

APPLICAN	T: Hicks Business Enterprises, LLC	PETITION NO:	Z-117
<u>PHONE#: (</u>	678) 462-4021 EMAIL: bhicks@bhdeng.com	HEARING DATE (PC):	12-06-16
REPRESEN	TATIVE: J. Kevin Moore	HEARING DATE (BOC): _	12-20-16
PHONE#: (7	770) 429-1499 EMAIL: jkm@mijs.com	PRESENT ZONING:	R-20
TITLEHOL	DER: The Estate of Freeman Alexander Moon		
		PROPOSED ZONING:	RM-8
PROPERTY	LOCATION: South side of Hurt Road, east of		
Tramore Parl	k	PROPOSED USE: Single-fa	mily Residential
(1855 Hurt R	Road)		
ACCESS TO	D PROPERTY: Hurt Road	SIZE OF TRACT:	41.21 acres
		DISTRICT:	19
	CHARACTERISTICS TO SITE: Wooded, undeveloped	LAND LOT(S):	
acreage		PARCEL(S):	
		TAXES: PAID X DU	
	DUS ZONING/DEVELOPMENT	COMMISSION DISTRICT	:4
NORTH:	R-20 & R-15/Single-family houses; R-15/Kingscourt West	Adjacent Future Land C North: Low Density Re (LDR) Southeast: Medium Den	esidential

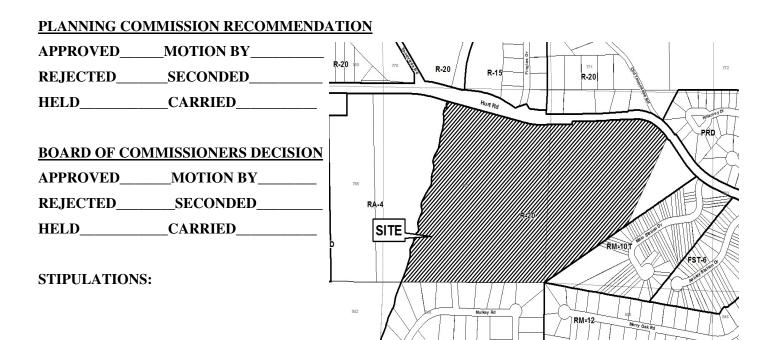
Residential (MDR) South: Medium Density Residential (MDR)

Conservation (PRC)

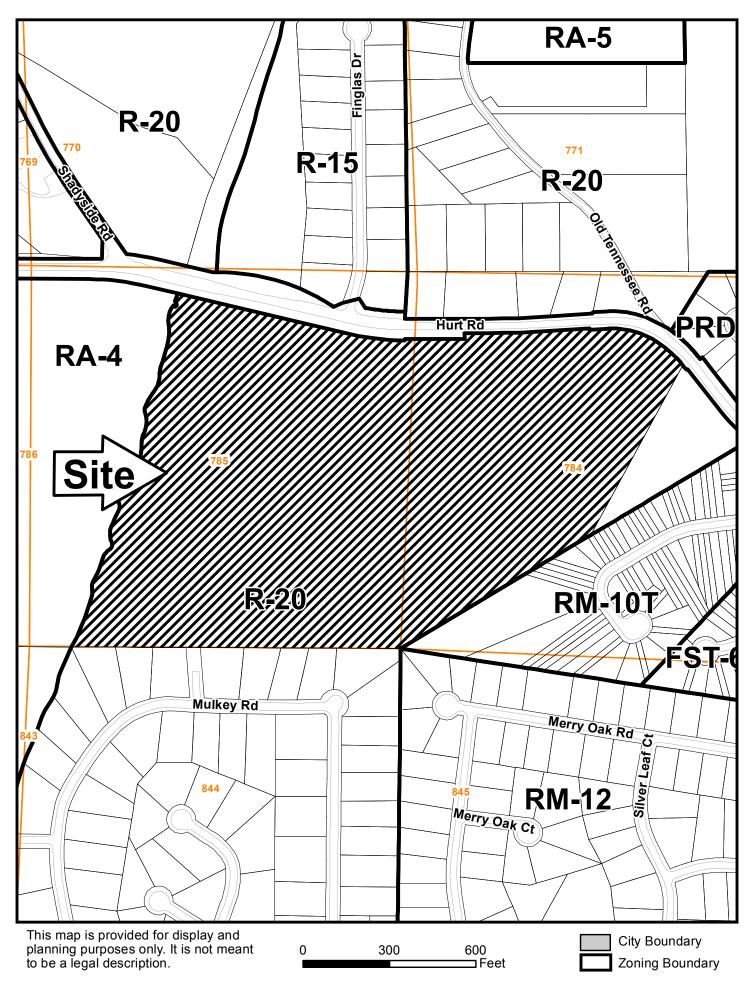
Northwest: Park / Recreation /

SOUTH:	R-20/Cherokee Trails; RM-10T/Main Station Townhomes
EAST:	R-20/Single-family house; RM-10T/Main Station Townhomes
WEST:	RA-4/Tramore Park

OPPOSITION: NO. OPPOSED____PETITION NO:____SPOKESMAN _____



Z-117-2016 GIS



APPLICANT: Hicks Business Enterprises, LLC	PETITION NO.: <u>Z-117</u>
PRESENT ZONING: R-20	PETITION FOR: RM-8
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ZONING COMMENTS: Staff Member F	Responsible: Jason A. Campbell
Land Use Plan Recommendation: Medium I	Density Residential (2.5-5 units per acre)
Proposed Number of Units: 93	Overall Density: 3.88 Units/Acre
	Units* Increase of: <u>51</u> Units/Lots s taking into account topography, shape of property, utilities, roadway

natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the RM-8 zoning district for the purpose of developing a 117-lot single-family subdivision. The houses will range in size from 1,800 square feet to 2,500 square feet and greater. The prices will start in the low \$200,000s. There will be open space commonly owned throughout the proposed subdivision.

The proposed site plan will require the following contemporaneous variances:

- 1. Waiver of the rear yard setbacks for exterior lots from the required 40 feet to 20 feet;
- 2. Waiver of the rear yard setbacks for interior lots from the required 30 feet to 20 feet;
- 3. Waiver of the front yard setback from 40 feet to 25 feet
- 4. Waiver of the major side setback to 5 feet; and
- 5. Waiver of the minimum lot size from 7,000 square feet to 6,000.

<u>Cemetery Preservation</u>: Zoning petition Z-117, 2016 (in land lots 784 and 785 of the 19th district) shows the presence of Unidentified #8 cemetery located on the south side of Hurt Road, to the right of and very close to the home of Mr. Freeman Moon, 1855 Hurt Road. One lone grave is marked with head and footstones made of fieldstone. It is on a steep hill overlooking Olley Creek. This grave is suspected to be that of a Civil War soldier.

The Cobb County Cemetery Preservation Commission recommends:

- A. Prepare a site plan identifying the full boundaries with a metes and bounds description;
- B. Provide a fifteen (15) foot undisturbed natural buffer from the common property line; or a fifteen (15) foot undisturbed natural buffer around the perimeter of the outermost burials of the cemetery; whichever provides the greatest protection for the cemetery;
- C. Provide and install a permanent six (6) foot chain link fence on the outer perimeter of the fifteen foot undisturbed buffer with walk through access gate. Fence must be 9 gauge with top and bottom rails and fence posts must be set in concrete. Fence may be upgraded to black vinyl coated chain link and/or wrought iron.
- D. Provide <u>and install</u> an orange protective fence on the outer perimeter of the fifteen (15) foot undisturbed buffer before beginning construction. The protective fence to be maintained in good repair throughout the development phase of the project. At completion of the project, the orange protective fence shall be removed from the premises;
- E. Compliance with all State and local laws and ordinances; and
- F. All Cemetery Preservation requirements must be site plan specific.

PRESENT ZONING: R-20

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SCHOOL COMMENTS:

			Number of
		Capacity	Portable
Name of School	Enrollment	Status	Classrooms
Sanders	749	794	
Elementary Garrett	907	867	
Middle South Cobb	2050	2612	

High

• School attendance zones are subject to revision at any time.

Additional Comments: Approval of this petition will cause concern for Cobb County School District, as it will result in a nominal impact on the enrollment for schools already over capacity.

FIRE COMMENTS:

Modifications may be required to incorporate the Cobb County Fire Marshal's Office comments.

GUEST PARKING: When projects contemplate less than 20-foot separation between units, guest parking shall be provided at a ratio of one-half space for each dwelling unit (1 space/ 2 units).

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to RM-8 for the purpose of single family residential. The 41.21 acre site is located on the south side of Hurt Road, east of Tramore Park (1855 Hurt Road).

HB-489 Intergovernmental Agreement Zoning Amendment Notification:		
Is the application site within one half $(1/2)$ mile of a city boundary?	□ Yes	■ No
If yes, has the city of been notified?	□ Yes	■ No / N/A

Comprehensive Plan

The parcel is within a Medium Density Residential (MDR) future land use category, with R-20 zoning designation. The purpose of the Medium Density Residential (MDR) category is to provide for areas that are suitable for moderate density housing, between two and one-half (2.5) and five (5) dwelling units per acre.

Specific Area Policy Guidelines:

There are no specific policy guidelines for this area in the Comprehensive Plan.

Adjacent Future Land Use:

North:	Low Density Residential (LDR)
Southeast:	Medium Density Residential (MDR)
South:	Medium Density Residential (MDR)
Northwest:	Park / Recreation / Conservation (PRC)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or Corridor Study

Historic Preservation

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

<u>Design Guidelines</u>		
Is the parcel in an area with Design Guidelines?	\Box Yes	■ No
If yes, design guidelines area		
Does the current site plan comply with the design r	equirements?	
Incentive Zones		
Is the property within an Opportunity Zone?	□ Yes	■ No
The Opportunity Zone is an incentive that provides	\$ \$3,500 tax cre	dit per job in eligible areas if two or more
jobs are being created. This incentive is available f	or new or exist	ing businesses.
Is the property within an Enterprise Zone?	□ Yes	■ No
The Enterprise Zone is an incentive t	that provides ta	x abatements and other economic
incentives for qualifying businesses locating or exp	banding within	designated areas for new jobs and capital

investments.

APPLICANT: <u>Hicks Business Enterprises, LLC</u> PRESENT ZONING: <u>R-20</u> **********	PETITION NO.: Z-117 PETITION FOR: RM-8
PLANNING COMMENTS:	**************************************
Is the property eligible for incentives through the Commercial Program? □ Yes ■ No The Commercial and Industrial Property Rehabilitation Progra ad valorem property taxes for qualifying redevelopment in elig	m is an incentive that provides a reduction in
For more information on incentives, please call the Communit 770.528.2018 or find information online at <u>http://economic.co</u>	
Special Districts Is this property within the Cumberland Special District #1 (hot ☐ Yes ■ No	el/motel fee)?
Is this property within the Cumberland Special District #2 (ad ☐ Yes ■ No	valorem tax)?
Is this property within the Six Flags Special Service District? □ Yes ■ No	
Is the property within the Dobbins Airfield Safety Zone? ☐ Yes ■ No If so, which particular safety zone is this property within? ☐ CZ (Clear Zone) ☐ APZ I (Accident Potential Zone ☐ APZ II (Accident Potential Zone II) ☐ Bird / Wildlife Air Strike Hazard (BASH) area	ne I)

APPLICANT <u>Hicks Business Enterprises</u> , LLC	$\frac{1}{2}$			PET	FITION NO. <u>Z-117</u>
PRESENT ZONING R-20				PET	TITION FOR RM-8
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WATER COMMENTS: NOTE: Comments refl	ect on	ly what facilities w	ere	in exi	stence at the time of this review.
Available at Development:	V	Yes			No
Fire Flow Test Required:		Yes			No
Size / Location of Existing Water Main(s): 8" A	NC / N	I side of Hurt Rd			
Additional Comments: Development Standards	call f	or secondary wate	er fe	ed	
Developer may be required to install/upgrade water mains, based on Review Process.	fire flo	w test results or Fire De	partm	nent Co	de. This will be resolved in the Plan
* * * * * * * * * * * * * * * * * * * *	* * >	* * * * * * * * *	* *	* * *	* * * * * * * * * * * * * * *
SEWER COMMENTS: NOTE: Comments r	reflect	t only what facilities	s wei	re in e	existence at the time of this review.
In Drainage Basin:	\checkmark	Yes			No
At Development:	\checkmark	Yes			No
Approximate Distance to Nearest Sewer: Tra	versi	ng site			
Estimated Waste Generation (in G.P.D.): A l	D F=	18,720		Р	eak= 46,800
Treatment Plant:		South 0	Cobl	b	
Plant Capacity:	\checkmark	Available		Not	Available
Line Capacity:	\checkmark	Available		Not	Available
Proiected Plant Availability:	✓	0 - 5 vears		5 - 1	0 vears \Box over 10 vears
Drv Sewers Required:		Yes	\checkmark	No	
Off-site Easements Required:		Yes*	\checkmark	No	*If off-site easements are required, Developer must submit easements to CCWS for
Flow Test Required:	\checkmark	Yes		No	review/approval as to form and stipulations prior to the execution of easements by the
Letter of Allocation issued:		Yes	\checkmark	No	property owners. All easement acquisitions are the responsibility of the Developer
Septic Tank Recommended by this Department:	:	Yes	\checkmark	No	
Subject to Health Department Approval:		Yes	\checkmark	No	
Additional Sewer flow study may be require Comments:	ed at I	Plan Review			

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

APPLICANT: <u>Hicks Business Enterprizes, LLC</u>

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PRESENT ZONING: R-20

PETITION FOR: <u>RM-8</u>

STORMWATER MANAGEMENT COMMENTS
FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
 DRAINAGE BASIN: <u>Olley Creek</u> FLOOD HAZARD INFO: Zone AE/X FEMA Designated 100 year Floodplain Flood. Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD. Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements. Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.
$\underline{\text{WETLANDS:}} \ \Box \ \text{YES} \ \Box \ \text{NO} \ \bigotimes \ \text{POSSIBLY, NOT VERIFIED}$
Location: within and adjacent to stream channels
The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.
STREAMBANK BUFFER ZONE: X YES NO POSSIBLY, NOT VERIFIED
 Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway). Chattahoochee River Corridor Tributary Area - County review (<u>undisturbed</u> buffer each side). Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review. Georgia DNR Variance may be required to work in 25 foot streambank buffers. County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.
DOWNSTREAM CONDITIONS
 Potential or Known drainage problems exist for developments downstream from this site. Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system. Minimize runoff into public roads. Minimize the effect of concentrated stormwater discharges onto adjacent properties.
Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
 Existing Lake Downstream Additional BMP's for erosion sediment controls will be required. Lake Study needed to document sediment levels. Stormwater discharges through an established residential neighborhood downstream. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed
project on receiving stream.

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STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

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

Calculate and provide % impervious of project site.

Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

No Stormwater controls shown

Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.

No site improvements showing on exhibit.

ADDITIONAL COMMENTS

- 1. This site is located south of Hurt Road and to the east of Olley Creek. The site is heavily wooded with a mixture of hard and soft woods. Average slopes on the site range from approximately 6 to 30%. The entire site drains to the east into the floodplain of Olley Creek. The 100-year floodplain of Olley Creek and a small tributary that bisects the site encumbers approximately 17.2 acres.
- 2. Olley Creek is listed by EPD as an impaired stream and has a TMDL limit established for fecal coliform. Elevated water quality measures or expanded undisturbed buffers will be required.
- 3. Cobb County's Flood Damage Prevention Ordinance requires that a minimum of 12,500 sf of each lot be above the 100-year floodplain. Since the proposed lot areas are less than 12,500 sf the entire lot must be out of the floodplain. This will impact the layout of lots 58, and 105 107.

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TRANSPORTATION COMMENTS:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Hurt Road	12,600	Major Collector	35 mph	Cobb County	80'

Based on 2007 traffic counting data taken by Cobb County DOT for Hurt Road.

COMMENTS AND OBSERVATIONS

Hurt Road is classified as a major collector and according to the available information the existing right-ofway does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Hurt Road, a minimum of 40' from the roadway centerline.

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

Recommend curb, gutter, and sidewalk along the frontage of Hurt Road.

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

As necessitated by this development, recommend Hurt Road access include deceleration lane and left turn lane. Recommend location and design be determined during plan review, subject to Cobb County DOT approval.

Recommend a traffic impact study.

Recommend a no access easement along the Hurt Road frontage.

STAFF RECOMMENDATIONS

Z-117 HICKS BUSINESS ENTERPRISES, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal may permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties in the area are developed for single-family houses, townhomes and a park.
- B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse effect on the usability of adjacent or nearby property. The proposed development would be consistent with other uses in the area.
- C. It is Staff's opinion that the applicant's rezoning proposal may result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property as being in the Medium Density Residential (MDR) land use category, having densities ranging from 2.5-5 units per acre. The proposed site plan indicates a net density of 3.88 units per acre. Other single-family subdivisions in the area include: Kingscourt West (zoned R-15 at 2.2 units per acre); Woodmere Subdivision, Unit One (zoned RM-12 {developed as detached residential units following RA-5} at approximately 2.85 units per acre); Main Station Townhouses (zoned RM-10T at 7.47 units per acre); and Tramore Cottage (zoned PRD at 3.36 units per acre).
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for deleting the applicant's rezoning proposal. Staff believes the applicant's proposed density of 3.88 units per acre is compatible when compared to the densities listed above. Staff believes deleting to RA-5 will be more consistent with other single-family zoning districts in this area.

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

- 1. Site plan received March 14, 2017, with the District Commissioner approving minor modifications;
- 2. Fire Department comments and recommendations;
- 3. Cemetery Preservation Commission's comments and recommendations;
- 4. Water and Sewer Division comments and recommendations;
- 5. Stormwater Management Division comments and recommendations;
- 6. Department of Transportation comments and recommendations;
- 7. 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; and
- 8. Variances as mentioned in the Zoning Comments.

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

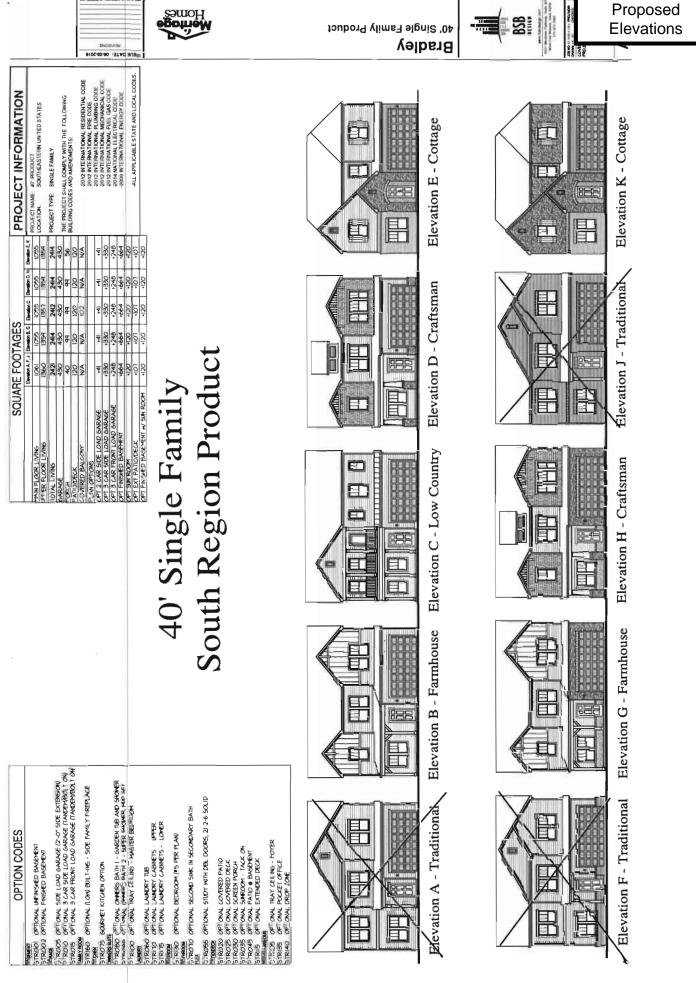
Application No. <u>z-//7</u> Dec. (2016)

Summary of Intent for Rezoning*

	ential Rezoning Information (attach ad	,
a)		1,800 - 2,800 square feet, and greater
b)	Proposed building architecture:	Samples to be provided
c)	Proposed selling prices(s):	
d)	List all requested variances:	None known at this time
		OCT - 6 20
	••••••	COBS CD: CC: ZONING
Non-r	esidential Rezoning Information (attac	ch additional information if needed)
a)	Proposed use(s): Not App	plicable
b)	Proposed building architecture:	Not Applicable
c)	Proposed hours/days of operation:	Not Applicable
d)	List all requested variances:	Not Applicable
3. Oth	er Pertinent Information (List or atta	ch additional information if needed)

None known at this time.

*Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other part of the Application for Rezoning, at any time during the rezoning process.



STATISTICS.

Z-117 (2016)

EXHIBIT "B"

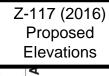
PROJECT INFORMATION	PROJECT NAME: BUT PROJUGT COUNTRY: SOUTHARTERN UNITED STATES PROJECT TYPE: SOUTHARTERN UNITED STATES PROJECT TYPE: SINGLE FAMILY THE PROJECT STALL COMPLY WITH THE FOLLOWING BULDING CODES AND AMENDURATING STATE RECOVER STATE RETENTIONAL RELEASE STATE RECOVER STATE RETENTIONAL RELEASE STATE RESOVERANT STATE RECOVER STATE RETENTIONAL RELEASE CODE STATE RESOLVER STATE RELEASE CODE STATE RESOLVER STATE RELEASE STATE CODE STATE RESOLVER STATE RELEASE STATE RELEASE STATE RESOLVER STATE RELEASE STATE STATE RESOLVER RELEASE STATE RELEASE STATE STATE RESOLVER STATE RELEASE STATE RELEASE STATE STATE RESOLVER STATE RELEASE STATE RELEASE STATE STATE RESOLVER RELEASE STATE RELEASE STATE STATE RESOLVER RELEASE STATE RELEASE STATE RELEASE STATE STATE RESOLVER RELEASE STATE RELEASE STATE RELEASE STATE RELEASE STATE RESOLVER RELEASE STATE STATE RELEASE STATE RELEASE STATE STATE RESOLVER RESOLVER RELEASE STATE RELEASE STATE RESOLVER RELEASE STATE STATE RESOLVER RELEASE STATE RESOLVER RELEASE STATE RESOLVER RELEASE STATE STATE RESOLVER RELEASE STATE STATE RESOLVER RESOLVER RELEASE STATE RELEASE STATE RELEASE STATE RELEASE STATE RELEASE	ALL APPLICABLE STATE AND LOCAL CODES	Elevation E - Cottage
S	Reverte Art, Tentane II, 0 1913 10 1913 10 1915 10 1915 10 1916 10 1916 10 1916 10 1916 10 1916 10 1916 10 1916 10 1917 10 1017 10 100 100 100 100 100 100	60 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1 1	Elevation D - Craftsman
	WAIN FLOOR LINING PPER FLOOR LINING PORCH PORCH PORCH PLAN OFTIODECK PLAN OFTIODECK PLA	40' Single Family South Region Product	Elevation C - Low Country
	SAL ON SAL ON SAL ON SAL	4 Sou	Elevation B - Farmhouse
OPTION CODES	INTERIOR OFTICANL UNFINISED BAGENEN STROOC OFTICANL UNFINISED BAGENEN STROOC OFTICANL FINISEED BAGENEN STROOC OFTICANL SCAR FICAN CARAGE (7-0° SIDE EXTREGION) STROOD OFTICANL 3 CAR FICANT LOAD GARAGE (7-0° SIDE EXTREGION) STROOD OFTICANL 3 CAR FICANT LOAD GARAGE (7-0° SIDE EXTREGION) STROOD OFTICANL 3 CAR FICANT LOAD GARAGE (7-0° SIDE EXTREGION) STROOD OFTICANL 3 CAR FICANT LOAD GARAGE (7-0° SIDE EXTREGION) STROOD OFTICANL AND STROPPED TO USE STROOD OFTICANL ONCERS BAINT 1 - GARDEN TIB. AND SHORE STROOD OFTICANL ONCERS BAINT 1 - GARDEN TIB. AND SHORE STROOD OFTICANL ANGER BAINT 2 - SUDE STROOD OFTICANL STROOD OFTICANL THEST RETROOM BAY - FISTE FIL QUAT STROOD OFTICANL THEST RETROOM BAY - FISTE FIL QUAT	STRUGO OFTIONL LANDORY TUB STRUGO OFTIONL LANDORY TUB STRUGO OFTIONL LANDORY CABIETS - LOFER BERGO STRUGO OFTIONL LENDORY CABIETS - LOFER STRUGO OFTIONL EEOROOM (15 FER PLAN) MITROG STRUGO OFTIONL SECOND SIK IN SECONDARY BATH ALTROG STRUGO OFTIONL SERVED POSCH STRUGO OFTIONL ENDORD POSCH STRUGO OFTIONL ENDORD POSCH MITROG STRUGO OFTIONL ENDORD POSCH STRUGO OFTIONLE STRUGO OFTIONLE STRUGO OFTIONLE STRUGO OFTIONLE STRUGO OFTIONLE STRUGO OFTIONLE STRUGO OFTIONLE STRUGO OFTIONLE STRUGO STRUG	Elevation A - Traditional



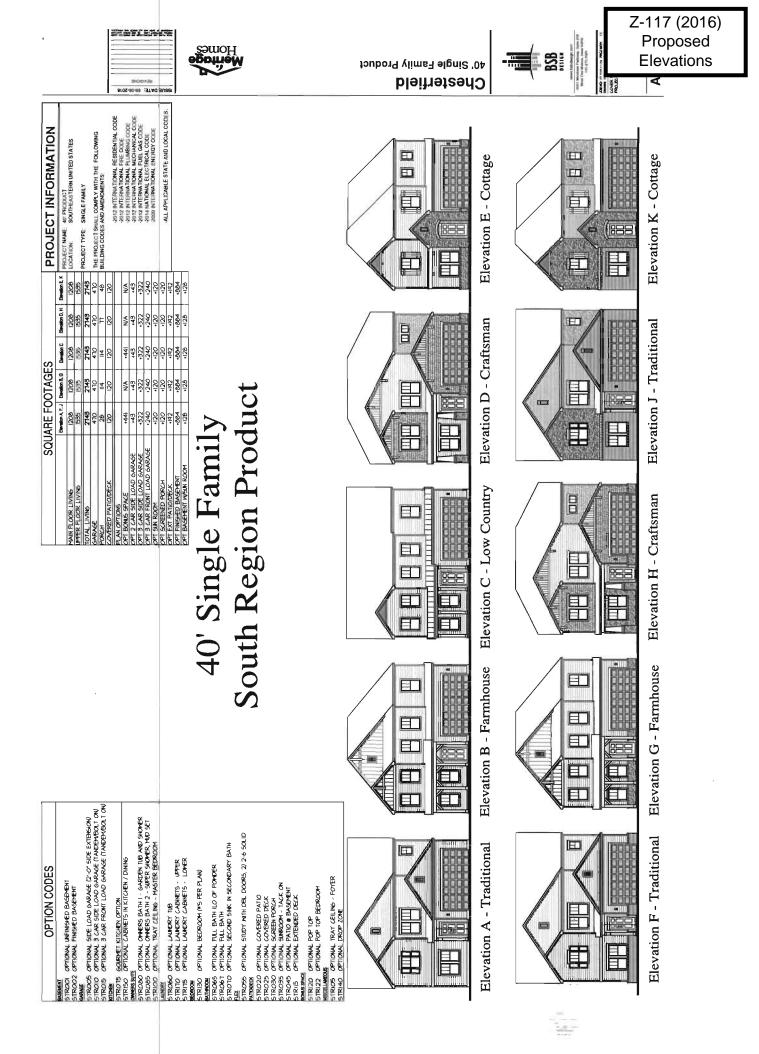


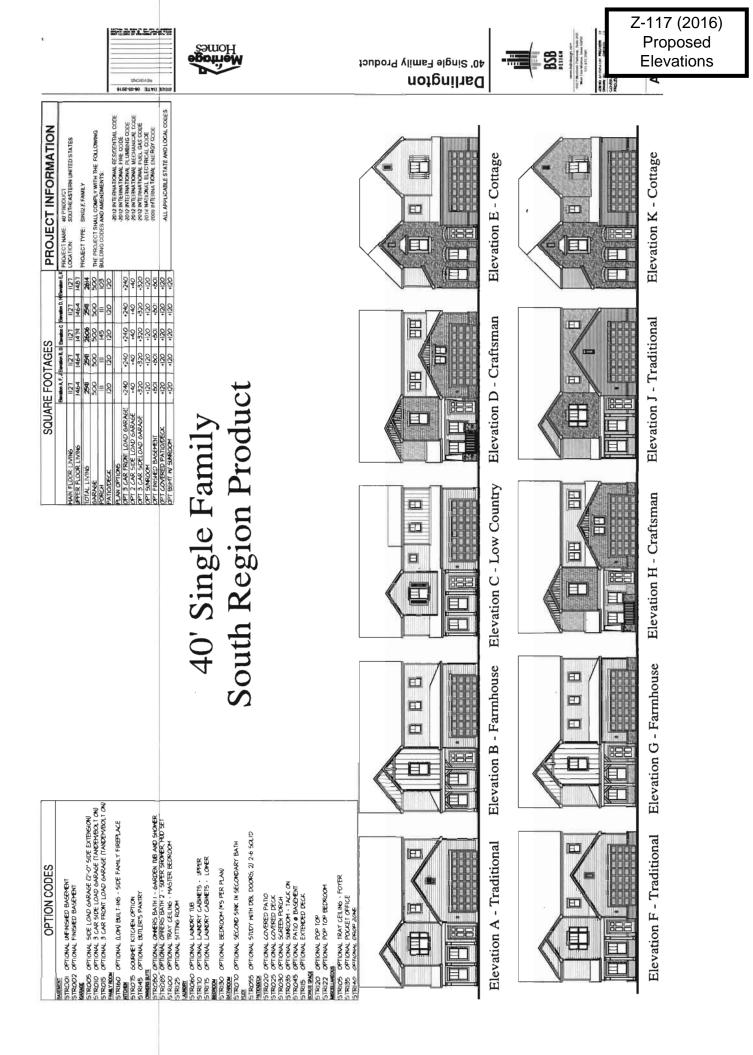
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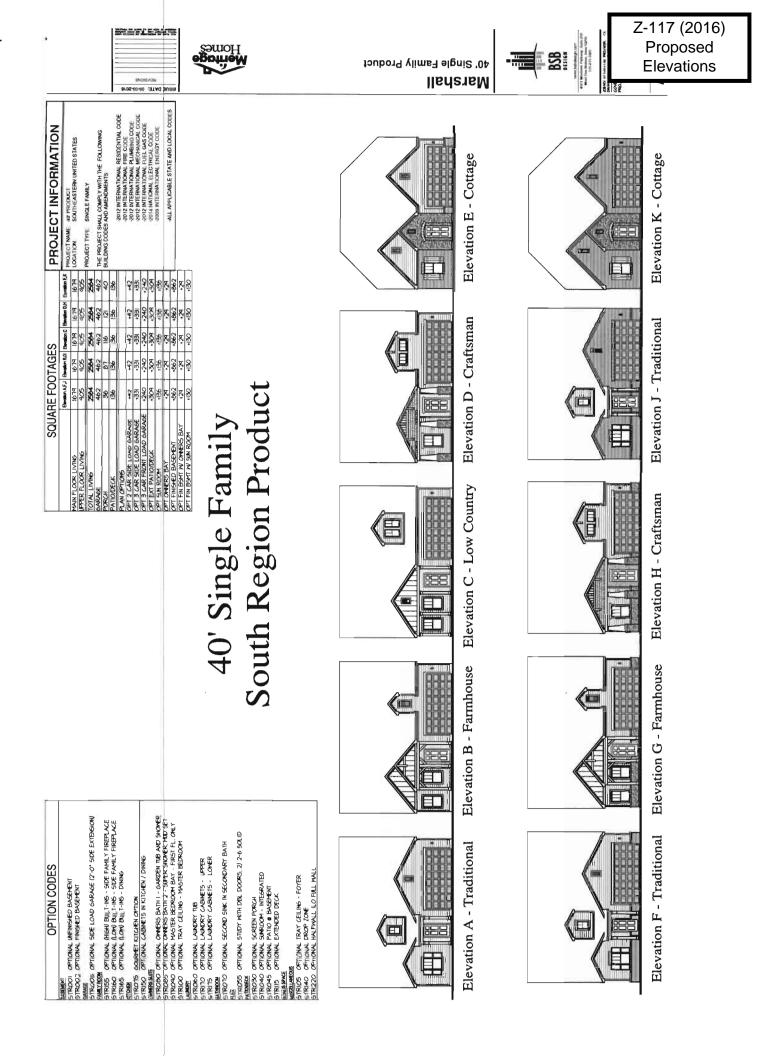




IBOING







	Pichland 40' Single Family Product לוח	Z-117 (2016) Proposed Elevations
Notation of the production of the pro	Elevation C - Low County Elevation D - Craftsman Elevation Elevation B - Cottage	Elevation H - Craftsman Elevation J Elevation H - Craftsman Elevation J
38	nal Elevation B - Farmhouse	onal Elevation G - Farmhouse
OPTION CODES Material FIROR	Elevation A - Traditional	Elevation F - Traditional

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90F

