

**DECEMBER 16, 2008 ZONING HEARING
"OTHER BUSINESS"
COMMISSION DISTRICT 2**

ITEM #1

PURPOSE

To consider amending the site plan and stipulations regarding Z-121 (POPE & LAND ENTERPRISES, INC.) of July 19, 2005 for property located in Land Lots 949, 950 and 977 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive.

BACKGROUND

The subject property is zoned UVC subject to numerous conditions/stipulations. This request only seeks to amend two of the numerous conditions therefore the entire minutes and attachments are not included. Instead the attached Exhibit "A" provides the existing language from the letter of stipulations as well as the proposed amended language. A site plan is attached for your review. The first request proposes moving the amenity area from the top level of the parking deck to a courtyard area with Building C. The second request amends the language affecting the leased units. The Other Business application is also attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider amending the stipulations as outlined in the submitted Exhibit "A" and if approved, all other previously approved conditions/stipulations to remain in effect.

ATTACHMENTS

Exhibit "A"
Site Plan
Other Business Application

EXHIBIT "A"
**AMENDMENT TO ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

Application No.: Z-121 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: February 21, 2006
Current Hearing Date: December 16, 2008

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.

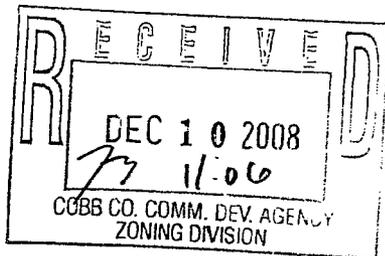
Applicant requests amendments to certain stipulations for the existing development known as "Stillhouse Ridge," approved through the rezoning process by the Board of Commissioners on February 21, 2006. The requested amendments are as follows:

- (I) Deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated February 1, 2006, page 8, paragraph 11, of the section titled **A. RESIDENTIAL CONDOMINIUM COMMUNITY**, which reads as follows:

(II) Amenities within the proposed Residential Condominium Community shall include, but not be limited to, a pool located on top of the parking deck as well as an amenity area within each building. Additionally, there will be walking paths within the open space area.

The following shall be inserted in lieu of the foregoing deleted paragraph:

(II) Amenities within the proposed Residential Condominium Community shall include, but not be limited to, a pool and amenity area. Additionally, there will be walking paths within the open space area.



- (2) Deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated February 1, 2006, page 8, paragraph 12, of the section titled **A. RESIDENTIAL CONDOMINIUM COMMUNITY**, which reads as follows:

(12) All units within the proposed Residential Condominium Community shall be “for sale” units only.

The following shall be inserted in lieu of the foregoing deleted paragraph:

(12) All units within the proposed Residential Condominium Community shall be “for sale” units only; excepting only, that those units contained within Building “E” may be leased, but shall be converted to “for sale” units at such time as market conditions allow as determined by the primary lending institution, at any given time, financing the subject development. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of these units to “for sale” units.

- (3) 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 February 21, 2006, in Application No. Z-121 (2006), and any subsequent approvals related to the “Stillhouse Ridge” development, are unaltered or unchanged by this request for stipulation amendment.

Application for "Other Business" Cobb County, Georgia

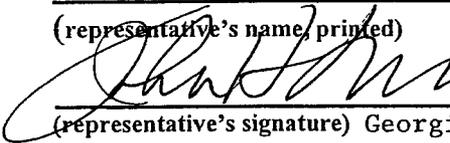
(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 12/16/2008

Applicant: Pope & Land Enterprises, Inc. Phone #: (770) 980-0808
(applicant's name printed)

Address: Suite 400, 3225 Cumberland Boulevard, E-Mail: _____
Moore Ingram Johnson & Steele, LLP Atlanta, GA 30339

John H. Moore Address: 192 Anderson Street, Marietta, GA 30060
(representative's name, printed)

 Phone #: (770) 429-1499 E-Mail: jmoore@mjs.com; w7@mjs.com
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:

 My commission expires: January 10, 2011
Notary Public

Commission District: 2 Zoning Case: Z-121 (2005)

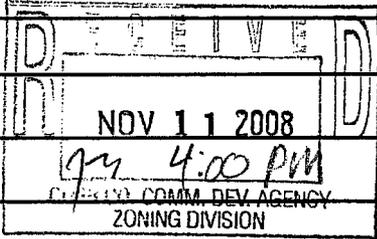
Date of Zoning Decision: 02/21/2006 Original Date of Hearing: 07/19/2005

Location: Southwest corner of Cumberland Boulevard and Stillhouse Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 949, 950, 977 District(s): 17th

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

See Exhibit "A" attached hereto and incorporated herein by reference.



(List or attach additional information if needed)