

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

MICHAEL P. PRYOR

JAMES A. BALLI

OF COUNSEL

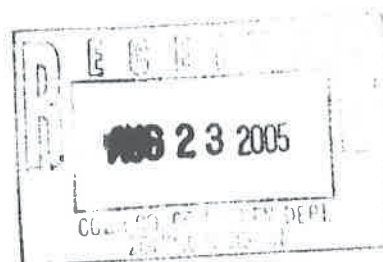
DAVID P. HARTIN

August 23, 2005

WWW.SAMSLARKINHUFF.COM

**VIA HAND DELIVERY**

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



Re: Application of Blake Properties, Inc. to Rezone a 21.52 Acre Tract  
from R-20 to CS (No. Z-128)

Dear John:

As you know, this firm represents the applicant and property owner concerning the above-captioned application for rezoning. In that regard, the application was heard and considered by the Planning Commission earlier this month wherein a motion was made and unanimously approved to hold the application. In that regard, the application is now scheduled to be heard and considered again by the Cobb County Planning Commission on September 8, 2005 and, thereafter, is scheduled to be heard and considered for final action by the Board of Commissioners on September 20, 2005.

Consistent with direction received from the Planning Commission and in keeping with the recommendation of approval from the County's professional staff, enclosed please find the requisite number of copies of a revised site plan. Please allow the balance of this letter to serve as my clients' expression of agreement with the following stipulations which, upon the rezoning being approved, as amended and modified hereby, 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 supercede 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.

**VIA HAND DELIVERY**

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
Page 2  
August 23, 2005

2. The rezoning of the subject property shall be from R-20 to Conservation Subdivision (CS) consistent with that certain site plan prepared by DGM Land Planning Consultants being filed contemporaneously herewith.
3. The subject property shall be developed for single family detached residences upon a total number of 21.52 acres with a total number of 36 homes at a maximum density of 2.45 homes per acre.<sup>1</sup>
4. The homes shall range from a minimum house size of 2,500 square feet and shall range up to 3,200 square feet and beyond with each home having an attached two-car garage. Price points of the homes are anticipated ranging from the low to mid-\$400's up to and beyond \$500,000.
5. The architectural style of the homes shall be traditional and the composition of the homes shall consist of a mixture of either brick, stacked stone, cedar shake, board and batten and/or hardy plank consistent with the photographs submitted under separate cover, dated July 13, 2005.
6. Open space will consist of 9.9 acres which is the equivalent of 46.37% of the total site area. Said open space shall be owned, maintained and controlled by the mandatory homeowners association.<sup>2</sup>
7. An agreement to create a mandatory homeowners association which shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, passive amenity areas and walking trails, fences and lighting within the proposed residential community.
8. A third-party management company shall be hired to manage the day-to-day operations of the mandatory homeowners association. The third-party management company shall also be responsible for the management of all association monies as well as ensuring that the association itself is properly insured.
9. An agreement to record and enforce Declaration of Covenants, Conditions and Restrictions which shall contain rules and regulations applicable to the residential community including, inter alia, strict architectural controls.

---

<sup>1</sup> The subject property is located in an area under the Future Land Use Map which is denominated as Low Density Residential (LDR) which contemplates residential densities from 1 - 2.5 units per acre.

<sup>2</sup> Within the CS District, 8.6 acres or 40% of the total site area is required as open space.

**VIA HAND DELIVERY**

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
Page 3  
August 23, 2005

10. Compliance with all recommendations from the Stormwater Management Division with respect to detention, hydrology and down stream considerations, including the following:
  - a. Subject to staff's review and approval regarding the ultimate location and configuration of on site detention and water quality ponds. The revised site plan being filed contemporaneously herewith depicts two (2) stormwater management areas which are positioned clear of the floodplain and stream buffers.
  - b. Conveying the 50' undisturbed stream bank buffers to Cobb County in the form of restrictive easements to ensure that said buffers shall remain inviolate in perpetuity.<sup>3</sup>
  - c. Exercising heightened sensitivity with respect to sedimentation loss concerning lakes or down stream bodies of water.
  
11. The submission of a landscape plan during the Plan Review process, subject to staff review and approval and including, but not necessarily limited to, the following:
  - a. Said landscape plan shall be prepared, stamped and signed by a Georgia Registered Landscape Architect or a degreed horticulturist for common areas and the entrance to the community.
  - b. All utilities within the community shall be located under ground.
  - c. Entry signage shall be ground-based, monument style, landscaped and irrigated.
  - d. Signage interior to the residential community shall be themed to the architectural style and composition as aforementioned.
  - e. Sodded front, side and rear yards which shall be irrigated as appropriate.
  - f. The installation of decorative street lights throughout the residential community which shall be themed to the architectural style as described hereinabove.

---

<sup>3</sup> The revised site plan reveals that the Open Space and Trickum Creek and the walking and passive recreational amenities located therein can be accessed between Lots 18 and 19. The water shed of Trickum Creek will not be adversely affected with much of its integrity being preserved by way of an inordinate amount of Open Space (46.37% of the total site area).

**VIA HAND DELIVERY**

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department

Page 4

August 23, 2005

12. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, including the following:
  - a. The voluntary donation and conveyance of right-of-way on Jamerson Road (arterial) so that the County can achieve 50' from the centerline of same.
  - b. The installation of sidewalk, curb and gutter along the subject property's frontage on Jamerson Road.
  - c. The installation of a deceleration lane with an appropriate taper at the point of ingress/egress.
  - d. The alignment of the entrance with Jett Road as shown on the revised site plan.
  - e. The installation of a left turn lane within Jamerson Road.
  - f. Verification of minimum sight distance of 475' in both directions on Jamerson Road.
  - g. Coordination with the Cobb County Department of Transportation prior to the development plan approval in order to ensure compatibility with the proposed road improvement project.
  
13. Compliance with the recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer and all issues attendant thereto.<sup>4</sup>

---

<sup>4</sup> There is a water line located on the south side of Jamerson Road and Water System will be requiring a dual feed to the site because of the grade and the amount of acreage. Sewer is located adjacent to Trickum Creek on the subject property and no off-site easements will be required to access sewer.

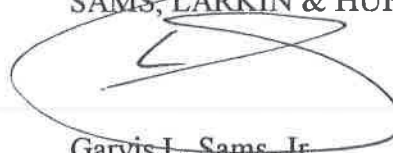
**VIA HAND DELIVERY**

Mr. John P. Pederson, Planner III  
Cobb County Zoning Department  
Page 5  
August 23, 2005

Without question, the revised zoning proposal meets the objectives of the Conservation Subdivision (CS) district and does so in such a fashion so that the water shed of Trickum Creek will not be adversely affected and, in fact, the integrity of the water shed within this basin will be preserved as a precious asset. Please do not hesitate to call should you or the staff require any further information or documentation prior to application's appearance before the Planning Commission next month. With regards, I am

Very truly yours,

~~SAMS, LARKIN & HUFF, LLP~~



Garvis L. Sams, Jr.

[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLSjr/jbmc  
Enclosures

- cc: Members, Cobb County Board of Commissioners - w/enclosure - VIA Hand Delivery  
Members, Cobb County Planning Commission - w/enclosure  
Mr. Robert L. Hosack, Jr., AICP, Director - w/enclosure - VIA Hand Delivery  
Ms. Gail K. Huff, Assistant County Clerk - w/enclosure - VIA Hand Delivery  
Ms. Sandra Richardson, Deputy County Clerk - w/enclosure - VIA Hand Delivery  
Ms. Laura Weiss, President, Northeast Cobb Homeowners Group - w/enclosure  
Mr. David Poteet, Northeast Cobb Homeowners Group - w/enclosure  
Ms. Marie Smith, Northeast Cobb Homeowners Coalition - w/enclosure  
Mr. George Powell, East Cobb Civic Association - w/enclosure  
Mr. Jeff Alexander - w/enclosure  
Mr. Bruce Goodman, Blake Properties - w/o enclosures  
Mr. Andy Knowles, Ashton Homes - w/o enclosures