

Z-27
(2009)

HIGHLAND
ENGINEERING, INC
1455 LINCOLN PARKWAY, SUITE 200
MARIETTA, GA 30067
PH: 770-225-2121 FAX: 770-225-2232

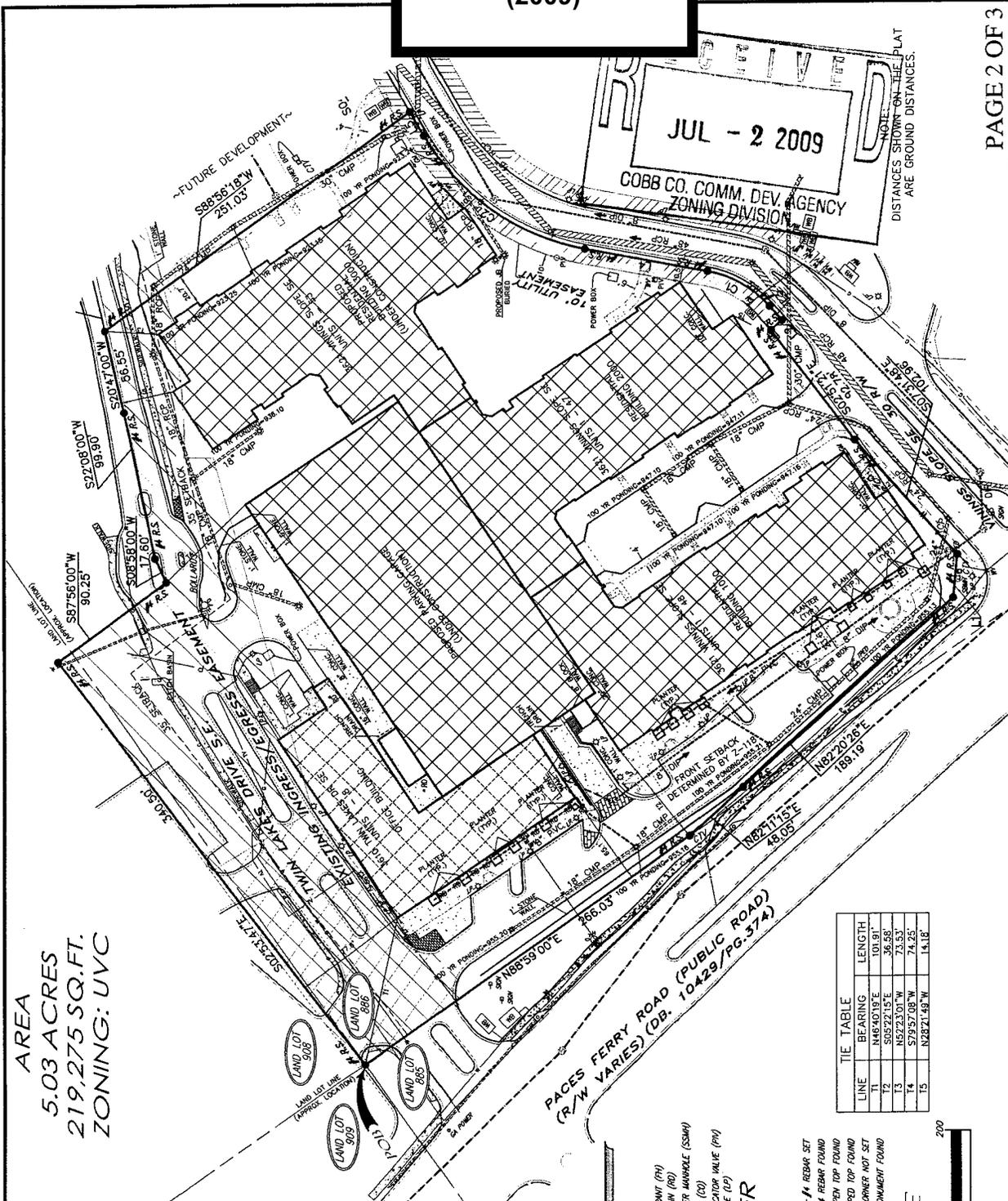
VININGS MAIN, L.P.
1110 NORTHCHASE PARKWAY
SUITE 150
MARIETTA, GA 30067
770-951-8889

Project No.	08-015	
Surveyed By:	T.B.S.	
Drawn By:	B.J.L.	
Checked By:	S.M.H.	
Date:	3/19/08	
Scale:	1" = 50'	
No.	Revision	Date
1	REVISED PER COUNTY COMMENTS	5/12/08
2	MISCELLANEOUS COMMENTS	6/11/08
3		
4		
5		
6		
7		
8		

CONDOMINIUM PLAT FOR
VININGS MAIN, A RESIDENTIAL CONDOMINIUM
886, 887 & 908 Land Lot(s) - 17th District - 2nd Section
COBB COUNTY, GEORGIA

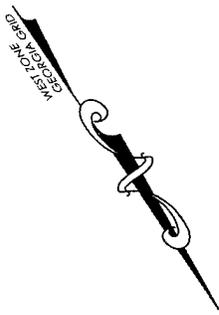
08-015-CONDO.dwg
1:12/23/09 10:05 AM West 17th District 2nd Section

AREA
5.03 ACRES
219,275 SQ. FT.
ZONING: UVC



LINE	BEARING	LENGTH
L1	N87°14'21"E	28.84'
L2	N87°02'42"E	17.80'
L3	N07°39'41"W	12.58'
L4	N45°11'02"W	83.00'
L5	N04°04'03"E	18.37'

CURVE	RADIUS	LENGTH	BEARING	CHORD
C1	75.00	48.12'	N26°25'19"W	48.25'
C2	158.00	135.82'	N20°33'30"W	131.67'



CERTIFICATION:
I, STEVEN M. HARRY, GEORGIA REGISTERED LAND SURVEYOR DO HEREBY CERTIFY THAT THIS PLAT IS ACCURATE AND COMPLIES WITH THE REQUIREMENTS OF SECTION 44-3-63 OF THE GEORGIA CONDOMINIUM ACT.
DATE: _____
STEVEN M. HARRY

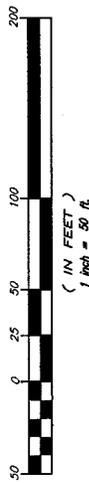
LEGEND

- SYMBOLS**
- DOUBLE WING CATCH BASIN (DWCB)
 - SINGLE WING CATCH BASIN (SWCB)
 - HEAD WALL (HW)
 - DROP INLET (DI)
 - WATER BOX
 - FIRE FRONT (FH)
 - ROOF DRAIN (RD)
 - SM. SEWER MANHOLE (SSMH)
 - CLEANOUT (CO)
 - POST INDICATOR VALVE (PIV)
 - LIGHT POLE (LP)

PROPERTY CORNER LEGEND

- 1/4 R.S. - 1/4 REAR SET
- 1/4 R.F. - 1/4 REAR FOUND
- O.T.F. - OPEN TOP FOUND
- C.T.F. - CORNER TOP FOUND
- C.M.S. - CORNER NOT SET
- C.M.F. - CONC. MONUMENT FOUND

GRAPHIC SCALE



LINE	BEARING	LENGTH
T1	N46°10'18"E	101.91'
T2	S05°22'15"E	36.65'
T3	N52°23'01"W	73.53'
T4	S75°52'08"W	74.23'
T5	N26°21'49"W	14.18'

DISTANCES SHOWN ON THIS PLAT ARE GROUND DISTANCES.

JUL - 2 2009
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

APPLICANT: Vinings Main, L.P.

770-951-8989

REPRESENTATIVE: Moore Ingram Johnson & Steele, LLP

John H. Moore 770-429-1499

TITLEHOLDER: Vinings Main, L.P.

PROPERTY LOCATION: Located on the south side of Paces Ferry Road, between Vinings Slope and Twin Lakes Drive (private road).

ACCESS TO PROPERTY: Vinings Slope and Twin Lakes Drive (private road)

PHYSICAL CHARACTERISTICS TO SITE: Existing building

PETITION NO: Z-27

HEARING DATE (PC): 09-01-09

HEARING DATE (BOC): 09-15-09

PRESENT ZONING: UVC with Stipulations

PROPOSED ZONING: UVC with Stipulations

PROPOSED USE: Amending Certain Zoning Stipulations From Z-118 of 2005

SIZE OF TRACT: 5.03 acres

DISTRICT: 17

LAND LOT(S): 886, 887, 908

PARCEL(S): 41

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 2

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** OI, RRC/ office buildings
- SOUTH:** RM-12/ Timbers of Vinings Condominiums
- EAST:** GC/ Quiktrip
- WEST:** UC/ Avignon at Vinings Village

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

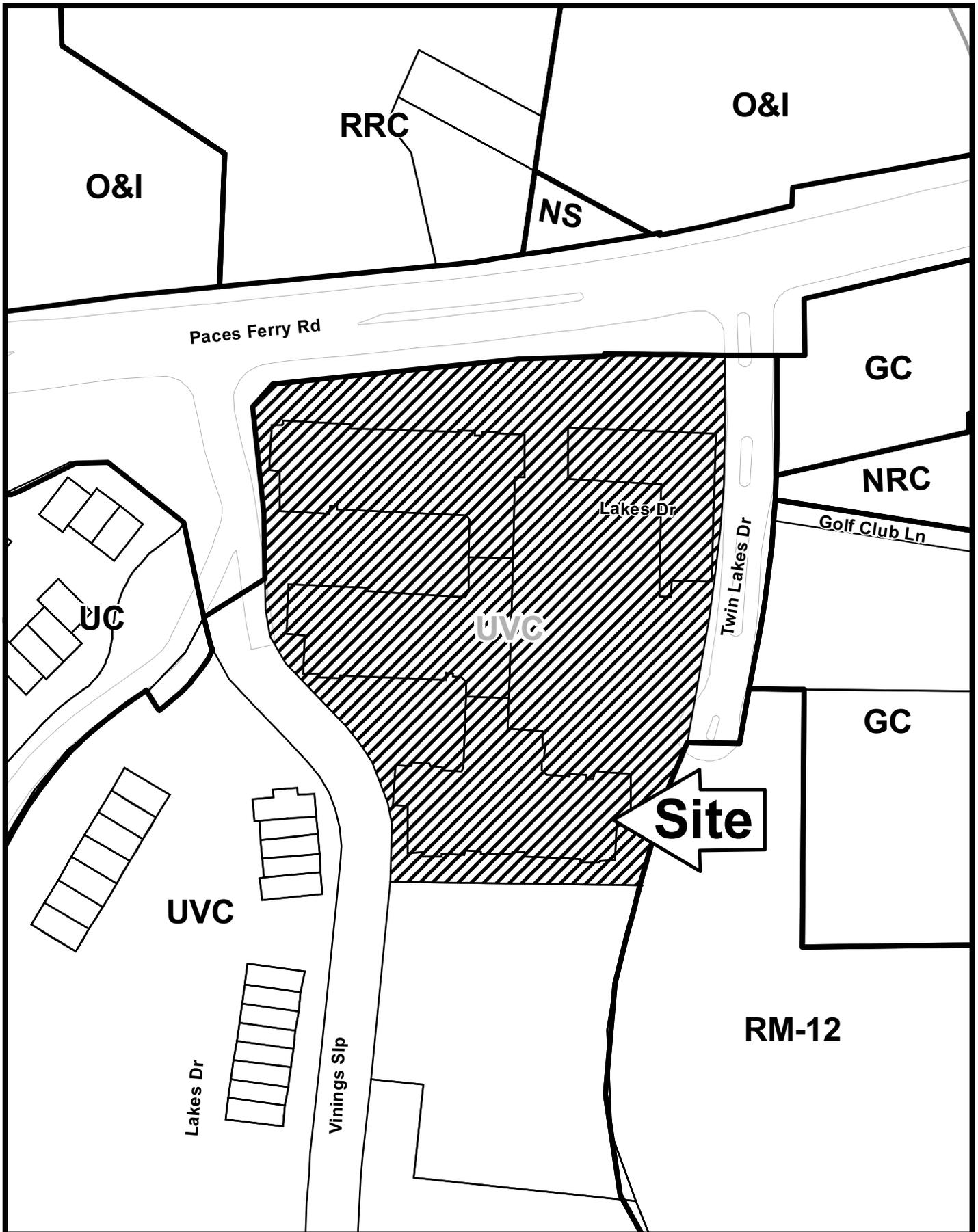
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

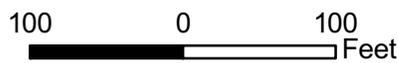
STIPULATIONS:



Z-27



This map is provided for display and planning purposes only. It is not meant to be a legal description.



City Boundary
Zoning Boundary

APPLICANT: Vinings Main, L.P.

PETITION NO.: Z-27

PRESENT ZONING: UVC with stipulations

PETITION FOR: UVC with stips.

ZONING DIVISION COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: High Density Residential (5 to 12 units per acre)

Proposed Number of Units: 148 **Overall Density:** 29.4 **Units/Acre**

Present Zoning Would Allow: 148 **Units** **Increase of:** 0 **Units/Lots**

The applicant is requesting the UVC zoning district to amend certain zoning stipulations from the previous zoning case, Z-118 of 2005 (see Exhibit "A"). The property is improved with a mixed use development consisting of retail, office, restaurants and residential flats, within a four story building. By way of background, this development replaced 200 low quality apartments units. There are currently 148 residential flats that range in size from 897 square-feet to 1,868 square-feet. This rezoning proposal only involves 140 of the residential flats, since three units are sold and five are for-sale. The stipulations from Z-118 of 2005 calls for the units to be for sale units with master protective covenants providing for a maximum of 10% of the units to be leased at one time. This request seeks to amend that condition to allow 140 of the units to be leased for five years from the final hearing date for this case. All leases will be drawn so that no lease shall extend beyond the five year period. All other zoning stipulations from Z-118 of 2005 would remain in effect.

Historic Preservation: After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

STORMWATER MANAGEMENT COMMENTS:

No comments.

FIRE COMMENTS:

No Comments.

APPLICANT Vinings Main, LP

PETITION NO. Z-027

PRESENT ZONING UVC w/stips

PETITION FOR UVC w/stips

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s) 16" DI / S side Paces Fy Rd

Additional Comments: Stipulation change proposed will not affect water demand

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: Existing (pvt)

Estimated Waste Generation (in G.P.D.): **A D F** 0 incr **Peak** 0 incr

Treatment Plant:

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? Yes No

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Stipulation change proposed will not affect expected wastewater flow

Notes FYI:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Vinings Main, L.P.

PETITION NO.: Z-27

PRESENT ZONING: UVC with stipulations

PETITION FOR: UVC with stipulations

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Paces Ferry Road	27500	Arterial	45 mph	Cobb County	100'
Vinings Slope	N/A		25 mph	Private	
Twin Lakes Drive	6100		25 mph	Private	

*Based on 2007 traffic counting data taken by Cobb County DOT (Paces Ferry Rd)
Based on 2005 traffic counting data taken by Cobb County DOT (Twin Lakes Dr)*

COMMENTS AND OBSERVATIONS

Paces Ferry Road is classified as an Arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF RECOMMENDATIONS

Z-27 VININGS MAIN, L.P.

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains some intense uses such as mid and high-rise office buildings, high density residential and commercial uses.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal would be consistent with the character of the area, which is mixed use in character. The applicant's proposal is located within close proximity of the intersection of Paces Ferry Road and Cumberland Boulevard, and is within close proximity of Interstate 285. Additionally, the applicant's proposal is located very close to the major employment centers associated with the Cumberland/Galleria area and downtown Atlanta, which would make this a very desirable location for residential units. It should be noted that the property previously had 200 old, low quality apartments that would have never been homeowner occupied. The applicant seeks to have 140 brand new, high quality units leased for five years, after which, will be home owner occupied.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities or utilities. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a High Density Residential Land Use Category. The density shown on the site plan by the applicant was previously approved by the Board of Commissioners
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is compatible with other uses in the area. This area has a variety of different land uses including residential, commercial and offices. The applicant's property is designated as High Density Residential in the *Cobb County Comprehensive Plan*, which does permit for-sale or leased residential units. The applicant's proposal is located adjacent to a Regional Activity Center (RAC), which allows for the most variety and intensity of land uses. This is a very desirable location for residential units due to the proximity to the Cumberland/Galleria area, Vinings, downtown Atlanta, the airport, and other attractions. The applicant has almost finished this project, which an asset to area and a vast improvement over the former use of the property. The applicant only seeks this rezoning to lease 140 units for up to five years. Having the ability to lease the units temporarily will benefit the area by not having a bunch of foreclosed residential units driving down property values.

Based on the above analysis, Staff recommends APPROVAL subject to:

- 140 units may be leased for five-years;
- All other stipulations from Z-118 of 2005 (not in conflict);
- Water and Sewer comments and recommendations;
- DOT comments and recommendations;
- 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.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 20, 2005
9:05 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 20, 2005, at 9:05 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

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

Z-118 ALTA VININGS, LLC, (owner) requesting Rezoning from RM-12 to UVC and RM-12 for the purpose of Mixed Use Development with Retail, Office and Residential in Land Lots 886, 887 and 908 of the 17th District. Located on the south side of Paces Ferry Road, west of Overlook Parkway, on the west side of Boulevard Hills Road, on the north side of South Loop Lake Court and at the southwest intersection of Paces Ferry Road and Twin Lakes Drive.

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

MOTION: Motion by Thompson, second by Kesting, to delete rezoning to the UVC zoning district subject to:

- site plan received in the Zoning Division November 22, 2005 (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated December 14, 2005, *not otherwise in conflict, with the following revisions* (copy attached and made a part of these minutes):
 - All references to UC or RM-12 zoning districts are changed to UVC zoning district.
 - Under Stipulations Applicable to the Overall Community:
 - ◆ Page 5, paragraph 17 changed to read: *"There shall be interparcel access between the proposed commercial and residential development, as more particularly shown and reflected on the referenced Conceptual Site Plan."*
 - ◆ Page 7, paragraph 25(f) changed to read: *"No restaurants with drive-through windows."*
 - ◆ Page 7, add new paragraph 27 to read as follows: *"Department of Transportation improvements to meet Cobb County standards."*
 - ◆ Page 7, add new paragraph 28 to read as follows: *"Height of parking deck not to exceed height of office building."*
 - ◆ Page 7, add new paragraph 29 to read as follows: *"Condominium and townhouse units shall not have more than ten percent (10%) leased at any one time."*

➤ Under (A) Stacked Condominiums:

- ◆ Page 9, paragraph 1: changed to read: *"There shall be a maximum of 58 stacked condominium units and 92 stacked condominium units."*
- ◆ Page 9, paragraph 4: changed to read: *"The units shall be 'for sale' units only. The master protective covenants shall provide that a maximum of 10% of the proposed units may be leased at any one time."*

➤ Under (B) Townhomes:

- ◆ Page 10, paragraph 2: changed to read: *"The master protective covenants shall provide that a maximum of 10% of the proposed units may be leased at any one time."*
- Exhibit A, change the following: 23 one-bedroom units (A-1) to average 950 square feet, 23 one-bedroom units (A-2) to average 1,100 square feet.
- letter of agreement between Alta Vinings, LLC and The Timbers of Vinings Condominium Association, Inc. (copy attached and made a part of these minutes)
- installation of 4' x 8' directional signs on Paces Ferry Road and the interior of the development with an arrow pointing to the Timbers of Vinings Condominiums
- lake to be dredged when the land cleared for development
- findings of Georgia Regional Transportation Authority (GRTA) and Atlanta Regional Commission (ARC) relevant to Development of Regional Impact (DRI) (copy attached and made a part of these minutes)
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: ADOPTED unanimously

Clerk's Note: Staff directed to consider amendment to the UVC zoning district to allow density and height to be determined by the land use map, development of adjacent property, community request, etc..

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
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JAMES D. WALKER III
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KHRISTIE L. KELLY†
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS

JACQUELYN VAN TUYL**
KAREN S. KURTZ

OF COUNSEL:
JOHN L. SKELTON, JR.

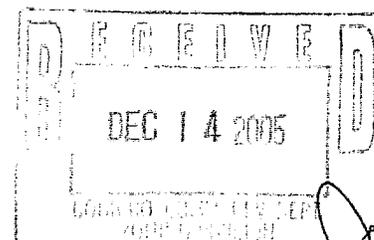
† ALSO ADMITTED IN TN
** ALSO ADMITTED IN FL
*** ALSO ADMITTED IN OH
* ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

December 14, 2005

Min. Bk. 39 Petition No. Z-118
Doc. Type Letter of agreeable
Stipulations
Meeting Date 12/20/05
Hand Delivered

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



RE: Application for Rezoning
Application No.: Z-118 (2005)
Applicant/Owner: ALTA Vinings, LLC
Property: 17.1 acres located on the
southerly side of Paces Ferry
Road, Land Lots 886, 887, and
908, 17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent ALTA Vinings, LLC, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), with regard to the rezoning of a tract totaling 17.1 acres located on the southerly side of Paces Ferry Road, Land Lots 886, 887, and 908, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the development and uses of surrounding properties, we have been authorized by the Applicant

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-118
Meeting Date _____
Continued

**Z-27 (2009)
Exhibit "A"
Previous
Stipulations for
Z-118 of 2005**

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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December 14, 2005

and Owners to submit this revised 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. This correspondence shall supersede and replace in full that certain letter of agreeable stipulations and conditions dated and filed November 30, 2005. The revised 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) Applicant seeks rezoning of the Subject Property from the RM-12 zoning category to the Urban Condominium ("UC") and RM-12 zoning categories, site plan specific to the revised Conceptual Site Plan prepared for ALTA Vinings, LLC by The Preston Partnership, LLC dated November 16, 2005, and submitted to the Zoning Office on November 22, 2005.
- (3) The Subject Property consists of 17.1 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL COMMUNITY

- (1) This rezoning proposal is a mixed-use development to include retail, office, and varied residential components. It is planned that a portion of the development will be a "village" design with office and retail on the first floor and residential stacked condominiums and office above, together with townhomes.

MOORE INGRAM JOHNSON & STEELE

Petition No. _____
Meeting Date _____
Continued

**Z-27 (2009)
Exhibit "A"
Previous
Stipulations for
Z-118 of 2005**

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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December 14, 2005

- (2) ALTA Vinings, LLC, as the developer, will be involved in all aspects of the development, including, but not limited to, the residential, retail, and office components.
- (3) 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 overall development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance area, common areas, open space areas, amenity area, private streets, and the like contained within the overall development.
- (4) 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 components, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (5) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the revised Conceptual Site Plan referenced above.
- (6) All portions of existing rights-of-way within and adjacent to the proposed development will be abandoned by Cobb County, Georgia, and deeded by quitclaim deed to Applicant, or a related entity, by the Cobb County Board of Commissioners. In exchange for the abandonment, Applicant agrees to construct and dedicate to Cobb County a public right-of-way thirty (30) feet in width with a utility easement ten (10) feet in width on each side of the right-of-way as to

MOORE INGRAM JOHNSON & STEELE

Petition No. _____
Meeting Date _____
Continued

**Z-27 (2009)
Exhibit "A"
Previous
Stipulations for
Z-118 of 2005**

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 12
December 14, 2005

the main thoroughfare running through the development terminating at The Timbers. Sidewalks along this right-of-way shall be as shown and reflected on the referenced Site Plan; and Applicant will be permitted to install traffic calming devices along said roadway.

- (7) Applicant agrees, prior to the issuance of any building permits on the Subject Property, to contribute to the Cobb County Department of Transportation the sum of One Hundred Thousand Dollars (\$100,000) to assist in the creation of a "Quiet Zone" at the CSX railroad crossing in Vinings.
- (8) Applicant agrees that the existing rental apartment units shall not be demolished in phases, but rather, shall be demolished all at the same time, once construction begins.
- (9) Entrances to the proposed overall development shall be as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (10) Main entrance signage for the proposed overall development shall be ground based, monument style signage, with the finish, materials, and color being comparable and complementary to the structures within the development. Such signage shall contain no flashing sign components. The entrance area shall be professionally designed, landscaped, maintained, and themed to the architecture and style of the community.
- (11) There shall also be a network of internal sidewalks and paths located within the proposed overall community which shall link the various components of the development in order to promote the "live where you work" concept.

MOORE INGRAM JOHNSON & STEELE

Petition No. _____
Meeting Date _____
Continued _____

**Z-27 (2009)
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Mr. John P. Pederson
Planner III
Zoning Division
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- (12) Lighting within the proposed overall community shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (13) 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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) There shall be interparcel access between the proposed UC development and the proposed RM-12 development, as more particularly shown and reflected on the referenced Conceptual Site Plan.

MOORE INGRAM JOHNSON & STEELE

Petition No. _____
Meeting Date _____
Continued

**Z-27 (2009)
Exhibit "A"
Previous
Stipulations for
Z-118 of 2005**

Mr. John P. Pederson
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Cobb County Community Development Agency
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- (18) Further, as to the overall development, there shall be "zero lot lines" among the various components within the development so as to allow for the free flow of access, parking, and the like.
- (19) 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.
- (20) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards.
- (21) The stormwater management areas shall be fenced and landscaped for purposes of visual screening. Said landscaping 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.
- (22) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (23) Applicant agrees to a fifty (50) foot stream buffer on either side of the centerline of any streams traversing the Subject Property, as more particularly shown and reflected on the Conceptual Site Plan; except as set forth in paragraph 12 above.
- (24) All utilities for the proposed development shall be located underground.
- (25) The following uses shall be prohibited from the proposed overall development:

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- (a) Video arcades as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, repair, and/or service facilities;
 - (d) Movie theaters;
 - (e) Gas station; and
 - (f) No fast food establishments such as McDonald's, Wendy's, and the like.
- (26) Notwithstanding anything contained herein to the contrary, the maximum number of residential units shall not exceed a total of two hundred thirty (230) units, including condominiums and townhomes.

**STIPULATIONS APPLICABLE TO THE PROPOSED
UC COMMUNITY AND RM-12 COMMUNITY**

- (1) The proposed UC community will contain approximately 4.1 total acres and will contain retail, office, and residential components.
- (2) The buildings within the UC community will be built to create the atmosphere and ambience of a "village" community.
- (3) Buildings in this portion of the proposed development shall contain on the first level retail space with office and condominium units above, together with all residential in rear.

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- (4) Parking for office, retail, and residential uses within the UC Community will be provided by means of limited surface parking, and a parking deck, as detailed on the Conceptual Site Plan, which will employ "shared" parking among the respective components and which will provide sufficient and adequate parking for the total development.

I. RETAIL AND OFFICE

- (A) There will be a total of approximately 20,000 square feet of retail space located on the ground level of the buildings, as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (B) The office condominiums will total approximately 30,000 square feet and will comprise three (3) stories located above the ground level retail space as more particularly reflected on the referenced Conceptual Site Plan
- (C) Applicant agrees that the exteriors and architectural appearance of the retail/office components, together with associated residences, shall be substantially similar to the renderings to be presented to the Planning Commission and the Board of Commissioners at the respective public hearings.
- (D) The retail area shall contain neighborhood uses which may include a coffee shop and a smaller, white tablecloth restaurant consistent with the overall neighborhood concept.

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II. RESIDENTIAL

(A) Stacked Condominiums

1. There shall be a maximum of fifty-eight (58) stacked condominium units contained within the proposed UC community; and ninety-two (92) stacked condominium units within the RM-12 zoned area.
2. The proposed condominium units shall be located above retail space, as well as within a separate building, as more particularly shown and reflected on the referenced Conceptual Site Plan.
3. The stacked condominium units shall be condominiums as the term "condominium" is defined under the Georgia Condominium Act.
4. The units within the UC community shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
5. The square footage ranges, bedroom types, and finishes shall be as set forth on Exhibit "A" attached hereto and incorporated herein by reference.

(B) Townhomes

1. There shall be a maximum of eighty (80) townhome units containing a minimum of 2,250 square feet, ranging upwards to 2,400 square feet, and greater.

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2. The units within this community shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
3. The unit finishes for the townhomes shall be as set forth in Exhibit "A" attached hereto and incorporated herein by reference.
4. The proposed townhomes shall be traditional or European in styling and architecture as more fully shown and depicted on the architectural renderings to be presented to the Planning Commission and Board of Commissioners at the respective scheduled Zoning Hearings.
5. Additionally, the townhome residences shall contain four-sided architecture.
6. The townhomes shall have attached, two-car garages.
7. The townhomes shall be a condominium development, complying in all respects with the Cobb County Condominium Ordinance, and not subject to the Georgia Condominium Act.
8. An amenity area, including a swimming pool, clubhouse, and park area with a gazebo shall be provided for the use and enjoyment of the residents within the proposed development.
9. There shall be "community green" areas, together with stormwater detention areas, as more particularly shown and reflected on the referenced Conceptual Site Plan.

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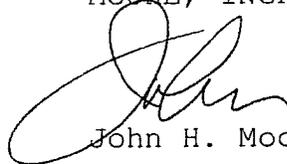
10. A minimum of fifty (50) percent of the townhome units shall be "roughed-in" for elevator service, which service shall be offered as an option.

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 overall community is a well-planned project which brings together numerous types of product into one development. The proposed overall community promotes the "live where you work" concept by bringing together a mixture of residential components to fit the demands of various types of homeowners. The development shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and Cobb County as a whole. As always, we greatly appreciate your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

- c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee

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c: Mr. Ron Sifen
Vinings Civic Association

Mr. Anthony L. Waybright
Ms. Suzanne Ballew

Ms. Linda Barnes Cater
Ms. Kathrin Mattox
Ms. Jody Smith
Lower Stillhouse Group

ALTA Vinings, LLC

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Vinings Commons
 Standard Specifications

EXHIBIT "A"

Floors Plans and finishes shall consist, at minimum, of the following:

Living Room and Dining Rooms-

- (a) 10 Ft ceilings
- (b) A selection of hardwood flooring, premium carpet, and tile throughout.
- (c) Crown Molding
- (d) Surround Sound Wiring

Kitchen

- (e) Counter Tops will be corian, granite, or equivalent
- (f) Upscale wooden cabinetry or equivalent
- (g) 10 Ft ceilings

(h) A selection of hardwood flooring, and tile

(i) Whirlpool Gold appliances, stainless steel or equivalent.

Bedrooms

(j) Condominium -10 Ft ceilings. Townhomes - 9 Ft. Ceilings.

(k) A selection of hardwood flooring, or premium carpet throughout

(l) Crown Molding

(m) Walk-in closets in master bedrooms.

Bathrooms

(n) Ceramic tile or equivalent

(o) Counter Tops will be corian, granite, or equivalent

(p) Upscale wooden cabinetry or equivalent

The square footage ranges for the condominium units contained within the building are as follows:

(q) Not greater than 15% percent of the units with a minimum square footage of 900sf.

(ii) Not greater than 30% percent of the units with a minimum square footage of 1,000sf.

(iii) Not greater than 40% percent of the units with a minimum square footage of 1,200sf.

(iv) Not greater than 50% percent of the units with a minimum square footage of 1,350sf.

(v) Not Greater than 75% percent of the units with a minimum square footage of 1,400sf.

(vi) Not Greater than 87% percent of the units with a minimum square footage of 1,500sf.

Unit Type		Mix	# of Units	Avg SF
1 BR	A-1	10%	15%	23
1 BR	A-2	10%	15%	23
1 BR-Den	A-3	7%	10%	15
2BR	B-1	7%	10%	15
2BR	B-2	16%	25%	38
2BR-Den	B-3	8%	12%	18
2BR-Den	B-4	8%	13%	20
TW 1	T-1	17%	50%	40
TW 2	T-2	17%	50%	40
Condo Total			150	1,284
Townhouse Total			80	2,500
Total			230	1,707

950⁰⁰

~~900~~ 1,000
 1,100