

**SEPTEMBER 20, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-051

PURPOSE

To consider a site plan and stipulation amendment for The Bluffs at Jamerson, LLC. regarding rezoning application Z-35 of 2014 (O’Dwyer Properties, LLC), for property located on the northeast side of Jamerson Road, west of Wigley Road in Land Lots 48 and 97 of the 16th District.

BACKGROUND

The subject property was rezoned site plan specific in 2014 for a 26 lot subdivision. Since the rezoning hearing, certain aspects about the sale of the property have changed. Specifically, one of the sellers is not going through with the sale of part of the property, which will reduce the area to be developed by approximately 9,000 square feet. This area is on the rear of lots 18 and 19. It should be noted that these two lots still meet the minimum zoning criteria for the subdivision. If approved, all previous zoning stipulations would remain in effect.

STAFF COMMENTS

Stormwater Management: All previous Stormwater Management Comments to 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 stipulations.

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 9/29/2016

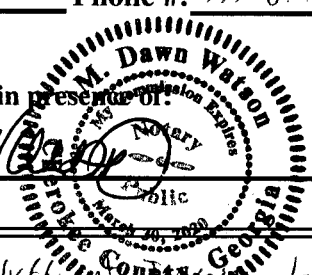
Applicant: The Bluffs at Jamerson LLC Phone #: 770-877-2177
(applicant's name printed)

Address: 850 Old Alpharetta Rd, Alpharetta GA 30005 E-Mail: Dana@OdwyerHomes.com

Jordan Terch Address: 850 Old Alpharetta Rd, Alpharetta GA 30005
(representative's name, printed)

[Signature] Phone #: 770-877-2177 E-Mail: JordanT@ODWYERHOMES.COM
(representative's signature)

Signed, sealed and delivered in presence of:
[Signature]
Notary Public



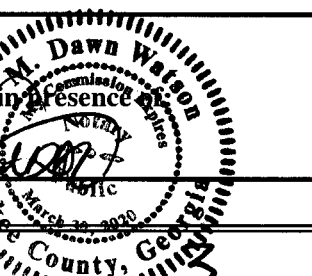
My commission expires: 3/30/20

Titleholder(s): The Bluffs at Jamerson LLC Phone #: 770-877-2177
(property owner's name printed)

Address: 850 OLD ALPHARETTA RD, ALPHARETTA GA 30005 E-Mail: JordanT@ODWYERHOMES.COM

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:
[Signature]
Notary Public



My commission expires: 3/30/20

Commission District: _____ Zoning Case: Z-35

Size of property in acres: 11.64 Original Date of Hearing: June 3, 2014

Location: 2711, 2727, 2750 Jamerson Rd Marietta, GA 30066
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 48, 97 District(s): 16

State specifically the need or reason(s) for Other Business: _____
Site revision for lots 18 and 19. deletion of ~0.2 acres
due to seller unable to sell land.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 15, 2014
PAGE 5

CONSENT AGENDA

MOTION: Motion by Ott, second by Birrell, to approve the following cases on the Consent Agenda as revised:

Z-35

O'DWYER PROPERTIES, LLC (Killarney Investments, LLC, W. A. Jett, Steven Galpher, Waverly Thornton, and Earl D. Thornton, owners) requesting Rezoning from R-30 to R-15 for the purpose of Single-Family Residential in Land Lots 48 and 97 of the 16th District. Located on the northeast side of Jamerson Road, west of Wigley Road (2711, 2727 and 2750 Jamerson Road). *(Previously held by the Planning Commission from their June 3, 2014 hearing).*

To delete Rezoning to the R-20 zoning district subject to:

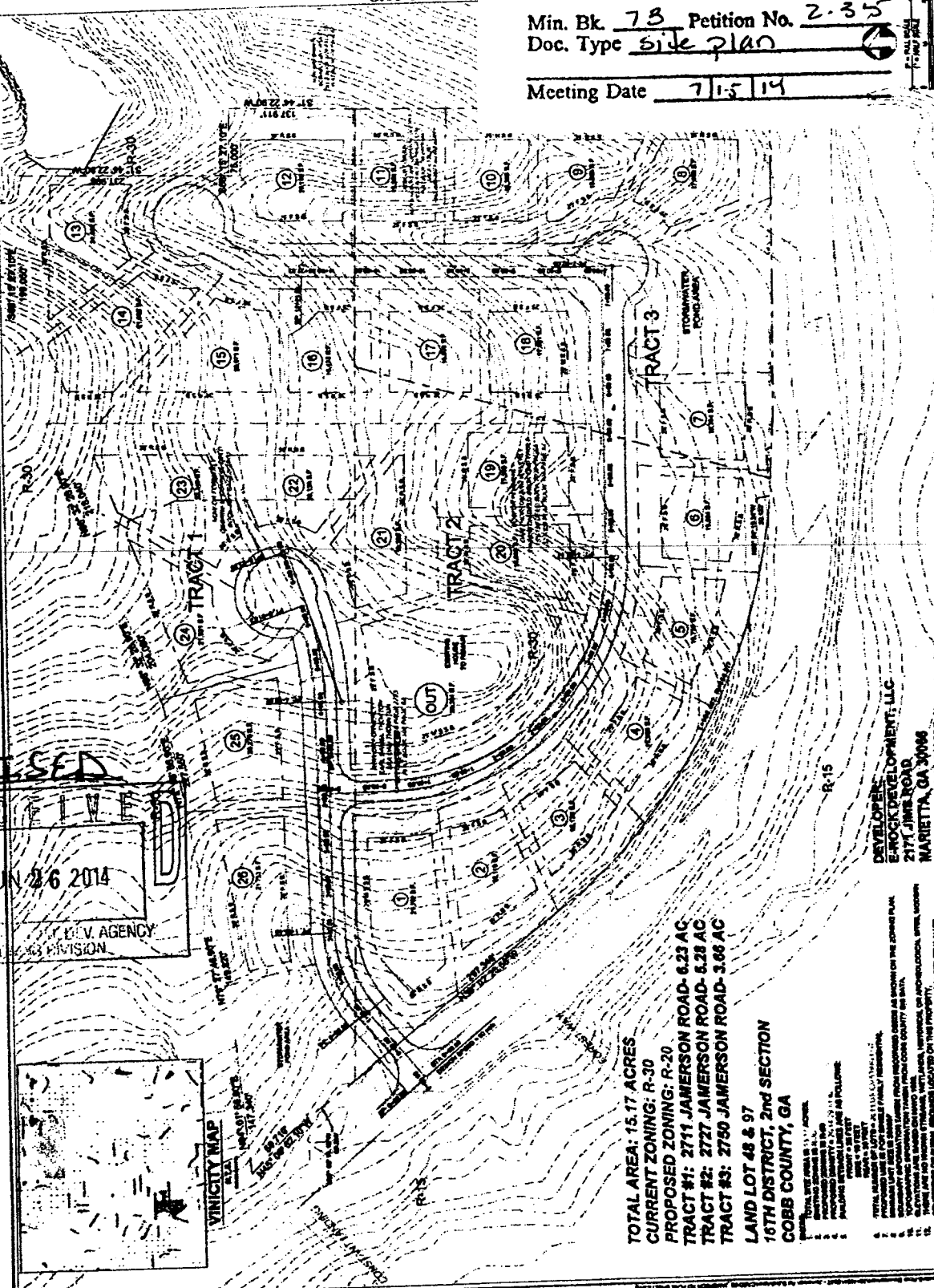
- Site plan received by the Zoning Division June 26, 2014 (attached and made a part of these minutes)
- Letter of agreeable conditions from Mr. John Moore dated July 9, 2014 (attached and made a part of these minutes), *with the following changes:*
 - Item No. 15, delete in its entirety and replace with: *"There shall be a non-disturbed buffer 20 feet in width along the rear of lots 8, 9, 10, 11, 12, 14, 23, 24, 25, and 26. The buffer may be fenced by the eventual homeowners. Dead or dying trees, together with any tree that poses a danger to a residence, may be removed."*
 - Item No. 16, add to end: *"The referenced fence shall run the entire length of the Kaufman property line without interruption."*
 - Add Item No. 28: *"Applicant agrees to post 'No Trespassing' signs on the property prior to and during development."*
- Detention and entrance landscape plan received July 1, 2014 (attached and made a part of these minutes)
- Future homeowners shall not remove or effect in any manner the retaining wall (adjacent to Lot 13, Evans property), this prohibition to be included in the protective covenants
- Proposed sign located on detention pond wall to be reviewed and approved by Stormwater Management Division in Plan Review
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- Cobb DOT comments and recommendations, *not otherwise in conflict*



TRACT NAME	TRACT AREA	TRACT ZONING
TRACT #1	6.23 AC	R-20
TRACT #2	6.28 AC	R-20
TRACT #3	3.06 AC	R-20

PROJECT NAME: JAMERSON ROAD SUBDIVISION
 ZONING PLAN: Z-01
 PROJECT NO: 201400110047

Min. Bk. 78 Petition No. 2-355
 Doc. Type side plan
 Meeting Date 7/15/14



REVISED
RECEIVED
 JUN 26 2014
 COMMUNITY DEVELOPMENT AGENCY
 ZONING DIVISION

TOTAL AREA: 15.17 ACRES
CURRENT ZONING: R-20
PROPOSED ZONING: R-20
TRACT #1: 2711 JAMERSON ROAD- 6.23 AC
TRACT #2: 2727 JAMERSON ROAD- 6.28 AC
TRACT #3: 2750 JAMERSON ROAD- 3.06 AC
LAND LOT 48 & 97
16TH DISTRICT, 2ND SECTION
COBB COUNTY, GA

DEVELOPER:
 EUROCK DEVELOPMENT, LLC
 2171 JAMES ROAD
 MARIETTA, GA 30066
 PHONE: (770) 940-3595

THIS MAP WAS PREPARED BY THE PLANNING DEPARTMENT OF COBB COUNTY, GEORGIA, AND IS NOT TO BE USED FOR ANY OTHER PURPOSE WITHOUT THE WRITTEN PERMISSION OF THE PLANNING DEPARTMENT. THE PLANNING DEPARTMENT IS NOT RESPONSIBLE FOR ANY ERRORS OR OMISSIONS IN THIS MAP. THE PLANNING DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP. THE PLANNING DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP. THE PLANNING DEPARTMENT IS NOT RESPONSIBLE FOR ANY DAMAGES, INCLUDING CONSEQUENTIAL DAMAGES, ARISING FROM THE USE OF THIS MAP.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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LOUISVILLE, KENTUCKY 40223
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JESS E. MAPLES*
FREDERICK F. FISHER***

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 KY
* ALSO ADMITTED IN SC
* ALSO ADMITTED IN NC
* ALSO ADMITTED IN IN
* ADMITTED ONLY IN TN
† ADMITTED ONLY IN FL
*** ADMITTED ONLY IN SC

July 9, 2014

Hand Delivered

Min. Bk. 73 Petition No. Z-35
Doc. Type letter of agreement -
able conditions
Meeting Date 7/15/14

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

JUL - 9 2014

RE: Application for Rezoning - Application No. Z-35 (2014)
Applicant: O'Dwyer Properties, LLC
Property Owners: Killarney Investments, LLC; W. A. Jett;
Steven Galper; Waverly Thornton; and
Earl D. Thornton
Property: 15.17 acres, more or less, located on the
northerly side of Jamerson Road, westerly of
Wigley Road, Land Lots 48 and 97, 16th District,
2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent O'Dwyer Properties, LLC, who is the Applicant, and Killarney Investments, LLC; W.A. Jett; Steven Galper; Waverly Thornton; and Earl D. Thornton, who are the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to property located on the northerly side of Jamerson Road, westerly of Wigley Road, Land Lots 48 and 97, 16th 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, reviewing the staff comments and recommendations and the uses of surrounding properties, meetings and

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Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 7
July 9, 2014

Petition No. 2-35
Meeting Date 7 | 15 | 14
Continued

discussions with area residents, and following the presentation to and hearing before the Cobb County Planning Commission and the recommendation thereof, we have been authorized by the Applicant to submit this revised 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. This revised letter of agreeable stipulations and conditions shall replace and supersede in full the previous letters dated and filed May 28, 2014, and June 26, 2014. The revised 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; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-30 to the proposed zoning category of R-20, site plan specific to the revised Zoning Plan prepared by WK Dickson dated April 1, 2014, and filed with the previously revised stipulation letter dated and filed June 26, 2014. A reduced copy of the revised Zoning Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of 15.17 acres of total site area and shall be developed for a residential community comprised of a maximum of twenty-six (26) single-family, detached residences. The existing residence and real property shall remain and not be a part of the proposed residential community. Therefore, the overall density is 1.71 units per acre.
- (4) The proposed residences shall have a minimum of 2,000 square feet, ranging upwards to 4,000 square feet, and greater.
- (5) The proposed residences shall be traditional and craftsman in style and architecture and will have a minimum two-car garage.
- (6) The residences within the proposed community shall have "three-sided" architecture, having the front and sides of the proposed residences comprised of brick, stone, stacked stone, hardi-plank, and stucco-type finishes, with complementary accents, or combinations thereof. No vinyl materials shall be used on the exterior of the proposed residences. The residences which back-up to

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Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 7
July 9, 2014

Petition No. 2-35
Meeting Date 7 | 15 | 14
Continued

Jamerson Road shall have a water table of brick, stone, or combinations thereof, and a mix of cedar-shake type and hardi-plank siding on the rear elevation. Elevations of homes comparable to those to be constructed within the proposed development will be presented to the Planning Commission and Board of Commissioners at their respective zoning hearings.

- (7) The setbacks for the proposed residential community shall be as follows:
- (a) Front Setback: Twenty-five (25) feet;
 - (b) Rear Setback: Thirty-five (35) feet;
(Excepting only Lot 26, which shall be thirty (30) feet; and
 - (c) Side Setback: Ten (10) feet.
- (8) All front and side yard areas of the proposed residences shall be fully sodded.
- (9) Applicant agrees to the creation of a mandatory homeowners association consistent with communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas, entrance area, and areas around the detention ponds contained within the proposed residential community.
- (10) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed development.
- (11) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, or combinations thereof, with accents. The entrance landscaping shall be professionally designed and implemented. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions.
- (12) All utilities servicing the residences within the proposed community shall be underground.

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Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 7
July 9, 2014

Petition No. 2-35
Meeting Date 7 | 13 | 14
Continued

- (13) The side of the detention ponds facing Jamerson Road shall be brick, stone, or a combination thereof. The landscaping for the detention areas and the frontage of Jamerson Road shall be as shown and depicted on that certain Landscape Plan which shall be presented to the Cobb County Planning Commission and Cobb County Board of Commissioners at their respective Zoning Hearings.
- (14) Any trees or wood debris removed during the development or construction process shall be ground on site or removed, but in no instance shall be burned on site.
- (15) There shall be a non-disturbed buffer twenty (20) feet in width along the rear of Lots 14, 23, 24, 25, and 26. The buffer may be fenced by the eventual homeowners. Dead or dying trees, together with any tree that poses a danger to a residence, may be removed.
- (16) Applicant agrees to construct a solid wooden, stained fence, a minimum of six (6) feet in height, along the boundaries of the Subject Property; excepting only, that no fence shall be erected along Jamerson Road; and excepting, that along proposed Lot 13 boundary, Applicant shall install said fence on the property of the owner of the property adjacent to Lot 13. Said fence shall be maintained by the mandatory homeowners association.
- (17) Applicant agrees to orient the residence to be constructed on proposed Lot 13 with the residence facing down the hill, and the thirty (30) foot side driveway turn-in entrance on the wall side of the Lot. There shall be no upstairs windows facing the wall; excepting only, if such window or windows are required by Cobb County, and if any window is a bathroom window, said window shall be frosted.
- (18) Applicant agrees to include and insert within the protective covenants for the subdivision a requirement that no homeowner or resident may remove or alter the wall next to Lot 13.
- (19) There shall be no direct access from any lots within the proposed community to Jamerson Road.
- (20) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of residences, and shall not be parked on Jamerson Road or

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Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 7
July 9, 2014

Petition No. 2-35
Meeting Date 7/15/14
Continued

surrounding neighborhood streets. There will be no stacking of vehicles on Jamerson Road waiting for entry onto the Subject Property.

- (21) Applicant shall construct a sidewalk along one side of the street within the proposed community. The interior sidewalk shall connect to Jamerson Road.
- (22) The District Commissioner shall have the authority to approve minor modifications to these stipulations and conditions and the Zoning Plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density; reduce the size or composition of an approved buffer area or landscape strip to adjacent property; relocate a structure closer to a property line; or increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business Application agenda.
- (23) 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 community, and shall be irrigated as necessary.
- (24) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (25) 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.
- (26) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed areas must be replanted.
- (27) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Verification that minimum sight distance is available; and if not, implement remedial measures to correct any deficiency; and

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Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 7
July 9, 2014

Petition No. 2-35
Meeting Date 7 | 15 | 14
Continued

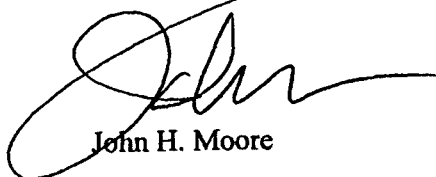
- (b) Any existing curb, gutter, and sidewalk along Jamerson Road which may be damaged during construction shall be replaced by Applicant following completion of the development.

We believe the requested zoning, together with the revised Zoning Plan and the revised 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 residential 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



John H. Moore

JHM:cc
Attachment

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
Helen C. Goreham
Robert J. Ott
JoAnn Birrell
Lisa N. Cupid
(With Copy of Attachment)

Christi S. Trombetti, Member
Cobb County Planning Commission
(With Copy of Attachment)

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Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 7 of 7
July 9, 2014

Petition No. 2-35
Meeting Date _____
Continued

c: Charles Koninsky
David Evans
Mike Kaufman
Area Residents
(With Copy of Attachment)

O'Dwyer Properties, LLC
(With Copy of Attachment)

Min. Bk. 73 Petition No. 2-35
 Doc. Type entrance
plan
 Meeting Date 7/13/14

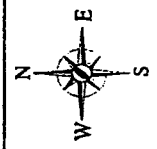


Revisions:



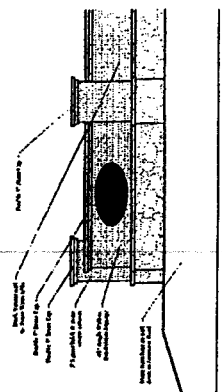
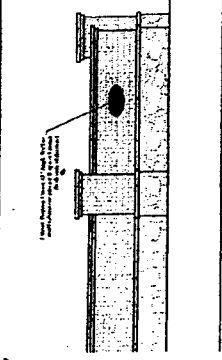
WHITE PINE
LAND STUDIO, LLC
 404.406.1577 info@whitepinelandstudio.com

June 25, 2014

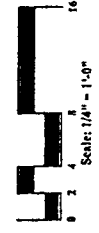
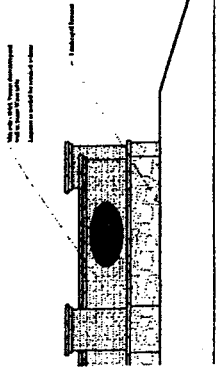


Entrance Wall Concept Drawings
Jamerson Road Parcel
 prepared for:
E-Rock Development

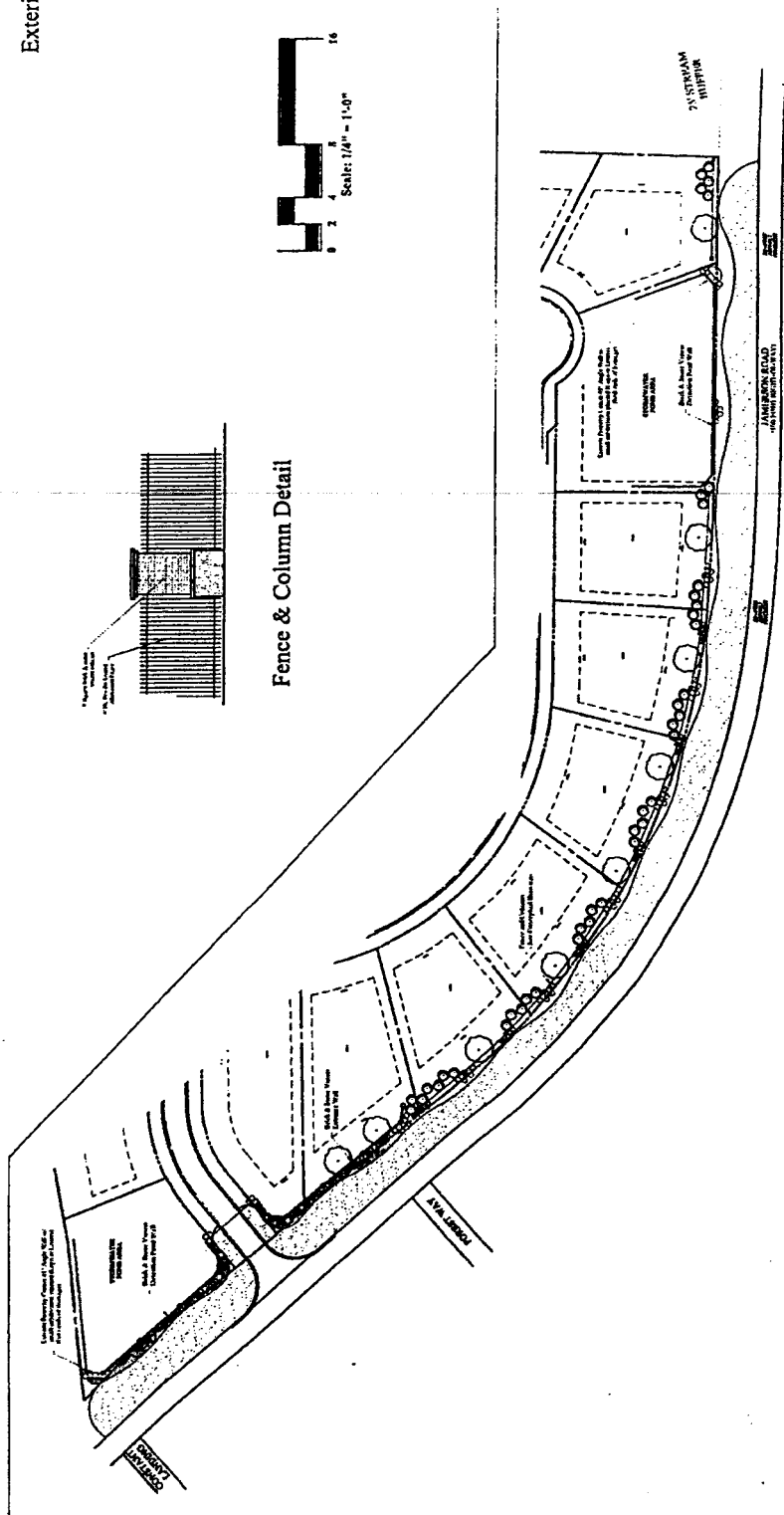
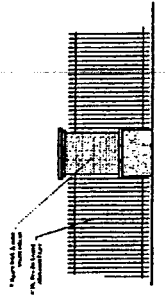
Exterior Property Corner Walls



Subdivision Entrance Road



Fence & Column Detail



MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 17, 2015
PAGE 21

OTHER BUSINESS (CONT.)

~~O.B. 13 (CONT.)~~

- ~~• Site plan received by the Zoning Division February 10, 2015, with District Commissioner approving minor modifications (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. 14 To consider amending the site plan and the stipulations for O'Dwyer Properties, LLC regarding rezoning application Z-35 of 2014 (O'Dwyer Properties, LLC), for property located on the northeast side of Jamerson Road, west of Wigley Road in Land Lots 48 and 97 of the 16th District.

Mr. Pederson provided information regarding a stipulation and site plan amendment. 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 Birrell, second by Ott, to **approve** O.B. 14 for site plan and stipulation amendments for O'Dwyer Properties, LLC regarding rezoning application Z-35 of 2014 (O'Dwyer Properties, LLC), for property located on the northeast side of Jamerson Road, west of Wigley Road in Land Lots 48 and 97 of the 16th District, subject to:

- Site plan received by the Zoning Division February 10, 2015, District Commissioner to approve final plan after Stormwater Management review (attached and made a part of these minutes)
- Inclusion of 20 foot landscape buffer/tree save area along the north and east property line
- No contractors or construction vehicles on Jamerson Road or the private drive of neighbors
- Stormwater Management Division comments and recommendations: *The revised plan does not appear to provide stormwater management for Lots 11, 12, and 20-22. Part or all Lot 22 may be required for a detention pond. Proposed plan must be subject to Plan Review comments.*
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect.

VOTE: ADOPTED unanimously

