

**MARCH 21, 2017 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM 008**

**PURPOSE**

To consider a stipulation 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, and at the eastern terminus of Vista Way in Land Lots 772, 813 and 814 of the 17<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned to RA-5 for residential subdivision in 2013. The applicant has finished grading the project and finds that due to the very steep topography in certain parts of the subdivision, houses will exceed the maximum height of 35 feet. This is due to the fact that the tall part of the house will be in the front and the short side of the house will be in the backyard. This is opposite of how houses are normally sited on the lots. Some of the houses may be up to 39 feet tall due to this reason. There is an elevation of one of the houses attached to this other business item. A similar request was approved by the Board of Commissioners for six of the homes in September 2016. 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 stipulation amendment.

**ATTACHMENTS**

Other Business application and zoning stipulations.

# Application for "Other Business"

## Cobb County, Georgia

OB-008-2017

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

BOC Hearing Date Requested: March 21, 2017

**Applicant:** The Providence Group of Georgia Custom Homes **Phone #:** 678-218-1720  
(applicant's name printed)

**Address:** 11340 Lakefield Drive, Suite 250 **E-Mail:** wharper@theprovidencegroup.com

Mike Smith **Address:** 11340 Lakefield Drive, Suite 250  
(representative's name, printed)

[Signature] **Phone #:** 678-218-1730 **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 **Phone #:** 678-218-1730  
(property owner's name printed)

**Address:** 11340 Lakefield Drive, Suite 250 **E-Mail:** msmith@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:** 11340 Lakefield Drive, Suite 250 HIGHPOINTE AT VININGS (ALL PHASES) REMAINING LOTS

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

**State specifically the need or reason(s) for Other Business:** Increase building height from 35' to 39'  
due to topography.

(List or attach additional information if needed)

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 Providence Group of Co.  
 ALL RIGHTS RESERVED.  
 THIS IS AN UNLICENSED WORK  
 AND IS CONSIDERED A  
 TRADE SECRET.  
 DO NOT REPRODUCE OR DISCLOSE.

thePROVIDENCE group  
 11340 LAKEFIELD DRIVE, STE. 250  
 JOHNS CREEK, GEORGIA  
 30097

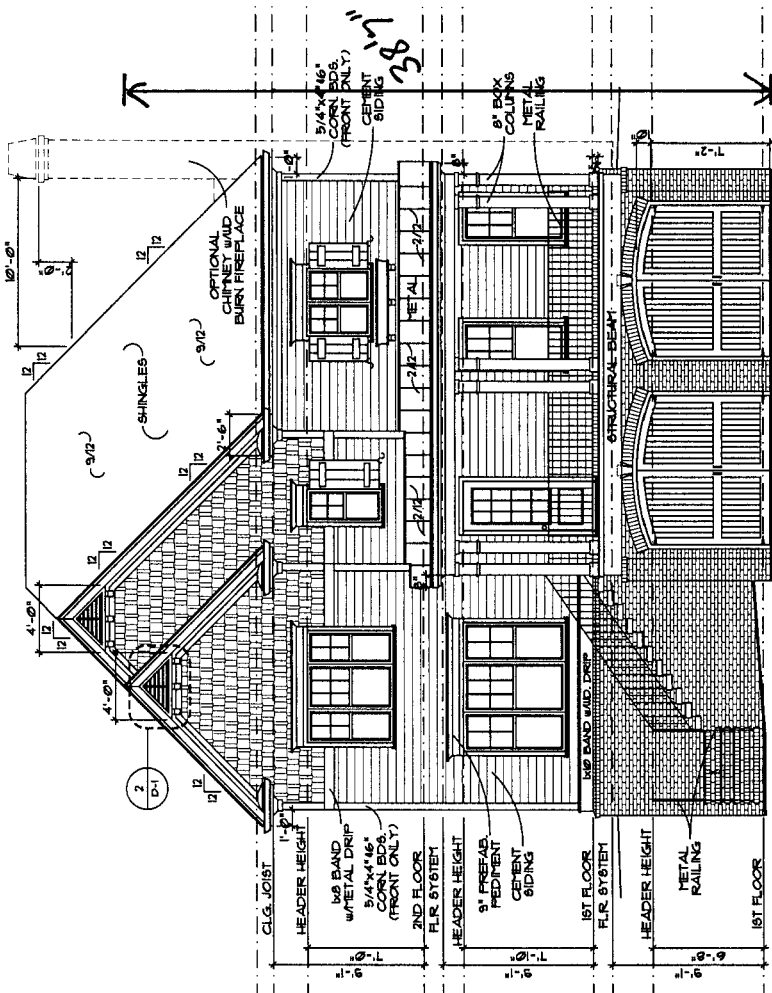
PLAN NAME: PEYTON A  
 COLLECTION: GARAGE RIGHT  
 LOT + SUB:

designed by: L.J.H.  
 drawn by: L.J.H.  
 checked by: L.J.H.  
 date: 04/10/2015  
 revised: 04/10/2015

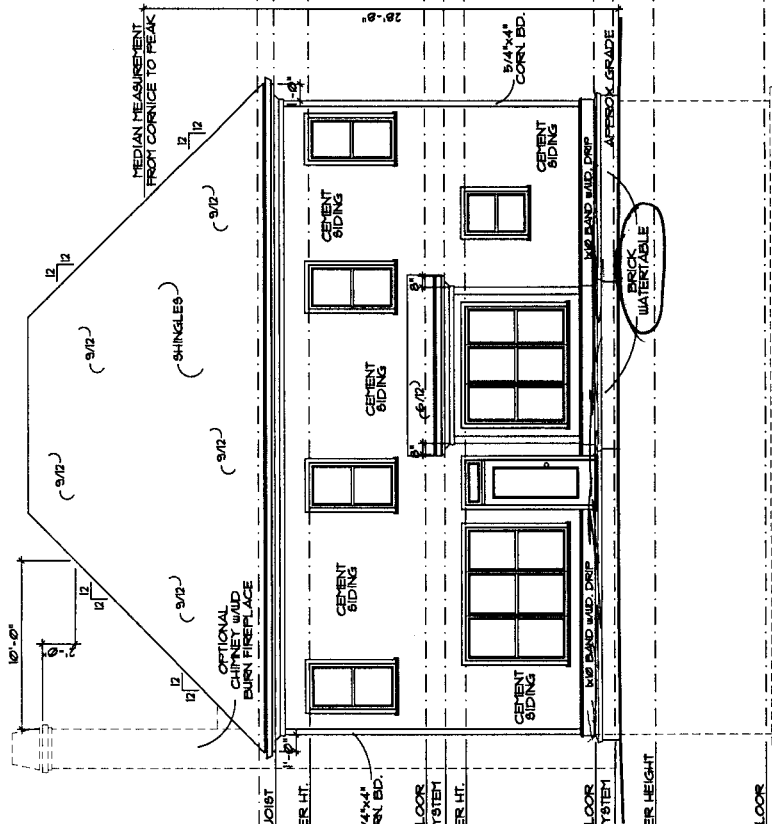
PREPARED BY:  
 L. JOEL MARTENS  
 RESIDENTIAL DESIGNER  
 joel@jmhhd.com  
 404-561-9642

Front & Rear  
 Elevations  
 Sheet No. A-1

ALL SHUTTERS TO  
 HAVE HINGES AND  
 SHUTTER DOGS.  
 SHUTTER WINDOW SIZES:  
 • 2'-0" OR 2'-4" WINDOW - 12"  
 • 2'-8" WINDOW - 15"  
 • 3'-0" OR DEL WINDOW - 18"



FRONT ELEVATION  
 1/8" = 1' - 0"  
 22x34 SCALE: 1/4" = 1' - 0"



REAR ELEVATION  
 1/8" = 1' - 0"  
 22x34 SCALE: 1/4" = 1' - 0"

ORIGINAL DATE OF APPLICATION: 06-18-13APPLICANTS NAME: COTTER PROPERTIES & DEVELOPMENT, LLCTHE 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 17<sup>th</sup> 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
1	PRELIMINARY	11/15/12
2	REVISED	12/10/12
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381	REVISED	7/



**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

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TELEPHONE  
770•426•6583  
FACSIMILE

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JUSTIN H. MEEKS

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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, 17<sup>th</sup> District, 2<sup>nd</sup> 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

Page 2

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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

Page 3

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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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A LIMITED LIABILITY PARTNERSHIP

## VIA EMAIL

### AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager

Cobb County Zoning Division

June 14, 2013

Page 4

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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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Cobb County Zoning Division  
June 14, 2013  
Page 5

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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



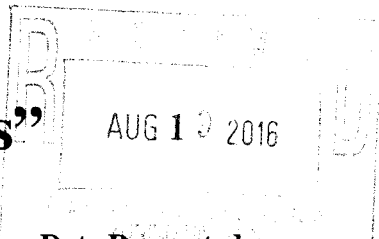
Parks F. Huff  
[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

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 Breaden, 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)  
Kurt Graham (via email)  
Frank Savini (via email)  
The Providence Group & Associates, L.L.C.  
Sam Heaton (via email)  
Jay Westbrook (via email)

# Application for "Other Business" Cobb County, Georgia

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



BOC Hearing Date Requested: September 20, 2016

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

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

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

**Phone #:** 404-597-5156 **E-Mail:** cwillis@theprovidencegroup.com  
(representative's signature)

Signed, sealed and delivered in presence of:

**My commission expires:** 3/25/2020  
Notary Public

**ALLISON L. JOLLY**  
**NOTARY PUBLIC**  
**MY COMMISSION EXPIRES**  
**MARCH 25, 2020**  
**COBB COUNTY, GA**

**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:** cwillis@theprovidencegroup.com

(Property owner's signature)

Signed, sealed and delivered in presence of:

**My commission expires:** 3/25/2020  
Notary Public

**ALLISON L. JOLLY**  
**NOTARY PUBLIC**  
**MY COMMISSION EXPIRES**  
**MARCH 25, 2020**  
**COBB COUNTY, GA**

**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:** 3374, 3370, 3366, 3362, 3358, and 3354 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:** Increase building height from 35' to 39' due to topography.

(List or attach additional information if needed)

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 20, 2016  
PAGE 15

CONSENT AGENDA (CONT.)

**O.B. 59** To consider amending the stipulations 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 17<sup>th</sup> District.

To approve O.B. 59, subject to:

1. Allowance of houses to be up to 39' in height
2. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

MOTION: Motion by Lee, second by Weatherford, to approve O.B. 51, LUP-22, and O.B. 59 as part of the Consent Agenda.

VOTE: ADOPTED 5-0

REGULAR AGENDA (CONT.)

**Z-40** **ELITE AUTO COLLISION & SALES** (2K Consulting Group LLC, Detong Chen, owners) requesting Rezoning from **LI** to **CRC** for the purpose of Collision and Service Center in Land Lot 46 of the 18<sup>th</sup> District. Located on the south side of Veterans Memorial Highway, east of Lakeshore Drive (380 Veterans Memorial Highway). (*Previously continued by Staff until the September 20, 2016 Board of Commissioners hearing*)

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

MOTION: Motion by Cupid, second by Weatherford, to delete Z-40 to the NRC zoning category, subject to:

1. Site plan and use to come back before the Board of Commissioners for approval with District Commissioner approving minor modifications
2. Any new operation of the site requires the following to be submitted to the District Commissioner, with review and approval of Community Development staff and the District Commissioner:

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 Providence Group of Ca.  
 All rights reserved.  
 No reproduction or disclosure  
 without written permission.  
 This is an unlicensed work  
 and is considered a  
 trade secret.

thePROVIDENCE group  
 11340 LAKEFIELD DRIVE, STE. 250  
 JOHNS CREEK, GEORGIA  
 30097

PLAN NAME: PEYTON A  
 COLLECTION: GARAGE RIGHT  
 LOT + SUB:

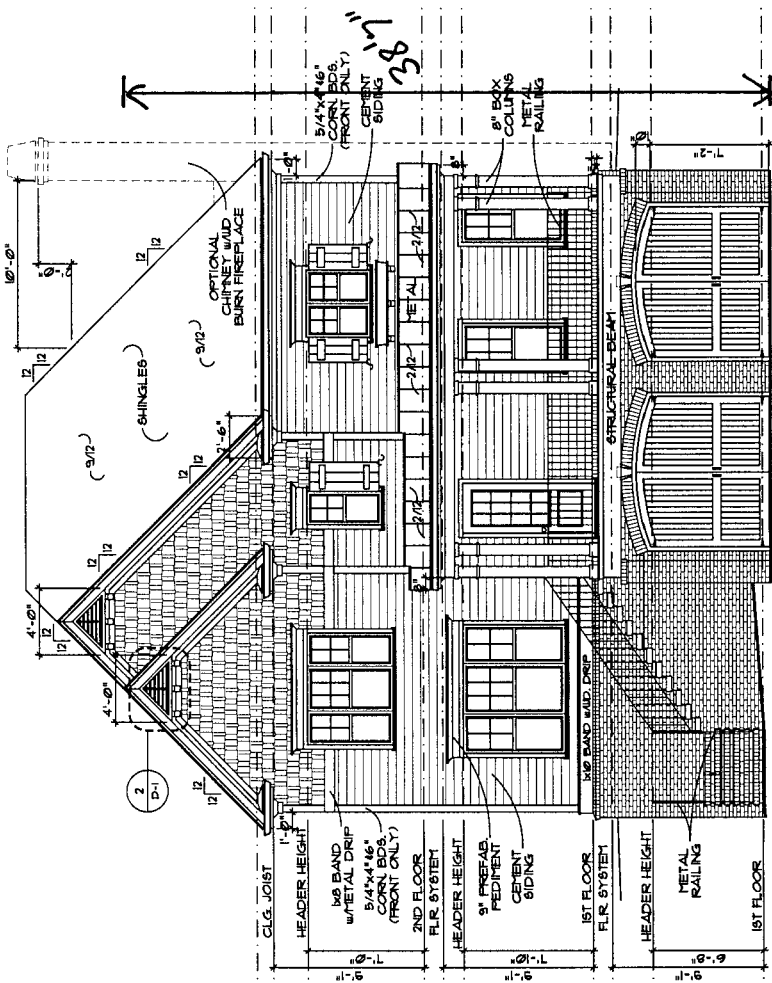
Designed by: LJM  
 Drawn by: LJM  
 Checked by: LJM  
 Date: 06/07/2015  
 Revised: 00/00/00

PREPARED BY:  
 L. JOEL MARTENS  
 REGIONAL DESIGNER  
 joel@lmmhd.com  
 404-569-4642

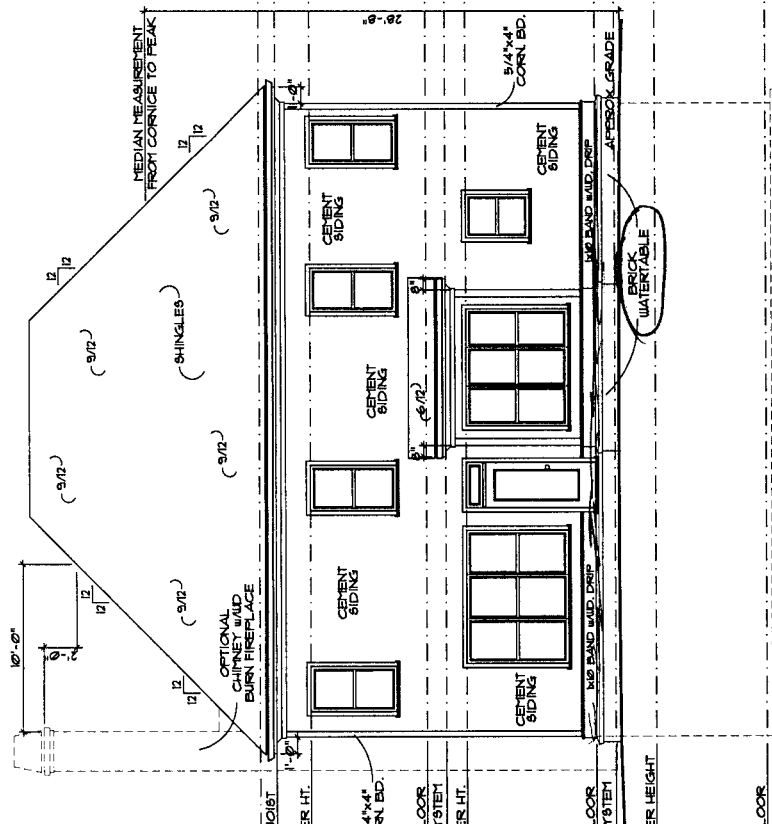
Front 4 Rear  
 Elevations  
 SHEET NO. A-1

ALL SHUTTERS TO  
 HAVE HINGES AND  
 SHUTTER DOGS.

SHUTTER WINDOW SIZES:  
 • 2'-0" OR 2'-4" WINDOW - 12"  
 • 2'-8" WINDOW - 15"  
 • 3'-0" OR DEL. WINDOW - 18"



FRONT ELEVATION  
 1/8" = 1' - 0"  
 22x34 SCALE: 1/4" = 1' - 0"



REAR ELEVATION  
 1/8" = 1' - 0"  
 22x34 SCALE: 1/4" = 1' - 0"