

**AUGUST 19, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-47

PURPOSE

To consider amending the site plan for Weekley Homes, LLC regarding Open Space Community Overlay application OSC 05-13 of 2005 (Douglas and Patricia Haymore), for property located on the north side of Lost Mill Trace in Land Lots 836 and 837 of the 16th District.

BACKGROUND

The subject property was zoned R-20 OSC (Open Space Community) in 2005 as part of a single-family subdivision. The applicant has discovered a slight error in the location of the retaining wall, which is located to the rear of the property. Specifically, the retaining wall was accidentally built one to three feet inside the 25’ undisturbed buffer. The applicant would like to amend the approved site plan to redefine the undisturbed buffer to the backside of the retaining wall, as shown on the proposed plan dated January 8, 2014. If, approved all previous zoning conditions not in conflict would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application, zoning stipulations and proposed site plan.

OB47
8-19-14

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 7/15/2014

Applicant: Weekley Homes, LLC Phone #: (7) 318 7137
(applicant's name printed)

Address: 750 Hammond Drive, Bldg #6, E-Mail: kanderson@dwhomes.com

Keith Anderson Address: Same as above
(representative's name, printed)

[Signature] Phone #: 770 318 7137 E-Mail: kanderson@dwhomes.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: 03-23-18
Notary Public

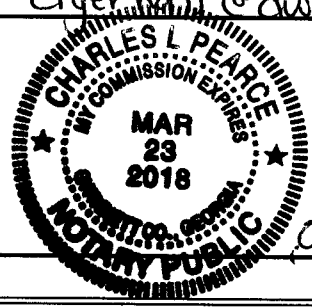
Titleholder(s): Weekley Homes, LLC Phone #: 404 481 3850
(property owner's name printed)

Address: 1111 N. Post Oak Drive, Houston, TX. 77055 E-Mail: clgermatt@dwhomes.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: 03-23-18
Notary Public



Commission District: 3 Zoning Case: OSC 5-13

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

Location: 3297 Lost Mill Trace, Marietta, GA. 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 836 / 837 District(s): 16th / 2ND

State specifically the need or reason(s) for Other Business: variance / relief
of undisturbed buffer on rear of property. Retaining wall
which has been constructed has inadvertantly encroached
into this area as shown on the site plans / as-built
plans submitted with this request.

(List or attach additional information if needed)

LEGEND:

- POC: = POINT OF COMMENCEMENT
- POB: = POINT OF BEGINNING
- IPS: = IRON PIN SET. 1/2" RE-BAR
- IPF: = IRON PIN FOUND
- RAW: = RIGHT-OF-WAY
- CL: = CENTERLINE
- P/L: = PROPERTY LINE
- N/F: = NOW OR FORMERLY
- CMF: = CONCRETE MONUMENT FOUND
- PP: = POWER POLE
- LL: = LAND LOT LINE
- E/P: = EDGE OF PAVEMENT
- B/C: = BACK OF CURB
- B/L: = BUILDING LINE
- FH: = FIRE HYDRANT
- MH: = MAN HOLE
- CB: = CATCH BASIN
- SS: = SANITARY SEWER

LOT 2 AREA:

0.340 ACRES
(14,845 SQ.FT.)

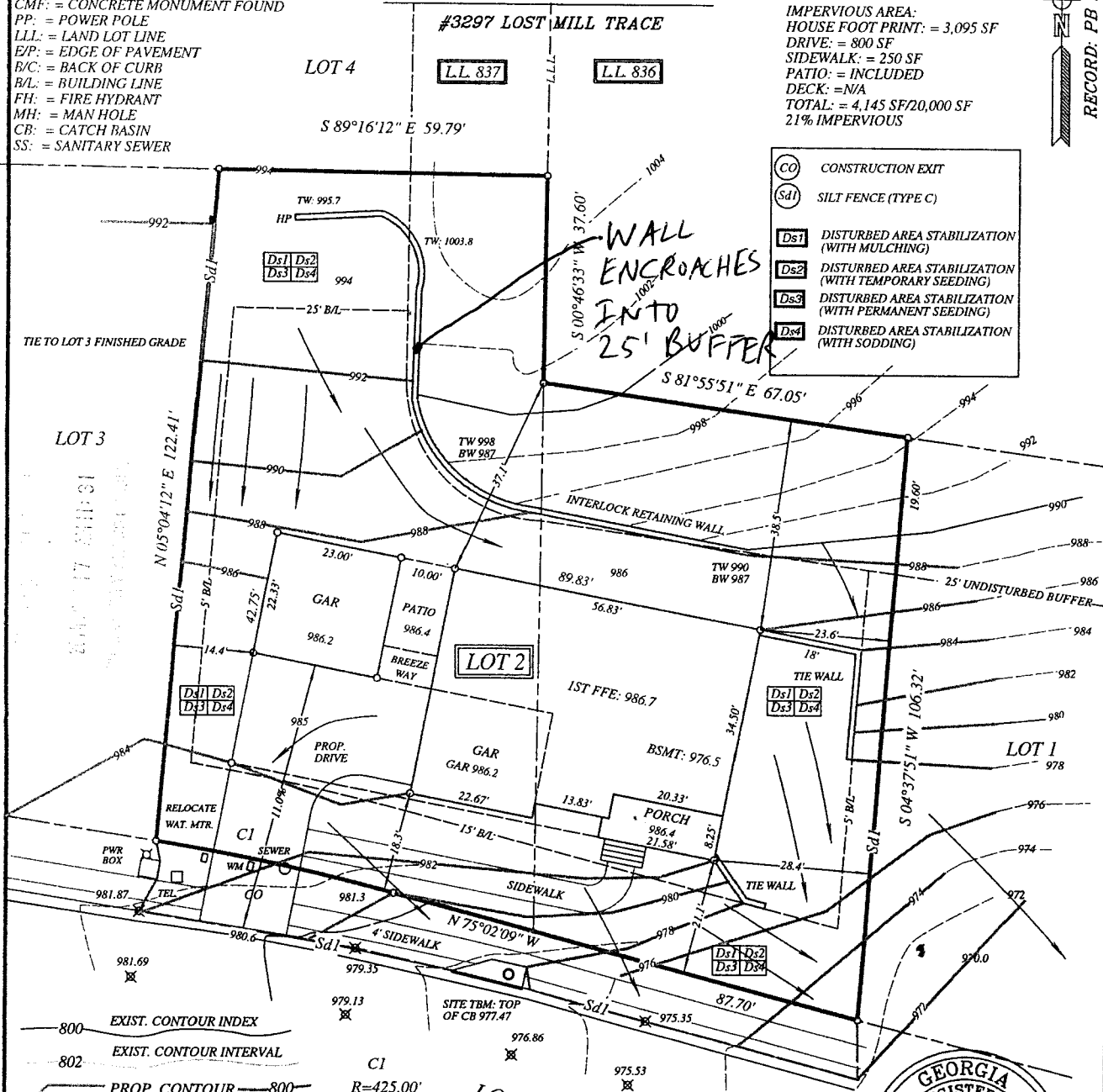
ZONED: R-20 (OSC)
SETBACKS:
FRONT: = 15'
SIDE: = 5' (15' BETWEEN HOUSES)
REAR: = 25'

24 HOUR CONTACT: KEVIN YOUNG
PHONE: 678-878-9777

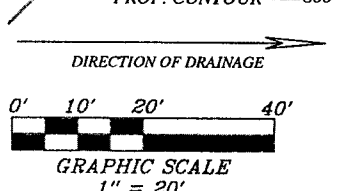
IMPERVIOUS AREA:
HOUSE FOOT PRINT: = 3,095 SF
DRIVE: = 800 SF
SIDEWALK: = 250 SF
PATIO: = INCLUDED
DECK: = N/A
TOTAL: = 4,145 SF/20,000 SF
21% IMPERVIOUS

RECORD: PB 260 PG 60

OB-47
Proposed Plan

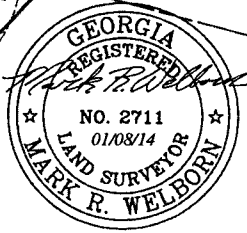


- (CO) CONSTRUCTION EXIT
- (Sd1) SILT FENCE (TYPE C)
- (Ds1) DISTURBED AREA STABILIZATION (WITH MULCHING)
- (Ds2) DISTURBED AREA STABILIZATION (WITH TEMPORARY SEEDING)
- (Ds3) DISTURBED AREA STABILIZATION (WITH PERMANENT SEEDING)
- (Ds4) DISTURBED AREA STABILIZATION (WITH SODDING)



CI
R=425.00'
Δ=05°57'10"
L=44.16'
T=22.10'
Ch=44.14'

ACCORDING TO THE LATEST COBB COUNTY
F.I.R.M. COMMUNITY PANEL NO. 13067C 0035F
DATED AUGUST 18, 1992 THIS PROPERTY
DOES NOT LIE WITHIN A 100 YEAR FLOOD
HAZARD ZONE.



PREPARED FOR:
DAVID WEEKLEY HOMES
"HLP/SITE PLAN"

CLOSURE DATA: DATE: 05/22/13
FIELD CLOSURE: 1' IN 15,000' +
ANGLE POINT ERROR: 05"
EQUIPMENT USED: SOKKIA SRX 5
ADJUSTMENT METHOD: NO ADJUSTMENT
PLAT CLOSURE: 1' IN 100,000' +

SUBDIVISION: THE PRESERVE @ LOST MILL TRACE		P.B. 260	PG. 58-60
LOT: 2	LAND LOT: 836 & 837	DISTRICT: 16, 2ND SECTION	
CITY:	COUNTY: COBB	STATE: GEORGIA	
SCALE: 1" = 20'	DATE: 01/08/14	JOB NO: WLS-14-0003	

WELBORN LAND SURVEYING, INC.

65 PEGASUS TRACE

NEWNAN, GEORGIA 30263

PHONE: 770-254-1383

FAX: 770-254-1383

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 15, 2005
~~PAGE 24~~

COBB COUNTY BOARD OF COMMISSIONERS
2005 NOV 17 AM 11:31

~~LUP-20 RAYMOND B. HOLT (owner) requesting a Land Use Permit for the purpose of Dog Breeding in Land Lot 908 of the 16th District. Located on the eastern side of Gulfstream Lane, east of Murdock Road. WITHDRAWN WITHOUT PREJUDICE~~

Special Land Use Permits:

SLUP-5 ANNOX SELF STORAGE #1, LLC, (owner) requesting a Special Land Use Permit for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17th District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway. *(Continued by the Planning Commission from their March 1, 2005 and April 5, 2005 hearings, continued by Staff from the May 3, 2005, June 7, 2005, July 7, 2005, August 2, 2005, September 8, 2005 and October 4, 2005 Planning Commission hearings and continued by the Planning Commission from their November 1, 2005 hearing until their February 7, 2006 hearing; therefore was not considered at this hearing)*

SLUP-19 SPRINT PCS (ECB, Inc., owner) requesting a Special Land Use Permit for the purpose of a 180-Foot Communications Towers and Equipment Buildings in Land Lot 131 of the 16th District. Located on the south side of Lake Drive, south of Shallowford Road. **WITHDRAWN WITHOUT PREJUDICE**

OPEN SPACE COMMUNITY CASES:

OSC 05-13 To consider approval of an R-20 Open Space Community Overlay application for Douglas and Patricia Haymore, regarding Application OSC 05-13 filed June 6, 2005, for property located on Lost Mill Trace in Land Lots 820 and 837 of the 16th District.

The public hearing was opened and Mr. John Moore, Ms. Cheri Dexter and Mr. Bob Mehlhouse addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Olens, to approve rezoning to the R-20 OSC zoning district **subject to:**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 15, 2005
PAGE 25**

OSC 05-13 (Continued)

- **site plan received in the Planning Division October 10, 2005 (copy attached and made a part of these minutes)**
- **letters of agreeable stipulations from Mr. John Moore dated June 23, 2005 and November 9, 2005 (copy attached and made a part of these minutes)**
- **Applicant/Developer to repair the curb and gutter from the stub-out of Lost Mill Trace to corner at Old Mill Crossing**
- **Applicant/Developer to meet with Mr. Bob Mehlhouse regarding a trespass barrier (i.e. fencing or other barrier)**
- **existing driveway to be closed to vehicular traffic, except as required for maintenance of the existing athletic field**
- **all non-contiguous open space to be subtracted from the open space totals and be deemed as an undisturbed buffer**
- **owner/developer to place all property dedicated as open space and all land containing a slope of 35% or greater into a permanently protected conservation easement or restrictive covenant, which must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting "open space" from development in perpetuity, as owned by the mandatory homeowners association**
- **minor alterations to site plan allowed during the plan review process, with the District Commissioner approving all modifications to conceptual plans**
- **prior to issuance of any permits, a representative of Applicant/Developer, Stormwater Staff, and Mr. Bob Mehlhouse shall meet to insure that all appropriate steps are taken to mitigate any stormwater issues near the ruins in the area**
- **Planning Division 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: DOT Staff directed to meet with the District Commissioner regarding roadway improvements at the entrance to the subdivision.

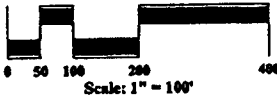
Preliminary Layout & Grading Plan

The Preserve at Lost Mill Trace

Cobb County, Georgia Land Lots 820 & 837, 16th District

prepared for:
Douglas and Patricia Haymore

DGM
LAND PLANNING
CONSULTANTS
775 Oak Run
Lawrenceville, GA 30044
770 514-8008
Fax 514-9491



May 16, 2005

Revisions:	
05-16	Revised per City Council comments
05-18	Revised per Douglas, Patricia Haymore
05-24	Revised per Douglas, Patricia Haymore
05-25	Revised per Douglas, Patricia Haymore
05-26	Revised per Douglas, Patricia Haymore



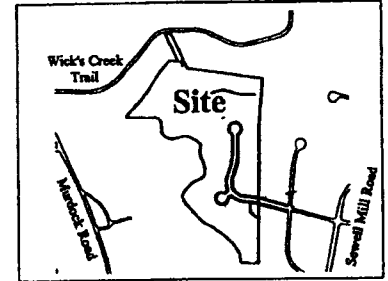
Site Data

Total Site Area: 18.37 AC
 (7.95 AC in floodplain)
Total Lots Shown: 20
Net Density: 1.92 UN/AC
Present Zoning: R-20
Proposed Zoning: R-20 (OSC)
Average Lot Size: 15,650 SF ±
Min. Lot Width: 70'
 (Lots 1-7 Min. 90' Width)

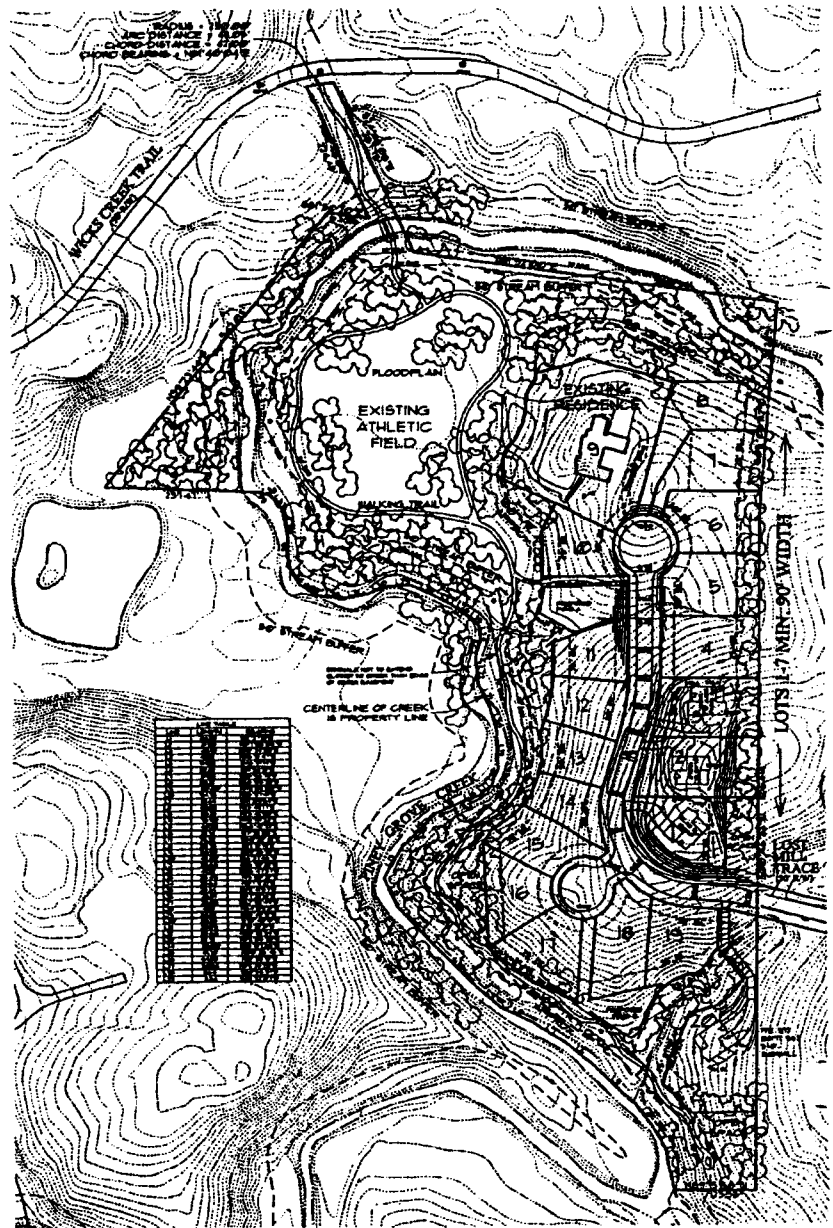
Building Setbacks:
 front: 20'
 rear: 25'
 side: 5' (15' between houses)

Open Space Required: 7.07 AC
Total Open Space Shown: 10.05 AC
 (54.7% of Total Site Area)
Open Space Shown out of Floodplain: 1.82 AC
 (25.78% of Required Open Space)

- Notes:**
- Boundary survey and topographic information taken from a survey by Braswell Engineering Dated 08-15-05.
 - According to Flood Insurance Rate Map (FIRM) 13067C0015F, August 18, 1995, a 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.
 - Sewer lines and manholes are existing and have been field located.



Vicinity Map - Not to scale



MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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ELDON L. BASHAM
MATTHEW J. HOWARD
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OF COUNSEL:
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JOHN L. SKELTON, JR.

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* ALSO ADMITTED IN FL
** ALSO ADMITTED IN SC
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

June 23, 2005

Min. Bk. 38 Petition No. OSC 05-13

Doc. Type Letter of Agreeable
Stipulations

Meeting Date 11/15/05

Hand Delivered
Community Development Dept.
PLANNING DIVISION

Mr. Dana Johnson
Planning Division
Cobb County Community Development Agency
191 Lawrence Street
Marietta, Georgia 30060-1689

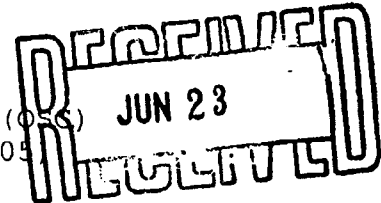
RE: Application for Open Space Community (OSC)

Application No.: OSC-05-13 (2005)

Applicants/

Property Owners: Douglas H. Haymore and
Patricia M. Haymore

Property: 19.65 acres located on the
southerly side of Wicks Creek
Trail; Land Lots 820 and 837,
16th District, 2nd Section,
Cobb County, Georgia



Dear Dana:

Pursuant to the discussion with staff during the Concept Review Meeting on June 16, 2005, enclosed are the Preliminary Layout and Grading Plans, last revised June 21, 2005, with respect to the above-referenced Application for Open Space Community. These Plans supersede those initially submitted with the subject Application on or about June 6, 2005, as well as any other subsequent plans. We, therefore, respectfully request the revised Plans submitted herewith be taken into consideration with the Application from this date forward.

We are further submitting a revised Narrative Analysis for the subject property prepared by DGM Land Planning Consultants, Inc. with respect to the proposed development. The revised analysis is based on the revised Preliminary Layout and Grading Plans submitted herewith.

Additionally, the homes to be constructed within the proposed OSC community will be a minimum of 3,000 square feet, ranging upwards

MOORE INGRAM JOHNSON & STEELE

Petition No. OSC 06-13
Meeting Date 11/15/05
Continued

Mr. Dana Johnson
Planning Division
Cobb County Community Development Agency
Page Two
June 23, 2005

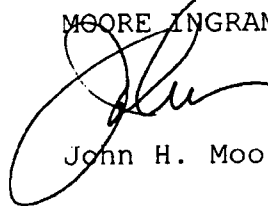
to 4,000 and greater. The prices for the homes will begin in the \$600s and range upwards to the \$800s. Enclosed are copies of photographs representing the types of homes to be constructed within this development.

Thank you for your continued assistance in this Application. If you should have any questions or require additional information concerning the pending Application, please contact me at your earliest opportunity. We look forward to confirmation of the placement of the Application for hearing by the Board of Commissioners on the July 19, 2005, Zoning Hearing agenda.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Enclosures

c: Mr. Douglas H. Haymore
(With Copies of Enclosures)

June 21, 2005

Cobb County
Community Development Dept.
PLANNING DIVISION

Michael Tuller - Community Development Agency

Planning Division

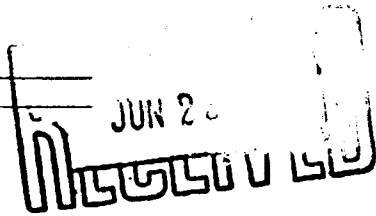
191 Lawrence Street

Marietta, Georgia 30060

Petition No. OSC 05-13

Meeting Date 11/15/05

Continued



SENT TO: _____

Narrative Analysis for Haymore Preserve

Dear Mr. Tuller,

On behalf of Douglas and Patricia Haymore, we are pleased to submit our OSC site plan for Haymore Preserve located in East Cobb County near the intersection of Sewell Mill Road and Murdock Road. This plan is being submitted as a 19.65 AC proposal from the existing R-20 to R-20 OSC. Haymore Contractors Inc, is planning a community of single family homes with lot widths ranging from 70' - 95' wide.

The 19.65 acres consists of gently sloping topography with the centerline of Piney Grove Creek acting as the majority of the western border of the property. There is one other small creek which starts as a spring near the south eastern portion of the property and flows south-west and into Piney Grove Creek near the southern boundary of the property. This creek will be buffered and is set aside as part of the required open space. A large portion of the property is in floodplain and will also be put into open space to be preserved. Vegetative cover on the site consists of mixed hardwood and deciduous tree cover.

Our open space requirements have been met by providing 1.96 AC of undeveloped preserve in addition to the 9.03 AC in floodplain which provide a gracious buffer zone along Piney Grove Creek. This open space, some of which is an existing play field, will provide opportunities for walking trails and passive recreation. The open space wraps around the entire development's western border which will provide easy access by all the residents of the neighborhood. The eastern border of the property is made up of single-family R-20 lots that are part of the Old Mill Subdivision. Proposed lots that abut these existing lots will have a minimum width of 95'.

General site data for the project is as follows:

Total Site Area: 19.65 AC

Required Open Space: 7.56 AC

Total Area in Open Space: 10.99 AC (56% of total site area)

Required Open Space Out of Floodplain: 1.89 AC

Total Open Space shown Out of Floodplain: 1.96 AC

Land in Open Space will be owned by a mandatory home owner's association.

Minimum Lot Size: 8,000 SF

Average Lot Size: 16,240 SF±

Minimum Lot Width: 70' (Lots 1-7 Minimum 95' Width)

Building Setbacks: Front: 20', Side: 5', Rear: 25'

In summary we feel that this development will indeed meet the objectives of the OSC overlay zoning. The plan provides 10.99 acres of passive open space, all of which is contiguous (with the only exception being pocket parks at the entrance of the development). Haymore Preserve will be an asset to the East Cobb area and we look forward to working with you and the Cobb County Planning Division on this significant project.

Kind Regards,

David Meyer
President, DGM Land Planning Consultants, Inc.

DGM

LAND PLANNING
CONSULTANTS, INC.



SITE PLANNING

LANDSCAPE
ARCHITECTURE

770 514-9006
FAX 514-9491

975 COBB PLACE
BLVD, SUITE 212
KENNESAW
GA 30144

DGMLPC.COM

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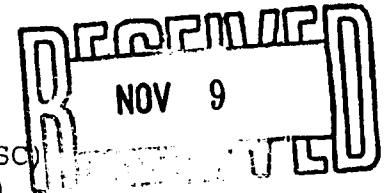
WRITER'S DIRECT
DIAL NUMBER

November 9, 2005

Mr. Dana R. Johnson, AICP
Planner III
Planning Division
Cobb County Community Development Agency
191 Lawrence Street
Marietta, Georgia 30060-1689

Min. Bk. 38 Petition No. OSC 05-13
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 11/15/05

Hand Delivered
Cobb County
Community Development Dept.
PLANNING DIVISION



RE: Application for Open Space Community (OSC)
Application No.: OSC-05-13 (2005)
Applicants/
Property Owners: Douglas H. Haymore and
Patricia M. Haymore
Property: 19.65 acres located on the
southerly side of Wicks Creek
Trail; Land Lots 820 and 837,
16th District, 2nd Section,
Cobb County, Georgia

Dear Dana:

On behalf of the Applicants and Property Owners for the above-referenced Application for Open Space Community, please allow this correspondence to serve as a supplement to previously submitted stipulations for the proposed residential development, which if the Application is approved, as submitted, shall become part of the grant of the requested open space community and shall be binding upon the Subject Property. The additional stipulations are as follows:

- (1) There will be an undisturbed buffer twenty-five (25) feet in width along the rear of proposed lot nos. 1 through 8, inclusive, as shown and reflected on the referenced Preliminary Plan; excepting that individual

MOORE INGRAM JOHNSON & STEELE

Mr. Dana R. Johnson, AICP
Planner III
Planning Division
Cobb County Community Development Agency
Page 2 of 3
November 9, 2005

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Meeting Date 11/15/05
Continued

homeowners may fence and maintain the buffer area but shall not be allowed to place any structures within said buffer area.

- (2) Applicant agrees to provide to prospective homebuyers information related to protection of streams and stream buffers within the Property and the open space area similar to the Cobb County brochure entitled "Protecting and Maintaining Small Streams and Open Channels - Guidelines for the Residential Property Owner."
- (3) All lots within the proposed development shall have a minimum front setback of fifteen (15) feet.

We believe the requested open space community, pursuant to the revised plans and the supplemental stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the surrounding neighborhoods. The proposed residential community shall be of the highest quality, shall be compatible with surrounding developments, and shall be an enhancement to the Subject Property and the East Cobb community. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP


John H. Moore

JHM:cc

MOORE INGRAM JOHNSON & STEELE

Mr. Dana R. Johnson, AICP
Planner III
Planning Division
Cobb County Community Development Agency
Page 3 of 3
November 9, 2005

Petition No. OSC 05-13
Meeting Date 11/15/05
Continued

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

Mr. Michael L. Sides

Mr. Douglas H. Haymore