

**DECEMBER 16, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB- 67

PURPOSE

To clarify and give Staff direction regarding a zoning stipulation for the Enclave at Cripple Creek subdivision regarding rezoning application Z-132 of 2006 (Ovation Homes, LLC), for property located at the southwesterly intersection of North Booth Road and Cripple Creek Drive in Land Lots 217 and 288 of the 16th District. *(Held by the Board of Commissioners until the February 17, 2015 Board of Commissioners hearings; therefore will not be considered at this hearing).*

BACKGROUND

The subject property was zoned RA-5 with stipulations in 2006. The project sat partially developed during the recent recession, and was lost by the original developer. One of the stipulations reads:

“Maximum ten percent (10%) rental clause to be included in covenants”

It has been brought to Staff’s attention that this clause was not included in the covenants. The declarant and original developer are defunct and no longer involved in this project. Almost all the houses have been built and sold. A number of the houses have been purchased as rental properties by other parties. Since the declarant is gone, there is not an entity to serve notices of violations or citations to regarding this stipulation. Also, Cobb County normally does not get involved with private covenants. This stipulation causes a conflict with the County’s policy of staying out of private covenants and enforcing the zoning stipulations. Staff would need clarification and direction from the Board of Commissioners regarding keeping this zoning stipulation, deleting the zoning stipulation or amending the zoning stipulation. The Board of Commissioners' decision is attached for review.

RECOMMENDATION

The Board of Commissioners consider the proposed request for clarification and direction.

ATTACHMENTS

Zoning Stipulations