

SAMS, LARKIN, HUFF & BALLI, LLP

ATTORNEYS AT LAW

376 POWDER SPRINGS STREET

SUITE 100

MARIETTA, GA 30064-3448

JAMES A. W. BALLI

(Admitted in GA and AL)

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August 16, 2018

VIA EMAIL: John.Pederson@cobbcounty.org
AND HAND DELIVERY

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

Re: Application of InLine Communities, LLC to Rezone a 52.845 Acre tract of land to RSL- Non Supportive, 2695 and 2727 Old Lost Mountain Road ("Site") (Z-32 of 2018)("Project").

Dear John:

As you are aware, this Application for rezoning is seeking to rezone approximately 52.845 acres from R-20 to RSL Non-Supportive. I appreciate your Staff's recommendation for approval. I am also filing a new site plan dated July 31, 2018. The only difference is that it reflects the plotted guest parking spaces. (See enclosed).

That being said, I am submitting this letter of acceptable positive variances¹ which shall become conditions and a part of the grant of the requested rezoning if, and only if, the proposal is approved for the 123 for-sale homes [as detailed in this letter and depicted on the Site Plan] and which will then become binding upon the Site thereafter as follows:

CHARACTERISTICS OF SINGLE-FAMILY HOMES **AND RELATED PROTECTIONS**

1. The architectural style, composition and design of the proposed two-car garaged homes shall be in substantial conformity to the color rendering/elevations which are being submitted contemporaneously herewith and will not include vinyl siding of any type.

¹ These stipulations are voluntary positive variants from the RSL Non-Supportive zoning code and, as such, are not required by the RSL Non-Supportive code.

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(See attached).² The units will be a minimum square footage of 1,600 square feet-1,900 square feet up to 3,000 + square feet with options.³ The interiors of the homes shall feature the finishes, upgrades and options substantially similar to those depicted in the attached interior renderings. (See attached). The front elevations shall feature a minimum of a 2' high water table consisting of brick and/or stacked stone material and will include options to upgrade so as to have a majority of brick and stone as shown on the attached elevations. All single family home elevations shall be approved by the District Commissioner.

2. All garages are to be used for vehicle parking only and cannot be used as living spaces. The Applicant shall provide additional parking for guests outside the lot of record which will be provided for at 0.5 times the total lot count as required by the Cobb County Fire Department.
3. The rezoning of the Project Site to RSL Non-Supportive Site Plan Specific/Conditional to the Site Plan as amended on July 31, 2018 (see attached) by Planners and Engineers Collaborative with approval of 123 detached units in the residential community.
4. All units within the proposed residential community shall be "for sale" units. The Declaration of Restrictive Covenants shall restrict the number of units which can be leased at any one time to ten percent (10%) and restrict the lease term to a minimum of one (1) year. The Covenants will also include the restriction regarding garages set forth in Variance 2 above.
5. Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which shall contain covenants, rules, and regulations applicable to the proposed residential community.
6. Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, private streets, mail kiosk, all landscaping and plantings. A walking path, if allowed by local, state and federal regulations, will be created from the south side of the walking path/pocket park leaving Lot 18 and connecting to the edge of Lot 24.

² Pulte has a monotony rule which dictates variations for the elevations. No house can be the same elevation as the home on either side of that home nor the two across the street.

³ Base prices to start at the \$275,000 range with an average sales price in the mid-\$300,000 range.

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Cobb County Community Development Agency

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-
7. Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the proposed residential homes.
 8. The yard areas around each unit shall be fully sodded, and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the proposed community.
 9. All utilities servicing the residences within the proposed community shall be located underground.
 10. There shall be no stacking of construction vehicles on or along Old Lost Mountain Road, Meek Road and/or Moon Road waiting for entry upon the Site. Applicant further agrees to provide an on-site traffic controller for coordination of construction and demolition traffic during construction and delivery hours. All construction worker vehicles to be parked on site. No parking of any construction trucks or vehicles, either worker or delivery, to be parked or stacked on surrounding subdivision streets.
 11. Applicant agrees to install a washing station on the construction site and construction vehicles shall be washed prior to leaving the construction area of the Site during construction and demolition as required/allowed by applicable law
 12. The required landscaping of the Property along Old Lost Mountain Road shall be completed within 120 days of the issuance of a Certificate of Occupancy for the first completed home.
 13. Applicant agrees to provide a designated contact person, who may be contacted 24 hours a day, 7 days a week, regarding the proposed development, construction, and demolition. The contact information for the designated contact personal shall be provided to the two residential communities near the development, whom agrees to conduct calls or complaints during normal business hours unless such call is being made due to an emergency condition.
 14. Development and construction hours for the proposed project shall be limited to the following:
 - a. 7:00 a.m. to 7:00 p.m. – Monday – Friday, October 1st through March 31st;
 - b. 7:00 a.m. to 7:00 p.m. – Monday – Friday, April 1st through September 30th;
 - c. 9:00 a.m. to 6:00 p.m. – Saturday; and

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- d. No work on Sunday unless approved by the District Commissioner.
- e. To the extent blasting is required on the Site (none is expected), any blasting will be performed only on Monday-Friday between the hours of 9:00 a.m. and 3:00 p.m. and a 24 hour notice must be given in writing to any occupied residence within 1,000 feet of the Site.

LANDSCAPING AND SCREENING

- 15. All landscaping referenced herein; including, but not limited to, the frontage, entrance area [including entrance signage], island areas, and open space areas, shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community. (See attached overall Landscape plan attached hereto).
- 16. The entrance areas, together with all planted areas, shall be professionally designed, landscaped, and maintained, and shall be in substantial conformity to the Landscape Plan attached hereto. (See attached landscape plan).
- 17. After meeting with certain area residents, the Applicant has agree to separate landscaping plans designed specifically to address concerns. Accordingly, these are as follows (and are included in the landscape plan):
 - (a) 2581 Old Lost Mountain Road
 - (b) 2619 Old Lost Mountain Road
 - (c) 2651 Old Lost Mountain Road
 - (d) 2673 Old Lost Mountain Road
 - (e) 2683 Old Lost Mountain Road
 - (f) 2308 Old Lost Mountain Road

STORMWATER IMPROVEMENT AND CONTROLS

- 18. Applicant agrees to comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- 19. Applicant agrees to comply with all Cobb County Stormwater Management Zoning Comments applicable to Z-32 (2018).

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TRAFFIC/GENERAL PROVISIONS

20. Applicant to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
21. Applicant agrees to donate applicable right-of-way at or near the entrance such that a traffic roundabout could be constructed without the County having to obtain additional right-of-way from Applicant's side of the road. This area to be marked and identified prior to the Board of Commissioner's final hearing or during plan review.
22. After working with various residents, the entrance shall be aligned with Moon Road as depicted on the Site Plan.
23. All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.
24. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Site; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer and Drainage, relating to the Subject Property from any previous zoning action.
25. All Setbacks for the proposed development shall be as shown on the referenced and submitted Site Plan.
26. As depicted on the Site Plan, the Site will have a 50' landscaped buffer against the residential property to rear of the site, which is not required under the Code but included to benefit the residents of Merrion Park Subdivision. A ten (10) foot buffer/landscaping screen will be installed against the north side of Lot 24 closest to Meek Rd.
27. If the streets are private, the streets will be built to Cobb County's specifications.
28. In the event there is any conflict between this letter and the Planning Commission minutes, this letter shall govern. The District Commissioner shall have the authority to

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Cobb County Community Development Agency
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make minor modifications to the site plan and these stipulations/conditions during the Plan Review process except for those that:

- a. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
- b. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
- c. Increase the height of a building that is adjacent to property that is zoned the same or in a more restrictive zoning district.
- d. Change access location to a different roadway.
- e. Increase the density of the Residential Community.
- f. Violate the Cobb County Zoning Ordinance applicable to the property.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the Applications being heard and considered by the Planning Commission and the Board of Commissioners.

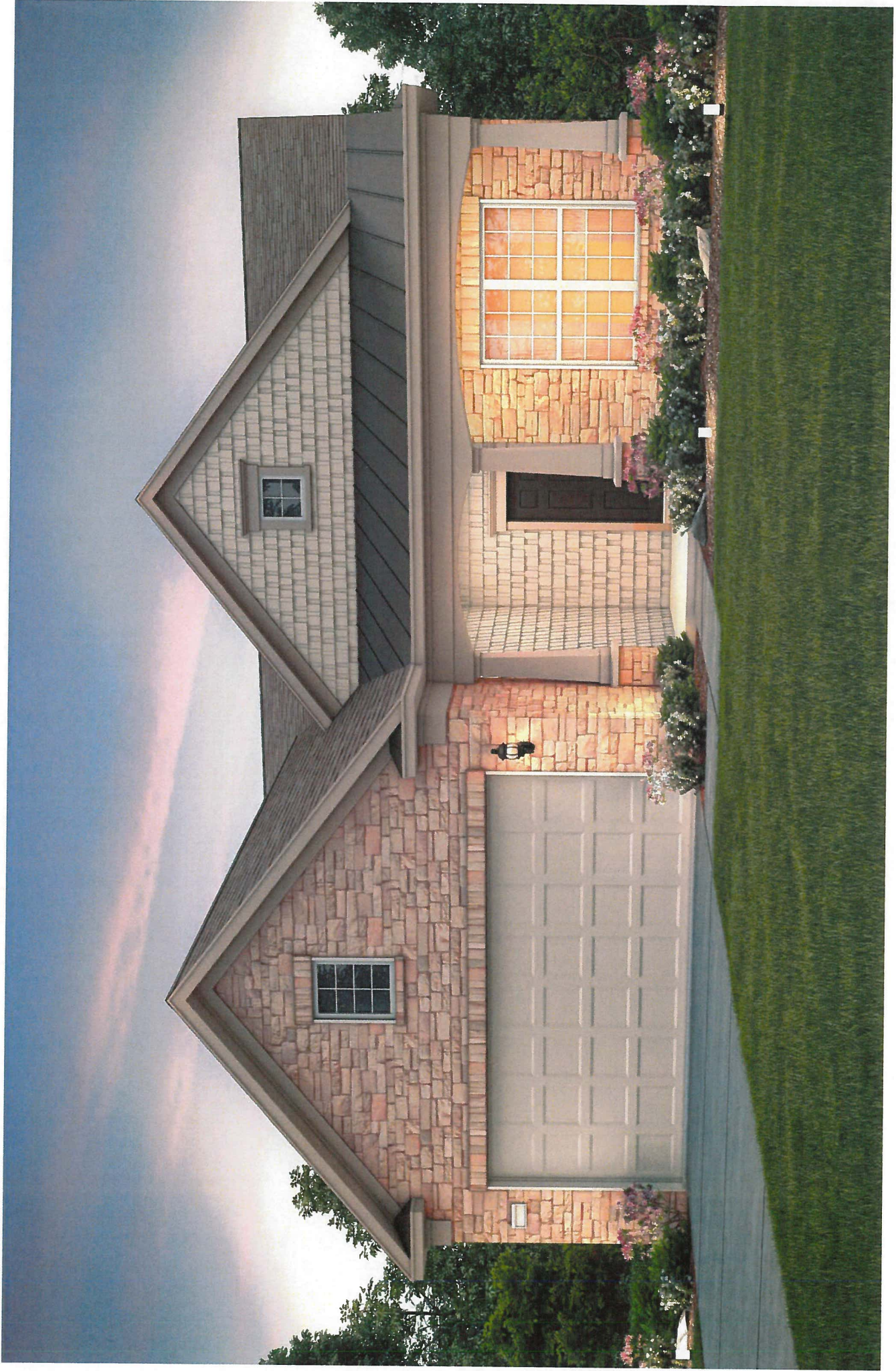
Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

James A. Ball
jballi@slhb-law.com

Enclosures

cc: Lisa Cupid, District 4 Commissioner
Cobb County Board of Commissioners
Inline Communities, LLC
Patrick Bordelon, Sr., Mayor Pro Tem of the City of Powder Springs
County Clerk Pamela Mabry







11111
11111
11111

















PLANNERS AND ENGINEERS COLLABORATIVE
 "WE PROVIDE SOLUTIONS"
 350 RESEARCH COURT # PEACHTREE CORNERS, GEORGIA 30092 # FAX (770) 451-1915 #
 SITE PLANNING ARCHITECTURE CIVIL ENGINEERING LAND SURVEYING

REVISIONS:

NO.	DATE	DESCRIPTION
1	03/27/2018	PRELIM LOT LAYOUT
2	04/04/2018	FINAL PRELIM LOT LAYOUT
3	04/26/2018	PRELIM LOT LAYOUT
4	05/02/2018	ADDED ASSEMBLY
5	05/15/2018	ADDED ASSEMBLY
6	06/21/2018	ADDED ASSEMBLY
7	07/30/2018	CONCRETE PAVING

PLANNERS AND ENGINEERS COLLABORATIVE
 48 ATLANTA STREET
 MARNETTA, GA 30080
 PHONE: 404-855-0913
 CITY OF POWDER SPRINGS
 ALAN COOK
 COMMUNITY DEVELOPMENT

REVISIONS:

NO.	DATE	DESCRIPTION
1	03/27/2018	PRELIM LOT LAYOUT
2	04/04/2018	FINAL PRELIM LOT LAYOUT
3	04/26/2018	PRELIM LOT LAYOUT
4	05/02/2018	ADDED ASSEMBLY
5	05/15/2018	ADDED ASSEMBLY
6	06/21/2018	ADDED ASSEMBLY
7	07/30/2018	CONCRETE PAVING

ZONING PLAN

Scale: 1" = 120'
 Date: 06/21/2018
 Project: 17252.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE

GEORGIA
 PROFESSIONAL SURVEYOR
 CERTIFICATION # 00000476 E.M. 02/2018

REVISIONS:

NO.	DATE	DESCRIPTION
1	03/27/2018	PRELIM LOT LAYOUT
2	04/04/2018	FINAL PRELIM LOT LAYOUT
3	04/26/2018	PRELIM LOT LAYOUT
4	05/02/2018	ADDED ASSEMBLY
5	05/15/2018	ADDED ASSEMBLY
6	06/21/2018	ADDED ASSEMBLY
7	07/30/2018	CONCRETE PAVING

OLD LOST MTN RD. AT MOON RD.
 A MASTER PLANNED RESIDENTIAL DEVELOPMENT
 INLINE COMMUNITIES

GEORGIA811
 www.Georgia811.com
 Call before you dig

SITE DATA:

TOTAL DEVELOP LOT AREA: 12.84 ACRES
 ZONING: R-10
 COUNTY: GWINNETT
 EXISTING ZONING: R-10 (BURNING WOODS)
 PROPOSED ZONING: R-10 (BURNING WOODS)
 PRELIMINARY: YES (NON-RESPONSIVE)

DATA SUMMARY:

TOTAL RESIDENTIAL UNITS: 112
 MAKE-UP: 112 UNITS
 MAKE-UP: 112 UNITS
 MAKE-UP: 112 UNITS

SETBACK SUMMARY:

FRONT: 10 FEET
 REAR: 10 FEET
 SIDE: 10 FEET
 CORNER: 10 FEET

MAXIMUM BUILDING HEIGHT: 35 FEET
MINIMUM LOT SIZE: 10,000 SQ FT
TYPICAL LOT SIZE PROVIDED: 10,000 SQ FT

NET SITE AREA: 12.84 ACRES
PERCENTAGE OF THE OPEN SPACE PROVIDED: 100%

PARKING SUMMARY:

MIN. PARKING PER DWELLING ALLOWED: 1.5 SPACES PER DWELLING UNIT
 AMOUNTY PARKING SPACE: 168 SPACES
 ON-STREET PARKING PROVIDED: 168 SPACES
 TOTAL PARKING PROVIDED: 168 SPACES

REVISIONS:

NO.	DATE	DESCRIPTION
1	03/27/2018	PRELIM LOT LAYOUT
2	04/04/2018	FINAL PRELIM LOT LAYOUT
3	04/26/2018	PRELIM LOT LAYOUT
4	05/02/2018	ADDED ASSEMBLY
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6	06/21/2018	ADDED ASSEMBLY
7	07/30/2018	CONCRETE PAVING

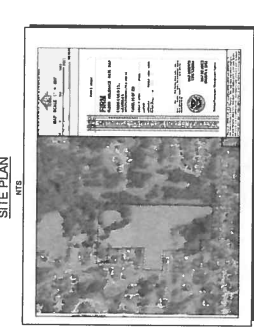
ZONING PLAN

Scale: 1" = 120'
 Date: 06/21/2018
 Project: 17252.00

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE

GEORGIA
 PROFESSIONAL SURVEYOR
 CERTIFICATION # 00000476 E.M. 02/2018

OLD LOST MTN RD. AT MOON RD.
 A MASTER PLANNED RESIDENTIAL DEVELOPMENT
 INLINE COMMUNITIES



MEEK ROAD
 (24' RIGHT OF WAY)

OLD LOST MOUNTAIN ROAD
 (VARIABLE RIGHT OF WAY)

MOON ROAD

NOTE:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.

2. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

3. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.

4. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

5. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.

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18. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

19. ALL DIMENSIONS ARE TO THE FACE UNLESS OTHERWISE NOTED.

20. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.



SCALE: 1"=80'

Old Lost Mountain Rd

A MASTER PLANNED DEVELOPMENT IN THE CITY OF MARIETTA, GEORGIA



PLANT SCHEDULE

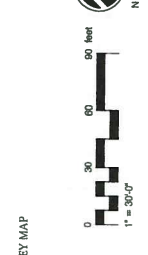
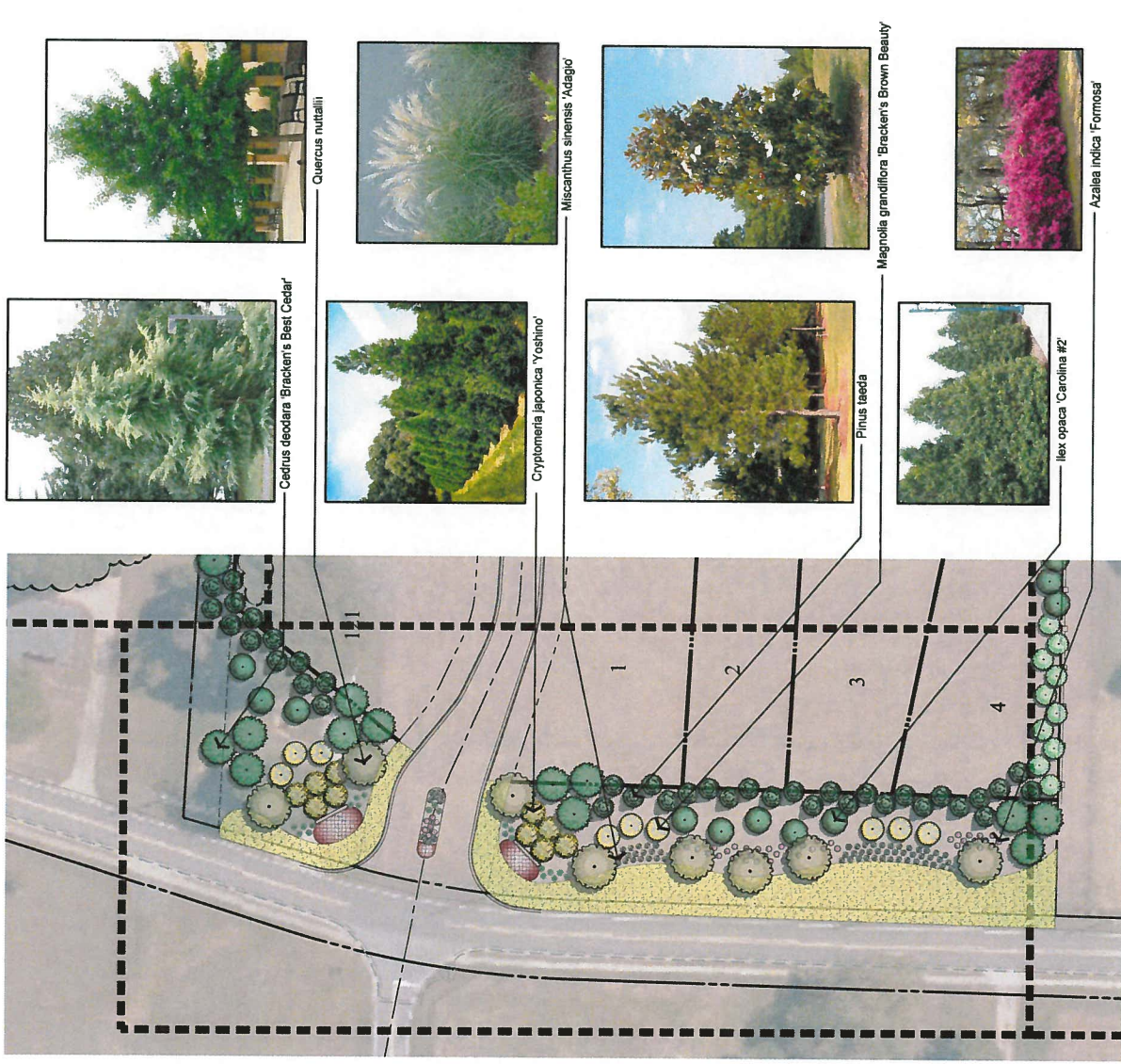
CODE	QTY	BOTANICAL NAME / COMMON NAME
02B	11	<i>Cedrus deodara</i> 'Bracklen's Best Cedar'
02F	10	<i>Cryptomeria japonica</i> 'Yoshino'
02C	8	<i>Ilex opaca</i> 'Carolina #2'
02D	9	<i>Magnolia grandiflora</i> 'Bracken's Brown Beauty'
02E	32	<i>Pinus taeda</i> 'Loblolly/Pine'
02F	6	<i>Quercus nuttallii</i> 'Hickory Oak'
02G	92	<i>Azalea indica</i> 'Formosa'
02H	24	<i>Ilex glabra</i> 'Compact / Compact variety'
02I	65	<i>Miscanthus sinensis</i> 'Adagio'
02J	1,147 #	<i>Cynodon dactylon</i> 'Bermuda Grass'
02K	629 #	Seasonal Color / Seasonal Color

NOTE: PLANT SELECTIONS ARE SUBJECT TO CHANGE PENDING AVAILABILITY AND DESIGN DEVELOPMENT. PLANT LOCATION MAY VARY PENDING DESIGN DEVELOPMENT / SITE PLAN CHANGES.

PLANT SELECTION AND PROPOSED LOCATIONS TO BE FIELD VERIFIED BY LANDSCAPE ARCHITECT.

ALL SAVED TREES TO BE IMPACTED LESS THAN 20%. TREE PRESCRIPTIONS AND MONITORING BY A CERTIFIED ARBORIST MAY BE PROVIDED.

ALL EXISTING HOEWIRE FENCE TO BE REMOVED.





360 STUDIO

155 BRACKEN COURT
PALM BEACH GARDENS
GEORGIA 30429
01-770-451-7941
P: 360STUDIO.COM

LANDSCAPE ARCHITECTURE
REGISTERED PROFESSIONAL ARCHITECT
REGISTERED PROFESSIONAL LANDSCAPE ARCHITECT
REGISTERED PROFESSIONAL PLANNING ARCHITECT
REGISTERED PROFESSIONAL INTERIOR ARCHITECT

OLD LOST MOUNTAIN ROAD @ MOON ROAD

2777 OLD LOST MOUNTAIN RD
CITY OF PALM BEACH SPRINGS
COBURN CKN VLY
GEORGIA

LAND LOT 606 & 679
1861 1861 BCT
1861

IN RE: COMMUNITIES
48 ATLANTA STREET
ATLANTA, GA 30303

CONTRACT NO. 1861-1861-013
DATE 07/26/18

SCALE: AS SHOWN

DATE: 07/26/18

PROJECT NO. 17252.00A

DRAWN BY: JF
CHECKED BY: JF
DATE: 07/26/18

PROJECT NO. 17252.00A

PROJECT NO. 17252.00A

PROJECT NO. 17252.00A

PROJECT NO. 17252.00A

PROJECT NO. 17252.00A

PROJECT NO. 17252.00A

PROJECT NO. 17252.00A

PROJECT NO. 17252.00A



PLANT SCHEDULE

TREES	CODE	QTY	BOTANICAL NAME / COMMON NAME
	CD6	4	Cedrus deodara 'Bracken's Best Cedar' / Bracken's Best Cedar Cedar
	IOC	9	Ilex opaca Carolina #2 / Carolina #2 American Holly
	JVT	10	Juniperus virginiana 'Tapestry' / Eastern Red Cedar
	MGB	9	Magnolia grandiflora 'Brackens Brown Beauty' / Bracken's Southern Magnolia
	PT	6	Prunus taeda / Loblolly Pine

- NOTE:**
1. PLANT SELECTIONS ARE SUBJECT TO CHANGE PENDING AVAILABILITY AND DESIGN DEVELOPMENT.
 2. PLANT LOCATION MAY VARY PENDING DESIGN DEVELOPMENT / SITE PLAN CHANGES.
 3. PLANT SELECTION AND PROPOSED LOCATIONS TO BE FIELD VERIFIED BY LANDSCAPE ARCHITECT.
 4. ALL SAVED TREES TO BE IMPACTED LESS THAN 20%. TREE PRESCRIPTIONS AND MONITORING BY A CERTIFIED ARBORIST MAY BE PROVIDED.
 5. ALL EXISTING HOODWEE FENCE TO BE REMOVED.

SPECIMEN TREE LEGEND

- SPECIMEN TREE & CIR (1' RADIUS) TO 1" DBH
- NON SPECIMEN TREE OF SPECIMEN SIZE
- NON SPECIMEN TREE



KEY MAP

1" = 30'-0"



Juniperus virginiana 'Tapestry'



Ilex opaca Carolina #2



Magnolia grandiflora 'Brackens Brown Beauty'



Cedrus deodara 'Bracken's Best Cedar'



EXISTING VEGETATION TO BE SAVED. SUPPLEMENTAL PLANTINGS, SUCH AS EASTERN RED CEDARS, AMERICAN HOLLIES, AND/OR BRACKEN'S BROWN BEAUTY MAGNOLIAS OR A COMBINATION THERE OF UP TO 16 PLANTINGS TOTAL TO BE PROVIDED AS NEEDED.



360
STUDIO
THE LANDSCAPE ARCHITECTURE FIRM OF
PLANNING & LANDSCAPE CONSULTANTS

1000 W. COURT
MOUNTAIN VIEW
PALM BEACH COUNTY
FLORIDA 33409
0: 770.441.3741
P: 360.1000.COM

PROFESSIONAL CERTIFICATION
LANDSCAPE ARCHITECTURE
STATE OF FLORIDA
PROFESSIONAL CERTIFICATION NO. 12000
EXPIRES 12/31/2018
PROFESSIONAL CERTIFICATION NO. 12000
EXPIRES 12/31/2018

**OLD LOST
MOUNTAIN
ROAD @
MOON ROAD**

2727 OLD LOST
MOUNTAIN RD
MOUNTAIN VIEW
FLORIDA 33409
CLARK COUNTY FL
CLERGA
LAND LOT 006 & STD.
LAND DISTRICT

IN RE: COMMENTS
48 ATLANTA STREET
ATLANTA, GA 30303

CONTACT:
BRYAN HUNTER
1000 W. COURT
PALM BEACH, FL 33409
P: 360.1000.COM

DATE: _____
SCALE: _____
REVISION: _____

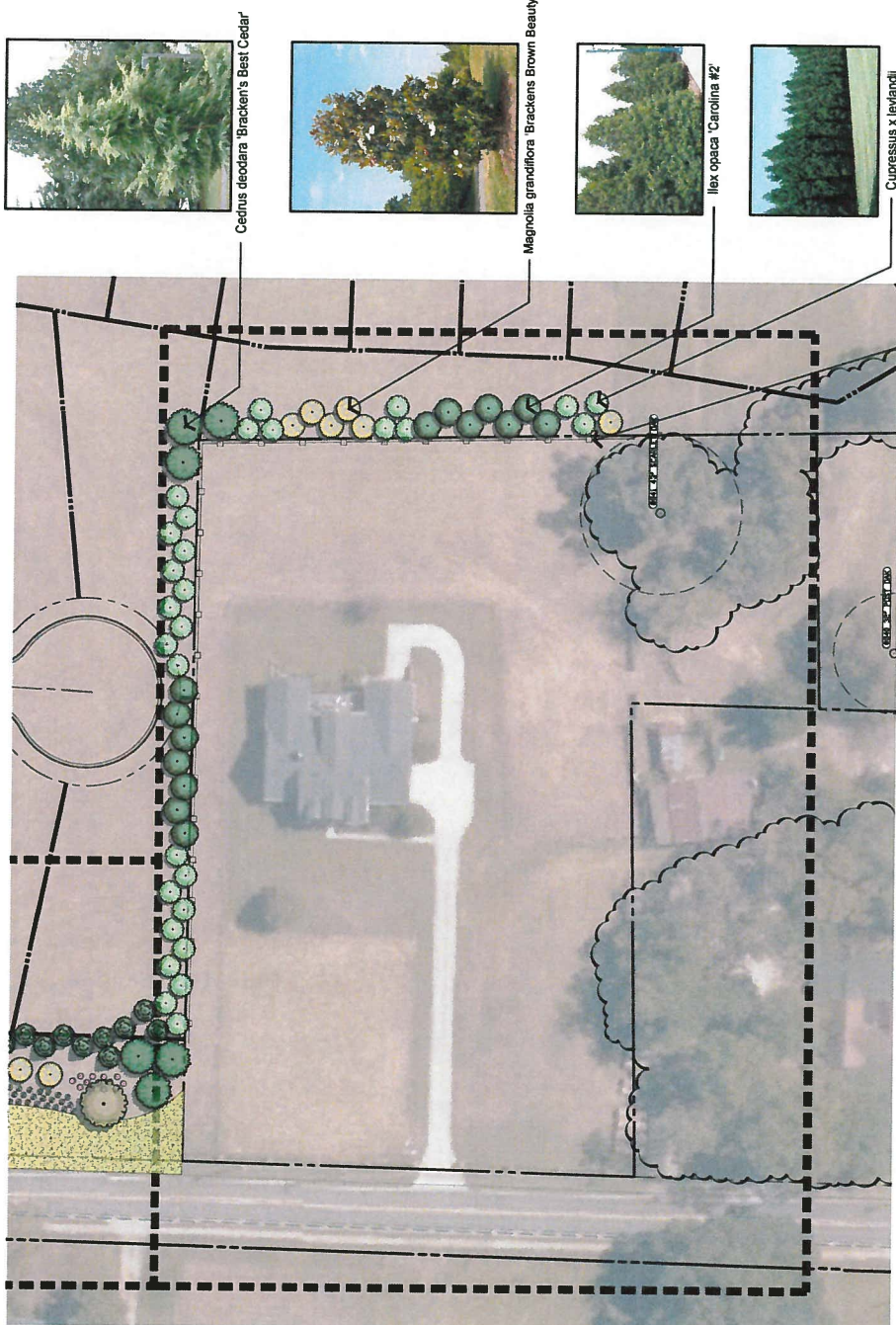
DRAWN BY: _____
APPROVED BY: _____
PROJECT NO.: 17252.00A



DATE: JULY 26, 2018

CONCEPTUAL
LANDSCAPE
PLAN

L1.04



- NOTE:
1. PLANT SELECTIONS ARE SUBJECT TO CHANGE PENDING AVAILABILITY AND DESIGN DEVELOPMENT. CLIENT MAY VARY PRUDING DESIGN DEVELOPMENT / SITE PLAN CHANGES.
 2. PLANT SELECTION AND PROPOSED LOCATIONS TO BE FIELD VERIFIED BY LANDSCAPE ARCHITECT.
 3. ALL SAVED TREES TO BE IMPACTED LESS THAN 5% TREE LOCATIONS AND MONITORING BY CLIENT BEFORE REMOVAL PROVIDED.
 4. ALL EXISTING HOGWIRE FENCE TO BE REMOVED.

CODE	QTY	BOTANICAL NAME / COMMON NAME
DOB	4	<i>Cedrus deodara</i> 'Bracken's Best Cedar' / Bracken's Best Decid. Cedar
COL	20	<i>Cupressus Leylandii</i> / Leyland Cypress
DOC	14	<i>Ilex opaca</i> 'Carolina #2' / Carolina #2 American Holly
MGB	6	<i>Magnolia grandiflora</i> 'Brackens Brown Beauty' / Bracken's Southern Magnolia

