

Action Requested/Required:						
Vote/Action Requested  Discussion or Presentation Only  Public Hearing  Report Date: 7/1/24  Hearing Date:						
Voting Date:						

GEORGIA	Hearing Date:  Voting Date:
Department: Community Development Presenter	(s) & Title: Steve Green, Zoning Administrator
Agenda Item Title:	
Appeal of Board of Appeals denial for requested variances - VAR24 VAR2405-002, request to reduce required building setback along e place sidewalk along one side of streets, VAR2405-004, request to eliminate required gates on a private street - 201 Hospital Road	external property lines from 50' to 10', VAR2405-003, request to
Summary:	
The Board of Appeals (BOA) met on June 10, 2024 and heard a ser applicant seeks to build 49 townhomes on the property formerly applicant is requesting to reduce the required buffer from 50' to 1 from 50' to 10', place sidewealks along one side of the street only gates on a private street. The applicant is only appealing two of the requirement. The BOA denied all five requested variances. The Ur the Mayor and City Council to hear an appeal of the denials. If the hearing will be scheduled. If the Mayor and City Council decides n their appeal to the Superior Court of Cherokee County.	used as the parking area for the old Northside Hospital. The .0', reduce the required setback along the external property lines , reduce the beauty strip from 2' to 1' and elimonate the required are denials, the 50' buffer reduction and the 50' building setback sified Development Code requires the applicant to first petition Mayor and City Council decides to hear the appeal a public
Budget Implications:	
5 - 16	Estimated  s Tax Other:
Staff Recommendations:	
Reviews:  Has this been reviewed by Management and Legal Counsel,	if required? Yes No
Attachments:	

Appeal letter

Applications VAR2405-001 and 002

Action letter

#### Variance Appeal Letter

To whom it may concern,

Eastwood Homes is pursuing the purchase of a 4.5+/- acre parcel of land that was once a part of the old Northside Hospital. As you may be aware, an apartment developer recently rezoned and purchased the site which is currently in development. The apartment developer is currently in the process of splitting off the northern portion of the site to potentially sell to Eastwood Homes who plans to build townhouses. The apartments and townhouses will be two separate developments.

After (3) predevelopment meetings, other consultations with staff, and various site plan drafts, Eastwood created a site plan based on staff's comments, recommendations, and preferences which is attached. The site plan utilizes all (5) of the submitted variance applications, which were all discussed in the last predevelopment meeting. The variances include the following:

- 1. Reduce the landscape buffer from 50' to 10'
- 2. Reduce the setback buffer from 50' to 20'
- 3. Remove the requirement for sidewalks on both sides of internal streets.
- 4. Reduce the landscape strip from 2' to 1' to maintain a 5' sidewalk throughout the site. (recommended by staff)
- 5. Remove the requirement for private roads to be gated.

The variance applications were filed at the beginning of May and the public hearing was June 10<sup>th</sup>. Representatives from Eastwood and the property owner attended in support. Eastwood's engineer was also in attendance to answer any specific technical questions per the request of the Board Members, but during the hearing the board who obviously had several questions did not invite the engineer to the stand to explain the technicals.

Eastwood also consulted with the Landscape Architect you designed the landscape plan for the apartments to determine options for landscaping, and assessed the a 10' built landscape buffer can achieve similar screening effect as the minimum requirements for the 50' buffer in order to achieve the same intent as outline in the code while providing more engineering and landscape flexibility. For example: a landscape buffer can only have landscaping and no infrastructure, where as a setback buffer provides the flexibility to have both landscaping and infrastructure. This provides more site flexibility to interchange infrastructure and landscaping where applicable on the site. Other examples of impact include staff preferred driveway lengths as there in no minimum requirement for the property's current zoning, integration of the proposed development into the existing neighborhood for which all the existing homes front public roads with average setbacks of 10-20'.

There are certainly a variety of reasons we requested variances 3, 4, and 5. However, the applicant has decided not to pursue an appeal on those items, and only wishes to appeal variances 1 and 2 (landscape buffer and setback buffer). If the requested landscape and setback buffers will not be applied for the entire townhouse site per the site plan, the applicant wishes to discuss what options may be available for compromise on any reduction or to specific areas of the site. The applicant believes that the proposed variances will allow for superior site that integrates the new development into the existing community both aesthetically and functionally, etc.

Sincerely,

Nick Whitson, Land Acquisitions Manager

Eastwood Homes of GA



# Community Development Department 110 Academy Street, Canton, Georgia 30114 770-704-1500

## Public Hearing Application

Project #\_\_

1. Please check all information supplied on the following pages to ensure that all spaces are filled out completely and accurately before signing this form. State N/A, where Not Applicable								
2. Please make your check payable to "City of Canton."								
3. If you have questions regarding this form please contact the Department of Planning and Zoning by calling (770) 704-1530.								
This form is to be executed under oath. I, Eastwood solemnly swear and attest, subject to criminal perinformation provided in the Application for Pub contains no misleading information. I, Eastwood received and thoroughly read the Pub	enalties for false swearing, that the olic Hearing is true and correct and Homes of GALLC, have olic Hearing Procedures.							
u This day ofMay	Name: Nick Whitson for Eastwood Homes Atlanta Div.							
Applicant: Print I	Name: Nick Whitson for Eastwood Homes Atlanta Div.							
Applicant Information:	Owner Information:							
Name: Eastwood Homes Homes of GA LLC (POC - Nick Whitson)	Name: Accent Canton Atlanta LP (POC - Matt Ross)							
Address: 1000 Mansell Exchange West, Building 350	Address: 1100 Peachtree St							
City Alphantia	City: Atlanta							
City: Alpharetta State: GA Zip Code: 30040	State: GA Zip Code: 30309							
Telephone: 404-661-4040	Telephone: 770-778-7293							
Fax Number: n/a	Fax Number:							
Email Address: nwhitson@eastwoodhomes.com	Email Address: m.ross@westplan.com							
C Master Plans D Master Plan Revisions E Conditional Use Permit F Land Use Modification  S C Zoning Condition Amendment	rary Use Permit Ordinance Text Amendment ce: Pre-Construction ce: Post-Construction Appeal Adjustment special Exception							
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Fee Schedule: Application Type	Staff Use Only							
Application Type + (#Acres x \$25.00 = + (#Acres x \$50.00 =								
+ (#Acres x \$50.00 = Advertising Fee	) = Amount Due; = Amount Due;							
Advertising rec	Total Fee:							
n and a linear								
Received By:	Date: Amount Paid:							



#### Community Development Department

110 Academy Street, Canton, Georgia 30114

770-704-1500

## **Authorization Of Property Owner**

This form is to be executed under oath. I, Accept Carten Affanta, do solemnly swear and attest, subject to criminal penalites for false swearing, that I am the owner of the property, which is the subject matter of the attached application, as is shown in the records of Cherokee County, Georgia. I hereby authorize the City of Canton and its representatives to inspect the property, which is the subject of this application, and post any notices required theron. Owner Signature: Rob Corfer

Owner Signature: Rob Corfer On behalf of Accent Canton Atlanta LP as manager I, the above signed legal owner of the subject property, do hereby authorize the following application to be submitted to the City of Canton: G Zoning Condition Amendment ☐ A Annexation H Density Transfer within Master Plan ☐ B Rezoning ☐ I Temporary Use Permit C Master Plans ☐ J Zoning Ordinance Text Amendment D Master Plan Revisions 1 E Conditional Use Permit F Land Use Modification Notary Signature Marca P. Chandles Sharon R Chandler **NOTARY PUBLIC** Cobb County State of Georgia

My Comm. Expires December 6, 2025



## Community Development Department 110 Academy Street, Canton, Georgia 30114 770-704-1500

## **Authorization Of Applicant**

	<del></del>
This form is to be executed under onth. I, According to solemnly swear and attest, subject to criminal penal the owner of the property, which is the subject matter is shown in the records of Cherokee County, Georgi Canton and its representatives to inspect the propagation, and post any notices in	in. I hereby authorize the City of crty, which is the subject of this equired theron.
This day of May	, 20
Owner Signature: R. Carthe Print on behalf of Accept Carter Atlanta LP	Name: P. Carter  Levely authorize the person named
I, the above signed legal owner of the subject property, do below to act as applicant in the pursuit of a request for:	nereby namorize the person mines
☐ A Annexation ☐ B Rezoning ☐ II Density T☐ C Master Plans ☐ I Temporary	ondition Amendment fransfer within Master Plan y Use Permit rdinance Text Amendment
F Land Use Modification	
Name of Authorized Applicant: Nick Whitson & East	struct Homes of Georgia, LLC
	Applicant Status;  Owner  Option to Purchase  Leasee  Area Resident  Other (Explain):
This Authorization of Applicant Form has been completed Sworn To and Subscribed Before Me This Day 0	f May, 20 2024
Notary Signature Sharan L. Cl	randler
www.eantongn	1 . g o v
	Sharon R Chandler NOTARY PUBLIC Cobb County State of Georgia
	My Comm. Expires December 6, 2025



## Community Development Department

110 Academy Street, Canton, Georgia 30114 770-704-1500

#### Disclosure Form

O.C.G.A. § 36-67A-2 / O.C.G.A. § 36-67A-3 requires disclosure of campaign contributions to government officials by an applicant or opponent of a public hearing petition. Applicants must file this form with the Department of Community Development.

this form with the Department of Community Development.	
1. Name of Applicant/Opponent: Nick Whiten Ister Country of Great of Great Homes word Great LL	L
Section 1  If the answer to any of the following questions is "Yes," complete Section 2.  A) Are you, or anyone else with a property interest in the subject property, a member of the City of Canton Planning Commission or the City of Canton Mayor and Council?  YES  NO  B) Does an official of such public bodies have any financial interest in any business entity which has a property interest in the subject property?	
C) Does a member of the family of such officials have an interest in the subject property as described in (A) and (B)?  YES  NO  Within Two (2) years of immediately preceding this application have you made campaign contributions(s) or given gifts to such public officials aggregating \$250 or more?  YES  NO	
1. Name and the official position of the Canton Official to whom the campaign contribution was made (Please use a separate form for each official to whom a contribution has been made in the past (2) years):  2. List the dollar amount/value and description of each campaign contribution made over the past two (2) years by the Applicant/Opponent to the named Canton Official:  Description	
\$	

Note: Complete a separate form for each authorized applicant.



# Community Development Department 110 Academy Street, Canton, Georgia 30114 770-704-1500

Property Information:
Address: 201 Hospital Rand, Canton, OH 3011
Address: 20 Hospital Rand, Canton, GA 30114  Land Lot(s): 148 District: 14th Section: 2nd Map #: 91N03 Parcel #: 23
Existing Zoning Of Property: D-Mixed See Total Acreage Of Property: 17.85 (4.378)  Proposed Zoning Of Property: Na Existing Use(s) Of Property: Vacant  Directions to property from Main Street in downtown Canton:  North Street to Waleska Street Heft on Riverstone Pkwy right onto  Hospital Drive, Parcel is on the left.
Adjacent Property/Owner Information: Please provide the following information for all adjacent properties, including property connected by public rights-of-way. Attach additional sheets as necessary.
OWNER NAME/ADDRESS  OST  OST  OST  OST  OST  OST  OST
NORTH ED>> Kenty UC 300 medicul Ln O-I Delong-Victors LLC 200 medicul Ln O-I TNRA
SOUTH Edge Real Estate 111 0-I
EAST Son Medical Ln John & Cauble PD-MU Lorenzo, Gardos Juan 230 Hagiral Bd. 0-RT
WEST Correct UC 250:260 Hospital Rd 0-RT
OTHER
UTILITY INFORMATION
How is sewage from this development to be managed? Southary Sewer System
Proposed managing jurisdiction: City of Canton
the temporal ded to the site?
Proposed managing jurisdiction: City of Conton Size Limit:



## Community Development Department

110 Academy Street, Canton, Georgia 30114 770-704-1500

#### PUBLIC SCHOOL POLICY STATEMENT

The Mayor and Council of the City of Canton hereby recognize that growth and development can, at times, have an effect on school capacity within the county and therefore recognize the need to share information on developments that have regional impact. In an effort to cooperate with the Cherokee County School Board and share information on residential rezoning requests, master plan applications, and land use modifications to the comprehensive land use plan, the Mayor and Council hereby encourage open dialogue and meeting between the applicant and the appropriate school board representative. Therefore, developers whose projects consist of 25 or more residential units shall contact the Cherokee County School Board and communicate with a school board representative to discuss their intent. The applicant should be prepared to address such communication if requested by the Mayor and Council at the meeting in which final action is to be taken. (Section 8-8-8-37) (Amended: 12/07/00)

County Schools serving this development:  HIGH Cherokee High Scho  MIDDLE Teasley Middle  ELEMENTARY RM Modre	ol , school
TRAFFIC INFORMATION  Road/Street providing access: Hospital Rd	and Hospital Dr (Mary Lane extension)
Road/Biteet providing in	. 601
Width at property: (Road) 24' (Right-off)  Distance to nearest major thoroughfare: 4-162'	of-way) 50 Wateska Rd
Distance to nearest major thoroughfare: 4-162	Thoroughtare Name(
Description of Road accessing property (Classificati	on):/oca (
In support of this request, I submit the following application:	items, which are attached and made a part of this
	Master Plan / Site Plan
	Location Map
Legal Description	Hydrology Study
Letter of Intent Traffic Analysis Report	(Guidelines available from Planning & Zoning Dept.)
<u> </u>	Guidelines available from Framing & Zeining & Francisco
Board of Appeals Review Criteria Response	Elevation I rais
D p dd - D aquesting Annexalloll	
Other (please explain)	



## Community Development Department

770-704-1500

## Canton Board of Appeals Review Criteria

Article H, Section 8-8-H-195 empowers the Board of Appeals to authorize variances from provisions of the Zoning Code pursuant to a finding based in the criteria listed below. Please respond to the following.

(Applications Type K: ONLY)

Are there any extraordinary and exceptional conditions pertaining to the subject property because of its size,
shape or topography? The shape of the property along with multiple and
Frantages, and code standards create a lack of design and engineering Flexibility.
Would the application of the Zoning Code standards as they relate to the subject property create an unnecessary
hardship? Yes, limit design flexibility whereas the underlying intent of the code can be achieved with the approved of the requested variance's.  Has the condition from which relief or variance is sought been a result from action by the applicant? No
Are there conditions peculiar to the subject property? \\ \le \s
Would relief, if granted, cause substantial detriment to the public good or impair the purpose and intent of the Zoning Code? Specifically, would the variance impair an adequate supply of light and air to adjacent property or unreasonably increase the congestion in public streets or increase the danger of fire or imperil the public safety or unreasonably diminish or impair established property values within the surrounding areas, or in any other respect impair the health, safety, comfort, morals or general welfare or the inhabitants or the City?
Provide a Letter of Intent, which provides the necessary information to support your application for Variance.

www.eantonga.gov

Exhibit A

## LETTER OF INTENT

Variance Application

Applicant: Eastwood Homes of Georgia, LLC

Property: 201 Hospital Road, Canton GA (Townhome Tract - 4.378 acres)

Parcel ID: 14-0168-0118

Submitted for Applicant by:

Nick Whitson for Eastwood Homes of Georgia, LLC 1000 Mansell Exchange W, Suite 350 Alpharetta, GA 30022

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#### INTRODUCTION

Applicant, Eastwood Homes of Georgia, LLC, files this Letter of Intent in support of the Variance Application for the, "Townhome Tract," which is a 4.378 acre tract of the total 17.85 acre Mixed-Use Planned Development known as, "Accent Canton," which was the former location of the Northside Hospital-Cherokee near Riverstone Parkway and Waleska Road. PIN: 14-0168-0118.

The surrounding area includes a mixture of multifamily and single family residential, office, parks, and nearby commercial along Riverstone Pkwy. The redevelopment of this site will enhance the area by providing greater pedestrian connectivity and a vibrant place for people to live near the Etowah River, surrounding parks, and intown Canton.

Since 1962, the property was generally used for a hospital and associated medical uses, first as R.T Jones Regional Hospital and later Northside Hospital-Cherokee. In light of the growing population and need for additional space, Northside constructed a new state of the art facility. The existing buildings were demolished and the site has been vacant with a significant area of paving and no beneficial use.

The site was recently rezoned from SU (Special Use) to PD-MU (Planned Development - Mixed Use) and acquired by Accent Canton Atlanta LP. The site was approved for the development of 260 apartments and 50 townhomes. A Traffic Analysis was conducted at the time of the rezoning, and we don't foresee any negative or significant impact on traffic due to our variance request(s). The, "Townhome Tract," does lack some design and engineering flexibility due to its shape paired with certain nuances of the development code's minimum requirements, which include but are not limited to: buffers, setbacks, and other development regulations. Thus, the application seeks the following variance requests in order to balance design and engineering flexibility for sustainable and practical development with comfort, safety, and our interpretation of the underlying intention of codes

for which are seeking variances.

The City of Canton's Housing Needs Assessment identified the need for quality housing in the City and identified this former Northside Hospital site as a desirable residential development site. The variance(s) proposed for the Townhouse Tract will balance practical development and design flexibility with safety and comfort guidelines aligning with the city's guidelines for sustainable and practical development, as outlined in the Unified Development Code.

### LIST OF REQUESTED VARIANCES & DETAILS

#### 1. Landscape Variance:

- Request: Landscape Variance Section 103.03.07-10 Remove the requirement for a 50' Landscape Buffer between the PD-MU and O-I Zoned properties at the northern borders of the Townhome development, which all share the same Future Land Use (FLU) Traditional Neighborhood Redevelopment Area (TNRA) in exchange for a 10' Built Landscape Buffer as depicted in the proposed site plan.
- Justification: A dense landscape plan within a 10-foot built buffer can achieve a similar effect and aesthetics as a 50-foot vegetative buffer, albeit with some considerations. Starting with the foundation of a built buffer, fencing. A privacy fence achieves multiple objectives from the code 103.03.07, "to reduce the effects of headlight glare, noise, and other objectionable activities," will create a complete visual barrier between the parking lot of 321 Hospital Drive and the proposed residential development which is now only separate by an old chain link fence, and also on the opposite side of the development between 50 Medical Ln and the development where there is currently no fencing or visual barrier. A privacy fence maximizes visual screening at eye level while maintaining little impact in a buffer in order to preserve room for layers of dense vegetative landscaping. The next few layers of our proposed built buffer will further create an appealing and dense landscape buffer between the two properties within the proposed 10 foot built landscape buffer. These additional layers to our built buffer involve a mixture of carefully chosen understory evergreen and oriental shrubs and trees that provide both vertical and horizontal coverage with <15 foot to 30 foot on center spacing. Followed by the third layer, a variety of evergreen and streetscaping canopy trees on the standard 50 foot center on center. The closer spacing of the plants behind the fence within the proposed 10-foot built buffer will create a more lush appearance. The combination of all these elements of our built buffer will create a dense layered year-round aesthetically pleasing barrier between the proposed residential development and office/commercial parcels to the north of the site. This concept of a 10' built landscape buffer was inspired with the assistance of an Engineer and Landscape Architect based on sections of the Canton code and approved tree species.

In addition to the proposed 10' built landscape buffer along the north and eastern property lines as shown in on our proposed site plan, we can also use the setback areas and open space in our proposed site plan for additional landscaping and tree planting as units 16-21 and 22-29 are roughly 40+ feet away from the property line. And units 30-39 are even further off the eastern property line, offering additional greenspace on the eastern side of the internal road as seen in our site plan which will feel very much like the underlying intention of a standard buffer on a significant portion of the site. For images of existing and proposed conditions, see the colored site plan, elevations, and examples of proposed buffers.

Other areas that will feel different with a smaller landscape buffer than originally planned, but possibly more aesthetically cohesive with the community, will be units 1-15 along the west side of the site as those units will front Hospital Rd. This will feel similar to units 22-29 fronting the Mary Lane extension that have a 10 foot setback. We made this adjustment after our first pre-development meeting to create a more inviting thoroughfare along Hospital Road as per recommendations during that meeting from Billy Peppers when discussing pedestrian accessibility to the broader community. We intend for units 1-15 to be closer to the street and have standard streetscaping, which we believe will promote greater pedestrian use and connectivity with the broader community. The zoning across the street from these western facing units is O-RT (office/residential transition) and is currently a combination of residential all fronting public roads, one medical office located at 260 Hospital Rd, and a pocket park at the southwest corner of Mary Lane and Hospital Rd. So, the concept of units 1-15 fronting Hospital Rd with a closer set back to the street should feel cohesive with the surrounding properties and their uses.

In summary, our proposal for a reduction of the 50 foot landscape buffer to a 10 foot *built* landscape buffer will include a combination of a privacy fence and a variety of vegetation to maximize screening and the underlying intentions of the city's Landscape Buffer ordinance while maintaining flexibility for site planning and engineering between the existing properties and the proposed residential site. And not to forget, while the buffer will technically be reduced, this proposed variance will allow greater design flexibility to give us the opportunity to create additional greenspace and

planting as desired along the immediately adjacent properties where landscaping will have the most impact aesthetically and as a buffer.

#### 2. Setback Variance:

- **Request**: Setback Variance This is a Variance for Zoning Condition #5 of Case Z2106-003 "Building setbacks shall be 50' from external property lines unless a variance is granted by the Board of Appeals." Request variance to reduce 50' setback to 20'.
- Justification: This variance request goes hand in hand with the landscape buffer variance request. The setback variance aims to enhance engineering and site planning flexibility while maintaining a fair distance from the property boundary. It allows for a more adaptable design, accommodating stormwater management systems, transportation networks, landscape design, and pedestrian-friendly spaces which is crucial for the viability of the proposed development and necessary engineering design. As noted in the previous landscape buffer variance request, the reduced setback will work hand in hand with this proposed setback variance to facilitate a more engaging streetscape and functional access to the broader community for units 1-15 fronting Hospital Rd, while still accommodating the landscaping/streetscaping requirement. A majority of the units are roughly 40+ feet away from the property lines; except for those fronting the Mary Ln extension which show a 10' setback per Zoning Conditions, and units 1-15 which are shown in our proposed site plan to front Hospital Dr, showing a 20' setback. The colored site plan and other images attached with this application illustrate how the proposed setback variance from 50 feet to 20 feet can offer engineering adaptability across the site without compromising the natural buffer zone, maintaining a fair distance from the property boundary and the thoroughfare, which is in harmony with the underlying intentions outlined in the code for creating a safe, engaging, and aesthetically pleasing environment.

#### 3. Development Regulation Variance:

- Request: Section 109.03.11 Remove the requirement for sidewalks on both sides of internal streets, to one side of internal streets as depicted in the proposed site plan.
- **Justification**: In seeking a variance from the standard sidewalk requirements as stipulated in the City of Canton's development code, it is proposed that the construction of sidewalks on both sides of the street

within the interior of the development be deemed non-essential. This proposal is grounded in the design principle that prioritizes pedestrian connectivity and accessibility. The architectural layout ensures that all front entrances are integrated into a comprehensive network of sidewalks, facilitating unobstructed pedestrian movement throughout the community internally and externally. Furthermore, for the interior rear entry units numbered 22-29 and 30-49, the presence of rear sidewalks adjacent to garages is considered redundant due to the existing accessible routes from the front entrances to the entire community and other sidewalks throughout the community. This approach aligns with the city's vision of fostering communities that are walkable and interconnected, while also addressing practical considerations of site planning and engineering. See both the colored and variance site plans for reference.

#### 4. Landscape Variance:

- Request: Reduce beauty strip width from 2 feet to 1 foot.
- Justification: The proposed modification to the landscape variance seeks to adjust the width of the beauty strip from two feet to one foot. This change is carefully considered to uphold the integrity of the City of Canton's development code, specifically maintaining the required five-foot sidewalk width. Concurrently, it ensures that driveway lengths are sufficient to prevent obstruction of pedestrian pathways. The adjustment also offers increased flexibility in site planning, which can be particularly beneficial in constrained urban environments. Importantly, the revision is designed to preserve the original purpose of the beauty strip, which is to enhance the aesthetic appeal and ensure the safety of the streetscape. This careful balance between form and function reflects a commitment to the community's standards and the well-being of its residents. See the variance site plan for reference.

#### 5. Development Regulation Variance:

- **Request:** Section 109.03.09 Remove the requirement for gates at the entrances of private roads.
- Justification: Fire/Emergency Safety, Traffic, Engineering and Site
  Planning. There was no option for public or private roads for the internal
  streets of the proposed Townhome Tract based on the Zoning Conditions.
  By default the code imposes a gate requirement on private roads. A gate

will be characteristically different from the surrounding residential properties with the exception of the apartment complex on the south side of the Mary Ln extension that is currently in development. The following are a number of considerations for removing the gate requirement on this site. Removing gates ensures unimpeded access for fire trucks, ambulances, and other emergency vehicles. Swift response during emergencies is critical for public safety. Without gates, emergency responders can enter the private road without delay, potentially saving lives and minimizing property damage. During evacuations (e.g., natural disasters), open roads facilitate swift departure for all residents. Gates can cause traffic congestion, especially during peak hours. Removing them improves traffic flow and reduces bottlenecks. Unrestricted access simplifies movement for residents, visitors, and delivery vehicles, enhancing overall convenience. Gates require ongoing maintenance, their removal reduces long-term costs on the homeowners/HOA and ensures smoother road operation. Gates can also hinder pedestrian movement. Removing them promotes walkability and inclusivity.

In summary, removing the gate requirement on the Townhome Tract allows for greater efficiency of traffic flows and emergency vehicles on the Mary Ln extension and Medical Rd, increased pedestrian accessibility, lower HOA payments for gate maintenance. It fosters a well-integrated community while ensuring emergency readiness.

DEED BOOK:14723 PG:1509 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

Rec: \$25.00 TRANSFER TAX \$3,899.10

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 7495336524

#### PLEASE RETURN TO:

Hughes White Kralicek 2300 Windy Ridge Parkway Suite 570 South Atlanta, Georgia 30339 Attn: R. Matthew Short, Esq.

#### LIMITED WARRANTY DEED

THIS LIMITED WARRANTY DEED (the "Deed") is made as of the 4 day of corporation ("Grantor"), and ACCENT CANTON ATLANTA, LP, a Georgia limited partnership ("Grantee") (the terms Grantor and Grantee to include their respective successors and assigns where the context hereof requires or permits).

#### WITNESSETH:

GRANTOR, in consideration of the sum of Ten and No/100 Dollars (\$10.00) and other valuable consideration, the receipt and sufficiency whereof are hereby acknowledged, has granted, bargained, sold, conveyed and confirmed, and does hereby grant, bargain, sell, convey and confirm unto Grantee, the real property described on <a href="Exhibit A">Exhibit A</a> attached hereto and made a part hereof together with all improvements and fixtures thereon (hereinafter referred to as the "Property").

TO HAVE AND TO HOLD the Property, together with all and singular the rights, members and appurtenances thereof, to the same being, belonging, or in anywise appertaining, to the only proper use, benefit and behoof of Grantee forever in FEE SIMPLE, subject only to (i) the terms, reservations, restrictions, covenants, and conditions set forth in this Deed, and (ii) those matters (hereinafter referred to as "Permitted Encumbrances") described on Exhibit B attached hereto and made a part hereof.

AND GRANTOR WILL WARRANT and forever defend the right and title to the Property unto Grantee against the claims of Grantor and all persons lawfully owning, holding or claiming by, through or under Grantor, but not otherwise, subject to the terms, reservations, restrictions, covenants, and conditions set forth in this Deed and the Permitted Encumbrances.

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the Property is being conveyed expressly subject to the covenants, conditions, and restrictions set forth in (i) that certain Declaration of Restrictive Covenants by Northside Hospital, Inc., as "Declarant," dated as of April 29, 2019, and recorded at Deed Book 14362, Page 1754, Cherokee County, Georgia Records (the "201 Hospital Drive Declaration"); (ii) that certain Declaration of Restrictive Covenants by Northside Hospital, Inc., as Declarant, dated as of June 25, 2019, and recorded at Deed Book 14372, Page 1976, Cherokee County, Georgia Records (the "211 Hospital Drive Declaration"); and (iii) that certain Declaration of Restrictive Covenants by Northside Hospital, Inc., as Declarant, dated as of April 29, 2019, and recorded at Deed Book 14247, Page 1645, Cherokee County, Georgia Records (the "220 Hospital Road Declaration"; the 201 Hospital Drive Declaration, the 211 Hospital Drive Declaration, and the 220 Hospital Road Declaration are hereinafter collectively referred to as the "Declarations"). Grantor expressly reserves all rights under the Declarations, including, without limitation, the rights as Declarant with respect to each of

DEED BOOK:14723 PG:1510 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

Rec: \$25.00 TRANSFER TAX \$3,899.10

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 7495336524

the Declarations. Furthermore, Grantee acknowledges and agrees that the 211 Hospital Drive Declaration and the 220 Hospital Road Declaration expressly include a right for Declarant to purchase the Property pursuant to the terms of Article VI set forth respectively in the 211 Hospital Drive Declaration and the 220 Hospital Road Declaration (together, the "Existing Purchase Option"). Grantee expressly acknowledges and agrees that it hereby expressly grants the Declarant a Purchase Option with respect to the entirety of the Property, including, without limitation, the Property encumbered by the 201 Hospital Drive Declaration, on the terms and conditions set forth in the Existing Purchase Option and the terms and conditions of the Existing Purchase Option are hereby incorporated herein by reference with respect to the entirety of the Property. The Existing Purchase Option and the purchase option hereby established herein are hereinafter collectively referred to as the "Purchase Option." Therefore, for the avoidance of doubt, the entirety of the Property, including, without limitation, the portion of the Property encumbered by the 201 Hospital Drive Declaration, is being conveyed to Grantee expressly subject to the terms and condition of the Purchase Option in favor of Declarant. Notwithstanding the foregoing Purchase Option set forth in the Declarations and established hereby, upon (i) completion of the development of substantially all of the Property with improvements intended exclusively for residential purposes (e.g., residential dwelling structures [multifamily and/or single family attached and/or detached]; parking areas, driveways, and roadways primarily for use by the occupants of such residential dwelling structures on the Property; green space and ancillary residential amenities for use by residential tenants or occupants of the Property; residential leasing office; and similar areas directly related to such residential purposes) (collectively, the "Residential Improvements"), and (ii) the issuance of a certificate of completion for the Residential Improvements from the applicable governmental authorities, then the Property shall be released automatically from the Purchase Option.

AND IT IS FURTHER AGREED AND UNDERSTOOD by and between the parties hereto that the Grantee, by its acceptance of this Deed, and, as part of the consideration for this Deed, covenants and agrees the Property (and each portion thereof) shall be used exclusively for residential purposes and uses ancillary thereto (e.g., residential dwelling structures [multi-family and/or single family attached and/or detached]; parking areas, driveways, and roadways primarily for use by the occupants of such residential dwelling structures on the Property; green space and ancillary residential anentities for use by residential tenants or occupants of the Property; residential leasing office; and similar areas directly related to such residential purposes). Neither Grantee nor any of Grantee's successors-in-title shall take any action to cause or permit the use of the Property for purposes other than the residential and ancillary purposes as described above. The Property is being conveyed subject to the foregoing covenants and conditions for the benefit of Declarant and its successors and assigns under the Declaration, which covenants and conditions shall be binding upon and enforceable against the Grantee, its successors, successors-in-title, and assigns with respect to the Property; shall be deemed to run with the land in perpetuity; and that the failure to include such covenants and conditions in subsequent conveyances will not abrogate the status of such covenants and conditions as binding upon the parties, their successors, successors-in-title and assigns with respect to the Property.

[SIGNATURES CONTAINED ON THE FOLLOWING PAGE]

DEED BOOK:14723 PG:1511 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

Rec: \$25.00 TRANSFER TAX \$3,899.10

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 7495336524

IN WITNESS WHEREOF, Grantor and Grantee have caused this deed to be executed under seal as of the day and year first above written.

Signed, sealed and delivered in the presence qf:

My Commission Expires:

Inofficial Witness

Notary Public

Grantor:

NORTHSIDE HOSPITAL, INC., a Georgia non-profit corporation

Name: Doug MacDonald

Title: Vice President of Planning and Real Estate

[CORPORATE SEAL]

11

[NOTARIAL SEAL]

ISIGNATURES CONTINUE ON THE FOLLOWING PAGE

Limited Warranty Deed

DEED BOOK:14723 PG:1512 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

Rec: \$25.00 TRANSFER TAX \$3,899.10

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 7495336524

Signed, sealed and delivered in the presence of:

Grantee:

ACCENT CANTON ATLANTA, LP, a Georgia

limited partnership

Accent Canton GP, LLC, its Manager, a Georgia limited liability company

Notary Public

My Commission Expires:

[NOTARIAL SEAL]

SHARON R CHANDLER

NOTARY PUBLIC

Cobb County

State of Georgia

My Commission Expires 12/06/2021

By: Westplan Investors Group GP, LLC, its Manager, a Georgia limited liability company

Name: Beal

Title: Manager



DEED BOOK:14723 PG:1513 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

Rec: \$25.00 TRANSFER TAX \$3,899.10

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 7495336524

#### EXHIBIT A TO LIMITED WARRANTY DEED

#### PROPERTY

201 Hospital Drive (Tax Parcel Number 91N03-023)

#### PARCEL II

All that tract or parcel of land lying and being in the 14th District and 2nd Section of Cherokee County, Georgia, being in original Lot of Land No. 168, formerly the property of George R. Brown, deceased, and more particularly described as follows:

BEGINNING at a point which is 185 feet North 10 degrees 20 minutes West from a point at the North edge of the sidewalk on the North side of Georgia State Highway 5, said sidewalk point being 285 feet Westerly from the center of Lakeview Drive of the North Canton Village of Canton Cotton Mills; thence running North 10 degrees 20 minutes West \$20.4 feet to an iron pin; thence South 80 degrees 3 minutes West 590.4 feet to an iron pin; thence North 89 degrees 7 minutes West 148.4 feet to an iron pin on the Southeast right-of-way of the Old Waleska Road; thence southwesterly along the curvature of said right-of-way 513 feet to an iron pin; thence South 40 degrees 30 minutes East 206.0 feet to an iron pin; thence North 62 degrees 42 minutes East 215.5 feet to an fron pin; thence North 61 degrees 36 minutes East 227.1 feet to an iron pin; thence South 11 degrees 16 minutes East 162.8 feet to an iron pin located 163.8 feet North 11 degrees 16 minutes West from the right-of-way of Georgia State Highway No. 5; thence North 79 degrees 40 minutes East 581.7 feet to the starting point; said tract containing 11.05 acres, more or less, and being particularly shown by a plat made by Lat Ridgway, R.S., dated November 21, 1959, and recorded in Plat Book 2, Page 153, of Cherokee County Deed Records.

#### LESS AND EXCEPT FROM PARCEL IL

Any of the above described property conveyed from Hospital Authority of Cherokee County to Thomas H. Jaszynski and Mary Ann Jaszynski in that

Boundary Line Agreement, dated July 23, 1982, recorded in Deed Book 326, Page 574, Cherokee County, Georgia Records.

LESS AND EXCEPT any portion of the real property described above located within the right of way of Hospital Drive.

Exhibit A

DEED BOOK:14723 PG:1514 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

Rec: \$25.00 TRANSFER TAX \$3,899.10

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 7495336524

#### PARCEL III

All that tract or parcel of land lying and being in the 14th District and 2nd Section of Cherokee County, Georgia in original Land Lot No. 168, described as follows:

BEGINNING at an iron pin which is located 148.4 feet from an iron pin which is the corner point at the intersection of the North line of the Hospital Authority [of Cherokee County, Georgia] line [also being the North line of Parcel II hereinabove described] and the right-of-way of the Old Waleska Road, said beginning point being marked also by a telephone pole; thence North 10 degrees 18 minutes West 206.2 feet to a marble marker; thence North 5 degrees 23 minutes West 300.3 feet to a marble marker at the C. M. Whitmire property; thence North 78 degrees 46 minutes East 300 feet to an iron pin; thence South 24 degrees 10 minutes East 233.7 feet to an iron pin; thence South 3 degrees 8 minutes East 88.1 feet to the Northwest corner of the property conveyed by Canton Cotton Mills to Dr. Arthur M. Hendrix; thence South 3 degrees 8 minutes East along the Hendrix property line 200 feet to an iron pin located 15 feet northward from the drive-way into R. T. Jones Memorial Hospital; thence South 80 degrees 3 minutes West 347,6 feet to the starting point; the same being shown by plat made by Lat Ridgway on February 9, 1965, and recorded in Plat Book 3, Page 141 of Cherokee County Deed Records, and being a portion of the property acquired from Georgia Marble Finishing Works, Mr. John Pope and Mrs. John Rymer, and recorded in Deed Book 7, Page 60, Deed Book 21, Page 534, and Deed Book 21, Page 533, Cherokee County, Georgia Records. Also possibly, being a part of the property acquired from the Estate of A. L. Coggins, bankrupt,

LESS AND EXCEPT any portion of the real property described above located within the right of way of Hospital Drive.

[CONTINUES ON FOLLOWING PAGE]

Exhibit A

DEED BOOK:14723 PG:1515 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

Rec: \$25.00 TRANSFER TAX \$3,899.10

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 7495336524

(Tax Map Parcel #91N03-005A, Tax Map Parcel #91N03-005, Tax Map Parcel #91N03-006)

All that tract or parcel of kind lying and being in Land Lats 168 of the 14th District, 2nd Section, Cherokeo County, Georgia, and being more particularly described as follows:

Beginning at a point found of the southwest comer of the intersection of Mary Lone (20' prescriptive right of way) and Haspital Road 40' right of way); thence along the right of way of Hospital Road South 28 degrees 12 minutes 27 seconds West, 28.10 feet to a point; thence continuing along sold right of way South 38 degrees 54 minutes 12 seconds West, 49.60 feet to a point; thence continuing along sold right of way South 47 degrees 36 minutes 57 seconds West, 35.40 feet to a point; thence continuing along sold right of way South 51 degrees 03 minutes 35 seconds West, 60,50 feet to a point; thence continuing along said right of way South 44 degrees 47 minutes 55 seconds West, 80.25 feet to a point; therice continuing along said right of way South 35 degrees 05 minutes 19 seconds West, 69.20 feet to a point; thence continuing along said right of way South 32 degrees 49 minutes 16 seconds West, 74.81 feet to a 5/8" reliar found; thence leaving sold right of way North 61 degrees 02 minutes 18 seconds West, 198,48 feet to go point; thence North 39 degrees 36 minutes 54 seconds East, 75.00 feet to a thence Horth 29 degrees 58 minutes 10 seconds East, 43.25 feet to a point; thence North 37 degrees 48 minutes 30 seconds East, 30.50 feet to a K' rebor found; thehee North 45 degrees 66 minutes 10 seconds East, 35.85 feet to a paint; thence North 56 degrees 51 minutes 05 seconds East, 21.95 feet to a thence North 62 degrees 13 minutes 40 seconds East, 16.40 feet to a thence South 87 degrees 05 minutes 30 seconds East, 9.75 feet to a thence North 34 degrees 34 minutes 47 seconds East, 82.65 fast to a point on the southern right of way of Mary Lans; thence continuing along said right of way North 74 degrees 52 minutes 37 seconds East, 74.85 feet to a point; thence continuing along said right of way South 87 degrees 01 minute 28 seconds East, 18.10 feet to a point; thence continuing along said right of way South 71 degrees 54 minutes 53 seconds East, 138.65 feet to a point; said point being the POINT OF BEGINNING.

[CONTINUES ON FOLLOWING PAGE]

Exhibit A

DEED BOOK:14723 PG:1516 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

Rec: \$25.00 TRANSFER TAX \$3,899.10

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 7495336524

(Tax Map Parcel #91N03-024)

All that tract or parcel of land, together with all improvements thereon, lying and being in Land Lot 168 of the 14th District, Second Section of Cherokee County, Georgia, and being designated as Lot 10A on a plat of the property of Canton Cotton Mills prepared by Lat Ridgway, registered surveyor, and dated December 16, 1964, and revised April 27, 1965, and being more particularly described according to said survey as follows:

BEGINNING at an iron pin 15.7 feet North 3 degrees 8 minutes West from the present street curb on the property line of Cherokee County Hospital Authority, which point is 347.6 feet North 80 degrees 3 minutes East from an iron pin located 148.4 feet

from an iron pln which is the corner point at the intersection of the Cherokee County Hospital Authority line and the right-of-way of the Old Walesia Road; thence North 80 degrees 03 minutes East 230 feet to an iron pln corner; thence North 17 degrees 28 minutes West along the West side of Cherry Street 163.5 to an iron pln; thence South 79 degrees 56 minutes West 189.3 feet to an iron pln; thence South 3 degrees 08 minutes East 163.1 feet to the point of beginning.

This is the same property described and conveyed in a Warranty Deed from Canton Cotton Mills to Dr. Arthur M. Hendrix dated July 6, 1965, which deed updated and corrected a previous deed dated August 12, 1964, LESS AND EXCEPT that portion conveyed by Grantor herein to Dr. John A. Cauble by Warranty Deed dated February 5, 1972.

Exhibit A

DEED BOOK:14723 PG:1517 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

TRANSFER TAX \$3,899.10 Rec: \$25.00

Patty Baker, Clerk of Superior Court - Cherokee County, GA

ParticipantIDs: 7495336524

#### EXHIBIT B TO LIMITED WARRANTY DEED

#### PERMITTED ENCUMBRANCES

1. All covenants, conditions, restrictions, easements, encumbrances, and other matters of record.

Zoning and other laws, ordinances, and regulations;

- 3. Public utility, drainage, and highway easements, whether or not of record;
- 4. Encroachments and other matters which would be disclosed by an accurate survey or an inspection of the above premises.

5. Real estate taxes not yet due and payable;

#91N03-024 on Exhibit "A" herein:

6. General and special assessments payable after the date hereof;

- 7. Boundary Line Agreement between Thomas H. Jaszynski and Mary Ann Jaszynski and Hospital Authority of Cherokee County, dated July 23, 1982, and recorded at Deed Book 326, Page 574, Cherokee County,
- 8. Temporary Grading Easement between The Hospital Authority of Cherokee County and Canton Textile Mills, Inc., a Georgia corporation, dated September 10, 1986, and recorded at Deed Book 567, Page 680, Cherokee County, Georgia Records.

9. Easement from Hospital Authority of Cherokee County to Georgia Power Company, dated August 29, 2006, and recorded at Deed Book 9078, page 199, Cherokee County, Georgia Records.

10. Declaration of Restrictive Covenants (201 Hospital Drive, Canton, Georgia) by Northside Hospital, Inc., dated April 29, 2019, and recorded at Deed Book 14362, page 1754, Cherokee County, Georgia Records.

The following matters affect only the real property more particularly described as Tax Map Parcels #91N03-005A, Tax Map Parcel #91N03-005, Tax Map Parcel #91N03-006 on Exhibit "A" herein:

- 11. Declaration of Restrictive Covenants (220 Hospital Road) by Northside Hospital, Inc., dated April 29, 2019, and recorded at Deed Book 14358, page 485, Cherokee County, Georgia Records. The following matters affect only the real property more particularly described as Tax Map Parcel
- 12. Declaration of Restrictive Covenants (211 Hospital Drive) by Northside Hospital, Inc., dated June 25, 2019, and recorded at Deed Book 14372, page 1976, Cherokee County, Georgia Records.

The following matters affect all of the real property described herein:

13. Those matters as shown on that ALTA/NSPS Land Title Survey for WP Group Acquisitions, LLC by Vaughn & Melton, dated October 22, 2021, and being identified as Job no. 072110-36.

#### DEED BOOK:14723 PAGE:1509 Filed: 11/04/2021 01:33 PM Clerk File Number: 28-2021-060285

70.000.000 (COV)	PT-61 02			CHEROKEE		A STATE OF THE STA	
SECTION C - TAX COMPUTATION			SECTION A – SELLER'S INFORMATION (Do not use agent's information)				
NONE		Exempt Code			RNAME	IZATION / OTHER	ELLER'S BUSINESS / ORGAN
HOM	enter NONE		Northside Hospital, Inc.				
\$3,899,076.00	Actual Value of consideration received by seller Complete Line 1A if actual value unknown		MAILING ADDRESS (STREET & NUMBER)  Center Pointe - Bldg One, 1100 Johnson Ferry Rd Ste 400				
		•		DATE OF SALE			CITY, STATE / PROVINCE / RE
\$0.00	11/4/2021 1A. Estimated fair market value of Real and Personal property				Atlanta, GA 30342 US		
\$0.00	e of Personal Property only	2. Fair market value	on)	se agent's information	ON (Do not u	R'S INFORMATI	SECTION B - BUYE
\$0.00	and encumbrances transfer	3. Amount of liens a			RNAME		BUYERS'S BUSINESS / ORGAN
\$3,899,076.00	4. Net Taxable Value (Line 1 or 1A less Lines 2 and 3)		te 150	MAILING ADDRESS (Must use buyer's address for tax billing & notice purposes)  c/o McClure & Kornheiser, LLC, 6400 Powers Ferry Rd Ste 150			
\$3,899.10	5. TAX DUE at .10 per \$100 or fraction thereof (Minimum \$1.00)		CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY CITY, STATE / PROVINCE / REGION, ZIP CODE, COUNTRY ( ) Residential ( ) Commercial ( ) Agricultural ( ) Industrial				
	t, Route, Hwy, etc))	of Property (Street	ON (Location	DPERTY INFORMATI	TION D - PRO	SEC	
SUITE NUMBER	HOUSE NUMBER & EXTENSION (ex 265A) PRE-DIRECTION, STREET NAME AND TYPE, POST DIRECTION						
ACCOUNT NUMBER	UMBER	MAP & PARCEL NU		PLICABLE)	CITY (IF AP		COUNTY
	91N03-005A; 91N0*	In the Lateral		CHEROKEE CANTON			
SUB LOT & BLOCK	LAND LOT		ACRES	LAND DISTRICT		GMD	TAX DISTRICT
	Only)	TION (Official Use (	NG INFORMA	CTION E - RECORDI	95		
PLAT PAGE	PLAT BOOK		DEED PAGE		DEED BOO		DATE

#### ADDITIONAL BUYERS None

<sup>...\*</sup> This symbol signifies that the data was too big for the field. The original values are shown below. MAP & PARCEL NUMBER: 91N03-022; 91N03-005A; 91N03-005; 91N03-006...

Printed: 04/30/2024 16:19:02 PM



Official Tax Receipt Cherokee County, GA 2780 Marietta Hwy Canton, 30114 --Online Receipt-- Phone: 678-493-6400

Trans No	Map Code	Property ID & District Description	Original Due	Interest & Penalty	Amount Due	Amount Paid	Transaction Balance
2023- 16334	91N03 023	LL 148; 14TH D PB 3 PG 242	\$36,064.98	\$0.00 Fees: \$0.00	\$0.00	\$36,064.98	\$0.00
		Totals:	\$36,064.98	\$0.00	\$0.00	\$36,064.98	\$0.00

Paid Date: 09/25/2023

**Charge Amount: \$36,064.98** 

ACCENT CANTON ATLANTA LP C/O MCCLURE & KORNHEISER LLC 3715 NORTHSIDE PKWY NW BLDG 400 STE 375 ATLANTA, GA 30327



Scan this code with your mobile phone to view this bill