AUGUST 18, 2015 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 1

ITEM # 034

PURPOSE

To consider amending the zoning stipulations for Traton Homes, LLC regarding rezoning application Z-4 (Traton Homes, LLC Inc.) of 2013, for property located on the eastern side of Mars Hill Church Road, at Stilesboro Lane in Land Lot 146 of the 20th District.

BACKGROUND

The property was rezoned to R-20 in 2013 for a subdivision subject to many stipulations. There is a cemetery on the adjacent property located in the northwest corner. The zoning conditions called for a 35' buffer adjacent to the cemetery with signs that read "CEMETERY PRESERVATION BUFFER- DO NOT DISTURB" every fifty-feet. The applicant would like to amend this stipulation to have the cemetery signs placed on the fence line that separates the cemetery from the residential properties, which is ten-feet off the cemetery boundary. The thirty five foot buffer will remain intact. If approved, all previous stipulations not in conflict would remain in effect.

RECOMMENDATION

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

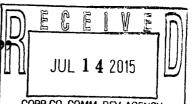
ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

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



OB-34-205

BOC Hearing Date RECOMM DEV. AGENCY August 18, 2015

Applicant: Traton Homes, LLC	Phone #:	(770) 427–2714
(applicant's name printed)		
Address: 720 Kennesaw Avenue, Marietta, GA 30060		clif@tratonhomes.com
Moore Ingram Johnson & Steele, LLP Emerson J. Kevin Moore Address: Mariette	Overlook, 3 a, GA 30060	326 Roswell Street
(representative)s name, printed)		
BY: The Mr. Phone #: (770) 429-1499 E.	-Mail: i	km@miis.com
(representative's signature) Georgia Bar No. 519728	<u></u>	
Signed, sealed and delivered in presence of:		Andrews
Carelgh E. Cook My commiss	ion expires:	January 10, 2019
Notary Public	<u> </u>	PUB
Titleholder(s): Traton Homes, LLC P	hone #:	(770) 427–2714
(property owner's name printed)	_	
Address: 720 Kennesaw Avenue, Marietta, GA 30060	E-Mail:	clif@tratonhomes.com
BY: Ulbrutes		
(Property owner's signature) William C. Poston, Jr.		*******
Member		E. COO
Signed, sealed and delivered in presence of:		S Towners
Carela E. Cook My commiss	ion expires:	January 10, 2019
Notary Public		COSS
Commission District: 1 (Weatherford) Zoning Ca	se: Z-4 (2013)
Date of Zoning Decision: 02/19/2013 Original Dat	te of Hearin	g: 02/19/2013
Location: Easterly side of Mars Hill Church Road; of Giles Road and Mars Hill Church Road	Northeaster	ly of the intersection
(street address, if applicable; nearest intersection, etc.)		
	District(s): _	20th
State specifically the need or reason(s) for Other Busin	ess:	
See Exhibit "A" attached hereto and incorporated he	erein by ref	erence.
	-	

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

(Stipulation Amendment)

Application No.:

Z-4 (2013)

Original Hearing Date: Date of Zoning Decision: Current Hearing Date: February 19, 2013 February 19, 2013 JUL 1 4 2015

August 18, 2015

COBB CO. COMM. DEV. AGEN ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: Traton Homes, LLC

The property which is the subject of this Application for "Other Business" is located on the easterly side of Mars Hill Church Road, northeasterly of the intersection of Giles Road and Mars Hill Church Road, Land Lot 146, 20th District, 2nd Section, Cobb County, Georgia, and is being developed for a single-family residential development known as McClure Farm (hereinafter the "Property" or the "Subject Property"). The Property was rezoned by the Board of Commissioners on February 19, 2013, from the R-30 zoning classification to the R-20 zoning classification, which included certain stipulations. By this Application for "Other Business," the Applicant seeks to amend certain stipulations imposed by the Cobb County Board of Commissioners and set forth in the final, official minutes from the Zoning Hearing held on February 19, 2013.

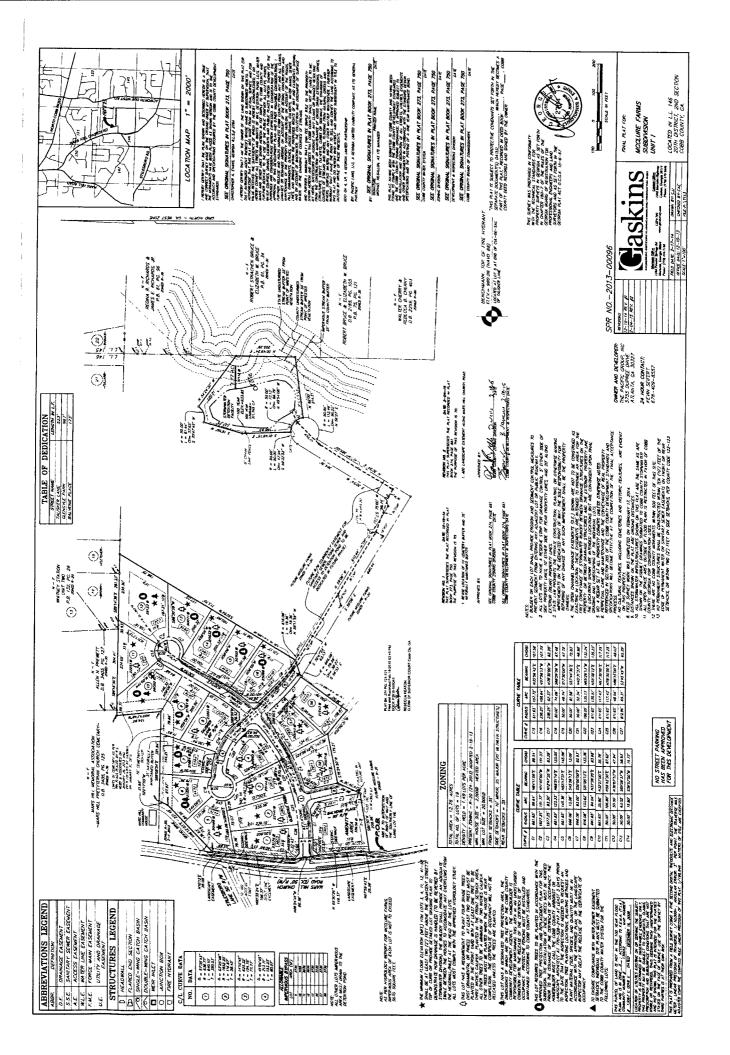
The amendment requested is as follows:

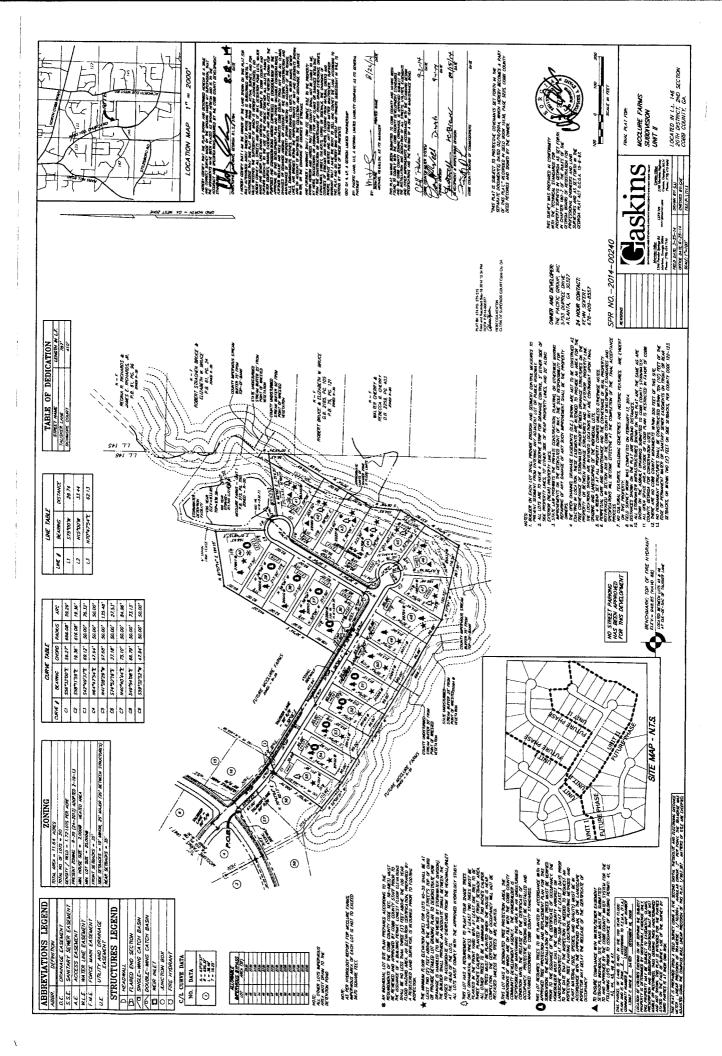
- (1) Amendment of subparagraph E of the Cemetery Preservation Comments from the February 2013 Zoning Analysis to allow for placement of the cemetery preservation signage on the fence line rather than the buffer line. Therefore, the amended subparagraph E would read as follows:
 - E. Permanent signs stating CEMETERY PRESERVATION BUFFER DO NOT DISTURB shall be erected at fifty (50) foot intervals along the "fence" line of the Subject Property and Mars Hill Memorial Association/Mars Hill Presbyterian Church Cemetery.

The amendment requested and presented above in no way adversely impacts or affects the Subject Property or the development approved for construction upon the Subject Property. If the amendment is approved, as submitted in this Application, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

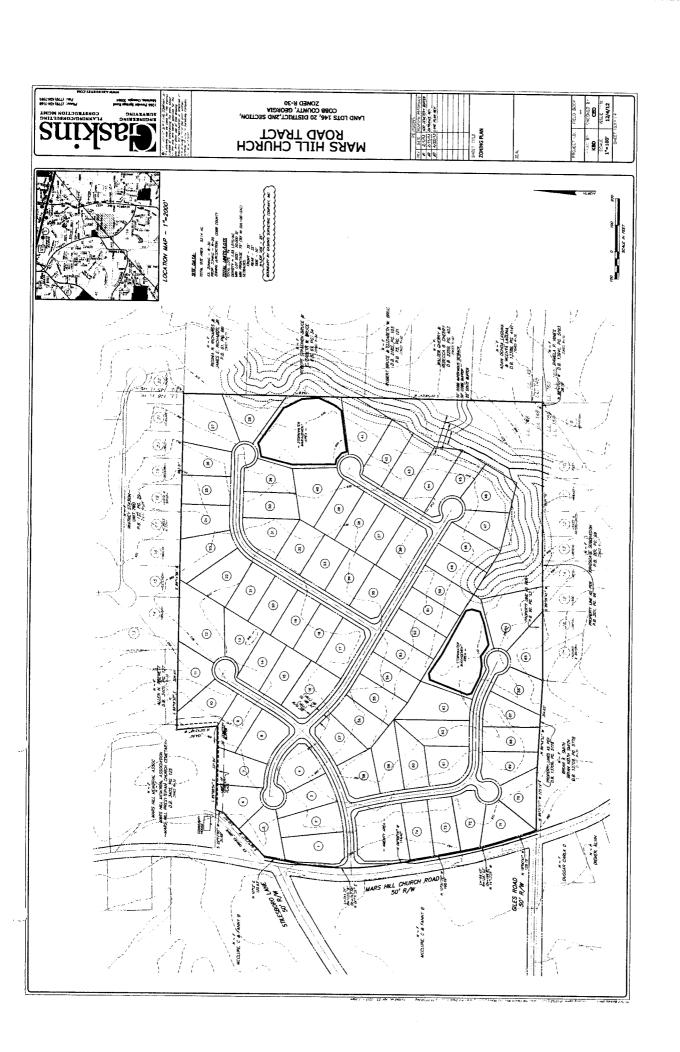
The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on February 19, 2013, applicable to the Subject Property are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.

FINAL RECORDED SUBDIVISION PLATS FOR McCLURE FARMS SUBDIVISION, UNIT I AND UNIT II





SITE PLAN APPROVED BY DISTRICT COMMISSIONER ON OR ABOUT MAY 9, 2013



CEMETERY PRESERVATION COMMENTS
FROM FEBRUARY 2013
ZONING ANALYSIS BOOK
AS TO APPLICATION FOR
REZONING NO. Z-4 (2013)

APPLICANT: Traton Homes, LLC				PETITION NO).: <u>Z-4</u>				
PRESENT ZONING:	R-30			PETITION FO	OR: R-20				

ZONING COMMENTS: Staff Member Responsible: Jason A. Campbell									
Land Use Plan Recomm	nendation:	Low Densit	y Residential (1-2.5 units per ac	ere)				
Proposed Number of U	nits:84		Overall Dens	ity: 1.6	Units/Acre				
Present Zoning Would	Allow: 57	Units	Increase of:	27	Units/Lots				

Applicant is requesting the R-20 zoning category for the development of an 84-lot single-family subdivision. The proposed houses will range in size from 2,000 square feet to 3,000 square feet and greater. The style of the houses will be traditional having hard surface exteriors with a mixture of architectural elevations and materials. Houses in the proposed development will range in price from the \$300,000s to \$400,000s.

<u>Cemetery Preservation</u>: The Cobb Cemetery Preservation Ordinance and the County Development Standards for Cemeteries call for:

- A. Prepare a site plan identifying the full boundaries with a metes and bounds description
- B. Provide a fifty (50) foot undisturbed natural buffer from the common property line; or a fifty (50) foot undisturbed natural buffer around the perimeter of the outermost burials of the cemetery; whichever provides the greatest protection for the cemetery. The outermost burials to be determined by a professional archaeologist (Cobb County Code 26-29 Section C). the archeology survey will locate all grave shafts and define the boundary. Member(s) of Cemetery Preservation Commission must be present during archaeology survey.

Lots adjacent to the fifty (56) foot undisturbed natural buffer shall have setbacks in addition to the buffer. The fifty (50) foot undisturbed natural buffer shall be recorded as a conservation easement with the Cemetery Preservation Commission having third party right of enforcement.

- C. Provide and install a permanent six (6) foot chain link fence with gate on the outer perimeter of the cemetery property line. Fence must be 9 gauge with top and bottom rails and fence posts must be set in concrete. Fence may be upgraded to vinyl coated chain link and/or wrought iron.
- D. Provide <u>and install</u> an orange protective fence on the outer perimeter of the fifty (50) foot undisturbed natural buffer before beginning construction. The protective fence to be maintained in good repair throughout the development phase of the project. At completion of the project, the orange protective fence shall be removed from the premises.
- E. Permanent signs stating CEMETERY PRESERVATION BUFFER DO NOT DISTURB shall be erected at fifty (50) foot intervals along the outer perimeter of the fifty (50) foot undisturbed natural cemetery preservation buffer.
- F. Compliance with all State and local laws and ordinances.
- G. All Cemetery Preservation requirements must be Site Plan specific.

OFFICIAL MINUTES OF BOARD OF COMMISSIONERS ZONING HEARING AS TO APPLICATION FOR REZONING NO. Z-4 (2013) – FEBRUARY 19, 2013 MINUTES OF ZONING HEARING COBB COUNTY BOARD OF COMMISSIONERS FEBRUARY 19, 2013 9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 19, 2013 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee Commissioner JoAnn Birrell Commissioner Lisa Cupid Commissioner Helen Goreham Commissioner Robert Ott

TRATON HOMES, LLC (Estate of Fanny B. McClure, owner) requesting Rezoning from R-30 to R-20 for the purpose of Single-Family Residential in Land Lot 146 of the 20th District. Located on the easterly side of Mars Hill Church Road, northeasterly of the intersection of Giles Road and Mars Hill Church Road.

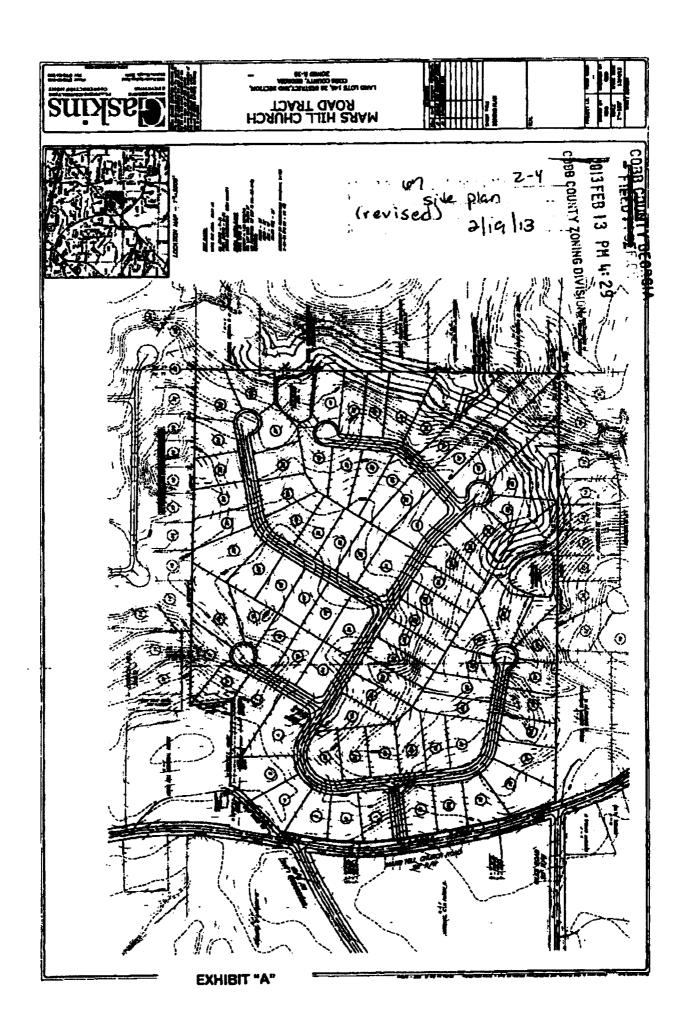
The public hearing was opened and Mr. Kevin Moore, Mr. Robert Bruce, Mr. Jimi Richards, Mr. Terry Smith, and Mr. Craig Harfoot addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Ott, to <u>approve</u> Rezoning to the R-20 zoning district subject to:

- Revised site plan received by the Zoning Division February 13, 2013, District Commissioner may approve minor modifications (attached and made a part of these minutes)
- Letter of agreeable conditions from Kevin Moore dated February 13, 2013, not otherwise in conflict (attached and made a part of these minutes)
- Interior sidewalks to connect to sidewalks along Mars Hill Church Road
- Detention pond to be buffered with a 20 foot augmented natural maintained buffer or a landscape buffer on the Whitney Station side of the northeast detention pond to be determined at Plan Review; 20 foot augmented natural maintained buffer or landscape buffer on Kingsgate side of south detention pond to be determined at Plan Review
- Stamped concrete or similar masonry decorative surface to be used on the sides of the both detention ponds that adjoin neighborhoods
- District Commissioner may approve minor changes
- Cemetery Preservation comments and recommendations, not otherwise in conflict, and with the following changes:

- Buffers established on the cemetery are to be an initial 10 foot buffer reserved to the cemetery from the developer, and beyond that a 35 foot' naturally maintained buffer for a total of a minimum of 45 foot buffer
- > Cemetery boundary lines adjoining the project to be established by survey and approved by Zoning Division Manager
- > Buffer design for the cemetery to be finalized at Plan Review so that all lots continue to meet the R-20 zoning conditions, even if this requires reduction of total number of lots
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations, entrance and sight distance and other conditions to be determined at Plan Review
- 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



Moore Ingram Johnson & Steele

JOHN H. MOORE ATTEMENT C. STEELS WILLIAM R. ACHO RT D. BIBRALI A PIRAN GT B. PHILLIP DI MUTAN L BARN NLEKANDER T. GALLOWAY M[†] Marie Dr. 84-004 LOCK MANUAL COLUMN DE DE STOFFFE NY IL TEMA SI W. THEY MARE! JEFFET A SASE OF PLANS

AMMERA IL BARTHI JOYDE W. HAFWER CHRISTOPISK C. M HELA D. TANTLINE CHARLING & PHINCE PRINTER D. HOLLOWAY WILMA R. BURN CONTROPT H. FLLLES VERGIEGA L. RIÇILARDOUI TODA LABORA BANKS, W. STRONGS ALCOHAM IR S. MOI DOUBLAS IN BUTLER, JR. APPIL PL HOLLOWIN CAPLA G. WHITTHA CH CL 100 ADON J. BOLOMOTP AMY L. JETT JETT C. MORNAN PORMA M. INGRAM CHANGE & BUILDING

MARKETTA, GEORGIA IMPROVINCIANI IMPROVINCIANI MARKETTA GEORGIA

CHOAN BLANT NO - STE HOS TVELS, THUMBOOK STORE BYNCHE (HOS) OR; -000

JACKSCHYTELE, PLOSIDA BRAGGO FRAK BUID I BLEG SIR, 675 SIG JACKSPHITELE, PLOSIDA 2006 TRESPICIE (804) 486-1466

MACRIE 1918) 44

MALESTON, GOUTH CAROLINA
NO & TRAIN PLACE DO - STA

MINITED C. STOP GARLY M. RECORD BUNNET BOILERS RETY IL BROKES RIMAN C. SOCIET JULIE C. PULLER JOON & LOCKEY THESE L. SECURE There is secret DAME A. HUT A MARKANALL WINE MA A. BOTTECH

HTIME & INVITAGO MORTOVA M. HO-BAN WELLAND IL WARRANT

W. COLLING BROW JOHNSTONN S. TUTT JOSHUA D. ARTERIA NT G. HUBBA DAMED R. COMPLEY DET & HUNGT B. PHABE ELLERY 4. SARDIN 1990 SAPINIS & WHITE

OF COLUMN: JOHN L. BRIEFON, JO.

ALSO ASSETTED IN THE ALSO ASSETTED IN PL ALSO ASSETTION OF ALL ALSO ASSETTION OF MY ALSO ASSETTION OF MY

13 8803

COUNTY

2013 FEB

<u>-</u>

ti Hd

leter of agreeable COBB COUNTY ZONING DIVISION

February 13, 2013

Hand Delivered

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

RE:

Application for Rezoning - Application No. Z-4 (2013)

Applicant:

Traton Homes, LLC

Property Owner: Property: Estate of Fanny B. McClure

52.49 acres located on the centerly side of Mars Hill Church Road, northeasterly of the intersection of Giles Road and Mars Hill Church Road, Land Lot 146, 20th District, 2th Section,

Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Traton Homes, LLC, the Applicant (hereinafter "Applicant"), and the Estate of Fanny B. McClure, the Property Owner (hereinsiter referred to as "Owner"), in their Application for Rezoning with regard to property located on the easterly side of Mars Hill Church Road, northeasterly of the intersection of Giles Road and Mars Hill Church Road, and being 52.49 acres, in Land Lot 146, 20th District, 2nd Section, Cobb County. Georgia (hereinafter the "Property" or "Subject Property"). After meeting with planning and

MOORE INGRAM JOHNSON & STEELE

Mr. jzson A. Campbell Planner III Zoning Division Cobb County Community Development Agency Page 2 of 4 February 13, 2013

Petition No. 2-4

February Date 2/9/13

Command

zoning staff and various Cobb County departmental representatives, reviewing the staff comments and recommendations and the uses of surrounding properties, and the hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shafl become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated and submitted to the Cobb County Planning Commission on February 5, 2013. The revised stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the editing zoning category of R-30 to the proposed zoning category of R-20, with reference to the revised Zoning Plan prepared by Gaskins Surveying and Engineering Company, dated December 4, 2012, fast revised February 11, 2013. A reduced copy of the revised Zoning Plan submitted herewith is attached as Exhibit "A" for ease of reference and made a part hereof by reference.
- (2) By this revised letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Zoning Plan hereinabove referenced, same being prepared by Gaskins Surveying and Engineering Company, dated December 4, 2012, last revised February 11, 2013, submitted contemporaneously herewith.
- (3) The Subject Property shall be developed for a single-family residential community.
- (4) Applicant agrees the minimum house size for the homes in the proposed development shall be a minimum of 2,000 square feet of heated and cooled living space.
- (5) Applicant agrees the architectural style and elevations of homes within the proposed development shall be in keeping with the photographs collectively attached hereto as Exhibit "B."
- (6) The entrance signage for the proposed development shall be ground based, monument-style signage.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
February 13, 2013

Professor	No	2-4			_
· • • • •	Thate _	2	19	13	_
f			•		

- (7) Landscaping of the entrance area; as well as the frontage of the proposed development along Mars Hill Church Road, shall be professionally designed, implemented, and maintained.
- (8) All utilities servicing the residences within the proposed development shall be underground.
- (9) Applicant agrees to the installation of interior sidewalks throughout the proposed development, which shall have connectivity to the sidewalk along the frontage of the Subject Property on Mars Hill Church Road.
- (10) Applicant has performed a study by R.S. Webb & Associates to determine the limits of the adjacent cemetery; as well as, the boundaries of the cemetery property. The boundary will be set a minimum of ten (10) feet from the existing cemetery boundary; and, in addition, Applicant will establish a minimum thirty-five (35) foot undisturbed buffer from the newly established boundary line of the cemetery property; and otherwise, agrees to comply with the recommendations of the Cobb County Cemetery Preservation Commission.
- (11) Detention ponds shall be fenced and landscaped in accordance with Cobb County development standards.
- (12) Applicant agrees to all Cobb County Department of Transportation comments and recommendations; including, but not limited to, installation of a left-turn lane on Mars Hill Church Road.

We believe the requested zoning, together with the revised Zoning Plan and the revised 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 residential community shall be of the highest quality, as established by Applicant in its communities throughout Cobb County and the Metropolitan Atlanta area; 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 of this project.

MOORE INGRAM JOHNSON & STEELE

Mr. jason A. Campbell Planner III Zoning Division Cobb County Community Development Agency Page 4 of 4 February 13, 2013

Para No 2-4 1 Pate 29/13

With kindest regards, I remain

Very truly yours,

Cevin Moore

MOORE, INGRAM, JOHNSON & STEELE, LLP

JKM∞c

Attachments

c: Cobb County Board of Commissioners: Timothy D. Lee, Chairman

Helen C. Goreham

Robert Ott

Joann Birrell

Lisa N. Cupid

(With Copies of Attachments)

Bob Hovey, Member Cobb County Planning Commission

(With Copies of Attachments)

Traton Homes, LLC

(With Copies of Attachments)

