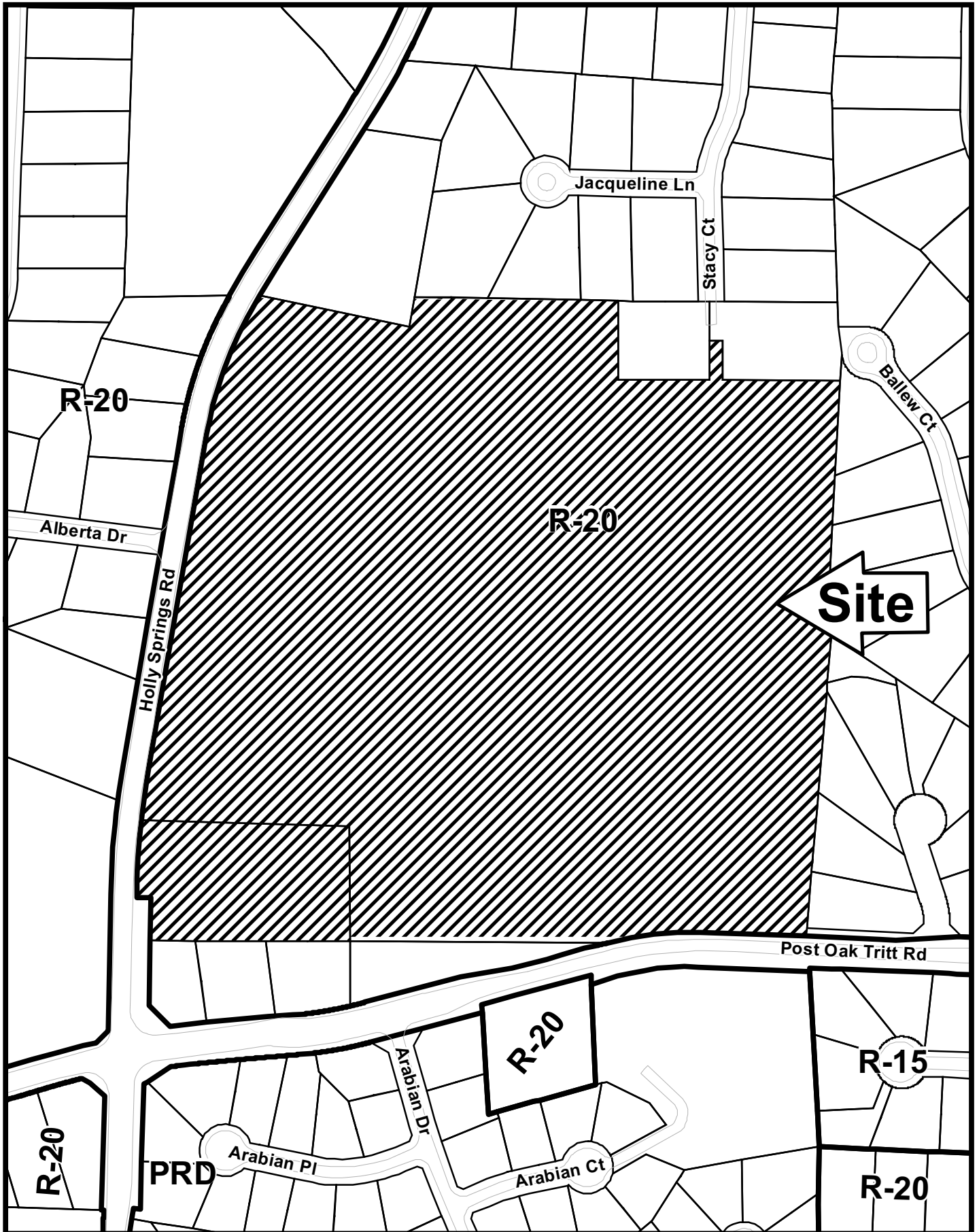
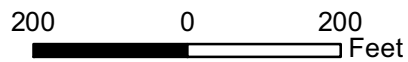




Z-43



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



-  City Boundary
-  Zoning Boundary

APPLICANT: EAH Investments, LLC

PETITION NO.: Z-43

PRESENT ZONING: R-20

PETITION FOR: R-15 and RA-5

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: 88 **Overall Density:** 2.62 **Units/Acre**

Present Zoning Would Allow: 58 **Units** **Increase of:** 30 **Units/Lots**

Applicant is requesting the R-15 and RA-5 zoning categories in order to develop a single-family detached subdivision. The proposed site plan indicates that most of the of the development (19.90 acres) will be RA-5, with minimum lot sizes of 7,000 square feet and the remaining portion of the property (13.64 acres) will be R-15, with minimum lot sizes of 15,000 square feet. As indicated of the attached letter of agreeable stipulations, the minimum house size will be 2,200 square feet and shall range up to 4,200 square feet and beyond. The architectural style and composition of the homes shall consist of a combination of either brick, stacked stone, cedar and/or hardi-plank shake and hardi-plank siding on all four sides consistent with the attached renderings. The homes will also have, at a minimum, an attached two-car garage. The homes will range in price from the high \$300,000s to \$500,000s. The proposed site plan also indicates an amenity area that will include a swimming pool and associated clubhouse. A 10-foot landscape screening buffer is also indicated along the northern and eastern property lines and a 25-foot landscape strip along the Holly Springs Road frontage.

Applicant is seeking simultaneous variances for the interior rear setbacks of the RA-5 portion from the required 30 feet to 20 feet and a waiver of the minimum major side setback in the RA-5 portion from the required 20 feet, 25 feet or 35 feet to 15 feet

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys and documented Civil War trench maps, it is determined that a c. 1945 house is located within the project area. Due to the age and location of the structure, information about this resource and its occupants appears to have the potential to contribute significantly to the county’s public history. Staff recommends the home be documented if destroyed. In order to properly document this structure, its inhabitants, and the role it played in Cobb County’s history, staff requests a history of the home and its occupants (as well as archival-quality photographs of the structure, all outbuildings, and its setting) be completed by a cultural resource consultant. These materials should be submitted to the historic preservation planner.

Cemetery Preservation: No comment.

APPLICANT: EAH Investments, LLC

PETITION NO.: Z-43

PRESENT ZONING: R-20

PETITION FOR: R-15 and RA-5

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

Additional Comments:

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 EAH Investments, LLC

PETITION NO. Z-043

PRESENT ZONING R-20

PETITION FOR R-15, 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): 8" DI / E side Holly Springs

Additional Comments: Also, 16" DI / S side Post Oak Tritt. Dual feed may be required at Plan Review.

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 eastern property line in adjacent subdivision

Estimated Waste Generation (in G.P.D.): **A D F=** 35200 **Peak=** 88000

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: EAH Investments, LLC

PETITION NO.: Z-43

PRESENT ZONING: R-20

PETITION FOR: R-15, RA-5

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Sope Creek Basin 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 receiving systems.

APPLICANT: EAH Investments, LLC

PETITION NO.: Z-43

PRESENT ZONING: R-20

PETITION FOR: R-15, RA-5

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

1. This 33.5 acre site is located just northeast of the intersection of Post Oak Tritt and Holly Springs Roads. The majority of the site is heavily wooded with mild to moderate slopes ranging from 2 to 12 percent. The site drains generally to the south and east with the majority of the site (14.4 ac) discharging to the south into an existing culvert under Post Oak Tritt Road. The northeast third of the site (11.6 ac) drains to the east via a recorded drainage easement through the Falkirk Pointe Subdivision. A small portion of the site (2.4 ac) drains to the southwest corner of the parcel into the Holly Springs Road right-of-way.
2. This development is proposed with mixed density. If approved, the stormwater management facilities must be designed to accommodate the maximum allowable impervious coverage (35% for R-15 and 40% for RA-5). The proposed detention pond at the southwest corner of the site must be designed to tie directly into the existing catch basin located in the Holly Springs Road right-of-way.

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
Holly Springs Road	11700	Arterial	35 mph	Cobb County	100'
Post Oak Tritt Road	14300	Arterial	40 mph	Cobb County	100'

*Based on 2011 traffic counting data taken by Cobb DOT (Holly Springs Road)
Based on 2010 traffic counting data taken by Cobb DOT (Post Oak Tritt Road)*

COMMENTS AND OBSERVATIONS

Holly Springs 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.

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 east side of Holly Springs Road, a minimum of 50' from the roadway centerline.

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 no access to Post Oak Tritt Road.

Recommend a deceleration lane on Holly Springs Road at proposed development.

Recommend replacing disturbed sidewalk along the Holly Springs Road frontage.

Recommend curb, gutter, and sidewalk for all roadways.

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

STAFF RECOMMENDATIONS

Z-43 EAH INVESTMENTS, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Surrounding developed residential subdivisions in this area have densities lower than what is being proposed in this application.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse effect on the usability of adjacent or nearby property. While the Low Density Residential land use category allows for densities from 1-2.5 units per acre, surrounding subdivisions have densities that range from approximately 1.75 – 2.52 units per acre. Applicant's site plan indicates 2.62 units per acre.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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. The proposed density is not in keeping with the densities of the surrounding neighborhoods.
- D. It is Staff's opinion that a portion of applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be in the Low Density Residential (LDR) category having densities ranging from 1-2.5 units per acre. Applicant's proposed site plan indicates a portion to be rezoned RA-5, which puts the development at a density higher than other developed subdivisions in the area.
- 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 deleting the applicant's rezoning proposal to the R-15 zoning category. The requested proposal indicates that most of the property will be RA-5 and the remainder R-15. It is staff's opinion that deleting the entire property to the R-15 category will provide for a density that is comparable to the surrounding subdivisions.

Based on the above analysis, Staff recommends DELETING the property to R-15, subject to the following conditions:

- District Commissioner to approve final site plan and architecture;
- Compliance with R-15 zoning category;
- Water and Sewer comments and recommendations;
- Stormwater Management Division 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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

SUITE 100
976 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

MELISSA P. HAISTEN
JUSTIN H. MEEKS

Z-43 (2011)
Stipulation Letter

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

SAMSLARKINHUFF.COM

November 7, 2011

VIA E-MAIL
and HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
1150 Powder Springs Road
Suite 400
Marietta, GA 30064



Re: Application of EAH Investments, LLC to Rezone a 33.52 Acre Tract
from R-20 to R-15 & RA-5 (No. Z-43)

Dear John:

You will recall that this firm represents EAH Investments, LLC ("EAH")¹ concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on December 5, 2011 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on December 13, 2011.

While the Application has been pending, we have established a dialogue with the County's Professional Staff, representatives of the East Cobb Civic Association ("ECCA"), the Northeast Cobb Homeowners Group ("NECHG") and some adjacent area residents. In that regard, this letter will serve as EAH's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested Rezoning and binding upon the subject property thereafter:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.

¹ For additional information regarding EAH, please visit the website at www.edwardandrewshomes.com.

**VIA E-MAIL
and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
November 7, 2011
Page 2

2. The subject property shall be developed in substantial conformity to that certain Site Plan prepared by Southeastern Engineering, Inc. which was filed contemporaneously with the Application for Rezoning on September 15, 2011.²
3. The construction of a maximum number of eighty-eight (88) single-family detached homes. The minimum house size within the proposed residential community shall be 2,200 square feet and shall range up to 4,200 square feet and beyond. Each of the homes shall have, at a minimum, an attached two (2) car garage which shall be used for the parking and storage of vehicles.
4. The architectural style and composition of the homes shall consist of a combination of either brick, stacked stone, cedar and/or hardi-plank shake and hardi-plank siding on all four (4) sides consistent with the architectural renderings being submitted contemporaneously herewith. The architectural style and composition shall be subject to review and approval by the District Commissioner.
5. The creation of a mandatory Homeowners Association and the submission of Declaration of Covenants, Conditions and Restrictions which shall include, among other components, strict architectural controls.
6. Subdivision entrance signage, which shall be located on Holly Springs Road, shall be ground-based, monument style and consistent with provisions of the Cobb County Sign Ordinance. Additionally, said entrance signage shall be incorporated into the Landscape Plan for the subdivision and shall be fully irrigated.
7. The Landscape Plan shall also include the following:
 - a. The installation of vegetative screening around the detention ponds which shall be subject to review and approval by the County's Arborist.
 - b. The landscaped screening buffers around the perimeter of the subject property as shown on the Site Plan may be disturbed during the development of the subject property but shall be re-vegetated to Cobb County Standards.

² The residential community will include a swimming pool and associated clubhouse.

**VIA E-MAIL
and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
November 7, 2011
Page 3

- c. EAH agrees to facilitate a Georgia Native Plant Society "Rescue" to be accomplished on those portions of the subject property which will be disturbed.
8. Subject to recommendations from the Cobb County Stormwater Management Division concerning hydrological issues, including the following:
 - a. Recommendations concerning the ultimate location and configuration of on-site detention and/or stormwater management and water quality issues.
 - b. To the extent that it is possible to do so, stormwater shall be directed from the gutters of the homes to the street system and ultimately to established points of detention and water quality.
 - c. Exercising heightened sensitivity with respect to existing stormwater issues located downstream from the subject property.
 - d. Compliance with County requirements regarding maximum impervious surface for R-15 lots at 35% and maximum impervious surface for RA-5 lots at 40%.
 - e. All stormwater issues shall be monitored by a qualified hydrological engineer during the construction process. Site inspections will be completed following area substantial storm event and a monthly summary shall be provided to the Cobb County Stormwater Management Division.
9. Subject to recommendations from the Cobb County Department of Transportation, including the following:
 - a. The construction of sidewalks, curb and gutter along the subject property's frontages on Holly Springs Road and Post Oak Tritt Road.
 - b. Sidewalks shall be constructed on at least one (1) side of the interior streets within the subdivision.
 - c. The voluntary donation and conveyance of right-of-ways so that the County can achieve twenty-five feet (25') from the centerline of Holly Springs Road.

**VIA E-MAIL
and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
November 7, 2011
Page 4

- d. The construction of a one hundred fifty (150') deceleration lane with a fifty foot (50') taper on Holly Springs Road at the community's entrance thereon.
 - e. Compliance with sight distance requirements or the implementation of remedial measures in which to mitigate same.
 - f. Providing a ten foot (10') no-access easement along the subject property's frontage on both Holly Springs Road and Post Oak Tritt Road except, of course, with respect to the community's entrance located on Holly Springs Road.
 - g. During the construction and build-out of the proposed development, there shall be no parking or stacking of trucks and/or construction vehicles on Holly Springs Road or Post Oak Tritt Road.
10. Compliance with recommendations from the Cobb County Water System regarding the availability and accessibility of water and sewer for the site. Said recommendations will include bringing sewer availability to contiguous tracts and establishing a dual water feed.
 11. Subject to recommendations from the Cobb County Fire Department.
 12. Construction hours shall be from 7:00 a.m. until 7:00 p.m. Monday through Friday (7:00 a.m. until 7:00 p.m. during daylight savings times) and 9:00 a.m. until 6:00 p.m. on Saturdays. There will be no on-site construction on Sundays.
 13. The District Commissioner shall have the authority to approve minor modifications to these stipulations as well as the final Site Plan, Landscape Plan and architecture as the development proposal proceeds through the Plan Review Process and thereafter.

The proposed development is entirely appropriate considered in the context of development within which the subject property is situated. For example, there are residential developments in the area which have been built in the following various Zoning Districts: RA-4 (3.7 units per acre); R-15 (2.3 units per acre); PRD (2.52 units per acre), with the County's Future Land Use Map calling for densities ranging up to 2.5 units per acre.

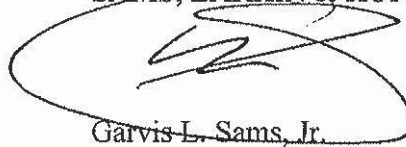
**VIA E-MAIL
and HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
November 7, 2011
Page 5

Please do not hesitate to contact me should you or the Staff require any further information or documentation prior to the formulation of the Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/brl
Enclosures

- cc: Members, Cobb County Board of Commissioners – VIA E-Mail w/ attachments and Hand Delivery w/ enclosures
Members, Cobb County Planning Commission – VIA E-Mail w/ attachments
Mr. Robert L. Hosack, Jr., AICP, Director, Community Development Agency – VIA E-Mail w/ attachments
Mr. Dana Johnson, AICP, Planning Manager – VIA E-Mail w/ attachments
Mr. Jason Campbell, Planner III – VIA E-Mail w/ attachments
Ms. Jane Stricklin, P.E. – VIA E-Mail w/ attachments
Mr. Dave Breaden, P. E. – VIA E-Mail w/ attachments
Ms. Karen King, Assistant County Clerk – VIA E-Mail w/ attachments and Hand Delivery w/ enclosures
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail w/ attachments and Hand Delivery w/ enclosures
Ms. Jill Flamm, President, ECCA – VIA E-Mail w/ attachments
Ms. Trish Steiner, ECCA – VIA E-Mail w/ attachments
Mr. Norm DeWalt, NECHG – VIA E-Mail w/ attachments
Ms. Teresa Epple, P.E., Southeastern Engineering, Inc. – VIA E-Mail w/ attachments
Mr. Paul Corley – VIA E-Mail w/ attachments



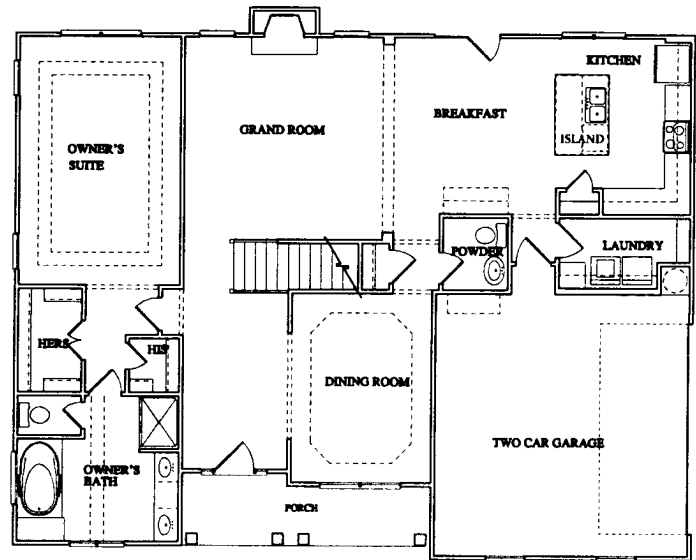
edward andrews
HOMES

MILLSTONE AT LITTLE RIVER

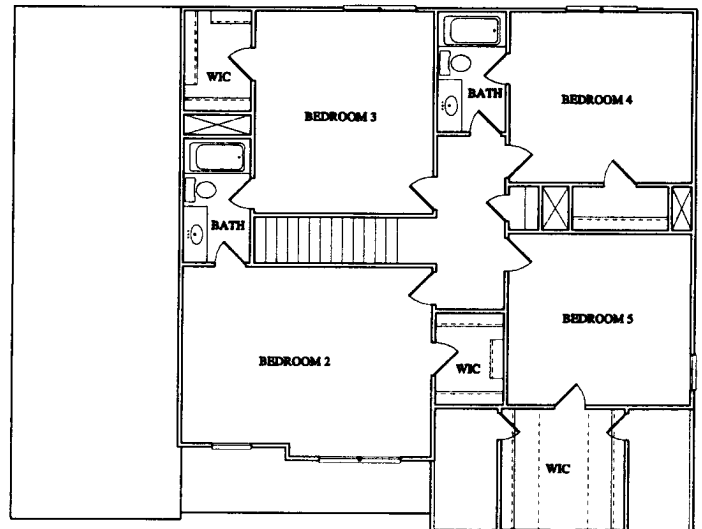
the Gardenia
2845 SQUARE FEET



ELEVATION H



Main Floor



Second Floor



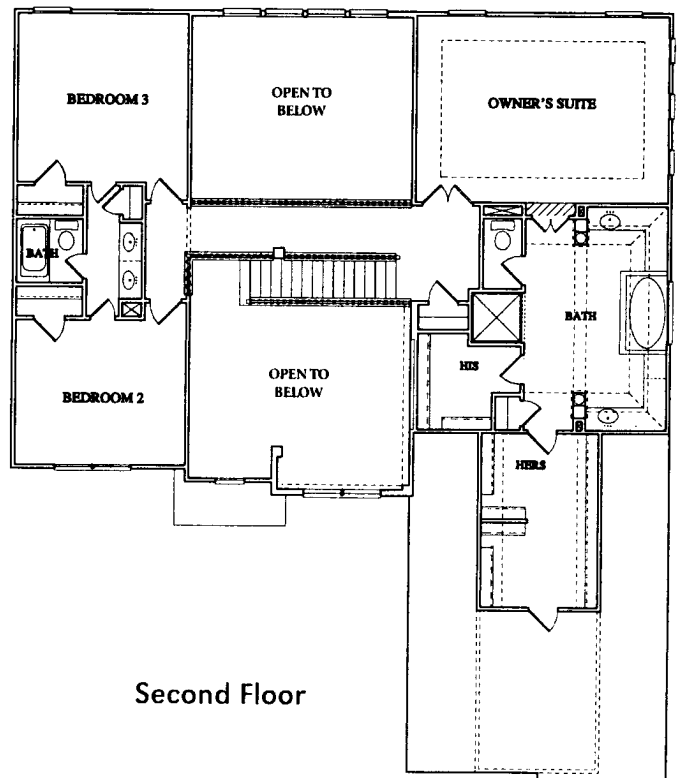
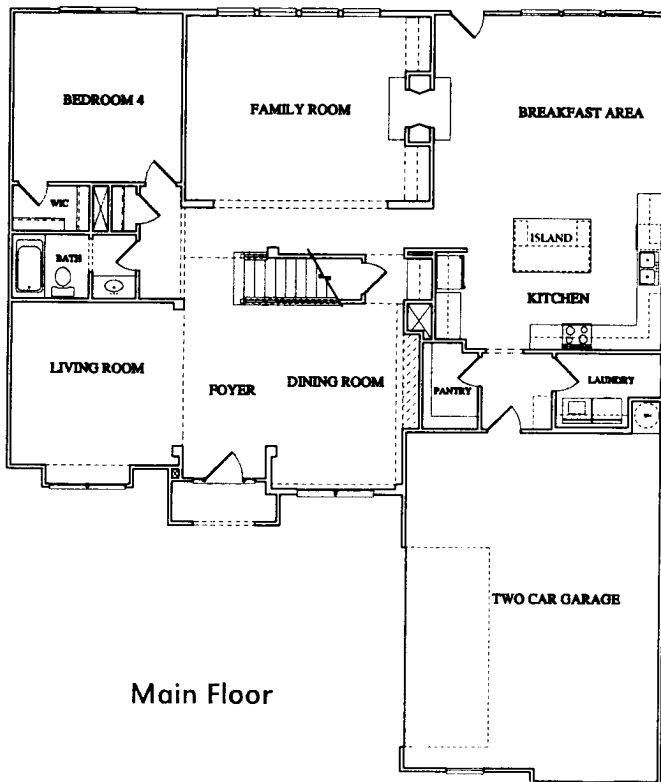
edward andrews
HOMES

MILLSTONE AT LITTLE RIVER

the Crabapple
3348 SQUARE FEET



ELEVATION I



ABOUT SALES, INC.
YOUR REAL ESTATE EXPERT



Drawings are for illustrative purposes only and may vary in precise detail from the actual plans and specifications. Square footages are approximate. 03-17-11

770-821-8662

EAHhomes.com

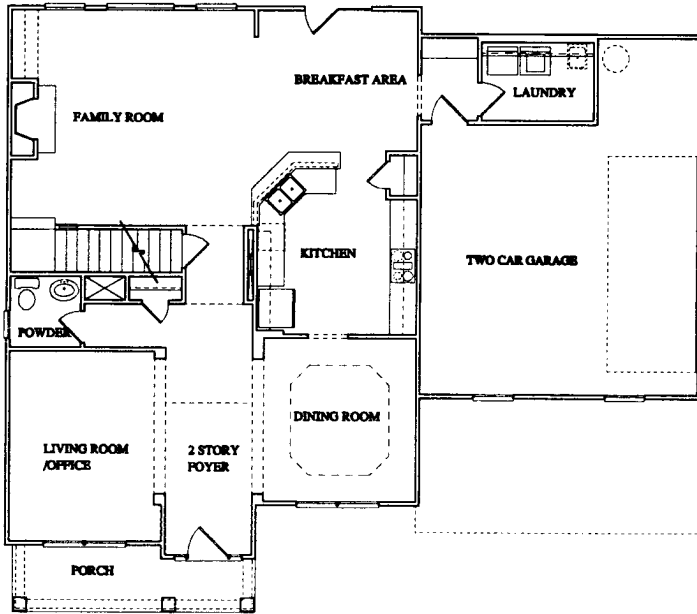
MILLSTONE AT LITTLE RIVER

the Jasmine

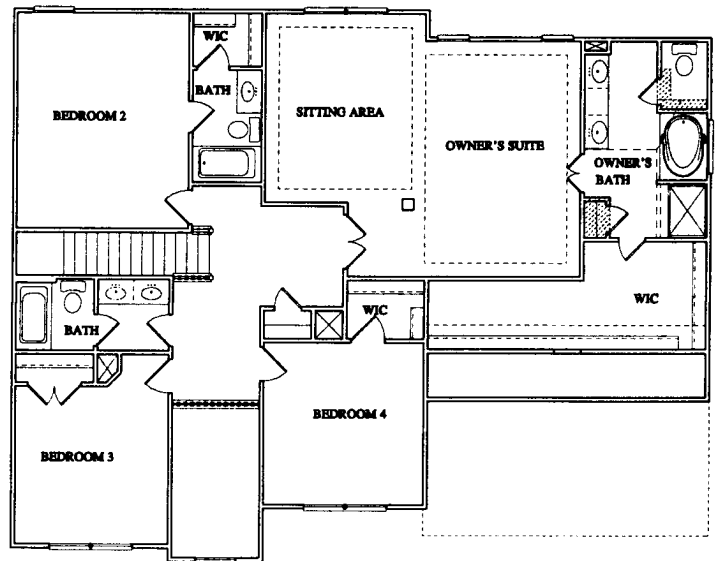
2857 SQUARE FEET



ELEVATION H



Main Floor



Second Floor



ABOUT SALES, INC.
YOUR REAL ESTATE EXPERT



Drawings are for illustrative purposes only and may vary in precise detail from the actual plans and specifications. Square footages are approximate. 02-23-11

770-821-8662

EAHhomes.com



JASMINE



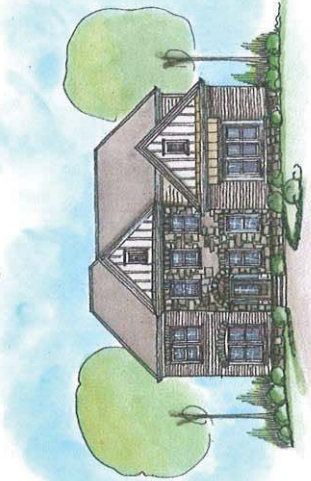
GARDENIA



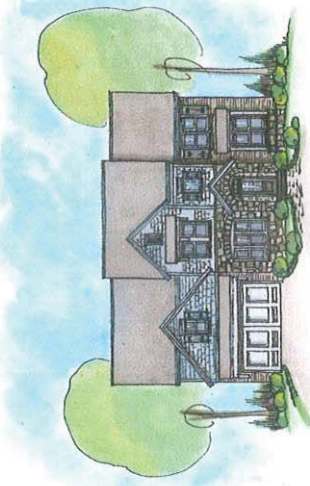
SINCLAIR



BURTON



CRABAPPLE



ORCHID



CAMELLIA

RECEIVED
NOV - 7 2011
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Joy 11:04

Dec.
2011

Summary of Intent for Rezoning*

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

Proposed unit square-footage(s): 2,500 – 3,500 sq. ft.

Proposed building architecture: Please see renderings/elevations submitted along with the Application. Additional renderings/elevations will be submitted under separate cover.

Proposed selling prices(s): High \$300's to \$500's

a) List all requested variances: Refer to the site plan filed with this Application.

.....
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)

The subject property is within an area under the County's Future Land Use Map which reflects residential densities up to 2.5 units per acre. For additional information regarding Edward Andrews Homes, please see the webpage at www.edwardandrewshomes.com.

.....
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 those properties are located.)

N/A

*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.