

**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.

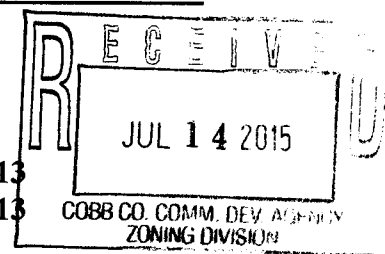
ATTACHMENTS

Other Business application and stipulations.

OB-34-2015

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application No.: Z-4 (2013)
Original Hearing Date: February 19, 2013
Date of Zoning Decision: February 19, 2013
Current Hearing Date: August 18, 2015



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**

ABBREV.	DEFINITION
O.E.	ORANGE WALKWAY
S.S.E.	SANITARY SEWER EASEMENT
A.E.	ACCESS EASEMENT
W.L.E.	WATER LINE EASEMENT
F.A.E.	FORCE MAIN EASEMENT
U.E.	UTILITY AND DRAINAGE EASEMENT

ZONING	
TOTAL AREA = 11.68 AC ±	± 20'
TOTAL NO. OF LOTS = 20	
DENSITY / ACRE = 1.71 LOTS PER ACRE	
PRESENT ZONING = R-20 (R-20-SUB) ADOPTED 7-19-13	
MIN. PLOT SIZE = 20,000 SQ. FT. (NET) AREA	
MIN. LOT SIZE = 20,000 SQ. FT.	
MIN. FRONT SETBACK = 25'	
MIN. SIDE SETBACK = 25'	
MIN. REAR SETBACK = 25'	

CURVE TABLE			
CURVE #	BEARING	CHORD	ARC
C1	S87°31'00"E	56.27'	66.00'
C2	S58°15'30"E	61.36'	66.00'
C3	S49°40'30"E	68.17'	50.00'
C4	N49°47'54"E	47.94'	50.00'
C5	N47°50'29"W	57.69'	50.00'
C6	S74°52'18"E	27.18'	50.00'
C7	N46°40'14"E	75.01'	50.00'
C8	S48°54'08"E	66.79'	50.00'
C9	S58°15'32"W	42.94'	50.00'

LINE TABLE		
LINE #	BEARING	DISTANCE
L1	S75°00'00"W	28.74'
L2	N105°00'00"E	32.44'
L3	N179°47'54"E	62.13'

TABLE OF DEDICATION	
STREET NAME	LENGTH IN L.F.
WINDMILL COURT	210.00'

STRUCTURES LEGEND	
D	HEADWALL
DI	FLARED END SECTION
DII	SINGLE-WING CATCH BASIN
DIII	DOUBLE-WING CATCH BASIN
DI	MANHOLE
DO	MANHOLE BOX
DI	FIRE HYDRANT

C/L CURVE DATA	
NO.	DATA
1	A = 50.00'
2	B = 50.00'
3	C = 50.00'
4	D = 50.00'

ALLOWABLE LOT COVERAGES	
LOT #	COVER %
1	15.00%
2	15.00%
3	15.00%
4	15.00%
5	15.00%
6	15.00%
7	15.00%
8	15.00%
9	15.00%
10	15.00%
11	15.00%
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16	15.00%
17	15.00%
18	15.00%
19	15.00%
20	15.00%

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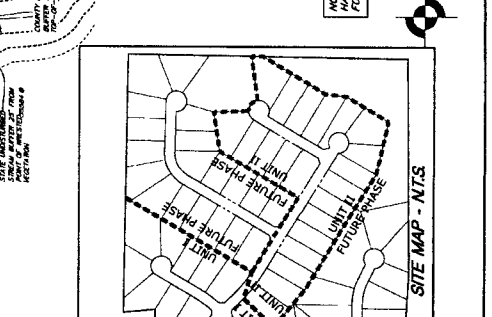
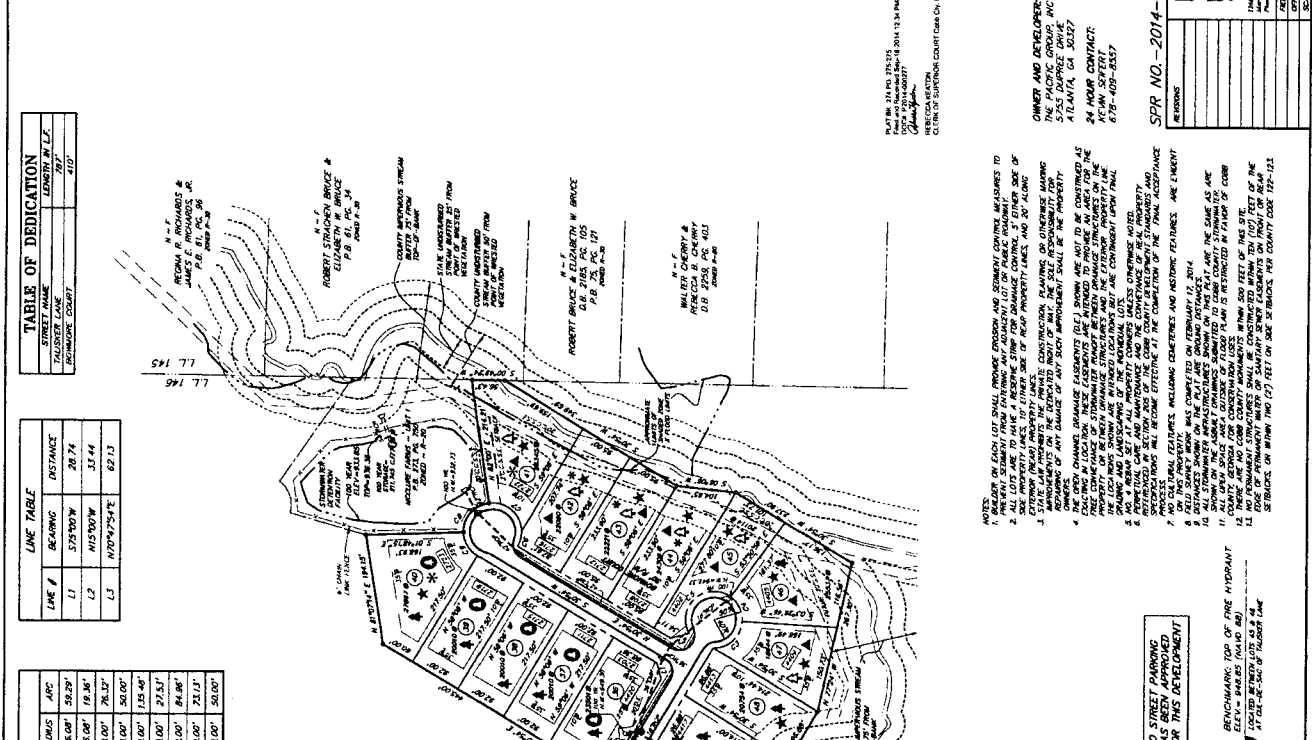
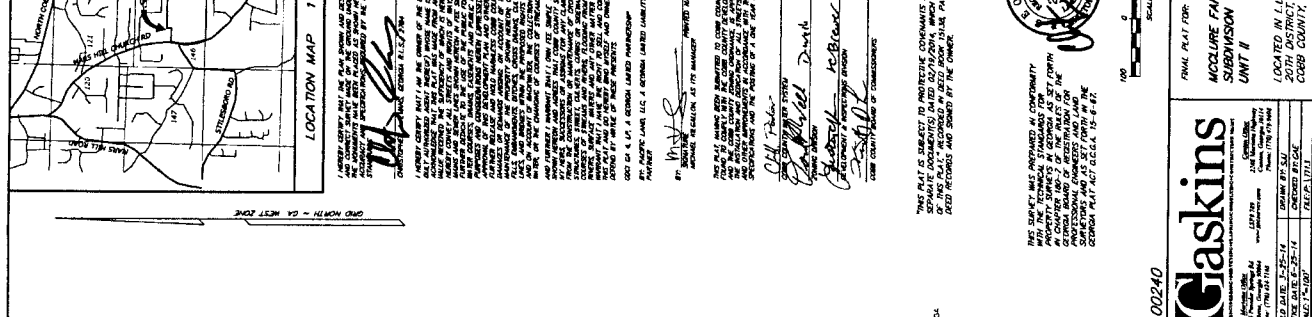


TABLE OF DEDICATION

LINE TABLE

CURVE TABLE

STRUCTURES LEGEND

STRUCTURES LEGEND

ABBREVIATIONS LEGEND

ZONING

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**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.: Z-4

PRESENT ZONING: R-30

PETITION FOR: R-20

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Low Density Residential (1-2.5 units per acre)

Proposed Number of Units: 84 **Overall Density:** 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.

Cemetery Preservation: 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 and install 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

Z-4

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 approve 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

Gaskins
ENGINEERS
1100 W. BROAD ST.
ATLANTA, GA 30334
PHONE 525-1100

**MARS HILL CHURCH
ROAD TRACT**
LAND LOTS 1-16, 20 RESTRICTED SECTION
Cobb County, Georgia
Zone 1-20

NO.	DATE	DESCRIPTION
1	11/1/13	PRELIMINARY
2	11/15/13	REVISED
3	11/20/13	REVISED
4	11/25/13	REVISED
5	12/1/13	REVISED
6	12/15/13	REVISED
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200	12/25/17	REVISED



DATE: 11/1/13
DRAWN BY: [Name]
CHECKED BY: [Name]
SCALE: AS SHOWN
SHEET NO. 1 OF 1

2-4
side plan
(revised)
11/13

COBB COUNTY GEORGIA
FIELD OFFICE
2013 FEB 13 PM 4:29
COBB COUNTY ZONING DIVISION

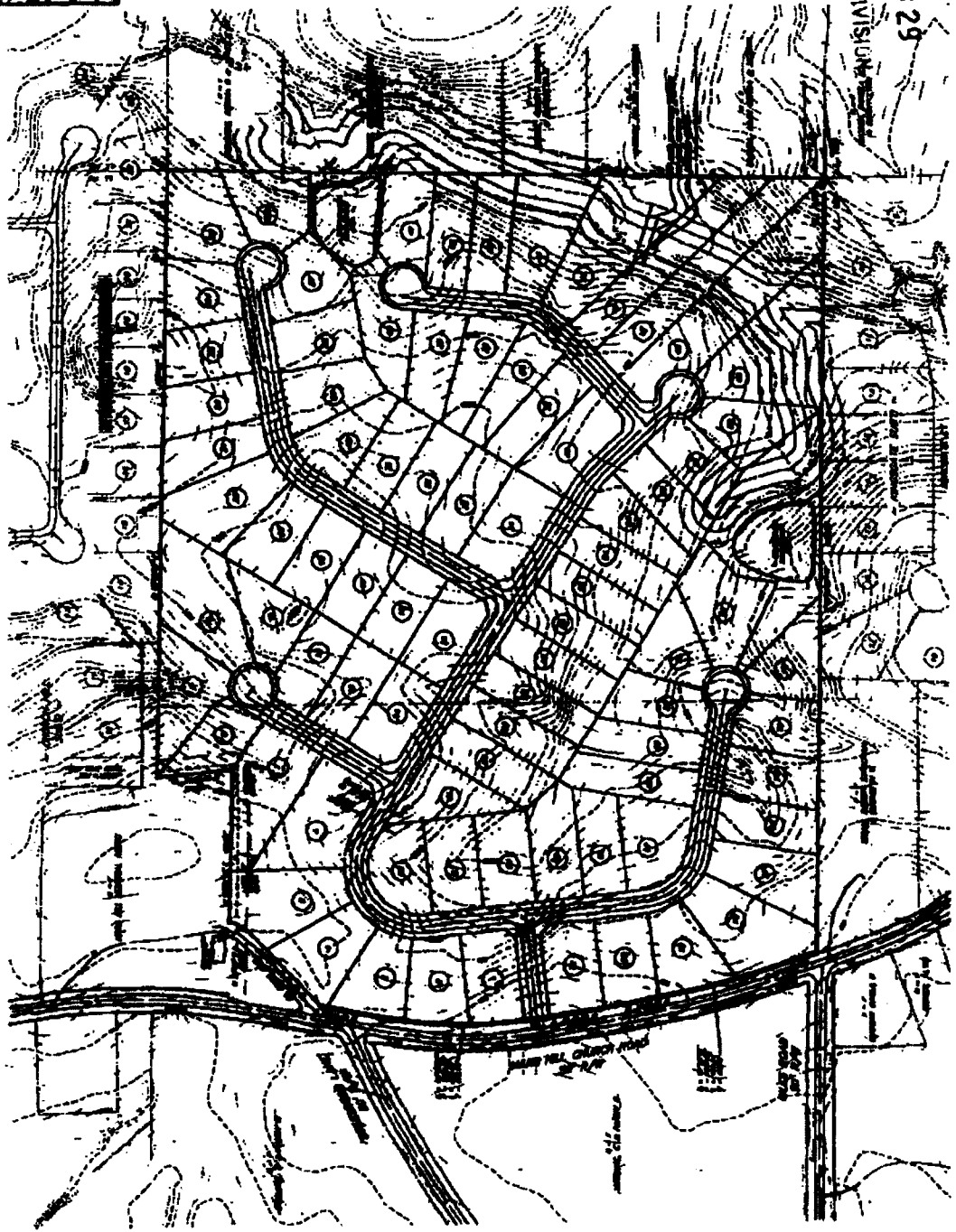


EXHIBIT "A"

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM B. JOHNSON¹
ROBERT B. SORRAM²
J. BRIAN STEEL
G. PHILIP SORRES
ELSON L. BASHAM
MATTHEW J. NEWMAN
JENN C. SMITH
CLAYTON G. GARRACK
NORM B. CARLOCK³
ALEXANDER T. GALLOWAY⁴
J. KEVIN MOORE
ROBERT R. MCDONNELL
GREGG S. STUART
GREGG S. SMITH
HARRY R. TINKLE
W. TROY MART⁵
JEFFREY A. BARR
KIM A. DEPER
VICTOR P. WILKINS
WILLIAM B. WOODS, JR.⁶

ANGELA K. SMITH⁷
JOYCE W. HARPER
CHRISTOPHER C. MIMBLETON⁸
ANGELA D. TARTLINE
CARYL E. OLSON⁹
CHARLES E. PIERCE¹⁰
FRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER¹¹
VERONICA L. RICHARDSON
TODD L. HENRI¹²
RANDEL W. STRUBBS¹³
ALEXANDER S. MORRISON¹⁴
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WEBSTER¹⁵
JAMES E. KOSSEL¹⁶
ADON J. SOLOMON¹⁷
AMY L. JETT¹⁸
JEFF C. MORGAN¹⁹
RYAN B. MORAN
SHAWN B. SHELTON

MARIETTA, GEORGIA
EMERSON OVERLOOK
222 ROBERTA ST
MARIETTA, GEORGIA 30066
TELEPHONE (770) 428-1400

KNOXVILLE, TENNESSEE
400 N. CEDAR BLUFF RD • STE 200
KNOXVILLE, TENNESSEE 37923
TELEPHONE (615) 523-0000

JACKSONVILLE, FLORIDA
10101 DEWINDEN PARK BLVD • BLDG 200, STE 200
JACKSONVILLE, FLORIDA 32218
TELEPHONE (904) 428-1400

NASHVILLE, TENNESSEE
1925 WESLEY BIRD AVE • STE 200
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 428-7947

LOUISVILLE, KENTUCKY
2000 CONFIDENT CAMPUS DR • STE 200
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-0001

CHARLESTON, SOUTH CAROLINA
4000 S. PALMER PLACE DR • STE 200
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⁷ ALSO ADMITTED IN DE
⁸ ADMITTED ONLY IN TN

at 7:00 PM
Letter of agreeable
conditions
attached

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 13 PM 4:29
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: Estate of Fanny B. McClure
Property: 52.49 acres 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

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 (hereinafter 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

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Planner III
Zoning Division
Cobb County Community Development Agency
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Continued

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, shall 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 existing 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, last 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.

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Planner III
Zoning Division
Cobb County Community Development Agency
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CDD 11.06

- (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
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February 13, 2013

Meeting No. 2-4
Date 2/19/13

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

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)



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Petition No. 2-4
 Meeting Date 2/19/13
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 COBB COUNTY ZONING DIVISION

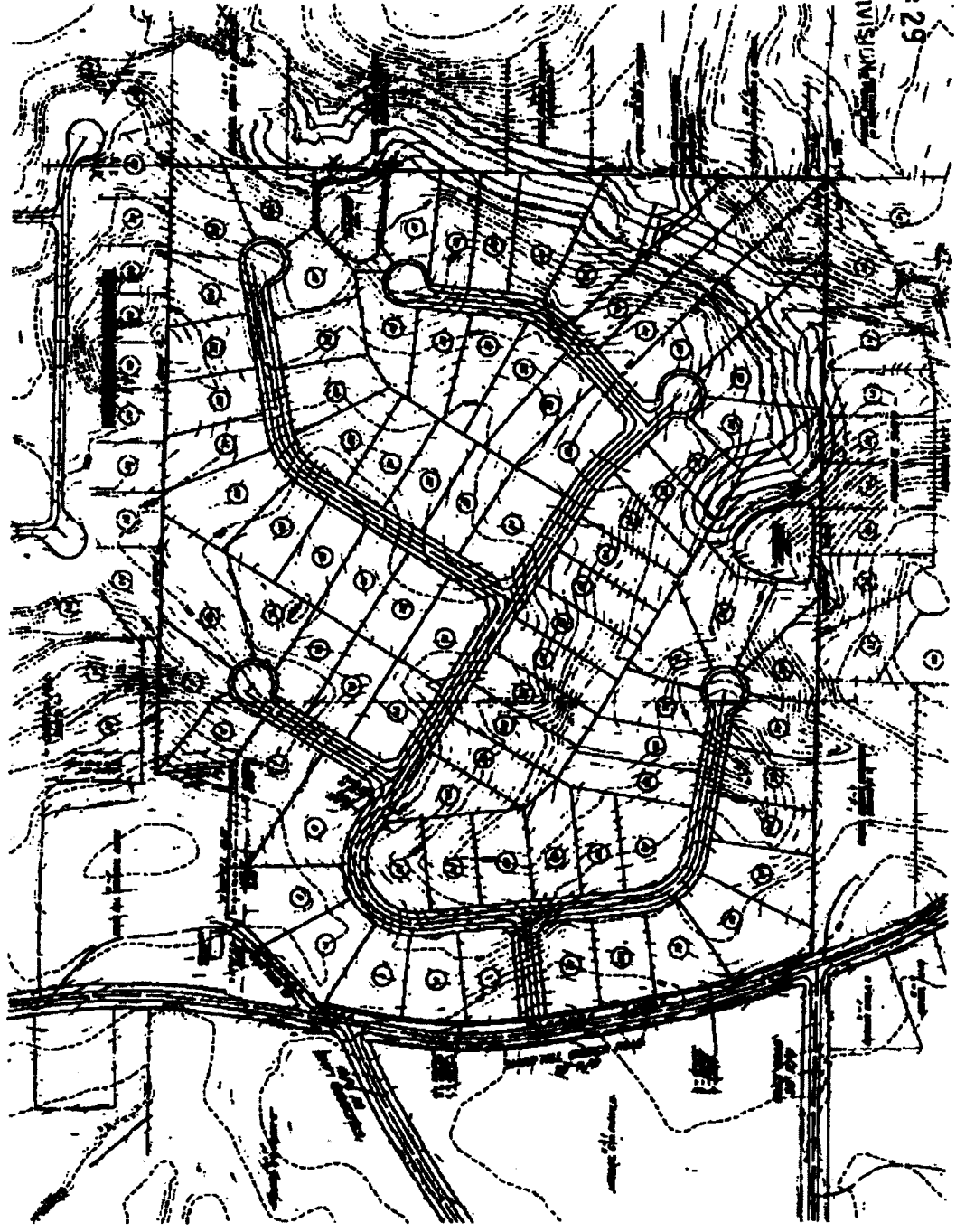


EXHIBIT "A"