

(APPROXIMATE SCALE: 1" = 2000')
LOCATION MAP

APPLICANT: East Bluff Holding Company, LLC
404-218-6982

REPRESENTATIVE: J. Richard Rowland
404-218-6982

TITLEHOLDER: East Bluff Holding Company, LLC

PROPERTY LOCATION: West side of Bells Ferry Road,
south of Laura Lake Road

ACCESS TO PROPERTY: Bells Ferry Road

PHYSICAL CHARACTERISTICS TO SITE: Vacant acreage

FUTURE LAND USE MAP: Medium Density Residential
CONTIGUOUS ZONING/DEVELOPMENT

PETITION NO: Z-34

HEARING DATE (PC): 09-08-2011

HEARING DATE (BOC): 09-20-2011

PRESENT ZONING: RSL

PROPOSED ZONING: RA-5

PROPOSED USE: Single-family
Subdivision

SIZE OF TRACT: 4.4 acres

DISTRICT: 16

LAND LOT(S): 728

PARCEL(S): 58 - 76

TAXES: PAID ☒ **DUE** ☐

COMMISSION DISTRICT: 3

NORTH: R-20/Existing Church and Single-family Houses

SOUTH: City of Marietta

EAST: R-15/Kings Wood Estates Subdivision

WEST: R-20/Single-family Residential and City of Marietta/Apartments

OPPOSITION: No. **OPPOSED:** _____ **PETITION No.:** _____ **SPOKESMAN:** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

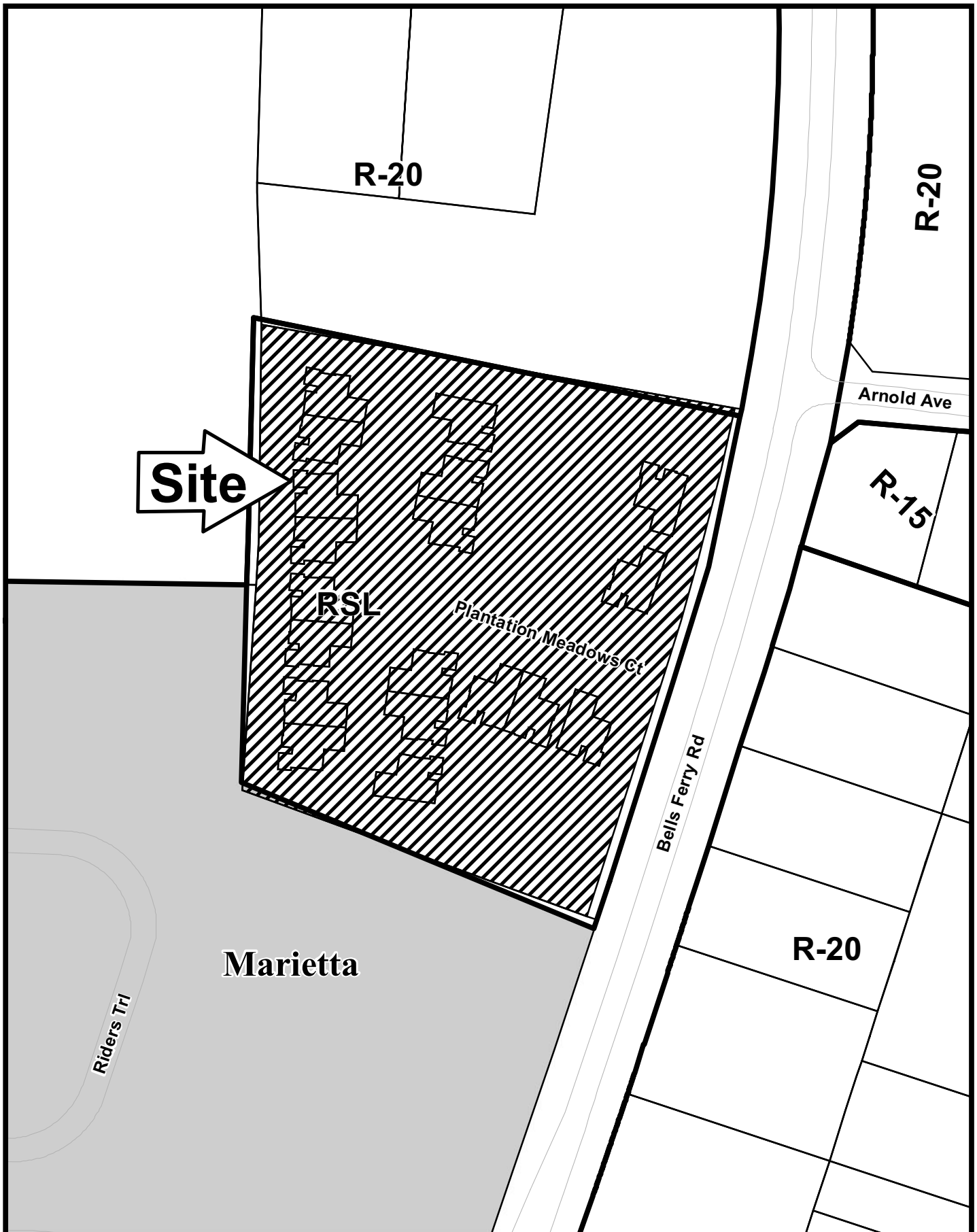
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-34



This map is provided for display and planning purposes only. It is not meant to be a legal description.

100 0 100 Feet



City Boundary
Zoning Boundary

APPLICANT: East Bluff Holding Company, LLC

PETITION No.: Z-34

PRESENT ZONING: RSL

PETITION FOR: RA-5

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: <u>Medium Density Residential (2.5-5 units per acre)</u>				
Proposed Number of Units:	<u>14</u>	Overall Density:	<u>3.18</u>	Units/Acre
Present Zoning Would Allow:	<u>19</u>	Units Decrease of:	<u>5</u>	Units/Lots

Applicant is requesting the RA-5 zoning category in order to develop the subject property for single-family residential subdivision and remove the stipulations from the property’s previous rezoning to the Residential Senior Living (RSL) (Z-109 of 2006, minutes attached as Exhibit “A”). The proposed development will be a private “for sale” subdivision with a minimum house size of 1,600 square feet. The houses will be traditional in style and architecture with attached garages. The proposed exteriors will be a combination of brick and/or stone, with accents of stacked stone, cedar shake-type, Hardi-plank type siding or any combination thereof. Additionally, the homes along the frontage of Bells Ferry Road shall have brick and stone accents on the sides toward Bells Ferry Road to the front of the homes. Applicant also plans to install a six-foot wood or opaque fence along the northerly, westerly and southerly boundaries of the community. The applicant is also proposing a 30-foot landscape buffer on the northerly, southerly and westerly boundaries of the subject property.

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

APPLICANT: East Bluff Holding Company, LLC

PETITION No.: Z-34

PRESENT ZONING: RSL

PETITION FOR: RA-5

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classroom
<u>Bells Ferry</u> Elementary	<u>597</u>	<u>Over</u>	_____
<u>Daniell</u> Middle	<u>990</u>	<u>Under</u>	_____
<u>Sprayberry</u> High	<u>1813</u>	<u>Under</u>	_____

***School attendance zones are asubject to revision at any time.**

Additional Comments: Bells Ferry Elementary School is currently in the process of renovations, which will include the addition of 14 new classrooms.

FIRE COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT East Bluff Holding Co., LLC

PETITION NO. Z-034

PRESENT ZONING RSL

PETITION FOR RA-5

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: ☒ Yes ☐ No

Fire Flow Test Required: ☒ Yes ☐ No

Size / Location of Existing Water Main(s): 12" DI W / side of Bells Ferry Road

Additional Comments: Master meter to be set at edge of ROW.

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: ☒ Yes ☐ No

At Development: ☒ Yes ☐ No

Approximate Distance to Nearest Sewer: At site in Bells Ferry Road

Estimated Waste Generation (in G.P.D.): **A D F=** 5600 **Peak=** 14000

Treatment Plant: **Noonday**

Plant Capacity: ☒ Available ☐ Not Available

Line Capacity: ☒ Available ☐ Not Available

Projected Plant Availability: ☒ 0 - 5 years ☐ 5 - 10 years ☐ over 10 years

Drw Sewers Required: ☐ Yes ☒ No

Off-site Easements Required: ☐ Yes* ☒ No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: ☐ Yes ☒ No

Letter of Allocation issued: ☐ Yes ☒ No

Septic Tank Recommended by this Department: ☐ Yes ☒ No

Subject to Health Department Approval: ☐ Yes ☒ No

Additional Sewer in private street must be private.
Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: East Bluff Holding Company, LLC

PETITION NO.: Z-34

PRESENT ZONING: RSL

PETITION FOR: RA-5

DRAINAGE COMMENTS

This site was previously approved and permitted for a 19 lot residential senior living development. The site development work, including street, stormdrainage and detention pond have been built. The proposed 14 lot RA-5 development proposed is less intense and will result in less impervious coverage than the previous site plan. Therefore, the previous stormwater management design is more than adequate for the proposed development plan.

The detention pond does need to be fenced and cleared of overgrown vegetation. Maintenance of all stormwater infrastructure, including the detention pond, will be the responsibility of the mandatory homeowners association. Provision for ongoing maintenance and upkeep of all stormwater infrastructure must be included in the Declaration of Restrictive Covenants.

APPLICANT: East Bluff Holding Company, LLC

PETITION NO.: Z-34

PRESENT ZONING: RSL

PETITION FOR: RA-5

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
Bells Ferry Road	14200	Arterial	45 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT (Bells Ferry Road)

COMMENTS AND OBSERVATIONS

Bells Ferry 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 installing curb, gutter, and sidewalk along the road frontages.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed Bells Ferry Road project.

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

STAFF RECOMMENDATIONS

Z-34 EAST BLUFF HOLDING COMPANY, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Nearby properties are also zoned for single-family residential uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposed rezoning presents a decrease in density of the previously approved RSL zoning category on this property. The proposed density is five units less than what had been previously approved.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Medium Density Residential land use category with densities ranging from 2.5 – 5 units per acre. The applicant's proposal is for 3.18 units per acre. The plat recorded using the previously approved RSL category on this property had a density of 4.318 units per acre. The applicant's current proposal for single-family residential houses is still within the range for the Medium Density Residential land use category.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The property had previously been approved for an RSL unsupported condominium development. Applicant is proposing to develop a single-family residential subdivision with a lower density than what had previously been approved.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Revised site plan received by the Zoning Divsiion on August 4, with the District Commissioner approving minor modifications;
- Stipulation letter also received by the Zoning Division on August 4, not in conflict with decision of Board of Commissioners and department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- DOT comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

ORIGINAL DATE OF APPLICATION: 08-15-06APPLICANTS NAME: PHIL WHITE CUSTOM HOMES, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 08-15-06 ZONING HEARING:

PHIL WHITE CUSTOM HOMES, INC. (Lois Abernathy Cook and Herbert W. Richardson, Sr., owners) requesting Rezoning from **R-20** to **RSL** for the purpose of Senior Condominiums in Land Lot 728 of the 16th District. Located on the west side of Bells Ferry Road, south of Laura Lake Road.

MOTION: Motion by Goreham, second by Lee, as part of the Consent Agenda, to **approve** rezoning to the **RSL (unsupported)** zoning district **subject to:**

- site plan received by the Zoning Division August 9, 2006 (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated August 9, 2006 (copy attached and made a part of these minutes)
- Fire Department comments and recommendations
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*
- Water and Sewer 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** unanimously

1301 SHILOH ROAD, SUITE 1210, KENNESAW, GA. 30144
PHONE: (770) 424-0028 FAX: (770) 424-2399

DEVELOPER/APPLICANT:

LONESTAR CUSTOM HOMES
3660 CANTON ROAD, SUITE 240
MARIETTA, GEORGIA 30066

24 HR. CONTACT NO:

PHIL WHITE
(404) 388-4000

Mill. Bk. 44 Petition No. Z-109
Doc. Type Site plan reduced

Meeting Date August 15, 2006

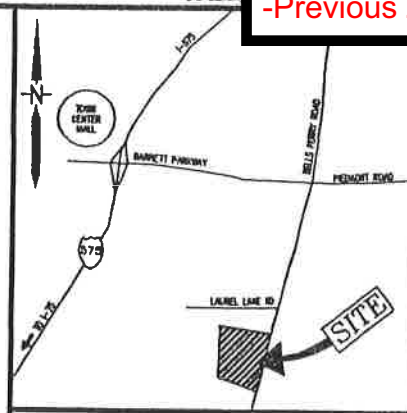
GENERAL NOTES:

PROPOSED USE: RESIDENTIAL SENIOR LIVING
CURRENT ZONING - R-20
PROPOSED ZONING - RS
TOTAL NO. OF UNITS - 19
TOTAL AREA - 4.54 ACRES
OVERALL DENSITY - 4180 UNITS PER ACRE
SITE PLAN SPECIFIC ZONINGS GENERAL NOTE:
IF ANY DESIGN ADJUSTMENTS ARE FOUND TO BE NECESSARY
FOR THIS SITE PLAN DURING THE ENGINEERING AND DESIGN
OF THIS PROJECT, ALL DEPARTMENTS WILL BE MADE AWARE
OF ANY MINOR REVISIONS DURING THE LAND DISTURBANCE
APPROVAL PROCESS TO ENSURE COMPLIANCE.

PROPOSED BUILDING SETBACK REQUIREMENTS:
FRONT - 15' (INTERIOR), 30' (BELLS FERRY ROAD)
SIDE - 0' (15' BETWEEN STRUCTURES)
REAR - 30'

PAGE

Z-34 (2011)
Exhibit "A"
-Previous Zoning

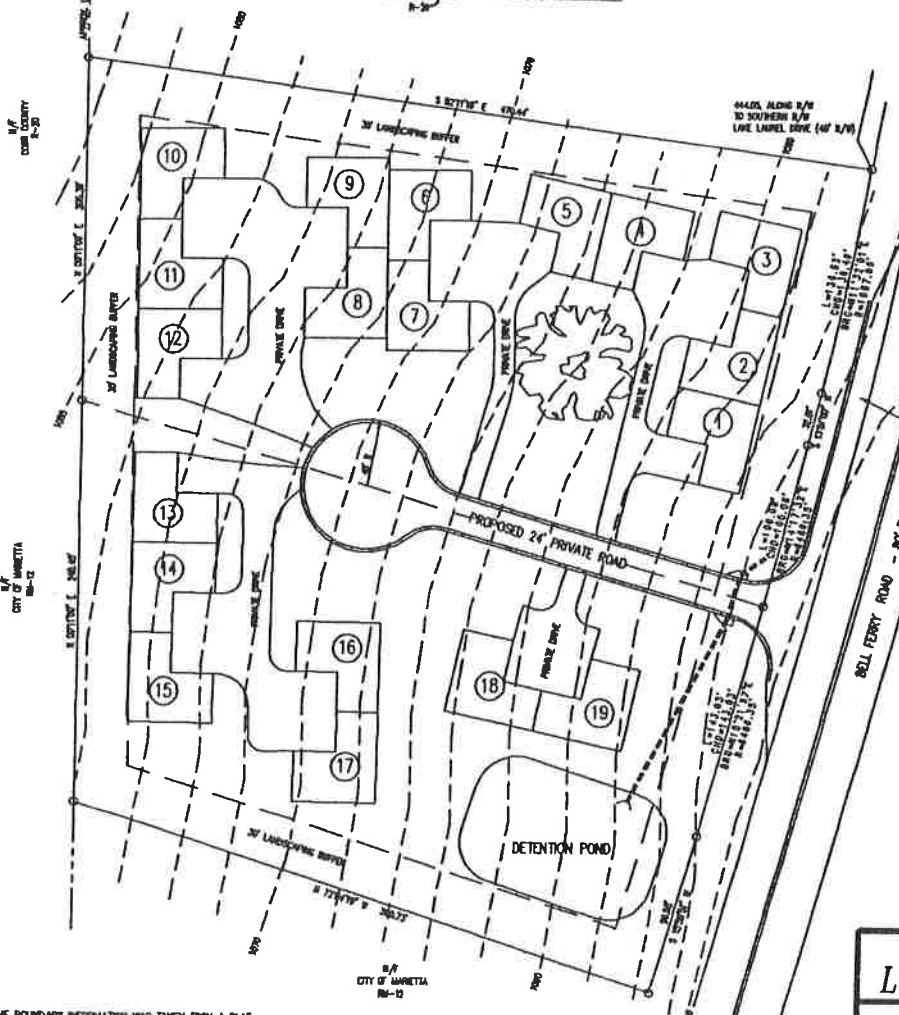


LOCATION MAP SCALE - 1"=2000'

THIS PROPERTY IS NOT LOCATED WITHIN A
100 YEAR FEMA FLOOD ZONE ACCORDING
TO COBB COUNTY F.I.R.M. PANEL 0030 F
COMMUNITY #130052 DATED: AUG. 18, 1992

LEGEND

- PROPOSED CATCH BASIN
- PROPOSED HEADWALL
- PROPERTY CORNER
- PROPOSED PIPE
- LOT NUMBERS



EAST PARALLEL (1/2 LINES)

PROPOSED DECEL LINE

Revised
AUG - 9
Tm 12:15

ZONING NOTES:

THE SITE DISTANCE FOR THE ENTRANCE WILL BE VERIFIED
DURING THE PLANNING AND DESIGN OF THIS SUBDIVISION.
CUBS AND BUTTER, SIGNAGES AND ALL CORNER REQUIREMENTS
WILL BE ADDRESSED DURING THE PLAN REVIEW PROCESS.
A HYDROLOGY STUDY THAT WILL OUTLINE THE SPECIFIC REQUIREMENTS
THE DEVELOPER WILL NEED TO PROPERLY MANAGE THE STORM-
WATER FLOW FOR THE PLANNED IMPROVEMENT WILL BE SUBMITTED
FOR APPROVAL BY THE STORM WATER MANAGEMENT DEPT.
THE DOWNSTREAM STORM DRAINAGE SYSTEM WILL BE EVALUATED
DURING THE HYDROLOGY STUDY.

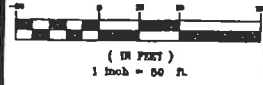
REFERENCE DEEDS:
DB 13682, PG. 510, FOR: H.W. ROBINSON, SR.
DB 10804, PG. 534, FOR: L.A. COOK

REZONING PLAT FOR:
LONESTAR CUSTOM HOMES

PROPERTY IS LOCATED IN LAND LOT 728
OF THE 16TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA



GRAPHIC SCALE



DRAWN BY:	FLP	DATE:	05/28/06
CHECKED BY:	CCF	DRAWING NO.:	ZONE
JOB NO.:	506003	SHEET	1
NO.	DATE	REVISION DESCRIPTION	BY

THE BOUNDARY INFORMATION WAS TAKEN FROM A PLAT
OF SURVEY BY TERRIS LAND SURVEYING, INC. DATED 6-29-05
THE TOPOGRAPHIC INFORMATION SHOWN IS AT 2 FT. INTERVALS.
THE TOPOGRAPHY WAS DETERMINED BY COBB COUNTY GIS MAPPING.
ALL STATE WATERS DISCOVERED TO EXIST ON THIS SITE SHALL HAVE A 25' BUFFER MEASURED
FROM THE TOP OF BANK SHALL REMAIN UNDISTURBED AND SUBJECT TO ALL THE REGULATIONS
GOVERNING STATE WATERS. THE LOCAL GOVERNING AUTHORITY MAY ALSO HAVE BUFFER
REGULATIONS THAT PERTAIN TO THE STATE WATERS LOCATED ON THIS PROPERTY.
NO CONVEYANCES HAVE BEEN FOUND TO BE LOCATED ON THIS SITE.
CORPS OF ENGINEERS APPROVAL
IF ANY NEIGHBORS ARE ENCOUNTERED ON THE SITE, NONE SHALL BE DISTURBED WITHOUT
NO ARCHITECTURAL LANDMARKS HAVE BEEN FOUND TO BE LOCATED
ON THIS SITE.
NO ARCHAEOLOGICAL LANDMARKS HAVE BEEN FOUND TO BE LOCATED
ON THIS SITE.
ALL PROPOSED DEVELOPMENT TO BE BUILT IN ACCORDANCE WITH
CITY AND/OR COUNTY STANDARD SPECIFICATIONS AND REQUIREMENTS.
THE LAYOUT SHOWN IS A CONCEPTUAL REPRESENTATION OF THE
PROPOSED CONFIGURATION FOR THIS SITE. SPECIFIC DESIGN CRITERIA IS
THE RESPONSIBILITY OF THE DEVELOPER AND SUBJECT TO THE COBB COUNTY
STANDARD REVIEW AND APPROVAL PROCEDURES.
ALL CWA-APDES-HPS WATER QUALITY REQUIREMENTS WILL BE ADHERED TO
PROPOSED STREETS, 50 FOOT R/W WITH 24' B/C TO B/C

LEGAL DESCRIPTION

All that land or parcel of land lying and being located in Land Lot 728 of the 16th
District, Cobb County, Georgia, and being more particularly described as follows:
To find the TRUE POINT OF BEGINNING, Commence at a point located at the
intersection of the Westerly right-of-way of Little Laurel Drive (80' R/W) and the
Westerly right-of-way of Bell Ferry Road (80' R/W) and running thence in a southerly
direction along the Westerly right-of-way of Bell Ferry Road for a distance of 444.02'
to a point which is the TRUE POINT OF BEGINNING, thence continue along said
right-of-way and a curve to the right, said curve having a radius of 1887.85' and an arc
distance of 138.02' (being subtended by a chord of bearing S11°30'17"W, for a
distance of 138.02' to a point; thence running S11°30'17"W, for a distance of
32.91' to a point; thence running along a curve to the right, said curve having a
radius of 668.50' and an arc distance of 163.82' (being subtended by a chord of
bearing S4°17'32"W, for a distance of 163.82' to a point; thence continue along
said curve to the right, having a radius of 9640.30' and an arc distance of 143.02'
(being subtended by a chord of bearing S11°21'50"W, for a distance of 143.02' to a
point; thence running S11°21'50"W, for a distance of 69.58' to a point; thence
having the right-of-way and running N72°04'00"W, for a distance of 388.73' to a
point located on the westerly line of land lot 728; thence running N60°11'50"E along
the westerly line of land lot 728, for a distance of 240.45' to a point; thence
continue northerly along said line, for a distance of 240.45' to a point; thence
running S82°11'17"E, for a distance of 470.44' to a point located on the westerly
right-of-way of Bell Ferry Road and the TRUE POINT OF BEGINNING.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

Z-34 (2011)
Exhibit "A"
-Previous Zoning

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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
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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
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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. MINGLEDORFF
MORGAN E. FOSTER
KATHERINE G. CRONE
RYAN E. JARRARD*
ANN A. HAMMENECKER*
JAMES D. BUSCH*
ESTHER VAYMAN
COLE B. STINSON† **

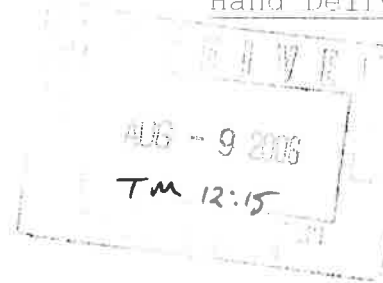
OF COUNSEL:
JOHN L. SKELTON, JR.†

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

August 9, 2006

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

Min. Bk. 44 Petition No. Z-109
Doc. Type Stipulation
letter
Meeting Date August 15, 2006
Hand Delivered



RE: Application for Rezoning
Application No.: Z-109 (2006)
Applicant: Phil White Custom Homes, Inc.
Property Owners: Lois Abernathy Cook and
Herbert W. Richardson, Sr.
Property: 4.54 acres located on the
westerly side of Bells Ferry
Road, southerly of Piedmont Road
and Laurel Lake Road,
Land Lot 728, 16th District,
2nd Section, Cobb County,
Georgia

Dear John:

As you know, the undersigned and this firm represent Phil White Custom Homes, Inc., the Applicant (hereinafter referred to as "Applicant"), and Lois Abernathy Cook and Herbert W. Richardson, Sr., the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 4.54 acres located on the westerly side of Bells Ferry Road, southerly of Piedmont Road and Laurel Lake Road, Land Lot 728, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or, alternatively, the "Subject Property"). After further meetings with planning and zoning staff, discussions with area residents, reviewing the staff

MOORE INGRAM JOHNSON & STEELE

Mr. Phil B. White, President
Phil White Custom Homes, Inc.
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August 9, 2006

Petition No. Z-109
Meeting Date August 15, 2006
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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 July 26, 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 Residential Senior Living ("RSL") zoning category, site plan specific to that certain revised Rezoning Plat prepared for Applicant by Centerline Surveying Systems, Inc. dated May 28, 2006, and filed August 9, 2006.
- (3) By this revised letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Rezoning Plat prepared for Applicant by Centerline Surveying Systems, Inc. dated May 28, 2006, submitted contemporaneously herewith.
- (4) The Subject Property consists of 4.54 acres of total site area and shall contain a maximum of nineteen (19) units, for a maximum net density of 4.185 units per acre.
- (5) The proposed residential community shall be a condominium development, complying in all respects with the Cobb County Condominium Ordinance, but not the State of Georgia Condominium Act, and being "for sale" units.

MOORE INGRAM JOHNSON & STEELE

Mr. Phil B. White, President
Phil White Custom Homes, Inc.
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August 9, 2006

**Z-34 (2011)
Exhibit "A"
-Previous Zoning**

Petition No. Z-109
Meeting Date August 15, 2006
Continued

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- (6) The units within the proposed residential community shall have a minimum of 1,600 square feet, ranging upwards to 2,200 square feet, and greater.
- (7) The units within the proposed residential community shall be a maximum of one and one-half (1½) stories in height and traditional in style and architecture. Each unit shall have an attached two-car garage.
- (8) The exterior facades of the units shall be constructed of a combination of brick and/or stone, with accents of stacked stone, cedar shake-type, hardi-plank type siding, or any combination thereof. Additionally, the units shall have shingles and low maintenance trim and windows. Those homes located along the frontage of Bells Ferry Road shall be primarily of brick/stone with accents.
- (9) Applicant agrees to install a solid wooden fence six (6) feet in height along the northerly, westerly, and southerly boundaries of the Subject Property.
- (10) Applicant agrees to preserve the specimen oak tree shown and reflected on the Referenced Rezoning Plat.
- (11) Applicant agrees to construct a gazebo with landscaping in the area of the oak tree to be preserved.
- (12) The master bedroom of each unit shall be located on the main level.
- (13) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential community.
- (14) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which

MOORE INGRAM JOHNSON & STEELE

Mr. Phil B. White, President
Phil White Custom Homes, Inc.
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August 9, 2006

**Z-34 (2011)
Exhibit "A"
-Previous Zoning**

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Continued

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shall be responsible for the upkeep and maintenance of the exteriors, entrance area, signage, all common areas, all yard areas, and the private street and drives contained within the proposed residential community.

- (15) Applicant agrees that as part of the Declaration of Restrictive Covenants there shall be a covenant which restricts the number of homes within the proposed community which may be leased to a maximum of ten (10) percent.
- (16) Sales of residences within the proposed residential community shall be limited to purchasers, one of whom, must be 55 years of age or older, except in compliance with the Federal Fair Housing Act, as amended.
- (17) The yard area around each unit shall be fully sodded and maintained by the mandatory association to be created through the Declaration of Restrictive Covenants applicable to the residential community.
- (18) The entrance area to the proposed community shall contain ground based, monument-style signage. The entrance landscaping shall be professionally designed, landscaped, and maintained.
- (19) Lighting within the proposed residential community shall be environmentally sensitive, decorative, and themed to the architecture and style of the units.
- (20) The setbacks for the proposed residential community shall be as follows:
 - (a) Front setback - Thirty (30) feet along Bells Ferry Road; and
 - (b) Rear setback - Thirty (30) feet.

MOORE INGRAM JOHNSON & STEELE

Mr. Phil B. White, President
Phil White Custom Homes, Inc.
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**Z-34 (2011)
Exhibit "A"
-Previous Zoning**

Petition No. Z-109
Meeting Date August 15, 2006
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PAGE 12 OF

(21) Applicant agrees to the following "Easy Living" standards which shall be verified prior to the issuance of a certificate of occupancy:

- (a) At least one no-step entry into the home that is sheltered from the weather;
- (b) No-step pathways from the no-step entry to the main rooms of the home, including a bathroom, via doorways and hallways that meet a minimum accessible width;
- (c) The main floor shall include eating area, bathroom, and bedroom located on one level, which is barrier-free;
- (d) Bathrooms with floor space sufficient for a walker or wheelchair;
- (e) Reinforcements in the bathroom walls around the tub, shower, and toilet that allow grab bars to be installed;
- (f) Non-slip surfaces in tubs and showers;
- (g) Lever-style door handles;
- (h) Light switches located thirty-six (36) inches to forty-two (42) inches from the floor, within easy reach of the entrance to the rooms; and
- (i) Electrical outlets located fifteen (15) inches or higher from the floor.

(22) All utilities for the proposed residential community shall be located underground.

(23) The street within the proposed residential community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code.

MOORE INGRAM JOHNSON & STEELE

Mr. Phil B. White, President
Phil White Custom Homes, Inc.
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**Z-34 (2011)
Exhibit "A"
-Previous Zoning**

Petition No. Z-109
Meeting Date August 15, 2006
Continued

PAGE 11 OF

- (24) Applicant agrees to a thirty (30) foot landscape buffer on the northerly, southerly, and westerly boundaries of the Subject Property, as more particularly shown and reflected on the referenced on the Rezoning Plat.
- (25) The detention area shall be fenced and landscaped for purposes of visual screening from Bells Ferry Road and adjacent residential areas. The Declaration of Restrictive Covenants shall require the mandatory association to maintain the landscaping.
- (26) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (27) 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.
- (28) Minor modifications to the referenced Rezoning Plat, including, but not limited to, the layout of buildings and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (29) Applicant agrees to the following system improvements to mitigate traffic concerns:
- (a) Construction of a deceleration lane along the westerly side of Bells Ferry Road;
 - (b) Installation of sidewalk, curb, and gutter along the frontage of the Subject Property along Bells Ferry Road; and

MOORE INGRAM JOHNSON & STEELE

Mr. Phil B. White, President
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**Z-34 (2011)
Exhibit "A"
-Previous Zoning**

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(c) Cooperate with Cobb County Department of Transportation regarding SPLOST funded project improvements.

We believe the requested zoning, pursuant to the revised Rezoning Plat and the revised stipulations set forth above, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed community shall be a quality development, providing a much-needed and highly sought after type of community within the Cobb County area. Additionally, the proposed community shall be compatible with surrounding developments and be an enhancement to the Subject Property. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

MOORE INGRAM JOHNSON & STEELE

Mr. Phil B. White, President
Phil White Custom Homes, Inc.
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c: Hilda W. Towery
Bells Ferry Civic Association
(With Copy of Enclosure)

Carol Brown
Canton Road Neighbors, Inc.
(With Copy of Enclosure)

Phil White Custom Homes, Inc.
(With Copy of Enclosure)

APPLICANT: Phil White Custom Homes, Inc.

PETITION NO.: Z-

PRESENT ZONING: R-20

PETITION FOR: RSL

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Bells Ferry		Over	+21%
Elementary Daniell		Capacity	-18.4%
Middle Sprayberry		Capacity	-9.5%

High

***School attendance zones are subject to revision at anytime.**

Additional Comments:

At the present time, approval of this density adjustment could adversely impact overcrowding at one of the schools.

FIRE COMMENTS:

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Fire Hydrant
 - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
 - b. Residential: Fire hydrant within 500 feet of structure.
3. Fire apparatus access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor IFC 503.1 2003 Edition. **All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20-feet, 25-foot inside turning radius, 50-foot outside turning radius and unobstructed vertical clearance of not less than 13-feet 6 inches.** Dead-end access roads in excess of 150-feet shall be provided with a turn-around IFC 503.2.5 2003 Edition. Cul-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-foot wide roadway + 45-feet).

Additional Comments:

APPLICANT Phil White Custom Homes, Inc

PETITION NO. Z-189

PRESENT ZONING R-20

PETITION FOR RSL

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

Available at Development? ☒ Yes ☐ No

Fire Flow Test Required? ☒ Yes ☐ No

Size / Location of Existing Water Main(s): 6" AC / W side Bells Ferry Rd

Additional Comments: Master meter to be at entrance (for private road)

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? ☒ Yes ☐ No

At Development? ☐ Yes ☒ No

Approximate Distance to Nearest Sewer: 300' E behind houses

Estimated Waste Generation (in G.P.D.): **A D F** 7600 **Peak** 19,000

Treatment Plant: Noonday

Plant Capacity Available? ☒ Yes ☐ No

Line Capacity Available? ☒ Yes ☐ No

Projected Plant Availability: ☒ 0 - 5 year ☐ 5 - 10 years ☐ over 10 years

Dry Sewers Required? ☐ Yes ☒ No

Off-site Easements Required? ☒ Yes* ☐ No

Flow Test Required? ☐ Yes ☒ No

Letter of Allocation issued? ☐ Yes ☒ No

Septic Tank Recommended by this Department? ☐ Yes ☒ No

Subject to Health Department Approval? ☐ Yes ☒ No

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Also, sewer 670' E on Arnold Ave. Sewer extension by developer required to upper property line

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Phil White Custom Homes, Inc.

PETITION NO.: Z-109

Z-34 (2011)
Exhibit "A"
-Previous Zoning

PRESENT ZONING: R-20

PETITION FOR: RSL

DRAINAGE COMMENTS

FLOOD HAZARD: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Cr Trib #3 FLOOD HAZARD INFO: Zone X

- ☐ FEMA Designated 100 year Floodplain Flood.
- ☐ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- ☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- ☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

Location: _____

- ☐ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☐ YES ☒ NO ☐ POSSIBLY, NOT VERIFIED

- ☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- ☐ Chattahoochee River Corridor Tributary Area - County review (____ undisturbed buffer each side).
- ☒ Georgia Erosion-Sediment Control Law and County Ordinance - **County Review/State Review.**
- ☐ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- ☐ County Buffer Ordinance: 50' , 75' , 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- ☒ Potential or Known drainage problems exist for developments downstream from this site.
- ☒ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- ☒ Minimize runoff into public roads.
- ☒ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- ☒ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- ☐ Existing Lake Downstream ____.
- Additional BMP's for erosion sediment controls will be required.
- ☐ Lake Study needed to document sediment levels.
- ☒ Stormwater discharges through an established residential neighborhood downstream.
- ☒ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream stormdrain system under Bells Ferry Rd and through Kings Wood Estates S/D.

APPLICANT: Phil White Custom Homes, Inc.

PETITION NO.: Z-

PRESENT ZONING: R-20

PETITION FOR: RSL

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☒ Submit all proposed site improvements to Plan Review.
- ☐ Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- ☐ Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- ☐ Existing facility.
- ☒ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☒ Calculate and provide % impervious of project site.
- ☐ Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown _____
- ☐ Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1. The majority of this site is situated on slopes of 10 to 15%. Due to the density of the proposed development and the tight layout significant grading of the site will be required.
2. Due to the limited stormwater capacity through the older residential development downstream the detention requirements must be elevated such that each storm discharge at a minimum is controlled not to exceed the allowable discharge of the next lower (more frequent) storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate, etc. to 100-year event controlled to 50-year rate). Additional detention may be required at Plan Review based on downstream system capacity analysis.
3. The detention pond should be relocated more linearly along Bell Ferry Road to limit the required grading.

APPLICANT: Phil White Custom Homes, Inc.

PETITION NO.: Z-109

PRESENT ZONING: R-20

PETITION FOR: CRC

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
Bells Ferry Road	14200	Arterial	45 mph	Cobb County	100'

Based on 2005 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Bells Ferry Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Bells Ferry Road is identified in the 2005 SPLOST as an operational improvement extending from I-575 to US 41.

As necessitated by this development for egress/ingress from Bells Ferry Road, a deceleration lane and a short acceleration will be required.

Install sidewalk curb and gutter along the road frontage.

RECOMMENDATIONS

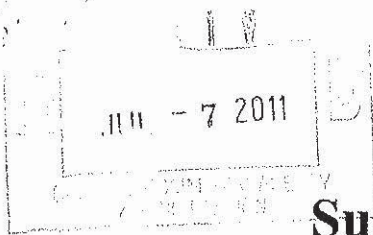
Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Bells Ferry Road, a minimum 50' from the roadway centerline.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed operational improvement project.

Recommend a deceleration lane and a short acceleration lane.

Recommend installing sidewalk, curb and gutter along the road frontage.

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



Application No. Z-34
Sept.
2011

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): 1200 SF 1600 SF
b) Proposed building architecture: TRADITIONAL
c) Proposed selling prices(s): ± 190,000
d) List all requested variances: NONE ADDITIONAL THAN
CURRENTLY GRANTED.
WISH TO REMOVE ALL STIPULATIONS THAT
PERTAIN TO SPECIFIC RSL ZONINGS

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): _____
b) Proposed building architecture: _____
c) Proposed hours/days of operation: _____
d) List all requested variances: _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).

NO

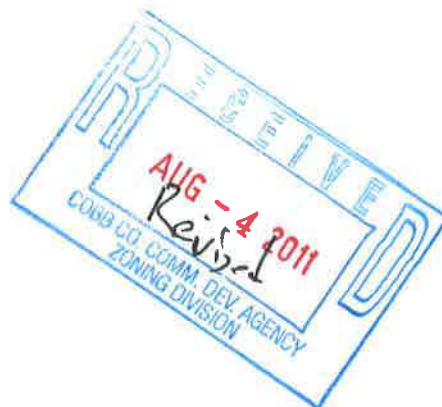
CENTERLINE SURVEYING SYSTEMS, INC.

Z-34
(2011)

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

August 1, 2011

Mr. John P. Pederson
Manager
Zoning Division
Cobb County Community Development Dept.
1150 Powder Springs Rd.
Marietta, Ga. 30064



Re: Shady Oaks, Z-34 East Bluff Holdings

John,

Please accept this letter as documentation for your files.

The applicant has asked us to formulate and present this letter to be included in the minutes of the above reference zoning application in order to clarify the restrictions that would be binding upon the subject property.

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. The rezoning of the subject property shall be from the existing RSL zoning category to the proposed RA-5 category.
3. The subject property consists of 4.4 acres and shall contain a maximum of 14 units for a density of 3.18 units per acre.
4. The proposed community shall be a private development and being "For Sale" units.
5. The units within the proposed community shall have a minimum of 1,600 square feet, and greater.
6. The units within the proposed community shall be traditional in style and architecture with attached garages.
7. The exterior facades of the units shall be constructed of a combination of brick and/or stone, with accents of stacked stone, cedar shake-type, Hardi-plank type siding or any combination thereof. Additionally the homes shall have low maintenance trim and windows. The home along the frontage of Bells Ferry Road shall have brick and stone accents on the side toward Bells Ferry Road similar to the front of the home.

CENTERLINE SURVEYING SYSTEMS, INC.

1301 Shiloh Road, Suite 1210

Kennesaw, GA 30144

(770) 424-0028 telephone (770) 424-2399 fax

8. Applicant to install a 6' solid wood or opaque fence along the northerly, westerly, and southerly boundaries of the community.
9. Applicant will agree to make every attempt to preserve the specimen oak located on this property.
10. Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential community.
11. In conjunction with the proposed Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of all common areas, the Private Street, signage, private infrastructure, entrance area and sidewalks.
12. The front yard of the proposed units shall be fully sodded.
13. The entrance area to the proposed community shall contain ground base, monument style signage. The landscaping shall be professionally designed, landscaped and maintained.
14. Lighting within the proposed community shall be environmentally sensitive, decorative and themed to the architecture and style of the proposed units.
15. The setbacks for the proposed community shall be as shown on the Plat for Rezoning of the referenced project completed by Centerline Surveying Systems, Inc. dated 7-25-11.
16. All utilities shall be located underground.
17. Applicant agrees to a thirty (30) foot landscape buffer on the northerly, southerly, and westerly boundaries of the subject property.
18. The detention area is completed and has already been certified to the county for compliance in proper design, capacity and storm water control. The detention area is to be fenced and is to be maintained privately by the established HOA.
19. Applicant agrees to install sidewalks according to Cobb County DOT's standard specifications, along the frontage of the subject property along Bells Ferry Rd.
20. Minor modifications of the Zoning plat shall be approved by the District Commissioner, as needed or necessary.

CENTERLINE SURVEYING SYSTEMS, INC.

1301 Shiloh Road, Suite 1210

Kennesaw, GA 30144

(770) 424-0028 telephone (770) 424-2399 fax

We respectfully request these conditions be accepted by the Cobb County Planning and Zoning Board, The Cobb County Community Development Planning Staff and The Cobb County Board of Commissioners in conjunction with the rezoning of the aforementioned proposed community. If any additional information is required, Please feel free to contact me.

Sincerely for the Applicant,



Doug Patten, CPESC
CFO, Vice President
Centerline Surveying Systems, Inc.

C: Richard Rowland, East Bluff Holdings