, LLC

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RA-5

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

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

INSUFFICIENT INFORMATION

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

ADDITIONAL COMMENTS

1. The entire site drains to the northwest into the Kings Cove Subdivision. However, there is no existing drainage easement to convey concentrated discharge from the site. The applicant is working with downstream property owners to obtain an easement to tie into the existing downstream storm system on Kings Lake Drive.
2. As indicated under Downstream Conditions, there is a private lake located approximately 500 feet downstream within the Kings Cove Subdivision. A pre- and post-sediment survey will be required.

APPLICANT: Capital City View Homes, LLC

PETITION NO.: Z-61

PRESENT ZONING: R-20

PETITION FOR: RA-5

TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Woodlawn Drive	5500	Minor Collector	35 mph	Cobb County	60'

Based on 2007 traffic counting data taken by Cobb County DOT (Woodlawn Drive)

COMMENTS AND OBSERVATIONS

Woodlawn Drive is classified as a minor collector 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 to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the northwest side of Woodlawn Drive, a minimum of 30' from the roadway centerline.

Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway.

Recommend a taper for the Woodlawn Drive access.

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

Recommend development street either directly align or have an offset of a minimum of 125 feet from Wynmeade Park per Development Standard 401.10.

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

STAFF RECOMMENDATIONS

Z-61 CAPITAL CITY VIEW HOMES, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. While the subject parcel abuts RA-4, most of the predominant zoning along this side of Woodlawn Drive is R-20 and R-40.
- B. It is Staff's opinion that the applicant's rezoning proposal may have an adverse affect on the usability of adjacent or nearby property. The subject property is bounded by R-20 lots to the west and southwest, and about half of the property's northeast border includes an RA-4 subdivision, and the other half includes a single-family house on a larger RA-4 lot that is one acre according to tax records. The character of the area is mixed with cluster homes to estate-sized lots.
- 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 Low Density Residential (LDR) land use category. The property abuts an existing RA-4 subdivision to the northeast (The Fountain at Woodlawn, at 3.42 units per acre/also delineated as LDR), the proposed 2.32 units per acre is within the LDR density range of 1-2.5 units per acre. Other properties in this area include: Boulevard at Woodlawn, Unit I, zoned R-20 at 1.72 units per acre; Fainview Farm I, zoned R-20 at approximately 1.85 units per acre; Fainview Farm Two, zoned R-20 at approximately 1.63 units per acre; Kings Cove Section Three, zoned R-20, at approximately 1.53 units per acre; Woodlawn Walk, zoned RA-5 at 2.65 units per acre; Wynmeade, zoned RA-4, at approximately 3.07 units per acre; The Oaks on Woodlawn, zoned RA-5, at 3.19 units per acre; Lafayette Square, zoned RA-4, at 3.42 units per acre; and Woodhaven Unit-I, zoned RA-4 at approximately 3.45 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. As previously stated, the subject property abuts an RA-4 development, almost all of this side of Woodlawn Drive, from Paper Mill Road to Lower Roswell Road, is in the LDR land use category. Most of the zonings on this same side are R-20, with some R-40, R-30, R-80, and even RA-4. Most of the other RA-4 or RA-5 developments in this area are on the other side of Woodlawn Drive and are in the Medium Density Residential (MDR) land use category, for densities ranging from 2.5-5 units per acre. Staff believes that RA-5 with a density within the LDR range of 1-2.5 units per acre would be consistent with the area.

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

- Site plan received by the Zoning Division on September 23, 2014, with the District Commissioner approving minor modifications;
- Density not to exceed 2.5 units per acre;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

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Application #: Z- 61

PC Hearing Date: 09/04/2014

BOC Hearing Date: 09/16/2014

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3,000 sq. ft. minimum and greater
- b) Proposed building architecture: Traditional four-sided architecture to be submitted under separate cover.
- c) Proposed selling prices(s): \$800,000.00 and greater.
- d) List all requested variances: Reduction in the front set-back and a commensurate increase in the rear setbacks of the lots.

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 is located in an area on the Future Land Use Map which is denominated as Low Density Residential (LDR) which contemplates residential densities up to 2.5 units per acre. However, the subject property has direct contiguity to an RA-4 development (also within LDR) and directly across Woodlawn Drive from an RA-4 development within an MDR designation under the FLUM.

Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). Not Applicable

Part 5. Is this application a result of a Code Enforcement action? No X; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: [Signature]
Attorney for Sams, Larkin, Huff & Balli, LLP
Applicant name (printed): Garvis L. Sams, Jr.

Date: 7/3/14

JUL - 3 2014

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
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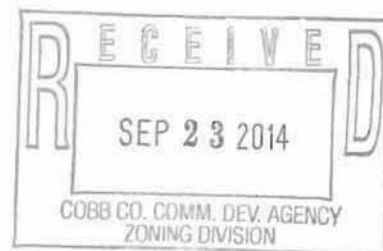
JUSTIN H. MEEKS

SLHB-LAW.COM

September 23, 2014

VIA HAND DELIVERY AND EMAIL:

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



Re: Application of Capital City View Homes, LLC
to Rezone a 2.15 Acre Tract from R-20 to RA-5 (No. Z-61)

Dear John:

You will recall that this firm represents Capital City View Homes, LLC ("Capital City") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on October 7, 2014 and, thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on October 21, 2014.

On July 25, 2014 and August 26, 2014, respectively, we submitted letters of agreeable stipulations/conditions in response to a continued dialogue with the County's professional staff, representatives of the East Cobb Civic Association ("ECCA"), The Fountain at Woodlawn HOA ("The Fountain"), Kings Cove HOA ("Kings Cove") and Wynmeade HOA ("Wynmeade"). The discussions we have had with area residents have been fruitful and have led to a number of changes to both the site plan and the stipulations/conditions. Since those initial stipulation letters were submitted, our discussions with area residents, staff and the ECCA have continued to be productive and have led to additional modifications both to the site plan, the stipulations/conditions to which Capital City is amenable and other documentation which is being submitted with this letter.

With respect to the foregoing and in keeping with the continuing and ongoing discussions we have had to date, this letter will serve as Capital City's additionally revised letter of agreeable stipulations which, upon the Application for Rezoning being approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced revised stipulations are as follows, to wit:

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VIA HAND DELIVERY AND EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
September 23, 2014
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1. The revised stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The subject property shall be developed in substantial conformity to that certain revised site plan, prepared by DGM Land Planning Consultants, which is being submitted contemporaneously herewith.
3. The construction of a maximum number of five (5) custom, quality built, single-family detached homes at a maximum density of 2.32 units per acre.¹ Even though homes built within the RA-5 district may be built on lots a minimum of 7,000 sq. ft. in size, the lots upon which these homes will be built range in size from 8,250 sq. ft. – 15,587 sq. ft. or an average of 10,714 sq. ft.
4. The homes will range in size from 4,000 – 6,000 square feet and greater. Each of the homes shall have an attached three-car garage which shall be used for the parking and storage of vehicles and which will not be allowed to be converted into living space. The driveways will be sufficient to park at least two additional vehicles.²
5. The architectural style and composition of the homes shall consist of a mixture of brick, stacked stone, cedar, Hardiplank shake or Hardiplank siding or a combination thereof as depicted on the photographs which are being submitted contemporaneously herewith. The architectural style and composition shall be applicable to all four sides of each home in equal measure. The homes shall be a maximum of three (3) stories in height.
6. The creation of a mandatory Homeowners Association (“HOA”) and the submission of Declaration of Covenants, Conditions and Restrictions shall include, among other components, strict architectural controls.

¹ The proposed density is below the density shown on Cobb County's Future Land Use Map which allows residential densities up to 2.5 units per acre. Additionally, the proposed density is significantly lower than The Fountain at Woodlawn and LaFayette Square Subdivisions, respectively, which have both been constructed at densities of 3.42 units per acre.

² Price points for the homes are anticipated ranging from \$850,000.00 to 1.2 Million Dollars.

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VIA HAND DELIVERY AND EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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7. Subdivision entrance signage shall be ground-based, monument style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage will be located on Woodlawn Drive, incorporated into the landscape plan for the subdivision and shall be fully landscaped, irrigated and illuminated. The entrance signage and landscaping shall be in substantial conformity to the renderings/elevation being submitted under separate cover.
8. The revised site plan depicts landscaping proposed for the subdivision. However, with input from a Landscape Oversight Committee ("LOC"), the final landscape plan shall be submitted during the Plan Review process. The LOC shall consist of representatives from Capital City, The Fountain, Kings Cove, Wynmeade, the Community Development Director or his designee and the District Commissioner who shall be an ex-officio member of the Committee and the final arbiter with respect to any decisions which can not otherwise be resolved.

The landscape plan shall include, but not necessarily be limited to, the following components:

- a. The construction of a wrought iron-type fence with masonry columns and attendant landscaping and irrigation along the subject property's frontage on Woodlawn Drive as shown on the entrance signage rendering/elevation mentioned above.
- b. The construction of a decorative, eight foot (8'), wooden, two-sided/cap-rail privacy fence along the common boundary between The Fountain, Kings Cove and the subject property. The fence shall be in conformity to the fence along the common property line between 4562 & 4564 Fountain Drive. The upkeep and maintenance of said fence shall be the responsibility of the mandatory HOA. Additionally, any existing fences along said property lines shall either be removed at Capital City's sole cost and expense or shall remain in place at the sole option of the owner of the property traversed by said existing fence.
- c. Cryptomeria, ranging between six and eight feet (6'-8') in height, shall be planted along the common property line between The Fountain, Kings Cove and the subject property. Within the ten-twenty foot (10'-20') landscape buffer as shown on the revised site plan, additional landscaping shall be planted in accordance with input and approval from the LOC. Said vegetation shall be irrigated and shall be perpetually maintained by the mandatory HOA with any irrevocably diseased or dying vegetation being replaced within thirty (30) days after a determination by the County Arborist that said vegetation is, in fact, irrevocably diseased or dying.

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Cobb County Zoning Division
September 23, 2014
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- d. The fencing and vegetation mentioned above shall be installed prior to construction of the homes commencing on the subject property.
 - e. Identifying specimen trees on the subject property which can be saved as determined by an independent arborist (such as Arbor Guard) upon consultation with the County's Arborist. The LOC shall have input into the identification of specimen trees on the subject property.
 - f. Each home shall have at a minimum three (3) four inch (4") caliper hardwood trees planted in the front yards.
 - g. All yard areas of the proposed residences shall be sodded and irrigated.
 - h. A six foot (6') black or green vinyl-coated, chain-link fence shall be erected around the above-ground stormwater management area as shown on the revised site plan. The black or green vinyl-coated, chain-link fence shall have attendant landscaping running parallel to said fence in order to screen the stormwater management area from view.
 - i. The foregoing landscaping components shall be accomplished by a Registered Landscape Professional.
9. Subject to the following recommendations from the Cobb County Department of Transportation ("DOT") with respect to traffic and transportation issues:
- a. As reflected on the revised site plan, the alignment of the proposed subdivision's entrance with Wynmeade Drive.³
 - b. The voluntary donation and conveyance of right-of-way so that the County can achieve an additional five feet (5') from the subject property's side of Woodlawn Drive.
 - c. The installation of sidewalk, curb and gutter along Woodlawn Drive which is classified as a minor collector.

³ As mandated by DOT from an operational and life-safety perspective, the proposed subdivision's entrance has been aligned with Wynmeade Drive and is geometrically positioned on the subject property at the only place which functions optimally from DOT's perspective.

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VIA HAND DELIVERY AND EMAIL:

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Cobb County Zoning Division
September 23, 2014
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- d. Insuring appropriate sight distance of three-hundred ninety feet (390') or the implementation of remedial measures in which to mitigate same.
 - e. The installation of sidewalks on one side of the interior street within the proposed subdivision.
10. Subject to recommendations from the Cobb County Stormwater Management Division with respect to detention, stormwater management and hydrological issues, including the following:
- a. The ultimate location and configuration of on-site detention, stormwater management and water quality components. As presently shown, the stormwater management area is positioned on the subject property in accordance with recommendations from the Stormwater Management Division. Capital City and subsequently the Mandatory HOA shall be responsible for ensuring that the stormwater management area is treated and/or free of mosquitos.
 - b. There are existing down-stream stormwater management and drainage issues. In that regard and in conjunction with representatives of the Kings Cove, Capital City shall conduct predevelopment and post-development hydrological studies on Kings Cove Subdivision's lakes which are located a relatively short distance down-stream from the subject property.
 - c. The Stormwater Management Area on the subject property will be sized and configured to ensure that the subject property is over-detained. As a function of Plan Review, the Stormwater Management area may be partially located underground.
 - d. Capital City shall be responsible for securing off-site drainage easements from adjacent property owners.
11. Adherence to the following construction hours:
- a. 7:00 a.m. until 7:00 p.m., Monday through Friday during standard time days.
 - b. 7:00 a.m. until 8:00 p.m., Monday through Friday during Daylight Savings days.
 - c. 9:00 a.m. until 6:00 p.m. on Saturdays.
 - d. There will be no work on Sundays.

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12. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the subdivision.
13. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site, including Capital City's agreement to secure off-site easements in order to gain access to sewer to service the subject property.
14. Subject to recommendations from the Cobb County Fire Department with respect to fire prevention and life-safety issues.
15. If at least one (1) construction permit is not issued within eighteen (18) months of the Board of Commissioners' decision to rezone the subject property as requested, said property shall revert to its present zoning classification.
16. Capital City agrees to allow The Georgia Native Plant Society to conduct a "plant rescue" prior to the commencement of development and construction on the subject property.
17. The granting of a contemporaneous variance waiving the front setback for each of the five (5) homes to fifteen feet (15').
18. The District Commissioner shall have the authority to approve minor modifications to these stipulations, the site plan, the landscape plan and the architectural renderings/ elevations as the development proposal proceeds through the Plan Review process and thereafter, except for those that:
 - a. Increase the density.
 - b. Reduce the size or composition of an approved buffer or landscape strip adjacent to property.
 - c. Relocate a structure closer to a property line.
 - d. Increase the height of a building adjacent to contiguous residential properties.
 - e. Violate the Cobb County Zoning Ordinance.

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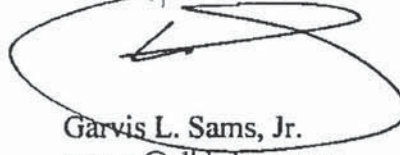
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Capital City's zoning proposal is complementary to the high-end residential developments located along Woodlawn Drive and constitutes a rezoning which is consistent with the County's Future Land Use Map and appropriate from a Land Use Planning perspective. In that regard, please do not hesitate to contact me should you or the staff require further information or documentation prior to the formulation of the Final Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



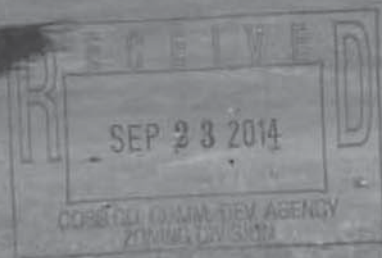
Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

Enclosures/Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachments)
Mr. Dana Johnson, AICP Deputy Director (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Ms. Jane Stricklin, P.E. (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Jim Ney, Esq. (via email w/attachments)
Ms. Jill Flamm, ECCA (via email w/attachments)
Mr. Doug Davis, ECCA (via email w/attachments)
Mr. Don Nelson, The Fountain at Woodlawn HOA (via email w/attachments)
Ms. Nancy Walters, The Fountain at Woodlawn HOA (via email w/attachments)
Mr. Bruce Reed, Kings Cove HOA (via email w/attachments)
Mr. Wayne Sturgis, Wynmeade HOA (via email w/attachments)
Mr. Brad Barnett (via email w/attachments)
Mr. David Meyer, RLA (via email w/attachments)

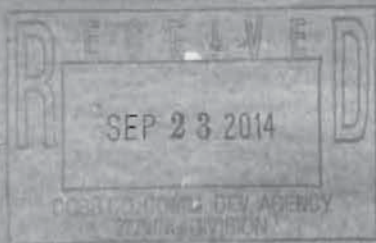
Z-61 (2014)
Stipulation Letter
and Elevations



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Stipulation Letter
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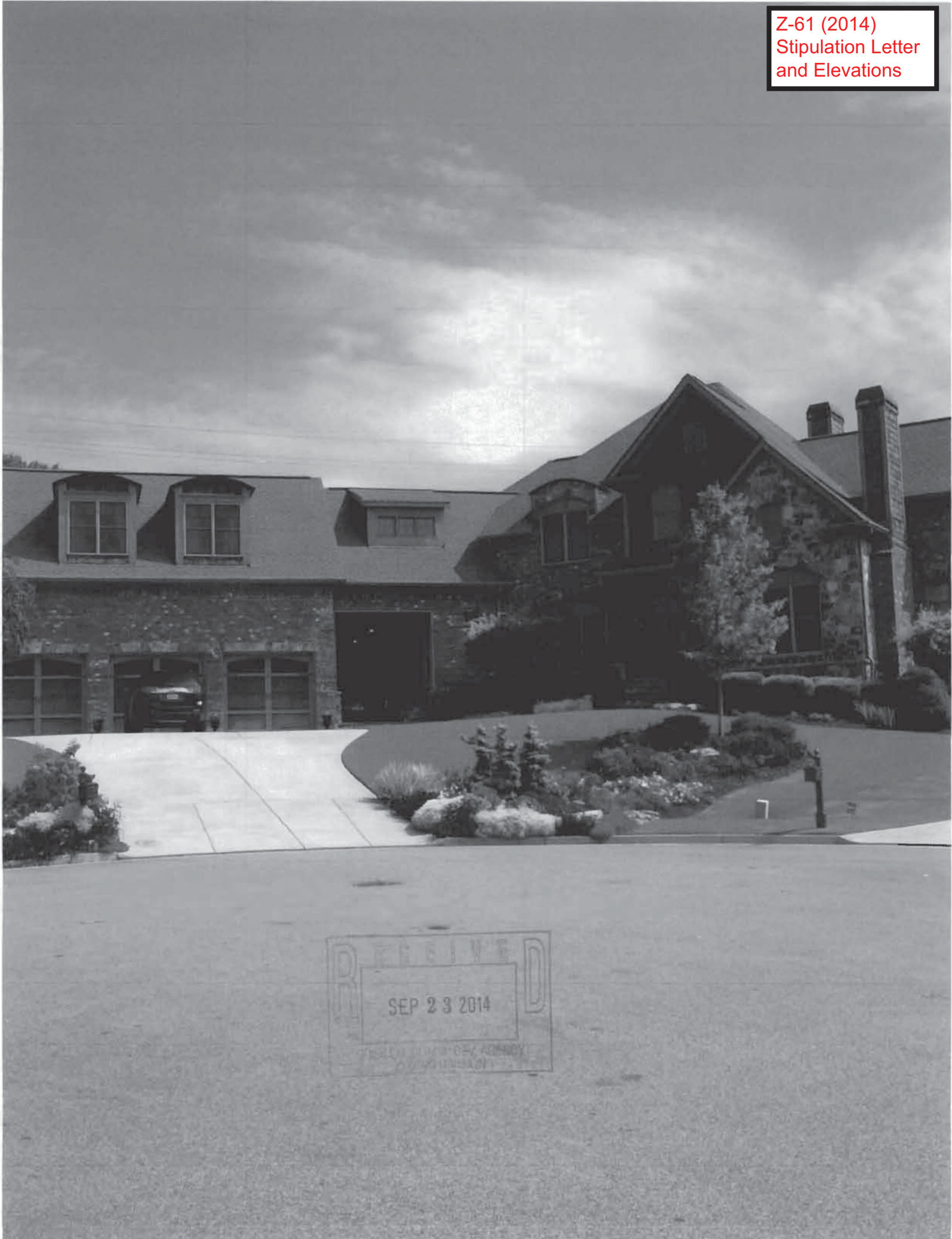


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