

**AUGUST 15, 2017 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM 025**

**PURPOSE**

To consider amending the site plan and stipulations for Barnes Mill VDL, LLC regarding application OSC 17-02 (W&H Investments, LLC) of 2017, for property located on the west side Mount Calvary Road and on the north side of Dallas Highway in Land Lot 30 of the 19<sup>th</sup> District. *(Previously continued by the Board of Commissioners from the July 18, 2017 hearing until the August 15, 2017 hearing)*

**BACKGROUND**

The subject property was rezoned to R-20 OSC on March 21, 2017. The applicant has finished his engineering and needs to amend three stipulations in order to construct the subdivision. First, the applicant would need to delete stipulation #2 that required a line of sight easement from Mt. Calvary Baptist Church. According to the applicant, the church trustees have voted to deny the sight distance easement request. Second, the applicant needs to delete the second sentence of paragraph #6 regarding sight distance from their stipulation letter dated January 30, 2017 due the same reason stated above. Third, the applicant needs to modify the site plan slightly to reposition lot 37 due to the steep slopes in the area. The amount of open space has not been reduced or changed. If approved, all previous stipulations would remain in effect.

**STAFF COMMENTS**

**Cobb DOT:** Recommend restricting left turns out of the entrance on Mount Calvary Road, as reflected on the proposed site plan. Left turns in are contingent on the installation of a left turn lane. If a left turn lane cannot be added due to geometric restricts, recommend access be restricted to right in/right-out.

**RECOMMENDATION**

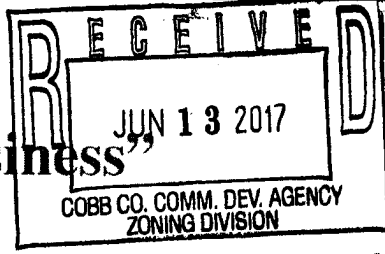
The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

**ATTACHMENTS**

Other Business application and stipulations.

# Application for "Other Business" Cobb County, Georgia

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



OB-025-2017

BOC Hearing Date Requested: ~~08/15/2017~~ 07-18-17 j.p.p.

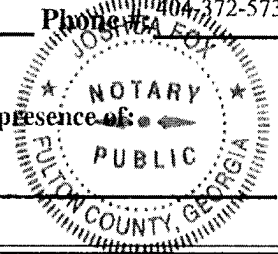
**Applicant:** Barnes Mill VDL, LLC Phone #: 404-372-5739  
(applicant's name printed)

**Address:** 701 Whitlock Avenue, Suite K46, Marietta, GA 30064 E-Mail: skip@hseproperties.com

Skip Harper or Colby Henson Address: Same as above  
(representative's name, printed)

[Signature] Phone #: 404-372-5739 E-Mail: skip@hseproperties.com  
(representative's signature)

Signed, sealed and delivered in presence of: [Signature] My commission expires: 2-24-20  
Notary Public

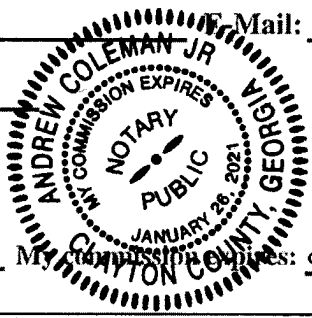


**Titleholder(s):** The Estate of Hazel Greer Phone #: \_\_\_\_\_  
(property owner's name printed)

**Address:** \_\_\_\_\_ E-Mail: \_\_\_\_\_

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of: [Signature] My commission expires: Jan 26, 2021  
Notary Public



**Commission District:** 21 sep. **Zoning Case:** OSC 17-02

**Size of property in acres:** 24.99 **Original Date of Hearing:** 03/21/2017

**Location:** Mount Calvary Road and Dallas Highway  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 328 **District(s):** 20th

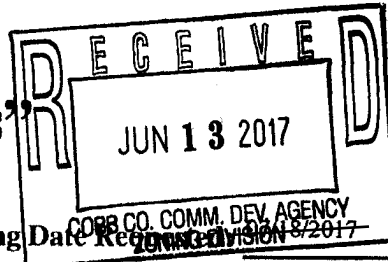
**State specifically the need or reason(s) for Other Business:**

To amend stipulations to OSC17-02 and to consider modifications to site plan/open space.

(List or attach additional information if needed)

# Application for "Other Business" Cobb County, Georgia

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



BOC Hearing Date Requested

07-18-17 j.p.p.

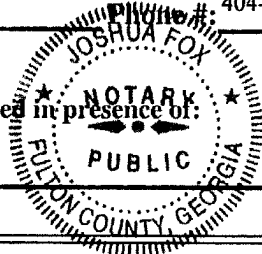
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Notary Public

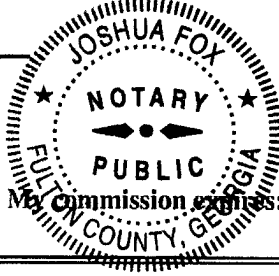


**Titleholder(s):** Samuel A. Smith **Phone #:** \_\_\_\_\_  
(property owner's name printed)

**Address:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

[Signature]  
(Property owner's signature)

Signed, sealed and delivered in presence of:  
[Signature] **My commission expires:** 2/24/20  
Notary Public



**Commission District:** A 1 sec. **Zoning Case:** OSC 17-02

**Size of property in acres:** 24.99 **Original Date of Hearing:** 03/21/2017

**Location:** Mount Calvary Road and Dallas Highway  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 328 **District(s):** 20th

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

To amend stipulations to OSC17-02 and to consider modifications to site plan/open space.

(List or attach additional information if needed)

# Application for "Other Business"

## Cobb County, Georgia

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

BOC Hearing Date Requested: ~~08/15/2017~~ 07-18-17 j.p.p.

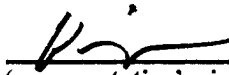
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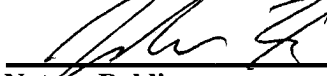
Skip Harper or Colby Henson **Address:** Same as above

(representative's name, printed)

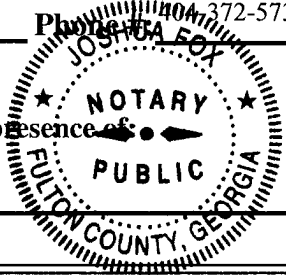
 **Phone #:** 404-372-5739 **E-Mail:** skip@hseproperties.com

(representative's signature)

Signed, sealed and delivered in presence of:

 **My commission expires:** 2-24-20

Notary Public



**Titleholder(s):** The Estate of Hazel Greer **Phone #:** \_\_\_\_\_

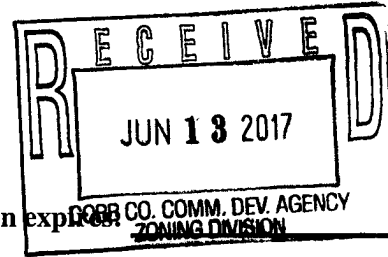
(property owner's name printed)

**Address:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public **My commission expires:** \_\_\_\_\_



**Commission District:** F 1 J.P.P. **Zoning Case:** OSC 17-02

**Size of property in acres:** 24.99 **Original Date of Hearing:** 03/21/2017

**Location:** Mount Calvary Road and Dallas Highway  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 328 **District(s):** 20th

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

To amend stipulations to OSC17-02 and to consider modifications to site plan/open space.

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 08/15/2017

07-18-17 j.p.p.

**Applicant:** Barnes Mill VDL, LLC

**Phone #:** 404-372-5739

(applicant's name printed)

**Address:** 701 Whitlock Avenue, Suite K46, Marietta, GA 30064

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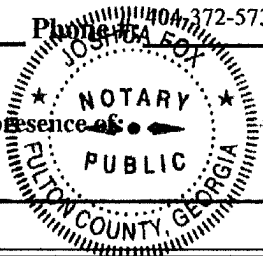
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(representative's signature)

**Phone #:** 404-372-5739

**E-Mail:** skip@hseproperties.com

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public



My commission expires: 2-24-20

**Titleholder(s):** The Estate of Hazel Greer

**Phone #:** \_\_\_\_\_

(property owner's name printed)

**Address:** \_\_\_\_\_

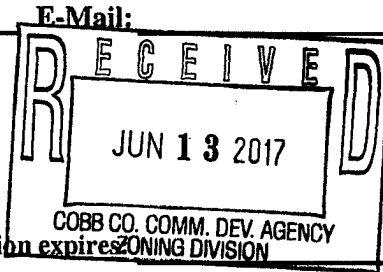
**E-Mail:** \_\_\_\_\_

\_\_\_\_\_  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_



**Commission District:** A 1 J.P.P.

**Zoning Case:** OSC 17-02

**Size of property in acres:** 24.99

**Original Date of Hearing:** 03/21/2017

**Location:** Mount Calvary Road and Dallas Highway

(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 328

**District(s):** 20th

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

To amend stipulations to OSC17-02 and to consider modifications to site plan/open space.

(List or attach additional information if needed)

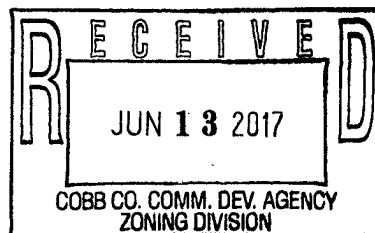
OB-025-2017  
PROPOSED STIPULATIONS  
to Amend


Narrative

This application is a follow-up to OSC 17-02 to amend stipulations and slightly revise the open space area.

The first request is to remove Item #2 of the Minutes which required that a line of site easement be acquired from property owners (Mt. Calvary Baptist Church). The second request is to amend the stipulation letter from W&H Investments dated January 30, 2017 so that the second sentence of stipulation 6 regarding sight distance be deleted. We have tried diligently to acquire the easement which would provide 390 ft. of site distance to the south from the entrance; however, the Church Trustees voted to deny our request. We currently have 390+ ft. of sight distance toward the north and 340 ft. of site distance toward the south. With this condition, DOT's recommendation is to allow entry from either direction, but to limit the exit movement to right only. We are agreeable to DOT's recommendation.

The third request is to change the configuration of the open space area in the northeast section of the property. The amount of open space is not changed. This purpose of this change is to redesign the first road to the right so that the former lot 37 (which has a steep gradient) be included in the open space area.



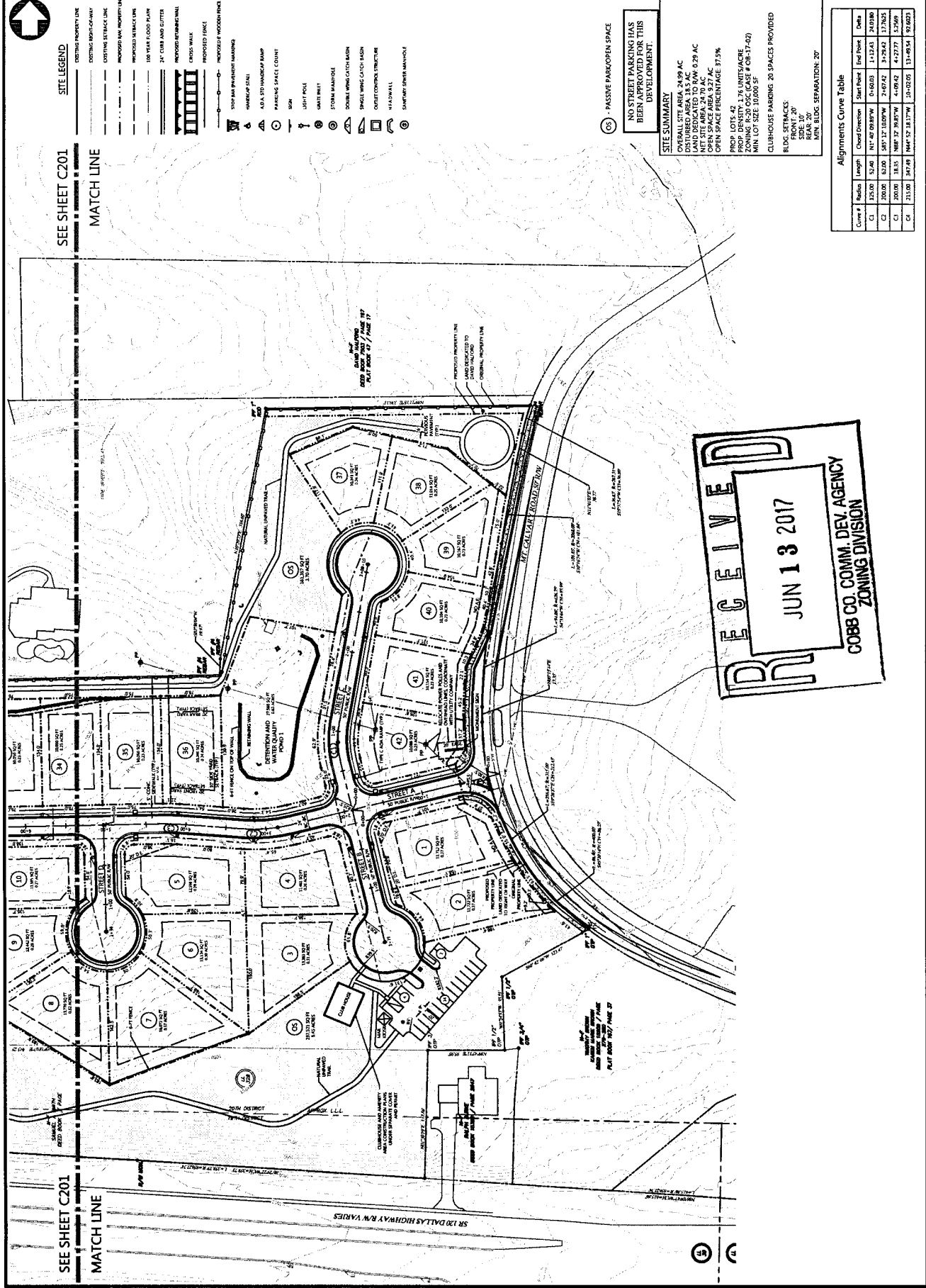


1800 PARKWAY AVE. SUITE 200  
ATLANTA, GA 30329  
770.433.0077

LAND LOT 326, 20TH DIST.  
UNINCORPORATED  
COBB COUNTY, GA

HARMONY VILL. LLC  
CONSTRUCTION PLANS  
MT. CALVARY ROAD SUBDIVISION  
SITE PLAN

DATE: 05/11/2017



- LEGEND**
- EXISTING PROPERTY LINE
  - EXISTING RIGHT-OF-WAY
  - EXISTING SETBACK LINE
  - PROPOSED R/W PROPERTY LINE
  - PROPOSED SETBACK LINE
  - 100 YEAR FLOOD PLAIN
  - 24" CURB AND GUTTER
  - PROPOSED RETAINING WALL
  - CROSS WALK
  - PROPOSED FENCE
  - PROPOSED FLOODWALL
  - STOP SIGN (PAVEMENT MARKING)
  - WARRICK SIGN
  - ADA SIGN HANDICAP MAP
  - PARKING SPACE COUNT
  - SURF
  - LIGHT POLE
  - GATE POST
  - STORM MANHOLE
  - DOUBLE WING CATCH BASIN
  - SHEET WING CATCH BASIN
  - OUTLET CONTROL STRUCTURE
  - 1/4" SIGN WALL
  - STANDARD DRIVE MANHOLE

**STREET SUMMARY**

NO STREET PARKING HAS BEEN APPROVED FOR THIS DEVELOPMENT.

**PASSIVE PARK/OPEN SPACE**

PROJ. LOTS 42  
PROP. DENSITY: 1.76 UNITS/ACRE  
TOTAL UNITS: 74  
MIN. LOT SIZE: 10,000 SF

CLUBHOUSE PARKING: 20 SPACES PROVIDED  
BLDG. SETBACKS:  
FRONT: 20'  
SIDE: 10'  
REAR: 20'  
MIN. BLDG. SEPARATION: 20'

**Alignments Curve Table**

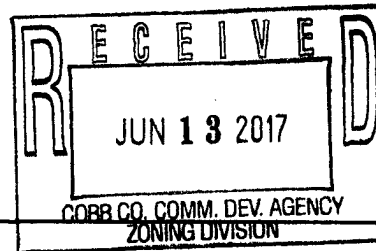
Curve #	Radius	Length	Chord Distance	Start Point	End Point	Delta
C1	135.00	52.06	114.42	0.00000'	0.00000'	24.0000
C2	200.00	83.00	140.12	0.00000'	242.62	17.0000
C3	200.00	18.33	168.32	38.8500'	41.9662	4.2277
CF	213.00	347.69	1044.52	38.1700'	131.0000	92.8000

**RECEIVED**  
 JUN 13 2017  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION





MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MARCH 21, 2017  
PAGE 10



OTHER BUSINESS (CONT.)

~~CLB. 11 (CONT.)~~

4. Applicant agrees to maintain landscaping at the main entrance on Powers Ferry Road
5. If Applicant intends to utilize 12 parking spaces, then prior to issuance of the land disturbance permit, the Applicant shall provide to the County Attorney the necessary documents to demonstrate that the parking requirements have been met by having an approved parking/sharing plan; if Applicant decides not to utilize said parking spaces, then a parking plan showing that the required parking has been met to be presented to the District Commissioner
6. Water and Sewer Division comments and recommendations
7. Stormwater Management Division comments and recommendations
8. Department of Transportation comments and recommendations
9. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

~~VOTE. ADOPTED 4-0, Cupid absent~~

OPEN SPACE COMMUNITY

**OSC 17-02** To consider approval of an R-20 Open Space Community Overlay application for W&H Investments, LLC, regarding Application OSC 17-02 filed December 6, 2016, for property located on the west side of Mount Calvary Road, north of Dallas Highway in Land Lot 328 of the 20<sup>th</sup> District and Land Lot 30 of the 19<sup>th</sup> District. *(Previously continued by Staff from the February 7, 2017 Planning Commission hearing until the March 7, 2017 Planning Commission hearing)*

Mr. Phil Westbrook, Planner III, Community Development, presented information regarding OSC 17-02. The public hearing was opened and Mr. Skip Harper, Mr. Matt Gedney, and Mr. Steve Sitzen addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Weatherford, second by Birrell, to approve OSC 17-02 to the R-20 OSC zoning category, subject to:

1. Letter of agreeable conditions from Mr. Skip Harper dated January 30, 2017 (attached and made a part of these minutes)
2. Line of site easement must be acquired and is required from the property owners; Applicant to meet all Department of Transportation stipulations; and where necessary or feasible, addition of safety calming devices

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MARCH 21, 2017  
PAGE 11**

**OPEN SPACE COMMUNITY (CONT.)**

**OSC 17-02 (CONT.)**

- 3. Any and all modifications to be approved by District Commissioner or staff designee**
- 4. Planning Division comments and recommendations, *not otherwise in conflict***
- 5. Water and Sewer Division comments and recommendations, *not otherwise in conflict***
- 6. Stormwater Management comments and recommendations, *not otherwise in conflict***
- 7. Department of Transportation comments and recommendations, *not otherwise in conflict***

**VOTE: ADOPTED 4-0, Cupid absent**

**ADJOURNMENT**

The meeting was adjourned at 1:16 p.m.



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Lori Barton, Deputy County Clerk  
Board of Commissioners

**W&H Investments, LLC  
701 Whitlock Ave.  
Suite K-46  
Marietta, GA 30064**

January 30, 2017

Mr. John Pederson  
Cobb County Community Development  
1150 Powder Springs Road  
Marietta, GA 30064

Re: Application for "Other Business" for an Open Space Community Overlay – R-20 OSC (the "Application") on 24.99 acres located at the northwest intersection of Dallas Highway and Mt. Calvary Road in Land Lot 328 of the 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, GA (the "Property") Case # OB-17-02

Dear John:

I am the Managing Member of the Applicant and am authorized by Applicant and Titleholders to negotiate the terms of the referenced Case. During the pendency of this Application, we have met with staff, our planning commissioner, and interested community members and presented our site plan and exchanged comments and concerns. After considering our discussions, I would like to offer this letter of agreeable stipulations should the Application be approved. The stipulations enumerated herein shall replace and supersede in full any prior stipulations which are currently in place on the Property.

1. The community shall consist of 42 single family detached lots on 24.99 +/- acres (a density of 1.76 +/- units per acre), in accordance with that certain site plan prepared by Land Systems, LLC and dated January 24, 2017 (the "Site Plan") enclosed herewith. Applicant hereby amends its Application to include said revised Site Plan. The Site Plan shall provide 9 +/- acres of Open Space. The minimum lot size shall be 10,000 sq. ft. The neighborhood will be an active adult neighborhood, marketed to residents aged 55 and older (with exceptions as mandated by HUD regulations). Amenities will consist of a clubhouse with general purpose and exercise rooms. An activity lawn and 20 space parking lot will be located beside the clubhouse with potentially a croquet court or putting green.
2. The entrance signage shall be ground based, constructed of brick and natural stone and shall be professionally designed, landscaped and maintained.

Petition No. OSC-17-02

Meeting Date 3-21-17

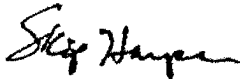
Continued

3. Utilities shall be underground and shall include environmentally sensitive street lighting.
4. A mandatory homeowners association shall be established which shall be responsible for the landscape maintenance of all common areas and individual lots. A declaration of covenants, conditions and restrictions affecting the Property shall be enacted and recorded in the real estate records of the Cobb County Superior Court. Prior to the issuance of a final plat, a Conservation Easement shall be recorded in the mandatory subdivision covenants and with Cobb Superior Court to protect the Open Space from development in perpetuity.
5. The storm water management retention ponds shall be installed in the approximate area depicted on the Site Plan and shall be fenced and landscaped for visual screening. Applicant agrees to comply with Cobb County Stormwater Management requirements related to this Case.
6. Applicant agrees to the construction of a deceleration lane and a left turn lane on Mt. Calvary Road, donation of. of right of way on Mt. Calvary Road. Sight distance of 390 feet shall be provided. Turning movements at the entrance shall be either way in, and right out only. The streets interior to the project shall be public. Applicant agrees to comply with Cobb County DOT comments related to this Case.
7. The architecture of the homes to be constructed shall be traditional in style and the exterior materials shall consist of combinations of brick, stone, hardi-plank lap siding, cedar shake, and cement based board and batten. A brick water table shall extend around the sides of the homes. The homes shall have a minimum of (2400) square footage of heated area, a two car garage, and will be spaced with 20 ft. of separation. This provision shall mitigate any requirement to install additional guest parking in the community above the 20 space guest parking lot located adjacent to the clubhouse. Prices are projected to range from \$350,000 to \$450,000. A restriction shall be included in the Covenants that garages must be used exclusively for the parking of motor vehicles, and shall also require that two (2) cars must be parked in the garage before a third can be parked in the driveway.
8. The setbacks shall be (20) ft. front, (20) ft. rear, and (10) ft. side.
9. All yards will be sodded, irrigated and professionally landscaped.
10. The Property shall comply with all Cobb County development standards and ordinances related to project improvements, Fire Department comments, and Water and Sewer comments.

11. Minor modifications to the Site Plan may be approved by the District Commissioner during Plan Review.
12. An archeological field survey shall be performed by a cultural resource professional prior to Plan Review.
13. The proposed trail network, excluding sidewalks within Right of Way, shall be porous. Developer shall install a split rail fence to the rear of the lots that are adjacent to Open Space. Developer shall install a six foot high wooden privacy fence behind lots 28 – 36 on the common property line of the Open Space and the property of David Halford. The Site Plan shall provide easements for water and electrical service to the property currently owned by David Halford. In the event that Applicant is successful in acquiring the Property, it shall deed, for free, a parcel of land 10 ft. X 330 ft. along the northeast corner of the Property beginning at the Mt. Calvary Road right of way westward to the property currently owned by David Halford.

I believe that the proposed development as stipulated above is an appropriate use of the Property and will be an asset to the community in general. I respectfully request your support of the Application. Please let me know if you have any questions or concerns.

Sincerely,



Skip Harper  
Managing Member

Enclosure

Mr. Bob Weatherford, Cobb County District Commissioner  
Mr. Skip Gunter, Cobb County District Planning Commissioner

17-025-08

Z-2

DATE	1-30-17
SCALE	AS SHOWN
PROJECT	MT. CALVARY ROAD
NO.	17-025-08

LAND SYSTEMS LLC  
 1700 WEST 17TH AVENUE  
 SUITE 100  
 DENVER, CO 80202  
 PHONE: 303.733.1100  
 FAX: 303.733.1101  
 WWW.LANDSYSTEMS.COM

ZONING PLAN R-20 OSC FORM  
 LOCATED IN LAND LOT 328 OF THE 20TH DISTRICT  
 206 SECTION 0888 COUNTY GEORGIA

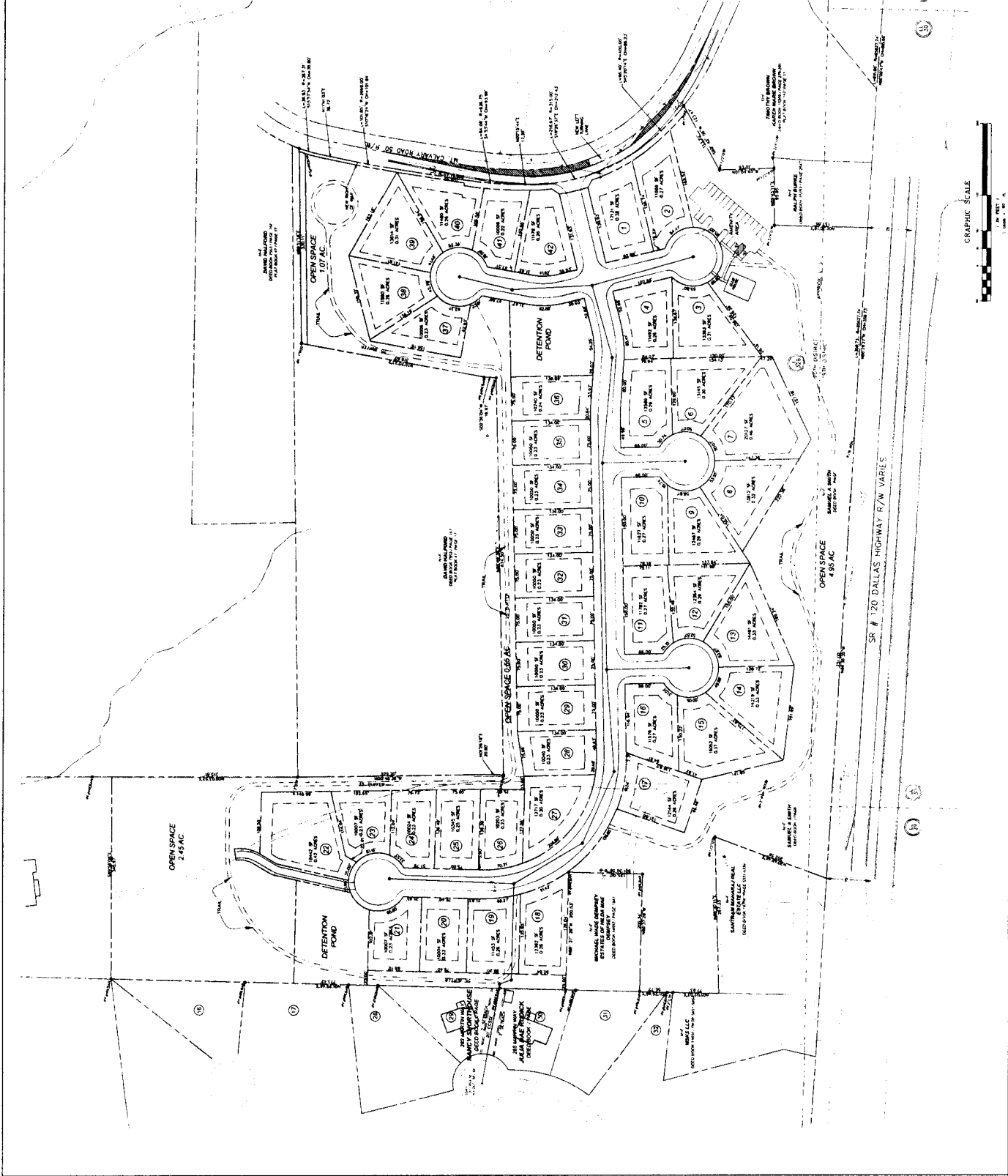
MT. CALVARY ROAD  
 ZONING PLAN R-20 OSC FORM  
 LOCATED IN LAND LOT 328 OF THE 20TH DISTRICT  
 206 SECTION 0888 COUNTY GEORGIA

LAND SYSTEMS LLC  
 1700 WEST 17TH AVENUE  
 SUITE 100  
 DENVER, CO 80202  
 PHONE: 303.733.1100  
 FAX: 303.733.1101  
 WWW.LANDSYSTEMS.COM

Approved site plan  
 from Skip Harpers  
 1-30-17 letter

- LEGEND**
- 1. PROPERTY LINES
  - 2. LOT LINES
  - 3. DRIVEWAYS
  - 4. DRIVEWAYS
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  - 100. DRIVEWAYS

**SITE INFO:**  
 ZONING R-20 OSC  
 TOTAL AREA 24.99  
 TOTAL LAND AREA 1.06 ACRES  
 FRONT OF WAY TO FRONT AREA 0.14 ACRES  
 AMENITY AREA 0.22 ACRES  
 DETENTION POND AREA 0.88 AC  
 NEW OPEN SPACE AREA 0.10 ACRES  
 NEW OPEN SPACE AREA 0.10 ACRES  
 BASE DENSITY ALLOWED W/ BONUS 1.92 UPA  
 NET DENSITY 1.77 UPA  
 TOTAL GS AREA 9.12  
 TOTAL LOT AREA 1,900 SF  
 MIN LOT WIDTH 75 FT  
 SETBACKS:  
 REAR 30'  
 SIDE 10'  
 MAJOR SIDE 15'



GRAPHIC SCALE  
 0 10 20 30 40 50 60 70 80 90 100  
 FEET