

**NOVEMBER 15, 2011 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM # 3**

**PURPOSE**

To consider stipulation amendments for D.R. Horton, Inc. regarding rezoning application Z-145 of 2005 (John Wieland Homes and Neighborhoods, Inc.), for property located on the south side of Poplar Springs Road, south of Dallas Highway in Land Lots 81 and 142 of the 19<sup>th</sup> District.

**BACKGROUND**

The subject property was zoned CS with stipulations for a subdivision in 2005. The applicant has purchased approximately half the remaining lots in this subdivision, and has started building houses. It was brought to their attention that there was a zoning stipulation that limited the individual lot grading to the front yards, the building footprints, plus ten feet outside the building footprints. The applicant is requesting to remove this rezoning stipulation so additional grading can be completed to provide positive drainage away from the houses. They have attached a letter to the Other Business application stating their intent from their engineer. Additionally, during the approval of this project in 2005, there was an agreement between the developer and the adjacent home owner that “the subdivision and the county” maintain a wood privacy fence within the open space. Staff is requesting this zoning condition be amended to read “Wood privacy fence whose upkeep and maintenance will be the responsibility of the subdivision”, since the county does not maintain private improvements on private property. If approved, all other zoning stipulations would remain in effect and Stormwater Management should approve each individual lot grading plan. The Board of Commissioners' decision is attached.

**FUNDING**

N/A

**RECOMMENDATION**

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

**ATTACHMENTS**

Exhibit A (zoning stipulations)  
Exhibit B (Other Business application)

PAGE 2 OF 4 APPLICATION NO. Z-145ORIGINAL DATE OF APPLICATION: 10-19-04APPLICANTS NAME: JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 10-19-04 ZONING HEARING:**

JOHN WIELAND HOMES AND NEIGHBORHOODS, INC. (Estate of Mary C. Bagwell, owner) for Rezoning from R-30 to CS for the purpose of a Subdivision in Land Lots 81 and 142 of the 19<sup>th</sup> District. Located on the south side of Poplar Springs Road, south of Dallas Highway.

The public hearing was opened and Mr. John Moore and Mr. David Welden addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Goreham, second by J. Thorupson, to **approve** rezoning to the CS zoning district subject to:

- final site plan to be approved by the Board of Commissioners
- maximum density of 1.5 units per acre
- minimum house size of 2,200 square feet
- Planning Staff Analysis dated October 5, 2004 (copy attached and made a part of these minutes)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations, including memorandum from Mr. G. H. Mingledorff, III, dated September 30, 2004 (copy attached and made a part of these minutes)
- 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

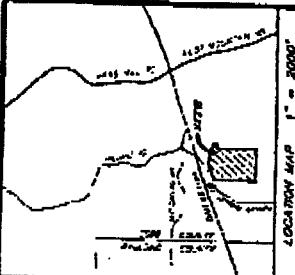
VOTE: **ADOPTED** unanimously

*Clerk's Note:* Staff was directed to provide information to the Board regarding accident histories, traffic configuration, and other information relevant to the intersections of Poplar Springs Road and Old Dallas Road with Dallas Highway. Staff was also directed to provide information to the Planning Commission for their review in a timely manner.

**GASKINS**  
1200 POWERS & SPENCER ROAD  
MARIETTA, GEORGIA 30066

**BAGWELL SITE**  
LAND LOTS #1 & #2, 194 DISTRICT, 2ND SECTION  
COBURN COUNTY, GEORGIA

NOT ISSUED FOR CONSTRUCTION



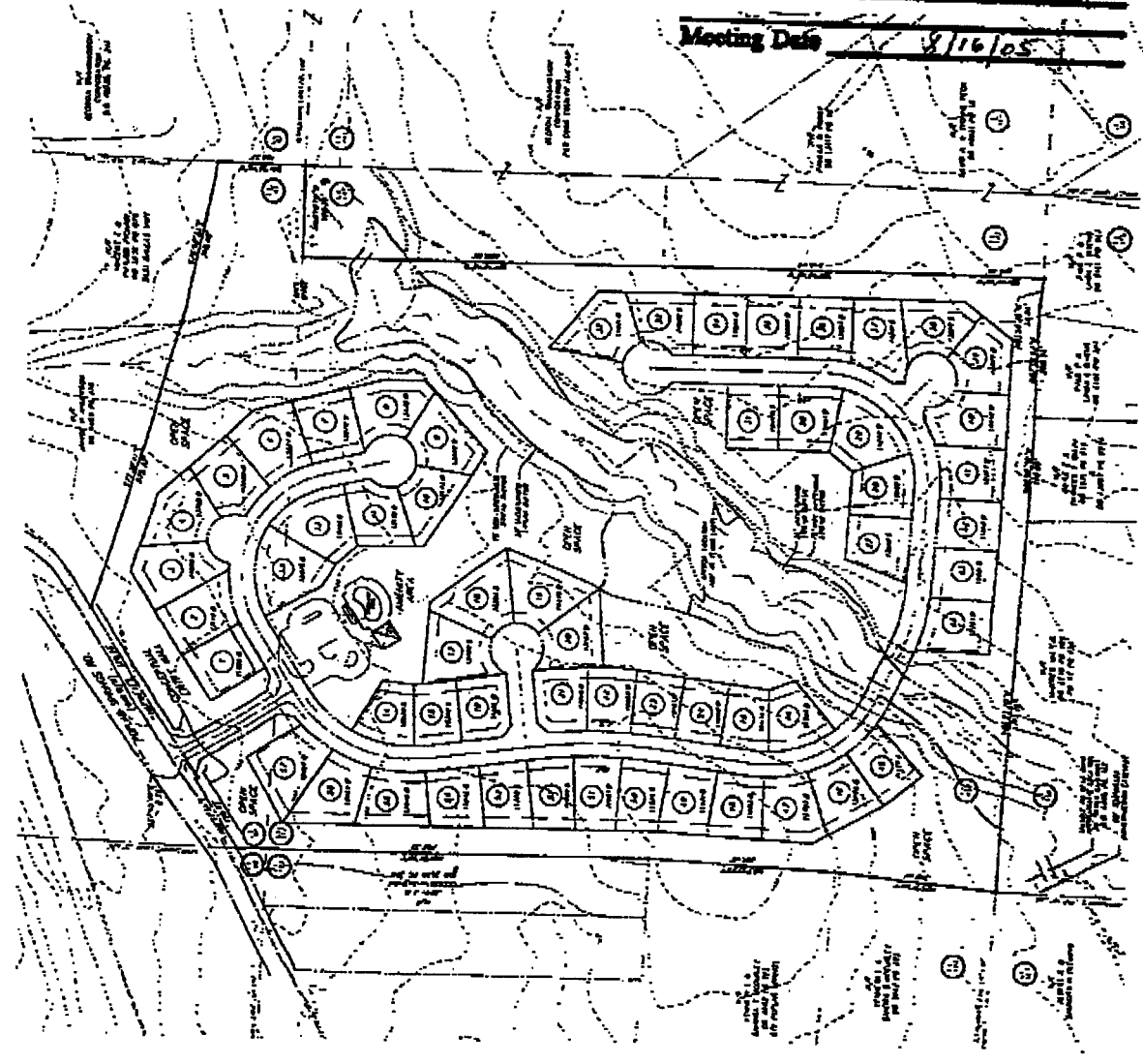
**SITE SUMMARY**

TOTAL SITE AREA:	43.00 AC.
PRESENT ZONING:	R-20
PROPOSED ZONING:	CS
AREA WITHIN FLOODPLAIN:	5.1M AC.
IMPROVED SURFACE WITHIN AMENITY AREA:	0.54 AC.
NET BUILDABLE AREA:	131,000 SF
TOTAL LOTS SHOWN:	38.02 AC.
PROPOSED NET DENSITY:	37
TOTAL OPEN SPACE:	1.50 UNITS/AC.
MINIMUM LOT SIZE:	21.91 AC.
A.V.G. LOT SIZE:	19.74 (OF 31) P.
MINIMUM WIDTH SIZE:	10,000 LF
BUILDING SETBACKS:	12,000 SF
	2,200 SF
	20' FRONT
	20' REAR
	5' SIDE
	10' BETWEEN
	5' BUREAU



ALL LOTS ARE TO BE DEVELOPED WITHIN THE PERMITTED TIME FRAME OF 180 DAYS FROM THE DATE OF THE PERMITTING DECISION. THE PERMITTING DECISION IS SUBJECT TO THE APPROVAL OF THE BOARD OF SUPERVISORS.

Min. Blk. 36    Petition No. OB#3 (2-1459 10/19/04)  
 Doc. Type Site Plan  
 Meeting Date 8/16/05



**COBB COUNTY COMMUNITY DEVELOPMENT AGENCY**

Planning Division  
191 Lawrence Street  
Marietta, Georgia 30060-1661  
(770) 528-2018

Min. Bk. 30 Petition No. Z-145  
Doc. Type Planning Staff  
Analysis  
Meeting Date 10/19/04

**Planning Staff Analysis  
Z-145**

Date: 10/5/04

Contact: Joe Pressley (770) 528-2120

Property Location:	Poplar Springs Rd	Land Lot/District:	81,142 District 19
Current Zoning:	R-30	Proposed Use:	Conservation Subdivision

Total Area: 43.6 ac  
 Floodplain/Wetland Area: 3.55 ac  
 Impervious Rec Area: 0.45 ac  
 Net Buildable Area: 39.6 ac

Open Space Required:	15.26 ac or 35%	Minimum Upland Open Space:	3.8 ac
Open Space Provided:	20.4 ac or 46%	Upland Open Space Provided:	16.9 ac
		Open Space in 100 Year Flood:	3.5 ac

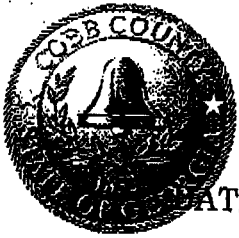
Proposed Lots: 77  
 Net Density: 1.94 upa

**Setbacks:**  
 Front: per plan  
 Rear: per plan  
 Side: 5'/15' btwn. Structures  
 Other:

**Comments:**

Revised site plan exceeds open space requirements and provides usable open space area to serve as amenity for the neighborhood. Although revised density of 1.94 upa is slightly higher than surrounding R-30 development, it falls within allowable VLDR land use range of 0-2 upa. Appropriate buffer provided to adjacent existing R-30. Said open space buffer shall be part of conservation in perpetuity. Front setbacks shall allow parking for two vehicles exclusive of garage.

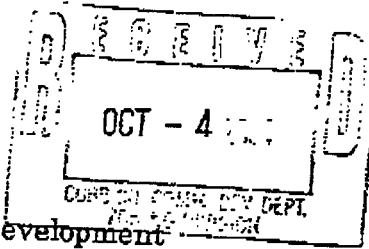
Restrictive Covenant or Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting "open space" from development in perpetuity, as owned by the mandatory HOA.



# COBB COUNTY WATER SYSTEM

PAGE 4 OF 4

Operations Facility  
680 South Cobb Drive  
Marietta, Georgia 30060-3111



DATE: September 30, 2004

Robert L. Brice  
DIRECTOR

MEMO TO: Mark Danneman, Manager  
Zoning Division, Community Development

- DIVISIONS:
- Business Services
- Customer Services
- Engineering & Records
- Solid Waste
- Stormwater Management
- System Maintenance
- Water Protection

SUBJECT: Z-145 (2004)  
John Wieland Homes and Neighborhoods, Inc.  
Poplar Springs Road - LL 81, 142 / 19th

Revised Plan submitted September 29, 2004 to Zoning makes some adjustment in lot layout but is substantially the same with nowhere near the revisions worked out in Stormwater Management meeting with Applicant's Representative. The project continues to place development on steep slopes, with lots thrust into stream buffers, and proposes to mass grade detention into steep slopes. Discussions with the Applicant's Representative centered around staying off the steeper slopes, moving the road crossing of stream to the southeast and utilizing the road section to contain stormwater, and thereby eliminating the mass graded detention. Baring a move in that direction, Stormwater Management supports the Zoning Staff recommendation for denial.

Sincerely,

G.H. Mingledorff III, P. E., RLS  
Senior Engineer, Stormwater Management

Mfr. Rt. 30 Petition No. Z-145  
Doc. Type Memorandum from  
G. H. Mingledorff, III  
Meeting Date 10/19/04

- CC: Commissioner Sam Olens, Chairman  
 Commissioner Helen Goreham  
 Commissioner Joe L. Thompson  
 Commissioner Tim Lee  
 Commissioner George Woody Thompson, Jr.  
 Planning Commissioner Murray Homan, Chairman  
 Planning Commissioner Bob Ott  
 Planning Commissioner Bob Hovey  
 Planning Commissioner Christi Trombetti  
 Planning Commissioner Judy Williams  
 David Hankerson, County Manager  
 Bob Brice, Director, Water System  
 Gail Huff, Assistant County Clerk  
 Sandra Richardson, Deputy County Clerk  
 Rob Hosack, Director, Community Development

November 15, 2011  
Exhibit "A"  
Other Business Item 03

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APPLICATION NO. Z-145<sup>04</sup>

ORIGINAL DATE OF APPLICATION: 10-19-04

APPLICANTS NAME: JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.

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

**BOC DECISION OF 07-19-05 ZONING HEARING:**

**OTHER BUSINESS ITEM #5 – TO CONSIDER A SITE PLAN APPROVAL FOR  
QUINTUS CORPORATION REGARDING Z-145 (JOHN WIELAND HOMES  
AND NEIGHBORHOODS, INC. OF OCTOBER 19, 2004)**

To consider a site plan approval for Quintus Corporation regarding Z-145 (John Wieland Homes and Neighborhoods, Inc.) of October 19, 2004, for property located on the south side of Poplar Springs Road, south of Dallas Highway in Land Lots 81 and 142 of the 19<sup>th</sup> District.

Commissioner Goreham informed the Board that the parties had agreed to a continuance on Item #2. Therefore, the following motion was made:

MOTION: Motion by Goreham, second by Lee, to **continue** Other Business Item #2 until the August 16, 2005 Board of Commissioners zoning hearing.

VOTE: **ADOPTED 4-0, Olens absent**

PAGE 6 OF 15 APPLICATION NO. Z-145ORIGINAL DATE OF APPLICATION: 12-21-04APPLICANTS NAME: JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 08-16-05 ZONING HEARING:****OTHER BUSINESS ITEM #3 – TO CONSIDER A SITE PLAN APPROVAL FOR QUINTUS CORPORATION REGARDING Z-145 (JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.) OF OCTOBER 19, 2004**

To consider a site plan approval for Quintus Corporation regarding Z-145 (John Wieland Homes and Neighborhoods, Inc.) of October 19, 2004, for property located on the south side of Poplar Springs Road, south of Dallas Highway in Land Lots 81 and 142 of the 19<sup>th</sup> District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding site plan approval.

The public hearing was opened and Mr. Kevin Moore and Ms. Winifred Whiteis addressed the Board. Following presentation and discussion, the following motion was made:

**MOTION:** Motion by Goreham, second by Olens, to approve site plan for Quintus Corporation regarding Z-145 (John Wieland Homes and Neighborhoods, Inc.) of October 19, 2004, for property located on the south side of Poplar Springs Road, south of Dallas Highway in Land Lots 81 and 142 of the 19<sup>th</sup> District subject to:

- site plan received in the Zoning Division June 16, 2005 (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. Kevin Moore dated August 10, 2005, with paragraph (9) revised to read as follows: "Developer agrees to provide to Mr. Bill Gillespie and Ms. Winifred Whiteis, or his/her designated representative, copies ...." (copy attached and made a part of these minutes)
- letter of agreement, as revised, signed by Ms. Winifred Whiteis and Mr. Kevin Moore dated August 16, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)
- individual lot grading limited to front yards and building footprints, plus 10 feet outside the footprint
- first flush water quality BMP requirements be elevated to at least 1.5 inches of rainfall, and each larger storm discharge be restricted to the allowable release of the next lower event (i.e. 5-year storm released at 2-year storm rate; 10-year storm be released at the 5-year storm rate)

→  
Stip to  
be amended

PAGE 7 OF 15 APPLICATION NO. Z-145

ORIGINAL DATE OF APPLICATION: 12-21-04

APPLICANTS NAME: JOHN WIELAND HOMES AND NEIGHBORHOODS. INC.

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

**BOC DECISION OF 08-16-05 ZONING HEARING:**

**OTHER BUSINESS ITEM #3 – TO CONSIDER A SITE PLAN APPROVAL FOR  
QUINTUS CORPORATION REGARDING Z-145 (JOHN WIELAND HOMES  
AND NEIGHBORHOODS, INC.) OF OCTOBER 19, 2004 (Continued)**

- agreement between the adjacent neighbors and Applicant/Developer, Quintus Corporation, regarding the amount and type of fencing to be installed; if an agreement cannot be reached between the parties, the District Commissioner to make the final decision regarding the amount and type of fencing at Plan Review
- all other previously approved conditions/stipulations to remain in full force and effect

VOTE: **ADOPTED** unanimously



FROM : PASCG

FAX NO. : 770-751-3398

Jul. 1

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

PAGE 9 OF

JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON†  
ROBERT D. INGRAM†  
J. BRIAN O'NEIL  
G. PHILLIP BEGGS  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
JERE C. SMITH  
CLAYTON G. CARMACK  
KEVIN B. CARLOCK†  
ALEXANDER T. GALLOWAY III†  
J. KEVIN MOORE  
RODNEY R. MCCOLLOCH  
SUSAN S. STUART  
DANIEL A. LANDS\*\*\*  
BRIAN D. SMITH

HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAVE  
MELISSA W. GILBERT  
TIMOTHY W. BAILEY  
JOYCE W. HARPER  
AMY K. WEBER  
COURTNEY H. MOORE  
KIM A. ROPER  
TARA C. RIDOLE  
JOSHUA M. BOOTH\*  
KELLI L. WOLK  
C. LEE DAVIS  
TANYA L. GROSSE\*  
ROBERT W. BROWN II  
VICTOR P. VALMAS  
JEFFERY L. DICKERSON

**MAIN OFFICE**  
POST OFFICE BOX 3305  
MARIETTA, GEORGIA 30061  
TELEPHONE (770) 429-1499  
TELECOPIER (770) 429-8631

**TENNESSEE OFFICE**  
CEDAR RIDGE OFFICE PARK  
SUITE 463  
408 N. CEDAR BLUFF ROAD  
KNOXVILLE, TENNESSEE 37923  
TELEPHONE (865) 692-9039  
TELECOPIER (865) 692-9071

T. SHANE MAYES  
ANGELA H. SMITH  
OPHELIA W. CHAN  
HERSDITH M. MELBY  
DARRELL L. SUTTON  
KASH R. WHITAKER  
AUTUAN L. VEAZEY  
NICHOLAS J. PETERSON\*  
JEFFREY K. STONEON  
BOKHAMON A. WALDEN  
ELIZABETH ANN GUERANT  
JAMES D. WALKER III  
CHRISTOPHER D. GURDELS\*  
CHRISTOPHER L. MOORE  
JENNIFER S. WHITE\*  
KRISTIE L. KELLY  
RYAN G. PRESCOTT

RICARDO J. SANCHEZ-ROS  
L. LAKE JORDAN  
BRETT A. MILLER  
JACQUELYN VAN TUYL  
OF COUNSEL:  
MICHELLE S. DAVENPORT  
JOHN I. SKELTON, JR.  
\* ALSO ADMITTED IN TN  
\*\* ALSO ADMITTED IN FL  
\*\*\* ALSO ADMITTED IN OH  
\*\*\*\* ADMITTED ONLY IN TN  
WRITER'S DIRECT  
DIAL NUMBER

August 10, 2005

Min. Bk. 36 Petition No. (Z-145G, 10/19/04)  
Doc. Type Letter of Agreeable  
Stipulation  
Meeting Date 8/16/05

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Suite 300  
191 Lawrence Street

Hand Delivered

AUG 10

COBB COUNTY, GEORGIA  
FILED IN OFFICE

2005 AUG 10 PM 4:36  
COBB COUNTY CLERK'S OFFICE

RE: Application for Site Plan Approval  
Application No.: Z-145 (2004)  
Applicant/Developer: Quintus Corporation  
Property: 43.60 acres located at  
730 Poplar Springs Road,  
Land Lots 81 and 142,  
19<sup>th</sup> District, 2<sup>nd</sup> Section  
Cobb County, Georgia

Dear Mark:

The undersigned and this firm have been requested to represent Quintus Corporation (hereinafter "Developer"), who intends to develop approximately 43.60 acres located at 730 Poplar Springs Road, Land Lots 81 and 142, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). As you may recall, the Property was rezoned by the Cobb County Board of Commissioners in Application No. Z-145 (2004) in which John Wieland Homes and Neighborhoods, Inc. was the Applicant. The final hearing for this Application was held on October 19, 2004, at which time the Board of Commissioners approved the requested rezoning to the Conservation Subdivision ("CS") zoning category subject to certain conditions and restrictions. One of the conditions specifically enumerated in the final, official minutes of the Zoning Hearing specified the "final site plan to be approved by the

**MOORE INGRAM JOHNSON & STEELE**

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Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page Two  
August 10, 2005

08#3  
Petition No. (Z-145 of 10/19/04)  
Meeting Date 8/16/05  
Continued

Board of Commissioners." Therefore, Applicant/Developer submits this revised, formal request for site plan approval. The stipulations contained in this request supersede and replace in full those set forth in our previous letters dated and filed June 16, 2005; July 13, 2005; and August 1, 2005, respectively. The revised additional stipulations and conditions are as follows:

- (1) Developer seeks approval, site plan specific, of the Zoning Plat dated May 16, 2005, last revised June 6, 2005, prepared by Gaskins Surveying & Engineering Company, and submitted as part of the original request on June 16, 2005.
- (2) The minimum house size for the proposed homes shall be 2,200 square feet. Though not a condition of zoning, Applicant believes that the anticipated price range for the proposed homes will be in the mid \$400s.
- (3) Applicant agrees to comply with the comments issued by the Cobb County Stormwater Management Division dated June 1, 2005, a copy of which is attached hereto and incorporated herein by reference.
- (4) The proposed homes shall be traditional in style and architecture with hard surfaces on all four (4) sides and exterior materials consisting of brick, stone, stacked stone, cedar shake, and hardi-plank type siding or combinations thereof.
- (5) With respect to the established open space as shown and reflected on the referenced Zoning Plat, Developer agrees to establish and record a restrictive covenant or conservation easement in the Deed Records of the Superior Court of Cobb County, Georgia, which shall act to protect and preserve the designated open space from development, in perpetuity, which shall be owned and maintained by the mandatory homeowners association.
- (6) Developer agrees to the creation of a mandatory homeowners association consistent with up-scale

**MOORE INGRAM JOHNSON & STEELE**

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page Three  
August 10, 2005

OB#3  
Petition No. (Z-145 on 10/19/04)  
Meeting Date 8/16/05  
Continued  
PAGE 4 OF

communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, open space, and the like contained within the proposed community.

- (7) Additionally, and in conjunction with the creation of the mandatory homeowners association, Developer agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed community.
- (8) Developer agrees to comply with all Cobb County Department of Transportation comments and recommendations applicable to the Subject Property.
- (9) Developer agrees to provide to Mr. Bill Gillespie, or his designated representative, copies of all engineering and construction plans at the time same are submitted to Cobb County for the plan review process. Mr. Gillespie, or his designated representative, shall be allowed a reasonable opportunity for input during the plan review process.
- (10) During site plan review, there shall be an opportunity to refine and change the design or lot lay-out of the development in order to comply with Cobb County Stormwater management and review. Such changes or modifications to the proposed Zoning Plat must be approved by Cobb County Stormwater Management and by the District Commissioner. Pursuant to this stipulation, the Cobb County Board of Commissioners grants the District Commissioner latitude and authority to approve such necessary changes as are determined during the plan review process.
- (11) Developer agrees to all other stipulations approved by the Board of Commissioners as part of its initial rezoning decision of October 19, 2004 (Z-145) not otherwise in conflict.

**MOORE INGRAM JOHNSON & STEELE**Petition No. OB#3  
Meeting Date (Z-145 of 10/19/04)  
Continued 8/16/05

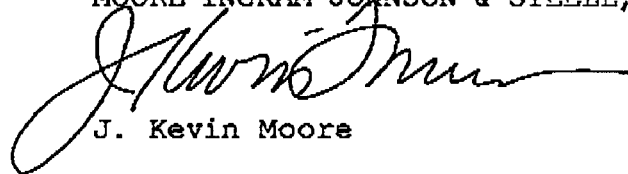
PAGE 12 OF

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page Four  
August 10, 2005

We believe the requested site plan approval, together with the additional stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area and the properties and owners thereof surrounding the proposed development. The proposed residential community shall be of the highest quality and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachment

c: Cobb County Board of Commissioners:  
Samuel S. Olens, Chairman  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
Tim Lee  
(With Copy of Attachment)

Ms. Winifred Whiteis  
(With Copy of Attachment)

Mr. Bill Gillespie  
(With Copy of Attachment)

Quintus Corporation  
(With Copy of Attachment)

Petition No. OB#3 (Z-145 of 10/19/04)  
Meeting Date 8/16/05  
Continued

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### COBB COUNTY WATER SYSTEM

Field Operations Center  
680 South Cobb Drive  
Marietta, Georgia 30060-3113

Robert L. Brice  
Director

- DIVISIONS:
- Business Services
- Customer Services
- Engineering & Records
- Solid Waste
- Stormwater Management
- System Maintenance
- Water Protection

Date: June 1, 2005

Memo: Mark Danneman, Manager  
Zoning Division, Community Development

Subject: Z-145 (2004)  
John Wieland Homes and Neighborhoods, Inc.  
Now: Quintus Development, LP  
The Estate of Mary C. Bagwell  
Popular Springs Road  
LL 81, 142 / 19th

Reference: Revised Plan issued May 16, 2005 by Gaskins Surveying and Engineering Company and transmitted by May 17, 2005 letter over hand of Kelly L. Keappler. Said revision is a complete change in layout utilizing stream channel for detention, rather than excavating pools into steep hillsides as before, and increasing open space.

This plan appears to be more compatible with the terrain and limitations of the site and should help to reduce the grading needed to provide the infrastructure of the subdivision. Stormwater Management remains concerned over the potential wholesale grading of the individual lots and recommends individual lot grading be limited to front yard and building footprint plus 10-feet outside of footprint.

The after development Water Quality-Best Management Practice is yet to be defined and must be presented acceptably at Plan Review.

As with all of the Conceptual Plans submitted at Zoning, there is a potential for changes once the detail engineering is engaged. Recommend the District Commissioner be granted final confirmation of minor changes that become necessary at Plan Review.

November 15, 2011  
Exhibit "A"  
Other Business Item 03

Petition No. OB#3 (2-145 of 10/19/04)  
Meeting Date 8/16/05  
Continued

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Feel free to add this to the Board of Commissioner Agenda at the appropriate time.

Sincerely,

G.H. Minglehoff, P. E., RLS  
Senior Engineer, Stormwater Management

GHM/fd

- Cc: Chairman Sam Olens
- Commissioner Helen Goreham
- Commissioner Joe L Thompson
- Commissioner Tim Lee
- Commissioner Annette Kesting
- David Hankerson, County Manager
- Bob Brice, Director, Water System.
- Bill Higgins, Stormwater Management
- Rob Hosack, Director, Community Development
- Gail Huff, Assistant County Clerk
- Sandra Richardson, Deputy County Clerk
- Kelly L. Keapler, Quintus Development, LP

FILED WITH COUNTY CLERK THIS 16<sup>th</sup> DAY  
OF August 2005 BY Quinn M. [unclear]  
RE Jay D. [unclear]  
Quinn M. [unclear]  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

Min. Bk. 36 OB#3  
Doc. Type Letter of Agreement  
Meeting Date 8/16/05

AUGUST 16, 2005

PAGE 15 OF 15

Dear Board of Commissioners:

We the undersigned are expressing support of the watershed impacted by the development of z-145 aka the Bagwell site. Among our requests are the following:

- ~~1. Wood privacy fence whose upkeep and maintenance will be the responsibility of the subdivision and the county,~~
- 2. Future subdivision owners should be aware that adjoining properties are equine and homeowners should be aware of no trespassing and no complaints as to smell, sounds, dust, or odors,
- 3. Protect the creek so that no damage to creek banks or to Winifred Whitec's pond occurs,
- 4. Keep all runoff water from flowing off the z-145 development on the property thus retaining all runoff on the property from the development; less water needs to go off site than before development,
- ~~5. Protect and maintain the water quality of the stream originating on the Bagwell Site in compliance with all federal, state, and local regulations — 100 foot undisturbed buffer,~~
- ~~6. Armor the creek bank using bioengineering development techniques and rip rap #1 or larger to stabilize the stream banks,~~
- ~~7. Dense vegetation to be planted on creek banks and throughout the stream buffer in accordance with Georgia soil and erosion standards,~~
- ~~8. Use low impact development techniques such as pervious paving in all parking and auxiliary areas, rain gardens, vegetative swales, and others to minimize development impact,~~
- ~~9. All homeowners with property bordering the creek or with property bordering the Bagwell site to be notified with detailed plans by Quinn Development, LP that illustrate how the developer plans to address these water, sewer, and privacy concerns before approval is granted by the board of commissioners;~~
- 10. For all phases of development, we are very concerned about the impact on the creek and would like the strictest regulations to retain all stormwater runoff on site,
- ~~11. Therefore, a delay of at least two weeks is requested before the board of commissioners approves these plans so that all affected property owners can be notified. We would like for the new flood plain maps to be determined before final approval is given for the Bagwell Site.~~

OK

Cobb County 2005 Board of Commissioners Zoning Hearing  
Tuesday, July 19, 2005 at 9 a.m.  
100 Cherokee St.  
Marietta, GA 30090

*Quinn M. [unclear]*  
8-16-05  
Winifred Whitec's  
8-16-05

If you cannot attend the board of commissioners' meeting, please call your district one commissioner, Helen Goreham at 770/528-3313 or 770/528-3314.

November 15, 2011  
Exhibit "B"  
Other Business Item 03

# Application for "Other Business" Cobb County, Georgia

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

11-15-11

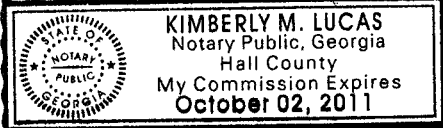
BOC Hearing Date Requested: \_\_\_\_\_

**Applicant:** D.R. Horton, Inc. **Phone #:** 770-730-7900  
(applicant's name printed)

**Address:** 8200 Roberts Drive, Suite 100 **E-Mail:** BARippen@drhorton.com  
Bruce Rippen

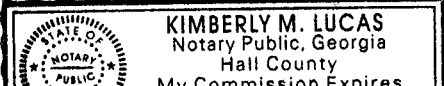
**Address:** 8200 Roberts Drive, Suite 100, Atlanta, GA 30350  
VP of Acquisition & Development  
(representative's name, printed)

**Phone #:** 678-731-8989 (Direct) **E-Mail:** BARippen@drhorton.com  
(representative's signature)

**Signed, sealed and delivered in presence of:**  
Kimberly M. Lucas  
Notary Public  
  
My commission expires: 10/2/2011

**Titleholder(s) :** D.R. Horton, Inc. **Phone #:** 770-790-7900  
(property owner's name printed)

**Address:** 8200 Roberts Drive, Suite 100, Atlanta, GA 30350 **E-Mail:** BARippen@drhorton.com

**(Property owner's signature)**  
Kimberly M. Lucas  
Notary Public  
  
My commission expires: 10/2/2011

**Signed, sealed and delivered in presence of:**  
Kimberly M. Lucas  
Notary Public  
My commission expires: 10/2/2011

**Commission District:** 1 **Zoning Case:** Z-145

**Date of Zoning Decision:** 10-19-2004 **Original Date of Hearing:** 10-19-2004

**Location:** Lots 7-10, 15-25, 26-46 and 47-55 at the Poplar Springs Subdivision.  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** Land Lots, 81 & 142, **District(s):** 19th District, 2nd Section

**State specifically the need or reason(s) for Other Business:** A limitation on lot grading was placed upon the property during the 8-16-2005 BOC, Other Business Item agenda hearing that creates a hardship for home-building operations today. This hardship is associated with a condition that limits lot grading to the front yard, building footprint and 10-feet outside of the building footprint. We respectfully request that condition be revised to allow Cobb County Staff the ability to determine lot grading maximum limitations on a per lot basis.

(List or attach additional information if needed)



# TERRA



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Design – Development – Construction Management  
A Georgia Limited Liability Company

August 16, 2011

VIA: PDF Format, Electronic mail

Mr. Scott Mueller  
Land Development Manager  
D.R. Horton, Inc.  
8200 Roberts Drive, Suite 100  
Atlanta, Georgia 30350

Re: Poplar Springs Lot Grading

Dear Mr. Mueller,

This letter is in response to your questions associated with our grading plans for the referenced project that cannot comply with a specific zoning condition related to lot development. The specific condition states that individual lot grading is limited to the front yard, building footprint and 10-feet outside of the footprint. The condition originated during a site plan approval hearing for the subject development during the August 16, 2005 Cobb County Board of Commissioners, Other Business Item portion of their agenda.

As you are aware the grading for individual homesites is dependent upon several factors. The primary factors that affect lot grading include drainage considerations around a structure, compliance with building code standards related to grades adjacent to a structure and approach grades of a home's driveway from the street. Additional considerations include vertical relationships between adjacent homesites, preservation of already permitted maximum limits of vegetative disturbance and overall operational earthwork balancing. A designer must also propose grading upon a lot in a manner that is consistent with normal building construction processes and methods.

The most important of these factors and which drives the remaining factors are an effort to safely and efficiently evacuate surface water run-off away from a structure while providing driveway approach grades that meet Federal (FHA and VA) and private mortgage funding requirements. Although it is difficult to verbally describe the grading design process, when preparing a grading plan upon any property, proposed grading is always minimized to the extent that the designer can effectively combine the factors listed above in order to provide the structure with little chance of inundation by surface water flow.

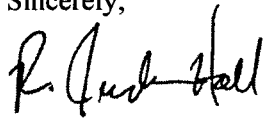
Finally, I believe it helpful to understand that my professional experience has taught me that a zoning condition related to grading limitations of this nature could only be achievable on very specific sites with relatively little topographic relief throughout the property. The Poplar Springs

topography can be described as moderately to severely sloped with natural grades on many lots existing in the range of 10 to 25% slopes. When combining the design factors listed above upon the Poplar Springs property, meeting the requirements of the zoning condition would result in unnatural looking home sites and a greater chance that surface water flows could damage a home by not being able to be effectively evacuated from around the structure.

At this time I suggest that Cobb County be consulted about the possibility of revising the condition to allow Cobb County Staff the opportunity to approve the maximum limits for lot grading on a case-by-case basis. This would likely result in lots that are developed to the greatest possible satisfaction of the County, D.R. Horton and the future homeowners of these lots.

As always, thank you for the opportunity to assist you with your land development engineering needs. If I can provide any additional assistance on this subject, please don't hesitate to contact me.

Sincerely,



R. Judson Hall, PE, RLA  
Managing Member  
TerraTory Design, Development &  
Construction Management, LLC

