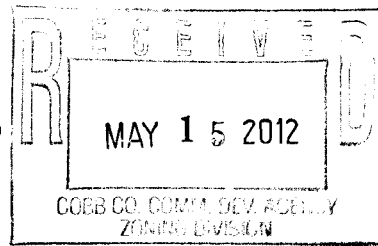


# Application for "Other Business" Cobb County, Georgia

(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)

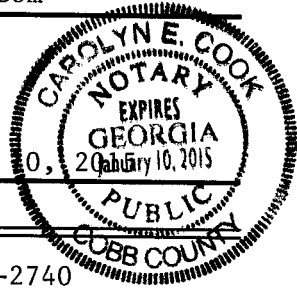
**Address:** Suite 200, 1000 Holcomb Woods Parkway, **E-Mail:** todd.jones@lennar.com  
Moore Ingram Johnson & Steele, LLP Roswell, GA 30076  
John H. Moore **Address:** Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

**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

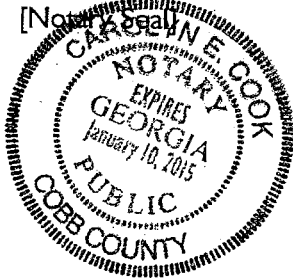
Telephone No.: (770) 670-2740

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:

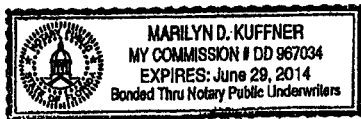
1. **TODD JONES** is a duly elected and qualified Vice President of the Company, serving continuously in such capacity since his election on January 7, 2010.
2. That in his capacity as a Vice President, **Mr. Jones** is authorized, in the name of or on behalf of the Corporation, to execute and deliver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

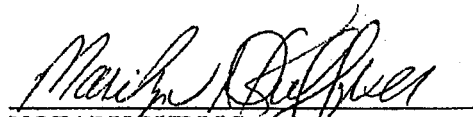
IN WITNESS WHEREOF, the undersigned has executed this Certificate of Secretary on behalf of the Corporation as of the date first written above.

  
Mark Sustana, Secretary

STATE OF FLORIDA  
COUNTY OF MIAMI-DADE

Sworn to and subscribed before me this 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

**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:

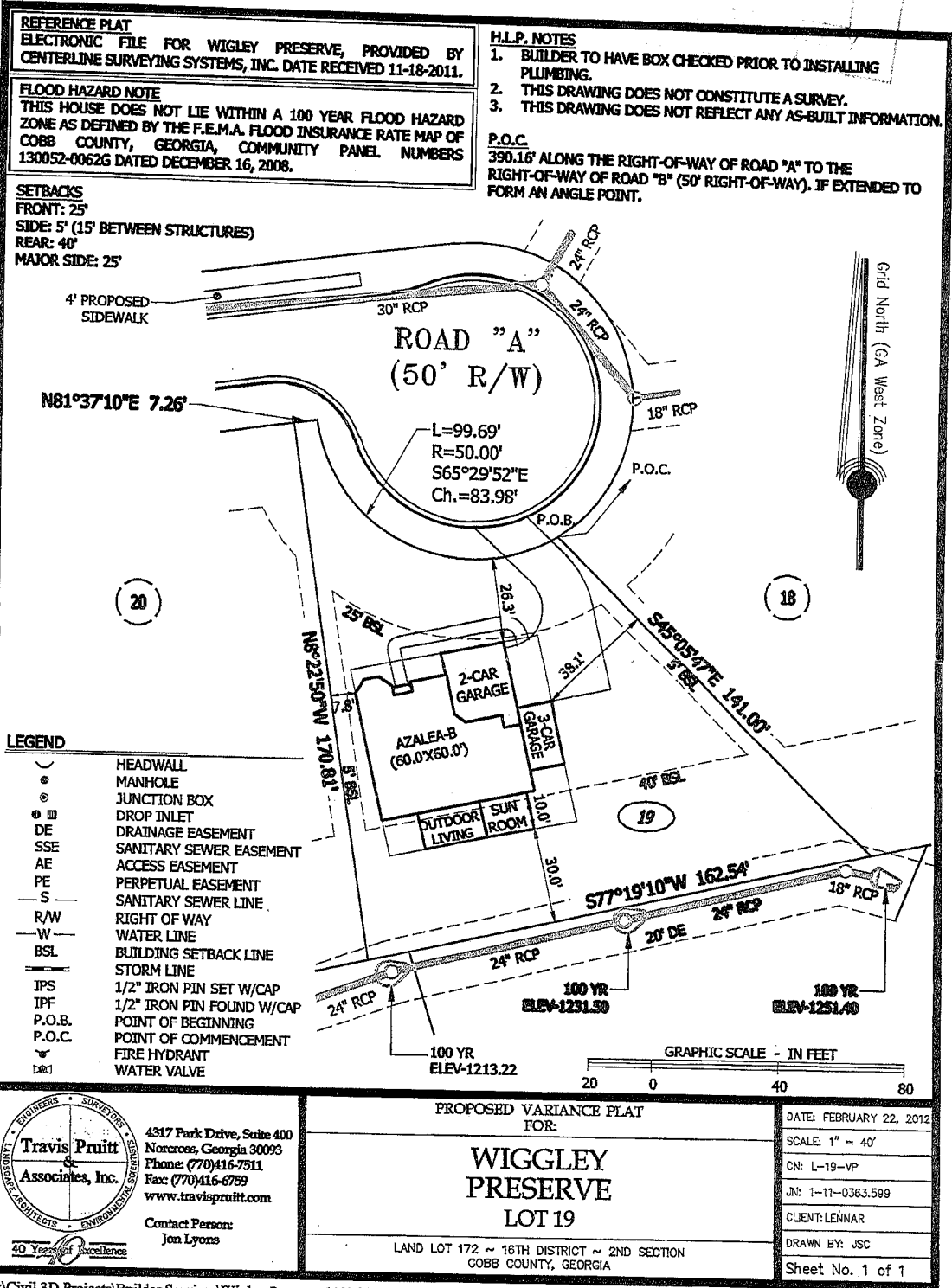
- (1) Applicant requests a waiver from the minimum rear setback of Lot 19, Unit One, from the required forty (40) feet (as set forth in the zoning stipulations and conditions approved by the Cobb County Board of Commissioners on August 16, 2012, and as set forth on the approved site plan) to thirty (30) 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
DE	DRAINAGE EASEMENT
SSE	SANITARY SEWER EASEMENT
AE	ACCESS EASEMENT
PE	PERPETUAL EASEMENT
S	SANITARY SEWER LINE
R/W	RIGHT OF WAY
W	WATER LINE
BSL	BUILDING SETBACK LINE
STORM	STORM LINE
JPS	1/2" IRON PIN SET W/CAP
IPF	1/2" IRON PIN FOUND W/CAP
P.O.B.	POINT OF BEGINNING
P.O.C.	POINT OF COMMENCEMENT
⊕	FIRE HYDRANT
⊕	WATER VALVE

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

4317 Park Drive, Suite 400  
 Norcross, Georgia 30093  
 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 16<sup>th</sup> 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

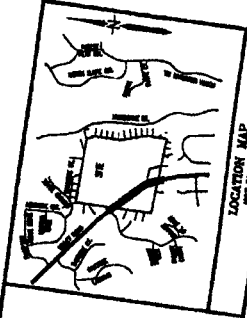
VOTE:       **ADOPTED** unanimously

**Centerline Surveying Systems, Inc.**  
 1801 SUTCLIFF ROAD, SUITE 1410, CROWNEA, CA 90704  
 PHONE: (714) 484-0028 FAX: (714) 484-3389

REGISTERED PROFESSIONAL ENGINEER  
 CIVIL ENGINEERING  
 10000 WILSON AVENUE, SUITE 200  
 BOSTON, MASSACHUSETTS 02116

**GENERAL NOTES:**  
 1. THIS PLAN IS THE PROPERTY OF CENTERLINE SURVEYING SYSTEMS, INC. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF CENTERLINE SURVEYING SYSTEMS, INC.  
 2. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 3. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 4. THE USER OF THIS PLAN SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.

**SCALE:**  
 1" = 40'  
 1" = 80'



**LOCATION MAP**  
 NOT TO SCALE  
 THE PROPERTY IS NOT LOCATED WITHIN A  
 CITY OR COUNTY PLANNING ZONE. THE  
 PROPERTY IS LOCATED WITHIN THE  
 CITY OF BOSTON, MASSACHUSETTS.

Min. Bk. 63 Petition No. 4-30  
 Doc. Type Site Plan  
 Meeting Date 8/10/11

**RECORDING**  
**WILEY ED. DISTRICTION**  
 OFFICE OF THE CLERK OF THE SUPERIOR COURT  
 100 STATE STREET, 10TH FLOOR  
 BOSTON, MASSACHUSETTS 02109  
 TEL: 617-552-3000 FAX: 617-552-3001

DATE	FILE NO.	BOOK NO.	PAGE NO.
8-16-11			

**CAUTION**  
 THIS PLAN IS THE PROPERTY OF CENTERLINE SURVEYING SYSTEMS, INC. AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF CENTERLINE SURVEYING SYSTEMS, INC.



# 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†  
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KIM A. ROPER  
VICTOR P. VALMUS

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ASPEN S. RAINS\*  
MARC E. SIROTKIN  
BETH GEARHART\*\*\*\*  
WILMA R. BUSH  
GREGORY H. FULLER†  
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CALANIT HAYES  
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MARIETTA, GEORGIA  
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MARIETTA, GEORGIA 30060  
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466 N. CEDAR BLUFF ROAD  
SUITE 600  
KNOXVILLE, TENNESSEE 37923  
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AETNA BUILDING  
841 PRUDENTIAL DRIVE  
12TH FLOOR  
JACKSONVILLE, FLORIDA 32207  
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NASHVILLE, TENNESSEE  
3208 WEST END AVENUE  
SUITE 600  
NASHVILLE, TENNESSEE 37205  
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LOUISVILLE, KENTUCKY  
9008 CORPORATE CAMPUS DRIVE  
SUITE 3008  
LOUISVILLE, KENTUCKY 40223  
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DANIEL W. STARNES\*  
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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. Z-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, 16<sup>th</sup> District,  
2<sup>nd</sup> 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, 16<sup>th</sup> District, 2<sup>nd</sup> 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  
Page 2 of 7  
August 1, 2011

Petition No. 2-28  
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  
Page 3 of 7  
August 1, 2011

Petition No. 2-28  
Meeting Date 8/16/11  
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  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 4 of 7  
August 1, 2011

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

- (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  
Page 5 of 7  
August 1, 2011

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

- (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  
Page 6 of 7  
August 1, 2011

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

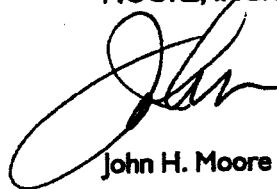
- (e) A ten (10) foot no access easement on all lots of the proposed development abutting Wigley Road.

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  
Page 7 of 7  
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)

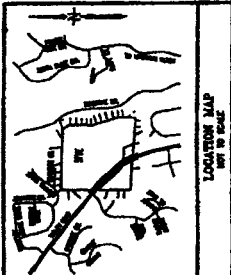
**Centertine Surveying Systems, Inc.**

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

AGGREGATION  
 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	5-16-11
OWNER	WIGLEY RD. DEVELOPMENT PARTNERS
PREPARED BY	...
CHECKED BY	...
DATE	...

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

NOTICE TO THE PUBLIC  
 THIS PLAT 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