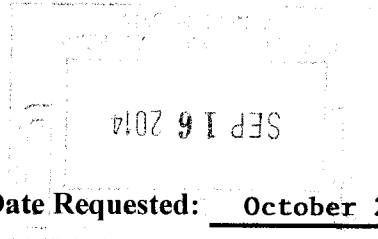


(Stipulation Amendment)

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: October 21, 2014



08-60

Applicant: Brooks Chadwick, LLC Phone #: (404) 281-4554
(applicant's name printed)

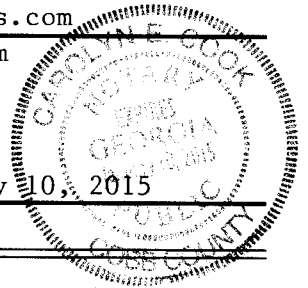
Address: Suite 230, 255 Village Parkway, Marietta, GA 30067 **E-Mail:** todd@brooks Chadwick.com

Moore Ingram Johnson & Steele, LLP 30067
John H. Moore Address: 326 Roswell Street, Emerson Overlook
Marietta, GA 30060
(representative's name, printed)

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:

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



Titleholder(s): Tennis Academy of Georgia, Inc. Phone #: (770) 973-0341
(property owner's name printed)

Address: 900 Audubon Drive, Marietta, GA 30068 **E-Mail:** _____

See Exhibit "A" attached collectively for Signatures of Titleholder's Representatives
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-27 (2014)

Date of Zoning Decision: 07/15/2014 **Original Date of Hearing:** 05/20/2014

Location: 900 Audubon Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): _____ **District(s):** _____

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

See Exhibit "B" attached hereto and made a part hereof by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application No.: Z-27 (2014)
Original Hearing Date: May 20, 2014
Date of Zoning Decision: July 15, 2014
Current Hearing Date: October 21, 2014

SEP 16 2014

Applicant: Brooks Chadwick, LLC
Titleholder: Tennis Academy of Georgia, Inc.

TENNIS ACADEMY OF GEORGIA, INC.

BY: 
James A. Owen, Vice President

[Corporate Seal]

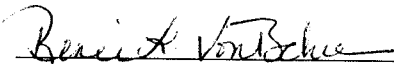
Printed Name: James Allan Owen

Date Executed: 9/16/14

Address: 900 Audubon Drive
Marietta, Georgia 30068

Telephone No.: (678) 478-3963 (Cell)

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: April 30, 2016

[Notary Seal]

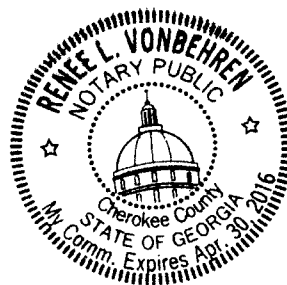


EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application No.: Z-27 (2014)
Original Hearing Date: May 20, 2014
Date of Zoning Decision: July 15, 2014
Current Hearing Date: October 21, 2014

SEP 16 2014

Applicant: Brooks Chadwick, LLC
Titleholder: Tennis Academy of Georgia, Inc.

TENNIS ACADEMY OF GEORGIA, INC.

BY: Jeff Mason Secretary
Jeff Mason, Secretary

[Corporate Seal]

Printed Name: Jeff Mason

Date Executed: 9-10-14

Address: 900 Audubon Drive
Marietta, Georgia 30068

Telephone No.: (404) 395-6396 (Cell)

Signed, sealed, and delivered in the presence of:

Renee L. VonBehren
Notary Public
Commission Expires: April 30, 2016

[Notary Seal]

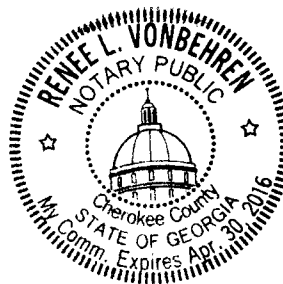


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application No.: Z-27 (2014)
Original Hearing Date: May 20, 2014
Date of Zoning Decision: July 15, 2014
Current Hearing Date: October 21, 2014

SEP 16 2014

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Brooks Chadwick, LLC
Titleholder: Tennis Academy of Georgia, Inc.

The property which is the subject of this Application for "Other Business" is located on the southeasterly side of Audubon Drive, southerly of the intersection with Fairfield Drive, in Land Lot 976, 16th District, 2nd Section, Cobb County, Georgia, being more particularly known as 900 Audubon Drive (hereinafter the "Property" or the "Subject Property"). The Property was rezoned by the Board of Commissioners on July 15, 2014, from the Rural Residential ("RR") zoning classification to the RM-8 zoning classification. By this Application for "Other Business," the Applicant seeks to clarify and several stipulations imposed by the Cobb County Board of Commissioners and set forth in the final, official minutes from the Zoning Hearing held on July 18, 2014.

The requested amendments are as follows:

(1) Deletion in its entirety the first bullet of the final, official minutes which reads as follows:

- Site plan included as part of July 8, 2014 letter of agreeable conditions, received by the Zoning Division July 9, 2014 (attached and made a part of these minutes), *with the exception of lots 12 through 15 which will be reduced from four lots to two lots, with a maximum of two stories for those two structures and square footage to be a minimum of 40 feet by 50 feet*

Amended to read as follows:

- Site plan included as part of July 8, 2014 letter of agreeable conditions, received by the Zoning Division July 9, 2014 (attached and made a part of these minutes), *with the exception of units 12 through 15 which will be reduced from four units to two units, with a maximum of two stories for those two structures and square footage to be a minimum of 2,000 square feet, and a minimum of twenty-four (24) feet wide.*

(2) Addition of the words “not otherwise in conflict” at the end of the Board of Commissioners stipulations relating to the comments and recommendations of the Fire Department, Water and Sewer Division, Stormwater Management, and Cobb DOT, said stipulations to be as follows:

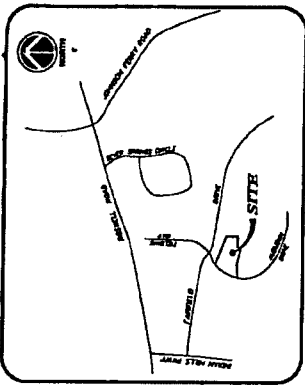
- Fire Department comments and recommendations, not otherwise in conflict
- Water and Sewer Division comments and recommendations, not otherwise in conflict
- Stormwater Management comments and recommendations, not otherwise in conflict
- Cobb DOT comments and recommendations, not otherwise in conflict

The amendments requested and presented above in no way adversely impact or affect the Subject Property or the development approved for construction upon the Subject Property. If the amendments are approved, as submitted in this Application, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on July 15, 2014, applicable to the Subject Property are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.

SEP 16 2014

**ZONING PLAN APPROVED BY
BOARD OF COMMISSIONERS PURSUANT
TO Z-27 (2014) – JULY 15, 2014**



VICINITY MAP

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO COBB COUNTY F.I.R.M. PANEL 0131C, COMMUNITY #130052, DATED: DEC. 16, 2008

CURRENT OWNER:
TENNIS ACADEMY OF GEORGIA, INC.
DB: 14107, PG. 3008
PROPERTY ADDRESS:
900 ALDUBON DRIVE
MARIETTA, GEORGIA 30068

JUL 9 2014
SEP 10 2014

THIS DRAWING AND ANY COPIES THEREOF ARE THE PROPERTY OF CENTERLINE SURVEYING SYSTEMS, INC. AND SHALL NOT BE USED WITHOUT PERMISSION FROM CENTERLINE SURVEYING SYSTEMS, INC. NO WARRANTY, EXPRESSED OR IMPLIED, IS EXTENDED TO ANY UNPAID THIRD PARTY.

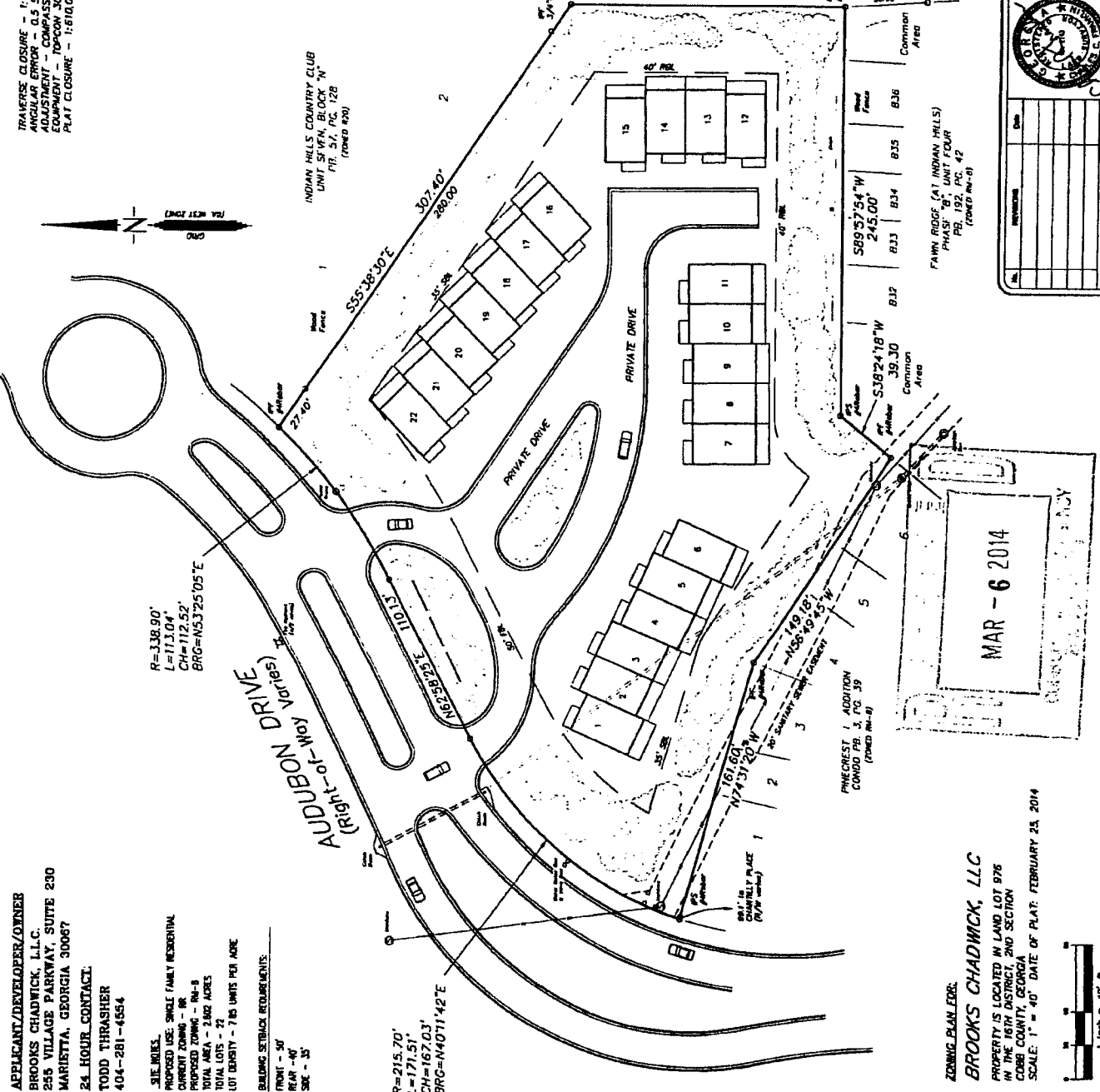
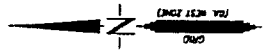
THIS SURVEY WAS PERFORMED IN CONFORMANCE WITH THE TECHNICAL STANDARDS FOR PROFESSIONAL SURVEYING PRACTICE, DATE OF FIELD WORK: FEBRUARY 14, 2014

Centerline Surveying Systems, Inc.
1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
PHONE: (770) 424-0028 FAX: (770) 424-2399

Sheet No. 1 of 1

TRAVELER'S CLOSURE - 1:150,836
ANGULAR ERROR - 0.5 SEC/V STA
ADJUSTMENT - COMPASS RULE
CONVERSION - TOPCON 303 TOTAL STATION
PLAT CLOSURE - 1:816,009

Min. Bk. 73 Petition No. 2014
Doc. Type Site plan
Meeting Date 7/10/2014



APPLICANT/DEVELOPER/OWNER
BROOKS CHADWICK, L.L.C.
255 VILLAGE PARKWAY, SUITE 250
MARIETTA, GEORGIA 30067
24 HOUR CONTACT
TODD THRASHER
404-281-4564

SITE NOTES:
PROPOSED USE: SINGLE FAMILY RESIDENTIAL
CURRENT ZONING - RR
PROPOSED ZONING - RM-8
TOTAL AREA - 2.602 ACRES
LOT DENSITY - 7.85 UNITS PER ACRE

BUILDING SETBACK REQUIREMENTS:
FRONT - 5'
REAR - 10'
SIDE - 5'

R=215.70'
L=171.51'
CH=167.03'
BRG=N40°11'42\"/>

ZONING PLAN FEES:
BROOKS CHADWICK, LLC
PROPERTY IS LOCATED IN LAND LOT 978
IN THE 16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
SCALE: 1" = 40'. DATE OF PLAT: FEBRUARY 25, 2014



No.	REVISIONS	Date

PROJECT No. 1140102

EXHIBIT "A"

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. Z-27 (2014) – JULY 15, 2014**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 15, 2014
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 17, 2014 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 Lisa Cupid
Commissioner Helen Goreham
Commissioner Bob Ott

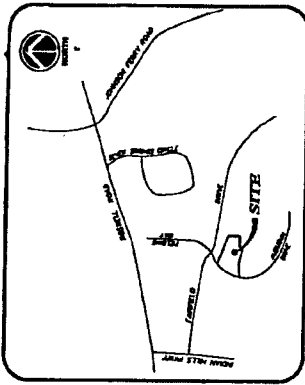
Z-27 **BROOKS CHADWICK, LLC** (Tennis Academy of Georgia, Inc., owner) requesting Rezoning from RR to RM-8 for the purpose of Single-Family Attached Residential Units in Land Lot 976 of the 16th District. Located on the southeast side of Audubon Drive, south of Fairfield Drive (900 Audubon Drive). *(Previously continued by Staff from the May 20, 2014 Board of Commissioners hearing and previously continued by the Board of Commissioners from their June 17, 2014 hearing)*

The public hearing was opened and Mr. John Moore, Mr. Pattie Barrow, Ms. Cathy Kress, Mr. John McKay, and Ms. Janet Givler addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to approve Rezoning to the RM-8 zoning district subject to:

- Site plan included as part of July 8, 2014 letter of agreeable conditions, received by the Zoning Division July 9, 2014 (attached and made a part of these minutes), *with the exception of lots 12 through 15 which will be reduced from four lots to two lots, with a maximum of two stories for those two structures and square footage to be a minimum of 40 feet by 50 feet*
- Final site plan to be approved by District Commissioner
- Letter of agreeable conditions from Mr. John Moore dated July 8, 2014 (attached and made a part of these minutes) *with the following changes:*
 - Item No. 18, add to end: *"The area located between the Fawn Ridge fence and the perimeter fence shall be sodded and maintained by the mandatory homeowners association. In addition, the referenced berm shall be approximately two feet in height. Said area may be used by adjacent Fawn Ridge residents for ingress and egress to their open space."*
 - Item No 40, third sentence – revise to read: *"By Applicant not having to erect a privacy fence along this property line, Applicant agrees to pay to the Association the sum of Five Thousand, Six Hundred Dollars (\$5,600)....."*
 - Add Item No. 42: *"Applicant agrees to use its best efforts to retain the landscaping located immediately adjacent to the Fawn Ridge common area on the southerly portion of the subject property, except where the proposed berm is to be located."*
 - Add Item No. 43: *"Applicant agrees to work with Ms. Janet Givler regarding the trees that are to be planted in the area inside of Pinecrest fence."*
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: ADOPTED unanimously



VICINITY MAP

THIS PROPERTY IS NOT LOCATED WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO COBB COUNTY F.I.R.M. PANEL 0131G, COMMUNITY #130052, DATED: DEC. 16, 2008

CURRENT OWNER:
 TRAVIS LAMBERT OF GEORGIA, INC.
 DB: 14102; PG: 3008
 PROPERTY ADDRESS:
 500 AUDUBON DRIVE
 MARIETTA, GEORGIA 30068

JUL - 9 2014

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THIS SURVEY WAS PREPARED IN CONFORMANCE WITH THE TECHNICAL STANDARDS OF THE SURVEYING BOARD OF THE STATE OF GEORGIA. DATE OF FIELD WORK: FEBRUARY 14, 2014

Centerline Surveying Systems, Inc.
 1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
 PHONE: (770) 424-0028 FAX: (770) 424-2399

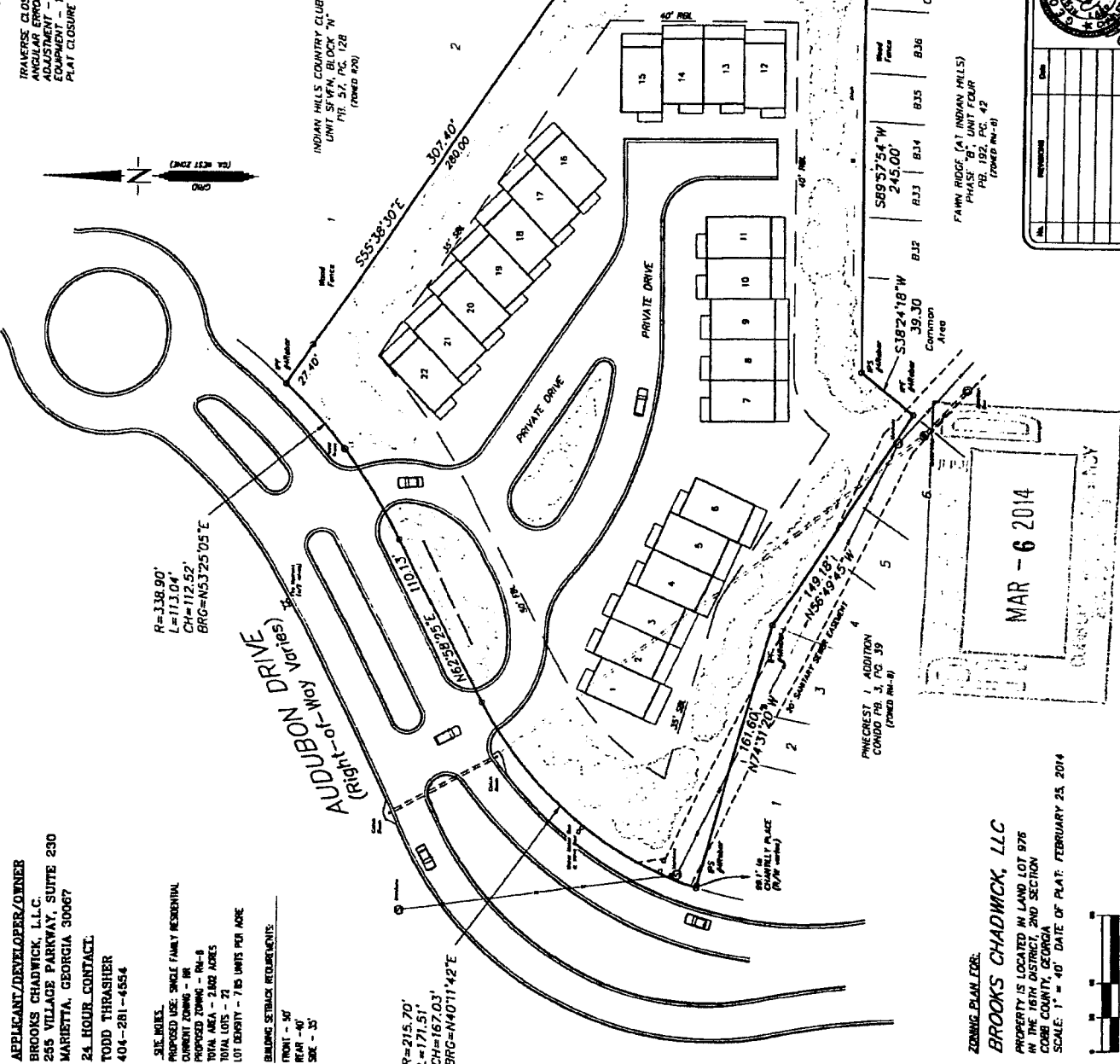
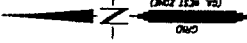


PROJECT No. 1140162

Sheet No. 1 of 1

TRAVERSE CLOSURE - 1:150,026
 ANGULAR ERROR - 0.3 SEC/STA.
 ADJUSTMENT - COMPASS RULE
 EQUIPMENT - TOPCON 303 TOTAL STATION
 PLAT CLOSURE - 1:1810,009

Min. Bk. 73 Petition No. 217
 Doc. Type Site plan
 Meeting Date 7/1/2014



APPLICANT/DEVELOPER/OWNER
 BROOKS CHADWICK, L.L.C.
 265 VILLAGE PARKWAY, SUITE 250
 MARIETTA, GEORGIA 30067
 24 HOUR CONTACT
 TODD THRASHER
 404-281-4554

SITE NOTES:
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL
 CURRENT ZONING - RR
 PROPOSED ZONING - RR-S
 TOTAL AREA - 2.602 ACRES
 LOT DENSITY - 7.8 UNITS PER ACRE

BUILDING SETBACK REQUIREMENTS:
 FRONT - 30'
 REAR - 0'
 SIDE - 35'

R=215.70'
 L=171.51'
 CH=167.03'
 BRG=N40°11'42"E

ZONING PLAN FEES:
BROOKS CHADWICK, LLC
 PROPERTY IS LOCATED IN LAND LOT 976
 IN THE 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA
 SCALE: 1" = 40' DATE OF PLAT: FEBRUARY 23, 2014



EXHIBIT "A"

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS
WILLIAM R. WINDERS, JR.*
ANGELA H. SMITH†
CHRISTOPHER C. MINGLEDOORFF*

ANGELA D. TARTLINE
JOYCE W. HARPER
CAREY E. OLSON*
CHARLES E. PIERCE*
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
TODD I. HEIRD*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER*
AMY L. JETT*
JEFF C. MORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON
D. AUSTIN GILLIS
KRISTEN C. STEVENSON*
SARAH H. BEST†
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
TAMMI L. BROWN

MARIETTA, GEORGIA
EMERSON OVERLOOK
328 ROSWELL ST
MARIETTA, GEORGIA 30060
TELEPHONE (770) 428-1490

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD - STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 892-8039

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD - BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1488

NASHVILLE, TENNESSEE
3200 WEST END AVE - STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 428-7347

LOUISVILLE, KENTUCKY
9900 CORPORATE CAMPUS DR - STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8021

CHARLESTON, SOUTH CAROLINA
885 ISLAND PARK DR - STE B
CHARLESTON, SOUTH CAROLINA 29482
TELEPHONE (843) 302-0002

DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
TRISTAN B. MORRISON***
WILLIAM B. WARIHAY*
COLLEEN K. HORN****
DAVID J. OTTEN*
JONATHAN S. FUTRELL
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
B. CHASE ELLEBY
G. BARDIN HOOKS
TYLER R. MORGAN*
MARIANNA L. JABLONSKI*
LOURDES SANGERNI-FULTON*
LEAH C. FOX
ALISHA I. WYATT-BULLMAN
J. DANIEL COLE
RYAN S. ROBINSON
JOSEPH D. SHELLEY
LESLIE S. SMITH
CHRISTOPHER L. JOHNSON
CHRISTIAN H. LAYCOCK

LIZA D. HARRELL**
JESSICA A. KING
JOHN A. EARLY
CHRISTOPHER W. SHERMAN*
JOHN T. RICE*
W. ANDREW MOORE*
JESS E. MAPLES*
FREDERICK F. FISHER**

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
**** ALSO ADMITTED IN GA
* ALSO ADMITTED IN TX
* ALSO ADMITTED IN AL
† ALSO ADMITTED IN KY
* ALSO ADMITTED IN SC
* ALSO ADMITTED IN NC
** ALSO ADMITTED IN IN
* ADMITTED ONLY IN FL
* ADMITTED ONLY IN SC

July 8, 2014

Hand Delivered

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

Min. Bk. 73 Petition No. Z-27
Doc. Type letter of agreeable
conditions
Meeting Date 7/15/14

JUL - 9 2014

RE: Application for Rezoning - Application No. Z-27 (2014)
Applicant: Brooks Chadwick, LLC
Property Owner: Tennis Academy of Georgia, Inc.
Property: 2.802 acres, more or less, located on the southeasterly side of Audubon Drive, southerly of the intersection of Fairfield Drive and Audubon Drive (also known as 900 Audubon Drive), Land Lot 976, 16th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Brooks Chadwick, LLC, the Applicant (hereinafter "Applicant"), and Tennis Academy of Georgia, Inc., the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to property located on the southeasterly side of Audubon Drive, southerly of the intersection of Fairfield Drive and Audubon Drive (also known as 900 Audubon Drive), and being 2.802 acres, Land Lot 976, 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

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 10
July 8, 2014

Patrol No. 2-27
Filing Date 7/15/14
Continued

representatives, ongoing discussions and meetings with area civic and homeowner representatives and residents, reviewing the staff comments and recommendations; as well as, the uses of surrounding properties, and following the presentation to and hearing before the Cobb County Planning Commission and the recommendations thereof, we have been authorized by the Applicant 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 previous letters of agreeable stipulations and conditions dated and filed April 25, 2014; May 5, 2015; May 15, 2015; and June 11, 2014. The proposed, 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 seeks rezoning of the Subject Property from the existing zoning category of Rural Residential ("RR") to the proposed zoning category of RM-8, site plan specific to the Zoning Plan prepared for Applicant by Centerline Surveying Systems, Inc., dated February 25, 2014, and filed with the Zoning Office contemporaneously with the Application for Rezoning on March 6, 2014. A reduced copy of the Zoning Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) With the approval of "site plan specific" rezoning, the distance between structures within the proposed townhome community shall be varied from the required thirty (30) feet to twenty (20) feet.
- (4) The Subject Property consists of 2.802 acres and shall be developed for a residential community, in the townhome style, containing a maximum of twenty (20) residences, resulting in a density of 7.14 units per acre.
- (5) The proposed townhomes shall be traditional and European in style and architecture, shall be a maximum of three (3) stories in height, and shall have minimum two-car garages; excepting only, proposed units 12, 13, 14, and 15, as shown and reflected on the referenced Zoning Plan, shall be reduced from four (4) units to two (2) units, and shall be a maximum of two (2) stories in height. The

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 10
July 8, 2014

Petition No. 2-27
Meeting Date 7/15/14
Continued

- driveway pads in front of the garages shall be of sufficient size to park two (2) full-size automobiles. Each unit shall have a minimum width of twenty-four (24) feet. Guest parking for at least ten (10) full-sized automobiles will be provided.
- (6) The exterior of the proposed townhomes shall have front and side facades of brick, stone, stacked stone, stucco-type, masonry siding, cedar shake shingles, hardi-plank, or combinations thereof, with complementary accents. No vinyl materials shall be used on the exterior of the proposed townhome residences. The rear side of each unit shall have a brick, stone, or stacked stone water table.
 - (7) The proposed townhomes shall have a minimum of 2,000 square feet, upwards to 3,500 square feet, and greater.
 - (8) Elevators shall be offered as an upgrade option to the individual units.
 - (9) The units may have rear patios off the main, first floor level; as well as decks from the upper, second floor level.
 - (10) All units within the proposed residential 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.
 - (11) The proposed residential community shall be a "condominium" development as that term is used and defined under the Cobb County Zoning Ordinance and shall comply in all respects with the Cobb County Zoning Ordinance; and shall not be subject to the "Georgia Condominium Act."
 - (12) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which shall contain covenants, rules, and regulations applicable to the proposed townhome community.
 - (13) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, stormwater management landscape area, landscaped areas, private streets, fencing, and the like contained within the community.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 10
July 8, 2014

Petition No. 2-27
Meeting Date 7/15/14
Continued

- (14) Any lighting on the rear of the individual units or the buildings shall be hooded or reflecting downward so as to avoid shining onto adjacent properties.
- (15) The yard areas around each unit shall be fully sodded and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the proposed community.
- (16) The entrance signage for the proposed 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; and shall comply with the Cobb County Sign Ordinance. The entrance island and internal island landscaping shall be professionally designed, implemented, and maintained. All landscaped areas shall be irrigated.
- (17) The setbacks, which shall be maintained as open space, for the proposed community shall be as follows:
 - (a) Front setback - Fifty (50) feet
(along Audubon Drive);
 - (b) Rear setback - Forty (40) feet;
 - (c) Side setback - Thirty-five (35) feet.
- (18) Applicant agrees to erect a solid wooden, perimeter privacy fence, a minimum of six (6) feet in height, and located adjacent to Pinecrest and Fawn Ridge. With regard to the perimeter fencing immediately adjacent to Phase "B," Unit Four, Fawn Ridge (at Indian Hills), Applicant agrees to locate the perimeter fence a minimum of five (5) feet inside the property line, said fence to be erected on top of a berm. The "smooth, clean" side of the perimeter fence shall be located to the exterior of the Subject Property. The perimeter fencing shall be maintained by the mandatory homeowners association.
- (19) There shall be an internal sidewalk, on one side, within the proposed development which shall connect to the existing sidewalk along Audubon Drive.
- (20) The proposed townhome community shall have private streets, a minimum of twenty-four (24) feet in width, from back-of-curb to back-of-curb.

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- (21) All utilities servicing the residences within the proposed community shall be located underground.
- (22) 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 Audubon Drive, or the sidewalk along Audubon Drive.
- (23) Applicant, or its designated representative, shall be responsible for cleaning that portion of Audubon Drive from its intersection with Fairfield Drive to the end of the entrance area, and along the frontage of the Subject Property on Audubon Drive, in order to clear construction mud, gravel, and other construction-related debris from the roadway area as needed or necessary.
- (24) Development and construction hours for the proposed project shall be limited to the following:
 - (a) 8:00 a.m. to 7:00 p.m. - Monday-Friday, October 1st through March 31st;
 - (b) 8:00 a.m. to 8:00 p.m. - Monday-Friday, April 1st through September 30th;
 - (c) 9:00 a.m. to 6:00 p.m. - Saturday; and
 - (d) No work on Sunday unless approved by the District Commissioner.
- (25) Prior to any development activity, Applicant agrees to erect temporary fencing on the southwesterly, southerly, and easterly sides of the proposed townhome community.
- (26) The clubhouse and office of the existing tennis center located upon the Subject Property shall be "boarded up" within thirty (30) days after closing of the Subject Property by Applicant, or a related entity; and demolition of the structure shall occur on or before the expiration of ninety (90) days after closing of the Subject Property by Applicant. Demolition of the structure shall occur on-site and the debris shall then be removed. Immediately after closing into Applicant, the swimming pool will be secured.

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- (27) Applicant agrees to treat the clubhouse and office for rodent infestation prior to commencement of any demolition and construction activities on the Subject Property.
- (28) Applicant agrees to repair any damage caused to Audubon Drive by Applicant's negligent acts during the development of the Property. However, Applicant shall not be responsible for any deterioration or failures of the existing infrastructure that may occur as a result of normal wear and tear associated with the development of the Property. The determination of damage to roads and repair of any private property damage as a result of development activities shall be made by the Cobb County Department of Transportation and the Cobb County Community Development Agency.
- (29) Applicant agrees to plant evergreen trees adjacent to the Pinecrest and Fawn Ridge communities, a minimum of ten (10) feet in height, in a staggered row on twelve (12) foot centers, within the setback area.
- (30) All landscaping referenced herein; including, but not limited to, the frontage, entrance area, island area, and setback areas, 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 townhome community.
- (31) Once the proposed townhome community is fully developed, impervious surface will not exceed forty (40) percent, as compared to the existing conditions of the Subject Property, which currently has fifty-five (55) percent. Since the impervious area and post-developed runoff will be greatly reduced, the site will be designed to utilize the existing infrastructure more efficiently to prevent additional water runoff onto adjacent properties in lieu of detention. Applicant will construct a series of water quality ponds, more in the nature of vegetated swales, to provide infiltration and water quality for the project.
- (32) The District Commissioner shall have the authority to approve minor modifications to these stipulations and conditions and the Master Site Plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density; reduce the size or composition of an approved buffer area or landscape strip to adjacent property; relocate a structure closer to a property line so as to violate a setback; or increase the height of a building adjacent to property which are in direct

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- contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business" Application agenda.
- (33) 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.
 - (34) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, 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. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.
 - (35) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Verification that minimum sight distance is available; and if not, implement remedial measures to correct any deficiency; and
 - (b) Any portion of the sidewalk along Audubon Drive, adjacent to the Subject Property, damaged during construction and development shall be repaired or replaced after completion of the proposed residential community.
 - (36) Street lights within the proposed development shall contain a down casting shield.
 - (37) Applicant agrees to erect a solid wooden privacy fence, a minimum of six (6) feet in height, along the property line dividing the Subject Property and the property of the Doggetts. Further, after removal of underbrush and grading are completed, Applicant agrees to re-landscape the area between the Subject Property and the Doggett property, either totally or as an enhancement to the trees which are remaining, if any. The landscaping and enhancement herein referenced shall include the planting of evergreen trees along said property line to provide vegetative screening. If, during the process of Applicant clearing the underbrush off the hillside area up to the Doggett property line, it appears prudent to grade up to a maximum of ten (10) feet inside the property line to make the properties blend better topographically, then the Doggetts agree to granting a limited construction easement to perform work which has been agreed upon between the

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Applicant and the Doggetts upon their property to the limitations hereinabove specified.

- (38) With regard to that certain Oak tree located on the property line between the Subject Property and the Kress property, Applicant agrees that said tree shall remain. In addition, after clearing of the underbrush, pine trees, and the like, Applicant agrees to replant evergreen, screening trees to provide a vegetative screening from the Subject Property to the Kress Property.
- (39) There currently exist trees and shrubs which were planted on the property of John McKay, along the easterly boundary of the Subject Property. Any such trees and/or shrubs so located shall remain and shall not be trimmed on the Subject Property's side of the property line. Applicant agrees to enhance the vegetative screening, as aforementioned, by the planting of additional evergreen screening trees in areas where no screening exists.
- (40) Applicant has been informed by the Pinecrest Homeowners Association representative that the Association intends to erect a fence along its property line with the Subject Property's line prior to any work commencing on the Subject Property or the proposed development. The Association has granted permission to the Applicant to tie-on to the Association fence in placing its perimeter fence. By Applicant not having to erect a privacy fence along this property line, Applicant agrees to pay to the Association the sum of Five Thousand Dollars (\$5,000) representing a portion of the Association's fence costs, within thirty (30) days of the date that Applicant closes the sale of the Subject Property into Applicant or an affiliate of Applicant.
- (41) Applicant agrees to establish within the mandatory homeowners association a requirement that future homeowners within the proposed community must also join and become members of the Indian Hills Civic Association ("IHCA"); and as part of said membership, shall be required to pay, in addition to the annual dues of the mandatory homeowners association of the proposed community, an additional amount of Ninety-Six Dollars (\$96) (Eight Dollars (\$8) per month) as annual dues for membership in the Indian Hills Civic Association. This additional amount for membership in the IHCA shall be paid as part of the dues to the mandatory homeowners association of the proposed community. The residents of the proposed community shall be entitled, as a result of this payment, to any benefits that other members of the Indian Hills Civic Association enjoy.

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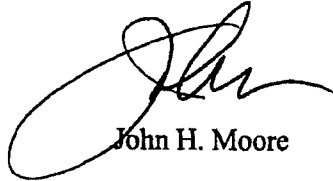
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We believe the requested zoning, together with the Zoning Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration developments and uses of properties in the surrounding area. 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

c: Cobb County Board of Commissioners:

Timothy D. Lee, Chairman

Helen C. Goreham

Robert J. Ott

JoAnn Birrell

Lisa N. Cupid

(With Copy of Attachment)

Mike Terry, Chairman

Cobb County Planning Commission

(With Copy of Attachment)

Jason A. Campbell

Planner III

Zoning Division

Cobb County Community Development Agency

(With Copy of Attachment)

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

Roger Phelps
Susan Fanning
Indian Hills Civic Association
(With Copy of Attachment)

Suzanne Wilhite
Pinecrest Homeowners Association
(With Copy of Attachment)

Leslie Schoulda
Pattie Barrow
Fawn Ridge Association
(With Copy of Attachment)

Michael and Jenna Doggett
Cathy Kress
Area Residents
(With Copy of Attachment)

Nedia Hicks
John McKay
(With Copy of Attachment)

Brooks Chadwick, LLC
(With Copy of Attachment)