

APPLICANT: Wilkins Walk Land, LP
(770) 390-9378

REPRESENTATIVE: J. Kevin Moore (770) 429-1499
Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Wilkins Walk Land, LP

PROPERTY LOCATION: At the southwest intersection of Concord Road and Hicks Road, on the westerly side of Hicks Road, and on the easterly side of Floyd Road.

ACCESS TO PROPERTY: Concord Road and Floyd Road

PHYSICAL CHARACTERISTICS TO SITE: Developed and undeveloped single-family residential

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Westfield Subdivision
- SOUTH:** R-20/Single-family residential and NRC/Pharmacy
- EAST:** R-20/Twin Oak Subdivision
- WEST:** R-20/Briarcliff Estates Subdivision, RSL/Concord Village & R-20/Confederate Oaks

PETITION NO: Z-6

HEARING DATE (PC): 02-07-12

HEARING DATE (BOC): 02-21-12

PRESENT ZONING: RM-8, RA-5

PROPOSED ZONING: RM-8

PROPOSED USE: Subdivision

SIZE OF TRACT: 19.798 acres

DISTRICT: 17, 19

LAND LOT(S): 29, 30, 1000, 1073

PARCEL(S): On file in Zoning Division

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

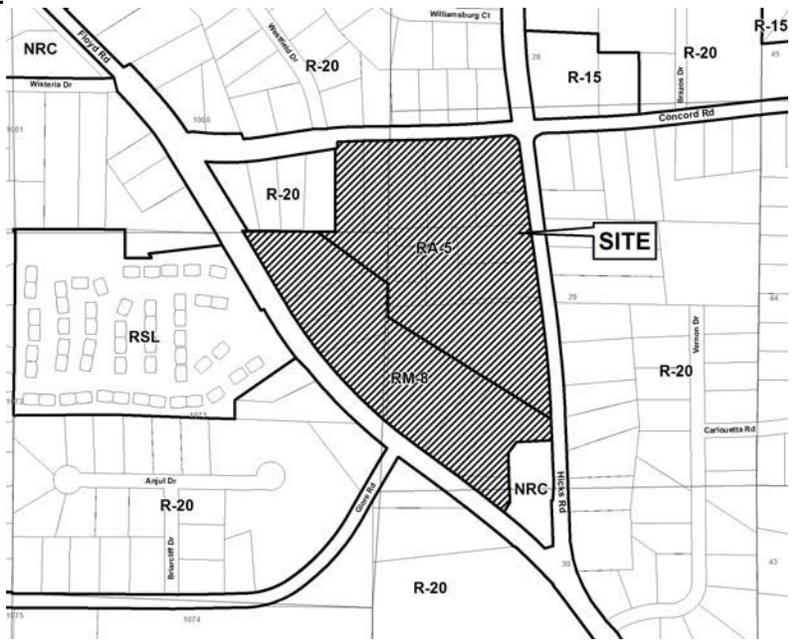
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

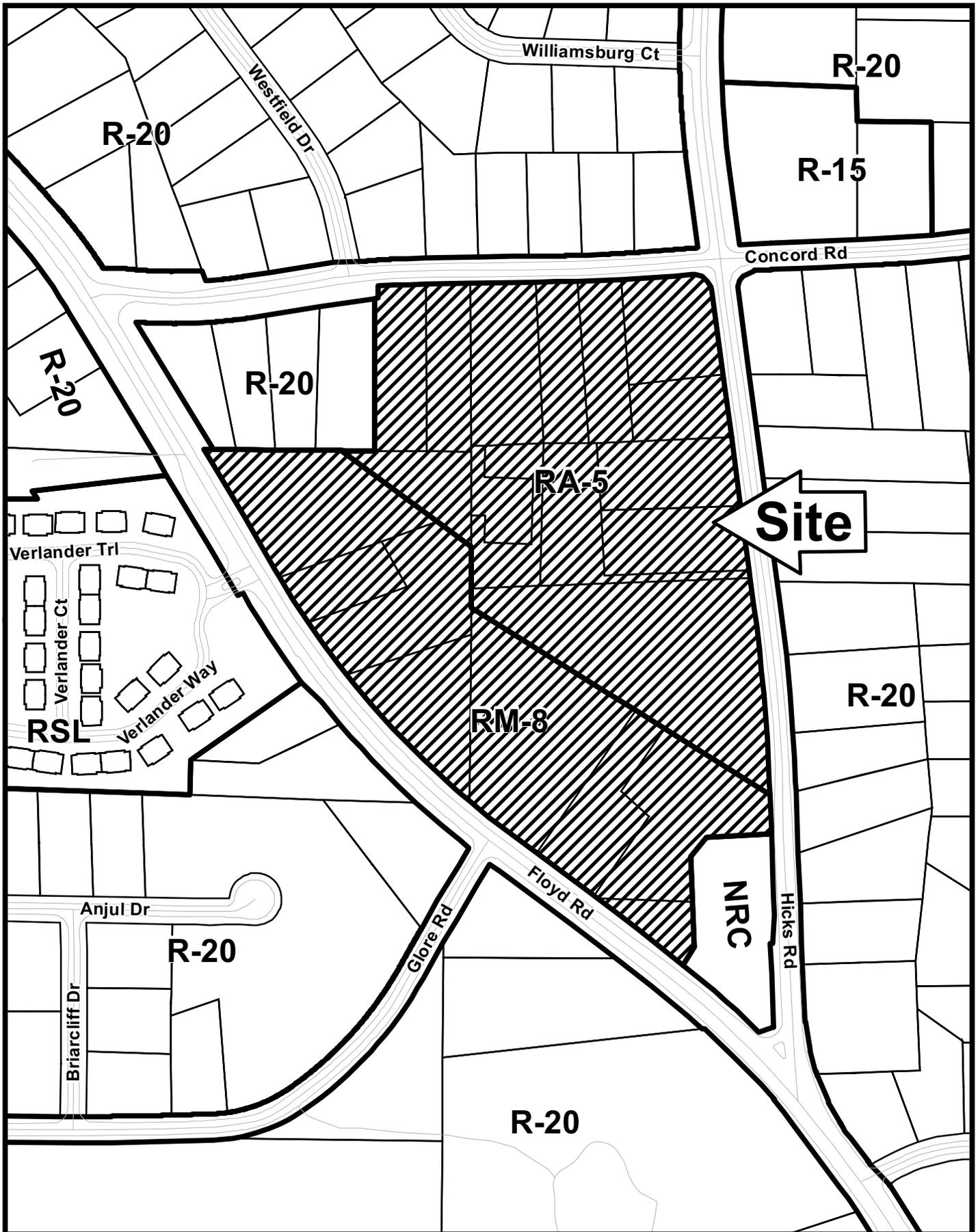
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

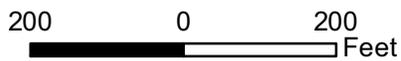
STIPULATIONS:



Z-6



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



City Boundary
Zoning Boundary

APPLICANT: Wilkins Walk Land, LP

PETITION NO.: Z-6

PRESENT ZONING: RM-8, RA-5

PETITION FOR: RM-8

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 112 **Overall Density:** 5.66 **Units/Acre**

Present Zoning Would Allow: 114 (per Z-18 of 2006) **Units** **Decrease of:** 2 **Units/Lots**

Applicant is requesting the RM-8 zoning category for the purpose of developing a single-family residential subdivision. The houses will be traditional in style with brick/stone accents and will range in price from \$190,000 to \$225,000. The proposed minimum house size is 1,800 square feet. Applicant’s site plan for the proposed development indicates private streets for the subdivision. The subject property was previously rezoned in 2006 as Z-18 for the development of a residential subdivision with attached and detached housing with 114 units yielding a density of approximately 5.75 units per acre. Applicant is proposing a detached subdivision with 112 units, two units less than previously approved, with a density of 5.66 units per acre.

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

APPLICANT: Wilkins Walk Land, LP

PETITION NO.: Z-6

PRESENT ZONING: RM-8, RA-5

PETITION FOR: RM-8

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Russell</u>	<u>659</u>	<u>Under</u>	<u> </u>
Elementary <u>Floyd</u>	<u>900</u>	<u>Under</u>	<u> </u>
Middle <u>South Cobb</u>	<u>1,967</u>	<u>Under</u>	<u> </u>

High

- School attendance zones are subject to revision at any time.

Additional Comments:

APPLICANT: Wilkins Walk Land, LP

PETITION NO.: Z-6

PRESENT ZONING: RM-8, RA-5

PETITION FOR: RM-8

FIRE COMMENTS:

ACCESS and GUEST PARKING: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

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 occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

GATE: 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 (Knox Switch). Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office. (Cobb County Development Standards 401.08.02.1)

APPLICANT Wilkins Walk Land, L.P.

PETITION NO. Z-006

PRESENT ZONING RM-8 and RA-5

PETITION FOR RM-8

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 6" CI / E side Floyd Rd

Additional Comments: Master water meter to be set at public ROW. Private submeters are required by Code.

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: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: 200' N in Wesfield Drive if elevations allow

Estimated Waste Generation (in G.P.D.): **A D F=** 44800 **Peak=** 112000

Treatment Plant: **S Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: 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 easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments: All on-site sewer to be private

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 offsite easements, dedication of on and/or offsite 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: Wilkins Walk Land, LP

PETITION NO.: Z-6

PRESENT ZONING: RM-8, RA-5

PETITION FOR: RM-8

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Nickajack Creek FLOOD HAZARD INFO: Zone X

- 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: _____

- 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 easements 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 systems.

APPLICANT: Wilkins Walk Land, LP

PETITION NO.: Z-6

PRESENT ZONING: RM-8, RA-5

PETITION FOR: RM-8

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. This site is bounded primarily by Floyd, Hicks and Concord Roads. The site drains to the north to two separate discharge points with a ridgeline the divides the site roughly diagonally along the Colonial Pipeline easement. Slopes on the site are gentle to moderate at 8% or less.
2. Both discharge points from this site flow through an older residential area with limited stormwater conveyance capacity. These downstream conditions warrant reduced allowable discharge from the site as development of this project will result in a significant increase in storm runoff and non-point source pollution. To mitigate, as a minimum the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate). The downstream analysis required at Plan Review may require additional reduction.

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
Hicks Road	10800	Major Collector	45 mph	Cobb County	80'
Concord Road	7400	Major Collector	35 mph	Cobb County	80'
Floyd Road	19700	Arterial	40 mph	Cobb County	100'

*Based on 2011 traffic counting data taken by Cobb DOT (Hicks Road)
Based on 2008 traffic counting data taken by Cobb DOT (Concord Road)
Based on 2005 traffic counting data taken by Cobb DOT (Floyd Road)*

COMMENTS AND OBSERVATIONS

Hicks Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Concord Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

Floyd Road is classified as an arterial and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Concord Road, a minimum of 40' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Hicks Road, a minimum of 40' from the roadway centerline.

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Floyd Road, a minimum of 50' from the roadway centerline.

Recommend a deceleration lane and left turn lane at each access point.

Recommend 10' no access easement along all road frontages except where proposed roads access public right-of-way.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the SPLOST Hicks Road sidewalk project.

Recommend installing curb, gutter, and sidewalk for all public road frontages including a 10' sidewalk along Floyd Road.

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

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STAFF RECOMMENDATIONS

Z-6 WILKINS WALK LAND, LP

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The property to the west was rezoned for residential senior living and has a density of 4.25 units and is the closest density to that currently proposed for the subject property, and other developed properties have lower densities commonly found in Low Density Residential areas.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. This area contains more developments that are R-20 and R-15 with less intense densities. The previous rezoning of the subject property was approved for a medium density residential use; however, the proposed density is above the five units per acre maximum for Medium Density Residential.
- 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, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. Although the subject property is within the Medium Density Residential land use category, the proposed density exceeds the 5.0 units per acre maximum for Medium Density Residential. While Low Density Residential seems predominant in the area, the *Cobb County Comprehensive Plan* for the subject property changed to Medium Density Residential as a result of the rezoning case from 2006 (Z-18) that rezoned the property to RA-5 and RM-8, with a density of 5.75 units per acre.
- 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 deleting the applicant's rezoning proposal to the RA-5 zoning category, meeting the requirements of the Zoning Ordinance and limiting the maximum density to 5.0 units per acre in compliance with the *Cobb County Comprehensive Plan*.

Based on the above analysis, Staff recommends DELETING the request to RA-5, subject to the following conditions:

- District Commissioner to approve the final site plan;
- Meeting requirement of the RA-5 zoning category;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- 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.

DEC - 1 2011

Summary of Intent for Rezoning*

AGENCY

12/15

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 1,800 square feet
 - b) Proposed building architecture: Traditional style; brick/stone accents
 - c) Proposed selling prices(s): \$190,000 - \$225,000
 - d) List all requested variances: None known at this time
- _____
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Not Applicable.
 - b) Proposed building architecture: _____
 - c) Proposed hours/days of operation: _____
 - d) List all requested variances: _____
- _____
- _____
- _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The Subject Property is currently zoned RM-8 and RA-5 for a mixed-residential community of attached and detached units. Applicant is seeking zoning to the RM-8 zoning category for the purpose of all detached single-family units; which will also decrease the overall density of the proposed development.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None.

***Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.**

ORIGINAL DATE OF APPLICATION: 02-21-06APPLICANTS NAME: WEAVER & WOODBERY COMPANYTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 02-21-06 ZONING HEARING:**

WEAVER & WOODBERY COMPANY (Estate of Mary Frances Moss Englett, William Luther Englett as Administrator, Jeff D. Hughes a/k/a Jefferson Davis Hughes, Faye W. Barber, E. E. Beavers Family Partnership, LP, John A. Glore, Estate of Gladys Glore Walker, John A. Glore and Ronald J. Glore as Co-Executors, Estate of Don C. Wilkins, William Donald Wilkins as Executor, Estate of James Calvin Cox, Michael Enfinger as Administrator, Alan F. and Margaret Carol Ashe, Katheryn Wood Anderson, Simon Dube, Michael E. Enfinger, Alfred D. Thurston, Jr., Sara T. Stripe, Ruby Ballew, Estate of Theodore F. Kiger, Jackie Theodore Kiger, Timothy Franklin Kiger a/k/a Timothy F. Kiger and Donna Joan Kiger as Co-Executors and Jack T. Kiger, owners) requesting Rezoning from **R-20** and **NRC** to **RA-5** and **RM-8** for the purpose of Attached and Detached Residential Community in Land Lots 29 and 30 of the 17th District and Land Lots 1000 and 1073 of the 19th District. Located at the southwest intersection of Concord Road and Hicks Road and on the east side of Floyd Road, south of Concord Road.

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

- **letter of agreeable stipulations from Mr. John Moore dated February 1, 2006, not otherwise in conflict (copy attached and made a part of these minutes)**
- **installation of wrought iron fence with brick, stucco, or stacked stone columns along Floyd Road**
- **interior sidewalks to connect to five-foot wide sidewalk along Floyd Road**
- **removal of two RM-8 buildings closest to Hicks Road, thereby reducing the total to 114 units**

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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JEFFREY K. STINSON
ELIZABETH ANN GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
KHRISTIE L. KELLY†
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS
BRETT A. MILLER

Z-6 (2012)
Previous Minutes

KAREN S. KURTZ
CHRISTOPHER C. MINGLEDORFF
MORGAN E. FOSTER
KATHERINE G. CRONE
RICHARD V. MERRITT

OF COUNSEL:
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN OH
*** ALSO ADMITTED IN NC
♦ ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGI
ELDON L. BASHAM
MATTHEW J. HOWRO
JERE C. SMITH
CLAYTON O. CARBACK
KEVIN B. CARLOCK†
ALEXANDER T. ALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOY
SUSAN S. STUART
DANIEL A. LANDIS**
BRIAN D. SMITH†

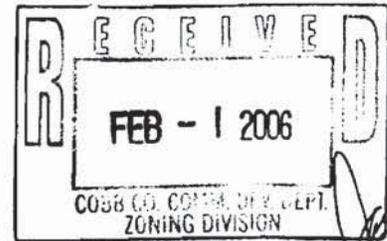
HARRY R. TEAR III
W. TROY HART†
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MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
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COURTNEY H. MOORE
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TARA C. RIDDLE
JOSHUA M. BOOTH*
KELLI L. WOLK
C. LEE DAVIS†
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
JEFFERY L. DICKERSON

February 1, 2006

Min. Bk. 39 Petition No. Z-18
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 2/21/06

Hand Delivered

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



RE: Application for Rezoning

Application No.: Z-18 (2006)

Applicant: Weaver & Woodbery Company

Property Owners: William L. Englett; the Estate of Mary Moss Englett; Jeff D. Hughes; E. E. Beavers Family Partnership, L.P.; et al.

Property: 19.798 acres located on the northeasterly side of Floyd Road, just north of the intersection of Floyd Road and Hicks Road, Land Lots 29 and 30, 17th District, and Land Lots 1000 and 1073, 19th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, this firm represents Weaver & Woodbery Company, the Applicant (hereinafter referred to as "Applicant"), and the Property Owners enumerated in the Application for Rezoning (hereinafter collectively referred to as "Owners"), in their Application for Rezoning regarding a total tract of 19.798 acres located on the northeasterly side of Floyd Road, just north of

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-18
Meeting Date 2/21/06
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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February 1, 2006

the intersection of Floyd Road and Hicks Road, Land Lots 29 and 30, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, reviewing the staff comments and recommendations, meetings with area residents and homeowners associations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (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 on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the R-20 and Neighborhood Retail Commercial ("NRC") zoning categories to the proposed RA-5 and RM-8 zoning classifications, with reference to that certain Site Plan prepared for Weaver & Woodbery Company by DGM Land Planning Consultants, Inc. dated December 1, 2005, last revised January 31, 2006.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Site Plan hereinabove set forth, same being prepared for Weaver & Woodbery Company by DGM Land Planning Consultants, Inc. dated December 1, 2005, last revised January 31, 2006.
- (4) The Subject Property consists of 19.798 acres of total site area and shall be developed for a residential community comprised of single-family, detached residences and an attached townhomes.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 10
February 1, 2006

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) The total site area for the proposed project is 19.798 acres with a total number of units for the entire project of one hundred sixteen (116). This results in an overall residential density of 5.86 units per acre.
- (2) The entrance signage to the proposed community shall be located at the entrances shown and reflected on the referenced Site Plan. The signage shall be ground-based, monument style and the entrance area shall be professionally designed, landscaped, and maintained.
- (3) All utilities servicing the residences within the proposed community shall be underground.
- (4) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences contained therein.
- (5) All streets within the proposed RM-8 community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code. The cul-de-sac street off Hicks Road within the RA-5 community shall be a public right-of-way.
- (6) Applicant agrees to the creation of a mandatory master homeowners association consistent with up-scale communities within the area. The mandatory master homeowners association shall be responsible for the upkeep and maintenance of all common areas, entrance areas, private streets, landscaped areas, and landscaping within the stormwater management areas contained within the overall single-family community.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 10
February 1, 2006

- (7) Additionally, and in conjunction with the creation of the mandatory master homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the overall single-family residential community.
- (8) Minor modifications to the referenced Site Plan, including, but not limited to, the layout of lots and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (9) The stormwater management areas shall be as shown and reflected on the referenced Site Plan.
- (10) The stormwater management areas shall be fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County arborist during the plan review process.
- (11) There shall be a landscaped area located along the frontage of Floyd Road.
- (12) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (13) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (14) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

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- (15) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

- (16) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Construction of deceleration lanes at each access point together with a left-turn lane on Hicks Road;

 - (b) Donation of right-of-way forty (40) feet from the existing roadway centerline along the westerly side of Hicks Road;

 - (c) Donation of right-of-way forty (40) feet from the existing roadway centerline along the southerly side of Concord Road;

 - (d) Donation of right-of-way fifty (50) feet from the existing roadway centerline along the northeasterly side of Floyd Road; and

 - (e) Alignment of the entrance to the proposed community located on Floyd Road across from the intersection of Glore Road.

STIPULATIONS APPLICABLE TO THE PROPOSED RA-5 COMMUNITY

- (1) The proposed single-family community shall consist of approximately 9.98 acres and shall be developed for a maximum of thirty-eight (38) single-family, detached homes, resulting in a density of 3.81 units per acre.

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- (2) Residences to be constructed within the proposed single-family community shall have a minimum of 2,200 square feet, ranging upwards to 3,000 square feet.
- (3) The proposed residences shall be traditional or Craftsman in style and architecture and shall have two car garages.
- (4) Additionally, the fronts of the proposed residences shall be brick, stone, stacked stone, cedar shake-type shingles, or combinations thereof.
- (5) The minimum lot size of lots within the proposed single-family community shall be 7,000 square feet.
- (6) The setbacks for the proposed single-family community shall be as follows:
 - (a) Front setback - Twenty (20) feet (or as shown and reflected on the referenced Site Plan);
 - (b) Rear setback - Twenty-five (25) feet (or as shown and reflected on the referenced Site Plan); and
 - (c) Side setback - Five (5) feet.
- (7) All front yards of the residences to be constructed within the proposed single-family community shall be sodded.
- (8) There shall be a no access easement for all lots located adjacent to Concord Road and Hicks Road. However, access to the proposed units facing Concord Road and Hicks Road shall be by means of a shared alley-way.

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STIPULATIONS APPLICABLE TO THE PROPOSED RM-8 COMMUNITY

- (1) The proposed townhome community shall consist of approximately 9.818 acres and shall be developed for a maximum of seventy-eight (78) single-family, attached townhomes, resulting in a density of 7.94 units per acre.
- (2) The proposed townhome community shall be developed under and pursuant to the Cobb County Condominium Ordinance, and not the Georgia Condominium Act.
- (3) Residences to be constructed within the proposed townhome community shall have a minimum of 1,800 square feet, ranging upwards to 2,200 square feet, or greater, of heated living space.
- (4) The proposed townhome residences shall be traditional in style and architecture, shall be a maximum of three-stories in height, and shall have two-car garages, as more particularly shown and reflected on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.
- (5) The front facades of the proposed townhome residences shall consist of brick, stone, stacked stone, cedar shake-type, or combinations thereof.
- (6) Additionally, the front exterior shall be staggered in order to present a more aesthetically pleasing streetscape.
- (7) The proposed townhome community shall be a condominium development as that term is used and defined under the Cobb County Zoning Ordinance and complying in all respects with the Cobb County Zoning Ordinance.

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- (8) All units within the proposed townhome community shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (9) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential condominium community.
- (10) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance ways, all common areas, private streets, and stormwater management area contained within the proposed townhome community.
- (11) Amenities within the proposed townhome community shall consist of a pool, cabana, and playground area and common green space areas, as more particularly shown and reflected on the referenced Site Plan.
- (12) There shall be a minimum of thirty (30) feet between buildings within the proposed townhome community.
- (13) All yard areas surrounding the proposed residences shall be sodded and professionally maintained as more particularly set forth in the Declaration of Covenants and Restrictions.

We believe the requested zoning, together with the revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area surrounding the proposed development. The proposed residential communities shall be quality developments, shall be compatible with surrounding

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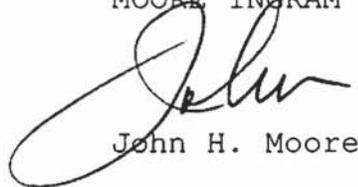
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neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

Mr. James Cavedo
Mableton Improvement Coalition
(With Copy of Enclosure)

Ms. Clarice Barber Page
Southwest Austell Neighbors
(With Copy of Enclosure)

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c: Ms. Robin Meyer
Jerry A. Landers, Jr., Esq.
Area Residents
(With Copy of Enclosure)

Weaver & Woodbery Company
(With Copy of Enclosure)