

**DECEMBER 17, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 8

PURPOSE

To consider a site plan amendment for The Retreat at Lost Mountain Homeowners Association regarding rezoning application Z-188 of 2005 (K2 Ventures, Inc.), for property located at the south side of Old Lost Mountain Road and on the north side of Macland Road, and at the eastern terminus of Tranquil Lane in Land Lots 384 and 431 of the 19th District.

BACKGROUND

The subject property was rezoned to CS (Conservation Subdivision) in 2005 to build a residential development with open space. The approved 2005 site plan had trails shown on it that became part of site plan specific record. The trails that were approved as part of the site plan were generically drawn without regard to topography, stream buffers or location. Some of the trail locations include stream crossings that are 4’ to 6’ vertical drops due to the way the creeks have eroded over time. The proposed trail plan has been field located in the areas that provide for the best access with minimal disturbance of the conservation area. The Cobb County Stormwater Management Division comments support the revised trail locations to reduce stream crossings. Additionally, the revised trail location is supported by the Cobb County Erosion Control Department due to the reduced activity in the State and County stream buffers. As part of the remediation for revising the trail location, the developer will donate lots 85 and 86 to the HOA, which can be used for additional open space or recreation related uses. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

STAFF COMMENTS

Water and Sewer: Walkways within the 20’ public sanitary sewer easement are subject to County Code 122-155.

Stormwater Management: The Stormwater Management Division is in favor of the revised trail layout since it reduces the required number of stream crossings.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

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

COBB COUNTY GEORGIA
FILED IN OFFICE

12-17-2013

BOC Hearing Date Requested: ~~11/19/2013~~

2013 OCT 15 PM 3:49

Applicant: The Retreat at Lost Mountain Homeowners Association Phone #: 678-367-4981
(applicant's name printed)

Address: 10405 Old Alabama Rd Conn, Ste 201 Alpharetta 30152 E-Mail: _____

Michael Miller Address: same

(representative's name printed)

Michael Miller

(representative's signature)

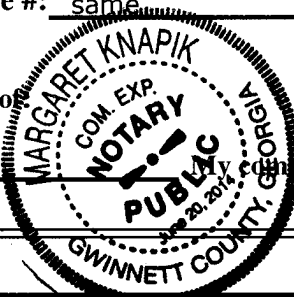
Phone #: same

E-Mail: dmm@piedmontinv.com

Signed, sealed and delivered in presence of

Margaret Knapik

Notary Public



Commission expires: 6/20/2014

Titleholder(s): same Phone #: _____

(property owner's name printed)

Address: _____ E-Mail: _____

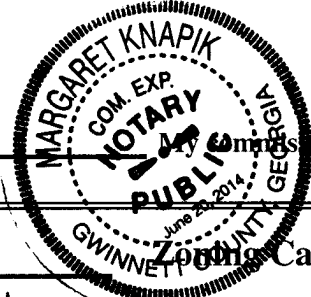
Margaret Knapik

(Property owner's signature)

Signed, sealed and delivered in presence of:

Margaret Knapik

Notary Public



Commission expires: 6/20/2014

Commission District: 1 **Zoning Case:** 2005 (Z-188)

Date of Zoning Decision: 11/15/05 **Original Date of Hearing:** 11/15/05

Location: Spring Mountain Lane (The Retreat at Lost Mountain subdivision)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 384 and 431 **District(s):** 19th

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

Reconfigure proposed walking trails consistent with the attached plan

(List or attach additional information if needed)

PROPOSED PLAN

COBB COUNTY GEORGIA



LOT AREA DATA	
LOT	AREA AC.
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7	TRAIL
8	ROAD
9	STREET
10	AVENUE
11	BOULEVARD
12	BLVD
13	DRIVEWAY
14	WALKWAY
15	BIKEWAY
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ORIGINAL DATE OF APPLICATION: 11-15-05APPLICANTS NAME: K2 VENTURES, INC.

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

BOC DECISION OF 11-15-05 ZONING HEARING:

K2 VENTURES, INC. (Stephen A. and Carol C. Smith, Bobby Gene and Marguerite Frances Chupp, Mary Kay Fulcer, James Max and Helen M. Willingham, Lindsey Tippins, James Robert Meredith, Jim H. and Dorothy Collins Duke and Brad and Scarlett Jimison, owners) requesting Rezoning from **R-30** to **CS** for the purpose of a Subdivision in Land Lots 384 and 431 of the 19th District. Located on the south side of Lost Mountain Road and on the north side of Macland Road, east of Old Lost Mountain Road and at the eastern terminus of Tranquil Lane.

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

MOTION: Motion by Goreham, second by Lee, to approve rezoning to the **CS** zoning district **subject to:**

- **site plan last revised October 26, 2005, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **maximum 86 lots**
- **letter of agreeable stipulations from Mr. Garvis Sams, Jr., dated November 3, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **e-mail from Mr. Gregg Goldenberg to Mr. Tom Plante dated November 14, 2005 (copy attached and made a part of these minutes)**
- **contingent upon approval by the Georgia Department of Transportation, Applicant/Developer will provide access from the Plante property to Lost Mountain Road; if approval is not received from GDOT, access will be provided through the proposed subdivision**
- **Staff to review and approve grading of driveway to the proper slope**
- **Fire Department comments**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- ***revised* Cobb DOT comments and recommendations (copy attached and made a part of these minutes)**
- **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

COBB COUNTY GEORGIA
 PLANNING DIVISION
 2005 NOV 15 PM 3:49
 COBB COUNTY PLANNING DIVISION

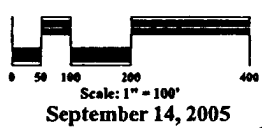
Rezoning Plan

Twin Creeks at Lost Mountain

Cobb County, Georgia Land Lots 384 & 431, 19th District

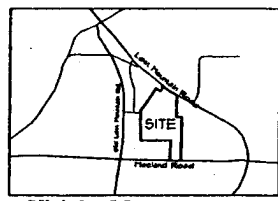
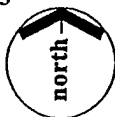
prepared for:
K2 Ventures

DGM
 LAW PLANNING
 CONSULTANTS
 975 Oak Place
 P.O. Box 8112
 Kennesaw, GA 30144
 770 514-9006
 Fax 514-9491



Revisions:

9/14/05	ADDED 2 LOTS TO LAYOUT
9/20/05	11 LOTS INCORPORATED
9/20/05	FLAT CORRECTED
9/20/05	REVISED LAYOUT LOT 44 & 45
9/20/05	OPEN SPACE
10/26/05	REVISED CORRECTED LOTS



Vicinity Map - Not to Scale

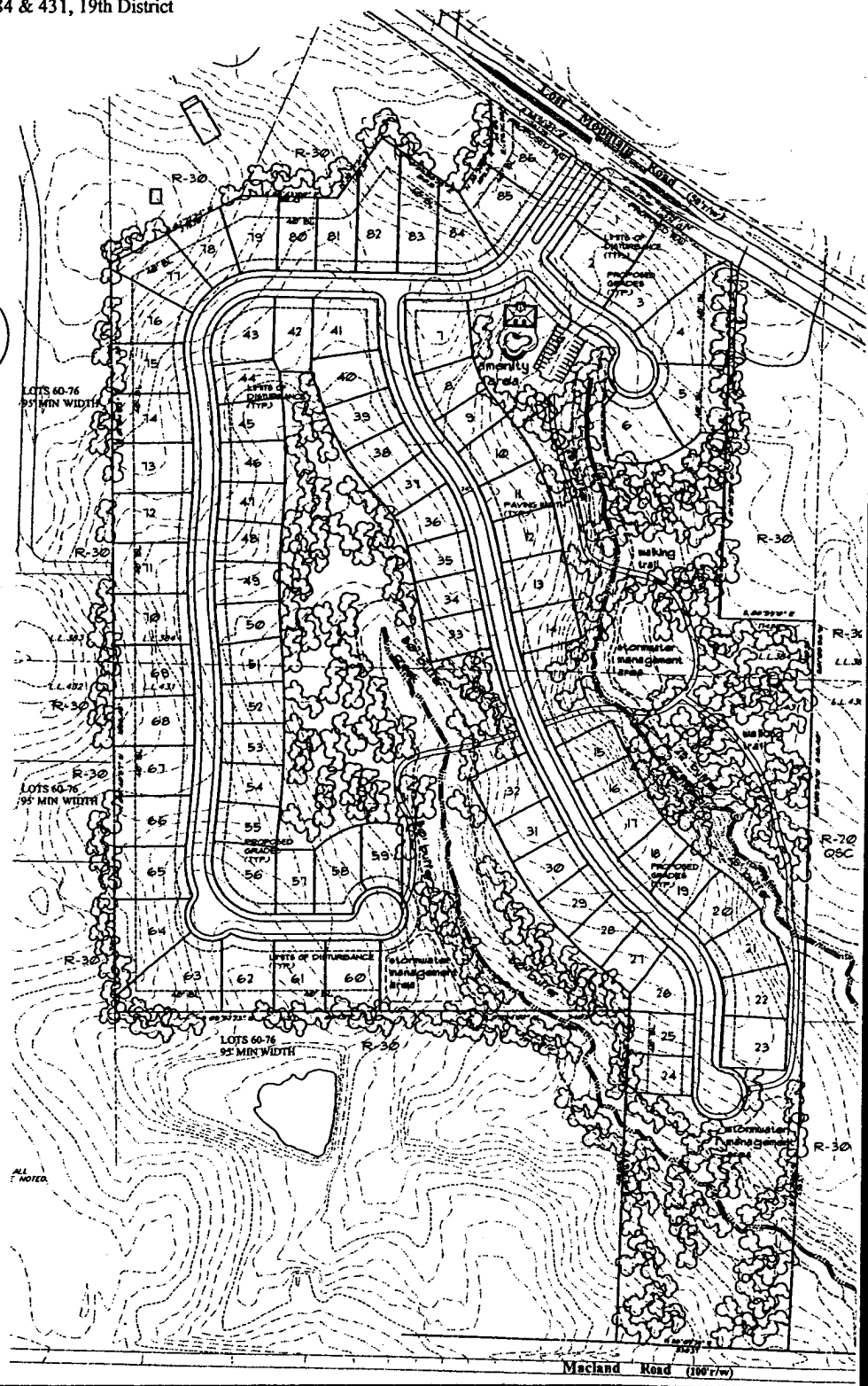
Site Data

Total Site Area:	48.92 AC
Total Lots Shown:	86
Net Density:	1.76 UN/AC
Present Zoning:	R-30
Proposed Zoning:	CS
Minimum Lot Size:	9,000 SF
Min. Lot Width at B.L.:	75'
Average Lot Size:	11,902 SF
Building Setbacks:	

front: 20'
 rear: 25' (Unless otherwise noted)
 side: 5' (15' between houses)

Open Space Required: 35% of Total Site Area (17.12 AC)
Open Space Shown: 37.6% of Total Site Area (18.41AC)
 (Excludes impervious portions of amenity and stormwater management areas)

- Notes:**
- Boundary survey by Gaskins Surveyors. Topographic info from Cobb County GIS.
 - According to Flood Insurance Rate Map (FIRM) 13061C0045F and 13061C0065F August 18, 1992, no portion of this site contains floodplain.
 - No cemeteries are known to exist on site.
 - Stream and wetland classifications are to be determined.
 - No archeological or architectural landmarks are known to exist on site.
 - No utility easements are known to exist on site.
 - Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.

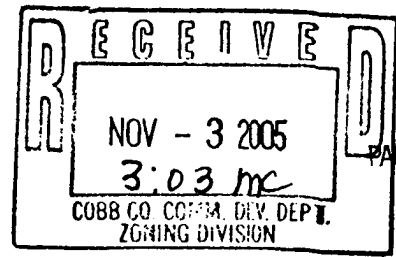


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NOV - 3 2005

COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

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
MICHAEL P. PRYOR
JAMES A. BALLI
OF COUNSEL
DAVID P. HARTIN

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

November 3, 2005

WWW.SAMSLARKINHUFF.COM

VIA HAND DELIVERY

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

Min. Bk. 38 Petition No. Z-188
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 11/15/05

Re: Application of K2 Ventures, LLC to Rezone a 48.92 Acre Tract
from R-30 to Conservation Subdivision (CS) (No. Z-188)

Dear John:

You will recall that I represent the applicant and property owners concerning the above-captioned application for rezoning. The application was heard, considered and unanimously recommended for approval by the Cobb County Planning Commission earlier this week. The application is now scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on November 15, 2005.

With respect to the foregoing, in keeping with the action taken by the Planning Commission and in keeping with staff recommendations for approval, enclosed please find the requisite number of copies of a revised site plan. The balance of this letter will serve as my clients' expression of agreement the following stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and modified hereby, and binding upon the subject property thereafter:

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 concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. A maximum number of 86 single family detached homes at a maximum density of 1.757 units per acre.

VIA HAND DELIVERY

Petition No. Z-188
Meeting Date 11/15/05
Continued

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 2
November 3, 2005

3. An agreement that there shall be a total of 18.41 acres (37.6% of the total site area) of the subject property which shall be designated as Open Space which shall be placed in a Conservation Easement in favor of Cobb County and which shall serve as a neighborhood amenity and be protected in perpetuity from development under the ownership of a mandatory homeowners association. The open space shall include pocket parks, picnic areas, passive recreational areas and strategically positioned walking trails which shall provide pedestrian connectivity throughout the residential community.¹
4. The architectural style and composition of the homes shall be consistent with the elevations/renderings which were submitted under separate cover on October 12, 2005. The composition of the homes shall consist of a combination of either brick, cedar and/or hardy plank shake, stacked stone, and traditional hardy plank siding.
5. The minimum house size within the proposed residential community shall be 2,200 square feet ranging up to 3,000 square feet and beyond.² Each of the homes shall have at a minimum an attached two-car garage. The garages shall be used for the parking and storage of vehicles and a recital shall be contained within the subdivision Covenants ensuring same.
6. The creation of a mandatory homeowners association and the submission of Declaration of Covenants which shall include, inter alia, strict architectural controls.
7. Subdivision entrance signage shall be ground-based, monument style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage shall be incorporated into the landscape plan for the subdivision and shall be fully irrigated.
8. The submission of a landscape plan during the Plan Review process which shall include the following:
 - a. The establishment of an integrated system of walking trails within the open space areas which shall be meaningfully positioned in order to connect to sidewalks within the proposed subdivision.

¹ Actual open space required under the CS District would be 35% of the total site area or 17.32 acres, excluding impervious portions of the amenity and stormwater management areas.

² It is anticipated that price points for the homes shall range from the low-\$300's to the mid-\$300's and upward.

VIA HAND DELIVERY

Petition No. Z-188
Meeting Date 11/15/05
Continued

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 3
November 3, 2005

- b. The installation of underground utilities.
 - c. Sodded front and side yards.
 - d. Providing pedestrian connectivity which crosses the stream which bisects the subject property.
 - e. A 20' maintained natural buffer along the subject property's western boundary line. Said buffer shall be fenced for protection during the construction and build out of the subdivision.
9. Subject to recommendations from the Cobb County Stormwater Management Division with respect to exercising heightened sensitivity concerning hydrological issues, including the following:
- a. Following recommendations concerning the ultimate location and configuration of on site detention and/or stormwater management and water quality issues.
 - b. Ensuring that 50' undisturbed stream bank buffers along both sides of the stream shall remain undisturbed in perpetuity by means of a restrictive easement as shown on the revised site plan.³
 - c. Limiting grading which will be done during the construction of the subdivision to the house pads, rights-of-way, front yards and required slopes.
 - d. An agreement to perform pre-development and post-development sedimentation studies on lakes immediately down stream of the subject property.
 - e. Stormwater design shall be approved by the Stormwater Management Division and shall take care of any "ponding" on property belonging to adjacent property owner Mr. Plante and at the terminus of Tranquil Lane on the western boundary of the subject property.

³ The one (1) stream which reflects a 25' stream bank buffer has, in fact, been determined to be an intermittent stream which does not require a 50' stream bank buffer.

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- f. An agreement that the water flowing east down Tranquil Lane and discharging onto the subject property will be channeled into the subject property's stormwater management system by way of a drop inlet, catch basin or swale at the end of Tranquil Lane.
10. 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 both Lost Mountain Road and Macland Road so that the County can achieve 50' from the centerline of both rights-of-way.
 - b. The installation of sidewalk, curb and gutter on Lost Mountain Road.
 - c. The construction of a deceleration lane with an appropriate taper at the subdivision's point of ingress/egress on Lost Mountain Road.
 - d. Securing GDOT permits with respect to any encroachments on Lost Mountain Road which is State right-of-way.
 - e. Ensuring 475' of sight distance on Lost Mountain Road.
 - f. Providing a 10' no access easement along the subject property's frontage on Macland Road.
 - g. Interior sidewalks shall connect to the strategically positioned pedestrian pathways within the Open Space area as shown on the revised site plan.
 - h. Subject to DOT approval, the applicant shall erect a barricade at the end of Tranquil Lane adjacent to the subject property and will further agree that neither K2 Ventures nor its successors in title nor any home builders within the subject property shall use Tranquil Lane as a point of ingress/egress except with respect to the removal of structures associated with the property which is currently owned by one of the sellers (Steve Smith).
 - i. Pouring a new driveway for Mr. Thomas Plante so that the balance of his property can be readily accessed and an agreement to handle the permitting of said driveway on Lost Mountain Road by way of making proper application to the Georgia Department of Transportation for same.

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- j. Following the recommendations and conclusions of the Traffic Study prepared by Kimley-Horn & Associates, Inc. subject to staff review and approval of same.
11. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer and an agreement to secure GDOT permits for the construction of off-site sanitary sewer line
12. Subject to recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.
13. The District Commissioner shall have the latitude to make minor modifications to these stipulations/conditions and/or the site plan as same proceeds through Plan Review.

Over the past couple of weeks, the applicant has made great strides in addressing and resolving neighborhood concerns and those of the County's professional staff. Moreover, with the revised site plan which is being submitted with this letter, the proposal is now at a density which is virtually identical to or less than the properties on the east and west of the subject property.

Please do not hesitate to call should you or staff require any further information or documentation prior to this application's next appearance before the Cobb County Board of Commissioners on November 15, 2005.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLS,Jr./jbmc
Enclosures

cc: Shown on next page.

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cc: Members, Cobb County Board of Commissioners - VIA Hand Delivery - w/enclosure
Mr. Robert L. Hosack, Jr., AICP, Director - VIA Hand Delivery - w/enclosure
Ms. Gail K. Huff, Assistant County Clerk - VIA Hand Delivery - w/enclosure
Ms. Sandra Richardson, Deputy County Clerk - VIA Hand Delivery - w/enclosure
Mr. Michael Perla, President, PLAN - w/enclosure
Mr. & Mrs. Horace E. Barrow - w/enclosure
Mr. & Mrs. Russell Huskey - w/enclosure
Mr. Darlene Castleberry - w/enclosure
Mr. Thomas W. Plante - w/enclosure
Mr. Gregg Goldenberg - w/o enclosure
Mr. Sean Randall - w/o enclosure

APPLICANT: K2 Ventures, LLC

PETITION NO.: Z-188

PRESENT ZONING: R-30

PETITION FOR: CS

TRANSPORTATION COMMENTS

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Doc. Type revised DOT comments
and recommendations
Meeting Date: 11/15/05

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Lost Mountain Road	14870	Arterial	100'
Macland Road	15968	Arterial	100'

*Based on 2004 traffic counting data taken by GADOT. (Lost Mountain Road)
Based on 2004 traffic counting data taken by Cobb County DOT. (Macland Road)*

Lost Mountain Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Macland Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Proposed driveway relocation for Plant property to be included as part of the development.

Install sidewalk, curb and gutter along Lost Mountain Road.

As necessitated by this development for egress from Lost Mountain Road, a minimum 150' deceleration lane and a left turn will be required.

No access to Macland Road.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Lost Mountain Road, a minimum of 50' from the roadway centerline and b) donation of right-of-way on the north side of Macland Road, a minimum of 50' from the roadway centerline.

Recommend proposed driveway relocation for the Plant property to be included as part of the project construction.

Recommend installing sidewalk, curb and gutter along Lost Mountain Road.

Recommend a minimum 150' deceleration lane and a left turn lane at the access point on Lost Mountain Road.

Recommend a 10' no access easement along Macland Road.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.