

Z-78
(2014)

LAND LOTS 134 AND 166
1ST DISTRICT
2ND SECTION
COBB COUNTY, GEORGIA

FINAL PLAT FOR
HEATHERMOOR
SUBDIVISION

DATE: 7-27-2009
SCALE: 1"=40'
SHEET: 1/2

REVISIONS
DATE: 7-27-2009
BY: [Signature]
REASON: [Text]

THIS LOT HAS A DESIGNATED TREE PROTECTION AREA, THE DIMENSIONS OF WHICH ARE ON FILE WITH THE COBB COUNTY DEVELOPMENT AGENCY. THE HOMEOWNER IS RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF THE TREE PROTECTION AREA. PROTECTIVE TREES MUST BE MAINTAINED AND PROTECTED TO REMAIN IN THE LOT. THE HOMEOWNER SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF THE TREE PROTECTION AREA. PROTECTIVE TREES MUST BE MAINTAINED AND PROTECTED TO REMAIN IN THE LOT.

TOTAL AREA = 12,955 ACRES
CURRENT ZONING = R-20
Z-25 OF 2/17/04

THIS LOT IS TO BE PLANTED IN ACCORDANCE WITH THE APPROVED TREE PROTECTION AND REPLACEMENT PLAN FOR THIS SUBDIVISION. THE INSULATION OF THESE TREES SHALL BE MAINTAINED AND PROTECTED TO REMAIN IN THE LOT. THE HOMEOWNER SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF THE TREE PROTECTION AREA. PROTECTIVE TREES MUST BE MAINTAINED AND PROTECTED TO REMAIN IN THE LOT.

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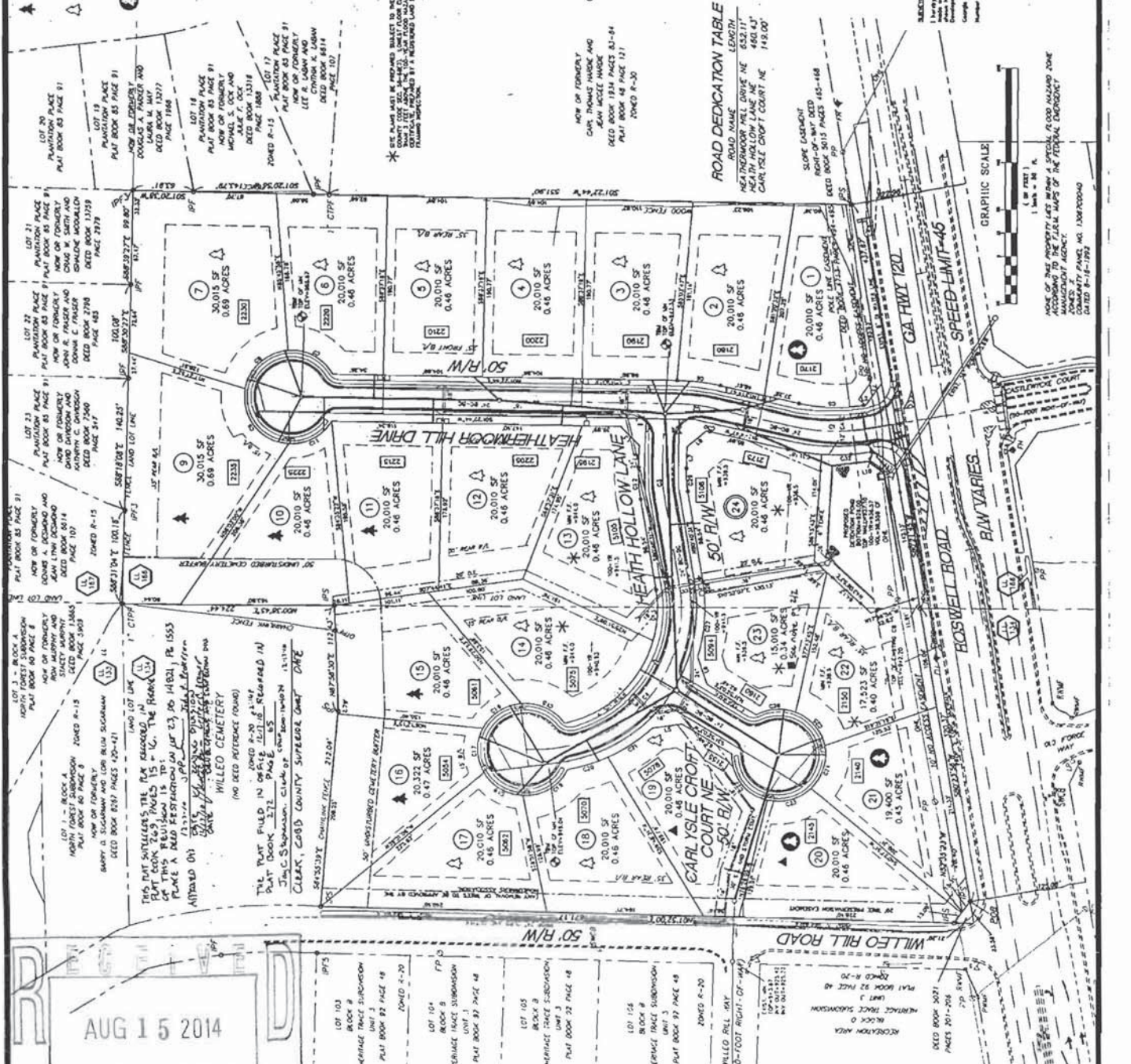
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ROAD DEDICATION TABLE

ROAD NAME	LENGTH
HEATH HOLLOW LANE NE	460.00'
HEATH HOLLOW LANE NE	460.00'
CARLISLE COURT NE	148.00'

GRAPHIC SCALE
1" = 40'
1" = 80'

ADDITIONAL NOTES:
1. THIS PLAT IS TO BE RECORDED IN THE CLERK'S OFFICE OF COBB COUNTY, GEORGIA.
2. THE HOMEOWNER SHALL BE RESPONSIBLE FOR THE PROTECTION AND MAINTENANCE OF THE TREE PROTECTION AREA.
3. PROTECTIVE TREES MUST BE MAINTAINED AND PROTECTED TO REMAIN IN THE LOT.

OWNER/DEVELOPER
24-HOUR CONTACT
CONNECTIONS OUTDOOR, INC.
3833 HILLMAN LANE
ALPHARETTA, GA 30009
(770) 650-8408

RECORDED INFORMATION:
THIS PLAT WAS RECORDED IN THE CLERK'S OFFICE OF COBB COUNTY, GEORGIA, ON 7/27/2009.
BOOK 134, PAGE 166.

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AUG 15 2014

APPLICANT: Heathermoor HOA, Inc.
PHONE#: (404) 966-7956 **EMAIL:** nbhangtfan@yahoo.com
REPRESENTATIVE: Nick Bhandari
PHONE#: (404) 966-7956 **EMAIL:** nbhangtfan@yahoo.com
TITLEHOLDER: Nick Bhandari

PROPERTY LOCATION: North side of Heath Hollow Lane, the
northeast side of Heathermoor Hill Drive, north side of Roswell Road,
east side of Willeo Rill Road.

ACCESS TO PROPERTY: Roswell Road

PHYSICAL CHARACTERISTICS TO SITE: Single-family
residential subdivision (Heathermoor)

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-15, R-20/ Plantation Place subdivision, Willeo Cemetery
SOUTH: R-20/ Old Forge subdivision, Brookshyre Manor subdivision
EAST: R-15, R-20/ Plantation Place subdivision, Single-family houses
WEST: R-20/ Heritage Trace Subdivision

PETITION NO: Z-78
HEARING DATE (PC): 11-04-14
HEARING DATE (BOC): 11-18-14
PRESENT ZONING: R-20
With Stipulations
PROPOSED ZONING: R-20
With Stipulations
PROPOSED USE: Reduce Cemetery Buffer
on Six Lots
SIZE OF TRACT: 3.0 acres
DISTRICT: 1
LAND LOT(S): 134, 166
PARCEL(S): 55, 56, 57, 65, 66, 67
TAXES: PAID X **DUE** _____
COMMISSION DISTRICT: 3

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

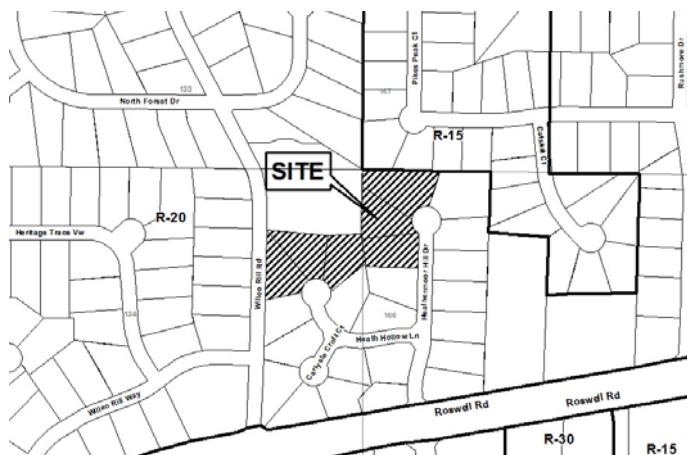
PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

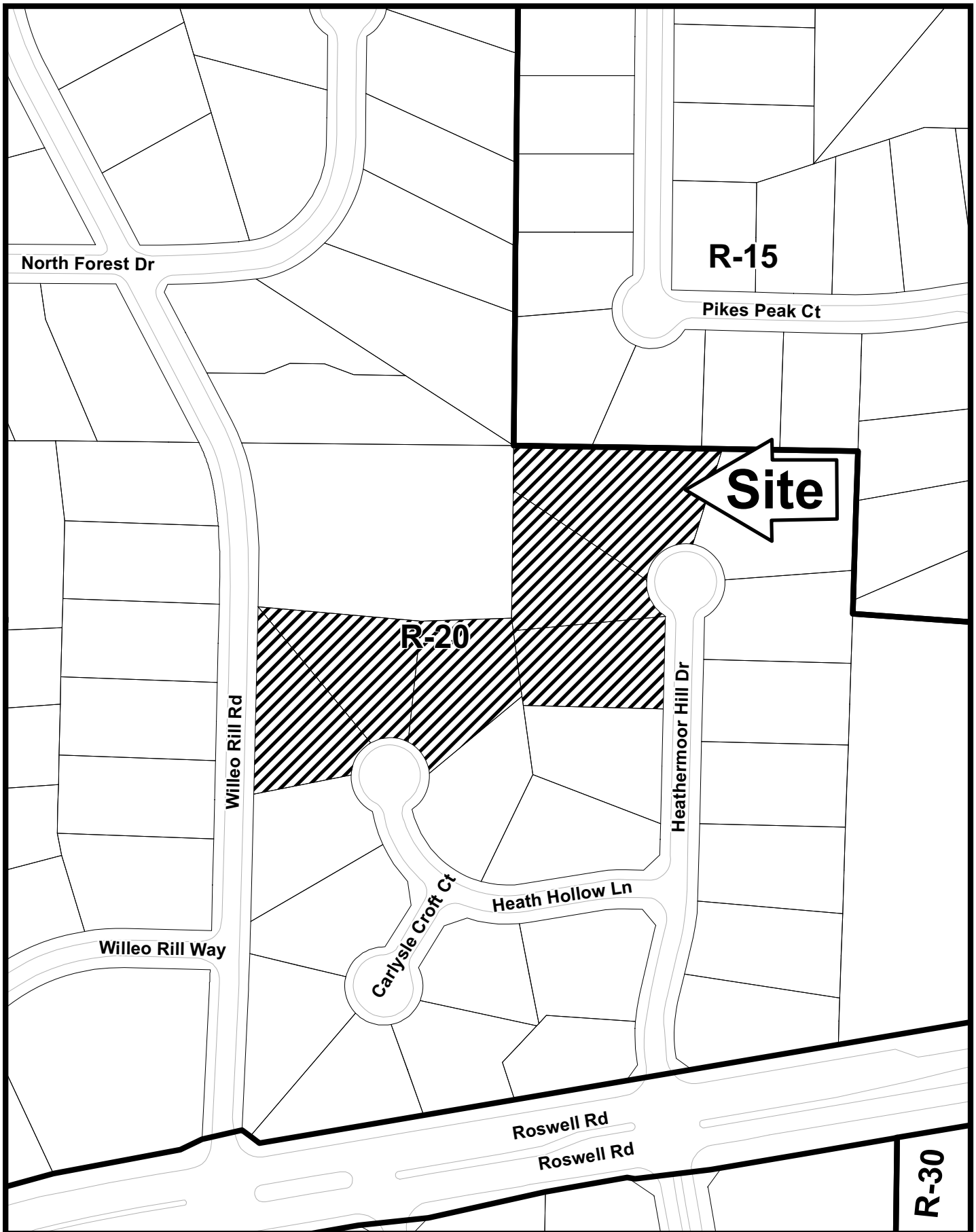
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____

STIPULATIONS:



Z-78



This map is provided for display and planning purposes only. It is not meant to be a legal description.

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: Heathermoor HOA, Inc.

PETITION NO.: Z-78

PRESENT ZONING: R-20 W/S

PETITION FOR: R-20 W/S

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Low Density Residential

Proposed Number of Units: 23, existing **Overall Density:** 1.78 **Units/Acre**

Staff estimate for allowable # of units: 23 **Units*** **Increase of:** 0 **Units/Lots**

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

The applicant is requesting a rezoning to allow the reduction of the previously stipulated 50 foot cemetery buffer that lies along the subdivision's northwest corner adjacent to Willeo Cemetery affecting six (6) of the 23 lots within the subdivision. The applicant cites the "required size of the homes that the neighborhood standards demand" as well as "the sight of a cemetery headstone" as reasons that the cemetery buffer should be reduced to a "landscaped greenspace" with a fence running along the lots' rear property lines approximately halfway within the 50 foot buffer. There have been, in the past, a variance approved within this subdivision regarding overbuilt lots and impervious restrictions that were put into place in relation to the size of homes being built. Also, the cemetery was present and its Code required buffer was approved at the time of the property's original rezoning.

Immediately preceding the filing of the current application, Code Enforcement had responded to the clearing of the replanted buffer by a homeowner adjacent to the Cemetery. On this particular lot, the buffer was partially cleared by the original builder and its replanting was required before the County would issue the Certificate of Occupancy to the second, most recent builder. It was this replanted buffer which was moved by the subsequent homeowner to accommodate a sodded lawn and retaining wall 35 feet into the buffer.

The 50 foot undisturbed buffer is required both by the Cobb Cemetery Preservation Ordinance and the County Development Standards for Cemeteries. It, and the required fencing and perimeter signage, were recommended by the Cemetery Preservation Commission and made a part of the subdivision's original grant of rezoning in 2004. Furthermore, as requested by the original applicant, Cornerstone Craftsmen, Inc., the front setbacks for proposed lots 9, 10, 15, 16, and 17 were reduced from 25 feet to 15 feet in order to better accommodate potential homes on these lots affected by the cemetery buffer. Incidentally, the 50 foot buffer, its marking signage, and recordation of a conservation easement in favor of the Cemetery Preservation Commission was agreed to by the original applicant in its letter of agreeable conditions from Mr. John Moore dated February 11, 2004. In this same letter, and as approved by the Board of Commissioners, it was requested and agreed that those lots adjacent to the buffer would not have rear setback in addition to the buffer as otherwise required by Code and recommended by the Cemetery Preservation Commission.

APPLICANT: Heathermoor HOA, Inc.

PETITION NO.: Z-78

PRESENT ZONING: R-20 W/S

PETITION FOR: R-20 W/S

Cemetery Preservation: Zoning petition Z-78, 2014 (in land lots 134 and 166 of the 1st District) shows the presence of Wileo Baptist cemetery.

The applicant is requesting a modification to the application that was approved February 17, 2004 (Exhibit A).

1. To reduce of the cemetery buffer on six lots from a fifty foot undisturbed, natural buffer along the common property line to twenty-five feet.
2. To install a wood fence of unspecified height at only five feet from the existing chain link fence.
3. Grant permission of the applicant to “remove dead trees/bushes/trash, non-desirable plants, rodents, etc.”

Our Cemetery Preservation Committee does not support their request to:

1. Decrease the buffer by 50%. We are not prepared to change the development standards and compromise the original stipulations that were approved by the Cobb County Board of Commissioners on February 17, 2004.
2. Install a wood fence; a wood fence would unduly inhibit code enforcement officers from doing their duty by preventing unobstructed visibility of the buffer. In addition, the fence placed at five feet from the existing fence would ostensibly reduce the buffer to five feet.

However,

3. Homeowners are allowed to remove dead trees and to spray for poisonous plants if they pose a safety risk.

The changes proposed would set precedent for the county and jeopardizes the sanctity of cemeteries throughout the county.

The buffer is clearly shown on the final plat of the subdivision that all homeowners receive. The Wileo Baptist cemetery predates the Heathermoor subdivision by over 100 years and the development standards are in place to ensure that the cemetery remains protected for another 100 years.

The Cemetery Preservation Committee is unanimous in its recommendation to the Cobb County Board of Commissioners to deny application Z-78.

APPLICANT: Heathermoor HOA, Inc.

PETITION NO.: Z-78

PRESENT ZONING: R-20 W/S

PETITION FOR: R-20 W/S

SCHOOL COMMENTS:

		Capacity	Number of
Name of School	Enrollment	Status	Portable
			Classrooms
Elementary			
Middle			
High			

- School attendance zones are subject to revision at any time.

Additional Comments:

FIRE COMMENTS:

When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT: Heathermoor HOA, Inc.

PETITION NO.: Z-78

PRESENT ZONING: R-20 W/S

PETITION FOR: R-20 W/S

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-20 for purpose of reducing cemetery buffer on six lots. The 3 acre site is located on the north side of Heath Hollow Lane, the northeast side of Heathermoor Hill Drive, north side of Roswell Road, east side of Willeo Rill Road.

Comprehensive Plan

The parcel is within a Low Density Residential (**LDR**) future land use category, with R-20 zoning designation. The purpose of the Low Density Residential (LDR) category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre. This category presents a range of densities.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? ☐ Yes ☒ No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? ☐ Yes ☒ No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? ☐ Yes ☒ No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? ☐ Yes ☒ No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

APPLICANT: Heathermoor HOA, Inc.

PETITION NO.: Z-78

PRESENT ZONING: R-20 W/S

PETITION FOR: R-20 W/S

PLANNING COMMENTS: (Continued)

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

☐ Yes ☒ No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

☐ Yes ☒ No

APPLICANT Heathermoor HOA

PETITION NO. Z-078

PRESENT ZONING R-20

PETITION FOR R-20

WATER COMMENTS:

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: ☒ Yes ☐ No

Fire Flow Test Required: ☐ Yes ☒ No

Size / Location of Existing Water Main(s): 6" DI in subdivision streets

Additional Comments: All lots in subdivision currently served by water

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 reflect only what facilities were in existence at the time of this review.

In Drainage Basin: ☒ Yes ☐ No

At Development: ☒ Yes ☐ No

Approximate Distance to Nearest Sewer: On site

Estimated Waste Generation (in G.P.D.): A D F= +0 Peak= +0

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

Drw Sewers Required: ☐ Yes ☒ No

Off-site Easements Required: ☐ Yes* ☒ No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: ☐ Yes ☒ No

Letter of Allocation issued: ☒ Yes ☐ No

Septic Tank Recommended by this Department: ☐ Yes ☒ No

Subject to Health Department Approval: ☐ Yes ☒ No

Additional Comments: All lots in subdivision currently served by sewer.

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 offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Heathermoor HOA, Inc.

PETITION NO.: Z-78

PRESENT ZONING: R-20

PETITION FOR: R-20

STORMWATER MANAGEMENT COMMENTS

No comment.

APPLICANT: Heathermoor HOA, Inc

PETITION NO.: Z-78

PRESENT ZONING: R-20

PETITION FOR: R-20

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Willeo Rill Road	N/A	Local	25 mph	Cobb County	50'
Heathermoor Hill Road	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Willeo Rill Road is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Heathermoor Hill Road is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

STAFF RECOMMENDATIONS

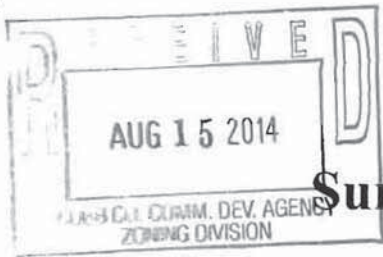
Z-78 HEATHERMOOR HOA, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is not suitable in view of the use and development of adjacent and nearby properties. The property's original rezoning stipulated a 50 foot cemetery buffer in accordance with County Code and Development Standards in order to properly protect the adjacent, existing cemetery.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The requested reduction in the cemetery buffer may allow encroachment and disturbance into the cemetery.
- 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* in as much as the original approval of the subdivision resulted in a development of 1.78 units per acre which is well within the Low Density Residential future land use category's prescribed 1 to 2.5 units per acre. However, the specific request to reduce the cemetery buffer cannot be found to further the goals of the *Plan* in as much as it recognizes the need to preserve and protect these natural and historic resources. The Comprehensive Plan Short Term Work Program indicates the ongoing status of the County's attempts to "develop a public outreach program for the Cobb County Cemetery Preservation Commission." This is indicative of the importance the County places on the preservation of these cultural and historic resources.
- 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 denying the applicant's rezoning proposal. Cornerstone Craftsmen, Inc., the original applicant in 2004, requested and received amenable conditions as part of the County's grant of rezoning that allowed for reduced front setbacks as well as waived the additional rear setbacks above the stipulated 50 foot cemetery buffer for those lots immediately adjacent to the existing Willeo Cemetery. In exchange, that original applicant, agreed to conditions recommended by the Cemetery Preservation Commission including the 50 foot buffer, its preservation under a conservation easement and permanent signage stating "Cemetery Preservation Buffer-Do Not Disturb." It can be argued that all necessary considerations and compromises were reached with the subdivision's original rezoning conditions and Staff believes that to grant the requested reduction in the cemetery buffer may set a precedence to allow future such encroachments in this Code required buffer in this and other similarly placed subdivisions.

Based on the above analysis, Staff recommends **DENIAL**.

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.

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Application #: Z-78
PC Hearing Date: 11-14-14
BOC Hearing Date: 11-18-14

Z-78 (2014)
Summary of
Intent with
Attachments

Summary of Intent for Rezoning

Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

Part 3. Other Pertinent Information (List or attach additional information if needed)

Please see the attached Exhibit A which summarizes our requests.
At issue are the restrictions imposed on six of
the properties within our neighborhood due to the required 50 foot buffer
around the property known as "Willeo Cemetery" of Hwy 120 in East Cobb.

Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

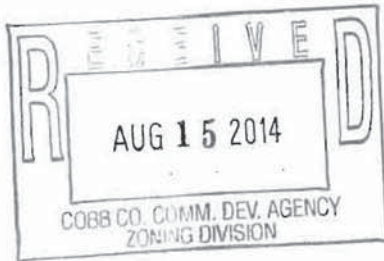
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

Part 5. Is this application a result of a Code Enforcement action? No ☒; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

Applicant signature: [Signature] Date: _____

Applicant name (printed): Hethermoor HOA, Inc / Nick BHANDARI,
President

Exhibit A



Details for Question #3

Summary of Intent for Re-zoning Application

Heathermoor HOA, Inc. – Applicant

The HOA respectfully requests a modification to the application and approval of Feb 17th, 2004 to Cornerstone Craftsmen, Application # Z-25 (See Exhibit B). This application is in regards to the subdivision known as "Heathermoor" in East Cobb County, at the intersection of Highway 120 and Willeo Rill Road.

In this application it was stipulated the final plat approval was contingent on, among other things, establishing and maintaining a 50 foot "natural" cemetery buffer around the outer property boundary of Willeo Cemetery. As homeowners, we assume this would have been granted to preserve the cemetery and burial sites for the good of the community. However, most of the actual homeowners or property buyers in our neighborhood do not understand the nature of the buffer, or why it has to be so rigidly maintained as "undisturbed."

The boundary of the cemetery touches six of the twenty three properties in Heathermoor, and is surrounded by a chain link fence that we assume is maintained by the cemetery owner (we believe it is Willeo Baptist Church but are not positive). Due to the size and shape of the lots, and the required size of the homes that the neighborhood standards demand, the buffer on many of these six properties reaches well into the available backyard space, in some cases right up to the rear home setback.

Additionally the sight of a cemetery headstone very close to your rear door or deck is not the type of thing most homeowners would desire, unless there is effective screening or privacy from natural vegetation. As it is now, the vegetation growing in the buffer is wild, full of poison oak or poison ivy, and home to many rodents and pests that infiltrate the developed property. The natural trees in this buffer are sparse, and most do not provide any real screening of the cemetery, particularly in winter. This also hurts property value.

Given our constituency and desire to enjoy our properties but also to maintain the ability to respect the privacy and integrity of the cemetery, we would request the following:

- 1) A reduction in the "undisturbed" portion of the buffer from 50 down to 25 feet. While it is not envisioned this new ribbon would contain any portion of the actual home, it could be used for landscaped greenspace in accordance with HOA Covenants and ACC guidelines. Five of the six properties on the cemetery perimeter are already framed and/or fully completed in accordance with today's 50 foot buffer requirement.

- 2) Within the 25 foot undisturbed portion of the buffer that remains, allow for a uniform privacy fence (wood in material) to be constructed at the edge of the property owners side of the cemetery (within 5 feet of the existing cemetery chain link fence). The HOA will agree to police the installation and maintenance of the fence and require it to color match the fence already on the neighborhood perimeter on Willeo Rill Road. See Exhibit C for a fence sample.
- 3) Grant the HOA and property owners the ability to keep the reduced and undisturbed 25 foot buffer in reasonable form – by removing dead trees/bushes/trash, non-desirable plants, rodents, etc but keep the buffer in a natural state, free of structures, play sets, sheds, etc, that the buffer was trying to keep out to begin with.

We appreciate the Commissioner's consideration and hope that we can come to a reasonable conclusion for all parties' sake.

Sincerely,

 8/14/14

Nick Bhandari, President

Heathermoor HOA, Inc.

PAGE 8 OF 18

APPLICATION NO. Z-25

Z-78 (2014)
Summary of
Intent with
Attachments

ORIGINAL DATE OF APPLICATION: 02-17-04

APPLICANTS NAME: CORNERSTONE CRAFTSMAN, INC.

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

BOC DECISION OF 02-17-04 ZONING HEARING:

CORNERSTONE CRAFTSMEN, INC. (David H. Baker, et al., owners) for Rezoning from **R-20** and **OI** to **R-15** for the purpose of a Subdivision in Land Lots 134 and 166 of the 1st District. Located at the northeast intersection of Roswell Road and Willeo Rill 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 Lee, second by Olens, to delete rezoning to the **R-20** zoning district **subject to:**

- site plan received in the Zoning Division on January 15, 2004, with the District Commissioner to approve minor modifications to site layout (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated February 11, 2004, *not otherwise in conflict* (copy attached and made a part of these minutes)
- allowance for reduction in front setbacks to 15 feet on lots 9, 10, 15, 16, and 17
- Cemetery Preservation comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments
- 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

" EXHIBIT B "

PRESENT ZONING:

R-20, OI

PETITION FOR:

Z-78 (2014)
Summary of
Intent with
Attachments

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson

Land Use Plan Recommendation: Low Density Residential (1 to 2.5 units per acre)

Proposed Number of Units: 24 Overall Density: 1.83 Units/Acre

Present Zoning Would Allow: 9* Units Increase of: 15 Units/Lots

*Based on 5.1 acres currently zoned R-20.

The applicant is requesting the R-15 zoning category to develop a single-family detached subdivision. The houses would be traditional in styling, with brick and stone exteriors. The houses would be a minimum of 2,500 square-feet, and would start selling for \$700,000. The applicant would like to reduce the front setback from 35-feet to 25-feet for all the lots.

Historic Preservation: According to the Cobb County Inventory of Potentially Historic Homes and the Cobb County Civil War Earthworks Map, there appears to be no known historic resources located on this property.

Cemetery Preservation: This petition shows the presence of Willeo Baptist cemetery on the western border of the proposed development. The Cobb Cemetery Preservation Ordinance and the County Development Standards for Cemeteries call for: A) A plat to be prepared by a registered surveyor denoting the location of the grave shafts, the fifty foot undisturbed buffer and the fence line. The archaeology survey and registered surveyor's plat must be submitted to the Cemetery Preservation Commission prior to Plan Review. B) Provide the greater of a fifty foot undisturbed, natural buffer along the common property line; or a fifty foot undisturbed, natural buffer around the perimeter of the outermost burials of the cemetery; whichever provides the greatest protection for the cemetery. C) A survey by a professional archaeologist (Cobb County Code 26-29 Section C). The archaeology survey will locate any grave shafts that may be in the fifty foot natural undisturbed buffer and define the burial boundary. Members of the Cemetery Preservation Commission must be present during the archaeology survey. D) The fifty foot undisturbed natural buffer shall be recorded as a conservation easement with the Cemetery Preservation Commission having third party right of enforcement. E) Lots adjacent to the fifty foot undisturbed natural buffer shall have setbacks, as set forth in the Cobb County zoning ordinance, in addition to the buffer. F) The archaeology survey must be submitted to the Cemetery Preservation Commission three (3) business days prior to any zoning hearing, or three (3) business days prior to Plan Review. G) The permanent six foot high, chain link fence that has been installed must be moved to include any graves found within the fifty foot undisturbed natural buffer. H) An orange protective fence erected on the outer perimeter of the fifty foot undisturbed buffer, before any ground disturbance occurs on the site to be developed. This fence is to be maintained in good repair throughout the development of the project. At completion of the project, the orange protective fence shall be removed from the premises. I) Permanent signs stating **CEMETERY PRESERVATION BUFFER – DO NOT DISTURB** shall be erected every fifty feet along the outer perimeter of the fifty foot undisturbed, natural cemetery preservation buffer. J) Compliance with all State and local laws and ordinances.

Z-78 (2014)
Summary of
Intent with
Attachments

BERWIN
ESTATES

BRASWELL ENGINEERING
3333 N. WILLOW AVE.
SUITE 100
MARIETTA, GA 30067-1100
(770) 541-0025

LAND LOTS 134 AND 166
1ST DISTRICT
2ND SECTION
COBB COUNTY, GA

DATE
BY
CHECKED
BY

PAGE 9 OF



OWNER/DEVELOPER
24-HOUR CONTACT
JIMMY L. BERWIN
JIMMY@BERWINESTATES.COM
404.576.1100

ALL EXISTING
ROADWAYS AND DRIVEWAYS
TO BE RECONSTRUCTED

ZONING PLAN

Min. Bk. 26 Petition No. Z-25
Doc. Type Site Plan

Meeting Date 2/17/04

LOCATION MAP

RECEIVED
REVISED Z-25
JAN 15 2004
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

TOTAL AREA = 13.1± ACRES
CURRENT ZONING = R-20 AND OI
PROPOSED ZONING = R-15

- NOTES
1. All site area is development = 12.1± acres
 2. Proposed density = 1.62 lots per acre
 3. Proposed lot size = 15,000 square feet
 4. Average lot size = 20,137 square feet
 5. Building setback area is as follows:
Side = 10 feet (215' major side)
Front = 33 feet
 6. Total number of lots = 24
 7. All lots are to be developed
 8. All lots are to be developed
 9. All lots are to be developed
 10. Boundary information taken from information provided by developer and not subject to Plat and Engineering, and is subject to change
 11. All lots are to be developed
 12. All lots are to be developed
 13. All lots are to be developed
 14. All lots are to be developed
 15. All lots are to be developed
 16. All lots are to be developed



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Canner III
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- (10) The entrance to the proposed community shall be ground-based, monument style signage and will be heavily and professionally landscaped.
- (11) Applicant agrees to the creation of a mandatory homeowners association consistent with up-scale communities within the area. The mandatory homeowners association shall be responsible for the upkeep and maintenance of all common areas contained within the proposed community, and specifically, the entire frontages of the Subject Property along Roswell Road and Willeo Rill Road.
- (12) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed community.
- (13) In furtherance of the covenants referenced in subparagraph (12) above, Applicant agrees to set forth within said covenants for the proposed community the following:
 - (a) All fencing by individual homeowners as to lots along Willeo Rill Road shall be matching; and
 - (b) Trees within twenty (20) feet of the rear property line as to lots adjacent to Willeo Rill Road shall not be removed without permission from the governing board of the homeowners association.
- (14) With regard to the Willeo Baptist Cemetery located immediately adjacent to the Subject Property, Applicant agrees as follows:

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- (a) To a fifty (50) foot undisturbed buffer between the proposed residential community and the cemetery, as more particularly shown and reflected on the referenced Zoning Plan;
- (b) An archeological study has been performed by R.S. Webb & Associates dated January 20, 2004, a copy of which has been provided to the Cobb County Cemetery Preservation Commission;
- (c) A survey has been performed as to that portion of the cemetery adjacent to the Subject Property and a copy has been provided to the Cobb County Cemetery Preservation Commission;
- (d) The R.S. Webb & Associates report reflects no grave sites located outside the existing boundary of the cemetery and reflects that the cemetery is currently bounded by a chainlink fence. Therefore, there is no need for Applicant to erect a fence separating the Subject Property from the cemetery;
- (e) There shall be no rear setbacks in addition to the fifty (50) foot buffer above referenced;
- (f) The fifty (50) foot undisturbed natural buffer shall be recorded as a conservation easement with the Cemetery Preservation Commission having third-party right of enforcement;
- (g) An orange protective fence erected on the outer perimeter of the fifty (50) foot undisturbed buffer, before any ground disturbance occurs on the site to be developed. This fence is to be maintained in good repair throughout the development of the project. At completion of the project, the orange protective fence shall be removed from the premises; and

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(h) Permanent signs stating:

"CEMETERY PRESERVATION BUFFER-DO NOT DISTURB"

shall be erected every fifty (50) feet along the outer perimeter of the fifty foot undisturbed, natural cemetery preservation buffer.

- (15) The detention area shall be fenced and landscaped for purposes of visual screening from Roswell Road. The landscaping shall be approved by the Cobb County arborist during the plan review process.
- (16) The frontages along Willeo Rill Road and Roswell Road shall be professionally landscaped to include hardscape and softscape, and may include landscaped berms.
- (17) The utilities servicing the residences within the proposed community shall be underground.
- (18) Minor modifications to the referenced Zoning Plan, including, but not limited to; lot layout and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (19) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (20) All setbacks and buffer areas may be penetrated for purposes of detention, utilities, and stormwater management.
- (21) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of

EXHIBIT "C"

