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The undersigned and this firm represent Traton Homes, LLC, the Applicant (hereinafter referred to as “Applicant”), and the Property Owner, Luther Horace Wiggins, Jr. (hereinafter referred to as “Owner” or “Property Owner”), in the Application for Rezoning with regard to property located on the westerly side of Ebenezer Road and the northwesterly side of Sandy Plains Road, being more particularly known as 2891 Ebenezer Road, Land Lots 524 and 525, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the “Property” or “Subject Property”). After meetings and discussions with Planning and Zoning Staff and various Cobb County Departmental Representatives, discussions with area residents and homeowner representatives, and reviewing the Departmental Comments and Staff Recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part

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of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning categories of R-20 and R-15 to the proposed zoning category of Residential Senior Living ("RSL") (non-supportive), with reference to the revised Zoning Plan prepared for Applicant by Gaskins Surveying Company, Inc., dated and last revised September 11, 2019, and filed with the Zoning Office on September 20, 2019. A reduced copy of the revised Zoning Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (2) The Subject Property is a total of approximately 9.45 acres and is proposed for development of a maximum of thirty-three (33) detached, age-restricted residential homes.
- (3) Residents within the proposed community shall be restricted to those persons age fifty-five (55) and older, pursuant to and in accordance with the Fair Housing Act.
- (4) The proposed residences shall be Traditional and Craftsman in style and architecture, with exterior facades consisting of brick, stone, stacked stone, cedar shake, board and batten, hardi-plank, cementitious siding, and combinations thereof, with complementary accents, and shall be substantially similar to the homes depicted in the renderings attached collectively as Exhibit "B" and incorporated herein by reference.
- (5) Applicant agrees to the creation of a mandatory homeowners association consistent with upscale communities in the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all landscaping and landscaping maintenance of common areas, buffer areas, open space areas, and exterior yard areas around the residences; as well as entrance area; mail kiosk; private streets, and the like contained within the proposed residential community.
- (6) Additionally, and in conjunction with the creation of the mandatory homeowners association, there shall be protective covenants for the proposed community. The protective covenants shall be recorded in the Deed Records of Cobb County, Georgia, and shall contain covenants, rules, and regulations applicable to the residential community. The mandatory association shall be responsible for the enforcement of the Covenants.

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- (7) Entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, stucco, or combinations thereof, with accents, complementary to materials used in the construction of the homes within the community. The entrance landscaping shall be professionally designed, implemented, and maintained.
- (8) All setbacks for the homes shall be as shown and reflected on the referenced Zoning Plan.
- (9) The proposed community shall have private streets, twenty-four (24) feet in width, from back-of-curb to back-of-curb. Construction of the private streets shall comply in all respects as to materials, base, and other requirements with Cobb County Code, and shall be maintained by the mandatory homeowners association.
- (10) Street lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences, as offered by the power provider.
- (11) There shall be no direct access from any lots within the proposed community to either Sandy Plains Road or Ebenezer Road.
- (12) The detention area shall be as shown and reflected on the revised Zoning Plan. The detention area shall be fenced. Landscaping for this area shall be to the exterior of the fencing for purposes of visual screening.
- (13) All setbacks, landscape, and buffer areas may be penetrated for purposes of fencing, access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities, utilities, and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings.
- (14) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review and Permitting Process and incorporated into the overall landscape plan for the proposed community.
- (15) Applicant agrees to comply with all Cobb County Development Standards and Ordinances relating to project improvements; except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

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- (16) There shall be a twenty (20) foot landscape buffer against residentially developed properties along the northerly, westerly, and a portion of the easterly boundaries of the Subject Property, as shown and reflected on the revised Zoning Plan.
- (17) Minor modifications to the within stipulations, the referenced, revised Zoning Plan, lighting, signage, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
  - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
  - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
  - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
  - (e) Change an access location to a different roadway;
  - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
  - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
  - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.

We believe the requested zoning, pursuant to the revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed community shall be a quality development, as established by Applicant in previous developments in Cobb County and the Atlanta area, and shall provide a much-needed and highly sought-after type of community within the Cobb County area. Thank you for your consideration in this request.

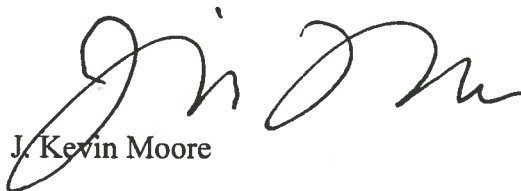
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With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

c: Cobb County Board of Commissioners:  
Mike Boyce, Chairman  
JoAnn Birrell  
Lisa N. Cupid  
Keli A. Gambrill  
Robert J. Ott  
(With Copies of Attachments)

Cobb County Planning Commission  
Judy Williams, Chairman  
Fred Beloin  
Skip Gunther  
Galt Porter  
Andy Smith  
(With Copies of Attachments)

Terry L. Martin, MPA  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
(With Copies of Attachments)

Donald Wells  
Planner II  
Zoning Division  
Cobb County Community Development Agency  
(With Copies of Attachments)

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c: Ed England  
Representative for Sandy Plains Baptist Church  
(With Copies of Attachments)

Shane Spink  
(With Copies of Attachments)

Traton, LLC  
(With Copies of Attachments)





EXHIBIT "B"



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TRATON HOMES

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