

**JUNE 19, 2012 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 3

PURPOSE

To consider amending the site plan and stipulations for Lennar Georgia, Inc. regarding rezoning application Z-28 (Brooks Chadwick Capital, LLC) of 2011, for property located in Land Lot 172 of the 16th District, on the northeasterly side of Wigley Road, northwest of Sandy Plains Road.

BACKGROUND

The subject property is zoned R-15 for a single family residential subdivision called Wigley Preserve. The applicant’s property was zoned to a site plan and with stipulations that called for 40 foot rear setbacks on the lots. The applicant has tried to place a house on lot 19 that meets the minimum house size and architectural stipulations, but cannot due to the shape of the lot. The applicant is requesting the rear setback on lot 19 be reduced from 40 feet to 30 feet in order to accommodate their proposed house plan. If approved, all other zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

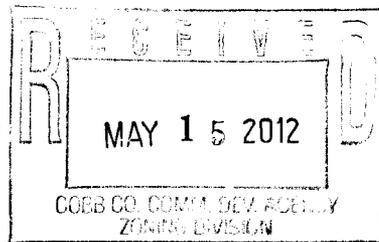
The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business Application, proposed site plan for Lot 19 and zoning stipulations.

Application for "Other Business" Cobb County, Georgia

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



#3

BOC Hearing Date Requested: June 19, 2012

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

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

Moore Ingram Johnson & Steele, LLP Roswell, GA 30076

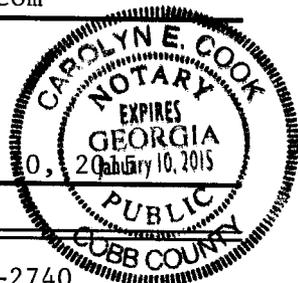
John H. Moore **Address:** Emerson Overlook, 326 Roswell Street

(representative's name, printed) Marietta, GA 30060

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijs.com

(representative's signature) Georgia Bar No. 519800

w7@mijs.com



Signed, sealed and delivered in presence of:

Carolyn E. Cook

Notary Public

My commission expires: January 10, 2015

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

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

See Attached Exhibit "A" for Signature
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 3 (Birrell) **Zoning Case:** Z-28 (2011)

Date of Zoning Decision: 08/16/2011 **Original Date of Hearing:** 08/16/2011

Location: Lot 19, Wigley Preserve Subdivision, being located on the northeasterly side of
Wigley Road, northwesterly of the intersection of Sandy Plains Road and
(street address, if applicable; nearest intersection, etc.) Wigley Road

Land Lot(s): 172 **District(s):** 16th

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

See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(SITE PLAN AND STIPULATION AMENDMENTS)

MAY 15 2012

Application No.: Z-28(2011)
Original Hearing Date: August 16, 2011
Date of Zoning Decision: August 16, 2011
Current Hearing Date: June 19, 2012

Applicant/Property Owner: Lennar Georgia, Inc.

LENNAR GEORGIA, INC.

BY: _____

Todd Jones
Vice President

(Corporate Seal)

Address: Suite 200, 1000 Holcomb Woods Parkway
Roswell, Georgia 30076

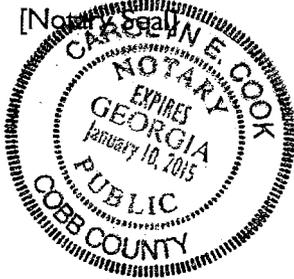
Telephone No.: (770) 670-2740

Signed, sealed, and delivered in the presence of:

Carolyn E. Cook

Notary Public

Commission Expires: 01-10-2015



MAY 15 2012

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:

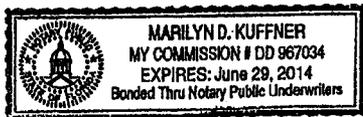
1. **TODD JONES** is a duly elected and qualified Vice President of the Company, serving continuously in such capacity since his election on January 7, 2010.
2. That in his capacity as a Vice President, **Mr. Jones** is authorized, in the name of or on behalf of the Corporation, to execute and deliver 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 31st 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.



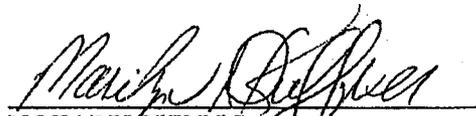

NOTARY PUBLIC
State of Florida

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(SITE PLAN AND STIPULATION AMENDMENTS)

MAY 15 2012

Application No.: Z-28(2011)
Original Hearing Date: August 16, 2011
Date of Zoning Decision: August 16, 2011
Current Hearing Date: June 19, 2012

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

The development known as "Wigley Preserve" was approved by the Cobb County Board of Commissioners on August 16, 2011. Applicant, as developer of Wigley Preserve, seeks in this Application for "Other Business" an amendment to only one lot within the development, specifically Lot 19, Unit One, Wigley Preserve, as follows:

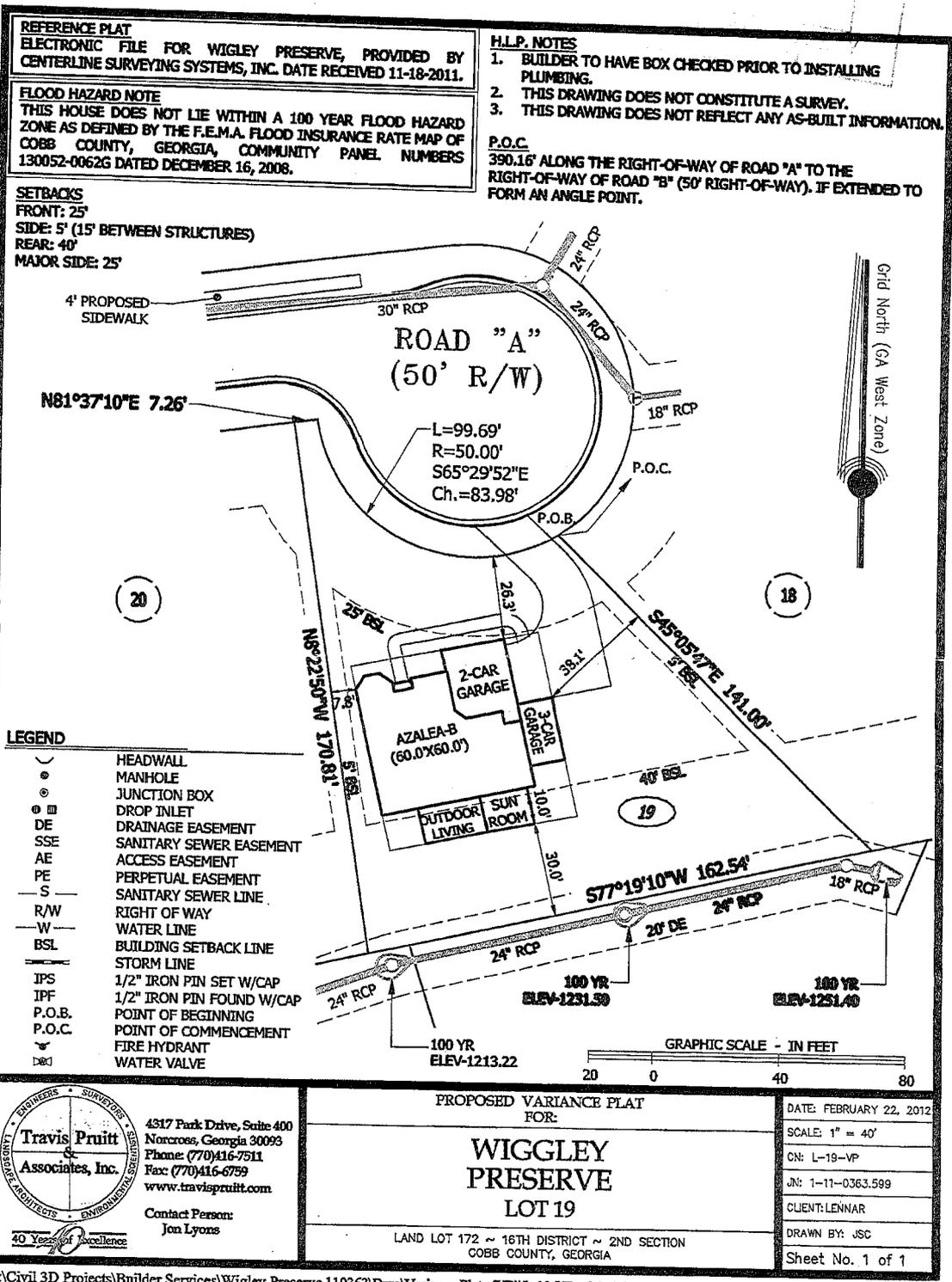
- (1) Applicant requests a waiver from the minimum rear setback of Lot 19, Unit One, from the required forty (40) feet (as set forth in the zoning stipulations and conditions approved by the Cobb County Board of Commissioners on August 16, 2012, and as set forth on the approved site plan) to thirty (30) feet. By waiving the required minimum rear setback, Applicant can construct a more desirable and attractive house which includes a rear outdoor living area and enclosed sunroom. Absent the outdoor living area and sunroom, Applicant could meet the minimum setback requirement. The waiver of the minimum rear setback, as requested herein, is not substantial and would allow an otherwise reasonable and marketable residential use of the subject lot; especially, given that, at this time, it appears that lots within the remainder of the development meet or exceed the minimum setback requirements as approved by the Cobb County Board of Commissioners during the rezoning of the overall subject property.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on August 16, 2011, are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.

The amendments requested and presented above in no way adversely impact or affect the remainder of the overall development. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Wigley Preserve Subdivision.

**LOT 19, WIGLEY PRESERVE - SITE
PLAN FOR PROPOSED AMENDMENT
BY BOARD OF COMMISSIONERS
PURSUANT TO "OTHER BUSINESS"
APPLICATION – JUNE 19, 2012**

MAY 15 2012



REFERENCE PLAT
 ELECTRONIC FILE FOR WIGLEY PRESERVE, PROVIDED BY CENTERLINE SURVEYING SYSTEMS, INC. DATE RECEIVED 11-18-2011.

FLOOD HAZARD NOTE
 THIS HOUSE DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY THE F.E.M.A. FLOOD INSURANCE RATE MAP OF COBB COUNTY, GEORGIA, COMMUNITY PANEL NUMBERS 130052-0062G DATED DECEMBER 16, 2008.

H.L.P. NOTES

1. BUILDER TO HAVE BOX CHECKED PRIOR TO INSTALLING PLUMBING.
2. THIS DRAWING DOES NOT CONSTITUTE A SURVEY.
3. THIS DRAWING DOES NOT REFLECT ANY AS-BUILT INFORMATION.

P.O.C.
 390.16' ALONG THE RIGHT-OF-WAY OF ROAD "A" TO THE RIGHT-OF-WAY OF ROAD "B" (50' RIGHT-OF-WAY), IF EXTENDED TO FORM AN ANGLE POINT.

SETBACKS
 FRONT: 25'
 SIDE: 5' (15' BETWEEN STRUCTURES)
 REAR: 40'
 MAJOR SIDE: 25'

LEGEND

()	HEADWALL
()	MANHOLE
()	JUNCTION BOX
()	DROP INLET
()	DRAINAGE EASEMENT
()	SANITARY SEWER EASEMENT
()	ACCESS EASEMENT
()	PERPETUAL EASEMENT
()	SANITARY SEWER LINE
()	RIGHT OF WAY
()	WATER LINE
()	BUILDING SETBACK LINE
()	STORM LINE
()	1/2" IRON PIN SET W/CAP
()	1/2" IRON PIN FOUND W/CAP
()	POINT OF BEGINNING
()	POINT OF COMMENCEMENT
()	FIRE HYDRANT
()	WATER VALVE

Travis Pruitt & Associates, Inc.
 ENGINEERS • SURVEYORS
 ARCHITECTS • ENVIRONMENTAL SCIENTISTS

4317 Park Drive, Suite 400
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 Phone: (770)416-7511
 Fax: (770)416-6759
 www.travispruitt.com

Contact Person:
 Jon Lyons

40 Years of Excellence

PROPOSED VARIANCE PLAT FOR:
WIGLEY PRESERVE
 LOT 19

LAND LOT 172 ~ 16TH DISTRICT ~ 2ND SECTION
 COBB COUNTY, GEORGIA

DATE: FEBRUARY 22, 2012
SCALE: 1" = 40'
CN: L-19-VP
JN: 1-11-0363.589
CLIENT: LENNAR
DRAWN BY: JSC
Sheet No. 1 of 1

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING – AUGUST 16, 2011**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 16, 2011
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, August 16, 2011 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Helen Goreham
Commissioner Robert Ott
Commissioner Woody Thompson

Z-28

BROOKS CHADWICK CAPITAL, LLC (Wigley Development Partners, LLC, owner) requesting Rezoning from R-30 to R-15 for the purpose of a Single-Family Subdivision in Land Lot 172 of the 16th District. Located on the northeasterly side of Wigley Road, northwest of the intersection of Sandy Plains Road and Wigley Road.

The public hearing was opened and Mr. John Moore 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:

- site plan received by the Zoning Division on June 2, 2011, indicating front setbacks of 25 feet and larger rear setbacks of 40 feet, side setbacks of 5 feet with 15 feet between structures, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- letter of agreeable conditions from Mr. John Moore dated August 1, 2011 (attached and made a part of these minutes), *with the following changes:*
 - Item No. 6 – Add to end: *“Additionally, the conservation areas shall be marked on marketing materials and plats that are provided to prospective home buyers.”*
 - Item No. 11 – Add to end: *“The setback variances are considered mitigation for the extreme topography and intended to provide flexibility to reduce grading and improve positioning of homes on the lots.”*
 - Item No. 17 – Amend to read: *“The existing fence located along the northerly property line of the subject property will remain during the development and construction of the proposed improvements.”*

- stipulation letter from Mr. Lee Berg dated August 2, 2011 (attached and made a part of these minutes)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** unanimously

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 S. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS

T. SHANE MAYES
WILLIAM R. WINDERS, JR.*
JOYCE W. HARPER
ANGELA H. SMITH†
RYAN G. PRESCOTT†
CHRISTOPHER C. MINGLEDORFF
ANGELA D. TARTLINE
CAREY E. OLSON*
CHARLES E. PIERCE*
CLAY S. O'DANIEL
GRAHAM E. McDONALD
PRESTON D. HOLLOWAY
JENNIFER S. SIMPSON
ASPEN S. RAINS*
MARG E. SIROTKIN
BETH GEARHART****
WILMA R. BUSH
GREGORY H. FULLER†
VERONICA L. RICHARDSON
CALANIT HAYES
TODD I. HEIRD*

MARIETTA, GEORGIA
EMERSON OVERLOOK
328 POWELL STREET
MARIETTA, GEORGIA 30060
TELEPHONE (770) 426-1466
TELECOPIER (770) 426-8431
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466 N. CEDAR BLUFF ROAD
SUITE 600
KNOXVILLE, TENNESSEE 37923
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TELECOPIER (865) 692-8071
JACKSONVILLE, FLORIDA
AETNA BUILDING
841 PRUDENTIAL DRIVE
12TH FLOOR
JACKSONVILLE, FLORIDA 32207
TELEPHONE (904) 371-1953
TELECOPIER (904) 672-4238
NASHVILLE, TENNESSEE
3208 WEST END AVENUE
SUITE 600
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347
TELECOPIER (615) 783-1665
LOUISVILLE, KENTUCKY
9008 CORPORATE CAMPUS DRIVE
SUITE 3008
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8021
TELECOPIER (502) 410-8022

DANIEL W. STARNES*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WEBSTER†
PATRICK J. MCCORMICK**
JAIME E. KNOEBEL*
ADON J. SOLOMON*
AMY L. JETT*
JEFF C. MORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON
JENNIFER E. MILLER*
KRISTEN CRYE STEVENSON*
JASON M. BURK*
MELISSA B. WHITMAN
CARLY M. RECORD
SARAH H. BEST†
ERICA C. MITCHELL
BRAM L. SCHARP†
ROY H. SPARKS*

RYAN C. EDENS*
JULIE C. FULLER*
BETHANY C. MORRIS
KATIE R. BRANHAM**
JODIE B. LODEN*

OF COUNSEL:

JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN GA
* ALSO ADMITTED IN TX
* ALSO ADMITTED IN AL
† ALSO ADMITTED IN KY
* ALSO ADMITTED IN WV
* ADMITTED ONLY IN TN
‡ ADMITTED ONLY IN FL

August 1, 2011

Hand Delivered

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

Min. Bk. 03 Petition No. 2-28
Doc. Type letter of agree-
able conditions
Meeting Date 8/16/11

RE: Application for Rezoning - Application No. Z-28 (2011)
Applicant: Brooks Chadwick Capital, LLC
Property Owner: Wigley Development Partners, LLC
Property: 31.96 acres, more or less, located on the
northeasterly side of Wigley Road, northwesterly
of the intersection of Sandy Plains Road and
Wigley Road, Land Lot 172, 16th District,
2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Brooks Chadwick Capital, LLC, the Applicant (hereinafter "Applicant"), and Wigley Development Partners, LLC, the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to an approximately 31.96 acre tract located on the northeasterly side of Wigley Road, northwesterly of the intersection of Sandy Plains Road and Wigley Road, in Land Lot 172, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meeting with planning and zoning staff and various Cobb County departmental representatives,

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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Meeting Date 8/16/11
Continued

additional discussions and meetings with area civic and homeowner representatives and residents, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed July 27, 2011. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant and Owner seek rezoning of the Subject Property from the existing zoning category of R-30 to the proposed zoning category of R-15, site plan specific to the Rezoning Plat prepared for Applicant by Centerline Surveying Systems, Inc., dated May 16, 2011, a reduced copy of which is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of 31.96 acres of total site area and shall be developed for a residential community comprised of a maximum of forty-eight (48) single-family, detached residences. The proposed residential community shall have an overall density of 1.5 units per acre.
- (4) The proposed development shall contain between 3.0 and 5.0 acres of dedicated open space, as more particularly shown and reflected on the referenced Rezoning Plat, subject to final engineering. There shall be no trails for use of pedestrians, bikers, or any motorized use of the open space. This language shall be included within the provisions of the protective covenants to be placed upon the Property. Applicant and Owner agree to convey to Cobb County, in perpetuity, a conservation easement over and across said Property for purposes of stormwater protection. This conservation easement shall be conveyed to Cobb County prior to the recording of the final subdivision plat.
- (5) The Owner identified herein is the owner of the Property for which zoning is sought in the subject Application for Rezoning. Said Owner is also the owner of

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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Continued

certain real property, being approximately five (5) acres and lying and being across Wigley Road, southwesterly of the Subject Property. A legal description of the approximately five-acre tract of property is attached hereto as Exhibit "B" and incorporated herein by reference. Owner agrees that it shall convey to Cobb County, in perpetuity, a conservation easement over and across said property for purposes of stormwater protection. This conservation easement shall be delivered to Cobb County prior to the filing of the final subdivision plat for the Subject Property. This real property shall not be available to the residents of the proposed subdivision, nor residents of Cobb County in general, as a park or any other use, as such property is to remain as open space for the purposes herein set forth.

- (6) All conservation easement areas herein identified shall be clearly marked as conservation easement areas. This marking shall occur prior to the recording of the final subdivision plat.
- (7) The minimum lot size of lots within the proposed residential community shall be 15,000 square feet.
- (8) The residences within the proposed community shall have a minimum of 2,500 square feet.
- (9) The proposed residences shall be traditional in style and architecture and shall have a minimum two-car, attached garage.
- (10) Additionally, the architectural style and composition of the exterior of the homes shall consist of brick, stacked stone, cedar shake-type, hardi-plank shake type, and hardi-plank siding, or combinations thereof, on all four (4) sides and shall be subject to review and approval by the District Commissioner.
- (11) The setbacks, except as otherwise expressly set forth herein, for the proposed residential community shall be as follows:
 - (a) Front setback - Twenty-five (25) feet;
 - (b) Rear setback - Forty (40) feet; and

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
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Cobb County Community Development Agency
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- (c) Side setback – Five (5) feet (fifteen (15) feet between structures).
- (12) All front and side yard areas of the proposed residences shall be fully sodded.
- (13) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, or combinations thereof, with accents. The entrance landscaping shall be professionally designed and implemented. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions.
- (14) Applicant agrees to the creation of a mandatory homeowners association consistent with communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, landscaping around detention areas, and entrance area contained within the proposed residential community.
- (15) 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.
- (16) Applicant agrees to facilitate a Georgia Native Plant Society "Plant Rescue" to be accomplished on those portions of the Subject Property which will be disturbed. However, under no circumstances shall the open space area be included as part of these activities.
- (17) That certain barbed wire fence located along the northerly property line of the Subject Property shall remain during the development and construction of the proposed improvements.
- (18) All utilities servicing the residences within the proposed community shall be underground.
- (19) The detention areas shall be fenced and landscaped for purposes of visual screening.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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- (20) 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.
- (21) Minor modifications to the referenced Rezoning 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.
- (22) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property. Applicant further agrees to comply with all impervious surface limitations set forth in the Cobb County Zoning Ordinance for an R-15 subdivision.
- (23) 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.
- (24) 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.
- (25) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Donation of right-of-way a maximum of fifty (50) feet in width from the existing roadway centerline along the frontage of property along Wigley Road;
 - (b) Verification that minimum sight distance is available; and if not, implement remedial measures to correct any deficiency.
 - (c) Construction of a one hundred fifty (150) foot acceleration/deceleration lane for ingress/egress purposes along the property frontage on Wigley Road;
 - (d) Installation of sidewalk, curb, and gutter along the property frontage on Wigley Road; and

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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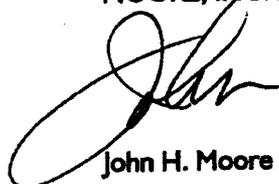
- (e) A ten (10) foot no access easement on all lots of the proposed development abutting Wigley Road.

We believe the requested zoning, together with the Rezoning Plat and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing neighborhoods and residents 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.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Attachments

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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August 1, 2011

Petition No. 2-28
Meeting Date 8/16/11
Continued

c: Cobb County Board of Commissioners:

Timothy D. Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert Ott
Joann Birrell
(With Copies of Attachments)

Cobb County Planning Commission:

Murray Homan, Chairman
Judy Williams
Robert Hovey
Christi S. Trombetti
Mike Terry
(With Copies of Attachments)

Lee Berg
Northeast Cobb Coalition
(With Copies of Attachments)

James Sandel
Windsor Oaks Subdivision
(With Copies of Attachments)

Adrian Blakely
Highland Pointe Subdivision
(With Copies of Attachments)

Janice Couch
Hampton Ridge Subdivision
(With Copies of Attachments)

Mr. and Mrs. Larry Posey
(With Copies of Attachments)

Brooks Chadwick Capital, LLC
(With Copies of Attachments)

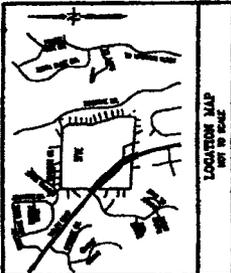
Centertine Surveying Systems, Inc.

10000 W. 10th Avenue, Suite 100, Denver, CO 80202
 PHONE: (303) 441-1111 FAX: (303) 441-1112

AGGREGATION
 THE ABOVE INFORMATION IS FOR INFORMATION ONLY
 AND DOES NOT CONSTITUTE A WARRANTY OR
 LIABILITY ON THE PART OF CENTERTINE SURVEYING SYSTEMS, INC.

THE ABOVE INFORMATION IS FOR INFORMATION ONLY
 AND DOES NOT CONSTITUTE A WARRANTY OR
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LOCATION MAP
 NOT TO SCALE

RECORDING PLAT FOR:
WIGLEY RD. DEVELOPMENT PARTNERS
 PROPERTY IS LOCATED IN LAND USE ZONE
 OF THE CITY OF DENVER, COLORADO
 LOCAL COUNTY, DENVER

GRAPHIC SCALE
 1" = 100'

PROJECT NO.	21101029	DATE	3-16-11
OWNER	WIGLEY RD. DEVELOPMENT PARTNERS	APPLICANT	WIGLEY RD. DEVELOPMENT PARTNERS
DATE OF PLAN	3-16-11	REVISION DESCRIPTION	
BY			
CHECKED BY			
APPROVED BY			

Petition No. 2-28
 Meeting Date 0/10/11
 Continued

NOTICE TO THE PUBLIC
 THIS PLAN IS FOR INFORMATION ONLY
 AND DOES NOT CONSTITUTE A WARRANTY OR
 LIABILITY ON THE PART OF CENTERTINE SURVEYING SYSTEMS, INC.

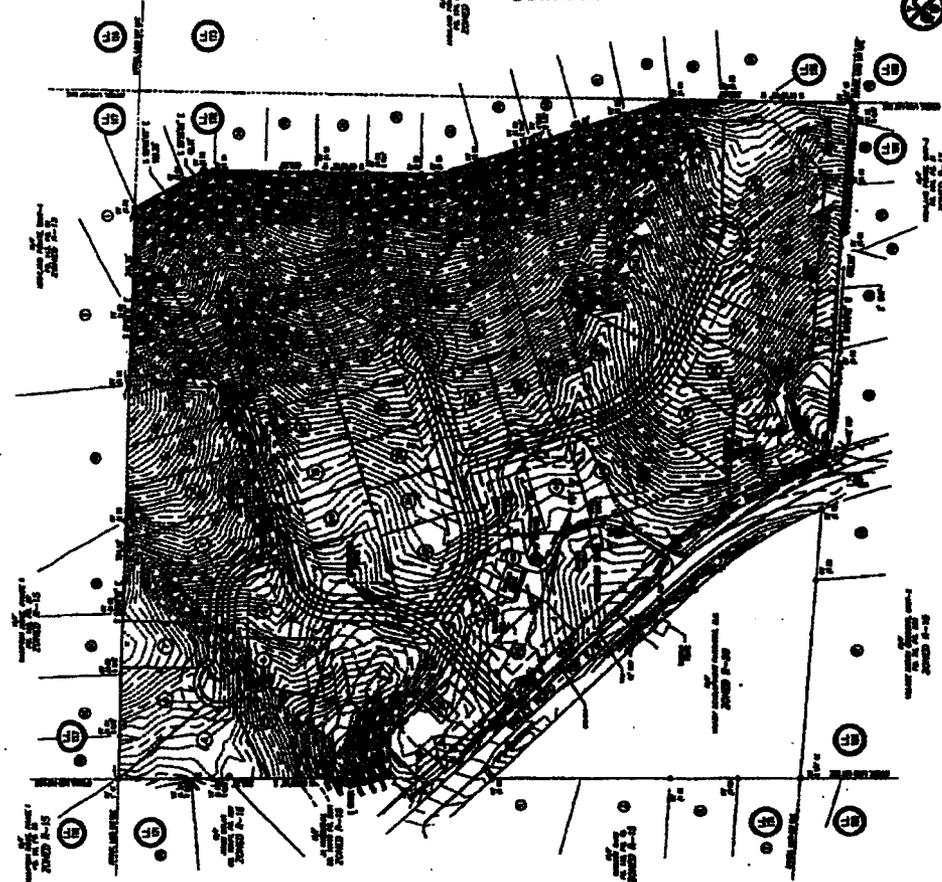


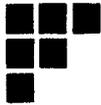
EXHIBIT "A"

EXHIBIT "B"

Petition No. 2-28
Meeting Date 01/10/11
Continued

ALL THAT TRACT OR PARCEL OF LAND lying and being in Land Lot 172 of the 16th District, 2nd Section, Cobb County, Georgia, as per that certain Rezoning Plat, dated May 16, 2011, prepared by Centerline Surveying Systems, Inc., Charles C. Franklin, GRLS #2143, and being more particularly described as follows:

BEGINNING at a 1-1/4" open top pipe found at the common corner of Land Lots 171, 172, 189, and 190, said District and Section; running thence north 00 degrees 32 minutes 21 seconds east as measured along the westerly land lot line of Land Lot 172, said District and Section, for a distance of 600.39 feet to a #4 rebar found at the intersection of the westerly land lot line of Land Lot 172, said District and Section, with the southwesterly right- of- way of Wigley Road (having a 100 foot right of way); thence running in a southeasterly direction as measured along the southwesterly right- of- way of Wigley Road the following courses and distances: south 42 degrees 37 minutes 00 seconds east for a distance of 541.83 feet to a point; along the arc of a curve, an arc distance of 202.34 feet (said arc being subtended by a chord bearing south 31 degrees 12 minutes 50 seconds east, a chord distance of 200.97 feet, and having a radius of 500.00 feet) to a point located on the southerly land lot line of Land Lot 172, said District and Section; thence running north 85 degrees 37 minutes 53 seconds west for a distance of 531.82 feet to the point of **BEGINNING**.



NECC

A Homeowner Advocacy Group

Tuesday, August 2, 2011

Planning Commissioner Christi Trombetti
Cobb County Board of Commissioners
100 Cherokee Street
Marietta, GA 30090

Min. Bk. 63 Petition No. 2-28
Doc. Type stipulation
letter
Meeting Date 8/16/11

Re: Z-28 – Application of Brooks Chadwick Capital LLC to Rezone R30 to R15

Dear Commissioner Trombetti,

The NECC has worked with the developer on this application and is not in opposition to it. However, there are a few stipulations which need clarification. Specifically:

1. For stipulation 6, please consider requiring the boundary of the conservation area to be clearly marked on all sales brochures, deeds and on the land itself.
2. To ensure a complete understanding of the variances on side setbacks requested in stipulation 11, please consider the addition of language which cites the uniquely extreme topography of the property.
3. For stipulation 17, please consider replacing the specific reference to barbed wire with "existing fence, regardless of style."

In addition, there is another matter which I would like you to consider. At our meeting on Thursday, July 28, the developer's attorney verbally committed to contacting two of the adjacent property owners by August 1 in preparation for the arrangement of a private agreement on landscape screening.

As of last night, I learned that no contact had been made. These property owners are understandably very anxious about this matter.

Thank you very much for your consideration in this matter.

Best regards,

Lee Berg
3540 Lone Indian Way
Marietta, GA 30066
404-895-2374
bergdev@gmail.com