MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL STREET
SUITE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

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

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

BRENTWOOD, TENNESSEE
5300 MARYLAND WAY
SUITE 200
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 425-7347

LEXINGTON, KENTUCKY
771 CORPORATE DRIVE
SUITE 430
LEXINGTON, KENTUCKY 40503
TELEPHONE (859) 309-0026

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

HARRISBURG, PENNSYLVANIA
3909 HARTZDALE DRIVE
SUITE 901
CAMP HILL, PENNSYLVANIA 17011
TELEPHONE (717) 790-2854

May 29, 2020

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.: Z2020-24
(Legistar No. 20200367)
Applicant/Property Owner: Bercher Homes, LLC
Property: 0.73 acres, more or less, located on the southwesterly side of Crescent Circle, being more particularly known as 224 and 226 Crescent Circle, Land Lot 1231, 16th District, 2nd Section, City of Marietta, Cobb County, Georgia

Dear Shelby:

The undersigned and this firm represent Bercher Homes, LLC, who is both the Applicant and Property Owner (hereinafter collectively referred to as "Applicant") in the request for rezoning of approximately 0.73 acres of property located on the southwesterly side of Crescent Circle, Land Lot 1231, 16th District, 2nd Section, City of Marietta, Cobb County, Georgia, said property being more particularly known as 224 and 226 Crescent Circle (hereinafter the "Property" or "Subject Property"). After conferences and communications with Planning and Zoning Staff and various City Staff, communications 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 Office Institutional ("OI") to the proposed zoning category of PRD-

SF (Planned Residential Development – Single Family), with reference to the revised Site Plan prepared for Applicant by Gaskins Surveying Company, Inc., dated April 21, 2020, last revised May 15, 2020, and filed electronically with City Staff on May 15, 2020. A reduced copy of the revised Site Plan is attached for ease of reference as Exhibit "A" and incorporated herein by reference.

(2) The Subject Property consists of 0.73 acres, more or less, and will be developed for a residential community, in the townhome style, containing a maximum of five (5) residences.

(3) The overall exterior elevations, exterior materials, and architectural style of the proposed townhomes shall be substantially similar to the elevation attached as Exhibit "B" and incorporated herein by reference.

(4) The exterior elevations shall comply in all respects with the "four-sided" architecture requirement of the City of Marietta.

(5) The units shall have two-car garages.

(6) 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.

(7) 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.

(8) 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 and open space areas, landscape areas, general landscaped areas, mail kiosk, private street, fencing, and the like, contained within the community.

(9) Applicant agrees to the construction of a five (5) foot sidewalk, together with a two (2) foot beautification strip, along the frontage of the Subject Property on Crescent Circle.

(10) The proposed community shall have a private street for access from Crescent Circle. Construction of the private street shall comply in all respects as to materials, base, and other requirements with the City of Marietta Code. Guest parking areas, containing eleven (11) guest parking spaces, shall be provided, as more particularly shown and reflected on the referenced, revised Site Plan.

(11) Detention and water quality facilities for the proposed community may be located underground, as shown and reflected on the revised Site Plan.

(12) All landscaping referenced herein; including, but not limited to, the frontage, entrance area, 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.

(13) 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.

(14) A garbage corral shall be provided to comply with City of Marietta standards.

(15) Applicant agrees to the following variances for the proposed community:

(a) Variance to reduce the minimum lot size for development from the required three (3) acres to 0.73 acres;

(b) Variance to reduce the required minimum driveway length from twenty (20) feet to no less than thirteen (13) feet; and

(c) Variance to waive the active and passive recreation 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 current use of the Subject Property and the uses of properties in the surrounding area. The proposed residential community shall be a quality development, as established by Applicant in residences constructed throughout the City and Cobb County, 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

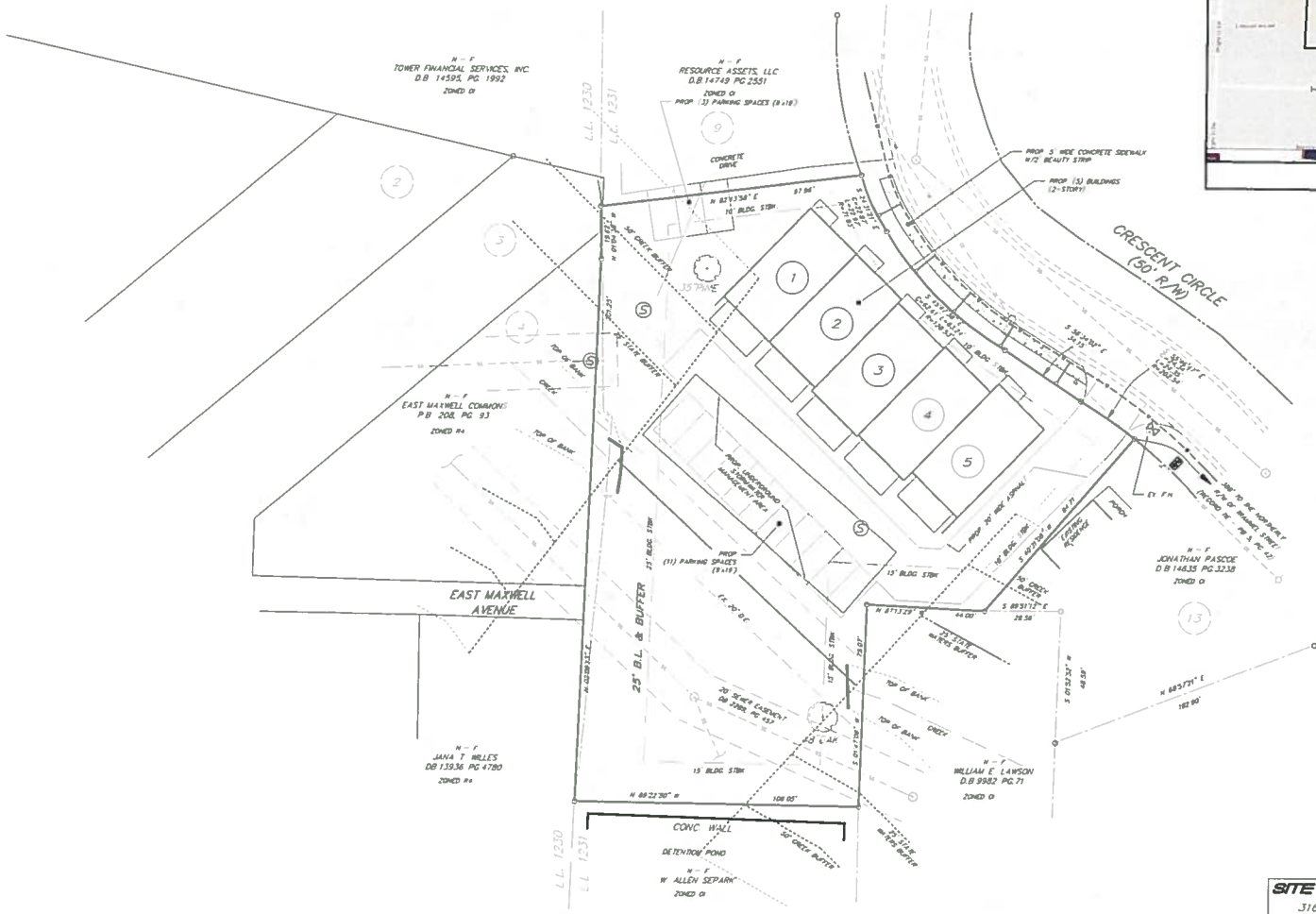
J. Kevin Moore

JKM:cc
Attachments
c: Russell J. Roth, AICP
Development Director
City of Marietta
(With Copies of Attachments)

John and Darlene Kaman
Area Residents
(With Copies of Attachments

Bercher Homes, LLC
(With Copies of Attachments)

EXHIBIT "A"



LOCATION MAP

MARIETTA FIRE DEPARTMENT NOTE:
1. THE ANALYSIS OF THIS EXEMPTION PLAT WAS LIMITED TO THE COMBINING OF LOTS INTO ONE PARCEL ONLY.
2. ALL NEW STRUCTURES SHALL COMPLY WITH THE CITY OF MARIETTA/BLW FIRE SPRINKLER ORDINANCE

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN AND IS IN ZONE X ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY NUMBER # 130226 , MAP NUMBER # 13067C0108G DATED NOVEMBER 2, 2012

SURVEY REFERENCES

1. PLAT OF MARIETTA REALTY AND DEVELOPMENT COMPANY, RECORDED IN PLAT BOOK 5, PAGE 54, PUBLIC RECORDS OF COBB COUNTY, GEORGIA
2. PLAT OF EAST MAXWELL COMMONS, RECORDED IN PLAT BOOK 208, PAGE 93, PUBLIC RECORDS OF COBB COUNTY, GEORGIA
3. FINAL PLAT FOR 36 TRAMMELL STREET, RECORDED IN PLAT BOOK 250, PAGE 90, PUBLIC RECORDS OF COBB COUNTY, GEORGIA

SITE AREA
31697 ☐
0.73 AC.

PER THE CITY OF MARIETTA ZONING MAPS, THIS PROPERTY IS CURRENTLY ZONED OI
PROPOSED ZONING: MDR

SETBACKS:
FRONT : 10 FEET
SIDE : 10 FEET, 15 FEET
REAR: 25 FEET

20 0 20 40
SCALE IN FEET

NOT ISSUED FOR CONSTRUCTION

Gaskins

226 CRESCENT CIRCLE TOWNHOMES
ZONING PLAN

LAND LOTS 1231, 16TH DISTRICT, 2ND SECTION,
CITY OF MARIETTA
COBB COUNTY, GEORGIA
ZONED ?

REVISIONS

REV.	DATE	REVISION REFERENCE
1	8/25/20	A30 PARKING SPOT

SHEET TITLE
ZONING PLAN

SEAL
GEORGIA PROFESSIONAL ENGINEER 19136 DAVID L. STUART
GASWCC LVL II CERT # 70003

PROJECT I.D.	FIELD BOOK
	NA
DRAWN BY	CHECKED BY
TES	DLS
SCALE	ISSUE DATE
1"=20'	04/21/20

SHEET NUMBER
1

EXHIBIT "B"

BERCHER HOMES

CRESCENT CIRCLE TOWNHOMES

CALDWELL CLINE
ARCHITECTS DESIGNERS