

**OCTOBER 16, 2018 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-054

PURPOSE

To consider a site plan and stipulation amendment for Beazer Gain, LLC regarding rezoning application Z-73 of 2017 for property located on the southwest side of Wooten Lake Road, and on the east side of Wade Green Road in Land Lots 55 and 56 of the 20th District (Wooten Lake Road).

BACKGROUND

The subject property was rezoned to RA-5 in 2017 for a residential development subject many stipulations. The applicant has revised their site plan to meet the Board of Commissioners (BOC) stipulations, including reducing the number of units to 35 units with 35 on-street guest parking spaces. The applicant has also revised their housing product from up to five-attached units to two-attached units (with one building with three-attached units). The architecture and minimum house size will still be as stipulated by the BOC. If approved, all previous stipulations not in conflict with this amendment would remain in effect.

STAFF COMMENTS

Stormwater Management: All previous Stormwater Management Comments (Z-73 of 2017) to remain in effect.

Cobb DOT: Recommend entrance on Wade Green Road be emergency access only or restricted to right-in/ right-out.

RECOMMENDATION

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

ATTACHMENT

Other Business application and minutes.

(Site Plan Amendment)

Application for "Other Business"

Cobb County, Georgia

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

SEP 11 2018

OB Application No.: OB- 54 -2018

BOC Hearing Date Requested: October 16, 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Applicant: Beazer Gain, LLC

(applicant's name printed)

Phone #: (770) 955-8300

Address: 445 Franklin Gateway, Marietta, GA 30067

E-Mail: sean.randall@beazer.com

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

Address: Emerson Overlook, Suite 100, 326 Roswell Street

(representative's name, printed)

Marietta, GA 30060

BY: *J. Kevin Moore*

Phone #: (770) 429-1499

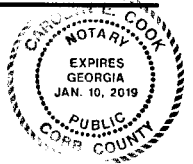
E-Mail: jkm@mijs.com

(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public

My commission expires: January 10, 2019



Titleholder(s): Beazer Gain, LLC

(property owner's name printed)

Phone #: (770) 955-8300

Address: 445 Franklin Gateway, Marietta, GA 30067

E-Mail: sean.randall@beazer.com

See Attached Exhibit "A"

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 3 (Birrell)

Zoning Case: Z-73 (2017)

Size of property in acres: 7.773 +/-

Original Date of Hearing: 11/21/2017

Location: Southwest side of Wooten Lake Road and on the east side of Wade Green Road

(street address, if applicable; nearest intersection, etc.) (1401 Wooten Lake Road)

Land Lot(s): 55, 56

District(s): 20th

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

See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

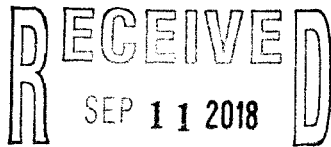
**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(SITE PLAN AMENDMENT)**

OB Application No.: OB- 54 -2018
Application No: Z-73 (2017)
Original Hearing Date: November 21, 2017
Date of Zoning Decision: December 19, 2017
Current Hearing Date: October 16, 2018

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: Beazer Gain, LLC

BEAZER GAIN, LLC



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BY: [Signature]
Sean G. Randall
Vice President

Date Executed: September 10, 2018

Address: 445 Franklin Gateway
Marietta, Georgia 30067

Telephone No.: (770) 955-8300

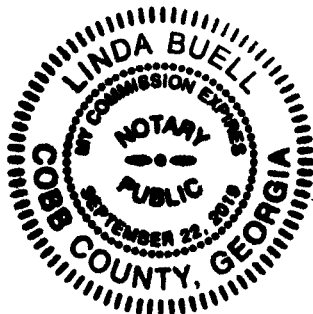
Signed, sealed, and delivered in the presence of:

[Signature]

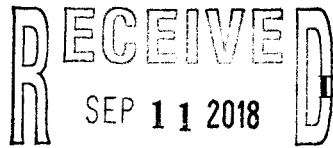
Notary Public

Commission Expires: 9.22.19

[Notary Seal]



**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(SITE PLAN AMENDMENT)**



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

| | |
|---------------------------------|----------------------------|
| OB Application No.: | OB- <u>54</u> -2018 |
| Application No: | Z-73 (2017) |
| Original Hearing Date: | November 21, 2017 |
| Date of Zoning Decision: | December 19, 2017 |
| Current Hearing Date: | October 16, 2018 |

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: Beazer Gain, LLC

Beazer Gain, LLC, as Applicant and Property Owner in this Application for "Other Business" (hereinafter collectively "Applicant"), is the owner of approximately 7.773 acres of real property located on the southwest side of Wooten Lake Road and on the east side of Wade Green Road, being known as 1401 Wooten Lake Road, Land Lots 55 and 56, 16th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). On December 19, 2017, the Cobb County Board of Commissioners approved development of the Property to the RA-5 zoning classification, with the final site plan to be approved by the District Commissioner.

Applicant now presents a Site Plan for approval by the Board of Commissioners, same being prepared by TSW Design, dated April 23, 2018, a reduced copy of which is attached hereto as Exhibit "1" and incorporated herein by reference.

The approval of the Site Plan presented herein in no way adversely impacts or affects the quality or integrity of the development initially approved by the Cobb County Board of Commissioners, and is sought to promote a quality development standard for future residents. If the requested approval of the Site Plan, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on December 19, 2017, as to the original rezoning of the Subject Property; as well as any other amendments by Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan Amendment.

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**SITE PLAN PRESENTED FOR APPROVAL
IN APPLICATION FOR "OTHER BUSINESS"
AT OCTOBER 16, 2018, BOARD OF
COMMISSION ZONING HEARING**

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
REZONING Z-73 (2017)
– DECEMBER 19, 2017**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 19, 2017
PAGE 13

REGULAR AGENDA (CONT.)

Z-70 JOE A. MCHARG (CONT.)

1. ~~Email correspondence from Mr. Gary LaRue dated December 15, 2017 (attached and made a part of these minutes), with the following changes:
 - A. Delete Item No. 2 in its entirety
 - B. Item No. 3 – delete and revise to read: *“The HOA will maintain the common areas and keep growth from encroaching onto Vineyard Way.”*
 - C. Item No. 4 – revise to read: *“It is implied that property owners will not have access to any amenities provided within Chateau Walk or Vineyards.”*
 - D. Item No. 5 – revise to read: *“It will be illegal to permanently park any vehicles on Vineyard Way after construction is complete.”*
 - E. Add Item No. 7 to read: *“Two additional parking spaces will be provided per unit.”*~~
2. Planning Commission comments and recommendations
3. Staff comments and recommendations, *not otherwise in conflict*

VOTE: ADOPTED 5-0

Z-73 VENTURE HOMES, INC. (Bill Jones Holding, LLC, owner) requesting Rezoning from GC to FST for the purpose of Townhomes in Land Lots 55 and 56 of the 20th District. Located on the southwest side of Wooten Lake Road, and on the east side of Wade Green Road. *(Previously held by the Board of Commissioners from their November 21, 2017 hearing until the December 19, 2017 Board of Commissioners hearing)*

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

MOTION: Motion by Birrell, second by Cupid, to delete Z-73 to the RA-5 zoning category, subject to:

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 19, 2017
PAGE 14

REGULAR AGENDA (CONT.)

Z-73 VENTURE HOMES, INC.

1. Final site plan and landscape plan to be approved by the District Commissioner
2. Letter of agreeable conditions from Mr. Sean Randall dated November 10, 2017 (attached and made a part of these minutes), with the following changes:
 - A. Item No. 22 – revise to read: “...the Applicant will create a minimum 10’ Tree Save Buffer...”
3. Maximum 35 units
4. Minimum 1:1 parking ratio
5. No access to Wade Green Road, except for emergency vehicles
6. Planning Commission comments and recommendations, *not otherwise in conflict*
7. Staff comments and recommendations, *not otherwise in conflict*

VOTE: ADOPTED 5-0

Z-86

~~WALTON RIVERBEND, LLC (Walton Riverbend, LLC, owner) requesting Rezoning from RM-12 to RRC for the purpose of a Mixed-Use Development in Land Lots 1031, 1032, 1057, 1058, 1066 and 1067 of the 17th District. Located on the southeast side of Akers Mill Road and Powers Ferry Road; west and south of Riverbend Club Drive.~~

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

~~MOTION: Motion by Ott, second by Birrell, to approve Z-86 to the RRC zoning category, subject to:~~

1. Planning Commission comments and recommendation, *not otherwise in conflict*
2. Staff comments and recommendations, *not otherwise in conflict*

VOTE: ADOPTED 5-0



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



20 Years
Building Great Homes and Relationships!

1580 Terrell Mill Road, Marietta, GA 30067 Phone: 770-955-8300 Fax: 770-955-6373

Min. Bk. 83 Petition No. Z-73
Doc. Type Letter
Meeting Date 12-19-17

November 10, 2017

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

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NOV 17 2017

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY
ZONING DIVISION

RE: Revised Stipulation Letter: Application for Rezoning; Application No. Z-73 (2017).
Applicant: Venture Homes, Inc.
Property Owner: Bill Jones Holdings, LLC
Property: 7.773 acres, more or less, located on the south side of Wooten Lake Road at 1401 Wooten Lake Road, Kennesaw, Georgia 30144; Land Lot 55 & 56, 20th District, 2nd Section, Cobb County, Georgia.

Dear Jason:

Venture Homes, Inc., the Applicant (hereinafter "Applicant") in the Application for Rezoning with regard to approximately 7.773 acres, more or less, located on the south side of Wooten Lake Road at 1401 Wooten Lake Road, Kennesaw, Georgia 30144; Land Lot 55 & 56, 20th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property") is pleased to present the following information for your consideration. After meeting with planning and zoning staff and various Cobb County Departmental representatives, reviewing the Staff Comments and Recommendations, reviewing the uses of surrounding properties, we are submitting this letter of agreeable stipulations and conditions which, if the Revised 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 proposed stipulations are as follows:

1. Applicant seeks rezoning of the Subject Property from the existing zoning category of GC, General Commercial to the proposed zoning category of FST, Fee Simple Townhome, specific to the revised Site Plan prepared by TSW Planners, dated September 5, 2017 and an initial site plan originally filed with the Zoning Office on March 22, 2017. A reduced copy of the Site Plan in color and black and white is attached hereto as Exhibit "A" and incorporated herein by reference.
2. The Subject Property shall be developed for a residential community consisting of a maximum of forty-seven (47) semi-detached townhomes. The entire site is comprised of 7.773+/- acres and is planned for a total of 47 homes with a 6.0 density per acre.

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www.venturehomes.com COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

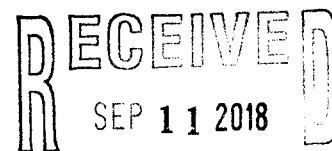


3. Applicant agrees the minimum house size for the homes in the proposed development shall be 1,700 square feet of heated and cooled living space. It is anticipated that the typical product constructed will range from 1,800 to 2,400+ square feet of heated and cooled living space. It is further anticipated that the selling price of these homes shall range initially from the \$220's to \$280's+ for the community.
4. Homes within the proposed community shall be substantially similar in style and architecture to the elevations attached hereto as Exhibit "B". All homes will have similar front elevations and shall, as a general rule, use a combination of masonry (i.e. brick, stone or stacked stone or any combination thereof) and stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof. Side and rear elevations may also utilize masonry (i.e. brick, stone, stacked stone or any combination thereof) as well as stucco, cement fiber board & batten, cement lap siding, cement shake or cedar shake shingles or combination thereof in keeping with the appropriate style and use of such products on the front elevations. It is anticipated that end units located at intersection and major site view areas shall have "wrap-porches" as depicted in Exhibit "B". In addition, such architectural design shall conform and blend with the general styles of homes adjacent in each of the surrounding neighborhoods.
5. The proposed community shall have public streets; however, Applicant shall have the option of constructing private streets to the applicable County's public streets construction standards and installing gates if so desired by Applicant in accordance with all county ordinances and regulations. All driveways shall be constructed in such a manner as to minimize parking in fronts of homes. Adequate off-street parking shall be provided in accordance with Cobb County standards.
6. Applicant agrees to the creation of a mandatory homeowners association ("HOA"). The homeowners association shall be solely responsible for the upkeep and maintenance of all front, rear and side yards of all homes, common areas, amenities, and amenity areas; including the entrance areas, boundary buffers and the private streets if so constructed by the Applicant.
7. 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 community. The covenants will restrict rentals by homeowners to no more than five (5%) percent of the existing units at any one period of time.
8. All homes shall have a minimum of a 2 car garage. Garages shall be primarily used for the parking of vehicles and shall not be converted to other uses. The applicant shall include this restriction in the covenants to be enforced by the HOA. In addition, the HOA shall be empowered by the covenants to discourage any parking in front of homes (except in designated off-street parking areas) and to encourage, whenever



possible, that homeowners park cars in the garage. The HOA shall have authority to issue monetary fines to homeowners for violations of these covenants.

9. The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents architecturally consistent with the proposed homes.
10. Landscaping of the entrance areas as well as the frontage of the proposed community along all public streets, shall be professionally designed and implemented, which shall include the installation of an irrigation system, where appropriate. Maintenance of the entrance area and public street frontage at the entrance shall be by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions. All detention ponds shall be professionally landscaped in accordance with any applicable Cobb County standards.
11. Any street lights installed within the proposed community shall have down lighting, shall be environmentally sensitive, and shall be themed to the architecture and style of the residences.
12. All utilities servicing the residences within the proposed community shall be underground.
13. Applicant agrees the stormwater management facilities and system shall be constructed and installed consistent with all requirements of the Cobb County Stormwater Division.
14. 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.
15. All landscaping referenced herein to be installed by the Applicant 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.
16. Applicant agrees to the protection of all required stream buffers affecting the Property and shall utilize such areas as a passive amenity for the proposed community; including, but not limited to, such amenities as may be deemed appropriate by the Applicant.



Petition No. Z-73
Meeting Date 12-19-17
Continued

17. 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.
18. All setbacks shall be as shown on the referenced Site Plan.
19. Applicant agrees to the installation of interior sidewalks along all interior streets as per the attached Site Plan.
20. Applicant shall construct a 14' x 16' open-air pavilion with appropriate landscaping for the use and enjoyment of the homeowners. The pavilion shall be constructed on one of the three "Common Lawn" areas as depicted on the attached Site Plan. The pavilion and landscaping shall be maintained by the HOA.
21. All construction vehicles will be parked on-site on the Property at all times. No construction vehicles shall be parked on Wooten Lake Road or other surrounding streets to the proposed development.
22. Where the buffer does not interfere with the proper installation of any necessary improvements associated with the proposed development, the Applicant will create a 10' Tree Save Buffer from the property line to prohibit the removal of any existing trees during the development and homebuilding process. It is acknowledged that in this area, the Applicant may have to remove trees to install underground utilities, curb, gutter, streets, detention ponds and other associated infrastructure per the County approved Construction Plans.
23. It appears Applicant shall be able to comply with the Cobb DOT transportation comments from the Ashley White email dated June 30, 2017 including the installation of a dedicated left turn lane into the proposed community for the westbound traffic on Wooten Lake Road.

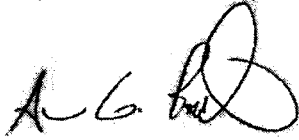
We believe the requested zoning, together with the revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the area and existing neighborhoods and residents surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole.

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COBB CO. COMM. DEV. & PLANNING
ZONING DIVISION

Petition No. Z-73
Meeting Date 12-19-17
Continued

Thank you in advance for your consideration of this project.



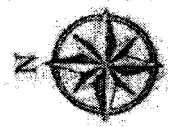
Sean G. Randall, Senior Vice President
Venture Homes, Inc.
1580 Terrell Mill Road, Suite 100
Marietta, Georgia 30067
Mobile Phone: (770) 616-7515
Office Phone: (770) 955-8300, Ext. 117
E-Mail: seanr@venturehomes.com


See Attachments

Cc: JoAnn Birrell
Judy Williams
Rob Hosack
Dana Johnson
John Pederson
Ted Jones
Bob White
Terri Carroll

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ZONING DIVISION



Summary:  Front-loaded: 47 units
SCALE: 1"=40'

VENTURE
Planes
Wooten Lake Site Plan



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Petition No. Z-73
 Meeting Date 12-19-17
 Continued



drawing scale
 1" = 50'

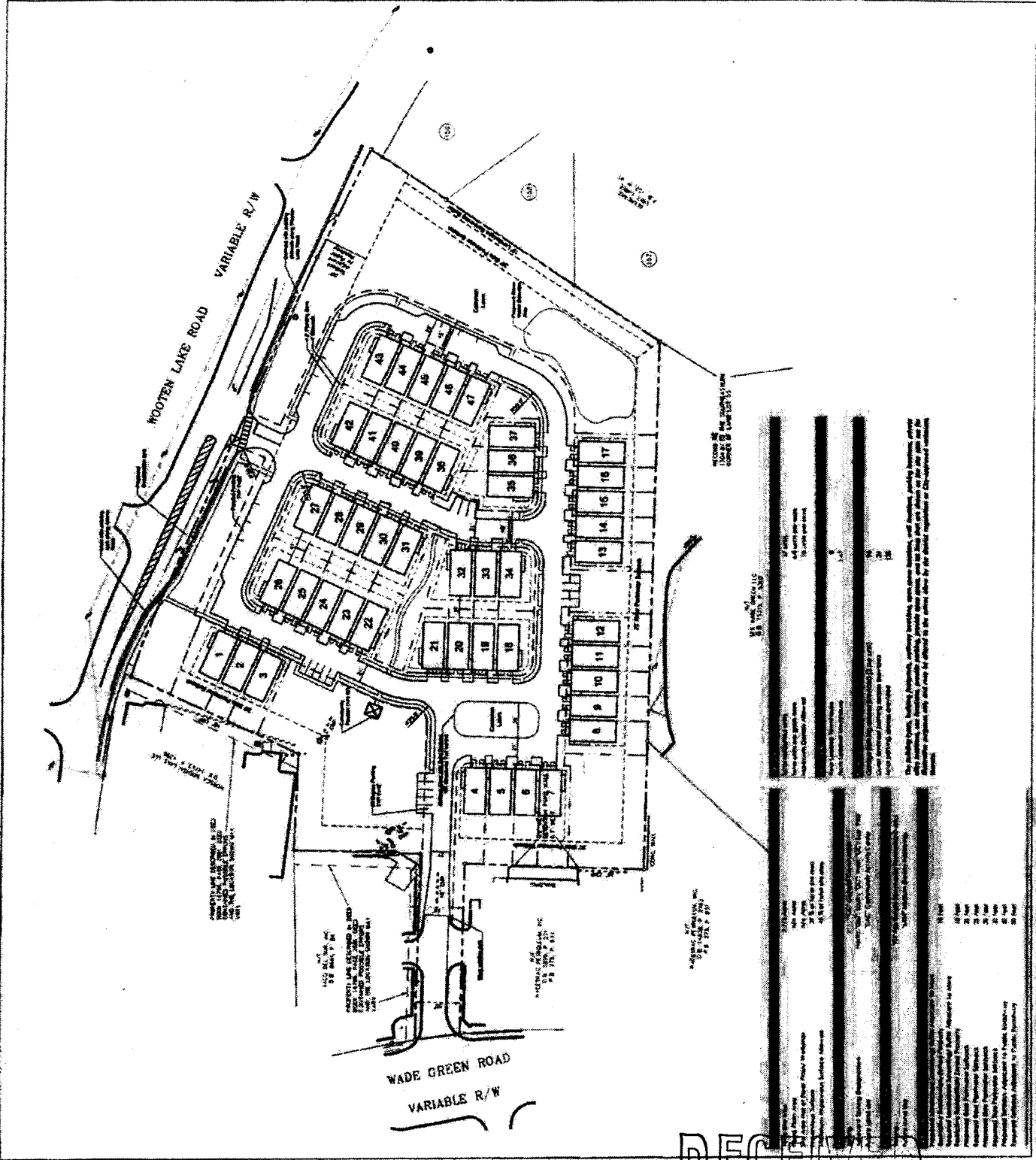
drawing information
 Drawn by:
 TSW

Checked by:
 Adam Williamson
 Licenses: LA 001359

project title
 Woolen Lake
 Site Plan

Venture
 Homes

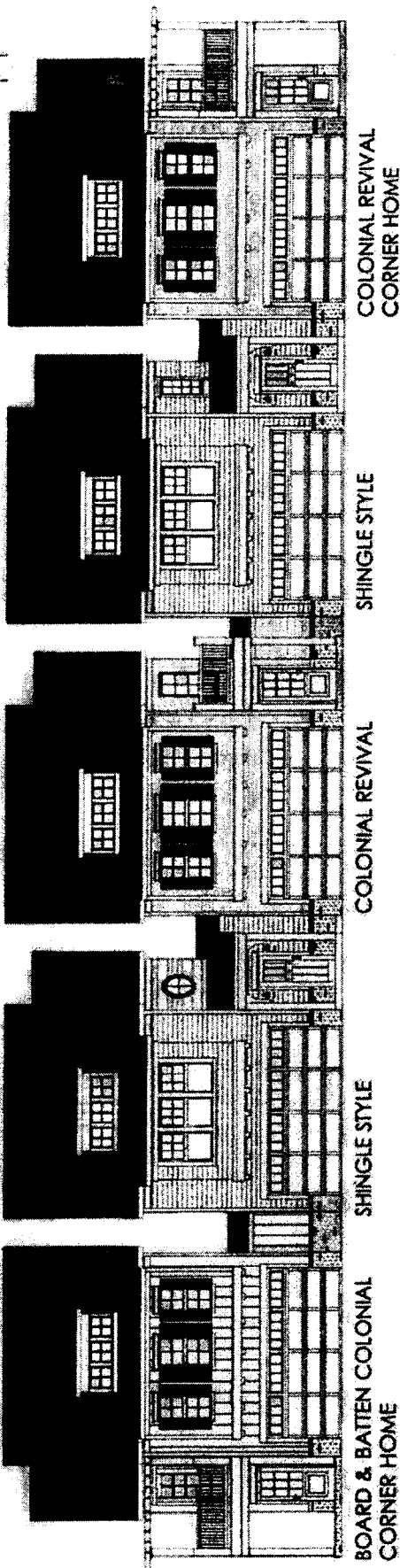
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COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

Petition No. 2-73
Meeting Date 12-19-17
Continued



2/10/17



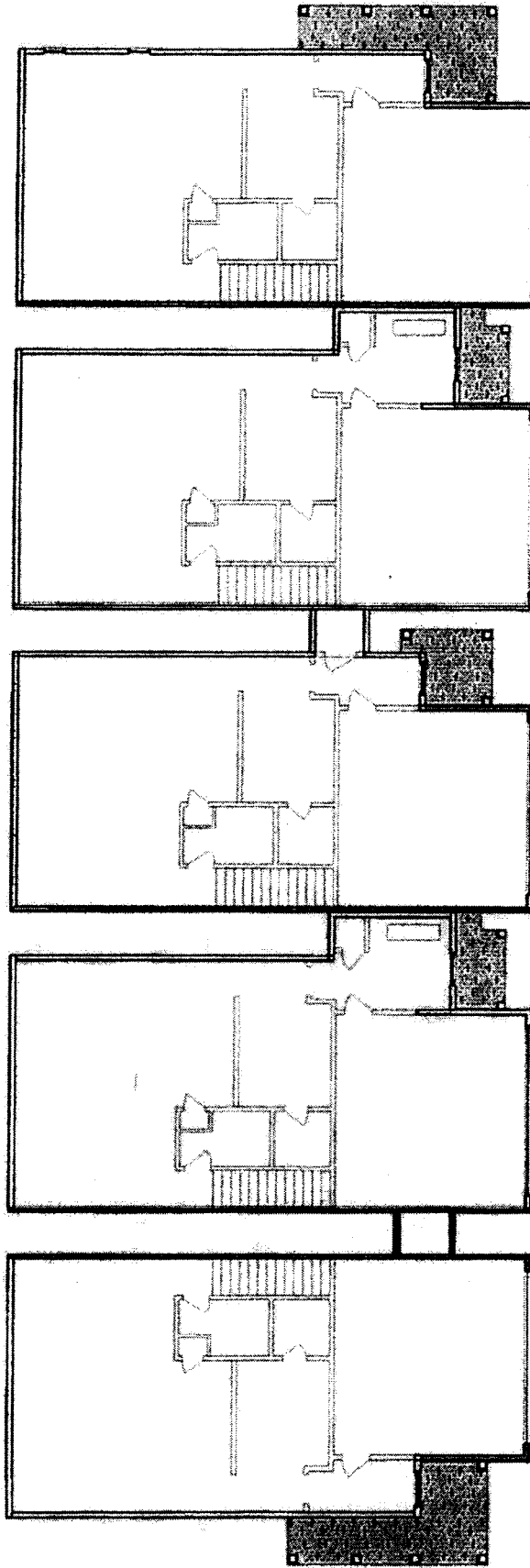
REVIEW OF FRONT ELEVATION OF 24' WIDE HOME
FOR: WOODSTOCK POINT - VENTURE HOMES

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ZONING DIVISION

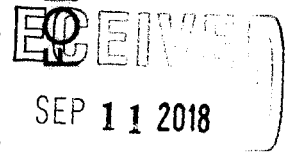
Petition No. Z-73
Meeting Date 12-19-17
Continued

2/10/17



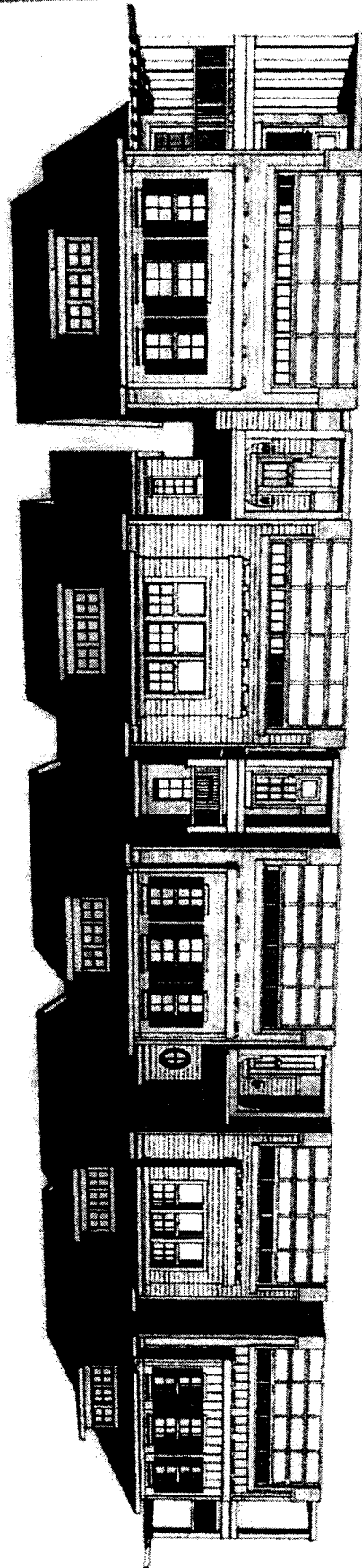
PLAN OF 24' WIDE HOME

FOR: WOODSTOCK POINT - VENTURE HOMES



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Petition No. Z-73
Meeting Date 12-19-17
Continued



2/10/17



VIEW OF 24' WIDE HOME

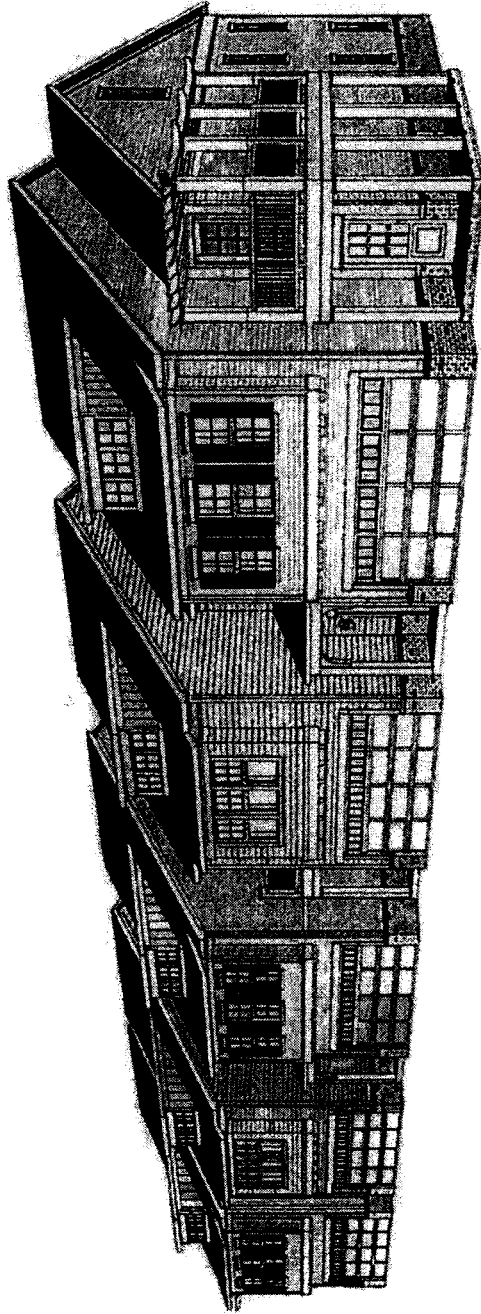
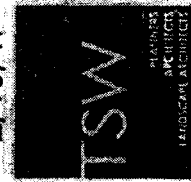
FOR: WOODSTOCK POINT - VENTURE HOMES

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COBB CO. COMM. DEVELOPMENT AGENCY
ZONING DIVISION

Petition No 2-73
Meeting Date 12-19-77
Continued

2/10/17



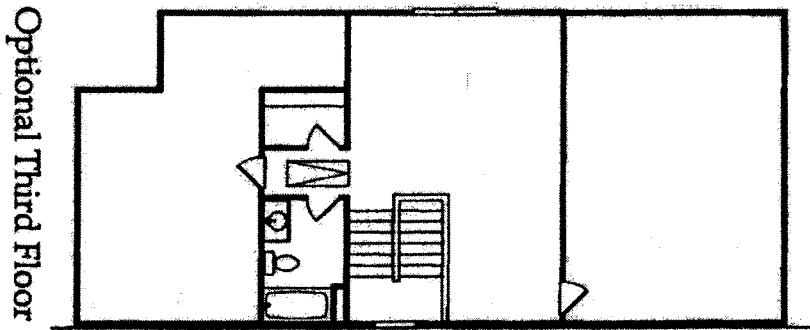
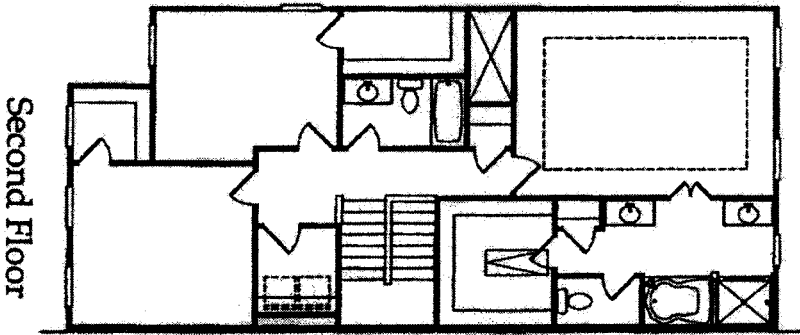
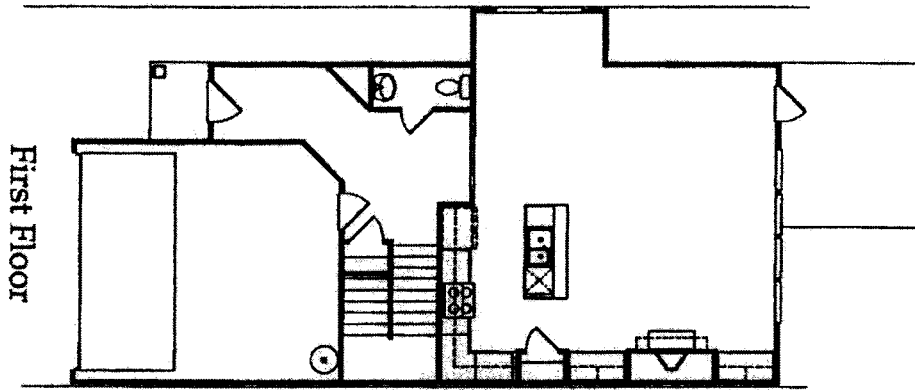
VIEW OF 24' WIDE HOME

FOR: WOODSTOCK POINT - VENTURE HOMES

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ZONING DIVISION

Petition No. Z-73
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Continued



(c) Copyright 2017 Venture Homes, Inc.

28' x 52' Alexander

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**2017 PAID AD VALOREM PROPERTY TAX
RECIPT FOR SUBJECT PROPERTY
(TAX PARCEL NO. 20005500160)**

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**COBB CO. COMM. DEV. AGENCY
ZONING DIVISION**



Printed: 9/11/2018

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
BILL JONES HOLDINGS LLC

BILL JONES HOLDING LLC

Payment Date: 9/5/2017

| Tax Year | Parcel ID | Due Date | Appeal Amount | Taxes Due |
|----------|-------------|------------|---------------|-----------|
| 2017 | 20005500160 | 10/15/2017 | Pay: N/A or | \$0.00 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|----------|---------|--------|-----------|-------------|---------|
| \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$12,942.09 | \$0.00 |



Scan this code with your mobile phone to view this bill!

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ZONING DIVISION