

# POST OAK TRACT

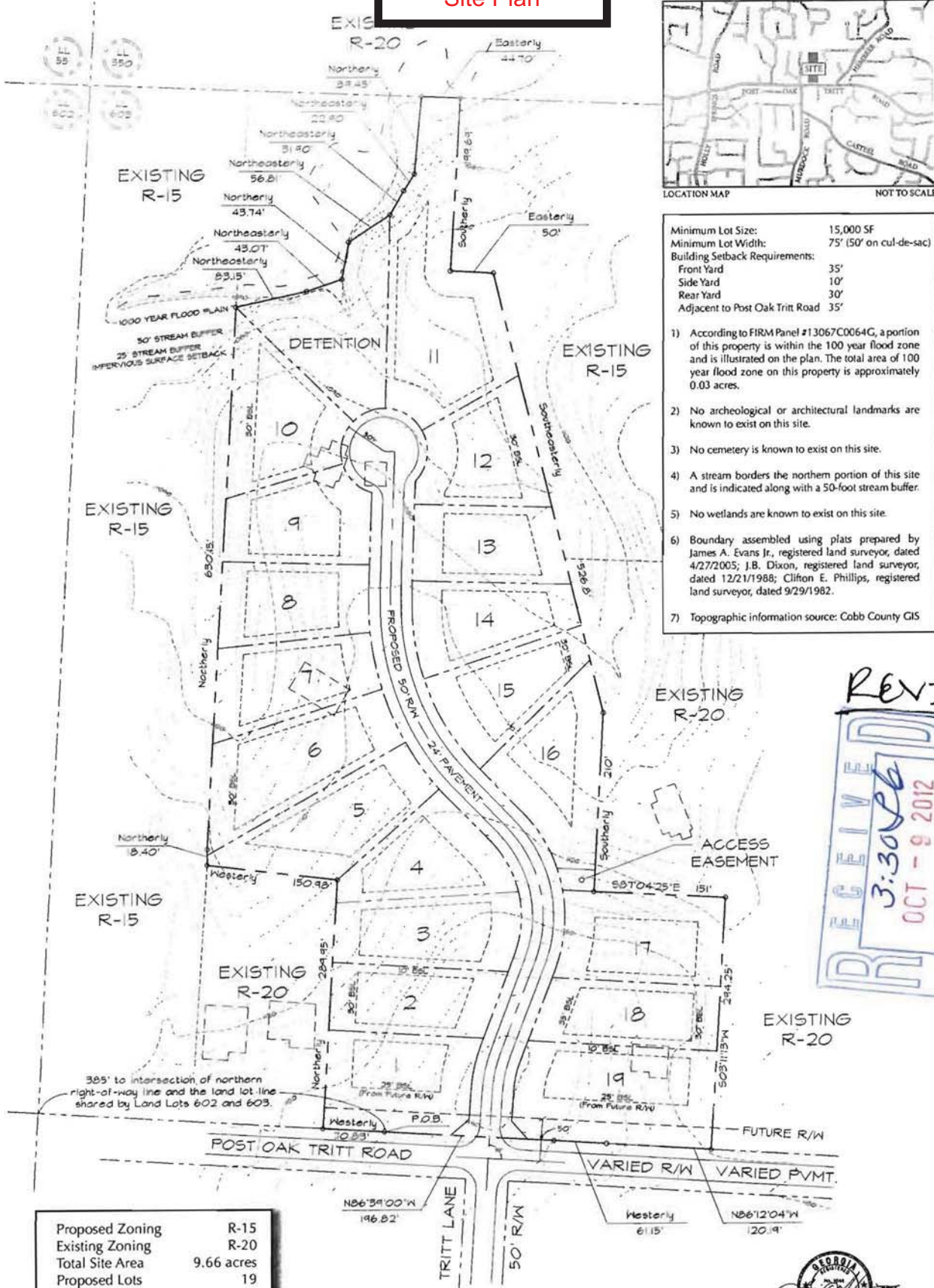
**Z-46  
(2012)  
Revised  
Site Plan**



LOCATION MAP NOT TO SCALE

Minimum Lot Size:	15,000 SF
Minimum Lot Width:	75' (50' on cul-de-sac)
Building Setback Requirements:	
Front Yard	35'
Side Yard	10'
Rear Yard	30'
Adjacent to Post Oak Tract Road	35'

- 1) According to FIRM Panel #13067C0064C, a portion of this property is within the 100 year flood zone and is illustrated on the plan. The total area of 100 year flood zone on this property is approximately 0.03 acres.
- 2) No archeological or architectural landmarks are known to exist on this site.
- 3) No cemetery is known to exist on this site.
- 4) A stream borders the northern portion of this site and is indicated along with a 50-foot stream buffer.
- 5) No wetlands are known to exist on this site.
- 6) Boundary assembled using plats prepared by James A. Evans Jr., registered land surveyor, dated 4/27/2005; J.B. Dixon, registered land surveyor, dated 12/21/1988; Clifton E. Phillips, registered land surveyor, dated 9/29/1982.
- 7) Topographic information source: Cobb County GIS



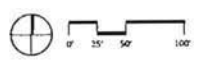
Proposed Zoning	R-15
Existing Zoning	R-20
Total Site Area	9.66 acres
Proposed Lots	19
Density	1.97 u/ac

**REVISED**

**RECEIVED**  
3:30 PM  
OCT - 9 2012  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



## ZONING PLAN



Cobb County, GA  
16th District, 2nd Section, Land Lot 603  
August 31, 2012  
rev. October 1, 2012

PROJECT #12005  
File: 12005-2012-10-01-zoningplan



**APPLICANT:** Vanquish Property Partners, LLC  
404-861-7847

**PETITION NO:** Z-46  
**HEARING DATE (PC):** 11-06-12

**REPRESENTATIVE:** Moore Ingram Johnson & Steele, LLC  
J. Kevin Moore 770-429-1499

**HEARING DATE (BOC):** 11-20-12  
**PRESENT ZONING:** R-20

**TITLEHOLDER:** Joseph N. and Karen A. Fadyn and  
Samuel Larry Sullivan

**PROPOSED ZONING:** R-15

**PROPERTY LOCATION:** On the north side of Post Oak Tritt  
Road at Tritt Lane  
(3055, 3085, 3121, 3125, 3129 Post Oak Tritt Road).

**PROPOSED USE:** Subdivision

**ACCESS TO PROPERTY:** Post Oak Tritt Road  
(3055, 3085, 3121, 3125 and 3129 Post Oak Tritt Road)

**SIZE OF TRACT:** 9.66 acres

**PHYSICAL CHARACTERISTICS TO SITE:** Vacant houses and  
wooded acreage

**DISTRICT:** 16

**LAND LOT(S):** 603

**PARCEL(S):** 1, 3, 7, 8, 10

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** R-20/Mill Creek Estates Subdivision and R-20/Portion of Ashley Hall Subdivision
- SOUTH:** R-20/Tritt Lane Subdivision and R-20/Regency Estates Subdivision
- EAST:** R-15/Brandon Park Subdivision
- WEST:** R-15/Ashley Hall Subdivision

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

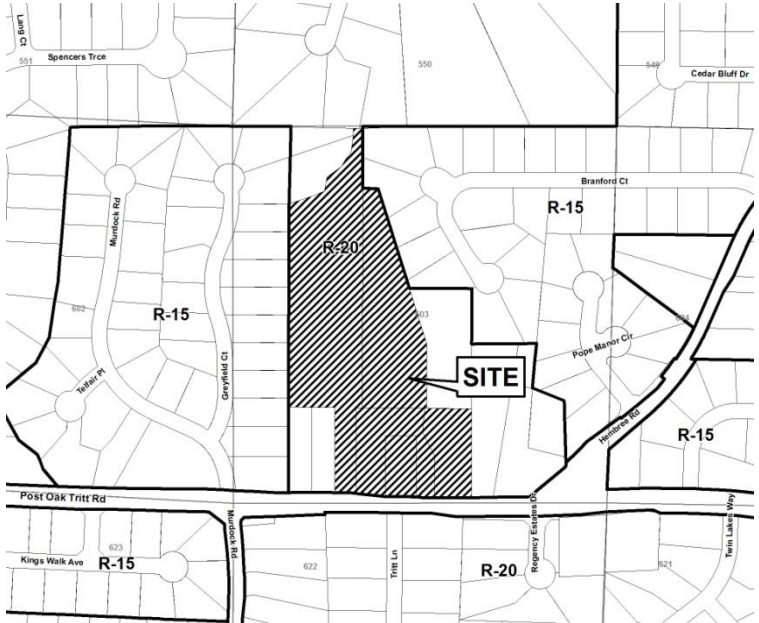
**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

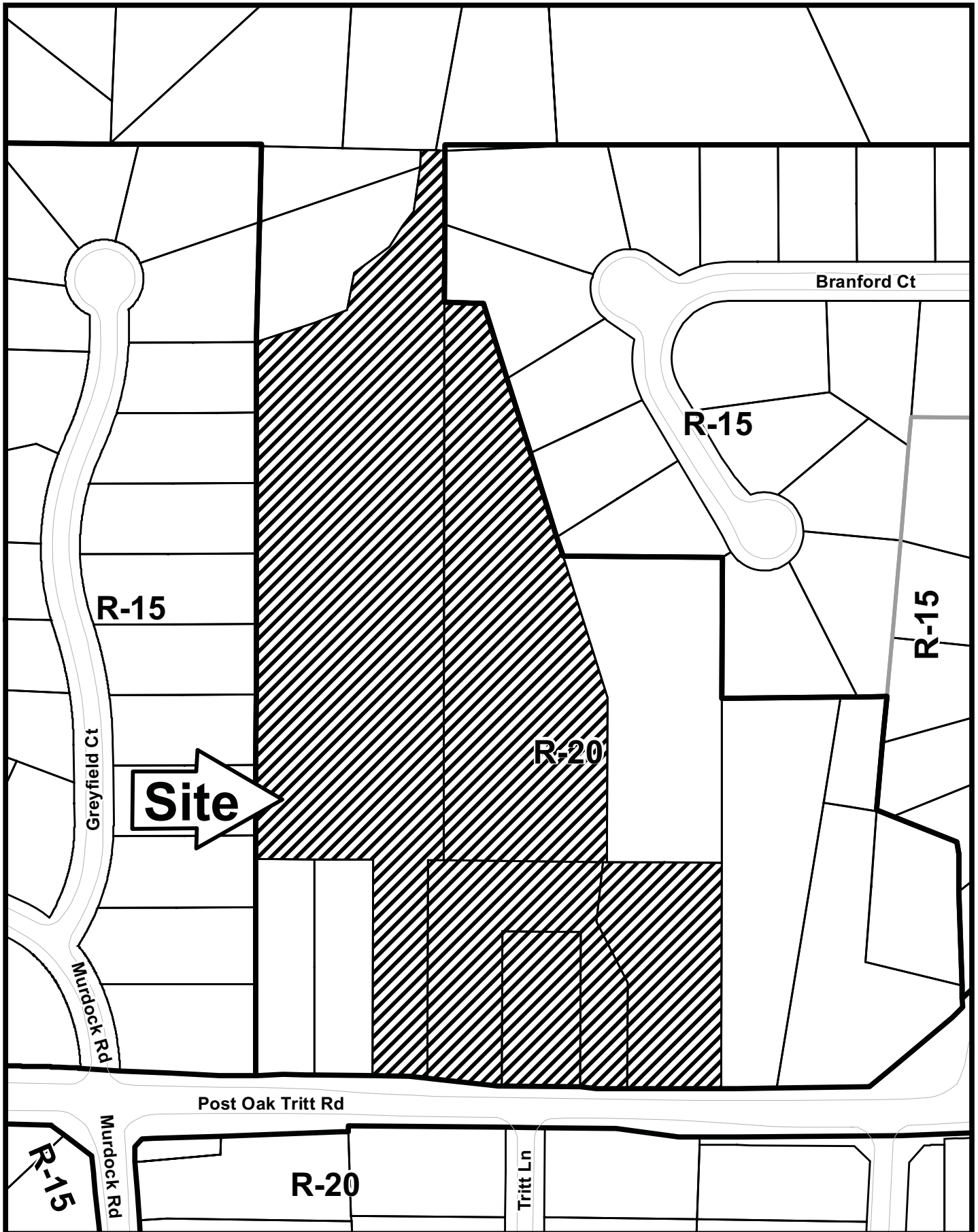
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

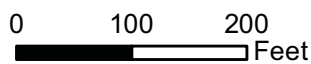
**STIPULATIONS:**



# Z-46



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



- City Boundary
- Zoning Boundary

**APPLICANT:** Vanquis Property Partners, LLC

**PETITION NO.:** Z-46

**PRESENT ZONING:** R-20

**PETITION FOR:** R-15

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Low Density Residential (1-2.5 units per acre)

**Proposed Number of Units:** 19      **Overall Density:** 1.97      **Units/Acre**

**Present Zoning Would Allow:** 16      **Units**      **Increase of:** 3      **Units/Lots**

Applicant is requesting the R-15 zoning category in order to develop a 19-lot single-family subdivision. The proposed houses will be a minimum of 2,000 square feet and the minimum starting price will be in the \$300,000s. The houses will also be traditional in style and all exteriors will have hard surface materials of either brick, stone, stacked stone, cedar shake, hardi-plank or stucco; or combinations of such materials.

Applicant has also included for review a copy of the Jurisdictional Waters Report and correspondence from the Erosion Control Division of Cobb County Community Development.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**FIRE COMMENTS:**

When projects contemplate less than 20 foot separation between units, guest parking shall be provided or the streets shall be labeled as a fire lane.

APPLICANT: Vanquish Property Partners, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20

PETITION FOR: R-15

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from R-15 to R-20 for purposes of a subdivision. The 9.66 acre site is located on the north side of Post Oak Tritt Road at Tritt Lane (3055, 3085, 3121, 3125, 3129 Post Oak Tritt Road).

**Comprehensive Plan**

The parcel is within a Low Density Residential (LDR) future land use category with R-20 zoning designation. The purpose of the LDR category is to provide for areas that are suitable for low density housing between one (1) and two and one-half (2.5) dwelling units per acre.

**Master Plan/Corridor Study**

Not applicable.

**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.

**Design Guidelines**

Is the parcel in an area with Design Guidelines?     Yes             No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings  
 Yes     No             Not applicable
- Streetscape elements  
 Yes     No             Not applicable
- Building Frontage  
 Yes     No             Not applicable
- Parking Standard  
 Yes     No             Not applicable
- Architecture standard  
 Yes     No             Not applicable

**APPLICANT:** Vanquish Property Partners, LLC

**PETITION NO.:** Z-46

**PRESENT ZONING:** R-20

**PETITION FOR:** R-15

\*\*\*\*\*

**SCHOOL COMMENTS:**

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Murdock</u>	<u>816</u>	<u>Under</u>	<u>                    </u>
<b>Elementary</b> <u>Hightower Trail</u>	<u>968</u>	<u>Over</u>	<u>                    </u>
<b>Middle</b> <u>Pope</u>	<u>1,734</u>	<u>Under</u>	<u>                    </u>

**High**

**\*School attendance zones are subject to revision at any time**

**Additional Comments:** Approval of this petition could adversely impact the enrollment at Hightower Trail Middle School, which is over enrollment at this time.

APPLICANT Vanquish Property Partners, LLC

PETITION NO. Z-046

PRESENT ZONING R-20

PETITION FOR R-15

\*\*\*\*\*

**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): **16" DI / S side of Post Oak Tritt**

Additional Comments:

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: **Approx 20' W towards north end of development**

Estimated Waste Generation (in G.P.D.): **ADF 3040 Peak= 7600**

Treatment Plant: **Sutton**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drv 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 Development Standards require sewer extension to uppermost property line  
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: Vanquish Property Partners, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20

PETITION FOR: R-15

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Piney Grove Creek FLOOD HAZARD INFO: Zone A

- 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: Within and adjacent to stream and stream buffer

- 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 receiving stream.



APPLICANT: Vanquish Property Partners, LLC

PETITION NO.: Z-46

PRESENT ZONING: R-20

PETITION FOR: R-15

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**STORMWATER MANAGEMENT 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

1. This entire site drains to the north to an unnamed tributary to Piney Grove Creek. The site is dominated by a ridge line that divides the parcel approximately in half. Since the proposed road alignment will lie approximately along this ridge line, drainage easements will be required along the rear of all but two of the proposed lots to control runoff from the site. This requirement must be taken into account if any perimeter landscape buffers are proposed.

**APPLICANT: Vanquish Property Partners, LLC**

**PETITION NO.: Z-46**

**PRESENT ZONING: R-20**

**PETITION FOR: R-15**

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**COBB COUNTY DEPARTMENT OF TRANSPORTATION RECOMMENDATIONS**

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
Post Oak Tritt Road	14,300	Arterial	40 mph	Cobb County	100'

*Based on 2010 traffic counting data taken by Cobb County DOT (Post Oak Tritt Road)*

**COMMENTS AND OBSERVATIONS**

Post Oak Tritt 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.

**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 north side of Post Oak Tritt Road, a minimum of 50' from the roadway centerline.

Recommend curb, gutter, and sidewalk along Post Oak Tritt Road frontage.

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

Recommend a deceleration lane on Post Oak Tritt Road for the entrance.

Recommend removing and closing driveway aprons along Post Oak Tritt Road frontage that development renders unnecessary.

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

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## STAFF RECOMMENDATIONS

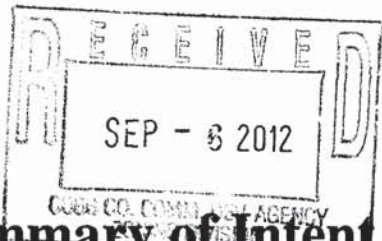
### **Z-46 VANQUISH PROPERTY PARTNERS, LLC**

- 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. Other properties in the area are similarly zoned for single-family subdivisions with similar densities. Ashley Hall Subdivision to the west has an approximate density of 1.93 units per acre and Brandon Park Subdivision to the east has an approximate density of 2.10 units per acre.
- 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. Applicant is proposing a 19-lot subdivision that will be smaller than other similarly zoned subdivisions in the area.
- 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 the subject property to be within the Low Density Residential (LDR) land use category, having densities ranging from 1-2.5 units. Applicant's proposal has a density of 1.97 units per acre.
- 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. Other subdivisions in the area are similarly zoned and have similar densities. The proposed density of 1.97 units per acre is consistent with the other densities in the area that have a range of 1.16 to 2.1 units per acre.

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

- Revised site plan received by the Zoning Division on October 9, 2012, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- 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.

**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.**



Application No. z-46  
(2012)

## Summary of Intent for Rezoning\*

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

- a) Proposed unit square-footage(s): Minimum 2,000 square feet
- b) Proposed building architecture: Traditional; all exteriors will have\*\*
- c) Proposed selling prices(s): Minimum \$300,000s
- d) List all requested variances: None known at this time

\*\*hard surface materials of either brick, stone, stacked stone, cedar shake, hardi-plank, or stucco; or combinations of such materials

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

- a) Proposed use(s): Not Applicable
- 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). None known at this time

\*Applicant specifically reserves the right to amend any information set forth herein, or in the overall Application for Rezoning, at any time during the rezoning process.



## WETLAND & ECOLOGICAL CONSULTANTS, LLC

Z-46 (2012)  
Jurisdictional  
Waters Report

August 8, 2012

Mr. James Cochrane  
Vanquish Property Partners, LLC  
P.O. Box 2789  
Suwanee, GA 30024



VIA EMAIL

**Subject: Jurisdictional Findings Report  
Post Oak Tritt Site  
Cobb County, Georgia  
WEC Project No. 02-080712**

Dear Mr. Cochrane:

Wetland & Ecological Consultants, LLC (WEC) is pleased to submit this report regarding the delineation of jurisdictional waters within the specified areas of the Post Oak Tritt Site in Cobb County, Georgia. The site is located on Post Oak Tritt Road north of the intersection of Post Oak Tritt Road and Tritt Lane (Figure No. 1). The field delineation was conducted on August 7, 2012.

### Methods

Jurisdictional waters of the U.S., including streams, wetlands, lakes, and ponds, are defined by 33 CFR Part 328.3 and protected by Section 404 of the Clean Water Act (33 USC 1344), which is administered and enforced by the U.S. Army Corps of Engineers (USACE), Savannah District. Jurisdictional waters of the State of Georgia are defined by the Georgia Erosion and Sedimentation Control Rules 391-3-7 and protected by the Georgia Erosion and Sedimentation Act O.C.G.A. 12-7 which is administered and enforced by Georgia's Department of Natural Resources, Environmental Protection Division (GA EPD).

WEC conducted the field delineation using a combination of in-house research and a field survey. Our in-house research included a review of the following sources: U.S. Geologic Survey (USGS) 7.5-minute quadrangle topographic maps (Figure No. 1); U.S. Fish & Wildlife Service (USFWS) National Wetland Inventory (NWI) of Cobb County (Figure No. 2); USGS National Hydrography Dataset (NHD) of Cobb County (Figure No.

3225 South Cherokee Lane  
Bldg. 800  
Woodstock, Georgia 30188

Phone: 770-591-9999  
Fax: 770-591-9993  
www.wef-eco.com



from groundwater). The stream scored a total of 7 points on the NC DWQ Stream Identification Form, which is less than the required 19 points needed to classify a stream as intermittent. The lack of typical stream features and the low NC DWQ Stream Identification Form score support the conclusion that this channel is an erosional feature that carries surface water following rainfall events only.


### Conclusions

The field delineation conducted by WEC has not been verified by the USACE or GA EPD. It is WEC's opinion that the ephemeral channel will not require coordination with USACE, and will not require a protected buffer. We can discuss potential permitting requirements for this project following our receipt of the site plans depicting accurate locations of the delineated waters. WEC appreciates the opportunity to assist you with this project. If you have any questions regarding this report, please contact us at (770) 591-9990.

Sincerely,

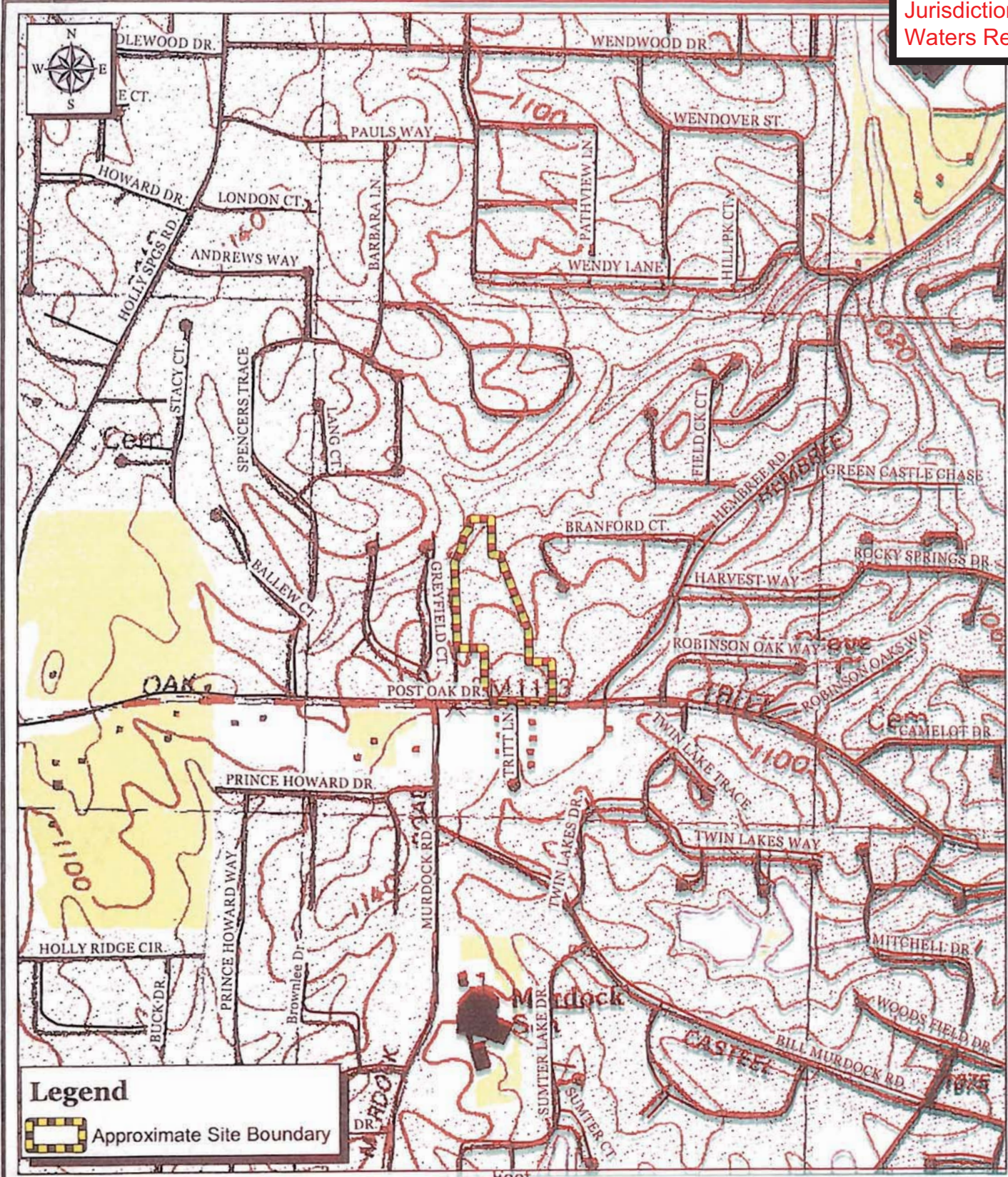
WETLAND & ECOLOGICAL CONSULTANTS, LLC

  
Christopher M. Covington  
Project Ecologist

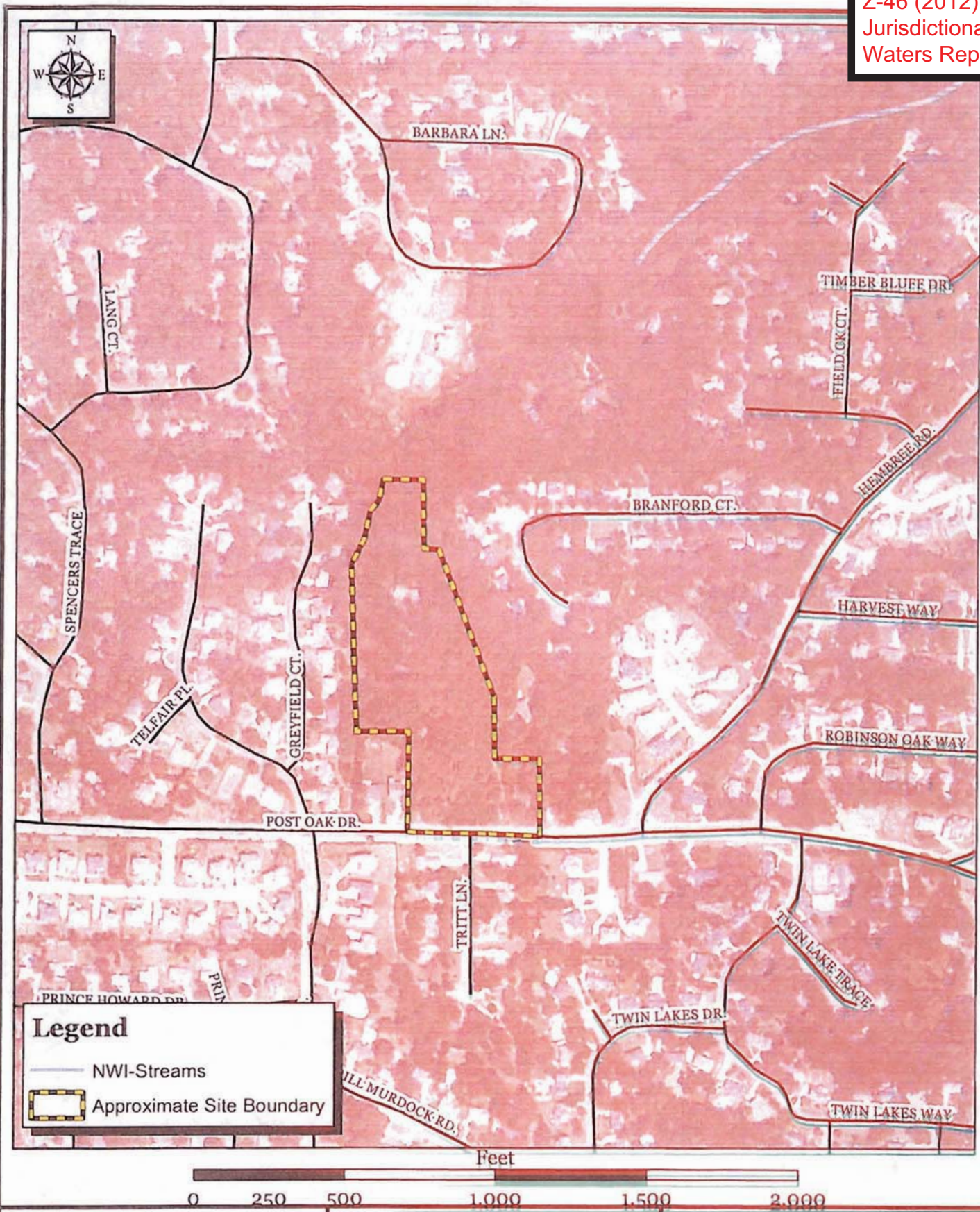
  
Richard W. Whiteside, Ph.D., C.W.B., C.S.E.  
Managing Member

Enclosures: Figure 1 – Site Location  
Figure 2 – USFWS National Wetland Inventory Map  
Figure 3 – USGS National Hydrography Dataset Map  
Figure 4 – NRCS Soils Map  
Figure 5 – Jurisdictional Features Map  
Photographs Nos. 1-6  
Attachment: NC DWQ Stream Identification Form Version 4.11









**Legend**

- NWI-Streams
- Approximate Site Boundary

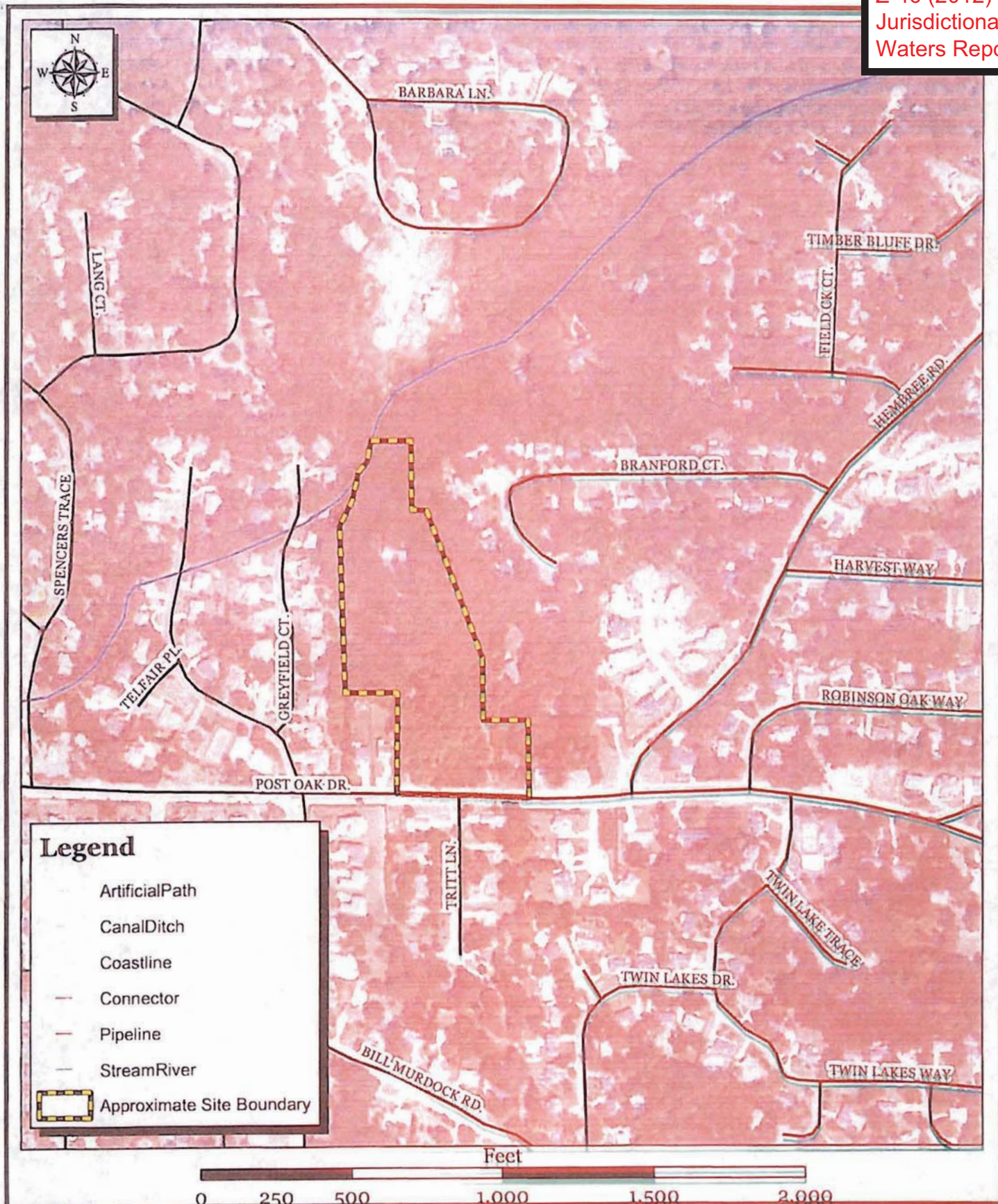


Post Oak Tritt Road  
Jurisdictional Findings Report  
Cobb County, Georgia

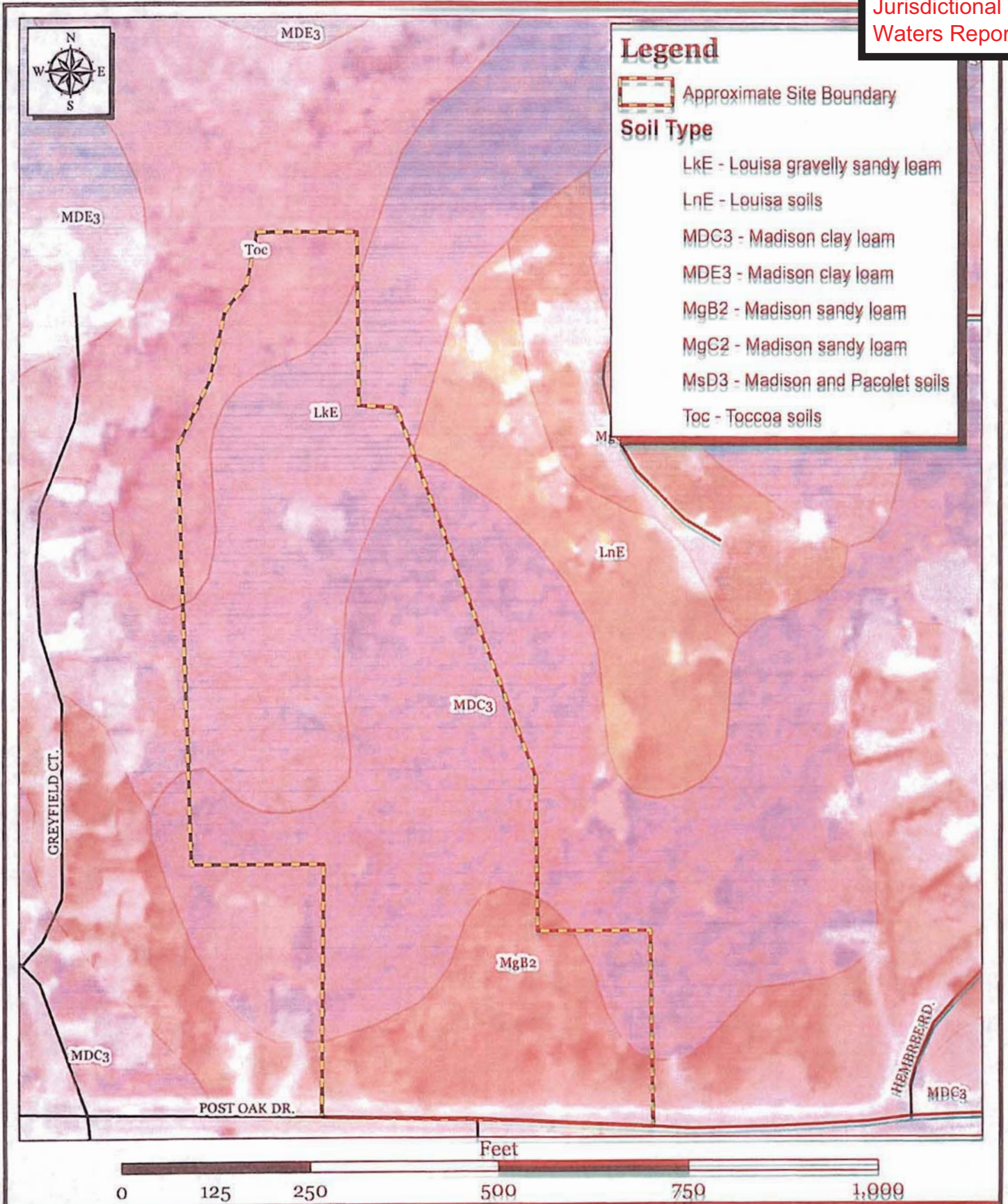
  
**WETLAND & ECOLOGICAL  
CONSULTANTS, LLC**  
Woodstock, Georgia

**Figure 2**  
**NWI Map**  
WEC Project No: 02-080712







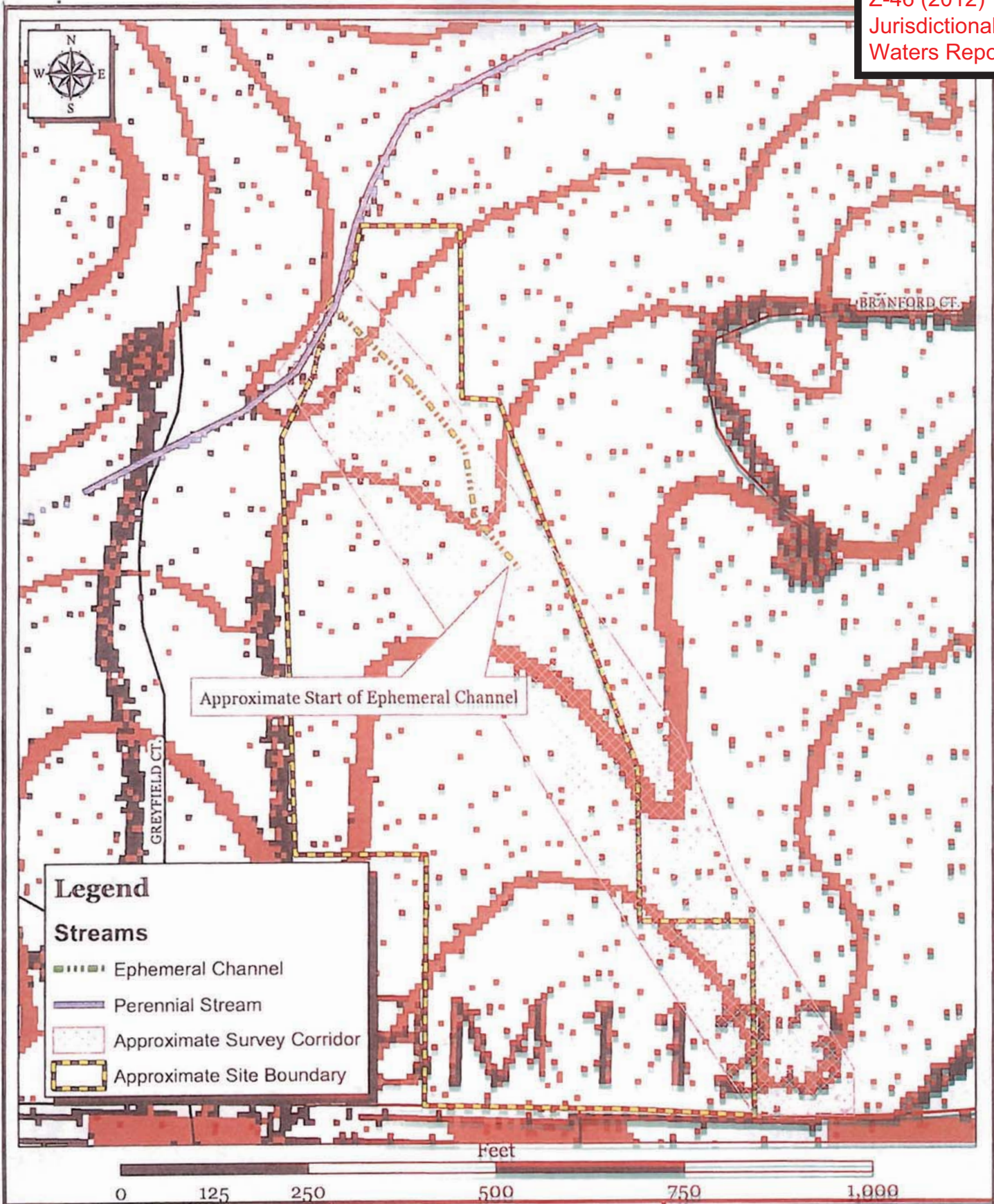


Post Oak Tritt Road  
Jurisdictional Findings Report  
Cobb County, Georgia

  
**WETLAND & ECOLOGICAL  
CONSULTANTS, LLC**  
Woodstock, Georgia

**Figure 4**  
**Soils Map**  
WEC Project No: 02-080712









**Photograph No. 1: Confluence of perennial stream and ephemeral channel at northwestern property boundary.**



**Photograph No. 2: Ephemeral channel in northern center of site.**





**Photograph No. 3: Ephemeral channel in northern center of site.**



**Photograph No. 4: Ephemeral channel in center of site.**





COBB COUNTY  
COMMUNITY DEVELOPMENT AGENCY

P.O. Box 649 • Marietta, Georgia 30061-0649  
phone (770) 528-2190 • fax: (770) 528-2095  
Email: frank.gipson@cobbcounty.org

Frank L. Gipson  
Erosion Division Manager

August 24, 2012

Mr. James Cochran  
Vanquish Property Partners, LLC  
P.O. Box 2789  
Suwanee, GA 30024



Dear Cochran,

After reviewing the site, I would concur with your findings and would recommend that no stream buffer variance be required in this area. This area is north of Post Oak Tritt Rd. and west of Hembree Rd. and is approximately 225 feet in length and 3 - 4 feet in width. Please reference the support information (4 maps and 6 photos).

This determination will expire one year from above date. If you have any additional questions, please feel free to contact me at 770-528-2191.

Sincerely,

Frank L. Gipson  
Erosion Control Coordinator

cc: Mr. Richard Whiteside  
Mr. Michael Satterfield