

OWNER/DEVELOPER COMMERCIAL CONTRACTORS, INC. 3834 HILLMAN LANE, SUITE 100, DANBURG, CT 06810

MAR 4 2010

CT REG. COMM. DEV. AGENCY ZONING DIVISION

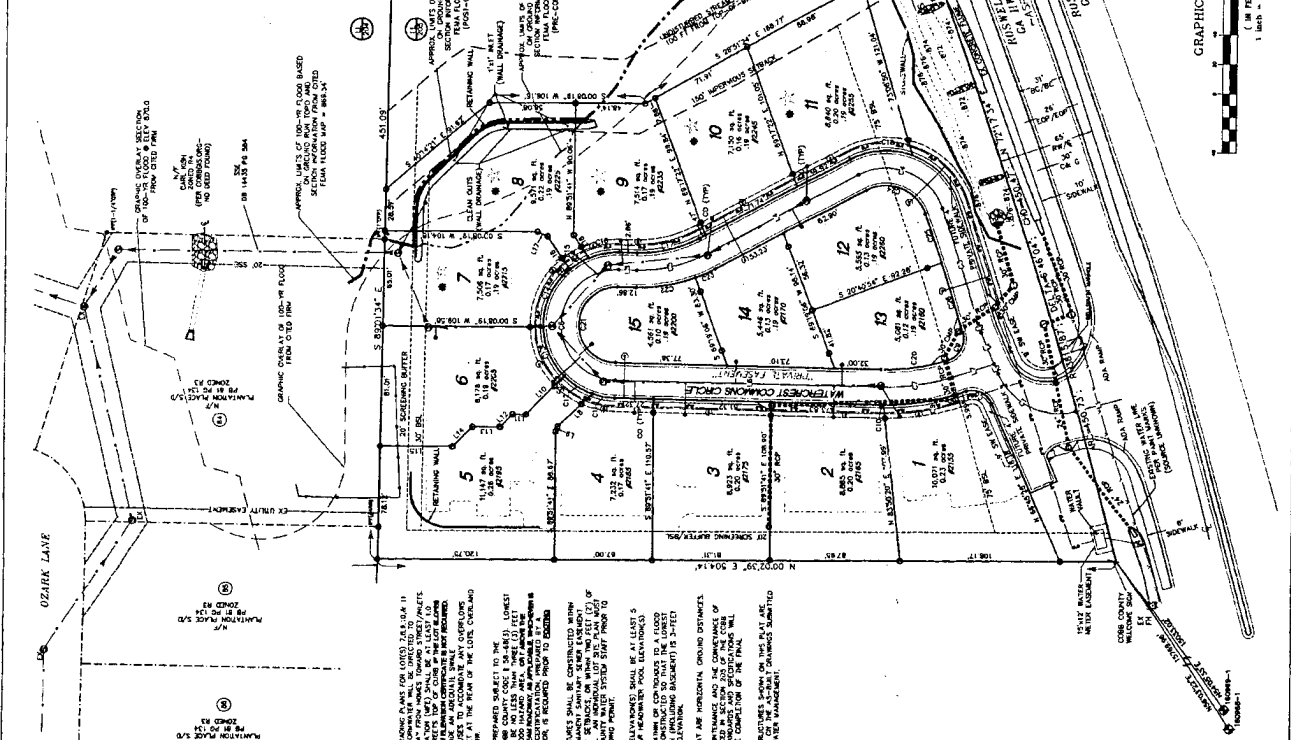
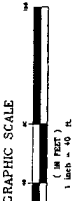


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SURVEYING LEGEND: Symbols and descriptions for various survey features like monuments, corners, and boundaries.

CONTRACTOR TAKE-OVER LEGEND: Notes and conditions regarding the contractor's responsibility for the project.

ROAD CURVE TABLE: Table with columns for CURVE, LENGTH, RADIUS, CHORD, and DELTA. Lists 28 curves with their respective measurements.

FILED IN OFFICE OF THE REGISTERED PROFESSIONAL SURVEYOR... State of Connecticut, Danbury, CT.

**APPLICANT:** Community Bank of the South  
770-436-4567

**PETITION NO:** Z-12

**REPRESENTATIVE:** Moore Ingram Johnson & Steele, LLP  
John H. Moore 770-429-1499

**HEARING DATE (PC):** 05-04-10

**HEARING DATE (BOC):** 05-18-10

**TITLEHOLDER:** Community Bank of the South

**PRESENT ZONING:** RSL with  
Stipulations

**PROPERTY LOCATION:** Located on the north side of Roswell  
Road, east of Rushmore Drive.

**PROPOSED ZONING:** RSL with  
Stipulations

**PROPOSED USE:** Residential Development

**ACCESS TO PROPERTY:** Roswell Road

**SIZE OF TRACT:** 4.2 acres

**DISTRICT:** 1

**PHYSICAL CHARACTERISTICS TO SITE:** Subdivision under  
construction

**LAND LOT(S):** 205

**PARCEL(S):** 24 - 39

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

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** R-20, R-30/ Plantation Place subdivision, wooded

**SOUTH:** R-20/ River Forest subdivision

**EAST:** Fulton County/ Willeo Creek at Roswell Apartments

**WEST:** R-30/ Northside Primitive Baptist Church

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

**PLANNING COMMISSION RECOMMENDATION**

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

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

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

**BOARD OF COMMISSIONERS DECISION**

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

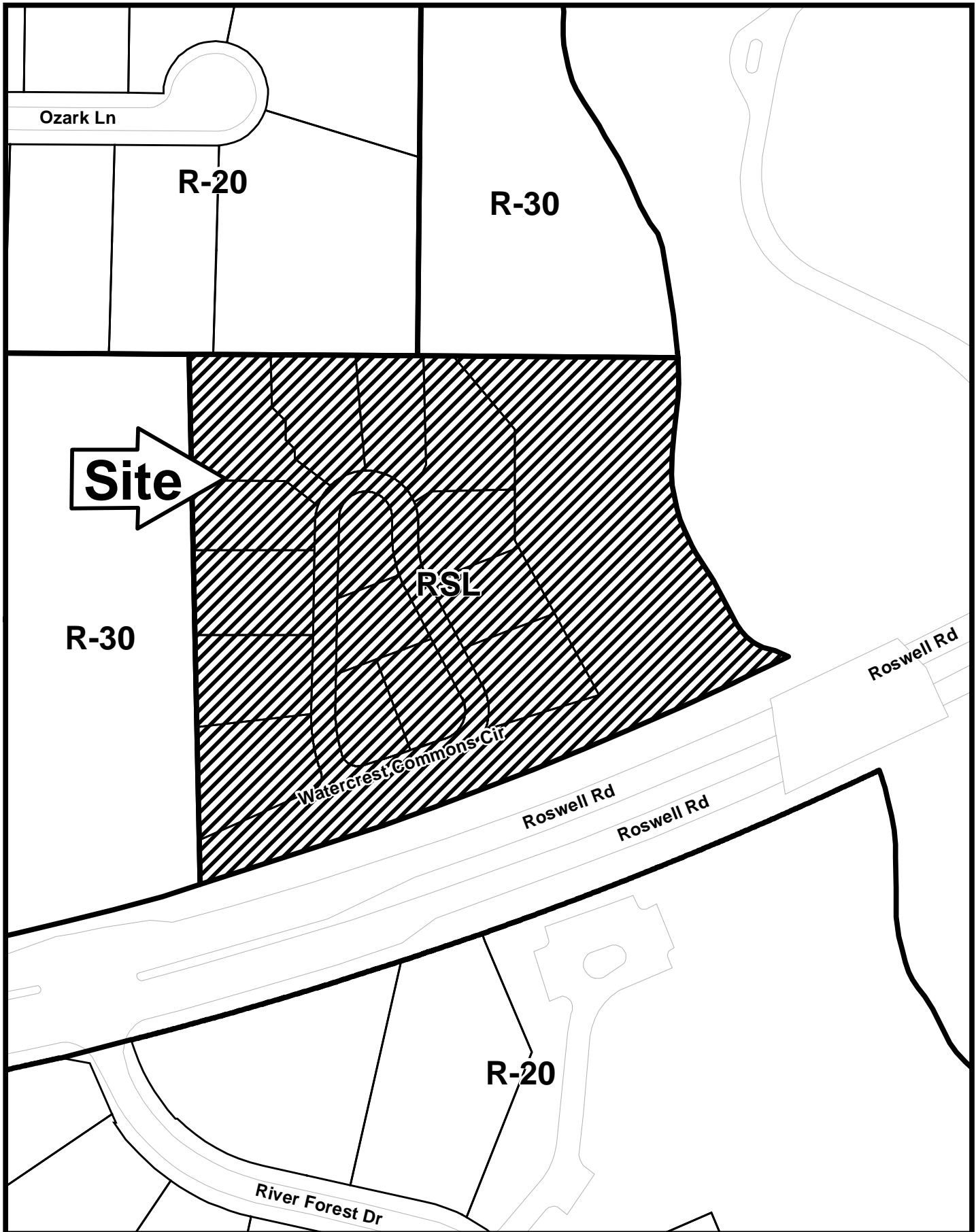
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

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

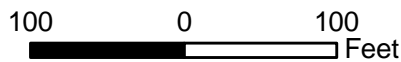
**STIPULATIONS:**



# Z-12



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



APPLICANT: Community Bank of the South

PETITION NO.: Z-12

PRESENT ZONING: RSL with stipulations

PETITION FOR: RSL with Stip.

\*\*\*\*\*

**PLANNING COMMENTS:**

**Staff Member Responsible:** John P. Pederson, AICP

**Land Use Plan Recommendation:** Low Density Residential

**Proposed Number of Units:** 15      **Overall Density:** 3.57      **Units/Acre**

**Present Zoning Would Allow:** 15      **Units**      **Increase of:** 0      **Units/Lots**

The applicant is requesting the RSL zoning district to amend stipulations for this residential community. There would be 15 detached houses in the proposal. The homes would be a minimum of 2,800 square-feet, and would start selling for approximately \$399,000.00. The homes would be traditional in styling with front facades consisting of brick, stone, stacked stone, shake and/or masonry siding. The houses would be two stories in height, and each house will have an attached two car garage. This property was rezoned in 2006 to RSL with many stipulations (see attached Exhibit "A"). The applicant is specifically requesting to amend three stipulations which are:

1. Reduce the senior age requirement to 25% of the total residences;
2. Allow front facade to have brick, stone, stacked stone with siding or shake accents, in lieu of four sided building architecture; and
3. Remove the stipulation for elevators in the houses.

**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.

**Cemetery Preservation:** No comment.

\*\*\*\*\*

**FIRE DEPARTMENT COMMENTS:**

No comments.

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS:**

No site changes are proposed.

APPLICANT Community Bank of the South

PETITION NO. Z-012

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): **8" DI/N side Roswell Rd**

Additional Comments: Records show development connected via master meter

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: **Records show development connected**

Estimated Waste Generation (in G.P.D.): **A D F 6000 Peak= 15000**

Treatment Plant: **Big Creek**

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 ans 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 SDF paid for 15 residential units  
Comments:

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: Community Bank of the South**

**PETITION NO.: Z-12**

**PRESENT ZONING: RSL with Stipulations**

**PETITION FOR: RSL with Stipulations**

\*\*\*\*\*

**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
Roswell Road	26600	Arterial	45 mph	GADOT	110'

*Based on 2008 traffic counting data taken by GADOT.*

**COMMENTS AND OBSERVATIONS**

Roswell 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.

As necessitated by this development for egress from Roswell Road a deceleration lane will be required.

Access to the property shall be a right-in/right-out only driveway.

GADOT permits will be required for all work that encroaches upon State right-of-way.

**RECOMMENDATIONS**

Recommend a deceleration lane on Roswell Road.

Recommend a right-in/right-out driveway.

Recommend GADOT permits for all work that encroaches upon State right-of-way.

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

## STAFF RECOMMENDATIONS

### Z-12            COMMUNITY BANK OF THE SOUTH

- 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 property is located in an area that contains single-family houses, a church, apartments and commercially zoned property. The applicant's proposal is detached like the adjacent residential uses in Cobb County.
- 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 applicant's proposal could provide a reasonable transition in zoning intensity from the lower intensity uses in Cobb County, to the higher intensity uses in Fulton County. Staff is concerned about varying the RSL code for the age restriction and would suggest placing this property into a different zoning district.
- 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*, which delineates this property to be within a Low Density Residential (LDR) Land Use Category. The RSL zoning district is allowable in LDR. The applicant's proposal could buffer the single-family houses in Cobb County from the apartments and commercial property in Fulton County. However, the age restriction variance may be to intense to vary; Staff would suggest deleting the request to RA-5, which is allowable in certain instances in LDR.
- 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 deleting the applicant's rezoning proposal. Deleting to RA-5 would be consistent with the *Cobb County Comprehensive Plan*. The applicant's proposal could provide a transition in land use intensity, from the intense uses in Fulton County, to the single-family uses in Cobb County. The detached houses proposed by the applicant would have the appearance of a small single-family subdivision instead of larger condominium buildings that are normally associated with RSL applications. This would help to make the proposal compatible with adjacent residential uses.

Based on the above analysis, Staff recommends DELETION to RA-5 subject to the following conditions:

- Site plan received by the Zoning Division March 4, 2010, with the District Commissioner approving minor modifications;
- Previous stipulation from Z-125 of 2006 (not in conflict with these stipulations); and
- DOT comments and recommendations.

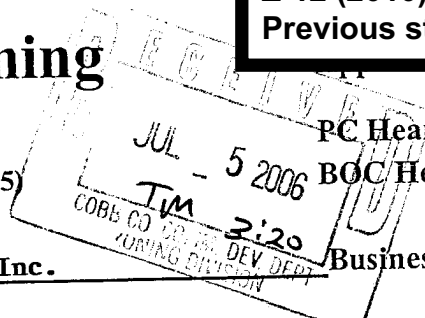
**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**

Z-12 (2010)  
Previous stipulations

Z- 125 (2006)

# Application for Rezoning Cobb County, Georgia

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



PC Hearing Date: 09/06/2006

BOC Hearing Date: 09/19/2006

Applicant Cornerstone Craftsmen, Inc.  
(applicant's name printed) Business Phone (770) 650-9496

Address 3934 Hillsman Lane, Marietta, GA 30062 Home Phone Not Applicable

Moore Ingram Johnson & Steele, LLP  
John H. Moore Address 192 Anderson Street, Marietta, GA 30060

(representative's name printed)  
[Signature] Business Phone (770) 429-1499 Cell Phone (404) 313-5664  
(representative's signature) Georgia Bar No. 519800 Telefax (770) 429-8631

Signed, sealed and delivered in presence of:

Carolyn E. Cook  
Notary Public

My commission expires: January 10, 2007

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

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

Signed, sealed and delivered in presence of:

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

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

Zoning Request From R-30 to RSL  
(present zoning) (proposed zoning)

For the Purpose of Age-Restricted Senior Detached Homes Size of Tract 4.57 Acre(s)  
(subdivision, restaurant, warehouse, apt., etc.)

Location 5329 Roswell Road  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 205 District(s) 1st

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~ are no such assets. If any exist, provide documentation with this application.  
to the best of our knowledge, information, and belief.  
BY: [Signature]  
CORNERSTONE CRAFTSMEN, INC.  
(applicant's signature)  
Clyde L. Clem, III, President

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there ~~is~~ is not such a cemetery. If any exist, provide documentation with this application.  
to the best of our knowledge, information, and belief.  
BY: [Signature]  
CORNERSTONE CRAFTSMEN, INC.  
(applicant's signature)  
Clyde L. Clem, III, President



ORIGINAL DATE OF APPLICATION: 09-19-06

**Z-12 (2010)  
Previous stipulations**

APPLICANTS NAME: CORNERSTONE CRAFTSMEN, INC.

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

**BOC DECISION OF 09-19-06 ZONING HEARING:**

**CORNERSTONE CRAFTSMEN, INC.** (James N. and Barbara F. McPherson, owners) requesting Rezoning from **R-30** to **RSL** for the purpose of Senior Housing in Land Lot 205 of the 1<sup>st</sup> District. Located at the northwesterly intersection of Roswell Road and Willeo Creek.

MOTION: Goreham, second by Thompson, as part of the Consent Agenda, to **approve** rezoning to the **RSL unsupported** zoning district **subject to:**

- **site plan received by the Zoning Division July 5, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated August 30, 2006 (copy attached and made a part of these minutes)**
- **District Commissioner to approve minor modifications**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously



# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

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COLE B. STINSON†\*\*

OF COUNSEL:  
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\* ALSO ADMITTED IN NM  
\*\*\* ALSO ADMITTED IN NC  
• ADMITTED ONLY IN TN

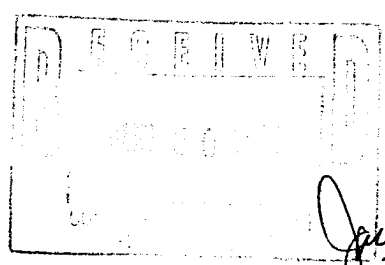
August 30, 2006

Min. Bk. 45 Petition No. Z-125  
Doc. Type Letter of agreeable  
Stipulations  
Meeting Date Sept. 19, 2006

Hand Delivered

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Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661



RE: Application for Rezoning  
Application No.: Z-125 (2006)  
Applicant: Cornerstone Craftsmen, Inc.  
Property Owners: James N. McPherson and  
Barbara F. McPherson  
Property: 4.57 acres located at  
5329 Roswell Road,  
Land Lot 205, 1<sup>st</sup> District,  
2<sup>nd</sup> Section, Cobb County,  
Georgia

Dear John:

As you know, the undersigned and this firm represent Cornerstone Craftsmen, Inc., the Applicant (hereinafter referred to as "Applicant"), and James N. McPherson and Barbara F. McPherson, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 4.57 acres located at 5329 Roswell Road, Land Lot 205, 1<sup>st</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or, alternatively, the "Subject Property"). After meetings and discussions with planning and zoning staff, discussions with area residents, reviewing the staff comments and recommendations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this letter of agreeable stipulations and conditions,

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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August 30, 2006

Petition No. Z-125  
Meeting Date Sept. 19, 2006  
Continued

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which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (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 on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Rezoning of the Subject Property shall be from the existing R-30 zoning category to the proposed Residential Senior Living ("RSL") zoning category, site plan specific to that certain Rezoning Plan prepared for Applicant by BH&D Engineering, Inc. dated June 22, 2006.
- (3) The Subject Property consists of 4.57 acres of total site area, having 0.93 acres within the 100 year flood plain area and 3.64 acres outside the flood plain area.
- (4) The residential community shall contain a maximum of fifteen (15) detached homes, for a maximum net density of 3.28. Each home shall be distinctly different, allowing for a "community" feeling and a pleasing streetscape.
- (5) The homes to be built within the proposed residential community shall be a maximum of one and one-half stories in height and traditional or European in style and architecture. Each unit shall have an attached two-car garage.
- (6) The exteriors of the proposed homes shall be four-sided architecture and shall be constructed of brick,

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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stone, stacked stone, cedar shake-type, or any combination thereof. The homes shall be substantially similar to the elevations and renderings to be presented to the Planning Commission and Board of Commissioners at the respective zoning hearings and shall be in compliance with the RSL Ordinance.

- (7) The proposed residences shall have a minimum of 2,400 square feet and greater.
- (8) The master bedroom of each residence shall be located on the main level. Additionally, each home with a basement shall contain an elevator.
- (9) The proposed residential community shall be a condominium development, complying in all respects with the Cobb County Condominium Ordinance, but not the State of Georgia Condominium Act, and being "for sale" units.
- (10) Applicant agrees to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed residential community consistent with other upscale communities within the area.
- (11) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the exteriors, entrance area, signage, all common areas, all yard areas, and the private street and drives contained within the proposed residential community.
- (12) Applicant agrees that as part of the Declaration of Restrictive Covenants there shall be a covenant which restricts the number of homes within the proposed

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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community which may be leased to a maximum of ten (10) percent.

- (13) Sales of residences within the proposed residential community shall be limited to purchasers, one of whom, must be 55 years of age or older, except in compliance with the Federal Fair Housing Act, as amended.
- (14) The yard area around each residence shall be fully sodded and maintained by the mandatory association to be created through the Declaration of Restrictive Covenants applicable to the residential community.
- (15) The entrance area to the proposed community shall contain ground based, monument-style signage. The entrance landscaping shall be professionally designed, landscaped, and maintained.
- (16) Lighting within the proposed residential community shall be environmentally sensitive, decorative, and themed to the architecture and style of the homes. Additionally, the lighting shall be limited to no more than eight (8) feet in height and environmentally sensitive, low-level luminous, so as to prevent light from penetrating onto surrounding properties.
- (17) The setbacks for the proposed residential community shall be as follows:
  - (a) Front setback - Seventy-five (75) feet (along Roswell Road); and
  - (b) Rear setback - Thirty (30) feet (along southerly and westerly boundaries); and
  - (c) Side setback - Twenty (20) feet (along northerly boundary).

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
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Zoning Division  
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- (18) Applicant agrees to the following "Easy Living" standards which shall be verified prior to the issuance of a certificate of occupancy:
- (a) At least one no-step entry into the home that is sheltered from the weather;
  - (b) No-step pathways from the no-step entry to the main rooms of the home, including a bathroom, via doorways and hallways that meet a minimum accessible width;
  - (c) The main floor shall include eating area, bathroom, and bedroom located on one level, which is barrier-free;
  - (d) Bathrooms with floor space sufficient for a walker or wheelchair;
  - (e) Reinforcements in the bathroom walls around the tub, shower, and toilet that allow grab bars to be installed;
  - (f) Non-slip surfaces in tubs and showers;
  - (g) Lever-style door handles;
  - (h) Light switches located thirty-six (36) inches to forty-two (42) inches from the floor, within easy reach of the entrance to the rooms; and
  - (i) Electrical outlets located fifteen (15) inches or higher from the floor.
- (19) All utilities for the proposed residential community shall be located underground.

**MOORE INGRAM JOHNSON & STEELE**

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- (20) The street within the proposed residential community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (21) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards and ordinances.
- (22) Applicant agrees to a twenty (20) foot screening buffer on the southerly and westerly boundaries of the Subject Property, as more particularly shown and reflected on the referenced Rezoning Plan.
- (23) The detention area, if required, shall be fenced and landscaped for purposes of visual screening from adjacent residential areas. The Declaration of Restrictive Covenants shall require the mandatory association to maintain the landscaping. The landscaping shall be approved by the Cobb County Arborist during the plan review process.
- (24) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (25) Applicant agrees to comply with all Cobb County and State of Georgia stream buffer requirements as more particularly shown and reflected on the referenced Rezoning Plan.
- (26) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.



**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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August 30, 2006

Permit No. Z-125  
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- (27) Minor modifications to the referenced Rezoning Plan, including, but not limited to, the layout of residences and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (28) Applicant agrees to the following system improvements to mitigate traffic concerns:
- (a) Construction of a deceleration lane along the westerly side of Roswell Road;
  - (b) Installation of sidewalk, curb, and gutter along the frontage of the Subject Property on Roswell Road;
  - (c) Entry into the proposed community shall be right-in/right-out only; and
  - (d) All work encroaching upon state right-of-way of Roswell Road (State Route 120) shall require Georgia Department of Transportation approval.

We believe the requested zoning, pursuant to the Rezoning Plan and the stipulations set forth above, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the Property and the area surrounding the proposed development. The proposed community shall be a quality development, providing a much-needed and highly sought after type of community within the Cobb County area. Additionally, the proposed community shall be compatible with surrounding developments and be an enhancement to the Subject Property. Thank you for your consideration in this request.

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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August 30, 2006

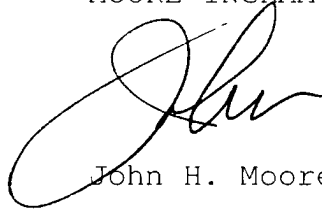
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With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:  
Samuel S. Olens, Chairman  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
Tim Lee

Martha Adams  
Mark McClellan  
East Cobb Civic Association, Inc.

Cornerstone Craftsmen, Inc.