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February 26, 2021

VIA EMAIL & HAND-DELIVERY

Ms. Jeannie Peyton, Senior Planner
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Application of KO Management, Inc. to Rezone a ±5.41 Acre Tract from CF and GC to RA-5; Land Lot 37; 17th District, 2nd Section, Cobb County, Georgia (Z-39 of 2020).

Dear Ms. Peyton:

This firm represents KO Management, Inc. regarding the above-captioned Application for Rezoning. The application has been continued by the Planning Commission for several months to give the applicant time to revise the site plan and proposed product. During the delay, KO Management has revised the site plan and produced a new product for the project.

The Subject Property is a 5.41-acre tract of land which is situated along Mableton Parkway and Puckett Drive. The property is currently zoned General Commercial (GC) and Future Commercial (CF). The property is a transition from the commercial development on Veterans Memorial Highway such as the QuikTrip and the lower density residential property south of Ridge Avenue. The Future Land Use Map designates the property as Medium Density Residential (MDR) which suggests densities up to five (5) units per acre. Because of the properties' position and land use plan designation, the Zoning Division recommends approval of the application.

While this application has been pending, we have established an extensive dialogue with the County's professional staff, the District's Planning Commissioner and the community. The original site plan was a mixture of detached and attached product. The combination created a challenge leading to the revised site plan and product which is 13 paired or duplexes equating to 26 homes. The attached product is a product that is not in the area and will give buyers another housing choice.



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With respect to the foregoing and based upon those discussions and the direction from the District Commissioner and the Board, KO agrees to the following revised stipulations, which, upon the Rezoning being approved, shall become conditions and a part of the grant of the requested Rezoning and binding upon the Subject Property thereafter. The referenced stipulations/conditions are as follows, to wit:

1. The zoning will be from GC and CF to RA-5 specific to the site plan attached as Exhibit "A" and dated February 14, 2021 with all the setbacks and lots sizes as depicted on the site plan.
2. There shall be no more than 26 residential units on the subject property equating to a density of approximately 4.8 units per acre.
3. There will be a twenty (20) foot-wide landscaped buffer along Mableton Parkway and a ten (10) foot-wide landscaped buffer along all exterior boundaries. All buffers will be outside of lots and maintained by the homeowners' association. With regard to the buffer on Puckett Drive, the first twenty (20) feet on either side of the entrance to the subdivision shall be a landscape enhanced strip rather than a true buffer. Landscaping in this area shall be designed not to interfere with site distance for the intersection.
4. Creation of a Landscape Review Committee, composed of the applicant, Mableton Improvement Coalition and a representative of the Community Development Department, to approve landscaping on the exterior of the development and around the detention pond. Special attention is to be given to creating a sound and visual barrier along Mableton Parkway, and an attractive entrance and visual screening along Puckett Drive.
5. Each home shall have a minimum of a two (2) car garage. The garages shall be available for the parking of vehicles with only incidental storage that does not interfere with the parking of vehicles. This restriction shall be included in the covenants.
6. The homes to be constructed shall be a minimum of 1,800 square feet and shall be made of materials such as wood, brick, stone and cementitious board siding. The architectural style shall be consistent with the attached elevations shown as Exhibit "B" and representative interior pictures are shown as Exhibit "C". However, the garage doors shall be opaque.



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7. Compliance with recommendations from the Stormwater Management Division with respect to detention, water quality, hydrology and down-stream considerations including the configuration and positioning of on-site detention areas.
8. KO Management agrees to the creation of a mandatory HOA consistent with custom-built communities. The mandatory HOA shall be responsible for the upkeep and maintenance of the home exteriors and all common areas, open space areas, landscaped buffers adjacent to Mableton Parkway and Puckett Drive, entrance area, mail kiosks, subdivision entrance signage and the like contained within the proposed residential community.
9. Additionally, and in conjunction with the creation of the mandatory HOA, the applicant agrees to the recordation and enforcement of Declaration of Covenants, Conditions and Restrictions (“CCRs”) applicable to the proposed community. This community will have its own HOA and specifically the HOA will not be combined with another communities HOA.
10. The zoning shall incorporate the variances, setbacks and lot dimensions that are noted on the attached site plan.
11. Compliance with recommendations from the Cobb County Department of Transportation (“DOT”).
12. All setbacks landscaped, and buffer areas may be penetrated for the purposes of access, utilities, stormwater management, drainage facilities and any and all slopes or other required engineering features including Fire Marshall directives or regulations.
13. The community will be limited to no more than three (3) of the homes to be rentals at one time and the limitation shall be contained within the CCR’s.
14. There will be amenities on the parcel containing the guest parking which shall include a gazebo with benches and/or pavilion, fire pit or similar amenities for community gatherings and activities. These amenities will be maintained by the HOA.
15. The District Commissioner shall have the authority to approve minor modifications to these stipulations/conditions, the referenced site plan, lighting, landscaping,



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architecture, site features, signage and the like as needed or necessary, except for those that:

- a. Increase the number of lots or the density of the residential community.
- b. Reduce the size of an approved buffer.
- c. Relocate a structure closer to the property line of an adjacent property which is zoned the same or in a more restrictive zoning.
- d. Increase the height of a building which is adjacent to a property which is zoned the same or a more restrictive zoning district.
- e. Change an access location to a different roadway.
- f. Are in direct contradiction to or conflict with the Cobb County Code of Ordinances and the Zoning Ordinance.
- g. Require a Variance(s) waiving applicable regulations of the Cobb County Zoning Ordinance.

Please do not hesitate to contact me should you, the Staff or the Board Members require any further information or documentation prior to the hearing before the Planning Commission hearing.

A handwritten signature in black ink that reads "Parks F. Huff".

contact me should
require any
prior to the

Sincerely,

SAMS, LARKIN & HUFF, LLP

Parks F. Huff
phuff@samslarkinhuff.com

PFH/lkj
Enclosures/Attachments



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cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. John Pederson, Zoning Division Manager (via email)
Ms. Pamela Mabry, County Clerk (via email)
Ms. Robin Stone, Deputy County Clerk (via email)
Ms. Leila Washington, Deputy County Clerk (via email)
Ms. Robin Meyer, Mableton Improvement Coalition (via email)