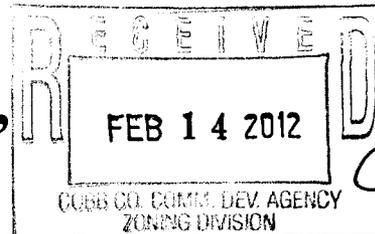


# Application for "Other Business" Cobb County, Georgia

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



BOC Hearing Date Requested: 03/20/2012

**Applicant:** Lennar Georgia, Inc. Phone #: (770) 670-2740  
(applicant's name printed)

**Address:** Suite 200, 1000 Holcomb Woods Parkway, Moore Ingram Johnson & Steele, LLP E-Mail: todd.jones@lennar.com  
John H. Moore Roswell, GA 30076  
**Address:** Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mij.s.com  
(representative's signature) Georgia Bar No. 519800 w7@mij.s.com



Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2015  
Notary Public

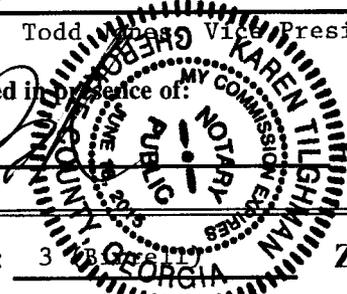
**Titleholder(s):** Lennar Georgia, Inc. Phone #: (770) 670-2740  
(property owner's name printed)

**Address:** Suite 200, 1000 Holcomb Woods Parkway, Roswell, GA 30076 E-Mail: todd.jones@lennar.com

BY: [Signature]  
(Property owner's signature) Todd Jones Vice President

Signed, sealed and delivered in presence of:

[Signature] My commission expires: 6/16/2015  
Notary Public



**Commission District:** 3 **Zoning Case:** Z-14 (2007)

**Date of Zoning Decision:** 02/20/2007 **Original Date of Hearing:** 02/20/2007

**Location:** Northerly side of Steinhauer Road; Easterly of Tall Timbers Lane  
(street address, if applicable; nearest intersection, etc.)

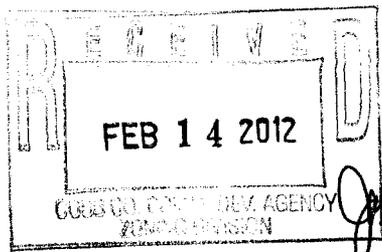
**Land Lot(s):** 122 **District(s):** 16th

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

See Exhibit "A" 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)**



**Application No.: Z-14 (2007)**  
**Original Hearing Date: February 20, 2007**  
**Date of Zoning Decision: February 20, 2007**  
**Current Hearing Date: March 20, 2012**

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant/Property Owner: Lennar Georgia, Inc.**

On February 20, 2007 the Cobb County Board of Commissioners approved the rezoning of property located on the northerly side of Steinhauer Road, easterly of Tall Timbers Lane, Land Lot 122, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia. The rezoning allowed for the development of a residential subdivision to the R-20 zoning classification consisting of eighteen (18) residential lots. The current Applicant/Property Owner in this Application for "Other Business" requests an amendment to the previously approved site plan and stipulations related to the revisions to the site plan, as follows:

- (1) Applicant/Property Owner proposes to revise the previously approved site plan by changing a portion of the common area to remove the existing pond. Applicant/Property Owner agrees to convey this area, to Cobb County, in perpetuity, as a conservation easement over and across said Property for purposes of stormwater protection.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on February 20, 2007, in Application No. Z-14 (2007), are unaltered and unchanged by this request for site plan and stipulation amendment.

The proposed amendment presented herein in no way adversely impacts or affects the quality of the overall development approved in the original rezoning of the Subject Property. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the proposed development.

**CERTIFICATE OF SECRETARY  
OF  
LENNAR GEORGIA, INC.**

**AUGUST 31, 2011**

---

The undersigned, Mark Sustana, as the duly elected, qualified and acting Secretary of **LENNAR GEORGIA, INC.**, a Georgia corporation (the "Corporation"), hereby certifies on behalf of the Corporation, as follows:

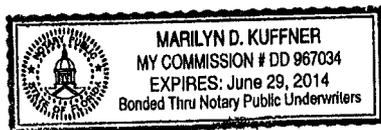
1. **TODD JONES** is a duly elected and qualified Vice President of the Company, serving continuously in such capacity since his election on January 7, 2010.
  
2. That in his capacity as a Vice President, **Mr. Jones** is authorized, in the name of or on behalf of the Corporation, to execute and deliver purchase and sale contracts, deeds, settlement statements, affidavits, certificates, and any other necessary documents in order to fully carry out the intent and accomplish the purposes of the Corporation's purchase or sale of single family homes.

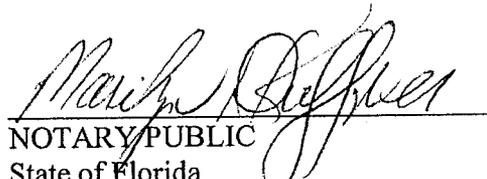
IN WITNESS WHEREOF, the undersigned has executed this Certificate of Secretary on behalf of the Corporation as of the date first written above.

  
\_\_\_\_\_  
Mark Sustana, Secretary

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Sworn to and subscribed before me this 31<sup>st</sup> day of August, 2011, by Mark Sustana, as Secretary of Lennar Georgia, Inc. He is personally known to me and did not take an oath.



  
\_\_\_\_\_  
NOTARY PUBLIC  
State of Florida

**Proposed Site Plan for Amendment  
by this Application for “Other Business”**



**Final, Official Minutes of Cobb County  
Board of Commissioners Zoning Hearing  
Held on February 20, 2007  
(Includes Copy of Site Plan dated  
January 11, 2007)**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 20, 2007  
9:06 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 20, 2007, at 9:06 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 Samuel S. Olens  
Commissioner Helen Goreham  
Commissioner Joe L. Thompson  
Commissioner Tim Lee  
Commissioner Annette Kesting

**Z-14**      **JAE PROPERTIES, LLC** (Olivia S. Flanagan, owner) requesting Rezoning from **R-30** to **R-15** for the purpose of a Subdivision in Land Lot 122 of the 16<sup>th</sup> District. Located on the north side of Steinhauer Road, east of Tall Timbers Lane.

**MOTION:** Motion by Lee, second by Kesting, as part of the Consent Agenda, to **delete** rezoning to the **R-20** zoning district **subject to:**

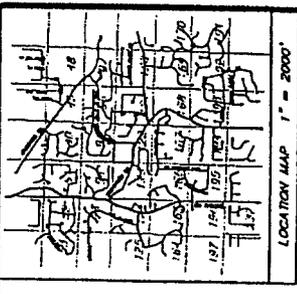
- **property to be developed in substantial conformity to the site plan filed with the Clerk on February 6, 2007, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. Kevin Moore, dated February 5, 2007, with the following changes: (copy attached and made a part of these minutes)**
  - **Item No. 6 – Amend to reflect: “Front setbacks of twenty-five (25) feet and rear setbacks of forty (40) feet on all lots”**
  - **Item No. 7 – Delete this paragraph regarding setbacks**
  - **Item No. 12 – Add to end of first sentence: “, on all sides.”**
  - **Item No. 21 – Add to the end: “Community Development Director approval required if necessary.”**
- **20 foot natural and maintained buffer, as listed in Item No. 8 of the February 5, 2007 stipulation letter also applies to the “Jackson” property located along the western boundary of site**
- **sanitary sewer easement across the “Jackson” property is to be re-vegetated to the extent allowed and permitted by Cobb County**
- **access allowed to the public sewer infrastructure to the extent that it crosses the “Jackson” property**
- **Fire Department comments and recommendations**

- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **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

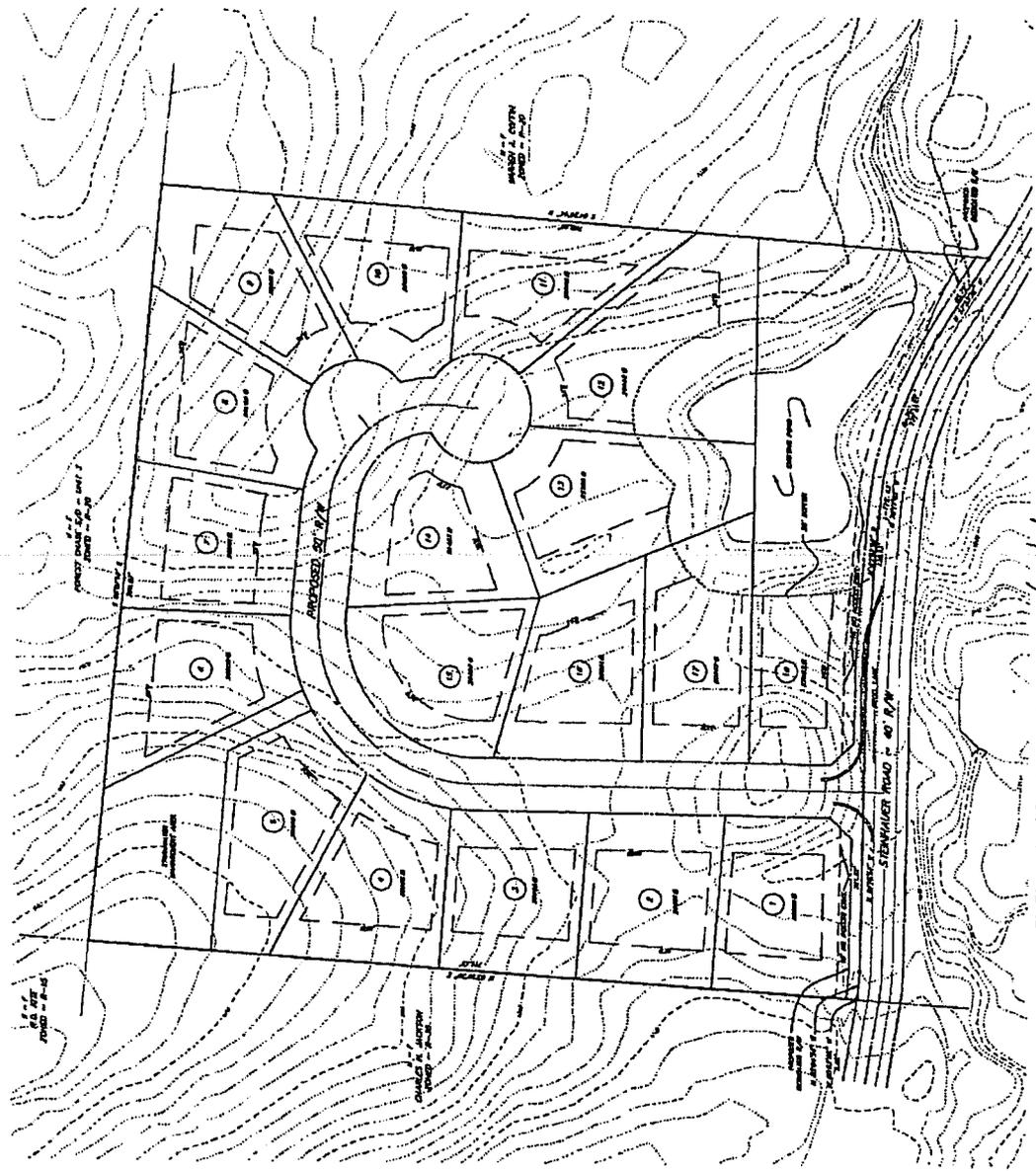
Min. Bk. 47 Petition No. Z-14  
 Doc. Type Site plan  
 Meeting Date 2-20-07

**Gaskins**  
 LAND LOT 122, 169 DISTRICT, 2ND SECTION  
 COBB COUNTY, GEORGIA  
 STEINHAUER ROAD  
 6-20 CONCRETE



**SITE SUMMARY**

TOTAL SITE AREA:	11.42 AC.
PRESSURE ZONING:	R-20
TOTAL LOTS SHOWN:	18
MINIMUM LOT SIZE:	20,000 SQ. FT.
Avg. LOT SIZE:	23,022 SQ. FT.
PROPOSED DENSITY:	1.58 UNITS/AC
BUILDING SETBACKS:	35' FRONT 25' REAR 10' SIDE



FILED WITH COUNTY CLERK THIS 16th DAY  
 OF Feb 2007 BY Katherine  
Kearney King  
 COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
 COBB COUNTY, GEORGIA

NOT ISSUED FOR CONSTRUCTION

# 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'NEIL  
G. PHILLIP BEGGS  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
JERE C. SMITH  
CLAYTON O. CARMACK  
KEVIN B. CARLOCK†  
ALEXANDER T. GALLOWAY III†  
J. KEVIN MOORE  
RODNEY R. MCCOLLOCH  
SUSAN S. STUART  
DANIEL A. LANDIS\*\*\*  
BRIAN D. SMITH

HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAXE  
JOYCE W. HARPER  
AMY K. WEBER  
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ROBERT W. BROWN II  
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192 ANDERSON STREET  
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499  
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**BILLING ADDRESS**  
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

**TENNESSEE OFFICE**  
CEDAR RIDGE OFFICE PARK, SUITE 500  
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

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RYAN G. PRESCOTT  
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BRETT A. MILLER  
JACQUELYN D. VAN TUYL\*\*\*  
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CHRISTOPHER C. MINGLEDORFF  
KATHERINE G. CRONE  
RYAN E. JARRARD\*  
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JAMES D. BUSCH\*  
ESTHER VAYMAN  
COLE B. STINSON\*\*\*

SUZANNE E. HENRICKSON  
K. MARTINE NELSON\*  
ANGELA D. CHEATHAM  
G. LAMAR SMITH, JR  
CAREY E. ATKINS\*\*  
STAYCE BURKHART\*\*

OF COUNSEL:  
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\* ALSO ADMITTED IN NJ  
\*\*\* ALSO ADMITTED IN NC  
\*\*\*\* ALSO ADMITTED IN OH  
♦ ADMITTED ONLY IN TN  
♦♦ ADMITTED ONLY IN FL

February 5, 2007

Min. Bk. 47 Petition No. Z-14  
Doc. Type Stipulation  
letter  
Meeting Date 2-20-2007

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661

Hand Delivered

RE: Application for Rezoning

Application No.: Z-14 (2007)

Applicant: JAE Properties, LLC

Property Owner: Olivia S. Flanagan,  
f/k/a Olivia Louise Suggs

Property: 11.32 acres located on the  
northerly side of Steinhauer  
Road, easterly of Trickum Road  
Land Lot 122, 16<sup>th</sup> District,  
2<sup>nd</sup> Section, Cobb County,  
Georgia

Dear John:

The undersigned and this firm represent JAE Properties, LLC, the Applicant (hereinafter referred to as "Applicant"), and Olivia S. Flanagan, the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning regarding a total tract of 11.32 acres located on the northerly side of Steinhauer Road, easterly of Trickum Road, Land Lot 122, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, reviewing the staff comments and recommendations, and reviewing

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 7  
February 5, 2007

Petition No. Z-14  
Meeting Date 2-20-2007  
Continued

the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Rezoning of the Subject Property shall be from the current R-30 zoning category to the proposed R-20 zoning classification, with reference to that certain Zoning Plat dated January 11, 2007.
- (3) The proposed residential community shall contain a maximum of eighteen (18) single-family, detached homes.
- (4) The proposed residences shall have a minimum of 3,400 square feet.
- (5) The proposed residences shall be traditional in style and architecture. The exteriors of the proposed residences shall contain brick, stone, stacked stone, cedar shake-type shingles, and hardi-plank type siding, with complementary accents, or combinations thereof.
- (6) The setbacks, except as otherwise expressly set forth herein, for the proposed residential community shall be as follows:

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 3 of 7  
February 5, 2007

Petition No. Z-14  
Meeting Date 2-20-2007  
Continued

- (a) Front setback - Thirty-five (35) feet;
  - (b) Rear setback - Thirty (30) feet;
  - (c) Side setback - Ten (10) feet; and
  - (d) Major side  
Setback - Twenty-five (25) feet.
- (7) All lots which are adjacent to the Forest Chase Subdivision shall have a front setback of twenty-five (25) feet and a rear setback of forty (40) feet. In addition, the homes on such lots shall be placed as near as reasonably possible on the reduced front setback.
- (8) There shall be a natural and maintained buffer (as that term is defined in the Cobb County Zoning Ordinance) a minimum of twenty (20) feet in width adjacent to the Forest Chase Subdivision.
- (9) Applicant agrees to the creation of a mandatory homeowners association consistent with up-scale communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, landscaping around detention areas, entrance area, and the like, contained within the proposed residential community.
- (10) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed development.

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 4 of 7  
February 5, 2007

Petition No. Z-14  
Meeting Date 2-20-2007  
Continued

- (11) The entrance area to the proposed community shall contain ground based, monument-style signage. The entrance landscaping shall be professionally designed, landscaped, and maintained. The entrance landscaping shall include tree plantings of an evergreen type for purposes of visual screening adjacent to Steinhauer Road.
  
- (12) The detention area shall be fenced and substantially landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the plan review process.
  
- (13) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.
  
- (14) The referenced landscape plan shall include plans for entrance areas, buffer areas, and detention areas, and shall be subject to approval by a Landscape Review Committee consisting of the following representatives:
  - (a) Representative from the developer;
  - (b) Representative from Cobb County;
  - (c) Representative from the Forest Chase Homeowners Association; and
  - (d) Representative from the Avonshire Homeowners Association.

In the event that the Committee cannot reach an agreement, the decision of the Cobb County representative shall control

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 5 of 7  
February 5, 2007

Petition No. Z-14  
Meeting Date 2-20-2007  
Continued

- (15) There shall be a minimum fifty (50) foot undisturbed buffer adjacent to the existing pond located on the Subject Property. To the extent such buffer is located on an individual lot, the buffer shall be included as part of, and protected by, the restrictive covenants to be incorporated as part of the proposed subdivision. Such buffer shall also be shown on the final recorded plat for the proposed subdivision which shall constitute a deed restriction for any affected lot.
- (16) There shall be no mass grading of the Subject Property and grading shall be limited to rights-of-way and areas to create the proposed building pads only.
- (17) 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.
- (18) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. In the event of such disturbance, all areas shall be re-vegetated in accordance with the landscape plan.
- (19) Minor modifications to the referenced Zoning Plat, including, but not limited to, the layout of lots and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (20) Applicant agrees to the following system improvements to mitigate traffic concerns:

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 6 of 7  
February 5, 2007

Petition No. Z-14  
Meeting Date 2-20-2007  
Continued

- (a) Donation of right-of-way a maximum of thirty (30) feet in width from the existing roadway centerline;
  - (b) Installation of sidewalk, curb, and gutter along the entirety of the property frontage on Steinhauer Road;
  - (c) Verification of minimum sight distance of three hundred ninety (390) feet and implement such measures to correct any deficiency; and
  - (d) Construction of a deceleration lane a minimum of one hundred fifty (150) feet in length along the northerly side of Steinhauer Road.
- (21) The stormwater management design shall be prepared by a certified professional engineer and upon review of Cobb County, should it be necessary to modify the site plan to accommodate stormwater design, such latitude and authority shall be allowable. Further, if necessary, Applicant shall be allowed to utilize the administrative variance process as set forth in Cobb County Code of Ordinances § 50-131(5).

We believe the requested zoning, together with the Zoning Plat and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

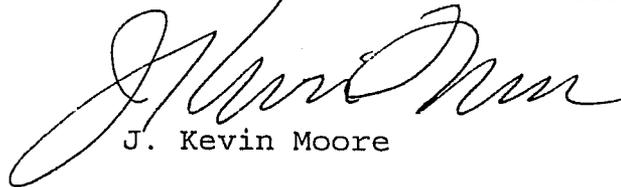
**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 7 of 7  
February 5, 2007

Petition No. Z-14  
Meeting Date 2-20-2007  
Continued

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Cobb County Board of Commissioners:

Samuel S. Olens, Chairman  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
Tim Lee

Cobb County Planning Commission:

Murray Homan, Chairman  
Judy Williams  
Bob Hovey  
Christi S. Trombetti  
Bob Ott

Mark McClellan  
East Cobb Civic Association, Inc.

Austin Bell  
Forest Chase Homeowners Association

Mary Camacho  
Dianna Thompson  
Area Resident

JAE Properties, LLC