

Application for "Other Business"

Cobb County, Georgia

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

RECEIVED

FEB - 2 2018

OB-013-2018

BOC Hearing Date Requested: MARCH 20, 2018

Applicant: BASS DEVELOPMENT CORP Phone #: 770-925-8879
(applicant's name printed)

Address: 1291 OLEANDER DR LILBURN, GA. 30047 E-Mail: T.BASS1291@BASSSOUTH.NET

TOM BASS Address: 1291 OLEANDER DR LILBURN, GA. 30047
(representative's name, printed)

TWB Phone #: 770-294-9884 E-Mail: T.BASS1291@BASSSOUTH.NET
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: _____
Notary Public

Titleholder(s): BASS DEVELOPMENT CORP Phone #: 770-925-8879
(property owner's name printed)

Address: 1291 OLEANDER DR LILBURN, GA. 30047 E-Mail: T.BASS1291@BASSSOUTH.NET

TWB
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: _____
Notary Public

Commission District: 3 Zoning Case: 2-14 of 2013

Size of property in acres: .394 Original Date of Hearing: 4-16-13

Location: 3902 CITAPARK HEIGHTS DR, MARIETTA, GA 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 256 / 321 District(s): 16

State specifically the need or reason(s) for Other Business: Change Landscape

Scenic view *

* Shown on site plan approved via OB-021-2016.
(4-19-16)

(List or attach additional information if needed)

OWNER/DEVELOPER:

"BASS DEVELOPMENT CORP.
1291 OLEANDER DRIVE
LILBURN, GA 30047
CONTACT: JONATHAN EDWARDS
PHONE: (770) 940-4505

ENGINEER:

ACR ENGINEERING, INC.
600 PINNACLE COURT
SUITE 685
NORCROSS, GEORGIA 30071
PHONE: (678) 291-0000
CONTACT: ABBAS HEIDARI

FEB - 2 2018

COBB COUNTY ZONING DIVISION

RECEIVED
JAN 12 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE, NOT RECORDED, OR NOT DISCLOSED IN THE TITLE COMMITMENT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.

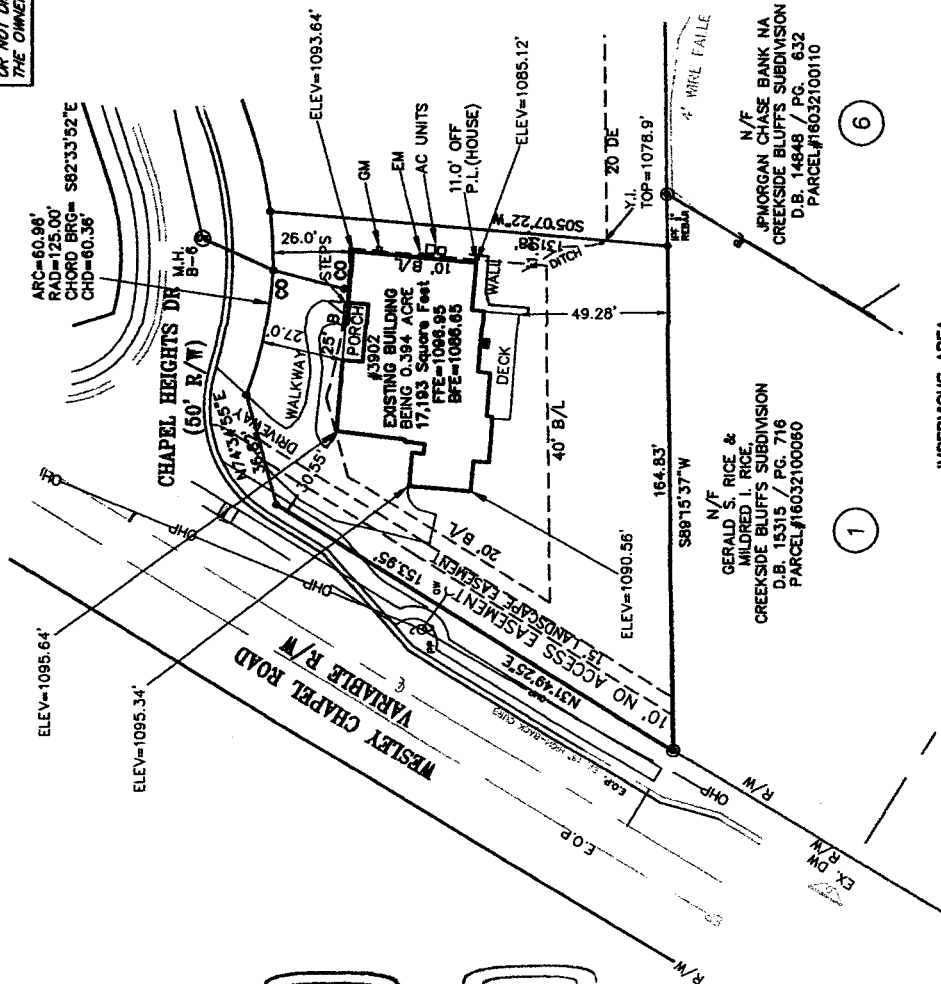
FIELD NOTE:
FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A FIVE SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER. THIS MAP OR PLAT HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 81,540 FEET.

THE FIELD DATA UPON WHICH THIS MAP OR PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 44,808 FEET AND AN ANGULAR ERROR OF 2.2 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD.

SITE DATA

TOTAL AREA = 0.394 ACRES
ZONING - R-15
MIN. LOT SIZE = 15,000 S.F.
FRONT SETBACKS = 25 FT
SIDE SETBACKS = 10'
REAR SETBACKS = 40'

PROPERTY ADDRESS:
3902 CHAPEL HEIGHTS DRIVE
MARIETTA, GA 30082
BEING: 0.394 ACRE
17,193 SQUARE FEET



IMPERVIOUS AREA	PERCENTAGE OF LOT COVERAGE
MAIN BUILDING FOOTPRINT	2889 S.F.
PORCHES AND DECK	482 S.F.
DRIVEWAY & WALK	1633 S.F.
TOTAL	4984 S.F.
LOT COVERAGE	29.0%
TOTAL SITE	17,193 S.F.

GRAPHIC SCALE



ACR Engineering, Inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
SUITE 685
600 PINNACLE COURT
NORCROSS, GA 30071
TEL: (678) 291-0000
FAX: (678) 291-0007
WWW.ACRENGINEERING.COM

ELEVATION CERTIFICATION
FOR
3902 CHAPEL HEIGHTS DR
MARIETTA, GA 30082
COBB COUNTY, GEORGIA
LT. 321, 16TH DIST., 2ND SECT.

DATE	REVISION	BY	APP.
08/27/2017	1-40 VERT.	N/A	DESCRIPTION
08/27/2017	1-40 VERT.	N/A	DESCRIPTION
08/27/2017	1-40 VERT.	N/A	DESCRIPTION
08/27/2017	1-40 VERT.	N/A	DESCRIPTION
08/27/2017	1-40 VERT.	N/A	DESCRIPTION
08/27/2017	1-40 VERT.	N/A	DESCRIPTION
08/27/2017	1-40 VERT.	N/A	DESCRIPTION
08/27/2017	1-40 VERT.	N/A	DESCRIPTION
08/27/2017	1-40 VERT.	N/A	DESCRIPTION
08/27/2017	1-40 VERT.	N/A	DESCRIPTION

SHEET 1 OF 1
PROJECT NO. 16-008
DATE: 08/27/2017
DRAWN BY: [Signature]
CHECKED BY: [Signature]
SCALE: 1" = 40'

ORIGINAL DATE OF APPLICATION: 04-16-13APPLICANTS NAME: RICHARD DUNCAN

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

BOC DECISION OF 05-21-13 ZONING HEARING:

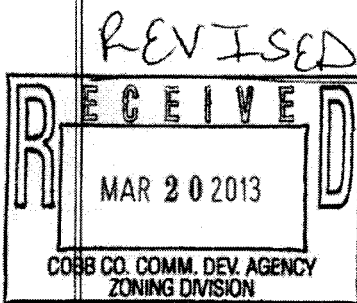
RICHARD DUNCAN (David Nunn and Jane Nunn, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of a Subdivision in Land Lots 256 and 321 of the 16th District. Located on the east side of Wesley Chapel Road, north of Bluffview Drive (3914 Wesley Chapel Road). *(Previously held by the Board of Commissioners from their April 16, 2013 hearing)*

The public hearing was opened and Mr. Richard Duncan and Mr. Tom Richards addressed the Board. Following presentation and discussion, the following motion was made:

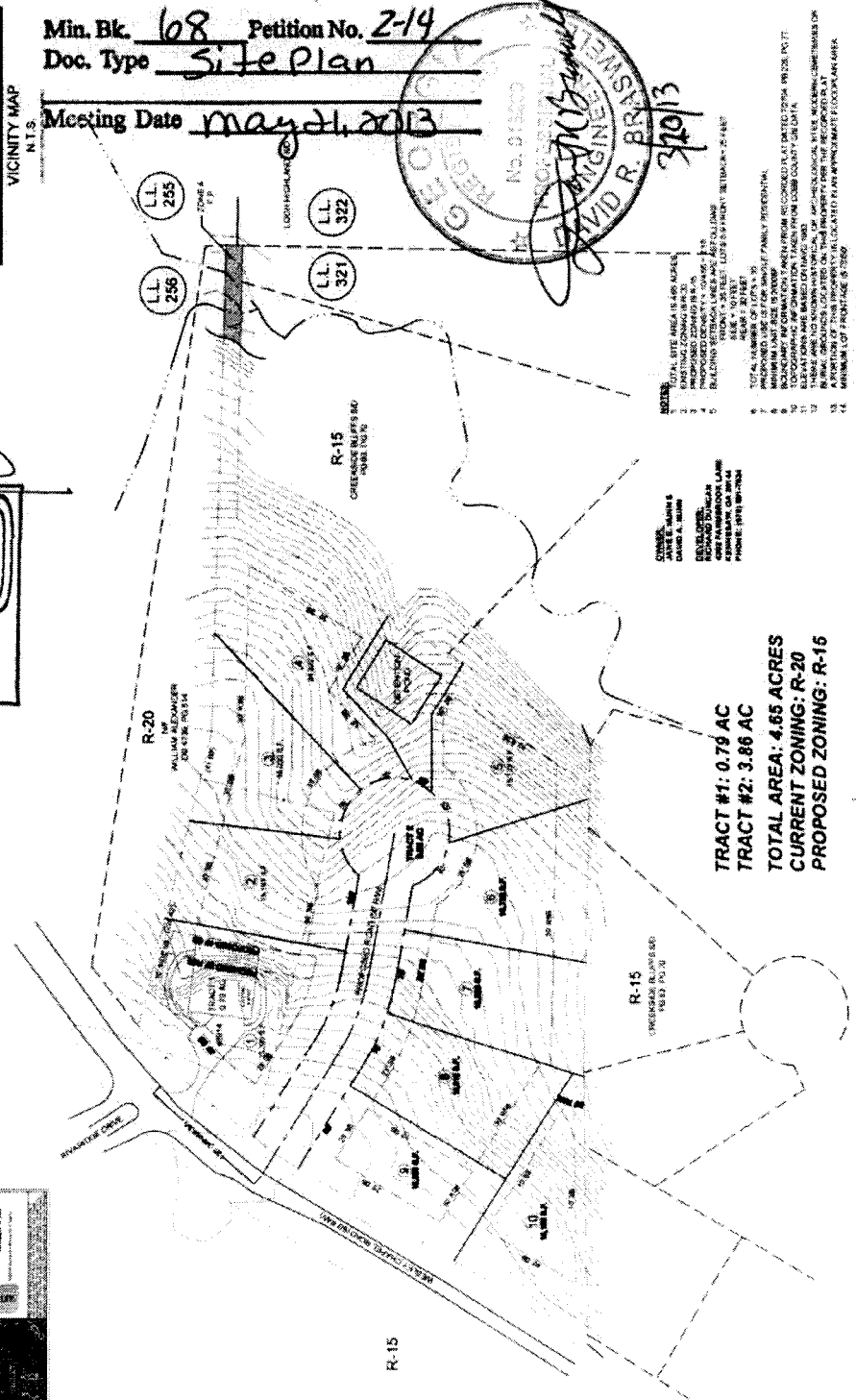
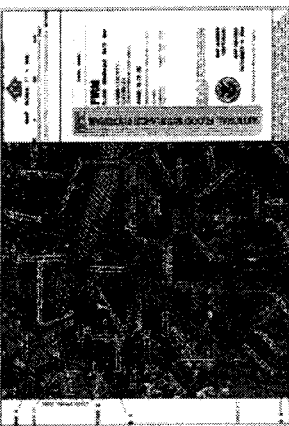
MOTION: Motion by Birrell, second by Ott, to approve Rezoning to the R-15 zoning district subject to:

- Revised site plan received by the Zoning Division March 20, 2013, with the District Commissioner approving minor modifications, noting that the lot layout/configuration may change in Plan Review due to stormwater considerations (attached and made a part of these minutes)
- Maximum of ten homes
- Letter of agreeable conditions from Mr. Richard Duncan corrected date of May 15, 2013 (attached and made a part of these minutes), *with the following changes:*
 - Item No. 8 – amend end of paragraph: “... *detention landscaping and fencing, and a 6 foot chain link fence in the rear of lots 4 and 5.*”
 - Item No. 13 – add to end of first sentence: “... *swales required for stormwater practices and 6 foot chain link fencing behind lots 4 and 5.*”
 - Item No. 16 – Strike references to “*on lot 5*” *from this paragraph*
 - Item No. 19 – add to the end: “*After Plan Review, Staff to present stormwater and sewer plans to the District Commissioner for final approval.*”
 - Item No. 22 – Revise last sentence to read: “*The payment of \$28,000.00 will be given to Loch Highland upon issuance of a Land Disturbance Permit.*”
- Letter of intent regarding sewer tie-in from Mr. Frank Schaffer dated May 17, 2013 (attached and made a part of these minutes)
- Loch Highland agreement letter dated April 19, 2013 (attached and made a part of these minutes)
- Allowance for Georgia native plant rescue prior to Land Disturbance (clearing and grading)
- Planning Commission recommendations, *not otherwise in conflict*
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations, regarding Stormwater - at Plan Review the Stormwater Management Division comments and recommendations will control
- 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 4-1, Goreham opposed**



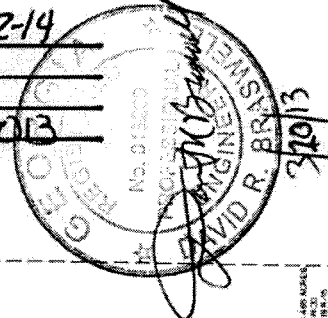
LAND LOTS 256 & 321
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GA



TRACT #1: 0.79 AC
TRACT #2: 3.86 AC
TOTAL AREA: 4.65 ACRES
CURRENT ZONING: R-20
PROPOSED ZONING: R-15

- 1. TOTAL SITE AREA IS 4.65 ACRES
- 2. EXISTING ZONING IS R-20
- 3. PROPOSED ZONING IS R-15
- 4. PROPOSED DENSITY IS 1.0 UNITS PER ACRE
- 5. BUILDING SETBACKS ARE 10 FEET
- 6. SIDE YARD SETBACKS ARE 5 FEET
- 7. REAR YARD SETBACKS ARE 10 FEET
- 8. TOTAL LOT AREA IS 4.65 ACRES
- 9. PROPOSED LOTS ARE 1.0 ACRE PER LOT
- 10. MINIMUM LOT SIZE IS 1.0 ACRE
- 11. EXISTING LOTS ARE 0.79 ACRES
- 12. EXISTING LOTS ARE 3.86 ACRES
- 13. EXISTING LOTS ARE 4.65 ACRES
- 14. EXISTING LOTS ARE 4.65 ACRES
- 15. EXISTING LOTS ARE 4.65 ACRES
- 16. EXISTING LOTS ARE 4.65 ACRES

CONVEYANCE
JAMES E. LAMAR &
DAVID A. LAMAR
DEVELOPERS
BY
DAVID R. BRINKMAN
ENGINEER
PROPOSED LOTS ARE 1.0 ACRE PER LOT



Min. Bk. 108 Petition No. 2-14
Doc. Type Site Plan
Meeting Date May 21, 2013

NOT FOR PUBLIC RELEASE OR CONSTRUCTION - DRAWING STATUS -

PROJECT NAME: 3914 WESLEY CHAPEL SUBDIVISION
OWNER/CLIENT: RICHARD DUNKAN
PROJECT NO.: 108
SUBMIT DATE: 5/21/13
DATE: 5/21/13
DRAWING TITLE: ZONING PLAN
DRAWING NUMBER: 01
PROJECT NAME: 3914 WESLEY CHAPEL SUBDIVISION

Stipulation Letter

Stipulation letter for Z-14 Zoning

Richard Duncan

~~April~~ May 15, 2013

- 1) Applicant seeks rezoning for the subject property from the existing zoning category of R-20 to the proposed zoning category of R-15.
- 2) The subject property will be developed for a single-family residential development consisting of ten(10) maximum lots, including lot one with the existing house. Applicant agreed that all lots shall have a minimum of 15,000 square feet.
- 3) Applicant agrees the minimum size for the homes in the proposed development will be a minimum of 2,800 square feet of heated and cooled living space.
- 4) Lot one is requesting a variance for the side setback on the East side(or to the right of the house) of the property to be ten foot, which is standard for a side setback; but being that the road frontage on Wesley Chapel Road is shorter than the road frontage on the proposed new road, it makes that side setback become a rear setback. The house that is on lot one will be facing the new proposed road, because it was built with the new proposed subdivision and road in mind.
- 5) Houses will be traditional in style; with three side brick to conform to the exterior style of existing home on lot one. Stone or brick water table will be included as part of the architecture of the homes, with the elevations to be approved by the District Commissioner.
- 6) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick with stone accent.

7) Except for in front of lot ten, along Wesley Chapel Road, there will be a brick wall with stone accents. Landscaping of the frontage of the proposed community along Wesley Chapel Road, shall be professionally designed and implemented, which shall include the installation of an irrigation system.

8) There will be a mandatory HOA that will allow for maintenance and upkeep of entrance sign, wall and landscaping, detention landscaping and fencing, and chain link fence in the rear of lots 4 and 5.

9) Other than the house which will remain on lot one, there are three other existing buildings. These building are being used as a dog kennel, and we are requesting that they be allowed to operate up to 12 months after the rezoning of the property to give them time to relocate their business. If the applicant has not installed curb, gutter and detention with landscaping and pulled at least one construction permit within 18 months of rezoning, the property will revert to the R-20 zoning district.

10) At the start of construction, there will be a four to five foot rock check dam in the area of the drainage basin or outlet structure of the proposed detention pond, to help preserve the integrity of the nearby stream, which feeds into Loch Highland Lake. At the end of the final construction of the project the rock check dam will be torn down, spread and used as the detention rip rap outlet flow.

11) Applicant agrees that if there is a detention pond it will be Earth and Dike, and will be surrounded by a black vinyl chain link fence with a minimum height of 6 feet. Where allowed, there will be landscaping to serve as a visual screening from adjacent residential neighborhoods.

12) On lots five through nine, we are asking that front setbacks be 25 feet instead of 35 feet, to help minimize slope impact and reduce impervious area. We agree that the 10 feet referred to above be added to the rear setback.

13) Applicant agrees to a 10 foot construction buffer along the rear of lots two through seven and lot ten, with exceptions to clearing needed for sewer hookups, detention pond area, drainage easement and swales required for stormwater practices. Applicant agrees that prior to landscaping each individual lot, to meet with the Cobb County arborist to determine any dead or dying trees that might need to be removed from the buffer area. Applicant agrees to remove these trees and replant any holes created in the buffer, except where Cobb County prohibits said plantings, with a type and size of tree approved by the County Arborist and District Commissioner. Replacement Inspection of buffer, by arborist, will be done prior to issuance of CO.

14) Applicant agrees that all worker's vehicles will be parked on site, and not on Wesley Chapel Road, or on any other surrounding subdivision streets.

15) Applicant agrees that all lot's landscaping will be sodded front and sides, and rear unless the rear yard is left in its vegetative state.

16) Applicant agrees to replant trees in the disturbed area of construction easement of sewer line. The size, caliber, and type of trees to be replanted will be subject to County Arborist and District Commissioner approval. In addition, applicant agrees to landscape sewer outfall on lot 5, where planting is allowed by Cobb County Water and Sewer Department. No planting on sewer outfall past the landscaped area on lot 5.

17) Applicant agrees to plant one tree of four inch caliper per lot, except for existing lot one.

18) All utilities servicing the residences within the proposed community will be underground.

19) Applicant agrees to comply with all Cobb County Stormwater Management comments and recommendations, and also Cobb County

DOT comments and recommendations applicable to the subject property.

20) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements.

21) Applicant agrees that Construction hours are to be 7:00 a.m. to 7:00 p.m., Monday through Friday-October 1st through March 31st, 7:00 a.m. to 8:00 p.m., Monday through Friday-April 1st through September 30th; 9:00 a.m. to 6:00 p.m. on Saturdays; with no outside work on Sunday unless approved by the District Commissioner.

22) Applicant agrees to donate \$28,000 to Loch Highland for their lake maintenance fund. This amount includes Cobb County's fee in lieu of detention as well as funds provided in lieu of performance of pre and post sediment study. Within doing so, Loch Highland will sign a hold harmless agreement with Cobb County, Richard Duncan, and Riversouth Land Management for waiver of the sediment studies and any future impacts from this site. The payment of \$28,000 will be given to Loch Highland before any construction begins.

23) Applicant agrees that all sample results obtained through the National Pollution Discharge Elimination monitoring should be forwarded to Loch Highland Homeowners Association to insure that pollution of the streams does not occur during construction.

24) Applicant agrees to place a double row of silt fencing and a mulch berm around three sides of the property which impact the surrounding neighbors of the new development, with an exception of lot one.

25) Applicant agrees to remove the existing driveway on lot 1 that exits onto Wesley Chapel Road, and close the existing curb cut upon completion of subdivision street.

26) Applicant agrees to install a 6 foot black vinyl chain length fence along the rears of lots 4 and 5.

Reviewed By 2-14
Reviewed Date 5-21-13

27) Applicant agrees to use sewer tie-in on the manhole on Mr. Schaffer's property located at 3820 Bluff View Dr. in Creekside Bluffs.

Min. Bk. 68 Petition No. Z-14
Doc. Type Letter of
Intent
Meeting Date May 21, 2013

Letter of Intent

I, Frank Schaffer, have agreed to grant Richard Duncan, with Riversouth Land Management, a sewer easement and flow easement agreement for the new proposed subdivision in zoning case Z-14, on my property located at 3820 Bluffview Dr., Marietta, GA 30062.

Frank Schaffer 5-17-2013
Frank Schaffer Date

Nancy L Vest 5-17-2013
Notary Date



Min. Bk. 68 Petition No. Z-14
Doc. Type AgreementMeeting Date May 21, 2013

We at Loch Highland agree to accept the \$28,000 for the lake maintenance fund instead of the \$25,000 dollar bond. The \$28,000 lake maintenance fund includes the fee in lieu of the detention pond, the fee in lieu of the pre and post lake study, and additional donations from Mr. Duncan added to that amount. Also, Loch Highland agrees to do a hold harmless agreement with Cobb County, Richard Duncan and all his entities, for waiver of the sediment studies and any future impacts from this site.



Loch Highland Representative

Date

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 4-19-16

Applicant: E-Rock Development LLC Phone #: _____
(applicant's name printed)

Address: 2731 - Sims Rd. Marietta Ga 30066 E-Mail: _____

Jonathan E Edwards Address: 2731 Sims Rd Marietta Ga 30066
(representative's name, printed)

[Signature] Phone #: 770-940-4505 E-Mail: Jonathan.Edwards50@yahoo.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

B. RAHMAN
NOTARY PUBLIC
Cobb County, GEORGIA
My Comm. Expires
12/06/2019

12/06/2019

* Titleholder(s): Jane E. Nunn Phone #: 678/521-7024
(property owner's name printed)

Address: 3914 Wesley Chapel Rd E-Mail: jane.nann@bellouth.net

Jane E. Nunn
(Property owner's signature)

* see other signatures.

Signed, sealed and delivered in presence of: FARHASIDDIQUI

[Signature]
Notary Public

Farha Siddiqui
NOTARY PUBLIC
Cobb County, GEORGIA
My Comm. Expires

My commission expires: 01/07/2020

Commission District: 3 Zoning Case: 2-14

Size of property in acres: _____ Original Date of Hearing: _____

Location: 3914 Wesley Chapel Rd Marietta, GA 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 256 and 321 District(s): 18th

State specifically the need or reason(s) for Other Business: Amend site plan and stipulations.
Adding additional property

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: _____

Applicant: _____ Phone #: _____
(applicant's name printed)

Address: _____ E-Mail: _____

(representative's name, printed)

(representative's signature)

Phone #: _____ E-Mail: _____

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Titleholder(s): Capital Design Homes, LLC Phone #: 770 642 8278
(property owner's name printed)

Address: 1235 Highbury Trail, Suite 200 E-Mail: donatala@CDGinc.com
Atlanta, GA 30350

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

My commission expires: 10/10/17

Commission District: _____ Zoning Case: _____

Size of property in acres: _____ Original Date of Hearing: _____

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

Land Lot(s): _____ District(s): _____

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

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: _____

Applicant: _____ Phone #: _____
(applicant's name printed)

Address: _____ E-Mail: _____

Address: _____
(representative's name, printed)

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

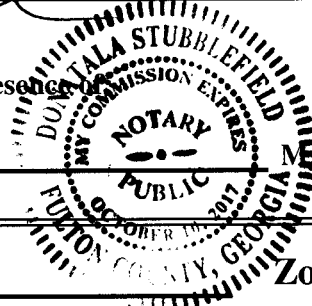
Signed, sealed and delivered in presence of:

My commission expires: _____
Notary Public

Titleholder(s): Hobbs Investments, LLC Phone #: 770-642-8272
(property owner's name printed)

Address: 1235 Hightower Trail, Suite 300 E-Mail: donatala@CDGinc.com
Atlanta, GA 30350
(Property owner's signature)

Signed, sealed and delivered in presence of: _____
My commission expires: 10/10/17
Notary Public



Commission District: _____ Zoning Case: _____

Size of property in acres: _____ Original Date of Hearing: _____

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

Land Lot(s): _____ District(s): _____

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

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 19, 2016
PAGE 21

OTHER BUSINESS (CONT.)

1. Replace bullet #2 for Z-8 from the Board of Commissioners Zoning Hearing Minutes dated October 20, 2015 (attached and made a part of these minutes) with the following:
 - *“Reasonable noise abatement measures to be implemented to abate noise which, as provided in Section 50-256(b) of the Cobb County Code of Ordinances, either disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the unincorporated areas of the county which is plainly audible 100 feet from the sound’s point of origination for the following uses: heavy automotive repair establishments; heavy repair service and trade shops; light manufacturing establishments; machine shops; sawmills (temporary); or tire retreading, recapping facilities or any use which creates noise in violation of Section 50-256(b) of the Cobb County Code of Ordinances.”*
2. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED 5-0

O.B. 21 To consider a site plan and stipulation amendment for E-Rock Development, LLC regarding rezoning application Z-14 of 2013 (Richard Duncan), for property located on the east side of Wesley Chapel Road, North of Bluffview Drive, and on the west side of Andrews Crossing in Land Lots 256 and 321 of the 16th District.

Mr. Pederson provided information regarding a site plan and stipulation amendment for the proposed property reconfiguration. The public hearing was opened, and Ms. Jill Flamm addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to approve O.B. 21 for site plan and stipulation amendment regarding rezoning application Z-14 of 2013 (Richard Duncan), for property located on the east side of Wesley Chapel Road, North of Bluffview Drive, and on the west side of Andrews Crossing in Land Lots 256 and 321 of the 16th District, **subject to:**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 19, 2016
PAGE 22

OTHER BUSINESS (CONT.)

O.B. 21 (CONT.)

1. *Revised* site plan received from Mr. Jonathan Edwards on April 18, 2016, with the final site plan to be approved by the District Commissioner (attached and made a part of these minutes)
2. Letter of agreeable conditions from Mr. Richard Duncan dated August 12, 2014, (attached and made a part of these minutes), with the following changes:
 - A. Item Nos. 2, 5, 17, and 25 - change references to "lot one" to read: "*lot two*"
 - B. Item Nos. 8, 13, and 26 - change references to "lots 5 and 6" to read: "*lot 11 and the common area to the east of lot 11*"
 - C. Item No. 7 - strike the words: "*Except for*"
 - D. Item No. 12 - change references to "lots six through ten" to read: "*lots 11 through 15*"
 - E. Item No. 13 - change references to "lots three through seven and lot ten" to read: "*lots 3, 4, 11 through 15*"
 - F. Item No. 27 - strike in its entirety
 - G. Saturday operating hours to be 10 a.m. until 4:00 p.m., with no work on Sundays
 - H. Formation of HOA
3. Water and Sewer Division comments: *Additional six lots will increase peak wastewater flow to 6,000 GPD and will increase sewer average daily flow to 2,400. Capacity at plant and lines remain available.*
4. Stormwater Management Division comments: *All previous SWM comments to remain in effect, unless otherwise in conflict. Revised agreement to be negotiated with Loch Highland HOA regarding the additional fee-in-lieu of for the new phase for detention and pre- and post-sediment surveys. Site plan to be revised to increase the lot area for Lot 10 such that it meets the minimum 12,500 sf lot area above/outside the 100-year floodplain.*
5. Department of Transportation comments: *Recommend a deceleration lane on Wesley Chapel Road for the ingress.*
6. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED 5-0

Clerk's Note: Chairman Lee directed Jonathan Edwards to meet with Mr. Pederson regarding a revised stipulation letter (attached and made a part of these minutes) including the above changes that shall be submitted to the Clerk's Office prior to the adoption of these minutes. This letter should include Mr. Edwards signature, with Mr. Pederson initialing to verify accuracy of the revised letter.

AR Engineering, inc.
ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
602 PINEHURST COURT
SUITE 085
NEWNASS, GA 30071
TEL: (678) 291-5005
FAX: (678) 291-6887

Min. Bk. 78 Petition No. O.B.21
Doc. Type letter dated 8-12-14
Meeting Date 4-19-16

Stipulation Letter

Stipulation letter for OB-52

Min. Bk. 79 Petition No. OB52
Doc. Type letter of agreeable
conditions
Meeting Date 8/19/14

Richard Duncan

August 12, 2014

- 1) Applicant seeks rezoning for the subject property from the existing zoning category of R-20 to the proposed zoning category of R-15.
- 2) The subject property will be developed for a single-family residential development consisting of ten(10) maximum lots, including lot one with the existing house. Applicant agreed that all lots shall have a minimum of 15,000 square feet.
- 3) Applicant agrees the minimum size for the homes in the proposed development will be a minimum of 2,800 square feet of heated and cooled living space.
- 4) Lot two is requesting a variance for the side setback on the East side(or to the right of the house) of the property to be ten foot, which is standard for a side setback; but being that the road frontage on Wesley Chapel Road is shorter than the road frontage on the proposed new road, it makes that side setback become a rear setback. The house that is on lot one will be facing the new proposed road, because it was built with the new proposed subdivision and road in mind.
- 5) Houses will be traditional in style; with three side brick to conform to the exterior style of existing home on lot one. Stone or brick water table will be included as part of the architecture of the homes, with the elevations to be approved by the District Commissioner.
- 6) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick with stone accent.

Petition No. 0.B.21
Meeting Date 4-19-16
Continued

Petition No. 0052
Meeting Date 8/19/14
Continued

- 7) Except for in front of lot ten, Along Wesley Chapel Road, there will be a brick wall with stone accents. Landscaping of the frontage of the proposed community along Wesley Chapel Road, shall be professionally designed and implemented, which shall include the installation of an irrigation system. (Stip#7 is the stip. I am requesting changes to)
- 8) There will be a mandatory HOA that will allow for maintenance and upkeep of entrance sign, wall and landscaping, detention landscaping and fencing, and chain link fence in the rear of lots 5 and 6.
- 9) Other than the house which will remain on lot two, there are three other existing buildings. These building are being used as a dog kennel, and we are requesting that they be allowed to operate up to 12 months after the rezoning of the property to give them time to relocate their business. [The end of Stip#9(Reversion Clause) is the other stipulation I am requesting changes to] If the applicant has not installed curb, gutter and detention with landscaping and pulled at least one construction permit within 18 months of rezoning, the property will revert to the R-20 zoning district.
- 10) At the start of construction, there will be a four to five foot rock check dam in the area of the drainage basin or outlet structure of the proposed detention pond, to help preserve the integrity of the nearby stream, which feeds into Loch Highland Lake. At the end of the final construction of the project the rock check dam will be torn down, spread and used as the detention rip rap outlet flow.
- 11) Applicant agrees that if there is a detention pond it will be Earth and Dike, and will be surrounded by a black vinyl chain link fence with a minimum height of 6 feet. Where allowed, there will be landscaping to serve as a visual screening from adjacent residential neighborhoods.
- 12) On lots six through ten, we are asking that front setbacks be 25 feet instead of 35 feet, to help minimize slope impact and reduce

Petition No. 0.B.21
Meeting Date 4-19-16
Continued

Petition No. 0.B.52
Meeting Date 8/19/14
Continued

impervious area. We agree that the 10 feet referred to above be added to the rear setback.

13) Applicant agrees to a 10 foot construction buffer along the rear of lots ~~three through ten~~, with exceptions to clearing needed for sewer hookups, detention pond area, drainage easements, swales required for stormwater practices and fencing along the rear of lots ~~5 and 6~~. Applicant agrees that prior to landscaping each individual lot, to meet with the Cobb County arborist to determine any dead or dying trees that might need to be removed from the buffer area. Applicant agrees to remove these trees and replant any holes created in the buffer, except where Cobb County prohibits said plantings, with a type and size of tree approved by the County Arborist and District Commissioner. Replacement Inspection of buffer, by arborist, will be done prior to issuance of CO.

14) Applicant agrees that all worker's vehicles will be parked on site, and not on Wesley Chapel Road, or on any other surrounding subdivision streets.

15) Applicant agrees that all lot's landscaping will be sodded front and sides, and rear unless the rear yard is left in its vegetative state.

16) Applicant agrees to replant trees in the disturbed area of construction easement of sewer line. The size, caliber, and type of trees to be replanted will be subject to County Arborist and District Commissioner approval. In addition, applicant agrees to landscape sewer outfall on lot ~~6~~, where planting is allowed by Cobb County Water and Sewer Department. No planting on sewer outfall past the landscaped area on lot ~~6~~.

17) Applicant agrees to plant one tree of four inch caliper per lot, except for existing lot one.

18) All utilities servicing the residences within the proposed community will be underground.

Petition No. 0. B. 21
Meeting Date 4-19-16
Continued

Petition No. 0. B. 52
Meeting Date 8/14/19
Continued

- 19) Applicant agrees to comply with all Cobb County Stormwater Management comments and recommendations, and also Cobb County DOT comments and recommendations applicable to the subject property.
- 20) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements.
- 21) Applicant agrees that Construction hours are to be 7:00 a.m. to 7:00 p.m., Monday through Friday-October 1st through March 31st, 7:00 a.m. to 8:00 p.m., Monday through Friday-April 1st through September 30th; 9:00 a.m. to 6:00 p.m. on Saturdays; with no outside work on Sunday unless approved by the District Commissioner.
- 22) Applicant agrees to donate \$28,000 to Loch Highland for their lake maintenance fund. This amount includes Cobb County's fee in lieu of detention as well as funds provided in lieu of performance of pre and post sediment study. Within doing so, Loch Highland will sign a hold harmless agreement with Cobb County, Richard Duncan, and Riversouth Land Management for waiver of the sediment studies and any future impacts from this site. The payment of \$28,000 will be given to Loch Highland before any construction begins.
- 23) Applicant agrees that all sample results obtained through the National Pollution Discharge Elimination monitoring should be forwarded to Loch Highland Homeowners Association to insure that pollution of the streams does not occur during construction.
- 24) Applicant agrees to place a double row of silt fencing and a mulch berm around three sides of the property which impact the surrounding neighbors of the new development, with an exception of lots one and two.
- 25) Applicant agrees to remove the existing driveway on lot 1 that exits onto Wesley Chapel Road, and close the existing curb cut upon completion of subdivision street.

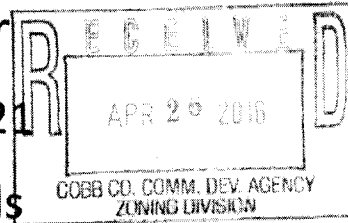
Petition No. 0.B.21
Meeting Date 4-19-16
Continued

Petition No. 0852
Meeting Date 0/14/14
Continued

26) Applicant agrees to install a 6 foot black vinyl chain length fence along the rears of lots 5 and 6.

27) Applicant agrees to use sewer tie-in on the manhole on Mr. Schaffer's property located at 3820 Bluff View Dr. in Creekside Bluffs.

Stipulation Letter
Stipulation letter for OB-21
Jonathan Edwards



April 22, 2016

- 1) Applicant seeks rezoning for the subject property from the existing zoning category of R-20 to the proposed zoning category of R-15.
- 2) The subject property will be developed for a single-family residential development consisting of nine (9) lots on the R-15 zoned property, including lot two with the existing house. Applicant agreed that all lots shall have a minimum of 15,000 square feet.
- 3) Applicant agrees the minimum size for the homes in the proposed development will be a minimum of 2,800 square feet of heated and cooled living space.
- 4) Lot two is requesting a variance for the side setback on the East side (or to the right of the house) of the property to be ten foot, which is standard for a side setback; but being that the road frontage on Wesley Chapel Road is shorter than the road frontage on the proposed new road, it makes that side setback become a rear setback. The house that is on lot one will be facing the new proposed road, because it was built with the new proposed subdivision and road in mind.
- 5) Houses will be traditional in style; with three side brick to conform to the exterior style of existing home on lot two. Stone or brick water table will be included on the rear as part of the architecture of the homes, with the elevations to be approved by the District Commissioner.
- 6) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick with stone accent.

7) Along Wesley Chapel Road, there will be a brick wall with stone accents. Landscaping of the frontage of the proposed community along Wesley Chapel Road, shall be professionally designed and implemented, which shall include the installation of an irrigation system.

8) There will be a mandatory HOA that will allow for maintenance and upkeep of entrance sign, wall and landscaping, detention landscaping and fencing, and chain link fence in the rear of lot 11 & Common Area.

9) Other than the house which will remain on lot two, there are three other existing buildings. These building are being used as a dog kennel, and we are requesting that they be allowed to operate up to 12 months after the rezoning of the property to give them time to relocate their business. [The end of Stip#9 (Reversion Clause) is the other stipulation I am requesting changes to] If the applicant has not installed curb, gutter and detention with landscaping and pulled at least one construction permit within 18 months of rezoning, the property will revert to the R-20 zoning district.

10) At the start of construction, there will be a four to five foot rock check dam in the area of the drainage basin or outlet structure of the proposed detention pond, to help preserve the integrity of the nearby stream, which feeds into Loch Highland Lake. At the end of the final construction of the project the rock check dam will be torn down, spread and used as the detention rip rap outlet flow.

11) Applicant agrees that if there is a detention pond it will be surrounded by a black vinyl chain link fence with a minimum height of 6 feet. Where allowed, there will be landscaping to serve as a visual screening from adjacent residential neighborhoods.

12) On lots three, four, five through fifteen, we are asking that front setbacks be 25 feet instead of 35 feet, to help minimize slope impact and reduce impervious area. We agree that the 10 feet referred to above be added to the rear setback.

13) Applicant agrees to a 10 foot construction buffer along the rear of lots three, four & eleven through fifteen, with exceptions to clearing needed for sewer hookups, detention pond area, drainage easements, swales required for storm water practices and fencing along the rear of lot 11 and common area. Applicant agrees that prior to landscaping each individual lot, to meet with the Cobb County arborist to determine any dead or dying trees that might need to be removed from the buffer area. Applicant agrees to remove these trees and replant any holes created in the buffer, except where Cobb County prohibits said plantings, with a type and size of tree approved by the County Arborist and District Commissioner. Replacement Inspection of buffer, by arborist, will be done prior to issuance of CO.

14) Applicant agrees that all worker's vehicles will be parked on site, and not on Wesley Chapel Road, or on any other surrounding subdivision streets.

15) Applicant agrees that all lot's landscaping will be sodded front and sides, and rear unless the rear yard is left in its vegetative state.

16) Applicant agrees to plant one tree of four inch caliper per lot, except for existing lot two.

17) All utilities servicing the residences within the proposed community will be underground.

18) Applicant agrees to comply with all Cobb County Storm water Management comments and recommendations, and also Cobb County DOT comments and recommendations applicable to the subject property.

19) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements.

20) Applicant agrees that Construction hours are to be 7:00 a.m. to 7:00 p.m., Monday through Friday-October 1st through March 31st; 7:00 a.m. to 8:00 p.m., Monday through Friday-April 1st through September 30th; 10:00 a.m. to 4:00 p.m. on Saturdays; with no outside work on Sunday unless approved by the District Commissioner.

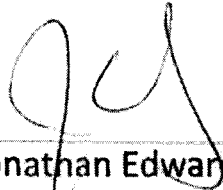
21) Applicant agrees to donate \$28,000 to Loch Highland for their lake maintenance fund. This amount includes Cobb County's fee in lieu of detention as well as funds provided in lieu of performance of pre and post sediment study. Within doing so, Loch Highland will sign a hold harmless agreement with Cobb County, Richard Duncan, and Riversouth Land Management for waiver of the sediment studies and any future impacts from this site. The payment of \$28,000 will be given to Loch Highland before any construction begins.

22) Applicant agrees that all sample results obtained through the National Pollution Discharge Elimination monitoring should be forwarded to Loch Highland Homeowners Association to insure that pollution of the streams does not occur during construction.

23) Applicant agrees to place a double row of silt fencing and a mulch berm around three sides of the property which impact the surrounding neighbors of the new development, with an exception of lots one and two.

24) Applicant agrees to remove the existing driveway on lot 2 that exits onto Wesley Chapel Road, and close the existing curb cut upon completion of Subdivision Street.

25) Applicant agrees to install a 6 foot black vinyl chain length fence along the rears of lot 11 and common area to the east of lot 11.


Jonathan Edwards signature


John Pederson Initial