

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
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March 27, 2019

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



COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

RE:                   Application for Rezoning - Application No.: Z-80 (2018)  
                          Applicant:           Embry Development Company LLC  
                          Property Owners:   E.E. Beavers Family Partnership, L.P. and  
  Estate of Edgar C. Long, Jr.  
                          Property:           12.035 acres, more or less, located on the  
  northwesterly side of Old Bankhead  
  Highway; south side of Veterans Memorial  
  Highway; east of Old Powder Springs Road;  
  at the terminus of Cliff Drive, being more  
  particularly known as 1140 Old Bankhead  
  Highway, Land Lots 35 and 36, 18<sup>th</sup> District,  
  and Land Lot 1297, 19<sup>th</sup> District, 2<sup>nd</sup> Section,  
  Cobb County, Georgia

Dear John:

The undersigned and this firm represent Embry Development Company LLC, the Applicant (hereinafter referred to as "Applicant"), and E.E. Beavers Family Partnership, L.P. and the Estate of Edgar C. Long, Jr., the Property Owners (hereinafter collectively referred to as "Owners" or "Property Owners"), in their Application for Rezoning with regard to a total tract of 12.935 acres, more or less, located on the northwesterly side of Old Bankhead Highway, at the terminus of Cliff Drive, being more particularly known as 1140 Old Bankhead Highway, Land Lots 35 and 36, 18<sup>th</sup> District, and Land Lot 1297, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings and

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discussions with Planning and Zoning Staff and County representatives; ongoing meetings and communications with area residents and homeowner representatives; reviewing the Departmental Comments and Staff Recommendations; and reviewing the uses of surrounding properties, 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 letters of agreeable stipulations and conditions dated and filed November 27, 2018, and February 27, 2019. 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, Stormwater Management, and Drainage relating to the Subject Property from any previous zoning actions.
- (2) Rezoning of the Subject Property shall be from the existing zoning classifications of General Commercial ("GC") and Planned Shopping Center ("PSC") to the proposed zoning classification of RM-8, site plan specific to the revised Zoning Plan prepared for Applicant by ts3 Studio, dated August 23, 2018, last revised March 26, 2019, and filed contemporaneously with the filing of this revised stipulation letter. A reduced copy of the revised Zoning Plan is attached to this stipulation letter for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of 12.035 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of ninety (90) residences.
- (4) The proposed townhomes shall be Traditional in style and architecture, shall have exterior facades consisting of brick, stone, stacked stone, stucco-type, masonry siding, cedar shake shingles, hardi-plank, board and batten, cementitious siding, and combinations thereof, with complementary accents. No vinyl materials shall be used on the exterior of the proposed townhome units. Front elevations shall have a minimum of fifty (50) percent brick, stone, or stacked stone. The townhomes within the proposed community shall be substantially similar to the elevations attached collectively as Exhibit "B" and incorporated herein by reference.

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- (5) Applicant agrees to the creation and establishment of an Architectural Review Committee consisting of a representative of Applicant and/or Developer and/or Owner, a representative of the Mableton Improvement Coalition, and a representative of the Cobb County Community Development Agency. The Architectural Review Committee shall be responsible for the review and approval of all elevations of the units within the proposed community.
- (6) The units shall have two-car garages. No garage areas within the proposed townhome community shall be converted into heated living space for the units. Such restriction shall also be included within the Declaration of Covenants, Easements, and Restrictions for the proposed community.
- (7) The proposed townhomes shall have a minimum of 1,700 square feet of heated and cooled living space.
- (8) All units within the proposed townhome community shall be “for sale” units. There shall be no more than a maximum of ten (10) percent of the units being leased at any one time. All lease agreements shall be for a minimum of one (1) year.
- (9) Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community.
- (10) Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the exterior of the units, including roofs, entrance area, signage, all common and amenity areas, open space areas, exterior yard areas, general landscaped areas, mail kiosk, fencing, and the like contained within the community.
- (11) The proposed residential community shall be a “condominium” development as that term is used and defined under the Cobb County Zoning Ordinance and shall comply in all respects with the Cobb County Zoning Ordinance; and shall not be subject to the “Georgia Condominium Act.”
- (12) The yard areas around each unit shall be fully sodded, except for landscape areas, and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the proposed community.

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- (13) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the proposed townhomes, as allowed by the power provider.
- (14) The 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 consistent with the architecture and style of the residences within the community. All signage shall comply with the Cobb County Sign Ordinance.
- (15) The entrance landscaping shall be professionally designed, implemented, and maintained. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the Declaration of Covenants, Easements, and Restrictions.
- (16) All public street frontages along Old Bankhead Highway shall be professionally landscaped, incorporating both hardscape and planted material.
- (17) The setbacks for the proposed community shall be as follows:
  - (a) Front Setback: Fifty (50) feet  
(along Old Bankhead Highway);
  - (b) Side Setback: Thirty-five (35) feet; and
  - (c) Rear Setback: Forty (40) feet.
- (18) The proposed community shall feature enhanced landscaping and “park” areas for the enjoyment of the residents, and which will include hardscape community gathering features; as well as, a playground area.
- (19) There shall be established a bus waiting area for the children of residents of the proposed community located currently at or towards the entrance. The waiting area shall be cement or other hard surface materials.
- (20) There shall be internal sidewalks within the proposed townhome community.
- (21) The proposed townhome community shall have public streets.

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- (22) All utilities servicing the residences within the proposed community shall be located underground.
- (23) Minor modifications to the within stipulations, the referenced, revised Zoning Plan, lighting, landscaping, architecture, site features, signage, 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.
- (24) Applicant agrees to the creation and establishment of a Landscape Review Committee consisting of a representative of Applicant and/or Developer and/or Owner, a representative of the Mableton Improvement Coalition, and a representative of the Cobb County Community Development Agency. The Landscape Review Committee shall be responsible for the review and approval of the landscape, fencing plans, and buffering between the proposed units and the adjacent commercial properties; as well as, the frontage landscaping.



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- (25) Detention and water quality facilities for the proposed community shall be as shown and reflected on the revised Zoning Plan, unless approved otherwise by Cobb County Stormwater Management. The detention areas will comply in design and capacity requirements of Cobb County Stormwater Management. Maintenance of the detention areas shall be by Cobb County.
- (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) 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.
- (28) Applicant agrees to the following system improvements to mitigate traffic concerns:
  - (a) Construction of a deceleration lane, a minimum of one hundred fifty (150) feet in length along the frontage of the Subject Property on Old Bankhead Highway; and
  - (b) Construction of left-turn lane into the proposed development on Old Bankhead Highway.

We believe the requested zoning, together with the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration developments and uses of properties in the surrounding area. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

[Balance of page 6 left intentionally blank]

[Signature contained on page 7]

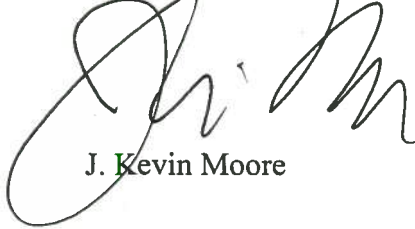
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With kindest regards, I remain

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  
Keli A. Gambrill  
Robert J. Ott  
(With Copies of Attachments)

Cobb County Planning Commission:  
Judy Williams, Chairman  
Fred Beloin  
Skip Gunther  
Galt Porter  
Andy Smith  
(With Copies of Attachments)

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

Robin Meyer  
Mableton Improvement Coalition  
(With Copies of Attachments)

Embry Development Company LLC  
(With Copies of Attachments)

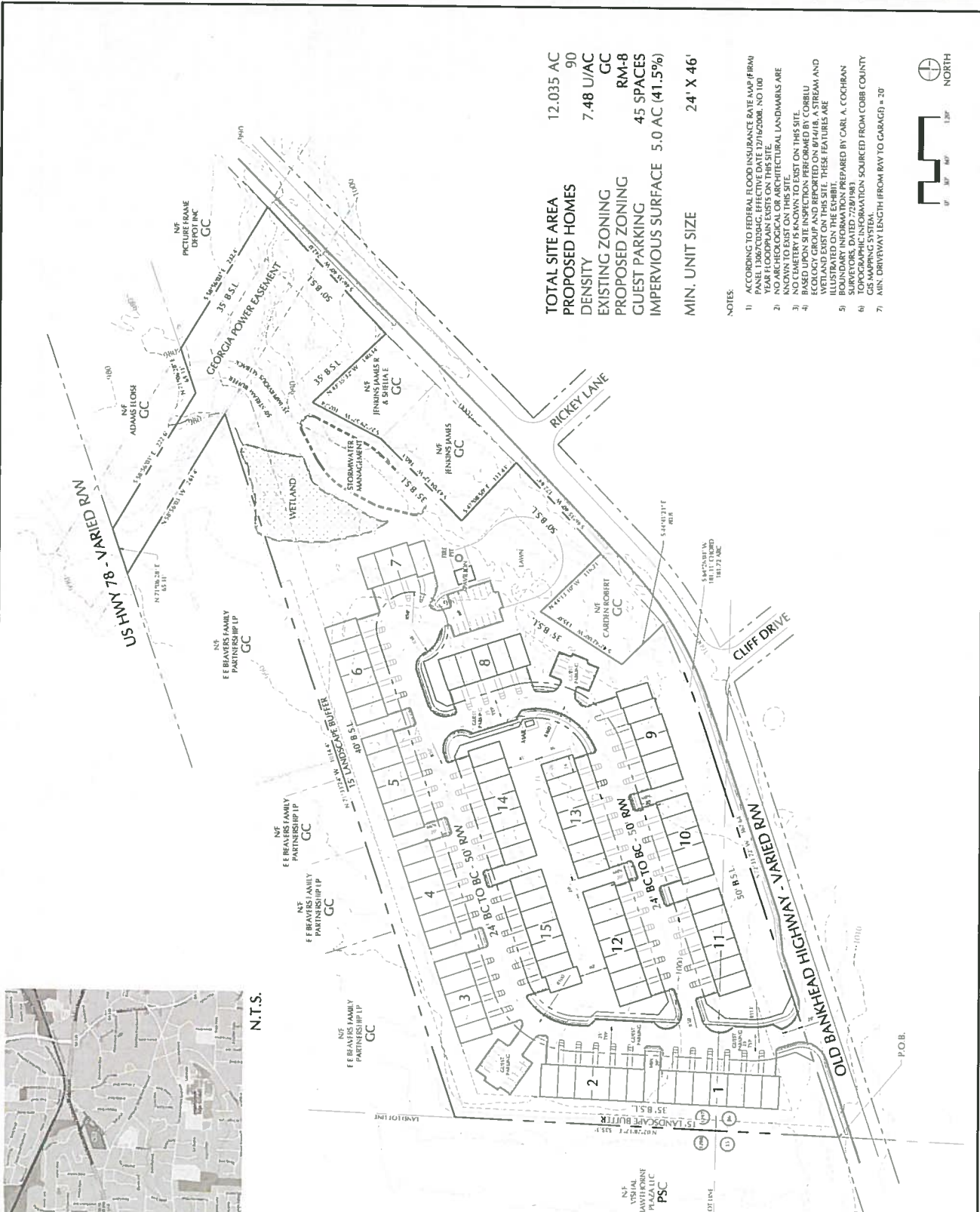


N.T.S.

LOCATION MAP

BLDG	UNITS
1	7
2	6
3	5
4	6
5	6
6	6
7	4
8	5
9	6
10	5
11	6
12	7
13	7
14	7
15	7
	90

EXHIBIT "A"



TOTAL SITE AREA 12.035 AC  
 PROPOSED HOMES 90  
 DENSITY 7.48 U/AC  
 EXISTING ZONING GC  
 PROPOSED ZONING RM-8  
 GUEST PARKING 45 SPACES  
 IMPERVIOUS SURFACE 5.0 AC (41.5%)  
 MIN. UNIT SIZE 24' X 46'

- NOTES:
- 1) ACCORDING TO FEDERAL FLOOD INSURANCE RATE MAP (FIRM) NUMBER 13080C0219G000R, NO 100 YEAR FLOODPLAIN EXISTS ON THIS SITE.
  - 2) NO ARCHAEOLOGICAL OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON THIS SITE.
  - 3) ALL SURVEYING AND MEASUREMENTS ARE BASED UPON SITE INSPECTION PERFORMED BY COBRELLI ECOLOGY GROUP AND REPORTED ON 8/14/18. A STREAM AND WETLAND EXIST ON THIS SITE. THESE FEATURES ARE IDENTIFIED AND SHOWN ON THE EXHIBIT.
  - 4) ALL SURVEYING AND MEASUREMENTS WERE PREPARED BY CARL A. COCHRAN SURVEYORS, DATED 7/28/1983.
  - 5) TOPOGRAPHIC INFORMATION SOURCED FROM COBB COUNTY GIS MAPPING SYSTEM.
  - 6) MIN. DRIVEWAY LENGTH FROM 80'V TO GARAGE = 20'



REVISIONS

NO.	DATE	DESCRIPTION
1	10/25/18	ISSUED
2	11/16/18	30' RW
3	2/19/19	AS BUILT
4	2/27/19	AS BUILT
5	2/27/19	AS BUILT
6	2/27/19	AS BUILT



EMERY GROUP LTD, LLC  
 COBB COUNTY, GEORGIA  
 LAND LOT 36, 18th DIST, 2nd SEC., LAND LOT 1297, 19th DIST, 2nd SEC.  
 BUFORD, GEORGIA

ZONING PLAN

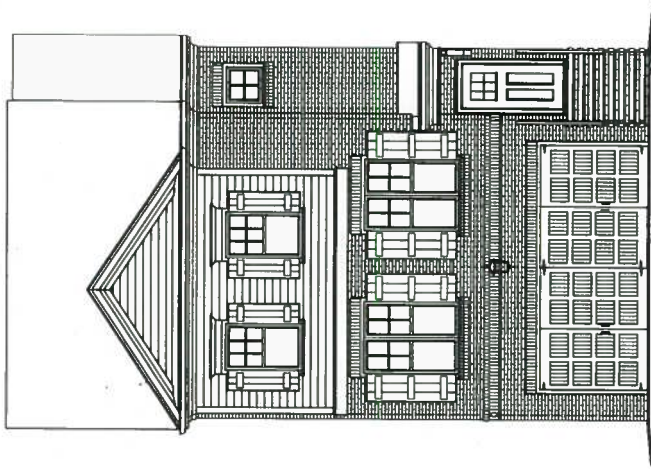
DATE	8/21/18
PROJECT	180112W1
DRAWN BY	TS
CHECKED	TS
SCALE	1"=40'
SHEET	Z-1
	1 OF 1

Not Released for Construction



# ASTOR UNIT

C.S.	STANDARD	COVER SHEET
A-1	B	FRONT & REAR ELEVATIONS
A-2.1	B	LEFT AND RIGHT ELEVATIONS
A-3	B	SLAB & TERRACE PLAN
A-4	B	FIRST FLOOR PLAN
A-4.1	B	SECOND FLOOR PLAN
A-5	B	ROOF PLAN
A-6	STANDARD	ELECTRICAL LAYOUTS



ELEV B

<b>ASTOR</b>
Terrace - 493 sf
1st Floor - 1,012 sf
2nd Floor - 1,012 sf
<b>Total - 2,517 sf</b>
Garage - 518 sf

**Embry Group**

ASTOR UNIT

REVISION CHANGES	REV. NO.	REV. DATE

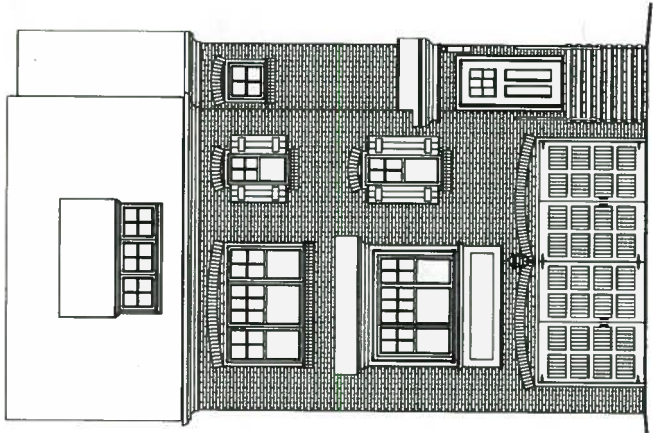
SUBDIVISION COLLECTION
START DATE 04/24/2015
DRAWN BY
SCALE
SHEET NO.

Cover Sheet  
**CS**  
of

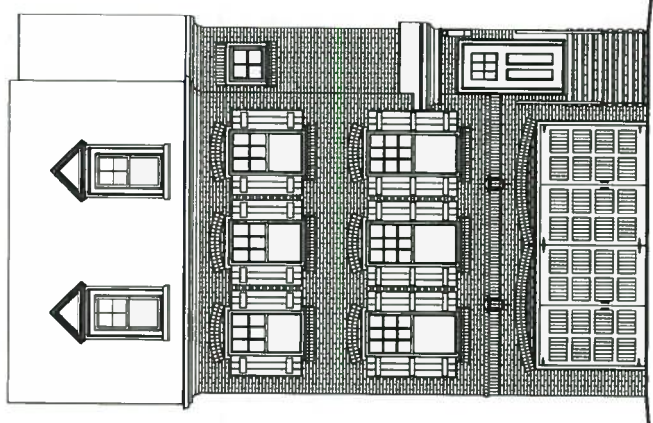
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REV. NO.	REV. DATE

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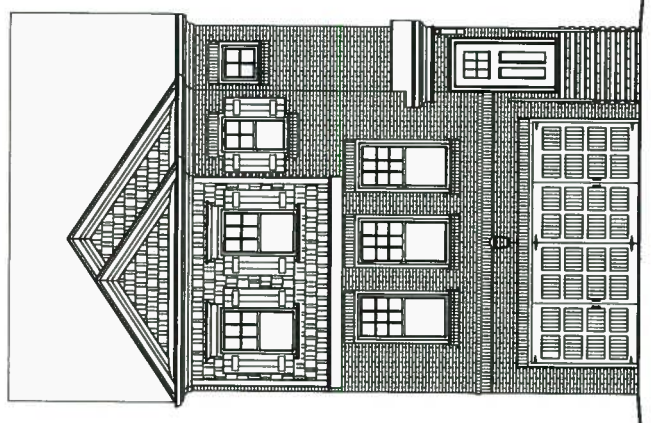
START DATE 08/20/2015  
DRAWN BY  
SCALE  
SUBMISSION COLLECTION  
SHEET NO. Cover Sheet



ELEV D



ELEV C



ELEV B

**CHELSEA**  
Terrace - 493 sf  
1st Floor - 1,012 sf  
2nd Floor - 1,012 sf  
Total - 2,517 sf  
Garage - 518 sf

C.S.	STANDARD	COVER SHEET
A-1	C	FRONT & REAR ELEVATIONS
A-2	C	LEFT AND RIGHT ELEVATIONS
A-3	C	SECTION PLAN
A-4	C	FIRST FLOOR PLAN
A-5	C	SECOND FLOOR PLAN
A-6	C	ROOF PLAN
A-7	C	ELECTRICAL LAYOUTS