

**OCTOBER 15, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 8

PURPOSE

To consider a site plan amendment for Brooks Chadwick Capital, LLC regarding rezoning application Z-95 of 1997 (Schmerge, Campbell & Young), for property located at the eastern end of Huntridge Drive and on the northern end of Rock Ivy Trail in Land Lots 48, 49 and 106 of the 1st District.

BACKGROUND

The subject property was rezoned to Planned Residential Development (PRD) in 1997 to build a residential development on 57.8 acres with eighteen estate size lots. Some of eighteen original lots are undeveloped, which are the subject of this Other Business application. There was an Other Business item in April 2000 that changed some lot lines, and also allowed two of the lots (lot #2 and lot #18) to be combined into one lot; this Other Business item would reinstate the original two lots. The owner of the property is in the process of selling the property to the applicant, but needs to have the proposed site plan approved to a more traditional looking site plan layout. The original plan has property lines in non-traditional and unconventional locations. The 10-foot wide access road has maintenance issues and the access road is not in the best location to serve the lots. As part of the applicant’s proposal, the road serving the development will be rebuilt to a 20-foot wide road in a better location, and the lot lines will be reconfigured. Once the development is complete, the access will be from the Childers Road access point. The cul-d-sac at the end of Huntridge Drive will be deleted since the access will be from Childers Road, and because installation of the cul-d-sac will be destructive for this environmentally sensitive property. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

STAFF COMMENTS

Stormwater Management: All proposed lots to be 2 acres or greater.

RECOMMENDATION

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

ATTACHMENTS

Other Business application, stipulations, proposed site plan and original 1997 zoning analysis.

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 09/17/2013

Applicant: Brooks Chadwick Capital, LLC Phone #: (404) 281-4554
(applicant's name printed)

Address: Suite 230, 255 Village Parkway, Marietta, GA 30067 **E-Mail:** todd@brooks Chadwick.com
Moore Ingram Johnson & Steele, LLP

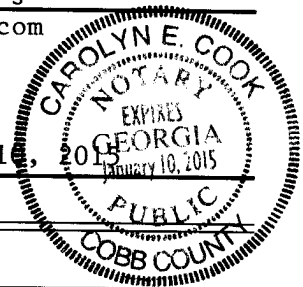
John H. Moore Address: Emerson Overlook, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 **E-Mail:** jmoore@mij.s.com
(representative's signature) Georgia Bar No. 519800 w7@mij.s.com

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]
Notary Public

My commission expires: January 10, 2015



Titleholder(s): Kenneth H. Young and Jenny Lee Young Phone #: _____
(property owner's name printed)

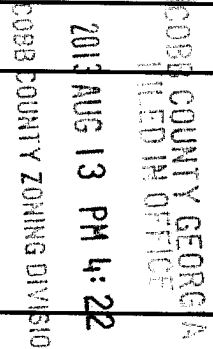
Address: 3812 Rock Ivy Trail, Roswell, GA 30075 **E-Mail:** _____

See Attached Exhibit "A" for Titleholders' Signatures
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____



Commission District: 3 (Birrell) **Zoning Case:** Z-95 (1997)

Date of Zoning Decision: 08/19/1997 **Original Date of Hearing:** 08/19/1997

Location: Northeasterly side of Childers Road and at the current end of Huntridge Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 48 **District(s):** 1st

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

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

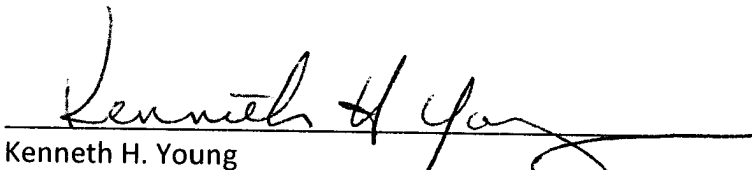

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(Site Plan Amendment)

Application No.: Z-95 (1997)
Original Hearing Date: August 19, 1997
Date of Zoning Decision: August 19, 1997
Current Hearing Date: September 17, 2013

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

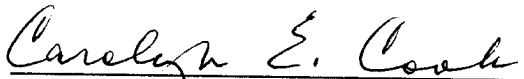
Applicant: Brooks Chadwick Capital, LLC
Titleholders: Kenneth H. Young and Jenny Lee Young


Kenneth H. Young

Jenny Lee Young

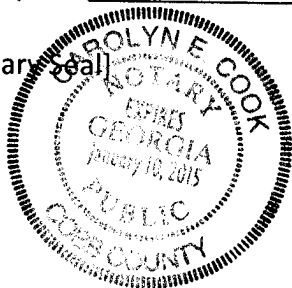
Address: 3812 Rock Ivy Trail
Roswell, Georgia 30075

Telephone No.: () _____

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: 01-10-2015

[Notary Seal]



COBB COUNTY GEORGIA
FILED IN OFFICE
2013 AUG 13 PM 4:23
COBB COUNTY ZONING DIVISION

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

Application No.: Z-95 (1997)
Original Hearing Date: August 19, 1997
Date of Zoning Decision: August 19, 1997
Current Hearing Date: September 17, 2013

Applicant: Brooks Chadwick Capital, LLC
Titleholders: Kenneth H. Young and Jenny Lee Young

COBB COUNTY GEORGIA
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COBB COUNTY ZONING DIVISION

On August 19, 1997, the Cobb County Board of Commissioners approved rezoning of a tract of 57.8 acre tract of property located on the northwesterly side of Childers Road, west of Hampstead Lane and east of Huntridge Drive to the Planned Residential District ("PRD") zoning classification. The property which is the subject of this Application for "Other Business" is a portion of this rezoned property, being 19.6 acres, located in Land Lots 48, 1st District, 2nd Section, Cobb County, Georgia, and being proposed Unit III of Old Ivy Subdivision ("Property" or "Subject Property"). The original approval by the Cobb County Board of Commissioners referenced development would be as reflected on a revised site plan which was attached and made a part of the final Minutes approving rezoning (a copy of said site plan being attached hereto as Exhibit "1" and incorporated herein by reference; as well as, being made a part of the overall Application for "Other Business").

The Applicant and Property Owners, by and through this Application for "Other Business," request an amendment to the previously approved site plan related to the overall development which will be specific only as to the Subject Property, as follows:

- (1) Applicant seeks approval of the Site Plan submitted with this Application for "Other Business," same being dated July 16, 2013, prepared for Applicant by Centerline Surveying Systems, Inc. which seeks approval of the revised lot layout for development of the Subject Property. A reduced copy of the Site Plan is 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 August 19, 1997, in Application No. Z-95 (1997), are unaltered and unchanged by this request for site plan amendment.

The proposed amendment of the Site Plan 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 amendment is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the proposed development of the Subject Property.

PRELIMINARY LAND USE PLAN
 CHILDERS ROAD TRACT
 COBB COUNTY, GEORGIA

Prepared for:
 SCHMERGE, CAMPBELL, AND YOUNG

SCALE: 1" = 60'
 0 60 120 180
 NORTH



TOTAL AREA = 57.8 ACRES

Exhibit "1"

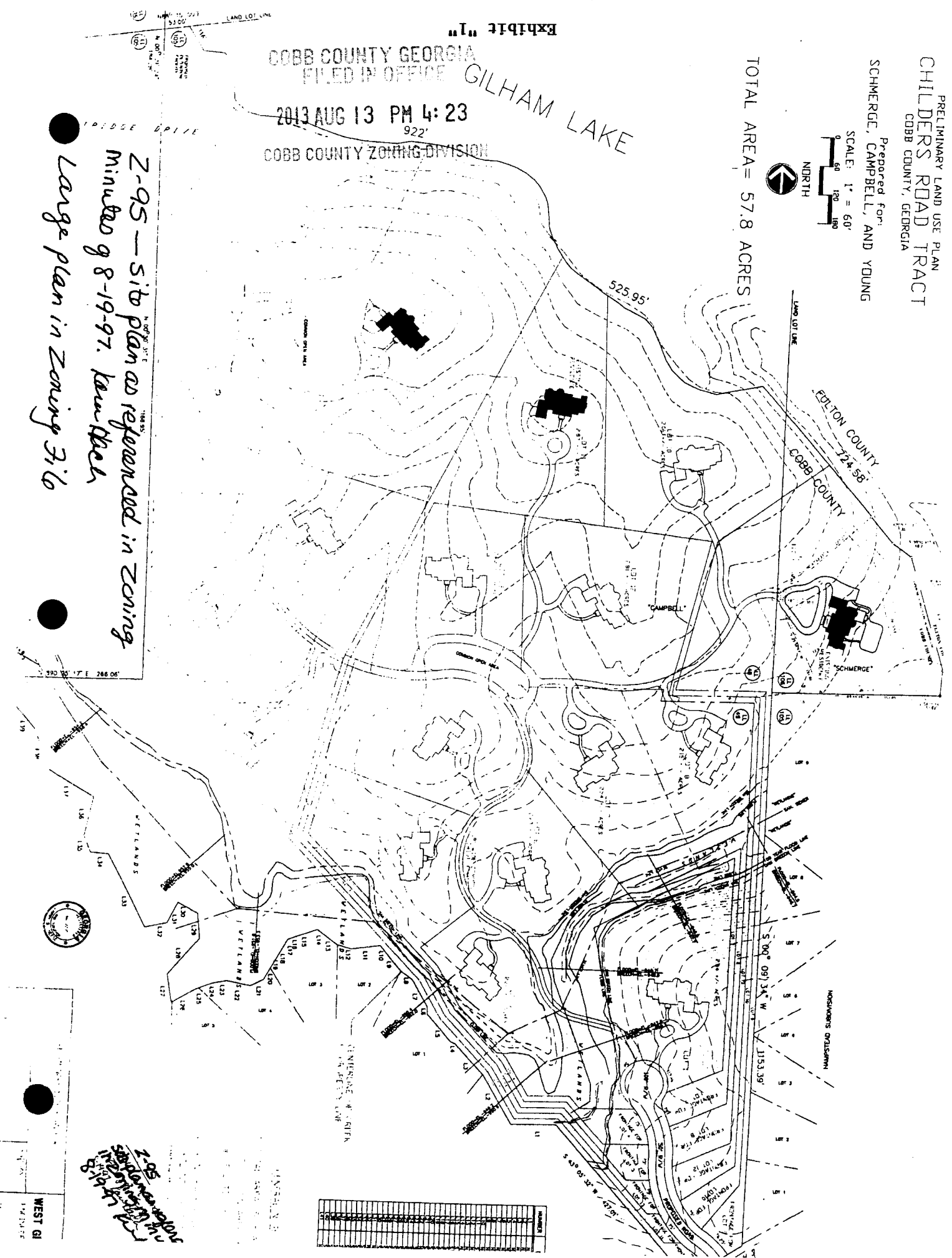
COBB COUNTY GEORGIA
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2013 AUG 13 PM 4:23
 922'

COBB COUNTY ZONING DIVISION

GILHAM LAKE

*Z-95 - Site plan as recommended in zoning
 minutes of 8-19-97. Law that
 large plan in zoning 316*



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*205
 8/19/97
 11/19/97
 11/19/97*

WEST GI
 172 1/2 INCHES

APPLICANT
 BROOKS CHADWICK CAPITAL
 255 VILLAGE PARKWAY, SUITE 230
 MARIETTA, GEORGIA 30067

NO PORTION OF THE PROPERTY LOCATED WITHIN
 UNIT III IS WITHIN A FEMA 100 YEAR FLOOD ZONE
 ACCORDING TO COBB COUNTY F.I.R.M. PANEL 0066 C
 COMMUNITY NUMBER 130052, DATED: DEC. 16, 2008.

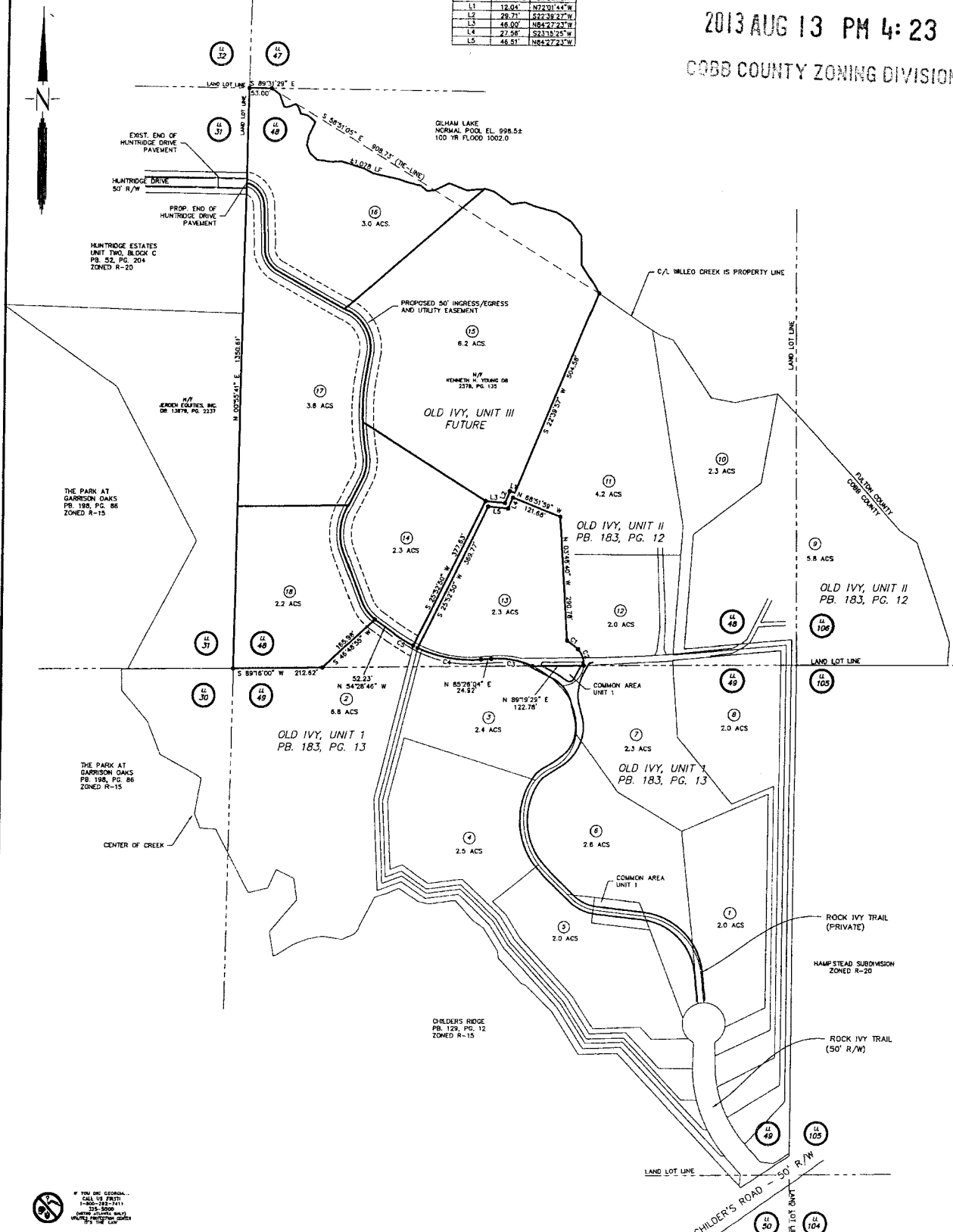
CURVE TABLE			
CURVE	RADIUS	LENGTH	CHORD
C1	290.00'	33.84'	33.82'
C2	50.00'	42.10'	40.86'
C3	200.00'	98.01'	98.00'
C4	350.00'	192.37'	190.74'
C5	300.00'	50.27'	50.21'

LINE TABLE		
LINE	DISTANCE	DIRECTION
L1	12.04'	N72°01'44"W
L2	28.71'	S72°39'27"W
L3	46.00'	N84°27'23"W
L4	27.58'	S23°15'25"W
L5	46.51'	N84°27'23"W

COBB COUNTY, GEORGIA
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2013 AUG 13 PM 4:23

COBB COUNTY ZONING DIVISION



IF YOU ARE GEORGIA...
 CALL US FIRST!
 1-800-225-1111
 770-424-2399
 www.centerline.com

CAUTION
 THE SURVEY SHOWS ARE SHOWN FOR THE CONTRACTOR'S
 CONSIDERATION ONLY. MAKE SURE ALL OTHER UTILITIES NOT
 SHOWN ON THESE PLANS. THE CONTRACTOR SHALL BE
 RESPONSIBLE FOR THE LOCATION, DEPTH AND TYPE OF
 ALL UTILITIES UNDER THE LIMITS OF THE WORK.
 ALL SHOWN ARE TO BE VERIFIED BY THE CONTRACTOR
 SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.

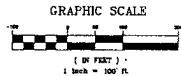


Exhibit "2"

BOUNDARY INFORMATION SHOWN IS COMPILED FROM CURRENT FIELD WORK,
 PREVIOUS SURVEYS AND RECORDED DEEDS. OLD IVY UNITS I & II ARE TAKEN
 FROM RECORDED FINAL PLATS AS REFERENCED. OLD IVY UNIT III IS
 COMPILED FROM CURRENT FIELD SURVEYS AND PREVIOUS SURVEYS BY
 OTHERS OF PROPERTY OWNED BY DR. YOUNG.

SHEET No.	DATE	REVISION DESCRIPTION	BY
1	7-18-13		
1	8-13-13		

SITE PLAN REVISION FOR:
BROOKS CHADWICK CAPITAL
 BEING KNOWN AS OLD IVY FUTURE UNIT 3
 LOCATED IN LAND LOT 48
 1ST DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA

Centerline Surveying Systems, Inc.
 1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
 PHONE: (770) 424-0028 FAX: (770) 424-2399

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 AUG 13 PM 4: 23

COBB COUNTY ZONING DIVISION

**OVERALL SITE PLAN APPROVED BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR REZONING –
AUGUST 19, 1997**

PRELIMINARY LAND USE PLAN
CHILDERS ROAD TRACT
 COBB COUNTY, GEORGIA

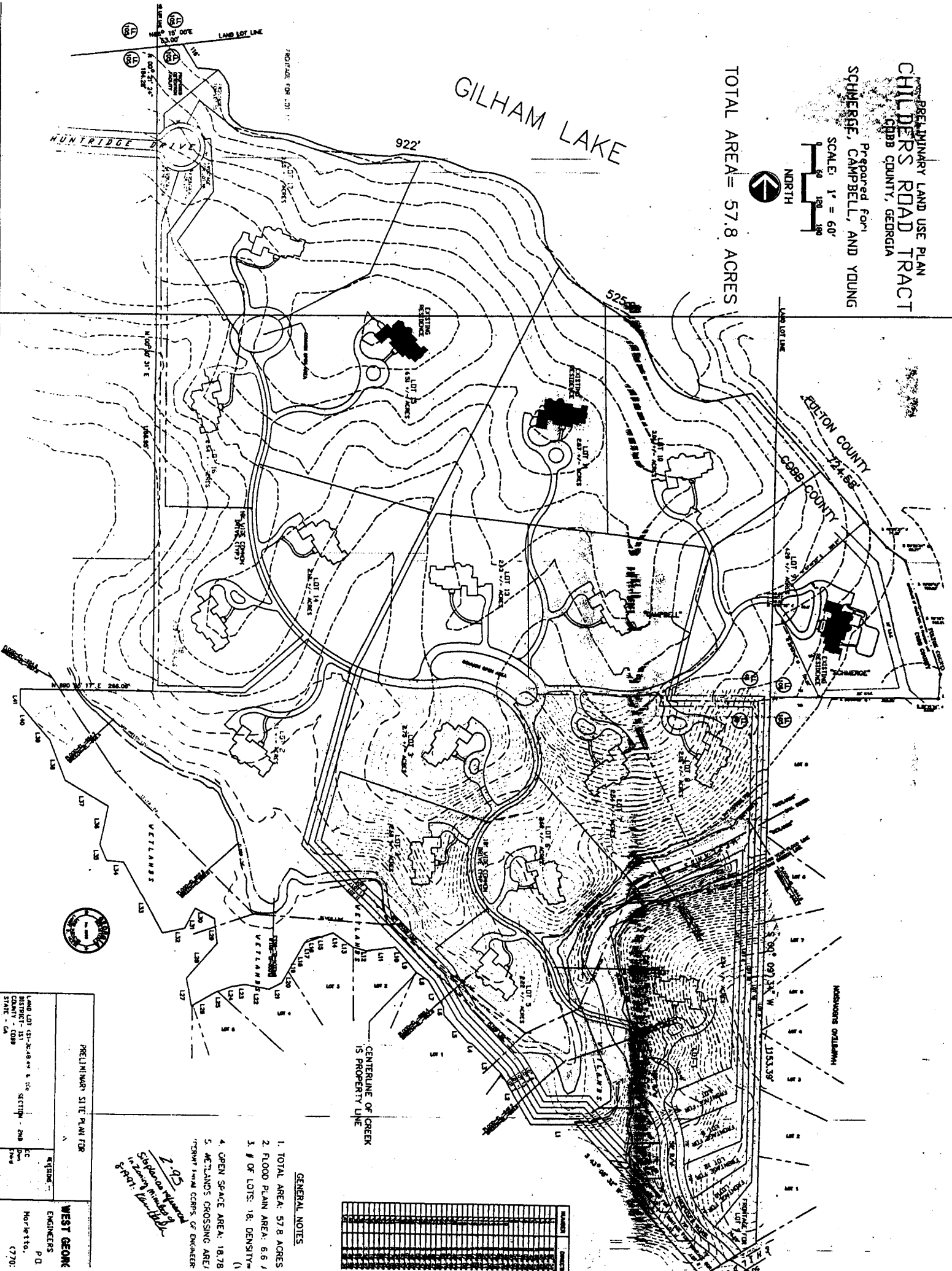
Prepared for:
SCHEERBE, CAMPBELL, AND YOUNG

SCALE: 1" = 60'



TOTAL AREA = 57.8 ACRES

GILHAM LAKE



GENERAL NOTES

1. TOTAL AREA: 57.8 ACRES
2. FLOOD PLAIN AREA: 6.6 ACRES
3. # OF LOTS: 18. DENSITY: (1)
4. OPEN SPACE AREA: 18.78 ACRES
5. METLANDS CROSSING AREA: 1.2 ACRES

*Sylvia M. Wilson
 7/10/54
 105
 12/17/54*

NO.	DESCRIPTION	AREA (ACRES)
1	TOTAL AREA	57.8
2	FLOOD PLAIN AREA	6.6
3	OPEN SPACE AREA	18.78
4	METLANDS CROSSING AREA	1.2
5	WATERWAY	0.22
6	ROADS	1.0
7	UTILITIES	0.0
8	OTHER	0.0
9	TOTAL	57.8



PRELIMINARY SITE PLAN FOR

WEST GEORGE ENGINEERS
 P. D. NORRIS, INC.
 1770

LAND LOT 18-20-48-49 & 10c SECTION - 2ND TOWN
 COUNTY - COBB STATE - GA
 DATE - 12/17/54

**PROPOSED ZONING SITE PLAN
FOR AMENDMENT BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR “OTHER BUSINESS” –
SEPTEMBER 17, 2013**

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 AUG 13 PM 4: 23

COBB COUNTY ZONING DIVISION

APPLICANT
 BROOKS CHADWICK CAPITAL
 255 VILLAGE PARKWAY, SUITE 230
 MARIETTA, GEORGIA 30067

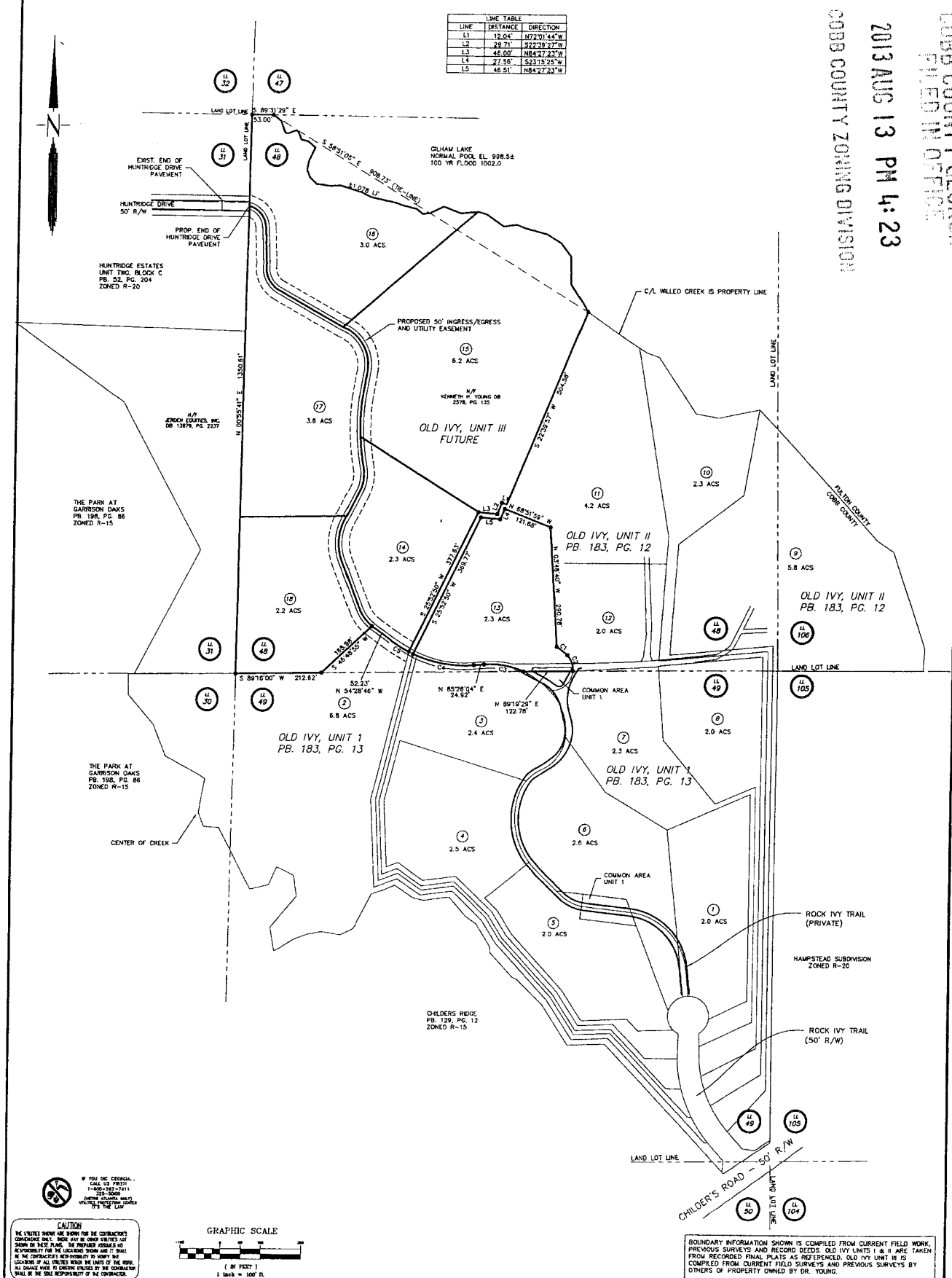
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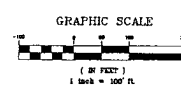
NO PORTION OF THE PROPERTY LOCATED WITHIN
 UNIT III IS WITHIN A FEMA 100 YEAR FLOOD ZONE
 ACCORDING TO COBB COUNTY F.I.R.M. PANEL 0086 C
 COMMUNITY NUMBER 130052, DATED: DEC. 16, 2008.

SITE NOTES:
 PROPOSED USE: SINGLE FAMILY RESIDENTIAL
 CURRENT ZONING - PRD

COBB COUNTY GEORGIA
 FILED IN OFFICE
 2013 AUG 13 PM 4:23
 COBB COUNTY ZONING DIVISION



CAUTION
 THE UNITS SHOWN ARE SHOWN FOR THE CONTRACTOR'S
 CONSIDERATION ONLY. THERE MAY BE OTHER UNITS NOT
 SHOWN ON THIS PLAN. THE CONTRACTOR SHALL BE
 RESPONSIBLE FOR THE LOCATING SYSTEM AND IT SHALL
 BE THE CONTRACTOR'S RESPONSIBILITY TO VERIFY THE
 LOCATION OF ALL UNITS UNDER THE TERMS OF THE WORK.
 ALL UNITS MUST BE LOCATED BY THE CONTRACTOR
 SHALL BE THE SOLE RESPONSIBILITY OF THE CONTRACTOR.



BOUNDARY INFORMATION SHOWN IS COMPILED FROM CURRENT FIELD WORK,
 PREVIOUS SURVEYS AND RECORD DEEDS. OLD IVY UNITS I & II ARE TAKEN
 FROM RECORDED FINAL PLATS AS REFERENCED. OLD IVY UNIT III IS
 COMPILED FROM CURRENT FIELD SURVEYS AND PREVIOUS SURVEYS BY
 OTHERS OF PROPERTY OWNED BY DR. YOUNG.

SHEET No.	DRAWN BY: DP	CHECKED BY:	NO.	DATE	REVISION DESCRIPTION	BY
1			1	7-18-13		
			2			

SITE PLAN REVISION FOR:
BROOKS CHADWICK CAPITAL
 BEING KNOWN AS OLD IVY FUTURE UNIT 3
 LOCATED IN LAND LOT 48
 1ST DISTRICT, 2ND SECTION, COBB COUNTY, GEORGIA

Centerline Surveying Systems, Inc.
 1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA 30144
 PHONE: (770) 424-0028 FAX: (770) 424-2389

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-95 (1997) –
AUGUST 19, 1997**

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 AUG 13 PM 4: 23

COBB COUNTY ZONING DIVISION

CONSENT AGENDA

~~MM-9 BETTY JO BARNES (Betty Jo Barnes, owner) for a Land Use Permit (renewal) for the purpose of Parking a Mobile Home (medical hardship) in Land Lot 75 of the 20th District. 1 acre. Located on the west side of Acworth-Dallas Road, west of Georgia Highway 92. The Board of Commissioners, as part of the Consent Agenda, **approved** Land Use Permit for 12 months. Motion by Wysong, second by W. Thompson, carried 5-0.~~

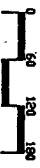
Z-94 **CORNERSTONE INVESTMENTS COMPANY** (G. F. Doyal, L. C. Doyal, et al, owners) for Rezoning from **R-20** to **R-15** for the purpose of a Subdivision in Land Lots 416, 417, 472 and 473 in the 19th District. 52.8 acres. Located on the south side of Macland Road, east of Bankstone Road. The Board of Commissioners, as part of the Consent Agenda, **approved** Rezoning to the **R-15** zoning district subject to: 1) minimum house size of 1,800 square feet; 2) project subject to Stormwater Management Division comments and recommendations; 3) Water and Sewer comments and recommendations; 4) project subject to Cobb DOT comments and recommendations; 5) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements. Motion by Wysong, second by W. Thompson, carried 5-0.

Z-95 **SCHMERGE, CAMPBELL & YOUNG** (Julia H. Green, Judith F. Schmerge, A. G. Schmerge and Diane Gilkey, owners) for Rezoning from **R-30** and **PRD** to **PRD** for the purpose of a Subdivision in Land Lots 30, 48, 49 and 106 of the 1st District. 57.8 acres. Located on the northwest side of Childers Road, west of Hampstead Lane and east of Huntridge Drive. The Board of Commissioners, as part of the Consent Agenda, **approved** Rezoning to the **PRD** zoning district subject to: 1) minimum house size of 4,000 square feet; 2) home sites to be located as shown on revised site plan for setback purposes (plan attached and made a part hereof); 3) private drive to be recorded as a permanent access easement to serve all 18 lots; 4) protective covenants to be recorded conveying all responsibility for maintenance/upkeep of any open space, bridges, and private drives to the homeowners; 5) Water and Sewer comments and recommendations; 6) project subject to Cobb DOT comments and recommendations; 7) project subject to Stormwater Management Division comments and recommendations; 8) 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. Motion by Wysong, second by W. Thompson, carried 5-0.

PRELIMINARY LAND USE PLAN
CHILDERS ROAD TRACT
 COBB COUNTY, GEORGIA

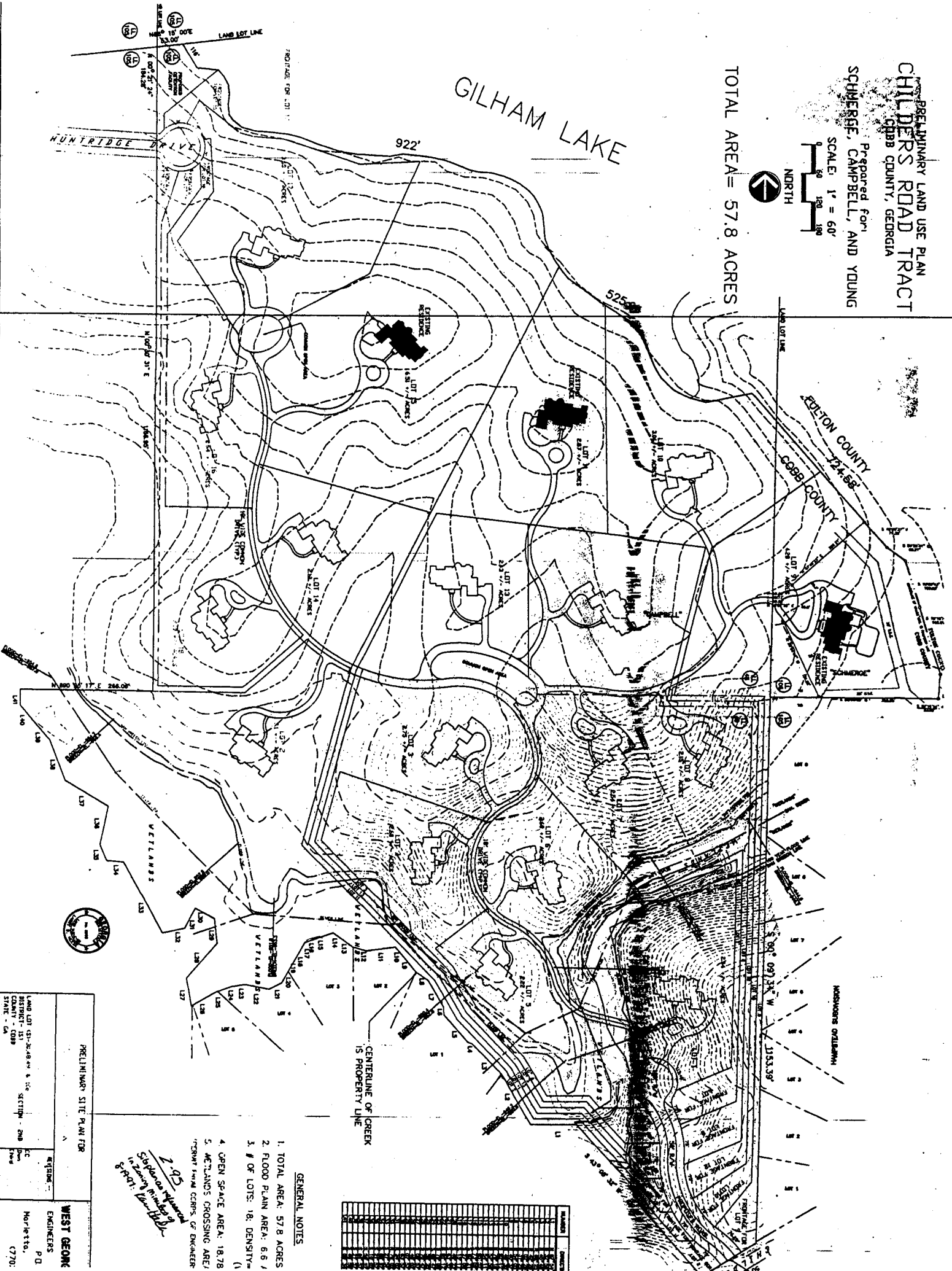
Prepared for
 SCHMERGE, CAMPBELL, AND YOUNG

SCALE: 1" = 60'



TOTAL AREA = 57.8 ACRES

GILHAM LAKE



GENERAL NOTES

1. TOTAL AREA: 57.8 ACRES
 2. FLOOD PLAIN AREA: 6.6 /
 3. # OF LOTS: 18. DENSITY - ()
 4. OPEN SPACE AREA: 18.78
 5. METLANDS CROSSING AREA
- 2005
 Steven A. [Name]
 [Address]
 [Phone]

CENTRELINE OF CREEK
 IS PROPERTY LINE

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PRELIMINARY SITE PLAN FOR		WEST GEORGIA	
ENGINEERS	ENGINEERS	ENGINEERS	ENGINEERS
Land Lot 181-26-08-000 & 182	Project - 200	Project - 200	Project - 200
DISTRICT - 33	COBB COUNTY - GA	COBB COUNTY - GA	COBB COUNTY - GA
DATE - 02/17/05	SCALE - AS SHOWN	SCALE - AS SHOWN	SCALE - AS SHOWN
Author	Checker	Checker	Checker
Author	Checker	Checker	Checker
Author	Checker	Checker	Checker

ORIGINAL DATE OF APPLICATION: 08-19-97APPLICANTS NAME: SCHMERGE, CAMPBELL & YOUNGTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 04-20-00 ZONING HEARING:****OTHER BUSINESS ITEM #6 - TO CONSIDER A SITE PLAN
AMENDMENT FOR WEST GEORGIA SURVEYORS REGARDING Z-95
(SCHMERGE, CAMPBELL & YOUNG) OF AUGUST 19, 1997**

To consider a Site Plan Amendment for West Georgia Surveyors regarding Z-95 (Schmerge, Campbell & Young) of August 19, 1997, for property located on the northwest side of Childers Road, west of Hampstead Lane and east of Huntridge Drive in Land Lots 30, 48, 49 and 106 of the 16th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request. The Board of Commissioners **approved** request to amend site plan for West Georgia Surveyors regarding Z-95 (Schmerge, Campbell & Young) of August 19, 1997, for property located on the northwest side of Childers Road, west of Hampstead Lane and east of Huntridge Drive in Land Lots 30, 48, 49 and 106 of the 16th District **subject to:** 1) **amended site plan submitted (reduced copy attached and made a part of these minutes);** 2) **letter from West Georgia Surveyors, Inc. dated April 4, 2000 (copy attached and made a part of these minutes);** 3) **all other previously approved conditions/stipulations remain in effect.** Motion by Olens, carried 5-0.

WEST GEORGIA SURVEYORS, INC.

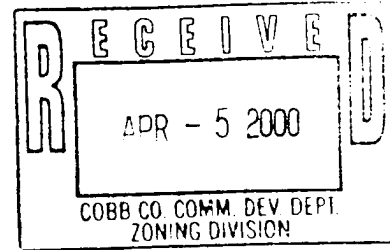
PAGE 10 OF 10

ENGINEERS • PLANNERS • SURVEYORS
731 SANDTOWN ROAD MARIETTA, GEORGIA 30008
FAX (770) 422-9178
(770) 428-2122

Deut. 27:17

April 4, 2000

Mr. Mark Danneman
Cobb County Zoning Division
191 Lawrence Street, 3rd Floor
Marietta, Georgia 30060



Re: Old Ivy Subdivision

Dear Mark:

Please except this letter as an official request to petition the Cobb County Board of Commissioners for a minor plan amendment to the above referenced subdivision. I have reviewed the revisions with your staff and was advised to contact the commissioner for this District, Mr. Sam Olens. I have discussed the proposed changes with his office and they agree this is a minor change in the previously approved plan for this development.

The changes we are requesting are to the "legs" serving Lot 14 moving from the south side of Lot 18 to the north side of Lot 18. The purchaser of Lot 2, Dr. Jerdan, is also requesting us to combine Lots 2 and 18 for a total of 9.36 Acres (eliminating Lot 18) and moving the Proposed Home Site closer to the original line dividing these lots. We are also requested to move the line dividing Lots 3 and 4 a distance of 10.0' north (onto lot 3) at the same time these other revisions are made to the recorded Subdivision Plat.

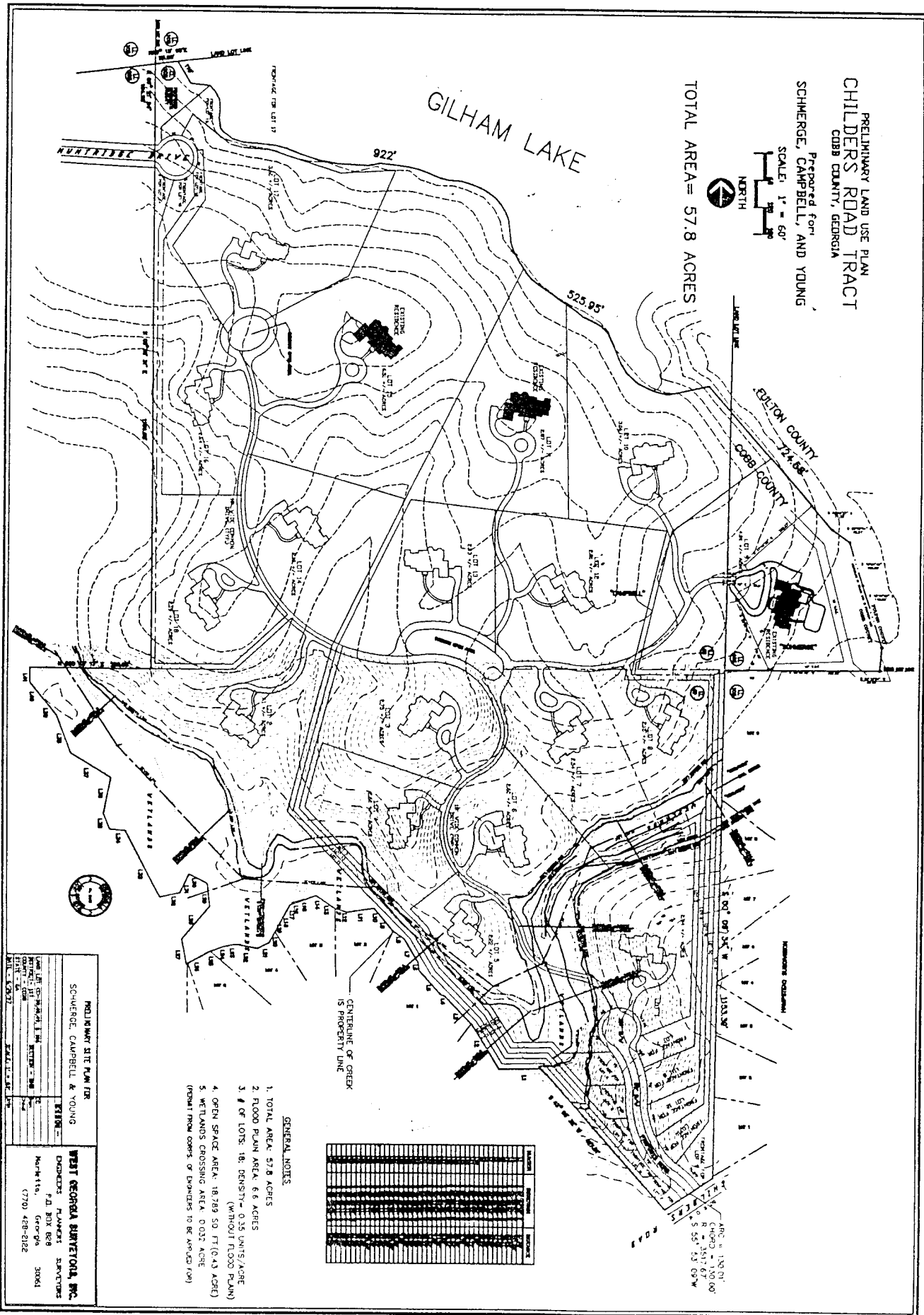
Thank you for your assistance in this matter. If I may be of any service please contact me.

Sincerely,

Larry D. Neese
President

Min. Bk. 14 Planning No. 2950 '97
Doc. Type site plan Amendment
request letter
Working Date 4/20/00
Other Business Item # 6

Z-95



PRELIMINARY LAND USE PLAN
CHILDERS ROAD TRACT
 COBB COUNTY, GEORGIA
 Prepared for:
SCHMERGE, CAMPBELL, AND YOUNG
 SCALE: 1" = 60'
 NORTH

TOTAL AREA = 57.8 ACRES

GILHAM LAKE

EDMON COUNTY
 COBB COUNTY

- GENERAL NOTES**
1. TOTAL AREA: 57.8 ACRES
 2. FLOOD PLAIN AREA: 6.6 ACRES
 3. # OF LOTS: 18. DENSITY: 0.35 UNITS/ACRE (WITHOUT FLOOD PLAIN)
 4. OPEN SPACE AREA: 18,789 SQ. FT. (0.43 ACRE)
 5. WETLANDS CROSSING AREA: 0.032 ACRE (REMOVED FROM CORPS OF ENGINEERS 10-BE-APR-60-709)

AREA	ACRES	PERCENT
TOTAL AREA	57.8	100%
FLOOD PLAIN AREA	6.6	11.4%
OPEN SPACE AREA	0.43	0.7%
WETLANDS CROSSING AREA	0.032	0.05%
RESIDUAL AREA	50.768	87.8%

PROLIMINARY SITE PLAN FOR
 SCHMERGE, CAMPBELL & YOUNG

DATE: 05/20/97	SCALE: 1" = 60'
PROJECT: CHILDERS ROAD TRACT	
CLIENT: SCHMERGE, CAMPBELL & YOUNG	
PREPARED BY: [Signature]	

WEST GEORGIA SURVEYING, INC.
 ENGINEERS, PLANNERS, SURVEYORS
 400 North 1st St., Marietta, GA 30061
 (770) 428-0182

Z-95 of 1997 Zoning Analysis

APPLICANT: Schmerge, Campbell, & Young

Z-95

Albert G. Schmerge, III (770) 649-7000

HEARING DATE (PC): 08/05/97

REPRESENTATIVE: Same

HEARING DATE (BOC): 08/19/97

PRESENT ZONING: R30 & PRD

TITLEHOLDER: Julia H. Green, Judith F. Schmerge,

A.G. Schmerge, Dianne Gilkey

PROPOSED ZONING: PRD

PROPERTY LOCATION: Located on the northwest side of Childers Road; west of Hampstead Lane and east of Huntridge Drive.

PROPOSED USE: Subdivision

ACCESS TO PROPERTY: Childers Road

SIZE OF TRACT: 57.8

DISTRICT: 1st

PHYSICAL CHARACTERISTICS OF SITE: Three existing homes; wooded and undeveloped

LAND LOT(S): 30, 48, 49, 106

PARCEL(S): 1, 1, 1, 2, 4

TAXES: PAID X DUE

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-15/Devereux Cove subdivision; Princeton Cove

SOUTH: R-15, R-20/Childers Ridge

EAST: R-15, Fulton County/Carriage Park subdivision

WEST: R-15 & R-20/Chimney Lakes subdivision & Huntridge Estates

OPPOSITION: NO. OPPOSED PETITION NO. SPOKESMAN

PLANNING COMMISSION RECOMMENDATION

APPROVED MOTION BY

REJECTED SECONDED

HELD CARRIED

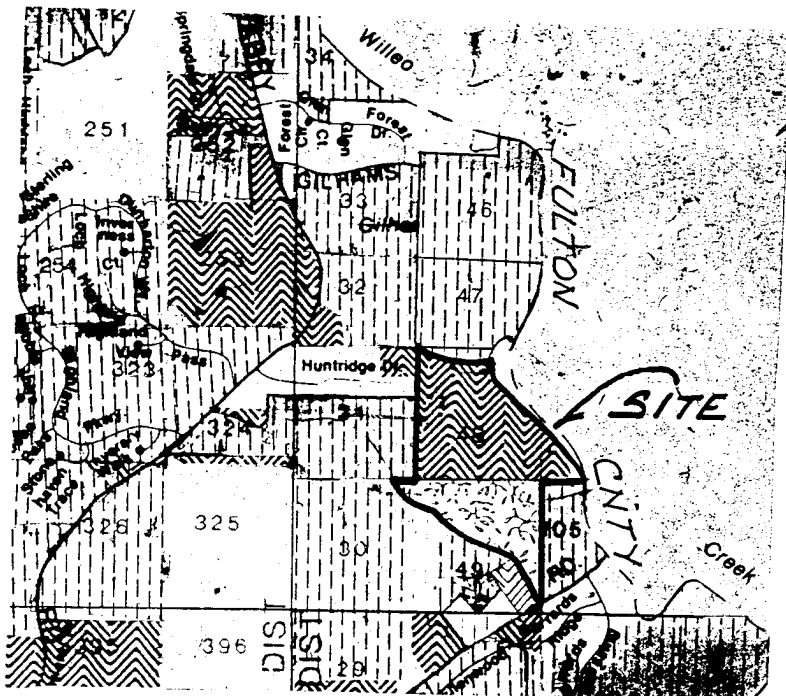
BOARD OF COMMISSIONERS DECISION

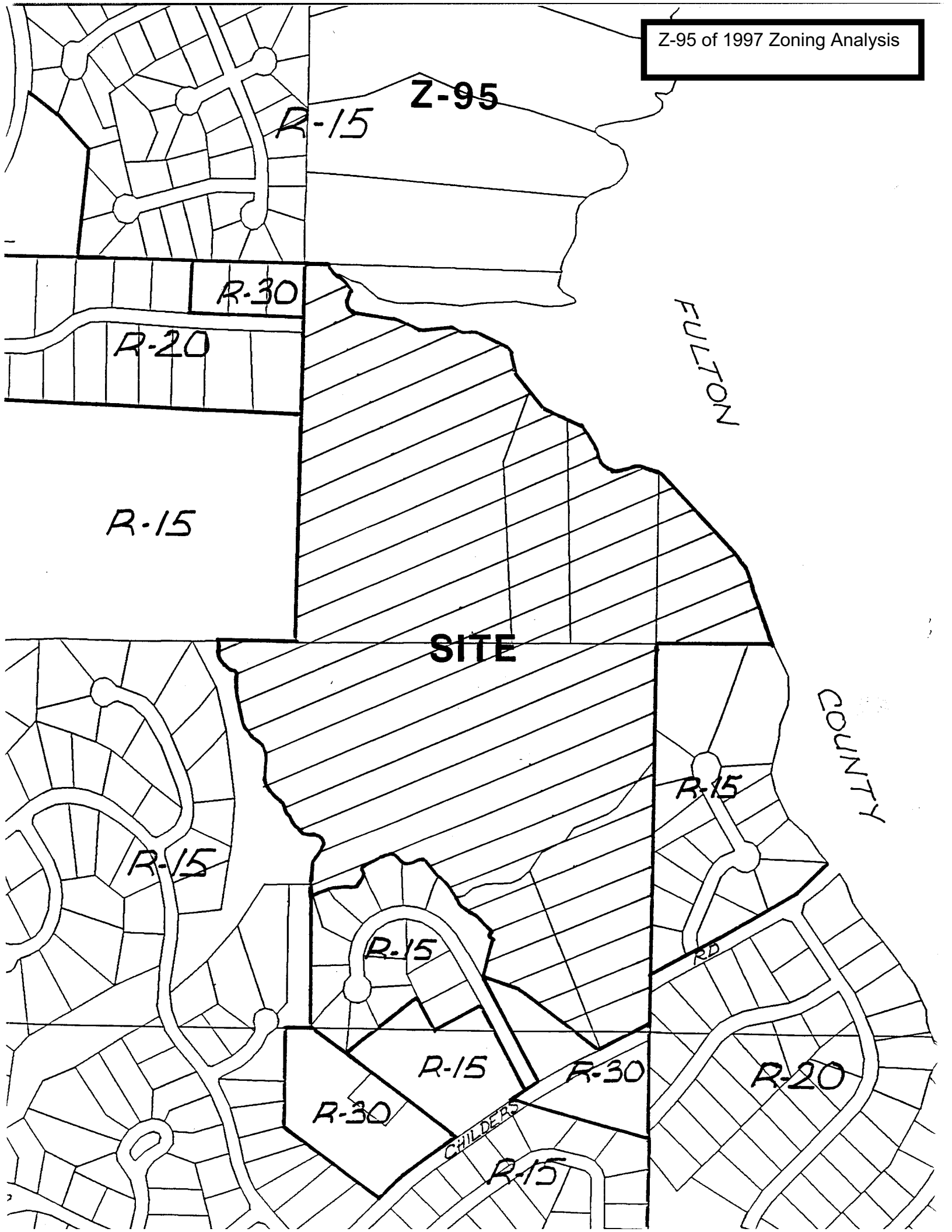
APPROVED MOTION BY

REJECTED SECONDED

HELD CARRIED

STIPULATIONS:





APPLICANT: Schmerge, Campbell & Young

PETITION NO.: Z-95

PRESENT ZONING: PRD & R-30

PETITION FOR: PRD

Z-95 of 1997 Zoning Analysis

PLANNING COMMENTS

Staff Member Responsible: Linda Richardson

Land Use Plan Recommendation: Low Density Residential

Proposed Number of Units 18 Overall Density .35* Units/Acre

Present Zoning Would Allow 80 Units/Lots Increase in Units/Lots -62

*excludes 6.6 acres of flood plain.

The applicants are requesting rezoning to allow the development of an 18 home subdivision. This proposal is to construct custom designed homes with a minimum house size to be 4,000 square feet. The price range would start around \$1,000,000. The plan contains 18,789 square feet of open space which meets the PRD requirement. The lots range in size from 2.15 acres to 7 acres.

The revised site plan reflects that each lot meets the minimum required amount of public road frontage, however, the access to each lot will be from a private drive, which will be directed toward a proposed street off of Childers Road. Currently there are three (3) homes accessing Huntridge Drive from a private easement. There will be no access to Huntridge Drive at the completion of the project except for maintenance on the detention lot.

The protective covenants would convey the responsibility for maintenance of the open space, bridges and private drives to the home owners. The covenants would include language that would direct all tract toward Childers Road.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

Archaeology: No comment.

SCHOOL COMMENTS

Area Schools	Instructional Unit Classrooms/PCU's ¹	# of Teachers Assigned	Average Daily Attendance	Capacity
Garrison Mill Elementary	46	46	711	787
Mabry Middle	53 + 3 PCU's	69.6	1030	1037
Lassiter High	110 + 6 PCU's (see note below)	144	2576	2526

Funded Future Construction

Garrison Mill Elementary - Tritt Elementary if access is by Childers Road only.

Mabry Middle - Hightower Trail Middle if access is by Childers Road only.

Lassiter High - Pope High if access if by Childers Road only.

¹PCU's" denotes portable classroom units.

APPLICANT: Schmerge, Campbell & Young

PETITION NO.: Z-95

PRESENT ZONING: R-30 & PRD

PETITION FOR: R-15

Z-95 of 1997 Zoning Analysis

FIRE COMMENTS

<u>Station No. & Location</u>	<u>Response Time</u>	
1. <u>Engine #15; Johnson Ferry Rd.</u>	<u>5</u>	<u>x</u> adequate <u> </u> inadequate
2. <u>Engine #14; Sandy Plains Rd.</u>	<u>6</u>	<u>x</u> adequate <u> </u> inadequate
3. <u>Lad # 21; Lower Roswell Rd.</u>	<u>9</u>	<u>x</u> adequate <u> </u> inadequate

GPM Requirements 1500 Water Main Size Required: 8"

Additional Comments: n/a

DRAINAGE COMMENTS:

 No FEMA Flood Plain or
County Ordinance Flood Hazard

Basin Affected Sweat Mountain Creek/Willeo Creek yes Within FEMA 100 Yr. Flood Plain

Is Project Located Within MRPA Yes x No yes Within Co. Ordinance Flood Hazard

Floodplain Info. Approximately 9 acres along Sweat Mountain Creek and undefined along Gillam Lake.

Control site stormwater discharges so as not to exceed the capacity of downstream storm drainage systems. Minimize stormwater runoff into public roads. Minimize the effect of the concentrated stormwater discharges from the proposed project onto adjacent properties. Developer must secure from downstream property owner(s) any rights-of-way required to receive the concentrated stormwater discharges from the proposed development. This project is subject to the Cobb County Chattahoochee River Corridor Tributary Protection Area Ordinance. This project is subject to the Cobb County Flood Damage Prevention Ordinance requirements. The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers. The existing lake downstream will require extra sensitivity to erosion and sediment controls. State waters may exist on this site which may require undisturbed buffers 25 feet from the top of each bank. Submit all proposed site improvements to Plan Review at the Community Development Department. Any spring activity uncovered must be addressed by a qualified geotechnical engineer. Structural fill placed in wetlands must be placed under direction of geotechnical engineer. No stormwater detention shown. Project should comply with the water quality requirements of the CWA-NPDES-NPS Permit.

Residential structures should not be placed within Breach Zone of Gillam Lake Dam or in breach zone of Loch Highland Dam and Chimney Lake Dam located only a short distance upstream on Sweat Mountain Creek. All dams are regulated as Cat. I by the Georgia Safe Dams program. Nine (9) lots will require site plans under Flood Ordinance.

APPLICANT Schmerge, Campbell, & Young

PETITION NO. Z-95

PRESENT ZONING R-30 & PRD

PETITION FOR PRD

WATER COMMENTS

Z-95 of 1997 Zoning Analysis

NOTE: Comments only reflect what facilities are currently in existence at the time of review.

Available at Development: Yes No Fire Flow Test Required: Yes No

Size of Existing Main and Location: 6" on Huntridge Drive on Childers Road

Additional Comments: Water meters must be set on public R.O.W. or provide utility easement to install line large enough to support both domestic & fire protection needs.

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

NOTE: Comments only reflect what facilities are currently in existence at the time of review.

In Drainage Basin: Yes No At Development: Yes No

Approximate Distance To Nearest Sewer: on site

Estimated Waste Generation 6400 ADF 16000 Peak

Treatment Plant: Big Creek

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0-5 years 5-10 years over 10 years.

Dry Sewers Required: Yes No

Off-site Easements Required: Yes No

Flow Test Required: Yes No

LETTER OF ALLOCATION Issued: Yes No

Septic Tank: Not recommended by this Department.

Subject to Health Department approval.

Additional Comments: _____

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water & sewer to Cobb County, as may be required. Rezoning does not insure water/sewer capacity.

APPLICANT Schmerge, Campbell & Young

PETITION NO. Z-95

PRESENT ZONING R-30 & PRD

PETITION FOR PRD

***** Z-95 of 1997 Zoning Analysis

TRAFFIC COMMENTS

	<u>Average Daily Trips</u>	<u>Classification</u>	<u>Minimum Right-of-Way Requirements</u>
<u>Childers Road</u>	<u>n/a</u>	<u>Minor Collector</u>	<u>60'</u>
<u>Huntridge Drive</u>	<u>n/a</u>	<u>Local</u>	<u>50'</u>

Additional Comments:

Childers Road is classified as a Minor Collector and Huntridge Drive is classified as a Local. According to the available information, Childers Road does not meet the minimum right-of-way requirements for this classification.

DOT recommends that all newly proposed roads meet the minimum 50' right-of-way requirements.

Recommendations:

Recommend applicant consider entering into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side of Childers Road a minimum of 30' from the roadway centerline; b) construct all proposed roads to meet the minimum 50' right-of-way requirement.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to the project improvements.

STAFF RECOMMENDATIONS

Z-95 SCHMERGE, CAMPBELL & YOUNG

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties, as this is a proposal to develop a single family subdivision which is more restrictive than all existing residential development in the area.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. This proposal is to construct 18 homes on 57.8 acres (80 homes are currently allow), which would be a reduction of 62 lots, therefore, no adverse impact is anticipated.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The Cobb County Comprehensive Plan projects this site to be developed as Low Density Residential (1-2.5 u.p.a.).
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. Twenty-five acres of this 57.8 acre tract was approved as a PRD plan for 44 homes. The existing subdivisions surrounding this site are zoned R-15.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Minimum house size of 4,000 square feet.
- Home sites to be located as shown on revised site plan for setback purposes.
- Private drive to be recorded as a permanent access easement to serve all 18 lots.
- Protective covenants to be recorded conveying all responsibility for maintenance/up keep of any open space, bridges, and private drives to the homeowners.
- Subject to Water/Sewer Department comments.
- Subject to DOT recommendations.
- Subject to Stormwater Division comments.
- 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.

Continued...

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

NOTES

Application for Rezoning Cobb County

(type or print clearly)

11-1-94 Cont. by PC
12-6-94 Cont. by PC
2-7-95 PC
2-21-95 BOC
Z-171
Application No. 2150
Hearing Date: JUNE 10/98

EXHIBIT FOR Z-95

Applicant FIRST VICTORY INC. Business Phone 977-2749 Home Phone 971-0869

MACK FOWLER Address 3489 KNIGHT RD MTTA
(representative's name, printed)

Mack Fowler Business Phone 977-2749
(representative's signature)

Z-95 of 1997 Zoning Analysis

Signed, sealed and delivered in presence of:

Linda B. Denton
Notary Public

My commission expires: June 21, 1998

Titleholder JULIA HAYES GREEN Business Phone NA Home Phone 404-255-9461

Signature Julia Hayes Green Address 3816 W. NANCY CREEK COURT, ATLANTA, GA 30319
(attach additional signatures, if needed)

Signed, sealed and delivered in presence of:

Mary K. McClure
Notary Public

My commission expires: June 9, 1994

Zoning Request From R-20 to P-RD
(present zoning) (proposed zoning)

For the Purpose of SUBDIVISION Size of Tract 25.0 Acre(s)[±]
(subdivision, restaurant, warehouse, apt., etc.)

Location NW side of CHILDERS RD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 30, 49, 50 District 187A

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any, they are as follows:

Mack Fowler
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any, they are as follows:

Mack Fowler
(applicant's signature)

EXHIBIT FOR Z-95
(CONT.)

PAGE 2 OF 2

APPLICATION NO. Z-171

ORIGINAL DATE OF APPLICATION: NOV.94 (FIRST HEARD BY BOC ON 2-21-95)

APPLICANT'S NAME: FIRST VICTORY, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY
BOARD OF COMMISSIONERS

BOC DECISION OF 2-21-95: The Board of Commissioners approved
application subject to: 1) owner/developer to resubmit site
plan depicting location of dedicated minimum 20 foot easement
for access to the open space area located along the western
property line; 2) letter of agreeable conditions submitted by
applicant's representative, dated February 15, 1995 and marked
as Exhibit "A". Motion by Wysong, second by Poole, carried 4-
1, Thompson opposed.

Lined area for additional text or notes.

Karen L. Hach
Karen L. Hach, Deputy County Clerk
Cobb County Board of Commissioners

APPLICANT:
 FIRST VICTORY, INC.
 3489 KNIGHT ROAD
 MARIETTA, GEORGIA 30066
 PHONE: 977-2749

BUILDING SETBACK REQUIREMENTS:
 FRONT - 25'
 REAR - 30' (20' INTERIOR)
 SIDE 5' (15' BETWEEN BUILDINGS)

Z-95 of 1997 Zoning Analysis



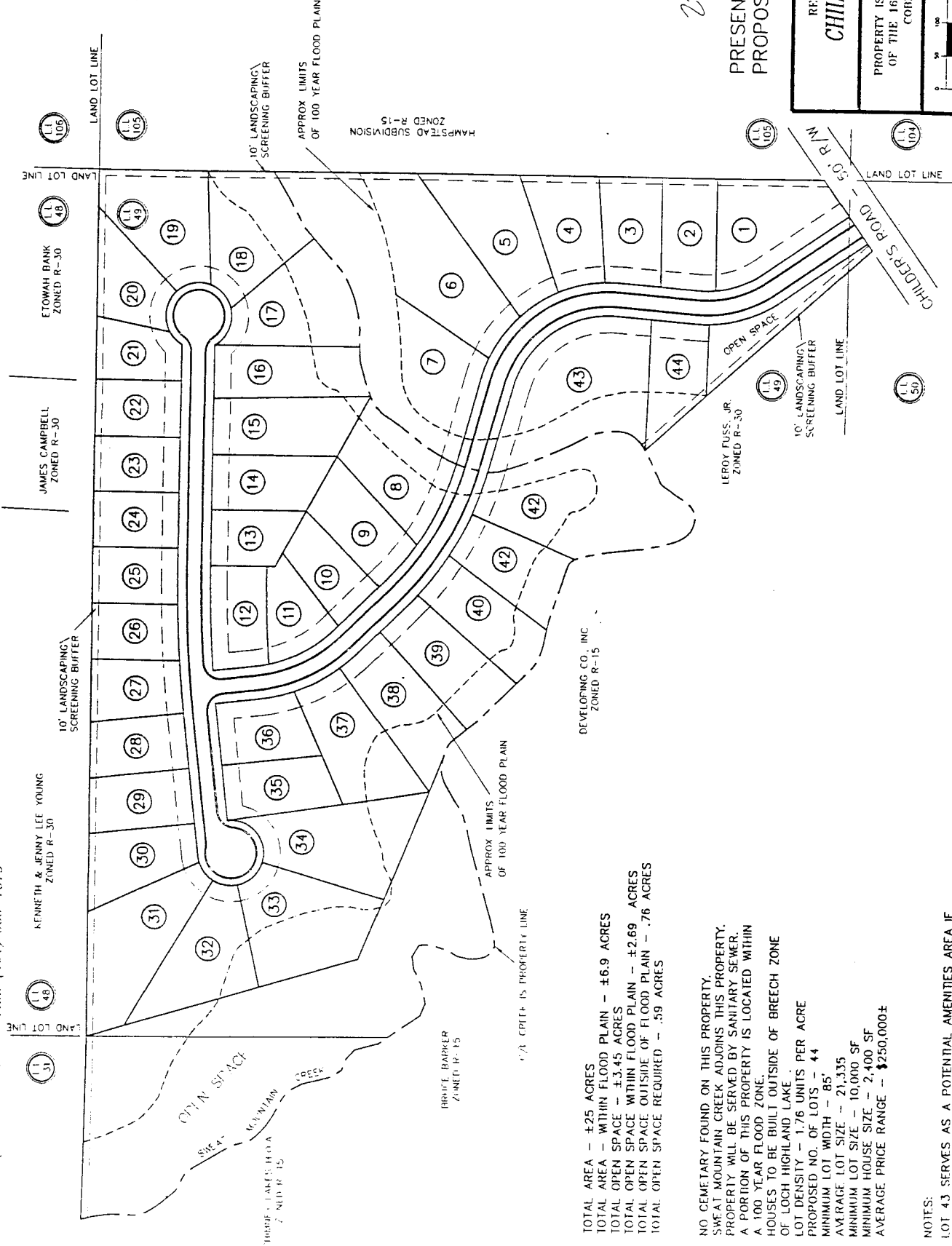
EXHIBIT FOR R-30
2-17-11 Rev 10
2-10-11

PRESENT ZONING: R-30
 PROPOSED ZONING: PRD

REZONING PLAN FOR:
CHILDER'S CREEK

PROPERTY IS LOCATED IN LAND LOT 187
 OF THE 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA

DATE: JUNE 2, 1994
 REVISIONS:
 PROJECT No 794042



TOTAL AREA - ±25 ACRES
 TOTAL AREA - WITHIN FLOOD PLAIN - ±6.9 ACRES
 TOTAL OPEN SPACE - ±3.45 ACRES
 TOTAL OPEN SPACE WITHIN FLOOD PLAIN - ±2.69 ACRES
 TOTAL OPEN SPACE OUTSIDE OF FLOOD PLAIN - .76 ACRES
 TOTAL OPEN SPACE REQUIRED - .59 ACRES

NO CEMETARY FOUND ON THIS PROPERTY. SWEAT MOUNTAIN CREEK ADJOINS THIS PROPERTY. PROPERTY WILL BE SERVED BY SANITARY SEWER. A PORTION OF THIS PROPERTY IS LOCATED WITHIN A 100 YEAR FLOOD ZONE. HOUSES TO BE BUILT OUTSIDE OF BREECH ZONE OF LOCH HIGHLAND LAKE.

LOT DENSITY - 1.76 UNITS PER ACRE
 PROPOSED NO. OF LOTS - 44
 MINIMUM LOT WIDTH - 85'
 AVERAGE LOT WIDTH - 21,135
 MINIMUM LOT SIZE - 10,000 SF
 MINIMUM HOUSE SIZE - 2,400 SF
 AVERAGE PRICE RANGE - \$250,000±

NOTES:
 LOT 43 SERVES AS A POTENTIAL AMENITIES AREA IF DESIRED BY BUILDER, AND PLANS ARE APPROVED BY THE COBB COUNTY DEVELOPEMENT CONTROL DEPARTMENT.
 ALL LOTS ADJOINING FLOOD PLAIN REQUIRE INDIVIDUAL SITE PLANS.