

# MOORE INGRAM JOHNSON & STEELE

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November 9, 2022

*Via E-mail Only*

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-68 (2022)  
          Applicant:       The Revive Land Group, LLC  
          Property Owners: The Estate of Hazel Cash (a/k/a Hazel Elizabeth  
                                  Cash); the Estate of Mildred Allen Reeves; and  
                                  the Estate of Mary Ruth Allen  
          Property:       8.737 acres, more or less, located on the southerly  
                                  side of Veterans Memorial Highway, westerly of  
                                  Allen Road, Land Lot 45, 18<sup>th</sup> District, 2<sup>nd</sup>  
                                  Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent The Revive Land Group, LLC, the Applicant (hereinafter referred to as "Applicant"), and the Estates of Hazel Cash (a/k/a Hazel Elizabeth Cash), Mildred Allen Reeves, and Mary Ruth Allen, the Property Owners (hereinafter collectively referred to as "Owners" or "Property Owners"), in their Application for Rezoning with regard to a total tract of 8.737 acres, more or less, located on the southerly side of Veterans Memorial Highway, westerly of Allen Road, Land Lot 45, 18<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 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

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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 previous letters of agreeable stipulations and conditions, and specifically those dated and submitted on September 26, 2022, and October 24, 2022. 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 General Commercial (“GC”) to the proposed zoning classification of RM-8, which is a deletion from the requested zoning category of Fee Simple Townhome (“FST”), site plan specific to the revised Conceptual Site Plan (“Site Plan”) prepared for Applicant, dated and last revised November 2, 2022, and submitted with this revised letter of agreeable stipulations and conditions. A reduced copy of the revised Site Plan is attached as Exhibit “A” and incorporated herein by reference.
- (3) The Subject Property consists of 8.737 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of sixty-six (66) residences.
- (4) The proposed townhomes shall be two or three stories in height, and Traditional and Craftsman 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) All units within the proposed community shall have a minimum brick, stone, or stacked stone water table for the fronts and sides. In addition, for any side elevation visible from Veterans Memorial Highway, such side elevation shall contain architectural elements such as fenestration, shutters, or other similar features.
- (6) All garage doors shall be “carriage-style” garage doors, and shall be substantially similar in appearance to that depicted in the photograph attached as Exhibit “B.”

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- (7) 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.
- (8) Applicant agrees the elevation and color palettes collectively attached as Exhibit "C" are provided as examples to guide the Architectural Review Committee in its review and approval of the final elevations, which shall be subject to approval by the District Commissioner.
- (9) 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.
- (10) The proposed townhomes shall have a minimum of 1,500 square feet of heated and cooled living space.
- (11) 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
- (12) 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.
- (13) 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 Covenants.

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- (14) 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.
- (15) The entrance and frontage landscaping shall be professionally designed, implemented, and maintained, and shall be substantially similar to the renderings collectively attached as Exhibit "D" and incorporated herein by reference; which shall include frontage fencing consisting of wrought-iron type aluminum fencing with brick pillars. Maintenance of the entrance and frontage areas shall be by the mandatory homeowners association as set forth in the Covenants.
- (16) The setbacks for the proposed community shall be as shown and reflected on the referenced Site Plan.
- (17) 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.
- (18) Applicant agrees to the installation of a six-foot, black, vinyl-clad chain link fence along the southern boundary; except for such portions that may be located in a stream buffer.
- (19) 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;

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- (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.
- (20) 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, and buffering plans.
- (21) Detention and water quality facilities for the proposed community shall be as shown and reflected on the Site Plan, unless approved otherwise by Cobb County Stormwater Management. Said facilities shall be screened by a black, vinyl-clad chain link fence, a minimum of six (6) feet in height with landscaping to the exterior of the fencing and around the full perimeter of the detention pond for purposes of visual screening. All landscaping and fencing surrounding the detention areas shall be maintained by the mandatory homeowners association.
- (22) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, detention/retention facilities, drainage facilities, surface parking, and any and all slopes or other required engineering features of the foregoing.
- (23) Demolition of all existing structures on the Property shall occur at the earlier of ninety (90) days from the issuance of a Land Disturbance Permit, or, ten (10) calendar months from final rezoning approval.
- (24) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

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(25) Applicant agrees with all Cobb County Department of Transportation comments and recommendations. In addition, by approval of the requested rezoning, and as identified on the revised Site Plan, the following relief from Cobb County Department of Transportation development standards is hereby granted:

- (1) A minimum radius of sixty (60) feet for the internal road; and
- (2) Guest parking shall be permitted within thirty-three (33) feet of internal driveways.

(NOTE: These items are specifically supported by Cobb County Department of Transportation for the revised Site Plan.)

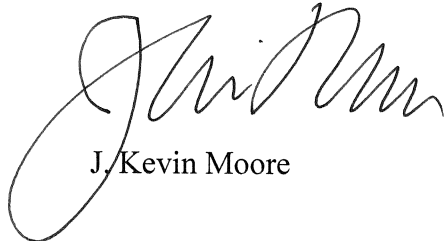
(26) There shall be a minimum twenty-five (25) foot landscape buffer along the rear and western property lines, where shown on the revised Site Plan (buffer area may be landscaped, naturally maintained, or both). Where planted, such buffers shall include a staggered, double row of planted trees, a minimum of six (6) feet in height at planting.

We believe the requested zoning, together with the revised Site Plan and 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

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Division Manager  
Zoning Division  
Cobb County Community Development Agency  
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c: Cobb County Board of Commissioners:

Lisa N. Cupid, Chairwoman  
JoAnn Birrell  
Keli A. Gambrill  
Jerica Richardson  
Monique Sheffield  
(With Copies of Attachments)

Jeannie Peyton  
Senior Planner  
Zoning Division  
Cobb County Community Development Agency  
(With Copies of Attachments)

Robin Meyer  
Mableton Improvement Coalition  
(With Copies of Attachments)

The Revive Land Group, LLC  
(With Copies of Attachments)









EXHIBIT "B"





EXHIBIT "C"

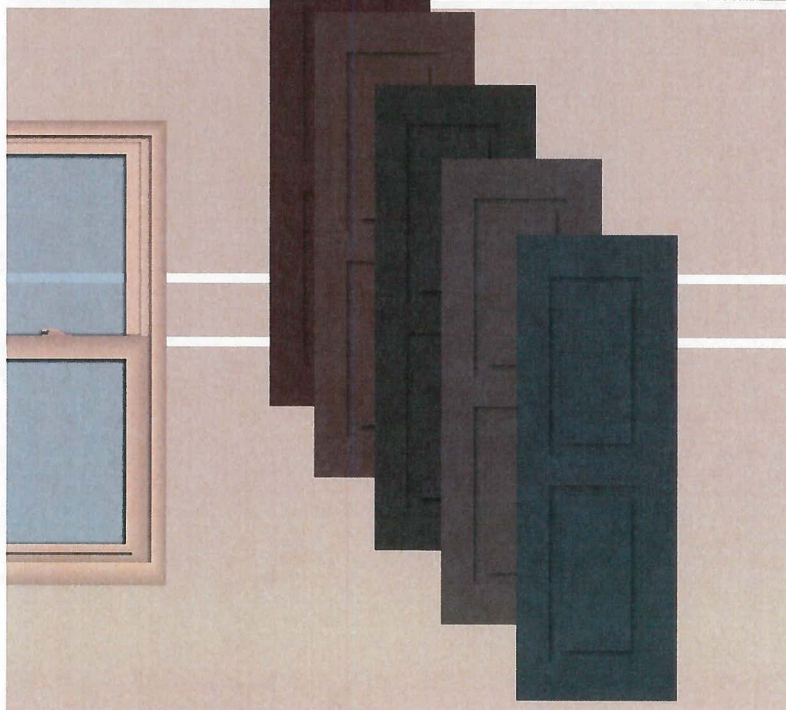
GS 50

Shingle Roofing  
CertainTeed  
*Weathered Wood*



Gutters &  
Downspouts  
*Wicker*

Windows  
*Beige*



*Door 1 Polished  
Mahogany SW  
2838*

*Door 2  
Van Dyke Brown  
SW 7041*

*Door 3  
Tricorn Black SW  
6258*

*Door 4  
Urbane Bronze  
SW 7048*

*Door 5  
Mount Etna  
SW 7625*

All Siding & Trim  
*Accessible Beige SW  
7036*

Brick Veneer  
Henry Brick  
*Chimney Rock*



Brick Mortar  
NGB  
*Southern Ivory*

Please Note: Colors are reproduced using printing inks, not actual paint. Always select colors from the manufacturer's color card for best representation of actual color. Colors may vary slightly in actual use due to the area, sheen, surface, applications or lighting.

\*\*Brick image may not reflect actual mortar selection. See actual mortar sample for accurate color.



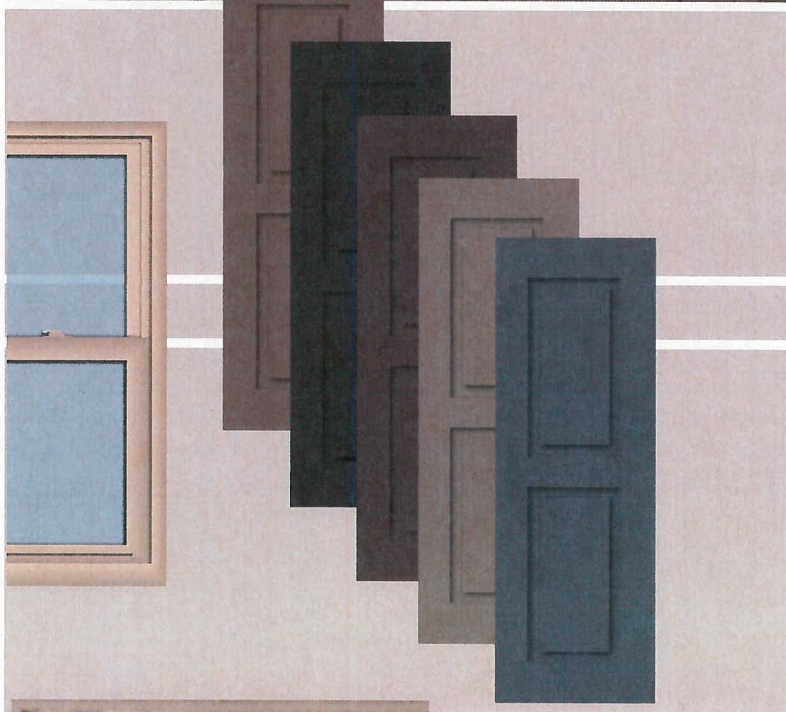
GS 57

Shingle Roofing  
CertainTeed  
*Weathered Wood*



Gutters &  
Downspouts  
*Wicker*

Windows  
*Beige*



Door 1  
*Brainstorm*  
*Bronze SW 7033*

Door 2  
*Tricorn Black*  
*SW 6258*

Door 3  
*Black Fox*  
*SW 7020*

Door 4  
*Mountain Road*  
*SW 7743*

Door 5  
*Grays Harbor*  
*SW 6236*

All Siding &  
Trim  
*Pediment*  
*SW 7634*

Brick Veneer  
General Shale  
*Magnolia Ridge*



Brick Mortar  
NGB  
*Coosa Buff*

GS 52

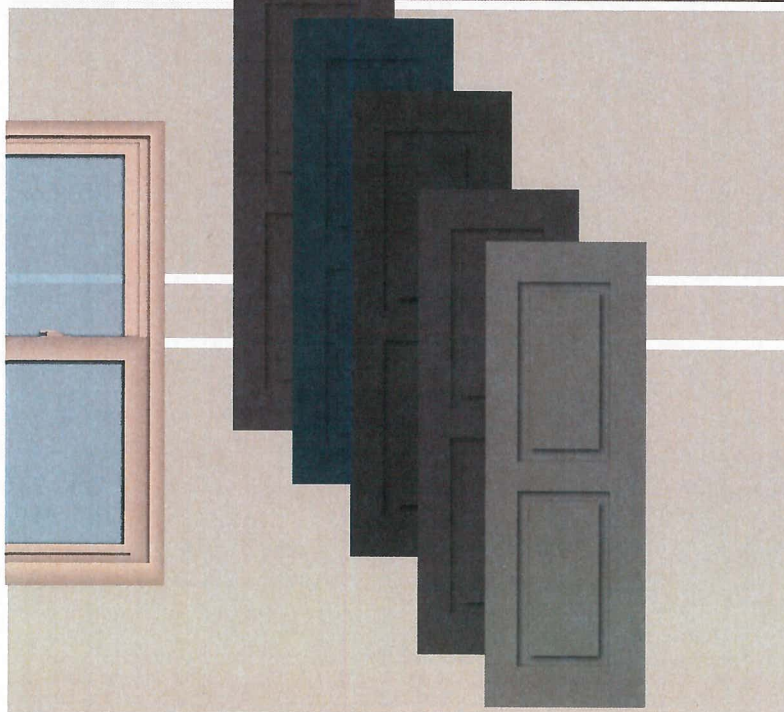
Shingle Roofing  
CertainTeed  
*Weathered Wood*



Gutters &  
Downspouts  
*Wicker*



Door 1  
*Sealskin*  
SW 7675



Door 2  
*Dark Night*  
SW 6237

Door 3  
*Tricorn Black*  
SW 6258

Door 4  
*Iron Ore*  
SW 7069

Door 5  
*Retreat*  
SW 6207

Windows  
*Beige*

All Siding &  
Trim  
*Useful Gray*  
SW 7050

Brick Veneer  
General Shale  
*Magnolia Ridge*



Brick Mortar  
NGB  
*Southern Ivory*

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GS 58

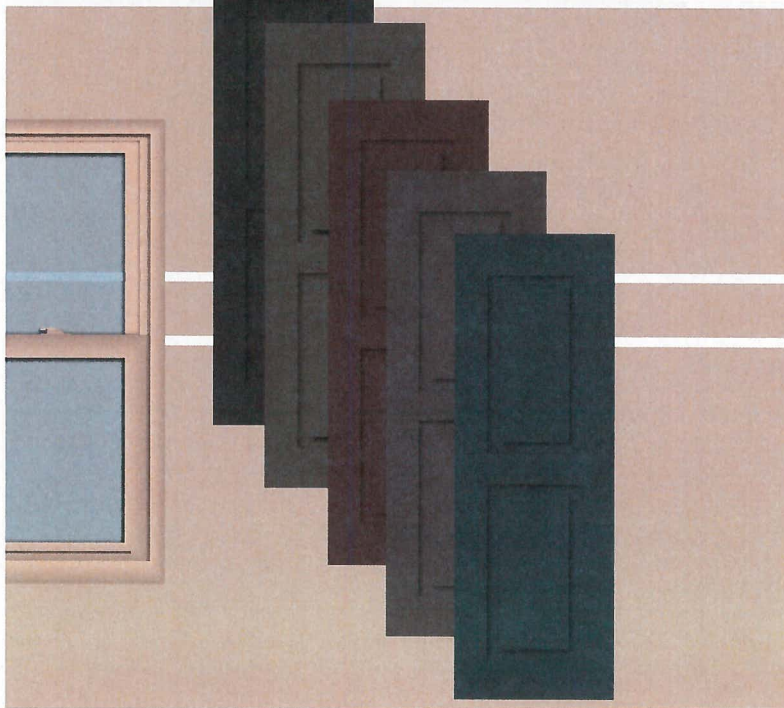
Shingle Roofing  
CertainTeed  
*Weathered Wood*



Gutters &  
Downspouts  
*Wicker*



Windows  
*Beige*



Door 1  
*Black Magic*  
SW 6991

Door 2  
*Roycroft Bronze*  
Green SW 2846

Door 3  
*Turkish Coffee*  
SW 6076

Door 4  
*Urbane Bronze SW*  
7048

Door 5  
*Mount Etna*  
SW 7625

All Siding &  
Trim *Urban*  
*Putty*  
SW 7532

Brick Veneer  
General Shale  
*Sandy Creek*



Brick Mortar  
NGB  
*Southern Ivory*

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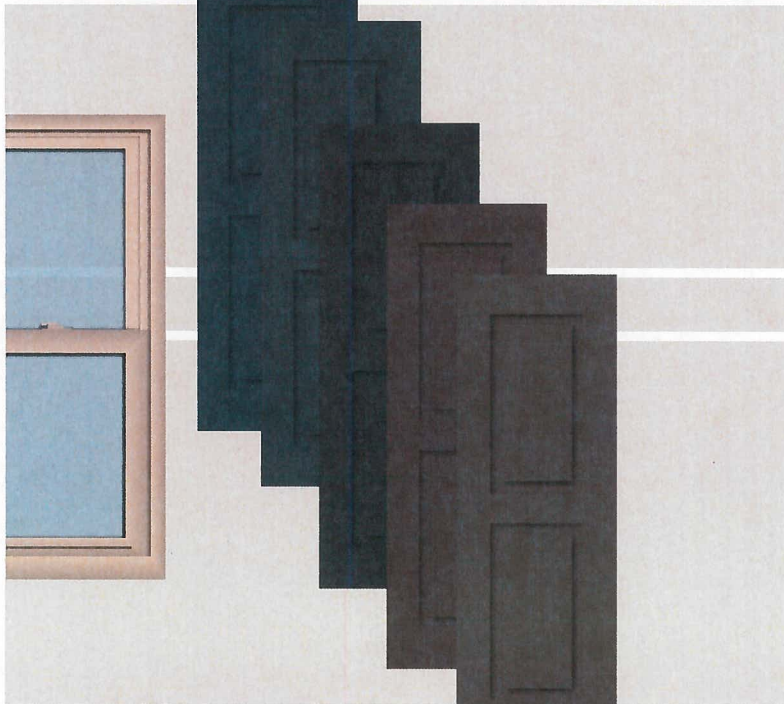
GS 54

Shingle Roofing  
CertainTeed  
*Weathered Wood*



Gutters &  
Downspouts  
*Whicker*

Windows  
*Beige*



Door 1  
*Gale Force*  
SW 7605

Door 2  
*Mount Etna*  
SW 7625

Door 3  
*Black Of Night*  
SW 6993

Door 4  
*Black Fox*  
SW 7020

Door 5  
*Roycroft Bronze*  
*Green*  
SW 2846

All Siding &  
Trim *Heron*  
Plume SW 6070

Brick Veneer  
General Shale  
*Scottsdale*



Brick Mortar  
NGB  
*Coosa Buff*

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EXHIBIT "D"



