

MOORE INGRAM JOHNSON & STEELE

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December 11, 2019

Hand Delivered

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

RE: Application for Rezoning - Application No.: Z-71 (2019)
 Applicant: Traton Homes, LLC
 Property Owner: Luther Horace Wiggins, Jr.
 Property: 9.45 acres, more or less, 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,
 16th District, 2nd Section, Cobb County,
 Georgia

Dear John:

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, 16th District, 2nd 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, continued discussions with area residents and homeowner representatives, reviewing the Departmental Comments and Staff Recommendations and the uses of surrounding properties, and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested rezoning and shall be binding upon the Subject

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Property. This letter will supersede and replace in full the previous letter of agreeable stipulations and conditions dated and filed November 26, 2019. The proposed, revised 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 December 11, 2019, and filed with the Zoning Office contemporaneously with the filing of this revised stipulation letter. 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-one (31) 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 undisturbed and maintained buffer along the rear of Lots 5-12 as shown and reflected on the revised Zoning Plan.
- (17) Additionally, Applicant agrees to the establishment of a twenty (20) foot landscape buffer, immediately adjacent to the twenty (20) foot undisturbed buffer (described above), which creates a total buffer area of forty (40) feet in width. The landscape buffer area will be planted with a minimum double, staggered row of evergreen trees, a minimum of six (6) feet in height at planting.
- (18) Applicant agrees to the installation of a fence along the southerly boundary of the Subject Property, along the rear/side of Lots 25-31 (as show on the revised Zoning Plan); and along the rear of the "Community Park" area. The fence shall be a wooden privacy fence, a minimum of six (6) feet in height. The remainder of the fencing along the southerly boundary shall be either (i) a wooden privacy fence, a minimum of six (6) feet in height; or (ii) vinyl coated, chain link fence, a minimum of six (6) feet in height.
- (19) Access to the proposed community shall be as follows:
 - (a) Primary entrance shall be a right-in/right-out access located on Sandy Plains Road, with a deceleration lane to be coordinated with the Cobb County Department of Transportation; and
 - (b) A single lane, right-out only egress on Ebenezer Road.
- (20) 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;

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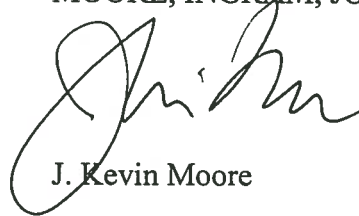
- (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
- (e) Change an access location to a different roadway;
- (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
- (g) Would 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 revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property, the residents and communities surrounding 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.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachments

MOORE INGRAM JOHNSON & STEELE

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Zoning Division Manager
Zoning Division
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c: Cobb County Board of Commissioners:

Mike Boyce, Chairman
JoAnn Birrell
Lisa N. Cupid
Keli A. Gambrill
Robert J. Ott
(With Copies of Attachments)

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

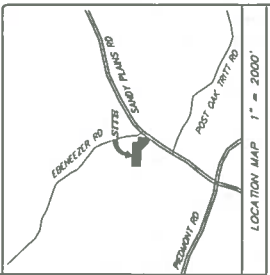
Donald Wells
Planner II
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

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

Shane Spink
Christine Surdyka
Area Residents
(With Copies of Attachments)

Traton, LLC
(With Copies of Attachments)

NOT ISSUED FOR CONSTRUCTION



ZONING ANALYSIS

1. ZONING DISTRICT: R-15
 2. ZONING DISTRICT: R-15
 3. ZONING DISTRICT: R-15
 4. ZONING DISTRICT: R-15
 5. ZONING DISTRICT: R-15
 6. ZONING DISTRICT: R-15
 7. ZONING DISTRICT: R-15
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 14. ZONING DISTRICT: R-15
 15. ZONING DISTRICT: R-15
 16. ZONING DISTRICT: R-15
 17. ZONING DISTRICT: R-15
 18. ZONING DISTRICT: R-15
 19. ZONING DISTRICT: R-15
 20. ZONING DISTRICT: R-15

LOT AREA TABLE	LOT AREA (SQ FT)
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4	4,177
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6	4,177
7	4,177
8	4,177
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20	4,177

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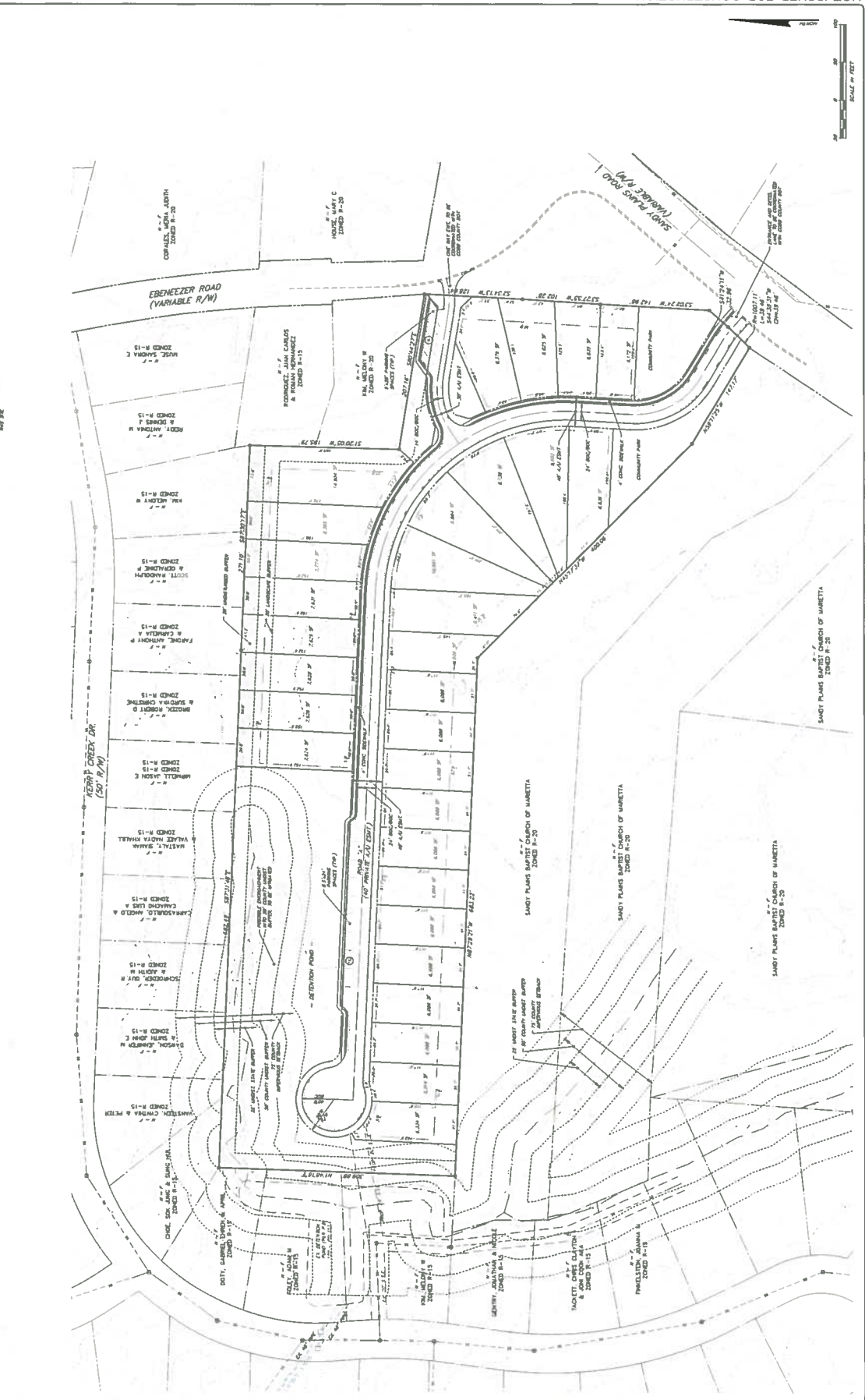


EXHIBIT "A"



EXHIBIT "B"

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TRATON HOMES

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TEAM "P"

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