

**MARCH 20, 2018 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-013

PURPOSE

To consider a site plan and stipulation amendment for Bass Development Corp regarding rezoning application Z-14 of 2013 for property located at the southeastern intersection of Wesley Chapel Road and Chapel Heights Drive in Land Lots 256 and 321 of the 16th District (3902 Chapel Heights Drive).

BACKGROUND

The subject property was rezoned to R-15 in 2013 for a subdivision. In 2016 the property came back through the Other Business process to amend the site plan and stipulations to facilitate development. This amendment relates to the house on lot 15, which is at the southeastern corner of Wesley Chapel Road and Chapel Heights Drive. The applicant has constructed a driveway within the 15’ landscape easement area along Wesley Chapel Road. This 15’ landscape easement area was approved as part of the 2016 Other Business item. The applicant would like to keep the driveway where it is so cars can pull easily in and out of the garage. If approved, all other stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: 1. Per Cobb County Development Standards, recommend driveway be relocated a minimum of 50' from the Wesley Chapel Road intersection; 2. Recommend a deceleration lane on Wesley Chapel Road for the entrance to the Chapel Heights Subdivision, as shown on the final subdivision plat; and 3. Recommend signage be located outside of the right-of-way and roadway easement. Recommend signage be located where it will not impede the line of sight for the driveways or roadways.

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.

Application for "Other Business" Cobb County, Georgia

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

RECEIVED
FEB - 2 2018

OB-013-2018

BOC Hearing Date Requested: MAR 20 2018

Applicant: BASS DEVELOPMENT CORP Phone #: 770-925-8879
(applicant's name printed)

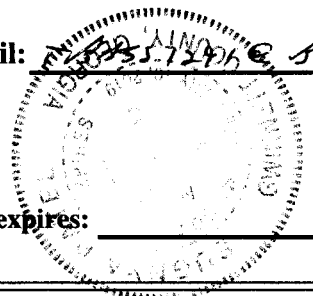
Address: 1291 OLEANDER DR LILBURN, GA. 30047 E-Mail: T.BASS1291@BIRKSWORTH.NET

Tom Bass Address: 1291 OLEANDER DR LILBURN, GA. 30047
(representative's name, printed)

[Signature] Phone #: 770-294-9884 E-Mail: T.BASS1291@BIRKSWORTH.NET
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: _____
Notary Public



Titleholder(s): BASS DEVELOPMENT CORP Phone #: 770-925-8879
(property owner's name printed)

Address: 1291 OLEANDER DR LILBURN, GA. 30047 E-Mail: T.BASS@1291@BIRKSWORTH.NET

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: _____
Notary Public



Commission District: 3 Zoning Case: 244 of 2013

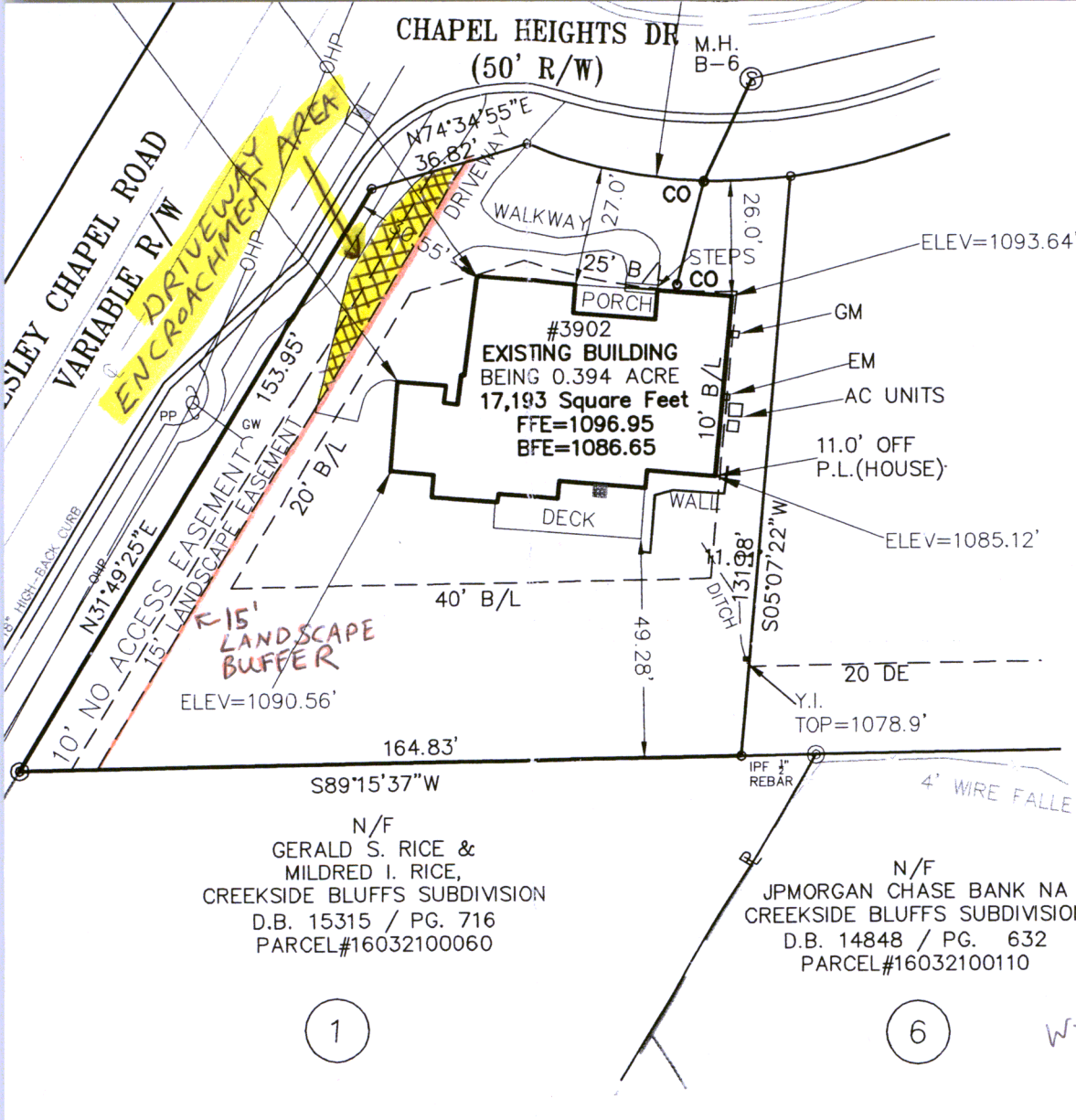
Size of property in acres: .394 Original Date of Hearing: 4-16-13

Location: 3902 CHAPEL HEIGHTS DR, MARIETTA, GA 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 256 / 321 District(s): 16

State specifically the need or reason(s) for Other Business: Change Landscaping
Government *

* Shown on site plan approved via OB-021-2016.
(4-19-16)
(List or attach additional information if needed)



BEEN CALCULATED FOR CLOSURE
 FOUND TO BE ACCURATE WITH
 ONE FOOT IN 81,540 FEET.

THE FIELD DATA UPON WHICH
 THIS PLAT IS BASED HAS A CLOSURE
 PRECISION OF ONE FOOT IN
 81,540 FEET AND AN ANGULAR ERROR OF
 1.0 SECONDS PER ANGLE POINT
 ADJUSTED USING THE COMPOUND
 METHOD.

| SITE DATA | |
|------------------|-------------|
| TOTAL AREA = | 0.394 ACRES |
| ZONING - | R-15 |
| MIN. LOT SIZE = | 15,000 S.F. |
| FRONT SETBACKS = | 25 FT |
| SIDE SETBACKS = | 10' |
| REAR SETBACKS = | 40' |

PROPERTY ADDRESS:
3902 CHAPEL HEIGHTS DR
MARIETTA, GA 30062
BEING: 0.394 ACRE
17,193 SQUARE FEET

RECEIVED
 2-2-2018

COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

RECEIVED
 FEB - 2 2018

COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



| IMPERVIOUS AREA | |
|-------------------------|------------------|
| MAIN BUILDING FOOTPRINT | 2889 S.F. |
| PORCHES AND DECK | 462 S.F. |
| DRIVEWAY & WALK | 1633 S.F. |
| TOTAL | 4984 S.F. |

| PERCENTAGE OF LOT COVERAGE | | |
|----------------------------|-------------|------------|
| LOT COVERAGE | TOTAL SITE | PERCENTAGE |
| 4,984 S.F. | 17,193 S.F. | 29.0% |

160

E

ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
 Engineering, Inc.
 SUITE 685
 600 PINNACLE COURT
 NORCROSS, GA 30071
 TEL: (678) 291-0000
 FAX: (678) 291-8887
 WWW.ACRENGINEERS.COM

ELEVATION CERTIFICATION
 FOR
 3902 CHAPEL HEIGHTS DR
 MARIETTA, GA 30062
 COBB COUNTY, GEORGIA
 LL 321, 16TH DIST., 2ND SECT.

| DATE | ISSUE | SCALE | DESCRIPTION | DATE | BY | APP. |
|--------------|-------|----------|-------------|------|----|------|
| MAR 29, 2017 | | 1" = 40' | N/A | | | |

DATE: MAR 29, 2017
 SCALE: 1" = 40' VERT. N/A
 SHEET: 1 OF 1
 PROJECT NO: 16-008
 SHEET NO: 16-008
 COUNTY: COBB
 STATE: GEORGIA
 DISTRICT: 2ND
 WITH: 16-008
 PARCEL: 16-008-001

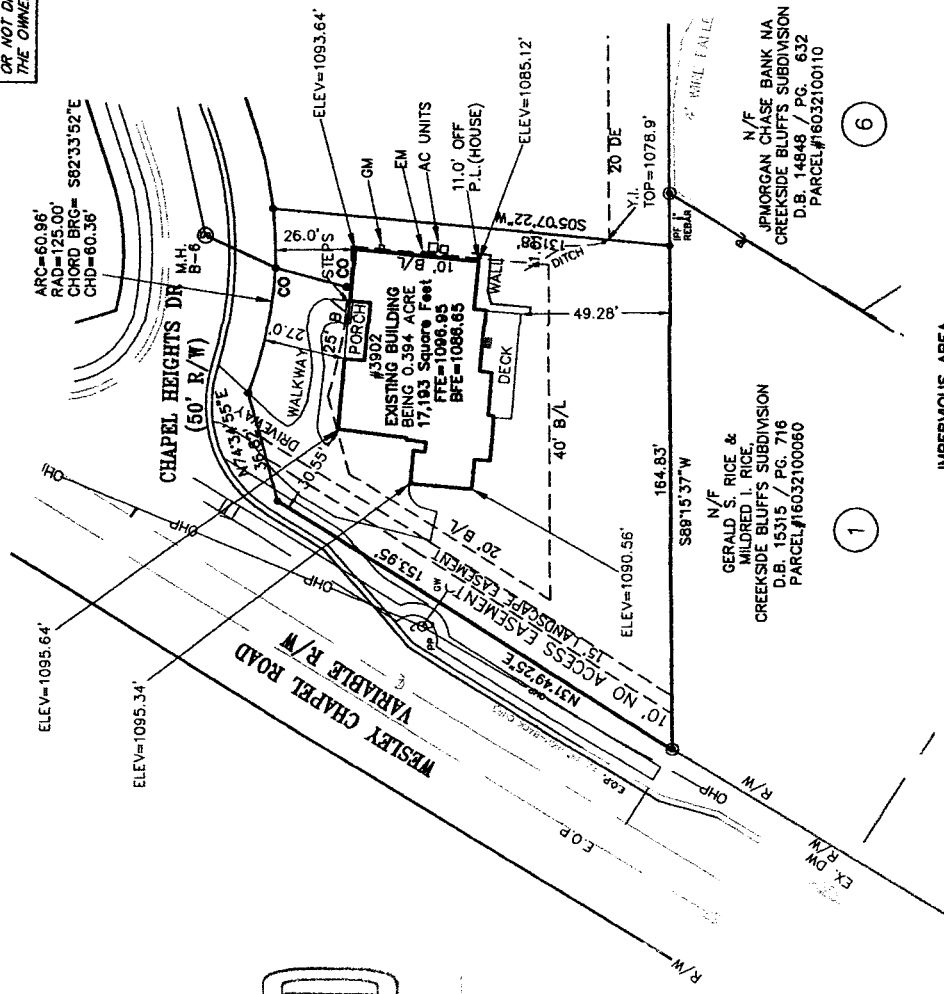
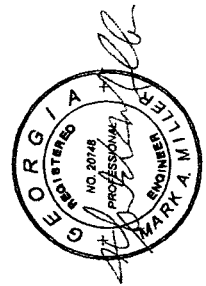
THIS PROPERTY MAY BE SUBJECT TO EASEMENTS, CLAIMS, PRESCRIPTIONS, SUBSURFACE CONDITIONS, OR OTHER MATTERS OF TITLE WHICH ARE NOT VISIBLE, NOT RECORDED, OR NOT DISCLOSED IN THE TITLE COMMITMENT PROVIDED BY THE OWNER, THE PURCHASER, OR ANY AGENTS THEREOF.

FIELD NOTE:
 FIELD INFORMATION FOR THIS SURVEY WAS OBTAINED WITH A FIVE SECOND THEODOLITE AND AN ELECTRONIC DISTANCE METER. THIS MAP OR PLAN HAS BEEN CALCULATED FOR CLOSURES AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 81,540 FEET.
 THE FIELD DATA UPON WHICH THIS MAP OR PLAN IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 44,808 FEET AND AN ANGULAR ERROR OF 2.2 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE COMPASS RULE METHOD.

SITE DATA

| |
|-----------------------------|
| TOTAL AREA = 0.394 ACRES |
| ZONING = R-15 |
| MIN. LOT SIZE = 15,000 S.F. |
| FRONT SETBACKS = 25 FT. |
| SIDE SETBACKS = 10' |
| REAR SETBACKS = 40' |

PROPERTY ADDRESS:
 3902 CHAPEL HEIGHTS DRIVE
 MARIETTA, GA 30062
 BEING: 0.394 ACRE
 17,193 SQUARE FEET



| IMPERVIOUS AREA | PERCENTAGE OF LOT COVERAGE |
|-------------------------|----------------------------|
| MAIN BUILDING FOOTPRINT | 2889 S.F. |
| PORCHES AND DECK | 482 S.F. |
| DRIVEWAY & WALK | 1033 S.F. |
| TOTAL | 4984 S.F. |
| LOT COVERAGE | 17,193 S.F. |
| TOTAL SITE | PERCENTAGE 29.0% |



OWNER/DEVELOPER:
 BASS DEVELOPMENT CORP.
 1291 OLEANDER DRIVE
 LILBURN, GA 30047
 CONTACT: JONATHAN EDWARDS
 PHONE: (770) 940-4505

ENGINEER:
 ACR ENGINEERING, INC.
 600 PINNACLE COURT
 SUITE 685
 NORCROSS, GEORGIA 30071
 PHONE: (678) 291-0000
 CONTACT: ABBAS HEIDARI

FEB - 2 2018
 COBB COUNTY ZONING DIVISION

ORIGINAL DATE OF APPLICATION: 04-16-13APPLICANTS NAME: RICHARD DUNCAN

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

BOC DECISION OF 05-21-13 ZONING HEARING:

RICHARD DUNCAN (David Nunn and Jane Nunn, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of a Subdivision in Land Lots 256 and 321 of the 16th District. Located on the east side of Wesley Chapel Road, north of Bluffview Drive (3914 Wesley Chapel Road). *(Previously held by the Board of Commissioners from their April 16, 2013 hearing)*

The public hearing was opened and Mr. Richard Duncan and Mr. Tom Richards addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to approve Rezoning to the R-15 zoning district subject to:

- Revised site plan received by the Zoning Division March 20, 2013, with the District Commissioner approving minor modifications, noting that the lot layout/configuration may change in Plan Review due to stormwater considerations (attached and made a part of these minutes)
- Maximum of ten homes
- Letter of agreeable conditions from Mr. Richard Duncan corrected date of May 15, 2013 (attached and made a part of these minutes), *with the following changes:*
 - Item No. 8 – amend end of paragraph: “... *detention landscaping and fencing, and a 6 foot chain link fence in the rear of lots 4 and 5.*”
 - Item No. 13 – add to end of first sentence: “... *swales required for stormwater practices and 6 foot chain link fencing behind lots 4 and 5.*”
 - Item No. 16 – Strike references to “*on lot 5*” from this paragraph
 - Item No. 19 – add to the end: “*After Plan Review, Staff to present stormwater and sewer plans to the District Commissioner for final approval.*”
 - Item No. 22 – Revise last sentence to read: “*The payment of \$28,000.00 will be given to Loch Highland upon issuance of a Land Disturbance Permit.*”
- Letter of intent regarding sewer tie-in from Mr. Frank Schaffer dated May 17, 2013 (attached and made a part of these minutes)
- Loch Highland agreement letter dated April 19, 2013 (attached and made a part of these minutes)
- Allowance for Georgia native plant rescue prior to Land Disturbance (clearing and grading)
- Planning Commission recommendations, *not otherwise in conflict*
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations, regarding Stormwater - at Plan Review the Stormwater Management Division comments and recommendations will control
- Cobb DOT comments and recommendations
- 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 4-1, Goreham opposed

WACKSON
 ENGINEERS & ARCHITECTS
 1000 W. BIRNEY AVE.
 SUITE 100
 ATLANTA, GA 30339
 TEL: 404.525.1234
 FAX: 404.525.1235
 WWW.WACKSON.COM

PROJECT NAME:
 3914 WESLEY CHAPEL
 SUBDIVISION

OWNER/CLIENT:
 RICHARD DUNKAN

DATE: 01/11/13

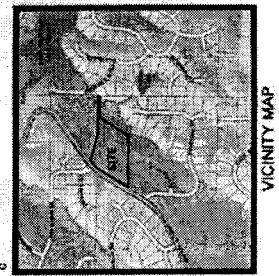
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| DATE | DATE | DATE | DATE |
| 01/11/13 | 01/11/13 | 01/11/13 | 01/11/13 |
| 01/11/13 | 01/11/13 | 01/11/13 | 01/11/13 |
| 01/11/13 | 01/11/13 | 01/11/13 | 01/11/13 |

PLANNING TITLE:
 ZONING PLAN

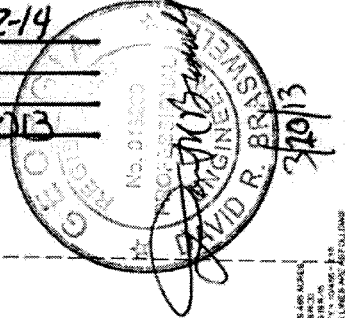
DRAWING NUMBER:
 01

PLANT SCALE: 1"=80'

- DRAWING STATUS - NOT FOR PUBLIC RELEASE OR CONSTRUCTION - DRAWING STATUS -

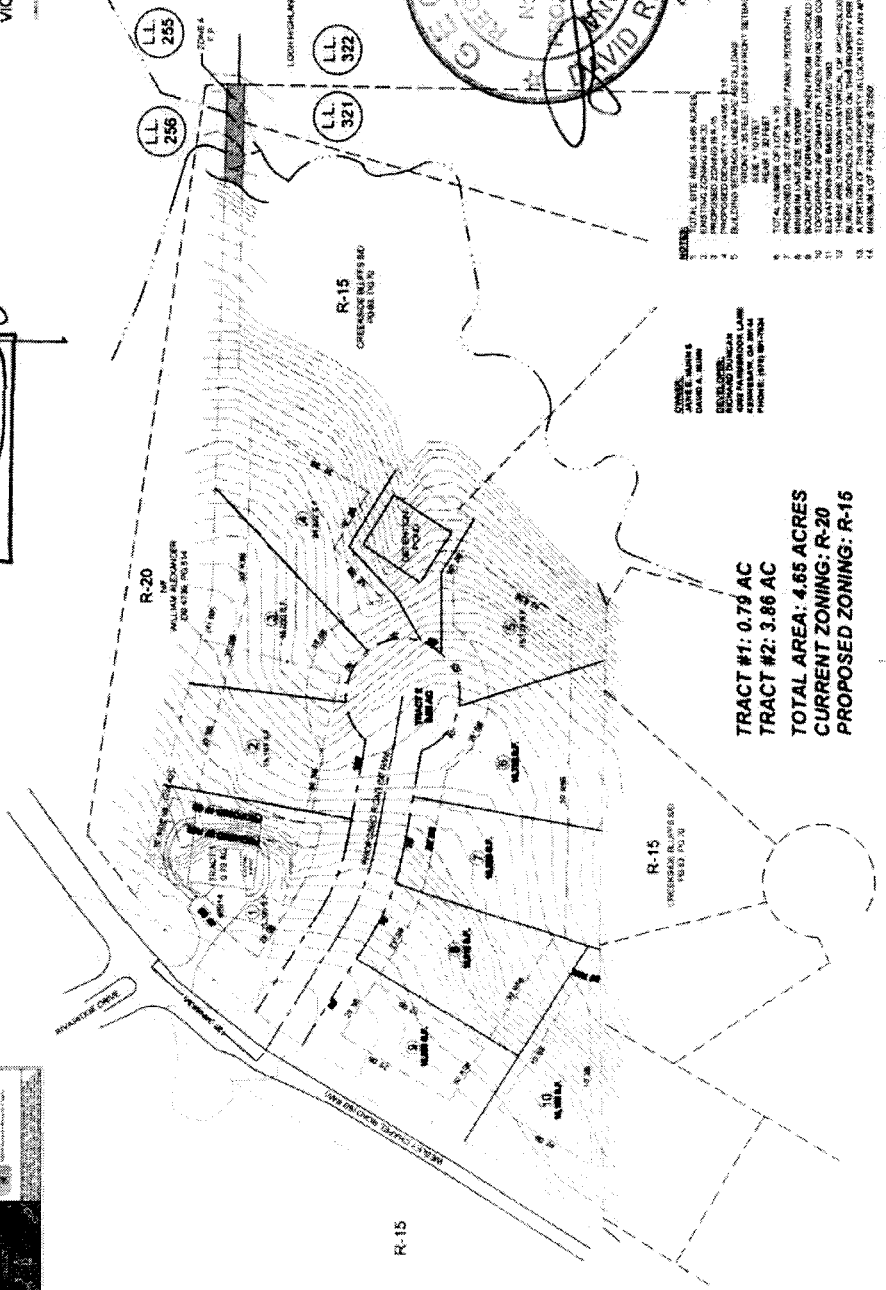
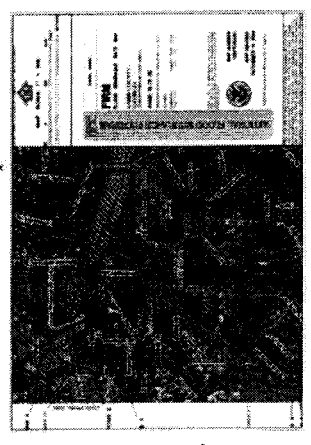


Min. Bk. 108 Petition No. 2-14
 Doc. Type Site Plan
 Meeting Date May 21, 2013



RECEIVED
 MAR 20 2013
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

LAND LOTS 256 & 321
 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GA



- NOTES:**
- TOTAL SITE AREA IS 4.85 ACRES
 - EXISTING ZONING: R-15
 - PROPOSED ZONING: R-20
 - PROPOSED DENSITY: 10 UNITS PER ACRE
 - BUILDING SETBACKS: 10' FRONT, 5' SIDE, 5' REAR
 - MAX. LOT COVERAGE: 25%
 - MAX. HEIGHT: 10 FEET
 - TOTAL LOT AREA IS 4.85 ACRES
 - PROPOSED USE IS FOR SINGLE-FAMILY RESIDENTIAL
 - MINIMUM LOT SIZE: 10,000 SQ. FT.
 - MINIMUM LOT AREA: 0.22 ACRES
 - MINIMUM LOT WIDTH: 30 FEET
 - MINIMUM LOT DEPTH: 100 FEET
 - MINIMUM LOT AREA BASED ON 100 FEET DEPTH
 - MINIMUM LOT WIDTH BASED ON 100 FEET DEPTH
 - MINIMUM LOT DEPTH BASED ON 100 FEET DEPTH
 - MINIMUM LOT AREA BASED ON 100 FEET DEPTH
 - MINIMUM LOT WIDTH BASED ON 100 FEET DEPTH
 - MINIMUM LOT DEPTH BASED ON 100 FEET DEPTH
 - MINIMUM LOT AREA BASED ON 100 FEET DEPTH
 - MINIMUM LOT WIDTH BASED ON 100 FEET DEPTH
 - MINIMUM LOT DEPTH BASED ON 100 FEET DEPTH

COMMISSIONERS:
 JAMES HARRIS
 GUY WATSON
 DAVID R. BRINKLEY
 JAMES HARRIS
 GUY WATSON
 DAVID R. BRINKLEY

TRACT #1: 0.79 AC
 TRACT #2: 3.86 AC
 TOTAL AREA: 4.85 ACRES
 CURRENT ZONING: R-20
 PROPOSED ZONING: R-15

Stipulation Letter

Stipulation letter for Z-14 Zoning

Richard Duncan

April ~~April~~ May 15, 2013

- 1) Applicant seeks rezoning for the subject property from the existing zoning category of R-20 to the proposed zoning category of R-15.
- 2) The subject property will be developed for a single-family residential development consisting of ten(10) maximum lots, including lot one with the existing house. Applicant agreed that all lots shall have a minimum of 15,000 square feet.
- 3) Applicant agrees the minimum size for the homes in the proposed development will be a minimum of 2,800 square feet of heated and cooled living space.
- 4) Lot one is requesting a variance for the side setback on the East side(or to the right of the house) of the property to be ten foot, which is standard for a side setback; but being that the road frontage on Wesley Chapel Road is shorter than the road frontage on the proposed new road, it makes that side setback become a rear setback. The house that is on lot one will be facing the new proposed road, because it was built with the new proposed subdivision and road in mind.
- 5) Houses will be traditional in style; with three side brick to conform to the exterior style of existing home on lot one. Stone or brick water table will be included as part of the architecture of the homes, with the elevations to be approved by the District Commissioner.
- 6) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick with stone accent.

7) Except for in front of lot ten, along Wesley Chapel Road, there will be a brick wall with stone accents. Landscaping of the frontage of the proposed community along Wesley Chapel Road, shall be professionally designed and implemented, which shall include the installation of an irrigation system.

8) There will be a mandatory HOA that will allow for maintenance and upkeep of entrance sign, wall and landscaping, detention landscaping and fencing, and chain link fence in the rear of lots 4 and 5.

9) Other than the house which will remain on lot one, there are three other existing buildings. These building are being used as a dog kennel, and we are requesting that they be allowed to operate up to 12 months after the rezoning of the property to give them time to relocate their business. If the applicant has not installed curb, gutter and detention with landscaping and pulled at least one construction permit within 18 months of rezoning, the property will revert to the R-20 zoning district.

10) At the start of construction, there will be a four to five foot rock check dam in the area of the drainage basin or outlet structure of the proposed detention pond, to help preserve the integrity of the nearby stream, which feeds into Loch Highland Lake. At the end of the final construction of the project the rock check dam will be torn down, spread and used as the detention rip rap outlet flow.

11) Applicant agrees that if there is a detention pond it will be Earth and Dike, and will be surrounded by a black vinyl chain link fence with a minimum height of 6 feet. Where allowed, there will be landscaping to serve as a visual screening from adjacent residential neighborhoods.

12) On lots five through nine, we are asking that front setbacks be 25 feet instead of 35 feet, to help minimize slope impact and reduce impervious area. We agree that the 10 feet referred to above be added to the rear setback.

13) Applicant agrees to a 10 foot construction buffer along the rear of lots two through seven and lot ten, with exceptions to clearing needed for sewer hookups, detention pond area, drainage easement and swales required for stormwater practices. Applicant agrees that prior to landscaping each individual lot, to meet with the Cobb County arborist to determine any dead or dying trees that might need to be removed from the buffer area. Applicant agrees to remove these trees and replant any holes created in the buffer, except where Cobb County prohibits said plantings, with a type and size of tree approved by the County Arborist and District Commissioner. Replacement Inspection of buffer, by arborist, will be done prior to issuance of CO.

14) Applicant agrees that all worker's vehicles will be parked on site, and not on Wesley Chapel Road, or on any other surrounding subdivision streets.

15) Applicant agrees that all lot's landscaping will be sodded front and sides, and rear unless the rear yard is left in its vegetative state.

16) Applicant agrees to replant trees in the disturbed area of construction easement of sewer line. The size, caliber, and type of trees to be replanted will be subject to County Arborist and District Commissioner approval. In addition, applicant agrees to landscape sewer outfall on lot 5, where planting is allowed by Cobb County Water and Sewer Department. No planting on sewer outfall past the landscaped area on lot 5.

17) Applicant agrees to plant one tree of four inch caliper per lot, except for existing lot one.

18) All utilities servicing the residences within the proposed community will be underground.

19) Applicant agrees to comply with all Cobb County Stormwater Management comments and recommendations, and also Cobb County

DOT comments and recommendations applicable to the subject property.

20) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements.

21) Applicant agrees that Construction hours are to be 7:00 a.m. to 7:00 p.m., Monday through Friday-October 1st through March 31st, 7:00 a.m. to 8:00 p.m., Monday through Friday-April 1st through September 30th; 9:00 a.m. to 6:00 p.m. on Saturdays; with no outside work on Sunday unless approved by the District Commissioner.

22) Applicant agrees to donate \$28,000 to Loch Highland for their lake maintenance fund. This amount includes Cobb County's fee in lieu of detention as well as funds provided in lieu of performance of pre and post sediment study. Within doing so, Loch Highland will sign a hold harmless agreement with Cobb County, Richard Duncan, and Riversouth Land Management for waiver of the sediment studies and any future impacts from this site. The payment of \$28,000 will be given to Loch Highland before any construction begins.

23) Applicant agrees that all sample results obtained through the National Pollution Discharge Elimination monitoring should be forwarded to Loch Highland Homeowners Association to insure that pollution of the streams does not occur during construction.

24) Applicant agrees to place a double row of silt fencing and a mulch berm around three sides of the property which impact the surrounding neighbors of the new development, with an exception of lot one.

25) Applicant agrees to remove the existing driveway on lot 1 that exits onto Wesley Chapel Road, and close the existing curb cut upon completion of subdivision street.

26) Applicant agrees to install a 6 foot black vinyl chain length fence along the rears of lots 4 and 5.

Project No. 2-14
Contract No. 5-21-13

27) Applicant agrees to use sewer tie-in on the manhole on Mr. Schaffer's property located at 3820 Bluff View Dr. in Creekside Bluffs.

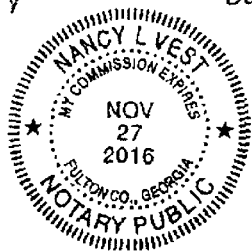
Min. Bk. 68 Petition No. Z-14
Doc. Type Letter of
Intent
Mailing Date May 21, 2013

Letter of Intent

I, Frank Schaffer, have agreed to grant Richard Duncan, with Riversouth Land Management, a sewer easement and flow easement agreement for the new proposed subdivision in zoning case Z-14, on my property located at 3820 Bluffview Dr., Marietta, GA 30062.

[Signature] 5-17-2013
Frank Schaffer Date

[Signature] 5-17-2013
Notary Date



Min. Bk. 68 Petition No. Z-14
Doc. Type Agreement

Meeting Date May 21, 2013

We at Loch Highland agree to accept the \$28,000 for the lake maintenance fund instead of the \$25,000 dollar bond. The \$28,000 lake maintenance fund includes the fee in lieu of the detention pond, the fee in lieu of the pre and post lake study, and additional donations from Mr. Duncan added to that amount. Also, Loch Highland agrees to do a hold harmless agreement with Cobb County, Richard Duncan and all his entities, for waiver of the sediment studies and any future impacts from this site.


_____ 4/17/13

Loch Highland Representative

Date

Application for "Other Business"

OB-52

Cobb County, Georgia

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

BOC Hearing Date Requested: 8-19-14

Applicant: ~~THE~~ Duncan Land Investments Phone #: 678 591 7024
(applicant's name printed)

Address: 4302 PARKERBROOK LN. Kennesaw, GA 30144 E-Mail: duncanlandinvest@yahoo.com

Richard Duncan Address: 4302 PARKERBROOK LN Kennesaw, GA 30144
(representative's name, printed)

[Signature] Phone #: 678 591 7024 E-Mail: liverouth59@yahoo.com
(representative's signature)

Signed, sealed and delivered in presence of:

Melissa Kay Kintrell
Notary Public



My Commission Expires: July 27, 2014

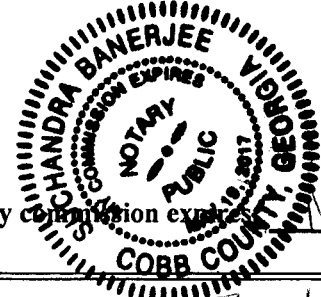
Titleholder(s): Jane Nunn Phone #: 678/521-7024
(property owner's name printed)

Address: 3014 Westley Chapel Rd Marietta, GA 30062 E-Mail: jane.nunn.1@bellsouth.net

Jane Nunn
(Property owner's signature)

Signed, sealed and delivered in presence of:

Suchandra Banerjee
Notary Public



My Commission Expires: May 19, 2017

Commission District: 3 Zoning Case: 7-14 of 2013

Date of Zoning Decision: May 21, 2013 Original Date of Hearing: April 16, 2013

Location: 3014 Westley Chapel Rd Marietta, GA 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 254 and 321 District(s): 10th

State specifically the need or reason(s) for Other Business:

To make changes to stipulations 7 and 9 of the stipulation letter.
~~Applicant requests that stipulation 7 be changed~~
to state that there will be decorative fencing along Westley Chapel, instead
of a brick wall with some accents. ~~Applicant requests that~~
stipulation 9 be revised to give an additional 12 months
before the property reverts back to R-20.
(List or attach additional information if needed)

OTHER BUSINESS (CONT.)

~~OTHER BUSINESS (CONT.)~~

- Allowance of an additional use of a church ministry
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

~~VOTE: ADOPTED unanimously~~

O.B. 52

To consider amending the stipulations for Duncan Land Investments regarding rezoning application Z-14 of 2013 (Richard Duncan), for property located on the east side of Wesley Chapel Road, north of Bluffview Drive in Land Lots 256 and 321 in the 16th District.

Mr. Pederson provided information regarding a stipulation amendment. The public hearing was opened and Mr. Richard Duncan and Ms. Jill Flamm addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Lee, to approve Other Business Item No. 52 for stipulation amendments regarding application Z-14 of 2013 (Richard Duncan), subject to:

- Amend Item No. 7 from the letter of agreeable conditions from Mr. Richard Duncan dated May 15, 2013 to allow a wooden shadow box fence with brick columns and no dog ears (attached and made a part of these minutes)
- Letter of agreeable conditions from Mr. Richard Duncan dated August 12, 2014 (attached and made a part of these minutes)
- Photographs of fence and monument sign submitted on August 19, 2014 with final approval by District Commissioner (attached and made a part of these minute)
- Extend reversionary clause until November 21, 2015
- No land disturbance permits to be issued until landscape plan showing sewer easement is reviewed by staff and approved by District Commissioner
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED unanimously

Min. Bk. 68 Petition No. Z-14
Doc. Type Letter of agreeable
Conditions
Meeting Date May 21, 2013

Stipulation Letter

Stipulation letter for Z-14 Zoning

Richard Duncan

April May 15, 2013

Min. Bk. 74 Petition No. 0852
Doc. Type letter of agree-
able conditions
Meeting Date 8/19/14

- 1) Applicant seeks rezoning for the subject property from the existing zoning category of R-20 to the proposed zoning category of R-15.
- 2) The subject property will be developed for a single-family residential development consisting of ten(10) maximum lots, including lot one with the existing house. Applicant agreed that all lots shall have a minimum of 15,000 square feet.
- 3) Applicant agrees the minimum size for the homes in the proposed development will be a minimum of 2,800 square feet of heated and cooled living space.
- 4) Lot one is requesting a variance for the side setback on the East side(or to the right of the house) of the property to be ten foot, which is standard for a side setback; but being that the road frontage on Wesley Chapel Road is shorter than the road frontage on the proposed new road, it makes that side setback become a rear setback. The house that is on lot one will be facing the new proposed road, because it was built with the new proposed subdivision and road in mind.
- 5) Houses will be traditional in style; with three side brick to conform to the exterior style of existing home on lot one. Stone or brick water table will be included as part of the architecture of the homes, with the elevations to be approved by the District Commissioner.
- 6) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick with stone accent.

Petition No. 0852
Meeting Date 8/19/14
Continued

Petition No. 2-14 PAGE 6 OF
Meeting Date 5-2-13
Continued

7) Except for in front of lot ten, along Wesley Chapel Road, there will be a brick wall with stone accents. Landscaping of the frontage of the proposed community along Wesley Chapel Road, shall be professionally designed and implemented, which shall include the installation of an irrigation system.

8) There will be a mandatory HOA that will allow for maintenance and upkeep of entrance sign, wall and landscaping, detention landscaping and fencing, and chain link fence in the rear of lots 4 and 5.

9) Other than the house which will remain on lot one, there are three other existing buildings. These building are being used as a dog kennel, and we are requesting that they be allowed to operate up to 12 months after the rezoning of the property to give them time to relocate their business. If the applicant has not installed curb, gutter and detention with landscaping and pulled at least one construction permit within 18 months of rezoning, the property will revert to the R-20 zoning district.

10) At the start of construction, there will be a four to five foot rock check dam in the area of the drainage basin or outlet structure of the proposed detention pond, to help preserve the integrity of the nearby stream, which feeds into Loch Highland Lake. At the end of the final construction of the project the rock check dam will be torn down, spread and used as the detention rip rap outlet flow.

11) Applicant agrees that if there is a detention pond it will be Earth and Dike, and will be surrounded by a black vinyl chain link fence with a minimum height of 6 feet. Where allowed, there will be landscaping to serve as a visual screening from adjacent residential neighborhoods.

12) On lots five through nine, we are asking that front setbacks be 25 feet instead of 35 feet, to help minimize slope impact and reduce impervious area. We agree that the 10 feet referred to above be added to the rear setback.

Petition No. 0852
Meeting Date 8/19/14
Continued

Petition No. Z-14 PAGE 7 OF
Meeting Date 5-21-13
Continued

13) Applicant agrees to a 10 foot construction buffer along the rear of lots two through seven and lot ten, with exceptions to clearing needed for sewer hookups, detention pond area, drainage easement and swales required for stormwater practices. Applicant agrees that prior to landscaping each individual lot, to meet with the Cobb County arborist to determine any dead or dying trees that might need to be removed from the buffer area. Applicant agrees to remove these trees and replant any holes created in the buffer, except where Cobb County prohibits said plantings, with a type and size of tree approved by the County Arborist and District Commissioner. Replacement Inspection of buffer, by arborist, will be done prior to issuance of CO.

14) Applicant agrees that all worker's vehicles will be parked on site, and not on Wesley Chapel Road, or on any other surrounding subdivision streets.

15) Applicant agrees that all lot's landscaping will be sodded front and sides, and rear unless the rear yard is left in its vegetative state.

16) Applicant agrees to replant trees in the disturbed area of construction easement of sewer line. The size, caliber, and type of trees to be replanted will be subject to County Arborist and District Commissioner approval. In addition, applicant agrees to landscape sewer outfall on lot 5, where planting is allowed by Cobb County Water and Sewer Department. No planting on sewer outfall past the landscaped area on lot 5.

17) Applicant agrees to plant one tree of four inch caliper per lot, except for existing lot one.

18) All utilities servicing the residences within the proposed community will be underground.

19) Applicant agrees to comply with all Cobb County Stormwater Management comments and recommendations, and also Cobb County

DOT comments and recommendations applicable to the subject property.

20) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements.

21) Applicant agrees that Construction hours are to be 7:00 a.m. to 7:00 p.m., Monday through Friday-October 1st through March 31st, 7:00 a.m. to 8:00 p.m., Monday through Friday-April 1st through September 30th; 9:00 a.m. to 6:00 p.m. on Saturdays; with no outside work on Sunday unless approved by the District Commissioner.

22) Applicant agrees to donate \$28,000 to Loch Highland for their lake maintenance fund. This amount includes Cobb County's fee in lieu of detention as well as funds provided in lieu of performance of pre and post sediment study. Within doing so, Loch Highland will sign a hold harmless agreement with Cobb County, Richard Duncan, and Riversouth Land Management for waiver of the sediment studies and any future impacts from this site. The payment of \$28,000 will be given to Loch Highland before any construction begins.

23) Applicant agrees that all sample results obtained through the National Pollution Discharge Elimination monitoring should be forwarded to Loch Highland Homeowners Association to insure that pollution of the streams does not occur during construction.

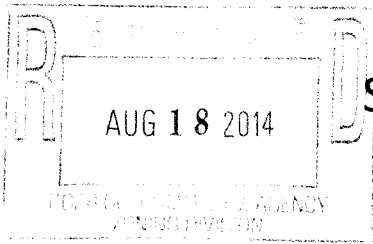
24) Applicant agrees to place a double row of silt fencing and a mulch berm around three sides of the property which impact the surrounding neighbors of the new development, with an exception of lot one.

25) Applicant agrees to remove the existing driveway on lot 1 that exits onto Wesley Chapel Road, and close the existing curb cut upon completion of subdivision street.

26) Applicant agrees to install a 6 foot black vinyl chain length fence along the rears of lots 4 and 5.

Petition No. 0852
Meeting Date 8/19/14
Continued _____
PAGE 9 OF _____
2-14
5-21-13

27) Applicant agrees to use sewer tie-in on the manhole on Mr. Schaffer's property located at 3820 Bluff View Dr. in Creekside Bluffs.



Stipulation Letter

Stipulation letter for OB-52

Rec. Z-14
of 2013

Richard Duncan

August 12, 2014

- 1) Applicant seeks rezoning for the subject property from the existing zoning category of R-20 to the proposed zoning category of R-15.
- 2) The subject property will be developed for a single-family residential development consisting of ten(10) maximum lots, including lot one with the existing house. Applicant agreed that all lots shall have a minimum of 15,000 square feet.
- 3) Applicant agrees the minimum size for the homes in the proposed development will be a minimum of 2,800 square feet of heated and cooled living space.
- 4) Lot two is requesting a variance for the side setback on the East side(or to the right of the house) of the property to be ten foot, which is standard for a side setback; but being that the road frontage on Wesley Chapel Road is shorter than the road frontage on the proposed new road, it makes that side setback become a rear setback. The house that is on lot one will be facing the new proposed road, because it was built with the new proposed subdivision and road in mind.
- 5) Houses will be traditional in style; with three side brick to conform to the exterior style of existing home on lot one. Stone or brick water table will be included as part of the architecture of the homes, with the elevations to be approved by the District Commissioner.
- 6) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick with stone accent.

7) Except for in front of lot ten, Along Wesley Chapel Road, there will be a brick wall with stone accents. Landscaping of the frontage of the proposed community along Wesley Chapel Road, shall be professionally designed and implemented, which shall include the installation of an irrigation system. (Stip#7 is the stip. I am requesting changes to)

8) There will be a mandatory HOA that will allow for maintenance and upkeep of entrance sign, wall and landscaping, detention landscaping and fencing, and chain link fence in the rear of lots 5 and 6.

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Min. Bk. 74 Petition No. 0052

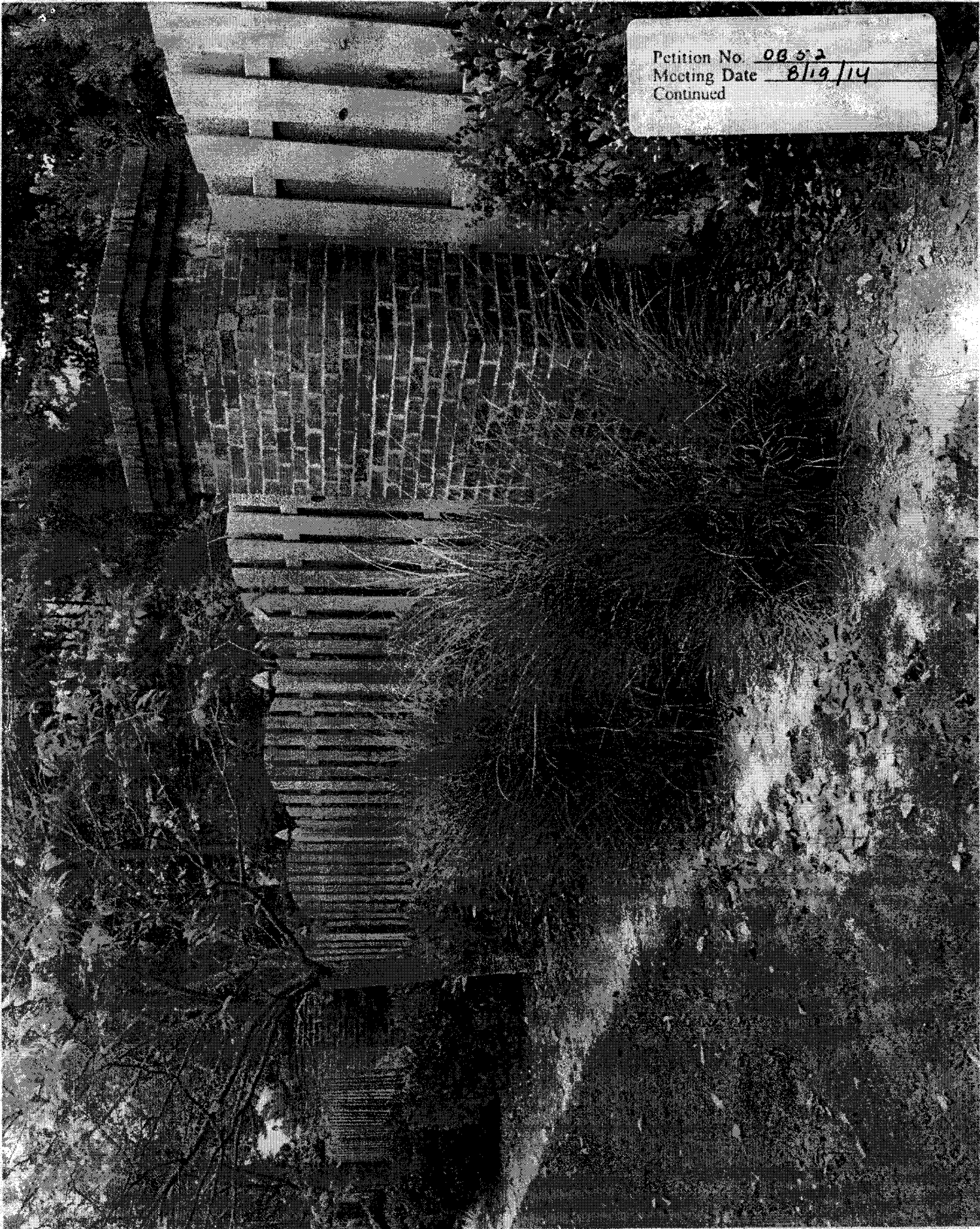
Doc. Type photograph

Meeting Date 8/19/14



BRYANT POINTE

Petition No. 0852
Meeting Date 8/19/14
Continued



Application for "Other Business"

OB-021-2016

Cobb County, Georgia

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

BOC Hearing Date Requested: 4-19-16

Applicant: E-Rock Development LLC Phone #: _____
(applicant's name printed)

Address: 2731 - Sims Rd. Marietta Ga 30066 E-Mail: _____

Jonathan E Edwards Address: 2731 Sims Rd Marietta Ga 30066
(representative's name, printed)

[Signature] Phone #: 770-940-4505 E-Mail: Jonathan.Edwards50@yahoo.com
(representative's signature)

Signed, sealed and delivered in presence of:

B. RAHMAN
NOTARY PUBLIC
Cobb County, GEORGIA
My Comm. Expires

12/06/2019

Notary Public

* Titleholder(s): Jane E. Nunn Phone #: 678/521-7024
(property owner's name printed)

Address: 3914 Wesley Chapel Rd E-Mail: jane.nunn@bellsouth.net

Jane E. Nunn
(Property owner's signature)

Farha Siddiqui
NOTARY PUBLIC
Cobb County, GEORGIA
My Comm. Expires

* see other signatures.

Signed, sealed and delivered in presence of: FARHASIDDIQUI

My commission expires: 01/07/2020 - 2020

Notary Public

Commission District: 3 Zoning Case: 2-14

Size of property in acres: _____ Original Date of Hearing: _____

Location: 3914 Wesley Chapel Rd Marietta, GA 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 256 and 321 District(s): 16th

State specifically the need or reason(s) for Other Business: Amend site plan and stipulations.

Adding additional property

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: _____

Applicant: _____ Phone #: _____
(applicant's name printed)

Address: _____ E-Mail: _____

_____ Address: _____
(representative's name, printed)

_____ Phone #: _____ E-Mail: _____
(representative's signature)

Signed, sealed and delivered in presence of:

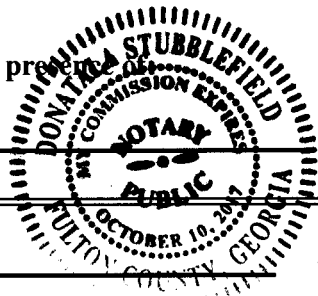
_____ My commission expires: _____
Notary Public

Titleholder(s): Capital Design Homes, LLC Phone #: 770 648 8278
(property owner's name printed)

Address: 1235 Highbuer Trail, Suite 200 E-Mail: donatala@CDGinc.com
Atlanta, GA 30350

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of: _____ My commission expires: 10/10/17
Notary Public



Commission District: _____ Zoning Case: _____

Size of property in acres: _____ Original Date of Hearing: _____

Location: _____
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): _____ District(s): _____

State specifically the need or reason(s) for Other Business: _____

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: _____

Applicant: _____ **Phone #:** _____
(applicant's name printed)

Address: _____ **E-Mail:** _____

_____ **Address:** _____
(representative's name, printed)

_____ **Phone #:** _____ **E-Mail:** _____
(representative's signature)

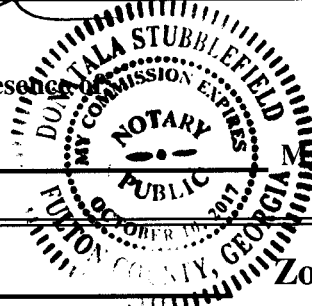
Signed, sealed and delivered in presence of:

_____ **My commission expires:** _____
Notary Public

Titleholder(s): Hobbs Investments, LLC **Phone #:** 770-642-8272
(property owner's name printed)

Address: 1235 Hightower Trail Suite 300 **E-Mail:** donatala@CDGinc.com
Atlanta, GA 30350
(Property owner's signature)

Signed, sealed and delivered in presence of _____ **My commission expires:** 10/10/17
Notary Public



Commission District: _____ **Zoning Case:** _____

Size of property in acres: _____ **Original Date of Hearing:** _____

Location: _____
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): _____ **District(s):** _____

State specifically the need or reason(s) for Other Business: _____

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 19, 2016
PAGE 21

OTHER BUSINESS (CONT.)

1. Replace bullet #2 for Z-8 from the Board of Commissioners Zoning Hearing Minutes dated October 20, 2015 (attached and made a part of these minutes) with the following:
 - *“Reasonable noise abatement measures to be implemented to abate noise which, as provided in Section 50-256(b) of the Cobb County Code of Ordinances, either disturbs, injures or endangers the comfort, repose, health, peace or safety of others in the unincorporated areas of the county which is plainly audible 100 feet from the sound’s point of origination for the following uses: heavy automotive repair establishments; heavy repair service and trade shops; light manufacturing establishments; machine shops; sawmills (temporary); or tire retreading, recapping facilities or any use which creates noise in violation of Section 50-256(b) of the Cobb County Code of Ordinances.”*
2. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect.

VOTE: ADOPTED 5-0

O.B. 21 To consider a site plan and stipulation amendment for E-Rock Development, LLC regarding rezoning application Z-14 of 2013 (Richard Duncan), for property located on the east side of Wesley Chapel Road, North of Bluffview Drive, and on the west side of Andrews Crossing in Land Lots 256 and 321 of the 16th District.

Mr. Pederson provided information regarding a site plan and stipulation amendment for the proposed property reconfiguration. The public hearing was opened, and Ms. Jill Flamm addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to **approve** O.B. 21 for site plan and stipulation amendment regarding rezoning application Z-14 of 2013 (Richard Duncan), for property located on the east side of Wesley Chapel Road, North of Bluffview Drive, and on the west side of Andrews Crossing in Land Lots 256 and 321 of the 16th District, **subject to:**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
APRIL 19, 2016
PAGE 22

OTHER BUSINESS (CONT.)

O.B. 21 (CONT.)

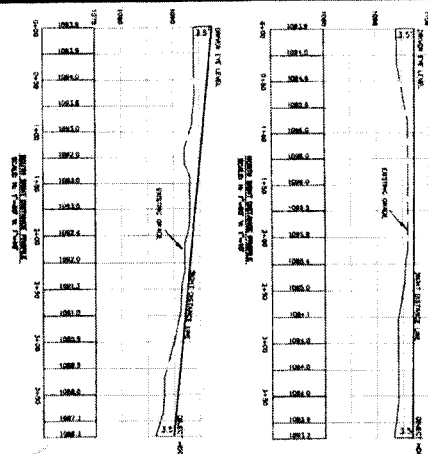
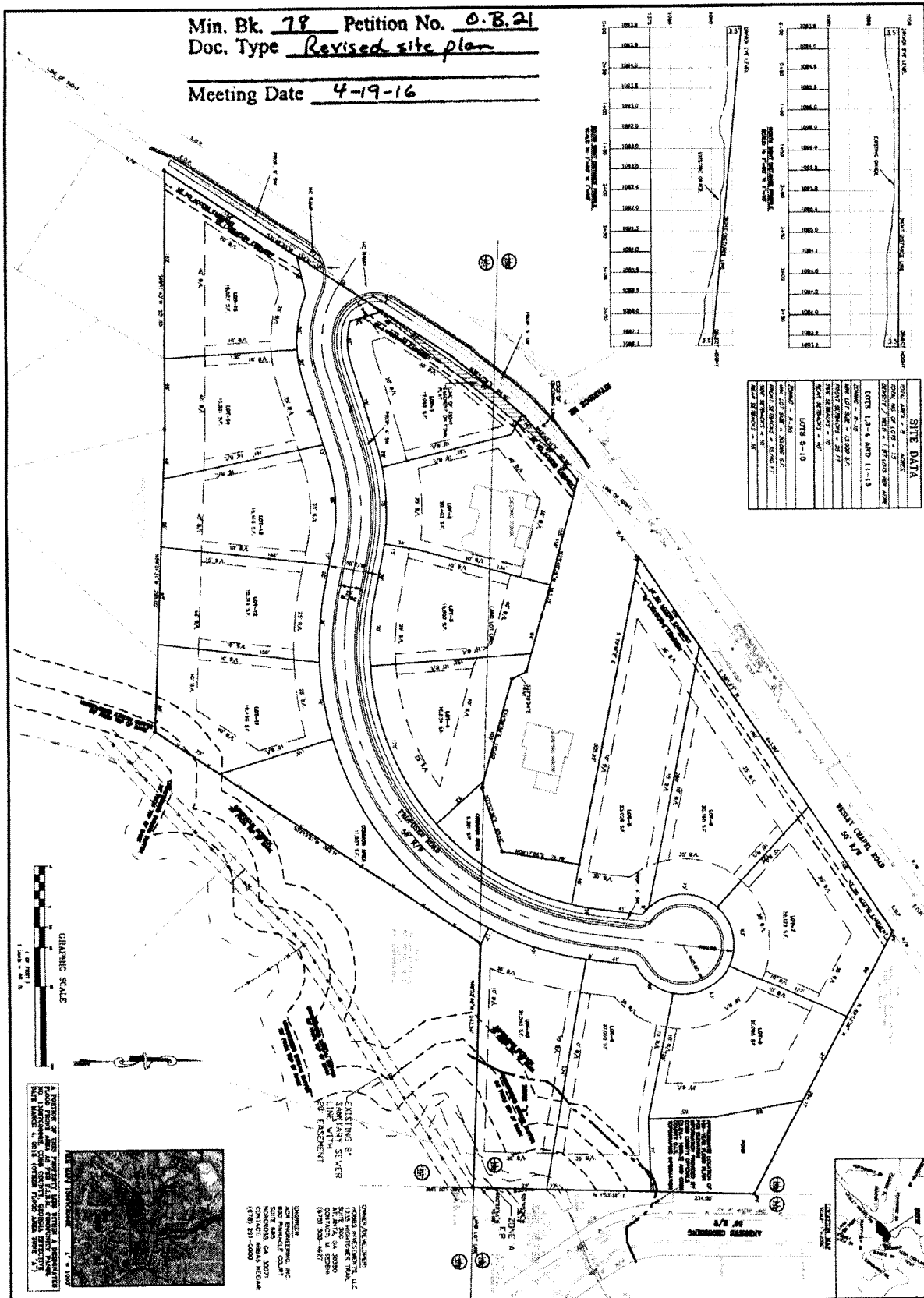
1. *Revised* site plan received from Mr. Jonathan Edwards on April 18, 2016, with the final site plan to be approved by the District Commissioner (attached and made a part of these minutes)
2. Letter of agreeable conditions from Mr. Richard Duncan dated August 12, 2014, (attached and made a part of these minutes), with the following changes:
 - A. Item Nos. 2, 5, 17, and 25 - change references to "lot one" to read: "*lot two*"
 - B. Item Nos. 8, 13, and 26 - change references to "lots 5 and 6" to read: "*lot 11 and the common area to the east of lot 11*"
 - C. Item No. 7 - strike the words: "*Except for*"
 - D. Item No. 12 - change references to "lots six through ten" to read: "*lots 11 through 15*"
 - E. Item No. 13 - change references to "lots three through seven and lot ten" to read: "*lots 3, 4, 11 through 15*"
 - F. Item No. 27 - strike in its entirety
 - G. Saturday operating hours to be 10 a.m. until 4:00 p.m., with no work on Sundays
 - H. Formation of HOA
3. Water and Sewer Division comments: *Additional six lots will increase peak wastewater flow to 6,000 GPD and will increase sewer average daily flow to 2,400. Capacity at plant and lines remain available.*
4. Stormwater Management Division comments: *All previous SWM comments to remain in effect, unless otherwise in conflict. Revised agreement to be negotiated with Loch Highland HOA regarding the additional fee-in-lieu of for the new phase for detention and pre- and post-sediment surveys. Site plan to be revised to increase the lot area for Lot 10 such that it meets the minimum 12,500 sf lot area above/outside the 100-year floodplain.*
5. Department of Transportation comments: *Recommend a deceleration lane on Wesley Chapel Road for the ingress.*
6. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED 5-0

Clerk's Note: Chairman Lee directed Jonathan Edwards to meet with Mr. Pederson regarding a revised stipulation letter (attached and made a part of these minutes) including the above changes that shall be submitted to the Clerk's Office prior to the adoption of these minutes. This letter should include Mr. Edwards signature, with Mr. Pederson initialing to verify accuracy of the revised letter.

Min. Bk. 78 Petition No. 0-8-21
 Doc. Type Revised site plan

Meeting Date 4-19-16



| SITE DATA | |
|-----------|-------------------------|
| DATE | 04/19/16 |
| PROJECT | WESLEY CHAPEL |
| CLIENT | WESLEY CHAPEL COMMUNITY |
| SCALE | AS SHOWN |
| DATE | 04/19/16 |
| PROJECT | WESLEY CHAPEL |
| CLIENT | WESLEY CHAPEL COMMUNITY |
| SCALE | AS SHOWN |
| DATE | 04/19/16 |
| PROJECT | WESLEY CHAPEL |
| CLIENT | WESLEY CHAPEL COMMUNITY |
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| SCALE | AS SHOWN |
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| SCALE | AS SHOWN |
| DATE | 04/19/16 |
| PROJECT | WESLEY CHAPEL |
| CLIENT | WESLEY CHAPEL COMMUNITY |
| SCALE | AS SHOWN |

*Submitted by
4/19/16
Edwards*

GRAPHIC SCALE
1" = 50'

A PORTION OF THE PROPERTY LINE SYSTEM IS DERIVED FROM THE RECORD PLAT OF THE WESLEY CHAPEL COMMUNITY DEVELOPMENT PROJECT, MAP NO. 1018, COBB COUNTY, GEORGIA, DATED MARCH 1, 2011. (OTHER RECORD PLAT, MAP NO. 1018, COBB COUNTY, GEORGIA, DATED MARCH 1, 2011)

OWNER/ENGINEER:
 WESLEY CHAPEL COMMUNITY
 1500 WESLEY CHAPEL ROAD
 WESLEY CHAPEL, GA 30090
 CONTACT: M. EDWARDS
 (404) 291-4417

DESIGNER:
 AR ENGINEERING, INC.
 400 PARKVILLE COURT
 KENNESAW, GA 30144
 (404) 291-6000

| NO. | REVISION | DATE |
|-----|----------|------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |

| NO. | REVISION | DATE |
|-----|----------|------|
| 1 | | |
| 2 | | |
| 3 | | |
| 4 | | |

PRELIMINARY SITE PLAN
 OPTION 2
 FOR
 WESLEY CHAPEL
 L.L. 0504321, 16TH DIST., 2ND SECT.
 COBB COUNTY, GEORGIA

AR Engineering, Inc.
 ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING
 400 PARKVILLE COURT
 SUITE 400
 KENNESAW, GA 30144
 TEL: (404) 291-6000
 FAX: (404) 291-6882

Min. Bk. 78 Petition No. O.B.21
Doc. Type letter dated 8-12-14

Meeting Date 4-19-16

Stipulation Letter

Stipulation letter for OB-52

Min. Bk. 79 Petition No. OB52
Doc. Type letter of agreeable
conditions
Meeting Date 8/19/14

Richard Duncan

August 12, 2014

- 1) Applicant seeks rezoning for the subject property from the existing zoning category of R-20 to the proposed zoning category of R-15.
- 2) The subject property will be developed for a single-family residential development consisting of ten(10) maximum lots, including lot one with the existing house. Applicant agreed that all lots shall have a minimum of 15,000 square feet.
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Petition No. 0.B.21
Meeting Date 4-19-16
Continued

Petition No. 0852
Meeting Date 8/19/14
Continued

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Petition No. 0.B.21
Meeting Date 4-19-16
Continued

Petition No. 0 B 52
Meeting Date 8/19/14
Continued

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Petition No. 0. B. 21
Meeting Date 4-19-16
Continued

Petition No. 0. B. 52
Meeting Date 8/19/19
Continued

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- 20) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements.
- 21) Applicant agrees that Construction hours are to be 7:00 a.m. to 7:00 p.m., Monday through Friday-October 1st through March 31st, 7:00 a.m. to 8:00 p.m., Monday through Friday-April 1st through September 30th; 9:00 a.m. to 6:00 p.m. on Saturdays; with no outside work on Sunday unless approved by the District Commissioner.
- 22) Applicant agrees to donate \$28,000 to Loch Highland for their lake maintenance fund. This amount includes Cobb County's fee in lieu of detention as well as funds provided in lieu of performance of pre and post sediment study. Within doing so, Loch Highland will sign a hold harmless agreement with Cobb County, Richard Duncan, and Riversouth Land Management for waiver of the sediment studies and any future impacts from this site. The payment of \$28,000 will be given to Loch Highland before any construction begins.
- 23) Applicant agrees that all sample results obtained through the National Pollution Discharge Elimination monitoring should be forwarded to Loch Highland Homeowners Association to insure that pollution of the streams does not occur during construction.
- 24) Applicant agrees to place a double row of silt fencing and a mulch berm around three sides of the property which impact the surrounding neighbors of the new development, with an exception of lots one and two.
- 25) Applicant agrees to remove the existing driveway on lot 1 that exits onto Wesley Chapel Road, and close the existing curb cut upon completion of subdivision street.

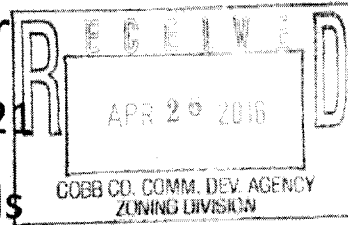
Petition No. 0.B.21
Meeting Date 4-19-16
Continued

Petition No. 0B52
Meeting Date 0/14/14
Continued

26) Applicant agrees to install a 6 foot black vinyl chain length fence along the rears of lots 5 and 6.

27) Applicant agrees to use sewer tie-in on the manhole on Mr. Schaffer's property located at 3820 Bluff View Dr. in Creekside Bluffs.

Stipulation Letter
Stipulation letter for OB-21
Jonathan Edwards



April 22, 2016

- 1) Applicant seeks rezoning for the subject property from the existing zoning category of R-20 to the proposed zoning category of R-15.
- 2) The subject property will be developed for a single-family residential development consisting of nine (9) lots on the R-15 zoned property, including lot two with the existing house. Applicant agreed that all lots shall have a minimum of 15,000 square feet.
- 3) Applicant agrees the minimum size for the homes in the proposed development will be a minimum of 2,800 square feet of heated and cooled living space.
- 4) Lot two is requesting a variance for the side setback on the East side (or to the right of the house) of the property to be ten foot, which is standard for a side setback; but being that the road frontage on Wesley Chapel Road is shorter than the road frontage on the proposed new road, it makes that side setback become a rear setback. The house that is on lot one will be facing the new proposed road, because it was built with the new proposed subdivision and road in mind.
- 5) Houses will be traditional in style; with three side brick to conform to the exterior style of existing home on lot two. Stone or brick water table will be included on the rear as part of the architecture of the homes, with the elevations to be approved by the District Commissioner.
- 6) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick with stone accent.

7) Along Wesley Chapel Road, there will be a brick wall with stone accents. Landscaping of the frontage of the proposed community along Wesley Chapel Road, shall be professionally designed and implemented, which shall include the installation of an irrigation system.

8) There will be a mandatory HOA that will allow for maintenance and upkeep of entrance sign, wall and landscaping, detention landscaping and fencing, and chain link fence in the rear of lot 11 & Common Area.

9) Other than the house which will remain on lot two, there are three other existing buildings. These building are being used as a dog kennel, and we are requesting that they be allowed to operate up to 12 months after the rezoning of the property to give them time to relocate their business. [The end of Stip#9 (Reversion Clause) is the other stipulation I am requesting changes to] If the applicant has not installed curb, gutter and detention with landscaping and pulled at least one construction permit within 18 months of rezoning, the property will revert to the R-20 zoning district.

10) At the start of construction, there will be a four to five foot rock check dam in the area of the drainage basin or outlet structure of the proposed detention pond, to help preserve the integrity of the nearby stream, which feeds into Loch Highland Lake. At the end of the final construction of the project the rock check dam will be torn down, spread and used as the detention rip rap outlet flow.

11) Applicant agrees that if there is a detention pond it will be surrounded by a black vinyl chain link fence with a minimum height of 6 feet. Where allowed, there will be landscaping to serve as a visual screening from adjacent residential neighborhoods.

12) On lots three, four, five through fifteen, we are asking that front setbacks be 25 feet instead of 35 feet, to help minimize slope impact and reduce impervious area. We agree that the 10 feet referred to above be added to the rear setback.

13) Applicant agrees to a 10 foot construction buffer along the rear of lots three, four & eleven through fifteen, with exceptions to clearing needed for sewer hookups, detention pond area, drainage easements, swales required for storm water practices and fencing along the rear of lot 11 and common area. Applicant agrees that prior to landscaping each individual lot, to meet with the Cobb County arborist to determine any dead or dying trees that might need to be removed from the buffer area. Applicant agrees to remove these trees and replant any holes created in the buffer, except where Cobb County prohibits said plantings, with a type and size of tree approved by the County Arborist and District Commissioner. Replacement Inspection of buffer, by arborist, will be done prior to issuance of CO.

14) Applicant agrees that all worker's vehicles will be parked on site, and not on Wesley Chapel Road, or on any other surrounding subdivision streets.

15) Applicant agrees that all lot's landscaping will be sodded front and sides, and rear unless the rear yard is left in its vegetative state.

16) Applicant agrees to plant one tree of four inch caliper per lot, except for existing lot two.

17) All utilities servicing the residences within the proposed community will be underground.

18) Applicant agrees to comply with all Cobb County Storm water Management comments and recommendations, and also Cobb County DOT comments and recommendations applicable to the subject property.

19) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements.

20) Applicant agrees that Construction hours are to be 7:00 a.m. to 7:00 p.m., Monday through Friday-October 1st through March 31st; 7:00 a.m. to 8:00 p.m., Monday through Friday-April 1st through September 30th; 10:00 a.m. to 4:00 p.m. on Saturdays; with no outside work on Sunday unless approved by the District Commissioner.

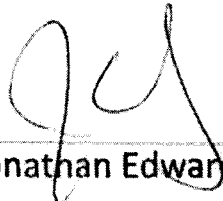
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23) Applicant agrees to place a double row of silt fencing and a mulch berm around three sides of the property which impact the surrounding neighbors of the new development, with an exception of lots one and two.

24) Applicant agrees to remove the existing driveway on lot 2 that exits onto Wesley Chapel Road, and close the existing curb cut upon completion of Subdivision Street.

25) Applicant agrees to install a 6 foot black vinyl chain length fence along the rears of lot 11 and common area to the east of lot 11.


Jonathan Edwards signature


John Pederson Initial