OB-040-2015

Application for "Other Business"
Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** Sept. 15, 2015

RECEIVED AUG 11 2015 COBB COUNTY ZONING DIVISION

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)

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

KAREN KING My Commission NOTARY PUBLIC EXPIRES Feb 27 2019 BARTOW COUNTY, GEORGIA

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:

My commission expires:
Notary Public

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 precipated by a recent conversion of the interior streets from private streets to public streets.

(List or attach additional information if needed)

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

AUG 11 2015

PROPERTY OWNER'S CERTIFICATION

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

Signature of Owner 8-6-15 Date

Printed Name: Mitchell J. Nimey

Address: 5486 Burdette Road
Mableton GA 30126

Telephone No.: (404) 915-0914

Signature of Notary Public 8-6-15 Date

(Notary Seal)

SARAH C. DAVIS
NOTARY PUBLIC
PAULDING COUNTY, GEORGIA
FEBRUARY 14, 2020

Volunteer Ridge

PAGE 5 OF 10 APPLICATION NO. Z-61

ORIGINAL DATE OF APPLICATION: 05-16-06

APPLICANTS NAME: TALLEY DEVELOPMENT

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

RECEIVED
FEB 10 2015
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BOC DECISION OF 08-15-06 ZONING HEARING:

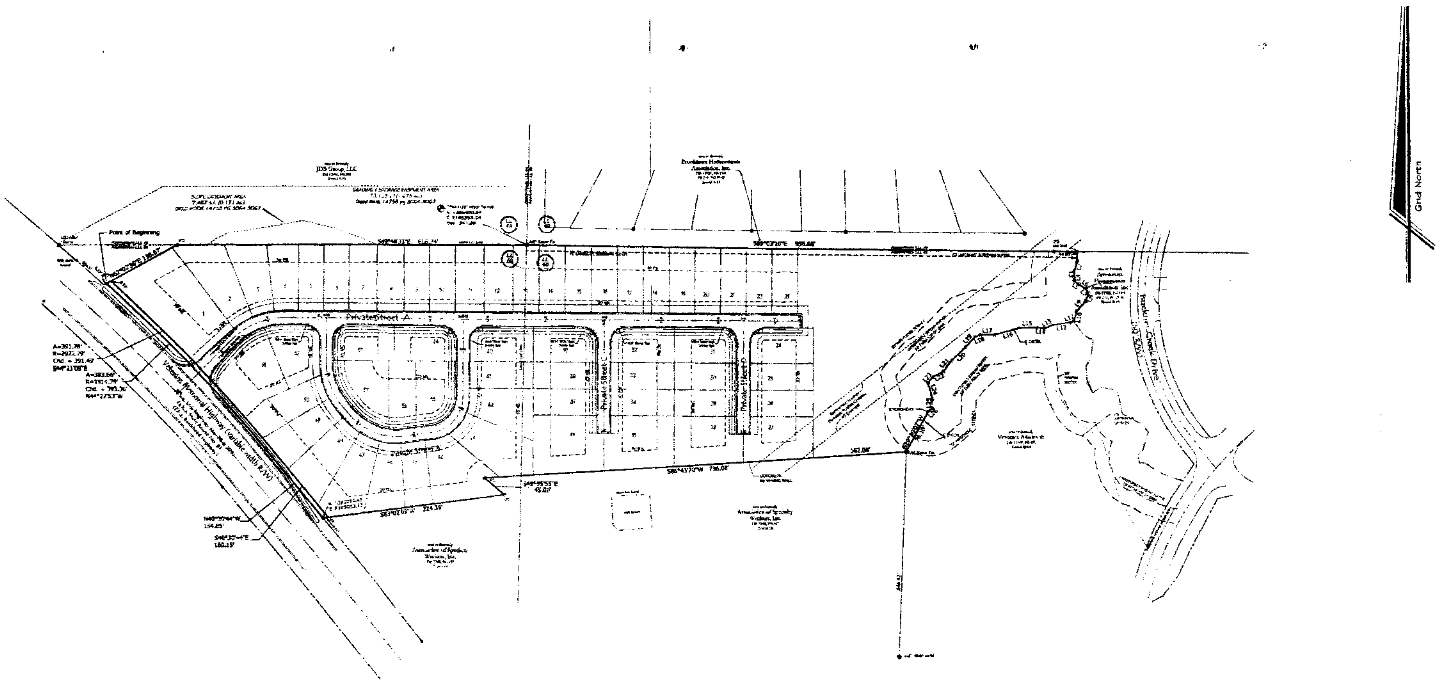
TALLEY DEVELOPMENT (Ronald F. Williams, owner) requesting Rezoning from **R-20** to **RM-8** for the purpose of Townhouse Style Condominiums in Land Lots 68 and 69 of the 18th District. Located on the east side of Veterans Memorial Highway, west of Buckner Road.

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

RECEIVED
AUG 11 2015
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



LINE TABLE		
LINE	LENGTH	BEARING
L1	15.02	S 01°29'02" E
L2	18.72	S 18°35'11" W
L3	11.93	S 01°08'44" E
L4	4.48	S 00°00'00" E
L5	10.58	S 54°10'31" E
L6	15.13	S 55°00'44" E
L7	6.53	S 30°04'49" E
L8	13.68	S 19°30'06" W
L9	23.73	S 43°26'38" W
L10	16.90	S 15°28'22" W
L11	6.40	S 73°03'54" W
L12	32.85	S 82°07'38" W
L13	13.88	S 65°06'22" W
L14	14.43	N 81°57'34" W
L15	31.77	S 89°31'39" W
L16	43.02	S 74°43'29" W
L17	24.78	S 89°51'38" W
L18	9.67	S 70°20'33" W
L19	22.74	S 43°38'55" W
L20	34.43	S 46°55'23" W
L21	22.23	S 38°44'39" W
L22	20.13	S 61°14'32" W
L23	13.37	S 40°46'09" W
L24	29.08	S 14°48'46" E
L25	15.17	S 01°39'16" W
L26	8.40	S 50°50'46" W

See Cover Sheet for General Notes

NOTE : Information regarding the reputed presence, size, character and location of existing underground utilities and structures is shown hereon. There is no certainty of the accuracy of this information and it shall be considered in that light by those using this drawing. The location and arrangement of underground utilities and structures shown hereon may be inaccurate and utilities and structures not shown may be encountered. The owner, his/her employees, his/her consultants and his/her contractors shall hereby distinctly understand that the engineer / surveyor is not responsible for the correctness or sufficiency of this information.

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1-800-282-7411
(404) 325-5000
(metro Atlanta only)
IT'S THE LAW

GRAPHIC SCALE - IN FEET

0 100 200 300 400 500

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5400 Laurel Springs Parkway • Suite 1105
Suwanee, Georgia 30024
Phone:678-380-6007 Fax:678-380-0571
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. Nimey
5486 Burdette Road
Mableton, Georgia 30126
404-915-0914

24 HOUR - EMERGENCY CONTACT

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This drawing and its reproduction are the property of the engineer and may not be reproduced, published or used in any way without the written permission of this engineer.

REVISIONS

NO.	DATE	DESCRIPTION
4	07/31/13	LDP Renewal ONLY
3	05/27/10	County comments
2	03/18/10	Permit Revision 1
1	02/21/07	County Comments
0	12/06/06	Released for Permit ONLY

Cobb County Project #3632
CN: 05105plans05.dwg
F.K.A.: Veterans Memorial Hwy

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. HARTIN

*ALSO LICENSED TO PRACTICE IN ALABAMA

770·422·7016
TELEPHONE
770·426·6583
FACSIMILE
WWW.SAMSLARKINHUFF.COM

June 28, 2006

RECEIVED
FEB 10 2015
COBB CO. COMMUNITY DEVELOPMENT
ZONING DIVISION

RECEIVED
JUN 28 2006
3:35

VIA HAND DELIVERY

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

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:

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

PAGE 7 OF

VIA HAND DELIVERY

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

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 cementious 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

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

PAGE 8 OF

VIA HAND DELIVERY

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

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.

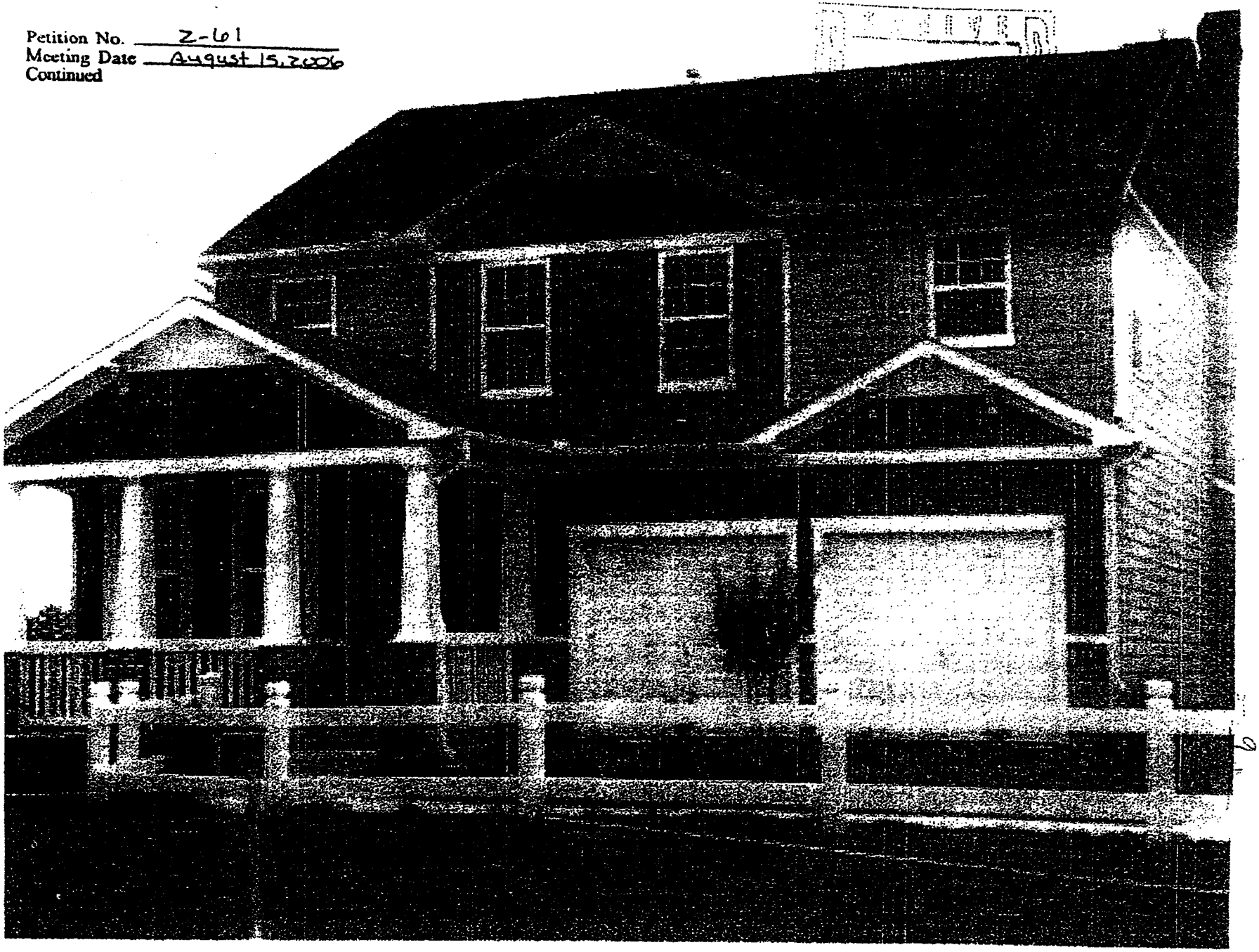
Very truly yours,

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. Z-61
Meeting Date August 15, 2006
Continued



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

JUN 28 2006

~~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

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: