

**JULY 19, 2016 ZONING HEARING**  
**“OTHER BUSINESS”**  
**COMMISSION DISTRICT 4**

**ITEM 037**

**PURPOSE**

To consider a stipulation and site plan amendment for W&H Investments, LLC regarding rezoning application Z-18 of 2006 (Weaver & Woodbury Company), for property located at the southwest intersection of Hicks Road and Concord Road, and on the east side of Floyd Road in Land Lots 29 and 30 of the 17<sup>th</sup> District and Land Lots 1000 and 1073 of the 19<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned to RA-5 and RM-8 in 2006 to build a residential development consisting of single family houses and townhouses. This particular request only concerns the single family houses located at the intersection of Hicks Road and Concord Road. This request can be divided into three amendments. First, the applicant would like to delete the vehicular interparcel access that was shown on the 2006 zoning site plan, and replace it with a 10 foot pedestrian easement on the northwestern side of lot 14. This amendment would allow there to be less grading, and the developer would not have to cross a 60 foot Colonial Pipeline easement. Second, the lots that touch Hicks Road and Concord Road on the 2006 plan were intended to face these two roads and were to be served by a shared alley-way. The applicant would like to have a more traditional subdivision where all the houses face into the new subdivision. Third, there was a small open space area bounded by the private alley-way that would need to be removed to allow a standard cul-de-sac and detention pond access. If approved, all previous zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Water and Sewer:** No master water meter. All lots to be individually metered.

**Stormwater Management:** All previous Stormwater Management comments to remain in effect.

**Cobb DOT:** Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements. Recommend curb and gutter along both sides and sidewalk along one side of proposed development roadway. Recommend deceleration lane on Hicks Road for the entrance. Recommend left turn lane on Hicks Road for the entrance. Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed roundabout project at the intersection of Concord Road and Hicks Road. Recommend applicant coordinate with Cobb County DOT in regards to donation of right-of-way and easements necessary for project development.

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application and stipulations.

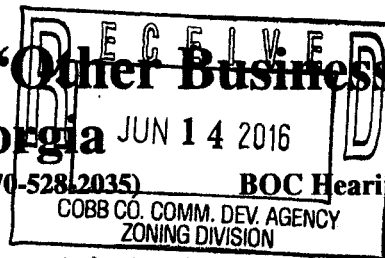
Application for "Other Business"  
Cobb County, Georgia

OB-037-2016

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

BOC Hearing Date Requested:

7-19-16



Applicant: W+H INVESTMENTS, LLC

(applicant's name printed)

Phone #: 770-425-6776

Address: 701 Whitlock Ave, Suite K-46  
MARIETTA, GA 30064

E-Mail: SKIP@hseproperties.com

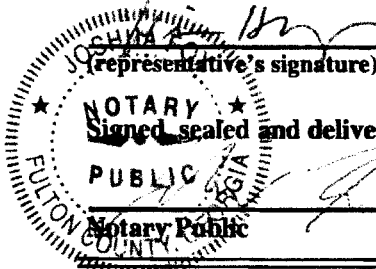
William (Skip) Harper

Address: same

(representative's name, printed)

Phone #: same

E-Mail: same



(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: 2/24/2020

Titleholder(s): Wilkins Walk Land, LP

(property owner's name printed)

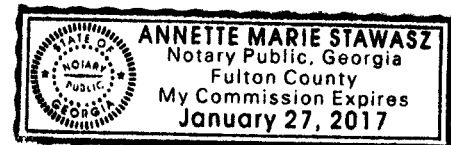
Phone #: 770-390-9378

Address: One Glenlake Pkwy, Suite 1275, Atlanta, GA 30328

E-Mail: r.carter@westplan.com

R. Carter (on behalf of Wilkins Walk Land, LP)

(Property owner's signature)



Signed, sealed and delivered in presence of:

Annette Marie Stawasz

My commission expires: 01/27/2017

Notary Public

Commission District: 4

Zoning Case: Z-18 (2006

Size of property in acres: 2-21-06 Original Date of Hearing: 2-21-06

Location: Southwest intersection of Concord and Hicks Road

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1000+1073 of the 19th  
29+30 of the 17th

District(s):

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

plan of the single family portion of the property to (1) delete the  
vehicular interparcel access to the townhome portion of the property,  
and replace with pedestrian access, (2) re-orient all lots to face  
interior to the subdivision, (3) delete the small open space in the  
community to allow for public roads with culdesacs.

(List or attach additional information if needed)

**C-3**  
**QUEST NUMBER**  
**QUEST**

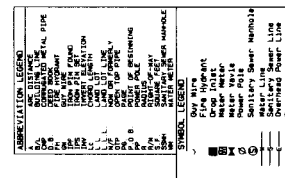
**WILKINS WALK**  
LOCATED IN  
AND LOTS 1000 & 1073, 18TH DISTRICT  
AND LOTS 29 & 30, 17TH DISTRICT  
2ND SECTION, COBB COUNTY, GEORGIA  
PREPARED FOR

WILKINS MILK GP. INC.  
A GEORGIA CORPORATION  
SUITE 1275  
3 GLENLAKE PARKWAY, N.E.  
ATLANTA, GA 30328  
(770) 390-8378  
CONTACT: HOWARD ZUCKERMAN



REVISION RECORD  
DATE PURPOSE

24 HR. CONTACT:  
HOWARD ZUCKERMAN  
678-517-3033

[illegible]

**OWNER/DEVELOPER:**  
WILKINS WALK LAND GP, INC., A GEORGIA CORPORATION  
1 GLENLAKE PARKWAY, N.E.  
ATLANTA, GA 30328  
770/390-0378

**ZONING NOTES:**

PRESENT ZONING: RA-5  
TOTAL LOT AREA: 10 ACRES  
TOTAL INSIDE FLOOR AREA: 0  
AREA OUTSIDE FLOOD PLAIN: 10.10 ACRES  
MINIMUM LOT AREA: 7000 SQ. FT.  
MINIMUM LOT WIDTH: 50 FT.  
MINIMUM LOT DEPTH: 50'  
MINIMUM LOT AREA: 10.10 ACRES  
MINIMUM LOT WIDTH: 50'  
MINIMUM LOT DEPTH: 50'  
MINIMUM FLOOR AREA: 2000 S.F.  
MINIMUM FLOOR AREA PER REQUIREMENT: 2000 S.F.  
FRONT SETBACK: 35 FT. (BETWEEN HOUSES)  
MAXIMUM BUILDING HEIGHT: 35 FT.

**GENERAL NOTES:**  
BOUNDARY INFORMATION PREPARED BY:  
CATERPILLAR SURVEYING AND DESIGN, INC.

SOIL DATA PROVIDED BY:  
DATE:  
STATION LOCATION PROVIDED BY:

TELEPHONE COMPANY

PREPARED FROM AERIAL PHOTOGRAPHS USING  
STEREO PHOTOGRAMMETRIC METHODS

**PRELIMINARY PLAT APPROVAL CERTIFICATE**

DEVELOPMENT AND INSPECTIONS DIVISION DATE

## YOU ARE QUIT

PLANNING DIVISION

UNIT

PRELIMINARY CERTIFICATION STATEMENT

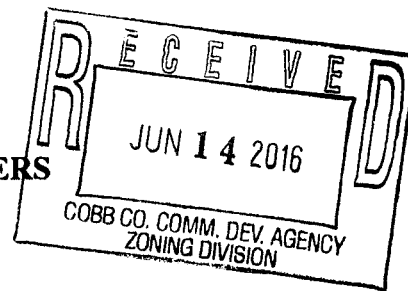
I HEREBY CERTIFY THAT THIS PROPOSED PRELIMINARY PLAT CORRECTLY REPRESENTS DATA COMPILED OR VERIFIED THROUGH A SURVEY COMPLETED BY ME ON \_\_\_\_\_, 19\_\_\_\_ OF PROPERTY SHOWN AND DESCRIBED HEREON

RECEIVED BY TELETYPE AND STORED ON \_\_\_\_\_ DATE \_\_\_\_\_

HOUSE FINISH FLOOR ELEVATIONS TO BE A MINIMUM OF 1 FOOT ABOVE THE TOP OF CATCH BASIN ELEVATION

**CALL BEFORE YOU DIG**  
1-800-282-7411  
"IT'S THE LAW"

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
FEBRUARY 21, 2006  
PAGE 9**



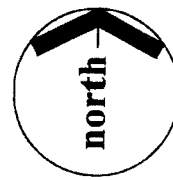
**Z-18**

**WEAVER & WOODBERY COMPANY** (Estate of Mary Frances Moss Englett, William Luther Englett as Administrator, Jeff D. Hughes a/k/a Jefferson Davis Hughes, Faye W. Barber, E. E. Beavers Family Partnership, LP, John A. Glore, Estate of Gladys Glore Walker, John A. Glore and Ronald J. Glore as Co-Executors, Estate of Don C. Wilkins, William Donald Wilkins as Executor, Estate of James Calvin Cox, Michael Enfinger as Administrator, Alan F. and Margaret Carol Ashe, Katheryn Wood Anderson, Simon Dube, Michael E. Enfinger, Alfred D. Thurston, Jr., Sara T. Stripe, Ruby Ballew, Estate of Theodore F. Kiger, Jackie Theodore Kiger, Timothy Franklin Kiger a/k/a Timothy F. Kiger and Donna Joan Kiger as Co-Executors and Jack T. Kiger, owners) requesting Rezoning from **R-20** and **NRC** to **RA-5** and **RM-8** for the purpose of Attached and Detached Residential Community in Land Lots 29 and 30 of the 17<sup>th</sup> District and Land Lots 1000 and 1073 of the 19<sup>th</sup> District. Located at the southwest intersection of Concord Road and Hicks Road and on the east side of Floyd Road, south of Concord Road.

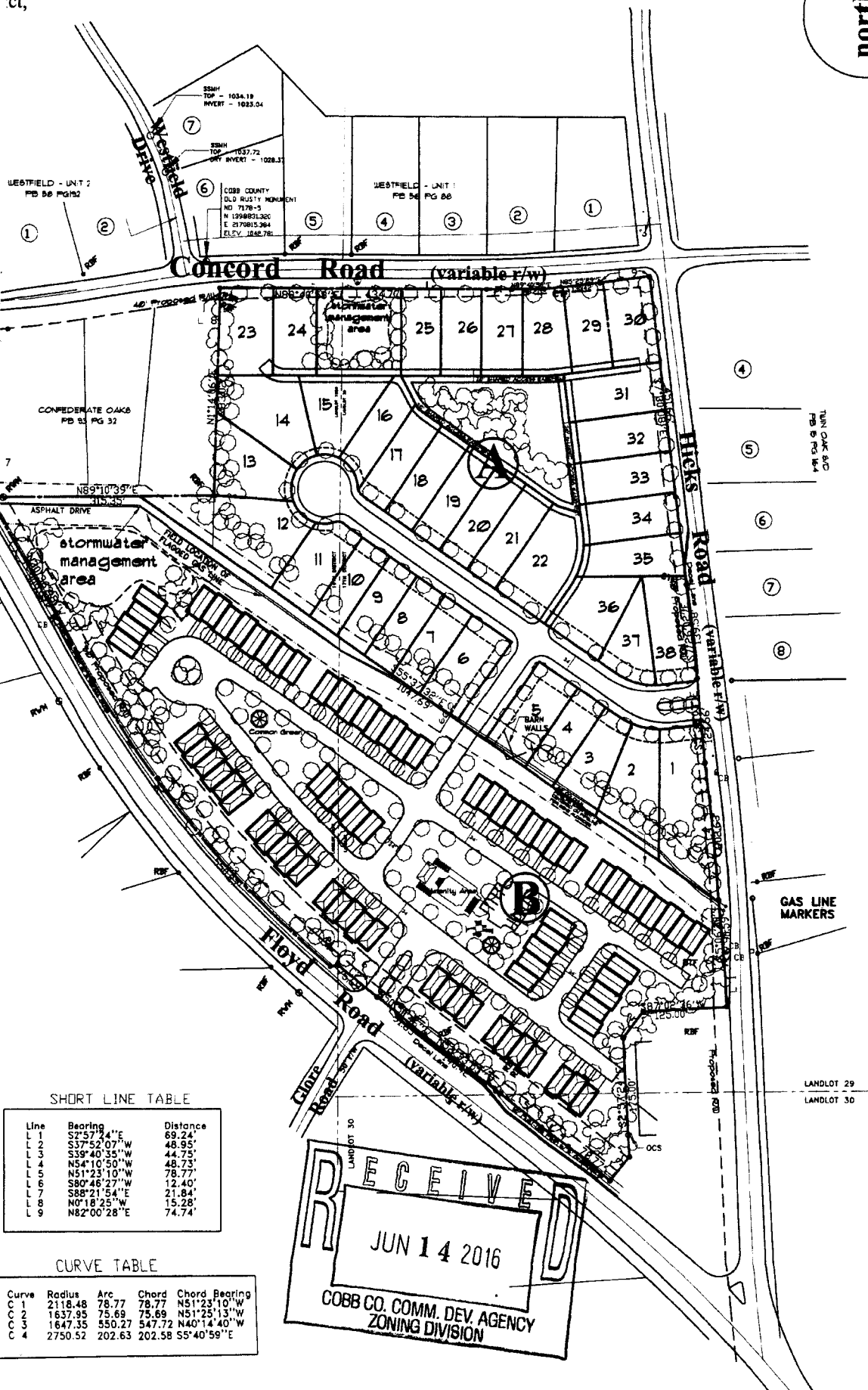
**MOTION:** Motion by Lee, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **RA-5 (detached)** and **RM-8** zoning districts **subject to:**

- letter of agreeable stipulations from Mr. John Moore dated February 1, 2006, *not otherwise in conflict* (copy attached and made a part of these minutes)
- installation of wrought iron fence with brick, stucco, or stacked stone columns along Floyd Road
- interior sidewalks to connect to five-foot wide sidewalk along Floyd Road
- removal of two **RM-8** buildings closest to Hicks Road, thereby reducing the total to 114 units

**VOTE:** **ADOPTED** unanimously



ct,



SHORT LINE TABLE

Line	Bearing	Distance
L 1	S2°57'24"E	69.24'
L 2	S37°52'07"W	48.95'
L 3	S39°40'35"W	44.75'
L 4	N54°10'50"W	48.73'
L 5	N51°23'10"W	78.77'
L 6	S80°46'27"W	12.40'
L 7	S88°21'54"E	21.84'
L 8	N0°18'25"W	15.28'
L 9	N82°00'28"E	74.74'

CURVE TABLE

Curve	Radius	Arc	Chord	Chord Bearing
C 1	2118.48	78.77	78.77	N51°23'10"W
C 2	1637.95	75.69	75.69	N51°25'13"W
C 3	1647.35	550.27	547.72	N40°14'40"W
C 4	2750.52	202.63	202.58	S5°40'59"E

**RECEIVED**  
JUN 14 2016  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON<sup>1</sup>  
ROBERT D. INGRAM<sup>1</sup>  
J. BRIAN O'NEIL  
G. PHILLIP BEGGS  
ELOON L. BASHAM  
MATTHEW J. HOWARD  
JERE C. SMITH  
CLAYTON O. CARMACK  
KEVIN S. CARLOCK<sup>1</sup>  
ALEXANDER T. GALLOWAY III<sup>1</sup>  
J. KEVIN MOORE  
RODNEY R. MCCOLLOCH  
SUSAN B. STUART  
DANIEL A. LANDIS<sup>\*\*\*</sup>  
BRIAN D. SMITH

HARRY R. TEAR III  
W. TROY HART<sup>1</sup>  
JEFFREY A. DAXE  
MELISSA W. GILBERT  
TIMOTHY W. BAILEY  
JOYCE W. HARPER  
AMY K. WEBER  
COURTNEY H. MOORE  
KIM A. ROPER  
TARA C. RIDDLE  
JOSHUA M. BOOTH<sup>1</sup>  
KELLI L. WOLK  
C. LEE DAVIS<sup>1</sup>  
TANYA L. CROSSE<sup>1</sup>  
ROBERT W. BROWN II  
VICTOR P. VALMUS  
JEFFERY L. DICKERSON

## BILLING ADDRESS

P.O. BOX 3305  
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499  
TELECOPIER (770) 429-8631

## TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK  
SUITE 463  
408 N. CEDAR BLUFF ROAD  
KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039  
TELECOPIER (865) 692-9071

T. SHANE MAYES  
ANGELA H. SMITH  
OPHELIA W. CHAN  
DARRELL L. SUTTON  
KASI R. WHITAKER  
AUTUMN L. VEAZEY  
NICHOLAS J. PETERSON<sup>1</sup>  
JEFFREY K. STINSON  
ELIZABETH ANN GUERRANT  
JAMES D. WALKER III  
CHRISTOPHER D. GUNNELS<sup>1</sup>  
CHRISTOPHER L. MOORE  
JENNIFER S. WHITE<sup>1</sup>  
KIMBRIE L. KELLY<sup>1</sup>  
RYAN G. PRESCOTT  
RICARDO J. DAMEDEIROS  
BRETT A. MILLER

KAREN S. KURTZ  
CHRISTOPHER C. MINGLEDORF  
MORGAN E. FOSTER  
KATHERINE G. CRONE  
RICHARD V. MERRITT

OF COUNSEL:  
JOHN L. SKELTON, JR.

<sup>1</sup> ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\* ALSO ADMITTED IN OH  
\*\*\* ALSO ADMITTED IN NC  
• ADMITTED ONLY IN TN

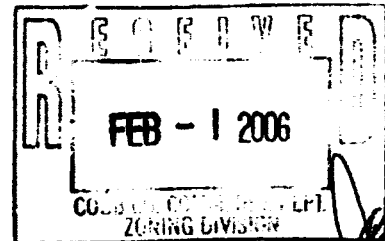
WRITER'S DIRECT  
MAIL NUMBER

February 1, 2006

Min. Bk. 39 Petition No. Z-18  
Doc. Type Letter of Agreeable  
Stipulations  
Meeting Date 2/21/06

Hand Delivered

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661



RE: Application for Rezoning

Application No.: Z-18 (2006)

Applicant: Weaver & Woodbery Company

Property Owners: William L. Englett; the Estate  
of Mary Moss Englett; Jeff D.  
Hughes; E. E. Beavers Family  
Partnership, L.P.; et al.

Property: 19.798 acres located on the  
northeasterly side of Floyd  
Road, just north of the inter-  
section of Floyd Road and Hicks  
Road, Land Lots 29 and 30,  
17<sup>th</sup> District, and Land Lots  
1000 and 1073, 19<sup>th</sup> District,  
2<sup>nd</sup> Section, Cobb County,  
Georgia

Dear John:

As you know, this firm represents Weaver & Woodbery Company, the Applicant (hereinafter referred to as "Applicant"), and the Property Owners enumerated in the Application for Rezoning (hereinafter collectively referred to as "Owners"), in their Application for Rezoning regarding a total tract of 19.798 acres located on the northeasterly side of Floyd Road, just north of

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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the intersection of Floyd Road and Hicks Road, Land Lots 29 and 30, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, reviewing the staff comments and recommendations, meetings with area residents and homeowners associations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this 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. The referenced stipulations are as follows:

- (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.
- (2) Rezoning of the Subject Property shall be from the R-20 and Neighborhood Retail Commercial ("NRC") zoning categories to the proposed RA-5 and RM-8 zoning classifications, with reference to that certain Site Plan prepared for Weaver & Woodbery Company by DGM Land Planning Consultants, Inc. dated December 1, 2005, last revised January 31, 2006.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Site Plan hereinabove set forth, same being prepared for Weaver & Woodbery Company by DGM Land Planning Consultants, Inc. dated December 1, 2005, last revised January 31, 2006.
- (4) The Subject Property consists of 19.798 acres of total site area and shall be developed for a residential community comprised of single-family, detached residences and an attached townhomes.

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**STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT**

- (1) The total site area for the proposed project is 19.798 acres with a total number of units for the entire project of one hundred sixteen (116). This results in an overall residential density of 5.86 units per acre.
- (2) The entrance signage to the proposed community shall be located at the entrances shown and reflected on the referenced Site Plan. The signage shall be ground-based, monument style and the entrance area shall be professionally designed, landscaped, and maintained.
- (3) All utilities servicing the residences within the proposed community shall be underground.
- (4) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences contained therein.
- (5) All streets within the proposed RM-8 community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code. The cul-de-sac street off Hicks Road within the RA-5 community shall be a public right-of-way.
- (6) Applicant agrees to the creation of a mandatory master homeowners association consistent with up-scale communities within the area. The mandatory master homeowners association shall be responsible for the upkeep and maintenance of all common areas, entrance areas, private streets, landscaped areas, and landscaping within the stormwater management areas contained within the overall single-family community.



**MOORE INGRAM JOHNSON & STEELE**

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- (7) Additionally, and in conjunction with the creation of the mandatory master homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the overall single-family residential community.
- (8) Minor modifications to the referenced Site Plan, including, but not limited to, the layout of lots and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (9) The stormwater management areas shall be as shown and reflected on the referenced Site Plan.
- (10) The stormwater management areas shall be fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County arborist during the plan review process.
- (11) There shall be a landscaped area located along the frontage of Floyd Road.
- (12) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (13) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (14) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

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- (15) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (16) Applicant agrees to the following system improvements to mitigate traffic concerns:
- (a) Construction of deceleration lanes at each access point together with a left-turn lane on Hicks Road;
  - (b) Donation of right-of-way forty (40) feet from the existing roadway centerline along the westerly side of Hicks Road;
  - (c) Donation of right-of-way forty (40) feet from the existing roadway centerline along the southerly side of Concord Road;
  - (d) Donation of right-of-way fifty (50) feet from the existing roadway centerline along the northeasterly side of Floyd Road; and
  - (e) Alignment of the entrance to the proposed community located on Floyd Road across from the intersection of Glore Road.

**STIPULATIONS APPLICABLE TO THE PROPOSED RA-5 COMMUNITY**

- (1) The proposed single-family community shall consist of approximately 9.98 acres and shall be developed for a maximum of thirty-eight (38) single-family, detached homes, resulting in a density of 3.81 units per acre.

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- (2) Residences to be constructed within the proposed single-family community shall have a minimum of 2,200 square feet, ranging upwards to 3,000 square feet.
- (3) The proposed residences shall be traditional or Craftsman in style and architecture and shall have two car garages.
- (4) Additionally, the fronts of the proposed residences shall be brick, stone, stacked stone, cedar shake-type shingles, or combinations thereof.
- (5) The minimum lot size of lots within the proposed single-family community shall be 7,000 square feet.
- (6) The setbacks for the proposed single-family community shall be as follows:
  - (a) Front setback - Twenty (20) feet (or as shown and reflected on the referenced Site Plan);
  - (b) Rear setback - Twenty-five (25) feet (or as shown and reflected on the referenced Site Plan); and
  - (c) Side setback - Five (5) feet.
- (7) All front yards of the residences to be constructed within the proposed single-family community shall be sodded.
- (8) There shall be a no access easement for all lots located adjacent to Concord Road and Hicks Road. However, access to the proposed units facing Concord Road and Hicks Road shall be by means of a shared alley-way.

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**STIPULATIONS APPLICABLE TO THE PROPOSED RM-8 COMMUNITY**

- (1) The proposed townhome community shall consist of approximately 9.818 acres and shall be developed for a maximum of seventy-eight (78) single-family, attached townhomes, resulting in a density of 7.94 units per acre.
- (2) The proposed townhome community shall be developed under and pursuant to the Cobb County Condominium Ordinance, and not the Georgia Condominium Act.
- (3) Residences to be constructed within the proposed townhome community shall have a minimum of 1,800 square feet, ranging upwards to 2,200 square feet, or greater, of heated living space.
- (4) The proposed townhome residences shall be traditional in style and architecture, shall be a maximum of three-stories in height, and shall have two-car garages, as more particularly shown and reflected on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.
- (5) The front facades of the proposed townhome residences shall consist of brick, stone, stacked stone, cedar shake-type, or combinations thereof.
- (6) Additionally, the front exterior shall be staggered in order to present a more aesthetically pleasing streetscape.
- (7) The proposed townhome community shall be a condominium development as that term is used and defined under the Cobb County Zoning Ordinance and complying in all respects with the Cobb County Zoning Ordinance.

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- (8) All units within the proposed townhome community shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (9) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential condominium community.
- (10) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance ways, all common areas, private streets, and stormwater management area contained within the proposed townhome community.
- (11) Amenities within the proposed townhome community shall consist of a pool, cabana, and playground area and common green space areas, as more particularly shown and reflected on the referenced Site Plan.
- (12) There shall be a minimum of thirty (30) feet between buildings within the proposed townhome community.
- (13) All yard areas surrounding the proposed residences shall be sodded and professionally maintained as more particularly set forth in the Declaration of Covenants and Restrictions.

We believe the requested zoning, together with the revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area surrounding the proposed development. The proposed residential communities shall be quality developments, shall be compatible with surrounding

**MOORE INGRAM JOHNSON & STEELE**

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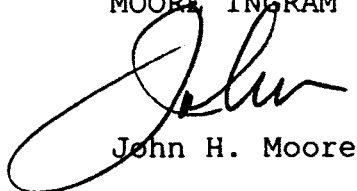
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neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:  
Samuel S. Olens, Chairman  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
Tim Lee  
(With Copy of Enclosure)

Cobb County Planning Commission:  
Murray Homan, Chairman  
Judy Williams  
Bob Hovey  
Christi S. Trombetti  
Bob Ott  
(With Copy of Enclosure)

Mr. James Cavedo  
Mableton Improvement Coalition  
(With Copy of Enclosure)

Ms. Clarice Barber Page  
Southwest Austell Neighbors  
(With Copy of Enclosure)

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson

Planner III

Zoning Division

Cobb County Community Development Agency

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Continued

c: Ms. Robin Meyer  
Jerry A. Landers, Jr., Esq.  
Area Residents  
(With Copy of Enclosure)

Weaver & Woodbery Company  
(With Copy of Enclosure)