

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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Departmental representatives, conferences and communications with the District Commissioner and Planning Commission members; discussions and meetings with area civic and homeowner representatives and residents, and reviewing the Staff Comments and Recommendations; as well as, the uses of surrounding properties, we have been authorized by the Developer 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. This letter will replace and supersede in full any and all prior letters of agreeable stipulations which may have been circulated to Staff or area residents or filed with the Zoning Office. The 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; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) As more specifically set forth in subparagraph (3), Developer seeks rezoning of 6.01 acres from the existing zoning category of R-30 to the proposed zoning category of RM-12, site plan specific to the revised Zoning Plan prepared for Developer by Christopher Planning & Engineering dated March 10, 2016, and filed with the Zoning Office on March 14, 2016. A reduced copy of the revised Zoning Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) By this letter of agreeable stipulations and conditions, Developer amends the original Application for Rezoning dated and filed with the Zoning Office on August 6, 2015, as follows:
 - (a) Property owned by Margaret Watts Carden, a/k/a Henrietta W. Carden; Michael G. Williams; Joel I. Williams; Lura J. Hartness; Walter L. Graham; Brenda W. Graham; William C. Pero; and Amanda Y. Pero shall be removed from consideration in the pending Application for Rezoning; leaving only the property owned by Cumberland United Methodist Church to be a part of the Application;
 - (b) The total acreage of the proposed development shall be changed from the original 8.427 acres to 6.01 acres, located on the westerly side of Spring Hill Parkway, the northerly side of Paces Ferry Road, and the northeasterly side of

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Simpson Road, Land Lots 769 and 770, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or the "Subject Property"); and

- (c) The Application for Rezoning shall now seek rezoning of the 6.01 acres, as set forth in subparagraph (b) from the current zoning category of R-30 to the proposed zoning category of RM-12.
- (4) The Subject Property consists of 6.01 acres and shall be developed for a residential community, in the townhome style, containing a maximum of sixty-seven (67) residences.
- (5) The proposed townhomes shall be traditional and European in style and architecture, shall be a maximum of three (3) stories in height, and shall have minimum two-car garages. The driveway pads in front of the garages shall be of sufficient size to park two (2) full-size automobiles.
- (6) The exterior of the proposed townhomes shall have front and side facades of brick, stone, stacked stone, stucco-type, masonry siding, cedar shake shingles, hardi-plank, board and batten, or combinations thereof, with complementary accents. No vinyl materials shall be used on the exterior of the proposed townhome residences. The units shall have four-sided architecture with up to twenty (20) percent accent materials. The District Commissioner shall approve all final home elevations.
- (7) The proposed townhomes shall have a minimum of 2,100 square feet, upwards to 3,500 square feet, and greater.
- (8) The attic areas of the units may be finished as bonus areas for additional heated living space without adding to the height of the building.
- (9) Elevators may be offered as an upgrade option to the individual units.
- (10) The units may have rear patios off the main, first floor level, and decks/balconies off the second floor.
- (11) No garage areas within the proposed townhome community shall be converted into heated living space for the units.

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- (12) All units within the proposed townhome community shall be “for sale” units. There shall be no more than a maximum of ten (10) percent of the units being leased at any one time.
- (13) Developer agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community.
- (14) Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Developer agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, stormwater management landscape areas, general landscaped areas, mail kiosk, private streets, fencing, and the like contained within the community.
- (15) The proposed residential community shall be a “condominium” development as that term is used and defined under the Cobb County Zoning Ordinance and shall comply in all respects with the Cobb County Zoning Ordinance; and shall not be subject to the “Georgia Condominium Act.”
- (16) The yard areas around each unit shall be fully sodded, except for landscape areas, and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the proposed community.
- (17) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture and style of the residences; and shall comply with the Cobb County Sign Ordinance. The entrance landscaping shall be professionally designed, implemented, and maintained, and shall be irrigated.
- (18) Guest parking will be provided as required by Cobb County Code.
- (19) Any lighting on the rear of the individual units shall be hooded or reflecting downward so as to avoid shining onto adjacent properties.
- (20) Street lighting within the proposed community shall be decorative and themed to the architecture and style of the proposed townhomes.

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- (21) There will be erected a brick/stone wall at the entrance of the proposed development on both sides of the entrance drive and signage, with landscaping installed to the front of the wall. The balance of the road frontage along Simpson Road, Paces Ferry Road, and Spring Hill Parkway shall have landscaping installed, and approved, by the Cobb County Arborist.
- (22) The setbacks, for the proposed community shall be as follows:
 - (a) Front Setback: Twenty (20) feet
(along Paces Ferry Road);
 - (b) Rear (Minor Side) Setback: Thirty-five (35) feet;
 - (c) Major Side Setback: Ten (10) feet;
(Simpson Road)
 - (d) Major Side Setback: Thirty-five (35) feet;
(Spring Hill Parkway)
 - (e) All setbacks shall be measured from the existing right-of-way.
- (23) There shall be an internal sidewalk, on one side, within the proposed development which shall provide connectivity to any exterior sidewalks.
- (24) The proposed townhome community shall have private streets, a minimum of twenty-four (24) feet in width, from back-of-curb to back-of-curb, excepting alleyways.
- (25) Additionally, Developer may be allowed to provide for a gated community pursuant to Cobb County standards and specifications.
- (26) All utilities servicing the residences within the proposed community shall be located underground.
- (27) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of residences, and shall not be parked on or along any public roadway.

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- (28) There shall be a twenty-five (25) foot natural and enhanced buffer, decreasing to a ten (10) foot buffer in the area of the parking, along the westerly boundary of the Subject Property with all adjacent residentially zoned properties. Additionally, a solid wooden, privacy fence or a wrought-iron type fence, a minimum of six (6) feet in height, shall be erected on the property line along and adjacent to the residences to the west. The fence may meander along the property line to allow for the preservation of existing trees.
- (29) Minor modifications to the within stipulations, the referenced revised Zoning Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or
 - (e) Change an access location to a different roadway.
- (30) The detention area shall be as shown and reflected on the referenced Zoning Plan, except as stated hereinafter. The areas shall be fenced with a black, vinyl-clad chain link fence, or a wrought-iron type fence, a minimum of six (6) feet in height, with landscaping to the exterior for purposes of visual screening. The detention pond shall be shifted easterly toward Spring Hill Parkway as much as will permit compliance with design and capacity requirements of Cobb County Stormwater Management.
- (31) Developer agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

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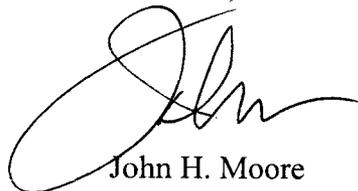
- (32) All landscaping referenced herein shall be approved by the Cobb County Arborist and District Commissioner as part of the Plan Review process and incorporated into the overall landscape plan for the proposed community, and shall be irrigated as necessary.
- (33) Developer agrees to comply with 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.
- (34) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.

We believe the requested zoning, together with the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration developments and uses of properties in the surrounding area. The proposed residential community shall be a quality development and shall be compatible with surrounding neighborhoods and 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
Attachment

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c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford
(With Copy of Attachment)

Cobb County Planning Commission:
Mike Terry, Chairman
Judy Williams
Christi S. Trombetti
Galt Porter
Skip Gunther
(With Copy of Attachment)

Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
(With Copy of Attachment)

Mary Rose Barnes
Gregg Godde
Will Hooker
Jim Farley
Frank Savini
Ron Sifen
Mike Smith
Sarah Spencer
Area Residents
(With Copy of Attachment)

Brooks Chadwick, LLC
(With Copy of Attachment)

