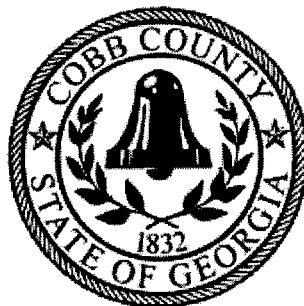


# **PRELIMINARY ZONING ANALYSIS**

**Planning Commission Hearing Date: February 3, 2009**  
**Board of Commissioners Hearing Date: February 17, 2009**

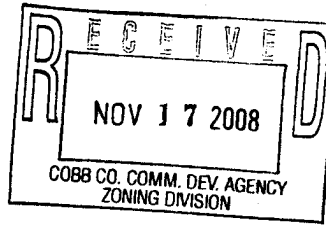
**Due Date: January 2, 2009**

**Date Distributed/Mailed Out: December 11, 2008**

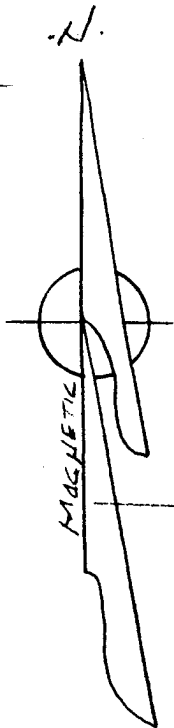


*Cobb County...Expect the Best!*

Z-1  
(2009)



N/E EDEL WRIGHT



CHARLES SMITH

H46:15:14"E  
200.3

0.92 ACRES  
40,212.8 S.F.

S88:10'48"E

135.00' LAND LOT

CORNER

IRON FENCE

LL 1019

LL 1018

LL 1054

LL 1055

73.05'

S2:28:11"W

47.23'

S84:31'

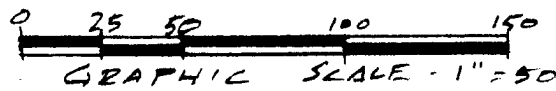
52"W

IPF

IPF

S27:12:49"W  
239.52'

N/E NEIL PREWITT



AUSTELL  
PONDER SPRINGS ROAD  
N37:39:09"W  
196.96'

TRU-LINE SURVEYING INC.  
2070 ATTIC PARKWAY  
SUITE 505  
KENNESAW, GA. 30144  
PHONE (770) 919-8732-77  
FAX (770) 919-8731



SURVEY FOR

CHARLES E. SMITH

LAND LOT: 1054

SCALE: 1"=20'

**APPLICANT:** Jeffery C. Smith

770-443-4077

**REPRESENTATIVE:** Jeffery C. Smith

770-443-4077

**TITLEHOLDER:** Jeffery C. Smith and Julian W. Smith, Jr.

**PROPERTY LOCATION:** Located on the northeastern side of

Austell Powder Springs Road, south of Furr Avenue

**ACCESS TO PROPERTY:** Austell Powder Springs Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** Z-1

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** GC

**PROPOSED ZONING:** R-20

**PROPOSED USE:** Residential

**SIZE OF TRACT:** 0.92 acre

**DISTRICT:** 19

**LAND LOT(S):** 1054

**PARCEL(S):** 39

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**FUTURE LAND USE MAP:** Community Activity Center

**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:**



## Summary of Intent for Rezoning

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

- a) ~~Proposed unit square footage(s):~~ NOT FOR THE PURPOSE  
b) ~~Proposed building architecture:~~ OF PUTTING A HOUSE  
c) ~~Proposed selling prices(s):~~ THIS IS TO LOWER  
d) ~~List all requested variances:~~ THE PROPERTY TAXES.
- \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

.....  
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)

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**APPLICANT:** Vinings Fine Wine and Deli, Inc.

770-480-5036

**REPRESENTATIVE:** Charles Fiorenza

770-480-5036

**TITLEHOLDER:** Vinings Fine Wine & Deli, Inc.

**PROPERTY LOCATION:** Located on the north side of Paces Ferry  
Road and on the south side of Spring Street, west of Mountain Street

**ACCESS TO PROPERTY:** Paces Ferry Road, Spring Street

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** Z-2

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** NS

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Retail and Office

**SIZE OF TRACT:** 0.89 acre

**DISTRICT:** 17

**LAND LOT(S):** 909

**PARCEL(S):** 3

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**FUTURE LAND USE MAP: Neighborhood Activity Center**

**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:**

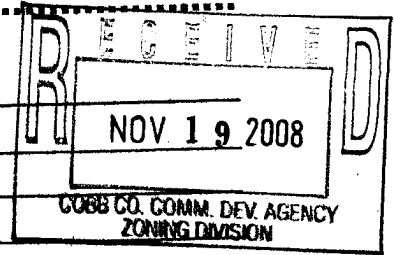


Application No. Z-2  
2009-

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): \_\_\_\_\_  
b) Proposed building architecture: \_\_\_\_\_  
c) Proposed selling prices(s): \_\_\_\_\_  
d) List all requested variances: \_\_\_\_\_  
(Additional Parking)  
\_\_\_\_\_  
\_\_\_\_\_



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

- a) Proposed use(s): Same  
\_\_\_\_\_  
b) Proposed building architecture: Same  
\_\_\_\_\_  
c) Proposed hours/days of operation: \_\_\_\_\_  
\_\_\_\_\_  
d) List all requested variances: \_\_\_\_\_  
This request would allow additional parking to be  
constructed  
\_\_\_\_\_  
\_\_\_\_\_

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

Additional parking  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**Z-3  
(2009)**

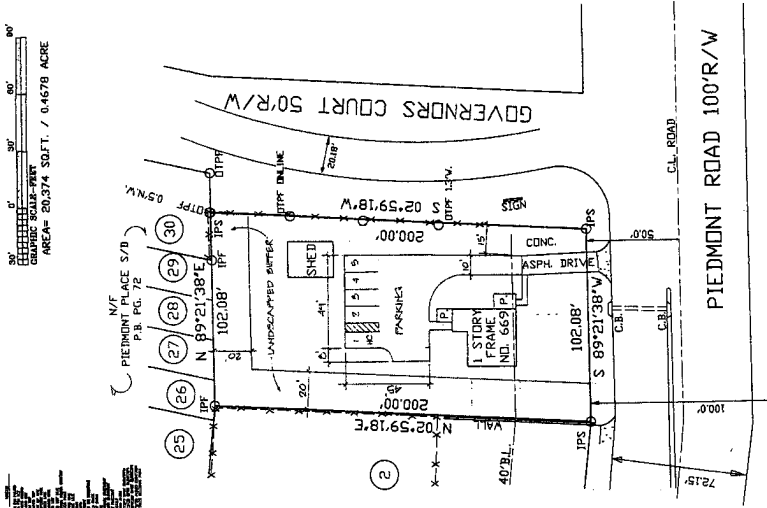
**SITE  
DEVELOPMENT  
PLAN**

DRAWN	DATE	SCALE	JOB NO.
RWC	20 OCT 08	1" = 30'	081009
CHECKED			
RWC			

—

[illegible]

BUILDING SUMMARY	
EXISTING BUILDING AREA.....	876 SQ. FT.
HANDICAPPED PARKING.....	1 SPACE
TOTAL PARKING.....	5 SPACES



**NOTE:** EXISTING SITE INFORMATION WAS TAKEN FROM A SURVEY FOR PARKER TANKCO BY BUSBEE SURVEYING COMPANY, INC. DATED DECEMBER 26<sup>TH</sup>, 2007  
REVISED JULY 1<sup>ST</sup>, 2008

**PROPOSED SITE DEVELOPMENT**  
SCALE: 1" = 30'

RECEIVED  
DEC 1 2008  
GOBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



**APPLICANT:** Sharda Tankoo  
678-665-0836

**REPRESENTATIVE:** Dennis Holcombe  
404-257-3317

**TITLEHOLDER:** Sharda Tankoo

**PROPERTY LOCATION:** Located at the northwest intersection of  
Piedmont Road and Governors Court.

**ACCESS TO PROPERTY:** Piedmont Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** Z-3

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** LRC

**PROPOSED USE:** Bridal Shop

**SIZE OF TRACT:** 0.4678 acre

**DISTRICT:** 16

**LAND LOT(S):** 566

**PARCEL(S):** 5

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**FUTURE LAND USE MAP:** Medium Density Residential

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

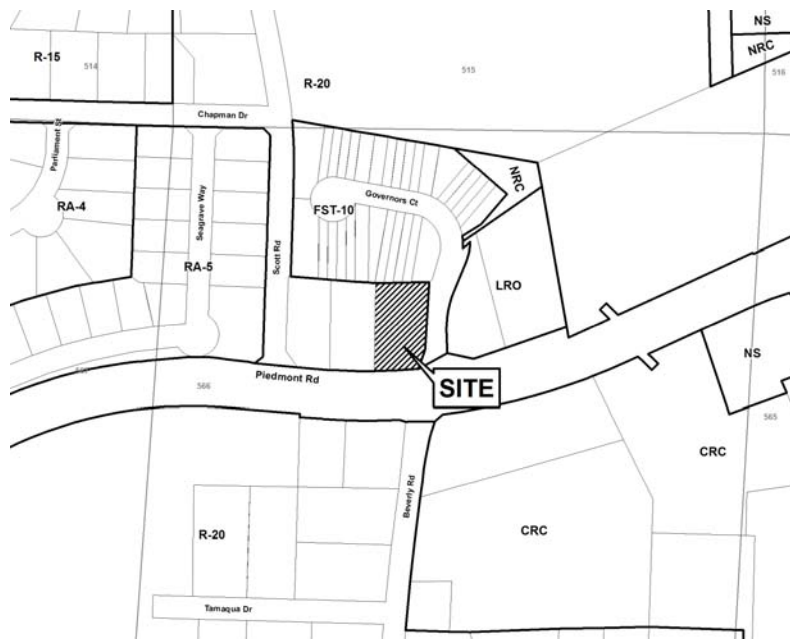
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**

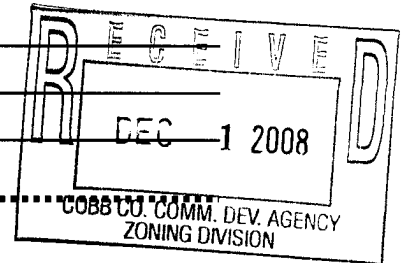


Application No. Z-3  
2009

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): N/A  
b) Proposed building architecture: N/A  
c) Proposed selling prices(s): N/A  
d) List all requested variances: N/A



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

- a) Proposed use(s): BRIDAL SHOP  
b) Proposed building architecture: EXISTING FRAME STRUCTURE  
c) Proposed hours/days of operation: 9-5 Monday - Saturday  
d) List all requested variances: NONE

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

We intend to operate a bridal showroom for custom made linens, manufactured at another site. Visits will be made by appointment only. We expect a maximum 4 cars and an occupancy of 6 or less people counting employees.



**APPLICANT:** U.S. 41 and 285 Company

212-935-1330

**REPRESENTATIVE:** Gregory Glass

212-935-1330

**TITLEHOLDER:** Morton L. Olshan

**PROPERTY LOCATION:** Located on the east side of Akers Mill

Road, north of U.S. Highway 41.

**ACCESS TO PROPERTY:** Akers Mill Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**FUTURE LAND USE MAP:** Regional Activity Center, Sub Area for Retail Services

**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:**

**PETITION NO:** Z-4

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** PSC

**PROPOSED ZONING:** GC

**PROPOSED USE:** Restaurant

**SIZE OF TRACT:** 0.79 acre

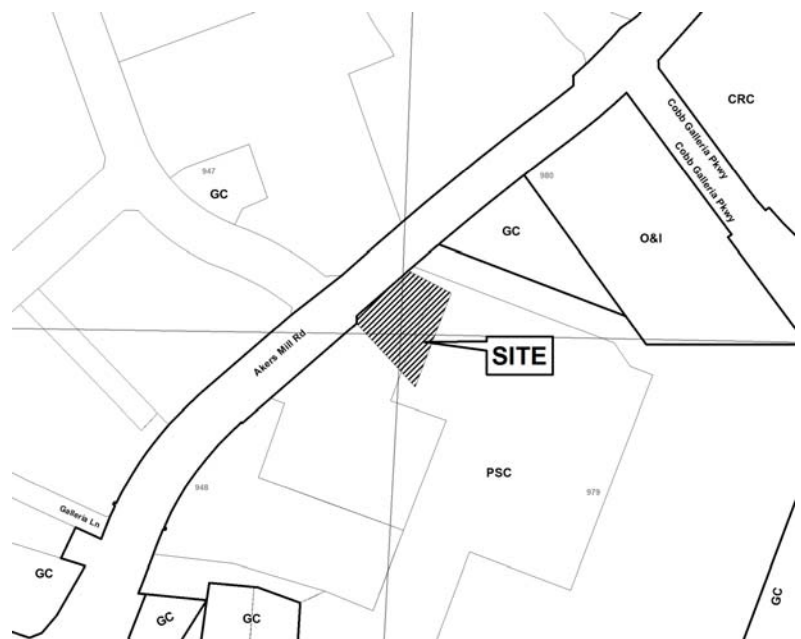
**DISTRICT:** 17

**LAND LOT(S):** 947, 948, 980, 979

**PARCEL(S):** 2

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

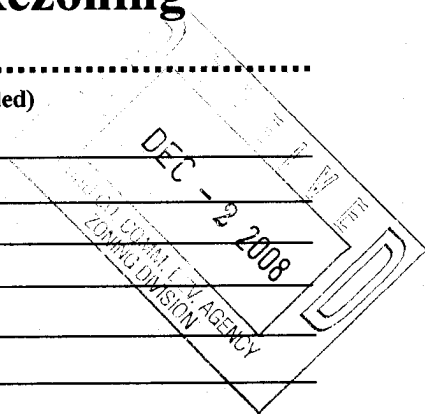


Application No. Z-4  
2009

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): \_\_\_\_\_  
b) Proposed building architecture: \_\_\_\_\_  
c) Proposed selling prices(s): \_\_\_\_\_  
d) List all requested variances: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



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

- a) Proposed use(s): Mexican restaurant  
\_\_\_\_\_  
b) Proposed building architecture: 2 story building - Cinco Mexican  
Cantina Design  
c) Proposed hours/days of operation: Monday - Thursday 11 am - 10 pm  
Friday - Sunday 11 am - 11 pm  
d) List all requested variances: None  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

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

N/A  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



**APPLICANT:** Harry Boone and Bill Huff  
404-245-5765

**REPRESENTATIVE:** Bill Huff  
404-245-5765

**TITLEHOLDER:** John Stephens, M. Janet Goethe, Jane Lyle  
Wootton

**PROPERTY LOCATION:** Located on the north side of Factory  
Shoals Road, southwesterly of Hartman Road and on the south side of  
Interstate 20, east of Thornton Road.

**ACCESS TO PROPERTY:** Factory Shoals Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** Z-5

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** LI, OI

**PROPOSED ZONING:** CCRC

**PROPOSED USE:** Retirement Community

**SIZE OF TRACT:** 77.7 acres

**DISTRICT:** 18

**LAND LOT(S):** 584, 585, 586, 611, 612

**PARCEL(S):** 2, 2, 6, 1, 3

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**FUTURE LAND USE MAP: Industrial Compatible**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

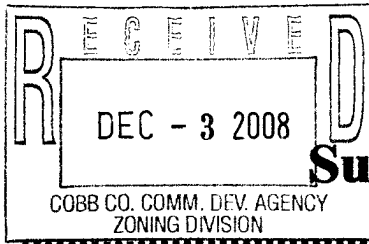
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





Application No.

#14  
Z-5  
2009

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): N/A Senior Citizens
- b) Proposed building architecture: Traditional/Masonry and Other
- c) Proposed selling prices(s): Varies by unit type, location, and rentals inclu
- d) List all requested variances: None

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

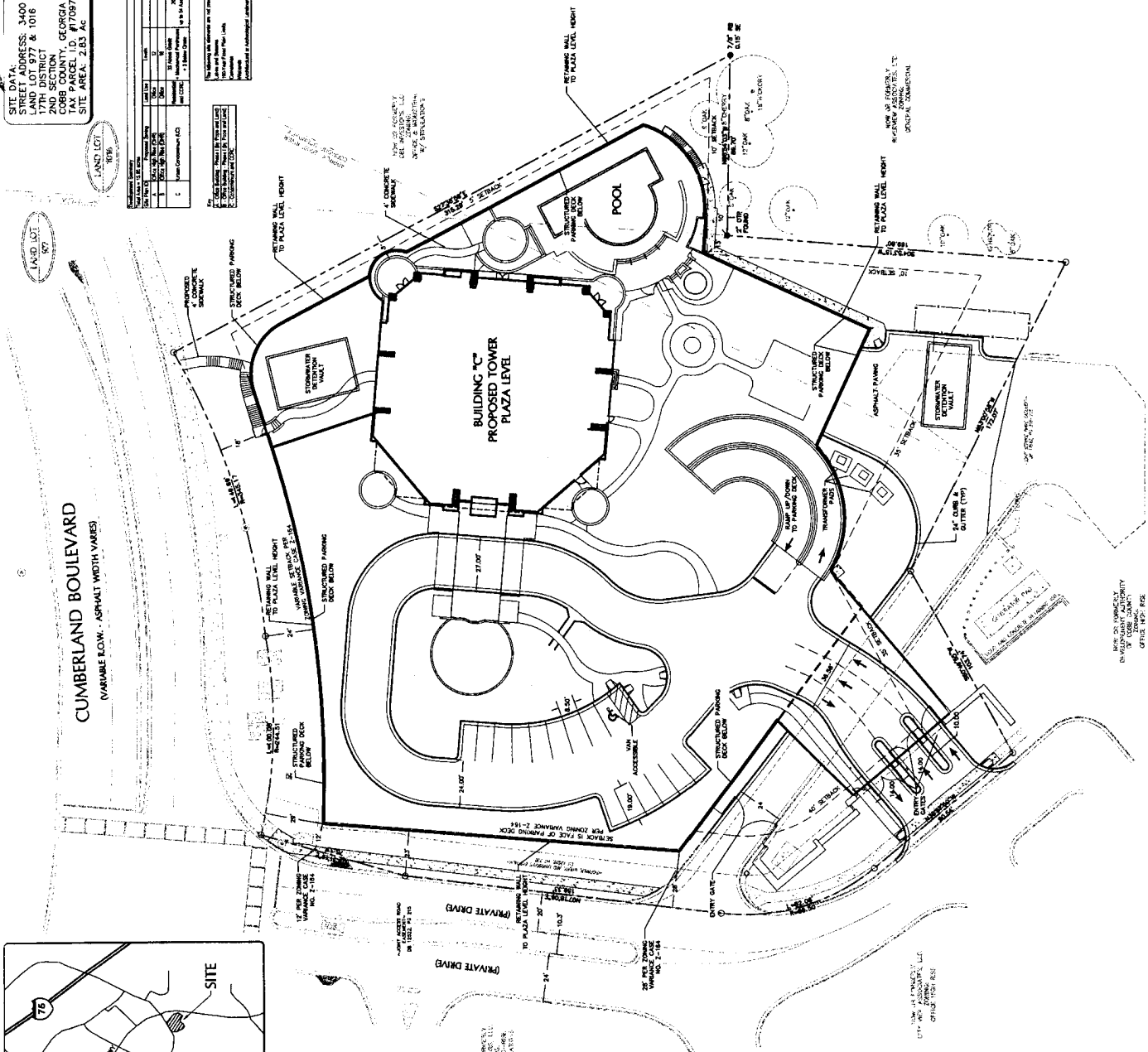
- a) Proposed use(s): Continuing Care Retirement Community  
Accessory Support Services/Commercial and Medical
- b) Proposed building architecture: Traditional  
24 hours each day/seven days per week
- c) Proposed hours/days of operation: None
- d) List all requested variances: No Variances are anticipated

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

This follows the suggestions of the Cobb County  
Comprehensive Land Use Plan

Harry A. Boone  
Ben S. Huff





**APPLICANT:** City View Holdings, L.P.

770-980-0808

**REPRESENTATIVE:** Larry Kelly

770-980-0808

**TITLEHOLDER:** City View Holdings, L.P..

**PROPERTY LOCATION:** Located on the south side of Cumberland

Boulevard, west of U.S. Highway 41.

**ACCESS TO PROPERTY:** Cumberland Boulevard

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** Z-6

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** UC

**PROPOSED ZONING:** UC with

Stipulations

**PROPOSED USE:** Senior living facility

**SIZE OF TRACT:** 2.832 acres

**DISTRICT:** 17

**LAND LOT(S):** 977, 1016

**PARCEL(S):** 4, 5

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**FUTURE LAND USE MAP:** Regional Activity Center-Sub Area for Office

**OPPOSITION:** NO. OPPOSED \_\_\_\_ **PETITION NO:** \_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_ **CARRIED** \_\_\_\_\_

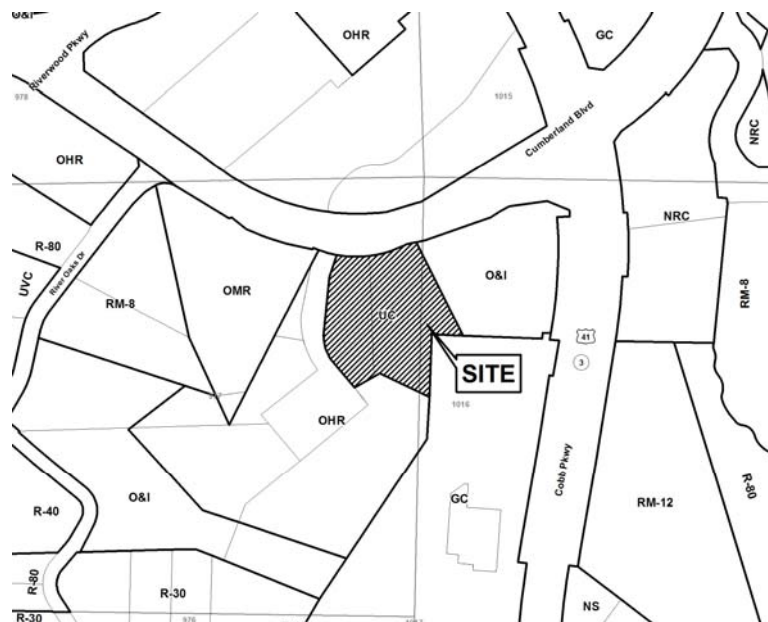
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**

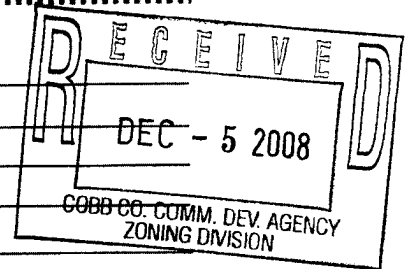


Application No. Z-6

## Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): \_\_\_\_\_  
b) Proposed building architecture: \_\_\_\_\_  
c) Proposed selling prices(s): \_\_\_\_\_  
d) List all requested variances: \_\_\_\_\_



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

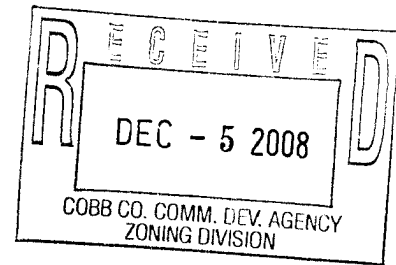
- a) Proposed use(s): See Exhibit "A" attached hereto.  
b) Proposed building architecture: Steel, concrete and glass.  
c) Proposed hours/days of operation: As a residence the facility will be operated on a 24/7 basis but with most services provided in the 7:00 am to 10:00 pm timeframe.  
d) List all requested variances: See Items #1-4 of the Additional Stipulations set forth on Exhibit "B" attached hereto and the proposed Site Plan for the property.

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

See Analysis of Impact of Proposed Rezoning attached hereto as Exhibit "C"

**Exhibit "A"****PROPOSED USES**

Continuing care retirement community consisting of 200 independent living units and up to 54 assisted living/memory care beds with supporting food services, wellness and fitness center, medical and dental clinics and retail facilities to serve residents and their guests and not the general public. An on-site skilled nursing facility is not included.



**Exhibit "B"****Additional Stipulations**

In addition to changing the stipulations on the Site Plan, the Applicant requests that the following additional stipulations and conditions be added to the UC zoning.

1. The number of floors of above finished grade previously approved (30 residential floors and two floors of ancillary/support services) may be increased by one and may vary so that there may be fewer residential floors and more floors of ancillary support services so long as the total number of residential floors and ancillary/support floors above finished grade does not exceed 33, plus the penthouse mechanical structure and roof treatment. Three below grade levels will provide parking and other resident amenities and ancillary/support.

2. The ownership and operation of the structure (now shown on the site plan as "proposed condominium tower") as a continuing care retirement community under the particular facts of the site plan satisfies the requirement of UC zoning that the structure be used as a condominium. This facility may offer up to 200 units of independent living and up to 54 beds of assisted living/memory care facilities.

3. Residence and services agreements with entrance fees, which provide residents with the right to use the independent living and/or assisted living/memory care facilities and the common areas, under the particular facts of this site plan, is deemed to satisfy any ownership requirement in UC zoning.

4. Residence and services agreements between the party undertaking the continuing care retirement community and the residents is deemed in this context to satisfy any requirement in UC zoning for a homeowners association, declaration, articles and bylaws. Zoning staff is not required to review or approve, and the county is not required to enforce, any such residence and services agreements.

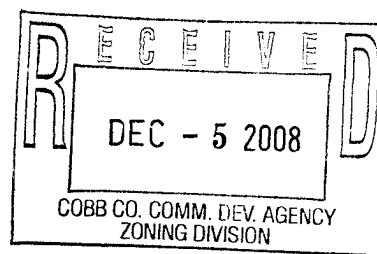
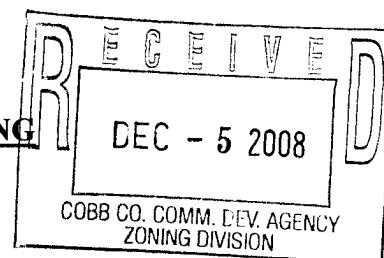


Exhibit "C"ANALYSIS OF IMPACT OF PROPOSED REZONINGIntroduction

The property which is the subject of this rezoning application is a part of City View, located on Cumberland Boulevard almost immediately adjacent to Cobb Parkway. It is in the Cumberland Galleria Regional Activity Center. It is presently zoned Urban Condominium (UC). A certified copy of the existing zoning with respect to the property is attached hereto as Schedule C. A portion of the existing zoning is a site plan dated March 31, 1999 ("Existing Site Plan") that shows the location of a "Proposed Condominium Tower" together with ingress and egress and other features. Only limited changes are being requested to the Existing Site Plan. Importantly, the siting of the tower, setbacks, traffic circulation and similar external aspects are not materially different than the existing approved zoning.

The Applicant is, however, proposing that the internal use of the building be directed to senior living instead of a more general residential condominium use, which will allow more, smaller units in the same floor area. The Applicant is further requesting that the height of the building be permitted to be one story higher. The Applicant is requesting that the stipulations associated with the existing zoning be modified to accommodate this use.

Applicant's Concept

This property will be developed by an affiliate of Park Signature Properties, the developer of very high end luxury condominium projects in the Atlanta area including Park Place on Peachtree, Park Avenue and Park Regency. The applicant proposes utilization of the property within the UC zoning classification for a high-end senior living facility consisting of 200 independent living units, 54 assisted living or memory care beds and a number of ancillary facilities that will support the wellness, health and recreation of the residents within the facility. The facility will not include skilled nursing care. The ancillary facilities to be included within the project, subject to further programmatic analysis, will include multiple dining venues, a piano bar/pub, fitness and pool area, spa and beauty salon, a performing arts center/movie theatre, a non-denominational worship area, a health and wellness clinic offering physician and dental services and a convenience store/pharmacy, among others. These facilities will be available for residents and their guests but will not be available to the general public.

The Applicant believes that providing these amenities on-site not only enhances the services to and conveniences of the residents but also has the secondary benefit of minimizing trip traffic and lessening impact on surrounding areas. Traffic engineer Kimley-Horn and Associates has undertaken a traffic trip study on behalf of Applicant that is filed along with this zoning application. The report shows that automobile trips are reduced by over 10 percent under this project as compared to trips under the condominium project now zoned.

The existing zoning permits 30 levels of residences plus two floors of ancillary/support services above grade. The Existing Site Plan permits 150 condominium units and also provides for 225 parking spaces, which were to be provided primarily within a three-level underground parking structure.

This application seeks a change to the stipulations of the zoning to permit a total of 33 levels above grade, plus a penthouse mechanical structure and roof treatment. The floors are designed at 11 feet slab to slab, as compared to 14 slab to slab in some commercial office buildings in the area, such as at Galleria. The height above grade of a 33 story building with 11 foot floors is comparable to the height above grade of a 26 story building with 14 foot floors. It is expected that those 33 levels would consist of 25 floors of independent living units (8 units per floor), four floors of assisted living and memory care services and four other floors of ancillary support services. Final programming may result in changes within this outside limitation of 33 floors above grade. The number of independent living units would increase to a maximum of 200 units from a maximum of 150 condominium units, but independent living units would still be in the range of 942 to 1276 square feet. The Applicant also proposes to provide a total of not less than 300 parking spaces for the residents, employees and visitors, most of which will be in three below grade levels. Thus, the parking ratio will continue at 1.5 per independent living unit, consistent with the present zoning requirement.

As is typical of continuing care retirement communities, the residents do not have a fee or leasehold interest. Rather, under the terms of residence and services agreements they occupy their independent living units during times in which they can live independently and later reside in assisted living facilities when they need additional care. Residents who need skilled nursing care services will receive those services off-site at other facilities. On entry into the community, residents make substantial payments, a large percentage of which is later returned to them or their families when their time at the community has ended. They also pay monthly fees or assessments. Thus, it is "home purchase" like although not structured that way from a legal standpoint.

The Applicant believes that the UC zoning is the appropriate zoning for this project although as described below some of the associated stipulations will need to be broadened. Independent living facilities with assisted living and/or memory care units are not prohibited by UC zoning, but because they are also not expressly permitted, some changes to the stipulations are needed to accommodate better this use and legal structure within the zoning category. Moreover, this specific high rise project fits more readily within UC and with fewer changes than would be required if the site were rezoned to other classifications. For example, the CCRC zoning category (citation) requires on-site skilled nursing care which is not planned and is not considered appropriate for this project. Both the CCRC and RSL supportive residential facilities zoning categories have height and other limitations which would require significant variances. On the other hand, the existing UC residential district zoning is already in place, the Cobb County Commission has already determined that a high rise building is appropriate on this property, and the modifications to the stipulations requested are limited.

#### Requested Changes and Stipulations

### Site Plan

The stipulations in connection with the UC zoning are set forth on the Existing Site Plan approved on April 20, 1999, as modified by the Cobb County Commission on November 16, 1999. A summary of those stipulations can be summarized by the following updated chart.

Site Plan ID	Proposed Zoning	Land Use	Residential, Ancillary/Support Levels Above Grade	Size	Parking Ratio	Parking Spaces	Approx. Area
C	Urban Condominium (UC)	Residential	32	150 Units	1.5/unit	225	3 acres UC

A revised site plan is being filed with this zoning application which maintains the site features but also modifies the chart containing the site specific stipulations to read as follows:

Site Plan ID	Proposed Zoning	Land Use	Residential, Ancillary/Support Levels	Size	Parking Ratio	Parking Spaces	Approx. Area
C	Urban Condominium (UC)	Residential CCRC	33 above grade plus penthouse mechanical plus 3 below grade	200 Independent Living Units and 54 assisted living units/ memory support units	1.5 / Independent Living Unit	300	3 acres UC

The modified site plan also reflects the changes that have been made to Cumberland Boulevard since the Existing Site Plan was approved by the Cobb County Commission in 1999. The location of the building has not changed but Cumberland Boulevard was been modified since the original zoning, and the final configuration of this public street is shown on the updated site plan. With one exception of about twelve inches along the southeastern corner of the building, the setbacks shown on the site plan are the same as on the Existing Site Plan.

### Additional Stipulations

In addition to changing the stipulations on the Site Plan, the Applicant requests that the following additional stipulations and conditions be added to the UC zoning.

1. The number of floors of above finished grade previously approved (30 residential floors and two floors of ancillary/support services) may be increased by one and may vary so that there may be fewer residential floors and more floors of ancillary support services so long as the total number of residential floors and ancillary/support floors above finished grade does not exceed 33, plus the penthouse mechanical structure and roof treatment. Three below grade levels will provide parking and other resident amenities and ancillary/support.



2. The ownership and operation of the structure (now shown on the site plan as “proposed condominium tower”) as a continuing care retirement community under the particular facts of the site plan satisfies the requirement of UC zoning that the structure be used as a condominium. This facility may offer up to 200 units of independent living and up to 54 beds of assisted living/memory care facilities.

3. Residence and services agreements with entrance fees, which provide residents with the right to use the independent living and/or assisted living/memory care facilities and the common areas, under the particular facts of this site plan, is deemed to satisfy any ownership requirement in UC zoning.

4. Residence and services agreements between the party undertaking the continuing care retirement community and the residents is deemed in this context to satisfy any requirement in UC zoning for a homeowners association, declaration, articles and bylaws. Zoning staff is not required to review or approve, and the county is not required to enforce, any such residence and services agreements.

Specific Questions asked in Paragraph 9 of Requirements for Completing Application for Rezoning

In response to the specific questions asked in paragraph 9 of the requirements for completing application for rezoning, we can provide the following information:

**a) Question: Whether the zoning proposal will permit a use that is suitable in view of the use and development of the adjacent and nearby property.**

**Answer:** This property is located on Cumberland Boulevard in a commercial sector. The present zoning already permits a residential building with 30 floors of residences plus two ancillary floors, for a total of 32 floors above grade. This application seeks to increase the number of floors by one. The 11 foot slab to slab height per floor results in the same height as a 26 story building with 14 foot slab to slab floors. Commercial office buildings in the immediate vicinity have been constructed with 14 foot floor heights. Otherwise, the site, setbacks and interconnectivity to the surrounding properties would be substantially as is currently approved.

**b) Question: Whether the zoning proposal will adversely affect existing use or usability of adjacent or nearby property.**

**Answer:** The most immediately adjacent property is part of City View, and this request for rezoning is being made by an affiliate of City View. The high-rise residential use is not expected to adversely affect the existing use or usability of the adjacent or nearby property. The traffic impact of the requested facility is less than the impact of the currently zoned project.

**c) Question: Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned.**

**Answer:** The luxury condominiums market sector is significantly overbuilt throughout the metro Atlanta area. On the other hand, there is expanding demand for senior living facilities.

**d) Question: Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

**Answer:** The applicant is submitting with this rezoning application a trip generation report prepared by Kimley-Horn & Associates, Inc., which reports that the resulting traffic trips from the proposed senior living facility is fewer than the number of traffic trips that would have arisen from the condominium project that is currently zoned. The reduction is greater than 10% of daily trips as well as the reduction in both A.M. peak hour and P.M. peak hour trips. In addition, a senior living facility would put no burden on schools as there would be no children living in the facility.

**e) Question: Whether the zoning proposal is in conformity with the policy and intent of the land use plan.**

**Answer:** Yes. The zoning proposal is consistent with and in conformity with the future land use plan of the subject area. The property is located within the Cumberland Galleria Regional Activity Center and within the "Office" sub area classification. Within the "Office" sub area classification, mid or high rise residential developments are permitted and building heights and density are reviewed and determined on a case-by-case basis.

**f) Question: Whether there are other existing or changing conditions affecting the use and development of the property, which gives supporting grounds for either approval or disapproval of the zoning proposal.**

**Answer:** An aging population requires more senior living facilities, particularly of the quality level proposed by the Applicant. Each resident will be required to make a significant (at least several hundred thousand dollar) deposit as part of the residence and services agreement. Thus, entry into the facility is "home purchase like" even though the legal structure of a continuing care retirement community is such that there is no transfer of title to the residents.



**APPLICANT:** Gordon Gresham

770-616-9327

**REPRESENTATIVE** Sams, Larkin & Huff, LLP

Garvis L. Sams, Jr. 770-422-7016

**TITLEHOLDER:** Gordon Gresham

**PROPERTY LOCATION:** Located on the north side of Stilesboro

Road, west of Brackendale Road.

**ACCESS TO PROPERTY:** Stilesboro Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** LUP-1

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** R-30

**PROPOSED ZONING:** Land Use Permit

**PROPOSED USE:** Parking A Vehicle

Weighing More Than 12,500 Pounds

**SIZE OF TRACT:** 1.4 acres

**DISTRICT:** 20

**LAND LOT(S):** 222

**PARCEL(S):** 12

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**FUTURE LAND USE MAP:** Very Low Density Residential

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

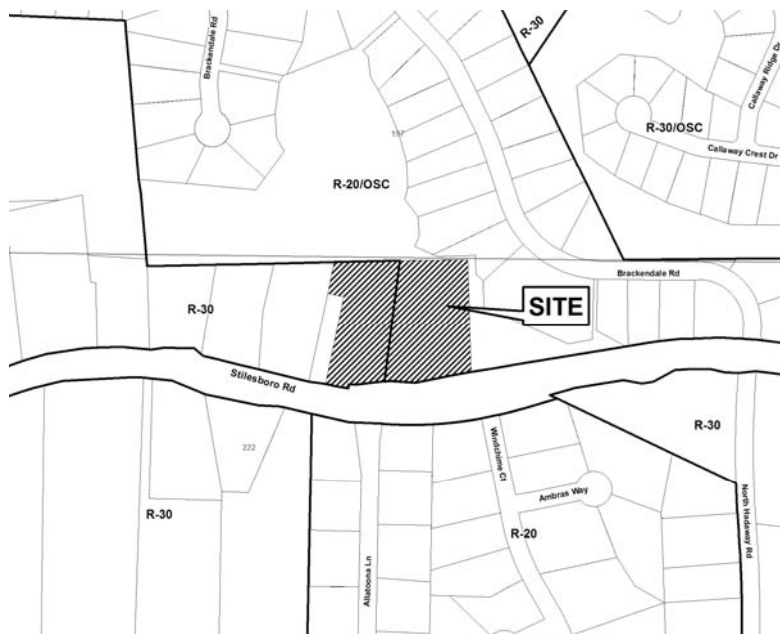
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# LAND USE PERMIT WORKSHEET

(FOR TEMPORARY COMMERCIAL USE OF RESIDENTIALLY ZONED PROPERTY)

1. TYPE OF BUSINESS? NA
2. NUMBER OF EMPLOYEES ? NA
3. DAYS OF OPERATION? NA
4. HOURS OF OPERATION? NA
5. NUMBER OF CLIENTS, CUSTOMERS OR SALES PEOPLE  
COMING TO HOUSE ? 0 (PER DAY; PER WEEK)
6. WHERE DO CLIENTS, CUSTOMERS OR SALE PEOPLE PARK?  
DRIVEWAY \_\_\_\_\_ STREET \_\_\_\_\_ OTHER (EXPLAIN) NA
7. SIGNS? YES \_\_\_\_\_ NO ☒ .(IF YES, THEN QUANTITY,  
SIZE, LOCATION) \_\_\_\_\_
8. NUMBER OF VEHICLES? 1
9. TYPE OF VEHICLES? (CARS, TRUCKS, VANS,  
ETC.) Truck
10. DELIVERIES? YES \_\_\_\_\_ NO ☒ .(IF YES, THEN HOW  
MANY PER DAY/WEEK; SEMI-TRUCK, FEDEX,  
UPS,USPS?) \_\_\_\_\_
11. DOES APPLICANT LIVE IN THE HOUSE? YES ☒ NO \_\_\_\_\_
12. ANY OUTDOOR STORAGE? YES \_\_\_\_\_ NO ☒ . IF YES, THEN  
WHAT? \_\_\_\_\_
13. STORAGE OF INVENORY? YES \_\_\_\_\_ NO ☒ . IF YES, THEN  
WHAT? \_\_\_\_\_
12. ANY ADDITIONAL RELAVENT INFORMATION? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

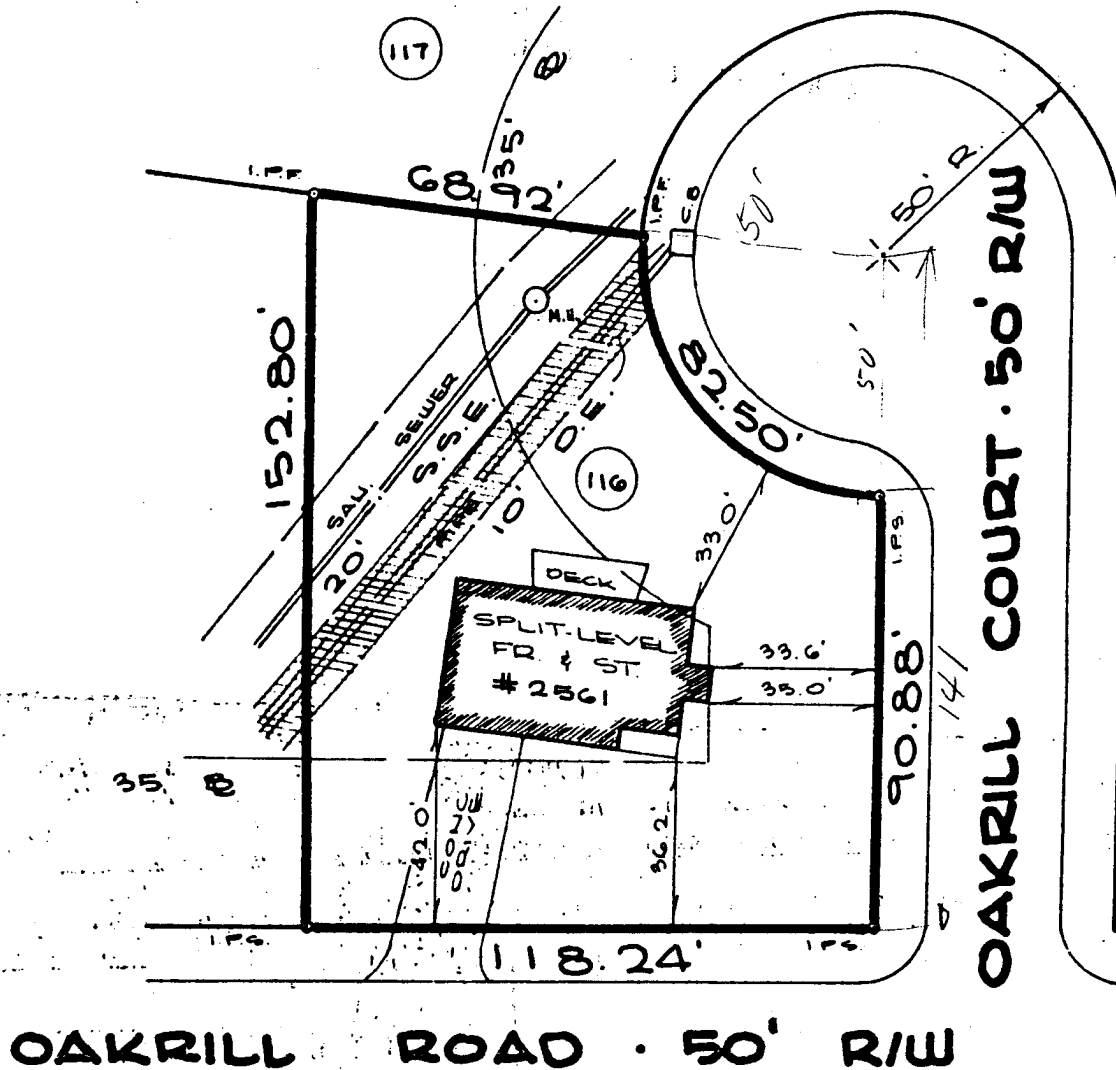
LUP-2  
(2009)

LOT 116  
BLOCK  
UNIT 3  
SUB. CEDAR FORKS

*Lot Area ~ 17,228*

This is to certify that this property is not in a special flood hazard area as shown on the applicable FIRM Official Flood Hazard Map

MAG. NORTH



PROPERTY OF  
CAVIN F. SULLIVAN

LAND LOT 697

16th DISTRICT 2nd SECTION

COBB

COUNTY, GEORGIA

SCALE 1" = 40'

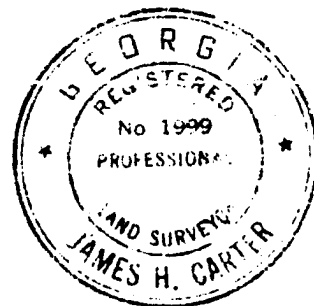
DATE: AUGUST 5, 1980

REG. LAND SURVEYOR NO. 1999

CARTER LAND SURVEYING CO.

IN MY OPINION THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED.

*Lot 116  
Book 71, Page 192*



NO. 080043

**APPLICANT:** Nick Economos  
770-394-5475

**REPRESENTATIVE:** Nick Economos  
770-394-5475

**TITLEHOLDER:** Nick Economos

**PROPERTY LOCATION:** Located at the northwest intersection of  
Oakrill Road and Oakrill Court.

**ACCESS TO PROPERTY:** Oakrill Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** LUP-2

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** R-15

**PROPOSED ZONING:** Land Use Permit

**PROPOSED USE:** Allow More Than Two  
Unrelated People To Occupy A Dwelling Unit

**SIZE OF TRACT:** 0.33 acre

**DISTRICT:** 16

**LAND LOT(S):** 697

**PARCEL(S):** 16

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**NOTE:** *This request is for four unrelated people.*

**FUTURE LAND USE MAP:** Low Density Residential

**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:**



# LEGEND

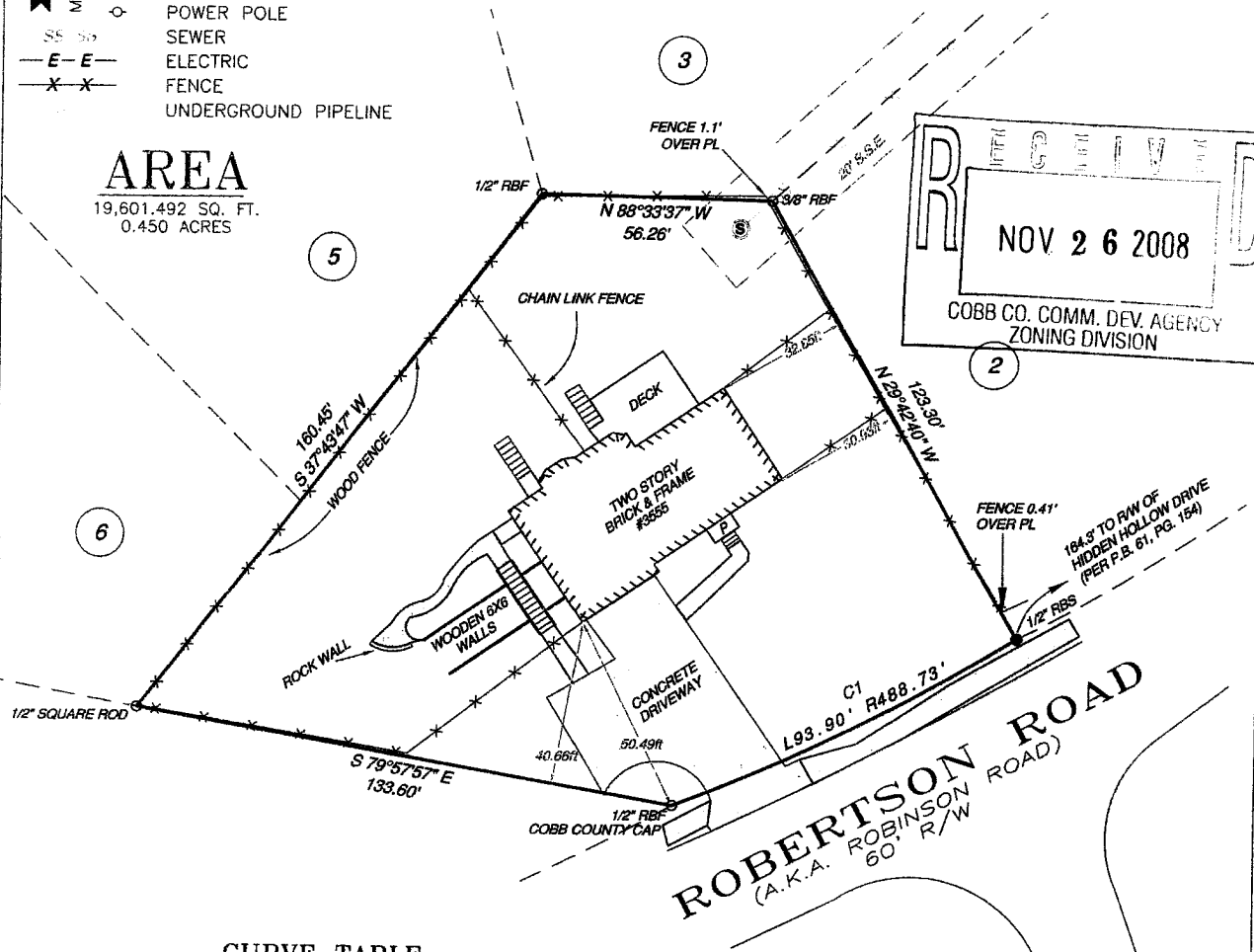
These standard symbols will be found in the drawing.

LUP-3  
(2009)

- ▲ TRAVERSE POINT
- 1/2" REBAR SET
- IRON PIN FOUND
- ▲ CATCH BASIN
- DRAIN
- FIRE HYDRANT
- GUY WIRE
- LIGHT POLE
- MANHOLE
- POWER POLE
- SEWER
- E—E— ELECTRIC
- X—X— FENCE
- UNDERGROUND PIPELINE

## AREA

19,601.492 SQ. FT.  
0.450 ACRES



## CURVE TABLE

CURVE	ARC LENGTH	RADIUS	CHORD LENGTH	CHORD BEARING	DELTA ANGLE
C1	488.73'	93.90'	93.76'	N 63°36'30" E	11°00'30"

## REFERENCE

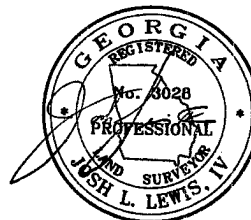
PLAT BOOK 61, PAGE 154  
DEED BOOK 12253, PAGE 403

## FLOOD STATEMENT

I HAVE THIS DATE, EXAMINED THE "FIRM OFFICIAL FLOOD HAZARD MAP" AND FOUND IN MY OPINION REFERENCED PARCEL (●) (IS NOT) IN AN AREA HAVING SPECIAL FLOOD HAZARDS, WITHOUT AN ELEVATION CERTIFICATION SURVEYOR IS NOT RESPONSIBLE FOR ANY DAMAGE DUE ITS OPINION FOR SAID PARCEL  
MAP ID 13067C0055 F EFFECTIVE DATE : AUGUST 18, 1992

## CLOSURE STATEMENT

THE FIELD DATA UPON WHICH THIS PLAT IS BASED WAS GATHERED BY AN OPEN TRAVERSE. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 89,249 FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.



TYPE OF SURVEY :

GEORGIA MINIMUM



SHEET JOB NO. DWG NO.	PLAT PREPARED FOR : #3555 ROBINSON ROAD				DATE	8/13/08		GA. LAND SURVEYING CO., INC. LAND SURVEYING ~ LAND PLANNING 155 CLIFTWOOD DRIVE ATLANTA, GEORGIA. 30328 PHONE (404) 255-4671 FAX (404) 255-6607 IF THIS NOTE IS NOT IN COLOR, THESE PLANS ARE INVALID
	MICHAEL K. DREWITZ				SCALE	1" = 30'		
	LIGIA M. MARTINEZ-DREWITZ							
	LAND LOT 979	16TH DISTRICT	2ND SECTION	COBB COUNTY, GEORGIA				REVISION: DATE:
	LOT 1	BLOCK A	UNIT	PHASE				
	SUBDIVISION HIDDEN HOLLOW				PARTY CHIEF: J.J. DRAFTED BY: J.J.			



**APPLICANT:** Michael Drewitz  
770-977-6900

**REPRESENTATIVE:** James A. Balli  
770-422-7016

**TITLEHOLDER:** Michael K. and Ligia M. Drewitz

**PROPERTY LOCATION:** Located on the northern side of Robinson  
Road, west of Hidden Hollow Drive  
(3555 Robinson Road).

**ACCESS TO PROPERTY:** Robinson Road

**PHYSICAL CHARACTERISTICS TO SITE:** Existing house

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** LUP-3

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Land Use Permit

**PROPOSED USE:** Photography Studio

**SIZE OF TRACT:** 0.45 acre

**DISTRICT:** 16

**LAND LOT(S):** 979

**PARCEL(S):** 9

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**FUTURE LAND USE MAP:** Low Density Residential

**OPPOSITION:** NO. OPPOSED \_\_\_\_ **PETITION NO:** \_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_ **CARRIED** \_\_\_\_\_

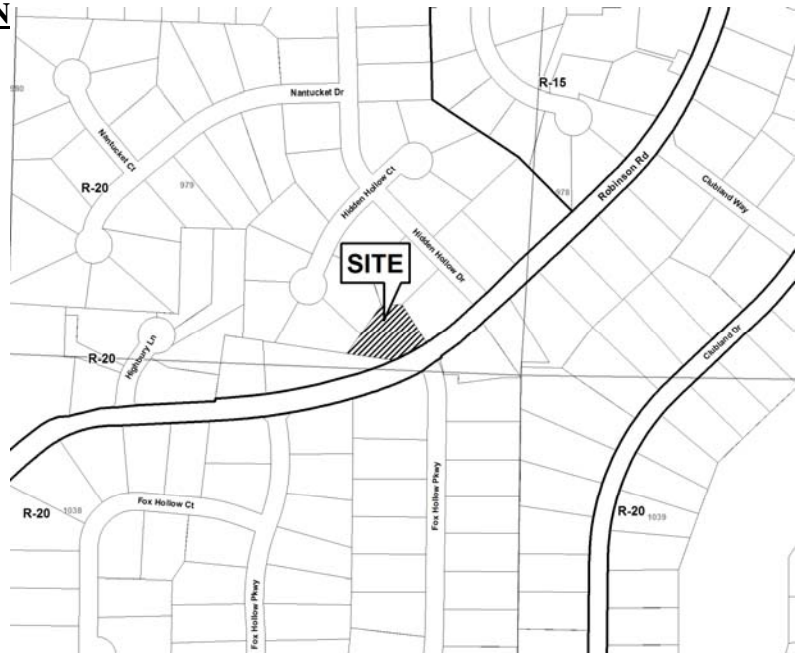
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_ **CARRIED** \_\_\_\_\_

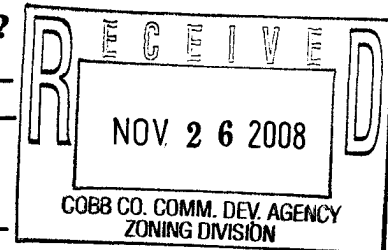
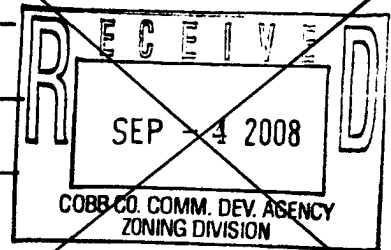
**STIPULATIONS:**



# LAND USE PERMIT WORKSHEET

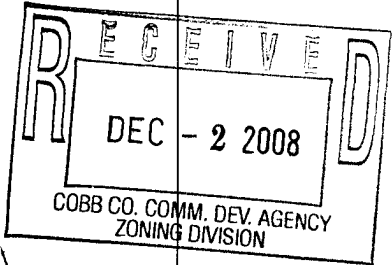
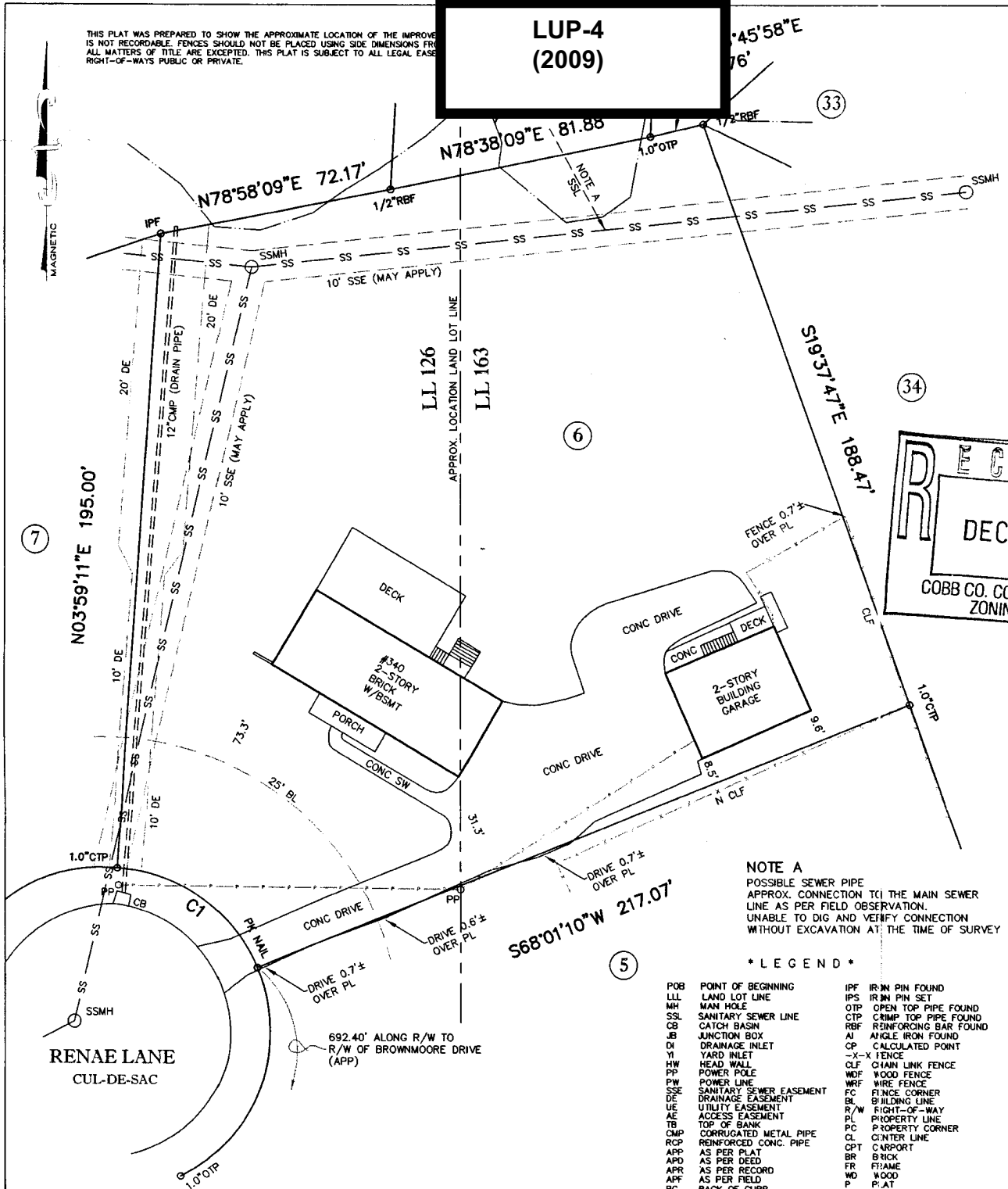
(FOR TEMPORARY COMMERCIAL USE OF RESIDENTIALLY ZONED PROPERTY)

1. TYPE OF BUSINESS? photography studio
2. NUMBER OF EMPLOYEES? 1
3. DAYS OF OPERATION? M-F
4. HOURS OF OPERATION? 9-5
5. NUMBER OF CLIENTS, CUSTOMERS OR SALES PEOPLE COMING TO HOUSE? 15-20 (PER DAY; PER WEEK)
6. WHERE DO CLIENTS, CUSTOMERS OR SALE PEOPLE PARK? DRIVEWAY x STREET \_\_\_\_\_ OTHER (EXPLAIN) \_\_\_\_\_
7. SIGNS? YES \_\_\_\_\_ NO x .(IF YES, THEN QUANTITY, SIZE, LOCATION) \_\_\_\_\_
8. NUMBER OF VEHICLES? 2
9. TYPE OF VEHICLES? (CARS, TRUCKS, VANS, ETC.) SUV, car
10. DELIVERIES? YES x NO \_\_\_\_ .(IF YES, THEN HOW MANY PER DAY/WEEK; SEMI-TRUCK, FEDEX, UPS,USPS?) 2 per week tops
11. DOES APPLICANT LIVE IN THE HOUSE? YES x NO \_\_\_\_
12. ANY OUTDOOR STORAGE? YES \_\_\_\_ NO x . IF YES, THEN WHAT? \_\_\_\_\_
13. STORAGE OF INVENORY? YES x NO \_\_\_\_ IF YES, THEN WHAT? photos within office
12. ANY ADDITIONAL RELAVENT INFORMATION? \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



THIS PLAT WAS PREPARED TO SHOW THE APPROXIMATE LOCATION OF THE IMPROVEMENTS. FENCES SHOULD NOT BE PLACED USING SIDE DIMENSIONS FROM ALL MATTERS OF TITLE ARE EXCEPTED. THIS PLAT IS SUBJECT TO ALL LEGAL EASES, RIGHT-OF-WAYS PUBLIC OR PRIVATE.

**LUP-4  
(2009)**



**NOTE A**  
POSSIBLE SEWER PIPE APPROX. CONNECTION TO THE MAIN SEWER LINE AS PER FIELD OBSERVATION. UNABLE TO DIG AND VERIFY CONNECTION WITHOUT EXCAVATION AT THE TIME OF SURVEY

**\* LEGEND \***

- |                             |                           |
|-----------------------------|---------------------------|
| POB POINT OF BEGINNING      | IPF IRON PIN FOUND        |
| LLL LAND LOT LINE           | IPS IRON PIN SET          |
| MH MAN HOLE                 | OTP OPEN TOP PIPE FOUND   |
| SSL SANITARY SEWER LINE     | CTP CRIMP TOP PIPE FOUND  |
| CB CATCH BASIN              | RBF REINFORCING BAR FOUND |
| JB JUNCTION BOX             | AI ANGLE IRON FOUND       |
| DI DRAINAGE INLET           | CP CALCULATED POINT       |
| YI YARD INLET               | -X-X FENCE                |
| HW HEAD WALL                | CLF CHAIN LINK FENCE      |
| PP POWER POLE               | WDF WOOD FENCE            |
| PW POWER LINE               | WRF WIRE FENCE            |
| SSE SANITARY SEWER EASEMENT | FC FENCE CORNER           |
| DE DRAINAGE EASEMENT        | BL BUILDING LINE          |
| UE UTILITY EASEMENT         | R/W RIGHT-OF-WAY          |
| AE ACCESS EASEMENT          | PL PROPERTY LINE          |
| TP TOP OF BANK              | PC PROPERTY CORNER        |
| CMP CORRUGATED METAL PIPE   | CL CENTER LINE            |
| RCP REINFORCED CONC. PIPE   | CPT CURBPORT              |
| APP AS PER PLAT             | BR BRICK                  |
| APD AS PER DEED             | FR FRAME                  |
| APR AS PER RECORD           | WD WOOD                   |
| APF AS PER FIELD            | P PLAT                    |
| BC BACK OF CURB             | D DIED                    |
| EP EDGE OF PAVEMENT         | R RECORD                  |
| OU OWNERSHIP UNCLEAR        | F FIELD                   |
| OH OVERHANG                 |                           |
| N N.BORS.                   |                           |

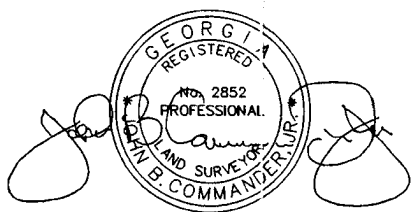
Curve	Radius	Length	Chord	Chord Bear.
C1	50.00'	55.51'	52.70'	N 54°41'39" W

PROPERTY ADDRESS:  
340 RENAE LANE SW  
MARIETTA, GA 30060

LAND AREA:  
1.00 AC

PLAT PREPARED FOR:  
**CLAUDIA RUVALCABA**

LOT 6	BLOCK	UNIT TWO
SUBDIVISION BROWNMOORE MANOR		
LAND LOT 126 & 163	17TH DISTRICT	2ND SECTION
COBB COUNTY, GEORGIA		
FIELD WORK DATE NOV 22, 2008	PRINTED/SIGNED NOV 24, 2008	
PLAT BOOK 31, PAGE 78	ALL MATTERS PERTAINING TO TITLE ARE EXCEPTED	
DEED BOOK 13908, PAGE 3555		

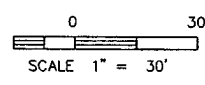


IN MY OPINION, THIS PLAT IS A CORRECT REPRESENTATION OF THE LAND PLATTED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF LAW.

THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE OF 1 FOOT IN 30,000+ FEET, AN ANGULAR ERROR OF 05 SECONDS PER ANGLE POINT AND WAS ADJUSTED USING THE LEAST SQUARES METHOD. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND FOUND TO BE ACCURATE TO 1 FOOT IN 100,000+ FEET. AN ELECTRONIC TOTAL STATION AND A 100' CHAIN WERE USED TO GATHER THE INFORMATION USED IN THE PREPARATION OF THIS PLAT. NO STATE PLANE COORDINATE MONUMENT FOUND WITHIN 500' OF THIS PROPERTY.

COORD #2008147  
DWG #2008147  
**SURVEY LAND EXPRESS, INC**  
LAND SURVEYING SERVICES COORDINATION

P.O. BOX 420316  
ATLANTA, GA 30342  
FAX 404-601-0941  
24-HR CONTACT 404-375-2727  
ServeLandExpress@GMAIL.COM



**APPLICANT:** Raymundo Ruvalcaba  
770-780-9533

**REPRESENTATIVE:** Raymundo Ruvalcaba  
770-780-9533

**TITLEHOLDER:** Claudia Ruvalcaba

**PROPERTY LOCATION:** Located on the northern side of Renae Lane, northwest of Brownmoore Drive

**ACCESS TO PROPERTY:** Renae Lane

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** LUP-4

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Land Use Permit

**PROPOSED USE:** Renting A Garage  
Apartment

**SIZE OF TRACT:** 1 acre

**DISTRICT:** 17

**LAND LOT(S):** 126, 163

**PARCEL(S):** 14

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**FUTURE LAND USE MAP: Low Density Residential**

**OPPOSITION:** NO. OPPOSED \_\_\_\_\_ **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

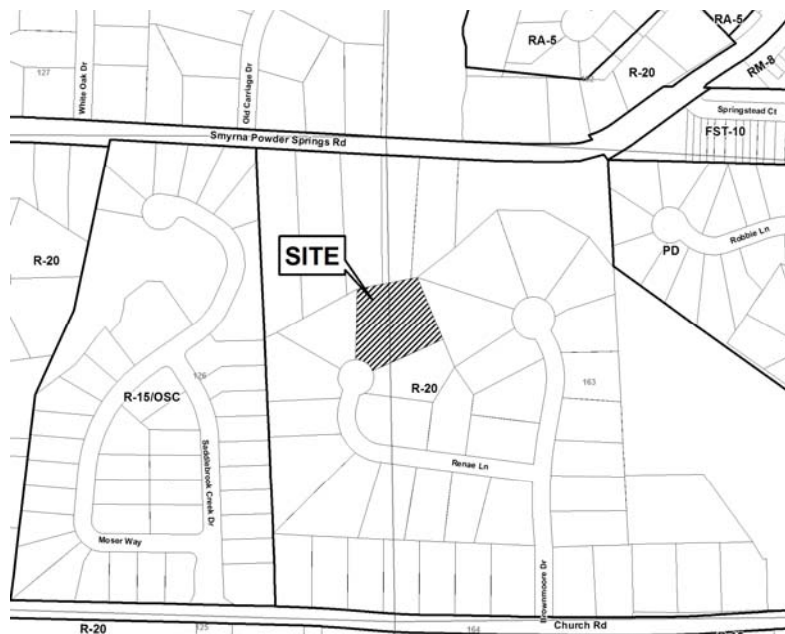
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

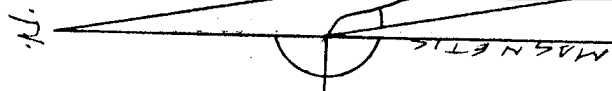
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



LUP-5  
(2009)



FOREST RIDGE DRIVE  
50' R.O.V. - 24' P.V.G.

LOT 62, SUN VALLEY EST.  
UNIT 1, SECTION 3, BLOCK "A"

(63)

663.8' TO  
OAK LAND  
DRIVE

N 77° 19' 03" E  
216.40'

TO SIDE

fence cor.

16.4'

11.8'

47.8'

80.00'

CHD = 531° 11' 0" E

# 748

15' 4"

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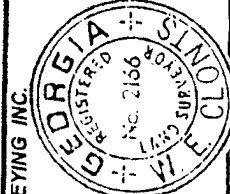
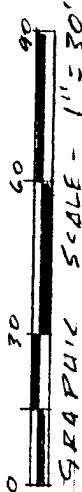
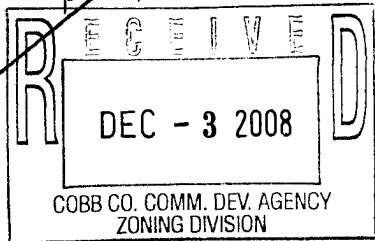
11.8'

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TRU-LINE SURVEYING INC.  
2070 ATTIC PARKWAY  
SUITE 505  
KENNESAW, GA. 30144  
PHONE (770) 819-8732  
FAX (770) 819-8731

U.S. ORIGIN: THIS PLAT IS A CORRECT REPRESENTATION  
OF THE SURVEYED LAND AND HAS BEEN PREPARED IN  
ACCORDANCE WITH THE MINIMUM STANDARDS AND  
REQUIREMENTS OF LAW.

SURVEY FOR	ADAMIR
ADASCIMENTO	
LAND LOT: 724	SCALE: 1"=30'
DISTRICT: 17TH	DATE: 2/7/08
SECTION: 2ND	DRAWN BY: PL
COUNTY: COBB	CHECKED BY: WEL
STATE: GEORGIA	JOB NO.: 01-3659

NOTE - NO PROPOSED CONSTRUCTION  
AT THIS TIME

(61)

(62)

fence cor.

N 39° 41' 28" E  
181.00'

103.0'

549.10'

101.518'

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**APPLICANT:** Ademir Nascimento

770-973-7133

**REPRESENTATIVE:** Ademir Nascimento

770-973-7133

**TITLEHOLDER:** Ademir Nascimento

**PROPERTY LOCATION:** Located on the westerly side of Forest Ridge Drive, south of Oakland Drive and on the east side of I-75, north of Delk Road (748 Forest Ridge Drive).

**ACCESS TO PROPERTY:** Forest Ridge Drive

**PHYSICAL CHARACTERISTICS TO SITE:** Existing house

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** LUP-5

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** R-15

**PROPOSED ZONING:** Land Use Permit

**PROPOSED USE:** Allow More Than Two Unrelated People To Occupy A Dwelling Unit

**SIZE OF TRACT:** 0.50 acre

**DISTRICT:** 17

**LAND LOT(S):** 717, 718, 723, 724

**PARCEL(S):** 90

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**FUTURE LAND USE MAP:** Low Density Residential

**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:**







**APPLICANT:** Susan F. White  
770-421-8211

**REPRESENTATIVE:** Moore, Ingram, Johnson & Steele, LLP  
J. Kevin Moore 770-429-1499

**TITLEHOLDER:** Susan F. White  
\_\_\_\_\_

**PROPERTY LOCATION:** Located on the west side of Frank Kirk  
Road, south of Kennesaw Due West Road and on the north side of  
Simonson Way (under construction).

**ACCESS TO PROPERTY:** Frank Kirk Road  
\_\_\_\_\_

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** LUP-6

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Land Use Permit

**PROPOSED USE:** Allowing Two Separate  
Dwelling Units On The Same Lot

**SIZE OF TRACT:** 0.75 acre

**DISTRICT:** 20

**LAND LOT(S):** 278

**PARCEL(S):** 133

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**FUTURE LAND USE MAP: Low Density Residential**

**OPPOSITION:** NO. OPPOSED \_\_\_\_ **PETITION NO:** \_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_ **CARRIED** \_\_\_\_\_

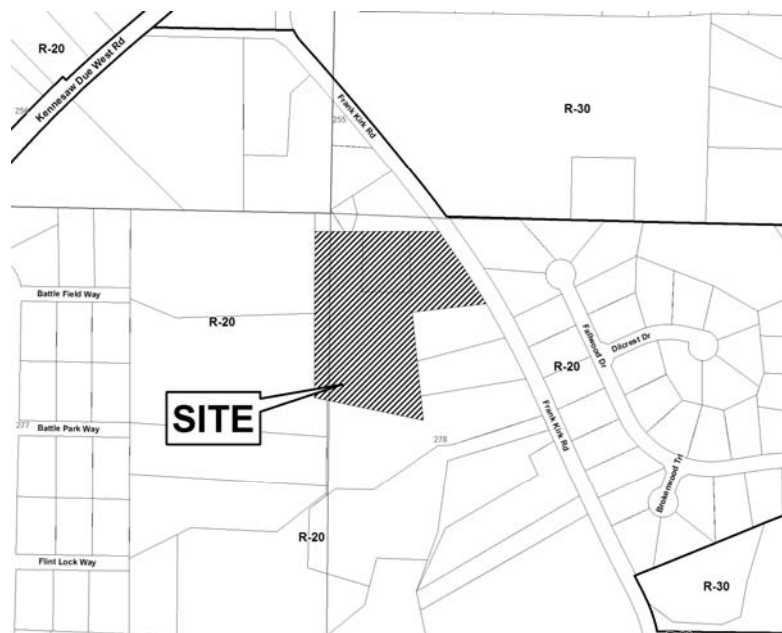
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





# POINT TO POINT LAND SURVEYORS

AMERICAN TOWER  
CORPORATION

**SITE NO.**  
**303146**

LAND LOT 221, 17TH DISTRICT  
COBB COUNTY, GEORGIA

WASH BY: CLC	SHEET
--------------	-------

CKED BY: COW

APPROVED: C. INER  
DATE: 13 AUGUST 2008

JOB #: 2008.509

NEIGHBORHOOD MAP

## GENERAL NOTES

[illegible]

**SUBJECT PROPERTY**

**OWNER: STONE SOLUTIONS OF ATLANTA**

DATE: 11/11/2008 1:00 PM PAGE: 1 OF 1

ISSN 0013-792X/95/0005-0000\$10.00/0

PARCEL ID: 17022100260

AREA: 4.423 ACRES

1. 100% of the total sample

REFERENCE: SURVEY PREPARED FOR SPECTRACAST COMMUNICATIONS  
ZONE: H HEAVY INDUSTRIAL

BY JOHNNY W. NOBLES AND ASSOCIATES DATED 02/03/2005

.....

**EASTSIDE DRIVE (30' R/W)**

**SEP 30 2008**

**COBB CO. COMM. DEV. AGENCY ZONING DIVISION**

**WALTER McDONALD, III**  
N/F  
ZONED: GC

**MCC PROJECT 3, LLC**  
N/F  
ZONED: GC

**MCC PROJECT 3, LLC**  
N/F  
ZONED: GC

**RHC ASSOCIATES**  
N/F  
ZONED: GC

**FIFTH TOTTENHAM PROPERTIES**  
N/F  
ZONED: GC

**CEDAR MOBILE HOME PARK, LLC**  
N/F  
ZONED: GC

**EXISTING BUILDING**

**EXISTING BUILDING DRIVE**

**UTILITY EASEMENT & INGRESS & EGRESS**

**GRAVEL**

**PARCEL LINE FOR SURVEY PREPARED BY JOHNNY W. NOBLES & ASSOCIATES**

**EXISTING LEASE AREA**

**SEE SHEET 2 OF 3 FOR DETAIL**

**GRAPHIC SCALE IN FEET**

LINE	BEARING	DISTANCE
L1	N88°19'43"W	157.80'
L2	S68°55'40"W	59.73'
L3	S10°11'27"W	196.27'
L4	S72°53'20"W	75.79'
L5	N76°23'07"W	100.00'
L6	N13°36'53"E	100.00'
L7	S76°23'07"E	100.00'
L8	S13°36'53"W	100.00'

LINE	BEARING	DISTANCE
L1	N88°19'43"W	157.80'
L2	S68°55'40"W	59.73'
L3	S107°11'27"W	156.27'
L4	S72°53'20"W	75.75'
L5	N76°23'07"W	100.00'
L6	N13°36'53"E	100.00'
L7	S76°23'07"E	100.00'
L8	S13°36'53"W	100.00'

[illegible]

**APPLICANT:** Amercian Tower Assest Sub, LLC  
770-226-6467

**REPRESENTATIVE:** Barry Gannon  
770-226-6467

**TITLEHOLDER:** Stone Solutions of Atlanta, LLC

**PROPERTY LOCATION:** Located on the west side of Eastside  
Drive, south of Carruth Drive

**ACCESS TO PROPERTY:** Eastside Drive

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** SLUP-1

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** HI

**PROPOSED ZONING:** Special Land Use  
Permit

**PROPOSED USE:** Increase The Height Of An  
Existing Cell Tower From 150 Feet to 174 Feet

**SIZE OF TRACT:** 4.44 acres

**DISTRICT:** 17

**LAND LOT(S):** 221

**PARCEL(S):** 26

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**FUTURE LAND USE MAP:** Industrial Compatible

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

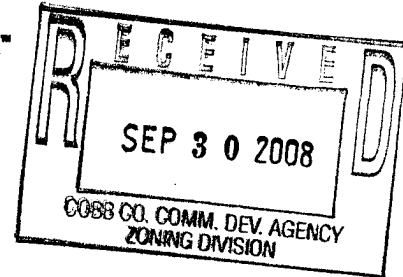
**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





September 30, 2008

Mr. Mark Danneman, Zoning Administrator  
Zoning Division  
Cobb County Community Development Department  
191 Lawrence Street  
Marietta, GA 30060

RE: Special Land Use Permit application to extend and existing 150' monopole tower to 174'. Property located at 1000 Eastside Drive (Parcel ID 17022100260).

Dear Mr. Danneman:

American Tower Asset Sub, LLC submits this letter in support of its SLUP application to Cobb County to increase the height of this existing 150' monopole to 174' to accommodate the collocation of Clearwire US LLC.

#### **Background:**

American Tower operates this telecommunication tower facility on the property owned by Stone Solutions of Atlanta. The existing 150' monopole was built by Nextel Communications in 1998. Sprint/Nextel, T-Mobile, Verizon Wireless, and XM Satellite Radio currently are located on this monopole.

The subject property is 4.44 acres and is zoned HI. American Tower leases a 100' x 100' area for the telecommunication facility and approximately 60' x 60' of this area is the fenced tower compound site.

#### **Proposal**

Clearwire US LLC has made application with American Tower to collocate its equipment on this facility but given the number of carriers currently using the facility Clearwire was unable to secure a height necessary to meet their radio frequency coverage requirements. Clearwire is a wireless service provider Licensed by the FCC to construct a wireless telecommunications network in various markets throughout the country, including the State of Georgia and in particular Cobb County. Clearwire's Radio Frequency Engineers have determined that they need to mount their antennas at a height of 160' to be able to fill in a coverage gap in this area of Cobb County.

FAA has approved the height of the facility to 174' with a dual lighting requirement. Our plan is to add a 20' new steel section to the top of the 150' tower. This will allow for total height including appurtenances not to exceed 174'. We anticipate that this 24' extension would not only accommodate Clearwire but also room for another wireless provider in the future.

The proposed 174' monopole meets the required setback of tower height to residential structures. The closest residential structure is a mobile home located on the adjacent property to the south which is 207' away. This property as well as all adjoining properties are zoned GC. Other than the height extension to the monopole no other changes are being proposed to the tower facility.

### **Conclusion**

Granting this SLUP to increase the height of the existing monopole to allow future collocation supports both Cobb County and American Towers' policy to utilize existing telecommunication towers rather than construct new facilities. The property is zoned HI and all adjoining properties are zoned GC. Granting this SLUP does not change the use of the property nor the other conditions placed on this development in any other way. The facility continues to meet all Federal, State, and Local statutes and ordinances. For these reasons we respectfully request approval of this application.

Please let me know if I can assist you in any way or if you have any additional questions. I can be reached by phone at (770) 226-6467 or by email at [barry.gannon@americantower.com](mailto:barry.gannon@americantower.com).

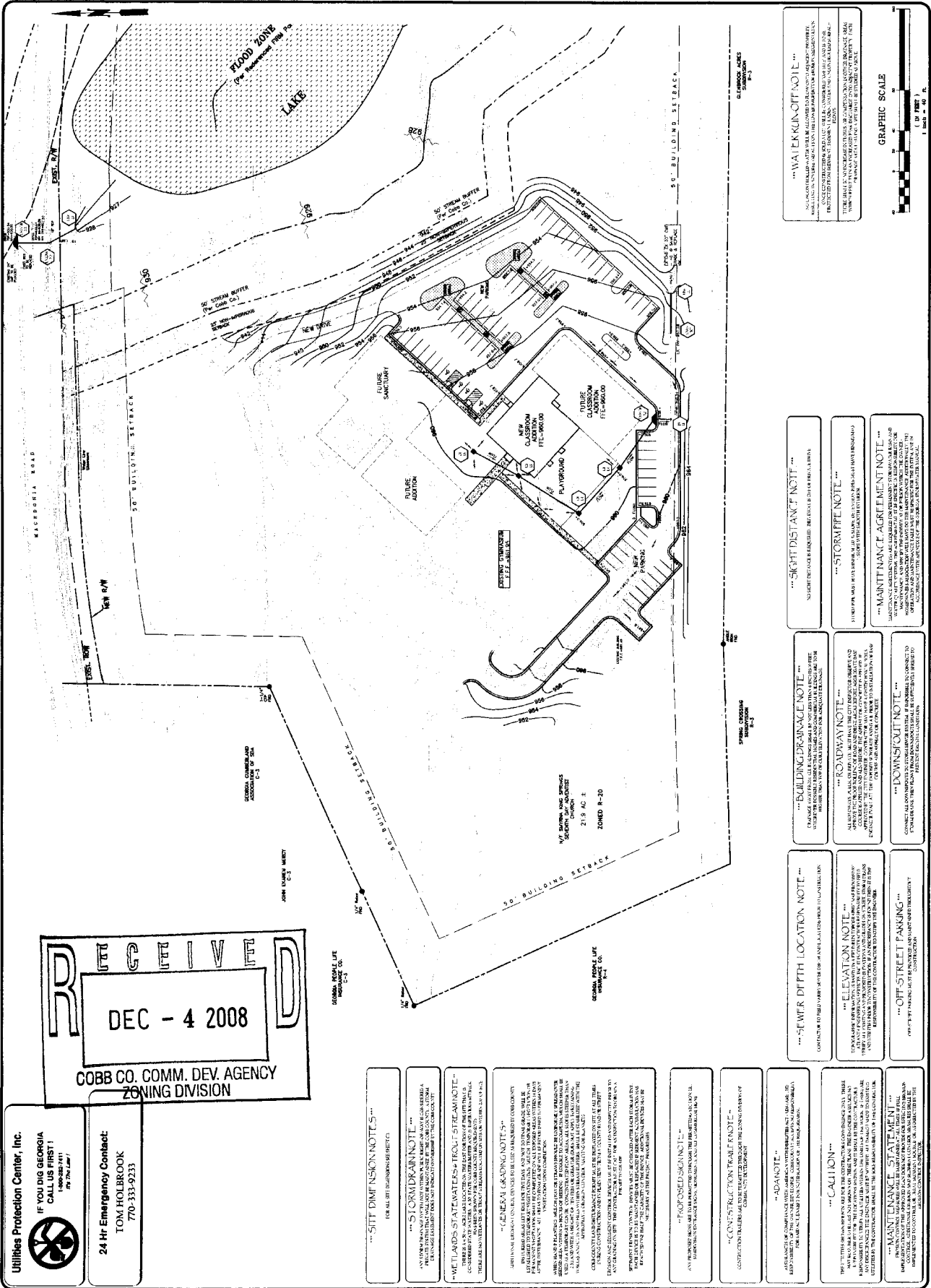
Sincerely,



Barry Gannon, Zoning Specialist  
American Tower Corporation

### **Attached Documentation**

Exhibit A Constitutional rights preservation language  
Survey with legal descriptions  
Site plan  
FAA  
Copy of Deed  
Copy of paid tax receipt  
Rezoning application and fees



**GRAPHIC SCALE**  
1" = 40' (1" = 10')

**APPLICANT:** Lakeview Seventh-Day Adventist Church  
770-222-1511

**REPRESENTATIVE:** Pastor Peter Kulakov  
770-222-1511

**TITLEHOLDER:** Georgia-Cumberland Association of Seventh-Day  
Adventists, Inc.

**PROPERTY LOCATION:** Located at the southwest intersection of  
Macedonia Road and Forest Hill Road

**ACCESS TO PROPERTY:** Macedonia Road

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** SLUP-2

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** R-20

**PROPOSED ZONING:** Special Land Use  
Permit

**PROPOSED USE:** Private school

**SIZE OF TRACT:** 21.9 acres

**DISTRICT:** 19

**LAND LOT(S):** 724, 725

**PARCEL(S):** 1

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**FUTURE LAND USE MAP:** Low Density Residential

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

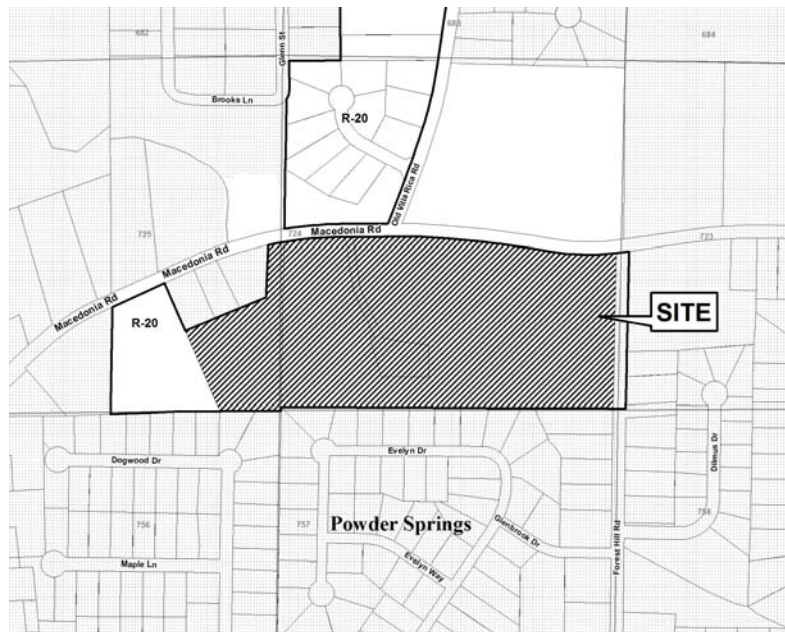
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**





**APPLICANT:** Summit Baptist Church of Cobb County, Inc.  
770-975-4595

**REPRESENTATIVE:** Aaron Johnson  
770-975-4595

**TITLEHOLDER:** Summit Baptist Church of Cobb County, Inc.

**PROPERTY LOCATION:** Located on the east side of Moon  
Station Lane, north of Baker Road

**ACCESS TO PROPERTY:** Moon Station Lane

**PHYSICAL CHARACTERISTICS TO SITE:** \_\_\_\_\_

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:**

**SOUTH:**

**EAST:**

**WEST:**

**PETITION NO:** SLUP-3

**HEARING DATE (PC):** 02-03-09

**HEARING DATE (BOC):** 02-17-09

**PRESENT ZONING:** PSC, LI

**PROPOSED ZONING:** Special Land Use  
Permit

**PROPOSED USE:** Private School

**SIZE OF TRACT:** 15.14 acres

**DISTRICT:** 20

**LAND LOT(S):** 52

**PARCEL(S):** 38

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 1

**FUTURE LAND USE MAP:** Public Institutional

**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:**

