

**JULY 19, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM 038

PURPOSE

To consider a stipulation amendment and site plan amendment for The Providence Group of Georgia Custom Homes, LLC regarding rezoning application Z-24 of 2013 (Cotter Properties & Development, LLC), for property located on the west side of Spring Hill Parkway, north of Spring Hill Road, in Land Lots 772, 813 and 814 of the 17th District.

BACKGROUND

The subject property was rezoned to RA-5 for residential subdivision in 2013. One of the zoning stipulations required an extra five feet of landscape buffer behind lots 9-12, which left a 30-foot landscaped buffer. The applicant has finished engineering and grading the project and finds that due to the very steep topography, the extra five feet is needed in order to place houses on these lots that are consistent with other houses in the subdivision. In some cases, the lots in questions were graded down twenty-feet just to make them level to other lots on the interior street. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

RECOMMENDATION

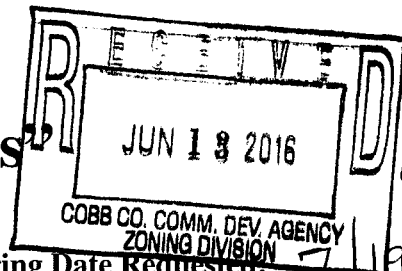
The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business application and zoning stipulations.

Application for "Other Business" Cobb County, Georgia

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



OB-038-2016

BOC Hearing Date Requested: 7/19/16

Applicant: The Providence Group of Georgia Custom Homes, LLC **Phone #:** 770-475-1800
(applicant's name printed)

Address: 11340 Lakefield Drive, Ste. 250, Johns Creek, GA 30097 **E-Mail:** msmith@theprovidencegroup.com

Mike Smith **Address:** 11340 Lakefield Drive, Ste. 250, Johns Creek, GA 30097
(representative's name, printed)

[Signature] **Phone #:** 770-318-6454 **E-Mail:** msmith@theprovidencegroup.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] **My commission expires:** _____
Notary Public

Susan S Kelley
NOTARY PUBLIC
Forsyth County, GEORGIA
My Commission Expires October 20, 2017

Titleholder(s) : The Providence Group of Georgia Custom Homes, LLC **Phone #:** 404-597-5156
(property owner's name printed)

Address: 11340 Lakefield Drive, Ste. 250, Johns Creek, GA 30097 **E-Mail:** wjolly@theprovidencegroup.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] **My commission expires:** _____
Notary Public

Susan S Kelley
NOTARY PUBLIC
Forsyth County, GEORGIA
My Commission Expires October 20, 2017

Commission District: District Two, Bob Ott **Zoning Case:** Z-24

Size of property in acres: 13.39 **Original Date of Hearing:** June 18, 2013

Location: 3382, 3386, and 3390 Bryerstone Circle, Smyrna, GA 30080
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 813, 814 **District(s):** 17th

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

Exhibit "A"

(List or attach additional information if needed)

OB-038-2016

Exhibit "A"

**Cobb County
Application for "Other Business"
for**

**The Providence Group of Georgia Custom Homes, LLC
Located at 3382, 3386, 3390 Bryerstone Circle, Smyrna, Georgia**

Other Business Need

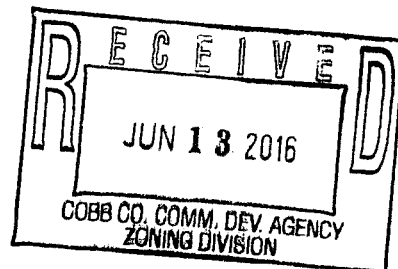
During the zoning process it was agreed upon to add an additional five (5) feet to the standard twenty-five foot (25) planting buffer along the rear property line of lots 9, 10, 11, and 12.

This particular piece of property has more than significant engineering challenges due to its topography.

There was no way to know during the zoning process until the site was fully engineered and permitted through the county what all the final grade challenges were. This particular portion of the property ended up with some of the deepest grading cuts on the whole property and even required a whole different house design consisting of a buried first floor to make up a portion of the grade change along with a retaining wall needed to complete the site.

Because of these topographic issues every foot from the rear of the home to the landscape buffer is critical in constructing a home that would be consistent with the rest of the neighborhood.

The elimination of the additional five feet of buffer does not negatively impact the adjacent property owners, in fact the retaining wall will be installed to insure the new plantings would be on grade with adjacent property owners rear yards and actually provide better screening than no wall with the planted buffer sloping away from the existing property line.



ORIGINAL DATE OF APPLICATION: 06-18-13APPLICANTS NAME: COTTER PROPERTIES & DEVELOPMENT, LLC

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

BOC DECISION OF 06-18-13 ZONING HEARING:

COTTER PROPERTIES & DEVELOPMENT, LLC (Charles A. Jones Estate, Augusta P. Jones, Norma M. and AA Gentry c/o Aubry Gentry and Rawn Lee Shaw, owners) requesting Rezoning from **R-30** to **RA-5** for the purpose of a Residential Subdivision in Land Lots 772, 813 and 814 of the 17th District. Located on the west side of Spring Hill Parkway, north of Spring Hill Road; and the eastern terminus of Vista Way (3303 and 3313 Cumberland Drive, 3400, 3410, 3420, 3440 and 3450 Spring Hill Parkway).

The public hearing was opened and Mr. Garvis L. Sams, Jr., addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Cupid, to **approve** Rezoning to the **RA-5** zoning district **subject to:**

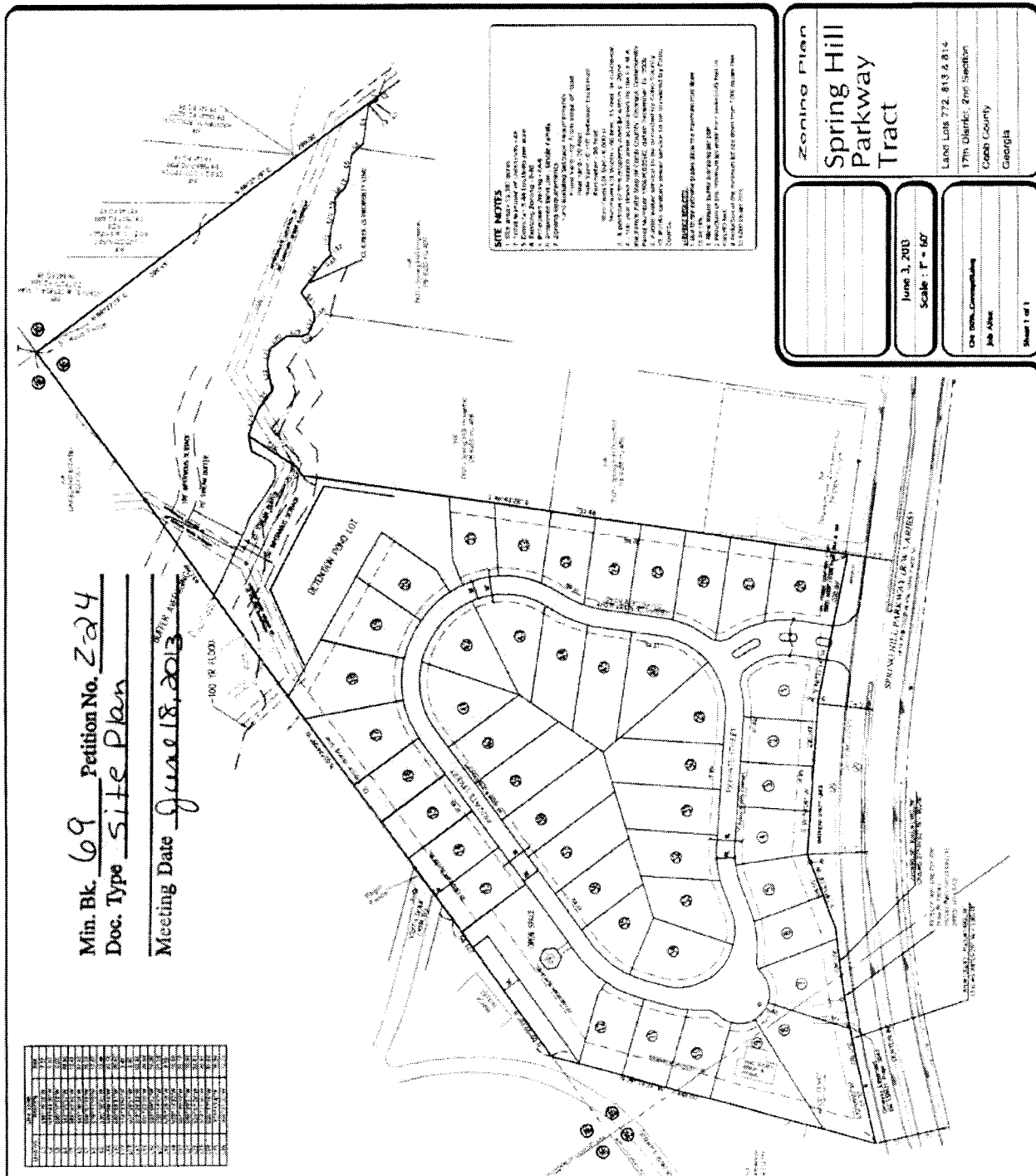
- **Site plan dated June 3, 2013 defined as Exhibit A (attached and made a part of these minutes), as modified in the sketch provided by Mr. Garvis L. Sams, Jr. (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Mr. Parks Huff dated June 14, 2013, including exhibits (attached and made a part of these minutes) *with the following change:***
 - **Item No. 9 – add to end: “Streets to meet Cobb DOT standards.”**
- **Interior private streets must have curb and gutter and a compliant sidewalk on one side**
- **Allowance for Georgia native plant rescue prior to issuance of Land Disturbance Permit**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendation**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

Min. Blk. 69 Petition No. 224
 Doc. Type site plan
 Meeting Date June 18, 2013

NO.	DESCRIPTION	DATE	BY
1	PRELIMINARY	12/15/12	J. J. BROWN
2	REVISION	1/22/13	J. J. BROWN
3	REVISION	2/15/13	J. J. BROWN
4	REVISION	3/15/13	J. J. BROWN
5	REVISION	4/15/13	J. J. BROWN
6	REVISION	5/15/13	J. J. BROWN
7	REVISION	6/15/13	J. J. BROWN
8	REVISION	7/15/13	J. J. BROWN
9	REVISION	8/15/13	J. J. BROWN
10	REVISION	9/15/13	J. J. BROWN
11	REVISION	10/15/13	J. J. BROWN
12	REVISION	11/15/13	J. J. BROWN
13	REVISION	12/15/13	J. J. BROWN
14	REVISION	1/15/14	J. J. BROWN
15	REVISION	2/15/14	J. J. BROWN
16	REVISION	3/15/14	J. J. BROWN
17	REVISION	4/15/14	J. J. BROWN
18	REVISION	5/15/14	J. J. BROWN
19	REVISION	6/15/14	J. J. BROWN
20	REVISION	7/15/14	J. J. BROWN
21	REVISION	8/15/14	J. J. BROWN
22	REVISION	9/15/14	J. J. BROWN
23	REVISION	10/15/14	J. J. BROWN
24	REVISION	11/15/14	J. J. BROWN
25	REVISION	12/15/14	J. J. BROWN
26	REVISION	1/15/15	J. J. BROWN
27	REVISION	2/15/15	J. J. BROWN
28	REVISION	3/15/15	J. J. BROWN
29	REVISION	4/15/15	J. J. BROWN
30	REVISION	5/15/15	J. J. BROWN
31	REVISION	6/15/15	J. J. BROWN
32	REVISION	7/15/15	J. J. BROWN
33	REVISION	8/15/15	J. J. BROWN
34	REVISION	9/15/15	J. J. BROWN
35	REVISION	10/15/15	J. J. BROWN
36	REVISION	11/15/15	J. J. BROWN
37	REVISION	12/15/15	J. J. BROWN
38	REVISION	1/15/16	J. J. BROWN
39	REVISION	2/15/16	J. J. BROWN
40	REVISION	3/15/16	J. J. BROWN
41	REVISION	4/15/16	J. J. BROWN
42	REVISION	5/15/16	J. J. BROWN
43	REVISION	6/15/16	J. J. BROWN
44	REVISION	7/15/16	J. J. BROWN
45	REVISION	8/15/16	J. J. BROWN
46	REVISION	9/15/16	J. J. BROWN
47	REVISION	10/15/16	J. J. BROWN
48	REVISION	11/15/16	J. J. BROWN
49	REVISION	12/15/16	J. J. BROWN
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52	REVISION	3/15/17	J. J. BROWN
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60	REVISION	11/15/17	J. J. BROWN
61	REVISION	12/15/17	J. J. BROWN
62	REVISION	1/15/18	J. J. BROWN
63	REVISION	2/15/18	J. J. BROWN
64	REVISION	3/15/18	J. J. BROWN
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94	REVISION	9/15/20	J. J. BROWN
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96	REVISION	11/15/20	J. J. BROWN
97	REVISION	12/15/20	J. J. BROWN
98	REVISION	1/15/21	J. J. BROWN
99	REVISION	2/15/21	J. J. BROWN
100	REVISION	3/15/21	J. J. BROWN

SYMBOL	DESCRIPTION
(Symbol)	PROPOSED LOT
(Symbol)	EXISTING LOT
(Symbol)	PROPOSED DRIVEWAY
(Symbol)	EXISTING DRIVEWAY
(Symbol)	PROPOSED SIDEWALK
(Symbol)	EXISTING SIDEWALK
(Symbol)	PROPOSED CURB
(Symbol)	EXISTING CURB
(Symbol)	PROPOSED STREET LIGHT
(Symbol)	EXISTING STREET LIGHT
(Symbol)	PROPOSED UTILITY POLE
(Symbol)	EXISTING UTILITY POLE
(Symbol)	PROPOSED UTILITY LINE
(Symbol)	EXISTING UTILITY LINE
(Symbol)	PROPOSED FENCE
(Symbol)	EXISTING FENCE
(Symbol)	PROPOSED SIGN
(Symbol)	EXISTING SIGN
(Symbol)	PROPOSED BIKEWAY
(Symbol)	EXISTING BIKEWAY
(Symbol)	PROPOSED TRAIL
(Symbol)	EXISTING TRAIL
(Symbol)	PROPOSED PLAYGROUND
(Symbol)	EXISTING PLAYGROUND
(Symbol)	PROPOSED PARKING SPACE
(Symbol)	EXISTING PARKING SPACE
(Symbol)	PROPOSED TREE
(Symbol)	EXISTING TREE
(Symbol)	PROPOSED SHED
(Symbol)	EXISTING SHED
(Symbol)	PROPOSED GARAGE
(Symbol)	EXISTING GARAGE
(Symbol)	PROPOSED PORCH
(Symbol)	EXISTING PORCH
(Symbol)	PROPOSED DECK
(Symbol)	EXISTING DECK
(Symbol)	PROPOSED PATIO
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(Symbol)	PROPOSED WALKWAY
(Symbol)	EXISTING WALKWAY
(Symbol)	PROPOSED DRIVE
(Symbol)	EXISTING DRIVE
(Symbol)	PROPOSED ALLEY
(Symbol)	EXISTING ALLEY
(Symbol)	PROPOSED EASEMENT
(Symbol)	EXISTING EASEMENT
(Symbol)	PROPOSED ENCROACHMENT
(Symbol)	EXISTING ENCROACHMENT
(Symbol)	PROPOSED CONCRETE
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(Symbol)	EXISTING DIRT
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SITE NOTES

1. ALL LOT AREAS SHALL BE MAINTAINED AS OPEN SPACE.
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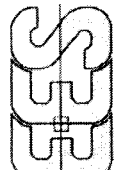
ZONING PLAN
Spring Hill Parkway Tract

LANE LOTS 772, 813, 814
 17th District, 2nd Subarea
 Cobb County
 Georgia

DATE: 06/18/2013
 SCALE: 1" = 60'

DESIGNER: J. J. BROWN
 PROJECT NO.: 224

Sheet 1 of 1



JES ENGINEERS ARCHITECTS
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404.525.1234
 www.jes-engineers.com

OWNER / DEVELOPER
 J. J. BROWN

DESIGNER
 J. J. BROWN

DATE
 06/18/2013

PROJECT NO.
 224

SCALE
 1" = 60'

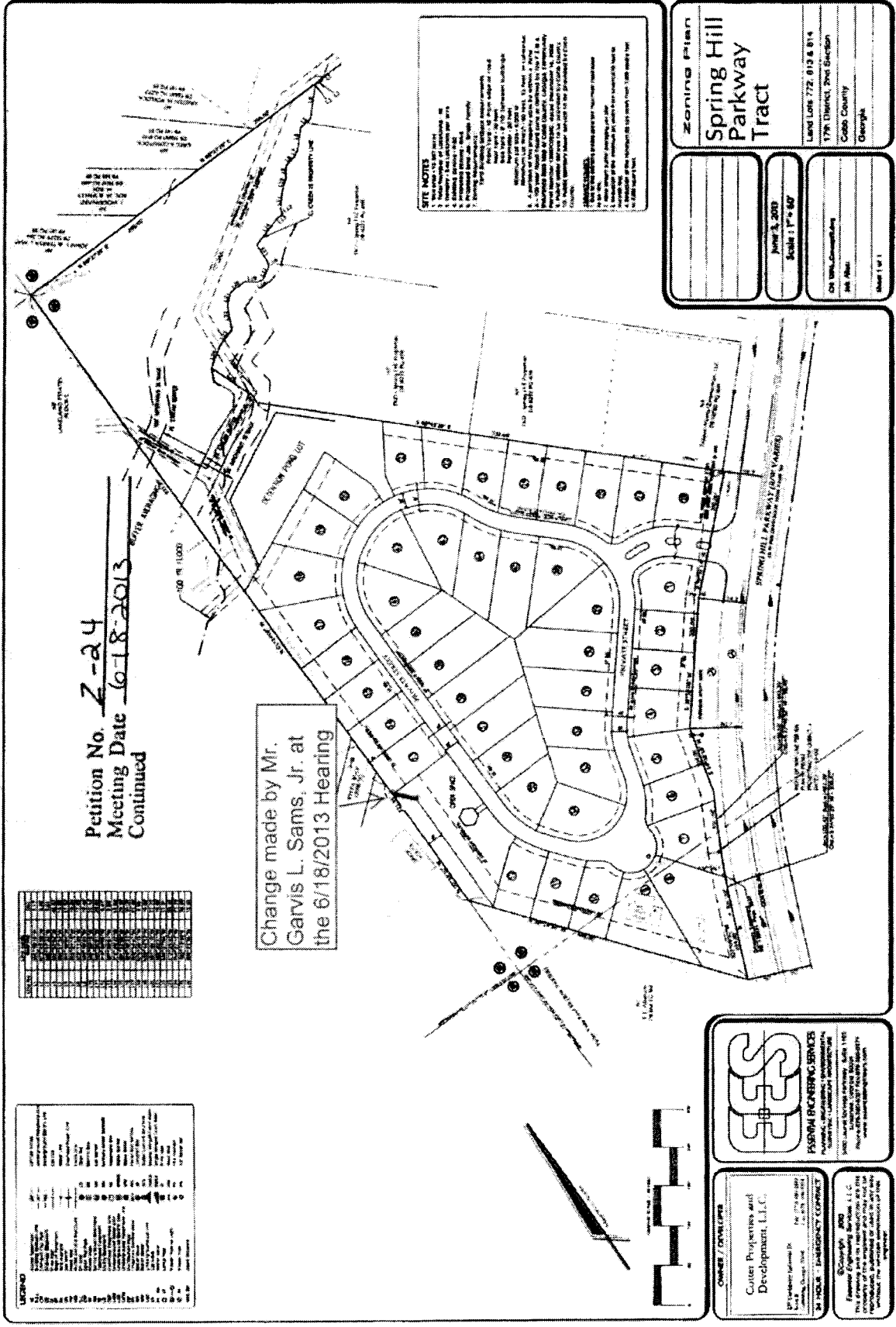
PROJECT
 Spring Hill Parkway Tract

PROJECT LOCATION
 Lane Lots 772, 813, 814
 17th District, 2nd Subarea
 Cobb County, Georgia

PROJECT DESCRIPTION
 Site Plan

PROJECT STATUS
 Final

PROJECT CONTACT
 J. J. BROWN
 Phone: 404.525.1234
 Email: jjbrown@jes-engineers.com



Petition No. **Z-24**
 Meeting Date **6-18-2013**
 Continued

Change made by Mr.
 Garvis L. Sams, Jr. at
 the 6/18/2013 Hearing

SITE NOTES

1. North-south of lot numbers as shown on this plan.
2. All lots are to be shown on this plan.
3. All lots are to be shown on this plan.
4. All lots are to be shown on this plan.
5. All lots are to be shown on this plan.
6. All lots are to be shown on this plan.
7. All lots are to be shown on this plan.
8. All lots are to be shown on this plan.
9. All lots are to be shown on this plan.
10. All lots are to be shown on this plan.

Zoning Plan
Spring Hill Parkway Tract

Land Lots: 772, 813 & 814
 17th District, 3rd Section
 Cobb County
 Georgia

Date: June 1, 2013
 Scale: 1" = 60'

By: [Signature]
 Title: [Title]

NO.	DESCRIPTION	DATE
1
2
3
4
5
6
7
8
9
10

NO.	DESCRIPTION	DATE
1
2
3
4
5
6
7
8
9
10

ESS
 ESSENA ENGINEERING SERVICES
 1000 Peachtree Street, N.W.
 Atlanta, Georgia 30309
 Phone: 404.525.1100
 Fax: 404.525.1101
 www.essna.com

CHANGES DEVELOPER
 Carter Properties and Development, LLC
 1000 Peachtree Street, N.W.
 Atlanta, Georgia 30309
 Phone: 404.525.1100
 Fax: 404.525.1101
 www.carterproperties.com

DESIGN AND ENGINEERING COMPANY
 [Signature]
 Title

SAMS, LARKIN & HUFF
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

JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

June 14, 2013

VIA EMAIL
AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Ste. 400
Marietta, GA 30064

Re: Application of Cotter Properties & Development, LLC to Rezone a 13.3± Acre Tract from R-30 to RA-5; Land Lots 813 & 814, 17th District, 2nd Section, Cobb County, Georgia (Z-24).

Dear John:

I represent Cotter Properties & Development, LLC in relation to the above-described zoning application. The application is scheduled to be heard by the Planning Commission on June 4, 2013 and thereafter by the Board of Commissioners on June 18, 2013. The applicant has engaged the surrounding community and adjacent property owners to revise the proposal to address specific concerns. Following is a list of stipulations that are a result of this dialogue. The applicant requests that the zoning be approved subject to the following stipulations. These stipulations supersede a previous letter dated May 30, 2013.

- 1) The zoning will be RA-5 for a 46 lot single-family detached subdivision as depicted in the revised site plan which yields a density of approximately 3.5 units per acre. The revised site plan is attached as Exhibit "A". The zoning is site plan specific.
- 2) The applicant will create open space between lots 12 and 13 to create a buffer for the neighborhood and specifically the property owner located at the intersection of Valley Vista Drive and Vista Way. The rear 25 feet of this open space will be deeded to the adjacent property owner subject to easement for utilities after the final platting of the subdivision. Upon transfer of this property, that portion of greenspace will delete to R-30 zoning to match the zoning of the lot it will be added to.
- 3) The single family homes will be architecturally similar to the attached photographs (Exhibit "B"). The homes will include a mixture of materials from brick, stone, shake

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

June 14, 2013

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shingles, standing seam awnings and other architectural details as shown in the photographs. There shall be architectural elements on three sides and the rear architecture of homes that are visible from adjacent roadways will not be 100% board siding.

- 4) The homes will be a minimum of 2500 square feet of climate controlled space and have at a minimum a two car garage. The homes may range up to 4500 square feet with finished basements. All garages will be used for vehicle parking only.
- 5) The applicant will agree to a comprehensive landscaping and buffer plan that will include the following:
 - a. Lots 9, 10, 11 and 12 will have a 30 foot landscaped buffer that will be designed with input from the county arborist with an emphasis on providing an opaque visual barrier. All plantings must be selected from a list provided by the County Arborist.
 - b. The open space will have a 25 foot landscaped buffer planted adjacent to the 25 foot wide portion of the property that will be transferred to the adjacent property owner after the final plat is recorded.
 - c. The remaining lots on the western boundary of the subject property will have a 25 foot wide landscaped buffer that will be designed with input from the county arborist with an emphasis to create an opaque visual barrier at maturity. All landscaped and buffered areas may be penetrated for the purpose of utilities and stormwater control.
 - d. There shall be a stained 6 foot high shadow box fence along the southern and western boundary line similar to the picture attached as Exhibit "C."
 - e. To ensure the integrity and the maintenance of the fence and the buffer, the applicant will create covenants that will be managed by a homeowners association that will be responsible for the maintenance of the fence and the 25 to 30 foot landscaping buffer. The plat will specifically recognize the buffer and require that the plantings not be removed by the lot owners and that if plants and trees die

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

June 14, 2013

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they must be replaced with similar species. The deeds shall also contain a notice to the purchaser that the buffer is to be maintained and replaced if damaged.

- f. The detention pond will be surrounded by a fence and will have landscaping to minimize the visibility of the detention area from view of property owners outside of the development.
 - g. The landscaping and fencing will be in place by April 2014.
- 6) The applicant agrees that the RA-5 zoning will revert to R-30 if an LDP is not obtained within 18 months without further action by Cobb County or the property owners.
 - 7) Contemporaneously with this zoning, the minimum lot size is 6,000 square feet.
 - 8) The applicant will comply with Stormwater Management Division comments. Specifically, the applicant will provide for stormwater management behind the homes at the bottom of the slope to channel the water to the detention pond and to limit bypass drainage.
 - 9) The development will have private streets. The applicant will comply with the DOT recommendations regarding the entrance on Spring Hill Parkway.
 - 10) During construction, the stub street known as Vista Way will only be used to move heavy equipment onto the property for the completion of the detention pond and the installation of erosion control measures. It will not be used as the primary access for workers, materials and equipment. No vehicles or construction equipment will be parked along Vista Way, Valley Vista Drive or Spring Hill Parkway. The main construction entrance will be off of Spring Hill Parkway.
 - 11) Street lights will be environmentally sensitive down cast lighting to minimize light pollution leaving the site. All electrical utilities will be underground.
 - 12) There shall be a mandatory homeowners association that will include architectural controls and maintenance of common property including the fencing and buffer landscaping. The HOA will also be responsible for maintenance of private streets and water, sewer, and stormwater systems.

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- 13) The house that currently exists on the property may be used as a construction office, but if it is not so used, it will be boarded up within 30 days of the closing of the property and demolished within 60 days of the closing date. If a tenant is still in the house at closing the dates will be 30 and 60 days from the date the tenant moves out.
- 14) In order to address the Fire Department comments, the applicant will do the following:
 - a) Each home will have at a minimum a two car garage. There will be a restrictive covenant that prohibits conversion of the garage space to living area or to another use and it will require that the garage space remain clear for vehicle parking at all times.
 - b) Each driveway will have a minimum area of seventeen (17) feet wide by twenty (20) feet in depth to allow for the parking of two additional vehicles in the driveway.
 - c) There shall be no on street parking allowed. The covenants will restrict on-street parking and the streets shall all be marked as fire lanes in accordance with Cobb County Code Section 118-231(c) and the plat will also reflect the fire lanes.
 - d) Each purchaser will be required to sign a statement as follows: "As a property owner, I recognize that my home and my neighbor's homes must be accessible by the fire department at all times. Therefore, parking along the street is prohibited. All streets are fire lanes and will be enforced as fire lanes. In order to provide adequate guest parking each home will be required to keep both garage spaces open and available for vehicle parking and keep open two additional spaces in the driveway for vehicle parking so each home will have parking available for four vehicles." Each successive homeowner will also be required to sign this statement.
 - e) These conditions relating to fire access will be a zoning condition enforceable by the county as a zoning condition and by the Fire Department as a fire lane. Additionally, the conditions will be contained within the covenants of the development and enforceable by the homeowner's association.
- 15) The District Commissioner can make minor modifications to these conditions if the modification does not change the purpose of the condition.

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The above-described conditions are intended to address concerns regarding buffers, drainage and development intensity. The single-family detached proposal acts as a transition from the intense development located across Spring Hill Parkway from the subject property. Please contact me if you have any questions regarding the proposed conditions.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
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PFH/dvm
Enclosures

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. Jason Campbell, Planner III (via email)
Mr. David Breden, P.E., Cobb County Stormwater Management (via email)
Ms. Jane Stricklin, PE, Cobb County DOT (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
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