### **ITEM OB-046**

## **PURPOSE**

To consider a site plan amendment for KJT Properties, LLC regarding rezoning application Z-92 of 2015 for property located on the northwesterly side of Childers Road, south of Monet Drive in Land Lot 28 of the 1<sup>st</sup> District (Childers Road).

### BACKGROUND

The subject property was rezoned to R-15 in 2015 for 8 single family lots. The applicant would like to amend the site plan to reduce the front setbacks for lots 2-7, and add the reduction to the rears of the same lots. The front setback would be 25' and the rear setback would be 40'. This amendment would help to reduce impervious surface and pull the houses away from the adjoining subdivision. If approved, all previous stipulations not in conflict with this amendment would remain in effect.

### **STAFF COMMENTS**

**Stormwater Management:** The Stormwater Management Division supports the proposed 10-foot reduction in front setbacks with an equal offsetting increase in rear setbacks.

### **RECOMMENDATION**

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

### ATTACHMENT

Other Business application.

| (Site Plan and Stipulation Amendment)<br>Application for "Other Business"                                                       |
|---------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                                                 |
| Cobb County, Georgia OB Application No.: OB- 46 -2018                                                                           |
| (Cobb County Zoning Division – 770-528-2035) BOC Hearing Date Requested: September 18, 2018                                     |
| Applicant: KJT Properties, LLC Phone #: (770) 403-4566                                                                          |
| (applicant's name printed)                                                                                                      |
| Address: Bldg. 100, 3225 Shallowford Road, Marietta, GA 30062 E-Mail: jredford1952@gmail.com                                    |
| MOORE INGRAM JOHNSON & STEELE, LLP<br>J. Kevin Moore Address: Emerson Overlook, Suite 100, 326 Roswell Street                   |
| (representative's name, printed) Marietta, GA 30060                                                                             |
| BY: Ma M/ a Bhone # (770) 420 4400 E Maile " 0 "                                                                                |
| BY: Phone #: (770) 429-1499 E-Mail: jkm@mijs.com<br>(representative's signature) Georgia Bar No. 519728                         |
| N E COM                                                                                                                         |
| Signed, sealed and delivered in presence of:                                                                                    |
| Carelon E. Cook My commission expires: January 10, 2019                                                                         |
| Notary Public                                                                                                                   |
| Titleholder(s): KJT Properties, LLC Phone #: (770) 403-4566                                                                     |
| (property owner's name printed)<br>Address: Bidg. 100, 3225 Shallowford Road, Marietta, GA 30062 E-Mail: jredford1952@gmail.com |
|                                                                                                                                 |
| BY: James & Judgess money DECENVED                                                                                              |
| (Preperty owner's signature) James R. Redford, Manager                                                                          |
| Signed, sealed and delivered in presence of:                                                                                    |
| Carelon E. Cich My commission expires: January 10, 2019                                                                         |
| Notary Public                                                                                                                   |
| Commission District: 2 (Ott) Zoning Case: Z-92 (2015)                                                                           |
|                                                                                                                                 |
| Size of property in acres: Original Date of Hearing: 10/20/2015                                                                 |
| Location: Northwesterly side of Childers Road; south of Monet Drive                                                             |
| (street address, if applicable; nearest intersection, etc.) (formerly 3383 and portion of 3363 Childers Road)                   |
| Land Lot(s): 28 District(s): 1st                                                                                                |
| State specifically the need or reason(s) for Other Business:                                                                    |
| See Exhibit "A" attached hereto and incorporated herein by reference.                                                           |
|                                                                                                                                 |
|                                                                                                                                 |
|                                                                                                                                 |
|                                                                                                                                 |
|                                                                                                                                 |

(List or attach additional information if needed)

## EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS" (SITE PLAN AND STIPULATION AMENDMENT)



OB Application No.: Application No.: Original Hearing Date: Current Hearing Date: OB-<u>46</u>-2018 Z-92 (2015) October 20, 2015 September 18, 2018

COBB CO. COMM. DEV. AGENCY ZONING DIVISION

## Applicant/Property Owner: KJT Properties, LLC

# **BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

KJT Properties, LLC, as Applicant and Property Owner in this Application for "Other Business" (hereinafter collectively "Applicant"), is the owner of approximately 4.38 acres of real property located on the northwesterly side of Childers Road, south of Monet Drive, being formerly known as 3383 Childers Road and a portion of 3363 Childers Road, Land Lot 28, 1<sup>st</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). On October 20, 2015, the Cobb County Board of Commissioners approved development of the Property to the R-15 zoning classification, with the final site plan to be approved by the District Commissioner. On or about August 25, 2016, then District Commissioner JoAnn Birrell approved a Site Plan for development of the Property. On February 5, 2018, now District Commissioner Bob Ott approved a revised Site Plan for development of the Property. Copies of the Site Plans previously approved by the District Commissioners are submitted with this Application for "Other Business"; and reduced copies of the approved site plans are attached collectively hereto as Exhibit "1" and incorporated herein by reference.

Applicant, in completing development plans for the single-family residential community, seeks approval by the Cobb County Board of Commissioners for revisions to the previously approved Site Plans and amendments to certain stipulations and conditions related to development of the Subject Property. With this Application for "Other Business," Applicant presents for approval the revised Site Plan prepared for Applicant by WK Dickson, last revised April 6, 2018, a reduced copy of which is attached hereto as Exhibit "2," for ease of reference, and is further submitted with the overall Application package. Applicant specifically seeks amendment to the Site Plan as follows:

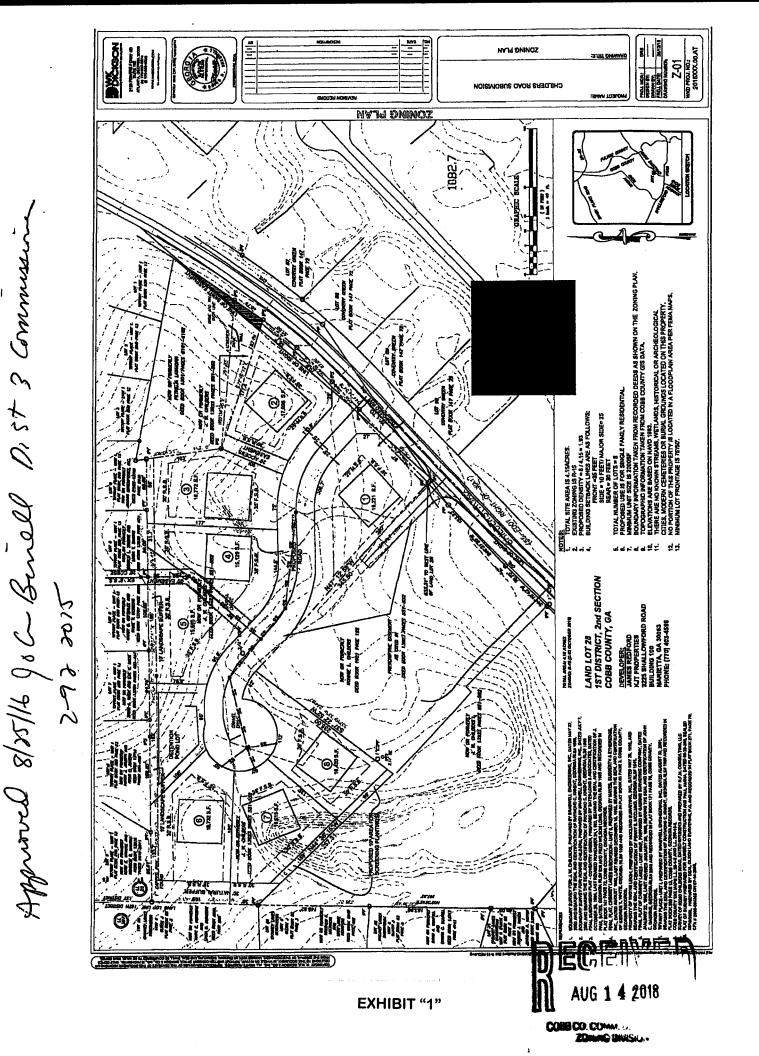
- (1) Reduce the required front setback from thirty-five (35) feet to twenty-five (25) feet for Lots 2, 3, 4, 5, 6, and 7; and
- (2) Increase the rear setback from thirty (30) feet to forty (40) feet for Lots 2, 3, 4, 5, 6, and 7.

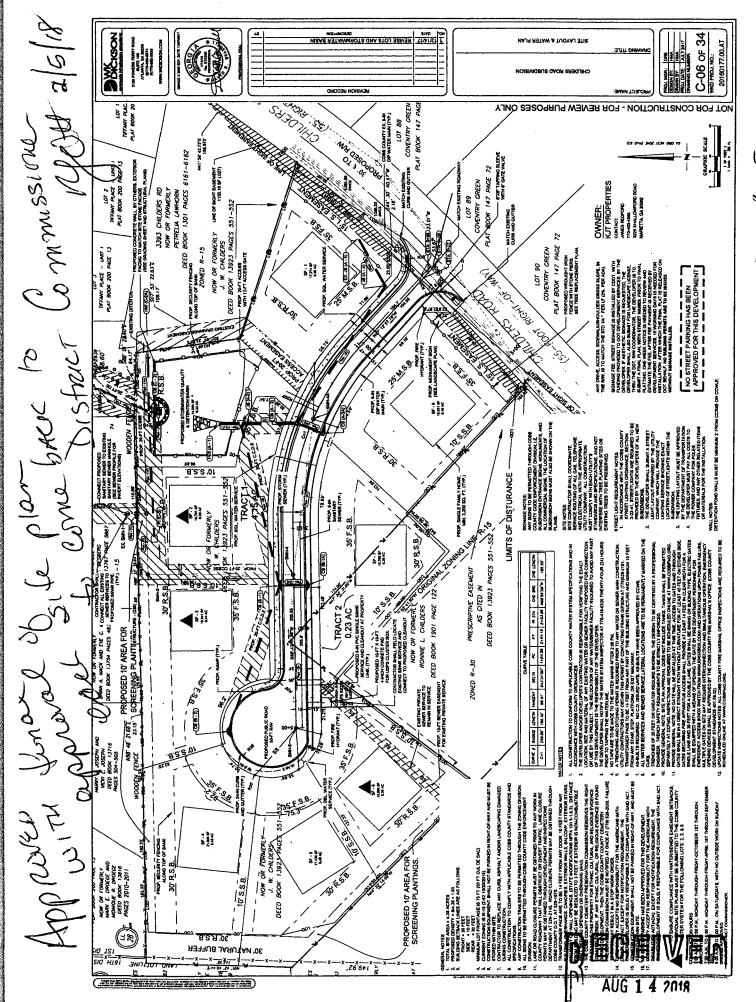
The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the development initially approved by the Cobb County Board of Commissioners, and is sought to promote a quality development standard for future residents. If the requested amendments to the Site Plan and stipulations are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on October 20, 2015, as to the original rezoning of the Subject Property; as well as any other amendments by Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

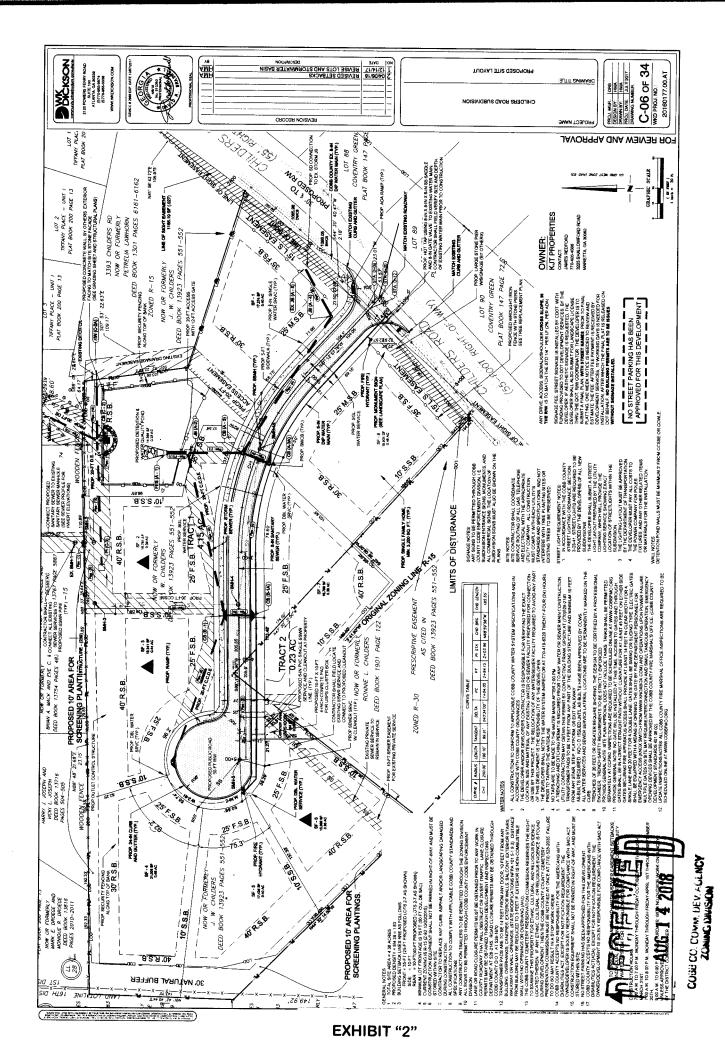


Page 2 of 2



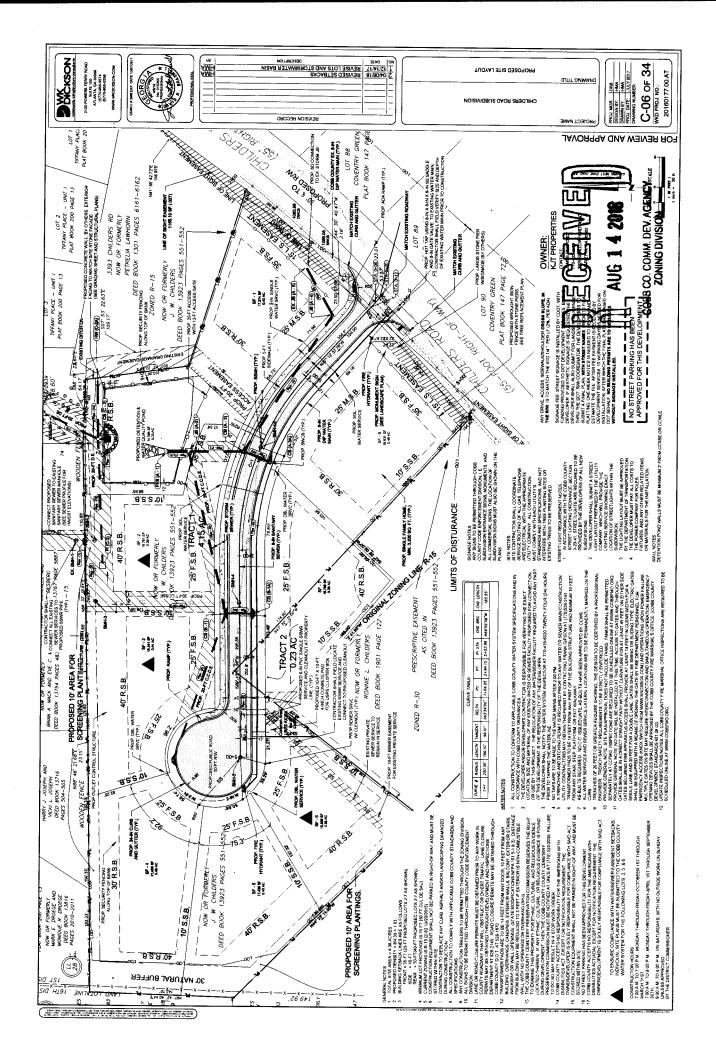


2-92/2015



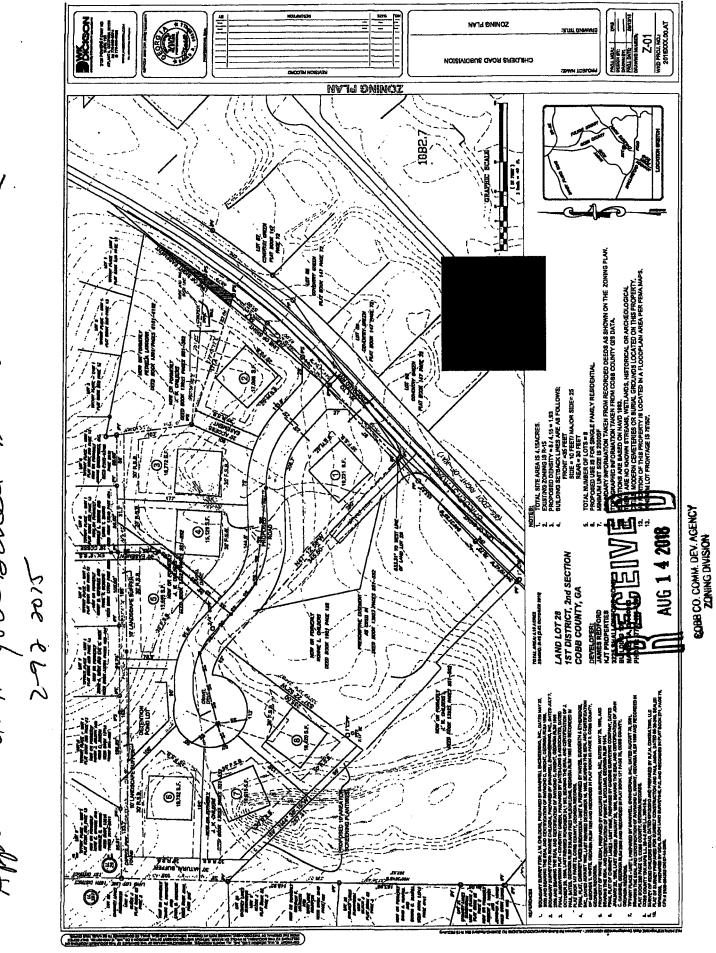
# SITE PLAN PRESENTED FOR APPROVAL IN APPLICATION FOR "OTHER BUSINESS" AT SEPTEMBER 18, 2018, BOARD OF COMMISSION ZONING HEARING





# SITE PLAN APPROVED BY DISTRICT COMMISSIONER JOANN BIRRELL ON AUGUST 25, 2016

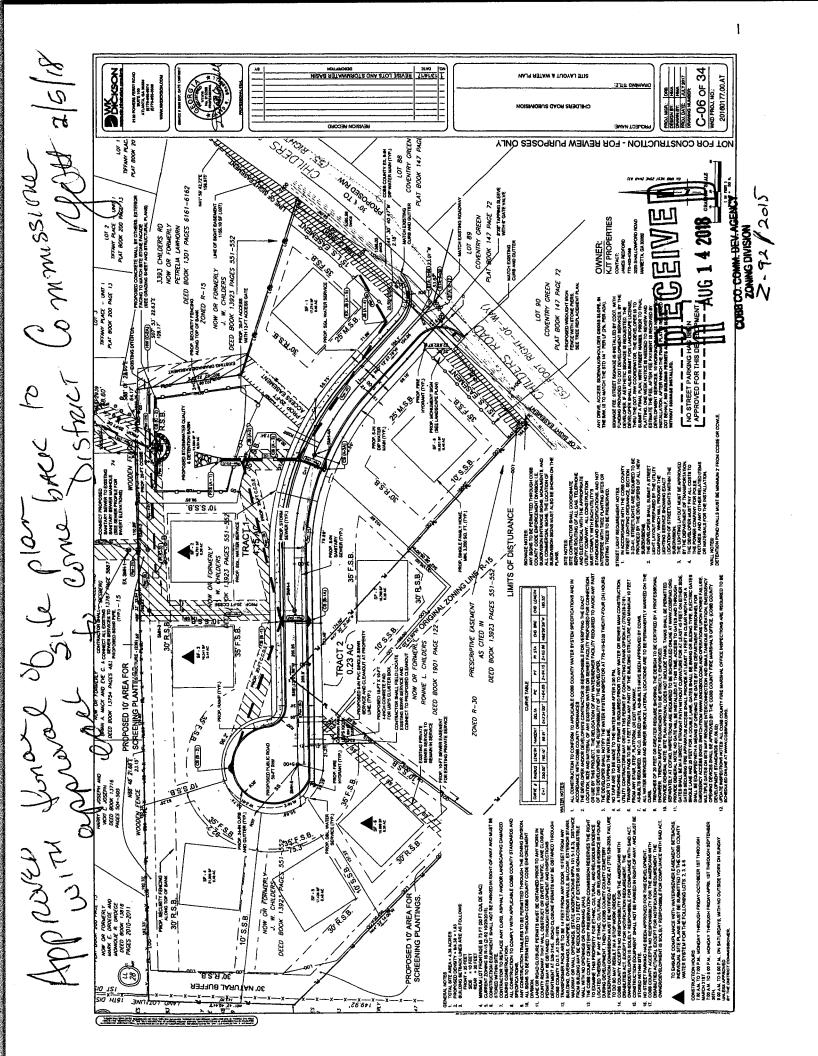




Approved 8/25/16 90 C Briell Dist 3 Commune

# SITE PLAN APPROVED BY DISTRICT COMMISSIONER BOB OTT ON FEBRUARY 5, 2018





# OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING AS TO APPLICATION FOR REZONING Z-92 (2015) – OCTOBER 20, 2015



ZONING DIVISION

#### MINUTES OF ZONING HEARING COBB COUNTY BOARD OF COMMISSIONERS OCTOBER 20, 2015 9:00 A.M.

The Board of Commissioners Zoning Hearing was held on Tuesday, October 20, 2015 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Vice Chair JoAnn Birrell Commissioner Lisa Cupid Commissioner Bob Ott Commissioner Bob Weatherford



Chairman Tim Lee - not present

Z-92

COBB CO. COMM. DEV. AGENCY ZONING DIVISION

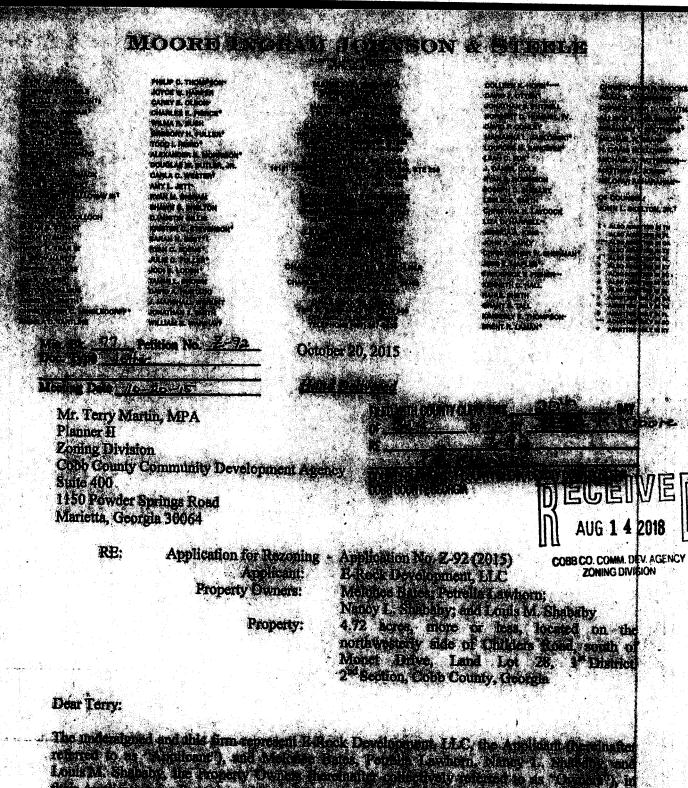
**E-ROCK DEVELOPMENT, LLC** (Melonee Bates, Petrelia Lawhorn, Nancy L. Shababy and Louis M. Shababy, owners) requesting Rezoning from **R-30** to **R-15** for the purpose of a Residential Subdivision in Land Lot 28 of the 1<sup>st</sup> District. Located on the northwesterly side of Childers Road, south of Monet Drive (3363 and 3383 Childers Road).

The public hearing was opened, and Mr. Kevin Moore, Mr. David Rumrill, and Mr. Jose Espinel addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to <u>approve</u> Z-92 to the R-15 zoning category, subject to:

- Final site plan to be approved by the District Commissioner
- Letter of agreeable conditions from Mr. Kevin Moore. dated October 20, 2015 (attached and made a part of these minutes)
- Maximum of eight lots
- No private streets
- Any off-site stormwater improvements must have homeowners approval
- Removal of any hazardous tanks or environmental cleanup must be done in compliance with local and state agency laws
- Any reduction to the front setbacks to be added to the rear setback
- Applicant to work with residents of Chimney Lakes & Tiffany Place regarding Stormwater Management process after Plan Review
- Fire Department comments and recommendations, not otherwise in conflict
- 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 4-0, Lee absent



Lonic M. Snebaby, the Photomy than Application for Recoming with the contravenents and of Cint 2the Section, Coleb County, Ge Property"). After meetings Property"). communications with area residents, arviewing the

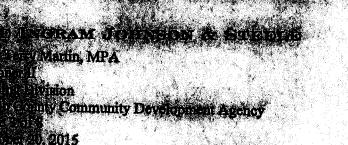
- DOLLE TOCKAM FORNEON & E THEY MENTILS MPA latter H oning Division.
  - ob Gounty Community Development Agenc at 2 of 8 October 20, 2015
  - reviewing the uses of surrounding monordes, and following the probability of Cobb County Planning Commences on Have deen autom submit this rounsed sends of apreceptions of the contraction of the submitted sends of the county of the county Reconing is approved, as submitted, while county probability the county and shall be binding upon the Subject Property. The revised supulations are as follows:

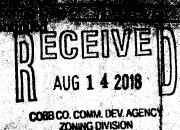
- The stiplishions and containing and task becam shall replace and supervises in this any not sell prior supervises the containing in whenever form, where are currently in place on the supervise theorem. Exceller with the and all Departmental Comments and Staff Accommendations is coming to the subject property from any (1)
  - prior zoning actions.
  - Applicant sceles recoming of the Subject Property from the celeting scening category of R-30 to the proposed completing property of Reis, site stan specific to the Zoning Plan prepared for Applicant by W.S. Diokson & Co. Tao, dated December 4, 2014, not revised and 13, 2015. A associed error of the Zoning Plan is attached hereto for cline of reference as Babilot "A" and incorporated herein by reference,

ECEIVE AUG 1 4 2018

THUON SOLE OF COMPLETE AGENCY

- The Subject Property southers of 472 scres of total site area and shall b (3) developed for a rectioning community comprised of a maximum of ien (10 single-family, detached residences.
- The proposed residences shall have a minimum of 3,200 square feet. (4)
- The properted residences shall be undividual, and Craftsman in style an architecture and shall have a minimum avo-out garage. (5)
- (6) The residences within the architecture hall have architecture having all developments, architecture having all effects of the architecture and an architecture in the second seco stanied stone could stone on a source of the store of the store of the proposition of the
- The minimum lot size of lots within the proposed residential community shall b (7)15.000 square feet.
- All from and aide yard areas of the proposed vanidences shall be fully





- (9) Entrance signage shall be an order over incommentation inclusion, and consult of builds shows or consult of the section with sooring solitoner pair complementary to and consult of the section is complemented on section of proposed residences.
  - titorical since management of solution and solution the embrace measurable day in markeness homeowners also ration and solution in the declaration of solutioning casemonics, and restrictions.
- (10) Applicant agrees to the specific of a mandatory homeovaries description consistent with communities administrate area. The mandatery homeovaries association shall be remonstrate orders unless and animetrance or ell common areas, open space and clothe or the constrate indecription economic scenes, and entrance areas contained, within the accessed residential community.
- (11) Additionally, and in conjunction with the presition of the mundatory homomyners association, Amplicant, appeer of the recording and entorements of appreciate to the covenants which will contain townants, sitter, and regulations applicable to the proposed development.
- (12) Street lighting within the proposed community shall be environmentally sensitive decontrive, and therein to the architecture and style of the residences, as offered by the power provider.
- (13) Applicant agrees to construct on internal addowalk along one side of the sine within the property residential comparative votion shall contact to exterior side sidewalks. Such manual addowalk shall comply in all respects with Corbe Zouint standards and ordinances.
  - All utilities servicing the residences within the proposed community shall b their ground.
- (16) There shall be an distor spaces from any sols within the proposed community to Childers Road, or any surroughing properties.
- (16) All contribution and employee activities and sourcement will be called, and otherwise respective, and shows a finance of the sourcement of the sourcement and construction of conversion, and must put be putter on training these of a

# OGRE INGRAM JOHNSON & STRIELE

No Torry Martin, MPA . Mainer II

Zoung Division Come county Community Development Agency

October 20, 2015

1

AUG 1 4 2018

- Succluding neighborhood superior. There will be no stacking of vehicles on Childrens Road walling for early and the Subject Property.
- (17) Applicant agrees to ablocate the notional obtand Cypress or in the alternative plant new screaming computer story the southwesterly boundary of the Subject Property, to the rear of peoples of role 9 and 10.
- (18) Applicant agrees to provide a similar (30) foot natural buffer area along the vesterity side of proposed trut 5 and 9. Only mees which are sealed right for any side of proposed trut 5 and 9. Only mees which agreed upon by the owners of properties at 3.24 make treat (concentry Homacic) and MSG Windsone Court (currently Remeake) may be sensivel for purposes of scattering drainage pipe and inters to county standards or greater.
- (19) Applicant agrees to establish a object only along the norther boundary of the Subject Property, adjacent to all operations due of themy Place Supplyingters. This planted buffer shall complet of entremestic and Complete of Completions and information of six (c) feet in height, completion of supplying the buffer shall be by ine mandatory homeosyliers association upon completion of the buffer shall be by ine mandatory homeosyliers association upon completion of the development.
- (20) The District Commissioner shall have the authority to approve minor modifications to these simulations and conditions and the Zoning Plan as the development proposal proceeds through the Non-Review process and thereatter. For purposes of this particulated, any modifications that increase density, resince the size or composition of an approved period area or landscome and to exclusion of property: relocate a successful contraction area in the contract of the action of building adjacem to understant and in the solution of the public beautiful process are the foregoing subjunctions. Will contract action of the public beautiful process are an "Other Business coplication agends."
  - D All implementing entropy of herein shall be approved by the Could Group Amon as part of the Way Review moress and metrophenical date the objected bundless plan for the proposed community, and shall be included as newsparty.
- (22) Applicant agrees to comply with all Golds County Stormwater Management requirements applied to the Subject Property.

NORAM JOUNSON & STRELE

Martin, MPA

ct 20. 2015

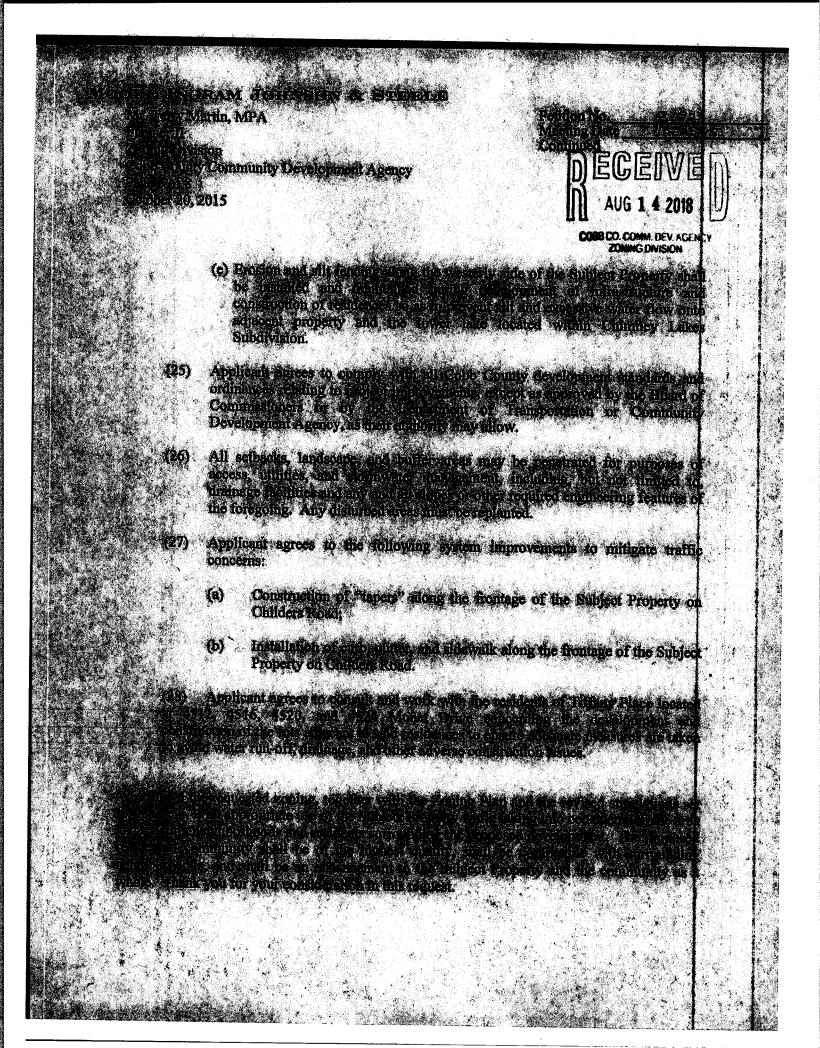
. (23)

Sound Service States Stat States Stat

**M**e

AUG 1 4 2018

- The detention areas shall be as shown and reflected on the referenceed Zaming Plan. The areas shall be as shown and reflected on the references of minimum of six (6) fortin begins with a block vinyletial chain fink rence, a minimum of six (6) fortin begins with a block vinyletial chain fink rence, a visual screening. The landsolution and the approved by the Cobb County Afborist during the Plan Review moness. All vesetation and landsuspins surrounding the detention areas shall be maintained by the maintainey homeowners association. Any opposed consister walls shall have a brick or stone façade.
- (24) To further provide for movimum elementation and erosion control during and following development, Applicant agrees as follows:
  - (a) Proposed Lots 8, 9, and 10 shall be graded to provide drainage from the from of the proposed lots to the cul-de-sac, and ultimately into the detention facility;
  - (b) Applicant agrees to monitor accommentat durinage from the detention areas during development and consuration of the proposed development to preven excessive drainage into the Fiftuny Place storm server areas. Applicant further agrees to employ the services of an engineer contined in stormwater management to review the capability of the Ulfrany Blace storm servers and to provide documentation to the Applicant and the Tithany Place Homeoveners Association Bloard as to its adequacy to support the drainage which it currently supports.
  - (c) Applicant agrees that the stormwater management of the proposed development shall be engineered subficiently to allow for trainage within the development will be directed to the detention facility is shown and reflected on the referenced Zohing Plan;
  - (d) Adequate photos and milets shall be installed to connect with existing drainage from adjacent property to the actual, storig the wearants society and then term existing drainage plue and policies to a Windscop, from: Some some runoff from the real of according Loose (2) and 10 shall be dressed to the inteat the rear (westerly some and into group souch will connect with the establish plue and balleneed on Windscop, from. All plants establish establish measure shall be approved by the Cobb County Stormwate administration Division.



Moore Ingram Johnson & Steele Mr. Torry Martin, MPA 

**Division** county Community Development Agency

October 20, 2015

With kindest regards, I remain

Very truly yours.

ECEIVE AUG 1 4 2018 COBB CO. COMM. DEV. AGENC' ZONING DIVISION

MOORE INGRAM, JOHNSON & STEELE, LLP

J. Kevin Moore

JKM:cc Attachment

C

Cobb County Board of Commissioners: Timothy D. Lee, Chairman JoAnn Birrell Lisa N. Cupid Robert J. Ott Bob Weatherford (With Copy of Attachment)

Christi S. Trombetti, Member Collo Contrary Planning Commission (With Copy of Attachment)

Jil) Flamm, President
Trainfigure
Fast Bobb Givic Association, Inc.
(With Copy of Attachment)

Mato Reinecke Lavid Rumitii Anna Carocnis (With Copy of Attachment)

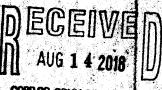
Louise-Brings Tinnay Place Homeowners Association (With Copy of Attachment)

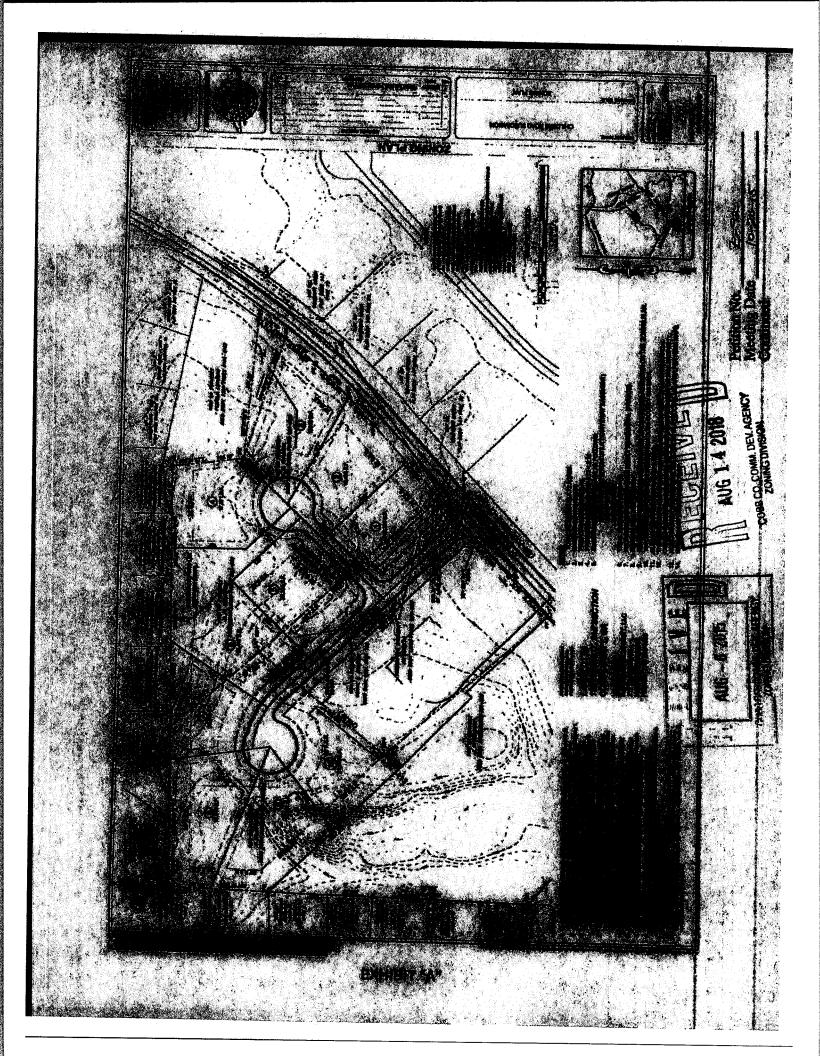
**INGRAM JOHNSON & STUDIE** Martin, MPA GIL

nne Division 9 County Community Development Agency 28 of 8

October 20, 2015

E-Rock Development, LLC (With Copy of Attachment)







ZONING DIVISION

# 2017 PAID AD VALOREM PROPERTY TAX RECIEPTS FOR SUBJECT PROPERTY (TAX PARCEL NOS. 01002800020 AND PORTION OF 0100280005, NOW TAX PARCEL NO. 01002800630)

## Cobb County Tax Commissioner



Scan this code with your mobile phone to view this bill!



## Cobb County Tax Commissioner



Printed: 8/14/2018

#### Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSONTAX COMMISSIONERCHELLY MCDUFFIECHIEF DEPUTYPhone:770-528-8600Fax:770-528-8679

Payer: CENTRAL LOAN ADMINISTRATION

#### SHABABY NANCY L & LOUIS M

|                                                     |             |            | ite: 10/6/2017 |             |                                  |           |  |
|-----------------------------------------------------|-------------|------------|----------------|-------------|----------------------------------|-----------|--|
| Tax Yeer                                            | Parcel ID   | Due Date   | Ap             | peal Amount |                                  | Taxes Due |  |
| 2017                                                | 01002800050 | 10/15/2017 | Pay:           | N/A         | or                               | \$0.00    |  |
| Interest Penalty Pees Total Due Amount Paid Balance |             |            |                |             |                                  |           |  |
| \$0.00                                              | \$0.00      | \$0.00     | \$0.00         | \$6,754.69  | errenden voor oor op de gebeurge | \$0.00    |  |



Scan this code with your mobile phone to view this bill!



ZONING DIVISION

https://www.cobbtax.org/taxes

PARID: 01002800630 KJT PROPERTIES LLC

NEIGHBORHOOD: 16039993

**TAX YEAR: 2018** CHILDERS RD

#### Parcel

Class **Total Acres** Total Land Sqft Address Neighborhood

**Residential Lots** .226 9845 CHILDERS RD 1603 - 9993 DEVELOPMENT LAND

#### Owner

Owner

#### KJT PROPERTIES LLC

#### Legal

Tax District Subdivision Number

9 - UNINCORPORATED 9991



ZONING DIVISION