

**OCTOBER 20, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 041

PURPOSE

To consider amending the site plan and stipulations for Pulte Home Corporation regarding rezoning application Z-88 (Wooten Lake, LLC) of 2014, for property located on the north side of Wooten Lake Road, west of Shiloh Road in Land Lot 57 of the 20th District.

BACKGROUND

The subject property was rezoned to RSL in December 2014 for a 100 unit senior living community. The original developer is not going to develop the property, so the applicant has opted to develop the property with their particular senior housing product. In order to do so, the applicant will need to revise the site plan to reduce the number of units from 100 units to 65 units (which reduces the density from 4.7 units per acre to 2.9 units per acre), and will need to amend the stipulations to allow all detached units which may be up to 3,040 square feet. The applicant has attached elevations of the proposed homes for review (attached). Additionally, if the applicant does not close on the property by January 1, 2016, then the property will revert back to the current zoning conditions. If approved, all other zoning stipulations not in conflict would remain in effect.

STAFF COMMENTS

Stormwater Management comments: The proposed open space area will need to be disturbed in a small area to accommodate a drainage easement. All previous Stormwater Management comments to remain in effect.

Water & Sewer comments: No additional comments if streets are still to be private. If streets are to be public, water and sewer will be public as well, with no master water meter.

RECOMMENDATION

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

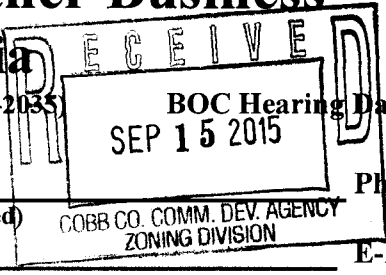
ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

OB-041-2015

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



Date Requested: October 20, 2015

Applicant: Pulte Home Corporation Phone #: See Rep.
(applicant's name printed)

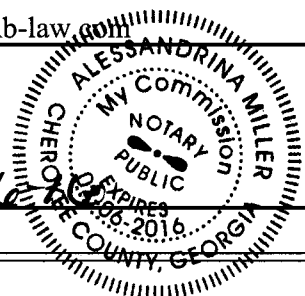
Address: See Rep. E-Mail: See Rep.

James A. Balli, Esq. Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed)

[Signature] Phone #: 770.422.7016 E-Mail: jballi@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] My commission expires: 2-6-2016
Notary Public



Titleholder(s): Wooten Lake, LLC Phone #: _____
(property owner's name printed)

Address: _____ E-Mail: _____

See attached Exhibit "A" for Signature
(Property owner's signature)

Signed, sealed and delivered in presence of:

_____ My commission expires: _____
Notary Public

Commission District: District 3 **Zoning Case:** Z-88 (2014)

Date of Zoning Decision: March 17, 2015 **Original Date of Hearing:** December 16, 2014

Location: North side of Wooten Lake Road, west of Shiloh Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 57 **District(s):** 20

State specifically the need or reason(s) for Other Business: _____
Approval of new Site Plan reducing density to under 3.0 and decreasing the total units from 100 to 65 and
minute changes to stipulations to address a less dense community with price points of \$350,000 and up.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: O.B. 41 (2015)
Hearing Date: October 20, 2015

Applicant: **Pulte Home Corporation**
Titleholder: **Wooten Lake, LLC**

Wooten Lake, LLC

By: Brian Wohl

Title: MEMBER

Printed Name: BRIAN WOHL

Date Executed: 9/15/15

Signed, sealed, and delivered in the presence of:

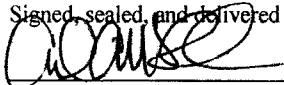

Notary Public
Commission Expires: 12/4/17

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: O.B. 41 (2015)
Hearing Date: October 20, 2015

Applicant: **Pulte Home Corporation**
Titleholder: **Brian Wohl**

Brian Wohl

Signature: Brian Wohl

Address: 3390 PEAKHURST ROAD
SUITE 106 ATLANTA, GA 30326

Date Executed: 9/15/15

Signed, sealed, and delivered in the presence of:

[Signature]
Notary Public
Commission Expires: 12/4/17



SAMS, LARKIN, HUFF & BALLI, LLP

ATTORNEYS AT LAW

376 POWDER SPRINGS STREET

SUITE 100

MARIETTA, GA 30064-3448

JAMES A. W. BALLI

(Admitted in GA and AL)

JBALLI@SLHB-LAW.COM

TELEPHONE
(770) 422-7016

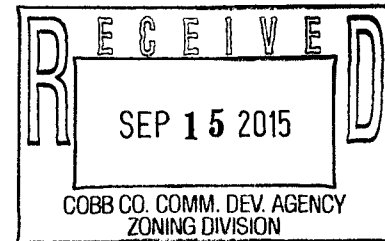
FACSIMILE
(770) 426-6583

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September 15, 2015

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road
Suite 400
Marietta, GA 30064



Re: Other Business Application of Pulte Home Corporation to change the RSL Conditional, Site Plan Specific to RSL Conditional, Site Plan Specific with a new Site Plan, 21.9 Acre Tract on Wooten Lake Rd (Z-88 of 2014) Cobb County, Georgia ("Project Site").

Dear John:

I am submitting an Other Business Application that will be an improvement to Z-88 of 2014 and will (1) reduce the density from 100 units (including some attached units) to 65 Residential Senior Living homes that are all detached; (2) reduce the density from 4.7 to 2.9; (3) note that Stipulation 13(f) is not applicable as there are no attached homes; (4) although Pulte anticipates moving forward immediately with closing and development, and noting this case has already been on the OB agenda to address reversion, and in the interest of efficiency, remove any reversion clause; and (5) create a single-family Residential Senior Living Community with up to 3,040 square feet homes consistent with the attached elevations (see attached) and more conducive with surrounding properties. In that regard, I look forward to working with you as this Application proceeds through the review process and to the public hearing.

That said, I have enclosed this Application for Other Business complete with a check in the amount of \$359 for the filing and sign fees and including the following:

1. Cobb County Other Business Application pages with required signatures and information.
2. Five (5) copies of the Site Plan and surveys drawn to scale with two (2) 8 ½" x 11"

SAMS, LARKIN, HUFF & BALLI, LLP
ATTORNEYS AT LAW

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
September 15, 2015
Page 2

copies of each showing the entire Project Site.

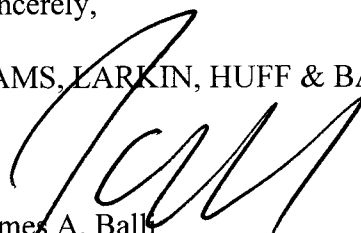
3. Miscellaneous documents consistent with Cobb County's filing requirements.

Once the Application has been initially reviewed, I look forward to working with you and your Staff to discuss the Project and provide any response to questions or comments. In the interim, please do not hesitate to call should you or your Staff have any questions or need any additional documentation or information.

Thank you for your time and assistance.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



James A. Balli
jballi@slhb-law.com

Enclosures

cc: Commissioner JoAnn Birrell, District 3
Pulte Home Corporation
Mr. Dana Johnson, AICP, Director of Community Development
Cobb County Board of Commissioners

SAMS, LARKIN, HUFF & BALLI, LLP

ATTORNEYS AT LAW

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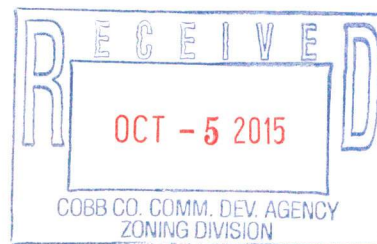
(770) 426-6583

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October 5, 2015

**VIA EMAIL AND
HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road
Suite 400
Marietta, GA 30064



Re: Other Business Application of Pulte Home Corporation to change the RSL Conditional, Site Plan Specific to RSL Conditional, Site Plan Specific with a new Site Plan, 21.9 Acre Tract on Wooten Lake Rd (Z-88 of 2014) Cobb County, Georgia ("Project Site")(OB 041-2015).

Dear John:

This letter is to further clarify the request regarding the reversion clause dated for March of 2016. With finality, I respectfully request that the reversion clause be changed from March 17, 2016 to read "if the Applicant has not closed on the property by January 1, 2016, the property shall revert to the current zoning and its related conditions." Thank you for your work on this application and please let me know if you need any further information.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

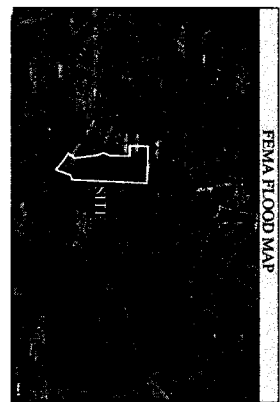
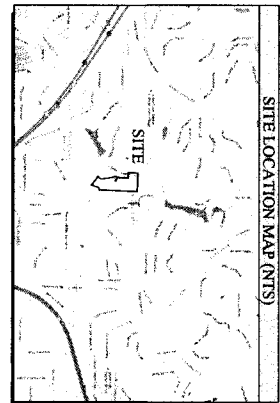
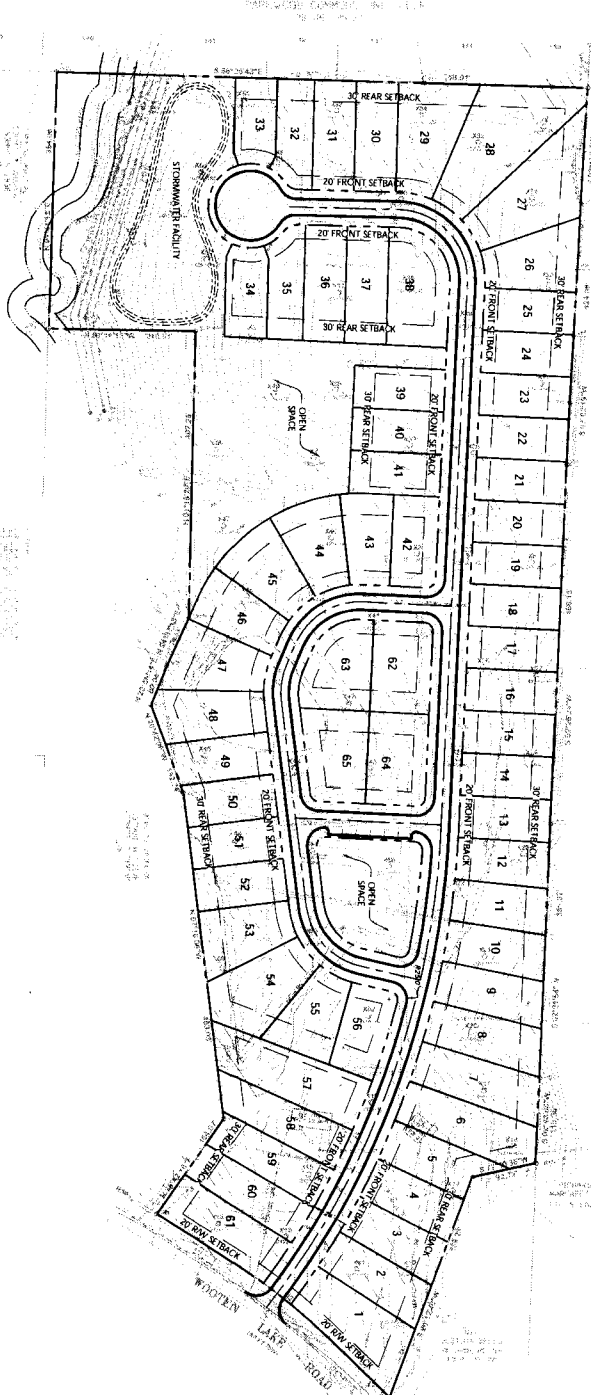
/s/ James A. Balli

James A. Balli
jballi@slhb-law.com

JAB/dvm

cc: Commissioner JoAnn Birrell, District 3
Pulte Home Corporation
Mr. Dana Johnson, AICP, Director of Community Development

Proposed site plan
08-041-2015



R E C E I V E D
 SEP 15 2015
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

SITE DATA:	
TOTAL SITE AREA	2.196 ± ACRES
ZONING	COBB COUNTY R-10
ZONING PERMITTED USES	RESIDENTIAL SINGLE-FAMILY
PROPOSED ZONING	RES.
DATA SOURCES	ASBURY
TOTAL RESIDENTIAL UNITS	61 UNITS
TOTAL DENSITY	2.81 UNITS/ACRE
LOT SUMMARY	
TOTAL LOTS	61
OPEN SPACE	1.100 ± ACRES
TOTAL LOT AREA	1.096 ± ACRES
SETBACK SUMMARY	
FRONT YARD SETBACK	10 FEET
SIDE YARD SETBACK	10 FEET
REAR YARD SETBACK	30 FEET



SHEET TITLE
**REZONING
 SITE PLAN**
 SCALE: 1" = 80'
 DATE: JULY 15, 2015
 PROJECT: 08-041-2015

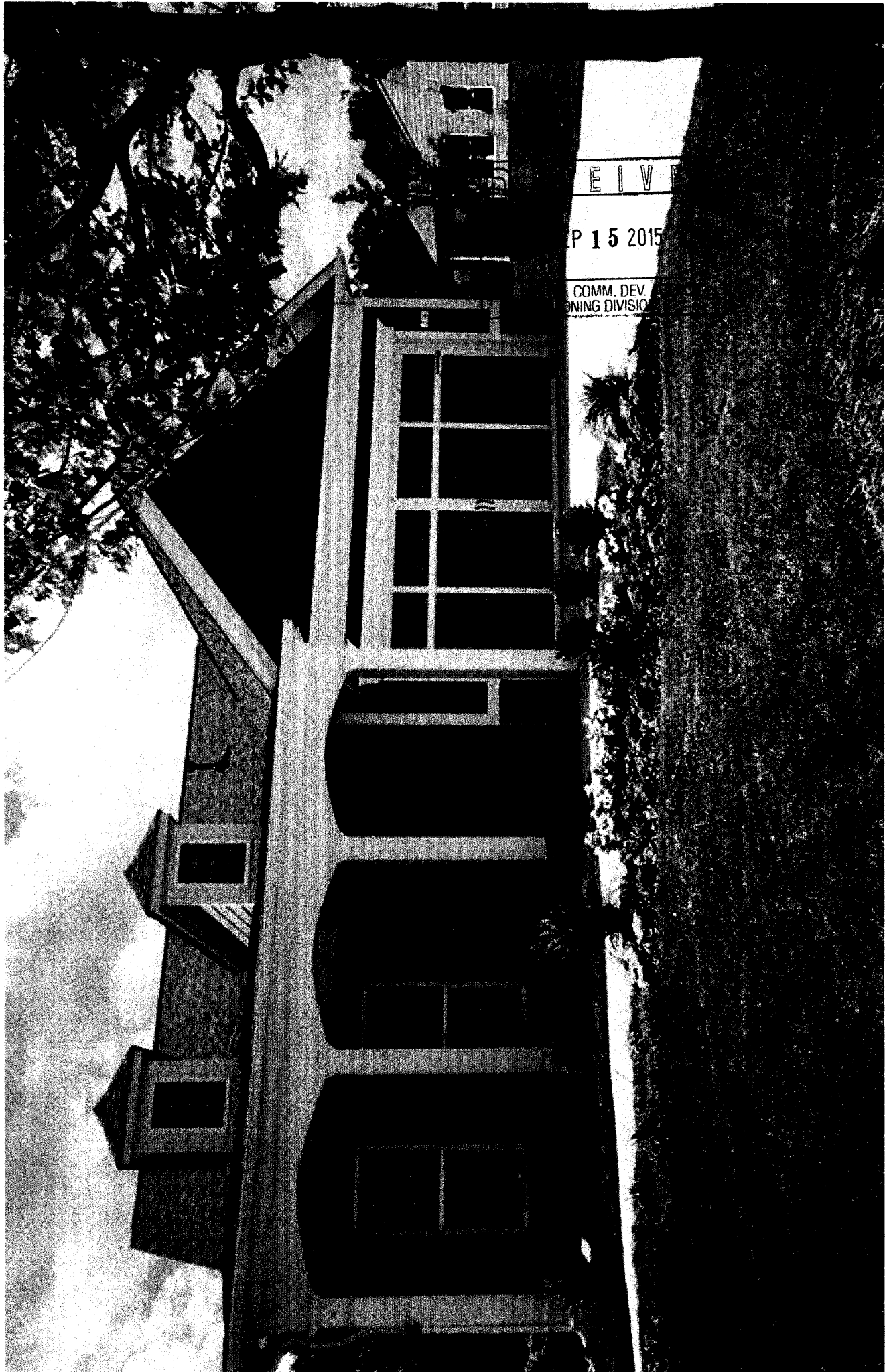
NO.	DATE	BY	DESCRIPTION

922 Wooten Lake Road
 A Master Planned Single Family Senior Housing Development
 Pulte Homes
 2475 Northwilde Parkway
 Suite 500
 Alpharetta, Georgia 30009
 PHONE: 678-245-5208 FAX: 678-245-5208

"WE PROVIDE SOLUTIONS"
PLANNERS AND ENGINEERS COLLABORATIVE
 SITE PLANNING • LANDSCAPE ARCHITECTURE • CIVIL ENGINEERING • LAND SURVEYING
 350 RESEARCH COURT • NORCROSS, GEORGIA 30092 • (770)451-2741 • FAX (770)451-3915 • WWW.PECATL.COM



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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

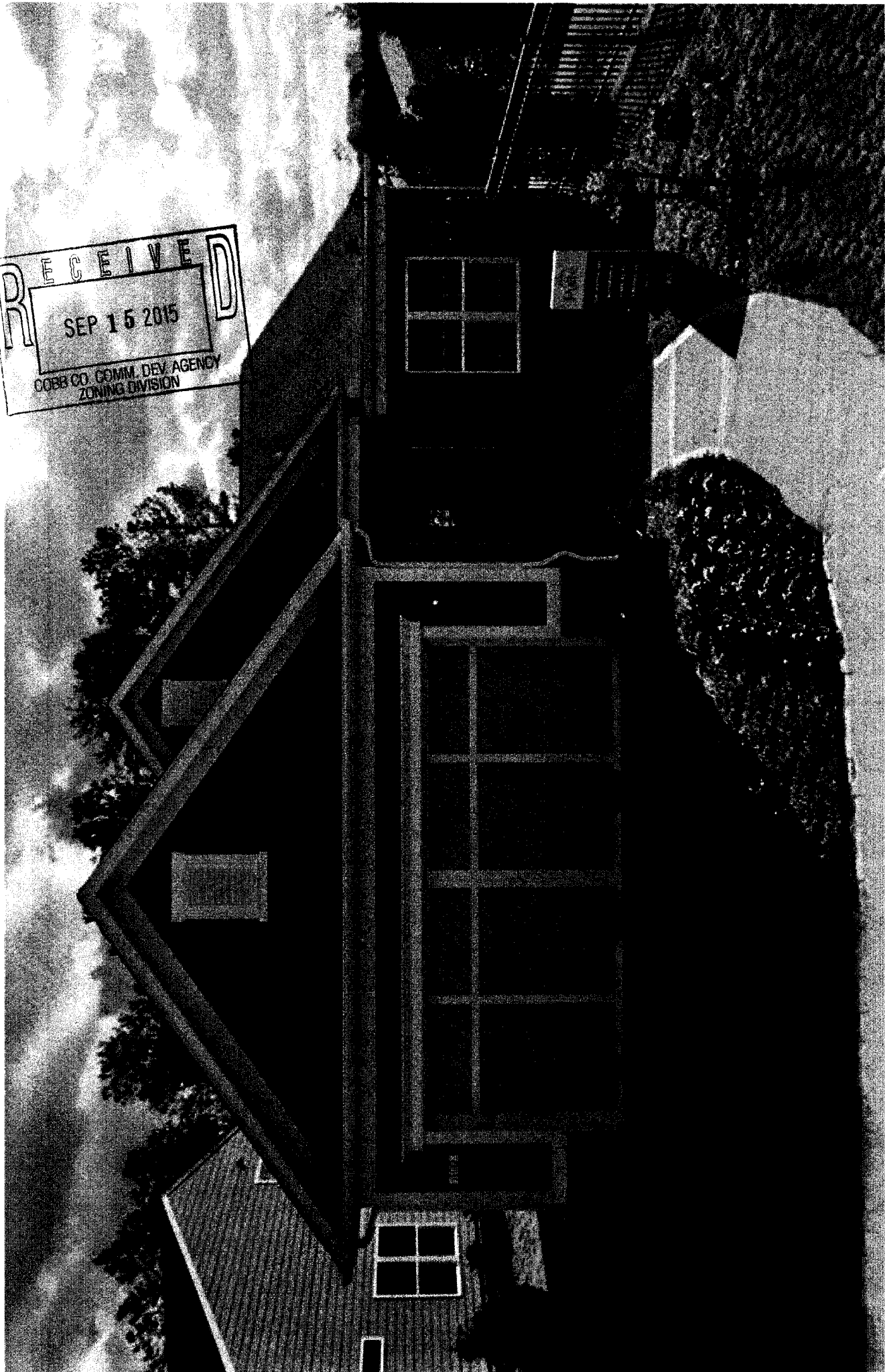


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P 15 2015

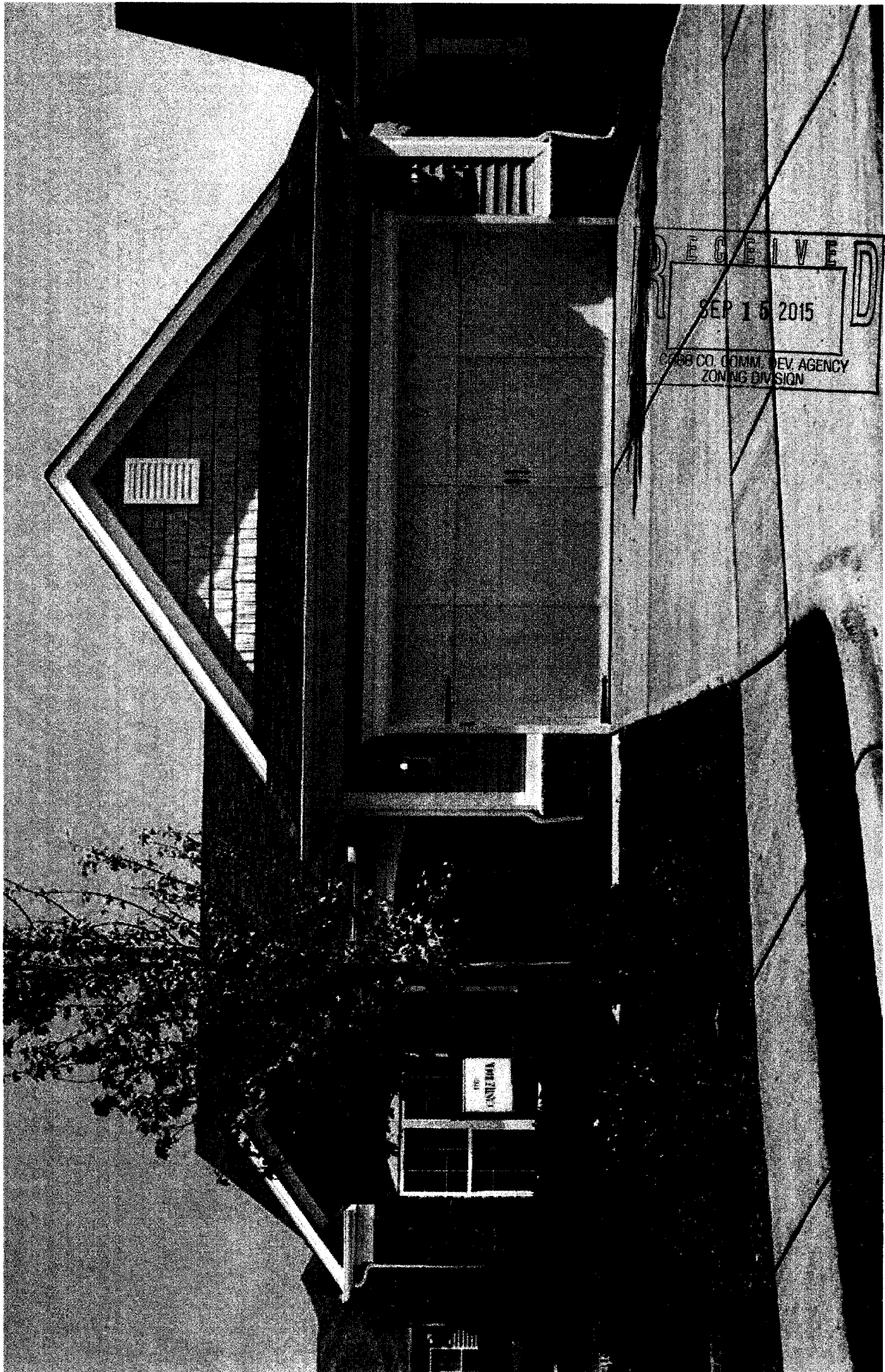
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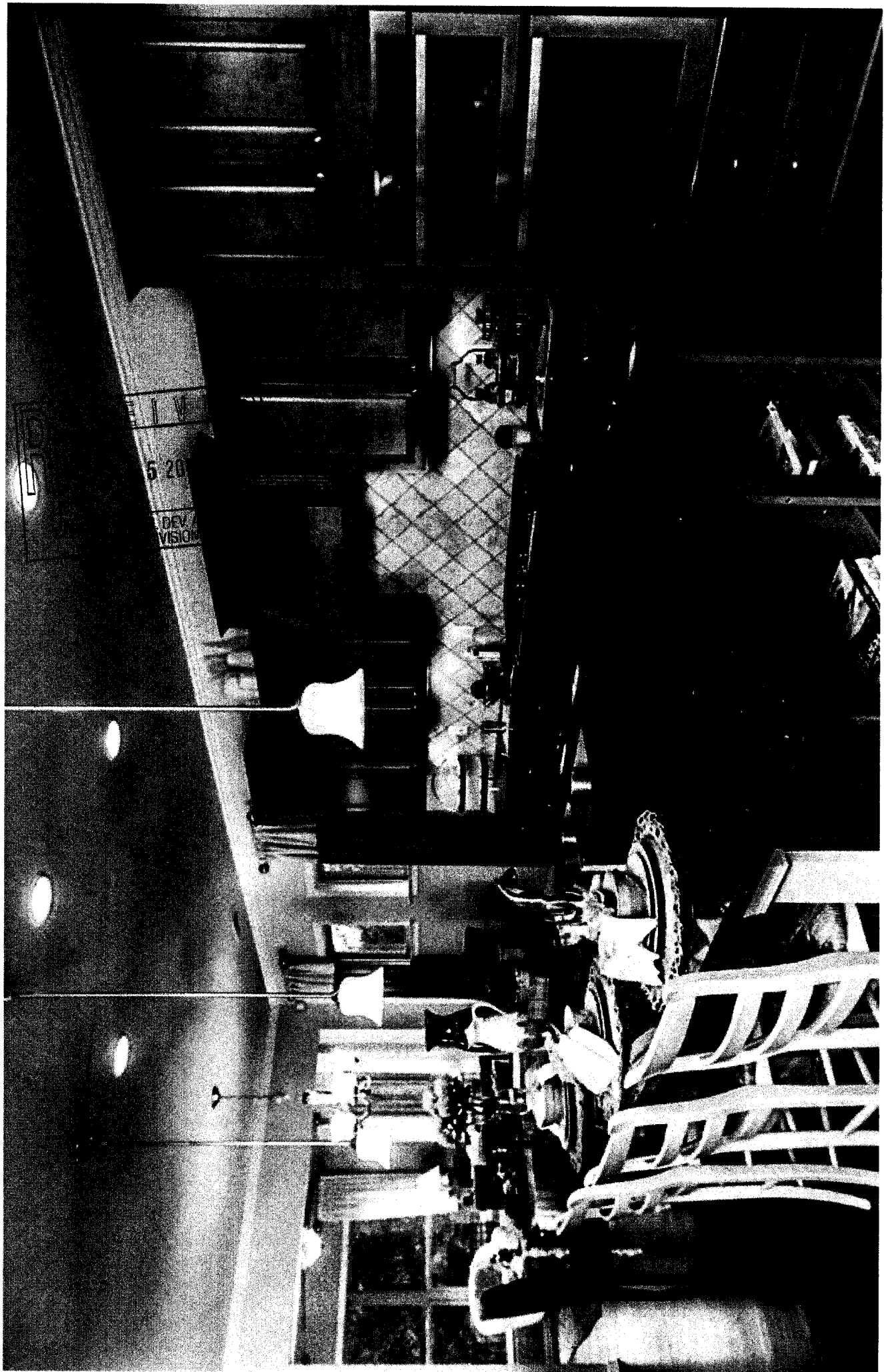




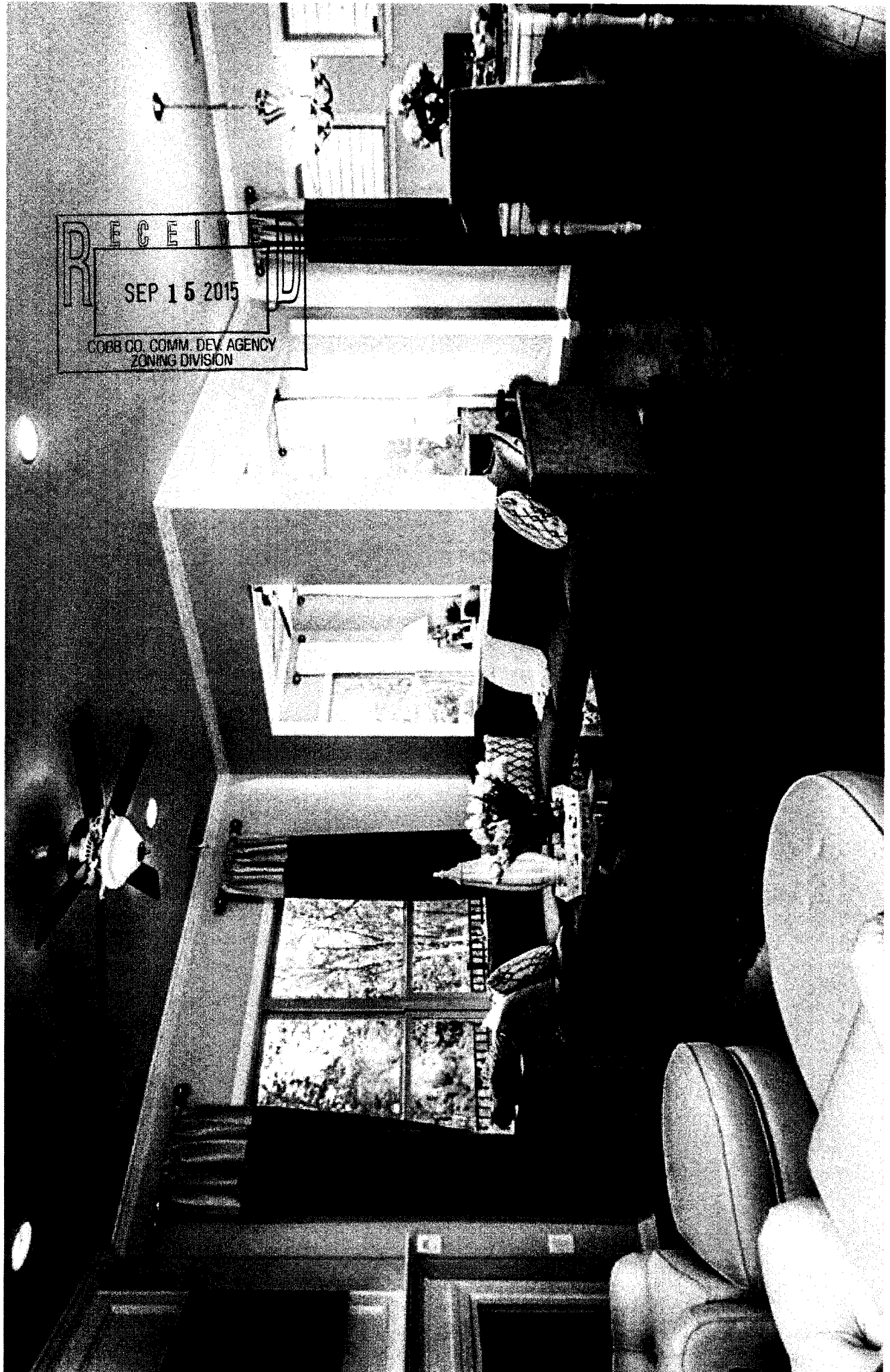
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SEP 15 2015
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



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SEP 16 2015
CO. COMM. DEV. AGENCY
ZONING DIVISION



RECEIVED
SEP 15 2015
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 16, 2014
PAGE 7

REGULAR AGENDA (CONT.)

~~Z-82 KROGER CO. (CONT.)~~

- ~~• No outdoor storage~~
- ~~• County Arborist to review and approve all landscape areas~~
- ~~• If Kroger ever terminates lease or vacates property, the fuel center to be removed with parking spaces reinstalled with the site to be remediated~~
- ~~• Water and Sewer Division comments and recommendations, *not otherwise in conflict*~~
- ~~• Stormwater Management Division comments and recommendations, *not otherwise in conflict*~~
- ~~• Cobb DOT comments and recommendations, *not otherwise in conflict*~~
- ~~• 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 3-0-1, Cupid absent, Ott opposed~~

~~*Clerk's Note: Chairman Lee stated that an emphasis be placed on sight distance, sidewalk and pedestrian friendly access, and traffic egress and ingress as this project goes through the Plan Review process.*~~

Z-88 WOOTEN LAKE, LLC (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting rezoning from R-20 to RSL for the purpose of a Residential Senior Non-Supportive Subdivision in Land Lot 57 of the 20th District. Located on the north side of Wooten Lake Road, west of Shiloh Road.

The public hearing was opened and Mr. Garvis L. Sams, Jr., Ms. Judy Smith, Mr. James Pennington, and Mr. Abdul K. Amer addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Lee, to approve Z-88 to the RSL zoning category subject to:

- Approval is for non-supportive *only*
- Site plan specific with final approval by the District Commissioner
- Letters of agreeable conditions from Mr. Garvis L. Sams, Jr. dated November 13, 2014, December 1, 2014, December 9, 2014 *that includes revised site plan and landscape plan, not otherwise in conflict with staff recommendations or standards established during Plan Review (attached and made a part of these minutes)*
- Maximum of 100 units
- Maximum of 10% rental

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 16, 2014
PAGE 8**

REGULAR AGENDA (CONT.)

Z-88 WOOTEN LAKE, LLC (CONT.)

- **Architectural style and drawings to be approved by District Commissioner**
- **No variances from RSL ordinance**
- **No variances to the landscape buffer requirements in RSL ordinance**
- **If Land Disturbance Permit is not issued within 12 months, then property will revert back to the R-20 zoning category**
- **Cobb DOT to make final decision regarding decel lane and left turn lane, with review by the District Commissioner**
- **Fire Department comments and recommendations, *not otherwise in conflict***
- **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
- **Revised Stormwater Management Division comments and recommendations (attached and made a part of these minutes), *not otherwise in conflict***
- **Cobb DOT comments and recommendations, *not otherwise in conflict***

VOTE: ADOPTED 3-0-1, Cupid absent, Goreham opposed

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
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FACSIMILE

JUSTIN H. MEEKS

SLHB-LAW.COM

November 13, 2014

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

App. No. 75 Section No. Z-88
App. Type letter of agreeable
conditions
Meeting Date 12-16-14

Re: Application of Wooten Lake, LLC to Rezone a 21.98 Acre Tract
from R-20 to RSL (No. Z-88)

Dear John:

As you know, this firm has been engaged by and represents Wooten Lake, LLC ("Applicant") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on December 2, 2014 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on December 16, 2014. In the interim, the Applicant and its representatives and consultants have been meeting with area residents.

The Applicant's proposal is to rezone the subject property from R-20 to RSL for the purposes of creating an amenity-rich enclave for like-minded affinity groups. The conceptual architectural styles of the homes, streetscapes, open space, amenities, common space and other vital components of the proposed ActiveLife™ Community will be discussed hereinafter.

With respect to the foregoing and consistent with our ongoing dialogue and discussions with you, the County's professional staff, residents within Arden Lake and Parkwood Commons Subdivisions, respectively, and others, this letter will serve as the Applicant's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 13, 2014
Page 2

Petition No. 2-88
Meeting Date 12/16/14
Continued

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 concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
2. The subject property shall be developed in substantial conformity to that certain site plan which was submitted contemporaneously with the Application for Rezoning.¹ However, the Applicant shall be allowed to reposition homes within the proposed residential community so long as the total unit count is not increased and no additional variances are needed.
3. The construction of a maximum number of one-hundred (100) non-supportive residential homes at an overall density of 4.7 units per acre.
4. The total site area is 21.98 acres with there being approximately forty-five percent (45%) of the total site area as impervious surface which is well below the maximum allowed of fifty-five percent (55%). The house sizes for the homes within this ActiveLife™ Community shall range from approximately 1,600 sq. ft. up to 2,800 sq. ft. Each of the homes shall have, at a minimum, an attached two-car garage which shall be used for the parking and storage of vehicles.
5. The architectural style and composition of the homes shall be regional/traditional as shown on the renderings/elevations being submitted contemporaneously herewith.
6. The creation of a mandatory Homeowners Association ("HOA") and the submission of Declaration of Covenants, Conditions and Restrictions ("CCRs"), which shall include, among other components, strict architectural controls. The mandatory HOA shall be responsible for the maintenance and upkeep of fencing, landscaping, Open Space areas, the clubhouse, the entrance to the Community, signage, lighting (if streets are private), and irrigation.

¹ The proposal is consistent with Cobb County's Future Land Use Map and Cobb County's Zoning Ordinance which allow RSL communities in areas designated for Low Density Residential ("LDR"). Moreover, the subject property is surrounded by a multiplicity of different types of residential developments including subdivisions which are zoned RA-6, RA-4, R-20, R-15, PD & FST.

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 13, 2014
Page 3

Petition No. 2-88
Meeting Date 12/11/14
Continued

7. The subdivision entrance signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage, which shall be located on Wooten Lake Road, shall be incorporated into the Landscape Plan for the subdivision and shall be fully landscaped and irrigated.
8. The entrance to the Community may be configured so as to allow the Community to be gated in the future should the Applicant determine that the market dictates same. Of course, the County's regulations with respect to gated subdivisions shall be followed in all respects if done so.
9. The submission of a Landscape Plan during the Plan Review process which shall be subject to review and approval by the County Arborist.
10. The granting of contemporaneous variances allowing for a reduction in the distance between homes from fifteen feet to ten feet (15'-10') and a reduction in the perimeter landscape buffer from twenty feet to fifteen feet (20'-15').
11. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site. Additionally, an agreement to master meter the subject property and sub-meter each individual home to monitor individual water usage. However, the Applicant will not be precluded from utilizing irrigation derived from a private well(s) on the subject property.
12. Subject to recommendations from the Cobb County Stormwater Management Division² with respect to stormwater management requirements, including the following:
 - a. The ultimate location and configuration of on-site detention, stormwater management and water quality components.
 - b. Possible utilization of a small underground detention pond adjacent to the subject property's frontage on Wooten Lake Road.
 - c. Undertaking measures which may obviate the need for a stormwater flow easement.

² Cobb County's Erosion Control Coordinator has determined that the small farm pond on the site is not to be considered State Waters and will not require any buffering or protective components.

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VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 13, 2014
Page 4

Petition No. 2-88
Meeting Date 12-16-14
Continued

-
- d. Noting that Chestnut Hill Lake is located less than 2,000 yards away, the formulation of pre-development and post-development hydrology studies in order to determine sedimentation migration concerning said lake.
13. Subject to recommendations from the Cobb County Department of Transportation ("DOT"), including the following:
- a. Subject to recommendations and conclusions contained within that certain Traffic Impact Study for Wooten Lake Development prepared by A & R Engineering, Inc., dated September 16, 2014.
 - b. Wooten Lake Road is classified as a major collector and DOT is not requiring additional right-of-way.
 - c. The installation of sidewalk, curb and gutter along the subject property's frontage on Wooten Lake Road.
 - d. Rather than a traditional deceleration lane with a taper, attached is a drawing of a road taper which will be constructed at the Community's entrance as recommended by A & R Engineering.
 - e. Private streets (if applicable) shall be built to the County's Design & Detail Specifications with respect to public streets.³
 - f. The streets within the Community shall be in compliance with Development Regulation 401.08.02.1 (Local Residential Streets) which requires .50 guest parking per unit. However, the Applicant shall be allowed to shift the guest parking spaces to accommodate the positioning of driveways and other interior components. A seven foot (7') parallel parking lane shall be utilized on one (1) side of the street along with one (1) ten foot (10') lane in each travel direction.
 - g. The construction of sidewalks on at least one (1) side of the streets within the Community.

³ The Applicant has met with Cobb County Fire Chief Westbrook regarding turning radii and other life-safety, fire prevention issues related to street and entrance configurations.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 13, 2014
Page 5

Petition No. 2-88
Meeting Date 12-16-14
Continued

-
13. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the Community.
 14. Adherence to the following construction hours unless a deviation from said hours is approved by the District Commissioner:
 - a. 7:00 a.m. until 7:00 p.m., Monday through Friday, from October 1st through March 31st.
 - b. 7:00 a.m. until 8:00 p.m., Monday through Friday, from April 1st through September 30th.
 - c. 9:00 a.m. until 6:00 p.m. on Saturdays.
 - d. No outside work on Sunday.
 15. Subject to recommendations from the Cobb County Fire Department with respect to life-safety and fire prevention issues.
 16. As long as the process does not interfere or delay the commencement of development with respect to the subject property, the Applicant agrees to allow the Georgia Native Plant Society to conduct a "plant rescue" at some point within a fifteen (15) day period after notice to the Applicant and prior to the commencement of construction and development on the subject property.
 17. The District Commissioner shall have the authority to approve minor modifications as the development proposal proceeds through the Plan Review process and thereafter except for those that:
 - a. Increase the density of the Residential Community.
 - b. Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
 - c. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
November 13, 2014
Page 6

Petition No. 2-08
Meeting Date 12/12/14
Continued

- d. Increase the height of a building that is adjacent to a property that is zoned in the same or a more restrictive zoning district.
- e. Change access location to a different roadway.
- f. Violate the Cobb County Zoning Ordinance.

Please do not hesitate to contact me should you or your staff require additional information or documentation prior to the formulation of staff's Zoning Analysis and Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP


Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachments)
Mr. Dana Johnson, AICP Assistant Director (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Ms. Jane Stricklin, P.E. (via email w/attachments)
Mr. Tim Davidson, Cobb Water System (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Mr. Erich McInnis, Past President, Arden Lakes HOA (via email w/attachments)
Mr. Larry Lushia, President, Parkwood Commons (via email w/attachments)
Messrs. Greg & Brian Wohl, Wooten Lake, LLC (via email w/attachments)

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
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SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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ADAM J. ROZEN

SLHB-LAW.COM

December 1, 2014

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Min. No. 75 Petition No. Z-88
Doc. Type letter of agree-
able conditions
Meeting Date 12/16/14

Re: Application of Wooten Lake, LLC to Rezone a 21.98 Acre Tract
from R-20 to RSL (No. Z-88)

Dear John:

You will recall that this firm represents Wooten Lake, LLC ("Applicant") concerning the above-captioned Application for Rezoning which is scheduled to be heard and considered by the Planning Commission tomorrow and by the Board of Commissioners two weeks thereafter.

Previously, on November 13, 2014, we submitted a letter of agreeable stipulations/conditions. Since that time, we have continued our discussions with the County's staff (which has recommended that the Application be approved) and area residents. In that regard, the overriding concerns we have encountered devolve upon traffic considerations and a concern that the proposed ActiveLife™ Community could evolve into a community containing a large number of rental homes. Considering the price points, the "demographic" of the future buyers and architectural style of the homes, such a rental scenario is doubtful. However, the Applicant is amenable to an additional stipulation to become a condition and a part of the grant of the requested rezoning, which reads as follows:

"18. The Applicant agrees that at any time in the future, there shall be no more than ten percent (10%) of the homes which may be rented/leased and further agrees that said stipulation/condition shall be contained within the Declaration of Covenants, Conditions and Restrictions ("CCRs") and enforced by the Board of Directors of the Mandatory Homeowners Association.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
December 1, 2014
Page 2

Petition No. 2-88
Meeting Date 12-1-14
Continued

The stipulations/conditions contained herein shall run with the property as a part of the rezoning and the CCRs will be recorded on the Cobb County Deed Records."

With respect to the issue of traffic, when the Application for Rezoning was submitted on October 2, 2014, the Applicant submitted a Traffic Impact Study which was prepared by A&R Engineering, Inc., dated September 16, 2014. Cobb County's professional staff and Cobb DOT's Review Engineer have had an opportunity to review A&R's Traffic Impact Study which reviewed and analyzed trip generation, trip distribution and levels of service. In that regard, A&R made a comparison of the future "no-build" and "build" analyses and concluded that the proposed development will not have an adverse impact upon the future conditions of the roadway network and further found no mitigation improvements have been identified or are required or anticipated with respect to the intersection of Shiloh Road and Wooten Lake Road/ North Booth Road as site traffic is not anticipated to significantly increase delays or queues at said intersection.

In anticipation that the recommendation from the Planning Commission or the ultimate rezoning by the Board may include comments from the Stormwater Management Division as contained in the Zoning Analysis, there are three (3) different comments under the area entitled "Additional Comments" which need to be corrected for the record.

1. In Paragraph No. 1 under "Additional Comments", the Stormwater Management Division states that "... most of the parcel drains to the adjacent Donley property located at 974 Wooten Lake Road. This includes the existing on-site pond located near the center of the site." This statement is incorrect and Cobb County's Erosion Control Coordinator has determined that the small farm pond on the site is not to be considered state waters and will not require any buffering or protective components.
2. In Paragraph No. 3 under "Additional Comments", the Stormwater Management Division states that: "The proposed site plan requires removal of the existing one-half (1/2) acre on-site pond. All necessary permitting required by GA EPD and the U.S. Army Corps of Engineers must be obtained prior to permitting." As mentioned above, the determination made by Cobb County's Erosion Control Coordinator obviates this statement thus making it incorrect.

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A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
December 1, 2014
Page 3

Petition No. 2-00
Meeting Date 12/1/14
Continued

3. In Paragraph No. 5 under "Additional Comments", the Stormwater Management Division has stated that "The Applicant has agreed to limit the impervious coverage to forty-five percent (45%)." The truth of the matter is that impervious surfaces are shown on the site plan at approximately forty-five percent (45%) of the total site area; however, that figure could vary dependent upon development circumstances and issues which surface during the Plan Review Process in view of the fact that maximum impervious surface of Fifty-Five Percent (55%) is allowed for the total site area.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to this Application being heard by the Planning Commission tomorrow and by the Board of Commissioners two weeks thereafter. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. Dana Johnson, AICP Assistant Director (via email)
Mr. Jason Campbell, Planner III (via email)
Mr. David Breden, P.E. (via email)
Ms. Jane Stricklin, P.E. (via email)
Mr. Tim Davidson, Cobb Water System (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
Mr. Jim Pennington, President, Arden Lakes HOA (via email)
Mr. Larry Lushia, President, Parkwood Commons (via email)
Ms. Julia Smith (via email)
Messrs. Greg & Brian Wohl, Wooten Lake, LLC (via email)

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A LIMITED LIABILITY PARTNERSHIP

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ADAM J. ROZEN

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December 9, 2014

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

75-116-2-BB
Letter of agree-
able conditions
12-10-14

Re: Application of Wooten Lake, LLC to Rezone a 21.98 Acre Tract
from R-20 to RSL (No. Z-88)

Dear John:

As you know, this firm represents Wooten Lake, LLC ("Applicant") concerning the above-captioned Application for Rezoning which was unanimously recommended for approval by the Cobb County Planning Commission last week. The Application is now scheduled for final action by the Cobb County Board of Commissioners on December 16, 2014.

You will recall that the original site plan filed with the Application included a request for the granting of a contemporaneous variance allowing a reduction in the perimeter landscape buffer from twenty feet (20') to fifteen feet (15'). However, as a result of that issue being discussed before, during and after the Planning Commission Zoning Hearing, the Applicant has revised the site plan to depict the full extent of the perimeter landscape buffer. In that regard, attached/enclosed is a revised site plan, the requisite number of copies of which will be hand-delivered to you.

Additionally, even though the perimeter landscape buffer is not required to be fully defined prior to the submission of a landscape plan during the Plan Review Process, the Applicant has also had its consultants prepare a landscape plan which identifies the type of plantings and vegetation which will be within that perimeter buffer. Attached/enclosed is a copy of that landscape plan, the requisite number of copies of which will be hand-delivered to you.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
December 9, 2014
Page 2

Petition No. 2-88
Meeting Date 12/10/14
Continued

Please do not hesitate to contact me should you have any questions whatsoever regarding these recent developments. With kind regards and best wishes for the holiday season, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



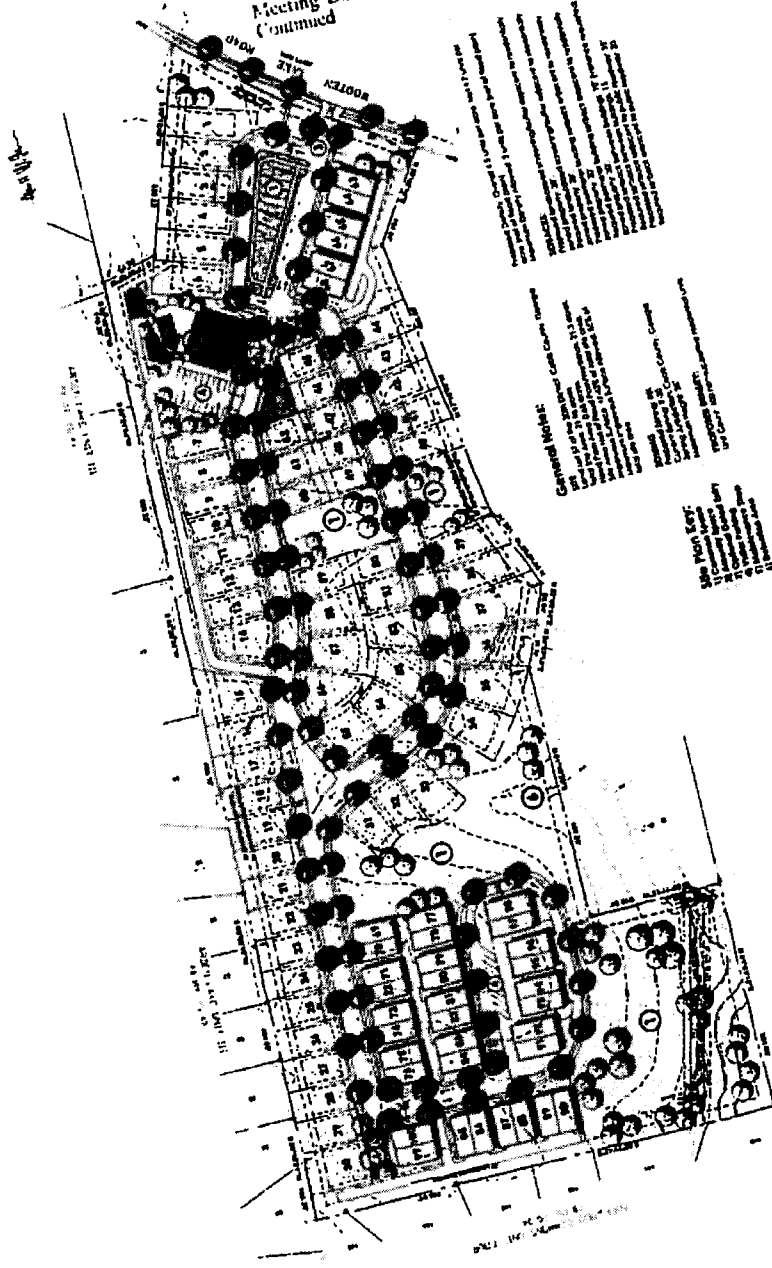
Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

Enclosures/attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachments)
Mr. Dana Johnson, AICP Assistant Director (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. David Breden, P.E. (via email w/attachments)
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Mr. Jim Pennington, President, Arden Lakes HOA (via email w/attachments)
Mr. Larry Lushia, President, Parkwood Commons (via email w/attachments)
Ms. Julia Smith (via email w/attachments)
Messrs. Greg & Brian Wohl, Wooten Lake, LLC (via email w/attachments)

Petition No 2-88
 Meeting Date 12-19-64
 Continued



General Notes:
 1. All work shall be in accordance with the latest edition of the Uniform Building Code and the latest edition of the International Building Code.
 2. All work shall be in accordance with the latest edition of the International Fire Code.
 3. All work shall be in accordance with the latest edition of the International Mechanical Code.
 4. All work shall be in accordance with the latest edition of the International Plumbing Code.
 5. All work shall be in accordance with the latest edition of the International Electrical Code.
 6. All work shall be in accordance with the latest edition of the International Fire and Building Code.
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Site Plan Note:
 1. All work shall be in accordance with the latest edition of the Uniform Building Code and the latest edition of the International Building Code.
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Site Development Plan
 Prepared by
 [Faint text]
 [Faint text]
 [Faint text]

APPLICANT: Wooten Lake, LLC

PETITION NO.: Z-88

PRESENT ZONING: R-20

PETITION FOR: RSL

STORMWATER MANAGEMENT COMMENTS

Min. Ak 75 Petition No. Z-88
Doc. Type revise SWM
comments
Meeting Date 12-16-14

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Tate Creek FLOOD HAZARD INFO: Zone AE

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: adjacent to stream and onsite pond

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lakes Downstream – Upper Chestnut Hill Lake and Arden Lake
Additional BMP's for erosion sediment controls will be required.
- Lake Studies needed to document sediment levels – Upper Chestnut Hill Lake and Arden Lake
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream and downstream culvert at Parkwood Chase.

APPLICANT: Wooten Lake, LLC

Petition No. Z-88
Meeting Date 12/10/14
Continued

PETITION NO.: Z-88

PRESENT ZONING: R-20

PETITION FOR: RSL

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill within existing lake must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.

ADDITIONAL COMMENTS

1. This site is located just north of Wooten Lake Road and east of Tate Creek. It is bounded by East Emerald Lake and Arden Lake Subdivisions to the east, Parkwood Commons Subdivision to the north and two estate-sized residential parcels to the west. The majority of the site flows to the west into the Tate Creek floodplain. Except for the northern quarter of the site which discharges directly to Tate Creek, most of the parcel drains through the adjacent Donley property located at 974 Wooten Lake Road. This includes the existing onsite pond located near the center of the site. Approximately 4.6 acres of the southern portion of the property drains to the east into and through Arden Lake S/D.
2. There are two private lakes located downstream of this site. Both will require pre- and post-development sediment surveys to verify no adverse impacts.
3. The proposed site plan requires removal of the existing 1/2 acre onsite pond. This pond has been determined not to be State Waters
4. Drainage easements may be required along the rear of Lots 3-6 and 35-44 to limit offsite bypass of runoff.
5. The proposed rezoning will result in an increase in impervious coverage over the current underlying zoning (from 35 to 55%). The applicant has agreed to limit the impervious coverage to 45%. However, there are three downstream homes currently located within the 100-year flood zone. To mitigate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).
6. All site runoff that discharges toward the Wooten Lake R/W must be conveyed to the existing culvert located at the southwest corner of the site.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 17, 2015
PAGE 23**

OTHER BUSINESS (CONT.)

O.B. 18 To consider amending the site plan and the stipulations for Wooten Lake, LLC regarding rezoning application Z-88 of 2014 (Wooten Lake, LLC), for property located on the north side of Wooten Lake Road, west of Shiloh Road in Land Lot 57 of the 20th District.

Mr. Pederson provided information regarding site plan and stipulation amendments. The public hearing was opened and Mr. Garvis L. Sams Jr. addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to **approve** O.B. 18 for site plan and stipulation amendments for Wooten Lake, LLC regarding rezoning application Z-88 of 2014 (Wooten Lake, LLC), for property located on the north side of Wooten Lake Road, west of Shiloh Road in Land Lot 57 of the 20th District, subject to:

- **Strike bullet number seven in its entirety which reads: "No variances from RSL ordinance"**
- **Revise bullet number nine to read: "If Land Disturbance Permit is not issued within 12 months of this decision (March 17, 2015), the property will revert back to the R-20 zoning category, any extensions will be addressed through the Other Business process, and will not be unreasonably withheld."**
- **Revise bullet number 10 to read: "Cobb DOT to make final decision regarding decel land and left turn lane, with notification to and review by the District Commissioner."**
- **All previous stipulations and conditions, not otherwise in conflict, to remain in effect.**

VOTE: ADOPTED unanimously

ADJOURNMENT

The meeting was adjourned at 4:47 p.m.



Lori Barton, Deputy County Clerk
Board of Commissioners