

**MARCH 15, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-007

PURPOSE

To consider a stipulation amendment for Capital City View Homes, LLC regarding rezoning application Z-61 of 2014 (Capital City View Homes, LLC), for property located on the northwest side of Woodlawn Drive, north of Powers Road, in Land Lot 8 of the 1st District.

BACKGROUND

The subject property is zoned R-12 for a five lot subdivision. The original approval included a twelve month reversion clause from the approval date, which was February 17, 2015. The applicant went through the plan review process in May 2015 and has been working on securing off site easements ever since. The applicant will need to extend the reversion clause six more months (August 17, 2016) order to finish the project. If approved, all other zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business Application and zoning stipulations.

Application for "Other Business"

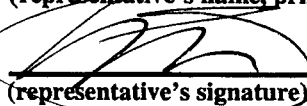
Cobb County, Georgia

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

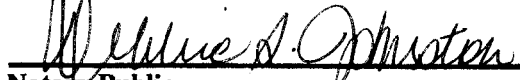
BOC Hearing Date Requested: OB # 7

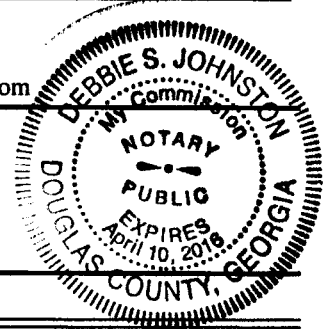
Applicant: Capital City View Homes, LLC Phone #: 404 895-5555
(applicant's name printed)

Address: 324 Hicks Farm Road, Acworth, GA 30102 E-Mail: bradtbarnett@gmail.com
Garvis L. Sams, Jr. 376 Powder Springs Street, Suite 100
Sams, Larkin, Huff & Balli Address: Marietta, GA 30064

(representative's name, printed) _____
 Phone #: 770 422-7016 E-Mail: gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

 My commission expires: _____
Notary Public




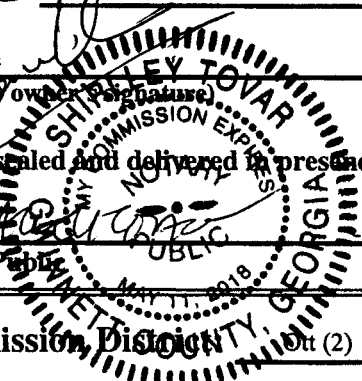
Titleholder(s): Zia ~~Amari~~ Rahman Phone #: 404 895-5555
(property owner's name printed)

Address: 11785 Northfall Lane, Suite 501, Alpharetta, GA 30009 E-Mail: bradbarnett@gmail.com

(Property owner's signature) _____

Signed, sealed and delivered in presence of:

 My commission expires: May 11/2018
Notary Public



Commission District: Dist (2) **Zoning Case:** Z-61 [2014]

Size of property in acres: 2.5 **Original Date of Hearing:** February 17, 2015

Location: Northwest side of Woodlawn Drive, north of its intersection with Kings Lake Drive & Powers Road (333 Woodlawn Dr.)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 8 **District(s):** 1st

State specifically the need or reason(s) for Other Business: To extend the "reversion clause" from 12 months to 18 months (6 additional months). This extension, upon being granted, will allow the Applicant/Property Owner to complete the Plan Review Process; complete negotiations to secure an off-site easement to access sewer; and, to follow through with the Application for a Land Disturbance permit.

(List or attach additional information if needed)

FEB - 9 2016

CONSENT AGENDA (CONT.)

CONSENT VOTE: **ADOPTED** unanimously

REGULAR AGENDA

Z-61¹⁴

CAPITAL CITY VIEW HOMES, LLC (Nasreen Rafiq, Mohammad Goshayeshi and Eshafil Hervani, owners) requesting Rezoning from R-20 to RA-5 for the purpose of a Single-Family Residential Subdivision in Land Lot 8 of the 1st District. Located on the northwest side of Woodlawn Drive, north of Powers Road (333 Woodlawn Drive). *(Previously continued by Staff until the October 7, 2014 Planning Commission hearing, previously held by the Board of Commissioners from their October 21, 2014 and November 18, 2014 hearings and previously continued by Staff until the February 17, 2015 Board of Commissioners hearing)*

The public hearing was opened and Mr. Garvis L. Sams, Jr., Mr. Jim Ney, Ms. Pamela Little, Ms. Jill Flamm, and Ms. Nancy Walters addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **delete** rezoning request Z-61 to the R-12 zoning category, subject to:

- Site plan presented at this hearing (attached and made a part of these minutes)
- Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated November 14, 2014, *not otherwise in conflict*, including elevations depicted in this letter (attached and made a part of these minutes) with the following changes:
 - Item No. 5 – add to end: *“Final elevations to be approved by the District Commissioner.”*
 - Item No. 12, subset d. – add to end: *“Easements must be obtained in writing before issuance of Land Disturbance Permits.”*
 - Page No. 3, footnote – strike any reference to price points
- Impervious surface to be calculated on an individual lot basis and may not exceed 40% (the summing of impervious coverage over the entire subdivision is not permitted); this requirement to be recorded on the subdivision plat and no Certificate of Occupancy may be issued for any house where the impervious coverage exceeds 40%
- Density not to exceed 2.5 units per acre
- Property to revert to underlying zoning of R-20 if Land Disturbance Permits are not issued within 12 months
- Stormwater Management approval of water management controls prior to issuance of any Building or Land Disturbance Permits

REGULAR AGENDA (CONT.)

Z-61¹⁴

CAPITAL CITY VIEW HOMES, LLC (CONT.)

- Outside surfaces of detention pond to be landscaped and stucco or painted to mitigate wall against any adjoining properties
- 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 §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: **ADOPTED** unanimously

Commissioner Ott requested that the above motion be amended to include the package of information submitted by the Applicant's Representative at this hearing. Ms. Dance noted that the motion could be amended by consensus of the Board. Therefore, the below stipulation was added:

Amended Motion

- Application of Capital City View Homes, LLC submitted at this hearing (attached and made a part of these minutes)

~~Z-87¹⁴~~

~~AUGUSTINA ONYEKE (2013 SWE GA, LLC, owner) requesting Rezoning from GC to LRC for the purpose of a Daycare in Land Lot 631 of the 19th District. Located on the north side of Milford Church Road, east of Austell Road (1076 Milford Church Road). (Previously continued by the Board of Commissioners from their December 16, 2014 hearing)~~

~~The public hearing was opened and Ms. Michele Battle addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Cupit, second by Weatherford, to delete rezoning request Z-87 to the LRO zoning category subject to:~~

- Letter titled *Proposed Terms and Conditions* dated February 17, 2015 (attached and made a part of these minutes) with the following change:
 - Item No. 5, subset b. – add to end: “with signage that prohibits parking in front of walking path”
- Easement Harmless and Use Agreement (attached and made a part of these minutes)
- Applicant to provide at least 10 parking spaces
- Signage to be brought into compliance with County Ordinance
- Applicant submit for Plan Review prior to opening

FEB - 9 2016

Min. Bk. 75 Petition No. 2-661
 Doc. Type side plan
 Meeting Date 2/17/15

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

DGM
 3775 Oak Place
 Bldg. 200
 Kennesaw
 GA 30144
 770 514-9666
 FAX 514-9491

November 12, 2014



Lot Calculations

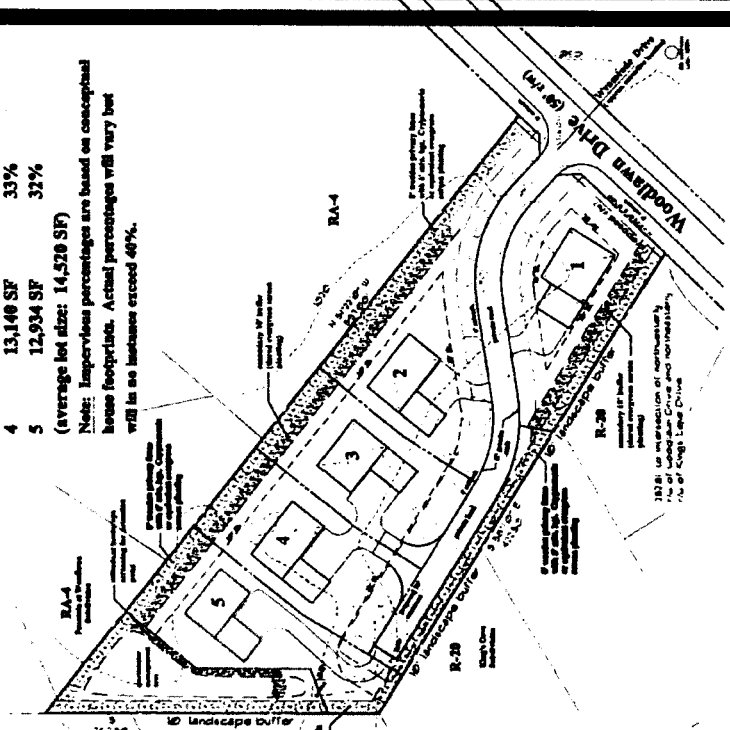
Lot #	Total Area	% Impervious shown
1	15,247 SF	22%
2	18,830 SF	24%
3	12,451 SF	34%
4	13,140 SF	33%
5	12,934 SF	32%

(Average lot size: 14,520 SF)
 Note: Impervious percentages are based on conceptual lease footprints. Actual percentages will vary but will in no instance exceed 40%.

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 Shown: 14,520 SF
 Minimum Lot Width: 70'
 Proposed Building Setbacks:
 front: 25', rear: 30', side: 5'

Notes:
 1. This plan is a preliminary plan and is not intended for construction.
 2. All dimensions are shown in feet and inches.
 3. The site plan is based on the information provided by the client.
 4. The client is responsible for obtaining all necessary permits and approvals.
 5. The client is responsible for providing all necessary information.
 6. The client is responsible for providing all necessary information.
 7. The client is responsible for providing all necessary information.
 8. The client is responsible for providing all necessary information.



SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

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

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

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

JUSTIN H. MEEKS

SLHB-LAW.COM

November 14, 2014

VIA HAND DELIVERY & EMAIL:

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

Min. Bk. 75 Petition No. Z-61
Doc. Type letter of agreeable
conditions
Meeting Date 2/17/15

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:

As you know, this firm represents Capital City View Homes, LLC ("Capital City") concerning the above-captioned Application for Rezoning which was unanimously recommended for approval by the Cobb County Planning Commission on October 7, 2014, following staff's recommendation for approval. Thereafter, the Application was heard and held by the Cobb County Board of Commissioners last month on October 21, 2014. Presently, the Application is scheduled to be heard and considered for final action by the Board of Commissioners next week on November 18, 2014.

Consistent with direction from the Board of Commissioners, enclosed please find the requisite number of copies of a revised site plan. You will note that the average lot size has increased to 14,520 sq. ft. which more than doubles the 7,000 sq. ft. minimum lot size required under the RA-5 District. Additionally, please note that all of the lots are under the forty percent (40%) maximum allowed for impervious surfaces, ranging from twenty-two percent (22%) to thirty-four percent (34%) meaning that all of the lots will have additional square footage for the installation of outdoor fireplaces, patios and the like ranging from 748 sq. ft. to 3,013 sq. ft. the overall impervious surface for the entirety of the subject property (including the lots and the balance of the subject property is 31.1%.

In addition to the foregoing, you will also note that Capital City's revised site plan reflects that the street servicing the subdivision (which is aligned with Wynmeade Drive as recommended by DOT) will be built to the County's Design and Detail Specifications for public

FEB - 9 2016

FEB - 9 2016

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 14, 2014
Page 2

Petition No. 2-61
Meeting Date 2/17/15
Continued

streets; will be built as a private street; and, has now been designed as a "hammerhead" street as opposed to the original cul-de-sac design and meets all of the requirements of Cobb DOT and the Fire Department.

Of course, since the Application was held, our focus has been upon detention, stormwater management, hydrological issues concerning the subject property and property upstream and property downstream as well. In that regard, enclosed is a copy of a letter and exhibits, dated November 5, 2014, from Kelly Davis, P.E. at Gaskins to David Breden in Cobb County Stormwater Management Division and an email and attachments to Mr. Breden, dated November 12, 2014. The letter, email and subsequent discussions with Mr. Breden have confirmed that, with respect to stormwater management and downstream considerations, we have followed his direction in terms of handling those issues in the most appropriate manner from a stormwater management perspective.

Since this Application has been pending, we have filed stipulation letters and revised stipulation letters on four (4) separate occasions. In each instance, we have addressed the issues presented by area residents, HOA representatives, ECCA and the County's staff. This final stipulation letter supersedes the previous letters and represents a comprehensive letter of stipulations which, upon the rezoning being approved, as revised and submitted herewith, 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:

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, dated November 12, 2014, 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

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

FEB - 9 2016

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 14, 2014
Page 3

Project No. 2-601
Date 2/17/15

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 will range in size from 12,451 sq. ft. 18,830 sq. ft. or an average of 14,520 sq. ft.

4. The homes shall be a minimum of 3,500 sq. ft. in size. Each of the homes shall have an attached three (3) 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. Driveways will be sufficient to park at least two (2) additional vehicles.² The house on the subject property which is presently rented shall either be moved or demolished within thirty (30) days after receiving the LDP subject to the District Commissioner having the latitude to extend in thirty (30) day increments.
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 were submitted under separate cover on September 23, 2014. 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; that is, two (2) stories over a basement (where topography allows a basement to be added) and a maximum of thirty-five feet (35') in height consistent with RA-5 regulations contained in Section 134-201.2(7) of the Cobb County Zoning Ordinance.³
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.
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

Fountain at Woodlawn and LaFayette Square Subdivisions, respectively, which have both been constructed at densities of 3.42 units per acre.

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

Capital City is presently in negotiations with two (2) residential home builders. Once a full agreement has been reached for the builder which will construct the homes on the subject property, the identity of that home builder will be disclosed.

FEB - 9 2016

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 14, 2014
Page 4

Petition No. 2-61
Filing Date 2/17/15

landscaping shall be in substantial conformity to the renderings elevation being submitted under separate cover.

In lieu of the construction of a wrought iron fence with masonry columns along the subject property's frontage on Woodlawn Drive, Capital City shall construct a solid masonry wall, a maximum of 6 feet in height, along the subject property's frontage on Woodlawn Drive with accompanying 75 foot returns perpendicular to Woodlawn Drive in a manner so that Stormwater Management issues and the construction of said masonry wall do not conflict.

- 8. Capital City shall utilize low-intensity, environmentally-sensitive, decorative street lights which shall be positioned in such a manner so as to diminish the potential for illumination escaping the boundaries of the subject property.
- 9. By operation of law, the within and foregoing stipulations shall become conditions and a part of the grant of the requested rezoning and shall be binding upon the subject property thereafter upon approval of the Application for Rezoning. The stipulations conditions shall run with the property regardless of its present or subsequent ownership.
- 10. 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 LOC will be formed subsequent to the rezoning entitlement process and prior to the issuance of Land Disturbance Permits with notification being provided to the LOC's committee members commensurate with said time frame.

The Landscape Plan shall include, but not necessarily be limited to, the following components:

FEB - 9 2016

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 14, 2014
Page 5

2-61

2/17/15

- a. 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 the decorative, eight foot (8'), wooden two-sided cap rail privacy fence along the common property line between the subject property and The Fountain at Woodlawn, King's Cove and the subject property shall be the responsibility of Capital City and its builder until such time as the subdivision is built-out and the maintenance of said fence is turned over to 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.
- b. 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.

The fencing as above described and the attendant Cryptomeria shall be installed no later than sixty (60) days after the commencement of development on the subject property. Upon advice and consultation with an independent arborist, a master gardener and the County's Arborist, Capital City shall install Cryptomeria, ranging between six to eight feet (6'-8') in height which shall be planted ten feet (10') on center.
- c. In addition to each home having at a minimum three (3) four inch (4") caliper hardwood trees planted in the front yards of each home, Capital City shall comply with the county's Tree Preservation and Replacement Ordinance with the LOC having input into that processes as a part of the submission of a final landscape plan during the Plan Review process.
- d. All yard areas of the proposed residences shall be sodded and irrigated.

FEB - 9 2016

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 14, 2014
Page 6

2-601
a | 17 | 15

- e. 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.
- f. The foregoing landscaping components shall be accomplished by a Registered Landscape Professional.
- g. If it is determined by the County's Arborist that trees located on contiguous properties sustain damage due to the construction and development on the subject property then, and in such an event, Capital City or its successor in title shall be responsible for the replacement of said tree(s) pursuant to provisions of the County's Tree Preservation and Replacement Ordinance.

11. 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.⁴
- 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.
- d. Insuring appropriate sight distance of three-hundred ninety feet (390') or the implementation of remedial measures in which to mitigate same.

⁴ As mandated by DOT and 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.

FEB - 9 2016

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 14, 2014
Page 7

2-61
2/17/15

- e. The installation of sidewalks on one side of the interior street within the proposed subdivision.
12. 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 and responsible for ensuring that rodents and other vermin are eliminated from the stormwater detention area.
 - 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. Capital City will over-detain on the subject property by ten percent (10%) and the stormwater management area will be calculated and configured to accommodate said over-detention. All downspouts shall be directed to the street on to proposed 18" HDP piping or other stormwater conveyance components strategically placed in accordance with direction from Stormwater Management.
 - d. Capital City shall be responsible for securing off-site easements from adjacent property owners in order to gain access to sewer and water to service the subject property. In that regard, Capital City has reached a conceptual agreement with the property owner whose land is being traversed with the understanding that final easements will be executed once the site is fully engineered and the placement of said easements is field-determined by Capital City's engineers and by David Breden of

FEB - 9 2016

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 14, 2014
Page 8

2-61
2 17 15

the Stormwater Management Division. Attached is a sketch which shows the approximate direction and dimensions of said easement (along with the conceptual landscape plan, as said easement traverses the property of Mr. & Mrs. Travis Markle)

- e. Compliance with the methodology and recommendations contained within that certain letter, dated November 5, 2014, from Kelly Davis, P.E. at Gaskins to David W. Breaden, P.E. at Cobb County Stormwater Management Division and the subsequent email, dated November 13, 2014, as more fully delineated in the copies of said letter, email and exhibits which are attached hereto and made a part hereof by reference.
13. Adherence to the following construction hours:
 - a. Monday-Friday from 7:30 a.m. until 6:30 p.m. (outside work) and 7:00 a.m. until 7:30 p.m. (inside work).
 - b. Saturdays from 9:00 a.m. until 5:30 p.m. (all work)
 - c. There will be no work on Sundays.
 14. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the subdivision.
 15. 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.
 16. Subject to recommendations from the Cobb County Fire Department with respect to fire prevention and life-safety issues.
 17. 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.

FEB - 9 2016

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 14, 2014
Page 9

2-61
2/17/15

18. 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.
19. The granting of a contemporaneous variance waiving the rear setback on Lots 1 & 5 to thirty feet (30'). Additionally, Capital City agrees that neither it nor its successor(s) in title shall seek variances with respect to waiving the impervious surface requirement of forty percent (40%).
20. 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.

With the County's professional staff and Planning Commission having recommended that the Application be approved and in consideration of the foregoing comprehensive supplemental stipulations conditions, Capital City's zoning proposal is entirely appropriate from a Land Use Planning perspective. Nevertheless, please do not hesitate to contact me should you or the staff require further information or documentation concerning this Application prior to it being heard and considered by the Board of Commissioners next week.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 14, 2014
Page 10

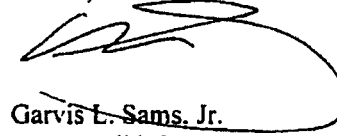
2-61
2/17/15

FEB - 9 2016

With kind regards, I am,

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



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

GLS dsj

cc: Members. Cobb County Board of Commissioners (via email w attachments)
Mr. Mike Terry, Chairman, 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 Breden, P.E. (via email w attachments)
Ms. Jane Stricklin, P.E. (via email w attachments)
Mr. Tim Davidson, Water System (via email w attachments)
Ms. Lori Barton, Deputy County Clerk (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)
Jim Ney, Esq. (via email w attachments)
Mr. Brad Barnett, Capital City View Homes, LLC (via email w attachments)
Mr. David Meyer, RLA (via email w attachments)
Mr. Kelly Davis, P.E. (via email w attachments)

Barton, Lori

Letter No. 2-61
2/17/15

From: Garvis Sams [gsams@slhb-law.com]
Sent: Friday, November 14, 2014 4:16 PM
To: Pederson, John
Cc: Terry, M; Hosack, Robert; Johnson, Dana; Campbell, Jason; Martin, Terry L; Breaden, David; Stricklin, Jane; Davidson, Timothy; Barton, Lori; 'Jill Flamm'; 'Dad94@bellsouth.net'; dnelson4575@gmail.com; nwalters@bellsouth.net; brucetreed@yahoo.com; waynesturgis@gmail.com; Jney@hznw.com; bradtbarnett@gmail.com; 'dmeyer@dgmipc.com'; kdavis@gscurvey.com; Ott, Bob; Goreham, Helen; Birrell, JoAnn; Cupid, Lisa; Lee, Tim
Subject: RE: Application of Capital City View Homes, LLC to Rezone a 2.15 Acre Tract from R-20 to RA-5 (No. Z-61)

John...please note a recurring typographical error in Paragraph 7. The masonry wall will be a "minimum" of 6 feet in height...NOT a maximum of 6 feet in height. Thank you....gls



Garvis L. Sams, Jr., Partner
Sams, Larkin, Huff & Balli, LLP
376 Powder Springs Street, Suite 100
Marietta, GA 30064
(770) 422-7016 office
(770) 426-6583 fax
gsams@slhb-law.com

FEB - 9 2016

The preceding email message (including any attachments) contains information that may be confidential and/or may be protected by the attorney-client or other applicable privileges, or may constitute non-public information. This message is intended to be conveyed only to the designated recipient(s). If you are not an intended recipient of this message and nonetheless receive a copy of it, please notify the sender by replying to this email message and then delete it from your system. Use, dissemination, distribution and/or reproduction of this message other than by the intended recipient(s) is not authorized and may be unlawful.

From: Garvis Sams
Sent: Friday, November 14, 2014 3:53 PM
To: john.pederson@cobbcounty.org
Cc: mikeandsue80@hotmail.com; rhosack@cobbcounty.org; dana.johnson@cobbcounty.org; jason.campbell@cobbcounty.org; terry.martin@cobbcounty.org; dbreaden@cobbcounty.org; jane.stricklin@cobbcounty.org; Davidson, Timothy; Lori Barton (lori.barton@cobbcounty.org); 'Jill Flamm'; 'Dad94@bellsouth.net'; dnelson4575@gmail.com; nwalters@bellsouth.net; brucetreed@yahoo.com; waynesturgis@gmail.com; Jney@hznw.com; bradtbarnett@gmail.com; 'dmeyer@dgmipc.com'; kdavis@gscurvey.com; Bob Ott; hgoreham@cobbcounty.org; JoAnn Birrell (JoAnn.Birrell@cobbcounty.org); Lisa Cupid (lisa.cupid@cobbcounty.org); tleec@cobbcounty.org
Subject: Application of Capital City View Homes, LLC to Rezone a 2.15 Acre Tract from R-20 to RA-5 (No. Z-61)
Importance: High

John:

Please see the attached letter and attachments from Garvis Sams.

Thank you.

Debbie

FEB - 9 2016

Petition No 2-61
 Meeting Date 2/17/15
 Continued

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

 975 Cox Place
 P.O. Box 210
 Kennesaw, GA 30144
 770 514-9005
 FAX 514-9101



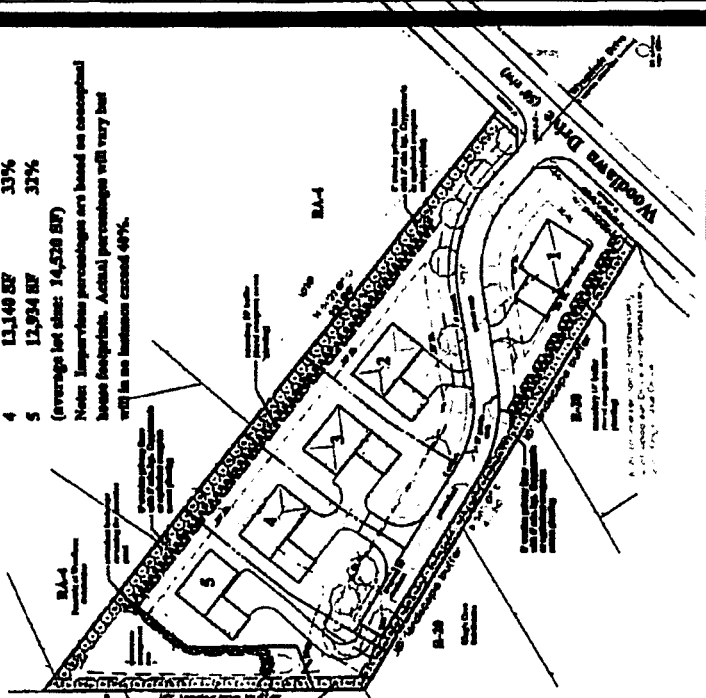
November 12, 2014



Lot Calculations

Lot #	Total Area	% Impervious shown
1	15,247 SF	23%
2	18,908 SF	24%
3	12,451 SF	34%
4	13,149 SF	33%
5	12,934 SF	32%

(Average lot shows 14,528 SF)
 Notes: Impervious percentages are based on conceptual house footprints. Actual percentages will vary but will in no instance exceed 40%.



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 (opposite to site plan)
 Minimum Lot Size: 7,000 SF
 Ave. Lot Size Shown: 14,528 SF
 Minimum Lot Width: 70'
 Proposed Building Setback:
 front: 25', rear: 30', side: 5'

Notes:
 1. This preliminary plan is for informational purposes only and does not constitute a contract.
 2. All dimensions are shown in feet and inches.
 3. All areas are shown in square feet.
 4. All areas are shown in acres.
 5. All areas are shown in square feet.
 6. All areas are shown in acres.
 7. All areas are shown in square feet.
 8. All areas are shown in acres.
 9. All areas are shown in square feet.
 10. All areas are shown in acres.

FEB - 9 2016



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

November 5, 2014

David W. Breaden, PE, CFM
Cobb County Water System
Stormwater Management Division
770-419-6454 - office
dbreaden@cobbcounty.org

Z-61-15/15

RE: WOODLAWN SUBDIVISION (ZONING CASE Z-61-2014)

Dear David,

Based on my previous conversation, and my clients communication of concerns mentioned at zoning for 333 Woodlawn drive, my understanding is that the main concern is the appropriate handling of the outflow from proposed stormwater management facility for the development. He also mentioned that flooding on the property to the east (Carlos residence) was also mentioned. I did a site visit of the project to analyze existing drainage patterns and to analyze the most appropriate way of handling the outflow of the proposed stormwater management facility.

There is an existing stormwater pipe that outflows from existing storm system on Woodlawn dr. onto the southern portion of our property. The previous homeowner installed a rock berm to divert water to the eastern property line (away from existing house and yard on the property). This berm caused water to be diverted closer to the property line than would otherwise flow, and may have been a small factor in the past flooding issues of the Carlos property. In the proposed development, this stormwater from woodlawn will be picked up in the storm system and treated in the stormwater management facility, thus removing the overland flow from the eastern property line.

I've attached an exhibit showing existing storm structures along Kings Lake Drive and a possible orientation of outflow pipe from proposed pipe connecting to existing storm system. Note that this may not be the final layout, but the property owner understands that it will be a requirement of the County that the outflow from pond is either connected to existing storm system or into existing stream to the north, and that he is responsible to procure necessary easements to do so.

In summary, it is my opinion that by picking up the flow from existing system outflowing onto property from Woodlawn and piping it to the proposed pond and by piping the outflowing pipe from pond to either the creek or the existing storm system on Kings Lake Dr, there should be no other stormwater concerns. Feel free to call with any questions.

Sincerely,

KELLY DAVIS, PE



Confidential Information