

**SEPTEMBER 21, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 1

PURPOSE

To consider a stipulation amendment for Lloyd Milholland regarding application Z-120 (Four Seasons Development Corporation) of 2005, for property located on the north side of Dallas Highway, east of Schofield Drive in Land Lots 11 and 64 of the 19th District.

BACKGROUND

The subject property was zoned R-15 and R-20 with stipulations. Stipulations from Mr. Lloyd D. Milholland’s letter dated September 7, 2005 detailed a number of stipulations regarding the detached single-family houses. 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, which the County does not practice. The applicant’s request would be to remove stipulation #4A on page 4 of the attached stipulation letter. 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)

Min. Bk. 37 Petition No. Z-120
Doc. Type Letter of agreeable
stipulations
Meeting Date 9/20/05

September 7, 2005

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

Re: Application of Four Seasons Development Corporation to rezone a 19.68-Acre Tract from R-20 to RSL/R15/R20 (No. Z-120)

Dear John:

As you know, we are the applicants for the above-captioned application for rezoning. In that regard, the application was heard and considered by the Cobb County Planning Commission on August 2, 2005 and, thereafter, is scheduled for consideration and final action by the Cobb County Board of Commissioners on September 20, 2005.

With respect to the foregoing, we are amenable to the following stipulations becoming 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 supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.

RSL Stipulations:

1. The Subject Property consists of 4.89 acres of total site area and shall contain a maximum of twenty (20) units at a density of 4.09 units per acre.
2. The proposed residential community shall be a condominium development, complying in all respects with the Georgia Condominium Act, and being "for sale" Units.

3. The units within the proposed community shall have a minimum of 1,600 square feet and a maximum house size of 2500 square feet. Each unit shall have an attached two-car garage.
4. The proposed units selling price shall start at two hundred twenty five thousand (\$225,000) dollars.
5. Architectural style of the homes shall be traditional and each home shall have composition reflecting a mixture of brick, stone, shake, hardi-plank, and/or stucco. The community shall be substantially similar to the development known as "Timbers Edge" located at Dallas Highway (State Route 120) and Bob Cox Road. The units to be one-story ranch-style condominiums.
6. Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential community.
7. Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory condominium association, which shall be responsible for the upkeep, and maintenance of the exteriors, entrance area, signage, amenity area, all common areas, private streets, and buffers contained within the proposed residential community. A third party management company will be retained to provide financial, insurance, landscape and common property management.
8. The yard area around each unit shall be fully sodded and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the residential community.
9. The entrance area to the proposed condominium community shall contain ground based, monument-style signage. The entrance landscaping shall be professionally designed, landscaped, and maintained, and shall include such landscaping pursuant to an approved landscape plan.
10. There shall be a minimum of fifteen (15) feet between structures.
11. All sales literature shall specify sales within the proposed development is restricted To age 55 and older as defined by the Fair Housing Act.
12. Applicant agrees to the following "Easy Living" standards which shall be verified Prior to the issuance of a certificate of occupancy:
 - (a) At least one no-step entry into the home that is sheltered from weather;
 - (b) No-step pathways from the no-step entry to the main rooms of the home,

including a bathroom, via doorways that are a minimum of thirty-two (32) inches wide and hallways that are at least thirty-six (36) inches wide.

- (c) The main floor shall include eating area, bathroom, and bedroom located on one Level, which is barrier-free;
 - (d) Bathrooms with floor space sufficient for a walker or wheelchair;
 - (e) Reinforcements in the bathroom walls around the tub, shower and toilet that allow grab bars to be installed;
 - (f) Non-slip surfaces in tubs and showers;
 - (g) Lever-style door handles;
 - (h) Light switches located thirty-six (36) inches to forty-two (42) inches from the floor, within easy reach of the entrance to the rooms; and
 - (i) Electrical outlets located fifteen (15) inches or higher from the floor.
13. All utilities for the proposed residential community shall be located underground.
14. There shall be minimum 20-foot buffers along the east and west property lines, and along the zoning line between the RSL, and to the north, the R15 zoning line. These buffers may be either landscaped, or naturally maintained.
15. All landscaping, including detention areas shall be reviewed by the Cobb County Arborist, with final approval by the district commissioner.
16. The main North/south Street will be public with curb, gutter and sidewalks. The interior drives to the homes may be private and at least 24 feet wide back of curb. construction will comply in all respects as to materials, base, and other requirements to the Cobb County Code.
17. Applicant agrees to design and adhere to best management practices in the construction of its detention areas with such design and installation based upon a 100-year storm water design.
18. Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
19. Minor modifications to the referenced Preliminary Plan, including, but not limited to, the layout of buildings and storm water control measures may be approved by the District Commissioner, as needed or necessary.

- 20. There shall be established a restrictive covenant which limits the number of units Which can be leased or rented at any one time to a maximum of 10 percent of the total number of units.

R15/R20 Stipulations

- 1. The Subject Property consists of 9.74 acres of total area of R15 zoning and shall contain a maximum of nineteen (19) units at a density of 1.95 units per acre.
- 2. The Subject Property consists of 5.05 acres of total area of R20 zoning and shall Contain a maximum of six (6) units at a density of 1.19 units per acre.
- 3. The units within the proposed community shall have a minimum of 3000 square feet and each unit shall have an attached garage with minimum capacity for two cars.
- 4. ~~A~~ The proposed units selling price shall start at five hundred thousand (\$500,000) dollars.
- 4. ~~B~~ Architectural style of the homes shall be traditional and each home shall have composition reflecting a mixture of brick, stone, shake, hardi-plant and/or stucco.
- 5. The front and side yard areas to be sodded. All yards are to contain underground irrigation system.
- 6. The installation of underground utilities and streetlights.
- 7. Submission of Declaration of Covenants, Conditions and Restrictions.

We believe the requested zoning is an appropriate use of the subject property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed community shall be a quality development, providing a much-needed RSL community along a major roadway, along with single family residential housing compatible with the surrounding developments. We believe the proposed community will be an enhancement to the Subject Property. Thank you for your consideration in this request.

Very Truly Yours,

 Lloyd D. Milholland
 Four Seasons Development Corp.

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 9-21-10

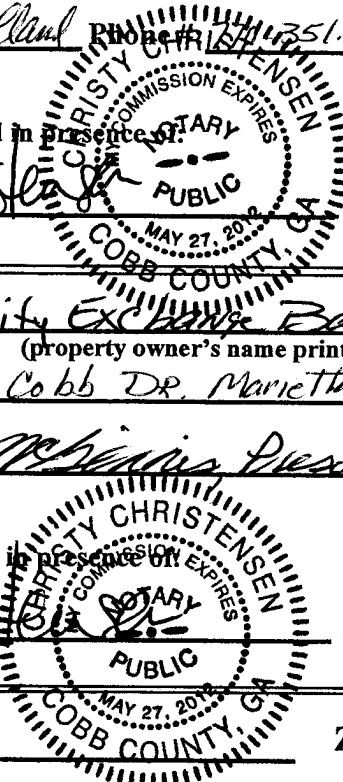
Applicant: Lloyd D. Milholland Phone #: 770-351-6632
(applicant's name printed)

Address: 151 Carmel Ridge Rd Canton, Ga. E-Mail: lloyd.milholland@yahoo.com

Lloyd D. Milholland Address: 151 Carmel Ridge Rd Canton, Ga. 30114
(representative's name, printed)

Lloyd D. Milholland Phone #: 770-351-6632 E-Mail: lloyd.milholland@yahoo.com
(representative's signature)

Signed, sealed and delivered in presence of: Christy Christensen My commission expires: May 27, 2012
Notary Public



Titleholder(s): Security Exchange Bank Phone #: 770-419-3337
(property owner's name printed)

Address: 833 S. Cobb Dr. Marietta Ga 30060 E-Mail: dmaginnis@securityexchangebank.com

David A. Maginnis
(Property owner's signature)

Signed, sealed and delivered in presence of: Christy Christensen My commission expires: May 27, 2012
Notary Public

Commission District: _____ Zoning Case: 2-120

Date of Zoning Decision: 9-20-2005 Original Date of Hearing: 9-20-2005

Location: Dallas Hwy. Mars Hill Rd.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 11 and 64 District(s): 19TH

State specifically the need or reason(s) for Other Business: To Remove item #4 which states - The proposed units selling price shall start at five hundred thousand dollars (\$500,000.) According to letter of agreeable stipulations dated September 7, 2005. Page 4 of conditions.

(List or attach additional information if needed)