

**APRIL 19, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-017

PURPOSE

To consider a site plan and stipulation amendment for Tanglewood Enclave, Inc. regarding rezoning application Z-87 of 2000 (Pearson Communities), for property located on the north side of Jamerson Road, east of Hawk Trail, in Land Lots 48 and 49 of the 16th District.

BACKGROUND

The subject property was rezoned to R-20 OSC in 2000 for a residential subdivision consisting of 20 lots. The applicant has submitted a revised site layout for lots 12 through 20 which makes the lots at the top of the hill larger, and makes the lots at the bottom of the hill smaller. This is being done to reduce grading at the top of the hill where the topography is very steep. No lots are being added with this amendment, and this amendment is supported by the Cobb County Stormwater Management Division. If approved, all previous zoning stipulations not in conflict would remain in effect.

STAFF COMMENTS

Stormwater Management: The Stormwater Management Division supports the proposed lot reconfiguration.

RECOMMENDATION

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

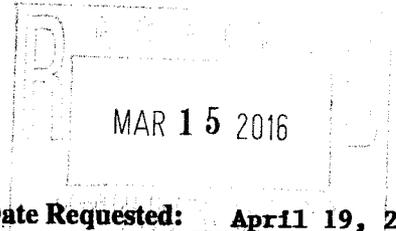
ATTACHMENTS

Other Business application, proposed site plan and current zoning stipulations.

(Site Plan Approval)
Application for "Other Business"
Cobb County, Georgia

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

BOC Hearing Date Requested: April 19, 2016



Applicant: Tanglewood Enclave, Inc. **Phone #:** (770) 321-5032
(applicant's name printed)

Address: Suite 400, 2000 First Drive, Marietta, GA 30062 **E-Mail:** nik@davidpearsoncommunities.com
Moore Ingram Johnson & Steele, LLP

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

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jkm@mijs.com
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:
[Signature] **My commission expires:** January 10, 2019
Notary Public

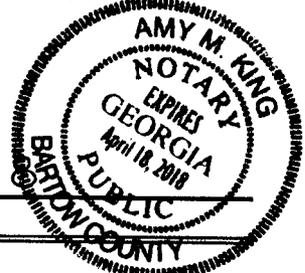


Titleholder(s): Tanglewood Enclave, Inc. **Phone #:** (770) 321-5032
(property owner's name printed)

Address: Suite 400, 2000 First Drive, Marietta, GA 30062 **E-Mail:** nik@davidpearsoncommunities.com

BY: [Signature]
(Property owner's signature) David Pearson, President

Signed, sealed and delivered in presence of:
[Signature] **My commission expires:** 4-18-16
Notary Public



Commission District: 3 (Birrell) **Zoning Case:** Z-87 (2000)

Size of property in acres: 12.83 **Original Date of Hearing:** 08/15/2000
09/19/2000
(Hearing Date)

Location: Northeast side of Jamerson Road; southeast of Hawk Trail
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 48, 49 **District(s):** 16th

State specifically the need or reason(s) for Other Business:
See Exhibit "A" attached hereto and made a part hereof by reference.

(List or attach additional information if needed)

08-07-2016

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

Application No.: Z-87 (2000)
Original Hearing Date: August 15, 2000
Date of Zoning Decision: September 19, 2000
Current Hearing Date: April 19, 2016

MAR 15 2016

Applicant/Property Owner: Tanglewood Enclave, Inc.

On September 19, 2000, the Cobb County Board of Commissioners approved rezoning to the R-20/Open Space Community ("R-20/OSC") zoning classification of the parcels comprising approximately 12.83 acres located on the northeasterly side of Jamerson Road, southeast of Hawk Trail, Land Lots 48 and 49, 16th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property") which was the subject of Z-87 (2000). After further review, ongoing discussions and meetings with surrounding residents and homeowner representatives, and final engineering, Applicant has reconfigured the lot layout for certain lots which would allow for larger lots where topography is more extreme; while not increasing the total number of lots. Further, the revised lot layout will result in less land disturbance and improved overall development aesthetics.

Therefore, Applicant presents the revised Site Plan, dated April 27, 2015, last revised February 18, 2016, prepared by Centerline Surveying Systems, Inc., for consideration and approval by the Board of Commissioners, a reduced copy of which is attached hereto as Exhibit "1" and incorporated herein by reference. Also attached to the overall Application for Rezoning is a reduced copy of the Site Plan approved by the Board of Commissioners on September 19, 2000.

If the revised Site Plan is approved, as submitted in this Application, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 19, 2000; together with any "Other Business" decisions applicable to the Subject Property, are unaltered by this request for Site Plan Approval and shall remain in full force and effect.

MAR 15 2016

**SITE PLAN PRESENTED FOR APPROVAL
PURSUANT TO APPLICATION FOR “OTHER
BUSINESS” – APRIL 19, 2016**

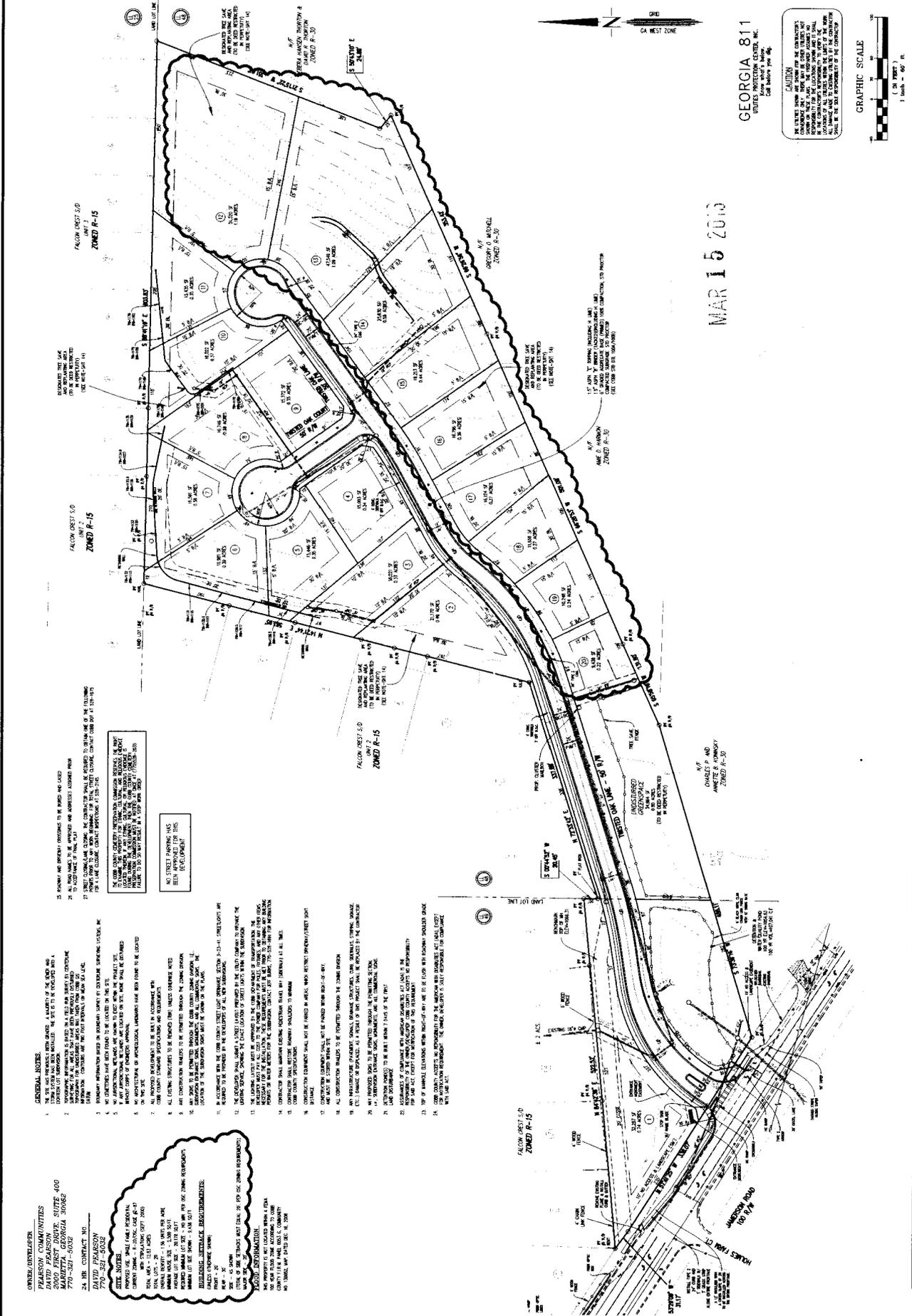


Centerline Surveying Systems, Inc. 1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA 30144 PHONE: (770) 424-0028 FAX: (770) 424-2399

TANGLEWOOD ESTATES PROPERTY IS LOCATED IN LAND LOTS 48 & 49 OF THE 16TH DISTRICT, 3RD ELECTION COBB COUNTY, GEORGIA. SITE PLAN FOR

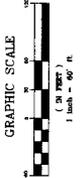
Table with columns: NO., DATE, REVISION DESCRIPTION. Includes entries for 1-18-15 and 2-18-15.

PROJECT No. 4 SHEET No. 4



GEORGIA 811 UTILITIES AND SERVICES CONTROL, INC. Call before you dig.

MAR 15 2010



PROPOSED SITE PLAN

GENERAL NOTES

- 1. THE SITE HAS PREVIOUSLY BEEN GRANTED A VARIATION OF THE ZONING AND... 2. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE... 3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE ZONING ORDINANCE...

OWNER/DEVELOPER: DAVID PEARSON, 2500 FIRST DRIVE, SUITE 400, 770-321-6032

PROPOSED USE: SMALL FAMILY RESIDENTIAL, 2500 FIRST DRIVE, SUITE 400, 770-321-6032

PERMITTED MAXIMUM LOT AREA: 100,000 SQ. FT., PERMITTED MAXIMUM LOT AREA: 100,000 SQ. FT., PERMITTED MAXIMUM LOT AREA: 100,000 SQ. FT.

MAR 15 2016

**LANDSCAPING (SITE) PLAN PREVIOUSLY
APPROVED - DECEMBER 12, 2005**

MAR 18 2016

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. Z-87 (2000) – SEPTEMBER 19, 2000**

MAR 15 2016

~~LUP-15 JUDITH MARIE SMITH for a Land Use Permit for the purpose of Kitchen Cabinet Business in Land Lot 50 of the 16th District. Located on the west side of Climbing Vine Place, south of Farrington Court (4916 Climbing Vine Place).
WITHDRAWN WITHOUT PREJUDICE~~

~~By consensus the Board amended the published agenda to consider Z-87, Other Business Item #1 and Other Business Item #5 at this time in the meeting. The remainder of the agenda was then taken in the order printed.~~

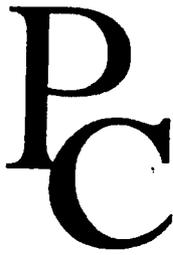
CONTINUED CASE:

Z-87 PEARSON COMMUNITIES (David Pearson, David and Debra H. Thornton, Anne and Harold R. Ingle, Jr. et al., owners) for Rezoning from **R-30** to **R-15** for the purpose of a Subdivision in Land Lots 48 and 49 of the 16th District. Located on the north side of Jamerson Road, east of Hawk Trail.

The public hearing was opened and Louis Smith, Chuck Clay, Glenn Groszmann, and Michael Gregg addressed the Board. Following presentations and extensive discussion, the following motion was made:

MOTION: Motion by Olens, second by Byrne, to delete the Rezoning request to the **R-20/OSC** zoning district subject to:

- Development limited to 20 lots, site plan specific, with density of 1.59 units per acre
- Lots 21, 22, and 23 to be deed restricted in perpetuity as green space
- Designated tree save areas are to be deed restricted in perpetuity
- The grading limited to the footprint as agreed to by applicant
- private storm drainage system to be installed for the collection of all water runoff in the development
- Applicant and Cobb DOT to work together to make the deceleration lane closest to Mr. Kuniansky's property as short as safety permits, and request that Mr. Kuniansky and/or his attorney are invited to discussions regarding same
- The letter of agreeable stipulations from David Pearson, President of Pearson Communities, dated September 15, 2000, not in conflict with the provisions herein (copy attached and made a part of these minutes)
- Stormwater Management comments and recommendations
- Water and Sewer comments and recommendations



PEARSON COMMUNITIES, INC.

1955 First Drive • Marietta, GA 30062 • 770.321.5032 • 770.321.4528

September 15, 2000

Mr. Mark Dannaman
Zoning Administrator
Cobb County Planning & Zoning Dept.
Marietta, GA

Min. Bk. 15 Petition No. Z-87
Doc. Type Stipulation letter

Meeting Date Sept 19 2000

RE: ZONING PETITION #Z-87

Dear Mark

In connection with referenced zoning petition to be heard by the Cobb county Board of Commissioners on September 19, 2000, Pearson Communities is submitting this letter agreeing to the following stipulations. These stipulations were developed after meetings with adjacent property owners, the officers of the North East Cobb Homeowners' Association, and county Staff Henry Mingledorf, Bill Higgins and Les Brewer.

1. The site plan presented to the county staff and the Association will be limited to 23 total lots as depicted on the plan, with a density of 1.83 lots per acre.
2. The minimum house size will be 2,500 sq. ft.
3. The price of the homes will range from approximately \$350,000 to approximately \$500,000.
4. The minimum lot size will be 15,000 sq. ft. with an average of 19,459 sq. ft.
5. Most lots will have a minimum of 100 feet of frontage at the building line.
6. The homes will be built with masonry on three sides.
7. Front and side yards will be sodded.
8. The developer will work with the county arborist to preserve as many trees as possible in the development phase.
9. Street trees will be installed so as to create a consistent street scene.
10. The Developer, Pearson Communities, will meet all Cobb County Development Standards and ordinances related to the project improvement.
11. Developer will create a tree save designation area as shown on in the attached plat.
12. An additional storm drain system which collects all water from the rear gutters of the homes/lots as shown on the attached revised plat.

We thank you and your staff for your input into this project.

Sincerely,


David Pearson
President