

**SEPTEMBER 18, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 3**

**ITEM # 5**

**PURPOSE**

To consider a stipulation and site plan amendment for Pulte Home Corporation regarding rezoning application Z-24 (Pulte Home Corporation) of 2011, for property located on the east side of Shaw Road, south of Oak Creek Drive, in Land Lot 520 of the 16<sup>th</sup> District.

**BACKGROUND**

The subject property is zoned R-15 OSC for a 60 lot subdivision. One of the stipulations dictated where the entrance to the subdivision would be on Shaw Road due to a cemetery on the property. After further engineering, it was determined the entrance needed to be moved north slightly to achieve proper site distance. Moving the entrance north encroaches on a portion of the cemetery buffer, as shown on the proposed site plan. The proposed site has been reviewed by the Cemetery Preservation Commission and they are agreeable to the entrance being moved since it rectifies a safety issue. If approved, all other stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

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

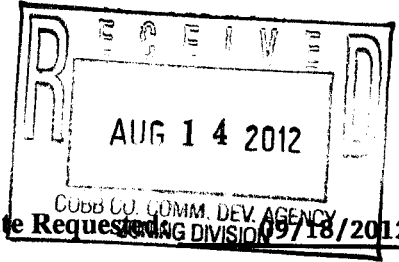
**ATTACHMENTS**

Other Business Application and stipulations.

(Site Plan Amendment)

# Application for "Other Business" Cobb County, Georgia

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



5

BOC Hearing Date Requested 09/18/2012

**Applicant:** Pulte Home Corporation Phone #: (770) 381-3450  
(applicant's name printed)

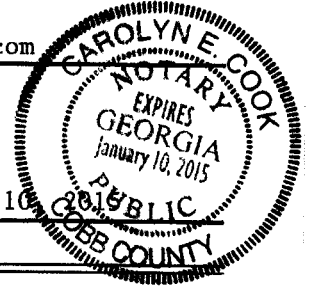
**Address:** Suite 600, 2475 Northwinds Parkway, E-Mail: ted.turner@pultegroup.com  
Moore Ingram Johnson & Steele, LLP Alpharetta, GA 30004 garen.smith@pultegroup.com  
**John H. Moore** Address: Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mijs.com  
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:

Carolyn E. Cook  
Notary Public

My commission expires: January 10, 2015



**Titleholder(s):** Pulte Home Corporation Phone #: (770) 381-3450  
(property owner's name printed)

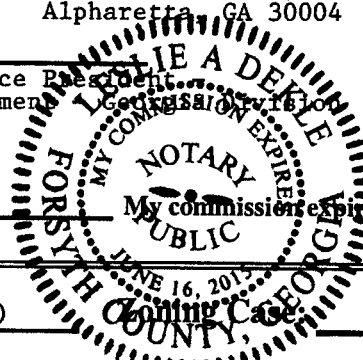
**Address:** Suite 600, 2475 Northwinds Parkway, E-Mail: ted.turner@pultegroup.com  
PULTE HOME CORPORATION Alpharetta, GA 30004 garen.smith@pultegroup.com

BY: Ted Turner  
(Property owner's signature) Ted Turner, Vice President  
Land Development

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

My commission expires: 6.16.2015



**Commission District:** 3 (Birrell) Z-24 (2011)

**Date of Zoning Decision:** 10/18/2011 **Original Date of Hearing:** 07/19/2011

**Location:** Easterly side of Shaw Road; Northerly of Piedmont Road (2900 Shaw Road)  
(street address, if applicable; nearest intersection, etc.)

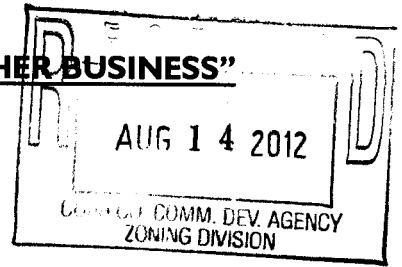
**Land Lot(s):** 520 **District(s):** 16th

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_

See Exhibit "A" 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)**



**Application No.: Z-24(2011)**  
**Original Hearing Date: July 19, 2011**  
**Date of Zoning Decision: October 18, 2011**  
**Current Hearing Date: September 18, 2012**

**Applicant/Titleholder: Pulte Home Corporation**

On October 18, 2011, the Cobb County Board of Commissioners approved the rezoning of property located on the easterly side of Shaw Road, northerly of Piedmont Road, Land Lot 520, 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia ("Property" or "Subject Property"). The Applicant/Property Owner requests an amendment to the previously approved site plan related to the development of the Subject Property, as follows:

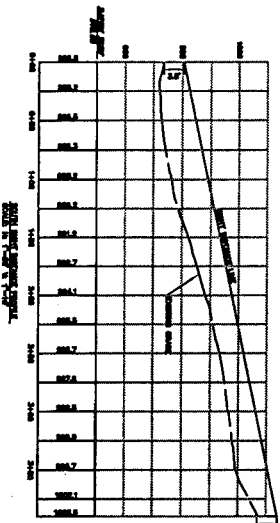
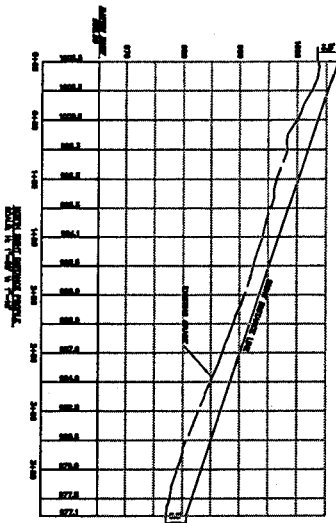
- (I) Applicant/Property Owner seeks approval of the re-design of the entrance area to the proposed development, necessitating encroachment into the cemetery buffer, in order to achieve the Cobb County Department of Transportation sight distance requirements.

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 October 18, 2011, in Application No. Z-24 (2011), are unaltered and unchanged by this request for site plan amendment.

The proposed amendment presented herein in no way adversely impacts or affects the quality of the overall development approved in the original rezoning of 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 proposed development.

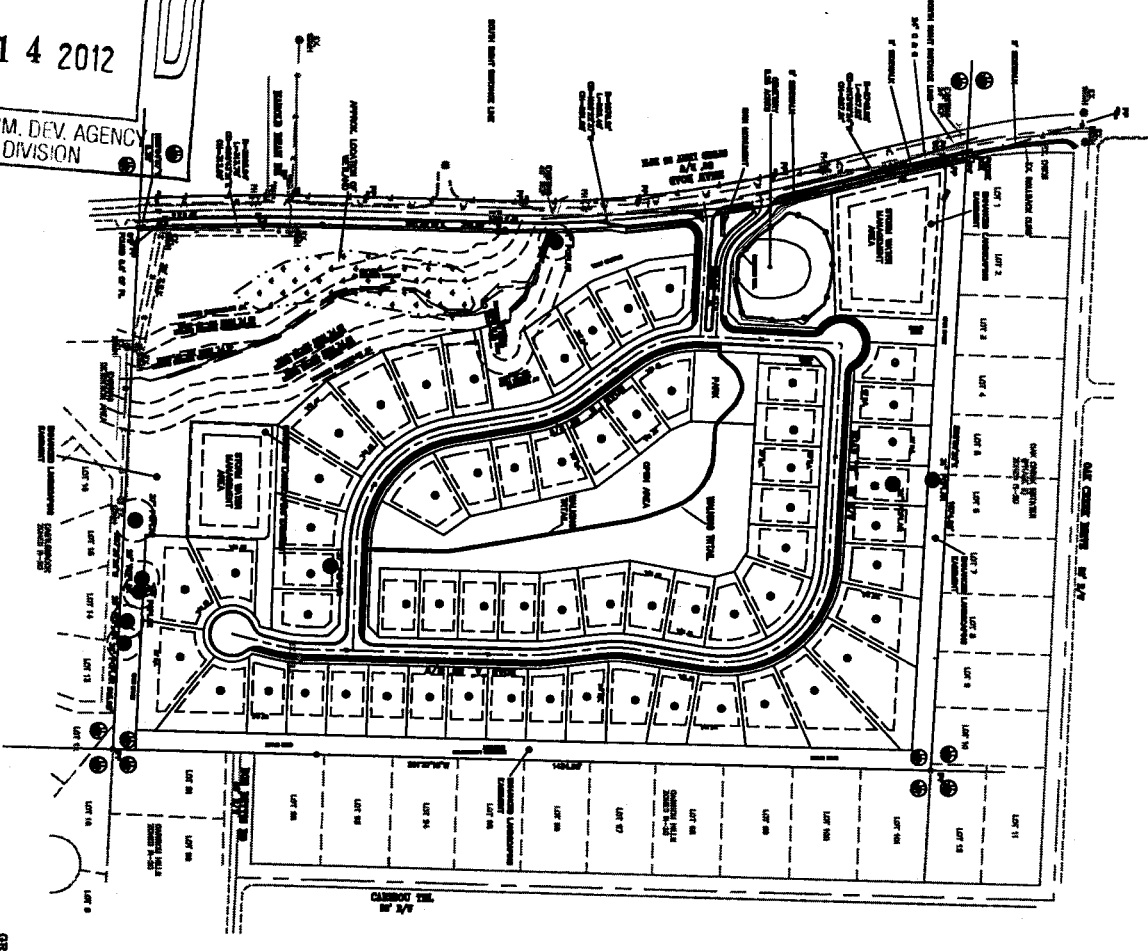
**Proposed Site Plan for Approval  
by this Application for "Other Business"**

THE SITE IS LOCATED AT 2900 SHAW ROAD, COBB COUNTY, GEORGIA. THE AREA OF THE SUBJECT TO BE DEVELOPED IS SHOWN IN RED ON THE ATTACHED AERIAL PHOTOGRAPH. THE SITE IS BOUNDARY AS SHOWN ON THE ATTACHED AERIAL PHOTOGRAPH. THE SITE IS BOUNDARY AS SHOWN ON THE ATTACHED AERIAL PHOTOGRAPH.



**SITE BOUNDARY:**  
 TOTAL SITE AREA: 31.83 A.C.  
 PRESENT ZONING: R-20  
 PROPOSED ZONING: R-20 ORC  
 WETLAND AREA: 0.688 A.C.  
 FLOOD PLAIN AREA: 0.688 A.C.  
 CEMENTARY AREA: 0.28 A.C.  
 TOTAL OPEN SPACE AREA: 11.283 A.C. (35.03%)  
 NET BUILDABLE AREA: 20.545 A.C.  
 TOTAL LOTS BEING: 60 LOTS  
 NET DENSITY: 1.894 UNITS/A.C.  
 MINIMUM LOT SIZE: 8000 S.F.  
 PROPOSED BUILDING STRIPES (LOTS 1-22): 18' FRONT, 20' REAR, 7.5' SIDE  
 PROPOSED BUILDING STRIPES (LOTS 23-40): 18' FRONT, 20' REAR, 7.5' SIDE

**RECEIVED**  
 AUG 14 2012  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION



**PROFESSIONAL ADDRESS:**  
 2900 SHAW ROAD  
 KENNESAW, GA 30144

**OWNER/DEVELOPER:**  
 THE KENNESAW PROJECT  
 2900 SHAW ROAD  
 KENNESAW, GA 30144  
 (770) 248-2827

**ENGINEER:**  
 AREngineering, Inc.  
 2900 SHAW ROAD  
 KENNESAW, GA 30144  
 (770) 248-2827

**VICINITY MAP:** SCALE 1"=500'

NO.	REVISION	DATE
1	ISSUED	7/29/12
2	REVISED	8/14/12

NO.	REVISION/ISSUE	BY	DATE
1	ISSUED	AM	7/29/12
2	REVISED	AM	8/14/12

**SITE PLAN FOR**  
 2900 SHAW ROAD  
 I.I. 530, 16TH DIST., 2ND SECT.  
 COBB COUNTY, GEORGIA

**AREngineering, inc.**  
 2900 SHAW ROAD  
 KENNESAW, GA 30144  
 (770) 248-2827

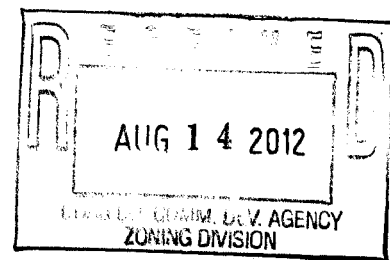
**Site Plan Previously Approved by the  
Cobb County Board of Commissioners on  
October 18, 2011**



**Final, Official Minutes of the  
Cobb County Board of Commissioners  
Zoning Hearing held on October 18, 2011  
regarding Application No. Z-24 (2011)**



**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 18, 2011  
9:00 A.M.**



The Board of Commissioners' Zoning Hearing was held on Tuesday, October 18, 2011 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee  
Commissioner JoAnn Birrell  
Commissioner Helen Goreham  
Commissioner Robert Ott  
Commissioner Woody Thompson

**Z-24**

**PULTE HOME CORPORATION** (Alan Sharples and Brian Sharples as Co-Trustees of the Wilbert Sharples Living Trust dated October 30, 2001, and Sharples Investments, LLLP, owners) requesting Rezoning from **R-20** to **R-15/OSC** for the purpose of a Single-Family Subdivision in Land Lot 520 of the 16<sup>th</sup> District. Located on the east side of Shaw Road, north of Piedmont Road.

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

**MOTION:** Motion by Birrell, second by Ott, to approve Rezoning to the **R-15/OSC** zoning district subject to:

- site plan received by the Zoning Division October 17, 2011, with final approval by District Commissioner (attached and made a part of these minutes)
- maximum of 60 lots, with minimum of 15 feet between structures
- letter of agreeable conditions from Mr. John Moore dated October 17, 2011, *not otherwise in conflict* and with the following changes (attached and made a part of these minutes):
  - Item No. 5 - add sentence to the end of paragraph: *"The County Arborist must approve tree removals within the buffer until the HOA is established."*
  - Item No. 16 - amend the second sentence of the paragraph to now read: *"Fencing surrounding the perimeter of the cemetery buffer shall be black, vinyl-clad chain-link fencing, a minimum of six (6) feet in height (the fence on the southerly end of the cemetery to be located at the edge of the right-of-way)."*
  - Item No. 24, subparagraph ( c ) - add to end of subparagraph: *"There will be no sidewalks on the cemetery buffer, the 5' subdivision sidewalk will be from the entrance of the subdivision along the side of lot no. 38."*

- **Planning Division comments and recommendations dated October 17, 2011 (attached and made a part of these minutes)**
- **referencing Item No. 6 of the stipulation letter, exterior buffer restrictions are to be included on final plat, individual deeds and within the marketing materials**
- **final architecture to be approved by the District Commissioner**
- **covenants shall state that garages can not be converted to living space**
- **open space access points be labeled and signed as such for the benefit of the community**
- **Cemetery Preservation comments and recommendations**
- **Fire Department comments and recommendations**
- **Water and Sewer 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**

**Engineering, Inc.**  
 2900 SHAW ROAD  
 MARIETTA, GA 30066  
 (770) 271-6677  
 FAX (770) 271-6680

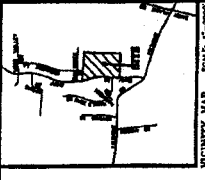
**SITE PLAN**  
 FOR  
 2900 SHAW ROAD  
 1.1. 620, 16TH DIST., 2ND SECT.  
 COBB COUNTY, GEORGIA



No.	Revisions/Changes	By	Date
1	ISSUED FOR PERMITTING	W/VA	10/18/2011
2	REVISED	W/VA	10/18/2011

NO.	DATE	BY	REVISIONS
1	10/18/2011	W/VA	ISSUED FOR PERMITTING
2	10/18/2011	W/VA	REVISED

NO.	DATE	BY	REVISIONS
1	10/18/2011	W/VA	ISSUED FOR PERMITTING
2	10/18/2011	W/VA	REVISED

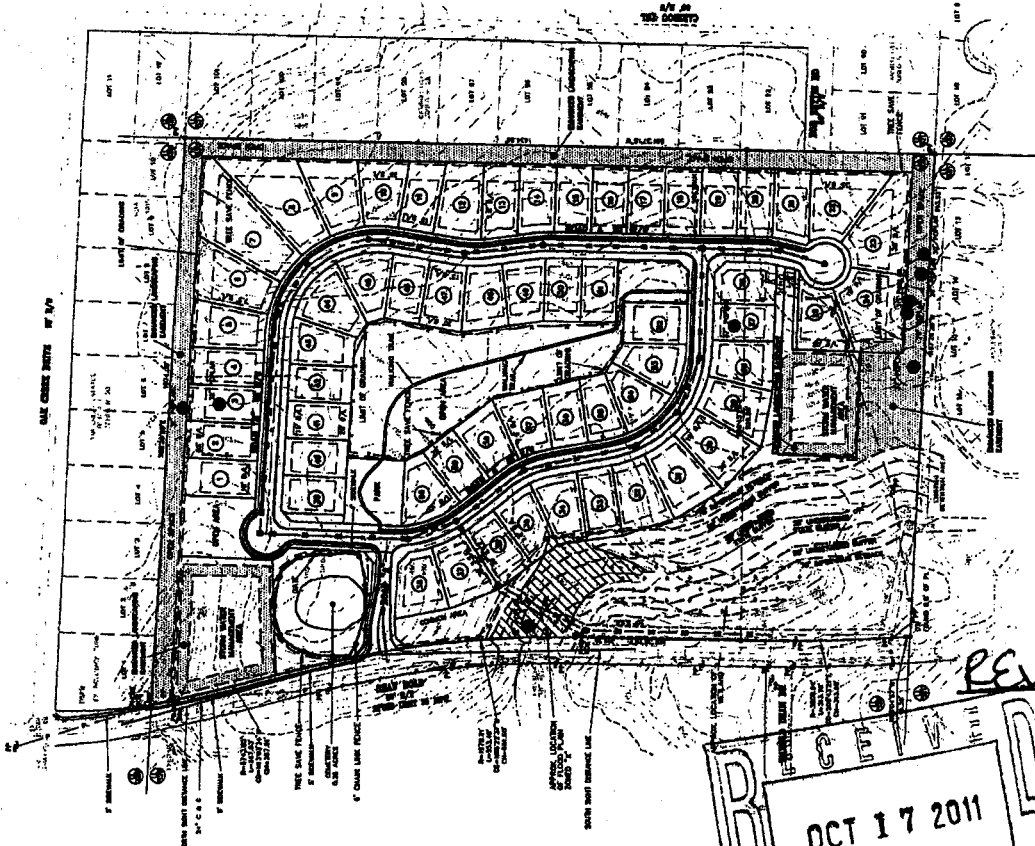
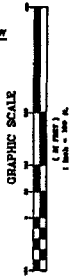


**PROPERTY ADDRESS:**  
 2900 SHAW ROAD  
 MARIETTA, GA 30066

**OWNER/DEVELOPER:**  
 PAUL HUNTER  
 2900 SHAW ROAD  
 MARIETTA, GA 30066  
 (770) 271-6677

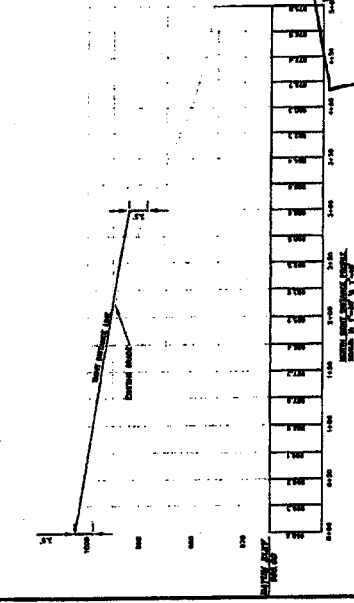
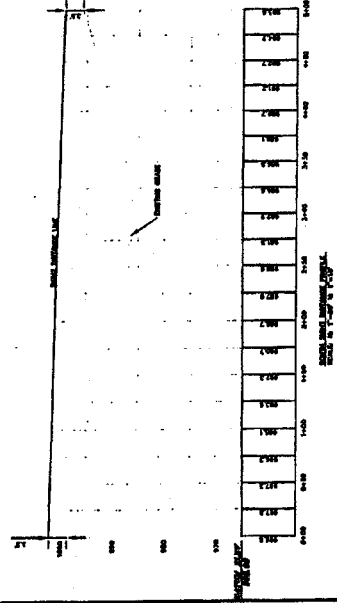
**DESIGNER:**  
 ACE ENGINEERING, INC.  
 2900 SHAW ROAD  
 MARIETTA, GA 30066  
 (770) 271-6677

Min. Blk. 64 Section No. Z-24  
 Doc. Type Site Plan  
 Meeting Date 10-18-2011



THIS SITE IS LOCATED AT 2900 SHAW ROAD, COBB COUNTY, THE AREA OF THE TRACT TO BE DEVELOPED IS PRESENTLY A LOT OF UNDEVELOPED LAND, THE TRACT IS A CORNER LOT, THE TRACT IS A CORNER LOT OF PARCELS, TOTAL SITE AREA IS 31.63 ACRES, THE SITE IS WOODS WITH SOME TREES.

THE SITE IS LOCATED AT 2900 SHAW ROAD, COBB COUNTY, THE AREA OF THE TRACT TO BE DEVELOPED IS PRESENTLY A LOT OF UNDEVELOPED LAND, THE TRACT IS A CORNER LOT, THE TRACT IS A CORNER LOT OF PARCELS, TOTAL SITE AREA IS 31.63 ACRES, THE SITE IS WOODS WITH SOME TREES.



**REVISED**

**OCT 17 2011**

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

Re: **Z-24**  
**2011**

**SITE SUMMARY:**

TOTAL SITE AREA	31.63 A.C.
PROPOSED ZONING	R-20 OSC
WETLAND AREA	0.886 A.C.
FLOOD PLAIN AREA	0.829 A.C.
CEMETERY AREA	0.25 A.C.
TOTAL OPEN SPACE AREA	11.23 A.C. (35.2%)
NET BUILDABLE AREA	30.245 A.C.
TOTAL LOTS SHOWN	60 LOTS
NET DENSITY	1.864 UNITS/A.C.
MINIMUM LOT SIZE	6000 S.F.
PROPOSED BUILDING SETBACKS (LOTS 1-22):	15' FRONT
	35' REAR
	7.5' SIDE
	15' FRONT
	20' REAR
	7.5' SIDE
PROPOSED BUILDING SETBACKS (LOTS 23-60):	

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON†  
ROBERT D. INGRAM†  
J. BRIAN O'NEIL  
G. PHILLIP BEGGS  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
JERE C. SMITH  
CLAYTON O. CARMAK  
KEVIN B. CARLOCK†  
ALEXANDER T. GALLOWAY III†  
J. KEVIN MOORE  
RODNEY R. McCOLLOCH  
SUSAN S. STUART  
BRIAN D. SMITH  
HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAXE  
KIM A. ROPER  
VICTOR P. VALMUS

T. SHANE MAYES  
WILLIAM R. WINDERS, JR.\*  
JOYCE W. HARPER  
ANGELA H. SMITH†  
RYAN G. PRESCOTT\*  
CHRISTOPHER C. MINGLEDORFF  
ANGELA D. TARTLINE  
CAREY E. OLSON\*  
CHARLES E. PIERCE\*  
CLAY S. O'DANIEL  
GRAHAM E. McDONALD  
PRESTON D. HOLLOWAY  
JENNIFER B. SIMPSON  
ASPEN S. RAINS\*  
MARC E. SIROTKIN  
BETH GEARHART\*\*\*\*  
WILMA R. BUSH  
GREGORY H. FULLER†  
VERONICA L. RICHARDSON  
CALANIT HAYES  
TODD I. HEIRD\*

**MARIETTA, GEORGIA**  
EMERSON OVERLOOK  
326 ROB WELL STREET  
MARIETTA, GEORGIA 30060  
TELEPHONE (770) 429-1499  
TELECOPIER (770) 429-8831

**KNOXVILLE, TENNESSEE**  
408 N. CEDAR BLUFF ROAD  
SUITE 500  
KNOXVILLE, TENNESSEE 37923  
TELEPHONE (865) 892-9039  
TELECOPIER (865) 892-9071

**JACKSONVILLE, FLORIDA**  
AETNA BUILDING  
841 PRUDENTIAL DRIVE  
12TH FLOOR  
JACKSONVILLE, FLORIDA 32207  
TELEPHONE (904) 371-1953  
TELECOPIER (904) 872-4236

**NASHVILLE, TENNESSEE**  
3200 WEST END AVENUE  
SUITE 500  
NASHVILLE, TENNESSEE 37203  
TELEPHONE (615) 425-7347  
TELECOPIER (615) 783-1865

**LOUISVILLE, KENTUCKY**  
9900 CORPORATE CAMPUS DRIVE  
SUITE 3000  
LOUISVILLE, KENTUCKY 40223  
TELEPHONE (502) 410-6021  
TELECOPIER (502) 410-6022

DANIEL W. STARNES\*  
ALEXANDER B. MORRISON\*  
DOUGLAS W. BUTLER, JR.  
APRIL R. HOLLOWAY  
CARLA G. WESTER†  
PATRICK J. MCCORMICK\*\*  
JAIME E. KNOEBEL\*  
ADON J. SOLOMON\*  
AMY L. JETT\*  
JEFF C. MORMAN\*  
RYAN M. INGRAM  
SHAWN G. SHELTON  
JENNIFER E. MILLER\*  
KRISTEN CRYE STEVENSON\*  
JASON M. BURK†  
MELISSA B. WHITMAN  
CARLY M. RECORD  
SARAH H. BEST\*\*  
ERICA C. MITCHELL  
BRAM L. SCHARF†  
ROY H. SPARKS\*

RYAN C. EDENS\*  
JULIE C. FULLER\*  
BETHANY C. MORRIS  
KATIE R. BRANHAM\*\*  
JODIE B. LODEN\*

OF COUNSEL:  
JOHN L. SKELTON, JR.†

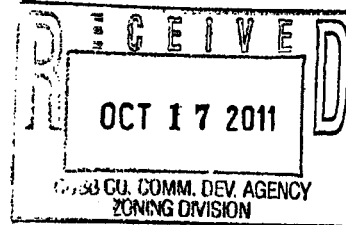
† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\* ALSO ADMITTED IN NM  
\*\*\* ALSO ADMITTED IN CA  
\*\* ALSO ADMITTED IN PA  
^ ALSO ADMITTED IN TX  
\* ALSO ADMITTED IN AL  
† ALSO ADMITTED IN KY  
^ ALSO ADMITTED IN NV  
\* ADMITTED ONLY IN TN  
0 ADMITTED ONLY IN FL

Min. Bk. 64 Petition No. Z-24  
Doc. Type Letter of agree-  
able conditions  
Meeting Date 10-18-2011

October 17, 2011

Hand Delivered

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



RE: Application for Rezoning - Application No. Z-24 (2011)  
Applicant: Pulte Home Corporation  
Property Owners: Wilbert Sharples Living Trust dated October 30, 2001, and Sharples Investments, LLLP  
Property: 31.63 acres located on the easterly side of Shaw Road, northerly of Piedmont Road (2900 Shaw Road), Land Lot 520, 16<sup>th</sup> District 2<sup>nd</sup> Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Pulte Home Corporation, the Applicant (hereinafter "Applicant"), and Wilbert Sharples Living Trust dated October 30, 2001, and Sharples Investments, LLLP, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to property located on the easterly side of Shaw Road, northerly of Piedmont Road, and being 31.63 acres, in Land Lot 520, 16<sup>th</sup> District,

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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October 17, 2011

Petition No. Z-24  
Meeting Date 10-18-2011  
Continued

2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After the hearing before the Cobb County Planning Commission, continuing meetings and discussions with planning and zoning staff and various Cobb County departmental representatives, ongoing discussions and meetings with area civic and homeowner representatives, and reviewing the staff comments and recommendations and the uses of surrounding properties, 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 letter shall supersede and replace in full all prior letters of agreeable stipulations and conditions dated and filed June 29, 2011; July 27, 2011; August 31, 2011; and September 14, 2011. 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-20 to the proposed zoning category of R-15/Open Space Community, site plan specific to the revised Site Plan prepared by ACR Engineering, Inc., dated August 22, 2011, last revised October 13, 2011. A copy of the revised Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) By this revised letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Site Plan hereinabove referenced, same being prepared by ACR Engineering, Inc. dated August 22, 2011, last revised October 13, 2011, submitted contemporaneously herewith.
- (4) The Subject Property consists of 31.63 acres of total site area and shall be developed for a residential community comprised of a maximum of sixty (60) single-family, detached residences, at a net density of 1.996 units per acre. There shall be a minimum lot size of 8,000 square feet, ranging upwards to 20,000 square feet and greater.

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 3 of 8  
October 17, 2011

Petition No. Z-24  
Meeting Date 10-18-2011  
Continued

- (5) In accordance with the Open Space Concept, the proposed development shall contain approximately 11.17 acres (35.3 percent of the site) of dedicated open space for the passive use and enjoyment of future homeowners, as more particularly shown and reflected on the referenced Site Plan. Applicant agrees, prior to construction, to install orange fencing to protect tree-save areas. The fencing shall be installed at the limits of grading as shown and reflected on the referenced Site Plan. The trees within the Open Space shall remain and shall not be removed unless dead or dying or are less than five (5) inches in diameter; or are necessary to allow the walking trail within the central Open Space; excepting only, those trees located along the frontage of Shaw Road which must be removed to install curb, gutter, and sidewalk to provide an attractive appearance along Shaw Road.
- (6) Applicant agrees to establish a natural, enhanced, and maintained exterior buffer. This buffer shall be located along the northerly, southerly, and easterly boundaries of the Subject Property, shall be a minimum of thirty-five (35) feet in width, shall not be a part of any residential lot, and shall be owned and maintained by the mandatory homeowners association. The buffer shall be enhanced with evergreen shrubs and trees to provide additional screening in areas that might be needful. This buffer shall be protected by orange fencing during the periods of development and construction. All open space access points shall be labeled. Applicant agrees to provide to the County Arborist, during the Land Disturbance Permitting process, a plan for the enhancement of the buffer for the Arborist's review and comment.
- (7) One-story residences within the proposed development shall have a minimum of 1,800 square feet of heated and cooled living space. Two-story residences shall have a minimum of 2,000 square feet of heated and cooled living space.
- (8) The proposed residences shall be traditional in style and architecture and shall have a minimum two-car, attached garage. The garage area cannot be converted into living space. This prohibition must be contained within the protective covenants of the proposed development.
- (9) Additionally, the front exteriors of the proposed residences shall be comprised of brick, stone, stacked stone, cedar-shake, hardi-plank, stucco, stucco-type, and cement-based finishes, with complementary accents, or combinations thereof. No vinyl materials shall be used on the exterior of the proposed residences.

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 4 of 8  
October 17, 2011

Petition No. 2-24  
Meeting Date 10-18-2011  
Continued

- (10) All front, side, and rear yard areas of the proposed residences shall be fully sodded.
  
- (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. Additionally, the entrance landscaping shall be professionally maintained by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions. There shall be a minimum of fifteen (15) feet between residences. Applicant shall also install interior sidewalks with a portion thereof being located across from the cemetery.
  
- (12) The setbacks, as set forth on the referenced Site Plan, for the proposed residential community shall be as follows:

**As To Lots 1-23:**

- (a) Front setback – Fifteen (15) feet;
- (b) Rear setback - Thirty-five (35) feet;
- (c) Side setback - Seven and one-half (7.5) feet;

**As To Lots 24-60:**

- (a) Front setback – Fifteen (15) feet;
  - (b) Rear setback - Twenty (20) feet; and
  - (c) Side setback - Seven and one-half (7.5) feet.
- 
- (13) 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, landscaping around detention areas, and entrance area contained within the proposed residential community.

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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- (14) 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.
- (15) Applicant agrees to place a provision within the declaration of covenants, conditions, and restrictions prohibiting the riding of mountain bikes, motor bikes, motorized vehicles, and the like within any of the designated open space and buffer areas.
- (16) Applicant agrees to the placement of a fifty (50) foot undisturbed buffer surrounding the abandoned Old Sandy Plains Cemetery, as more particularly shown and reflected on the referenced Site Plan. Fencing immediately surrounding the cemetery shall be black, vinyl-clad chain-link fencing, a minimum of five (5) feet in height. Applicant further agrees to comply with the requirements of the Cobb County Cemetery Preservation Ordinance. Excepting only that the buffer may be penetrated for the establishment of a safe entrance to the subdivision. Applicant agrees to place a walk-in gate opposite proposed lots 38 and 39.
- (17) All utilities servicing the residences within the proposed residential community shall be underground.
- (18) The stormwater management areas shall be fenced and landscaped for purposes of visual screening. Fencing shall be black, vinyl-clad chain-link fencing.
- (19) 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.
- (20) 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.
- (21) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.



**MOORE INGRAM JOHNSON & STEELE**

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- (22) 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.
- (23) All buffer areas may be penetrated for purposes of utilities, but not for detention or other stormwater management purposes; and any such penetration shall be restricted to perpendicular (as much as is feasible) penetration, and there shall be no utilities congruent to the buffers.
- (24) Applicant agrees to the following system improvements to mitigate traffic concerns:
  - (a) There shall be no access from the proposed residential community onto Bob Bettis Road, either during construction phase or after completion of the community;
  - (b) Installation of curb and gutter along the frontage of the Subject Property on Shaw Road; and
  - (c) Installation of sidewalk from the northerly side of the proposed entrance to the southerly side of the entrance to Oak Creek Subdivision; if, and only if, the sidewalk can be installed within the existing right-of-way and outside of the cemetery buffer.

We believe the requested zoning, which utilizes the benefits afforded to an Open Space Community, 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 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. Thank you for your consideration of this project.

**MOORE INGRAM JOHNSON & STEELE**

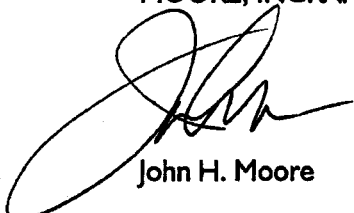
Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc  
Attachment

- c: Cobb County Board of Commissioners:  
Timothy D. Lee, Chairman  
George W. "Woody" Thompson  
Helen C. Goreham  
Robert Ott  
Joann Birrell  
(With Copy of Attachment)

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

Helga Hong  
Cobb County Cemetery Preservation Commission  
(With Copy of Attachment)

Jill Flamm, President  
East Cobb Civic Association, Inc.  
(With Copy of Attachment)

Joe Bruder, President  
Oak Creek Estates Homeowners Association, Inc.  
(With Copy of Attachment)

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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c: Jack Hannings, President  
Castlebrooke Homeowners Association  
(With Copy of Attachment)

Norm DeWalt  
Northeast Cobb Homeowners Group  
(With Copy of Attachment)

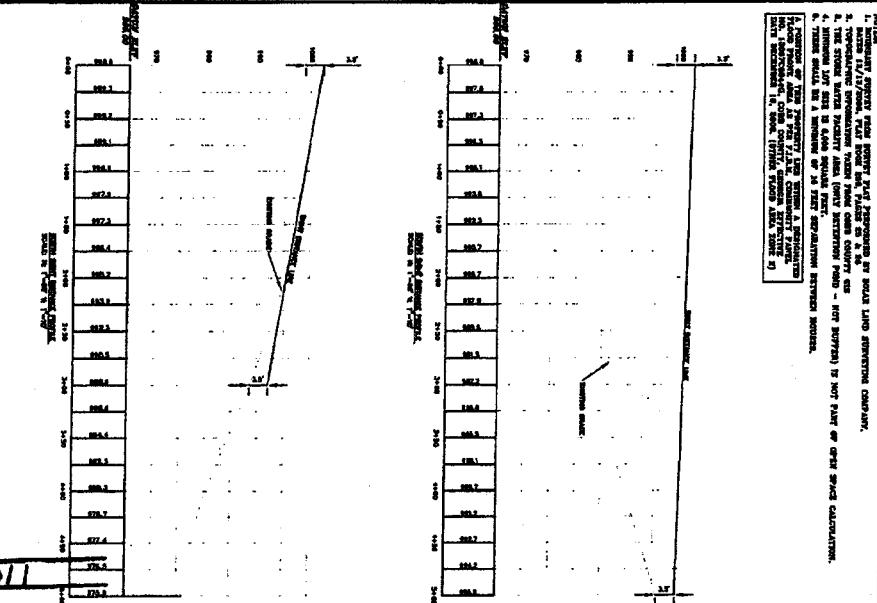
John Nash  
(With Copy of Attachment)

Attendees at Area Resident Meeting held on June 23, 2011  
(With Copy of Attachment)

Pulte Home Corporation  
(With Copy of Attachment)

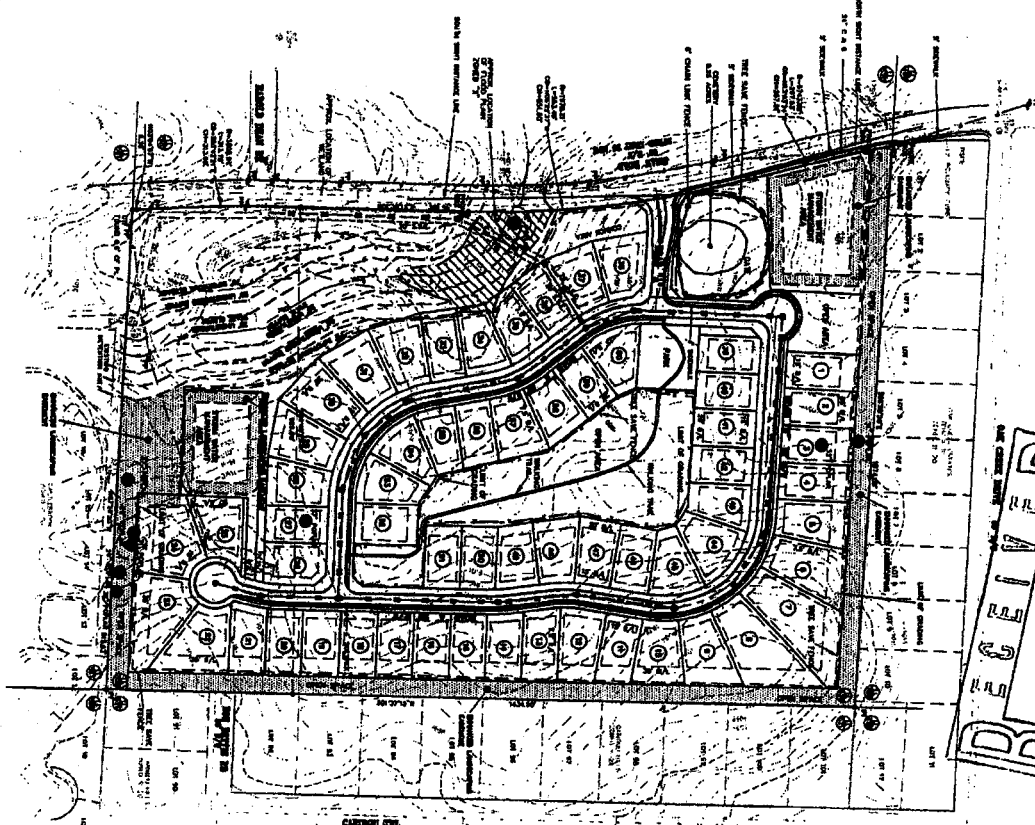
**SITE SUMMARY:**

TOTAL SITE AREA 31.63 A.C.  
 PRESENT ZONING R-20 OSC  
 PROPOSED ZONING O.65B A.C.  
 WETLAND AREA 0.65B A.C.  
 FLOOD PLAIN AREA 0.28 A.C.  
 CEMETERY AREA 11.23 A.C. (36.65%)  
 TOTAL OPEN SPACE AREA 30.248 A.C.  
 NET BUILDABLE AREA 60 LOTS  
 TOTAL LOTS SHOWN 1,864 UNITS/A.C.  
 NET DENSITY 8000 S.F./A.C.  
 PROPOSED BUILDING SETBACKS (LOTS 1-22):  
 16' FRONT  
 35' REAR  
 7.5' SIDE  
 20' REAR  
 7.5' SIDE  
 PROPOSED BUILDING SETBACKS (LOTS 23-60):  
 16' FRONT  
 35' REAR  
 7.5' SIDE

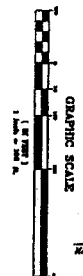


1. PROPERTY APPLICANT SHALL MAINTAIN THE PROPOSED OR EXISTING LOT DIMENSIONS SHOWN.  
 2. ALL LOTS SHALL BE 100' WIDE.  
 3. THE STREET FRONT SHALL BE 100' WIDE.  
 4. THE STREET FRONT SHALL BE 100' WIDE.  
 5. THE STREET FRONT SHALL BE 100' WIDE.  
 6. THE STREET FRONT SHALL BE 100' WIDE.  
 7. THE STREET FRONT SHALL BE 100' WIDE.  
 8. THE STREET FRONT SHALL BE 100' WIDE.  
 9. THE STREET FRONT SHALL BE 100' WIDE.  
 10. THE STREET FRONT SHALL BE 100' WIDE.

Petition No. Z-24  
 Meeting Date 10-18-2011  
 Continued



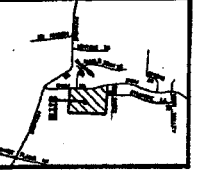
**RECEIVED**  
**OCT 17 2011**  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION



**OWNER/DEVELOPER:**  
 PAUL J. JONES  
 2900 SEAWAY ROAD  
 ATLANTA, GEORGIA 30368  
 (404) 251-2027

**ARCHITECT:**  
 ACR ENGINEERING, INC.  
 2900 SEAWAY ROAD  
 ATLANTA, GEORGIA 30368  
 (404) 251-2027

**PROPERTY ADDRESS:**  
 2900 SEAWAY ROAD  
 MARITIME, GA 30068



NO.	REVISION	DATE
1	ISSUED FOR PERMIT	10/13/11

No.	Revisions/Notes	By	Date
A	ADDED SHOT DISTANCE PROFILES	P	9/29/11
B	REMOVED EXISTING, PROPOSED POND, ADDED EXISTING AND NEW	P	10/13/11

**SITE PLAN FOR**  
**2900 SEAWAY ROAD**  
 I.I. 620, 16TH DIST., 2ND SECT.  
 COBB COUNTY, GEORGIA

**ACR Engineering, Inc.**  
 ATLANTA COMMERCIAL & RESIDENTIAL ENGINEERING  
 2900 SEAWAY ROAD  
 SUITE 9-2  
 MARIETTA, GA 30067  
 TEL: (478) 291-9000  
 FAX: (478) 291-9827

**COBB COUNTY COMMUNITY DEVELOPMENT AGENCY**  
Planning Division  
191 Lawrence Street  
Marietta, Georgia 30060-1661  
(770) 528-2018

Min. Blk. 104 Petition No. Z-24  
Doc. Type Planning Division  
Comments  
Meeting Date 10-18-2011

Planning Staff Analysis

## Z-24

Date: October 17, 2011  
Contact: Phillip Westbrook

(770) 528-2014

**Property Location:** E side Shaw Rd., N. Piedmont Rd  
**Current Zoning:** R-20  
**Land Lot/District:** 520 / 16  
**Proposed Use:** R-15/OSC (based on stip ltr.)

**Total Area:** 31.63Ac.  
**Floodplain/Wetland Area:** 1.32 Ac.  
**Net Buildable Area:** 30.1 Ac.  
**Base Density Allowed:** 2.1 upa  
**Base Density Allowed w/Bonus:** 2.25 upa  
**Proposed Lots:** 60  
**Net Density:** 1.99 upa

**Open Space Requirement:** 9.5 acres or 30% for Bonus 10.4 acres or 33%  
**Open Space Provided:** 11.23 acres or 35.5%  
**Min. Outside 100 Year Flood:** N/A  
**Open Space in 100 Year Flood:** N/A

### Setbacks:

Lots 1-22	Lots 23-60
Front: 15'	15'
Rear: 35'	20'
Side: 7.5'	7.5'

### Comments:

1. Based on the R-15/OSC proposed zoning as stipulated within the October 17, 2011 stipulation letter (stipulation #2) from Mr. John Moore, all technical requirements for R-15/OSC have been satisfied.
2. Contrary to October 17, 2011 stipulation letter from Mr. John Moore, site plan received October 17, 2011, as part of stipulation letter, states a proposed rezoning of R-20/OSC. If R-20/OSC is the intent of the proposed development then site plan received October 17, 2011 does not meet the requirements for an R-20/OSC bonus based on the following:

R-20 Open Space Requirement for Bonus per code= 38.5%

Open space provided = 35.5%

Petition No. Z-24  
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Continued

R-20 OSC maximum density with bonus = 1.92 upa

Proposed density = 1.99 upa

3. Recreation Area/Park must remain as is or be constructed with pervious material since it is calculated as part of open space.
4. Must have Cobb Department of Transportation approve lighting plan if outdoor lighting (except for individual residential lots) is proposed
5. Any pedestrian easements should be signed as access points
6. A Restrictive Covenant or Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting "open space" from development in perpetuity as owned by the mandatory Home Owners Association.