

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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ADAM J. ROZEN

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WWW.SLHB-LAW.COM

July 20, 2018

## (Stipulation Letter, Architectural Renderings & 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 Loyd Development Services to Rezone a 6.696 acre tract from SC to RA-5 (No. Z-8)

Dear John:

This firm represents Loyd Development Services (“LDS”) concerning the above-captioned Application for Rezoning. In that regard, the Application was previously continued by the Staff and is presently scheduled to be heard and considered by the Cobb County Planning Commission on August 7, 2018. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on August 21, 2018.

The property at issue consists of a 6.696 acre tract of land which is located off of a private easement on the east side of John Ward Road, west of Powder Springs Road and north of Macland Road. The property is in an area under the County’s Future Land Use Map which places it within the confines of a Neighborhood Activity Center (“NAC”). The property has direct contiguity to Kennesaw Mountain National Battlefield Park to the northeast; the Kroger Shopping Center and associated retail to the east; additional retail, low rise office and a church to the south; and, a Planned Residential Development (“PRD”) known as Battle Creek Subdivision to the west and northwest.

This property was rezoned in 2006 on behalf of Advantage Builders Southeast, LLC. At that time, the rezoning was from LRO to Suburban Condominium (“SC”) for a total number of 26 attached residential condominiums which were entitled but never constructed. Presently, LDS is proposing a down-zoning of the property from SC to RA-5 for a 25 lot single-family detached subdivision at a reduced density of 3.73 units per acre.

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During the time within which this Application has been pending, we have had an opportunity to speak with certain area residents and business owners, representatives of Kroger and its surrounding retail and office users; and, representatives of Kennesaw Mountain National Battlefield Park. Additionally, we have established a meaningful and ongoing dialogue with the County's professional staff, members of the Planning Commission and members of the Board of Commissioners.

Based upon those discussions, communications and interaction, the balance of this letter will serve as LDS' expression of agreement with the following stipulations which, upon the rezoning being approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The stipulations are as follows, to wit:

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 ("Walker Overlook") which is being submitted concurrently herewith.
3. The construction of a maximum number of twenty-five (25) single-family detached residential homes at a maximum density of 3.73 units per acre.
4. The home size for the proposed residential community shall range from 2,200 square feet up to 3,400 square feet and greater. Each of the homes shall have, at a minimum, an attached two-car garage which shall be used for the parking and storage of at least two (2) vehicles at all times.

Additionally, there will be ample space on the driveways of said homes for the parking of two (2) additional vehicles, with guest parking located strategically within the proposed residential development.

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5. The architectural style of the homes shall be two-story traditional and the composition of said homes shall consist of brick, stacked stone, Hardiplank shake and Hardiplank siding or a combination thereof as shown on the architectural renderings/elevations which are submitted concurrently herewith.
6. The submission of a landscape plan during the Plan Review Process which shall be subject to review and approval by the County's Arborist. Additionally, the landscape plan shall double the required landscaping around the subject property's perimeter from the required ten feet (10') to twenty feet (20') and shall include a fencing component along the subject property's common property line with the Kroger shopping center and other areas which may require or be in need of screening and/or privacy.
7. 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. The mandatory HOA shall also be responsible for the upkeep and maintenance of fencing; landscaping; community lighting; and, entrance features for the subdivision which shall include signage, lighting, landscaping and attendant irrigation.
8. Subdivision signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said subdivision signage shall be incorporated into the landscape plan for the subdivision and shall be fully landscaped and irrigated.
9. Subject to recommendations from the Cobb County Stormwater Management Division with respect to stormwater management, hydrology and water quality, including the ultimate location and configuration of on-site detention.
10. Adherence to the following construction hours:
  - a. 7:00 a.m. – 7:00 p.m., Monday through Friday, from October 1<sup>st</sup> to March 31<sup>st</sup>.

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- b. 7:00 a.m. until 7:00 p.m., Monday through Friday, from April 1<sup>st</sup> to September 30<sup>th</sup>.
  - 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.
- 11. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the subdivision and not on public or private right-of ways. However, this provision does not preclude LDS from securing permission from adjacent or nearby properties for the temporary parking of construction and worker vehicles during the construction and build-out phases.
  - 12. Subject to recommendations from the Cobb County Department of Transportation ("DOT").<sup>1</sup>
  - 13. Subject to recommendations from the Cobb County Fire Department with respect to Fire Prevention and Life-Safety issues.
  - 14. The District Commissioner shall have the authority to approve minor modifications to the site plan, the architectural style and composition and the issues outlined within these stipulations 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 and taken through an entitlement process.
    - b. Reduce the size of approved buffers adjacent to property which is zoned the same or in a more restrictive zoning district.

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<sup>1</sup> DOT has adopted the position that "...the number of trips generated by this development will not cause a substantial increase in traffic. This development will generate roughly 19 a.m. peak hour trips and 25 p.m. peak hour trips."

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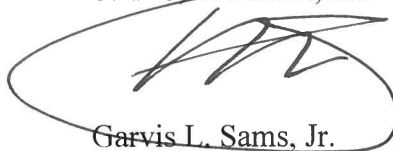
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- c. Relocate a structure closer to the property line of adjacent property which is zoned in the same or a more restrictive zoning district.
- d. Increase the height of a building which is adjacent to property which is zoned in the same or a more restrictive 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.

As you know, your staff has recommended that the Application be approved. Nevertheless, please do not hesitate to contact me should you, the staff, Planning Commission members or Board members require any additional information or documentation prior to this Application being heard and considered next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS, Jr./klk  
Enclosures/Attachments

cc: Listed on next page

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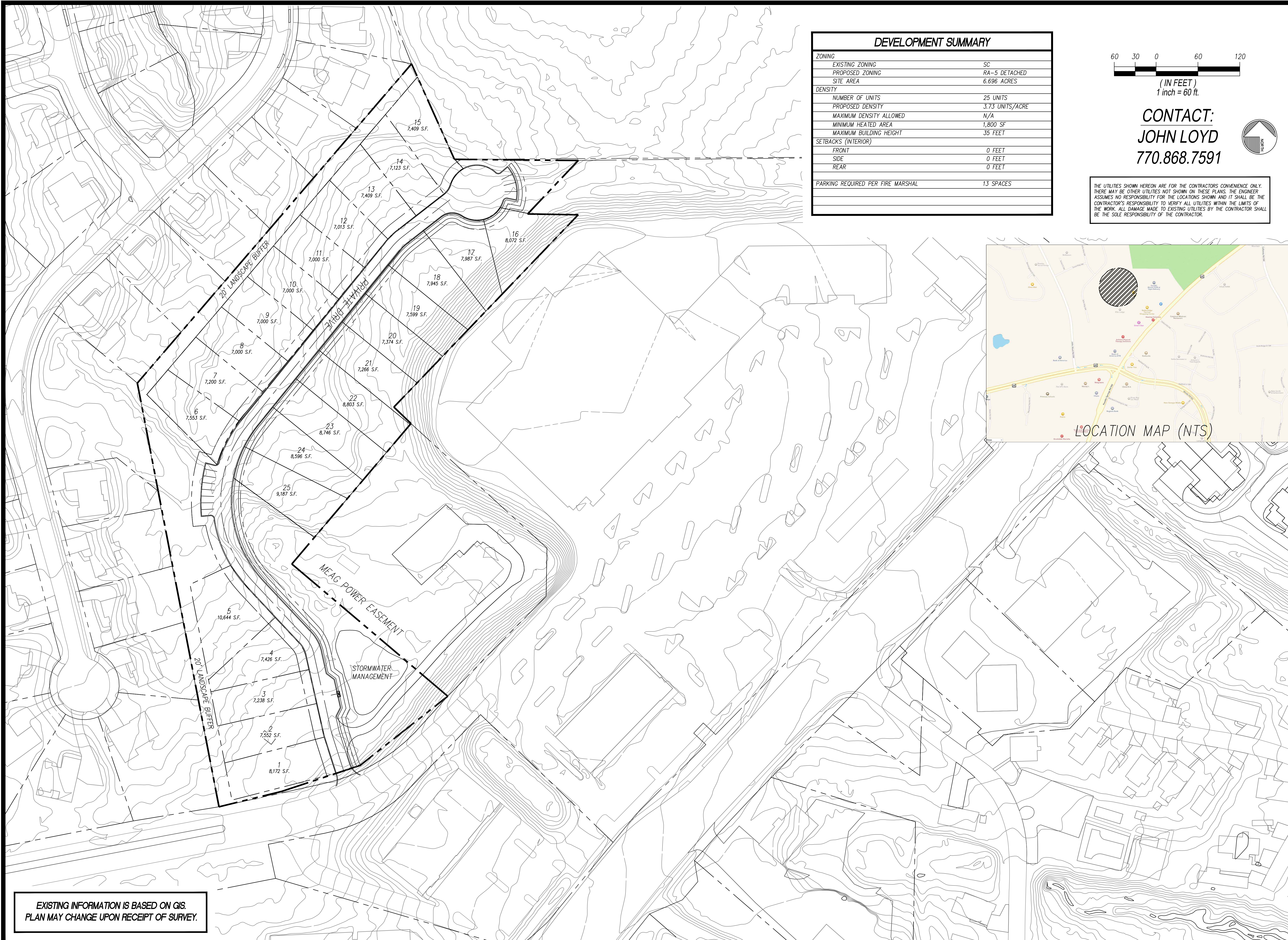
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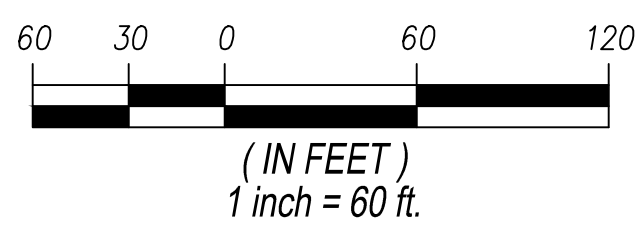
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cc: Members, Cobb County Board of Commissioners (via email w/attachments)  
Mr. Bob Weatherford, Commissioner (via email w/attachments)  
Mr. Robert L. Hosack, AICP, County Manager (via email w/attachments)  
Members, Cobb County Planning Commission (via email w/attachments)  
BOC Commission Assistants (via email w/attachments)  
Mr. Dana Johnson, AICP, Director (via email w/attachments)  
Mr. Lee McClead, Deputy Director (via email w/attachments)  
Mr. Jason S. Gaines, AICP, Planning Division Manager (via email w/attachments)  
Mr. Jason Campbell, Planner III (via email w/attachments)  
Mr. Terry Martin, Planner III (via email w/attachments)  
Mr. Phillip Westbrook, Planner III (via email w/attachments)  
Mr. Donald Wells, Planner I (via email w/attachments)  
Ms. Tannessa Bates, Planner I (via email w/attachments)  
Ms. Pamela Mabry, County Clerk (via email w/attachments)  
Ms. Robin Pressley, Deputy County Clerk (via email w/attachments)  
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)  
Captain Robert "Rock" Toler, Fire Department (via email w/attachments)  
Mr. David Breaden, P.E. (via email w/attachments)  
Ms. Amy Diaz, P.E. (via email w/attachments)  
Ms. Ashley White, P.E. (via email w/attachments)  
Mr. Tim Davidson (via email w/attachments)  
Mr. John Loyd, LDS (via email w/attachments)  
Mr. Trace M. Copeland, Trout Land Co. (via email w/attachments)

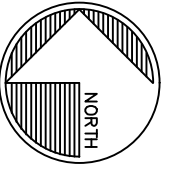




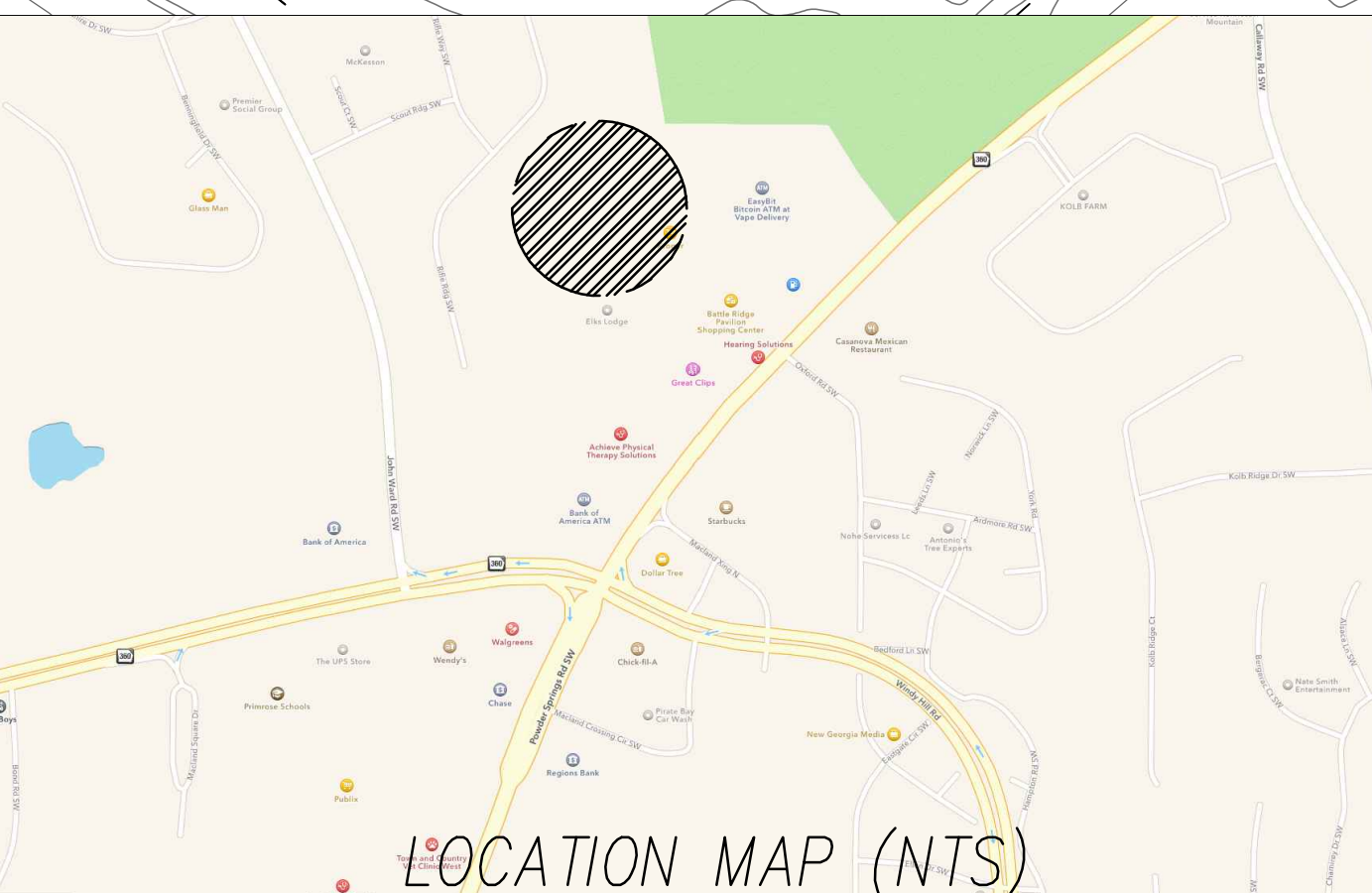
DEVELOPMENT SUMMARY	
ZONING	
EXISTING ZONING	SC
PROPOSED ZONING	RA-5 DETACHED
SITE AREA	6.696 ACRES
DENSITY	
NUMBER OF UNITS	25 UNITS
PROPOSED DENSITY	3.73 UNITS/ACRE
MAXIMUM DENSITY ALLOWED	N/A
MINIMUM HEATED AREA	1,800 SF
MAXIMUM BUILDING HEIGHT	35 FEET
SETBACKS (INTERIOR)	
FRONT	0 FEET
SIDE	0 FEET
REAR	0 FEET
PARKING REQUIRED PER FIRE MARSHAL	13 SPACES



**CONTACT:**  
**JOHN LOYD**  
**770.868.7591**



THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



EXISTING INFORMATION IS BASED ON GIS.  
 PLAN MAY CHANGE UPON RECEIPT OF SURVEY.

**CRESTLINE ENGINEERING**  
 4651 WOODSTOCK ROAD  
 SUITE 208-106 - ROSWELL, GA 30075  
 770.868.7591 | F1.866.319.0672

PROJECT NAME:  
**WALKER OVERLOOK**  
 LL 339 AND 402, 19TH DIST, 2ND SECTION  
 COBB COUNTY, GEORGIA

OWNER/DEVELOPER

Loyd Development Services

GSWCC CERTIFICATION NUMBER: 80768  
 EXPIRATION DATE: 6.9.2020



REVISIONS  
 Z.20.18 - INCREASE PERIMETER BUFFER FROM 10' TO 20'

**Z100**





01 FRONT ELEVATION  
 A2.01 1/4" = 1'-0"





02 SIDE ELEVATION  
A2.01 3/16" = 1'-0"



01 FRONT ELEVATION  
A2.01 3/16" = 1'-0"