

# MOORE INGRAM JOHNSON & STEELE

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July 29, 2020

*Via E-mail Only*

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-40 (2020)  
          Applicant:               Brooks Chadwick Capital, LLC  
          Property Owner:       Mrs. Glennis Fricks Willis  
          Property:               49.2 acres, more or less, located on the easterly  
  and westerly sides of Wesley Chapel Road,  
  southerly of Sandy Plains Road, at the southern  
  terminus of Fox Wood Court, and at the eastern  
  terminus of Hanover Court, Land Lots 183, 184,  
  185, 248, and 249, 16<sup>th</sup> District, 2<sup>nd</sup> Section,  
  Cobb County, Georgia

Dear John:

The undersigned and this firm represent Brooks Chadwick Capital, LLC, as Applicant (hereinafter referred to as "Applicant"), and Mrs. Glennis Fricks Willis, also known as Glennis F. Willis, as Property Owner (hereinafter referred to as "Owner" or "Property Owner"), in the pending Application for Rezoning with regard to a total tract of 49.2 acres, more or less, located on the easterly and westerly sides of Wesley Chapel Road, southerly of Sandy Plains Road and Mabry Park, at the terminus of Fox Wood Court, and at the eastern terminus of Hanover Court; Land Lots 183, 184, 185, 248, and 249, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After communications with Planning and Zoning Staff and various Cobb County Departmental Representatives, communications and meetings with area civic and homeowner representatives and adjacent residents, and reviewing the Departmental Comments and Staff Recommendations

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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 of the grant of the requested rezoning 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-30 to the proposed zoning category of R-15, with reference to the revised Zoning Site Plan ("Site Plan") prepared for Applicant by Christopher Planning & Engineering, Inc., dated June 3, 2020, last revised June 30, 2020. A reduced copy of the revised Site Plan is attached as Exhibit "A" and incorporated herein by reference.
- (2) The Subject Property consists of approximately 49.2 acres and will be developed for a residential community comprised of a maximum of eighty-one (81) single-family, detached residences.
- (3) The residences shall be traditional and craftsman in style and architecture. The residences shall have a minimum of 3,000 square feet.
- (4) The residences within the proposed community shall have exteriors comprised of brick, stone, stacked stone, hardi-plank, board and batten, and cedar shake finishes, with complementary accents, or combinations thereof. No vinyl siding materials shall be used on the exterior of the proposed residences.
- (5) The setbacks for the proposed residential community shall be as follows:
  - (a) Front Setback: Twenty-five (25) feet;
  - (b) Rear Setback: Forty (40) feet; and
  - (c) Side Setback: Five (5) feet,  
(with a minimum of twenty (20) feet between homes).

NOTE: Applicant shall be allowed the flexibility to move the front and rear setbacks to twenty (20) feet (front) and forty-five (45) feet (rear) where warranted.

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- (6) Entrance signage shall be ground based, monument-style signage, and shall consist of brick, stone, or combinations thereof, with accents, and other materials complementary to and comparable with materials comprising the exterior of the proposed residences. Entrance landscaping shall be professionally designed, implemented, irrigated, and maintained. Maintenance of the entrance areas shall be by the mandatory homeowners association as set forth in the Declaration of Covenants, Easements, and Restrictions.
- (7) Applicant agrees to the creation of a mandatory homeowners association consistent with communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, landscaping around detention areas, and entrance areas contained within the proposed residential community.
- (8) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of Declaration of Covenants, Easements, and Restrictions which will contain covenants, rules, and regulations applicable to the proposed residential community.
- (9) Applicant agrees to conduct pre- and post-development sediment level lake studies of the downstream lake located in the Loch Highland Subdivision. The Loch Highland Homeowners Association shall receive a copy of the pre-development sediment level lake study prior to the issuance of a Land Disturbance Permit. In addition, Loch Highlands Homeowners Association shall receive a copy of the post-development sediment level lake study.
- (10) Applicant agrees to provide Highlands at Wesley Chapel Homeowners Association a copy of the stormwater and hydrology report; as well as, related engineering plans during the Plan Review Process; and prior to the issuance of the Land Disturbance Permit. All documentation and plans shall be provided in sufficient time to allow adequate opportunity for review and comment from a qualified engineer retained on behalf of the homeowners association.
- (11) Applicant agrees stormwater discharges will be controlled so as not to exceed the existing capacity of the downstream storm drainage system.
- (12) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure

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and construction of residences, and shall not be parked on or along Wesley Chapel Road or surrounding neighborhood streets.

- (13) Development and construction hours for the proposed project shall be limited to the following:
  - (a) 7:00 a.m. to 7:00 p.m. - Monday-Friday;
  - (b) 9:00 a.m. to 6:00 p.m. - Saturday; and
  - (c) No work on Sunday.
- (14) Applicant agrees to facilitate a Georgia Native Plant Society "Plant Rescue" to be accomplished on those portions of the Subject Property which will be disturbed.
- (15) There shall be no direct access from any lots within the proposed residential community to Wesley Chapel Road. Additionally, there shall be no connectivity from the proposed community to either Fox Wood Court, Hanover Court, or Sweat Creek Run.
- (16) The detention areas shall be as shown and reflected on the referenced Site Plan. The areas shall be fenced, a minimum of six (6) feet in height. Landscaping shall be installed on the outside of the fencing and approved by the Cobb County Arborist during the Plan Review Process.
- (17) Minor modifications to the within stipulations, the referenced Site Plan, lighting, signage, landscaping, building architecture, site features, and the like, may be approved by the respective 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.
- (18) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the proposed community.
- (19) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (20) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas must be replanted.
- (21) Applicant agrees to the following in regard to Cobb County Department of Transportation recommendations:
- (a) Installation of sidewalk, curb, and gutter along the frontage of the Subject property on the western side of Wesley Chapel Road;
  - (b) Any disturbed or destroyed sidewalk, curb, and gutter along the frontage of the Subject property on the eastern side of Wesley Chapel Road shall be replaced;

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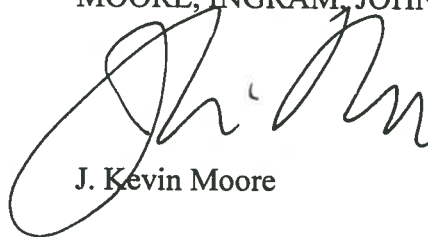
- (c) Applicant shall not be required to install left-turn lanes due to lack of sufficient public right-of-way; and further deceleration lanes shall only be required to the extent public right-of-way is available; and
- (d) Verification of minimum intersection sight distance is available for both access points on Wesley Chapel Road; and, if not, implementation of remedial measures, subject to Cobb County Department of Transportation approval, to achieve minimum requirement.

We believe the requested zoning, together with the revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community shall be of the highest quality, shall be complementary to and compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. 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

Attachment

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

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c: Cobb County Planning Commission:

Galt Porter, Chairman  
Fred Beloin  
Alice Summerour  
Anthony Waybright  
Judy Williams  
(With Copy of Attachment)

Jeannie Peyton  
Senior Planner  
Zoning Division  
Cobb County Community Development Agency  
(With Copy of Attachment)

Jill Flamm, President  
East Cobb Civic Association, Inc.  
(With Copy of Attachment)

Brooks Chadwick Capital, LLC  
(With Copy of Attachment)

