

**DECEMBER 14, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 2

PURPOSE

To consider a stipulation amendment for Traton Homes, LLC regarding application Z-75 (Weaver & Woodbery Company) of 2005, for property located on the west side of Atlanta Road, south of Anderson Drive in Land Lots 743 and 744 of the 17th District.

BACKGROUND

The subject property was zoned RA-5 with stipulations for a 17-acre residential subdivision. This particular request concerns only a 0.83-acre piece of property along Atlanta Road. These three lots were approved on Other Business in September 2010 to have access from Atlanta Road subject to numerous stipulations. One of the stipulations called for the construction of homes on these three lots prior to development on interior lots 57 and 58. This stipulation was added to ensure construction traffic was routed through the subdivision, not Atlanta Road. The applicant is requesting to amend this stipulation to allow lot 57 to be built on now, due to a pending contract. Lot 58 would not be built on until the three houses on Atlanta Road are completed. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed stipulation amendment.

ATTACHMENTS

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

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 21, 2010
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 21, 2010 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner Helen Goreham
Commissioner Robert Ott
Commissioner Thea Powell
Commissioner Woody Thompson

ITEM #3

To consider a site plan and stipulation amendment for Traton Homes, LLC regarding application Z-75 (Weaver & Woodbery Company) of 2005, for property located on the west side of Atlanta Road, south of Anderson Drive in Land Lots 743 and 744 of the 17th District.

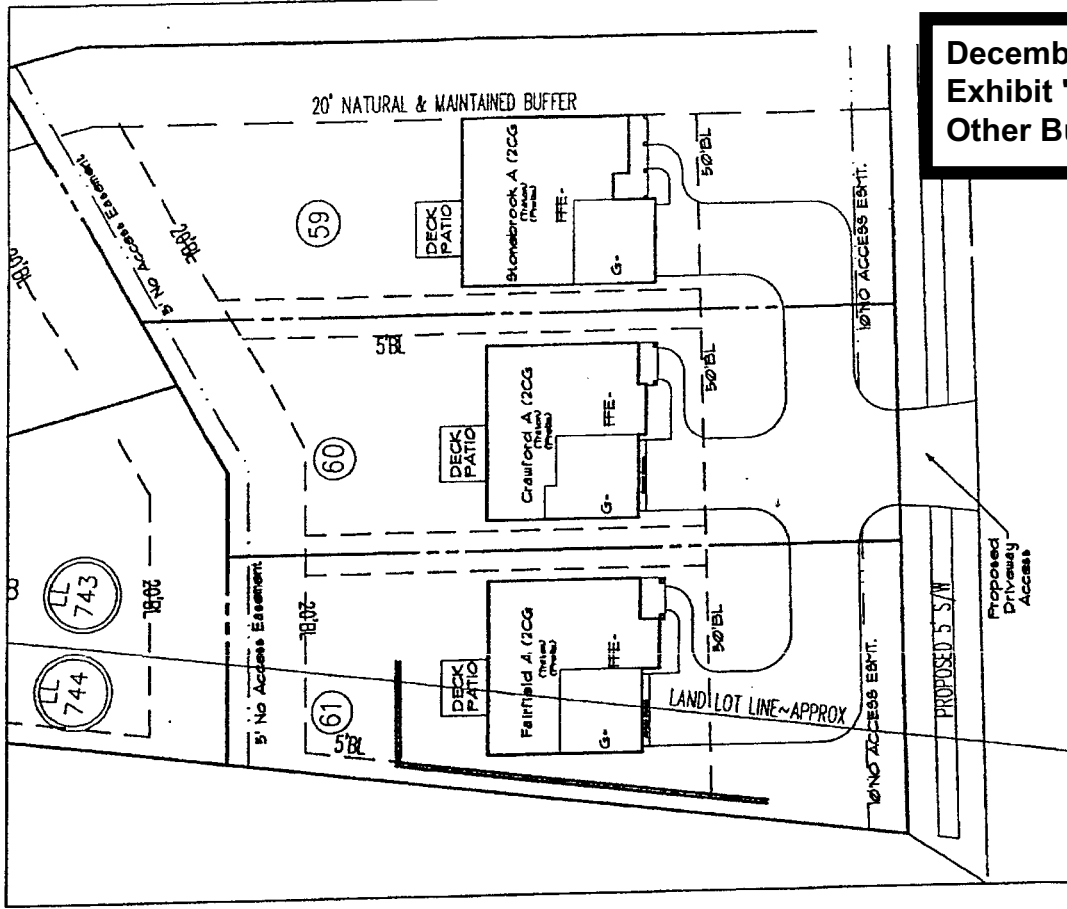
Mr. John Pederson, Zoning Division Manager, provided information on request by Traton Homes, LLC regarding application Z-75 (Weaver & Woodbery Company) of 2005. The public hearing was opened and Mr. Kevin Moore, Ms. Mary Rose Barnes and Ms. Sandra Hembree addressed the Board. Following presentation and discussions, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to **approve** Other Business Item No. 3 for Traton Homes, LLC regarding application Z-75 (Weaver & Woodbery Company) of 2005, for property located on the west side of Atlanta Road, south of Anderson Drive in Land Lots 743 and 744 of the 17th District, subject to:

- ***approval in concept of the site plan submitted dated August 17, 2010 (attached and made a part of these minutes)***
- ***lots 59, 60 and 61 of Unit 3, Stonehaven At Vinings subdivision to access Atlanta Road by a shared driveway (shared driveway to be designed and constructed with a flared design subject to approval by the Cobb Department of Transportation)***
- ***construction access for lots 59, 60 and 61 is limited to internal streets of the Stonehaven At Vinings Subdivision "exceptions" to come before the District Commissioner with final approval by the Cobb Department of Transportation and Cobb County Public Safety (emphasis on "exceptions" only)***
- ***construction of homes on lots 59, 60 and 61 to occur prior to development on lots 57 and 58***
- ***prior to issuance of building permits on lots 59, 60 and 61 the Applicant to submit final site plan, house locations (building footprints) and landscape plans to the District Commissioner for approval***
- ***creation of pedestrian access from lots 59, 60 and 61 to the interior of the subdivision to Cheyanne Drive***
- ***Applicant to verify that minimum intersection sight distance is available and if it is not, implement remedial measures subject to the Department's approval to achieve the minimum requirement of 500 feet, with Cobb DOT to approve the final driveway location***
- ***all other previous stipulations and conditions, not otherwise in conflict, to remain in effect***

VOTE: ADOPTED 3-2, Powell and Goreham opposed

December 14, 2010
 Exhibit "A"
 Other Business Item 02

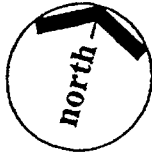


Proposed Access Plan
Stonehaven #59,60,61

Cobb County, Georgia Land Lots 743 & 744, 17th District, 2nd Section

prepared for:

Tratron Corp.



August 17th, 2010

Revisions:



DGM
 LAND PLANNING
 CONSULTANTS
 975 Oak Place
 Dunwoody, GA 30134
 770 514-9008
 FAX 514-9491



Notes:

1. Boundary survey by Watts & Browning and topographic information by CCLand Surveyors.
2. According to Flood Insurance Rate Map (FIRM) #1306TC0015F, August 18, 1992, No portion of this site contains floodplain.
3. No cemeteries are known to exist on site.
4. Stream and wetland classifications are to be determined.
5. No archeological or architectural landmarks are known to exist on site.
6. No Utility easements exist on site and are not shown on site plan.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 17, 2005
9:05 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, May 17, 2005, at 9:11 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Joe L. Thompson
Commissioner Annette Kesting

Z-75 WEAVER & WOODBERY COMPANY (Gladys J. Black, et al., owners) for Rezoning from R-20 to RA-5 for the purpose of Addition of Property for a Previously Approved Subdivision in Land Lots 697, 698, 743 and 744 of the 17th District. Located on the west side of Atlanta Road, south of Anderson Drive, the north and south sides of Anderson Drive, west of Atlanta Road and on the north side of Westwood Road.

The public hearing was opened and Mr. John Moore, Ms. Jessica Clymer, Ms. Sandra Hembree, Ms. Mary Rose Barnes and Ms. Suzanne Ballew addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Olens, to approve to the RA-5 (detached) zoning district subject to:

- general layout as shown on the site plan dated March 29, 2005, received by the Zoning Division April 27, 2005, with the District Commissioner to approve the final site plan (copy attached and made a part of these minutes *for reference only*)
- letter of agreeable stipulations from Mr. John Moore dated May 11, 2005, *with the following revisions:* (copy attached and made a part of these minutes)
 - Paragraph 17 – revise to read: “All yards of the residences to be constructed within this addition to the proposed community shall be sodded on the four (4) sides”
- Stipulation Revisions and Additions as to Z-75 (2005) to Letter of Agreeable Stipulations and Conditions dated May 11, 2005, presented by Mr. John Moore on May 17, 2005 (copy attached and made a part of these minutes)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

- owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: ADOPTED 4-1, Goreham opposed

Clerk's Note: Staff was directed to review this area for future amendment on the Comprehensive Land Use Plan and Future Land Use Map for change to medium density residential beginning at the property line of Lot 1 of this development to Atlanta Road.

Anderson & Westwood Road

Lead Line #7, MC, M & R 7M CLASSIC 17M Cook County, Georgia

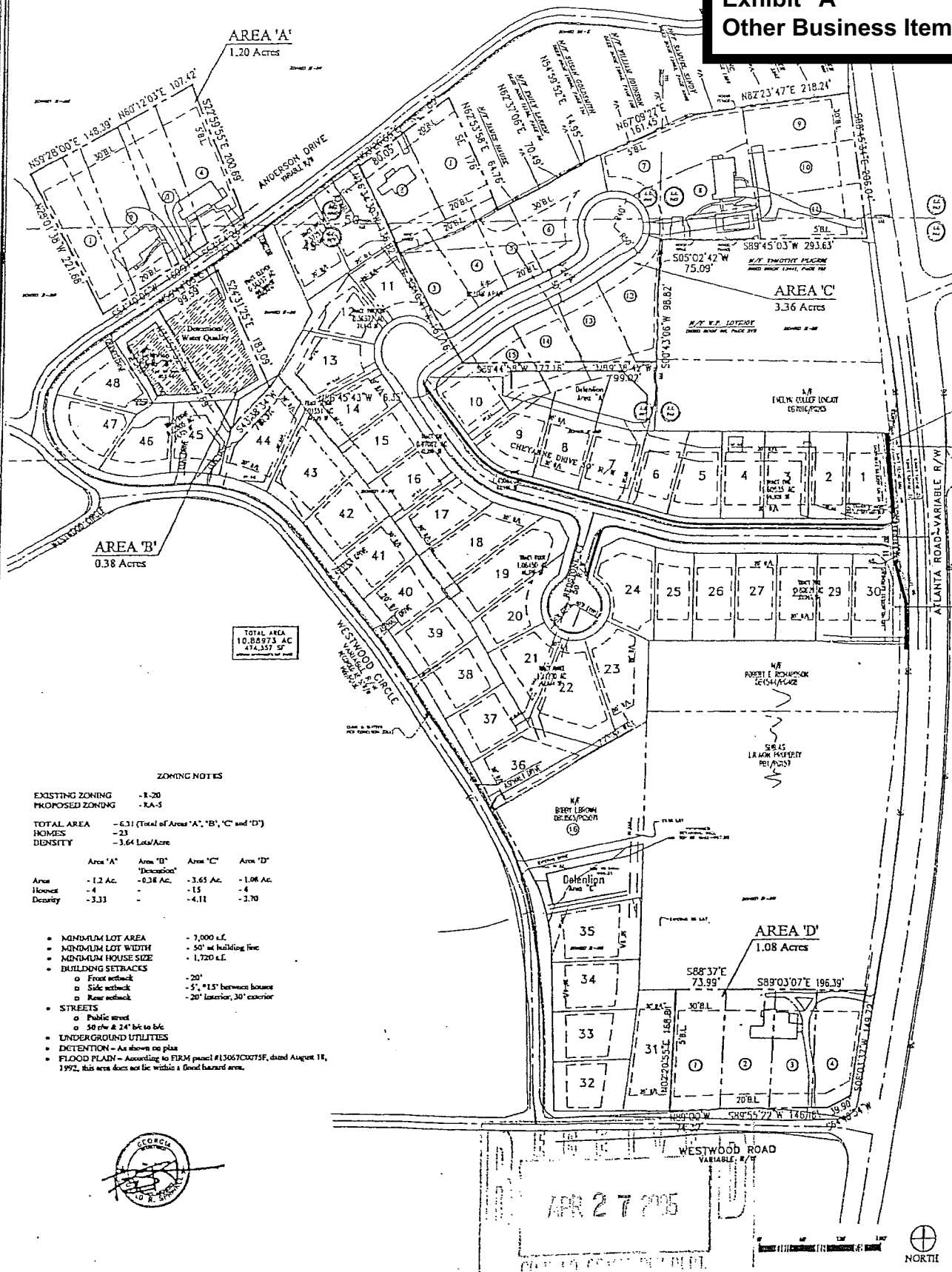
Weaver & Woodbery



THE GEORGIA PROFESSIONAL ENGINEER BOARD
A PUBLIC OFFICE
1900 WEST BROAD STREET
ATLANTA, GEORGIA 30334
PHONE 525-4200
FAX 525-4201

Min. Bk. 34 Petition No. Z-75
Doc. Type general site plan layout
for reference only
Meeting Date May 17, 2005

December 14, 2010
Exhibit "A"
Other Business Item 02

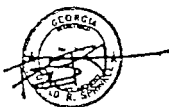


TOTAL AREA
10.88973 AC
474,857 SF

ZONING NOTES

EXISTING ZONING	- R-20
PROPOSED ZONING	- RA-5
TOTAL AREA	- 6.31 (Total of Areas 'A', 'B', 'C' and 'D')
HOMES	- 23
DENSITY	- 3.64 Lots/Acre
	Area 'A' Area 'B' Area 'C' Area 'D'
Area	- 1.2 Ac. - 0.38 Ac. - 3.65 Ac. - 1.08 Ac.
Homes	- 4 - 15 - 4 - 4
Density	- 3.33 - - 4.11 - 3.70

- MINIMUM LOT AREA - 7,000 s.f.
- MINIMUM LOT WIDTH - 50' w/ building line
- MINIMUM HOUSE SIZE - 1,720 s.f.
- BUILDING SETBACKS
 - o Front setback - 20'
 - o Side setback - 5', *15' between houses
 - o Rear setback - 20' interior, 30' exterior
- STREETS
 - o Public street
 - o 50' w/ 8' 24' b/c to b/c
- UNDERGROUND UTILITIES
- DETENTION - As shown on plan
- FLOOD PLAIN - According to FIRM panel #130670075F, dated August 11, 1992, this area does not lie within a flood hazard area.



APR 27 2005



JOHN P. MOORE INGRAM JOHNSON & ST

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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ROBERT D. INGRAM†
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MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
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December 14, 2010
Exhibit "A"
Other Business Item 02

T. SHANE MAYES
F. MICHAEL VISCUSE**
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DARRELL L. SUTTON
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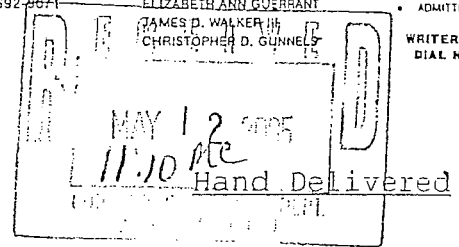
OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN SC
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

May 11, 2005

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



Min. Bk. 34 Petition No. Z-75
Doc. Type Letter of agreeable
stipulations
Meeting Date May 17, 2005

RE: Application for Rezoning
Application No.: Z-75 (2005)
Applicant: Weaver & Woodbery Company
Owners: Gladys J. Black; Haywood W. Bower; Bonnie E. Bower; Dabney Partners, L.L.C.; Terry Gossett; Terry Fife Greene; Michael G. Greene; The Revocable Trust for William A. Pair; and WW Atlanta Road, LLC
Property: 6.31 acres located on Anderson Drive, Atlanta Road, and Westwood Drive; Land Lots 697, 698, 743, and 744, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, this firm represents Weaver & Woodbery Company, the Applicant (hereinafter referred to as "Applicant"), and the above named Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 6.31 acres located on Anderson Drive, Atlanta Road, and Westwood Drive; Land Lots 697, 698, 743, and 744, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff,

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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May 11, 2005

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Other Business Item 02

reviewing the staff comments and recommendations, meetings with area residents and homeowners associations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this revised 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. This letter shall supersede and replace in full that certain letter of agreeable stipulations and conditions dated and filed April 27, 2005. The revised stipulations are as follows:

- (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.
- (2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the RA-5 zoning classification, site plan specific to that certain revised Rezoning Plan prepared for Weaver & Woodbery Company prepared by Sprinkle Design Conservancy, last dated May 11, 2005.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Rezoning Plan hereinabove set forth, same being prepared by Sprinkle Design Conservancy, last dated May 11, 2005.
- (4) The Subject Property shall be developed for additions to the Stonehaven at Vinings community, which is presently in the construction phase and located adjacent to the Subject Property.
- (5) The Subject Property consists of 6.31 acres of total site area and shall contain twenty-one (21) homes. Thus, this proposed additional phase of the Stonehaven at Vinings community has an overall net density of 3.33 units per acre.

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-75
Meeting Date May 17, 2005
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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- (6) Homes within the proposed development shall be single-family, detached residences.
- (7) Residences to be constructed within this additional phase of the proposed residential community shall have a minimum of 2,200 square feet, ranging upwards to 4,000 square feet and greater, and shall be traditional or European in styling and architecture.
- (8) Additionally, residences within the proposed community shall be front and both sides brick, stone, stacked stone, stucco-type, cedar shake-type shingles, or combinations thereof.
- (9) As in the previous approval, homes immediately adjacent to Atlanta Road shall have some relief on the side facing Atlanta Road so that it will not present a solid wall.
- (10) Homes along Westwood Circle shall have accents which may include large windows, bay windows, chimney stacks with four-sided masonry, and other such relief.
- (11) With regard to the architectural detail for the homes abutting Atlanta Road and Westwood Circle as referenced in paragraphs (7) and (8) above, such architecture shall be approved by the District Commissioner.
- (12) The minimum lot size of lots within this additional phase of the proposed community shall be 7,000 square feet.
- (13) The setbacks for the addition to the Stonehaven at Vinings community shall be as follows:
 - (a) Front setback - Twenty (20) feet;
 - (b) Rear setback - Twenty (20) feet (interior) and Thirty (30) feet (exterior);
 - (c) Side setback - Five (5) feet (fifteen (15) feet major side) and shall be a minimum between structures).

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-75
Meeting Date May 17, 2005
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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December 14, 2010
Exhibit "A"
Other Business Item 02

- (14) With regard to Area "D," Applicant agrees to a side setback along Atlanta Road equal to the side setback of the John Willis development on the opposite corner across Westwood Road, which Applicant believes is fifty (50) feet.
- (15) With regard to the existing Oak tree shown and delineated on the referenced Rezoning Plan as a part of proposed Lot 9, Applicant agrees that it will preserve said tree and will have responsibility therefor until conveyed to the ultimate purchaser of the home. Within the "critical root zone" of the above-referenced Oak tree, another tree exists which needs to be removed because it is dying. Applicant agrees no heavy equipment will be used in the removal and the tree will be taken down in sections. Further, this tree removal shall be undertaken within the supervision of a certified arborist.
- (16) Applicant agrees to plant a staggered row of Leyland Cypress on ten (10) foot centers along the line immediately adjacent to a portion of proposed Lots 5, 6, 7, and 9.
- (17) All front yards of the residences to be constructed within this addition to the proposed community shall be sodded.
- (18) All utilities servicing the residences within the proposed development shall be underground.
- (19) Owners of homes within the additional phase to the proposed community shall be under the requirements of the mandatory homeowners association and the recorded covenants, rules, and regulations established in connection therewith under the initial development.
- (20) Minor modifications to the referenced, revised Rezoning Plan, including, but not limited to, the layout of lots and stormwater control measures may be approved by the District Commissioner, as needed or necessary.

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-75
Meeting Date May 17, 2005
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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**December 14, 2010
Exhibit "A"
Other Business Item 02**

- (21) The detention area, noted as Area "B" on the revised Rezoning Plan, shall be landscaped for purposes of visual screening.
- (22) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed residential community.
- (23) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (24) 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.
- (25) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

We believe the requested zoning, together with the revised Rezoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the properties and owners thereof surrounding the proposed development and will allow for the enhancement and utilization of the Subject Property in a manner suitable with the recent growth and changes of the surrounding area. The Stonehaven at Vinings community is a quality development and the addition of the Subject Property will allow for flexibility within the development of same. Thank you for your consideration in this request.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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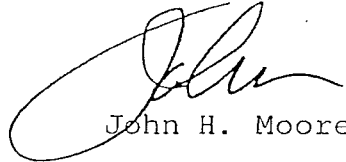
Petition No. Z-75
Meeting Date May 17, 2005
Continued

**December 14, 2010
Exhibit "A"
Other Business Item 02**

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Ms. Mary Rose Barnes
(With Copy of Enclosure)

Ms. Jessica Clymer
(With Copy of Enclosure)

Weaver & Woodbery Company
(With Copy of Enclosure)

FILED WITH COUNTY CLERK THIS 17 th DAY
OF MAY 2005 BY John Moore
RE Z-75
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

STIPULATION REVISIONS AND ADDITIONS AS TO
Z-75 (2005) TO LETTER OF AGREEABLE
STIPULATIONS AND CONDITIONS DATED
MAY 11, 2005, PRESENTED BY
MOORE INGRAM JOHNSON

December 14, 2010
Exhibit "A"
Other Business Item 02

- I. Revisions to paragraphs of the May 11, 2005, letter of agreeable stipulations and conditions are as follows:
- (1) Paragraph (2) shall be amended to reference the Rezoning Plan dated March 29, 2005.
 - (2) Paragraph (16) shall be deleted in its entirety and the following inserted in lieu thereof:

There shall be a natural and maintained buffer twenty (20) feet in width along the northerly line of a portion of Lot 5 and Lots 6, 7, and 9. This area shall be delineated to the inside of the buffer with an orange fence prior to development, which shall remain during development and construction. The homes constructed on these lots shall be front, both sides, and rear brick, stone, stacked stone, stucco-type, cedar shake-type shingles, or combinations thereof.
 - (3) Paragraph (17) shall be stricken in its entirety and the following inserted in lieu thereof:

All yards of the residences to be constructed within this addition to the proposed community shall be sodded.
 - (4) Paragraph (21) shall be stricken in its entirety and the following inserted in lieu thereof:

The detention area shall be fenced and landscaped to the exterior for the purposes of visual screening and aesthetics for the benefit of the residents of the Stonehaven at Vinings community and the adjacent communities.
- II. Additional paragraphs to the May 11, 2005, letter of agreeable stipulations and conditions are as follows:
- (26) As to Lots 9, 10, and 11, the homes constructed thereon shall face Atlanta Road and contain four-sided architecture. There shall be no access to Atlanta Road.

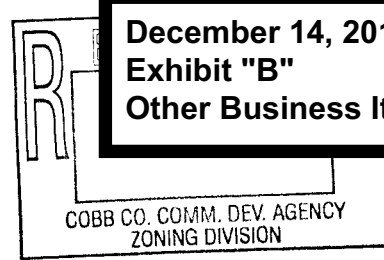
There shall be a building setback of fifty (50) feet along Atlanta Road and mature, vibrant trees within this area shall be saved. There shall be masonry columns with wrought-iron type fencing along the frontage with Atlanta Road, the columns to match the type contained within the main entrance feature.

- (27) All stipulations applying to Phase I of this development shall apply to this phase where not in conflict therewith.
- (28) There shall be a maximum of three (3) lots in Area "A."
- (29) With regard to Area "D," the following shall apply:
 - (a) A maximum of three (3) lots;
 - (b) A fifty (50) foot setback off Atlanta Road; and
 - (c) Applicant agrees to work with John Willis to make the entrance monument features and fencing compatible with the John Willis development on the south side of Westwood Road.
- (30) There shall be no construction parking along Westwood Road, Westwood Circle, or Anderson Drive which fully blocks the streets.
- (31) Construction-type fencing shall be erected around all detention facilities during the period of construction.
- (32) The Rezoning Plan herein referenced, dated March 29, 2005, shall be redrawn to incorporate all of the changes referenced herein and shall be submitted to the District Commissioner for final approval.

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 12/14/2010



Applicant: Traton Homes, LLC **Phone #:** (770) 427-9064
(applicant's name printed)

Address: 720 Kennesaw Avenue, Marietta, GA 30060 **E-Mail:** Not Applicable

Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
J. Kevin Moore **Address:** Marietta, GA 30060

(representative's name, printed)

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jk@mijs.com
(representative's signature) Georgia Bar No. 519728 w7@mijs.com

Signed, sealed and delivered in presence of:

[Signature] **My commission expires:** January 10, 2011
Notary Public

Titleholder(s): Traton Homes, LLC **Phone #:** (770) 427-9064
(property owner's name printed)

Address: 720 Kennesaw Avenue, Marietta, GA 30060 **E-Mail:** Not Applicable

BY: [Signature]
(Property owner's signature) **William C. Poston, Jr.**
Executive Vice President

Signed, sealed and delivered in presence of:

[Signature] **My commission expires:** January 10, 2011
Notary Public

Commission District: 2 (Ott) **Zoning Case:** Z-75 (2005)

Date of Zoning Decision: 05/17/2005 **Original Date of Hearing:** 05/17/2005
09/21/2010 - OB Amendment

Location: Westerly side of Atlanta Road; northerly of Cheyanne Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 698, 743 **District(s):** 17th

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

See Exhibit "A" attached hereto and incorporated herein by reference.

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(STIPULATION AMENDMENT)

Application No.: Z-75 (2005)
Original Hearing Date: May 17, 2005
Date of Zoning Decision: May 17, 2005
"Other Business"
Amendment: September 21, 2010
Current Hearing Date: December 14, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Property Owner: Traton Homes, LLC

Applicant seeks to amend one stipulation approved by the Cobb County Board of Commissioners on September 21, 2010, through an Application for "Other Business" Item 3 which related to Lot 57 in the Stonehaven at Vinings development. The subject stipulation reads as follows:

- construction of homes on lots 59, 60 and 61 to occur *prior* to development on lots 57 and 58

Applicant requests this stipulation be amended to read as follows:

- construction of homes on lots 59, 60 and 61 to occur *prior* to development on lot 58

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings held on May 17, 2005, as to Z-75 (2005); and September 21, 2010, as to the Application for "Other Business" are unaltered by this requested Stipulation Amendment.