

#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)

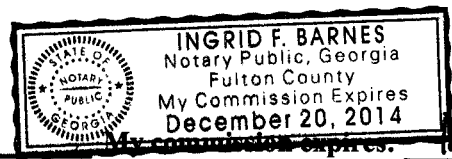
Address: 4220 LOWER ROSWELL ROAD MARIETTA GA 30068 E-Mail: bsodel@hccci.net

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

[Signature] Phone #: 404 863 4432 E-Mail: bsodel@hccci.net
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



12/20/14

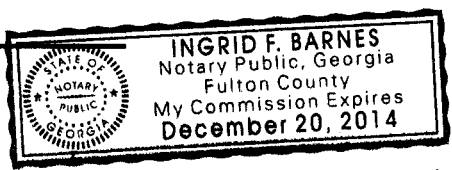
Titleholder(s): BRYAN SODEL Phone #: 404863 4432
(property owner's name printed)

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

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



My commission expires: 12/20/14

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
104 MAR 10 PM 2:11
COBB COUNTY GEORGIA
MEMPHIS

2014 MAR 10 PM 2:11

COBB COUNTY ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 14, 2010
PAGE 4**

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 16th 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 18th 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

COBB COUNTY GEORGIA
PLANNING DIVISION
2014 MAR 10 PM 2:12
COBB COUNTY ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 14, 2010
PAGE 5**

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 17th 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 17th 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 17th 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

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

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

COBB COUNTY GEORGIA
PLANNING DEPARTMENT
2010 MAR 10 PM 2:13
COBB COUNTY ZONING DIVISION

VIA HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Zoning Department
Page 2
November 18, 2010

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.

COBB COUNTY GEORGIA
PLANNING OFFICER
2014 MAR 10 PM 2:14
COBB COUNTY ZONING DIVISION

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-411
Meeting Date 12/14/10
Continued

VIA HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Zoning Department
Page 3
November 18, 2010

- 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.

COBB COUNTY GEORGIA
PLANNING DEPARTMENT
2010 MAR 10 PM 2:14

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

VIA HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Zoning Department
Page 4
November 18, 2010

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR 10 PM 2:14
COBB COUNTY ZONING DIVISION

- 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
Cobb County Zoning Department
Page 5
November 18, 2010

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.

COBB COUNTY GEORGIA
PLANNING DEPARTMENT
2014 MAR 10 PM 2:14
COBB COUNTY ZONING DIVISION

VIA HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Zoning Department
Page 6
November 18, 2010

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.

COBB COUNTY GEORGIA
FILED IN OFFICE
2011 MAR 10 PM 2:14
COBB COUNTY ZONING DIVISION

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

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Zoning Department
Page 7
November 18, 2010

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.

COBB COUNTY GEORGIA
PLANNING DIVISION
2014 MAR 10 PM 2:14

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 Department
Page 8
November 18, 2010

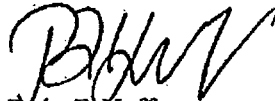
24. If the subject property is determined to be undevelopable for the purposes sought by HCCCI or, if for any reason, the closing on the subject property does not take place or development does not commence within twenty-four (24) months from the date of a successful rezoning of same, then, and in such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

PFH/brl
Enclosures

cc: Shown on next page.

COBB COUNTY GEORGIA
PLANNING DIVISION
2014 MAR 10 PM 2:14
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 Department
Page 9
November 18, 2010

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 ZONING DIVISION

2010 MAR 10 PM 2:14

COBB COUNTY GEORGIA
PLANNING DIVISION

Min. Bk. Col 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
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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

MELISSA R. HAISTEN
JUSTIN H. MEEKS

November 30, 2010

SAMSLARKINHUFF.COM

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 20th BY P. Huff
RE Z-41
Paul Huff
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

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

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.

VIA HAND DELIVERY

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

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

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

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

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

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

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

770-422-7016
TELEPHONE
770-426-6588
FACSIMILE

December 9, 2010

MELISSA R. HAISTEN
JUSTIN H. MEERS

SAMSLARKINHUFF.COM

VIA HAND DELIVERY

Mr. Jason Campbell, Planner III
Cobb County Zoning Division
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)
(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

PFH/brl
Enclosure

cc: Shown next page.

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
December 9, 2010
Page 2

cc: Members, Cobb County Board of Commissioners – VIA E-Mail w/attachment
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail w/attachment
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
Ms. Trish Steiner, Board of Directors, ECCA – VIA E-Mail w/attachment
Mr. Steve Sodel, Health Care Capital Consolidated, Inc. – VIA E-Mail w/attachment
Mr. Marshall Gill, Health Care Capital Consolidated, Inc. – VIA E-Mail w/attachment
Mr. Mike Brown, Health Care Capital Consolidated, Inc. – VIA E-Mail w/attachment
Mr. Bryan Sodel, Health Care Capital Consolidated, Inc. – VIA E-Mail w/attachment
Mr. Alex Brennan – VIA E-Mail w/attachment
Mr. Bill Witte, CEO, THW Design – VIA E-Mail w/attachment
Mr. Kenneth J. Wood, P.E., LEED AP – VIA E-Mail w/attachment
Joel L. Larkin, Esquire – VIA E-Mail w/attachment

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR 10 PM 2:12
COBB COUNTY ZONING DIVISION

ZN-100

ZONING
SUBMITTAL PLAN

Date: _____
Applicant: _____
Drawn by: _____
Checked by: _____

THW
DESIGN

2100 Buckle Drive
Lawrenceville, GA 30046
PH: 770.964.2270
FAX: 770.964.2299
www.thw.com

HARRIS &
ENGINEERS
ARCHITECTS

HEALTH CARE CAPITAL
CONSOLIDATED, INC.
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309

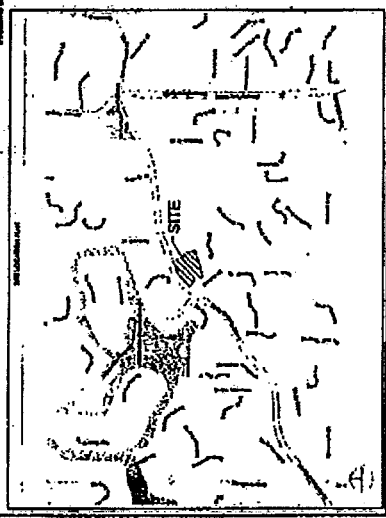
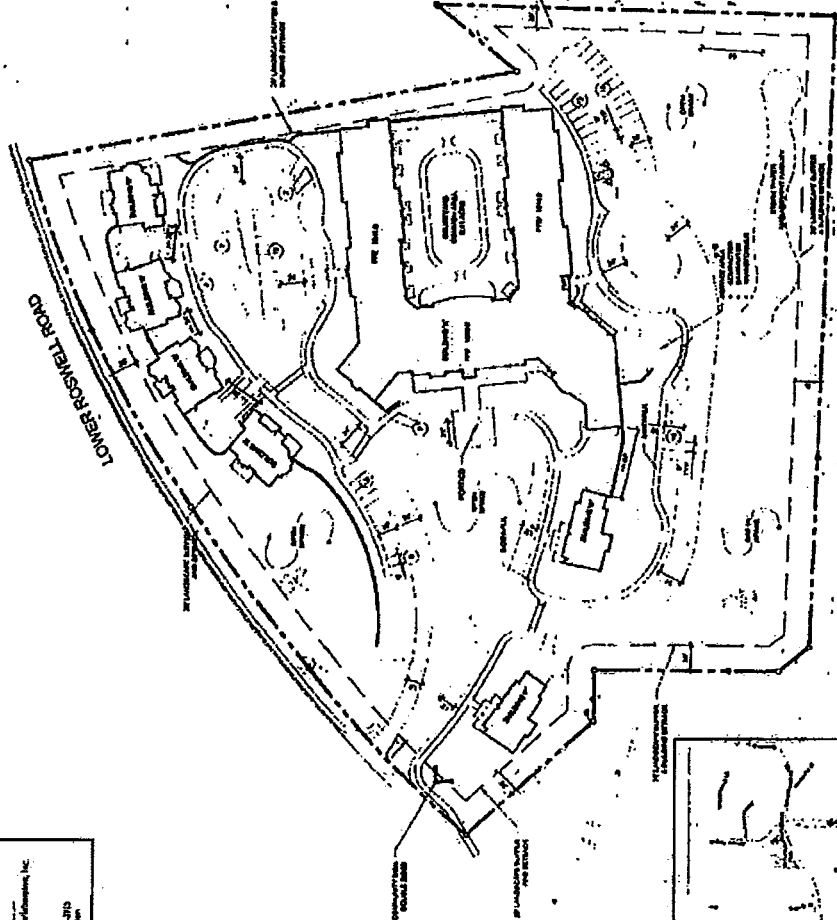
Project: Zoning/Design
Date: _____
Drawn by: _____

ZONING SITE DATA

1. Name of Project: _____
2. Applicant: _____
3. Project Description: _____
4. Zoning District: _____
5. Submittal Date: _____
6. Project Location: _____
7. Project Area: _____
8. Project Description: _____
9. Project Description: _____
10. Project Description: _____
11. Project Description: _____
12. Project Description: _____
13. Project Description: _____
14. Project Description: _____
15. Project Description: _____
16. Project Description: _____
17. Project Description: _____
18. Project Description: _____
19. Project Description: _____
20. Project Description: _____

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

2014 MAR 10 PM 2:12
COBB COUNTY ZONING DIVISION
COBB COUNTY GEORGIA



PROJECT TEAM

OWNER
Health Care Capital Consolidated
1000 Peachtree Street, N.E.
Atlanta, GA 30309
PH: 770.964.2270
FAX: 770.964.2299

ARCHITECT
THW DESIGN
2100 Buckle Drive
Lawrenceville, GA 30046
PH: 770.964.2270
FAX: 770.964.2299

CIVIL ENGINEER
Rosen and Engman Consultants, Inc.
300 Peachtree Street, N.E.
Atlanta, Georgia 30309
PH: 404.525.1100
FAX: 404.525.1101