

**SEPTEMBER 15, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-040

PURPOSE

To consider amending the zoning stipulations for Rocklyn Homes, Inc. regarding rezoning application Z-61 (Talley Development) of 2006, for property located on the east side of Veterans Memorial Highway, west of Buckner Road in Land Lots 68 and 69 of the 18th District.

BACKGROUND

The subject property was rezoned in 2006 to RA-5 for a residential subdivision. The applicant has finished developing the property and has started building houses. The applicant has discovered that many of the smaller lots in the subdivision will not meet the impervious surface limitation due to the fact the development was given lot size variances during the 2006 rezoning action. Many of the lots are as small as 4,500 square feet; the minimum lot size for RA-5 is 7,000 square feet. The applicant would like to raise the maximum impervious surface per lot from 40% to 50% to account for the lot size variances. The applicant’s engineer has submitted a letter stating the detention pond was sized to accommodate 59% impervious surface. Stormwater Management will verify this statement prior to any new permits being issued. If approved, all previous zoning stipulations would remain in effect.

STAFF COMMENTS

Subject to Stormwater Management Division approval of revised hydrology study to reflect proposed impervious coverage increase and any modification required for existing stormwater management facility to accommodate the increase.

RECOMMENDATION

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

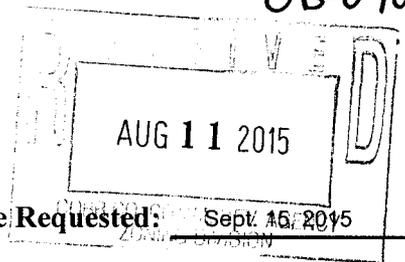
ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: Sept. 16, 2015

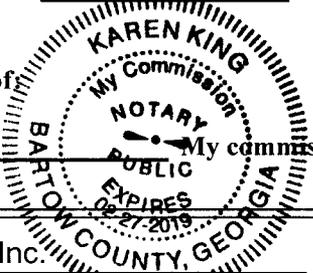


Applicant: Rocklyn Homes, Inc. **Phone #:** 404-424-6112
(applicant's name printed)

Address: 3575 Koger Blvd., Duluth, GA 30096 **E-Mail:** ajenkins@rocklynhomes.com
SAMS, LARKIN, HUFF & BALLI, LLP
by: Garvis L. Sams, Jr. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064

(representative's name, printed)
[Signature] **Phone #:** 770-422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of
Karen L. King **My commission expires:** Feb. 27, 2019
Notary Public



Titleholder(s): Rocklyn Homes, Inc. **Phone #:** 404-424-6112
(property owner's name printed)
Address: 3575 Koger Blvd., Duluth, GA 30096 **E-Mail:** ajenkins@rocklynhomes.com

See attached
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:** _____

Commission District: 4 - Cupid **Zoning Case:** Z-61 of 2006 (Talley Development)

Date of Zoning Decision: 8-15-2006 **Original Date of Hearing:** 7-6-2006

Location: East side of Veterans Memorial Highway, west of Buckner Road
(street address, if applicable; nearest intersection, etc.)

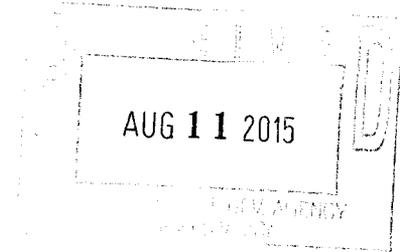
Land Lot(s): 68 & 69 **District(s):** 18th

State specifically the need or reason(s) for Other Business: To amend Development Regulations to allow an increase in impervious surface on each lot from a maximum of 40% to a maximum of 50%. This request is accompanied by a commensurate increase in detention to handle the additional impervious surface precipitated by a recent conversion of the interior streets from private streets to public streets.

ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB- 40
BOC Hearing Date: Sept. 15, 2015

Applicant: ROCKLYN HOMES, INC.
Titleholder: PEBBLEBROOK DEVELOPMENT LLC
PIN#: 18006900010
18006800010



PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

 8-6-15
Signature of Owner Date

Printed Name: Mitchell J. Nimoy

Address: 5486 Burdette Road
Mableton GA 30126

Telephone No.: (404) 915-0914

 8-6-15
Signature Date

(Notary Seal



SAMS, LARKIN HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

SLBH-LAW.COM

August 24, 2015

VIA EMAIL:

Mr. David Breaden, P.E.
Cobb County Stormwater Management
680 South Cobb Drive
Marietta, GA 30060

Re: Other Business Application of Rocklyn Homes, Inc. (O.B. No. 12)

Dear David:

I represent Rocklyn Homes, Inc. (“Rocklyn Homes”) concerning the above-captioned Other Business Application. The Application originates from the Board of Commissioners Rezoning of a 12.43 Acre Tract from R-20 to RA-5 (detached) on August 15, 2006. Since that time, several changes have taken place with respect to the subject property such as a recent change within the subdivision allowing for the streets thereon to be permitted and utilized and maintained as County public streets, built to the County’s Standards, as opposed to the originally presented private streets (O.B. No. 24 [2014]).

The recent conversion of the interior streets from private streets to public streets is accompanied by a commensurate increase in the need for detention to handle the additional impervious surface. In that regard, enclosed please find a copy of a letter from John K. Merder, P.E. with Travis Pruitt & Associates. As you can see, Mr. Merder has reviewed the Hydrology Report which was prepared in connection with the original rezoning of the subject property in 2006/2007 (Hydrology Report for Volunteer Ridge Subdivision, prepared by The Clark Design Group and dated January 22, 2007).

In connection with his review, Mr. Merder has determined that Rocklyn Homes’ proposed increase in impervious surfaces from forty percent (40%) to fifty percent (50%) can be satisfactorily handled consistent with Cobb County Stormwater Regulations by the utilization of the existing configuration and design of the current on-site detention and water quality components of Volunteer Ridge Subdivision. In fact, his letter states that the detention area has been calculated to handle up to a maximum impervious area of fifty-nine percent (59%).

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

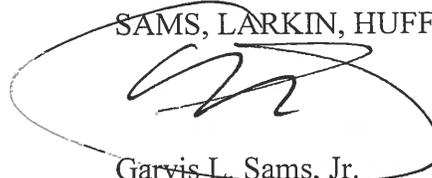
VIA E-MAIL:

Mr. David Breden, P.E.
Cobb County Stormwater Management
March 6, 2015
Page 2

With respect to the foregoing, the letter gets into some additional details regarding stormwater management methodology. However, I wanted you to have the benefit of this letter for any comments you may provide to the Zoning Division prior to this Other Business Application being heard and considered by the Cobb County Board of Commissioners on September 15, 2015. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP

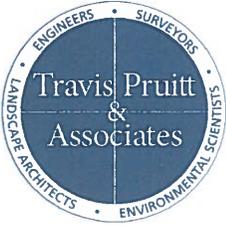


Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

Attachment

- cc: Mr. John P. Pederson, AICP, Manager (via email w/attachment)
Mr. Andy Jenkins, Rocklyn Homes (via email w/attachment)
Mr. John K. Merder, P.E., Vice President, Travis Pruitt & Associates
(via email w/attachment)
Ms. Sonya Wheatley, Mableton Improvement Coalition (via email w/attachment)



August 19, 2015

Mr. Garvis L. Sams, Jr.
Sams, Larkin, Huff & Balli
376 Powder Springs Street
Suite 100
Marietta, Georgia 30064-3448

RE: Volunteer Ridge S/D
Rocklyn Homes
Z-61 [2006]

Dear Mr. Sams:

This letter will certify that I have reviewed the hydrology report that was prepared for Volunteer Ridge Subdivision by Registered Professional Engineer William Douglas Nash, dated November 6, 2006 and revised on January 22, 2007 which was submitted in connection with the underlying rezoning of the subject property (No. Z-61 [2006]). In that regard, Rocklyn Homes' proposed increase in impervious surfaces from 40% to 50% can be satisfactorily handled, consistent with Cobb County Stormwater regulations, by utilization of the existing configuration and design of the current on-site detention and water quality components of the Volunteer Ridge Subdivision. In fact, the detention area has been calculated to handle up to a maximum impervious surface of 59%.

With respect to the existing on-site detention, the peak loads were determined through the use of the SCS method, utilizing Type II rainfall distribution as permitted by Cobb County. The detention facility was analyzed using the reservoir routing method. My conclusions, based upon the proposed increase in impervious surfaces, is that the proposed developed peak flow rates for the entire basin will be reduced to levels required by Cobb County regulations and current policies. However, please do not hesitate to contact me should you have any questions regarding this matter.

Sincerely,
Travis Pruitt & Associates, Inc.

John K. Merder P.E.
Vice President

PAGE 5 OF 10

APPLICATION NO. Z-61

Volunteer
Fridge

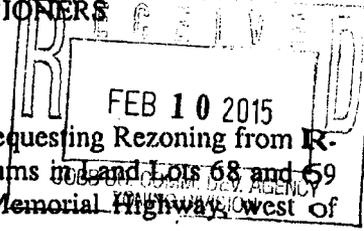
ORIGINAL DATE OF APPLICATION: 05-16-06

APPLICANTS NAME: TALLEY DEVELOPMENT

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 08-15-06 ZONING HEARING:

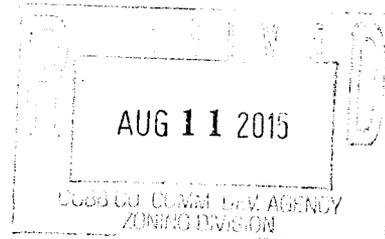
TALLEY DEVELOPMENT (Ronald F. Williams, owner) requesting Rezoning from R-20 to RM-8 for the purpose of Townhouse Style Condominiums in Land Lots 68 and 69 of the 18th District. Located on the east side of Veterans Memorial Highway west of Buckner Road.



MOTION: Motion by Goreham, second by Lee, as part of the Consent Agenda, to **delete** rezoning to the RA-5 (detached) zoning district subject to:

- maximum density 4.50 units per acre
- letter of agreeable stipulations from Mr. James Balli dated June 28, 2006, *not otherwise in conflict*, with the following changes: (copy attached and made a part of these minutes)
 - Page 3, add Item No. 13 – “Landscape review committee comprised of the County development staff and representative from the Mableton Coalition with District Commissioner to approve final landscape plan.”
- hardy-plank on sides or rear only
- Fire Department comments and recommendations
- Historic Preservation comments and recommendations
- Water and Sewer comments and recommendations
- Stormwater Management comments and recommendations
- 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





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 www.essentialengineers.com



Overall Site Plan
Volunteer Ridge
 Land Lots 68 & 69
 18th District
 Cobb County
 Georgia

December 6, 2006
 Scale : 1" = 100'

OWNER / DEVELOPER
PEBBLEBROOK DEVELOPMENT, LLC
 Mitchell J. Nimroy
 5406 Buckle Road
 Marietta, GA 30067
 770-575-8037

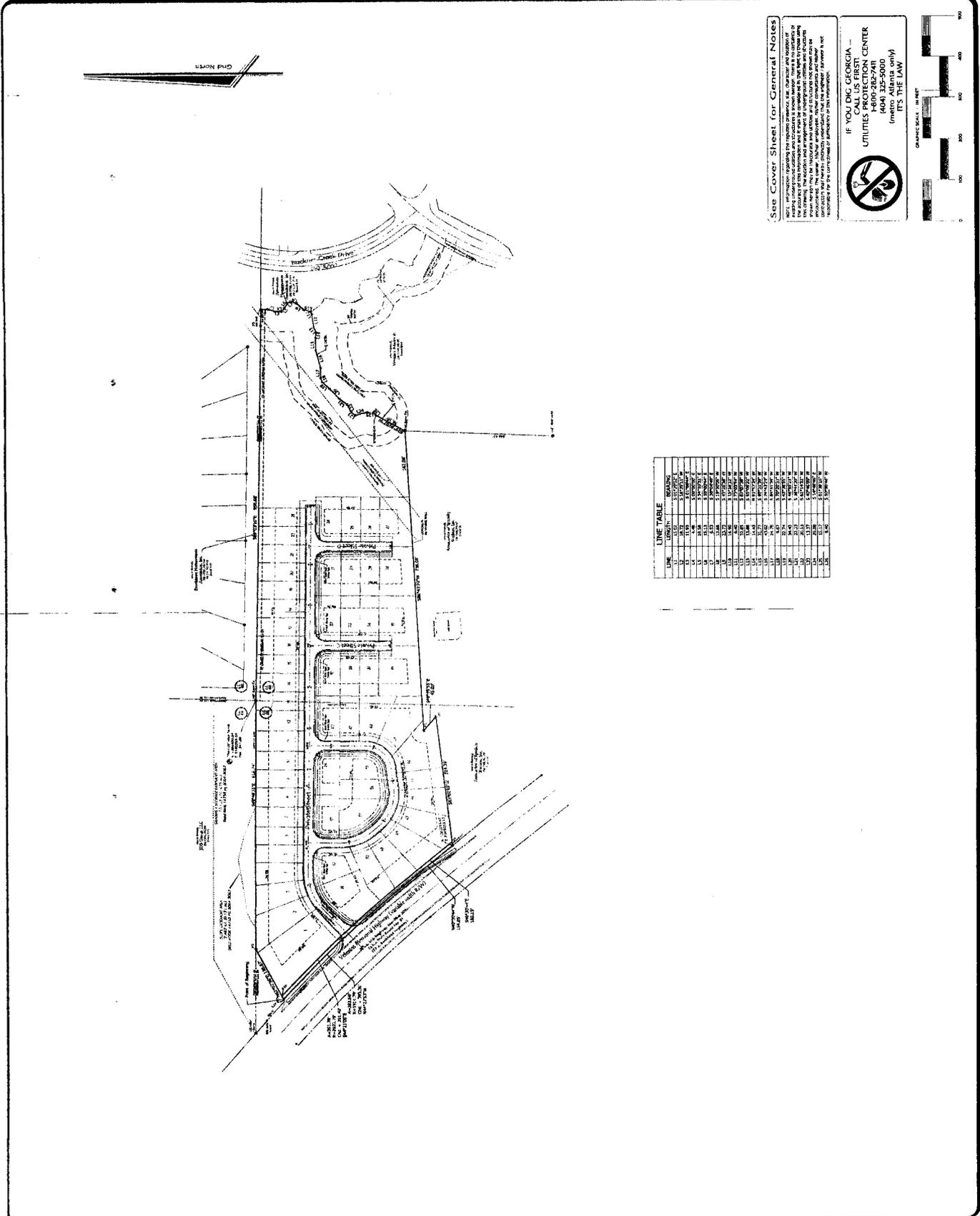
24 HOUR - EMERGENCY CONTACT
 © Copyright 2009
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 This drawing and its reproduction are the property
 of Essential Engineering Services, LLC and
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 permission of this engineer.

REVISIONS

NO.	DATE	DESCRIPTION
1	12/06/06	ISSUED FOR PERMITS ONLY

Cobb County Project #3632
 ON CONSULTING DRAWING
 E.K.A.: Veterans Memorial Hwy

Sheet 3



LINE TABLE

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See Cover Sheet for General Notes
 Note: Information regarding this project is available on the project website at www.pebblebrook.com. The information on this website is for informational purposes only and does not constitute an offer of any financial product or service. The information on this website is subject to change without notice. The information on this website is not intended to be used as a substitute for professional advice. The information on this website is not intended to be used as a substitute for professional advice. The information on this website is not intended to be used as a substitute for professional advice.

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SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

Min. Bk. 44 Petition No. Z-61
Doc. Type stipulation letter
dated 6-28-2006
Meeting Date August 15, 2006

PAGE 6 OF

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN

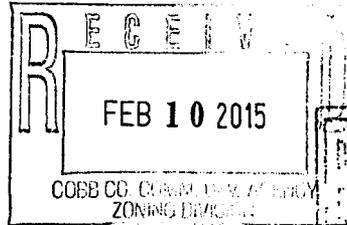
OF COUNSEL
DAVID P. MARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

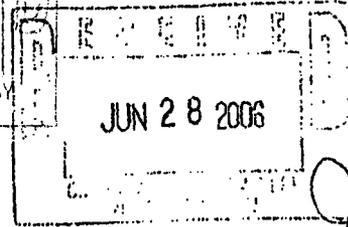
Mr. John Pederson, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

June 28, 2006



WWW.SAMSLARKINHUFF.COM

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE



Re: Application of Talley Development to Rezone a 12.43 Acre Tract from R-20 to RM-8 (No. Z-61).

Dear John:

This firm represents the Applicant concerning the above-captioned application for a Rezoning. The application was continued and is now scheduled to be heard and considered by the Cobb County Planning Commission on July 6, 2006, and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on July 18, 2006.

As you are aware, Planning and Zoning has recommended approval of the application at a density of 5 units per acre. The application was held at the June Planning Commission meeting. After additional meetings with adjacent property owners and the Mableton Improvement Coalition, I am submitting five (5) large and two (2) reduced copies of an fourth amended Site Plan. Although surrounded by attached town home developments, the Applicant wishes to cooperate with the apparent desire to attempt economically viable detached single-family homes on the Site. The new Site Plan, therefore, sets forth a continued reduction in density to 4.58 units per acre and a reduction from 75 to 57 single family homes. As set forth in the Site Plan, the average lot size is 6,648 square feet and all homes are now single-family detached.

The balance of this letter will serve as my client's expression of agreement with the following stipulations which, upon the rezoning application being approved, as amended and modified hereby, shall become conditions and a part of rezoning binding upon the subject property thereafter:

VIA HAND DELIVERY

Mr. John Pederson, Planner III
Cobb County Zoning Department
Page 2
June 28, 2006

Petition No. 2-61
Meeting Date August 15, 2006
Continued

PAGE 7 OF

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. The subject property shall be developed for 57 single-family detached homes. The average lot size being 6,648 square feet, contemporaneous variances to be granted to allow (1) the minimum lot size shall be reduced to 4,500 square feet with a minimum distance between homes of 10 feet and (2) as shown on the "typical lot detail" included on the Plan, each lot will have a minimum of 5' side yard setbacks, 20' front yard and 30' rear yard setbacks. All building setback lines shall be as set forth on the Site Plan.
3. To minimize disturbance at or near the property line with Brookmere Subdivision, all lots that are adjacent to Brookmere Subdivision shall maintain the required 40' foot rear yard set back and shall further include a 10' foot landscaping screening buffer. All Lots that are adjacent to Veterans Memorial Highway shall maintain the 50' foot building setback line.
4. The Applicant shall utilize a variety of techniques to avoid the monotonous appearance of identical homes. Such techniques may employ, among others, the use of differing front elevations, architectural styles, building exteriors, setbacks or other similar techniques to provide a more pleasing appearance to the subdivision. The architectural style of the homes will be two-story traditional and the facades must be brick, stone or a cementitious material such as, but not limited to, "hardy-plank." The architectural style and composition shall be consistent with the photographs being submitted herewith.¹
5. All single-family homes shall be 1800 square feet and up. There will be sidewalks as requested by DOT and there shall also be sidewalks along the interior street.
6. Submission of a landscape plan during the Plan Review process, subject to staff review and approval. Mableton Improvement Coalition will also be copied on the landscape plan during the Plan Review Process. The landscaping plan will include appropriate screening between the detention pond area and Brookmere Subdivision.
7. Entrance signage will be monument-style compliant with the Cobb County Sign Ordinance. Applicant will agree to place the "Riverline" logo on all street signs within the community if applicable.

¹ Price points of the single-family homes will be \$300,000 and up.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John Pederson, Planner III
Cobb County Zoning Department
Page 3
June 28, 2006

Petition No. 2-61
Meeting Date August 15, 2006
Continued

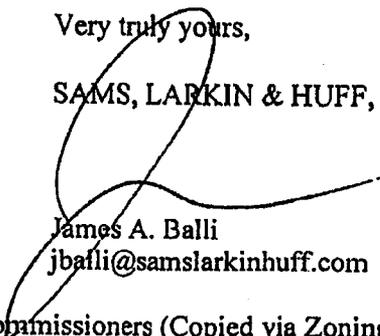
PAGE 2 OF

8. Any minor modifications to the Site Plan shall be approved by the District Commissioner at Plan Review.
9. An agreement to set up a mandatory homeowners' association which shall be responsible for the upkeep and maintenance of all common areas, landscaped areas, amenity areas, fences, lighting and streets within the proposed residential community.
10. A third-party management company shall be hired to manage the day-to-day operations of the homeowners' association, including the management of all association monies.
11. An agreement to record all covenants, rules and regulations applicable to the proposed residential community.
12. Subject to appropriate and applicable Staff comments and recommendations, including agreement to reduce the rezoning category from RM-8 to RA-5 (conditional).

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the formulation of your analysis and recommendation to the Board of Commissioners and Planning Commission.

Very truly yours,

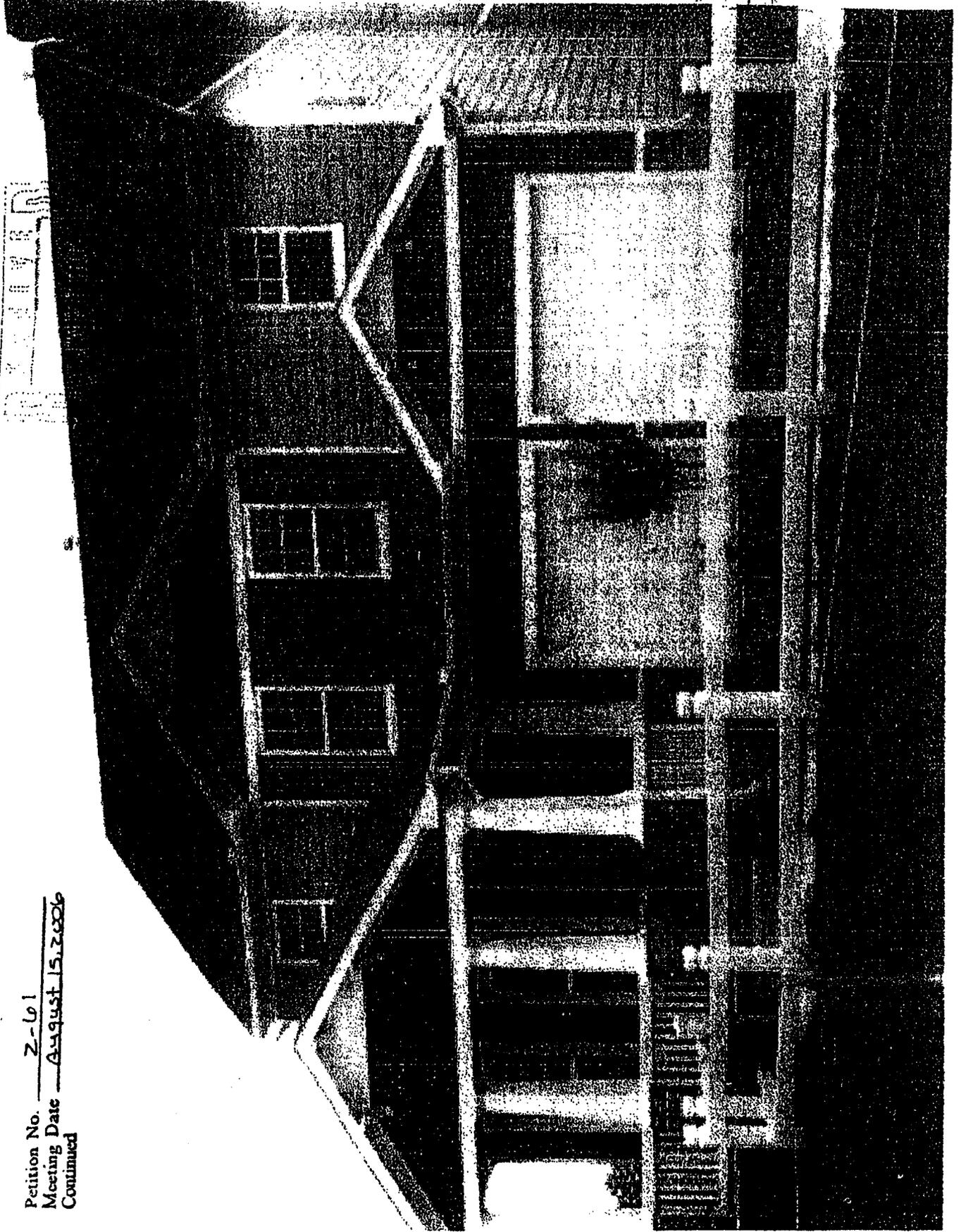
SAMS, LARKIN & HUFF, LLP


James A. Balli
jballi@samslarkinhuff.com

cc: Cobb County Board of Commissioners (Copied via Zoning Department).
Cobb County Planning Commissioners (Copied via email).
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery
Mr. Brian Clark

Petition No. 2-61
Meeting Date August 15, 1906
Continued

RECEIVED

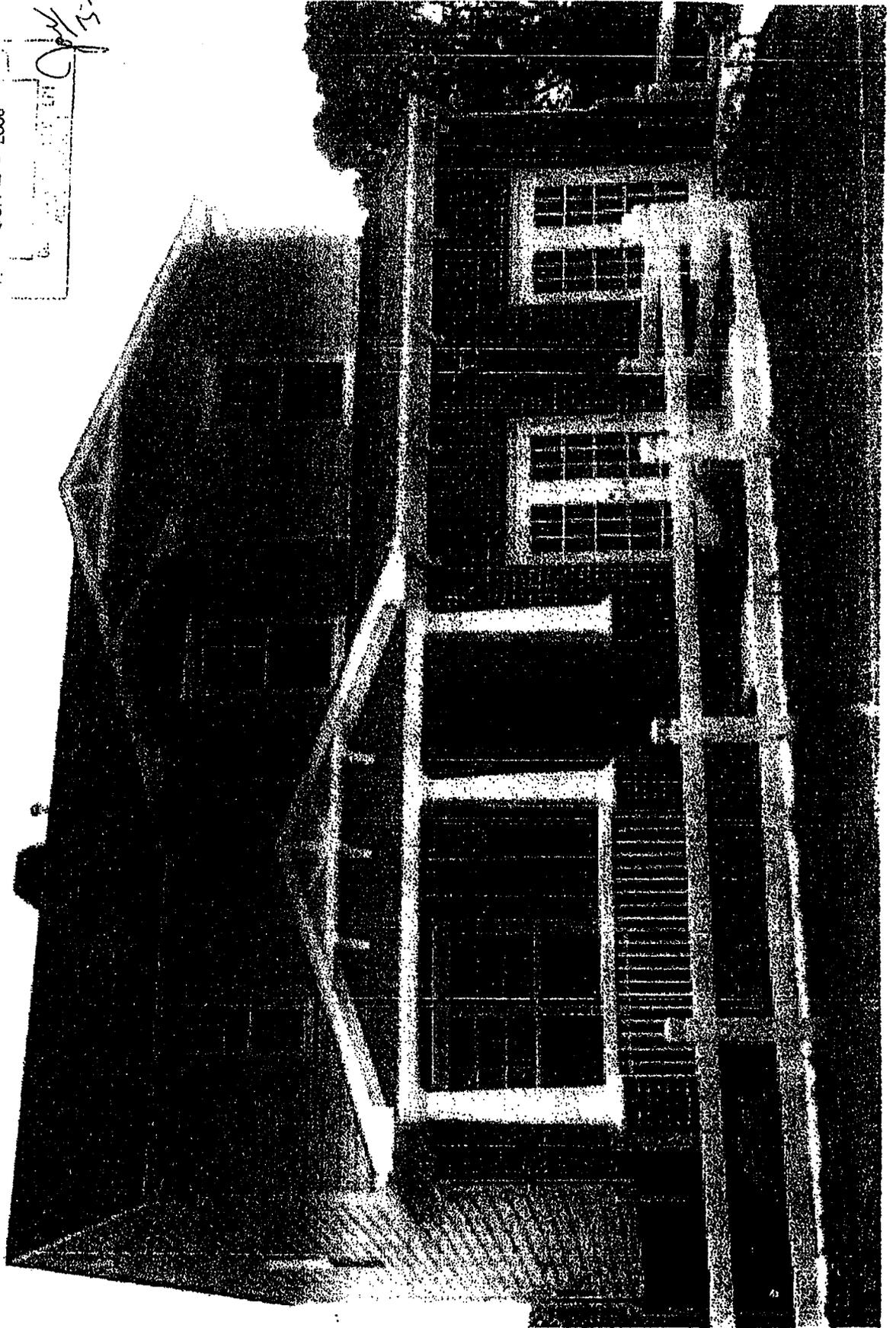


Petition No. Z-61
Meeting Date August 15, 2006
Continued

JUN 28 2006

15-35

10-10



~~REGULAR CASES (CONT.)~~

~~Z-25 THE CENTER FOR CHILDREN AND YOUNG ADULTS, INC. (CONT.)~~

- ~~• Water and Sewer Division comments and recommendations~~
- ~~• Stormwater Management Division comments and recommendations~~
- ~~• Cobb DOT comments and recommendations, delete recommendation for sidewalks along Schaffer Road~~
- ~~• 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~~

OTHER BUSINESS

O.B. 24 To consider a site plan amendment for Pebblebrook Development, LLC regarding rezoning application Z-61 of 2006 (Talley Development), for property located on the east side of Veterans Memorial Highway, west of Buckner Road in Land Lots 68 and 69 of the 18th District.

Mr. Pederson provided information regarding the site plan amendment. The public hearing was opened and there being no speakers, there hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Ott, to **approve** Other Business Item No. 24 for site plan amendment for Pebblebrook Development, LLC regarding rezoning application Z-61 of 2006 (Talley Development), for property located on the east side of Veterans Memorial Highway, west of Buckner Road in Land Lots 68 and 69 of the 18th District **subject to:**

- **Roads permitted to be county public roads built to county standards**
- **Water and Sewer Division comments and recommendations: revised site development plans reflecting the revision to public streets has been reviewed by Cobb County Water System**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 17, 2015
PAGE 20**

OTHER BUSINESS (CONT.)

- O.B. 12** To consider amending the zoning stipulations for Rocklyn Homes, Inc. regarding rezoning application Z-61 (Talley Development) of 2006, for property located on the east side of Veterans Memorial Highway, west of Buckner Road in Land Lots 68 and 69 of the 18th District.

Mr. Pederson provided information regarding stipulation amendment requesting that shake, cement board siding, EFIS (synthetic stucco), and board and batten be allowed on the fronts of the houses. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Cupid, second by Birrell, to **approve** O.B. 12 for the stipulation amendment for Rocklyn Homes, Inc. regarding rezoning application Z-61 (Talley Development) of 2006, for property located on the east side of Veterans Memorial Highway, west of Buckner Road in Land Lots 68 and 69 of the 18th District, subject to:

- **Renderings received by the Zoning Division February 10, 2015 for reference only (attached and made a part of these minutes)**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

- ~~**O.B. 13** To consider amending the site plan and the stipulations for CRP Oakmont Hartman Road, LLC regarding rezoning application Z-16 of 2014 (CRP Oakmont Hartman Road, LLC), for property located on the northeast side of White Road, south of Factory Shoals Road in Land Lots 684 and 702 of the 18th District.~~

~~Mr. Pederson provided information regarding stipulation amendment requesting a second driveway. The public hearing was opened and here being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Cupid, second by Weatherford, to **approve** O.B. 13 for site plan and stipulation amendments for CRP Oakmont Hartman Road, LLC regarding rezoning application Z-16 of 2014 (CRP Oakmont Hartman Road, LLC), for property located on the northeast side of White Road, south of Factory Shoals Road in Land Lots 684 and 702 of the 18th District, subject to:~~