

# **AUGUST 21, 2018 ZONING HEARING**

## **“OTHER BUSINESS”**

### **COMMISSION DISTRICT 2**

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#### **ITEM OB-041**

#### **PURPOSE**

To consider a site plan amendment for Atlanta Real Estate Acquisitions, LLC regarding rezoning application Z-148 of 2006 for property located on the east side of Maner Street, north of Cooper Lake Road in Land Lot 694 of the 17<sup>th</sup> District (4243 Maner Street).

#### **BACKGROUND**

The property was rezoned to RA-5 in 2006 as part of a five-lot subdivision. The two southern most lots lost have been developed with houses. This other business item concerns the northern part of the property which originally was shown with three lots. The applicant would like to replat the area of the three lots to make them all consistent in size and width, so the proposed houses would be consistent with each other, and other houses on the street. The proposed lots would meet the minimum lot size, lot width, distance between houses, setbacks and impervious surface. If approved, all previous zoning stipulations not in conflict with this amendment would remain in effect.

#### **STAFF COMMENTS**

**Water and Sewer:** If water and sewer services are to be installed by developer, they must be installed and accepted prior to plat approval, not “proposed”.

**Stormwater Management:** Subject to all previous Weaver/Manor Street stipulations.

**Cobb DOT:** 1) Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Maner Street, a minimum of 25’ from the roadway centerline; 2) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements; and 3) Recommend applicant reimburse Cobb County DOT \$8,000.00 per lot for a proportionate share of infrastructure improvements along Maner Street.

#### **RECOMMENDATION**

The Board of Commissioners conduct a public hearing and consider the proposed site plan amendment.

#### **ATTACHMENTS**

Other Business application and zoning minutes.

# Application for "Other Business"

06-041-2018

## Cobb County, Georgia

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

BOC Hearing Date Requested: 8/21/18

Applicant: Atlanta Real Estate Acquisitions, LLC Phone #: 770-605-7673  
(applicant's name printed)

Address: 4200 Northside Pkwy Bldg 6 Ste 200 E-Mail: beckyselby@bellsouth.net  
Atlanta, GA 30327

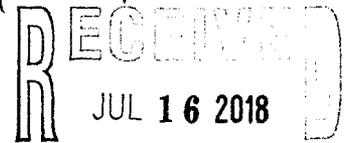
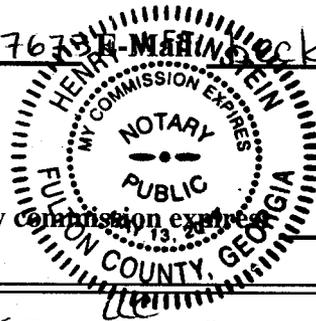
Becky Selby Address: 1064 Ferry Creek Way Acworth, GA  
(representative's name, printed) 30102

Becky Selby Phone #: 770-605-7673 E-Mail: beckyselby@bellsouth.net  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

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



COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

Titleholder(s): Atlanta Real Estate Acquisitions Phone #: 770-605-7673  
(property owner's name printed)

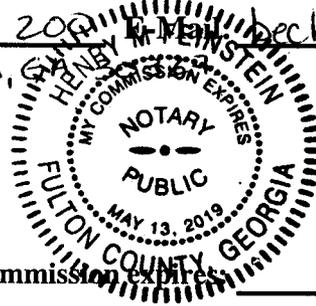
Address: 4200 Northside Pkwy Bldg 6 Ste 200 E-Mail: beckyselby@bellsouth.net  
Atlanta, GA

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

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



Commission District: 2 Zoning Case: Z-148 of 2006

Size of property in acres: 0.458 Original Date of Hearing: 8/21/18

Location: 4243 Manor Street Smyrna, GA 30080  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 694 District(s): 17, Second Section

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

approval of subdivision plat

(List or attach additional information if needed)

**Minutes of Zoning Hearing Case No. Z-71 (2006)**  
 Atlanta Real Estate Acquisitions, LLC for 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.

**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 Inall 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

**Minutes of Zoning Hearing Case No. Z-148 (2006)**  
 Atlanta Real Estate Acquisitions, LLC for Rezoning from R-20 and RA-5 for the purpose of an Addition Convey All Streets and Rights-of-Way, Water Mains and Sewer Lines 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 Gornhorn, 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 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

**GENERAL NOTES ~**  
 THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS AN ANGULAR ERROR OF 11 SECONDS PER ANGLE POINT AND A PRECISION RATIO OF 1 IN 24,882. IT HAS BEEN ADJUSTED USING THE COMPASS RULE. EQUIPMENT USED TO OBTAIN THESE MEASUREMENTS WAS A TOPCON GTS-235.

THE DATA SHOWN ON THIS PLAT HAS A CLOSURE PRECISION RATIO OF 1 IN 74,722.

ALL L.P.'S ARE 1/2" REBAR, UNLESS OTHERWISE INDICATED.

BEARINGS ARE CALCULATED FROM ANGLES TURNED FROM A SINGLE GRID BASELINE.

ACCORDING TO THE CURRENT T.L.A. OFFICIAL FLOOD HAZARD MAP, COMMUNITY PANEL NO. 13067C 0226 0 DATED DECEMBER 16, 2008, THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

\* = PER DEED OR PLAT RECORDS. NO MONUMENT FOUND.

ALL MATTERS OF TITLE ARE EXCEPTED. IMPROVEMENTS NOT SHOWN.

THIS SURVEY WAS PREPARED WITHOUT THE BENEFIT OF A TITLE SEARCH. THERE MAY BE EASEMENTS OR OTHER ENCUMBRANCES NOT SHOWN.

THE SURVEY AND PLAT SHOWN HEREON IS NOT INTENDED FOR USE OR RELIANCE BY ANY PARTIES OR ENTITIES NOT SPECIFICALLY LISTED IN THE TITLE. UNAUTHORIZED THIRD PARTIES SHALL INDEMNIFY AND HOLD BARTON SURVEYING, INC. HARMLESS AGAINST ANY AND ALL LIABILITY FOR AND LOSS ARISING OUT OF OR RELATED TO RELIANCE BY ANY THIRD PARTY ON ANY WORK PERFORMED THEREUNDER, OR THE CONTENTS OF THE SURVEY.

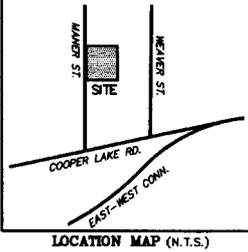
REFERENCES: 1) DB 15540, PG. 163  
 2) PB 271, PG. 851

NOTE: THE BOUNDARY DATA SHOWN HEREON IS BASED ON PREVIOUS SURVEYS BY BARTON SURVEYING, INC. FOR ATLANTA REAL ESTATE ACQUISITIONS, INC. NO CEMETERY, ARCHAEOLOGICAL OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON SITE.

STATE LAW PROHIBITS THE PRIVATE CONSTRUCTION, PLANTING OR OTHERWISE MAKING IMPROVEMENTS OF THE DESIGNATED RIGHT-OF-WAY. THE SOLE RESPONSIBILITY FOR REPAIRING OF ANY DAMAGE OF ANY SUCH IMPROVEMENT SHALL BE PROPERTY OWNERS.

PORTIONS OF THE PROPERTY CONTAINED IN THIS PLAT ARE SUBJECT TO ALL REZONING CONDITIONS FOR Z-71(2006), ON FILE WITH THE COBB COUNTY ZONING DIVISION.

PORTIONS OF THE PROPERTY CONTAINED IN THIS PLAT ARE SUBJECT TO ALL REZONING CONDITIONS FOR Z-148(2006), ON FILE WITH THE COBB COUNTY ZONING DIVISION.



ADDRESS: (PARENT TRACT)  
 4243 MANER STREET  
 SMYRNA, GA 30080

**OWNER'S CERTIFICATION:**  
 I HEREBY CERTIFY AS THE OWNER OF THE LAND SHOWN ON THIS PLAT AND WHOSE NAME IS SUBSCRIBED HERETO, ACKNOWLEDGE THAT THIS PLAT WAS MADE FROM AN ACTUAL SURVEY, AND FOR VALUE RECEIVED THE SUFFICIENCY OF WHICH IS HEREBY ACKNOWLEDGED, DO HEREBY CONVEY ALL STREETS AND RIGHTS-OF-WAY, WATER MAINS AND SEWER LINES SHOWN HEREON IN FEE SIMPLE TO COBB COUNTY AND FURTHER DEDICATE TO THE USE OF THE PUBLIC FOREVER ALL ALLEYS, PARKS, WATERCOURSES, DRAINS, EASEMENTS AND PUBLIC PLACES HEREON SHOWN FOR THE PURPOSES AND CONSIDERATIONS HEREIN EXPRESSED. IN CONSIDERATION OF THE APPROVAL OF THIS DEVELOPMENT PLAN AND OTHER VALUABLE CONSIDERATIONS, THE OWNER FURTHER RELEASES AND HOLDS HARMLESS COBB COUNTY FROM ANY AND ALL CLAIMS, DAMAGES OR DEMANDS ARISING ON ACCOUNT OF THE DESIGN, CONSTRUCTION AND MAINTENANCE OF THE PROPERTY SHOWN HEREON; ON ACCOUNT OF THE ROADS, FILLS, EMBANKMENTS, DITCHES, CROSS DRAINS, CULVERTS, WATER MAINS, SEWER LINES, AND BRIDGES WITHIN THE PROPOSED RIGHTS-OF-WAY AND EASEMENTS SHOWN; AND ON ACCOUNT OF BACKWATER, THE COLLECTION AND DISCHARGE OF SEWER WATER, OR THE CHANGING OF COURSES OF STREAMS.

AND FURTHER THE OWNER WARRANTS THAT HE OWNS FEE SIMPLE TITLE TO THE PROPERTY SHOWN HEREON AND AGREES THAT COBB COUNTY SHALL NOT BE LIABLE TO HIM, HIS HEIRS, SUCCESSORS OR ASSIGNS FOR ANY CLAIMS OR DAMAGES RESULTING FROM THE CONSTRUCTION OR MAINTENANCE OF CROSS DRAIN EXTENSIONS, DRAINS, STRUCTURES, STREETS, CULVERTS, CURBS OR SIDEWALK, THE CHANGING OF COURSES OF STREAMS AND RIVERS, FLOODING FROM NATURAL CREEKS AND RIVERS, SURFACE WATERS AND ANY OTHER MATTER WHATSOEVER. I FURTHER WARRANT THAT I HAVE THE RIGHT TO SELL AND CONVEY THE LAND ACCORDING TO THIS PLAT AND DO HEREBY BIND MYSELF AND OWNERS SUCCESSOR IN TITLE TO DEFEND BY WRIT OF THESE PRESENTS.

**DEVERLY M. DUNOSE**  
 ATLANTA REAL ESTATE ACQUISITIONS, LLC.

**COUNTY CERTIFICATIONS**  
 THIS PLAT, HAVING BEEN SUBMITTED TO COBB COUNTY AND HAVING BEEN FOUND TO COMPLY WITH THE COBB COUNTY DEVELOPMENT STANDARDS AND THE COBB COUNTY ZONING ORDINANCE, IS APPROVED SUBJECT TO THE INSTALLATION AND DEDICATION OF ALL STREETS, UTILITIES, EASEMENTS, AND OTHER IMPROVEMENTS IN ACCORDANCE WITH THE STANDARD DESIGN SPECIFICATIONS AND THE POSTING OF A ONE YEAR MAINTENANCE BOND.

**COBB COUNTY WATER SYSTEM**

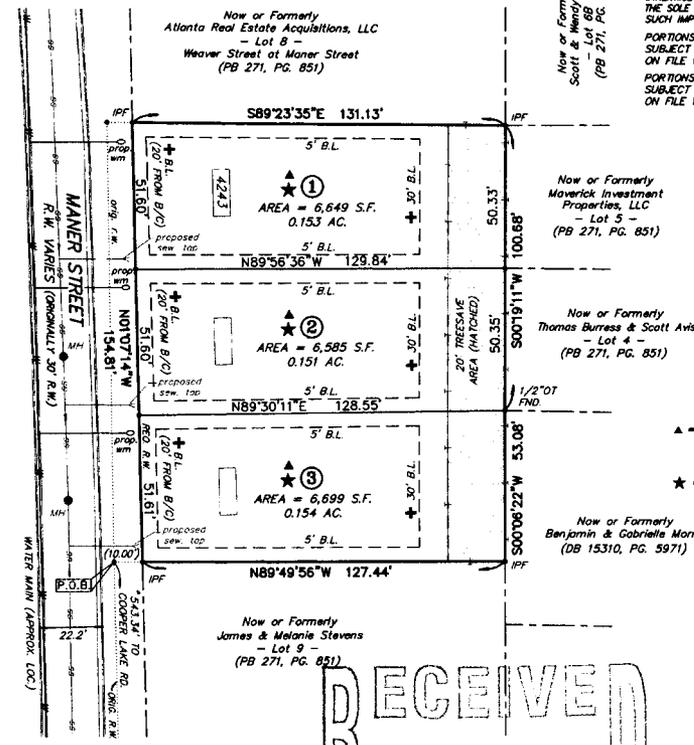
**ZONING DIVISION**

**DEVELOPMENT & INSPECTIONS DIVISION**

**COBB COUNTY BOARD OF COMMISSIONERS**

THIS PLAT FILED IN OFFICE \_\_\_\_\_  
 RECORDED IN PLAT BOOK \_\_\_\_\_ PAGE \_\_\_\_\_

CLERK, COBB SUPERIOR COURT \_\_\_\_\_ DATE \_\_\_\_\_



**SURVEYOR'S CERTIFICATION:**  
 I HEREBY CERTIFY THAT THE PLAN SHOWN AND DESCRIBED HEREON IS A TRUE AND CORRECT SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, THAT THE MONUMENTS HAVE BEEN PLACED AS SHOWN HEREON AND IS TO THE ACCURACY AND SPECIFICATIONS REQUIRED BY THE COBB COUNTY DEVELOPMENT STANDARDS.

**NATHAN H. JOHNSTON, GA. RLS No. 3147**  
 7-10-18  
 DATE



**SITE DATA**

EXISTING ZONING	RA-5
ZONING CASE NUMBER	Z-71(2006)
ZONING CASE NUMBER	Z-148(2006)
MIN. LOT WIDTH	= 30 FT. AT BUILDING LINE
MINIMUM HOUSE SIZE	= 2,500 SQ. FT.
MINIMUM LOT SIZE	= 7,000 SQ. FT.
<b>**BUILDING SETBACKS</b>	
FRONT	(UNLESS OTHERWISE INDICATED) 25 FT.
SIDE	5 FT.
REAR	20 FT.
<b>** = BUILDING SETBACKS BASED ON ORIGINAL 30' RIGHT OF WAY AND WILL NOT CHANGE AFTER EXPANSION OF RIGHT OF WAY.</b>	
NOTE: LOT SIZE EXCEEDS MINIMUM LOT SIZE BASED ON ORIGINAL 30' RIGHT OF WAY.	

+ = BUILDING SETBACKS PER SITE PLAN AMENDMENT REGARDING ZONING ORDINANCES Z-71 & Z-148 APPROVED BY THE BOARD OF COMMISSIONERS 7-20-10

▲ = SITE PLAN AND ARCHITECTURAL RENDERING TO BE SUBMITTED TO STORM WATER MANAGEMENT & COMMUNITY DEVELOPMENT FOR APPROVAL PRIOR TO ISSUANCE OF BUILDING PERMIT.

★ = WATER METER AND/OR SEWER TAPS TO BE INSTALLED DURING THE CONSTRUCTION PHASE.

**LEGEND**

●	1/2" REBAR FND.
○	1/2" REBAR SET
—	RIGHT OF WAY
---	SANITARY SEWER EASEMENT
---	DRAINAGE EASEMENT
---	LAND LOT LINE
---	CENTERLINE
---	CRIMP TOP PIPE
---	OPEN TOP PIPE
---	CORRUGATED METAL PIPE
---	REINFORCED CONCRETE PIPE
---	DROP INLET
---	JUNCTION BOX
---	MANHOLE
---	CATCH BASIN
---	BENCHMARK
---	POWER POLE
---	FIRE HYDRANT
---	CONCRETE MONUMENT FND.
---	EDGE OF PAVEMENT
---	FENCE
---	OVERHEAD ELEC. SERVICE LINE
---	BUILDING LINE
---	UNDERGROUND POWER LINE
---	TRANSFORMER

**PLAT FOR**  
**ATLANTA REAL ESTATE ACQUISITIONS, LLC**  
 (BEING A RE-SUBDIVISION OF A PORTION OF GILMORE HEIGHTS SUBDIVISION)  
 LOCATED IN LAND LOT 694  
 17th DISTRICT, 2nd SECTION  
 COBB COUNTY, GEORGIA  
 JUNE 18, 2018 1"=30'  
 SCALE IN FEET

**OWNER/DEVELOPER**  
 ATLANTA REAL ESTATE ACQUISITIONS, LLC  
 2100 GARIBOLDI ROAD, NW  
 ATLANTA, GEORGIA 30327  
 404-272-4241

**SURVEYOR'S CERTIFICATE ~**  
 AS REQUIRED BY SUBSECTION (4) OF O.C.G.A. SECTION 15-6-67, THIS PLAT HAS BEEN PREPARED BY A LAND SURVEYOR AND APPROVED BY ALL APPLICABLE LOCAL JURISDICTIONS FOR RECORDING AS EVIDENCED BY APPROVAL CERTIFICATES, SIGNATURES, STAMPS, OR STATEMENTS HEREON. SUCH APPROVAL OR AFFIRMATIONS SHOULD BE CONFIRMED WITH THE APPROPRIATE GOVERNMENTAL BODIES BY ANY PURCHASER OR USER OF THE PLAT AS TO INTENDED USE OF ANY PARCEL. FURTHERMORE, THE UNDERSIGNED LAND SURVEYOR CERTIFIES THAT THIS PLAT COMPLIES WITH THE MINIMUM TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN THE RULES AND REGULATIONS OF THE GEORGIA BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN O.C.G.A. SECTION 15-6-67.

**NATHAN H. JOHNSTON, GA. RLS No. 3147** DATE \_\_\_\_\_

**BARTON SURVEYING INC.**  
 3005 HOLLY SPRINGS PARKWAY, SUITE 101  
 CANTON, GEORGIA 30115  
 (770) 345-2810  
 (LICENSE No. LSF 000151)

ORIGINAL DATE OF APPLICATION: 10-17-06

APPLICANTS NAME: ATLANTA REAL ESTATE ACQUISITIONS, LLC

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

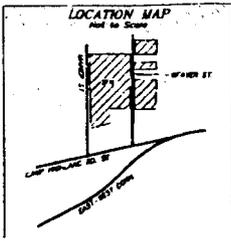
**BOC DECISION OF 10-17-06 ZONING HEARING:**

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

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

- **site plan received by the Zoning Division August 3, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Parks Huff, dated October 3, 2006 (copy attached and made a part of these minutes)**
- **all previous zoning stipulations of Z-71 of 2006, Exhibit A (copy attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously



STREETS  
 FRONT = 23'  
 SIDE = 5' (10' BETWEEN BLDGS)  
 REAR = 20'

AREA  
 TOTAL SQ FOOTAGE OF  
 ALL LOTS = 123,487 SQ FT  
 OVERALL SQ FOOTAGE (R & INCL) =  
 142,381 SQ FT  
 TOTAL LOTS = 22  
 DENSITY = 4.988 LOTS PER ACRE  
 ALL LOTS WILL BE GREATER THAN  
 4,500 SQ FT

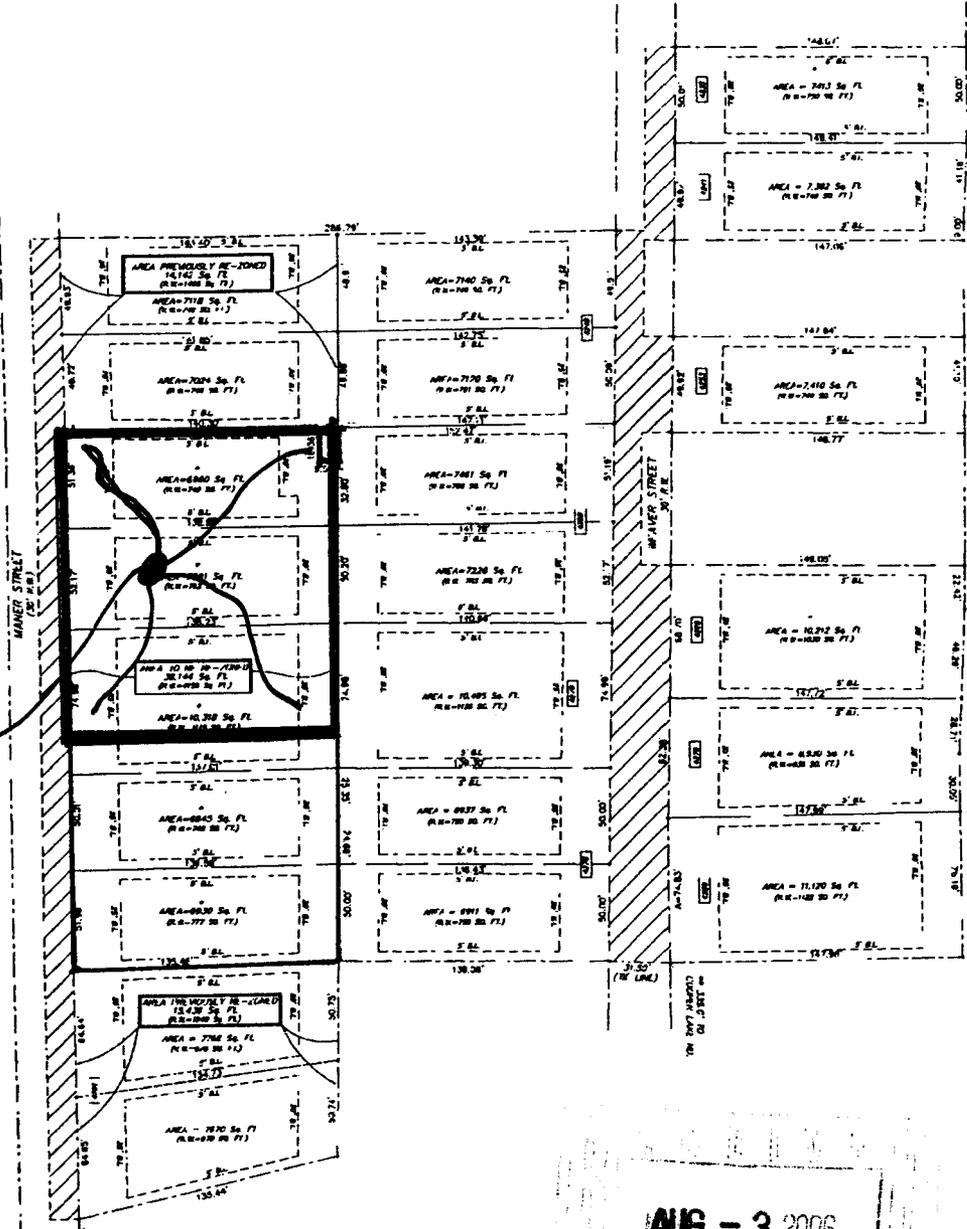
PER DEED AND PLAT RECORDS  
 NO IMPROVEMENTS SHOWN  
 ALL MATTERS OF 1111 AND 1123 P1111

GENERAL NOTES -  
 ATTYING TO THE (HANN) TIA (GREEN  
 FLOOD HAZARD MAP) COMMUNITY PANEL NO  
 130670005 P. DATED AUGUST 18, 1992  
 THIS PROPERTY IS NOT IN AN AREA HAVING  
 SPECIAL FLOOD HAZARDS  
 IMPROVEMENTS NOT SHOWN

46 - LOTS THAT HAVE NOT BEEN TIED  
 MAIN BK. 46 Petition No 7-148  
 Doc. Bk. 46 Site Plan  
 Received August 3, 2006  
 Meeting Date 10/17/06

PAGE 5 OF

AREA FOR OB-41



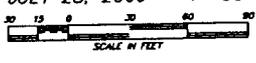
AUG - 3 2006

RE-USED 8-3-06  
 RE-USED TO REFLECT AREAS PREVIOUSLY RE-ZONED  
 RE-USED TO REFLECT AREA TO BE RE-ZONED

LEGEND	
---	1/2" REBAR FND.
---	1/2" REBAR SET
---	RIGHT OF WAY
---	SANITARY SEWER EASEMENT
---	DRIVEWAY EASEMENT
---	LAND LOT LINE
---	CENTERLINE
---	GRASS TOP PIPE
---	OPEN TOP PIPE
---	CONCRETE 18" TO 24" DIA.
---	REINFORCED CONCRETE PILE
---	DROP PILE
---	MANHOLE BOX
---	MANHOLE
---	CATCH BASIN
---	RETAINING WALL
---	POWER POLE
---	18" FIRE HYDRANT
---	CONCRETE EMBANKMENT FND.
---	BACK OF CURB
---	EDGE OF PAVEMENT
---	FENCE
---	OVERHEAD ELEC. SERVICE LINE
---	BUILDING LINE
---	UNDERGROUND POWER LINE

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

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



DAVID SWAIN  
 SURVEYOR  
 1100 W. BERRY ST.  
 ATLANTA, GA 30335  
 404.525.1234

Min. Bk. HLC 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

Received at Hearing  
10-3-06  
9:00 AM  
JPP

PAGE 2 OF     

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

October 3, 2006

OF COUNSEL  
DAVID P. HARTIN

\*ALSO LICENSED TO PRACTICE  
IN ALABAMA

**VIA HAND DELIVERY**

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

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

Dear John:

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

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

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

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

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

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

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

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

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

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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

PAGE 12 OF

Z-71

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

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

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

- site plan received June 20, 2006, District Commissioner to approve final site plan (copy attached and made a part of these minutes)
- revised letter of agreeable stipulations from Mr. Parks Huff, dated June 16, 2006 *with the following addition* (copy attached and made a part of these minutes):
  - *Paragraph 7: Add sentence to read: "Include sidewalks, curbs, gutters and street widened to 9 foot lanes."*
- letter from Larry Freeman dated June 16, 2006 (copy attached and made a part of these minutes)
- letter from Ms. Helen Ishii dated June 16, 2006 (copy attached and made a part of these minutes)
- letter from Ms. Debbie Cooke dated June 16, 2006 (copy attached and made a part of these minutes)
- mandatory homeowners association; residents on Weaver and Maner Streets to be encouraged to join
- tree save area be created along the rear property line
- sidewalks along streets be designed to save trees
- one traffic lane to remain open at all times during construction
- compliance with the noise ordinance during construction
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and approval
- Cobb DOT comments and recommendations
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: ADOPTED unanimously

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

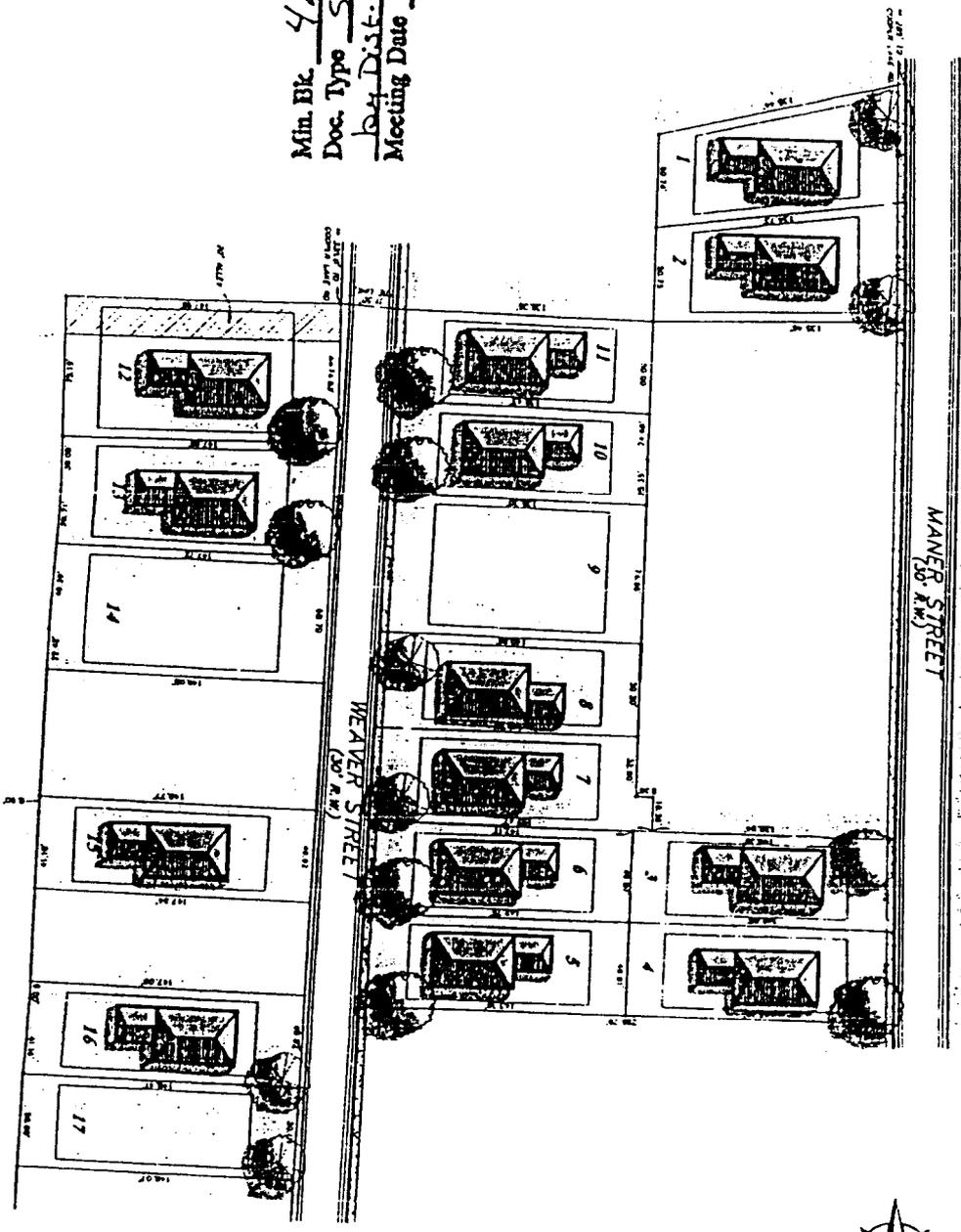
DATE JUNE 2006 BY Joe Thompson  
Paul H. Oles  
CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
CO. COUNTY, GEORGIA

6-20-06  
Joe L. Thompson

Min. Blk. 42 Petition No. Z-71  
Doc. Type Site plan referen  
by Dist. Commission  
Meeting Date June 2006

Petition No. Z-148 Exhibit "A"  
Meeting Date 10/19/06 Z-148  
Continued Page 2 of 5

PAGE 11 OF     



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 R. 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 20, 2006

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

Dear John:

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

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

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

Petition No. Z-71  
Meeting Date June 29, 2006  
Continued

PAGE 13 OF \_\_\_\_\_

- b. Crown Moldings on the first floor.
  - c. Ceramic 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, except as shown on the plat prepared by Barton Surveying dated February 22, 2006. The side setbacks will be as shown on the plat with a minimum of 15 feet between buildings.
  4. The lots will be a minimum of 7,000 square feet except as shown on the February 22, 2006 Barton Surveying Plat which shows two lots being greater than 6,900 square feet. If the developer acquires additional property the lot lines will be shifted to make all the lots 7,000 square feet where possible.
  5. The applicant will extend sewer down Weaver Street and shall dedicate the sewer improvements to the County.
  6. The development will comply with the stormwater comments.
  7. The County will be making improvements to Weaver and Maner Streets. The applicant and owners agree to make a contribution to the county of \$8,000 per lot which represents a 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 and owners will also dedicate sufficient right-of-way to create a 50 foot right-of-way provided the lot size is determined prior to this voluntary dedication of additional right-of-way.
  8. The applicant and owners with the assistance of the county arborist will implement a tree save plan that will incorporate a tree save area encompassing the

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).