

**JUNE 20, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 023

PURPOSE

To consider amending the site plan and stipulations for Medical Development, Corp. regarding rezoning application Z-33 (Medical Development, Corp.) of 2014, for property located on the west side of Bells Ferry Road and on the south side of Shiloh Pass in Land Lots 148 and 149 of the 16th District.

BACKGROUND

The subject property was rezoned to RSL in 2014 for a senior living facility consisting of assisted, supportive and independent living. One of the rezoning stipulations required a fence adjacent to the residentially zoned properties (stipulation 12h). The applicant has worked with the neighbors to come to an agreement to delete the requirement for a fence in lieu of keeping a 25’ buffer along the common property line. Both parties feel that a full 25’ buffer would provide more screening and protection than the fence. If approved, all previous stipulations would remain in effect.

STAFF COMMENTS

None.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: June 20, 2017

Applicant: Medical Development, Corp. **Phone #:** (770) 399-9988
(applicant's name printed)

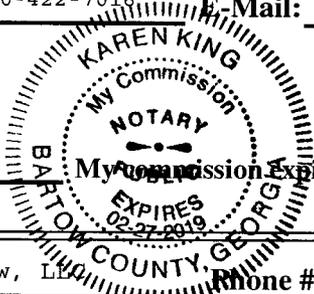
Address: 4488 North Shallowford Rd., Ste.103, Dunwoody, GA 30338 **E-Mail:** allen@medicaldevcorp.com
SAMS, LARKIN, HUFF & BALLI, LLP

by: Garyis L. Sams, Jr. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed)

[Signature] **Phone #:** 770-422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

Karen L. King
Notary Public **My Commission Expires:** 2-27-19



Titleholder(s): Canterfield of Kennesaw, LLC **Phone #:** _____
(property owner's name printed)

Address: _____ **E-Mail:** _____

See Attached
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:** _____

MAY 17 2017

Commission District: 3 (Birrell) **Zoning Case:** Z-33 of 2014

Size of property in acres: 10.722 **Original Date of Hearing:** June 17, 2014

Location: On the west side of Bells Ferry Road and south side 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: Amendment of stipulations to remove Item 12(h) of the June 17, 2017 stipulation letter

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.

* Applicant specifically reserves the right to amend any information set forth in this Other Business Application or any other portion of the Other Business Application, at any time during the Other Business process. (List or attach additional information if needed)

ATTACHMENT TO OTHER BUSINESS APPLICATION

Application No.: OB -
BOC Hearing Date: June 20, 2017

Applicant: MEDICAL DEVELOPMENT CORP.

Titleholder: CANTERFIELD OF KENNESAW, LLC

PROPERTY OWNER'S CERTIFICATION

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

WAP 3/1/16
Winston A. Porter Date

Address: 4488 N Shallowford Rd #103
Dunwoody, GA 30338

Telephone No.: (770) 399-9988

Karen Adler 3/1/16
Signature of Notary Public Date

(Notary Seal)



CERTIFICATE REGARDING CORPORATE AUTHORITY
TO PURSUE APPLICATION FOR OTHER BUSINESS

1.

My name is W Allen Porter. I 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, **CANTERFIELD OF KENNESAW, LLC** (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.

CANTERFIELD OF KENNESAW, LLC



Winston A. Porter, Registered Agent

(SEAL)

Porter

Title

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 17, 2014
PAGE 9

REGULAR AGENDA

Z-33 **MEDICAL DEVELOPMENT, CORP.** (40-50 Hampton Street, LLC, owner) requesting Rezoning from **RSL With Stipulations** to **RSL With Stipulations** for the purpose of Assisted, Supportive, and Independent Residential Senior Living in Land Lots 148 and 149 of the 16th District. Located on the west side of Bells Ferry Road, south side of Shiloh Path, and on the east and west sides of Bartlett Circle.

The public hearing was opened and Mr. Garvis L. Sams, Jr., Mr. Richard Nyberg, and Mr. Mark Lee addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to **approve** Rezoning to the **RSL With Stipulations** zoning district **subject to:**

- **Site plan received by the Zoning Division April 3, 2014 (attached and made a part of these minutes)**
- **Final site plan, elevations, fencing, and landscape plan to be approved by District Commissioner**
- **Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated April 30, 2014 (attached and made a part of these minutes)**
- **Architectural renderings submitted June 3, 2014 (attached and made a part of these minutes)**
- **Shiloh Pass access shall be gated and key coded for the one story buildings *only***
- **Applicant will make good faith effort to complete build-out of duplexes and triplex within 24 months of this decision**
- **Line of sight for the four story building from Bells Ferry Road be a maximum of two and half stories**
- **Coordinate a plant rescue by Georgia Native Plant Society prior to grading**
- **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

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

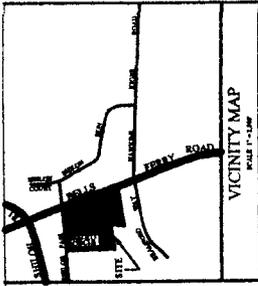
MAY 17 2014

VIA EMAIL:

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

Petition No. 2-33
Meeting Date 6/17/14
Continued

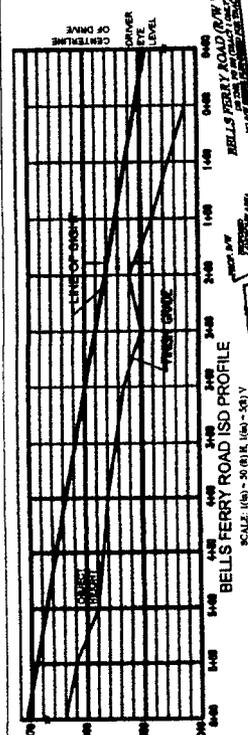
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- e) Undertaking whatever remedial measures are necessary in order to inhibit the migration of wildlife during the period of time that the Land Disturbance Permit is being implemented.
 - f) Unless otherwise instructed by the County Arborist, trees 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.



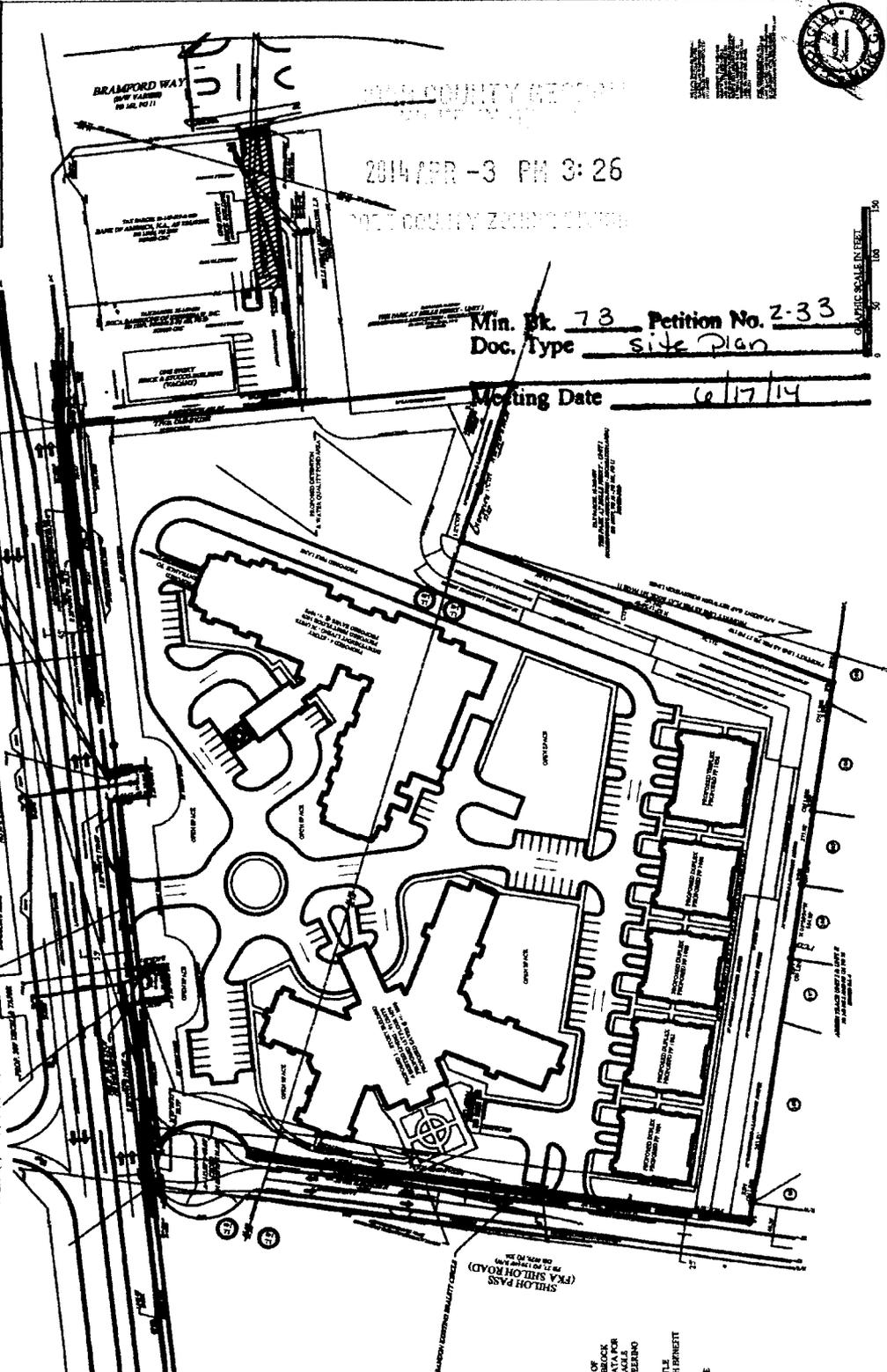
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COBB COUNTY ZONING BOARD

Min. St. 73 Petition No. 2-33
Doc. Type Site Plan

Meeting Date 6/17/14



TOTAL TRACT AREA = 10.722 ACRES (467,090 S.F.)
 TRACT 1 AREA = 4.19 ACRES (182,516 S.F.)
 TRACT 2 AREA = 0.82 ACRES (35,719 S.F.)
 TRACT 3 AREA = 1.37 ACRES (59,473 S.F.)
 TRACT 4 AREA = 1.375 ACRES (59,913 S.F.)
 TRACT 5 AREA = 1.355 ACRES (59,013 S.F.)
 TRACT 6 AREA = 1.355 ACRES (59,013 S.F.)
 TRACT 7 AREA = 0.865 ACRES (37,624 S.F.)



- GENERAL NOTES:
- OWNER/DEVELOPER: 1550 DAN WOODY VILLAGE PARKWAY, SUITE 110, ATLANTA, GA, 30338, ALLEN PORTER, 770-711-0411
 - TRACT AREA: 10.722 ACRES
 - PROPERTY CURRENTLY ZONED: R2L
 - PROPOSED ZONING TO REMAIN: R2L
 - UTILITIES: FRONT: 30" PUBLIC E/W SIDE: 18" ADJACENT TO RESIDENTIAL - 40'
 - PROPERTY IS NOT IN AN AREA HAVING FLOOD HAZARDS AS PER F.I.R.M. MAP NO. 1386700041 H DATED 03/4/2011.
 - STATE WATERWAYS DO NOT EXIST WITHIN 200 FEET OF SITE.
 - NO CEMETERIES OR OTHER NETWORK OR ARCHAEOLOGICAL FEATURES EXIST ON THIS PROPERTY.
 - EXISTING STRUCTURES AND IMPROVEMENTS TO BE REMOVED.
 - PROPERTY TO BE SERVED BY COBB COUNTY SEWER & WATER.
 - NO PARKING FOR RESIDENTS IN PARKING GARAGE SPACES, 100 TOTAL SPACES, ARE PLUS 5% OUTSIDE.
 - NO WETLANDS EXIST AS PER THE NATIONAL WETLANDS INVENTORY MAP.
 - VARIANCES REQUIRED: 1) MAXIMUM HEIGHT TO BE 34 FEET (4-STORIES) WITHOUT PARKING GARAGE. 2) FLOOR AREA RATIO TO BE 0.80. 3) NEED TO ALLOW 15,000 SF OF BUILDING SQUARE FOOTAGE WITH IN TOTAL UNITS. 4) BUILDING LINE ON THE SIDE OF BRUSH PASS NEEDS TO BE CHANGED FROM 30' TO 25' AS PER THE DEDICATION OF 5' OF RIGHT-OF-WAY, TO BE MADE AS APPROVED. 5) TOTAL IMPERVIOUS ALLOWED AT 50%.
- ALL BOUNDARY DATA FOR TRACTS 1, 2, 3 & 4 ARE TAKEN FROM PLAT OF SURVEY FOR ALPARETTA CAPITAL PARTNERS, LLC PREPARED BY BRUCE DESIGN GROUP, INC. DATED 08/11/11. ALL BOUNDARY DATA FOR TRACTS 5, 6, 7 & 8 ARE TAKEN FROM A PLAT OF SURVEY FOR ORLEANS DEVELOPMENT, LLC PREPARED BY PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC. DATED 9/25/08.
- THIS SURVEY WAS MADE WITHOUT THE BENEFIT OF A CURRENT TITLE COMMITMENT, EASEMENT AND ENCUMBRANCES MAY EXIST WHICH PERTAIN AND BOUND THIS PROPERTY.
- TOTAL OPEN SPACES 4,722 SQUARE FEET. TOTAL IMPERVIOUS SURFACE PROPOSED 4,000 SQUARE FEET.
- NOTE: ALL SETBACKS AND BUFFERS SHOWN AS PER THE ORIGINAL APPROVED ZONING CASE Z-174 DATED 12-14-06.

COBB COUNTY ZONING BOARD

PAUL LEE CONSULTING ENGINEERING ASSOCIATES, INC.
 1875 HARTLEY RD. STE. 200
 KENNESAW, GA 30144
 PHONE: (770) 424-2124 FAX: (770) 424-2121

LAND LOTS: 148 S.W. 106 DISTRICT, SECTION 14, TOWNSHIP 17 N, RANGE 11 W, COBB COUNTY, GEORGIA

MEDICAL DEVELOPMENT CORP

DATE: 6/17/14
 DRAWN: [Name]
 CHECKED: [Name]
 SCALE: 1" = 50'
 SHEET NO. 1 OF 1