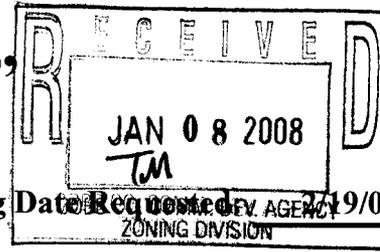


Application for "Other Business" Cobb County, Georgia

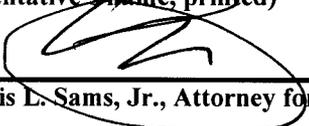
(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 2/19/08



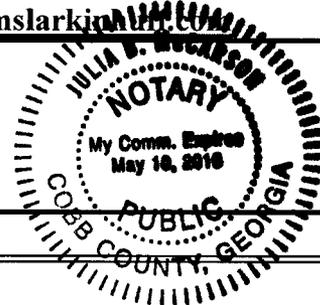
Applicant: Parmenter Parkwood LP, LLLP Phone #: 770/923-8877
(applicant's name printed)

Address: Suite 180, 3700 Crestwood Parkway, Duluth, GA 30096 E-Mail: jcdaavidson@parmco.com
Sams, Larkin & Huff, LLP 376 Powder Springs Street, Suite 100
Garvis L. Sams, Jr. Address: Marietta, GA 30064
(representative's name, printed)

By:  Phone #: 770/422-7016 E-Mail: gsams@samsllarkin.com
Garvis L. Sams, Jr., Attorney for Applicant

Signed, sealed and delivered in presence of:
Julia B. McCarson
Notary Public

My commission expires: _____



Commission District: Joe Thompson **Zoning Case:** Z-5 (2007)

Date of Zoning Decision: 2/20/2007 **Original Date of Hearing:** 2/20/2007

Location: Southeasterly intersection of Powers Ferry Road and Parkwood Circle.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 985 **District(s):** 17th

State specifically the need or reason(s) for Other Business: _____
Approval of proposed settlement of litigation.

(List or attach additional information if needed)

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI*
MELISSA P. HAISTEN
JUSTIN H. MEEKS

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

SAMSLARKINHUFF.COM

December 14, 2007

*ALSO LICENSED TO PRACTICE
IN ALABAMA

VIA HAND DELIVERY

Joseph B. Atkins, Esq.
Senior County Attorney
Cobb County Attorney's Office
100 Cherokee Street, Suite 595
Marietta, GA 30090-9698

Re: Application of Parmenter Parkwood, LP, LLLP to Rezone a 1.66 Acre Tract
from OHR to CRC (No. Z-5)

Parmenter Parkwood LP, LLP, v. Cobb County, Georgia, et al.
Cobb Superior Court, Civil Action File No. 07-1-01995-42

Dear Joe:

As you know, this firm represents the applicant which is also the property owner concerning the above-captioned matters. In that regard and based upon the tentative agreement which was reached through our mediation session last week, this letter will confirm that the proposed settlement of litigation will be heard and considered by the Cobb County Board of Commissioners at its next available Executive Session on January 7, 2008.

Thereafter, assuming we have met the District Commissioner's and the Board's expectations with respect to the proposed settlement, it is my understanding that the matter will be placed on the Board's "Other Business" agenda which will immediately follow the regularly scheduled zoning hearings on February 19, 2008. It is my understanding that the subject property will need to be posted on or before January 18, 2008. Please let me know when you have had an opportunity to review these matters with Commissioner Thompson and when the notification signage is ready so that I can ensure that the property is properly posted.

The balance of this letter will serve as my client's expression with the following revised stipulations which, upon the settlement of litigation being approved, shall become conditions and a part of the requested rezoning, as amended and modified hereby, and binding upon the subject property thereafter:

VIA HAND DELIVERY

Joseph B. Atkins, Esq.
Senior County Attorney
Cobb County Attorney's Office
December 14, 2007
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1. The revised stipulations and conditions set forth herein shall replace and supercede 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 ("subject property").
2. Rezoning of the subject property shall be from OHR to CRC and shall be in substantial conformity to the site plan being filed contemporaneously herewith. However, there shall be no vehicular access to Powers Ferry Road.
3. If development of the subject property is not commenced within twelve (12) months from the date of rezoning to the Community Retail Commercial (CRC) district then, and in that event, the zoning classification of the subject property shall revert from CRC to the original Office High Rise (OHR) zoning classification.
4. The architectural style and composition of the building shall be in substantial conformity to that shown on the elevation/rendering submitted contemporaneously herewith.¹ It is understood that there may be minor modifications to the architectural style and composition such as the addition of awnings which may be reviewed and approved by the District Commissioner.
5. There shall be inter-parcel access with the adjacent parcel with the entrance to the development being located on Parkwood Circle.
6. Entrance signage shall be ground based, monument style signage with the finish, materials and colors being in substantial conformity to the architectural style as aforementioned.
7. The submission of a landscape plan during the Plan Review process subject to the Arborist's review and approval. Additionally, the applicant agrees to the following:
 - a. Landscaping along the subject property's frontage on Powers Ferry Road shall be subject to review and approval by the County's landscape architect as a part of the Plan Review process.

¹ Said architecture complements the architectural style and composition of the office building on the adjacent tract, photographs of which are enclosed.

VIA HAND DELIVERY

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Senior County Attorney
Cobb County Attorney's Office
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- b. All dumpsters shall be enclosed by brick on at least three (3) sides consistent with the architectural style and composition as aforementioned. Said dumpsters shall be equipped with doors and rubber fittings to reduce noise levels and shall be located in areas which are as unobtrusive as possible.
 - c. Any detention/water quality areas which are not located underground shall be attractively landscaped and screened.
 - d. All HVAC equipment shall be screened from the frontage and side views or any view which is visible from adjacent businesses or rights-of-way. Additionally, there shall be no roof-mounted HVAC equipment.
 - e. HVAC or similar equipment shall have dampeners, as appropriate, to ensure that noise is controlled and managed.
 - f. All utilities servicing the development shall be underground.
8. Environmentally sensitive, shoe-box style lighting, themed to the architecture and styling of the buildings to be constructed, shall be utilized throughout the development. Every effort shall be made to make all lighting as unobtrusive as possible.
 9. Parking area lighting shall be a maximum height of 30' and shall be environmentally sensitive, low level, shoe-box luminaries so as to prevent illumination from penetrating outside the boundaries of the subject property.
 10. Security lighting on the buildings shall be wall-packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.
 11. Compliance with the recommendations from the Stormwater Management Division with respect to the location, configuration and methodology of on site detention and water quality. Additionally, an agreement to the following:
 - a. Exercising heightened sensitivity with respect to down stream hydrological conditions.

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Senior County Attorney
Cobb County Attorney's Office
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- b. An agreement to design and adhere to best management practices in the construction of detention and water quality areas on site with such design and installation based upon a 100 year stormwater management design.
 - c. The utilization of grass bio-swales and infiltration trenches within the landscaped islands located within the areas of the subject property designated for parking.
12. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property.
13. Compliance with the following recommendations from the Cobb County Department of Transportation:
- a. No vehicular access to Powers Ferry Road.
 - b. Any sidewalk, curb and gutter displaced or disturbed during construction shall be replaced.
 - c. Providing inter-parcel access between the subject property and the office development behind the subject property on Parkwood Circle.
 - d. Requesting a contemporaneous variance with respect to the depth of the parking spaces (from 19' to 18').²
14. Compliance with recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.
15. There shall be no outside paging systems, telephone bells or loudspeakers; excepting only low decibel outdoor music systems.

² It is the applicant's understanding that DOT has no objection to the granting of the requested parking space variances and that the Stormwater Management Department will support the variances in view of the fact that they reduce the amount of impervious surface.

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Joseph B. Atkins, Esq.
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Cobb County Attorney's Office
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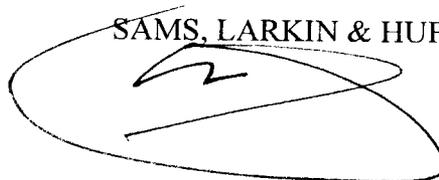
16. An agreement that there shall be outside storage such as that term is used and defined in the Cobb County Zoning Ordinance.
17. The development shall include pedestrian walkways between the proposed building and parking areas. Said pedestrian walkways shall be raised and consist of brick pavers, concrete and attendant landscaping.
18. The final site plan, final landscape plan and final architectural renderings shall be reviewed and approved by the District Commissioner who shall also have the latitude to make modifications to same during the Plan Review process.

Please do not hesitate to call should you, Commissioner Joe Thompson, the Board or staff require any further information or documentation prior to these matters being presented to the Board in Executive Session on January 7, 2008 or prior to the proposed settlement of litigation being heard by the Board of Commissioners as an "Other Business" agenda item immediately following the regularly scheduled zoning hearings on February 19, 2008.

With kindest personal regards and best wishes for the holiday season, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc

Enclosures

cc: Shown on next page.

VIA HAND DELIVERY

Joseph B. Atkins, Esq.
Senior County Attorney
Cobb County Attorney's Office
December 14, 2007
Page 6

cc: Mr. Joe L. Thompson, Commissioner – VIA Hand Delivery – w/enclosures
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery
Mr. Mark A. Danneman, Manager – VIA Hand Delivery – w/enclosures
Michael Ahlstrom, Esquire, Mediator – w/enclosures
Dotty Bishop, Esquire – VIA Hand Delivery – w/enclosures
Ms. Carol Granger, County Clerk – VIA Hand Delivery – w/enclosures
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosures
Mr. John C. Davidson, Parmenter Realty Partners – VIA E-Mail

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TELEPHONE
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FACSIMILE

December 21, 2007

SAMSLARKINHUFF.COM

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from OHR to CRC (No. Z-5)

Parmenter Parkwood LP, LLP, v. Cobb County, Georgia, et al.
Cobb Superior Court, Civil Action File No. 07-1-01995-42

Dear Joe:

As a follow up to my December 14, 2007 letter, enclosed please find the revised site plan which corresponds with stipulation No. 2 which provides that there shall be no vehicular access to Powers Ferry Road and with stipulation No. 7 a. which provides for landscaping along the Powers Ferry Road frontage.

I trust that this submission provides you with sufficient information and documentation to complete the package which will be presented to staff and the Board of Commissioners in order that the settlement of litigation can be heard and considered at the next available Executive Session on January 7, 2008. However, please do not hesitate to call should you require any additional information.

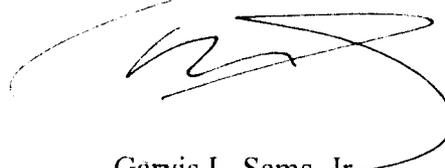
VIA HAND DELIVERY

Joseph B. Atkins, Esq.
Senior County Attorney
Cobb County Attorney's Office
December 21, 2007
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With kindest personal regards and best wishes for the holiday season, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

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Enclosures

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