

(Site Plan Approval)

Application for "Other Business" Cobb County, Georgia

3

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

BOC Hearing Date Requested: 05/21/2013

Applicant: Ballantry Homes (Westcobb) Inc. **Phone #:** (905) 887-7235

(applicant's name printed)

Address: Suite 6, 20 Cachet Woods Court, Markham, Ontario L6C 3G1 **E-Mail:** rmartin@ballantryatlanta.com

Moore Ingram Johnson & Steele, LLP

Ontario L6C 3G1

J. Kevin Moore **Address:** Emerson Overlook, 326 Roswell Street

(representative's name, printed)

Marietta, GA 30060

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jkm@mijs.com

(representative's signature)

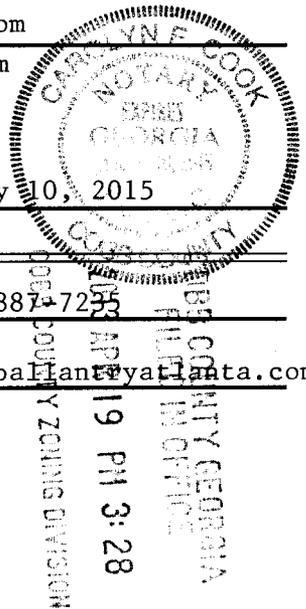
w7@mijs.com

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]

My commission expires: January 10, 2015

Notary Public



Titleholder(s): Ballantry Homes (Westcobb) Inc. **Phone #:** (905) 887-7235

(property owner's name printed)

Address: Suite 6, 20 Cachet Woods Court, Markham, Ontario L6C 3G1 **E-Mail:** rmartin@ballantryatlanta.com

See Exhibit "A" for Representative's Signature

(Property owner's signature)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Commission District: 4 (Cupid) **Zoning Case:** Z-54 (2012)

Date of Zoning Decision: 12/18/2012 **Original Date of Hearing:** 12/18/2012

Location: Southeasterly intersection of State Route 360 (Macland Road) and Bankstone Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 471, 472, 491, 492 **District(s):** 19th

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

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

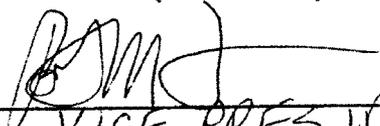
(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval)

Application No.: Z-54 (2012)
Original Hearing Date: December 18, 2012
Date of Zoning Decision: December 18, 2012
Current Hearing Date: May 21, 2013

Applicant/Property Owner: Ballantry Homes (Westcobb) Inc.

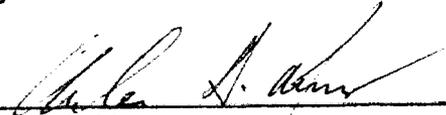
BALLANTRY HOMES (WESTCOBB) INC.

BY: 
TITLE: VICE PRESIDENT

Address: Suite 6, 20 Cachet Woods Court
Markham, Ontario L6C 3G1

Telephone No.: (905) 887-7235

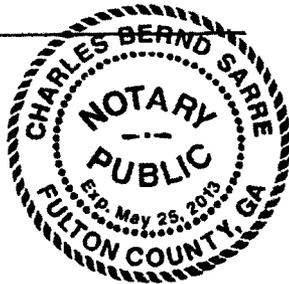
Signed, sealed, and delivered in the presence of:

 4.19. 2013

Notary Public

Commission Expires:

[Notary Seal]



CODD COUNTY GEORGIA
FILED IN OFFICE
2013 APR 19 PM 3:28
CODD COUNTY ZONING DIVISION

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(SITE PLAN APPROVAL)

Application No.: Z-54 (2012)
Original Hearing Date: December 18, 2012
Date of Zoning Decision: December 18, 2012
Current Hearing Date: May 21, 2013

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 APR 19 PM 3:28
COBB COUNTY ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Property Owner: Ballantry Homes (Westcobb) Inc.

The Subject Property was rezoned "site plan specific" on December 18, 2012, by the Cobb County Board of Commissioners. Upon commencement of permitting and development, Ballantry Homes (Westcobb) Inc. (hereinafter "Applicant") has amended the previously approved Zoning Plan to account for County comments; as well as to enhance the overall development. Therefore, submitted with this Application for "Other Business," is the amended Zoning Plan dated April 9, 2013, prepared by Gaskins Surveying Company.

With the filing of this Application for "Other Business," Applicant seeks approval of the amended Zoning Plan, same being dated April 9, 2013, prepared by Gaskins Surveying Company. A reduced copy of the proposed, amended Rezoning Plan s attached hereto as Exhibit "I" and incorporated herein by reference.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes of the Cobb County Board of Commissioners Zoning Hearing held on December 18, 2012, as to Application No. Z-54 (2012) are unaltered by this request for site plan approval.

**SITE PLAN FOR APPROVAL BY
BOARD OF COMMISSIONERS
PURSUANT TO APPLICATION FOR
“OTHER BUSINESS” – MAY 21, 2013**

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-54 (2012) –
DECEMBER 18, 2012**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 18, 2012
9:00 A.M.**

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 APR 19 PM 3:28
COBB COUNTY ZONING DIVISION

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 18, 2012 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 JoAnn Birrell
- Commissioner Helen Goreham
- Commissioner Robert Ott
- Commissioner Woody Thompson

Z-54

BALLANTRY HOMES (WESTCOBB) INC. (owner) requesting Rezoning from **R-20** to **R-15/OSC** for the purpose of a Subdivision in Land Lots 471, 472, 491 and 492 of the 19th District. Located at the southeast intersection of Macland Road and Bankstone Drive.

The public hearing was opened and Mr. Kevin Moore addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Goreham, to approve Rezoning to the **R-15 OSC** zoning district **subject to:**

- Letter of agreeable conditions from Mr. Kevin Moore dated November 28, 2012 including representative photographs of home exteriors (attached and made part of these minutes) with the following changes:
 - Item No. 4 – strike 2,000 and replace with 2,200
 - Item No. 5 – strike reference to board and batten
- Email correspondence from Mr. Chuck Davis dated November 30, 2012 (attached and made a part of these minutes)
- Amenity area shall meet criteria set forth in the Macland Road Design Guidelines
- Reduce number of lots to 123 by deleting lots 75, 76, 77, and 78 and said lots to be incorporated into open space
- Planning Division comments and recommendations

- **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 unanimously

MOORE INGRAM JOHNSON & STEELE

254

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
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
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS

WILLIAM R. WINDERS, JR.*
ANGELA H. SMITH†
JOYCE W. HARPER
CHRISTOPHER C. MINGLEDORFF†
ANGELA D. TARTLINE
CAREY E. OLSON*
CHARLES E. PIERCE*
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
TODD I. HEIRD*
DANIEL W. STARNES*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER†
JAIME E. KNOEBEL*
ADON J. SOLOMON*
AMY L. JETT*
JEFF C. MORMAN†

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL ST
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 892-8039

JACKSONVILLE, FLORIDA
10161 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32258
TELEPHONE (904) 428-1485

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347

LOUISVILLE, KENTUCKY
9800 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8021

CHARLESTON, SOUTH CAROLINA
4000 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 362-0002

RYAN M. INGRAM
SHAWN G. SHELTON
KRISTEN C. STEVENSON†
JASON M. BURK*
MELISSA B. RICKERT*
CARLY M. RECORD
SARAH H. BEST†
ERICA C. MITCHELL
BRAM L. SCHARF†
ROY H. SPARKS*
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
AMY E. BROWN*
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WEHUNT
KENDRA A. BIRTSCH*
JONATHAN J. SMITH
MONTOYA M. HO-SANG†

TRISTAN B. MORRISON****
WILLIAM B. WARINAY*
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN****

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
**** ALSO ADMITTED IN CA
* ALSO ADMITTED IN TX
† ALSO ADMITTED IN AL
* ALSO ADMITTED IN KY
† ALSO ADMITTED IN NY
* ALSO ADMITTED IN NY
* ALSO ADMITTED IN SC
* ALSO ADMITTED IN NC
† ADMITTED ONLY IN TN
* ADMITTED ONLY IN FL

November 28, 2012

Hand Delivered

Min. Bk. 67 Petition No. 2-54
Doc. Type letter of agreement
conditions
Meeting Date 12/18/12

COBB COUNTY GEORGIA
FILED IN OFFICE
2012 NOV 28 PM 12:21
COBB COUNTY ZONING DIVISION

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RE: Application for Rezoning - Application No. Z-54 (2012)
Applicant/Property Owner: Ballantry Homes (Westcobb) Inc.
Property: 68.00 acres, more or less, located at the southeasterly intersection of State Route 360 (Macland Road) and Bankstone Drive, Land Lots 471, 472, 491, and 492, 19th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Ballantry Homes (Westcobb) Inc., who is the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to property located at the southeasterly intersection of State Route 360 (Macland Road) and Bankstone Drive, and being 68.00 acres, Land Lots 471, 472, 491, and 492, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meeting with planning and zoning staff and various Cobb County departmental representatives and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 4
November 28, 2012

Petition No. 2-54
Meeting Date 12.18.12
Continued

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. The stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-20 to the proposed zoning category of R-15 Open Space Community ("R-15/OSC"), site plan specific to the with reference to the Zoning Plan prepared by Gaskins Surveying Company dated September 25, 2012, and filed with the Zoning Office on October 4, 2012, contemporaneously with the Application for Rezoning.
- (2) The proposed residential community shall have a maximum of 133 single-family lots.
- (3) The total acreage of the Subject Property is 68.00 acres. Applicant agrees to establish conservation areas totaling a minimum of 21.55 acres (31.7 percent of total site area).
- (4) Applicant agrees that homes in the proposed community shall have a minimum of ~~2,000~~ square feet (heated and cooled space).
- (5) Applicant agrees that homes in the proposed community shall have front exteriors consisting of brick, stone, stacked stone, cedar-shake board and batten, or any combination thereof (i.e., hard surface front exteriors). There shall be no hardi-plank siding on the front exteriors; however, hardi-plank siding may be used on the remaining home exteriors (sides and rear exteriors). Homes shall have architectural elevations substantially similar (in style, appearance, and quality) as contained in the representative photographs collectively attached as Exhibit "A" and incorporated herein by reference.
- (6) The proposed community shall have an active amenity area potentially consisting of a pool, clubhouse, or play areas. *See met macland guidelines*
- (7) Entrances to the proposed community shall contain ground-based, monument-style signage with professional landscaping.
- (8) The proposed community shall have a mandatory homeowners association with covenants applicable to the entire community.

050
75.76
= 122
77, 78

7200

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
November 28, 2012

Petition No. 2-54
Meeting Date 12/18/12
Continued

- (9) Applicant agrees to comply with all applicable Macland Road Study Guidelines or requirements.

We believe the requested zoning, together with the Zoning Plan submitted with the Application and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed community shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachments

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
November 28, 2012

Permit No. 2-54
Meeting Date 12/10/12
(Continued)

c: Cobb County Board of Commissioners:

Timothy D. Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert Ott
Joann Birrell
(With Copies of Attachments)

Cobb County Planning Commission:

Murray Homan, Chairman
Christi S. Trombetti
Judy Williams
Bob Hovey
Mike Terry
(With Copies of Attachments)

Phillip Westbrook
Planning Division
Cobb County Community Development Agency
(With Copies of Attachments)

Ballantry Homes (Westcobb) Inc.
(With Copies of Attachments)

petition No. 2-54
Meeting Date 12/10/12
Continued

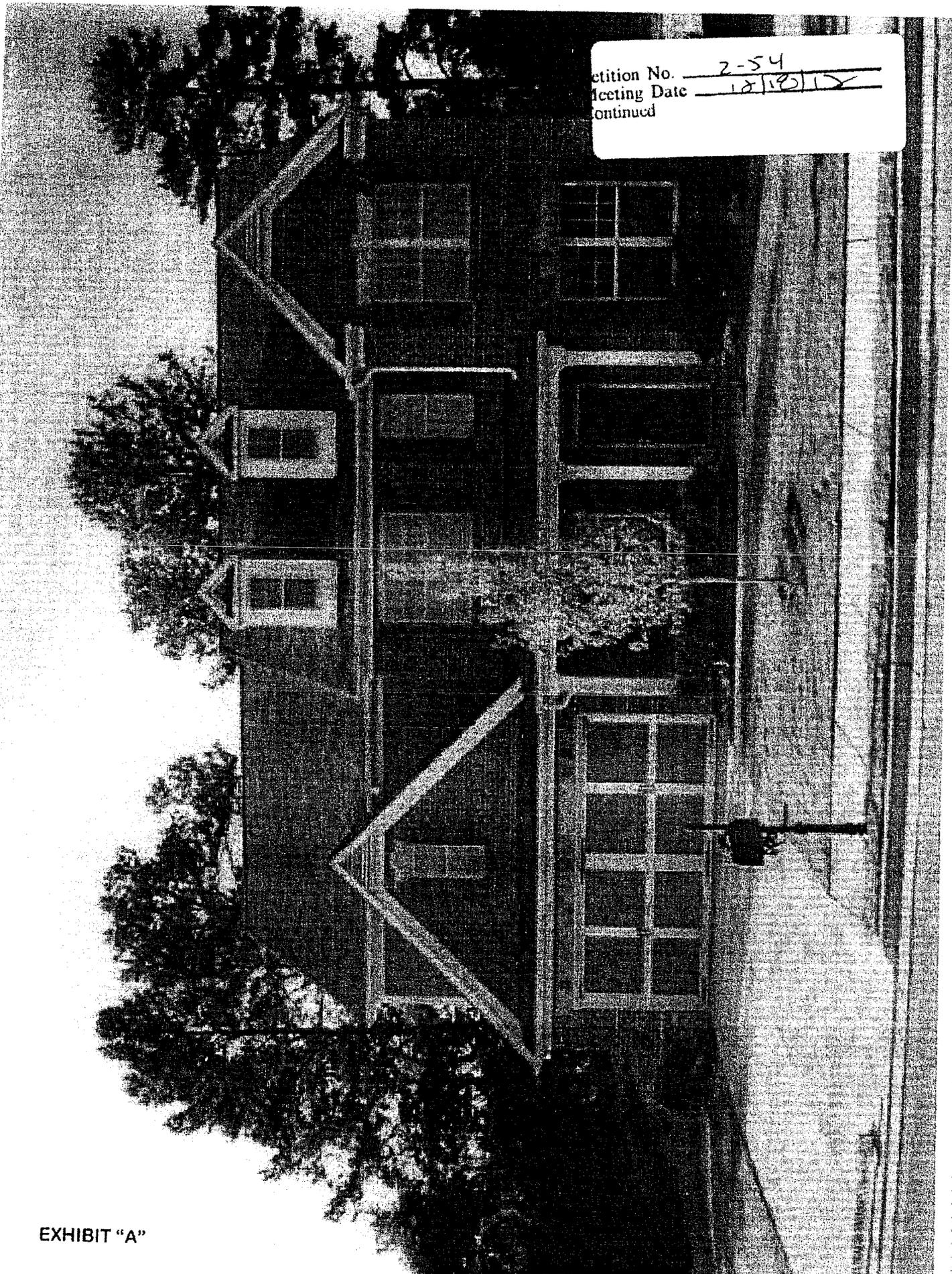
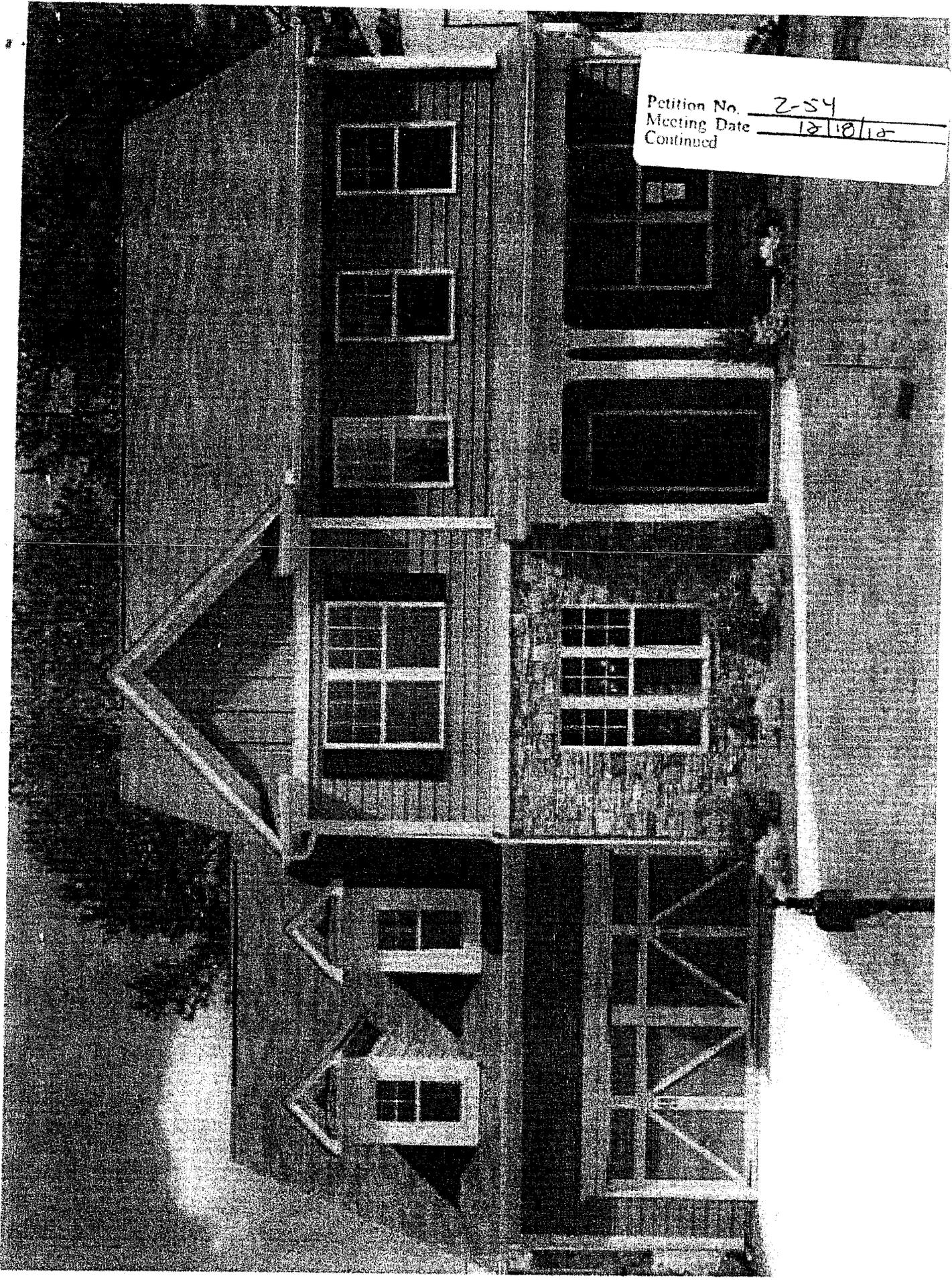
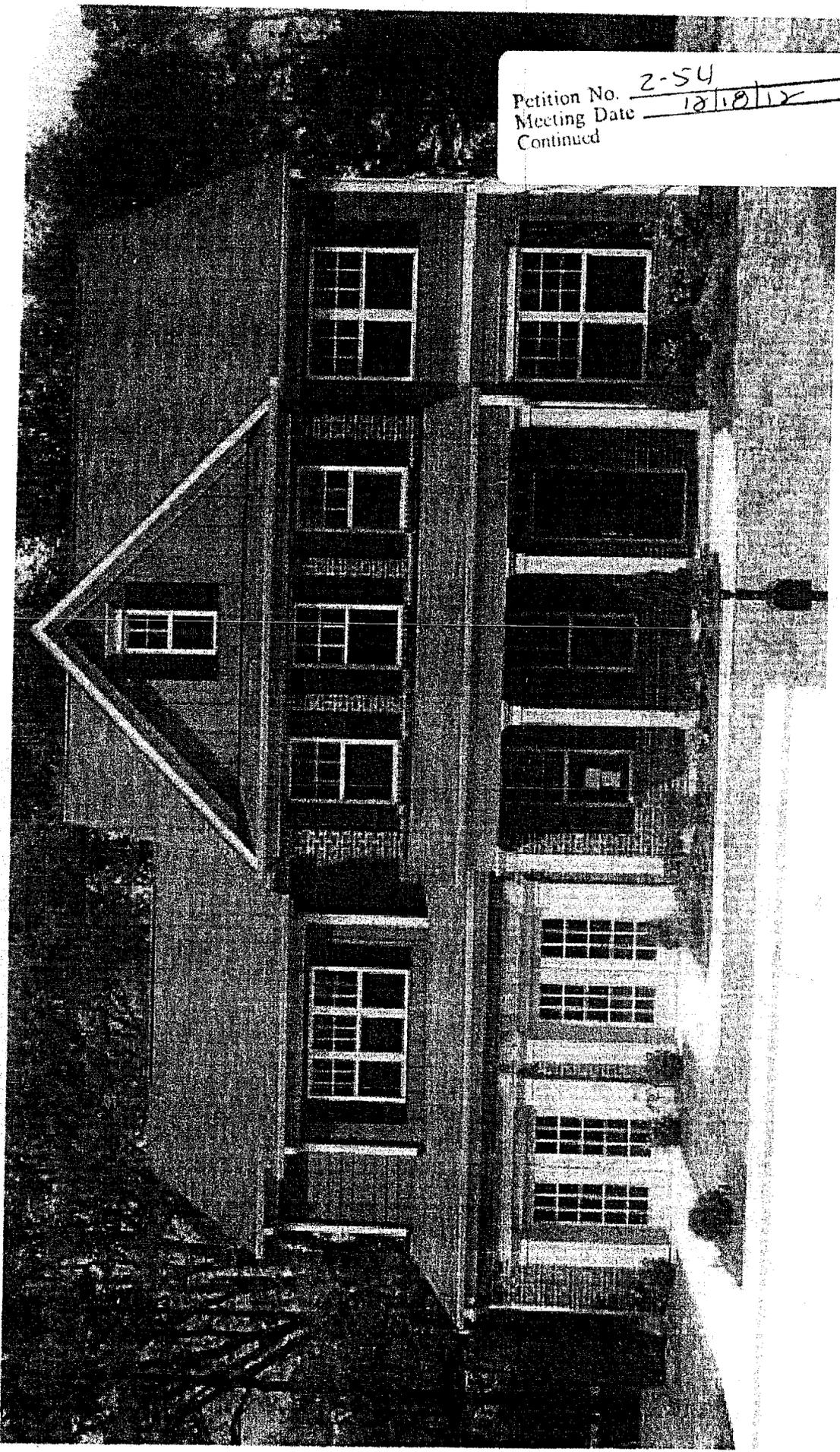


EXHIBIT "A"

Petition No. 2-54
Meeting Date 12/10/12
Continued



Petition No. 2-54
Meeting Date 12/10/12
Continued



Murray Homan

From: Carolyn Cook <W7@mijs.com>
Sent: Friday, November 30, 2012 2:36 PM
To: Murray Homan
Cc: Kevin Moore
Subject: FW: Bankstone Stormwater

Case No. 67 Petition No. Z-54
Case Type email correspondence
Meeting Date 12/18/12

Murray:

Below is an e-mail Kevin received from Gaskins Engineering and Surveying regarding Application No. Z-54 (2012).

Thank you.

Carolyn

Carolyn Cook
Legal Assistant to John H. Moore and J.
Kevin Moore
Moore Ingram Johnson & Steele, LLP

Main: 770-429-1499
Fax: 770-429-8631

W7@mijs.com
www.mijs.com

Emerson Overlook
326 Roswell Street
Marietta, GA 30060



[MIJS Profile](#) [Practice Areas](#) [Events](#) [Locations](#)

Confidentiality Notice

This email and all attachments are CONFIDENTIAL and intended SOLELY for the recipients as identified in the "To", "Cc" and "Bcc" lines of this email. If you are not an intended recipient, your receipt of this email and its attachments is the result of an inadvertent disclosure or unauthorized transmittal. Sender reserves and asserts all rights to confidentiality, including all privileges which may apply. Pursuant to those rights and privileges, immediately DELETE and DESTROY all copies of the email and its attachments, in whatever form, and immediately NOTIFY the sender of your receipt of this email. DO NOT review, copy, or rely on in any way the contents of this email and its attachments. All rights of the sender for violations of the confidentiality and privileges applicable to this email and any attachments are expressly reserved. This E-mail (including attachments) is covered by the Electronic Communications Privacy Act, 18 USC Sections 2510-2521, is confidential and may be legally privileged.

----- Forwarded Message

From: Chuck Davis <cdavis@gscsurvey.com>
Date: Fri, 30 Nov 2012 11:51:33 -0500
To: "J. Kevin Moore" <jkem@mijs.com>
Subject: Bankstone Stormwater

McLARD Rd.

Kevin,

I wanted to follow up on our conversation regarding the stormwater draining to the Macland / Bankstone intersection. Based on preliminary engineering there is approximately 10 acres draining to the intersection. The existing stormwater conveyance system drains under Macland Road flowing to the north and eventually into the flood plain located west of the intersection. There is currently no conveyance system that could adequately handle the addition of

the stormwater along the south side of Macland Road. Regarding the proposed condition, our goal from an design perspective, is to reduce the peak flows for that basin to at or below what is currently flowing from the site today. This will be done by either retention in the existing lake or diversion of a portion of the existing basin into a proposed detention facility on site.

I hope this clarifies our intent from an engineering perspective, but please call if you have any questions.

Thanks,

Chuck Davis, PE, CFM
General Manager

Gaskins

1266 Powder Springs Road
Marietta, Georgia 30060

(O) 770.424.7168
(C) 770.313.9079

cdavis@gscsurvey.com <<mailto:cdavis@gscsurvey.com>>

Petition No. 2-54
Meeting Date 12/10/12
Continued

----- End of Forwarded Message