**ATTORNEYS AT LAW** 

376 POWDER SPRINGS STREET **SUITE 100** 

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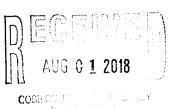
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August 1, 2018



#### 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 variances 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.

<sup>&</sup>lt;sup>1</sup> 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).<sup>2</sup> 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.<sup>3</sup> 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 District Commissioner will have final approval of the elevations.

- 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.
- 7. Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the proposed residential homes.

<sup>&</sup>lt;sup>2</sup> 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.

<sup>&</sup>lt;sup>3</sup> Base prices to start at the \$275,000 range with an average sales price in the mid-\$300,000 range.

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- 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 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 1<sup>st</sup> through March 31<sup>st</sup>;
  - 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
  - d. No work on Sunday unless approved by the District Commissioner.

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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

- 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).

### 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

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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. The District Commissioner shall have the authority to 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.

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- 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. Balli

jballi@slhb-law.com

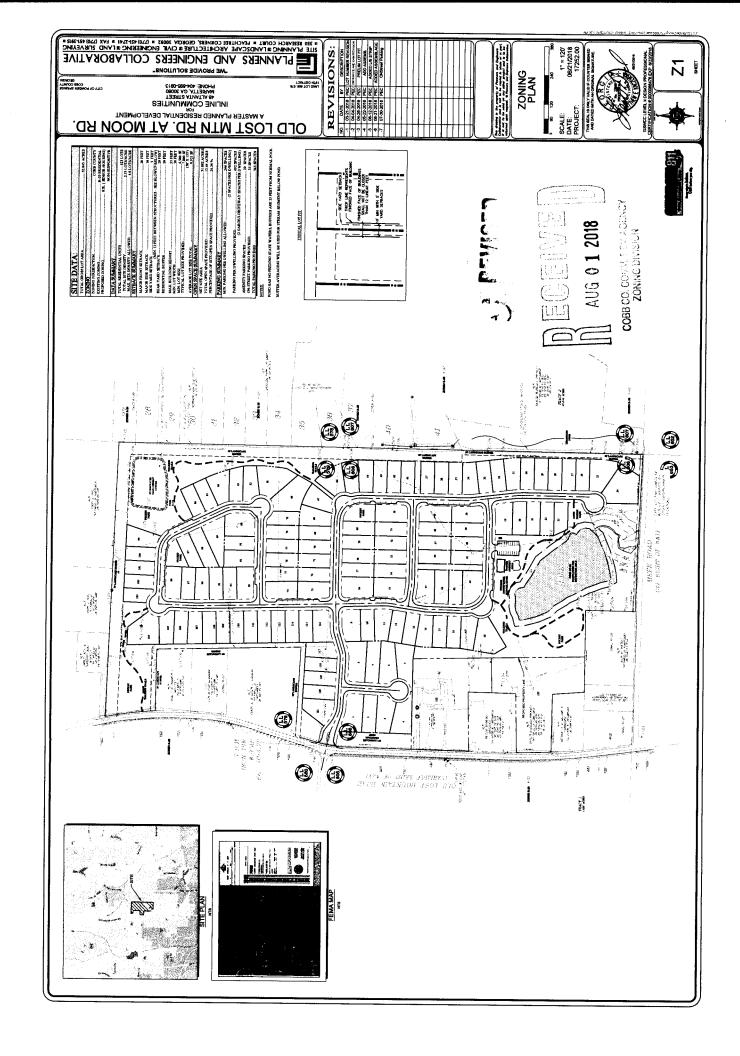
#### **Enclosures**

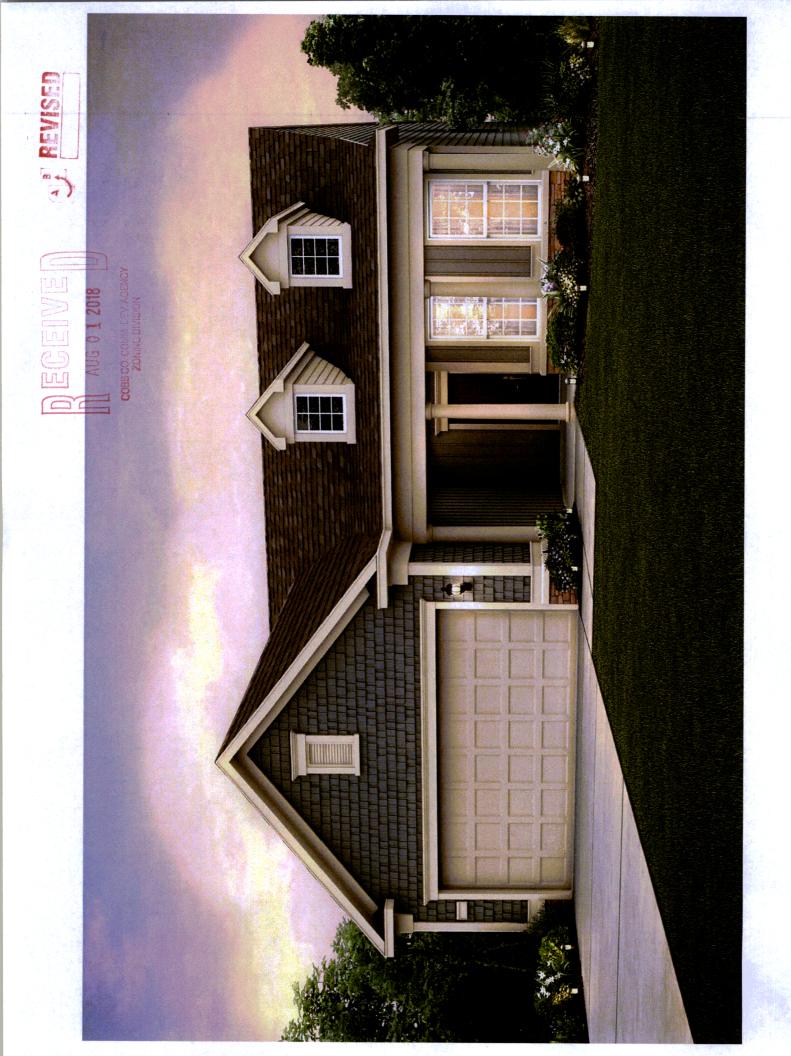
cc: Galt Porter, Planning Commission Member Cobb County Planning Commissioners

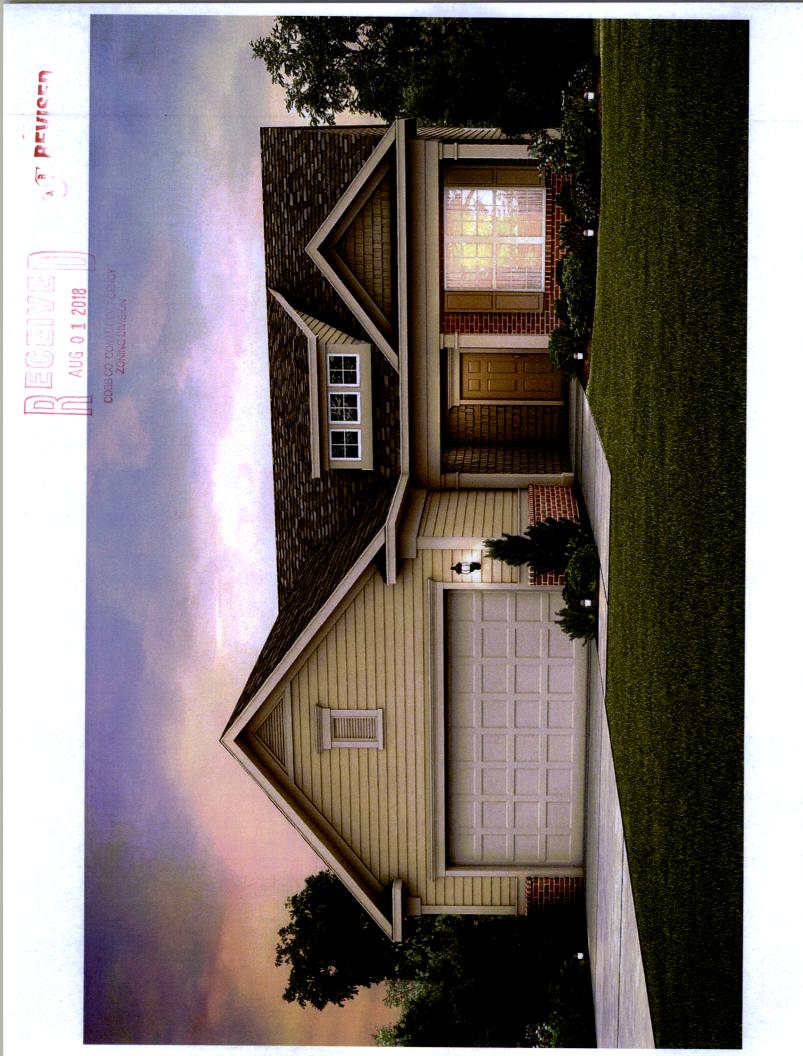
Inline Communities, LLC

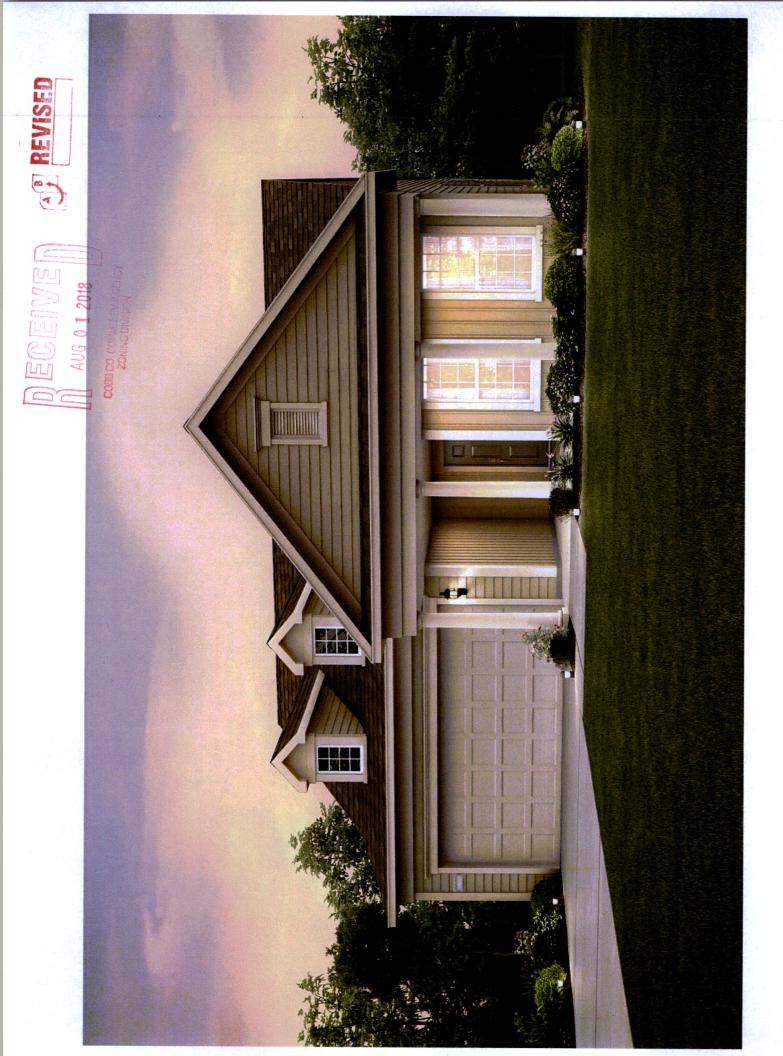
Patrick Bordelon, Sr., Mayor Pro Tem of the City of Powder Springs

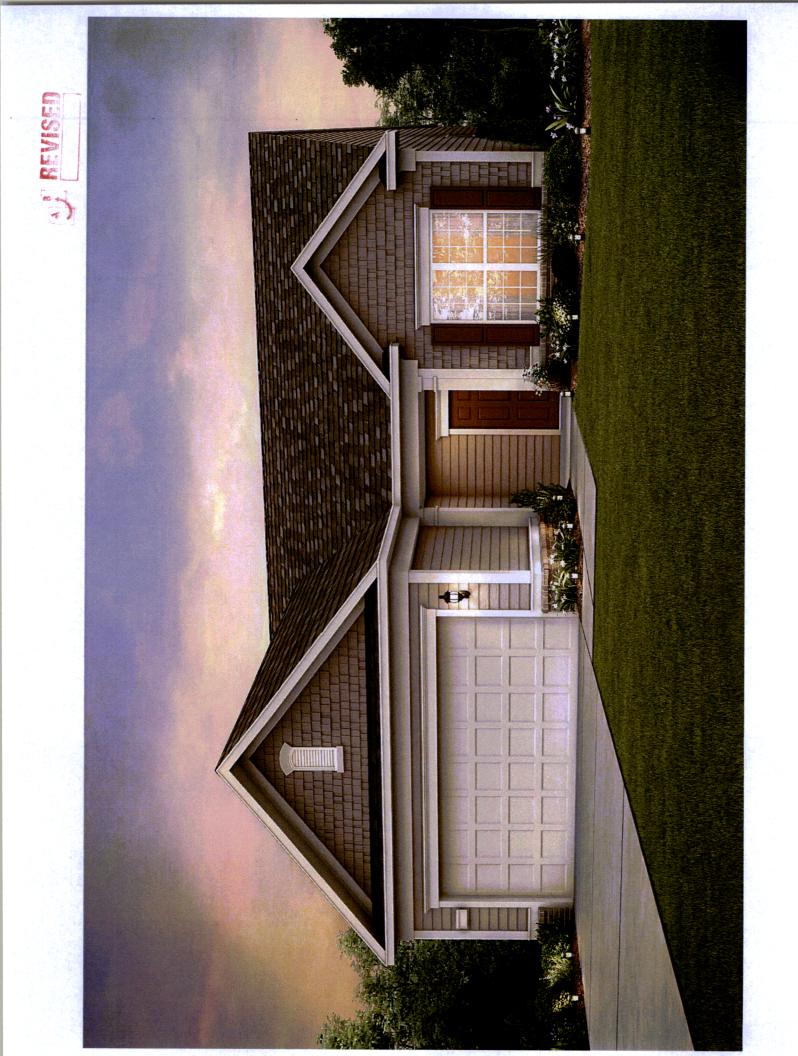
Lisa Cupid, District 4 Commissioner



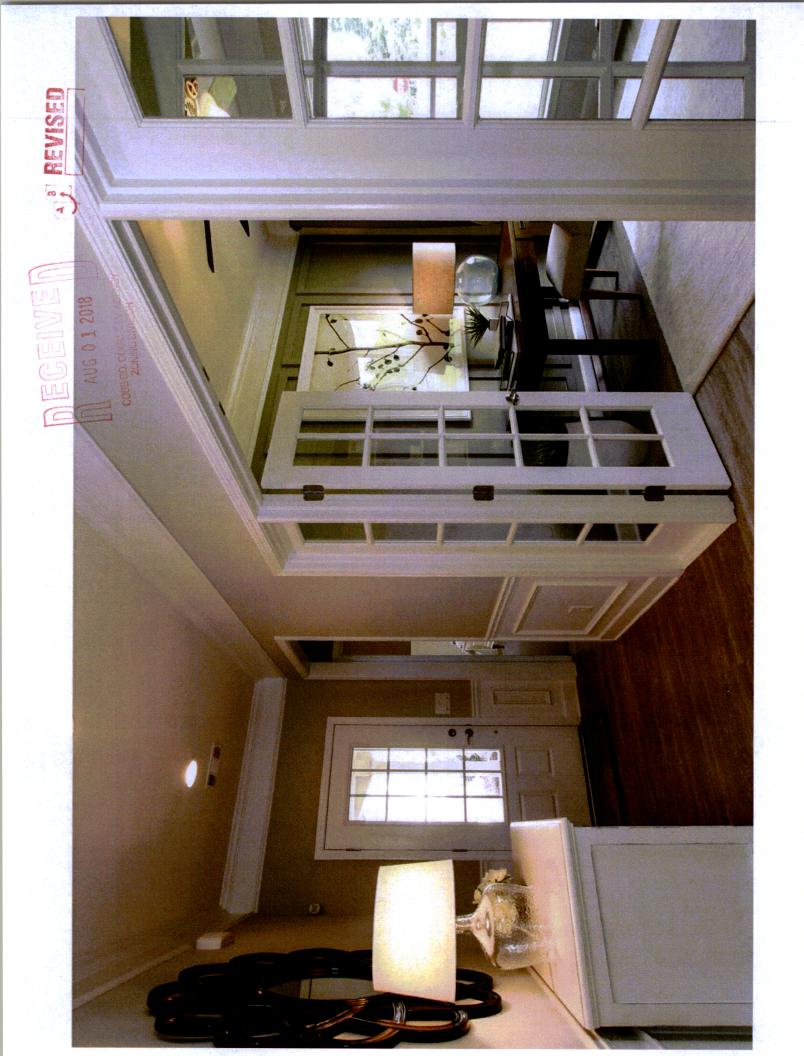










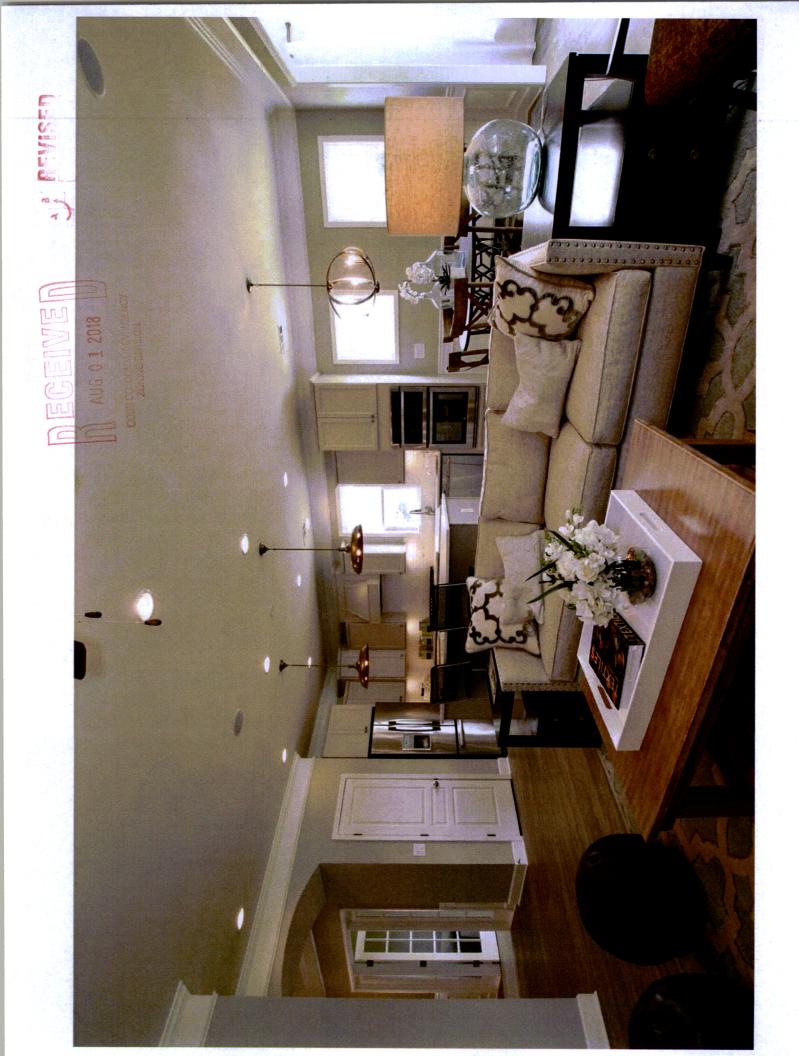


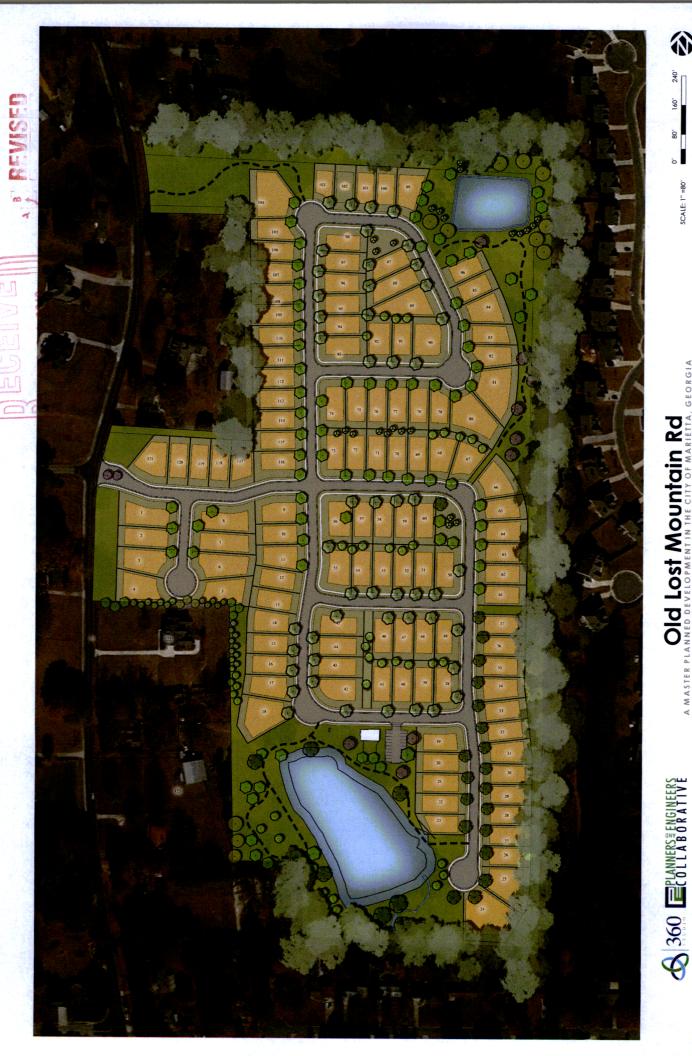




























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TASE 200A

TASE 200A

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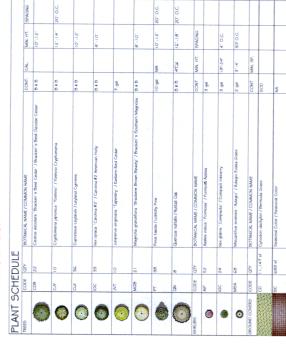
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	E	32	Pinus taeda / Lobioliy Pine
0	8	0	Querious nuttailu / Nuttail Oak
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KEY MAP





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5. ALL EXISTING HOGWIRE FIENCE TO BE REMOVED.

SPECIMEN TREE LEGEND

SPECIMENTREE & CRZ (1' RADIUS TO 1" DBH)

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Magnolia grandiflora 'Brackens Brown Beauty'

FENCE TO BE REMOVED

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20' LANDSCAPE BUFFER

KEY MAP

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EXISTING VEGETATION TO BE—
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BE PROVIDED AS NEEDED.

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KEY MAP

6' WOOD PRIVACY FENCE

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