

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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June 14, 2018

## VIA HAND DELIVERY & EMAIL

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

Re: Application of Oak Hall Companies, LLC to Rezone a 96.23 Acre Tract from R-30 to R-30 OSC; Land Lots 26, 27, 46 and 47, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (#Z-56).

Dear Jason:

Oak Hall Companies, LLC (Oak Hall) proposes to rezone the 96.23 acre Wigley estate from R-30 to R-30 as an Open Space Community (OSC) with 95 homes. The Wigley family property has preserved the property for many years and with the death of Audrey Wigley, the property must be sold to settle her estate. The property has challenging topography and Oak Hall has completed significant due diligence to understand the best way to develop the property. By using the OSC ordinance, Oak Hall can keep out of the most significant slopes and preserve almost 50% of the site as open space that will be preserved forever. The overall density of less than 1 unit per acre is consistent with the Cobb County Comprehensive Plan and it is consistent with development in the area. Oak Hall has met with the neighbors in the Summit Top neighborhood and incorporated their comments into the plan which includes enhanced buffers adjacent, reconfiguration of the detention areas and the creation of an attractive entrance plan. Below is a list of stipulations my client will agree to becoming binding on the property as part of the zoning approval.

1. The property will be developed as an OSC development as depicted on the attached site plan dated June 13, 2018 (Exhibit "A") with no more than 95 lots for a density of .99 units per acre. Open space shall be approximately 50% of the site. The development may be developed in two phases as shown on the site plan and the open space requirement shall comply with the open space requirements. However, because the property has significant slopes, some lots will contain slopes greater than 25%.

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2. There will be a forty (40) foot undisturbed buffer on southern and western portions of Phase 2 the subject property.
3. On the southern portion of Phase 1, there will be a forty (40) foot buffer as depicted on the site plan with the first twenty (20) feet being an undisturbed buffer and the remaining twenty (20) feet being a graded and replanted buffer.
4. The applicant will comply with the requests from Stormwater Management Division related to stormwater. Any detention ponds walls that are visible from the right of way will be shielded with landscaping or faced with decorative material. There is an existing stormwater issue with undersized pipes on Property known as 4800 Wigley Road. The developer will work with this property owner regarding this existing stormwater issue.
5. During development, construction parking will be limited to the subject property with no parking on the existing Wigley Road. The developer shall install a truck turnaround at the entrance so construction traffic does not back down Wigley Road to turn around.
6. The minimum lot size is 15,000 square feet and there will be a minimum of a forty (40) foot perimeter setback.
7. Both sections will have ten (10) foot side setbacks creating a minimum of twenty (20) feet between homes with twenty (20) foot front and rear setbacks.
8. The homes will range in size from 3,000 square feet to above 4,000 square feet and the architecture shall be consistent with the attached architectural renderings attached as Exhibit "B." All homes will have a minimum of a two car garage.
9. 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.

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10. Subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage shall be incorporated into the landscape plan for the subdivision and shall be fully landscaped, lighted and irrigated.
11. The applicant will comply with the requests from Stormwater Management Division related to stormwater management. The stormwater management area on the southern portion of the property will be developed as depicted in the renderings attached as Exhibit "C" with the view from the south being earthen slope with landscaping as depicted in the rendering rather than an exposed concrete wall.
12. The realigned Wigley Road will connect to the Biasetti property as depicted in the site plan.
13. Minor modifications to the within and foregoing stipulations/conditions, the site plan, architecture and other site features and the like may be approved by the District Commissioner as needed or necessary, except for those that:
  - a. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
  - b. Relocate a structure closer to the property line of an adjacent property which is zoned in the same or more restrictive zoning district.
  - c. Increase the height of a building which is adjacent to a property which is zoned the same or in a more restrictive zoning district.
  - d. Change access locations to a different right-of-way.
  - e. Require a Variance or are in contravention to the terms and provisions of the Cobb County Zoning Ordinance.

Oak Hall's development proposal for the property is better than using the existing R-30 zoning and placing roads and homes in areas that require significantly more grading. By giving more flexibility on the lot size, the development can stay out of the steeper slopes and preserve

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significant property as greenspace in perpetuity. Please let me know if you have any additional questions or concerns regarding the development.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Parks F. Huff  
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PFH/sfw

Enclosure/Attachment

cc: Members, Cobb County Board of Commissioners (via email w/attachment)  
Members, Cobb County Planning Commission (via email w/attachment)  
Commission Assistants, Cobb County BOC (via email w/attachment)  
Mr. John Pederson, AICP, Manager (via email w/attachment)  
Mr. Dana Johnson, AICP, Director (via email w/attachment)  
Mr. Lee McClead, Deputy Director (via email w/attachment)  
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachment)  
Mr. Terry Martin, Planner III (via email w/attachment)  
Mr. Donald Wells, Planner I (via email w/attachment)  
Ms. Tannesah Bates, Planner I (via email w/attachment)  
Ms. Aja Kynard, Zoning Analyst (via email w/attachment)  
Ms. Pam Mabry, County Clerk (via email w/attachment)  
Ms. Robin Presley, Deputy County Clerk (via email w/attachment)  
Ms. Leila Washington, Deputy County Clerk (via email w/attachment)  
Mr. David Breden, P.E. (via email w/attachment)  
Ms. Ashley White, P.E., Cobb DOT (via email w/attachment)  
Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachment)  
Mr. Tim Davidson, Plan Review Engineer (via email w/attachment)  
Ms. Debra Blair, Cobb County Attorney's Office (via email w/attachment)  
Oak Hall Companies (via email w/attachment)

# Exhibit “A”



# Exhibit “B”

















# Exhibit “C”



















