

# MOORE INGRAM JOHNSON & STEELE

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\*\*\* ADMITTED ONLY IN SC  
◊ ADMITTED ONLY IN KY

August 1, 2018

Hand Delivered

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



RE: Application for Rezoning - Application No. Z-44 (2018)  
Applicant: Traton Homes, LLC  
Property Owner: Estate of Leone Hall Price,  
a/k/a Leone Hall Johnson  
Property: 39.87 acres, more or less, located on the east side  
of Mars Hill Mill Road, north of Stilesboro  
Road, across from Clovercroft Road, Land  
Lots 195 and 196, 20<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia

Dear John:

The undersigned and this firm represent Traton Homes, LLC, the Applicant (hereinafter referred to as "Applicant"), and the Property Owner, The Estate of Leone Hall Price, a/k/a Leone Hall Johnson (hereinafter referred to as "Owner"), in the Application for Rezoning with regard to property located on the east side of Mars Hill Road, north of Stilesboro Road, being more

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Zoning Division  
Cobb County Community Development Agency  
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particularly known as 2040 Mars Hill Road, Land Lots 195 and 196, 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the “Property” or “Subject Property”). After meetings and discussions with Planning and Zoning Staff and various Cobb County Departmental Representatives, ongoing discussions and meetings with area civic and homeowner representatives and residents, and reviewing the Departmental Comments and Staff Recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning categories of R-30/Open Space Community and R-20/Open Space Community to the proposed zoning category of Residential Senior Living (“RSL”) (non-supportive), site plan specific to the revised Zoning Plan prepared for Applicant by Gaskins Surveying Company, Inc., dated April 4, 2018, and filed with the Application for Rezoning on April 5, 2018. A reduced copy of the Zoning Plan is attached hereto for ease of reference as Exhibit “A” and incorporated herein by reference.
- (3) The Subject Property is a total of approximately 39.87 acres and is proposed for a maximum of one hundred eleven (111) non-supportive, detached, age-restricted residential homes.
- (4) Residents within the proposed community shall be restricted to those persons age fifty-five (55) and older, pursuant to and in accordance with the RSL Zoning Ordinance.
- (5) The residences shall have a minimum of 1,800 square feet of heated and cooled living space, ranging upwards to 2,800 square feet, and greater.
- (6) The proposed residences shall be traditional and craftsman style and architecture, with exterior materials consisting of brick stone, stacked stone, cedar shake,

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hardi-plank, board and batten, and combinations thereof, and shall be substantially similar to the homes attached collectively as Exhibit "B" and incorporated herein by reference.

- (7) 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 and consistent with the age restrictions of the RSL Ordinance.
- (8) 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 architectural controls of the residences within the proposed community; as well as, the upkeep and maintenance of the entrance area, signage, all common areas, amenity areas, walking trails, pocket parks, mail kiosk, and private streets contained within the proposed residential community.
- (9) The yard areas around the residences shall be fully sodded and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the residential community.
- (10) Entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, stucco, or combinations thereof, with accents, complementary to materials used in the construction of the homes within the community; and shall comply in all respects with the Cobb County Sign Ordinance. The entrance landscaping shall be professionally designed and implemented, with final approval being made by the Cobb County Arborist.
- (11) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences, as offered by the power provider.
- (12) The setbacks for the proposed residential community shall be as shown on the submitted Zoning Plan.
- (13) The proposed community shall have extensive amenities designed specifically for the enjoyment and use of the age-restricted market.

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- (14) Amenities for the community shall be both active and passive amenity areas, consisting of walking trails, park areas, gathering spaces, and pool and clubhouse.
- (15) All utilities for the proposed community shall be located underground.
- (16) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscaping plan for the proposed community. Landscape buffer areas, as shown on the submitted Zoning Plan, shall be of a high quality and shall be professionally designed and installed.
- (17) All streets within the proposed residential community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code; and, at Applicant's option, the community may be gated in compliance with all applicable Cobb County Codes, Standards, and Ordinances.
- (18) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of residences, and shall not be parked on or along Mars Hill Road or any roadways or streets near or adjacent to the Subject Property.
- (19) There shall be no direct access from any lots within the proposed community to Mars Hill Road.
- (20) Applicant agrees to construct internal sidewalks along one side of the streets within the proposed community which shall connect to exterior street sidewalks. Said internal sidewalks shall comply in all respects with Cobb County Standards and Ordinances.
- (21) Guest parking shall be as shown on the Zoning Plan.
- (22) Applicant agrees to coordinate with Cobb County on any future improvements to park land sharing a common boundary with the Subject Property.
- (23) The detention areas shall be as shown and reflected on the referenced Zoning Plan. The detention areas shall be fenced with black, vinyl-clad chain link fencing, a minimum of six (6) feet in height. Landscaping for these areas shall be

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to the exterior of the fencing for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the Plan Review Process.

- (24) Applicant agrees to comply with all Cobb County and State of Georgia stream buffer requirements as more particularly shown and reflected on the referenced Zoning Plan.
- (25) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities, utilities, and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings, in accordance with the approved and submitted Landscape Plan, and as allowed by Cobb County or any utility provider.
- (26) Applicant agrees to comply with all Cobb County Development Standards and Ordinances relating to project improvements; except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (27) Minor modifications to the within stipulations, the referenced Zoning Plan, lighting, signage, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
  - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
  - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
  - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (e) Change an access location to a different roadway;

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- (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
  - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
  - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.
- (28) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (29) Applicant agrees to comply with the Comments and Recommendations from Cobb County Water and Sewer regarding the availability and accessibility of water and sewer for the Subject Property.
- (30) Applicant agrees to the following system improvements to mitigate traffic concerns:
- (a) Installation of sidewalk, curb, and gutter along the frontage of the Subject property along Mars Hill Road;
  - (b) Construction of deceleration lane, a minimum of one hundred fifty (150) feet in length, along the frontage of the Subject Property on Mars Hill Road;
  - (c) Donation of right-of-way a maximum of twenty-five (25) feet in width from the existing roadway centerline along the frontage of property along Mars Hill Road, with all setbacks measured from the existing right-of-way; and
  - (d) Construction of left-turn lane into the proposed development.

We believe the requested zoning, pursuant to the Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed community shall be a quality development, as established by Applicant in previous developments in Cobb County and the Atlanta area, and shall provide a much-needed and highly

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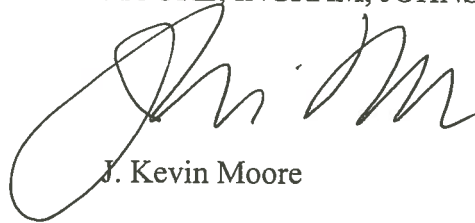
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sought after type of community within the West Cobb County area. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

c: Cobb County Board of Commissioners:  
Mike Boyce, Chairman  
JoAnn Birrell  
Lisa N. Cupid  
Robert J. Ott  
Bob Weatherford  
(With Copies of Attachments)

Cobb County Planning Commission  
Mike Terry, Chairman  
Thea Powell  
Judy Williams  
Skip Gunther  
Galt Porter  
(With Copies of Attachments)

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c: Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
(With Copies of Attachments)

Terry Martin, MPA  
Planner II  
Zoning Division  
Cobb County Community Development Agency  
(With Copies of Attachments)

Traton Homes, LLC  
(With Copies of Attachments)





PROJECT NO.	195
SHEET TITLE	CONTRACT PLAN
DATE	
SCALE	
DATE OF SURVEY	
DATE OF RECORD	
DATE OF PLOTTING	
DATE OF PRINTING	



APR - 5 2013

DATE

00-10-5

- 1. ALL LOTS ARE TO BE SURVEYED AND PLATTED WITHIN THE YEAR 2013.
- 2. ALL LOTS ARE TO BE SURVEYED AND PLATTED WITHIN THE YEAR 2013.
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- 20. ALL LOTS ARE TO BE SURVEYED AND PLATTED WITHIN THE YEAR 2013.

LOT NO.	ACRES	SQ. FT.	LOT NO.	ACRES	SQ. FT.
1	0.125	8,712	11	0.125	8,712
2	0.125	8,712	12	0.125	8,712
3	0.125	8,712	13	0.125	8,712
4	0.125	8,712	14	0.125	8,712
5	0.125	8,712	15	0.125	8,712
6	0.125	8,712	16	0.125	8,712
7	0.125	8,712	17	0.125	8,712
8	0.125	8,712	18	0.125	8,712
9	0.125	8,712	19	0.125	8,712
10	0.125	8,712	20	0.125	8,712



LEGEND

1	1" = 20' SCALE
2	1" = 10' SCALE
3	1" = 5' SCALE
4	1" = 2' SCALE
5	1" = 1' SCALE
6	1" = 0.5' SCALE
7	1" = 0.25' SCALE
8	1" = 0.125' SCALE
9	1" = 0.0625' SCALE
10	1" = 0.03125' SCALE
11	1" = 0.015625' SCALE
12	1" = 0.0078125' SCALE
13	1" = 0.00390625' SCALE
14	1" = 0.001953125' SCALE
15	1" = 0.0009765625' SCALE
16	1" = 0.00048828125' SCALE
17	1" = 0.000244140625' SCALE
18	1" = 0.0001220703125' SCALE
19	1" = 0.00006103515625' SCALE
20	1" = 0.000030517578125' SCALE

EXHIBIT "A"

# AMERICAN PORCH COLLECTION



EXHIBIT "B"

*Premenade*

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EPCON  
Communities

*Premenade*

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*Portico*

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