

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF

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

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TELEPHONE  
770•426•6583  
FACSIMILE

April 24, 2023



**VIA EMAIL AND 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 Kenneth B. Clary to Rezone a 13.38 ± Acre Tract from R-30 to R-15 - Land Lots 25, 54 & 55, 1st District, 2nd Section, Cobb County, Georgia. (Z-55 of 2022)

Dear John:

As you know, this firm and the undersigned represent Mr. Kenneth Clary. The Clary family has owned property in East Cobb for decades. Mr. Clary originally requested twenty (20) homes and a zoning category of R-15. The request is now reduced to R-20 at a density of only 1.35 units per acre. This site plan is consistent with the staff recommendation of R-20. The property owner/applicant has been in communication with the East Cobb Civic Association (ECCA), neighboring property owners as well as the Cobb County Cemetery Preservation Commission to address their concerns about the project. The Applicant has been able to address buffers, transportation and drainage issues in a positive way. The LDR designation is consistent with the similarly situated R-20 community to the south and R-15 zoned community to the north. The Planning Commission voted to hold this case until the May 2, 2023 hearing pending a revised R-20 site plan, which is attached. The R-20 neighborhood will be limited to eighteen (18) single family homes equating to a density of 1.35 units per acre, well within the LDR land use designation.

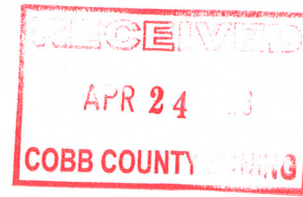
1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.



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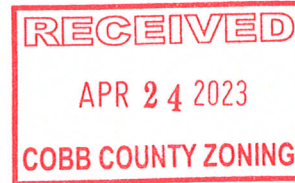
2. The Subject Property shall be developed in substantial conformity to that certain revised site plan, prepared by Frontline Surveying & Mapping, Inc., which is being submitted concurrently herewith.
3. The creation of a mandatory Homeowners' Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs") during the Plan Review process, which shall include, among other components, strict architectural controls.
4. There is an older home on the site, the applicant will provide Cobb Landmarks access to the house prior to the issuance of an LDP for research purposes and make the home available for Cobb Landmarks to relocate or preserve parts of the structure.
5. The staff report details a potential cemetery on the subject property. The long-term property owner has no knowledge of any graves on the property. If graves are located on the property, the graves will be preserved and buffered per the county requirements prior to the issuance of an LDP.
6. Subject to recommendations from the County's Engineer and/or consultants concerning hydrology, stormwater management, detention, water quality and downstream considerations, including recommendations regarding the ultimate positioning and configuration of on-site detention and water quality. Also, compliance with the following engineering considerations along with all the recommendations contained in the staff comments:
  - a. Providing the County Engineer and/or consultants with a Hydrology Plan for the Subject Property during the Plan Review process.
  - b. Verifying all points of discharge with respect to detention/water quality.
  - c. Compliance with the protections required under State and Local Law concerning adjacent streambank buffers.
  - d. Impervious surface calculations shall not exceed 35% of the total site area pursuant to and in accordance with UDC requirements and as shown on the revised site plan.
7. Compliance with the recommendations from the Cobb Department of Transportation with the exception of allowing one direct driveway (Lot 18) onto Post Oak Tritt Road.



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8. The Community Development Director shall have the authority to approve minor modifications to these stipulations, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review process and thereafter except for those that:

- a. Increase the density of the Residential Community or the Floor Area Ratio ("FAR") of the community.
- b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.
- c. Increase the height of any building which is adjacent to property which is zoned in the same or more restrictive zoning district.
- d. Change access locations to different rights-of-way.

Please do not hesitate to contact me should you or your staff have any questions or require any additional information regarding these proposed zoning conditions. The Applicant looks forward to further dialogue with the community and will be glad to supplement these proposed conditions if necessary.

Sincerely,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink that reads "Parks F. Huff".

Parks F. Huff  
phuff@samslarkinhuff.com

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PFH/jcc

Attachments

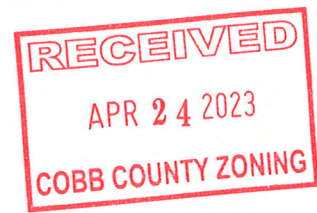
Cc: Listed on following page



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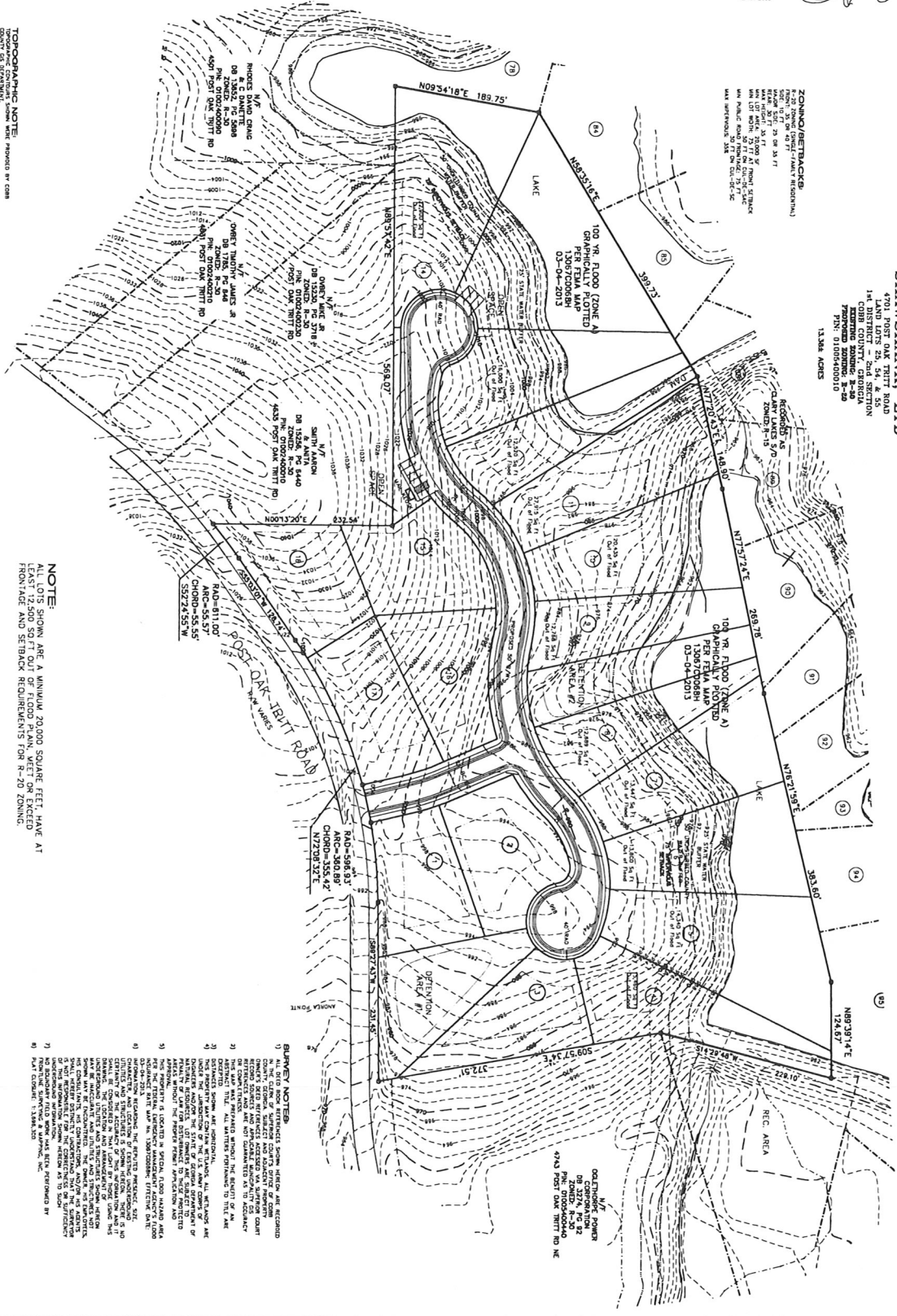


- cc: Members, Cobb County Board of Commissioners (via email)  
Members, Cobb County Planning Commission (via email)  
Dr. Jackie McMorris, County Manager (via email)  
Board of Commissioners Assistants (via email)  
Ms. Jessica Guinn, AICP, Director (via email)  
Ms. Jeannie Peyton, Senior Planner (via email)  
Mr. Terry Martin, AICP, CNU-A, Planner III (via email)  
Ms. Margie Vazquez, Planner II (via email)  
Mr. LeDarius Scott, *AICP Candidate*, Planner II (via email)  
Mr. Cameron Jones, Planner II (via email)  
Ms. Pam Mabry, County Clerk (via email)  
Ms. Robin Stone, Deputy County Clerk (via email)  
Ms. Leila Washington, Deputy County Clerk (via email)  
Mr. Jeff Byrd, Fire Marshal's Office (via email)  
Ms. Amy Diaz, P.E., Cobb DOT (via email)  
Ms. Ligia Florim, Cobb DOT (via email)  
Mr. Carl Carver, P.E., Stormwater Management Division (via email)  
Mr. Tim Davidson, P.E., Development Review Engineer, Water System (via email)  
Ms. Chris Lindstrom, ECCA  
Mr. Richard Grome, President, ECCA  
Ms. Helga Hong, Chair, Cobb County Cemetery Preservation Commission



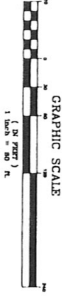
**ZONING/SETBACKS:**  
 100 YR. FLOOD ZONE A  
 PER FEMA MAP  
 0204-2013

**SHAWSHANK, LTD**  
 4701 POST OAK TRAIL ROAD  
 LAND LOTS 25, 54 & 55  
 1st DISTRICT  
 COBB COUNTY, GEORGIA  
 PROJECTED ZONING: R-20  
 PIN: 0100400010  
 1.166 ACRES



**TOPOGRAPHIC NOTE:**  
 CONTOUR INTERVAL: 2 FEET  
 CONTOUR DATA: 100, 102, 104, 106, 108, 110, 112, 114, 116, 118, 120, 122, 124, 126, 128, 130, 132, 134, 136, 138, 140, 142, 144, 146, 148, 150, 152, 154, 156, 158, 160, 162, 164, 166, 168, 170, 172, 174, 176, 178, 180, 182, 184, 186, 188, 190, 192, 194, 196, 198, 200

**NOTE:**  
 ALL LOTS SHOWN ARE A MINIMUM 20,000 SQUARE FEET, HAVE AT LEAST 12,500 SQ. FT. OUT OF FLOOD PLAIN, MEET OR EXCEED FRONTAGE AND SETBACK REQUIREMENTS FOR R-20 ZONING.



**BRUWER NOTES:**  
 1) ALL BRUWER REFERENCES SHOWN HEREIN ARE ACCORDING TO THE ORIGINAL RECORDS OF THE SURVEYING OFFICE OF COBB COUNTY, GEORGIA, SUBJECT TO ANY AND ALL CORRECTIONS AND AMENDMENTS THEREON. THE SURVEYING OFFICE OF COBB COUNTY, GEORGIA, IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.  
 2) THE SURVEYING OFFICE OF COBB COUNTY, GEORGIA, IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS SURVEY.  
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COMPOSITE PLAN FOR  
**SHAWSHANK, LTD**

DATE: 04/04/2023  
 SCALE: 1" = 60'

LAND LOT	25, 54, 55	DISTRICT	1st	SECTION	
LOT		BLOCK		UNIT	
SUPERVISOR					
SURVEYOR					
COMPILED BY					
APPROVED:					

**FRONTLINE**  
 SURVEYING & MAPPING, INC.  
 www.frontlinesurveying.com

**FRONTLINE SURVEYING & MAPPING, INC.**  
 3595 Canton Road, Bld. Suite 312, Ste. 272, Marietta, GA 30066  
 TELEPHONE (678) 355-9905 FAX (678) 355-9805

JOB # 77733-1  
 REF: 2/18