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August 17, 2016

Hand Delivered

Mr. Russell J. Roth, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
205 Lawrence Street
Marietta, Georgia 30060

RE: Application for Rezoning - Zoning Case No.: Z2016-22
(Legistar No. 20160675)
Applicant: Tyler Chandler Homes, LLC
Property Owner: Estate of John Melvin Clark
Property: 8.961 acres located on the northwesterly side of Powder Springs Road, southwesterly of Wilburn Drive and northwesterly of Murray Circle (1400 Powder Springs Road), Land Lots 258, 259, 260, and 261, 19th District, 2nd Section, City of Marietta, Cobb County, Georgia

Dear Rusty:

The undersigned and this firm represent Tyler Chandler Homes, LLC, the Applicant (hereinafter referred to as "Applicant"), and the Estate of John Melvin Clark, the Property Owner (hereinafter referred to as "Owner"), in their request for rezoning of approximately 8.961 acres located on the northwesterly side of Powder Springs Road, southwesterly of Wilburn Drive and northwesterly of Murray Circle (1400 Powder Springs Road), Land Lots 258, 259, 260, and 261, 19th District, 2nd Section, City of Marietta, Cobb County, Georgia (hereinafter the "Property" or "Subject

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Zoning Manager
Department of Planning and Zoning
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Property”). After conferences and communications with Planning and Zoning Staff and various City Staff; discussions and meetings with area residents; 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:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-2 to the proposed zoning category of PRD-SF, site plan specific to the revised Site Plan prepared for Applicant by Betterton Surveying & Design, Inc. dated June 18, 2016, last revised August 7, 2016. A reduced copy of the revised Site Plan is attached hereto for ease of reference as Exhibit “A” and incorporated herein by reference.
- (2) The Subject Property consists of 8.961 acres, more or less, and shall be developed for a residential community, in the townhome style, containing a maximum of seventy-two (72) residences.
- (3) All townhomes shall meet or exceed the requirements of the City of Marietta for four-sided architecture.
- (4) Townhomes shall be a maximum of two stories in height.
- (5) The attic areas of the units may be finished as bonus areas for additional heated living space without adding to the height of the homes.
- (6) No garage areas within the proposed townhome community shall be converted into heated living space for the units.
- (7) All units within the proposed townhome community shall be “for sale” units. There shall be no more than a maximum of five (5) percent of the units being leased at any one time, which restriction shall be included in the Declaration of Covenants, Easements, and Restrictions.
- (8) All park areas shown on the revised Site Plan shall be enhanced by landscaping and shall be a passive recreational use, which may include installation of gazebos, pavilions, and park benches.

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- (9) Applicant agrees to the recording and enforcement of a Declaration of Covenants, Easements, and Restrictions which shall contain covenants, rules, and regulations applicable to the proposed townhome community.
- (10) Additionally, and in conjunction with the Declaration of Covenants, Easements, and Restrictions, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, park space, landscape areas, general landscaped areas, mail kiosk, private streets, fencing, and the like contained within the community.
- (11) The proposed residential community shall be a “condominium” development as that term is used and defined under the City of Marietta Zoning Ordinance and shall comply in all respects with the City of Marietta Zoning Ordinance; but shall not be subject to the “Georgia Condominium Act.”
- (12) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture and style of the residences; and shall comply with the City of Marietta Sign Ordinance. The entrance landscaping shall be professionally designed, implemented, and maintained, and shall be irrigated.
- (13) Street lighting within the proposed community shall be decorative and themed to the architecture and style of the proposed townhomes.
- (14) Applicant agrees to the planting of a landscape buffer along the perimeter of the community; which shall contain evergreen trees and bushes; with trees being a minimum of six (6) feet in height at planting.
- (15) The proposed community shall have private streets accessing the public right-of-way of Powder Springs Road only; with no access to Murray Circle.
- (16) Additionally, Applicant may be allowed to provide for a gated community pursuant to City of Marietta standards and specifications.

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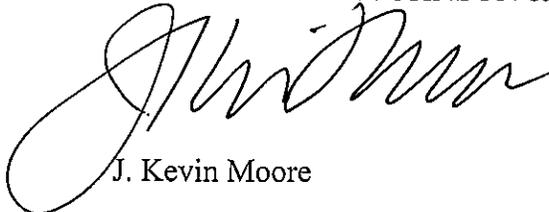
- (17) Detention facilities shall be fenced with a black, vinyl-clad chain link fence, or a wrought-iron type fence, a minimum of six (6) feet in height, with landscaping to the exterior for purposes of visual screening.
- (18) All landscaping referenced herein; including, but not limited to, the frontage, entrance area, community park areas, island areas, and open space areas, shall be approved by the City of Marietta as part of the Plan Review process and incorporated into the overall landscape plan for the proposed community.
- (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 and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by the City of Marietta or any utility provider.
- (20) Applicant agrees the proposed community shall not participate in, or be subject to, a Federal Section 8 Housing Program.

We believe the requested zoning, together with the revised Site Plan; as well as, 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 residential community shall be a quality development and an enhancement to 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

MOORE INGRAM JOHNSON & STEELE

Mr. Russell J. Roth, AICP
Zoning Manager
Department of Planning and Zoning
City of Marietta
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c: Shelby Winkles, AICP
Zoning Administrator
City of Marietta
(With Copy of Attachment)

Tyler Chandler Homes, LLC
(With Copy of Attachments)

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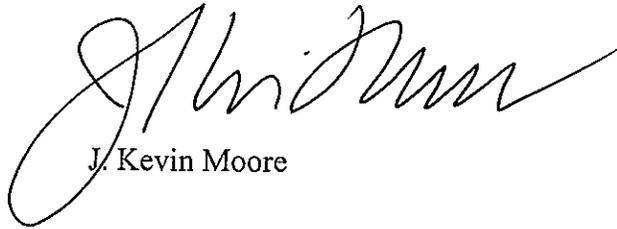
plans. We, therefore, respectfully request the revised Site Plans submitted herewith be taken into consideration with the Application from this date forward.

Thank you for your assistance in this matter. If you should have any questions or require additional information, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Enclosures

c: Shelby Winkles, AICP
Zoning Administrator
City of Marietta
(With Copy of Enclosure)

Tyler Chandler Homes, LLC
(With Copy of Enclosure)

