Year 2012 Form

2

Application for "Other Business"
Cobb County, Georgia

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 APR 16 PM 4:26
COBB COUNTY ZONING DIVISION

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** May 21, 2013

Applicant: Acadia Homes & Neighborhoods, LLC **Phone #:** 404-274-4492
(applicant's name printed)

Address: 3200 Cobb Galleria Pkwy, #150, Atlanta, GA 30339 **E-Mail:** ewalters@theardentcompanies.com
ggoldenberg@acadiahomes.us

Garvis L. Sams, Jr.
Sams, Larkin & Huff, LLP **Address:** 376 Powder Springs St., Ste. 100, Marietta, GA 30064
(representative's name, printed)

Phone #: 770-422-7016 **E-Mail:** gsams@samslarkinhuff.com
(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: 7/7/14
Notary Public

SHARON BOURNE NOTARY PUBLIC GEORGIA PAULDING COUNTY EXPIRES JULY 7, 2014

Titleholder(s) : Gwinnett Community Bank **Phone #:** 770-476-2775
(property owner's name printed)

Address: 2775 Buford Hwy., Duluth, GA 30096 **E-Mail:**

Please see attached.
(Property owner's signature)

Signed, sealed and delivered in presence of:

My commission expires:
Notary Public

Commission District: District 2 (Ott) **Zoning Case:** No. Z-157 (2006)

Date of Zoning Decision: 11/21/2006 **Original Date of Hearing:** 11/21/2006

Location: West side of Spring Hill Pkwy, North of Mount Wilkinson Pkwy
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 882 **District(s):** 17th

State specifically the need or reason(s) for Other Business: To revise from "townhouse-style condominiums" to "fee simple townhomes". Also, to eliminate the following interior stipulations/conditions: mandatory pre-fabricated gas or electric fireplaces; extra deep under-mounted stainless steel sinks; and, brushed-chrome bathroom and kitchen fixtures.

(List or attach additional information if needed)

REVISED December 13, 2011

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

JUSTIN H. MEEKS

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April 16, 2013

VIA HAND DELIVERY

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 APR 16 PM 1:26
COBB COUNTY ZONING DIVISION

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road
Suite 400
Marietta, GA 30064

Re: Other Business Application of Acadia Homes & Neighborhoods, LLC to revise stipulations regarding No. Z-157 (2006).

Dear John:

This firm has been engaged by and represents Acadia Homes & Neighborhoods, LLC ("Acadia") regarding the above-captioned Other Business Application. In that regard, enclosed is the original application, a check made payable to Cobb County in the sum of $309.00 representing the application and sign fees and a copy of the original zoning stipulations, site plans and other documentation incorporated by reference into the minutes reflecting the County's approval of the application on November 21, 2006.

To refresh your recollection, the subject property consists of a 3.21 acre tract of land which is sandwiched between the Park at Vining Apartments and I-285. The property is located in an area under the Future Land Use Map which is denominated for High Density Residential ("HDR") development contemplating densities ranging from 5-12 units per acre. When the Zoning Application was approved in 2006, it was for a total number of twenty-five (25) homes and an overall maximum density of 7.79 units per acre.

Acadia proposes to develop the property for a fee simple townhome community consistent with the stipulations/conditions approved in 2006; however, the Other Business Application does request some minor revisions to that original approval as indicated on the application form. I have met with Commissioner Bob Ott and briefed him on the application and the revisions it seeks.

Please let me know when notification signage is prepared so that I can ensure that the subject property is posted indicating that the Other Business Application will be heard by the Board of Commissioners on their Other Business Agenda which is scheduled for May 21, 2013. Thank you in advance for your attention to these matters. Please do not hesitate to call should you have any questions whatsoever. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLS,Jr./snw
Enclosures

cc: Mr. Bob Ott, Commissioner (Via E-Mail w/ attachments)
Mr. Clint Walters, Acadia Homes & Neighborhoods, LLC (Via E-Mail w/ attachments)
Ms. Suzanne Ballew, West Vinings Civic Association (Via E-Mail w/ attachments)

ATTACHMENT TO APPLICATION FOR OTHER BUSINESS AGENDA ITEM

Application No.: Z-157 (2006)
Hearing Date: May 21, 2013

Applicant: Acadia Homes & Neighborhoods, LLC

Titleholder: Gwinnett Community Bank

Signature: _____

Address: 2775 Buford Hwy., Duluth, GA 30096

Telephone No.: 770-476-2775

Signed, sealed and delivered
in the presence of:

_____
Notary Public
Commission Expires: 1-31-2014

(Notary Seal)

DEBRA T. BROWN
NOTARY
EXPIRES
GEORGIA
JAN. 31, 2014
PUBLIC
FORSYTH COUNTY

Z-129 **K.P. INVESTMENT PROPERTIES, LLC (Continued)**

- **Item No. 12 – Add: "*No parking of [illegible]ies for the purpose of advertising.*"**
- **Item No. 13 – Add: "*No [illegible]obile related businesses allowed.*"**

- **Fire Department com[illegible] and recommendations**
- **Water and Sewe[illegible]ion comments and recommendations**
- ***revised* St[illegible]ter Management Division comments and recom[illegible]tions (copy attached and made a part of these [illegible])**
- **[illegible]obb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

Z-157 **JOHNSON/WILLIS, LLC** (William H. Benton and John S. Hunsinger, owners) requesting Rezoning from **R-20** to **RM-8** for the purpose of Townhouse-Style Condominiums in Land Lot 882 of the 17th District. Located on the west side of Spring Hill Parkway, north of Mount Wilkinson Parkway.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **RM-8** zoning district **subject to:**

- **site plan in general conformity to the plan received by the Zoning Division September 7, 2006, with Stormwater Management Division to have final determination on the detention facility, and the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **Cobb DOT and the District Commissioner to approve a new site plan taking into consideration GDOT right-of-way along the property frontage (no permits are to be issued until this site plan is approved)**
- **letter of agreeable stipulations from Mr. Garvis L. Sams, Jr., dated October 12, 2006 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Garvis L. Sams, Jr., dated November 7, 2006, *noting that interior finishes will be "built" to standards described in this letter but are not required in perpetuity* (copy attached and made a part of these minutes)**

Z-157 **JOHNSON/WILLIS, LLC (Continued):**

- **this to be a gated community, with security gate**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations,** ***excepting requirement for a left turn lane***
- **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**

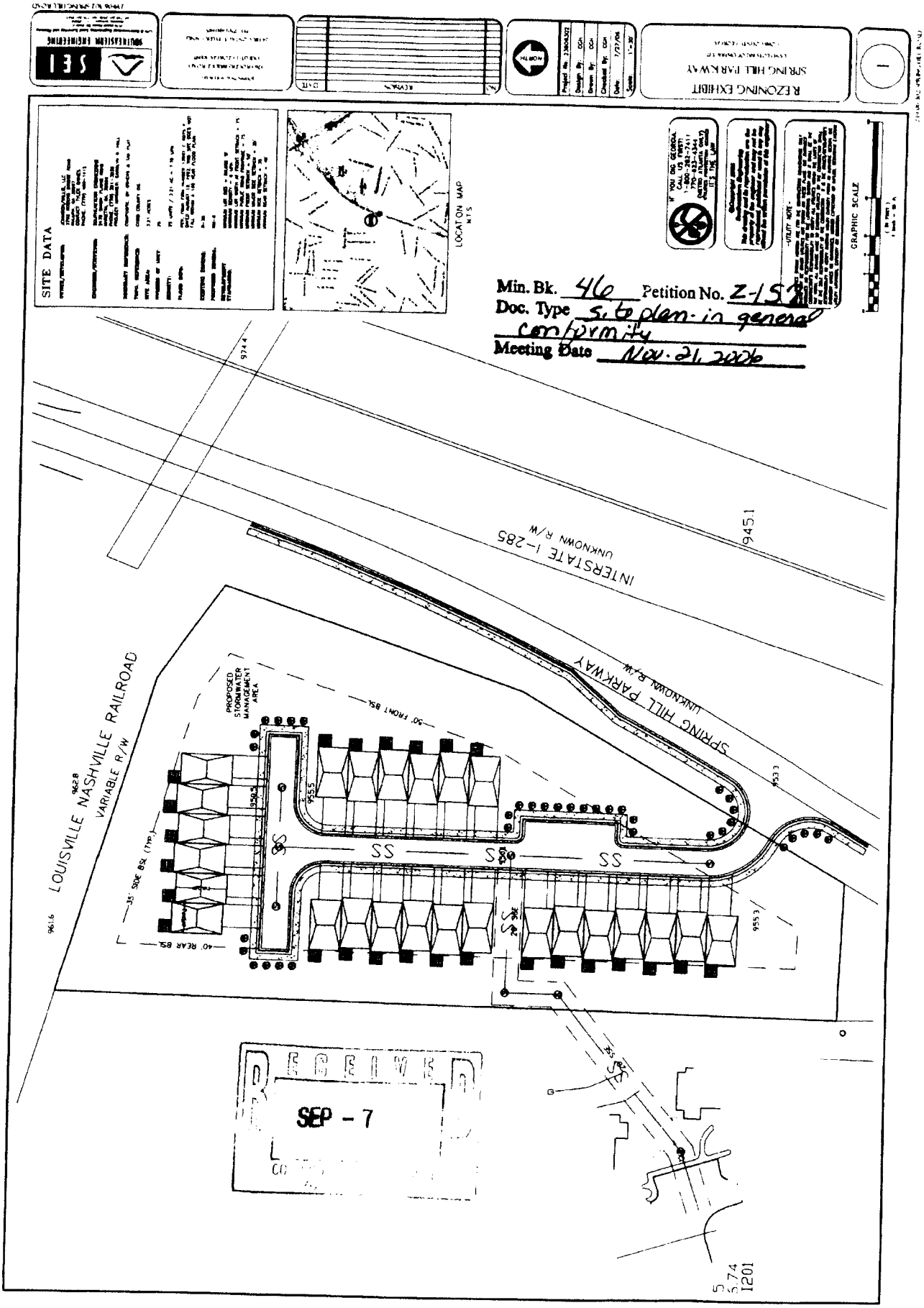
VOTE: **ADOPTED** unanimously

Z-159 **QUAIL RUN PARTNERS, L.P.** (owner) requesting Rezoning from **RM-12** to **RM-12 with Stipulations** for the purpose of Bringing Existing Apartments Into Compliance With Zoning Code in Land Lot 279 of the 17th District. Located at the western terminus of Cranfill Street, west of South Cobb Drive.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **RM-12** zoning district **subject to:**

- **site plan received by the Zoning Division September 7, 2006 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Garvis L. Sams, Jr., dated November 1, 2006 (copy attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously



Min. Bk. 46 Petition No. Z-157
Doc. Type site plan in general conformity
Meeting Date Nov. 21, 2006

RECEIVED
SEP - 7

Min. Bk. 46 Petition No. Z-157
Doc. Type 10-12-2006 Letter of Agreeable Stipulations
Meeting Date Nov. 21, 2006

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
JAMES A. BALLI*
MELISSA P. HAISTEN

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE IN ALABAMA

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WWW.SAMSLARKINHUFF.COM

October 12, 2006

VIA HAND DELIVERY

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

Re: Application of Johnson/Willis, LLC to Rezone from a 3.21 acre tract from R-20 to RM-8 (No. Z-157)

Dear John:

You will recall that this firm represents Johnson/Willis, LLC concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on November 7, 2006 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 21, 2006.

The subject property, an irregularly shaped tract consisting of 3.21 acres, is sandwiched between an existing RM-8 multi-family development and Springhill Parkway which is parallel to I-285. The property is also directly across I-285 from a Regional Activity Center (RAC) and is situated within an area under the Future Land Use Map and Comprehensive Land Use Plan which is denominated for High Density Residential (HDR) development.

As a result of our discussions with the County's professional staff, Johnson/Willis, LLC is amenable to the following conditions becoming a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

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

Petition No. Z-157
Meeting Date NOV. 21, 2006
Continued

VIA HAND DELIVERY

concerning the property which constitutes the subject matter of the above-captioned application for rezoning.

2. The rezoning of the subject property shall be from R-20 to RM-8 in substantial conformity to the site plan prepared by Southeastern Engineering which was filed contemporaneously with the Application for Rezoning.

3. The subject property shall be developed for single-family attached residences upon a total of 3.21 acres for a total number of 25 homes at an overall maximum density of 7.79 homes per acre.[1]

4. The size of the homes shall range from a minimum of 2,000 sq. ft. up to 2,400 sq. ft. with each home having an attached two-car garage.

5. The architectural style of the homes shall be traditional and a maximum of three (3) stories in height. The composition of the homes shall consist of a mixture of brick, stacked stone, hardy shake, or hardy plank on at least four (4) sides. The architectural style and composition shall be consistent with the rendering being submitted contemporaneously herewith.[2]

6. An agreement to create a Mandatory Homeowners Association which shall be responsible for the upkeep and maintenance of all common areas and all landscaped areas, fences, lighting and streets within the proposed residential community.

7. A Third-Party Management Company shall be hired to manage the day-to-day operations of the Mandatory 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 the Association monies as well as ensuring that the Association is properly insured.

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[1] The proposed density is consistent with the High Density Residential (HDR) designation under the Future Land Use Map.

[2] Price points are anticipated ranging from $300,000 to $400,000 and higher.

Petition No. Z-157
Meeting Date Nov. 21, 2006
Continued

VIA HAND DELIVERY

8. An agreement to record and enforce a Declaration of Covenants, Conditions and Restrictions which shall contain Covenants, Rules and Regulations applicable to the proposed residential community.

9. The submission of a landscape plan during the Plan Review process, subject to staff review and approval which shall include the following:

   a. Entry signage shall be ground-based, monument-style, landscaped consistent with that existing entrance signage along Springhill Parkway, fully irrigated and incorporated into the submitted landscape plan.

   b. Landscaping along the subject property's frontage on Springhill Parkway.

   c. The installation of underground utilities.

   d. Landscaping water quality ponds and detention areas so that they are attractively screened.

10. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on-site detention and water quality ponds.

11. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, including the following:

   a. The voluntary donation and conveyance of right-of-way on Springhill Parkway (major collector) so that the County can achieve 40' from the centerline of same.

   b. The installation of sidewalk, curb and gutter along the Springhill Parkway frontage.

   c. The construction of a deceleration lane with an appropriate taper at the subject property's point of ingress/egress on Springhill Parkway.

   d. A 10' no access easement across the subject property's frontage on Springhill Parkway except, of course, with respect to the residential community's entrance located thereon.

Petition No Z-157
Meeting Date Nov. 21, 2006
Continued

VIA HAND DELIVERY

12. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility to sewer and water, including the Water System's recommendation that the proposed residential community be master-metered.

13. Compliance with the recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.

14. The District Commissioner shall have the authority to make minor modifications to these stipulations and the site plan as the proposal proceeds through the Plan Review process.

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

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLSjr/jbmc
Enclosure
cc: Members, Cobb County Board of Commissioners (via hand delivery w/encs.)
Members, Cobb County Planning Commission (w/encs.)
Mr. Robert L. Hosack, Jr., AICP Director (via hand delivery w/encs.)
Mr. David W. Breaden, P.E. (via hand delivery w/encs.)
Mr. John M. Morey (via hand delivery w/encs.)
Ms. Gail K. Huff, Assistant County Clerk (via hand delivery w/encs.)
Ms. Karen L. King, Deputy County Clerk (via hand delivery w/encs.)
Mr. Ron Sifen, President, Vinings Homeowners Association (w/encs.)
Ms. Suzanne Ballew, West Vinings Civic Association (w/encs.)
Mr. Tony Waybright, West Vinings Civic Association (w/encs.)
Mr. John Willis, Johnson/Willis, LLC (w/o encs.)
Mr. Earl Johnson, Johnson/Willis, LLC (w/o encs.)

Petition No. Z-157
Meeting Date Nov. 21, 2006
Continued

Min. Bk. 46 Petition No. Z-157
Doc. Type 11-7-06 Letter of Agreeable Stipulations
Meeting Date Nov. 21, 2006

FILED WITH COUNTY CLERK THIS 7th DAY
OF November 2006 BY Garvis Sams, Jr.
RE Z-157
Neil K. Huff
COUNTY CLERK/ASST COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
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MARIETTA, GEORGIA 30064-3448

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November 7, 2006

VIA HAND DELIVERY

Mr. Robert J. Ott, Jr., Member
Cobb County Planning Commission
1477 Pebble Creek Road, S.E.
Marietta, GA 30067

Re: Application of Johnson/Willis, LLC to Rezone a 3.21 acre tract from R-20 to RM-8 (No. Z-157)

Dear Bob:

You have requested that, in addition to existing stipulations contained within my October 12, 2006 letter, Johnson/Willis, LLC agree to stipulations regarding the removal of billboard signs on the premises and regarding interiors of the individual townhomes.

I have been advised by my client that they are amenable to the following additional stipulations/conditions:

1. Floor plans and finishes shall consist of, at a minimum, the following:

   a. Enhanced Corian, granite, or marble counter tops in kitchens.

   b. Pre-fabricated gas or electric fire places.

   c. Minimum ceiling heights shall be a minimum of 9' from floor to finished ceiling and greater

   d. Wood face cabinetry.

   e. Extra deep under-mounted stainless steel sinks.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Z-157
NOV. 21, 2006

VIA HAND DELIVEYR

Mr. Robert J. Ott, Jr., Member
Cobb County Planning Commission
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November 7, 2006

f. Applicant shall offer a selection of hardwood flooring, tightly woven carpet, and tile throughout.

g. Spacious open floor plans which eliminate the necessity for typical hallways within the homes.

h. Brushed-chrome bathroom and kitchen fixtures.

i. Ceramic tile bathroom floors.

j. High speed Internet wiring in all rooms of each townhome (except bathrooms, kitchens and laundry rooms).

2. The billboard signs presently located on the subject property shall be removed on or before six (6) months from the date of rezoning of the subject property.

I trust that this satisfactorily responds to your recent request for additional stipulations. However, please do not hesitate to call upon me should you have any questions or need any additional information or documentation concerning this zoning application.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLSjr/jbmc
cc: Johnson/Willis, LLC