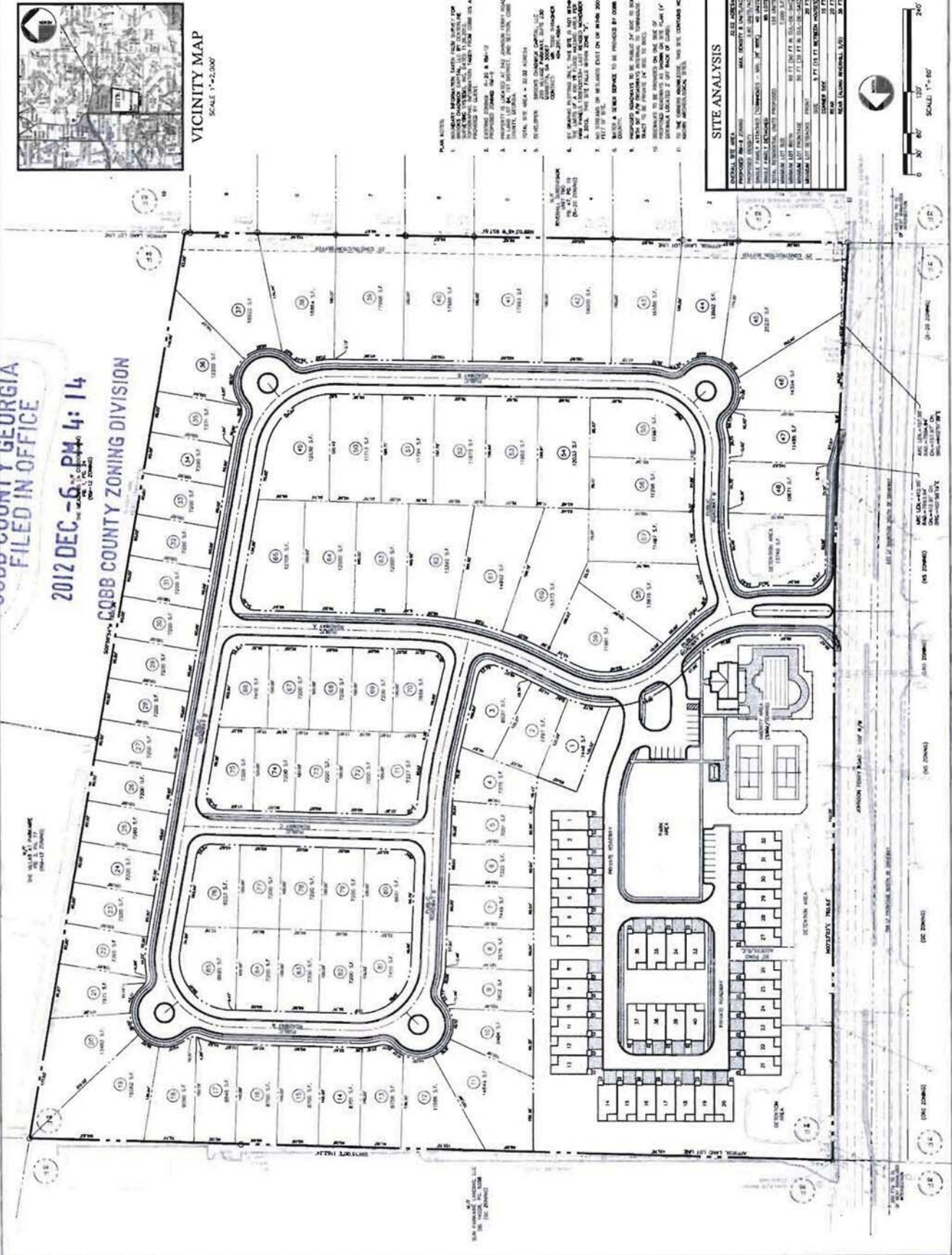




COBB COUNTY GEORGIA
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COBB COUNTY ZONING DIVISION



- PLAN NOTES
1. ALL DIMENSIONS SHOWN SHALL BE THE CENTERLINE UNLESS SPECIFICALLY NOTED OTHERWISE. DIMENSIONS SHALL BE FROM CORNERS OR AS PROVIDED BY LISTS.
 2. IMPROVED ZONING: 7-8.5-2
 3. IMPROVEMENTS SHOWN ON THIS PLAN SHALL BE THE RESPONSIBILITY OF THE DEVELOPER AND NOT THE ZONING DEPARTMENT. THE ZONING DEPARTMENT IS NOT RESPONSIBLE FOR THE DESIGN OF IMPROVEMENTS.
 4. TOTAL USE AREA = 20.00 ACRES
 5. DEVELOPER: BROOKS CHADWICK CAPITAL, LLC
255 VILLAGE PARWAY SUITE 250
MARIETTA, GA 30067
PHONE 404-281-0554
 6. THE SHEDS AT THE WEST END OF THE SITE SHALL BE USED FOR STORAGE OF EQUIPMENT AND TOOLS. THE SHEDS AT THE EAST END OF THE SITE SHALL BE USED FOR STORAGE OF EQUIPMENT AND TOOLS.
 7. NO STORAGE OR USE SHALL BE PERMITTED ON OR WITHIN 200 FEET OF THE
 8. DRIVEWAY SHALL BE PROVIDED TO BE PROVIDED BY OWNER.
 9. IMPROVED DIMENSIONS BE PROVIDED BY THE ZONING DEPARTMENT. THE ZONING DEPARTMENT IS NOT RESPONSIBLE FOR THE DESIGN OF IMPROVEMENTS.
 10. DIMENSIONS TO BE PROVIDED ON THE DATE OF REVIEW SHALL BE PROVIDED BY THE DEVELOPER.
 11. TO THE BEST OF OUR KNOWLEDGE, THIS SITE CONTAINS NO ARCHAEOLOGICAL REMAINS.

SITE ANALYSIS

EXISTING ZONING	Z-6
PROPOSED ZONING	7-8.5-2
USE GROUP	OFFICE
MAX. PERMITTED AREAS (ACRES)	20.00
MAX. PERMITTED DENSITY (UNITS/ACRE)	100
MAX. PERMITTED HEIGHT (FEET)	35
MAX. PERMITTED LOT AREA (SQ. FEET)	10,000
MAX. PERMITTED LOT WIDTH (FEET)	100
MAX. PERMITTED LOT DEPTH (FEET)	100
MAX. PERMITTED LOT AREA (SQ. FEET)	10,000
MAX. PERMITTED LOT WIDTH (FEET)	100
MAX. PERMITTED LOT DEPTH (FEET)	100
MAX. PERMITTED LOT AREA (SQ. FEET)	10,000
MAX. PERMITTED LOT WIDTH (FEET)	100
MAX. PERMITTED LOT DEPTH (FEET)	100
MAX. PERMITTED LOT AREA (SQ. FEET)	10,000
MAX. PERMITTED LOT WIDTH (FEET)	100
MAX. PERMITTED LOT DEPTH (FEET)	100
MAX. PERMITTED LOT AREA (SQ. FEET)	10,000
MAX. PERMITTED LOT WIDTH (FEET)	100
MAX. PERMITTED LOT DEPTH (FEET)	100



NO. 100' W. CORNER
N. 100' W. CORNER

NO. 100' W. CORNER
N. 100' W. CORNER

NO. 100' W. CORNER
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NO. 100' W. CORNER
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NO. 100' W. CORNER
N. 100' W. CORNER

NO. 100' W. CORNER
N. 100' W. CORNER

APPLICANT: Brooks Chadwick Capital, LLC
404-281-4554

REPRESENTATIVE: John H. Moore 770-429-1499
Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Frances E. Perkins, Kathy Metzger and Linda Perkins
a/k/a Linda Frances Perkins

PROPERTY LOCATION: East side of Johnson Ferry Road, north of
Riverhill Road
(542 Johnson Ferry Road).

ACCESS TO PROPERTY: Johnson Ferry Road

PHYSICAL CHARACTERISTICS TO SITE: Two single-family
houses on acreage

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/Retail Center
- SOUTH:** R-20/River Hill Subdivision
- EAST:** RM-12/The Villas at Parkaire
- WEST:** CRC, GC, NS, LRO, NS & R-20/Developed Retail and Office Uses & Church

PETITION NO: Z-6

HEARING DATE (PC): 02-05-13

HEARING DATE (BOC): 02-19-13

PRESENT ZONING: R-20, RM-12

PROPOSED ZONING: RM-8

PROPOSED USE: Residential Subdivision

SIZE OF TRACT: 32.02 acres

DISTRICT: 1

LAND LOT(S): 84

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

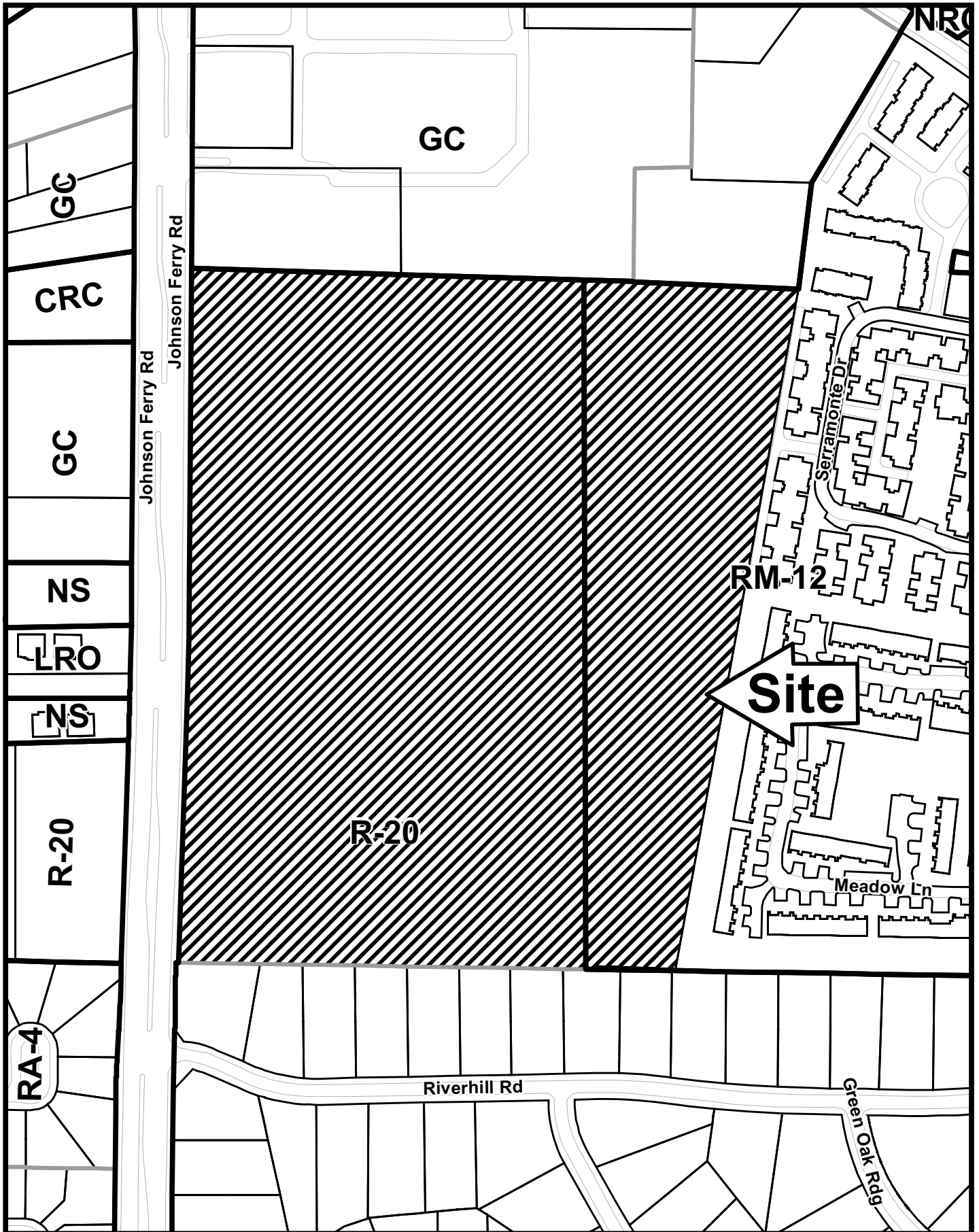
APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

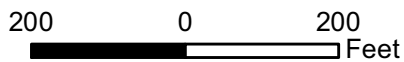
HELD _____ **CARRIED** _____

STIPULATIONS:





This map is provided for display and planning purposes only. It is not meant to be a legal description.



City Boundary
Zoning Boundary

APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-6

PRESENT ZONING: R-20, RM-12

PETITION FOR: RM-8

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Medium Density Residential (2.5-5 units per acre) and
Low Density Residential (1-2.5 units per acre)

Proposed Number of Units: 125 **Overall Density:** 3.90 **Units/Acre**

Present Zoning Would Allow: 132* **Units** **Decrease of:** 7 **Units/Lots**

*42 R-20 & 90 RM-12

Applicant is requesting the RM-8 zoning category for the development comprised of 40 townhome-style residences and a maximum of 85 single-family, detached residences. Amenities for the overall community will be a swimming pool, tennis courts, and cabana. There will also be a park area which shall be for passive recreational uses. The townhomes will range in size from 2,200 to 3,000 square feet and greater. The single-family residences will range in size from 2,500 to 4,000 square feet and greater. The building architecture will be traditional and European. The townhomes will range in price from \$400,000s to \$600,000s and greater and the single-family residences will range from \$500,000s to \$800,000s and greater. The minimum lot size of the lots within the single-family detached community shall be 7,000 square feet, ranging upwards to 25,000 square feet and greater. Residences in the single-family section will shall have three-sided architecture, having the front and sides of the proposed residences comprised of brick, stone, stacked stone, hardi-plank-type, cedar shake-type; and stucco-type finishes, or combinations thereof, with complimentary accents. The residences in the townhome-style section shall fronts and sides comprised same materials previously listed and will have no vinyl materials on the exterior. All units within the proposed townhome community shall be “for sale” units. There shall be no more than 10% of the units being leased at any one time. The proposed townhome section of the overall community shall have private streets, meeting requirements of the Cobb County Code. Applicants attached stipulation letter also states that applicant shall be allowed to provide for a gated community pursuant to Cobb County standards.

Cemetery Preservation: No comment.

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 and RM-12 to RM-8 for the purpose of residential subdivision. The 32.02 acre site is located at the east side of Johnson Ferry Road, north of Riverhill Road.

Comprehensive Plan

The north portion of the parcel is within a Medium Density Residential (MDR) future land use category, with R-20 and RM-12 zoning designations. In addition, the south portion is within a Low Density Residential (LDR) future land use category, with R-20 and RM-12 zoning designations.

The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-6

PRESENT ZONING: R-20, RM-12

PETITION FOR: RM-8

PLANNING COMMENTS
Continued:

Master Plan/Corridor Study

This site is within the boundary of the Johnson Ferry Road Urban Design Study.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Johnson Ferry Road Design Guidelines is drafted and is under modification currently. These guidelines will be posted on the website for public review on January, February 2013.

YES *indicates applicant has met the corresponding issue.*

NO *indicates applicant has not met the corresponding issue and/or there is not enough information provided.*

N/A *indicates issue is not applicable.*

APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-6

PRESENT ZONING: R-20, RM-12

PETITION FOR: RM-8

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

Additional Comments:

FIRE COMMENTS:

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

GUEST PARKING: When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT Brooks Chadwick Capital LLC

PETITION NO. Z-006

PRESENT ZONING R-20, RM-12

PETITION FOR RM-8

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): **12" DI / E side of Johnson Ferry Rd**

Additional Comments: Secondary water feed required for single family detached. Master meter for single family attached.

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: **In eastern ROW of Johnson Ferry Road**

Estimated Waste Generation (in G.P.D.): **A D F 20000 Peak= 50000**

Treatment Plant: **Sutton**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments: Private sewer within single family attached portion.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-6

PRESENT ZONING: R-20, RM-12

PETITION FOR: RM-8

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Powers Branch FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving system.

APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-6

PRESENT ZONING: R-20, RM-12

PETITION FOR: RM-8

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. The proposed detention ponds must be designed as well-landscaped amenity areas or adequately screened from the Johnson Ferry Road right-of-way. A landscape plan will need to be approved by the County Arborist.
2. The allowable discharge from the site will be subject to the County’s development standards as well as the existing downstream conveyance capacity which must be verified at Plan Review.

APPLICANT: Brooks Chadwick Capital, LLC

PETITION NO.: Z-6

PRESENT ZONING: R-20, RM-12

PETITION FOR: RM-8

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Johnson Ferry Road	29,140	Arterial	40 mph	Cobb County	100'

Based on 2011 traffic counting data taken by Cobb DOT (Johnson Ferry Road)

COMMENTS AND OBSERVATIONS

Johnson Ferry Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend a deceleration lane on Johnson Ferry Road for the entrance.

Recommend replacing disturbed curb, gutter, and sidewalk along the Johnson Ferry Road frontage.

Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadways.

Recommend a traffic study.

Recommend developer contribute 100% of the cost for a traffic signal at the entrance, if and when warranted and installation approved by Cobb County DOT. The signal warrant study shall be completed after full build-out of the development when true traffic data is available.

Recommend no advertising on the right-of-way.

Recommend no monument signs on the right-of-way.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

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STAFF RECOMMENDATIONS

Z-6 BROOKS CHADWICK CAPITAL, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Adjacent and nearby properties are zoned and developed for single-family and multi-family uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposed site plan has placed the attached townhome section in the portion of the property that is identified as Medium Density Residential on the land use plan. The single-family detached lots are on the majority of the perimeter boundaries of the overall development.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates the northern portion of the subject property as Medium Density Residential, having densities ranging from 2.5-5 units per acre; and the southern portion of the subject property is designated as Low Density Residential, having densities ranging from 1-2.5 units per acre. The eastern portion of the subject property is zoned RM-12, which has a maximum density of 12 units per acre. The condominium development to the east, The Villas at Parkaire, is zoned RM-12, and has a density of 10 units per acre. Applicant has located the townhome section of the proposed development in the area delineated as Medium Density Residential and arranged the single-family detached lots on the remaining exterior boundaries of the property. The proposed site plan indicates 3.90 units for the entire development, and other developments in the area have densities ranging from 1.73 to 10 units per acre.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for deleting the applicant's rezoning proposal to the RA-5 zoning category. The proposed density meets the criteria for RA-5. The RA-5 category allows attached and detached units. The project meets the lot size requirement for RA-5. The proposed site plan has arranged the townhome section of the development in the area designated as Medium Density Residential and the detached homes in the Low Density Residential area. The development to the east has a density of 10 units per acre and several developments to the west have densities ranging from 2.65 to 3.9 units per acre.

Based on the above analysis, Staff recommends **DELETING** the request to the RA-5 category subject to the following conditions:

- Site plan received by the Zoning Division on December 6, 2012, with the District Commissioner approving minor modifications;
- Granting a contemporaneous variance to waive the maximum 20-acre tract size allowed for an RA-5 development to be 32.02 acres as submitted;
- Attached stipulation letter from applicant's representative received by the Zoning Division on January 16, 2013, not otherwise in conflict;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): Townhomes - 2,200 - 3,000 sf, and greater
Single-Family Residences - 2,500 - 4,000 sf, and greater
- b) Proposed building architecture: Traditional and European
- c) Proposed selling prices(s): Townhomes - \$400s - \$600s, and greater
- d) List all requested variances: Single-Family Residences - \$500s - \$800s,
and greater
- None known at this time
- _____
- _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Not Applicable
- b) Proposed building architecture: Not Applicable
- c) Proposed hours/days of operation: Not Applicable
- d) List all requested variances: Not Applicable
- _____
- _____

COBB COUNTY ZONING DIVISION
2012 DEC -6 PM 4: 13
COBB COUNTY GEORGIA
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.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

None

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

None known at this time

*Applicant specifically reserves the right to amend any information set forth herein, or within any part of the Application for Rezoning, at any time during the rezoning process.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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January 15, 2013

Hand Delivered

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

RE: Application for Rezoning - Application No. Z-6 (2013)
Applicant: Brooks Chadwick Capital, LLC
Property Owners: Frances E. Perkins; Linda Perkins
a/k/a Linda Frances Perkins; and
Kathy Metzger
Property: 32.02 acres, more or less, located at
542 Johnson Ferry Road, Land Lot 84,
1st District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Brooks Chadwick Capital, LLC, the Applicant (hereinafter "Applicant"), and Ms. Frances E. Perkins; Ms. Linda Perkins, a/k/a Linda Frances Perkins; and Ms. Kathy Metzger, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to property located at 542 Johnson Ferry Road, and being 32.02 acres, Land Lot 84, 1st 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, ongoing discussions and meetings with area civic and homeowner representatives and residents, reviewing the staff comments and

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Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 9
January 15, 2013

recommendations and the uses of surrounding properties, we have been authorized by the Applicant 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 requested 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 seeks rezoning of the Subject Property from the existing zoning categories of RM-12 and R-20 to the proposed zoning category of RM-8, site plan specific to the Zoning Site Plan prepared by Christopher Planning & Engineering, dated December 3, 2012, and submitted to the Zoning Office on December 6, 2012. A reduced copy of the revised Zoning Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) The Subject Property consists of 32.02 acres of total site area and shall be developed for a residential community comprised of single-family, detached residences and single-family attached residences.
- (2) The overall residential community shall have a maximum total of one hundred twenty-five (125) units; comprised of a maximum of forty (40) townhome style residences and a maximum of eighty-five (85) single-family, detached residences. The proposed net density of the overall development is 3.90 units per acre.
- (3) Amenities for the overall community shall consist of a swimming pool, tennis courts, and cabana. Additionally, there shall be a park area which shall be for passive recreational uses and enjoyment of all residents.
- (4) There shall be formed a homeowners association which shall be mandatory for all component parts of the proposed overall community. The association shall be responsible for the oversight, upkeep, and maintenance of the entrance area,

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 9
January 15, 2013

common areas, amenity areas, private streets, sidewalks, detention area, and the like contained within the overall development.

- (5) Additionally, and in conjunction with the creation of the mandatory homeowners association, there shall be master protective covenants for the overall development, which will include all components within the development. The master protective covenants, and any covenants applicable to components of the overall development, shall be recorded in the Deed Records of Cobb County, Georgia, and shall contain covenants, rules, and regulations applicable to the overall residential community and the separate components located therein. The mandatory association shall be responsible for the enforcement of the covenants.
- (6) The entrance to the proposed overall community shall be constructed as shown and reflected on the referenced Zoning Site Plan. The entrance island shall be constructed prior to the issuance of a final certificate of occupancy.
- (7) The entrance signage for the proposed overall community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture and style of the residences. The entrance landscaping shall be professionally designed, implemented, and maintained. The maintenance of the entrance areas shall be by the mandatory master homeowners association as set forth in the master declaration of covenants, easements, and restrictions.
- (8) There shall be internal sidewalks within the components of the overall community which shall connect to the existing sidewalk along Johnson Ferry Road.
- (9) Lighting within the proposed overall community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences of the components of the development.
- (10) All utilities servicing the residences within the overall community shall be located underground.
- (11) There shall be no direct access from any lots within the overall community to Johnson Ferry Road.

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 9
January 15, 2013

- (12) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of residences, and shall not be parked on or along Johnson Ferry Road or the sidewalk along Johnson Ferry Road. There will be no stacking of vehicles along Johnson Ferry Road waiting for entry onto the Subject Property.
- (13) Detention facilities for the overall community shall be in substantial conformity with that shown on the referenced Zoning Site Plan. Said facilities shall be screened by fencing, six (6) feet in height with landscaping to the exterior of the fencing for purposes of visual screening.
- (14) Minor modifications to the referenced Zoning Site Plan, including, but not limited to, the layout of lots, landscaping, and elevations, may be approved by the District Commissioner, as needed or necessary.
- (15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (16) 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.
- (17) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing.
- (18) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Installation of a one hundred fifty (150) foot deceleration lane for ingress into the proposed residential community from Johnson Ferry Road;
 - (b) Provide a left-turn storage lane for left turns from Johnson Ferry Road into the proposed residential community;

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 9
January 15, 2013

- (c) Any portion of the sidewalk along Johnson Ferry Road damaged during construction and development shall be repaired or replaced after completion of the overall community; and
 - (d) Applicant agrees to fund a maximum of One Hundred Fifty Thousand Dollars (\$150,000) for the design and installation of a traffic signal and components to be located at the entrance of the proposed overall community with Johnson Ferry Road. Applicant shall pay such funds to the Cobb County Department of Transportation prior to the issuance of a Land Disturbance Permit for the project. Upon receipt of the funds, Cobb County Department of Transportation shall pursue diligently the design and installation of the referenced traffic signal and components.
- (19) There shall be a development and construction buffer twenty-five (25) feet in width along the southerly property line, immediately adjacent to Riverhill Subdivision. The developer, builder, and homeowner shall be prohibited from the removal of any trees within said twenty-five (25) feet except for any tree or trees which may be dead or dying.
- (20) The frontage of the proposed residential community shall be landscaped substantially in accordance with that certain Landscape Plan presented at the Planning Commission Zoning Hearing and the Board of Commissioners Zoning Hearing.
- (21) There shall be established a bus waiting area for the children of residents of the proposed overall community. This area shall be in the general area of the island and parking area located in front of the amenity area.
- (22) Applicant agrees to erect a wooden privacy fence, a minimum of six (6) feet in height, along the northerly property line, immediately adjacent to the commercial development.
- (23) Development and construction hours for the proposed project shall be limited to the following:
- (a) 7:00 a.m. to 7:00 p.m. - Monday-Friday, October 1st through March 31st;

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 9
January 15, 2013

- (b) 7:00 a.m. to 8:00 p.m. - Monday-Friday,
April 1st through September 30th; and
- (c) 9:00 a.m. to 6:00 p.m. - Saturday.

STIPULATIONS APPLICABLE TO THE RM-8 DETACHED DEVELOPMENT

- (1) The single-family detached portion of the overall community shall contain a maximum of eighty-five (85) residences.
- (2) The minimum lot size of lots within the single-family detached community shall be 7,000 square feet, ranging upwards to 25,000 square feet, and greater.
- (3) The proposed residences shall have a minimum of 2,500 square feet, upwards to 4,000 square feet, and greater.
- (4) The proposed residences shall be traditional and European in style and architecture and will have minimum two-car garages.
- (5) The residences within the proposed community shall have “three-sided” architecture, having the front and sides of the proposed residences comprised of brick, stone, stacked stone, hardi-plank-type, cedar shake-type; and stucco-type finishes, or combinations thereof, with complementary accents. No vinyl materials will be used on the exterior of the proposed residences. The District Commissioner shall approve all final home elevations.
- (6) The setbacks for the proposed single-family detached community shall be as follows:
 - (a) Front Setback: Twenty (20) feet;
 - (b) Rear Setback: Twenty (20) feet;
 - (c) Rear Setback: Thirty-five (35) feet;
(along Riverhill Subdivision);

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 7 of 9
January 15, 2013

- (d) Side Setback: Five (5) feet
(With Fifteen (15) feet between residences);
- (e) Corner Side Setback: Ten (10) feet.
- (7) All front and side yard areas of the proposed residences shall be fully sodded.
- (8) As part of the landscaping within the community, a minimum of one, four (4) inch caliper hardwood tree shall be planted in the front yard area of each single-family detached residence.

STIPULATIONS APPLICABLE TO THE RM-8 ATTACHED DEVELOPMENT

- (1) The single-family attached portion of the overall community shall contain a maximum of forty (40) residences in the townhome style.
- (2) The proposed townhome residences shall have a minimum of 2,200 square feet, upwards to 3,000 square feet, and greater.
- (3) The proposed townhomes shall be traditional and European in style and architecture, a maximum of three stories in height, and will have minimum two-car garages.
- (4) The fronts and sides of the townhomes shall be comprised of brick, stone, stacked stone, hardi-plank-type, cedar shake-type, and stucco-type finishes, or combinations thereof, with complementary accents. No vinyl materials shall be used on the exterior of the proposed townhome residences. The District Commissioner shall approve all final home elevations.
- (5) No garage areas within the proposed townhome community shall be converted into heated living space for the units.
- (6) All units within the proposed townhome community shall be "for sale" units. There shall be no more than a maximum of ten (10) percent of the units being leased at any one time.

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 8 of 9
January 15, 2013

- (7) The front, side, and rear yard areas surrounding the proposed townhome community shall be fully sodded and maintained by the mandatory master homeowner association.
- (8) The proposed townhome portion of the overall community shall have private streets. Construction of all private streets shall comply in all respects as to materials, base, and other requirements with the Cobb County Code.
- (9) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards.

We believe the requested zoning, together with the Zoning Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the surrounding residential developments and the Johnson Ferry Road corridor. The proposed residential community shall be a quality development and shall be compatible with surrounding neighborhoods and 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
Attachment

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 9 of 9
January 15, 2013

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
Helen C. Goreham
Robert Ott
Joann Birrell
Lisa Cupid
(With Copy of Attachment)

Cobb County Planning Commission:
Christi S. Trombetti
Judy Williams
Bob Hovey
Mike Terry
(With Copy of Attachment)

Jill Flamm, President
Trish Steiner, Member
East Cobb Civic Association, Inc.
(With Copy of Attachment)

Kim Swanson
(With Copy of Attachment)

Brooks Chadwick Capital, LLC
(With Copy of Attachment)

CIP IE

**CHRISTOPHER PLANNING
& ENGINEERING**

200 WESTBROOK COURT
DECATUR PROFESSIONAL CENTER
DECATUR, GA 30033
PHONE: 770.331.3323
FAX: 770.331.3323



**542 JOHNSON
FERRY ROAD
DECATUR, GA 30033**

**BROOKS
CHADWICK
CAPITAL, LLC**
255 VILLAGE PARKWAY
SUITE 232
MARIETTA, GA 30067
PHONE: 404.281.4354

REVISIONS

DATE: OCTOBER 3, 2012
DRAWN BY: [Name]
CHECKED BY: [Name]
DATE: [Date]

SHEET NO.



VICINITY MAP
SCALE: 1/4" = 100'

COBB COUNTY ZONING DIVISION

- PLAN NOTES**
1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.
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 11. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.

SITE ANALYSIS

PROPERTY NO.	AREA (SQ. FT.)	PERCENTAGE OF TOTAL AREA
1	1000	10.00%
2	2000	20.00%
3	3000	30.00%
4	4000	40.00%
5	5000	50.00%
6	6000	60.00%
7	7000	70.00%
8	8000	80.00%
9	9000	90.00%
10	10000	100.00%



SCALE: 1/4" = 100'

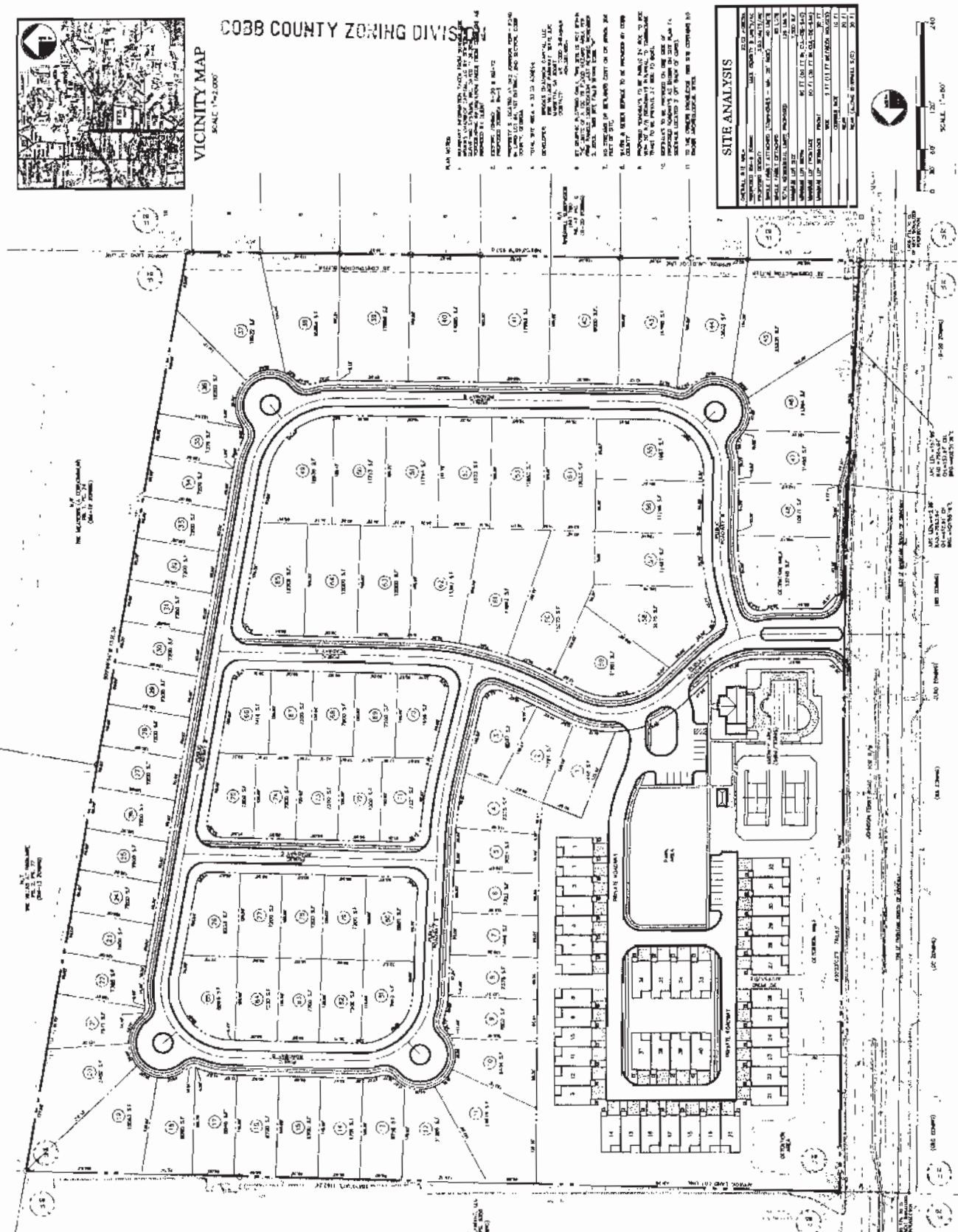


EXHIBIT "A"