

**NOVEMBER 20, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

**ITEM # 8**

**PURPOSE**

To consider a site plan and stipulation amendment for Brock Built Homes, LLC regarding rezoning application Z-40 of 2005 (Priske-Jones Southeast), for property located on the east side of Prado Lane, north of Barrett Parkway in Land Lot 571 of the 16<sup>th</sup> District.

**BACKGROUND**

The subject property was zoned RM-8 for townhouse style condominiums in 2005. The property was cleared and graded before the economic troubles in 2007. The property was foreclosed on and sold by the FDIC early this year. Brock Built Homes would like to amend the site plan from a townhouse plan with 42 units to a single family house plan with 31 houses. The houses would be cottage-style with a variety of exterior building materials, and all the houses would be for sale. The applicant is also adding 24 guest parking spaces around the project to alleviate any on street parking problems. The applicant would like to amend the stipulation letter from Mr. Garvis L. Sams, Jr. dated February 21, 2005 with a letter that is specific to Brock Built’s single family house proposal; that letter is being submitted under separate cover. If approved, all previous zoning stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

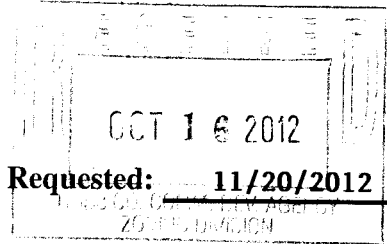
**ATTACHMENTS**

Other Business application and stipulations.

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 11/20/2012



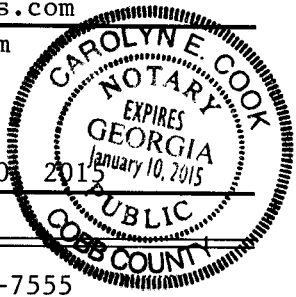
**Applicant:** Brock Built Homes, LLC Phone #: (404) 351-7555  
(applicant's name printed)

**Address:** Suite 150, 1110 Northchase Parkway, **E-Mail:** \_\_\_\_\_  
Marietta, GA 30067

**Moore Ingram Johnson & Steele, LLP** **John H. Moore** **Address:** Emerson Overlook, 326 Roswell Street  
Marietta, GA 30060  
(representative's name, printed)

**BY:** [Signature] Phone #: (770) 429-1499 **E-Mail:** jmoore@mij.com  
(representative's signature) Georgia Bar No. 519800 w7@mij.com

Signed, sealed and delivered in presence of:  
[Signature: Carolyn E. Cook] My commission expires: January 10, 2015  
Notary Public



**Titleholder(s):** Strait Investments LLC Phone #: (404) 351-7555  
(property owner's name printed)

**Address:** Suite 150, 1110 Northchase Parkway **E-Mail:** \_\_\_\_\_  
Marietta, GA 30067

**See Attached Exhibit "A" for Signature of Titleholder's Representative**  
(Property owner's signature)

Signed, sealed and delivered in presence of:  
\_\_\_\_\_  
Notary Public My commission expires: \_\_\_\_\_

**Commission District:** 3 (Birrell) **Zoning Case:** Z-40 (2005)

**Date of Zoning Decision:** 03/15/2005 **Original Date of Hearing:** 03/15/2005

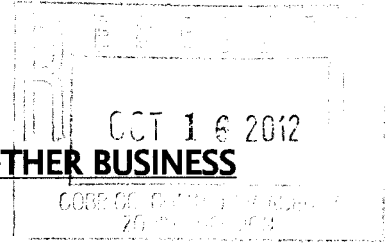
**Location:** East side of Prado Drive; North of Barrett Parkway  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 571 **District(s):** 16th

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_  
See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS**

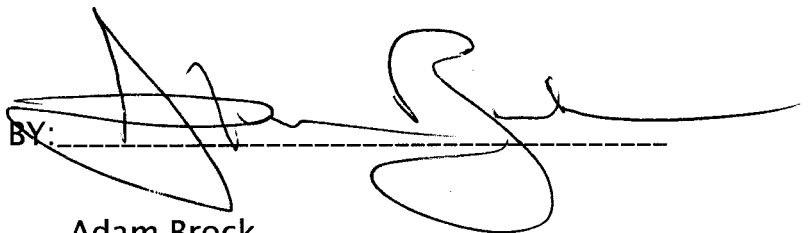


Application No.: Z-40 (2005)  
Original Hearing Date: March 15, 2005  
Date of Zoning Decision: March 15, 2005  
Current Hearing Date: November 20, 2012

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

Applicant: Brock Built Homes, LLC  
Property Owner: Strait Investments LLC

STRAIT INVESTMENTS LLC

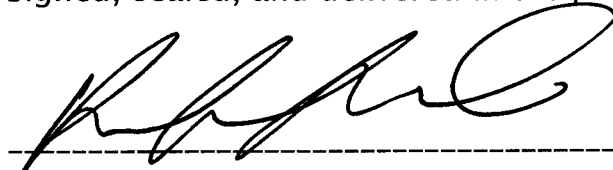
BY: 

Adam Brock  
Secretary

Address: Suite 150, 1110 Northchase  
Parkway  
Marietta, Georgia 30067

Telephone No.: (404) 351-7555

Signed, sealed, and delivered in the presence of:



Notary Public

Commission Expires: 3-26-13



[Notary Seal]

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS  
(SITE PLAN AND STIPULATION AMENDMENT)**

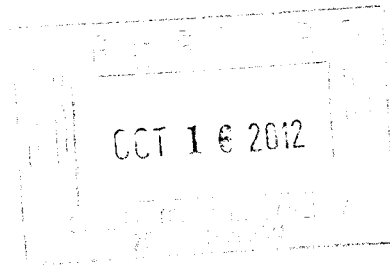
**Application No.:** Z-40 (2005)  
**Original Hearing Date:** March 15, 2005  
**Date of Zoning Decision:** March 15, 2005  
**Current Hearing Date:** November 20, 2012

OCT 16 2012

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

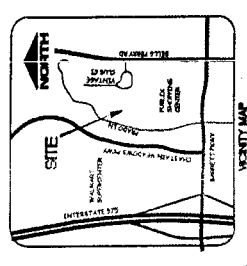
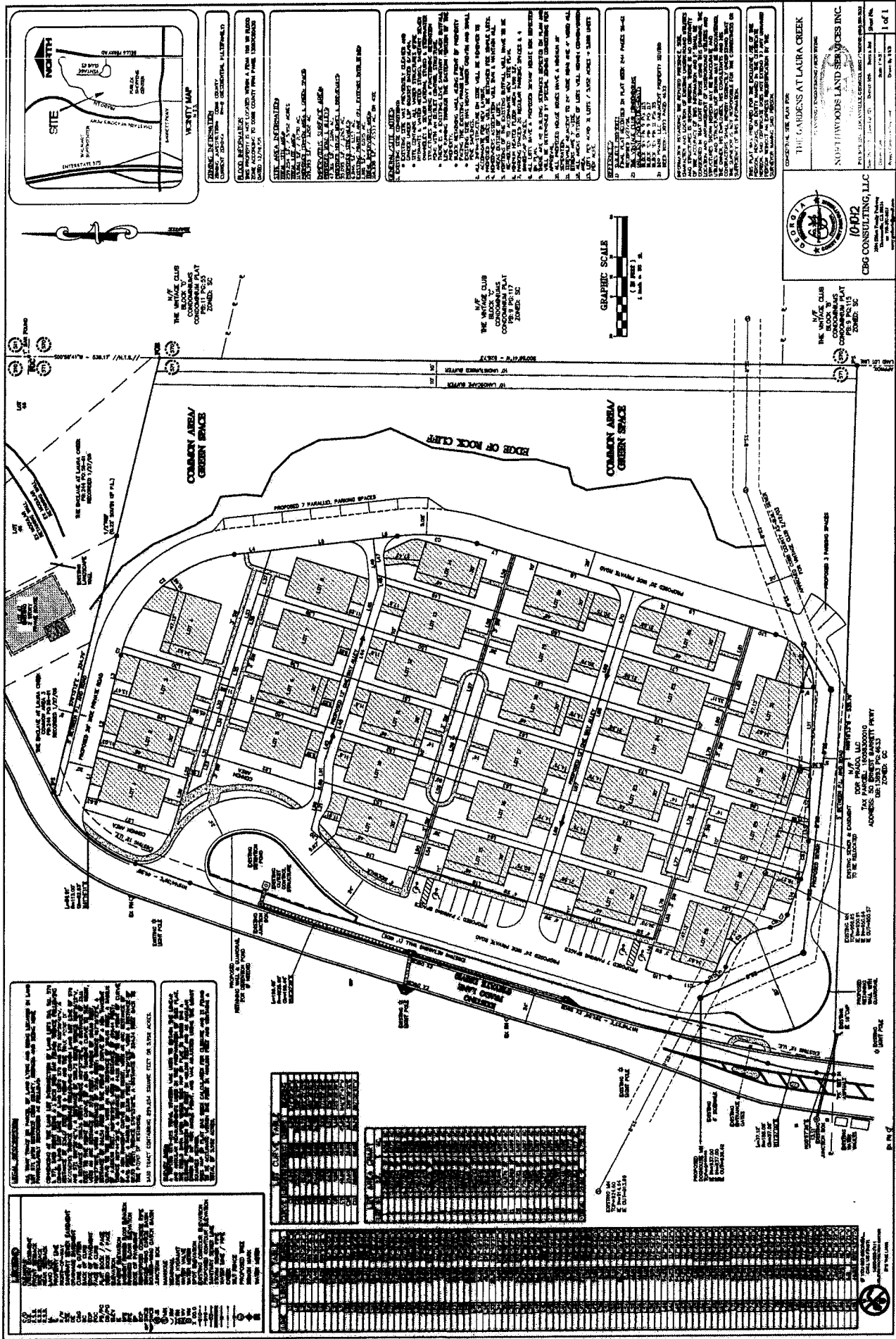
**Applicant: Brock Built Homes, LLC**  
**Property Owner: Strait Investments LLC**

The property which is the subject of this Application for "Other Business" consists of approximately 6.62 acres and was part of a larger tract which was rezoned by the Cobb County Board of Commissioners through a settlement of litigation on December 19, 2000 (said 6.62 acre tract being hereinafter referred to as the "Property" or the "Subject Property"). Subsequently, an Application for Rezoning was filed which included only the Subject Property and which sought rezoning from the previously approved zoning classification of Low Rise Office ("LRO") to the proposed zoning classification of RM-8 for the purpose of development of townhome-style condominiums. This Application, being Z-40 (2005), was approved by the Cobb County Board of Commissioners on March 15, 2005. Applicant now seeks an amendment to this previously approved rezoning to allow for development of a detached community of cottage style homes. Due to the complete change of product type and lay-out from that previously approved, Applicant seeks this amendment. The Conceptual Site Plan for consideration in this Application for "Other Business" is attached as Exhibit "I"; however, since the previously approved stipulations will be deleted in their entirety, the stipulations proposed for the development pursuant to the attached Conceptual Site Plan will be enumerated in a separate letter of agreeable stipulations and conditions which will be filed with the Cobb County Zoning Office prior to the hearing date by the Cobb County Board of Commissioners.



**CONCEPTUAL SITE PLAN FOR  
PROPOSED DETACHED COTTAGE-  
STYLE DEVELOPMENT**

# PROPOSED SITE PLAN



**ZONING INFORMATION:**  
 THE PROPERTY IS ZONED R-100 (RESIDENTIAL SINGLE-FAMILY) BY THE CITY OF CHARLOTTE. THE PROPOSED DEVELOPMENT IS COMPATIBLE WITH THE ZONING REGULATIONS.

**DEVELOPER'S NOTES:**  
 THE DEVELOPER HAS OBTAINED ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF CHARLOTTE AND THE STATE OF NORTH CAROLINA. THE DEVELOPER IS NOT PROVIDING ANY WARRANTIES OR REPRESENTATIONS REGARDING THE ACCURACY OF THE INFORMATION PROVIDED HEREIN.

**GENERAL NOTES:**  
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.  
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.  
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.  
 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE UNLESS OTHERWISE NOTED.  
 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE DRIVE UNLESS OTHERWISE NOTED.

**LEGEND:**  
 - Hatched Area: Proposed Building Footprint  
 - Dashed Line: Property Line  
 - Solid Line: Existing Drive  
 - Dotted Line: Proposed Drive  
 - Solid Line with Dashes: Proposed Parallel Parking Spaces

**THE GARDENS AT LAURA CREEK**  
 NORTHWOODS LAND SERVICES INC.  
 10101 WOODHOLLOW DRIVE, SUITE 100  
 CHARLOTTE, NC 28226  
 PHONE: 704.541.1000  
 FAX: 704.541.1001  
 WWW.NORTHWOODS.COM

**CGS CONSULTING, LLC**  
 10101 WOODHOLLOW DRIVE, SUITE 100  
 CHARLOTTE, NC 28226  
 PHONE: 704.541.1000  
 FAX: 704.541.1001  
 WWW.CGSCONSULTING.COM

**LEGAL DESCRIPTION:**  
 THE PROPERTY IS DESCRIBED AS: [Detailed legal description of the property, including lot numbers and area measurements.]

**LEGEND:**  
 - Hatched Area: Proposed Building Footprint  
 - Dashed Line: Property Line  
 - Solid Line: Existing Drive  
 - Dotted Line: Proposed Drive  
 - Solid Line with Dashes: Proposed Parallel Parking Spaces

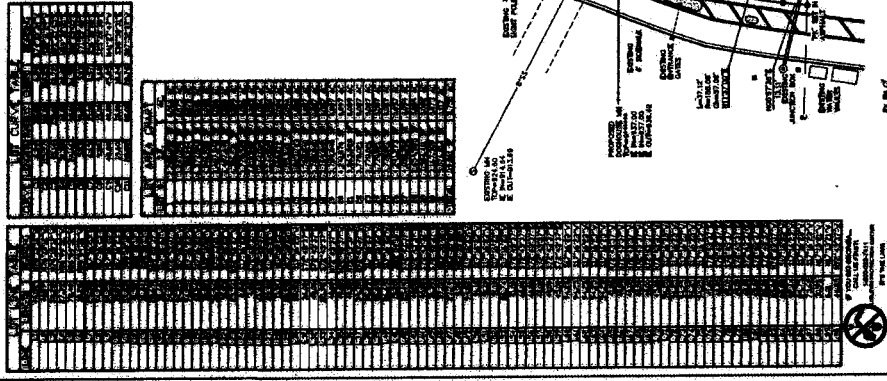


EXHIBIT "1"

OCT 18 2012

**PREVIOUSLY APPROVED SITE PLAN  
FOR TOWNHOME DEVELOPMENT**

5B

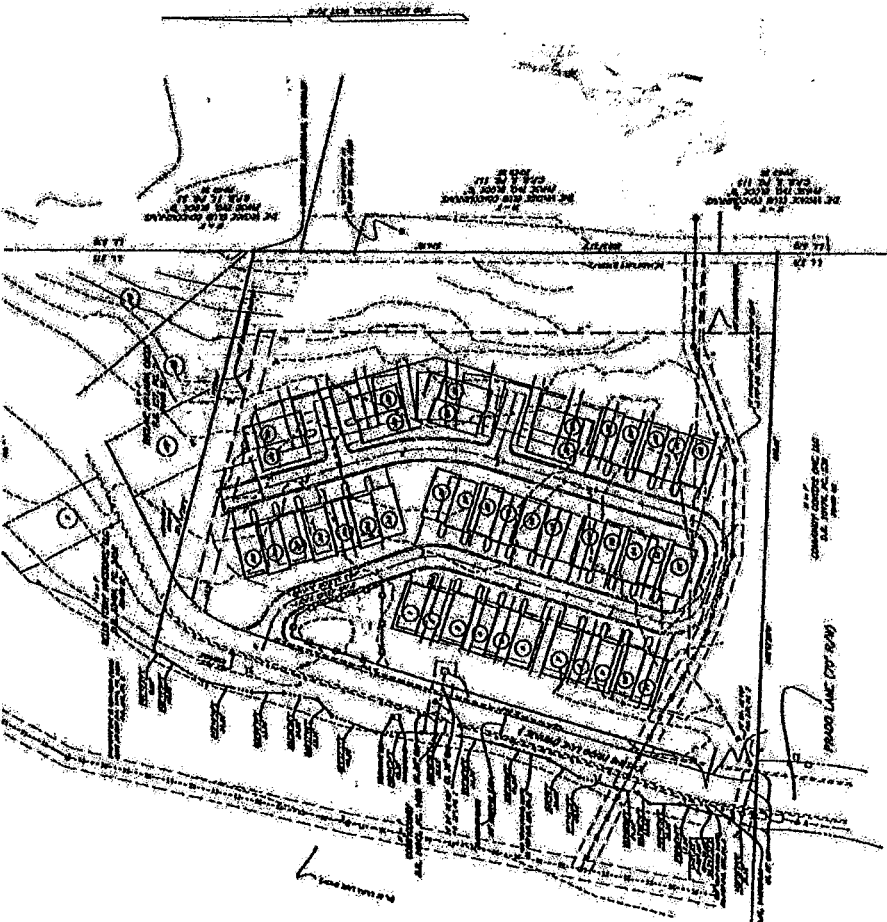
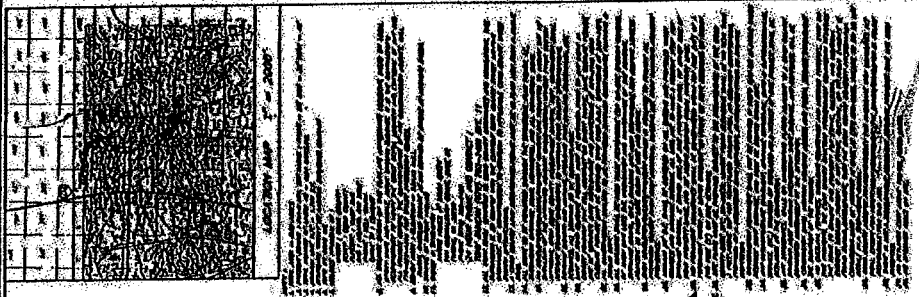
**Gaskins**

**PRELIMINARY PLAT FOR  
THE VILLAGE AT LAURA CREEK  
(P.K.A. CREASIDE COMMONS TOWNHOMES)  
LAND LOT 871, 881H DISTRICT AND SECTION  
COBB COUNTY, GEORGIA  
ZONED R4-8**



DATE	12/15/2011
PROJECT	THE VILLAGE AT LAURA CREEK
OWNER	THE VILLAGE AT LAURA CREEK
SCALE	AS SHOWN
BY	[Signature]
CHECKED BY	[Signature]
DATE	12/15/2011

2



PLAT OF THE VILLAGE AT LAURA CREEK (P.K.A. CREASIDE COMMONS TOWNHOMES) LAND LOT 871, 881H DISTRICT AND SECTION COBB COUNTY, GEORGIA ZONED R4-8

[Handwritten notes and signatures]

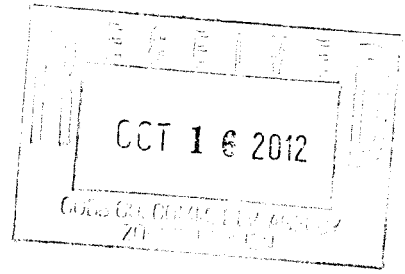
IF YOU ARE CONSIDERING CALLING US FIRST, CALL US FIRST! 1-800-350-7411 (ACTS IN ALL STATES) [Logo]



2011/12/15/2011

2011/12/15/2011





**FINAL MINUTES, AND ATTACHMENTS,  
OF APPROVAL TO THE RM-8 ZONING  
CATEGORY – MARCH 15, 2005**

ORIGINAL DATE OF APPLICATION: 03-15-05APPLICANTS NAME: PRISKE-JONES SOUTHEAST

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 03-15-05 ZONING HEARING:**

**PRISKE-JONES SOUTHEAST** (Bells Ferry Investors, LLC, owners) for Rezoning from **LRO** to **RM-8** for the purpose of Townhouse-Style Condominiums in Land Lot 571 of the 16<sup>th</sup> District. Located on the east side of Prado Drive (private drive), north of Barrett Parkway.

The public hearing was opened and Mr. Garvis Sams, Jr., Mr. Brad Jones, Ms. Amy Bernd, Ms. Hilda Towery, and Mr. Don Wright addressed the Board. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by Lee, second by Kesting, to **approve** rezoning to the **RM-8** zoning district **subject to:**

- **District Commissioner to approve final site plan**
- **letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated February 21, 2005, with the following revision: (copy attached and made a part of these minutes)**
  - **Paragraph 9a: increase landscape buffer along easterly property line to 80 feet**
- **powerpoint presentation by Priske-Jones Southeast (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**

**VOTE:** **ADOPTED** 3-2, Olens and Goreham opposed

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
RICHARD A. HARRAH  
MICHAEL P. PRYOR  
  
OF COUNSEL  
DAVID P. HARTIN

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

WWW.SAMSLARKINHUFF.COM  
INFO@SAMSLARKINHUFF.COM

February 21, 2005

Min. Bk. 33 Petition No. Z-40  
Doc. Type Letter of agreeable  
stipulations  
Meeting Date 3-15-05

VIA HAND DELIVERY

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

Re: Application of Priske-Jones Southeast to Rezone a 6.62 Acre Tract  
From LRO to RM-8 (No. Z-40)

Dear John:

As you know, this firm represents the applicant and the property owner concerning the above-captioned application for rezoning. In that regard, the application is scheduled to be heard and considered by the Cobb County Planning Commission on March 1, 2005. Thereafter, the application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on March 15, 2005.

With respect to the foregoing and in accordance with the dialogue which has been established with the County's professional staff and residents within Vintage Gate Condominiums who reside in the community which is located contiguous and to the east of the subject property, please allow this letter to serve as my clients' expansion of 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:

VIA HAND DELIVERY

Petition No. 2-40  
Meeting Date 3-15-05  
Continued

Mr. John P. Pederson, Planner III  
February 21, 2005  
Page 2

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1. The development of a residential condominium community consisting of a total number of forty-two (42) homes at an overall maximum density of 6.34 units per acre.
2. The size of the condominium homes shall range from a minimum of 2,000 square feet up to 2,400 square feet, and each home shall have an attached two-car garage.<sup>1</sup>
3. The architectural style of the condominium home shall be traditional, a maximum of three stories in height, with all four sides of the homes consisting of at least two (2) materials from the following: brick, stone, stucco, hardy plank and natural wood shingles.
4. An agreement that the condominium homes shall be "for sale" only and that the proposed residential development shall be constructed and governed in conformity with requirements of the Georgia Condominium Act (O.C.G.A. §44-3-70, *et. seq.*). Additionally, leasing of the condominium homes thereafter shall be limited to no more than five percent (5%) of the total number of homes, and for no lease term less than one (1) year in duration.
5. An agreement to set up a mandatory Homeowners Association which shall be responsible for the upkeep and maintenance of all common areas, including all fencing, landscaping and buffers contained within the condominium community.
6. A third-party management company shall be hired to manage the day-to-day operations of the Homeowners Association, including the responsibility for all commonly owned properties within the subject property. The third-party management company shall also be responsible for the management of all association monies, as well as ensuring that the association is properly insured.
7. An agreement to the recordation and enforcement of a Declaration of Condominium which shall contain covenants, rules and regulations applicable to the residential condominium community.

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<sup>1</sup> It is anticipated the price points will range from \$250,000 to \$300,000 and beyond.

VIA HAND DELIVERY

Petition No. 2-40  
Meeting Date 3-15-05  
Continued

Mr. John P. Pederson, Planner III  
February 21, 2005  
Page 3

8. Compliance with all recommendations from the Stormwater Management Division with respect to detention, hydrology and downstream considerations, including staff's review and approval regarding the ultimate location and configuration of on-site detention and water quality ponds.<sup>2</sup>
9. The submission of a landscape plan during the Plan Review process, subject to staff review and approval, which shall include, but not necessarily be limited to, the following:
  - a. The installation of a planted and enhanced twenty-five (25') foot landscape buffer on the northern and eastern property lines.
  - b. The installation of underground utilities.
  - c. Sodded front, side and rear yards which shall be irrigated.
  - d. The installation of decorative street lights throughout the residential community which shall be themed to the architectural style and composition of the homes.
10. Entry signage shall be ground-based, monument style, landscaped and irrigated and incorporated into the submitted landscape plan.
11. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, including an agreement that all streets within the residential community shall be private with the maintenance of same being the responsibility of the mandatory Homeowners Association.
12. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer. Additionally, an agreement to master-meter the residential community.
13. Utilization of low-intensity, environmental-type lighting, the illumination of which shall be confined within the perimeter of the subject property.

As you know, the subject property is situated entirely within the confines of a Community Activity Center (CAC) as shown on the County's Future Land Use Map and is

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<sup>2</sup> A full hydrologic analysis, which includes the subject property, has been completed and submitted to staff in connection with the adjacent parcel (Creekside Commons) previously developed by Priske-Jones.

Petition No. Z-40  
Meeting Date 3-15-05  
Continued

**VIA HAND DELIVERY**

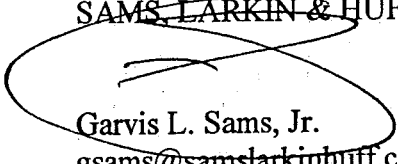
Mr. John P. Pederson, Planner III  
February 21, 2005  
Page 4

As you know, the subject property is situated entirely within the confines of a Community Activity Center (CAC) as shown on the County's Future Land Use Map and is located directly across Chastain Meadows Parkway from the recently approved 200,000+ square foot Walmart (No. Z-169 [2003]).

Priske-Jones' proposal to downzone the subject property to forty-two (42) single-family attached homes has been favorably received by area residents and is otherwise appropriate from a land use planning perspective, particularly when considered in the context of the stipulations/conditions to which Priske-Jones has agreed. Nevertheless, please do not hesitate to call should you or your staff require any further information or documentation prior to the application's appearance before the Planning Commissioner and Board of Commission next month.

Very truly yours,

~~SAMS, LARKIN & HUFF, LLP~~

  
Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLSjr/ns

- cc: Members, Cobb County Board of Commissioners – Via Hand Delivery  
Members, Cobb County Planning Commission – Via Hand Delivery  
Ms. Gail Huff, Deputy County Clerk – Via Hand Delivery  
Ms. Sandra Richardson, Assistant County Clerk – Via Hand Delivery  
Mr. Robert L. Hosack, Jr., AICP, Director – Via Hand Delivery  
Ms. Hilda Towery  
Mr. Brad Jones  
Mr. Jim Knight

Min. Bk. 33 Petition No. Z-40  
Doc. Type Powerpoint Presentation  
(Outline and Slides)  
Meeting Date 3-15-05

1  **Priske – Jones Southeast**

Rezoning Application

No. Z-40

“The Enclave at Laura Creek”

2  **Property Facts**

- 6.62 Acres
- Suburban Condominiums to the North and East
- Town Center Prado (Publix) Center and Bally’s Fitness to the South
- Chastain Parkway and the new Wal-Mart to the West

3 


4 

5  **Current Zoning**

- LRO (Low Rise Office)
- 125,000 sq ft of office space
- 262 parking spaces
- Two buildings
  - \* 75,000 sq ft – Three stories
  - \* 50,000 sq ft – Two stories

6  **Proposed Zoning**

- RM-8
- 42 Town Homes
- Minimum of 2,000 sq ft per Town Home, with some Town Homes up to 2,800 sq ft
- Minimum of attached 2-car garage, many with 3-car tandem garage
- Traditional style architecture

7  **Site Plan as Recommended by the Planning Commission**


8  **Cross Section Diagram**

9  **Scale Drawing of the Relationship of Town Homes to the**


Petition No.     Z-40      
Meeting Date     3-15-05      
Continued

Vintage Club

10  Conceptual Architectural Rendering

11  Benefits of the Rezoning

- Reduced building mass
- Reduced traffic
  - \* **1,584** traffic "trips" from the approved office project
  - \* **308** traffic "trips" from the proposed Town Homes
- Reduced impermeable surfaces
- All infrastructure is in place – no modifications will be required to roads, storm drains, utilities, etc.

12  Agreed Stipulations

- Stipulations as offered in the letter to the Cobb County Development Agency dated February 21, 2005
- Plus.....**
- 80 foot landscape buffer on the shared boundary line with the Vintage Club
  - \* Plant types to be subject to staff approval
- The Town Homes shall be owner-occupied (subject to the limited right to lease described in the stipulation letter)

13  Requested Action

- Approval of Z-40 as recommended by the Planning Commission on March 1, 2005

14  Priske – Jones Southeast

Rezoning Application

No. Z-40

"The Enclave at Laura Creek"



# Priske – Jones Southeast

## Rezoning Application

No. Z-40

“The Enclave at Laura Creek”

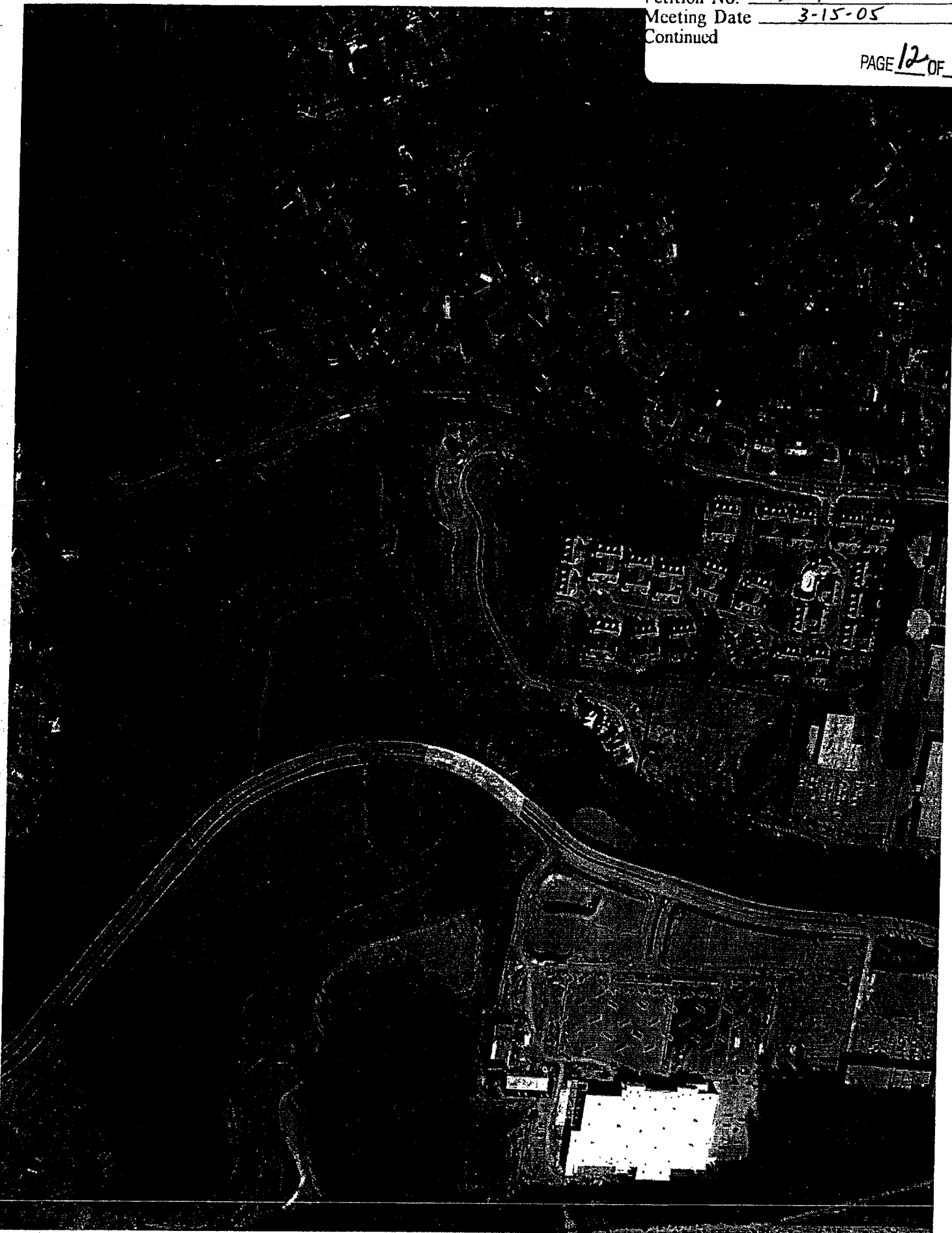
Petition No. Z-40  
Meeting Date 3-15-05  
Continued

## Property Facts

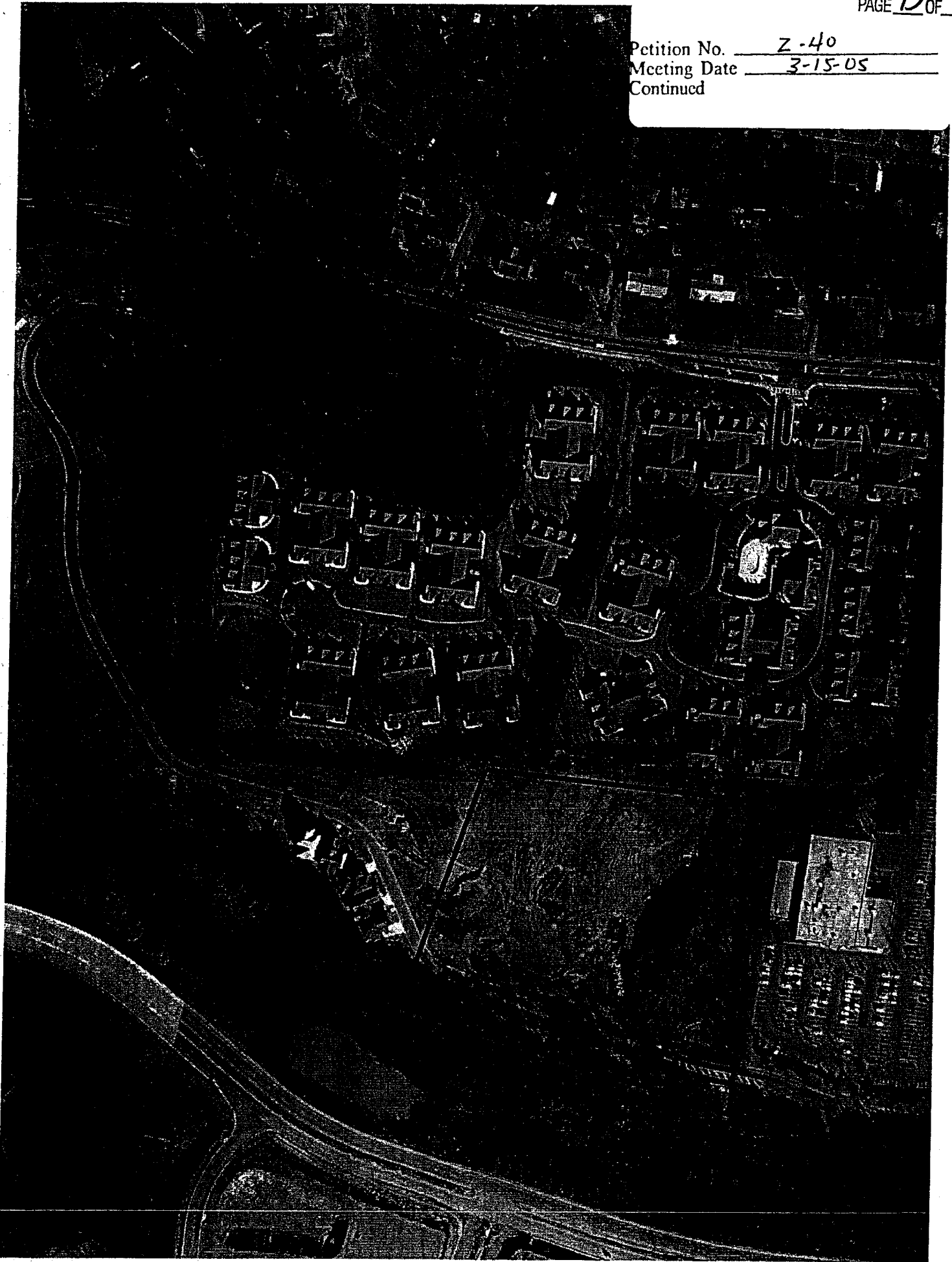
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Petition No. Z-40  
Meeting Date 3-15-05  
Continued

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Petition No. Z-40  
Meeting Date 3-15-05  
Continued



Petition No. 2-40  
Meeting Date 3-15-05  
Continued

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- 42 Town Homes
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with some Town Homes up to 2,800 sq ft
- Minimum of attached 2-car garage, many  
with 3-car tandem garage
- Traditional style architecture

# Site Plan as Recommended by the Planning Commission

**GASKINS**

1258 POWERS SPRINGS ROAD  
 MARETTA, GEORGIA 30054

LAND LOT 571, 16A DISTRICT, 2ND SECTION  
 COBB COUNTY, GEORGIA

SURVEYING • ENGINEERING • ENVIRONMENTAL

## CREEKSIDE COMMONS

PROJECT NO. \_\_\_\_\_  
 COUNTY \_\_\_\_\_  
 SCALE \_\_\_\_\_  
 DATE \_\_\_\_\_

DATE: \_\_\_\_\_  
 SHEET NO. \_\_\_\_\_

**NOT ISSUED FOR CONSTRUCTION**

**LOCATION MAP 1" = 2000'**

**SITE SUMMARY**

TOTAL SITE AREA:	6.63 AC.
EXISTING ZONING:	LRO
PROPOSED ZONING:	RM-4
TOTAL UNITS SHOWN:	42
PROPOSED DENSITY:	6.34 UNITS/AC
UNIT SIZE:	24' x 50'
BUILDING SETBACKS:	50' FRONT 25' SIDE 40' REAR

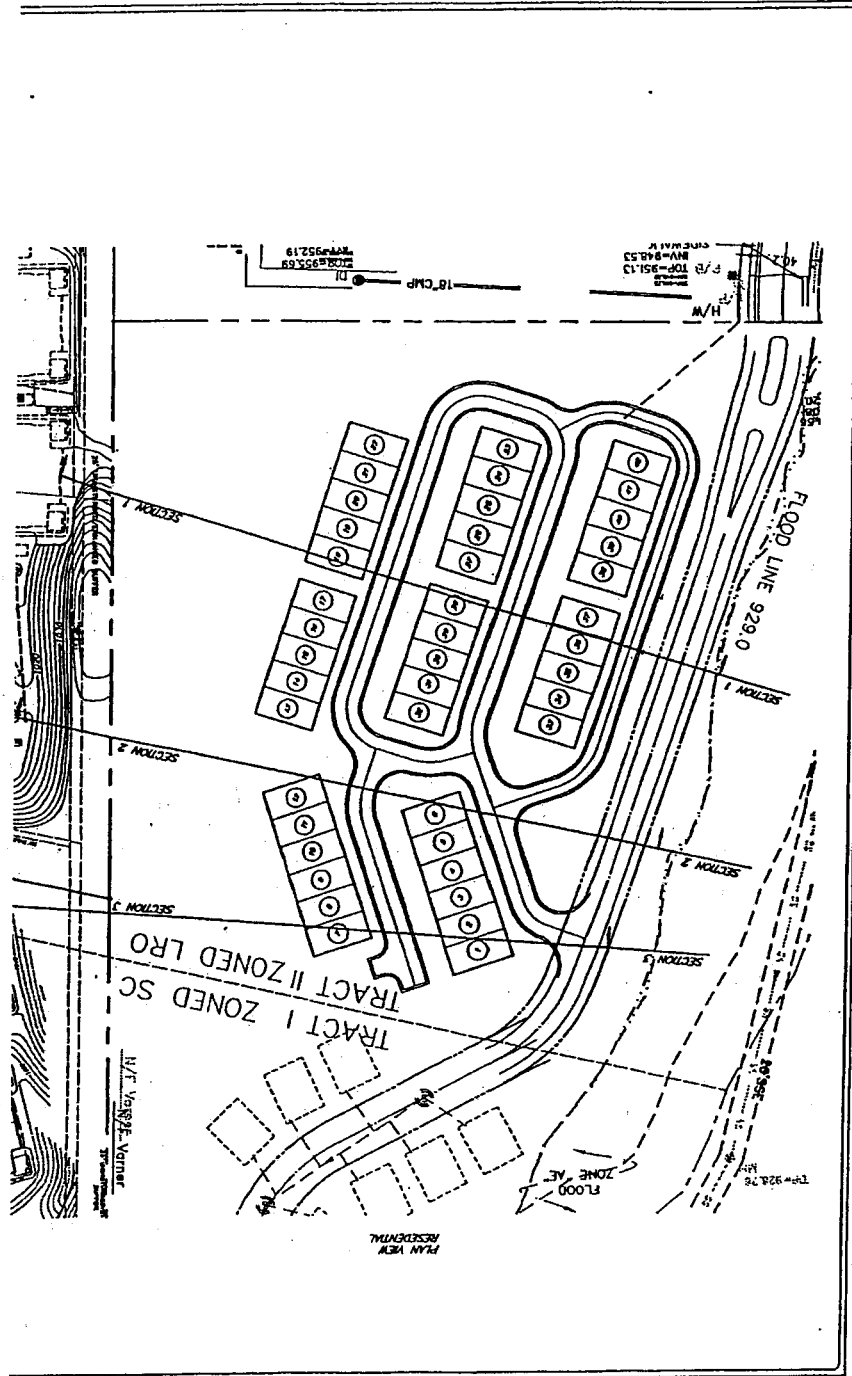
**NOTES**

1. REVISIONS SHOWN BY LINES.
2. ALL DIMENSIONS SHALL BE IN FEET UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS SHALL BE TO THE CENTER OF CURVATURE UNLESS OTHERWISE NOTED.
4. ALL DISTANCES SHOWN ARE TO THE CENTER OF CURVATURE UNLESS OTHERWISE NOTED.

**COBB COUNTY**  
 ZONING DEPARTMENT  
 1505 MARKET STREET, N.W.  
 ATLANTA, GEORGIA 30334

Pctition No. 2-40  
Meeting Date 3-15-05  
Continued

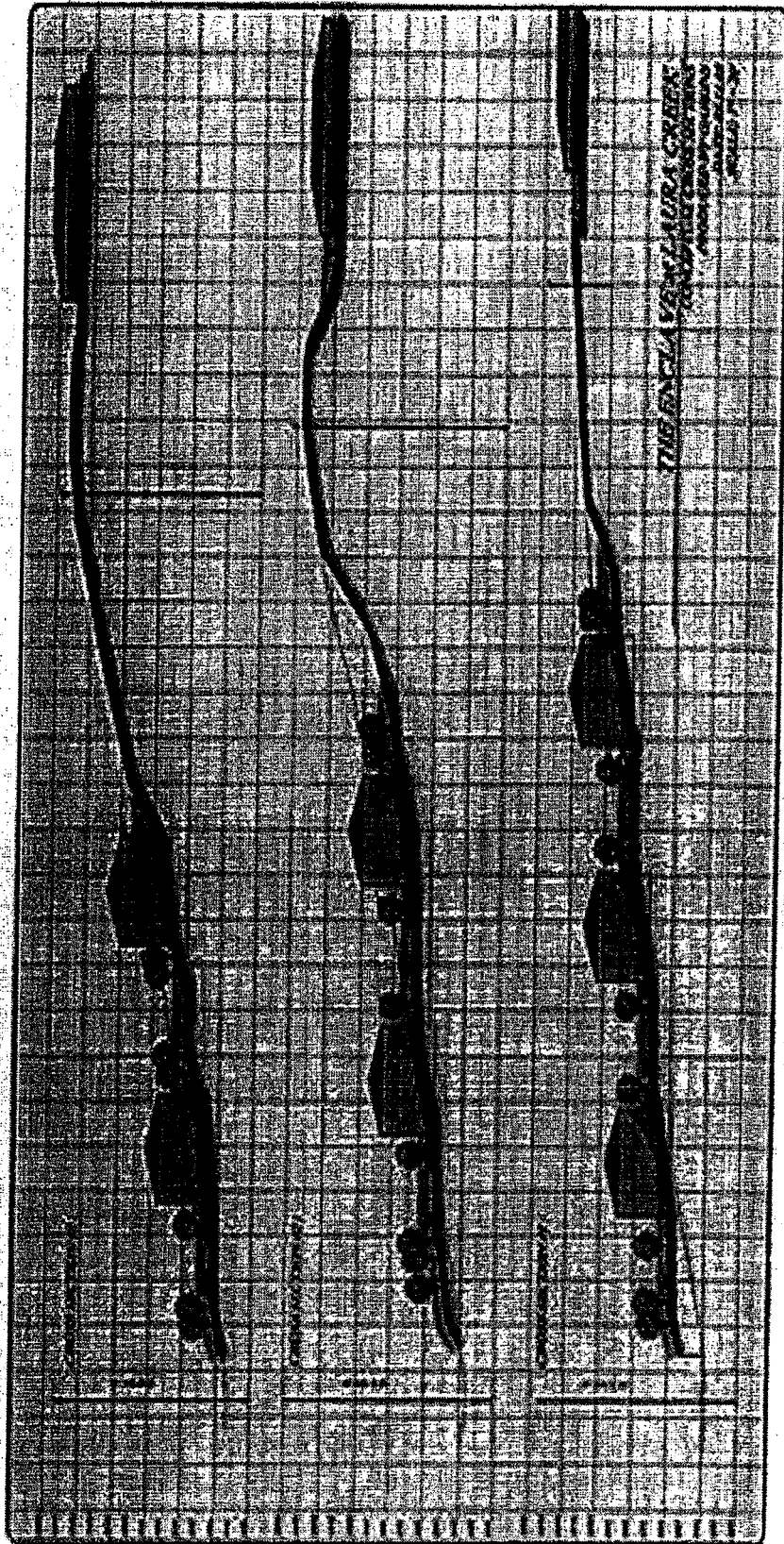
# Cross Section Diagram





# Scale Drawing of the Relationship of Town Homes to the Vintage Club

Petition No. Z-40  
Meeting Date 3-15-05  
Continued



Petition No. Z-40  
Meeting Date 3-15-05  
Continued

# Conceptual Architectural Rendering



# Benefits of the Rezoning

- Reduced building mass
- Reduced traffic
  - \* **1,584** traffic "trips" from the approved office project
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Petition No. 2-40  
Meeting Date 3-15-05  
Continued

# Agreed Stipulations

■ Stipulations as offered in the letter to the Cobb County Development Agency dated February 21, 2005

## **Plus.....**

■ 80 foot landscape buffer on the shared boundary line with the Vintage Club

\* Plant types to be subject to staff approval

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Petition No.     Z-40      
Meeting Date     3-15-05      
Continued

## Requested Action

- Approval of Z-40 as recommended by the Planning Commission on March 1, 2005

# Priske – Jones Southeast

## Rezoning Application

No. Z-40

“The Enclave at Laura Creek”

Petition No. Z-40  
Meeting Date 3-15-05  
Continued