

**APRIL 15, 2014 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM # 7**

**PURPOSE**

To consider a stipulation amendment for Bryan Sodel regarding rezoning application Z-41 of 2010 (Health Care Capital Consolidated, Inc.), for property located on the south side of Lower Roswell Road, east of Cove Drive in Land Lots 1114 and 1115 of the 16<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned in 2010 to Residential Senior Living for a 102 unit senior living facility consisting of independent and assisted living units. One of the rezoning conditions allowed 90 living units in the main building and 12 units in the detached cottages. The applicant would like to move some units around between the buildings based on an interest for more independent units. The applicant would remove five units in the main building by combining units to make bigger units, so there would be 85 units in the main building. The applicant would then add four units within the basements of the detached cottages to allow for more independent living. When the project is complete, there will be 101 units in all, which is below the stipulated number of units of 102. If approved, all previous zoning stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the stipulation amendment.

**ATTACHMENTS**

Other Business application, request letter, proposed site plan, proposed stipulations and current zoning stipulations.

#7

# Application for "Other Business"

## Cobb County, Georgia

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

BOC Hearing Date Requested: April 2014

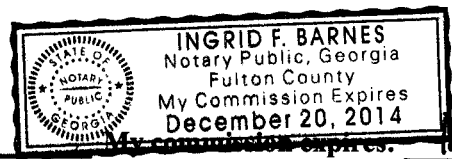
**Applicant:** BRYAN SODEL Phone #: 404-863-4432  
(applicant's name printed)

**Address:** 4220 LOWER ROSWELL ROAD MARIETTA GA 30068 E-Mail: bsodel@hccci.net

BRYAN SODEL Address: 4220 LOWER ROSWELL ROAD MARIETTA GA 30068  
(representative's name, printed)

*Bryan Sodel* Phone #: 404 863 4432 E-Mail: bsodel@hccci.net  
(representative's signature)

Signed, sealed and delivered in presence of:



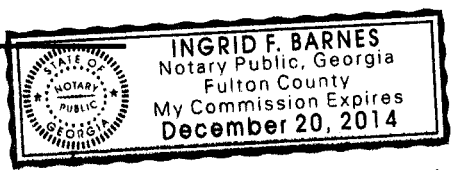
*Ingrid Barnes* My commission expires: 12/20/14  
Notary Public

**Titleholder(s):** BRYAN SODEL Phone #: 404863 4432  
(property owner's name printed)

**Address:** 4220 Lower Roswell Rd MARIETTA GA 30068 E-Mail: bsodel@hccci.net

*Bryan Sodel*  
(Property owner's signature)

Signed, sealed and delivered in presence of:



*Ingrid Barnes* My commission expires: 12/20/14  
Notary Public

**Commission District:** \_\_\_\_\_ **Zoning Case:** \_\_\_\_\_

**Date of Zoning Decision:** \_\_\_\_\_ **Original Date of Hearing:** \_\_\_\_\_

**Location:** 4220 Lower Roswell Road MARIETTA GA 30068  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 1114 & 1115 **District(s):** \_\_\_\_\_

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

Convert 4 of basement cottages to livable units, buildings B, C, D, E.  
WE HAVE CONVERTED 5 UNITS IN MAIN BUILDING SO TOTAL NUMBER OF ROOMS  
IS NOW 85 INSTEAD OF 90. SO WHEN ADDING 4 UNITS IN BASEMENTS, WE ARE  
STILL ONE UNIT BELOW THE ZONING OF 102 TOTAL UNITS.

(List or attach additional information if needed)

COBB COUNTY ZONING DIVISION  
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COBB COUNTY ZONING DIVISION

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
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**REGULAR CASES — NEW BUSINESS (Continued)**

**Z-41 HEALTH CARE CAPITAL CONSOLIDATED, INC.** (Charles E. James, owner) requesting Rezoning from R-20 to RSL for the purpose of Residential Units For Senior Citizens in Land Lots 1114 and 1115 of the 16<sup>th</sup> District. Located on the south side of Lower Roswell Road, east of Cove Drive.

The public hearing was opened and Mr. Parks Huff and Mr. Steve Sodell addressed the Board. Following presentation and discussion, the following motion was made:

**MOTION:** Motion by Ott, second by Powell, to approve Rezoning to the RSL zoning district subject to:

- *revised site plan received by the Zoning Division December 9, 2010 with District Commissioner approving minor modifications (attached and made a part of these minutes)*
- *three (3) letters of agreeable conditions from Mr. Parks Huff dated November 18, 2010 (including all attachments), November 30, 2010, and December 9, 2010, with the following changes to the November 18<sup>th</sup> letter (attached and made a part of these minutes)*
  - *Item No. 3 – Remove “stone” as a material to be used, and Add to the end of paragraph: “Prior to the commencement of construction, samples of the exterior building materials and all exterior elevations will be submitted to the Architectural Committee for their review.”*
  - *Item No. 10 (a) - Add to the end of the sentence: “... by installing a four (4) foot tall tree-save chain link fence, positioned outside the drip line of each tree.”*
  - *Item No. 10 (e) – Strike the words vinyl coated chain link fence in the second sentence and revise to read: “A dark green or black vinyl coated chain link fence that is of a height not less than four (4) feet tall...”*
  - *Item No. 10 (f) – Amend to: “... and be screened/fenced on all four (4) sides consistent...”*
  - *Add an Item No. 10 (i): “Health Care Capital Consolidated, Inc. will provide brick pavers or stamped concrete for a distance of no less than twenty (20) feet into the entrance on Lower Roswell Road.”*
  - *Item No. 12 - Add to end of paragraph: “Prior to County approval, Development plans will be submitted to Cobb County-Marietta Water Authority for review.”*
  - *Item No. 14 (a) - Add to end of sentence: “with approval of both length and width by Cobb DOT.”*
  - *Item No. 22 – After the word Architect within the forth sentence add: or their designees, and after the title “Community Development Agency Director” add or his designee.*
  - *Add an Item No. 25 – “Demolition of vacant buildings on the property will be completed no later than within thirty (30) days of closing.”*

*Give for each at end of DD's.*

*Need to make sure we do*

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**MINUTES OF ZONING HEARING  
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**REGULAR CASES — NEW BUSINESS (Continued)**

**Z-41 HEALTH CARE CAPITAL CONSOLIDATED, INC. (Continued)**

- Fire Department comments and recommendations
- Cobb-Marietta Water Authority 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

**LUP-30 DESTINY BARNES** (Dank A. Barnes, owner) requesting a Land Use Permit for the purpose of Additional Vehicles in Land Lot 270 of the 17<sup>th</sup> District. Located at the northeasterly intersection of Church Road and Biggem Avenue (255 Church Road). *(Held by the Planning Commission from their December 1, 2010 hearing; therefore was not considered at this hearing)*

**OTHER BUSINESS:**

**ITEM NO. 1**

To consider a stipulation amendment for Ashton Atlanta Residential, LLC regarding application Z-109 (The Pacific Group, Inc) of 2005, for property located on the west side of Oakdale Road, south of Chelton Way in Land Lot 692 of the 17<sup>th</sup> District.

Mr. John Pederson, Zoning Division Manager, provided information regarding stipulation amendments relating to exterior finishes and purchaser's option of easy living standards. There were no public speakers. Following presentation and discussion, the following motion was made:

**MOTION:** Motion by Ott, second by Powell, to ~~approve~~ Other Business Item No. 1 stipulation amendment for Ashton Atlanta Residential, LLC regarding application Z-109 (The Pacific Group, Inc) of 2005, for property located on the west side of Oakdale Road, south of Chelton Way in Land Lot 692 of the 17<sup>th</sup> District, subject to:

- requested amendments contained in the Applicant's Other Business request Exhibit B and architectural renderings received by the Zoning Division November 9, 2010 (attached and made a part of these minutes)
- marketing is required for availability of upgrade to Easy Living Standards
- ~~all other conditions and stipulations, not otherwise in conflict, to remain in effect~~

**VOTE: ADOPTED** unanimously

**ZONING DATA**

1. **Use:** Health Care, Hospital, Outpatient, Ambulatory, and Diagnostic Center

2. **Height:** Not to exceed 40 feet

3. **Setbacks:** Front: 25 feet, Side: 10 feet, Rear: 10 feet

4. **Other:** All other uses shall conform to the requirements of the applicable zoning ordinance.

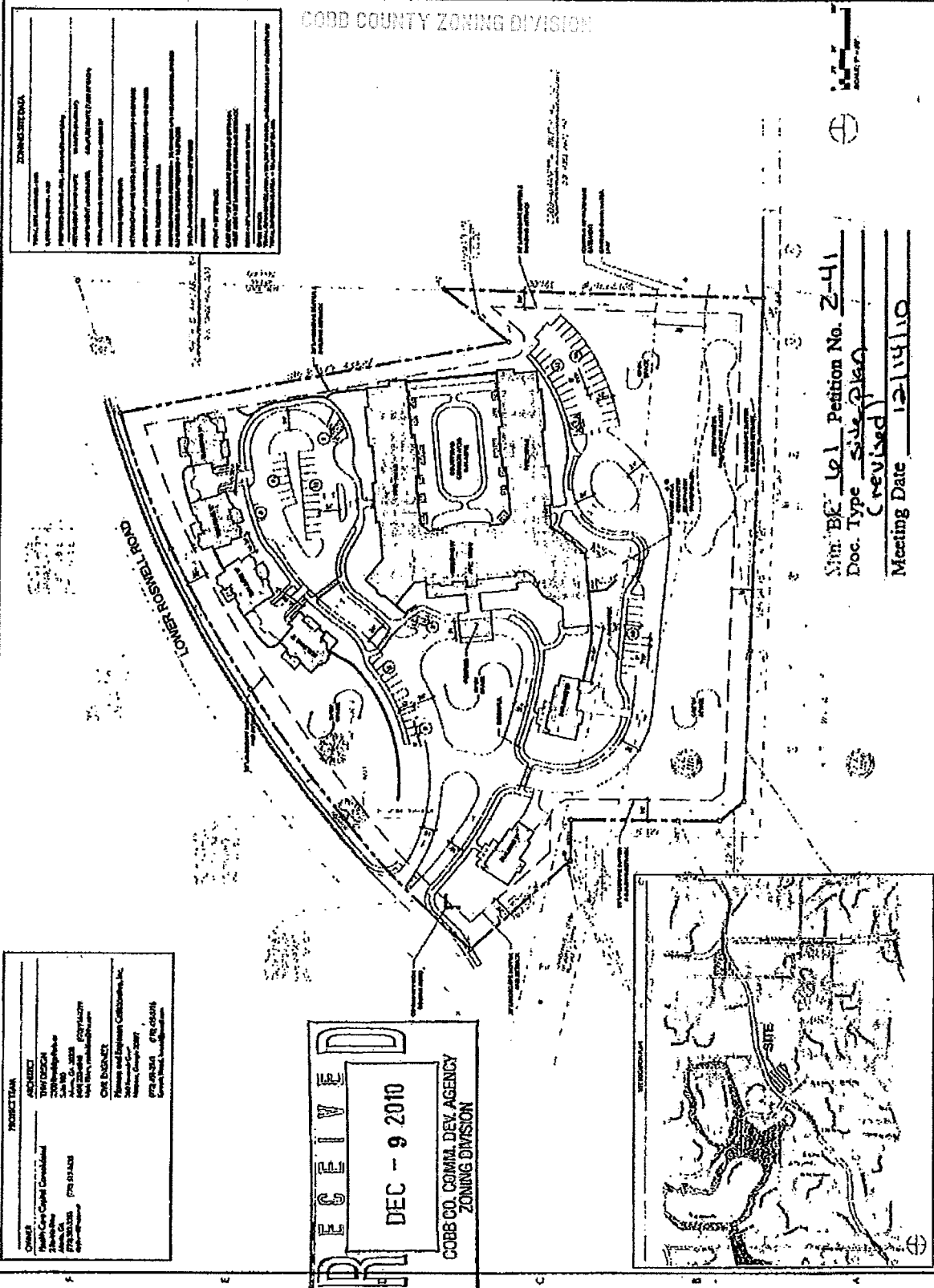
HEALTH CARE CAPITAL CONSOLIDATED, INC.  
10000 WOODBURN ROAD, SUITE 100  
KENNESAW, GA 30144  
770.424.1100  
www.hccapital.com

PLANNERS ENGINEERS ARCHITECTS  
THW DESIGN  
1000 W. PARKWAY  
SUITE 100  
KENNESAW, GA 30144  
770.424.1100  
www.thw.com

2010  
Project No. 12-11410  
Drawn by: [Signature]  
Checked by: [Signature]

ZONING SUBMITTAL PLAN  
ZN-100

COBB COUNTY ZONING DIVISION



Site: B/C 101 Petition No. Z-41  
Doc. Type: Site Plan  
Meeting Date: 12/14/10

**PROJECT TEAM**

**CLIENT:** Health Care Capital Consolidated, Inc.  
2000 Woodburn Road  
Kennewick, WA 98592  
206.835.1100

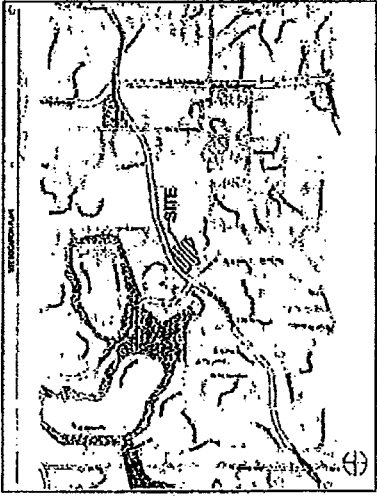
**ARCHITECT:** THW DESIGN  
2000 Woodburn Road  
Kennewick, WA 98592  
206.835.1100

**ENGINEER:** CHS ENGINEERS  
Planners and Engineers Collaborative, Inc.  
1000 West Parkway  
Kennewick, WA 98592  
206.835.1100

**RECEIVED**

DEC - 9 2010

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION



Min. Bk. 61 Petition No. Z-41  
Doc. Type Letter of agree-  
able conditions  
Meeting Date 12/14/10

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

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

SUITE 100  
876 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-8448

770-422-7016  
TELEPHONE  
770-426-6586  
FACSIMILE

MELISSA R. HAISTEN  
JUSTIN H. MEERS

November 18, 2010

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

**VIA HAND DELIVERY**

Mr. Jason Campbell, Planner III  
Cobb County Zoning Department  
1150 Powder Springs Road  
Suite 400  
Marietta, GA 30064

Re: Application of Health Care Capital Consolidated, Inc. to Rezone  
a 9.63 Acre Tract from R-20 to Residential Senior Living (RSL) (Z-41)

Dear Jason:

This firm represents HCCCI in relation to their rezoning application to rezone a 9.63 acre tract of land on Lower Roswell Road from R-20 to RSL for a senior housing development of both independent living cottages and supportive housing units in an assisted living facility. The case is scheduled to be heard by the Planning Commission on December 1, 2010 and decided thereafter by the Board of Commissioners on December 14, 2010.

HCCCI has established a dialogue with the surrounding neighborhoods and the East Cobb Civic Association and the county's professional staff. Following is a list of agreements and stipulations that are a result of this dialogue which HCCCI agrees to becoming conditions of and a part of the grant of the rezoning request:

1. The rezoning of the subject property shall be in conformity to that certain site plan prepared for Health Care Capital Consolidated, Inc. by THW Design and Planners & Engineers Collaborative that was submitted with the rezoning application and which is also attached as Exhibit "A."
2. The retirement community will consist of two components; 12 independent living units that will be in 6 cottages depicted as Buildings "B" through "G," and a maximum of 90 supportive units in Building "A."
3. The architecture of the cottages will be as depicted in the attached renderings shown as Exhibit "B" and with floor plans as shown in Exhibit "C." The materials will be as shown in the renderings with a mixture of stone, brick, shake siding Hardiplank or similar material and EIFS. The architectural details in the renderings, including but not limited to the porch features, chimney details and metal accent roofing will be included in the

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final construction. The main building will be as shown in Exhibit "D" and will have no more than 90 residential units. The applicant agrees that there shall be no additional buildings or phases to this development on the property that is the subject of this rezoning application.

4. The supportive facility shall include a kitchen and restaurant-style dining room that will be sized to serve all the residents. In addition to the main dining area there will also be a private dining room so residents can host private dinners with friends and families. The supportive units will also have kitchenettes. The independent cottages will have full kitchens
5. The community shall include sidewalks and walking paths throughout as represented on the landscape plan and sufficient parking spaces which will meet or exceed Cobb County Zoning Ordinance parking ratio requirements to accommodate all of the residents, guests and staff.
6. The supportive facility will include the following amenities:
  - a. Complete Wellness Center with exercise machines designed specifically for seniors and their needs which will be professionally staffed.
  - b. In-door heated aerobic pool with changing area.
  - c. Casual café/ juice bar area for refreshments and socializing.
  - d. Wellness room for visiting health care professionals.
  - e. State of the art emergency response system and emergency generator.
  - f. Media room/library with computer stations.
  - g. A large landscaped English garden courtyard/common area.
  - h. Extensive landscaping that can be accessed by the sidewalks and walking paths that meander through the entire community.

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- i. Large activity/multi-purpose room available for numerous activities including crafts, social functions, meetings/seminars and religious services.
  - j. Elegant living room with fireplace and "neighborhood" common areas.
  - k. Private suites with a choice of multiple floor plans, all with private bath, kitchenette, thermostat and closet space.
  - l. Beauty and barber salon.
  - m. Elevators will be provided in the RSL supportive facility and in all multilevel independent living cottages.
  - n. A wide front porch with rocking chairs.
7. The current impervious coverage on the site plan is 38%, approximately half of the maximum impervious of 70%. Additional impervious area may be added to include sidewalks/walking trails or other outdoor recreation areas or for changes to the site plan as may be required by the Fire Marshal.
8. The RSL community shall be designed and marketed exclusively for seniors and the occupancy of units therein shall be for persons who have attained 55 years of age or older and shall, in all respects, comply with Federal Fair Housing Act requirements.
9. HCCCI agrees to a deed covenant running with the property in perpetuity containing specific recitals that neither the RSL community nor any of its individual units shall be utilized as multi-family apartments. Such deed covenant shall run to the benefit of Cobb County, Georgia.
10. HCCCI agrees to the conceptual landscape plan that is attached as Exhibit "E."
- a. Landscaped areas, buffers and courtyards shall be well kept with trees, foliage and other vegetation which shall be regularly maintained. Additionally, HCCCI shall endeavor to save the two specimen trees along the subject property's frontage on Lower Roswell Road.

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- b. Grass planted within the front lawn will be Zoysia sod.
- c. Perimeter landscape buffers shall be landscaped, maintained and irrigated where appropriate. Along the buffers adjacent to lots in Kings Cove subdivision, as much existing vegetation as possible will remain to keep a natural buffer.
- d. Any plantings that become diseased or distressed shall be replaced with the same size and caliper vegetation that was originally planted.
- e.  The streetscape along Lower Roswell Road shall include the fencing and landscaping as depicted in Exhibit "A" with the fence consisting of brick columns and a brick base with painted or stained wood railings as shown in the attached rendering. A vinyl coated chain link fence will be incorporated into the landscape plan adjacent to the property boundary of the lots in Kings Cove that border the subject property, unless the adjacent property owner and the Applicant agree on a different fence or landscaping. A six foot tall wooden privacy fence will be built adjacent to residential lot known as 4246 Lower Roswell Road which is located between the subject property and Cobb County-Marietta Water Authority (CCMWA) property.
- f. Dumpsters shall be incorporated into the site plan and landscape plan and be screened/fenced on at least (3) sides consistent with the architectural theme and composition of the overall development. The dumpsters shall have rubber lids and or there shall be a compactor. Refuse pick up shall be limited to two times per week and between the hours of 8:00 a.m. until 7:00 p.m.
- g. HVAC and mechanical systems for the main building will be located in wells in the roof structure to minimize noise to surrounding property. Any at grade utilities for the main building and the cottages will be incorporated into the landscape plan and shall be substantially shielded from view outside the property. It shall be noted that the independent cottages will have single family residential sized utilities.
- h. The detention and water quality area shall be screened with landscaping and fenced with a vinyl coated fence that will be incorporated in the landscape plan so it is substantially shielded from view.

VIA HAND DELIVERY

Mr. Jason Campbell, Planner III  
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11. Compliance with all Cobb County Stormwater Management requirements and recommendations with respect to stormwater, detention, water quality, hydrology and down stream consideration, including the following:
  - a. HCCCI agrees to a pre-development and a post-development lake study on the lake located down stream from the project in Kings Cove subdivision. The evaluation shall be performed by a licensed professional engineer, including a water quality test to check for pollutants. A copy of the studies shall be sent to the President of the King's Cove Homeowners Association and the Cobb County Stormwater Management Division.
  - b. HCCCI agrees to submit all engineering, including but not limited to, construction plans, lake study, hydrology, dam and spillway analyses and NPDES erosion control plans to Kings Cove Homeowners Association no less than ten (10) days prior to HCCCI's initial submission of plans for Plan Review to Cobb County.
  - c. All stormwater issues shall be monitored by a licensed Geo-Technical Engineer during the construction process. Site inspections will be completed following every substantial storm event and a monthly summary shall be sent to the President of the King's Cove Homeowners Association and the Cobb County Stormwater Management Division.
  - d. Subject to recommendations from the Stormwater Division concerning the location and configuration of detention and water quality facilities on the site.
  - e. A catch basin will be installed to catch water on Lower Roswell Road, just west of the proposed entrance and convey that water through the subject property to the proposed detention pond.
  
12. If possible, HCCCI will coordinate with the CCMWA concerning its project to replace the existing water line which traverses the subject property with a 54" water line within the 60' water line easement to minimize the impact of this water line replacement project on the neighbors.

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VIA HAND DELIVERY

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13. All exterior lighting shall consist of environmentally sensitive lighting that will prevent outward illumination and visible glare onto adjoining properties.
14. Compliance with the following recommendations from the Cobb County Department of Transportation:
  - a. The installation of a deceleration lane.
  - b. Repairing any sidewalk, curb and gutter which may be compromised during the construction process. Sidewalk in front of the facility will be kept open during construction.
  - c. A condition of employment with HCCCI will include not using Kings Cove subdivision streets as a cut through. Employees will have stickers on their windows so residents can report violations of this condition. Additionally, the contract with the general contractor will include a condition that neither its employees or its subcontractors will use Kings Cove streets to access the job site. Material deliveries will not be routed through the Kings Cove streets.
15. Signage for the proposed RSL community shall consist of ground-based, monument style signage which shall be consistent with the architectural style and theme throughout the community and consistent with the surrounding subdivisions. There shall be no flashing sign components and no electronic messaging components. The monument style sign shall be incorporated in the landscape plan and shall be designed to emulate a subdivision entrance sign.
16. The construction entrance shall be located on Lower Roswell Road with no access whatsoever to any of the streets within Kings Cove subdivision. There shall be no stacking or parking of construction trucks/vehicles on Lower Roswell Road or surrounding subdivision streets and sidewalks. Construction hours are to be from 7:00 am to 7:00 pm Monday through Friday and 9:00 am to 6:00 pm on Saturday. No on-site construction on Sundays. A 6'-8' tall, opaque screening fence is to be placed along Lower Roswell Road during construction. The existing sidewalk along the Lower Roswell side of the property will be maintained in a passable condition during construction.

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**VIA HAND DELIVERY**

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17. 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. An agreement to "master meter" all of the RSL units at the entrance to the RSL community. Additionally, an irrigation meter may also be utilized.
18. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
19. The District Commissioner shall have the authority to make minor modifications to these stipulations, the site plan and the architectural renderings/elevations as the zoning proposal proceeds through the Plan Review process.
20. The relative low level of impervious coverage is partly a function of the height of our building. To achieve this, the applicant requests a height variance for the main building as depicted on the attached elevations. It should be noted that the grade of Lower Roswell Road at the property midpoint is 1054 and the finished floor elevation at the entrance of the main building is 1026.
21. The Floor Area Ratio (FAR) for the entire project is .264. This is significantly below the RSL max FAR of .5 or the By comparison, a 5,000 square foot house on a R-15 tract has a FAR of .33. This comparison shows that the scale of our development is consistent with a residential scale.
22. There shall be an architecture and landscape committee comprised of one representative each from the following groups: East Cobb Civic Association (ECCA) Board, Indian Hills Country Club, Kings Cove Homeowners Association Board, HCCCI, General Contractor, Architect and the Community Development Agency Director shall act as a final arbiter if there is an impasse. The committee will review the final architectural and landscaping plans to ensure that they comply with the terms and conditions of this stipulation letter. Any modification to the landscaping and/or architecture must be approved by the committee prior to presentation to the District Commissioner or the county for final approval. Once construction is complete and the certificate of occupancies have been issued the committees shall no longer exist.
23. The setbacks and buffers shall be as depicted in the site plan submitted with the zoning application.

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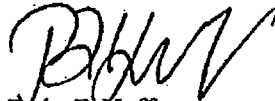
24. If the subject property is determined to be undevelopable for the purposes sought by HCCCI or, if for any reason, the closing on the subject property does not take place or development does not commence within twenty-four (24) months from the date of a successful rezoning of same, then, and in such an event(s), the zoning classification of the subject property shall revert to its original classification of R-20.

HCCCI has been serving and housing seniors since the late 1980's. The proposed RSL community will be the seventh senior housing project which HCCCI has developed in the last fourteen (14) years and it will set a new standard in Cobb County for supportive and independent living. Today's seniors and their loved ones deserve and demand more services, amenities and programs than have been offered by others in the past. HCCCI's goal is to ensure a wellness lifestyle and keep its residents as active and independent as possible.

Please do not hesitate to call should you or the County's professional staff require any further information or documentation prior to the application's appearance before the Planning Commission and the Board of Commissioners next month. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff  
[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

PFH/brl  
Enclosures

cc: Shown on next page.

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

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**VIA HAND DELIVERY**

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cc: Members, Cobb County Board of Commissioners – VIA E-Mail  
Members, Cobb County Planning Commission – VIA E-Mail  
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail  
Mr. Glen M. Page, P.E., General Manager, Cobb County-Marietta Water  
Authority – VIA E-Mail  
Mr. David Breaden, P.E. – VIA E-Mail  
Ms. Jane Stricklin, P.E. – VIA E-Mail  
Mr. Tim Davidson – VIA E-Mail –  
Ms. Karen King, Assistant County Clerk, VIA E-Mail  
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail  
Mr. Roger Phelps – VIA E-Mail  
Mr. Joe O'Connor – oconnorone@mindspring.com  
Mr. Denny Lydic, Kings Cove Homeowners Association – VIA E-Mail  
Mrs. Jill Flamm, ECCA – VIA E-Mail  
Mr. David Hong, ECCA – VIA E-Mail  
Ms. Trish Steiner, Board of Directors, ECCA – VIA E-Mail  
Mr. Steve Sodel, Health Care Capital Consolidated, Inc. – VIA E-Mail  
Mr. Marshall Gill, Health Care Capital Consolidated, Inc. – VIA E-Mail  
Mr. Mike Brown, Health Care Capital Consolidated, Inc. – VIA E-Mail  
Mr. Bryan Sodel, Health Care Capital Consolidated, Inc. – VIA E-Mail  
Mr. Alex Brennan – VIA E-Mail  
Mr. Bill Witte, CEO, THW Design – VIA E-Mail  
Mr. Kenneth J. Wood, P.E., LEED AP – VIA E-Mail  
Joel L. Larkin, Esquire – VIA E-Mail

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Min. Bk. Cel Petition No. Z-41  
Doc. Type letter of agree-  
able conditions  
Meeting Date 12/14/10

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

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

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FACSIMILE

MELISSA R. HAISTEN  
JUSTIN H. MEEKS

November 30, 2010

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**VIA HAND DELIVERY**

Mr. Jason Campbell, Planner III  
Cobb County Zoning Division  
1150 Powder Springs Road  
Suite 400  
Marietta, GA 30064

FILED WITH COUNTY CLERK THIS 1st DAY  
OF Dec 20<sup>th</sup> BY P. Huff  
RE Z-41  
Paul Huff  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

COBB COUNTY ZONING DIVISION

2011 MAR 10 PM 2:13

COBB COUNTY GEORGIA  
FILED IN OFFICE

Re: Application of Health Care Capital Consolidated, Inc. to Rezone  
a 9.63 Acre Tract from R-20 to Residential Senior Living (RSL)  
(No. Z-41)

Dear Jason:

On November 18, 2010, I filed a stipulation letter on behalf of the Applicant in the above-styled rezoning application. On November 22, 2010, the East Cobb Civic Association submitted a letter requesting some minor modifications to the stipulation letter. The following is our response to the East Cobb Civic Association's request that is intended to be in addition to the original stipulation letter.

1. The Applicant agrees that all exterior elevations of all structures of the project will be approved by the Architectural Control Committee to ensure compliance with the renderings and material list that are part of the original stipulation letter. Additionally, the material board for the cottages and the main building will be provided to this Committee for their review.

2. The Applicant agrees to change Paragraph 10-D to read as follows: "The Landscape Review Committee shall review and approve any replacement landscaping for any diseased or distressed landscaping."

3. Stipulation No. 15 shall include no messaging components, both electronic and non-electronic.

4. The sign for the fire protection water outlet shall be placed so it is not visible from Lower Roswell Road unless directed by the fire marshal.

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Mr. Jason Campbell, Planner III  
Cobb County Zoning Division  
November 30, 2010  
Page 2

5. The Applicant agrees to amend Stipulation No. 22 by striking the last sentence of the stipulation and adding "The Architectural and Landscape Committees will exist after the Certificate of Occupancies are issued on this project to serve as a liaison between HCCCI and the surrounding community. The committees will review any material future landscape, and/or architectural changes."

6. Applicant agrees that the pick-up and delivery hours will be limited from 8:00 a.m. to 7:00 p.m.

7. There shall be a variance along the eastern property line from a 40 ft. setback and buffer to a combined 20 ft. landscape buffer and building setback as depicted on the site plan that is attached to the original stipulation letter. There shall be no buffer setback variance required along the western property line.

8. The applicant agrees that the four (4) cottages along Lower Roswell Road will be constructed simultaneously with the RSL facility and that the exterior of those cottages will be completed prior to the Certificate of Occupancy of the main building.

The applicant respectfully requests that the above described stipulations be added to the previous stipulation letter dated November 18, 2010.

Please contact me if you have any questions or concerns.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff  
[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

PFH/snb

cc: Shown on next page.

COBB COUNTY GEORGIA  
PLANNING OFFICE  
2011 MAR 10 PM 2:13  
COBB COUNTY ZONING DIVISION



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

Petition No. 2-41  
Meeting Date 12/14/10  
Continued

**VIA HAND DELIVERY**

Mr. Jason Campbell, Planner III  
Cobb County Zoning Division  
November 30, 2010  
Page 3

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cc: Members, Cobb County Board of Commissioners – VIA E-Mail  
Members, Cobb County Planning Commission – VIA E-Mail  
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail  
Mr. Glen M. Page, P.E., General Manager, Cobb County-Marietta Water  
Authority – VIA E-Mail  
Mr. David Breaden, P.E. – VIA E-Mail  
Ms. Jane Stricklin, P.E. – VIA E-Mail  
Mr. Tim Davidson – VIA E-Mail –  
Ms. Karen King, Assistant County Clerk, VIA E-Mail  
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail  
Mr. Roger Phelps – VIA E-Mail  
Mr. Joe O'Connor – oconnorone@mindspring.com  
Mr. Denny Lydic, Kings Cove Homeowners Association – VIA E-Mail  
Mrs. Jill Flamm, ECCA – VIA E-Mail  
Mr. David Hong, ECCA – VIA E-Mail  
Ms. Trish Steiner, Board of Directors, ECCA – VIA E-Mail  
Mr. Steve Sodel, Health Care Capital Consolidated, Inc. – VIA E-Mail  
Mr. Marshall Gill, Health Care Capital Consolidated, Inc. – VIA E-Mail  
Mr. Mike Brown, Health Care Capital Consolidated, Inc. – VIA E-Mail  
Mr. Bryan Sodel, Health Care Capital Consolidated, Inc. – VIA E-Mail  
Mr. Alex Brennan – VIA E-Mail  
Mr. Bill Witte, CEO, THW Design – VIA E-Mail  
Mr. Kenneth J. Wood, P.E., LEED AP – VIA E-Mail  
Joel L. Larkin, Esquire – VIA E-Mail

COBB COUNTY GEORGIA  
PLANNING OFFICE  
2014 MAR 10 PM 2:13  
COBB COUNTY ZONING DIVISION

COBB COUNTY GEORGIA  
FILED IN OFFICE

2014 MAR 10 PM 2:12

Min Bk. 101 Petition No. Z-41  
Doc. Type letter of agree-  
able conditions  
Filing Date 12/14/10

COBB COUNTY GEORGIA  
**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

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

770-422-7016  
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770-426-6588  
FACSIMILE

December 9, 2010

GAEVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. DALY

MELISSA R. HAISTEN  
JUSTIN H. MEERS

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

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a 9.63 Acre Tract from R-20 to Residential Senior Living (RSL)  
(No. Z-41)

Dear Jason:

Attached please find a revised site plan that addresses the Fire Marshal's comments relating to the width of the drives and the proximity of the parking to the main building. The additional driveway width increases the impervious to approximately 44%. The Applicant requests that this site plan replace the previous site plan and any reference to a site plan include this revised site plan.

Additionally, the Applicant agrees to the following two (2) conditions to be added to the November 18, 2010 stipulation letter and the November 30, 2010 stipulation letter.

1. Prior to the demolition of the vacant buildings on the subject property, the Applicant will hire a pest control service to ensure that any rodents living therein are eradicated.
2. The District Commissioner will review and approve the entrance paving.

The above-styled zoning application will be heard by the Cobb County Board of Commissioners at their regular zoning meeting on December 14, 2010 and the Applicant requests that this letter be an addition to the stipulations already agreed to in the letters dated November 18, 2010 and November 30, 2010.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff  
[phuff@samslarkinhuff.com](mailto:phuff@samslarkinhuff.com)

PFH/brl  
Enclosure

cc: Shown next page.

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

Petition No. 2-41  
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Continued

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Cobb County Zoning Division  
December 9, 2010  
Page 2

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Mr. Glen M. Page, P.E., General Manager, Cobb County-Marietta Water  
Authority – VIA E-Mail w/attachment  
Mr. David Breaden, P.E. – VIA E-Mail w/attachment  
Ms. Jane Stricklin, P.E. – VIA E-Mail w/attachment  
Mr. Tim Davidson – VIA E-Mail w/attachment  
Ms. Karen King, Assistant County Clerk, VIA E-Mail w/attachment  
Ms. Lori Presnell, Deputy County Clerk – VIA E-Mail w/attachment  
Mr. Roger Phelps – VIA E-Mail w/attachment  
Mr. Joe O'Connor – VIA E-Mail w/attachment  
Mr. Denny Lydic, Kings Cove Homeowners Association – VIA E-Mail w/attachment  
Mrs. Jill Flamm, ECCA – VIA E-Mail w/attachment  
Mr. David Hong, ECCA – VIA E-Mail w/attachment  
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Mr. Alex Brennan – VIA E-Mail w/attachment  
Mr. Bill Witte, CEO, THW Design – VIA E-Mail w/attachment  
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