

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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February 22, 2018

(INCLUDES A REVISED SITE PLAN)

VIA HAND DELIVERY & EMAIL

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

Re: Application of W. Reed Konigsmark to Rezone an 11.23 Acre Tract from R-30 to R-20 - OSC (No. Z-21).

Dear John:

The firm represents W. Reed Konigsmark regarding the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on April 3, 2018 and, thereafter, the Application is scheduled to be heard and considered by the Cobb County Board of Commissioners on April 17, 2018.

You will recall that the subject property consists of an approximate 11.23 acre tract of land which is located on the northwest side of Poplar Springs Road, south of Dallas Highway (S.R. 120) and in an area designated on the Future Land Use Map ("FLUM") for single-family detached residential developments at densities up to 2 units per acre. In that regard, Mr. Konigsmark's proposal is entirely appropriate from a land use planning perspective; consistent with the FLUM; representative of the policy of the Board as embodied in the County's Comprehensive Land Use Plan ("Comp Plan"); in compliance with the County's professional staff's recommendations; and, compliant with the revised Open Space Community District ("OSC") which promotes environmentally sensitive and efficient uses of property.¹

¹ The OSC district provides for the preservation of greenspace and watershed protection and provides environmentally sensitive and efficient uses of property by limiting land disturbance and decreasing the percentage of impervious surface resulting in a more efficient use and conservation of land.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
February 22, 2018
Page 2

After meetings with County staff members; ongoing discussions with certain area homeowners and in accordance with the input and direction we have received from elected and appointed officials, this letter will serve as Mr. Konigsmark's expression of agreement with the following stipulations. These stipulations shall become conditions and a part of the grant of the requested Rezoning and binding upon the subject property thereafter:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The subject property shall be developed in substantial conformity to that certain Revised Site Plan prepared by Paul Lee Consulting Engineering Associates, Inc., which is being submitted concurrently herewith.
3. A maximum number of twenty (20) single-family detached homes, at a maximum density of 1.75 units per acre. This proposal and site plan result in 3.9305 acres (35%) of the subject property being placed in meaningfully positioned Open Space.²
4. The minimum house size for the proposed residential community shall be 2,500 square feet and range up to 3,500 square feet and greater.³ Each of the homes shall have, at a minimum, an attached 2-car garage which shall be used for the parking and storage of vehicles as well as additional parking on the homes' driveways to accommodate enough width and length to park at least two (2) additional vehicles.
5. The architectural style and composition of the homes shall consist of brick, stacked stone, cedar shake, hardi-plank shake and/or hardi-plank siding and/or combinations thereof as more fully depicted on the architectural renderings/elevations which will be submitted under separate cover. The architectural style and composition of the homes shall be subject to final review and approval by the District Commissioner.

² Under the Cobb County Zoning Ordinance, the number of lots and the density is equivalent to the density which can be achieved under a "straight" R-20 single-family detached subdivision.

³ Price points are anticipated ranging from \$375,000 to \$450,000.

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VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
February 22, 2018
Page 3

6. The creation of a mandatory Homeowners Association (“HOA”) and the submission of Declaration of Covenants, Conditions and Restrictions (“CCRs”) which shall include, among other components, strict architectural controls.
7. The mandatory HOA shall be responsible for maintaining fencing, landscaping, Open Space areas, guest parking, the entrance to the proposed community and entrance signage (including lighting and irrigation).
8. Subdivision entrance signage which shall be located on Poplar Springs Road shall be ground-based, monument-style, consistent with the architectural style and composition mentioned above and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage shall be incorporated into the Landscape Plan for the subdivision and shall be fully landscaped and irrigated by professionals in both disciplines, respectively.
9. The submission of a Landscape Plan during the Plan Review Process which shall be subject to review and approval by the County’s Arborist and which shall include, as shown on the Revised Site Plan, a ten foot (10’) Open Space buffer area and a concurrent thirty-five foot (35’) setback around the perimeter of the developed portions of the subject property contiguous to other single-family residential properties.
10. For those lots directly contiguous to Open Space areas, the deeds vesting title in the ultimate owners of said lots shall contain a recital explaining that said lots are being purchased with the owners’ acknowledgement that commonly owned Open Space exists to the rear of their respective properties and cannot be encroached within or built upon.
11. A Conservation Easement shall be granted and conveyed to Cobb County and shall be recorded within the Subdivision Covenants in the Superior Court of Cobb County Deed Records for the purpose of protecting said Open Space from development. The Conservation Easement shall be submitted to the Planning & Zoning Division of the Community Development Agency prior to final plat approval.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
February 22, 2018
Page 4

One of the purposes of the Open Space is to include the conservation of watershed and natural components. However, based upon input received from respective County Divisions during the pendency of this Application, portions of said Open Space may contain walking and/or pedestrian trails therein. Open Space areas adjoining lots shall contain individual, small, ground-based monumentation for the purposes of demarcation of Open Space areas.

12. Mr. Konigsmark and/or his successor(s) in interest shall provide contiguous property owners with written notice regarding any proposed changes, modifications or revisions to the development which require Cobb County's or the District Commissioner's review and approval.
13. Compliance with the recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the subject property. In that regard, Mr. Konigsmark has reached an agreement with an adjacent property owner in order to secure the requisite off-site easements to gain access to sewer for the site.⁴
14. Subject to recommendations from the Cobb County Stormwater Management Division regarding detention, stormwater management, hydrology and downstream considerations, including the following:
 - a. The ultimate location and configuration of on-site detention, stormwater management and water quality components.
 - b. A pre-development and post-development lake study shall be conducted on the lake adjacent to the west of the subject property.⁵

⁴ Along the subject property's northern property line on Dallas Highway there is a Cobb-Marietta Water Authority waterline which runs parallel to the subject property along said property line; however, it does not affect the development of any portion of the subject property as presently proposed.

⁵ The downstream lake located adjacent to Poplar Springs Road will not require any studies since the stream bypasses that particular lake.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
February 22, 2018
Page 5

- c. Recognizing the seventy-five foot (75') streambank buffers on either side of the centerline of the stream which traverses the northeastern portion of the subject property and the placement of same within a Conservation Easement in favor of Cobb County.

15. Subject to the following recommendations from the Cobb County Department of Transportation ("DOT"):

- a. The voluntary donation and conveyance of right-of-way along Poplar Springs Road so that the County can achieve an additional five feet (5') of right-of-way on Poplar Springs Road.
- b. The installation of a one-hundred fifty foot (150') deceleration lane with a fifty foot (50') taper.
- c. The installation of sidewalk, curb and gutter along the subject property's frontage on Poplar Springs Road.
- d. The installation of sidewalk, curb and gutter on at least one (1) side of the interior streets.
- e. In accordance with specific direction from Bryan S. Carter, P.E. with the Georgia Department of Transportation ("GDOT"), there will be no requirements for the installation of sidewalk, curb and gutter along Dallas Highway (S.R. 120) in accordance with an email from Mr. Carter and GDOT to Mark Lee, P.E., dated February 5, 2018.
- f. Verification of minimum sight distance of three-hundred, ninety feet (390') on Poplar Springs Road or the implementation of remedial measures in which to mitigate same.
- g. The installation of a No-access Easement along that section of the Open Space which has direct frontage on and direct contiguity to Dallas Highway.

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VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
February 22, 2018
Page 6

- h. The first driveway (Lot 20) within the subject property from Poplar Springs Road shall be positioned a minimum of fifty feet (50') from the intersection of Poplar Springs Road.
16. Subject to recommendations from the Cobb County Fire Department with respect to Life-Safety and Fire Prevention issues.
17. Adherence to the following construction hours:
 - a. 7:00 a.m. – 7:00 p.m., Monday through Friday, from October 1st to March 31st.
 - b. 7:00 a.m. until 7:00 p.m., Monday through Friday, from April 1st to September 30th.
 - c. 9:00 a.m. until 6:00 p.m. on Saturdays.
 - d. No outside work on Sundays or the following national holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Eve, New Year's Day and Easter Day.
18. All construction and worker vehicles shall be parked on the subject property (not public rights-of-way) during the construction and build-out of the proposed subdivision.
19. If curb, gutter and sidewalk are not installed and at least one (1) Construction Permit is not issued within 24-months of the Board of Commissioners' decision to rezone the subject property, said property shall revert to its current R-30 zoning classification.
20. Mr. Konigsmark and/or his successor(s) in interests agree to allow the Georgia Native Plant Society ("GNPS") to conduct a plant rescue prior to the commencement of construction and the development of the subject property.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
February 22, 2018
Page 7

21. The District Commissioner shall have the authority to approve minor modifications to these stipulations/conditions, the site plan, the architecture and other issues as the development proposal proceeds through the Plan Review Process and thereafter except for those that:

- a. Increase the density unless other tracts of land are added to the proposed development at a later date.
- b. Reduce the size of approved buffers adjacent to property which is zoned the same or in a more restrictive zoning district.
- c. Relocate a structure closer to the property line of adjacent property that is zoned in the same or a more restrictive zoning district.
- d. Increase the height of a building which is adjacent to property which is zoned in the same or a more restrictive zoning district.
- e. Change access locations to a different right-of-way.
- f. Require additional Variances or is in violation of the Cobb County Zoning Ordinance.

Because of the proposal's consistency with the County's FLUM, Comp Plan and OSC requirements, this revised proposal is appropriate for consideration and a recommendation of approval from the Planning Commission and final approval by the Cobb County Board of Commissioners.

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
February 22, 2018
Page 8

Please do not hesitate to contact me should you or your Staff require additional information or documentation prior to the formulation of Staff's final Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS, Jr./klk
Enclosure/Attachment

cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Mr. Bob Weatherford, Commissioner (via email w/attachment)
Members, Cobb County Planning Commission (via email w/attachment)
Mr. Robert L. Hosack, AICP, County Manager (via email w/attachment)
BOC Commission Assistants (via email w/attachment)
Mr. Dana Johnson, AICP, Director (via email w/attachment)
Mr. Lee McClead, Deputy Director (via email w/attachment)
Mr. Jason S. Gaines, AICP, Planning Division Manager (via email w/attachment)
Mr. Jason Campbell, Planner III (via email w/attachment)
Mr. Terry Martin, Planner II (via email w/attachment)
Mr. Phillip Westbrook, Planner III (via email w/attachment)
Mr. Donald Wells, Zoning Analyst (via email w/attachment)
Ms. Tannessa Bates, Zoning Analyst (via email w/attachment)
Ms. Pamela Mabry, County Clerk (via email w/attachment)
Ms. Robin Pressley, Deputy County Clerk (via email w/attachment)
Captain Robert "Rock" Toler, Fire Department (via email w/attachment)
Mr. David Breaden, P.E. (via email w/attachment)
Ms. Amy Diaz, P.E. (via email w/attachment)

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Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

Community Development Agency

February 22, 2018

Page 9

Ms. Ashley White, P.E. (via email w/attachment)

Mr. Tim Davidson (via email w/attachment)

Ms. Sheri George, GNPS (via email w/attachment)

Mr. Mark Lee, P.E. (via email w/attachment)

Mr. W. Reed Konigsmark (via email w/attachment)

TRACT AREA = 11.23 ACRES (489,087 S.F.)



NORTH BASED ON SURVEY PROVIDED

- GENERAL NOTES:
- CURRENT ZONING: R-30
PROPOSED ZONING: R-20 (OSO)

- REQUIREMENTS PER R-20 ZONING:
FRONT SETBACK LOCAL: 35'
MAJOR SIDE SETBACK: 25'
MINIMUM SIDE SETBACK: 10'
MINIMUM REAR SETBACK: 35'
MAXIMUM COVERAGE PER LOT: 35%
MAXIMUM HEIGHT: 35'
UNITS PER ACRE: 1.75
MAXIMUM NO. LOTS: 20
MINIMUM LOT SIZE: 13,000 S.F.

- VARIANCES REQUESTED:
REDUCE SIDE SETBACK: 7.5' AS SHOWN
REDUCE MAJOR SIDE SETBACK: 15' AS SHOWN

- ALL BOUNDARY INFORMATION TAKEN FROM RETRACEMENT SURVEY FOR 800 POPLAR SPRINGS ROAD, PREPARED BY PERIMETER SURVEYING CO., INC. DATED 11-21-17. NO SURVEYING HAS BEEN PERFORMED BY PAUL LEE CONSULTING ENGINEERING ASSOC., INC
- TOPOGRAPHIC DATA SHOWN TAKEN FROM THE COBB COUNTY WEBSITE.

- SITE TO BE SERVED BY COBB COUNTY WATER & SEWER.
- ALL STRUCTURES ON SITE TO BE REMOVED.

- NO HISTORIC, ARCHITECTURAL, CEMETERIES, ARCHEOLOGICAL, LAKES, OR WETLANDS FEATURES ARE KNOWN TO BE ON THIS SITE.

- STREAM BUFFER AS PER THE COBB COUNTY BUFFER MAP.
- AS PER THE F.I.R.M. FLOOD INSURANCE RATE MAP COMMUNITY PANEL NO. 13067C0087 G DATED 12-16-08. THIS PROPERTY IS NOT IN AN AREA HAVING SPECIAL FLOOD HAZARDS.

- GUEST PARKING REQUIREMENT: 0.5 SPACES PER LOT
10 SPACES (20 LOTS * 0.5)
EXAMPLE OF GUEST PARKING SHOWN ON LOTS 1 AND 20.

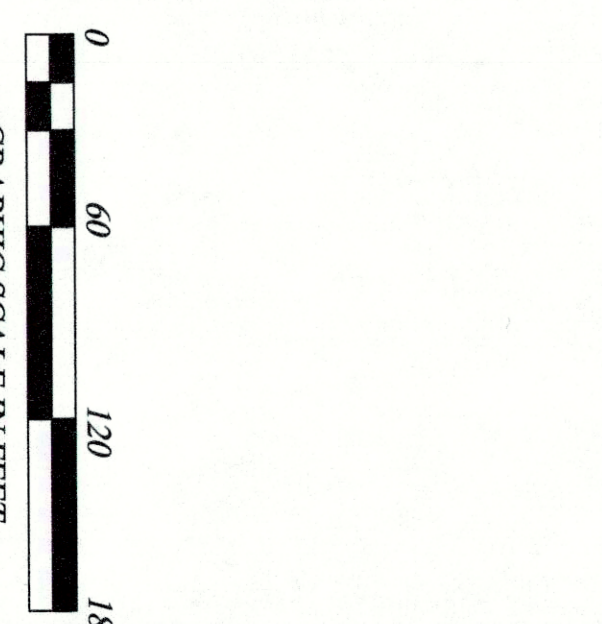
SITE ADDRESS:
800 POPLAR SPRINGS ROAD
POWDER SPRINGS, GA 30127
TAX ID# 19014300050
DB 11942 PG 296

LEGEND

- AC - ACRES
- BL - BUILDING SETBACK LINE
- CL - CENTERLINE MONUMENT ROUND
- DB - DEED BOOK
- EP - EDGE OF PAVEMENT
- FR - FENCE REQUIRED
- IR - IRON PIPE FOUND
- LL - LAND LOT
- PL - PROPERTY LINE
- POB - POINT OF BEGINNING
- PP - POWER POLE
- R - RADIIUS
- RCS - REINFORCED CONCRETE PIPE
- RRO - REINFORCED CONCRETE PIPE
- S.E. - SQUARE FEET
- SSMH - SANITARY SEWER MANHOLE
- X - FENCE REQUIRED



NOTE: THE PROPOSED ROAD AS SHOWN WILL MEET COBB DOT SIGHT DISTANCE REQUIREMENT OF 390' AS PER THE COBB COUNTY GIS TOPOGRAPHIC MAP. THIS WILL NEED TO BE CONFIRMED BY FIELD SURVEY PRIOR TO PERMITTING.
NOTE: TREES SHOWN FOR GRAPHIC PURPOSES ONLY.



REZONING PLAN FOR
REED KONIGSMARK

LOCATED IN:	1) 2-24-08 - ADDRESSSES CO. & ATTORNEY COMMENTS
DISTRICT:	2) 11-20-08 - ADDRESSSES CO. & ATTORNEY COMMENTS
SECTION:	3) 11-20-08 - ADDRESSSES CO. & ATTORNEY COMMENTS
COUNTY:	4) 11-20-08 - ADDRESSSES CO. & ATTORNEY COMMENTS
DATE:	5) 11-20-08 - ADDRESSSES CO. & ATTORNEY COMMENTS
SCALE:	6) 1" = 60'
CHECKED BY:	7) MGL
DRAWN BY:	8) MGL
DESIGNED BY:	9) MGL
DATE:	10) 11-20-08
JOB #:	11) 20190418P
SHEET:	12) 1

THIS DOCUMENT IS NOT BEING THE ORIGINAL SIGNATURE (IN CONTRASTING INK) OF THE RESIDENTS. SEAL.

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.
PLANNING - ENGINEERING - LAND SURVEYING
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EMAIL: mark.lee@plcea.com