Application for "Other Business"
Cobb County, Georgia

OB-009-2018

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** February 20, 2018

Applicant: Josh Thompson **Phone #:** (770) 366-0142
(applicant's name printed)

Address: PO Box 670833, Marietta, GA 30066 **E-Mail:** Josht777@gmail.com

SAMS, LARKIN, HUFF & BALLI, LLP
by: Garvis L. Sams, Jr. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed)

Phone #: 770-422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

Karen L. King **My commission expires:** 2-27-19
Notary Public

KAREN KING
My Commission
NOTARY
PUBLIC
EXPIRES
02-27-2019
BARTOW COUNTY, GEORGIA

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: 4 **Zoning Case:** Z-34 of 2017

Size of property in acres: 46.43 **Original Date of Hearing:** November 21, 2017

Location: Located at the northern terminus of Burrus Lane, at the northwestern terminus of Milton Place, the northern terminus of Lakeview Drive, the eastern end of Mark Lee Drive, and northeast of Veterans Memorial Highway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1226 &1291 **District(s):** 19th

State specifically the need or reason(s) for Other Business: Consistent with discussions between the District Commissioner and the Applicant, the purpose of the submission of this Other Business Application is to Amend certain Stipulations; Approve a Revised Site Plan; and, to Approve Revised Architectural Renderings/Elevations. To that end, please refer to the Other Business Application narrative; the Revised Site Plan; the Minutes and previously submitted Stipulation Letters dated September 25, 2017, September 29, 2017 and November 15, 2017, respectively; and, the attached Architectural Renderings/Elevations depicting the architectural style and composition discussed with the District Commissioner.

(List or attach additional information if needed)

* Applicant specifically reserves the right to amend any information set forth in this Other Business Application or any other portion of the Application, at any time during the Other Business process.

CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE OTHER BUSINESS

1.

My name is Roy E. Barnes, I am the secretary, assistant secretary or other officer to whom the operating agreement has delegated the responsibility for authenticating records of the Titleholder, **Barnes Land and Investments, LLC,** a Domestic Limited Liability Company (the "Titleholder"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application regarding certain real property owned by the Titleholder located in Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a Cobb County Other Business Application, I hereby attest on behalf of the Titleholder that I have reviewed the Other Business application and related documents which are being filed simultaneously therewith on behalf of the Applicant (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

(a) That corporate seal or facsimile affixed to the Other Business Application is in fact the seal of the Titleholder or a true facsimile thereof; and

(b) That the officer or other representative of the Titleholder who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Titleholder, and that the signature of said officer or other representative is genuine; and

(c) That the execution of the Other Business Application and the filing of the Other Business Application on behalf of the Applicant by the officer or other representative of the Applicant has been duly authorized by the Titleholder.

BARNES LAND AND INVESTMENTS, LLC

By: Roy E. Barnes (CORPORATE SEAL)

Printed Name: Roy E. Barnes

Title: Sole & Managing Member

ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB-9
BOC Hearing Date: 2-20-18

Applicant: JOSH THOMPSON

Titleholder(s): BARNES LAND AND INVESTMENTS, LLC

PIN#: See Attached List

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

Roy E Barnes 1.12.18
Signature of Owner Date

Title: Sole & Managing Member

Printed Name: Roy E. Barnes

Address: 31 Atlanta ST Marietta, Ga. 30060

Telephone No.: (404) 226-1129

Date 1.12.18

CAITLYN DOZIER NOTARY PUBLIC COBB COUNTY GEORGIA EXPIRES MARCH 9, 2021

Signature of Notary Public
03/09/2021
(Notary Seal)

ATTACHMENT TO OTHER BUSINESS APPLICATION

Application No. Z-34 of 2017
Original Hearing Date: November 21, 2017
Applicant: Josh Thompson
Titleholder: Barnes Land & Investments, LLC

Josh Thompson, is the Applicant regarding this Other Business Application who, at the procedural behest of the District Commissioner, proposes the approval of a revised site plan and amendments to the previously approved stipulations regarding Application No. Z-34 of 2017, which was approved, by the Cobb County Board of Commissioners on November 21, 2017, to the RA-5 zoning District subject to numerous stipulations/conditions.

On December 15, 2017, the Applicant and Counsel for Cobb County and the Applicant met with the District Commissioner and agreed to the filing of this Other Business Application to provide the best and most comprehensive manner in which to proceed in the finalization and reconciliation of all issues. The requested amendments are as follows:

1. Approval of a revised site plan (attached hereto) which incorporates the revisions requested and which depicts required guest parking and adds back to the proposal the original request for a concurrent Variance allowing homes to be located apart from each other less than a distance of twenty-feet (20').

2. Approval of revised architectural renderings/elevations (attached hereto) which, as a result of the District Commissioner's preferred architectural style and lot widths require concurrent Variances to authorize a waiver allowing less than twenty feet (20') between homes.

3. Amendment of stipulations:

    a. The inclusion of the September 25, 2017 stipulation letter as a part of the Rezoning Approval (which did include the September 29, 2017 stipulation letter and the November 15, 2017 stipulation letter, respectively, as a part of the Rezoning).

    b. Revisions to Paragraph No. 4 from the September 25, 2017 stipulation letter so that said paragraph and its subparagraphs read as follows regarding off-site system improvements, as follows:

"4. Although clearly not required by law, ordinance, regulation or statute, the Applicant agrees to voluntarily contribute, in incremental disbursals described below, the sum of Three-Hundred Thousand Dollars ($300,000.00) to assist Cobb County as hereinafter described and in order to position Cobb County to apply said money to accomplish Cobb County's goals toward the phased completion of the following off-site system improvements:

a. The widening of Burrus Road (from Veterans Memorial Highway to its terminus at Burrus Lane, to the extent that such paved right-of-way is not already in place, to twenty feet (20') in width with two foot (2') curb and gutter on both sides of Burrus Road). The construction of sidewalk on one side of Burrus Road from its intersection with Veterans Memorial Highway north to Burrus Road's termination at Burrus Lane.

b. The installation of stormwater management components and drainage improvements consisting of concrete flumes at appropriate intervals which will ensure that stormwater management will be installed and constructed consistent with present points of stormwater discharge.

c. A sum not to exceed One-Hundred Thousand Dollars ($100,000.00) of the (Three-Hundred Thousand Dollar [$300,000.00] total donation) which shall be utilized by the Applicant and its consultants to accomplish the above-mentioned off-site system improvements with said monies being paid by the Applicant for such work on or before the issuance of Certificates of Occupancy concerning the first phase of development as described in Paragraph No. 3.

d. To the extent that funds in the sum of Two-Hundred Thousand Dollars ($200,000.00) accomplish same, Cobb County shall undertake and complete the following off-site system improvements:

    i. The construction of a right turn lane on Burrus Road at its intersection with Veterans Memorial Highway.

    ii. The construction of a deceleration lane on Veterans Memorial Highway at its intersection with Burrus Road.

e. The timing of the Burrus Road/Burrus Lane improvements shall not in any way delay, interfere with, hinder or impede the Applicant's articulated timeline for the development of the proposed Residential Community.

f. The sum of Two-Hundred Thousand Dollars ($200,000.00) shall be paid to Cobb County and placed in a designated escrow account, predicated upon approval of this current revised proposal for Rezoning as shown on the Revised Site Plan and as presented herein, with said monies being held in escrow specifically designated for same for the remaining off-site system improvements related specifically to the intersection of Burrus Road and Veterans Memorial Highway. The disbursal of said money shall occur as follows:

    i. The payment of Seventy-Five Thousand Dollars ($75,000.00) to Cobb County within thirty (30) days of the completion of Phase 1.

    ii. Four (4) additional payments of Thirty-One Thousand Two-Hundred Fifty Dollars ($31,250.00) to Cobb County upon the completion, approval and final issuance of full developmental permits on Phase Nos. 2, 3, 4 and 5, respectively.

g. In addition to the foregoing and as a part of project improvements, the Applicant will:

i. Construct sidewalks on both sides of the interior streets within the proposed residential community.

ii. The interior streets of the proposed subdivision shall be public and built to the County's Design and Detail Specification.

iii. The construction of mail kiosks as shown on the Revised Site Plan will be located in strategically positioned areas or in those areas determined by the USPS."

c. Revisions to Paragraph No. 5 of the September 25, 2017 stipulation letter as follows:

"5. The size of the two-story traditional homes shall range from a minimum of 2,000 square feet up to 3,500 square feet and greater. The minimum home size for ranch style homes shall be 1,800 sq. ft. The Applicant understands that the style of homes chosen will be "market driven, with no cap on the maximum number of ranch style homes throughout the proposed residential community. The architectural style and composition of the homes shall be consistent with the architectural renderings/elevations being submitted concurrently herewith.

The architectural style and composition of the homes to be built on the subject property shall be solely and exclusively subject to review and approval by the District Commissioner. If, within a period of 90 days after FINAL approval of the Rezoning, an agreement with respect to architectural style and composition has not been reached and/or the architecture of the homes has not been approved then, and in such an event, the zoning of the subject property shall revert to its original classifications of R-15 and R-20. The District Commissioner shall be the sole arbiter regarding architectural issues and shall have the latitude to extend the above timeframe; however, said timeframe shall not exceed 180 days."

d. Revisions to Paragraph No. 13 and its subparts, as follows:

"13. a. The submission of a Landscape Plan during the pendency of this Other Business Application Process which shall be subject to review and approval by a Landscape Oversight Committee ("LOC") consisting of a representative from MIC, the Applicant, and a representative from the Community Development Agency."

e. Revisions to the overall proposal so that all elements of landscaping attendant to the September 25, 2017, the September 29, 2017 and November 15, 2017 stipulation letters shall remain in full force and effect except to the extent that said Landscape Plan, which is being submitted under separate cover during the pendency of this Other Business Application, shall place the District Commissioner in a position to review, consider and approve said plan, along with the Landscape Oversight Committee.

The Applicant is not proposing an increase in the number of single-family detached residential units previously approved by the Board of Commissioners in the original Rezoning of Z-34 (2017). If the Site Plan, Architectural Renderings/Elevations and Stipulation Amendments are approved, as submitted concurrently with this Application for Other Business, the same 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, made a part of the Board of Commissioners Zoning Hearing held on November 21, 2017 which are not otherwise in conflict herewith, shall remain unaltered and/or unchanged by this request for Site Plan Approval and Stipulation Amendments.

REGULAR AGENDA

Mr. Pederson presented Applicant's request to move Z-44 (Meritage Homes of Georgia, LLC) to the end of the hearing due to a scheduling conflict, but due to the number present in opposition, Commissioner Cupid requested that this case be moved forward on the agenda; the Board was agreeable to this request.

Commissioner Ott left the hearing prior to the motion and vote on Z-44 (Meritage Homes of Georgia, LLC)

Z-44 **MERITAGE HOMES OF GEORGIA, LLC** (Multiple title holders in Zoning file) requesting Rezoning from **R-20** to **RA-5, RA-6** and **RM-8** for the purpose of a Residential Community in Land Lots 29, 30, 1073, 1074 and 1147 of the 17th and 19th Districts. Located at the southwest intersection of Floyd Road and Glore Road, at the northern terminus of Green Valley Road. ***(Previously continued by the Planning Commission from their August 1, 2017, September 7, 2017 and October 3, 2017 Planning Commission hearings until the November 7, 2017 Planning Commission hearing)***

The public hearing was opened, and Mr. Kevin Moore, Ms. Robin Meyer, Mr. Dennis Campbell, Mr. Michael Ferguson, Mr. Barry Greenwald, Ms. Pamela Greeson, Mr. Billy Barnes, and Mr. Brent Dismon addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Birrell, to **hold** Z-44 until the December 19, 2017 Board of Commissioners Zoning Hearing.

VOTE: **ADOPTED** 4-0, Ott not present

Chairman Boyce called for a recess at 10:06 a.m.; the hearing reconvened at 10:11 a.m.

Z-34 **JOSH THOMPSON** (Barnes Land and Investments, LLC, owner) requesting Rezoning from **R-15** and **R-20** to **RA-5** for the purpose of a Single-family Subdivision in Land Lots 1226 and 1291 of the 19th District. Located at the northern terminus of Burrus Lane, at the northwestern terminus of Milton Place, the northern terminus of Lakeview Drive, the eastern end of Mark Lee Drive, and northeast of Veterans Memorial Highway. ***(Previously continued by Staff from the July 6, 2017 Planning Commission hearing; and held by the Planning Commission from their August 1, 2017 and September 7, 2017 hearings until the October 3, 2017 hearing; continued by Staff until the November 21, 2017 Board of Commissioners hearing)***

REGULAR AGENDA (CONT.)

Z-34 JOSH THOMPSON (CONT.)

The public hearing was opened, and Mr. Garvis L. Sams, Jr., Ms. Robin Meyer, Mr. Mike Dixon, and Mr. Mike Hewett addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Weatherford, to **approve** Z-34 to the **RA-5** zoning category, subject to:

1. **Final site plan to be approved by the District Commissioner, including accompanying table of lot sizes**
2. **Letters of agreeable conditions from Mr. Garvis L. Sams, Jr. dated September 29, 2017 and November 15, 2017 (attached and made a part of these minutes)**
3. **The architectural style and composition of the homes to be built on the subject property shall be solely and exclusively subject to review and approval by the District Commissioner; if, within a period of 90 days after approval of the rezoning, an agreement with respect to architectural style and composition has not been reached and/or the architecture of the homes has not been approved then, and in such an event, the zoning of the subject property shall revert to its original classifications of R-15 and R-20; the District Commissioner shall be the sole arbiter regarding architectural issues and shall have the latitude to extend the above timeframe; however, said timeframe shall not exceed 180 days under any circumstances**
4. **Landscape plan, including fencing and pocket parks, to be approved by the District Commissioner (noting the 20' landscape buffer to be provided for the residents of Milton Lane)**
5. **Additional parking spaces, no less than six, shall be provided between lots 6 and 12**
6. **Right turn lane shall be provided onto Veterans Memorial Highway and deceleration lane provided off Veterans Memorial Highway onto Burrus Lane, with final agreement to be determined between the Applicant and the Department of Transportation**
7. **Staff comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** 3-1 (Boyce opposed; Ott not present)

Commissioner Ott returned to the hearing prior to the reading of Z-58 (Lovia McMillen) into the record.

Min. Bk. 83 Petition No. Z-34
Doc. Type 9-29-17 letter
Meeting Date 11-21-17

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

ADAM J. ROZEN

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

WWW.SLHB-LAW.COM

September 29, 2017

SUPPLEMENTAL LETTER TO
REVISED STIPULATION LETTER & REVISED SITE PLAN

VIA EMAIL:

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

Re: Application of Josh Thompson to Rezone a 46.43 Acre Tract from R-15 & R-20 to RA-5 (Detached) – No. Z-34

Dear John:

As you know, this firm is handling the above-captioned Application for Rezoning. In that regard, on September 25, 2017, we formally submitted a revised stipulation letter and revised site plan. Since that time, there have been some additional discussions with contiguous property owners and some additional pertinent information which has come to light. In that regard, this letter will serve as a supplement to the September 25th letter and will revise certain stipulations/conditions contained therein.

To the extent not revised hereby, all other stipulations/conditions contained within the September 25, 2017 letter shall remain in full force and effect as conditions of the rezoning. For ease of reference, attached is a copy of the September 25th letter and its attachments to this letter.

1. Paragraph 13(c) shall be revised to read as follows:

"13 c. The installation of either a twenty-foot (20') landscaped buffer or a twenty-foot (20') natural landscaped buffer (as determined by the Developer/Builder) adjacent to residentially zoned and utilized properties within Iris Heights Subdivision (on the east); Coleman Hills Subdivision (on the west); property owned by Ms. Esther King and property now or formerly owned by Mr. & Mrs. Johnson (on the south); and, adjacent and to the south of Lots 1 & 153. Said landscaped buffers more than double the County's requirements in terms of width and enhance this component from "strips" to buffers.

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Additionally, the installation of a six foot (6') decorative/scalloped opaque fence along the eastern and southern (rear) property lines of Lots 42-69 and Lots 1 & 153.[1] Any fencing shall be completed prior to final plat approval on each respective phase of the proposed residential development."

2. Paragraph 4 shall be revised by adding the following subparagraph:

"4 k. There shall be no ingress to nor egress from Lakeview Drive during the construction and build-out of the proposed Residential Subdivision nor thereafter once development has been completed."

3. Paragraph 12 shall be revised as follows:

"12. With respect to Lots 1 & 153 as depicted on the revised site plan, the Developer shall install a fence along the common property lines as measured from the existing metal stakes delineating said property lines. However, with respect to Lot 1, there is a existing row of Cryptomeria trees slightly north of that property line that shall remain in place with the fence described hereinabove being erected slightly north of said Cryptomerias. In the interim, prior to the installation of fencing and additional landscaping, the Developer agrees to mark and delineate said common property lines as presently staked on the ground from which the twenty foot (20') buffer shall be measured for the property owners of the contiguous residential homes (the "Dixons and the Martindales") who shall be notified should they choose to be present contemporaneously with said property lines or fence lines being marked. The fencing described herein shall consist of a six-foot (6') decorative/scalloped opaque fence as mentioned in Paragraph 13(d)."

4. Paragraph 4(d) shall be revised to add an additional sentence therein, as follows:

"4 d. The construction of sidewalk on one side of Burrus Road/Burrus Lane from its intersection with Veterans Memorial Highway northward toward the proposed development's frontage on Burrus Lane. While the Developer has reached

[1] On the eastern boundary of the subject property, proposed lots (Nos. 2-15) are inordinately deep. In that regard, the County Arborist, in concert with the Developer and the District Commissioner, shall have the respective authority to leave the rear twenty foot (20') portions of those lots natural as opposed to installing either twenty foot (20') landscaped buffers or natural landscaped buffers during the Plan Review process. Additionally, with respect to all buffers mentioned herein, there will be no stipulations/conditions prohibiting the Developer, proceeding under the authority of the County, from entering into said buffers for the installation of required utilities.

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agreements with the Dixon and Martindale families who are identified more particularly herein and who own property contiguous and to the south of Lots 1 & 153, respectively, those families have expressed their collective desire that there be no installation of sidewalk on Burrus Lane (they are not opposed to sidewalk on Burrus Road or within the proposed Residential Subdivision) within their subdivision because of potential interference with existing landscaping, rock beds; large Pampas Grass bushes and mature Palm Trees which the installation of a sidewalk may impinge upon."

5. The September 25th letter shall be further modified by adding an unnumbered/unlettered paragraph which will appear as the third paragraph beginning on Page 1 of said letter, as follows:

"The subject property, consisting of 46.43 acres is zoned both R-15 and R-20. The R-15 portion of the subject property consists of a large 38.18 acre tract of land which was rezoned to R-15 in 2004 (No. Z-152). That rezoning allowed a total number of 82 lots (out of 101 lots allowed with the existing zonings) subject to the following stipulations/conditions:

- Final site plan to be approved by the District Commissioner (which was signed by the District Commissioner on March 10, 2005).
- A minimum house size of 1,500 sq. ft. ranging up to 1,800 sq. ft.
- Front façades of the homes to be brick and/or stone; with any siding being used consisting of HardiPlank®, Crane board, Alcoa (aluminum) structure or heartland cedar max.

Although not permissible as a stipulation/condition of the rezoning, Staff's Zoning Analysis noted that the price points of the homes would 'start selling for $119,000.00'."

The 2004 Rezoning and the approved site plan reflects that there is no presently no amenity package (unlike the amenity components which the Developer now proposes at a cost of Five-Hundred Thousand Dollars ($500,000.00) and there is no agreement nor any provisions made with respect to off-site transportation system improvements; whereas, in the current zoning case, the Developer has agreed to voluntarily donate and contribute the sum of Three-Hundred Thousand Dollars ($300,000.00) to fund those transportation improvements.

Petition No. Z-34
Meeting Date 11-21-17
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
September 29, 2017
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Realizing, of course, that the Planning Commission is not bound to consider any additional information after the cut-off point which occurred at noon on Wednesday, September 27, 2017, the Planning Commission nevertheless can still consider such information particularly in light of the ongoing discussions and negotiations between the Developer and Contiguous/Adjacent Property Owners.

Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./dls
Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP, County Manager (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Mr. Dana Johnson, AICP Director (via email w/attachments)
Mr. Lee McClead, Deputy Director (via email w/attachments)
Mr. Jason S. Gaines, AICP Planning Manager (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. Phillip Westbrook, Planner III (via email w/attachments)
Mr. Donald Wells, Zoning Analyst (via email w/attachments)
Ms. Tannesha Bates, Zoning Analyst (via email w/attachments)
Ms. Pam Mabry, County Clerk (via email w/attachments)
Ms. Lori Jordan, Deputy County Clerk (via email w/attachments)
Ms. Robin Pressley, Deputy County Clerk (via email w/attachments)
Captain Robert "Rock" Toler, Fire Department (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)

Petition No. Z-34
Meeting Date 11-21-17
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SAMS, LARKIN, HUFF & BALLI
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VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
September 29, 2017
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Ms. Amy Diaz, P.E. (via email w/attachments)
Ms. Ashley White, P.E. (via email w/attachments)
Mr. Tim Davidson (via email w/attachments)
Ms. Robin Meyer, MIC (via email w/attachments)
Ms. Sheri George, GNP (via email w/attachments)
Mr. Ray Thomas, MIC (via email w/attachments)
Ms. Sonya Wheatley, MIC (via email w/attachments)
Mr. & Mrs. Michael A. Dixon, Burrus Lane (via email w/attachments)
Mr. & Mrs. Steve Martindale, Burrus Lane (via email w/attachments)
Ms. Esther King, Lakeview Drive (via email w/attachments)
Mr. & Mrs. Jimmie Brown (via email w/attachments
Honorable Roy E. Barnes, Esq. (via email w/attachments)
Mr. Larry Thompson (via email w/attachments)
Mr. Josh Thompson (via email w/attachments)
Mr. Daniel B. Dobry, Jr., P.E., PTOE, AICP (via email w/attachments)
Mr. Daryl R. Cook, P.E. (via email w/attachments)

Exh. Pk. 83 Petition No. Z-34
Doc. Type 11-15-17 letter
Meeting Date 11-21-17

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

ADAM J. ROZEN

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770·422·7016
TELEPHONE
770·426·6583
FACSIMILE

WWW.SLHB-LAW.COM

November 15, 2017

(SUPPLEMENT TO REVISED STIPULATION LETTER & REVISED SITE PLAN)

VIA HAND DELIVERY AND VIA EMAIL:

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

Re: Application of Josh Thompson to Rezone a 46.43 Acre Tract from R-15 & R-20 to RA-5 (Detached) – No. Z-34

Dear John:

You will recall that this firm represents the Applicant, Josh Thompson ("Developer") and the Property Owner, Barnes Land and Development, LLC ("Barnes"), concerning the above-captioned Application for Rezoning. The Planning Commission recommended approval of the Application on October 3, 2017. The Application is now scheduled to be heard and considered for final action next week by the Board of Commissioners on November 21, 2017.

Since this Application has been pending, we initially focused our discussions by establishing a dialogue with the County's Professional Staff. Before the Planning Commission meeting wherein the Application was recommended for approval, we focused upon discussions with contiguous and adjacent residents. Since the Planning Commission's recommendation for approval, we have focused our discussions upon addressing and resolving the remaining concerns and/or issues articulated by representatives of the Mableton Improvement Coalition ("MIC"). In that regard, this letter will supplement and/or modify the revised stipulation letter which was submitted on September 25, 2017. The previously filed letter, dated September 29, 2017, specifically dealing with agreements reached with contiguous and adjacent owners, shall not change and shall remain in full force and effect in all respects.

Petition No. Z-34
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Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 15, 2017
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With respect to the foregoing, enclosed please find an additionally Revised Site Plan prepared by Watts & Browning Engineers, Inc. which is attached as Exhibit "A" which is being formally submitted concurrently herewith. There are a number of revisions on the site plan; however, of major note is the elimination of the Developer's request for a waiver of Ordinance provisions regarding the separation between homes. Now, the revised proposal reflects that all of the homes will be at least twenty feet (20') apart thus obviating the necessity for the Variance regarding the required separation between single-family, detached homes.

Following the order of the stipulations/conditions contained within the September 25th letter attached hereto as Exhibit "E" (without attachments), the supplemental and/or revised stipulations are as follows:

1. Footnote No. 3 regarding Paragraph 5 shall be deleted in its entirety in view of the fact that, with all homes being positioned at least twenty feet (20') apart, guest parking is not required by either the Fire Department, DOT or by other County Ordinances or Regulations.

2. Paragraph 6(b) shall be revised as follows:

   6(b). A two-story pool house/clubhouse with a wraparound porch, including a meeting room, restrooms and a kitchenette shall be constructed within the amenity area. The architectural style and composition of this component shall be in substantial conformity to the photograph attached as Exhibit "B" which is being submitted concurrently herewith which reflects the pool house/clubhouse which the Developer constructed in Covington Ridge Subdivision off of Lassiter Road in Unincorporated Cobb County.

   In addition to the foregoing, the pool house/clubhouse shall also include a workout room with gym equipment and the maintenance and operational facilities regarding the Junior Olympic swimming pool. Said building shall be a minimum of 1,600 sq. ft. in size."

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SAMS, LARKIN, HUFF & BALLI
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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 15, 2017
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3. Paragraph 6 shall also be revised by adding subparagraph (g) which shall read as follows:

   "6(g) The "pocket parks" shown on the additionally revised site plan shall contain a combination and/or mixture of small playground equipment, benches, picnic tables, communal fire pits; and, cooking grills."

4. Paragraph 7 shall be revised as follows:

   "7. The architectural style and composition of the homes shall consist of a mixture of brick, stacked stone, cedar or cedar shake, HardiPlank® Shake and/or cementious siding or a combination thereof as depicted on the revised architecture represented by the photographs of Meritage Homes' product being formally submitted and attached collectively as Exhibit "C".

   The fronts of said homes shall consist of a minimum of a fifty percent (50%) combination of brick and/or stacked stone. The overall final architectural style and composition shall be in substantial compliance with the foregoing and subject to review by and approval from the District Commissioner. To the extent that the attached architectural renderings/ elevations may not totally comport with this fifty percent (50%) combination of brick and/or stacked stone, the written words herein shall control in all respects." [1]

5. The last sentence of the "first" Paragraph in 13(e) shall be revised as follows:

   "13(e) Said markers shall be perpetually maintained by the HOA and shall be in substantial conformity to the exhibit of said markers which is attached as Exhibit "D" (with the final text of said markers being subject to review and approval by the LOC)."

6. Paragraph 18 shall be revised by eliminating the Developer's request for a waiver and concurrent Variance with respect to the spacing between homes, with all homes being positioned at least twenty feet (20') apart.

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[1] The architectural photographs attached hereto have been provided by Meritage Homes which will be the builder regarding the totality of homes within the proposed residential community.

Petition No. Z-34
Meeting Date 11-21-17
Consent

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 15, 2017
Page 4

Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With kind regards, I am

Very truly yours,

SAMS, ~~LARKIN, HUF~~F & BALLI, LLP

Garvis ~~L. Sams~~, Jr.
gsams@slhb-law.com

GLS, Jr./dls
Enclosures/Attachments
cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP, County Manager (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Mr. Dana Johnson, AICP Director (via email w/attachments)
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Mr. Jason S. Gaines, AICP Planning Manager (via email w/attachments)
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Mr. Phillip Westbrook, Planner III (via email w/attachments)
Mr. Donald Wells, Zoning Analyst (via email w/attachments)
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Ms. Lori Jordan, Deputy County Clerk (via email w/attachments)
Ms. Robin Pressley, Deputy County Clerk (via email w/attachments)
Captain Robert "Rock" Toler, Fire Department (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Ms. Amy Diaz, P.E. (via email w/attachments)
Ms. Ashley White, P.E. (via email w/attachments)
Mr. Tim Davidson (via email w/attachments)
Ms. Robin Meyer, MIC (via email w/attachments)
Ms. Sheri George, GNP (via email w/attachments)
Mr. Ray Thomas, MIC (via email w/attachments)

Petition No. Z-34
Meeting Date 11-21-17
Contested

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
November 15, 2017
Page 5

Ms. Sonya Wheatley, MIC (via email w/attachments)
Mr. & Mrs. Michael A. Dixon, Burrus Lane (via email w/attachments)
Mr. & Mrs. Steve Martindale, Burrus Lane (via email w/attachments)
Honorable Roy E. Barnes, Esq. (via email w/attachments)
Mr. Larry Thompson (via email w/attachments)
Mr. Josh Thompson (via email w/attachments)
Mr. Daniel B. Dobry, Jr., P.E., PTOE, AICP (via email w/attachments)
Mr. Daryl R. Cook, P.E. (via email w/attachments)

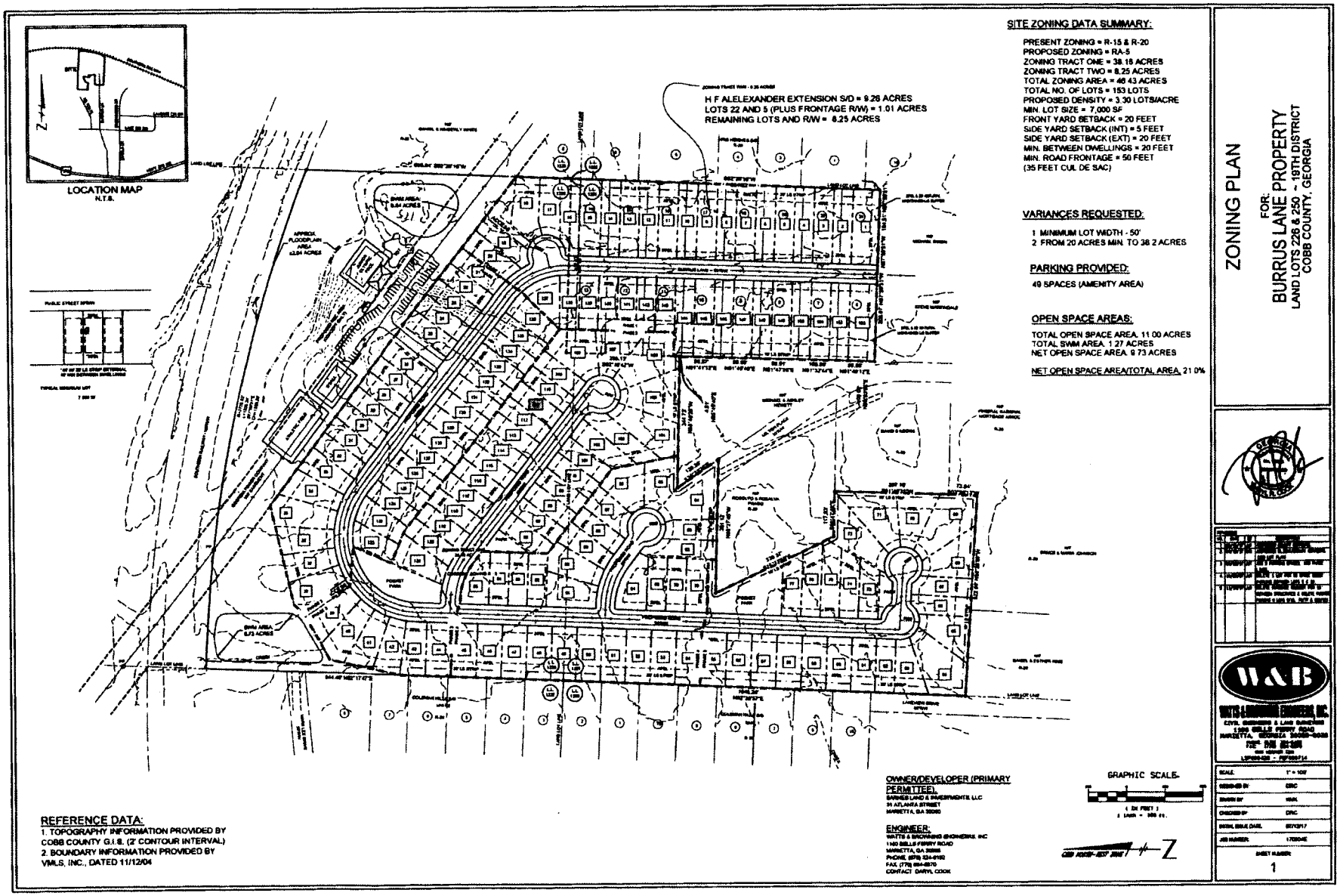


EXHIBIT "A"

Petition No. Z-34
Hearing Date 11-21-17
(Approved)

EXHIBIT "B"

11-12-17
Z-34

Petition No Z-34
Meeting Date 11-21-17
Contested

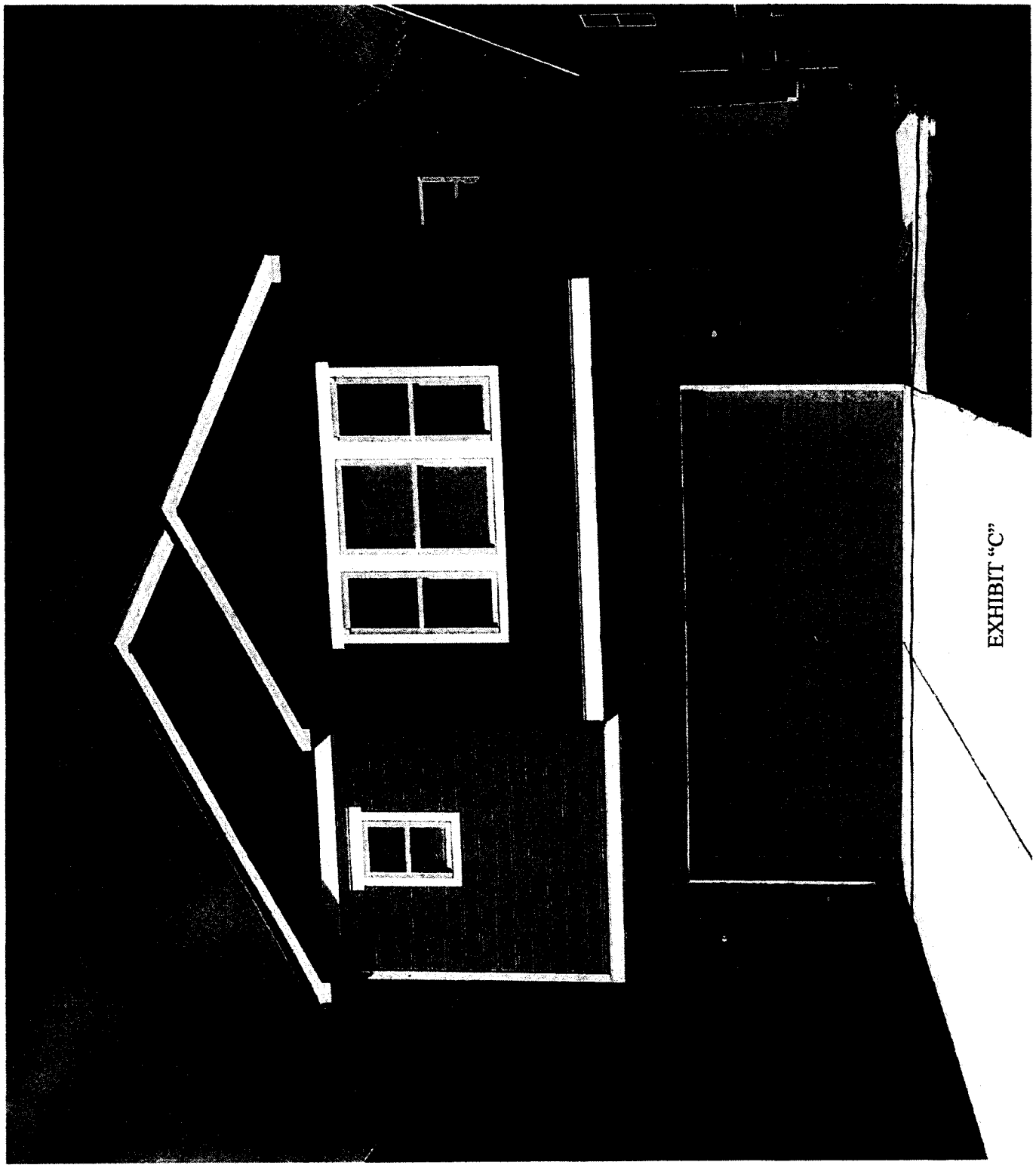
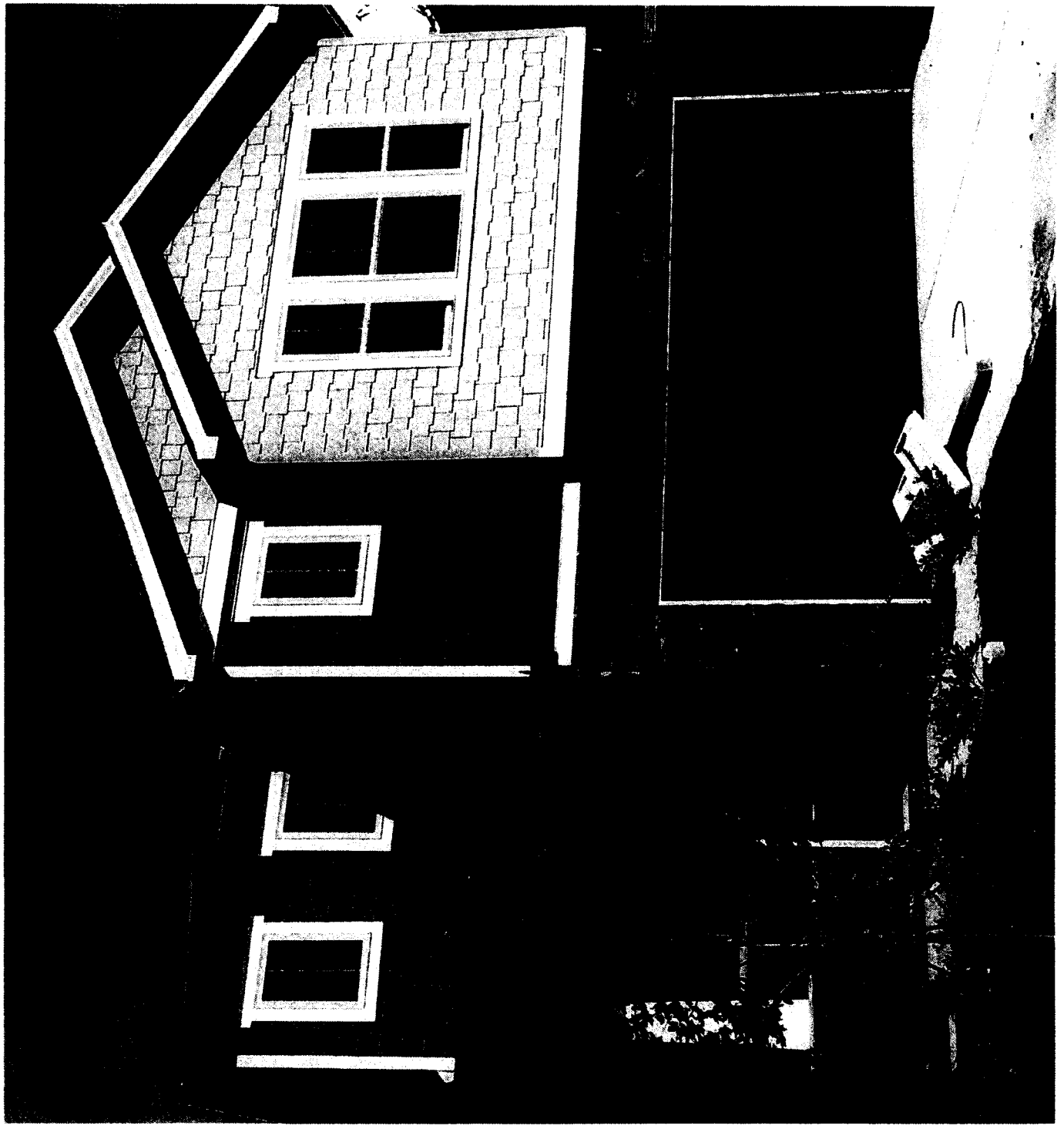


EXHIBIT "C"

Z-34
11-21-17



Z-34
11-21-17

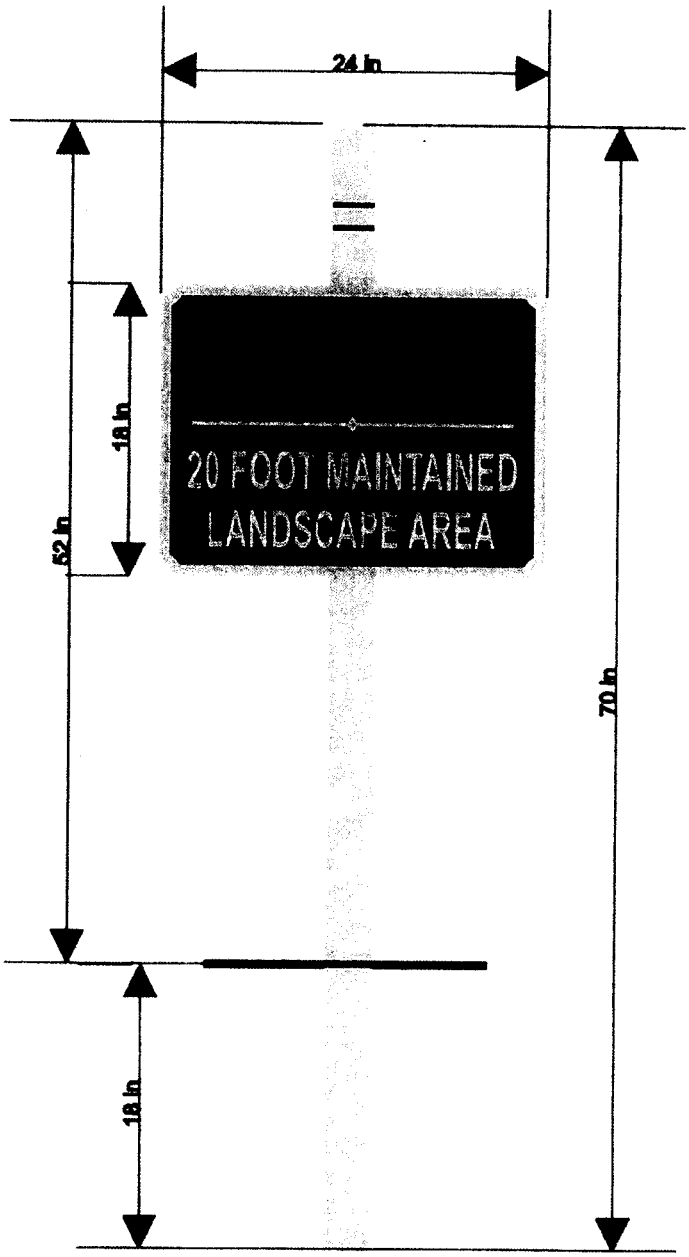


EXHIBIT "D"

Petition No. Z-34
Meeting Date 11-21-17
Continued

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

ADAM J. ROZEN

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

WWW.SLHB-LAW.COM

September 25, 2017

(REVISED STIPULATION LETTER & REVISED SITE PLAN)

VIA HAND DELIVERY AND VIA EMAIL:

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

Re: Application of Josh Thompson to Rezone a 46.43 Acre Tract from R-15 & R-20 to RA-5 (Detached) – No. Z-34

Dear John:

This firm represents the Applicant, Josh Thompson (the "Developer") and the Property Owner, Barnes Land and Development, LLC, concerning the above-captioned Application for Rezoning. The Application was heard and held by the Planning Commission and is now scheduled to be heard and considered again by the Planning Commission on October 3, 2017. Thereafter, the Application will be heard and considered for final action by the Board of Commissioners on October 17, 2017.

You will recall that the property at issue is zoned R-15 & R-20 and consists of a 46.43 acre assemblage located on the east and west sides of Burrus Lane, at the terminus of Milton Place and Lakeview Drive, respectively ("subject property"). The subject property is also located contiguous to and south of the 150' Southern Railway right-of-way and significantly north of the Veterans Memorial Highway Corridor with direct contiguity to a massive area of land shown as and ultimately planned for Future Use and Development as Medium Density Residential ("MDR") on Cobb County's Future Land Use Map ("FLUM") and as described in Cobb County's Comprehensive Land Use Plan ("Comp Plan").[1]

While this Application has been pending, we have continued our discussions with the County's Professional Staff; the District Commissioner; the Planning Commissioners; representatives of the Mableton Improvement Coalition ("MIC"); area residents and off-site business owners; and, most recently, contiguous property owners. Additionally, we have

[1] The Application seeks a rezoning which would allow the development of a Single-Family, Detached Residential Community consisting of a total number of 153 homes at a proposed density of 3.30 homes per acre. As presently zoned, the subject property can be developed for 101 homes.

EXHIBIT "E"

Petition No. Z-34
Meeting Date 11-21-17
Conformed

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
September 25, 2017
Page 2

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attended and participated in Town Hall type meetings facilitated by the County, MIC and others. In that regard, this letter will constitute my clients' agreement with the following revised stipulations becoming conditions and a part of the grant of the requested rezoning, as amended and revised, and binding upon the subject property thereafter.

The referenced revised stipulations are as follows, to wit:

1. The revised 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 concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

2. The subject property shall be developed in substantial conformity to that certain revised site plan prepared by Watts & Browning Engineers, Inc. which is being submitted concurrently herewith.

3. The phased development of the subject property will based upon a rezoning from R-15 and R-20 to RA-5 for the purpose of the construction of 153 custom, quality-built, Single-Family, detached homes within a highly amenitized subdivision.

   Reference to the revised site plan reflects demarcation lines depicting the five (5) separate phases of the development, construction and build-out which will occur over an approximate 4-5 year duration. Certain components of these stipulations/conditions are related in time to the completion of certain phases.

4. Although clearly not required by law, ordinance, regulation or statute, the Developer shall voluntarily contribute the sum of Three-Hundred Thousand Dollars ($300,000.00) to assist Cobb County as hereinafter described and in order to position Cobb County to apply said money to accomplish Cobb County's goals toward the completion of the following off-site system improvements:

   a. The construction of a right-turn lane on Burrus Road at its intersection with Veterans Memorial Highway.

   b. The construction of a deceleration lane on Veterans Memorial Highway at its intersection with Burrus Road.

   c. The widening of Burrus Road (from Veterans Memorial Highway to Lake Circle to twenty feet (20') with two foot (2') curb and gutter on both sides of Burrus Road.

d. The construction of sidewalk on one side of Burrus Road/Burrus Lane from its intersection with Veterans Memorial Highway northwards toward the proposed development's frontage on Burrus Lane.

e. Stormwater Management components and drainage improvements along Burrus Rod.[2]

f. The County-imposed timing of the Burrus Road/Burrus Lane improvements shall not in any way delay, interfere with, hinder or impede the Developer's articulated timeline for the development of the proposed Residential Community.

g. The aforementioned sum of Three-Hundred Thousand Dollars ($300,000.00) shall be paid to Cobb County predicated upon approval of this current revised proposal for rezoning as shown on the revised site plan and as presented herein with said monies being held in escrow in a fund specifically designated for such off-site system improvements. The disbursal of said money shall occur as follows:

   i. The payment of Seventy-Five Thousand Dollars ($75,000.00) to Cobb County within thirty (30) days of the completion of Phase 1.

   ii. Four (4) additional payments of Fifty-Six Thousand Two-Hundred Fifty Dollars ($56,250.00) to Cobb County upon the completion, approval and final issuance of full developmental permits on Phase Nos. 2, 3, 4 and 5, respectively, for the total sum of Three-Hundred Thousand Dollars ($300,000.00).

h. The construction of sidewalks on both sides of the interior streets within the proposed community.

i. The interior streets shall be public and built to the County's Design and Detail Specifications.

[2] It is the Developer's understanding (as has been represented by representatives of Cobb County) that the County owns sufficient right-of-way to accomplish the foregoing; however, to the extent that the County may not, in fact, own or have rights to implement and/or complete the foregoing off-site system improvements, the County understands that it has other means at its disposal in order to acquire the requisite right-of-way and/or additional property for off-site system improvements.

j. The construction of mail kiosks, as shown on the revised site plan, will be located in strategically positioned areas or in those areas determined by the USPS.

5. The size of the two-story traditional homes shall range from a minimum of 2,000 square feet up to 3,500 square feet and greater. The minimum home size for ranch style homes shall be 1,800 sq. ft. The Developer understands that the style of home chosen will be "market driven; however, the Developer agrees to a maximum number of thirty-five (35) ranch style homes throughout the proposed residential community.

   Each of the homes shall have, at a minimum, an attached two-car garage which shall, at all times, be used for the parking and storage of at least two (2) vehicles; driveways sufficient to park at least two (2) additional vehicles; and, guest parking which exceeds Cobb County's Development Regulations.[3]

6. The Single-Family Residential Community shall include the following recreation components/amenities:

   a. A Junior Olympic Swimming Pool.

   b. A Two-Story Pool House/Clubhouse with a wrap-around porch, which shall include a Meeting Room, Restrooms and a Kitchenette.

   c. A Multi-Sports Athletic Field.[4]

   d. A "Tot Lot".

   e. An Outdoor Basketball Court.

   f. The Recreation/Amenity Area shall be built-out in its entirety upon the completion of the construction and development of Phase 3 (out of a total of 5 phases).

[3] The Cobb County Fire Department and Cobb County DOT have requested that there be sufficient guest parking spaces interspersed throughout the Residential Community. In that regard, the revised site plan reflects four (4) distinct areas to accommodate a total number of 95 strategically positioned guest parking spaces. County Regulations require only 77 such spaces (.5 guest parking spaces per home).

[4] If it is determined that the Athletic Field will be illuminated, the lighting for this component will be low-intensity, "dark-sky" technology which will ensure the use of full cut-off lighting which will cast no light upward so that this recreational portion of the subject property will have optimal illumination which will be provided solely to the area within the boundaries of the athletic field.

Petition No. Z-34
Meeting Date 11-21-17
Continued

7. The architectural style and composition of the homes shall consist of a mixture of brick, stacked stone, cedar, HardiPlank® Shake and/or cementious siding or a combination thereof as depicted on the architectural renderings/elevations which are being resubmitted concurrently herewith.

   The fronts of said homes shall consist of a minimum of a fifty percent (50%) combination of brick and/or stacked stone. The overall final architectural style and composition shall be in substantial compliance with the foregoing and subject to review by and approval from the District Commissioner.

8. The creation of a Mandatory Homeowners Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other components, strict architectural controls and substantial conformity to the architectural style and composition mentioned above.

   The HOA shall be responsible for the enforcement of the requisite upkeep and maintenance of all of the amenities and the recreational components as mentioned above as well as the twenty foot (20') and the ten foot (10') landscaped areas contiguous to designated adjacent residentially zoned and utilized property; landscaping within the community; fencing; subdivision entrance signage; irrigation and lighting; mail kiosks required by the USPS; and, any Open Space/Common Areas.[5]

9. A Third Party Management Company shall be employed to manage the day-to-day operations of the Mandatory HOA and to ensure that the HOA is properly funded, insured and that the HOA operates optimally in accordance with management company industry-wide standards.

10. Subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance.

11. Subject to recommendations from the Cobb County Stormwater Management Division with respect to detention, stormwater management, hydrology and downstream considerations, including the following:

[5] There is currently 11.0 acres of Common Area/Open Space which includes "pocket parks" with pedestrian connectivity to the interior sidewalks; benches; and/or other amenities located at meaningfully positioned locations throughout the Residential Community. Additionally, there are 1.27 acres of Floodplain/ Stormwater Management/Water Quality area as shown on the revised site plan which results in net Open Space/Common Area of 9.73 acres or 21.0% of the total site area.

a. Cobb County shall be responsible for the upkeep and maintenance of all detention, stormwater management and water quality facilities which shall be positioned to provide access to County personnel. Said facilities shall be configured and constructed consistent with Cobb County Development Regulations. The revised site plan submitted concurrently herewith shows adequate County access to said stormwater management/detention facilities.

b. Any spring activity uncovered on the subject property shall be addressed by a qualified geotechnical engineer.

c. This residential project shall comply with the water quality requirements of the CWA-NPDES-NPS Permit and Cobb County's Water Quality Ordinance.[6]

12. With respect to Lots 1 & 153 as depicted on the revised site plan, the Developer will install a fence along said common property lines as delineated hereafter. In the interim, prior to the installation of fencing, the Developer agrees to stake said common property lines from which the twenty foot (20') buffer shall be measured for the property owners of the contiguous residential homes (the "Dixons & Martindales") who shall be notified in order that they may choose to be on-site contemporaneously with said property lines being staked.

a. With respect to the residential home contiguous to Lot 1 ("Dixon property"), the Developer will agree that the French drain located on the Dixon property shall remain fully operational during the construction, build-out and development of the subject property and, in order for the Developer to ensure that the stormwater drainage emanating therefrom does not adversely affect Lot 1 which shall ultimately be developed and a house built thereon.

b. The Developer agrees that the homes directly contiguous to Lots 1 and 153 shall be single-story ranch-style homes and that the first two-story home which shall be built closest to and to the north of the Dixons' and Martindales' homes either do not have windows on the southern side of said homes or that the first two-story homes built

[6] There do not appear to be any bodies of water located downstream which stand to be potentially affected by the proposed development; therefore, the Stormwater Management Division will not require pre-construction or post-construction analyses of any downstream ponds or bodies of water with respect to siltation and sedimentation issues.

closest to the Dixons and the Martindales are far enough away so that any windows on the south side of said homes will not have direct visibility into the Dixons' and Martindales' private backyards and pool areas.

c. With respect to Lot 153 which is contiguous and to the north of the Martindales' property, the Developer shall remove existing natural vegetation on its side of the common property line and replace said vegetation with Cryptomeria trees planted twelve feet (12') on center along said common property line.

With respect to the Dixons' property which is contiguous and to the south of Lot 1, the Developer shall plant Cryptomeria trees (in addition to the ones which the Dixons have already planted) behind the row of the existing Cryptomerias in symmetry to and alignment with the Cryptomeria trees planted on the Martindales' property. Said Cryptomeria trees shall be "staggered" in juxtaposition to the Dixons' existing Cryptomeria trees and planted twelve feet (12') on center.[7]

d. Except with respect to the foregoing, the twenty foot (20') natural maintained buffer as presently shown on the revised site plan shall remain in place as more fully defined hereafter but as enhanced with trees and fencing as aforementioned.

13. a. The submission of a landscape plan during the Plan Review Process which shall be subject to review and approval, during the Plan Review Phase of the subdivision, by a Landscape Oversight Committee ("LOC") consisting of a representative from MIC, the Developer/Builder, and a representative from the Community Development Agency.

b. The District Commissioner shall serve in an *ex officio* capacity with respect to the LOC and shall be the final arbiter concerning any decisions which can not otherwise be resolved. Neither the LOC nor Cobb County shall unreasonably delay or hinder the construction and/or development of the subject property.

c. The installation of an either twenty foot (20') landscaped buffer or a twenty foot (20') natural landscaped buffer (as determined by the Developer/Builder) adjacent to residentially zoned and utilized properties within Iris Heights Subdivision (on the east); Coleman Hills Subdivision (on the west) and adjacent and to the south of Lots

[7] During the landscaping process, the Dixons may choose to substitute other types of evergreen trees. The parties have agreed that should there be any questions about the type of the trees appropriate for or indigenous to this area, that the recommendations of the County's Arborist will prevail.

1 & 153. Said landscaped buffers more than double the County's requirements in terms of width and enhance this component from "strips" to buffers. Additionally, the installation of a six foot (6') decorative/scalloped opaque fence along the eastern (rear) property lines of Lots 42-61 and Lots 1 & 153.[8] Any fencing shall be completed prior to final plat approval on each respective phase of the proposed residential development.

d. The Mandatory HOA shall be granted a perpetual easement and shall be responsible for enforcement regarding the upkeep and maintenance of said landscaped buffers in perpetuity and shall be responsible for enforcing the control of the buffers by removing or having removed any dead or irrevocably diseased vegetation. Additionally, the Mandatory HOA may selectively remove any invasive, harmful vegetation species such as Kudzu or Poison Ivy located within these areas subject to the County's Arborist's review and approval.

e. During the construction, development and build-out of the proposed Residential Community, the above-mentioned landscaped buffers shall be clearly marked prior to the beginning of any land disturbance in a manner consistent with Cobb County Developmental Regulations. Thereafter, the buffers shall be clearly marked on the corner of the buffers on every other lot by permanent ground-based markers indicating that the buffer shall remain free of encroachments except as necessary for the installation of utilities or other components required by Cobb County or as hereinafter more fully defined. Said markers will be perpetually maintained by the HOA and will appear as shown on an exhibit of said markers which will be filed under separate cover prior to the public hearing before the Board of Commissioners.

All deeds of conveyance to the purchasers of Lots 1-18 and Lots 40-69 and on the southern side of Lots 1 & 153, as shown on the revised site plan, whether such purchasers are builders or home buyers, shall contain recitals so that future owners are made aware of the landscaped buffers and that same shall continue to be clearly marked and subject to the perpetual and exclusive easement as mentioned above.

[8] On the eastern boundary of the subject property, those proposed lots (Nos. 2-15) are inordinately deep. In that regard, the County Arborist, in concert with the Developer and the District Commissioner, shall have the respective authority to leave the rear twenty foot (20') portions of those lots natural as opposed to installing either twenty foot (20') landscaped buffers or natural landscaped buffers during the Plan Review process. Additionally, with respect to all buffers mentioned herein, there will be no stipulations/conditions prohibiting the Developer, proceeding under the authority of the County, from entering into said buffers for the installation of required utilities.

f. The designated buffer areas, unless otherwise designated hereinabove, may be enhanced with plantings which are ecologically compatible and indigenous to the area. Only dead, dying, diseased or invasive vines or plants may be removed from said landscaped buffers. No storage or structures may be placed within said landscaped buffers. However, fencing on the rear property lines and "invisible fencing"; i.e., electronic subterranean fencing for the containment of domestic pets within the buffers, shall be acceptable.

g. The Georgia Native Plant Society ("GNPS") shall be allowed to conduct a "Plant Rescue" on those portions of the subject property which are to be developed prior to the commencement of construction assuming, of course, that said plant rescue does not delay or hinder the construction and development of the subject property.

14. Adherence to the following construction hours:

a. 7:00 a.m. until 7:00 p.m., Monday through Friday, from October 1st to March 31st.

b. 7:00 a.m. until 7:00 p.m., Monday through Friday, from April 1st to September 30th.

c. 9:00 a.m. until 6:00 p.m. on Saturdays.

d. No outside work on Sundays or on the following national holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Eve, New Year's Day and Easter.

15. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the proposed subdivision.

16. Compliance with recommendations from the Cobb County Water System regarding the availability and accessibility of water and sewer for the site. According to the Water System, sewer capacity is available, and, with respect to water, the Water System is requesting a dual feed for water service.[9]

[9] Sewer is partially installed on Burrus Lane with existing laterals. Also, portions of streets and utilities are installed from a previous platting of that portion of the subject property.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
September 25, 2017
Page 10

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17. Subject to recommendations from the Cobb County Fire Department with respect to Life-Safety and Fire Prevention issues including, but not necessarily limited to, provisions for guest parking as mentioned above.

18. The granting of the following concurrent Variances:

    a. A waiver of the lot width, except with respect to Lots fronting onto cul-de-sacs, to fifty feet (50').

    b. A waiver of maximum acreage under the RA-5 district.

    c. A waiver to allow a minimum of ten feet (10') between certain homes which constitutes the "trigger" for the guest parking provided (95 spaces).

19. The District Commissioner shall have the authority to approve minor modifications to these stipulations, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review Process and thereafter except for those that:

    a. Increase the density of the Residential Community.

    b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.

    c. Increase the height of a building which is adjacent to property which is zoned in the same or a more restrictive zoning district.

    d. Change access locations to different rights-of-way.

    e. Pertain to agreements reached with adjacent and/or contiguous property owners.

For this area of Cobb County to be redeveloped in a responsible fashion and in order to facilitate the development and build-out of a highly amenitized subdivision, the attendant universally oriented demographics will encourage forward-thinking and a renewed/upscale commercialization of the Veterans Memorial Highway Corridor. This revised residential proposal accomplishes those goals and constitutes a timely and much needed economic impetus for this area.

Petition No. Z-34
Hearing Date 11-21-17

SAMS, LARKIN, HUFF & BALLI
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VIA HAND DELIVERY AND VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
September 25, 2017
Page 11

Please do not hesitate to contact me should you or your Staff require any further information or documentation prior to the Application for Rezoning being heard and considered by the Planning Commission and Board of Commissioners next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./dls
Enclosures/Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP, County Manager (via email w/attachments)
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Page 12

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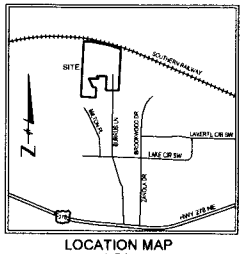
Mr. Josh Thompson (via email w/attachments)
Mr. Daniel B. Dobry, Jr., P.E., PTOE, AICP (via email w/attachments)
Mr. Daryl R. Cook, P.E. (via email w/attachments)

REFERENCE DATA:

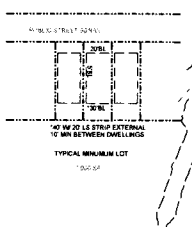
1. TOPOGRAPHY INFORMATION PROVIDED BY COBB COUNTY G.I.S. (2' CONTOUR INTERVAL)
2. BOUNDARY INFORMATION PROVIDED BY VMLS, INC., DATED 11/12/04

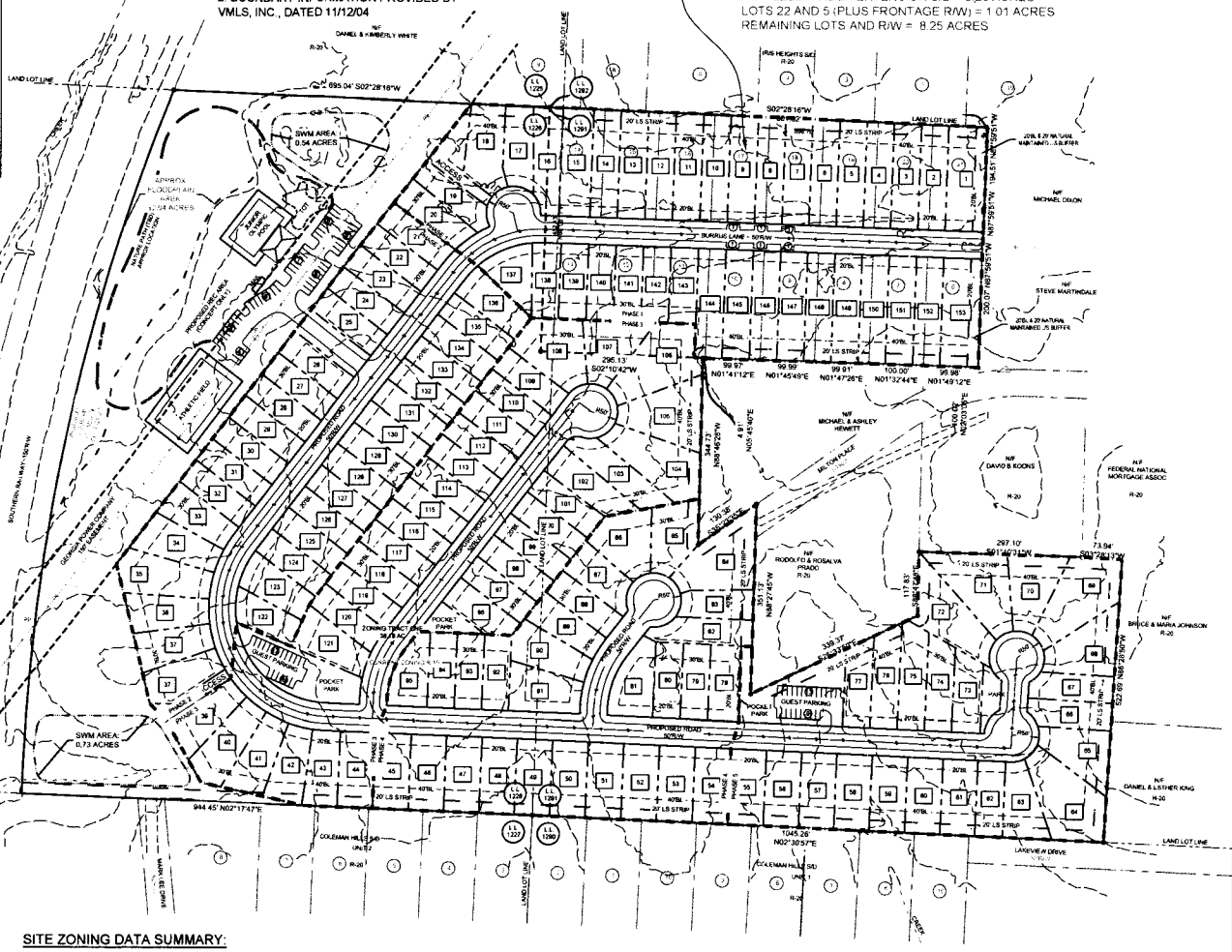
ZONING TRACT TWO - 8.25 ACRES

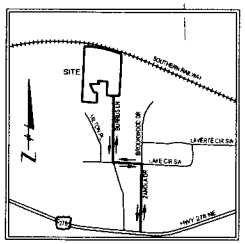
H F ALELEXANDER EXTENSION S/D = 9.26 ACRES
LOTS 22 AND 5 (PLUS FRONTAGE R/W) = 1.01 ACRES
REMAINING LOTS AND R/W = 8.25 ACRES



LOCATION MAP
N.T.S.







SITE TRAVEL ROUTE
N.T.S.

SITE ZONING DATA SUMMARY:

PRESENT ZONING = R-15 & R-20
PROPOSED ZONING = RA-5
ZONING TRACT ONE = 38.18 ACRES
ZONING TRACT TWO = 8.25 ACRES
TOTAL ZONING AREA = 46.43 ACRES
TOTAL NO. OF LOTS = 153 LOTS
PROPOSED DENSITY = 3.30 LOTS/ACRE
MIN. LOT SIZE = 7,000 SF
FRONT YARD SETBACK = 20 FEET
SIDE YARD SETBACK (INT) = 5 FEET
SIDE YARD SETBACK (EXT) = 20 FEET
MIN. BETWEEN DWELLINGS = 10 FEET
MIN. ROAD FRONTAGE = 50 FEET
(35 FEET CUL DE SAC)

VARIANCES REQUESTED:

1. MINIMUM LOT WIDTH - 50'
2. FROM 20 ACRES MIN. TO 38.2 ACRES
3. 10' BETWEEN STRUCTURES

PARKING PROVIDED:

3 SPACES (LOTS 7-9)
22 SPACES (LOTS 77-78)
18 SPACES (LOTS 121-122)
3 SPACES (LOTS 145-147)
51 SPACES (AMENITY AREA)

97 SPACES PROVIDED

OPEN SPACE AREAS:

TOTAL OPEN SPACE AREA 11.00 ACRES
TOTAL SWM AREA 1.27 ACRES
NET OPEN SPACE AREA 9.73 ACRES

NET OPEN SPACE AREA/TOTAL AREA 21.0%

OWNER/DEVELOPER (PRIMARY PERMITTEE):

BARNES LAND & INVESTMENTS, LLC
31 ATLANTA STREET
MARIETTA, GA 30060

ENGINEER:

WATTS & BROWNING ENGINEERS, INC
1180 BELLS FERRY ROAD
MARIETTA, GA 30066
PHONE: (678) 324-6192
FAX: (770) 694-8870
CONTACT: DARYL COOK

PARCEL AREA TABLE

Parcel #	ACRES	SQ FEET
1	0.31	13,574
2	0.22	9,782
3	0.22	9,798
4	0.23	9,905
5	0.23	9,905
6	0.23	9,846
7	0.23	9,867
8	0.23	9,847
9	0.23	9,908
10	0.23	9,928
11	0.23	9,949
12	0.23	9,950
13	0.23	9,969
14	0.23	10,010
15	0.26	11,308
16	0.22	9,730
17	0.18	8,143
18	0.25	10,789
19	0.16	7,125
20	0.18	7,961
21	0.16	7,025
22	0.16	7,000
23	0.16	7,000
24	0.16	7,000
25	0.16	7,000
26	0.16	7,000
27	0.16	7,000
28	0.16	7,000
29	0.16	7,000
30	0.16	7,000
31	0.16	7,000
32	0.16	7,000
33	0.20	8,821
34	0.22	9,441
35	1.21	51,589
36	0.21	9,157
37	0.26	11,087
38	0.20	8,666
39	0.22	9,423
40	0.24	10,575
41	0.21	9,277
42	0.20	8,527
43	0.19	8,366
44	0.21	9,100
45	0.21	9,100
46	0.21	9,100
47	0.21	9,100
48	0.21	9,100
49	0.21	9,100
50	0.21	9,100
51	0.21	9,100
52	0.21	9,100
53	0.21	9,100
54	0.21	9,100
55	0.21	9,100
56	0.21	9,100
57	0.21	9,100
58	0.21	9,100
59	0.21	9,100
60	0.21	9,100
61	0.21	9,100
62	0.18	7,800
63	0.21	9,018
64	0.37	16,053
65	0.24	10,208
66	0.17	7,436
67	0.17	7,372
68	0.27	11,783
69	0.34	15,000
70	0.25	10,752
71	0.34	14,971
72	0.32	13,723
73	0.17	7,402
74	0.19	8,418
75	0.22	9,471
76	0.21	9,192
77	0.18	7,849
78	0.16	7,067

PARCEL AREA TABLE

Parcel #	ACRES	SQ FEET
79	0.16	7,000
80	0.16	7,000
81	0.22	9,586
82	0.19	8,488
83	0.18	8,067
84	0.35	15,108
85	0.23	9,996
86	0.25	10,685
87	0.19	8,293
88	0.16	7,000
89	0.18	7,807
90	0.22	9,402
91	0.23	10,120
92	0.16	7,000
93	0.16	7,000
94	0.16	7,000
95	0.16	7,000
96	0.17	7,257
97	0.16	7,000
98	0.16	7,000
99	0.16	7,000
100	0.16	7,000
101	0.16	7,000
102	0.20	8,840
103	0.22	9,673
104	0.32	14,080
105	0.21	9,048
106	0.36	15,440
107	0.24	10,327
108	0.30	13,224
109	0.16	7,000
110	0.16	7,000
111	0.16	7,000
112	0.16	7,000
113	0.16	7,000
114	0.16	7,000
115	0.16	7,000
116	0.16	7,000
117	0.16	7,000
118	0.16	7,000
119	0.16	7,000
120	0.16	7,000
121	0.22	9,611
122	0.16	7,000
123	0.19	8,460
124	0.16	7,072
125	0.16	7,000
126	0.16	7,000
127	0.16	7,000
128	0.16	7,000
129	0.16	7,000
130	0.16	7,000
131	0.18	7,800
132	0.16	7,000
133	0.16	7,000
134	0.16	7,000
135	0.16	7,000
136	0.19	8,076
137	0.17	7,663
138	0.16	7,138
139	0.16	7,000
140	0.16	7,000
141	0.16	7,000
142	0.16	7,000
143	0.16	7,000
144	0.23	10,197
145	0.23	10,101
146	0.23	10,098
147	0.23	10,017
148	0.23	10,067
149	0.23	10,058
150	0.23	10,049
151	0.23	10,027
152	0.23	10,031
153	0.32	14,017

GRAPHIC SCALE

(IN FEET)
1 inch = 100 ft

GRID NORTH - WEST ZONE

ZONING PLAN

FOR:
BURRUS LANE PROPERTY
LAND LOTS 226 & 250 ~ 19TH DISTRICT
COBB COUNTY, GEORGIA

GEORGIA REGISTERED PROFESSIONAL ENGINEER DARYL R. COOK

REVISIONS			
NO.	DATE	BY	DESCRIPTION
1.	06/16/17	AJT	ADDRESSED COUNTY COMMENTS.
2.	07/18/17	MMK	ADDRESSED CLIENT/COUNTY COMMENTS 153 LOT PLAN.
3.	08/15/17	AJT	ADD 5 PARKING SPACES. ADD PHASE LINES.
4.	10/25/17	AJT	DELETE 1 LOT FOR 12 SPACE GUEST PARKING BETWEEN LOTS 9 & 10.
5.	11/14/17	AJT	DELETE VARIANCE REQUEST FOR 10' BETWEEN STRUCTURES & DELETE POCKET PARKING @ LOTS 8/9A, 76/77 & 120/121.
6.	12/04/17	JK	ADD VARIANCE REQUEST FOR 10' BETWEEN STRUCTURES. ADD POCKET PARKING @ LOTS 77/78 & 121/122. ADD PARALLEL PARKING @ LOTS 7/8 & 145/146.
7.	01/12/18	JT	REVISE LANDSCAPE STRIP & ADD LOT CHART.

W&B
WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1180 BELLS FERRY ROAD
MARIETTA, GEORGIA 30066-5030
PHONE: (678) 324-6192
FAX: (770) 694-8870
WWW.WBENGR.COM
LSF000429 - PEF000714

SCALE:	1" = 100'
DESIGNED BY:	DRC
DRAWN BY:	KMK
CHECKED BY:	DRC
INITIAL ISSUE DATE:	07/12/17
JOB NUMBER:	170304E

SHEET NUMBER
1

OB-056-2018

Proposed site plan

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

ADAM J. ROZEN

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

WWW.SLHB-LAW.COM

September 25, 2017

(REVISED STIPULATION LETTER & REVISED SITE PLAN)

RECEIVED
SEP 25 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

VIA HAND DELIVERY AND VIA EMAIL:

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

Re: Application of Josh Thompson to Rezone a 46.43 Acre Tract from R-15 & R-20 to RA-5 (Detached) – No. Z-34

Dear John:

This firm represents the Applicant, Josh Thompson (the "Developer") and the Property Owner, Barnes Land and Development, LLC, concerning the above-captioned Application for Rezoning. The Application was heard and held by the Planning Commission and is now scheduled to be heard and considered again by the Planning Commission on October 3, 2017. Thereafter, the Application will be heard and considered for final action by the Board of Commissioners on October 17, 2017.

You will recall that the property at issue is zoned R-15 & R-20 and consists of a 46.43 acre assemblage located on the east and west sides of Burrus Lane, at the terminus of Milton Place and Lakeview Drive, respectively ("subject property"). The subject property is also located contiguous to and south of the 150' Southern Railway right-of-way and significantly north of the Veterans Memorial Highway Corridor with direct contiguity to a massive area of land shown as and ultimately planned for Future Use and Development as Medium Density Residential ("MDR") on Cobb County's Future Land Use Map ("FLUM") and as described in Cobb County's Comprehensive Land Use Plan ("Comp Plan").[1]

While this Application has been pending, we have continued our discussions with the County's Professional Staff; the District Commissioner; the Planning Commissioners; representatives of the Mableton Improvement Coalition ("MIC"); area residents and off-site business owners; and, most recently, contiguous property owners. Additionally, we have

[1] The Application seeks a rezoning which would allow the development of a Single-Family, Detached Residential Community consisting of a total number of 153 homes at a proposed density of 3.30 homes per acre. As presently zoned, the subject property can be developed for 101 homes.

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attended and participated in Town Hall type meetings facilitated by the County, MIC and others. In that regard, this letter will constitute my clients' agreement with the following revised stipulations becoming conditions and a part of the grant of the requested rezoning, as amended and revised, and binding upon the subject property thereafter.

The referenced revised stipulations are as follows, to wit:

1. The revised 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 concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

2. The subject property shall be developed in substantial conformity to that certain revised site plan prepared by Watts & Browning Engineers, Inc. which is being submitted concurrently herewith.

3. The phased development of the subject property will based upon a rezoning from R-15 and R-20 to RA-5 for the purpose of the construction of 153 custom, quality-built, Single-Family, detached homes within a highly amenitized subdivision.

   Reference to the revised site plan reflects demarcation lines depicting the five (5) separate phases of the development, construction and build-out which will occur over an approximate 4-5 year duration. Certain components of these stipulations/conditions are related in time to the completion of certain phases.

4. Although clearly not required by law, ordinance, regulation or statute, the Developer shall voluntarily contribute the sum of Three-Hundred Thousand Dollars ($300,000.00) to assist Cobb County as hereinafter described and in order to position Cobb County to apply said money to accomplish Cobb County's goals toward the completion of the following off-site system improvements:

   a. The construction of a right-turn lane on Burrus Road at its intersection with Veterans Memorial Highway.

   b. The construction of a deceleration lane on Veterans Memorial Highway at its intersection with Burrus Road.

   c. The widening of Burrus Road (from Veterans Memorial Highway to Lake Circle to twenty feet (20') with two foot (2') curb and gutter on both sides of Burrus Road.

d. The construction of sidewalk on one side of Burrus Road/Burrus Lane from its intersection with Veterans Memorial Highway northwards toward the proposed development's frontage on Burrus Lane.

e. Stormwater Management components and drainage improvements along Burrus Rod.[2]

f. The County-imposed timing of the Burrus Road/Burrus Lane improvemnts shall not in any way delay, interfere with, hinder or impede the Developer's articulated timeline for the development of the proposed Residential Community.

g. The aforementioned sum of Three-Hundred Thousand Dollars ($300,000.00) shall be paid to Cobb County predicated upon approval of this current revised proposal for rezoning as shown on the revised site plan and as presented herein with said monies being held in escrow in a fund specifically designated for such off-site system improvements. The disbursal of said money shall occur as follows:

   i. The payment of Seventy-Five Thousand Dollars ($75,000.00) to Cobb County within thirty (30) days of the completion of Phase 1.

   ii. Four (4) additional payments of Fifty-Six Thousand Two-Hundred Fifty Dollars ($56,250.00) to Cobb County upon the completion, approval and final issuance of full developmental permits on Phase Nos. 2, 3, 4 and 5, respectively, for the total sum of Three-Hundred Thousand Dollars ($300,000.00).

h. The construction of sidewalks on both sides of the interior streets within the proposed community.

i. The interior streets shall be public and built to the County's Design and Detail Specifications.

[2] It is the Developer's understanding (as has been represented by representatives of Cobb County) that the County owns sufficient right-of-way to accomplish the foregoing; however, to the extent that the County may not, in fact, own or have rights to implement and/or complete the foregoing off-site system improvements, the County understands that it has other means at its disposal in order to acquire the requisite right-of-way and/or additional property for off-site system improvements.

j. The construction of mail kiosks, as shown on the revised site plan, will be located in strategically positioned areas or in those areas determined by the USPS.

5. The size of the two-story traditional homes shall range from a minimum of 2,000 square feet up to 3,500 square feet and greater. The minimum home size for ranch style homes shall be 1,800 sq. ft. The Developer understands that the style of home chosen will be "market driven; however, the Developer agrees to a maximum number of thirty-five (35) ranch style homes throughout the proposed residential community.

   Each of the homes shall have, at a minimum, an attached two-car garage which shall, at all times, be used for the parking and storage of at least two (2) vehicles; driveways sufficient to park at least two (2) additional vehicles; and, guest parking which exceeds Cobb County's Development Regulations.[3]

6. The Single-Family Residential Community shall include the following recreation components/amenities:

   a. A Junior Olympic Swimming Pool.

   b. A Two-Story Pool House/Clubhouse with a wrap-around porch, which shall include a Meeting Room, Restrooms and a Kitchenette.

   c. A Multi-Sports Athletic Field.[4]

   d. A "Tot Lot".

   e. An Outdoor Basketball Court.

   f. The Recreation/Amenity Area shall be built-out in its entirety upon the completion of the construction and development of Phase 3 (out of a total of 5 phases).

[3] The Cobb County Fire Department and Cobb County DOT have requested that there be sufficient guest parking spaces interspersed throughout the Residential Community. In that regard, the revised site plan reflects four (4) distinct areas to accommodate a total number of 95 strategically positioned guest parking spaces. County Regulations require only 77 such spaces (.5 guest parking spaces per home).

[4] If it is determined that the Athletic Field will be illuminated, the lighting for this component will be low-intensity, "dark-sky" technology which will ensure the use of full cut-off lighting which will cast no light upward so that this recreational portion of the subject property will have optimal illumination which will be provided solely to the area within the boundaries of the athletic field.

7. The architectural style and composition of the homes shall consist of a mixture of brick, stacked stone, cedar, HardiPlank® Shake and/or cementious siding or a combination thereof as depicted on the architectural renderings/elevations which are being resubmitted concurrently herewith.

   The fronts of said homes shall consist of a minimum of a fifty percent (50%) combination of brick and/or stacked stone. The overall final architectural style and composition shall be in substantial compliance with the foregoing and subject to review by and approval from the District Commissioner.

8. The creation of a Mandatory Homeowners Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other components, strict architectural controls and substantial conformity to the architectural style and composition mentioned above.

   The HOA shall be responsible for the enforcement of the requisite upkeep and maintenance of all of the amenities and the recreational components as mentioned above as well as the twenty foot (20') and the ten foot (10') landscaped areas contiguous to designated adjacent residentially zoned and utilized property; landscaping within the community; fencing; subdivision entrance signage; irrigation and lighting; mail kiosks required by the USPS; and, any Open Space/Common Areas.[5]

9. A Third Party Management Company shall be employed to manage the day-to-day operations of the Mandatory HOA and to ensure that the HOA is properly funded, insured and that the HOA operates optimally in accordance with management company industry-wide standards.

10. Subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance.

11. Subject to recommendations from the Cobb County Stormwater Management Division with respect to detention, stormwater management, hydrology and downstream considerations, including the following:

[5] There is currently 11.0 acres of Common Area/Open Space which includes "pocket parks" with pedestrian connectivity to the interior sidewalks; benches; and/or other amenities located at meaningfully positioned locations throughout the Residential Community. Additionally, there are 1.27 acres of Floodplain/ Stormwater Management/Water Quality area as shown on the revised site plan which results in net Open Space/Common Area of 9.73 acres or 21.0% of the total site area.

a. Cobb County shall be responsible for the upkeep and maintenance of all detention, stormwater management and water quality facilities which shall be positioned to provide access to County personnel. Said facilities shall be configured and constructed consistent with Cobb County Development Regulations. The revised site plan submitted concurrently herewith shows adequate County access to said stormwater management/detention facilities.

b. Any spring activity uncovered on the subject property shall be addressed by a qualified geotechnical engineer.

c. This residential project shall comply with the water quality requirements of the CWA-NPDES-NPS Permit and Cobb County's Water Quality Ordinance.[6]

12. With respect to Lots 1 & 153 as depicted on the revised site plan, the Developer will install a fence along said common property lines as delineated hereafter. In the interim, prior to the installation of fencing, the Developer agrees to stake said common property lines from which the twenty foot (20') buffer shall be measured for the property owners of the contiguous residential homes (the "Dixons & Martindales") who shall be notified in order that they may choose to be on-site contemporaneously with said property lines being staked.

a. With respect to the residential home contiguous to Lot 1 ("Dixon property"), the Developer will agree that the French drain located on the Dixon property shall remain fully operational during the construction, build-out and development of the subject property and, in order for the Developer to ensure that the stormwater drainage emanating therefrom does not adversely affect Lot 1 which shall ultimately be developed and a house built thereon.

b. The Developer agrees that the homes directly contiguous to Lots 1 and 153 shall be single-story ranch-style homes and that the first two-story home which shall be built closest to and to the north of the Dixons' and Martindales' homes either do not have windows on the southern side of said homes or that the first two-story homes built

[6] There do not appear to be any bodies of water located downstream which stand to be potentially affected by the proposed development; therefore, the Stormwater Management Division will not require pre-construction or post-construction analyses of any downstream ponds or bodies of water with respect to siltation and sedimentation issues.

closest to the Dixons and the Martindales are far enough away so that any windows on the south side of said homes will not have direct visibility into the Dixons' and Martindales' private backyards and pool areas.

c. With respect to Lot 153 which is contiguous and to the north of the Martindales' property, the Developer shall remove existing natural vegetation on its side of the common property line and replace said vegetation with Cryptomeria trees planted twelve feet (12') on center along said common property line.

With respect to the Dixons' property which is contiguous and to the south of Lot 1, the Developer shall plant Cryptomeria trees (in addition to the ones which the Dixons have already planted) behind the row of the existing Cryptomerias in symmetry to and alignment with the Cryptomeria trees planted on the Martindales' property. Said Cryptomeria trees shall be "staggered" in juxtaposition to the Dixons' existing Cryptomeria trees and planted twelve feet (12') on center.[7]

d. Except with respect to the foregoing, the twenty foot (20') natural maintained buffer as presently shown on the revised site plan shall remain in place as more fully defined hereafter but as enhanced with trees and fencing as aforementioned.

13. a. The submission of a landscape plan during the Plan Review Process which shall be subject to review and approval, during the Plan Review Phase of the subdivision, by a Landscape Oversight Committee ("LOC") consisting of a representative from MIC, the Developer/Builder, and a representative from the Community Development Agency.

b. The District Commissioner shall serve in an *ex officio* capacity with respect to the LOC and shall be the final arbiter concerning any decisions which can not otherwise be resolved. Neither the LOC nor Cobb County shall unreasonably delay or hinder the construction and/or development of the subject property.

c. The installation of an either twenty foot (20') landscaped buffer or a twenty foot (20') natural landscaped buffer (as determined by the Developer/Builder) adjacent to residentially zoned and utilized properties within Iris Heights Subdivision (on the east); Coleman Hills Subdivision (on the west) and adjacent and to the south of Lots

[7] During the landscaping process, the Dixons may choose to substitute other types of evergreen trees. The parties have agreed that should there be any questions about the type of the trees appropriate for or indigenous to this area, that the recommendations of the County's Arborist will prevail.

1 & 153. Said landscaped buffers more than double the County's requirements in terms of width and enhance this component from "strips" to buffers. Additionally, the installation of a six foot (6') decorative/scalloped opaque fence along the eastern (rear) property lines of Lots 42-61 and Lots 1 & 153.[8] Any fencing shall be completed prior to final plat approval on each respective phase of the proposed residential development.

d. The Mandatory HOA shall be granted a perpetual easement and shall be responsible for enforcement regarding the upkeep and maintenance of said landscaped buffers in perpetuity and shall be responsible for enforcing the control of the buffers by removing or having removed any dead or irrevocably diseased vegetation. Additionally, the Mandatory HOA may selectively remove any invasive, harmful vegetation species such as Kudzu or Poison Ivy located within these areas subject to the County's Arborist's review and approval.

e. During the construction, development and build-out of the proposed Residential Community, the above-mentioned landscaped buffers shall be clearly marked prior to the beginning of any land disturbance in a manner consistent with Cobb County Developmental Regulations. Thereafter, the buffers shall be clearly marked on the corner of the buffers on every other lot by permanent ground-based markers indicating that the buffer shall remain free of encroachments except as necessary for the installation of utilities or other components required by Cobb County or as hereinafter more fully defined. Said markers will be perpetually maintained by the HOA and will appear as shown on an exhibit of said markers which will be filed under separate cover prior to the public hearing before the Board of Commissioners.

All deeds of conveyance to the purchasers of Lots 1-18 and Lots 40-69 and on the southern side of Lots 1 & 153, as shown on the revised site plan, whether such purchasers are builders or home buyers, shall contain recitals so that future owners are made aware of the landscaped buffers and that same shall continue to be clearly marked and subject to the perpetual and exclusive easement as mentioned above.

[8] On the eastern boundary of the subject property, those proposed lots (Nos. 2-15) are inordinately deep. In that regard, the County Arborist, in concert with the Developer and the District Commissioner, shall have the respective authority to leave the rear twenty foot (20') portions of those lots natural as opposed to installing either twenty foot (20') landscaped buffers or natural landscaped buffers during the Plan Review process. Additionally, with respect to all buffers mentioned herein, there will be no stipulations/conditions prohibiting the Developer, proceeding under the authority of the County, from entering into said buffers for the installation of required utilities.

f. The designated buffer areas, unless otherwise designated hereinabove, may be enhanced with plantings which are ecologically compatible and indigenous to the area. Only dead, dying, diseased or invasive vines or plants may be removed from said landscaped buffers. No storage or structures may be placed within said landscaped buffers. However, fencing on the rear property lines and "invisible fencing"; i.e., electronic subterranean fencing for the containment of domestic pets within the buffers, shall be acceptable.

g. The Georgia Native Plant Society ("GNPS") shall be allowed to conduct a "Plant Rescue" on those portions of the subject property which are to be developed prior to the commencement of construction assuming, of course, that said plant rescue does not delay or hinder the construction and development of the subject property.

14. Adherence to the following construction hours:

a. 7:00 a.m. until 7:00 p.m., Monday through Friday, from October 1st to March 31st.

b. 7:00 a.m. until 7:00 p.m., Monday through Friday, from April 1st to September 30th.

c. 9:00 a.m. until 6:00 p.m. on Saturdays.

d. No outside work on Sundays or on the following national holidays: Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, New Year's Eve, New Year's Day and Easter.

15. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the proposed subdivision.

16. Compliance with recommendations from the Cobb County Water System regarding the availability and accessibility of water and sewer for the site. According to the Water System, sewer capacity is available, and, with respect to water, the Water System is requesting a dual feed for water service.[9]

[9] Sewer is partially installed on Burrus Lane with existing laterals. Also, portions of streets and utilities are installed from a previous platting of that portion of the subject property.

17. Subject to recommendations from the Cobb County Fire Department with respect to Life-Safety and Fire Prevention issues including, but not necessarily limited to, provisions for guest parking as mentioned above.

18. The granting of the following concurrent Variances:

    a. A waiver of the lot width, except with respect to Lots fronting onto cul-de-sacs, to fifty feet (50').

    b. A waiver of maximum acreage under the RA-5 district.

    c. A waiver to allow a minimum of ten feet (10') between certain homes which constitutes the "trigger" for the guest parking provided (95 spaces).

19. The District Commissioner shall have the authority to approve minor modifications to these stipulations, the architectural renderings/elevations, the site plan and the overall proposal as it proceeds through the Plan Review Process and thereafter except for those that:

    a. Increase the density of the Residential Community.

    b. Relocate a structure closer to the property line of adjacent property which is zoned the same or in a more restrictive zoning district.

    c. Increase the height of a building which is adjacent to property which is zoned in the same or a more restrictive zoning district.

    d. Change access locations to different rights-of-way.

    e. Pertain to agreements reached with adjacent and/or contiguous property owners.

For this area of Cobb County to be redeveloped in a responsible fashion and in order to facilitate the development and build-out of a highly amenitized subdivision, the attendant universally oriented demographics will encourage forward-thinking and a renewed/upscale commercialization of the Veterans Memorial Highway Corridor. This revised residential proposal accomplishes those goals and constitutes a timely and much needed economic impetus for this area.

Please do not hesitate to contact me should you or your Staff require any further information or documentation prior to the Application for Rezoning being heard and considered by the Planning Commission and Board of Commissioners next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS, Jr./dls
Enclosures/Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP, County Manager (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Mr. Dana Johnson, AICP Director (via email w/attachments)
Mr. Lee McClead, Deputy Director (via email w/attachments)
Mr. Jason S. Gaines, AICP Planning Manager (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. Phillip Westbrook, Planner III (via email w/attachments)
Mr. Donald Wells, Zoning Analyst (via email w/attachments)
Ms. Tannesha Bates, Zoning Analyst (via email w/attachments)
Ms. Pam Mabry, County Clerk (via email w/attachments)
Ms. Lori Jordan, Deputy County Clerk (via email w/attachments)
Ms. Robin Pressley, Deputy County Clerk (via email w/attachments)
Captain Robert "Rock" Toler, Fire Department (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Ms. Amy Diaz, P.E. (via email w/attachments)
Ms. Ashley White, P.E. (via email w/attachments)
Mr. Tim Davidson (via email w/attachments)
Ms. Robin Meyer, MIC (via email w/attachments)
Ms. Sheri George, GNP (via email w/attachments)

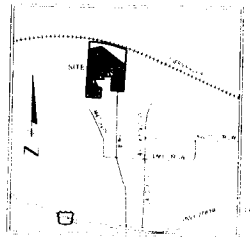
Mr. Ray Thomas, MIC (via email w/attachments)
Ms. Sonya Wheatley, MIC (via email w/attachments)
Mr. & Mrs. Michael A. Dixon, Burrus Lane (via email w/attachments)
Mr. & Mrs. Steve Martindale, Burrus Lane (via email w/attachments)
Ms. Esther King, Lakeview Drive (via email w/attachments)
Mr. & Mrs. Jimmie Brown (via email w/attachments
Honorable Roy E. Barnes, Esq. (via email w/attachments)
Mr. Larry Thompson (via email w/attachments)
Mr. Josh Thompson (via email w/attachments)
Mr. Daniel B. Dobry, Jr., P.E., PTOE, AICP (via email w/attachments)
Mr. Daryl R. Cook, P.E. (via email w/attachments)

ZONING PLAN

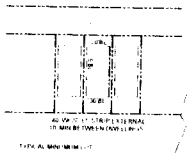
FOR

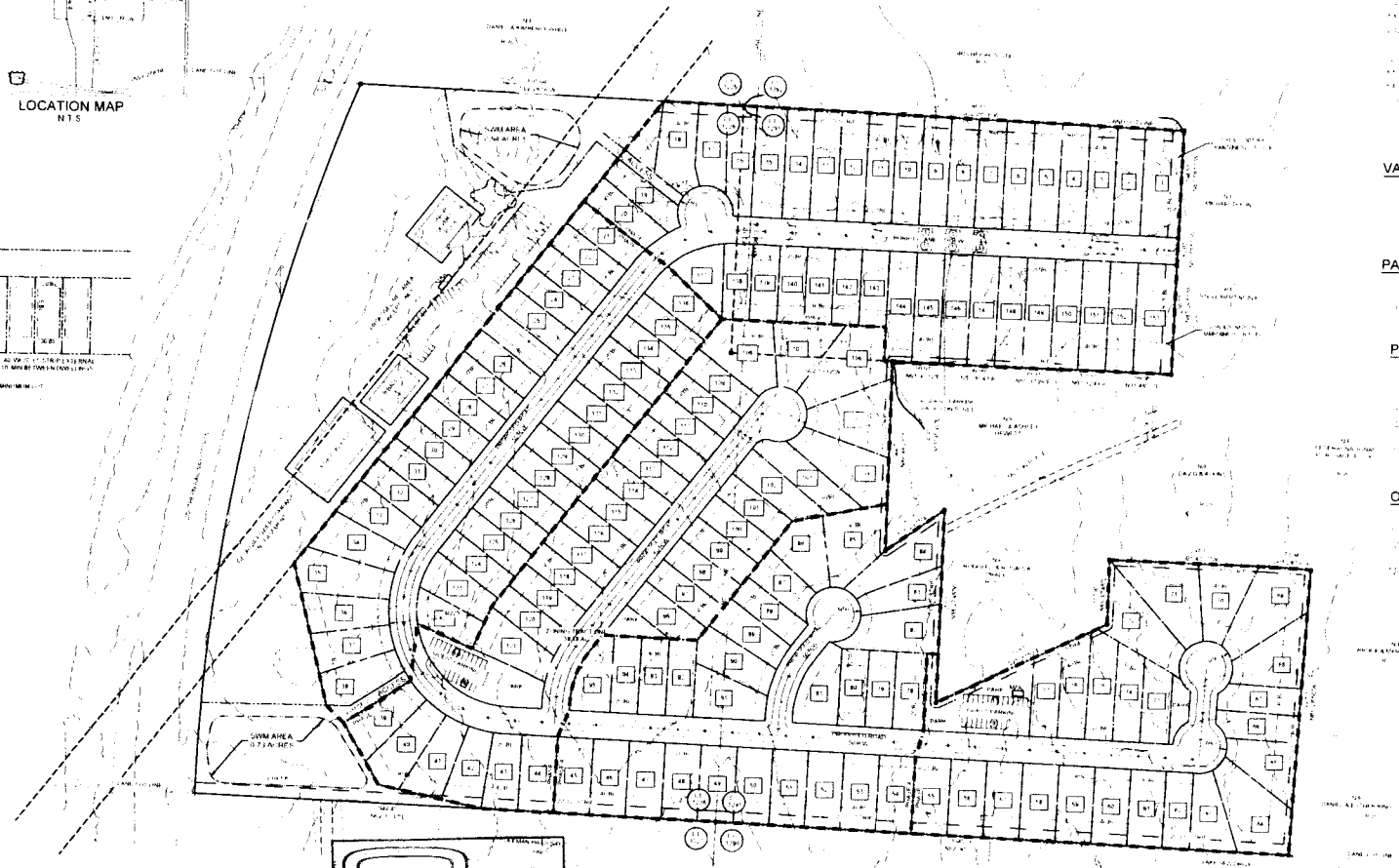
BURRUS LANE PROPERTY

LAND LOTS 226 & 250 - 19TH DISTRICT
COBB COUNTY, GEORGIA



LOCATION MAP
N.T.S.





SITE ZONING DATA SUMMARY

VARIANCES REQUESTED

PARKING REQUIRED

PARKING PROVIDED

OPEN SPACE AREAS

REFERENCE DATA:

1. TOPOGRAPHY INFORMATION PROVIDED BY COBB COUNTY G.I.S. (2' CONTOUR INTERVAL)
2. BOUNDARY INFORMATION PROVIDED BY VMLS, INC., DATED 11/12/04

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ZONING DIVISION

OWNER/DEVELOPER (PRIMARY PERMITTEE)

ENGINEER

GRAPHIC SCALE
(IN FEET)
1 inch = 100 ft.

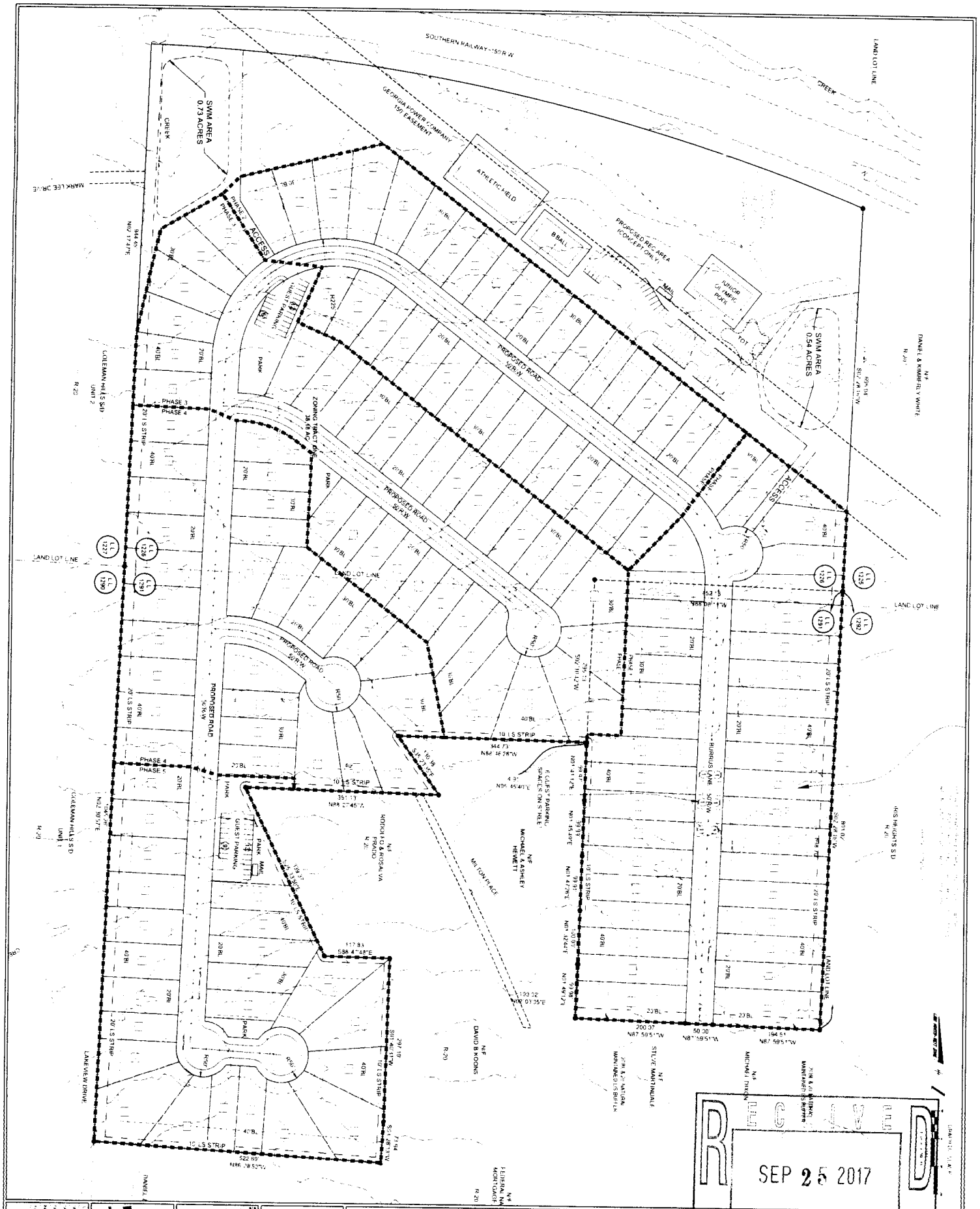
GRID NORTH - WEST ZONE

REVISIONS

NO.	DATE	BY	DESCRIPTION
1	05/18/17	[illegible]	INCORPORATED COUNTY COMMENTS
2	07/18/17	[illegible]	INCORPORATED DEV/COUNTY COMMENTS
3	09/19/17	[illegible]	ADD & PARKING SPACES, ADD PARK

WATTS & BROWNING ENGINEERS, INC.
CIVIL ENGINEERS & LAND SURVEYORS
1180 BELLS FERRY ROAD
MARIETTA, GEORGIA 30066-6030
PHONE (770) 424-5252
FAX (770) 424-0870
www.wbengr.com

DATE
DESIGNED BY DBR
DRAWN BY KMK
CHECKED BY DBR
INITIAL ISSUE DATE
WBE NUMBER
SHEET NUMBER
1



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ZONING DIVISION

ZONING PLAN
FOR
BURRUS LANE PROPERTY
LAND LOTS 226 & 250 - 19TH DISTRICT
COBB COUNTY GEORGIA

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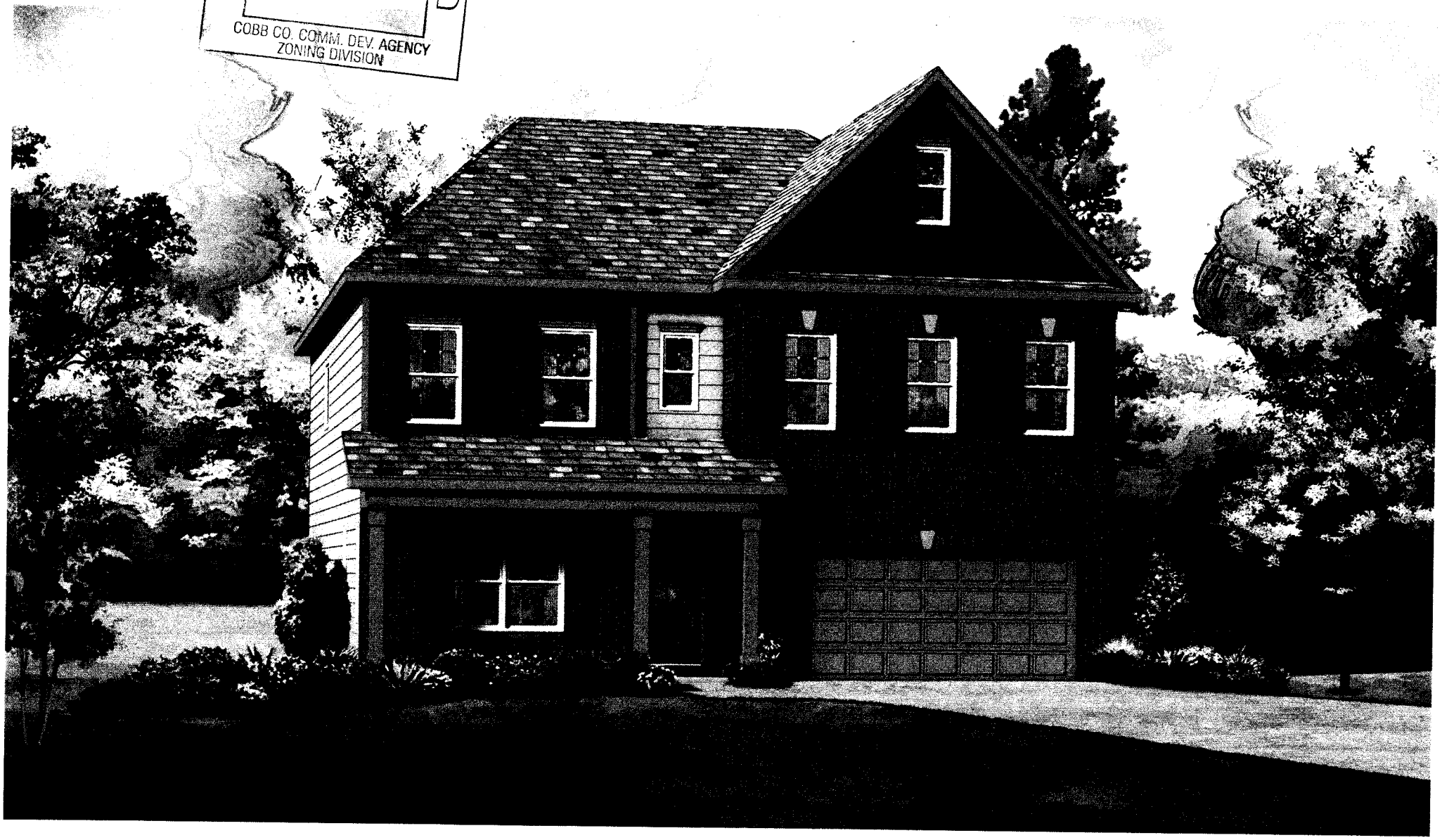
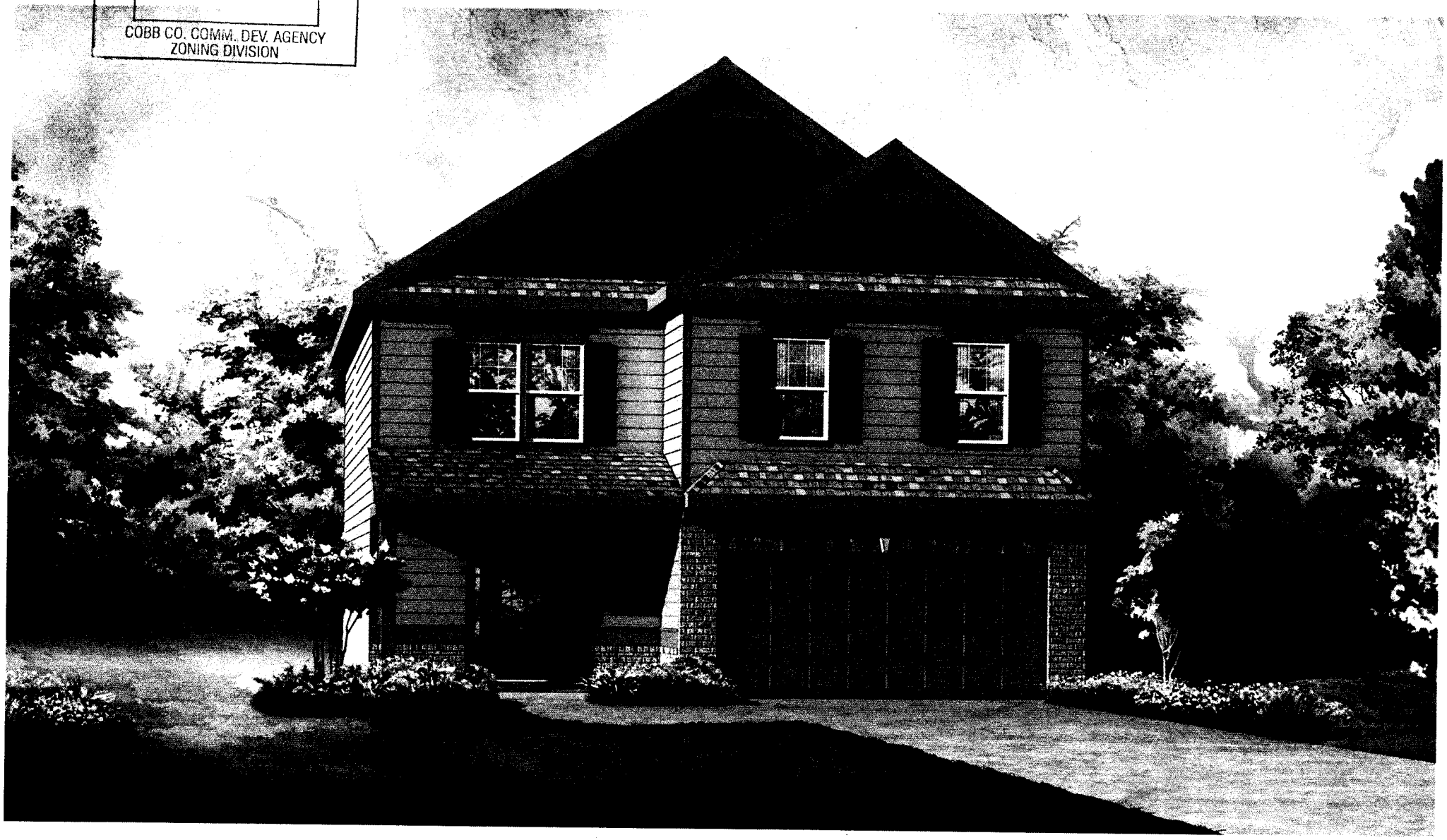
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