

**APRIL 19, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-013

PURPOSE

To consider a site plan and stipulation amendment for Greystone Village HOA, Inc. regarding rezoning application Z-13 of 2005 (Thomas Group Communities, LLC), for property located on the south side of Roswell Road, and on the east side of Hood Road, in Land Lot 985 of the 16th District.

BACKGROUND

The subject property was rezoned in 2005 for a residential senior living facility comprising of 27 homes. One of the zoning conditions calls for the lighting to be limited to eight feet in height to prevent light spillage onto surrounding residential properties. It has recently be brought to the county’s attention the street lights are not a maximum of eight feet tall, but they are 20 feet in height. The HOA would like to amend the stipulation to allow lights that are up to 20 feet in height. Second, the detention ponds were required to be fenced and landscaped to provide visual screening. The detention pond interior to the subdivision has wrought iron type fencing and the detention pond along Roswell road has a black vinyl chain link fence. The applicant would like to keep the current fencing around the ponds. If approved, all previous zoning stipulations not in conflict would remain in effect.

STAFF COMMENTS

Stormwater Management: Subject to existing decorative fence meeting the minimum 6 foot height requirement. Detention pond and fencing are privately maintained by the HOA.

RECOMMENDATION

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

ATTACHMENTS

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

ATTACHMENT TO OTHER BUSINESS APPLICATION

O. B. No.: 13
BOC Hearing Date: April 19, 2016

Applicant: GREYSTONE VILLAGE HOA, INC.
Titleholder: GREYSTONE VILLAGE HOA, INC.

MAR - 8 2016

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

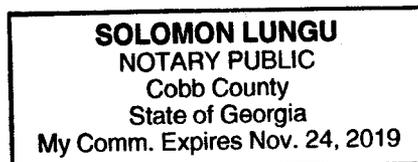
Archie B. Thomas 2/29/2016
Archie B. Thomas, CEO Date

Address: 924 Grey Village Circle
Marietta, GA 30068

Telephone No.: (678) 514-9339

Solomon Lungu
Signature of Notary Public Date

(Notary Seal)



CERTIFICATE REGARDING CORPORATE AUTHORITY
APPLICATION FOR OTHER BUSINESS

MAR - 8 2013

1.

My name is Archie B. Thomas am the secretary, assistant secretary or other officer to whom the operating agreement or bylaws has delegated the responsibility for authenticating records of the company, **GREYSTONE VILLAGE HOA, INC.** (the "Property Owner Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application regarding certain real property owned by the Property Owner Company located in Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a Cobb County Other Business Application, I hereby attest on behalf of the Property Owner Company that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith by the Applicant Company (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

- (a) That signature or facsimile affixed to the Other Business Application is in fact the seal of the Property Owner Company and is a true representation thereof; and
- (b) That the officer or other representative of the Property Owner Company who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Property Owner Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Other Business Application and the filing of the Other Business Application by the Applicant is with the express permission of the Property Owner Company.

GREYSTONE VILLAGE HOA, INC.

Archie B. Thomas (SEAL)

President of Greystone Village HOA
Title

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 17, 2005
PAGE 22

MAR - 8 2015

HELD CASES: (Continued)

Z-13 **THOMAS GROUP COMMUNITIES, LLC** (C. D. Fuller, Peggy A. Brown and Thomas Bassett Brown, et al., owners) for Rezoning from **R-20** to **SC** for the purpose of Condominiums in Land Lot 985 of the 16th District. Located on the south side of Roswell Road and on the east side of Hood Road, near the southeast intersection of said roads.

The public hearing was opened and Mr. Kevin Moore, Ms. Mary Allen, Mr. Gene Capriotti, Mr. Lee Berman, and Ms. Beatrice Coker addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Lee, to delete to rezoning to the **RSL** zoning district **subject to:**

- **letter of agreeable stipulations from Mr. Kevin Moore dated May 11, 2005 (copy attached and made a part of these minutes)**
- **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

~~**SLUP-3** **TONY SAFARPOUR** for a **Special Land Use Permit** for the purpose of a Used Car Lot in Land Lot 85 of the 17th District. Located at the southeast intersection of Austell Road and Pat Mell Road.~~

~~The public hearing was opened and Mr. Kevin Moore addressed the Board. Following presentation and discussion, the following motion was made:~~

~~**MOTION:** Motion by Kesting, second by Olens, to reject Special Land Use Permit request.~~

~~**VOTE:** **ADOPTED** unanimously~~

~~Following the vote on SLUP-3, a brief recess was taken from 2:05 p.m. to 2:20 p.m.~~

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
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T. SHANE MAYES
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KASI R. WHITAKER
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NICHOLAS J. PETERSON*
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BENJAMIN A. WALDEN
DAVID A. COX
ELIZABETH ANN GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*

CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
CHRISTIE L. KELLY†
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS
L. LAKE JORDAN

OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NC
*** ADMITTED ONLY IN TN

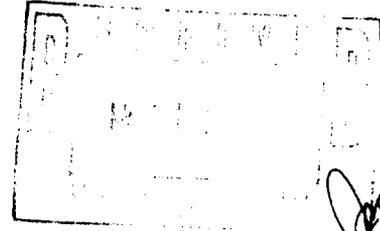
WRITER'S DIRECT
DIAL NUMBER

May 11, 2005

Min. Bk. 34 Petition No. Z-13
Doc. Type Letter of Agreeable
Stipulations
Meeting Date May 17, 2005

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

Hand Delivered



RE: Application for Rezoning
Application No.: Z-13 (2005)
Applicant: Thomas Group Communities, LLC
Property Owners: Peggy A. Brown; Thomas Bassett
Brown; C. D. Fuller; Mildred R.
Fuller; and Sheppard Investments,
Inc.
Property: 7.74 acres located on the
southerly side of Roswell Road
and the easterly side of Hood
Road, Land Lot 985,
16th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, this firm represents Thomas Group Communities, LLC, the Applicant (hereinafter referred to as "Applicant"), and Peggy A. Brown; Thomas Bassett Brown; C. D. Fuller; Mildred R. Fuller; and Sheppard Investments, Inc., the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 7.74 acres located on the southerly side of Roswell Road and the easterly side of Hood Road, Land Lot 985, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, reviewing the staff comments and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Two
May 11, 2005

Petition No. 2-13
Meeting Date May 17, 2005
Continued

recommendations, meetings and discussions with area residents and homeowners associations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this revised letter of agreeable stipulations and conditions, 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. This letter shall supersede and replace in full those certain letters of agreeable stipulations and conditions dated and filed February 23, 2005; March 9, 2005; and April 13, 2005. The revised 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.
- (2) Applicant requests rezoning of the Subject Property from the present R-20 zoning category to the Residential Senior Living (detached) ("RSL") zoning category, site plan specific to that certain Preliminary Plan prepared for Thomas Group Communities, LLC by DGM Land Planning Consultants, Inc. dated April 11, 2005, and submitted to the Zoning Office on April 13, 2005.
- (3) The Subject Property consists of 7.74 acres of total site area and shall contain a maximum of twenty-seven (27) detached homes, for a maximum net density of 3.48 units per acre.
- (4) The homes within the proposed residential community shall have a minimum of 2,000 square feet and an attached two-car garage.
- (5) The exteriors of the proposed homes shall be constructed of a combination of brick and stone with masonry siding and shall be substantially similar to the elevations attached hereto as Exhibit "A."
- (6) There shall be created a mandatory homeowners association which shall be responsible for the upkeep and maintenance

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Three
May 11, 2005

Petition No. 2-13
Meeting Date May 17, 2005
Continued

of all common areas, yard areas, amenities, and private streets contained within the proposed community.

- (7) The entrance into the proposed community shall be professionally designed, landscaped, and maintained with signage being ground-based, monument style.
- (8) Applicant agrees to submit a landscape plan for the Subject Property's frontage along Hood Road, which plan shall incorporate the entrance features as well as be designed to provide visual screening; and such plan shall be approved by the Cobb County Arborist during the plan review process.
- (9) All yard areas surrounding the proposed residences shall be sodded and professionally maintained.
- (10) All utilities for the proposed residential community shall be located underground.
- (11) Access to the proposed residential community shall be limited to Hood Road, and there shall be no access permitted from Roswell Road.
- (12) There shall be established a minimum twenty (20) foot landscape buffer along the boundaries of the Subject Property adjacent to all existing residential subdivisions.
- (13) Applicant agrees that all lighting within the proposed development 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 residential properties.
- (14) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Four
May 11, 2005

Petition No. 2-13
Meeting Date May 17, 2005
Continued

- (15) All streets within the proposed community shall be private with the construction complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (16) Minor modifications to the referenced Preliminary Plan, including, but not limited to, the layout of buildings and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (17) The stormwater management area shall be appropriately fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County Arborist during the plan review process.
- (18) 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.

We believe the requested zoning, together with the revised Preliminary Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the changing conditions of the area and the properties and owners thereof surrounding the proposed development. The proposed residential community shall be of the highest quality, keeping with the standards established by Applicant in its other residential communities throughout the Metropolitan Atlanta area; shall be compatible with surrounding neighborhoods; and shall be an enhancement to the Subject Property and the community as a whole. 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
Page Five
May 11, 2005

Petition No. 273
Meeting Date May 17, 2005
Continued

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP


J. Kevin Moore

JKM:cc
Attachment

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

Ms. Martha Adams, President
East Cobb Civic Association, Inc.
(With Copy of Attachment)

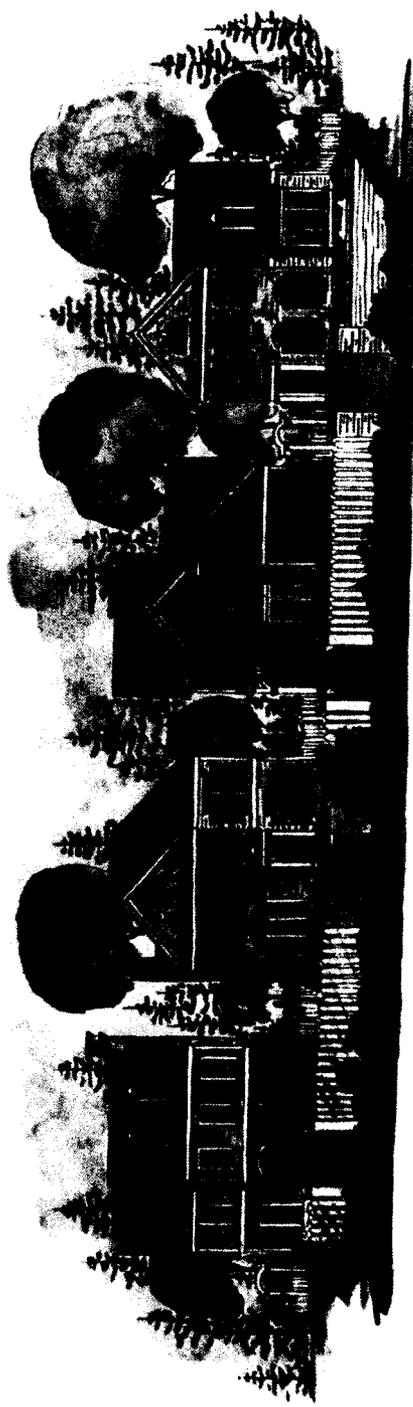
Mr. John Nash
(With Copy of Attachment)

Ms. Gail Kaley
(With Copy of Attachment)

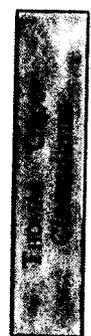
Mr. Oliver Halle, President
Princeton Mill Homeowners Association
(With Copy of Attachment)

Thomas Group Communities, LLC
(With Copy of Attachment)

Petition No. Z-13
Meeting Date May 17, 2005
Continued



CONCEPTUAL STREETSCAPE



John
11-24-06

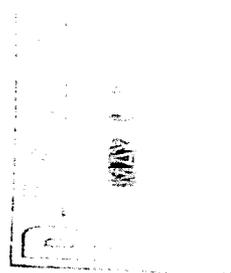
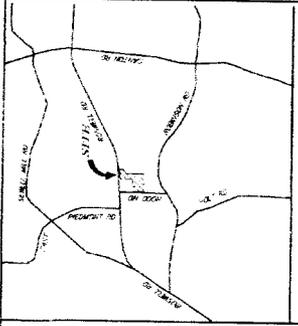
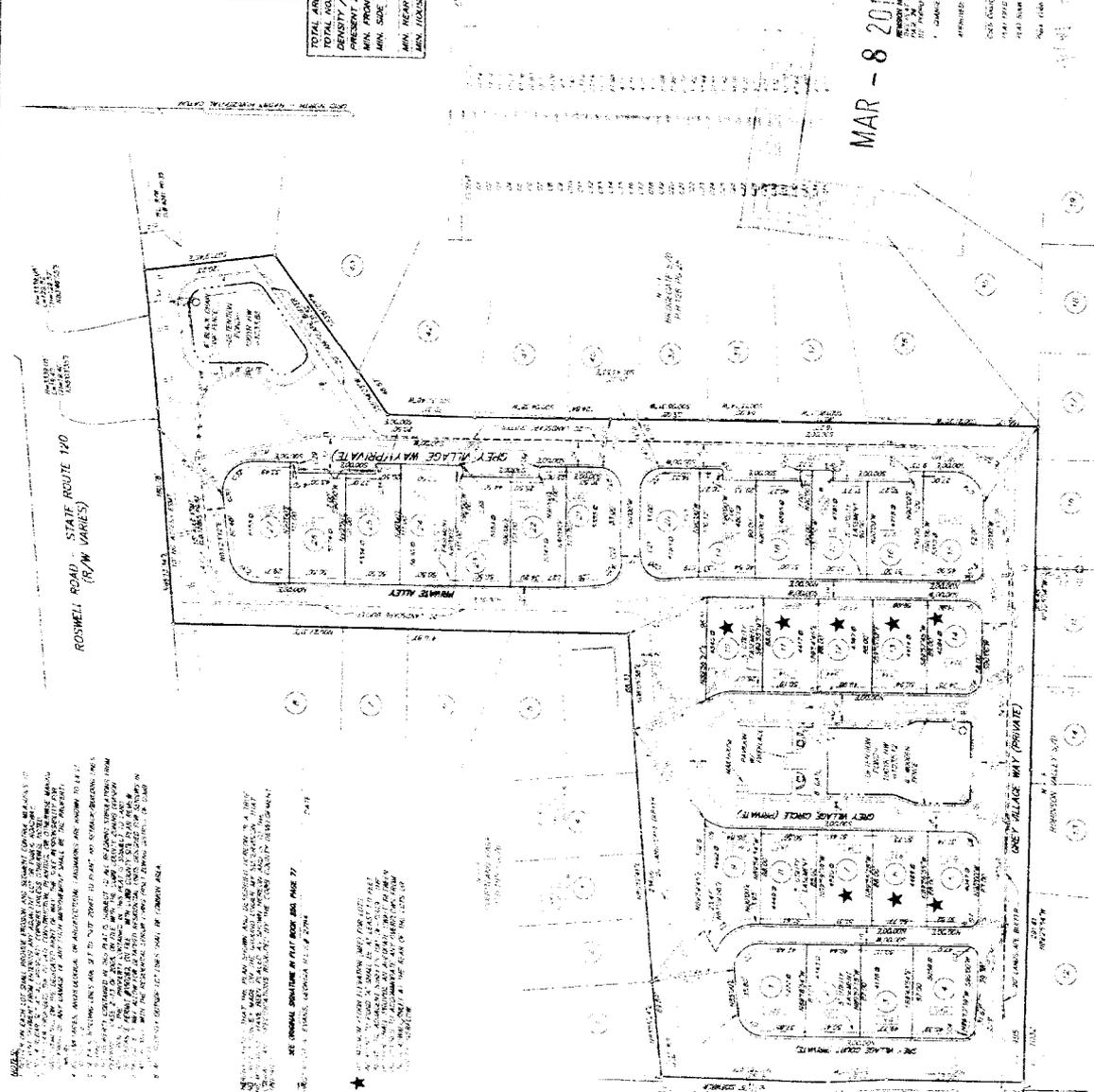


EXHIBIT "A"



LOCATION MAP 1" = 2000'

TOTAL AREA = 7.50 ACRES
 TOTAL NO. OF LOTS = 27
 DENSITY / YIELD = 3.6 LOTS PER ACRE
 PRESENT ZONING = RSL
 MIN. FRONT YARD = N/A
 MIN. SIDE YARD = N/A (MIN. 10' BETWEEN STRUCTURES, LOTS 1-14)
 MIN. REAR YARD = N/A (MIN. 10' BETWEEN STRUCTURES, LOTS 15-27)
 MIN. LOT SIZE = 2,000



REMARKS:

1. THIS PLAN IS FOR THE PROPOSED DEVELOPMENT AND IS SUBJECT TO THE REVIEW AND APPROVAL OF THE LOCAL GOVERNMENT. THE LOCAL GOVERNMENT HAS THE FINAL SAY IN THE MATTER AND THIS PLAN IS NOT TO BE USED FOR ANY OTHER PURPOSE.

2. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

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SEE ORIGINAL DIMENSIONS IN PLAT BOOK AND PAGE 27

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MAR - 8 2010

NO.	AREA	ACRES	PERCENT
1	LOT 1	0.14	1.87
2	LOT 2	0.14	1.87
3	LOT 3	0.14	1.87
4	LOT 4	0.14	1.87
5	LOT 5	0.14	1.87
6	LOT 6	0.14	1.87
7	LOT 7	0.14	1.87
8	LOT 8	0.14	1.87
9	LOT 9	0.14	1.87
10	LOT 10	0.14	1.87
11	LOT 11	0.14	1.87
12	LOT 12	0.14	1.87
13	LOT 13	0.14	1.87
14	LOT 14	0.14	1.87
15	LOT 15	0.14	1.87
16	LOT 16	0.14	1.87
17	LOT 17	0.14	1.87
18	LOT 18	0.14	1.87
19	LOT 19	0.14	1.87
20	LOT 20	0.14	1.87
21	LOT 21	0.14	1.87
22	LOT 22	0.14	1.87
23	LOT 23	0.14	1.87
24	LOT 24	0.14	1.87
25	LOT 25	0.14	1.87
26	LOT 26	0.14	1.87
27	LOT 27	0.14	1.87
TOTAL		7.50	100.00

GREYSTONE VILLAGE AT FAST COBB

DESIGNED BY: J. HAN AND PARTNERS
 1000 WEST COBB DRIVE, SUITE 100
 COBB, GA 30204

Gaskins

REGISTERED PROFESSIONAL ENGINEER
 1000 WEST COBB DRIVE, SUITE 100
 COBB, GA 30204

DATE: 03/08/10

PROJECT NO.: 1000 WEST COBB DRIVE, SUITE 100, COBB, GA 30204

SCALE: AS SHOWN

PROJECT: GREYSTONE VILLAGE AT FAST COBB

DATE: 03/08/10

PROJECT NO.: 1000 WEST COBB DRIVE, SUITE 100, COBB, GA 30204

SCALE: AS SHOWN

PROJECT: GREYSTONE VILLAGE AT FAST COBB

PLANNING DEPARTMENT

PLANNING BOARD

APPROVED: [Signature]

DATE: 03/08/10

PROJECT NO.: 1000 WEST COBB DRIVE, SUITE 100, COBB, GA 30204

SCALE: AS SHOWN

PROJECT: GREYSTONE VILLAGE AT FAST COBB

UNIVERSITY AND COLLEGE

PLANNING DEPARTMENT

APPROVED: [Signature]

DATE: 03/08/10

PROJECT NO.: 1000 WEST COBB DRIVE, SUITE 100, COBB, GA 30204

SCALE: AS SHOWN

PROJECT: GREYSTONE VILLAGE AT FAST COBB

24 TH STREET & UNIVERSITY

PLANNING DEPARTMENT

APPROVED: [Signature]

DATE: 03/08/10

PROJECT NO.: 1000 WEST COBB DRIVE, SUITE 100, COBB, GA 30204

SCALE: AS SHOWN

PROJECT: GREYSTONE VILLAGE AT FAST COBB

ABBREVIATIONS LEGEND

AREA - DEFINITION

1. E - EASEMENT

2. S - SANITARY SEWER EASEMENT

3. A - ACCESS EASEMENT

4. M - MAINTENANCE EASEMENT

5. F - FUTURE MAIN EASEMENT

STRUCTURES LEGEND

1. S - SINGLE-FAMILY RESIDENTIAL

2. M - MULTIFAMILY RESIDENTIAL

3. C - COMMERCIAL

4. I - INDUSTRIAL

5. U - UTILITIES

6. P - PUBLIC

7. O - OTHER