

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 9-20-2011

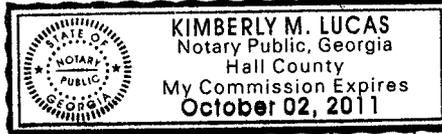
Applicant: D.R. Horton, Inc. **Phone #:** 770-730-7900
(applicant's name printed)

Address: 8200 Roberts Drive, Suite 100 **E-Mail:** BARippen@drhorton.com
Bruce Rippen

Address: 8200 Roberts Drive, Suite 100, Atlanta, GA 30350
VP of Acquisition & Development
(representative's name, printed)

[Signature] **Phone #:** 678-731-8989 (Direct) **E-Mail:** BARippen@drhorton.com
(representative's signature)

Signed, sealed and delivered in presence of:

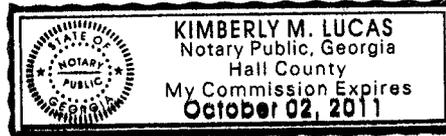


Kimberly M. Lucas **My commission expires:** 10/2/2011
Notary Public

Titleholder(s) : D.R. Horton, Inc. **Phone #:** 770-790-7900
(property owner's name printed)

Address: 8200 Roberts Drive, Suite 100, Atlanta, GA 30350 **E-Mail:** BARippen@drhorton.com

[Signature]
(Property owner's signature)



Signed, sealed and delivered in presence of:
Kimberly M. Lucas **My commission expires:** 10/2/2011
Notary Public

Commission District: 1 **Zoning Case:** Z-145

Date of Zoning Decision: 10-19-2004 **Original Date of Hearing:** 10-19-2004

Location: Lots 7-10, 15-25, 26-46 and 47-55 at the Poplar Springs Subdivision.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): Land Lots, 81 & 142, **District(s):** 19th District, 2nd Section

State specifically the need or reason(s) for Other Business: A limitation on lot grading was placed upon the property during the 8-16-2005 BOC, Other Business Item agenda hearing that creates a hardship for home-building operations today. This hardship is associated with a condition that limits lot grading to the front yard, building footprint and 10-feet outside of the building footprint. We respectfully request that condition be revised to allow Cobb County Staff the ability to determine lot grading maximum limitations on a per lot basis.

(List or attach additional information if needed)

TERRA



Design – Development – Construction Management
A Georgia Limited Liability Company

August 16, 2011

VIA: PDF Format, Electronic mail

Mr. Scott Mueller
Land Development Manager
D.R. Horton, Inc.
8200 Roberts Drive, Suite 100
Atlanta, Georgia 30350

Re: Poplar Springs Lot Grading

Dear Mr. Mueller,

This letter is in response to your questions associated with our grading plans for the referenced project that cannot comply with a specific zoning condition related to lot development. The specific condition states that individual lot grading is limited to the front yard, building footprint and 10-feet outside of the footprint. The condition originated during a site plan approval hearing for the subject development during the August 16, 2005 Cobb County Board of Commissioners, Other Business Item portion of their agenda.

As you are aware the grading for individual homesites is dependent upon several factors. The primary factors that affect lot grading include drainage considerations around a structure, compliance with building code standards related to grades adjacent to a structure and approach grades of a home's driveway from the street. Additional considerations include vertical relationships between adjacent homesites, preservation of already permitted maximum limits of vegetative disturbance and overall operational earthwork balancing. A designer must also propose grading upon a lot in a manner that is consistent with normal building construction processes and methods.

The most important of these factors and which drives the remaining factors are an effort to safely and efficiently evacuate surface water run-off away from a structure while providing driveway approach grades that meet Federal (FHA and VA) and private mortgage funding requirements. Although it is difficult to verbally describe the grading design process, when preparing a grading plan upon any property, proposed grading is always minimized to the extent that the designer can effectively combine the factors listed above in order to provide the structure with little chance of inundation by surface water flow.

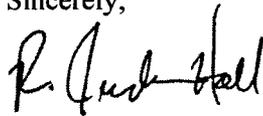
Finally, I believe it helpful to understand that my professional experience has taught me that a zoning condition related to grading limitations of this nature could only be achievable on very specific sites with relatively little topographic relief throughout the property. The Poplar Springs

topography can be described as moderately to severely sloped with natural grades on many lots existing in the range of 10 to 25% slopes. When combining the design factors listed above upon the Poplar Springs property, meeting the requirements of the zoning condition would result in unnatural looking home sites and a greater chance that surface water flows could damage a home by not being able to be effectively evacuated from around the structure.

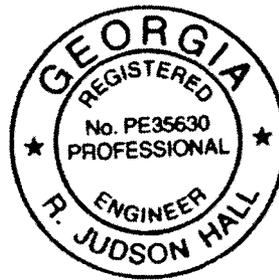
At this time I suggest that Cobb County be consulted about the possibility of revising the condition to allow Cobb County Staff the opportunity to approve the maximum limits for lot grading on a case-by-case basis. This would likely result in lots that are developed to the greatest possible satisfaction of the County, D.R. Horton and the future homeowners of these lots.

As always, thank you for the opportunity to assist you with your land development engineering needs. If I can provide any additional assistance on this subject, please don't hesitate to contact me.

Sincerely,



R. Judson Hall, PE, RLA
Managing Member
TerraTory Design, Development &
Construction Management, LLC



PAGE 6 OF 15 APPLICATION NO. Z-145ORIGINAL DATE OF APPLICATION: 12-21-04APPLICANTS NAME: JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 08-16-05 ZONING HEARING:****OTHER BUSINESS ITEM #3 – TO CONSIDER A SITE PLAN APPROVAL FOR QUINTUS CORPORATION REGARDING Z-145 (JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.) OF OCTOBER 19, 2004**

To consider a site plan approval for Quintus Corporation regarding Z-145 (John Wieland Homes and Neighborhoods, Inc.) of October 19, 2004, for property located on the south side of Poplar Springs Road, south of Dallas Highway in Land Lots 81 and 142 of the 19th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding site plan approval.

The public hearing was opened and Mr. Kevin Moore and Ms. Winifred Whiteis addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Olens, to approve site plan for Quintus Corporation regarding Z-145 (John Wieland Homes and Neighborhoods, Inc.) of October 19, 2004, for property located on the south side of Poplar Springs Road, south of Dallas Highway in Land Lots 81 and 142 of the 19th District subject to:

- site plan received in the Zoning Division June 16, 2005 (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. Kevin Moore dated August 10, 2005, with paragraph (9) revised to read as follows: "Developer agrees to provide to Mr. Bill Gillespie and Ms. Winifred Whiteis, or his/her designated representative, copies" (copy attached and made a part of these minutes)
- letter of agreement, as revised, signed by Ms. Winifred Whiteis and Mr. Kevin Moore dated August 16, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)
- individual lot grading limited to front yards and building footprints, plus 10 feet outside the footprint
- first flush water quality BMP requirements be elevated to at least 1.5 inches of rainfall, and each larger storm discharge be restricted to the allowable release of the next lower event (i.e. 5-year storm released at 2-year storm rate; 10-year storm be released at the 5-year storm rate)

→
Ship to
be amended

PAGE 7 OF 15 APPLICATION NO. Z-145

ORIGINAL DATE OF APPLICATION: 12-21-04

APPLICANTS NAME: JOHN WIELAND HOMES AND NEIGHBORHOODS. INC.

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

BOC DECISION OF 08-16-05 ZONING HEARING:

**OTHER BUSINESS ITEM #3 – TO CONSIDER A SITE PLAN APPROVAL FOR
QUINTUS CORPORATION REGARDING Z-145 (JOHN WIELAND HOMES
AND NEIGHBORHOODS, INC.) OF OCTOBER 19, 2004 (Continued)**

- agreement between the adjacent neighbors and Applicant/Developer, Quintus Corporation, regarding the amount and type of fencing to be installed; if an agreement cannot be reached between the parties, the District Commissioner to make the final decision regarding the amount and type of fencing at Plan Review
- all other previously approved conditions/stipulations to remain in full force and effect

VOTE: **ADOPTED** unanimously