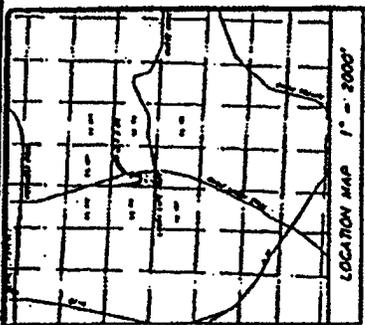




PROJECT NO.	DATE
REVISIONS	BY
DATE	BY
DATE	BY

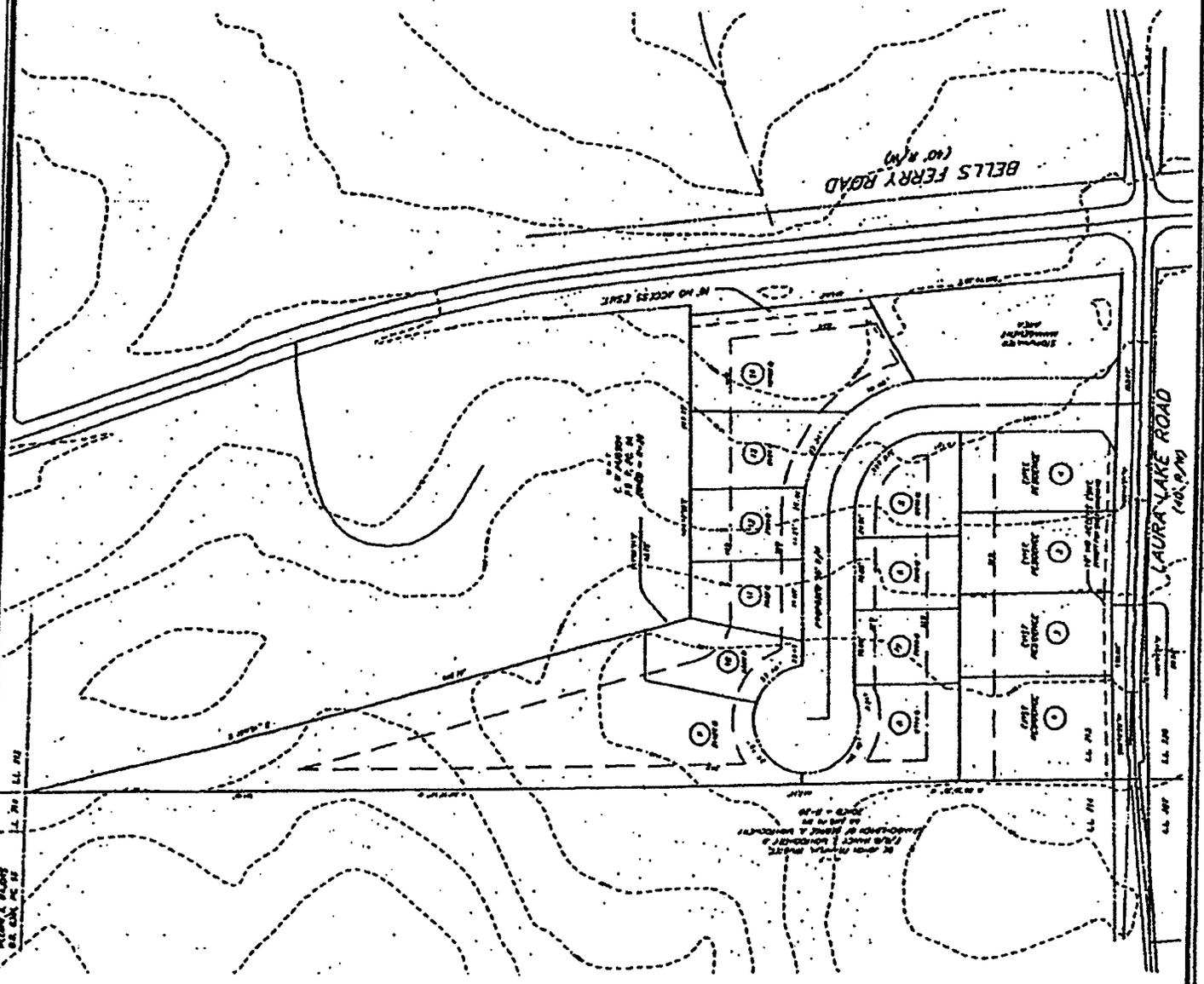
NOT ISSUED FOR CONSTRUCTION



RECEIVED
SEP 30 2009
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

SITE SUMMARY
 TOTAL SITE AREA: 3.391 AC
 EXISTING ZONING: R-30
 PROPOSED ZONING: RA-5
 TOTAL LOTS SHOWN: 14
 PROPOSED DENSITY: 2.50 UNITS/AC
 AGR. LOT SIZE: 7,000 SQ. FT.
 BUILDING SETBACKS: 20' FRONT, 30' REAR, 5' SIDE (FOR EXTERIOR WALLS)
 (FOR INTERIOR WALLS)

- NOTES:**
1. PROPOSED LOTS OF 700 SQ. FT.
 2. PROPOSED LOTS TO BE CONSIDERED AS ONE LOT FOR THE PURPOSES OF THE ZONING ORDINANCE.
 3. ALL EXISTING UTILITIES ARE SHOWN ON THIS PLAN.



APPLICANT: Ronald and Aduke B. Ogunleye
770-222-2022

REPRESENTATIVE: Aduke Ogunleye
404-578-1290

TITLEHOLDER: Ronald O. Ogunleye, Aduke B. Ogunleye,
Beatrice A. Ogunleye and Chinyere O. Oruche

PROPERTY LOCATION: Located at the northwest intersection of
Bells Ferry Road and Laura Lake Road.

ACCESS TO PROPERTY: Laura Lake Road

PHYSICAL CHARACTERISTICS TO SITE: Existing houses

PETITION NO: Z-35

HEARING DATE (PC): 12-01-09

HEARING DATE (BOC): 12-15-09

PRESENT ZONING: RA-5 with
Stipulations

PROPOSED ZONING: RA-5 with
Stipulations

PROPOSED USE: Removing Previous
Stipulations

SIZE OF TRACT: 5.591 acres

DISTRICT: 16

LAND LOT(S): 713

PARCEL(S): 46 - 54

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-20/ Single-family houses
- SOUTH:** R-20/ Single-family houses, Kingdom Hall of Jehovahs Witnesses
- EAST:** R-20/ Single-family houses
- WEST:** R-20/ Wooded, Private Wildlife Preserve

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

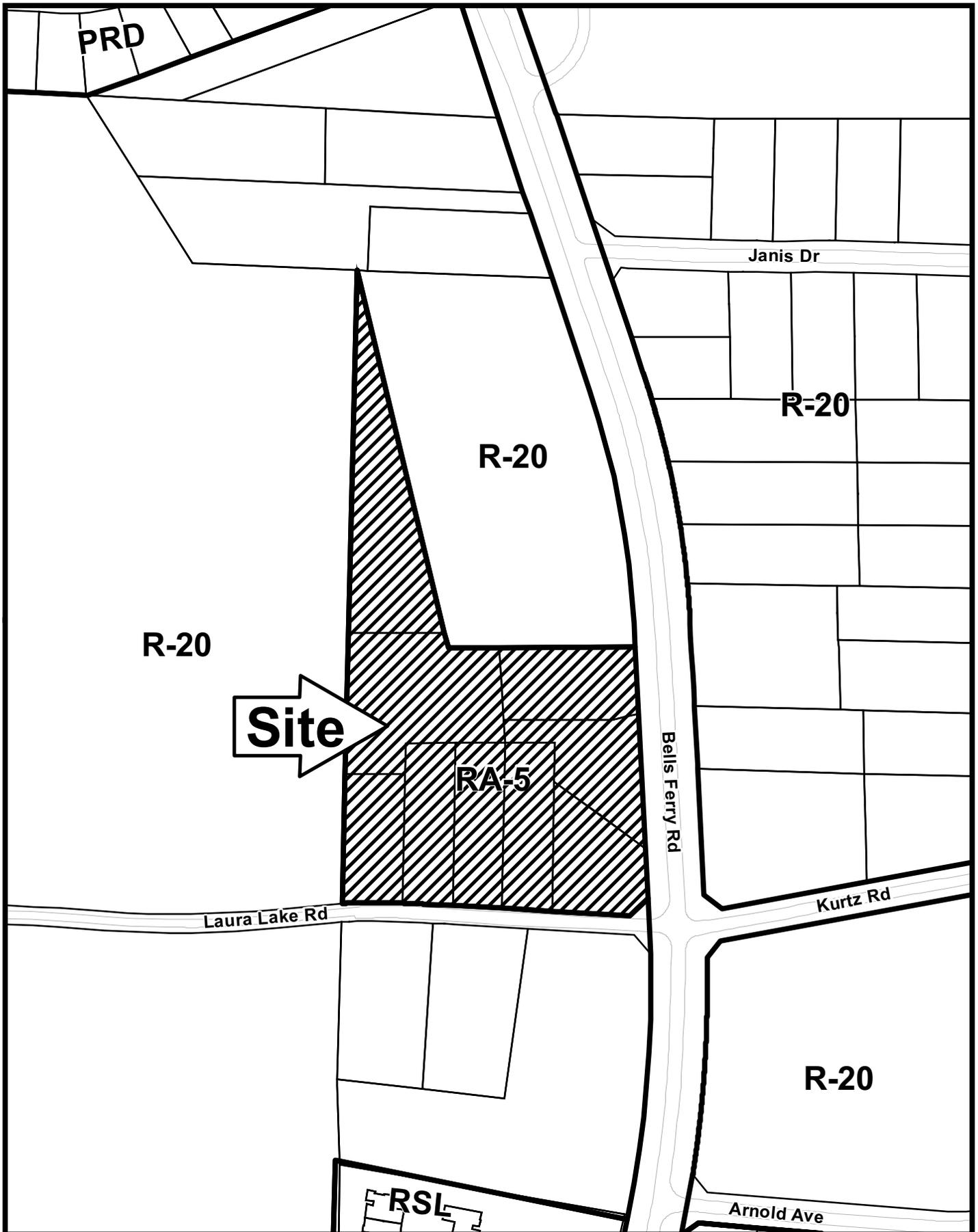
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

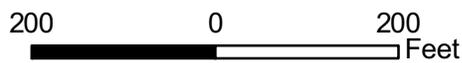
STIPULATIONS:



Z-35



This map is provided for display and planning purposes only. It is not meant to be a legal description.



-  City Boundary
-  Zoning Boundary

APPLICANT: Ronald and Aduke Ogunleye

PETITION NO.: Z-35

PRESENT ZONING: RA-5 with stipulations

PETITION FOR: RA-5 with stips

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Low Density Residential (1 to 2.5 units per acre)

Proposed Number of Units: 14 **Overall Density:** 2.5 **Units/Acre**

Present Zoning Would Allow: 14 **Units** **Increase of:** 0 **Units/Lots**

The applicant is requesting rezoning to remove two zoning stipulations from the previous zoning stipulations from Z-109 of 2004 (see Exhibit "A"). First, the applicant would like to amend paragraph 2, from the letter of agreeable stipulations dated July, 7 2005. This stipulation only allows for single family residential use of the property. The applicant purchased the property with the houses built for personal care homes, with separate livings quarters. The house at 209 Laura Lake Road has two different families living in separate portions of the house. The applicant is requesting they be allowed to have the second family at 209 Laura Lake Road, until the lease runs out June 30, 2010, after which this house would be used for a single-family residence. The three other existing houses are used for single-family use only. Second, the applicant would like to remove paragraph 7, from the letter of stipulations dated July 7, 2005. This stipulation requires "a two car attached garage that shall only be used for parking and storage of vehicles". The area of the houses that were to be the garages are currently finished as living space, which was done by the previous owner of the property. This stipulation request would only affect the four houses that are currently built. The applicant is planning on developing the subdivision as shown on the site plan, but would like to have this one stipulation removed or deferred until construction of the other ten houses commences. The applicant has submitted a letter of agreeable stipulations (see Exhibit "B").

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

STORMWATER MANAGEMENT COMMENTS:

The proposed stipulation revisions do not impact stormwater management for the project. However, all previous zoning and plan review comments will continue to apply.

APPLICANT: Ronald and Aduke Ogunleye

PETITION NO.: Z-35

PRESENT ZONING: RA-5 with stipulations

PETITION FOR: RA-5 with stips

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

Additional Comments:

FIRE COMMENTS:

No comments.

APPLICANT Ronald & Aduke Ogunleye

PETITION NO. Z-035

PRESENT ZONING RA-5 w/stips

PETITION FOR RA-5 w/stips

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

- Available at Development? Yes No
- Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 8" DI / W side Bells Fy Rd

Additional Comments: Existing CCWS 8" PVC onsite may need relocation to avoid encroachment by new buildings

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

- In Drainage Basin? Yes No
- At Development? Yes No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): **A D F** 4,000 **Peak** 10,000

Treatment Plant: Noonday

- Plant Capacity Available? Yes No
- Line Capacity Available? Yes No
- Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
- Dry Sewers Required? Yes No
- Off-site Easements Required? Yes* No
- Flow Test Required? Yes No
- Septic Tank Recommended by this Department? Yes No
- Subject to Health Department Approval? Yes No

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

The conflict between the proposed lots and the existing lots' sewer service laterals must be resolved. Existing CCWS sanitary sewer may need relocation to avoid encroachment by new buildings

Notes FYI: *The stipulation changes regarding garage size do not impact CCWS requirements on planned development per Z-109-04*

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Ronald and Aduke Ogunleye

PETITION NO.: Z-35

PRESENT ZONING: RA-5 with stipulations

PETITION FOR: RA-5 with stipulations

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Bells Ferry Road	14200	Arterial	45 mph	Cobb County	100'
Laura Lake Road	N/A	Local	25 mph	Cobb County	50'

Based on 2005 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Bells Ferry Road is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Laura Lake Road is classified as a Local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Bells Ferry Road is identified in the 2005 SPLOST as a roadway safety and operational improvement project.

RECOMMENDATIONS

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roadway improvement project along Bells Ferry Road.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-35 RONALD AND ADUKE OGUNLEYE

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. There are single-family detached houses to the north, south and east. These four houses are single family houses. The applicant purchased this property from the previous applicant's estate, in which the garage conversions had not happened yet.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal is located in an area that has been transitioning to medium density uses. To the north is a PRD subdivision and a new SC development; to the south are medium density developments in the City of Marietta. Staff believes a compromise can be worked out that would benefit all parties.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities or utilities. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be in a Low Density Residential Land Use Category, with densities ranging from 2.5 to 5 units per acre. The proposed density is 2.5 units per acre. This is one of the lowest density RA-5's requested, and this would be more compatible with the existing residential uses.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal should be compatible with other single-family detached uses in the area; Staff would recommend that all houses be used for single family residences. The applicant purchased this property, including four finished houses with garages converted to living area, from the former zoning applicant's estate. The applicant stated their intent is to construct the subdivision in the future, and to convert the garages from living space to vehicle storage when the subdivision develops. Staff is not amenable to totally dismissing the required garages. Staff would suggest the applicant convert the living space to garage space due to one of the three following triggers: 1) within three years from the final zoning decision; or 2) before the house, or any other property is sold to another owner; or 3) when construction commences on the rest of the subdivision.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- All previous stipulations from Z-109 of 2004 (Wexford Homes, Inc.);
- Single family residential use only;
- The areas of the garages for the four existing houses be converted to vehicle garages per Z-109 of 2004 within three years of the final zoning decision, or before the house is sold to another owner, or when construction commences on the rest of the subdivision;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

PAGE 6 OF 14

APPLICATION NO. Z-109

ORIGINAL DATE OF APPLICATION: 08-17-04

APPLICANTS NAME: WEXFORD HOMES, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 09-20-05 ZONING HEARING:

**OTHER BUSINESS ITEM #1 - TO CONSIDER A SETTLEMENT OF
LITIGATION PROPOSAL REGARDING Z-109 (WEXFORD HOMES, INC.) OF
AUGUST 17, 2004**

To consider a Settlement of Litigation proposal regarding Z-109 (Wexford Homes, Inc.) of August 17, 2004, for rezoning from R-20 to RA-5 for a subdivision, for property located at the northwest intersection of Bells Ferry Road and Laura Lake Road in Land Lot 713 of the 16th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding settlement of litigation request. The public hearing was opened and Mr. Garvis Sams, Jr., and Ms. Hilda Towery addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to **approve** the following relative to the settlement proposal regarding Z-109 (Wexford Homes, Inc.) of August 17, 2004, for rezoning from R-20 to RA-5 for a subdivision, for property located at the northwest intersection of Bells Ferry Road and Laura Lake Road in Land Lot 713 of the 16th District:

- to **authorize** settlement of litigation regarding Cobb Superior Court Civil Action File No. 04-1-8756-18
- to **approve** rezoning to the RA-5 (detached) zoning district subject to:
 - site plan last revised May 31, 2005, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)
 - letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated July 7, 2005, with the following revisions: (copy attached and made a part of these minutes)
 - ❖ Paragraph 2: add new sentence to end of paragraph to read: "Homes to be owner occupied with a maximum of ten percent (10%) as rental."
 - ❖ Paragraph 8: add new sentence to end of paragraph to read: "Detention pond landscape to be incorporated into the overall landscape plan."
 - ❖ Paragraph 10: change to read: "The submission of a landscape plan during the Plan Review process to be approved by the District Commissioner which shall include the following: ..."
 - ❖ Paragraph 10b: change to read: "Grading to be minimal as approved by Stormwater Management."

Continued on next page

PAGE 7 OF 14

APPLICATION NO. Z-10

ORIGINAL DATE OF APPLICATION: 08-17-04

APPLICANTS NAME: WEXFORD HOMES, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 09-20-05 ZONING HEARING (Continued):

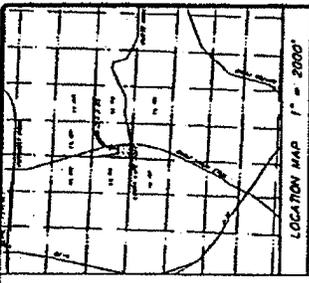
- ❖ Add new paragraph 13 to read: "Installation of a 6-foot fence one foot off the west and north property lines. Final fence design to be approved by the District Commissioner."
- ❖ Add new Paragraph 14 to read: "Complete engineering to be finalized prior to issuance of land disturbance permit and final site plan to be approved by District Commissioner."
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations, *to include memorandum from Mr. G. H. Mingledorff dated September 14, 2005* (copy attached and made a part of these minutes)
- Cobb DOT comments and recommendations
- owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: ADOPTED unanimously

Min. Bk. 37 Petition
 Doc. Type Site plan

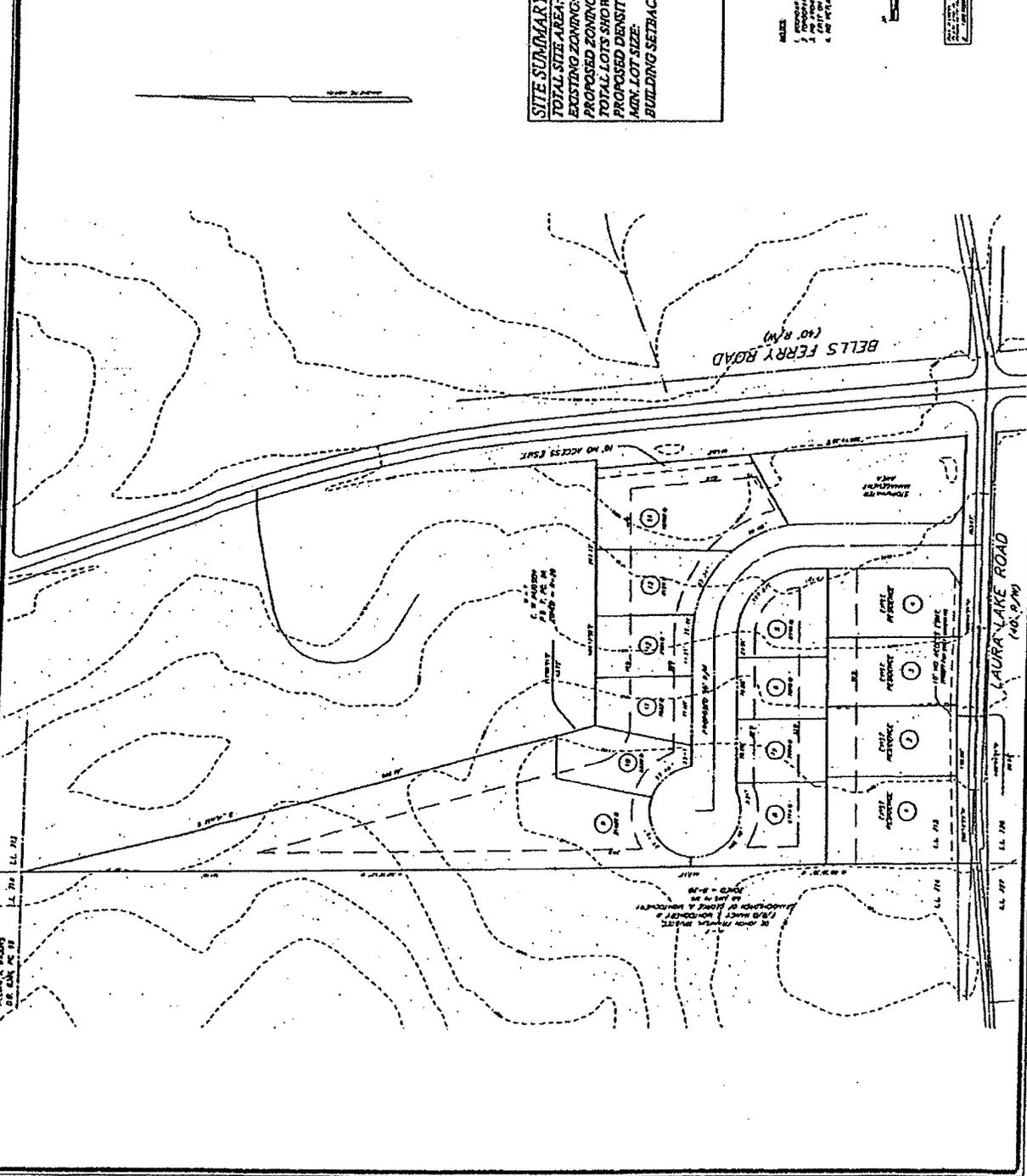
Meeting Date 9/20/05

LAND LOTS 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000



SITE SUMMARY
 TOTAL SITE AREA: 5.391 AC
 EXISTING ZONING: R-20
 PROPOSED ZONING: RA-S
 TOTAL LOTS SHOWN: 14
 PROPOSED DENSITY: 2.60 UNITS/AC
 ACR. LOT SIZE: 7,000 SQ. FT.
 BUILDING SETBACKS:
 30' REAR (80' FOR EXTERIOR LOSS)
 5' SIDE
 (10' BETWEEN BLOCKS)

NOTE:
 1. THE PROPOSED LOTS ARE SHOWN FOR INFORMATION ONLY.
 2. THE PROPOSED LOTS ARE SUBJECT TO THE LOCAL ZONING ORDINANCE.
 3. THE PROPOSED LOTS ARE SUBJECT TO THE LOCAL SUBDIVISION ACT.
 4. THE PROPOSED LOTS ARE SUBJECT TO THE LOCAL PLANNING AND ZONING COMMISSION.



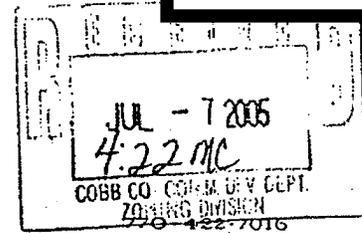
NOT ISSUED FOR CONSTRUCTION

GASKINS
 CIVIL ENGINEERING • ENVIRONMENTAL
 1228 POWDER SPRINGS ROAD
 MARLETTA, GEORGIA 30054

WEXFORD HOMES



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
RICHARD A. HARRAH
MICHAEL P. PRYOR
OF COUNSEL
DAVID P. HARTIN

July 7, 2005

TELEPHONE
770-426-6583
FACSIMILE
WWW.SAMSLARKINHUFF.COM
INFO@SAMSLARKINHUFF.COM

VIA HAND DELIVERY

Fred D. Bentley, Jr., Esquire
Bentley, Bentley & Bentley
241 Washington Avenue
Marietta, Georgia 30060

Min. Bk. 37 Petition No. OB#1 (Z-10908/17/04)
Doc. Type Letters Agreeable
Stipulations
Meeting Date 9/20/05

Re: Application of Wexford Homes, Inc. to Rezone a 5.591 Acre Tract
from R-20 to RA-5 (No. Z-109)

Wexford Homes, Inc. v. Cobb County, Georgia, et al
Cobb Superior Court, Civil Action File No. 04-1-8756-18

Dear Fred:

As you know, I represent the applicant which is also the property owner concerning the above-captioned matters. In that regard, I met last month with Commissioner Tim Lee and showed him a revised site plan. Commissioner Lee requested that I submit it to you, which I hand delivered on June 22, 2005, so that the matter can come before the Board of Commissioners on the next available Executive Session. Thereafter, if the Board of Commissioners decides to proceed with the proposed settlement, the matter will be considered by the Board on its "Other Business" agenda which will immediately follow a regularly scheduled zoning hearing.

With respect to the foregoing and in accordance with my telephone conversation with you last week, enclosed please find a copy of the revised site plan. The proposed settlement of litigation will be based upon the following stipulations which shall become conditions and a part of the grant of the rezoning of the subject property, to-wit:

1. The stipulations and conditions 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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Fred D. Bentley, Jr., Esquire
Bentley, Bentley & Bentley
Page 2
July 7, 2005

Petition No. DB#1 (Z-1099 8/17/04)
Meeting Date 9/20/05
Continued

2. An agreement that the existing Personal Care Homes located on the subject property shall be incorporated into the proposed residential community and utilized for single family residential purposes only. Additionally, an agreement to a deed covenant running with the subject property in perpetuity prohibiting the subject property or any of the homes located thereon from being utilized for Personal Care Homes or anything other than single family residences.
3. The rezoning shall be specific to that certain zoning site plan prepared by Gaskins Surveying, Engineering & Environmental, last revised on May 31, 2005, which was submitted on June 22, 2005.
4. A maximum number of 14 homes at a maximum density of 2.50 homes per acre.
5. A minimum house size of 1,800 sq. ft., ranging up to 2,200 sq. ft.¹
6. Architectural style of the homes shall be a predominately two-story traditional and ranch with hard exterior facades consisting of a mixture of brick, stone, stucco, shake and/or hardy-plank.
7. Each home shall have an attached two-car garage. The garages shall be used for the parking and storage of vehicles and a recital shall be contained within the Covenants ensuring same.
8. Subject to recommendations from the Stormwater Management Division with respect to hydrological issues and downstream considerations, including recommendations regarding the ultimate location and configuration of on site detention and water quality ponds.
9. The submission of a Declaration of Covenants which shall include strict architectural controls.

¹ The price points for the community are anticipated to range from the \$200's to the mid-\$200's.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Petition No. OB#1 (2-10998/17/04)
Meeting Date 9/20/05
Continued

Fred D. Bentley, Jr., Esquire
Bentley, Bentley & Bentley
Page 3
July 7, 2005

10. The submission of a landscape plan during the Plan Review process which shall include the following:
 - a. The installation of underground utilities.
 - b. No mass grading or clear-cutting.
 - c. The implementation of a tree save policy and compliance with Cobb County's Tree Preservation Ordinance subject to the Community Development Agency's review and approval.
 - d. Sodded front yards.
11. Subdivision entrance signage shall be ground-based, monument-style, consistent with provisions of the Cobb County Sign Ordinance, landscaped and incorporated into the foregoing landscape plan for the subdivision.
12. Subject to the following recommendations of the Cobb County Department of Transportation:
 - a. The voluntary donation and conveyance of right-of-way so the County can ensure that it has fifty feet (50') from the centerline of Bells Ferry Road (arterial).
 - b. The installation of sidewalk, curb and gutter on both Bells Ferry Road and Laura Lake Road.
 - c. The installation of a ten foot (10') no access easement on both road frontages except, of course, with respect to the subdivision entrance on Laura Lake Road.²

The subject property is located within an area in which the Comprehensive Land Use Plan and Future Land Use Map project Medium Density Residential (MDR) utilization ranging from 2.5-5 units per acre. In that regard, Wexford's revised proposal set forth hereinabove as a settlement of litigation, at 2.50 units per acre, is at the extreme low end of that range and is otherwise appropriate from a land use planning perspective particularly when considered in the context of the foregoing revised stipulations/conditions.

² Cobb County shall be allowed to penetrate the 10' no access easement for purposes of access to detention and water quality pond oriented toward Bells Ferry Road.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

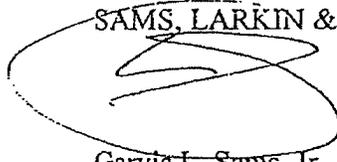
Fred D. Bentley, Jr., Esquire
Bentley, Bentley & Bentley
Page 4
July 7, 2005

Petition No. OB#1 (Z-109 of 8/17/04)
Meeting Date 9/20/05
Continued

Please do not hesitate to call should you have any questions whatsoever regarding these matters. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

GLS,Jr./jbmc
Enclosure

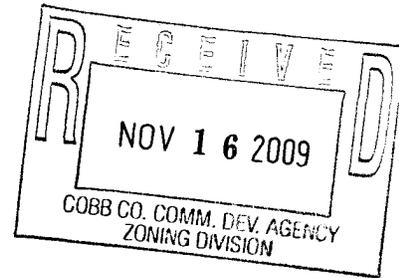
- cc: Mr. Timothy D. Lee, Commissioner – VIA Hand Delivery – w/enclosure
Dotty Bishop, Esquire, County Attorney – VIA Hand Delivery – w/enclosure
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosure
Mr. Mark A. Danneman – VIA Hand Delivery – w/enclosure
Mr. John P. Pederson, Planner III – VIA Hand Delivery – w/enclosure
Wexford Homes, Inc. – w/o enclosures

November 13th, 2009

John Pederson

Cobb County

Zoning Department



**RE: APPLICATION FOR REZONING NO: Z – 35
FROM RA-5 W/STRIPS TO RA-5 W/STRIPS
PROPERTY ON LOCATIONS 201,205,209,213;
LOT 713; DISTRICT 16**

With reference to our Rezoning application stated above and also in respect to the meeting I had with you and the representatives of plumbing and electrical departments on October 14th, 2009 on same subject.

I hereby state that we agree and accept to comply with the following observations as indicated by the Plumbing and Electrical Departments

1. That if and when we want to continue with the development of the remaining part of the Lot 713, we should contact the Plumbing department on the right positioning of the sewage line to avoid any property being built on top of the sewage

2. That when we are developing the rest of the Lot 713:
 - (i) we consent to convert the front living space to garages in each of the four buildings 201, 205, 209,213
 - (ii) That we do not intend to construct the new additional garages right away because we cannot afford the necessary required costs as at now due to the bad economy prevailing at present in the country and which has adverse effect on our finances
 - (iii) That for now we wish you grant us the permission to keep the buildings as they are

3. That we agree to using each property as single family units (except 209 whose lease will not expire till June 30th 2010 to avoid any legal action from the tenant for a breach of contract)

With regards



ADUKE OGUNLEYE

APPLICANT/REPRESENTATIVE