

**DECEMBER 18, 2018 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-66

PURPOSE

To consider amending the stipulations for James C. Lane, Jr. regarding rezoning application Z-84 of 2016, for property located at the northeast intersection of Fricks Road and Cochran Lake Road in Land Lots 330 and 331 of the 16th District (3640 Cochran Lake Road).

BACKGROUND

The subject property is zoned R-15 for a three-lot subdivision. The original approval included a 24-month reversion clause from the approval date, which would be December 20, 2018. The applicant has been experiencing health problems and has been working on marketing the property, but has not found a buyer yet. The applicant would like to extend the reversion clause for 24 more months in order to find a buyer and finish the project. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

None.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application and zoning stipulations.

Application for "Other Business"

Cobb County, Georgia

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

RECEIVED

08-66

NOV - 2 2018

BOC Hearing Date Requested: 12/18/18
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Applicant: JAMES C. LANE, JR
(applicant's name printed)

Phone #: 678-549-0368

Address: 3640 COCHRAN LK Rd

E-Mail: RUHURTN_CALLJim@yahoo.com

WES STANSBURY

Address: 6470 WAUCLAMP PR, COMMING, GA 30040

(representative's name, printed)

[Signature]

(representative's signature)

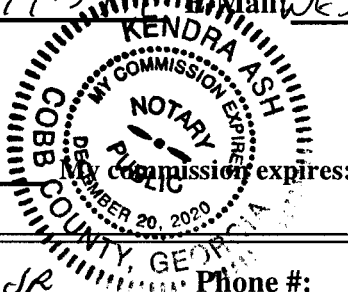
Phone #: 770-597-5411

E-Mail: WES@WESTANSBURY.COM

Signed, sealed and delivered in presence of:

[Signature]

Notary Public



My commission expires:

12/20/2020

Titleholder(s): JAMES C. LANE, JR
(property owner's name printed)

Phone #: 678-549-0368

Address: 3640 COCHRAN LK Rd

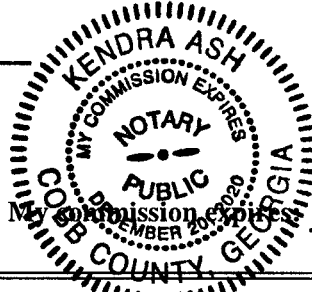
E-Mail: RUHURTN_CALLJim@yahoo.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature]

Notary Public



My commission expires:

12/20/2020

Commission District: 3

Zoning Case: Z-84

Size of property in acres: 1/2

Original Date of Hearing: 12/20/16

Location: 3640 COCHRAN LK Rd
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 330 & 331

District(s): 16th

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

Due to Health & Economic Conditions Property
has not been sold. Presently working on contract
request that stipulation be removed or
extended for 2 years. See attached stipulation

(List or attach additional information if needed)

DAVID ESTES
BOB FLATT

REGISTERED PROFESSIONAL ENGINEER
No. 20710
10/25/2018

DATE	NOV 2 2018
SCALE	AS SHOWN
TITLE	PROPERTY SUBDIVISION
PROJECT	COBB CO. COMM. DEV. AGENCY ZONING DIVISION

Estes Russell Engineering, Inc.
650 Lawrence Highway, Suite 103
Lawrenceville, Georgia 30242
770-962-1234

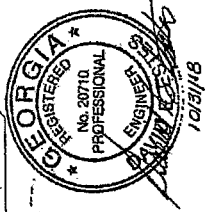
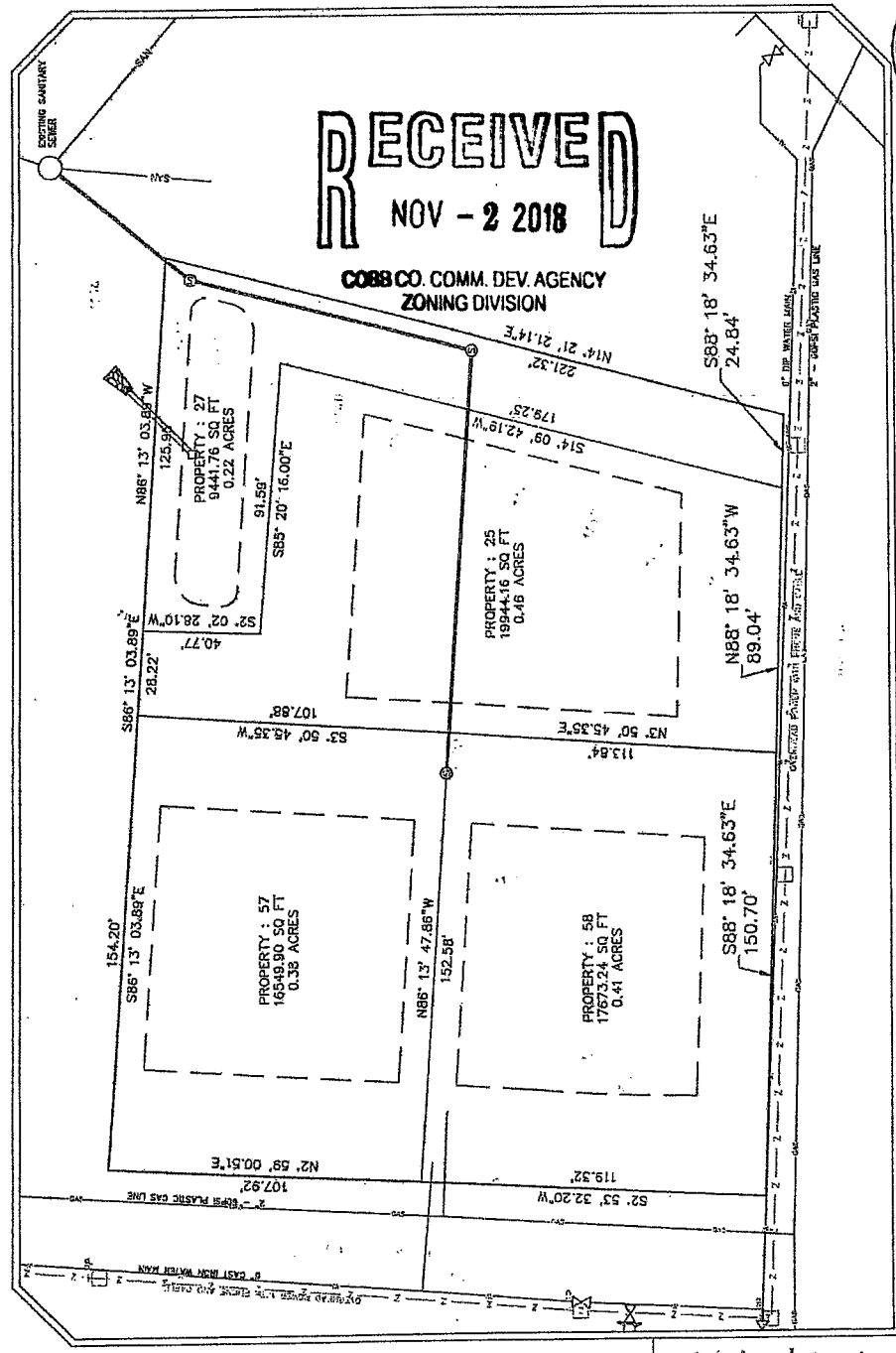


PROPERTY SUBDIVISION
3610 Cochran Lake Rd
City of Marietta, Cobb County GA

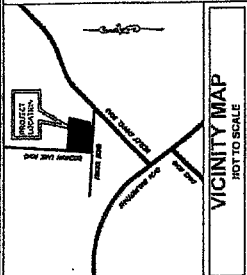
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11/02/18

RECEIVED
NOV - 2 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



Utility	Owner	Contact Number	Contact Name
Water	Cobb County Water	770-419-0255	Rebekah Johnson
Sewer	Cobb County Sewer	770-419-0255	Rebekah Johnson
Gas	Atlanta Gas Light Marietta	478-444-0955	Andrea Davis
Electric	Cobb BEC	770-558-8052	David Sparks
Telephone	AT&T	305-438-1542	Angela Hesse



VICINITY MAP
NOT TO SCALE

Northings:
Easting: 34° 00' 15.97"N
Longitude: 84° 26' 42.73"W

- Current Zoning Information**
1. Current Zoning Classification: R-15 Single-Family Residential Zone.
Minimum Yard Dimensions:
Front Yard 35'-0"
Side Yard 10' (Adjoining Residential Zone)
Rear Yard 25' (Adjoining Public Road Frontage)
 2. Maximum Height of Structure: 35'

LEGEND

Utility Pole	Water Main	Electric Pole	Water Valve	REC (REAR)	Other
Water Main	Water Valve	Electric Pole	Water Valve	REC (REAR)	Other
Water Main	Water Valve	Electric Pole	Water Valve	REC (REAR)	Other
Water Main	Water Valve	Electric Pole	Water Valve	REC (REAR)	Other

SURVEY DATA ON THIS PLAN SHEET WAS PULLED FROM COBB COUNTY GIS WEBSITE. NO EXISTING SURVEY WAS COMPLETED FOR THIS SITE.

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**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 20, 2016
PAGE 6**

CAMPAIGN DISCLOSURE

Mr. John Pederson, Zoning Division Manager, announced that all speakers who have made a campaign contribution totaling \$250.00 or more within the last two years to a local government official considering a zoning case are required to complete the "*Campaign Disclosure Form*" prior to speaking.

CONSENT AGENDA

MOTION: Motion by Lee, second by Cupid, to **approve/delete** the following items on the Consent Agenda, *as revised*:

Z-84 **JAMES C. LANE, JR.** (James C. Lane, Jr., owner) requesting Rezoning from **R-20** to **RA-5** for the purpose of a Subdivision in Land Lots 330 and 331 of the 16th District. Located at the northeast intersection of Fricks Road and Cochran Lake Road (3640 Cochran Lake Road). (*Previously continued by the Planning Commission from the October 4, 2016 and November 1, 2016 Planning Commission hearings*)

To **delete** Z-84 to the R-15 zoning category, subject to:

1. **Revised site plan dated October 6, 2016, with minor modifications to be approved by the District Commissioner (attached and made a part of these minutes)**
2. **Letter of agreeable conditions from Mr. David Meyer dated December 20, 2016 (attached and made a part of these minutes), with the following change:**
 - A. **Item No. 3 – revise to read: "...consisting of a maximum of three lots,..."**
3. **Allowance of flexibility during Plan Review regarding the size of the stormwater management area as long as the adjoining lot remains in compliance with the R-15 district standards**
4. **Zoning Division comments and recommendations**
5. **Water and Sewer Division comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Department of Transportation comments and recommendations**
8. **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**

Rezoning Plat

Cochran Lake Road Tract

Cobb County, Georgia Land Lot 330 and 331, 16th District, 2nd Section

Prepared for:

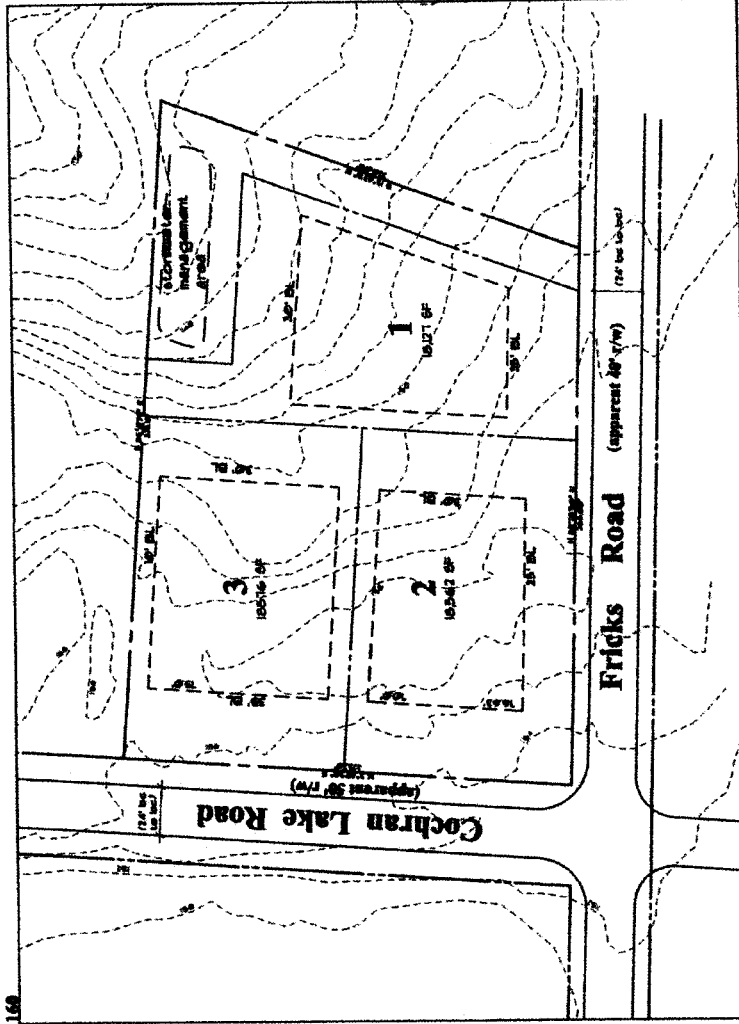
Mr. James C. Lane, Jr.
3640 Cochran Lake Road
Marietta, Georgia 30062

DGM
Land Planning
CONSULTANTS

975 Cum Run
Box Street 12
KENNESAW
GA 30144
770 514-3000
FAX 514-9491

Scale: 1" = 40'

October 6, 2016



Site Data

Total Site Area: 1.50 AC
Existing Zoning: R-20
Proposed Zoning: R-15
Total Units Shown: 3
Density: 2.0 UN/AC
Proposed Building Setbacks:
(as shown)
Minimum Lot Width: 75'
Average Lot Size: 18,300 SF +/-

Notes:

1. Boundary from legal description provided by owner.
2. Topographic information from Cobb County GIS.
3. According to Flood Insurance Rate Map (FIRM) zone X-0002, dated December 16, 2009, no portion of the site contains flood hazard.
4. No easements are shown to exist on site.
5. No streams or wetlands are known to exist on site.
6. No archaeological or architectural landmarks are known to exist on site.
7. No utility easements are known to exist on site.

Meeting Date 12-20-16
 Petition No. 2-84
 Site Plan
 Doc. Type

December 20, 2016

Min. Bk. 81 Petition No. Z-84
Doc. Type Letter
Meeting Date 12-20-16

Mr. John Pederson, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, Georgia 300624



RE: REVISED Stipulation Letter for 1.5 AC Cochran Lake Property, Z-84

Dear Mr. Pederson:

On behalf of my client and applicant of Z-84, Mr. Jim Lane, this letter will serve as the REVISED stipulation letter that reflects that Mr. Lane is agreeable to the following stipulations becoming conditions and a part of the grant of the requested rezoning.

1. These stipulations and conditions set forth shall replace and supercede all prior stipulations and conditions previously proposed.
2. The rezoning of this property shall be from R-20 to R-15 (minimum 15,000 SF lots) based on but not site specific to the site plan prepared by DGM Land Planning Consultants, Inc. dated October 24, 2016.
3. The subject property consisting of 1.5 AC shall be developed as a Single Family Detached Residential Community consisting of 3 lots, each with a minimum lot size of 15,000 SF and a maximum density of 2.0 UN/AC. *1x maximum of 3 lots*
4. The residences shall have a minimum of 3,000 SF of heated space and shall consist of a traditional architectural.
5. All front, side, and rear yards of the residences to be constructed shall be sodded and irrigated.
6. The Stormwater Management Area shall be fenced with a black vinyl coated chain link fence 6' in height with accompanying landscaping for visual screening as per Cobb County Standards. Evergreen plant material will be no less than 6' in height upon installation. Concrete retaining walls (if necessary) will be no higher than eight feet above outside grade. If concrete walls are installed, they will be painted or stamped with an earth tone color or pattern in order to visually blend with their surroundings. In the event that more 6' of vertical height of concrete wall is facing outward, the concrete wall will be faced with brick or stone. If more space is needed for retention and stormwater management than is shown on site plan dated October 24, 2016, more space may be taken from lots if necessary, provided that no lot becomes less than 15,000 SF. Plant material will be maintained to insure viability for 18 months or per Cobb County regulations whichever is greater.
7. All homes will have garages for two or three car vehicular parking purposes.
8. All garages will not be heated or cooled to avoid buyers converting the garage area into a living space. All garages are to remain garages.
9. Compliance with recommendations from Cobb County water system with respect to availability and capacity of water and sewer.
10. Compliance with Cobb County Fire Department with respect to fire prevention and first responder issues.

770 514-9006
FAX 514-9491
975 COBB PLACE
BLVD, SUITE 212
KENNESAW
GA 30144
DGMLPC.COM

Petition No. Z-84
Meeting Date 12-20-16
Continued

11. All construction vehicles and construction worker's vehicles must be parked on the property at all times. No vehicles are to be parked on Fricks Road or Cochran Lake Drive at any time.

12. Adherence to the following construction hours:

7 am to 5 pm Monday to Friday, October 1st to March 31st.

7 am to 7 pm Monday to Friday, April 1st to September 30th.

10 am to 4 pm Saturdays, no work on Sundays

Monday – Saturday, no deliveries before 8 am or after 7 pm

No deliveries on Sundays

13. If building permit for at least one house has not been issued within 24 months the property will revert back to original R-20 zoning.

Please give me a call if you have any questions Mr. Pederson. Thank you for your consideration.

Sincerely,

David G. Meyer
President