

**MAY 18, 2010 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 1**

**ITEM #1**

**PURPOSE**

To consider amending the stipulations and site plan for Z-41 (CRT REALTY & DEVELOPMENT, INC.) of September 16, 2008, for property located in Land Lot 208 of the 17th District, on the westerly side of Sandtown Road, between Saine Drive and Austell Road.

**BACKGROUND**

The Board of Commissioners approved the residential senior living facility on September 16, 2008. The Board of Commissioners decision is attached (see Exhibit “A”). The developer of the original proposal is no longer able to complete the project and the property has sat untouched since the 2008 rezoning decision. A different developer, Integral Development, LLC has decided to develop the property but needs to amend the site plan and a few zoning stipulations to allow their product to be built. Integral Development has developed approximately six senior living facilities in the State. Integral Development is requesting the site plan be amended from two buildings that were three and four stories tall to three four-story buildings. The applicant has submitted a stipulation letter that contains substantially similar conditions to the Z-41 stipulation letter. Of the notable changes are a reduction in the parking ratio from .75 parking spaces per unit to .50 parking spaces per unit (which is the model the applicant’s other senior facilities operate), increasing the minimum age from 55 years old to 62 years old, and deletion of a left-turn lane on Sandtown Road. The proposed revisions have been reviewed by several Cobb County departments and were found to be acceptable except for the deletion of the left-turn lane on Sandtown Road. Cobb DOT would like the left-turn lane to be constructed to mitigate any traffic concerns. The proposed site plan (see Exhibit “B”) and proposed letter of stipulations is attached for review (see Exhibit “C”). Additionally, a stipulation was added by the Board of Commissioners that stipulates any project utilizing Project Based Rental Assistance (PBRA) shall come back to the Board of Commissioners in the form of an “Other Business” Agenda application to be decided by the Board of Commissioners. PBRA is a rental assistance program by the Housing Authority that serves residents below the sixty percent (60%) median income range.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners consider the proposed site plan and submitted stipulations and if approved, all other previously approved conditions/stipulations not in conflict are to remain in place.

**ATTACHMENTS**

Board of Commissioners Decision (Exhibit “A”)  
Proposed Site Plan (Exhibit “B”)  
Proposed Letter of Stipulations (Exhibit “C”)  
Other Business Application (Exhibit “D”)

# Application for Rezoning Cobb County, Georgia

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

Application \_\_\_\_\_  
PC Hearing Date: 9/03/08  
BOC Hearing Date: 9/16/08

Applicant CRT Realty & Development, Inc. Business Phone 770/396-2221  
(applicant's name printed)

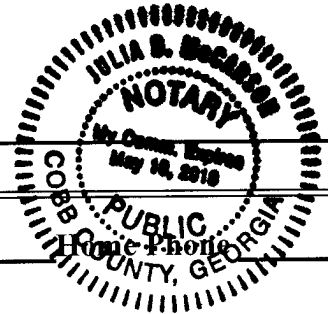
Address 6600 Peachtree Dunwoody Road, 400 Embassy Row, Suite 500, Sandy Springs, GA 30328  
Garvis L. Sams, Jr. 376 Powder Springs Street, Suite 100  
Sams, Larkin & Huff, LLP Address Marietta, GA 30064  
(representative's name, printed)

By: [Signature] Business Phone 770/422-7017 Fax 770/426-6583  
Garvis L. Sams, Jr., Attorney for Applicant

Signed, sealed and delivered in presence of:

Julia B. McCarson  
Notary Public

My commission expires: \_\_\_\_\_



Titleholder See attached Business Phone \_\_\_\_\_  
(titleholder's name, printed)

Signature See attached Address \_\_\_\_\_  
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Zoning Request From Future Commercial (CF); R-20 & RM-12 to Residential Senior Living (RSL)  
(present zoning) (proposed zoning)

For the Purpose of Residential Senior Living Facility Size of Tract 10.72 Acre(s)  
(subdivision, restaurant, warehouse, apt., etc.)

Location Southwest quadrant of intersection of Saine Drive and Sandtown Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 208 District(s) 17th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~ are no such assets. If any exist, provide documentation with this application.

CRT Realty & Development, Inc.  
By: [Signature]  
Garvis L. Sams, Jr., Attorney for Applicant

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there ~~is~~ is not such a cemetery. If any exist, provide documentation with this application.

CRT Realty & Development, Inc.  
By: [Signature]  
Garvis L. Sams, Jr., Attorney for Applicant

ORIGINAL DATE OF APPLICATION: 09-16-08APPLICANTS NAME: CRT REALTY & DEVELOPMENT, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-16-08 ZONING HEARING:**

**CRT REALTY & DEVELOPMENT, INC.** (Linda D. Mayes, Cobb International Properties, LLC, and Jamie Sanders, owners) requesting Rezoning from **CF, R-20** and **RM-12** to **RSL** for the purpose of a Senior Living Facility in Land Lot 208 of the 17<sup>th</sup> District. Located at the southeast intersection of Saine Drive and Roberta Drive and on the westerly side of Sandtown Road between Austell Road and Saine Drive.

MOTION: Motion by Lee, second by Goreham, to **approve** Rezoning to the **RSL** supportive zoning district **subject to**:

- **site plan received by the Zoning Division July 2, 2008 subject to Plan Review and approval by the District Commissioner (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated August 4, 2008, *not otherwise in conflict and with the following changes* (attached and made a part of these minutes):**
  - **Item No. 5 – Rephrase final sentence to: *“This stipulation shall not preclude kitchenette facilities, as defined by the RSL supported code within the individual units.”***
  - **Add Item No. 11 (l) – *“Push to walk signal controls will protect pedestrians on the Austell Road corner between the project and Olive Springs Baptist Church.”***
  - **Add Item No. 12 (i) – *“The greenspace connecting buildings A and B to building C, containing the trail, to be dedicated as a greenspace conservation easement, providing passive park uses for project residents.”***
  - **Add Item No. 12 (j) – *“Ground based monument signs.”***
  - **Add Item No. 12 (k) – *“Northeast detention pond, that adjoins the parking lot owned by others, to have brick or similar architectural treatment on exposed surfaces, upgraded quality fences and landscaping.”***
  - **Add Item No. 12 (l) – *“Outside recreation facilities to be added to the landscape plan.”***
  - **Add Item No. 12 (m) – *“The landscape plan, including the items added herein to be completed at Plan Review and approved by the District Commissioner.”***
  - **Item No. 15 – Replace last sentence of this paragraph to now read: *“There shall be no electronic reader board signage.”***
- **letter from Mr. Garvis L. Sams, Jr. to Mr. Bob Hovey dated August 18, 2008, *not otherwise in conflict* (attached and made a part of these minutes)**
- **letter of agreeable condition from Mr. Garvis L. Sams, Jr. dated September 15, 2008 (attached and made a part of these minutes)**

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APPLICATION NO. \_\_\_\_\_

ORIGINAL DATE OF APPLICATION: 09-16-08

APPLICANTS NAME: CRT REALTY & DEVELOPMENT, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

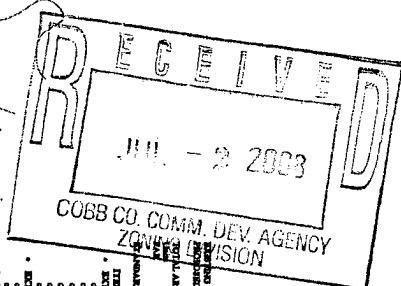
**BOC DECISION OF 09-16-08 ZONING HEARING (Continued):**

- elevations to be in substantial conformity with the photos provided with the August 4, 2008 letter of agreeable conditions, except that the facade facing Sandtown Road and Austell Road will be modified if possible to provide a lower appearance; final elevations are subject to Plan Review and approval by District Commissioner
- contemporary variance of the height of building C not to exceed 38 feet, and buildings A and B not to exceed 48 feet *for these structures only*
- District Commissioner to make minor modifications
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: **ADOPTED** unanimously

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Min. Bk. 510 Petition No. Z-41  
Doc. Type side plan  
Meeting Date 9-16-08



Zoning Plan  
**Olive Springs**  
CRT Realty & Development, Inc.  
Land Use 200 District 115 Subdivision 200 Camp Creek Home Owners  
770-433-3300  
770-433-3301  
770-433-3302  
770-433-3303  
770-433-3304  
770-433-3305

BUILD	# UNITS	PARKING SPACES	ACRES
BLDG A	96	189	10.72
BLDG B	126	44	10.72
BLDG C	280	233	10.72
TOTAL			

Scale 1" = 100'  
NORTH



01

SAMS, LARKIN & HUFF  
A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

Min. Blk \_\_\_\_\_  
Doc. Type Letter of  
Stipulations  
Meeting Date 9-10-08

PAGE 8 OF \_\_\_\_\_  
770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE  
SAMSLARKINHUFF.COM

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI\*  
MELISSA P. HAISTEN  
JUSTIN H. MEEKS

August 4, 2008

\*ALSO LICENSED TO PRACTICE  
IN ALABAMA

**VIA E-MAIL and**  
**HAND DELIVERY**

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

COBB COUNTY CLERK'S OFFICE  
2008 AUG -4 PM 2:42  
COBB COUNTY GEORGIA  
FILED IN OFFICE

Re: Application of CRT Realty & Development, Inc., to Rezone a 10.72 Acre Tract from Future Commercial (CF), R-20 & RM-12 to Residential Senior Living (RSL) (No. Z-41)

Dear John:

You will recall that this firm represents the applicant, CRT Realty & Development, Inc. ("CRT") concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on September 3, 2008 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on September 16, 2008.

With respect to the foregoing and consistent with discussions with Cobb County's professional staff, this letter will serve as my client's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations/ conditions are as follows:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.

**VIA E-MAIL and**  
**HAND DELIVERY**

Petition No. 2-41  
Meeting Date 9-16-08  
Continued

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Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
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August 4, 2008

2. Rezoning of the subject property shall be in substantial conformity to that certain Zoning Site Plan prepared for CRT Realty & Development, Inc. by Sprinkle Design Conservancy which was filed contemporaneously with the Application for Rezoning.
3. The proposed RSL Supportive Residential Facility shall consist of a maximum number of 260 units located within the confines of a Community Activity Center (CAC) pursuant to Sec. 134-203.1 of the Cobb County Zoning Ordinance.
4. The architectural style and composition of the RSL facility shall be consistent with the photographs being submitted contemporaneously herewith and shall have brick exteriors and be three (3) stories in height with three/four splits.
5. The RSL facility shall include a centralized kitchen and dining facilities which are sufficient to serve all occupants. This stipulation shall not preclude kitchen facilities within the individual units.
6. The RSL facility shall include surface parking spaces to accommodate Cobb County Zoning Ordinance Parking Ratio Requirements and sufficient parking spaces to accommodate all of the occupants, guests and staff of the RSL facility.
7. The RSL facility is planned to include, but not necessarily be limited to, the following amenities:
  - a. Fitness center and spa, with options including stationary bikes, treadmills, step machines, etc.
  - b. Card and game room.
  - c. Multi-purpose atrium for dining, parties and special events.
  - d. Business center/Internet areas.
  - e. Conference rooms.
  - f. Kitchen for community functions.
  - g. Residence storage spaces.

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**VIA E-MAIL and**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
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August 4, 2008

8. The community shall be designed and marketed exclusively for seniors and the occupancy of units therein shall be restricted to persons who have attained the age of 55 years of age or older and shall, in all respects, comply with Federal Fair Housing Act requirements.
9. The applicant agrees to a deed covenant running with the property in perpetuity containing specific recitals that neither the RSL facility nor any of its individual units therein shall be utilized as multi-family apartments. Such deed covenant shall run to the benefit of Cobb County, Georgia.
10. No unit within the community shall be leased for no less than a lease term of one (1) year in duration.
11. Compliance with the following recommendations from the Cobb County Department of Transportation:
  - a. The voluntary donation and conveyance of right-of-way on Roberta Drive and Saine Drive so that the County can achieve 25' from the centerline of both roads.
  - b. The voluntary donation and conveyance of right-of-way on Sandtown Road so that the County can achieve 30' from the centerline of same.
  - c. The installation of sidewalk, curb and gutter on all road frontages.
  - d. The installation of a left turn lane at the point of ingress/egress (gated entrance) on Sandtown Road.
  - e. Utilizing the frontage available, the installation of a deceleration lane with a taper at the point of ingress/egress (gated entrance) on Sandtown Road.
  - f. Ensure that the gate is set back at least 75' from the edge of the right-of-way on Sandtown Road.



**VIA E-MAIL and**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
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- g. Verification of 390' of sight distance on Sandtown Road or the implementation of remedial measures in which to mitigate same. With respect to the point of ingress/egress on Roberta Drive, ensuring that sight distance of 280' or the implementation of remedial measures in which to mitigate same.
  - h. Right-in/right-out turning movements only on Roberta Drive.
  - i. Coordination with DOT project improvement plans for Austell Road.
  - j. The installation of a 10' no access easement along the Austell Road frontage.
  - k. Compliance with the recommendations and conclusions contained in that certain Traffic Study prepared by Kimley-Horn and Associates.
12. Landscaping for the proposed development shall be in substantial conformity to the landscape plan which shall be submitted during the Plan Review process and will include the following:
- a. Landscaped areas, buffers and courtyards shall be well kept with trees, foliage and other vegetation which shall be regularly maintained.
  - b. Grass planted within landscaped areas or otherwise shall be sod.
  - c. All landscaping shall be irrigated (subject to County drought restrictions) and perpetually maintained by the applicant or its successors. Likewise, any plantings which become diseased or distressed within three (3) years of planting shall be replaced with like vegetation.
  - d. Dumpsters shall be incorporated into the landscape plan and shall be screened on at least three (3) sides consistent with the architectural theme and composition of the overall development or placed on pads in locations with screening by berms or landscaping. All dumpsters shall have rubber lids and bumpers to minimize noise or, in lieu of dumpsters, the applicant may utilize at grade trash compaction facilities which also must be screened. Refuse pick up shall be limited to the hours of 7:00 a.m. until 9:00 p.m.

**VIA E-MAIL and**  
**HAND DELIVERY**

Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
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- e. HVAC and mechanical systems shall be incorporated into the landscape plan and shall be substantially shielded from view.
  - f. Detention areas, to the extent they are located above ground, shall be substantially screened from view and landscaped accordingly.
  - g. The area between those sections of the subject property reserved for required parking, as well as public rights-of-way, shall be included in the final landscape plan and shall be landscaped in an aesthetically pleasing manner.
  - h. An agreement that there shall be no outside storage such as that term is used and defined in the Cobb County Zoning Ordinance.
13. Compliance with all Cobb County Stormwater Management requirements and recommendations with respect to stormwater, detention, hydrology and down stream considerations.<sup>1</sup>
14. All exterior lighting, which shall be located within the interior of the subject property and away from residential areas, shall consist of environmentally sensitive shoe-box type lighting in order to prevent outward illumination.
- Security lighting on the buildings shall be wall-packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.
15. Signage for the proposed senior community ("Olive Springs Garden") shall consist of ground-based, monument style signage which shall be consistent with the architectural theme throughout. There shall be no flashing sign components and no exterior illumination of any signs by remote floodlighting.
16. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.

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<sup>1</sup> Although maximum impervious surfaces are allowed to equal 70% of the subject property, actual impervious surface is equivalent to 40%. Additionally, within a Community Activity Center (CAC), FAR is allowed at .75; however, FAR for the proposed RSL facility is less at .65.

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

**VIA E-MAIL and**  
**HAND DELIVERY**

Petition No. 2-41  
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Continued

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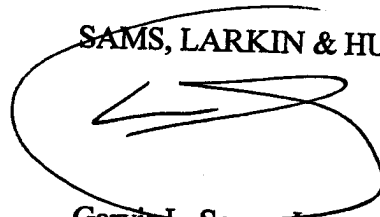
Mr. John P. Pederson, AICP, Planner III  
Cobb County Zoning Department  
Page 6  
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- 17. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
- 18. The District Commissioner shall have the latitude to make minor modifications to these stipulations and the site plan as the zoning proposal proceeds through the Plan Review process.

Please do not hesitate to call should you or the County's professional staff require any additional information or documentation prior to the formulation of your recommendations to the Planning Commission and Board of Commissioners. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



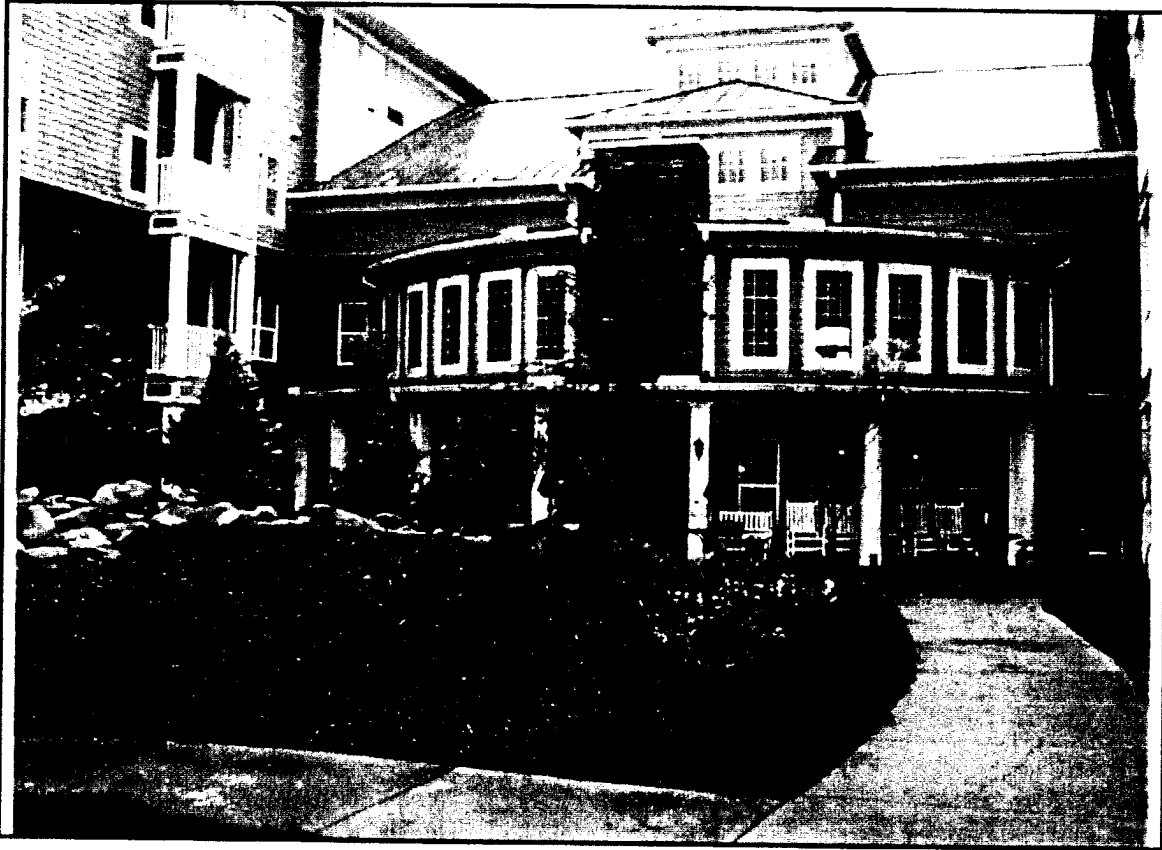
Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLSjr/jbmc  
Enclosures

- cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosures
- Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail – w/attachments and enclosures
- Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosures
- Mr. John M. Morey – VIA E-Mail and First Class Mail – w/enclosures
- Mr. David Breden – VIA E-Mail – w/enclosures
- Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosures
- Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery – w/enclosures
- Mr. David Russell – VIA E-Mail – w/attachments
- Mr. Ron Sprinkle – VIA E-Mail – w/attachments

Sweetwater Terraces by CRT Realty & Development, Inc.

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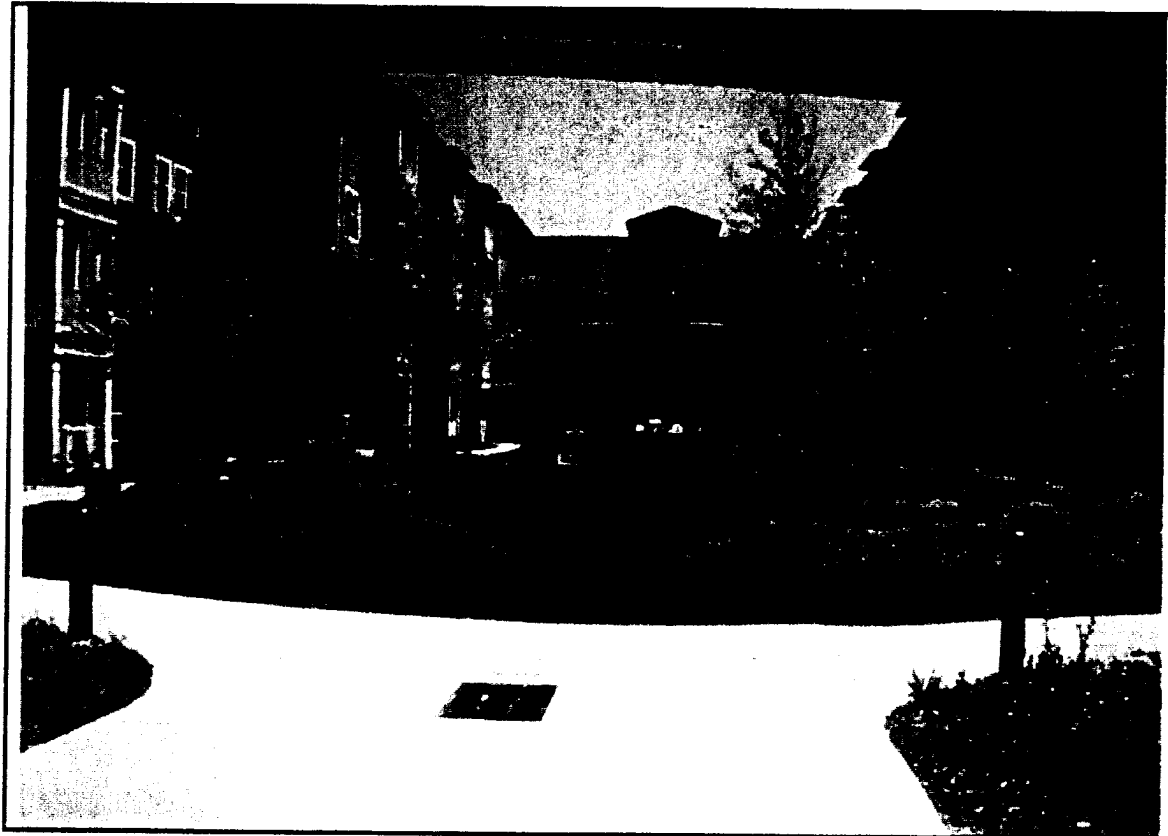




Sweetwater Terraces by CRT Realty & Development, Inc.

Photo #4

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**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

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

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

[SAMSLARKINHUFF.COM](http://SAMSLARKINHUFF.COM)

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

**MELISSA P. HAISTEN**  
**JUSTIN H. MEERS**

August 18, 2008

**VIA HAND DELIVERY**

Mr. Bob Hovey, Member  
Cobb County Planning Commission  
1165 Ward Creek Drive, S.W.  
Marietta, GA 30064

Re: Application of CRT Realty & Development, Inc., to Rezone a 10.72 Acre Tract from Future Commercial (CF), R-20 & RM-12 to Residential Senior Living (RSL) (No. Z-41)

Dear Bob:

In response to your e-mail last week, enclosed is a full sized copy of the zoning site plan prepared for CRT Realty & Development, Inc. by Sprinkle Design Conservancy. Obviously, the reference to "West Sandtown Road" should be "Sandtown Road". However, we may be making some adjustments to the site plan between now and the time the application is heard by the Board of Commissioners and, if so, we will correct that item.

As stated in stipulation number 3 of my August 4, 2008 letter, we are traveling under Sec. 134-203.1 of the Cobb County Zoning Ordinance as an RSL Supportive residential facility. That allows us to have a maximum of 100 units for supportive/assisted living facilities and a maximum of 200 units for more independent living. As you can see, we total 260 units and have not yet determined the mix but we will have no more than 100 supportive units. Presently, it is anticipated that the supportive component will be in either Building A or Building B.

With respect to the height of the buildings, now that you have the full sized site plan, you can see that both Building A and Building B will consist of 3-story/4-story splits. Whereas, Building C will be a 2-story/3-story split. The photographs which were attached to the stipulation letter should give you an idea how the buildings present themselves. In terms of actual height, it is my understanding that we will be asking for the granting of a contemporaneous variance in view of the fact that 4-story is 47.6' in height and 3-story component is 37.1' in height. The maximum height within Community Activity Centers (CAC)

**VIA HAND DELIVERY**

Mr. Bob Hovey, Member  
Cobb County Planning Commission  
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August 18, 2008

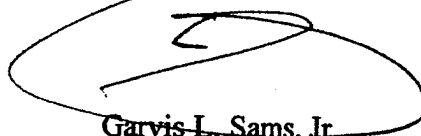
being 35'. The 2-story will be 26.6'. In terms of architectural style, roof pitch and building height, the Zoning Ordinance allows variations by the Board of Commissioners dependent upon the size of the tract and surrounding uses. Notwithstanding the height variance, you will be pleased to know that we are significantly under the impervious surface areas allowed and also significantly under the Floor Area Ratio allowed for the site.

I recently copied you on a letter which I sent to Justin O'Dell. Justin is an attorney but also represents the Dunleith HOA which is the subdivision within the City of Marietta nearest to the subject property. We have spoken with representatives of Olive Springs Baptist Church and business owners within the area as well. If there is someone else whom you believe I need to keep in the loop, please let me know.

In the interim, please do not hesitate to call should you have any questions whatsoever regarding these matters or need any additional documentation or information.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLSjr/jbmc  
Enclosure

cc: Mr. David Russell, CRT Realty & Development, Inc. – VIA E-Mail – w/o enclosure



**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

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

Meeting Date 9-16-08 *supulations*

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770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

[SAMSLARKINHUFF.COM](http://SAMSLARKINHUFF.COM)

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

MELISSA P. HAISTEN  
JUSTIN H. MEEKS

September 15, 2008

VIA E-MAIL

Ms. Helen Goreham, Commissioner  
Cobb County Board of Commissioners  
100 Cherokee Street  
Suite 300  
Marietta, GA 30090-9680

Re: Application of CRT Realty & Development, Inc., to Rezone a 10.72 Acre Tract from Future Commercial (CF), R-20 & RM-12 to Residential Senior Living (RSL) (No. Z-41)

Dear Helen:

As you know, I represent CRT Realty & Development, Inc. ("CRT") concerning the above-captioned Application which is on the Board's Consent Agenda tomorrow. As you and I discussed, we have established a dialogue with David Knight of Walton Communities regarding Walton's development ("Legacy at Walton Reserve") which is a community receiving assistance from various sources including the Housing Authority because it serves residents below the sixty percent (60%) median income range. In that regard, CRT has agreed to the following language as an additional condition of the rezoning, to wit:

"If, in the future, the applicant and/or its successor in title determines that the operation of the RSL facility will benefit from the utilization of Project Based Rental Assistance ("PBRA") then, and in such an event, that issue shall come back to the Board of Commissioners ("Board") in the form of an "Other Business Agenda" application to be decided by the Board."

Please let me know if you or the Board require any further information or documentation prior to the Application being heard tomorrow on the Board's Consent Agenda. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.  
[gsams@samsarkinhuff.com](mailto:gsams@samsarkinhuff.com)

GLS/dsj

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

Petition  
Meeting Date 9-16-08  
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**VIA E-MAIL**

Ms. Helen Goreham, Commissioner  
Cobb County Board of Commissioners  
September 15, 2008  
Page 2

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cc: Mr. David Russell  
CRT Trust Advisors, Inc. (via email)  
Mr. David Knight  
Walton Communities (via email)  
Mr. Mark A. Danneman (via email)  
Ms. Karen L. King (via email)  
Ms. Annette Friant (via email)

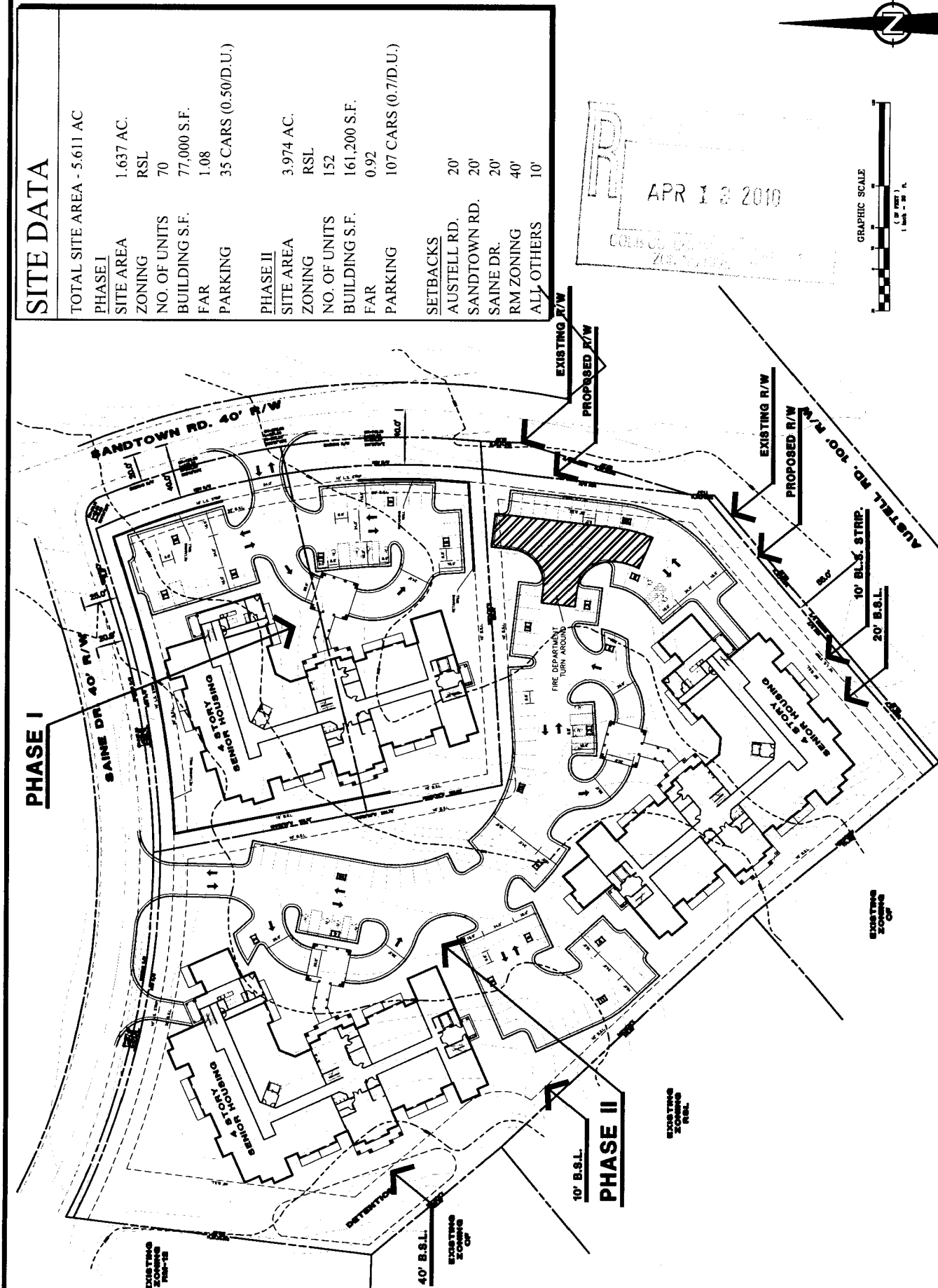

THIS PLAN IS PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND I AM A LICENSED PROFESSIONAL ENGINEER IN THE STATE OF GEORGIA.



**LANDSCAPE ASSOCIATES, INC.**  
 LANDSCAPE ARCHITECTS  
 1080 PINECROFT RD. N.W.  
 ATLANTA, GA 30329  
 404-252-1880

**SITE PLAN**  
 INTERNAL DEVELOPMENT  
 40 PINNACLES AT 1500 W.  
 SANDTOWN RD. SANDTOWN, GA 30087  
 PROJECT, COBB COUNTY, GEORGIA

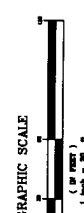
**EXHIBIT "B"**  
**OTHER BUSINESS ITEM #1**  
**PROPOSED SITE PLAN**



**SITE DATA**

TOTAL SITE AREA -	5.611 AC
<b>PHASE I</b>	
SITE AREA	1.637 AC.
ZONING	RSL
NO. OF UNITS	70
BUILDING S.F.	77,000 S.F.
FAR	1.08
PARKING	35 CARS (0.50/D.U.)
<b>PHASE II</b>	
SITE AREA	3.974 AC.
ZONING	RSL
NO. OF UNITS	152
BUILDING S.F.	161,200 S.F.
FAR	0.92
PARKING	107 CARS (0.77/D.U.)
<b>SETBACKS</b>	
AUSTELL RD.	20'
SANDTOWN RD.	20'
SAINÉ DR.	20'
RM ZONING	40'
ALL OTHERS	10'

APR 13 2010



**INTEGRAL DEVELOPMENT, LLC**

60 Piedmont Ave Atlanta, GA 30303 (404) 224-1860 (404) 224-1899 Fax

May 10, 2010

Mr. John P. Pederson, AICP, Planner III via: [john.pederson@cobbcounty.org](mailto:john.pederson@cobbcounty.org)  
**Cobb County Zoning Department Suite 300**  
191 Lawrence Street  
Marietta, Georgia 30060-1661

Re: **Application of Integral Development LLC to amend CRT Realty & Development, Inc., (No. Z-41) Site Plan**

Dear Mr. Pederson:

With respect to the previously committed zoning contingencies agreed upon by the previous developer. CRT Realty, this letter will serve as Integral's agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations/ conditions are as follows:

1. CRT's Commitment: The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.
  - a. **Integral's Commitment: No Changes**
2. CRT's Commitment: Rezoning of the subject property shall be in substantial conformity to that certain Zoning Site Plan prepared for CRT Realty & Development, Inc. by Sprinkle Design Conservancy which was filed contemporaneously with the Application for Rezoning.
  - a. **Integral's Commitment:** Rezoning of the subject property shall be in conformity to Zoning Site Plan prepared for Integral Development by J. Lancaster Associates filed with the "Other Business" application for amending the previous Site Plan and Contingencies.
3. CRT's Commitment: The proposed RSL Supportive Residential Facility shall consist of a maximum number of 260 units located within the confines of a Community Activity Center (CAC) pursuant to Sec. 134-203.1 of the Cobb County Zoning Ordinance.

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a. **Integral's Commitment:** Only change .....maximum number of **222 units**

4. CRT's Commitment: The architectural style and composition of the RSL facility shall be consistent with the photographs being submitted contemporaneously herewith and shall have brick exteriors and be three (3) stories in height with three/four splits.

a. **Integral's Commitment:** Only change .....(4) stories

5. CRT's Commitment: The RSL facility shall include a centralized kitchen and dining facilities which are sufficient to serve all occupants. This stipulation shall not preclude kitchen facilities within the individual units.

a. **Integral's Commitment:** The revised Site Plan will not include a centralized kitchen and dining facilities. The revised Site Plan will have a multi-purpose room with a kitchenette, in addition to a full equipped kitchen in each unit.

6. CRT's Commitment: The RSL facility shall include surface parking spaces to accommodate Cobb County Zoning Ordinance Parking Ratio Requirements and sufficient parking spaces to accommodate all of the occupants, guests and staff of the RSL facility.

a. **Integral's Commitment:** The revised RSL facility shall include parking spaces equal to .50 parking spaces per unit, as identified on the revised Site Plan, which is consistent with Integral's Independent Senior Living facilities in Atlanta and other cities.

7. CRT's Commitment: The RSL facility is planned to include, but not necessarily be limited to, the following amenities:

<b>CRT's Commitment:</b>	<b>Integral's Commitment:</b>
Fitness center and spa, with options including stationary bikes, treadmills, step machines, etc.	Fitness center with options including stationary bikes, treadmills, step machines, etc.
Card and game room.	Multi-purpose room
Multi-purpose atrium for dining, parties and special events.	Multi-purpose room for dining and special events

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Business center/Internet areas.	Business Center/Internet areas
Conference rooms.	Sitting areas throughout facility
Kitchen for community functions.	Community Kitchen for residing residents functions.
Residence storage spaces	No exterior units storage spaces

8. CRT's Commitment: The community shall be designed and marketed exclusively for seniors and the occupancy of units therein shall be restricted to persons who have attained the age of 55 years of age or older and shall, in all respects, comply with Federal Fair Housing Act requirements

a. **Integral's Commitment:** Only change.... 62 years of age or order...

9. CRT's Commitment: The applicant agrees to a deed covenant running with the property in perpetuity containing specific recitals that neither the RSL facility nor any of its individual units therein shall be utilized as multi-family apartments. Such deed covenant shall run to the benefit of Cobb County, Georgia.

a. **Integral's Commitment: No Changes**

10. CRT's Commitment: No unit within the community shall be leased for no less than a lease term of one (1) year in duration.

a. **Integral's Commitment: No Changes**

11. CRT's Commitment: Compliance with the following recommendations from the Cobb County Department of Transportation:

a. The voluntary donation and conveyance of right-of-way on Roberta Drive and Saine Drive so that the County can achieve 25' from the centerline of both roads.

i. **Integral's Commitment:** Roberta Drive is not included in the revised Site Plan. Integral is committed to achieve 25' from centerline of Saine Drive.

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- b. The voluntary donation and conveyance of right-of-way on Sandtown Road so that the County can achieve 30' from the centerline of same.

**i. Integral's Commitment: No Changes**

- c. The installation of sidewalk, curb and gutter on all road frontages.

**i. Integral's Commitment:** Sidewalk, curb and gutter along Sandtown Road from Saine Drive to Austell Road will be installed in Phase I, the remaining Saine Drive and Austell Road will be installed during Phase II.

- d. The installation of a left turn lane at the point of ingress/egress (gated entrance) on Sandtown Road.

**i. Integral's Commitment:** With the revised Site Plan that reduces the number of cars (70 units/35 cars v/s 252 units/186 cars) entering and exiting onto Sandtown Road, in addition to the deletion of the gated entrance, Integral do not see a need to install a left turn lane on Sandtown Road. Integral does not expect any traffic build-up as a result of the revised Site Plan.

- e. Utilizing the frontage available, the installation of a deceleration lane with a taper at the point of ingress/egress (gated entrance) on Sandtown Road.

**i. Integral's Commitment:** Only change.....gated entrance is deleted from revised Site Plan.

- f. Ensure that the gate is set back at least 75' from the edge of the right-of-way on Sandtown Road.

**i. Integral's Commitment:** This contingencies is no longer valid as the gated entrance is deleted from the revised Site Plan

- g. Verification of 390' of sight distance on Sandtown Road or the implementation of remedial measures in which to mitigate same. With respect to the point of ingress/egress on Roberta Drive, ensuring that sight distance of 280' or the implementation of remedial measures in which to mitigate same.

**i. Integral's Commitment:** Integral work with the DOT during the Site Plan review process to ensure proper sight distance is achieved.

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- h. Right-in/right-out turning movements only on Roberta Drive.
    - i. **Integral's Commitment:** Roberta Drive is not included in the revised Site Plan. Therefore, this contingent is no longer valid.
  - i. Coordination with DOT project improvement plans for Austell Road.
    - i. **Integral's Commitment: No Changes**
  - j. The installation of a 10' no access easement along the Austell Road frontage.
    - i. **Integral's Commitment: No Changes**
  - k. Compliance with the recommendations and conclusions contained in that certain Traffic Study prepared by Kimley-Horn and Associates.
    - i. **Integral's Commitment:** Only change ....Left turn lane on Sandtown Road is not anticipated. With the revised Site Plan that reduces the number of cars (70 units/35 cars v/s 252 units/186 cars) entering and exiting onto Sandtown Road, in addition to the deletion of the gated entrance, Integral do not see a need to install a left turn lane on Sandtown Road. Integral does not expect any traffic build-up as a result of the revised Site Plan.
12. CRT's Commitment: Landscaping for the proposed development shall be in substantial conformity to the landscape plan which shall be submitted during the Plan Review process and will include the following:
- a. Landscaped areas, buffers and courtyards shall be well kept with trees, foliage and other vegetation which shall be regularly maintained.
    - i. **Integral's Commitment: No Changes**
  - b. Grass planted within landscaped areas or otherwise shall be sod.
    - i. **Integral's Commitment: No Changes**
  - c. All landscaping shall be irrigated (subject to County drought restrictions) and perpetually maintained by the applicant or its successors. Likewise, any plantings which become diseased or distressed within three (3) years of planting shall be replaced with like vegetation.



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**i. Integral's Commitment: No Changes**

- d. Dumpsters shall be incorporated into the landscape plan and shall be screened on at least three (3) sides consistent with the architectural theme and composition of the overall development or placed on pads in locations with screening by berms or landscaping. All dumpsters shall have rubber lids and bumpers to minimize noise or, in lieu of dumpsters, the applicant may utilize at grade trash compaction facilities which also must be screened. Refuse pick up shall be limited to the hours of 7:00 a.m. until 9:00 p.m.

**i. Integral's Commitment: No Changes**

- e. HVAC and mechanical systems shall be incorporated into the landscape plan and shall be substantially shielded from view.

**i. Integral's Commitment: No Changes**

- f. Detention areas, to the extent they are located above ground, shall be substantially screened from view and landscaped accordingly.

**i. Integral's Commitment: No Changes**

- g. The area between those sections of the subject property reserved for required parking, as well as public rights-of-way, shall be included in the final landscape plan and shall be landscaped in an aesthetically pleasing manner.

**i. Integral's Commitment: No Changes**

- h. An agreement that there shall be no outside storage such as that term is used and defined in the Cobb County Zoning Ordinance.

**i. Integral's Commitment: No Changes**

13. CRT's Commitment: Compliance with all Cobb County Stormwater Management requirements and recommendations with respect to stormwater, detention, hydrology and down stream considerations

**i. Integral's Commitment: No Changes**

14. CRT's Commitment: All exterior lighting, which shall be located within the interior of the subject property and away from residential areas, shall consist of environmentally sensitive shoe-box type lighting in order to prevent outward illumination. Security lighting on the buildings shall be wall-packs, hooded, environmentally sensitive and shall be fitted with non-

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glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property

**i. Integral's Commitment: No Changes**

15. CRT's Commitment: Signage for the proposed senior community ("Olive Springs Garden") shall consist of ground-based, monument style signage which shall be consistent with the architectural theme throughout. There shall be no flashing sign components and no exterior illumination of any signs by remote floodlighting

**i. Integral's Commitment:** Only change ....Integral propose to install non-glare ground lights that will only illuminate the ground monument sign.

16. CRT's Commitment: Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property

**i. Integral's Commitment: No Changes**

17. CRT's Commitment: Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis

**i. Integral's Commitment: No Changes**

18. CRT's Commitment: The District Commissioner shall have the latitude to make minor modifications to these stipulations and the site plan as the zoning proposal proceeds through the Plan Review process.

**Commissioners add/comments – contingencies for approval of Re-Zoning**

Only the changes are included

~ Item No. 5 – **Integral's Commitment:** The revised Site Plan will have a multi-purpose room with a kitchen available to residents only, in addition to a full equipped kitchen in each unit.

~ Add Item No. 11– **Integral's Commitment:** There is currently a push to walk signal on the intersection of Sandtown Road and Austell Road. Therefore Integral believes this contingency is no longer valid

~ Add Item No. 12– **Integral's Commitment:** The walking trail is not included in Phase I of the revised Site Plan.

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Please do not hesitate to call should you or the County's professional staff require any additional information or documentation prior to the formulation of your recommendations to the Planning Commission and Board of Commissioners

Please feel free to call Shawn Garland, Development Manager, at (404) 224-1905 with questions about the project.

Sincerely,

*Shawn Garland*

Shawn Garland  
Development Manager

Encl: CRT's Commitment letter to Cobb County  
Commissioner's contingencies to CRT's request

**EXHIBIT "D"**  
**OTHER BUSINESS ITEM #1**  
**APPLICATION**

# Application for "Other Business"

## Cobb County, Georgia

APR 1

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

BOC Hearing Date Requested: 05-18-10

**Applicant:** Integral Development LLC Phone #: 404.391  
(applicant's name printed) 9909

**Address:** 60 Piedmont Avenue, NE E-Mail: \_\_\_\_\_

Daryl Jones Address: 60 Piedmont Avenue, NE, Atlanta, GA 30303  
(representative's name printed)

[Signature] Phone #: 404-224-1883 E-Mail: djones@integral-online.com  
(representative's signature)

Signed, sealed and delivered in presence of:



**YASHIKA ABAKAH**  
Notary Public, Georgia  
**FULTON COUNTY**  
My Comm. Exp.  
**October 18, 2013**

Yashika ABAKAH My commission expires: October 18, 2013  
Notary Public

**Titleholder(s) :** COBB INTERNATIONAL PROPERTIES LLC Phone #: 678-758-4677  
(property owner's name printed)

**Address:** 10 ROCKY HILL WAY, Covington, GA 30014 E-Mail: will\_sanders@Comcast.net

Will H. Sanders  
(Property owner's signature)

Signed, sealed and delivered in presence of:

*State of Alabama*  
*County of Baldwin*

Jack Scott Odu My commission expires: \_\_\_\_\_  
Notary Public

**Commission District:** 1 **Zoning Case:** Z-41

**Date of Zoning Decision:** 9-16-08 **Original Date of Hearing:** 9-16-08

**Location:** Saine Drive, Sandtown Road and Austell Road  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 0208 **District(s):** 17

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_

Amend Site Plan for RSL Zoning Designation.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(List or attach additional information if needed)