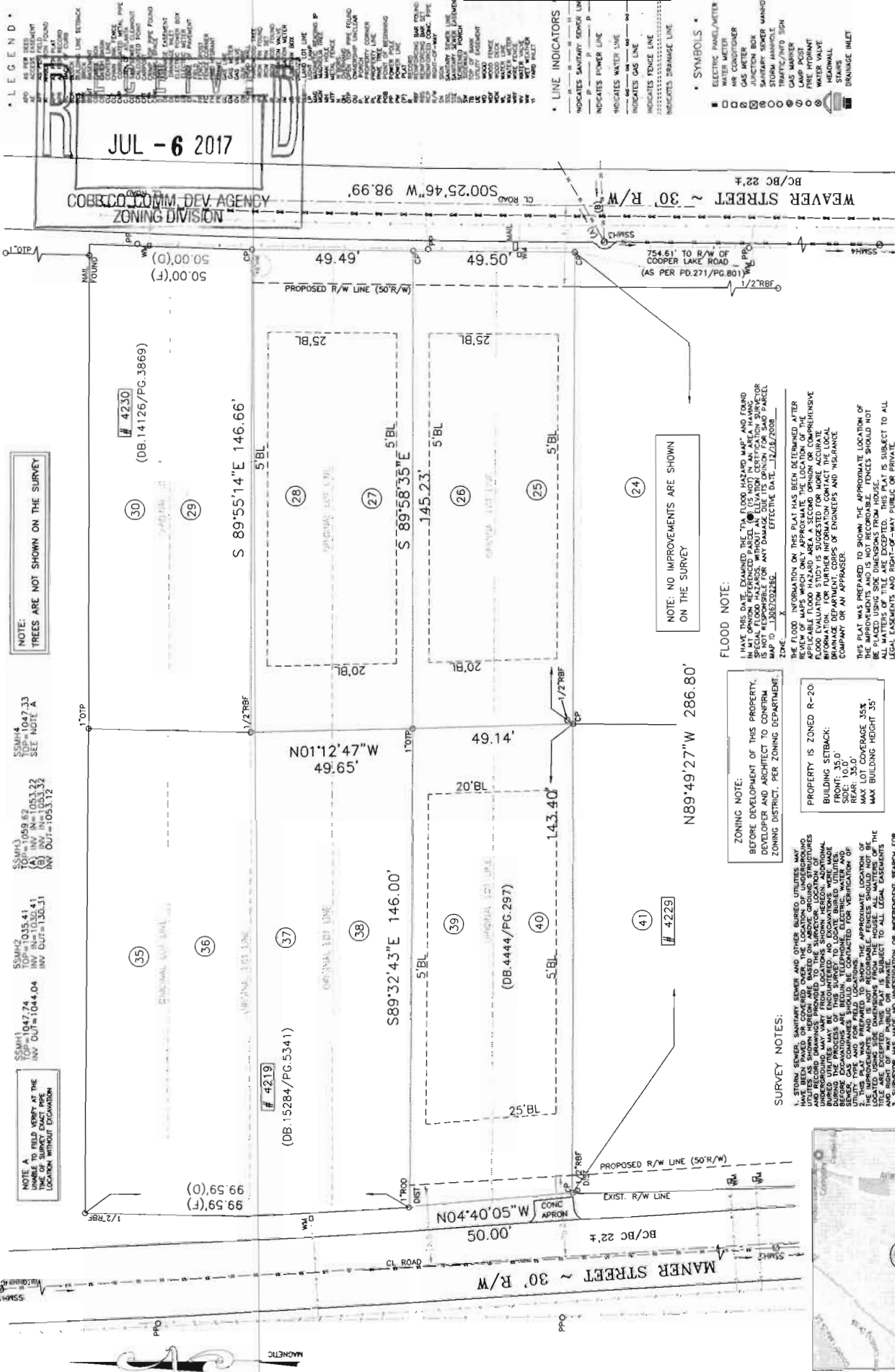


Z-51
(2017)



NOTE: TREES ARE NOT SHOWN ON THE SURVEY

SSM#4
TOP=1047.33
SEE NOTE A

SSM#5
TOP=1049.82
INV IN=1053.22
INV OUT=1053.12

SSM#1
TOP=1047.74
INV IN=1044.04
INV OUT=130.51

SSM#2
TOP=1035.41
INV IN=1030.41
INV OUT=130.51

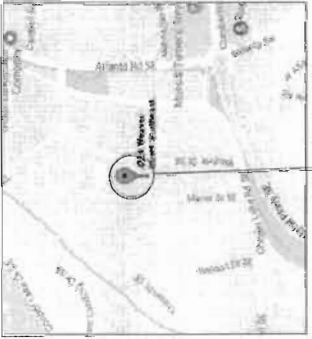
NOTE: NO IMPROVEMENTS ARE SHOWN ON THE SURVEY

FLOOD NOTE:
I HAVE THIS DATE EXAMINED THE "FLOOD HAZARD MAP" AND FOUND NO APPLICABLE FLOOD HAZARD AREA A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. CONTACT THE LOCAL DEPARTMENT OF PUBLIC WORKS OR INSURANCE COMPANY OR AN APPRAISER.

ZONING NOTE:
BEFORE DEVELOPMENT OF THIS PROPERTY, DEVELOPER AND ARCHITECT TO CONFIRM ZONING DISTRICT, PER ZONING DEPARTMENT

PROPERTY IS ZONED R-20
BUILDING SETBACK:
FRONT: 10.0'
REAR: 35.0'
MAX LOT COVERAGE 35%
MAX BUILDING HEIGHT 35'

SURVEY NOTES:
1. STORM SEWER, SANITARY SEWER AND OTHER BURIED UTILITIES MAY BE LOCATED UNDER THE SURFACE OF THE PROPERTY. THE SURVEYOR HAS SHOWN THE LOCATION OF THESE UTILITIES AS SHOWN HEREON ARE BASED ON ABOVE GROUND STRUCTURES AND RECORD MAPS. THE SURVEYOR HAS NOT EXCAVATED TO VERIFY THE LOCATION OF ANY BURIED UTILITIES. NO EXCAVATIONS WERE MADE BEFORE EXCAVATIONS ARE BEGUN. TELEPHONE, ELECTRIC, WATER AND GAS LOCATIONS ARE NOT SHOWN. THE SURVEYOR IS NOT RESPONSIBLE FOR THE LOCATION OF ANY BURIED UTILITIES. THE SURVEYOR IS NOT RESPONSIBLE FOR THE LOCATION OF ANY BURIED UTILITIES. THE SURVEYOR IS NOT RESPONSIBLE FOR THE LOCATION OF ANY BURIED UTILITIES.



CONCEPT PLAN PREPARED FOR: **MIKE WADSWORTH**

PROPERTY ADDRESS: 4234 WEAVER STREET, SMYRNA, GA 30080

DATE: JUL - 6 2017

SCALE: 1" = 20'

LEGEND:

- LINE INDICATORS:
 - INDICATES SANITARY SEWER LINE
 - INDICATES WATER LINE
 - INDICATES GAS LINE
 - INDICATES FENCE LINE
 - INDICATES DRAINAGE LINE
- SYMBOLS:
 - ELECTRIC PANEL/METER
 - WATER METER
 - HE CONDENSER
 - JUNCTION BOX
 - SANITARY SEWER MANHOLE
 - STORM MANHOLE
 - TRAFFIC/PATIO SIGN
 - GAS VALVE
 - FREE FROTHANT
 - WATER VALVE
 - HEADWALL
 - STAIRS
 - DRAINAGE INLET

COBB COUNTY COMM. DEV. AGENCY ZONING DIVISION

COBB COUNTY, GEORGIA

LAND SURVEYING SERVICES, INC.

LAND SURVEYING SERVICES, INC.

LAND SURVEYING SERVICES, INC.

NOTE: NO IMPROVEMENTS ARE SHOWN ON THE SURVEY

FLOOD NOTE:
I HAVE THIS DATE EXAMINED THE "FLOOD HAZARD MAP" AND FOUND NO APPLICABLE FLOOD HAZARD AREA A SECOND OPINION OR COMPREHENSIVE FLOOD EVALUATION STUDY IS SUGGESTED FOR MORE ACCURATE INFORMATION. CONTACT THE LOCAL DEPARTMENT OF PUBLIC WORKS OR INSURANCE COMPANY OR AN APPRAISER.

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LOCATION MAP

SCALE 1" = 20'

COBB COUNTY, GEORGIA

LAND SURVEYING SERVICES, INC.

LAND SURVEYING SERVICES, INC.

LAND SURVEYING SERVICES, INC.

APPLICANT: Pradera Group, LLC
PHONE #: (678) 756-0802 **EMAIL:** mwadsworth@praderagroup.com
REPRESENTATIVE: Mike Wadsworth
PHONE #: (678) 756-0802 **EMAIL:** mwadsworth@praderagroup.com
TITLEHOLDER: Margaret Kimmons Wix

PETITION NO: Z-51
HEARING DATE (PC): 09-07-17
HEARING DATE (BOC): 09-19-17
PRESENT ZONING: R-20

PROPERTY LOCATION: West side of Weaver Street, east side of Maner Street
(4234 Weaver Street)

PROPOSED ZONING: RA-5

ACCESS TO PROPERTY: Weaver Street and Maner Street

PROPOSED USE: Single-family Subdivision

PHYSICAL CHARACTERISTICS TO SITE: One story frame house with detached garage.

SIZE OF TRACT: 0.494 ac

DISTRICT: 17

LAND LOT(S): 694

PARCEL(S): 49

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-15, R-20/ Gilmore Heights Subdivision
SOUTH: RA-5/ Weaver Street at Maner Street Subdivision
EAST: RA-5/ Gilmore Heights Subdivision
WEST: R-15, R-20/ Gilmore Heights Subdivision

Adjacent Future Land Use:
 North: Medium Density Residential (MDR)
 East: Medium Density Residential (MDR)
 South: Medium Density Residential (MDR)
 West: Medium Density Residential (MDR)

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

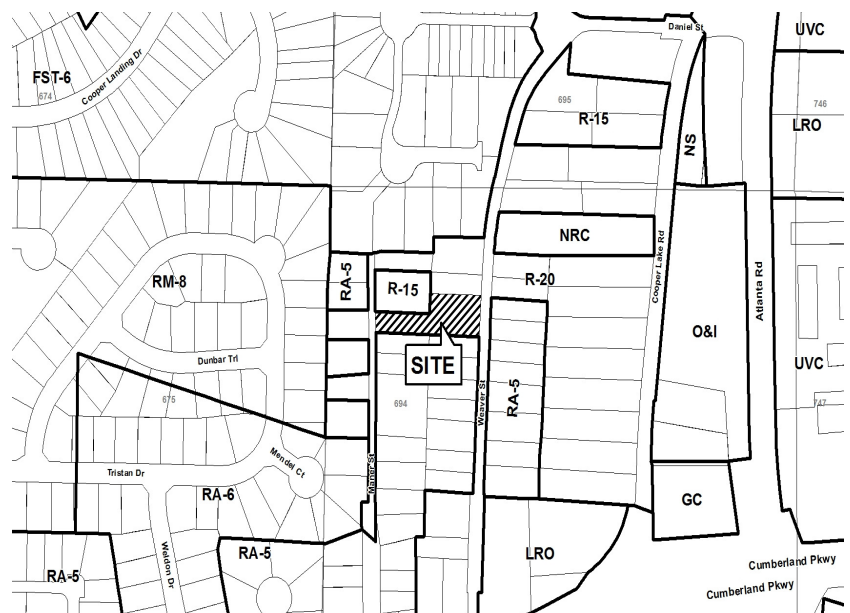
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

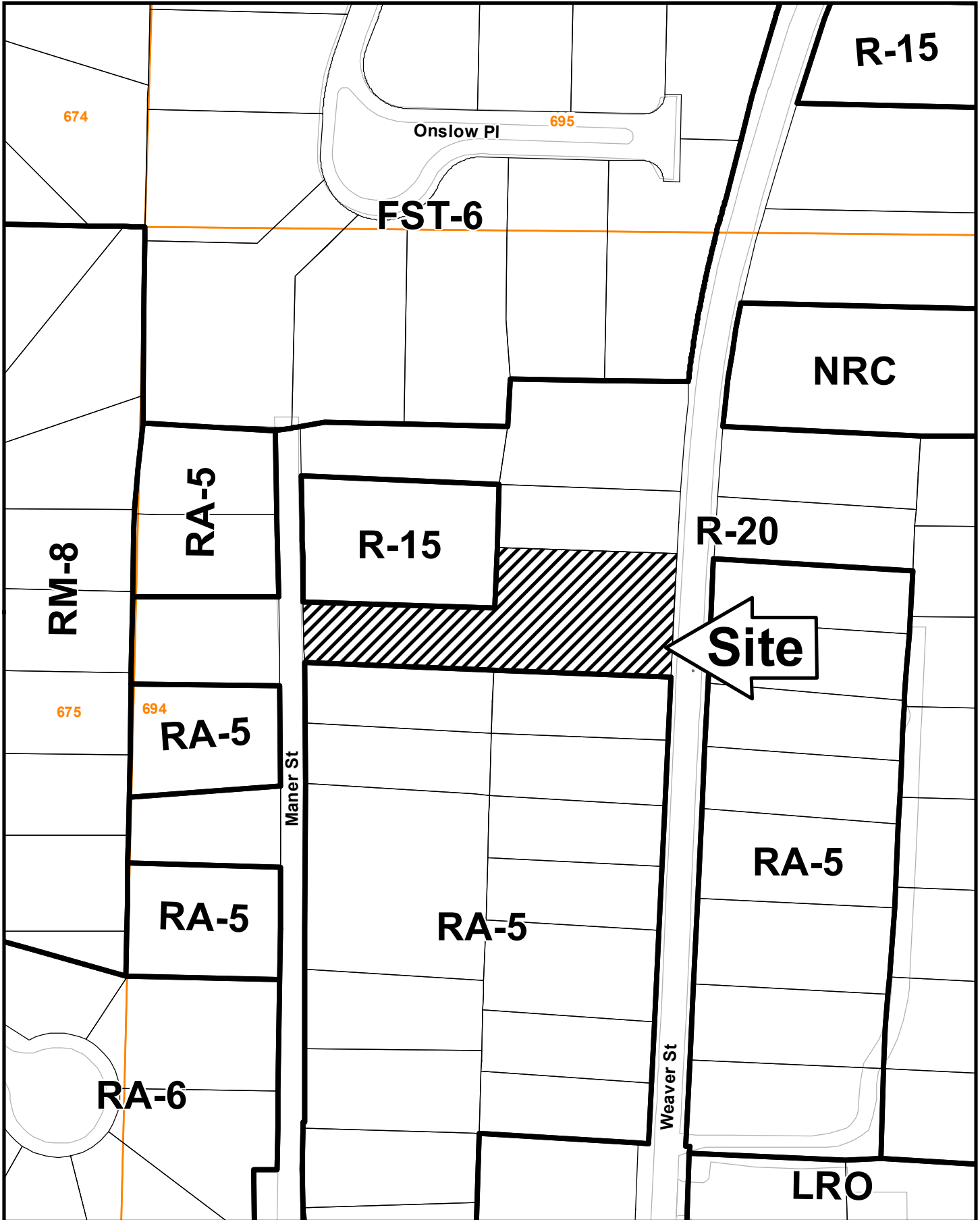
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

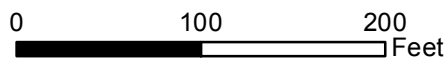
STIPULATIONS:





Z-51 2017-GIS



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Pradera Group, LLC

PETITION NO.: Z-51

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: 3 **Overall Density:** 6 **Units/Acre**

Staff estimate for allowable # of units: 1 **Unit*** **Increase of:** 2 **Units/Lots**

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

The applicant is requesting a rezoning of the subject 0.494 acres from the existing R-20 single-family residential district to the RA-5 single-family residential district in order to demolish the existing house and reconfigure the lot into three (3) new lots. The proposed lots will be approximately 7,200 sq. ft. each which is more than the 7,000 sq. ft. required by the RA-5 district. The houses will be approximately 3,400 square feet in size. The houses will be craftsman style with brick and hardiplank exteriors, and be in keeping with other redeveloped properties on Maner Street and Weaver Street. These other properties have been allowed to redevelop to conditions of earlier rezoning cases Z-71 and Z-148 of 2006 (attached).

If approved as presented, the following variances will be required:

1. Waive the rear setback from the required 30 feet to 20 feet;
2. Waive the lot width at the road and the front setback from 70 feet to as low as 49 feet; and
3. Waive the distance between houses from 15 feet to 10 feet.

Cemetery Preservation: No comment.

APPLICANT: Pradera Group, LLC

PETITION NO.: Z-51

PRESENT ZONING: R-20

PETITION FOR: RA-5

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Nickajack Elementary</u>	<u>1058</u>	<u>1025</u>	<u> </u>
Elementary <u>Campbell Middle</u>	<u>1451</u>	<u>1203</u>	<u> </u>
Middle <u>Campbell High</u>	<u>2788</u>	<u>2637</u>	<u> </u>

High

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

Additional Comments:

Approval of this petition will not have an impact on the enrollment at Cobb County schools.

APPLICANT: Pradera Group, LLC

PETITION NO.: Z-51

PRESENT ZONING: R-20

PETITION FOR: RA-5

FIRE COMMENTS:

NO 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.

APPLICANT: Pradera Group, LLC

PETITION NO.: Z-51

PRESENT ZONING: R-20

PETITION FOR: RA-5

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RA-5 for the purpose of a single-family subdivision. The 0.494 acre site is located on the west side of Weaver Street, east side of Maner Street (4234 Weaver Street).

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary? Yes No
If yes, has the city of Smyrna been notified? Yes No / N/A

Comprehensive Plan

The parcel is within a Medium Density Residential (MDR) future land use category, with R-20 zoning designation. The purpose of the Medium Density Residential (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.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North: Medium Density Residential (MDR)
East: Medium Density Residential (MDR)
South: Medium Density Residential (MDR)
West: Medium Density Residential (MDR)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

Historic Preservation

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

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No
If yes, design guidelines area _____
Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? Yes No
The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

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

APPLICANT: Pradera Group, LLC

PRESENT ZONING: R-20

PETITION NO.: Z-51

PETITION FOR: RA-5

PLANNING COMMENTS:

CONT.

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>.

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

Is the property within the:

- Dobbins Airfield Safety Zone?
- CZ (Clear Zone)
- APZ I (Accident Potential Zone I)
- APZ II (Accident Potential Zone II)
- Noise Zone
- Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT Pradera Group LLC

PETITION NO. Z-051

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 / E side of Weaver Street

Additional Comments: Also 6" DI W side of Maner Street

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

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

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: Weaver St ROW and Maner St ROW

Estimated Waste Generation (in G.P.D.): A D F= 480 Peak= 1,200

Treatment Plant: Sutton

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Dry 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:

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: Pradera Group, LLC

PETITION NO.: Z-51

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 plans to be approved by Stormwater Management. Drainage must be provided to convey all site runoff directly to Maner Street right-of-way.

APPLICANT: Pradera Group, LLC

PETITION NO.: Z-51

PRESENT ZONING: R-20

PETITION FOR: RA-5

TRANSPORTATION COMMENTS:

ROADWAY	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Weaver Street	Local	25 mph	Cobb County	50'
Maner Street	Local	25 mph	Cobb County	50'

ROADWAY	LOCATION	AVERAGE DAILY TRIPS	LEVEL OF SERVICE
Weaver Street	N/A	N/A	N/A
Maner Street	N/A	N/A	N/A

COMMENTS AND OBSERVATIONS

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

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

RECOMMENDATIONS

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

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

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

Recommend sidewalk along the Weaver Street frontage.

Recommend applicant reimburse Cobb County DOT \$8,000.00 per lot for a proportionate share of infrastructure improvements along Weaver Street.

Recommend applicant reimburse Cobb County DOT \$8,000.00 per lot for a proportionate share of infrastructure improvements along Maner Street.

STAFF RECOMMENDATIONS

Z-51 PRADERA GROUP, LLC

- 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 rebuilt with houses similar to applicant's proposal.
- 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 approval of this request will place the same conditions upon the property as those recent lots brought in for redevelopment and will continue the single-family use of the property.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan* which delineates the property to be within the medium density residential future land use area. This area forecasts densities ranging from 2.5 to 5 units per acre. The request represents a density of 6 units per acre due to the size of the property. The subject property and resulting home sites if developed as proposed, will be in keeping with the other redeveloped lots within the immediate area. It should be noted that the Board of Commissioners, in making land use decisions, use the future land use map as a guide in the decision making process, but there are circumstances when decisions will be made that are contrary to this document based upon a change in market conditions, information unbeknownst to staff/community in the preparation of this document, or some other condition.
- 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 the property into three new single-family residences 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 consistency with other houses in the area.

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

1. Site plan received by the Zoning Division on July 6, 2017, with the District Commissioner approving minor modifications;
2. Variances as stated in the Zoning comments;
3. Stipulations of previous RA-5 cases for this subdivision (Z-71 and Z-148 of 2006), not otherwise in conflict;
4. Maximum impervious coverage to be 40% per lot;
5. Fire Department comments and recommendations;
6. Water and Sewer Division comments and recommendations;
7. Stormwater Management Division comments and recommendations;
8. Department of Transportation comments and recommendations; and
9. 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.



Application No. Z-51

Sept. 2017

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): ~~7,200 SF~~ 7,200 SF Lots, 3,400 SF Houses
- b) Proposed building architecture: Craftsman, brick, hardiplank
- c) List all requested variances: N/A

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

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

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

N/A

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

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 17th 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**

VOTE: **ADOPTED** unanimously

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, 17th District, 2nd 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-51 (2017)
Previous
Stipulations for
Gilmore Heights

PAGE 1 OF 1

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

WWW.SAMSLARKINHUFF.COM

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

- 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

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.

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

Z-51 (2017)
Previous
Stipulations for
Gilmore Heights

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. Z
Meeting Date 10/1
Continued

PAGE 9 OF _____

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

- 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

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

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 17th 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

PAGE 12 OF

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, 17th District, 2nd 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.

Mr. John P. Peterson
June 16, 2006
Page 2

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).