FEBRUARY 18, 2014 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 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"

02-18-2014

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

COBB COUNTY GEORGE

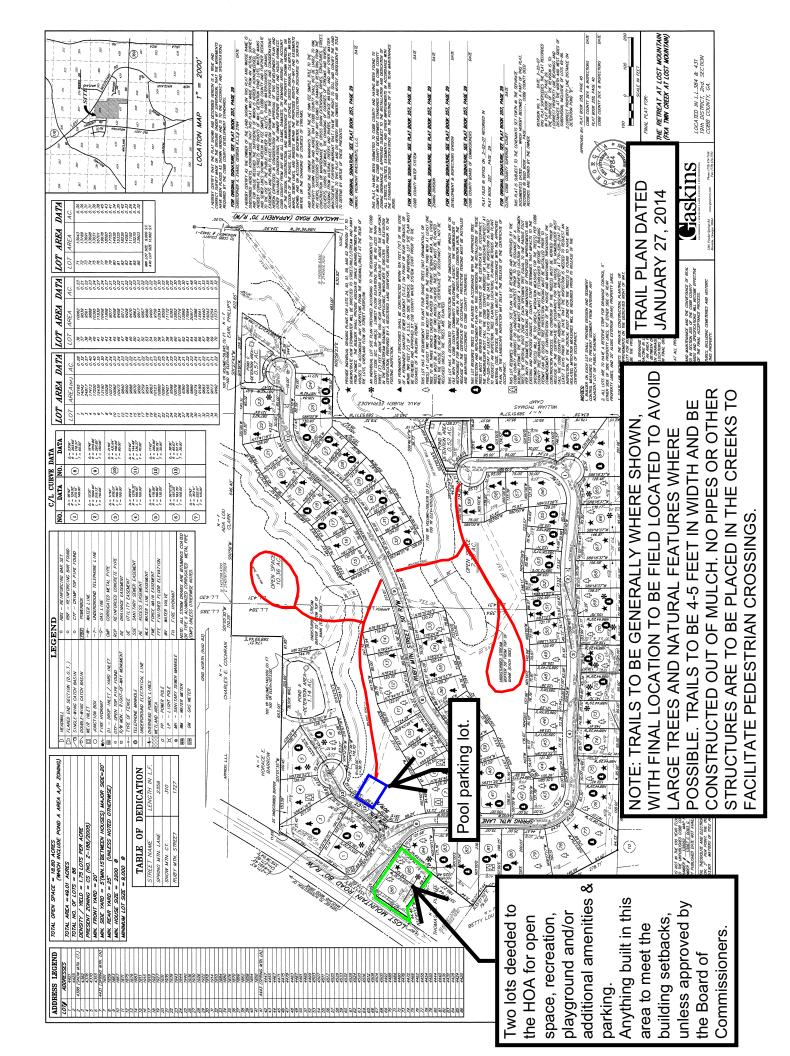
12-17-2013

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

BOC Hearing Date Requested: 11/19/2013

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Applicant: The Retreat at Lost M	ountain Homeowners Associa	tion Phone #:	ୁ 678-367-498 ମଧ୍ୟ	81
(applicant's name	e printea)			
Address: 10405 Old Alabama Ro	Conn, Ste 201 Alpharetta 30)152 E-Mail; _		
Michael Miller	Address: same			
(representative's name, printed)	N 4	EM 1 1	م ما ما ما ما	alian com
(representative's signature)	Phone #: sameour]	F-Mail: TINIA	vobreamor	ntinv.com
Signed, sealed and delivered in prese	ence of the contract of the co			
Champuel Knurik	My commit	ssion expires:	6/20/20	14
Notary Public	PUBARTA			
Titleholder(s): same		Phone #:		
Address: (prope	rty owner's name united)	E-Mail:		
1 XX YILLI MIL				
(Property owner's signature)	WAPIN KNAPIN			
Signed sealed and delivered in preso				
Changaret Knapik	A SOLVAN COMPANY	sion expires: _	4/20/2014	<i>t</i>
Notary Public	OUB ONLY	<u> </u>		
Commission District: 1	Child Zough	ase: 2005 ((Z-188)	
Date of Zoning Decision:	15 05 Original D	ate of Heari	ng: <u>///5</u>	105
Location: Spring Mountain		st Mountain	subdivision)	1
	pplicable; nearest intersection, etc.)		545417151011	
Land Lot(s): 384 and 43	1	District(s):	19	9th
State <u>specifically</u> the need or	reason(s) for Other Busi	ness:		
Reconfigure proposed w	alking trails consistent	with the a	ttached pla	n



PAGE 10 OF 21	APPLICATION NO.	Z-188
ORIGINAL DATE OF APPLICATION:	11-15-05	
APPLICANTS 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:

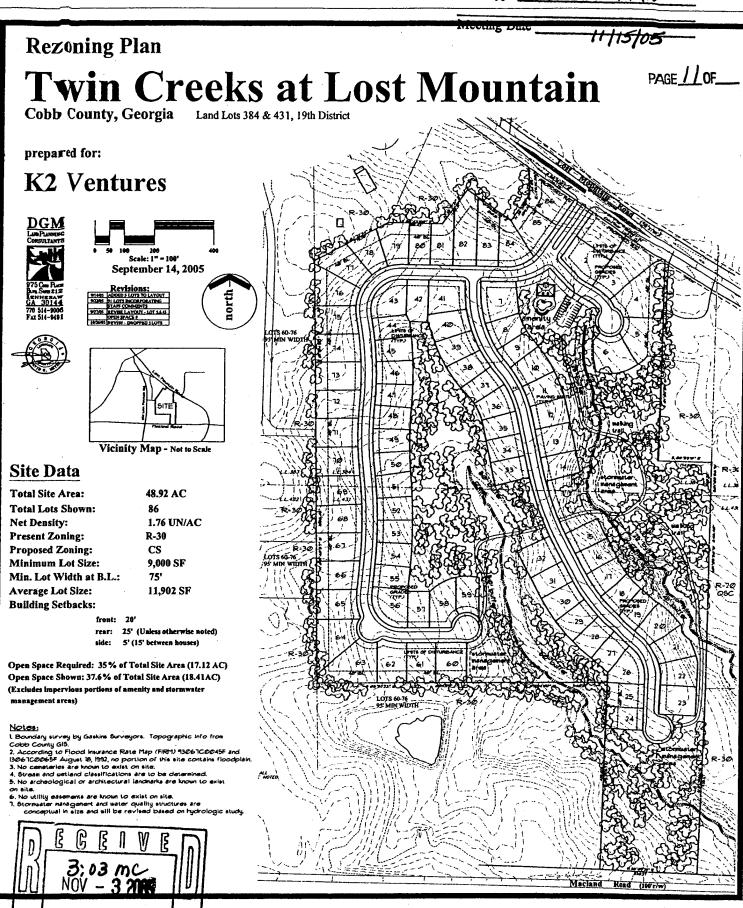
K2 VENTURES, INC. (Stephen A. and Carol C. Smith, Bobby Gene and Marguerite Frances Chupp, Mary Kay Fulcer, James Max and Helen M. Willingham, Lindsey Tippins, James Robert Meredith, Jim H. and Dorothy Collins Duke and Brad and Scarleft Jimison, owners) requesting Rezoning from R-30 to CS for the purpose of a Subdivision in Land Lots 384 and 431 of the 19th District. Located on the south side of Losto 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 <u>approve</u> 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 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

NOV - 3 2005

3:03 mc

COBB CO COMM DEV. DEP 1.

ZONING DIVISION

770 · 422 · 701 6 TELEPHONE

770 · 426 · 6583 FACSIMILE

www.samslarkinhiuff.com

38 Petition No. Z-188

Doc. Type <u>Letter of Agreeable</u>
Stipulations

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

OF COUNSEL
DAVID P. HARTIN

November 3, 2005

VIA HAND DELIVERY

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

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 <u>unanimously</u> 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.

Sams, Larkin & Huff A LIMITED LIABILITY PARTNERSHIP

YIA HAND DELIVERY

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:
 - The establishment of an integrated system of walking trails within the open space a. areas which shall be meaningfully positioned in order to connect to sidewalks within the proposed subdivision.

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.

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VIA HAND DELIVERY

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:
 - Following recommendations concerning the ultimate location and configuration a. 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
 - Limiting grading which will be done during the construction of the subdivision to c. 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.
 - Stormwater design shall be approved by the Stormwater Management Division e. 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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VIA HAND DELIVERY

Mr. John P. Pederson, Planner III Cobb County Zoning Department Page 4 November 3, 2005

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- f. An agreement that the water flowing east down Tranquil Lane and disbursing 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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VIA HAND DELIVERY

Mr. John P. Pederson, Planner III Cobb County Zoning Department Page 5 November 3, 2005

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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.

SAMS, LARKIN & HUFF

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VIA HAND DELIVERY

Mr. John P. Pederson, Planner III Cobb County Zoning Department Page 6 November 3, 2005

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Continued	

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

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PETITION NO.: Z-188

PRESENT ZONING: R-30

PETITION FOR: CS

TRANSPORTATION COMMENTS

38 Petition No. Z-Min. Bk. Doc. Type revised DOT comments and recommendations

The following comments and recommendations are based on field investigation and office 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.