

**MARCH 17, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-009

PURPOSE

To consider amending the rezoning stipulations for The Providence Group of Georgia Custom Homes, LLC regarding rezoning application Z-24 (Cotter Properties & Development, LLC) of 2013 and Z-41 (Walton Communities, LLC) of 2011, for property located on the westerly side of Spring Hill Parkway, near Mt. Wilkerson Parkway and at the eastern terminus of Vista Way in Land Lots 772, 812, 813, 843 and 844 of the 17th District.

BACKGROUND

The subject property was rezoned in 2013 for a subdivision as a result of a rezoning case and a lawsuit. The applicant has developed the property and is in the process of building houses. The zoning stipulations allowed for a reduced lot size down to 5,250 square feet for some of the lots (7,000 sf required). Just to have the basics on the lots (the required minimum house size of 2,250 square feet along with the driveway, front walk & porch and rear patio), the impervious surface will be approximately 57% on the smallest lot. The applicant is requesting the impervious surface per lot be increased to allow houses to be built on the smallest lots. The hardship for this request is that there is an open space area that exceeds 14 acres on the property that pushes all the development towards Springhill Parkway, which in turn compresses the lot sizes. If approved, all previous zoning stipulations would remain in effect.

STAFF COMMENTS

Stormwater Management: The Stormwater Management Division cannot support the proposed increase in allowable impervious surface unless the stormwater management plan is revised. Per the approved hydrology study, the stormwater management facility was designed for a maximum of 40% impervious coverage on the lots. If approved, a revision to the hydrology study and stormwater plan will be required to provide adequate stormwater management and water quality for the development, which is to be approved by Cobb County Stormwater Management.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

OB-009-2015

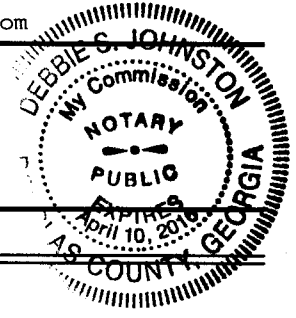
(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: March 17, 2015

Applicant: The Providence Group of Georgia Custom Homes, LLC **Phone #:** 770-527-4544
(applicant's name printed)

Address: 3935 Lakefield Court, Suwanee, GA 30024 **E-Mail:** wjolly@theprovidencegroup.com
Sams Larkin Huff & Balli, LLP
by Garvis L. Sams, Jr. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064-3448

(representative's name, printed)
[Signature] **Phone #:** 770-422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

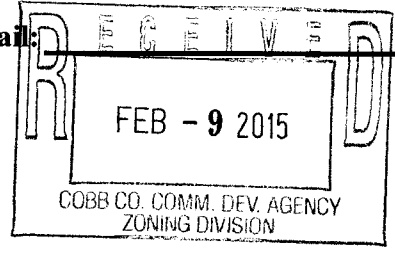


Signed, sealed and delivered in presence of:
[Signature] **My commission expires:** _____
Notary Public

Titleholder(s): See Attached **Phone #:** _____
(property owner's name printed)

Address: _____ **E-Mail:** _____

(Property owner's signature)



Signed, sealed and delivered in presence of:
_____ **My commission expires:** _____
Notary Public

Commission District: Ott (2nd) **Zoning Case:** Z-24 and OB#5

Date of Zoning Decision: June 18, 2013 (Z-24) **Original Date of Hearing:** June 18, 2013 (Z-24)
Dec. 17, 2013 (OB#5) Dec. 17, 2013 (OB#5)

Location: northeasterly side of Spring Hill Parkway, southwesterly of its intersection with Mount Wilkinson Parkway.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 812, 813, 814, 843 & 844 **District(s):** 17th

State specifically the need or reason(s) for Other Business: To amend the previously adopted minutes to reflect and allow the percentage of impervious surface of lots within the development to exceed the maximum amount of impervious surface (40%) as long as the overall impervious surface for the subdivision is at 35% or lower*

* The Board of Commissioners' approval included lot size variances of 6,000 square feet and 5,250 square feet, respectively (below the 7,000 square foot minimum for RA-5).

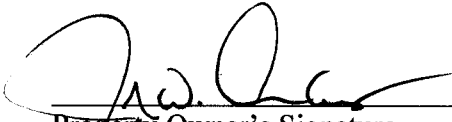
(List or attach additional information if needed)

ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

Titleholders:

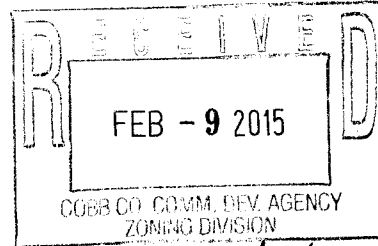
Coro Highpoint Ventures, LP
3715 Northside Parkway
400 North Creek, Suite 100
Atlanta, GA 30327
(404) 846-4032

By: Coro Highpoint GP, LLC
By: Coro Realty Advisors, LLC



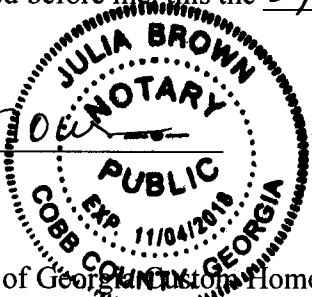
Property Owner's Signature

Sworn to and subscribed before me, this the 2/4/15
day of February, 2015.



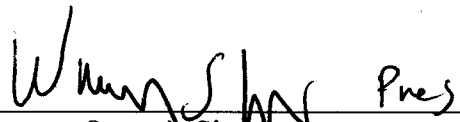


Notary Public



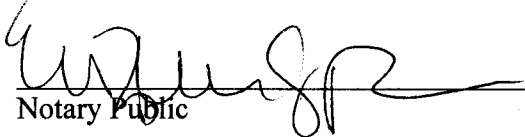
My Commission Expires 11/4/18
~~2/4/15~~

The Providence Group of Georgia Custom Homes, LLC
11340 Lakefield Drive, Suite 250
Johns Creek, GA 30097
(770) 527-4544
wjolly@theprovidencegroup.com



Property Owner's Signature

Sworn to and subscribed before me, this the 3rd
day of February, 2015.

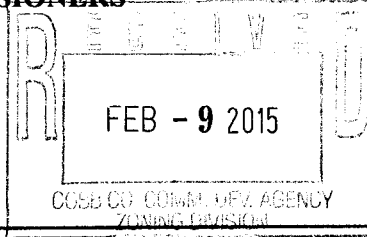


Notary Public

My Commission Expires _____



MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
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OTHER BUSINESS (CONT.)

~~O.B. 3 (CONT.)~~

- Approval is for one year
- Site plan dated November 26, 2013 (attached and made a part of these minutes)
- Letter of agreeable conditions from Reverend Brian C. Sullivan dated November 27, 2013 (attached and made a part of these minutes)
- Exhibit A received by the Zoning Division October 29, 2013, *not otherwise in conflict* with letter of agreeable conditions from Reverend Brian C. Sullivan dated November 27, 2013 specifically related to the number of tents (attached and made a part of these minutes)
- If a code amendment related to "Farmer's Markets" is approved, then this site will be required to come into compliance
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

~~VOTE: ADOPTED unanimously~~

O.B. 5

To consider a Settlement of Litigation for Teague Investments, L.P.; et al., regarding rezoning application Z-41 (Walton Communities, LLC) of 2011, for property located on the northeasterly side of Spring Hill Parkway, southwesterly of the intersection of Mt. Wilkinson Parkway and Spring Hill Parkway in Land Lots 812, 813, 843 and 844 of the 17th District, and to also consider a site plan amendment for Teague Investments, L.P. regarding rezoning application Z-24 (Cotter Properties & Development, LLC) of 2013, for property located on the west side of Spring Hill Parkway, north of Spring Hill Road, and at the eastern terminus of Vista Way in Land Lots 772, 813 and 814 of the 17th District.

Mr. Pederson provided information regarding the Settlement of Litigation. The public hearing was opened and Mr. Kevin Moore addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **approve** Other Business Item No. 5 for a Settlement of Litigation for Teague Investments, L.P.; et al., regarding rezoning application Z-41 (Walton Communities, LLC) of 2011, for property located on the northeasterly side of Spring Hill Parkway, southwesterly of the intersection of Mt. Wilkinson Parkway and Spring Hill Parkway in Land Lot 812, 813, 843 and 844 of the 17th District, and to also consider a site plan amendment for Teague Investments, L.P. regarding rezoning application Z-24 (Cotter Properties & Development, LLC) of 2013, for property located on the west side of Spring Hill Parkway, north of Spring Hill Road, and at the eastern terminus of Vista Way in Land Lots 772, 813 and 814 of the 17th District **subject to:**

MINUTES OF ZONING HEARING
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OTHER BUSINESS (CONT.)

O.B. 5 (CONT.)

- Letters of agreeable conditions from Mr. Kevin Moore dated December 9, 2013 and December 13, 2013 (attached and made a part of these minutes)
- Approval of final site plan that shows the two sites is contingent upon submittal to the District Commissioner for review prior to adoption of these minutes at the January 14, 2014 Regular Meeting of the Board of Commissioners, said site plan dated December 18, 2013 titled Spring Hill Parkway Tract II (attached and made a part of these minutes)
- Stipulations, *not otherwise in conflict with Z-24 of 2013*, apply to the site referenced in Z-41 of 2011
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: **ADOPTED** unanimously

~~O.B. 6~~

~~To consider a stipulation amendment regarding rezoning application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lots 977, 978, 1015 and 1016 of the 17th District.~~

~~Mr. Pederson provided information regarding a stipulation amendment to allow installation of a blade sign. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Ott, second by Goreham, to **approve** Other Business Item No. 6 for a stipulation amendment for Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lots 977, 978, 1015 and 1016 of the 17th District, subject to:~~

- ~~• Exhibit B received by the Zoning Division November 12, 2013 which include Exhibits 1 and 2 (attached and made a part of these minutes)~~
- ~~• All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect~~

~~VOTE: **ADOPTED** unanimously~~

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

ANGELA H. SMITH†
JOYCE W. HARPER
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ANGELA D. TARTLINE
CAREY E. OLSON*
CHARLES E. PIERCE*
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WILMA R. BUSH
GREGORY N. FULLER*
VERONICA L. RICHARDSON
TODD I. HEIRD*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER*
ADON J. SOLOMON*
AMY L. JETT*
JEFF C. MORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON
KRISTEN C. STEVENSON*
CARLY R. FEDELE

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KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-8039

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1485

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 426-7347

LOUISVILLE, KENTUCKY
6900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8021

CHARLESTON, SOUTH CAROLINA
4005 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 392-0062

SARAH H. BEST†
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
MONTTOYA M. HO-SANG†
TRISTAN B. MORRISON****
WILLIAM S. WARINAY*
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN****
GRAHAM P. ROBERTS
DAVID J. OTTEN*
JONATHAN S. FUTRELL
JOSHUA D. ARTERS*
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
LYNDBEY J. HURST

B. CHASE ELLBY
G. BARDIN HOOKS
DAPHNE S. WITHROW
WILLIAM W. MCGOWAN, III*
TYLER R. MORGAN*
MARIANNA L. JABLONSKI*

OF COUNSEL:
JOHN L. SKELTON, JR.†

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

December 9, 2013

Hand Delivered

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

Min. Bk. 71 Petition No. 085
Doc. Type letter of agreeable
conditions
Meeting Date 12/17/13

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 DEC - 9 PM 3:34
COBB COUNTY ZONING DIVISION

RE: Teague Investments, L.P.; et al., v. Cobb County, Georgia; et al.
Civil Action, File Number: 12-1-03934-34
Superior Court of Cobb County

Dear John:

As you know, the undersigned and this firm represent Walton Communities, LLC, the Applicant, Teague Investments, L.P.; Teague Spring Hill, L.L.C.; and Teague-Morris/Zimmerman, LLC, the Property Owners, (hereinafter collectively referred to as "Owners"), in their pending zoning appeal as to property totaling 23.5 acres, more or less, located on the northwesterly side of Spring Hill Parkway, southwesterly of the intersection of Mt. Wilkinson Parkway and Spring Hill Parkway, Land Lots 812, 813, 843, and 844, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"), which was the subject of the above-referenced Application for Rezoning, same being Application No. Z-41 (2011). The appeal arose as a result of the denial by the Board of Commissioners of the prior, subject Application for Rezoning.

The settlement, as proposed in this letter, and the accompanying revised Zoning Plan, result from efforts by all parties to resolve the issues presented without the necessity of further litigation.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
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Meeting Date _____
Continued _____

My client agrees to the following stipulations and conditions, subject to the Zoning Plan, which, if approved, as submitted, shall be in complete settlement of the pending zoning appeal and shall be binding upon the Subject Property. This settlement letter of agreeable stipulations and conditions shall supersede and replace in full any and all other letters of agreeable stipulations and conditions; as well as site plans, submitted in connection with the Application for Rezoning and the zoning appeal not specifically enumerated herein. The referenced stipulations are as follows:

- (1) Rezoning of the Subject Property shall be from the existing zoning categories of RM-8, RM-12, R-15, and R-30 to the proposed zoning category of RA-5, site plan specific to that certain revised Zoning Plan prepared by Essential Engineering Services, L.L.C. dated November 19, 2013, filed contemporaneously with this revised settlement letter of agreeable stipulations and conditions.
- (2) By this revised settlement letter of agreeable stipulations and conditions, Applicant amends its stipulations to include the revised Zoning Plan prepared by Essential Engineering Services, L.L.C. dated November 19, 2013. A reduced copy of the referenced, revised Zoning Plan is attached hereto as Exhibit "A" and incorporated herein by reference.
- (3) The zoning will be RA-5 for a 40 lot single-family detached subdivision as depicted in the revised Zoning Plan which yields a density of approximately 1.70 units per acre.
- (4) The development will have internal ingress egress through the site plan case # Z-24. Zoning case # Z-24 will be modified to allow for this road extension along with moving the detention facility to this parcel to provide stormwater detention for both parcels of land.
- (5) The single-family homes will be architecturally similar to the attached photographs (Exhibit "B"). The homes will include a mixture of materials from brick, stone, shake shingles, standing seam awnings, and other architectural detail as shown in the photographs. There shall be architectural elements on three sides and the rear architecture of homes that are visible from adjacent roadways will not be 100% board siding.
- (6) The homes will be a minimum of 2,250 square feet of climate controlled space and have, at a minimum, a two-car garage. The homes may range up to 4,000

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
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square feet with finished basements. All garages will be used for vehicle parking only.

- (7) The minimum lot size is 5,250 square feet.
- (8) The development will have private streets.
- (9) There shall be a mandatory homeowners association that will include architectural control and maintenance of common property. The HOA will also be responsible for maintenance of private streets, water, sewer, and stormwater systems.
- (10) In order to address the Fire Department comments, the applicant will do the following:
 - (a) Each home will have, at a minimum, a two-car garage. There will be a restrictive covenant that prohibits conversion of the garage space to living area or to another use and it will require that garage space remain clear for vehicle parking at all times;
 - (b) Each driveway will have a minimum area of seventeen (17) feet wide by twenty (20) feet in depth to allow for the parking of two (2) additional vehicles in the driveway;
 - (c) There shall be no on-street parking allowed. The covenants will restrict on-street parking and the streets shall all be marked as fire lanes in accordance with Cobb County Code § 118-23 1(c) and the plat will also reflect the fire lanes;
 - (d) Each purchaser will be required to sign a statement as follows:

As a property owner, I recognize that my home and my neighbor's homes must be accessible by the Fire Department at all times. Therefore, parking along the street is prohibited. All streets will be enforced as fire lanes. In order to provide adequate guest parking, each home will be required to keep both garage spaces open and available for vehicle parking and keep open two additional spaces in the driveway

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
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for vehicle parking so each home will have parking available for four (4) vehicles.

Each successive homeowner will also be required to sign this statement.

- (e) These conditions relating to fire access will be a zoning condition, enforceable by the county as a zoning condition and by the Fire Department as a fire lane. Additionally, the conditions will be contained within the covenants of the development and enforceable by the mandatory homeowners association.
- (11) Minor modifications to be approved by the District Commissioner, except for those that:
- (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; and
 - (e) Change an access location to a different roadway.
- (12) The detention pond will be surrounded by a fence and will have landscaping to minimize the visibility of the detention area from the view of property owners outside of the development.
- (13) Applicant agrees the Subject Property, and adjacent property, will be developed as a single community and that development of both tracts will occur simultaneously. Any exposed, developed areas not under vertical construction shall be stabilized in accordance with Best Practices Management and Cobb County standards and ordinances.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
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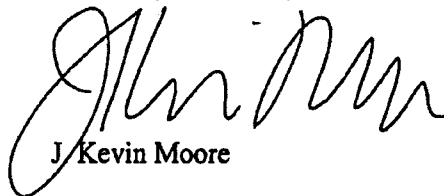
This proposal is submitted in settlement and compromise of the pending zoning appeal and shall not otherwise be used in any hearing, trial, arbitration, or mediation of said appeal. If the settlement, as proposed, is approved by the Board of Commissioners, my client agrees to dismiss, with prejudice, the pending litigation case and to pay its own legal expenses and litigation costs.

We believe the requested settlement is an appropriate use of the Subject Property while taking into consideration the changing conditions of the area and the properties and owners surrounding the proposed development. The proposed residential community shall be of the highest quality, 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 settlement proposal.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

Attachments

c: Joseph B. Atkins, Esq.
Senior Assistant County Attorney
(With Copies of Attachments)

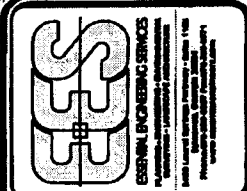
Garvis L. Sams, Jr., Esq.
Sams, Larkin & Huff, LLP
(With Copies of Attachments)

Walton Communities, LLC
(With Copies of Attachments)

NOTE
 1. All lots shown on this plan are subject to the terms and conditions of the zoning ordinance. The applicant is responsible for verifying the accuracy of the information shown on this plan.
 2. The applicant is responsible for obtaining all necessary permits and approvals from the appropriate agencies.
 3. The applicant is responsible for providing all necessary information to the zoning administrator.
 4. The applicant is responsible for providing all necessary information to the planning commission.
 5. The applicant is responsible for providing all necessary information to the board of commissioners.
 6. The applicant is responsible for providing all necessary information to the public.

Lot No.	Area (sq. ft.)	Area (Acres)
1	12,345	.28
2	13,456	.31
3	14,567	.33
4	15,678	.36
5	16,789	.38
6	17,890	.41
7	18,901	.44
8	19,012	.46
9	20,123	.48
10	21,234	.50
11	22,345	.52
12	23,456	.54
13	24,567	.56
14	25,678	.58
15	26,789	.60
16	27,890	.62
17	28,901	.64
18	29,012	.66
19	30,123	.68
20	31,234	.70
21	32,345	.72
22	33,456	.74
23	34,567	.76
24	35,678	.78
25	36,789	.80
26	37,890	.82
27	38,901	.84
28	39,012	.86
29	40,123	.88
30	41,234	.90
31	42,345	.92
32	43,456	.94
33	44,567	.96
34	45,678	.98
35	46,789	1.00
36	47,890	1.02
37	48,901	1.04
38	49,012	1.06
39	50,123	1.08
40	51,234	1.10
41	52,345	1.12
42	53,456	1.14
43	54,567	1.16
44	55,678	1.18
45	56,789	1.20
46	57,890	1.22
47	58,901	1.24
48	59,012	1.26
49	60,123	1.28
50	61,234	1.30
51	62,345	1.32
52	63,456	1.34
53	64,567	1.36
54	65,678	1.38
55	66,789	1.40
56	67,890	1.42
57	68,901	1.44
58	69,012	1.46
59	70,123	1.48
60	71,234	1.50
61	72,345	1.52
62	73,456	1.54
63	74,567	1.56
64	75,678	1.58
65	76,789	1.60
66	77,890	1.62
67	78,901	1.64
68	79,012	1.66
69	80,123	1.68
70	81,234	1.70
71	82,345	1.72
72	83,456	1.74
73	84,567	1.76
74	85,678	1.78
75	86,789	1.80
76	87,890	1.82
77	88,901	1.84
78	89,012	1.86
79	90,123	1.88
80	91,234	1.90
81	92,345	1.92
82	93,456	1.94
83	94,567	1.96
84	95,678	1.98
85	96,789	2.00

Petition No. 085
 Meeting Date 12/17/13
 Continued



OWNER / DEVELOPER
 [Blank Box]

DESIGNED / DRAWING BY
 [Blank Box]

DATE
 [Blank Box]

SCALE
 [Blank Box]

PROJECT
 [Blank Box]

Zoning Plan
Spring Hill Parkway Tract II
 Land Use 012 & 013
 17th District, 2nd Session
 Cobb County
 Georgia

November 15, 2013
 Scale: 1" = 60'
 C:\Projects\085\Drawing Job Plot Sheet 1 of 1

Cobb County, Georgia
 FILED IN OFFICE
 2013 DEC - 9 PM 3:34
 COBB COUNTY ZONING DIVISION

EXHIBIT "A"

MOORE INGRAM JOHNSON & STEELE

OB#5

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
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RODNEY R. McCOLLOCH
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OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
--- ALSO ADMITTED IN CA
**** ALSO ADMITTED IN TX
+ ALSO ADMITTED IN AL
+ ALSO ADMITTED IN KY
+ ALSO ADMITTED IN SC
+ ALSO ADMITTED IN NC
+ ADMITTED ONLY IN TN
0 ADMITTED ONLY IN FL

December 13, 2013

Hand Delivered

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

Min. Bk. 71 Petition No. 065
Doc. Type letter of agreeable
conditions
Meeting Date 12/12/13

2013 DEC 13 AM 11:02
COBB COUNTY RECORDS

RE: Teague Investments, L.P.; et al., v. Cobb County, Georgia; et al.
Civil Action, File Number: 12-1-03934-34
Superior Court of Cobb County

Dear John:

On behalf of Walton Communities, LLC, the Applicant, Teague Investments, L.P.; Teague Spring Hill, L.L.C.; and Teague-Morris/Zimmerman, LLC, the Property Owners, (hereinafter collectively referred to as "Owners"), in the above-referenced pending zoning appeal, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated and filed with your office on December 9, 2013. The additional stipulations for the proposed development are as follows:

- (1) The Open Space of approximately 13.3 acres identified on the submitted Zoning Plan shall remain undisturbed; except for:
 - i) Installation and construction of the stormwater management pond; and
 - ii) Installation of any necessary utility lines or additional stormwater management features. Any areas disturbed for installation of utilities shall be replanted or re-grassed.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 2 of 2
December 13, 2013

Petition No. 085
Meeting Date 12/17/13
Continued

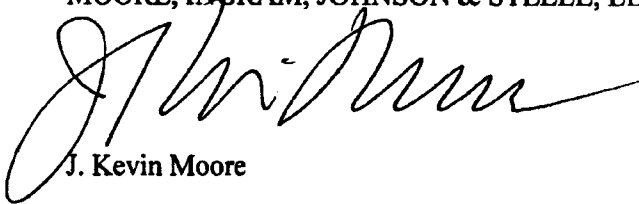
- (2) Street lights will be environmentally sensitive down-cast lighting to minimize light pollution leaving the site. All electrical utilities will be underground.

Except for any portions which may be in conflict, the balance and remainder of the December 9, 2013, letter of agreeable stipulations and conditions submitted for consideration as part of the settlement of the referenced pending zoning appeal, remains unchanged.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Joseph B. Atkins, Esq.
Senior Assistant County Attorney

Garvis L. Sams, Jr., Esq.
Sams, Larkin & Huff, LLP

Walton Communities, LLC

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 18, 2013
PAGE 9

REGULAR CASES (CONT.)

~~Z-13 MICHAEL MCMILLEN AND JUSTIN MCMILLEN (cont.)~~

- ~~District Commissioner to approve the final site plan, landscape plan and ground based monument sign~~
- ~~Water and Sewer Division comments and recommendations~~
- ~~Stormwater Management Division comments and recommendations~~
- ~~Cobb DOT comments and recommendations~~

~~VOTE: ADOPTED unanimously~~

Z-24 COTTER PROPERTIES & DEVELOPMENT, LLC (Charles A. Jones Estate, Augusta P. Jones, Norma M. and AA Gentry c/o Aubry Gentry and Rawn Lee Shaw, owners) requesting Rezoning from R-30 to RA-5 for the purpose of a Residential Subdivision in Land Lots 772, 813 and 814 of the 17th District. Located on the west side of Spring Hill Parkway, north of Spring Hill Road; and the eastern terminus of Vista Way (3303 and 3313 Cumberland Drive, 3400, 3410, 3420, 3440 and 3450 Spring Hill Parkway).

The public hearing was opened and Mr. Garvis L. Sams, Jr., addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Cupid, to approve Rezoning to the RA-5 zoning district subject to:

- Site plan dated June 3, 2013 defined as Exhibit A (attached and made a part of these minutes), as modified in the sketch provided by Mr. Garvis L. Sams, Jr. (attached and made a part of these minutes)
- Letter of agreeable conditions from Mr. Parks Huff dated June 14, 2013, including exhibits (attached and made a part of these minutes) with the following change:
 - Item No. 9 – add to end: “Streets to meet Cobb DOT standards.”
- Interior private streets must have curb and gutter and a compliant sidewalk on one side
- Allowance for Georgia native plant rescue prior to issuance of Land Disturbance Permit
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendation
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

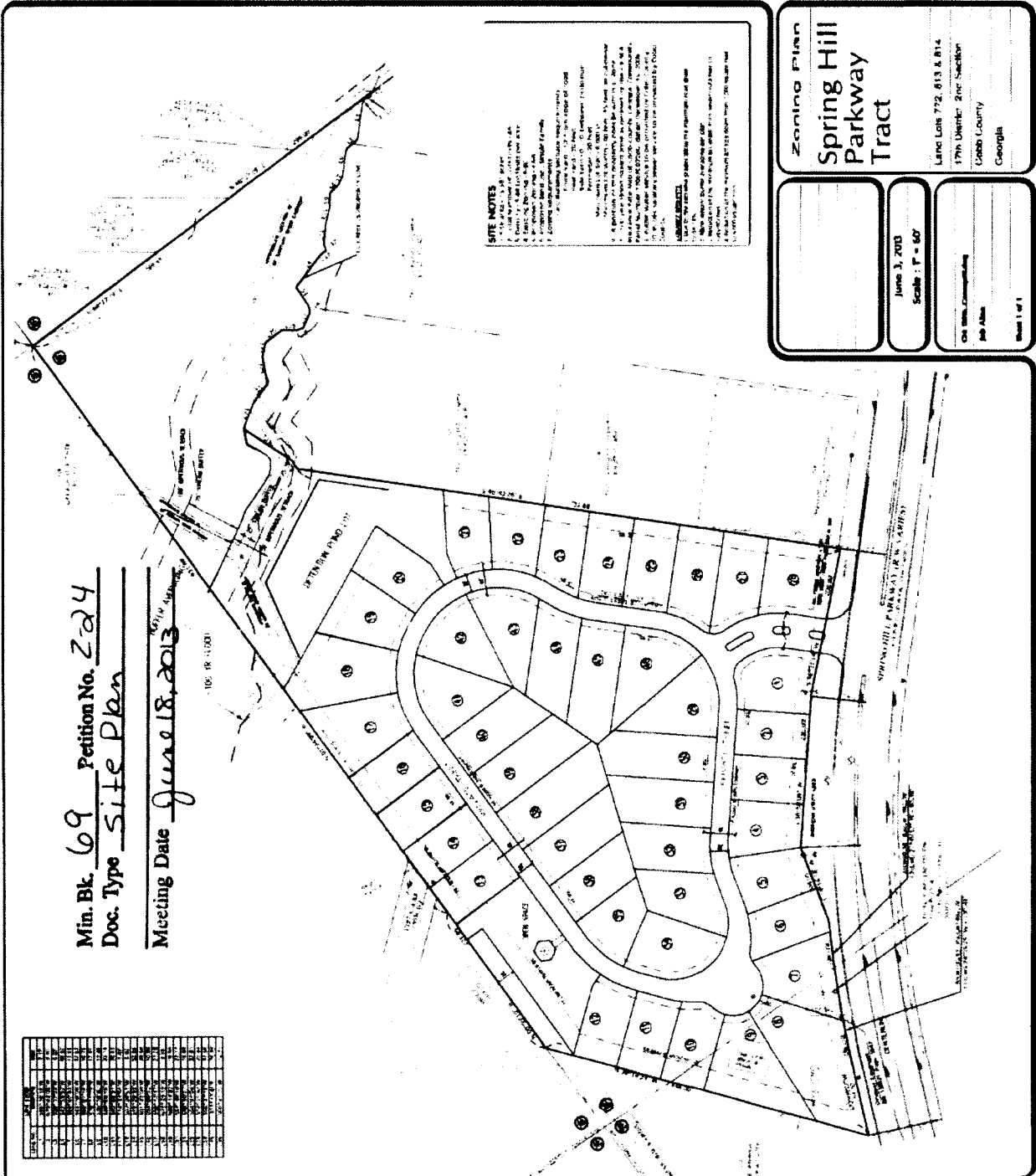
VOTE: ADOPTED unanimously

Min. Bk. 69 Petition No. 224
 Doc. Type Site Plan
 Meeting Date June 18, 2013

ITEM	DESCRIPTION	DATE
1	PRELIMINARY	12/10/12
2	REVISION	1/15/13
3	REVISION	2/15/13
4	REVISION	3/15/13
5	REVISION	4/15/13
6	REVISION	5/15/13
7	REVISION	6/15/13
8	REVISION	7/15/13
9	REVISION	8/15/13
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100	REVISION	3/15/21

LEGEND

1	Proposed Lot
2	Proposed Street
3	Proposed Right-of-Way
4	Proposed Utility
5	Proposed Easement
6	Proposed Structure
7	Proposed Driveway
8	Proposed Parking
9	Proposed Landscape
10	Proposed Fencing
11	Proposed Signage
12	Proposed Stormwater
13	Proposed Retention Wall
14	Proposed Bridge
15	Proposed Tunnel
16	Proposed Overpass
17	Proposed Underpass
18	Proposed Culvert
19	Proposed Manhole
20	Proposed Valve
21	Proposed Meter
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99	Proposed Antenna
100	Proposed Receiver



SITE NOTES

1. All areas shown on this plan are the property of the applicant.
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100. All areas shown on this plan are the property of the applicant.

Zoning Plan
Spring Hill Parkway Tract

Lane Lots 772, 813 & 814
 17th District 2nd Section
 Cobb County
 Georgia

June 3, 2013
 Scale: 1" = 50'

City: Cobb County
 Job No:
 Sheet 1 of 1

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 A MEMBER OF THE ESSENCE GROUP

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A LIMITED LIABILITY PARTNERSHIP

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FACSIMILE

JUSTIN H. MEERS

SAMSLARKINHUFF.COM

June 14, 2013

VIA EMAIL
AND HAND DELIVERY

Min. Bk. 69 Petition No. Z-24
Doc. Type Letter of
agreeable conditions
Meeting Date June 18, 2013

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

Re: Application of Cotter Properties & Development, LLC to Rezone a 13.3+ Acre Tract from R-30 to RA-5: Land Lots 813 & 814, 17th District, 2nd Section, Cobb County, Georgia (Z-24).

Dear John:

I represent Cotter Properties & Development, LLC in relation to the above-described zoning application. The application is scheduled to be heard by the Planning Commission on June 4, 2013 and thereafter by the Board of Commissioners on June 18, 2013. The applicant has engaged the surrounding community and adjacent property owners to revise the proposal to address specific concerns. Following is a list of stipulations that are a result of this dialogue. The applicant requests that the zoning be approved subject to the following stipulations. These stipulations supersede a previous letter dated May 30, 2013.

- 1) The zoning will be RA-5 for a 46 lot single-family detached subdivision as depicted in the revised site plan which yields a density of approximately 3.5 units per acre. The revised site plan is attached as Exhibit "A". The zoning is site plan specific.
- 2) The applicant will create open space between lots 12 and 13 to create a buffer for the neighborhood and specifically the property owner located at the intersection of Valley Vista Drive and Vista Way. The rear 25 feet of this open space will be deeded to the adjacent property owner subject to easement for utilities after the final platting of the subdivision. Upon transfer of this property, that portion of greenspace will delete to R-30 zoning to match the zoning of the lot it will be added to.
- 3) The single family homes will be architecturally similar to the attached photographs (Exhibit "B"). The homes will include a mixture of materials from brick, stone, shake

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-24
Meeting Date 6-18-2013
Continued

**VIA EMAIL
AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
June 14, 2013
Page 2

shingles, standing seam awnings and other architectural details as shown in the photographs. There shall be architectural elements on three sides and the rear architecture of homes that are visible from adjacent roadways will not be 100% board siding.

- 4) The homes will be a minimum of 2500 square feet of climate controlled space and have at a minimum a two car garage. The homes may range up to 4500 square feet with finished basements. All garages will be used for vehicle parking only.
- 5) The applicant will agree to a comprehensive landscaping and buffer plan that will include the following:
 - a. Lots 9, 10, 11 and 12 will have a 30 foot landscaped buffer that will be designed with input from the county arborist with an emphasis on providing an opaque visual barrier. All plantings must be selected from a list provided by the County Arborist.
 - b. The open space will have a 25 foot landscaped buffer planted adjacent to the 25 foot wide portion of the property that will be transferred to the adjacent property owner after the final plat is recorded.
 - c. The remaining lots on the western boundary of the subject property will have a 25 foot wide landscaped buffer that will be designed with input from the county arborist with an emphasis to create an opaque visual barrier at maturity. All landscaped and buffered areas may be penetrated for the purpose of utilities and stormwater control.
 - d. There shall be a stained 6 foot high shadow box fence along the southern and western boundary line similar to the picture attached as Exhibit "C."
 - e. To ensure the integrity and the maintenance of the fence and the buffer, the applicant will create covenants that will be managed by a homeowners association that will be responsible for the maintenance of the fence and the 25 to 30 foot landscaping buffer. The plat will specifically recognize the buffer and require that the plantings not be removed by the lot owners and that if plants and trees die

**VIA EMAIL
AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
June 14, 2013
Page 3

they must be replaced with similar species. The deeds shall also contain a notice to the purchaser that the buffer is to be maintained and replaced if damaged.

- f. The detention pond will be surrounded by a fence and will have landscaping to minimize the visibility of the detention area from view of property owners outside of the development.
- g. The landscaping and fencing will be in place by April 2014.
- 6) The applicant agrees that the RA-5 zoning will revert to R-30 if an LDP is not obtained within 18 months without further action by Cobb County or the property owners.
- 7) Contemporaneously with this zoning, the minimum lot size is 6,000 square feet.
- 8) The applicant will comply with Stormwater Management Division comments. Specifically, the applicant will provide for stormwater management behind the homes at the bottom of the slope to channel the water to the detention pond and to limit bypass drainage.
- 9) The development will have private streets. The applicant will comply with the DOI recommendations regarding the entrance on Spring Hill Parkway.
- 10) During construction, the stub street known as Vista Way will only be used to move heavy equipment onto the property for the completion of the detention pond and the installation of erosion control measures. It will not be used as the primary access for workers, materials and equipment. No vehicles or construction equipment will be parked along Vista Way, Valley Vista Drive or Spring Hill Parkway. The main construction entrance will be off of Spring Hill Parkway.
- 11) Street lights will be environmentally sensitive down cast lighting to minimize light pollution leaving the site. All electrical utilities will be underground.
- 12) There shall be a mandatory homeowners association that will include architectural controls and maintenance of common property including the fencing and buffer landscaping. The HOA will also be responsible for maintenance of private streets and water, sewer, and stormwater systems.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Permit No. Z-24
Meeting Date 6-18-2013
City Council

**VIA EMAIL
AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
June 14, 2013
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- 13) The house that currently exists on the property may be used as a construction office, but if it is not so used, it will be boarded up within 30 days of the closing of the property and demolished within 60 days of the closing date. If a tenant is still in the house at closing the dates will be 30 and 60 days from the date the tenant moves out.
- 14) In order to address the Fire Department comments, the applicant will do the following:
 - a) Each home will have at a minimum a two car garage. There will be a restrictive covenant that prohibits conversion of the garage space to living area or to another use and it will require that the garage space remain clear for vehicle parking at all times.
 - b) Each driveway will have a minimum area of seventeen (17) feet wide by twenty (20) feet in depth to allow for the parking of two additional vehicles in the driveway.
 - c) There shall be no on street parking allowed. The covenants will restrict on-street parking and the streets shall all be marked as fire lanes in accordance with Cobb County Code Section 118-231(c) and the plat will also reflect the fire lanes.
 - d) Each purchaser will be required to sign a statement as follows: "As a property owner, I recognize that my home and my neighbor's homes must be accessible by the fire department at all times. Therefore, parking along the street is prohibited. All streets are fire lanes and will be enforced as fire lanes. In order to provide adequate guest parking each home will be required to keep both garage spaces open and available for vehicle parking and keep open two additional spaces in the driveway for vehicle parking so each home will have parking available for four vehicles." Each successive homeowner will also be required to sign this statement.
 - e) These conditions relating to fire access will be a zoning condition enforceable by the county as a zoning condition and by the Fire Department as a fire lane. Additionally, the conditions will be contained within the covenants of the development and enforceable by the homeowner's association.
- 15) The District Commissioner can make minor modifications to these conditions if the modification does not change the purpose of the condition.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-24
Meeting Date 6-18-2013
Continued

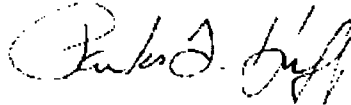
**VIA EMAIL
AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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Page 5

The above-described conditions are intended to address concerns regarding buffers, drainage and development intensity. The single-family detached proposal acts as a transition from the intense development located across Spring Hill Parkway from the subject property. Please contact me if you have any questions regarding the proposed conditions.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samslarkinhuff.com

PFH/dvm
Enclosures

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. Jason Campbell, Planner III (via email)
Mr. David Breaden, P.E., Cobb County Stormwater Management (via email)
Ms. Jane Stricklin, PE, Cobb County DOT (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
Kurt Graham (via email)
Frank Savini (via email)
The Providence Group & Associates, L.L.C.
Sam Heaton (via email)
Jay Westbrook (via email)

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6-18-2013

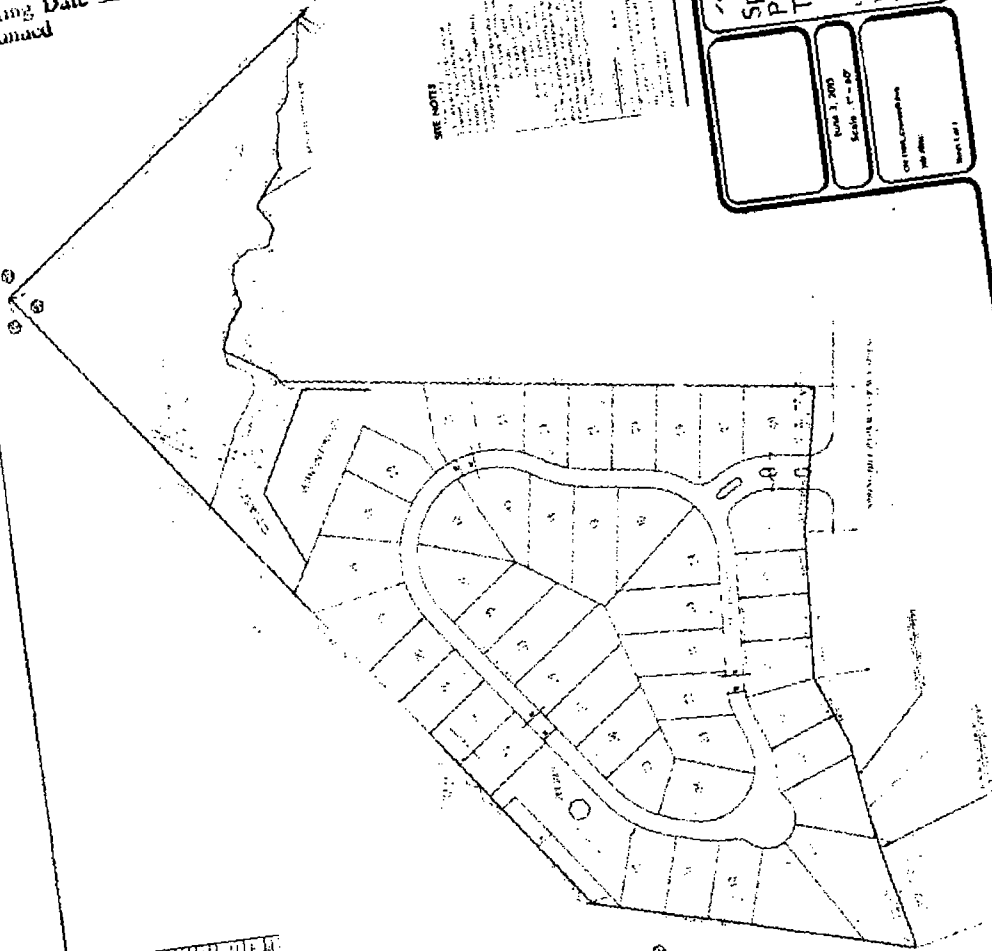
Exhibit "A"

Petition No 2-24
 Meeting Date 6-18-2013
 Contained

SITE NOTES
 1. THE TRACT IS BOUND BY THE 100' WIDE RIVERSIDE DRIVE TO THE WEST, THE 100' WIDE RIVERSIDE DRIVE TO THE EAST, THE 100' WIDE RIVERSIDE DRIVE TO THE SOUTH, AND THE 100' WIDE RIVERSIDE DRIVE TO THE NORTH.
 2. THE TRACT IS BOUND BY THE 100' WIDE RIVERSIDE DRIVE TO THE WEST, THE 100' WIDE RIVERSIDE DRIVE TO THE EAST, THE 100' WIDE RIVERSIDE DRIVE TO THE SOUTH, AND THE 100' WIDE RIVERSIDE DRIVE TO THE NORTH.
 3. THE TRACT IS BOUND BY THE 100' WIDE RIVERSIDE DRIVE TO THE WEST, THE 100' WIDE RIVERSIDE DRIVE TO THE EAST, THE 100' WIDE RIVERSIDE DRIVE TO THE SOUTH, AND THE 100' WIDE RIVERSIDE DRIVE TO THE NORTH.
 4. THE TRACT IS BOUND BY THE 100' WIDE RIVERSIDE DRIVE TO THE WEST, THE 100' WIDE RIVERSIDE DRIVE TO THE EAST, THE 100' WIDE RIVERSIDE DRIVE TO THE SOUTH, AND THE 100' WIDE RIVERSIDE DRIVE TO THE NORTH.
 5. THE TRACT IS BOUND BY THE 100' WIDE RIVERSIDE DRIVE TO THE WEST, THE 100' WIDE RIVERSIDE DRIVE TO THE EAST, THE 100' WIDE RIVERSIDE DRIVE TO THE SOUTH, AND THE 100' WIDE RIVERSIDE DRIVE TO THE NORTH.
 6. THE TRACT IS BOUND BY THE 100' WIDE RIVERSIDE DRIVE TO THE WEST, THE 100' WIDE RIVERSIDE DRIVE TO THE EAST, THE 100' WIDE RIVERSIDE DRIVE TO THE SOUTH, AND THE 100' WIDE RIVERSIDE DRIVE TO THE NORTH.
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 10. THE TRACT IS BOUND BY THE 100' WIDE RIVERSIDE DRIVE TO THE WEST, THE 100' WIDE RIVERSIDE DRIVE TO THE EAST, THE 100' WIDE RIVERSIDE DRIVE TO THE SOUTH, AND THE 100' WIDE RIVERSIDE DRIVE TO THE NORTH.

Spring Hill Parkway Tract
 LINDSEY S. HARRIS
 License No. 773 853 8 011
 The Denver Landmark
 Civil Engineer
 Denver, CO

Scale: 1" = 40'
 Date: 6-18-2013
 Project: Spring Hill Parkway Tract
 Sheet No. 1 of 1



Lot No.	Area (sq. ft.)	Owner
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NOTICE
 The undersigned, Lindsey S. Harris, Civil Engineer, License No. 773 853 8 011, State of Colorado, hereby certifies that the foregoing plat is a true and correct copy of the original plat on file in my office.
 Date: 6-18-2013
 Lindsey S. Harris
 Civil Engineer



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