

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
328 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30080
TELEPHONE (770) 429-1499

LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40504
TELEPHONE (502) 410-8021

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF ROAD
SUITE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

CHARLESTON SOUTH CAROLINA
885 ISLAND PARK DRIVE
SUITE B
CHARLESTON, SOUTH CAROLINA 29492
TELEPHONE (843) 302-0002

JACKSONVILLE, FLORIDA
10201 CENTURION PARKWAY N.
SUITE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

ORLANDO, FLORIDA
7380 WEST SAND LAKE ROAD
SUITE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 367-6233

BRENTWOOD, TENNESSEE
5200 MARYLAND WAY
SUITE 301
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

MECHANICSBURG, PENNSYLVANIA
5000 RITTER ROAD
SUITE 202
MECHANICSBURG, PENNSYLVANIA 17055
TELEPHONE (717) 790-2420

October 31, 2018

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-70 (2018)
 Applicant: The Wasserman Group, LLC
 Property Owners: Richard J. Anderson; Ronald A. Lanier;
 Tommy Lanier; James Doyle Mathews;
 Dorothy Sue Mathews; Governors Towne
 Square, LLC; Tumlin Family Partnership,
 LLLP; and Willoughby & Sewell
 Development, Ltd.
 Property: 65.610 acres, more or less, located on the
 west side of Acworth Dallas Road, south of
 Cedarcrest Road, Land Lots 40 and 75,
 20th District, 2nd Section, Cobb County,
 Georgia

Dear John:

The undersigned and this firm represent The Wasserman Group, LLC, the Applicant (hereinafter referred to as "Applicant"), and the Property Owners set forth above (hereinafter collectively referred to as "Owners" or "Property Owners"), in the Application for Rezoning with regard to property located on the west side of Acworth Dallas Road, south of Cedarcrest Road, Land Lots 40 and 75, 20th 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, and reviewing the Departmental Comments and Staff Recommendations and the uses of surrounding properties, we have been authorized by the

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 6
October 31, 2018

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

- (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 on the Subject Property; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning categories of R-20, R-30, and General Commercial ("GC") to the proposed zoning categories of Residential Senior Living ("RSL") (non-supportive) and RM-8, site plan specific to the revised Zoning Plat prepared for Applicant by Edison Engineering Group, LLC dated and last revised October 11, 2018, and filed with the Zoning Office on October 29, 2018. A reduced copy of the revised Zoning Plat is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of a total of 65.61 acres of total site area, and is proposed for an age-restricted residential community, consisting of homes as follows:
 - (a) A maximum of one hundred eight (108) detached, non-supportive, Residential Senior Living units upon 26.07 acres designated for the RSL zoning category; and
 - (b) A maximum of one hundred twenty-one (121) leased residential units upon 38.65 acres designated for the RM-8 zoning category.
- (4) Residents within the proposed residential community shall be restricted to those persons age fifty-five (55) and older, pursuant to and in accordance with the Fair Housing Act.
- (5) All residences shall have a minimum of 950 square feet of heated and cooled living space. Applicant agrees that no garage area within any of the units will be converted to heated or cooled living space.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 6
October 31, 2018

- (6) The proposed residences shall be Traditional and Craftsman in style and architecture, with exterior materials consisting of brick stone, stacked stone, cedar shake, hardi-plank, board and batten, and combinations thereof, and shall be substantially similar to the homes depicted in the elevations attached collectively as Exhibit "B" and incorporated herein by reference.
- (7) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which shall contain covenants, rules, and regulations applicable to the proposed residential community.
- (8) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners and property association which shall be responsible for architectural controls of the residences within the proposed community; as well as, the upkeep and maintenance of the entrance area, signage, all common areas, amenity area, pocket parks, mail kiosk, and private streets contained within the proposed residential community.
- (9) In order to provide for future maintenance and to comply with County standards, Applicant agrees the entirety of the RM-8 portion of the Property shall have a single entity private owner and individual homes shall not be available for sale. Applicant agrees to provide a deed restriction on the RM-8 portion of the Property in order to assure private ownership in a single entity.
- (10) 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; and shall comply in all respects with the Cobb County Sign Ordinance. The entrance landscaping shall be professionally designed and implemented, with final approval being made by the Cobb County Arborist. Maintenance of the entrance area shall be through the mandatory homeowners association as set forth in the Declaration of Covenants, Easements, and Restrictions. All entrance landscaping shall be irrigated.
- (11) 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.
- (12) The setbacks for the proposed residential community shall be as shown on the submitted, revised Zoning Plat.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 6
October 31, 2018

- (13) Amenities for the community shall be both active and passive amenity areas consisting of clubhouses or pavilions, pools, gathering areas, pocket parks, park areas, and walking trails.
- (14) A lift station and force main shall be utilized to serve the RM-8 portion of the Property. The lift station and force main shall be private and shall be maintained in perpetuity by the private owner of the RM-8 portion of the Property.
- (15) All utilities for the proposed community shall be located underground.
- (16) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscaping plan for the proposed community. Landscape buffer areas, as shown on the submitted, revised Zoning Plat, shall be of a high quality and shall be professionally designed and installed.
- (17) All streets and alleyways within the proposed residential community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code; and, at Applicant's option, the community may be gated in compliance with all applicable Cobb County Codes, Standards, and Ordinances.
- (18) Applicant agrees to construct internal sidewalks along one side of the streets within the proposed community which shall connect to exterior street sidewalks. Said internal sidewalks shall comply in all respects with Cobb County Standards and Ordinances.
- (19) 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, in accordance with the approved and submitted Landscape Plan, and as allowed by Cobb County or any utility provider.
- (20) 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.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 5 of 6
October 31, 2018

- (21) Minor modifications to the within stipulations, the revised, submitted Zoning Plat, 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.
- (22) Applicant agrees to comply with all Cobb County and State of Georgia stream buffer requirements as more particularly shown and reflected on the referenced Zoning Plat.
- (23) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

We believe the requested zoning, pursuant to the revised Zoning Plat 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 and shall provide a much-needed and highly

MOORE INGRAM JOHNSON & STEELE

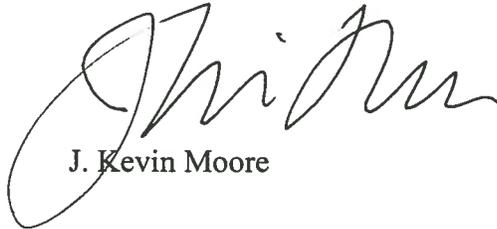
Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 6 of 6
October 31, 2018

sought after type of community within the North 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

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

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

Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

The Wasserman Group, LLC
(With Copies of Attachments)



EXHIBIT "B"

THE BARNARD

ARA

ALLISON RAMSEY

Architects Inc. creating sustainable timeless design

1003 Charles St.

Beaufort SC, 29902

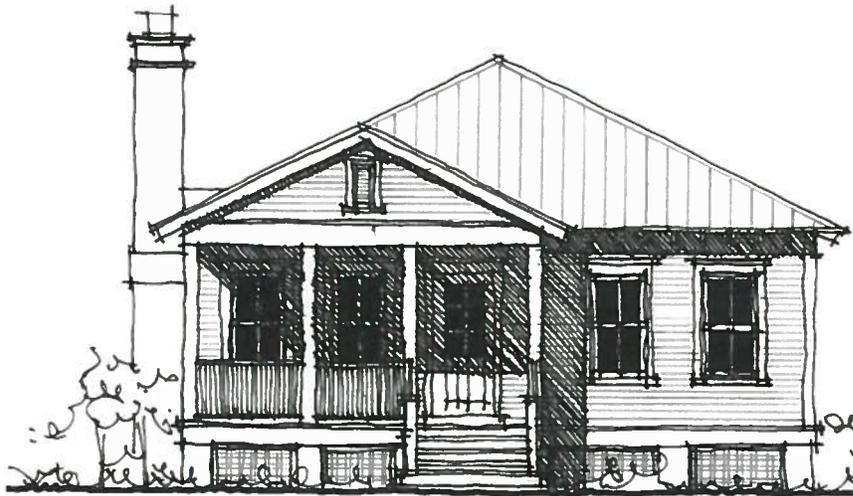
(843) 986-0559

www.allisonramseyarchitect.com

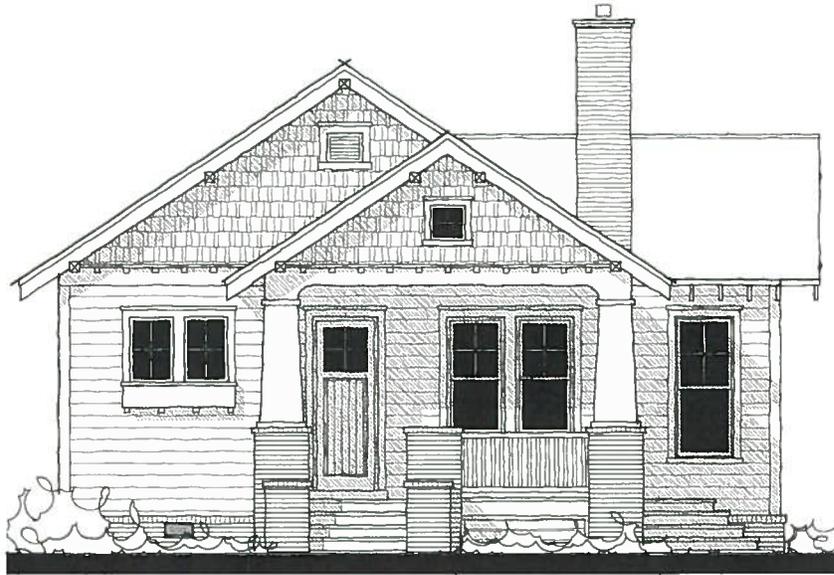
Copyright © 2018 by Allison Ramsey Architects, Inc. All rights reserved.



Plan Specifications: Total Sq ft: 1696 Width: 28'0" Depth: 61'0" Bedrooms: 3 Bathrooms: 2.5



Plan Specifications: Total Sq ft: 1022 Width: 30'0" Depth: 44'2" Bedrooms: 2 Bathrooms: 2.5



Plan Specifications: Total Sq ft: 1659 Width: 32'10" Depth: 87'3" Bedrooms: 3 Bathrooms: 2 Garage: 393 sq. ft.