

**NOVEMBER 16, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 3

PURPOSE

To consider a site plan and stipulation amendment for Ashley Ocampo regarding application OSC-03-01 (Travis Pruitt & Associates) of 2003, for property located on the south side of Blackwell Park Drive, east of Johnson Ferry Road in Land Lot 688 of the 16th District.

BACKGROUND

The subject property is zoned R-15 OSC. The OSC site plan was approved April 17, 2003 for an 18 lot subdivision. The approved site plan showed a 30 foot buffer along the Ocampo’s south property line, which was not stipulated to be a landscape buffer or undisturbed buffer. The Ocampo’s purchased the property in July 2007 and would like to install an inground swimming pool in the backyard. This request is to allow the swimming pool to encroach into the 30 foot buffer. The proposed site plan is attached as Exhibit D. The adjoining property owner to the south (Mrs. Mary A. Smith) has submitted a letter supporting this request (see Exhibit C). This request was heard and held by the Board of Commissioners at the October Zoning Hearing, direction was given to the applicant to provide additional information; attached is a proposed agreement between the Ocampo’s and Mr. Anwar Sultan (Exhibit E). If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached (see Exhibit A). The request has been submitted to Staff, which has no comments.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed site plan and stipulation amendment.

ATTACHMENTS

- Zoning Stipulations (Exhibit A)
- Other Business Application (Exhibit B)
- Letter from Mrs. Mary A. Smith (Exhibit C)
- Proposed site plan (Exhibit D)
- Proposed agreement with Mr. Anwar Sultan (Exhibit E)

ORIGINAL DATE OF APPLICATION: 04-17-03**November 16, 2010
Other Business Item 03
Exhibit A**APPLICANTS NAME: TRAVIS PRUITT & ASSOC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 04-17-03 ZONING HEARING:****OTHER BUSINESS ITEM #7 – TO CONSIDER APPROVAL OF AN R-15 OPEN SPACE COMMUNITY OVERLAY**

To consider approval of an R-15 Open Space Community Overlay application for Travis Pruitt & Assoc., regarding Application OSC 03-01 filed March 3, 2003, for property located on Johnson Ferry Road in Land Lot 688 of the 16th District, Cobb County, Georgia.

Mr. Mike Tuller, Planning Division Manager, provided information regarding application for R-15 Open Space Community Overlay relative to application OSC 03-01. The public hearing was opened. There being no public comment, the following motion was made:

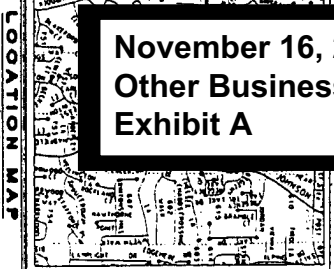
MOTION: Motion by Lee, second by Olens, to **approve** an R-15 Open Space Community Overlay application for Travis Pruitt & Assoc., regarding Application OSC 03-01 filed March 3, 2003, for property located on Johnson Ferry Road, in Land Lot 688 of the 16th District **subject to:**

- **site plan last revised March 24, 2003 (copy attached and made a part of these minutes)**
- **letter from Mr. Rob Hosack, Director, Community Development Agency, to Mr. Wade Gilbert, dated April 7, 2003 (copy attached and made a part of these minutes)**
- **Stormwater Management Division comments and recommendations (copy attached and made a part of these minutes)**
- **Cobb DOT comments and recommendations (copy attached and made a part of these minutes)**
- **Staff Analysis and Recommendation (copy attached and made a part of these minutes)**

VOTE: **ADOPTED** unanimously

November 16, 2010
 Other Business Item 03
 Exhibit A

Min. Bk. 23 Petition No. OB#1705C-0164
 Doc. Type Site Plan
 Meeting Date April 17, 2003

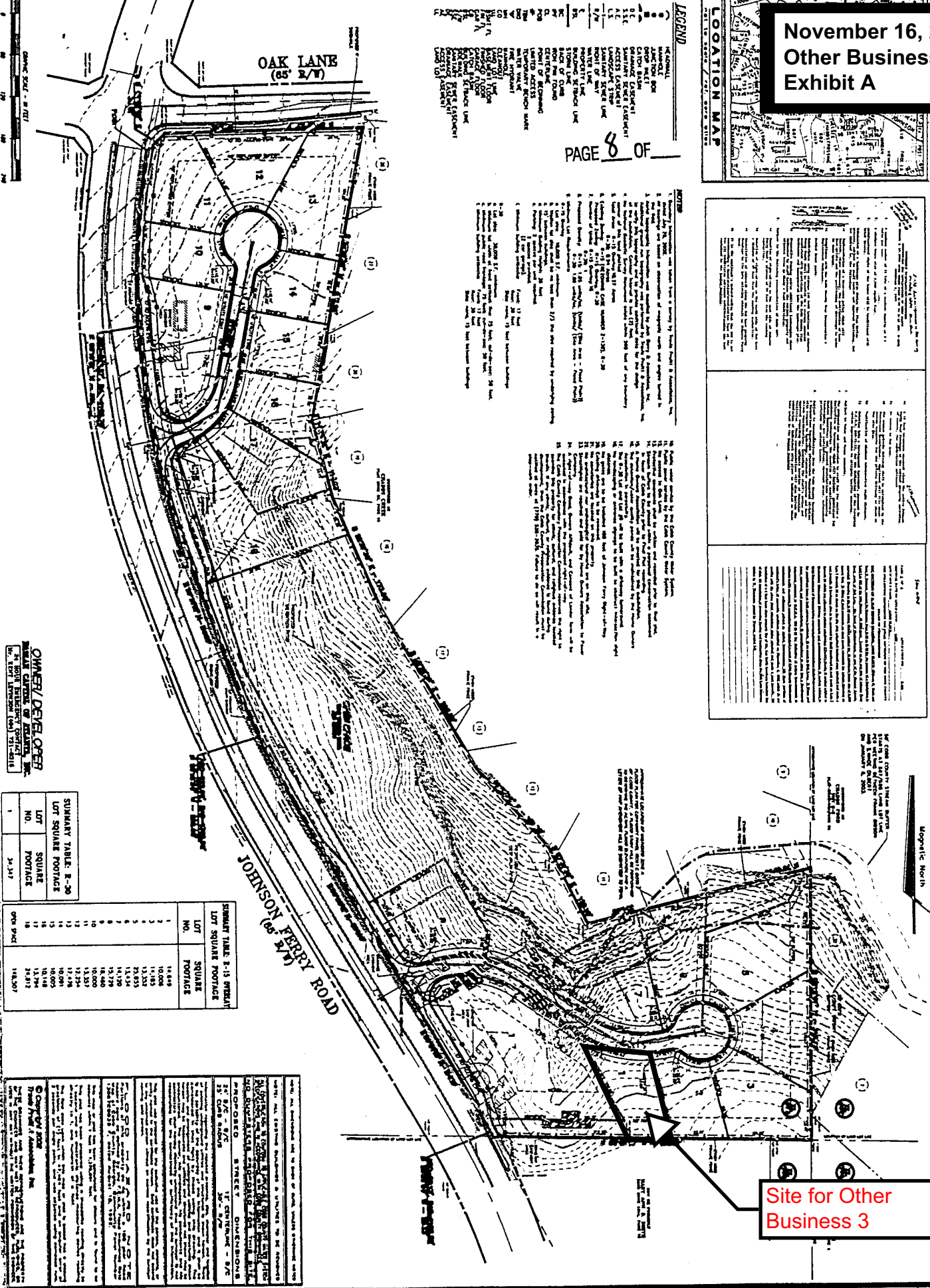


DEED
 The following is a summary of the deed recorded in the public records of Cobb County, Georgia, which conveys to the applicant the land shown on this site plan. The deed is recorded in the public records of Cobb County, Georgia, in Book 1705, Page 0164.

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PAGE 8 OF

DEED
 The following is a summary of the deed recorded in the public records of Cobb County, Georgia, which conveys to the applicant the land shown on this site plan. The deed is recorded in the public records of Cobb County, Georgia, in Book 1705, Page 0164.



Site for Other Business 3

OWNER/DEVELOPER
 TRAVIS FRUIT AND ASSOCIATES, INC.
 1100 W. BENTLEY AVENUE, SUITE 200
 ATLANTA, GEORGIA 30328

SUMMARY TABLE E-30	LOT NO.	SQUARE FOOTAGE
1	1	14,317
2	2	14,317
3	3	14,317
4	4	14,317
5	5	14,317
6	6	14,317
7	7	14,317
8	8	14,317
9	9	14,317
10	10	14,317
11	11	14,317
12	12	14,317
13	13	14,317
14	14	14,317
15	15	14,317
16	16	14,317
17	17	14,317
18	18	14,317
19	19	14,317
20	20	14,317
21	21	14,317
22	22	14,317
23	23	14,317
24	24	14,317
25	25	14,317
26	26	14,317
27	27	14,317
28	28	14,317
29	29	14,317
30	30	14,317

SUMMARY TABLE E-31 (TOTAL)	LOT NO.	SQUARE FOOTAGE
1	1	14,317
2	2	14,317
3	3	14,317
4	4	14,317
5	5	14,317
6	6	14,317
7	7	14,317
8	8	14,317
9	9	14,317
10	10	14,317
11	11	14,317
12	12	14,317
13	13	14,317
14	14	14,317
15	15	14,317
16	16	14,317
17	17	14,317
18	18	14,317
19	19	14,317
20	20	14,317
21	21	14,317
22	22	14,317
23	23	14,317
24	24	14,317
25	25	14,317
26	26	14,317
27	27	14,317
28	28	14,317
29	29	14,317
30	30	14,317

OWNER/DEVELOPER
 TRAVIS FRUIT AND ASSOCIATES, INC.
 1100 W. BENTLEY AVENUE, SUITE 200
 ATLANTA, GEORGIA 30328

ENGINEER
 TRAVIS FRUIT AND ASSOCIATES, INC.
 1100 W. BENTLEY AVENUE, SUITE 200
 ATLANTA, GEORGIA 30328

SITE PLAN FOR:
JOHNSON FERRY ROAD SUBDIVISION
 LAND LOT 688
 16TH DISTRICT
 COBB COUNTY, GEORGIA
 11 - 30 / OCTOBER 17, 2002



NO.	DATE	DESCRIPTION	BY
1	11/16/10	PLANNING	TRF
2	11/16/10	DESIGN	TRF
3	11/16/10	CONSTRUCTION	TRF
4	11/16/10	AS-BUILT	TRF



COMMUNITY DEVELOPMENT AGENCY

191 Lawrence Street
Marietta, Georgia 30060

Phone: (770) 528-2125 Fax: (770) 528-2126
email: rhosack@cobbcounty.org

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Exhibit A

DIRECTOR

April 7, 2003

Mr. Wade Gilbert
Travis Pruitt and Associates, Inc.
4317 Park Drive, Suite 400
Norcross GA 30093

Min. Bk. 23 Petition No. OB#7
OSC 03-01 filed 03/03/03
Doc. Type Letter from Rob Hosack
Meeting Date April 17, 2003

Re: Johnson Ferry Road Subdivision (Johnson Ferry and Oak Lane)

Dear Wade:

Your application for encroachment into a Cobb County stream buffer for the proposed subdivision at Johnson Ferry Road and Oak Lane has been approved with the following conditions:

1. Subject to site plan dated April 7, 2003, on file in my office.
2. Subject to buffer averaging/mitigation plan dated April 7, 2003, on file in my office.
3. Proposed buffer averaging/mitigation as shown on April 7, 2003, site plan to be permanently protected via restrictive covenants or conservation easement.
4. Georgia Environmental Protection Division approval required for any disturbances within 25-foot buffer. (Detention is an exempted use.)
5. All slopes 2.5:1 or greater, must be stabilized with an approved erosion control blanket/matting. All slopes must be properly protected until a permanent vegetative stand is established.
6. All disturbed areas must be seeded and mulched within 14 days of disturbance. Disturbed areas also must be protected until permanent vegetation is established.
7. DOT type "C" silt fence must be installed when silt fence is required within any of the remaining stream buffer and a double row must be installed between the land disturbing activities and State Waters.

If you have any questions, please contact my office.

Sincerely,


Rob Hosack, AICP
Director

RH/so

CC: Bill Higgins
Frank Gipson
Steve Stella
Mark Danneman
Julia Schiebel (Master file – Johnson Ferry/Oak Lane Subdivision)
Joe Pressley (for Greenspace file)

HYDROLOGY STUDY & STORMWATER SITE PLAN REVIEW C

November 16, 2010
Other Business Item 03
Exhibit A

Project Name: Johnson Ferry S/D (OSC)
Developer/Owner: Travis Pruitt & Associates
Engineer/Applicant: Travis Pruitt & Associates

Review Date: Mar
Review By: Dav

THIS SUBMITTAL IS NOT ELIGIBLE FOR ONE STOP.

A HYDROLOGY STUDY WAS NOT INCLUDED WITH THIS SUBMITTAL.

For any questions / comments, or to make appointments call:

Cobb County Water System, Stormwater Management Division
680 South Cobb Drive
Marietta, Georgia 30060-3113
Phone: (770) 419-6435
Fax: (770) 419-6444

Min. Bk. 23 Petition No. OB# 7
0503-01
Doc. Type Stormwater filed 3/3/03
Division comments & recommendations
Meeting Date April 17, 2003

Review Comment errors or omissions do not relieve developer from compliance with applicable codes and specifications. All comments are subject to additional review and change.

Further understanding of the review comments can be obtained from:

- Cobb County Development Standards (Revised May 14, 2002)
- Georgia Stormwater Management Manual, Volume 2 – Technical Handbook

For all sequential plan reviews, please bring these comments, reviewed drawings and reviewed Hydrology Study. For One Stop bring two(2) copies of the final Hydrology Study.

PRE-APPLICATION – OSC Concept Plan

The following comments are based on the limited information provided on the OSC Concept Plan submittal.

The proposed zoning (R-30 OSC Overlay) does not correspond to proposed lot layout. The rezoning case is currently pending.

Detention and water quality requirements must be met. The proposed detention ponds must be placed on separate lots or provisions for an HOA must be stipulated with a mechanism to maintain the facilities in perpetuity.

A portion of the site lies in a FEMA Zone A floodplain. A Letter of Map Amendment will be required to establish detailed flood elevations.

The Georgia Stormwater Management Manual and soon to be adopted Model Stormwater Ordinances require that for open space and conservation subdivisions portions of the site with slopes greater than 25% should be included as part of the open space/conservation area.

Site plans will be required for all lots adjacent to the stream buffer or located on slopes greater than 15%.

Recommend no reduction or variance allowed on stream buffers where ground slopes exceed 15%. Recommend all houses to be built on lots with ground slopes greater than 15% be located at the front set back with front loading garages. All grading should be limited to the roadway and building pads only.

Refer to the reviewed drawings and Hydrology Study for addition comments.

CobbTrans

1890 County Services Parkway
Marietta, Georgia 30008-4014
Phone: 770-528-1600 Fax 770-528-1620 E-Mail: fred.bentley@cobbcounty.org

Min. Bk. 23 Petition No. OSC-03-01 filed 03-11-03
Doc. Type Cobb DOT 3/3/03
Comments and recommendations
Meeting Date April 17, 2003

Review Date: MARCH 13, 2003 Time: 9:00 AM
Project Name: JOHNSON FERRY S/D
Street Name: JOHNSON FERRY RD
Developer: TRAVIS PRUITT

LDP Number: 030
Zoning Case: Z-138
Land Lot(s): 688 D
Engineer: TRAVIS PRUITT

**November 16, 2010
Other Business Item 03
Exhibit A**

The following comments are based on office review of plans:

- 1) Lot 18 to be built with a drive turnaround and no landscaping or entrance signage to be built to obstruct ISD. ADD NOTE.
- 2) Decels are required at both drives with additional right-of-way.
- 3) No gates are to be installed within 100' of Johnson Ferry right-of-way.
- 4) In accordance with the proposed right-of-way, please execute the attached Right-of-Way Deed, Owners Affidavit and Consent of Lender forms. Provide a plat and legal description.
- 5) Recommend drive be designed/constructed as right-in/right-out concept with concrete channalization. Show two R3-2 signs facing to restrict the left turns at restricted drive.
- 6) Provide typical cross section for road improvements and pavement specifications for areas within the right-of-way. Ref. Std. Detail 401A.
- 7) Roadway signing and marking, including stop bar and crosswalks, plans are required. All striping to be thermoplastic. ADD NOTE.
- 8) SIGNAL NOTES:
 - All signal plans must be submitted to and approved by the Traffic Signal Engineer, prior to LDP approval.
 - Any traffic signal work shall be performed in accordance with current Cobb County DOT Traffic Signal Specifications by an approved Traffic Signal Contractor.
 - Any traffic signal equipment damaged as a result of this project shall be replaced by the contractor/developer.
 - Traffic signal operation shall be maintained throughout construction. Vehicle detection loops, conduits and devices must be maintained.
 - Contact the Traffic Signal Engineer at (770) 528-3664 for any traffic signal related issues.ADD NOTE.
- 9) Provide plans and profiles for proposed streets. Scale to be 50' or 100' to one inch horizontal and 10' to one inch vertical. Show all required street vertical curve data (% grade, length of vertical curves, etc.).
- 10) Remove existing drives.
- 11) Minimum Intersection Sight Distance (ISD) requirements must be satisfied in each direction of any proposed access, driveway, or intersection. Provide plan view per Std. Detail #401B. Provide ISD profile for conditions at the actual line of sight.
- 12) ADD NOTE. When streetlights are installed along county roads, the property will be assessed a monthly charge of \$3.50/50' of road frontage, which is applied to the water bill.
- 13) Recommend street meet county spec.
- 14) Provide/show "Interparcel Access Easements."
- 15) Show a 10' No Access Easement along exterior double fronted lots and extend 80' into the S/D.
- 16) Streetlights are required and paid for by HOA to Power Company. ADD NOTE.
- 17) I hereby certify as the owner of the land shown on this plat and whose name is subscribed hereto, acknowledge that this plat as made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey the private roadways and utility easements to the association named on this plat for its maintenance and upkeep and the purposes and considerations herein expressed. In consideration of the approval of this development plan and other valuable considerations, the owner further releases and holds harmless Cobb County from any and all claims, damages, or demands arising: on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed private roadways and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams.
And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that Cobb County shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction of maintenance of cross drain extensions, drives, structures, streets, culverts, curbs, or sidewalks, the

changing courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents. ADD NOTE TO PLANS AND FINAL PLAT

PAGE 12 OF

- 18) ADD NOTE. The contractor shall be required to obtain one of the following permits prior to beginning work: For a TOTAL road closure or a lane closure, contact Cobb DOT at (770) 528-1675.
- 19) Note on plans any zoning or variance case numbers date of approval and all conditions.

It shall be the responsibility of the developer/engineer to research and incorporate any and all stipulations and/or covenants made in the zoning process. Failure to do so shall result in termination of this department's approval. PLANS MAY BE APPROVED VIA "ONESTOP," IF ELIGIBLE. IF NOT, PLEASE SCHEDULE AN APPOINTMENT AT 770-528-1666, Development Review Section. Send E-Mail request for DOT Details on MicroStation V8 or Autocad to fred.bentley@cobbcounty.org

November 16, 2010
Other Business Item 03
Exhibit A

Petition No. OB#7 (OSC-03-01 filed 3/3/03)
Meeting Date April 17, 2003
Continued

**Open Space Community Application No. 03-01
Staff Analysis and Recommendation**

Property Location: Johnson Ferry Road, District 16, LL 688

Current Zoning: R-15

Total Site Acreage: 11.48 Acres
Floodplain Acreage: 0.51 acres
Net Buildable Acreage: 10.97 acres

Average Density allowed: R-15 2.1 u/ac, (Per Cobb County Zoning Ordinance, Summary of Bulk Regulations)
23 units

Total No. Units Shown: 18 lots

Density Shown on R-15 OSC Plan: 1.64 u/ac
Density Shown on straight R-15 Plan: 1.82 u/ac

Total Open Space Shown: 2.7 acres (24%)

Median Lot Size Required: 10,000
Median Lot Size Shown: meets requirement

Minimum Lot Size Allowed: 10,000 sf
Smallest Lot Shown: meets requirement

Min. Bk. 23 Petition No. OB#7 OSC-03-01/LL
 Doc. Type Staff Analysis 3/3/03
and Recommendation
 Meeting Date April 17, 2003

The R-15 OSC site plan proposes a 2.7 acres of open space to be preserved on the site. The open space is contiguous. The open space is designed to serve as a passive amenity, owned and maintained by a mandatory homeowners association. The open space shall be protected from development in perpetuity by the mandatory covenants of the subdivision deeds that run with the land owned by the homeowner's association.

The building lot sizes are reduced and designed in compliance with the OSC Overlay District Ordinance. The proposed site plan meets the minimum and median lot size requirements in accordance with the OSC Overlay District Ordinance. The proposed plan shows all buffers as mandated in the OSC Overlay District Ordinance.

The applicant has met with DOT, Stormwater Management, Planning, and Zoning. Based on the above information, staff recommends the following:

- APPROVAL** of site plan subject to:
- DOT comments and recommendations
 - Stormwater comments and recommendations

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 10/19/10
Sept. 21, 2010

Applicant: Ashley Ocampo Phone #: 770-973-6649
(applicant's name printed)

Address: 4010 Blackwell Park Dr. Marietta, Ga. 30062 E-Mail: ashley.ocampo@baltagroup.com

Ashley Ocampo Address: 4010 Blackwell Park Dr. Marietta, Ga. 30062
(representative's name, printed)

Mark Steeves Phone #: 770-973-6649 E-Mail: ashley.ocampo@baltagroup.com
(representative's signature)

Signed, sealed and delivered in presence of:
[Signature]
Notary Public

My commission expires: 3/4/2012

Titleholder(s): Jorge, Ashley Ocampo Phone #: 770-973-6649
(property owner's name printed)

Address: 4010 Blackwell Park Dr. Marietta, Ga. 30062 E-Mail: ashley.ocampo@baltagroup.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:
[Signature]
Notary Public

My commission expires: My Commission Expires Feb. 27, 2014

Commission District: 3 Zoning Case: OSC 03-01

Date of Zoning Decision: 4-17-03 Original Date of Hearing: 4-17-03

Location: 4010 Blackwell Park Dr. Marietta 30062
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 088 District(s): 16

State specifically the need or reason(s) for Other Business: REQUEST IS TO ELIMINATE UNSPECIFIED 30' BUFFER ON LOT 2 OF BLACKWELL PARK SUBDIVISION FOR INSTALLATION OF INGROUND CONCRETE SWIMMING POOL. PURPOSE OF BUFFER IS NOT SPECIFIED ON FINAL SUBDIVISION PLOT. LETTER OF CONSENT FROM ADJOINING NEIGHBOR IS ATTACHED

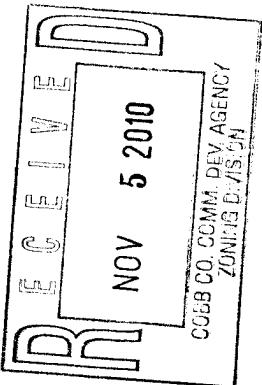
(List or attach additional information if needed)

August 18, 2010

Attention: Cobb County Development Board of Commissioners, Zoning Division,

I Mary A Smith (name)
at 2090 Johnson Ferry Rd, Marietta GA 30062 (address) give my
consent for the family of Jorge and Ashley Ocampo, residing at 4010 Blackwell Park Drive, Marietta GA.
30062, to request that the buffer on their backyard be altered so that they can build a small, private,
family swimming pool within their property of their fenced back yard.

Mary A Smith 8-18-10
Signature Date



Pool Builder Info:
 Anthony & Sylvan Pools
 6475 Jimmy Carter Blvd
 Norcross, GA 30071
 770.263.6440

Plan Preparer:
 Amy Mullen
 3315 Ashley Oak Court
 Cumming, GA 30041
 770.888.0008

Homeowner Info:
 Jorge Ocampo
 4010 Blackwell Park Dr
 Marietta, GA 30062
 706.913.7215

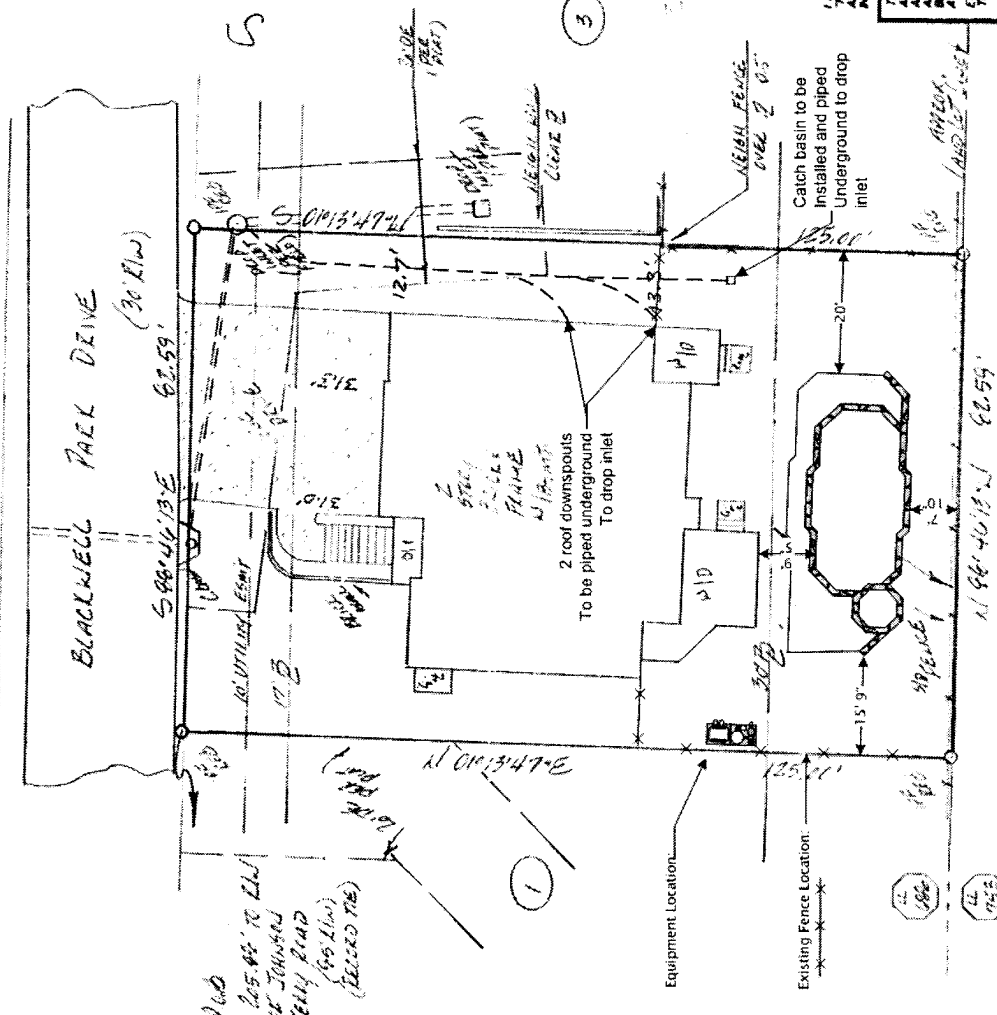
Pool Dimensions:
 30' x 15'
 388 sqft
 3' to 7' depth

Lot Coverage:
 Total sqft of lot: 10,323.72
 Existing coverage:
 House sqft: 2647
 Concrete sqft: 1214
 Wall sqft: 30
 Wood decks sqft: 443
 Front porch sqft: 50
 (4,384 sqft total existing)

PANEL NO. 025970
 LOCATION 1000
 ZONE RS

THE FIELD WITH WHICH THIS MAP OR PLAN IS MADE HAS
 BEEN MEASURED BY ME OR BY A LICENSED SURVEYOR
 AND FOUND TO BE ACCURATE TO WITHIN THE LIMITS
 OF THE SURVEYING INSTRUMENTS USED AND THE
 ACCURACY OF THE MEASUREMENTS IS GUARANTEED
 TO BE WITHIN THE TOLERANCES SPECIFIED IN THE
 PROFESSIONAL STANDARDS AND REGULATIONS OF THE
 BOARD OF SURVEYING AND MAPPING OF THE STATE OF
 GEORGIA.

J.A. EVANS
 SURVEYING CO., INC.
 POWDER SPRINGS, GEORGIA
 PH. 770-943-0000



SURVEY FOR:

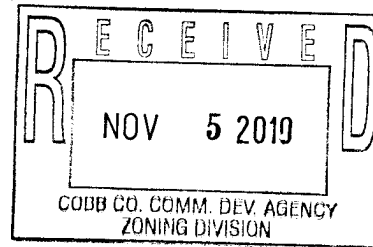
LOT & BLK.	UNIT
1000	025970
LAND LOT 1000	
DISTRICT 100	SECTION 10
PLAT BOOK 225	PAGE 6205
DATE: 02-24-2010	SCALE: 1" = 40'

1000
 025970

1000
 025970

Pederson, John

From: Mark Steeves [MSteeves@AnthonySylvan.com]
Sent: Friday, November 05, 2010 9:42 AM
To: Pederson, John
Subject: Other business application



Hello John,

This is in reference to the application for a swimming pool to be installed at 4010 Blackwell Park Drive, Marietta. This was listed as item #3 at the County Commissioners zoning hearing on 10/19/10 and deferred to the November meeting.

The request to install a swimming pool in the undisturbed buffer was met with opposition by the neighbor of the adjoining property owned by Anwar Sultan. I've spoken the Mr. Sultans attorney and was informed that Mr. Sultan would agree would not present any further opposition if the following stipulations were met.

1. Connect all existing downspouts on the Ocampo's side of the property to the drop inlet at the front corner of the property.
2. Install a surface drain in the back yard to catch surface runoff from the pool and back corner of the Ocampo's property.
3. Move the pool to the original proposed location and maintain the pool, deck and associated structures 20' from Mr. sultan's property line.
4. Install an evergreen buffer of Leyland Cypress or similar material between Mr. Sultans property and the pool .
- 5 All pool equipment to be installed on the opposite side of the property from Mr. Sultan's residence as shown on the site plan.

The attached amended site plan shows the revisions requested by Mr. Sultan. In addition the deck was reduced and the equipment is moved to locate if out of the buffer to conform with the request by the commissioner's office after the original submission was returned for revision.

The Ocampo's agree to comply with these stipulations if Mr. Sultan agrees to withdraw his opposition and if this plan is acceptable to the commissioner for submission to the board.

Thanks

Mark Steeves

Senior Design Consultant
Anthony & Sylvan Pools Inc.
Cell: 770.352.4937
Fax: 770.263.9108
Email: msteeves@anthony-sylvan.com
www.anthonysylvan.com