## DECEMBER 19, 2017 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 1

# **ITEM # 064**

# **PURPOSE**

To consider a site plan and stipulation amendment for Griffin Fine Living, LLC regarding rezoning application Z-102 of 2015 for property located on the northwest side of Mars Hill Road, northeast of Brookstone Drive, in Land Lot 195 of the 20<sup>th</sup> District.

# **BACKGROUND**

The applicant's property was rezoned to RSL in 2016 for a senior living facility. The facility was approved to be three stories in height with 80,000 square feet and 95 units. This other business item would address concerns the applicant has learned from their senior living facility in Roswell. The proposed changes include lowering the building height to one and two stories, with 72,615 square feet and 79 units. As a result of the new site plan, the buffer adjacent to Brookstone would be reduced from 40' to 30' to account for a less tall building, and to accommodate an access drive to the rear of the building.

## **STAFF COMMENTS**

**Stormwater Management:** All previous Stormwater Management comments to remain in effect.

## **RECOMMENDATION**

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

## **ATTACHMENTS**

Other Business application and stipulations.

Cobb County Zoning Division – 770-528-2035)	<b>BOC Hearing Date Requested:</b> 12/19/2017
Applicant: Griffin Fine Living, LLC	Phone #: See Representative.
(applicant's name printed)	
Address: See Representative	E-Mail: See Representative
James A. Balli, Esq. Addres	ss: 376 Powder Springs St., Ste. 100, Marietta, GA 30064
representative's name, printed)	
<b>Dhone #:</b> 770	).422.7016 E-Mail: jballi@slhb-law.com
representative's signature)	
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igned, scaled and derivered in presence of.	
State Public	My commission expires: 2-6 2 3
Fitleholder(s) : Kenneth Kline and Arlene K	Aline Phone #: See Representative
(property owner's na	<b>E-Mail:</b> See Representative
Address: See Representative	E-Man. See Representation
ee attached Exhibit "A" for signature.	
Property owner's signature)	
Signed, sealed and delivered in presence of:	
	My commission ovnives
Notary Public	My commission expires:
Commission District: District 1	Zoning Case: Z-102 of 2015
Commission District: District 1	
	Original Date of Hearing: March 15, 2016
Size of property in acres: 6.2 acres	
Location: 1979 Mars Hill Road	
	rest intersection, etc.)

(List or attach additional information if needed)

## **EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS**

**Application No.:** Hearing Date:

b (2017) O.B. December 19, 2017

Arlene L. Kline

Signature

**Applicant: Titleholders:**  **Griffin Fine Living, LLC** Kenneth and Arlene Kline

Address: 1979 Mars Hill Road

Kenneth F. Kline 7 Ren

ennet

Signature

Address: 1979 Mars Hill Road Acworth, Georgia 30101-4520

Signed, sealed, and delivered in the presence of:

**Notary Public** 20 Commission



Signed, sealed, and delivered in the presence of:

Acworth, Georgia 30101-4520

Notary Public Commission Expires:



Kline

Printed: 11/7/2017

## Cobb County Online Tax Receipt

Thank you for your payment!

Fax:

CARLA JACKSON CHELLY MCDUFFIE Phone: TAX COMMISSIONER CHIEF DEPUTY 770-528-8600 770-528-8679

ARLENE L KLINE

## KLINE KENNETH F & ARLENE L

# Payment Date: 10/11/2017

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2017	20019500090	10/15/2017	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid		Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$1.337.39		\$0.00



Scan this code with your mobile phone to view this bill!

# SAMS, LARKIN, HUFF & BALLI, LLP

## ATTORNEYS AT LAW

376 Powder Springs Street Suite 100 Marietta, GA 30064-3448

JAMES A. W. BALLI

(Admitted in GA and AL)

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JBALLI@SLHB-LAW.COM

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November 14, 2017

### VIA HAND DELIVERY

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

Re: Other Business Application of Griffin Fine Living, LLC to change the RSL Conditional to RSL Conditional, Site Plan Specific with a new Site Plan. 6.2 Acre Tract on Mars Hill Road (Z-102 of 2015) Cobb County, Georgia ("Project Site").

Dear John:

I am submitting an Other Business Application for an approval of a Site Plan and alteration of the stipulations originally approved when the Board of Commissioners approved Z-102 of 2015. As you may recall, the site was approved for a fully supportive Residential Senior Living community. However, the Site was basically approved for a building and product that was an exact replica of a building constructed and in operation in the City of Roswell. Upon operation of the Roswell site it was determined there were issues with the length of the halls and the distances residents were having to walk to access elevators and services. Additionally, there was a belief that the building looked a bit formal [causing residents to feel they had to dress formally for every meal] and not as residential as residents desired. Accordingly, there was a desire to maintain the quality and architectural integrity committed to by the Applicant while allowing for a residential look to make clients feel more at home. Therefore, we are submitting for approval of the new Site Plan which does not delete any of the protections for the surrounding homeowners and in fact reduces the impact of the project and includes: (1) architectural style remains upgraded quality and keeps "Brookstone" brick elements and focus promised to Brookstone and is consistent with the quality of the previous elevations (see new elevations); (2) reduces building height from 3 stories down to a 2 story and a 1 story building and reduces density and square footage; (3) reduces building square footage; (4) orients the outdoor space internally to the courtyards as well as the front of the building away from the

## SAMS, LARKIN, HUFF & BALLI, LLP ATTORNEYS AT LAW

## VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency November 14, 2017 Page 2

neighbors located to the rear and (5) maintains the buffers represented in the initial Site Plan.1

In that regard, I look forward to working with you as this Application proceeds through the review process and to the public hearing.

That said, I have enclosed this Application for Other Business complete with a check in the amount of \$300.00 for the filing fee and including the following:

- 1. Cobb County Other Business Application pages with required signatures and information.
- 2. Five (5) copies of the Site Plan and surveys drawn to scale with two (2) 8  $\frac{1}{2}$  x 11" copies of each showing the entire Project Site and stamped November 14, 2017.
- 3. Miscellaneous documents consistent with Cobb County's filing requirements.

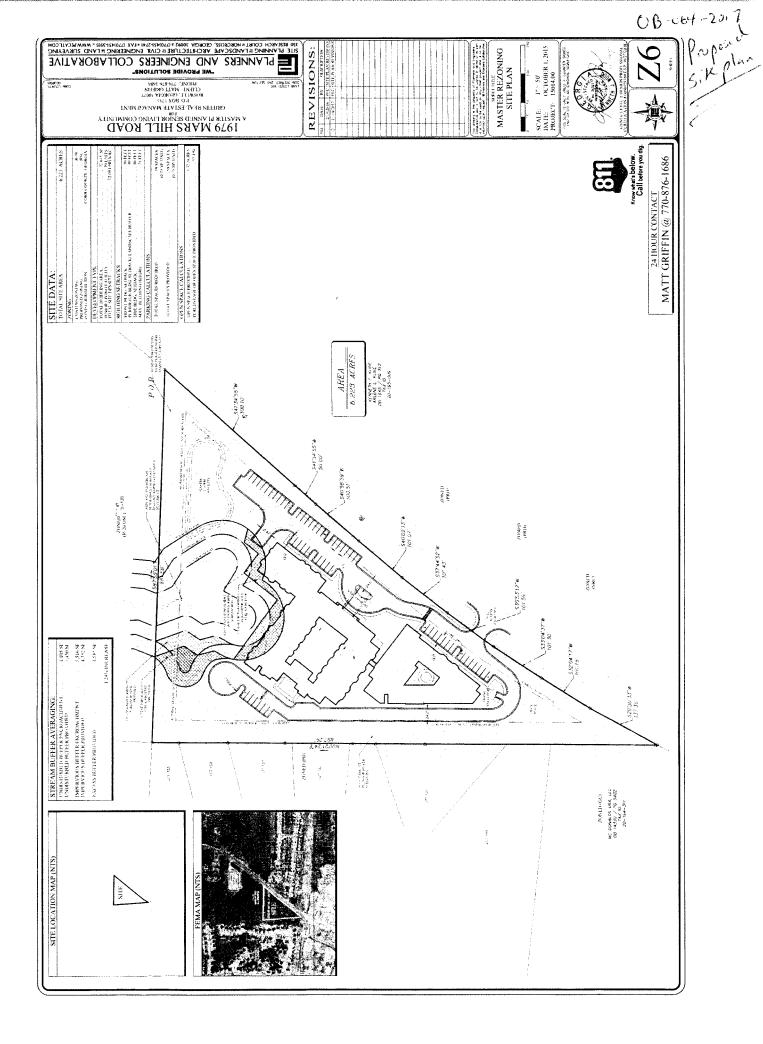
Once the Application has been initially reviewed, I look forward to working with you and your Staff to discuss the Project and provide any response to questions or comments. In the interim, please do not hesitate to call should you or your Staff have any questions or need any additional documentation or information.

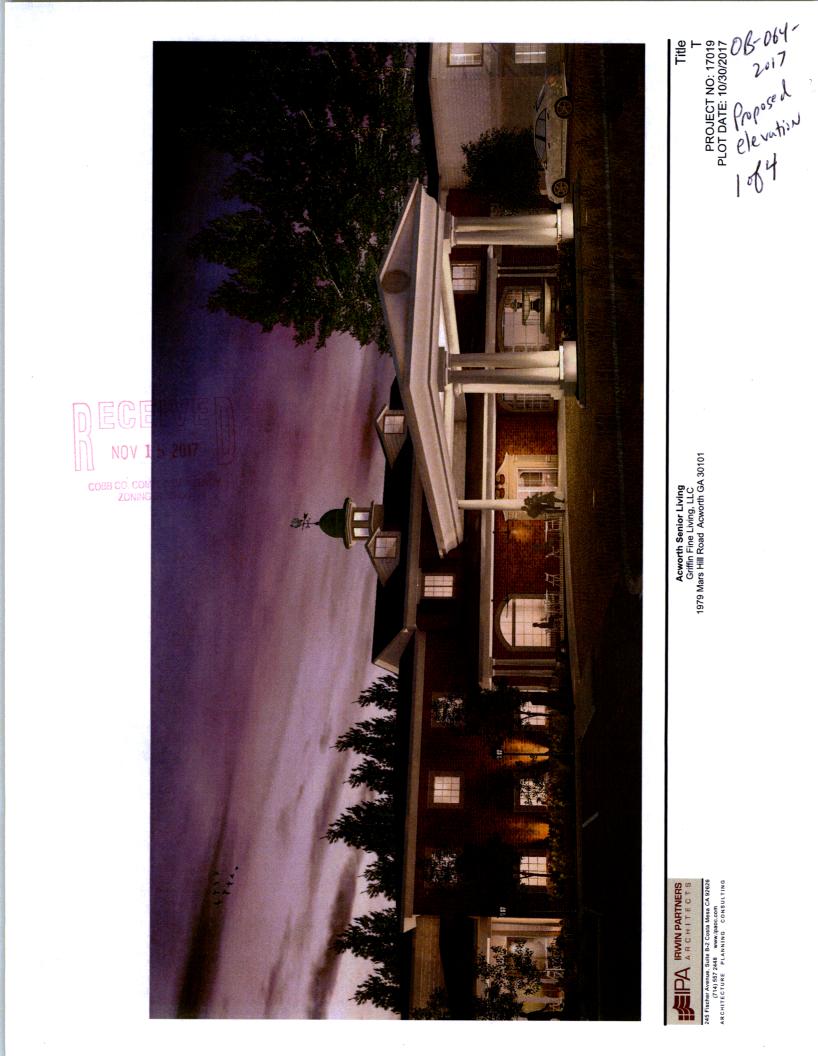
Thank you for your time and assistance.

Sincerely. SAMS, LARKIN, HUFF & BALLI, LLP James A/Balli jbaffi@slhb-law.com JAB/dvm Enclosures Griffin Fine Living, LLC Larry Mahoney, Brookstone HOA<sup>4</sup> via email only: elmahone@aol.com

Commissioner Bob Weatherford /

cc:











## MINUTES OF ZONING HEARING COBB COUNTY BOARD OF COMMISSIONERS MARCH 15, 2016 PAGE 5

## **CONSENT AGENDA**

MOTION: Motion by Lee, second by Weatherford, to **approve** the Consent Agenda, as revised:

Z-102<sup>'15</sup> GRIFFIN REAL ESTATE MANAGEMENT (Kenneth F. Kline and Arlene L. Kline, owners) requesting Rezoning from R-30 to RSL for the purpose of Residential Senior Living (Supportive) in Land Lot 195 of the 20<sup>th</sup> District. Located on the northwest side of Mars Hill Road, northeast of Brookstone Drive (1979 Mars Hill Road). (Previously continued by Staff from the December 1, 2015 and February 2, 2016 Planning Commission hearings until the March 1, 2016 Planning Commission hearing)

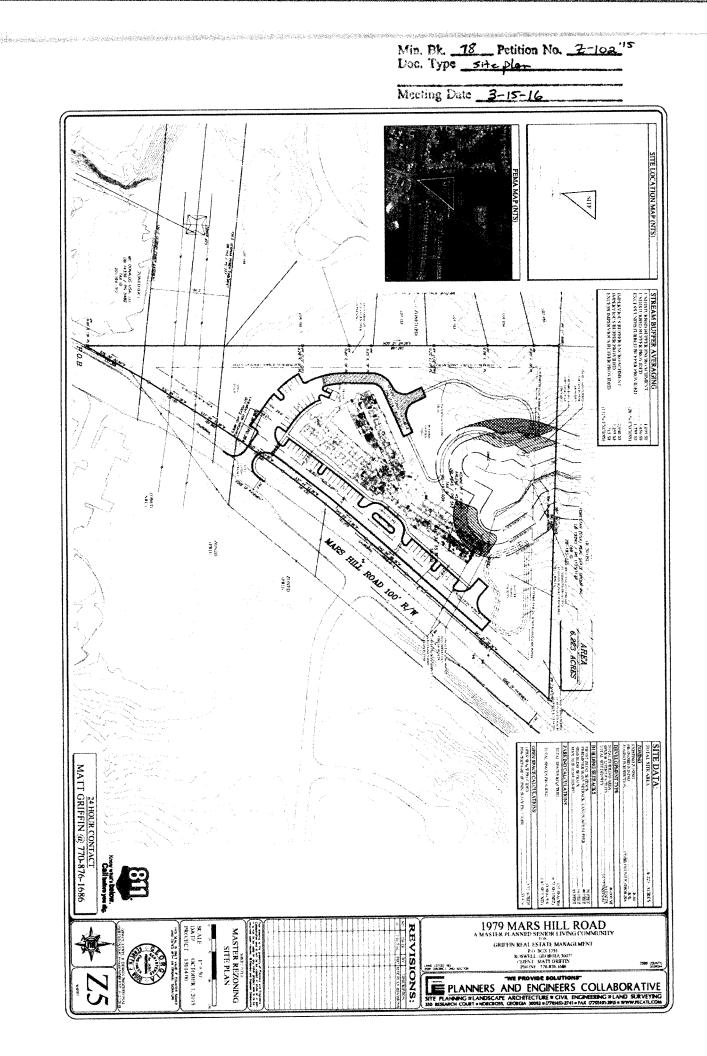
To **approve** Z-102<sup>15</sup> to the **RSL** zoning category, subject to:

- 1. Site plan dated February 10, 2016, noting that the below letter of agreeable conditions prevails where in conflict (attached and made a part of these minutes)
- 2. Letter of agreeable conditions from Mr. James A. Balli dated February 26, 2016, (attached and made a part of these minutes), with the following changes:
  - A. Item No. 1, add to end: "Brick will be used that matches as closely as possible the brick used at the Brookstone Subdivision entrance."
  - **B.** Item No. 13, add to end: *"Trash pick-up will be the same hours as Brookstone Subdivision."*
- 3. Water and Sewer Division comments and recommendations
- 4. Stormwater Management Division comments and recommendations
- 5. *Revised* Department of Transportation comments and recommendations dated February 23, 2016 (attached and made a part of these minutes)

**Z-19 REALTI CORP** (John M. Stephens, executor of the estate of John W. Stephens, Jr. A/K/A John Stephens; Jane L. Wootton and Janet Goethe, owners) requesting Rezoning from **R-20** to **LI** for the purpose of Industrial Use in Land Lot 611 of the 18<sup>th</sup> District. Located on the northwest side of Factory Shoals Road, north of White Road.

To approve Z-19 to the bl zoning category, subject to:

- 1. Combining this section with the adjacent larger property
- 2. Water and Sewer Division comments and recommendations
- 3. Stormwater Management Division comments and recommendations
- 4. Department of Transportation comments and recommendations
- 5. 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



Min.	Bk.	78	Petition	No.	2-102 "5
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Meeting Date 3-15-16

## SAMS, LARKIN, HUFF & BALLI, LLP

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(Admitted in GA and AL)

JAMES A. W. BALLI

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JBALLI@SLHB-LAW.COM

February 26, 2016

## VIA EMAIL AND HAND DELIVERY

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

Re: Application of Griffin Real Estate Management to Rezone a ±6.2 Acre Tract from R-30 to RSL Supportive ("Project"), Land Lot 195, 20<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia ("Project Site")(Z-102)(2015).

Dear John:

As you will recall, I represent the Applicant in Z-102. After a thorough review of the Project and the surrounding area, Cobb County's Professional Staff has recommended that the application be approved by the Board of Commissioners as a fully supportive Residential Senior Living Community. To address certain concerns and to insert community protections, I am submitting this letter of agreeable stipulations/conditions which, if approved, shall become conditions and a part of the grant of the requested rezoning and binding upon the Project Site as follows:

#### MANDATORY ARCHITECTURAL DESIGN CHARACTERISTICS AND NEIGHBORHOOD PROTECTIONS

1. The architectural style, composition and design of the proposed building shall be in substantial conformity to the color rendering/elevations which are being submitted contemporaneously herewith. The architectural style of the building will be a unique design mixture which includes pitched roof sections which join at the center. As depicted on the elevations, the building will have four-sided architecture consisting of a mixture of brick, EIFS window surrounds and a stone veneer material design for enduring quality. There will be no vinyl siding or products utilized on the building.

## Petition No. 2-102<sup>15</sup> Meeting Date 3-15-14 Continued

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#### VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency February 26, 2016 Page 2

- 2. The building shall be two stories over a basement level and will consist of 95 upscale senior living units.
- 3. The Project Site shall be rezoned to RSL-Supportive Site Plan Specific/Conditional to the Site Plan dated February 10, 2016 by Planners and Engineers Collaborative.
- 4. There will be recorded a deed covenant running with the property in perpetuity containing specific recitals that neither the RSL community nor any of its individual units shall be utilized as multi-family apartments. Such deed covenant shall run to the benefit of Cobb County, Georgia.
- 5. The RSL community shall be designed and marketed exclusively for seniors and the occupancy of units therein shall be for persons who have attained 55 years of age or older and shall, in all respects, comply with the applicable federal law.
- 6. The RSL community will include the following amenities for residents only:
  - a. Complete Senior Safe Wellness Center with exercise equipment designed specifically for seniors and their needs.
  - b. Casual café area for refreshments and socializing.
  - c. Private upscale dining room.
  - d. A plush movie theater room.
  - e. Extensive landscaping that can be accessed by the sidewalks and walking paths that meander through the community.
  - f. Large activity/multi-purpose room available for numerous activities including crafts and social functions.
  - g. Elegant Beauty Salon.
  - h. Private suites with a choice of multiple floor plans, all with private bath, kitchenette, thermostat and closet space.

## Petition No. 2-102<sup>15</sup> Meeting Date 3-15-16 Continued

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#### VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency February 26, 2016 Page 3

- i. Elevators.
- j. Private quiet lounges.
- k. Proprietary software designed to provide memory care with a purpose and interaction to address needs of residents.
- 1. Other design features and amenities designed to make this an attractive supportive senior living community.
- 7. Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of building.
- 8. All exterior lighting shall consist of environmentally sensitive lighting that will prevent outward illumination and visible glare onto adjoining properties.
- 9. The entrance signage for the RSL community shall be ground based, monument-style signage, and shall consist of brick, stone, stacked stone, or combinations thereof, with accents consistent with the architecture of the building. The entrance landscaping shall be professionally designed, implemented, and maintained. All signage shall comply with the Cobb County Sign Ordinance.
- 10. All utilities servicing the Project Site shall be located underground.
- 11. All construction and employee vehicles and equipment will be parked, and otherwise located, on the Property during development of infrastructure and construction and shall not be parked on or along Mars Hill Road or at any of the area commercial properties. There will be no stacking of vehicles along any roadway waiting for entry onto the Property.
- 12. Development and construction hours for the proposed project shall be limited to the following:
  - a. 7:00 a.m. to 7:00 p.m. Monday Friday, October 1<sup>st</sup> through March 31<sup>st</sup>;
  - b. 7:00 a.m. to 7:00 p.m. Monday Friday, April 1<sup>st</sup> through September 30<sup>th</sup>;

## Petition No. Z-102 "5 Meeting Date 3-15-16 Continued

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## VIA EMAIL AND HAND DELIVERY Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency February 26, 2016 Page 4

- c. 9:00 a.m. to 6:00 p.m. Saturday; and
- d. No work on Sunday unless approved by the District Commissioner.
- 13. Deliveries shall be limited to 6:00 a.m. to 9:00 p.m., Monday to Saturday and conducted at the front of the Project Site. During the hours when deliveries are prohibited, trucks shall not be allowed to stand and park with running motors.

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### LANDSCAPING, SCREENING AND SIDEWALKS

- 14. All landscaping referenced herein; including, but not limited to, the frontage, entrance area [including entrance signage], island areas, and open space areas, shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the Project. A landscape committee comprised of a board member of the Brookstone Homeowners' Association, the County Arborist and a representative of the Applicant shall review and have input into the entire landscape plan for the Property. Any disagreement over landscaping on a part or all of the Property than cannot be resolved shall be resolved by the District Commissioner.
- 15. Applicant agrees to install a forty-foot landscaped buffer along the western border of the Project Site (currently shown as 30') with mature landscaping including at least double staggered rows of Cryptomeria (of no less than 8' feet at time of planting) or other agreed natural screenings so as to buffer the existing residential properties. Applicant will make substantial effort to save existing trees located within the buffer so as to preserve any mature specimen trees. All specimen trees within the buffer shall be located and reviewed by the County Arborist before removal.
- 16. Applicant agrees to provide and install mature landscaping throughout the property as depicted on the attached landscaped plan. (See enclosed exhibits). Applicant is willing to consider feasible Georgia natural tree plantings within the landscape buffer and same shall be decided at plan review.
- 17. Applicant agrees to install and create no less than a ten foot (10') landscaped screening buffer between the Property and Mars Hill Road which shall be reviewed and approved by the County Arborist.
- 18. Applicant to construct sidewalks, curb and gutter along the frontage with Mars Hill Road.

## Petition No. Z-102<sup>115</sup> Meeting Date <u>3-15-14</u> Continued

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#### VIA EMAIL AND HAND DELIVERY

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Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency February 26, 2016 Page 5

19. Any dumpsters shall be incorporated into landscape plan and be fully screened/fenced on all sides and shall be configured to minimize noise.

## **STORMWATER CONTROLS**

- 20. Detention and water quality facilities for the proposed community shall be in compliance with Cobb County Ordinances and appropriately screened. Stream buffer averaging shall be allowed as provided on the Site Plan dated February 10, 2016.
- 21. Applicant agrees to comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- 22. Applicant agrees to comply with all Cobb County Stormwater Management comments and recommendations applicable to the Project Site.

### **GENERAL PROVISIONS**

- 23. Applicant 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.
- 24. All setbacks, landscape, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, drainage and detention facilities and any and all slopes or other required engineering features of the foregoing. Any disturbed area shall be restored with comparable plantings as allowed by Cobb County or any utility provider.
- 25. If a Land Disturbance Permit is not applied for within twenty-four (24) months from the date the requesting rezoning is approved as requested and becomes final, the zoning classification of the subject property shall revert to its original classification of R-30.
- 26. The District Commissioner shall have the authority to make minor modifications to the site plan and these stipulations/conditions during the Plan Review process except for those that:
  - a. Reduce the size of an approved buffer adjacent to property that is zoned the same

Petition No.	2-102 15	
Meeting Date	3-15-14	

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#### VIA EMAIL AND HAND DELIVERY

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Mr. John P. Pederson, AICP, Manager Cobb County Community Development Agency February 26, 2016 Page 6

or in a more restrictive zoning district.

- b. Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district.
- c. Increase the height of a building that is adjacent to property that is zoned the same or in a more restrictive zoning district.
- d. Change access location to a different roadway.
- e. Increase the number of units in the Residential Community.
- f. Violate the Cobb County Zoning Ordinance applicable to the property.

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

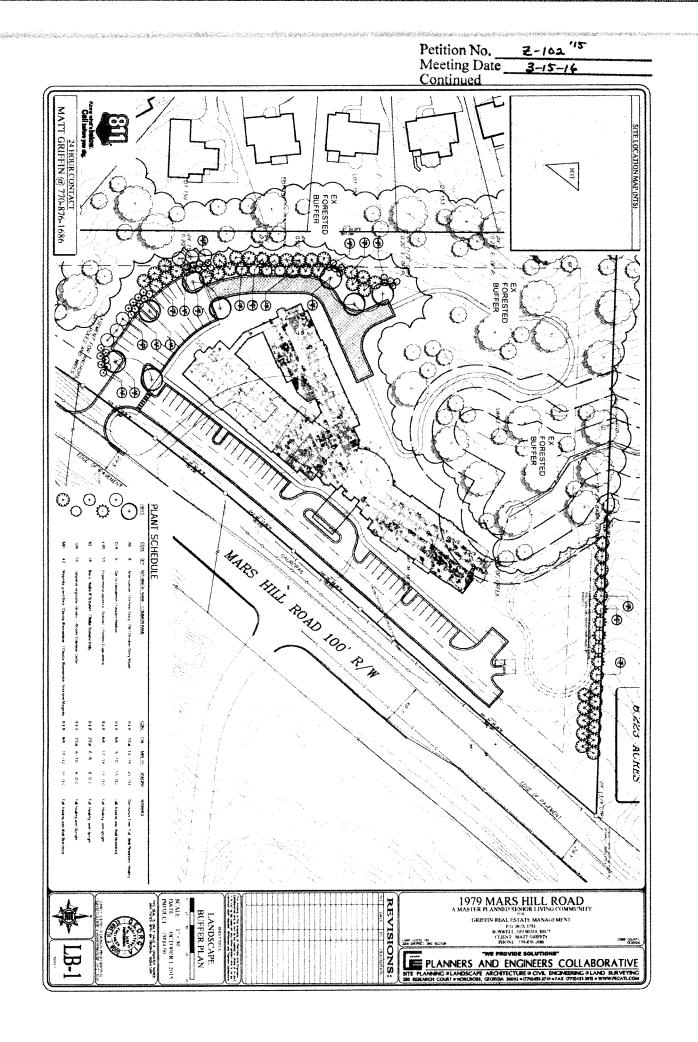
Sincerely,

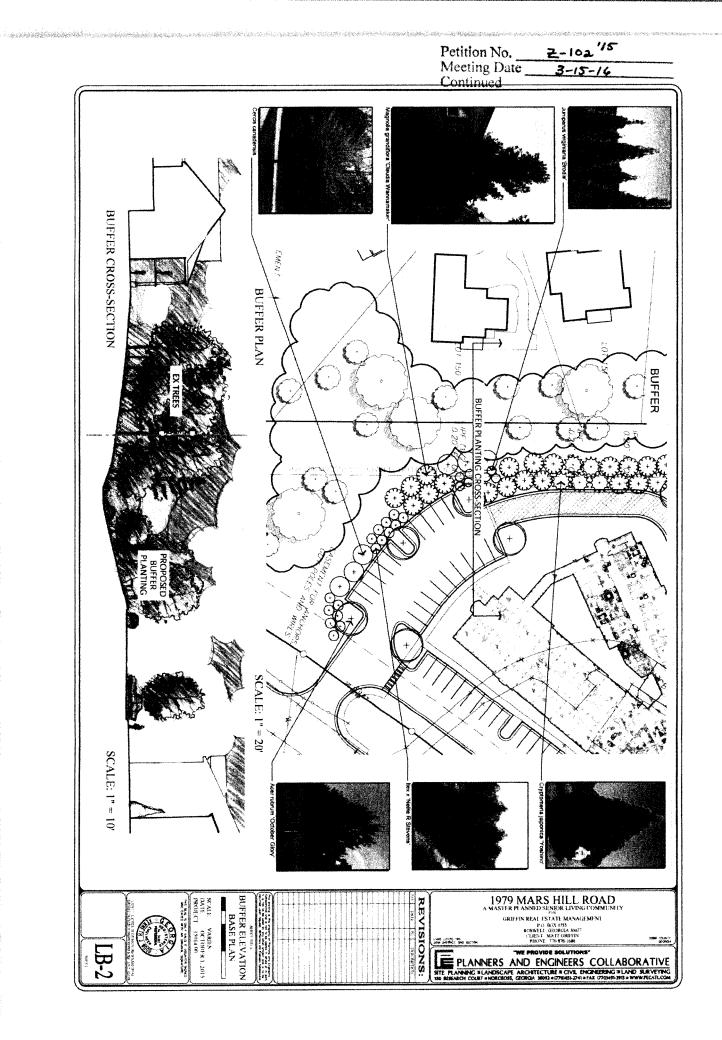
SAMS, LARKIN, HUFF & BALLI, LLP

/s/ James A. Balli

James A. Balli jballi@slhb-law.com

 cc: Dana Johnson, Director of Community Development, Cobb County Commissioner Bob Weatherford, District 1 Skip Gunther, Cobb County Planning Commission Cobb County Planning Commissioners Griffin Real Estate Management Ms. Melissa O'Brien (via email) Ms. Keli Gambrill, PLAN (via email) Larry Mahoney, Brookstone HOA President (via email)









APPLICANT: Griffin Real Estate Management	PETITION NO.: <u>Z-102</u>
PRESENT ZONING: R-30	_PETITION FOR: <u>RSL</u>
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### TRANSPORTATION COMMENTS

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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
Mars Hill Road	16,200	Arterial	45 mph	Cobb County	100'

Based on [2012] traffic counting data taken by Cobb County Dor for Mars Hill Road. Min. Dk. \_78 \_\_ Petition No. \_2-102

Doc. Type Revised Dot comments

### **COMMENTS AND OBSERVATIONS**

and recommendations Meeting Date 3-15-16

Mars Hill 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.

## RECOMMENDATIONS

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

Recommend curb, gutter, and sidewalk along the Mars Hill Road frontage.

Recommend deceleration lane and left turn lane on Mars Hill Road for the entrance.

Recommend applicant verify that minimum intersection sight distance is available for Mars Hill Road access and if it is not, implement remedial measures, subject to the Department's approval.