

**SEPTEMBER 17, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 3

PURPOSE

To consider a stipulation amendment for Stillhouse Development Partners, LLC regarding rezoning application Z-50 of 2012 (Arrowhead Real Estate Partners, LLC), for property located on the west side of Stillhouse Lane, south of Cumberland Boulevard Land Lots 949 and 950 of the 17th District.

BACKGROUND

The subject property was rezoned to RM-12 earlier this year to build a townhouse development. This amendment concerns the stipulation requiring sidewalk to be installed along the Stillhouse Lane road frontage. The applicant would like to delete the requirement for sidewalk since there is not any sidewalk along this road. Also, there is steep, rocky bank are along the road that would cause the removal of many trees and rock to install the sidewalk. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

STAFF COMMENTS

Water and Sewer: Comments from Z-50 2013 remain in effect.

Cobb D.O.T.: Recommend alternative compliance for the sidewalk requirement.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

3

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 9/17/2013

Applicant: Stillhouse Development Partners, LLC Phone #: (404) 867-3572
(applicant's name printed)

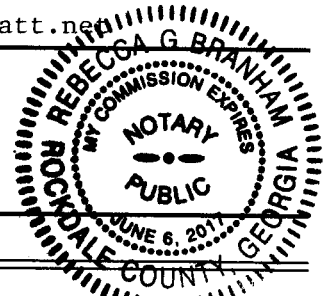
Address: 350 Research Court, Suite 100, Norcross GA 30092 E-Mail: bryanflint@att.net

Bryan Flint Address: 350 Research Court, Suite 100, Norcross, GA 30092
(representative's name, printed)

[Signature] Phone #: (404) 867-3572 E-Mail: bryanflint@att.net
(representative's signature)

Signed, sealed and delivered in presence of:

Rebecca D Branham My commission expires: _____
Notary Public



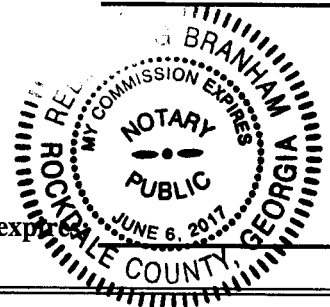
Titleholder(s): Stillhouse Development Partners, LLC Phone #: (404) 867-3572
(property owner's name printed)

Address: 350 Research Court, Suite 100, Norcross, GA 30092 E-Mail: bryanflint@att.net

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

Rebecca D Branham My commission expires: _____
Notary Public



Commission District: 2 **Zoning Case:** 2-50-12

Date of Zoning Decision: March 19, 2012 **Original Date of Hearing:** March 19, 2012

Location: 3150 & 3170 Stillhouse Lane
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 949 & 950 **District(s):** 17th

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

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2013 AUG 13 AM 9:50
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(List or attach additional information if needed)

Stillhouse Development Partners, LLC
350 Research Court, Suite 100
Norcross, Georgia 30092
770-246-0085

VIA Email and Hand Delivery

July 31, 2013

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

RE: Amendment to Conditions, Zoning Case no. Z-50-12

Dear John,

As you know, zoning case no. Z-50-12 was approved RM-12 Conditional for a 43 unit townhome development on March 19, 2013.

Since then we have closed on the property and applied for a Land Disturbance Permit with Cobb County. During this process it has come to our attention that stipulation 19 (a.) of Garvis Sams stipulation letter dated February 15, 2013 requires the installation of curb, gutter and sidewalks along the entire frontage of Stillhouse Lane.

While curb and gutter already exist on Stillhouse Lane, there are no sidewalks along the entirety of Stillhouse Lane. It was never our intent to put sidewalks along the frontage on the development and was not shown on any of the plans submitted to Cobb County during the zoning process.

The installation of sidewalks would require significant cuts along the steep banks running along Stillhouse Lane and would require the removal of portions of the tree save areas along the roadway. This would be aesthetically and economically detrimental to the development for sidewalks that would not connect to any other sidewalks in the area.

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For these reasons, we respectfully request that stipulation 19 (a) of the Stipulation Letter dated February 15, 2013 be deleted in its entirety.

I have attached a copy of the minutes of the March 19, 2013 zoning meeting and a copy of our revised plan that has been submitted for permit.

Please do not hesitate to contact me should you or the staff require additional information or documentation prior to the September 17, 2013 hearing.

Sincerely,

A handwritten signature in black ink, appearing to be 'Bryan H. Flint', with a long horizontal line extending to the right.

Bryan H. Flint
Vice President
404-867-3572

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MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
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~~OTHER BUSINESS (CONT.)~~

~~O.B. 8 (CONT.)~~

~~Mr. John Pederson provided information regarding the proposed settlement of litigation for Z-42 and SLUP-10 of 2011. The public hearing was opened and Mr. Garvis L. Sams, Jr., Ms. Robin Meyer, Mr. Kevin Ross, and Dr. Andrew Chung addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Cupid, second by Ott, to deny Other Business Item No. 8 for a Settlement of Litigation for Bankhead C & D Transfer Station, LLC regarding rezoning application Z-42 of 2011 and Special Land Use Permit application SLUP-10 (Bankhead C & D Transfer Station, LLC) of 2011, for property located on the southwest side of Veterans Memorial Highway, east of Discovery Boulevard in Land Lot 282 of the 18th District.~~

~~VOTE: **ADOPTED** 4-0-1, Birrell recused herself due to previous employment with Waste Management~~

REGULAR AGENDA

Z-50¹²

ARROWHEAD REAL ESTATE PARTNERS, LLC (Rosemary C. Eckert and The Salvation Army, a Georgia Corporation, Trustee of the Richard B. Eckert and Rosemary C. Eckert Charitable Remainder Unitrust DTD 4/7/2004, and Lynda M. Mayo and Gerald M. Mayo, owners) requesting Rezoning from **R-80** to **RM-12** for the purpose of Townhomes in Land Lots 949 and 950 of the 17th District. Located on the west side of Stillhouse Lane, south of Cumberland Boulevard (3150 and 3170 Stillhouse Lane). *(Previously continued by the Planning Commission from their December 4, 2012 and February 5, 2013 hearings)*

The public hearing was opened and Mr. Garvis L. Sams, Jr. addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **approve** Rezoning to the **RM-12** zoning district **subject to:**

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REGULAR AGENDA (CONT.)

Z-50¹² ARROWHEAD REAL ESTATE PARTNERS, LLC (CONT.)

- Revised site plan received by the Zoning Division on February 15, 2013, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated February 15, 2013 (attached and made a part of these minutes), with the following changes:
 - Item No. 7, add to end: “ ..., and which shall fully comply with Sign Ordinance standards.”
 - Item No. 25, add to end: “Construction hours will be Monday through Friday from 8:00 a.m. until 7:00 p.m. and on Saturday between 9:00 a.m. and 5:00 p.m. There will be no work performed on Sunday without prior approval by the District Commissioner.”
 - Item No. 26, add to end: “District Commissioner may approve minor modifications except for those that increase the density of a residential project or the overall square footage of a non-residential project; reduce the size of an approved buffer adjacent to a property that is zoned in a more restrictive residential zoning district; relocate a structure closer to the property line of an adjacent property that is zoned in a more restrictive residential zoning district; increase the height of a building that is adjacent to a property that is zoned in a more restrictive residential zoning district.”
 - Add Item No. 27: “All construction vehicles must be parked on site with no parking allowed on Stillhouse Lane.”
- Landscaping plan and architectural renderings submitted to the Zoning Division on November 20, 2012 (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

Clerk's Note: Chairman Lee advised Applicant's Representative to consult with Fire Department as early in the process as possible.

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SAMS, LARKIN & HUFF IN OFFICE

A LIMITED LIABILITY PARTNERSHIP

2013 AUG 13 AM 9:51

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALI

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

COBB COUNTY ZONING DIVISION

JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

February 15, 2013

VIA EMAIL AND HAND DELIVERY

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

68 letter of agreeable conditions 3/19/13

COBB COUNTY ZONING DIVISION

2013 FEB 15 AM 10:08

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Re: Application of Arrowhead Real Estate Partners, LLC
To Rezone a 5.123 Acre Tract from R-80 to Conditional RM-12
(No. Z-50)

Dear John:

As you know, this firm represents Arrowhead Real Estate Partners, LLC ("Arrowhead") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on March 5, 2013 and thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on March 19, 2013.

With respect to the foregoing, after considering input from area residents and business owners and in keeping with the dialogue which we have established with the County's professional staff (which has recommended approval), we have been authorized by Arrowhead to submit this letter of revised stipulations and conditions which, if the Application for Rezoning is approved, as revised, shall become conditions of and 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 revised 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 concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

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COBB COUNTY ZONING DIVISION

Application No. 2-50¹¹²
Application Date 3/19/13

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
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2. Rezoning of the subject property shall be from the existing category of R-80 to the proposed zoning category of Conditional RM-12 in substantial conformity to that certain revised rezoning site plan ("Stillhouse Lane Towns") prepared by Planners and Engineers Collaborative being submitted contemporaneously herewith.
3. The subject property is comprised of approximately 5.123 acres and shall be developed as a single-family, owner occupied, residential townhome community consisting of a total number of forty-three (43) townhomes at an overall density of 8.39 units per acre.¹
4. The townhomes shall be a maximum of three (3) stories in height and shall range in size from a minimum of 2,200 sq. ft. up to 2,600 sq. ft. and greater.²
5. The architectural style and composition of the homes shall be traditional in nature as demonstrated by the photographs which were submitted under separate cover on November 20, 2012. The townhomes shall include a mixture of components on each side consisting of brick, stacked stone, cementitious stucco, hardy plank and hardy plank shake.
6. The creation of a mandatory Homeowners Association and the submission of Declaration of Covenants, Conditions and Restrictions which shall include, among other components, strict architectural controls.
7. The residential community's entrance signage shall be located on Stillhouse Lane and shall be ground-based, monument-style and in substantial conformity to the architectural style and composition as discussed above.
8. All of the townhomes shall be "for sale" only. At any one time, no more than ten percent (10%) of the homes shall be leased by the owners. This recital shall be contained within the Declaration of Covenants ensuring same with said Covenants being submitted to the County prior to the issuance of building permits.

¹ The subject property is located within the Cumberland Galleria Regional Activity Center ("RAC") and within a subcategory denominated as the Vinings Transition Zone ("VTZ"); however, the property is not a part of the recently adopted Vinings Vision Plan.

² It is anticipated that price points should range from approximately \$350,000.00 to \$450,000.00 dependent upon prevailing market conditions.

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COBB COUNTY ZONING DIVISION

VIA EMAIL AND HAND DELIVERY

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9. Open space and common areas within the community, and in accordance with the revised site plan, shall be owned, maintained and controlled by the mandatory Homeowners Association. These common space areas shall be used primarily for recreational purposes; however, they may also include such features as gazebos, benches and walking trails.
10. The mandatory Homeowners Association shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, amenity areas, walking trails, fences, streets and lighting and strategically located guest parking spaces within the proposed residential community.
11. A third party management company shall be hired to manage the day-to-day operations of the mandatory Homeowners Association. The third party management company shall also be responsible for the management of all Association monies as well as ensuring that the Association itself is properly insured.
12. The townhome community shall be professionally landscaped and shall be of equal quality to the landscaping contained within other residential developments in the area. Additionally, there will be a focus upon and extra attention to detail along the subject property's frontage on Stillhouse Lane consistent with the landscaping exhibit, prepared by Planners and Engineers Collaborative, which was submitted under separate cover on November 20, 2012.
13. Lighting shall be environmentally sensitive, decorative and themed to the architectural style and composition as aforementioned.
14. Signage interior to the community shall be themed to the architectural style and composition as aforementioned.
15. Electric and communications transformers, all mechanical and HVAC equipment and all trash and/or garbage receptacles shall be enclosed and/or concealed from view through landscaping or similar measures.

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16. All utilities shall be located underground.
17. All landscaping referenced herein shall be approved by the Cobb County Arborist as a part of the Plan Review process and incorporated into the overall landscape plan for the community.
18. All streets within the community shall be private with the construction thereof complying in all respects as to Cobb County's Design and Detail Standards.
19. Subject to recommendations from the Cobb County Department of Transportation, as follows:
 - a. The installation of sidewalk, curb and gutter along the subject property's frontage on Stillhouse Lane
 - b. The voluntary donation and conveyance of right-of-way so that the County can achieve twenty-five feet (25') from the centerline of Stillhouse Lane (a local street).
 - c. The establishment of a ten foot (10') no access easement along the subject property's frontage on Stillhouse Lane concerning vehicular traffic except, of course, with respect to the townhome community's entrance located thereon. However, this easement shall in no way preclude or discourage pedestrian connectivity and walkability.
 - d. The installation of curb and gutter along both sides and sidewalk along one side of the private streets within the residential community.
 - e. Verification of minimum intersection sight distance of 280 feet or the implementation of remedial measures in which to mitigate same.
20. Subject to recommendations from Stormwater Management Division with respect to detention, stormwater management, hydrology and downstream considerations. The revised site plan reflects the impervious coverage of forty-nine percent (49%) which exceeds the maximum coverage limit for the RM-12 zoning category (45%). In that regard, Arrowhead agrees to utilize pervious pavement materials to reduce the effective

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VIA EMAIL AND HAND DELIVERY ZONING DIVISION

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coverage in accordance with recommendations from the Stormwater Management Division.

21. Subject to recommendations from the Cobb County Water System with respect to the accessibility and availability of water and sewer to the site, including the recommendation from the Water System that the townhome community be master metered at Stillhouse Lane and that there be a requirement for a sub-meter on every townhome unit to encourage water conservation.
22. Subject to recommendations from the Cobb County Fire Department contained within the Final Zoning Analysis.
23. Compliance with all Cobb County Development Standards and Ordinances related to project improvements, except as approved by the Board of Commissioners, the Community Development Agency or by the Department of Transportation, as their respective authority may allow.
24. All buffer areas may be penetrated for purposes of access, utilities and stormwater management, including, but not limited to, detention facilities, drainage facilities and any and all slopes and other required engineering features.
25. During the construction and build-out of the proposed townhome community, the subject property will be posted on Stillhouse Lane providing area residents and other interested parties with the name, address, phone number and email address of a twenty-four (24) hour/seven (7) day per week construction contact.
26. The District Commissioner shall have the authority to review and approve minor modifications to these stipulations, the site plan, the architecture and other components of the Rezoning proposal during the Plan Review process and thereafter.

Please do not hesitate to contact me should you or the staff require additional information or documentation prior to the Application being heard and considered by the Planning Commission and Board of Commissioners next month.

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VIA EMAIL AND HAND DELIVERY

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Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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With kind regards, I am

Very truly yours.

SAMS, LARKIN & HUFF, LLP



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

GLS/dsj

Attachment/Enclosures

cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Members, Cobb County Planning Commission (via email w/attachment)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachment)
Mr. Jason Campbell, Planner III (via email w/attachment)
Mr. David Breaden, PE, Cobb County Stormwater Management (via email w/attachment)
Ms. Jane Stricklin, PE, Cobb County DOT (via email w/attachment)
Ms. Karen King, Assistant County Clerk (via email w/attachment)
Ms. Lori Barton, Deputy County Clerk (via email w/attachment)
Gerald M. Mayo, Esq. (via email w/attachment)
Ms. Linda Barnes Cater (via email w/attachment)
Ms. Kathrin Mattox (via email w/attachment)
Ms. Jody Smith (via email w/attachment)
Mr. Ron Sifen (via email w/attachment)
Mr. Bryan Flint, Arrowhead Real Estate Partners, LLC (via email w/attachment)
Mr. Kenneth J. Wood, P.E., LEFD AP (via email w/attachment)

Stillhouse Lane Towns

Map No. 68 Petition No. 2-50¹²
 Plan Type Landscape
 Plan Plan
 Drawing No. 01/13

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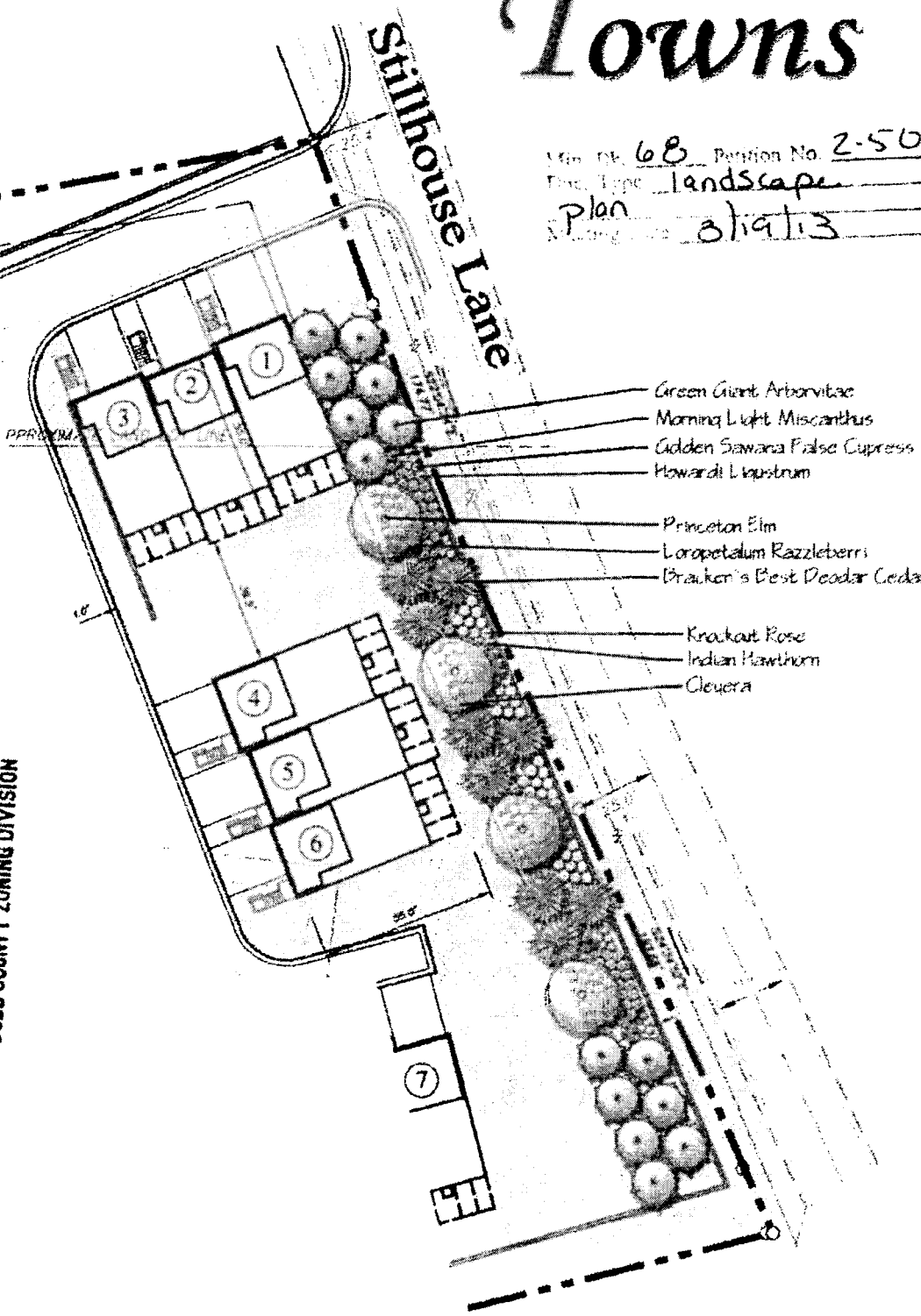
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 350 Research Court, Suite 150
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 350 Research Court
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 Phone: (770) 451-2741