



COBB COUNTY  
BOARD OF COMMISSIONERS

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Tim Lee  
Chairman

CERTIFIED MAIL  
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November 2, 2015

The Honorable A. Max Bacon  
Mayor, City of Smyrna  
City Hall – Office of the Mayor  
2800 King Street / P. O. Box 1226  
Smyrna, Georgia 30081

**Re: Petition for Annexation– Land Lots 168 and 178, 18<sup>th</sup> District, Parcels 18017801520, Cobb County, Georgia; Notice of Non-objection With Stipulations.**

Dear Mayor Bacon:

We are in receipt of the above-referenced annexation and rezoning request. Please accept this response to the annexation proposal for Brookside Village Parkway. The property in question is currently zoned RM-12 and is within an area identified as High Density Residential (HDR) according to the Cobb County Future Land Use Map. The applications indicate the sites will remain in that zoning category, and be utilized for residential townhouse use. Based on our HB 489 Intergovernmental Agreement this is a non-objectionable request. However, as this property went through the County entitlement process, stipulations were placed on this property to protect adjacent and nearby residences. The county would request that the city place stipulations on this land in order to protect both incorporated and unincorporated residences in this area of the county. The stipulations are attached per letter by Mr. Garvis L. Sams, Jr. dated October 11, 2006.

In summary, please accept this letter as the County's formal **notice of conditional non-objection** to the proposed annexation. Please see the attached comments from the Cobb County Water System, the Department of Transportation and the stipulations of zoning placed on this property by Cobb County. The conditions are described in the attached letter. Should you have any questions or need any additional information, please do not hesitate to let us know or contact Jay Northrup, Intergovernmental Coordinator of the Community Development Agency at (770) 528-2199.

Sincerely,

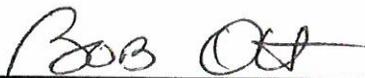


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Timothy D. Lee, Chairman

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Bob Weatherford, District 1 Commissioner



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Bob Ott, District 2 Commissioner

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JoAnn K. Birrell, District 3 Commissioner



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Lisa Cupid, District 4 Commissioner

cc: David Hankerson, County Manager – VIA E-mail  
Deborah Dance, County Attorney- VIA E-mail  
Dana Johnson, Director – VIA E-mail  
Julie Livingston, Deputy County Attorney – VIA E-mail  
Judy Skeel, Executive Assistant to the County Manager – VIA E-mail  
Pam Mabry, County Clerk – VIA E-mail  
Ken Suddreth, Community Development Director, City of Smyrna  
Rusty Martin, Planning, City of Smyrna

# Annexations: Smyrna

August 2015

18th Dist,  
Land Lots 168 & 178,  
Parcel 0152  
Cobb County, GA

## Legend

 Smyrna

 To be Annexed



0 125 250 500 Feet



ANNEXATION/REZONING

APPLICANT: Smyrna  
168/18

PETITION NO : \_\_\_\_\_ :

PRESENT ZONING: RM-12

PETITION FOR: RM-12 :

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**TRANSPORTATION COMMENTS &  
RECOMMENDATIONS**

The following comments and recommendations are based on office review of the subject annexation/rezoning case:

Reviewed plans do not show detailed plans and/or specific uses

Veterans Memorial is classified as an arterial road. R/W does not appear to meet the minimum requirements.

Reviewed plans do not show future plans or specific uses. Additional concerns/comments will be provided after plans have been submitted to Cobb County via the formal Plan Review Process.

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 along Veterans, 50' from road centerline.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Recommend curb, gutter and sidewalk entire property frontage.

Georgia Department of Transportation (GDOT) Permit is required. Approval of work within or adjacent to GDOT right-of-way is deferred to GDOT, Chamblee Permitting Office.

## Northrup, Jay

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**From:** Davidson, Timothy  
**Sent:** Wednesday, October 28, 2015 9:43 AM  
**To:** Northrup, Jay  
**Subject:** RE: ANNEXATION - Smyrna, Brookside Village Parkway

Water service for this parcel can be provided by the CCWS 12-inch line in Veterans Memorial Parkway .

Wastewater flow from the site will be treated at the South Cobb WRF where there currently is sufficient capacity. Permit issuances are subject to continued WRF compliance with EPD discharge requirements.

Because CCWS will continue to own and maintain water and sewer facilities in public rights-of-way and public easements, there would be no infrastructure loss.

Tim Davidson  
Cobb County Water System  
660 South Cobb Drive  
Marietta, GA 30060  
770-419-6312

Min. Bk. 40 Petition No. Z-149  
Doc. Type Stipulation Letter  
Meeting Date 10/17/06

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

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GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI\*  
MELISSA F. HAISTEN

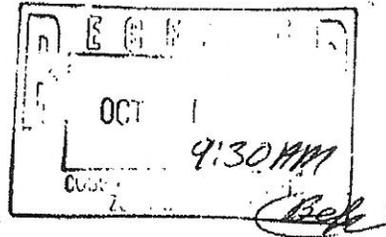
October 11, 2006

OF COUNSEL  
DAVID P. HARTIN

\*ALSO LICENSED TO PRACTICE  
IN ALABAMA

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 The Columns Group, Inc., to Rezone a 17.65 Acre Tract  
from RM-12 & PSC to Conditional RM-12 (No. Z-149)

Dear John:

As you know, this firm represents The Columns Group concerning the above-captioned Application for Rezoning. The application was heard and unanimously recommended for approval by the Planning Commission last week and placed on the Board of Commissioners' Consent Agenda for October 17, 2006.

In its recommendation for approval, the Planning Commission incorporated staff comments and recommendations, all of our agreements with the Mableton Improvement Coalition and my stipulation letters, dated September 20, 2006 and October 2, 2006, respectively. The purpose of this letter is to consolidate all of the stipulations/conditions imposed to date. The referenced stipulations/conditions are as follows, to-wit:

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.

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2. The rezoning of the subject property shall be from RM-12 & PSC to Conditional RM-12 and in substantial conformity to the revised site plan prepared by Planners & Engineers Collaborative which was presented to the Planning Commission and which was subsequently filed under separate cover, dated October 4, 2006. In order to reflect updated site data (see No. 3 below), a revised site plan is being filed contemporaneously herewith.
3. The subject property shall be developed for single-family attached residences for a maximum number of 167 homes. The total acreage is 17.65 acres and there is 14.84 acres which constitute the net buildable acres in view of the fact that the flood plain consists of 1.47 acres and the lake consists of 1.34 acres. Based upon the foregoing, the overall density is 11.25 homes per acre.<sup>1</sup>
4. An agreement to preserve 3.60 acres (20.40%) as "Open Space"<sup>2</sup> which shall be in general conformity with the revised site plan. Said Open Space shall be the responsibility of the Mandatory Homeowners Association as hereinafter described with respect to the upkeep and maintenance of said Open Space.
5. The size of the homes shall range from a minimum of 1,800 sq. ft. up to 2,400 sq. ft. with each home having an attached two-car garage. The architectural style shall be traditional and the composition of the homes shall consist of a mixture of brick, stacked stone, hardy shake, or hardy plank on at least three (3) sides consistent with the elevations/renderings which were submitted under separate cover on September 20, 2006.  
  
The rear of all of the residential units which can be seen from Johnston's Crossing Subdivision and Veterans Memorial Highway shall be screened or a mixture of architectural components as aforementioned shall be utilized.
6. An agreement to create a Mandatory Homeowners Association which shall be responsible for the upkeep and maintenance of all common areas and all landscaped areas, amenity areas, fences, lighting and streets within the proposed residential community.

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<sup>1</sup> The subject property, presently zoned to allow a total number of 188 units (*Zoning Analysis* figures), is presently developed as Brookside Village, a condominium community which is in an extreme state of disrepair.

<sup>2</sup> The requested zoning classification does not require the preservation of open space and this figure may change slightly during the Plan Review process.

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7. A Third-Party Management Company shall be hired to manage the day-to-day operations of the Mandatory Homeowners Association, including the responsibility for all commonly owned properties and all amenities within the subject property. The Third-Party Management Company shall also be responsible for the management of all the Association monies as well as ensuring that the Association is properly insured.
8. All of the homes shall be "for sale" only. At any one time, no more than ten percent (10%) of the homes located within the residential community shall be leased and for no less than a lease term of one (1) year in duration. A recital shall be contained within the Covenants for the residential community ensuring same.
9. An agreement to record and enforce a Declaration of Covenants, Conditions and Restrictions which shall contain Covenants, Rules and Regulations applicable to the proposed residential community.
10. The proposed residential development shall contain an active amenity area containing both a swimming pool and a community clubhouse. The clubhouse, which includes a kitchen, work-out facility and meeting areas, shall be built according to the architectural style and composition as aforementioned and shall be a minimum of 2,400 square feet in size.
11. An Archaeological Reconnaissance Report was prepared by R. S. Webb & Associates and submitted under separate cover on August 24, 2006. The report indicates that the subject property does not contain any Civil War Era cultural resources. Additionally, Cobb County's Historic Preservation Planner has found no known historic resources affected by this zoning proposal and has recommended no action.
12. An agreement to set up committee comprised of the developer or its designee, a representative from the Mableton Improvement Coalition and a representative from the Community Development Agency which shall review architectural and landscaping issues. The Community Development Agency representative shall be the final arbiter with respect to any differences in opinion with a view toward ensuring that the ultimate decisions on landscaping and architecture are in substantial compliance with elements of those issues presented during the pendency of the zoning application.

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13. The submission of a landscape plan during the Plan Review process, subject to staff review and approval which shall include the following:
  - a. Entry signage shall be ground-based, monument-style, landscaped consistent with that existing entrance signage along Veterans Memorial Highway, fully irrigated and incorporated into the submitted landscape plan.
  - b. A 40' landscaped rear setback on those portions of the subject property abutting Johnston's Crossing Subdivision to the north (zoned RA-4). A 20' portion of the 40' landscaped rear setback closest to the property line shall be a maintained and landscaped tree buffer.
  - c. A 40' landscaped front setback along the subject property's frontage on Veterans Memorial Highway.
  - d. The installation of underground utilities.
  - e. Landscaping water quality ponds and detention areas so that they are attractively screened.
  
14. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on-site detention and water quality ponds. Additionally, an agreement to the following:
  - a. Addressing spring activity and grading/slope issues by engaging the services of a geotechnical engineer.
  - b. Ensuring that all of the homes are located outside of Nickajack Creek's floodplain and that all homes are positioned at least three feet (3') above the 973 ft. mark.
  - c. The recognition of 50' undisturbed stream and lake buffers which shall be conveyed to Cobb County in the form of a restrictive easement to ensure that said stream buffers shall remain undeveloped in perpetuity except as otherwise may be directed by Cobb County. The 50' undisturbed stream bank buffer shall be considered a tree save area with the latitude being granted to the developer to remove dead and dying trees and undergrowth and to plant vegetative replacements except as otherwise may be directed by Cobb County.

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- d. In accordance with the Planning Commission's recommendation for approval, the Stormwater Management Division will be the final arbiter with respect to the positioning of on site detention and water quality ponds and other issues related to stormwater management.
  - e. In view of previous flooding conditions within Johnston's Crossing Subdivision, an agreement to cooperate in discussions with Cobb County, Johnston's Crossing HOA and the Mableton Improvement Coalition for a period of time not to exceed 90 days to facilitate a possible point of gated emergency access from Johnston's Crossing through the subject property to Veterans Memorial Highway.
15. 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 Veterans Memorial Highway so that the County can achieve fifty feet (50') from the centerline of same.
  - b. The installation of sidewalk, curb and gutter along the subject property's frontage on Veterans Memorial Highway.
  - c. Securing Georgia Department of Transportation permits for all work which encroaches upon the state right-of-way.
  - d. Ensuring appropriate site distance along Veterans Memorial Highway (Arterial).
  - e. With respect to the subject property's easternmost point of ingress/egress on Veterans Memorial Highway, an agreement that, if built, it shall be right-in/right-out only with respect to vehicular turning movements.
  - f. The streets within the proposed residential community shall be built to the County's Design and Detail Specifications; that is, 24' from back-of-curb to back-of-curb.
  - g. The streets within the proposed residential community shall be private and maintained by the mandatory Homeowners Association.

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- h. An agreement that the proposed residential community will not be gated.
  - i. Utilization of the River Line historic area logo on street signs and entrance monuments.
  - j. Utilization of historic names for the subdivision and the streets located therein with input from the Mableton Improvement Coalition.
16. All vacated units/buildings shall be boarded closed within thirty (30) days of vacancy and closing. Additionally, said units/buildings shall be demolished within ninety (90) days of all units being vacated and the closing taking place. Additionally, "No Trespassing" signs shall be posted on the subject property within a similar time frame as aforementioned or as soon as practical.
  17. Compliance with the Cobb County Noise Ordinance at all times during the demolition and construction phases of development in order to control early morning, late night and weekend construction hours.
  18. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility to sewer and water, including the Water System's recommendation that the proposed residential community be master-metered.
  19. Compliance with the recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.
  20. The District Commissioner shall have the authority to make minor modifications to these stipulations and the site plan as the proposal proceeds through the Plan Review process.

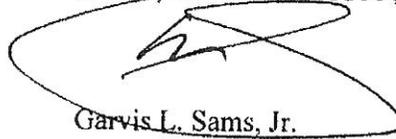
VIA HAND DELIVERY

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Please do not hesitate to call should you or the staff require any further information or documentation prior to the application making its appearance on the Cobb County Board of Commissioners' Consent Agenda on October 17, 2006.

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 (via hand delivery – w/enc.)  
Mr. Robert L. Hosack, Jr., AICP Director (via hand delivery – w/enc.)  
Mr. Mark A. Danneman, Manager (via hand delivery – w/enc.)  
Mr. David W. Breaden, P.E. (via hand delivery – w/enc.)  
Mr. John M. Morey (via hand delivery – w/enc.)  
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery – w/enc.)  
Ms. Karen L. King, Deputy County Clerk (via hand delivery – w/enc.)  
Mr. Jim Cavedo, President, Mableton Improvement Coalition (via email – w/enc.)  
Ms. Robert Cook (via email – w/enc.)  
Mr. Robert F. Adamson, II, President (via email – w/enc.)  
Mr. Kenneth Wood, E.I.T. (via email – w/enc.)

