

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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JUSTIN H. MEEKS

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SLHB-LAW.COM

March 21, 2014

## VIA EMAIL & HAND DELIVERY:

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

Re: Application of Prime Interest, Inc. to Rezone a 38.1 ± Acre Tract from R-20 to R-15 OSC & RA-5 (No. Z-18)

Dear John:

This firm has been engaged by and represents Prime Interest, Inc. concerning the above-styled Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on May 6, 2014 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on May 20, 2014. In the interim, we have scheduled and posted the subject property concerning a Public Informational Meeting which is being held at the South Cobb Regional Library on April 21, 2014 beginning at 7:00 p.m.

Consistent with our ongoing dialogue and discussions with you, the County's professional staff, representatives of the Mableton Improvement Coalition ("MIC") and others, this letter will serve as Prime Interest's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

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2. The subject property shall be developed in substantial conformity to that certain revised site plan prepared by Planners and Engineers Collaborative which is being submitted contemporaneously herewith.<sup>1</sup>
3. The construction of a maximum number of ninety-six (96) single-family detached homes under two (2) separate zoning districts, R-15 OSC and RA-5.
4. The R-15 OSC land area consists of 30.426 acres which will be developed at a maximum density of 1.91 units per acre; whereas, the RA-5 land area consists of 8.84 acres which will be developed at a maximum density of 4.30 units per acre.
5. The OSC component exceeds the required Open Space percentage which in this instance is 33.0% (9.13 acres).
6. The minimum house size for the proposed residential community shall be 2,200 sq. ft. and range up to 3,200 sq. ft. and greater. Each of the homes shall have, at a minimum, an attached two-car garage which shall be used for the parking and storage of vehicles.
7. The architectural style of the homes shall be traditional and the composition of said homes shall consist of brick, stacked stone, hardy plank shake and hardy plank siding or a combination thereof as shown on the architectural elevations/renderings being submitted contemporaneously herewith.<sup>2</sup>
8. A Conservation Easement shall be recorded along with the Subdivision Covenants in the Cobb County Superior Court Deed Records for the purposes of protecting the Open Space from development. Said Conservation Easement shall be submitted to the Zoning Division of the Community Development Agency prior to final plat approval.

The Open Space has been meaningfully positioned as an integral part of the community where one of the primary purposes of the Open Space is to include the conservation of the lake and the stream which are located on the subject property.

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<sup>1</sup> Under Cobb County's Future Land Use Map, the subject property has direct contiguity to a Neighborhood Activity Center ("NAC") which is located between the southeastern portion of the property and Floyd Road and is located in an area under the Future Land Use Map which is denominated as Low Density Residential ("LDR") which contemplates residential densities up to 2.5 units per acre.

<sup>2</sup> It is anticipated that the price points of the homes shall range from \$260,000.00 to \$400,000.00 and greater.

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9. The creation of a mandatory Homeowners Association (“HOA”) and the submission of Declaration of Covenants, Conditions and Restrictions (“CCRs”), which shall include, among other components, strict architectural controls. The mandatory HOA shall be responsible for maintaining fencing, landscaping and the entrance to the subdivision, including signage, lighting and irrigation.
10. Subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage, located on Glore Road, shall be incorporated into the landscape plan for the subdivision and shall be fully landscaped and irrigated.
11. The submission of a landscape plan during the Plan Review process which shall be subject to review and approval by the County Arborist.
12. For those lots directly contiguous to Open Space areas, the deeds vesting title in the ultimate owners of such lots shall contain a recital explaining that said lots are being purchased with the owner’s acknowledgment that commonly owned Open Space exists to the rear of their respective properties and can not be built upon.
13. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
14. Subject to recommendations from the Cobb County Stormwater Management Division with respect to stormwater management requirements, including the following:
  - a. The ultimate location and configuration of on-site detention, stormwater management and water quality components.
  - b. Recognition of the fifty foot (50’) stream bank buffers and the placement of same within a Conservation Easement in favor of Cobb County.
  - c. Assessing the dam and spillway with respect to the existing lake on the subject property which is being proposed for utilization as a Stormwater Management Facility.

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15. The construction of a Master Amenity Area located within the southwestern portion of the community adjacent to the lake which shall include sufficient parking for all of the amenities.
16. Adherence to the following construction hours:
  - a. 7:00 a.m. until 7:00 p.m., Monday through Friday, from October 1<sup>st</sup> through March 31<sup>st</sup>.
  - b. 7:00 a.m. until 8:00 p.m., Monday through Friday, from April 1<sup>st</sup> through September 30<sup>th</sup>.
  - c. 9:00 a.m. until 6:00 p.m. on Saturdays.
  - d. No outside work on Sunday unless approved ahead of time by the District Commissioner.
17. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the subdivision.
18. The roads within the subdivision shall be public roads and built to the County's Design and Detail Specifications and in compliance with Development Regulation 41.08.02.1 (Local Residential Streets) which requires .50 guest parking per unit. The Applicant shall be allowed to shift the guest parking spaces to accommodate the positioning of driveways.
19. Subject to recommendations from the Cobb County Department of Transportation ("DOT"), including the following:
  - a. The voluntary donation and conveyance of right-of-way so that the County can achieve thirty feet (30') from the centerline of Glore Road which is denominated as a Minor Collector. This entails the voluntary donation and conveyance of five feet (5') along the subject property's frontage on Glore Road.
  - b. The construction of sidewalk, curb and gutter along the subject property's frontage on Glore Road.

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- c. The construction of sidewalks on at least one side of the streets within the subdivision.
  - d. The construction of a deceleration lane with an appropriate taper at the subdivision's point of ingress and egress on Glore Road which will be aligned with Briarcliff Drive.
  - e. Insuring the appropriate amount of sight distance as recommended by DOT or the implementation of remedial measures in which to mitigate same.
20. Subject to recommendations from the Cobb County Fire Department.
  21. The Applicant agrees to allow the Georgia Native Plant Society to conduct a plant rescue prior to the commencement of construction and development on the subject property.
  22. The District Commissioner shall have the authority to approve minor modifications as the development proposal proceeds through the Plan Review process and thereafter (upon prior notice being given to MIC) except for those that:
    - a. Increase the density of the residential community.
    - b. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
    - c. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
    - d. Increase the height of a building that is adjacent to a property that is zoned in the same or a more restrictive zoning district.
    - e. Change access location to a different roadway.

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## VIA EMAIL & HAND DELIVERY:

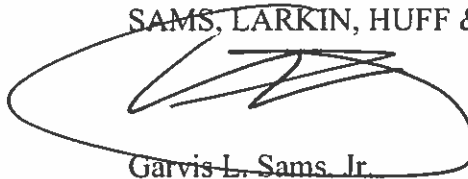
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Please do not hesitate to contact me should you or your staff require additional information or documentation prior to the formulation of Staff's Zoning Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.  
[gsams@slhb-law.com](mailto:gsams@slhb-law.com)

GLS/dsj

Enclosures/Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)  
Members, Cobb County Planning Commission (via email w/attachments)  
Mr. Robert L. Hosack, Jr., AICP, Director (via email w/attachments)  
Mr. Dana Johnson, AICP, Assistant Director (via email w/attachments)  
Mr. Phillip Westbrook, Planner III (via email w/attachments)  
Mr. Jason Campbell, Planner III (via email w/attachments)  
Mr. David Breden, P.E. (via email w/attachments)  
Ms. Jane Stricklin, P.E. (via email w/attachments)  
Ms. Karen King, Assistant County Clerk (via email w/attachments)  
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)  
Mr. Joel Cope (MIC) (via email w/attachments)  
Ms. Robin Meyer (MIC) (via email w/attachments)  
Mr. Victor Lee, Briarcliff Drive resident (via email w/attachments)  
Mr. Billy Barnes, Glore Crossing Subdivision (via email w/attachments)  
Mr. Terry Johnson (via email w/attachments)  
Mr. Kenneth J. Wood, P.E., LEED AP (via email w/attachments)  
Mr. Marty Orr, Prime Interest, Inc. (via email w/attachments)