

**AUGUST 18, 2015 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM # 030**

**PURPOSE**

To consider amending the site plan and zoning stipulations for certain residents of Lost Mountain Trails regarding rezoning application Z-59 (SIR Properties, Inc.) of 2004, for property located on the western side of Lost Mountain Road, north of Macland Road in Land Lots 429 and 430 of the 19<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned to R-20 OSC in 2004 for an open space subdivision. The subdivision was begun in 2005 and sat mainly unfinished through the recent recession. Since the end of the recession, most of the houses have been built and sold. This Other Business request is being brought forward by several residents who have a backyard that contains a 30’ maintained natural buffer in the area of lots 1-14. The residents would like the Board of Commissioners to consider deleting this buffer area since there was not much in the buffer area to begin with. It should be noted that this subdivision property was purchased from the former owner (Howard) to the north, who used both areas as a farm. Much of the property was open fields prior to the Howard sale. This helps to explain why there was not much in the 30’ buffer area. This Other Business action stems from Notice of Violations issued by Code Enforcement regarding the lack of vegetation in the buffer area. If the buffer area is deleted or amended, all other zoning stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application and stipulations.

10 Jul 2015

Cobb County Board of Commissioners  
Zoning Division  
Commissioner Bob Weatherford  
100 Cherokee Street  
Marietta, GA 30090-9679

*received  
July 15, 2015  
J.P.P.*

RE: Lost Mountain Trails Subdivision  
Land Lots 2, 5, 8, 9, 10, 12, 14  
30' Undisturbed Buffer

Commissioner Weatherford:

Several of the residents of Lost Mountain Trails community have received code violations for encroaching upon the 30' Undisturbed Buffer. However, a few of the residents who received a violation do not, nor have ever had a natural Buffer of any kind on their Lot. Several other residents have not disturbed the Buffer in any manner.

As a result of the violations, the residents detailed below have elected to petition the Board of Commissioners to discontinue the 30' Undisturbed Buffer area located in the rear of their respective Lots.

<u>Homeowner</u>	<u>Lot</u>	<u>Address</u>
Kimberly Golden	1	4160 Thayer Dr
Denise Williams	2	4170 Thayer Dr
Rosalyn Furlow	5	4200 Thayer Dr
Michael and Victoria Renteria	8	4230 Thayer Dr
Jeffrey Gordon	9	4240 Thayer Dr
Lawren Gaines	10	4250 Thayer Dr
Malik and Nicole Nurse	12	4270 Thayer Dr
Jason Arnold & James Cvitkovic	14	1985 Whitman Dr

Thank you in advance for your time and consideration.

Regards,



Lost Mountain Trails Residents  
Contact: Nicole G. Nurse  
(404) 782-2932  
[nnurse@croengineering.com](mailto:nnurse@croengineering.com)

# Lost Mountain Trails

F.K.A. HIGH HILL ESTATES  
F.K.A. FOXCROFT  
LAND LOTS 429 & 430  
19th DISTRICT, 2nd SECTION  
COBB COUNTY, GEORGIA

TOTAL AREA  
1,113,158 sq. ft.  
25.55 ACRES (CONVENTION)  
MINUS: 0.73 ACRES (CELL TOWER)  
TOTAL: 24.81 ACRES TO BE DEVELOPED

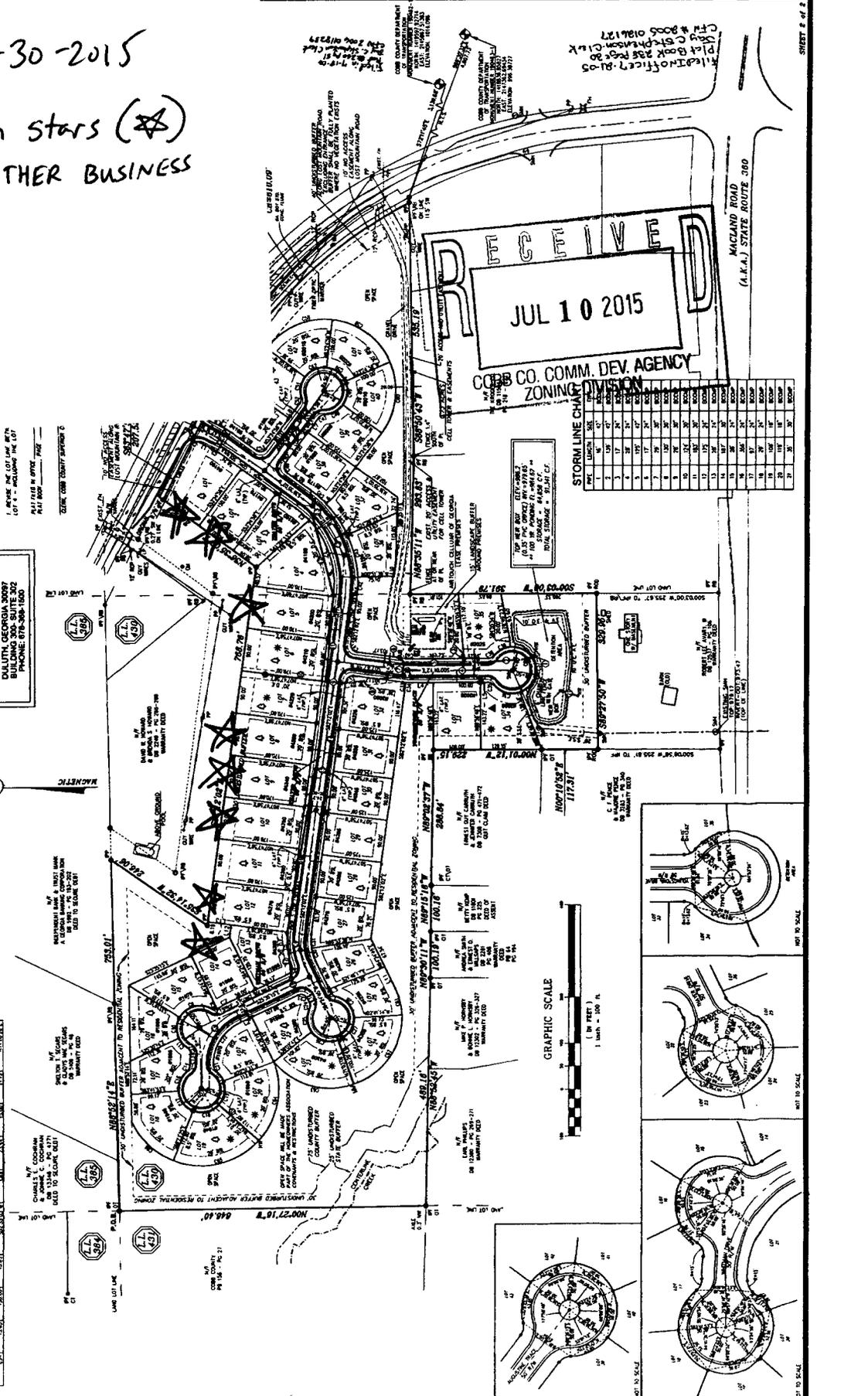
OWNER / DEVELOPER:  
OWENS PARTNERS, LLC  
6200 ABBOTTS BRIDGE ROAD  
DUBLIN, GEORGIA 30097  
BUILDING 300, SUITE 302  
PHONE: 770-453-7400

LEGEND

LOT #	AREA	LOT #	AREA
LOT 1	1,000	LOT 27	1,000
LOT 2	1,000	LOT 28	1,000
LOT 3	1,000	LOT 29	1,000
LOT 4	1,000	LOT 30	1,000
LOT 5	1,000	LOT 31	1,000
LOT 6	1,000	LOT 32	1,000
LOT 7	1,000	LOT 33	1,000
LOT 8	1,000	LOT 34	1,000
LOT 9	1,000	LOT 35	1,000
LOT 10	1,000	LOT 36	1,000
LOT 11	1,000	LOT 37	1,000
LOT 12	1,000	LOT 38	1,000
LOT 13	1,000	LOT 39	1,000
LOT 14	1,000	LOT 40	1,000
LOT 15	1,000	LOT 41	1,000
LOT 16	1,000	LOT 42	1,000
LOT 17	1,000	LOT 43	1,000
LOT 18	1,000	LOT 44	1,000
LOT 19	1,000	LOT 45	1,000
LOT 20	1,000	LOT 46	1,000
LOT 21	1,000	LOT 47	1,000
LOT 22	1,000	LOT 48	1,000
LOT 23	1,000	LOT 49	1,000
LOT 24	1,000	LOT 50	1,000
LOT 25	1,000	LOT 51	1,000
LOT 26	1,000	LOT 52	1,000

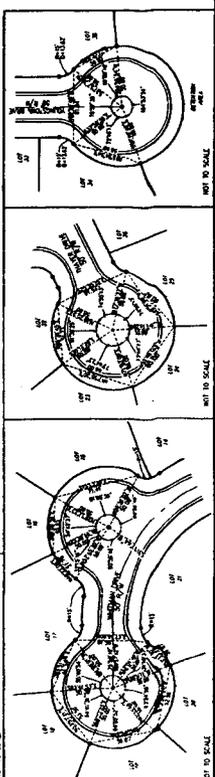
08-30-2015  
Lots with stars (★)  
are the OTHER BUSINESS  
LOTS.

LINE	LENGTH	BEARING
1	100.00	S 89° 59' 59" W
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STORM LINE CHART

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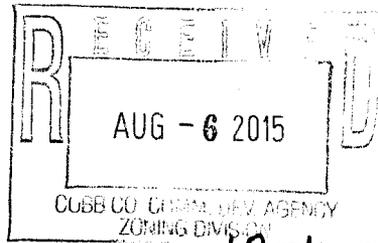
LOST MOUNTAIN TRAILS SUBDIVISION  
SECTION 2ND  
BLOCK 429 & 430  
LOT 1-44  
COBB COUNTY, GEORGIA  
DATE 4/26/05  
SCALE 1" = 100'

ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED

SOLAK LAND SURVEYING COMPANY  
P.O. BOX 723993 ATLANTA, GEORGIA 30393-0993  
TELEPHONE (770) 794-9055 FAX (770) 794-9052

# Application for "Other Business" Cobb County, Georgia

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



015-30

BOC Hearing Date Requested: 18 August 2015

Applicant: KIMBERLY L. GOLDEN Phone #: 404-386-9978  
(applicant's name printed)

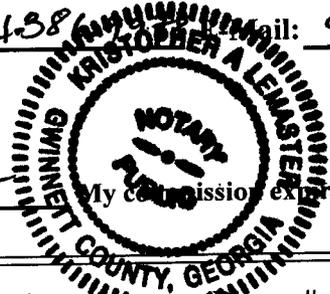
Address: 4160 Thayer Dr. Powder Springs Georgia, 30127 E-Mail: GOLDENKL@HOTMAIL.COM

KIMBERLY L. GOLDEN Address: 4160 Thayer Dr Powder Springs, GA 30127  
(representative's name, printed)

[Signature] Phone #: 404-386-9978 E-Mail: GOLDENKL@HOTMAIL.COM  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] 8/5/2015  
Notary Public



KRISTOPHER A LEMASTER  
NOTARY PUBLIC  
GWINNETT COUNTY, GEORGIA  
MY COMMISSION EXPIRES  
11/03/2018

Titleholder(s): KIMBERLY L. GOLDEN Phone #: 404-386-9978  
(property owner's name printed)

Address: 4160 Thayer Dr Powder Springs Georgia, 30127 E-Mail: GOLDENKL@HOTMAIL.COM

[Signature]  
(property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] 8/5/2015  
Notary Public



KRISTOPHER A LEMASTER  
NOTARY PUBLIC  
GWINNETT COUNTY, GEORGIA  
MY COMMISSION EXPIRES  
11/03/2018

Commission District: #1 Zoning Case: 2-59(2004)

Date of Zoning Decision: 5-18-2004 Original Date of Hearing: 5-18-2004

Location: 4160 Thayer Dr. Powder Springs, GA 30127  
(street address, if applicable; nearest intersection, etc.)

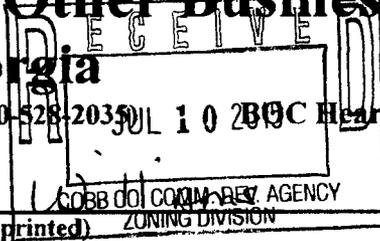
Land Lot(s): 0429 District(s): 19

State specifically the need or reason(s) for Other Business: TO DISCONTINUE THE 30 FT BUFFER IN THE REAR OF 4160 THAYER DR. LOT-1.

06-30

# Application for "Other Business" Cobb County, Georgia

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



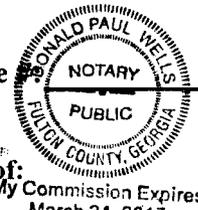
18 Aug 2015  
~~7-21-15~~

Applicant: Denise Williams (applicant's name printed) Phone #: 770-943-8709

Address: 4170 Thayer Drive E-Mail: niecewill@gmail.com

Denise Williams Address: 4170 Thayer DR., Powder Springs, GA 30127  
(representative's name, printed)

Denise Williams Phone: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
(representative's signature)

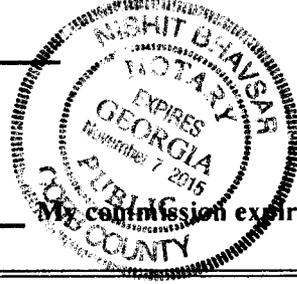


Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: 3-24-17  
Donald Paul Wells  
Notary Public

Titleholder(s): Denise Williams Phone #: 770-943-8709  
(property owner's name printed)

Address: 4170 Thayer Drive E-Mail: niecewill@gmail.com

Denise Williams  
(Property owner's signature)



Signed, sealed and delivered in presence of: \_\_\_\_\_ My commission expires: 11-07-15  
Nishit Bhalasa  
Notary Public

Commission District: 1 Zoning Case: 2-59(2004)

Date of Zoning Decision: 5-18-2004 Original Date of Hearing: 5-18-2004

Location: 4170 THAYER DR. POWDER SPRINGS, GA 30127  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 0429 District(s): 19

State specifically the need or reason(s) for Other Business: To DISCONTINUE the 30 FOOT BUFFER AREA IN THE REAR OF 4170 THAYER DR. LOT # 2

# Application for "Other Business"

## Cobb County, Georgia

OB-30

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

BOC Hearing Date Requested: 8-18-2015

Applicant: Rosalyn D. Furlow Phone #: 770-712-8919  
(applicant's name printed)

Address: 4200 Thayer Drive Powder Springs, GA E-Mail: rosalynfurlow@gmail.com

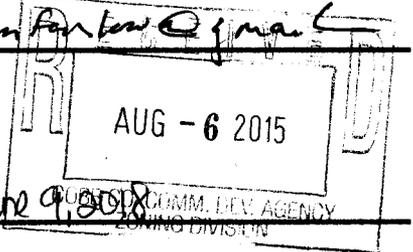
Rosalyn D. Furlow Address: 4200 Thayer Drive  
(representative's name, printed)

[Signature] Phone #: 770-712-8919 E-Mail: rosalynfurlow@gmail.com  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

CHRISTINA ONYEWUMBU  
NOTARY PUBLIC  
Cobb County  
State of Georgia  
My Comm. Expires June 09, 2018



Titleholder(s): Rosalyn D. Furlow Phone #: 770-712-8919  
(property owner's name printed)

Address: 4200 Thayer Drive E-Mail: rosalynfurlow@gmail.com

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

CHRISTINA ONYEWUMBU  
NOTARY PUBLIC  
Cobb County  
State of Georgia  
My Comm. Expires June 09, 2018

My commission expires: June 9, 2018

Commission District: 1 Zoning Case: 2-59 (2004)

Date of Zoning Decision: 5-18-2004 Original Date of Hearing: 5-18-2004

Location: THAYER DR  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 0430 District(s): 19

State specifically the need or reason(s) for Other Business: TO DISCONTINUE THE  
30 FOOT BUFFER AREA IN THE REAR OF 4200 THAYER DR.  
LOT #5

OB-30

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 08-18-2015

Applicant: VICTORIA M. & MICHAEL M. RENTERIA Phone #: 678-384-1983  
(applicant's name printed)

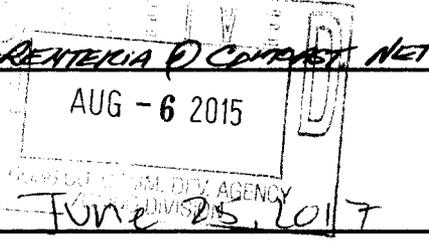
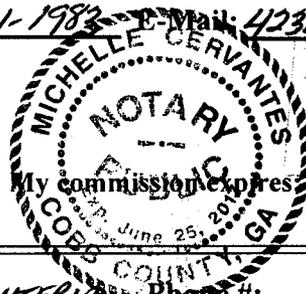
Address: 4230 THAYER DR., POWDER SPGS, GA 30127 E-Mail: 4230RENERIA@COMCAST.NET

VICTORIA M. & MICHAEL M. RENTERIA Address: 4230 THAYER DR., POWDER SPGS, GA 30127  
(representative's name, printed)

Victoria M. Renteria  
Michael M. Renteria Phone #: 678-384-1983 E-Mail: 4230RENERIA@COMCAST.NET  
(representative's signature)

Signed, sealed and delivered in presence of:

Michelle Will  
Notary Public



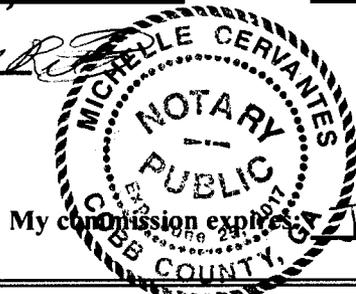
Titleholder(s) VICTORIA M. & MICHAEL M. RENTERIA Phone #: 678-384-1983  
(property owner's name printed)

Address: 4230 THAYER DR., POWDER SPGS, GA 30127 E-Mail: 4230RENERIA@COMCAST.NET

Victoria M. Renteria - Michael M. Renteria  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Michelle Will  
Notary Public



June 25, 2017

Commission District: 1 Zoning Case: Z-59 (2004)

Date of Zoning Decision: 5-18-2004 Original Date of Hearing: 5-18-2004

Location: THAYER DR.  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 0430 District(s): 19

State specifically the need or reason(s) for Other Business: TO DISCONTINUE THE 30 FOOT BUFFER AREA IN THE REAR OF 4230 THAYER DRIVE - LOT #8

OB-30

# Application for "Other Business"

## Cobb County, Georgia

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

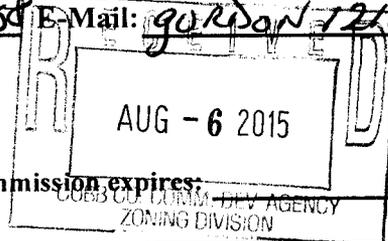
BOC Hearing Date Requested: 08-18-2015

Applicant: JEFFREY L. GORDON Phone #: 678-920-4858  
(applicant's name printed)

Address: 4240 THAYER DRIVE POWDER SPRINGS E-Mail: GORDON1211@AOL.COM

JEFFREY GORDON Address: 4240 THAYER DR. POWDER SPRINGS GA 30127  
(representative's name, printed)

Phone #: 678-920-4858 E-Mail: GORDON1211@AOL.COM  
(representative's signature)



Signed, sealed and delivered in presence of:

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

Titleholder(s): JEFFREY GORDON Phone #: 678-920-4858  
(property owner's name printed)

Address: 4240 THAYER DR. POWDER SPRINGS GA 30127 E-Mail: GORDON1211@AOL.COM

Jeffrey Gordon  
(Property owner's signature)

Signed, sealed and delivered in presence of:

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

Notary Public, Rockdale County, Georgia  
My Commission Expires Sept. 14, 2016

Commission District: 1 Zoning Case: 2-59 (2004)

Date of Zoning Decision: MAY 18, 2004 Original Date of Hearing: MAY 18, 2004

Location: 4240 THAYER DRIVE POWDER SPRINGS GA 30127  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 0430 District(s): 19

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

TO DISCONTINUE THE 30 FOOT BUFFER AREA IN THE REAR OF  
4240 THAYER DRIVE OR TO CHANGE TO A 10 FOOT LANDSCAPING  
buffer

OB-30

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 08-18-2015

Applicant: LAWREN GAINES

(applicant's name printed)

Phone #: 404-379-4967

Address: 4250 THAYER DRIVE, POWDER SPRINGS, GA 30127 E-Mail: LAWREN.GAINES@GMAIL.COM

LAWREN GAINES

Address: \_\_\_\_\_

(representative's name, printed)

Lauren A. Gaines  
(representative's signature)

Phone #: \_\_\_\_\_

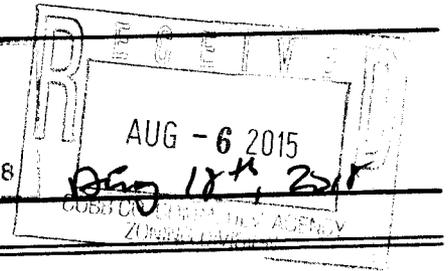
E-Mail: \_\_\_\_\_

Signed, sealed and delivered in presence of:

E. Jean-Pierre

Notary Public

**E. JEAN-PIERRE**  
NOTARY PUBLIC  
Cobb County  
State of Georgia  
My Comm. Expires Aug. 18, 2018  
MY commission expires: \_\_\_\_\_



Titleholder(s): LAWREN GAINES

(property owner's name printed)

Phone #: \_\_\_\_\_

404-379-4967

Address: 4250 THAYER DRIVE POWDER SPRINGS, GA 30127 E-Mail: LAWREN.GAINES@GMAIL.COM

Lauren A. Gaines  
(Property owner's signature)

Signed, sealed and delivered in presence of:

E. Jean-Pierre

Notary Public

My commission expires: \_\_\_\_\_

**E. JEAN-PIERRE**  
NOTARY PUBLIC  
Cobb County  
State of Georgia  
My Comm. Expires Aug. 18, 2018

Aug 18th, 2015

Commission District: 1

Zoning Case: 2-59(2004)

Date of Zoning Decision: 5-18-2004

Original Date of Hearing: 5-18-2004

Location: 4250 THAYER DRIVE

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 0430

District(s): 19

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

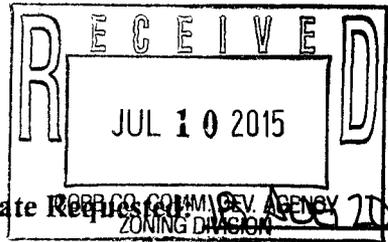
TO DISCONTINUE THE 30 FOOT BUFFER AREA IN THE REAR OF 4250 THAYER DRIVE  
LOT 10.

(List or attach additional information if needed)

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date RECEIVED JUL 10 2015  
COB-30



Applicant: MAURK + NICOLE G. NURSE Phone #: (404) 782-2932  
(applicant's name printed)

Address: 4270 THAYER DR POWDER SPRINGS, GA 30127 E-Mail: NURSE@CROWNENGINEERING.COM

Address: \_\_\_\_\_  
(representative's name, printed)

Phone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
(representative's signature)

Signed, sealed and delivered in presence of:

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

Titleholder(s): MAURK + NICOLE G. NURSE Phone #: (404) 782-2932  
(property owner's name printed)

Address: 4270 THAYER DR. POWDER SPRINGS, GA 30127 E-Mail: NURSE@CROWNENGINEERING.COM

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Stephanie Byrne My commission expires: Feb 9, 2019  
Notary Public



Commission District: 1 Zoning Case: Z-59 (2004)

Date of Zoning Decision: 18 MAY 2004 Original Date of Hearing: 18 MAY 2014

Location: 4270 THAYER DR POWDER SPRINGS, GA 30127  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 12 (10430) District(s): 19

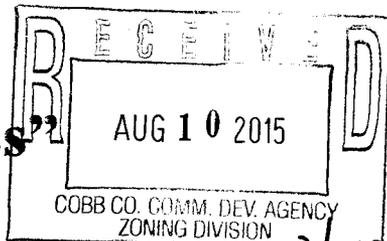
State specifically the need or reason(s) for Other Business: \_\_\_\_\_

\_\_\_\_\_  
SEE ATTACHED  
\_\_\_\_\_  
\_\_\_\_\_

(List or attach additional information if needed)

**Application for "Other Business"**  
**Cobb County, Georgia**

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



OB-30

BOC Hearing Date Requested: 8/18/2015

Applicant: James Cvitkovic & Jason Arnold Phone #: 513-675-2798  
(applicant's name printed)

Address: 1985 Whitman Dr. Powder Springs GA 30127 E-Mail: jimcvit@gmail.com

Address: \_\_\_\_\_  
(representative's name, printed)

Phone #: \_\_\_\_\_ E-Mail: \_\_\_\_\_  
(representative's signature)

Signed, sealed and delivered in presence of: \_\_\_\_\_

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

Titleholder(s): James Cvitkovic and Jason Arnold Phone #: 513-675-2798  
(property owner's name printed)

Address: 1985 Whitman Dr. Powder Springs GA 30127 E-Mail: jimcvit@gmail.com

[Signature]  
(Property owner's signature)



Signed, sealed and delivered in presence of: Tasha Wilson  
Notary Public My commission expires: 10/1/2017

Commission District: 1 Zoning Case: Z-59(2004)

Date of Zoning Decision: May 18, 2004 Original Date of Hearing: May 18, 2004

Location: 1985 Whitman Dr. Powder Springs GA 30127  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): \_\_\_\_\_ District(s): 19

State specifically the need or reason(s) for Other Business: To discontinue the 30 foot (thirty) buffer area in the rear of 1985 whitman dr  
SEE ATTACHED

ORIGINAL DATE OF APPLICATION: 05-18-04APPLICANTS NAME: SIR PROPERTIES, INC.

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

**BOC DECISION OF 05-18-04 ZONING HEARING:**

**SIR PROPERTIES, INC.** (Brenda and Amanda Howard, owners) for Rezoning from **R-30** to **R-20 OSC** for the purpose of a Subdivision in Land Lots 429 and 430 of the 19<sup>th</sup> District. Located on the west side of Lost Mountain Road, north of Macland Road.

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

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

- revised site plan received by the Zoning Division May 6, 2004 with District Commissioner to approve minor modifications to site layout (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated April 14, 2004 *with the following change:* (copy attached and made a part of these minutes)
  - **Paragraph 6:** Subject to recommendations from the Stormwater Management Division with respect to the ultimate location, configuration and methodology of on-side detention and water quality ponds *with the District Commissioner to approve final site plan following Plan Review.*
- letter of agreeable stipulation from Mr. Garvis Sams, Jr., dated May 6, 2004 (copy attached and made a part of these minutes)
- pre- and post-development hydrology study on nearby lake(s) in compliance with Cobb County Code
- tree save plan to be approved by the County Arborist
- maintained natural perimeter buffers to be enhanced with living trees, bushes and other plantings ecologically compatible to the area (not to be clear cut or mowed) and to be maintained by the owner, and approved by the County Arborist who shall have final authority as to plantings; only dead, dying, diseased, or invasive vines or plants (i.e. kudzu, poison ivy, etc.) may be removed from buffer; no storage or structures, including swing sets, signs, tree houses, trailers, storage buildings and/or other non-growing items to be placed in the buffer, invisible fencing (i.e. electronic underground fence for containment of animals) is acceptable
- Planning Staff analysis
- Historic Preservation comments and recommendations

*Z-59 Continued on next page*

ORIGINAL DATE OF APPLICATION: 05-18-04

APPLICANTS NAME: SIR PROPERTIES, INC.

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

**BOC DECISION OF 05-18-04 ZONING HEARING (Continued):**

- **Water and Sewer Division comments and recommendations (copy attached and made a part of these minutes)**
- **Stormwater Management Division comments and recommendations, *to include memo from Mr. Henry Mingledorff dated May 13, 2004* (copy attached and made a part of these minutes)**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously



Min. Bk. 27 Petition No. Z-59  
Doc. Type Letter of  
Agreement, Stipulations  
Meeting Date May 18, 2004

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

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

PAGE 6 OF     

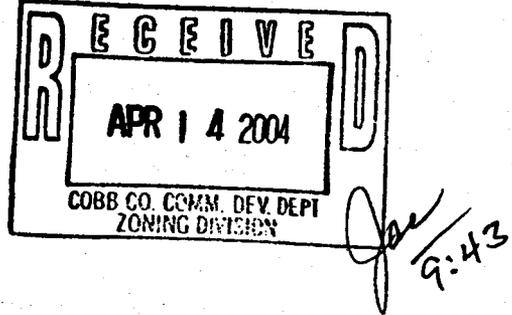
GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
RICHARD A. HARRAH  
MICHAEL P. PRYOR  
  
OF COUNSEL  
DAVID P. HARTIN

770.422.7016  
TELEPHONE  
770.426.6583  
FACSIMILE  
SAMSLARKIN@AOL.COM  
E-MAIL

April 14, 2004

**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 SIR Properties, Inc. to Rezone a 26 Acre Tract  
from R-30 to R-20 (OSC) (No. Z-59)

Dear John:

As you know, this firm has been engaged by and represented the applicant and property owners concerning the above-captioned application for rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on May 4, 2004 and, thereafter, is scheduled for consideration and final action by the Cobb County Board of Commissioners on May 18, 2004.

With respect to the foregoing and in keeping with the dialogue established with the County's professional staff and area residents, this letter will serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and modified, and binding upon the subject property thereafter:

1. The rezoning of the subject property to the R-20 (OSC) classification shall be specific to that certain site plan, prepared by BH&D Engineering and submitted on March 30, 2004, subject to minor modifications by the District Commissioner.
2. A maximum number of 45 homes at a maximum density of 1.73 units per acre.<sup>1</sup>

<sup>1</sup> The subject property is located within an area denominated Very Low Density (VLD) under the Future Land Use Map which contemplates residential densities from 0 – 2 units per acre. However, said property is contiguous and to the north and west of property zoned and developed as a shopping center under the NRC classification (No. Z-102 [1998]).

VIA HAND DELIVERY

PAGE 7 OF     

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
Page 2  
April 14, 2004

3. Minimum square footage of the homes shall be 2,200 square feet and shall range up to 2,800 square feet.<sup>2</sup>
4. Each home shall have, at a minimum, an attached two-car garage.
5. Architectural style of the homes shall be two-story traditional and shall have front elevations consisting of a mixture of brick, stone, stucco and hardy plank.
6. Subject to recommendations from the Stormwater Management Division with respect to the ultimate location, configuration and methodology of on-site detention and water quality ponds.
7. Open space/undisturbed buffers consisting of 12.99 acres which is 50% of the total acreage.<sup>3</sup>
8. The submission of a landscape plan during the Plan Review process which shall be subject to staff review and approval and which shall include the following:
  - a. Sodded front and side yards.
  - b. The installation of underground utilities.
  - c. Decorative lighting throughout the residential community which shall be themed to the architectural style.
  - d. Ground based, monument style entranceway signage which shall be landscaped and irrigated.
9. The establishment of a mandatory homeowners association which shall include architectural control oversights and the submission of Declaration of Covenants, Conditions and Restrictions.

---

<sup>2</sup> Anticipated price points are expected to range from the high \$200's to the mid-\$300's.

<sup>3</sup> The open space provided at 50% of the total site area more than doubles green space initiatives advanced by the Atlanta Regional Commission.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
Page 3  
April 14, 2004

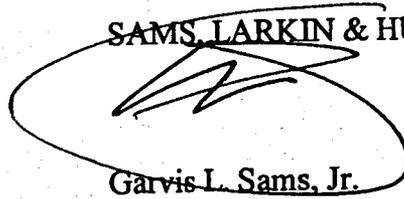
10. Subject to the following recommendations of the Cobb County Department of Transportation with respect to traffic/transportational issues:
- a. The voluntary donation and conveyance of sufficient right-of-way along Lost Mountain Road (arterial) so that the County can achieve 50' from the centerline of said right-of-way.
  - b. Construction of acceleration/deceleration lanes which, as Lost Mountain Road is ultimately widened, will become "through lanes".
  - c. The installation of curb, gutter and sidewalk along the Lost Mountain Road frontage.
  - d. The construction of a left turn lane within Lost Mountain Road.
  - e. Approval from the Georgia Department of Transportation with respect to encroachments into Lost Mountain road which is controlled by GDOT.

The subject property is located in an area in which the Comprehensive Land Use Plan and Future Land Use Map have designated as Very Low Density residential (VLD) which contemplates a range in residential densities from 0 – 2 units per acre. SIR's proposal, with a total number of 45 homes at a maximum density of 1.73 homes per acre is well within that contemplated range of densities and is otherwise appropriate from a land use planning perspective, particularly when considered in the context of the foregoing stipulations/conditions and in relation to contiguous commercial development.

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

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

GLS,Jr./jbmc

cc: Shown on next page.

**VIA HAND DELIVERY**

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
Page 4  
April 14, 2004

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery  
Members, Cobb County Planning Commission  
Mr. Robert L. Hosack, Jr., AICP, Director - VIA Hand Delivery  
Mr. Joseph J. Pressley – VIA Hand Delivery  
Mr. David A. Jackson, P.E. – VIA Hand Delivery  
Mr. G. Henry Mingledorff – VIA Hand Delivery  
Ms. Gail K. Huff, Assistant County Clerk - VIA Hand Delivery  
Ms. Sandra Richardson, Deputy County Clerk – VIA Hand Delivery  
Mr. Michael Perla, President, PLAN  
Mr. Mark F. Stewart

Min. Bk. 27 Petition No. Z-59  
Doc. Type Letter of  
Appeal Stipulations  
Meeting Date May 18, 2004

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

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

PAGE 10 OF     

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

770.422.7016  
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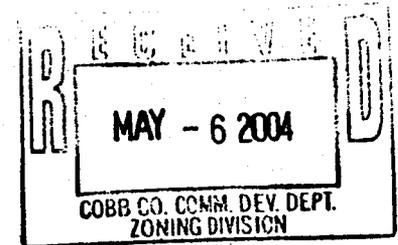
770.426.6583  
FACSIMILE

SAMSLARKIN@AOL.COM  
E-MAIL

May 6, 2004

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 SIR Properties, Inc. to Rezone a 26 Acre Tract  
from R-30 to R-20 (OSC) (No. Z-59)

Dear John:

As you know, this firm represents the Applicant and Property Owner concerning the above-captioned Application for Rezoning. In that regard, the Application received a unanimous recommendation for approval from the Cobb County Planning Commission on May 4, 2004 and is scheduled for final action by the Cobb County Board of Commissioners on May 18, 2004.

With respect to the foregoing and in accordance with the Planning Commission's recommendation for approval, enclosed please find the requisite number of copies of a revised site plan. Please note that the site plan shows the location and positioning of the existing cellular tower and the resultant change in the acreage from 26 acres to 25.01 acres. Additionally, the revised site plan shows a reconfiguration of the lots in accordance with recommendations from staff, including comments from Mr. Joe Pressley and Mr. Henry Mingledorff. The number of homes remains the same at forty-five (45); however, because of the extraction of the acreage upon which the cellular tower is situated, the density changes from 1.73 units per acre to 1.80 units per acre with 35.1% open space.

Please do not hesitate to call should you or the staff require any further information or documentation concerning these latest developments.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to be "Garvis L. Sams, Jr.", written over a circular scribble.

Garvis L. Sams, Jr.

GLS,Jr./dsj  
Enclosures

**VIA HAND DELIVERY**

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
May 6, 2004  
Page 2

---

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.)  
Mr. Joseph J. Pressley (via hand delivery w/enc.)  
Mr. David A. Jackson, P.E. (via hand delivery w/enc.)  
Mr. G. Henry Minglehoff (via hand delivery w/enc.)  
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery w/enc.)  
Ms. Sandra Richardson, Deputy County Clerk (via hand delivery w/enc.)  
Mr. Michael Perla, President, PLAN (w/enc.)  
Mr. Mark F. Stewart (w/enc.)

APPLICANT SIR Properties, Inc

PETITION NO. Z-059 PAGE 12 OF     

PRESENT ZONING R-30

PETITION FOR R-20 OSC

\*\*\*\*\*

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

**WATER COMMENTS:**

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

Min. Bk. 2.7 Petition No. Z-59  
 Doc. Type Water & Sewer  
 Division Comments & Recs  
 Meeting Date May 18, 2004

Size / Location of Existing Water Main(s): 6" DI / E side Lost Mountain Rd

Additional Comments: 8" DI / S side Macland Rd. Dual feed requirement

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

\*\*\*\*\*

**SEWER COMMENTS:**

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

Approximate Distance to Nearest Sewer: 250' S at Macland Rd

Estimated Waste Generation (in G.P.D.): A D F 18,000 Peak 45,000

Treatment Plant: S Cobb

- Plant Capacity Available?  Yes  No
- Line Capacity Available?  Yes  No
- Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years
- Dry Sewers Required?  Yes  No
- Off-site Easements Required?  Yes\*  No
- Flow Test Required?  Yes  No
- Letter of Allocation issued?  Yes  No
- Septic Tank Recommended by this Department?  Yes  No
- Subject to Health Department Approval?  Yes  No

\* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

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

PRESENT ZONING: R-30

PETITION FOR: R-20 OSC

\*\*\*\*\* Petition No. Z-59 Meeting Date May 18, 2024 Continued

DRAINAGE COMMENTS

Revision 4-16-04 Revision 3-31-04

FLOOD HAZARD: [X] YES [ ] NO [ ] POSSIBLY, NOT VERIFIED

Wildhorse Creek of Undefined: stream southwest corner and ravines

DRAINAGE BASIN: Sweetwater Creek System FLOOD HAZARD INFO: carrying offsite runoff

- [ ] FEMA Designated 100 year Floodplain Flood. [X] Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD. [X] 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 [X] POSSIBLY, NOT VERIFIED

Location: within Flood Hazard

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

STREAMBANK BUFFER ZONE: [ ] YES [X] 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

- [X] Potential or Known drainage problems exist for developments downstream from this site. [X] Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system. [X] Minimize runoff into public roads. [X] Minimize the effect of concentrated stormwater discharges onto adjacent properties. [X] Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally [X] Existing Lake Downstream (x3). Additional BMP's for erosion sediment controls will be required. [X] Lake Study needed to document sediment levels. [ ] Stormwater discharges through an established residential neighborhood downstream. [X] Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream storm drainage system: road culverts and lakes / dams..

PRESENT ZONING: R-30

PETITION FOR: R-20 OSC

\*\*\*\*\*

Petition No. Z-59  
Meeting Date May 18, 2004  
Continued

**DRAINAGE COMMENTS CONTINUED**

Revision 4-16-04  
Revision 3-31-04

**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 Western sections in bypass must be addressed at Plan Review.
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

**ADDITIONAL COMMENTS/SUGGESTIONS**

- 1) Tract is rolling hill and valley terrain. Ground slopes vary from below 10% to near 20%. Several acres of runoff flows via natural ravine concentration through designated Lot 9. A major detention pond from shopping center at southeast flows through designated Lot 34. Sixteen (16) designated lots at extreme west of development will bypass detention via natural ravines directly to lakes offsite. Designated detention does not take advantage of natural ravine but requires pond excavation into steep hillside.
- 2) Tract is heavily wooded in west and along south property line and within south extension. North of woods are semi-open fields bearing evidence of significant farm terracing. Both wooded areas and farm terracing have mitigated concentrated runoff thereby protecting downstream areas from heavy runoff and preserving water quality.
- 3) Layout does not flow with terrain. Lots are designated on steep slopes and in well-defined ravines while leaving relatively flat and open (un-wooded) terrain as open space. Concept of open space design (to utilize open / flatter areas for development while reserving wooded areas and ravines as open space) is not utilized here. Conformance with that concept would improve the quality of the project and lessen impact on downstream properties. Suggest lots 31-36 could be exchanged with southeast open space and lots 20-23 exchanged with open space in northwest corner. This would allow use of natural ravines without excavation for stormwater control and Water Quality-Best Management Practice. This would also eliminate discharge of residential lots through Kroger detention facility.

- 4) Due to wooded nature of tract and farm terracing currently mitigating flow from a majority of storm events the final hydrology / stormwater controls for this project must be more conservative than normal in reducing flow. Recommend detention discharges be limited to no more than 65% of the reasonable pre-development flow without a comprehensive downstream analysis to include the lakes downstream.
- 5) This project is intensive considering the terrain on which it will be constructed. Without constraints, grading can be expected to be massive. Suggest lots not be leveled by grading but houses be constructed into existing terrain with minimal grading. To the maximum extent possible, mass grading should be confined to the roadways. The more grading permitted the greater the risk of sediment / pollution loss into the downstream lakes.

#### **Revised Plan 3-30-04 to Zoning**

Revisions appear to be addition of undisturbed buffer 30-40 feet wide around outer perimeter adjacent to residential property and addition of note defining statistics of open space. Note is taken of said undisturbed buffer being superimposed upon residential building lots. With each owner endeavoring to create that unique landscaping on the lot the chance of the undisturbed buffer character remaining is slim. Suggest all building lots be removed from the buffer and placed totally in the community open space.

All other Stormwater Management comments / recommendations remain in effect.

**Revision dated 4-14-04 in form of Letter of Agreeable Stipulations offered by Applicant over hand of Garvis L. Sams, Jr., Esq.**

This writing appears to ignore concerns of Stormwater Management relative to amount of grading required (and the pollution potential there from) plus, the layout not flowing with terrain (lots being placed on wooded steep slopes while vast expanses of cleared flatter land is left open) plus, special needs to protect downstream lakes, plus, inadequate detention proposed. The objective of Open Space Community is to allow for more concentrated development on the more useable areas of the site, and leave the less useable areas unused-open space. The proposed plan does not accomplish that goal. As "Open Space Community" was created to protect critical areas and any approval will be "to a plan" we submit this plan as not ready for approval.

To reiterate, Lots 30-36 need to be moved from the much steeper wooded slopes behind the shopping center detention facility and loading docks to the flatter open area in southeast corner. Lots 20-23 need to be moved from the steeper wooded slopes to the flatter open area in the northwest corner. Site detention can be easily fitted into the established ravines without major change if the lots are so relocated. In this way grading requirements can be reduced and sediment / pollution loss potential can be diminished and the downstream lakes can be better protected.

# COBB COUNTY WATER SYSTEM

PAGE 16 OF     

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

Min. Blk. 27 Petition No. Z-59  
Doc. Type Memorandum  
Henry Mingledorff  
Meeting Date May 18, 2004

Robert L. Brice  
DIRECTOR

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

DATE: May 13, 2004

MEMO TO: Mark Danneman, Manager  
Zoning Division, Community Development

SUBJECT: Z-59 May 2004  
SIR Properties, Inc.  
Lost Mountain Road  
LL 429, 430 / 19th

Revised Plan dated May 6, 2004 transmitted to Mr. John Pederson of Zoning by letter of same date, over hand of Garvis L. Sams, Jr., Esq.

COBB COUNTY CLERK'S OFFICE  
2004 MAY 13 PM 2:41  
COBB COUNTY GEORGIA  
FILED IN OFFICE

This revised plan does redistribute lots utilizing more of the flatter terrain per previous Stormwater Management requests but:

- (1) Still does not provide stormwater controls for the western section which naturally flows away from the proposed detention;
- (2) Several lots remain on very steep slopes;
- (3) The natural ravine of Lots 10, 11 is not utilized for detention, which has been sited on an elevated hillside requiring massive grading.

**Recommend:**

- (4) Latitude be granted to Stormwater Management staff, to work with plan and developer, to insure adequate Stormwater / Water Quality protection for downstream Lakes.
- (5) For any lot with greater than 15% natural grade in building area and for any lot intended to be mass graded to a level (+/-) plateau, request an individual site plan be submitted to Stormwater Management for review.
- (6) Detention be relocated to take full advantage of the natural ravine in the southern panhandle to minimize grading and the pollution potential higher level grading will generate.
- (7) Negotiations be entered into with cell tower easement owner to make certain adjustments that would allow Lots 9-11 to be located between Lot 8 and Lot 12 on the main road. This would reduce the road work and lot grading amount and thereby reduce pollution potential of downstream lakes.

Stormwater Management still has concerns about the ability to accurately predict a specific number of lots given the steep terrain and future lot grading which is unknown at this time. Fifteen (15) lots and 3 cul-de-sacs in the west still drain away from detention as shown. This area must be adjusted by addition of detention / Water Quality-Best Management Practice or mass graded to redirect runoff and thereby increase the pollution potential. A significant area of offsite drainage is naturally concentrated into Lot 38, which will require very special design at Plan Review. The 30-foot undisturbed buffer

lying on Lot 34-45 will be difficult at best to enforce in the face of each property owner working to use all of each lot to create that uniquely landscaped yard desired.

Due to terrain and other limitations of this site request staff negotiating latitude to adjust plan (which may affect lot yield) at Plan Review with confirmation by District Commissioner.

Sincerely,  
COBB COUNTY STORMWATER MANAGEMENT



G.H. Mingleдорф III, P. E., RLS  
Senior Engineer, Stormwater Management  
GHM/fd

- Cc: Commissioner Sam Olens, Chairman  
Commissioner Helen Goreham  
Commissioner Joe L. Thompson  
Commissioner Tim Lee  
Commissioner G Woody Thompson  
Garvis L. Sams, Jr., Esq.  
Carol Granger, County Clerk  
John Pederson, Zoning  
Bill Higgins, Stormwater Management

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 2/21/12

Applicant: Vernard Robbins Phone #: 404-771-2145  
(applicant's name printed)

Address: 4190 Thayer Dr. Powder Springs, 30127 E-Mail: VernardAT1@hotmail.com

same as above Address: same as above  
(representative's name, printed)

[Signature] Phone #: 404-771-2145 E-Mail: VernardAT1@hotmail.com  
(representative's signature)

Signed, sealed and delivered in presence of:

**MARCIA D. GOODWILL**  
Notary Public, Cobb County, Georgia  
My Commission Expires October 9, 2014  
My commission expires: 10/9/2014

Marcia D. Goodwill  
Notary Public

Titleholder(s): Vernard Robbins Phone #: 404-771-2145  
(property owner's name printed)

Address: 4190 Thayer Dr. Powder Springs, 30127 E-Mail: VernardAT1@hotmail.com

[Signature]  
(Property owner's signature)

**MARCIA D. GOODWILL**  
Notary Public, Cobb County, Georgia  
My Commission Expires October 9, 2014  
My commission expires: 10/9/2014

Signed, sealed and delivered in presence of:

Marcia D. Goodwill  
Notary Public

Commission District: 1 Zoning Case: Z-59 of 2004

Date of Zoning Decision: 5-18-04 Original Date of Hearing: 5-18-04

Location: Lost Mountain Trail subdivision on Lost Mt. Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 429, 430 District(s): 19

State specifically the need or reason(s) for Other Business: Building a fence perpendicular to the buffer zone. The zoning stipulations allow underground invisible fencing. Would like to amend the stipulations to allow other types of fencing in the buffer area.

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 05-18-04APPLICANTS NAME: SIR PROPERTIES, INC.

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

**BOC DECISION OF 02-21-12 ZONING HEARING:**

**OTHER BUSINESS ITEM #5 – TO CONSIDER A STIPULATION AMENDMENT TO  
ALLOW FENCING IN THE NATURAL PERIMETER BUFFERS BROUGHT  
FORWARD BY MR. VERNARD ROBBINS (LOST MOUNTAIN TRAILS  
SUBDIVISION) REGARDING REZONING APPLICATION Z-59 OF 2004**

To consider a stipulation amendment to allow fencing in the natural perimeter buffers brought forward by Mr. Vernard Robbins (Lost Mountain Trails Subdivision) regarding rezoning application Z-59 of 2004, for property located on the west side of Lost Mountain Road, north of Macland Road, and on the north side of Thayer Drive in Land Lots 429 and 430 of the 19<sup>th</sup> District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a stipulation amendment. The public hearing was opened and Mr. Vernard Robbins and Mr. Michael Benten addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Lee, to **approve** Other Business Item No. 5 for stipulation amendment regarding rezoning application Z-59 of 2004, for property located on the west side of Lost Mountain Road, north of Macland Road, and on the north side of Thayer Drive in Land Lots 429 and 430 of the 19<sup>th</sup> District, **subject to:**

- **no permitting of any fences in the buffer areas of the subdivision, until letter from Homeowner's Association is received giving permission for the fencing**
- **all previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED 4-0**