

**AUGUST 17, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 4

PURPOSE

To consider a stipulation amendment for the Pacific Group regarding application Z-118 (Alta Vinings, LLC) of December 20, 2005 for property located on the south side of Paces Ferry Road, west of Overlook Parkway in Land Lot 886, 887 and 908 of the 17th District.

BACKGROUND

The subject property was zoned to UVC for a mixed use development with many stipulations. The applicant is requesting to amend three stipulations concerning the townhouse portion of the development. First, the applicant would like to remove stipulation II(B)5 regarding the townhouse having four sided architecture. The applicant would like to insert the language that the townhouse residences shall contain three-sided architecture with the rear of the units being constructed of cedar shake type siding. Second, the applicant would like to amend stipulation II(B)10 which requires 50% of the townhouse units be roughed-in for elevator service, which shall be offered as an option. The applicant would like to reduce the required amount to 24% of the townhouse units being roughed-in for elevator service. Third, the applicant would like to limit 10-foot ceilings to the living and dining room only, in lieu of most of the house. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached (see Exhibit A). The request has been submitted to Staff, which have no comments.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed stipulation amendment.

ATTACHMENTS

Zoning stipulations (Exhibit A)

Other Business Application (Exhibit B)

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:

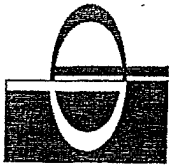
MOTION: Motion by Thompson, second by Kesting, to delete rezoning to the UVC zoning district **subject to:**

- 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..



THE PRESTON PARTNERSHIP, LLC
 ARCHITECTURAL DESIGN GROUP
 1400 W. 10TH AVENUE, SUITE 200
 DENVER, CO 80202
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 CONSULTANT

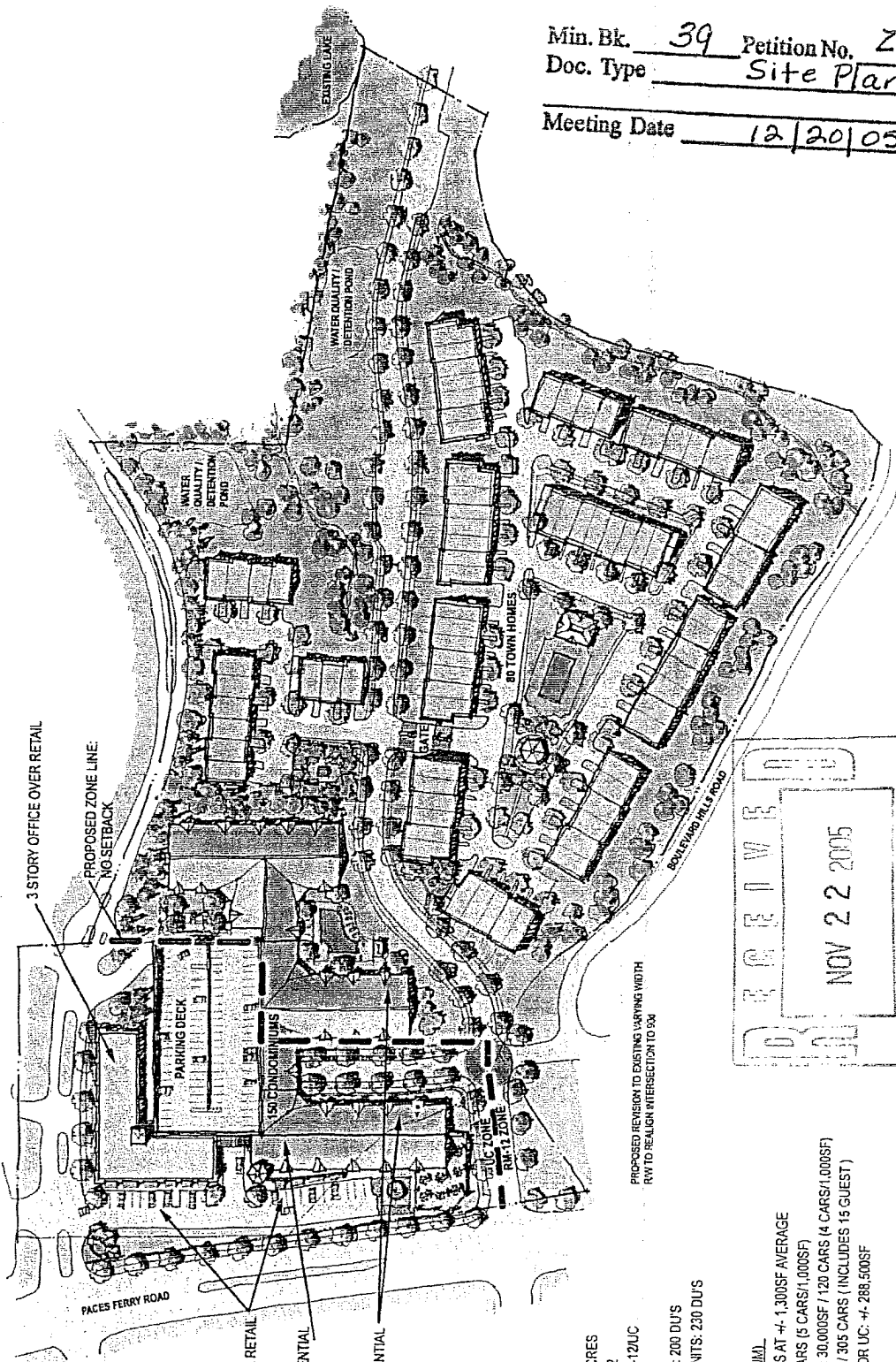
PROJECT
 ALTA VININGS
 AT PACES FERRY
 COOK COUNTY, ILLINOIS



WOOD PARTNERS
 1111 W. WASHINGTON STREET, SUITE 100
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Item 04
 Exhibit "A"
 August 2010

Min. Bk. 39 Petition No. Z-118
 Doc. Type Site Plan
 Meeting Date 12/20/05



RECEIVED
 NOV 22 2005
 COOK COUNTY DEPT. OF ZONING

SITE SUMMARY

TOTAL SITE AREA 16.0 ACRES
 EXISTING ZONING: RM 12
 PROPOSED ZONING: RM-12UC
 EXISTING RENTAL UNITS: 200 DU'S
 PROPOSED FOR SALE UNITS: 230 DU'S
 (15% DENSITY BONUS)

UC (URBAN CONDOMINIUM)
 58 TOTAL CONDOMINIUMS AT +- 1,300SF AVERAGE
 RETAIL: 20,000SF / 100 CARS (5 CARS/1,000SF)
 OFFICE CONDOMINIUMS: 30,000SF / 120 CARS (4 CARS/1,000SF)
 RESIDENTIAL: 238,500SF / 305 CARS (INCLUDES 15 GUEST)
 TOTAL BUILDING AREA FOR UC: +- 288,500SF

RM-12 ZONE 11.9 ACRES
 142 DU / 11.9 ACRES = 12 UNITS PER ACRE
 DENSITY BONUS = 30 ADDITIONAL UNITS
 172 TOTAL DWELLING UNITS
 80 TOWN HOMES AND 92 CONDOMINIUMS
 56 MAX HEIGHT FOR TOWN HOMES
 60' MAX HEIGHT FOR CONDOMINIUMS

MOORE INGRAM JOHNSON & STEEL

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

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OF COUNSEL:
JOHN L. SKELTON, JR.

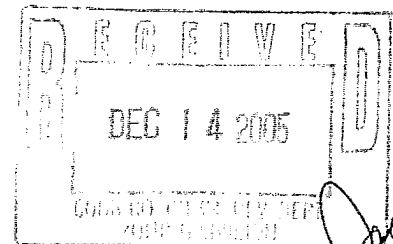
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN OH
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

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

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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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

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Meeting Date 12/20/05
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**Item 04
Exhibit "A"
August 2010**

- (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

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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.

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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

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Meeting Date 12/20/05
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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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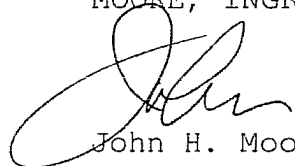
10. A minimum of fifty (50) percent of the townhome units shall be "roughed-in" for elevator service, which service shall be offered as an option.

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

MOORE INGRAM JOHNSON & STEELE

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**Item 04
Exhibit "A"
August 2010**

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

**Vinings Commons
 Standard Specifications**

EXHIBIT "A"

**Item 04
 Exhibit "A"
 August 2010**

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%
1 BR	A-2	10%	15%
1 BR-Den	A-3	7%	10%
2BR	B-1	7%	10%
2BR	B-2	16%	25%
2BR-Den	B-3	8%	12%
2BR-Den	B-4	8%	13%
TW 1	T-1	17%	50%
TW 2	T-2	17%	50%
Condo Total			150
Townhouse Total			80
Total			230

Avg SF ~~900~~ ⁹⁵⁰
~~1,000~~
~~1,100~~



December 19, 2005

Min. Bk. 39 Petition No. Z-118
Doc. Type Letter of Agreement
Meeting Date 12/20/05

The Timbers of Vinings Condominium Association, Inc.
c/o Scott Thompson
3767 Vinings Slope Rd.
Atlanta, GA 30339

FILED WITH COUNTY CLERK THIS 20th DAY
OF Dec 2005 BY John Moore
RE Z-118
Audra S. Richardson
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

Re: Alta Vinings, L.L.C.

Dear Scott:

It was a pleasure meeting with you on Thursday of this week. As we discussed in our meeting, Alta Vinings, L.L.C. ("Alta") adjacent to The Timbers of Vinings ("Timbers"), and Alta has applied for a rezoning of its property to permit the redevelopment of Alta's property with ~~apartments~~ ^{condos} and townhomes. In connection the redevelopment of Alta's property, the parties have agreed as follows:

1. Agreements of Alta. If Alta receives final approval (with all appeal periods having expired) of its proposed rezoning of its property and actually commences construction of improvements on its property, then, during the course of construction (unless otherwise indicated below):

- a) There is a pond located partially on the Alta property and partially on the neighboring property owned by Equity Residential. If and only to the extent allowed by Equity Residential, Alta will conduct a pre- and post environmental study for the pond.
- b) Water treatment pond areas on Alta's property will be landscaped in accordance with Alta's final site plan to the benefit of all residents of Alta's property and the Timbers property.
- c) If and only to the extent allowable by Cobb County and Equity Residential, Alta will attempt to stabilize the boundary of the portion of the pond located on its property to prevent further erosion.
- d) There currently exists an access easement over the Alta property which contains a paved road which provides access between the Timbers property and Paces Ferry Road (the "Access Easement"). This Access Easement will be relocated by Alta during the course of redevelopment of its property. To the extent allowable by applicable governmental code, at the time of relocation of the Access Easement and construction of the

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August 2010**

Petition No. 2-118
Meeting Date 12/20/05
Continued

paved road therein, Alta will provide speed control devices (speed bumps, speed humps, etc.) on the relocated access drive located on Alta's property as may be reasonably requested by the Timbers.

e) Alta will provide a point of contact with a cell phone number that the representative of the Timbers (as designated in paragraph 2a) below) can call throughout the redevelopment of Alta's property with concerns of the Timbers in connection with said redevelopment. *This contact will keep the Timbers informed of all stages of construction.*

f) To the extent allowable by code and if constructed by Alta, Alta will include the Timbers on Alta's master development monument sign at the entrance to Alta property at no cost to Timbers. Additionally, Alta will allow space on its property for a second directional sign (the style, content and size of which will be subject to Alta's reasonable approval) for the Timbers at a location reasonably determined by Alta beyond the to be developed Alta town home entrance, provided that the sign desired by Timbers is permitted by applicable code and is consistent in style and quality with the master development signage theme. This second sign will be built by Alta during the course of its redevelopment of its property and paid for by the Timbers.

g) If and to the extent allowable by lenders and if Alta elects to construct an amenity area adjacent to the pond, the Timbers will be given the option to join the master homeowner's association to be created by Alta in order to grant the Timbers usage rights of the amenity area which may be constructed by Alta adjacent to the pond. The Timbers will make the election as to whether or not to join the master homeowner's association after the maintenance budget for the amenity area has been established (if said amenity area is built by Alta).

h) Alta will improve all of the resurface all of the paved area on its property in accordance with Alta's redevelopment plan up to the gate of the Timbers Community. This will include lighting, sidewalks, and general terrain maintenance in connection with said pavement. Wood Partners will attempt to fix the on-site culvert by increasing the size of the pipe under the road.

i) Alta will permit the installation of a call box (the size and style of which will be subject to Alta's reasonable approval) along the relocated Access Easement roadway for access to the Timbers gate in a location fitting with Alta's final site plan.

j) Upon completion of the redevelopment of the Alta property, Alta will make a \$75,000 contribution, as adjusted below, to the Timbers homeowner's association for the purposes of the construction of a gate and general improvements to the Timbers property, and compensation for any

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Continued

inconveniences which may be created during construction and redevelopment of the Alta property. If Timbers does not elect to construct an automated gate at the entrance to their property, the payment amount will be decreased to ~~\$75,000~~ ^{\$75,000 for 2H.} ~~\$60,000~~ ^{\$45,000} ~~\$30,000~~. The amount of the payment to Timbers set forth above will also be decreased by the amount representing the cost of improvements requested by Timbers to be constructed by Alta during the course of its redevelopment, as discussed elsewhere in this letter. These deductions will most likely include: an automated gate, a ^{2H}directional sign and resurfacing of the Timbers driveway ^{beyond the Timbers property line. Timbers will not be charged for items "a" thru "e" and "h".}

2. Agreements of the Timbers: - PRICES TO BE CHARGED TO TIMBERS WILL BE EQUAL TO THE COSTS CHARGED TO THE DEVELOPER. *OS 2H*

a) The Timbers will elect a single point of contact that will serve to filter and clarify any concerns, complaints, suggestions, etc. from the balance of the homeowners at the Timbers and this point of contact will be the sole source of communication with Alta.

2) The Timbers will speak in favor of and support the rezoning of the Alta property and the redevelopment thereof and shall evidence such support at the December 20th hearing in Cobb County and as may be otherwise reasonably requested by Alta.

3) The Timbers homeowners agree and recognize that during the redevelopment of the Alta property the entrance to their community will need to be rerouted off of the current Access Easement to other areas on the Alta property, and this rerouting process may cause some temporary inconveniences to the residents of the Timbers.

4) In the course of its redevelopment of the Alta property, the Access Easement existing as of the date hereof will be relocated in order to accommodate redevelopment of the Alta property in accordance with Alta's final site plan. The Timbers supports this relocation and agrees that, once the new location of the Access Easement is determined by Alta, the Timbers will enter into an agreement in recordable form prepared by Alta which will serve to relocate the Access Easement to the area required by Alta in accordance with Alta's final site plan, and the Timbers will obtain all consents which may be required in connection therewith. The Timbers agrees to execute (and obtain all required consents to) the relocation documents in a timely fashion after request from Alta for execution of the same. The agreement relocating the Access Easement will also contain provisions allowing for the development and use by Timbers of the gate at the entrance to the Timbers (if so constructed) and the call box above described (if so constructed), along with such other provisions as are customary in comparable access easements and otherwise required by applicable lenders.

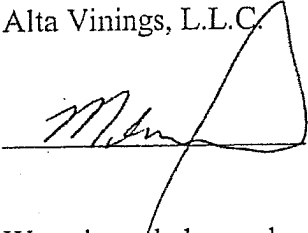
**Item 04
Exhibit "A"
August 2010**

Petition No. Z-118
Meeting Date 12/20/05
Continued

We believe that the above represents the agreement of the parties as a result of our meeting. Please evidence the agreement of the Timbers to the contents of this letter by executing below where indicated and returning said executed letter to my attention via facsimile at 770-984-9375, with the original to follow by mail to my attention. We look forward to beginning redevelopment of the Alta property and working with our neighbors at the Timbers towards successful completion thereof.

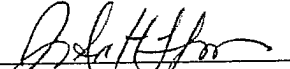
Very Truly Yours

Alta Vinings, L.L.C.



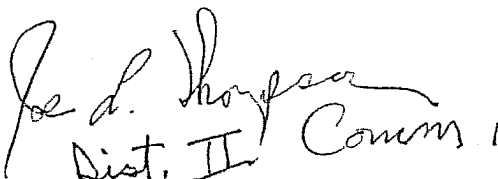
We acknowledge and agree to the contents of this letter:

The Timbers of Vinings Condominium Association, Inc.
[INSERT NAME OF TIMBERS ASSOCIATION]

By: 

Name: J. Scott Thompson

Title: DESIGNATED REPRESENTATIVE FOR THE TIMBERS TOWNHOME COMMUNITY.



Joe D. Thompson
Dist. II Comm. 1

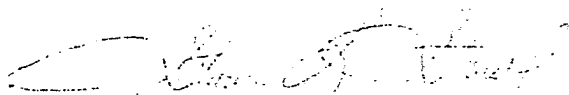
Notice of Decision for
Request for Non-Expedited Review of
DRI #825 Paces Ferry Commons (aka Alta Vinings)

The purpose of this notice is to inform Wood Partners, LLC (the Applicant), Cobb County (i.e., the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI #825 Paces Ferry Commons (aka Alta Vinings) (the DRI Plan of Development). GRTA has completed a non-expedited review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103.A. The DRI Plan of Development as proposed is approved **subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless the local government has issued a permit for the construction of any part of the proposed DRI Plan of Development prior to the end of the ten-year period.

The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes the site development plan dated September 20, 2005, prepared by Highland Engineering, Inc., titled "Alta Vinings" (Referred to as the "Site Plan" or the "DRI Plan of Development") and the analysis prepared by Kimley-Horn and Associates, Inc. dated September 2005 and received by GRTA on September 27, 2005.

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, available from GRTA or on the Worldwide Web at <<http://www.grta.org/dri/home.htm>>. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal at its December 14, 2005 meeting.



Steven L. Stencil
Executive Director
Georgia Regional Transportation Authority

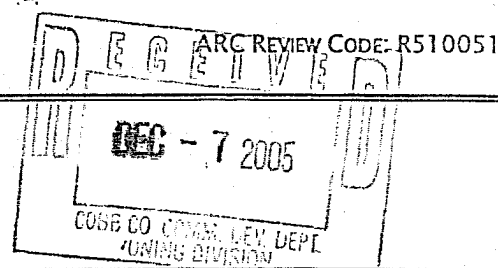


REGIONAL REVIEW FINDING

Item 04
Exhibit "A"
August 2010

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax: 404.463.3105 • www.atlantaregional.com

DATE: Nov 9 2005



TO: Chairman Sam Olens
ATTN TO: John Pederson, Planner III
FROM: Charles Krautler, Director *CK*

The Atlanta Regional Commission (ARC) has completed regional review of the following Development of Regional Impact (DRI). Below is the ARC finding. The Atlanta Regional Commission reviewed the DRI with regard to conflicts to regional plans, goals, and policies and impacts it might have on the activities, plans, goals, and policies of other local jurisdictions and state, federal, and other agencies. The finding does not address whether the DRI is or is not in the best interest of the local government.

Submitting Local Government: Cobb County
Name of Proposal: Paces Ferry Commons

Review Type: Development of Regional Impact Date Opened: Oct 10 2005 Date Closed: Nov 9 2005

FINDING: After reviewing the information submitted for the review, and the comments received from affected agencies, the Atlanta Regional Commission finding is that the DRI is in the best interest of the Region, and therefore, of the State.

Additional Comments: The proposed Paces Ferry Commons meets many of the ARC's Regional Development Policies. The proposed development provides redevelopment of an existing apartment complex to provide a variety of housing options and shopping opportunities on the site. The proposed development is adding housing to an area dominated by office uses, providing opportunities for individuals to live and work within close proximity to one another. The proposed development is offering a variety of housing choices for individuals and families of diverse incomes and age groups.

THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

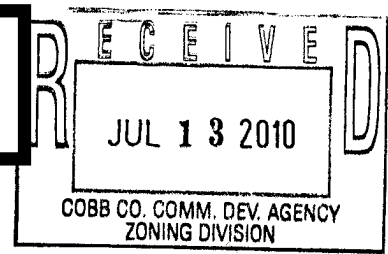
- | | | |
|---|---|---|
| ARC LAND USE PLANNING | ARC TRANSPORTATION PLANNING | ARC ENVIRONMENTAL PLANNING |
| ARC DATA RESEARCH | ARC AGING DIVISION | GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS |
| GEORGIA DEPARTMENT OF NATURAL RESOURCES | GEORGIA DEPARTMENT OF TRANSPORTATION | GEORGIA REGIONAL TRANSPORTATION AUTHORITY |
| CITY OF SMYRNA | FULTON COUNTY | CITY OF ATLANTA |
| COBB COUNTY SCHOOLS | CUMBERLAND COMMUNITY IMPROVEMENT DISTRICT | |

If you have any questions regarding this review, Please call Mike Alexander, Review Coordinator, at (404) 463-3302. This finding will be published to the ARC website.

The ARC review website is located at: <http://www.atlantaregional.com/qualitygrowth/reviews.html> .

Min. Bk. 39 Petition No. Z-118
Doc. Type Findings of ARC re
DRI
Meeting Date 12/20/05

Item 04
Exhibit "B"
August 2010



4

Application for "Other Cobb County, Georgia

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

BOC Hearing Date Requested: 08/17/2010

Applicant: Pacific Group, Inc. Phone #: (770) 984-8170
(applicant's name printed)

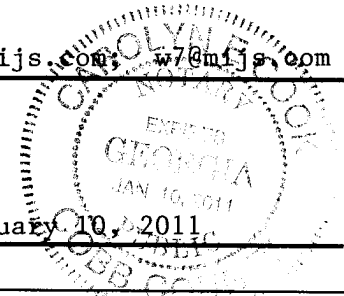
Address: Suite 130, 5755 Dupree Drive, Atlanta, GA 30327 E-Mail: Not Applicable
Moore Ingram Johnson & Steele, LLP

John H. Moore Address: Emerson Overlook, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

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

Signed, sealed and delivered in presence of:

[Signature] My commission expires: January 10, 2011
Notary Public



Titleholder(s) : CGCK Vinings, LLC Phone #: (404) 867-8279
(property owner's name printed)

Address: Suite 120, 5505 Interstate North Parkway, N.W. E-Mail: Not Applicable
Atlanta, GA 30328

See Attached Exhibit "A" for Signature
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 2 **Zoning Case:** Z-118 (2005)

Date of Zoning Decision: 12/20/2005 **Original Date of Hearing:** 07/19/2005

Location: Southerly side of Paces Ferry Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 886 **District(s):** 17th

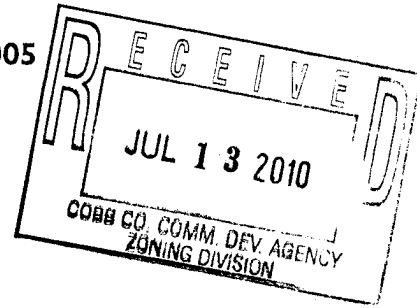
State specifically the need or reason(s) for Other Business: _____

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

(List or attach additional information if needed)

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

Application No.: Z-118 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: December 20, 2005
Current Hearing Date: August 17, 2010

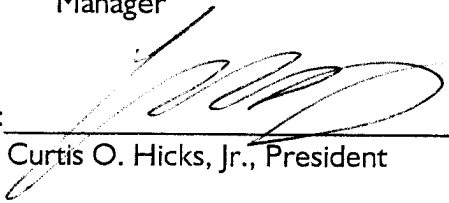


BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pacific Group, Inc.
Property Owner: CGCK Vinings, LLC

CGCK VININGS, LLC

BY: COLUMNS GROUP, INC.
Manager

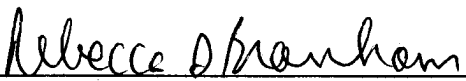
BY: 
Curtis O. Hicks, Jr., President

(Corporate Seal)

Address: Suite 120, 5505 Interstate North Parkway, N.W.
Atlanta, Georgia 30328

Telephone No.: (404) 867-8279

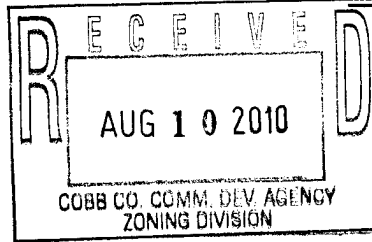
Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: 6/6/2013

(Notary Seal)



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



Application No.: Z-118 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: December 20, 2005
Current Hearing Date: August 17, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pacific Group, Inc.
Property Owner: CGCK Vinings, LLC

Applicant and Property Owner request amendments to certain stipulations and conditions for the "townhome" portion of the development to be known as "The Battery on Paces Ferry" (formerly known and approved as "Vinings Main Townhomes," formerly known as "ALTA Vinings Townhomes"), approved through the rezoning process by the Board of Commissioners on December 20, 2005. The proposed amendments are as follows:

- (1) Deletion of Section II(B), Townhomes, paragraph 5 (page 10 of letter of agreeable stipulations and conditions), and insertion of the following in lieu thereof:
 5. The townhome residences shall contain three-sided architecture with the rear of the units being constructed of cedar shake type siding.
- (2) Deletion of Section II(B), Townhomes, paragraph 10 (page 11 of letter of agreeable stipulations and conditions), and insertion of the following in lieu thereof:
 10. A minimum of twenty-four (24) percent of the townhome units shall be "roughed-in" for elevator service, which service shall be offered as an option.
- (3) Amendment to Exhibit "A," relating to unit finishes, referenced in paragraphs II(A),5, and II(B)3 (pages 9 and 10, respectively, of the letter of agreeable stipulations and conditions), as follows:
 - (a) 10 foot ceilings in the living room and dining room only.
- (4) The exterior of the units shall be in substantial conformity to the renderings to be presented on behalf of Applicant at the Board of Commissioners Zoning Hearing.

The proposed amendments presented herein in no way adversely impact or affect the remainder of the overall development approved in the original rezoning of the Subject Property. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the specified portion of the overall development to be known as The Battery on Paces Ferry, as more particularly shown and reflected on the "Revised Final Plat" attached hereto as Exhibit "I" and incorporated herein by reference.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on December 20, 2005, in Application No. Z-118 (2005), are unaltered or unchanged by this request for stipulation amendment.

