

# SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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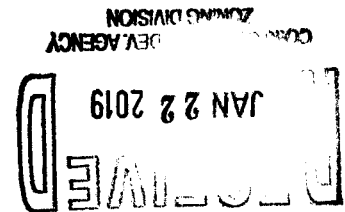
WWW.SLHB-LAW.COM

January 22, 2019

## (REVISED STIPULATION LETTER, REVISED SITE PLAN & REVISED ARCHITECTURAL RENDERINGS/ELEVATIONS)

### VIA EMAIL & HAND DELIVERY

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



Re: Application of Loyd Development Services to Rezone a 4.3± Acre Tract from  
R-20 to R-15 (No. Z-63)

Dear John:

This firm represents Loyd Development Services (“LDS”) regarding the above-captioned Application for Rezoning. The application was considered and held by the Cobb County Board of Commissioners at their last regularly scheduled Zoning Hearing on December 18, 2018. In that regard, the application is scheduled to be heard and considered for final action by the Board on February 19, 2019.

Since the last hearing before the Board and following the direction provided by the District Commissioner and other Board members, enclosed please find the requisite number of copies of a Revised Site Plan which reflects a significant reduction in the number of homes from 16 to 10 and a reduction in the density from 3.72 to 2.32 units per acre which is below Staff’s recommendation for approval at a maximum of 2.5 units per acre.

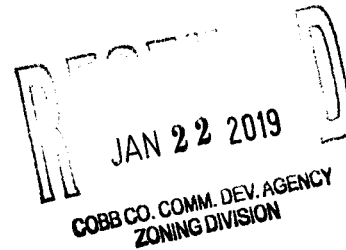
The property at issue (“Subject Property”) consists of a 4.3 acre tract of land which is situated on the east side of Holly Springs Road and the south side of Davis Road and is adjacent to a roundabout intersection at the intersection of said rights-of-way. The property is one of a few remaining undeveloped tracts within this sub-area of East Cobb County. LDS is now proposing the Rezoning of the Subject Property from R-20 to R-15 for the purposes of the construction and development a single-family residential community consisting of a total number of ten (10) custom, quality-built, custom, quality built, single-family detached homes.

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While this application has been pending, we have established an extensive dialogue with the County's professional staff which has recommended approval. Additionally, we have participated in ongoing discussions with contiguous individual residents and Homeowner Associations in the area including, but not limited to, Ashmore Subdivision HOA which has seven (7) homes within that subdivision which are situated in direct contiguity to six (6) of the homes which are proposed to be built within LDS' single-family residential community.

With respect to the foregoing and based upon those discussions and the direction from the District Commissioner and the Board, LDS agrees to the following revised stipulations, which, upon the Rezoning being approved, shall become conditions and a part of the grant of the requested Rezoning and binding upon the Subject Property thereafter. The referenced stipulations/conditions are as follows, to wit:

1. The Revised 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.
2. The Rezoning of the Subject Property shall be from R-20 to R-15 in substantial conformity to the Revised Site Plan, prepared by Crestline Engineering ("Merritt Manor") which is being submitted concurrently herewith.
3. The Subject Property, consisting of a 4.3 acre tract, shall be developed for a single-family, detached, residential community consisting of a maximum number of ten (10) custom, quality-built homes at a maximum density of 2.32 units per acres.<sup>1</sup>
4. The homes to be constructed shall be homes which range in size from a minimum of 2,200 square feet to 3,200 square feet and greater and which shall be traditional in styling with 3-sided architecture as is more fully depicted by way of the architectural renderings/elevations are herein enclosed.

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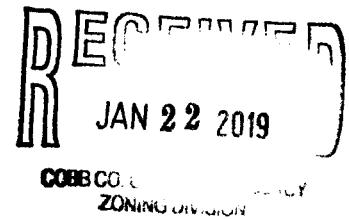
<sup>1</sup> The Subject Property is located in an area on Cobb County's Future Land Use Map which is denominated as Low Density Residential ("LDR") which contemplates densities ranging from 1 – 2.5 units per acre. Moreover, the as-built density of Ashmore Subdivision matches the density proposed by LDS for the Subject Property.

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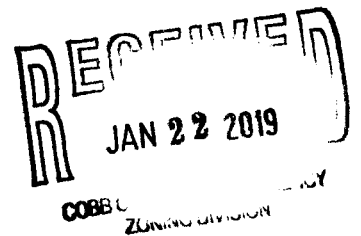
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5. The submission of a Landscape Plan during the Plan Review process, subject to the Arborist's review and subject to final approval by the County Arborist and the District Commissioner. Additionally, adherence to the following:
    - a. All front, side and rear yards of the residences to be constructed within the proposed community shall be sodded and irrigated.
    - b. All utilities servicing the residences within the proposed community shall be located underground.
    - c. The entrance to the proposed residential community shall be professionally designed and landscaped and will include ground-based monument style signage consistent with the architectural style and composition as aforementioned. Said entrance signage shall be landscaped, lighted and irrigated.
    - d. Detention/water quality areas shall be landscaped for the purposes of visual screening and shall be made a part of the Landscape Plan as long as said landscaping does not impinge upon the efficacy of stormwater management components.
    - e. A twenty foot (20') replanted and HOA maintained landscape buffer along the eastern property line subject to input by the Ashmore HOA and ultimate approval by the District Commissioner. There shall be no fencing allowed within the landscape buffer.
  
  6. Compliance with recommendations from the Stormwater Management Division with respect to detention, water quality, hydrology and down-stream considerations including the configuration and positioning of on-site detention areas. The most recently Revised Site Plan reflects a methodology for handling stormwater management with the stormwater management pond being relocated from the northeastern side to the northwestern side of the Subject Property. LDS will continue to interface with Ashmore HOA regarding stormwater management issues and related infrastructure.

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As noted by the Stormwater Management Division, there is a ridge line which bisects the Subject Property and there are two (2) cross-drains on Davis Road which drain to a corner lot. In view of those issues, the interior streets will be private and maintained by a mandatory HOA as will stormwater management, detention/water quality areas which will also be private and the responsibility of the HOA.

LDS and/or its successor(s) in Title and/or any builder or developer within this proposed single-family residential subdivision shall not exceed a maximum of thirty-five percent (35%) impervious surface on any of the lots therein.

7. LDS agrees to the creation of mandatory HOA consistent with custom-built, upscale communities within this sub-area. The mandatory HOA shall be responsible for the upkeep and maintenance of all common areas, open space areas, entrance area, mail kiosks, detention system, private street (built to the County's Design and Detail Specifications), subdivision entrance signage and the like contained within the proposed residential community.

Additionally, and in conjunction with the creation of the mandatory HOA, LDS agrees to the recordation and enforcement of Declaration of Covenants, Conditions and Restrictions ("CCRs") applicable to the proposed community.

8. Setbacks for the proposed homes shall be as shown on the Revised Site Plan and/or will be consistent with or with equate to R-15 zoning district requirements.
9. There shall be no direct access from any of the lots within the proposed community to Davis Road with the sole point of ingress/egress being located on Holly Springs Road. Additionally, LDS will agree to a ten foot (10') No Access Easement on the Subject Property's double road frontage on Holly Springs and Davis Roads, respectively, as shown on the Revised Site Plan, except with respect to the subdivision's entrance on Holly Springs Road.

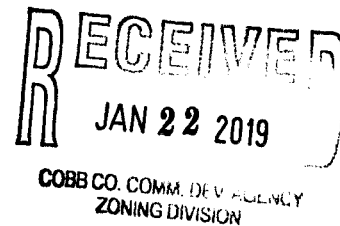
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### 10. Compliance with the following recommendations from the Cobb County Department of Transportation (“DOT”) as follows:

- a. The voluntary donation and conveyance of right-of- way on Davis Road so that the county can achieve thirty-feet (30’) from the centerline of said right-of-way.
- b. The voluntary donation and conveyance of right-of-way on Holly Springs Road (an Arterial) so the County can achieve fifty-feet (50’) from the centerline of that right-of-way.
- c. The installation of a fifty-foot (50’) taper at the proposed community’s entrance on Holly Springs Road.
- d. The first driveways from Subject Property’s point of ingress/egress shall be positioned at least fifty-feet (50’) from the entrance’s intersection with Holly Springs Road.
- e. The interior street shall be private; however, the street shall be built to the County’s Design and Detail Specifications.<sup>2</sup>
- f. The installation of sidewalk on at least one side of the interior private street.
- g. As shown on the Revised Site Plan, LDS has taken into consideration “approaches” to the roundabout at the intersection of Holly Springs Road and Davis Road.<sup>3</sup>

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<sup>2</sup> LDS or its successor(s) in Title may exercise an option to make this proposed subdivision a gated community subject to the terms and provisions of the Zoning Ordinance and Development Regulations.

<sup>3</sup> There is an “uneconomic” remnant tract at the southeast quadrant of the intersection of Holly Springs and Davis Roads, respectively. LDS intends to contact Cobb County concerning the ultimate purchase of said tract in order to add it to the Subject Property by way of an Other Business Application.

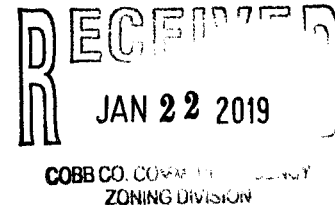
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11. Compliance with recommendations from the Cobb County Water System with respect to the availability and capacity of water and sewer for the site.

12. Compliance with recommendations from the Cobb County Fire Marshall's Office with respect to Fire Prevention, Life Safety and guest parking.

Each home shall have, at a minimum, an attached 2-car garage which shall be available at all times for purposes of the parking of two (2) vehicles; driveways at least twenty-two feet (22') in length and twenty feet (20') in width to accommodate additional guest parking; and, the requisite number of guest parking spaces in accordance with Fire Marshall regulations for guest parking.

13. All setbacks, landscaped and buffer areas may be penetrated for the purposes of access, utilities, stormwater management, drainage facilities and any and all slopes or other required engineering features including Fire Marshall directives or regulations.

14. LDS and/or its successor(s) in interest agree to allow the Georgia Native Plant Society (GNPS) to conduct a "plant rescue" prior to the commencement of construction and development of the Subject Property.

15. The District Commissioner shall have the authority to approve minor modifications to the these stipulations/conditions, the referenced Revised Site Plan, lighting, landscaping, architecture, site features, signage and the like as needed or necessary, except for those that:

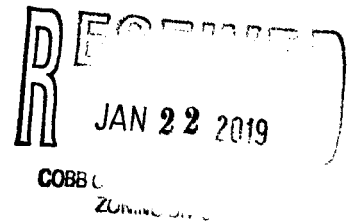
- a. Increase the number of lots or the density of the residential community.
- b. Reduce the size of an approved buffer adjacent to property which is zoned the same or in a more restrictive zoning district.
- c. Relocate a structure closer to the property line of an adjacent property which is zoned the same or in a more restrictive zoning.
- d. Increase the height of a building which is adjacent to a property which is zoned the same or a more restrictive zoning district.

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- e. Change an access location to a different roadway.
- f. Are in direct contradiction to or conflict with the Cobb County Code of Ordinances and the Zoning Ordinance.
- g. Require a Variance(s) waiving applicable regulations of the Cobb County Zoning Ordinance.

Please do not hesitate to contact me should you, the Staff or the Board Members require any further information or documentation prior to the hearing before the Board of Commissioners on February 19, 2019. 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, Jr./klk  
Enclosures/Attachments

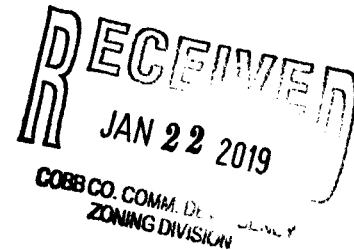
cc: Listed on the following page

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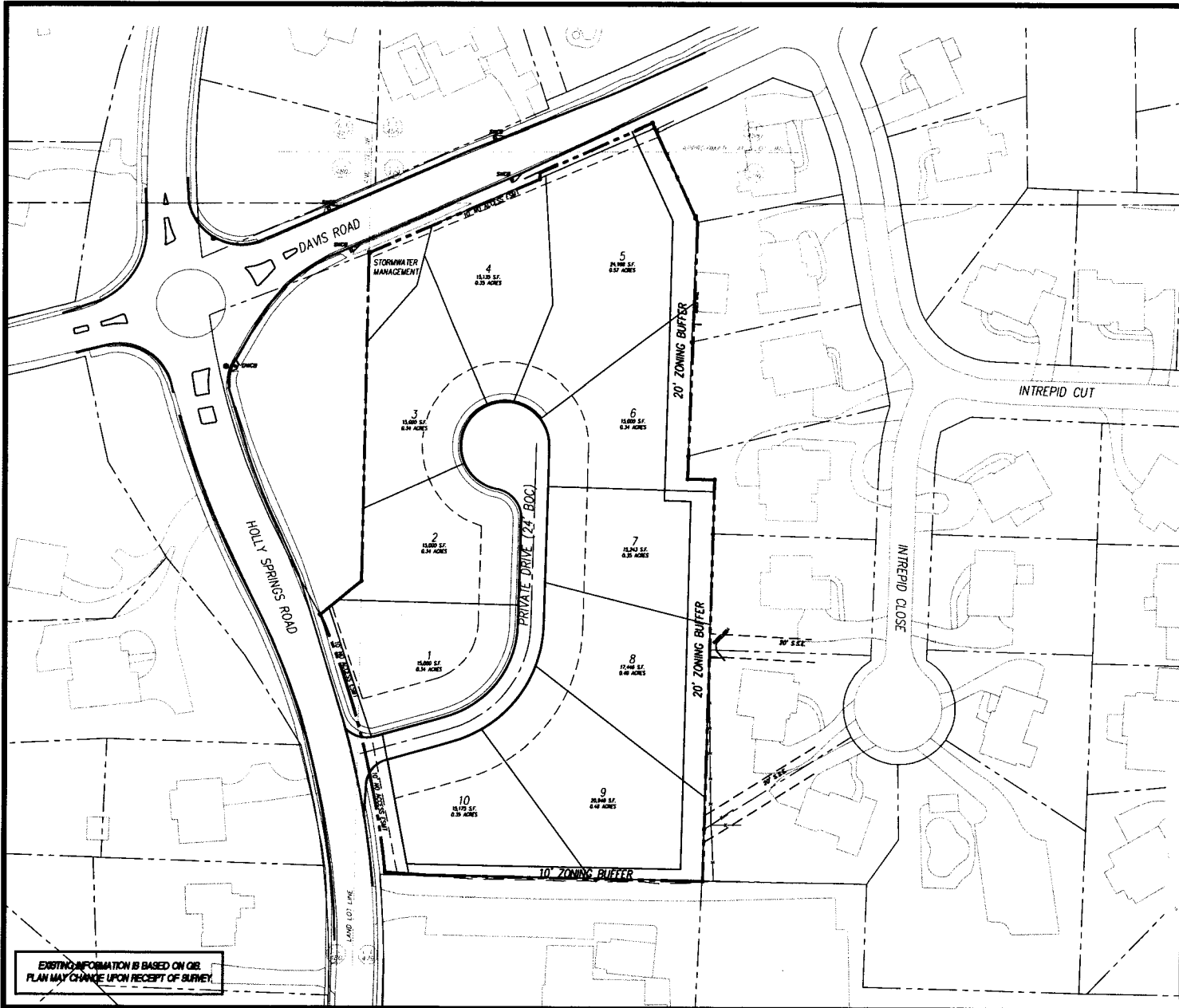
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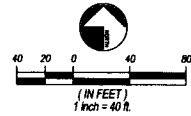
cc: Members, Cobb County Board of Commissioners (via email w/attachments)  
Mr. Robert L. Hosack, Jr., AICP, County Manager (via email w/attachments)  
Members, Cobb County Planning Commission (via email w/attachments)  
BOC Commission Assistants (via email w/attachments)  
Mr. Michael Hughes, AICP, Interim Director (via email w/attachments)  
Mr. Lee McClead, Deputy Director (via email w/attachments)  
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachments)  
Mr. Jason Campbell, Planner III (via email w/attachments)  
Mr. Terry Martin, Planner III (via email w/attachments)  
Mr. Donald Wells, Planner I (via email w/attachments)  
Ms. Tannessa Bates, Planner I (via email w/attachments)  
Ms. Pamela Mabry, County Clerk (via email w/attachments)  
Ms. Robin Presley, Deputy County Clerk (via email w/attachments)  
Ms. Leila Washington, Deputy County Clerk (via email w/attachments)  
Mr. David Breaden, P.E. (via email w/attachments)  
Ms. Amy Diaz, P.E. (via email w/attachments)  
Ms. Ashley White, P.E. (via email w/attachments)  
Mr. Tim Davidson (via email w/attachments)  
Ms. Sheri George, GNP (via email w/attachments)  
Mr. Brian Steinberg, Ashmore Subdivision (via email w/attachments)  
Mr. John Loyd, LDS (via email w/attachments)  
Mr. Trace Copeland, Trout Land Company (via email w/attachments)





| DEVELOPMENT SUMMARY  |                 |
|--|-----------------|
| EXISTING ZONING  | R-30            |
| PROPOSED ZONING  | R-15            |
| SITE AREA  | 4.3282 ACRES    |
| DENSITY  | 10 UNITS        |
| PROPOSED DENSITY   | 2.32 UNITS/ACRE |
| MINIMUM LOT SIZE   | 13,000 SF       |
| STREETS (WIDTH)  | 35 FEET         |
| TRUCK  | 18 FEET         |
| SEAL   | 30 FEET         |
| NO RETAINING STRUCTURES OR 100 YEAR FLOODPLAIN LOCATED ON SITE |                 |

24 HOUR CONTACT:  
**JOHN LOYD**  
 770.868.7591



EXISTING INFORMATION IS BASED ON GIS  
 PLAN MAY CHANGE UPON RECEIPT OF SURVEY

SITE LOCATION (NTS)

THE APPLICANT'S SHOWN HEREON ARE FOR THE CONTRACTOR'S CONSIDERATION ONLY. THE CONTRACTOR SHALL BE RESPONSIBLE FOR VERIFYING THE LOCATION SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY ALL SERVICES FROM THE DATE OF THE WORK. ALL DAMAGE MUST BE EXISTING PRIOR TO THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



**CRESTLINE  
ENGINEERING**

4851 Woodstock Road  
 Suite 208-08 Roswell, GA 30075  
 770.868.7591 | Fax: 770.868.1840

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PROJECT NAME:  
**MERRITT MANOR**  
 COBB COUNTY, GEORGIA


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OWNER/DEVELOPER:  

 Loyd Development Services

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CONTRACT CERTIFICATION NUMBER: 80786  
 EXPIRATION DATE: 8/9/2020



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REVISIONS

| NO. | DATE | DESCRIPTION |
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ZONING PLAN  
**Z100**

11.28.18  
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