



**APPLICANT:** Greenhouse Properties of Atlanta

**PHONE#:** (678) 427-7691 **EMAIL:** traci@greenhousepropertiesllc.com

**REPRESENTATIVE:** Traci DiPrima

**PHONE#:** (678) 427-7691 **EMAIL:** traci@greenhousepropertiesllc.com

**TITLEHOLDER:** Greenhouse Properties of Atlanta, LLC

**PROPERTY LOCATION:** West side of Maner Street, north of

Cooper Lake Road

(4250 Maner Street)

**ACCESS TO PROPERTY:** Maner Street

**PHYSICAL CHARACTERISTICS TO SITE:** One story residence

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20/ Gilmore Heights Subdivision

**SOUTH:** RA-6/ Paces Green Subdivision

**EAST:** RA-5/ Gilmore Heights Subdivision

**WEST:** RA-6/ Paces Green Subdivision

**PETITION NO:** Z-72

**HEARING DATE (PC):** 08-04-15

**HEARING DATE (BOC):** 08-18-15

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** RA-5

**PROPOSED USE:** Single-family House

**SIZE OF TRACT:** 0.23 acres

**DISTRICT:** 17

**LAND LOT(S):** 694

**PARCEL(S):** 64

**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** \_\_\_\_\_

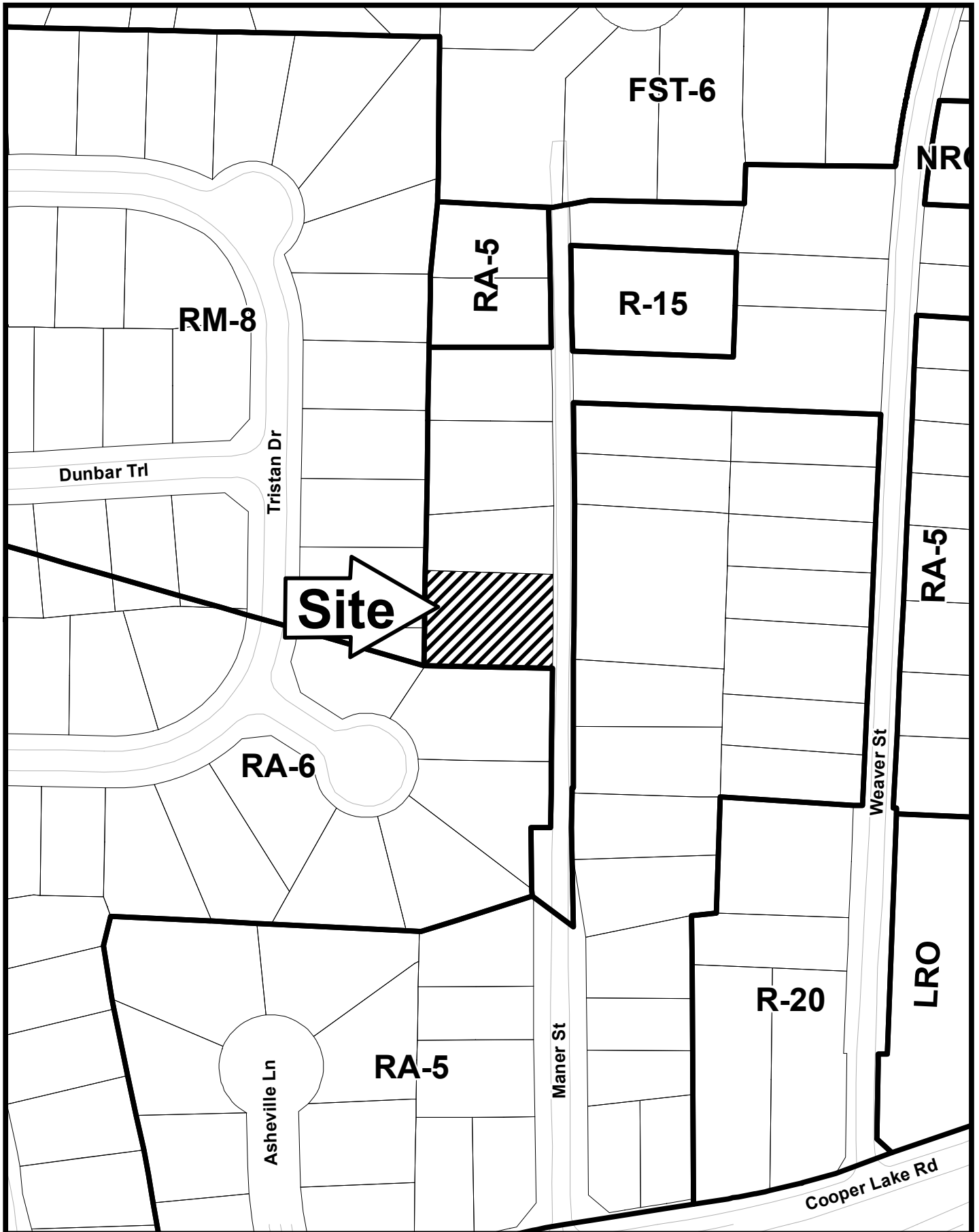
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

**STIPULATIONS:**



# Z-72



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:** Greenhouse Properties of Atlanta

**PETITION NO.:** Z-72

**PRESENT ZONING:** R-20

**PETITION FOR:** RA-5

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

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

**Proposed Number of Units:** 1 **Overall Density:** 4.35 **Units/Acre**

**Staff estimate for allowable # of units:** 1 **Units\*** **Increase of:** 0 **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.

The applicant is requesting rezoning from the R-20 single-family residential district to the RA-5 single-family residential district in order to redevelop the property for a new two (2) story 3,300 square foot craftsman style home with basement. The proposed home will replace the existing one (1) story ranch style home built in 1944 with one that is in keeping with the other new, redeveloped properties on Maner Street and nearby Weaver Street. These other properties have been allowed to redevelop to conditions of earlier rezoning cases Z-71 and Z-148 of 2006 and the applicant is amenable to following suit with their proposed home.

**Cemetery Preservation:** No comment.

**APPLICANT:** Greenhouse Properties of Atlanta

**PETITION NO.:** Z-72

**PRESENT ZONING:** R-20

**PETITION FOR:** RA-5

\*\*\*\*\*

**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
Elementary			
Middle			
High			

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

**Additional Comments:**

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**FIRE COMMENTS:**

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

**GUEST PARKING:** 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: Greenhouse Properties of Atlanta

PETITION NO.: Z-72

PRESENT ZONING: R-20

PETITION FOR: RA-5

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-20 to RA-5 for purpose of a single family house. The 0.23 acre site is located on the west side of Maner Street, north of Cooper Lake Road (4250 Maner Street).

Comprehensive Plan

The parcels are within the Medium Density Residential (MDR) future land use category, with R-20 zoning designation. The purpose of the MDR category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

Adjacent Future Land Use

North: Medium Density Residential (MDR)  
East: Medium Density Residential (MDR) – across Maner Street  
South: Medium Density Residential (MDR)  
West: Medium Density Residential (MDR)

Master Plan/Corridor Study

N/A

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 N/A

Does the current site plan comply with the design requirements? N/A

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.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>

APPLICANT: Greenhouse Properties of Atlanta

PETITION NO.: Z-72

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

Is this property within the Six Flags Special Service District?

Yes       No

APPLICANT Greenhouse Properties of Atlanta

PETITION NO. Z-072

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): 6" DI / W side of Maner St

Additional Comments: Existing water customer

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

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

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

Treatment Plant: South Cobb

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Comments: Existing sewer customer. Applicant should be made aware of Code-required 2' setback from edge of sewer easement.

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: Greenhouse Properties of Atlanta**

**PETITION NO.: Z-72**

**PRESENT ZONING: R-20**

**PETITION FOR: RA-5**

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

1. Subject to all previous Weaver/Maner Street RA-5 zoning stipulations. Maximum impervious coverage limit is 40%.
2. Site grading plan to be approved by Stormwater Management with front roof area and front yard to drain to the street.

**APPLICANT: Greenhouse Properties of Atlanta**

**PETITION NO.: Z-72**

**PRESENT ZONING: R-20**

**PETITION FOR: RA-5**

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**TRANSPORTATION COMMENTS**

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Maner Street	N/A	Local	25 mph	Cobb	50'

**COMMENTS AND OBSERVATIONS**

Maner Street is classified as a local street and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

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

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Maner Street, a minimum of 25' from the roadway centerline.

Recommend applicant reimburse Cobb County DOT \$8000.00 for a proportionate share of infrastructure improvements along Weaver Street.

## STAFF RECOMMENDATIONS

### **Z-72 GREENHOUSE PROPERTIES OF ATLANTA**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties within the same subdivision (Gilmore Heights) have been previously rezoned along Maner and Weaver Streets and subsequently redeveloped in the fashion intended by the applicant.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The request, if approved as recommended, will place the same conditions upon the property as those recent lots brought in for redevelopment and will continue the parcel's use as a single-family property, just as it has been used for several decades.
- 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*. The property is delineated as being within the medium density residential future land use area which forecasts densities ranging from 2.5 to 5 units per acre. The request represents a density of 4.35 units per acre when extrapolated from the single lot due to its lot size. Though, the subject property, while in keeping with other surrounding lots' sizes, is larger than many neighboring lots.
- 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. The request will allow redevelopment of an aged property into a new single-family residence of the size and quality of those recently built along Maner and Weaver Streets. Being subject to those same conditions as these other properties from past cases Z-71 and Z-148 of 2006 will ensure compatibility and bar any adverse effects.

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

- Site plan received by the Zoning Division on June 4, 2015 with the District Commissioner approving minor modifications;
- Stipulations of previous RA-5 rezonings for this subdivision (Z-71 and Z-148 of 2006), not otherwise in conflict;
- Maximum impervious surface to be 40%;
- 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.**

# Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 3,300 sq ft
- b) Proposed building architecture: 2 Story Craftsman with Basement
- c) Proposed selling prices(s): \$1,649,000
- d) List all requested variances: Rezoning only. R20 to RAS.

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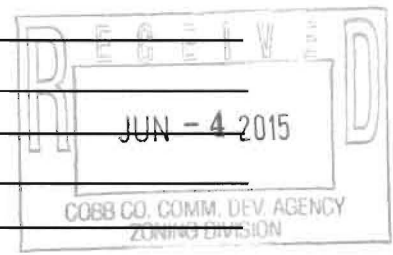


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**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): \_\_\_\_\_
- b) Proposed building architecture: \_\_\_\_\_
- c) Proposed hours/days of operation: \_\_\_\_\_
- d) List all requested variances: \_\_\_\_\_




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**Part 3. Other Pertinent Information (List or attach additional information if needed)**

there are 9+ lots on the same street (Maner St)  
that have already been rezoned to RAS. We  
are rezoning to fit in with the neighborhood.

**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). NO

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ORIGINAL DATE OF APPLICATION: 10-17-06APPLICANTS NAME: ATLANTA REAL ESTATE ACQUISITIONS, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 10-17-06 ZONING HEARING:**

**ATLANTA REAL ESTATE ACQUISITIONS, LLC** (William B. C. Vinson and Ella Mae Burroughs, owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of an Addition of Property to a Previously Approved Project in Land Lot 694 of the 17<sup>th</sup> District. Located on the east side of Maner Street, north of Cooper Lake Road.

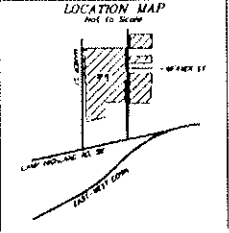
MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **RA-5** zoning district **subject to:**

- **site plan received by the Zoning Division August 3, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Parks Huff, dated October 3, 2006 (copy attached and made a part of these minutes)**
- **all previous zoning stipulations of Z-71 of 2006, Exhibit A (copy attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **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**

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VOTE: **ADOPTED** unanimously

**Z-72 (2015)**  
**Previous**  
**Stipulation for**  
**Gilmore Heights**



STREETS:  
 FRONT = 25'  
 SIDE = 5' 10" BETWEEN LOTS  
 REAR = 20'

AREA:  
 TOTAL SQ FOOTAGE OF  
 ALL LOTS = 73,481 SQ FT  
 GENERAL SQ FOOTAGE (IN 1/2" INCL) =  
 182,283 SQ FT  
 TOTAL LOTS = 22  
 DENSITY = 4.889 LOTS PER ACRE  
 ALL LOTS WILL BE GREATER THAN  
 6500 SQ FT

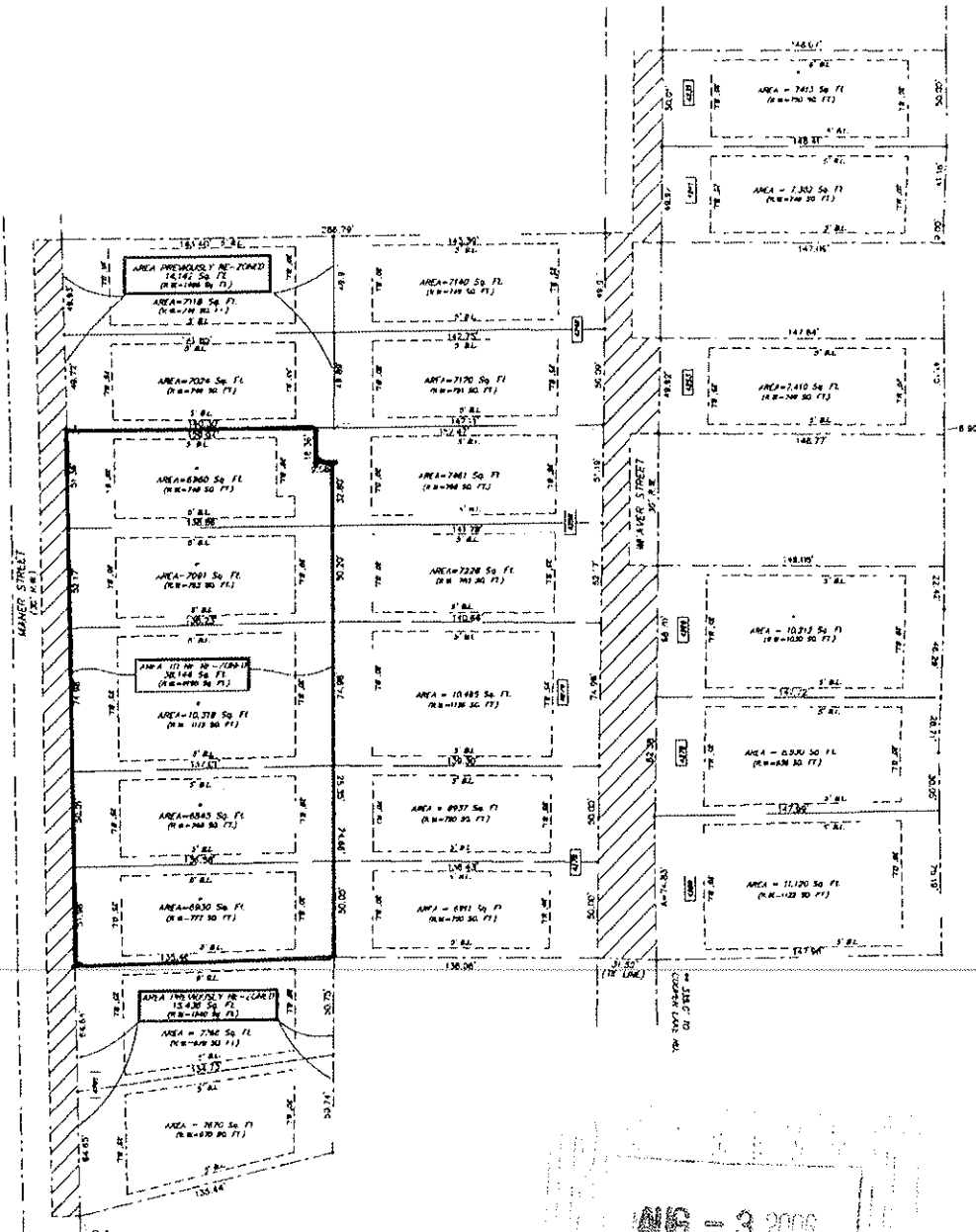
ALL PER FEED AND PLAT RECORDS  
 NO IMPROVEMENTS PERMITTED  
 ALL IMPROVEMENTS TO BE MADE AND MAINTAINED BY  
 THE OWNER OF THE LOT

NO LOTS THAT HAVE NOT BEEN FOR  
 PLAT

Min. Ink. 46 Petition No. Z-72  
 Doc Type Site Plan  
 Received August 9, 2006  
 Meeting Date 10/17/06

GENERAL NOTES -  
 ACCORDING TO THE 1988  
 FLOOD HAZARD MAP, CO  
 1:50000 (0075 F. GARD)  
 THIS IMPROVEMENT IS NOT A  
 SPECIAL FLOOD HAZARD  
 IMPROVEMENTS NOT SH

PAGE 5 OF



AUG - 3 2006

REVISED 8-2-06:  
 REVISED TO REFLECT AREAS PREVIOUSLY RE-ZONED  
 REVISED TO REFLECT AREA TO BE RE-ZONED

LEGEND	
---	1/2" REBAR FND.
---	1/2" REBAR SET
---	RIGHT OF WAY
---	SEWERY SEWER EASEMENT
---	OPEN SPACE EASEMENT
---	1/2" LOT LINE
---	CENTERLINE
---	CHAMP TOP PIPE
---	OPEN TOP PIPE
---	CONCRETE (11) 18" DIA. PIPE
---	REINFORCED CONCRETE PIPE
---	CONC. INLET
---	CONC. MANHOLE
---	CONC. BASIN
---	CONC. MANHOLE
---	CONC. POWER POLE
---	1/2" REBAR FND.
---	CONCRETE EASEMENT FND.
---	BACK OF CURB
---	EDGE OF PAVEMENT
---	FENCE
---	OVERHEAD ELEC. SERVICE LINE
---	BACKING LINE
---	CONCRETE (11) 18" DIA. PIPE

COMPILED PLAT FOR  
**ATLANTA REAL ESTATE ACQUISITIONS, L.L.C.**

LOCATED IN LAND LOT 694  
 17th DISTRICT, 2nd SECTION  
 COBB COUNTY, GEORGIA  
 JULY 28, 2006 1"-30'



ATLANTA REAL ESTATE ACQUISITIONS, L.L.C.  
 17th DISTRICT, 2nd SECTION  
 COBB COUNTY, GEORGIA  
 JULY 28, 2006 1"-30'

Min. Bk. H/L Petition No. Z-148  
Doc. Type Stipulation Letter  
dated 10/3/06  
Meeting Date 10/17/2006

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

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

October 3, 2006

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARRS F. HUFF  
JAMES A. BALLI\*  
MELISSA P. HAISTEN

OF COUNSEL  
DAVID P. HARTIN

\*ALSO LICENSED TO PRACTICE  
IN ALABAMA

**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 Atlanta Real Estate Acquisitions, LLC to Rezone a .875 Acre Tract from R-20 to RA-5, Land Lot 694, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia. (Z-148).

Dear John:

As you know, I represent Atlanta Real Estate Acquisitions in the above-styled rezoning application. The application will be heard by the Planning Commission on October 3, 2006 and thereafter by the Board of Commissioners on October 17, 2006. This rezoning application is adding additional property and additional lots to an already approved RA-5 development known as Z-71 (2006). The applicant proposes to add an additional .875 acres to the development and an additional five lots.

1. The applicant and property owners will add an additional five (5) lots on the .875 acres to the already approved (17) homes on the 3.44 acre tract known as Z-71 (2006). The properties owned by this applicant will be developed as one unified development. The development shall include a mandatory homeowners association.
2. The homes shall have a consistent architecture and the exterior siding shall include materials such as architectural shingles, stack stone, hard-coat stucco, brick and cement-based board siding. The homes will have a minimum of a two car garage and shall have a minimum of 2,500 square feet of heated and cooled living area. Other architectural details include:

Z-72 (2015)  
Previous  
Stipulation for  
Gilmore Heights

PAGE 1 OF 1

770-422-7016

TELEPHONE

770-426-6588

FACSIMILE

WWW.SAMSLARKINHUFF.COM

Mr. John P. Peterson  
October 3, 2006  
Page 2

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- a. A minimum of 9 foot ceilings on all floors
  - b. Crown Moldings on the first floor.
  
  - c. Ceramic or marble tiles in all bathrooms.
  
  - d. Hard surface countertops such as marble or granite.
  
  - e. Upgraded insulated windows and doors.
  
  - f. Architectural roof shingles.
  
  - g. Zoned mechanical systems.
  
  - h. The first floor shall have hardwood flooring throughout the main living areas.
3. The lots will be no less than 50 feet in width at the building line. The side setbacks will be as shown on the plat prepared by Barton Surveying dated July 28, 2006, with a minimum of 15 feet between buildings.
  
  4. The lots will be a minimum of 6,500 square feet as shown on the above-described Barton Surveying Plat.
- 
5. The county will be making improvements to Weaver and Maner Streets. The improvements include sidewalks, curbs, gutters, street lanes of nine feet, and stormwater management. The applicant agrees to make a contribution to the county of \$8,000 per lot which represents the proportional share of the cost of these improvements. The payments are to be made prior to obtaining a building permit for each lot. The applicant will also dedicate sufficient right of way to create a 50 foot right of way provided the lot size is determined prior to this dedication of additional right of way.
  
  6. The applicant with the assistance of the county arborist will implement a tree save plan that will incorporate a tree save area encompassing the back ten feet (10') of each lot. This area will remain undisturbed during construction to save existing trees with the addition of understory plantings consistent with an arborist plan. Applicant agrees to install a tree save fence in the back 10 feet of property prior to any development work including demolition work. In those areas where there



Mr. John P. Peterson  
October 3, 2006  
Page 3

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aren't existing trees, the applicant will plant two specimen shade trees on the back of each lot in addition to the understory plantings. The applicant agrees to walk the site with a representative of the WVCA. The applicant will attempt to save as many trees as possible provided such trees do not impact the construction or cause the loss of any lot. The applicant agrees that there shall be no negative stormwater effects to Paces Green subdivision.

7. When a house is vacated, the owner will immediately place a no trespassing sign on the property and will board the house within 30 days. Any house on the subject property shall be demolished within 90 days of the property being vacated.
8. All septic tanks will be pumped out by a plumbing company before grading the lots. The septic tanks shall be removed prior to the granting of the demolition permit.
9. The applicant agrees to the Noise Ordinance being incorporated in the zoning approval.
10. The zoning will be site plan specific consistent with the Barton Surveying zoning plat dated July 28, 2006 with minor modifications to be approved by the district commissioner.

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Please contact me if you need any additional information.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff  
phuff@samslarkinhuff.com

PFH/brl

cc: Members, Cobb County Planning Commission

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-1  
Meeting Date 10/11  
Continued

Z-72 (2015)  
Previous  
Stipulation for  
Gilmore Heights

Mr. John P. Peterson  
October 3, 2006  
Page 4

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PAGE 9 OF \_\_\_\_\_

Members, Cobb County Board of Commissioners – VIA Hand Delivery  
Ms. Gail K. Huff, Assistant County Clerk –VIA Hand Delivery  
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery  
Mr. Bryan L. Starr, Dubose Paces Ferry, Ltd. – VIA Email  
Mrs. Suzanne Ballew, VIA Email  
Mrs. Dottie Bishop, County Attorney – VIA Hand Delivery

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Map No. *Hle*      Parcel No. *Z-1*  
Date Type *Exhibit A -*  
*stips of Z-71 of 2006*  
Meeting Date *10/17/06*

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JUNE 20, 2006

PAGE 12 OF \_\_\_\_\_

Z-71      ATLANTA REAL ESTATE ACQUISITIONS, LLC (Atlanta Real Estate Acquisitions, LLC, Helen M. Ishii, Real Answer Investments, LLC, RFL Family Partnership, LLLP and Roy and Patricia Parker, owners) requesting Rezoning from R-20 and GC to RA-5 for the purpose of a Subdivision in Land Lot 694 of the 17<sup>th</sup> District. Located on the east and west sides of Weaver Street and on the east side of Maner Street, north of Cooper Lake Road.

The public hearing was opened and Mr. Parks Huff, Ms. Suzanne Ballew and Ms. Mary Rose Barnes addressed the Board. Following discussion and presentations, the following motion was made:

MOTION:      Motion by Thompson, second by Lee to approve rezoning to the RA-5 zoning district subject to:

- site plan received June 20, 2006, District Commissioner to approve final site plan (copy attached and made a part of these minutes)
- revised letter of agreeable stipulations from Mr. Parks Huff, dated June 16, 2006 *with the following addition* (copy attached and made a part of these minutes):
  - *Paragraph 7: Add sentence to read: "Include sidewalks, curbs, gutters and street widened to 9 foot lanes."*
- letter from Larry Freeman dated June 16, 2006 (copy attached and made a part of these minutes)
- letter from Ms. Helen Ishii dated June 16, 2006 (copy attached and made a part of these minutes)
- letter from Ms. Debbie Cooke dated June 16, 2006 (copy attached and made a part of these minutes)
- mandatory homeowners association; residents on Weaver and Maner Streets to be encouraged to join
- tree save area be created along the rear property line
- sidewalks along streets be designed to save trees
- one traffic lane to remain open at all times during construction
- compliance with the noise ordinance during construction
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and approval
- 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

*Clerk's Note:* Staff directed to provide advanced written notice to property owners of road widening improvements.

Petition No. Z-148  
Meeting Date 10/17/06

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP  
COBB COUNTY, GEORGIA  
FILED IN OFFICE

ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448  
2006 JUN 16 PM 4:58

COBB COUNTY CLERK'S OFFICE  
770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE  
WWW.SAMSLARKINHUFF.COM

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI\*  
MELISSA P. HAISTEN  
OF COUNSEL  
DAVID P. HARTIN  
\*ALSO LICENSED TO PRACTICE  
IN ALABAMA

June 16, 2006

VIA HAND DELIVERY- REVISED

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

Min. Bk. 42 Petition No. Z-71  
Doc. Type letter from Parks  
Huff dated June 16, 2006  
Meeting Date June 22, 2006

Re: Application of Atlanta Real Estate Acquisitions, LLC to Rezone a 3.44 Acre Tract from GC and R-20 to RA-5, Land Lot 694, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia. (Z-71).

Dear John:

As you know, I represent Atlanta Real Estate Acquisitions in the above-styled rezoning application. The application was heard by the Planning Commission on June 6, 2006 and will be before the Board of Commissioners on June 20, 2006. Subsequent to the Planning Commission meeting, the applicant has continued a dialogue with the community and county staff. Following is a list of stipulations that my client will agree to becoming a condition on the rezoning approval. The property owners have agreed to these conditions also and their agreement is reflected in the attachment Exhibit A.

1. The applicant and property owners will build seventeen (17) custom homes on the 3.44 acre tract (including existing right-of-way) yielding a density of approximately 4.944 units per acre.
2. The homes shall have a consistent architecture and the exterior siding shall include materials such as architectural shingles, stack stone, hard-coat stucco, brick and cement-based board siding. The homes will have a minimum of a two car garage and shall have a minimum of 2,500 square feet of heated and cooled living area. Other architectural details include:
  - a. A minimum of 9 foot ceilings on all floors.

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back ten feet (10') of each lot. This area will remain undisturbed during construction to save existing trees with the addition of understory plantings consistent with an arborist plan. In those areas where there aren't existing trees, the applicant will plant two specimen shade trees on the back of each lot in addition to the understory plantings.

9. When a house is vacated, the owner will immediately place a no trespassing sign on the property and will board the house within 30 days.
10. All septic tanks will be pumped out by a plumbing company before grading the lots.
11. The applicant agrees to the Noise Ordinance being incorporated in the zoning approval.
12. The zoning will be site plan specific consistent with the Barton Surveying zoning plat dated February 22, 2006 with minor modifications to be approved by the district commissioner.

Please contact me if you need any additional information.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff  
phuff@samslarkinhuff.com

PFH/brl

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery  
Ms. Gail K. Huff, Assistant County Clerk –VIA Hand Delivery  
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery  
Mr. Bryan L. Starr, Dubose Paces Ferry, Ltd. – Via Email  
Mrs. Suzanne Ballew, Via Email  
Mrs. Dottie Bishop, County Attorney – VIA Hand Delivery

Note: See Zoning File Z-71 of 2006 for the County department comments and complete text of the Freeman, Ishii, Cooke letters of stipulations (which mirror Mr. Huff's letter of June 16, 2006).