

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
ADAM J. ROZEN

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

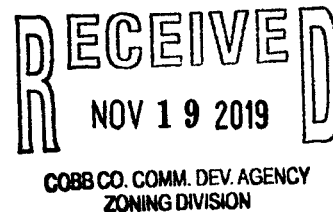
770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

November 19, 2019

**(Revised Stipulation Letter & Revised Site Plan)**

**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



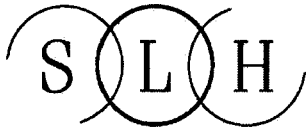
Re: Application of Smith Douglas Homes to Rezone a 6.607 Acre Tract from O&I to RA-6. (No. Z-66)

Dear John:

As you know, this firm represents Smith Douglas Homes ("SDH") concerning the above-captioned Application for Rezoning. The application was previously continued and is now scheduled to be heard and considered by the Cobb County Planning Commission on December 3, 2019 and, thereafter, the application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on December 17, 2019.

This application was originally scheduled to be heard in November; however, prior to being heard and/or considered, SDH made a decision to revise its proposal in order to reduce the density and intensity of the original proposal. That decision was based upon input from the County's professional staff, representatives of Canton Road Neighbors Inc. ("CRN"), the District Planning Commissioner, who also chairs the Planning Commission, and the District Commissioner.

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 has been developed; however, the Subject Property has lain idle and undeveloped primarily because of the lack of interest in and/or the lack of a market for Office inventory along this section of Canton Road.



**VIA EMAIL & HAND DELIVERY:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
November 19, 2019  
Page 2

---

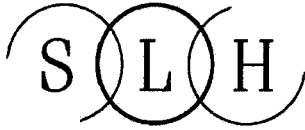
The Subject Property is located within a Neighborhood Activity Center ("NAC") under the Future Land Use Map ("FLUM") and is located directly across Canton Road from properties zoned CRC, GC, NS, LRC and LRO and is contiguous to properties zoned OS & RA-6. SDH is requesting a down-zoning of the Subject Property from O&I to RA-6 for the purposes of quality built, high-value, single-family detached homes in order to address a demographic driven demand for additional residential product along the Canton Road Corridor.

As a part of the on-going discussions as mentioned above, SDH is amenable to the following revised stipulations becoming conditions and a part of the grant of the requested Rezoning and binding upon the Subject Property thereafter, to wit:

1. The Revised 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, detached residential community consisting of a total number of thirty-nine (39) single-family detached homes at a density of 5.9 units per acre.<sup>1</sup>
4. The homes shall be a minimum of 1,800 square feet in size and range up to 2,800 square feet and greater. 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 will be submitted under separate cover, subject to final review and approval by the District Commissioner. The front, sides and rear of the homes shall include a mixture of components consisting of brick, stacked stone, and cementious components including Hardiplank and Hardiplank shake.

---

<sup>1</sup> The original request/proposal constituted a total of 61 Townhomes at an overall maximum density of 9.2 units per acre.

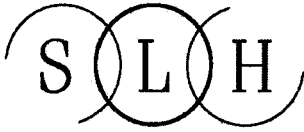


**VIA EMAIL & HAND DELIVERY:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
November 19, 2019  
Page 3

---

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 (which meet Fire Marshal requirements) 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 homes.
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. The Revised Site Plan depicts the installation of an earthen berm, twenty-five feet (25') in width and four feet, six inches (4' and 6") in height along the western and northern property lines.
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 installation of a deceleration lane with taper at the Subject Property's point of ingress and egress on Canton Road.



**VIA EMAIL & HAND DELIVERY:**

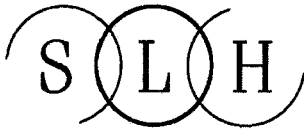
Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
November 19, 2019  
Page 4

---

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.<sup>2</sup>
  - 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 concurrent Variance requests as shown on the Revised Site Plan which is being submitted concurrently herewith.
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.

---

<sup>2</sup> 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 capacities.



**VIA EMAIL & HAND DELIVERY:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
November 19, 2019  
Page 5

---

- b) Reduce the size of an approved buffer adjacent to property that is zoned in a more restrictive zoning district.
- c) Relocate a structure closer to the property line of an adjacent property that is zoned in a more restrictive zoning district.
- d) Increase the height of a building that is adjacent to property that is zoned in a more restrictive zoning district.
- e) Are in conflict with the stipulations contained herein or which require the approval of a Variance beyond the requested Variances mentioned above.

Please do not hesitate to contact me should you or your staff have any questions regarding these matters. With kind regards, I am

Very truly yours,

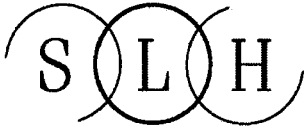
SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read 'Garvis L. Sams, Jr.', enclosed within a large, loopy oval.

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

GLS, Jr./klk  
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. Phillip Westbrook, Planner III (via email w/attachments)  
Mr. Terry Martin, Planner III (via email w/attachments)



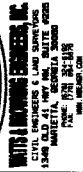
**VIA EMAIL & HAND DELIVERY:**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
November 19, 2019  
Page 6

---

Mr. Donald Wells, Planner I (via email w/attachments)  
Ms. Tannesha Bates, Planner I (via email w/attachments)  
Ms. Margie Vazquez, 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)  
Ms. Mary Lanning, RLA, Fire Marshal's Office (via email w/attachments)  
Mr. David Breaden, 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. Keith Adams, Smith Douglas Homes (via email w/attachments)  
Mr. Daryl Cook, P.E. LEED AP B+C (via email w/attachments)  
Mr. Howe Whitman (via email w/attachments)

LAND LOT 299 ~ 16th DISTRICT ~ 2nd SECTION  
COBB COUNTY, GEORGIA



SCALE	DESIGNED BY	DRAWN BY	CHECKED BY	INITIAL ISSUE DATE	JOB NUMBER	SHEET NUMBER
1" = 40'	DMC	J/T	DMC	06/26/19	180118	1

1. DUAN
2. FIRE
3. ALLI
4. SIDE

NOV 19 2019

**COBB CO. COMM. DEV. AGENCY**  
**ZONING DIVISION**

An aerial photograph showing a road construction site. A large, dark, irregular pile of earth or debris is on the left side of the road. A road sign is visible on the right side of the road. The road appears to be a two-lane road with a dashed white line down the center. The surrounding area is mostly dark and textured, possibly forested or undeveloped land.

