

**DECEMBER 18, 2018 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM OB-70

PURPOSE

To consider amending the stipulations for Barrett ALF, LLC regarding rezoning application Z-52 of 2016, for property located on the west side of Ernest Barrett Parkway, south of Zachary Woods Drive in Land Lot 329 of the 20th District (3292, 3312 and 3322 Ernest Barrett Parkway).

BACKGROUND

The subject property is zoned Residential Senior Living (RSL) for a supportive senior living facility. The maximum height for the building is 35'. The applicant has submitted a proposed architectural elevation that shows the lobby area being approximately 46' in height, as shown on the attached elevations. The applicant would like to have the lobby area this tall to allow more light into the main part of the building. The other parts of the building would meet the 35' height restriction. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend applicant submit site details to Cobb DOT for coordination with Cobb County Airport Manager to determine potential need for a FAA study.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application and zoning stipulations.

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested:

06-70
12-18-18

Applicant: Barnett ALF, LLC Phone #: 770 527 4046
(applicant's name printed)

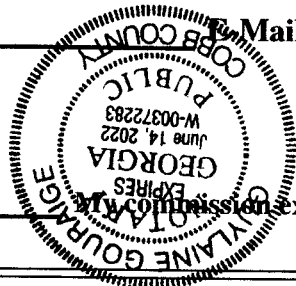
Address: 4976 Ansbury Pl NW Dunwoody E-Mail: MIKE.McMahon@comcast.net

Michael H McMahonia Address: 4976 Ansbury Pl NW Dunwoody
(representative's name, printed) 30101

Michael H McMahonia Phone #: 770 527 4046 E-Mail: MIKE.McMahon@comcast.net
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

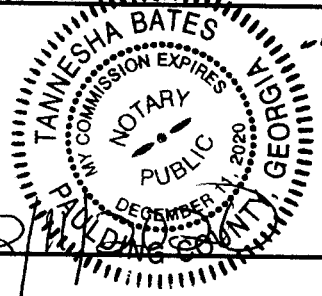


My commission expires: 6/14/22

Titleholder(s): Barnett ALF, LLC Phone #: 770 527 4046
(property owner's name printed)

Address: 3104 Creekside Village Dr NW E-Mail: MIKE.McMahon@comcast.net

Michael H McMahonia
(Property owner's signature)



Signed, sealed and delivered in presence of:

Tanneshia Bates
Notary Public

My commission expires: 12/1/20

Commission District: District 1 Zoning Case: Z-52

Size of property in acres: 9.186 Original Date of Hearing: 6-21-16

Location: 3292, 3312 & 3322 Ernest Barrett Parkway, Marietta
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 329 District(s): 20th

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

"We are requesting a building height variance, or exception, for the clerestory of the main entrance lobby of our new assisted living facility on Ernest W. Barrett Parkway. The building height limit for our RSL zoning is 35 feet. The current building design complies with the zoning height limit with the exception of the lobby clerestory which is 3.5 % of the building roof area. The entrance lobby is centered in the building plan to serve both resident populations, assisted living and memory care. The center of the lobby is approximately 400 feet from the roadway curb. The entrance faces north away from the road. The memory care wing that fronts on Barrett Parkway is a single story building that complies with the zoning height limits. The middle of the clerestory roof slope measures approximately 46 feet above the main floor which exceeds the zoning height limit by eleven feet."

(List or attach additional information if needed)

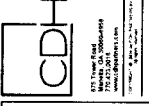
OB-70-248
 Proposed
 A151
 15

PROJECT NO. 15940
 CONTRACTOR: [blank]
 DATE: 10/14/2014

NO. OF SHEETS	10
SHEET NO.	1
TOTAL SHEETS	10



BARRETT ALP, LLC
 BARRETT PARKWAY ASSISTED LIVING FACILITY
 EARNEST BARRETT PARKWAY, COBB COUNTY, GA

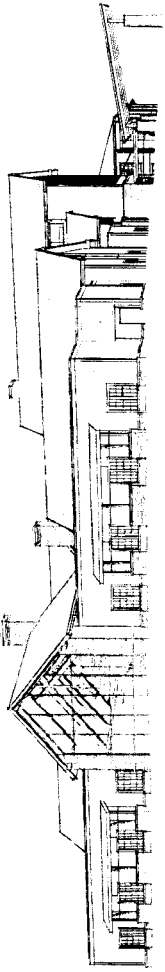


KEYNOTE LEGEND

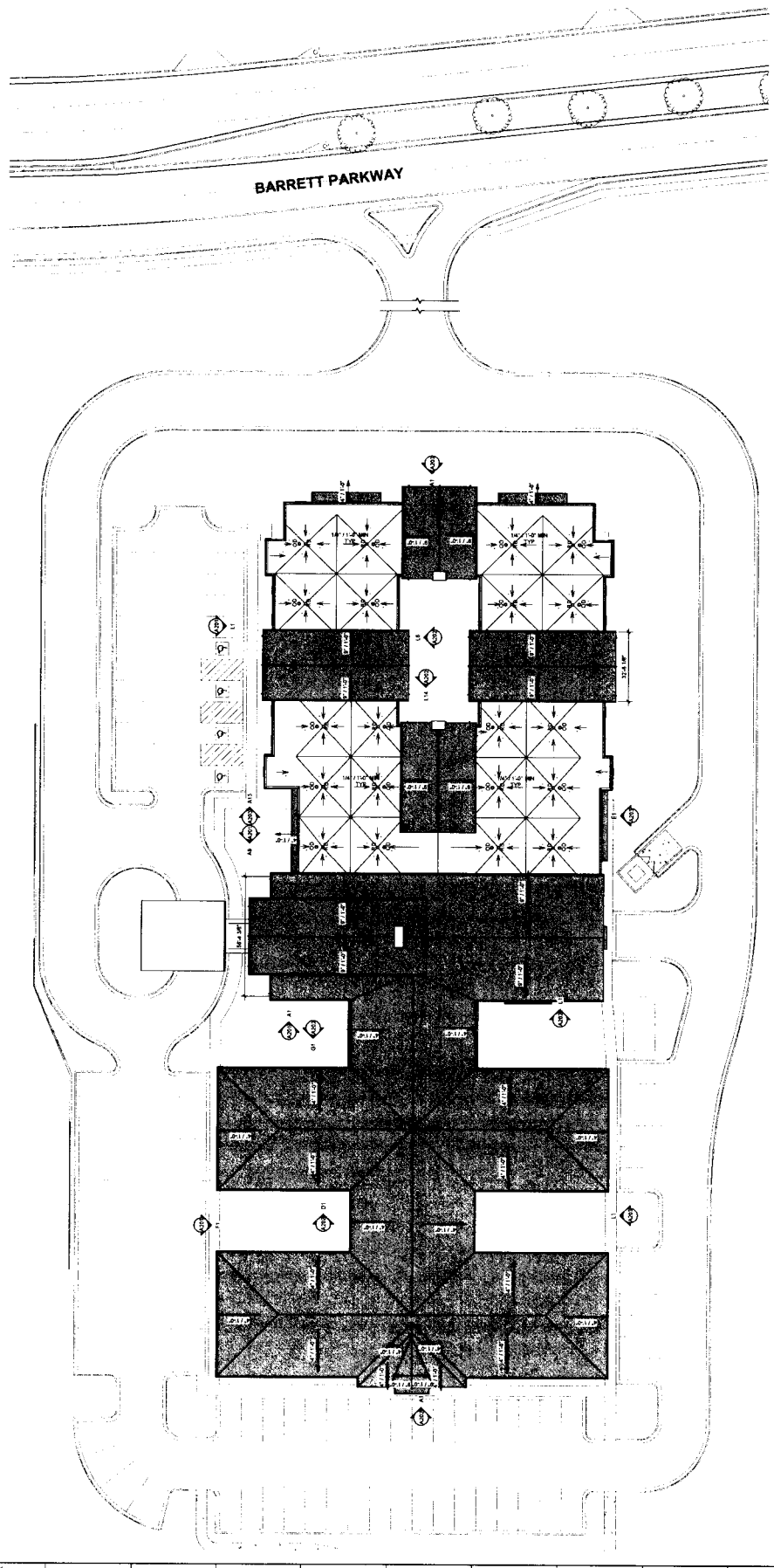
ROOF PLAN LEGEND
 01 - COVERED WALKWAY
 02 - ROOF WALKWAY
 03 - ROOF DECK
 04 - ROOF SKY

GENERAL ROOF PLAN NOTES
 A. THE PURPOSE OF THE ROOF PLANS IS TO SHOW THE LOCATION AND AREA OF THE ROOF DRAINAGE. ALL ROOF DRAINAGE SHALL BE TO THE STREET OR TO THE STREET DRAINAGE SYSTEM. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL AUTHORITIES.
 B. ALL ROOF TOP EQUIPMENT TO HAVE CURBS TO MATCH POSITIVE DRAINAGE TO THE STREET OR TO THE STREET DRAINAGE SYSTEM.
 C. DOWNSPOUTS SHALL BE DOWNSTREAM ON THE LEAF ROOF.

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 P N M L K J I H G F E D C B A



VIEW FROM BARRETT PARKWAY

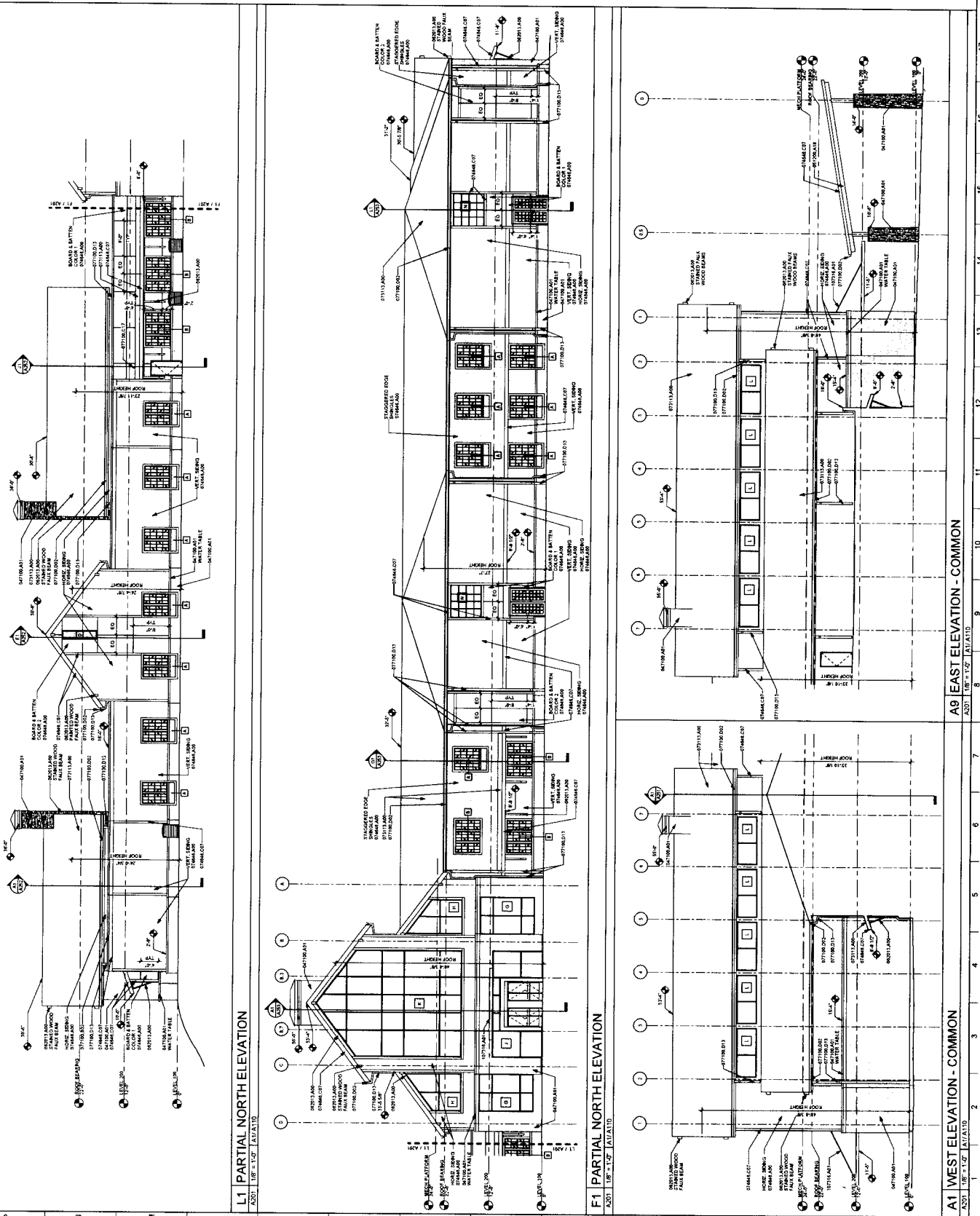


REVISIONS	
NO.	DATE

265

KEYNOTE LEGEND

MATERIAL	STONE CERAMIC MANUFACTURED
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	EXTERIOR FINISH LANTERN
	BRASS LANTERN
	BRASS LANTERN
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PROJECT NO.	1809-00
DATE	11/18/15
DESIGNER	CDH
SCALE	1/8" = 1'-0"



NO. REVISIONS OR CORRECTIONS	
DATE	
BY	
REVISION	

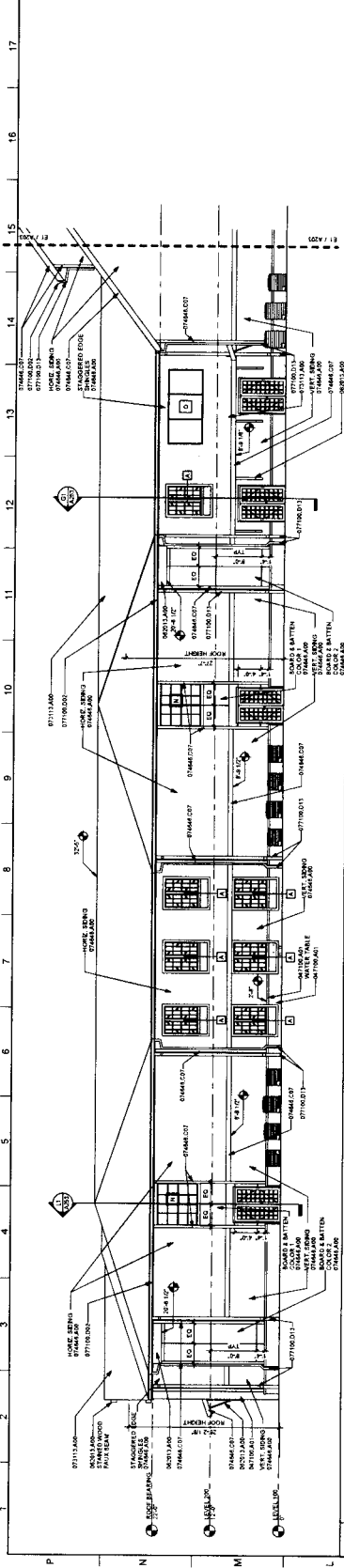
EXTERIOR ELEVATIONS

SHEET NUMBER
A203

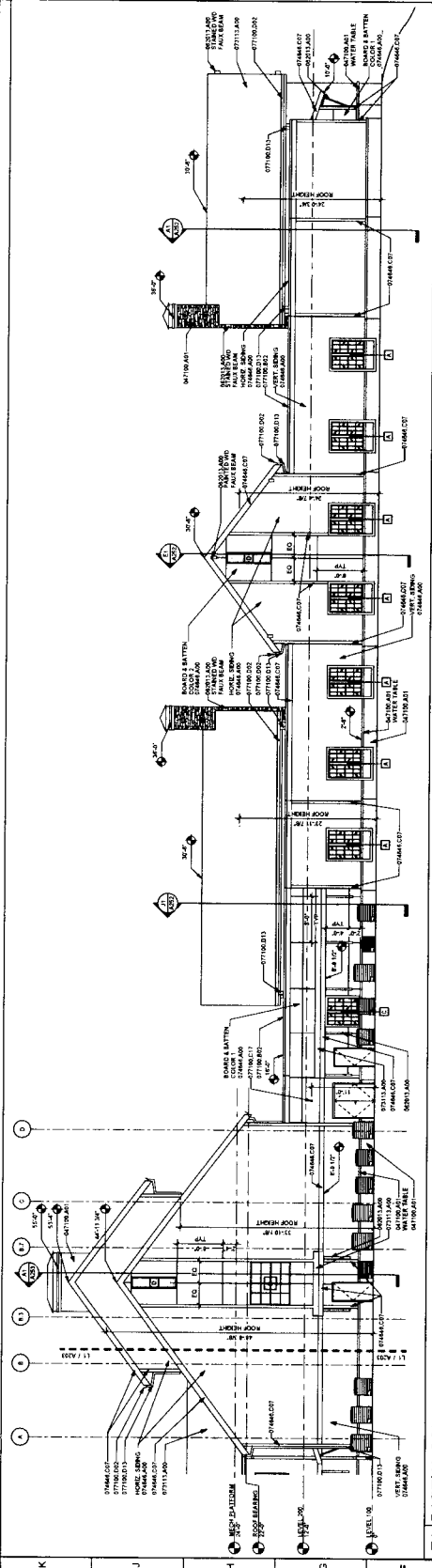
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KEYNOTE LEGEND

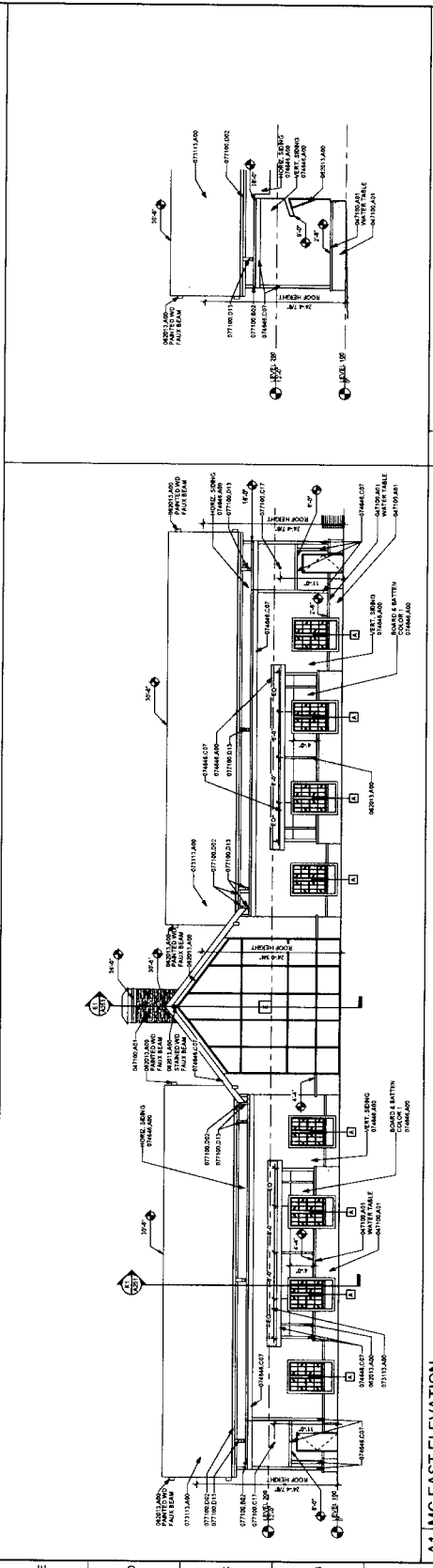
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L1 PARTIAL SOUTH ELEVATION
 A203 | 1/8" = 1'-0" | AT/A110

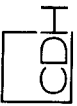


E1 PARTIAL SOUTH ELEVATION
 A203 | 1/8" = 1'-0" | AT/A110



A1 MC EAST ELEVATION
 A203 | 1/8" = 1'-0" | AT/A110

A13 MC WEST ELEVATION
 A203 | 1/8" = 1'-0" | AT/A110



CDH
 10000 N. 15th Ave., Suite 100
 Phoenix, AZ 85021
 (602) 998-8800
 www.cdha.com

BARRETT PARKWAY ASSISTED LIVING FACILITY
 EARNEST BARRETT PKWY COBB COUNTY, GA
 BARRETT ALF, LLC

PROJECT NO.	100000000
DATE	01/20/11
SCALE	AS SHOWN
DESIGNED BY	CDH
CHECKED BY	CDH



NOT BE USED FOR
 ANY OTHER PROJECT

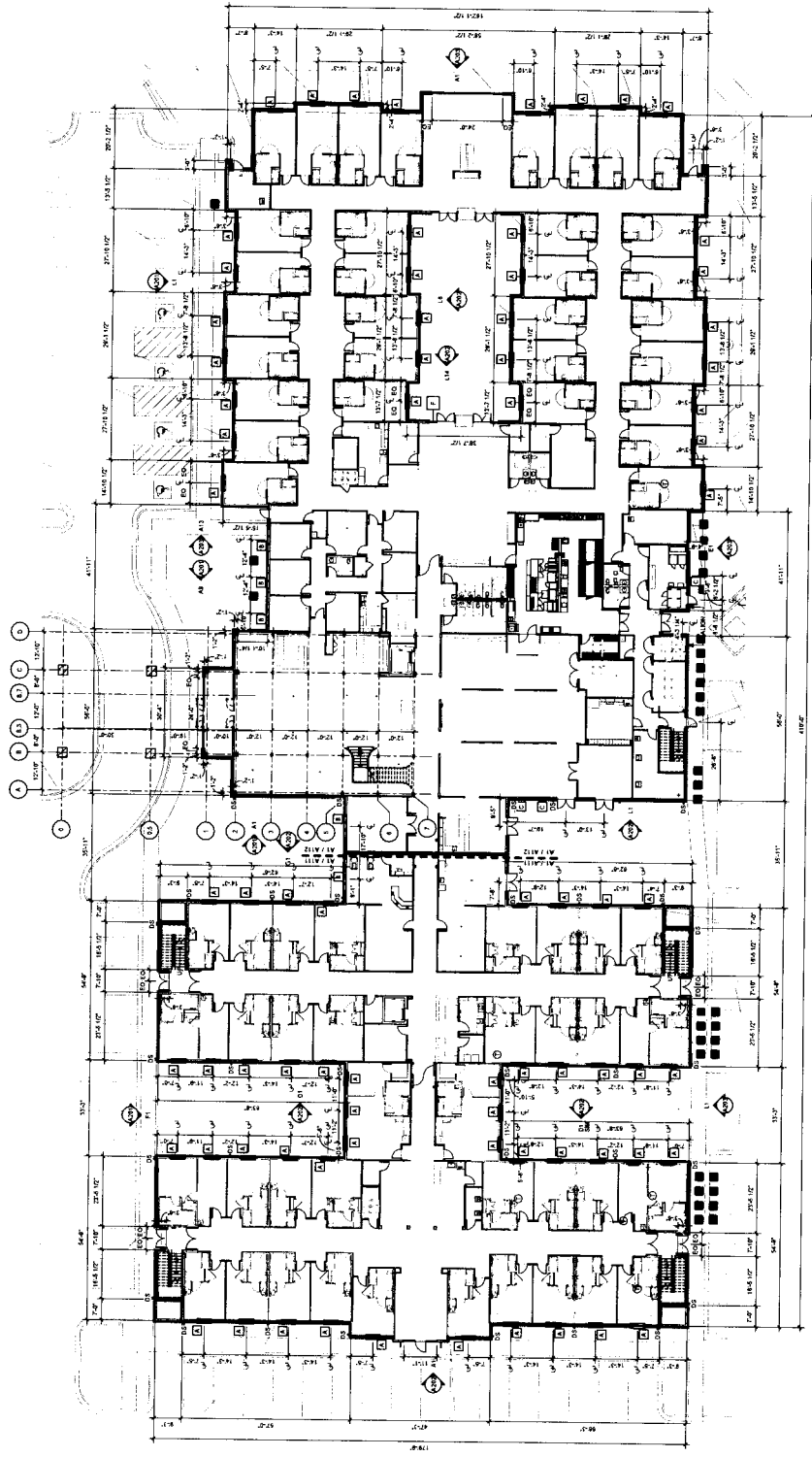
NO.	DESCRIPTION
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SHEET TITLE
**FLOOR PLAN -
 LEVEL 100 -
 OVERALL**

SHEET NUMBER

A110

4 of 5



A1 LEVEL 100 FLOOR PLAN - OVERALL

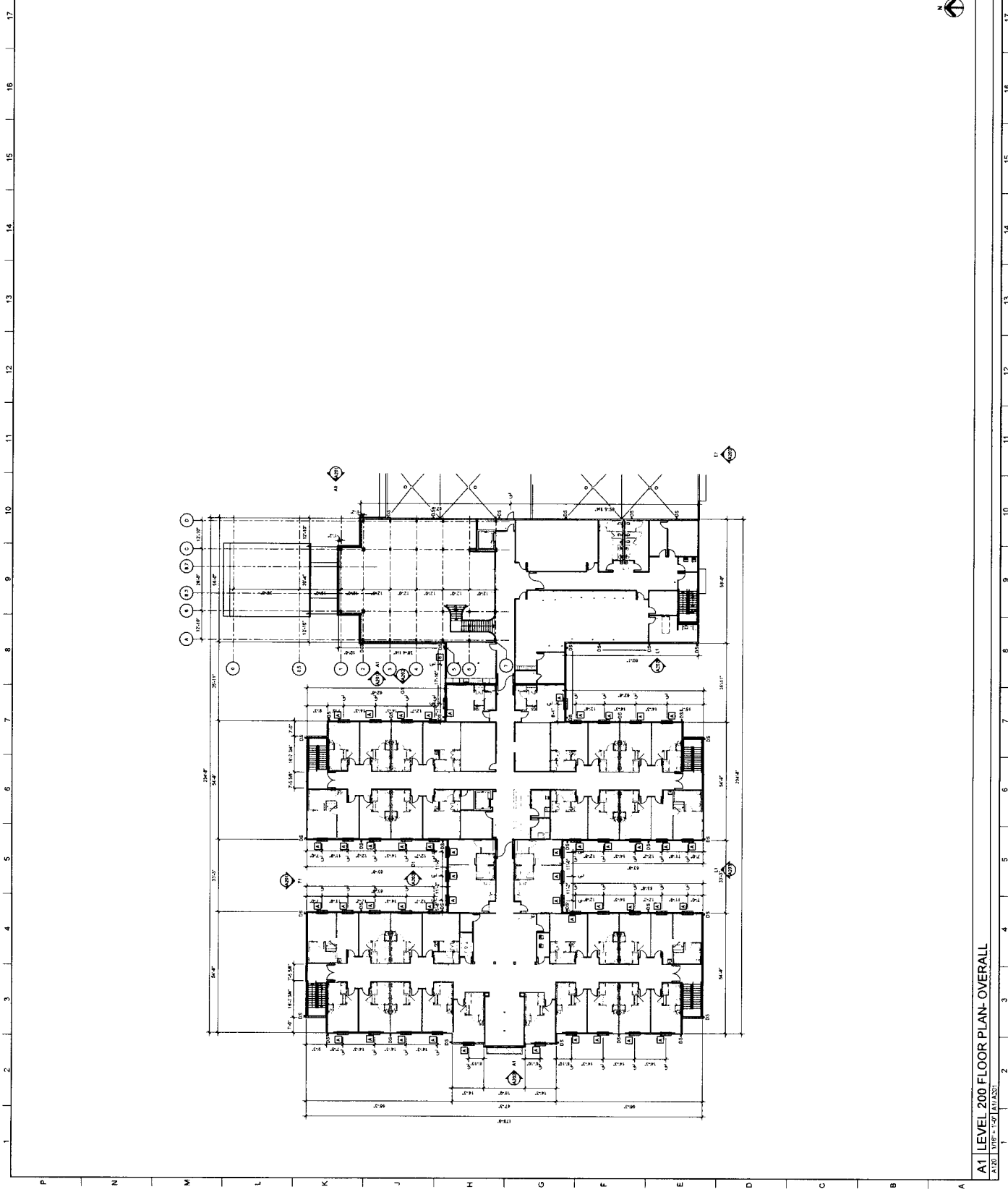
A110 11/25/10 11/25/10

PROJECT NO.	17000001
DATE	07/20/17
REVISION	
DESCRIPTION	



NOT RELEASABLE FOR CONSTRUCTION	
DATE	
BY	
REVISION	
DESCRIPTION	

5/8/5



A1 LEVEL 200 FLOOR PLAN-OVERALL
DATE: 07/20/17 BY: JAS/ST

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 21, 2016
PAGE 15

REGULAR AGENDA (CONT.)

Z-52 **CENTRIC DEVELOPMENT, LLC** (Kim Dang Nguyen; Thong Trong Truong; Katie M. Lee; Kull Curry Brown, owners) requesting Rezoning from **R-20** to **RSL - SUPPORTIVE** for the purpose of Residential Senior Living (Supportive) in Land Lot 329 of the 20th District. Located on the west side of Ernest Barrett Parkway, south of Zachary Woods Drive, north of Dallas Highway (3292, 3312 and 3322 Ernest Barrett Parkway).

The public hearing was opened and Mr. Parks Huff, Mr. Jason Acree, Ms. Keli Gambrell, Ms. Melissa O'Brien, and Mr. David Lee addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Weatherford, second by Birrell, to **approve** Z-52 to the **RSL-Supportive** zoning category, subject to:

1. **Letter of agreeable conditions and attached site plan from Mr. Parks Huff dated June 7, 2016 (attached and made a part of these minutes)**
2. **Planning Commission comments and recommendations for Z-52 from the June 7, 2016 hearing (attached and made a part of these minutes)**
3. **Applicant to provide a *revised* footprint that minimizes visual impact from Barrett Parkway to the District Commissioner for approval**
4. **Any and all stipulation revisions to be approved by the District Commissioner or staff designee**
5. **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
6. **Stormwater Management Division comments and recommendations, *not otherwise in conflict***
7. **Department of Transportation comments and recommendations, *not otherwise in conflict***

VOTE: **ADOPTED 5-0**

Chairman Lee called for a brief recess from 12:44 p.m.; the hearing reconvened at 12:54 p.m.

**MINUTES OF ZONING HEARING
COBB COUNTY PLANNING COMMISSION
JUNE 7, 2016
9:00 A.M.**

Min. Bk. 79 Petition No. Z-52
Doc. Type 6-7-16 Planning Commission
Hearing Comments & Recommendations
Meeting Date 6-21-16 for Z-52

The Planning Commission Zoning Hearing was held on Tuesday, June 7, 2016 in the second floor public meeting room of Cobb County Building A, 100 Cherokee Street, Marietta, Georgia. Present and comprising a quorum of the Commission were:

Mike Terry, Chairman
Skip Gunther
Galt Porter
Christi Trombetti
Judy Williams

CALL TO ORDER – CHAIRMAN TERRY

Chairman Terry called the meeting to order at 9:03 a.m.

REGULAR AGENDA

Z-52 **CENTRIC DEVELOPMENT, LLC** (Kim Dang Nguyen; Thong Trong Truong; Katie M. Lee; Kull Curry Brown, owners) requesting Rezoning from **R-20** to **RSL - SUPPORTIVE** for the purpose of Residential Senior Living (Supportive) in Land Lot 329 of the 20th District. Located on the west side of Ernest Barrett Parkway, south of Zachary Woods Drive, north of Dallas Highway (3292, 3312 and 3322 Ernest Barrett Parkway).

The public hearing was opened, and Mr. Parks Huff and Ms. Keli Gambrill addressed the Commission. Following presentation and discussion, the following motion was made:

MOTION: Motion by Gunther, second by Trombetti, to recommend **approval** of Z-52 to the **RSL Supportive** zoning category, subject to:

- 1. Letter of agreeable conditions and attached site plan from Mr. Parks Huff dated June 7, 2016 (on file in the Zoning Division)**
- 2. Construction to the rear half of the property be pathways and benches only and be naturally maintained**
- 3. Water and Sewer Division comments and recommendations**
- 4. Stormwater Management Division comments and recommendations**
- 5. Department of Transportation comments and recommendations**

VOTE: ADOPTED 5-0

Clerk's Note: Ms. Williams requested that the Applicant explore moving the building closer to the rear of the property for a more residential appearance prior to the Board of Commissioners' Zoning Hearing.

Min. Bk. 79 Petition No. Z-52
Doc. Type Letter

Meeting Date 6-21-16

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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

ADAM J. ROZEN

WWW.SLHB-LAW.COM

June 7, 2016

VIA EMAIL & HAND DELIVERY

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

Re: Application of Centric Development, LLC to Rezone a 9.186 Acre Tract from R-20 to RSL – Supportive; Land Lot 329 of the 20th District, 2nd Section, Cobb County, Georgia (Z-52).

Dear John:

Centric Development, LLC proposes an assisted living facility on Barrett Parkway, north of Dallas Highway on nine (9) acres. Centric chose this location because it is a large tract that will largely remain natural. Centric believes that aging citizens deserve to live in a peaceful quiet setting and that a community should provide places for people to age in their community. Unlike previous senior housing projects, this is an assisted living facility with a memory care component. There will be a registered nurse on staff to coordinate the care for the residents. No other proposed development in the area offers the memory care component which is a critical need for aging seniors.

With respect to the foregoing and after further consultations with the Applicant, Staff and the Planning Commission the balance of this letter will serve as Centric's expression of agreement with the following Revised stipulations which shall become conditions and a part of the grant of the Rezoning and binding upon the subject property thereafter. The Revised referenced stipulations are as follows, to wit:

1. The Revised 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 concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning.
2. The property will be rezoned to RSL for an age-restricted assisted living facility with a memory care component. There will be a maximum of 120 units. Because the property is over nine acres, which is three times the minimum size for an RSL community.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
June 7, 2016
Page 2

3. The site will be developed consistent with the enclosed site plan which includes a forty foot buffer on the north and the south property line and a minimum eighty foot buffer on the west property line. The buffer will either remain natural with amended vegetation to create an opaque barrier or a graded and replanted buffer with the buffer plan to be reviewed and approved by the Community Development Department.
4. The maximum impervious surface shall be 35% which is consistent with a residential impervious surface limitation.
5. The building will be consistent with the enclosed rendering and a maximum of two stories. A landscape plan shall be developed and approved by the Community Development Department to provide a landscaped streetscape with shade trees and other landscaping to be visually appealing.
6. All exterior lighting will be dark-sky compliant.
7. The applicant will comply with the requests of Cobb DOT as it relates to the location of its entrance which will be limited to a right-in and right-out access on Barrett Parkway. Additionally, the applicant will install sidewalks along Barrett Parkway.
8. The applicant will comply with the requests of the Cobb County Stormwater Management Division related to the construction of the stormwater and water quality facilities.
9. 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.
10. The RSL community shall be designed and marketed exclusively to serve 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.

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-52
Meeting Date 6-21-16
Continued

VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
June 7, 2016
Page 3

11. Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of building.
12. All exterior lighting shall consist of environmentally sensitive lighting that will prevent outward illumination and visible glare onto adjoining properties.
13. Deliveries shall be limited to 6:00 a.m. to 9:00 p.m., Monday to Saturday and trucks shall not be allowed to stand and park with running motors.
14. The dumpster area shall be fully screened and roofed to avoid sight pollution. Any trash collection shall only be allowed during the hours trash collection is provided to the adjacent residential subdivisions.
15. Construction hours for the proposed project shall be limited to the following:
 - a. 7:00 a.m. to 7:00 p.m. – Monday – Friday
 - b. 9:00 a.m. to 6:00 p.m. – Saturday; and
 - c. No work on Sunday unless approved by the District Commissioner.
16. The District Commissioner shall have the authority to approve minor modifications to these stipulations/conditions, except for those that:
 - a. Reduce the size of an approved buffer adjacent to property that is zoned the same 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 in the same or more restrictive zoning district.
 - d. Violate the Cobb County Zoning Ordinance.
 - e. Change access locations to different roadways.

Petition No. Z-52
Meeting Date 6-21-16
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
June 7, 2016
Page 4

- f. Would be in direct conflict with, or direct contradiction to, Cobb County regulations or any of the foregoing stipulations.

Centric recognizes the property is not in an Activity Center, but it is located on an Arterial Road that has a median which limits access. The fact the applicant is acquiring nine acres allows for significant buffering adjacent to residential property. With the residential look of the two story building and the large buffers, the assisted living building is compatible with the surrounding area.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Parks F. Huff
phuff@slhb-law.com

PFH/klk
Enclosures/Attachments

cc: Listed on next page

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL & HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
June 7, 2016
Page 5

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Mr. Dana Johnson, AICP Director (via email w/attachments)
Mr. Lee McClead, Deputy Director (via email w/attachments)
Mr. Jason Gaines, Planning Division Manager (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Ms. Kim Wakefield, Zoning Analyst (via email w/attachments)
Mr. Donald Wells, Zoning Analyst (via email w/attachments)
Ms. Pam Mabry, County Clerk (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Ms. Robin Presley, Deputy County Clerk (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Ms. Ashley White, P.E. (via email w/attachments)
Mr. Tim Davidson, P.E. (via email w/attachments)
Mr. David Vickers, President, Centric Development (via email w/attachments)