

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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September 12, 2019

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; reviewing 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 all prior letters of agreeable stipulations and conditions, and specifically, the letters dated and filed July 31, 2019, and September 11, 2019. The proposed, revised stipulations are as follows:

- (1) Rezoning of the Subject Property shall be from the existing zoning classifications of R-15, Office and Institutional ("OI"), and Neighborhood Retail Commercial ("NRC") to the proposed zoning classification of RA-6, site plan specific to the Site Plan prepared for Applicant by Ridge Planning and Engineering, last revised July 12, 2019, and filed with the Zoning Office on July 31, 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 8.59 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of fifty (50) residences
- (3) The proposed townhomes shall be Traditional in style and architecture, and 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 residences. A four (4) foot water table made of brick or stone will be installed on all exterior elevations of the units. The townhomes within the proposed community shall be substantially similar to the elevations attached collectively as Exhibit "B" and incorporated herein by reference.
- (4) The homes shall have two-car garages. No garage areas within the proposed townhome community shall be converted into heated living space for the units. This prohibition regarding the conversion of garages to living space shall also be included in the Declaration of Covenants, Easements, and Restrictions referenced below.

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- (5) The proposed townhomes shall have a minimum of 2,000 square feet.
- (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, and such restriction shall be included in the Declaration of Covenants, Easements, and Restrictions referenced below.
- (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.
- (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 the upkeep and maintenance of the entrance area, signage, all common areas, amenity and open space areas, exterior yard areas, roofs, stormwater management landscape areas, general landscaped areas, mail kiosk, private alleys, fencing, and the like contained within the community.
- (9) 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.
- (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 setbacks for the proposed community shall be as follows:
 - A. Interior Setbacks:
 - (a) Front Setback: Fifteen (15) feet
 - (b) Side Setback: Five (5) feet;
 - (c) Major Side Setback: Five (5) feet; and
 - (d) Rear Setback: Forty (40) feet.

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B. Perimeter Setbacks:

- (a) Front Setback: Forty (40) feet;
 - (b) Side Setback: Twenty (20) feet;
 - (c) Major Side Setback: Twenty-Five (25) feet; and
 - (d) Rear Setback: Forty (40) feet.
- (12) The proposed community shall feature passive amenities consisting of park areas and an open space area, as reflected on the revised Site Plan, as follows:
- (a) The park areas shall be landscaped and shall be available for the use and enjoyment of the residents, and may include, but not be limited to, hardscape community gathering features such as benches, gazebos, pavilion, and similar community gathering enhancements.
 - (b) Open space area shall have enhanced landscaping and shall be used by residents for passive recreational purposes.
- (13) The proposed townhome community shall have a public main street and two private alleyways, twenty (20) feet in width, from back-of-curb to back-of-curb. Construction of the private alleys shall comply in all respects as to materials, base, and other requirements with the Cobb County Code. Guest parking areas shall be provided, as more particularly shown and reflected on the referenced, revised Site Plan.
- (14) Applicant agrees to a twenty-five (25) foot landscape buffer located adjacent to the residentially zoned properties to the south of the Subject Property. 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.
- (15) Applicant agrees to a fifty (50) foot landscape buffer located along the eastern boundary of the Subject Property. Such landscape buffer shall be natural and planted, as directed by the Cobb County Arborist.

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- (16) Applicant agrees to the installation of a wooden privacy fence, a maximum of eight (8) feet in height, adjacent to the residential properties located on the southern boundary of the Subject Property.
- (17) Minor modifications to the within stipulations, the referenced, revised Site 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.
- (18) 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.
- (19) All construction access for the proposed community shall be from White Boulevard only.

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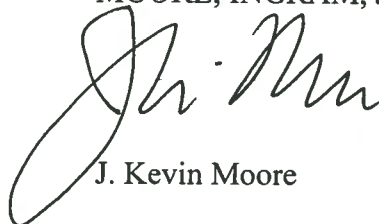
- (20) Applicant agrees to the installation of a street sign indicating the street name in front of the proposed community is "White Boulevard." This sign shall be placed where White Boulevard makes a 90 degree turn toward the school.
- (21) Applicant agrees to the creation and establishment of a Landscape Review Committee consisting of a representative of Applicant and/or Developer, 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 exterior landscape buffers, streetscape landscaping along White Boulevard, and privacy fencing.

We believe the requested zoning, together with the revised Site Plan and the revised 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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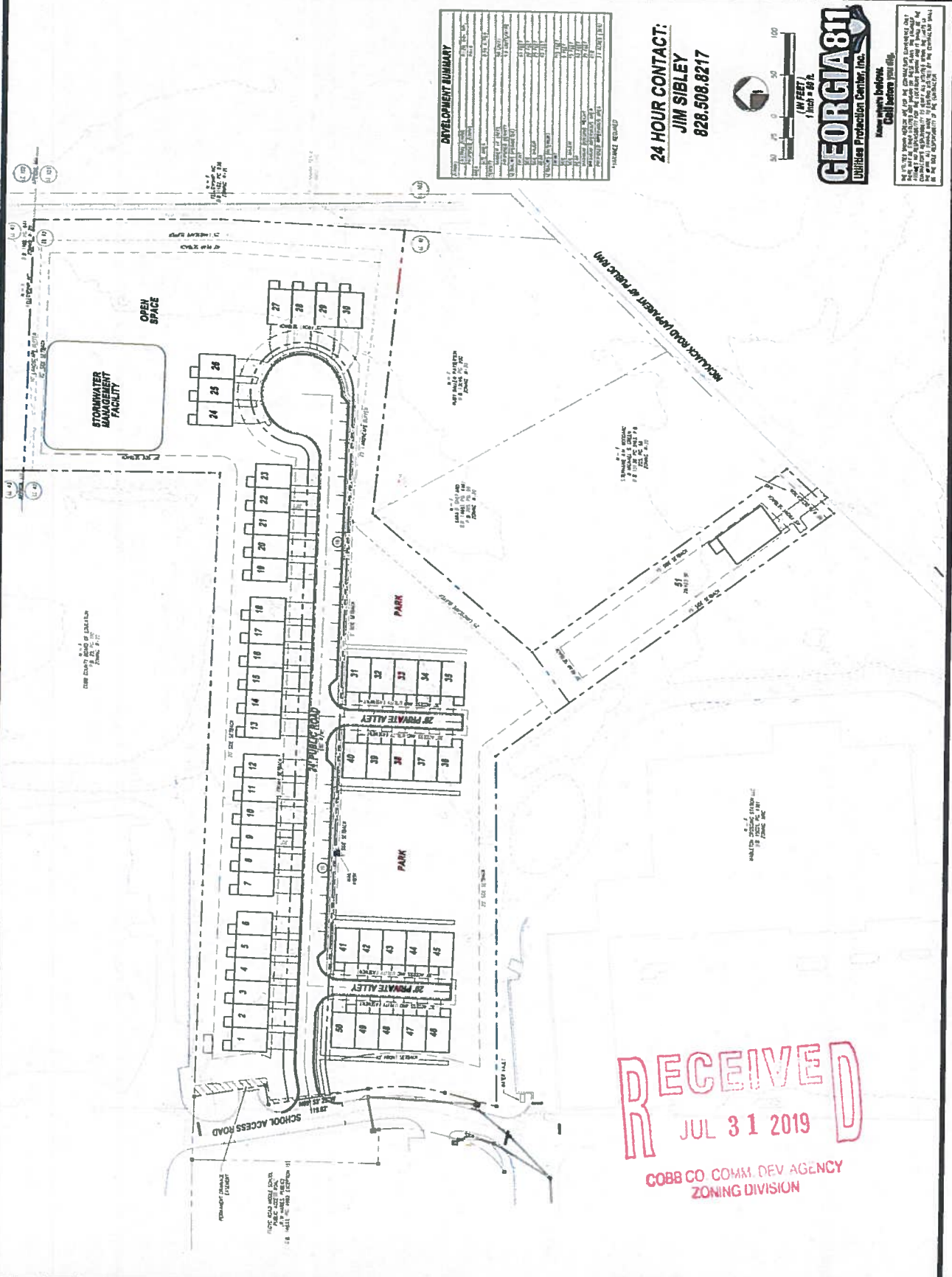
c: Cobb County Board of Commissioners:

Mike Boyce, Chairman
JoAnn Birrell
Lisa N. Cupid
Keli A. Gambrill
Robert J. Ott
(With Copies of Attachments)

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

Robin Meyer
Sonya C. Wheatley
Mableton Improvement Coalition
(With Copies of Attachments)

Kerley Family Homes, LLC
(With Copies of Attachments)



DEVELOPMENT SUMMARY

ITEM	DESCRIPTION	AMOUNT
1	TOTAL LOTS	50
2	TOTAL ACRES	10.00
3	TOTAL SQUARE FEET	435,600
4	TOTAL GARAGE SPACE	10,000
5	TOTAL PARKING SPACES	100
6	TOTAL OPEN SPACE	2,000
7	TOTAL STORMWATER CAPACITY	1,000,000
8	TOTAL UTILITY LINE LENGTH	10,000
9	TOTAL ROADWAY LENGTH	1,000
10	TOTAL PRIVATE ALLEY LENGTH	500
11	TOTAL PARK AREA	2,000
12	TOTAL OPEN SPACE	2,000
13	TOTAL STORMWATER FACILITY	1,000
14	TOTAL UTILITY LINE LENGTH	10,000
15	TOTAL ROADWAY LENGTH	1,000
16	TOTAL PRIVATE ALLEY LENGTH	500
17	TOTAL PARK AREA	2,000
18	TOTAL OPEN SPACE	2,000
19	TOTAL STORMWATER FACILITY	1,000
20	TOTAL UTILITY LINE LENGTH	10,000
21	TOTAL ROADWAY LENGTH	1,000
22	TOTAL PRIVATE ALLEY LENGTH	500
23	TOTAL PARK AREA	2,000
24	TOTAL OPEN SPACE	2,000
25	TOTAL STORMWATER FACILITY	1,000
26	TOTAL UTILITY LINE LENGTH	10,000
27	TOTAL ROADWAY LENGTH	1,000
28	TOTAL PRIVATE ALLEY LENGTH	500
29	TOTAL PARK AREA	2,000
30	TOTAL OPEN SPACE	2,000
31	TOTAL STORMWATER FACILITY	1,000
32	TOTAL UTILITY LINE LENGTH	10,000
33	TOTAL ROADWAY LENGTH	1,000
34	TOTAL PRIVATE ALLEY LENGTH	500
35	TOTAL PARK AREA	2,000
36	TOTAL OPEN SPACE	2,000
37	TOTAL STORMWATER FACILITY	1,000
38	TOTAL UTILITY LINE LENGTH	10,000
39	TOTAL ROADWAY LENGTH	1,000
40	TOTAL PRIVATE ALLEY LENGTH	500
41	TOTAL PARK AREA	2,000
42	TOTAL OPEN SPACE	2,000
43	TOTAL STORMWATER FACILITY	1,000
44	TOTAL UTILITY LINE LENGTH	10,000
45	TOTAL ROADWAY LENGTH	1,000
46	TOTAL PRIVATE ALLEY LENGTH	500
47	TOTAL PARK AREA	2,000
48	TOTAL OPEN SPACE	2,000
49	TOTAL STORMWATER FACILITY	1,000
50	TOTAL UTILITY LINE LENGTH	10,000

24 HOUR CONTACT:
JIM SIBLEY
828.508.8217



GEORGIA811
 Utilities Protection Center, Inc.
 www.georgia811.com
 Call before you dig.

THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM ALL APPLICABLE AGENCIES AND AUTHORITIES.

RECEIVED
 JUL 31 2019
 COBB CO. COMM. DEV AGENCY
 ZONING DIVISION

EXHIBIT "A"



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ARCHITECTS • DESIGNERS
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RUSSELL TOWNHOMES

KERLEY FAMILY HOMES

EXHIBIT "B"