

**FEBRUARY 19, 2008 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 3**

ITEM #5

PURPOSE

To consider amending the site plan and stipulations for GS Development, LLC regarding Z-85 (TAYLOR & MATHIS, INC.) of June 20, 2006, for property located in Land Lots 362 and 363 of the 16th District on the north side of Chastain Road and the south side of Townpark Lane, between George Busbee Parkway and Townpark Drive.

BACKGROUND

The subject property is zoned UVC subject to numerous conditions/stipulations which are attached. The original request contained an eight-story 156 room hotel. This request is to allow an eight-story 192 room hotel with a 7,094 square foot conference area and a 7,500 square foot restaurant. The number of townhouse units is being reduced by 9 units. The proposed site plan is attached. The parking spaces for the retail/hotel areas are being increased to 315 spaces. 250 parking spaces will be located on site with the remaining 65 spaces being located off site across Townpark Lane via a cross-easement parking agreement.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners first determine if the request is minor. If it is determined to be minor, consider the request. If approved, it should be subject to the requirements at plan review, verification prior to any permits being issued that the off site parking does not include any required spaces for the development across Townpark Lane and all other previously approved conditions/stipulations to remain in effect.

ATTACHMENTS

Board of Commissioners Decision
Proposed Site Plan
Other Business Application

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 20, 2006
9:11 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 20, 2006, at 9:11 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Board were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner J. L. Thompson
Commissioner Tim Lee
Commissioner Annette Kesting

Z-85

TAYLOR & MATHIS, INC. (Argonaut Associates, Ltd., A Georgia Limited Partnership, owner) requesting Rezoning from GC to UVC for the purpose of Mixed Use Development in Land Lots 362 and 363 of the 16th District. Located on the north side of Chastain Road and the south side of Townpark Lane, between George Busbee Parkway and Townpark Drive.

The public hearing was opened and Mr. John Moore addressed the Board. Following discussion and presentations, the following motion was made:

MOTION: Motion by Lee, second by Thompson, to **approve** rezoning to the UVC zoning district **subject to:**

- **site plan received by the Zoning Division on April 6, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated May 31, 2006 with the following additions (copy attached and made a part of these minutes):**

- Page 7, Paragraph 21: Change to read *“Applicant agrees to conduct a pre- and post-lake study of Snake Lake prior to development of the subject site.”*
- Page 8, I. Retail/Office Component, add Paragraph 6 to read: *“Parcel "D" will not be utilized as a fast food restaurant with drive-thru facility, and further that any type drive-thru for other uses is to be approved by the District Commissioner*
- Page 8, II. Townhomes, add Paragraph 3 to read: *“Leasing shall be limited to not greater than 10% of the total units.”*
- architectural renderings received by the Clerk on June 20, 2006 (copy attached and made a part of these minutes)
- architecture to be approved by District Commissioner
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations to be finalized at Plan Review subject to District Commissioner approval
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

BILLING ADDRESS

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK
SUITE 463
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

JEFFREY K. STINSON
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
CHRISTOPHER L. MOORE
JENNIFER S. WHITE**
KRISTIE L. KELLY I
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS
BRETT A. MILLER
KAREN S. KURTZ
CHRISTOPHER C. MINGLEDORF
MORGAN E. FOSTER
KATHERINE G. CRONE
RYAN E. JARRARD**
ANNA HAMMENECKER
JAMES D. BUSCH**
ESTHER VAYMAN

OF COUNSEL
JOHN L. SKELTON, JR.

I. ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NC
*** ADMITTED ONLY IN TN

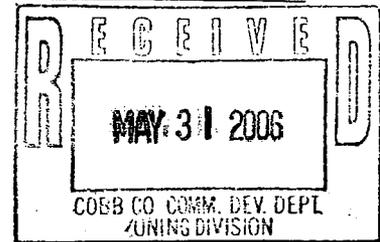
COBB COUNTY, GEORGIA
FILED IN OFFICE
2006 MAY 31 PM 3:31
COBB COUNTY CLERK'S OFFICE

May 31, 2006

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Min. Bk. 42 Petition No. 2-85
Doc. Type Letter of agreeable
Conditions dated May 31, 2006
Meeting Date June 29, 2006

Hand Delivered



RE: Application for Rezoning
Application No.: Z-85 (2006)
Applicant: Taylor & Mathis, Inc.
Property Owner: Argonaut Associates, Ltd.,
A Georgia Limited Partnership
Property: 13.74 acres located at the
northeasterly intersection of
George Busbee Parkway and
Chastain Road, Land Lots 362 and
363, 16th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Taylor & Mathis, Inc., the Applicant (hereinafter referred to as "Applicant"), and Argonaut Associates, Ltd., the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to a total tract of approximately 13.74 acres located at the northeasterly intersection of George Busbee Parkway and Chastain Road, and the southerly side of Townpark Lane, Land Lots 362 and 363, 16th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with planning and zoning staff; ongoing discussions and meetings with area

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residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The stipulations are as follows:

- (1) The 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 on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the General Commercial ("GC") zoning category to the Urban Village Commercial ("UVC"), site plan specific to that certain revised Conceptual Site Plan prepared for Applicant by b+c Studio, dated and last revised May 22, 2006, submitted contemporaneously herewith.
- (3) By this letter of agreeable stipulations and conditions, Applicant further amends its Application for Rezoning to include the revised Conceptual Site Plan hereinabove set forth, same being prepared by b+c Studio, dated and last revised May 22, 2006.
- (4) The Subject Property consists of approximately 13.74 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) This rezoning proposal is for a mixed-use development consisting of retail, office, hotel, and residential consisting of townhome units.

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- (2) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, detention, and the like contained within the overall development.
- (3) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (4) Entrances to the proposed development shall be as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (5) Entrance signage for the proposed overall development shall be ground based, monument style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.
- (6) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process, as more hereinafter more particularly set forth.
- (7) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to

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the architecture and style of the respective components of the development.

- (8) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.
- (9) Minor modifications to the within stipulations, the referenced Conceptual Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (10) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (11) Applicant agrees 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.
- (12) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

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- (13) There shall be interparcel access among the various components of the overall proposed development, as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (14) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development; excepting only that the requirements of the Arborist shall be superseded by any sight distance requirements of the Cobb County Department of Transportation.
- (15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (16) All utilities for the proposed development shall be located underground.
- (17) The following uses shall be prohibited from the proposed overall development:
 - (a) Video arcades as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, repair, and/or service facilities;
 - (d) Gas station;
 - (e) Truck and trailer leasing facilities;
 - (f) Automotive paint and body repair shops;
 - (g) Automotive upholstery shops;

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- (h) Billiards and pool halls which are the sole or predominant use;
 - (i) Bus stations (not to exclude bus stops);
 - (j) Fraternity and sorority house;
 - (k) Full-service gas stations;
 - (l) Light automotive repair;
 - (m) Rooming houses and boarding houses;
 - (n) Any form of adult entertainment business; and
 - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided they are an integral part of a restaurant or hotel operation.
- (18) The parking spaces delineated herein may be reduced if shared parking among the various uses so allows; subject to the approval of the District Commissioner.
- (19) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (20) Further, Applicant agrees to the following improvements to mitigate traffic concerns:
- (a) Installation of a one hundred fifty (150) foot deceleration lane at each access point, as more particularly set forth on the referenced Conceptual Site Plan;
 - (b) Extension of left-turn storage lane for left turns from Busbee Parkway into the proposed development;

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- (c) Installation of sidewalk, curb, and gutter on all road frontages;
 - (d) The access located on Chastain Road shall be right-in/right-out only;
 - (e) Abandonment of right-of-way on Chastain Road in exchange for donated right-of-way at the intersection of George Busbee Parkway and Town Park Lane; and
 - (f) Verification of minimum sight distance of four hundred forty (440) feet on Town Park Lane; and if necessary, take such remedial measures as to meet or exceed the minimum sight distance; and further, any sight distance requirements set forth herein shall supersede any landscape requirements of the Cobb County Arborist.
- (21) Applicant agrees to conduct a pre- and post-lake study for Chastain Lakes prior to development of the subject site.

STIPULATIONS SPECIFIC TO THE UVC COMMUNITY

The proposed rezoning includes mixed-use components consisting of retail, office, hotel, and townhomes, as follows:

I. Retail/Office Component:

- (1) Building 100 (Suites 100-110) will contain approximately 7,000 square feet of retail area with a drive-thru facility.

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- (2) Building 200 (Suites 200-240) will contain approximately 11,000 square feet of retail space on the first floor and approximately 11,000 square feet of office space on the second floor.
- (3) Building 300 (Suites 300-340) will contain approximately 10,500 square feet of retail space on the first floor, and approximately 10,500 square feet of office space on the second floor.
- (4) Building 400 (Suites 400-440) will contain approximately 8,500 square feet of retail space on the first floor, and approximately 8,500 square feet of office space on the second floor.
- (5) Retail space denominated on the Conceptual Site Plan as Parcel "D" will contain square footage ranging from 8,000 square feet to 13,000 square feet and is proposed for a restaurant.

II. Townhomes

- (1) Applicant proposes a total of forty-two (42) townhomes as shown and reflected on the referenced Conceptual Site Plan.
- (2) The units shall range in square footage from 1,800 square feet to 2,400 square feet, and greater; shall be two and three stories in height; shall be constructed of brick/stone with accents; and shall contain a two-car garage.

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III. Hotel

- (1) The hotel component of the proposed development is shown and denominated on the referenced Conceptual Site Plan as Parcel "C," which shall be a hotel eight (8) stories in height and containing one hundred fifty-six (156) rooms and constructed of stone/brick/stucco/glass and steel.
- (2) This hotel may be a "suite hotel," meaning that there will be a separate sitting area from the bedroom area for each room within the hotel.

Applicant will present at the Planning Commission Zoning Hearing and the Board of Commissioners Zoning Hearing renderings and/or photographs depicting the differing component parts which will represent the quality of each component part being proposed.

We believe the requested zoning, pursuant to the revised Conceptual Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed development is an exciting concept which fits together numerous types of product into one development. The Applicant has gone to great detail in planning the development and working with area residents and businesses. The proposed development shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments, businesses, and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

MOORE INGRAM JOHNSON & STEELE

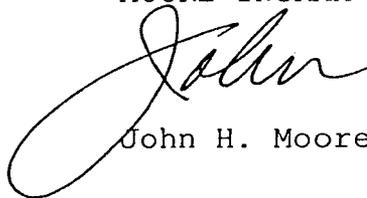
Mr. John P. Pederson
Planner III
Zoning Division
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With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

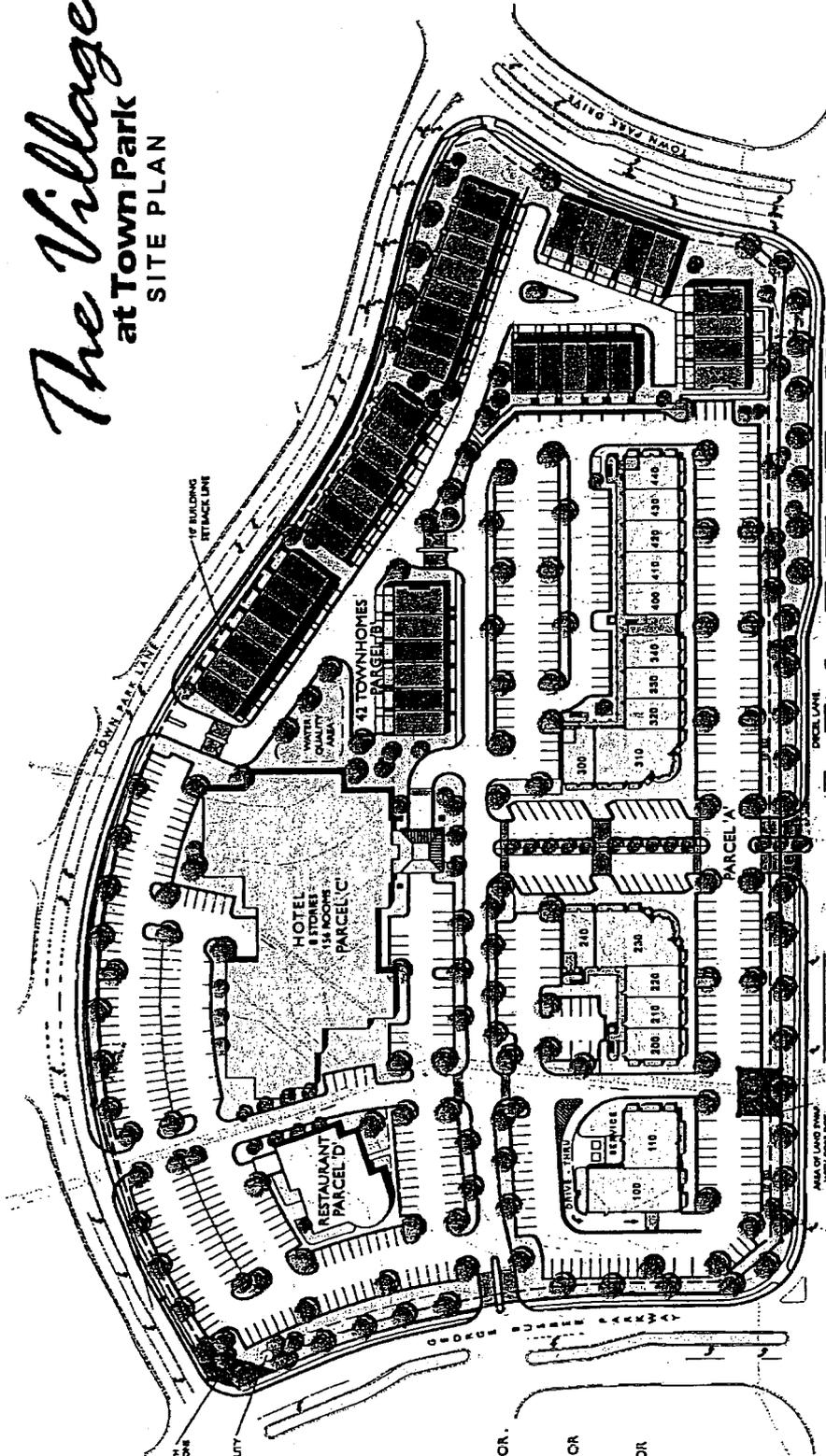
Jean Cantrell
Chastain Lakes Subdivision
(With Copy of Enclosure)

Hilda W. Towery
Bells Ferry Civic Association, Inc.
(With Copy of Enclosure)

Taylor & Mathis, Inc.
(With Copy of Enclosure)

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 Continued

The Village
 at Town Park
 SITE PLAN

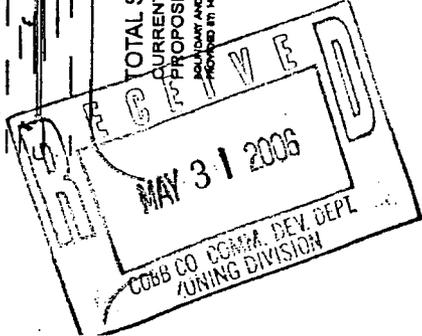


TABULATIONS:

- PARCEL 'A' - RETAIL/OFFICE
 BUILDING 100
 7,000 S.F. RETAIL
- BUILDING 200
 11,000 S.F. RETAIL FIRST FLOOR
 11,000 S.F. OFFICE SECOND FLOOR
- BUILDING 300
 10,500 S.F. RETAIL FIRST FLOOR
 10,500 S.F. OFFICE SECOND FLOOR
- BUILDING 400
 8,500 S.F. RETAIL FIRST FLOOR
 8,500 S.F. OFFICE SECOND FLOOR
- TOTAL RETAIL - 37,000 S.F.
 TOTAL OFFICE - 30,000 S.F.
- PARCEL 'B' - TOWNHOMES
 42 TOWNHOMES
 2 CAR GARAGE PROVIDED
- PARCEL 'C' - HOTEL
 ±150,000 G.S.F. (8 STORIES)
 156 ROOMS
- PARCEL 'D' - RESTAURANT
 ±10,000 S.F. - ONE LEVEL

TOTAL PARKING SPACES - 544

TOTAL SITE ACREAGE +/- 13.74
 CURRENT ZONING: GC
 PROPOSED ZONING: UVC
 SOULIARD AND TOROQUARTY INNOVATION
 PROVIDED BY: HIGHLAND ENGINEERING, INC.



DATED: MAY 22, 2006

NOTICARY NOTE:
 INFORMATION FOR THE DEVELOPER IS PROVIDED FOR A WATER TREATMENT FACILITY THAT WILL BE BUILT DURING THE CONSTRUCTION OF THE TOWNHOME DEVELOPMENT. THE FACILITY WILL BE BUILT ON THE WATER QUALITY TREATMENT AREA. THE FACILITY WILL BE REQUIRED FOR THE PROPOSED DEVELOPMENT. THE WATER QUALITY TREATMENT AREA IS LOCATED WITHIN THE WATER QUALITY TREATMENT AREA. THE WATER QUALITY TREATMENT AREA IS LOCATED WITHIN THE WATER QUALITY TREATMENT AREA. THE WATER QUALITY TREATMENT AREA IS LOCATED WITHIN THE WATER QUALITY TREATMENT AREA.



INSURANCE ARCHITECTURE DESIGN & PLANNING

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(SITE PLAN AND STIPULATION AMENDMENT)**

Application No.: Z-85 (2006)
Original Hearing Date: June 20, 2006
Current Hearing Date: February 19, 2008

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: GS Development, LLC

Applicant requests the amendment of the previously approved site plan and certain zoning stipulations which were enumerated in the letter of agreeable stipulations and conditions dated May 31, 2006, and incorporated as part of the final approval by the Board of Commissioners on June 20, 2006. The requested amendments are as follows:

- (1) Stipulation no. (1), UVC Community (Hotel Component), of the May 31, 2006, letter of agreeable stipulations and conditions, and as approved by the Board of Commissioners, allows one hundred fifty-six (156) units for the hotel facility. Applicant proposes to increase the maximum units allowed to one hundred ninety-two (192). The conference area shall have a maximum of 7,094 square feet, and the on-site restaurant will have a maximum of 7,500 square feet.
- (2) In conjunction with the increase in allowable units, the required number of parking spaces for the UVC Community shall be increased to three hundred fifteen (315) spaces. There will be a maximum of one hundred fifty on-site parking spaces (which includes eight (8) handicapped spaces) for the hotel component. The restaurant component shall have one hundred (100) spaces. The balance of the required parking spaces will be obtained by a cross-easement parking agreement for a parking area located across TownPark Lane, as more particularly shown and reflected on the revised Overall Site Plan submitted with this Application for Other Business Agenda Item.

- (3) Applicant submits herewith a revised Overall Site Plan dated March 28, 2007, last revised December 21, 2007, prepared by Highland Engineering, Inc. which denotes the area hotel facility and off-site parking area.
- (4) Excepting as otherwise set forth herein, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on June 20, 2006, are unaltered by this request for site plan and stipulation amendment.



HIGHLAND ARCHITECTS
 1455 LANTANA DRIVE, SUITE 200
 ATLANTA, GEORGIA 30316
 PHONE: 770-251-1111
 FAX: 770-251-1112

ARCONAUT ASSOCIATES LTD.
 1000 W. BROADWAY, SUITE 100
 ATLANTA, GEORGIA 30308
 PHONE: 404-525-1111
 FAX: 404-525-1112

Project No.	1000
Client	THE VILLAGE AT TOWNPARK
Site	LAND LOTS 362 AND 363 - 18TH DISTRICT COBB COUNTY, GEORGIA
Scale	1" = 20'
Drawn by	CA
Checked by	CA
Date	12/17/01

OVERALL SITE PLAN
 THE VILLAGE AT TOWNPARK
 LAND LOTS 362 AND 363 - 18TH DISTRICT
 COBB COUNTY, GEORGIA

Sheet No. **20**
 00074

PARKING DATA

EXISTING PARKING: 100 SPACES
 NEW PARKING: 1,200 SPACES
 TOTAL PARKING: 1,300 SPACES

CONSTRUCTION COSTS:
 PARKING: \$1.50 PER SPACE
 TOTAL: \$1,950,000

SITE DATA

PARCEL A: 5.53 ACRES
 PARCEL B: 1.66 ACRES
 PARCEL C: 3.46 ACRES
 PARCEL D: 2.90 ACRES

RIGHT-OF-WAY DEDICATION & ACQUISITION

TOWNPARK DRIVE (100' R/W)
 GEORGE BUSBEE PARKWAY (SPEED LIMIT 55 MPH)

OFFSITE AUXILIARY PARKING LOT

100 SPACES
 100' R/W

PARCEL A 5.53 ACRES

100' R/W

PARCEL B 1.66 ACRES

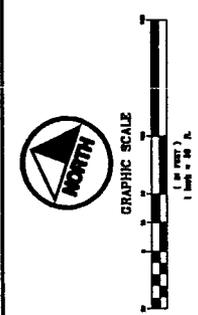
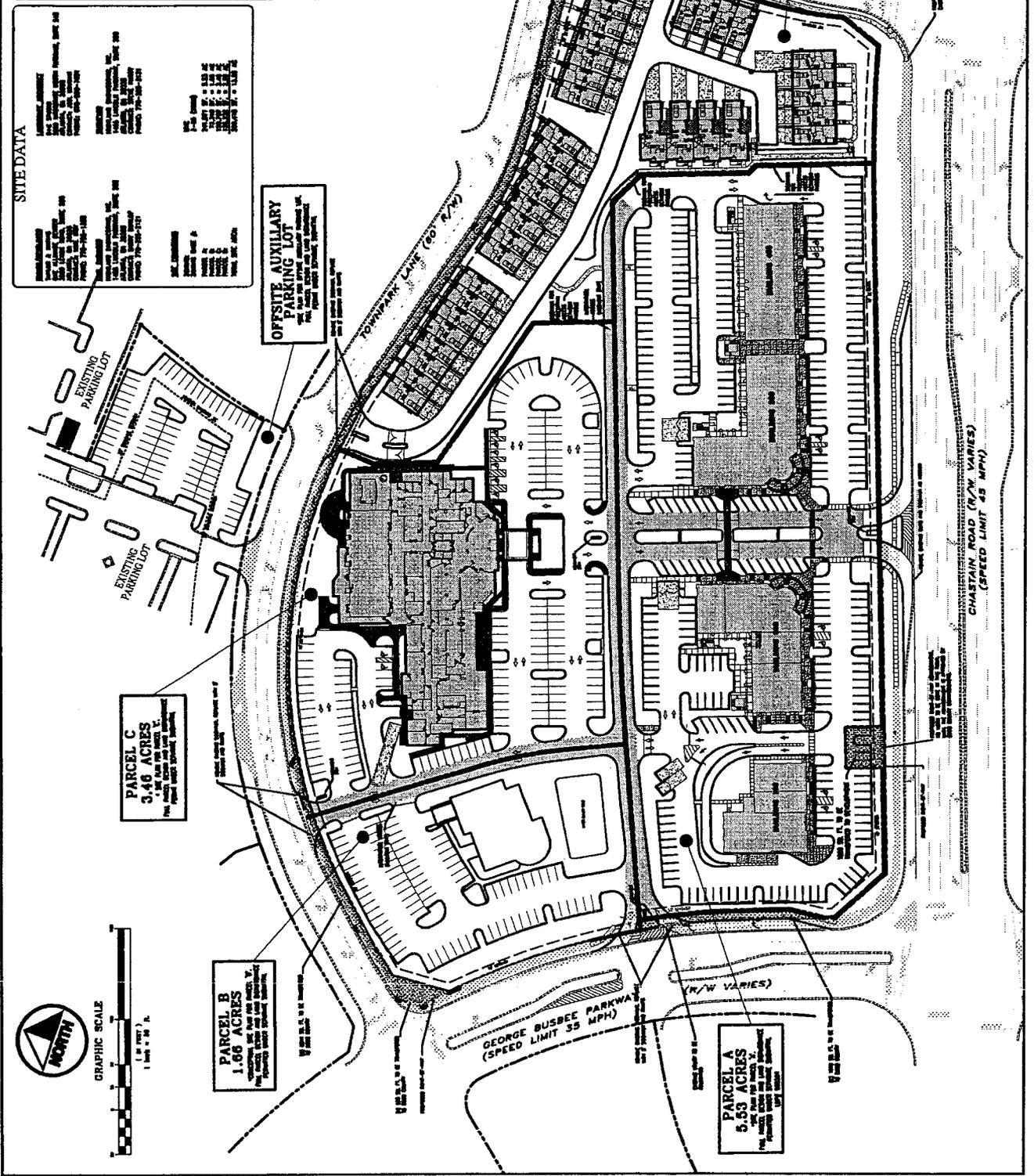
100' R/W

PARCEL C 3.46 ACRES

100' R/W

PARCEL D 2.90 ACRES

100' R/W



CHASTAIN ROAD (R/W VARIES)
 (SPEED LIMIT 45 MPH)

GEORGE BUSBEE PARKWAY
 (SPEED LIMIT 55 MPH)

(R/W VARIES)



ALL DIMENSIONS ARE IN FEET AND INCHES.
 DIMENSIONS IN PARENTHESES ARE APPROXIMATE.
 DIMENSIONS IN BRACKETS ARE TO BE DETERMINED BY THE FIELD.