

**MAY 19, 2015 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM OB-024**

**PURPOSE**

To consider amending the zoning stipulations for John Gaskin regarding rezoning application Z-54 (Ballantry Homes WestCobb, Inc.) of 2012, for property located at the southeast intersection of Macland Road and Bankstone Drive in Land Lots 471, 472, 491 and 492 of the 19<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned to R-15 OSC for a subdivision in 2012. One of the stipulations approved by the Board of Commissioners’ deleted “board and batten” as one of the approved front exterior building materials. The applicant has submitted proposed exteriors of the houses, and some of the houses do have board and batten on the fronts (attached for review). All other architectural stipulations will remain in effect if this amendment is approved.

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business Application and zoning stipulations.

OB-024-2015

# Application for "Other Business"

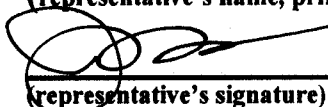
## Cobb County, Georgia

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

BOC Hearing Date Requested: 5.19.15

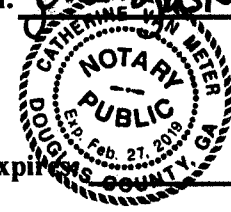
Applicant: John Gaskin Phone #: 770-319-5258  
(applicant's name printed)  
Address: 2355 Log Cabin Drive, Atlanta GA 30339 E-Mail: john.gaskin@pmcommunities.com

John Gaskin Address: 2355 Log Cabin Drive Atlanta GA 30339  
(representative's name, printed)

 Phone #: 770-319-5258 E-Mail: john.gaskin@pmcommunities.com  
(representative's signature)

Signed, sealed and delivered in presence of:

Catherine Van Meter My commission expires \_\_\_\_\_  
Notary Public

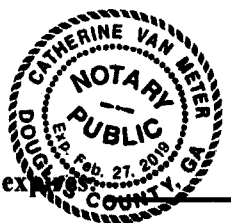


Titleholder(s): Cambridge Real Property Holdings LLC Phone #: 905-887-7255  
(property owner's name printed)

Address: 20 Cachet Woods Ct., Ste 6, Markham Ontario L6C 3G1 E-Mail: \_\_\_\_\_  
Murray R. Sobel  
(Property owner's signature)

Signed, sealed and delivered in presence of:

Catherine Van Meter My commission expires \_\_\_\_\_  
Notary Public



Commission District: 4 Zoning Case: Z-54

Date of Zoning Decision: 12-18-12 Original Date of Hearing: 12-18-12

Location: Intersection of Macland Rd. and Bankstone Dr.  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 471, 472, 491 District(s): 19th

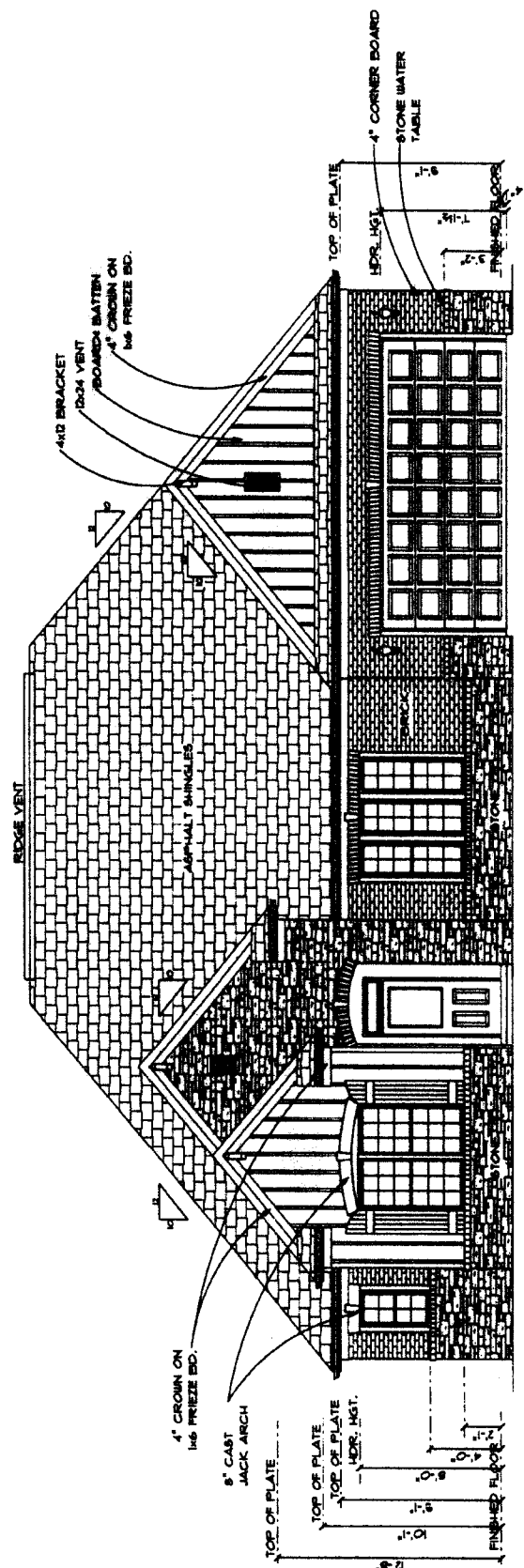
State specifically the need or reason(s) for Other Business: Request that item No. 5 wording be revised to allow board and batten to be used as an accent as shown on architectural drawings attached

RE.

Revision: 1. 2. 3. 4. 5. 6. 7. 8. 9. 10.	Project Name: <b>Cambridge</b>	Plan Name: <b>Cambridge</b>	Plot Date & Time: <b>3/23/2015 03:40 PM</b>	Drawn by: <b>Tom Roggen</b>	288 LOS CABIN DRIVE, BETHLEA, PA 30080 704.922.9378
	Neighbored/L of #:	Revision Code:	Revision:	Scale: <b>0.1562" = 1'-0"</b>	Title: <b>B Elevation</b>

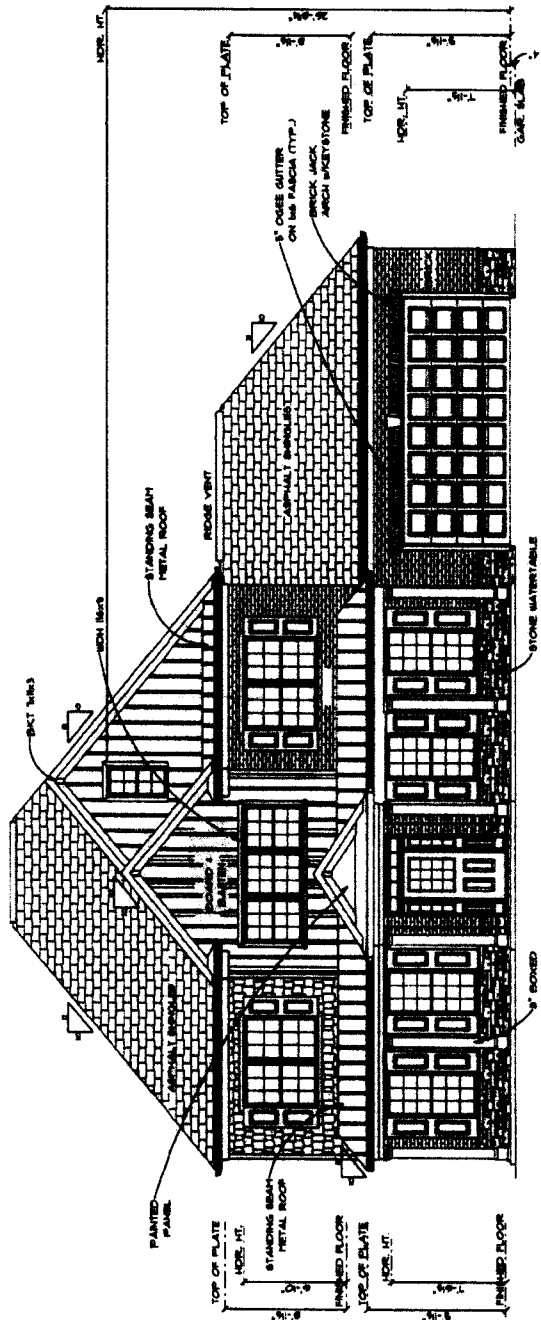
SHEET: **A1.3**

OB-24  
Proposed



**Front Elevation-B**  
SCALE: 5/32" = 1'-0"

Schedule: 17 CASE COURSES	Project Name: <b>DOVER</b>	Location: 88 CEDAR STREET, CARROLLTON, GA 30117 TO: 4242476	Scale: <b>1/8" = 1'-0"</b>	Date: <b>3/16/2015</b>	Drawn by: <b>Tom Rogers</b>	Title: <b>B Elevation</b>	Sheet: <b>A1.3</b>
	Designer: Patrick Malloy	Date: <b>3/16/2015</b>	Time: <b>03:08 PM</b>	Project: <b>DOVER</b>	Client: <b>Patrick Malloy</b>	Architect: <b>Patrick Malloy</b>	Title: <b>B Elevation</b>

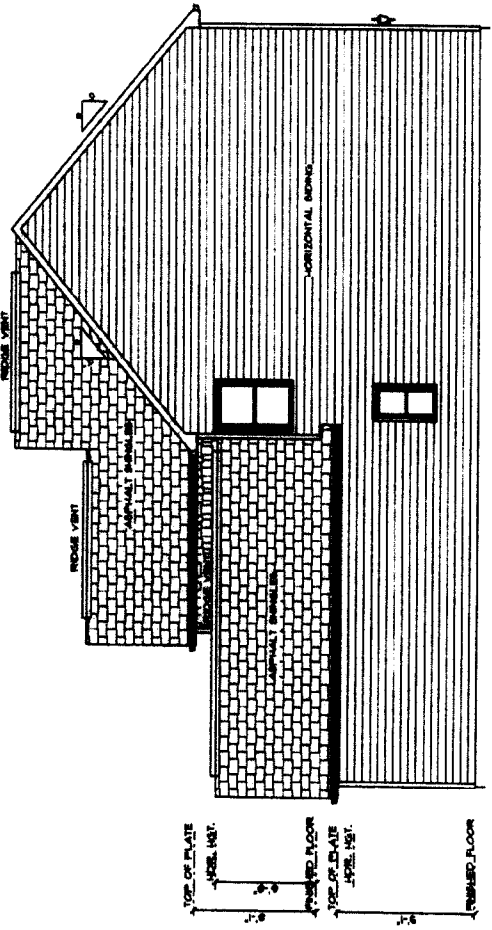


**Front Elevation-B**  
 SCALE: 1/8" = 1'-0"

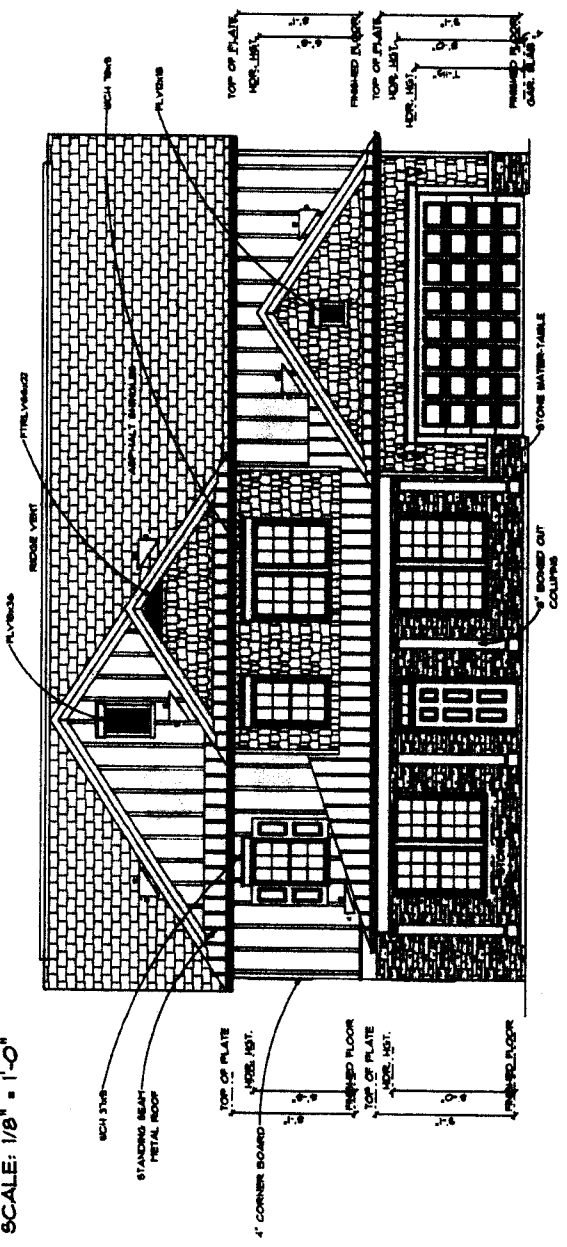
*08-24  
 passed*

Project Name (From Plans/Address): Address: City/State/Zip:		Client Name: Date:		Scale: Date:		Drawn by: Title:		288 LOS CAYEN DRIVE, SUITE 104, 30080 770-322-4374 <b>PATRICK MALLOY</b> <b>Front &amp; Side Elevations</b>		SHEET: <b>A1.1</b>
Architect: Date:		Designer: Date:		1/8" = 1'-0" 3/29/2015 09:46 PM		Tom Rodgers				

08-24  
 4-2-80  
 Proposed



**Right Elevation-A**  
 SCALE: 1/8" = 1'-0"



**Front Elevation-A**  
 SCALE: 1/8" = 1'-0"



resubm  
4-2-80

Sheet: **A1.1**

**Front & Side Elevations**  
**PATRICK MALLOY**  
2008 LOG CABIN DRIVE, BETHNA, GA 30080  
770.322.6378

Drawn by:  
**Tom Roggers**

Plot Date & Time:  
**3/29/2015 10:52 PM**

Plot Scale:  
**1/8" = 1'-0"**

Project Name (Base Name/Revised):  
**York**

Neighborhood/Date:  
**York**

File Name: York

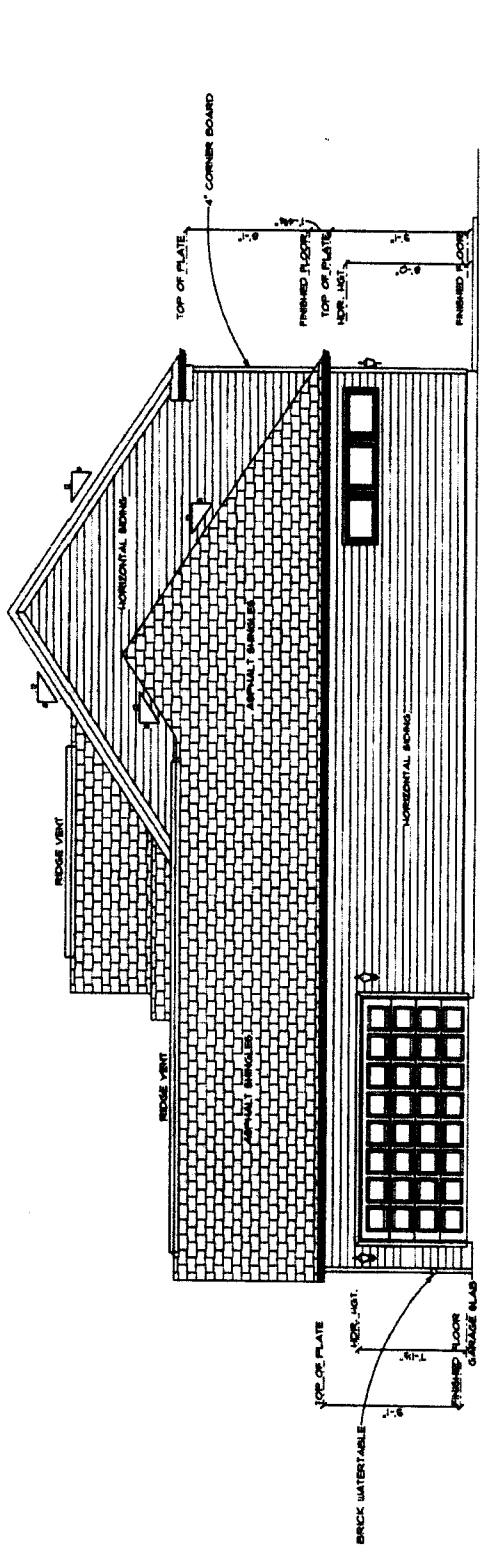
Architect:  
**Patrick Malloy**

Foundation:  
**Brick Masonry**

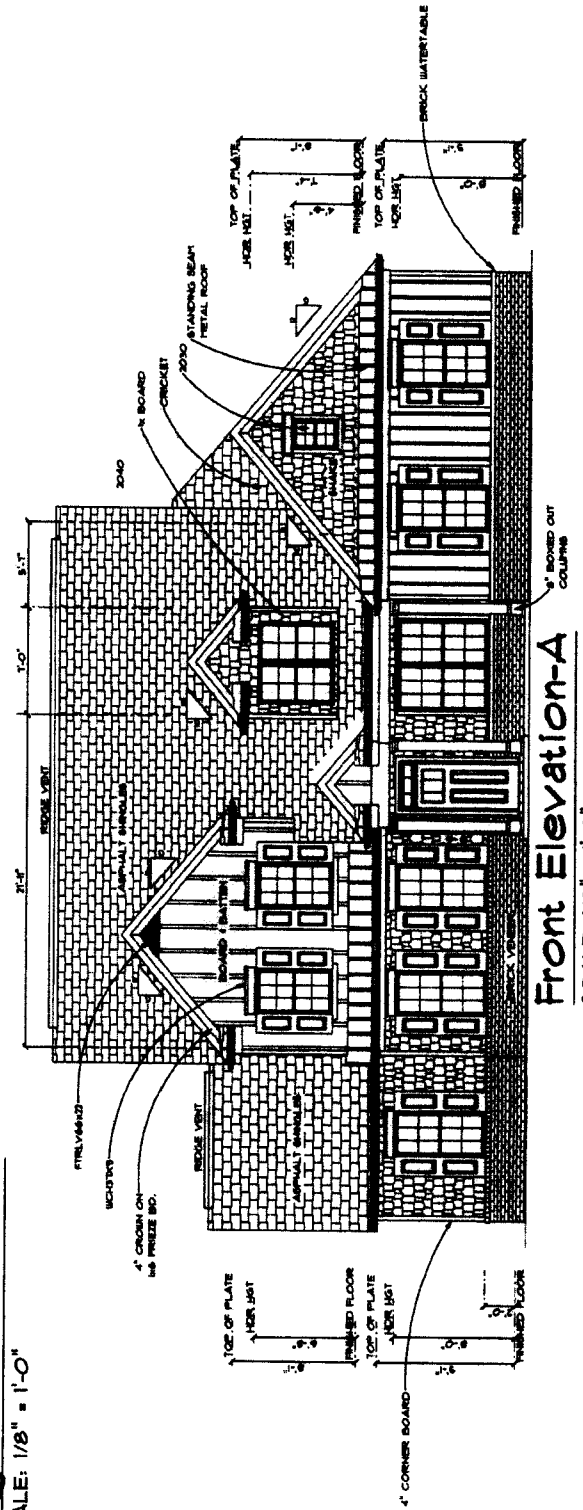
Interior/Exterior:  
**Brick Masonry**

Revisions:

NO.	DATE	DESCRIPTION



**Right Elevation-A**  
SCALE: 1/8" = 1'-0"



**Front Elevation-A**  
SCALE: 1/8" = 1'-0"

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
DECEMBER 18, 2012  
PAGE 8

REGULAR AGENDA (CONT.)

~~Z-39 BANK OF AMERICA, N.A. (CONT.)~~

At the 12/20/2012 BOC Regular Meeting, Z-39 was amended to remove stipulation.

- ~~• If any building is destroyed more than 75%, it cannot be rebuilt~~
- ~~• Upon redevelopment, the maximum density may not exceed 12 units per acre and must meet all RM-12 zoning regulations~~
- ~~• Applicant/Owner to correct problems with manholes and sewer lines to the satisfaction of the Water System within 30 days of this approval~~
- ~~• Fire Department comments and recommendations~~
- ~~• Stormwater Management Division comments and recommendations~~
- ~~• Water and Sewer Division comments and recommendations~~
- ~~• Cobb DOT comments and recommendations~~

~~VOTE: ADOPTED unanimously~~

**Z-54**

**BALLANTRY HOMES (WESTCOBB) INC.** (owner) requesting Rezoning from R-20 to R-15/OSC for the purpose of a Subdivision in Land Lots 471, 472, 491 and 492 of the 19<sup>th</sup> District. Located at the southeast intersection of Macland Road and Bankstone Drive.

The public hearing was opened and Mr. Kevin Moore addressed the Board. Following presentation and discussion, the following motion was made:

**MOTION:** Motion by Thompson, second by Goreham, to approve Rezoning to the R-15 OSC zoning district subject to:

- Letter of agreeable conditions from Mr. Kevin Moore dated November 28, 2012 including representative photographs of home exteriors (attached and made part of these minutes) with the following changes:
  - Item No. 4 – strike 2,000 and replace with 2,200
  - Item No. 5 – strike reference to board and batten
- Email correspondence from Mr. Chuck Davis dated November 30, 2012 (attached and made a part of these minutes)
- Amenity area shall meet criteria set forth in the Macland Road Design Guidelines
- Reduce number of lots to 123 by deleting lots 75, 76, 77, and 78 and said lots to be incorporated into open space
- Planning Division comments and recommendations



**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
DECEMBER 18, 2012  
PAGE 9**

**REGULAR AGENDA (CONT.)**

**Z-54 BALLANTRY HOMES (WESTCOBB) INC. (CONT.)**

- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **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

~~LUP-27 RENATO BESSA (owner) requesting a Land Use Permit for the purpose of a Hair Salon in Land Lot 872 of the 17<sup>th</sup> District. Located at the northwest intersection of Terrell Mill Road and Forest Lane (1520 Terrell Mill Road).~~

~~The public hearing was opened and Mr. Renato Bessa, Mr. Eric Jacobsen, and Ms. Erika Dalton addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Ott, second by Birrell, to deny Land Use Permit.~~

~~VOTE: ADOPTED~~ unanimously

**LUP-28 SIMON FOWLER (Simon Fowler and Robbin R. Fowler, owners) requesting a Land Use Permit for the purpose of Increase Number Of Cars Allowed To Park At Property in Land Lot 819 of the 17<sup>th</sup> District. Located on the east side of Orchard Valley Drive, southwest of Brookview Drive (4313 Orchard Valley Drive).**

The public hearing was opened and Mr. Simon Fowler, Mr. Bruce Logue, Ms. Terry Towles, Ms. Ann Cox, and Ms. Debby Bout addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to deny Land Use Permit *and delay Code Enforcement action for 60 days.*

~~VOTE: ADOPTED~~ unanimously

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

254

JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON†  
ROBERT D. INGRAM†  
J. BRIAN O'NEIL  
G. PHILLIP BEGGS  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
JERE C. SMITH  
CLAYTON O. CARMACK  
KEVIN S. CARLOCK†  
ALEXANDER T. GALLOWAY III†  
J. KEVIN MOORE  
RODNEY R. McCOLLOCH  
SUSAN S. STUART  
BRIAN D. SMITH  
HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAXE  
KIM A. ROPER  
VICTOR P. VALMUS

WILLIAM R. WINDERS, JR.\*  
ANGELA H. SMITH†  
JOYCE W. HARPER  
CHRISTOPHER C. MINGLEDOFF†  
ANGELA D. TARTLINE  
CAREY E. OLSON\*  
CHARLES E. PIERCE\*  
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APRIL R. HOLLOWAY  
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9900 CORPORATE CAMPUS DR • STE 3000  
LOUISVILLE, KENTUCKY 40228  
TELEPHONE (502) 416-5021

**CHARLESTON, SOUTH CAROLINA**  
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CARLY M. RECORD  
SARAH H. BEST\*  
ERICA C. MITCHELL  
BRAM L. SCHARF†  
ROY H. SPARKS\*  
RYAN C. EDENS\*  
JULIE C. FULLER\*  
JODI B. LODEN\*  
AMY E. BROWN\*  
TAMMI L. BROWN  
TRAVIS R. JACKSON  
DAVID A. HURTADO  
J. MARSHALL WERNUNT  
KENDRA A. BIRTSCH\*  
JONATHAN J. SMITH  
MONTROYA M. HO-SANG†

TRISTAN S. MORRISON\*\*\*\*  
WILLIAM S. WARINAY†  
W. COLLINS BROWN  
ROBERT A. BUTLER  
COLLEEN K. HORN\*\*\*\*  
  
OF COUNSEL:  
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\*\*\* ALSO ADMITTED IN CA  
\* ALSO ADMITTED IN TX  
† ALSO ADMITTED IN AL  
† ALSO ADMITTED IN KY  
† ALSO ADMITTED IN NY  
† ALSO ADMITTED IN SC  
\* ALSO ADMITTED IN NC  
\* ADMITTED ONLY IN TN  
‡ ADMITTED ONLY IN FL

November 28, 2012

Hand Delivered

Min. Rk. 67 Petition No. 2-54  
Doc. Type letter of agreement  
additions  
Meeting Date 12/18/12

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Suite 400  
1150 Powder Springs Road  
Marietta, Georgia 30064

COBB COUNTY GEORGIA  
FILED IN OFFICE  
2012 NOV 28 PM 12: 21  
COBB COUNTY ZONING DIVISION

RE: Application for Rezoning - Application No. Z-54 (2012)  
Applicant/Property Owner: Ballantry Homes (Westcobb) Inc.  
Property: 68.00 acres, more or less, located at the southeasterly intersection of State Route 360 (Macland Road) and Bankstone Drive, Land Lots 471, 472, 491, and 492, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Ballantry Homes (Westcobb) Inc., who is the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to property located at the southeasterly intersection of State Route 360 (Macland Road) and Bankstone Drive, and being 68.00 acres, Land Lots 471, 472, 491, and 492, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meeting with planning and zoning staff and various Cobb County departmental representatives and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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November 28, 2012

Petition No. 2-54  
Hearing Date 12.10.12  
Continued

of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The stipulations are as follows:

(1) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-20 to the proposed zoning category of R-15 Open Space Community ("R-15/OSC"), site plan specific to the with reference to the Zoning Plan prepared by Gaskins Surveying Company dated September 25, 2012, and filed with the Zoning Office on October 4, 2012, contemporaneously with the Application for Rezoning.

OUT  
75.76, 77, 78  
= 177

(2)  
(3)

(2) The proposed residential community shall have a maximum of 133 single-family lots.

(3) The total acreage of the Subject Property is 68.00 acres. Applicant agrees to establish conservation areas totaling a minimum of 21.55 acres (31.7 percent of total site area).

7200

(4) Applicant agrees that homes in the proposed community shall have a minimum of ~~2,000~~ square feet (heated and cooled space).

(5) Applicant agrees that homes in the proposed community shall have front exteriors consisting of brick, stone, stacked stone, cedar-shake board and batten, or any combination thereof (i.e., hard surface front exteriors). There shall be no hardi-plank siding on the front exteriors; however, hardi-plank siding may be used on the remaining home exteriors (sides and rear exteriors). Homes shall have architectural elevations substantially similar (in style, appearance, and quality) as contained in the representative photographs collectively attached as Exhibit "A" and incorporated herein by reference.

(6) The proposed community shall have an active amenity area potentially consisting of a pool, clubhouse, or play areas. ~~Some~~ *must meet meadow guidelines*

(7) Entrances to the proposed community shall contain ground-based, monument-style signage with professional landscaping.

(8) The proposed community shall have a mandatory homeowners association with covenants applicable to the entire community.

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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Continued

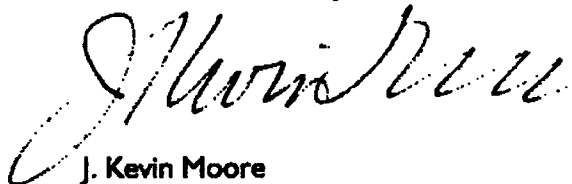
- (9) Applicant agrees to comply with all applicable Macland Road Study Guidelines or requirements.

We believe the requested zoning, together with the Zoning Plan submitted with the Application and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed community shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc  
Attachments

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 4 of 4  
November 28, 2012

Petition No. 2-54  
Meeting Date 12/10/12  
(Continued)

c: Cobb County Board of Commissioners:

Timothy D. Lee, Chairman  
George W. "Woody" Thompson  
Helen C. Goreham  
Robert Ott  
Joann Birrell  
(With Copies of Attachments)

Cobb County Planning Commission:

Murray Homan, Chairman  
Christi S. Trombetti  
Judy Williams  
Bob Hovey  
Mike Terry  
(With Copies of Attachments)

Phillip Westbrook  
Planning Division  
Cobb County Community Development Agency  
(With Copies of Attachments)

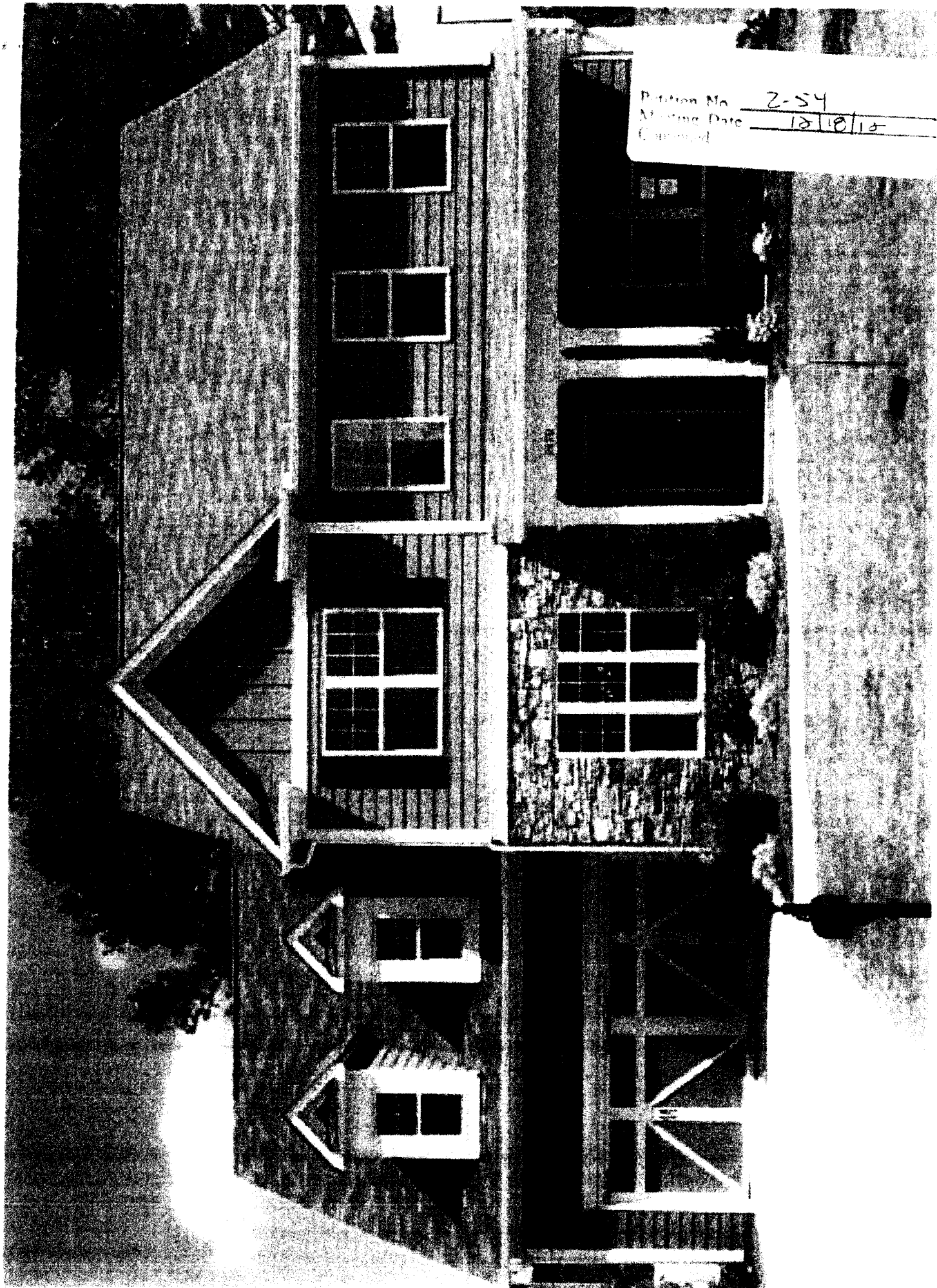
Ballantry Homes (Westcobb) Inc.  
(With Copies of Attachments)



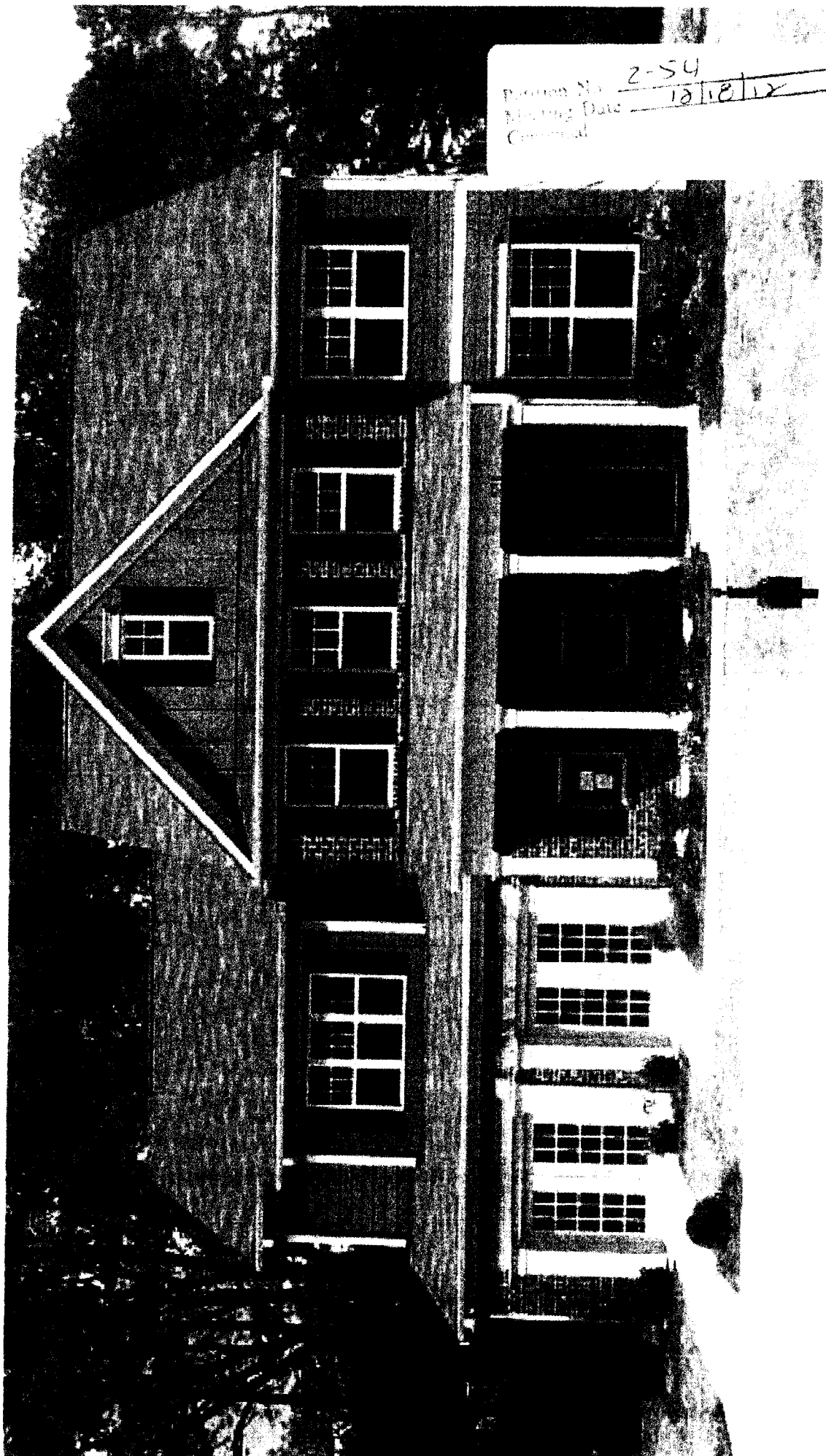
Petition No. 2-54  
Meeting Date 12/18/12  
continued

EXHIBIT "A"

Petition No. 2-54  
Meeting Date 12/10/15  
Continued



Location No. 2-54  
Measuring Date 12/18/12  
Contractor





**Murray Homan**

**From:** Carolyn Cook <W7@mijs.com>  
**Sent:** Friday, November 30, 2012 2:36 PM  
**To:** Murray Homan  
**Cc:** Kevin Moore  
**Subject:** FW: Bankstone Stormwater


W7 Petition No. Z-54  
no type email correspondence  
Meeting Date 12/18/12

Murray:

Below is an e-mail Kevin received from Gaskins Engineering and Surveying regarding Application No. Z-54 (2012).

Thank you.

Carolyn

<p><b>Carolyn Cook</b> Legal Assistant to John H. Moore and J. Kevin Moore Moore Ingram Johnson &amp; Steele, LLP</p>	<p>Main: 770-429-1499 Fax: 770-429-8631</p>
	<p><a href="mailto:W7@mijs.com">W7@mijs.com</a> <a href="http://www.mijs.com">www.mijs.com</a> Emerson Overlook 326 Roswell Street Marietta, GA 30060</p>



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----- Forwarded Message

**From:** Chuck Davis <[cdavis@gscsurvey.com](mailto:cdavis@gscsurvey.com)>  
**Date:** Fri, 30 Nov 2012 11:51:33 -0500  
**To:** "J. Kevin Moore" <[jkm@mijs.com](mailto:jkm@mijs.com)>  
**Subject:** Bankstone Stormwater

*Macland Rd.*

Kevin,

I wanted to follow up on our conversation regarding the stormwater draining to the Macland / Bankstone intersection. Based on preliminary engineering there is approximately 10 acres draining to the intersection. The existing stormwater conveyance system drains under Macland Road flowing to the north and eventually into the flood plain located west of the intersection. There is currently no conveyance system that could adequately handle the addition of

the stormwater along the south side of Macland Road. Regarding the proposed condition, our goal from an design perspective, is to reduce the peak flows for that basin to at or below what is currently flowing from the site today. This will done by either retention in the existing lake or diversion of a portion of the existing basin into a proposed detention facility on site.

I hope this clarifies our intent from an engineering perspective, but please call if you have any questions.

Thanks,

Chuck Davis, PE, CFM  
General Manager

**Gaskins**

1266 Powder Springs Road  
Marietta, Georgia 30060

(O) 770.424.7168  
(C) 770.313.9079

[cdavis@gscsurvey.com](mailto:cdavis@gscsurvey.com) <<mailto:cdavis@gscsurvey.com>>

Petition No. 2-54  
Meeting Date 12/10/12  
Continued

----- End of Forwarded Message