

2

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: 12/13/2011

Applicant: JP MORGAN CHASE BANK (applicant's name printed) Phone #: 770-910-5495

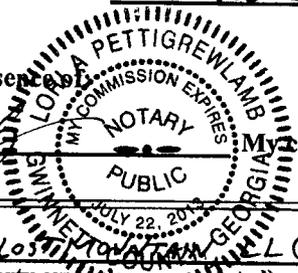
Address: 970 DENMEADE WALK, MARIETTA, GA 30064 E-Mail: Steve.d.fischer@chase.com

Steven D. FISCHER (representative's name, printed) Address: 970 DENMEADE WALK, MARIETTA, GA 30064

[Signature] (representative's signature) Phone #: 770-910-5495 E-Mail: Steve.d.fischer@chase.com

Signed, sealed and delivered in presence of:

[Signature]
Notary Public



My commission expires: 7-22-2013

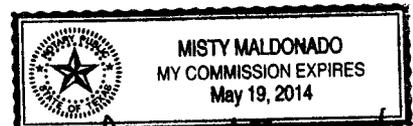
Titleholder(s): COLUMBIA II LOST MOUNTAIN SHOPPING CENTER LLC (property owner's name printed) Phone #: (404) 575-3200

Address: 3715 Northside Pkwy, #400, Atlanta, GA 30327 E-Mail: _____

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature]
Notary Public - [Signature]



My commission expires: July 19, 2014

Commission District: 1 Zoning Case: Application #186 - Year 1987

Date of Zoning Decision: 08/18/1987 Original Date of Hearing: unknown

Location: 5100 Dallas Highway- Shops at Lost Mountain Shopping Center
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 19 District(s): 66

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

Original zoning case is site plan specific- we request to modify site plan

Setback variance- reduction to 0-feet on main parcel for existing building.

Rear setback variance- reduced from 30-feet to 15-feet on Chase parcel

(List or attach additional information if needed)

**APPLICATION FOR REZONING
TO THE
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
AND THE
COBB COUNTY PLANNING COMMISSION**
(type or print clearly)

Application No. #186

George S. Morgan Development Company, Inc.

Hearing Date _____

Applicant George S. Morgan Business Phone 952-1776 Home Phone _____
(business name)
George S. Morgan Address 100 Galleria Pkwy, #115, Atlanta, GA 30339
(representative's name, printed)
[Signature] Business Phone Same Home Phone _____
(representative's signature)

Hallie H. Lester, Guardian for Ruth B. Hutchins & Administratrix de bonis
 now with will annexed of the estate of
 Titleholder A.L. Bartlett, Deceased Business Phone 0 Home Phone 405-3254
 Signature Hallie H. Lester Address 260 E. Memorial Dr., Dallas, GA 30132
(attach additional signatures, if needed)

Zoning Request From PSC & R-30 To GC & RE15 R-20 to plan
(present zoning) (proposed zoning)

For the Purpose of Subdivision & Commercial tract Size of Tract 68.3 acre(s)
(subdivision, restaurant, warehouse, apts., etc.)

Location Intersection of Marietta-Dallas Hwy, Mars Hill and Lost Mountain Roads
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 9,10,11,66,65 District 19

Recommendation of Planning Commission 8/18/87 - Planning Commission recommended
application be approved as recommended by Staff and all other stipulations agreed upon.

Motion by Vansant, seconded by McAfee, carried 5-0.

[Signature] Chairman

Board of Commissioners' Decision 8/18/87 - Board of Commissioners approved application
subject to the following stipulations: 1) Residential portion be zoned R-20 per plan submitted; 2)
Subject to plan approval by Staff and the Board of Commissioners; 3) Subject to agreement of the
property owner providing either a storage tank or pumping station to supply water above the 1150 ft.

[Signature] Chairman

cont.

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application _____ Date of Hearing August 18, 1987

Applicant's Name George S. Morgan Dev. Co., Inc.

Address 100 Galleria Parkway #115
Atlanta, GA 30339

Recommendation of Planning Commission (Cont'd from page 1):

Henry A. Conroy Chairman

Final Decision of Board of Commissioners (Cont'd from page 1):

elevation; 4) Subject to all those homes above that 1150 ft. having a surcharge fee to maintain that system; 5) Subject to Staff approval of landscape plan; 6) Subject to the phrase of "and/or Board of Commissioners" being added to the stipulations to be approved by the Cobb County Historic Preservation Commission; 7) Subject to 80% of the lots to be 20,000 sq.ft. or more and the remaining 20% be from 15,000 to 20,000 sq.ft. in size; 8) Subject to letters of stipulations dated August 14th and 16th to Ed Thomas, Planning Dept. and to the Board of Commissioners and to the Cobb D.O.T. dated August 10th on all stipulations agreed upon, marked Exhibits A, B and C respectively. Motion by Smith, seconded by Clay, carried 5-0.

See attached page for minutes of 6-22-93 Reg. Commission agenda (11)

Carl E. Smith Chairman

Original Date of Application: 8-18-87

Applicant's Name: GEORGE S. MORGAN DEVELOPMENT COMPANY, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY PLANNING COMMISSION AND THE COBB COUNTY BOARD OF COMMISSIONERS

THE FOLLOWING IS AN EXCERPT OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS HELD ON 6-22-93

ITEM #17: COMMUNITY DEVELOPMENT DEPARTMENT - HOLD APPROVAL OF SITE PLAN FOR GEORGE S. MORGAN DEVELOPMENT COMPANY FOR PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF DALLAS HIGHWAY (S.R. 120) AND MARS HILL ROAD:

MOTION: Motion by Byrne to hold approval of the site plan for George S. Morgan Development Company for property located at the northwest intersection of Dallas Highway (S.R. 12[0]) and Mars Hill Road until finalization of the agreement to relocate the Lost Mountain Store is complete.

VOTE: ADOPTED unanimously

Clerk's Note: Please see attached letter from Carol Callaway to BOC members (dated 7-30-93) regarding issuance of permits. Karen L. Hach

See attached page after Exhibits

Karen L. Hach, Deputy Clerk
Cobb County Board of Commissioners

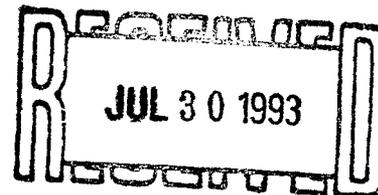


COUNTY ATTORNEY'S OFFICE
100 Cherokee Street, Suite 595
Marietta, Georgia 30090-9689
(404) 528-4000/ FAX (404) 528-4010

Fred D. Bentley, Jr.
Jerry L. Gentry
Carol A. Callaway
Linda W. Brunt
Kate Rogers

MEMORANDUM

COBB CO. PLANNING
& ZONING DEPT.



SENT TO: _____

TO: Commission Chairman Bill Byrne
Commissioner Bill Cooper
Commissioner Freeman Poole
Commissioner Joe Lee Thompson
Commissioner Gordon Wysong

FROM: Carol A. Callaway *CA*
Assistant County Attorney

RE: LOST MOUNTAIN STORE AND COMMERCIAL DEVELOPMENT

DATE: July 30, 1993

This is to confirm that each of you agrees that permits should be issued to George Morgan and that development may begin on the commercial development (Publix Store) and Lost Mountain Store relocation at Dallas Highway and Mars Hill Road. Attached is a letter to Barnett Bank which states that permits will be issued. Please let me know by 5:00 p.m. today if you have any questions or changes.

Attch.

CAC:bc



COUNTY ATTORNEY'S OFFICE
100 Cherokee Street, Suite 595
Marietta, Georgia 30090-9689
(404) 528-4000/ FAX (404) 528-4010

Fred D. Bentley, Jr.
Jerry L. Gentry
Carol A. Callaway
Linda W. Brunt
Kate Rogers

July 30, 1993

Mr. George Morgan
George Morgan Development Company Inc.
3060 Peachtree Road
Suite 760
Atlanta, GA 30305

Dear Mr. Morgan:

This letter confirms that all requirements for going forward have been satisfied and that all permits can be issued for the construction of the Publix store and the contemporaneous relocation of the Lost Mountain Store.

Sincerely,


Fred D. Bentley, Jr.
County Attorney

FDB, Jr/sk

LAW OFFICES

ALSTON & BIRD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

100 GALLERIA PARKWAY
SUITE 1200
ATLANTA, GEORGIA 30339
404-955-8400

DIRECT DIAL NUMBER
(404) 955-8411

EXHIBIT "B"

8-18-87
#186

RECEIVED
AUG 14 1987
RESERVED

DOWNTOWN OFFICES
1200 CITIZENS & SOUTHERN NATIONAL BANK BUILDING
35 BROAD STREET
ATLANTA, GEORGIA 30335
404-586-1500

CABLE: AMGRAM ATLANTA
TELEX: 54-2996

August 14, 1987

BY HAND DELIVERY

Mr. Ed Thomas
Cobb County Zoning
47 South Waddell
Marietta, Georgia 30061

Re: George S. Morgan Development
Company Lost Mountain Zoning

Dear Ed:

In response to the concerns discussed at our meeting last week, Mr. Morgan has authorized me to agree to the following stipulations to be made part of the pending zoning application:

(a) That the developer will be required to cooperate with the submission of an application pertaining to the General Store for designation as an historical site. The developer will be responsible for funding the cost of the application in an amount not to exceed \$1,000.00. The area to be included within the historical designation application consists of the General Store itself and the immediately surrounding property as shown on the attached site plan as being outlined in red.

(b) That no use of the General Store will be allowed other than continuation of the existing use; provided, however, other uses shall be allowed (i.e. museum) if approved by the Cobb County Historic Preservation Committee ("Committee"). Moreover, no changes shall be allowed to the architecture of the exterior of the General Store unless first approved by the Committee.

(c) That the developer shall be required to submit its landscaping plan for the proposed shopping center to be located at the northwest corner of the intersection to the Committee in order to afford the Committee an opportunity to submit comments and

ALSTON & BIRD
A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

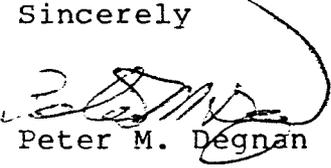
Mr. Ed Thomas
August 14, 1987
Page Two

suggestions with respect to said plan. The Committee shall be required to submit its comments in writing to the developer within ten (10) days from the receipt of the landscaping plan. The developer shall retain sole decision making authority with respect to the landscaping plan.

(d) The developer shall also be required to utilize his best efforts (all parties acknowledging that developer is without authority to require such an inspection) to arrange an opportunity for a member of the Cobb County Planning Staff to inspect the interior of the residence located behind the General Store. If as a result of that inspection the Committee determines that the residential structure is of historical significance, then the developer shall be required to afford the Committee an opportunity to explain its position concerning the historical significance of the structure and will consider a request to increase the area to receive an historical designation to a size sufficient to accommodate the residential structure. However, the developer shall retain the sole decision making authority on this issue and nothing contained herein shall be viewed as a commitment on behalf of the developer with respect to said structure.

I believe that the aforestated committments respond to each of the concerns which we discussed at our meeting. Please give me a call if you have any questions.

Sincerely



Peter M. Degnan

PMD/srs

CC: Ms. Linda Cater

Handwritten initials

Rehibit B

*Rec'd
#186
8-18-87
5:59pm*

August 18, 1987

*Addendum
to letter
of conditions*

Cobb County Board of Commissioners
County Administration Building
Cobb County, Georgia

Re: George S. Morgan Development Company/Lost Mountain Zoning

Dear Commissioners:

The purpose of this letter is to supplement my correspondence of August 14, 1987, by adding the following additional stipulations to Rezoning Application No. 186:

- (1) ✓ The area to be included within the historical designation application will consist of the General Store itself, plus 10 feet on both sides, extending in a straight line to the road right of way, and an additional 10 feet at the rear of the structure. The Developer will prepare a legal description by the time of closing of the property to more particularly describe this area.
- (2) ✓ That the restrictions on the use of the General Store (as described in the August 14 letter, paragraph (b)) will be included as a covenant running with the land as well as a zoning stipulation.
- (3) ✓ That the developer will be required to submit architectural design plans, as well as landscaping plans for the proposed shopping center around the General Store to the Cobb County Historic Preservation Commission in accordance with paragraph (c) of the August 14th correspondence.
- (4) ✓ That the developer shall be required to utilize his best efforts to arrange an opportunity for representatives of the Cobb County Historic Preservation Commission and the Cobb County Planning Staff to inspect the interior of the residence and accessory buildings behind the General Store.

add "and for Board of Commissioners" for approval after CCHPC

- (5) If the residential structure or accessory buildings are determined by the Commission to be of historic significance upon inspection, then the developer shall be required to provide the Cobb County Historic Preservation Commission with written notice upon the occurrence of any event which constitutes a termination of the lease agreement concerning the residence located behind the General Store. Upon receipt of such notification, the Commission shall have 45 days to relocate said structure(s) to an appropriate location. If the Commission elects to relocate said structure(s), then the developer shall deed said relocated structure(s) to the Commission or the County free of cost. Additional time for relocation shall be provided in the event of a force majeure delay.
- (6) The developer shall be required to maintain the residential portion of the site in its current condition for a period of 30 days in order to allow sufficient time for an exploratory archaeological survey to be performed by the Cobb County archaeologist. If the survey identifies any significant archaeological finds, then the developer shall be required to allow the County to remove said archaeological finds. This paragraph applies to the R-20 portion of the rezoning request.
- (7) These commitments and stipulations of zoning are intended to be fully binding on and enforceable against subsequent successors and assigns of the rezoned property.

Very truly yours,


Peter M. Degan as Attorney
for Applicant

LAW OFFICES

ALSTON & BIRD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

100 GALLERIA PARKWAY
SUITE 1200
ATLANTA, GEORGIA 30339
404-955-8400

DIRECT DIAL NUMBER
(404) 955-8411

EXHIBIT "E"

DOWNTOWN OFFICES
1200 CITIZENS & SOUTHERN NATIONAL BANK BUILDING
35 BROAD STREET
ATLANTA, GEORGIA 30335
404-586-1500

CABLE: AMGRAM ATLANTA
TELEX: 54-2996

August 10, 1987

Mr. Randall Hulsey
Cobb County Department of Transportation
Cobb County Administration Building
10 East Park Square
Marietta, Georgia 30061

Re: George S. Morgan Development
Company; Application No. 186

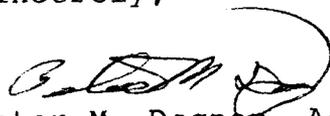
Dear Randy:

The purpose of this letter is to confirm our discussion of Monday, July 27, 1987, pertaining to this application. At that meeting, George S. Morgan Development Company agreed to the following conditions being made a part of Rezoning Application No. 186:

(a) Dedication of additional right-of-way in accordance with the Cobb County Thoroughfare Plan or design of Dallas Highway (State Route 120); and

(b) In the event that the commercial shopping center proposed for the northwest corner of the intersection is completed prior to the completion to Dallas Highway improvements, the Cobb County Department of Transportation shall retain the right to require additional road improvements sufficient to accommodate the additional traffic generated by the shopping center until such time as the Dallas Highway project is completed. Under these circumstances, the developer would be required to pay a reasonable pro rata share of the improvements as determined by the Cobb County Department of Transportation.

Sincerely,


Peter M. Degnan, As Attorney
for Applicant, George S. Morgan
Development Company

PMD/srs

CC: Mr. George S. Morgan

Original Date of Application: 8-18-87

Applicant's Name: GEORGE S. MORGAN DEVELOPMENT COMPANY, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY PLANNING COMMISSION AND THE COBB COUNTY BOARD OF COMMISSIONERS

THE FOLLOWING IS AN EXCERPT OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS HELD ON 2-8-94:

ITEM 22. COMMUNITY DEVELOPMENT DEPARTMENT - APPROVAL OF RELOCATION OF LOST MOUNTAIN STORE:

MOTION: Motion by Cooper to **approve** the request of Lost Mountain Partnership to relocate the Lost Mountain Store as shown on the plat marked Attachment A attached and made a part hereof, and subject to all other previously approved conditions and stipulations being adhered to.

VOTE: **ADOPTED** unanimously

Karen L. Hach
Karen L. Hach, Deputy Clerk
Cobb County Board of Commissioners

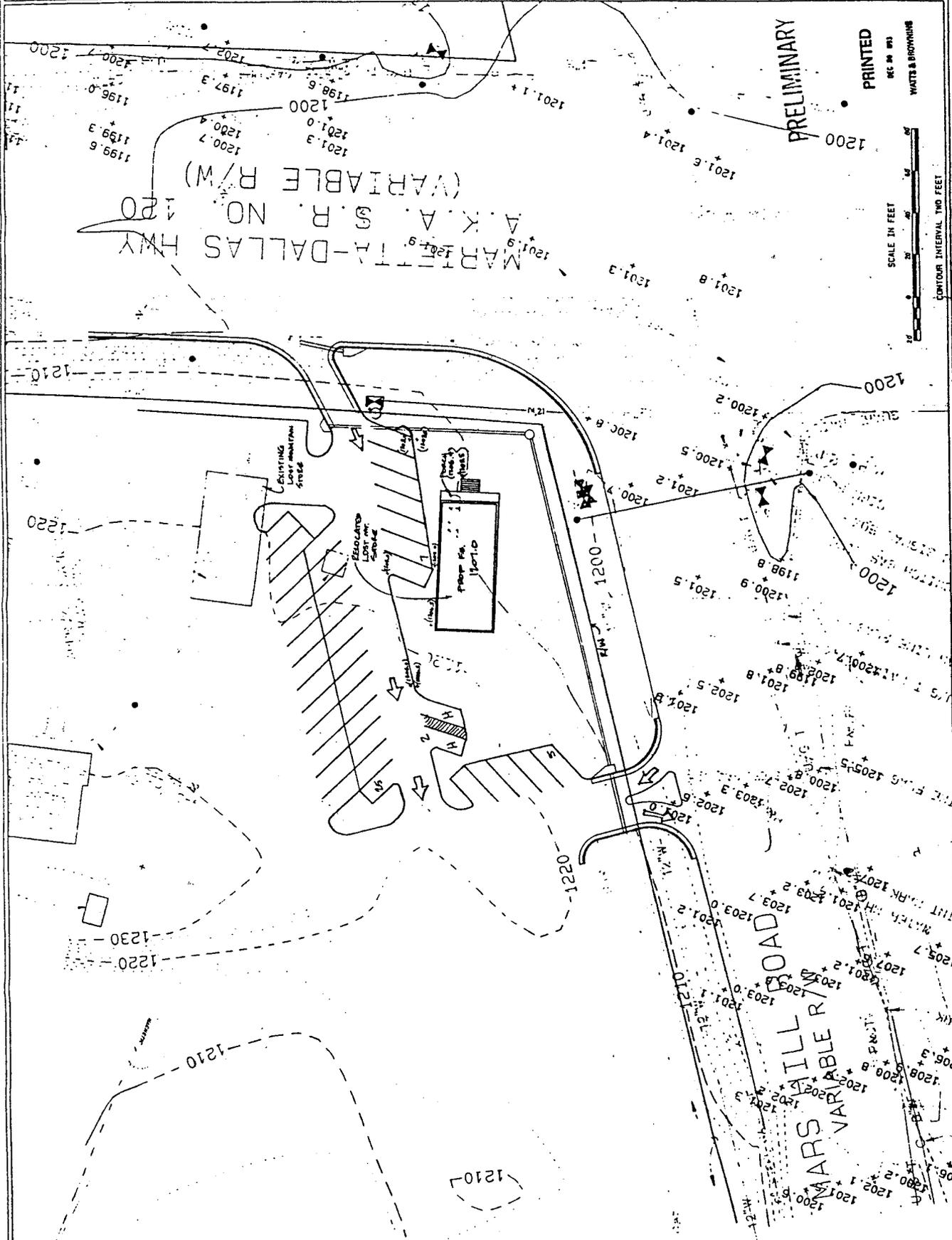
WATTS & BROWNING ENGINEERS, INC.

35 PELICAN PARK DRIVE, N.E.
ATLANTA, GEORGIA 30305
Telephone 522-7875

PRELIMINARY SITE PLAN
FOR THE
LOST MOUNTAIN STORE RELOCATION
AT LOST MOUNTAIN CROSSING
LMD LOT 66-198 DIST - 24 SECTION
COBB COUNTY, GEORGIA

Revisions
No. Date Description
1 11/14/87 Final approved as

Scale
1" = 20'
Designed by: JCB
Checked by: GPC
Printed by: JCB
Job Number: 951059
Plot File:
Plot Date:
Plot Size:



#186 of 1987 - Site plan as referenced in Reg. Meeting Min. of the CCBC on 2-8-94. K-Block

5100 DALLAS HWY

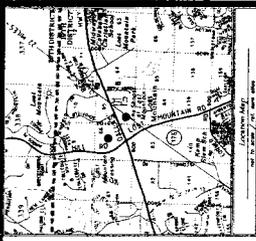
OVERALL PLAN

LAND LOT 66, 19TH DISTRICT, COBB COUNTY, GEORGIA

417 Park Drive - Suite 400
Norcross, Georgia 30093
Phone: (770) 416-7911
www.wakefield.com



DATE: 11/11/08
SCALE: 1" = 50'
DIN: 112248P-1002
UN: 111-0208
PN: 152-0022
Sheet No. 1 of 1



Magnetic North

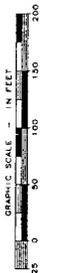
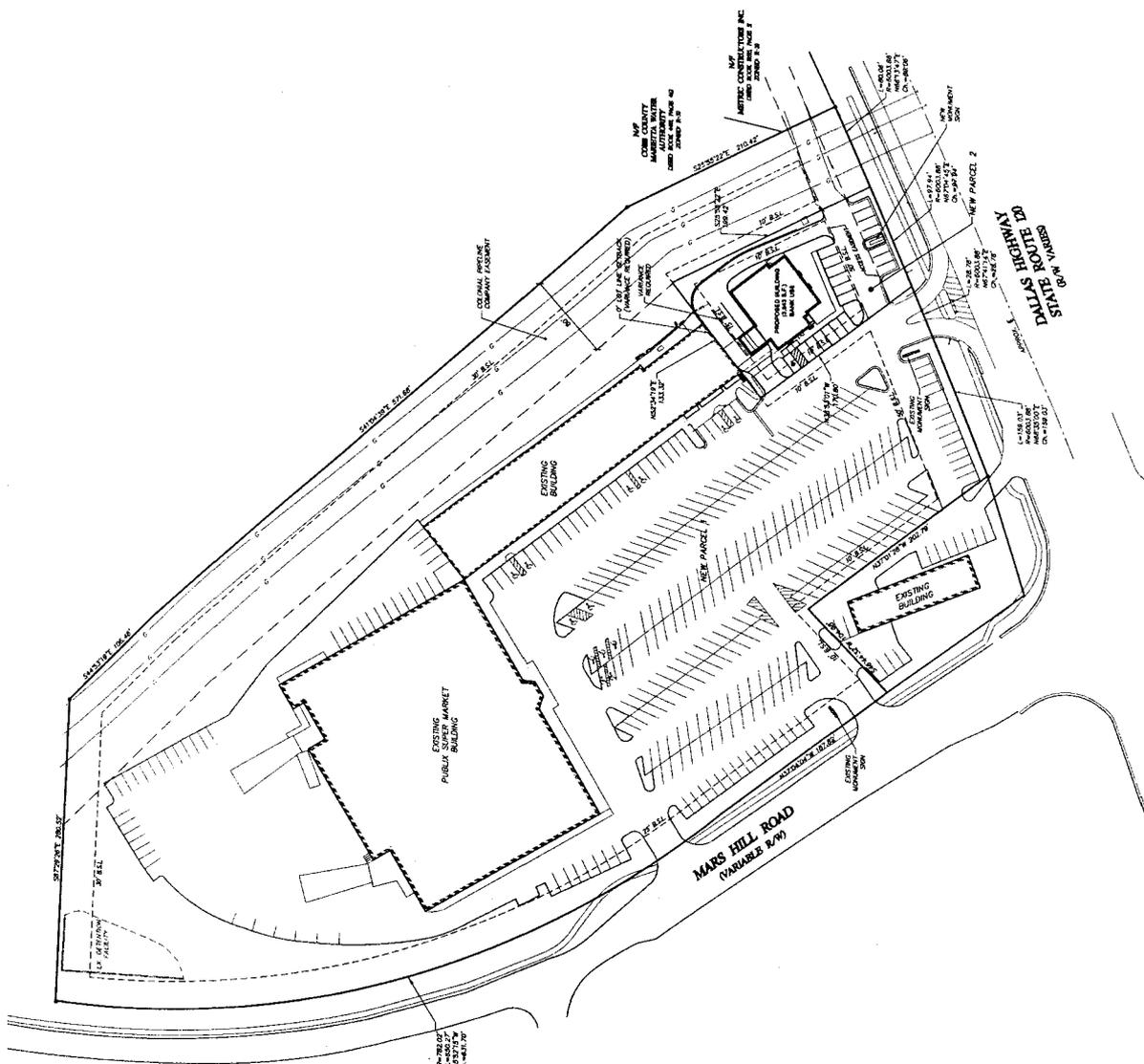
SITE ZONING: GC
SITE AREA:
TOTAL SITE: 136 ACRES
TOTAL LOT: 136 ACRES
PARCEL 2: 136 ACRES
BUILDING SETBACK LINES:
FRONT YARD: 10 FEET
SIDE YARD: 10 FEET
REAR YARD: 30 FEET

- NOTES:**
1. THERE ARE NO BUFFER AREAS WITHIN THIS SITE.
 2. THERE ARE NO LAKES OR STREAMS ON THIS SITE.
 3. FLOOD HAZARD ZONE AS SHOWN ON THE FEMA FLOOD INSURANCE RATE MAP (FIRM) IS ZONE X-1 (MODERATE TO HIGH RISK OF FLOOD DAMAGE TO STRUCTURES).
 4. THERE ARE NO STREAMS ON THIS SITE.
 5. THERE ARE NO STREAM BUFFERES ON THIS SITE.
- VARIANCES REQUIRED:**
1. SETBACK REDUCTION TO 0 FEET ON MAIN PARCEL AT EXISTING BUILDING.
 2. SETBACK REDUCTION FROM 30 FEET TO 15 FEET REAR ON PARCEL 2.

**WAKEFIELD
BEASLEY &
ASSOCIATES**
ARCHITECTS INTERIORS

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Wakefield Beasley & Associates, Inc.
1100 Peachtree Street, N.E.
Atlanta, Georgia 30309
www.wakefield.com

Proposed (overall)

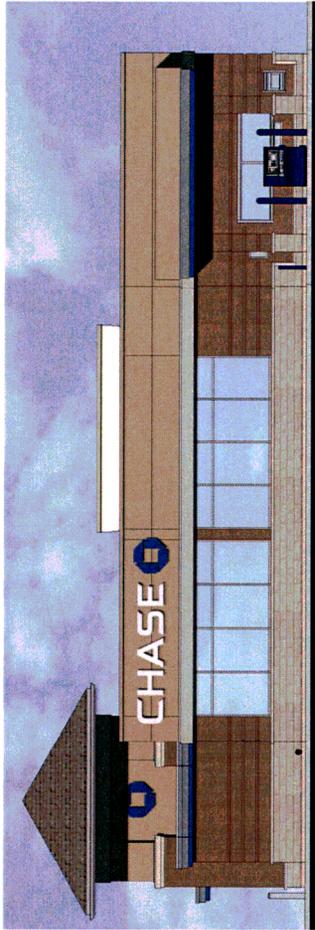


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Proposed Architecture



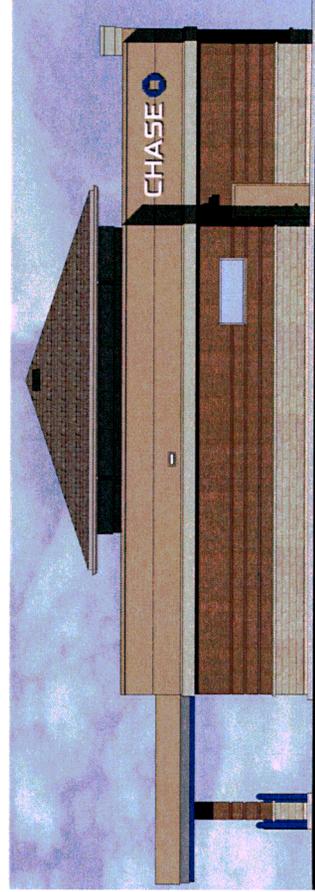
East Elevation



North Elevation



South Elevation



West Elevation

	Architectural Shingles Product: Independence Color: Waterwood		Finished Metal Product: Independence Color: Crown Metal
	EIFS MF - 500 Corp. Product: Independence Color: Ivory Accurate Bright		Finished Metal MF - 1000 Corp. Color: Crown Blue
	EIFS MF - 500 Corp. Product: Southern Premier Color: 011 Lute		Brick MF - 7000 Color: Red Sunset
	EIFS MF - 500 Corp. Product: Rockstar - Rockland Color: Bone		EIFS MF - 500 Corp. Product: Rockstar - Rockland Color: Bone



EXTERIOR ELEVATIONS

