Application for "Other Business"
Cobb County, Georgia

OB-062-2016

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** October 18, 2016

Applicant: Charter Senior Living of Marietta, LLC **Phone #:** See representative.
(applicant's name printed)

Address: See representative. **E-Mail:** See representative.

James A. Balli, Esq. **Address:** 376 Powder Spring St., Ste. 100, Marietta, GA 30064
(representative's name, printed)

Phone #: 770.422.7016 **E-Mail:** jballi@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires:
Notary Public

ALESSANDRINA MILLER NOTARY PUBLIC CHEROKEE COUNTY, GEORGIA EXP. 02/06/2020

Titleholder(s) : Charter Senior Living of Marietta, LLC **Phone #:** See representative.
(property owner's name printed)

Address: See representative. **E-Mail:** See representative.

See attached Exhibit "A" for signature.
(Property owner's signature)

SEP 1 3 2016

Signed, sealed and delivered in presence of:

My commission expires:
Notary Public

Commission District: District 2 **Zoning Case:** Z-91 of 1996

Size of property in acres: 2.405 **Original Date of Hearing:** 07/16/1996

Location: 840 LeCroy Drive
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1030 **District(s):** 16

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

Change stipulation to allow for a new, updated sign in the same location as outdated sign.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: **O.B. 62 (2016)**
Hearing Date: **October 18, 2016**

Applicant: **Charter Senior Living of Marietta, LLC**
Titleholder: **HCP Eden 2 Pack, LLC**

SEP 13 2016

HCP Eden 2 Pack, LLC

By: D. J. Berrn

Its: Authorized Agent

Date Executed: 9/13/16

Signed, sealed, and delivered in the presence of:

9/13/16 Alison R. Schulz

Notary Public

Commission Expires: 06/18/2018

OFFICIAL SEAL
ALISON R. SCHULZ
NOTARY PUBLIC, STATE OF ILLINOIS
My Commission Expires June 18, 2018

LEGEND

IPS	1/2" IRON PIN SET
RMM	CONCRETE RIGHT-OF-WAY MONUMENT FOUND
IPF	IRON PIN FOUND
CTF	CRIMP TOP PIPE FOUND
OTF	OPEN TOP PIPE FOUND
DB PG	DEED BOOK & PAGE
PB PG	PLAT BOOK & PAGE
CTV	CABLE TV
PP	POWER POLE
PP&R	POWER POLE & RISER
TSP	TRAFFIC SIGNAL POLE
TSB	TRAFFIC SIGNAL BOX
FH	FIRE HYDRANT
WV	WATER VALVE
WVM	WATER VALVE MARKER
WM	WATER METER
GV	GAS VALVE
UGLM	UNDERGROUND GAS LINE MARKER
SP	SIGN POST
MB	MAIL BOX
UTLM	UNDERGROUND TELEPHONE LINE MARKER
—X—	FENCE LINE
—G—	UNDERGROUND GAS LINE
—E—	OVERHEAD ELECTRIC LINE
—(E)—	UNDERGROUND ELECTRIC LINE
—(T)—	UNDERGROUND TELEPHONE LINE
—W—	WATER LINE
24"C&G	24 INCH WIDE CURB & GUTTER
30"C&G	30 INCH WIDE CURB & GUTTER
HW	HEADWALL
WF	WATER FAUCET
RD	ROOF DRAIN
CP	CONCRETE PAD
C-214.61'	DEED CALL FOR DISTANCE

UTILITY WARNING

THE UNDERGROUND UTILITIES SHOWN HAVE BEEN LOCATED FROM FIELD SURVEY INFORMATION AND EXISTING DRAWINGS. THIS SURVEYOR MAKES NO GUARANTEE THAT THE UNDERGROUND UTILITIES SHOWN COMPRISE ALL SUCH UTILITIES IN THE AREA, EITHER IN SERVICE OR ABANDONED. THE SURVEYOR FURTHER DOES NOT WARRANT THAT THE UNDERGROUND UTILITIES SHOWN ARE IN THE EXACT LOCATION INDICATED ALTHOUGH HE DOES CERTIFY THAT THEY ARE LOCATED AS ACCURATELY AS POSSIBLE FROM INFORMATION AVAILABLE. THE SURVEYOR HAS NOT PHYSICALLY LOCATED THE UNDERGROUND UTILITIES.

GENERAL NOTES :

1) ALL UNDERGROUND UTILITIES SHOWN ON THIS SURVEY SHOULD BE CONSIDERED APPROXIMATE ONLY AND THE CONTRACTOR MUST NOTIFY THE UTILITY PROTECTION SERVICE AT (770) 623-4344 THREE WORKING DAYS PRIOR TO CONSTRUCTION.

2) ACCORDING TO THE F.E.M.A. FLOOD INSURANCE RATE MAP, COMMUNITY PANEL NUMBER 13067 C 0055F DATED AUGUST 18, 1992 FOR COBB COUNTY, GEORGIA THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DEFINED BY F.E.M.A.

3) CURRENT ZONING ACCORDING TO COBB COUNTY IS LISTED AS O-I OFFICE INDUSTRIAL
SEE ZONING RESOLUTION DATED 7-16-96, APPLICATION Z-91
BUILDING LINE RESTRICTIONS ARE
40 FOOT FRONT BUILDING LINE
70 FOOT REAR BUILDING LINE
15 FOOT SIDE BUILDING LINE
50 FT UNDISTURBED NATURAL BUFFER ALONG REAR (EAST) LINE
COBB COUNTY PLANNING AND ZONING MUST BE CONSULTED FOR ALL MATTERS AFFECTING ZONING

20 0 20 40 60
GRAPHIC SCALE - FEET

PLAT REFERENCES

1) SURVEY FOR "WESTGATE PROPERTIES OF MARIETTA LIMITED PARTNERSHIP, WESTGATE/MARIETTA MANAGEMENT COMPANY & REGIONS BANK" PREPARED BY BOUTWELL ENGINEERING, INC. DATED 11 APRIL 1996, LAST REVISED 11-4-96.
2) "PLAT MADE FOR GEORGE W. MULLINS AND ESTER B. MULLINS", DATED OCTOBER 27, 1966, RECORDED PLAT BOOK 41 PAGE 55, COBB COUNTY RECORDS.
3) CHICAGO TITLE INSURANCE COMPANY COMMITMENT NUMBER 2-10232(B), EFFECTIVE DATE 8-12-98.

LEGAL DESCRIPTION

All that tract or parcel of land lying and being in Land Lot 1030 of the 16th Land District 2nd section Cobb County Georgia, said tract or parcel being more particularly described as follows:

Beginning at a concrete right-of-way monument found at the intersection of the easterly right-of-way line of LeCroy Drive (50 ft r/w) and the northerly right-of-way line of Robinson Road.
THENCE the following courses and distances along the easterly right-of-way line of LeCroy Drive,
North 00 degrees 55 minutes 52 seconds West for a distance of 525.18 feet to a concrete right-of-way monument found.
THENCE North 00 degrees 47 minutes 30 seconds West for a distance of 117.51 feet to a concrete right-of-way monument found, said concrete right-of-way monument found being the Point of Beginning.
THENCE the following courses and distances along the easterly right-of-way line of LeCroy Drive,
North 00 degrees 41 minutes 34 seconds West for a distance of 214.56 feet to a 1/2 iron pin set.

THENCE along a curve to the left having a radius of 1220.80 feet and an arc length of 75.13 feet, being subtended by a chord of North 02 degrees 25 minutes 00 seconds West for a distance of 75.12 feet to a 5/8" iron pin found.
THENCE North 89 degrees 19 minutes 52 seconds East for a distance of 344.27 feet along the easterly right-of-way line of LeCroy Drive to a 1/2" open top pipe found.
THENCE South 00 degrees 32 minutes 33 seconds East for a distance of 286.57 feet to a 1/2" open top pipe found.
THENCE South 89 degrees 19 minutes 03 seconds West for a distance of 341.25 feet to a concrete right-of-way monument found on the easterly right-of-way line of LeCroy Drive, said concrete right-of-way monument found being the Point of Beginning.

Said tract or parcel contains 2.273 acres or 98,995 square feet.

AREA = 2.273 ACRES OR 98,995 SQUARE FEET

ALTA CERTIFICATION

TO: EDENCARE SENIOR LIVING SERVICES, L.P. AND CHICAGO TITLE INSURANCE COMPANY

THIS IS TO CERTIFY THAT THIS MAP OR PLAT AND THE SURVEY ON WHICH IT IS BASED WERE MADE (a) IN ACCORDANCE WITH MINIMUM STANDARD DETAIL REQUIREMENTS FOR ALTA/ACSM LAND TITLE SURVEYS, JOINTLY ESTABLISHED AND ADOPTED BY ALTA, ACSM AND NSPS IN 1997, AND INCLUDES ITEMS 1,2,3,4,6,7a, 8,9,10, 11, 13, 14, 16 & 18 OF TABLE A THEREOF. AND (b) PURSUANT TO THE ACCURACY STANDARDS (AS ADOPTED BY ALTA AND ACSM AND IN EFFECT ON THE DATE OF THIS CERTIFICATION) FOR AN URBAN SURVEY.

DATE: SEPTEMBER 11, 1998

GLENN A. VALENTINO
GEORGIA PROFESSIONAL LAND SURVEYOR NO. 2528

CERTIFICATION

I CERTIFY THAT THIS SURVEY WAS DONE UNDER MY SUPERVISION USING A TOPCON 302 TOTAL STATION WITH AN ANGULAR ERROR OF 03" SECONDS PER STATION. THE TRAVERSE UPON WHICH THIS PLAT IS BASED, HAS BEEN CALCULATED FOR CLOSURE BY THE LEAST SQUARE RULE AND IS FOUND TO BE ACCURATE WITHIN ONE FOOT IN 27,817 FEET. THE ADJUSTED ACCURACY OF THIS PLAT IS ONE FOOT IN 233,614 FEET.

GLENN A. VALENTINO GA. PLS NO. 2528

EASEMENTS & AGREEMENTS AFFECTING THE SUBJECT PROPERTY

1) LIMITED SANITARY SEWER EASEMENT AS RECORDED DEED BOOK 4265 PAGE 112, COBB COUNTY RECORDS.
2) LIMITED SANITARY SEWER EASEMENT AS RECORDED DEED BOOK 4248 PAGE 159, COBB COUNTY RECORDS.
3) EASEMENT TO GEORGIA ELECTRIC MEMBERSHIP CORPORATION RECORDED DEED BOOK 10802 PAGE 383, COBB COUNTY RECORDS.

ALTA/ACSM BOUNDARY SURVEY FOR:

EDENCARE SENIOR LIVING SERVICES, L.P. AND CHICAGO TITLE INSURANCE COMPANY

LAND LOT 1030 16TH DISTRICT 2ND SECTION COBB COUNTY GEORGIA

VALENTINO & ASSOCIATES, INC.
LAND SURVEYORS
1280 WINCHESTER PARKWAY SUITE 243 SMYRNA, GEORGIA 30080
PHONE (770) 438-0015 FAX (770) 435-6050

REVISIONS
DATE 3-22-98 ADD ENCROACH AT N/W BUILDING CORNER
DATE: 9-24-98 REMOVE BUILDING SETBACK LINE/EASEMENTS ADD 50 FT NATURAL BUFFER REMOVE ZONE LINE ADD LEGAL UNDER PLAT GENERAL NOTES

GEORGIA REGISTERED PROFESSIONAL LAND SURVEYOR GLENN A. VALENTINO 9-11-98

SCALE:	1" = 20'
DATE:	9/11/98
JOB NUMBER:	98089
FILE NUMBER:	98089
PLOTTED:	9/11/98

BOUNDARY SURVEY

SHEET 1 OF 1

Proposed sign location

OB-061-2016

RECEIVED
SEP 13 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

scale : 1/4" = 1 ft.

OB-061-2016
Proposed Sign

Application for Rezoning
Cobb County

Application No. Z-91
PC Hearing: 7/2 96
BOC Hearing: 7/16 96

Applicant COURTYARD MANAGEMENT Business Phone 810-669-0688 Home Phone 810-317-4797

DAN BUYERS Address MCWHIRTER REALTY, 5500 INTERSTATE NORTH PKWY. STE. 230 ATLANTA, GA 30328
(representative's name, printed)

Dan Buyers Business Phone 770-955-2000
(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public

NOTARY PUBLIC, COBB COUNTY, GEORGIA
MY COMMISSION EXPIRES SEPTEMBER 26, 1998

My commission expires:

Titleholder GARY UNELL (25%)
~~EDWARD LEVIN (25%)~~
BERNARD POLLOCK (50%) Business Phone 404-252-8560 Home Phone 404-250-0005 (UNELL

Signature Edward Levin Address 195 CHASELAND ROAD, ATLANTA, GA 30328-3105
(attach additional signatures, if needed) Bernard S. Pollock

Signed, sealed and delivered in presence of: Gary Unell

LaRue S. Sellers 5/1/96
Notary Public

Notary Public, FULTON COUNTY, GEORGIA
My Commission Expires APRIL 19, 1998

My commission expires:

Zoning Request From O & I (Conditional) to O & I
(present zoning) (proposed zoning)

For the Purpose of PERSONAL CARE HOME Size of Tract 2.272 Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)

Location EAST SIDE OF LECROY DRIVE, NORTH OF ROBINSON ROAD
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1030 District 16

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, they are as follows:

Dan Buyers
(applicant's signature)

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, they are as follows:

Dan Buyers
(applicant's signature)

 APPLICATION NO. Z-91

ORIGINAL DATE OF APPLICATION: 7/96

APPLICANTS NAME: COURTYARD MANAGEMENT

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

BOC DECISION OF 7-16-96 ZONING HEARING: The Board of Commissioners, as part of the Consent Agenda, **approved** request for rezoning to the **OI zoning district subject to: 1) letters of agreeable conditions submitted by applicant's attorney, dated May 28, 1996 and June 20, 1996 (copies attached and made a part hereof); 2) project subject to a 50 foot natural undisturbed buffer along the eastern property line (except for utilities) and an additional 20 foot building setback; 3) project subject to Water and Sewer comments and recommendations; 4) project subject to Stormwater Management Division comments and recommendations.** Motion by Poole, second by Wysong, carried 4-0.

Z-91 of 1996
1st letter of agreement as referenced in zoning minutes of 7-16-96.
Ken Hoch

SAMS & LARKIN
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064

GARVIS L. SAMS, JR.
JOEL L. LARKIN
WILLIAM W. GROVES

OF COUNSEL
W. ANTHONY MOSS

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

May 28, 1996

RECEIVED
MAY 2 1996
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner
Cobb County Zoning Department
Suite 500
100 Cherokee Street
Marietta, Georgia 30090-9674

Re: Application of Courtyard Management Company to Rezone a 2.272 Acre Tract from O&I (Conditional) to O&I (No. Z-91)

Dear Ed:

I have been engaged by an represent Courtyard Management Company ("Courtyard") in connection with the above-captioned Application for Rezoning. The Application is scheduled to be heard before the Cobb County Planning Commission on July 2, 1996, and before the Cobb County Board of Commissioners on July 16, 1996.

In accordance with dialogue established with the staff during the pendency of the Application, Courtyard has authorized me to submit this letter of agreeable stipulations. Upon the zoning Application being approved, as submitted or revised by consent, the following stipulations shall become conditions and a part of the grant of the requested rezoning and shall be binding upon the subject property thereafter:

1. Architectural style shall be traditional with brick accents, pitched roofs and a maximum height of one (1) story.[1]

2. All lighting and security illumination shall be low-intensity, environmental-type, subject to review and approval by staff. All exterior lighting shall be shielded, with direct illumination being confined within the perimeters of the subject property.

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[1]Enclosed for your information and review are copies of the architectural site plan, building elevations and a brochure depicting actual photographs of other assisted living facilities which Courtyard has constructed in Georgia and other parts of the United States.

2-91 8 1996
Exhibit continued

VIA HAND DELIVERY

3. Subject to Cobb County Department of Transportation's recommendations. At present, because Lecroy Drive is denominated as a "local road", DOT will apparently not require additional right-of-way, improvements, or enhancements to same.

4. Subject to the submission of a landscape plan and staff review and approval of same during the Plan & Review process including, but not limited to, the following:

   a. Buffers as depicted on the revised site plan submitted contemporaneously herewith, including a 50 foot buffer (and 70 foot set-back) between the subject property and contiguous property owned by Mr. and Mrs. George W. Mulling.

   b. An agreement that the aforementioned buffers shall constitute non-destructive zones and remain inviolate during the construction and build-out of the project except, of course, with respect to the installation of utilities (if any) required by Cobb County.

   c. Compliance with the Cobb County Tree Preservation & Replacement Ordinance, subject to the Arborist's review and approval.

   d. Dumpsters and trash receptacles shall be incorporated into the Applicant's landscape plan and adequately screened from view from all other adjacent properties and streets.

5. Subject to Cobb County Development & Inspection Department's recommendations with respect to stormwater detention, hydrology and down-stream considerations including, but not limited to, the following:

   a. Subject to recommendations from the Department with respect to the ultimate location of detention facilities.

   b. Subject to Cobb County's Flood Damage Prevention Ordinance requirements.

2-91 9/96 exhibit continued

VIA HAND DELIVERY

c. Subject to the Cobb County Chattahoochee River Corridor Tributary Protection Area Ordinance.

d. Compliance with the Metropolitan River Protection Act (MRPA) requirements.

e. Compliance with Cobb County's Clean Water Act (CWA) NPDES permit.

f. Site stormwater discharge shall be controlled so as not to exceed the capacity of down-stream drainage systems.[2]

g. Subject to any spring activity uncovered during the development of the subject property being addressed by a qualified geo-technical engineer with 25 foot buffers being established with respect to such activity.

6. Compliance with the Cobb County Sign Ordinance including, but not limited to, the following:

a. Utilization of ground-based, monument-style signage which shall be incorporated into and made a part of the landscape plan as aforementioned. Enclosed is an 8½ x 11 copy of the sign which shall be erected on Lecroy Drive.

b. Building identification signage (if any) shall be consistent with the overall architectural style as aforementioned.

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[2]As the staff is aware, Mr. and Mrs. George W. Mulling own a 25 acre tract of land which is contiguous to the subject property. Located thereon is a lake concerning which the Applicant is dedicated to undertaking whatever measures are deemed necessary by the County in order to preserve and protect the Mullings' property, generally, and the lake, specifically.

SAMS & LARKIN
ATTORNEYS AT LAW

Z-91 9/1996 exhibit continued

VIA HAND DELIVERY

7. An agreement to exclude all uses under the Office & Institutional (O&I) district except for utilization as an assisted living facility.

Courtyard anticipates a maximum of fifteen (15) employees on the premises at any one time which provides for a staff/resident ratio of 1 to 7. At present, Courtyard's plans are for a total number of fifty-six (56) rooms (consisting of approximately 335 square feet each) with twenty-eight (28) rooms being located in each building. Although the original plans call for all of the rooms to be private, there is a possibility that four (4) of the rooms may evolve into semi-private rooms.

As you know, the subject property is located within a Community Activity Center (CAC). In that regard, what the Applicant proposes is a considerable down-sizing from the original office complex contemplated for the site and constitutes an excellent transition within the activity center.

I will be contacting Mr. and Mrs. George W. Mulling within the next several days to see if I can arrange a meeting to orient them to the Applicant's proposal. I will, of course, keep you apprised of the ongoing status of our conversations with Mr. and Mrs. Mulling. In the interim, please do not hesitate to call should you or your staff require any further information or documentation in connection with this Application.

Very truly yours,

Garvis L. Sams, Jr.

GLS,Jr./jbmc
Enclosures
cc: Members, Cobb County Planning Commission - w/enclosures
Members, Cobb County Board of Commissioners - w/enclosures
Ms. Karen Hach, Deputy Clerk - w/enclosures
Mr. and Mrs. George W. Mulling - w/enclosures
Ms. Kim Baudry, Vice President - w/enclosure

Exhibit 2 to 1996 Conditions

NOTE:
TO THE BEST OF OUR KNOWLEDGE AND BASED ON INFORMATION PROVIDED, THE FOLLOWING DOES NOT APPLY TO CEMETERIES, WETLANDS, ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS, AND 100 YEAR FLOOD PLAIN.

NOTE:
BOUNDRY AND TOPOGRAPHIC SURVEY IS FROM A SURVEY PERFORMED BY CLEVELAND S. BOUTWELL, JR. OF BOUTWELL ENGINEERING, INC. DATED APRIL 11, 1996.

NOTES:

1. AREA OF TRACT = 2.272 ACRES
2. ONLY READILY VISIBLE UTILITY LINES ARE SHOWN HEREON. UTILITIES NOT SHOWN LIKELY EXIST.
3. THE FIELD TRAVERSE UPON WHICH THIS PLOT IS BASED WAS RUN WITH A 5-SECOND THEODOLITE/EDM WITH A FIELD ERROR OF CLOSURE OF 1:45,598.
4. THIS PLAT HAS BEEN CALCULATED FOR CLOSURE AND HAS BEEN FOUND TO BE ACCURATE TO 1:90,474.
5. THIS PROPERTY DOES NOT LIE WITHIN A 100-YEAR FLOOD HAZARD ZONE ACCORDING TO FIRM COMMUNITY-PANEL NO. 13067C0055 F. COBB COUNTY, GEORGIA DATED 8/18/92.
6. THE FOLLOWING DOCUMENTS, PROVIDED TO THE SURVEYOR BY THE CLIENT, WERE USED AS THE SOLE BASIS FOR TITLE-RELATED MATTERS IN THE PREPARATION OF THIS PLAT. DEED BOOK REFERENCES ARE TO COBB COUNTY RECORDS.

A. 4134/535 TEMPORARY CONSTRUCTION EASMENT CONTAINED IN RIGHT-OF-WAY DEED TO COBB COUNTY DEPT. OF TRANSPORTATION. LOCATION OF EASEMENT NOT SPECIFIED IN SAID DOCUMENT.

B. 4265/112 LIMITED SANITARY SEWER EASEMENT IN FAVOR OF O.P. BALDWIN AND ADA KING BALDWIN, AS SHOWN HEREON. ABUTTING NORTHERN PROPERTY LINE.

C. 4375/128 RIGHT-OF-WAY DEED TO COBB COUNTY DEPARTMENT OF TRANSPORTATION OFFSITE TO THE SOUTH.

D. 4248/150 LIMITED SANITARY SEWER EASEMENT BY WENDY'S INTERNATIONAL IN FAVOR OF PATLOCK AND BALDWIN OFFSITE TO THE WEST.

7. PROPOSED BUILDING TO BE UTILIZED AS A PERSONAL CARE HOME
8. BUILDING SQUARE FOOTAGE = 30612
   F.F.E. FOR ENTIRE BUILDING = 1074.00
9. TOTAL NUMBER OF PARKING SPACES = 13
   ALSO 1 H/C VAN ACCESSIBLE + 1 H/C (10' WIDE)
10. ALL DIMENSIONS TO BACK OF CURB UNLESS OTHERWISE NOTED
11. STORM PIPING USED AS DETENTION POND

i:/96105/spln.dgn May. 24, 1996 14:33:50

Applicant's Exhibit Z-91

Z-91 of 1996

and letter of agreement as referenced in zoning minutes of 7-16-96. Ken Hecht

SAMS & LARKIN
ATTORNEYS AT LAW
SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064

GARVIS L. SAMS, JR.
JOEL L. LARKIN
WILLIAM W. GROVES

OF COUNSEL
W. ANTHONY MOSS

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

June 20, 1996

RECEIVED
JUN 20 1996
COUNTY COMM. DEV. DEPT.

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner
Cobb County Zoning Department
Suite 500
100 Cherokee Street
Marietta, Georgia 30090-9674

Re: Application of Courtyard Management Company to Rezone a 2.272 Acre Tract from O&I (Conditional) to O&I (No. Z-91)

Dear Ed:

As you know, I represent Courtyard Management Company ("Courtyard") in connection with the above-captioned Application for Rezoning. We have completed discussions and negotiations with Mr. and Mrs. George W. Mulling who own a 25 acre tract of land contiguous and to the east of the subject property. In that regard, this letter does not preempt but is in addition to my previous letter to you, dated May 28, 1996, concerning stipulations/conditions.

Courtyard is willing for the following additional stipulations to become conditions and a part of the grant of the requested rezoning and binding on the subject property thereafter:

I. FENCING

A. The erection of 6 foot chain link fence (with green slats) running parallel to the common property line between the Mulling and Courtyard properties. Additionally, the erection of identical fencing running parallel to the northern and southern property lines of the subject property for a distance of no less than 100 feet.

SAMS & LARKIN
ATTORNEYS AT LAW

VIA HAND DELIVERY

B. The fence along the Mulling/Courtyard property line shall be installed in a non-intrusive manner. The Mullings have agreed to allow Courtyard access to said common property line by way of their property; however, no trucks or vehicles larger than a pickup truck shall be allowed for purposes of the erection and maintenance of the fence.

C. No land disturbance or other permits shall issue until such time as the fence has been installed and erected as aforementioned. The parties agree that, if necessary, the existing barbed wire fence presently located on the Mulling tract may be removed. Once the fence has been constructed and erected, all maintenance and upkeep regarding same shall be Courtyard's responsibility in perpetuity.

II. DETENTION/STORMWATER

A. Underground detention shall be installed as depicted on the revised site plan prepared by Moreland Altobelli & Associates, Inc.

B. Stormwater stored on the site shall not be released at a rate exceeding predevelopment stormwater flows.

C. The proposed outlet control structure located near the northeast corner of the subject property shall consist of a level spreader (manifold with multiple slots) which will act as an energy dissipator, translating into stormwater sheet flow which shall be diffused through the buffer area prior to departing the subject property.

D. The underground piping which will be utilized shall consist of bituminous coated galvanized corrugated metal pipe.

SAMS & LARKIN
ATTORNEYS AT LAW

VIA HAND DELIVERY

E. Silt fencing shall be erected in accordance with County specifications. However, in addition thereto, silt fencing shall be erected along the common property line between the Mulling and Courtyard properties and along a north-south line parallel and 50 feet west of same. Additionally, proposed grate inlets as depicted on the revised site plan shall have silt screening erected in an appropriate fashion around said inlets until the site has been stabilized.

F. Courtyard shall conduct a preconstruction hydrological/sedimentation evaluation of the Mullings' lake and agree to assume responsibility for removing any sedimentation in the Mulling lake precipitated by construction activity on the subject property.

III. LIGHTING

A. Lighting shall be consistent with the Courtyard Manor development located on Nesbit Ferry Road in Alpharetta, Georgia.

B. However, lighting on the subject property may also include the construction and erection of cast iron poles with light globes affixed thereon a maximum of eight (8) feet in height.

We are extremely pleased with the progress that we have made and the meaningful discussions which have taken place with the Mullings and with staff. We hope that the comprehensive nature of the agreement between the parties will place the staff in a position to recommend approval of the zoning proposal.

SAMS & LARKIN
ATTORNEYS AT LAW

VIA HAND DELIVERY

Please do not hesitate to call should you have any questions whatsoever regarding these matters or should you or the staff need any further information or documentation.

Very truly yours,

Garvis L. Sams, Jr.

GLS,Jr./dml

cc: Members, Cobb County Planning Commission
Members, Cobb County Board of Commissioners
Ms. Karen Hach, Deputy Clerk
Mr. and Mrs. George W. Mulling
Ms. Kim Baudry, Vice President
Mr. Sam Olens, Esq.