

#2

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 4/15/14

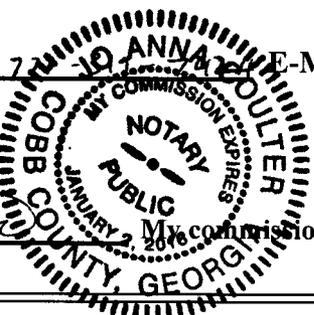
Applicant: Acadia Homes & Neighborhoods, LLC Phone #: 770-319-7424
(applicant's name printed)

Address: 2100 Powers Ferry Rd, Ste 300, Atlanta, GA 30339 E-Mail: cwalters@theardentcompanies.com

Clint Walters Address: 2100 Powers Ferry Rd, Ste 300, Atlanta, GA 30339
(representative's name, printed)

[Signature] Phone #: 770-319-7424 E-Mail: cwalters@theardentcompanies.com
(representative's signature)

Signed, sealed and delivered in presence of:
[Signature] My commission expires: 1-2-16
Notary Public

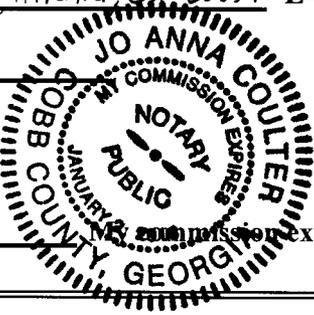


Titleholder(s): AHFC VI, LLC Phone #: 770-319-7424
(property owner's name printed)

Address: 2100 Powers Ferry Rd, Ste 300, Atlanta, GA 30339 E-Mail: cwalters@theardentcompanies.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:
[Signature] My commission expires: 1-2-16
Notary Public



2014 FEB 25 PM 3:35
COBB COUNTY ZONING DIVISION

Commission District: 2 Zoning Case: 2-157

Date of Zoning Decision: 11/21/06 Original Date of Hearing: 11/21/06

Location: West side of Spring Hill Pkwy, North of Mt Wilkison Pkwy
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 882 District(s): 17

State specifically the need or reason(s) for Other Business: Drainage comments, Downstream condition requires a lake study. The property owners of the lake have not granted access to conduct the study. We request the stipulation amended due to inability to complete after reasonable measures have been taken.

ORIGINAL DATE OF APPLICATION: 11-21-06APPLICANTS NAME: JOHNSON/WILLIS, LLC

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

BOC DECISION OF 11-21-06 ZONING HEARING:

JOHNSON/WILLIS, LLC (William H. Benton and John S. Hunsinger, owners) requesting Rezoning from **R-20** to **RM-8** for the purpose of Townhouse-Style Condominiums in Land Lot 882 of the 17th District. Located on the west side of Spring Hill Parkway, north of Mount Wilkinson Parkway.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **RM-8** zoning district **subject to:**

- **site plan in general conformity to the plan received by the Zoning Division September 7, 2006, with Stormwater Management Division to have final determination on the detention facility, and the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **Cobb DOT and the District Commissioner to approve a new site plan taking into consideration GDOT right-of-way along the property frontage (no permits are to be issued until this site plan is approved)**
- **letter of agreeable stipulations from Mr. Garvis L. Sams, Jr., dated October 12, 2006 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Garvis L. Sams, Jr., dated November 7, 2006, noting that interior finishes will be "built" to standards described in this letter but are not required in perpetuity (copy attached and made a part of these minutes)**
- **this to be a gated community, with security gate**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations, *excepting requirement for a left turn lane***
- **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

APPLICANT: Johnson/Willis, LLC

PETITION NO.: Z-157

PRESENT ZONING: R-20

PETITION FOR: RM-8

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Unnamed Tributary to Chattahoochee River 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 R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream within The Park @ Vinings Apartments (~1100' downstream).
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established multi-family residential development downstream.
- Project engineer must evaluate the impact of any increased volume of runoff generated by the proposed project on the existing downstream storm drainage system.

APPLICANT: Johnson/Willis, LLC

PETITION NO.: Z-157

PRESENT ZONING: R-20

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.

ADDITIONAL COMMENTS/SUGGESTIONS

1. The proposed site layout appears to assume that the site drains to the east across Spring Hill Parkway toward Interstate I-285. The County GIS topography suggests this as well. However, field observation verifies that the entire site actually drains to the west into The Park at Vinings Apartments. There is an existing headwall located between Buildings 3020 and 3012 that intercepts the subject site runoff and conveys it through the apartment complex. This will require relocation of the proposed stormwater management facility and a revision to the site layout. The pond will likely need to be located near the existing discharge point along the western property boundary near the middle of the site.
2. The extensive existing tree stand and undergrowth on this site provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate the vast majority of this vegetation and increase pavement, storm runoff and non-point source pollution. To compensate, 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).
3. As indicated in the Downstream Conditions comments, a pre- and post-development lake survey will be required for the existing downstream Apartment Lake. During the site visit significant existing sedimentation within the downstream channel and lake was observed.

April
OB
Item

Min. Bl. 46 Petition No. Z-157
Doc. Type 10-12-2006 Letter
of Agreeable Stipulations
Meeting Date Nov. 21, 2006

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

COBB COUNTY
2006-11-21
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TELEPHONE
770-426-6583
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GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA R. HAISTEN

October 12, 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 Johnson/Willis, LLC to Rezone from a 3.21 acre tract
from R-20 to RM-8 (No. Z-157)

Dear John:

You will recall that this firm represents Johnson/Willis, LLC concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on November 7, 2006 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 21, 2006.

The subject property, an irregularly shaped tract consisting of 3.21 acres, is sandwiched between an existing RM-8 multi-family development and Springhill Parkway which is parallel to I-285. The property is also directly across I-285 from a Regional Activity Center (RAC) and is situated within an area under the Future Land Use Map and Comprehensive Land Use Plan which is denominated for High Density Residential (HDR) development.

As a result of our discussions with the County's professional staff, Johnson/Willis, LLC is amenable to the following conditions becoming a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations 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

PAGE 6 OF

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 2
October 12, 2006

concerning the property which constitutes the subject matter of the above-captioned application for rezoning.

2. The rezoning of the subject property shall be from R-20 to RM-8 in substantial conformity to the site plan prepared by Southeastern Engineering which was filed contemporaneously with the Application for Rezoning.
3. The subject property shall be developed for single-family attached residences upon a total of 3.21 acres for a total number of 25 homes at an overall maximum density of 7.79 homes per acre.¹
4. The size of the homes shall range from a minimum of 2,000 sq. ft. up to 2,400 sq. ft. with each home having an attached two-car garage.
5. The architectural style of the homes shall be traditional and a maximum of three (3) stories in height. The composition of the homes shall consist of a mixture of brick, stacked stone, hardy shake, or hardy plank on at least four (4) sides. The architectural style and composition shall be consistent with the rendering being submitted contemporaneously herewith.²
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, fences, lighting and streets within the proposed residential community.
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 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.

¹ The proposed density is consistent with the High Density Residential (HDR) designation under the Future Land Use Map.

² Price points are anticipated ranging from \$300,000 to \$400,000 and higher.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 3
October 12, 2006

8. 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.
9. 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 Springhill Parkway, fully irrigated and incorporated into the submitted landscape plan.
 - b. Landscaping along the subject property's frontage on Springhill Parkway.
 - c. The installation of underground utilities.
 - d. Landscaping water quality ponds and detention areas so that they are attractively screened.
10. 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.
11. 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 Springhill Parkway (major collector) so that the County can achieve 40' from the centerline of same.
 - b. The installation of sidewalk, curb and gutter along the Springhill Parkway frontage.
 - c. The construction of a deceleration lane with an appropriate taper at the subject property's point of ingress/egress on Springhill Parkway.
 - d. A 10' no access easement across the subject property's frontage on Springhill Parkway except, of course, with respect to the residential community's entrance located thereon.

VIA HAND DELIVERY

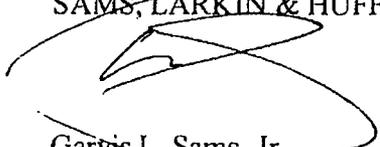
Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 4
October 12, 2006

12. 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.
13. Compliance with the recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.
14. 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.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the formulation of your recommendations to the Planning Commission or Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



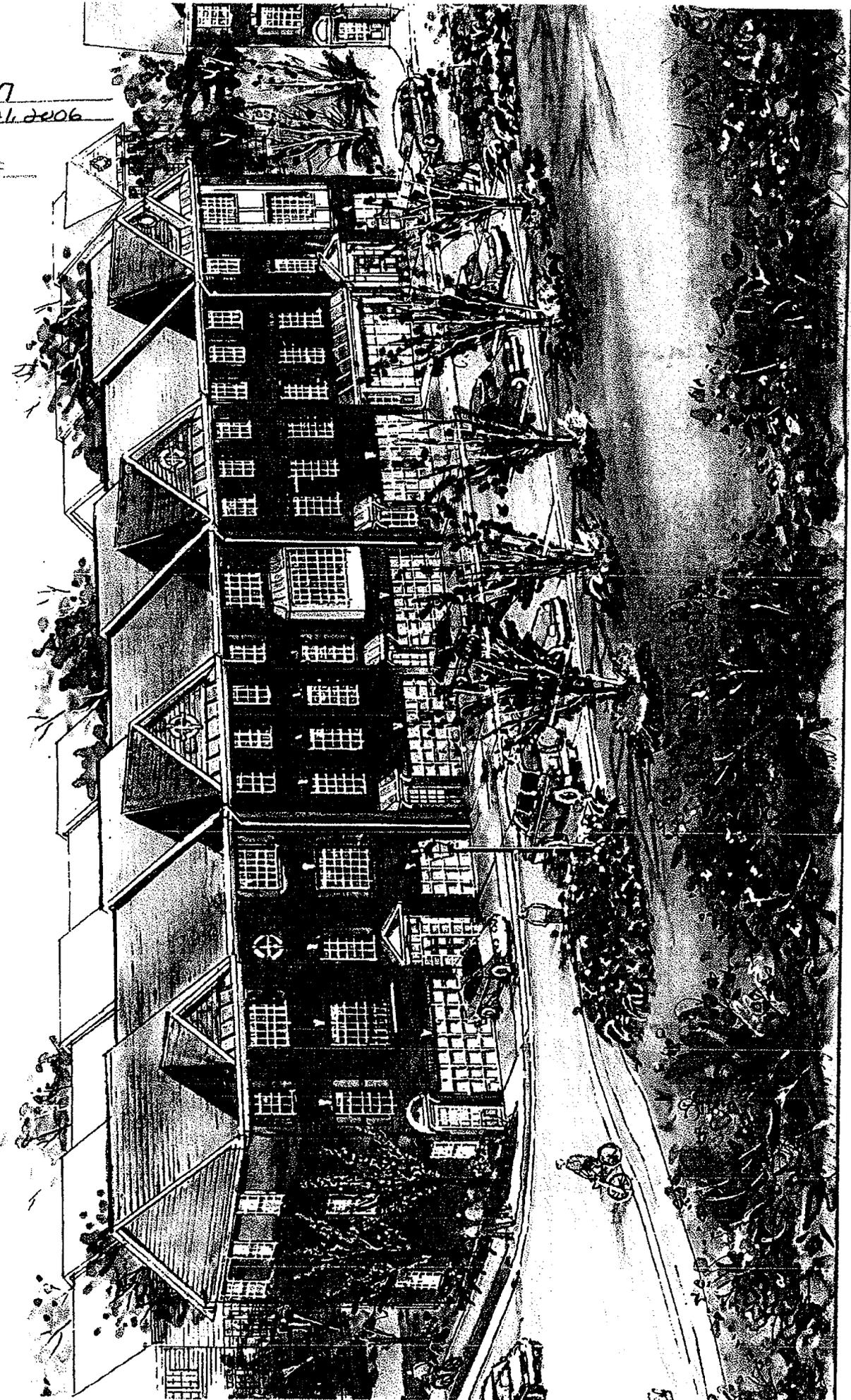
Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc
Enclosure

- cc: Members, Cobb County Board of Commissioners (via hand delivery w/encs.)
Members, Cobb County Planning Commission (w/encs.)
Mr. Robert L. Hosack, Jr., AICP Director (via hand delivery w/encs.)
Mr. David W. Breaden, P.E. (via hand delivery w/encs.)
Mr. John M. Morey (via hand delivery w/encs.)
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery w/encs.)
Ms. Karen L. King, Deputy County Clerk (via hand delivery w/encs.)
Mr. Ron Sifen, President, Vinings Homeowners Association (w/encs.)
Ms. Suzanne Ballew, West Vinings Civic Association (w/encs.)
Mr. Tony Waybright, West Vinings Civic Association (w/encs.)
Mr. John Willis, Johnson/Willis, LLC (w/o encs.)
Mr. Earl Johnson, Johnson/Willis, LLC (w/o encs.)

Petition No. Z-157
Meeting Date Nov. 21, 2006
Continued

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FILED WITH COUNTY CLERK THIS 7th DAY
OF November 2006 BY Garvis Sams, Jr.

Min. Bk. 46 Petition No. Z-157
Doc. Type 11-7-06 Letter of
Agreeable Stipulations
Meeting Date Nov. 21, 2006

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

RE Z-157
Mail R. Huff
COUNTY CLERK/ASST. COUNTY CLERK/PROPERTY COUNTY CLERK
COBB COUNTY, GEORGIA

PAGE 11 OF 11

GARVIS L. SAMS, JR.
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MELISSA P. HAISTEN
OF COUNSEL
DAVID P. HARTIN

November 7, 2006

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IN ALABAMA

VIA HAND DELIVERY

Mr. Robert J. Ott, Jr., Member
Cobb County Planning Commission
1477 Pebble Creek Road, S.E.
Marietta, GA 30067

Re: Application of Johnson/Willis, LLC to Rezone a 3.21 acre tract
from R-20 to RM-8 (No. Z-157)

Dear Bob:

You have requested that, in addition to existing stipulations contained within my October 12, 2006 letter, Johnson/Willis, LLC agree to stipulations regarding the removal of billboard signs on the premises and regarding interiors of the individual townhomes.

I have been advised by my client that they are amenable to the following additional stipulations/conditions:

1. Floor plans and finishes shall consist of, at a minimum, the following:
 - a. Enhanced Corian, granite, or marble counter tops in kitchens.
 - b. Pre-fabricated gas or electric fire places.
 - c. Minimum ceiling heights shall be a minimum of 9' from floor to finished ceiling and greater
 - d. Wood face cabinetry.
 - e. Extra deep under-mounted stainless steel sinks.

VIA HAND DELIVERY

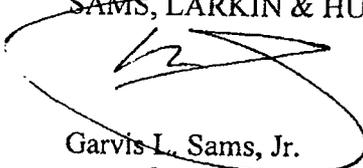
Mr. Robert J. Ott, Jr., Member
Cobb County Planning Commission
Page 2
November 7, 2006

- f. Applicant shall offer a selection of hardwood flooring, tightly woven carpet, and tile throughout.
 - g. Spacious open floor plans which eliminate the necessity for typical hallways within the homes.
 - h. Brushed-chrome bathroom and kitchen fixtures.
 - i. Ceramic tile bathroom floors.
 - j. High speed Internet wiring in all rooms of each townhome (except bathrooms, kitchens and laundry rooms).
2. The billboard signs presently located on the subject property shall be removed on or before six (6) months from the date of rezoning of the subject property.

I trust that this satisfactorily responds to your recent request for additional stipulations. However, please do not hesitate to call upon me should you have any questions or need any additional information or documentation concerning this zoning application.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc

cc: Johnson/Willis, LLC

ORIGINAL DATE OF APPLICATION: 11-21-06APPLICANTS NAME: JOHNSON/WILLIS, LLC

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

BOC DECISION OF 05-21-13 ZONING HEARING:

**OTHER BUSINESS ITEM #2 - TO CONSIDER STIPULATION AMENDMENTS FOR
ACADIA HOMES & NEIGHBORHOODS, LLC REGARDING REZONING
APPLICATION Z-157 OF 2006 (JOHNSON/WILLIS, LLC)**

To consider stipulation amendments for Acadia Homes & Neighborhoods, LLC regarding rezoning application Z-157 of 2006 (Johnson/Willis, LLC), for property located on the west side of Spring Hill Parkway, north of Mount Wilkinson Parkway in Land Lot 882 of the 17th District.

Mr. Pederson provided information regarding the proposed stipulation amendments to allow units to be sold as "fee-simple" townhomes and removing stipulations relating to the interior finishes. The public hearing was opened and Mr. Garvis L. Sams, Jr. addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **approve** Other Business Item No. 2 for stipulation amendments for Acadia Homes & Neighborhoods, LLC regarding rezoning application Z-157 of 2006 (Johnson/Willis, LLC), for property located on the west side of Spring Hill Parkway, north of Mount Wilkinson Parkway in Land Lot 882 of the 17th District **subject to:**

- **Change designation of the development from condominiums to fee simple townhomes**
- **Letter of agreeable conditions from Mr. Garvis L. Sams, Jr., dated April 16, 2013 (attached and made a part of these minutes), this letter does not supersede previously stipulated letters**
- **Previously stipulated letter dated November 7, 2006 to remain effect, except the removal of subset items 1b (Pre-fabricated gas or electric fire places), 1e (Extra deep under-mounted stainless steel sinks), and 1h (Brushed-chrome bathroom and kitchen fixtures)**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED 4-0**, Lee not present at time of vote

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIN L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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JUSTIN H. MELKS

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April 16, 2013

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road
Suite 400
Marietta, GA 30064

Min. Bk. 68 Petition No. OB2
Doc. Type Letter of agreeable
conditions
Meeting Date May 21, 2013
(Z-157 of 2006)

Cobb County Georgia
FILED IN OFFICE
2013 APR 16 PM 1:26
COBB COUNTY ZONING DIVISION

Re: Other Business Application of Acadia Homes & Neighborhoods, LLC
to revise stipulations regarding No. Z-157 (2006).

Dear John:

This firm has been engaged by and represents Acadia Homes & Neighborhoods, LLC ("Acadia") regarding the above-captioned Other Business Application. In that regard, enclosed is the original application, a check made payable to Cobb County in the sum of \$309.00 representing the application and sign fees and a copy of the original zoning stipulations, site plans and other documentation incorporated by reference into the minutes reflecting the County's approval of the application on November 21, 2006.

To refresh your recollection, the subject property consists of a 3.21 acre tract of land which is sandwiched between the Park at Vining Apartments and I-285. The property is located in an area under the Future Land Use Map which is denominated for High Density Residential ("HDR") development contemplating densities ranging from 5-12 units per acre. When the Zoning Application was approved in 2006, it was for a total number of twenty-five (25) homes and an overall maximum density of 7.79 units per acre.

Acadia proposes to develop the property for a fee simple townhome community consistent with the stipulations/conditions approved in 2006; however, the Other Business Application does request some minor revisions to that original approval as indicated on the application form. I have met with Commissioner Bob Ott and briefed him on the application and the revisions it seeks.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. OB 2-2-157 of 2006
Meeting Date 5-21-13
Continued

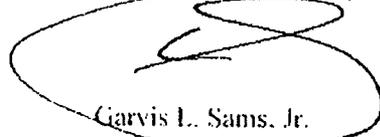
VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
April 16, 2013
Page 2

Please let me know when notification signage is prepared so that I can ensure that the subject property is posted indicating that the Other Business Application will be heard by the Board of Commissioners on their Other Business Agenda which is scheduled for May 21, 2013. Thank you in advance for your attention to these matters. Please do not hesitate to call should you have any questions whatsoever. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinbuff.com

GLS,Jr./snw
Enclosures

- cc: Mr. Bob Ott, Commissioner (Via E-Mail w/ attachments)
Mr. Clint Walters, Acadia Homes & Neighborhoods, LLC (Via E-Mail w/ attachments)
Ms. Suzanne Ballew, West Vinings Civic Association (Via E-Mail w/ attachments)