

**JUNE 16, 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 19th District. *(Previously continued from the May 19, 2015 Board of Commissioners hearing)*

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). The applicant has further refined their request on June 1st to:

“REQUEST THAT BOARD AND BATTEN ACCENT COMPOSED ENTIRELY OF HARDIPLANK MATERIAL BE ALLOWED ON UP TO A MAXIMUM OF 50% SURFACE COVERAGE ON THE FRONT AND SIDE ELEVATION OF THE HOMES”

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"

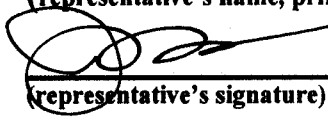
Cobb County, Georgia

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

BOC Hearing Date Requested: 5.19.15

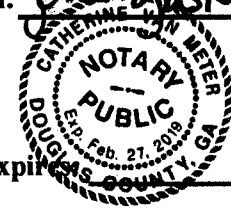
Applicant: John Gaskin Phone #: 770-319-5258
(applicant's name printed)
Address: 2355 Log Cabin Drive, Atlanta GA 30339 E-Mail: john.gaskin@pmcommunities.com

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

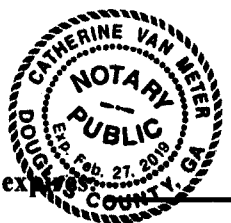


Titleholder(s): Cambridge Real Property Holdings LLC Phone #: 905-887-7255
(property owner's name printed)

Address: 20 Cachet Woods Ct., Ste 6, Markham E-Mail: _____
Markham Ontario L6C 3G1
Mark Robert
(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.)

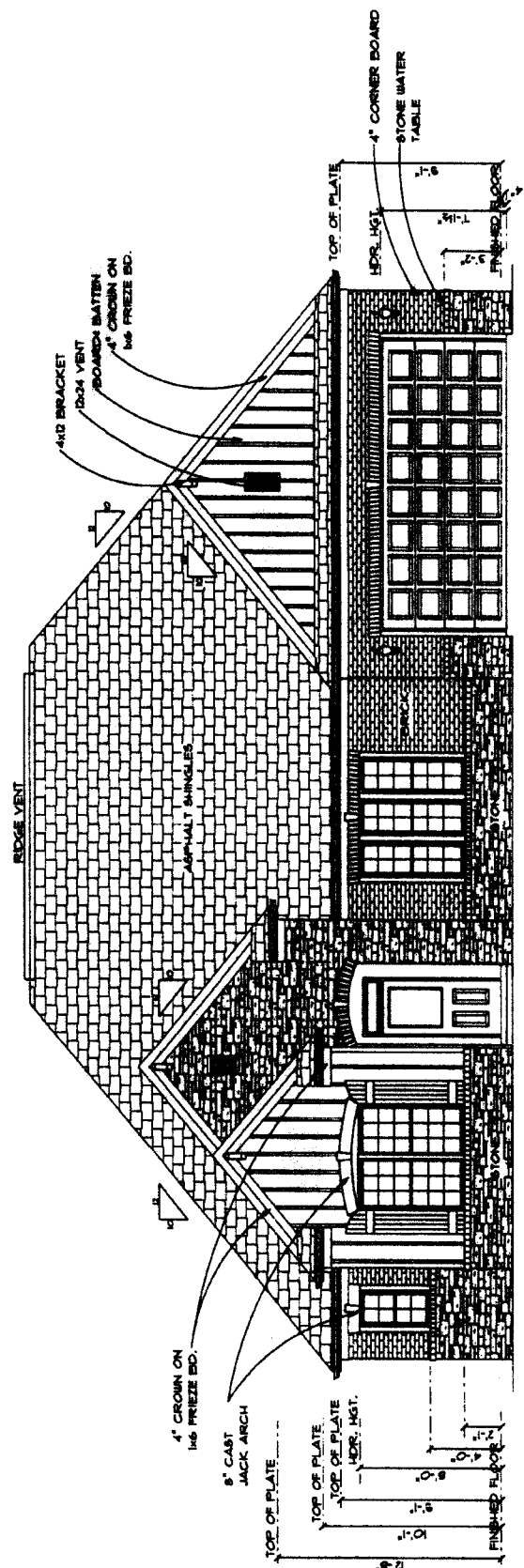
Land Lot(s): 471, 472, 491 District(s): 19th

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.

Plan Name: Cambridge Neighbored/L of #: _____ Project Name (Name, Firm, Address): _____		Plot No.: _____ Plot Date & Time: 3/23/2015 03:40 PM Drawn by: Tom Roggen		288 LOS CABIN DRIVE, SMYRNA, GA 30080 770-532-9377 PATRICK MALLOY B Elevation		SHEET: A1.3
Revision: _____ Date: _____ By: _____	Revision: _____ Date: _____ By: _____	Revision: _____ Date: _____ By: _____	Revision: _____ Date: _____ By: _____	Revision: _____ Date: _____ By: _____	Revision: _____ Date: _____ By: _____	Revision: _____ Date: _____ By: _____

OB-24
Proposed

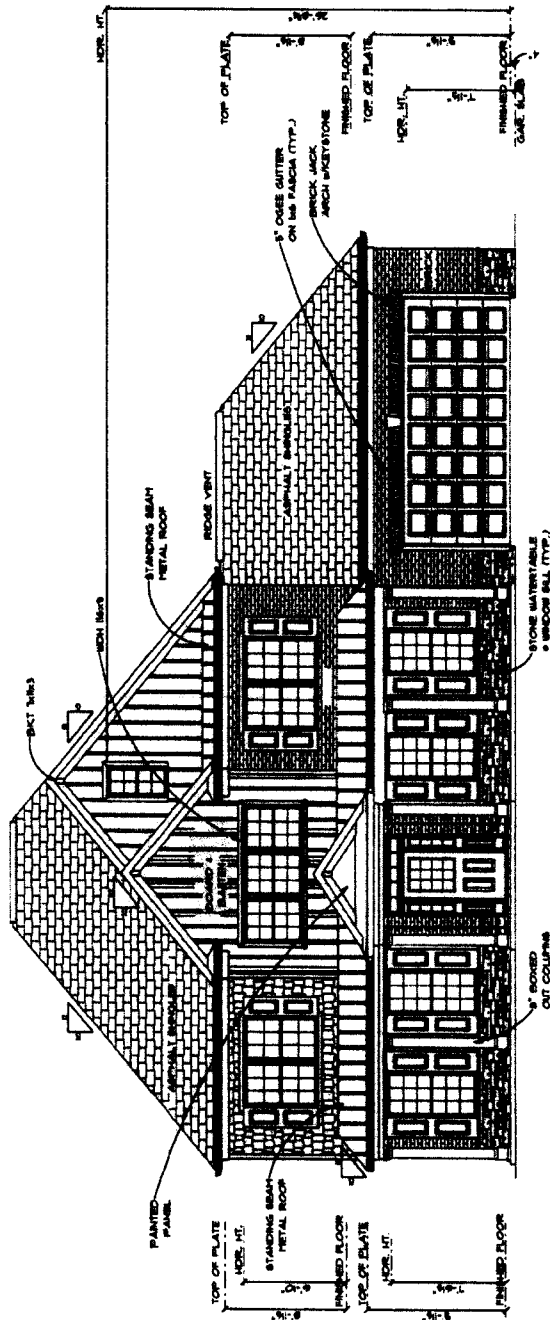


Front Elevation-B
SCALE: 5/32" = 1'-0"

Schedule: 1" CASE COURSE	Project Name: DOVER	Location: 88 CEDAR STREET, CARROLLTON, GA 30117 PATRICK MALLOY	Scale: 1/8" = 1'-0"	Date: 3/16/2015	Drawn by: Tom Rogers
	Drawing Number: A-1	Revision: 01	Title: B Elevation	Time: 03:08 PM	Project Number: 10-02-0376

FACE
A1.3

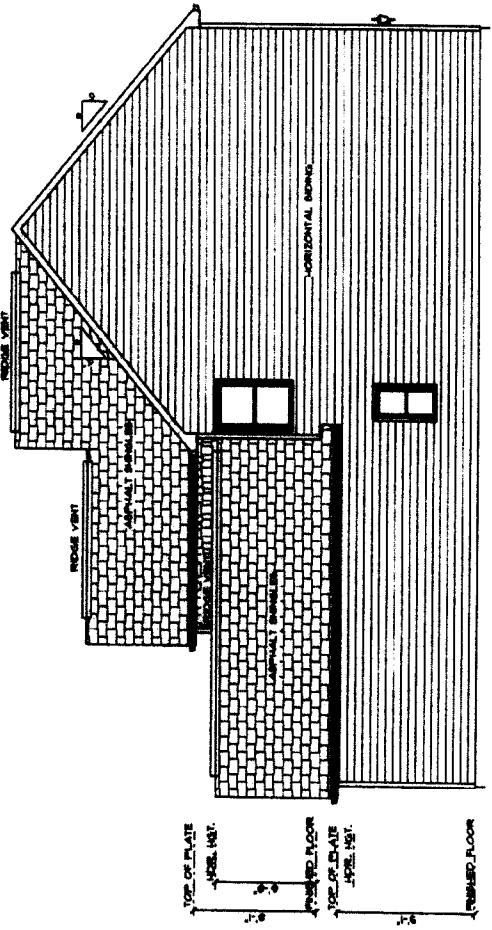
08-24
passed



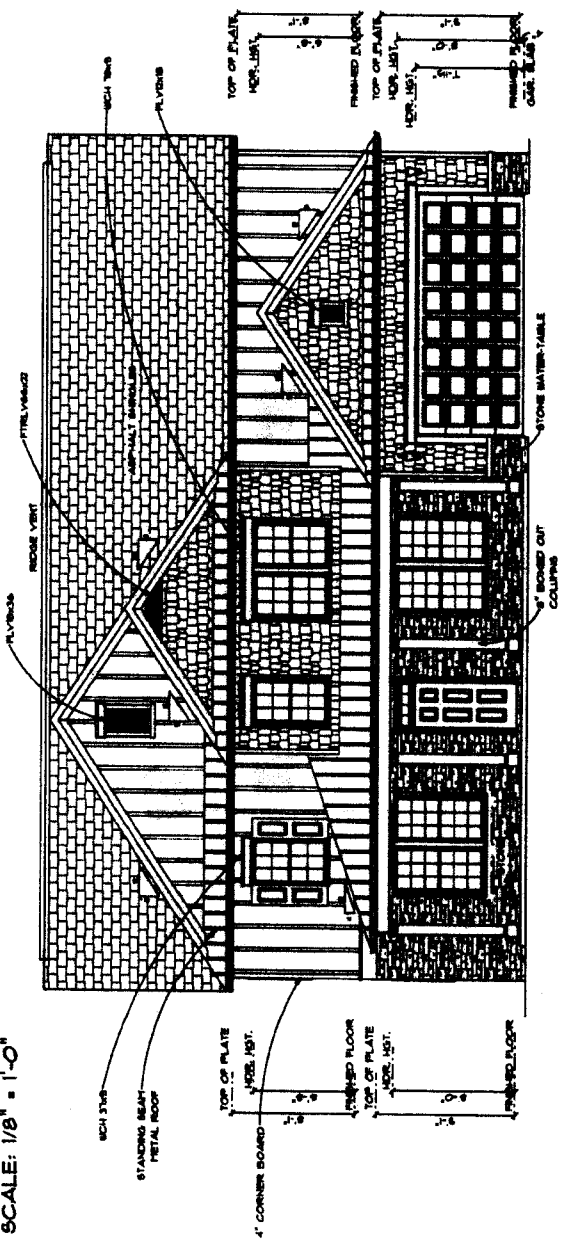
Front Elevation-B
SCALE: 1/8" = 1'-0"

Project Name (From Plans/Address): Address: City/State/Zip:		Client Name: Date:		Scale: Date: Time:		Drawing Title: Drawn By:		Project Location: Project Number:	
Architect:		Designer:		1/8" = 1'-0" 3/23/2015 09:46 PM		Tom Rodgers		288 LOS CAYEN DRIVE, SUITE 104, 30080 7703224376 PATRICK MALLOY Front & Side Elevations	
SHEET: A1.1									

08-24
 Proposed



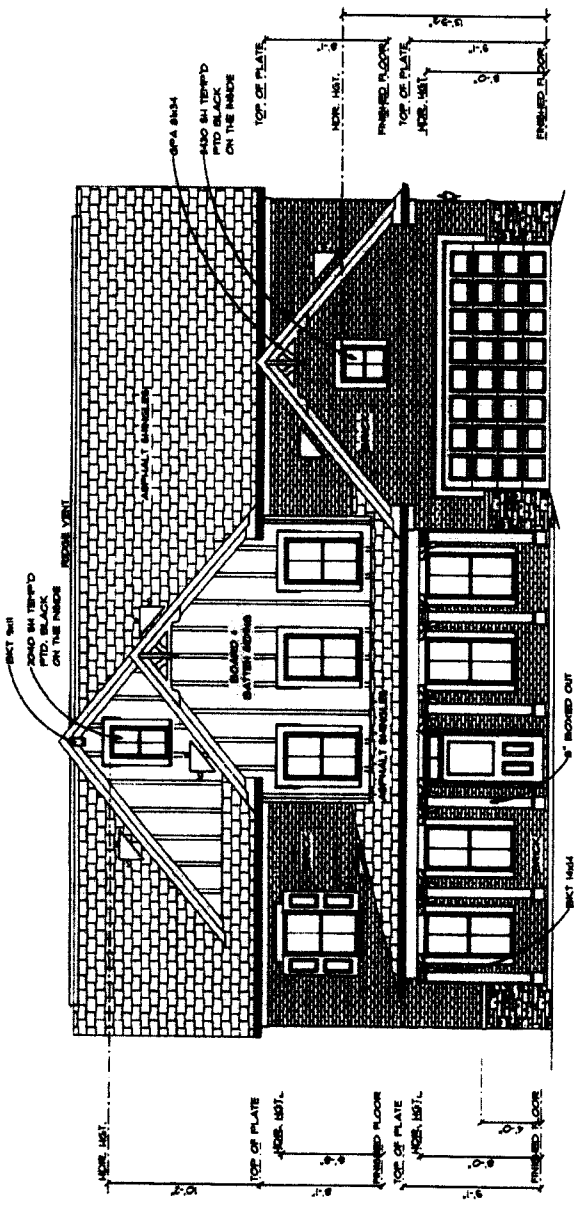
Right Elevation-A
 SCALE: 1/8" = 1'-0"



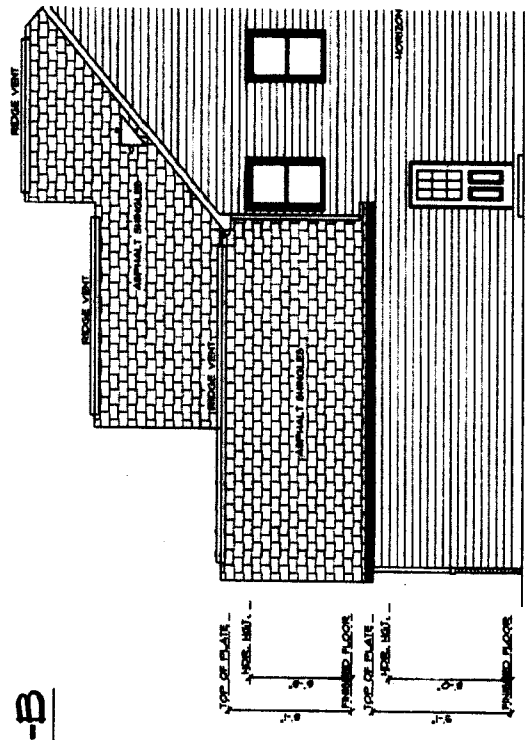
Front Elevation-A
 SCALE: 1/8" = 1'-0"

Project Name (Name, Phone, Address) Designer: [] DATE: []		The Name: [] The Date & Time: 3/29/2018 09:46 PM Drawn by: Tom Rogers		2888 LOG CABIN DRIVE, BETHUNA, GA 30808 770.832.4374 PATRICK MALLOY B Elevation		SHEET: A1.3	
Architect/Engineer: License No.: [] State: []		The Name: [] The Date & Time: 3/29/2018 09:46 PM Drawn by: Tom Rogers		2888 LOG CABIN DRIVE, BETHUNA, GA 30808 770.832.4374 PATRICK MALLOY B Elevation		SHEET: A1.3	

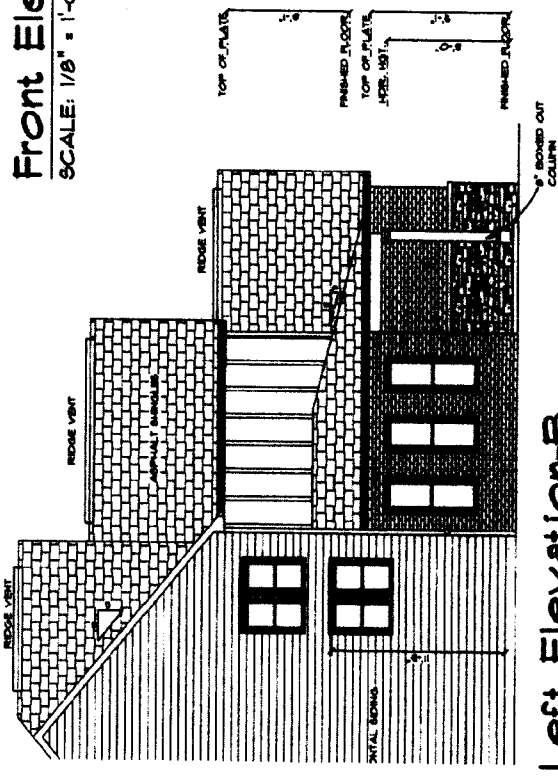
OB-24 proposed



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



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



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

Hand-drawn
4-2-80

Sheet: **A1.1**

PATRICK MALLOY
Front & Side Elevations

2008 LOG CASH DRIVE, BETHNA, GA 30080 T09A22.6374

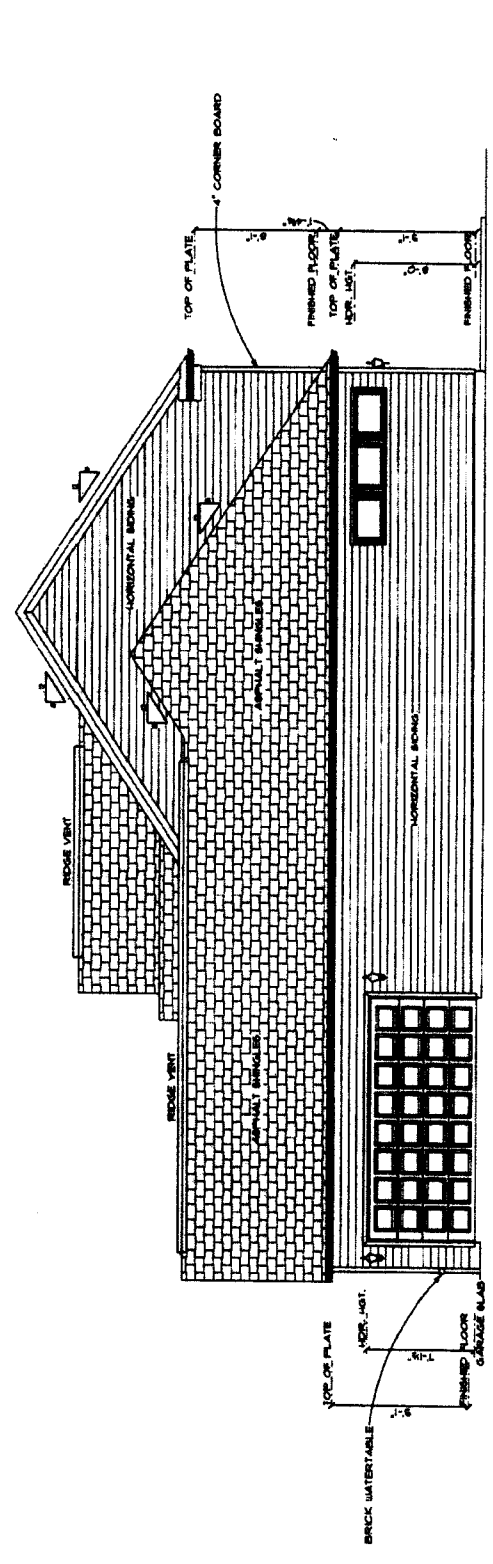
Drawn by: **Tom Rogiers**

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

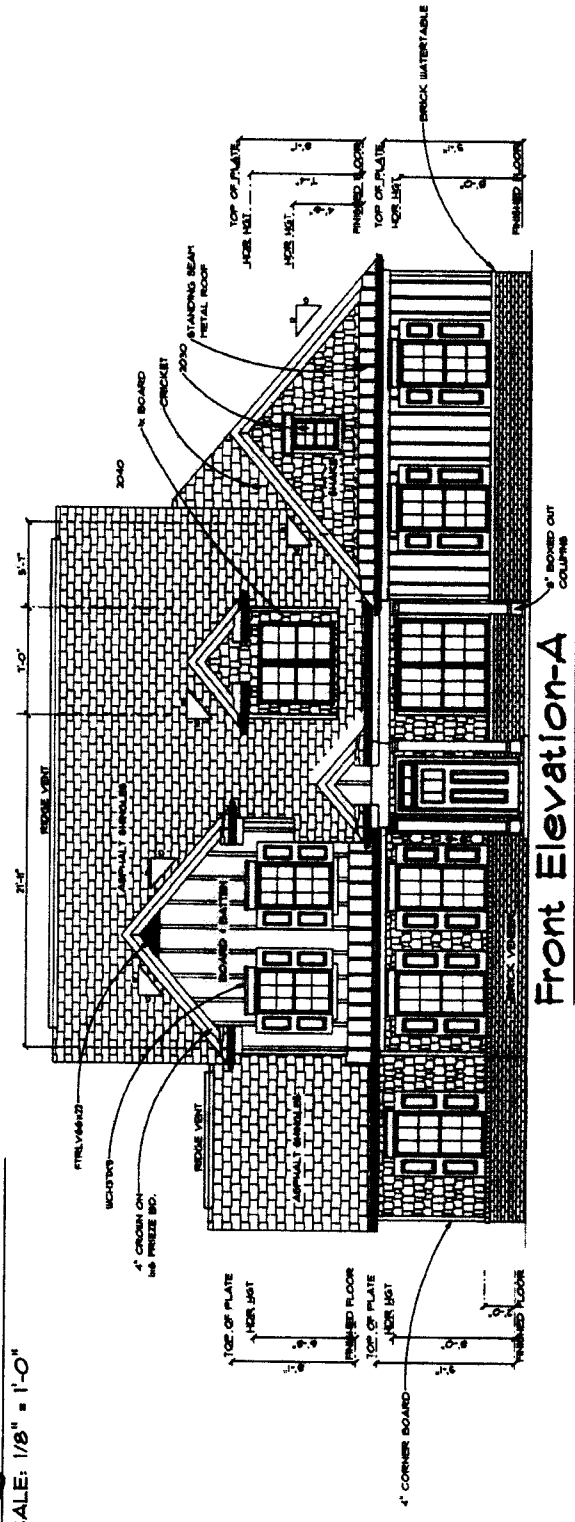
Plot Scale: **1/8" = 1'-0"**

Project Name (Base Name/Revised):
Neighborhood/Date:
File Name: York
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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 19th 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 17th 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 17th 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

254

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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*
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
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DANIEL W. STARNES*
ALEXANDER B. MORRISON*
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APRIL R. HOLLOWAY
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ADON J. SOLOMON*
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KNOXVILLE, TENNESSEE
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KNOXVILLE, TENNESSEE 37623
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JACKSONVILLE, FLORIDA
19161 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32206
TELEPHONE (904) 428-1488

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2900 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 428-7347

LOUISVILLE, KENTUCKY
9900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40228
TELEPHONE (502) 416-5021

CHARLESTON, SOUTH CAROLINA
4000 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
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RYAN M. INGRAM
SHAWN S. SHELTON
KRISTEN C. STEVENSON†
JASON M. BURK†
MELISSA A. RICKERT†
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, 19th District, 2nd 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, 19th District, 2nd 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
Page 2 of 4
November 28, 2012

Petition No. 2-54
Meeting 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.
- (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).
- (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 marland 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.

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MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
November 28, 2012

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

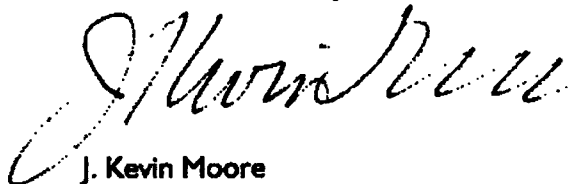
- (9) Applicant agrees to comply with all applicable Macland Road Study Guidelines or requirements.

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)

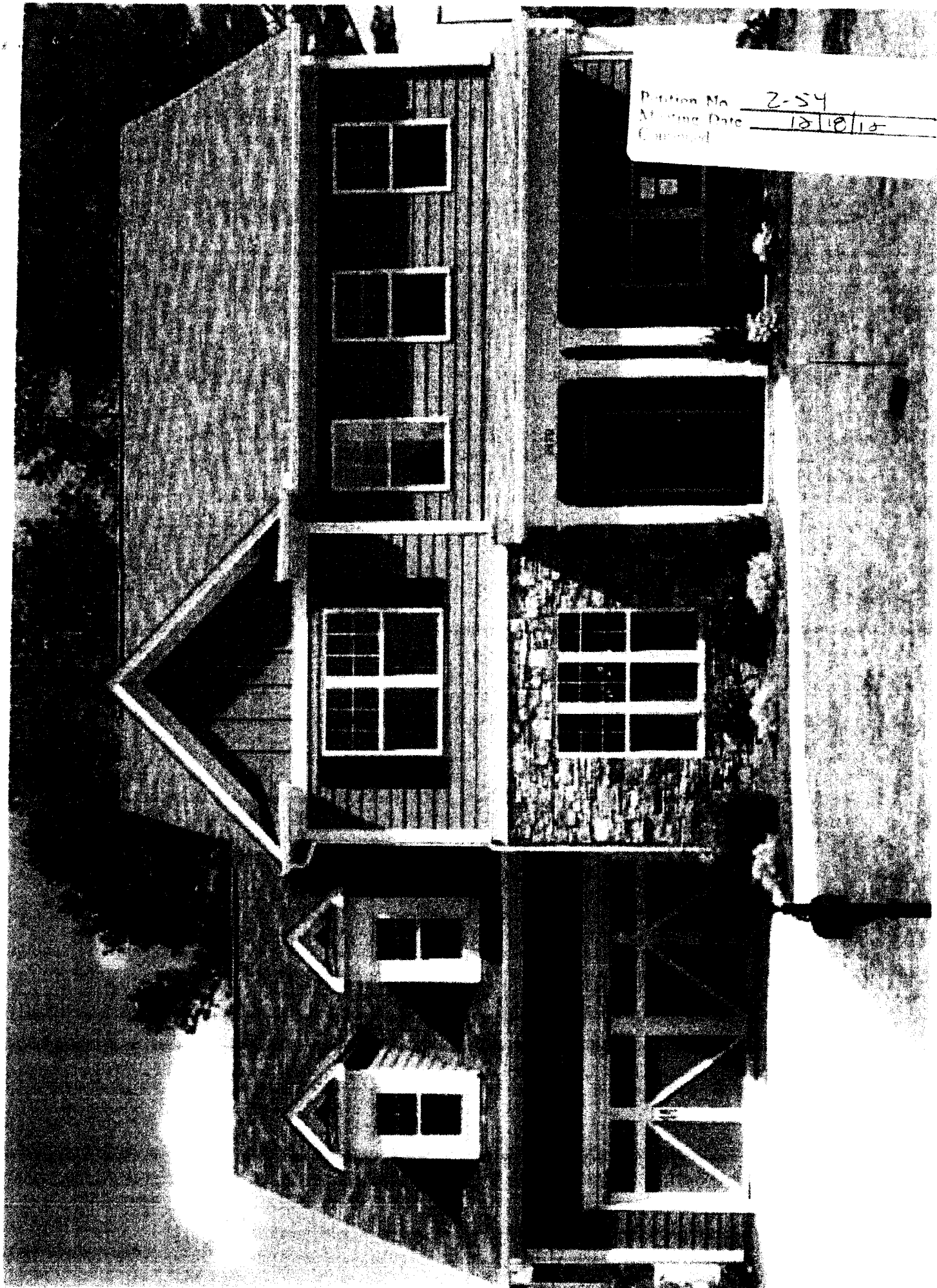
Ballantry Homes (Westcobb) Inc.
(With Copies of Attachments)



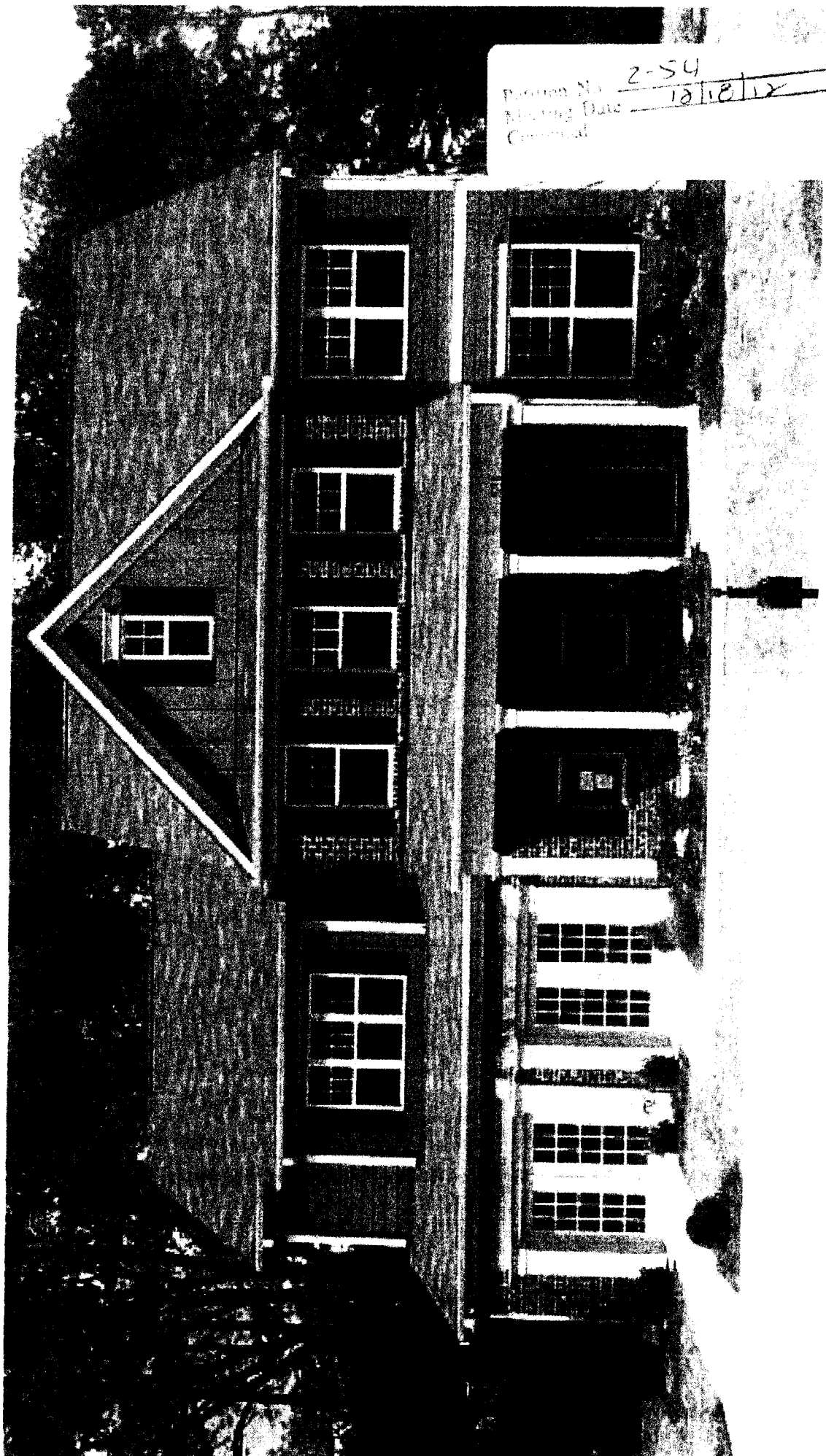
Petition No. 2-54
Meeting Date 12/18/12
continued

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

Carolyn Cook
Legal Assistant to John H. Moore and J.
Kevin Moore
Moore Ingram Johnson & Steele, LLP

Main: 770-429-1499
Fax: 770-429-8631

W7@mijs.com
www.mijs.com

Emerson Overlook
326 Roswell Street
Marietta, GA 30060



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----- Forwarded Message

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

McLARD 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

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

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