

Z-33
(2014)

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 APR -3 PM 3:23
COBB COUNTY ZONING DIVISION



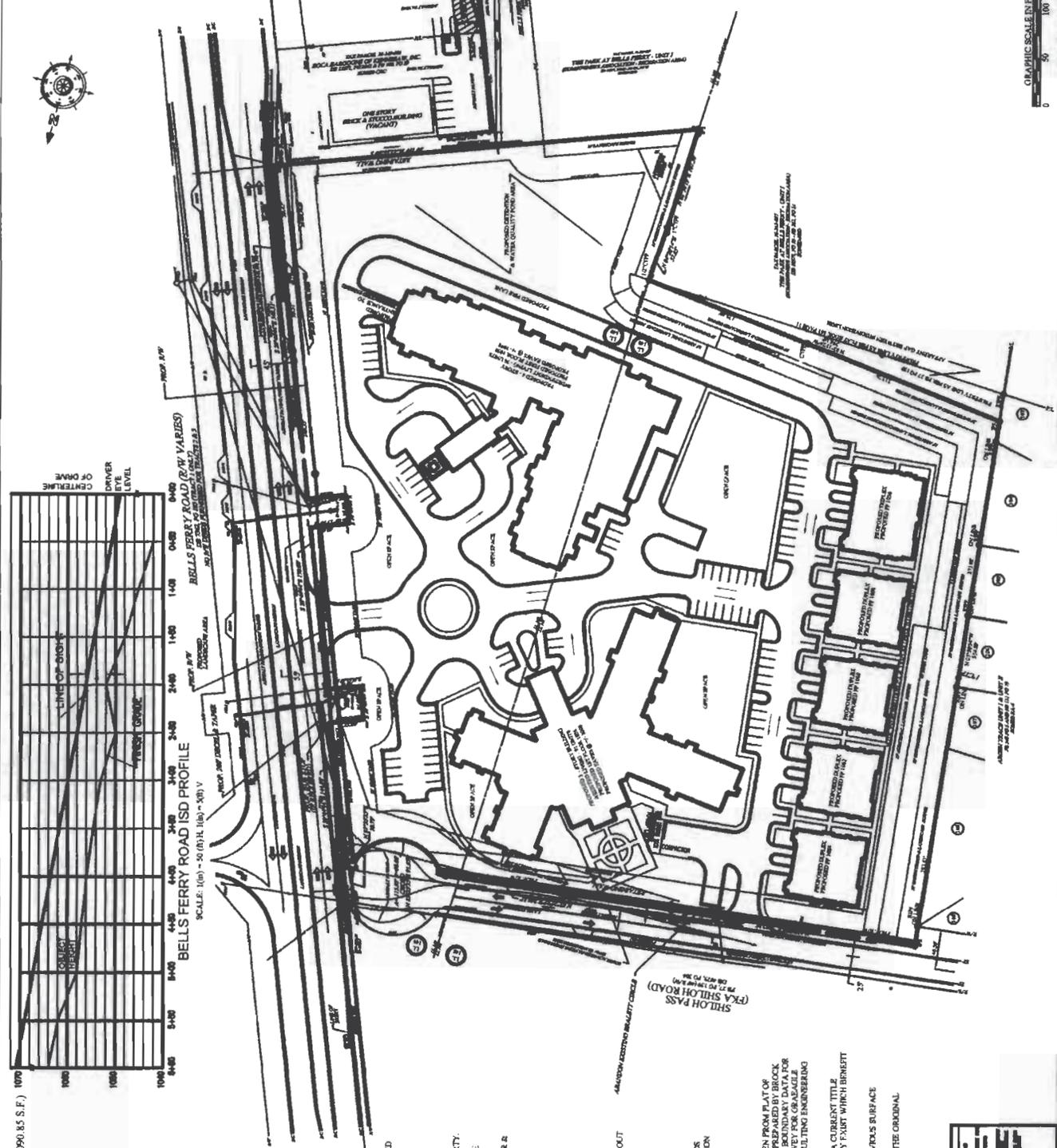
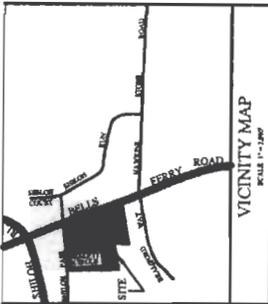
PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.
3675 AMTILL-JORDAN BUSINESS BLVD. - POKESVILLE, GEORGIA 30137
916.175.0525 FAX 970.968.0121

PROJECT NO. 14-000014
DATE 4/03/14

PROJECT NAME
OWNER
SCALE 1" = 30'

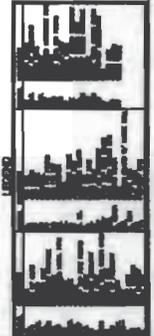
LAND LOTS 148 & 149, 150A DISTRICT,
2ND DISTRICT
COBB COUNTY, GEORGIA

RECORDING PLAT FOR
MEDICAL DEVELOPMENT CORP



TOTAL TRACT AREA = 10.722 ACRES (457,090.85 S.F.)
 TRACT 1 AREA = 4.19 ACRES (182,516.40 S.F.)
 TRACT 2 AREA = 0.82 ACRES (35,719.20 S.F.)
 TRACT 3 AREA = 0.96 ACRES (41,871.60 S.F.)
 TRACT 4 AREA = 1.375 ACRES (59,914.88 S.F.)
 TRACT 5 AREA = 1.355 ACRES (59,013.78 S.F.)
 TRACT 6 AREA = 1.355 ACRES (59,013.78 S.F.)
 TRACT 7 AREA = 0.485 ACRES (21,146.92 S.F.)

GENERAL NOTES:
 1) OWNER: UNDEVELOPER
 MEDICAL DEVELOPMENT CORP
 1330 DUNWOODY VILLAGE PARKWAY
 SUITE 111, C-12
 ALLEN PORTER, 770-931-4453
 2) TRACT AREA: 10.722 ACRES
 3) PROPERTY CURRENTLY ZONED: RSI
 PROPOSED ZONING TO REMAIN
 4) SETBACKS:
 FRONT - 10' PUBLIC R/W
 SIDE - 10'
 REAR - 10'
 5) PROPERTY IS NOT IN AN AREA HAVING A FLOOD HAZARD AS PER F.E.M. MAP NO. 1300720041 H DATED 03/24/2011.
 6) STATE WATER DOES NOT EXIST WITHIN 200 FEET OF SITE.
 7) NO CEMETERIES OR OTHER HISTORIC OR ARCHAEOLOGICAL FEATURES EXIST ON THIS PROPERTY.
 8) EXISTING STRUCTURES AND IMPROVEMENTS TO BE REMOVED.
 9) PROPERTY TO BE SERVED BY COBB COUNTY SEWER & WATER.
 10) PARKING FOR RESIDENTS IN PARKING GARAGE BATH BUILDING IS 82 SPACES PLUS 91 OUTSIDE SPACES, 173 TOTAL SPACES.
 11) NO WETLANDS EXIST AS PER THE NATIONAL WETLANDS INVENTORY MAP.
 VARIANCES REQUIRED
 1) MAXIMUM HEIGHT TO BE 54 FEET (4-STORIES WITHOUT PARKING GARAGE).
 2) FLOOR AREA RATIO TO BE 0.50.
 3) NEED TO ALLOW 315,000 S.F. OF BUILDING SQUARE FOOTAGE WITH 178 TOTAL UNITS.
 4) BUILDING LINE ON THE SIDE OF SHILOH PASS NEEDS TO BE CHANGED FROM 10 TO 25 AS PER THE DEDICATION OF 5' OF RIGHT-OF-WAY TO REMAIN AS APPROVED.
 5) TOTAL IMPROVEMENTS ALLOWED AT 50%
 ALL BOUNDARY DATA FOR TRACTS 1, 2, & 3 ARE TAKEN FROM PLAT OF DUNWOODY VILLAGE PARKWAY, COBB COUNTY, GEORGIA, DUNWOODY GROUP, INC. DATED NOVEMBER 1, 2005. ALL BOUNDARY DATA FOR TRACTS 4, 5, & 7 ARE TAKEN FROM A PLAT OF SURVEY FOR GRADEABLE DEVELOPMENT, LLC, PREPARED BY PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC., DATED 02/25/14.
 THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, FURNISHMENT AND ENCUMBRANCES MAY EXIST WHICH BENEFIT AND BURDEN THIS PROPERTY.
 TOTAL OPEN SPACE IS 4,792 ACRES - 44% TOTAL IMPROVED SURFACE PROPOSED IS 6.00 ACRES - 56%.
 NOTE: ALL SETBACKS AND BUFFERS SHOWN AS PER THE ORIGINAL APPROVED ZONING CASE Z-174 DATED 12-19-06.



APPLICANT: Medical Development Corp.

(770) 399-9988

REPRESENTATIVE: Garvis L. Sams, Jr. (770) 422-7016

Sams, Larkin, Huff & Balli

TITLEHOLDER: 40-59 Hampton Street, LLC

PROPERTY LOCATION: West side of Bells Ferry Road, south side of Shiloh Pass, and on the east and west sides of Bralett Circle.

ACCESS TO PROPERTY: Bells Ferry Road and Shiloh Pass

PHYSICAL CHARACTERISTICS TO SITE: undeveloped

PETITION NO: Z-33

HEARING DATE (PC): 06-03-14

HEARING DATE (BOC): 06-17-14

PRESENT ZONING: RSL
With Stipulations

PROPOSED ZONING: RSL
With Stipulations

PROPOSED USE: Assisted, Supportive and Independent Residential Senior Living

SIZE OF TRACT: 10.722 acres

DISTRICT: 16

LAND LOT(S): 148, 149

PARCEL(S): 11, 12, 13, 14, 22, 23

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ single-family houses

SOUTH: PRD, CRC/ The Park at Bells Ferry subdivision, Kauffman Tires

EAST: R-20/ single-family houses

WEST: RA-4/ Arden Trace subdivision

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

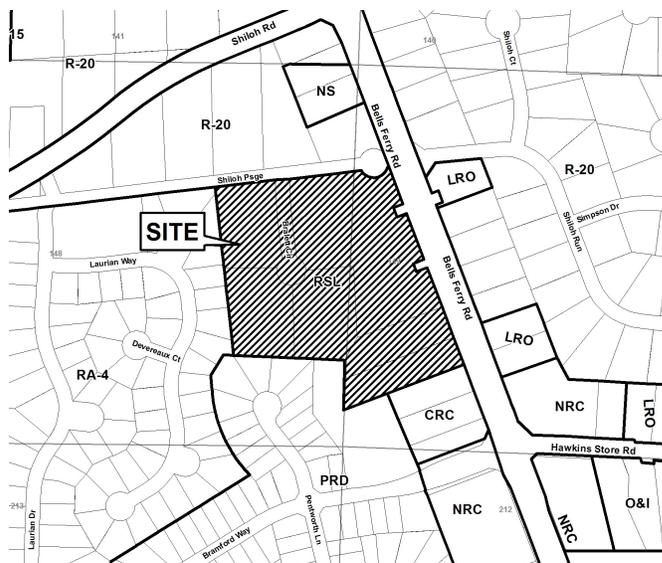
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

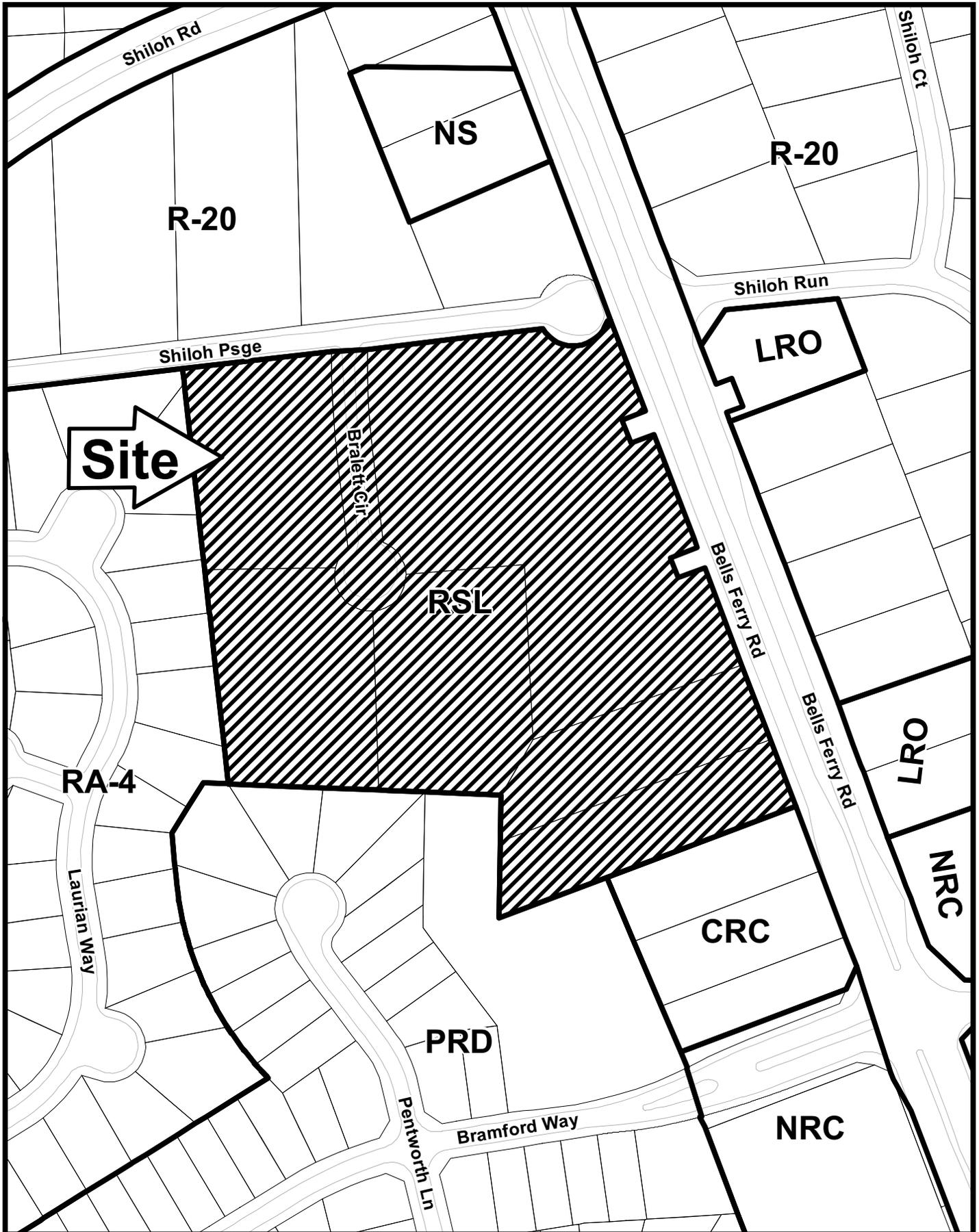
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



Z-33



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

0 100 200
Feet



City Boundary
Zoning Boundary

APPLICANT: Medical Development Corp.

PETITION NO.: Z-33

PRESENT ZONING: RSL with Stipulations

PETITION FOR: RSL W/S

ZONING COMMENTS:

Staff Member Responsible: John P. Pederson

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Units: 178 **Overall Density:** 16.6 **Units/Acre**

Staff estimate for allowable # of units: 300 **Units*** **Decrease of:** 122 **Units/Lots**

*It should be noted that the density for this type of RSL product is not based on units per acre, but by the maximum number of units, which is 300 (100 supportive, 200 independent).

The applicant is requesting the RSL zoning district to develop a residential senior living facility for supportive/assisted living and independent living for senior citizens. There would be seven resident buildings containing 178 rental units. There would be 91 assisted living units, 76 independent units, and five duplex/triplex buildings containing 11 units. The buildings would be traditional in styling containing brick, EFIS and/or stone exteriors, with asphalt shingle roofs. The buildings would be three and four stories in height for the assisted and independent living buildings. The duplex/triplex buildings would be two stories in height. This property was zoned in 2006 for a similar concept with more units.

The applicant is showing contemporaneous variances which are:

1. Increase the building height from 35-feet to 55-feet (approved to 45 feet per Z-174 of 2006).
2. Decrease the building setback on Shiloh Pass from 30 feet to 25 feet (approved in Z-174 of 2006).

Cemetery Preservation: No comment.

APPLICANT: Medical Development Corp.

PETITION NO.: Z-33

PRESENT ZONING: RSL with Stipulations

PETITION FOR: RSL W/S

SCHOOL COMMENTS:

Name of School	Enrollment	Capacity Status	Number of Portable Classrooms
Elementary			
Middle			
High			

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

Additional Comments:

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: Medical Development Corp.

PETITION NO.: Z-33

PRESENT ZONING: RSL with Stipulations

PETITION FOR: RSL W/S

PLANNING COMMENTS:

The applicant is requesting a rezoning from RSL with Stipulations to RSL with Stipulations for assisted, supportive and independent residential Senior Living. The 10.722 acre site is located on the west side of Bells Ferry Road, south side of Shiloh Pass, and on the east and west sides of Bralett Circle.

Comprehensive Plan

The parcel is within a Neighborhood Activity Center (NAC) future land use category, with RSL with Stipulations zoning designation. The purpose of the (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

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

Design Guidelines

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

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

Incentive Zones

Is the property within an Opportunity Zone? Yes No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone? Yes No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

APPLICANT Medical Development Corp.

PETITION NO. Z-033

PRESENT ZONING RSL w/stips

PETITION FOR RSL w/stips

WATER COMMENTS:

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

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): 12" DI / w side of Bells Ferry

Additional Comments: Master meter to be set at public ROW. Also 6" AC N side of Shiloh Pass

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

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

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: 250' S at Bramford Way ROW

Estimated Waste Generation (in G.P.D.): A D F= 21360** Peak= 53400**

Treatment Plant: Noontday

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

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

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments: **Waste generation based upon 2-bedroom, or less, units

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Medical Development Corp.

PETITION NO.: Z-33

PRESENT ZONING: RSL w/ stips

PETITION FOR: RSL w/ stips

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek Trib #1 FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: upstream of existing downstream headwall and adjacent possible spring.

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

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

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

DOWNSTREAM CONDITION

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

APPLICANT: Medical Development Corp.

PETITION NO.: Z-33

PRESENT ZONING: RSL w/ stips

PETITION FOR: RSL w/ stips

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

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

INSUFFICIENT INFORMATION

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

ADDITIONAL COMMENTS

1. A significant portion of the site drains naturally to the south via overland flow into The Park at Bells Ferry Subdivision. Although there is an existing drainage conveyance system at the rear of these lots it has limited capacity. This will require a diversion system to be located along the southern property line to eliminate any runoff bypass to the south and to convey all site runoff into the proposed stormwater management facility.

APPLICANT: Medical Development Corp.

PETITION NO.: Z-33

PRESENT ZONING: RSL with Stipulations

PETITION FOR: RSL w/ stips

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Bells Ferry Road	33,500	Arterial	45 mph	Cobb County	100'
Shiloh Pass	N/A	Local	25 mph	Cobb County	50'

Based on 2009 traffic counting data taken by Cobb County DOT (Bells Ferry Road)

COMMENTS AND OBSERVATIONS (REVISED 5/12/14)

Bells Ferry Road is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Shiloh Pass is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Shiloh Pass, a minimum of 25' from the roadway centerline.

Recommend a deceleration lane for the Bells Ferry Road access.

Recommend Bells Ferry Road access is restricted to right in/ right out.

Recommend curb, gutter, and sidewalk along the Shiloh Pass frontage.

Recommend a FAA Study.

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

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STAFF RECOMMENDATIONS

Z-33 MEDICAL DEVELOPMENT CORP.

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal would be very similar to the previously approved zoned case for the property (Z-174 of 2006). Staff believes an RSL use would be acceptable at this location.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposal would be less intense due to 122 less units than the previous zoning case. Placing the lower intensity duplex and triplex unit next to the single family house will help transition the project from higher intensity to lower intensity.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The applicant's proposal is located within a Neighborhood Activity Center (NAC), which allows assisted/supportive and independent senior living communities.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is consistent with the *Cobb County Comprehensive Plan*. The applicant's proposal has less units than the previously approved zoning case. The one additional variance for building height is understandable since this particular building will be 20-30 feet below Bells Ferry Road.

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

- Site plan dated April 3, 2014;
- Letter from Mr. Garvis L. Sams, Jr., dated April 30, 2014;
- Fire Department comments;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- 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.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

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Application #: Z-33

PC Hearing Date: June 3, 2014

BOC Hearing Date: June 17, 2014

Summary of Intent for Rezoning

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

- a) **Proposed unit square-footage(s):** Will vary dependent upon whether assisted, supportive or independent RSL
- b) **Proposed building architecture:** Will be submitted under separate cover.
- c) **Proposed selling prices(s):** Will vary dependent upon type of RSL component.
- d) **List all requested variances:** Shown on site plan.

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

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

COBB COUNTY ZONING DIVISION
2014 APR -3 PM 3:21
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.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The subject property was zoned RSL (Supportive) on March 20, 2007 (No. Z-174 [2006]). However, the proposed development did not move forward and the property remains undeveloped and located within the confines of a Neighborhood Activity Center (NAC) under Cobb County's Future Land Use Map.

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). N/A

.....
Part 5. Is this application a result of a Code Enforcement action? No ___; Yes ___ (If yes, attach a copy of the Notice of Violation and/or tickets to this form). N/A

Applicant signature:  Date: 4/3/2014

Applicant name (printed): Garvis L. Sams, Jr., Attorney for Applicant

SAMS, LARKIN, HUFF & BALLI

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
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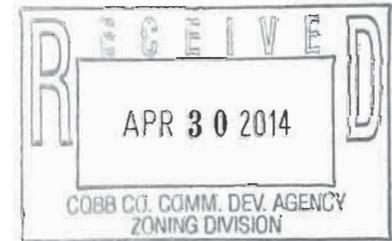
JUSTIN H. MEEKS

SLHB-LAW.COM

April 30, 2014

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application of Medical Development Corp. to Rezone a 10.722 Acre Tract from Conditional RSL to Conditional RSL (No. Z-33).

Dear John:

You will recall that this firm represents the Applicant and Property Owner concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on June 3, 2014 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on June 17, 2014.

The property at issue consists of a 10.722 acre tract of land which is located on the west side of Bells Ferry Road, north of Hawkins Store Road ("subject property"). The subject property was the subject matter of a previous Application for Rezoning which was approved by the Board of Commissioners on March 20, 2007 (No. Z-174 [2006]) rezoning the subject property to its present Conditional RSL (supportive) zoning classification. The subject property has lain idle and undeveloped since that rezoning; however, the current proposal seeks a downzoning of the property from Conditional RSL to Conditional RSL reducing the number of units from 300 units to 178 units which will consist of a mixture of Assisted, Supportive and Independent units as shown on the site plan filed contemporaneously with the Application for Rezoning.

During the pendency of this Application, we have established a dialogue with Cobb County's professional staff and others. Also, we have commenced a preliminary dialogue with representative of Arden Trace HOA. In that regard, this letter will serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and which will be binding upon the subject property thereafter. The referenced stipulations/conditions are as follows:

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 30, 2014
Page 2

1. 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.
2. Rezoning of the subject property shall be in substantial conformity to that certain site plan prepared for Medical Development Corp. by Paul Lee Consulting Engineering Associates, Inc. which was filed contemporaneously with the Application for Rezoning.
3. The proposed RSL Community shall consist of a maximum number of 178 units and will consist of a mixture of Assisted, Supportive and Independent Units.¹
4. The architectural style and composition of the RSL Community shall be consistent with those certain photographs and elevation/rendering being submitted contemporaneously herewith. The buildings shall be constructed with the following components: stacked stone, brick, hardiplank and EFIS.

Those buildings located directly adjacent to Arden Trace Subdivision shall consist of four (4) duplex buildings and one (1) triplex building all being a maximum of one story in height.

5. The RSL Community shall include a centralized kitchen and dining facility which will be sufficient to serve all occupants. However, this stipulation shall not preclude kitchen facilities within individual units.
6. The RSL Community shall include 62 underbuilding parking spaces and 91 surface parking spaces for a total of 153 parking spaces to accommodate all of the occupants, guests and staff of the RSL Community.
7. Open Space shall consist of 4.722 acres or 44% of the subject property, with 56% impervious coverage (70% is allowed).

¹ This proposal constitutes a "down-zoning" of the subject property from the original 300 units approved by the Board of Commissioners on March 20, 2007 (No. Z-174 [2006]).

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 30, 2014
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8. The RSL Community is planned to include the following amenities:
 - a) Resident Lounges.
 - b) Business Center.
 - c) Swimming Pool.
 - d) Fitness Center.
 - e) Meaningfully positioned Pedestrian Connectivity.
 - f) Internet Access.
 - g) Open Plaza Areas.
 - h) Passive Open Space.
9. The RSL 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 the Federal Fair Housing Act Requirements.
10. The Applicant 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 therein shall be utilized as non-age restricted multi-family apartments. Such Deed Covenant shall run to the benefit of Cobb County, Georgia. No unit within the Community shall be leased for no less than a lease term of one 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 the south side of Bells Ferry Road a minimum of fifty-five feet (55') from the roadway centerline.
 - b) The voluntary donation and conveyance of right-of-way on the east side of Shiloh Pass a minimum of twenty-five feet (25') from the roadway centerline.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 30, 2014
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- c) The construction of a right-in/right-out driveway on Bells Ferry Road with a raised concrete island.
 - d) The construction of a deceleration lane with an appropriate taper at the subject property's point of ingress/egress on Bells Ferry Road.
 - e) The installation of sidewalk, curb and gutter along Shiloh Pass and the replacement of all disturbed sidewalk, curb and gutter along Bells Ferry Road.
 - f) Insuring 560 feet of sight distance on Bells Ferry Road or the implementation of remedial measures in which to mitigate same.
12. Landscaping for the proposed RSL Community shall be consistent with the landscape plan which shall be submitted during the Plan Review Process, subject to staff and the Arborist's review and approval, including, but not necessarily limited to, the following:
- a) An agreement to set up a Landscape Oversight Committee comprised of Medical Development Corp. or its designee, a representative from Arden Trace Homeowners Association and a representative of the Community Development Agency. The Community Development Agency designee shall be the final arbiter with respect to any differences in opinion with a view toward ensuring that the ultimate decisions on landscaping are in substantial compliance with elements of those issues presented during the pendency of the Zoning Application. The review and approval of landscaping issues shall be completed before the issuance of Certificates of Occupancy; however, such review will not impede nor impair the Developer's ability to secure Land Disturbance Permits for the site.
 - b) Landscaped areas, buffers and courtyards shall be well kept with trees, foliage and other vegetation which shall be regularly maintained.
 - c) Grass planted within landscaped areas or otherwise shall be sod.
 - d) Undisturbed and landscaped buffers shall be recognized around those portions of the perimeter of the subject property contiguous to residentially zoned and utilized properties as shown on the site plan filed contemporaneously with the Application for Rezoning.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 30, 2014
Page 5

- e) Undertaking whatever remedial measures are necessary in order to inhibit the migration of wildlife during the period of time that the Land Disturbance Permit is being implemented.
- f) Unless otherwise instructed by the County Arborist, trees and large plantings within the buffers shall be no greater than ten to twelve feet (10-12') apart.
- g) All landscaping shall be irrigated 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.
- h) The erection of an eight foot wooden fence with brick and/or stone columns every twenty-five feet (25') which shall be located around those portions of the perimeter of the subject property contiguous to residentially zoned and utilized properties. Brick and/or stone contained within the columns shall be consistent with the brick and/or stone utilized in connection with the buildings to be constructed within the RSL Community.
- i) 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 RSL Community or placed on pads in locations with screening by berms or landscaping. All dumpsters shall have rubber lids and bumpers to minimize noise. In lieu of dumpsters, the Applicant may utilize at-grade trash compaction facilities which also must be screened. Refuse pickup shall be limited to the hours of 7:00 a.m. until 9:00 p.m.
- j) HVAC and mechanical systems shall be incorporated into the landscape plan and shall be substantially shielded from view. Those HVAC and mechanical systems which may be located on the roof of some buildings shall also be shielded from view by means of parapets or similar architectural features.
- k) The proposed detention & water quality area shall be screened from view and landscaped accordingly.
- l) An agreement that there shall be no outside storage such as that term is used and defined in the Cobb County Zoning Ordinance.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

Z-33 (2014)
Stipulation Letter

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 30, 2014
Page 6

-
13. Compliance with all Stormwater Management requirements and recommendations with respect to stormwater, detention, hydrology and downstream considerations, including the following:
 - a) Subject to recommendations concerning the location and configuration of water quality and detention facilities on the site. Presently, the site plan reflects a proposed detention & water quality pond area located on the southern portion of the subject property.²
 - b) Exercising sensitivity with respect to all Erosion and Sediment Control Ordinance requirements and Clean Water Quality Act provisions, including an agreement that stormwater stored on the site shall not be released at a rate exceeding predevelopment stormwater flows.
 14. Exterior lighting which shall be located within the interior of the subject property and away from residential areas outside the perimeter of the subject property shall consist of environmentally sensitive lighting in order to prevent outward illumination beyond the RSL Community's boundaries. Security lighting on the building shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut-off shields.
 15. Signage for the proposed RSL Community 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 by remote flood lighting.
 16. Construction hours shall be limited to the hours of 7:00 a.m. until 7:00 p.m., Monday through Friday and from 8:00 a.m. until 7:00 p.m. on Saturdays. There shall be no on-site construction on Sundays. Construction entrances shall be located on Bells Ferry Road with no access to Shiloh Pass during construction.
 17. Compliance with recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.
 18. Compliance with recommendations from the Cobb County Fire Department.

² A significant portion of the subject property drains naturally to the south via overland flow. Even though there is an existing drainage conveyance system, it has limited capacity, thus requiring the implementation of a diversion system to be located along the southern property line to eliminate any runoff bypass to the south and in order to convey all site runoff into the proposed Stormwater Management Facility.

SAMS, LARKIN, HUFF & BALLI

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VIA EMAIL:

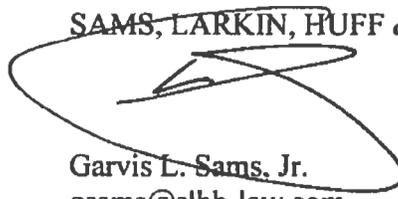
Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
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19. The District Commissioner shall have the latitude to make minor modifications to these stipulations and the site plan as the zoning proposal proceeds through the Plan Review Process and thereafter, except those that:
- a) Increase the density on site.
 - b) Reduce the size of an approved buffer adjacent to property that is zoned the same or in a more restrictive zoning district.
 - c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
 - d) Increase the height of a building that is adjacent to a property that is zoned in the same or more restrictive zoning district.
 - e) Change access locations to a different roadway.

Please do not hesitate to contact me should you or your staff require any additional information or documentation prior to the formulation of your Final Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/dsj

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. Dana Johnson, AICP Assistant Director (via email)
Mr. Jason Campbell, Planner III (via email)
Mr. David Breaden, P.E. (via email)

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL:

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 30, 2014
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Ms. Jane Stricklin, P.E. (via email)
Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
Mr. Rich Nyberg, Arden Trace Subdivision (via email)
Mr. Mark Lee, P.E. (via email)
Mr. Allen Porter, Medical Development Corp. (via email)

ORIGINAL DATE OF APPLICATION: 12-19-06APPLICANTS NAME: GRAEAGLE DEVELOPERS, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 03-20-07 ZONING HEARING:**

GRAEAGLE DEVELOPERS, LLC (Raymond Oliver Cobb, Jr., William Ronald Cobb, Linda Cobb Ott, James Richard Cobb, Billy Bob Nix, Ralph H. and Shirley B. Slaughter, Collis Howard Griffin, Jr., and Mary Jane Griffin, owners) requesting Rezoning from **OI** to **RSL** for the purpose of a Residential Senior Living Facility in Land Lots 148 and 149 of the 16th District. Located on the west side of Bells Ferry Road, north of Hawkins Store Road and on the west and east sides of Bralett Circle, south of Shiloh Pass.

The public hearing was opened and Mr. Garvis L. Sams, Jr., Mr. Rich Nyberg and Ms. Pat Wegener addressed the Board. Following presentations and discussion, the following motion was made:

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

- final site plan to be approved by the Board of Commissioners
- letter of agreeable conditions from Mr. Garvis L. Sams, Jr., dated February 27, 2007 *with the following changes:* (copy attached and made a part of these minutes)
 - Item No. 12 - Second paragraph, change to read: *"No unit within the community shall be leased for less than a lease term of one (1) year in duration."*
 - Item No. 14 (d) Change to read: *"A 40' natural maintained buffer around the perimeter of the subject property adjacent to residential areas, with the outermost 20' being undisturbed during construction, then natural maintained thereafter."*
 - Item No. 14 (e) Change to read: *"Necessary remedial measures to be taken to inhibit the migration of vermin prior to issuance of a Land Disturbance Permit"*
- letter of agreeable conditions from Mr. Garvis L. Sams, Jr., dated March 1, 2007 including site plan, landscape plan and elevation drawings (copy attached and made a part of these minutes)
- Cobb DOT to move traffic improvement process forward if possible, with Graeagle Developers, LLC to participate in service yet to be defined as it relates to relieving and addressing traffic at the Bells Ferry, Shiloh Road, Shallowford intersection
- 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

Clerk's Note: Commissioner Lee asked staff to look at criteria for placement of RSL developments and address appropriate locations for this use.

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

Min. Bk. 48 Petition No. Z-174^{'06}
Doc. Type Letter of agreeable
conditions
Meeting Date March 20, 2007

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN
OF COUNSEL
DAVID P. HARTIN

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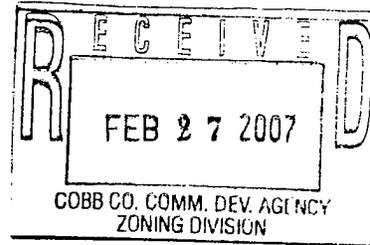
February 27, 2007

WWW.SAMSLARKINHUFF.COM

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

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



Re: Application of Graeagle Developers, LLC to Rezone a 10.722 Acre Tract
From Conditional O&I to RSL (Supportive Residential Facility)
(No. Z-174)

Dear John:

As you know, this firm represents the applicant which is also one of the property owners concerning the above-captioned Application for Rezoning. The application was heard, considered and held by the Planning Commission earlier this month and is now scheduled to be heard and considered by the Planning Commission on March 6, 2007. Thereafter, the application is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on March 20, 2007.

You will recall that we have been in discussions with representatives of the Bells Ferry Civic Association, Arden Trace subdivision, The Park at Bells Ferry subdivision, Dunmovin subdivision, Chastain Hills subdivision, other residents along Bells Ferry Road and the County's professional staff and Planning Commission Members. In that regard, enclosed please find the requisite number of copies of a revised site plan and revised line of sight drawings. By reconfiguring the positioning of some of the units, we have been able to eliminate one (1) of the stories on the rear building (closest to the residential subdivisions), making it two (2) stories in height (29' 2") with a sight line profile of 25' 2". Additionally, the revised site plan shows a reduction of FAR to 0.61 (originally 0.70).

VIA HAND DELIVERY

Petition No. Z-174⁰⁶
Meeting Date march 20, 2007
Continued

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
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The balance of this letter will serve as my client's expression of agreement with the following revised stipulations which shall become conditions and a part of the grant of the requested rezoning, as amended and modified hereby, and which shall be binding upon the subject property thereafter. The referenced stipulations/conditions are as follows:

1. The revised 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.
2. Rezoning of the subject property shall be in substantial conformity to that certain revised site plan prepared for Graeagle Development, LLC by Paul Lee Consulting Engineering Associates, Inc. which is being filed contemporaneously herewith.
3. The proposed RSL Supportive Residential Facility shall consist of a maximum number of 300 units located within the confines of a Neighborhood Activity Center (NAC) pursuant to Sec. 134-203.1 of the Cobb County Zoning Ordinance.¹
4. The architectural style and composition of the RSL facility shall be consistent with that certain rendering/elevation which was formerly submitted under separate cover. The buildings shall be constructed with the following components: Stacked stone, brick, Hardiplank® and EFIS.

The maximum height of Building 3, which is the building positioned closest to adjacent residential subdivisions, shall be two (2) stories (29' 2") in height which requires no variance. The maximum height from grade of Building 1 shall be 38' 3" (3' 3" variance) and the maximum height of Building 2 shall be 35' 7" (0' 7" variance).

5. The RSL facility shall include a centralized activity center, approximately 6,000 square feet in size, for resident activities in proportion to the size of the RSL facility. The architectural style and composition of the centralized activity center shall be residential in appearance and in substantial conformity to the architectural style and composition as aforementioned.

¹ It is projected that the demographic break down of the Supportive RSL, at an average age of 69 years of age, will consist of approximately 70% single women; 20% couples; and, 10% single men.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Petition No. Z-174¹⁰⁶
Meeting Date March 20, 2007
Continued

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
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6. 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.
7. The RSL facility shall include covered walkways connecting the three (3) buildings, sufficient under building and 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.
8. The RSL facility is planned to include, but not necessarily be limited to, the following amenities:
 - a. Resident lounges.
 - b. Business center.
 - c. Swimming pool.
 - d. Fitness center.
 - e. Centralized activity center.
 - f. Bocce ball court.
 - g. Meaningfully positioned pedestrian connectivity and walking trails.
 - h. Picnic areas.
 - i. Internet access.
 - j. Open plaza areas.
 - k. Passive Open Space.
9. Open space shall consist of 5.90 acres or 55% of the subject property, with 45% impervious coverage (70% is allowed).

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A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Petition No. Z-174 '06
Meeting Date March 20, 2007
Continued

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 4
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10. The granting of a contemporaneous variance in the Floor Area Ratio (FAR) from 0.50 to 0.61.²
11. 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.
12. 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 and the Bells Ferry Civic Association.

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

13. Compliance with the following recommendations from the Cobb County Department of Transportation:
 - a. No access to Shiloh Pass and an agreement that the applicant shall petition the Cobb County Board of Commissioners for the abandonment of Bralett Circle.
 - b. The voluntary donation and conveyance of right-of-way on Bells Ferry Road (arterial) so that the County can achieve 55' from the centerline of said right-of-way.
 - c. The voluntary donation and conveyance of right-of-way on Shiloh Pass (rural) so that the County can achieve 25' from the centerline of said right-of-way.
 - d. The installation of sidewalk, curb and gutter along the subject property's frontages on both Bells Ferry Road and Shiloh Pass, respectively.
 - e. Insuring 560' of sight distance on Bells Ferry Road or the implementation of remedial measures in which to mitigate same.

² RSL Supportive facilities within NACs are allowed a maximum Floor Area Ratio of 0.50, and RSLs within Community Activity Centers ("CAC") allow a maximum Floor Area Ratio of 0.75. At 0.61, the present FAR is at low to mid range between NAC and CAC.

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Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 5
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- f. The installation of a deceleration lane and taper at the subject property's point of ingress/egress on Bells Ferry Road.
 - g. Right-in/right-out traffic turning movements consisting of one (1) ingress lane and one (1) egress lane at the subject property's point of ingress/egress on Bells Ferry Road.
 - h. The construction of a south-bound right turn lane along Bells Ferry Road with a minimum of 150' of storage and a 50' taper.
 - i. Compliance with Cobb County regulations regarding gated entrances at the point of ingress/egress on Bells Ferry Road.
 - j. Following the recommendations embodied in that certain Traffic Impact Study prepared by Kimley-Horn and Associates which was filed contemporaneously with the application for rezoning.³
14. Landscaping for the proposed development shall be in substantial conformity to the landscape plan prepared by T J Schell, LLC which was submitted under separate cover on January 25, 2007, subject to staff and the Arborist's review and approval, including, but not necessarily limited to, the following:
- a. An agreement to set up a committee comprised of the developer or its designee, a representative from the Bells Ferry Civic Association, a representative from Arden Trace Homeowners Association and the Director of the Community Development Agency which shall review landscaping issues. The Community Development Agency Director shall be the final arbiter with respect to any differences in opinion with a view toward ensuring that the ultimate decisions on landscaping are in substantial compliance with elements of those issues presented during the pendency of the zoning application. The review and approval of landscaping issues shall be completed before the issuance of any Certificates of Occupancy; however, such review will not impede the developer's ability to secure Land Disturbance Permits for the site.
 - b. Landscaped areas, buffers and courtyards shall be well kept with trees, foliage and

³ Under the Trip Generation Comparison prepared by Kimley-Horn and Associates, Inc., it has been shown that a 129,000 square foot general office complex will generate 1,626 trips per day whereas the proposed RSL facility will generate 1,044 trips per day, with the latter figure not taking into consideration the additional reductions in trip generation because of the paratransit opportunities provided by the RSL community.

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A LIMITED LIABILITY PARTNERSHIP

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Continued

other vegetation which shall be regularly maintained.

- c. Grass planted within landscaped areas or otherwise shall be sod.
- d. A 40' buffer around the perimeter of the subject property adjacent to residential areas, 20' of which will remain undisturbed and 20' of which shall be landscaped and maintained.
- e. An agreement to undertake whatever remedial measures are necessary in order to inhibit the migration of vermin during the period of time that the Land Disturbance Permit is being implemented.
- f. Unless otherwise instructed by the County's Arborist, trees and large plantings within the 20' landscaped/maintained buffer shall be no greater than 10'-12' apart.
- g. All pedestrian walkways and paths shall be located at least 30' from the subject property's respective property lines which are adjacent to residential developments.
- h. All landscaping shall be irrigated 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.
- i. The erection of an 8' shadowbox fence with brick and/or stone columns every 25' which shall be located around the perimeter of the subject property. The brick and/or stone contained within the columns shall be consistent with the brick and/or stone utilized in connection with the buildings to be constructed on the subject property.
- j. 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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

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Continued

Mr. John P. Pederson, Planner III
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- k. HVAC and mechanical systems shall be incorporated into the landscape plan and shall be substantially shielded from view.
 - l. The detention area, to the extent that same is located above ground, shall be screened from view and landscaped accordingly.
 - m. 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.
 - n. An agreement that there shall be no outside storage such as that term is used and defined in the Cobb County Zoning Ordinance.
15. Compliance with all Cobb County Stormwater Management requirements and recommendations with respect to stormwater, detention, hydrology and down stream considerations, including the following:
- a. Subject to recommendations concerning the location and configuration of detention facilities on the site. Presently, the site plan reflects underground detention and above ground water quality ponds which will address water quality issues.
 - b. Exercising sensitivity with respect to all erosion and sediment control ordinance requirements and Clean Water Quality Act provisions, including an agreement that stormwater stored on the site shall not be released at a rate exceeding pre-development stormwater flows.
 - c. The construction of a diversion system to be located on the southern property line to eliminate any potential stormwater run-off bypass to the south and to convey all site run-off into the proposed stormwater management facility.
16. 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.

VIA HAND DELIVERY

Petition No. Z-174 '06
Meeting Date march 20, 2007
Continued

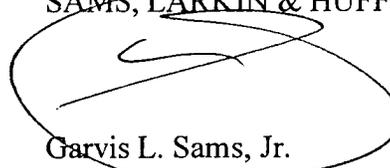
Mr. John P. Pederson, Planner III
Cobb County Zoning Department
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17. Signage for the proposed senior community ("Elegance at Bells Ferry, a Cultural Community for Active Seniors") shall consist of ground-based, monument style signage which shall be consistent with the architectural theme throughout. There shall be no flashing sign components and no exterior illumination of any signs by remote floodlighting.
18. Construction hours on the site shall be limited to the hours of 7:00 a.m. until 7:00 p.m., Monday through Friday and from 8:00 a.m. until 7:00 p.m. on Saturdays. There shall be no on site construction on Sundays. Construction entrances shall be located on Bells Ferry Road with no access to Shiloh Pass before, during or after construction.
19. 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.
20. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
21. 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 further information or documentation prior to the application's appearance before the Planning Commission and the Board of Commissioners next month.

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinbuff.com

GLSjr/jbmc
Enclosures
cc: Shown on next page.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Petition No. Z-174 '06
Meeting Date march 20, 2007
Continued

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
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February 27, 2007

- 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
Ms. Pamela K. Breeden, Program Coordinator, Cobb County Senior Services –
VIA Hand Delivery – w/enclosures
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery – w/enclosures
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosures
Mr. John M. Morey – VIA Hand Delivery – w/enclosures
Mr. David Breaden – VIA Hand Delivery – w/enclosures
Ms. Hilda Towery, President, Bells Ferry Civic Association – VIA E-Mail –
w/attachments
Mr. Michael Stine, Bells Ferry Civic Association – VIA E-Mail - w/attachments
Mr. Tim Parr – VIA E-Mail – w/attachments
Mr. Rich Nyberg, Arden Trace Subdivision – VIA E-Mail – w/attachments
Robert S. Stein, Esquire – VIA E-Mail – w/attachments
Mr. Bill Chegwidden, CDH Partners – w/enclosures
Mr. Mark Orshoski, Graeagle Development, LLC – VIA E-Mail – w/attachments
Paul M. Weisman, M.D., Graeagle Development, LLC – VIA E-Mail - w/attachments
Mr. Frank Birdsong, RA, NCARB – VIA E-Mail - w/attachments
Mr. Mark Lee, P.E. – VIA E-Mail - w/attachments
Mike Elliott, Esquire – VIA E-Mail – w/attachments

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

Min. Bk. ¹⁰ 48 Petition No. Z-174
Doc. Type Letter of agreeable
conditions
Meeting Date March 20, 2007

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GARVIS L. SAMS, JR.
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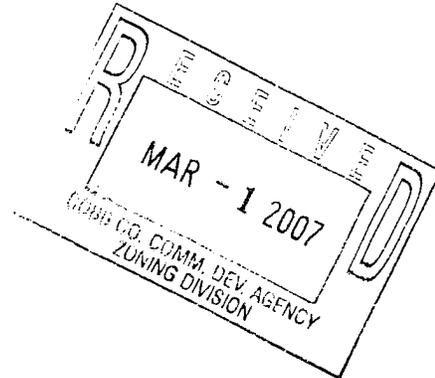
OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

March 1, 2007

VIA HAND DELIVERY

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



Re: Application of Graeagle Developers, LLC to Rezone a 10.722 Acre Tract
From Conditional O&I to RSL (Supportive Residential Facility)
(No. Z-174)

Dear John:

This firm represents the applicant which is also one of the property owners concerning the above-captioned Application for Rezoning. In that regard, earlier this week, on February 27, 2007, we submitted a revised letter of agreeable stipulations/conditions, a revised site plan and revised line of sight drawings.

In addition to the foregoing, on January 25, 2007, we submitted a Landscape Plan prepared by T J Schell, LLC. A revised landscape plan is being submitted contemporaneously herewith reflecting the changes in the site plan, emphasizing the landscaping components as more fully delineated in paragraphs 14 a. - n. of the February 27th stipulation letter. Please note that, in addition to the landscaping shown, there is Open Space consisting of 5.9 acres or 55% of the subject property with 45% impervious surface coverage (70% is allowed under the Code).

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Petition No. Z-174¹⁰⁶
Meeting Date March 22, 2007
Continued

Mr. John P. Pederson, Planner III
Cobb County Zoning Department
Page 2
March 1, 2007

Please do not hesitate to call should you or the staff require any further information or documentation prior to this application being heard and considered by the Planning Commission and Board of Commissioners.

Very truly yours,

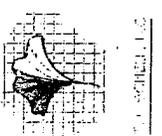
SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc
Enclosures

- cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosure
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail –
w/attachment and enclosure
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosure
Ms. Pamela K. Breeden, Program Coordinator, Cobb County Senior Services –
VIA Hand Delivery – w/enclosure
Ms. Gail K. Huff, Assistant County Clerk – VIA Hand Delivery – w/enclosure
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosure
Mr. John M. Morey – VIA Hand Delivery – w/enclosure
Mr. David Breaden – VIA Hand Delivery – w/enclosure
Ms. Hilda Towery, President, Bells Ferry Civic Association – VIA E-Mail –
w/attachment
Mr. Michael Stine, Bells Ferry Civic Association – VIA E-Mail - w/attachment
Mr. Tim Parr – VIA E-Mail – w/attachment
Mr. Rich Nyberg, Arden Trace Subdivision – VIA E-Mail – w/attachment
Robert S. Stein, Esquire – VIA E-Mail – w/attachment
Mr. Bill Chegwiddden, CDH Partners – w/enclosure
Mr. Mark Orshoski, Graeagle Development, LLC – VIA E-Mail – w/attachment
Paul M. Weisman, M.D., Graeagle Development, LLC – VIA E-Mail - w/attachment
Mr. Frank Birdsong, RA, NCARB – VIA E-Mail - w/attachment
Mr. Mark Lee, P.E. – VIA E-Mail - w/attachment
Mike Elliott, Esquire – VIA E-Mail – w/attachment



BELLS FERRY RSL
 GRAEGLER DEVELOPMENT, LLC
 140 DOWNSIDE DRIVE, SUITE 100
 ATLANTA, GEORGIA 30341

ZONING
 USE
 FERTILIZER
 AND
 COMPOST
 LANDSCAPE
 PLANT

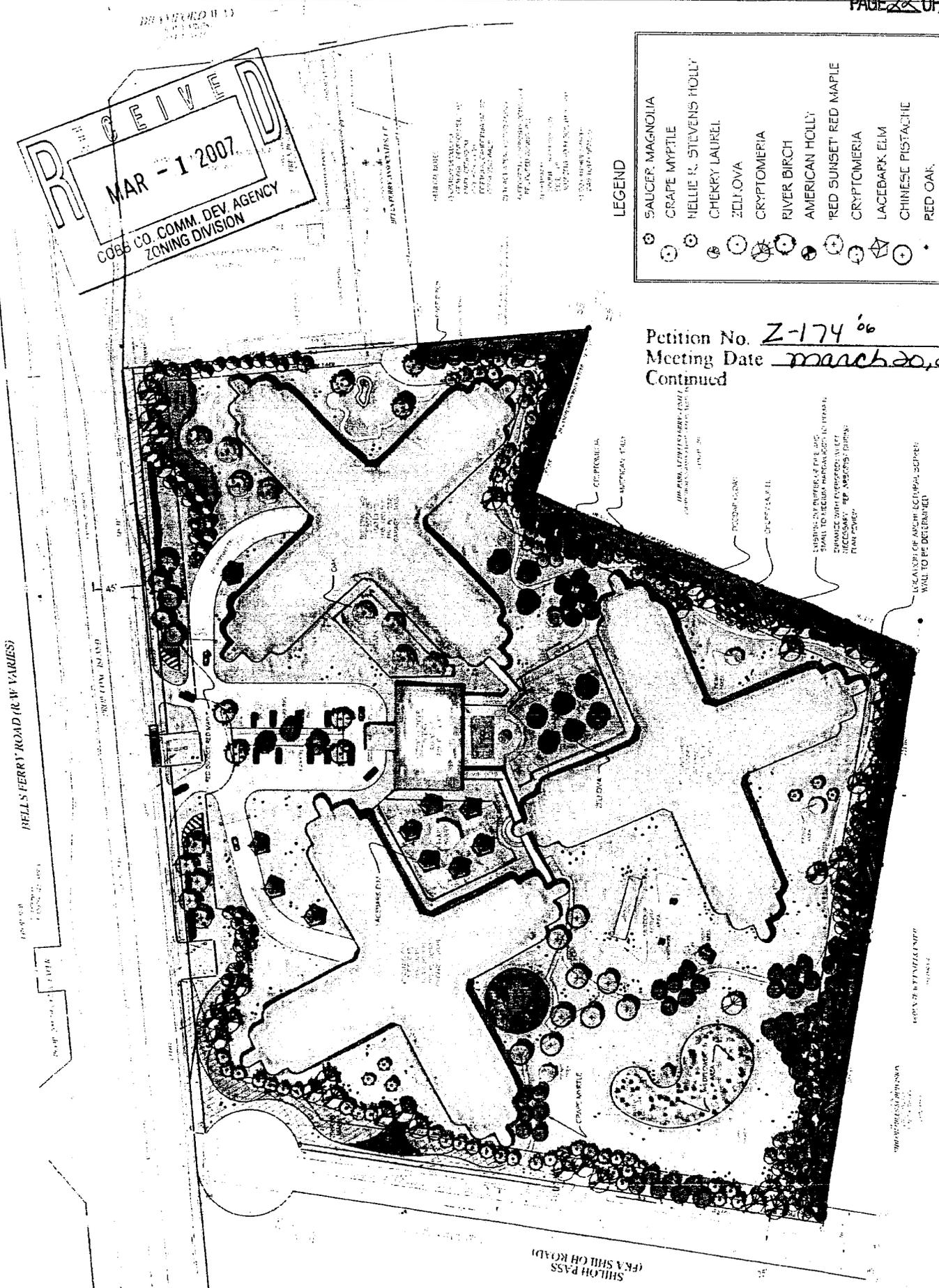
Z-33 (2014)
 Previous
 Stipulations

RECEIVED
 MAR - 1 2007
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

LEGEND

○	SAUCER MAGNOLIA
○	GRAPE MYRTLE
○	NELLIE R. STEVENS HOLLY
○	CHERRY LAUREL
○	ZELKOVA
○	CRYPTOMERIA
○	RIVER BIRCH
○	AMERICAN HOLLY
○	RED SUNSET RED MAPLE
○	CRYPTOMERIA
○	LACEBARK ELM
○	CHINESE PISTACHE
○	RED OAK

Petition No. Z-174⁰⁶
 Meeting Date March 20, 2007
 Continued



BELLS FERRY ROAD (R/W VARIES)

SHILOH PASS (FRASHTON ROAD)

Petition No. Z-174 '06
Meeting Date March 20, 2007
Continued

PAGE 23 OF

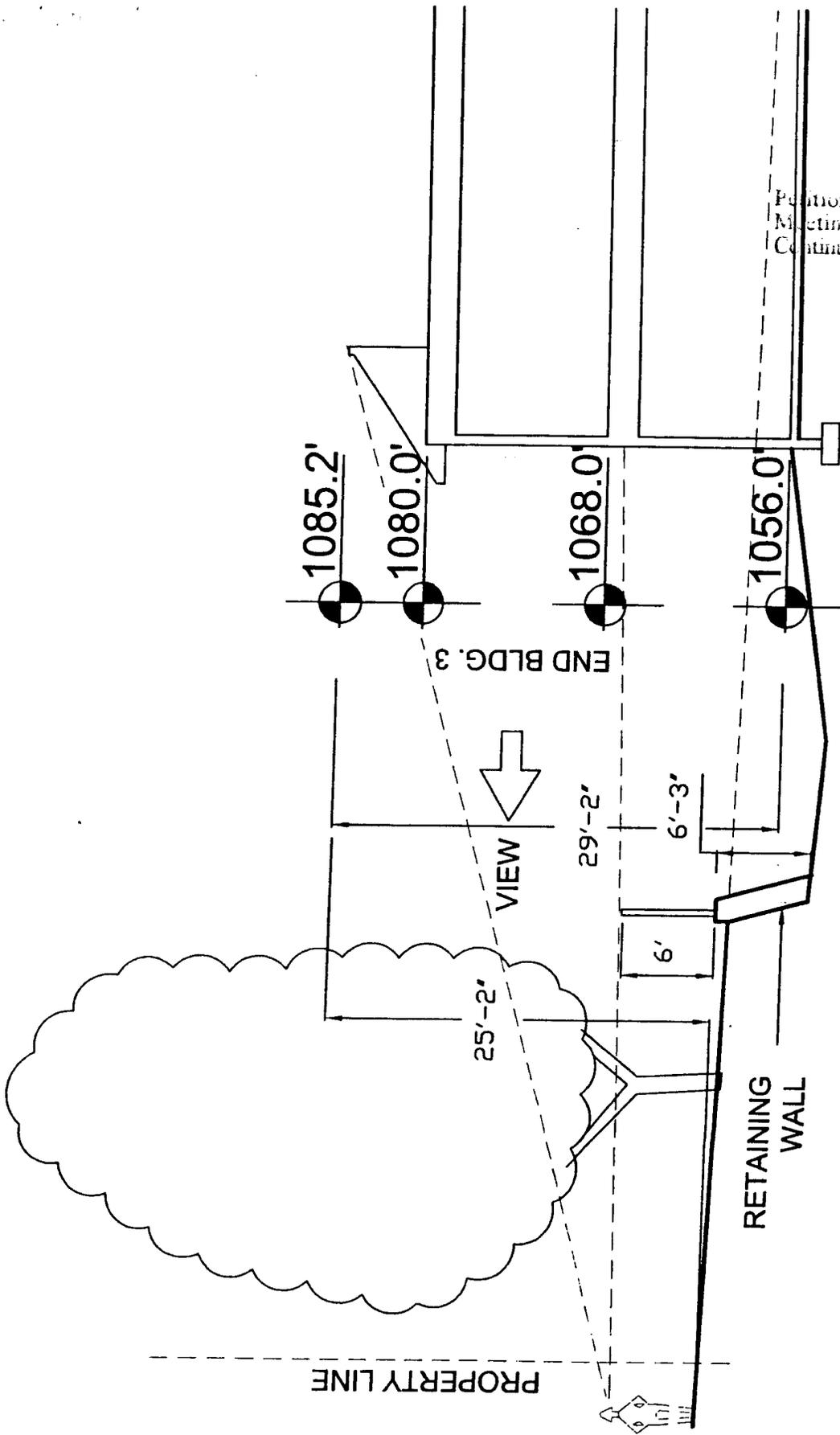
GRAPHIC SCALE IN FEET
0 50 100 150

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.
PLANNING ENGINEERING LAND SURVEYING
1000 W. BERRY ST. SUITE 100
ATLANTA, GEORGIA 30309
PH: 404.525.1100 FAX: 404.525.1101

NO.	DATE	DESCRIPTION	BY	CHECKED	DATE
1	03/20/07	PREPARED FOR SUBMITTAL TO THE DISTRICT	PL	PL	03/20/07
2	03/20/07	REVISIONS TO THE PLAN	PL	PL	03/20/07
3	03/20/07	REVISIONS TO THE PLAN	PL	PL	03/20/07
4	03/20/07	REVISIONS TO THE PLAN	PL	PL	03/20/07
5	03/20/07	REVISIONS TO THE PLAN	PL	PL	03/20/07
6	03/20/07	REVISIONS TO THE PLAN	PL	PL	03/20/07
7	03/20/07	REVISIONS TO THE PLAN	PL	PL	03/20/07
8	03/20/07	REVISIONS TO THE PLAN	PL	PL	03/20/07
9	03/20/07	REVISIONS TO THE PLAN	PL	PL	03/20/07
10	03/20/07	REVISIONS TO THE PLAN	PL	PL	03/20/07

LAND LOTS 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 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Position No. Z-174 '06
Meeting Date March 20, 2007
Continued



SECTION THRU BUILDING THREE FROM REAR OF PROPERTY SECTION C

Z-33 (2014)
Previous
Stipulations

BUILD SECTION

BELLS FERRY
SENIOR LIVING
BELLS FERRY AT BILLOH ROAD
BORG COUNTY, GEORGIA

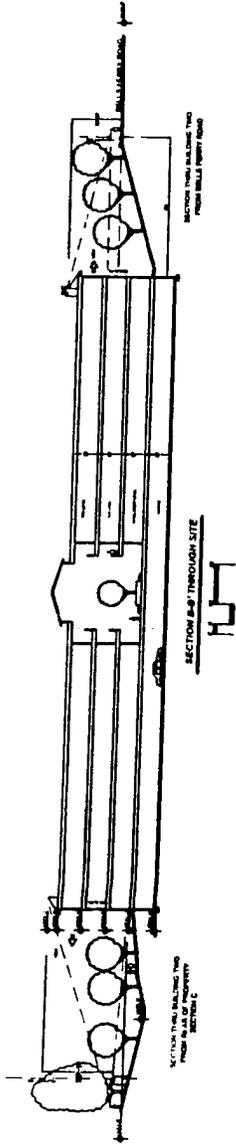
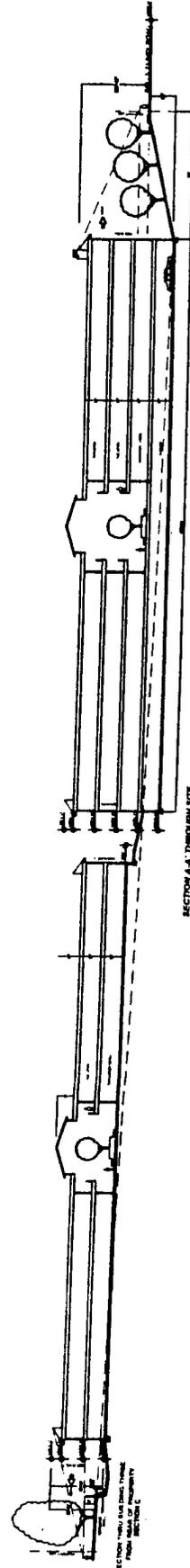
Project No. AR 318
Release Date 01/04/08
Revised 11/28/08

ARCHITECTHNIQUES
3081 OLD HIGHWAY 41 NW
KENNESAW, GA 30144
PH: (678) 797-5506 FAX: (678) 797-5507
C. FRANK BIRDSONG, P.A., N.C.A.R.B.

SEAL

PAGE 25 OF

Petition No. Z-174 '06
Meeting Date MARCH 20, 2007
Continued



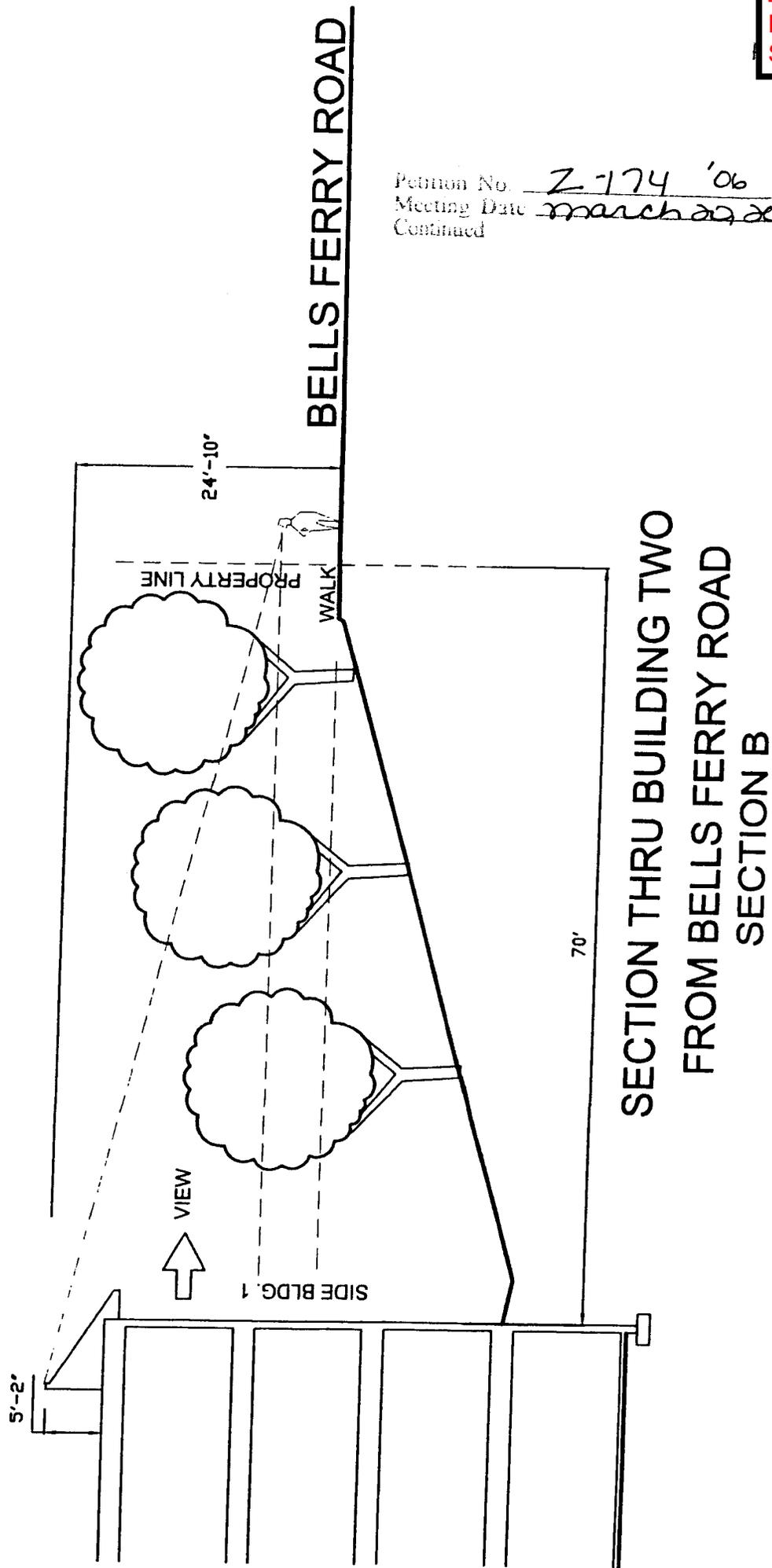
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FROM BILLOH ROAD

SECTION B-B THROUGH SITE
FROM BILLOH ROAD

SECTION A-A THROUGH SITE

SECTION B-B THROUGH SITE

Petition No. Z-174 '06
Meeting Date March 29, 2007
Continued

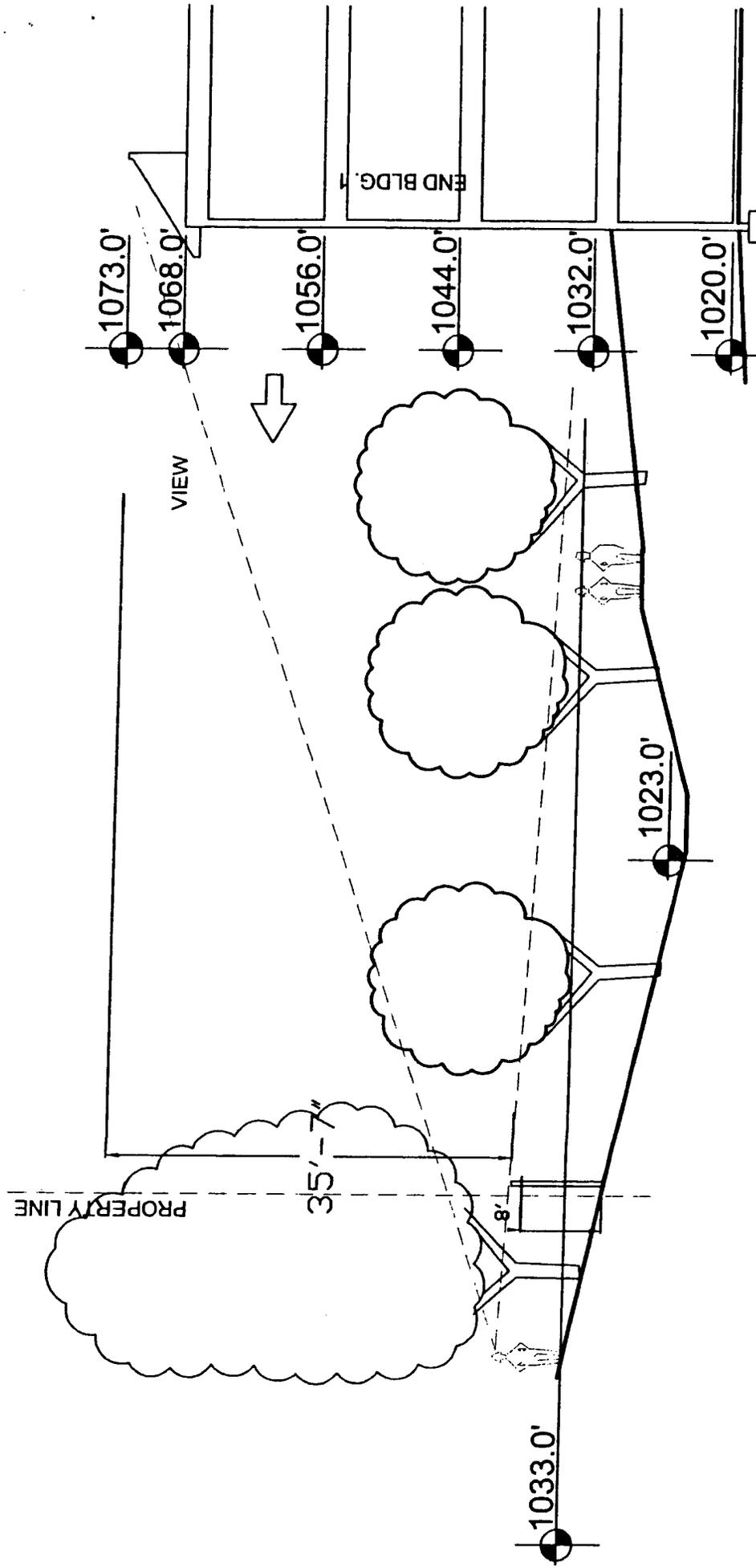


BELLS FERRY ROAD

SECTION THRU BUILDING TWO
FROM BELLS FERRY ROAD
SECTION B

Z-33 (2014)
Previous
Stipulations

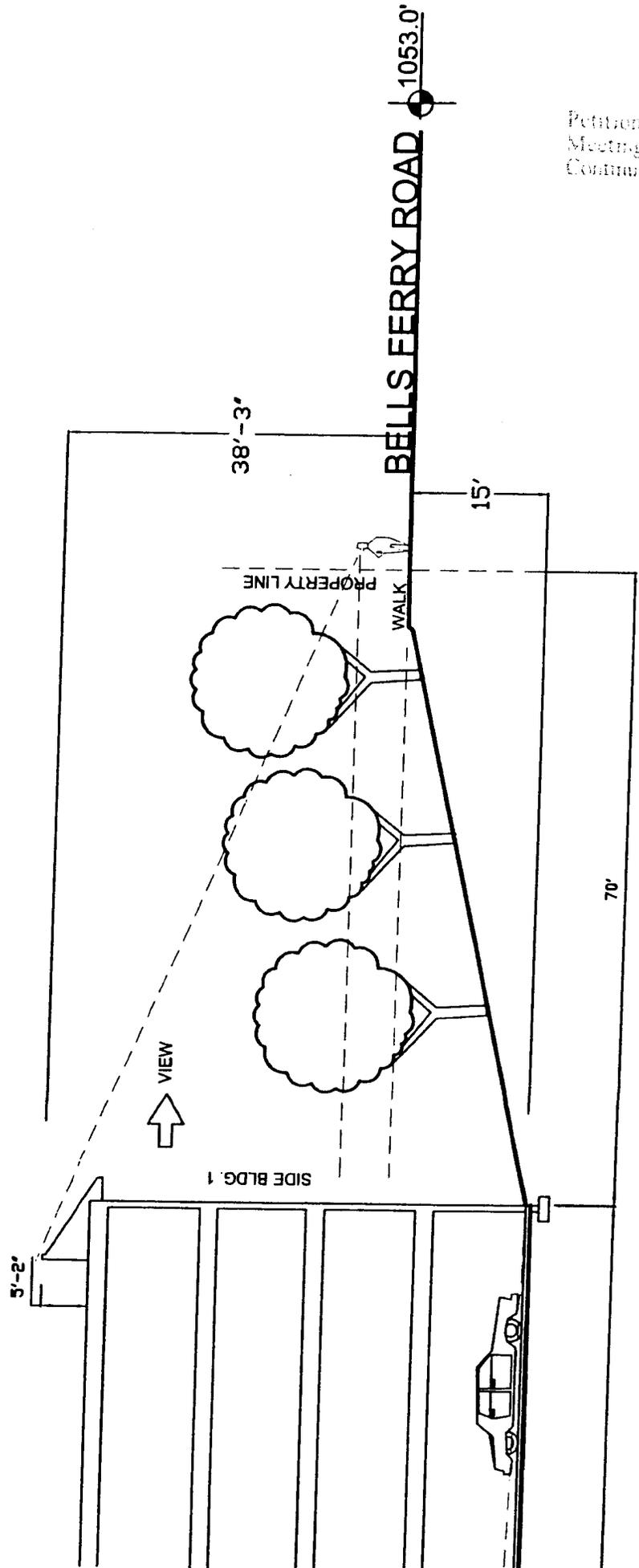
Petition No. Z-174 '06
Meeting Date March 20, 2007
Continued



SECTION THRU BUILDING TWO
FROM REAR OF PROPERTY
SECTION C

Z-33 (2014)
Previous
Stipulations

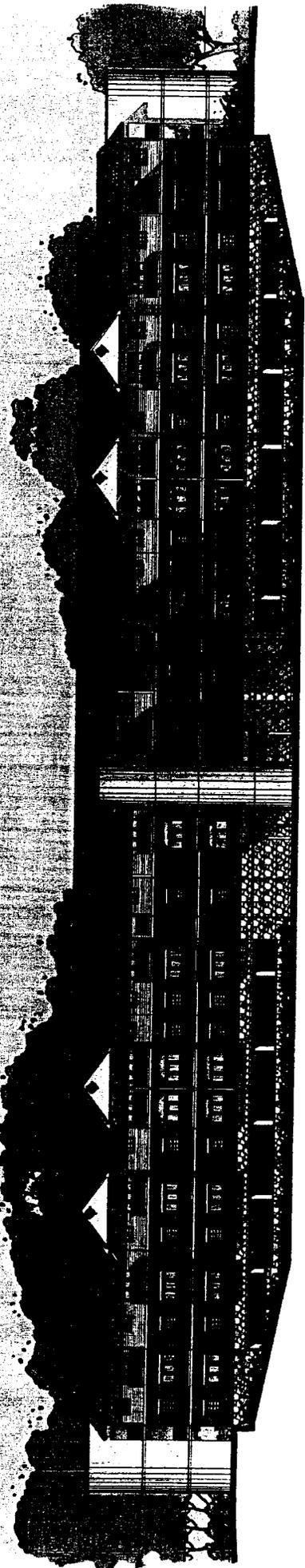
Petition No. 2-174 '06
Meeting Date March 29, 2007
Continued



SECTION THRU BUILDING ONE
FROM BELLS FERRY ROAD
SECTION A

Z-33 (2014)
Previous
Stipulations

Petition No. Z-174¹⁸⁶
Meeting Date March 20, 2007
Continued



TYPICAL BUILDING ELEVATION

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 10/16/07

Iter PAGE **Z-33 (2014)
Previous
Stipulations**

Applicant: Graeagle Development, LLC

(applicant's name printed)

Phone #: 775/750-4428 - Mark Orshoski

erdoc911@comcast.net - P. Lee

Address: 3311 S.Rainbow Blvd., Suite 149, Las Vegas, NV 89219 E-Mail: dreamer2011@hotmail.com - M. Orshoski

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.

Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

(representative's name, printed)

By: [Signature]

(representative's signature)

Phone #: 770/422-7016

E-Mail: gsams@samslarkinhuff.com

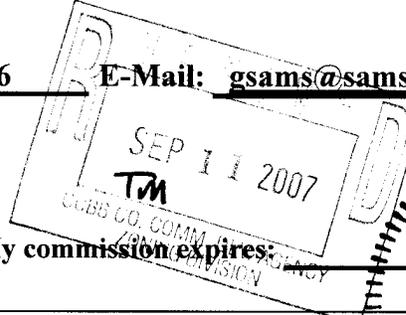
Garvis L. Sams, Jr.

Signed, sealed and delivered in presence of:

Julia B. McCarson

Notary Public

My commission expires: _____



Commission District: Tim Lee

Zoning Case: Z-174 (2006) **Original Date of Hearing:** March 20, 2007

West side of Bells Ferry Road, north of Hawkins Store Road and on the west and east

Location: sides of Bralett Circle, south of Shiloh Pass.

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 148 & 149

District(s): 16th

State specifically the need or reason(s) for Other Business: _____

Final site plan approval by the Cobb County Board of Commissioners pursuant to stipulations/conditions made a part of the rezoning approval on March 20, 2007.

(List or attach additional information if needed)

ORIGINAL DATE OF APPLICATION: 12-19-06APPLICANTS NAME: GRAEAGLE DEVELOPERS, LLC

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

BOC DECISION OF 10-16-07 ZONING HEARING:

**OTHER BUSINESS ITEM #1 – TO CONSIDER A SITE PLAN APPROVAL
REGARDING Z-174 (GRAEAGLE DEVELOPERS, LLC) OF DECEMBER 19, 2006**

To consider a site plan approval regarding Z-174 (GRAEAGLE DEVELOPERS, LLC) of December 19, 2006, for property located on the west side of Bells Ferry Road, north of Hawkins Store Road and on the east and west sides of Bralett Circle, south of Shiloh Pass in Land Lots 148 and 149 of the 16th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request for site plan approval. The public hearing was opened and Mr. Garvis L. Sams, Jr. and Mr. Rich Nyberg addressed the Board. Thereafter, the following motion was made:

MOTION: Motion by Lee, second by Goreham, to **approve** Other Business Item #1 for site plan approval regarding Z-174 (GRAEAGLE DEVELOPERS, LLC) of December 19, 2006, for property located on the west side of Bells Ferry Road, north of Hawkins Store Road and on the east and west sides of Bralett Circle, south of Shiloh Pass in Land Lots 148 and 149 of the 16th District, **subject to:**

- **site plan received by the Zoning Division October 8, 2007 (attached and made a part of these minutes)**
- **request letter from Mr. Garvis L. Sams, Jr., dated October 8, 2007 with the following change (attached and made a part of these minutes):**
 - **Item No. 1 - Change “decorative brick pavers” to “stamped concrete”**
- **Fire Marshall to consider installation of Knox Box adjacent to building # 2 and examine option for use of grass pavers**
- **all other previous zoning stipulations and conditions not in conflict to remain in effect**

VOTE: **ADOPTED** unanimously

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

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

OF COUNSEL
DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE
IN ALABAMA

October 8, 2007

770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

WWW.SAMSLARKINHUFF.COM

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VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
191 Lawrence Street
Suite 300
Marietta, Georgia 30060-1661

Min. Bk. 53 Petition No. Z-174 '06
Doc. Type Site Plan

Meeting Date 10-16-2007

Re: Application of Graeagle Developers, LLC to Rezone
a 10.722 Acre Tract from O&I to RSL (No. Z-174 [2006])

Dear Mark:

As a follow up to our meeting last week with you, the Fire Marshal and my client's engineer and architect, enclosed please find the requisite number of copies of a revised site plan. By way of explanation and in confirmation of our discussions, the revised site plan includes, inter alia, the following:

1. The inclusion of "Fire Apparatus Lanes" consisting of decorative brick pavers, 20' in width adjacent to the two (2) story building and 24' in width adjacent to the three (3) story buildings. Said fire lanes shall also be available for use as exercise and walking paths throughout the residential community.
2. The fire lanes shall be constructed to require a 25' inside turning radius and a 50' outside turning radius.
3. As a result of the required additional impervious surface, the Open Space has been modified to 4.77 acres or 45% of the total site area and the total impervious surface has been modified to 56%.
4. The construction of a secured, gated emergency vehicle entrance on Shiloh Pass with electronic gate and "Knox box".

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VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
October 8, 2007
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Petition No. Z-174 '06
Meeting Date 10-16-07
Continued

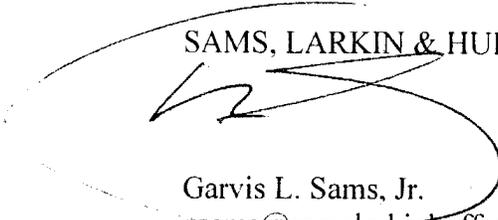
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5. A 55' natural maintained buffer around the perimeter of the subject property adjacent to residential areas, except as encroached upon by the Fire Apparatus Lane as shown on the revised site plan, with the outermost 20' being undisturbed during construction except as noted in two (2) locations on the revised site plan (adjacent to the recreation amenity area for The Park at Bells Ferry) where said buffer is reduced to 15'.
6. If requested, an agreement to the installation of additional landscaping and vegetation on Lots 104 – 106 in Arden Trace Subdivision.
7. In all other respects, the terms and provisions of the zoning approval of March 20, 2007 shall remain in full force and effect.

I trust that the above stipulations/conditions and enclosed revised site plan is all of the additional information or documentation which you will require prior to the Board considering these minor amendments on their October 16, 2007 "Other Business" agenda. However, please do not hesitate to call should you have any questions whatsoever. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLSjr/jbmc
Enclosures

cc: Shown on next page.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
October 8, 2007
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Petition No. Z-174 '06
Meeting Date 10-16-07
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cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosure
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosure
Mr. John P. Pederson, AICP, Planner III – VIA Hand Delivery – w/enclosure
Mr. Tim Simler, Fire Marshal – VIA Hand Delivery – w/enclosure
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosure
Mr. John M. Morey – VIA E-Mail and First Class Mail – w/enclosure
Mr. David Breden – VIA E-Mail and First Class Mail – w/enclosure
Mr. Marty Gable, Cobb County Fire Department – VIA E-Mail – w/attachment
Ms. Hilda Towery, President, Bells Ferry Civic Association – VIA E-Mail –
w/attachment
Mr. Michael Stine, Bells Ferry Civic Association – VIA E-Mail – w/attachment
Mr. Rich Nyberg, Arden Trace Subdivision – VIA Hand Delivery – w/attachments
Robert S. Stein, Esquire – VIA E-Mail – w/attachment
Mr. Mark Orshoski, Graeagle Development, LLC – VIA E-Mail – w/attachment
Paul M. Weisman, M.D., Graeagle Development, LLC – VIA E-Mail - w/attachment
Mr. Frank Birdsong, RA, NCARB – VIA E-Mail - w/attachment
Mr. Mark Lee, P.E. – VIA E-Mail - w/attachment
Mike Elliott, Esquire – VIA E-Mail – w/attachment