

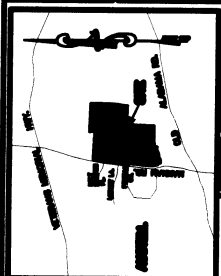
NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	10/1/09	W.H.
2	REVISED	10/1/09	W.H.
3	REVISED	10/1/09	W.H.
4	REVISED	10/1/09	W.H.
5	REVISED	10/1/09	W.H.
6	REVISED	10/1/09	W.H.
7	REVISED	10/1/09	W.H.
8	REVISED	10/1/09	W.H.
9	REVISED	10/1/09	W.H.
10	REVISED	10/1/09	W.H.

N - TOWNHOUSES

Z-12
(2009)

KV
KREWSON & WICKREY
ENGINEERS & LAND SURVEYORS
1801 Columbia Street
Tampa, Florida 33606
(813) 288-1100

Z-1



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

MAR 25 2009

MAXHAM FARM TOWNHOUSES

OWNER/DEVELOPER :
W. H. COMMUNITIES LLC
701 WHITLOCK AVENUE STE. K-46
HUNTSVILLE, GEORGIA 35894
CONTACT: JEFF HANSEN
404-372-3739

SITE INFORMATION:
EXISTING ZONING: RM-8 ZONING CASE# Z-210, 2005.
AREA TO BE ZONED 13.18 AC.
TOTAL NO. UNITS = 105
UNIT FOOTPRINT AREA = 97 UNIT/AC
IMPERVIOUS AREA = 12.8 AC
TOTAL DISTURBED AREA = 12.8 AC
AREA IN WETLAND: NONE

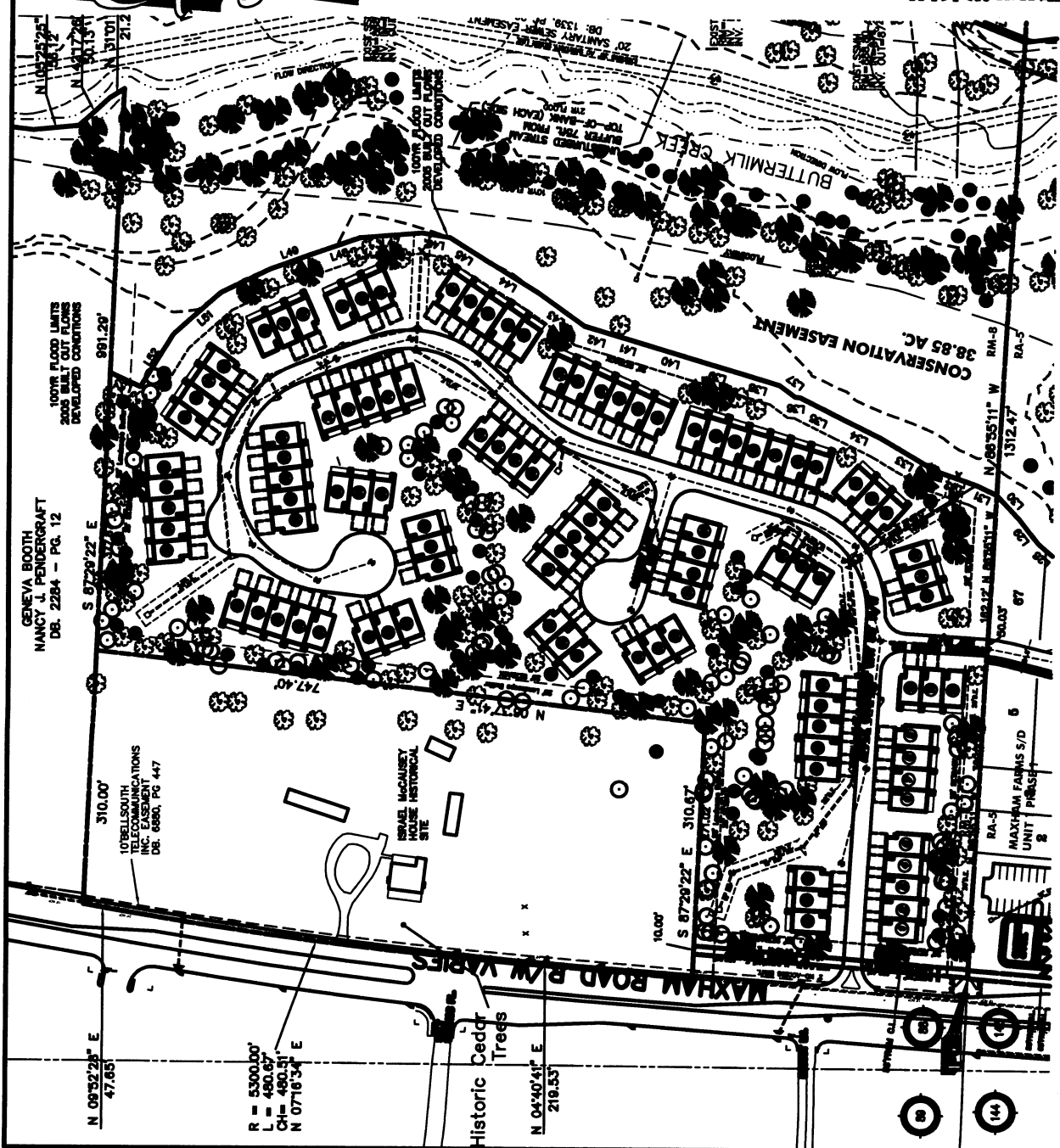
SETBACKS:
FRONT: 20'
REAR: 20'
SIDE: 5' (15' BETWEEN UNITS)

REQUIREMENTS THAT DO NOT APPLY:
THERE ARE NO KNOWN UTILITY EASEMENTS ON THE SITE.
THERE ARE NO KNOWN WETLAND AREAS ON THE SITE.
THERE ARE NO KNOWN ARCHITECTURAL OR ARCHAEOLOGICAL
LANDMARKS ON THIS SITE.

BNDY DATA.

L31	27.85	50124.13 W
L32	92.07	51845.32 W
L33	77.16	50745.95 W
L34	85.00	50533.17 W
L35	85.00	50310.07 W
L36	6.44	50231.15 W
L37	33.75	50132.28 W
L38	45.68	51823.01 W
L39	85.00	51821.24 W
L40	60.38	51824.04 W
L41	44.17	51820.10 W
L42	37.40	51821.53 W
L43	67.53	53818.92 W
L44	77.60	53131.37 W
L45	60.53	53137.50 W
L46	54.08	53137.02 W
L47	78.17	52553.00 W
L48	85.00	51824.50 W
L49	85.00	52827.12 W
L50	85.00	54108.28 W
L51	78.48	54108.28 W
L52	74.97	52757.03 W
L53	40.81	52430.01 W

ALL DISTANCES ARE IN FEET AND DECIMALS THEREOF.
ALL BEARINGS ARE TRUE BEARINGS.
ALL CURVES ARE CIRCULAR.
ALL CORNERS ARE CORNERED BY AN IRON PIN OR AN IRON PIPE.
ALL EASEMENTS ARE SHOWN BY A DASHED LINE.
ALL EASEMENTS ARE 10' WIDE UNLESS OTHERWISE NOTED.
ALL EASEMENTS ARE SHOWN BY A DASHED LINE.
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ALL EASEMENTS ARE SHOWN BY A DASHED LINE.
ALL EASEMENTS ARE 10' WIDE UNLESS OTHERWISE NOTED.



APPLICANT: W & H Properties, LLC

770-425-6776

REPRESENTATIVE: William H. Harper, Jr.

770-425-6776

TITLEHOLDER: W & H Properties, LLC

PROPERTY LOCATION: Located on the east side of Maxham Road,
south of Salt Springs Place.

ACCESS TO PROPERTY: Maxham Road

PHYSICAL CHARACTERISTICS TO SITE: Site under
development

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ Single-family houses, City of Austell

SOUTH: R-20/ wooded

EAST: R-20/ Benda View subdivision

WEST: City of Austell, RM-12, OI/ McClellan Quarters Townhouses, wooded

PETITION NO: Z-12

HEARING DATE (PC): 04-07-09

HEARING DATE (BOC): 04-21-09

PRESENT ZONING: RM-8 with
Stipulations

PROPOSED ZONING: RM-8 with
Stipulations

PROPOSED USE: Townhouses

SIZE OF TRACT: 13.18 acres

DISTRICT: 18

LAND LOT(S): 88

PARCEL(S): 4 - 21

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

OPPOSITION: NO. OPPOSED ____ **PETITION NO:** ____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED ____ **MOTION BY** _____

REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

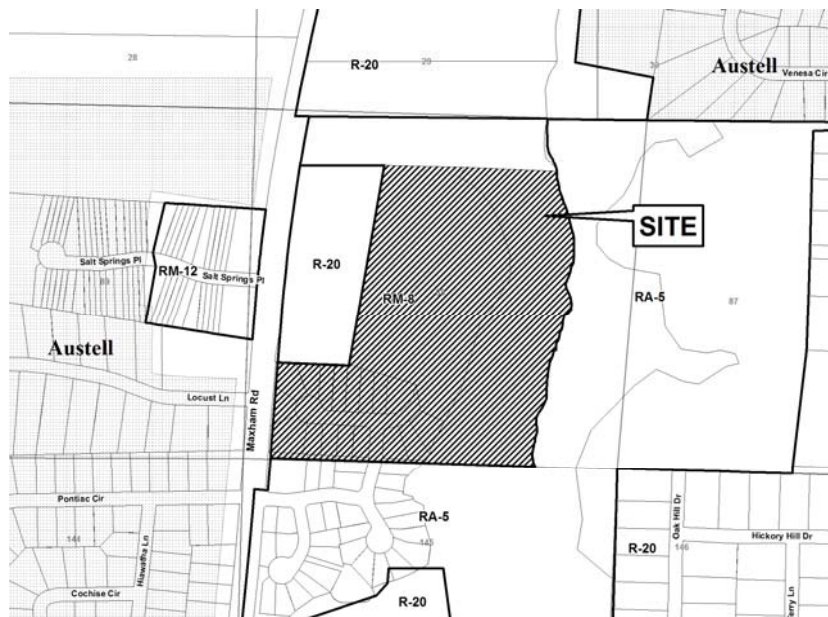
BOARD OF COMMISSIONERS DECISION

APPROVED ____ **MOTION BY** _____

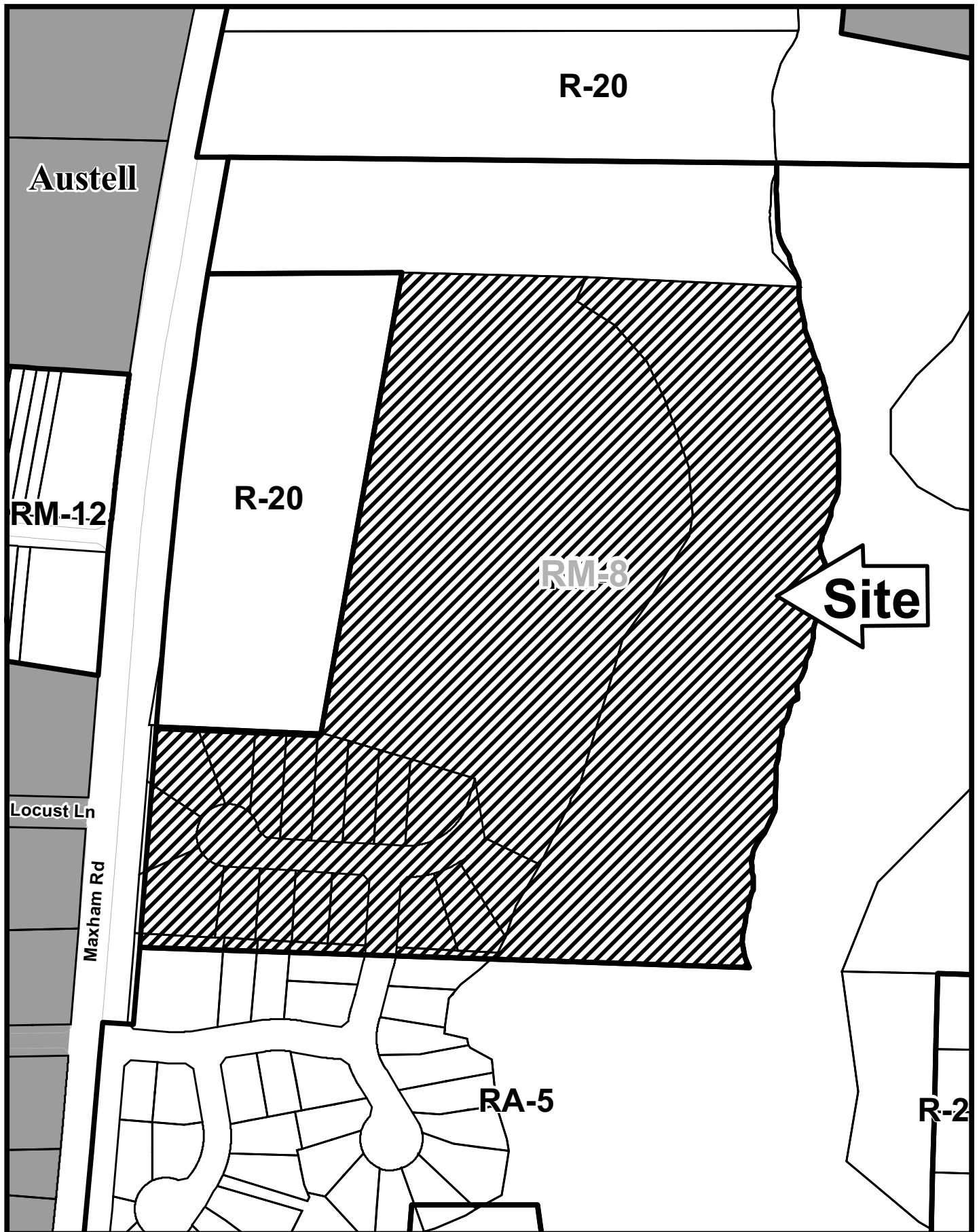
REJECTED ____ **SECONDED** _____

HELD ____ **CARRIED** _____

STIPULATIONS:



Z-12



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

200 0 200 Feet



 City Boundary
 Zoning Boundary

APPLICANT: W & H Properties, LLC

PETITION NO.: Z-12

PRESENT ZONING: RM-8 with stips.

PETITION FOR: RM-8 with stips.

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Medium Density Residential (2.5 to 5 units per acre)

Proposed Number of Units: 105 **Net Density:** 7.96* **Units/Acre**

Present Zoning Would Allow: 61 **Units** **Increase of:** 44 **Units/Lots**

The applicant is requesting the RM-8 zoning district to amend the zoning stipulations on this property due to the current state of the housing market (see Exhibit "A" for current stipulations). The property was rezoned in 2005 and 2006 as part of a larger 80-acre single-family detached housing development. The applicant would like to amend the stipulations, and development plan to allow 105 townhouses in place of 61 single-family detached houses. The proposed townhouses would be a minimum 1,450 square-feet, and would start selling for \$140,000. The townhouses would be traditional in styling with brick and/or stone accents. Each townhouse would have at least a car-car attached garage.

*It should be noted that the 2005/2006 development consisted of 80.71 acres with 167 single-family houses, which resulted in a net density of 3.9 units per acre. The applicant donated 38.85 acres to Cobb County in 2008, which left the applicant with 41.86 net acres. As a result of this rezoning application, there would be 209 attached and detached dwelling units which results in an overall net density of 4.99 units per acre for the entire project.

Historic Preservation: The historic Causey-Maxham House, which is listed in the Cobb County Register and the National Register, is located adjacent to the property proposed for rezoning. A Certificate of Appropriateness (COA) was obtained and any other concerns were addressed during the previous rezoning in 2006. No further action required.

Cemetery Preservation: No comment.

COBB COUNTY-MARIETTA WATER AUTHORITY COMMENTS:

CCMWA requests to review the plans for this project as soon as they are available in order to determine the extent of impact upon our facilities. The owner/developer will be financially responsible for any impacts to CCMWA facilities from the project. Contact Chuck Byrge at (770) 426-8788 to coordinate plan review.

APPLICANT: W & H Properties, LLC

PETITION NO.: Z-12

PRESENT ZONING: RM-8 with stips.

PETITION FOR: RM-8 with stips.

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
<u>Austell</u>	<u>288</u>	<u>Under</u>	<u> </u>
Elementary <u>Austell</u>	<u>575</u>	<u>Under</u>	<u> </u>
Intermediate <u>Garrett</u>	<u>885</u>	<u>Over</u>	<u> </u>
Middle <u>South Cobb</u>	<u>2,130</u>	<u>Over</u>	<u> </u>

High

*** School attendance zones are subject to revision at anytime.**

Additional Comments: Approval of this rezoning could adversely impact enrollment at Garrett Middle and South Cobb High School.

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

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 occupiable floor level. Aerial fire apparatus roads shall be a minimum with of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:
Residential subdivision: Cul-de-sac with an island – minimum 60 foot radius to outside curb, measured to inside of curb, minimum lane width 24 feet **or** Cul-de-sac without an island – 38 foot outside radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT W & H Properties, LLC

PETITION NO. Z-012

PRESENT ZONING RM-8 w/stips

PETITION FOR RM-8 w/stips

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development?

☐ Yes

☐ No

Fire Flow Test Required?

☐ Yes

☐ No

Size / Location of Existing Water Main(s)

Additional Comments: CITY OF AUSTELL SERVICE AREA

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin?

☐ Yes

☐ No

At Development?

☐ Yes

☐ No

Approximate Distance to Nearest Sewer:

Estimated Waste Generation (in G.P.D.): **A D F**

Peak

Treatment Plant:

Plant Capacity Available?

☐ Yes

☐ No

Line Capacity Available?

☐ Yes

☐ No

Projected Plant Availability:

☐ 0 - 5 year

☐ 5 - 10 years ☐ over 10 years

Dry Sewers Required?

☐ Yes

☐ No

Off-site Easements Required?

☐ Yes*

☐ No

Flow Test Required?

☐ Yes

☐ No

Septic Tank Recommended by this Department?

☐ Yes

☐ No

Subject to Health Department Approval?

☐ Yes

☐ No

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

Additional Comments:

CITY OF AUSTELL SERVICE AREA

Notes FYI:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: W & H Properties, LLC

PETITION NO.: Z-12

PRESENT ZONING: RM-8 w/ stips

PETITION FOR: RM-8 w/ stips

DRAINAGE COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Buttermilk Creek FLOOD HAZARD INFO: Zone AE

- ☒ FEMA Designated 100 year Floodplain Flood.
- ☐ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- ☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- ☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

Location: along creek and adjacent floodplain

- ☒ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

- ☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- ☐ Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- ☒ Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- ☐ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- ☒ County Buffer Ordinance: 50', **75'**, 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- ☐ Potential or Known drainage problems exist for developments downstream from this site.
- ☒ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- ☒ Minimize runoff into public roads.
- ☐ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- ☐ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- ☐ Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- ☐ Lake Study needed to document sediment levels.
- ☐ Stormwater discharges through an established residential neighborhood downstream.
- ☒ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving stream (Buttermilk Creek).

APPLICANT: W & H Properties, LLC

PETITION NO.: Z-12

PRESENT ZONING: RM-8 w/ stips

PETITION FOR: RM-8 w/ stips

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☒ Submit all proposed site improvements to Plan Review.
- ☐ Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- ☐ Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- ☐ Existing facility.
- ☒ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☒ Calculate and provide % impervious of project site.
- ☐ Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown _____
- ☐ Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The stormwater management plan for the original single-family development was approved with an on-site water quality pond and a fee-in-lieu of detention. The hydrologic analysis must be revised to account for the proposed site changes. Any increase in impervious coverage will require modification to the water quality pond as well as recalculation and payment of additional fee-in-lieu of detention. The “no rise” analysis for Buttermilk Creek will also need to be re-verified.

APPLICANT: W & H Properties

PETITION NO.: Z-12

PRESENT ZONING: RM-8 with Stipulations

PETITION FOR: RM-8 with Stipulations

TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Maxham Road	29700	Arterial	45 mph	Cobb County	100'

Based on 2007 traffic counting data taken by Georgia DOT

COMMENTS AND OBSERVATIONS

Maxham Road is classified as an Arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Install sidewalk, curb and gutter along road frontage.

As necessitated by this development for egress from Maxham Road a deceleration lane will be required.

Provide 100% funding for the traffic signal at the intersection of Maxham Road and Polder Way, if and when warranted.

Maxham Road is identified as a Cobb County roadway safety and operational improvement project.

RECOMMENDATIONS

Recommend installing sidewalk, curb and gutter along the road frontage.

Recommend a deceleration lane.

Recommend developer provide 100% funding for a traffic signal at the intersection of Maxham Road and Polder Way, if and when warranted.

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

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

STAFF RECOMMENDATIONS

Z-12 W & H PROPERTIES, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is located in an area that contains townhouses, a mobile home park, single-family houses, commercial uses and institutional uses. The RM-12 townhouse development on the west side of Maxham Road has a net density of 8.5 units per acre.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal is located in an area that contains a variety of land uses. New housing may help encourage other new housing proposals in the area. Staff was concerned with the density; however, this is an amendment to the overall 80-acre development which is still within the limits of the Future land Use Map.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, or utilities. This opinion can be supported by the departmental comments contained in this analysis. However, the school system has expressed concerns regarding the proposal.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Medium Density Residential Land Use Category with densities ranging from 2.5 to 5 units per acre. The overall proposed density is 4.99 units per acre for the property.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The area contains a mixture of different land use types, which includes townhouses at higher densities. The applicant's proposal is an amendment to the master plan, and will still be one community with matching architecture.

Based on the above analysis, Staff recommends APPROVAL subject to:

- Site plan received by the Zoning Division March 25, 2009, with the District Commissioner approving minor modifications;
- Fire Department comments;
- Cobb County- Marietta Water Authority comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations;
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations 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.

ORIGINAL DATE OF APPLICATION: 12-20-05APPLICANTS NAME: W & H PROPERTIES, LLC**Z-12 (2009)
Exhibit "A"
Current stipulations
Page 1 of 8**

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 03-21-06 ZONING HEARING:

W & H PROPERTIES, LLC (Dannette M. Cantrell and William D. Maxham, owners) requesting Rezoning from **R-20** to **RA-5** and **RM-8** for the purpose of a Subdivision in Land Lots 87 and 88 of the 18th District. Located on the east side of Maxham Road, south of Veterans Memorial Highway.

MOTION: Motion by Goreham, second by Lee, as part of the Consent Agenda, to **approve** rezoning to the **RA-5 (detached)** and **RM-8 (detached)** zoning districts **subject to:**

- **final site plan to be approved by District Commissioner**
- **letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated February 27, 2006 (copy attached and made a part of these minutes)**
- **Fire Department comments**
- **Historic Preservation comments**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

Z-12 (2009)
Exhibit "A"
Current stipulations
Page 2 of 8

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

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

February 27, 2006

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

WWW.SAMSLARKINHUFF.COM

VIA HAND DELIVERY

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

Min. Bk. 40 Petition No. Z-210⁰⁵
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 3/2/06

Re: Application of W&H Properties, LLC to Rezone a 53.6 Acre Tract
from R-20 to RA-5 & RM-8 (No. Z-210)

Dear John:

As you know, this firm represents the applicant and property owners concerning the above-captioned application for rezoning. The application was previously continued by staff pending approval by the Cobb County Historic Preservation Commission ("CCHPC") of a Certificate of Appropriateness which has now been granted. The application is scheduled to be heard and considered next month before the Planning Commission on March 7, 2006 and, thereafter, is scheduled to be heard for final action by the Board of Commissioners on March 21, 2006.

With respect to the foregoing and consistent with the dialogue established with the County's professional staff, area residents and the CCHPC, the balance of this letter will serve as my clients' agreement with the following revised stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and modified hereby, 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 with respect to the subject property.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 2
February 27, 2006

2. The rezoning of the subject property shall be from R-20 to RA-5 & RM-8 consistent with that certain revised site plan prepared by DGM Land Planning Consultants which was submitted on January 25, 1006. All of the homes which will be constructed on the subject property will be single-family detached homes.
3. A maximum number of one-hundred thirty-four (134) homes at a maximum density of 3.54 homes per acre.
4. Homes shall range from size from a minimum of 1,800 sq. ft. to 2,400 sq. ft. and possibly greater. Each home shall have a two-car attached garage.¹
5. The architectural style of the homes shall be traditional with the composition of said homes consisting of a mixture of brick, stone, cedar shake and a selection of siding finishes.
6. An agreement to the recordation and enforcement of Declaration of Covenants, Conditions and Restrictions for the proposed residential community which shall contain rules and regulations applicable to the entire community, including strict architectural controls.
7. An agreement that the homes throughout the entirety of the residential community shall be "for sale" only with an agreement that any subsequent leasing of the homes after their respective original purchases shall be limited to no more than ten percent (10%) of the total number of homes and for no lease term less than one (1) year in duration. These provisions shall be included as specific recitals in the Declaration of Covenants, Conditions and Restrictions as referred into the preceding paragraph.
8. The creation of a mandatory Homeowners Association which shall be responsible for the upkeep and maintenance of all common/open space areas, landscaped areas, amenity areas, fences and lighting.
9. A Third Party Management Company shall be hired to manage the day-to-day operations of the Homeowners Association, including the responsibility for all commonly owned properties and amenities within the subject property. The Third Party Management Company shall also be responsible for the management of all Association monies as well as ensuring that the Association is properly insured.

¹ Price points will range from the mid-200's to the low-300's.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 3
February 27, 2006

10. All common/open space, recreational areas, buffer areas and setbacks may be penetrated for the purposes of access, utilities, fences, ingress/egress and stormwater management issues.
11. Subject to recommendations from the Cobb County Stormwater Management Division with respect to stormwater, on-site detention, hydrology and downstream considerations, including the following:²
 - a. Limiting the grading on the site to the house pads, rights-of-ways, front yards and required slopes.
 - b. The voluntary donation and conveyance of seventy-five foot (75') stream bank buffers on either side of the stream (Buttermilk Creek) as a restrictive easement in favor of Cobb County so that said buffers shall remain undisturbed in perpetuity.
 - c. Open space (approximately 13.2 acres) shall be placed in a conservation easement in favor of Cobb County.³
12. Compliance with the following recommendations from the Cobb County Department of Transportation regarding traffic/transportational issues:⁴
 - a. Dependent upon the ultimate positioning of the point of ingress/egress for the subdivision, the installation of a deceleration lane with an appropriate taper.
 - b. In view of the fact that Maxham Road is classified as an arterial, ensuring 475' of sight distance or the implementation of remedial measures in which to mitigate same.

² The Stormwater Management Division has indicated that the subject property is a potential candidate for a "fee in lieu" stormwater scenario as opposed to traditional stormwater/water quality approaches.

³ This open space acreage figure may change during Plan Review.

⁴ The original stipulations provided for additional right-of-way and the installation of sidewalk, curb and gutter along Maxham Road. Those stipulations/conditions have been obviated by action and recommendations of the CCHPC.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 4
February 27, 2006

13. Compliance with recommendations from Cobb County's Historic Preservation Planner and the CCHPC regarding the Israel Causey-Maxham house which shall remain situated on a 5.42 acre tract with the Maxham Family retaining the ownership of same and including, but not necessarily limited to, the following:
 - a. Compliance with recommendations from Cobb County's Historic Preservation Planner and the CCHPC regarding the Israel Causey-Maxham House which shall remain situated on a 5.42 acre tract with the Maxham family descendants retaining ownership of same.
 - b. The proposed residential development, if the rezoning for same is approved by the Cobb County Board of Commissioners, shall be configured and situated as shown on that certain revised site plan being submitted contemporaneously herewith.
 - c. The erection of protective fencing around the 5.42 acre tract during construction. Additionally, the erection of similarly positioned permanent fencing if such is ultimately the desire of CCHPC.
 - d. The establishment of a 25' landscape buffer on those lots within the proposed residential community which are in direct contiguity to the 5.42 acre tract upon which the Israel Causey-Maxham house and its outbuildings are situated.
 - e. Following recommendations from Cobb County's Historic Preservation Planner and/or the CCHPC with respect to historic/interpretative/educational signage regarding the Israel Causey-Maxham House. The content, placement and configuration of said signage and markers (if any) shall be subject to CCHPC review and approval.
14. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer.
15. Compliance with recommendations from the Cobb County Fire Department contained within the Zoning Analysis.

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16. The submission of a landscape plan during the Plan Review process which will be subject to review and approval by the Community Development Department and/or the County Arborist, including the following:
 - a. The front and side yards of all homes shall be sodded and irrigated where appropriate.
 - b. Subdivision entry signage shall be ground-based, monument-style, fully irrigated and incorporated into the landscape plan which shall be submitted for staff review and approval.
 - c. Compliance with the agreement between the applicant and adjoining property owner Glenn Hammonds as follows:
 - i. The 10' landscape buffer along the southern boundary line of the subject property as it relates to Mr. Hammonds' property shall be increased to a 25' landscape buffer.
 - ii. The developer shall erect a 6' wooden privacy fence along the common property line which will extend to the westernmost point where Tax Parcel 33 in Land Lot 146 of the 18th District, Cobb County, Georgia, adjoins the proposed residential development. Said fence shall be erected prior to the construction of any homes within that area of the subject property and the forward facing side of the fence shall face Mr. Hammonds' property.
 - iii. The developer shall plant evergreen species as directed by the Cobb County Arborist along the common property line between the subject property and Mr. Hammonds' property.
17. The granting of contemporaneous Variances with respect to the lots as shown on the revised site plan.⁵
18. Modifications to these stipulations or the site plan shall be approved by the District Commissioner as needed or necessary during the Plan Review process.

⁵ Lot sizes for residential community average 11,039 sq. ft. which exceed the 7,000 sq. ft. minimum requirement under the RA-5 district.

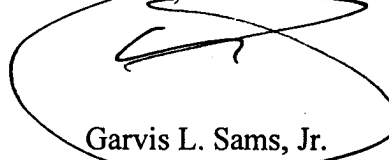
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Please do not hesitate to call should you or the staff require any further information or documentation prior to the application's next appearance before the Planning Commission and Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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GLSjr/jbmc

cc: Members, Cobb County Board of Commissioners (via hand delivery)
Members, Cobb County Planning Commission (via hand delivery c/o John P. Pederson)
Mr. Robert L. Hosack, Jr., AICP, Director (via hand delivery)
Mr. Mark A. Danneman, Manager (via hand delivery)
Mr. John Nash, Chairman, CCHPC
Ms. Kimberly Sawyer, Historic Preservation Planner (via hand delivery)
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery)
Ms. Sandra Richardson, Deputy County Clerk (via hand delivery)
Ms. Clarice Barber-Page, President, SWAN
Mr. William H. "Skip" Harper, Jr.

