

**APRIL 15, 2008 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 1**

ITEM #1

PURPOSE

To consider amending the site plan and stipulations regarding Z-103 (CIRCLE W CONSTRUCTION CO., INC.) of July 19, 2005 for property located in Land Lots 48, 49 and 100 of the 19th District on the west side of Barrett Parkway, north of Alexander Farms Drive.

BACKGROUND

This item was held from the March 18, 2008 Zoning Hearing "Other Business Agenda". An on-site meeting was held on April 2, 2008 to address stormwater management issues that were brought up at the March 18, 2008 hearing. As a result of that meeting, an additional stipulation letter dated April 3, 2008 is attached. The subject property is zoned RSL non-supportive allowing 34 detached units per the site plan approval by the Board of Commissioners on November 15, 2005. The Board of Commissioners decision and approved site plan are attached. This request is to allow fee simple ownership of individual units and lots within a condominium development as defined by the Cobb County Zoning Ordinance. The proposed site plan is attached. There is no change in the number of units or style or type of the product originally approved for this development. There will remain common open space, the roads are to remain private and there will be a mandatory homeowners association to oversee the Declaration of Covenants, Conditions and Restrictions. Also attached is the other business application which includes additional stipulations.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners first determine if this request is minor. If it is determined to be minor, consider the request as submitted and if approved all other previously approved conditions/stipulations not in conflict with this request should remain in effect and be further subject to the requirements at plan review and the District Commissioner approve the final plan before permits are issued and further subject to the April 3, 2008 stipulation letter.

ATTACHMENTS

April 3, 2008 Letter
Board of Commissioners Decision
Approved Site Plan
Proposed Site Plan
Other Business Application

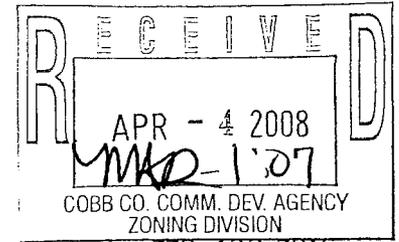
SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN
JUSTIN H. MEEKS

April 3, 2008

*ALSO LICENSED TO PRACTICE
IN ALABAMA



770-422-7016
TELEPHONE

770-426-6583

FACSIMILE

SAMSLARKINHUFF.COM

VIA HAND DELIVERY

Mr. Robert L. Hosack, Jr., AICP, Director
Cobb County Community Development
191 Lawrence Street
Suite 200
Marietta, GA 30060-1661

Re: Other Business Agenda Application for Modifications
to Stipulations on behalf of Circle W Construction Co., Inc.

Dear Rob:

Thank you for marshaling your staff and for inviting David Breden from Stormwater Management to the on-site meeting yesterday concerning the above-captioned matter. In concert with Commissioner Goreham, Alexander Farms residents and my clients, we were able to craft what should be a solution to the stormwater management issues. In that regard, enclosed please find a copy of the hand-written changes to the site plan depicting the swale which will be configured with a positive flow. As you can see, Mr. Wills of Circle W Construction Co., Inc. has initialed those changes which were recommended by your staff.

In addition to the foregoing and in response to your request, Circle W will provide a concurrent drainage easement with the swale which will be dedicated to the County in order to protect the swale from potential future modifications or encroachments.

Also enclosed is the "Other Business" agenda package put together by Mark Danneman last month. The package contains all of the original stipulations/conditions and my February 12, 2008 letter with modifications initialed by Mr. Danneman. Please do not hesitate to call should you or your staff require any further information or documentation concerning this matter.

VIA HAND DELIVERY

Mr. Robert L. Hosack, Jr., AICP, Director
Cobb County Community Development
Page 2
April 3, 2008

With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLSjr/jbmc

Enclosures

cc: Ms. Helen Goreham, Commissioner – w/enclosures
Mr. Mark A. Danneman, Manager – w/enclosures
Mr. David Breaden – w/enclosures
Ms. Keli Gambrell – w/enclosures
Mr. Alan Wills – w/enclosures

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 15, 2005**

ITEM #5:

To consider a site plan approval regarding Z-103 (Circle W Construction Co., Inc.) of September 20, 2005, for property located on the west side of Barrett Parkway, north of Alexander Farms Drive in Land Lots 48, 49 and 100 of the 19th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding site plan. The public hearing was opened and Mr. Garvis Sams, Jr., Mr. Walter Skunda, and Ms. Keli Gambrell addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Olens, to **approve** site plan regarding Z-103 (Circle W Construction Co., Inc.) of September 20, 2005, for property located on the west side of Barrett Parkway, north of Alexander Farms Drive in Land Lots 48, 49 and 100 of the 19th District **subject to:**

- site plan dated October 11, 2005 (copy attached and made a part of these minutes)
- letter of request/stipulations from Mr. Garvis Sams, Jr., dated November 14, 2005 (copy attached and made a part of these minutes)
- memorandum from Mr. G. H. Mingledorff dated November 10, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)
- all other previously approved conditions/stipulations to remain in full force and effect, *not otherwise in conflict*

VOTE: **ADOPTED** unanimously

Following the vote on the motion, additional discussion ensued regarding the concerns expressed by Mr. Walter Skunda. After discussion, the following motion was made:

MOTION: Motion by Goreham, second by Olens, to **authorize** Zoning Division Staff to waive the filing fee for Mr. Walter Skunda if a request and signed application to rezone his property to revert to the R-20 zoning district is received by the Zoning Division within thirty (30) days from the date of this hearing.

VOTE: **ADOPTED** unanimously

GASKINS
 1248 POWERS PARKWAY
 HANCOCK COUNTY, GEORGIA 30904
 (706) 881-1111

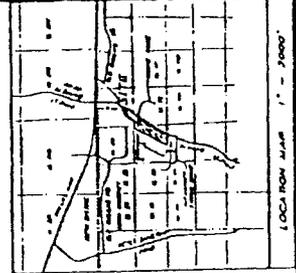
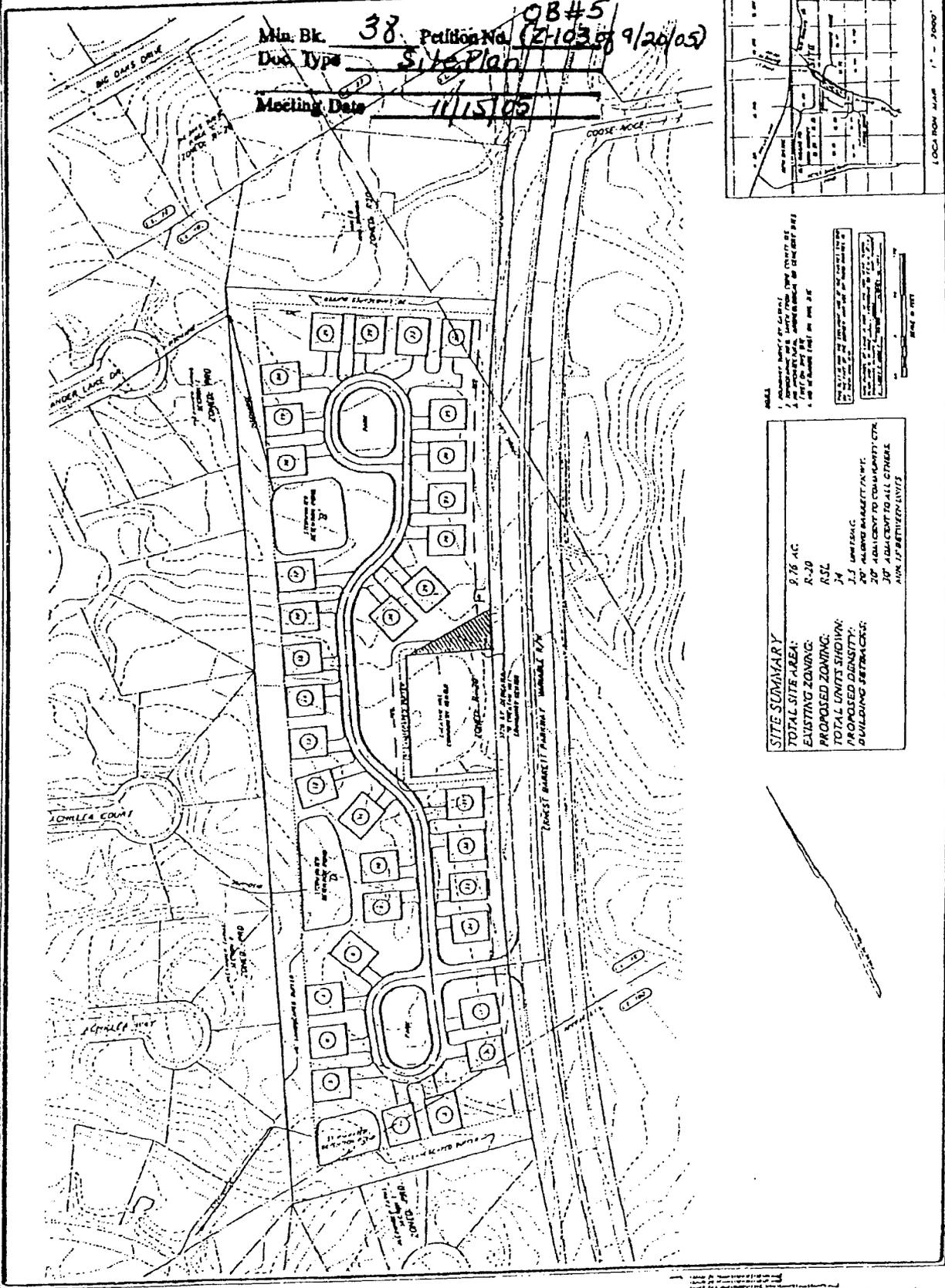


**BARRETT PARKWAY
 COTTAGE-CONDOMINIUMS**

LANDLOTS 11, 12 & 13A DISTRICT 13 SECTION
 HOOB COUNTY, GEORGIA

NOT ISSUED FOR CONSTRUCTION

Min. Bk. 38 Petition No. OB#5 (2-1035) 9/26/05
 Doc. Type Site Plan
 Meeting Date 11/15/05



NOTES

1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED.
2. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
3. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
4. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.
5. ALL DISTANCES ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED.

SITE SUMMARY

TOTAL SITE AREA:	9.76 AC
EXISTING ZONING:	R-20
PROPOSED ZONING:	R-35
TOTAL UNITS SHOWN:	25
PROPOSED DENSITY:	2.5 UNITS/AC
BUILDING SETBACKS:	30' ADJACENT TO COMBINATION CTR. 30' ADJACENT TO ALL OTHERS MIN. 12' BETWEEN UNITS

This plan was prepared by Gaskins & Associates, Inc. for the use of the applicant. It is not to be used for any other purpose without the written consent of Gaskins & Associates, Inc. The applicant is responsible for the accuracy of the information provided to Gaskins & Associates, Inc. and for obtaining all necessary permits and approvals from the appropriate authorities. Gaskins & Associates, Inc. is not responsible for any errors or omissions in this plan.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
MICHAEL P. PRYOR
JAMES A. BALLI
OF COUNSEL
DAVID P. HARTIN

November 14, 2005

Min. Bk. 38 Petition No. Z-103 of
Doc. Type Letter a request (9/20/05)
Stipulations
Meeting Date 11/15/05

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

WWW.SAMSLARKINHUFF.COM

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Re: "Other Business Agenda" Item for Circle W Construction Co., Inc.
for Site plan Approval of a 9.76 Acre Tract presently Zoned
Residential Senior Living (RSL) Pursuant to Zoning Case No. Z-103

Dear John:

The above-styled "Other Business Agenda" item is scheduled to be heard by the Board of Commissioners at their regularly scheduled meeting on November 15, 2005.

Previously, the applicant has submitted a revised site plan dated October 11, 2005 depicting 34 lots on 9.76 acres. This letter will serve as a revisions to and confirmation of the agreeable stipulations in the original zoning case known as No. Z-103.

1. The conditions and stipulations set forth herein shall replace and supercede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. The stipulation amendment request shall be for the approval of the development of a 34 single family detached home development on 9.76 acres as depicted in the October 11, 2005 site plan. The zoning is specifically and exclusively for an age restricted (55 or older) active adult single family community in compliance with the Federal Fair Housing Act. This yields a density of approximately 3.5 units per acre.
3. The approval shall be conditioned upon the revised site plan dated October 11, 2005 with minor modifications to be approved by the District Commissioner. This plan includes the dedication of 3,720 square feet to the Cheatham Hill Community Center to accommodate the existing driveway.

COBB COUNTY ZONING DEPARTMENT OFFICE
2005 NOV 14 AM 9:57
COBB COUNTY, GEORGIA

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
November 14, 2005
Page 2

4. The minimum square footage of the homes shall be 1,638 square feet and the home sizes shall range up to 2,350 square feet.¹
5. The architectural style and composition of the homes shall be detached craftsman style cottages as stipulated by the board on September 20, 2005. All of the exteriors on all sides of the homes shall have a combination of either brick, stacked stone, cedar shake, and/or hardy plank.
6. Each home shall have a minimum of an attached two-car garage. Additionally, the private street will be built to Standard Road Details with 24' between back-of-curb to back-of-curb.
7. The proposed senior residential community shall incorporate all applicable accessibility and "Easy Living" standards as administered and copyrighted by AARP of Georgia, ARC, State of Georgia DCA, the Governor's Council on Developmental Disabilities, The Homebuilders Association of Georgia and the Statewide Independent Living Council of Georgia. As required under the RSL district, the sale of the homes shall be limited to those persons fifty-five (55) years of age and older subject to provisions of the Federal Fair Housing Act.

To further ensure adherence to this stipulation, an agreement that each home sold will contain a deed covenant, which shall run in perpetuity with respect to the subject property, specifying that the sale of the homes shall be limited to provisions under the Federal Fair Housing Act limiting the sale of the homes to those persons fifty-five (55) years of age and older.
8. An agreement that all of the homes shall be "for sale" only and that any leasing of the homes after the original purchase and sale shall be limited to no more than ten percent (10%) of the total number of homes and for no lease term of less than one (1) year in duration.
9. The establishment of a mandatory homeowners association which shall include architectural control oversights and the submission of Declaration of Covenants, Conditions and Restrictions. The association shall be responsible for the upkeep and maintenance of the private streets within the community, any common areas, all amenity areas, detention ponds, utility easements and landscape/irrigated subdivision entrance signage.

¹ Price points shall range from a minimum of \$275,000 to \$350,000 and beyond.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
November 14, 2005
Page 3

OB#5
Petition No. (Z-103 of 9/20/05)
Meeting Date 4/15/05
Continued

10. A third-party management company shall be hired to manage the day-to-day operations of the mandatory homeowners association, including the responsibility for all commonly owned properties and all amenities within the community. The third-party management company shall also be responsible for the management of all association monies as well ensuring that the association is properly insured.
11. Subject to recommendations from the Stormwater Management Division with respect to hydrological considerations and the ultimate positioning and configuration of on site detention and water quality ponds. Additionally, an agreement to do the following:
 - a. Compliance with the Preliminary Stormwater Management Report prepared by Gaskins Surveying & Engineering Company, dated August 24, 2005.²
 - b. Over-detaining the site's stormwater by a minimum of ten percent (10%). Also piping of all stormwater flows except for the one (1) detention pond with overland flow subject to staff review and approval.
 - c. Detention ponds shall be enclosed by a black vinyl chain-link fence, surrounded by vegetation (subject to the Arborist's review) to provide complete visual screening.
 - d. Circle W shall work with specified homeowners within Alexander Farms Subdivision who are currently experiencing stormwater issues based upon a list of such homeowners provided by the Alexander Farms HOA.
 - e. The submission of predevelopment and post-development Hydrological Studies specifically related to ponds which serve as detention for Alexander Farms Subdivision. Additionally, the submission of a predevelopment and post-development siltation reconnaissance studies.
 - f. Consistent with recommendations from Cobb County's Community Development Agency and the Cobb County Water System (Stormwater Division), Circle W shall undertake remedial measures to repair any damages precipitated by unchecked stormwater emanating from the subject property. The remedial measures shall be undertaken within thirty (30) days of notification to the Alexander Farms HOA, weather permitting.

² The report relates to the previous site plan. Therefore, the final drainage plan and the positioning of the detention ponds are subject to additional engineering during plan review.

VIA HAND DELIVERY

Petition No. OB#5
(2-103 of 9/20/05)
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Mr. John P. Pederson, Planner III
Cobb County Zoning Department
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- g. A representative of the Alexander Farms HOA will be on a Stormwater Panel to monitor/have input into development plans as they proceed through Plan Review. Cobb County Stormwater Management Division Manager shall be the final arbiter with respect to stormwater issues.
12. Compliance with the recommendations from the Cobb County Water System with respect to issues attendant to the availability and accessibility of water and sewer, including an agreement to master meter the residential community in light of the private street developmental scenario.
13. Compliance with recommendations from the Cobb County Fire Department as reflected within the Zoning Analysis.
14. An agreement that Circle W shall provide appropriate lateral support as recommended by the County's professional staff to protect those properties in Alexander Farms Subdivision which may be affected by changes in the existing terrain. Any retaining walls providing such lateral support shall be composed of pre-cast masonry construction.
15. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, including the following:
- a. An agreement to prohibit direct pedestrian connectivity between the residential community and the commercial/retail establishments located within the Dallas Highway/Barrett Parkway Community Activity Center (CAC) in view of the fact that safe and sufficient pedestrian connectivity has been provided via sidewalks along Barrett Parkway.
 - b. The installation of sidewalk, curb and gutter along the subject property's frontage on Barrett Parkway. Additionally, the installation of an interior sidewalk along the proposed private road within the RSL Community.
 - c. The installation of a 150' deceleration lane with an appropriate taper.
 - d. No additional right-of-way will be required by DOT on Barrett Parkway (arterial).
 - e. Ensuring sufficient sight distance along Barrett Parkway.
 - f. The installation of a no access easement along the subject property's frontage on Barrett Parkway except, of course, with respect to the residential community's entrance located thereon.

VIA HAND DELIVERY

Petition No. 0B45
(2-103 of 9/20/05)
Meeting Date 11/15/05
Continued

Mr. John P. Pederson, Planner III
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Page 5

- g. The private streets will be owned and maintained by mandatory homeowners association.
16. The submission of a landscape plan during the Plan Review process, subject to staff and the Arborist's review and approval, which shall include the following:
- a. The installation of underground utilities.
 - b. The installation of decorative street lights themed to the architectural style and composition of the homes.
 - c. Sodded yards throughout which shall be irrigated.
 - d. The construction of ground-based, monument style signage at the community's entrance on Barrett Parkway which shall be of masonry construction and which shall be landscaped and irrigated.
 - e. An agreement to preserve the trees which presently surround the Cheatham Hill Community Club property subject to the Arborist's review and approval.
 - f. An agreement to preclude grading of the subject property within the drip line of the large oak tree located on property belonging to a resident (Petrizio) in Alexander Farms Subdivision and which is situated just off of the southwestern property line of the subject property. Doing so may precipitate the relocation of the detention/water quality pond shown in said southwest corner. Additionally, an agreement to preserve the trees located on the southwest section of the subject property that are perpendicular to Barrett Parkway.
 - g. A representative from Alexander Farms, Circle W and a representative of the Community Development Agency shall constitute a Landscape Oversight Committee, with the County representative being the final arbiter with respect to all landscaping decisions.
 - h. The construction of a landscaped berm, four feet (4') in height unless dictated otherwise by the Landscape Oversight Committee, along the subject property's frontage on Barrett Parkway and the installation of irrigation with respect to same.
 - i. Installation of a wrought-iron type fence with brick or stone pillars along the subject property's Barrett Parkway frontage.

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
November 14, 2005
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- j. A forty foot (40') landscape buffer adjacent to all of the lots located within Alexander Farms Subdivision and Big Oaks Subdivision subject to review and approval by the Landscape Oversight Committee.
 - k. All landscaping within the subject property shall be irrigated with the perpetual care and maintenance of same being the responsibility of the mandatory homeowners association/third-party management company.
 - l. If requested to do so by representatives of the Alexander Farms HOA, Circle W agrees to work with the six (6) homeowners who presently do not have fences on the common property line in order to address landscaping and/or fencing concerns.
 - m. The installation of a privacy fence or landscaping along the north property line perpendicular to Barrett Parkway.
17. Should development plans not be submitted to the county for approval within twelve (12) months from the approval of this "other business agenda item" with ground breaking within the following six (6) months, the property shall revert to the zoning classification of R-20.
18. The District Commissioner shall have final site plan approval and shall be positioned to make minor modifications with respect to the stipulations/conditions contained herein.

Please do not hesitate to call should you or your staff require any further information or documentation regarding the conditions contained in this letter.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

GLSjr/jbmc

cc: Shown on next page.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
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(Z-103 of 9/20/05)
Meeting Date 11/15/05
Continued

cc: Members, Cobb County Board of Commissioners (VIA Hand Delivery)
Ms. Gail K. Huff, Assistant County Clerk (VIA Hand Delivery)
Ms. Sandra Richardson, Deputy County Clerk (VIA Hand Delivery)
Mr. Paul Poolc, President, Alexander Farms HOA
Ms. Keli A. Gambrill (VIA E-Mail and Hand Delivery)
Mr. Alan Wills, Circle W Construction Co., Inc. (VIA Facsimile)

OB 45

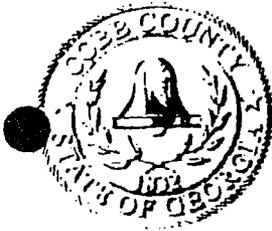
Mfn. Bk. 38 Petition No. (Z-1039 9/24/05)

Doc. Type memorandum from

Mr. G. H. Mingledorff

Meeting Date COB COUNTY GEORGIA 11/15/05

Robert L. Brice
Director



COBB COUNTY WATER SYSTEM

Field Operations Center
680 South Cobb Drive
Marietta, Georgia 30060-3113

2005 NOV 11 PM 2:08

COBB COUNTY ZONING OFFICE

- DIVISIONS:
- Business Services
 - Customer Services
 - Engineering & Records
 - Solid Waste
 - Stormwater Management
 - System Maintenance
 - Water Protection

DATE: November 10, 2005

MEMO TO: Mark Danneman
Manager, Zoning, Community Development

SUBJECT: Other Business Item _____ BOC 11-15-05
Z-103 (2005)
Circle W. Construction Company, Inc.
Barrett Parkway Cottage - Condominiums
LL 27, 48, 49, 100 / 19th

Reference: Revised Plan of October 11, 2005, and Stipulation Letter of November 8, 2005, over hand of Mr. Parks Huff, Esq. recorded into Zoning on November 8, 2005.

1. The referenced plan represents a complete change to 34 detached residences at the zoning stipulated 3.5 units per acre on property reduced to 9.76 acres. This development program appears to have much reduced impact on land and much reduced stormwater runoff from previously presented plans. Even so, grading will end up massive to create this plan and will substantially elevate the sediment lost from site.
2. To control the area stripped and graded, recommend all grading be limited to roadways and building pads only. For this, building pads shall include the building footprint plus 10-feet outside of footprint plus front yard. Further, recommend the various components be adjusted at Plan Review to bring all buildings consistently close to the roadway thereby minimizing the front yard grading. Further still, recommend the proposed detention areas be adjusted in location to conform to the natural ravines present thereby reducing the grading needed to create the detention pool volume. These recommendations taken together will bring the project design into conformance with Regulation which calls for projects to fit the terrain using minimum clearing and grading.
3. The private concept of this proposed community dictates that all the stormwater facilities, including detention, and United States-Clean Water Act compliance comes under the operational and maintenance responsibility of the Homeowners Association. Cost for this must be provided via a special financial account accumulating periodic payments from resident / owners. The obligation here will be substantial.

Petition No. O.B. # 5
(Z-103 of 9/20/05)
Meeting Date 11/15/05
Continued

- Right of Inspection by county Staff must be incorporated into the project documents to insure performance of the obligation referenced above.
4. Referring to the referenced Stipulation Letter:
 - 4-A) the Preliminary Stormwater Management Report was prepared to cover a development program totally different from that now proposed. Comments pertaining to this report have already been presented under a separate cover and are not changed here. Said report may / may not be appropriate as a standard as proposed when final design and hydrology reports are submitted at Plan Review.
 - 4-B) Detention output for this project is conditioned upon the ability of the downstream drainage system to handle the additional volume and flow. From experience the reduction in rate of flow is likely to be well beyond the 10% referenced and is more likely to be nearer 30%.
 - 4-D) All landscaping must follow Xeriscape Style Protocol to reduce the need for irrigation / water use and pollution generation.
 - 4-E) Exception is taken to call for a 4-foot high berm along Barrett Parkway frontage. To create this will require a cleared and graded Swath exceeding 20-feet wide and offer no benefit above proper landscaping. Further, rear yards along this frontage will be virtually eliminated. Further still, the section south of the Community Center where water drains toward Barrett Parkway, special drainage systems will be required to handle stormwater runoff and further expand grading. Recommend a comprehensive landscaping program instead.
 5. One drainage zone is without any stormwater controls Lots 31-34, 1-2, and entrance and service roads. The only way this area can be transferred to a proposed detention would be mass grading of the extended area which is not supported. Details of how this will be handled will not be available until Plan Review. Stormwater Management must reserve full right of review / comment / and, change for then.
 6. The above comments call for multiple changes to the development program. Such change will come due at Plan Review. Request any approval of this program be in concept only in order to allow Plan Review to properly function with confirmation by District Commissioner.
 7. Two other letters have been received. Both predate the referenced stipulation letter.
 - 7-A) The May 5, 2005, letter over hand of Mr. Garvis Sams, Jr. Esq. appears to be misdated, as it references action by the Board Of Commissioners on Sept 20, 2005, and does not include enclosures referenced therein. As far as these comments, it is considered superseded by the Referenced Stipulation Letter by Mr. Parks Huff, Esq. of same firm.
 - 7-B) The November 3, 2005, letter by Lorindo Malko / Walter Skunda expresses extreme concern for incoming water runoff and sediment losses from this project. Topo indicates their property to be higher than this project and in fact is discharging water into this project. The only

Petition No. 0845
(E-10807 9/21/05)
Meeting Date 11/15/05
Continued

way the Malko / Skunda property could receive water from this project, would be via mass grading, to which Stormwater Management is opposed under current Regulations.

Sincerely,



G.H. Mingleorff III, P. E., RLS
Senior Engineer, Stormwater Management

Cc: Chairman, Commissioner Sam Olens
Commissioner Helen Goreham
Commissioner Joe L. Thompson
Commissioner Tim Lee
Commissioner Annette Kesting
David Hankerson, County Manager
Bob Brice, Director, Water System
Bill Higgins, Stormwater Management
Rob Hosack, Director, Community Development
Gail Huff, Assistant County Clerk
Sandra Richardson, Deputy County Clerk
Parks Huff, Esq.

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 3/18/08

Applicant: Circle W Construction Co., Inc. Phone #: (770) 792-8266
(applicant's name printed)

Address: 613 Club Lane, Marietta, GA 30067 E-Mail: 1wills2@aol.com

SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100

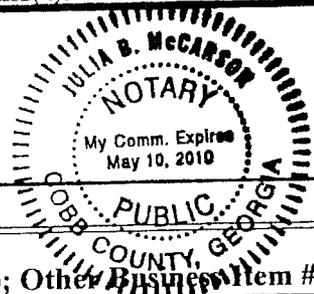
Garvis L. Sams, Jr. Address: Marietta, GA 30064

(representative's name, printed)

By: [Signature] Phone #: 770/422-7016 E-Mail: gsams@samslarkinbuff.com
Garvis L. Sams, Jr., Attorney for Applicant

Signed, sealed and delivered in presence of:

Julia B. McCarson My commission expires: _____
Notary Public



Commission District: 1 - Helen Goreham Zoning Case: Z-103 (2005); Other Business Item #5 (2005)

Date of Zoning Decision: 9/20/05 & 11/15/05 Original Date of Hearing: 9/20/05 & 11/15/05

Location: Northwestern side of Barrett Parkway, south of Dallas Highway (S.R. 120)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 48, 49 & 100 District(s): 19th

State specifically the need or reason(s) for Other Business: _____
To convert the residential development to fee simple ownership.

(List or attach additional information if needed)

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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MELISSA P. HAISTEN
JUSTIN H. MEEKS

February 12, 2008

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

Ms. Helen Goreham, Commissioner
Cobb County Board of Commissioners
100 Cherokee Street
Suite 300
Marietta, GA 30090-9680

Re: Other Business Agenda Application for Modifications
to Stipulations on behalf of Circle W Construction Co., Inc.

Dear Commissioner Goreham:

As you know, I represent Alan Wills and Circle W Construction Co., Inc. ("Circle W") concerning the above-captioned matter which will appear before you and the Board of Commissioners on March 18, 2008. Earlier this week, I filed an Application for "Other Business" and provided you with a copy of the application package.

With respect to the foregoing, as a result of my meeting with you last week, you have requested that Circle W agree to all of the stipulations/conditions in place with respect to the subject property as a result of the rezoning (No. Z-103 [2005]) and Other Business Agenda Item #5 (2005), both of which were unanimously approved by the Board of Commissioners on September 5, 2005 and November 15, 2005, respectively. Additionally, Circle W, at your behest, will agree to the following additional stipulations becoming conditions and a part of an Other Business approval on March 18, 2008:

1. The construction of private roads within the residential community (Cobblestone Ridge) which shall be maintained by the mandatory homeowners association and which shall be noted as recitals in the deeds conveying homes to purchasers.
2. The final plat for Cobblestone Ridge shall reflect that the 40' landscaped buffer on the ~~northern~~ ^{southern} and western property lines shall be depicted as a 40' landscaped buffer which is outside of the lots being owned in fee simple. Said buffer shall be noted on the deeds

MMH
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VIA HAND DELIVERY

Ms. Helen Goreham, Commissioner
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conveying homes to purchasers and shall be owned and maintained by the mandatory homeowners association.

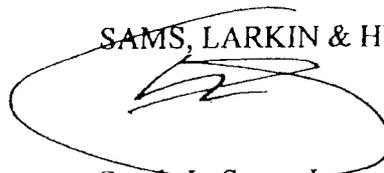
3. The lots within Cobblestone Ridge shall not be sold to individual purchasers but shall be built upon by Circle W's Master Builder Group.
4. The architectural style and composition of the detached homes built within Cobblestone Ridge shall be consistent with the photographs presented to the Board of Commissioners and referenced and incorporated into the minutes regarding the original zoning approval and "Other Business" approval.

I trust that the foregoing is consistent with your direction and instructions. However, before formally submitting this letter to the Community Development Department or to members of the public, I thought it most appropriate for you to review it first. Please do not hesitate to call should you have any questions or require any further information or documentation concerning these matters.

With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLS/jbmc

cc: Circle W Construction Co., Inc. – VIA E-Mail