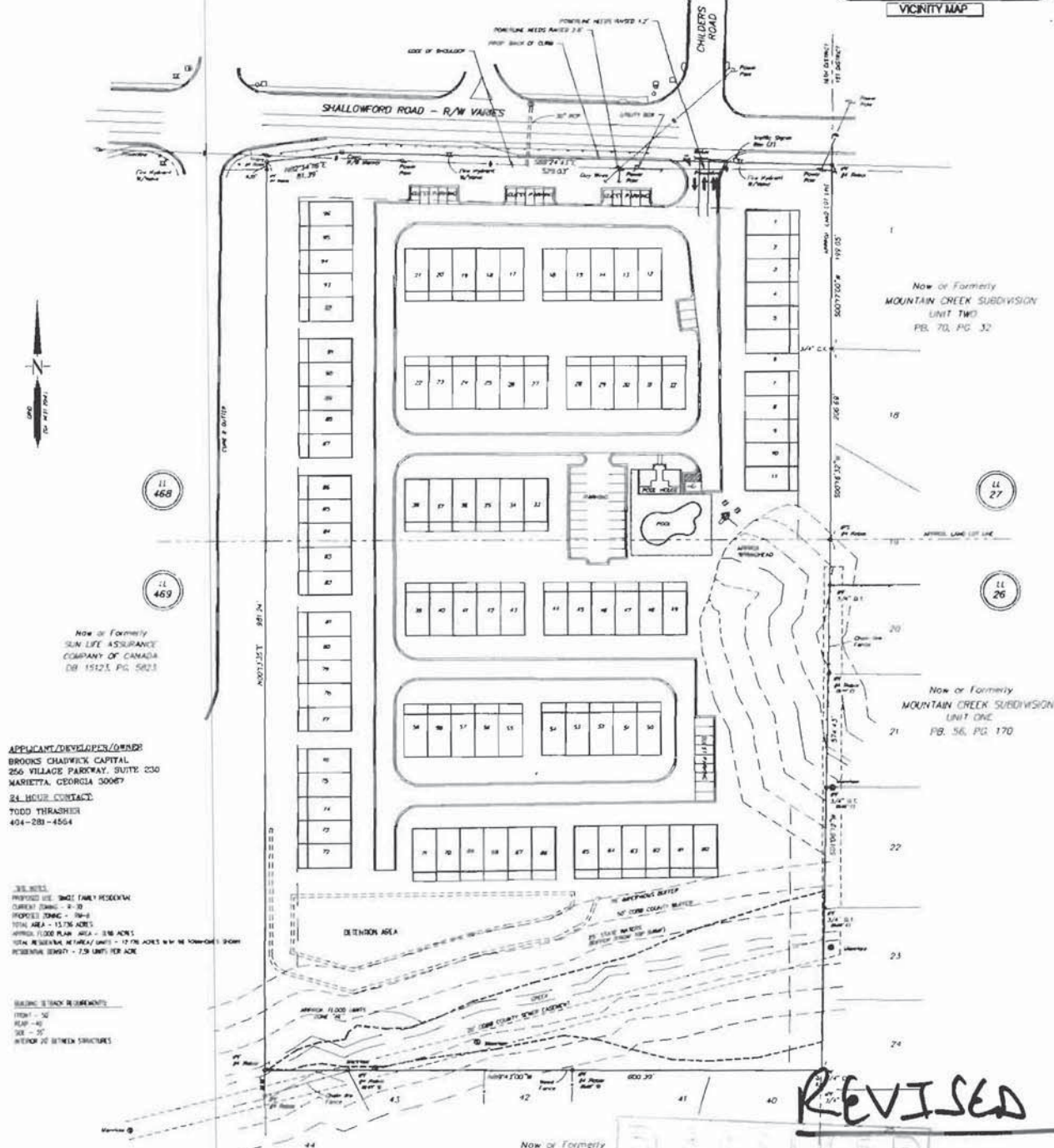


**Z-56  
(2014)**

NOTES:  
 THIS SURVEY HAS BEEN CONDUCTED IN ACCORDANCE WITH THE REQUIREMENTS OF THE SURVEYING ACT AND THE REGULATIONS THEREUNDER. THE SURVEYOR HAS TAKEN ALL REASONABLE PRECAUTIONS TO ENSURE THE ACCURACY OF THIS SURVEY. THE SURVEYOR IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE PERFORMANCE OF THE PROJECT. THE SURVEYOR IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE PERFORMANCE OF THE PROJECT. THE SURVEYOR IS NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE PROJECT OR FOR THE PERFORMANCE OF THE PROJECT.

A PORTION OF THIS PROPERTY IS LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO COBB COUNTY F.L.R.M. PANEL 0068 H. COMMUNITY NO. 130052, DATED: MARCH 4, 2013.



Now or Formerly  
**SUN LIFE ASSURANCE  
 COMPANY OF CANADA**  
 DB 15123, PG. 5623

**APPLICANT/DEVELOPER/OWNER:**  
**BROOKS CHADWICK CAPITAL**  
 255 VILLAGES PARKWAY, SUITE 230  
 WAREHETTA, GEORGIA 30067  
**24 HOUR CONTACT:**  
**TODD THRAINGER**  
 404-281-4564

**30' SETBACKS**  
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL  
 CURRENT ZONING: R-30  
 PROPOSED ZONING: R-30  
 TOTAL AREA: 15.76 ACRES  
 APPROX. FLOOD PLANE AREA: 3.16 ACRES  
 TOTAL RESERVATION AREA: 12.76 ACRES  
 RESERVATION DENSITY: 7.9 UNITS PER ACRE

**BASELINE TRACK ELEMENTS**  
 FRONT - 50'  
 REAR - 40'  
 SIDE - 30'  
 INTERIOR TO BETWEEN STRUCTURES

Now or Formerly  
**MOUNTAIN CREEK SUBDIVISION  
 UNIT TWO**  
 FEB. 70, PG. 32

Now or Formerly  
**MOUNTAIN CREEK SUBDIVISION  
 UNIT ONE**  
 FEB. 56, PG. 170

Now or Formerly  
**BRECKENRIDGE  
 PHASE TWO, UNIT TWO**  
 FEB. 139, PG. 78

REVISED

JUL - 3 2014

PROPERTY ADDRESS:  
 SHALLOWFORD ROAD  
 WAREHETTA, GEORGIA 30068  
 PROPERTY IS ZONED: R-30  
 SHAFTWISE CLOSURE - 7.23.007  
 BRIDGEWAY ERROR - 2.4 SEC 2/12/14  
 ADJUSTMENT - COMPASS, BULL  
 EQUIPMENT - ROTON, SELF TOTAL STATION  
 PLAT CLOSURE - 8.17.008  
 DATE OF FIELD WORK - MAY 02, 2014

**CONCEPTUAL PLAN FOR:**  
**BROOKS CHADWICK CAPITAL, INC.**  
 PROPERTY IS LOCATED IN LAND LOT 468 & 469  
 IN THE 16TH DISTRICT, 2ND SECTION  
 COBB COUNTY, GEORGIA  
 SCALE: 1" = 50' DATE OF PLAT: JUNE 25, 2014



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**Centerline Surveying Systems, Inc.**  
 1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144  
 PHONE: (770) 424-0028 FAX: (770) 424-2588

PROJECT No. 1140088 Sheet No. 1 of 1

**APPLICANT:** Brooks Chadwick, LLC

**PETITION NO:** Z-56

**PHONE#:** (404) 281-4554 **EMAIL:** todd@brooks Chadwick.com

**HEARING DATE (PC):** 08-05-14

**REPRESENTATIVE:** John H. Moore

**HEARING DATE (BOC):** 08-19-14

**PHONE#:** (770) 429-1499 **EMAIL:** jmoore@mijs.com

**PRESENT ZONING:** R-30

**TITLEHOLDER:** Kenneth B. Clary

**PROPOSED ZONING:** RM-8

**PROPERTY LOCATION:** South side of Shallowford Road, east of Johnson Ferry Road.

**PROPOSED USE:** Townhouses

**ACCESS TO PROPERTY:** Shallowford Road

**SIZE OF TRACT:** 13.736 acres

**PHYSICAL CHARACTERISTICS TO SITE:** Wooded acreage

**DISTRICT:** 16

**LAND LOT(S):** 468, 469

**PARCEL(S):** 5, 9

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** NRC/Retail Center and R-20/Wooded
- SOUTH:** R-15/Breckinridge Subdivision and CRC/Wal-Mart Retail Center
- EAST:** R-20/Mountain Creek Subdivision
- WEST:** R-20/Wooded undeveloped strip abutting PSC/Retail Center

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

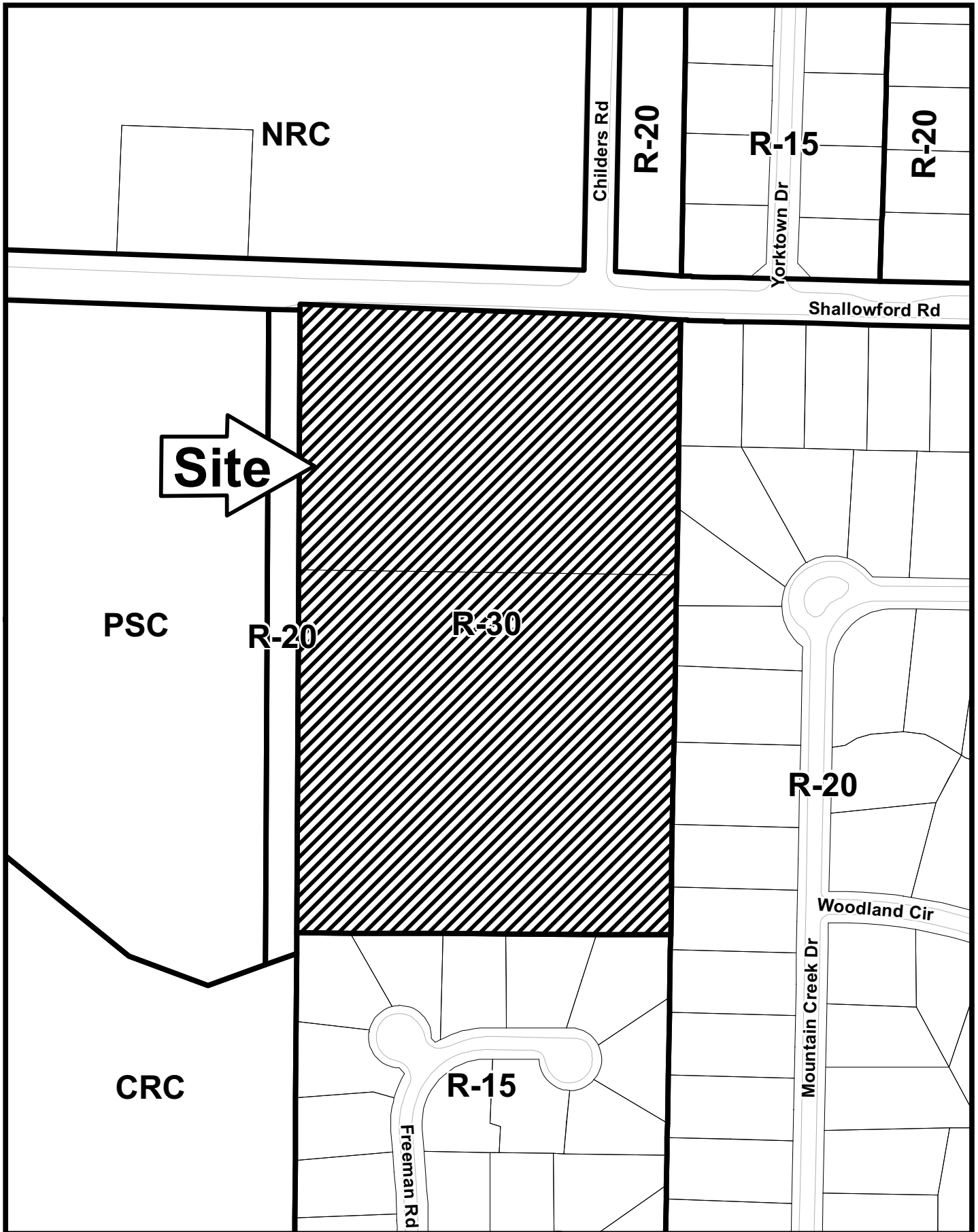
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

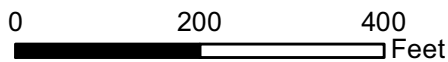
**STIPULATIONS:**



# Z-56



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



-  City Boundary
-  Zoning Boundary

**APPLICANT:** Brooks Chadwick, LLC

**PETITION NO.:** Z-56

**PRESENT ZONING:** R-30

**PETITION FOR:** RM-8

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Low Density Residential (1-2.5 units per acre)

**Proposed Number of Units:** 96                      **Overall Density:** 7.51 **Units/Acre**

**Staff estimate for allowable # of units:** 14 Units\*              **Increase of:** 82 **Units/Lots**

\*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the RM-8 (Residential Multifamily, Maximum of 8 units per acre) zoning category for the development of townhouse-style condominiums. The proposed townhomes will be a minimum of 1,800 square feet and will range in price from the \$300,000s to \$500,000s. The architecture of the townhomes will be traditional with brick, stone, stacked stone, cedar shake, or combinations thereof, and have two-car garages. The townhomes will be “for sale” units. The development will have private streets.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission’s Inventory Listing which is located in this, or adjacent land lot.

APPLICANT: Brooks Chadwick, LLC

PETITION NO.: Z-56

PRESENT ZONING: R-30

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>Tritt</u>	<u>892</u>	<u>Over</u>	<u>                    </u>
<b>Elementary</b>			
<u>Hightower Trail</u>	<u>1,018</u>	<u>Over</u>	<u>                    </u>
<b>Middle</b>			
<u>Pope</u>	<u>1,828</u>	<u>Under</u>	<u>                    </u>

**High**

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

**Additional Comments:** Approval of this petition could adversely impact the enrollment at Tritt Elementary School and Hightower Trail Middle School, as both of these schools are over capacity at this time.

\*\*\*\*\*

**FIRE COMMENTS:**

When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT: Brooks Chadwick, LLC

PETITION NO.: Z-56

PRESENT ZONING: R-30

PETITION FOR: RM-8

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-30 to UVC for purposes of mixed use development. The 13.736 acre site is located on the south side of Shallowford Road, east of Johnson Ferry Road.

**Comprehensive Plan**

The parcel is within a Low Density Residential (**LDR**) future land use category, with an R-30 zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

The site specific conditions on this parcel are one where additional consideration may be warranted above and beyond the literal designation of future land use policy. The LDR future land use category is adjacent to a Neighborhood Activity Center (NAC) category with a Planned Shopping Center (PSC) zoning designation. This is the last remaining large parcel separating stable single-family residential neighborhoods with more intense retail and office developments that are located at the intersection of Johnson Ferry Road and Shallowford Road. On this site, given that this is the last undeveloped parcel in this quadrant, there are market forces pushing for retail. Using residential development on this property at a higher density would provide a transition in scale and use that is compatible with the policy and intent of the Comprehensive Plan. Retail development would not be recommended given the desire of the surrounding community to limit the expansion of non-residential uses on Shallowford Road.

**Master Plan/Corridor Study**

Not applicable.

**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.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?  Yes  No  
If yes, design guidelines area \_\_\_\_\_  
Does the current site plan comply with the design requirements?

**Incentive Zones**

Is the property within an Opportunity Zone?  Yes  No  
The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?  Yes  No

APPLICANT: Brooks Chadwick, LLC

PETITION NO.: Z-56

PRESENT ZONING: R-30

PETITION FOR: RM-8

\*\*\*\*\*

**PLANNING COMMENTS:** (Continued)

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?  Yes  No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

**Special Districts**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?  Yes  No

Is this property within the Cumberland Special District #2 (ad valorem tax)?  Yes  No

**Incentive Zones**

Is the property within an Opportunity Zone?  Yes  No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?  Yes  No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?  Yes  No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

**Special Districts**

Is this property within the Cumberland Special District #1 (hotel/motel fee)?  Yes  No

Is this property within the Cumberland Special District #2 (ad valorem tax)?  Yes  No

APPLICANT Brooks Chadwick, LLC

PETITION NO. Z-056

PRESENT ZONING R-30

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): 8" DI / S side of Shallowford Road

Additional Comments: Master meter(s) to be set at public ROW

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: On site

Estimated Waste Generation (in G.P.D.): A D F= 14,160 Peak= 35,400

Treatment Plant: Big Creek

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 Sewer flow study may be required at Plan Review Comments:

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: Brooks Chadwick, LLC

PETITION NO.: Z-56

PRESENT ZONING: R-30

PETITION FOR: RM-8

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Harmony Grove 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: within and adjacent to stream buffer and springhead.

- 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 receiving stream including culvert at 4598 Mountain Creek Drive and verify no adverse impact.

\*\*\*\*\*

**STORMWATER MANAGEMENT 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 located just south of Shallowford Road and is bounded by the Kroger Shopping Center (Shallowford Falls) to the west, the Breckenridge Subdivision to the south and the Mountain Creek Subdivision to the east. The site is wooded with a mixture of soft and hardwood with an average slope of 10%. The entire site drains to the southeast to Harmony Grove Creek.
2. The extensive existing tree stand and undergrowth 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. In addition there are multiple downstream drainage complaints and capacity issues. To mitigate these impacts, 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. Grading for the proposed detention pond will need to be located outside the 100-year floodplain once it is field verified.

**APPLICANT: Brooks Chadwick, LLC**

**PETITION NO.: Z-56**

**PRESENT ZONING: R-30**

**PETITION FOR: RM-8**

\*\*\*\*\*

**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
Shallowford Road	25,000	Arterial	35 mph	Cobb County	100'

*Based on 2007 traffic counting data taken by Cobb County DOT (Shallowford Road)*

**COMMENTS AND OBSERVATIONS**

Shallowford 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 to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Shallowford Road, a minimum of 50' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Shallowford Road frontage.

Recommend deceleration lane and left turn lane for the Shallowford Road access.

Recommend developer provide 100% funding for all traffic signal upgrades for the full access driveway at the intersection of Shallowford Road and Childers Road.

Recommend private streets be constructed to the Cobb County Standard Specifications.

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

## STAFF RECOMMENDATIONS

### **Z-56 BROOKS CHADWICK, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal as currently proposed would not permit a use that is suitable in view of the use and development of the abutting properties to the east and south. The proposal does provide compatibility with the adjacent property to the west.
- B. It is Staff's opinion that the applicant's rezoning proposal could have an adverse affect on the usability of adjacent or nearby property. Some of the surrounding properties are single-family residential. Although commercial properties are situated to the west toward Johnson Ferry Road, Staff believes applicant's proposed density of 7.51 units per acre is still too high to serve as a transition between the single-family and commercial zonings.
- C. It is Staff's opinion that the applicant's rezoning proposal as currently proposed could 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 in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Low Density Residential (LDR) land use category, having densities ranging from 1-2.5 units per acre. However, the property is unique as it relates to the *Cobb County Comprehensive Plan* as demonstrated by the Planning Division comments in this analysis.
- 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. Based on the surrounding zonings and densities, Staff recommends deleting the request to RA-5, with a maximum density of 5 units per acre. This would provide a reasonable transition in zoning intensity between the commercially developed property to the west to the single family houses to the south and east. This would be similar to the Laureate on Lassiter which is zoned RA-5 (attached) with 4.7 units per acre; this has commercially zoned property on one side and single family houses on the other side.

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

- Maximum of 5 units per acre;
- District Commissioner approve the final plan;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation 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.**



Application #: Z- 56 (2014)

PC Hearing Date: 08/05/2014

BOC Hearing Date: 08/19/2014

2014 JUN -5 PM 4:08

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): Minimum 1,800 square feet
- b) Proposed building architecture: Traditional; with brick, stone, stacked stone, cedar-shake, or combinations thereof, exteriors
- c) Proposed selling prices(s): Mid-\$300s to \$500s
- 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): Retail
- b) Proposed building architecture: Traditional
- c) Proposed hours/days of operation: Sunday - Saturday; hours of operation dependent upon tenants and usage
- d) List all requested variances: None known at this time

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

None at this time

.....  
**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 known at this time.

.....  
**Part 5. Is this application a result of a Code Enforcement action? No  ; Yes  (If yes, attach a copy of the Notice of Violation and/or tickets to this form).**

MOORE INGRAM JOHNSON & STEELE, LLP

Applicant signature BY: [Signature] Date: June 5, 2014

Applicant name (printed): John H. Moore; Georgia Bar No. 519800

Attorneys for Applicant and Property Owner

\*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the zoning process. Revised August 21, 2013