Application for "Other Business"
Cobb County, Georgia

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

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BOC Hearing Date Requested: 5-17-16

Applicant: Kyle Salone **Phone #:** 770 820 3431
(applicant's name printed)

Address: 1945 Heatherbrooke Ln NW **E-Mail:** kylesalone@yahoo.com

Kyle Salone **Address:** 1945 Heatherbrooke Ln 30101
(representative's name, printed)

Phone #: 770 820 3431 **E-Mail:** kylesalone@yahoo.com
(representative's signature)

Signed, sealed and delivered in presence of:

LUZ M. DELGADO NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES SEPTEMBER 08, 2019

My commission expires: 09.08.2019
Notary Public

Titleholder(s): Kyle Salone **Phone #:** 770 820 3431
(property owner's name printed)

Address: 1945 Heatherbrooke Ln Acworth GA 30101 **E-Mail:** kylesalone@yahoo.com

(Property owner's signature)

Signed, sealed and delivered in presence of:

LUZ M. DELGADO NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES SEPTEMBER 08, 2019

My commission expires: 09-08-2019
Notary Public

Commission District: 1 **Zoning Case:** Z202003

Size of property in acres: .36 **Original Date of Hearing:** 2/18/03

Location: 1945 Heatherbrooke Ln NW, Acworth, GA
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): _____ **District(s):** _____

State specifically the need or reason(s) for Other Business:

Removal of buffer

(List or attach additional information if needed)

Application for "Other Business"

OB-026-2016

Cobb County, Georgia

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

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BOC Hearing Date Requested: 5/17/16

Applicant: Deborah M. White Phone #: 678-556-5795
(applicant's name printed)

Address: 1952 Hatherbrooke Way NW Acworth, GA E-Mail: debbiew1202@yahoo.com

Deborah M. White Address: 1952 Hatherbrooke Way NW, Acworth, GA
(representative's name, printed)

DM White Phone #: 678-556-5795 E-Mail: debbiew1202@yahoo.com
(representative's signature)

Signed, sealed and delivered in presence of:

Santo P. Jones
NOTARY PUBLIC
Cobb County, GEORGIA
Commission Expires 04/30/18

Santo P. Jones My commission expires: 4-30-18
Notary Public

Titleholder(s): Deborah M. White Phone #: 678-556-5795
(property owner's name printed)

Address: 1952 Hatherbrooke Way NW Acworth, GA E-Mail: debbiew1202@yahoo.com

DM White
(Property owner's signature)

Signed, sealed and delivered in presence of:

Santo P. Jones
NOTARY PUBLIC
Cobb County, GEORGIA
Commission Expires 04/30/18

Santo P. Jones My commission expires: 4-30-18
Notary Public

Commission District: 1 Zoning Case: Z202003

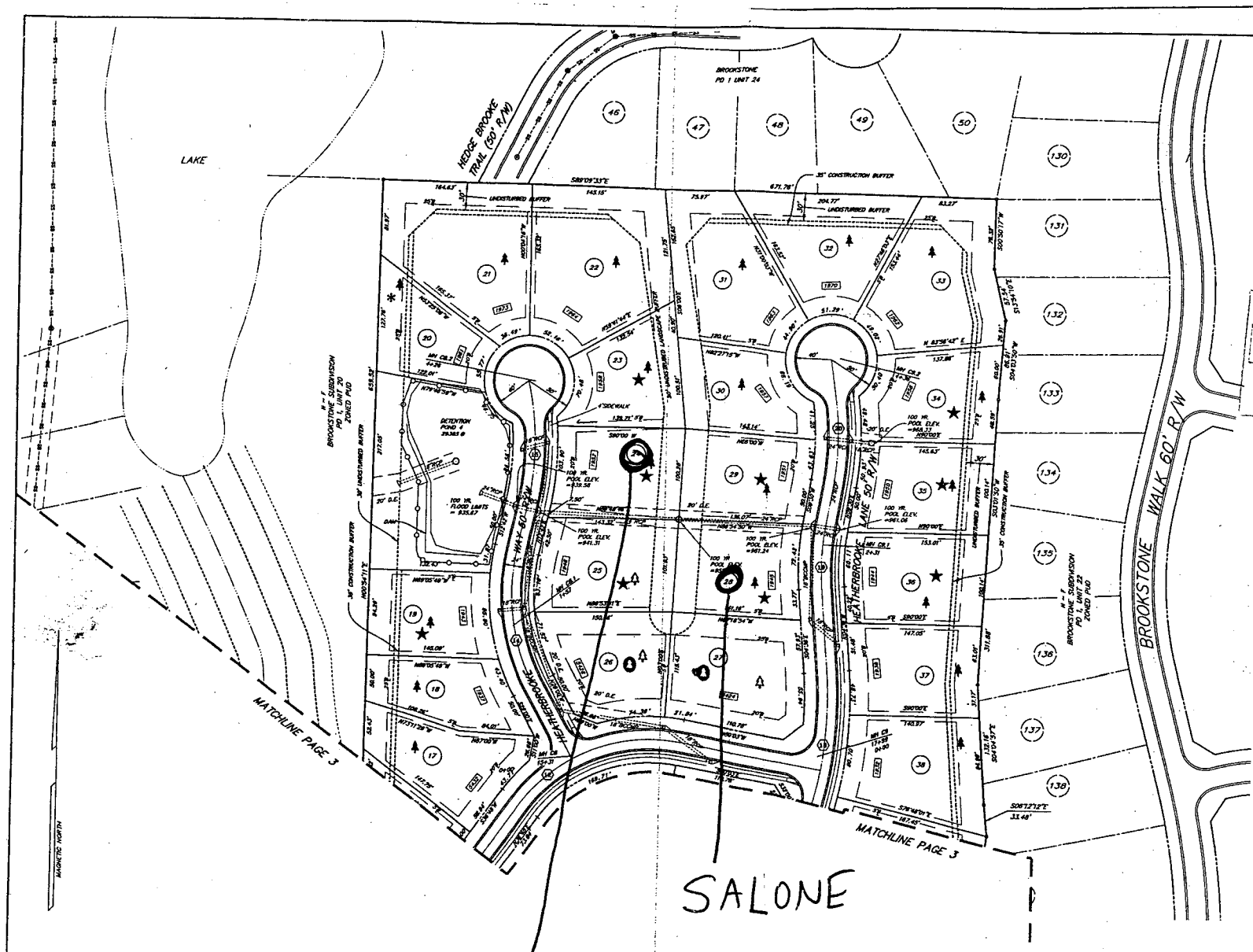
Size of property in acres: .32 Original Date of Hearing: 2/18/03

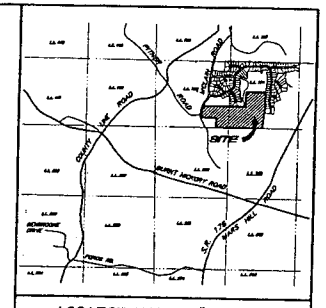
Location: 1952 Hatherbrooke Way NW, Acworth, GA
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): _____ District(s): _____

State specifically the need or reason(s) for Other Business: Removal of undisturbed landscape buffer.

(List or attach additional information if needed)





LOCATION MAP 1" = 2000'

RECEIVED
PLAT BK 274 PG 279
REBECCA KEATON
CLERK OF SUPERIOR COURT Cobb County
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

▲ NO PERMANENT STRUCTURES SHALL BE CONSTRUCTED WITHIN TEN FEET (10') OF A PERMANENT WATER OR SEWER EASEMENT ON FRONT OR REAR SETBACKS OR WITHIN TWO FEET (2') ON SIDE SETBACKS.

✱ SITE PLANS MUST BE PREPARED SUBJECT TO THE REQUIREMENTS OF THE COBB COUNTY CODE SEC. 56-63(3). LOWEST FLOOR ELEVATIONS SHALL BE NO LESS THAN 3 FEET ABOVE THE 100 YEAR FLOOD HAZARD AREA OR 1' ABOVE THE LOW POINT IN THE DOWNSTREAM ROADWAY, AS APPLICABLE, WHICHEVER IS GREATER. AN ELEVATION CERTIFICATION, PREPARED BY A REGISTERED LAND SURVEYOR, IS REQUIRED PRIOR TO FOOTING INSPECTION.

★ THE MINIMUM FLOOR ELEVATION (MFE) SHALL BE AT LEAST 1.0 FOOT ABOVE THE ADJACENT STREETS TOP OF CURB IF AN ELEVATION CERTIFICATE IS NOT REQUIRED. THE BUILDER SHALL PROVIDE AN ADEQUATE SWALE BETWEEN THE HOUSES TO ACCOMMODATE ANY OVERFLOWS FROM THE HEADWALL AT THE REAR OF THE LOTS OR STREET OVERFLOW.

♣ THIS LOT HAS A DESIGNATED TREE PROTECTION AREA. THE DIMENSIONS OF WHICH ARE ON FILE WITH THE COBB COUNTY COMMUNITY DEVELOPMENT AGENCY. THE HOMEBUILDER IS RESPONSIBLE FOR MAINTAINING THIS AREA IN AN UNDISTURBED CONDITION UNTIL THE RELEASE OF THE CERTIFICATE OF OCCUPANCY. PROTECTIVE FENCING MUST BE INSTALLED AND MAINTAINED ACCORDING GO COBB COUNTY STANDARDS.

Ⓢ THIS LOT REQUIRES TREES TO BE PLANTED IN ACCORDANCE WITH THE APPROVED TREE PROTECTION AND REPLACEMENT PLAN FOR THIS SUBDIVISION. THE INSTALLATION OF THOSE TREES MUST BE VERIFIED PRIOR TO THE ISSUANCE OF THE CERTIFICATE OF OCCUPANCY. THE HOMEBUILDER MUST CALL THE COBB COUNTY ARBORIST OR LANDSCAPE ARCHITECT AT 770-528-2147 AT LEAST 3 DAYS PRIOR TO THE DATE THAT THE INSPECTION IS NEEDED TO REQUEST AN INSPECTION. TREE PLANTING LOCATIONS, PLANTING METHODS AND PLANT MATERIAL (SIZE, SPECIES, AND QUALITY) MUST BE IN ACCORDANCE WITH THE APPROVED PLAN, OR THE TREE LANDSCAPE INSPECTOR MAY DELAY THE RELEASE OF THE CERTIFICATE OF OCCUPANCY.

Ⓢ THIS LOT REQUIRES AN INDIVIDUAL SITE PLAN TO BE REVIEWED AN APPROVED BY THE COBB COUNTY ARBORIST OR LANDSCAPE ARCHITECT PRIOR TO THE ISSUANCE OF A BUILDING PERMIT. THE SITE PLAN MUST INCLUDE A SURVEYED LOCATION OF ANY SPECIMEN TREES. THE CRITICAL ROOT ZONE OF EACH SPECIMEN TREE EQUAL TO ONE RADIUS FOOT PER INCH OF DIAMETER, LOCATIONS AND DIMENSIONS OF PROPOSED IMPROVEMENTS AND EXISTING AND PROPOSED GRADES. IF COUNTY STAFF DETERMINES THAT IMPACTS TO THE SPECIMEN TREE(S) WILL BE TO GREAT, MITIGATION MEASURES FOR THE TREE(S) PER COBB COUNTY TREE ORDINANCE REQUIREMENTS MUST BE ESTABLISHED BEFORE A BUILDING PERMIT CAN BE ISSUED. TREE PROTECTION FENCING MUST BE INSTALLED PRIOR TO COMMENCEMENT OF CONSTRUCTION OF THE HOUSE AND MAINTAINED THROUGHOUT THE CONSTRUCTIONS PROCESS. CERTIFICATE OF OCCUPANCY FOR THE HOUSE. THE HOMEBUILDER MUST CALL THE COBB COUNTY ARBORIST OR LANDSCAPE ARCHITECT AT 770-528-2147 AT LEAST 3 DAYS PRIOR TO THE DATE THAT THE INSPECTION IS NEEDED TO REQUEST AN INSPECTION. IF THE CRITICAL ROOT ZONE FOR THE TREE(S) OS FOUND TO HAVE BEEN VIOLATED, MITIGATION MEASURES WILL BE REQUIRED PRIOR TO RELEASE OF THE CERTIFICATE OF OCCUPANCY.

♧ THIS LOT HAS A REQUIREMENT TO PLANT FOUR SHADE TREES. IN ADDITION TO ANY SPECIMEN MITIGATION TREES REQUIRED PER THE APPROVED TREE PROTECTION AND REPLACEMENT PLAN (NOT ORNAMENTALS OR PINES). AT LEAST TWO TREES MUST BE PLANTED IN THE FRONT YARD WITH AT LEAST ONE TREE TO BE THREE INCHES CALIPER PLANTED IN THE FRONT SETBACK AREA. ALL OTHER TREES MUST BE A MINIMUM OF TWO INCHES CALIPER. THOSE TREES MUST BE PLANTED WHEN THE HOUSE IS NEAR COMPLETION. THE CERTIFICATE OF OCCUPANCY WILL NOT BE RELEASED UNLESS THE TREES ARE PLANTED.

50 0 50 100
SCALE IN FEET

THIS SURVEY WAS PREPARED IN CONFORMITY WITH THE TECHNICAL STANDARDS FOR PROPERTY SURVEYS IN GEORGIA AS SET FORTH IN CHAPTER 180-7 OF THE RULES OF THE GEORGIA BOARD OF REGISTRATION FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS AND AS SET FORTH IN THE GEORGIA PLAT ACT O.C.G.A. 15-6-67.

GEORGIA REGISTERED LAND SURVEYOR

DATE	: 9-7-06	REVISIONS
SCALE	: 1"=50'	REV. 11-25-2014
DRAWN BY	: TAE	
CHECKED BY	: WJK	
FIELD BOOK	:	

Gaskins
ENGINEERING • SURVEYING • LAND PLANNING • ENVIRONMENTAL
1396 Powder Springs Rd. Marietta, Georgia 30064 www.gaskinsgroup.com Phone: (770) 424-7168 Fax: (770) 424-7169

FINAL PLAT FOR:

HEATHERBROOKE SUBDIVISION

LOCATED IN L.L. 193 & 194
20th DISTRICT, 2nd SECTION
COBB COUNTY, GA.

4 OF 4

 APPLICATION NO. Z-20'03

ORIGINAL DATE OF APPLICATION: 02-18-03

APPLICANTS NAME: YANCEY DEVELOPMENT

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

RECEIVED
APR 12 2016
ZONING DIVISION

BOC DECISION OF 06-21-05 ZONING HEARING:

OTHER BUSINESS ITEM #1 – TO CONSIDER A SETTLEMENT OF LITIGATION PROPOSAL REGARDING Z-20 (YANCEY DEVELOPMENT COMPANY, INC.)

To consider a Settlement of Litigation proposal regarding Z-20 (Yancey Development Company, Inc.) of February 18, 2003, for rezoning from R-30 to R-20 OSC for a Subdivision, for property located on the east side of McLain Road and the south end of Hedge Brooke Trail in Land Lots 193 and 194 of the 20th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding the proposal for settlement of litigation. The public hearing was opened and Mr. Hylton Dupree addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Olens, to **approve** the following relative to the settlement proposal regarding Z-20 (Yancey Development Company, Inc.) of February 18, 2003, for rezoning from R-30 to R-20 OSC for a Subdivision, for property located on the east side of McLain Road and the south end of Hedge Brooke Trail in Land Lots 193 and 194 of the 20th District:

- To **authorize** settlement of litigation
- To **approve** rezoning to the **R-20 OSC** zoning district **subject to:**
  - **site plan dated April 25, 2005 (copy attached and made a part of these minutes)**
  - **letters of stipulations from Mr. Hylton Dupree dated May 4, 2005 and May 24, 2005 (copy attached and made a part of these minutes)**
  - **Planning Staff Analysis**
  - **Stormwater Management Division comments and recommendations**
  - **Water and Sewer 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

SITE SUMMARY

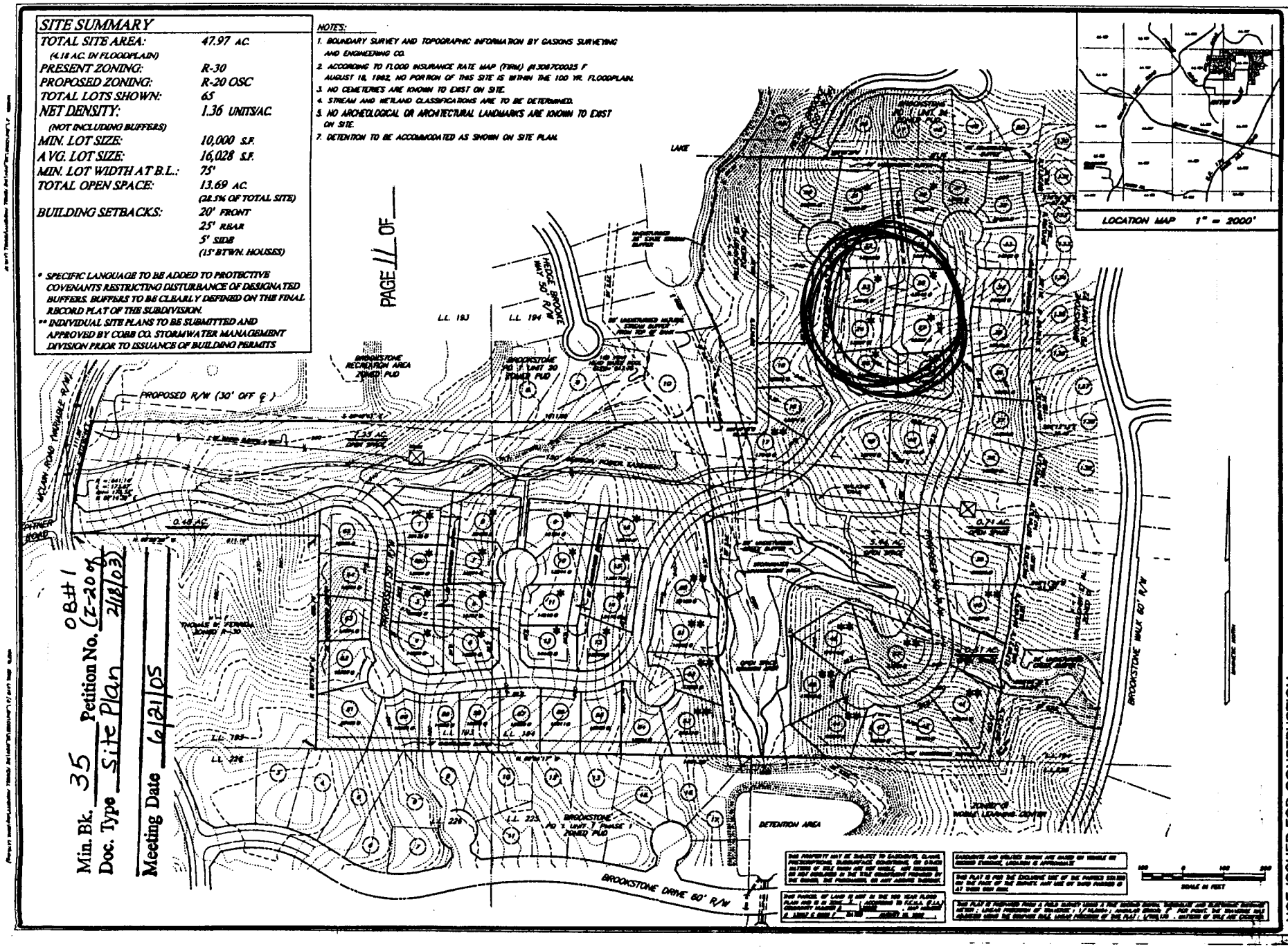
TOTAL SITE AREA: (4.18 AC. IN FLOODPLAIN)	47.97 AC.
PRESENT ZONING:	R-30
PROPOSED ZONING:	R-20 OSC
TOTAL LOTS SHOWN:	65
NET DENSITY: (NOT INCLUDING BUFFERS)	1.36 UNITS/AC.
MIN. LOT SIZE:	10,000 S.F.
AVG. LOT SIZE:	16,028 S.F.
MIN. LOT WIDTH AT B.L.:	75'
TOTAL OPEN SPACE:	13.69 AC. (28.5% OF TOTAL SITE)
BUILDING SETBACKS:	20' FRONT 25' REAR 5' SIDE (15' BTWN. HOUSES)

* SPECIFIC LANGUAGE TO BE ADDED TO PROTECTIVE COVENANTS RESTRICTING DISTURBANCE OF DESIGNATED BUFFERS. BUFFERS TO BE CLEARLY DEFINED ON THE FINAL RECORD PLAT OF THE SUBDIVISION.

** INDIVIDUAL SITE PLANS TO BE SUBMITTED AND APPROVED BY COBB CO. STORMWATER MANAGEMENT DIVISION PRIOR TO ISSUANCE OF BUILDING PERMITS

NOTES:

1. BOUNDARY SURVEY AND TOPOGRAPHIC INFORMATION BY GASKINS SURVEYING AND ENGINEERING CO.
2. ACCORDING TO FLOOD INSURANCE RATE MAP (FIRM) #13067C0025 F AUGUST 18, 1982, NO PORTION OF THIS SITE IS WITHIN THE 100 YR. FLOODPLAIN.
3. NO CEMETERIES ARE KNOWN TO EXIST ON SITE.
4. STREAM AND WETLAND CLASSIFICATIONS ARE TO BE DETERMINED.
5. NO ARCHEOLOGICAL OR ARCHITECTURAL LANDMARKS ARE KNOWN TO EXIST ON SITE.
7. DETENTION TO BE ACCOMMODATED AS SHOWN ON SITE PLAN.



Min. Bk. 35 Petition No. OB#1 (Z-20 of)

Doc. Type Site Plan 2/18/03

Meeting Date 6/21/05

NOT ISSUED FOR CONSTRUCTION

SURVEYING • ENGINEERING • ENVIRONMENTAL

GASKINS

1265 POWDER SPRINGS ROAD
MARIETTA, GEORGIA 30064

THE FERRELL PROPERTY

LOCATED IN L.L. 193 & 194, 20th DISTRICT, 2nd SECTION
COBB COUNTY, GEORGIA

REVISIONS

REV.	DATE	REVISION REFERENCE

SHEET TITLE
ZONING PLAT

SEAL

PROJECT I.D.	FIELD BOOK
-	-
DRAWN BY ZJR	CHECKED BY JCG
SCALE 1" = 100'	ISSUE DATE 06.10.04

SHEET NUMBER
1

DUPREE, KING & KIMBROUGH
ATTORNEYS AT LAW

40 GREEN STREET • MARIETTA, GEORGIA 30060
TELEPHONE: 770-424-7171 • FACSIMILE: 770-424-0644
WWW.DUPREE-LAWFIRM.COM

Hylton B. Dupree, Jr. P.C.
Russell D. King
M. Scott Kimbrough
Patrick M. Milligan

PAGE 12 OF ___

May 4, 2005

Mailing Address:
Post Office Box 625
Marietta, Georgia 30061

Min. Bk. 35 Petition No. (Z-20 of 2/18/03) O.B.#1
Doc. Type Letter of Stipulations
Meeting Date 6/21/05

Mr. Fred D. Bentley, Jr., Esq.
Bentley, Bentley and Bentley
241 Washington Avenue
Marietta, Georgia 30060

Re: Application for Re-Zoning
Application Number Z-20(2003)
Applicant, Yancey Development Company, Inc.

Dear Fred:

Pursuant to our recent telephone conversation in reference to the above matter, I am revising my letter of April 29, 2005 in an effort to clarify some of the confusion that may have been created by the overlapping of the previous letters.

On April 29, 2005, I delivered to you a revised preliminary site plan dated April 25, 2005 and prepared by Gaskins Surveying Company (GSC). The plan reflects the agreements and concessions that we reached at our meeting with you and Commissioner Gorcham.

Additionally, we have agreed to the following stipulations.

1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property and/or which have been embodied in any previous stipulations submitted as a part of the above-referenced Application for Re-Zoning.

2. Re-zoning of the Subject Property shall be from the R-30 category to the R-20 Open Space Community ("R-20/OSC") zoning category, site plan specific to that certain revised preliminary plan prepared by Gaskins Surveying Company (GSC) dated April 25, 2005.

3. By this letter of agreeable stipulations and conditions, Applicant amends its Application for Re-Zoning to include the revised preliminary plan hereinabove set forth, the same being prepared by Gaskins Surveying Company (GSC) dated April 25, 2005, which was submitted to you on April 29, 2005.

4. The Subject Property shall be developed for a single-family residential community for a maximum of sixty-five (65) homes upon a total site area of 47.97 acres, for a maximum net density of 1.36 homes per acre, as per revised preliminary plan dated April 25, 2005.

Petition No. O.B. #1 (Z-20 of 2/18/03)
Meeting Date 6/21/05
Continued
PAGE 13 OF

5. Homes in the proposed community shall have a minimum of 2,000 square feet, and shall be of a traditional architecture, with exterior materials consisting of brick, stone, stacked stone, stucco-type, masonry siding, cedar shake shingles, or combinations thereof.

6. The proposed community shall have a minimum common area/open space as shown on the referenced preliminary plan. The common area/open space shall be utilized for passive recreational purposes such as picnicking and walking trails.

see #1

7. Access to the proposed community shall be provided from McClain Road, with no access to Brookstone Drive. The access road shall be designed to provide for inter-parcel access to the "Thomas W. Ferrell" property for future residential development. (See preliminary site plan dated April 25, 2005).

8. Applicant agrees to the creation of a mandatory homeowners' association consistent with the covenants in place for the Brookstone Community. The mandatory homeowners' association shall be responsible for the upkeep and maintenance of all common areas and buffer areas contained within the proposed community.

25,000 performance Bond

9. Applicant shall conduct both a pre- and post-development siltation study of the lake located adjacent to the northwesterly portion of the Subject Property. The results of said studies shall be submitted to Cobb County as well as copies made available to the Brookstone North Lake Homeowners' Association. Developer shall secure a performance bond to secure the post-development clean-up operation, if any, the bond to remain in full force and effect until the completion of the development, or for a period of two years from the date of approval of the zoning application, whichever event shall last occur.

in amount of $25,000

see #4

10. Minor modifications to the proposed community for items such as, but not limited to, lot layout and storm water control measures, may be approved by the Cobb County Commissioners as needed or necessary.

11. The revised preliminary site plan dated April 25, 2005 has provided for asterick (*) designated lots for an undisturbed buffer extending for an area of twenty-five (25) feet from the rear lot line of each astericked lot. This provision shall be enforced by a covenant running with the land with the homeowner and Cobb County as parties to the covenants.

12. The lots designated on the revised preliminary site plan dated April 25, 2005 as a two (2) asterick (**) lots shall be subject to individual site plan review by Cobb County.

13. An entity owned, or to be owned and controlled by Foster Yancey, Jr. and Foster Yancey III, shall develop the subject property and shall commence development within two (2) years from the final approval of the re-zoning of the subject property. Failure to commence development within the two (2) years shall result in the R-20-OSC Zoning Category reverting back to the present R-30 Zoning Category.

Mr. Fred D. Bentley, Jr., Esq.
May 4, 2005
Page 3

I am in hopes that the stipulations set forth herein clarify any confusion that may have arisen out of the April 29, 2005 letter. If you have any questions concerning this matter, please do not hesitate to call.

It is my understanding that you and Commissioner Goreham will meet with the other Cobb County Commissioners in the Executive Session for the purpose of discussing this settlement in compromise. If there is a unanimous consensus among the five commissioners, this issue will be stipulated to the next zoning meeting for purpose of approval of the re-zoning.

Thank you for your continuing cooperation in this matter.

Very truly yours,

DUPREE, KING & KIMBROUGH

HYLTON B. DUPREE, JR.

HBD, Jr./blw

cc: Foster Yancey, Jr.
Foster Yancey, III
Bill Byrne

DUPREE, KING & KIMBROUGH
ATTORNEYS AT LAW

49 GREEN STREET • MARIETTA, GEORGIA 30060
TELEPHONE: 770-424-7171 • FACSIMILE: 770-424-0644
WWW.DUPREE-LAWFIRM.COM

Hylton B. Dupree, Jr. P.C.
Russell D. King
M. Scott Kimbrough
Patrick N. Millsaps

Mailing Address:
Post Office Box 525
Marietta, Georgia 30061

May 24, 2005

Min. Bk. 35 Petition No. O.B.#1 (Z-20 of 2/18/03)
Doc. Type Letter of Stipulations
Meeting Date 6/21/05

Via Hand-Delivery

Commissioner Helen Goreham
Cobb County Commissioner's Office
100 Cherokee Street
Marietta, GA 30090-9680

Re: Application for Re-Zoning
Application Number Z-20(2003)
Applicant, Yancey Development Company, Inc.

Dear Helen:

Pursuant to your letter of May 13, 2005, Yancey Development Company, Inc. amends its agreed upon stipulations set forth in my letter of May 4, 2005 to include the additional stipulations:

1. In addition to providing for no access to Brookstone Drive off of McLain Road, there shall also be no access to Hedgebrook Drive. Hedgebrook Drive is the residential street that runs adjacent to the eastern edge of the land parcel. (It is incorrectly labeled as Brookstone Walk on the site plan, and this will be corrected.)

2. Sidewalks shall be installed along McLain Road frontage.

3. The performance bond shall be set at $25,000.

4. The bond referenced in Stipulation #9 (May 4, 2005 letter) shall remain in full force and effect until the construction of the development is completed.

Petition No. O.B. #1 (Z-20-05 2/18/03)
Meeting Date 6/21/05
Continued
PAGE 16 OF 16

If you have any questions or additional comments, please do not hesitate to call. Thank you for your continuing cooperation in this matter.

Very truly yours,

DUPREE, KING & KIMBROUGH

Hylton B. Dupree, Jr.

HBD/blw

cc: Fred Bentley, Jr. (via facsimile)
Foster Yancey, Jr.
Foster Yancey, Sr.
Bill Byrne