

APPLICANT: R. David and M. Kay Clark
678-342-2452

REPRESENTATIVE: Patrick Clark
770-231-5637

TITLEHOLDER: R. David Clark and M. Kay Clark

PROPERTY LOCATION: East side of Oak Forest Circle, northeast of the terminus of Oak Forest Drive, east of Johnson Ferry Road (4040 Oak Forest Circle).

ACCESS TO PROPERTY: Oak Forest Circle

PHYSICAL CHARACTERISTICS TO SITE: Single-family house and wooded acreage

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** R-15/Charrington Subdivision
- SOUTH:** R-30/Wood Acres School
- EAST:** R-15/Bishop's Green Subdivision
- WEST:** R-20/Oakhill Manor Subdivision

PETITION NO: Z-45

HEARING DATE (PC): 08-06-13

HEARING DATE (BOC): 08-20-13

PRESENT ZONING: R-20, R-30

PROPOSED ZONING: R-15

PROPOSED USE: Residential Subdivision

SIZE OF TRACT: 7.478 acres

DISTRICT: 16

LAND LOT(S): 759

PARCEL(S): 42

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

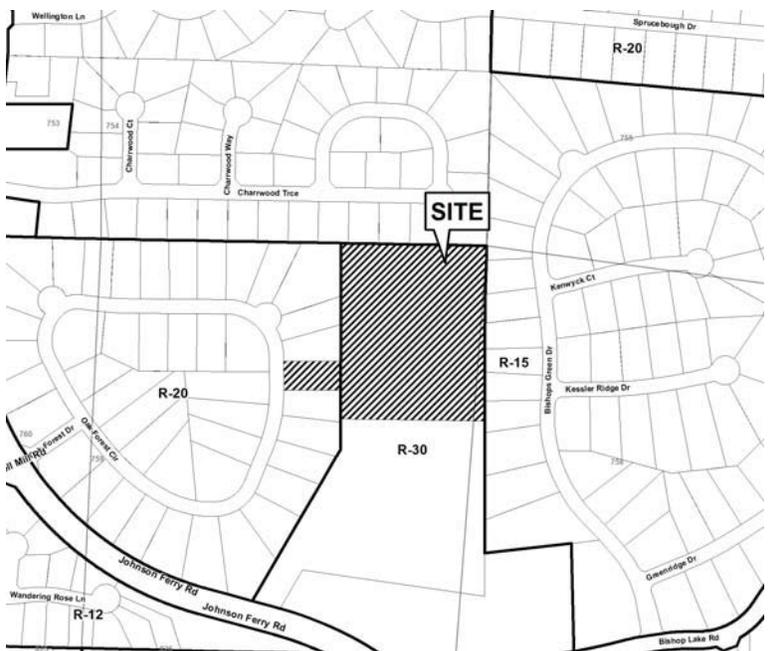
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

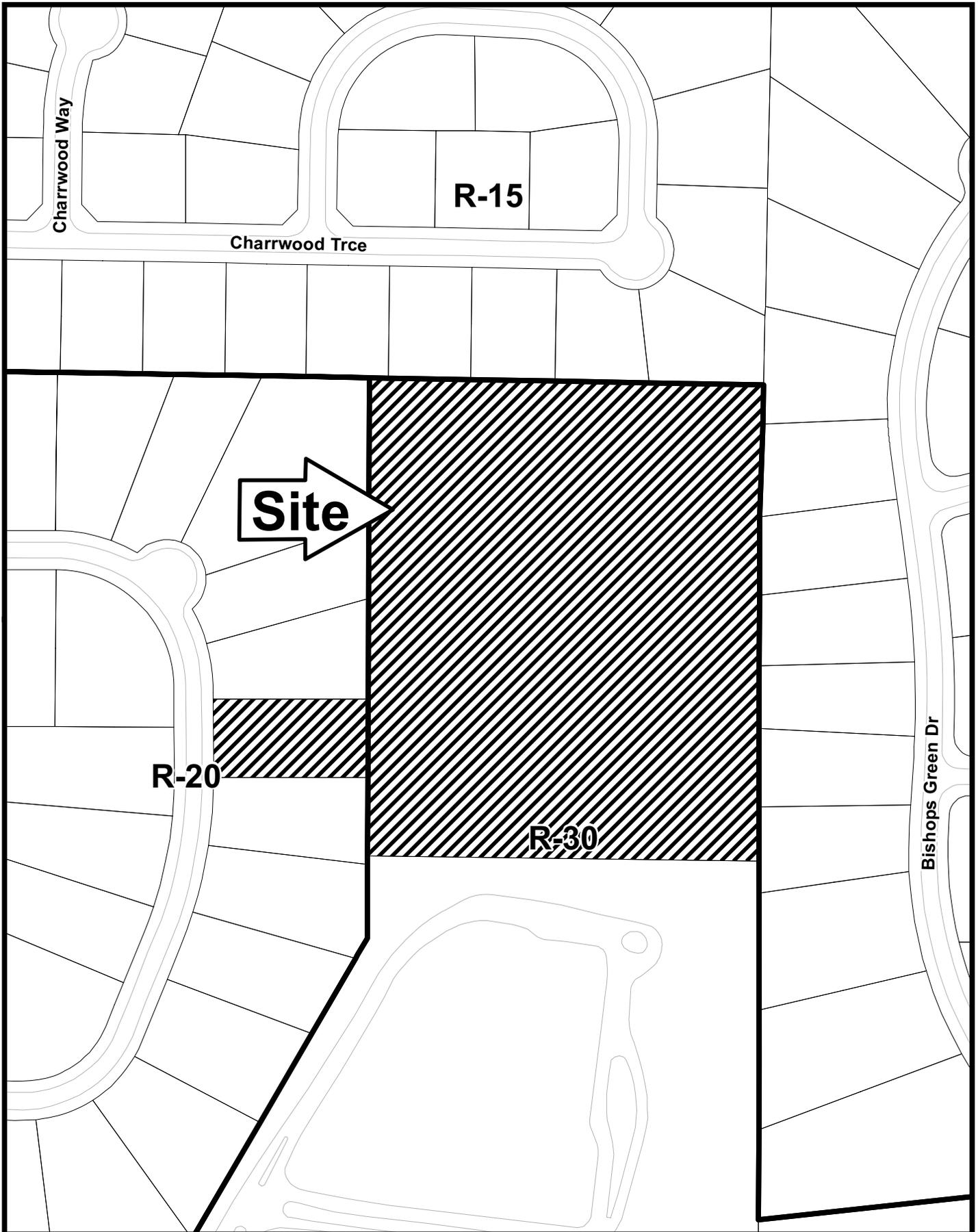
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

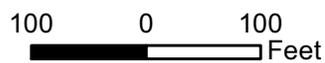
STIPULATIONS:



Z-45



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



-  City Boundary
-  Zoning Boundary

APPLICANT: R. David and M. Kay Clark

PETITION NO.: Z-45

PRESENT ZONING: R-20, R-30

PETITION FOR: R-15

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

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

Proposed Number of Units: 13 **Overall Density:** 1.7 **Units/Acre**

Present Zoning Would Allow: 8 **Units** **Increase of:** 5 **Units/Lots**

Applicants are requesting the R-15 zoning category for the development of a 13-lot detached residential subdivision. The houses will be a minimum of 2,800 square feet and will range upwards to 4,000 square feet and greater. The houses will be traditional in style and architecture and will have a minimum of two garages. The houses will have three-sided architecture having front and sides comprised of brick, stone, cedar shake type and Hardi plank-type finishes, with complimentary accents or combinations thereof. NO vinyl materials will be used on the exterior of the proposed residences. Applicants have submitted the attached renderings of the proposed houses. The proposed site plan and stipulation letter indicate a 25-foot buffer around the lake. Access to the lake will be provided for all residents of the community via a dedicated access easement.

The proposed site plan reflects the following contemporaneous variances:

1. Reduce the front setbacks from the required 35 feet to 20 feet as shown on the site plan;
2. Reduce the lot area for Lot 2 from the required 15,000 square feet to 12,443 square feet;
3. Reduce the side yard setback to 5 feet, with 20 feet between structures; and
4. Allow non-radial lot lines on Lots 3, 6, 7 and 10.

Cemetery Preservation: No comment.

APPLICANT: R. David and M. Kay Clark

PETITION NO.: Z-45

PRESENT ZONING: R-20, R-30

PETITION FOR: R-15

SCHOOL COMMENTS:

<u>Name of School</u>	<u>Enrollment</u>	<u>Capacity Status</u>	<u>Number of Portable Classrooms</u>
<u>Timber Ridge</u>	<u>600</u>	<u>Over</u>	<u> </u>
Elementary			
<u>Dodgen</u>	<u>1,188</u>	<u>Over</u>	<u> </u>
Middle			
<u>Walton</u>	<u>2,636</u>	<u>Over</u>	<u> </u>

High

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

Additional Comments: Approval of this petition could seriously affect the enrollment at Walton High School, which is severely over capacity at this time, and it could adversely affect the enrollment at Dodgen Middle School, which is also over capacity at this time.

FIRE COMMENTS:

NO COMMENTS: After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal’s Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: R. David and M. Kay Clark

PETITION NO.: Z-45

PRESENT ZONING: R-20, R-30

PETITION FOR: R-15

PLANNING COMMENTS:

The applicant is requesting a rezoning from R-20 to R-15 for purpose of residential subdivision. The 7.478 acre site is located on the east side of Oak Forest Circle, northeast of the terminus of Oak Forest Drive, east of Johnson Ferry Road.

Comprehensive Plan

The parcel is within the Low Density Residential (LDR) area future land use category, with R-20 zoning designation. 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

Not applicable.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

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

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

APPLICANT R. David and M. Kay Clark

PETITION NO. Z-045

PRESENT ZONING R-20, R-30

PETITION FOR R-15

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

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 6" PVC / E side of Oak Forest Circle

Additional Comments: County meters to be set at public ROW

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: On site

Estimated Waste Generation (in G.P.D.): ADF 1920 **Peak= 4800**

Treatment Plant: **Sutton**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drw 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 Comments: First floors of lots must be served by gravity sewer

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: R. David & M. Kay Clark

PETITION NO.: Z-45

PRESENT ZONING: R-20/R-30

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Bishop Lake Tributary 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: within and adjacent to onsite lake

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving system within Bishop's Green Subdivision.

APPLICANT: R. David & M. Kay Clark

PETITION NO.: Z-45

PRESENT ZONING: R-20/R-30

PETITION FOR: R-15

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

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

ADDITIONAL COMMENTS

1. This site is predominately wooded with slopes ranging from 10% to 25%. Almost the entire site drains to a small onsite pond located near the southeastern corner of the parcel. The applicant proposes to utilize the existing pond for stormwater management. The dam will need to be brought up to current development standards and the existing water quality and storage effects accounted for as pre-development condition. As part of the subdivision open space, the pond will be maintained by the homeowners association.
2. Although there is a well-defined conveyance from the existing pond through the downstream subdivision (Bishop’s Green) it has very limited capacity. The allowable discharges for the detention pond must account for the downstream capacity limitations and will need to be addressed at Plan Review.

APPLICANT: R. David and M. Kay Clark

PETITION NO.: Z-45

PRESENT ZONING: R-30, R-20

PETITION FOR: R-15

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
Oak Forest Circle	N/A	Local	25 mph	Cobb County	50'

COMMENTS AND OBSERVATIONS

Oak Forest Circle is classified as a local and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

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

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

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STAFF RECOMMENDATIONS

Z-45 R. DAVID AND M. KAY CLARK

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. Other properties in the area, specifically to the north and east are similarly zoned with similar densities.
- 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. Applicants are proposing a single-family subdivision similar to other developments in this area.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Low Density Residential land use category, having densities ranging from 1-2.5 units per acre. The requested R-15 developed at 1.7 units per acre is compatible with the LDR density range of 1-2.5 units per acre. Other developments in this area have densities ranging from approximately 1.58 units per acre (Oakhill Manor, zoned R-20); to 1.81 units per acre (Bishop's Green Subdivision, zoned R-15); to 2.1 units per acre (Charrington Subdivision, zoned R-15); and 2.44 units per acre (Camden Park, zoned R-12).
- 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 proposed density of 1.7 units per acre is compatible with the LDR range of 1-2.5 units per acre and is lower than some of the other R-15 subdivisions in this area.

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

- Site plan received by the Zoning Division on August 16, 2013, with the District Commissioner approving minor modifications;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

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.

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COBB COUNTY GEORGIA
FILED IN OFFICE

Application No. Z-45

2013 JUN 5 PM 4:48

Aug. 2013

Summary of Intent for Rezoning

COBB COUNTY ZONING DIVISION

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

- a) Proposed unit square-footage(s): ± 3000 - 3800
- b) Proposed building architecture: WOOD FRAME & MASONARY.
- c) Proposed selling prices(s): 600K - 700K +
- d) List all requested variances: _____

REDUCE FRONT SET BACK TO 25' ON LOTS 1, 8, 9.
REDUCE ^{MIN} LOT SIZE ON LOT 2 137 @ 10 TO 137 @ 5 SF.

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

- a) Proposed use(s): _____
- b) Proposed building architecture: _____
- c) Proposed hours/days of operation: _____
- d) List all requested variances: _____

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

.....
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).

Jason Campbell
Planner II
Cobb County Community Development
P.O. Box 649
Marietta, Ga. 30061-0649
Via Hand Delivery

COBB COUNTY GEORGIA
FILED IN OFFICE

August 16, 2013

2013 AUG 16 PM 3: 18
COBB COUNTY ZONING DIVISION

Re: Application for Rezoning:

Zoning Case # Z-45 (2013)
Applicant: R. David and M. Kay Clark
Owners: R. David and M. Kay Clark
Property: 7.47 acres, more or less, located at 4040
Oak Forest Circle, Land Lot 759,
16th District, 2nd section, Cobb County, Ga.

Dear Jason:

The undersigned and this firm represent R. David and M. Kay Clark, the Applicant and Property Owner in their application for Rezoning with regard to property located at 4040 Oak Forest Circle and being 7.47 acres, Land Lot 759, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meeting with planning and zoning staff and various Cobb County Departmental representatives, discussions and meetings with area civic and homeowner representatives and neighboring residents, and reviewing staff recommendations and the uses of the surrounding properties we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions, which if approved as submitted, shall become a part of the grant of requested zoning and shall be binding upon the subject property. The requested stipulations are as follows:

- 1) The stipulations and conditions set forth herein shall replace and superseded 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 prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the subject property from any previous zoning actions.
- 2) Applicant seeks rezoning of the Subject Property from the existing zoning category of R-30 and R-20 to R-15, site plan specific to the revised zoning plat prepared by LCE Engineers dated July 26th, 2013, and submitted to the zoning office on August 16th, 2013. A reduced copy of the revised Zoning site plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.

Jason Campbell
Planner II
Cobb County Community Development

August 16, 2013

- 3) The Subject Property consists of 7.47 acres and shall be developed for a residential community comprised of 13 single family detached residences. Resulting in a net density of 1.7 units to the acre.
- 4) The residences shall have a minimum of 2800 square feet, ranging upwards to 4000 square feet, and greater.
- 5) The proposed residences shall be traditional in style and architecture and will have a minimum of two garages.
- 6) The residences within the proposed community shall have “three - sided “ architecture , having the front and sides of the proposed residences comprised of brick , stone , cedar shake type , and Hardi plank type finishes , with complimentary accents , or combinations thereof . NO vinyl materials shall be used on the exterior of the proposed residences.
- 7) Applicant agrees that the home elevations within the proposed community shall be consistent with the quality as reflected in the home elevations attached collectively hereto as exhibit “B” and incorporated herein by reference.
- 8) All front, side, and rear yard areas of the proposed residences shall be fully sodded.
- 9) Sidewalks shall be constructed on at least one (1) side of the interior streets within the community.
- 10) Applicant agrees to the creation of a mandatory homeowner’s association consistent with the communities in the area. The mandatory homeowner’s association shall be responsible for the upkeep and maintenance of all common areas, entrance area, and detention system contained within the proposed residential community.
- 11) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed development.

Jason Campbell
Planner II
Cobb County Community Development

August 16, 2013

- 12) The entrance signage for the proposed community shall be ground based, monument-style signage, and shall consist of brick, stone, or a combination thereof, with accents. The entrance landscaping shall be professionally designed and implemented. Maintenance of the entrance area shall be by the mandatory homeowners association as set forth in the declaration of covenants, easements, and restrictions.
- 13) There shall be an established bus waiting area for the children of the residents and of the surrounding community. This area shall be in the general area of the entrance to the Subject Property on Oak Forest Circle.
- 14) There shall be an established bus waiting area for the children of the residents and of the surrounding community. This area shall be in the general area of the entrance to the Subject Property on Oak Forest Circle.
- 15) Applicant agrees to facilitate a Georgia Native Plant "Rescue" to be accomplished on those portions of the Subject Property which will be disturbed.
- 16) There shall be established a 25 foot buffer around the lake with additional stream buffers created as shown and referenced on the zoning plat as the buffer averaging area.
- 17) Access to the lake will be provided for all residents of the community via a dedicated access easement.
- 18) All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including but not limited to, drainage facilities and any and all slopes or other required engineering features of the foregoing.
- 19) Applicant agrees to comply with all Stormwater Management requirements applicable to the Subject Property.
- 20) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

Jason Campbell
Planner II
Cobb County Community Development

August 16, 2013

21) Development and construction hours for the proposed project shall be limited to the following:

- a) 7:00 am to 7 pm - Monday – Friday - October 1st through March 31st
- b) 7:00 am to 8 pm Monday – Friday - April 1st through September 30th
- c) 9:00 am to 6 pm Saturday.

22) Minor modifications to the referenced Zoning plat, including, but not limited to, the layout of lots, landscaping, and elevations, may be approved by the District Commissioner, as needed or necessary.

Thank you for your consideration and as always should you have additional questions please do not hesitate to call.

Sincerely,



Patrick D. Clark
Barker Street LLC

Z-45 (2013)
Stipulation Letter
with Site Plan
and Elevations

EXHIBIT - "A"

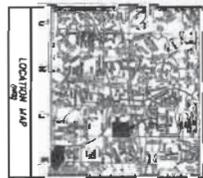


1000 MONUMENT MARK
This monument mark is located at the intersection of the centerline of the proposed road and the centerline of the proposed driveway. The monument is a metal cap on a wooden base. The number '100' is on the cap. The monument is located at the intersection of the centerline of the proposed road and the centerline of the proposed driveway. The monument is located at the intersection of the centerline of the proposed road and the centerline of the proposed driveway.

UTAH'S PROTECTION CENTER
1000 MONUMENT MARK
This monument mark is located at the intersection of the centerline of the proposed road and the centerline of the proposed driveway. The monument is a metal cap on a wooden base. The number '100' is on the cap. The monument is located at the intersection of the centerline of the proposed road and the centerline of the proposed driveway. The monument is located at the intersection of the centerline of the proposed road and the centerline of the proposed driveway.



- REVISIONS**
- 1) REVISION: ADD DETENTION BASIN TO THE PLAN.
 - 2) REVISION: ADD DETENTION BASIN TO THE PLAN.
 - 3) REVISION: ADD DETENTION BASIN TO THE PLAN.
 - 4) REVISION: ADD DETENTION BASIN TO THE PLAN.



REV.	DATE	DESCRIPTION
1	08/15/13	SET BACKS RECORDED

ENCLAVE AT CLARK'S LAKE
NOT TO BE USED FOR CONSTRUCTION
DATE: 08/15/13
DRAWN BY: [Name]
CHECKED BY: [Name]

DATE	BY	REVISION
08/15/13	[Name]	SET BACKS RECORDED

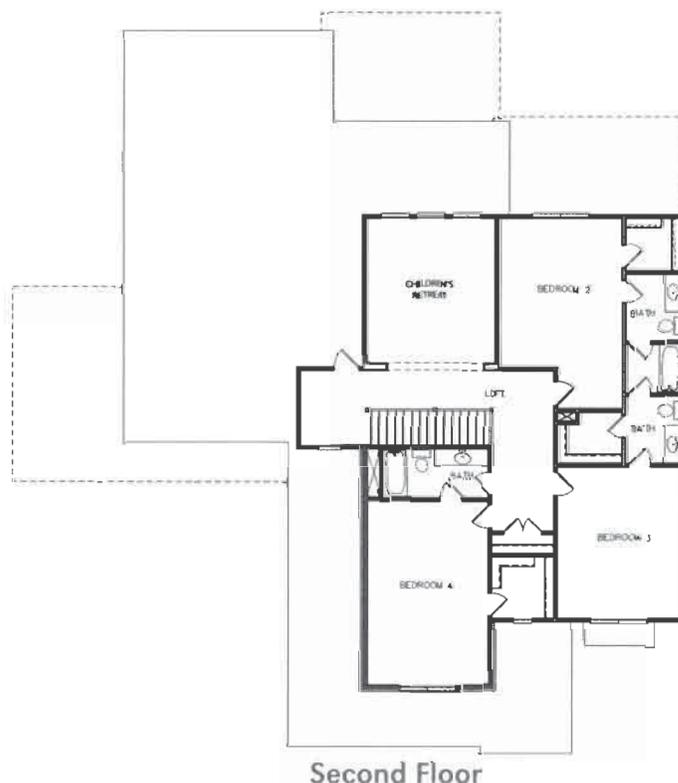
LCE ENGINEERS, INC.
403 Macy Drive
Riverside, VA 20078
Tel: 770-988-5765

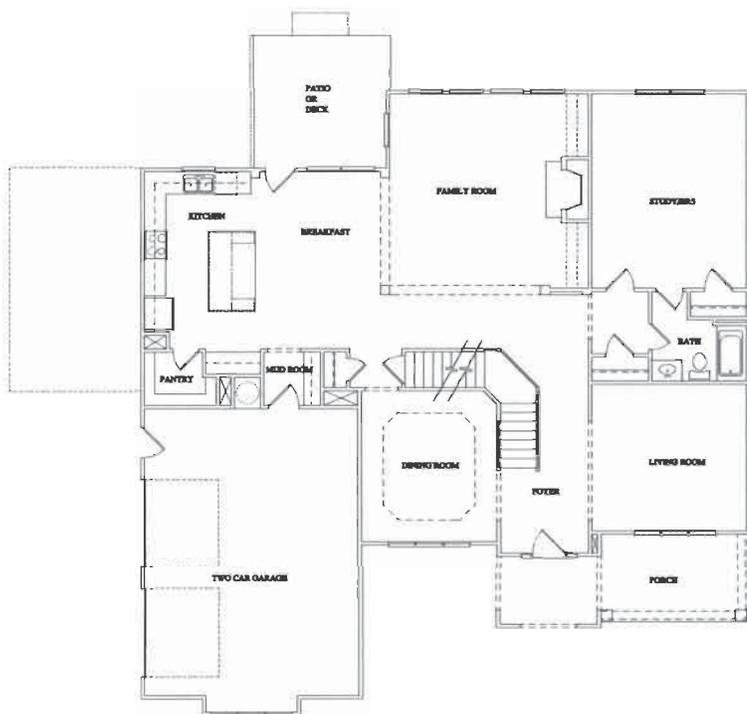


edward andrews
HOMES

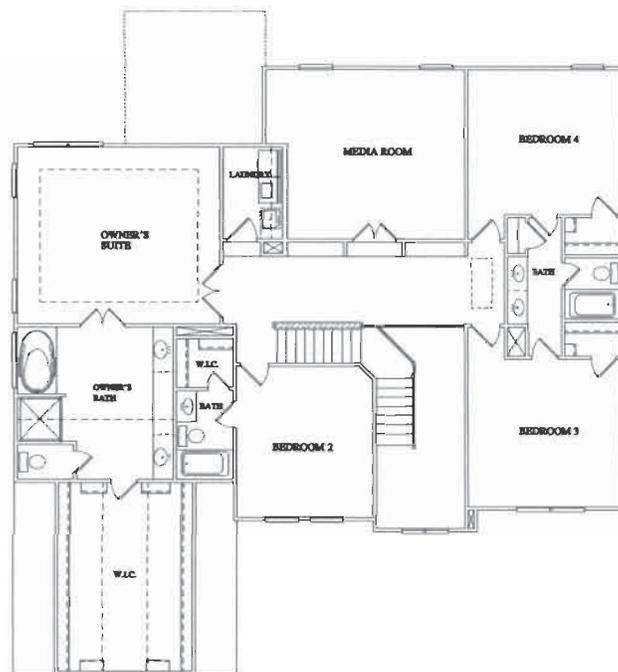
MABRY

the mabry
ELEVATION I
3,703 SQUARE FEET





Main Floor



Second Floor



Main Floor



Second Floor



MABRY
the Windsor
ELEVATION A
4,074 SQUARE FEET

