

**MAY 16, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM 017

PURPOSE

To consider a stipulation amendment for Adventur Living regarding rezoning case Z-51 (Adventur Living, LLC) of 2016. The property is located on the north side of Macland Road, east of McMurry Drive, in Land Lot 497 of the 19th District.

BACKGROUND

The applicant’s property was rezoned on June 21, 2016 for a residential subdivision. One of the zoning stipulations from Cobb DOT required curb and gutter along Macland Road. The development plans were submitted to the State DOT since this is a state route and the State does not want curb and gutter along Macland Road. Cobb DOT is amenable to deleting curb and gutter as long as the applicant pays a fee in lieu of installing curb and gutter. The required sidewalk will be installed by the applicant. If approved, all previous stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend a fee in lieu of curb, gutter, and sidewalk along the Macland Road frontage.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

08-017-2017

Application for "Other Business" APR 11 2017

Cobb County, Georgia

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

BOC Hearing Date Requested: 4-18-17

Applicant: Adventur Living (applicant's name printed) Phone #: 770-652-0044

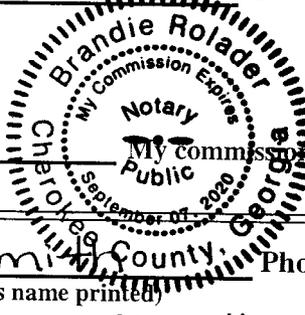
Address: 4763 Township Chase Marietta, GA E-Mail: berniesmith@kw.com

Bernie Smith Address: 4763 Township Chase, Marietta, GA
(representative's name, printed)

[Signature] Phone #: 770-652-0044 E-Mail: berniesmith@kw.com
(representative's signature)

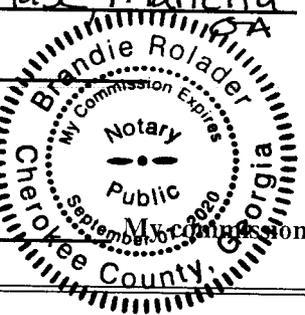
Signed, sealed and delivered in presence of:

Brandie Rolader
Notary Public My Commission Expires: September 7, 2020



Titleholder(s): Ruthie Smith (property owner's name printed) Phone #: 770-652-0046

Address: 4763 Township Chase Marietta E-Mail: bookkeeper@maskworksatlanta.com
[Signature]
(Property owner's signature)



Signed, sealed and delivered in presence of:

Brandie Rolader
Notary Public My Commission Expires: September 7, 2020

Commission District: 19th Zoning Case: 2-51 of 2016

Size of property in acres: 10.88 Original Date of Hearing: _____

Location: 3204 Macland Road Powder Springs, GA 30127
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 497 District(s): 19th/2nd section

State specifically the need or reason(s) for Other Business: revise DOT -
recommendations from zoning review. Remove
curb & gutter recommendation along Macland Rd from
DOT comments.

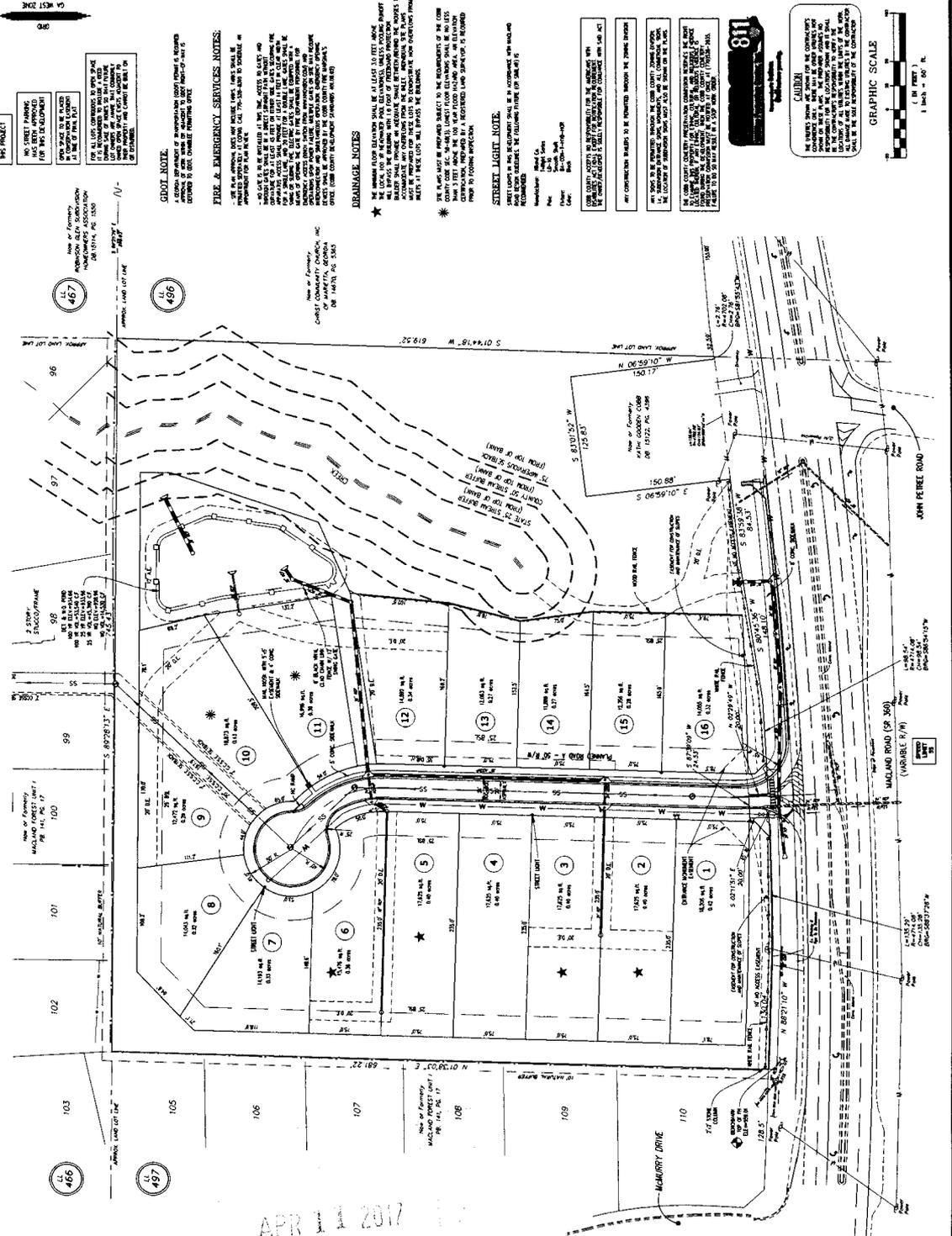
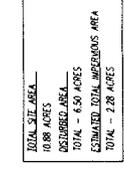
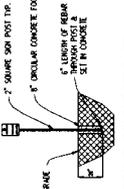
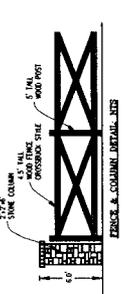


Centerline
 Surveying and Land Planning, Inc.
 1901 SHILOH ROAD, SUITE 110, ATLANTA, GEORGIA 30316
 PHONE: (770) 454-0028 FAX: (770) 454-2898

MACLARD PRESERVE
 SITES PLAN FOR
 LAND LOT 497, 19TH DISTRICT, 2ND SECTION,
 COBB COUNTY, GEORGIA

NO.	DATE	REVISION DESCRIPTION
1	1-26-17	COMMENTS PER COBB CO. AND ADOT
2	3-14-17	STAMP CHANGES TO ADOT
3	4-5-17	CHANGED CATCH BASIN PER ADOT COMMENTS

DATE PLOTTED: 05/01/17
SCALE: 1" = 50'
PROJECT NO.: 17-0000
SHEET NO.: 1



24 HOUR CONTACT:
 DENISE SMITH
 4768 TOWNSHIP CHASE
 MARIETTA, GEORGIA 30066
 770-606-0844

APPLICANT/DEVELOPER:
 ADVENTURE LIVING
 4768 TOWNSHIP CHASE
 MARIETTA, GEORGIA 30066

SITE NOTES:
 1. ALL UTILITIES SHOWN ARE BASED ON RECORD DRAWINGS AND FIELD SURVEY.
 2. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSES THAN THOSE INTENDED BY THE ORIGINAL OWNER.
 3. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSES THAN THOSE INTENDED BY THE ORIGINAL OWNER.

GENERAL NOTES:
 1. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSES THAN THOSE INTENDED BY THE ORIGINAL OWNER.
 2. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSES THAN THOSE INTENDED BY THE ORIGINAL OWNER.

FLUOR INFORMATION:
 THIS PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSES THAN THOSE INTENDED BY THE ORIGINAL OWNER.

BUILDING SETBACKS REQUIREMENTS:
 1. ALL BUILDINGS SHALL BE SET BACK FROM THE FRONT YARD BY A MINIMUM OF 10 FEET.
 2. ALL BUILDINGS SHALL BE SET BACK FROM THE SIDE YARD BY A MINIMUM OF 5 FEET.

SYMBOL LEGEND:
 1. 1" x 4" SIGN POST
 2. 6" DIAMETER CONCRETE FOOTING
 3. 5" TALL WOOD POST

ADDITIONAL NOTES:
 1. THE PROPERTY IS NOT TO BE USED FOR ANY OTHER PURPOSES THAN THOSE INTENDED BY THE ORIGINAL OWNER.

CONSENT AGENDA (CONT.)

Z-33 OWF INVESTMENT CORP (CONT.)

4. Variances as listed in the Zoning comments
5. Impervious surface to be calculated on an individual lot basis *only*; the summing of impervious coverage over the entire subdivision is not permitted
6. Fire Department comments and recommendations
7. Water and Sewer Division comments and recommendations
8. Stormwater Management Division comments and recommendations
9. Department of Transportation comments and recommendations

Z-43 URBAN ENGINEERS (Factory Shoals Logistics, LLC, Suncap Atlanta # 2, LLC, owners) requesting Rezoning from R-20 and HI to HI for the purpose of Warehouse in Land Lots 681 and 682 of the 18th District. Located on the northwest side of Factory Shoals Road, across from White Road (no address given).

To delete Z-43 to the LI zoning category, subject to:

1. Site plan received by the Zoning Division on March 29, 2016, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
2. Letter from Mr. Daniel Wintermeyer dated May 31, 2016 (attached and made a part of these minutes)
3. Fire Department comments and recommendations
4. Water and Sewer Division comments and recommendations
5. Stormwater Management Division comments and recommendations
6. Department of Transportation comments and recommendations

Chairman Lee joined the meeting at 9:15 a.m.

Z-51 ADVENTUR LIVING LLC (James Richard Gaydon; Lonie M. Barfield a/k/a Lonnie Melba Barfield, owners) requesting Rezoning from R-30 to R-20 for the purpose of Residential Subdivision in Land Lot 497 of the 19th District. Located on the north side of Macland Road, east of McMurry Drive (3204 Macland Road).

To delete Z-51 to the R-20/OSC zoning category, subject to:

1. Site plan dated May 17, 2016 (attached and made a part of these minutes)
2. Letter of agreeable conditions from Mr. Doug Patten dated June 6, 2016 (attached and made a part of these minutes), with the following change:
 - A. Item No. 6 – add to end: “All open space is to be undisturbed except for installation of sewer and a stormwater management pond.”
3. Planning Division comments and recommendations dated May 20, 2016 (attached and made a part of these minutes)

CONSENT AGENDA (CONT.)

Z-51 ADVENTUR LIVING LLC (CONT.)

4. Water and Sewer Division comments and recommendations
5. Stormwater Management Division comments and recommendations
6. Department of Transportation comments and recommendations

Z-53 PRADERA GROUP LLC (Purcell Trust as set forth in the PURCELL TRUST AGREEMENT dated March 16, 2004, owners) requesting Rezoning from R-20 to R-12 for the purpose of Single Family subdivision in Land Lot 770 of the 17th District. Located on the northwest corner of Spring Hill Road and Simpson Road (3684 Spring Hill Road).

To delete Z-53 to the RA-5 zoning category, subject to:

1. Site plan received by the Zoning Division on April 7, 2016 (attached and made a part of these minutes)
2. Letter of agreeable conditions from Mr. Michael Wadsworth dated May 31, 2016, (attached and made a part of these minutes), including photographs of the homes represented and the site plan, with the following changes:
 - A. Item No. 2 – revise to read: *“Maximum of two homes to be built on the site; homes will be four-sided architecture...”*
 - B. Item No. 4 – add: *“... and as agreed to in the details shown in the emails to Mr. and Mrs. Kemp Camp dated May 31, 2016 and June 5, 2016.”* (attached and made a part of these minutes)
 - C. Item No. 6 – add to end: *“During the construction phase, no parking of delivery, employee, or construction vehicles will be allowed on Spring Hill Road or Simpson Road.”*
 - D. Add Item No. 9 – *“The existing home and the out-building will be demolished within 120 days of Board of Commissioners’ approval.”*
3. Water and Sewer Division comments and recommendations
4. Department of Transportation comments and recommendations

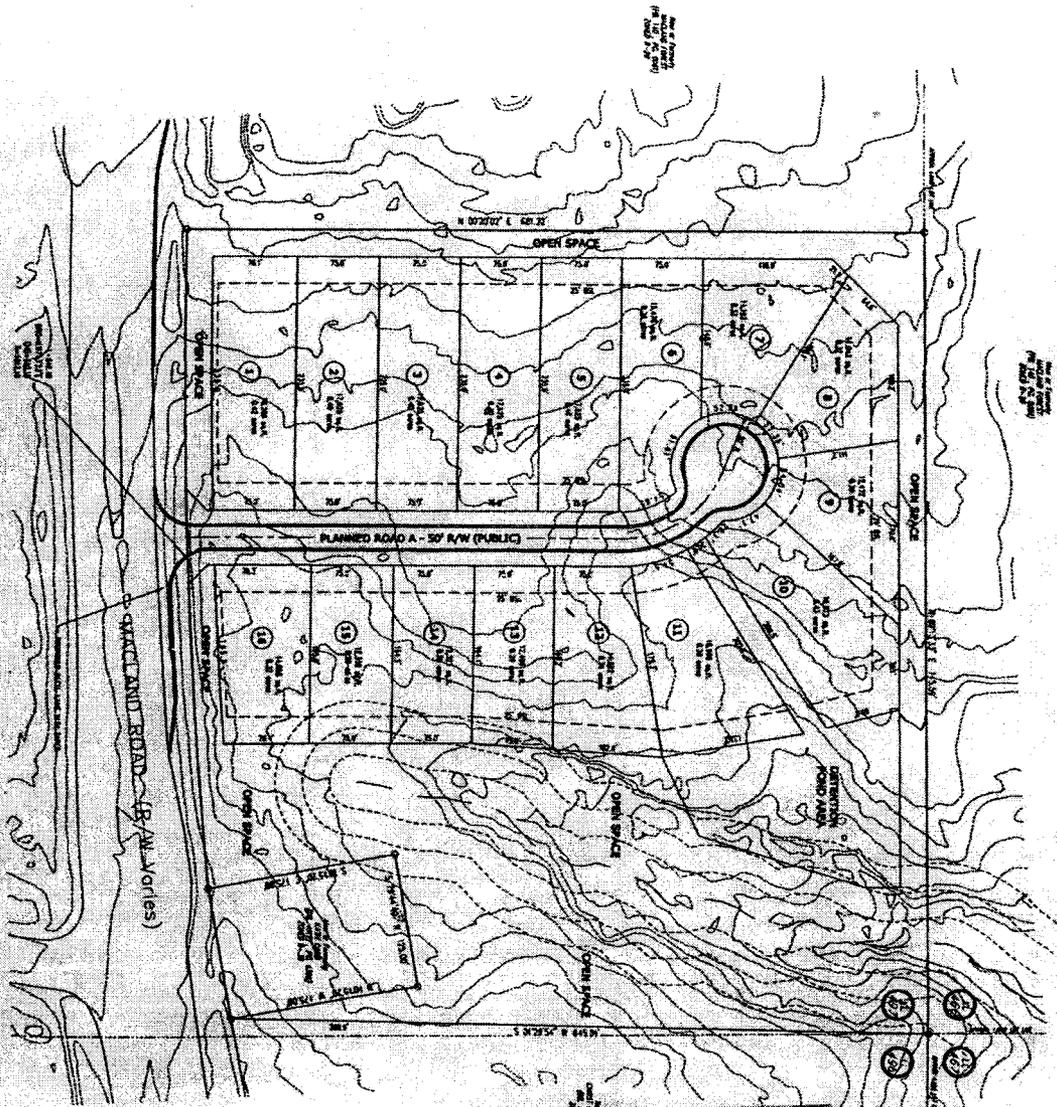
Scrivener's Error: See correction to spelling of email recipient



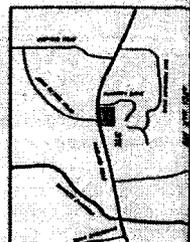
Min. Bk. 77 Petition No. Z-51
 Doc. Type Site plan
 Meeting Date 6-21-16

NOTICE:
 THE BOARD OF ZONING ADJUSTMENTS HAS REVIEWED THE PETITION FOR A ZONING VARIANCE FOR THE PROPOSED DEVELOPMENT OF A COMMERCIAL CENTER ON THE SOUTHWEST CORNER OF THE INTERSECTION OF MACLAND ROAD AND SPICLAND ROAD (BEAUFORT) IN THE CITY OF BEAUFORT, NORTH CAROLINA. THE BOARD HAS GRANTED THE PETITION FOR A ZONING VARIANCE FROM THE R-1 ZONING DISTRICT TO THE C-1 ZONING DISTRICT FOR THE PROPOSED DEVELOPMENT OF A COMMERCIAL CENTER ON THE SOUTHWEST CORNER OF THE INTERSECTION OF MACLAND ROAD AND SPICLAND ROAD (BEAUFORT) IN THE CITY OF BEAUFORT, NORTH CAROLINA.

APPLICANT: CENTERLINE
PROJECT ADDRESS: 3204 MACLAND ROAD
APPLICANT'S ADDRESS: 1000 W. 17th Street, Beaufort, NC 28520



RECEIVED
 MAY 18 2016
 COBB COUNTY ZONING DIVISION



NOTE:
 THIS PROJECT IS NOT TO BE CONSIDERED A FINAL PLAN FOR THE CITY OF BEAUFORT. THE CITY OF BEAUFORT HAS REVIEWED THE PROJECT AND HAS GRANTED THE PETITION FOR A ZONING VARIANCE FROM THE R-1 ZONING DISTRICT TO THE C-1 ZONING DISTRICT FOR THE PROPOSED DEVELOPMENT OF A COMMERCIAL CENTER ON THE SOUTHWEST CORNER OF THE INTERSECTION OF MACLAND ROAD AND SPICLAND ROAD (BEAUFORT) IN THE CITY OF BEAUFORT, NORTH CAROLINA.

Min. Bk. 79 Petition No. Z-51
Doc. Type Letter from Mr. Doug
Patten.
Meeting Date 6-21-16

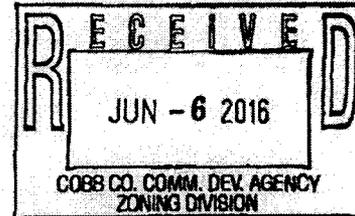
Z-51/June 2016

Centerline Surveying and Land Planning, Inc.

1301 Shiloh Road, Suite 1210
Kennesaw, GA 30144
(770) 424-0028 telephone (770) 424-2399 fax

June 6, 2016

Mr. Jason A. Campbell, Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400, 1150 Powder Springs Road
Marietta, Georgia 30064



RE: 3204 Macland Road - Adventure Living
Land Lot 497, 19th District, 2nd Section, Cobb Co.

Dear Jason,

We are pleased to submit this "Letter of Stipulations" that the owner/applicants wish to offer as agreeable stipulations for their project. Specifically stipulated and listed below.

1. The stipulations and conditions agreed upon here shall replace and/or supersede in full any and all stipulations and conditions previously placed on the subject property.
2. The re-zoning of this property shall be from the existing zoning classifications to an R-20 zoning classification with a OSC layout as shown on the site plan submitted by Centerline Surveying and Land Planning for the applicant and dated 5-17-16.
3. The site is approximately 9.8 acres and is planned for 16 single family units, with a site density of 1.63 units per acre.
4. FEMA maps show the site is not inundated with a flood hazard.
5. All units are single family detached and proposed a minimum of 15 feet apart.
6. The site plan depicts approximately 3.89 acres or 39.7% open space. There is a 25-foot strip of open space along the western and Northern property lines that will remain undisturbed.
7. The project will be accessed from Macland Road only. There will be no other access to the community.
8. Internal sidewalks are planned as well as a mail kiosk. Cobb DOT county staff comments for this project are agreeable.
9. A storm water management facility is planned to control all site run-off as well as water quality for the site. A Hydrology study will be performed and submitted for approval by the Storm water division during Land Disturbance Plan preparation.
10. All site and development construction shall comply with Cobb County Codes and Ordinances
11. The proposed home exteriors shall be constructed of brick, stone, stacked stone, board and batten and Hardi-plank type siding or any combinations thereof. Architectural elevations have been submitted for reference as to type finishes proposed.
12. A Home Owners Association will be organized and initially funded by the developer for the enforcement of the Declaration of Restrictive Covenants governing the rules and regulations of the proposed development. The Declaration of Restrictive Covenants shall be recorded with the County Clerk of Cobb Co. prior to the CO of any home.

Petition No. Z-51
Meeting Date 6-21-16
Continued

Centerline Surveying and Land Planning, Inc.

1301 Shiloh Road, Suite 1210
Kennesaw, GA 30144
(770) 424-0028 telephone (770) 424-2399 fax

13. The proposed residential community shall have privately maintained open space and common areas. The HOA shall be responsible for the cost and performance for the upkeep and maintenance.
14. All Infrastructure is planned to be public.
15. All signage shall be ground based, monument style.
16. All utilities shall be underground.
17. All creeks shall have state and local undisturbed buffers as normally required. Any encroachments within the undisturbed buffers must be properly approved by the governing agency according to appropriate governing ordinance.
18. We accept all county staff comments and stipulations as a part of this stipulation agreement.
19. The District Commissioner shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the plan review process and thereafter. For purposes of this paragraph, any modifications that increase the density; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business Application."

We respectfully request the subject property be re-zoned as requested in our application and the stipulations set forth in this "Letter of Stipulations" be made a part of the approved zoning conditions.

Sincerely,

Doug Patten

Doug Patten, CPESC

Principal, Centerline Surveying and Land Planning, Inc.

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY
Planning Division
1150 Powder Springs Street
Marietta, Georgia 30060
(770) 528-2018

Min. Bk. 79 Petition No. Z-51
Doc. Type Planning Division comments
& recommendations dated May 20, 2016
Meeting Date 6-21-16

Planning Staff Analysis

Z-51

Date: **May 20, 2016**
Contact: Philip Westbrook

(770) 528-2014

Property Location: 3204 Macland Road
Current Zoning: R-30

Land Lot/District: 342, 343, 379 / 16
Proposed Use: R-20 OSC

Total Area: 9.8 acres
Floodplain/Wetland Area/Cemetery: 0 acres
Net Buildable Area: 9.8 acres
Base Density Allowed: 1.75 upa
Base Density Allowed w/Bonus: 1.92 upa
Proposed Lots: 16
Net Density: 1.63 upa
Future Land Use: Very Low Density Residential (0 to 2.0 upa)

Open Space Requirement: 3.4 acres or 35%; for bonus 3.8 acres or 38.5%
Open Space Provided: 3.89 acres or 39.7%
Percentage of Open Space within Floodplain, Wetlands, & Lakes w: N/A

Setbacks:
Front: 25'
Rear: 20'
Side: 5' (15' min. between structures)

Comments:
Development as proposed on revised site plan received on 05/18/16 does meet the technical requirements of the OSC ordinance and the required percentage of open space that allows a density bonus up to 1.92 units per acre for an R-20 OSC. To further enhance this proposal the following comments and recommendations should be met.

1. Remove the small portions of lot 14 and 15 that encroach into the 50' stream buffer. The OSC ordinance requires all stream buffers to be in open space.
2. Must have Cobb Department of Transportation approved lighting plan in if outdoor lighting (except individual residential lots) is proposed
3. A Conservation Easement must be recorded in the mandatory subdivision covenants and with Cobb Superior Court, thereby protecting the "Open Space" from development in perpetuity as

owned by the mandatory Home Owners Association. Conservation Easement application must be submitted to the Planning Division before final plat approval.

Recommendations:

4. Provide stipulation letter that describes in details the proposed development.
5. For all lots contiguous to open space it is recommended to include a deed during sale of homes so that future lot owners are aware that commonly owned open space exists adjacent to their property and cannot be built on or disturbed.
6. As another form of privacy barrier staff recommends installing fence (split rail or any fencing compatible with architecture/landscaping/design of development) to the rear/side of lots that are adjacent to open space

APPLICANT: Adventur Living LLC

PETITION NO.: Z-51

PRESENT ZONING: R-30

PETITION FOR: R-20

TRANSPORTATION COMMENTS:

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Macland Road	27,800	Arterial	55 mph	Georgia DOT	100'

Based on 2013 traffic counting data taken by Cobb County DOT for Macland Road.

COMMENTS AND OBSERVATIONS

Macland Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

Recommend curb, gutter, and sidewalk along the Macland Road frontage.

Recommend GDOT permits for all work along the Macland Road frontage.

Recommend curb and gutter along both sides and sidewalk along one side of proposed development.

Recommend a deceleration lane on Macland Road for the entrance.

Recommend restricting driveway on Macland Road to right-in/right-out.