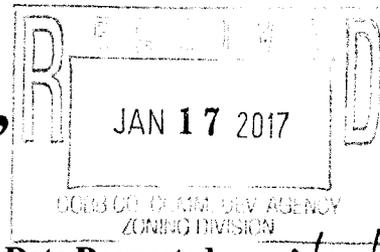


Application for "Other Business" Cobb County, Georgia

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



08-003-2017

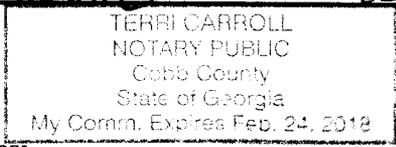
BOC Hearing Date Requested: 2/21/2017

Applicant: Venture Homes, Inc. Phone #: (770) 955-8300
(applicant's name printed)

Address: 1580 Terrell Mill Rd., Marietta, GA 30067 E-Mail: terric@venturehomes.com

Sean Randall Address: 1580 Terrell Mill Rd., Marietta, GA 30067
(representative's name, printed)

Sean C. Randall Phone #: (770) 616-7515 E-Mail: Seanr@venturehomes.com
(representative's signature)



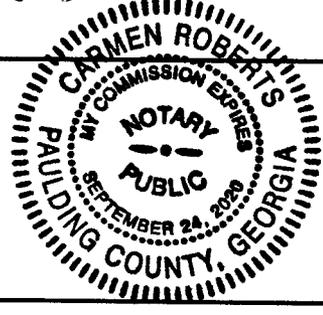
Signed, sealed and delivered in presence of:
TERRI CARROLL My commission expires: _____
Notary Public

Titleholder(s): W-A OH HOLDINGS, LLC Phone #: (770) 450-8796
(property owner's name printed)

Address: 2100 Powers Ferry Rd. Suite 350 E-Mail: _____
Atlanta, GA 30339

(Property owner's signature)

Signed, sealed and delivered in presence of:
C. Roberts My commission expires: _____
Notary Public



Commission District: 4 Zoning Case: 2-45 of 2005

Size of property in acres: 4.93 acres Original Date of Hearing: 3-15-05

Location: Orange Grove Place, Austell, GA 30106
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 993, 994 & 1005 District(s): 19th (2nd section)

State specifically the need or reason(s) for Other Business: Site plan change
to allow 26' wide townhome product to be constructed on the
remaining lots at Orange Hills Place.

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: _____

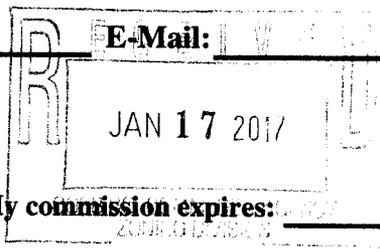
Applicant: _____ Phone #: _____
(applicant's name printed)

Address: _____ E-Mail: _____

_____ Address: _____
(representative's name, printed)

_____ Phone #: _____ E-Mail: _____
(representative's signature)

Signed, sealed and delivered in presence of:



_____ My commission expires: _____
Notary Public

Titleholder(s): Noorland Development INC. Phone #: 770 855 4015
(property owner's name printed)

Address: 2345 Greythorne Commons E-Mail: hadb'const@AOL.com
Douglasville GA 30135

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: _____
Notary Public Mona S. Muhsen
Notary Public Douglas County, Georgia
My Commission Expires March 19, 2018

Commission District: _____ Zoning Case: _____

Size of property in acres: _____ Original Date of Hearing: _____

Location: _____
(street address, if applicable; nearest intersection, etc.)

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

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

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 15, 2005
PAGE 4

~~Z-42~~ GENERAL INVESTMENTS GROUP, INC. (Continued)

- ~~• Cobb DOT comments and recommendations~~
- ~~• owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns~~

VOTE: ADOPTED unanimously

Z-45 WALTON COMMUNITIES, LLC (The Estate of Monte G. Bell and Rita Bell and Orange Hill Baptist Church of Austell, Inc., owners) for Rezoning from R-20 to RM-8 and NRC for the purpose of Townhouse-Style Condominiums and Retail in Land Lots 993, 994 and 1005 of the 19th District. Located at the southeast intersection of Austell Road and Anderson Mill Road and on the west side of Chelou Drive.

At the call of the case on the Consent Agenda, opposition was present and the case was pulled for public hearing. Following the vote on Z-40, the following motion was made:

MOTION: Motion by Kesting, second by Olens, to return Z-45 to the Consent Agenda.

VOTE: ADOPTED unanimously

MOTION: Motion by Olens, second by Lee, as part of the Consent Agenda, to approve rezoning to the RM-8 and NRC zoning districts subject to:

- maximum density of 6.5 units per acre
- letter of agreeable stipulations from Mr. John Moore dated February 23, 2005, *not otherwise in conflict, with the following revisions:* (copy attached and made a part of these minutes)
 - Stipulations Applicable to the Proposed RM-8 Category, Paragraph (4): change minimum square footage to 1,600
 - Paragraph (8): add "Third-party management company to manage the day-to-day operations of the mandatory homeowners association."

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 15, 2005
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Z-45 WALTON COMMUNITIES, LLC (Continued)

- Paragraph (15): add "Third-party management company to manage maintenance of yard areas."
- Stipulations Applicable to the Proposed NRC Category Paragraph (12): add "no check cashing business" and "no auto parts or auto related business"
- District Commissioner to approve final site plan for NRC zoning district
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: ADOPTED unanimously

~~Z-46~~

~~JOHNSON & COMPANY (Ann Miltiades, et al., owners) for Rezoning from GC and MHP to LI for the purpose of Distribution and Warehouse in Land Lots 283 and 294 of the 17th District. Located on the west side of West Atlanta Road and on the south side of Dunn Avenue.~~

~~MOTION: Motion by Olens, second by Lee, as part of the Consent Agenda, to approve rezoning to the LI zoning district subject to:~~

- ~~• District Commissioner to approve final site plan~~
- ~~• letter of agreeable stipulations from Mr. Kevin Moore, dated February 23, 2005 (copy attached and made a part of these minutes)~~
- ~~• buildings facing West Atlanta Road to have all brick facades~~
- ~~• stormwater issues to be reviewed by Staff and approved by the District Commissioner~~
- ~~• Water and Sewer Division comments and recommendations~~
- ~~• Stormwater Management Division comments and recommendations~~
- ~~• Cobb DOT comments and recommendations~~
- ~~• owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns~~

~~VOTE: ADOPTED unanimously~~

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

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 D. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***
BRIAN D. SMITH

HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
MELISSA W. GILBERT
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JOYCE W. HARPER
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JOSHUA M. BOOTH*
KELLI L. WOLK
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CEDAR RIDGE OFFICE PARK
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KNOXVILLE, TENNESSEE 37923

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T. SHANE MAYES
F. MICHAEL VISCUSE**
ANGELA H. SMITH
OPHELIA W. CHAN
STACEY L. STEWART†
MEREDITH M. MILBY
DAVID M. VAN SANT
DARRELL L. SUTTON
KASI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON*
JEFFREY K. STINSON
BENJAMIN A. WALDEN
DAVID A. COX
ELIZABETH ANN GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*

CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
KHRISTIE L. KELLY†
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS
L. LAKE JORDAN

OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN SC
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

February 23, 2005

Min. Bk. 33 Petition No. Z-45
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 3-15-05

Hand Delivered

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

RE: Application for Rezoning

Application No.: Z-45 (2005)
Applicant: Walton Communities, LLC
Property Owners: Orange Hill Baptist Church of
Austell, Inc., a/k/a Orange Hill
Baptist Church, Inc.; Rita L.
Bell; and the Estate of
Monte G. Bell
Property: 8.15 acres located at the
southeasterly intersection of
Austell Road and Anderson Mill
Road, Land Lots 993, 994, and
1005, 19th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Walton Communities, LLC, the Applicant (hereinafter "Applicant"), and Orange Hill Baptist Church of Austell, Inc., a/k/a Orange Hill Baptist Church, Inc.; Rita L. Bells; and the Estate of Monte G. Bells, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with respect to a total tract of 8.15 acres located at the southeasterly intersection of Austell Road and Anderson Mill Road, Land Lots 993, 994, and 1005, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning

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Planner III
Zoning Division
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Continued

staff and various departmental representatives, discussions with area homeowner groups and homeowner representatives, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owners 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 referenced 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.
- (2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the proposed RM-8 and Neighborhood Retail Commercial ("NRC") zoning categories, with reference to that certain Zoning Plat prepared for Walton Communities, LLC by Gaskins Surveying & Engineering, Inc. dated January 6, 2004.
- (3) The Subject Property consists of a total of 8.15 acres and shall be developed for a residential townhome community and a separate retail development.

GENERAL STIPULATIONS APPLICABLE TO THE ENTIRE TRACT

- (1) There shall be shared access between the proposed residential community and the proposed retail development.
- (2) All utilities for the proposed residential and retail developments shall be located underground.
- (3) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

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- (4) 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.
- (5) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (6) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (7) Minor modifications to the referenced Zoning Plat, including, but not limited to, the layout of lots and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (8) The detention areas shall be fenced and landscaped to the exterior for purposes of visual screening.

STIPULATIONS APPLICABLE TO THE PROPOSED RM-8 CATEGORY

- (1) A portion of the Subject Property, being 7.13 acres, more or less, shall be developed for a single-family, residential townhome community, with fifty-seven (57) total units proposed, resulting in a density of 8.0 units per acre.

MOORE INGRAM JOHNSON & STEELE

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- (2) The proposed residential community will be developed in the townhome style which shall be a maximum of three stories in height and shall have a two-car garage, as more particularly shown and reflected on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.
- (3) Residences within the proposed community shall be traditional in style and architecture and shall have front facades of brick, stone, stacked stone, masonry siding, or combinations thereof, and masonry siding on the sides and rear.
- (4) The units within the proposed community shall have a minimum square footage of 1,500 ranging upwards to 2,500 square feet, or greater, of heated living space.
- (5) The proposed community shall be a condominium development as that term is used and defined under the Cobb County Zoning Ordinance and complying in all respects with the Cobb County Zoning Ordinance.
- (6) All units within the proposed community shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (7) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential condominium community.
- (8) 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 ways, all common areas, and private streets contained within the proposed community.
- (9) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences.

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- (10) The entrances to the proposed development shall be located on Austell Road and Anderson Mill Road, as more particularly shown and reflected on the referenced Zoning Plat.
- (11) Signage at each entrance point shall be ground based, monument style. The entrance areas shall be professionally designed, landscaped, and maintained.
- (12) There shall be a twenty-five (25) foot landscape buffer along the southerly portions of the Subject Property.
- (13) The setbacks for the proposed community shall be as follows:
 - (a) Front setback - Forty (40) feet; and
 - (b) Side setback - Thirty-five (35) feet.
- (14) The proposed community shall have a passive amenity area with gazebo.
- (15) All yard areas surrounding the proposed residences shall be sodded and professionally maintained as more particularly set forth in the Declaration of Covenants and Restrictions.
- (16) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (17) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards.

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STIPULATIONS APPLICABLE TO PROPOSED NRC CATEGORY

- (1) The remaining 1.03 acre tract shall be developed for a retail shopping area.
- (2) The structure within the proposed retail center shall be traditional in style and architecture.
- (3) Further, the exterior of the proposed structure shall consist of brick, stucco, and related materials with stucco-type accents on the front and sides. The block in the rear shall be painted a color to complement the front.
- (4) Any roof-mounted HVAC equipment shall be screened by means of a continuous roof parapet.
- (5) Entrance signage for the proposed retail center shall be ground based, monument style signage. The finish, materials, and colors for the signage shall be compatible with the retail center building. Further, such signage shall contain no flashing sign components. There shall be no roof signs and no exterior, temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming development.
- (6) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed retail center containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail center with "for sale" signs posted thereon.
- (7) Lighting fixtures for parking areas shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.

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- (8) Security lighting on the structures shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (9) All dumpsters servicing the proposed retail center shall be enclosed with a minimum six (6) foot high enclosure on three sides with a solid wooden screen gate or doors on the access side. All dumpsters shall contain rubber lids to minimize noise.
- (10) Access to the proposed retail development shall be from Austell Road and Anderson Mill Road and shall be a shared access with the proposed residential community, as more particularly shown and reflected on the referenced Zoning Plat.
- (11) All landscaping for the proposed retail center shall be professionally designed and maintained and 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 center.
- (12) Applicant agrees to delete the following uses from the proposed retail center:
 - (a) Convenience stores with gas pumps;
 - (b) Adult book stores and adult novelty stores;
 - (c) Video arcades;
 - (d) Tattoo parlors and body piercing shops;
 - (e) Billiard parlors; and
 - (f) Pawn shops.

We believe the requested zoning, pursuant to the referenced Zoning Plat and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the significant changes within the area and the impact of those changes upon surrounding developments and area properties and owners

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Continued

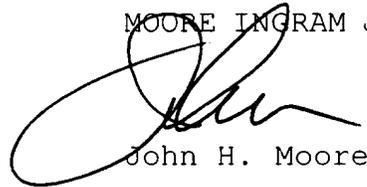
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thereof surrounding the proposed development. The proposed residential community shall be a quality development, adhering to the standards established by Applicant in the Metropolitan Atlanta area in similar developments. The proposed retail center will allow for a viable use for the site without intrusion into surrounding neighborhoods as well as allow for buffering between the proposed residential community and the traffic and noise from Austell Road. 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

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott

Mr. James Cavedo
Mableton Improvement Coalition

Mr. Sam Childs
Mableton Improvement Coalition

Walton Communities, LLC