

SEPTEMBER 20, 2011 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1

ITEM # 5

PURPOSE

To consider a stipulation amendment for D.R. Horton, Inc. regarding rezoning application Z-71 of 2004 (Ransom Development Corporation), for property located on the southwest side of Interstate 75, south of Woodstock Road and Woodstock Connector in Land Lots 13 and 14 of the 20th District.

BACKGROUND

The subject property was zoned RA-5 for a subdivision in 2004. One of the zoning stipulations required a “kiddie park” on land with than 25% slope in the southeastern half of the property. The original developer from 2004 is absent through foreclosure and D.R.Horton has purchased the remaining vacant lots. In trying to finish the subdivision, the applicant found out about the kiddie park requirement, which was never completed. The applicant is requesting the kiddie park be moved to the northwestern portion of the property which has flatter slopes for the kiddie park. The applicant has submitted a letter from their engineer explaining in detail the need for this revision. The applicant has also submitted letters in support from the adjacent subdivision, the adjacent neighbor, and from the Arbor Walk H.O.A. 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 conduct a Public Hearing and consider the proposed site plan and stipulation amendments.

ATTACHMENTS

Rezoning stipulations (Exhibit A).

Other Business application, which also includes the engineer’s letter, neighbor’s letters, and proposed kiddie park plans (Exhibit B).

ORIGINAL DATE OF APPLICATION: 06-15-04APPLICANTS NAME: RANSOM DEVELOPMENT CORPORATIONTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 08-17-04 ZONING HEARING:**

RANSOM DEVELOPMENT CORPORATION (Nancy McKinney Gentry, owner) for Rezoning from CF and R-20 to RA-5 for the purpose of a Subdivision in Land Lots 13 and 14 of the 20th District. Located on the southwest side of Interstate 75, south of Woodstock Road and Woodstock Connector.

The public hearing was opened and Mr. John Moore, Mr. David Warner, Mr. Ken Collier, and Ms. Nancy Tracy addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Goreham, second by Lee, to approve rezoning to the RA-5 (detached) zoning district subject to:

- site plan last revised August 12, 2004 subject to modifications to conform with all recommendations of final Plan Review and all Cobb DOT, Stormwater Management Division and Water and Sewer recommendations (copy attached and made a part of these minutes)
- maximum density of 3.0 units per acre
- project subject to Plan Review, with the District Commissioner approving final site plan and any subsequent minor modifications to site layout
- letter of agreeable stipulations from Mr. John Moore dated June 29, 2004, to include Exhibit "A" letter from Mr. David Warner, President of the North Cobb Homeowners Coalition dated June, 2004 (correcting the Application No. in said letter to read Z-71 instead of Z-73), *not otherwise in conflict with these stipulations or staff comments and recommendations* (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated August 17, 2004, with revisions set forth below, *which letter shall supercede and control if in conflict with the June 29, 2004 letter from Mr. John Moore* (copy attached and made a part of these minutes)
 - to paragraph 3, add: "..., which shall extend from Lot 1, along the length of the property of Ms. Nancy Tracy, together with ...,"
 - to paragraph 4, add: "...engineering requirements to maintain the existing toe of the slope."
- minimum fifteen (15) feet between foundations
- if land disturbance permit has not been granted within eighteen (18) months from the date of this hearing, the property will revert to the original zoning district

Z-71 continued on next page

ORIGINAL DATE OF APPLICATION: 06-15-04APPLICANTS NAME: RANSOM DEVELOPMENT CORPORATIONTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERSBOC DECISION OF 08-17-04 ZONING HEARING (Continued):

- allowance of variance requests as follows:
 - maximum acreage for RA-5 increased to 36.054 acres
 - maximum 51 lots to be 60 feet in width, remainder per County Code
 - exterior rear setbacks adjacent to Interstate 75 reduced from 40 feet to 20 feet
 - interior rear setbacks reduced to 20 feet
- execution of all Intergovernmental Agreements necessary prior to issuance of any permits
- all required authorizations and easements relevant to any wetlands issues to be obtained prior to issuance of any permits
- sewage lift station and force main issues to be approved by Staff prior to issuance of any permits
- all buffers to be maintained natural buffers, which may be enhanced with plantings ecologically compatible to the area (not to be clear cut or mowed) and will be maintained after development by the owner; only dead, dying, diseased, or invasive vines or plants may be removed from the buffer; no storage, structures, or other non-growing items to be placed in the buffer; invisible fencing (i.e. electronic underground fence for containment of animals) is acceptable on private lots; County Arborist shall have final authority as to plantings
- all greenspace, creek buffers and perimeter buffers to be undisturbed and fenced before and during construction
- County Arborist to approve landscape plan, which shall include buffer areas
- amenity package, either built or contracted, to be administered by the homeowners association as defined in the recorded protective covenants
- installation of kiddie park on land with less than 25% slope in the southeastern half of the project and included in the common property
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations, to include memorandum from Mr. G. H. Mingledorff dated July 1, 2004 (copy attached and made a part of these minutes)
- Cobb DOT comments and recommendations

VOTE: ADOPTED unanimously

Stipulation to
be amended.

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 9-20-2011Applicant: D.R. Horton, Inc.Phone #: 770-730-7900

(applicant's name printed)

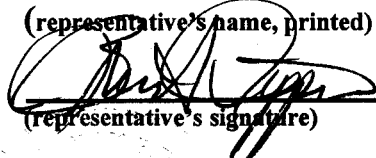
Address: 8200 Roberts Drive, Suite 100E-Mail: BARippen@drhorton.com

Bruce Rippen

VP of Acquisition & Development

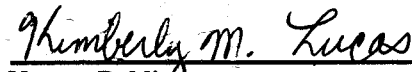
Address: 8200 Roberts Drive, Suite 100, Atlanta, GA 30350

(representative's name, printed)

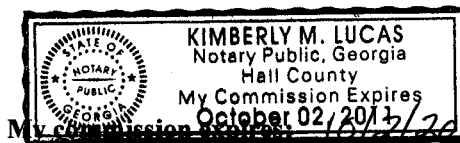

Phone #: 678-731-8989 (Direct) E-Mail: BARippen@drhorton.com

(representative's signature)

Signed, sealed and delivered in presence of:



Notary Public



WELLS FARGO BANK, N.A., successor-by-merger

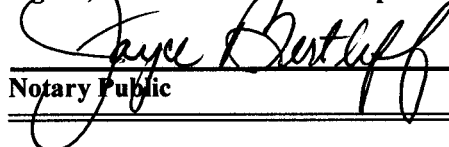
Titleholder(s) : to WACHOVIA BANK, N.A.Phone #: 678-627-3725

(property owner's name printed)

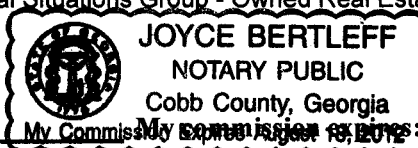
Address: 360 Interstate North Parkway, 5th Floor | Atlanta, GA 30339E-Mail: sean.stefan@wachovia.com


(Property owner's signature) Sean Stefan, Special Situations Group - Owned Real Estate

Signed, sealed and delivered in presence of:



Notary Public

Commission District: 1Zoning Case: Z-71Date of Zoning Decision: 8-17-2004Original Date of Hearing: 6-15-2004Location: 4963 Arbor View Parkway, Acworth, GA 30101 - Lot 11, Arbor Walk Subdivision

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): Land Lots 13 & 14District(s): 20th District, 2nd Section

State specifically the need or reason(s) for Other Business: The BOC approval motion included a condition that requires a "kiddie park" to be constructed within the southeastern portion of the development on slopes not exceeding 25%. The final location of the park as depicted on approved construction documents was within the geographically required area but in an area where slopes do exceed 25%. As a result, we respectfully request that the kiddie park be allowed to be located on a portion of community land that can be created by reducing the size of lot 11 into a compliant lot of record and the kiddie park.

(List or attach additional information if needed)

TERRA



Design – Development – Construction Management
A Georgia Limited Liability Company

August 16, 2011

VIA: Electronic mail in PDF Format

Mr. Scott Mueller
D.R. Horton, Inc.
8200 Roberts Drive, Suite 100
Atlanta, Georgia 30350

Re: Arbor Walk Playground Amenity

Dear Mr. Mueller,

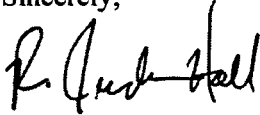
TerraTory Design, LLC has performed a requested analysis of the subject development associated with creating two (2) lots out of the currently platted configuration of Lot 11. The need for this analysis was to determine if two lots could be created in the same area as Lot 11 so that one lot in the Phase 2 portion of the development could be abandoned for the purpose of developing a required playground amenity. The construction of an amenity is a condition of the original rezoning case for the property. I further understand that Cobb County Staff requested this analysis so that the playground amenity location might be able to remain as near to the original zoning plan location as is possible.

As you may recall, the proposed location of the playground amenity that was conceived on the approved zoning plan for the development was located in the rear portion of the Phase 2 area of the development. The location is in an "open space" area between lots 34 & 35. That area is characterized by steep grades and mature woodlands consisting of mostly deciduous over-story vegetation. This firm prepared a concept plan for that area that would require an extensive development effort in order to construct a usable playground area at that location. As a result of the expected costs to develop this open space into the amenity, we were asked to analyze the entire development to locate an area that offered an easier development effort. The most logical location we found was to utilize a portion of the Lot 11 area for the amenity.

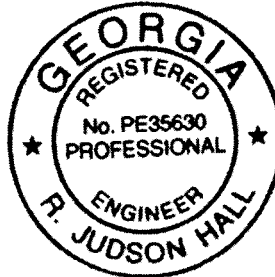
Our analysis regarding the subdivision of Lot 11 into two individual building lots determined that it cannot be achieved. Generally, two buildable lots cannot be created in that area in any configuration that would comply with the minimum required lot dimensions as established by the zoning case. Specifically, to create two lots, the minimum required lot width of 65-feet would not be possible for both lots if they are divided in such a way as to achieve the minimum required lot area of 7,000 Sq. Ft. Conversely, if two lots are created that meet the minimum width requirement, then one lot cannot achieve the minimum required lot area. Most importantly, the configuration of either of the divisions would not provide a building envelop large enough to fit the smallest home floor plan that D.R. Horton is building at the project. As a result of this product fit limitation, even if the County provided variances to overcome the minimum lot standards established by the zoning, then two buildable still could not be created.

At this time I would advise you and the County that the relocation of the amenity on a portion of the lot 11 area, regardless of its proximity to the originally intended location of the amenity is the best solution possible. Thank you for the opportunity to assist you with this analysis and please contact me if you have any further questions regarding this analysis.

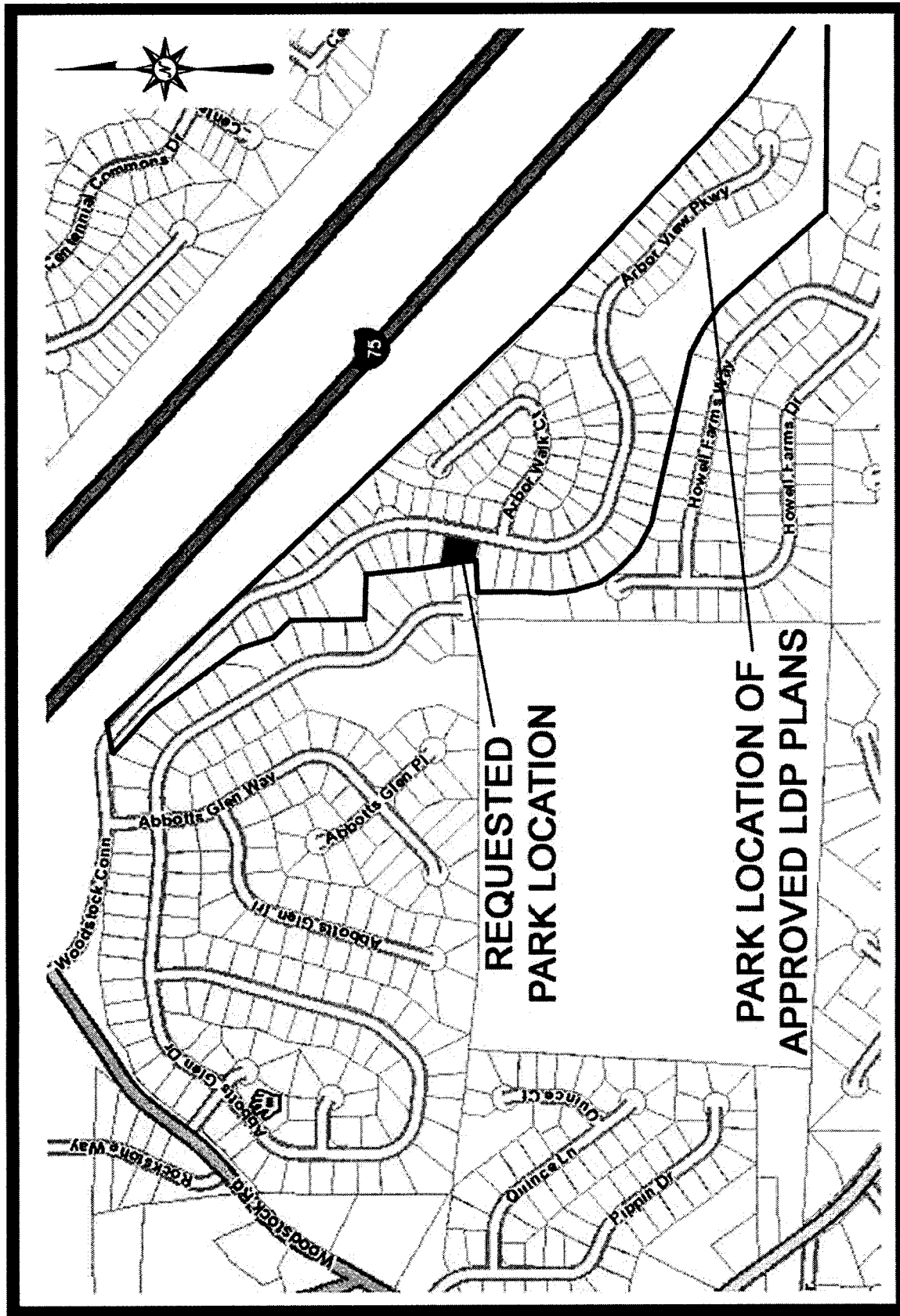
Sincerely,



R. Judson Hall, PE, RLA
Managing Member
TerraTory Design, Development &
Construction Management, LLC



Site Location Map



Source: cobbgis.org (Not to scale)



Abbotts Glen

Community Association, Inc.

117 Towne Lake Parkway, Suite 300

Woodstock, Georgia 30188

(770) 926-3086

March 16, 2011

Scott Mueller
Development Manager
D.R. Horton, Inc.
8200 Roberts Drive, Suite 100
Atlanta, GA 30350

Re: Arbor Walk Amenity

Dear Mr. Mueller:

The Board of Directors of the Abbotts Glen Homeowners Association, Inc. has approved the proposed location of the Arbor Walk "kiddie park" amenity on a portion of Lot 11 of the Subdivision. It is the Board's understanding that the amenity will be constructed by D.R. Horton as shown on the drawings you submitted and will be owned as common area and maintained by the Arbor Walk Homeowner's Association.

Sincerely,
Abbotts Glen Board
Property Mgr

A handwritten signature in black ink, appearing to read 'Ken Thelen', written over the typed name.

Ken Thelen

Apr. 7. 2011 8:40PM

September 20, 2011
Exhibit "B"
Other Business Item 05

{Date}

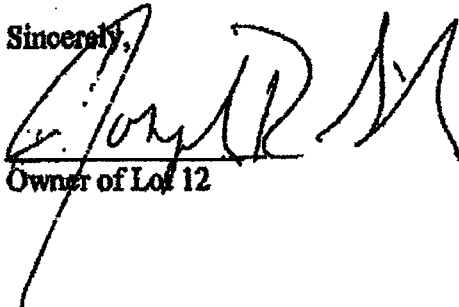
Scott Mueller
Development Manager
D.R. Horton, Inc.
8200 Roberts Drive, Suite 100
Atlanta, GA 30350

Re: Arbor Walk Amenity

Dear Mr. Mueller:

I am the owner of Lot 12 in the Arbor Walk Subdivision. I am writing to provide my approval for proposed location of the Arbor Walk "kiddie park" amenity on a portion of Lot 11 of the Subdivision. It is my understanding that the amenity will be constructed by D.R. Horton as shown on the drawings you submitted and be owned and maintained by the Arbor Walk Homeowners Association, Inc.

Sincerely,



Owner of Lot 12

Apr. 7. 2011 8:40PM

September 20, 2011
Exhibit "B"
Other Business Item 05



Arbor Walk Homeowners Association, Inc.

Scott Mueller
Development Manager
D.R. Horton, Inc.
8200 Roberts Drive, Suite 100
Atlanta, GA 30350

3/30/2011

Re: Arbor Walk Amenity

Dear Mr. Mueller:

The Board of Directors of the Arbor Walk Homeowners Association, Inc. has approved the proposed location of the Arbor Walk "kiddie park" amenity on a portion of Lot 11 of the Subdivision. It is the Board's understanding that the amenity will be constructed by D.R. Horton as shown on the drawings you submitted.

In addition to the items shown in the diagram, a swing will be included as a part of the amenity. The area will be sodded except under the play structure and swing which will be enclosed by 6"x6" timbers and mulched. The play structures and swing will be accessed via a concrete sidewalk.

The amenity area will be re-platted to be common area of the Arbor Walk Homeowners Association, Inc. and conveyed by a limited warranty deed. All warranties for the structures will be transferred to the Arbor Walk Homeowners Association, Inc. and be maintained by the Association after installation is complete and the deed recorded.

Sincerely,

 3/30/11
Jorge Montecagudo, President
Arbor Walk Homeowners Association, Inc.



PROPOSAL

DR HORTON

- USE ECOPLAY AND NEVER REPLACE A PLAY STRUCTURE AGAIN
- ALL ECOPLAY STRUCTURES INCLUDE 6X6 POSTS & 16 SQ' DECKS

ABBOTTS GLEN – OPTION ONE

SCHEMATIC BO1510A INCLUDES THE FOLLOWING EQUIPMENT:

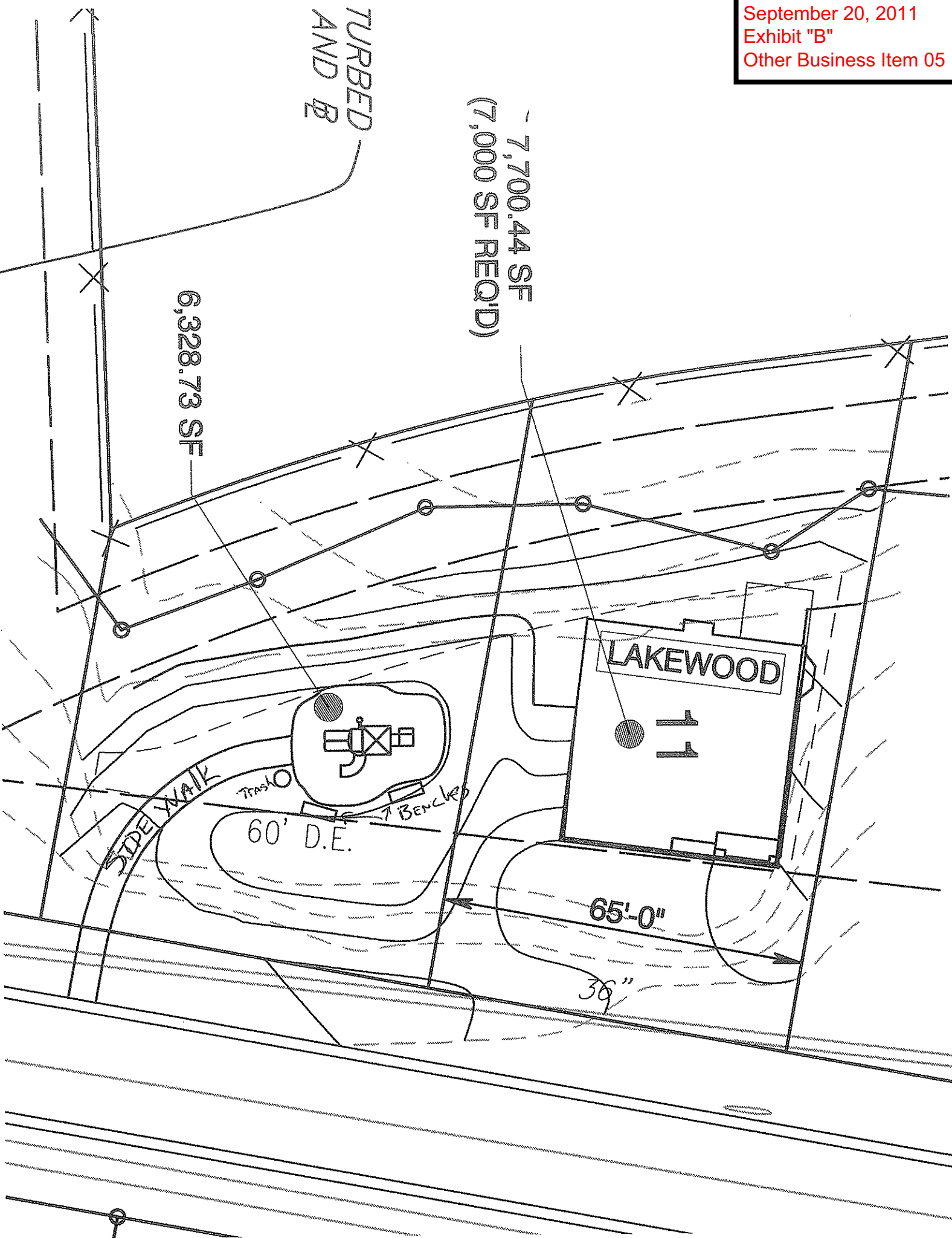
- 2 #7000 SQUARE DECK W/ POSTS 4' X 4'
- 1 #1003 ADA TRANS DECK W/ STEP
- 1 #1015 STAIRS 24" HIGH W/ HANDRAILS
- 1 #4038 48" SIDE BY SIDE SLIDE W/ BAR
- 1 #4015 48" CURVED SLIDE W/ ENTRY
- 1 #2340 STEP CLIMBER W/ ENTRY 36"/48"
- 1 #4058 38" PILOT/CO-PILOT PANEL
- 1 #4091 38" MUSIC/SOUNDS PANEL
- 1 #4035 5FT STANDING SEAM ROOF

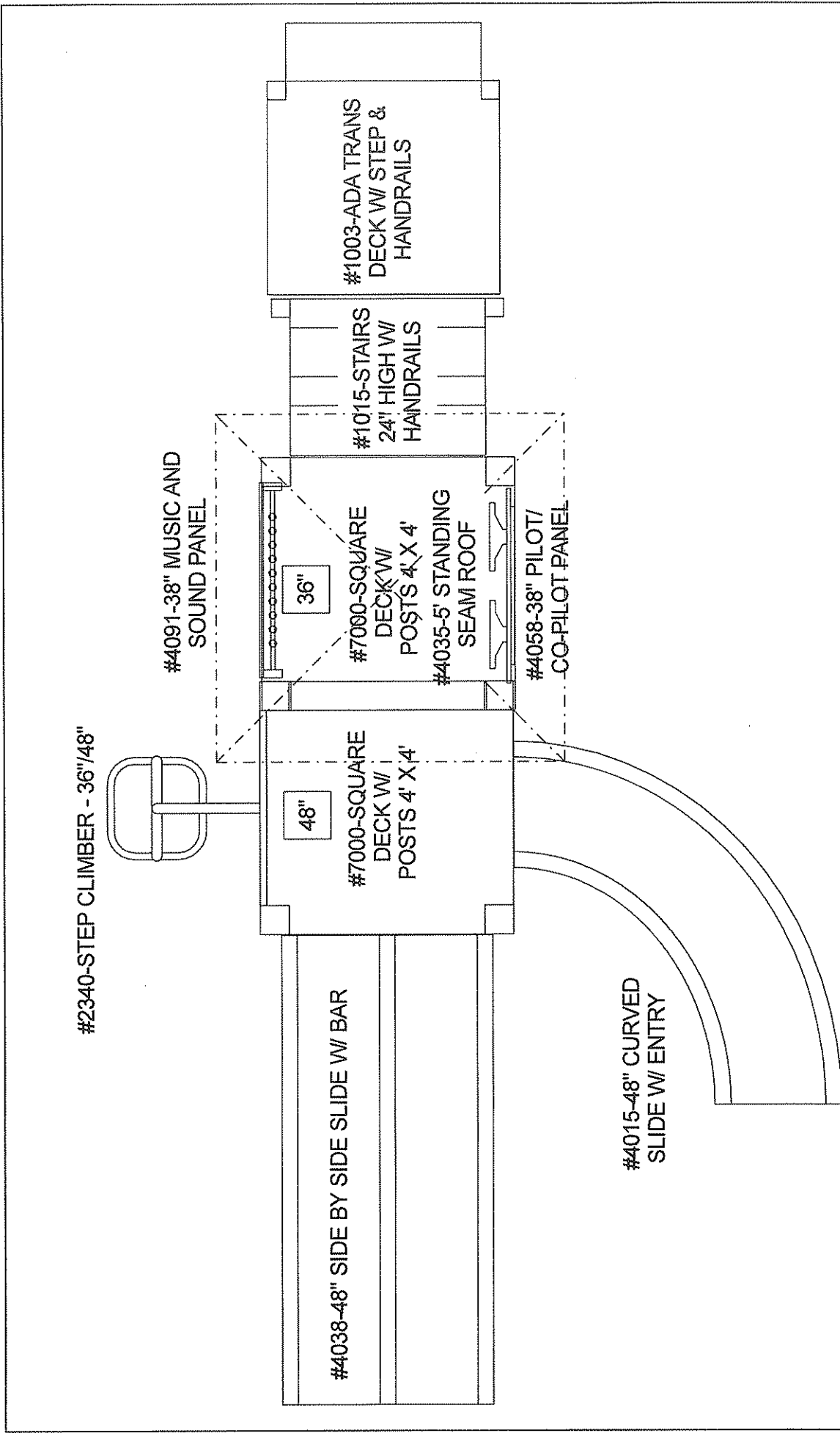
ABBOTTS GLEN - AMENITIES

SCHEMATIC C INCLUDES THE FOLLOWING EQUIPMENT:

- 2 #2316 PARK BENCH W/ BACK
- 1 #1037 TRASH RECEPTACLES RECYCLED

Also included is a swing with two strap seats. The equipment area will be bordered with 6x6 treated timbers with wood mulch.





A RESILIENT SAFETY SURFACE
IS REQUIRED UNDER AND AROUND
ALL PLAY STRUCTURES

APPROXIMATE FALL ZONE: XX' X XX'

Safeplay Systems 4452 Winfred Drive Marietta, GA 30066 770-591-7000 800-261-7218	>> DR HORTON
	>> ABBOTT'S GLEN
	>> 8/12/10
	>> B01510A

#9999-DEDUCT PER POST @ ADJACENT DEC

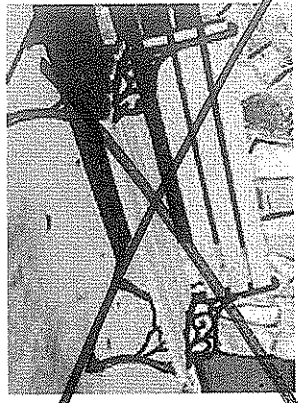
© 2011 SAFEPLAY SYSTEMS, ALL RIGHTS RESERVED



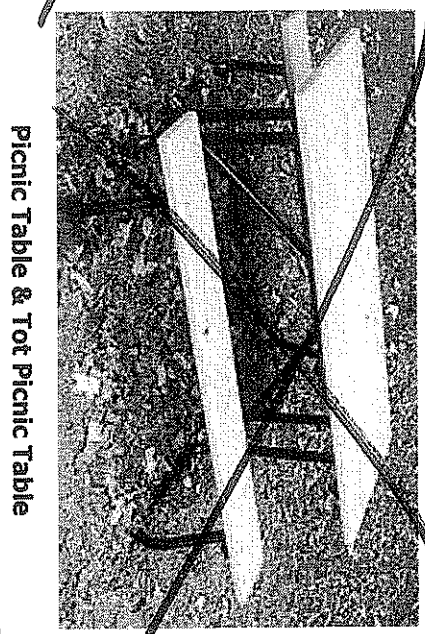
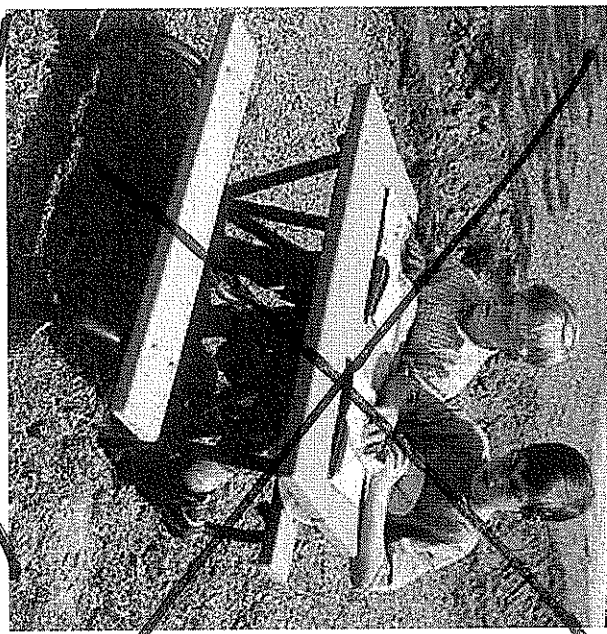
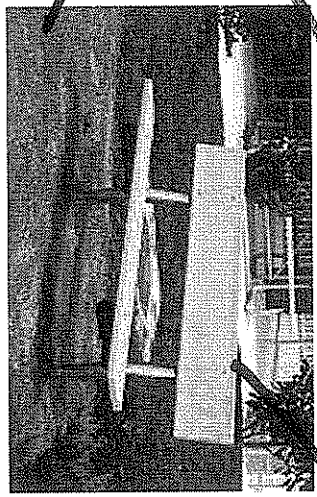
Park Amenities

Components

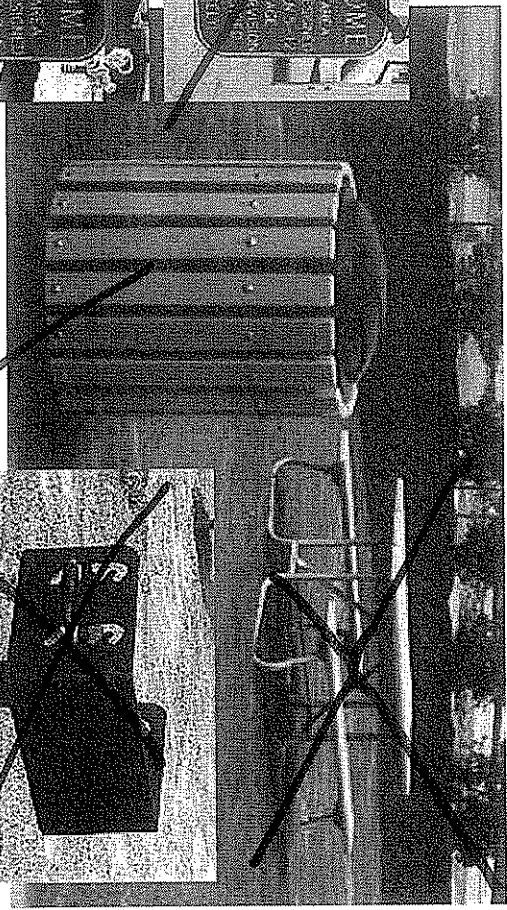
qty - 2



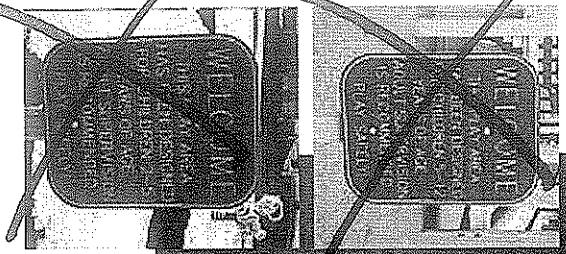
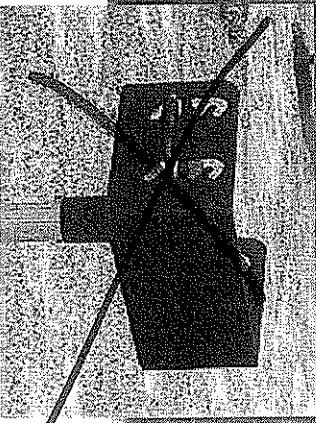
Victorian Bench & Park Bench



Picnic Table & Tot Picnic Table



Litter Receptacle
Signage
Grill



qty - 1