



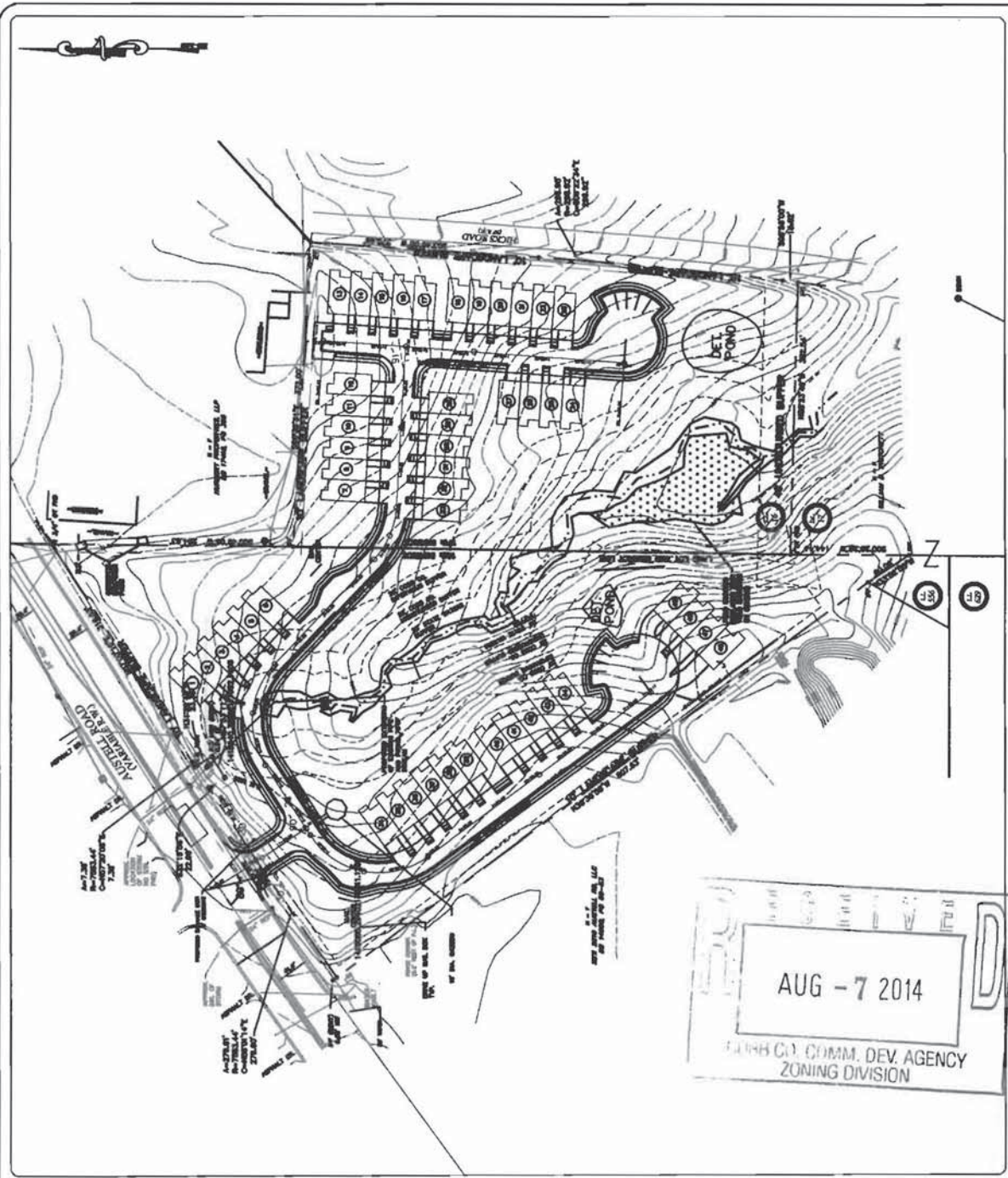
P.O. BOX 7218
MARIETTA, GA 30067
PHONE: (770) 575-3333

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SITE PLAN FOR:
VENTURE HOMES
OVERLOOK PARK
LL 566 19TH DISTRICT, 2ND SECTION & LL 19 17TH DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA

NO.	REVISION	DATE
1	WORKSHEET CURRENT SHEET DATA	
2	REVISED AS PER MEETING RECORD	

DRAWING SCALE: 1" = 30'
DESIGNED BY: LPH
DRAWN BY: LPH
CHECKED BY: LPH
DATE: 07/22/2014

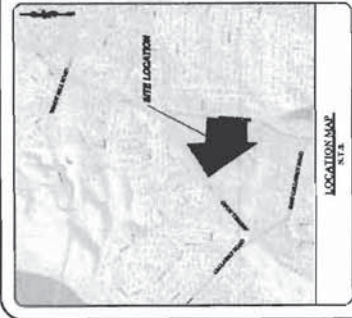


IF YOU DO GEORGIA...
CALL US FIRST!!
404-325-5000
(METRO ATLANTA ONLY)
WE'RE THE LAW



PARKING NOTES:
- 3 SPACES PER UNIT REQUIRED. EACH UNIT HAS 1 SPOT IF
SINGLE-UNIT AND TWO-CAR GARAGE.

AUG - 7 2014
FALSB CO. COMM. DEV. AGENCY
ZONING DIVISION



ZONING NOTES:
EXISTING ZONING: PLANNED RESIDENTIAL DENSITY
SCA 4 R-1R
SINGLE-FAMILY ATTACHED
TOTAL ACREAGE: 11.23 ACRES
NUMBER OF PROPOSED UNITS: 48 UNITS
DENSITY CALCULATION: 4.3 UNITS PER ACRE (U/A)
RECORDED

LOT REQUIREMENTS:
- MAXIMUM UNITS PER ROW
- MAXIMUM FRONT SETBACK
- MAXIMUM SIDE SETBACK
- MINIMUM SIDE SETBACK
- MINIMUM REAR YARD
- MINIMUM FRONT YARD
- MAXIMUM BUILDING HEIGHT
- MAXIMUM COVERAGE

OTHER:
- IF INTERIOR FROM BACK OF CURB
- IF FROM LOT LINE
- IF NETWORK BUILDING
- IF FROM EXTERIOR PROPERTY LINE
- IF FROM
- IF TOTAL IMPERVIOUS PROPERTY AREA AT 21%
- IF 4-5% IMPERVIOUS AS INCLUDED

UTILITY NOTES:
- ALL UTILITIES BY COBB COUNTY
- NEW UTILITIES BY COBB COUNTY

STREET NOTES:
- ALL STREETS ARE 14' W.C. TO B.C. WITH SIDEWALK, AND A 10' UTILITY EASEMENT ON EITHER SIDE OF THE ROAD.
- CURB TO B.C. SHALL BE 8' TO B.C.

GENERAL NOTES:
1) ALL BASE SITE DATA REPRESENTED ON THIS SITE PLAN WAS PROVIDED BY THE PROPERTY OWNER AND THE CITY OF ATLANTA. THE CITY OF ATLANTA HAS CONDUCTED A VISUAL SURVEY AND PHOTOGRAPHIC SURVEY OF THE SITE AND WILL BE NECESSARY FOR COMPLETION OF ENGINEERING PLANS.
2) THE PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AND IS NOT SUBJECT TO ANY SPECIAL FLOOD HAZARD MAPS COMING FROM THE FEDERAL GOVERNMENT.
3) THERE ARE NO CEMENTED OR PAVED AREAS ON THE SITE.
4) THE PROPERTY IS NOT LOCATED IN A SPECIAL FLOOD HAZARD AREA.
5) CURRENT PLAN SHOWS FLOOD HAZARD IDENTIFIED BY THE SURVEYOR AND ENGINEER. THE PROPERTY OWNER SHALL OBTAIN NECESSARY PERMITS FROM THE CITY OF ATLANTA.

APPLICANT: Venture Homes, Inc.

PETITION NO: Z-73

PHONE#: (770) 955-8300 Ext 113 **EMAIL:** bobw@venturehomes.com

HEARING DATE (PC): 10-07-14

REPRESENTATIVE: J. Kevin Moore

HEARING DATE (BOC): 10-21-14

PHONE#: (770) 429-1499 **EMAIL:** jkm@mijs.com

PRESENT ZONING: R-20, PSC, GC

TITLEHOLDER: RMR Investments, LLLP

PROPOSED ZONING: RA-5

PROPERTY LOCATION: Southeasterly side of Austell Road, north of Callaway Road, and on the west side of Hicks Road, south of Austell Road

PROPOSED USE: Residential Subdivision

ACCESS TO PROPERTY: Austell Road

SIZE OF TRACT: 11.19 acres

DISTRICT: 17, 19

PHYSICAL CHARACTERISTICS TO SITE: Wooded

LAND LOT(S): 16, 556

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS, GC, R-20/Commercial, Retail and Single-family houses

SOUTH: R-20/Single-family house

EAST: GC, R-15/Retail Center and Birchwood Park Subdivision

WEST: CRC/Storage Facility

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

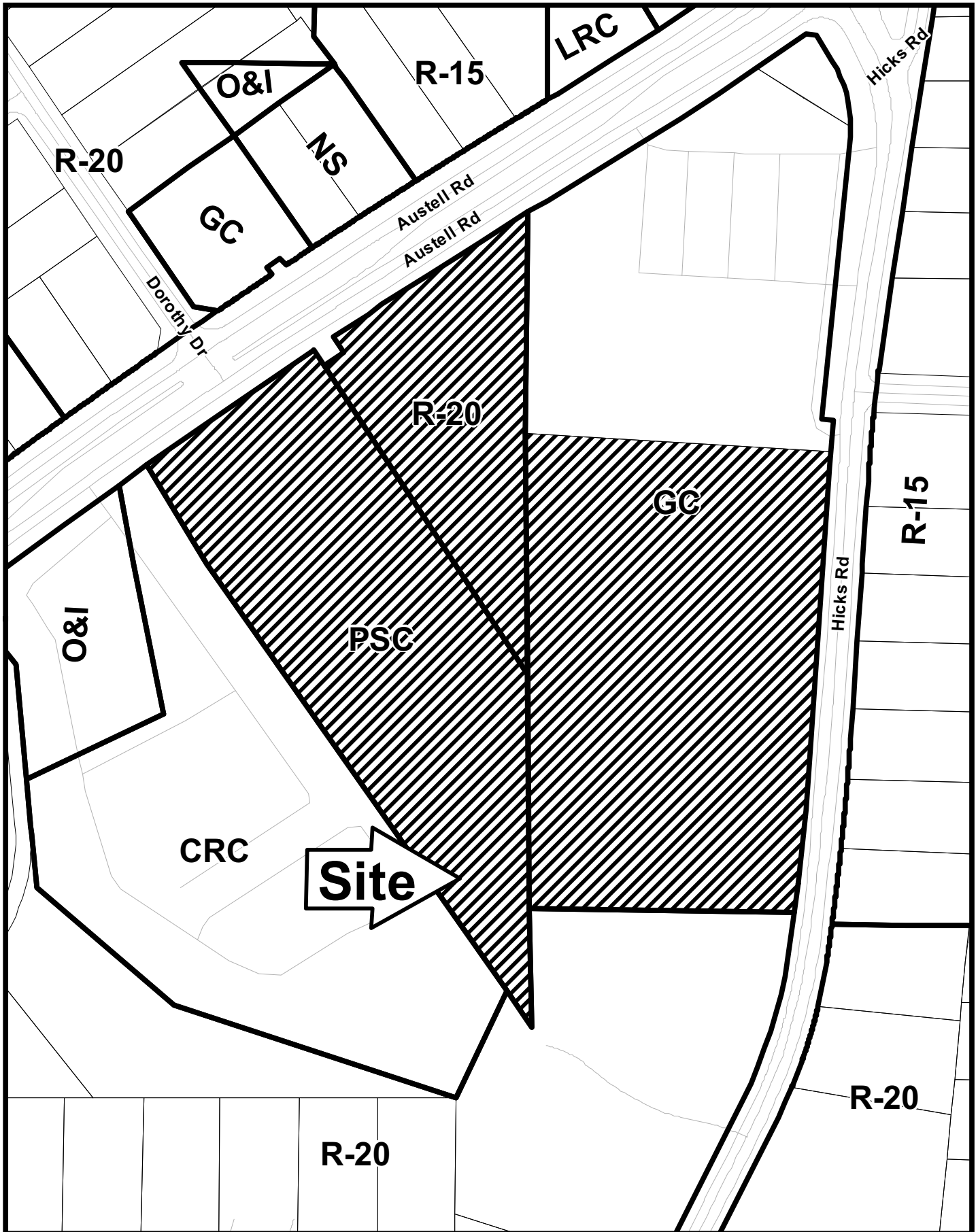
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-73



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

0 100 200
Feet



City Boundary
Zoning Boundary

APPLICANT: Venture Homes, Inc.

PETITION NO.: Z-73

PRESENT ZONING: PSC,GC,R-20

PETITION FOR: RA-5

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Medium Density Residential (2.5-5 units per acre)

Proposed Number of Units: 48 **Overall Density:** 4.3 **Units/Acre**

Staff estimate for allowable # of units: 3 (R-20 Portion) **Units*Increase of:** 45 **Units/Lots**

*Estimate could be higher or lower based on engineered plans taking into account topography, shape of property, utilities, roadways, natural features such as creeks, wetlands, etc., and other unforeseen circumstances.

Applicant is requesting the RA-5 zoning category for the development of a 48-lot attached unit development. The units will be traditional and the minimum unit size will be 1,600 square feet and will have two-car garages. The proposed development will also have private streets. The proposed selling prices for the units will be in the \$200,000s.

Cemetery Preservation: No comment.

APPLICANT: Venture Homes, Inc.

PETITION NO.: Z-73

PRESENT ZONING: PSC,GC,R-20

PETITION FOR: RA-5

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Elementary</u>	<u> </u>	<u> </u>	<u> </u>
<u>Middle</u>	<u> </u>	<u> </u>	<u> </u>
<u>High</u>	<u> </u>	<u> </u>	<u> </u>

- School attendance zones are subject to revision at any time.

Additional Comments:

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: Venture Homes, Inc.

PETITION NO.: Z-73

PRESENT ZONING: PSC,GC,R-20

PETITION FOR: RA-5

PLANNING COMMENTS:

The applicant is requesting a rezoning from and R-20, PSC GC to RA-5 for residential subdivision. The 11.19 acre site is located on the southeast side of Austell Road, south of Hicks Road.

Comprehensive Plan

The parcel is within a Low Density Residential (LDR) future land use category, with R-20, PSC and GC zoning designations. The purpose of the Low Density Residential (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. This category presents a range of densities.

Master Plan/Corridor Study

The site is located within the Austell Road Corridor Study boundary.

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?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program? Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT Venture Homes Inc.

PETITION NO. Z-073

PRESENT ZONING PSC, GC, R-20

PETITION FOR RA-5

WATER COMMENTS:

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

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 8" DI / side of Austell Road

Additional Comments: Master county meter with private submeters required by Code

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: 300' S in Hicks Rd R-O-W

Estimated Waste Generation (in G.P.D.): A D F= 7680 Peak= 19200

Treatment Plant: South Cobb

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 Sewer flow study may be required at Plan Review
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: Venture Homes, Inc.

PETITION NO.: Z-73

PRESENT ZONING: R-20, PSC, GC

PETITION FOR: RA-5

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Mill Creek #2 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: identified on site plan

- 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 in Flowery Branch S/D (~900 ft 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 stormdrainage system.

APPLICANT: Venture Homes, Inc.

PETITION NO.: Z-73

PRESENT ZONING: R-20, PSC, GC

PETITION FOR: RA-5

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. **Maximum 75% impervious allowable in CAC.**
- 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. Units 34 – 48 are located on average slopes of less than 20%. However, the area immediately to the rear of these units falls off rapidly to the stream below. Therefore, these units should be constructed with drop foundations and grading limited to the building pads only.

APPLICANT: Venture Homes, Inc.

PETITION NO.: Z-73

PRESENT ZONING: R-20, PSC, GC

PETITION FOR: RA-5

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Austell Road	30,600	Arterial	45 mph	Georgia DOT	100'
Hicks Road	8100	Major Collector	45 mph	Cobb County	80'

*Based on 2013 traffic counting data taken by Cobb County DOT (Austell Road)
Based on 2009 traffic counting data taken by Cobb County DOT (Hicks Road)*

COMMENTS AND OBSERVATIONS

Austell 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.

Hicks 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 to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Hicks Road, a minimum of 40' from the roadway centerline.

Recommend curb, gutter, and sidewalk along the Hicks Road frontage.

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

Recommend a deceleration lane for the Austell Rd ingress.

Georgia DOT permits will be required for all work that encroaches upon State right-of-way.

Recommend private streets be constructed to the Cobb County Standard Specifications.

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

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STAFF RECOMMENDATIONS

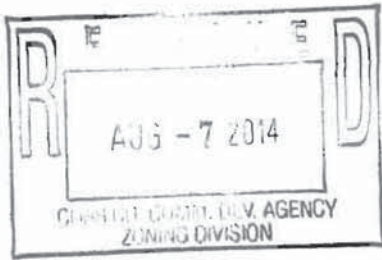
Z-73 VENTURE HOMES, INC.

- 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. This area of Austell Road contains commercial, retail, office and single-family detached houses. However, Staff is concerned because there is not any attached residential housing in the area.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The area contains a mixture of land uses, including residential houses along Austell Road.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Medium Density Residential (MDR) land use category, having densities ranging from 2.5 to 5 units per acre. The requested RA-5 zoning category and the 4.3 units per acre are both compatible with the *Cobb County Comprehensive Plan*.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is consistent with the *Cobb County Comprehensive Plan*. The area contains a mixture of land uses, all existing together. The area includes other residential areas that have helped to revitalize this area.

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

- Site plan received by the Zoning Division on August 7, 2014, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation 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 #: Z-73 (2014)

PC Hearing Date: 10/07/2014

BOC Hearing Date: 10/21/2014

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): 1800 sq ft min
- b) Proposed building architecture: Traditional
- c) Proposed selling prices(s): \$200's
- d) List all requested variances: None known at this time

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). No

Part 5. Is this application a result of a Code Enforcement action? No ; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

VENTURE HOMES, INC.

Applicant signature: BT Robert C. White Date: August 7, 2014

Applicant name (printed): Robert C. White, President

*Applicant specifically reserves the right to amend any information set forth herein, or in any part of the Application for Rezoning, at any time during the rezoning process. Revised August 21, 2013

ORIGINAL DATE OF APPLICATION: 08-21-07APPLICANTS NAME: GREENFIELD PROPERTIES, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 10-16-07 ZONING HEARING:**

GREENFIELD PROPERTIES, LLC (Raymond M. Reed, owner) requesting Rezoning from **R-20, GC and PSC** to **RA-5** for the purpose of an Attached Subdivision in Land Lot 16 of the 17th District and Land Lot 556 of the 19th District. Located on the southeasterly side of Austell Road, north of Callaway Road and on the west side of Hicks Road, south of Austell Road.

The public hearing was opened and Mr. John Moore and Mr. Charles Player addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Olens, second by Lee, to **approve** Rezoning to the **RA-5 (attached)** zoning district **subject to:**

- **site plan received by the Zoning Division on October 3, 2007 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. Kevin Moore dated October 10, 2007 with the following change (attached and made a part of these minutes):**
 - **Item No. 15 - Add to end: *“There will no leases/rentals unless granted by the HOA Board of Directors, and to insure compliance the records in that regard will be open to public inspection and Cobb County to have rights to assist in the enforcement of this restriction.”***
- **letter of agreeable conditions from Mr. Kevin Moore dated October 16, 2007 (attached and made a part of these minutes):**
- **installation of a six (6) foot privacy fence along the “Pritchett” boundary line and along adjoining CRC property to the south and west**
- **revised Fire Department comments and recommendations dated October 4, 2007 (attached and made a part of these minutes)**
- **Water and Sewer Division comments and recommendations**
- **revised Stormwater Management Division comments and recommendations received October 5, 2007 (attached and made a part of these minutes)**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** 4-1, Kesting opposed

HICKS ROAD TRACT
PRELIMINARY MASTER PLAN
 L.T. 556 19th DISTRICT, 2nd SECTION &
 L.T. 16 17th DISTRICT, 2nd SECTION
 COBB COUNTY GEORGIA

OWNER / DEVELOPER
 N/A/T

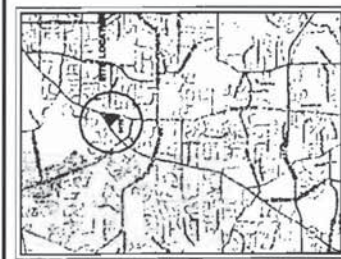
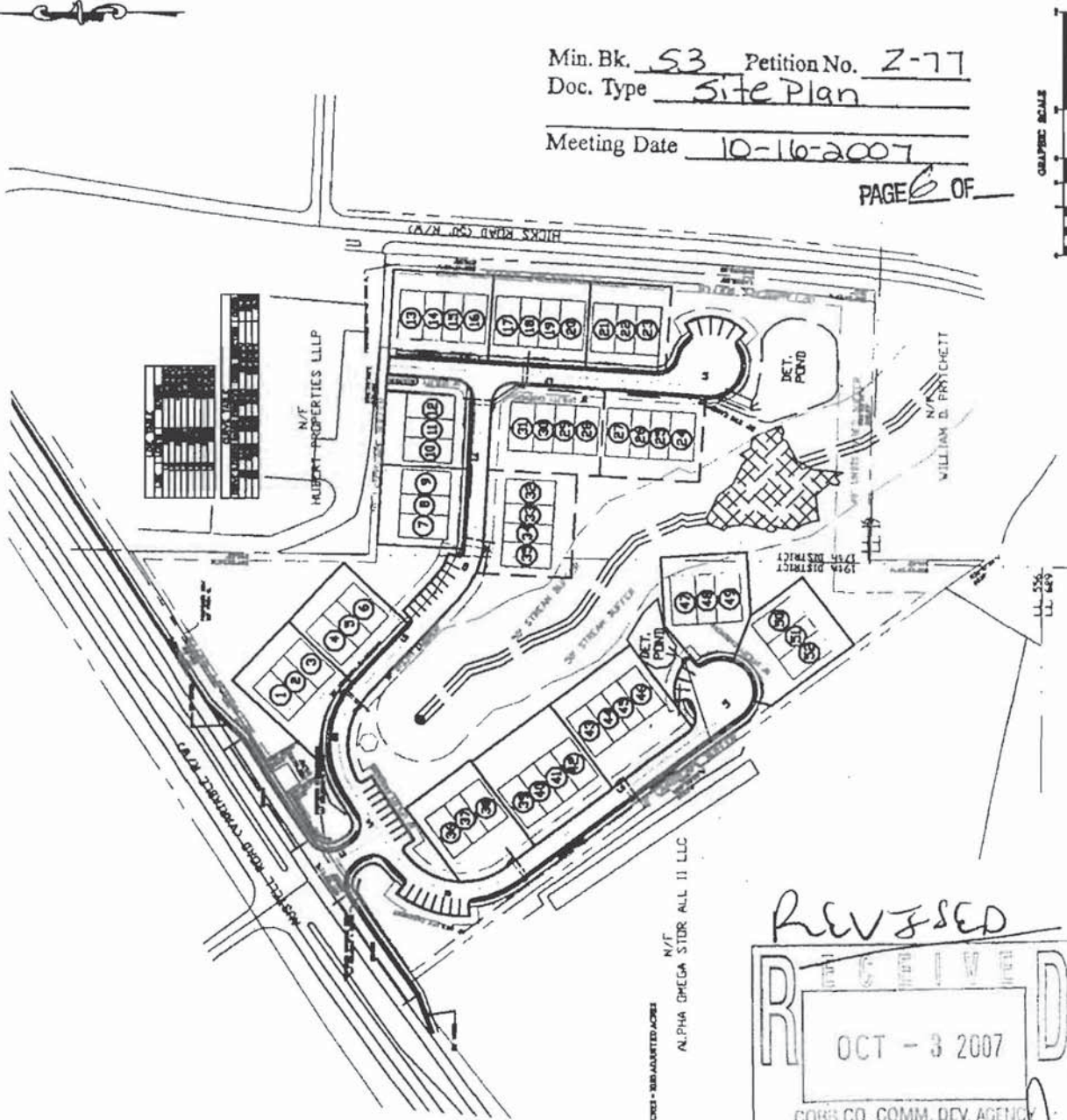
REVISION JOB DATE

60107

Min. Bk. S3 Petition No. Z-77
 Doc. Type Site Plan

Meeting Date 10-16-2007

PAGE 6 OF



THIS PROPERTY IS NOT LOCATED IN A FEDERAL FLOOD AREA AS INDICATED BY FIRM OFFICIAL FLOOD HAZARD MAPS COMMUNITY PANEL NO. 13032007E COBB COUNTY GEORGIA

- ZONING NOTES:**
- EXISTING ZONING: PLANNED RESIDUAL CENTER (PRC)
 - PROPOSED ZONING: GENERAL COMMERCIAL (GC) & R
 - TOTAL AREA: 11.38 TOTAL ACRES (348,000 SQ FT) - 4.76 UNITS PER ACRE
 - DENSITY CALCULATION: 11.38 TOTAL ACRES (348,000 SQ FT) - 4.76 UNITS PER ACRE
 - LOT REQUIREMENTS:
 - DISTURBED ACREAGE: 4 UNITS
 - MAXIMUM UNITS PER ROW: 30 / 200' FRONT SETBACK
 - MINIMUM LOT WIDTH: 20' FROM BACK OF CURB
 - MINIMUM FRONT SETBACK: 15' FROM FRONT OF LOT
 - MINIMUM SIDE SETBACK: 15' FROM SIDE OF LOT
 - MINIMUM REAR SETBACK: 15' FROM REAR OF LOT
 - MAXIMUM BUILDING HEIGHT: 3 1/2 STORIES OR 35' MAXIMUM BUILDING SIZE: 1,500 SQUARE FEET

REVISED
 OCT - 3 2007
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

- UTILITY NOTES:**
- WATER PROVIDED BY COBB COUNTY
 - SEWER PROVIDED BY COBB COUNTY
- STREET NOTES:**
- ALL STREETS ARE 36' TO 50' WIDE WITH 10' SIDEWALK ON EITHER SIDE OF THE ROAD
 - ALL STREETS ARE PRIVATE WITH 10' CURB OF EACH SIDE OF ROAD
- ARCHITECTURAL NOTES:**
- ALL STRUCTURES ADJACENT TO HIGHWAY SHALL BE DOUBLE FRONT WITH DRIVEWAY ACCESS FROM THE INTERIOR ROAD OF THE DEVELOPMENT.
- RECORD REFERENCE:**
- NO MORE THAN 30% OF THE DEVELOPMENT UNITS MAY BE RENTAL PROPERTIES.

12232

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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MARIETTA, GEORGIA 30060

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TENNESSEE OFFICE
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408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

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RICARDO J. DAMEDEIROS
BRETT A. MILLER
CHRISTOPHER C. MINGLEDORFF
JAMES D. BUSCH*
COLE B. STINSON**
SUZANNE E. HENRICKSON
ANGELA D. CHEATHAM
CAREY E. ATKINS*
CHARLES PIERCE*
BRANDON C. HARDY

STAYCE M. BURKHART*
CLAY S. O'DANIEL
C. DAMON GUNNELS
GRAHAM E. MCDONALD
KARINE M. POLIS
PHILLIP G. GOMBAR*
SARAH S. GRANT

OF COUNSEL:
JOHN L. SKELTON, JR. †

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

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***

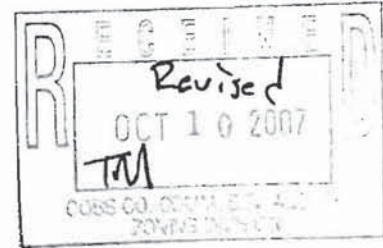
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
JOYCE W. HARPER
AMY K. WEBER
KIM A. ROPER
TARA C. RIDDLE
KELLI L. WOLK
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON

October 10, 2007

PAGE 7 OF

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

Hand Delivered



RE: Application for Rezoning

Application No.: Z-77 (2007)

Applicant: Greenfield Properties, LLC

Property Owner: RMR Investments, LLLP

Property: 11.19 acres located on the southeasterly side of Austell Road and the westerly side of Hicks Road, Land Lot 16, 17th District and Land Lot 556, 19th District, 2nd Section, Cobb County, Georgia

Min. Bk. 53 Petition No. Z-77
Doc. Type Letter of agreeable conditions
Meeting Date 10-16-2007

Dear John:

As you know, this firm represents Greenfield Properties, LLC, the Applicant (hereinafter referred to as "Applicant"), and the Property Owner, RMR Investments, LLLP (hereinafter referred to as "Owner"), in their Application for Rezoning regarding a total tract of 11.19 acres located on the southeasterly side of Austell Road and the westerly side of Hicks Road, Land Lot 16, 17th District, and Land Lot 556, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meetings with planning and zoning staff and county representatives, reviewing the staff comments and

MOORE INGRAM JOHNSON & STEELE

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recommendations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full those certain letters of agreeable stipulations and conditions dated and filed July 31, 2007, and September 12, 2007. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Rezoning of the Subject Property shall be from the existing zoning categories of General Commercial ("GC"), Planned Shopping Center ("PSC"), and R-20 to the proposed RA-5 (attached) zoning classification, site plan specific to that certain Site Plan dated June 1, 2007, and submitted to the Cobb County Zoning Office on October 3, 2007.
- (3) Applicant proposes to construct a community consisting of a maximum of fifty-two (52) attached homes upon a total net tract size of approximately 10.93 acres for a maximum net density of 4.76 units per acre.
- (4) The proposed homes shall have a minimum square footage of 1,650 square feet. Each home shall have an attached two-car garage.

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- (5) The exterior facades of the proposed homes and all buildings shall consist of four-sided masonry materials consisting of a combination of the following: brick, stone, stacked stone, and masonry siding. The homes shall be substantially similar in exterior design and materials as those homes depicted in the photographs attached collectively hereto as Exhibit "A."
- (6) Applicant agrees to either construct or offer the following interior features for construction within the proposed homes:
 - (a) Hardwood flooring throughout the main floor;
 - (b) Granite or Corian countertops in the kitchen; and
 - (c) Nine (9) foot ceilings on the main floor.
- (7) Applicant agrees to the creation of a mandatory homeowners association. The mandatory homeowners association shall have the obligation and responsibility for maintenance of all green space areas, as well as common areas, contained within the proposed community.
- (8) Applicant agrees that the homeowner association maintenance responsibilities shall be managed by a third-party homeowner management company which shall have the responsibility to utilize a third-party contractor to maintain all landscaped areas, common areas, green space areas, park areas, and the entrance area.

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- (9) There shall be recorded a declaration of protective covenants for the proposed residential community which shall contain rules, regulations, and restrictions applicable to the proposed residential community.
- (10) Applicant agrees to establish green space and park areas to be used as common open space and amenities for the enjoyment of the proposed residential community, as more specifically shown and referenced on the submitted Site Plan; such green space park areas shall include community focal points such as gazebos, pavilions, picnic tables, or benches and similar improvements.
- (11) The signage to the proposed community shall be ground-based, monument style signage.
- (12) The entrance area shall be professionally designed, landscaped, and maintained by a third-party contractor.
- (13) Applicant agrees to submit a landscape plan for landscaping throughout the entirety of the proposed residential community to the Cobb County Arborist during the plan review process, which landscape plan will be subject to the approval of the Cobb County Arborist.
- (14) Applicant agrees to all revised Cobb County Stormwater Management recommendations with respect to the proposed residential community.
- (15) Applicant agrees that no more than ten (10) percent of the total number of homes may be leased or rented at one time; and a restrictive covenant establishing such

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a limitation shall be included within the Declaration of Covenants.

- (16) Applicant agrees there shall be no access to Hicks Road, and access shall be limited to Austell Road. Type and design of access onto Austell Road shall be determined during the plan review subject to approval by the Cobb County⁶ Department of Transportation.

We believe the requested zoning, together with the revised Site Plan submitted on October 30, 2007, and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. As always, your consideration of this request is greatly appreciated.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc
Attachments

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
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Cobb County Community Development Agency
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c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Attachments)

Greenfield Properties, LLC
(With Attachments)

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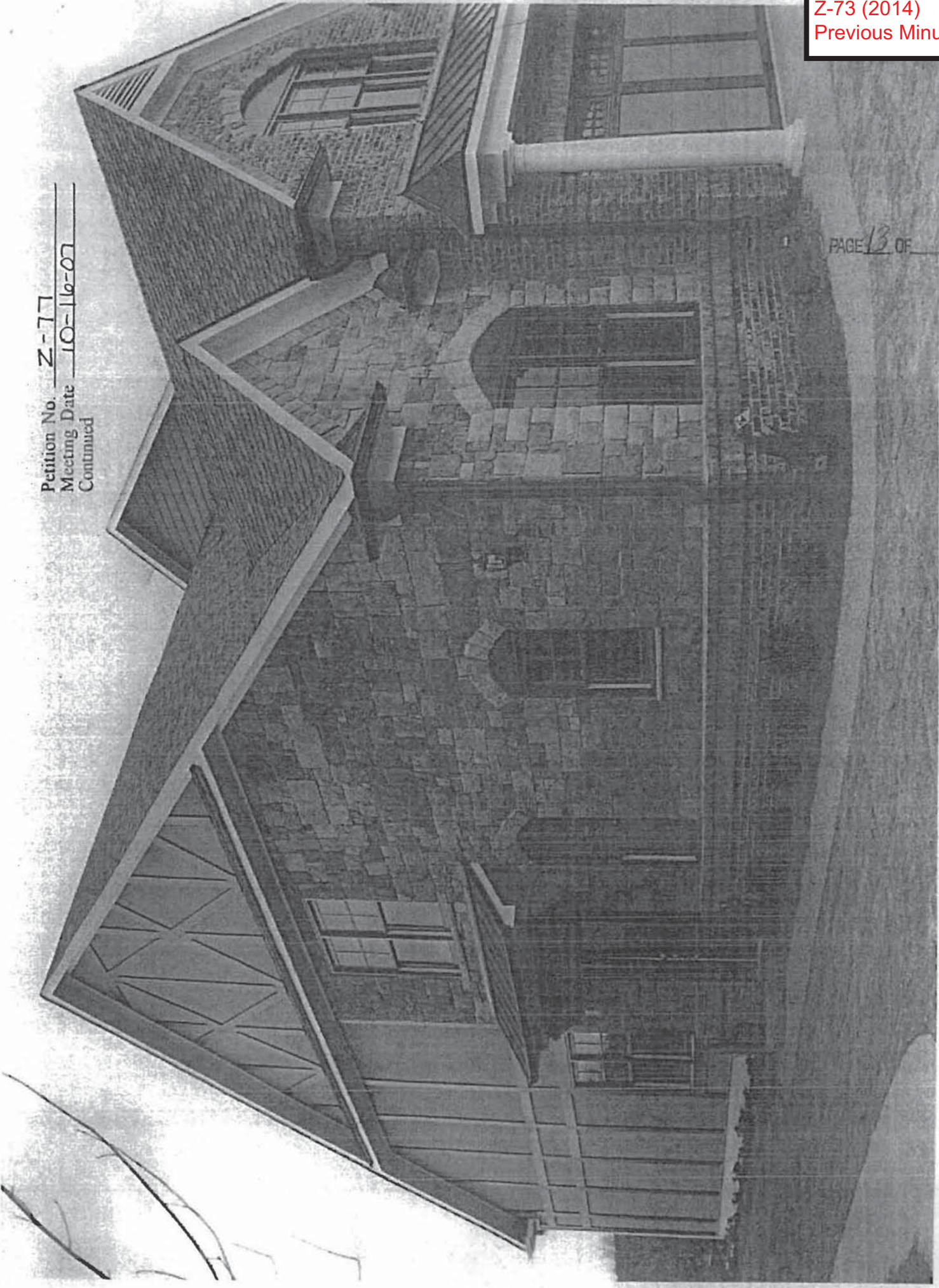


Exhibit "A"

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A LIMITED LIABILITY PARTNERSHIP
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* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
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Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered
FILED WITH COUNTY CLERK THIS 16th DAY
OF Oct. 2007 BY John Moore
Z-77
Karen S. King
COUNTY CLERK / ASST. COUNTY CLERK / DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

RE: Application for Rezoning

Application No.: Z-77 (2007)

Applicant: Greenfield Properties, LLC

Property Owner: RMR Investments, LLLP

Property: 11.19 acres located on the

Min. Bk. 53 Petition No. Z-77

Doc. Type Letter of

agreeable conditions

Meeting Date 10-16-07

southeasterly side of Austell
Road and the westerly side of
Hicks Road, Land Lot 16,
17th District and Land Lot 556,
19th District, 2nd Section,
Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated and filed with your office on October 10, 2007, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulation is as follows:

MOORE INGRAM JOHNSON & STEELE

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- (1) In the event that Applicant, or any entity controlled by Applicant, does not close on the Subject Property on or before March 31, 2008, then, and in such event, the Subject Property shall revert to the original zoning classifications of General Commercial ("GC"), Planned Shopping Center ("PSC"), and R-20.
- (2) Any stipulation contained herein, if in conflict with those set forth in the October 10, 2007, letter of agreeable stipulations and conditions, shall control.

As previously stated, we believe the requested zoning, together with the revised Site Plan submitted on October 3, 2007, and the revised stipulations previously set forth, together with the stipulation stated herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. As always, your consideration of this request is greatly appreciated.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

MOORE INGRAM JOHNSON & STEELE

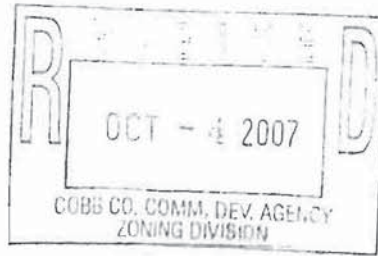
Mr. John P. Pederson, AICP
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c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

Greenfield Properties, LLC



Revised
Comments for plan
received by the Zoning
Division 10-3-07.
JPP

Cobb County Fire and Emergency Services
Site Plan Review Comments

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1. Fire hydrants with the minimum arrangement being so as to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Minimum 6" DIP supply lines to hydrants residential.

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Doc. Type Revised Fire
Dept. comments/recommendations
Meeting Date 10-16-07

APPLICANT: Greenfield Properties, LLC

PETITION NO.: Z

PRESENT ZONING: R-20, GC, PSC

PETITION FOR: RA-5

DRAINAGE COMMENTS REVISED RECEIVED 10/5/2007

Min. Bk. 53 Petition No. Z-77
Doc. Type Revised SWM
Comments/Recommendations
Meeting Date 10-16-07

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

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DRAINAGE BASIN: Mill Creek #2 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: identified on site plan

- 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 in Flowery Branch S/D (~900 ft 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 stormdrainage system.

APPLICANT: Greenfield Properties, LLC

PETITION NO.: Z-

PRESENT ZONING: R-20, GC, PSC

PETITION FOR: RA-5

DRAINAGE COMMENTS CONTINUED

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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. **Maximum 75% impervious allowable in CAC.**
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

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

ADDITIONAL COMMENTS/SUGGESTIONS

Comments based on Revised Plan received 10-2-2007

1. Units 47 – 52 are located on average slopes of less than 20%. However, the area immediately to the rear of these units falls off rapidly toward the stream. Therefore, these units should be constructed with drop foundations and grading limited to the building pads only.

APPLICANT Greenfield Properties, LLC

PETITION NO. Z-077

PRESENT ZONING R-20, GC, PSC

PETITION FOR RA-5

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

WATER COMMENTS:

- Available at Development? Yes No
 Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 6" CI / W side Hicks Rd

Additional Comments: Master meter required for private road

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

SEWER COMMENTS:

- In Drainage Basin? Yes No
 At Development? Yes No

Approximate Distance to Nearest Sewer: 300' S / W side Hicks Rd

Estimated Waste Generation (in G.P.D.): **A D F** 20,800 **Peak** 52,000

Treatment Plant: S Cobb

- Plant Capacity Available? Yes No
 Line Capacity Available? Yes No
 Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years
 Dry Sewers Required? Yes No
 Off-site Easements Required? Yes* No
 Flow Test Required? Yes No
 Letter of Allocation issued? Yes No
 Septic Tank Recommended by this Department? Yes No
 Subject to Health Department Approval? Yes No

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

Additional Comments:

On-site sewer to be private with private streets

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

APPLICANT: Greenfield Properties, LLC

PETITION NO.: Z-77

PRESENT ZONING: R-20, GC, PSC

PETITION FOR: RA-5

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Hicks Road	8000	Major Collector	45 mph	Cobb County	100'
Austell Road	45700	Arterial	45 mph	GDOT	110'

Based on 2005 traffic counting data taken by GDOT.

COMMENTS AND OBSERVATIONS

Austell 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.

Hicks Road is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Install sidewalk, curb and gutter along Hicks Road.

As necessitated by this development for egress from Hicks Road, a deceleration lane and a left turn lane will be required.

No access to Austell Road.

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 south side of Austell Road, a minimum of 55' from the roadway centerline. and b) donation of right-of-way on the west side of Hicks Road, a minimum of 40' from the roadway centerline.

Recommend installing sidewalk, curb and gutter along Hicks Road.

Recommend a minimum deceleration lane and a left turn lane along Hicks Road.

Recommend a 10' no access easement along Austell Road.

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