

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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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 revised letter of agreeable stipulations and conditions shall supersede and replace in full the prior stipulation letters dated and submitted on September 24, 2020, and October 28, 2020. 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 classification of Office Institutional (“OI”) to the proposed zoning classification of RM-8, site plan specific to the revised Zoning Site Plan prepared for Applicant by Planners and Engineers Collaborative, dated and last revised November 9, 2020, and filed with the Zoning Office contemporaneously with this revised stipulation letter. A reduced copy of the revised Zoning Site Plan is attached to this stipulation letter as Exhibit “A” and incorporated herein by reference.
- (3) The Subject Property consists of 7.58 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of fifty (50) residences.
- (4) The proposed townhomes shall be Traditional in style and architecture, shall have exterior facades consisting of brick, stone, stacked stone, 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.
- (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, which shall be consistent with the standards set forth in this letter.

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- (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. Garages shall remain available for parking of vehicles. Such restrictions 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 1,805 square feet of heated and cooled living space.
- (8) Applicant agrees to the recording and enforcement of Declaration of Covenants, Easements, and Restrictions (“Covenants”) which shall contain covenants, rules, and regulations applicable to the proposed townhome community.
- (9) Additionally, and in conjunction with the Covenants, 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.
- (10) 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.
- (11) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture and style of the residences within the community.
- (12) 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 Covenants.
- (13) The setbacks for the proposed community shall be as shown and reflected on the referenced, revised Zoning Site Plan.
- (14) The proposed community shall feature enhanced landscaping and “park” areas for the use and enjoyment of the residents, and which will include hardscape community gathering features.

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- (15) There shall be established a bus waiting area for the children of residents of the proposed community which will be incorporated into the entrance features and landscaping.
- (16) The proposed townhome community will have public streets.
- (17) Minor modifications to the within stipulations, the referenced, revised Zoning 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) 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

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the landscape, fencing plans, and buffering; as well as, the frontage landscaping. Frontage landscaping along Mableton Parkway shall be a minimum of ten (10) feet in width and designed to provide aesthetically pleasing treatment with visual screening of any exposed detention ponds or retaining walls.

- (19) Applicant agrees to the installation of a landscape buffer along the northerly and westerly boundaries of the Subject Property, adjacent to other residentially zoned properties, a minimum of twenty-five (25) feet in width, and where identified, a minimum of thirty (30) feet in width. The landscape buffer shall be planted to provide a visual screen in accordance with Cobb County Codes, Ordinances, and Development Standards. Applicant agrees the landscape plan shall include the planting of three (3) rows of evergreen trees, a minimum of ten (10) feet in height at planting, along those areas that are adjacent to Lots 7 and 8 of the adjacent subdivision for purposes of visual screening (as shown on the Zoning Site Plan and designated as being now or formerly owned by McMutry and Coggin). For areas of the Subject Property which will remain undisturbed, such landscape buffer shall be a natural and maintained buffer.
- (20) 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.
- (21) 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.
- (22) Applicant agrees to the following Cobb County Department of Transportation Comments and Recommendations:
 - (a) Installation of curb and gutter along both sides of the streets within the proposed community; and installation of sidewalk along one side of the streets within the proposed community; and
 - (b) Driveway lengths shall be a minimum of twenty-two (22) feet from the back-of-curb or back-of-sidewalk; but shall not be twenty (20) feet from right-of-way.

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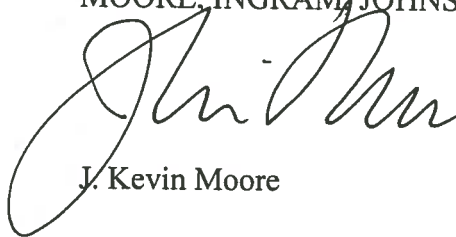
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We believe the requested zoning, together with the revised Zoning Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration developments and uses of properties in the surrounding 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

Attachment

c: Cobb County Board of Commissioners:
Mike Boyce, Chairman
JoAnn Birrell
Lisa N. Cupid
Keli A. Gambrill
Robert J. Ott
(With Copy of Attachment)

Cobb County Planning Commission:
Galt Porter, Chairman
Alice Summerour
Judy Williams
Fred Beloin
Tony Waybright
(With Copy of Attachment)

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c: Robin Meyer
Sonya C. Wheatley
Troy Refuge, Esq.
Mableton Improvement Coalition
(With Copy of Attachment)

The Revive Land Group, LLC
(With Copy of Attachment)

