

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
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February 1, 2021

*Via E-Mail Only*

Ms. Shelby Little, AICP  
Zoning Manager  
Department of Planning and Zoning  
City of Marietta  
205 Lawrence Street  
Marietta, Georgia 30060

RE: Application for Rezoning - Zoning Case No.: Z2020-34  
(Legistar No. 20200890)  
Applicant: Nexus Marietta, LLC  
Property Owners: RGM Properties Partnership, LLLP; McMullan  
Partners, LLC; and Ruben G. McMullan  
Property: 16.82 acres, more or less, located on and along the  
easterly and westerly sides of Meadowbrook  
Drive and the southeasterly side of South Marietta  
Parkway, Land Lots 647, 648, 649, and 650, 17<sup>th</sup>  
District, 2<sup>nd</sup> Section, City of Marietta,  
Cobb County, Georgia

Dear Shelby:

The undersigned and this firm represent Nexus Marietta, LLC, the Applicant (hereinafter referred to as "Applicant"), and RGM Properties Partnership, LLLP; McMullan Partners, LLC; and Ruben G. McMullan, the Property Owners (hereinafter collectively referred to as "Owners" or "Property Owners"), in their request for rezoning of approximately 16.82 acres of property located on and along the easterly and westerly sides of Meadowbrook Drive and the southeasterly side of South Marietta Parkway, Land Lots 647, 648, 649, and 650, 17<sup>th</sup> District, 2<sup>nd</sup> Section, City of Marietta, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After continuing conferences and communications with Planning and Zoning Staff and various City Staff and reviewing the City's Rezoning Application Analysis, 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 zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

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- (1) Applicant seeks rezoning of the Subject Property from the existing zoning categories of Community Retail Commercial (“CRC”) and Regional Retail Commercial (“RRC”) to the proposed zoning category of Mixed-Use Development (“MXU”), with reference to the revised Conceptual Master Plan (“Site Plan”), dated December 2020, prepared for Applicant by Planners and Engineers Collaborative and filed with the City Zoning Office with on December 30, 2020, as part of the Amended Application for Rezoning. A reduced copy of the revised Site Plan is attached as Exhibit “A” and incorporated herein by reference.
- (2) The Subject Property consists of 16.82 acres, more or less, and shall be developed for a Senior Campus Mixed-Use Development, consisting of the following:
  - (a) Age-restricted multi-family residential;
  - (b) Age-targeted multi-family residential;
  - (c) Townhomes; and
  - (d) Retail and Commercial.

## **STIPULATIONS APPLICABLE TO OVERALL DEVELOPMENT**

- (1) Access to the proposed Mixed-Use Community shall be from Meadowbrook Drive, which shall be upgraded from the development to Powers Ferry Road, along with, improvements to the intersection of Powers Ferry Road and Meadowbrook Drive, all subject to coordination and approval by the City of Marietta Public Works and Cobb County Department of Transportation.
- (2) The proposed development shall have a minimum of 6.28 acres of open space consisting of passive recreation and buffer areas developed to provide useful areas of passive gardens, natural areas, and the like for the enjoyment of future residents and guests.
- (3) The entrance areas, together with all islands, planted areas, and pocket parks shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by City Staff as part of the Plan Review Process.
- (4) Applicant agrees to the creation of a mandatory property owners association, and sub-associations, if appropriate, consistent with similar upscale communities in the area. The mandatory association shall be responsible for the upkeep and

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maintenance of all landscaping and landscaping maintenance of amenity areas, 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 Mixed-Use Community.

- (5) Additionally, and in conjunction with the creation of the mandatory association, there shall be Declaration of Restrictive Covenants for the proposed various components of the Mixed-Use Community. The Restrictive Covenants for each component shall be recorded in the Deed Records of Cobb County, Georgia, and shall contain covenants, rules, and regulations applicable to the residential community and consistent with the age restrictions, if applicable, to the residential component. The mandatory association shall be responsible for the enforcement of the Covenants.
- (6) Perimeter setbacks for the proposed Mixed-Use Community shall be as set forth on the revised Site Plan.
- (7) All lighting within the proposed Mixed-Use Community, including parking lot lighting and exterior lighting for the buildings, shall be designed to not illuminate beyond the Property's boundaries and shall be thematically designed consistent with the overall architecture and theme of the proposed Mixed Use Community.
- (8) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, surface parking, and any and all slopes or other required engineering features of the foregoing.
- (9) The overall development may be subdivided into individual parcels. As such, there shall be no requirement for setbacks, as between individual parcels. Further, parking for the entire development shall be as shown on the revised Site Plan with no parking requirement as to any individual parcel.
- (10) Applicant requests the following contemporaneous variances, as set forth on the referenced Site Plan:
  - (a) Variance to reduce the number of access points to an arterial or collector street from two (2) to one (1) for a development containing more than one hundred (100) dwelling units; and

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- (b) Existing billboard locations shall be excluded from the development and remain on individual parcels which shall have less than required the minimum size and setbacks.

## I. RESIDENTIAL COMPONENT

The residential component of the proposed community shall be comprised of the following:

- (a) Age-restricted multi-family;
- (b) Age-targeted multi-family; and
- (c) Townhomes.

### A. Age-Restricted Multi-Family:

- (1) The age-restricted multi-family component shall contain a maximum of one hundred sixty (160) units, a maximum of five (5) stories in height.
- (2) 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.
- (3) The age-restricted community shall be fully amenitized with concierge-level services, including amenities specifically designed for age-restricted residents.

### B. Age-Targeted Multi-Family:

- (4) The age-targeted multi-family component shall contain a maximum of one hundred seventy-six (176) units and shall be a maximum of four (4) stories in height.
- (5) The age-targeted component shall target mature adults age fifty-five (55) and older by design and construction of units, amenities and services which target such demographic.
- (6) The age-targeted component shall be fully amenitized with concierge-level services and amenities designed for this specific demographic.

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## C. Townhomes:

- (7) There shall be a maximum of thirty-nine (39) townhomes constructed as part of the overall community.
- (8) The proposed townhomes shall be Traditional in style and architecture and shall have exterior facades consisting of brick, stone, stacked stone, cementitious siding, and combinations thereof, with complementary accents, in compliance with the City of Marietta's "four-sided architecture" requirement.
- (9) The proposed townhomes shall have a minimum of 1,500 square feet of heated and cooled area and shall have two-car garages.
- (10) No more than five (5) percent of the residences shall be leased at any one time, which limitation shall be included within the covenants and enforced by the mandatory homeowners association, consistent with City Ordinances.

## II. RETAIL AND COMMERCIAL COMPONENT

- (1) There shall be a maximum of 47,500 square feet of retail and commercial space contained within the various structures of the overall Mixed-Use Community.
- (2) The retail and commercial space may include retail offerings, offices, restaurants, coffee shops, leasing, and the like, which will provide services beneficial to the future residents; as well as, the overall community.

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 uses of properties in the surrounding area. The proposed Mixed-Use Community will be a quality development and will be an asset to the City; as well as, enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

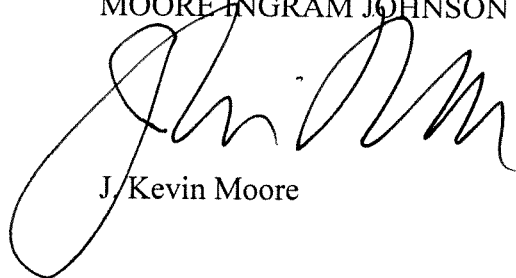
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With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

A handwritten signature in black ink, appearing to read "J. Kevin Moore". The signature is fluid and cursive, with a large loop at the beginning and end.

J. Kevin Moore

JKM:cc

Attachment

c: Russell J. Roth, AICP  
Development Director  
City of Marietta  
(With Copy of Attachment)

Nexus Marietta, LLC  
(With Copy of Attachment)



**REVISIONS:**

NO.	DATE	DESCRIPTION
1	11/14/2020	City Comments

**CONCEPTUAL MASTER PLAN**  
 SCALE: 1" = 100'  
 DATE: DECEMBER, 2020  
 PROJECT: Z04M000

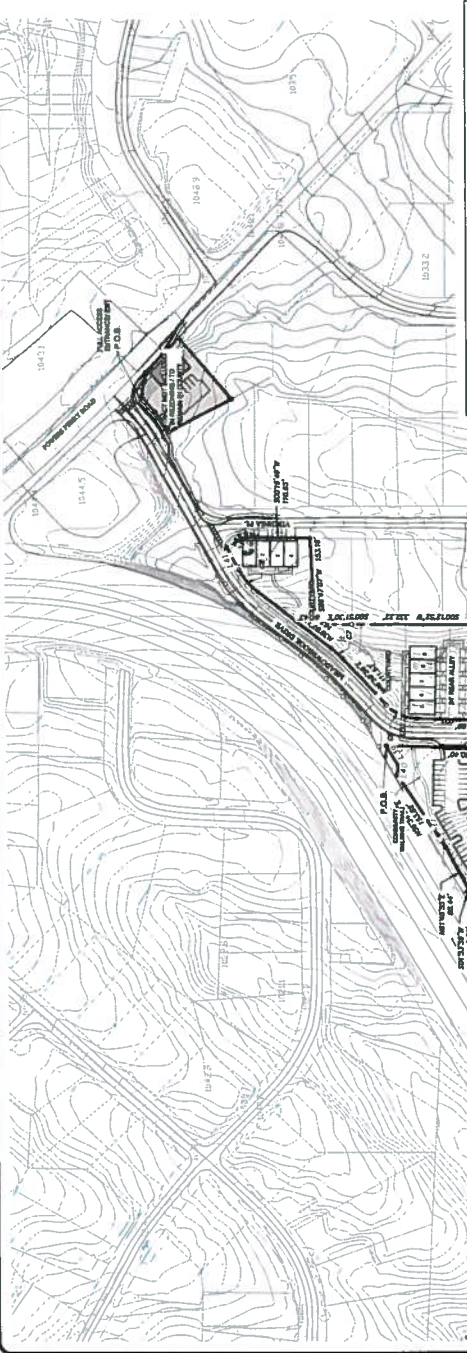
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**27** SHEET



**FEMA FIRM MAP**

AREA	DESCRIPTION
TOTAL SITE AREA	11.4 ACRES
TOTAL SITE AREA INCLUDED IN RECORDING	11.4 ACRES
TOTAL SITE AREA EXCLUDED FROM RECORDING	0.0 ACRES
FRONT SETBACK	15 FEET
REAR SETBACK	15 FEET
LEFT SIDE SETBACK	15 FEET
RIGHT SIDE SETBACK	15 FEET
MIN. SIDE SETBACK	5 FEET
MIN. FRONT SETBACK	5 FEET
MIN. REAR SETBACK	5 FEET
MIN. SIDE SETBACK	5 FEET
MIN. FRONT SETBACK	5 FEET
MIN. REAR SETBACK	5 FEET
MIN. SIDE SETBACK	5 FEET

DESCRIPTION	AMOUNT
TOTAL SITE AREA	11.4 ACRES
TOTAL SITE AREA INCLUDED IN RECORDING	11.4 ACRES
TOTAL SITE AREA EXCLUDED FROM RECORDING	0.0 ACRES
FRONT SETBACK	15 FEET
REAR SETBACK	15 FEET
LEFT SIDE SETBACK	15 FEET
RIGHT SIDE SETBACK	15 FEET
MIN. SIDE SETBACK	5 FEET
MIN. FRONT SETBACK	5 FEET
MIN. REAR SETBACK	5 FEET
MIN. SIDE SETBACK	5 FEET
MIN. FRONT SETBACK	5 FEET
MIN. REAR SETBACK	5 FEET
MIN. SIDE SETBACK	5 FEET



**ZONING NOTES:**

- A SUBMITTAL FOR CONSIDERATION SHALL BE CREATED THAT WILL BE SUBMITTED FOR THE LAND USE AND ZONING DEPARTMENT. THE SUBMITTAL SHALL INCLUDE ALL INFORMATION, DRAWINGS, AND DATA NECESSARY FOR THE DEPARTMENT TO REVIEW AND APPROVE THE SUBMITTAL. THE SUBMITTAL SHALL BE SUBMITTED TO THE DEPARTMENT AT THE ADDRESS LISTED BELOW.
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