

**NOVEMBER 15, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM 073

PURPOSE

To consider a stipulation amendment and site plan amendment for The Pacific Group, Inc. regarding rezoning application Z-6 of 2013 (Brooks Chadwick Capital, LLC), for property located on the east side of Johnson Ferry Road, north of Riverhill Road, in Land Lot 84 of the 1st District.

BACKGROUND

The subject property was rezoned to RA-5 in 2013 for a residential development consisting of a mixture of 125 single-family houses and townhomes. At the time of rezoning, a landscape median was planned for the main entrance at Johnson Ferry Road. The project is wrapping up and the applicant would like to delete the landscaped median and install a left turn lane and a right turn lane to aid in traffic flow out of the development. The applicant would also like to contribute \$26,287.04 for a proposed traffic signal at the main entrance, if it is found to be needed through a traffic light warrant study. The applicant is also adding the standard “minor modification” language that is found in many stipulation letters. A detailed summary is attached (See Exhibit B) that explains these request in detail. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend developer contribute 100% of the cost for a traffic signal at the entrance, if and when warranted and installation approved by Cobb County DOT. The signal warrant study shall be completed after full build-out of the development when true traffic data is available. Recommend restricting left turns on to Johnson Ferry if a signal is not warranted.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business application and zoning stipulations.

(Site Plan and Stipulation Amendment)

Application for "Other Business"

Cobb County, Georgia

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

Application No.: OB- 73 -2016
BOC Hearing Date Requested: November 15, 2016


Applicant: The Pacific Group, Inc. **Phone #:** (770) 984-8170
(applicant's name printed)

Address: Suite 130, 5755 Dupree Drive, Atlanta, GA 30327 **E-Mail:** raycunliffe@pacificgroupinc.com
Moore Ingram Johnson & Steele, LLP

Address: Emerson Overlook, 326 Roswell Street
John H. Moore Marietta, GA 30060
(representative's name, printed)

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800

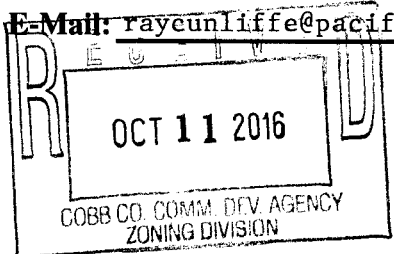
Signed, sealed and delivered in presence of:
Carolyn E. Cook
Notary Public

My commission expires: January 10, 2019


Titleholder(s): GDCI GA 4, L.P. **Phone #:** (770) 984-8170
(property owner's name printed)

Address: Suite 130, 5755 Dupree Drive, Atlanta, GA 30327 **E-Mail:** raycunliffe@pacificgroupinc.com
See Attached Exhibit "A" for Titleholder's Representative's Signature

(Property owner's signature)



Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-6 (2013)

Size of property in acres: 32.02± **Original Date of Hearing:** 02/19/2013

Location: Easterly side of Johnson Ferry Road, north of Riverhill Road
(street address, if applicable; nearest intersection, etc.) (formerly 542 Johnson Ferry Road)

Land Lot(s): 84 **District(s):** 1st

State specifically the need or reason(s) for Other Business: _____
See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

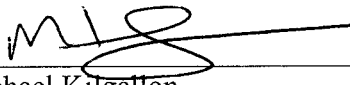
EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

OB Application No.: OB- 73 -2016
Application No.: Z-6 (2013)
Original Hearing Date: February 19, 2013
Date of Zoning Decision: February 19, 2013
Current Hearing Date: November 15, 2016

Applicant: The Pacific Group, Inc.
Titleholder: GDCI GA 4, L.P., a Georgia limited partnership

GDCI GA 4, L.P.,
a Georgia limited partnership

BY: Pacific Land, LLC,
a Georgia limited liability company,
as its General Partner

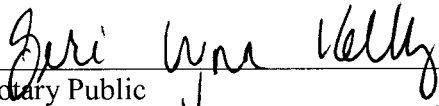
BY: 
Michael Kilgallon
as its Manager

Date Executed: October 10, 2016

Address: Suite 130, 5755 Dupree Drive
Atlanta, Georgia 30327

Telephone No.: (770) 984-8170

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: _____

[Notary Seal]

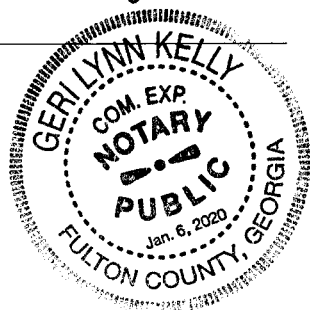


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

OB Application No.: OB- 73 -2016
Application No.: Z-6 (2013)
Original Hearing Date: February 19, 2013
Date of Zoning Decision: February 19, 2013
Current Hearing Date: November 15, 2016

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: The Pacific Group, Inc.
Titleholder: GDCI GA 4, L.P.,
a Georgia limited partnership

On February 19, 2013, the Cobb County Board of Commissioners approved the rezoning of 32.02 acres, more or less, located on the easterly side of Johnson Ferry Road, north of Riverhill Road (formerly known as 542 Johnson Ferry Road, in Land Lot 84, 1st District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property")) to the RM-8 zoning category for a residential subdivision. The Property is presently being developed as "Cobblestone Manor."

The Pacific Group, Inc., as Applicant in this Application for "Other Business" (hereinafter "Applicant"), seeks to amend one aspect of the previously approved Zoning Site Plan and modify two stipulations approved by the Cobb County Board of Commissioners. The purpose of the modification to the Zoning Site Plan and one stipulation (as set forth on page 3, paragraph (6) of the February 13, 2013, letter of agreeable stipulations and conditions) is to remove the entrance island at the only entrance to the overall development. To remove the entrance island would allow for a left-turn lane onto Johnson Ferry Road, in addition to a right-turn lane onto Johnson Ferry Road, rather than the existing one exit lane from the residential development. Therefore, Applicant seeks approval of the following amendments:

- (1) Revised Site Plan, prepared for Owner by Christopher Planning & Engineering dated February 18, 2013, last revised September 26, 2016, and submitted contemporaneously with this Application for "Other Business." As set forth above, the only revision to the Site Plan from the Plan previously approved by the Board of Commissioners is to remove the entrance island. A reduced copy of the revised Site Plan submitted for approval is attached hereto as Exhibit "1" for ease of review and incorporated herein by reference.
- (2) Applicant further seeks modification of the following stipulations contained within the February 13, 2013, letter of agreeable stipulations and conditions:
 - (a) Deletion of stipulation (6), page 3, in its entirety and insert in lieu thereof the following:
 - (6) The entrance to the proposed overall community shall be constructed as shown and reflected on the Site Plan prepared by Christopher Planning & Engineering dated February 18, 2013, last revised September 26, 2016.

- (b) Deletion of stipulation (14), page 4, in its entirety and insert in lieu thereof the following:
 - (14) Minor modifications to the stipulations, the Site Plan, lighting, landscaping, signage, 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.

- (3) Applicant seeks deletion of amended stipulation 18(d) set forth in the amended letter of agreeable stipulations and conditions dated February 18, 2013, and insertion in lieu thereof the following:
 - (18) (d) Applicant agrees to contribute the sum of Twenty-Six Thousand Two Hundred Eighty-Seven and 04/100 Dollars (\$26,287.04) for the purpose of installation of a traffic signal at the entrance to the development. Cobb County shall conduct a warrant study upon completion and sale of the last home within the development; and, if, the warrant study authorizes the installation of a traffic signal, the contribution shall be applied to the cost thereof. If the warrant study does not authorize the installation of a traffic signal, the contribution shall be immediately returned to the Applicant.

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the development initially approved by the Cobb County Board of Commissioners. If the requested approval of the Site Plan and amendments to the stipulations are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on February 19, 2013, as to the original rezoning of the Subject Property; as well as any amendments by Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

**SITE PLAN PRESENTED WITH
APPLICATION FOR “OTHER BUSINESS”
FOR APPROVAL BY
BOARD OF COMMISSIONERS
PURSUANT TO APPLICATION FOR
“OTHER BUSINESS” – NOVEMBER 15, 2016**



GENERIC LEVEL I CERTIFIED
DESIGN PROFESSIONAL #05744
(EXP. 12/1/2015)
206 S. SETTIMO COUNTY
PHOENIX, AZ 85004
PHONE 770.331.7303
FAX 678.824.5185

NOTE: THIS PLAN IS THE PROPERTY OF CHRISTOPHER PLANNING & ENGINEERING, INC. AND IS NOT TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, WITHOUT THE WRITTEN PERMISSION OF CHRISTOPHER PLANNING & ENGINEERING, INC.

CONSTRUCTION PLANS
FOR:
COBBLESTONE MANOR
(F.K.A. 542 JOHNSON FERRY ROAD)
1ST DISTRICT, COND. SECTION
COBB COUNTY, GEORGIA

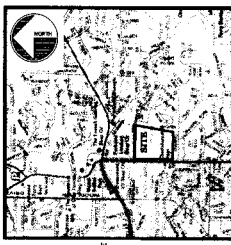
FOR:
GDCI GA 4, L.P.
C/O THE PACIFIC GROUP
OUTSIDE OFFICE
ATLANTA, GA 30327
770.984.8170
24 HR CONTACT:
MR. KEVIN SEFFERT
678.409.8557

REVISIONS

NO.	DATE	DESCRIPTION
1	04.13.2013	REVERSE POND AT OUTLET
2	05.13.2013	REVERSE POND AT 005
3	05.13.2013	REVERSE POND AT 5/0 NAME
4	07.24.2014	REVISED PHASE LINE
5	04.13.2015	LOT B1 & B5 SETBACKS REV.
6	09.18.2016	REMOVED ENTRY ISLAND

REFER TO SHEET 2 FOR NOTES
DATE: FEBRUARY 18, 2013
SHEET NO: 3 OF 22
SITE PLAN (PRELIMINARY PLAN)

03-073-2016
Proposed site plan.



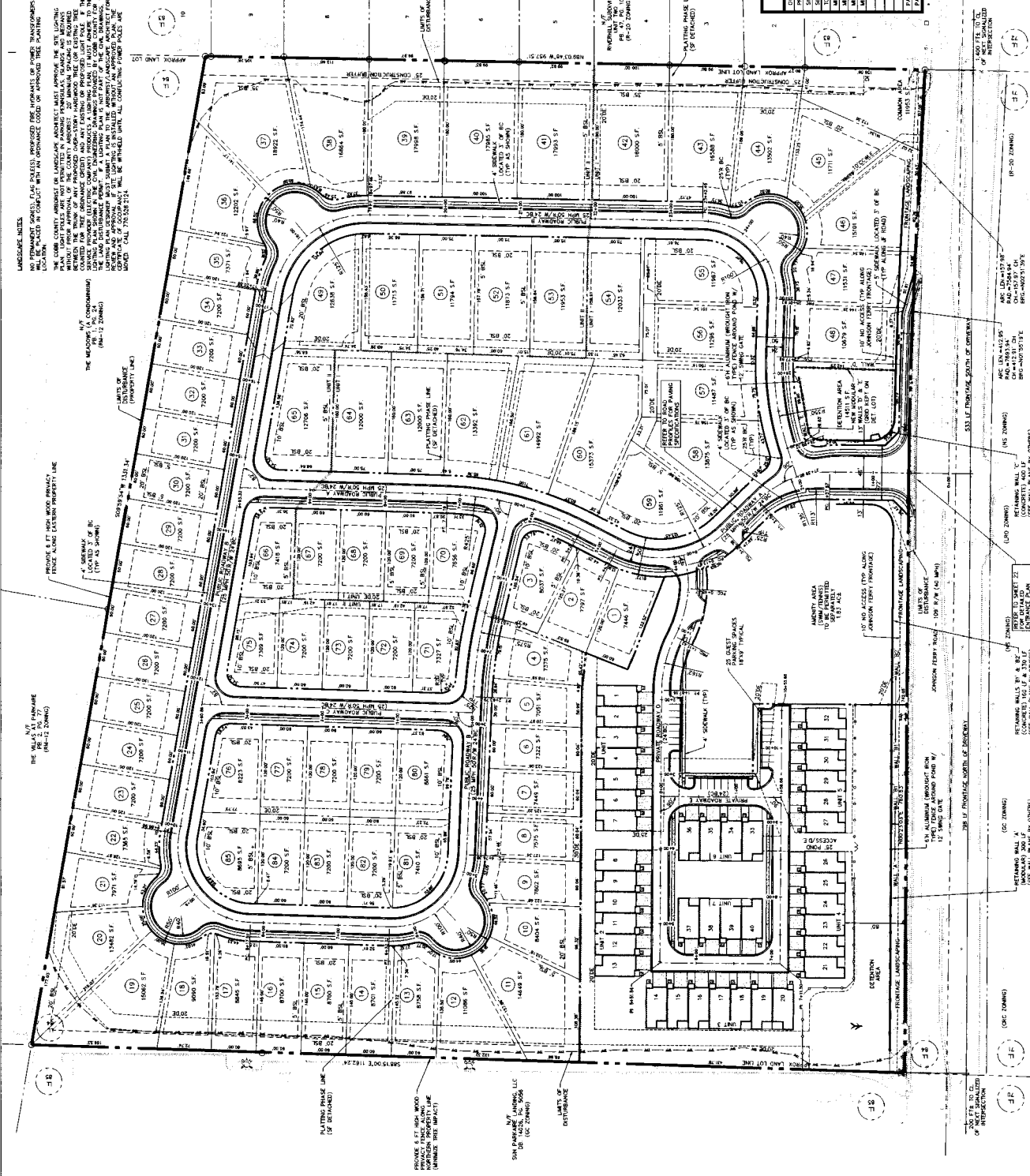
VICINITY MAP
SCALE 1"=2,000'

GENERAL NOTES:
1. ALL ACCESS ROADS SHALL MEET THE ASHLEY DESIGN MANUAL.
2. USE TRANSVERSE JOINTS TO PROVIDE A MINIMUM OF 2' CLEARANCE FROM THE CURB TO THE CENTERLINE OF THE ROAD.
3. ALL DRIVEWAYS SHALL BE 12' WIDE WITH A MINIMUM OF 6" CURB ON EACH SIDE.
4. ALL DRIVEWAYS SHALL BE 12' WIDE WITH A MINIMUM OF 6" CURB ON EACH SIDE.
5. ALL DRIVEWAYS SHALL BE 12' WIDE WITH A MINIMUM OF 6" CURB ON EACH SIDE.
6. ALL DRIVEWAYS SHALL BE 12' WIDE WITH A MINIMUM OF 6" CURB ON EACH SIDE.
7. ALL DRIVEWAYS SHALL BE 12' WIDE WITH A MINIMUM OF 6" CURB ON EACH SIDE.
8. ALL DRIVEWAYS SHALL BE 12' WIDE WITH A MINIMUM OF 6" CURB ON EACH SIDE.
9. ALL DRIVEWAYS SHALL BE 12' WIDE WITH A MINIMUM OF 6" CURB ON EACH SIDE.
10. ALL DRIVEWAYS SHALL BE 12' WIDE WITH A MINIMUM OF 6" CURB ON EACH SIDE.

PRELIMINARY CERTIFICATION STATEMENT
I, CHRISTOPHER PLANNING & ENGINEERING, INC., A PROFESSIONAL ENGINEERING FIRM, CERTIFY THAT THIS PRELIMINARY SITE PLAN AND ALL INFORMATION HEREON WAS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND TO THE BEST OF MY KNOWLEDGE AND BELIEF IT COMPLIES WITH ALL APPLICABLE LAWS, RULES AND REGULATIONS OF THE BOARD OF PROFESSIONAL ENGINEERS OF THE STATE OF GEORGIA.
REGISTERED PROFESSIONAL ENGINEER NO. 57000

SITE ANALYSIS

GENERAL SITE AREA	32.62 ACRES
PROPOSED DENSITY	3.00 UNITS/AC
SHADE FAMILY ATTACHED (TOWNHOMES - MIN 28 UNITS)	40 LOTS
TOTAL RESIDENTIAL UNITS PROPOSED	125 UNITS
ANNUAL LOT SIZE	2,700 S.F.
ANNUAL LOT WIDTH	60 FT (10 FT & 50 FT)
ANNUAL LOT DEPTH	45 FT (10 FT & 35 FT)
ANNUAL LOT SETBACKS	FRONT: 5 FT (15 FT BETWEEN HOUSES) SIDE: 5 FT REAR: 5 FT
REAR (LANDSCAPE) SETBACK	30 FT
PARKING REQUIRED (1.5 SP/UNIT)	250 SPACES
PARKING PROVIDED (1.5 SP/UNIT)	250 SPACES
NO STRUCTURES PERMITTED WITHIN 25 FT FROM NEIGHBORING LOT	



LANDSCAPE NOTES:
NO PERMANENT GROUND COVER SHALL BE INSTALLED OR PLANTED TRANSVERSE TO THE ROAD OR DRIVEWAY.
THE COBB COUNTY LANDSCAPE ARCHITECT MUST APPROVE THE SITE LAYOUT PLAN. LIGHT FIXTURES ARE NOT PERMITTED IN PLANTING TRANSVERSE TO THE ROAD OR DRIVEWAY.
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THE MEADOWS (A COMMUNITY) LOCATED 3' OF BC (TOP AS SHOWN)

NO ACCESS (TOP ALONG JOHNSON FERRY FRONTAGE)

35' SETBACK (NORTH OF GREENWAY)

30' SETBACK (NORTH OF GREENWAY)

NO ACCESS (TOP ALONG JOHNSON FERRY FRONTAGE)

35' SETBACK (NORTH OF GREENWAY)

30' SETBACK (NORTH OF GREENWAY)

35' SETBACK (NORTH OF GREENWAY)

30' SETBACK (NORTH OF GREENWAY)

30' SETBACK (NORTH OF GREENWAY)

**SITE PLAN APPROVED BY
BOARD OF COMMISSIONERS
PURSUANT TO APPLICATION FOR
REZONING Z-6 (2013) –
FEBRUARY 19, 2013**

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
PURSUANT TO APPLICATION FOR
REZONING NO. Z-6 (2013) –
FEBRUARY 19, 2013**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 19, 2013
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 19, 2013 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Helen Goreham
Commissioner Robert Ott

Z-6

BROOKS CHADWICK CAPITAL, LLC (Frances E. Perkins, Kathy Metzger and Linda Perkins a/k/a Linda Frances Perkins, owners) requesting Rezoning from **R-20** and **RM-12** to **RM-8** for the purpose of a Residential Subdivision in Land Lot 84 of the 1st District. Located on the east side of Johnson Ferry Road, north of Riverhill Road (542 Johnson Ferry Road).

The public hearing was opened and Mr. John Moore, Ms. Jill Flamm, Ms. Sue Jansen, Mr. Larry Savage, and Mr. Craig Harfoot addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **delete** Rezoning to the RA-5 zoning district **subject to:**

- **Site plan received by the Zoning Division December 6, 2012 (attached and made a part of these minutes)**
- **District Commissioner may approve minor modifications except for those that increase the density of a residential project or the overall square footage of a non-residential project; reduce the size of an approved buffer adjacent to an adjacent property that is zoned in a more restrictive residential zoning district; relocate a structure closer to the property line of an adjacent property that is zoned in a more restrictive residential zoning district; increase the height of a building that is adjacent to a property that is zoned in a more restrictive residential zoning district**
- **Letters of agreeable conditions from Mr. John Moore dated February 18, 2013 and February 13, 2013 (attached and made a part of these minutes), with the following changes:**
- **Page 6, Item 23, subset d. – revise to read: “No outside work on Sunday”**
 - **Page 6, Item No. 24 – add to end: “A record of this requirement shall appear on any and all final plats along Riverhill subdivision.”**

- **Page 7, Item No. 5, sentence 3, revise to read: “Any residence with any side facing Johnson Ferry Road shall be comprised of a hard surface or one approved by the District Commissioner.”**
- **Page 8, Item No. 4, revise last sentence to read: “Any unit with any side facing Johnson Ferry road shall be comprised of a hard surface or one approved by the District Commissioner.”**
- **Page 8, Add Item No. 9: “A wooden privacy fence, six feet in height, to be installed along eastern property line by the Applicant and maintained by Homeowners Association.”**
- **Page 9, add Item No. 11: “Applicant will add guest parallel parking spaces along perimeter (North and East) of green space depicted on Exhibit A.”**
- **Grant of contemporaneous variance to waive the maximum 20 acre tract size allowed for an RA-5 development to be 32.02 acres as submitted**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations, with the exception of portion relating to traffic signal**

VOTE: ADOPTED unanimously

CP E
CHRISTOPHER PLANNING & ENGINEERING

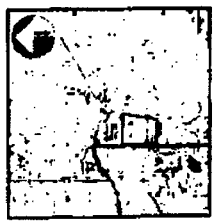
542 JOHNSON FERRY ROAD
BROOKS CHADWICK CAPITAL, LLC

Z-6
(2013)

REVISIONS

NO.	DATE	DESCRIPTION

ZONING SIDE PLAN
Z-1



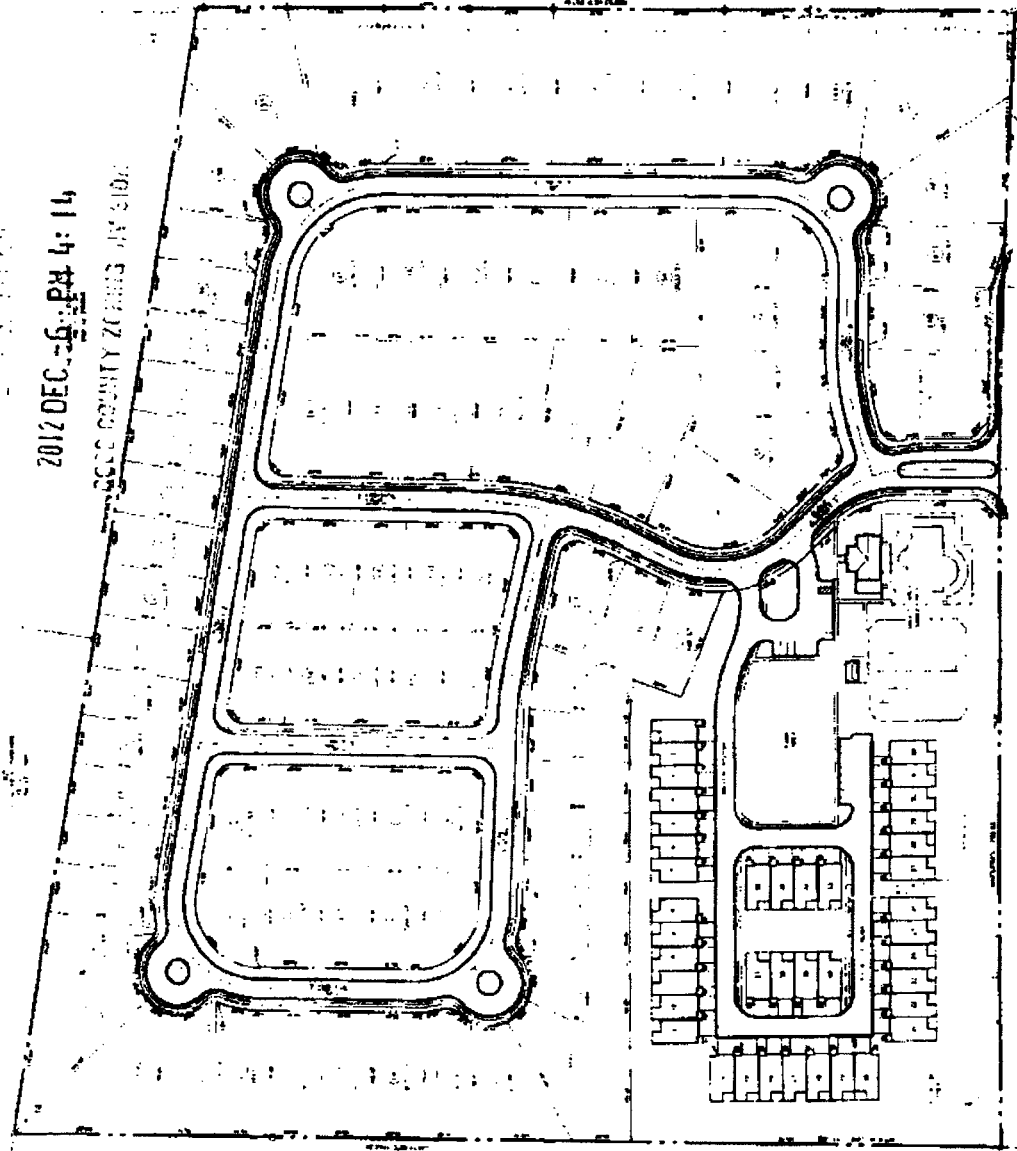
VICINITY MAP

Map No. 07 Petition No. 2-6
 Draw. Type side plan
 Meeting Date 2/19/13

SITE ANALYSIS

NO.	DATE	DESCRIPTION

2012 DEC 16 PM 4:14
 2013 COUNTY ZONING BY 3102



MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEAL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE O. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN B. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAZE
KIM A. ROPER
VICTOR P. VALMIUS
WILLIAM R. WINDERS, JR.†

ANGELA H. SMITH†
JOYCE W. HARPER
CHRISTOPHER C. MINGLEDORFF†
ANGELA D. TARTLINE
CAREY E. OLSON*
CHARLES E. PIERCE*
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
TODD I. HEIRO*
DANIEL W. STARUBES*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA G. WESTER†
JAIME E. KNOEBEL*
ADON J. SOLOMON*
AMY L. JETT†
JEFF C. NORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON

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EMERSON OVERLOOK
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MARIETTA, GEORGIA 30060
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KNOXVILLE, TENNESSEE
409 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-8059

JACKSONVILLE, FLORIDA
18151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32286
TELEPHONE (904) 426-1485

NASHVILLE, TENNESSEE
3208 WEST END AVE • STE 605
NASHVILLE, TENNESSEE 37205
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8900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8021

CHARLESTON, SOUTH CAROLINA
4000 B. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 502-0022

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MONTAYA M. HO-BANG†
TRISTAN B. MORRISON***
WILLIAM B. WARINHAV†
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. NORMAN***
GRAHAM R. ROBERTS
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JONATHAN B. FUTRELL
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NORBERT D. HUMMEL, IV
DAVID F. CONLEY
LYNDSY J. HURST
B. CHASE ELLERY
G. BARDIN HOOKS
DAPHNE S. WYTHROW

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
*** ALSO ADMITTED IN GA
* ALSO ADMITTED IN TX
* ALSO ADMITTED IN AL
† ALSO ADMITTED IN KY
* ALSO ADMITTED IN SC
* ALSO ADMITTED IN NC
* ADMITTED ONLY IN TN
‡ ADMITTED ONLY IN FL

February 13, 2013

Hand Delivered

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RECORDED
Z-6
letter of agreeable
conditions
2/14/13

COBB COUNTY ZONING DIVISION
2013 FEB 13 AM 11:59
FILED IN OFFICE
COBB COUNTY GEORGIA

RE: Application for Rezoning - Application No. Z-6 (2013)
Applicant: Brooks Chadwick Capital, LLC
Property Owner: GDCI GA 4, L.P.
Property: 32.02 acres, more or less, located at
542 Johnson Ferry Road, Land Lot 84,
1st District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Brooks Chadwick Capital, LLC, the Applicant (hereinafter "Applicant"), and GDCI GA 4, L.P., the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to property located at 542 Johnson Ferry Road, and being 32.02 acres, Land Lot 84, 1st District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meeting with planning and zoning staff and various Cobb County departmental representatives, ongoing discussions and meetings with area civic and homeowner representatives and residents, reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this revised 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

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 10
February 13, 2013

Permit No. 2-4
Issuance Date 2/19/13
(continued)

requested zoning and shall be binding upon the Subject Property. This letter shall replace and supersede in full the letters of agreeable stipulations and conditions dated January 15, 2013, filed on January 16, 2013, and January 30, 2013]. The requested, revised 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) Applicant seeks rezoning of the Subject Property from the existing zoning categories of RM-12 and R-20 to the proposed zoning category of RM-8, site plan specific to the Zoning Site Plan prepared by Christopher Planning & Engineering, dated December 3, 2012, and submitted to the Zoning Office on December 6, 2012. A reduced copy of the Zoning Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) The Subject Property consists of 32.02 acres of total site area and shall be developed for a residential community comprised of single-family, detached residences and single-family attached residences.
- (2) The overall residential community shall have a maximum total of one hundred twenty-five (125) units; comprised of a maximum of forty (40) townhome style residences and a maximum of eighty-five (85) single-family, detached residences. The proposed net density of the overall development is 3.90 units per acre.
- (3) Amenities for the overall community shall consist of a swimming pool, tennis courts, and cabana. Additionally, there shall be a park area which shall be for passive recreational uses and enjoyment of all residents.
- (4) There shall be formed a homeowners association which shall be mandatory for all component parts of the proposed overall community. The association shall be responsible for the oversight, upkeep, and maintenance of the entrance area,

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 10
February 13, 2013

Project No. 2-6
Meeting Date 2/19/13
Location

common areas, amenity areas, fences, private streets, sidewalks, detention area, and the like contained within the overall development.

- (5) Additionally, and in conjunction with the creation of the mandatory homeowners association, there shall be master protective covenants for the overall development, which will include all components within the development. The master protective covenants, and any covenants applicable to components of the overall development, shall be recorded in the Deed Records of Cobb County, Georgia, and shall contain covenants, rules, and regulations applicable to the overall residential community and the separate components located therein. The mandatory association shall be responsible for the enforcement of the covenants.
- (6) The entrance to the proposed overall community shall be constructed as shown and reflected on the referenced Zoning Site Plan. The entrance island shall be constructed prior to the issuance of a final certificate of occupancy for all homes to be constructed within the proposed development.
- (7) The entrance signage for the proposed overall 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. The maintenance of the entrance areas shall be by the mandatory master homeowners association as set forth in the master declaration of covenants, easements, and restrictions.
- (8) There shall be internal sidewalks within the components of the overall community which shall connect to the existing sidewalk along Johnson Ferry Road.
- (9) Lighting within the proposed overall community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences of the components of the development and shall be approved by the District Commissioner.
- (10) All utilities servicing the residences within the overall community shall be located underground.

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- (11) There shall be no direct access from any lots within the overall community to Johnson Ferry Road.
- (12) 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 Johnson Ferry Road or the sidewalk along Johnson Ferry Road. There will be no stacking of vehicles along Johnson Ferry Road waiting for entry onto the Subject Property.
- (13) Detention facilities for the overall community shall be in substantial conformity with that shown on the referenced Zoning Site Plan. Said facilities shall be screened by black, vinyl-clad chain link fencing, or black wrought iron-type fencing, with an allowed tie-in to the frontage entrance wall. The fencing shall be six (6) feet in height with landscaping to the exterior of the fencing for purposes of visual screening.
- (14) Minor modifications may be approved by the District Commissioner, as needed or necessary.
- (15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (16) 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.
- (17) All setbacks, landscape, and buffer areas may be penetrated for purposes of 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.
- (18) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Installation of a one hundred fifty (150) foot deceleration lane for ingress into the proposed residential community from Johnson Ferry Road;

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- (b) Provide a left-turn storage lane for left turns from Johnson Ferry Road into the proposed residential community;
 - (c) Any portion of the sidewalk along Johnson Ferry Road damaged during construction and development shall be repaired or replaced after completion of the overall community; and
 - (d) Applicant agrees to fund a maximum of One Hundred Fifty Thousand Dollars (\$150,000) for the design and installation of a traffic signal and components to be located at the entrance of the proposed overall community with Johnson Ferry Road. Applicant shall pay such funds to the Cobb County Department of Transportation ("DOT") prior to the issuance of a Land Disturbance Permit for the project. Upon receipt of the funds, DOT shall pursue diligently the design and installation of the referenced traffic signal and components. If DOT has not installed the traffic signal within one (1) year from the date of the payment of the referenced funds, then said funds shall immediately be repaid to Applicant.
- (19) There shall be a development and construction buffer twenty-five (25) feet in width along the southerly property line, immediately adjacent to Riverhill Subdivision, being Lots 37-45 of the proposed development. The developer, builder, and homeowner shall be prohibited from the removal of any trees within said twenty-five (25) feet except for any tree or trees which may be dead or dying; however, the homeowner may clean the area of brush, weeds, and the like.

Applicant agrees, prior to the issuance of a building permit to walk the buffer area with representatives of the Cobb County Arborist Office to determine dead or dying trees. Any trees determined to be dead or dying shall be removed by Applicant. Further, Applicant agrees that after the referenced removal has occurred to make a determination as to what enhancement of the remaining buffer is desired. Toward this end, Applicant agrees to replace any tree or trees removed from the buffer as dead or dying with a replacement tree, a minimum of ten (10) to twelve (12) feet in height (evergreen) or a four (4) inch caliper hardwood tree. The existing drainage swale/ditch located within the referenced buffer shall remain. The final buffer plan shall be approved by the District Commissioner.

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- (20) The frontage of the proposed residential community shall be landscaped substantially in accordance with that certain Landscape Plan presented at the Planning Commission Zoning Hearing and the Board of Commissioners Zoning Hearing.
- (21) There shall be established a bus waiting area for the children of residents of the proposed overall community. This area shall be in the general area of the island and parking area located in front of the amenity area.
- (22) Applicant agrees to erect a wooden privacy fence, or other additional site or sound screening materials, a minimum of six (6) feet in height, along the northerly property line, immediately adjacent to the commercial development. Applicant agrees to preserve all trees possible along this boundary.
- (23) Development and construction hours for the proposed project shall be limited to the following:
 - (a) 7:00 a.m. to 7:00 p.m. - Monday-Friday, October 1st through March 31st;
 - (b) 7:00 a.m. to 8:00 p.m. - Monday-Friday, April 1st through September 30th;
 - (c) 9:00 a.m. to 6:00 p.m. - Saturday; and
 - (d) No work on Sunday unless approved by the District Commissioner.
- (24) Applicant agrees that no structure shall be constructed or placed within the thirty-five (35) foot setback of those lots located immediately adjacent to Riverhill Subdivision. Structure, in this instance, shall include accessory buildings, pools, pool decks, or outdoor areas such as fireplaces, kitchens, or impervious seating areas. However, fences shall be allowed within the setback area. This restriction shall be placed on the final, recorded subdivision plat.
- (25) The structures existing upon the Subject Property shall be boarded up within sixty (60) days after Board of Commission zoning approval, and demolished within ninety (90) days of such approval.

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STIPULATIONS APPLICABLE TO THE RM-8 DETACHED DEVELOPMENT

- (1) The single-family detached portion of the overall community shall contain a maximum of eighty-five (85) residences.
- (2) The minimum lot size of lots within the single-family detached community shall be 7,000 square feet, ranging upwards to 25,000 square feet, and greater.
- (3) The proposed residences shall have a minimum of 2,500 square feet, upwards to 4,000 square feet, and greater.
- (4) The proposed residences shall be traditional and European in style and architecture and will have minimum two-car garages.
- (5) The residences within the proposed community shall have "three-sided" architecture, having the front and sides of the proposed residences comprised of brick, stone, stacked stone, hardi-plank-type, cedar shake-type; and stucco-type finishes, or combinations thereof, with complementary accents. No vinyl materials will be used on the exterior of the proposed residences. Any residence with any side facing Johnson Ferry Road shall not be comprised of all horizontal hardi-plank type siding. All residences with basements shall have a rear water table not less than thirty-six (36) inches from the ground of brick or stone. The District Commissioner shall approve all final home elevations.
- (6) The setbacks for the proposed single-family detached community shall be as follows:
 - (a) Front Setback: Twenty (20) feet;
 - (b) Rear Setback: Twenty (20) feet;
 - (c) Rear Setback: Thirty-five (35) feet;
(along Riverhill Subdivision);
 - (d) Side Setback: Five (5) feet
(With Fifteen (15) feet between residences);
 - (e) Corner Side Setback: Ten (10) feet.

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- (7) All front and side yard areas of the proposed residences shall be fully sodded.
- (8) As part of the landscaping within the community, a minimum of one, four (4) inch caliper hardwood tree shall be planted in the front yard area of each single-family detached residence.

STIPULATIONS APPLICABLE TO THE RM-8 ATTACHED DEVELOPMENT

- (1) The single-family attached portion of the overall community shall contain a maximum of forty (40) residences in the townhome style.
- (2) The proposed townhome residences shall have a minimum of 2,200 square feet, upwards to 3,000 square feet, and greater.
- (3) The proposed townhomes shall be traditional and European in style and architecture, a maximum of three stories in height, and will have minimum two-car garages. The driveway pad in front of the garages shall be of sufficient size to park two (2) full-size automobiles.
- (4) The fronts and sides of the townhomes shall be comprised of brick, stone, stacked stone, hardi-plank-type, cedar shake-type, and stucco-type finishes, or combinations thereof, with complementary accents. No vinyl materials shall be used on the exterior of the proposed townhome residences. The District Commissioner shall approve all final home elevations. Any unit with any side facing Johnson Ferry Road shall not be comprised of all horizontal hardi-plan type siding.
- (5) Unit finishes shall consist, at a minimum, of the following:
 - (a) Enhanced corian, granite, or marble countertops;
 - (b) Elevators as an upgrade;
 - (c) Minimum ceiling heights of 9.7 feet from floor to finished ceiling, and greater on main floor;

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Planner III
Zoning Division
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- (d) Selection of hardwood flooring, carpet, and tile throughout;
 - (e) Brushed chrome bathroom and kitchen fixtures, or equivalent;
 - (f) Ceramic tile bathrooms and laundry rooms; and
 - (g) Spacious walk-in closets in the master bedroom.
- (6) No garage areas within the proposed townhome community shall be converted into heated living space for the units.
 - (7) 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.
 - (8) The front, side, and rear yard areas surrounding the proposed townhome community shall be fully sodded and maintained by the mandatory master homeowners association.
 - (9) The proposed townhome portion of the overall community shall have private streets. Construction of all private streets shall comply in all respects as to materials, base, and other requirements with the Cobb County Code. No parking shall be permitted on private streets, unless in designated parking areas; and further shall not apply during construction.
 - (10) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards.

We believe the requested zoning, together with the Zoning Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the surrounding residential developments and the Johnson Ferry Road corridor. 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.

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Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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2/13/13

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Attachment

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
Helen C. Goreham
Robert Ott
Joann Birrell
Lisa N. Cupid
(With Copy of Attachment)

Mike Terry, Member
Cobb County Planning Commission
(With Copy of Attachment)

Jill Flamm, President
Trish Steiner, Member
East Cobb Civic Association, Inc.
(With Copy of Attachment)

Kim Swanson
(With Copy of Attachment)

Brooks Chadwick Capital, LLC
(With Copy of Attachment)

CP E

**CHRISTOPHER PLANNING
ENGINEERING**



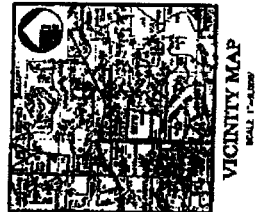
DRAWN SITE PLAN
FOR:

**542 JOHNSON
FERRY ROAD**
LAND LOT 54
1ST DISTRICT, 2ND SECTION
COURT HOUSE, WASHINGTON

FOR:
**BROOKS
CHADWICK
CAPITAL, LLC**
285 WALLACE PARKWAY
WASHINGTON, DC 20007
PHONE 301-281-6034

REVISIONS

**ZONING
SITE PLAN**
PAGE NO. **Z.1**



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SITE ANALYSIS

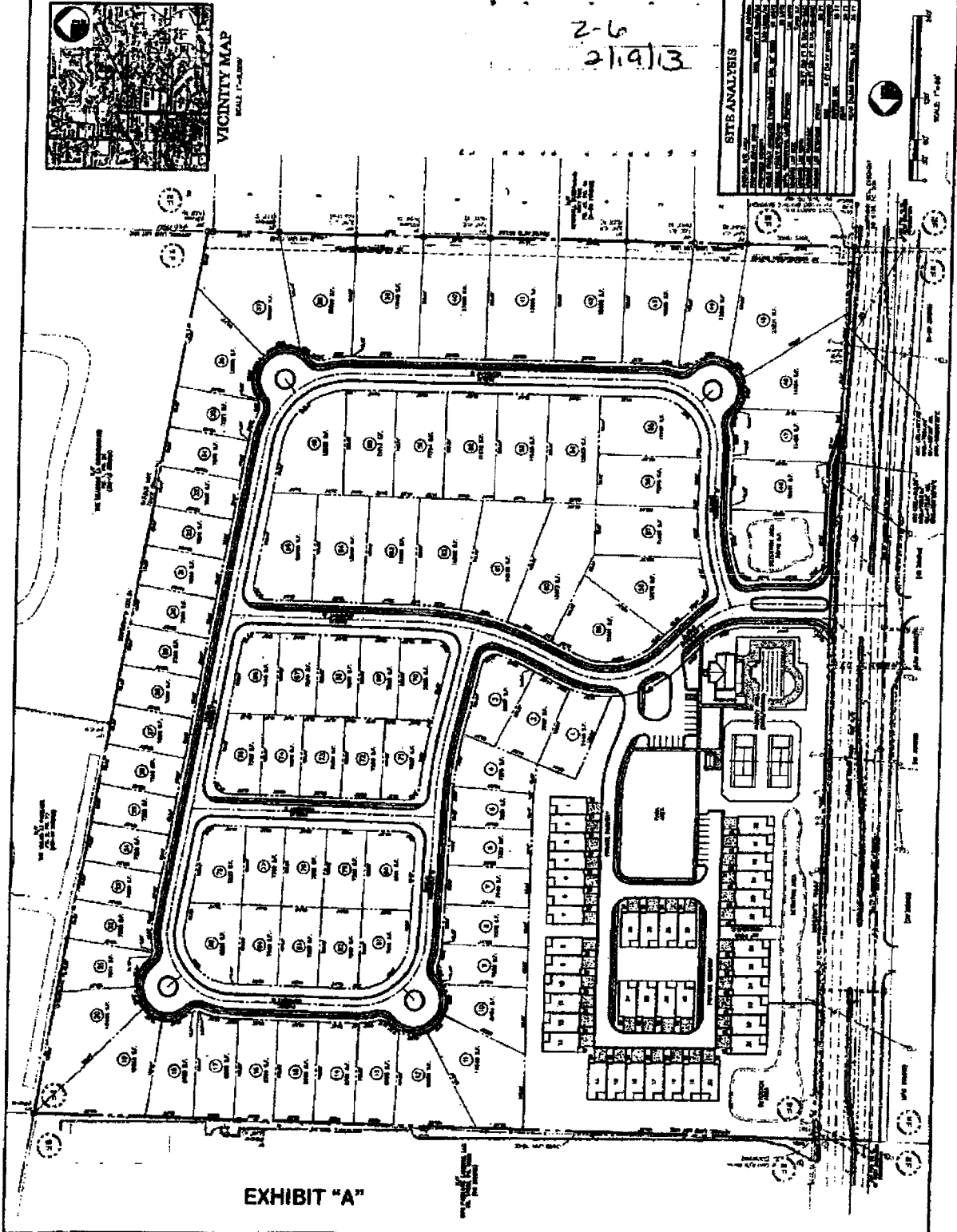


EXHIBIT "A"

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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TELEPHONE (502) 410-6021

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OF COUNSEL:
JOHN L. SKELTON, JR.[†]

[†] ALSO ADMITTED IN TN
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^{††††} ALSO ADMITTED IN KY
^{†††††} ALSO ADMITTED IN NC
^{††††††} ADMITTED ONLY IN SC
^{†††††††} ADMITTED ONLY IN FL

February 18, 2013

Hand Delivered

FILED IN 67 TO FILE NO. Z-6
Letter of agreeable
conditions
2/18/13

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RE: Application for Rezoning - Application No. Z-6 (2013)
Applicant: Brooks Chadwick Capital, LLC
Property Owner: GDCI GA 4, L.P.
Property: 32.02 acres, more or less, located at
542 Johnson Ferry Road, Land Lot 84,
1st District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Brooks Chadwick Capital, LLC, the Applicant (hereinafter "Applicant"), and GDCI GA 4, L.P., the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to property located at 542 Johnson Ferry Road, and being 32.02 acres, Land Lot 84, 1st District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property").

The purpose of this correspondence is to amend one stipulation within the revised stipulation letter dated and filed February 13, 2012, as follows:

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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Letter No. 2-6
Date 2/19/13

- (1) Applicant hereby strikes paragraph 18(d), of the section entitled "Stipulations Applicable to the Overall Development," in its entirety and inserts the following in lieu thereof:
- (18) (d) Applicant agrees to fund a maximum of One Hundred Fifty Thousand Dollars (\$150,000) for the design and installation of a traffic signal and components to be located at the entrance of the proposed overall community with Johnson Ferry Road. Applicant agrees to fund such costs upon:
- i) Being provided with the total costs, as described;
 - ii) A warrant study having been performed which supports installation of the signal. A warrant study may be performed at any time during the development and build-out phases of the proposed subdivision. The study may be performed by Applicant or Cobb County Department of Transportation. If performed by Applicant, the study must be reviewed by the Cobb County Department of Transportation to ensure that said study meets established criteria for a traffic signal; and
 - iii) Not more than twenty-four (24) months have elapsed from the date of the Board of Commission final approval of the zoning request. If more than twenty-four (24) months have elapsed from the date of such zoning approval, then Applicant's obligation to fund said signal shall terminate and shall be of no further force and effect.

If a warrant study has been completed and found to authorize a traffic signal, and the above conditions have been satisfied, then Cobb County Department of Transportation shall give written notice to Applicant that it is prepared to commence the design and installation process, giving Applicant a period of thirty (30) days from the receipt of such letter within which to pay the agreed funds. Upon receipt of the funds, Cobb County Department of Transportation shall diligently pursue the design and installation of the traffic signal and components.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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If you should have any questions or require additional documentation or information related to the above-stated amendment, please do not hesitate to contact me. 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

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
Helen C. Goreham
Robert Ott
Joann Birrell
Lisa N. Cupid

Mike Terry, Member
Cobb County Planning Commission

Jill Flamm, President
Trish Steiner, Member
East Cobb Civic Association, Inc.

Kim Swanson

Brooks Chadwick Capital, LLC