

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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June 12, 2018

(INCLUDES REVISED SITE PLAN)

VIA HAND DELIVERY & 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 Jim Chapman Communities to Rezone a 35.8 Acre Tract from R-20 to RSL (Non-Supportive) - No. Z-40

Dear John:

As you know, this firm has been engaged by and represents Jim Chapman Communities, Inc. ("JCC") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on July 3, 2018. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioner on July 17, 2018.

The Subject Property at issue consists of a 35.8 acre tract of land which is located at the northwest intersection of Bells Ferry Road and North Booth Road, east of I-575. JCC proposes to rezone the Subject Property from R-20 to RSL (Non-Supportive) for the purposes of the construction and development of an Age-Restricted, Single-Family, Detached Residential Community consisting of a total number of 161 homes at an overall density of 4.5 units per acre. JCC's proposal will include forty-three percent (43%) of the lots being forty feet (40') in width and fifty-seven percent (57%) of the lots being fifty feet (50') in width.¹

Consistent with our ongoing dialogue and discussions with the District Commissioner; the County's Professional Staff; representatives of the Bells Ferry Civic Association ("BFCA"); and, area property and business owners, this letter will serve as PCC's expression of agreement

¹ This proposal is consistent with Cobb County Zoning Ordinance which allows RSL Communities within areas designated for Low-Density Residential ("LDR"). With direct adjacency to I-575, a major transit corridor, as well as Bells Ferry Road which is designated as an arterial, JCC's proposal meets the letter, spirit and intent of Cobb County's Comprehensive Land Use Plan in terms of addressing this age-restricted demographic and the transportation needs of this proposed Community.

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with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the Subject Property thereafter. The referenced 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 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 site plan which is being submitted concurrently herewith. However, PCC shall be allowed to reposition homes within the proposed residential community so long as the total unit count is not increased and no additional variances are created or required.
3. The construction of a maximum number of one-hundred sixty-one (161) non-supportive, active adult, age-restricted residential homes at an overall maximum density of 4.5 units per acre.
4. The total site area of the subject property is 35.8 acres, 55% of which is impervious surface which is consistent and equivalent to allowable impervious surface.
5. The size of the homes within this proposed active adult community shall range from 1,600 square feet to 2,400 square feet and greater. Each of the homes shall have, at a minimum, an attached two-car garage and driveways the length and width of which will permit the parking of at least two (2) additional vehicles.²
6. The architectural style and composition of the homes shall be traditional on all sides of the homes as shown on the architectural renderings/elevations which are being submitted concurrently herewith.

² Guest parking required for the Subject Property consists of eighty (80) guest parking spaces in accordance with Cobb County Fire Department Regulations regarding guest parking within Residential zoning districts.

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7. 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. The mandatory HOA shall be responsible for the maintenance and upkeep of fencing, landscaping, open space areas, community areas, the entrance to the community, amenities and lighting.
8. PCC agrees that, at any time in the future, there shall be no more than 10% of the homes which may be rented/leased and further agrees that said stipulation/condition shall be contained within the CCRs and enforced by the Board of Directors of the mandatory HOA.
9. The submission of a landscape plan during the Plan Review Process which shall be subject to review and approval by the County Arborist. Additionally, PCC shall landscape and screen proposed detention and water quality areas with Cryptomeria, Arborvitae and/or other evergreen trees recommended by the County's Arborist.
10. The subdivision entrance signage shall be ground-based, monument style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage which will be located on Bells Ferry Road, shall be incorporated into the landscape plan for the residential community and shall be fully landscaped, lighted and irrigated.
11. Compliance with recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer for the site, including the following:
 - a. If determined to be necessary, PCC shall conduct a Sewer Flow Study dependent upon the ultimate location of sewer connections to the proposed Residential Community.
 - b. The connection to sewer will be to the south across North Booth Road as shown on the revised site plan and will necessitate a Sewer Capacity Study to be submitted during Plan Review.
 - c. The granting of an Access Utility Easement in view of the fact that the streets within the Residential Community will be private.

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12. Subject to recommendations from the Cobb County Stormwater Management Division with respect to detention, hydrology and downstream considerations including the ultimate location and configuration of on-site detention, stormwater management and water quality components. Additionally, JCC shall adhere to these additional recommendations:
 - a. Verification of the percentage of impervious surface.
 - b. Detention ponds shall provide “elevated storage” in order to handle peak period storms.
 - c. With Lake Latimer being located approximately two (2) miles downstream, JCC shall have the option of conducting pre & post sedimentation studies primarily due to recent development in the area and because of the land disturbance precipitated by infrastructure improvements to Bells Ferry Road.
 - d. In view of the fact that streets within the proposed Residential Community are private (even though built to the County’s Design and Detail Specifications) stormwater detention and/or water quality ponds will be private and maintained by the mandatory HOA.

13. Subject to recommendations from the Cobb County Department of Transportation (“DOT”) including the following:
 - a. In lieu of the installation of a left-turn lane within Bells Ferry Road, the revised site plan reflects and proposes the installation of a “High-T” intersection with “protected left-turning movements” and a raised concrete island.
 - b. The construction of a 150’ deceleration lane with a 50’ taper.
 - c. The installation of sidewalk, curb and gutter on North Booth Road, Bells Ferry Road, and on at least one side of the interior streets.
 - d. The voluntary donation and conveyance of right-of-way on North Booth Road so that the County can achieve 40’ feet from the centerline of said right-of-way.

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- e. The voluntary donation and conveyance of right-of-way on Bells Ferry Road so that the County can achieve 50' feet from the centerline of that right-of-way.
 - f. Compliance with recommendations and conclusions contained within that certain Traffic Impact Study ("TIS") prepared by SEI and dated May 8, 2018, a copy of which is being provided to DOT and Community Development Staff contemporaneously herewith via email/electronically and via hand delivery.
 - g. "Coordination" with the Georgia Department of Transportation regarding the subject property's proximity to I-575.
14. Unless agreements to the contrary are reached with adjacent property owners, all construction worker vehicles shall be parked on the Subject Property during the construction and build-out of the Residential Community. Under any set of circumstances there shall be no such parking on any public rights of way.
15. Adherence to the following construction hours unless a deviation from said hours is approved by the District Commissioner:
- a. 7:00 a.m. until 7:00 p.m., Monday through Friday, from October 1st through March 31st.
 - b. 7:00 a.m. until 8:00 p.m., Monday through Friday, from April 1st through September 30th.
 - c. 9:00 a.m. until 6:00 p.m. on Saturdays.
 - d. No outside work on Sundays.
16. Subject to recommendations from the Cobb County Fire Department with respect to Life-Safety and Fire Prevention issues.
17. As long as the process does not interfere with or delay the commencement of the development of the subject property, PCC agrees to allow the Georgia Native Plant Society ("GNPS") to conduct a "plant rescue" at some point within a fifteen (15) day period after notice to PCC and prior to the commencement of construction and development on the subject property.

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18. The District Commissioner shall have the authority to approve minor modifications to this rezoning proposal as the development proceeds through the Plan Review Process and thereafter except for those that:
- a. Increase the density of the Residential Community.
 - b. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
 - c. Relocate a structure closer to the property line of an adjacent property which is zoned in the same or in a more restrictive zoning district.
 - d. Increase the height of a building which is adjacent to a property that is zoned is the same or a more restrictive zoning district.
 - e. Change access to a different right-of-way.
 - f. Violate the Cobb County Zoning Ordinance or require a Variance.

Please do not hesitate to contact me should you or your staff require additional information or documentation prior to the formulation of Staff's Zoning Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP


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

GLS/dls
Enclosures/Attachments

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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)
Board of Commissioners Assistants (via email w/attachments)
Mr. Dana Johnson, AICP, Director (via email w/attachments)
Mr. Lee McLead, Deputy Director (via email w/attachments)
Mr. Jason Gaines, AICP, Planning Division Manager (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner III (via email w/attachments)
Mr. Donald Wells, Planner I (via email w/attachments)
Ms. Tannesha Bates, Planner I (via email w/attachments)
Mr. David Breden, P.E. (via email w/attachments)
Mr. Tim Davidson, Cobb Water System (via email w/attachments)
Ms. Ashley White, P.E. (via email w/attachments)
Ms. Amy Diaz, P.E. (via email w/attachments)
Ms. Pam Mabry, County Clerk (via email w/attachments)
Ms. Robin Presley, Deputy County Clerk (via email w/attachments)
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Ms. Sheri George, GNPS (via email w/attachments)
Bells Ferry Civic Association (via email w/attachments)
Ms. Cecelia Hart, BFCA (via email w/attachments)
Ms. Erin Mulgrew, BFCA (via email w/attachments)
Ms. Tullan Avar, BFCA (via email w/attachments)
Mr. & Mrs. Tom Doiron, Bells Ferry Station (via email w/attachments)
Mr. Chad W. Epple, P.E., SEI (via email w/attachments)
Mr. Nathan Adrian, SEI (via email w/attachments)
Mr. Jim Chapman, Jim Chapman Communities (via email w/attachments)