

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†‡
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†‡
JEFFREY A. DAXE
CHRISTOPHER C. MINGLEDORFF*
PHILIP C. THOMPSON
SHANE MAYES
ALEXANDER B. MORRISON*
GREGORY H. FULLER*
DOUGLAS W. BUTLER, JR.

CAREY E. OLSON*
RYAN M. INGRAM
JOYCE W. HARPER
CHARLES E. PIERCE*
WILMA R. BUSH
TODD I. HEIRD*
CARLA C. WESTER‡
AMY L. JETT*
SHAWN G. SHELTON
D. AUSTIN GILLIS†
KRISTEN C. STEVENSON*
SARAH H. BEST*†
RYAN C. EDENS*
JULIE C. FULLER*
TAMMI L. BROWN
JONATHAN J. SMITH
WILLIAM B. WARIHAY*
DAVID P. CONLEY
LOURDES M. SANCERNI‡
LESLIE S. NEUBAUER
JENNIFER B. SIMPSON
CHRISTIAN H. LAYCOCK
LIZA D. HARRELL**
JOHN A. EARLY

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL ST • STE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10201 CENTURION PKWY, N • STE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
5200 MARYLAND WAY • STE 301
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40504
TELEPHONE (502) 410-8021

CHARLESTON, SOUTH CAROLINA
885 ISLAND PARK DR • STE B
CHARLESTON, SOUTH CAROLINA 29492
TELEPHONE (843) 302-0002

ORLANDO, FLORIDA
7380 W. SAND LAKE RD • STE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

CHRISTOPHER W. SHERMAN*
KENNETH D. HALL
BRENT R. LAMAN*
CHRISTOPHER R. BROOKS*
ALLISON M. HELSINGER*
MICHAEL R. BEANE‡
MICHAEL E. PATTERSON***
RYAN T. BOWDEN
JARED C. WILLIAMS***
CHRISTOPHER G. ROWE*
TIFFANY B. SHERRILL*
DAVID W. SAMMONS‡
MARSHALL L. PORTIVENT
PETER P. FRECH*
LAUREN E. SMITH*
LESLEY M. ROWE
TAYLOR W. WILLIAMS
MATTHEW R. HALL*
TYLER S. WATERFIELD**
BARRON K. MARTIN‡
JENNIFER A. LOWE*
DEREK J. BROWN
KEVIN B. HARRIS
GARETT P. FRANKLYN*

DEBBIE V. HAUGHTON
M. ANDREW WOMACK*
SHAREE L. TUMBLING
MARC D. ROBINSON
ZACH T. POWERS**
LINDSAY A. FLEMING
JONATHAN D. NWILOH
DANIEL R. FINK

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
*** ALSO ADMITTED IN CA
* ALSO ADMITTED IN TX
* ALSO ADMITTED IN AL
‡ ALSO ADMITTED IN KY
* ALSO ADMITTED IN SC
ALSO ADMITTED IN NC
** ALSO ADMITTED IN NY
* ADMITTED ONLY IN TN
‡ ADMITTED ONLY IN FL
*** ADMITTED ONLY IN SC
* ADMITTED ONLY IN KY
** ADMITTED ONLY IN NY

August 28, 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

RECEIVED
AUG 28 2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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, 20th District, 2nd 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 Manager
Zoning Division
Cobb County Community Development Agency
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particularly known as 2040 Mars Hill Road, Land Lots 195 and 196, 20th District, 2nd 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, reviewing the Departmental Comments and Staff Recommendations and the uses of surrounding properties, and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised 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. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated and filed August 1, 2018. The proposed, revised 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 and last revised August 27, 2018, and filed contemporaneously with the filing of this revised stipulation letter. A reduced copy of the revised Zoning Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Zoning Plan for the proposed development hereinabove referenced, same being prepared for Applicant by Gaskins Surveying Company, Inc., dated and last revised August 27, 2018, and filed with the Zoning Office contemporaneously with the filing of this revised letter of agreeable stipulations and conditions.
- (4) The Subject Property is a total of approximately 39.87 acres and is proposed for a maximum of ninety-five (95) non-supportive, detached, age-restricted residential homes.

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- (5) 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.
- (6) 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.
- (7) The proposed residences shall be traditional and craftsman style and architecture, with exterior materials consisting of brick stone, stacked stone, cedar shake, 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.
- (8) 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; including, but not limited to, the following:
 - (a) No more than ten (10) percent of the homes may be leased at any one time;
 - (b) All landscaping and landscaping maintenance of common areas, buffer areas, open space areas, and exterior yard areas around the residences shall be performed by the mandatory homeowners association; and
 - (c) Provisions for an Architectural Control Committee, which shall have full authority to govern the architectural design and exterior appearance of the homes.
- (9) 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.
- (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

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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.
- (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. Applicant further agrees to coordinate potential walking trail connection points with adjoining residential property owners.
- (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.
- (17) Landscape buffer areas, as shown on the submitted Zoning Plan, shall be of a high quality and shall be professionally designed and installed. Where designated landscape buffer areas are disturbed, Applicant shall install a double row of evergreen trees, a minimum of six (6) feet in height at planting.
- (18) 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.
- (19) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure

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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.

- (20) There shall be no direct access from any lots within the proposed community to Mars Hill Road.
- (21) 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.
- (22) Guest parking shall be as shown on the Zoning Plan.
- (23) Applicant agrees to coordinate with Cobb County on any future improvements to park land sharing a common boundary with the Subject Property.
- (24) 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 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.
- (25) 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.
- (26) 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.
- (27) 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.

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- (28) 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;
 - (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.
- (29) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (30) 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.

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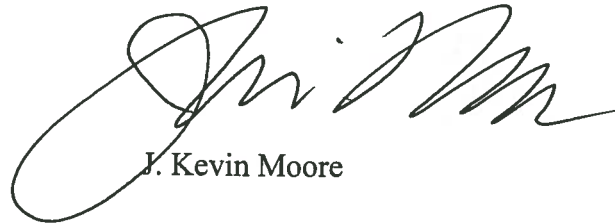
- (31) Applicant agrees to the following system improvements to mitigate traffic concerns:
- (a) Installation of sidewalk, curb, and gutter along the frontage of the Subject property along Mars Hill Road;
 - (b) Construction of deceleration lane, a minimum of one hundred fifty (150) feet in length, along 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 revised Zoning Plan and the revised 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 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

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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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)

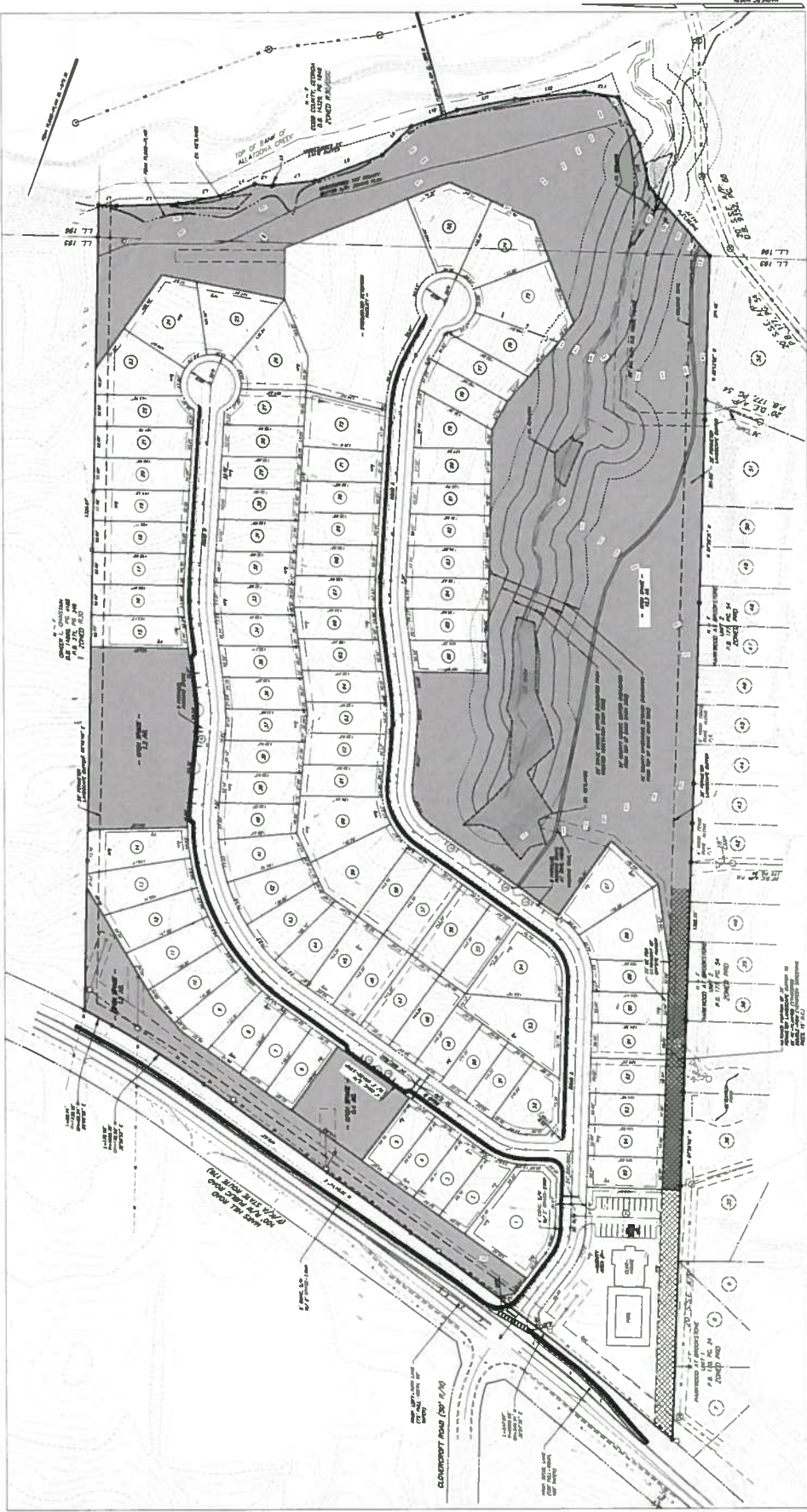
Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

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

Kris Johnson
Christine Teranen
Area Residents
(With Copies of Attachments)

Traton Homes, LLC
(With Copies of Attachments)

NOT ISSUED FOR CONSTRUCTION



- GENERAL NOTES:**
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73	10,000	0.23	0.23%
74	10,000	0.23	0.23%
75	10,000	0.23	0.23%
76	10,000	0.23	0.23%
77	10,000	0.23	0.23%
78	10,000	0.23	0.23%
79	10,000	0.23	0.23%
80	10,000	0.23	0.23%
81	10,000	0.23	0.23%
82	10,000	0.23	0.23%
83	10,000	0.23	0.23%
84	10,000	0.23	0.23%
85	10,000	0.23	0.23%
86	10,000	0.23	0.23%
87	10,000	0.23	0.23%
88	10,000	0.23	0.23%
89	10,000	0.23	0.23%
90	10,000	0.23	0.23%
91	10,000	0.23	0.23%
92	10,000	0.23	0.23%
93	10,000	0.23	0.23%
94	10,000	0.23	0.23%
95	10,000	0.23	0.23%
96	10,000	0.23	0.23%
97	10,000	0.23	0.23%
98	10,000	0.23	0.23%
99	10,000	0.23	0.23%
100	10,000	0.23	0.23%

RECEIVED
AUG 28 2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

LEGEND

1	EXISTING LOT
2	EXISTING ROAD
3	EXISTING UTILITY
4	EXISTING CONTOUR
5	EXISTING EASEMENT
6	EXISTING SETBACK
7	EXISTING CURB
8	EXISTING DRIVE
9	EXISTING SIDEWALK
10	EXISTING FENCE
11	EXISTING WALL
12	EXISTING POLE
13	EXISTING SIGN
14	EXISTING LIGHT
15	EXISTING TREE
16	EXISTING SHrub
17	EXISTING SAND
18	EXISTING GRAVEL
19	EXISTING ASPHALT
20	EXISTING CONCRETE
21	EXISTING BRICK
22	EXISTING STONE
23	EXISTING TILE
24	EXISTING CARPET
25	EXISTING FLOOR
26	EXISTING CEILING
27	EXISTING WALL
28	EXISTING DOOR
29	EXISTING WINDOW
30	EXISTING ROOF
31	EXISTING GUTTER
32	EXISTING DOWNSPOUT
33	EXISTING FOUNDATION
34	EXISTING FOOTING
35	EXISTING PIER
36	EXISTING COLUMN
37	EXISTING BEAM
38	EXISTING JOIST
39	EXISTING TRUSS
40	EXISTING RAFTER
41	EXISTING SHEATHING
42	EXISTING INSULATION
43	EXISTING VENT
44	EXISTING FLUE
45	EXISTING CHIMNEY
46	EXISTING STAIR
47	EXISTING RAMP
48	EXISTING ELEVATOR
49	EXISTING ESCAPE
50	EXISTING HATCH
51	EXISTING DOOR
52	EXISTING WINDOW
53	EXISTING ROOF
54	EXISTING GUTTER
55	EXISTING DOWNSPOUT
56	EXISTING FOUNDATION
57	EXISTING FOOTING
58	EXISTING PIER
59	EXISTING COLUMN
60	EXISTING BEAM
61	EXISTING JOIST
62	EXISTING TRUSS
63	EXISTING RAFTER
64	EXISTING SHEATHING
65	EXISTING INSULATION
66	EXISTING VENT
67	EXISTING FLUE
68	EXISTING CHIMNEY
69	EXISTING STAIR
70	EXISTING RAMP
71	EXISTING ELEVATOR
72	EXISTING ESCAPE
73	EXISTING HATCH
74	EXISTING DOOR
75	EXISTING WINDOW
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92	EXISTING STAIR
93	EXISTING RAMP
94	EXISTING ELEVATOR
95	EXISTING ESCAPE
96	EXISTING HATCH
97	EXISTING DOOR
98	EXISTING WINDOW
99	EXISTING ROOF
100	EXISTING GUTTER

EXHIBIT "A"

AMERICAN PORCH COLLECTION



EXHIBIT "B"

Premiere

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AMERICAN PORCH COLLECTION



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EPCON
Communities

AMERICAN PORCH COLLECTION



Portico

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