

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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August 17, 2018

**(REVISED STIPULATION LETTER, REVISED SITE PLAN,
REVISED ARCHITECTURAL RENDERINGS/ELEVATIONS AND
REVISED TRAFFIC IMPACT STUDY (“TIS”)**

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:

You will recall that this firm 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 September 4, 2018. Thereafter, the Application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners (“BOC”) on September 18, 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’s proposal is 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 155 homes at an overall density of 4.3 units per acre. This proposal will include homes situated on lots which will consist of seventy-nine (79) forty foot (40’) wide lots (51%) and seventy-six (76) fifty foot (50’) wide lots (49%).¹

¹ This proposal is consistent with the Cobb County Zoning Ordinance which allows RSL Communities within certain 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. During the pendency of this application, the original lot count was 178 homes which was reduced to 161 homes on June 12, 2018 and then which is now being further reduced to 155 homes.

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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 JCC's expression of agreement 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 revised referenced stipulations are as follows:

1. The revised 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 revised site plan which is being submitted concurrently herewith. However, JCC and/or its successors or assigns shall be allowed to lessen the density; reposition homes within the proposed residential community; and, make additional interior modifications to the site plan so long as the total number of homes is not increased and no additional variances are created or required.
3. The construction of a maximum number of one-hundred fifty-five (155) non-supportive, active adult, age-restricted residential homes at an overall maximum density of 4.3 units per acre.
4. JCC or its successors or assigns shall, under no circumstances, exceed 55% impervious surface which is a percentage equivalent to the maximum allowable impervious surface under the RSL (non-supportive) zoning classification.
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

² Guest parking for the Subject Property shall exceed the minimum number of guest parking spaces required by the Cobb County Fire Marshall by continuing to maintain a minimum of 80 guest parking spaces, thus providing an abundance of meaningfully and strategically positioned guest parking spaces.

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6. The architectural style and composition of the homes shall be traditional on all sides of the homes as shown on the revised architectural renderings/elevations which are being submitted concurrently herewith.
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, interior private streets, open space areas, sidewalks, community areas, stormwater detention and/or water quality ponds, the entrance to the community, amenities as shown on the revised site plan and lighting.
8. JCC and its successors or assigns agree that, at any time in the future, there shall be no more than 10% of the homes which may be rented/leased and further agree 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 District Commissioner. Additionally, the landscape plan shall include, but not necessarily be limited to, the following:
 - a. Landscaping and screening around the proposed detention and water quality areas with Cryptomeria, Arborvitae and/or other evergreen trees recommended by the County's Arborist.
 - b. Doubling the landscape buffer around the perimeter of the Subject Property from ten feet (10') to twenty feet (20') within the existing twenty foot (20') setback.
 - c. Compliance with the landscape section renderings/elevations being submitted concurrently herewith.

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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 North Booth Road, shall be in keeping with the architectural style and composition described above and shall be incorporated into the landscape plan for the residential community. Said entrance signage 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 it is determined to be necessary, JCC or its successors or assigns shall conduct a Sewer Flow Study dependent upon the ultimate location of sewer connections to the proposed Residential Community.
 - b. The connection to sewer south across North Booth Road, as presently shown on the revised site plan, may 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.
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 or its successor or assigns shall adhere to these additional recommendations:
 - a. Verification of the percentage of impervious surface which shall not exceed 55% of the total site area.
 - b. Detention ponds shall provide “elevated storage” in order to handle peak period storms.

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- 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. The installation of a left-turn lane within North Booth Road as related to the Subject Property's entrance and point of ingress/egress on said right-of-way.
 - b. The construction of a 150' deceleration lane with a 50' taper at the Subject Property's entrance and sole point of ingress/egress on North Booth Road.
 - c. The installation of sidewalks five feet (5') in width 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.
 - 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 August 17, 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.

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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. The granting of a concurrent Variance waiving the distance between homes from fifteen feet (15') to ten feet (10').
16. 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.
17. Subject to recommendations from the Cobb County Fire Department with respect to Life-Safety and Fire Prevention issues.

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18. As long as the process does not interfere with or delay the commencement of the development of the Subject Property, JCC 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 JCC and/or its successors and assigns and prior to the commencement of construction and development on the Subject Property.
19. 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.

As you know, JCC and its consultants and representatives have established and maintained a continuing, ongoing dialogue with the County’s professional staff, the District Commissioner and members and representatives of the BFCA. At every juncture, JCC has entered into revised stipulations/conditions and has granted requested changes which have resulted in a reduction in density and the number of homes from 178 units to 155; ensured a quality, high-end architectural style and composition; and, continued to craft and redraft its proposal in order to maintain compliance with the County’s Future Land Use Map, Comprehensive Land Use Plan and the County’s professional staff’s express, written recommendation for approval.

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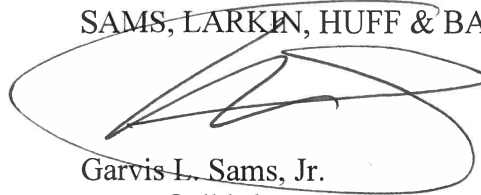
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Please do not hesitate to contact me should you or your staff require any additional information or documentation prior to this application being heard and considered by the Planning Commission and BOC next month. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



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

GLS, Jr./klk

Enclosures/Attachments

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 McClead, 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. Tannessa Bates, Planner I (via email w/attachments)
Ms. Hayley Todd, Planner I (via email w/attachments)
Mr. David Breaden, 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)

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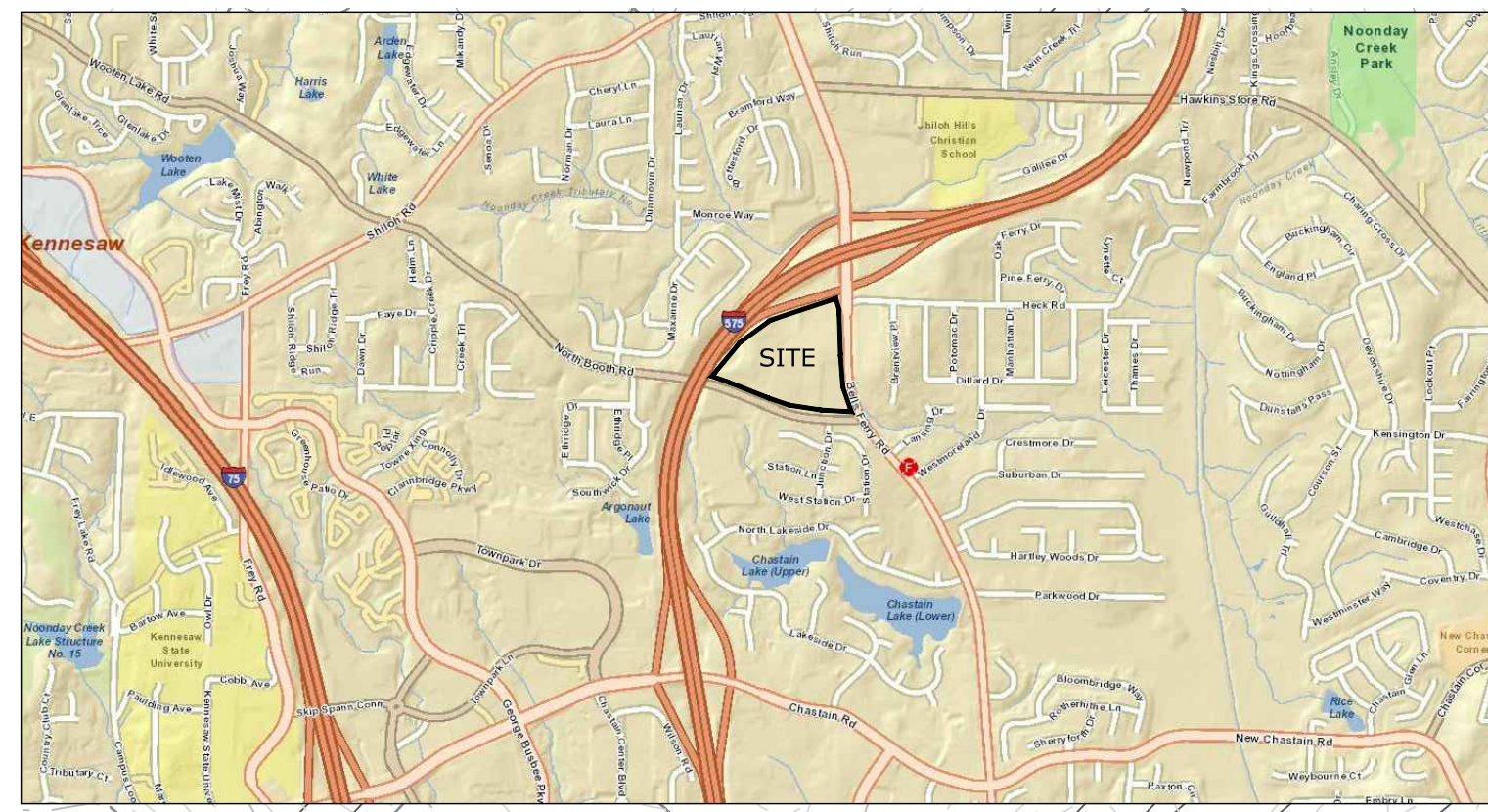
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Ms. Leila Washington, Deputy County Clerk (via email w/attachments)
Ms. Sheri George, GNPS (via email w/attachments)
Bells Ferry Civic Association (via email w/attachments)
Ms. Cecelia Hart, BFCA (via email w/attachments)
Ms. Erin Mulgrew, BFCA (via email w/attachments)
Ms. Tullan Avard, 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)

FILE NAME: I:\CUSTOMERS_PROJECTS\731 Jim Chapman Fine Homes, LLC\731-18-038 Bells Ferry\731-18-038 C_Site Plan 5 - 150 lot and move entrance-2018-08-14.dwg PLOT STYLE: SEI-BASE-M.ctb PLOT DATE: 8/16/2018 USER: BRYAN GROVES



SITE DATA

OWNER/DEVELOPER: JIM CHAPMAN COMMUNITIES
2700 CUMBERLAND PARKWAY SUITE 130
ATLANTA, GA 30339-4089

ENGINEER/SURVEYOR: SOUTHEASTERN ENGINEERING, INC.
2470 SANDY PLAINS ROAD
MARIETTA, GA 30066
PHONE: 770.321.3936

BOUNDARY: COBB COUNTY TAX PARCEL DATA

TOPOGRAPHY: COBB COUNTY GIS DATA

PARCEL ID #s: 16028400020, 16028400010, 16028500010

SITE AREA: 35.8 AC.

NUMBER OF LOTS: 155

GUEST PARKING: 80 SPACES

DENSITY: 155 LOTS / 35.8 ACRES = 4.3 UNITS PER ACRE

FLOOD INFO: THIS SITE NOT LOCATED WITHIN THE 100 YEAR FLOOD ZONE PER FEMA FLOOD PANELS # 13067C0041H, DATED 3/4/2013.

PROPOSED ZONING: RSL NON-SUPPORTIVE

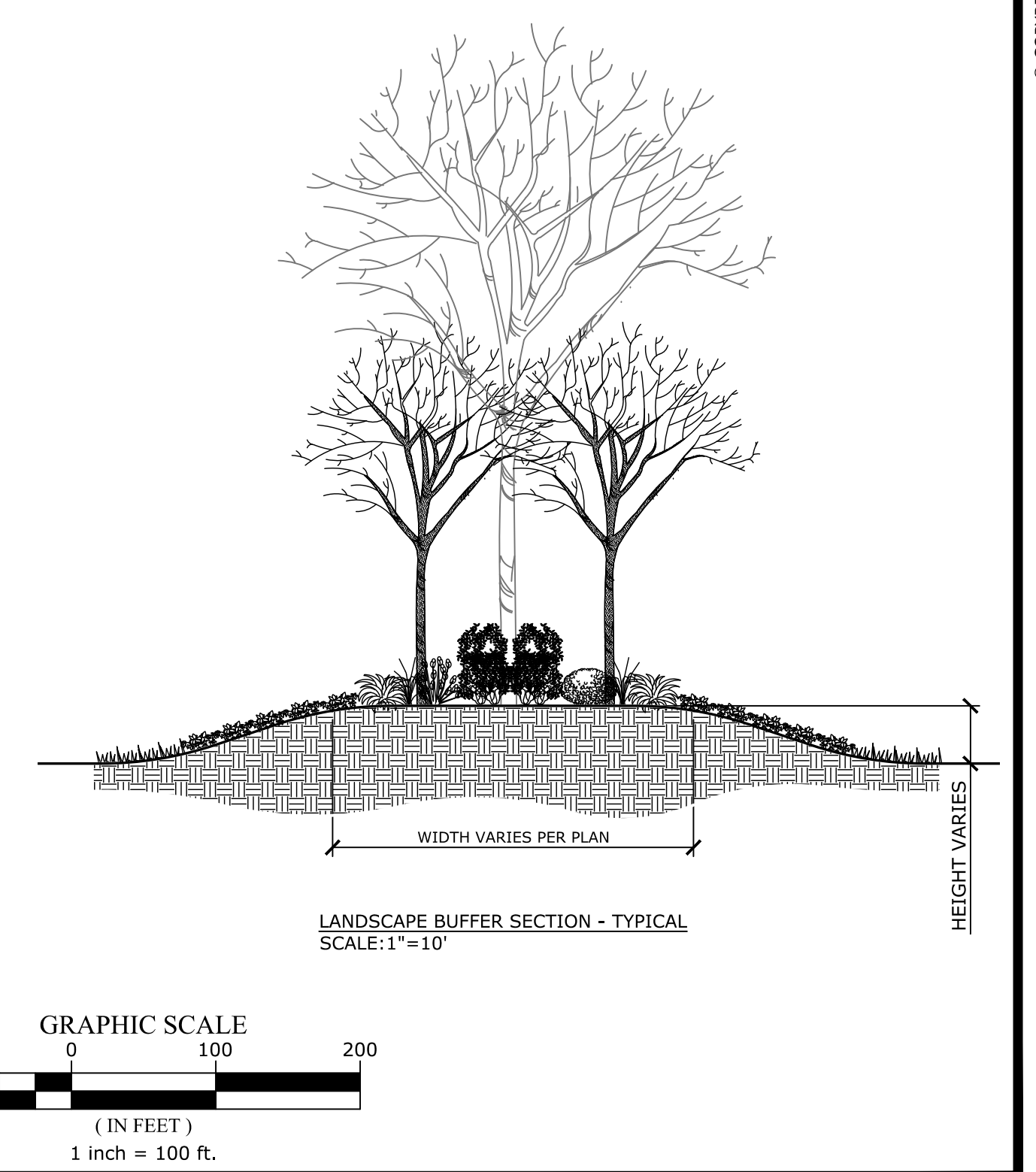
DEVELOPMENT STANDARDS: MAX. DENSITY: 5.0 UNITS PER ACRE
EXTERIOR LANDSCAPE BUFFER: 10'
MIN. BUILDING SETBACK ADJ PUBLIC ROAD: 20'
MIN. SIDE SETBACK: 5'
MIN. SETBACK BETWEEN STRUCTURES: 10'
REAR SETBACK: 0'
MAX IMPERVIOUS TOTAL SITE: 55%

ZONING LEGAL DESCRIPTION

ALL THAT TRACT OR parcel of land lying and being in Land Lots 284 and 285 of the 16th District, 2nd Section of Cobb County, Georgia and being more particularly described as follows:

BEGINNING at a point at the intersection of the Westerly variable right-of-way of Bells Ferry Road and the Northerly right-of-way of North Booth Road; THENCE proceeding along said right-of-way of North Booth Road; THENCE along a curve to the left an arc length of 543.48 feet (said curve having a radius of 4186.40 feet and a chord bearing of SOUTH 88 DEGREES 02 MINUTES 39 SECONDS EAST and a chord distance of 543.10 feet) to a point; THENCE along a reverse curve to the right an arc length of 543.48 feet (said curve having a radius of 4186.40 feet and a chord bearing of NORTH 88 DEGREES 02 MINUTES 39 SECONDS WEST and a chord distance of 543.10 feet) to a point; THENCE proceeding NORTH 05 DEGREES 52 MINUTES 29 SECONDS EAST a distance of 42.20 feet to a point; THENCE proceeding NORTH 83 DEGREES 57 MINUTES 50 SECONDS WEST a distance of 85.74 feet to a point; THENCE along a curve to the right an arc length of 385.27 feet (said curve having a radius of 1373.87 feet and a chord bearing of NORTH 76 DEGREES 12 MINUTES 16 SECONDS WEST and a chord distance of 384.01 feet) to a point; THENCE proceeding NORTH 68 DEGREES 09 MINUTES 50 SECONDS WEST a distance of 599.77 feet to a point; THENCE along a curve to the right an arc length of 171.24 feet (said curve having a radius of 2758.00 feet and a chord bearing of NORTH 69 DEGREES 56 MINUTES 25 SECONDS WEST and a chord distance of 171.21 feet) to a point; THENCE proceeding NORTH 51 DEGREES 38 MINUTES 21 SECONDS WEST a distance of 76.78 feet to a point on the Southeasterly variable right-of-way of Interstate No. 75; THENCE along a curve to the right an arc length of 338.30 feet (said curve having a radius of 1055.66 feet and a chord bearing of NORTH 33 DEGREES 19 MINUTES 39 SECONDS EAST and a chord distance of 336.85 feet) to a point; THENCE proceeding NORTH 42 DEGREES 29 MINUTES SECONDS EAST a distance of 221.93 feet to a point; THENCE along a curve to the right an arc length of 573.18 feet (said curve having a radius of 1097.43 feet and a chord bearing of NORTH 57 DEGREES 28 MINUTES 10 SECONDS EAST and a chord distance of 566.69 feet) to a point; THENCE proceeding NORTH 76 DEGREES 59 MINUTES 00 SECONDS EAST a distance of 152.44 feet to a point; THENCE proceeding NORTH 70 DEGREES 42 MINUTES 03 SECONDS EAST a distance of 199.80 feet to a point; THENCE proceeding NORTH 73 DEGREES 15 MINUTES 00 SECONDS EAST a distance of 341.48 feet to a point; THENCE proceeding SOUTH 51 DEGREES 24 MINUTES 14 SECONDS EAST a distance of 73.06 feet to a point on the aforesaid right-of-way of Bells Ferry Road; THENCE proceeding SOUTH 02 DEGREES 39 MINUTES 12 SECONDS EAST a distance of 346.57 feet to a point; THENCE proceeding SOUTH 12 DEGREES 06 MINUTES 43 SECONDS EAST a distance of 152.29 feet to a point; THENCE proceeding SOUTH 01 DEGREES 49 MINUTES 40 SECONDS WEST a distance of 46.13 feet to a point; THENCE proceeding SOUTH 01 DEGREES 32 MINUTES 55 SECONDS EAST a distance of 209.76 feet to a point; THENCE proceeding SOUTH 00 DEGREES 22 MINUTES 52 SECONDS EAST a distance of 21.51 feet to a point; THENCE along a curve to the left an arc length of 173.10 feet (said curve having a radius of 1083.32 feet and a chord bearing of SOUTH 05 DEGREES 29 MINUTES 00 SECONDS EAST and a chord distance of 172.92 feet) to a point; THENCE proceeding NORTH 78 DEGREES 47 MINUTES 36 SECONDS EAST a distance of 30.06 feet to a point; THENCE along a curve to the left an arc length of 478.83 feet (said curve having a radius of 1438.50 feet and a chord bearing of SOUTH 17 DEGREES 21 MINUTES 10 SECONDS EAST and a chord distance of 476.62 feet) to a point and POINT OF BEGINNING.

Said parcel contains 35.80 acres more or less.



PROJECT OWNED/DEVELOPED BY:
JIM CHAPMAN COMMUNITIES
2700 CUMBERLAND PARKWAY SUITE 130
ATLANTA, GA 30339
24 HOUR CONTACT INFORMATION

PROJECT OWNED/DEVELOPED BY:
JIM CHAPMAN COMMUNITIES
2700 CUMBERLAND PARKWAY SUITE 130
ATLANTA, GA 30339
24 HOUR CONTACT INFORMATION

RSL SITE PLAN

PROJECT LOCATED AT:
BELLS FERRY RD @ N. BOOTH ROAD
UNINCORPORATED
COBB COUNTY, GEORGIA

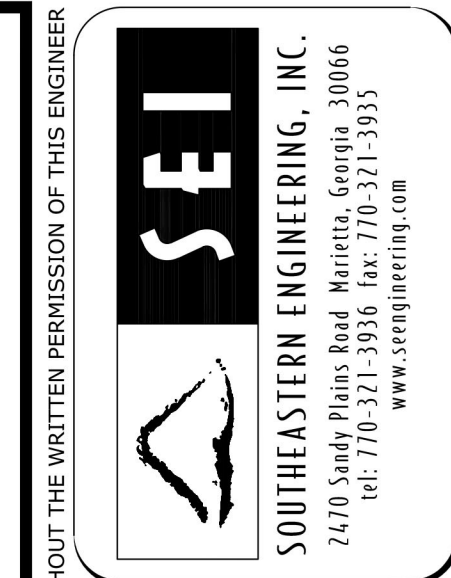
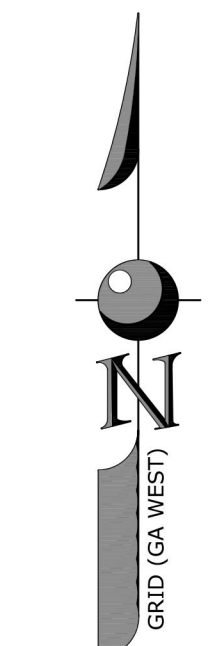
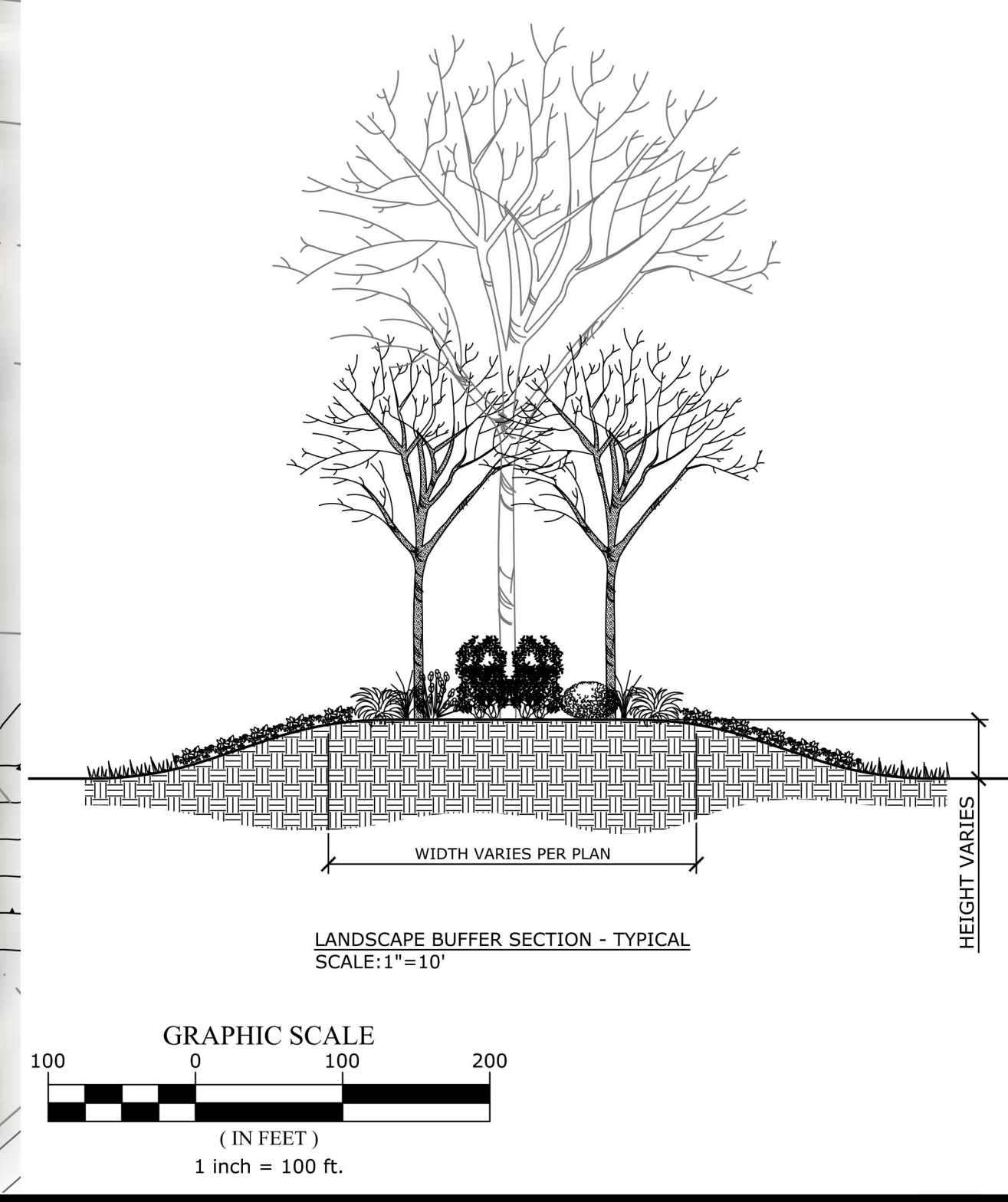
ISSUED FOR:
REVISION

Project No.: 731-18-038
Designed By: NRA/BCG
Issue Date: 8/16/18

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THE UTILITIES SHOWN HEREON ARE FOR THE CONTRACTOR'S CONVENIENCE ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE ENGINEER ASSUMES NO RESPONSIBILITY FOR THE LOCATIONS SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL UTILITIES WITHIN THE LIMITS OF THE WORK. ALL DAMAGE MADE TO EXISTING UTILITIES BY THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR. IT IS THE OWNER/DEVELOPER'S RESPONSIBILITY TO VERIFY EXISTING UTILITY CAPACITY PRIOR TO INITIATING DESIGN. THE ENGINEER MAKES NO GUARANTEES, NEITHER EXPRESSED OR IMPLIED, REGARDING EXISTING UTILITY LOCATION, CAPACITY OR CONDITION.

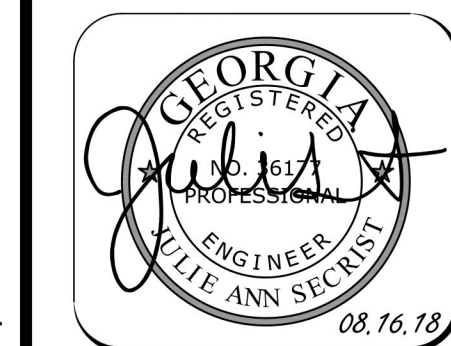
FILE NAME: I:\CUSTOMER_PROJECTS\731 Jim Chapman Fine Homes, LLC\731-18-038 Bells Ferry\Recon\rendering\731-18-038 C_Site Plan 5 - 150 lot and move entrance-2018-08-14-REV.dwg PLOT STYLE: SEI-BASE-M.ctb PLOT DATE: 8/16/2018 USER: BRYAN GROVES



No	ISSUED DESCRIPTION	DATE

JIM CHAPMAN COMMUNITIES
2700 CUMBERLAND PARKWAY SUITE 130
ATLANTA, GA 30339
24 HOUR CONTACT INFORMATION

RSL SITE PLAN
PROJECT LOCATED AT:
BELLS FERRY RD @ N. BOOTH ROAD
UNINCORPORATED
COBB COUNTY, GEORGIA



ISSUED FOR:
REVISION

Project No.: 731-18-038
Designed by: NRA/BCG
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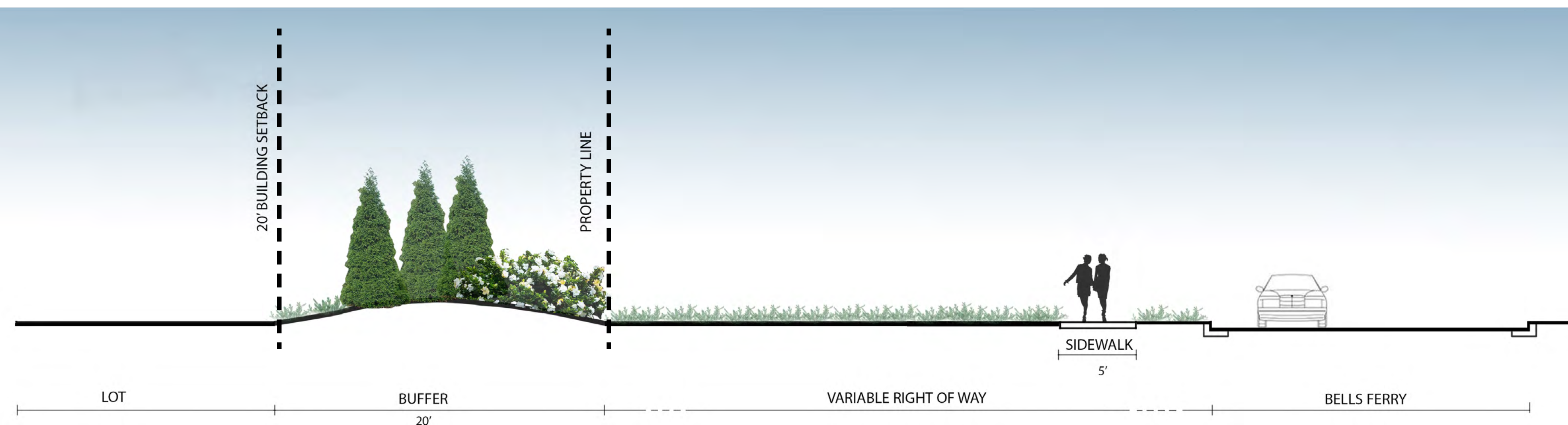


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CONCEPTUAL SECTION RENDERING



BUFFER CONCEPTUAL ENLARGEMENT PLAN
SCALE 1"=10'-0"

