

**NOVEMBER 15, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-063

To consider a stipulation amendment and site plan amendment for Meritage Homes of Georgia, Inc. regarding rezoning application Z-81 of 2006 (Weaver & Woodbury Company), for property located on the south side of Wisteria Drive, and on the west side of Floyd Drive, in Land Lot 1001 of the 19th District. *(Continued by the Board of Commissioners from the October 18, 2016 hearing)*

BACKGROUND

The subject property was zoned to RA-5 for a 33-lot residential subdivision in 2006. The developer who rezoned the property is no longer involved with this property. The applicant would like to amend the site plan to develop the property for 26-lots with standard RA-5 setbacks and lot sizes. Open space areas will be dispersed throughout the subdivision as an amenity. As part of this other business item, the applicant would like to amend some other stipulations which are 1) remove stipulation #17 from the letter of stipulations which requires an alleyway to serve certain lots; 2) delete stipulation #18 since the old plan will not be followed; 3) remove curb, gutter and sidewalk requirement along Wisteria Drive; and 4) remove the stormwater requirement for elevated detention requirements. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Cobb D.O.T.: Recommend curb and gutter to be installed along the frontage of Wisteria Drive.

Stormwater Management: The Stormwater Management Division is amenable to removal of the elevated detention requirement subject to the maximum onsite impervious coverage being limited to 35%. Stormwater Management to approve the final stormwater plan.

RECOMMENDATION

The Board of Commissioners consider the request for the site plan and stipulation amendments.

ATTACHMENTS

Other Business application and stipulations.

OB-063-2016

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: October 18, 2016

SEP 18 2016

Applicant: Meritage Homes of Georgia, Inc. **Phone #:** _____
(applicant's name printed)

Address: _____ **E-Mail:** _____

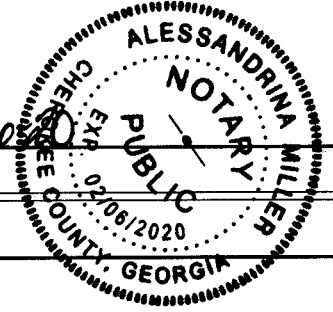
Sams, Larkin, Huff & Balli, LLP **Address:** 376 Powder Springs Street, Suite 100
Marietta, GA 30064

(representative's name, printed)

[Signature] **Phone #:** 770 422-7016 **E-Mail:** phuff@slhb-law.com or arozen@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] **My commission expires:** 2-6-20
Notary Public



Titleholder(s) : Meritage Homes of Georgia, Inc. **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: 4 **Zoning Case:** Z-81 (2006)

Size of property in acres: 9.54 **Original Date of Hearing:** July 18, 2006

Location: South side of Wisteria Drive, west of Floyd Drive and on the west side of Floyd Drive, south of Wister Drive.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1001 **District(s):** 19th

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

Applicant wishes to revise Items 17 & 18 of the zoning stipulations/conditions as contained in John Moore's 7/12/06 letter to John Pederson, to wit: 17. Further, access to residences located on proposed lot nos. 1, 2, 3, 4, 30, 31, 32 and 33 shall be accomplished by alley ways; and 18. Minor modifications to the referenced Preliminary Plan, including, but not limited to, the layout of lots, street design, and stormwater control measures may be approved by the District Commissioner, as needed or necessary. Applicant also wishes to remove the requirement for curb and gutter along Wisteria Drive, remove the sidewalk requirement along Wisteria Drive and remove the stormwater detention requirement of Post event being less than a Pre event of smaller storm.
(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB - 63 (2016)
Hearing Date: October 18, 2016

Applicant: Meritage Homes of Georgia, Inc.
Titleholder: Meritage Homes of Georgia, Inc.

Meritage Homes of Georgia, Inc.

By: 

Title: Vice President

Printed Name: R. Tyler Vancourt

Date Executed: 9-12-16


Signed, sealed, and delivered in the presence of:



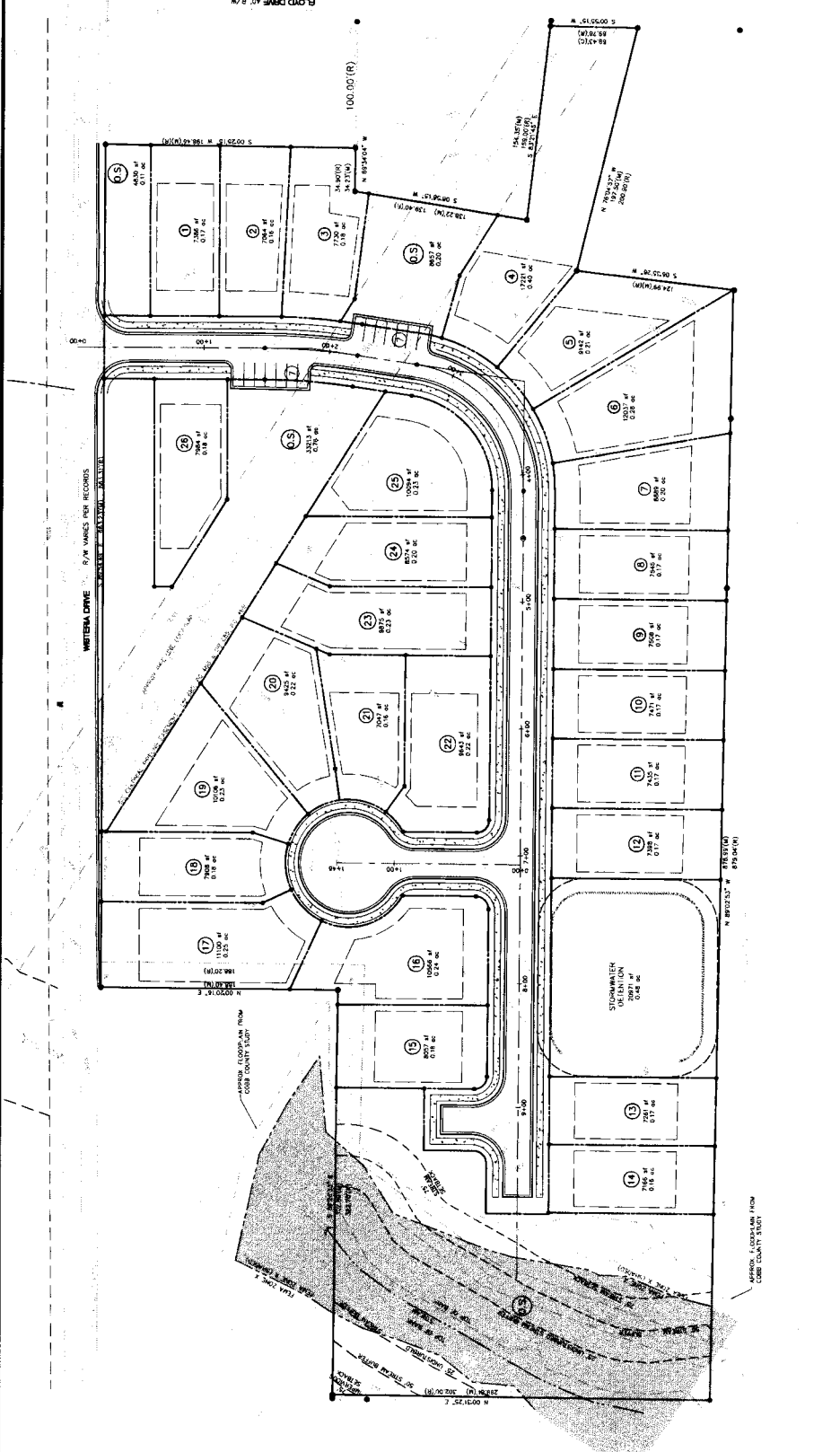
Notary Public

Commission Expires: 2-27-19



 <p>ATWELL RESIDENTIAL DEVELOPMENT GROUP, INC. 1800 PARKWAY, SUITE 700 DUBLIN, CA 94568 TEL: 925.885.8800</p>	<p>19TH DISTRICT, 2ND SECTION WESTERIA DRIVE WESTERIA SUBDIVISION CONSTRUCTION PLANS CONCEPTUAL PLANS COBB COUNTY, GA</p>	<p>DATE: 9/7/2016</p>
---	---	-----------------------

<p>PROJECT MANAGER: [] DATE: [] SCALE: [] SHEET NO: C110</p>	<p>APPROVED FOR CONSTRUCTION: [] DATE: []</p>
---	---

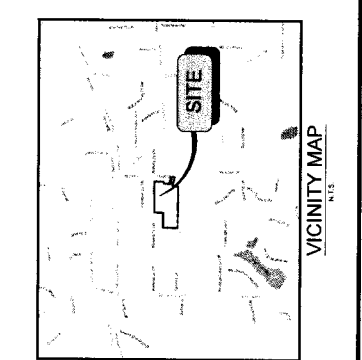


Proposed site plan

GENERAL NOTES

1. THESE CONCEPTUAL PLANS, SPECIFICATIONS, AND SCHEDULES ARE FOR INFORMATIONAL PURPOSES ONLY. THE CONTRACTOR SHALL VERIFY ALL DIMENSIONS, LOCATIONS, AND ELEVATIONS WITH THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.
4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.
5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.
6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.
8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.
10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT AND THE ADJACENT PROPERTY OWNERS PRIOR TO CONSTRUCTION.

6.5 = OPEN SPACE



SUMMARY:

SITE AREA: 9.5 AC
PROP. LOTS: 26
TOTAL AREA: 2.18 AC (2016-18)
DENSITY: 2.2 UNITS PER ACRE
MAX. OF 2-1/2 STORY HOMES (33) HOMES
BLDG. SETBACKS:
FRONT: 20'
SIDE: 10'
REAR: 30'
MIN. BLDG. SEPARATION: 15'

APPROVED FOR CONSTRUCTION: []
DATE: []

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 18, 2006
PAGE 3

CONSENT CASES:

Rezoning:

~~Z-61~~ **TALLEY DEVELOPMENT** (Ronald F. Williams, owner) requesting Rezoning from **R-20** to **RM-8** for the purpose of Townhouse Style Condominiums in Land Lots 68 and 69 of the 18th District. Located on the east side of Veterans Memorial Highway, west of Buckner Road.

~~MOTION: Motion by Kesting, second by Thompson to continue rezoning request until the August 15, 2006 Board of Commissioners zoning hearing.~~

~~VOTE: **ADOPTED** unanimously~~

Z-81 **WEAVER & WOODBERY COMPANY** (The Totherow Family Trust Dated August 22, 1993, Shelia J. Armstrong and Tommie Gail Coleman, Margaret Smith f/k/a Margaret Estes and Gary T. and Julie S. Bordelon, owners) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Subdivision in Land Lot 1001 of the 19th District. Located on the south side of Wisteria Drive, west of Floyd Drive and on the west side of Floyd Drive, south of Wisteria Drive.

MOTION: Motion by Goreham, second by Kesting, as part of the Consent Agenda, to approve rezoning to the RA-5 zoning district subject to:

- site plan dated June 12, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)
- final site plan to be approved by the District Commissioner
- letter of agreeable stipulations from Mr. John Moore, which is the revised letter dated July 12, 2006, *not otherwise in conflict*, with the following changes: (copy attached and made a part of these minutes)
 - *Developer to install sidewalks, curb and gutter along Wisteria Road frontage*
 - *front setbacks be increased to 30 feet on Wisteria Road, except Lot 29 which is to remain at 15 feet*

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 18, 2006
PAGE 4

Z-81 WEAVER & WOODBERY COMPANY (Continued)

➤ *landscape review committee comprised of the Applicant, representative of Mableton Improvement Coalition, and a representative of the Arborists' staff to review and approve the landscape plan*

- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- 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

~~Z-90~~

~~RLJ ATLANTA GALLERIA HOTEL, LLC (owner) requesting Rezoning from GC to OMR for the purpose of a Hotel in Land Lot 879 of the 17th District. Located on the south side of Windy Ridge Parkway, east of U.S. Highway 41.~~

~~MOTION: Motion by Goreham, second by Kesting, as part of the Consent Agenda, to approve rezoning to the OMR zoning district subject to:~~

- ~~• site plan dated May 3, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)~~
- ~~• Fire Department comments~~
- ~~• Water and Sewer Division comments and recommendations~~
- ~~• Stormwater Management Division comments and recommendations~~
- ~~• Cobb DOT comments and recommendations~~

~~VOTE: ADOPTED unanimously~~

REVISED 7-81

Preliminary Plan (RA-5)

Wisteria Drive Community

Cobb County, Georgia Land Lots 1001, 19th District, 2nd Section

prepared for:

Weaver and Woodbery



DGM
 COMMUNITY DEVELOPMENT
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404-525-1100
 Fax: 404-525-1101

Revisions:

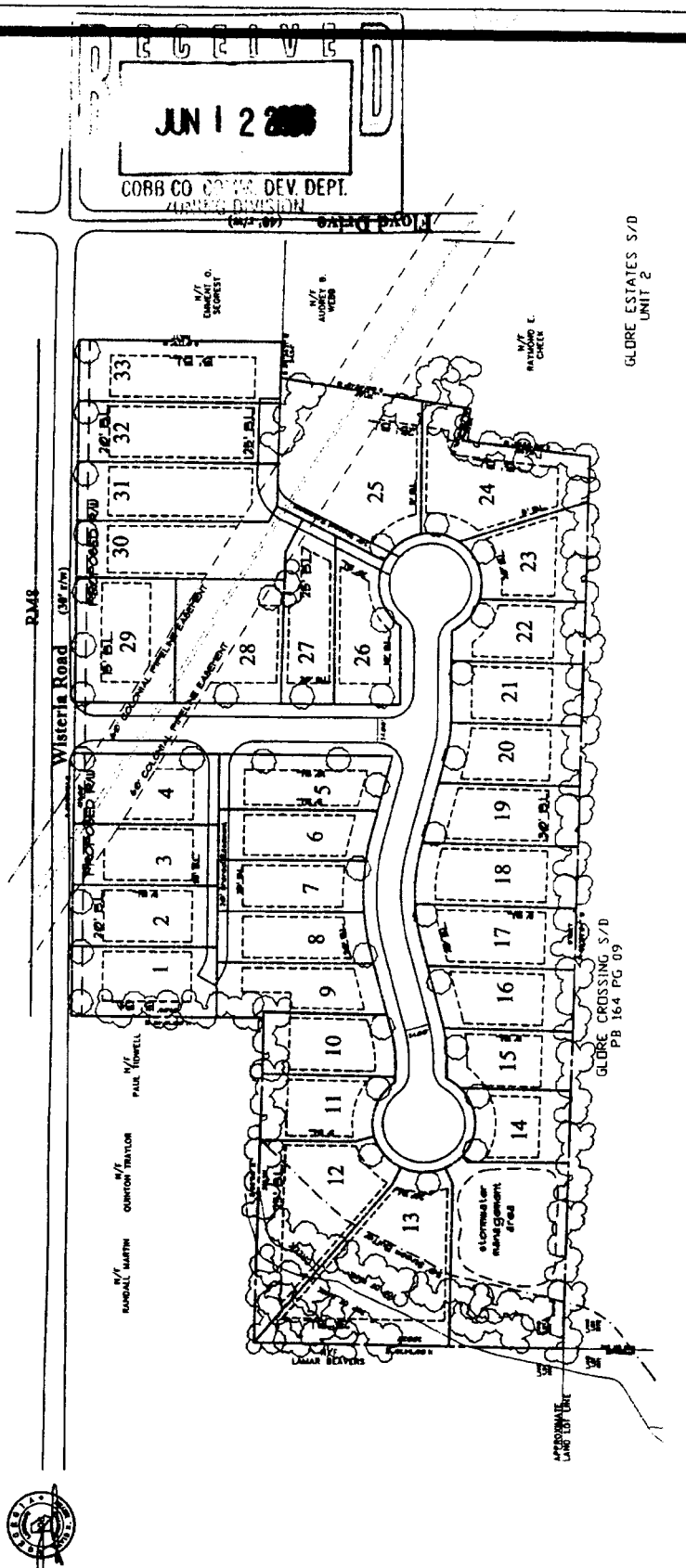
Site Data

- Total Site Area: 9.54 AC
- Total Lots Shown: 33
- Net Density: 3.46 UN/AC
- Present Zoning: R-20
- Proposed Zoning: RA-5 (Site Plan Specific)
- Minimum Lot Size: 7,000 SF
- Min. Lot Width at B.L.: 50'
- Building Setbacks: As shown

Min. Bl. 43 Subdiv. No. 2-81
 Dec. Type Site plan dated

June 12, 2006
 Note Meeting Date July 18, 2006

- Note: Survey by Arrow Geospatial and Mapping, Inc.
 Information from Cobb County GIS.
 1. According to Flood Insurance Rate Map (FIRM) 1306-100010F, August 18, 1997, no portion of this site contains floodplain.
 2. No cemeteries are known to exist on site.
 3. No archaeological or architectural landmarks are known to exist on site.
 4. Stormwater management and water quality structures are conceptual in size and will be revised based on hydrologic study.



MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***

BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
MELISSA W. GILBERT
JOYCE W. HARPER
AMY K. WEBER
COURTNEY H. MOORE
KIM A. ROPER
TARA C. RIDDLE
KELLI L. WOLK
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
JEFFERY L. DICKERSON
T. SHANE MAYES

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

BILLING ADDRESS
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK, SUITE 463
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON
KASI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON*
JEFFREY K. STINSON
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
RYAN G. PRESCOTT
RICARDO J. DOMEDEIROS
BRETT A. MILLER
KAREN S. KURTZ

CHRISTOPHER C. MINGLEBORFF
MORGAN E. FOSTER
KATHERINE G. CRONE
RYAN E. JARRARD*
ANN A. HARMENECKER*
JAMES D. BUSCH*
ESTHER VAYMAN
COLE B. STINSON†**

OF COUNSEL:
JOHN L. SKELTON, JR.†

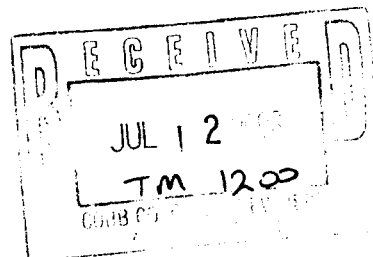
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
♦ ADMITTED ONLY IN TN

Min. Bk. 43 Petition No. 2-81
Doc. Type Stipulation Letter
dated July 12, 2006
Meeting Date July 18, 2006

July 12, 2006

Hand Delivered

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



RE: Application for Rezoning

Application No.: Z-81 (2006)

Applicant: Weaver & Woodbery Company

Property Owners: The Totherow Family Trust

Dated August 22, 1993;

Sheila J. Armstrong; and

Tommie Gail Coleman;

Margaret Smith, f/k/a Margaret

Estes; Gary T. Bordelon; and

Julie S. Bordelon

Property: 9.54 acres located on the
southerly side of Wisteria
Drive, east of Brookwood Drive;
Land Lot 1001, 19th District,
2nd Section, Cobb County, Georgia

Dear John:

As you know, this firm represents Weaver & Woodbery Company, the Applicant (hereinafter referred to as "Applicant"), and the Property Owners referenced above (hereinafter collectively referred to as "Owners"), in their Application for Rezoning regarding a total tract of 9.54 acres located on the southerly side of Wisteria Drive, east of Brookwood Drive, Land Lot 1001, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 7
July 12, 2006

Petition No. 2-81
Meeting Date July 18, 2006
Continued

staff, discussions and meetings with area residents and homeowners associations, reviewing the staff comments and recommendations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this revised letter of agreeable stipulations and conditions, 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 Subject Property. This letter shall supersede and replace in full that certain letter of agreeable stipulations and conditions dated and filed June 28, 2006. The revised stipulations are as follows:

- (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 on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing R-20 zoning category to the proposed RA-5 zoning classification, site plan specific to that certain Preliminary Plan prepared for Weaver & Woodbery Company by DGM Land Planning Consultants, Inc. and submitted to the Zoning Office on June 12, 2006.
- (3) The Subject Property consists of 9.54 acres of total site area and shall be developed for a residential community comprised of single-family, detached residences only. This results in an overall residential density of 3.46 units per acre.
- (4) The minimum lot size for the proposed residential lots shall be 7,000 square feet.
- (5) Applicant agrees that the proposed subdivision shall have a maximum of thirty-three (33) homes.
- (6) The residences shall have a minimum of 1,800 square feet of heated and cooled living space, ranging

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 7
July 12, 2006

Petition No. 2-81
Meeting Date July 18, 2006
Continued

upwards to 2,700 square feet. Each residence shall have an attached two-car garage.

- (7) The proposed residences shall be traditional or craftsman in style and architecture.
- (8) The exterior elevations of the proposed residences shall be brick, stone, stacked stone, cedar shake-type, hardi-plank, or combinations thereof, with frame in the rear.
- (9) The minimum setbacks for the proposed residences shall be as follows:
 - (a) Front setback - Twenty (20) feet, or as otherwise noted on the referenced plan; excepting only that the front setback for all homes fronting Wisteria Drive shall be thirty (30) feet, except Lot 29, which shall remain at fifteen (15) feet;
 - (b) Rear setback - Thirty (30) feet; and
 - (c) Side setback - Five (5) feet (fifteen (15) feet between residences).
- (10) All front yards of the proposed residential community shall be fully sodded.
- (11) The signage to the proposed community shall be ground-based, monument style signage.
- (12) The entrance area shall be professionally designed, landscaped, and maintained by the mandatory homeowners association to be created as part of the overall development.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 7
July 12, 2006

Petition No. 2-81
Meeting Date July 18, 2006
Continued

- (13) All utilities servicing the residences within the proposed community shall be underground.
- (14) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the proposed residences.
- (15) 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, entrance areas, common landscaped areas, and the like within the proposed community.
- (16) 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 single-family residential community.
- (17) Further, access to the residences located on proposed lot nos. 1, 2, 3, 4, 30, 31, 32, and 33 shall be accomplished by alley ways.
- (18) Minor modifications to the referenced Preliminary Plan, including, but not limited to, the layout of lots, street design, and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (19) Applicant agrees to comply with all Cobb County and State of Georgia stream buffer requirements as more particularly shown and reflected on the referenced Preliminary Plan.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 7
July 12, 2006

Petition No. 2-81
Meeting Date July 18, 2006
Continued

- (20) The stormwater management area shall be fenced and landscaped for purposes of visual screening from adjacent residential properties. The landscaping shall be approved by the Cobb County Arborist during the plan review process.
- (21) Applicant agrees to the establishment of a Landscape Review Committee comprised of a representative of the Mableton Improvement Coalition, a representative of the Cobb County Arborist, and a representative of Applicant. This Committee shall review and approve all landscaping for the proposed development as part of the plan review process.
- (22) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (23) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (24) Applicant agrees that it shall allow no increase in stormwater runoff upon the land of surrounding developments and specifically upon the Glore Lake Dam; and in that regard, Applicant agrees to perform a pre- and post-sediment survey (category one dam).
- (25) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Installation of sidewalk, curb, and gutter along the entirety of the Subject Property along the southerly side of Wisteria Drive; construction of the sidewalk, curb, and gutter shall continue along the frontage of Wisteria Drive, all the way

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 7
July 12, 2006

Petition No. Z-81
Meeting Date July 18, 2006
Continued

to Floyd Drive. It is understood and recognized that Applicant does not and will not own a portion of this property, but is willing to fund with Cobb County Department of Transportation the reasonable costs for the installation and construction of said sidewalk, curb, and gutter for the distance along Wisteria Drive owned by others.

- (b) Donation of right-of-way twenty-five (25) feet from the existing roadway centerline along the southerly side of Wisteria Drive.

We believe the requested zoning, together with the revised Preliminary Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. Thank you for your consideration of 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. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 7 of 7
July 12, 2006

Petition No. 2-81
Meeting Date July 18, 2006
Continued

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

Wendy Giddens
John E. Seymour
Lena Wiley

Weaver & Woodbery Company