

**OCTOBER 21, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM OB-66

PURPOSE

To consider amending the zoning stipulations for Navkar Builders, LLC regarding rezoning application Z-25 of 2013 (East Lake Asset Management, LLC), for property located on the northwesterly side of Sewell Mill Road and on the southwesterly side of East Piedmont Road in Land Lot 915 of the 16th District.

BACKGROUND

The subject property was rezoned to R-15 in 2013 for a nine lot subdivision with a private drive that serves all nine lots. The private drive accesses Sewell Mill Road and East Piedmont Road and this drive helps to reduce curbs cuts along the public roads. This particular amendment has to do with the impervious surface the private drive creates on each lot. Each lot is limited to 35% impervious surface and each lot has some amount of private drive on it. The developer does not want the private drive’s impervious surface to count against each lot since this would severely impact some of the lots. The detention pond was designed to take in the impervious surface for each lot and also for the private drive. There is capacity in the pond to accommodate this request and the applicant has submitted an engineers report verifying this fact. Also, during the pendency of the application, it was discovered the brick and stone privacy wall along the public roads was built to tall. The maximum height for the wall is six feet along a public road. The wall was built seven and a half feet tall in some portions with eight and a half foot tall columns. The wall is over 1,000 feet in length and would very difficult to modify. Additionally, the wall will provide sound buffering adjacent to East Piedmont Road and Sewell Mill Road, which carries 18,600 cars per day and 13,900 cars per day respectively. If approved, all previous zoning stipulations not in conflict would remain in effect.

RECOMMENDATION

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

(Continued on the next page)

**OCTOBER 21, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3
PAGE 2**

ITEM OB-66 (continued)

STAFF COMMENTS

Stormwater Management: Although adequate detention has been provided to meet water quality and peak discharge stormwater management requirements, this increase in allowable impervious coverage will result in an increase in runoff volume from this development. If approved, the builder should be required to utilize pervious pavers/pavement to help mitigate this impact.

ATTACHMENTS

Other Business application, letters from applicant and stipulations.

Application for "Other Business" Cobb County, Georgia

OB-66

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

BOC Hearing Date Requested: October 21, 2014

Applicant: Navkar Builders, LLC

Phone #: 678-523-5997

(applicant's name printed)

Address: 2820 Adams Oak Lane, Marietta, GA 30062

E-Mail: kaniska@yahoo.com

Garvis L. Sams, Jr.

Sams, Larkin, Huff & Balli, LLP

Address: 376 Powder Springs Street, Ste 100, Marietta, GA 30064

(representative's name, printed)

Phone #: 770-422-7016

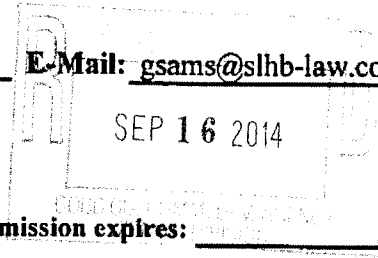
E-Mail: gsams@slhb-law.com

(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public



Titleholder(s): Navkar Builders, LLC

Phone #: 678-523-5997

(property owner's name printed)

Address: 2820 Adams Oak Lane, Marietta, GA 30062

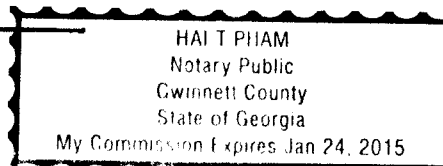
E-Mail: kaniska@yahoo.com

(Property owner's signature) Vijay Kothari

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public



Commission District: 3 (Birrell)

Zoning Case: No. Z-25 (2013)

Date of Zoning Decision: June 18, 2013

Original Date of Hearing: June 18, 2013

Location: Western intersection of Sewell Road and East Piedmont Road

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 915

District(s): 16th

State specifically the need or reason(s) for Other Business: Consistent with discussions with the Zoning Manager of Cobb County, a request for an amendment to stipulations regarding the percentage of impervious surface in relation to the private common driveway which traverses each lot related to the percentage of impervious surface and the configuration of on-site detention.

(List or attach additional information if needed)

Application for "Other Business"

Cobb County, Georgia

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

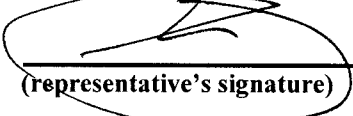
SEP 16 2014
BOC Hearing Date Requested: October 21, 2014

Applicant: Navkar Builders, LLC **Phone #:** 678-523-5997
(applicant's name printed)

Address: 2820 Adams Oak Lane, Marietta, GA 30062 **E-Mail:** kaniska@yahoo.com

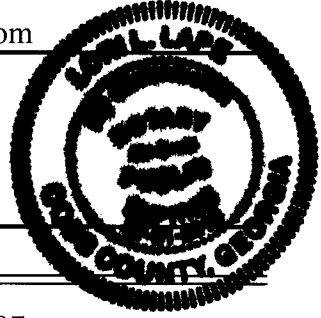
Garvis L. Sams, Jr.
Sams, Larkin, Huff & Balli, LLP **Address:** 376 Powder Springs Street, Ste 100, Marietta, GA 30064

(representative's name, printed)

 **Phone #:** 770-422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

Lori L. Rapp **My commission expires:** 7-31-18
Notary Public



Titleholder(s) : Navkar Builders, LLC **Phone #:** 678-523-5997
(property owner's name printed)

Address: 2820 Adams Oak Lane, Marietta, GA 30062 **E-Mail:** kaniska@yahoo.com

See attached

(Property owner's signature) Vijay Kothari

Signed, sealed and delivered in presence of:

_____ **My commission expires:** _____
Notary Public

Commission District: 3 (Birrell) **Zoning Case:** No. Z-25 (2013)

Date of Zoning Decision: June 18, 2013 **Original Date of Hearing:** June 18, 2013

Location: Western intersection of Sewell^{mill} Road and East Piedmont Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 915 **District(s):** 16th

State specifically the need or reason(s) for Other Business: Consistent with discussions with the Zoning Manager of Cobb County, a request for an amendment to stipulations regarding the percentage of impervious surface in relation to the private common driveway which traverses each lot related to the percentage of impervious surface and the configuration of on-site detention.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

JUSTIN H. MEEKS

SUITE 100

376 POWDER SPRINGS STREET

MARIETTA, GEORGIA 30064-3448

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TELEPHONE

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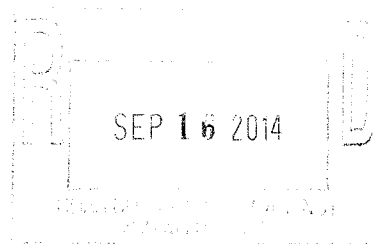
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SLHB-LAW.COM

September 16, 2014

VIA HAND DELIVERY:

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



Re: Other Business Application of Navkar Builders, LLC to Amend Stipulations concerning the application of East Lake Asset Management, LLC to Rezone a 4.64 Acre Tract from R-12, R-15 & R-20 to R-15 (No. Z-25[2013])

Dear John:

You will recall that this firm represented East Lake Management, LLC (“East Lake”) concerning the above-captioned Application for Rezoning. The Application was heard and unanimously approved by the Cobb County Board of Commissioners on June 18, 2013. The rezoning was subject to a number of stipulations/conditions which were negotiated with staff, ECCA and adjacent property owners. East Lake did not close on the subject property; however, the property was ultimately purchased by Navkar Builders, LLC (“Navkar”) which is in the process of developing the property.

Enclosed is an Other Business application which seeks approval of an amendment to stipulations relative to the private common driveway which traverses each lot on the subject property; the percentage of impervious surfaces allowed; and, on-site detention. As you and I have previously discussed, the private drive is actually a part of each one of the lots and a part of the square footage designation of each lot. In that regard, Navkar loses a significant part of the impervious surface because of the size (3,000-4,000 square feet) and price points (low \$900s) of the homes being constructed.

With the rezoning having been approved subject to the revised site plan which was received by the Zoning Division on May 17, 2013, we submit that the private drive encumbering each lot was contemplated to do so and should be an element that is separate and apart from the calculation of impervious surface. That is why we have attached a report from our engineer to

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A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
September 16, 2014
Page 2

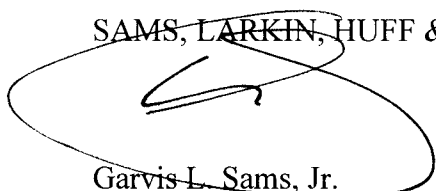
reflect that the detention pond has been calculated and designed to over-detain the site to accommodate for the presence of the private drive on each lot.

In addition to the Other Business application, also enclosed are the Minutes and the documentation incorporated by reference within the Minutes and a check made payable to Cobb County in the sum of \$318.00. As you can see, we are requesting that the Other Business application be placed on the Board of Commissioners' agenda on October 21, 2014. In that regard, please let me know when the notification signage is ready to be picked so that I can ensure that the property is properly posted consistent with ordinance requirements.

Please do not hesitate to contact me should you have any questions whatsoever regarding these matters. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.

gsams@slhb-law.com

GLS/III

Enclosures

cc: Mr. Vijay Kothari, Navkar Builders, LLC (via email w/attachment)

September 10, 2014.

Navkar Builders, LLC
2820 Adams Oaks Lane
Marietta, Georgia 30062
Attn: Vijay Kothari

SEP 16 2014

Dear Vijay,

Per your request we analyzed the capacity of the existing stormwater detention pond per our approved design. The basins draining to the detention pond will remain the same as the approved study, and only an increase to the allowable site impervious area has been changed. The curve number for the proposed conditions has been updated from 71 to 72 resulting in a higher impervious area. Below is the modeling results from the proposed change.

Post Developed Basin 1 per Approved Hydrology Study:

The post developed basin 1 is 3.80 acres with a weighted curve number of 71. The curve number is based on 1.42 acres of new impervious area (37.3% impervious) with a curve number of 98 and 2.38 acres of pervious area with a curve number of 55.

Post Developed Basin 1 per Existing pond with Increase to Impervious Area:

The post developed basin 1 is 3.80 acres with a weighted curve number of 72. The curve number is based on 1.53 acres of new impervious area (40.3% impervious) with a curve number of 98 and 2.27 acres of pervious area with a curve number of 55.

Detention Summary with 37.3% Impervious per Approved Hydrology Study:

The calculated water quality required volume is 6488 cubic feet. 6900 cubic feet was provided per the design. The pond top is at elevation 1056.00. The 100-year ponding elevation is 1053.81. The pond provides 2.19 feet of freeboard above the 100-yr ponding elevation.

PEAK FLOW SUMMARY CHART FOR SITE BASIN

Storm Event	Pre-Developed Study Point Q (cfs)	Post-Developed Flow to Pond Q (cfs)	Bypass	Combined Routed + Bypass	Pond Routed Q (cfs)	% Reduction from Pre Developed	Peak Pond Elevation (ft)	Total Pond Storage
2-YR	2.91	7.79	0.77	2.01	1.60	30.81%	1052.31	7,530
5-YR	5.44	10.67	1.43	3.85	3.21	29.19%	1052.66	10,212
10-YR	8.34	13.74	2.20	6.70	5.53	19.67%	1052.95	12,546
25-YR	12.63	18.04	3.32	11.14	9.07	11.80%	1053.32	15,388
50-YR	16.10	21.36	4.24	14.72	11.86	8.57%	1053.57	17,340
100-YR	19.75	24.72	5.20	18.54	14.83	6.13%	1053.81	19,238

Pond Routing Started at Top of Water Quality. Elev = 1051.20 and volume of 6900 CF

Detention Summary with 40.3% Impervious

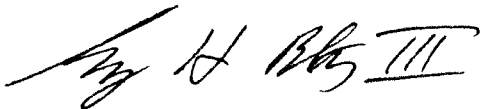
The calculated water quality required volume is 6825 cubic feet. 6900 cubic feet was provided per the design. The pond top is at elevation 1056.00. The 100-year ponding elevation is 1053.85. The pond provides 2.15 feet of freeboard above the 100-yr ponding elevation.

PEAK FLOW SUMMARY CHART FOR SITE BASIN								
Storm Event	Pre-Developed Study Point Q (cfs)	Post-Developed Flow to Pond Q (cfs)	Bypass	Combined Routed + Bypass	Pond Routed Q (cfs)	% Reduction from Pre Developed	Peak Pond Elevation (ft)	Total Pond Storage
2-YR	2.91	8.18	0.77	2.12	1.72	27.06%	1052.37	7,987
5-YR	5.44	11.12	1.43	4.26	3.57	21.72%	1052.71	10,606
10-YR	8.34	14.25	2.20	7.16	5.94	14.18%	1053.01	12,929
25-YR	12.63	18.60	3.32	11.70	9.58	7.36%	1053.37	15,765
50-YR	16.10	21.94	4.24	15.31	12.42	4.91%	1053.62	17,716
100-YR	19.75	25.33	5.20	19.16	15.41	2.99%	1053.85	19,595
Pond Routing Started at Top of Water Quality. Elev = 1051.20 and volume of 6900 CF								

As shown above, an allowable increase of the lot coverage to up to 40.3% for the total of the 9 lots will have no adverse impact on the existing detention pond and the pond will continue to function within Cobb County Stormwater guidelines.

Thank you and please let us know if you have any questions.

Sincerely,
Crescent View Engineering, LLC



George H. (Trey) Baltz III, PE, LEED AP



SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

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

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JUSTIN H. MEEKS

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September 25, 2014

VIA EMAIL:

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

Re: Other Business Application of Navkar Builders, LLC to Amend Stipulations concerning the application of East Lake Asset Management, LLC to Rezone a 4.64 Acre Tract from R-12, R-15 & R-20 to R-15 (No. Z-25[2013])

Dear John:

As you know, this firm represented Navkar Builders, LLC ("Navkar") concerning the above-captioned Other Business Application. The application is scheduled to be heard and considered by the Cobb County Board of Commissioners on October 21, 2014. You will recall that the application seeks approval of an amendment to the stipulations relative to the private common driveway which traverses each lot on the subject property, the percentage of impervious surface and on-site detention.

Earlier this week, while meeting with you and Commissioner JoAnn Birrell, in addition to the foregoing, we discussed the masonry wall which Navkar has constructed with respect to the subdivision which is presently under development. I have confirmed that you are correct and that the wall and its columns exceed the six (6) foot maximum height under the Cobb County Zoning Ordinance. In that regard, attached are photographs of the wall which were taken yesterday. Once back-filled with dirt, the maximum height of the wall will be 7.5 feet at its highest and the maximum height of the columns at their highest will be 8.5 feet. Please note that the wall is over 1,000 feet in length and that, notwithstanding the heights mentioned above, once back-filled, 90% of the wall will be 6.5 feet in height and the columns 8.0 feet in height.

Please add this issue to impervious surface/detention issue concerning the Other Business Application. Also, let me know if you need additional information or documentation concerning these matters.

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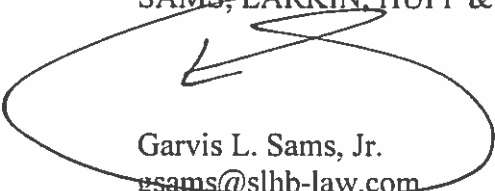
VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
September 25, 2014
Page 2

With kind regards, I am

Very truly yours,

~~SAMS, LARKIN, HUFF & BALLI, LLP~~



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/III
Attachments

cc: Mr. Vijay Kothari, Navkar Builders, LLC (via email w/attachments)





SEP 16 2014

REGULAR CASES (CONT.)

Z-25 **EAST LAKE ASSET MANAGEMENT, LLC** (Bobby G. Stanley, Robert V. Stanley and Tony M. Stanley, Co-Executors; and Internet Commerce Corporation Defined Benefit Plan, owners) requesting Rezoning from **R-12, R-15 and R-20** to **R-15** for the purpose of a Residential Subdivision in Land Lot 915 of the 16th District. Located at the western intersection of Sewell Mill Road and East Piedmont Road, south of Bertha Way (1245 and 1257 East Piedmont Road and 2367, 2373, 2379, 2385 and 2391 Sewell Mill Road).

The public hearing was opened and Mr. Garvis L. Sams, Jr. addressed the Board. Following presentation and discussion, the following motion was made:

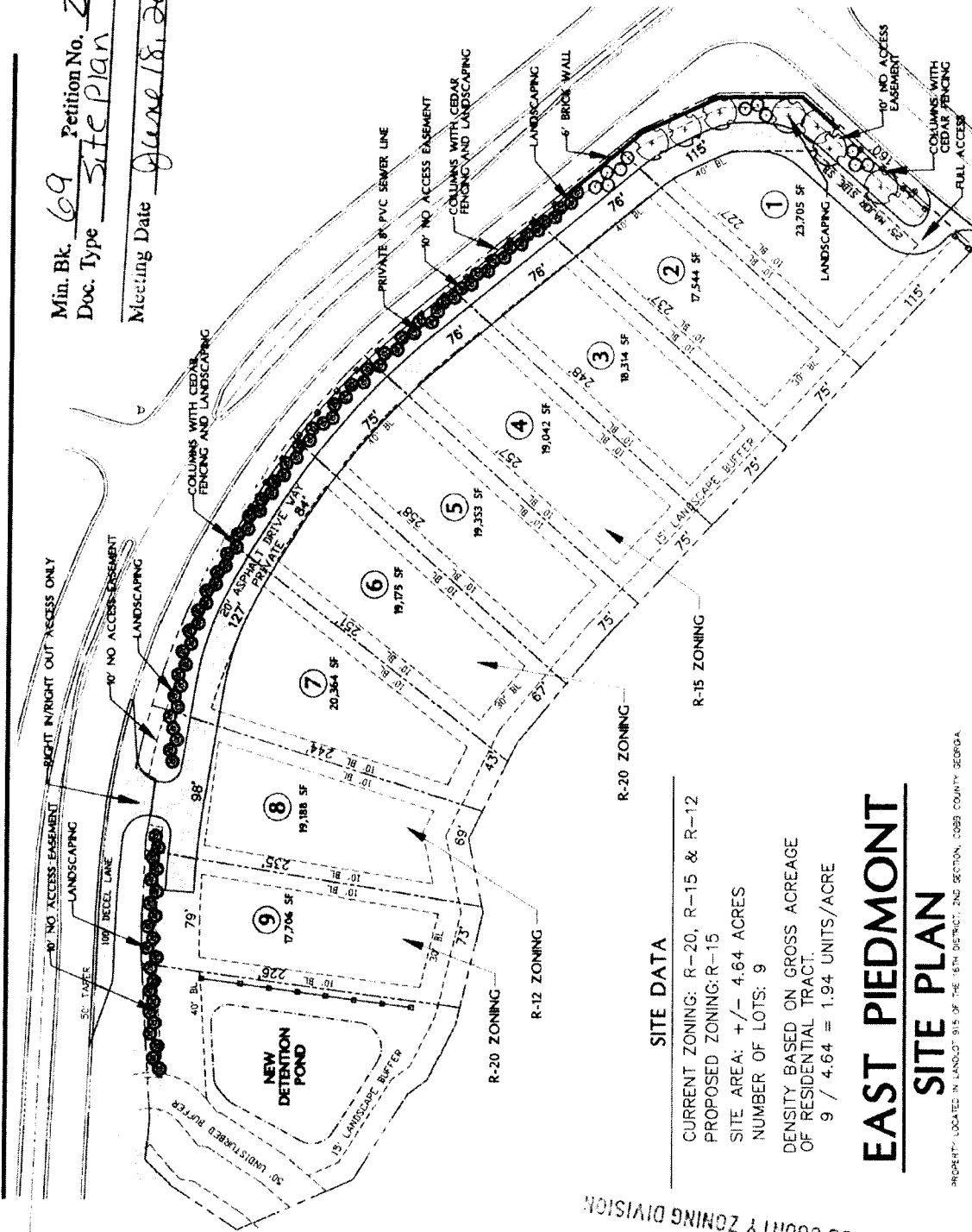
MOTION: Motion by Birrell, second by Ott, to **approve** Rezoning to the R-15 zoning district subject to:

- **Revised site plan received by the Zoning Division May 17, 2013 with the access to Sewell Mill Road changed to right-in/right-out only (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Mr. Parks Huff dated June 12, 2013, including exhibits (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Mr. Parks Huff dated June 14, 2013 (attached and made a part of these minutes) with the following change:**
 - **Item No. 20 (a) – add to end: “After review of landscape buffer plan, Applicant agrees to provide additional plantings if required by the County Arborist.”**
- **Upon completion of utility installation, the landscape buffer between Windsor Estates and subject property to be installed**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendation**
- **Stormwater Management Division comments and recommendations**
- **Revised Cobb DOT comments and recommendations (attached and made a part of these minutes)**

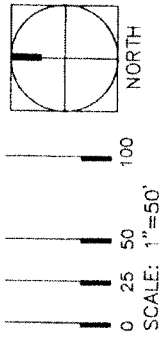
VOTE: **ADOPTED** unanimously

Min. Bk. 69 Petition No. Z-25
 Doc. Type Site Plan

Meeting Date June 18, 2013



Development Consultants, Inc.
 Land Planning, Site Development, Landscaping Architecture
 1000 Peachtree Street, N.W., Atlanta, GA 30309
 Phone: 404.525.1100



SITE DATA

CURRENT ZONING: R-20, R-15 & R-12
 PROPOSED ZONING: R-15
 SITE AREA: +/- 4.64 ACRES
 NUMBER OF LOTS: 9
 DENSITY BASED ON GROSS ACREAGE
 OF RESIDENTIAL TRACT:
 9 / 4.64 = 1.94 UNITS/ACRE

**EAST PIEDMONT
 SITE PLAN**

Prepared for
Eastlake Partners, LLC
 Date: 5/16/2013

NOTE: BOUNDARY & TOPOGRAPHIC INFORMATION OBTAINED FROM A SURVEY
 PREPARED BY MCPARLAND OYER & ASSOCIATES, DATED 4-25-2013

088 COUNTY ZONING DIVISION
 2013 MAY 17 PM 2:59
 088 COUNTY GEORGIA
 FILED IN OFFICE

PROPERTY LOCATED IN LANDLOT 915 OF THE 15TH DISTRICT, 2ND SECTION, 0888 COUNTY, GEORGIA

Min. Bk. 69 Petition No. Z-25
Doc. Type Letter of agreeable
conditions
Meeting Date June 18, 2013

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

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JUSTIN H. MEEKS

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June 12, 2013

**VIA E-MAIL &
AND HAND DELIVERY**

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

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 JUN 12 PM 4:24
COBB COUNTY ZONING DIVISION

Re: Application of East Lake Asset Management, LLC to Rezone a 4.64 Acre Tract
from R-12, R-15 & R-20 to R-15 (No. Z-25)

Dear John:

As you know, this firm represents East Lake Asset Management, LLC ("East Lake") concerning the above captioned Application for Rezoning. On June 4, 2013, the Planning Commission unanimously recommended approval of the application. The Application is scheduled be heard and considered for final action by the Cobb County Board of Commissioners on June 18, 2013. After the Planning Commission meeting, the applicant continued a dialogue with the East Cobb Civic Association ("ECCA") and representatives of the adjacent R-15 subdivision known as Windsor Estate. The following are revised stipulations that incorporate the previous stipulation letters dated May 17, 2013 and June 3, 2013.

In keeping with direction from the County's professional staff and in accordance with our discussions with representatives of the East Cobb Civic Association ("ECCA") and others, this letter will serve as East Lake's expression of agreement with the following stipulations which, upon the Application for Rezoning being approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

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 concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning. These stipulations also supersede the previous stipulation letters dated May 17, 2013 and June 3, 2013.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-25
Meeting Date 6-18-2013
Continued

**VIA E-MAIL &
AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
June 12, 2013
Page 2

2. Rezoning of the subject property shall be from its existing R-12, R-15 & R-20 zoning categories in substantial conformity to that certain revised East Piedmont Site Plan prepared for East Lake Partners, LLC by Site Development Consultants, Inc. which is being submitted contemporaneously herewith.
3. The subject property consists of a 4.64 acre tract and assemblage of properties which shall contain a maximum of nine (9) single-family detached residential homes at a maximum density of approximately 1.98 units per acre.¹
4. Residences to be constructed shall have a minimum of 3,000 sq. ft. and shall range to 4,000 sq. ft. and greater.
5. The architectural style and composition of the homes shall consist of a mixture of brick, stone, hardy plank and hardy shake as shown on the attached architectural elevations/renderings (Exhibit "A") which shall incorporate four (4) sided architecture. Most, if not all, of the homes shall be two (2) levels with a full basement.
6. The creation of a Mandatory Homeowners Association ("HOA") and the submission of a Declaration of Covenants, Conditions and Restrictions ("CCRs") which shall include, among other components strict architectural controls.
7. Subdivision entrance signage 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 landscaped and irrigated.
8. All yard areas of the proposed residences shall be fully sodded and irrigated where appropriate. Each home will have at a minimum, two 2.5" to 3.5" caliper hardwood trees planted in the front yard. All yard areas of the proposed residences shall be sodded and irrigated where conditions permit.
9. The detention pond shall be fully enclosed with a perimeter black, vinyl-coated chain link fence which shall be landscaped on every side of the detention pond except the western

¹A portion of the subject property (2.3 acres) was previously zoned to the R-15 Zoning District for the purposes of the development of a Single-Family Detached Subdivision on July 18, 2006 (No. Z-100 [2006]).

**VIA E-MAIL &
AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
June 12, 2013
Page 3

side which is directly adjacent to the fifty foot (50') undisturbed stream bank buffer to provide visual screening from adjacent properties and public rights-of-way. Such landscaping shall be approved by the Cobb County Arborist as a part of the Plan Review process and incorporated into the overall Landscape Plan for the residential community. It is not anticipated, but if a wall is needed for the detention facility and said wall is visible from Windsor Estate lots, the wall will be faced with either brick or stone if it cannot be concealed by landscaping.

10. Instead of locating nine (9) individual driveways accessing the adjacent roadways, the applicant proposes to a common driveway with one access point on East Piedmont Road and one driveway access onto Sewell Mill Road as depicted on the site plan (Exhibit "B"). The common driveway access points will be in compliance with the following recommendations from the Cobb County Department of Transportation:
 - a) Access to the proposed lots shall be by way of a private access easement with right-in/right-out access on East Piedmont Road and full turning movements on Sewell Mill Road as shown on the revised site plan.
 - b) The construction of a deceleration lane on East Piedmont Road as shown on the revised site plan.
 - c) The installation of sidewalk, curb and gutter on East Piedmont Road.
 - d) Ensuring that landscaping does not block sight distance with respect to both points of ingress/egress on Sewell Mill Road and East Piedmont Road, respectively.
 - e) A ten foot (10') no access easement along East Piedmont Road with the exception of the entrance/exit shown on the revised site plan.
 - f) To the extent that same encroaches within the right-of-way, the removal of a "knee wall" which appears to be partially within the right-of-way on East Piedmont Road.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

**VIA E-MAIL &
AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
June 12, 2013
Page 4

- g) Ten foot (10') by ten foot (10') hard surface pads will be installed at each driveway access point to provide space for children to stand while waiting for the bus. Subject to DOT approval, in lieu of the hard surface pad, the applicant may widen the sidewalk or extend the sidewalk to provide a suitable area for children to stand while waiting for the bus.
 - h) Signage will be installed at both access points indicating the asphalt driveway is a private driveway.
11. Compliance with recommendations from the Stormwater Management Division with respect to stormwater management, detention, hydrology and downstream considerations, including the following:
- a) The positioning and configuration of stormwater management features including detention and water quality ponds.
 - b) Conducting pre-development and post-development studies of the first one hundred fifty feet (150') of the headwaters of the lake which is located approximately 2,200 feet downstream from the subject property.
 - c) Recognizing fifty foot (50') undisturbed streambank buffers and, to the extent that same encroach into the subject property, the placement of said buffers within a Conservation Easement in favor of Cobb County.
12. The installation of a fifteen foot (15') landscaped screening buffer between the access drive on Sewell Mill Road which adjoins Windsor Estates, subject to review and approval by the County Arborist. Additionally, the installation of a landscaped berm, wall, and/or fence with columns and landscaping between the private drive easement and East Piedmont Road/Sewell Mill Road, respectively, also subject to review and approval by the County Arborist.
13. All construction and worker vehicles shall be parked on the subject property during the construction and build-out of the subdivision.

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14. The Mandatory HOA shall be responsible for maintaining fencing, the private drive easement, landscaping and the entrance to the subdivision including subdivision entrances signage, lighting and irrigation.
15. Compliance with recommendations from the Cobb County Water System with respect to the availability and accessibility of water and sewer for the site.
16. Subject to recommendations from the Cobb County Fire Department as contained within the Final Zoning Analysis and Staff Recommendations.
17. In the event East Lake determines that the subject property is not developable or does not close on the transaction for the purchase of said property within one (1) year from the date of zoning approval, then and in either of said events, the zoning of the subject property shall revert to its existing zoning classifications without further action by the properties' Owners or by Cobb County.
18. The zoning on the subject property will revert to its existing zoning classification without further action from either the property owner or Cobb County if a land disturbance permit is not issued within twenty-four (24) months from the date of rezoning approval by the Board of Commissioners.
19. Construction hours during the build-out and development of the proposed subdivision shall be as follows:
 - a) 7:00 a.m. until 7:00 p.m. Monday through Friday, October 1st through March 31st.
 - b) 7:00 a.m. until 8:00 p.m. Monday through Friday, April 1st through September 30th.
 - c) 9:00 a.m. until 6:00 p.m. on Saturdays.
 - d) There shall be no outside work on Sunday unless approved in advance by the District Commissioner.
20. The subject property shares its southwest boundary with another R-15 subdivision known Windsor Estates. Although it is unusual for an identically zoned residential property to

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provide a buffer, the previous zoning on the subject property incorporated a fifteen (15) foot planted buffer so the applicant will agree to the following as it relates to buffering and landscaping:

- a) There shall be a planted landscape buffer as depicted in the attached landscape plan adjacent to Windsor Estates (Exhibit "C"). This buffer will be installed during the development of the subdivision or within thirty (30) days of the start of the grading of the first home, whichever shall occur first.
 - b) This landscape buffer shall be shown on the final plat as a perpetual buffer that must be maintained by the homeowner.
 - c) There shall be plantings along the Sewell Mill Road and East Piedmont Road frontages in the area shown on the site plan. The plantings shall include some or all of the shrubs and trees in the attached list (Exhibit "D"). The final plantings shall be incorporated in the landscape plan for the entire subdivision and approved by the county arborist.
 - d) There shall be a decorative fence installed along the road frontage that will be similar to the attached photograph (Exhibit "E").
 - e) Because Windsor Estates is impacted by the proposed development, it will be notified of any proposed minor modification to any stipulation contained in this letter (including but not limited to changes to the buffer, lot layout, driveway configuration, landscaping or hours of construction) and will be given an opportunity to comment on any proposed stipulation change presented to the District Commissioner.
21. The District Commissioner shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the Plan Review process and thereafter.

The subject property is surrounded by properties zoned R-12 and R-15 and is located in an area under Cobb County's Future Land Use Map which is denominated as Low Density Residential ("LDR") which anticipates densities ranging from 1-2.5 units per acre. At a density

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Petition No. 2-25
Meeting Date 6-18-2013
Contract

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of 1.94 units per acre, the subject property is well within that contemplated range of densities and entirely appropriate from a land use planning perspective.

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

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samslarkinhuff.com

PFH/snw
Enclosures/Attachment

- cc: Members, Cobb County Board of Commissioners (via email w/attachment)
Members, Cobb County Planning Commission (via email w/attachment)
Mr. Robert L. Hosack, Jr., AICP Director (via email w/attachment)
Mr. Dana Johnson, AICP Planning Manager (via email w/attachment)
Mr. Jason Campbell, Planner III (via email w/attachment)
Mr. David Breden, P.E., Stormwater Management Division (via email w/attachment)
Ms. Jane Stricklin, PE, Cobb County DOT (via email w/attachment)
Ms. Karen King, Assistant County Clerk (via email w/attachment)
Ms. Lori Barton, Deputy County Clerk (via email w/attachment)
Ms. Jill Flamm, President, ECCA (via email w/attachment)
Eric Jacobsen, Esq., ECCA (via email w/attachment)
Mr. Tad Braswell, East Lake Asset Management, LLC (via email w/attachment)

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

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

JUSTIN H. MEERS

Min. Bk. 69 Petition No. Z-25
Doc. Type Letter of
agreeable conditions
Meeting Date June 18, 2013
TELEPHONE: 770-426-6583
FACSIMILE

SAMS@LARKINHUFF.COM

June 14, 2013

**VIA E-MAIL &
AND HAND DELIVERY**

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

Re: Application of East Lake Asset Management, LLC to Rezone a 4.64 Acre Tract
from R-12, R-15 & R-20 to R-15 (No. Z-25)

Dear John:

East Lake Asset Management, LLC ("East Lake") has continued its dialogue with the East Cobb Civic Association (ECCA), County representatives and the neighbors. Based upon this dialogue, the applicant amends the stipulation letter dated June 12, 2013 by changing the numbered paragraphs as outlined below. Any paragraph or subparagraph not shown below will remain as detailed in the letter dated June 12, 2013. The additions are shown in red and italics.

5. The architectural style and composition of the homes shall consist of a mixture of brick, stone, hardy plank and hardy shake as shown on the attached architectural elevations/renderings (Exhibit "A") which shall incorporate four (4) sided architecture. Most, if not all, of the homes shall be two (2) levels with a full basement. *A water table shall be created along the back of the homes using either brick or stone veneer.*
8. Each home will have at a minimum, two 2.5" to 3.5" caliper hardwood trees planted in the front yard. All yard areas of the proposed residences shall be sodded and irrigated where conditions permit.
9. The detention pond shall be fully enclosed with a *six (6) foot high* perimeter black, vinyl-coated chain link fence which shall be landscaped on every side of the detention pond except the western side which is directly adjacent to the fifty foot (50') undisturbed stream bank buffer to provide visual screening from adjacent properties and public rights-of-way. Such landscaping shall be approved by the Cobb County Arborist as a part of the

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Plan Review process and incorporated into the overall Landscape Plan for the residential community. It is not anticipated, but if a wall is needed for the detention facility and said wall is visible from Windsor Estate lots, the wall will be faced with either brick or stone if it cannot be concealed by landscaping.

10. Instead of locating nine (9) individual driveways accessing the adjacent roadways, the applicant proposes to a common driveway with one access point on East Piedmont Road and one driveway access onto Sewell Mill Road as depicted on the site plan (Exhibit "B"). The common driveway access points will be in compliance with the following recommendations from the Cobb County Department of Transportation:
 - a) Access to the proposed lots shall be by way of a private access easement with right-in/right-out access on East Piedmont Road and *right-in right out access* on Sewell Mill Road.
12. The installation of a fifteen foot (15') landscaped screening buffer between the access drive on Sewell Mill Road which adjoins Windsor Estates, subject to review and approval by the County Arborist. Additionally, the installation of a landscaped berm, wall, and/or fence with columns and landscaping between the private drive easement and East Piedmont Road/Sewell Mill Road, respectively, also subject to review and approval by the County Arborist *and District Commissioner*.
14. The Mandatory HOA shall be responsible for maintaining fencing, the private drive easement, landscaping (*including the detention pond fencing and landscaping*) and the entrance(s) to the subdivision including subdivision entrances signage, lighting and irrigation.
20. The subject property shares its southwest boundary with another R-15 subdivision known Windsor Estates. Although it is unusual for an identically zoned residential property to provide a buffer, the previous zoning on the subject property incorporated a fifteen (15) foot planted buffer so the applicant will agree to the following as it relates to buffering and landscaping:
 - a) There shall be *at a minimum a* planted landscape buffer as depicted in the attached landscape plan adjacent to Windsor Estates (Exhibit "C"). This buffer will be

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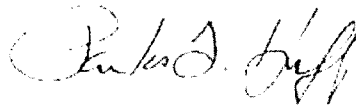
installed during the *initial* development of the subdivision or within thirty (30) days of the start of the grading of the first home, whichever shall occur first.

- b) This landscape buffer shall be shown on the final plat as a perpetual buffer that must be maintained by the *property owner*.
- c) There shall be plantings along Sewell Mill Road and East Piedmont Road frontages in the area shown on the site plan. The plantings shall include some or all of the shrubs, and trees in the attached list (Exhibit "D"). The final plantings shall be incorporated in the landscape plan for the entire subdivision and approved by the county arborist and *District Commissioner*.
- d) There shall be a *six (6) foot high* decorative fence installed along the road frontage that will be similar to the attached photograph (Exhibit "E").

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

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff
phuff@samlarkinbuff.com

PFH/dvm

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. Dana Johnson, AICP Planning Manager (via email)

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A LIMITED LIABILITY PARTNERSHIP

Petition No. Z-25
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Continued

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Mr. Jason Campbell, Planner III (via email)
Mr. David Breaden, P.E., Stormwater Management Division (via email)
Ms. Jane Stricklin, PE, Cobb County DOT (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
Ms. Jill Flamm, President, ECCA (via email)
Eric Jacobsen, Esq., ECCA (via email)
Mr. Tad Braswell, East Lake Asset Management, LLC (via email)
Mr. Tony Ganooni (via email)
Mr. Danny Williamson (via email)
Dr. Asif Saberi (via email)
Mr. Larry Brock (via email)

APPLICANT: East Lake Asset Management, LLC

Meeting PETITION NO.: Z-25 6-18-2013

PRESENT ZONING: R-12, R-15, & R-20

PETITION FOR: R-15

TRANSPORTATION COMMENTS - REVISED

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
East Piedmont Road	18,600	Arterial	45 mph	Cobb County	100'
Sewell Mill Road	13,900	Major Collector	35 mph	Cobb County	80'

*Based on 2009 traffic counting data taken by Cobb DOT (East Piedmont Road)
 Based on 2006 traffic counting data taken by Cobb DOT (Sewell Mill Road)*

COMMENTS AND OBSERVATIONS

East Piedmont 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.

Sewell Mill Road is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend curb, gutter, and sidewalk along the East Piedmont Road frontage.

Recommend a deceleration lane on East Piedmont Road for the entrance.

Recommend removing and closing driveway aprons along East Piedmont Road and Sewell Mill Road frontages that development renders unnecessary.

Recommend removal of wall from right-of-way.

Recommend applicant verify that minimum intersection sight distance is available for East Piedmont Road access and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement.

Recommend the access on Sewell Mill Road be right-in/ right-out only.

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