

SEPTEMBER 21, 2010 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4

ITEM # 2

PURPOSE

To consider a site and stipulation amendment for Metro Development Group II, LLC regarding application Z-39 (Traton Corp. and W & H Properties, LLC) of 2004, for property located on the north side of the East-West Connector, between Hicks Road and Felton Hill Road in Land Lots 25 and 48 of the 17th District.

BACKGROUND

The subject property was zoned PVC with stipulations for a 181-acre mixed use development consisting of a variety of residential and commercial uses. This particular request concerns only a 4.7-acre piece of commercial property at the northeasterly intersection of Hicks Road and the East-West Connector. The site was approved for a 12,500 square-foot daycare, 10,000 square-feet of offices, and a 5,795 square-foot restaurant. The applicant would like to amend the site plan for a 10,000 square-foot daycare, 6,000 square-foot medical office building, and a 8,400 square-foot retail building. Overall, there would be 3,895 square-feet less building on this property. The applicant has also submitted proposed architectural renderings of the buildings. There was a small landscape park feature in the center of this proposal which has been amended to the 18-foot landscape strip (in lieu of a 5-foot landscape strip) along the north property line. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached. 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)
Approved site plan (Exhibit C)
Proposed site plan (Exhibit D)
Proposed building elevations (Exhibit E)

The Board of Commissioners' Zoning Hearing was held on Tuesday, August 17, 2004, at 9:11 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 Tim Lee
Commissioner Joe L. Thompson
Commissioner G. Woody Thompson, Jr.

Z-39 **TRATON CORP. AND W & H PROPERTIES, LLC** (The Estate of Lucy Gore Barnes and Carla Jean Barnes Snavely, owners) for Rezoning from R-20 to PVC for the purpose of Mixed Use with Office, Commercial and Residential in Land Lots 24, 25, 46, 47, 48, 49, 97, 98, 99, 119 and 120 of the 17th District. Located at the northeast intersection of Hicks Road and the East-West Connector, and at the southeast intersection of Hicks Road and Fisher Drive, and at the end of Donald Road and Russell Street, and at the southwest intersection of the East-West Connector and South Hurt Road, and at the southeast intersection of Covered Bridge Road and South Hurt Road, and at the southeast intersection of South Hurt Road and the Silver Comet Trail, and at the northwest intersection of the East-West Connector and South Hurt Road.

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

MOTION: Motion by W. Thompson, second by Olens, to approve rezoning to the PVC zoning district subject to:

- site plan received by the Zoning Division June 3, 2004, with the District Commissioner approving minor modifications to the site layout (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated July 28, 2004 (copy attached and made a part of these minutes)
- letters of agreeable stipulations from Mr. William H. Harper, Jr. dated July 13, 2004 and August 12, 2004 (copy attached and made a part of these minutes)
- donation of greenspace on the south and east sides of South Hurt Road to the Cobb Land Trust to be made a part of Heritage Park and acceptance of same on behalf of Cobb County
- decisions from the Atlanta Regional Commission (ARC) dated July 14, 2004 and the Georgia Regional Transportation Authority (GRTA) dated August 2, 2004, relevant to the Development of Regional Impact (DRI) (copies attached and made a part of these minutes)
- Developer to work with Staff relevant to the installation of sidewalks along South Hurt Road
- District Commissioner to approve issues relevant to access to the project
- Historic Preservation comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb 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

VOTE: **ADOPTED** unanimously

Preliminary Plan The Mill at Covered Bridge

Cobb County, Georgia

Land Lots 24, 25, 46, 47, 48, 49, 97, 98, 99, 119, & 120, 17th District, 2nd Section

prepared for:

Harper/Poston

DGM

LANDSCAPE

ARCHITECT

PLANNING

DESIGN

INC.

1000 Peachtree Street, N.E.

Atlanta, Georgia 30309

Phone: 404.525.1100

Fax: 404.525.1101



May 11, 2004

Revisions:



Intersection Key

1. Right-in/Right-out with accel/decel lanes
2. Signalized Intersection with turning lanes

Parcel Breakdown

Parcel A - Neighborhood Village Office/Commercial

Total Area: 6.3 AC

Parcel B - Live/Work Fee Simple Townhomes

Total Units Shown: 15

Parcel C - Active Adult Condominiums

Total Units Shown: 70

Parcel D - Fee Simple Townhomes

Total Units Shown: 141

Parcel E - Single-Family Residential

Total Units Shown: 201

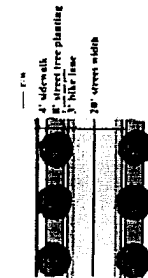
Building setbacks:

Front: 20'

Side: 5' (10' between structures)

Rear: 20'

1" = 20' RL



Boulevard Detail
(1/6" = 1')

Site Data

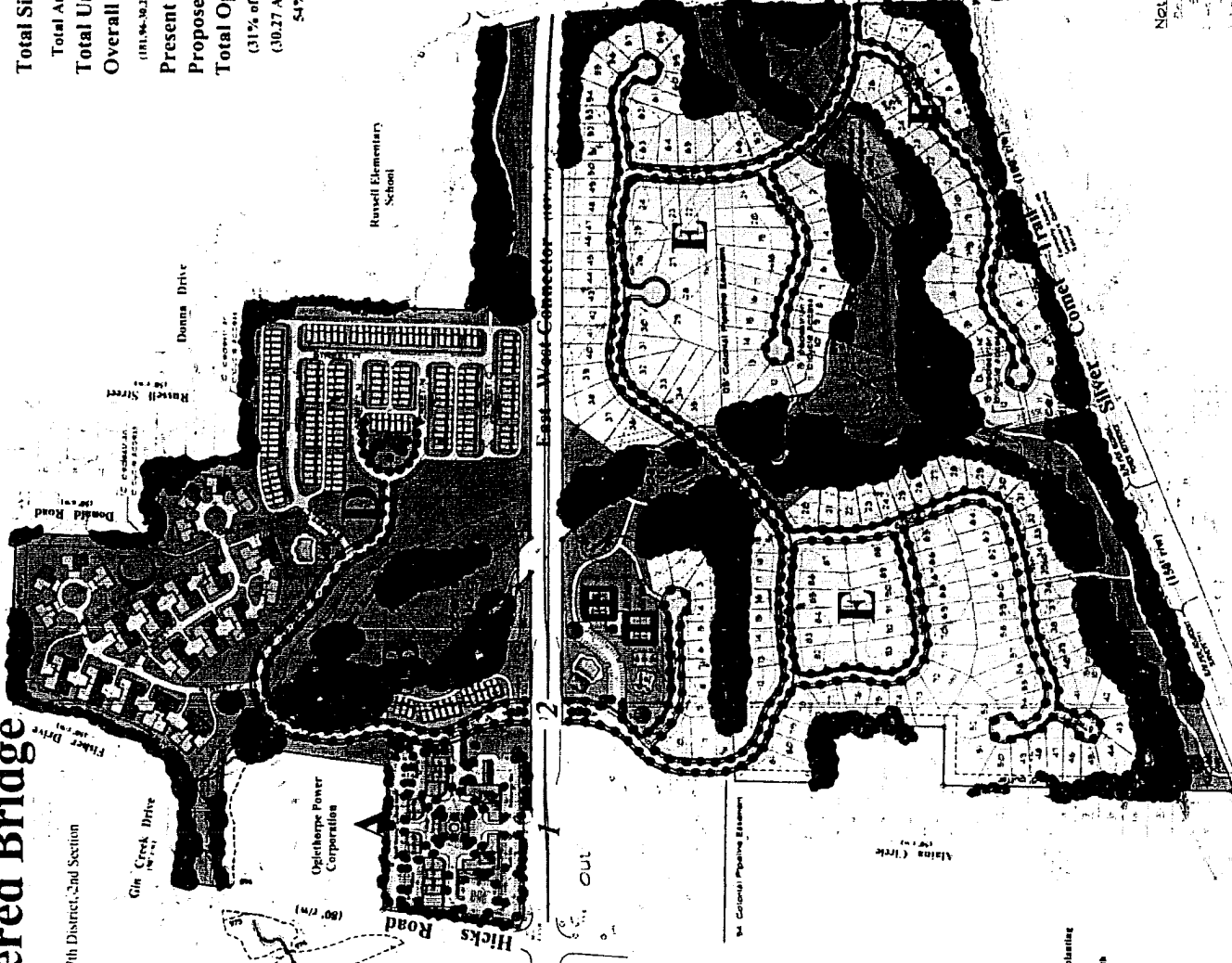
Total Site Area: 181.96 AC
Total Area in Floodplain: 30.2 AC
Total Units Shown: 427
Overall Net Density: 2.93 UN/AC
(181.96 AC / 427 UN = 0.427 UN/AC)
Present Zoning: R-20
Proposed Zoning: PVC
Total Open Space: 56.33 AC
(31% of total site area)
(30.27 AC of open space is out of floodplain, 54% of total open space)

Min. Bk. 29 Petition No. 2-39
Doc. Type Site Plan
Meeting Date 8/17/04

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Notes:

1. The site plan is based on the information provided by the applicant and is not a guarantee of accuracy. The applicant is responsible for the accuracy of the information provided.
2. The site plan is based on the information provided by the applicant and is not a guarantee of accuracy. The applicant is responsible for the accuracy of the information provided.
3. The site plan is based on the information provided by the applicant and is not a guarantee of accuracy. The applicant is responsible for the accuracy of the information provided.



MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

September 21, 2010
Exhibit "A"
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JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON[†]
ROBERT D. INGRAM[†]
J. BRIAN O'NEIL
G. PHILIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK[†]
ALEXANDER T. GALLOWAY III[†]
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS*

BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART[†]
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
JONATHAN H. PETCU
AMY K. WEBER
COURTNEY H. MOORE
KIM A. ROPER
TARA C. RIDDLE
JOSHUA M. BOOTH***
KELLI L. CROSS
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F. MICHAEL VISCUSE**
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DOUGLAS B. ROHAN
DAVID M. VAN SANT
DARRELL L. SUTTON

KASI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON***
JEFFREY K. STINSON
BENJAMIN A. WALDEN
DAVID A. COX

OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

[†] ALSO ADMITTED IN TN
* ALSO ADMITTED IN NC
** ALSO ADMITTED IN SC
*** ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

July 28, 2004

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

Hand Delivered

Min. Bk. 29 Petition No. Z-39
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 8/17/04

RE: Application for Rezoning

Application No.: Z-39 (2004)

Applicants: Traton Corp. and W & H
Properties, LLC

Owners: The Estate of Lucy Gloire
Barnes and Carla Jean
Barnes Snavely

Property: 181.96 acres located on the
northerly and southerly sides
of the East-West Connector
(generally known as the
"Barnes Estate Property");
Land Lots 24, 25, 46, 47, 48,
49, 97, 98, 99, 119, and 120,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Traton Corp. and W & H Properties, the Applicants (hereinafter collectively referred to as "Applicants"), and The Estate of Lucy Gloire Barnes and Carla Jean Barnes Snavely, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 181.96 acres located on the northerly and southerly sides of the East-West Connector, Land Lots 24, 25, 46, 47, 48, 49, 97, 98, 99, 119, and 120, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the

MOORE INGRAM JOHNSON & STEELE

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"Subject Property"). After meeting with planning and zoning staff, discussions and meetings with area residents and homeowner representatives, and reviewing the staff comments and recommendations, and reviewing the uses of surrounding properties, we have been authorized by the Applicants and Owners to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the R-20 zoning category to the Planned Village Concept ("PVC") zoning classification, site plan specific to that certain Preliminary Plan prepared for Traton Corp. and W & H Properties, LLC by DGM Land Planning Consultants, Inc. dated May 11, 2004.
- (3) The Subject Property consists of 181.96 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL COMMUNITY

- (4) Residences and office and retail buildings shall be similar in architectural design as more particularly shown and reflected on the renderings filed with the Zoning Office on or about June 3, 2004, and presented to the Cobb County Planning Commission and Cobb County Board of Commissioners at the respective Zoning Hearings.
- (5) Entrances to the proposed overall community shall be as more particularly shown and reflected on the referenced Preliminary Plan.

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- (6) Signage at each entrance point shall be ground based, monument style. The entrance areas shall be professionally designed, landscaped, maintained, and themed to the architecture and style of the overall community.
- (7) There shall be a forty (40) foot landscape buffer adjacent to all residentially occupied properties.
- (8) There shall be two amenity areas for the residential component of the overall community. One amenity area within the single-family residential community shall consist of a pool, cabana, tennis courts, and clubhouse. Additionally, a pool and cabana shall be located within the adult condominium community.
- (9) There shall also be a network of walking trails and bicycle paths located within the open space area of the proposed overall community which shall link the various components of the development in order to promote the "live where you work" concept.
- (10) 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.
- (11) There shall be open space of approximately 56.33 acres, which comprises approximately 31 percent of the overall development. Of this open space, approximately 26 acres is located within flood plain or wetlands.
- (12) While not required to do so as a part of this rezoning request, Applicants agree to convey by deed of gift to Cobb County a tract consisting of approximately 3 acres located in the extreme southwesterly corner of the Subject Property adjacent to the Silver Comet Trail, as more particularly shown and reflected on the referenced Preliminary Plan. This gift is made for purposes of conservation.

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- (13) While not required to do so as a part of this rezoning request, Applicants agree to convey to the Cobb County Board of Education a tract containing approximately 4 acres located immediately adjacent to Russell Elementary School, as more particularly shown and reflected on the referenced Preliminary Plan; provided that Applicant shall have the right to relocate the power line along the edge of this property prior to conveyance. This gift is made to assist the Cobb County Board of Education and Russell Elementary School in issues dealing with betterment of the adjacent school for such uses as the Cobb County Board of Education and Russell Elementary School may deem appropriate.
- (14) Each section of the overall development will have its own set of protective covenants which shall be mandatory and which shall be responsible for the oversight of upkeep and maintenance of the entrance areas, common areas, open space areas, and the like contained within the overall community, which different sets of covenants shall combine to provide necessary common issues for the overall development (i.e., bike paths, sidewalks, open space, walking trails, and the like).
- (15) Minor modifications to the referenced Preliminary Plan, including, but not limited to, lot layout, stormwater control measures, and the like may be approved by the District Commissioner, as needed or necessary.
- (16) All setbacks and buffer areas may be penetrated for purposes of detention, utilities, and stormwater management.
- (17) 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.

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Single-Family Residential Component

- (18) The Single-Family Residential Component shall consist of two hundred one (201) residences.
- (19) The minimum square footage of the residential homes shall be 2,200 square feet ranging upwards to 5,000 square feet and greater.
- (20) The exterior facades of the proposed residential homes shall be brick, stone, stacked stone, and hardi-plank siding, or combinations thereof.
- (21) Architectural style of the proposed residential homes shall be as reflected on the renderings to be presented to the Cobb County Planning Commission and the Cobb County Board of Commissioners at the respective Zoning Hearings.
- (22) Applicants agree to the creation of a mandatory homeowners association. The mandatory homeowners association shall be responsible for the upkeep and maintenance of the entrance area, common areas, and the like contained within the proposed Single-Family Residential Community.
- (23) Additionally, and in conjunction with the creation of the mandatory homeowners association, Applicant agrees to the recording and enforcement of protective covenants which will contain covenants, rules, and regulations applicable to the proposed Single-Family Residential Community.
- (24) Setbacks for the proposed Single-Family Residential Community shall be as follows:
 - Front setback - Twenty (20) feet;
 - Rear setback - Twenty (20) feet; and

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Side setback - Five (5) feet (Fifteen (15) feet between structures).

Single-Family Townhome Component

- (25) The Single-Family Townhome Component shall consist of one hundred forty-one (141) condominium residences, in the townhome style, which shall be three-stories in height and shall have rear-loaded, two-car garage, as more particularly shown and reflected on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.
- (26) The minimum square footage of the residential townhomes shall be 1,650 square feet ranging upwards to 2,400 square feet and greater.
- (27) The exterior facades of the proposed residential townhomes shall be brick, stone, stacked stone, cedar shake-type, hardi-plank siding, or combinations thereof.
- (28) The proposed community shall be a condominium development as that term is used and defined under the Cobb County Zoning Ordinance and complying in all respects with the Cobb County Zoning Ordinance.
- (29) All units within the proposed Single-Family Townhome Community shall be "for sale" units only.
- (30) Applicants agree to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed Single-Family Townhome Community.
- (31) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicants agree to the creation

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of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance ways, all common areas, and private streets contained within the proposed community.

- (32) Lighting within the proposed Single-Family Townhome Community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences.
- (33) All streets located within the Single-Family Townhome Component shall be private streets.

Ranch Condominium Component

- (34) The Ranch Condominium Component shall consist of seventy (70) residential units under the Cobb County Condominium Ordinance. The units shall be one (1) story to one and one-half (1½) stories in height.
- (35) The condominium residences shall be targeted for the "active adult" community.
- (36) The condominium residences shall be a minimum of 1,650 square feet, ranging to 2,400 square feet and potentially greater.
- (37) The architectural style of the condominium residences shall be of a "craftsman-style" architecture, substantially similar to and consistent with those architectural elevations shown on the renderings to be presented to the Planning Commission and Board of Commissioners at the respective Zoning Hearings.
- (38) Exterior facades of the proposed condominium residences shall be composed of brick, stone, stacked stone, cedar-shake type, or combinations thereof, on three sides.

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- (39) The proposed condominium residences shall have two-car, front and side-loaded garages.
- (40) The proposed Single-Family Condominium Community shall be a condominium development as that term is used and defined under the Cobb County Zoning Ordinance and complying in all respects with the Cobb County Zoning Ordinance.
- (41) All units within the proposed Single-Family Condominium Community shall be "for sale" units only.
- (42) Applicants agree to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed Single-Family Condominium Community.
- (43) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicants agree to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance ways, all common areas, and private streets contained within the proposed community.
- (44) Lighting within the proposed Single-Family Condominium Community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences.

Single-Family Live/Work Townhome Component

- (45) The Single-Family Live/Work Townhome Component shall consist of fifteen (15) residences under the Cobb County Condominium Ordinance, in the townhome style which shall be three-stories in height and shall have rear-loaded, two-car garage, as more particularly shown and reflected on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.

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- (46) The residential townhomes shall be located adjacent to the proposed Village Square within the overall development and shall further promote the "live where you work" concept.
- (47) The minimum square footage of the residential townhomes shall be 1,650 square feet ranging upwards to 2,400 square feet and greater.
- (48) The exterior facades shall be brick, stone, stacked stone, cedar shake-type, hardi-plank siding, or combinations thereof on three sides of the residential townhomes.
- (49) The proposed community shall be a condominium development as that term is used and defined under the Cobb County Zoning Ordinance and complying in all respects with the Cobb County Zoning Ordinance.
- (50) All units within the proposed Single-Family Live/Work Townhome Community shall be "for sale" units only.
- (51) Applicants agree to the recording and enforcement of a Declaration of Restrictive Covenants which will contain covenants, rules, and regulations applicable to the proposed Single-Family Live/Work Townhome Community.
- (52) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicants agree to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance ways, all common areas, and private streets contained within the proposed community.
- (53) Lighting within the proposed Single-Family Live/Work Townhome Community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residences.

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Proposed Village Square Component

- (54) The Village Square Component shall be comprised of 6.3 acres of total site area and shall be utilized for office, retail, and restaurant uses servicing primarily the residents of the overall community.
- (55) Structures within the Village Square Component shall be complementary to the overall development and shall be as more fully set forth on the renderings to be presented to the Cobb County Planning Commission and Cobb County Board of Commissioners at their respective Zoning Hearings.
- (56) Applicant agrees that the proposed Village Square Component shall include a landscaped park as shown on the referenced Preliminary Plan.
- (57) The Village Square Component shall also include extensive tree plantings as part of a landscaped streetscape.

We believe the requested zoning, pursuant to the referenced Preliminary Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed overall community is an exciting concept which fits together numerous types of product into one development. The Applicants have gone to great detail in planning the development. The proposed community shall be of the highest quality; shall be compatible with surrounding retail developments and neighborhoods; and shall be an enhancement to the Subject Property. Thank you for your consideration in this request.

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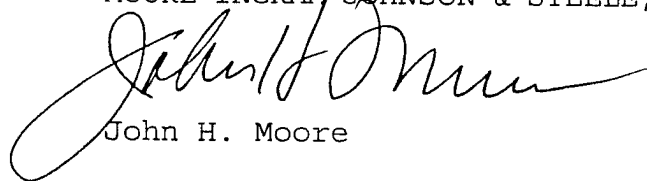
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With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:
Samuel L. Olens, Chairman
George Woody Thompson, Jr.
Helen C. Goreham
Joe L. Thompson
Tim Lee

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott

Ms. Mary Rose Barnes

Ms. Clarice Barber Page
Southwest Austell Neighbors

Traton Corp.
W & H Properties, LLC



Red Oak

CONSTRUCTION

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September 21, 2010
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Office 770-424-1819

W & H PROPERTIES, LLC
701 Whitlock Ave., Suite K-46
Marietta Georgia 30064

Fax 770-424-2263

July 13, 2004

Min. Bk. 29 Petition No. 2-39
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 8/17/04

Dear Covered Bridge homeowners:

In March of this year, we met with representatives from Russell Elementary, Covered Bridge subdivision, and other nearby neighborhoods to discuss the proposed Mill at Covered Bridge planned village community. We presented our plan and sought your input. Your representatives acknowledged the fact that the property will be developed and expressed a desire to work with us to create a truly outstanding high-end community. They did express some concerns and asked us to address seven aspects of the proposed plan. They were as follows, in the general order of priority:

1. Increased traffic on South Hurt Road/Safety of access point closest to the East-West Connector bridge
2. Proximity of townhomes to South Hurt Road residential areas/potential for degradation of established single family neighborhoods
3. Impact on Russell Elementary (traffic, capital improvements)
4. Power line relocation/potential adverse impact/proximity to Covered Bridge subdivision
5. Sidewalk along South Hurt Road
6. Viability of the community village
7. Access to our amenities for Covered Bridge residents

At the end of that meeting, we pledged to the representatives to reconsider our land plan and attempt to address as many of those points as we possibly could. We worked with our land planner to consider alternative layouts. From that meeting emerged the concept of moving all of the attached housing to the north side of the East-West Connector, all of the detached single family to the south side of the Connector, and eliminate our northern most connection to South Hurt Road (the one closest to the bridge). This concept successfully reduces the homes with access to South Hurt Road from 320 to 201, and completely eliminates any access from townhomes/condos to South Hurt Road. This conceptual change, which is reflected on the new plat attached hereto, directly addresses points 1, 2, and part of #3. To further address the impact on Russell Elementary, we have agreed to donate 4 +/- acres to the school board.

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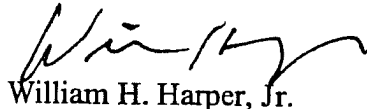
Page 2

With respect to the proposed power line relocation (#4), we agree to minimize any relocation and keep it entirely on our property. We have agreed to work with Cobb County to construct curb, gutter, and a sidewalk along South Hurt Road, which addresses point #5. Regarding the viability of our commercial office village, we have no reservations about that. We have had a tremendous amount of unsolicited interest from banks, office tenants, and others. We intend to qualify tenants and accept only well qualified users with sound business plans. We believe that the upscale product design and high level of finish will attract quality tenants. To address point #6, we will agree to offer a one-time opportunity for residents of Covered Bridge to join the swim/tennis associations. Notice will be given to the neighborhood for sign up as we near the completion of the construction of the amenities.

We hope that our efforts to address your concerns meet with your approval. Although these changes have cost us in terms of time and money, we trust that you will acknowledge our good faith effort to involve you in the design process. We are confident that The Mill at Covered Bridge will be a catalyst for quality development and appreciation in the area.

Please contact us or visit our website at www.redoakconst.com for more information.

Sincerely,



William H. Harper, Jr.

WHH/jv

Cc: Cobb County Clerk
Cobb County Planning Commissioners
Cobb County Board of Commissioners
John Moore, Moore, Ingram, Johnson, & Steele
John Pederson, Cobb County Zoning Department

2-39

September 21, 2010
Exhibit "A"
Other Business Item 02



Red Oak
CONSTRUCTION

Office (770) 424-1819

W & H Properties, LLC
701 Whitlock Ave., Suite K-46
Marietta, GA 30064

Fax (770) 424-2263

Min. Bk. 29 Petition No. Z-39
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 8/17/04

August 12, 2004

Mr. Jim Cavedo
President
Mableton Improvement Coalition

Dear Jim:

Thank you very much for your support and encouragement with regards to The Mill at Covered Bridge (zoning case Z-39). The purpose of this letter is to address your concerns outlined to Murray Homan in your letter of July 30, 2004.

1. Concerning buffering along the East-West Connector, we agree to leave natural vegetative buffers in place. We do not intend to grade into the cut slope on the Connector. The slopes currently planted in pine trees and landscape performed during the construction of the Connector will remain. In those areas where no grade differential or vegetative buffer exists, we will create landscaped berms planted with high growing evergreen plant material. Additionally, we will brick the lower level on the rear of any townhomes that abut the Connector. This creates a much more substantial appearance.
2. We agree to market the townhomes to owner occupants and will stipulate in the covenants that no more than 10% of the townhomes be available as rentals at any time.

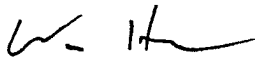
Page 2
Mr. Cavado
August 12, 2004

Petition No. Z-39
Meeting Date 8/17/04
Continued

3. The "berm" (slope) along the eastbound lane of the Connector will not be removed and the planting of heavy trees on the slope will remain.
4. We agree to provide an attractive cross walk with an architecturally pleasing traffic slowing structure in the area between the live/work units and the village square, as allowed by Cobb County.
5. We would like to defer our decision about fencing the north and east perimeter of the northern tract until we are able to evaluate the density of the existing underbrush along those borders. We agree in concept that all pedestrian and bicycle traffic should be directed to the designated pathways. We prefer dense vegetative buffers to wooden fences that are rarely maintained properly.
6. We do not agree to brick the rear of single-family homes. We believe this request is excessive and would put us at a competitive disadvantage, since no other competing homes in the area have this requirement. We do agree in concept with providing visual buffers along the East-West Connector.
7. We agree that we will design our storm drain system so that no flooding or pooling of water will be directed to the Silver Comet Trail.

We appreciate your input over the past several months, and trust that we have addressed your last few concerns. Please let me know if you have any questions or comments.

Sincerely,



William H. Harper, Jr.

WHH/jv

Cc: Cobb County Board of Commissioners
Carol Granger, Cobb County Clerk
John Pederson, Cobb County Zoning Department

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: September 21, 2010

Applicant: Metro Development Group II, LLC Phone #: (770) 641-1671
(applicant's name printed)

Address: 595 W. Crossville Road, Roswell, GA 30075 E-Mail: _____
Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
John H. Moore Address: Marietta, GA 30060

(representative's name, printed)

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

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook] My commission expires: January 10, 2011
Notary Public

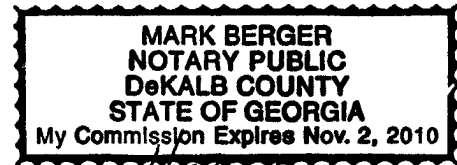
Titleholder(s): Barnes Mill Retail, LLC Phone #: (770) 641-1671
(property owner's name printed)

Address: 595 W. Crossville Road, Roswell, GA 30075 E-Mail: _____

BY: [Signature: Daniel Marks]
(Property owner's signature) Daniel Marks
Development Manager

Signed, sealed and delivered in presence of:

[Signature] My commission expires: _____
Notary Public



Commission District: 4 (Thompson) **Zoning Case:** Z-39 (2004)

Date of Zoning Decision: 08/17/2004 **Original Date of Hearing:** 03/16/2004

Location: Northerly side of East-West Connector; Easterly side of Hicks Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 25 **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)

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

Application No.: Z-39 (2004)
Original Hearing Date: March 16, 2004
Date of Zoning Decision: August 17, 2004
Current Hearing Date: September 21, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Metro Development Group II, LLC
Property Owner: Barnes Mill Retail, LLC

The property which is the subject of the Application for "Other Business" was the commercial portion of a mixed-use development rezoned to the Planned Village Community ("PVC") zoning category approved by the Cobb County Board of Commissioners on August 17, 2004. As part of the rezoning approval, the Board of Commissioners certain stipulations and conditions were imposed by the Board; as well as stipulations and conditions which were agreed to by the Applicants seeking rezoning (Traton Corp. and W & H Properties, LLC).

The Applicant for the within "Other Business" Application, Metro Development Group II, LLC (hereinafter "Applicant"), seeks amendments only to the commercial section of the previously approved development, as follows:

- (1) Applicant requests an amendment of the Master Plan for the commercial/retail development which was previously approved by District Commissioner George "Woody" Thompson on November 17, 2009 (a reduced copy of said previously approved "Master Plan" is attached hereto as Exhibit "I"). Applicant submits a revised Master Plan with this Application; and, in conjunction with the approval of the revised Master Plan seeks approval of revised uses for the remaining commercial tracts shown thereon for a daycare facility, retail shops, and a medical care facility.
- (2) Applicant seeks the approval of the rendering of the medical care facility pursuant to paragraph 55 (page 10 of the letter of agreeable stipulations and conditions dated July 28, 2004); a copy of said rendering being submitted with this Application.
- (3) Applicant seeks the approval of the exterior elevation of the daycare facility, which shall be composed of four-sided brick with accents, pursuant to paragraph 55 (page 10 of the letter of agreeable stipulations and conditions dated July 28, 2004). Copies of said rendering are submitted with this Application.

- (4) Applicant requests the deletion in its entirety of paragraph 56 (page 10 of the letter of agreeable stipulations and conditions dated July 28, 2004), and the following inserted in lieu thereof:

Applicant agrees to an eighteen (18) foot landscaped strip along the northerly boundary of the Subject Property, as more particularly shown and reflected on the revised Master Plan submitted herewith.

The proposed amendment does not adversely impact or affect the remaining development or surrounding properties or property owners. If the requested revisions are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

Unless otherwise stated herein, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on August 17, 2004, as to Z-39 (2004), are unaltered by the requests for Master Plan approval and Stipulation Amendments set forth above.

PROJECT:
**EAST WEST
MASTER PLAN**

ADDRESS:
EAST WEST CONNECTOR
AND HICKS ROAD
COBB COUNTY, GEORGIA

DEVELOPER:
MetroGroup
D.E.Y.E.L.O.P.M.E.N.T.
METROGROUP DEVELOPMENT II, LLC
595 WEST CROSSVILLE ROAD
SUITE 200
ALPHARETTA, GA 30009
TEL (770) 841-0711

CONTACT: MR. DANIEL MARKS

ENGINEER:
foresite group
Foresite Group, Inc.
5105 Peachtree Place
Suite 200
Norcross, GA 30092
© 1770 360, 1999
© 1770 360, 1994
www.foresitegroupinc.com

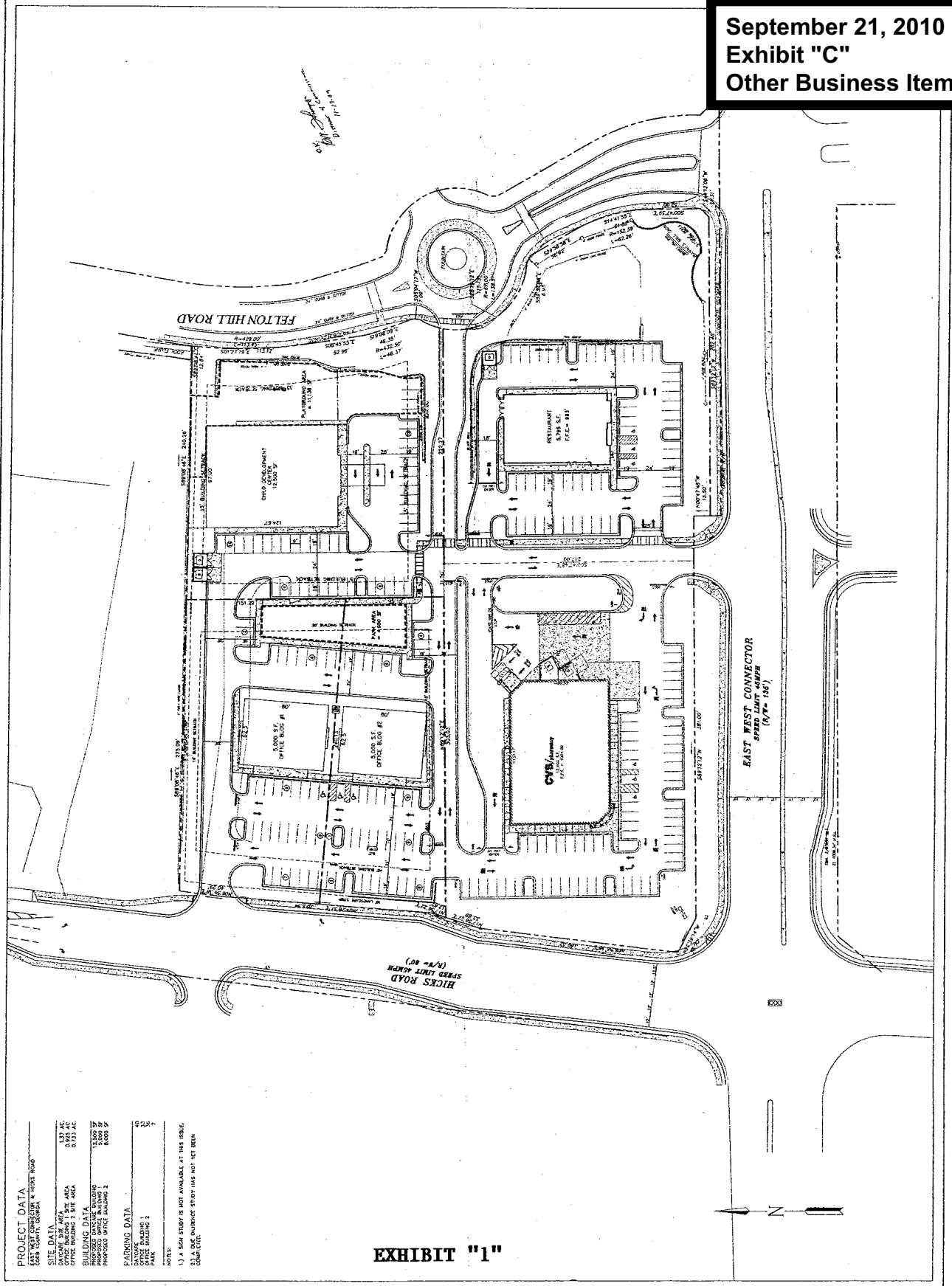
S&U

REVISIONS: _____ DATE: _____

PROJECT MANAGER: _____
DRAWING BY: _____
APPROVED BY: _____
DATE: 10/23/09
TITLE: _____

CL-1
SHEET NUMBER: 1 OF 1
SCALE: 1" = 40'
SCALE IN FEET
JOB/FILE NUMBER: 033.116

**September 21, 2010
Exhibit "C"
Other Business Item 02**



PROJECT DATA

EAST WEST CONNECTOR & HICKS ROAD
COBB COUNTY, GEORGIA

SITE DATA	AREA	ACRES
OFFICE BUILDING 1 SITE AREA	0.155 AC	
OFFICE BUILDING 2 SITE AREA	0.155 AC	
OFFICE BUILDING 3 SITE AREA	0.155 AC	
OFFICE BUILDING 4 SITE AREA	0.155 AC	
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OFFICE BUILDING 100 SITE AREA	0.155 AC	

NOTES:
1) A SIGN STUDY IS NOT AVAILABLE AT THIS TIME.
2) A SIGN STUDY IS NOT AVAILABLE AT THIS TIME.
3) A SIGN STUDY IS NOT AVAILABLE AT THIS TIME.

EXHIBIT "1"

PROJECT:
**EAST WEST
MASTER PLAN**

ADDRESS:
EAST WEST CONNECTOR
AND HICKS ROAD
COBB COUNTY, GEORGIA

DEVELOPER:
MetroGroup
METRO GROUP DEVELOPMENT, LLC
155 WEST BUCKLEBOURNE ROAD
ROSWELL, GA 30075
TEL (770) 644-1671

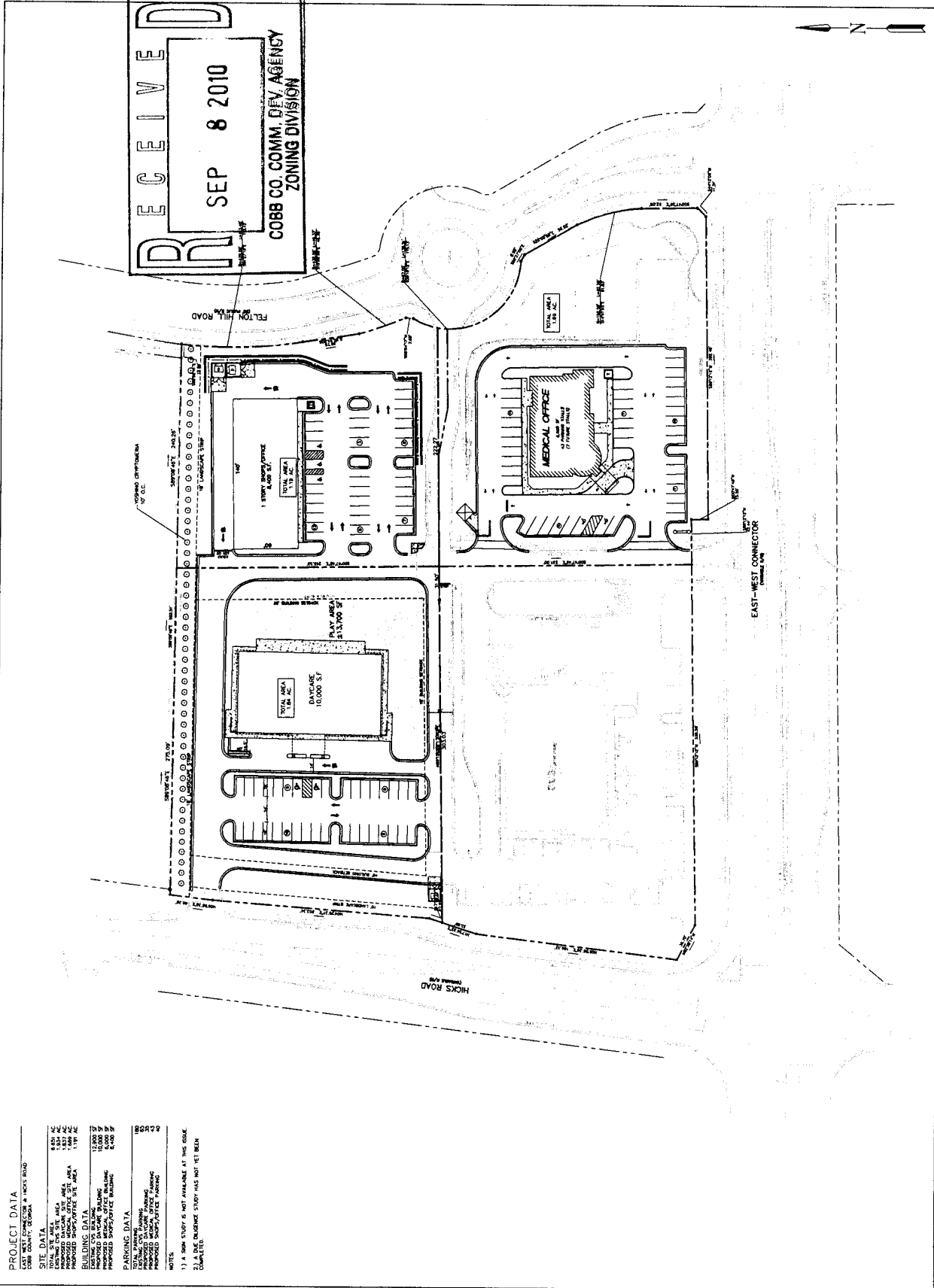
CONTRACT:
MR. DANIEL MARRS

DESIGNER:
foreSITE
group
ForeSite Group, Inc.
5105 Peachtree Pkwy
Suite 240
Norcross, GA 30092
P 770.368.1399
F 770.368.1944
www.foresitegroup.com

REVISIONS
DATE
REVISED LANSKAPES STMP
REVISED LANSKAPES LAYOUT

PROJECT NUMBER
DRAWING BY
APPROVED BY
DATE
TITLE

OVER
SHEET NUMBER
SCALE
JOB/FILE NUMBER



PROJECT DATA

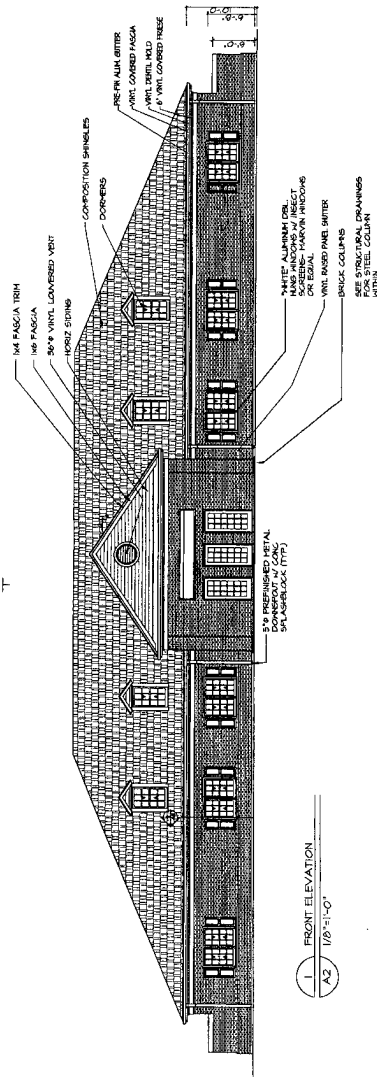
EAST WEST CONNECTOR & HICKS ROAD	
SITING DATA	
TOTAL SITE AREA	4.52 AC
IMPROVED DRIVEWAY AREA	1.53 AC
IMPROVED SIDEWALK AREA	1.53 AC
IMPROVED SHOULDER AREA	1.53 AC
IMPROVED TOTAL AREA	4.52 AC
BUILDING DATA	
IMPROVED DRIVEWAY	12,000 SF
IMPROVED SIDEWALK	12,000 SF
IMPROVED SHOULDER	12,000 SF
IMPROVED TOTAL	36,000 SF
PARKING DATA	
TOTAL PARKING	180 SPACES
IMPROVED DRIVEWAY PARKING	180 SPACES
IMPROVED SIDEWALK PARKING	180 SPACES
IMPROVED SHOULDER PARKING	180 SPACES
NOTES:	
1) A SHOT STUDY IS NOT AVAILABLE AT THIS SCALE.	
2) A DUE DILIGENCE STUDY HAS NOT YET BEEN COMPLETED.	

September 21, 2010
Exhibit "E"
Other Business Item 02

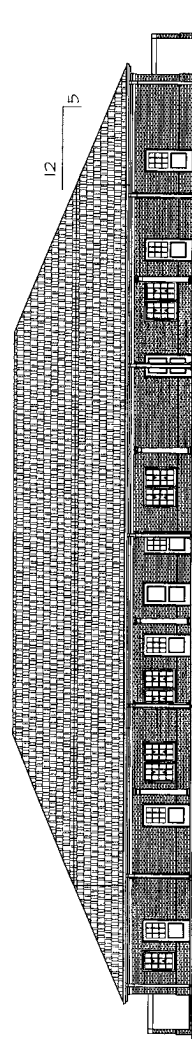
Drawing Title: ELEVATIONS
Not Released for Construction Date: 09/20/10

These drawings are submitted for the purpose of obtaining a building permit. The owner is responsible for obtaining all necessary permits and for ensuring that the construction complies with all applicable codes and regulations. The architect is not responsible for the construction of the building or for the safety of the building after completion.

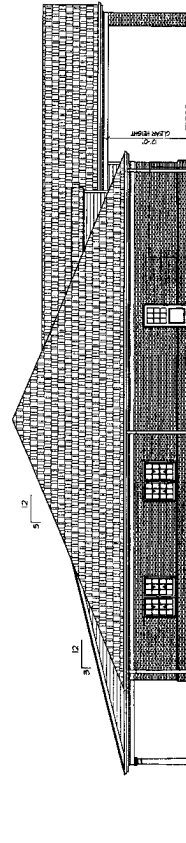
NO.	REVISIONS
1	AS SHOWN



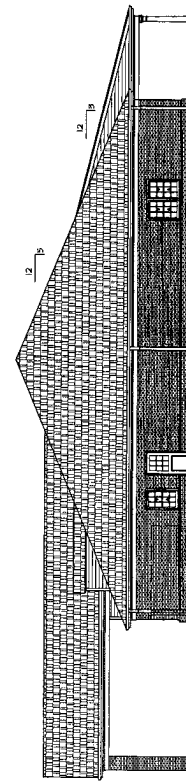
1 FRONT ELEVATION
A3 1/8"=1'-0"



2 REAR ELEVATION
A3 1/8"=1'-0"



3 LEFT SIDE ELEVATION
A3 1/8"=1'-0"



4 RIGHT SIDE ELEVATION
A3 1/8"=1'-0"

