

**SEPTEMBER 17, 2013 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

**ITEM # 5**

**PURPOSE**

To consider a site plan amendment for Brooks Chadwick Capital, LLC regarding rezoning application Z-95 of 1997 (Schmerge, Campbell & Young)), for property located at the eastern end of Huntridge Drive and on the northern end of Rock Ivy Trail in Land Lots 48, 49 and 106 of the 1st District.

**BACKGROUND**

The subject property was rezoned to Planned Residential Development (PRD) in 1997 to build a residential development on 57.8 acres with eighteen estate size lots. Six of eighteen original lots are undeveloped, which are the subject of this Other Business application. The owner of the property is in the process of selling the property to the applicant, but needs to have the proposed site plan approved to a more traditional looking site plan layout. The original plan has property lines in non-traditional and unconventional locations. Additionally, the 10-foot wide access road has maintenance issues and the access road is not in the best location to serve the lots. As part of the applicant’s proposal, the road serving the development will be rebuilt to a 20-foot wide road in a proper location, and the lot lines will be reconfigured. If approved, all previous zoning stipulations would remain in effect.

**FUNDING**

N/A

**STAFF COMMENTS**

**Stormwater Management:** All proposed lots to be 2 acres or greater.

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application and stipulations.

(Site Plan Amendment)

# Application for "Other Business"

5

## Cobb County, Georgia

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

BOC Hearing Date Requested: 09/17/2013

**Applicant:** Brooks Chadwick Capital, LLC Phone #: (404) 281-4554  
(applicant's name printed)

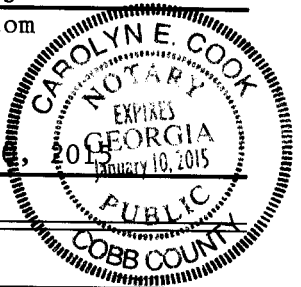
**Address:** Suite 230, 255 Village Parkway, Marietta, GA 30067 **E-Mail:** todd@brooks Chadwick.com

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

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

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2015  
Notary Public



**Titleholder(s):** Kenneth H. Young and Jenny Lee Young Phone #: \_\_\_\_\_  
(property owner's name printed)

**Address:** 3812 Rock Ivy Trail, Roswell, GA 30075 **E-Mail:** \_\_\_\_\_

**See Attached Exhibit "A" for Titleholders' Signatures**  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public My commission expires: \_\_\_\_\_

COBB COUNTY ZONING DIVISION  
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COBB COUNTY GEORGIA  
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**Commission District:** 3 (Birrell) **Zoning Case:** Z-95 (1997)

**Date of Zoning Decision:** 08/19/1997 **Original Date of Hearing:** 08/19/1997

**Location:** Northeasterly side of Childers Road and at the current end of Huntridge Drive  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 48 **District(s):** 1st

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_

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

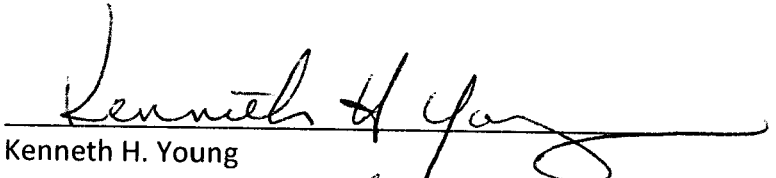
(List or attach additional information if needed)


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

Application No.: Z-95 (1997)  
Original Hearing Date: August 19, 1997  
Date of Zoning Decision: August 19, 1997  
Current Hearing Date: September 17, 2013

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

Applicant: Brooks Chadwick Capital, LLC  
Titleholders: Kenneth H. Young and Jenny Lee Young

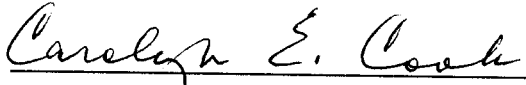
  
Kenneth H. Young

  
Jenny Lee Young

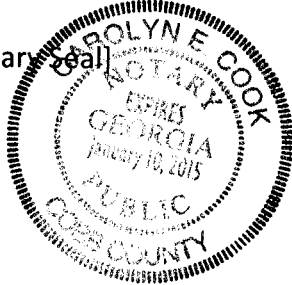
Address: 3812 Rock Ivy Trail  
Roswell, Georgia 30075

Telephone No.: ( ) \_\_\_\_\_

Signed, sealed, and delivered in the presence of:

  
Notary Public  
Commission Expires: 01-10-2015

[Notary Seal]



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**EXHIBIT "B" – AMENDMENT TO ATTACHMENT TO**  
**APPLICATION FOR "OTHER BUSINESS"**  
**(SITE PLAN AND STIPULATION AMENDMENT)**  
**Amended September 11, 2013**

<b>Application No.:</b>	<b>Z-95 (1997)</b>
<b>Original Hearing Date:</b>	<b>August 19, 1997</b>
<b>Date of Zoning Decision:</b>	<b>August 19, 1997</b>
<b>Current Hearing Date:</b>	<b>September 17, 2013</b> <b>(OB Item No. 5)</b>

<b>Applicant:</b>	<b>Brooks Chadwick Capital, LLC</b>
<b>Titleholders:</b>	<b>Kenneth H. Young and Jenny Lee Young</b>

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Exhibit "B," Attachment to Application for "Other Business," filed on August 13, 2013, regarding Other Business Item No. 5 pending for hearing before the Cobb County Board of Commissioners on September 17, 2013, shall be deleted in its entirety and replaced in full, as follows:

On August 19, 1997, the Cobb County Board of Commissioners approved rezoning of a 57.8 acre tract of property located on the northwesterly side of Childers Road, west of Hampstead Lane and east of Huntridge Drive to the Planned Residential District ("PRD") zoning classification. The property which is the subject of this Application for "Other Business" is a portion of this rezoned property, being 19.6 acres, located in Land Lots 48, 1<sup>st</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, and being proposed Unit III of Old Ivy Subdivision ("Property" or "Subject Property"). The original approval by the Cobb County Board of Commissioners referenced development would be as reflected on a revised site plan which was attached and made a part of the final Minutes approving rezoning (a copy of said site plan being attached hereto as Exhibit "1" and incorporated herein by reference; as well as, being made a part of the overall Application for "Other Business"). Additionally, one of the stipulations imposed by the Board of Commissioners and enumerated in the final minutes, same being the first no. 3, stated "home sites to be located as shown on revised site plan for setback purposes." However, these sites were located without reference to topography and other like considerations. Applicant seeks to place homes with these factors being considered.

The Applicant and Property Owners, by and through this Application for "Other Business," request an amendment to the previously approved site plan related to the overall development which will be specific only as to the Subject Property, as follows:

- (1) Applicant seeks approval of the Site Plan submitted with the Application for "Other Business" on August 13, 2013, same being dated July 16, 2013, prepared

for Applicant by Centerline Surveying Systems, Inc. which seeks approval of the revised lot layout for development of the Subject Property. A reduced copy of the Site Plan is attached hereto as Exhibit "2" and incorporated herein by reference.

- (2) Applicant further seeks the removal of the second enumerated stipulation, being incorrectly set forth as "3)," which reads as follows:
  - 3) home sites to be located as shown on revised site plan for setback purposes (plan attached and made a part hereof).

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on August 19, 1997, in Application No. Z-95 (1997), are unaltered and unchanged by this request for site plan amendment and stipulation amendment.

The proposed amendment of the Site Plan and removal of the stipulation relating to the original site plan, as presented herein, in no way adversely impacts or affects the quality of the overall development approved in the original rezoning of the Subject Property. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the proposed development of the Subject Property.



APPLICANT  
 BROOKS CHADWICK CAPITAL  
 255 VILLAGE PARKWAY, SUITE 230  
 MARIETTA, GEORGIA 30067

CURVE TABLE				
CURVE	RADIUS	LENGTH	CHORD	BEARING
C1	280.00'	33.84'	33.82'	S53°22'33"E
C2	50.00'	42.10'	40.88'	S20°18'18"E
C3	200.00'	98.01'	98.00'	N80°23'02"W
C4	300.00'	150.37'	150.14'	N81°02'54"W
C5	300.00'	50.27'	50.21'	N88°25'33"W

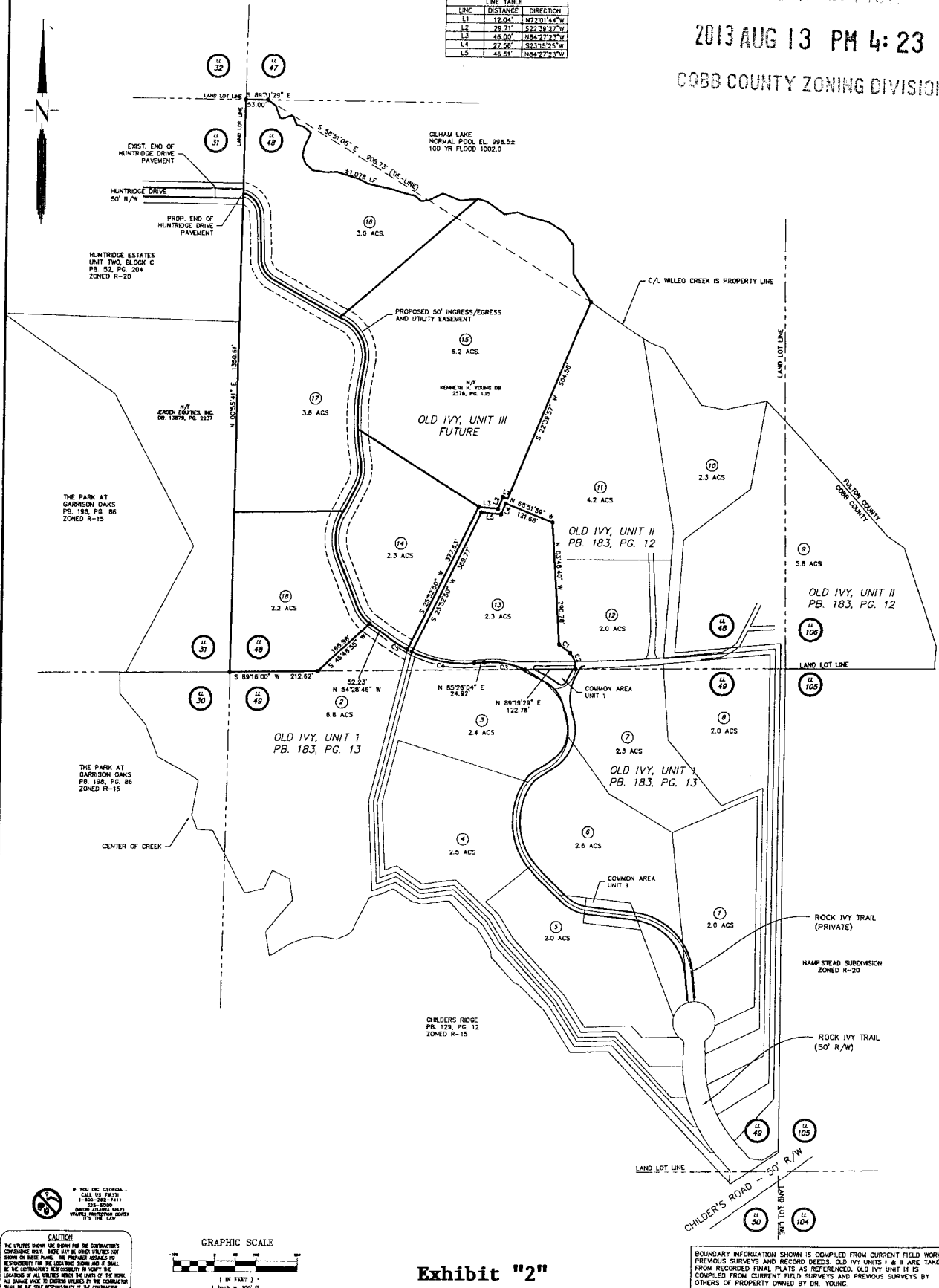
LINE TABLE		
LINE	DISTANCE	DIRECTION
L1	12.04'	N72°01'44"W
L2	28.71'	S22°38'27"W
L3	46.00'	N84°27'25"W
L4	27.58'	S23°15'25"W
L5	46.91'	N84°27'25"W

NO PORTION OF THE PROPERTY LOCATED WITHIN UNIT III IS WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO COBB COUNTY F.I.R.M. PANEL 0066 G COMMUNITY NUMBER 130052, DATED: DEC. 16, 2008.

COBB COUNTY, GEORGIA  
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COBB COUNTY ZONING DIVISION



IF YOU ARE GEORGIA...  
 CALL US FIRST!  
 1-800-782-7411  
 770-424-2389  
 CENTERLINE SURVEYING SYSTEMS, INC.  
 1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA 30144

**CAUTION**  
 THE UTILITIES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONSIDERATION ONLY. THESE ARE NOT GUARANTEED NOR SHOWN ON THESE PLANS. THE PREPARED RECORDS ARE THE RESPONSIBILITY FOR THE LOCATION SHOWN AND IT SHALL BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE LOCATION OF ALL UTILITIES PRIOR TO THE START OF THE WORK. ALL SHOWN MADE IN CONFORMANCE WITH THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

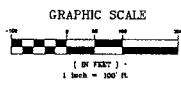


Exhibit "2"

BOUNDARY INFORMATION SHOWN IS COMPILED FROM CURRENT FIELD WORK, PREVIOUS SURVEYS AND RECORD DEEDS. OLD IVY UNITS I & II ARE TAKEN FROM RECORDED FINAL PLATS AS REFERENCED. OLD IVY UNIT III IS COMPILED FROM CURRENT FIELD SURVEYS AND PREVIOUS SURVEYS BY OTHERS OF PROPERTY OWNED BY DR. YOUNG.

NO.	DATE	REVISION DESCRIPTION	BY
1			
2			

SITE PLAN REVISION FOR:  
**BROOKS CHADWICK CAPITAL**  
 BEING KNOWN AS OLD IVY FUTURE UNIT 3  
 LOCATED IN LAND LOT 418  
 1ST DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA

**Centerline Surveying Systems, Inc.**  
 1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA 30144  
 PHONE: (770) 424-0028 FAX: (770) 424-2389

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**OVERALL SITE PLAN APPROVED BY  
BOARD OF COMMISSIONERS PURSUANT  
TO APPLICATION FOR REZONING –  
AUGUST 19, 1997**



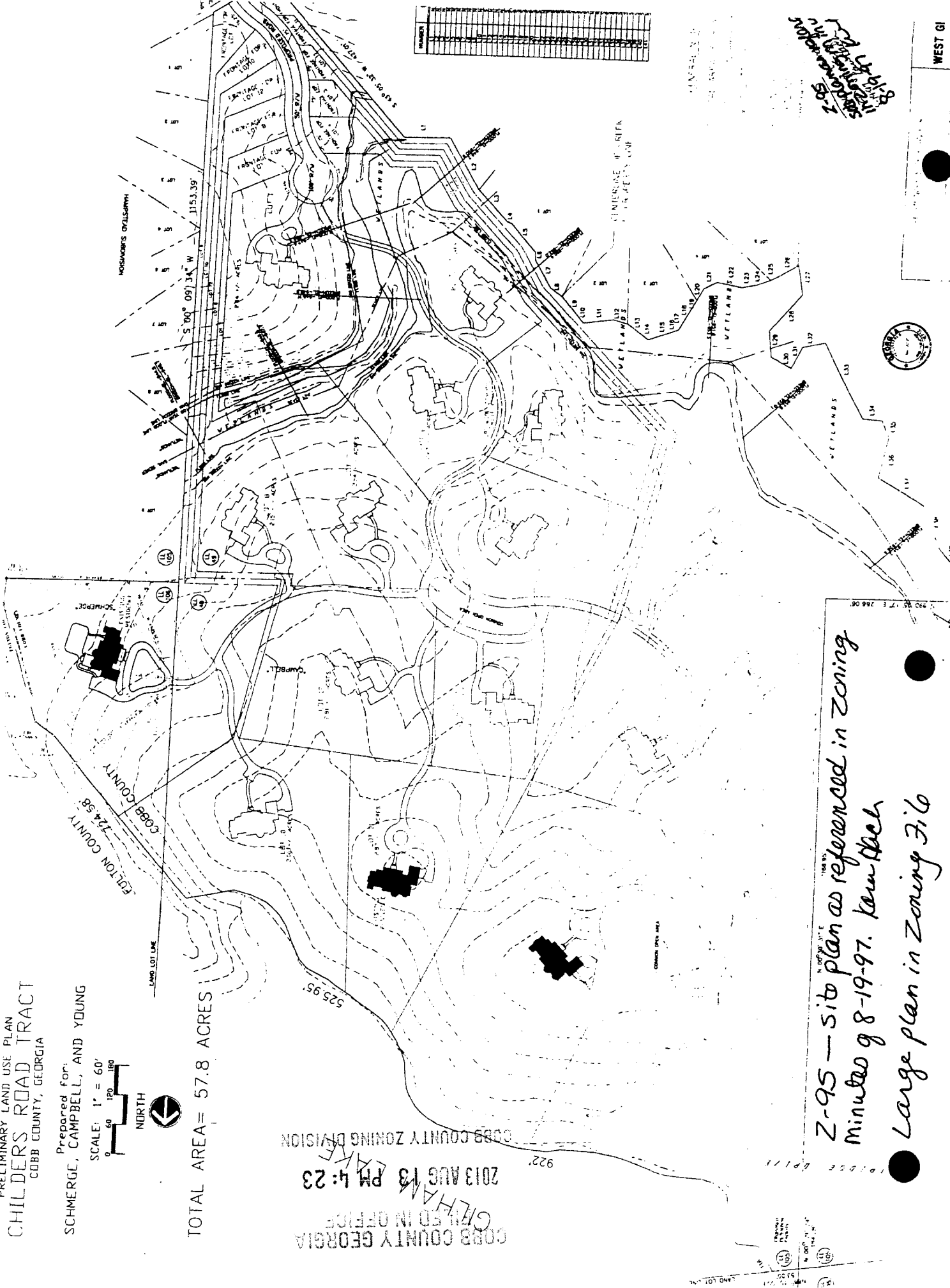
PRELIMINARY LAND USE PLAN  
 CHILDERS ROAD TRACT  
 COBB COUNTY, GEORGIA

Prepared for:  
 SCHMERGE, CAMPBELL, AND YOUNG

SCALE: 1" = 60'  
 0 60 120 180  
 NORTH

TOTAL AREA = 57.8 ACRES

COBB COUNTY GEORGIA  
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 COBB COUNTY ZONING DIVISION



Z-95 - site plan as referenced in zoning  
 minutes of 8-19-97. Kam-Heck  
 Large plan in zoning file

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**PROPOSED ZONING SITE PLAN  
FOR AMENDMENT BY BOARD OF  
COMMISSIONERS PURSUANT TO  
APPLICATION FOR “OTHER BUSINESS” –  
SEPTEMBER 17, 2013**

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COBB COUNTY ZONING DIVISION

APPLICANT  
 BROOKS CHADWICK CAPITAL  
 255 VILLAGE PARKWAY, SUITE 230  
 MARIETTA, GEORGIA 30067

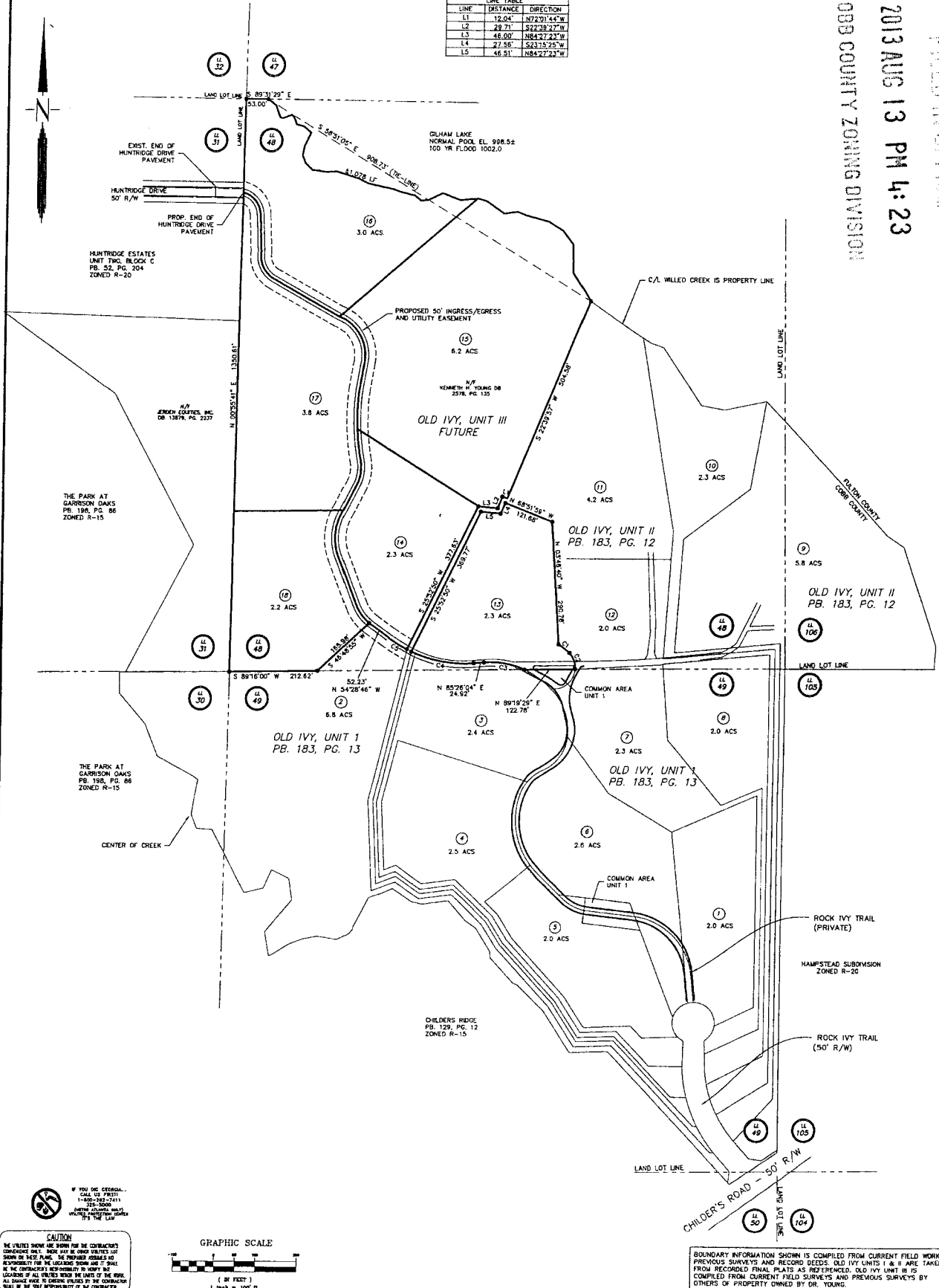
CURVE	RADIUS	LENGTH	CHORD	BEARING
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C2	50.00'	42.10'	40.86'	S20°16'18"E
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C4	300.00'	152.37'	150.74'	N80°00'24"W
C5	300.00'	50.27'	50.21'	N58°22'33"W

NO PORTION OF THE PROPERTY LOCATED WITHIN UNIT III IS WITHIN A FEMA 100 YEAR FLOOD ZONE ACCORDING TO COBB COUNTY F.I.R.M. PANEL 0066 G COMMUNITY NUMBER 130052, DATED: DEC. 16, 2006.

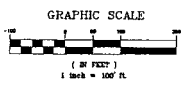
SITE NOTES:  
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL  
 CURRENT ZONING - PRD

LINE	DISTANCE	DIRECTION
L1	12.04'	N72°01'34"W
L2	29.71'	S72°38'22"W
L3	46.00'	N84°27'23"W
L4	27.58'	S23°35'25"W
L5	46.91'	N84°27'23"W

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**CAUTION**  
 THE LINES SHOWN ARE SHOWN FOR THE CONTRACTOR'S CONSIDERATION ONLY. THERE MAY BE OTHER UTILITIES NOT SHOWN ON THESE PLANS. THE PREPARED PERSONS ARE RESPONSIBLE FOR THE LOCATION FROM ANY OTHER PLANS. THE CONTRACTOR'S RESPONSIBILITY IS TO VERIFY THE LOCATION OF ALL UTILITIES BEFORE THE START OF THE WORK. ALL DAMAGE TO BE DONE PRIOR TO THE CONTRACTOR SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



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NO.	DATE	REVISION DESCRIPTION	BY
1			
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SITE PLAN REVISION FOR  
**BROOKS CHADWICK CAPITAL**  
 BEING KNOWN AS OLD IVY FUTURE UNIT 3  
 LOCATED IN LAND LOT 48  
 1ST DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA

**Centerline Surveying Systems, Inc.**  
 1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA 30144  
 PHONE: (770) 424-0028 FAX: (770) 424-2389

**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING FOR Z-95 (1997) –  
AUGUST 19, 1997**

COBB COUNTY GEORGIA  
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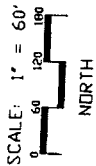
COBB COUNTY ZONING DIVISION

**CONSENT AGENDA**

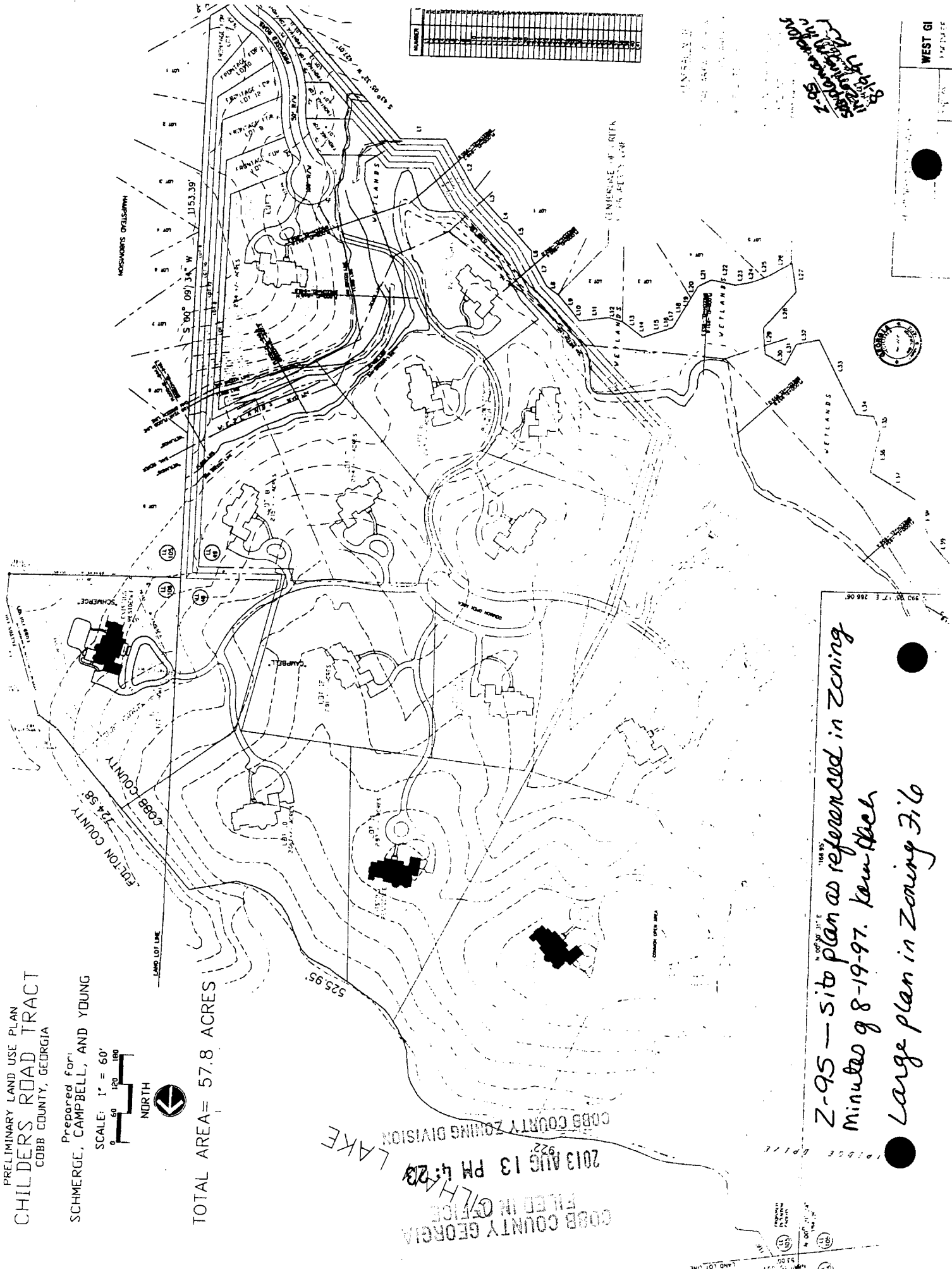
- MH-9**      **BETTY JO BARNES** (Betty Jo Barnes, owner) for a **Land Use Permit (renewal)** for the purpose of Parking a Mobile Home (medical hardship) in Land Lot 75 of the 20<sup>th</sup> District. 1 acre. Located on the west side of Acworth-Dallas Road, west of Georgia Highway 92. The Board of Commissioners, as part of the Consent Agenda, **approved** Land Use Permit for **12 months**. Motion by Wysong, second by W. Thompson, carried 5-0.
- Z-94**      **CORNERSTONE INVESTMENTS COMPANY** (G. F. Doyal, L. C. Doyal, et al, owners) for Rezoning from **R-20** to **R-15** for the purpose of a Subdivision in Land Lots 416, 417, 472 and 473 in the 19<sup>th</sup> District. 52.8 acres. Located on the south side of Macland Road, east of Bankstone Road. The Board of Commissioners, as part of the Consent Agenda, **approved** Rezoning to the **R-15 zoning district subject to: 1) minimum house size of 1,800 square feet; 2) project subject to Stormwater Management Division comments and recommendations; 3) Water and Sewer comments and recommendations; 4) project subject to Cobb DOT comments and recommendations; 5) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements**. Motion by Wysong, second by W. Thompson, carried 5-0.
- Z-95**      **SCHMERGE, CAMPBELL & YOUNG** (Julia H. Green, Judith F. Schmerge, A. G. Schmerge and Diane Gilkey, owners) for Rezoning from **R-30** and **PRD** to **PRD** for the purpose of a Subdivision in Land Lots 30, 48, 49 and 106 of the 1<sup>st</sup> District. 57.8 acres. Located on the northwest side of Childers Road, west of Hampstead Lane and east of Huntridge Drive. The Board of Commissioners, as part of the Consent Agenda, **approved** Rezoning to the **PRD zoning district subject to: 1) minimum house size of 4,000 square feet; 2) home sites to be located as shown on revised site plan for setback purposes (plan attached and made a part hereof); 3) private drive to be recorded as a permanent access easement to serve all 18 lots; 4) protective covenants to be recorded conveying all responsibility for maintenance/upkeep of any open space, bridges, and private drives to the homeowners; 5) Water and Sewer comments and recommendations; 6) project subject to Cobb DOT comments and recommendations; 7) project subject to Stormwater Management Division comments and recommendations; 8) 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**. Motion by Wysong, second by W. Thompson, carried 5-0.

PRELIMINARY LAND USE PLAN  
**CHILDERS ROAD TRACT**  
 COBB COUNTY, GEORGIA

Prepared for:  
 SCHMERGE, CAMPBELL, AND YOUNG



TOTAL AREA = 57.8 ACRES



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 COBB COUNTY ZONING DIVISION

Z-95 - site plan as referenced in zoning  
 Minutes of 8-19-97. Kam Fleck  
 Large plan in zoning file

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