

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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5000 RITTER ROAD
SUITE 106
MECHANICSBURG, PENNSYLVANIA 17055
TELEPHONE (717) 790-2854

October 30, 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

RE: Application for Rezoning - Application No. Z-43 (2019)
 Applicant: Embry Development Company LLC
 Property Owners: Estate of Edna Clara Thompson Morris and
 Deborah M. Osborne
 Property: 9.9 acres, more or less, located on the
 southeasterly side of Cooper Lake Road,
 southerly of Vinings Lake Drive, being more
 particularly known as 32 and 34 Cooper Lake
 Road, Land Lot 181, 17th District, 2nd Section,
 Cobb County, Georgia

Dear John:

The undersigned and this firm represent Embry Development Company LLC, the Applicant (hereinafter referred to as "Applicant"), and the Estate of Edna Clara Thompson Morris and Deborah M. Osborne, the Property Owners (hereinafter collectively referred to as "Owners" or "Property Owners"), in their Application for Rezoning with regard to a total tract of 9.9 acres, more or less, located on the southeasterly side of Cooper Lake Road, southerly of Vinings Lake Drive, being more particularly known as 32 and 34 Cooper Lake Road, Land Lot 181, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings and 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 letter of agreeable stipulations and conditions, which, if the Application for Rezoning

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is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) Rezoning of the Subject Property shall be from the existing zoning classifications of RM-12 and R-20 to the proposed zoning classification of Fee Simple Townhome ("FST"), **site plan specific** to the revised Rezoning Conceptual Plan ("Site Plan") prepared for Applicant by Centerline Surveying and Land Planning, Inc., dated February 12, 2019, last revised September 22, 2019, and filed with the Zoning Office on October 11, 2019. A reduced copy of the revised Site Plan is attached to this stipulation letter for ease of reference as Exhibit "A" and incorporated herein by reference.
- (2) The Subject Property consists of 9.9 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of fifty-one (51) residences.
- (3) The proposed townhomes shall be Traditional in style and architecture and shall be substantially similar to the elevation attached as Exhibit "B" and incorporated herein by reference. Architectural features consistent with front elevations will also be added to the sides of the townhome buildings (e.g., windows, shutters, etc.).
- (4) The units shall have two-car garages. No garage areas within the proposed townhome community shall be converted into heated living space or storage space for the units. Garages must remain available for parking of vehicles. Such restriction shall also be included within the Declaration of Covenants, Easements, and Restrictions for the proposed community.
- (5) The proposed townhomes shall have a minimum of 2,000 square feet of heated and cooled living space.
- (6) 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, which restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.
- (7) 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.

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- (8) 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, but not limited to, the following:
 - (a) The upkeep and maintenance of the exterior of the units, including roofs;
 - (b) Entrance area;
 - (c) Signage;
 - (d) All common areas;
 - (e) All open space areas;
 - (f) All exterior yard areas;
 - (g) General landscaped areas, including buffers;
 - (h) Mail kiosk;
 - (i) Fencing, and the like contained within the community.
- (9) Applicant agrees that the mandatory homeowners association to be created by the Declaration of Covenants, Easements, and Restrictions will have an insurance policy covering damage and/or protection of Summerlin Lake, and the requirement of the insurance policy will be included in the Bylaws and Declaration of Covenants for the Homeowners Association.
- (10) 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.
- (11) The proposed community shall feature open space areas, as shown on the revised Site Plan, for the use and enjoyment of the residents.
- (12) Applicant agrees to the installation of a twenty-five (25) foot landscape buffer on the perimeter portions of the Property, and more specifically adjacent to The Retreat at Old Vinings Lake Subdivision and Coopers Glen Subdivision, as more particularly shown and reflected on the revised Site Plan. Such landscape buffer shall be heavily and densely landscaped to provide for complete visual screening in accordance with Cobb County Development Standards and approval by the Cobb County Arborist. Landscaping shall be substantially similar to the landscaping attached hereto as Exhibit "C" and incorporated herein by reference.

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- (13) Prior to the issuance of a Land Disturbance Permit, and during the Plan Review Process, the Landscape Plan for the referenced buffer areas will be provided to designated representatives or members of The Retreat at Old Vinings Lake Homeowners Association and Coopers Glen Homeowners Association for input and comment, with final determination to be approved by the Cobb County Arborist.
- (14) Review, input, and comment concerning the referenced Landscape Plan shall also include review of fencing to be located along the common boundary of the Subject Property and Coopers Glen Subdivision. Applicant agrees that any such fencing shall be black or green vinyl-clad, chain link fencing, a minimum of six (6) feet in height to provide a barrier, but one that visually blends with the planted landscape buffer.
- (15) Applicant agrees to provide irrigation for areas within the planted landscape buffer.
- (16) Applicant agrees there shall be no future development, expansion, or installation of additional impervious surface area beyond that shown on the revised Site Plan by Applicant, a future developer, or future property owners (including the homeowners association) unless an application is made to Cobb County for either "Other Business" or Rezoning which would require a public hearing before the Cobb County Board of Commissioners and notification to surrounding property owners. Any identified undisturbed open space shall not be converted to park space.
- (17) The proposed townhome community shall have private streets which shall be constructed to Cobb County Standards as to composition.
- (18) Minor modifications to the within stipulations or the referenced, revised Site Plan may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a 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;

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- (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.
- (19) Detention and water quality facilities for the proposed community shall be as shown and reflected on the revised Site Plan, subject to approval 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 the mandatory homeowners association.
- (20) Applicant agrees to all Cobb County Stormwater Management Comments and Recommendations; including, but not limited to, performing a pre-development study of Summerlin Lake. A copy of the pre-development study will be provided to representatives of The Retreat at Old Vinings Lake Homeowners Association, along with a copy of the full hydrology study.
- (21) 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.
- (22) 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.

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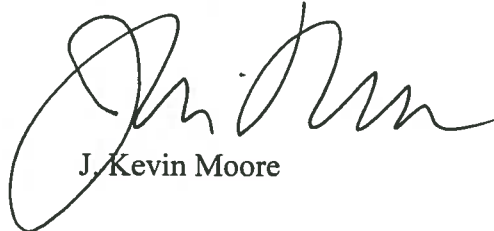
- (23) Applicant agrees to the following system improvements to mitigate traffic concerns:
- (a) Donation of right-of-way along the east side of Cooper Lake Road, a minimum of forty (40) feet from the existing roadway centerline;
 - (b) Replacement of any disturbed or damaged sidewalk, curb, or gutter along the Cooper Lake Road frontage; and
 - (c) Construction of left-turn lane and a taper into the proposed development on Cooper Lake Road.

We believe the requested zoning, together with the revised Site 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.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachments

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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)

Terry L. Martin, MAI
Planner III
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

Robin Meyer
Mableton Improvement Coalition
(With Copies of Attachments)

Dan Rushing
The Retreat at Old Vinings Lake
(With Copies of Attachments)

Coopers Glen Subdivision Residents
(With Copies of Attachments)

Embry Development Company LLC
(With Copies of Attachments)



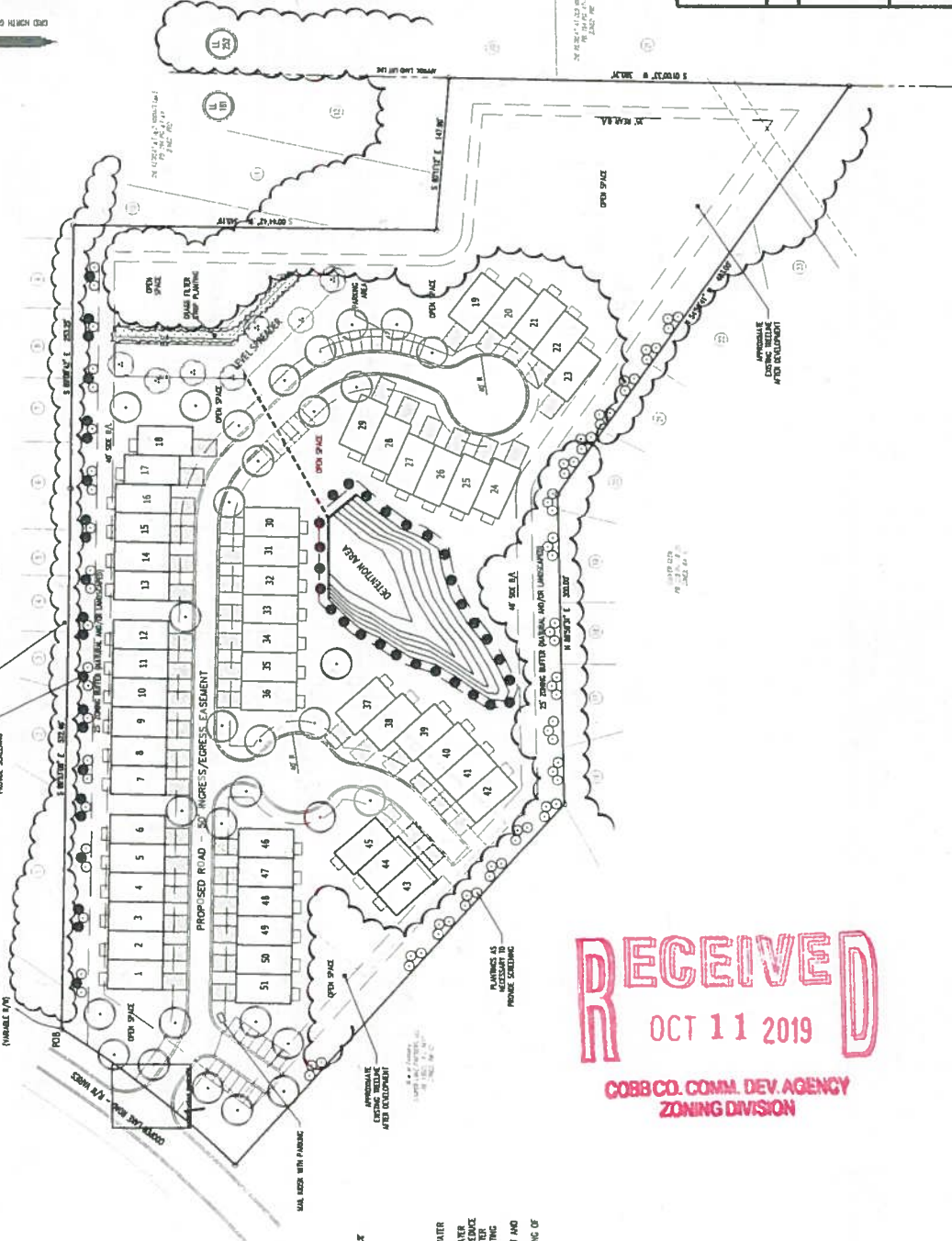
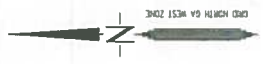
AREA MAP #75
 THIS PROPERTY IS NOT LOCATED WITHIN
 THE ZONING DISTRICT SHOWN ON THE
 TO FEMA MAP PANEL 13X370208A
 DATED OCT 5, 2018

FIGURE INFORMATIONAL

REZONING CONCEPTUAL PLAN FOR
COOPER LAKE RD
 A RESIDENTIAL COMMUNITY BY
 EMBRY DEVELOPMENT COMPANY
 LAND LOTS 181, 17TH DISTRICT
 COBB COUNTY, GEORGIA

PLAN #	DP	DATE	2-12-19
EXCISED BY	DP	REVISION NO.	REZONING
APP NO.	1018037	SHEET	1 OF 1
NO.	4-3-18	REVISION DESCRIPTION	
1	4-3-18	ADDED IMPERVIOUS DATA	DP
2	8-22-18	REVISED LAYOUT	DP

centerline
 Surveying and Land Planning, Inc.
 1841 KILPATRICK ROAD, SUITE 110, ALPHARETTA, GA 30114
 PHONE (770) 241-8888 FAX (770) 241-8288



RECEIVED
 OCT 11 2019

COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



OWNER OF RECORD:
 ESTATE OF EDNA CLARA THOMPSON MORRIS
 32 COOPER LAKE ROAD
 MABLETON, GA 30126
 PIN # 17018100040
 TRACT 1 - 8.9 ACRES
OWNER OF RECORD:
 DEBORAH H. OSBORNE
 32 COOPER LAKE ROAD
 MABLETON, GA 30126
 TRACT 2 - 10 ACRES
APPLICANT:
 EMBRY GROUP LTD. LLC
 15 EAST MAIN STREET
 SUITE 2-A
 BUFORD, GA 30518
 24-HR. CONTACT:
 MIKE EMBRY
 404-589-9768
 MIKE@EMBRYCOMPANIES.COM

GENERAL SITE NOTES:
 CURRENT ZONING - R-20
 TOTAL AREA - 9.9 ACRES
 PROPOSED ZONING - SINGLE-FAMILY RESIDENTIAL
 PROPOSED ZONING - SINGLE-FAMILY RESIDENTIAL
 PROPOSED ATTACHED UNITS - 51
 PROPOSED DENSITY - 5.15 U/A
BUILDING SETBACK REQUIREMENTS:
 FRONT - 50', COOPER LAKE RD
 FRONT - 35' LOCAL ROAD
 SIDE - 40'

PLANNED IMPROVEMENTS DATA:
 100' ST. EACH UNIT (INCLUDES DRIVEWAY) 4.244
 MAXIMUM IMPERVIOUS AREA - 45%
STORMWATER MANAGEMENT PLAN:
 STORM WATER WILL BE COLLECTED BY THE INSTALLATION OF
 INFRASTRUCTURE AS REQUIRED BY THE COBB COUNTY STORM WATER
 MANAGEMENT PLAN. THE INFRASTRUCTURE WILL INCLUDE A PERMANENT
 PERMANENT DETENTION FACILITY DESIGNED WITH A FOREBAY, WATER
 QUALITY FEATURES AND AN OUTLET STRUCTURE DESIGNED TO REDUCE
 VELOCITY UPON RELEASE OF THE COLLECTED STORM WATER AFTER
 THE DETENTION POND. THE DETENTION POND WILL BE SITED IN THE
 NATURAL CONVEYANCE DITCH ABOVE THE ADJACENT POND. THE
 DETENTION POND DEPICTED HERE IS CONCEPTUAL IN PLACEMENT AND
 DIMENSIONS. THE DETENTION FACILITY AS WELL AS THE SIZING OF
 THE STORM WATER CONVEYANCE PIPES.

EXHIBIT "A"



EXHIBIT "B"



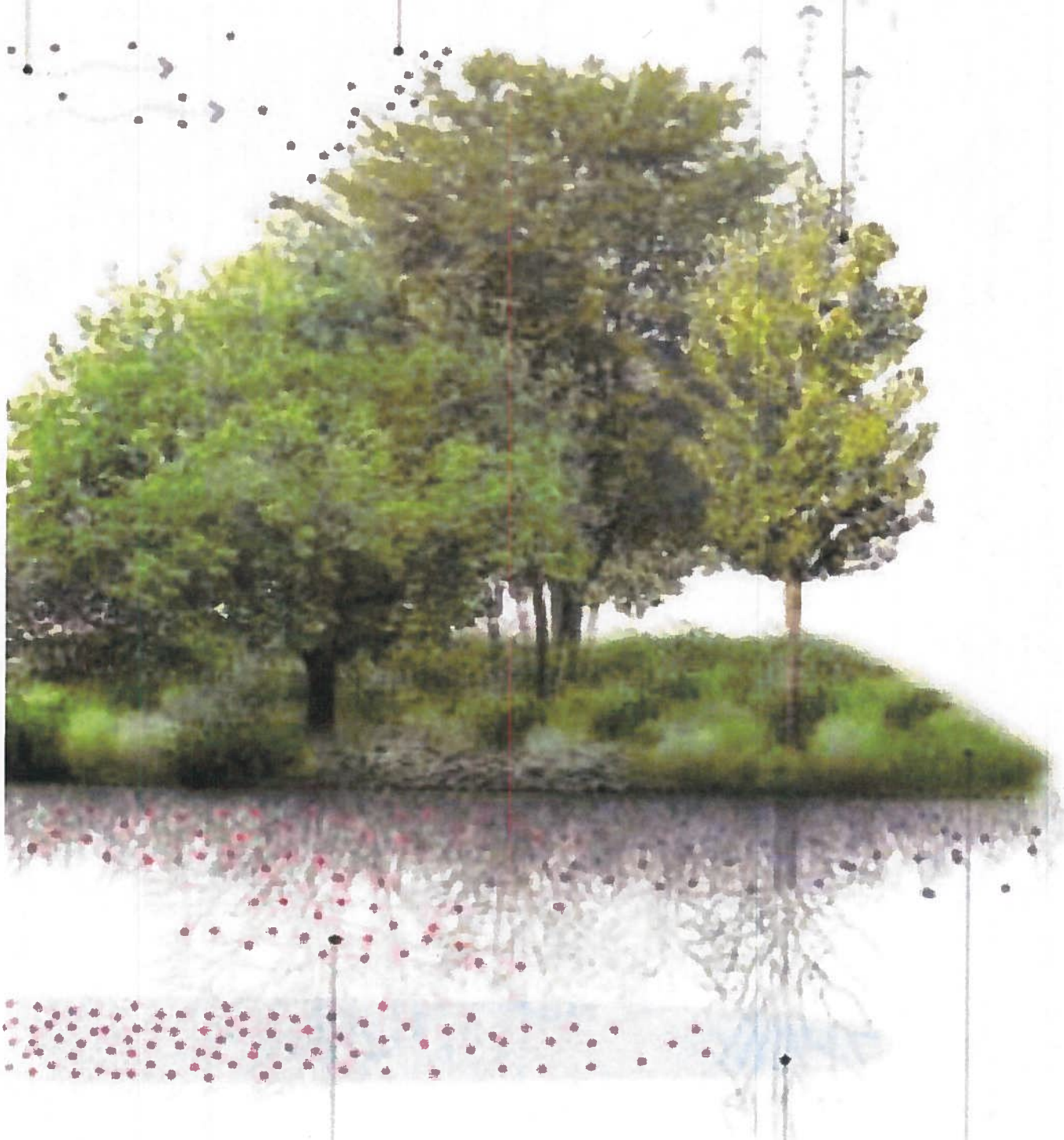
EXHIBIT "C"

1.15 Multi-mechanism Buffer

Particulate pollution carried in air

Particulate matter filter for air

Volatilization of water and gases from groundwater, soil, and rain



Degradation of organics occurring in plants and root zone

Migration of groundwater plume controlled.

Stabilization of inorganics in soil at water