

**JULY 20, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 3

PURPOSE

To consider a stipulation amendment for Keheley Partners, LLC regarding application Z-58 (Orion Development Group, LLC) of May 16, 2006, for property located at the northeasterly side of Keheley Road and Keheley Drive in Land Lot 235 of the 16th District.

BACKGROUND

The subject property was zoned CS with many stipulations. One of the stipulations from Mr. Garvis L. Sams, Jr.’s letter dated March 28, 2006, detailed the minimum house size. As a footnote to this stipulation, price points were added to further describe the house product. This was done by way of common practice to describe the proposed subdivision, not to stipulate a house price range, which the County does not practice. The applicant’s request would be to remove the footnote relative to stipulation #4 in Mr. Garvis L. Sams, Jr.’s stipulation letter dated March 28, 2006. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached (see Exhibit A). The request has been submitted to Staff, which has no comments.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed stipulation amendment.

ATTACHMENTS

Zoning stipulations (Exhibit A)
Other Business Application (Exhibit B)

ORIGINAL DATE OF APPLICATION: 5-16-06APPLICANTS NAME: ORION DEVELOPMENT GROUP, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 05-16-06 ZONING HEARING:**

ORION DEVELOPMENT GROUP, LLC (Billy L. and Susie Keheley, owners) requesting Rezoning from **R-20** to **CS** for the purpose of a Subdivision in Land Lot 235 of the 16th District. Located at the northeasterly intersection of Keheley Road and Keheley Drive.

The public hearing was opened and Mr. Garvis Sams, Jr. and Ms. Cynthia Goolsby addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Thompson, to **approve** rezoning to the **CS** zoning district **subject to:**

- **site plan received in the Zoning Division March 28, 2006 (copy attached and made a part of these minutes)**
- **District Commissioner to approve final site plan**
- **letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated March 28, 2006 (copy attached and made a part of these minutes)**
- **minimum fifty (50) foot setback on Lots 1, 2, and 3, District Commissioner to approve final site plan**
- **installation of fence along northern property line, District Commissioner to have final approval**
- **curb and gutter along Keheley Road to be decided at Plan Review**
- **District Commissioner to approve final landscape plan for frontage along Keheley Road**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
- **Stormwater Management Division comments and recommendations, *not otherwise in conflict***
- **Cobb DOT comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED** unanimously

Clerk's Note: Applicant was directed to work with Staff regarding fencing along the northern side relative to dam area.

Prepared By:
TERRANOVA
Engineering, Inc.
5025 Deen Road
Marietta, Georgia 30066
678-441-0844

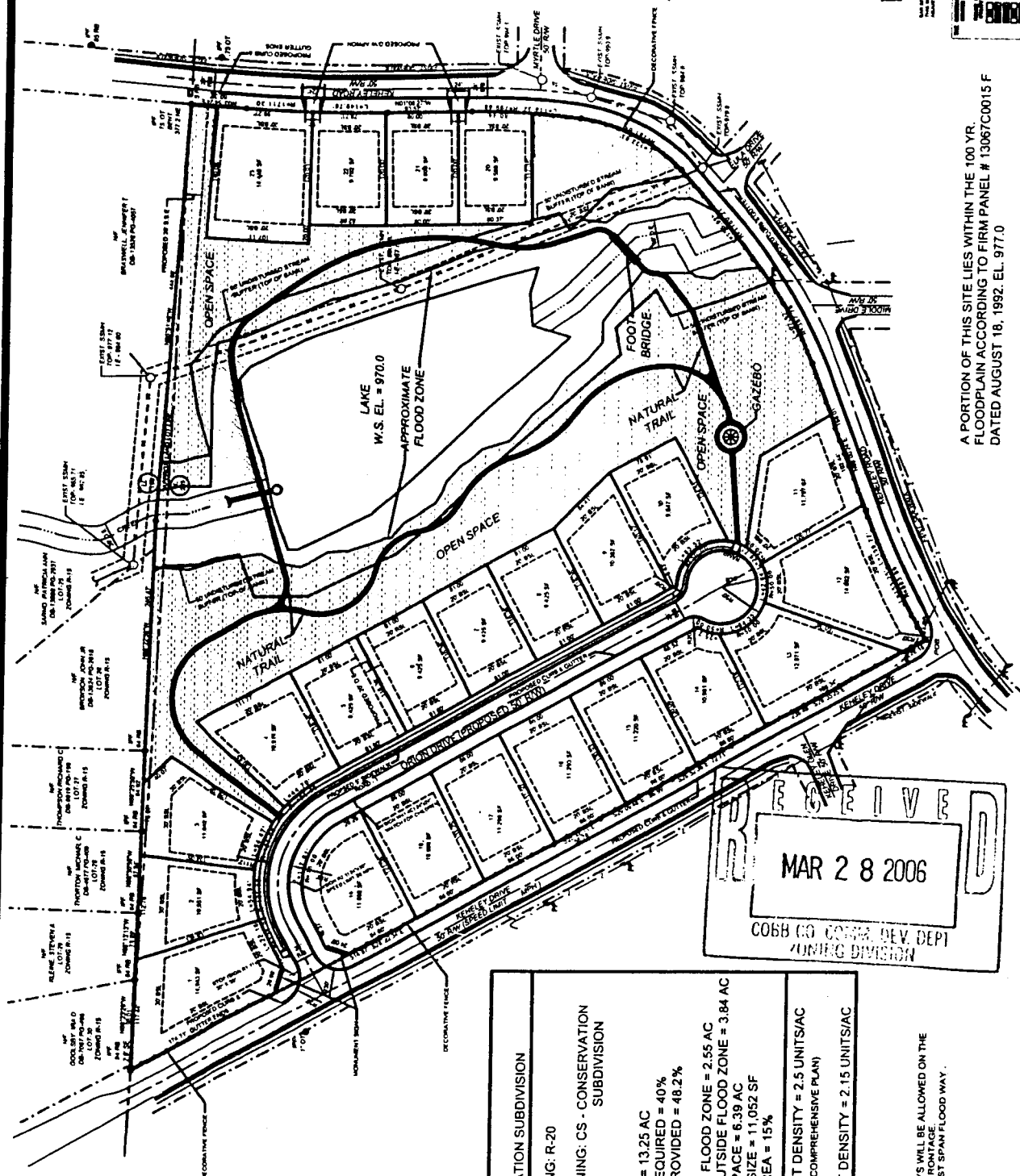
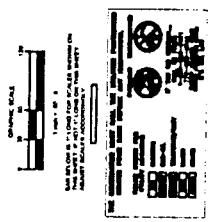
Prepared For:
Orion Development
5025 Deen Road
Marietta, Georgia 30066
(404) 397-1034

Zoning Plan



Construction Plans For
Ke View Estates
Land Lots 235 16th District
Cobb County, Georgia

Min. Bk. 41 Petition No. Z-58
Doc. Type Orion Development Group
Site Plan Revised 3/28/06
Meeting Date May 16, 2006



A PORTION OF THIS SITE LIES WITHIN THE 100 YR. FLOODPLAIN ACCORDING TO FIRM PANEL # 13067C0015 F DATED AUGUST 18, 1992. EL. 977.0

SITE DATA
CS - CONSERVATION SUBDIVISION
EXISTING ZONING: R-20
PROPOSED ZONING: CS - CONSERVATION SUBDIVISION
23 LOTS
SITE ACREAGE = 13.25 AC
OPEN SPACE REQUIRED = 40%
OPEN SPACE PROVIDED = 48.2%
OPEN SPACE IN FLOOD ZONE = 2.55 AC
OPEN SPACE OUTSIDE FLOOD ZONE = 3.84 AC
TOTAL OPEN SPACE = 6.39 AC
AVERAGE LOT SIZE = 11,052 SF
IMPERVIOUS AREA = 15%
ALLOWABLE NET DENSITY = 2.5 UNITS/AC (PER COBB COUNTY COMPREHENSIVE PLAN)
PROPOSED NET DENSITY = 2.15 UNITS/AC

- NOTES:
- ONLY 2 DRIVEWAYS WILL BE ALLOWED ON THE KEHELEY ROAD FRONTAGE.
 - FOOT BRIDGE MUST SPAN FLOOD WAY.

Min. Bk. 4
Doc. Type Stip letter
Meeting Date May 16, 2006

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

PAGE 5 OF 9

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

WWW.SAMSLARKINHUFF.COM

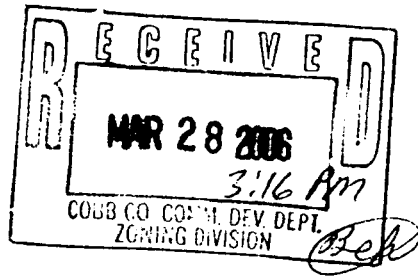
OF COUNSEL
DAVID P. HARTIN

March 28, 2006

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

Mr. John Pederson, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



Re: Application of Orion Development Group, LLC to Rezone a 13.25 Acre Tract from R-20 to CS (No. Z-58).

Dear John:

You will recall that this firm represents the applicant and property owners concerning the above-captioned application for rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on May 2, 2006 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on May 16, 2006.

With respect to the foregoing and in keeping with the ongoing dialogue and discussions with the County's professional staff, enclosed please find the requisite number of copies of a revised site plan. Also enclosed are elevations/renderings depicting the architectural style and composition of the homes proposed for the residential community.

The balance of this letter will serve as my clients' agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter:

1. The stipulations and conditions set forth herein shall replace and supercede 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.

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2. The granting of the rezoning to Conservation Subdivision (CS) shall be specific to that certain revised site plan prepared by Terra Nova Engineering, Inc. which is being submitted contemporaneously herewith.
3. There shall be a maximum number of 23 homes at a maximum density of 2.15 units per acre.
4. Homes shall range in size from a minimum of 2,800 square feet up to 4,500 square feet and possibly greater.¹
5. The architectural style of the homes shall be traditional with all four (4) sides of each home consisting of a mixture of either brick, stone, cedar shake or hardy plank consistent with elevations/renderings being submitted contemporaneously herewith.
6. An agreement to the recordation and enforcement of Declaration of Covenants, Conditions and Restrictions for the proposed residential community which shall contain rules and regulations applicable to the entire community, including strict architectural controls.
7. The creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of all common/open space areas, landscaped areas, amenity areas, fences and lighting.
8. The submission of a landscape plan during the Plan Review process which will be subject to review and approval by the Community Development Department and/or the County Arborist, including the following:
 - a. Lighting within the residential community shall be decorative and themed to the architectural style of the homes.
 - b. The front and side yards of all homes shall be sodded and irrigated where appropriate.

¹ Price points will be within a range of \$500,000 - \$600,000.

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- c. Subdivision entrance signage shall be ground-based, monument style, fully irrigated and incorporated into the landscape plan which shall be submitted for staff review and approval.
 - d. Decorative fencing shall be placed the subject property's respective frontages on Keheley Road and Keheley Drive.
9. Subject to the recommendations from the Cobb County Stormwater Management Division with respect to stormwater, on site detention, hydrology and downstream considerations, including the following:
- a. Limiting the grading on the site to the house pads, rights-of-way, front yards and required slopes.
 - b. The voluntary donation and conveyance of 50' lake bank buffers as a restrictive easement in favor of Cobb County so that said buffers shall remain undisturbed in perpetuity.
 - c. Open Space (6.39 acres or 48.2% of the subject property) shall be placed in a conservation easement in favor of Cobb County.²
 - d. Reworking the dam to State standards (if necessary).
 - e. The formulation of a Dam Breach Analysis (if necessary).
 - f. Keeping all of the lots out of the floodway.
 - g. Compliance with the new FEMA flood study guidelines established for the Rubes Creek Basin.
 - h. Performing a pre-development and post-development Sediment and Erosion Analysis on the downstream lake.
 - i. The construction of a footbridge which will span the floodway, subject to review and approval by the Stormwater Management Division.

² This Open Space acreage figure may change slightly during the Plan Review process.

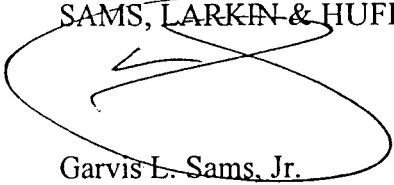
Mr. John Pederson, Planner III
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10. Compliance with the recommendations from the Cobb County Department of Transportation regarding traffic/transportational issues including the following:
 - a. Direct access to Keheley Road with respect to Lots 20 – 23 with two (2) shared driveways.
 - b. The voluntary donation and conveyance so that the County can achieve 25' from the centerline of Keheley Road and Keheley Drive, respectively.
 - c. A waiver concerning the installation of sidewalk, curb and gutter on all road frontages in keeping with the rural/natural context in which the subject property is situated and the payment into the Sidewalk Fund in accordance with the formula presently in place.
11. Compliance with the recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer.
12. Compliance with the recommendations from the Cobb County Fire Department contained within the zoning analysis.
13. Minor modifications to these stipulations or site plan may be approved by the District Commissioner as needed or necessary during Plan Review.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the formulation of your analysis and recommendations to the Planning Commission and Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP


Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc
Enclosures

cc: Shown on next page.

Petition No. _____
Meeting Date _____
Council _____

**Other Business #3
Exhibit A**

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Mr. John Pederson, Planner III
Cobb County Zoning Department
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- cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosures
- Members, Cobb County Planning Commission – w/enclosures
- Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosures
- Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery – w/enclosures
- Ms. Sandra Richardson, Deputy County Clerk – VIA Hand Delivery – w/enclosures
- Ms. Martha Adams, President, ECCA – w/enclosures
- Mr. Ryan Casadaban – w/o enclosures
- Mr. Rob Gibbons – w/o enclosures

Other Business #3
Exhibit B

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 07/20/10

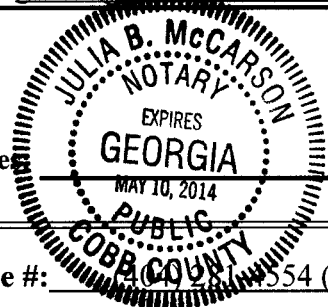
Applicant: Keheley Partners, LLC **Phone #:** (404) 281-4554 (cell)
(applicant's name printed)

Address: 1426 Logan Circle, Marietta, GA 30062 **E-Mail:** todd@brooks Chadwick.com
SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100
Garvis L. Sams, Jr. **Address:** Marietta, GA 30064
(representative's name, printed)

By: [Signature] **Phone #:** 770/422-7016 **E-Mail:** gsams@samslarkinhuff.com
Garvis L. Sams, Jr., Attorney for Applicant

Signed, sealed and delivered in presence of:

Julia B. McCarson **My commission expires:** _____
Notary Public



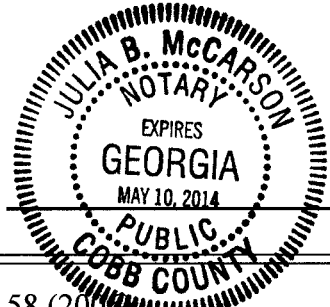
Titleholder(s) Keheley Partners, LLC **Phone #:** (404) 281-4554 (cell)
(property owner's name, printed)

Address 1426 Logan Circle, Marietta, GA 30062 **E-Mail:** todd@brooks Chadwick.com
Keheley Partners, LLC

By: [Signature]
Todd Thrasher

Signed, sealed and delivered in presence of:

Julia B. McCarson **My commission expires:** _____
Notary Public



Commission District: 3 (Thea Powell) **Zoning Case:** Z-58 (2006)

Date of Zoning Decision: 05/16/06 **Original Date of Hearing:** 05/16/06

Location: Northeasterly intersection of Keheley Road and Keheley Drive.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 235 **District(s):** 16th

State specifically the need or reason(s) for Other Business: _____

To amend the previously approved rezoning by eliminating projected price points within the subdivision.

(List or attach additional information if needed)