

**JUNE 21, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM 031

PURPOSE

To consider a stipulation amendment and site plan amendment for Cambridge Real Property Holdings, LLC regarding rezoning applications Z-54 of 2012 (Ballantry Homes (West Cobb), Inc.), for property located at the southeast intersection of Macland Road and Bankstone Drive, in Land Lots 471, 472, 491 and 492 of the 19th District.

BACKGROUND

The subject property was rezoned to R-15 OSC for a residential subdivision in 2012. It was approved with a maximum of 123 lots. During the plan review process, a number of lots were deleted bringing the total number of lots to 118 lots. The applicant has revised the site plan to recover two lots in the very center of the subdivision (unit II) bringing the number of lots to 120 lots. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

RECOMMENDATION

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

DEPARTMENT COMMENTS

Stormwater Management: Subject to Plan Review comments for proposed site plan revision.

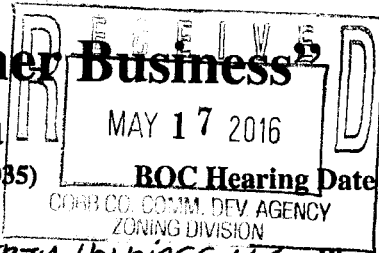
ATTACHMENTS

Other Business application and zoning stipulations.

Application for "Other Business"
Cobb County, Georgia

OB-031-2016

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



BOC Hearing Date Requested: 6.21.16

Applicant: CAMBRIDGE REAL PROPERTY HOLDINGS LLC Phone #: 770.319.5258
(applicant's name/printed)

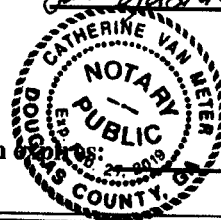
Address: 4770 S. ATLANTA ROAD STE 100 E-Mail: john.gaskin@pmcommunities.com

JOHN GASKIN Address: (same)
(representative's name, printed)

[Signature] Phone #: 770.319.5258 E-Mail: john.gaskin@pmcommunities.com
(representative's signature)

Signed, sealed and delivered in presence of:

Catherine Van Meter My commission expires: _____
Notary Public



Titleholder(s): David Hill Phone #: 905-887-7235
(property owner's name printed)

Address: 20 Cadet Wood Cr. Suite 6, Kennesaw E-Mail: dhill@ballantynehomes.com

(Property owner's signature)

Signed, sealed and delivered in presence of:

Lynn Mary Vandervoort, a Commissioner, etc.,
Regional Municipality of York, for Ballantyne
Homes Inc and its affiliates.
Expires April 23, 2019.

Notary Public

My commission expires: Apr. 23/19

Commission District: Cupib Zoning Case: E-54. 12.4.12

Size of property in acres: 68 Original Date of Hearing: DECEMBER 4 2012

Location: INTERSECTION OF BANKSTONE DRIVE & MAGLARD ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 471, 472, 491, 492 District(s): 19th Dist 2nd Sect

State specifically the need or reason(s) for Other Business: IN UNIT II - LOTS
70 - 89 of the original site plan have been revised to add 2
new lots shown on the revised plan as lots 70 - 91.
The site plan is being submitted to allow a total of
120 lots in the community as shown on the revised plan.

(List or attach additional information if needed)

Current site plan

Gaskins
 ENGINEERING
 PLANNING/CONSULTING
 SURVEYING
 1206 Powder Springs Road
 Marietta, Georgia 30066
 Phone: (770) 421-1848
 Fax: (770) 421-2350
 WWW.GASKINS.COM

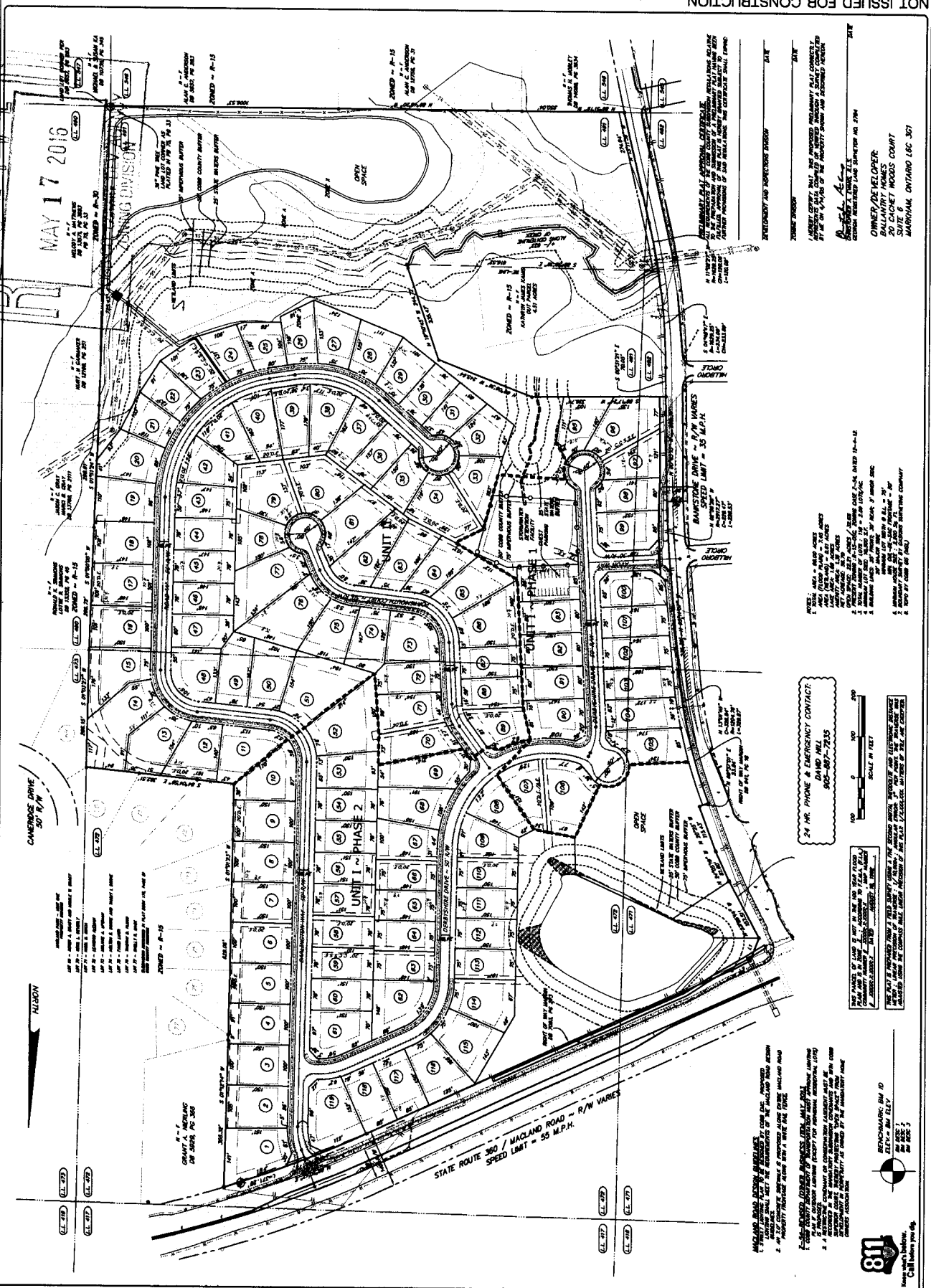
CAMBRIDGE PRESERVE
 LAND LOTS 471, 472, 491, 492, 197H DISTRICT, 2ND SECTION,
 COBB COUNTY, GEORGIA
 ZONED R15-OSC

PROJECT ID: FIELD BOOK
 B238 FIELD
 DRAWN BY: CHECKED BY
 SCALE: ASH CED
 ISSUE DATE: 03/06/14
 N.T.S.
 SHEET NUMBER: 20

REVISIONS
 NO. DATE REVISION REFERENCE

SHEET TITLE: PRELIMINARY PLAT

NOT ISSUED FOR CONSTRUCTION



ALBION

STATE ROUTE 260 / MACLAGAN ROAD ~ R/W VARIES
 SPEED LIMIT = 55 M.P.H.

BANKSTONE DRIVE ~ R/W VARIES
 SPEED LIMIT = 35 M.P.H.

24 HR. PHONE & EMERGENCY CONTACT:
 LAMAR HILL
 800-800-7445

SCALE: 1" = 40'

BENCHMARK: BM ID
 ELEV. = 841.1 ELEV.
 IN FEET

811
 Call before you dig.

ORIGINAL DATE OF APPLICATION: 12-18-12APPLICANTS NAME: BALLANTRY HOMES (WESTCOBB) INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 12-18-12 ZONING HEARING:**

BALLANTRY HOMES (WESTCOBB) INC. (owner) requesting Rezoning from **R-20** to **R-15/OSC** for the purpose of a Subdivision in Land Lots 471, 472, 491 and 492 of the 19th District. Located at the southeast intersection of Macland Road and Bankstone Drive.

The public hearing was opened and Mr. Kevin Moore addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Goreham, to **approve** Rezoning to the **R-15 OSC** zoning district **subject to:**

- Letter of agreeable conditions from Mr. Kevin Moore dated November 28, 2012 including representative photographs of home exteriors (attached and made part of these minutes) with the following changes:
 - Item No. 4 – strike 2,000 and replace with 2,200
 - Item No. 5 – strike reference to board and batten
- Email correspondence from Mr. Chuck Davis dated November 30, 2012 (attached and made a part of these minutes)
- Amenity area shall meet criteria set forth in the Macland Road Design Guidelines
- Reduce number of lots to 123 by deleting lots 75, 76, 77, and 78 and said lots to be incorporated into open space
- Planning Division comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management 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

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

254

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS

WILLIAM R. WINDERS, JR.†
ANGELA H. SMITH†
JOYCE W. HARPER
CHRISTOPHER C. MINGLEDORFF†
ANGELA D. TARTLINE
CAREY E. OLSON*
CHARLES E. PIERCE*
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
TODD I. HEIRD*
DANIEL W. STARNES*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER†
JAIMA E. KNOEBEL*
ADON J. SOLOMON*
AMY L. JETT*
JEFF C. MORMAN*

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL ST
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (888) 892-9039

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32268
TELEPHONE (904) 428-1485

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347

LOUISVILLE, KENTUCKY
9800 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8021

CHARLESTON, SOUTH CAROLINA
4900 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 302-0002

RYAN M. INGRAM
SHAWN G. SHELTON
KRISTEN C. STEVENSON*
JASON M. BURK*
MELISSA B. RICKERT*
CARLY M. RECORD
SARAH H. BEST*†
ERICA C. MITCHELL
BRAM L. SCHARF†
ROY H. SPARKS*
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
AMY E. BROWN*
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WEHUNT
KENDRA A. BIRTSCH*
JONATHAN J. SMITH
MONTOYA M. HO-SANG†

TRISTAN B. MORRISON****
WILLIAM B. WARIHAY†
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN****

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
**** ALSO ADMITTED IN CA
* ALSO ADMITTED IN TX
* ALSO ADMITTED IN AL
^ ALSO ADMITTED IN NY
^ ALSO ADMITTED IN NY
* ALSO ADMITTED IN SC
* ALSO ADMITTED IN NC
* ADMITTED ONLY IN TN
: ADMITTED ONLY IN FL

November 28, 2012

Hand Delivered

Min. Rk. 67 Petition No. 2-54
Doc. Type letter of agreement
conditions
Meeting Date 12/18/12

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

COBB COUNTY ZONING DIVISION
2012 NOV 28 PM 12: 21
COBB COUNTY GEORGIA
FILED IN OFFICE

RE: Application for Rezoning - Application No. Z-54 (2012)
Applicant/Property Owner: Ballantry Homes (Westcobb) Inc.
Property: 68.00 acres, more or less, located at the southeasterly intersection of State Route 360 (Macland Road) and Bankstone Drive, Land Lots 471, 472, 491, and 492, 19th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Ballantry Homes (Westcobb) Inc., who is the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to property located at the southeasterly intersection of State Route 360 (Macland Road) and Bankstone Drive, and being 68.00 acres, Land Lots 471, 472, 491, and 492, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meeting with planning and zoning staff and various Cobb County departmental representatives and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 4
November 28, 2012

Petition No. 2-54
Meeting Date 12.12.12
Continued

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. The stipulations are as follows:

- (1) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-20 to the proposed zoning category of R-15 Open Space Community ("R-15/OSC"), site plan specific to the with reference to the Zoning Plan prepared by Gaskins Surveying Company dated September 25, 2012, and filed with the Zoning Office on October 4, 2012, contemporaneously with the Application for Rezoning.
- (2) The proposed residential community shall have a maximum of 133 single-family lots.
- (3) The total acreage of the Subject Property is 68.00 acres. Applicant agrees to establish conservation areas totaling a minimum of 21.55 acres (31.7 percent of total site area).
- (4) Applicant agrees that homes in the proposed community shall have a minimum of ~~2,000~~ square feet (heated and cooled space).
- (5) Applicant agrees that homes in the proposed community shall have front exteriors consisting of brick, stone, stacked stone, cedar-shake board and batten, or any combination thereof (i.e., hard surface front exteriors). There shall be no hardi-plank siding on the front exteriors; however, hardi-plank siding may be used on the remaining home exteriors (sides and rear exteriors). Homes shall have architectural elevations substantially similar (in style, appearance, and quality) as contained in the representative photographs collectively attached as Exhibit "A" and incorporated herein by reference.
- (6) The proposed community shall have an active amenity area potentially consisting of a pool, clubhouse, or play areas. *See meet macland guidelines*
- (7) Entrances to the proposed community shall contain ground-based, monument-style signage with professional landscaping.
- (8) The proposed community shall have a mandatory homeowners association with covenants applicable to the entire community.

*OUT
75, 76, 77, 78
= 133*

7200

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
November 28, 2012

Petition No. 2-54
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Continued

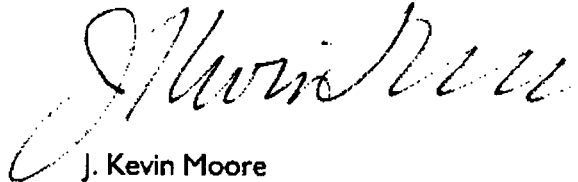
- (9) Applicant agrees to comply with all applicable Macland Road Study Guidelines or requirements.

We believe the requested zoning, together with the Zoning Plan submitted with the Application and the 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 community shall be of the highest quality, 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 in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachments

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
November 28, 2012

Petition No. 2-54
Meeting Date 12/10/12
Contract

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
George W. "Woody" Thompson
Helen C. Goreham
Robert Ott
Joann Birrell
(With Copies of Attachments)

Cobb County Planning Commission:
Murray Homan, Chairman
Christi S. Trombetti
Judy Williams
Bob Hovey
Mike Terry
(With Copies of Attachments)

Phillip Westbrook
Planning Division
Cobb County Community Development Agency
(With Copies of Attachments)

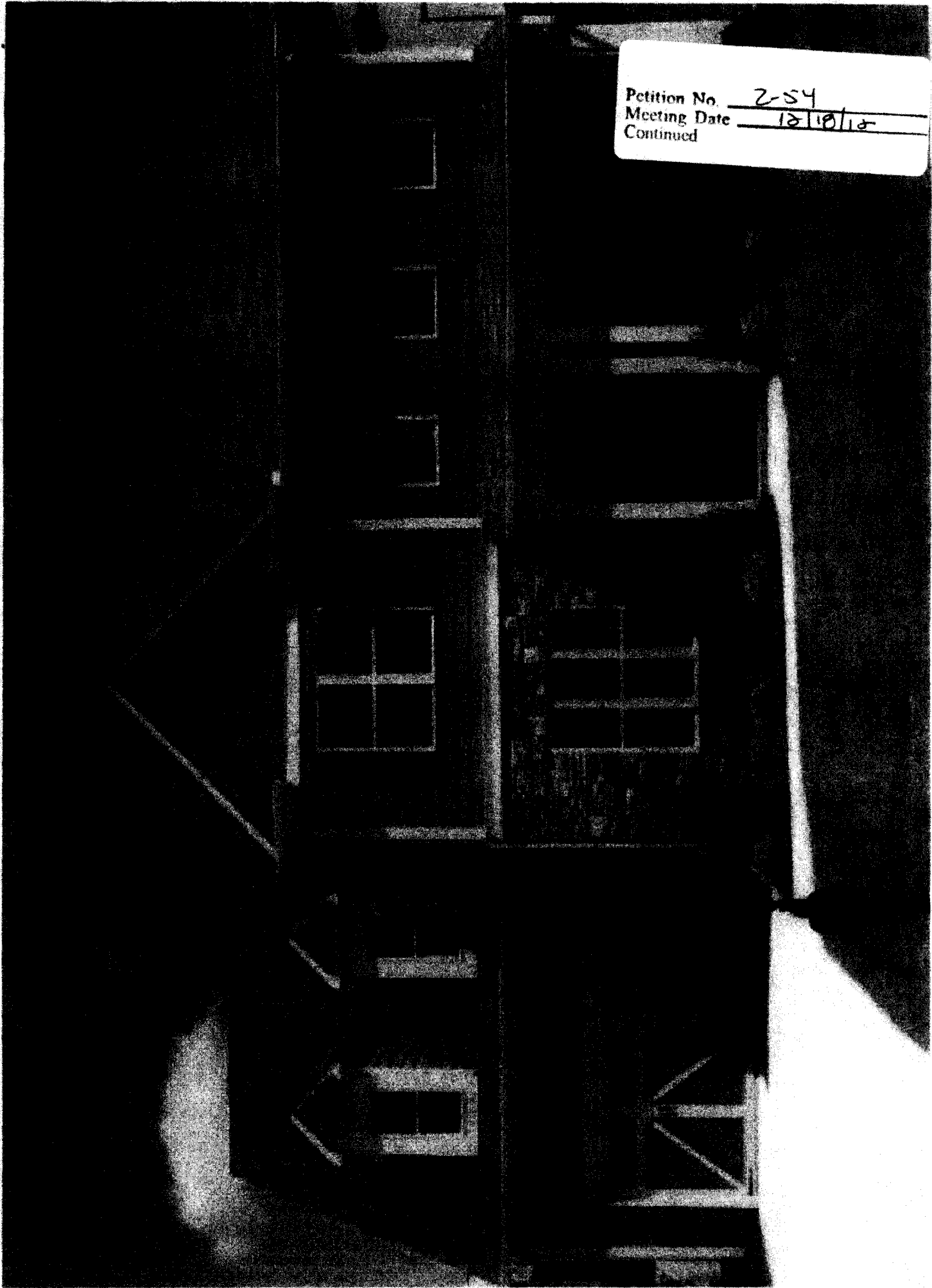
Ballantry Homes (Westcobb) Inc.
(With Copies of Attachments)

petition No. 2-54
collecting Date 12/18/12
continued

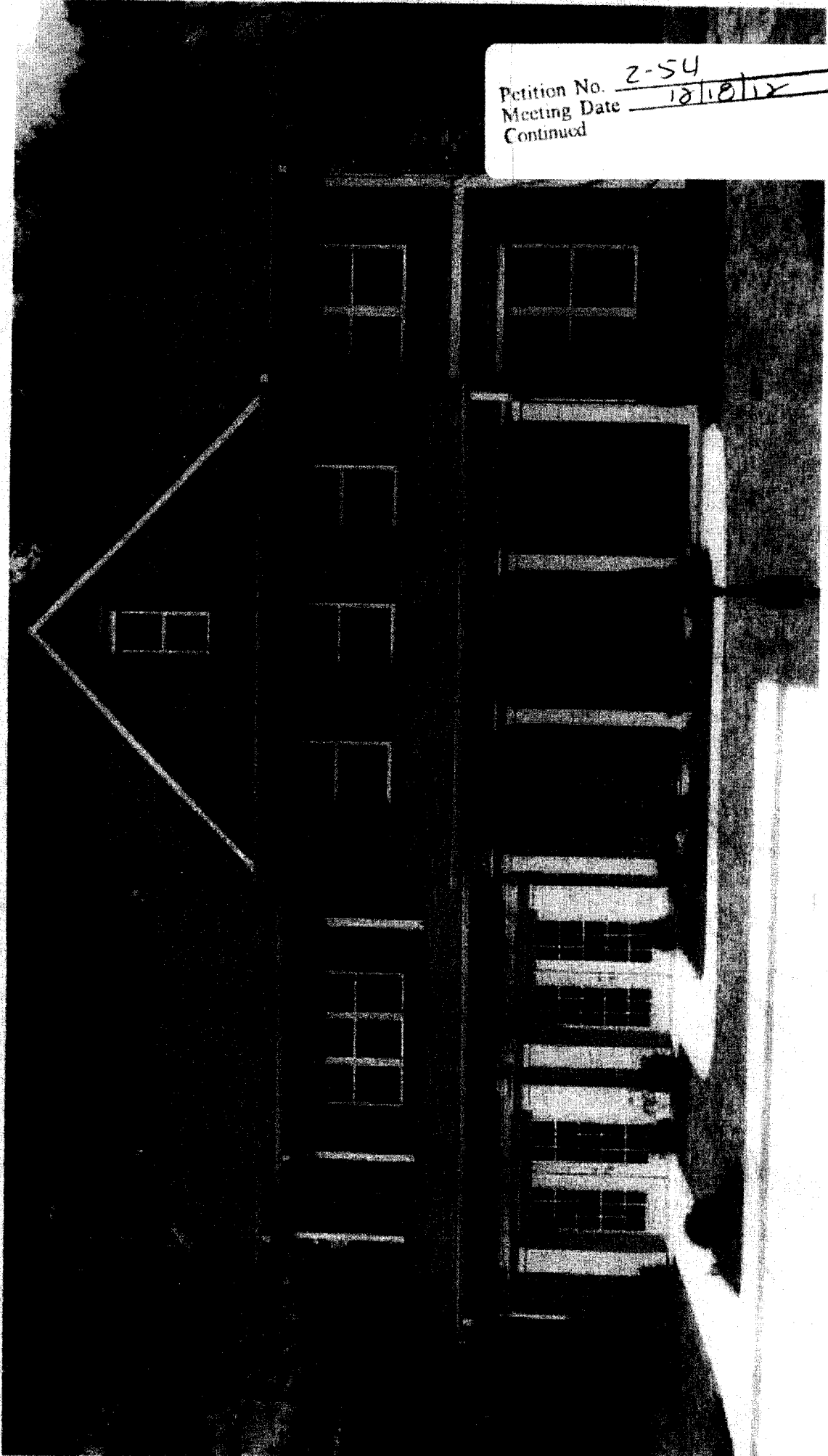


EXHIBIT "A"

Petition No. 254
Meeting Date 12/10/18
Continued



Petition No. 2-54
Meeting Date 12/18/12
Continued



Murray Homan

From: Carolyn Cook <W7@mijs.com>
Sent: Friday, November 30, 2012 2:36 PM
To: Murray Homan
Cc: Kevin Moore
Subject: FW: Bankstone Stormwater

Case No. 07 Petition No. Z-54
Doc. Type email correspondence
Meeting Date 12/18/12

Murray:

Below is an e-mail Kevin received from Gaskins Engineering and Surveying regarding Application No. Z-54 (2012).

Thank you.

Carolyn

Carolyn Cook
Legal Assistant to John H. Moore and J.
Kevin Moore
Moore Ingram Johnson & Steele, LLP

Main: 770-429-1499
Fax: 770-429-8631

W7@mijs.com
www.mijs.com



Emerson Overlook
326 Roswell Street
Marietta, GA 30060

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----- Forwarded Message

From: Chuck Davis <cdavis@gcsurvey.com>
Date: Fri, 30 Nov 2012 11:51:33 -0500
To: "J. Kevin Moore" <jkm@mijs.com>
Subject: Bankstone Stormwater

Macland Rd.

Kevin,

I wanted to follow up on our conversation regarding the stormwater draining to the Macland / Bankstone intersection. Based on preliminary engineering there is approximately 10 acres draining to the intersection. The existing stormwater conveyance system drains under Macland Road flowing to the north and eventually into the flood plain located west of the intersection. There is currently no conveyance system that could adequately handle the addition of

the stormwater along the south side of Macland Road. Regarding the proposed condition, our goal from an design perspective, is to reduce the peak flows for that basin to at or below what is currently flowing from the site today. This will done by either retention in the existing lake or diversion of a portion of the existing basin into a proposed detention facility on site.

I hope this clarifies our intent from an engineering perspective, but please call if you have any questions.

Thanks,

Chuck Davis, PE, CFM
General Manager

Gaskins

1266 Powder Springs Road
Marietta, Georgia 30060

(O) 770.424.7168
(C) 770.313.9079

cdavis@gscsurvey.com <<mailto:cdavis@gscsurvey.com>>

Petition No. 2-54
Meeting Date 12/10/12
Continued

----- End of Forwarded Message

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 16, 2015
PAGE 14

OTHER BUSINESS (CONT.)

O.B. 24 To consider amending the zoning stipulations for John Gaskin regarding rezoning application Z-54 (Ballantry Homes WestCobb, Inc.) of 2012, for property located at the southeast intersection of Macland Road and Bankstone Drive in Land Lots 471, 472, 491 and 492 of the 19th District.

Mr. Pederson provided information regarding a stipulation amendment to allow board and batten on the exterior of homes. 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 Weatherford, to approve O.B. 24 for a stipulation amendment for John Gaskin regarding rezoning application Z-54 (Ballantry Homes WestCobb, Inc.) of 2012, for property located at the southeast intersection of Macland Road and Bankstone Drive in Land Lots 471, 472, 491 and 492 of the 19th District, subject to:

- Email correspondence from Mr. John Gaskin dated June 15, 2015 regarding allowance of 30% exterior coverage of board and batten accents (attached and made a part of these minutes)
- District Commissioner to approve the final architectural plans
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: **ADOPTED** unanimously

~~O.B. 25 To consider amending the site plan and zoning stipulations for JW Homes, LLC regarding rezoning application Z-135 (John Wieland Homes and Neighborhoods, Inc.) of 2005, for property located at the northern terminus of Sunrise Boulevard and on the east side of Acacia Lane (private road) in Land Lots 289, 290, 695, 396 and 403 of the 18th District.~~

~~Mr. Pederson provided information regarding site plan and stipulation amendments to allow build out of 47 single family homes. 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. 25 for JW Homes, LLC regarding rezoning application Z-135 (John Wieland Homes and Neighborhoods, Inc.) of 2005, for property located at the northern terminus of Sunrise Boulevard and on the east side of Acacia Lane (private road) in Land Lots 289, 290, 695, 396 and 403 of the 18th District, subject to:~~

Barton, Lori

From: Cupid, Lisa
Sent: Tuesday, June 16, 2015 11:09 AM
To: Barton, Lori
Subject: Fwd: Cambridge Preserve Other Business OB-024 2015--- June 16, 2015 hearing.

Relates to OB-24

Lisa Cupid

Min. Pk. 76 Petition No. OB-24
Doc. Type email correspondence
Meeting Date 6-16-15

Begin forwarded message:

From: John Gaskin <john.gaskin@pmcommunities.com>
Date: June 15, 2015 at 9:55:17 AM EDT
To: "Keaton, Bianca" <Bianca.Keaton@cobbcounty.org>
Subject: RE: Cambridge Preserve Other Business OB-024 2015--- June 16, 2015 hearing.

30% is fine- I must have misunderstood. Sorry

John

From: Keaton, Bianca [<mailto:Bianca.Keaton@cobbcounty.org>]
Sent: Monday, June 15, 2015 9:56 AM
To: John Gaskin
Cc: Tammy Brinkley; Cupid, Lisa; Pederson, John
Subject: RE: Cambridge Preserve Other Business OB-024 2015--- June 16, 2015 hearing.

Hi John,

I just spoke with Commissioner Cupid and she appreciates your flexibility, however, she expressed a wish to see the maximum at 30%. Please let us know is this an amenable change. I have copied Commissioner Cupid and John on this email.

Thanks,
Bianca

BIANCA KEATON

bianca.keaton@cobbcounty.org

From: John Gaskin [<mailto:john.gaskin@pmcommunities.com>]
Sent: Monday, June 15, 2015 9:42 AM
To: Keaton, Bianca
Cc: Tammy Brinkley
Subject: RE: Cambridge Preserve Other Business OB-024 2015--- June 16, 2015 hearing.

We modify our request to read that Board and Batten Accent composed entirely of hardiplank material be allowed on a maximum of **35%** surface coverage on the front and side elevation of the homes.

Thank you

John Gaskin

Petition No. OB-24
Meeting Date 6-16-15
Continued