(Stipulation Amendment)

Application for "Other Business"

Cobb County, Georgia

Application No.: OB- 37 -2017

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

BOC Hearing Date Requested: August 15, 2017

Applicant: Tyler Chandler Homes, LLC **Phone #:** (678) 860-5414
(applicant's name printed)

Address: 332 Lawrence Street, Marietta, GA 30060 **E-Mail:** whiott@tylerchandlerhomes.com

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore **Address:** Emerson Overlook, Suite 100, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: **Phone #:** (770) 429-1499 **E-Mail:** jkm@mijs.com
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

Carolyn E. Cook **My commission expires:** January 10, 2019
Notary Public

Titleholder(s) : Tyler Chandler Homes, LLC **Phone #:** (678) 860-5414
(property owner's name printed)

Address: 332 Lawrence Street, Marietta, GA 30060 **E-Mail:** whiott@tylerchandlerhomes.com

BY:
(Property owner's signature) J. Wayne Hiott, Manager

RECEIVED
JUL 11 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Signed, sealed and delivered in presence of:

Carolyn E. Cook **My commission expires:** January 10, 2019
Notary Public

Commission District: 3 (Birrell) **Zoning Case:** Z-104 (2015)

Size of property in acres: 13.485 +/- **Original Date of Hearing:** 12/15/2015

Location: Northeast corner of Sandtown Road and Osborne Road, and at the western terminus of of Pair Street (1431 Sandtown Road)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 209 **District(s):** 17th

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

See Exhibit "A" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(STIPULATION AMENDMENT)

OB Application No.:	**OB-37-2017**
Application No.:	**Z-104 (2015)**
Original Hearing Date:	**December 15, 2015**
Date of Zoning Decision:	**December 15, 2015**
Current Hearing Date:	**August 15, 2017**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Property Owner: Tyler Chandler Homes, LLC

Tyler Chandler Homes, LLC is the Owner and Developer of an approximately 13.485 acre tract of property located at the northeast corner of Sandtown Road and Osborne Road, and at the western terminus of Pair Street, being known as 1431 Sandtown Road, Land Lot 209, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). Tyler Chandler Homes, LLC, as Applicant and Owner in this Application for "Other Business" (hereinafter collectively "Applicant"), proposes the following amendment to a previously approved stipulation and seeks approval by the Cobb County Board of Commissioners through this Application for "Other Business," as follows:

(1) Amendment of stipulation 3. enumerated by the Board of Commissioners in the Minutes of December 15, 2015; as well as amendment of stipulation no. (5) contained in the November 24, 2015, letter of agreeable stipulations and conditions, by deleting the rendering referenced in each stipulation and attached to the Minutes and stipulation letter, and substituting therefor, the renderings attached collectively hereto as Exhibit "1" and incorporated herein by reference.

The stipulation amendment proposed and presented herein in no way adversely impacts or affects the quality or integrity of the development initially approved by the Cobb County Board of Commissioners. The minimum home size, architectural elements, and exterior materials all remain unchanged. If the requested amendment to the stipulation is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on December 15, 2015, as to the original rezoning of the Subject Property; together with the last revised Site Plan approved by the District Commissioner on July 28, 2016, as well as any other amendments which have Board of Commission approval or District Commissioner approval, and which are not otherwise in conflict herein, are unaltered or unchanged by this request for Stipulation Amendment.

Front Elevation "A"

Front Elevation "B"

Front Elevation "C"

Front Elevation "D"

EXHIBIT "1"

Arnold Mill TH

HOME SOUTH COMMUNITIES

Front Elevation "A"

Arnold Mill TH

HOME SOUTH COMMUNITIES

Front Elevation "B"

Arnold Mill TH

HOME SOUTH COMMUNITIES

Front Elevation "C"

Arnold Mill TH

HOME SOUTH COMMUNITIES

Front Elevation "D"

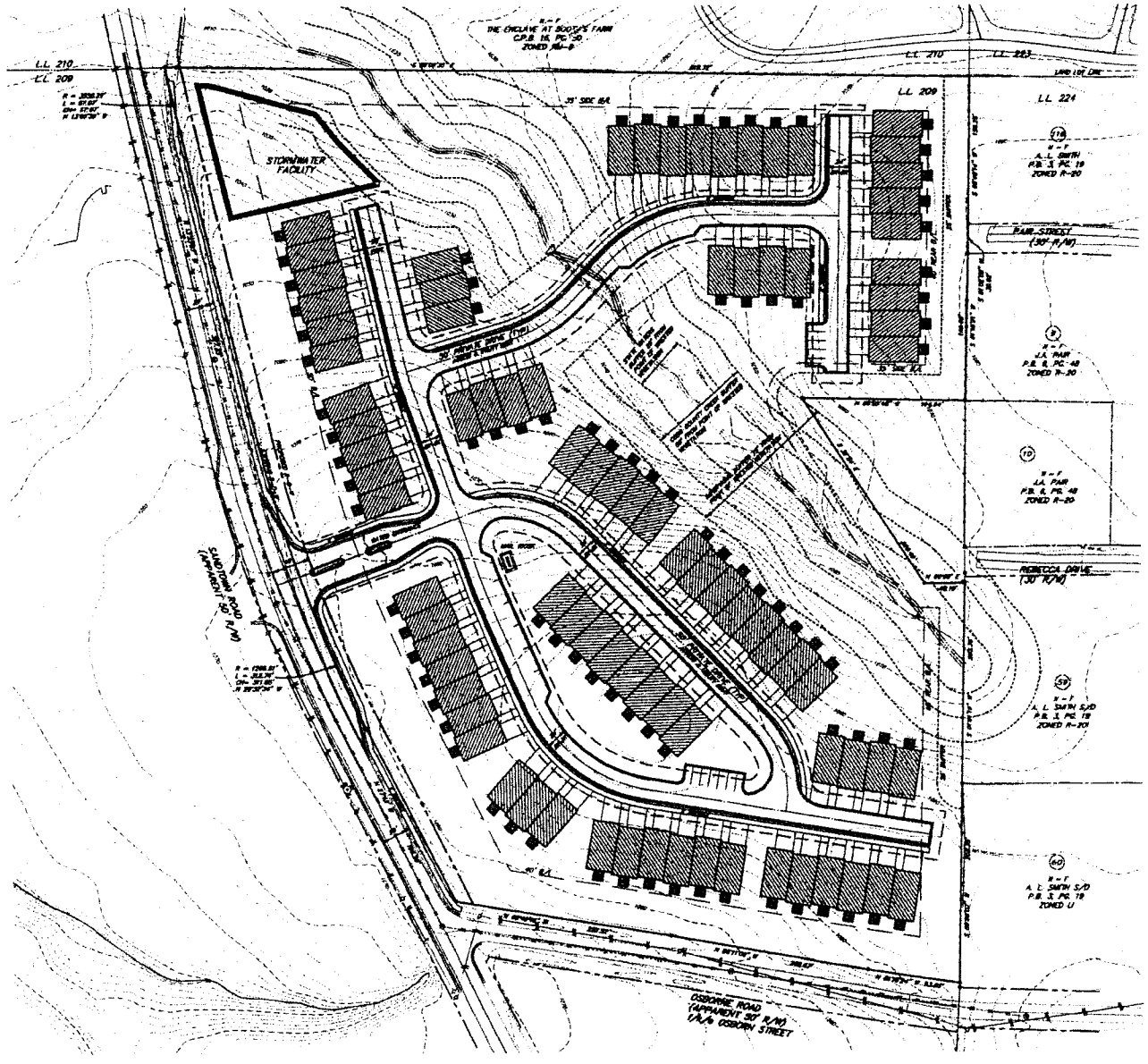
Arnold Mill TH

HOME SOUTH COMMUNITIES

SITE PLAN APPROVED BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION NO. Z-104 (2015) DECEMBER 15, 2015

Min. Bk. 77 Petition No. Z-104
Doc. Type site plan

Meeting Date 12-15-15



LOCATION MAP 1" = 2000'

JUL 11 2017

SITE DATA:

ACREAGE – 13.46
EXISTING ZONING – R-20
PROPOSED ZONING – RM8
PROPOSED USE – RESIDENTIAL TOWNHOMES
PROPOSED UNITS – 86, (26 "120" UNITS)
PROPOSED DENSITY – 6.38 UNITS/ACRE
GUEST PARKING PROVIDED – 21 SPACES

PERIMETER SETBACKS:
50' – FROM SANDTOWN ROAD
40' – FROM OSBORNE ROAD
35' – ALONG NORTHERN PROPERTY LINE
40' – ALONG EASTERN PROPERTY LINE

BUILDING SETBACKS:
20' MIN. BUILDING SEPARATION
20' MIN. SETBACK FROM EITHER CURB OR SIDEWALK

BUFFERS:
25' BUFFER ALONG EASTERN PROPERTY LINE ADJACENT TO R-20 ZONED PROPERTY

NOTES
1. TOPOGRAPHIC AND STREAM INFORMATION PROVIDED BY COBB COUNTY GIS.
2. PROPOSED RIGHT-OF-WAY DEDICATION OF 15' ALONG SANDTOWN ROAD FRONTAGE TO PROVIDE 40' FROM CENTERLINE.
3. NO ARCHITECTURAL, ARCHEOLOGICAL OR CEMETERY SITES WERE FOUND ON THIS SITE.
4. NO WETLANDS EXIST ON THIS SITE.

OCT 1 2015

NOT ISSUED FOR CONSTRUCTION

Gaskins

SANDTOWN ROAD TRACT
FOR TYLER CHANDLER HOMES
LAND LOT 209, 17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

REVISIONS

REV.	DATE	REVISION REFERENCE

SHEET TITLE
ZONING PLAN

SEAL
GEORGIA REGISTERED No. 20288 PROFESSIONAL ENGINEER

PROJECT I.D.	FIELD BOOK
-	-
DRAWN BY	CHECKED BY
-	-
SCALE 1" = 50'	ISSUE DATE -

SHEET NUMBER
1 of 1

REVISED SITE PLAN APPROVED BY DISTRICT COMMISSIONER JUNE 29, 2016

24 HR. CONTACT:
WAYNE HIOTT
(678) 860-5414

JUL 11 2017

ZONING DIVISION

NOTES:
1. ALL SIGNS TO BE PERMITTED THROUGH COBB COUNTY ZONING DIVISION, i. e. SUBDIVISION ENTRANCE SIGNS, MONUMENTS, AND ALL OTHER COMMERCIAL SIGNS. THE LOCATION OF SUBDIVISION SIGNS MUST ALSO BE SHOWN ON THE PLANS.
2. IN ACCORDANCE WITH THE COBB COUNTY STREET LIGHTING ORDINANCE, SECTION 3-23-41. STREET LIGHTS REQUIRED TO BE PROVIDED BY THE DEVELOPERS OF ALL NEW SUBDIVISIONS.
3. THE DEVELOPER SHALL SUBMIT A STREET LIGHT LAYOUT PREPARED BY THE UTILITY COMPANY WHICH WILL PROVIDE THE LIGHTING SERVICE SHOWING EXACT LOCATION OF STREET LIGHTS WITHIN THE SUBDIVISION
4. THE LIGHTING LAYOUT MUST BE APPROVED BY THE DEPARTMENT OF TRANSPORTATION.
5. THE DEVELOPER MUST PAY ALL COSTS TO THE POWER COMPANY FOR POLES, FIXTURES, AND ANY OTHER RELATED ITEMS OR MATERIALS NECESSARY FOR THE INSTALLATION. THESE REQUIREMENTS MUST BE MET PRIOR TO OBTAINING ANY BUILDING PERMITS OR WATER METERS FOR THAT SUBDIVISION. CONTACT JEFF BURNS AT 770-528-1691 IF THERE ARE ANY QUESTIONS.
6. ANY CONSTRUCTION TRAILERS TO BE PERMITTED THROUGH THE ZONING DIVISION
7. THE PARKING LOT AND PARKING SPACES SHALL CONFORM TO COUNTY DETAIL #314.

PRELIMINARY PLAT APPROVAL CERTIFICATE

ALL REQUIREMENTS OF THE COBB COUNTY SUBDIVISION REGULATIONS RELATIVE TO THE PREPERATION AND SUBMISSION OF A PRELIMINARY PLAT HAVING BEEN FULFILLED. APPROVAL OF THIS IS HEREBY GRANTED SUBJECT TO FURTHER PROVISIONS OF SAID SUBDIVISION REGULATIONS. THIS CERTIFICATE SHALL EXPIRE_____

DEVELOPMENT AND INSPECTIONS DIVISION _____ DATE

ZONING DIVISION _____ DATE

DISTRICT COMMISSIONER _____ DATE

PRELIMINARY CERTIFICATION STATEMENT

I HEREBY CERTIFY THAT THIS PROPOSED PRELIMINARY PLAT CORRECTLY REPRESENTS DATA COMPILED OR VERIFIED THROUGH A SURVEY COMPLETED BY ME ON _____ 19__ OF PROPERTY SHOWN AND DESCRIBED HEREON.
BY:

GEORGIA REGISTERED LAND SURVEYOR _____ DATE

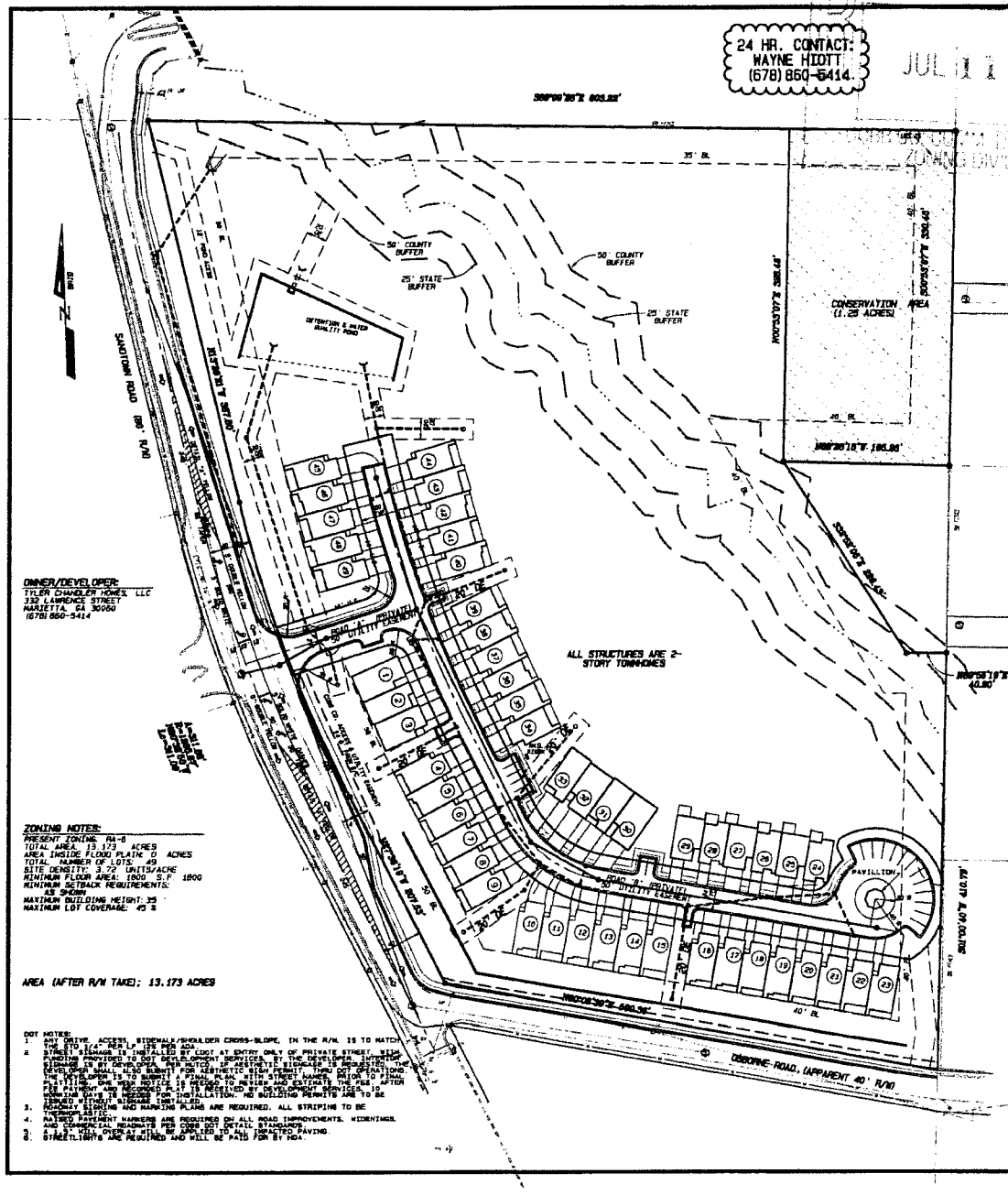
THE COBB COUNTY CEMETERY PRESERVATION COMMISSION RESERVES THE RIGHT TO EXAMINE THIS PROPERTY FOR ETHNIC, CULTURAL, AND RELIGIOUS EVIDENCE LOCATED THEREIN. IF ANY ETHNIC, CULTURAL, OR RELIGIOUS EVIDENCE IS FOUND DURING DEVELOPMENT, THEN THE COBB COUNTY CEMETERY PRESERVATION COMMISSION MUST BE NOTIFIED AT ONCE AT (770)528-2035. FAILURE TO DO SO WILL RESULT IN A STOP WORK ORDER.

COBB COUNTY ACCEPTS NO RESPONSIBILITY FOR THE AMERICANS WITH DISABILITIES ACT (ADA), EXCEPT FOR NOTIFICATION REQUIREMENT. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE FOR SAID ACT.

NO PERMANENT SIGN (S), FLAG POLE (S), PROPOSED FIRE HYDRANTS, POWER TRANSFORMERS, SIDEWALKS OR ADA RAMPS WILL BE PLACED IN CONFLICT WITH AN ORDINANCE CODED OR APPROVED TREE PLANTING LOCATION.

NO STREET PARKING HAS BEEN APPROVED FOR THIS DEVELOPMENT

THIS PLAN PROPOSES NO FUTURE IMPROVEMENTS TO OSBORNE ROAD AND NO UNDISTURBED LANDSCAPE BUFFER ALONG RESIDENTIAL PROPERTY LINES TO THE EAST OF TRACT..

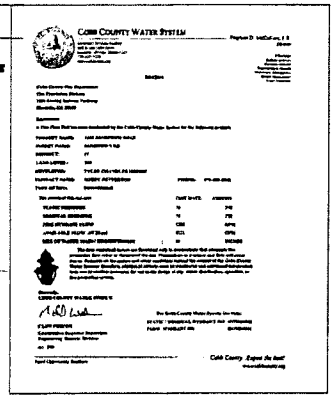


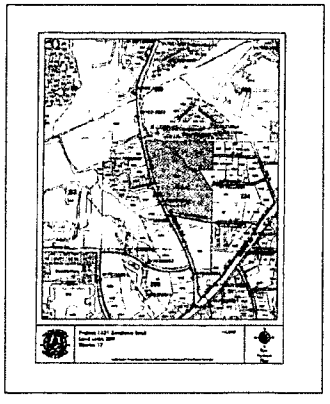
OWNER/DEVELOPER:
TYLER CHANDLER HOMES, LLC
332 LAWRENCE STREET
MARIETTA, GA 30060
(678) 860-5414

ZONING NOTES:
PRESENT ZONING: RA-6
TOTAL AREA: 13.173 ACRES
AREA INSIDE FLOOD PLAIN: 0 ACRES
TOTAL NUMBER OF LOTS: 49
SITE DENSITY: 3.72 UNITS/ACRE
MINIMUM FLOOR AREA: 1800 S.F. 1800
MINIMUM SETBACK REQUIREMENTS:
AS SHOWN
MAXIMUM BUILDING HEIGHT: 35
MAXIMUM LOT COVERAGE: 40 %

AREA (AFTER R/W TAKE); 13.173 ACRES

DOT NOTES:
1. ANY DRIVE, ACCESS, SIDEWALK/SHOULDER CROSS-SLOPE, IN THE R/W, IS TO MATCH THE STD (1/4" PER 1.0' ITS PER ADA.
2. STREET SIGNAGE IS INSTALLED BY DOT AT ENTRY ONLY OF PRIVATE STREET. SIGN FUNDING PROVIDED TO DOT DEVELOPMENT SERVICES, BY THE DEVELOPER. INTERIOR SIGNAGE IS BY DEVELOPER, PER PLATCO. IF AESTHETIC SIGNAGE IS REQUESTED, THE DEVELOPER SHALL ALSO SUBMIT FOR AESTHETIC SIGN PERMIT. THRU DOT OPERATIONS. THE DEVELOPER IS TO SUBMIT A FINAL PLAN, WITH STREET NAMES, PRIOR TO FINAL PLATTING. ONE WEEK NOTICE IS NEEDED TO REVIEW AND ESTIMATE THE FEE. AFTER FEE PAYMENT AND RECORDED PLAT IS RECEIVED BY DEVELOPMENT SERVICES, 10 WORKING DAYS IS NEEDED FOR INSTALLATION. NO BUILDING PERMITS ARE TO BE ISSUED WITHOUT SIGNAGE INSTALLED.
3. ROADWAY SIGNING AND MARKING PLANS ARE REQUIRED. ALL STRIPING TO BE THERMOPLASTIC.
4. RAISED PAVEMENT MARKERS ARE REQUIRED ON ALL ROAD IMPROVEMENTS, WIDENINGS, AND STRUCTURAL OVERLAYS. SEE DOT DETAIL #9.
5. ALL DRIVE CURB RADII TO BE 30FT, 15FT TO 25FT IMPACTED PAVING.
6. STREETLIGHTS ARE REQUIRED AND WILL BE PAID FOR BY HOA.





6/29/16
approved
Bob Weatherford
COA Roadway Supervisor

REVISION RECORD	
DATE	PURPOSE
08-19-16	ADDRESS COMMENTS

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BETTERTON
SURVEYING & DESIGN, INC.
LAND SURVEYING/PLANNING
SUBDIVISION & COMMERCIAL SITE DESIGN
950 WEST SANDTOWN ROAD
MARIETTA, GEORGIA 30064
(678) 493-0242

REGISTERED LAND SURVEYOR
GEORGE W. BETTERTON
No. 2355
PROFESSIONAL LAND SURVEYOR
SURVEYING & DESIGN, INC.
APRIL 13, 2016

SITE PLAN

CLIENT:
TYLER CHANDLER HOMES, LLC
332 LAWRENCE STREET
MARIETTA, GA 30060
(678) 860-5414
CONTACT: WAYNE HIOTT

PROJECT:
1431 SANDTOWN ROAD
LOCATED IN:
LAND LOT 209
17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA.

DRAWN BY: RBB
CHECKED BY: RBB
SCALE: 1" = 50'
DATE: APRIL 13, 2016
FILE NUMBER: 15116.PRO
JOB NUMBER: 15116
SHEET NUMBER: C-3.1

REVISED SITE PLAN APPROVED BY DISTRICT COMMISSIONER JULY 28, 2016

JUL 11 2017

NO STREET PARKING HAS BEEN APPROVED FOR THIS DEVELOPMENT

24 HR. CONTACT:
WAYNE HIOTT
(678) 860-5414

NOTES

PRELIMINARY PLAT APPROVAL CERTIFICATE

PRELIMINARY CERTIFICATION STATEMENT

THIS PLAN PROPOSES NO FUTURE IMPROVEMENTS TO OSBORNE ROAD AND NO REQUIRED LANDSCAPE BUFFER ALONG RESIDENTIAL PROPERTY LINES TO THE EAST OF TRACT

CONSERVATION AREA (1.35 ACRES)

ALL STRUCTURES ARE 2 STORY TOWNHOMES

OWNER/DEVELOPER

AREA (AFTER R/W TAKE), 13.173 ACRES

OSBORNE ROAD (APPARENT 40' R/W)

7-28-16

Bob Westbrook

REVISION RECORD

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BETTERTON
SURVEYING & DESIGN, INC.
LAND SURVEYING/PLANNING
SUBDIVISION & COMMERCIAL SITE DESIGN
950 WEST SANDTOWN ROAD
MARIETTA, GEORGIA 30064
(678) 483-0242

GEORGIA REGISTERED PROFESSIONAL ENGINEER

APRIL 13, 2016

CLIENT
TYLER CHANDLER HOMES, LLC

SITE PLAN

PROJECT
1431 SANDTOWN ROAD
LOCATED IN
LAND LOT 209
17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

DRAWN BY
CHECKED BY
SCALE
DATE
APRIL 13, 2016
FILE NUMBER
15116 PRD
JOB NUMBER
15116
SHEET NUMBER
C-3.1

OFFICIAL MINUTES OF BOARD OF COMMISSIONERS ZONING HEARING FOR APPLICATION FOR REZONING NO. Z-104 (2015) – DECEMBER 15, 2015

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 15, 2015
9:00 A.M.

The Board of Commissioners Zoning Hearing was held on Tuesday, December 15, 2015 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
Vice Chair JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

CONSENT AGENDA

MOTION: Motion by Lee, second by Weatherford, to **approve/delete** the following cases on the Consent Agenda *as revised:*

Z-104 **TYLER CHANDLER HOMES, LLC** (Estate of Thomas Eugene Holbrook, owner) requesting Rezoning from **R-20** to **RM-8** for the purpose of Attached Residential in Land Lot 209 of the 17th District. Located at the northeast corner of Sandtown Road and Osborne Road, and at the western terminus of Pair Street.

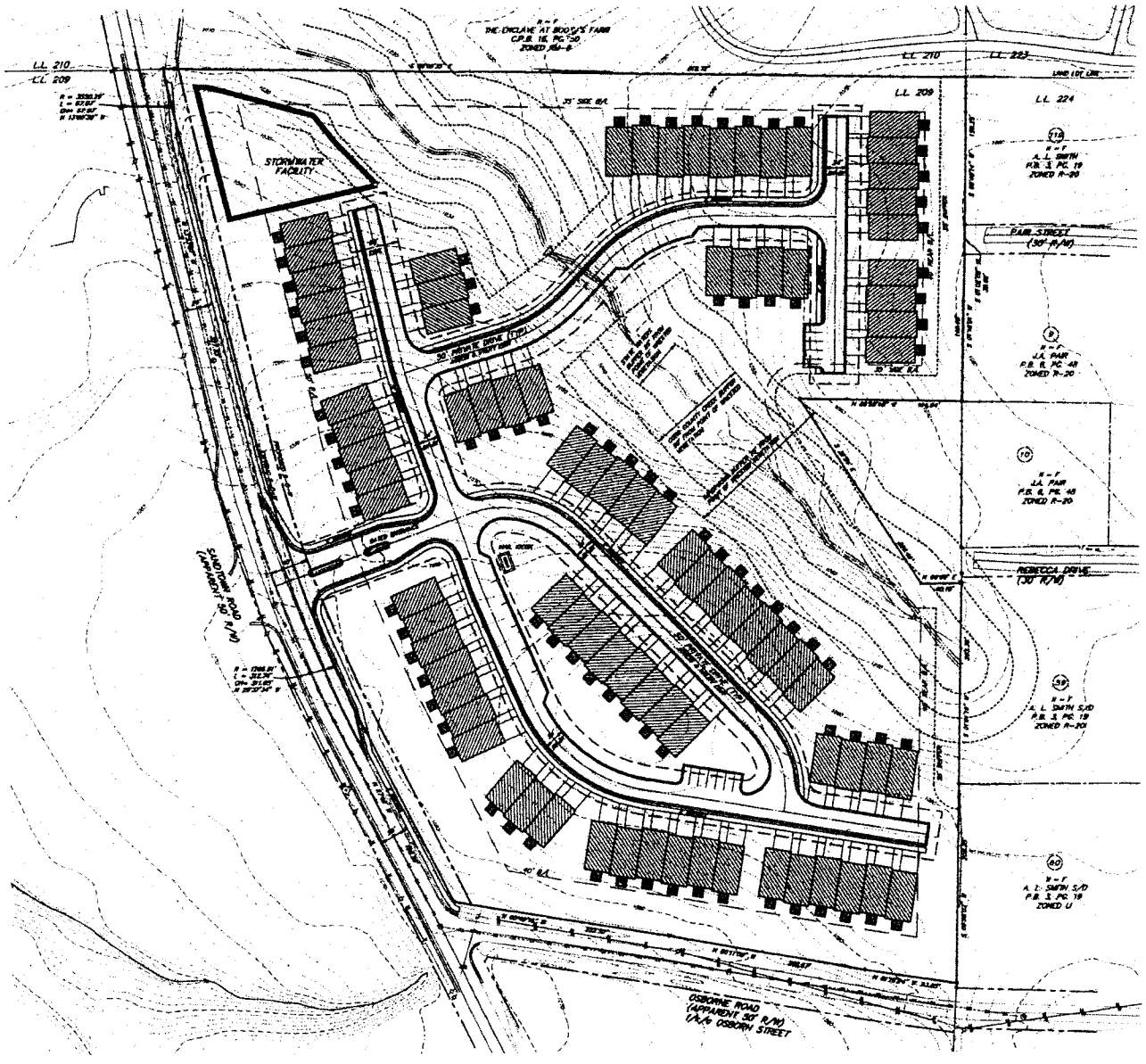
To **delete** Z-104 to the **RA-6** zoning district, subject to:

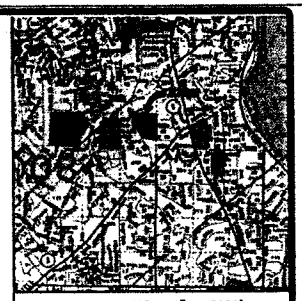
1. **Site plan received by Zoning Division on October 1, 2015, with the District Commissioner approving the final site plan (attached and made a part of these minutes)**
2. **Letter of agreeable conditions from Mr. Kevin Moore dated November 24, 2015 (attached and made a part of these minutes)**
3. **Architecture to be substantially similar to the rendering in the Zoning Analysis which was received by the Zoning Division October 21, 2015 (attached and made a part of these minutes)**
4. **Maximum six units per acre**
5. **Maximum 10% rental**
6. **Installation of a six foot wooden privacy fence along the adjoining properties that terminate along Pair Street**
7. **Fire Department comments and recommendations**
8. **Water and Sewer Division comments and recommendations**
9. **Stormwater Management Division comments and recommendations**
10. **Cobb DOT comments and recommendations**

CONSENT VOTE: **ADOPTED** unanimously

Min. Bk. 77 Petition No. Z-104
Doc. Type site plan

Meeting Date 12-15-15





SITE DATA:

ACREAGE – 13.46
EXISTING ZONING – R-20
PROPOSED ZONING – RM8
PROPOSED USE – RESIDENTIAL TOWNHOMES
PROPOSED UNITS – 86 (26'X50' UNITS)
PROPOSED DENSITY – 6.39 UNITS/ACRE
GUEST PARKING PROVIDED – 21 SPACES

PERIMETER SETBACKS:
50' – FROM SANDTOWN ROAD
40' – FROM OSBORNE ROAD
35' – ALONG NORTHERN PROPERTY LINE
40' – ALONG EASTERN PROPERTY LINE

BUILDING SETBACKS
20' MIN. BUILDING SEPARATION
20' MIN. SETBACK FROM EITHER CURB OR SIDEWALK

BUFFERS:
25' BUFFER ALONG EASTERN PROPERTY LINE ADJACENT TO R-20 ZONED PROPERTY

NOTES
1. TOPOGRAPHIC AND STREAM INFORMATION PROVIDED BY COBB COUNTY GIS.
2. PROPOSED RIGHT-OF-WAY DEDICATION OF 15' ALONG SANDTOWN ROAD FRONTAGE TO PROVIDE 40' FROM CENTERLINE.
3. NO ARCHITECTURAL, ARCHEOLOGICAL OR CEMETERY SITES WERE FOUND ON THIS SITE.
4. NO WETLANDS EXIST ON THIS SITE.

RECEIVED
OCT - 1 2015

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X, ACCORDING TO F.I.R.M. (F.I.A.) COMMUNITY NUMBER 1, DATED , MAP NUMBER 1, DATED 1, DATED

NOT ISSUED FOR CONSTRUCTION

Gaskins

SANDTOWN ROAD TRACT
FOR TYLER CHANDLER HOMES
LAND LOT 209, 17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

REVISIONS		
REV.	DATE	REVISION REFERENCE

SHEET TITLE
ZONING PLAN

SEAL
GEORGIA REGISTERED PROFESSIONAL ENGINEER

PROJECT I.D.	FIELD BOOK
-	-
DRAWN BY	CHECKED BY
-	-
SCALE 1" = 50'	ISSUE DATE -

SHEET NUMBER
1 of 1

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†
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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
ANGELA H. SMITH†
CHRISTOPHER C. MINGLEDORFF
ANGELA D. TARTLINE
PHILIP C. THOMPSON

SHANE MAYES
ALEXANDER B. MORRISON♦
GREGORY H. FULLER♦
DOUGLAS W. BUTLER, JR.
JOYCE W. HARPER
CAREY E. OLSON•
CHARLES E. PIERCE♦
WILMA R. BUSH
TODD I. HEIRD♦
CARLA C. WESTER◊
AMY L. JETT•
RYAN M. INGRAM
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D. AUSTIN GILLIS†
KRISTEN C. STEVENSON♦
SARAH H. BEST♦‡
RYAN C. EDENS♦
JULIE C. FULLER♦
JODI B. LODEN♦
TAMMI L. BROWN
DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
WILLIAM B. WARIHAY♦
COLLEEN K. HORN♦••••

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MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

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KNOXVILLE, TENNESSEE 37923
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10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40504
TELEPHONE (502) 410-6021

CHARLESTON, SOUTH CAROLINA
885 ISLAND PARK DR • STE B
CHARLESTON, SOUTH CAROLINA 29492
TELEPHONE (843) 302-0002

ORLANDO, FLORIDA
7380 W. SAND LAKE RD • STE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

DAVID J. OTTEN♦
JONATHAN S. FUTRELL
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
MARIANNA L. JABLONSKI♦
LOURDES M. SANCERNI◊
J. DANIEL COLE
RYAN S. ROBINSON
JOSEPH D. SHELLEY
LESLIE S. NEUBAUER
JENNIFER B. SIMPSON
CHRISTIAN H. LAYCOCK
LIZA D. HARRELL••
JESSICA A. KING
JOHN A. EARLY
CHRISTOPHER W. SHERMAN♦
JESS E. MAPLES♦•
FREDERICK F. FISHER•••
KENNETH D. HALL
RAHUL SHETH
GRANT S. TALL
KIMBERLY E. THOMPSON•
BRENT R. LAMAN♦
CHRISTOPHER R. BROOKS♦
ADAM S. ROSENBERG

CHRISTOPHER D. TROUTMAN
ALLISON M. HELSINGER°
BENJAMIN T. BROTHERS♦
MICHAEL R. BEANE◊
N. CRAIG HOLLOWAY♦
MICHAL E. PATTERSON•••
MATTHEW L. JONES
NELOFAR AGHARAHIMI•
ANTHONY J. TROMMELLO

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
•• ALSO ADMITTED IN IN
♦ ADMITTED ONLY IN TN
◊ ADMITTED ONLY IN FL
••• ADMITTED ONLY IN SC
° ADMITTED ONLY IN KY

November 24, 2015

Min. Bk. 77 Petition No. Z-104
Doc. Type letter

Hand Delivered

Meeting Date 12-15-15

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

NOV 24 2015

RE: Application for Rezoning - Application No. Z-104 (2015)
Applicant: Tyler Chandler Homes, Inc.
Property Owner: Estate of Thomas Eugene Holbrook
Property: 13.46 acres, more or less, located at the northeast intersection of Sandtown Road and Osborne Road, Land Lot 209, 17th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Tyler Chandler Homes, Inc., the Applicant (hereinafter "Applicant"), and the Estate of Thomas Eugene Holbrook, the Property Owner (hereinafter "Owner"), in their Application for Rezoning with regard to property located at the northeast intersection of Sandtown Road and Osborne Road, and being 13.46 acres, Land Lot 209, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meeting with planning and zoning staff and various Cobb County departmental representatives, discussions with area homeowner representatives and residents, and reviewing the staff comments and recommendations; as well as, the uses of surrounding properties, we have

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been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed 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 R-20 to the proposed zoning category of RM-8; however, Applicant seeks to delete the requested category to RA-6, with reference to the Zoning Plan prepared for Applicant by Gaskins Surveying Company, Inc., filed with the Zoning Office with the Application for Rezoning on October 1, 2015. A reduced copy of the Zoning Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference. The final Site Plan shall be approved by the District Commissioner as part of the permitting process.

(3) The Subject Property consists of approximately 13.46 acres and shall be developed for a residential community, in the townhome style, containing a maximum of six (6) units per acre.

(4) The proposed townhomes shall be traditional in style and architecture and shall have a minimum two-car garage.

(5) The proposed townhomes shall have exteriors consisting 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 townhomes within the proposed community shall be substantially similar in style and architecture to the elevation attached as Exhibit "B."

(6) The proposed townhomes shall have a minimum of 1,800 square feet of heated and cooled living space.

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(7) 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."

(8) 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.

(9) 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, private streets, mail kiosk, exterior yard areas and home exteriors, and the like, contained within the community.

(10) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the proposed townhomes.

(11) 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.

(12) 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. The entrance landscaping shall be professionally designed, implemented, and maintained. All signage shall comply with the Cobb County Sign Ordinance.

(13) The setbacks, which shall be maintained for the proposed community will be as follows:

(a) Fifty (50) feet along Sandtown Road;

(b) Forty (40) feet setback along Osborne Road;

(c) Thirty-five (35) foot setback along the northern property line of the Subject Property;

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(d) Forty (40) foot setback along the eastern property line of the Subject Property; and

(e) Interior setbacks shall be as shown on the referenced Zoning Plan.

(14) There shall be internal sidewalks within the proposed townhome community, as more particularly shown and reflected on the referenced Zoning Plan.

(15) The proposed townhome community shall have private streets, twenty-four (24) feet in width, from back-of-curb to back-of-curb. Construction of the private streets shall comply in all respects as to materials, base, and other requirements with the Cobb County Code.

(16) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards.

(17) All utilities servicing the residences within the proposed community shall be located underground.

(18) There shall be a twenty-five (25) foot buffer, natural and landscaped, along the eastern property line of the Subject Property, adjacent to R-20 zoned property.

(19) All landscaping referenced herein; including, but not limited to, the frontage, entrance area, street frontage, island areas, buffers, and open space 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 community, which shall also be approved by the District Commissioner prior to permitting.

(20) Detention and water quality facilities for the proposed community shall be as shown and reflected on the Zoning Plan. Said facilities shall be screened by black, vinyl-clad chain link fencing, a minimum of six (6) feet in height with landscaping to the exterior of the fencing for purposes of visual screening.

(21) Applicant agrees to comply with all Cobb County and State of Georgia stream buffer requirements as more particularly shown and reflected on the Zoning Plan.

(22) The District Commissioner shall have the authority to approve minor modifications to these stipulations and conditions and the Zoning Plan as the development proposal proceeds through the Plan Review process and thereafter.

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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 contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business" Application agenda.

(23) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

(24) 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.

(25) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.

(26) The community shall have an amenity area consisting of a pavilion or other such type community-gathering place.

(27) Within the Declaration of Covenants and Restrictions for the proposed community, there shall be included a restriction which limits the rental of any homes to no more than ten (10) percent of the total number of homes.

We believe the requested zoning, together with the Zoning Plan and the 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, 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 request.

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With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc
Attachments (2)
c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford
(With Copies of Attachments)

Cobb County Planning Commission:
Mike Terry, Chairman
Christi S. Trombetti
Judy Williams
Skip Gunther
Galt Porter
(With Copies of Attachments)

Tyler Chandler Homes, Inc.
(With Copies of Attachments)

EXHIBIT "A"

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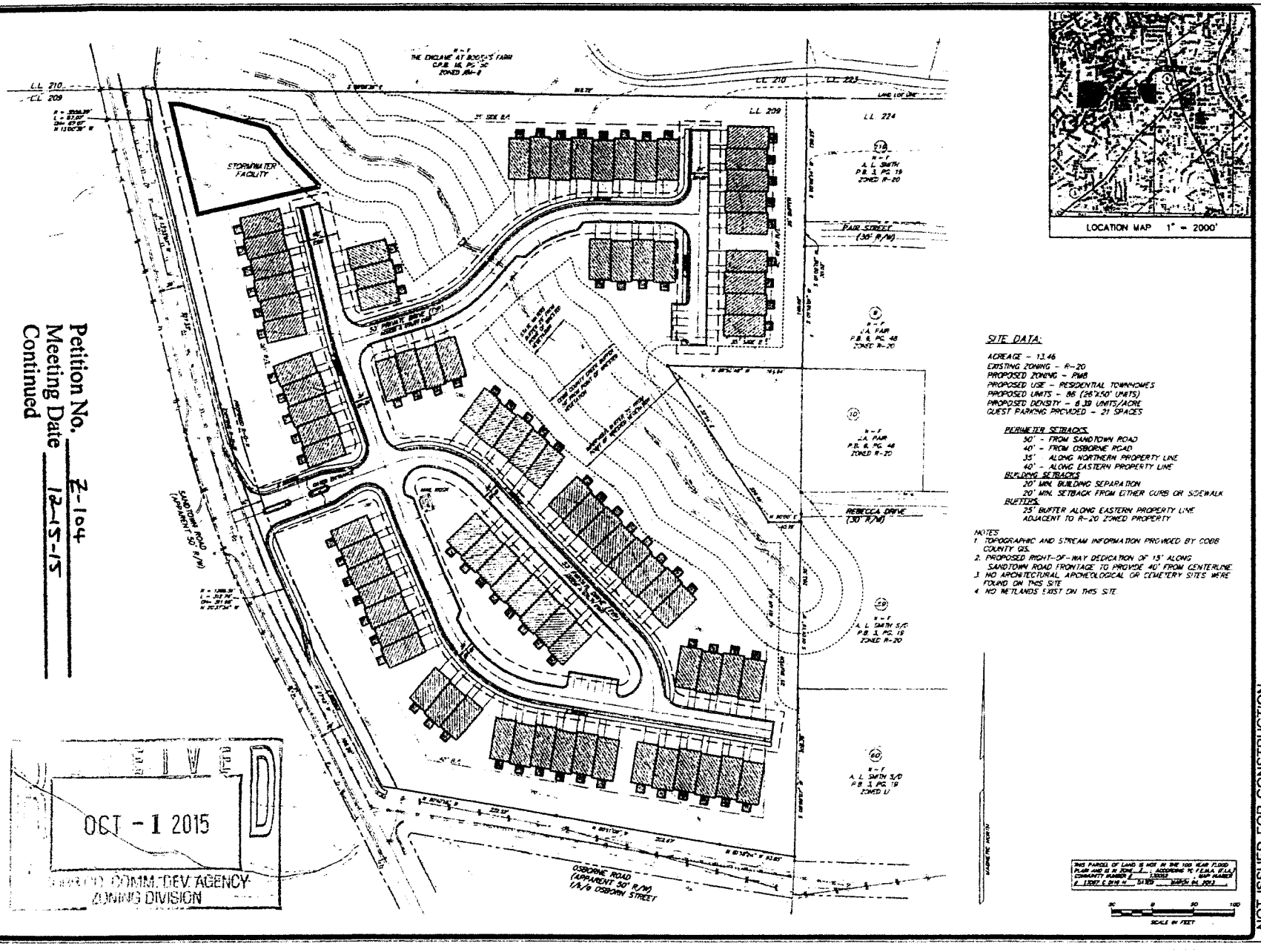

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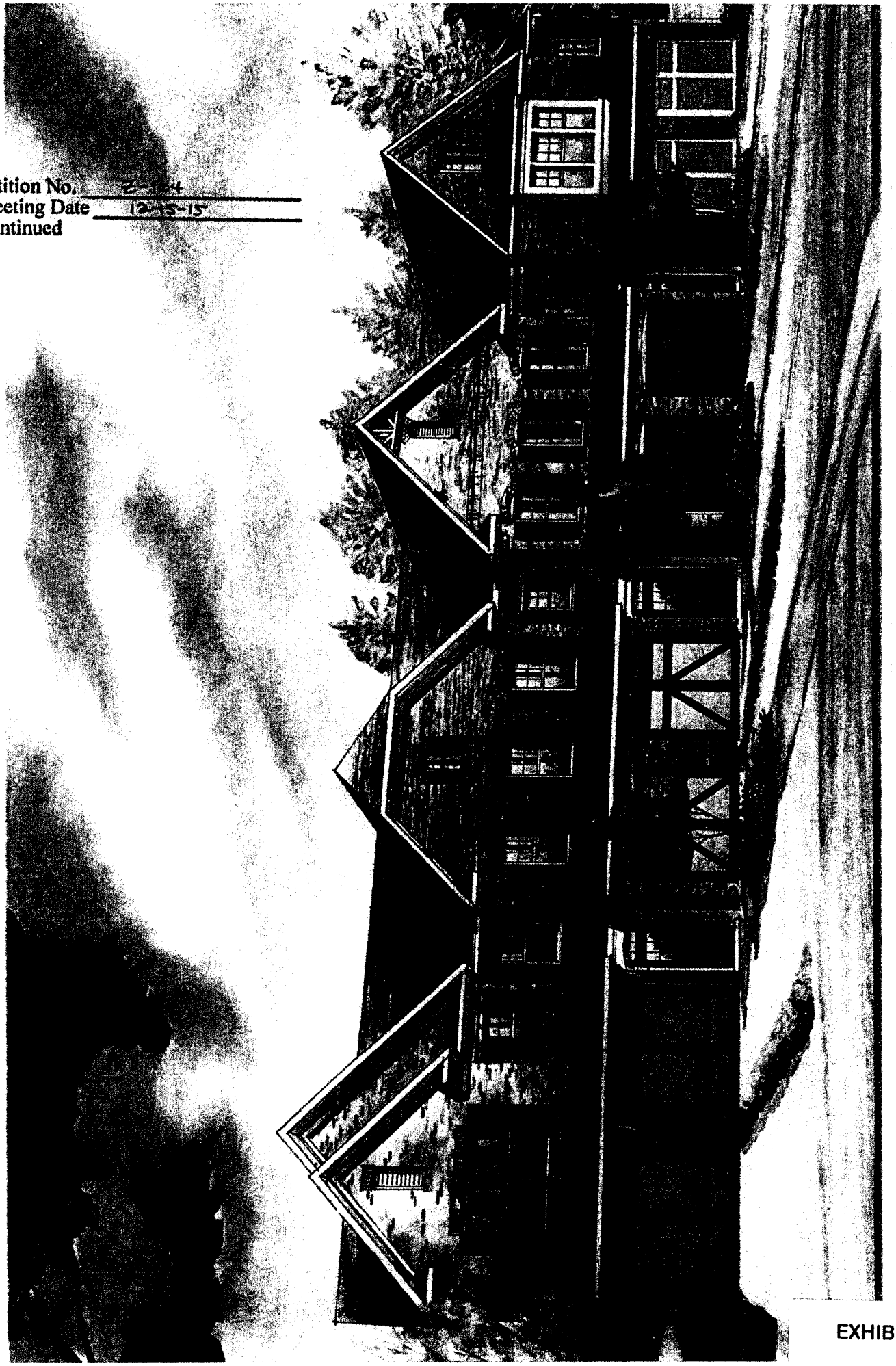

EXHIBIT "B"

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Doc. Type rendering

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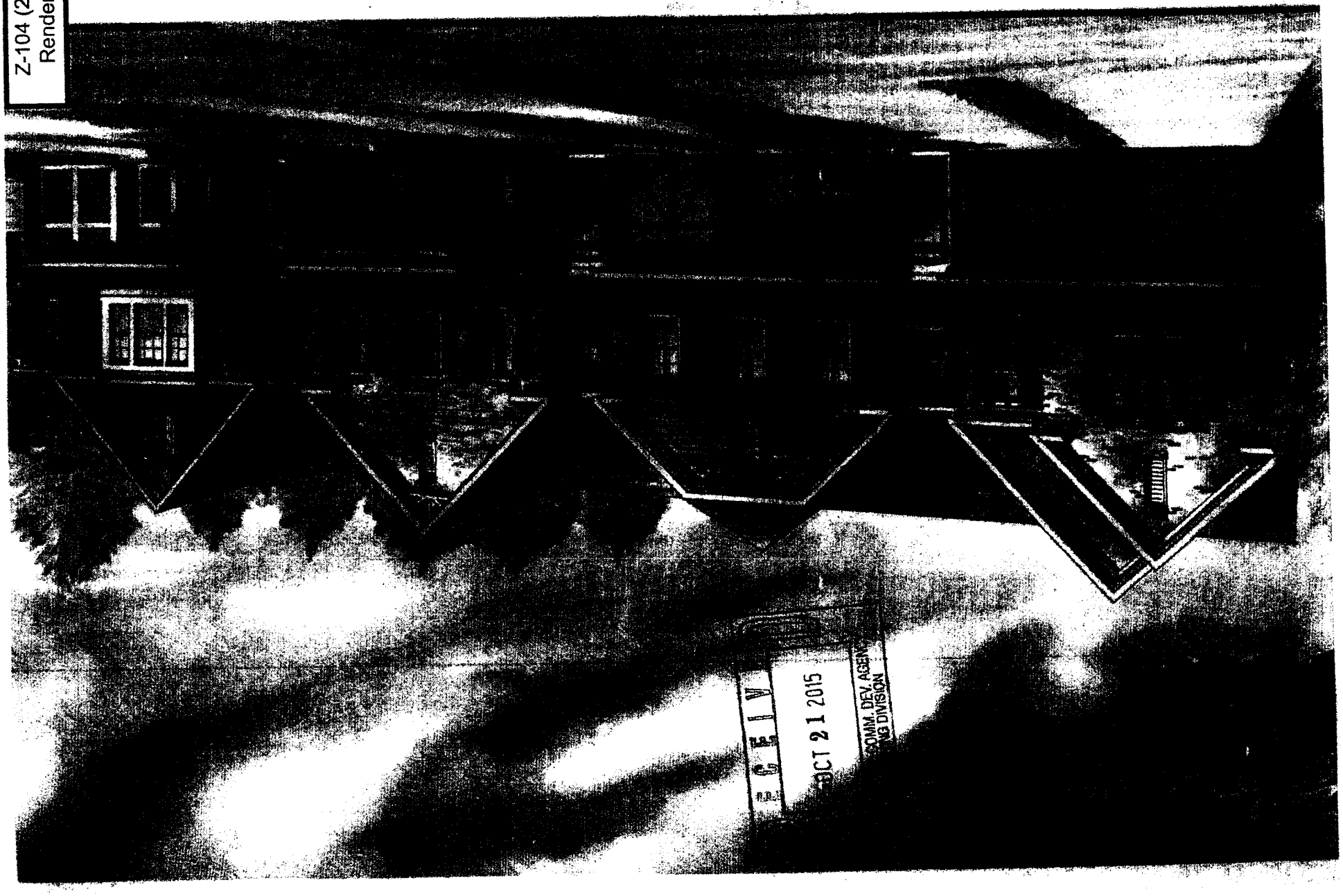
Z-104 (2015)
Rendering



2016 PAID AD VALOREM PROPERTY TAX RECEIPT FOR TAX PARCEL NO. 17020900010

Printed: 7/7/2017

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone 770-528-8600
Fax 770-528-8679

TYLER CHANDLER HOMES LLC

HOLBROOK THOMAS EUGENE ESTATE OF

Payment Date: 11/15/2016

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2016	17020900010	10/17/2016	Pay:	N/A	or	$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
$8.69	$76.34	$0.00	$0.00	$1,611.77	**$0.00**

RECEIVED
JUL 11 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Scan this code with your mobile phone to view this bill!

APPLICANT/OWNER AUTHORIZATION AS TO EXECUTION OF APPLICATION FOR "OTHER BUSINESS" AND PROCEEDING WITH AMENDMENT

RESOLUTION OF TYLER CHANDLER HOMES, LLC

THE UNDERSIGNED, being the Manager of TYLER CHANDLER HOMES, LLC a Georgia limited liability company (hereinafter referred to as the "Company"), does on oath, state as follows:

WHEREAS, the Company intends to file an Application for "Other Business" as to real property located in Land Lot 209, 17th District, 2nd Section, Cobb County, Georgia, and being more particularly located on the northeast corner of Sandtown Road and Osborne Road, and at the western terminus of Pair Street, being 13.485 acres, more or less, Marietta, Cobb County, Georgia (hereinafter referred to as the "Subject Property"); and

WHEREAS, in connection with the filing of said Application, the Company must execute the Application for "Other Business" and other ancillary documentation (hereinafter collectively referred to as "Application") to consummate the contemplated filing of the Application, and a Resolution is needed to authorize the Application and to specifically authorize the execution on behalf of the Company of all documents necessary to consummate the Application; and,

WHEREAS, the undersigned is the Manager of the Company.

NOW, THEREFORE, BE IT RESOLVED that J. WAYNE HIOTT, as Manager, is authorized to execute the aforesaid Application for "Other Business" and any and all other documents necessary or appropriate to file and complete the amendment proposed in the Application for development of the Subject Property on such terms, conditions, and provisions as he deems necessary and appropriate; such execution of any documents being conclusive evidence that J. WAYNE HIOTT deems the terms, conditions, and provisions thereof to be proper and in the best interest of the Company.

RESOLVED, FURTHER, that any and all acts of J. WAYNE HIOTT are pursuant to the authority granted to him by the Company and are accepted as actions of the Company.

IN WITNESS WHEREOF, the undersigned Manager of the Company has hereunto set his hand and seal as of the day and year written below.

TYLER CHANDLER HOMES, LLC
a Georgia limited liability company

J. Wayne Hiott, Manager

J. Wayne Hiott, Manager

Date Executed: 7-10-2017