



Cobb County Community Development Agency
Zoning Division
1150 Powder Springs St. Marietta, Georgia 30064

Case # Z-66
Public Hearing Dates:
PC: 11-5-19
BOC: 11-19-19

SITE BACKGROUND

Applicant: Smith Douglas Homes

Phone: 678-758-2089

Email: kadams@smithdouglas.com

Representative Contact: Garvis L. Sams, Jr.

Phone: 770-422-7016

Email: gsams@slhb-law.com

Titleholder: VBWhitman, LLC

Property location and address: Southwest corner of Canton Road and Kensington Drive

Access to Property: Canton Road and Kensington Drive

QUICK FACTS

Commission District: 3-Birrell

Current Zoning: O&I (Office & Institutional)

Current use of property: Undeveloped

Proposed zoning: RM-12 (Multi-family Residential)

Proposed use: Townhomes

Future Land Use Designation: NAC (Neighborhood Activity Center)

Site Acreage: 6.607 ac

District: 16

Land Lot: 299

Parcel #: 16029900020

Taxes Paid: Yes

FINAL ZONING STAFF RECOMMENDATION:
(Zoning staff member: Jason Campbell)

Based on the analysis of this case, Staff recommends **DENIAL**.

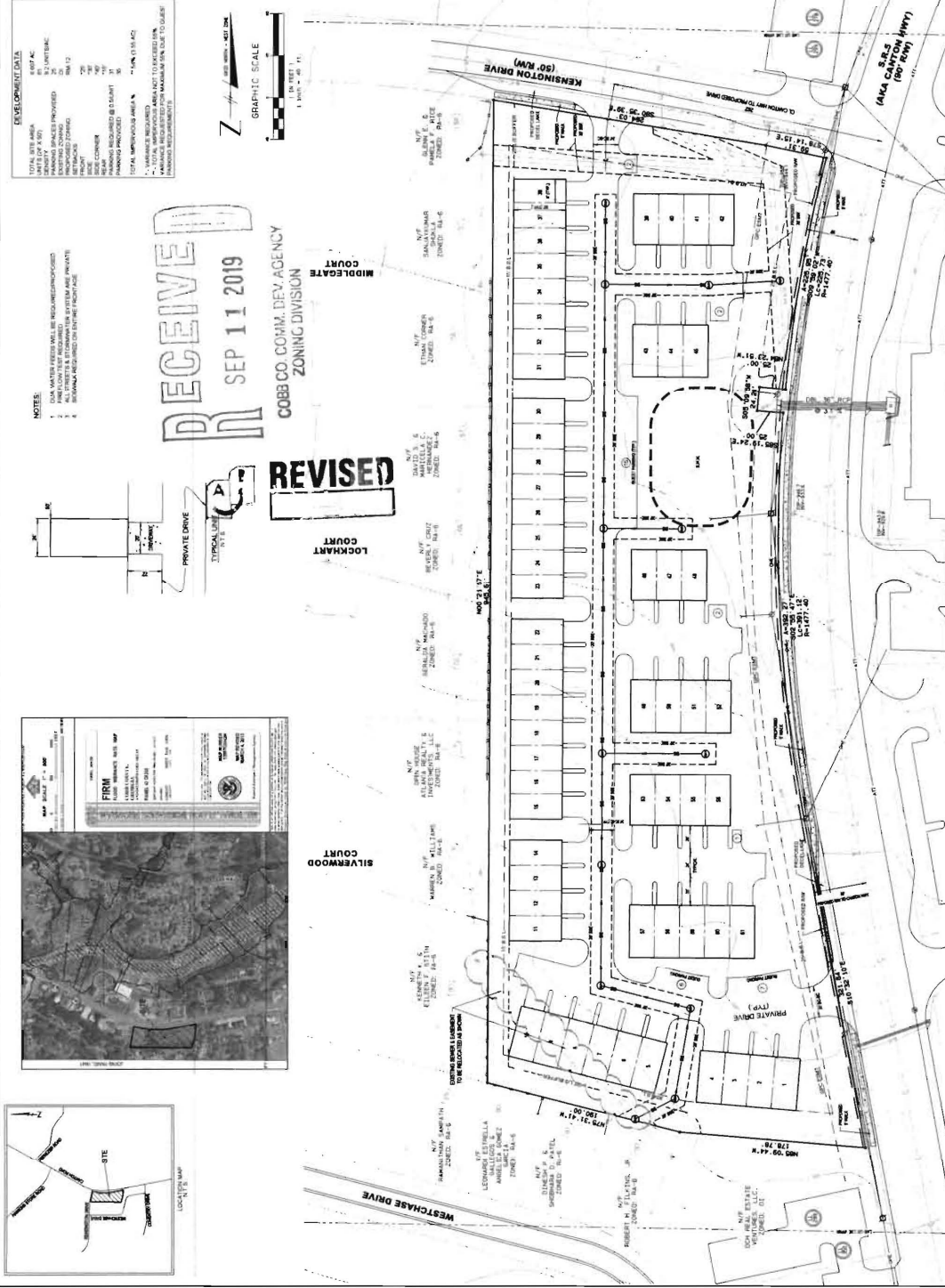
Z-66
(2019)

ZONING EXHIBIT
FOR
CANTON AT KENSINGTON
TRACT
LAND LOT 299 - 16th DISTRICT - 2nd SECTION
COBB COUNTY, GEORGIA



W&B ENGINEERING, INC.
1348 GOLF COURSE DRIVE, SUITE 100
ALPHARETTA, GA 30201
PHONE: 770.241.1111
FAX: 770.241.1112
WWW.W&BENGINEERING.COM

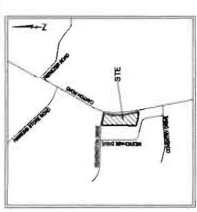
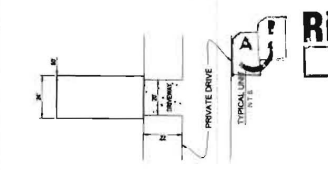
SCALE	1" = 40'
DATE	10/11/19
PROJECT	ZONING EXHIBIT
CLIENT	W&B ENGINEERING, INC.
JOB NUMBER	1



DEVELOPMENT DATA

TOTAL SITE AREA	8.07 AC
AREA TO BE DEVELOPED	5.14 AC
AREA TO BE PRESERVED	2.93 AC
EXISTING DEVELOPMENT	0.00 AC
PROPOSED DEVELOPMENT	5.14 AC
NET DEVELOPMENT	5.14 AC
NET IMPROVABLE AREA	5.14 AC
NET IMPROVABLE AREA "A"	5.14 AC
NET IMPROVABLE AREA "B"	0.00 AC
NET IMPROVABLE AREA "C"	0.00 AC
NET IMPROVABLE AREA "D"	0.00 AC
NET IMPROVABLE AREA "E"	0.00 AC
NET IMPROVABLE AREA "F"	0.00 AC
NET IMPROVABLE AREA "G"	0.00 AC
NET IMPROVABLE AREA "H"	0.00 AC
NET IMPROVABLE AREA "I"	0.00 AC
NET IMPROVABLE AREA "J"	0.00 AC
NET IMPROVABLE AREA "K"	0.00 AC
NET IMPROVABLE AREA "L"	0.00 AC
NET IMPROVABLE AREA "M"	0.00 AC
NET IMPROVABLE AREA "N"	0.00 AC
NET IMPROVABLE AREA "O"	0.00 AC
NET IMPROVABLE AREA "P"	0.00 AC
NET IMPROVABLE AREA "Q"	0.00 AC
NET IMPROVABLE AREA "R"	0.00 AC
NET IMPROVABLE AREA "S"	0.00 AC
NET IMPROVABLE AREA "T"	0.00 AC
NET IMPROVABLE AREA "U"	0.00 AC
NET IMPROVABLE AREA "V"	0.00 AC
NET IMPROVABLE AREA "W"	0.00 AC
NET IMPROVABLE AREA "X"	0.00 AC
NET IMPROVABLE AREA "Y"	0.00 AC
NET IMPROVABLE AREA "Z"	0.00 AC

RECEIVED
SEP 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



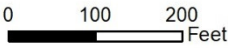
NOTES:

1. ALL NOTES REFER TO THE ZONING EXHIBIT.
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Z-66 2019-Aerial Map



This map is provided for display and planning purposes only. It is not meant to be a legal description.

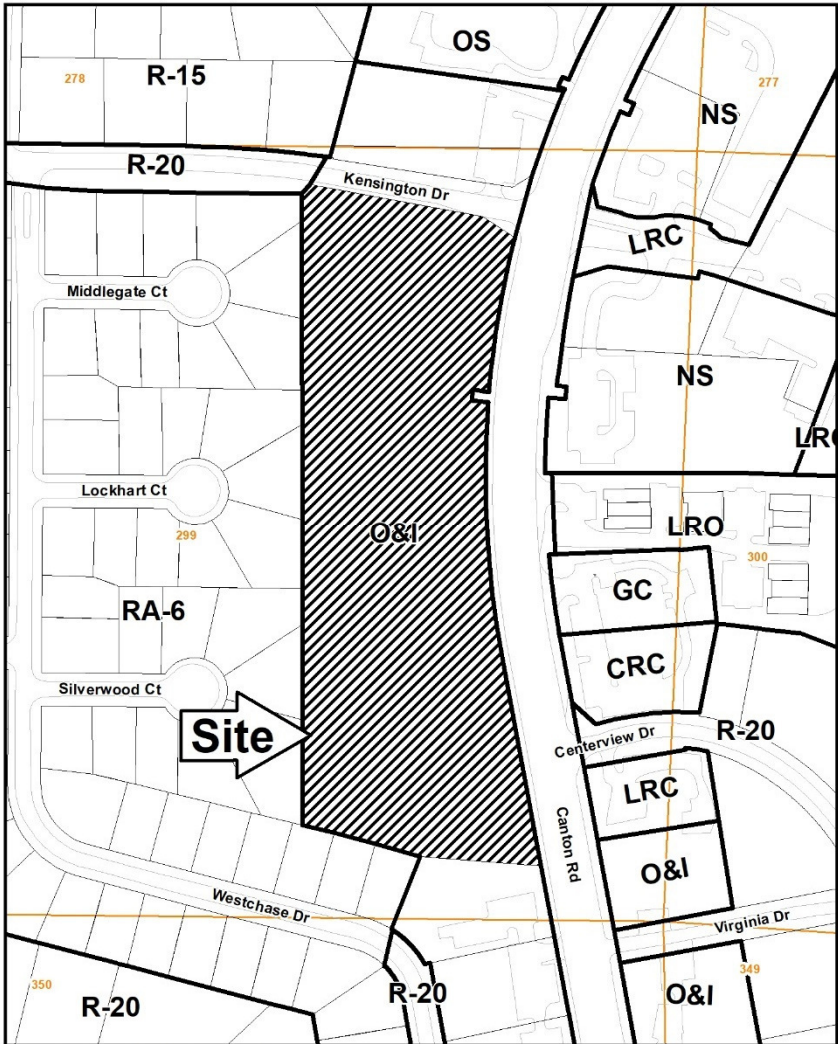


- Zoning Boundary
- City Boundary

North

Zoning: O&I (Office & Institutional)
Future Land Use: NAC (Neighborhood Activity Center)

Z-66 2019-GIS



This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet

Zoning Boundary
City Boundary

WEST

Zoning: RA-6 (Single-family Residential)

Future Land Use: LDR (Low Density Residential)

EAST

Zoning: LRC (Limited Retail Commercial), NS (Neighborhood Shopping), LRO (Low Rise Office), GC (General Commercial), CRC (Community Retail Commercial), and R-20 (Single-family Residential)

Future Land Use: NAC (Neighborhood Activity Center)

SOUTH

Zoning: RA-6 (Single-family Residential), and O&I (Office & Institutional)
Future Land Use: LDR (Low Density Residential), and NAC (Neighborhood Activity Center)

DEPARTMENT COMMENTS- Zoning Division

Current zoning district for the property

The O&I district is established to provide locations for nonretail commercial uses such as offices and financial institutions, which are on properties delineated within or on the edge of a community activity center and a regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. The office and institutional district is designed primarily to provide for four-story and smaller office developments, office uses, motels, hotels, banking and professional offices that complement and provide step-down nodal zoning away from more intensive commercial uses and otherwise to implement the stated purpose of this chapter.

Requested zoning district for the property

The RM-12 district is established to provide locations for multifamily residential uses or residentially compatible institutional and recreational uses which are within properties delineated for high density residential and regional activity center categories as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. When residentially compatible institutional and recreational uses are developed within the RM-12 district, they should be designed and built to ensure intensity and density compatibility with adjacent multifamily detached dwellings and otherwise to implement the stated purpose and intent of this chapter.

Summary of the applicant's proposal

The applicant is requesting the RM-12 zoning district for developing a 61-unit attached townhouse community. The proposed homes will range in size from 1,800 square feet to 2,400 square feet, and will be traditional architecture as depicted on the attached elevations. Each unit will have an attached two-car garage.

Residential criteria

Allowable units as zoned: 0

Proposed # of units: 61

Net density: 9.2 units per acre

Increase of units: 61

Acres of floodplain/wetlands: None.

Impervious surface shown: 54%

DEPARTMENT COMMENTS- Zoning Division (continued)

Are there any zoning variances?

Yes, the proposal will require the following contemporaneous variances:

1. Reducing the front setback from the required 50 feet to 40 feet;
2. Reducing the side setback from the required 35 feet to 15 feet;
3. Reducing the major side setback from the required 35 feet to 25 feet;
4. Reducing the rear setback from the required 40 feet to 30 feet
5. Reduce the 25' landscape screening buffer from 25-feet to 15-feet and
6. Allowing the maximum impervious coverage to be increased to 55% instead of the maximum of 45%.

DEPARTMENT COMMENTS- Fire Department

FIRE ENGINE ACCESS: The fire department must be able to access the long side of the building.

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2012 Edition and Cobb County Development Standards 402.11).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches. (Cobb County Development Standards 402.11)

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.8.2.1)

Guest Parking

Occupant parking shall be installed as required by zoning and additional guest parking shall be required as follows:

- Where driveways to two car garages exceed 50 feet in length, no additional guest parking is required.
- Where driveways to two car garages are at least 22 feet long and 20 feet wide, additional parking shall be required at .5 spaces per dwelling unit.
- Where driveways to two car garages are less than 22 feet long and 20 feet wide, additional parking shall be required at 1 space per dwelling unit.

DEPARTMENT COMMENTS- Fire Department (continued)

- Where only single car garages are provided, additional parking shall be required at 2 spaces per dwelling unit.
- Guest parking spaces must be evenly distributed throughout the project. (Cobb County Development Standards 401.8.2)

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

DEPARTMENT COMMENTS- Site Plan Review (County Arborist)

The proposed site plan depicts the back of the units along the west property line being directly contiguous with the landscape buffer. Landscape buffers must be fully vegetated across their entire widths. Placing the back wall of the units directly on the buffer line will create maintenance, life safety, and security issues for the units and their occupants. Recommend reducing buffer width or adjusting unit size and/or locations to avoid conflicts.

DEPARTMENT COMMENTS- Cemetery Preservation

No comments.

DEPARTMENT COMMENTS- School System

Approval of this petition will not have an impact on the enrollment of schools.

School	Student Capacity	Student Enrollment	Capacity Status
Blackwell ES	837	716	121 under capacity
Daniell MS	1125	1074	51 under capacity
Sprayberry HS	2062	1721	341 under capacity

DEPARTMENT COMMENTS- Stormwater Management

1. Flood hazard: No
2. Flood hazard zone: Zone X
3. Drainage Basin: Little Noonday Creek
4. Wetlands: No
5. Streambank buffer zone: No
6. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system.
7. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s).
8. Special site conditions and/or additional comments:
 - Existing offsite runoff from Canterbury Ridge Subdivision to the west must be accommodated through the site.
 - If detention pond requires a concrete wall, it must be decoratively faced and screened from adjacent right-of-way.

DEPARTMENT COMMENTS- Planning Division

Cobb 2040 Comprehensive Plan: The parcel is within the Neighborhood Activity Center (NAC) future land use category. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail, and grocery stores.

Comprehensive Plan Designation: Consistent Inconsistent

House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

Was the city notified? Yes No N/A

Specific Area Policy Guidelines: Yes No

Masterplan/ Corridor Study Yes No

Design guidelines area? Yes No

Does the proposal plan comply with the design requirements? Yes No N/A

Is the property within an Opportunity Zone?

(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)

Yes No

Is the property within an Enterprise Zone?

(The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)

Yes No

Is the property eligible for the Façade Improvement Program?

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area, and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

Yes No

(Planning comments continued on the next page)

DEPARTMENT COMMENTS- Planning Division (continued)**Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?** Yes No

(The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

 Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

 Yes No

Is this property within the Six Flags Special Service District?

 Yes No**Dobbins Air Reserve Base Zones**

Is the property within the Dobbins Airfield Safety Zone?

 Yes No

Is the property within the Clear Zone (CZ)?

 Yes No

Is the property within the Accident Potential Zone (APZ I)?

 Yes No

Is the property within the Accident Potential Zone II (APZ II)?

 Yes No

Is the property within the Noise Zone?

 Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

 Yes No**Historic Preservation**

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application.

DEPARTMENT COMMENTS- Water and Sewer

Water comments:

Available at development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 16" in Canton Road, 6" in Kensington Drive

Additional water comments: Development standards require secondary water feed

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process.

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: on site

Estimated waste generation (in G.P.D.): Average daily flow = 9,760

Peak flow = 24,400

Treatment plant: Noonday WRF

Plant capacity: Yes NO

Line capacity: YES NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Dry sewers required: YES NO

Off-site easement required: YES* NO

Flow test required: YES NO

Letter of allocation issued: YES NO

Septic tank recommended by this department: YES NO

Subject to Health Department approval: YES NO

*If off-site easements are required, the developer/owner must submit easements to the CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Additional sewer comments: Site layout as submitted will require sewer relocation and easement quitclaim at Plan Review.

Note: The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

DEPARTMENT COMMENTS- Transportation

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Canton Road	Arterial	45	Cobb County	100'
Kensington Drive	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Canton Road	Kensington Drive	30,300	D
Kensington Drive	NA	NA	NA

Based on 2019 traffic counting data taken by Cobb County DOT for Canton Road.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial roadways from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

Canton Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Kensington Drive is classified as a minor collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

This location is included in Cobb County Project Number X2602-Canton Road Corridor. As part of the corridor study this intersection is recommended for turn lane improvements implemented to allow for future signalization.

Recommendations

1. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.
2. Recommend applicant consider entering into a development agreement pursuant to 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 north side of Canton Road, a minimum of 50' from the roadway centerline.
3. As necessitated by this development, recommend Canton Road access include deceleration lane or taper. Recommend location and design be determined during plan review to work with utility limitations, subject to Cobb County DOT approval.
4. Recommend the entrance on Kensington Drive be a minimum of 250' tangent distance from Canton Road, or restricted to right-in/ right-out access

DEPARTMENT COMMENTS- Transportation (Continued)

5. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed corridor improvement project.

Recommend applicant update site plan to remove incorrect state route notation.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

A. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

It is Staff's opinion that the zoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby property. The property directly west is a single-family subdivision, with low intensity non-residential uses to the north east and south. This high-density use would be out of character with the low intensity uses that are adjacent to, and nearby the applicant's property.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

It is Staff's opinion that the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property. It is apparent from all the requested variances the applicant is placing to much development on this property, which is diminishing the setbacks and buffering that would protect the neighboring properties from lights, noise and visual screening. Additionally, Staff is concerned that approval of the request would encourage more intense developments where they are not anticipated or planned.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

It is Staff's opinion that the zoning proposal will result in a use which will cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the department comments contained in this analysis.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

It is Staff's opinion that the zoning proposal is not in conformity with the policies and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being within the Neighborhood Activity Center (NAC) future land use category. The requested RM-12 zoning district is for properties delineated for the High Density Residential (HDR) and Regional Activity Center (RAC) future land use categories. Other residential developments in the area include Canterbury Glen (zoned R-15 at 1.94 units per acre), Lookout Point Unit-2 (zoned R-15 at approximately 2.27 units per acre), and Canterbury Ridge Subdivision (zoned RA-6 at approximately 4.17 units per acre).

STAFF ANALYSIS (Continued)

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

It is Staff's opinion that there are existing or changing conditions affecting the use and development of the property which give supporting grounds for denying the zoning proposal. The applicant's requested RM-12 zoning district is not compatible with the property's NAC future land use designation, and the proposed 9.2 units per acre is not compatible with other single-family densities in the area. The applicant is requesting multiple variances of zoning code sections that are in place to protect adjoining properties.

The staff analysis and recommendation made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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ADAM J. ROZEN

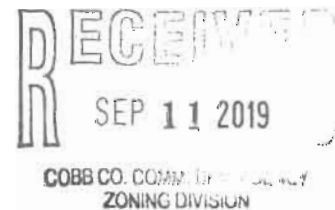
SLHB-LAW.COM

September 11, 2019

(Stipulation Letter, Revised Site Plan & Architecture)

VIA EMAIL & HAND DELIVERY:

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 Smith Douglas Homes to Rezone a 6.607 Acre Tract from O&I to RM-12 (Townhomes) - (No. Z-66)

Dear John:

You will recall that this firm represents Smith Douglas Homes (“SDH”) concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on November 5, 2019 and, thereafter, the application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 19, 2019.

During the pendency of this Application, my client and I have monitored developing issues within this sub-area of the County generally and along this section of the Canton Road Corridor, specifically. Additionally, we have continued the dialogue established with the County’s professional staff and have become familiar with the history of this property (“Subject Property”).

The Subject Property was rezoned to the RA-6 and GC zoning classifications in October of 1983 as a part of an overall tract consisting of 33.97 acres (No. Z-351 [1983]). Subsequently, in 1984, a 7.53 acre tract was rezoned to the Office and Institutional (“O&I”) zoning classification. A preponderance of the original 33.97 acre tract, except for the Subject Property, has been developed; however, the Subject Property has lain idle and undeveloped because of the lack of interest in and/or the lack of a market for Office inventory along this section of Canton Road.

SAMS, LARKIN, HUFF & BALLI

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VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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The Subject Property is located within a Neighborhood Activity Center (“NAC”) under the Future Land Use Map (“FLUM”) and is located directly across Canton Road from properties zoned CRC, GC, NS, LRC and LRO and is contiguous to properties zoned OS & RA-6. SDH is requesting a down-zoning of the Subject Property from O&I to RM-12 for the purposes of quality built, high-value Townhomes in order to address a demographic driven demand for additional residential products along the Canton Road Corridor.

As a part of the on-going discussions with the County’s Staff, SDH is amenable to the following stipulations becoming conditions and a part of the requested Rezoning and binding upon the Subject Property thereafter, 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 prepared by Watts & Browning Engineers, Inc. which is being formally submitted concurrently herewith.
3. The Subject Property shall be developed as a single-family, residential Townhome community consisting of a total number of sixty-one (61) Townhomes.
4. The Townhomes shall be a maximum of 35 feet in height (as measured from the front door threshold half-way up the roof pitch) and shall be a minimum of 1,800 square feet in size. All of the homes shall have two-car garages and sufficient width for the parking of two (2) additional vehicles on the driveways.
5. The architectural style and composition of the homes shall be traditional and in substantial conformity to the imagery which is submitted concurrently herewith, subject to review and approval by the District Commissioner. The front, sides and rear of the Townhomes shall include a mixture of components consisting of brick, stacked stone, and cementitious components including Hardiplank and Hardiplank shake. Interior finishes of the homes shall include a minimum of nine foot (9’) high ceilings on the main level.

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6. The creation of a mandatory Homeowners Association (“HOA”) and the submission of a Declaration of Covenants, Conditions and Restrictions (“CCRs”) which shall include, among other components, strict architectural controls.
7. The Mandatory Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, fences, rights-of-way, lighting and strategically located guest parking spaces within the proposed residential community.
8. The Community’s entrance signage shall be ground-based, monument-style and in substantial conformity to the architectural style and composition of the Townhomes.
9. The submission of a Landscape Plan prior to or concurrently with the Plan Review Process, subject to review and approval by the District Commissioner.
10. Compliance with recommendations from the Cobb County Department of Transportation (“DOT”), including the following:
 - a) The voluntary donation and conveyance of right-of-way on Canton Road so that the County can achieve fifty feet (50’) from the centerline of said right-of-way (an additional five feet [5’] off of the Subject Property’s frontage).
 - b) The installation of sidewalk, curb and gutter along the Subject Property’s frontage on Canton Road.
 - c) The Revised Site Plan reflects, as requested by DOT, the relocation of the Subject Property’s point of ingress/egress on Kensington Drive which is more than two-hundred, fifty feet (250’) from the signalized intersection (264.03’).
 - d) The installation of deceleration lanes with tapers at both points of ingress and egress on Canton Road and Kensington Drive, respectively.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
September 11, 2019
Page 4

11. Lighting within the proposed Community shall be environmentally sensitive, decorative and themed to the architectural style and composition as mentioned above. The lighting shall be designed so that illumination therefrom will not extend beyond the Subject Property's boundaries.
12. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
13. Subject to recommendations from the Cobb County Stormwater Management Division with respect to stormwater management, hydrology and water quality requirements, including the following:
 - a) The ultimate location and configuration of on-site detention and water quality.¹
 - b) Ongoing upkeep and maintenance to the stormwater management/water qualities facilities shall be the responsibility of the mandatory HOA in view of the fact that those facilities and the streets are private.
14. Compliance with recommendations from the Cobb County Fire Marshal's Office with respect to Life-Safety and Fire Prevention issues. Additionally, complying with guest parking regulations mentioned above and as shown on the Revised Site Plan.
15. Subject to the granting of the following concurrent Variances:
 - a) Waiving the front setback to twenty-five feet (25').
 - b) Waiving the side setback to thirty feet (30') and the side corner setback to forty feet (40').

¹ The Subject Property drains in a southwesterly direction towards Noonday Creek. Detention/water quality components, although still at the conceptual stage, will ensure compliance with stormwater management thresholds regarding downstream capacity.

SAMS, LARKIN, HUFF & BALLI

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- c) Waving the rear setback to fifteen feet (15').
 - d) Waving the overall impervious percentage from forty-five percent (45%) to fifty-five percent (55%) largely as a result of the additional parking spaces and guest parking requirements.
16. The District Commissioner shall have the authority to approve minor modifications to the site plan, architecture and these stipulations as the development proposal proceeds through the Plan Review Process and thereafter except for those that:
- a) Increase the density of the residential community.
 - b) Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
 - c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
 - d) Increase the height of a building that is adjacent to property that is zoned in the same or more restrictive zoning district.
 - e) Are in substantial conflict with any of the stipulations contained herein or which require the approval of a Variance beyond the requested concurrent Variances mentioned above.

Considered within the context of development along this section of the Canton Road Corridor, this Rezoning is appropriate from a land use planning perspective and allows a reasonable use of the Subject Property which has lain idle and undeveloped because of the lack of office demand along this section of Canton Road.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
September 11, 2019
Page 6

Please do not hesitate to contact me should you, the staff, the Planning Commission or the members of the Board of Commissioners require any additional information or documentation concerning this Rezoning proposal prior to the formulation of your Staff Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



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

GLS, Jr./dls
Enclosures/Attachments

- cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Mr. Robert L. Hosack, County Manager (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Ms. Jessica Guinn, AICP, Director (via email w/attachments)
Mr. Michael Hughes, AICP, Economic Development (via email w/attachments)
Mr. Jason S. Gaines, AICP Planning Manager (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, 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 Stone, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Captain Robert Bennett, Fire Marshal's Office (via email w/attachments)
Mr. David Breden, P.E. (via email w/attachments)
Ms. Amy Diaz, P.E. (via email w/attachments)
Mr. Tim Davidson, Water System (via email w/attachments)
Ms. Carol Brown, Canton Road Neighbors (via email w/attachments)
Mr. Daryl Cook, P.E., Watson Browning (via email w/attachments)
Mr. Keith Adams, Smith Douglas Homes (via email w/attachments)

ZONING EXHIBIT
FOR
CANTON AT KENSINGTON
TRACT
LAND LOT 299 - 16th DISTRICT - 2nd SECTION
COBB COUNTY, GEORGIA



W&B
WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1346 OLD 41st HWY, SUITE 10206
ALPHARETTA, GA 30201
PHONE: 404.487.8800
FAX: 404.487.8801
LIC. NO. 5025 - ZP-002714

REVISIONS:
DATE: 11-14-19
BY: [Signature]
CHECKED BY: [Signature]
DATE: 11-14-19
JOB NUMBER: [Number]

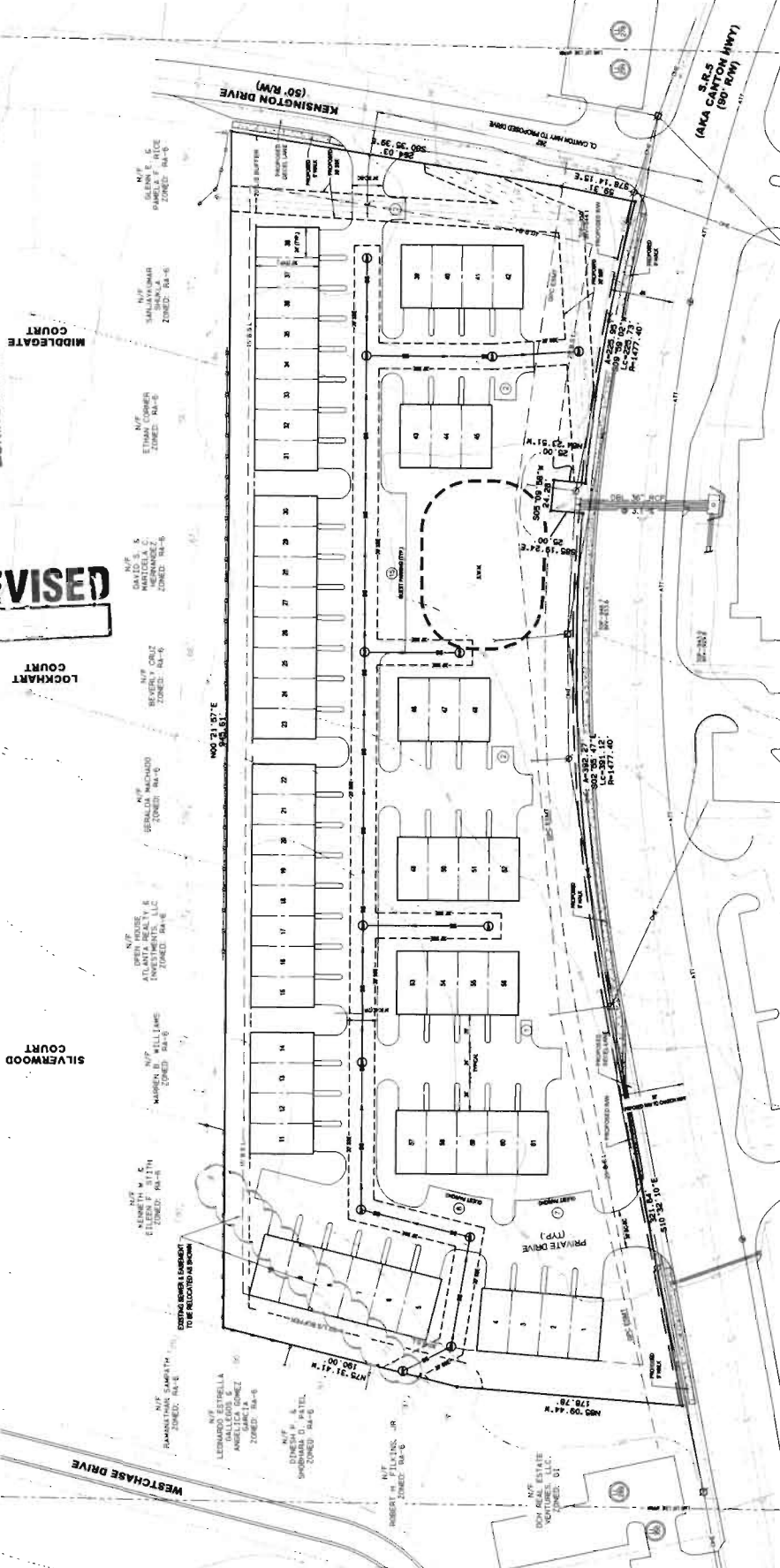
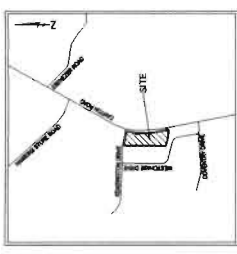
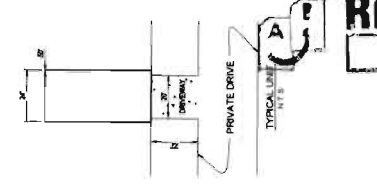
DEVELOPMENT DATA

TOTAL SITE AREA	8,807 AC.
LANDS OF 50% A-1	25
LANDS OF 50% A-2	25
LANDS OF 50% A-3	25
LANDS OF 50% A-4	25
LANDS OF 50% A-5	25
LANDS OF 50% A-6	25
LANDS OF 50% A-7	25
LANDS OF 50% A-8	25
LANDS OF 50% A-9	25
LANDS OF 50% A-10	25
LANDS OF 50% A-11	25
LANDS OF 50% A-12	25
LANDS OF 50% A-13	25
LANDS OF 50% A-14	25
LANDS OF 50% A-15	25
LANDS OF 50% A-16	25
LANDS OF 50% A-17	25
LANDS OF 50% A-18	25
LANDS OF 50% A-19	25
LANDS OF 50% A-20	25
LANDS OF 50% A-21	25
LANDS OF 50% A-22	25
LANDS OF 50% A-23	25
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LANDS OF 50% A-27	25
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LANDS OF 50% A-90	25
LANDS OF 50% A-91	25
LANDS OF 50% A-92	25
LANDS OF 50% A-93	25
LANDS OF 50% A-94	25
LANDS OF 50% A-95	25
LANDS OF 50% A-96	25
LANDS OF 50% A-97	25
LANDS OF 50% A-98	25
LANDS OF 50% A-99	25
LANDS OF 50% A-100	25

NOTES:

1. DRAIN WATER FEEDERS SHALL BE REDESIGNED/PROTECTED AS FOLLOWS: [Details]
2. [Details]
3. [Details]
4. [Details]

RECEIVED
SEP 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



REVISED



RECEIVED
SEP 11 2019

COBB CO. COMM. DEV. & ZONING DIVISION



RECEIVED
SEP 11 2019

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Emerson F

1965 Sq Ft | 3 Bedrooms | 2.5 Baths

Atlanta Area

Atlanta, GA

Floor Plan: First Floor



RECEIVED
SEP 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Plan shown includes options not included in base price of the home & vary per plan/community. Dimensions & square footage is approximate can vary per plan/community. Drawings & photos are for illustrative purposes only. Information is subject to change without notice. Please contact a New Home Specialist for plans, pricing & availability. 2-28-2018

 EQUAL HOUSING OPPORTUNITY

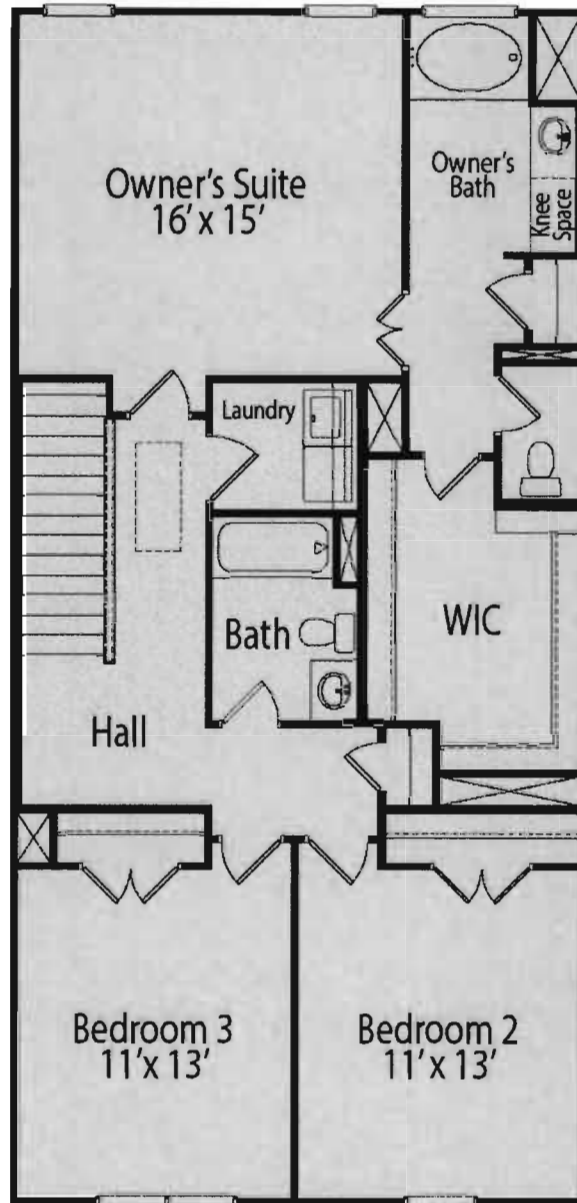
Emerson F

1965 Sq Ft | 3 Bedrooms | 2.5 Baths

Atlanta Area

Atlanta, GA

Floor Plan: Second Floor



RECEIVED
SEP 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Plan shown includes options not included in base price of the home & vary per plan/community. Dimensions & square footage is approximate can vary per plan/community. Drawings & photos are for illustrative purposes only. Information is subject to change without notice. Please contact a New Home Specialist for plans, pricing & availability. 2-28-2018

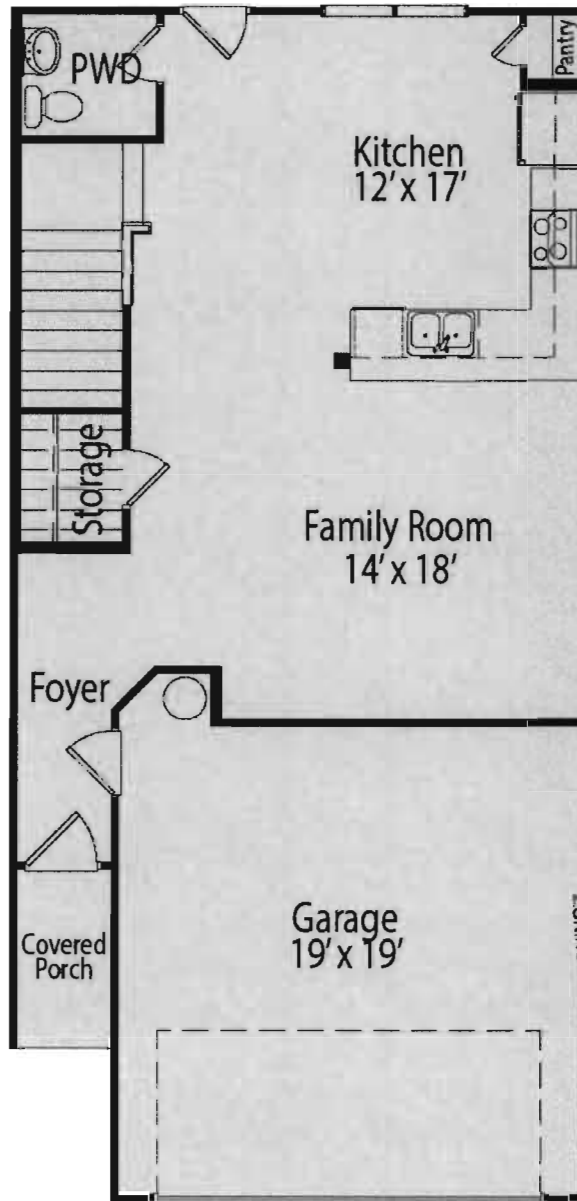
 EQUAL HOUSING OPPORTUNITY

Marlow D

1748 Sq Ft | 3 Bedrooms | 2.5 Baths

Atlanta Area
Atlanta, GA

Floor Plan: First Floor



RECEIVED
SEP 11 2019
COBB CO. COMM. DEV. AGENCY
COMMUNITY DEVELOPMENT DIVISION

Plan shown includes options not included in base price of the home & vary per plan/community. Dimensions & square footage is approximate can vary per plan/community. Drawings & photos are for illustrative purposes only. Information is subject to change without notice. Please contact a New Home Specialist for plans, pricing & availability. 3-1-2018

 EQUAL HOUSING OPPORTUNITY

Marlow D

1748 Sq Ft | 3 Bedrooms | 2.5 Baths

Atlanta Area

Atlanta, GA

Floor Plan: Second Floor



RECEIVED
SEP 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Plan shown includes options not included in base price of the home & vary per plan/community. Dimensions & square footage is approximate can vary per plan/community. Drawings & photos are for illustrative purposes only. Information is subject to change without notice. Please contact a New Home Specialist for plans, pricing & availability. 3-1-2018

 EQUAL HOUSING OPPORTUNITY

Planning Commission Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____

Board of Commissioners Decision

NO. OPPOSED: _____ APPROVED _____ DENIED _____ DELETED TO _____

NO. IN SUPPORT _____ MOTION BY: _____ SECONDED: _____ VOTE: _____

Names of those Opposed:

Comments:

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____
 Stipulation letter from _____ dated _____