Application for "Other Business"
Cobb County, Georgia

OB-029-2016

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** May 17, 2016

Applicant: Meritage Homes **Phone #:** 678.348.8361
(applicant's name printed)

Address: 2700 Cumberland Pkwy., Suite 400, Atlanta, GA 30339 **E-Mail:** Paul.Michael@meritagehomes.com

SAMS, LARKIN, HUFF & BALLI, LLP
by: Garvis L. Sams, Jr. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed)

Phone #: 770-422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

Karen L. King
Notary Public **My commission expires:** 2-27-19

KAREN KING
My Commission
NOTARY
PUBLIC
EXPIRES
02-27-2019
BARTOW COUNTY, GEORGIA

Titleholder(s): See Attached **Phone #:**
(property owner's name printed)

Address: **E-Mail:**

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:**

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Commission District: Cupid (4) **Zoning Case:** Z-199 of 2005 (Oakley Development Company) and Z-121 of 2006 (Priority Oakley, LLC)

Size of property in acres: 0.4 **Original Date of Hearing:** Dec. 20, 2005

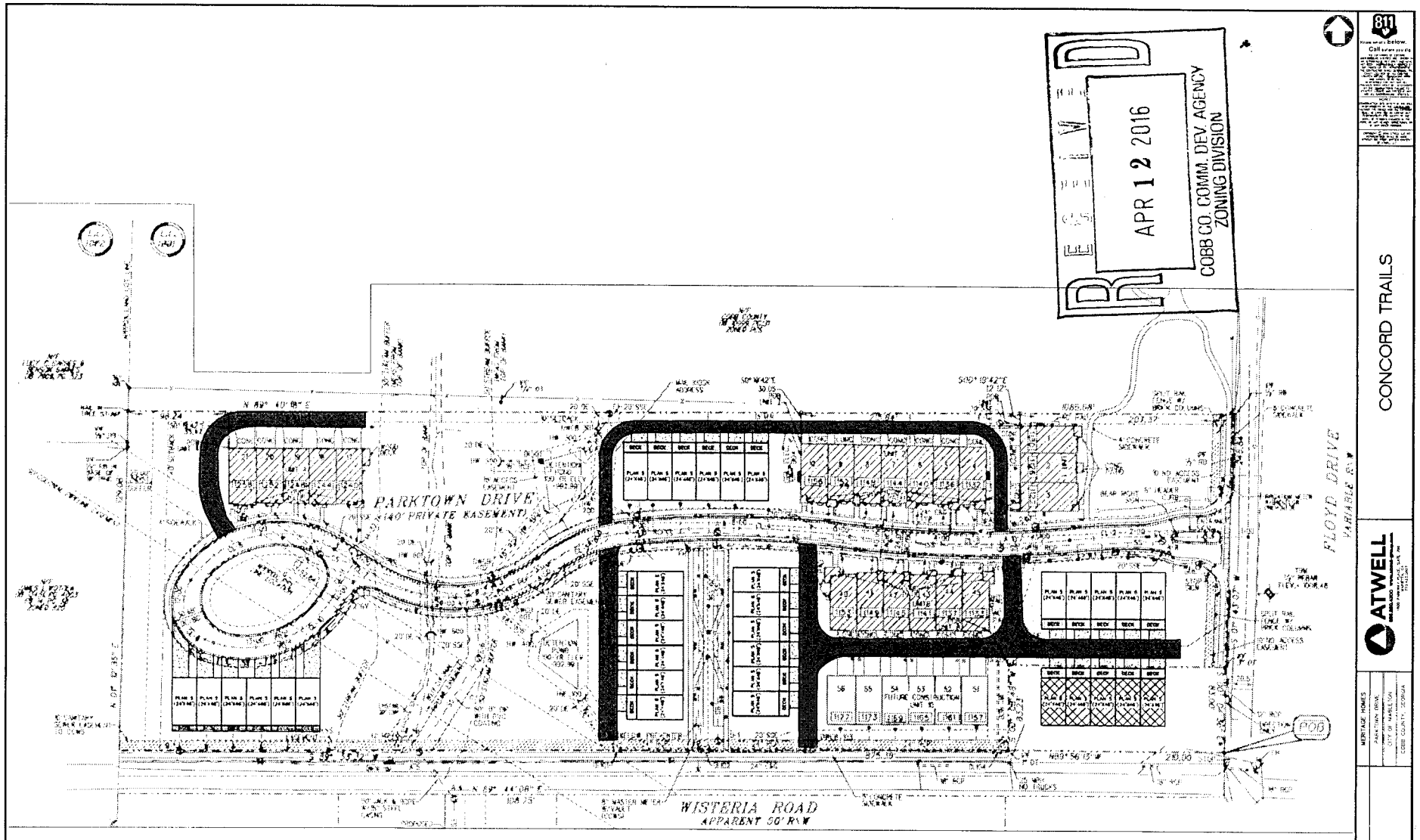
Location: Northwest intersection of Wisteria Road and Floyd Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1001 **District(s):** 19th

State specifically the need or reason(s) for Other Business: Approval of Revised Site Plan

* Applicant specifically reserves the right to amend any information set forth in this Other Business Application at any time during the Other Business process.

(List or attach additional information if needed)



RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Proposed site plan

CONCORD TRAILS

ATWELL

MERITAGE HOMES
PARKTOWN DRIVE
CITY OF MABLETON
COBB COUNTY, GEORGIA

04-12-2016

08-029-2016

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

ADAM J. ROZEN

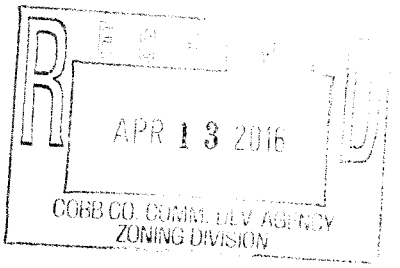
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

WWW.SLHB-LAW.COM

April 13, 2016

VIA HAND DELIVERY



Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Other Business Application of Meritage Homes regarding Rezoning Application Nos. Z-199 of 2005 (Oakley Development Company) and Z-121 of 2006 (Priority Oakley, LLC) to Approve Revised Site Plan

Dear John:

This letter represents a correction to the filed application regarding the above-captioned Other Business Application which was submitted on April 12th.

The Other Business Application requests the approval of a Revised Site Plan which reduces the lot widths on five (5) future lots **and the lot widths on the existing twenty-nine (29) lots to twenty-four feet (24') in width**. This proposed revision does not increase the number of lots or the density of the subdivision.

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

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/klk
Enclosures

cc: Mr. Paul Michael, Atlanta Director of Entitlements (via email w/attachments)
Mr. R. Tyler Vansant, VP Land Acquisition (via email w/attachments)

ATTACHMENT TO OTHER BUSINESS APPLICATION

Application No.: OB- 29

BOC Hearing Date: 5-17-16

APR 12 2016

Applicant: Meritage Homes

Titleholder: **Concord Trails VDL, LLC**

PIN#(s): See attached

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

CONCORD TRAILS VDL, LLC, a Georgia limited liability company
By: **LMVDL, LLC**, a Georgia limited liability company, Manager

By: _____ 4/12/16
John Sax, Manager Date

Address: 11877 Douglas Rd, Ste. 102520
Alpharetta, GA 30005

Telephone No.: (770) 543-0320

Karen L. King April 12, 2016
Signature of Notary Public Date

(Notary Seal)

KAREN KING
My Commission
NOTARY
PUBLIC
EXPIRES
02-27-2019
BARTOW COUNTY, GEORGIA

CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE OTHER BUSINESS APPLICATION

1.

My name is John Sax. I am the secretary, assistant secretary or other officer to whom the operating agreement or Articles and Bylaws have delegated the responsibility for authenticating records of the company **CONCORD TRAILS VDL, LLC**, the ("Property Owner Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application regarding certain real property owned by the Property Owner Company located in Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a Cobb County Other Business Application I hereby attest on behalf of the Property Owner Company that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith by the Applicant Company (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

(a) That signature or facsimile affixed to the Other Business Application is in fact the seal of the Property Owner Company and is a true representation thereof;

(b) That the officer or other representative of the Property Owner Company who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Property Owner Company, and that the signature of said officer or other representative is genuine; and

(c) That the execution of the Other Business Application and the filing of the Other Business Application by the Applicant is with the express permission of the Property Owner Company.

CONCORD TRAILS VDL, LLC, a Georgia limited liability company
By: **LMVDL, LLC**, a Georgia limited liability company, Manager

By: _____
John Sax, Manager

(CORPORATE SEAL)

~~Z-197~~ **SPRINGHILL PROPERTIES, LLC** (Cecil R. and Hilda W. Kersey, owners) requesting Rezoning from **R-20, NRC** and **CRC** to **RSL** for the purpose of Senior Condominiums in Land Lot 329 of the 20th District. Located on the west side of Barrett Parkway at Battle Forest Drive. ***(Held by the Planning Commission from their December 6, 2005 hearing; therefore was not considered at this hearing)***

Z-198 **SUZANNE NEWSOM, DVM** (owner) requesting Rezoning from **GC** to **LRO** for the purpose of Expansion of Veterinary Clinic in Land Lot 314 of the 20th District. Located at the southeast intersection of Old Hamilton Road and Largent Way. **WITHDRAWN WITHOUT PREJUDICE**

Z-199 **OAKLEY DEVELOPMENT COMPANY** (Thomas E. and Margaret Mary Smith, owners) requesting Rezoning from **PSC** to **RM-8** for the purpose of Townhouse-Style Condominiums in Land Lot 1001 of the 19th District. Located near the northwest intersection of Wisteria Road and Floyd Drive.

The public hearing was opened and Mr. Garvis Sams, Jr., Ms. Peggy Harris, Ms. Julie Bordelon, Mr. Jim Cavedo, and Mr. Mark Gibbs addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Kesting, second by Olens, to **approve** rezoning to the **RM-8** zoning district **subject to:**

- **site plan received by the County Clerk on December 20, 2005 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated December 13, 2005 (copy attached and made a part of these minutes)**
- **final site plan to be approved by District Commissioner**
- **Historic Preservation Division comments**
- **Fire Department comments**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**

Z-199 **OAKLEY DEVELOPMENT COMPANY (Continued)**

- **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

Clerk's Note: Commissioner Lee recommended that Chief Hatfield be contacted for traffic speed surveillance.

Z-200 **EAST-WEST PROPERTIES, LLC** (Jewell R. Mashburn and Joel L. Evans, owners) requesting Rezoning from **R-20** to **R-15** for the purpose of a Subdivision in Land Lot 700 of the 16th District. Located on the west side of East Piedmont Road at Scott Road.

The public hearing was opened and Mr. James Balli and Mr. Budhi Jhol addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to **hold** rezoning request until the February 21, 2006, Board of Commissioners zoning hearing.

VOTE: **ADOPTED** unanimously

Clerk's Note: Staff to meet with the District Commissioner regarding location of driveways, roadways, etc. for the project and impact on adjacent residents.

Z-201 **LRR PROPERTIES, LLC** (owner) requesting Rezoning from **GC** to **OI** for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lot 85 of the 1st District. Located on the north side of Lower Roswell Road, east of Johnson Ferry Road.

Commissioner Thompson made comments regarding the rezoning request and the required land use permit for climate controlled self-service storage facility. After comments, the following motion was made:

MOTION: Motion by Thompson, second by Olens, to **authorize** rezoning request to be **Withdrawn Without Prejudice.**

VOTE: **ADOPTED** unanimously

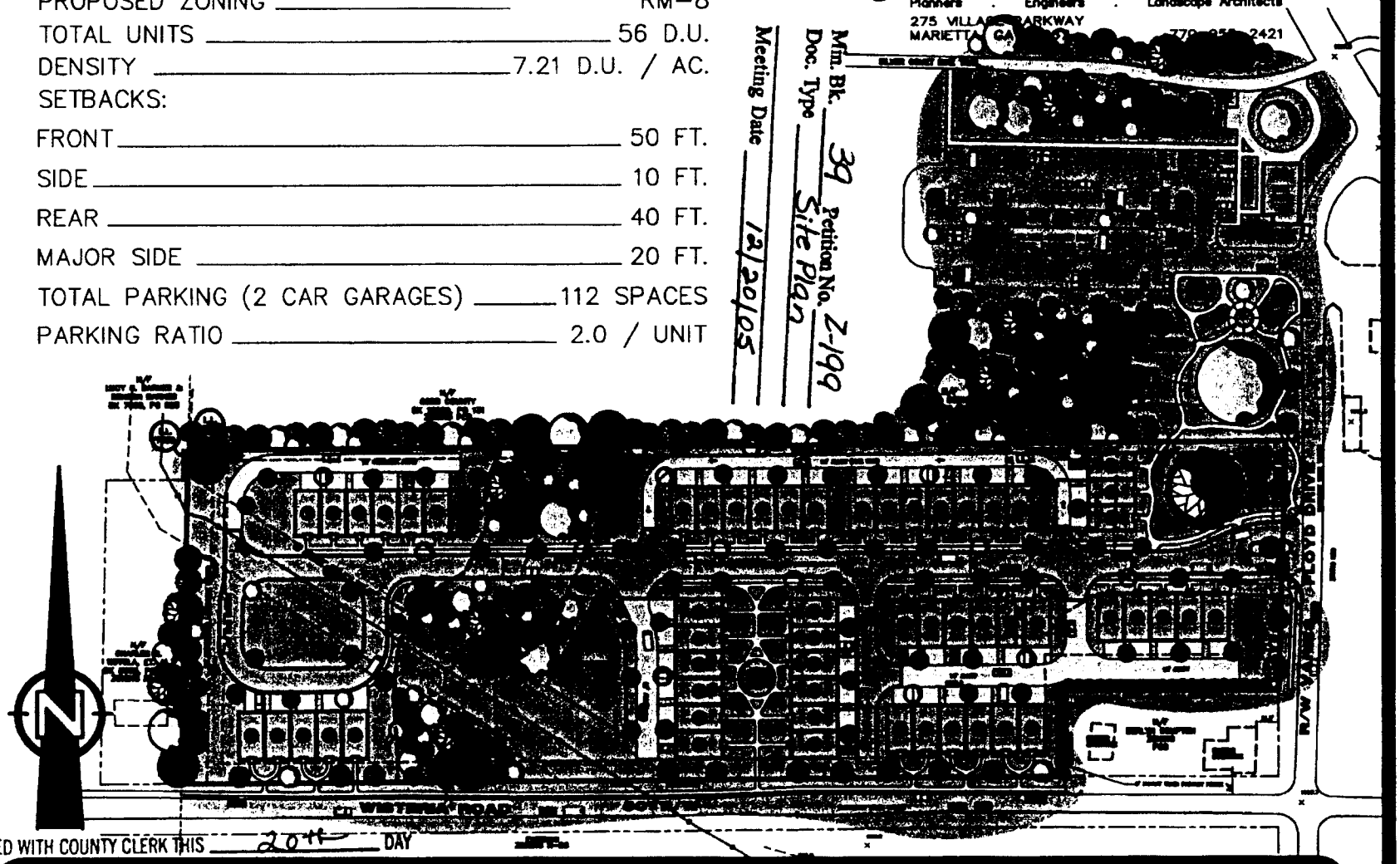
Z-199 12/20/05

SITE DATA

TOTAL ACREAGE	7.765 ACRES
EXISTING ZONING	PSC
PROPOSED ZONING	RM-8
TOTAL UNITS	56 D.U.
DENSITY	7.21 D.U. / AC.
SETBACKS:	
FRONT	50 FT.
SIDE	10 FT.
REAR	40 FT.
MAJOR SIDE	20 FT.
TOTAL PARKING (2 CAR GARAGES)	112 SPACES
PARKING RATIO	2.0 / UNIT

Meeting Date 12/20/05
Mtn. Bk. 39
Doc. Type Site Plan
Petition No. Z-199

J. Lancaster Associates, inc.
Engineering & Development Consultants
Planners . Engineers . Landscape Architects
275 VILLA PARKWAY
MARIETTA GA 30062 770-952-2421



FILED WITH COUNTY CLERK THIS 20th DAY
OF Dec 20 05 BY Garvis Sams, JR
RE Z-199
Sandra L. Richardson
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

ZONING PLAN

DRAWN BY	APR
CHECKED BY	RH
DATE	9-29-05
SCALE	1"=150'
JOB NO.	05053
CAD FILE	5053RENDER
PLOT DATE	12-19-05

Oakley Development
4180 Providence Road Suite 305
Marietta, Georgia 30062
770-321-5455

FLOYD COMMONS

L.L. 1001, 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GA

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

Min. Bk. 39 Petition No. Z-199
Doc. Type Letter of Agreeable Stipulations
Meeting Date 12/20/05

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE IN ALABAMA

770·422·7016
TELEPHONE

770·426·6583
FACSIMILE

WWW.SAMSLARKINHUFF.COM

December 13, 2005

VIA HAND DELIVERY

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

Re: Application of Oakley Development Company to Rezone a 7.76 Acre Tract from Planned Shopping Center (PSC) to RM-8 (No. Z-199)

Dear John:

You will recall that I represent the applicant and property owners concerning the above-captioned Application for Rezoning. The application heard and unanimously recommended for approval by the Cobb County Planning Commission on December 6, 2005. Now, the application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on December 20, 2005.

In accordance with direction received as a part of the Planning Commission's recommendation for approval and as a result of the continued dialogue which we have established with the Mableton Improvement Coalition ("MIC"), enclosed please find the requisite number of copies of a revised site plan. The balance of this letter will serve as my clients' expression of agreement with the following revised stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and modified hereby, and binding upon the subject property thereafter:

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 with respect to the subject property.

2. Development of a residential community with a total number of fifty-six (56) homes at a maximum density of 7.25 units per acre.[1]

[1] The subject property is zoned Planned Shopping Center (PSC) and is within the confines of a Neighborhood Activity Center (NAC) as depicted on Cobb County's Future Land Use Map.

Petition No. Z-199
Meeting Date 12/20/05
Continued

VIA HAND DELIVERY

3. The size of the homes shall range from a minimum of 1,800 sq. ft. up to 2,400 sq. ft. and beyond.[2] Each of the homes shall have an attached two-car garage which shall be used for vehicular purposes and which shall not be converted to living or exclusively storage space.

4. The architectural style and composition of the homes shall be traditional and consistent with the photographs with the booklet ("Floyd Commons") which was submitted under separate cover and subsequently provided to Members of the Planning Commission.

5. An agreement that the homes shall be "for sale" only. Leasing of the homes thereafter shall be limited to no more than ten percent (10%) of the total number of homes and for no lease term less than one (1) year in duration.

6. An agreement to set up a mandatory Homeowners Association which shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, fences, lighting and streets within the proposed residential community.

7. A Third-Party Management Company shall be hired to manage the day-to-day operations of the Homeowners Association, including responsibility for all commonly owned properties and all amenities within the subject property. The Third-Party Management Company shall also be responsible for the management of all Association monies as well as ensuring that the Association is properly insured.

8. An agreement to record and enforce a Declaration of Covenants which shall contain covenants, rules and regulations applicable to the proposed residential community.

9. Compliance with recommendations from the Stormwater Management Division with respect to stormwater management, hydrology and downstream considerations including the following:

   a. Following the recommendations regarding the location, configuration and methodology of on-site detention and water quality ponds.

[2] Price points shall range from the $260's to the low-to-mid $300's.

b. The voluntary donation and conveyance of a restrictive easement in favor of Cobb County with respect to the fifty foot (50') stream bank buffers in order that said buffers shall remain undisturbed in perpetuity.[3]

c. An agreement to ensure that stormwater from the roofs of the homes and downspouts shall be directed into the residential community's stormwater infrastructure.

10. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, including the following:

a. The voluntary donation and conveyance of right-of-way so that the County can achieve twenty-five feet (25') from the centerline of Floyd Drive and Wisteria Road, respectively.

b. The installation of sidewalk, curb and gutter on both Floyd Drive and Wisteria Road.

c. The installation of a no access easement across the subject property's respective frontages except, of course, with respect to the subdivision entrances presently shown on Floyd Drive and Wisteria Road.

d. Providing pedestrian connectivity to the Silver Comet Depot/Silver Comet Trail.

e. Compliance with the recommendations and conclusions contained within that certain Traffic Impact Study ("Floyd Commons") prepared by Kimley-Horn and Associates, Inc., subject to DOT staff review and approval.

11. The submission of a landscape plan during the Plan Review process, subject to staff review and approval which shall include, but not necessarily be limited to the following:

a. The installation of underground utility.

b. Sodded yards throughout the residential community.

[3] There is an existing pond within a portion of the 50' buffer which may be used for detention subject to Stormwater Management staff review and approval.

Petition No. Z-199
Meeting Date 12/20/05
Continued

VIA HAND DELIVERY

c. Decorative street lighting themed to the architectural style and composition as aforementioned.

d. Subdivision entry signage shall be ground-based, monument-style, fully irrigated and incorporated into the submitted landscape plan.

e. The construction of sidewalks and decorative and fully functional fountain on property belonging to Cobb County subject to approval by the Cobb County Board of Commissioners.

12. Compliance with recommendations from the County Parks and Recreation Department with respect to connectivity issues between the subject property and The Silver Comet Depot/Silver Comet Trail.

13. Compliance with recommendations of the Cobb County Water System with respect to the availability and accessibility of water and sewer, including installation of a master meter in keeping with the private street developmental scenario.

14. Compliance with the recommendations of the Cobb County Fire Department as contained in the Zoning Analysis.

15. Compliance with the recommendations from Cobb County's Historic Preservation Planner.

16. The District Commissioner or the District Commissioner's designee shall have the authority to approve minor modifications to these stipulations and/or the site plan as the development proceeds through Plan Review.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the application's appearance before the Cobb County Board of Commissioners on December 20, 2005.

Petition No Z-199
Meeting Date 12/20/05
Continued

VIA HAND DELIVERY

With regards and best wishes for the holiday season, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS/jbmc
Enclosures
cc: Members, Cobb County Board of Commissioners (via hand delivery w/enc.)
Mr. Robert L. Hosack, Jr., AICP, Director (via hand delivery w/enc.)
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery w/enc.)
Ms. Sandra Richardson , Deputy County Clerk (via hand delivery w/enc.)
Mr. Jim Cavedo, President, Mableton Improvement Coalition (w/enc.) (via e-mail)
Ms. Robin Meyer, Mableton Improvement Coalition (w/enc.) (via e-mail)
Ms. Julie Bordelon (w/enc.) (via e-mail)
Mr. Mark Gibbs (w/enc.)

Petition No. Z-199
Meeting Date 12/20/05
Continued Site plan referenced in letter

SITE DATA

TOTAL ACREAGE	7.765 ACRES
EXISTING ZONING	PSC
PROPOSED ZONING	RM-8
TOTAL UNITS	56 D.U.
DENSITY	7.21 D.U. / AC.
SETBACKS:	
FRONT	50 FT.
SIDE	10 FT.
REAR	40 FT.
MAJOR SIDE	20 FT.
TOTAL PARKING (2 CAR GARAGES)	112 SPACES
PARKING RATIO	2.0 / UNIT

J. Lancaster Associates, inc.
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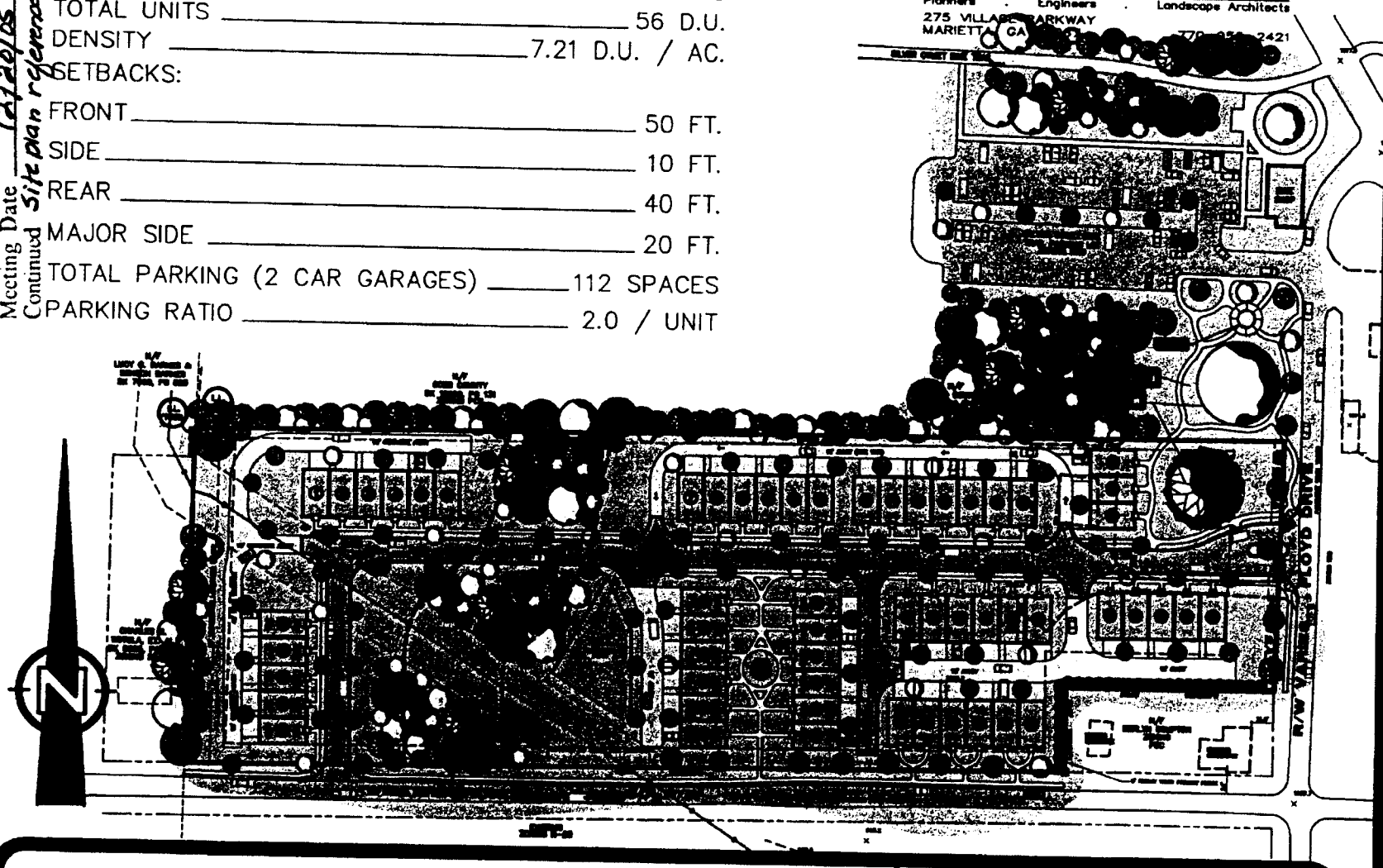
MARIETTA GA
770-[illegible]-2421



ZONING PLAN

DRAWN BY	APR
CHECKED BY	RH
DATE	9-29-05
SCALE	1"=150'
JOB NO.	05053
CAD FILE	5053RENDER
PLOT DATE	12-12-05

FLOYD COMMONS

L.L. 1001, 19TH DISTRICT, 2ND SECTION, COBB COUNTY, GA

Oakley Development
4180 Providence Road Suite 305
Marietta, Georgia 30062
770-321-5455

Z-121 **PRIORITY OAKLEY, LLC** (Edward Carroll, owner) requesting Rezoning from **PSC** to **RM-8** for the purpose of an Addition of Property to a Previously Approved Project in Land Lot 1001 of the 19th District. Located at the northwest intersection of Wisteria Road and Floyd Drive.

MOTION: Motion by Goreham, second by Thompson, as part of the Consent Agenda, to **approve** rezoning to the **RM-8** zoning district **subject to:**

- **site plan received by the Zoning Division June 21, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Garvis L. Sams, Jr., dated August 9, 2006 (copy attached and made a part of these minutes)**
- **representative's previously stated agreement to:**
  - **save the two specimen trees located on the subject property, subject to the County Arborist's review and approval**
  - **create signage on the property which identifies the subdivision in addition to subdivision entrance signage**
  - **commit that sides of the buildings oriented towards Floyd Road and Wisteria Road will be attractive and shall comport with the four-sided architecture as submitted with the August 9, 2006 letter, the final approval to be made at Plan Review**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **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

GENERAL NOTES

1. BOUNDARY AND TOPOGRAPHIC SURVEY PREPARED BY GEORGIA PROFESSIONAL LAND SURVEYING, LLC, 1301 MACY DRIVE, ROSWELL, GEORGIA 30076, 770.649.9522, JUNE 16, 2003.

2. GROSS ACREAGE = 8.158 ACRES
   TRACT 1 = 7.768 ACRES
   TRACT 2 = 0.40 ACRES
   DENSITY = 7.47 UNITS / ACRE

3. TOPOGRAPHIC SURVEY BASED ON FIELD RUN TOPOGRAPHY

4. EXISITING ZONING
   TRACT 1 RM-8 (ZONING CASE Z-199 DECEMBER 2005)
   TRACT 2 PSC (REZONING TO RM-8 REQUESTED)

5. 61 RESIDENTIAL TOWNHOMES PROPOSED.

6. THIS PROJECT WAS ZONED AS "FLOYD COMMONS".

7. HORIZONTAL DATUM IS NAD 83.

8. VERTICAL DATUM IS NAVD 88.

9. SITE IS MOSTLY FORESTED WITH NEW GROWTH PINE

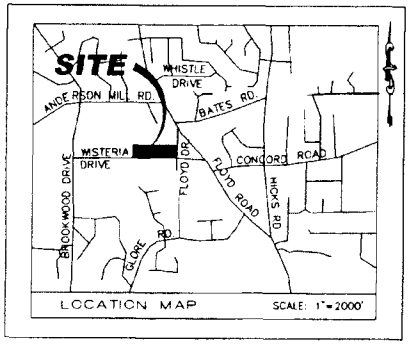
10. THERE ARE NO 100 YEAR FLOODPLAINS ON THE SITE.

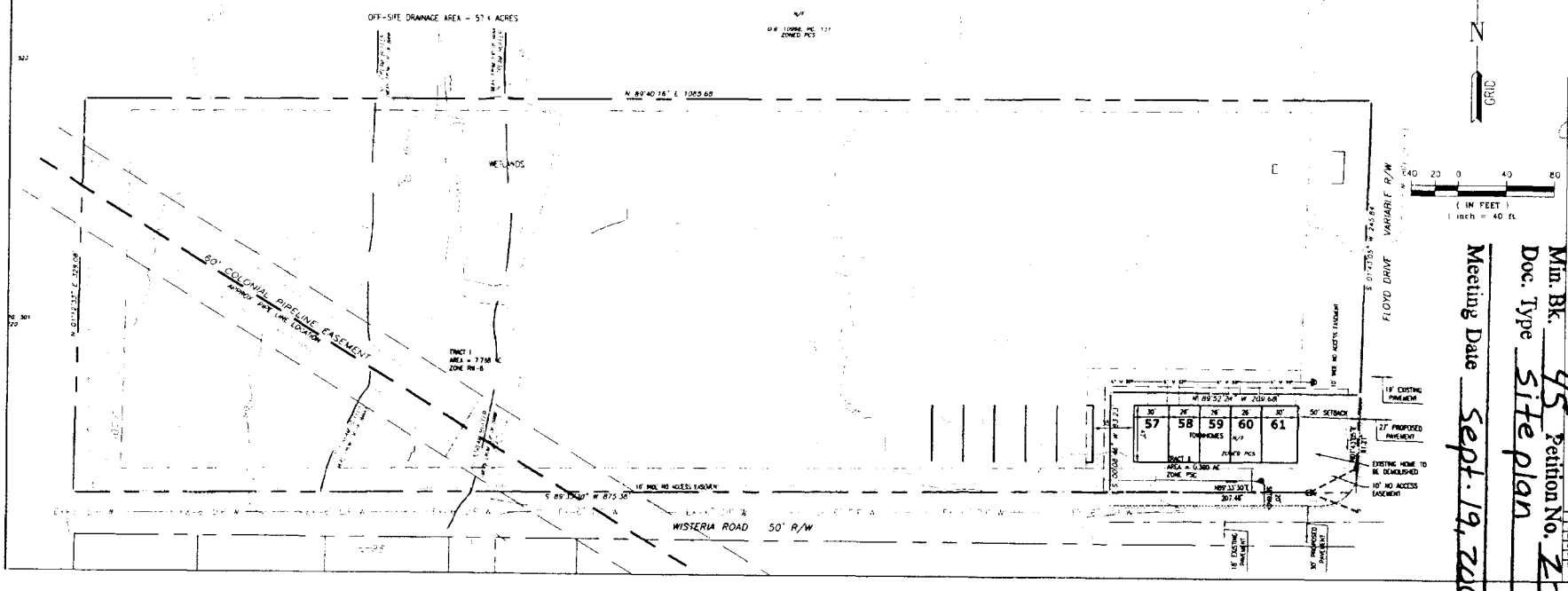
11. NO CULTRUAL FEATURES EXIST ON OR NEAR THE SITE.

12. THE PROJECT WILL BE BUILT IN ONE PHASE.

13. THERE ARE NO CEMETERIES ON THE SITE.

JUN 21 2006
TM 10:55





REVISIONS

DATE	DESCRIPTION

OWNER/DEVELOPER

PRIORITY OAKLEY, LLC
24 HOUR EMERGENCY CONTACT : JEFF BARRETT 678.255.5384
4385 KIMBALL BRIDGE ROAD, ALPHARETTA, GEORGIA 30022 770.569.5565

INTEGRITY ENGINEERING, LLC
1301 Macy Drive
Roswell, Georgia 30076
770-992-9748

GEORGIA REGISTERED PROFESSIONAL ENGINEER No. 27-08 JAMES P. FOSTER, JR.

REZONING PLAN
FOR
CONCORD TRAILS ANNEX
LOCATED IN LAND LOT 1001, 1976 DISTRICT, SECTION 2
COBB COUNTY, GEORGIA
SITE PLAN

DATE	06/08/06
JOB NO.	06005
DRAWN	JDP
CHECKED	JDP
SCALE	
SHEET	Z100

Min. Bk. 45 Petition No. Z-121
Doc. Type Site plan
Meeting Date Sept. 19, 2006

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

Min. Bk. 45 Petition No. Z-121
Doc. Type Letter of agreeable stipulations
Meeting Date Sept. 19, 2006

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

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE IN ALABAMA

770·422·7016
TELEPHONE
770·426·6583
FACSIMILE
WWW.SAMSLARKINHUFF.COM

August 9, 2006

VIA HAND DELIVERY

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

Re: Application of Priority Oakley, LLC to Rezone a .5 Acre Tract from PSC to RM-8 (No. Z-121)

Dear John:

As you know, I represent the Applicant and Property Owner concerning the above-captioned Application for Rezoning which is an addition to a previously approved residential community (No. Z-199 [2005]). The Application is scheduled to be heard and considered by the Cobb County Planning Commission on September 6, 2006 and, thereafter, scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on September 19, 2006.

In accordance with direction received from the County's Professional Staff and in keeping with the previously approved zoning as above-mentioned, this letter will serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and modified hereby and binding upon the subject property thereafter:

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 with respect to the subject property.

2. Down-zoning of the subject property from PSC to RM-8 to allow for the addition of five (5) homes to a previously approved subdivision.

Petition No. Z-121
Meeting Date Sept. 19, 2006
Continued

VIA HAND DELIVERY

3. The size of the homes shall range from a minimum of 1,800 sq. ft. up to 2,400 sq. ft. and beyond.[1] Each of the homes shall have an attached two-car garage which shall be used for vehicular purposes and which shall not be converted to living or exclusively storage space.

4. The architectural style and composition of the homes shall be traditional and consistent with the photographs submitted in connection with No. Z-199 [2005] and which are being submitted contemporaneously herewith.

5. An agreement that the homes shall be "for sale" only. Leasing of the homes thereafter shall be limited to no more than ten percent (10%) of the total number of homes and for no lease term less than one (1) year in duration.

6. An agreement to set up a mandatory Homeowners Association which shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, fences, lighting and streets within the proposed residential community.

7. A Third-Party Management Company shall be hired to manage the day-to-day operations of the Homeowners Association, including responsibility for all commonly owned properties and all amenities within the subject property. The Third-Party Management Company shall also be responsible for the management of all Association monies as well as ensuring that the Association is properly insured.

8. An agreement to record and enforce a Declaration of Covenants which shall contain covenants, rules and regulations applicable to the proposed residential community.

9. Compliance with recommendations from the Stormwater Management Division with respect to stormwater management, hydrology and downstream considerations including the recommendations regarding the ultimate location, configuration, methodology of on-site detention and water quality.[2]

    a. Following the recommendations regarding the location, configuration and methodology of on-site detention and water quality ponds.

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[1] Price points shall range from the low-to-mid $300's.

[2] The proposed stormwater management/water quality was calculated based upon the addition of these five (5) homes to the residential community.

b. The voluntary donation and conveyance of a restrictive easement in favor of Cobb County with respect to the fifty foot (50') stream bank buffers in order that said buffers shall remain undisturbed in perpetuity.

c. An agreement to ensure that stormwater from the roofs of the homes and downspouts shall be directed into the residential community's stormwater infrastructure.

10. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, including the following:

a. A ten foot (10') no access easement along the Wisteria Drive and Floyd Drive frontages, respectively.

b. The installation of sidewalk, curb and gutter on Wisteria Drive and Floyd Drive.

c. The voluntary contribution and donation toward the costs and expenses incurred with respect to the construction of traffic calming devices (speed humps) on Wisteria Drive.

11. The submission of a landscape plan during the Plan Review process, subject to staff review and approval which shall include, but not necessarily be limited to, the following:

a. The installation of underground utilities.

b. Sodded yards throughout the residential community.

c. Decorative street lighting themed to the architectural style and composition as aforementioned.

d. Subdivision entry signage shall be ground-based, monument-style, fully irrigated and incorporated into the submitted landscape plan.

e. The construction of sidewalks and decorative and fully functional fountain on property belonging to Cobb County subject to approval by the Cobb County Board of Commissioners.

12. Compliance with recommendations from the County Parks and Recreation Department with respect to connectivity issues between the subject property and The Silver Comet Depot/Silver Comet Trail.

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VIA HAND DELIVERY

13. Compliance with recommendations of the Cobb County Water System with respect to the availability and accessibility of water and sewer, including installation of a master meter in keeping with the private street developmental scenario.

14. Compliance with the recommendations of the Cobb County Fire Department as contained in the Zoning Analysis.

15. The District Commissioner shall have the latitude to approve modifications to these stipulations and/or the site plan as the development proceeds through Plan Review.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the formulation of your recommendation to the Cobb County Planning Commission and the Cobb County Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLS/dsj
Enclosures
cc: Members, Cobb County Board of Commissioners (via hand delivery w/encs.)
Members, Cobb County Planning Commission (w/encs.)
Mr. Robert L. Hosack, Jr., AICP, Director (via hand delivery w/encs.)
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery w/encs.)
Ms. Karen L. King, Deputy County Clerk (via hand delivery w/encs.)
Mr. Jim Cavedo, President, Mableton Improvement Coalition (via e-mail w/attachments)
Ms. Robin Meyer, Mableton Improvement Coalition (via e-mail w/attachments)
Ms. Julie Bordelon (via e-mail w/attachments)
Mr. Mark Gibbs (via email w/attachments)
Mr. Jeff Barrett (via email w/attachments)
Ms. Melannie A. Williams (via email w/attachments)

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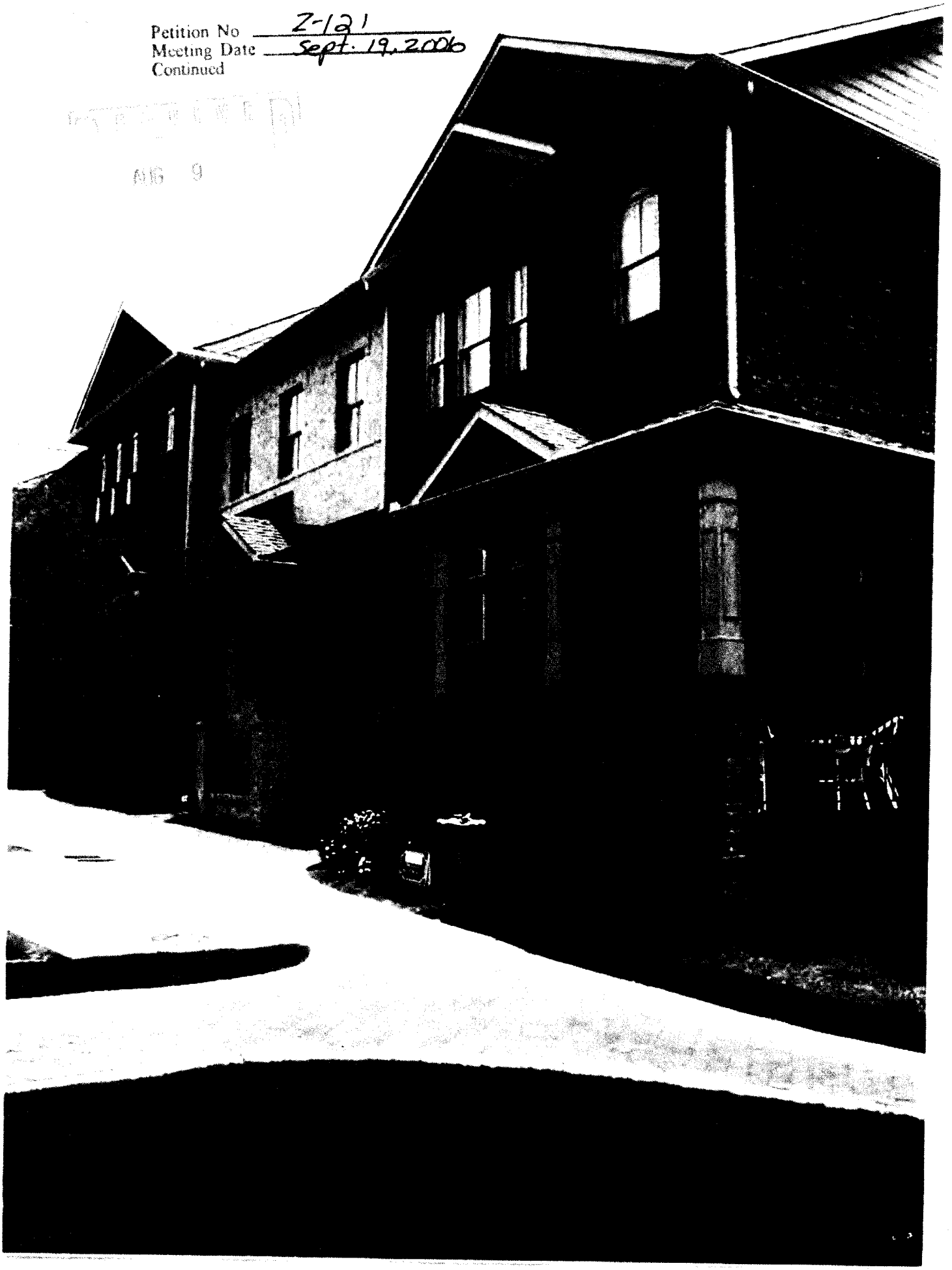

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