

**MARCH 17, 2015 ZONING HEARING**  
**“OTHER BUSINESS”**  
**COMMISSION DISTRICT 2**

**ITEM OB- 7**

**PURPOSE**

To clarify and give Staff direction for Rivers Call subdivision regarding rezoning application Z-39 of 1999 (Cousins Properties, Inc.) for property located on the northeastern side of Wildwood Parkway, and at the intersection of Rivers Call Boulevard and High Trail in Land Lots 1004, 1005, 1036 and 1037 of the 17<sup>th</sup> District.

**BACKGROUND**

The subject property was zoned R-15 with stipulations in 1999 for a residential subdivision. Development of the property began in 2000 which included an attractive entrance with a gatehouse. The original development representative, as well as many of the original homeowners in the subdivision were under the impression that the gatehouse approved in 1999 included gates being placed at the gatehouse to monitor traffic coming into the subdivision since the subdivision is located near high rise office buildings and other commercial development. It is not clear to Staff whether or not this was the Board of Commissioners’ intent. Staff would like to receive clarification and direction from the Board of Commissioners’ pertaining to allowing entrance gates at this subdivision. The Board of Commissioners' decision is attached for review.

**RECOMMENDATION**

The Board of Commissioners consider the proposed request for clarification and direction.

**ATTACHMENTS**

Zoning Stipulations

ORIGINAL DATE OF APPLICATION: 04-20-99APPLICANTS NAME: COUSINS PRPERTIES, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 07-20-99 ZONING HEARING:**

**COUSINS PROPERTIES, INC.** (Wildwood Office Park, Inc. and Cousins Properties, Inc., owners) for Rezoning from **OI** to **FST-8 and R-15** for the purpose of a Subdivision and Condominiums in Land Lots 1004, 1005, 1036 and 1037 of the 17<sup>th</sup> District. 58.9 acres. Located on the east side of Powers Ferry Road, south and east of Wildwood Parkway. Chairman Byrne announced an informal policy change allowing public comment on held cases. The Zoning Division Manager, Mark Danneman, then briefly updated the members on the revised request for R-15 zoning of the entire site. Mr. John Moore, applicant's representative, waived public comment. Mr. William Carroll of the Parks Service and Mr. Roger Bureki spoke of concerns regarding protection of park and river. Following these presentations, the Board of Commissioners **deleted** entire site to the **R-15 zoning district subject to: 1) letter of agreeable conditions submitted by applicant's representative, dated July 16, 1999 (attached and made a part hereof); 2) project subject to regulations of Metropolitan River Protection Act and all review as required; 3) Water and Sewer comments and recommendations; 4) Stormwater Management Division comments and recommendations; 5) Cobb DOT comments and recommendations; 6) 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; 7) minimum house size of 2,000 square feet; 8) Parks Service representative to be notified of and invited to Plan Review meetings regarding this development.** Motion by Byrne, carried 4-0-1, Hunter abstaining.

## MOORE INGRAM JOHNSON &amp; STEELE

A LIMITED LIABILITY PARTNERSHIP

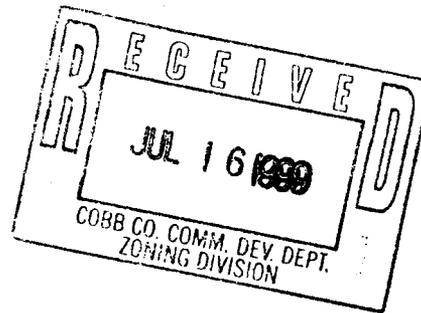
192 ANDERSON STREET  
MARIETTA, GEORGIA 30060POST OFFICE BOX 3305  
MARIETTA, GEORGIA 30061TELEPHONE  
(770) 429-1499TELECOPIER  
(770) 429-8631JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON  
ROBERT D. INGRAM  
J. BRIAN O'NEIL  
G. PHILLIP BEGGS  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
SARAH L. BARGO  
DIANE M. BUSCH  
DAVID IAN MATTHEWS  
JERE C. SMITH  
CLAYTON O. CARMACK  
MICHELLE S. DAVENPORT  
KEVIN B. CARLOCK  
ALEXANDER T. GALLOWAY III  
J. KEVIN MOOREWILLIAM C. BUHAY  
SUSAN S. STUART  
MICHAEL W. KITCHENS  
RODNEY R. MCCOLLOCH  
DANIEL A. LANDIS\*  
BRIAN D. SMITH  
HARRY R. TEAR III  
W. TROY HART  
JOSEPH H. AKERS  
JEFFREY A. DAXE  
MELISSA W. GILBERT  
DEAN C. BUCCI\*\*  
JOHN R. McCOWN\*\*  
JOYCE W. HARPER  
THOMAS L. SCHAEFER  
JONATHAN J. TUGGLE  
TRACY K. DAVIS\* ALSO ADMITTED IN NC  
\*\* ALSO ADMITTED IN TN

July 16, 1999

WRITER'S DIRECT DIAL NUMBER

Min. Rt. 12 Petition No. Z-39  
Doc. Type Stipulated letterMeeting Date 7/20/99

Hand Delivered

Mr. Ed Thomas  
Principal Planner  
Zoning Division  
Cobb County Community  
Development Department  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661

RE: Application for Rezoning

Application No.: Z-39 (1999)

Applicant: Cousins Properties Incorporated

Owners: Wildwood Associates, A Georgia  
General Partnership Comprised of  
Cousins Properties Incorporated  
And International Business  
Machines Corporation, and  
Cousins Properties IncorporatedProperty: 58.9 acres located on Powers  
Ferry Road, known as the  
Wildwood Office Park, in Land  
Lots 1004, 1005, 1036, and  
1037, 17<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia

Dear Ed:

As you know, this firm represents Cousins Properties Incorporated, the Applicant (hereinafter referred to as "Applicant"), and Wildwood Associates, A Georgia General Partnership Comprised of Cousins Properties Incorporated and International Business Machines Corporation, and Cousins Properties Incorporated, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to the above-referenced

**MOORE INGRAM JOHNSON & STEELE**

Mr. Ed Thomas  
Principal Planner  
Zoning Division  
Cobb County Community  
Development Department  
Page Two  
July 16, 1999

Petition No. 2-39  
Meeting Date 7/20/99  
Continued

property. After meetings with planning and zoning staff, meetings with area residents and homeowner representatives, reviewing the staff comments and recommendations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreed stipulations 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 property. This correspondence shall supersede and replace in full our previous letters of agreeable stipulations and conditions dated April 27, 1999, May 28, 1999, and June 11, 1999. The referenced stipulations are as follows:

- (1) Rezoning of the subject property shall be from the O&I zoning category to the R-15 zoning category with reference being made to that certain site plan prepared for Cousins Properties Incorporated by Hughes Good O'Leary & Ryan dated April 20, 1999, last revised July 7, 1999.
- (2) The balance of the property originally submitted for rezoning to the category of RRC, excepting only the above-referenced 58.9 acre tract, is hereby withdrawn without prejudice.
- (3) Applicant agrees to become a corporate sponsor for Brumby Elementary School.
- (4) The subject property shall be developed for single-family residential upon a total area of 58.9 acres, and shall have approximately one hundred twenty-one (121) units upon said total acreage, for an approximate gross density of 2.05 units per acre, with reference being made to the aforestated site plan.

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas  
Principal Planner  
Zoning Division  
Cobb County Community  
Development Department  
Page Three  
July 16, 1999

Petition No. 2-39  
Meeting Date 7/20/99  
Continued

- (5) All residences to be constructed within the proposed development shall be traditional in styling and shall have a minimum of 2,000 square feet.
- (6) The park trail can only be seen in small portions by looking around the large trees and under story. Applicant agrees to plant evergreen trees that the Park Service specifies between the trail and the forest to provide winter under story.
- (7) Applicant agrees not to develop that portion of the property for which FST zoning was previously sought for a period of eighteen (18) months in order to facilitate a land swap, with said land swap involving an environmental study, appraisals, public meetings, and approval from Washington, D.C. Applicant will provide a maximum of \$10,000 for the environmental studies but will not be involved in selection of contractors or directing the work. The Park Service will administer the studies in their sole discretion.
- (8) If Applicant does not commence development of the proposed project within eighteen (18) months of final zoning approval, the subject property will revert to its prior zoning category.
- (9) All lots within the proposed development shall have the following setbacks:
  - (a) Front setback - Twenty (20) feet;
  - (b) Rear setback - Thirty-five (35) feet; and
  - (c) Side setback - Seven (7) feet (with fifteen (15) feet between structures).

Mr. Ed Thomas  
Principal Planner  
Zoning Division  
Cobb County Community  
Development Department  
Page Four  
July 16, 1999

Petition No. 2-39  
Meeting Date 7/20/99  
Continued

- (10) Roof drains and gutters on individual residences shall have central underground drainage into a cistern system.
- (11) All entrances to the proposed development shall be professionally landscaped.
- (12) Entrance signage to the proposed development shall be ground based, monument style signage.
- (13) All residences within the entire proposed development shall have sodded yards, front, rear, and sides.
- (14) Applicant agrees to a mandatory homeowners' association with restrictive covenants consistent with up-scale area communities. These covenants shall have architectural controls requiring site approval, clearing approval, and plan approval. In addition, the covenants shall contain a restriction as to tree removal with penalties included for violation of same.
- (15) Any lighting to be installed within the proposed development shall be environmentally sensitive and shall be themed for the architecture reflected by the residences constructed therein.
- (16) Applicant agrees to investigate a possible noise issue at the approximate location of the subdivision entrance and, if warranted, shall take appropriate corrective action.
- (17) Applicant agrees to locate residences adjacent to the park as far from the trails within the park as is reasonably possible.
- (18) Applicant agrees that there shall be no mass grading of the entire site.

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas  
Principal Planner  
Zoning Division  
Cobb County Community  
Development Department  
Page Five  
July 16, 1999

Petition No. 2-39  
Meeting Date 7/20/99  
Continued

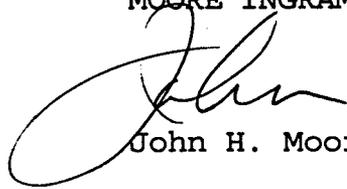
- (19) Applicant agrees to comply with the Cobb County Stormwater Management requirements.
- (20) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners.

We believe that the requested zoning, as amended, pursuant to the referenced site plan and the stipulations contained herein, is an appropriate use of the subject property while taking into consideration the properties and owners thereof surrounding the proposed development as well as the growing trend of the "live and work concept." The proposed development shall be of the highest caliber and shall set the tone and standards for future developments using this concept within Cobb County. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

  
John H. Moore

JHM:cc

**MOORE INGRAM JOHNSON & STEELE**

Mr. Ed Thomas  
Principal Planner  
Zoning Division  
Cobb County Community  
Development Department  
Page Six  
July 16, 1999

Petition No. 2-39  
Meeting Date 7/20/99  
Continued

c: Cobb County Board of Commissioners:  
William J. Byrne, Chairman  
George Woody Thompson, Jr.  
Louie Hunter  
Joe L. Thompson  
Samuel S. Olens

Mr. David Hong  
Vice President  
East Cobb Civic Association, Inc.  
(Telefax Transmission  
To (770) 392-5393)

Mr. Tim Lee  
East Cobb Civic Association, Inc.  
(E-Mail To: TimLeeHome@AOL.COM)

Mr. Ted Waters  
National Park Service  
(Telefax Transmission  
To (770) 392-7042)

Mr. Lee Gregory  
Terrell Mill Estates Subdivision  
(Telefax Transmission  
To (770) 953-8036)

Mr. Alan Jablonski  
Representative of Area Residents  
(Telefax Transmission  
To (770) 509-9864)

Mr. Reid W. Kennedy, President  
Terrell Mill Homeowners Association  
(Telefax Transmission  
To (770) 988-9650)



REVISED, JULY 7, 1999  
0 50 100 200'

Min. Bk. 12    Petition No. 7-39  
Doc. Type Site plan referenced  
in stipulated letter  
Meeting Date 7/20/99

N/F  
U.S.A.  
CHATTAHOOCHEE RIVER NATIONAL  
RECREATION AREA  
COCHRAN SHOALS PARK

RECEIVED  
JUL 16 1999  
COBB CO. COMM. DEV. DEPT.  
ZONING DIVISION

LANDSCAPE ARCHITECTURE • PLANNING • URBAN DESIGN • ENVIRONMENTAL SERVICES

DATE	1/11
BY	ALZOBIR
PROJECT	WILDWOOD
CLIENT	COUSINS PROPERTIES INC.
LOCATION	COBB COUNTY, GEORGIA
SCALE	AS SHOWN
APP'D	
DATE	

WILDWOOD  
COUSINS PROPERTIES INC.  
COBB COUNTY, GEORGIA

Note: Large plan  
in zoning file

HUGHES | GOOD | O'LEARY & RYAN  
**HGOR**

MINUTES OF REGULAR MEETING  
JANUARY 11, 2000  
PAGE 2

**5. PUBLIC HEARING – CONDUCT OF PUBLIC HEARING REGARDING THE CHATTAHOOCHEE CORRIDOR PLAN CERTIFICATE OF COMPLIANCE FOR COUSINS PROPERTIES INCORPORATED – COMMUNITY DEVELOPMENT:**

The public hearing was opened regarding the request for consideration of approval of a Chattahoochee Corridor Plan Certificate of Compliance for Cousins Properties Incorporated, subject to the site plan reviewed, and the rules and guidelines of the Metropolitan River Protection Act.

Mr. Rob Hosack, Director of Community Development, provided information regarding the proposed amendments.

Chairman Byrne asked those persons wishing to address the Commission to come forward.

There being no public comment, the public hearing was closed and the following motion was made:

**MOTION:** Motion by J. Thompson to **approve** the Chattahoochee Corridor Plan Certificate of Compliance for Cousins Properties Incorporated, subject to the site plan reviewed, and the rules and guidelines of the Metropolitan River Protection Act.

**VOTE: ADOPTED 4-0**

