# DECEMBER 14, 2010 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 2

### <u>ITEM # 1</u>

## **PURPOSE**

To consider a stipulation amendment for Ashton Atlanta Residential, LLC regarding application Z-109 (The Pacific Group, Inc) of 2005, for property located on the west side of Oakdale Road, south of Chelton Way in Land Lot 692 of the 17<sup>th</sup> District.

### **BACKGROUND**

The subject property was zoned PVC in 2005 as an addition to West Village for 33 single family homes. This request is for two amendments to the zoning stipulations. First, the applicant would like to amend the stipulation regarding exterior finishes to the houses by adding "siding and board and batten" to the materials list for the house. The applicant has submitted renderings of the front facades of the proposed houses (Exhibit I in the request letter). Second, the applicant would like to add to a stipulation allowing potential purchasers an option of up grading to "easy living standards" of construction. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached.

#### **FUNDING**

N/A

#### RECOMMENDATION

The Board of Commissioners consider the proposed stipulation amendments.

### **ATTACHMENTS**

Zoning Stipulations (Exhibit A)
Other Business Application (Exhibit B)

MINUTES OF ZONING HEARING COBB COUNTY BOARD OF COMMISSIONERS JULY 19, 2005 9:05 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 19, 2005, at 9:05 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman Samuel S. Olens Commissioner Helen Goreham Commissioner Tim Lee Commissioner Joe L. Thompson Commissioner Annette Kesting

Z-109

THE PACIFIC GROUP, INC. (Ronald W. Wrey, MKWM, LLC, James B. Elser, Barbara S. Cobb Simpson and Roger Sidney Cobb, III, Louie and Vivian Stiles, James G. and Bobbie Smith, Doris Parker, Keith Whitehead and Diane A. McCoy, owners) requesting Rezoning from RA-5 to PVC for the purpose of Additional Property to a Previously Approved PVC Project in Land Lot 692 of the 17<sup>th</sup> District. Located on the west side of Oakdale Road, south of Chelton Way and on the north, south, east and west sides of Ruth Circle.

Ms. Mary Rose Barnes and Mr. John Moore addressed the Board regarding the distance between buildings.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to approve rezoning to the PVC zoning district subject to:

- site plan received by the Zoning Division June 29, 2005, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated July 13, 2005, not otherwise in conflict (copy attached and made a part of these minutes)
- Historic Preservation comments and recommendations
- Cobb Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: ADOPTED unanimously

**December 14, 2010** Exhibit "A" NAME OF THE PROPERTY OF THE PR Other Business Item 01 ME PROVIDE SOLUTIONS THENES TO SECRETA OAKDALEROAD (VARIABLE BIGHT OF WAY) (DOS W) HAING BLYANM 8 ۴į 띪 9 S M 5016112 Meeting Date पणार भाड Doc Type Petition No. Win. BK.

## MOORE INGRAM JOHNSON & STEE

AUMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

JOHN H. MOORE STEPHEN C STEELE WILLIAM R. JOHNSON \* ROBERT D. INGRAM T J. BRIAN O'NEIL G. PHILLIP BEGGS ELDON L. BASHAM MATTHEW J. HOWARD JERE C. SMITH CLAYTON O, CARMACK KEVIN B, CARLOCK T ALEXANDERT, GALLOWAY III \* J. KEVIN MOORE RODNEY R. McCOLLOCH SUSAN S. STUART DANIEL A. LANDIS" BRIAN D. SMITH

HARRY R. TEAR III W. TROY HART <sup>†</sup> JEFFREY A. DAXE MELISSA W. GILBERT TIMOTHY W. BAILEY JOYCE W. HARPER AMY K. WEBER COURTNEY H. MOORE KIM A ROPER TARA C. RIDDLE JOSHUA M. BOOTH \* KELLI L. WOLK C. LEE DAVIS TANYA L. CROSSE 4 ROBERT W. BROWN II VICTOR P. VALMUS JEFFERY L. DICKERSON

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

July 13, 2005

T. SHANE MAYES ANGELA H. SMITH OPHELIA W. CHAN STACEY L. STEWART<sup>†</sup> MEREDITH M. MILBY DARRELL L. SUTTON KASI R. WHITAKER AUTUMN L. VEAZEY NICHOLAS J. PETERSON \* JEFFREY K. STINSON BENJAMIN A. WALDEN ELIZABETH A. GUERRANT JAMES D. WALKER III CHRISTOPHER D. GUNNELS\* CHRISTOPHER L. MOORE JENNIFER S. WHITE ' KHRISTIE L. KELLY +

RYAN G. PRESCOTT RICARDO J. DeMEDEIROS L. LAKE JORDAN BRETT A. MILLER JACQUELYN VAN TUYL \*\*

OF COUNSEL: MICHELLE S. DAVENPORT JOHN L. SKELTON, JR.

T ALSO ADMITTED IN TO

ALSO ADMITTED IN FL.
ALSO ADMITTED IN OH

ALSO ADMITTED IN NO

WRITER'S DIRECT DIAL NUMBER

Min. Bk. 36 Petition No. Z-109 Letter of agreeable Doc. Type Hand Delivered Mr. John P. Pederson Stipulations D Planner III Meeting Date 7/19/05 Zoning Division Ŋ Cobb County Community Development Agency \$: Suite 300 JULI 191 Lawrence Street Marietta, Georgia 30060-1661

RE: Application for Rezoning

Application No.: Z-109 (2005)

Applicant:

The Pacific Group, Inc.

Property Owners:

MKWM, LLC; James B. Elser;

D. ..

Barbara S. Simpson; et al.

Property: 6.53 acres

6.53 acres located on the

easterly and westerly sides of Ruth Circle, west of Oakdale

Road; Land Lot 692,

17th District, 2nd Section,

Cobb County, Georgia

### Dear John:

As you know, this firm represents The Pacific Group, Inc., the Applicant (hereinafter referred to as "Applicant"), and MKWM, LLC; James B. Elser; Barbara S. Simpson; Roger S. Cobb, III; Louis Stiles; Vivian P. Stiles; Diane A. McCoy; James G. Smith; Bobbie Nell Smith; Doris Parker; Ronald W. Wrey; and Keith Whitehead, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of approximately 6.53 acres located along the easterly and westerly sides of Ruth Circle, west of Oakdale Road, Land Lot 692, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the District, "Subject Property"). After meeting with planning and zoning staff, reviewing the staff comments and recommendations, meetings and discussions with area residents and homeowners associations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this revised

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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Meeting Date 7/19/05
Continued

December 14, 2010 Exhibit "A" Other Business Item 01

letter of 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 letter shall supersede and replace in full that certain letter of agreeable stipulations and conditions dated and filed June 29, 2005. 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.
- (2) Rezoning of the Subject Property shall be from the existing RA-5 zoning category to the Planned Village Community ("PVC") zoning classification, site plan specific to that certain revised Site Plan prepared for The Pacific Group, Inc. by Planners and Engineers Collaborative dated January 10, 2000, last revised June 28, 2005.
- (3) The Subject Property consists of 6.53 acres of total site area and is proposed as an additional phase of the development known as West Village which was previously approved by the Cobb County Board of Commissioners on November 16, 2004, in Application No. Z-42 (2004), and June 21, 2005, in Application No. Z-59 (2005).
- (4) This phase of the development will continue the quality architectural design and construction to be utilized within West Village and will further the village concept, which is the hallmark within the West Village community.
- (5) The Subject Property shall be developed for single-family, detached residences consisting of a maximum of thirty-three (33) homes, having a total net density of 5.05 units per acre.
- (6) Residences to be constructed within this phase of West Village shall have a minimum of 2,400 square feet, ranging upwards to 3,500 square feet and greater, and

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Meeting Date 7/19/05
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shall be traditional or European in styling and architecture as more fully shown and depicted on the architectural rendering to be presented to the Planning Commission and Board of Commissioners at the respective scheduled Zoning Hearings.

- (7) Additionally, residences within the proposed community shall be front and both sides brick, stone, stacked stone, stucco-type, cedar shake-type shingles, or combinations thereof.
- (8) All residences within the proposed community shall have attached, two-car garages.
- (9) Applicant agrees to demolish all abandoned or vacated houses within sixty (60) days of the closing of the Subject Property, and further agrees to board-up any such houses within thirty (30) days of closing. This same process and time line shall apply after closing until complete demolition.
- (10) The Pacific Group, Inc., as the Applicant and Developer, will be involved in all aspects of this phase of the proposed development.
- (11) The setbacks for the proposed residential community shall be as follows:
  - (a) Front setback Ten (10) feet (or as shown and reflected on the referenced Site Plan);
  - (b) Rear setback Ten (10) feet (or as shown and reflected on the referenced Site Plan); and
  - (c) Side setback Ten (10) feet between structures.
- (12) All front, side, and rear yards of the residences to be constructed within the proposed community shall be sodded.

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Continued

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- (13) The entrance to the proposed community shall have ground-based, monument style signage compatible with other West Village signage. The entrance area will be heavily and professionally designed, landscaped, and maintained.
- (14) All utilities servicing the residences within the proposed community shall be underground.
- (15) The proposed community shall be under the auspices of the master protective covenants for the entire West Village development. The master association formed as part of the master protective covenants shall be responsible for the oversight, upkeep, and maintenance of the entrance area, common area, open space areas, and the like contained within this phase of the West Village development.
- (16) Further, the master association formed as above stated has architectural design regulations which controls such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total, overall development, which regulations shall be applicable to the proposed community as well.
- (17) All portions of Ruth Circle will be abandoned by Cobb County, Georgia, and deeded to Applicant or a related entity by the Cobb County Board of Commissioners.
- (18) There shall be a "village commons" area which shall include a park for passive recreational activities of the residents.
- (19) Applicant agrees to install along the frontage of the Subject Property on Oakdale Road wrought-iron type fencing with brick or stone columns or piers as part of the approved landscape plan.

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Planner III

Zoning Division

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- (20) All internal streets shall be private and shall be constructed in accordance with the approved Site Plan and built to Cobb County Department of Transportation construction standards and guidelines.
- (21) Further, access to the residences shall be accomplished by alley ways located to the rear of same, together with front or side entrances.
- (22) There shall be a thirty-five (35) foot setback and landscape replanted buffer area located on the northerly side of the Subject Property.
- (23) Additionally, there shall be a twenty-five (25) foot setback and landscape replanted buffer located along the frontage of the Subject Property on Oakdale Road.
- (24) The detention areas shall be fenced and landscaped for purposes of visual screening from adjacent developments. Said landscaping shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the West Village development.
- (25) Applicant agrees to construct internal sidewalks within the proposed residential community. Said sidewalks shall comply in all respects with Cobb County standards and ordinances.
- (26) Minor modifications to the referenced Site Plan, including, but not limited to, lot layout and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (27) Applicant agrees to a fifty (50) foot stream buffer on either side of the centerline of stream traversing the westerly portion of the Subject Property as more particularly shown and reflected on the revised Site Plan referenced herein.

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Continued

December 14, 2010 Exhibit "A" Other Business Item 01

- (28) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (29) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations, except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (30) All landscape and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (31) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners, the Department of Transportation, or Community Development Agency, as their authority may allow which includes installation of the following:
  - (a) Construction of sidewalk, curb, and gutter, along the entire frontage of the Subject Property on Oakdale Road;
  - (b) Donation of right-of-way a maximum of thirty (30) feet from the existing roadway centerline; and
  - (c) Installation of a deceleration lane along the westerly side of Oakdale Road for ingress into the proposed community.

We believe the requested zoning, pursuant to the revised Zoning Plan previously submitted and the revised stipulations referenced herein, is an appropriate use of the Subject Property. The overall

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Seven July 13, 2005

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Continued

December 14, 2010 Exhibit "A" Other Business Item 01

West Village development is an exciting concept and the proposed residential community will be a valuable feature in the promotion of the "live where you work" concept of the community. We very much appreciate your consideration of the requested rezoning.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

Љhn Н. Moore

#### JHM:cc

C: Cobb County Board of Commissioners: Samuel S. Olens, Chairman Helen C. Goreham Annette Kesting Joe L. Thompson Tim Lee

> Mr. Robert L. Hosack, Jr., AICP, Director Cobb County Community Development Agency

Mr. Ron Sifen Vinings Civic Association

Mr. Anthony L. Waybright

Ms. Mary Rose Barnes

Ms. Suzanne Ballew

Mr. Marvin Moate

The Pacific Group, Inc.

Year 2010 Form

December 14, 2010 Exhibit "B" Other Business Item 01

## Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested:

NOV

12/14/2010

Applicant: Ashton Atlanta Residential, L.L.C. Phone #: (770) 642-6123
(applicant's name printed)
(applicant's name printed)
Address: Suite 100, 1455 Old Alabama Road, Roswell, E-Mail:
Moore Ingram Johnson & Steele, LLP GA 30076
John H. Moore Address: Emerson Overlook, 326 Roswell Street
(representative smanne, printed) Marietta, GA 30060
$\times$ $M$ , $M$ $M$
Phone #: (770) 429-1499 E-Mail: jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800 w7@mijs.com
Signed, sealed and delivered in presence of:
Carolex E. Cook My commission expires: January 10, 2011
Notary Public /
Ashton Atlanta Residential, L.L.C. and
Titleholder(s): First Citizens Bank and Trust Phone #:
(property owner's name printed) Company, Inc.
Address: E-Mail:
See Exhibit "A" for Signatures and Contact Information
(Property owner's signature)
Signed, sealed and delivered in presence of:
My commission expires:
Notary Dublic
Notally Edding
Notary Fubilic
Commission District: 2 (0tt) Zoning Case: z-109 (2005)
Commission District: 2 (0tt) Zoning Case: Z-109 (2005)  Date of Zoning Decision: 07/19/2005 Original Date of Hearing: 07/19/2005
Commission District: 2 (Ott) Zoning Case: Z-109 (2005)  Date of Zoning Decision: 07/19/2005 Original Date of Hearing: 07/19/2005  Development known as Brookfield Park at West Village; westerly side of
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## <u>EXHIBIT "B"</u> - <u>ATTACHMENT TO APPLICATION FOR OTHER BUSINESS</u> (STIPULATION AMENDMENT)

Application No.: Z-109 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: July 19, 2005

Current Hearing Date: December 14, 2010

## **BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

Applicant: Ashton Atlanta Residential, L.L.C.

Property Owners: Ashton Atlanta Residential, L.L.C. and

First Citizens Bank and Trust Company, Inc.

Applicant and Property Owners request amendments to certain stipulations and conditions for the residential development known as Brookfield Park at West Village, which is a portion of the overall West Village development, approved through the rezoning process by the Board of Commissioners on July 19, 2005. The proposed amendments are as follows:

- (I) Deletion in its entirety of paragraph 7 (page 3 of the letter of agreeable stipulations and conditions dated July 13, 2005), and insertion of the following in lieu thereof:
  - (7) Additionally, residences within the proposed community will utilize a mix of exterior materials; including brick, stone, stacked stone, cedar shake-type shingles, siding, board and batten, or combinations thereof, which shall be in substantial conformity to the renderings attached collectively hereto as Exhibit "I" and incorporated herein by reference.
- (2) Addition of the following stipulation:
  - (32) Applicant states that "easy living standards" of construction shall be available as an option for any potential purchasers.

The amendments requested and presented herein in no way adversely impact or affect the remainder of the overall development approved in various phases, including the Subject Property. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Brookfield Park at West Village development, as more particularly shown and reflected on the "Final Plat" attached hereto as Exhibit "2" and incorporated herein by reference.

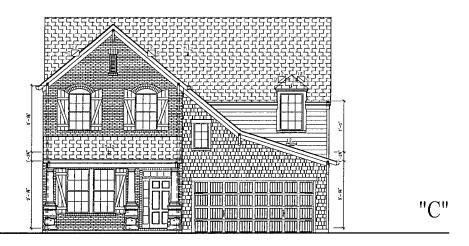
Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on July 19, 2005, in Application No. Z-109 (2005), are unaltered or unchanged by this request for stipulation amendment.

**December 14, 2010** Exhibit "B" Other Business Item 01 "A"  $^{"}$ B" "C" **ELEVATION\$ PLAN ATLANTA** 2-STORY (4 BEDROOMS, 2.5 BATH 38' House Width Scale:1/8" = 1'-0" Exhibit "1" Page 1 of 7



"A"





**ELEVATION\$** 

PLAN 2

2-STORY (4 BEDROOMS, 2.5 BATH Scale:1/8" = 1'-0"

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**ATLANTA** 38' House Width

December 14, 2010 Exhibit "B" Other Business Item 01 "A" "B" "C" **ELEVATION\$** Plan 3 Atlanta 2-STORY (4 BEDROOMS, 2.5 BATH

38' House Width

Exhibit "1" Page 3 of 7 Scale:1/8" = 1'-0"

**December 14, 2010** Exhibit "B" Other Business Item 01 "A" "B""C" **ELEVATION\$** Plan 4 **ATLANTA** RANCH/2-STORY (X BEDROOMS, X BATH

38' House Width



Exhibit "1" Page 4 of 7

Scale:1/8" = 1'-0"

Scale:1/8" = 1'-0"

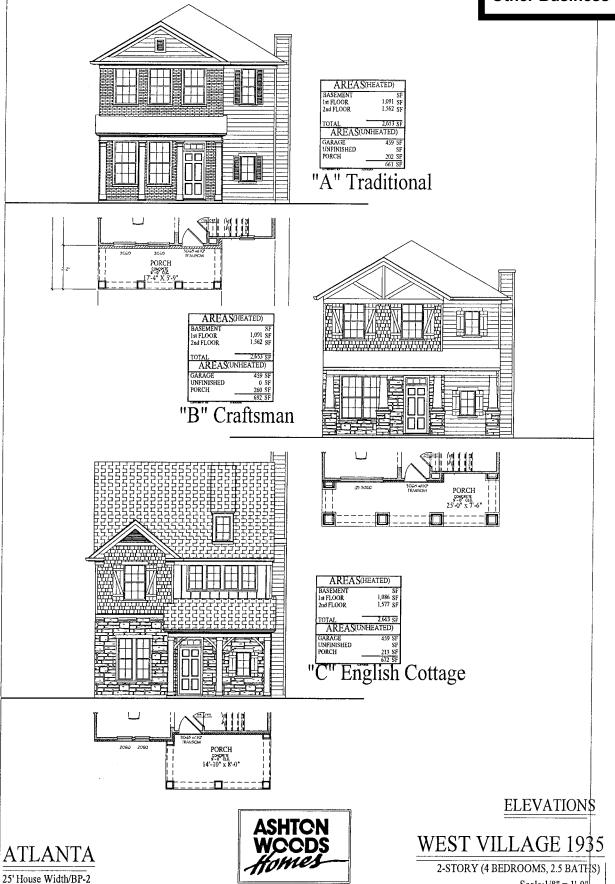


Exhibit "1" Page 5 of 7

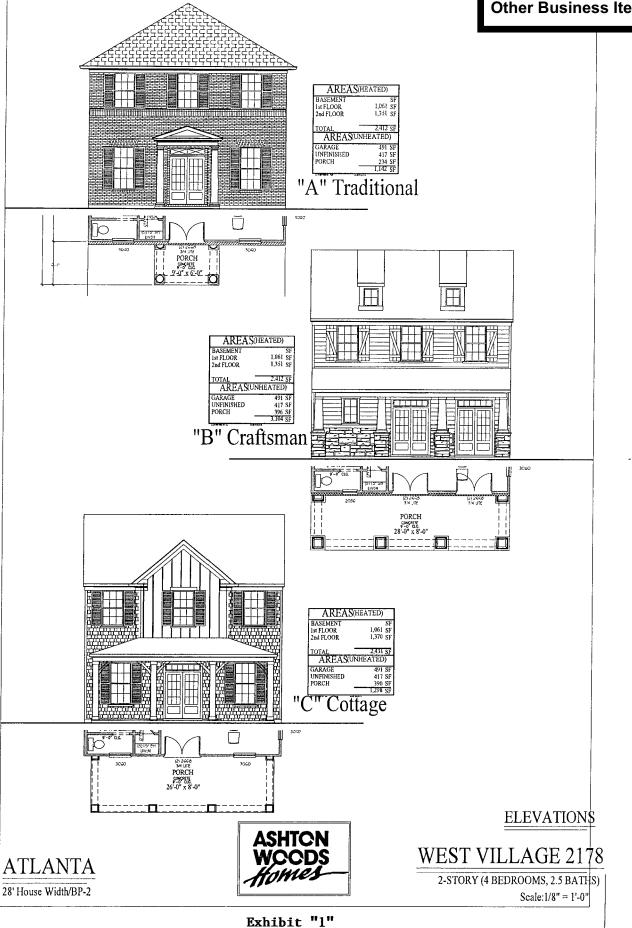


Exhibit "1" Page 6 of 7

