Year 2012 Form
(Site Plan and Stipulation Amendment)

4

Application for "Other Business"
Cobb County, Georgia

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 12 PM 3:21
COBB COUNTY ZONING DIVISION

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** March 19, 2013

Applicant: Taylor & Mathis, Inc. **Phone #:** (770) 795-1330
(applicant's name printed)

Address: Suite 575, 245 TownPark Drive, Kennesaw, GA 30144 **E-Mail:** mirby@taylormathis.com

Moore Ingram Johnson & Steele, LLP
John H. Moore **Address:** Emerson Overlook, 326 Roswell Street
Marietta, GA 30060
(representative's name, printed)

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

CAROLYN E. COOK NOTARY PUBLIC GEORGIA EXPIRES January 10, 2015 COBB COUNTY

Signed, sealed and delivered in presence of:

Carolyn E. Cook **My commission expires:** January 10, 2015
Notary Public

Titleholder(s): TownPark Front Door, LLC; TownPark Hotel, LLC; CG TownPark, LLC **Phone #:**
(property owner's name printed)

Address: **E-Mail:**

See Exhibit "A" attached collectively hereto for Titleholders' signatures and contact information
(Property owner's signature)

Signed, sealed and delivered in presence of:

My commission expires:
Notary Public

Commission District: 3 (Birrell) **Zoning Case:** Z-85 (2006)

Date of Zoning Decision: 06/20/2006 02/19/2008-OB **Original Date of Hearing:** 06/20/2006

Location: Northeasterly intersection of Chastain Road and George Busbee Parkway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 362, 363 **District(s):** 16th

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)

REVISED December 13, 2011

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 12 PM 3: 22
COBB COUNTY ZONING DIVISION

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application No.:	**Z-85(2006)**
Original Hearing Date:	**June 20, 2006**
Date of Zoning Decision:	**June 20, 2006**
Date of OB Decision:	**February 19, 2008**
Current Hearing Date:	**March 19, 2013**

Applicant: **Taylor & Mathis, Inc.**
Property Owners: **TownPark Front Door, LLC**
TownPark Hotel, LLC
CG TownPark, LLC

TOWNPARK FRONT DOOR, LLC,
a Georgia Limited Liability Company

BY: Taylor & Mathis Properties III, LLC
Managing Member

BY: _____
TITLE: AUTHORIZED MEMBER

Address: TownPark Front Door, LLC
Suite 575, 245 TownPark Drive
Kennesaw, Georgia 30144

Telephone No.: (770) 795-1330

Signed, sealed, and delivered in the presence of:

Margie Ferguson
Notary Public
Commission Expires: 4-17-2016

[Notary Seal]

MARGIE FERGUSON
NOTARY
GEORGIA
COBB COUNTY

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 12 PM 3: 22
COBB COUNTY ZONING DIVISION

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application No.:	**Z-85(2006)**
Original Hearing Date:	**June 20, 2006**
Date of Zoning Decision:	**June 20, 2006**
Date of OB Decision:	**February 19, 2008**
Current Hearing Date:	**March 19, 2013**

Applicant:	**Taylor & Mathis, Inc.**
Property Owners:	**TownPark Front Door, LLC**
	TownPark Hotel, LLC
	CG TownPark, LLC

TOWNPARK HOTEL, LLC,
a Delaware Limited Liability Company

BY: Sapp Family Townpark, LLC, a Georgia Limited liability company, its Manager

BY: _____
Gerald L. Sapp, its Manager

Address: Post Office Box 839
Acworth, Georgia 30101

Telephone No.: (229) 392-5443

Signed, sealed, and delivered in the presence of:

_____
Notary Public
Commission Expires: 8/24/14

[Notary Seal]

TOM SANSOM
NOTARY
EXPIRES
GEORGIA
August 24, 2014
PUBLIC
COBB COUNTY

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 12 PM 3: 22
COBB COUNTY ZONING DIVISION

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application No.:	**Z-85(2006)**
Original Hearing Date:	**June 20, 2006**
Date of Zoning Decision:	**June 20, 2006**
Date of OB Decision:	**February 19, 2008**
Current Hearing Date:	**March 19, 2013**

Applicant:	**Taylor & Mathis, Inc.**
Property Owners:	**TownPark Front Door, LLC**
	TownPark Hotel, LLC
	CG TownPark, LLC

CG TOWNPARK, LLC,
a Georgia Limited Liability Company

BY: The Columns Group, Inc.,
its Managing Member

BY: _____
TITLE: President

Address: CG TownPark, LLC
Building 200, Suite 200
1000 Mansell Exchange West
Alpharetta, Georgia 30022

Telephone No.: (404) 867-8279

Signed, sealed, and delivered in the presence of:

Rebecca D Branham
Notary Public
Commission Expires: 6/6/13

[Notary Seal]

REBECCA G BRANHAM
MY COMMISSION EXPIRES
JUNE 6 2013
ROCKDALE CO. GA
NOTARY PUBLIC

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 12 PM 3: 22
COBB COUNTY ZONING DIVISION

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

Application No.:	**Z-85 (2006)**
Original Hearing Date:	**June 20, 2006**
Date of Zoning Decision:	**June 20, 2006**
Date of OB Decision:	**February 19, 2008**
Current Hearing Date:	**March 19, 2013**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant:	**Taylor & Mathis, Inc.**
Property Owners:	**TownPark Front Door, LLC**
	TownPark Hotel, LLC
	CG TownPark, LLC

On June 20, 2006, the Cobb County Board of Commissioners approved the rezoning of property located on the northerly side of Chastain Road and the south side of TownPark Lane, between George Busbee Parkway and TownPark Drive, Land Lots 362 and 363, 16th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property was rezoned to the Urban Village Commercial ("UVC") zoning classification for a mixed-use development consisting of retail, office, hotel, and residential townhome units. Subsequently, on February 19, 2008, the Cobb County Board of Commissioners approved a "minor amendment" to the overall development which included approval of a revised Overall Site Plan and certain amended stipulations.

Applicant in this Application for "Other Business" seeks to amend the previously amended Overall Site Plan; as well as certain stipulations previously approved for the overall development. The amendments proposed in this Application for "Other Business" are as follows:

(1) Applicant submits herewith a revised Overall Site Plan dated February 6, 2013, prepared by Southern Civil Engineers which shall replace and supersede all previously approved site plans for the overall development. A reduced copy of the proposed, revised Overall Site Plan is attached as Exhibit "1" for ease of review and incorporated herein by reference.

(2) The stipulation in subparagraph (5), page 8, of the "Retail/Office Component," in the May 31, 2006, letter of agreeable stipulations and conditions, attached to and referenced in the final, official minutes of the June 20, 2006, Board of Commissioners Zoning Hearing, stated the following:

COBB COUNTY GEORGIA
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2013 FEB 12 PM 3:22
COBB COUNTY ZONING DIVISION

(5) Retail space denominated on the Conceptual Site Plan as Parcel "D" will contain square footage ranging from 8,000 square feet to 13,000 square feet and is proposed for a restaurant.

By this amendment, Applicant proposes the deletion in its entirety of the referenced stipulation and the insertion in lieu thereof the following:

(5) Retail space denominated on the revised Overall Site Plan dated February 6, 2013, as submitted herein, as Parcel "B" will contain a maximum of 8,500 square feet.

(3) Applicant proposes to increase the allowable number of parking spaces for the overall development from six hundred one (601) to a maximum of six hundred twenty (620), as is more particularly shown and reflected on the revised Overall Site Plan submitted herewith. The parking spaces will be achieved by allowing cross-parking among Parcels "A," "B," and "C"; as well as a cross-easement parking agreement for the parking area located across TownPark Lane, together with conversion of a two-way street to a one-way street and installing parallel parking spaces, as more particularly shown and reflected on the revised Overall Site Plan submitted with this Application for "Other Business."

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the overall development. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property and the overall development.

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 June 20, 2006, in Application No. Z-85 (2006), and the "Other Business" amendment approved on February 19, 2008, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

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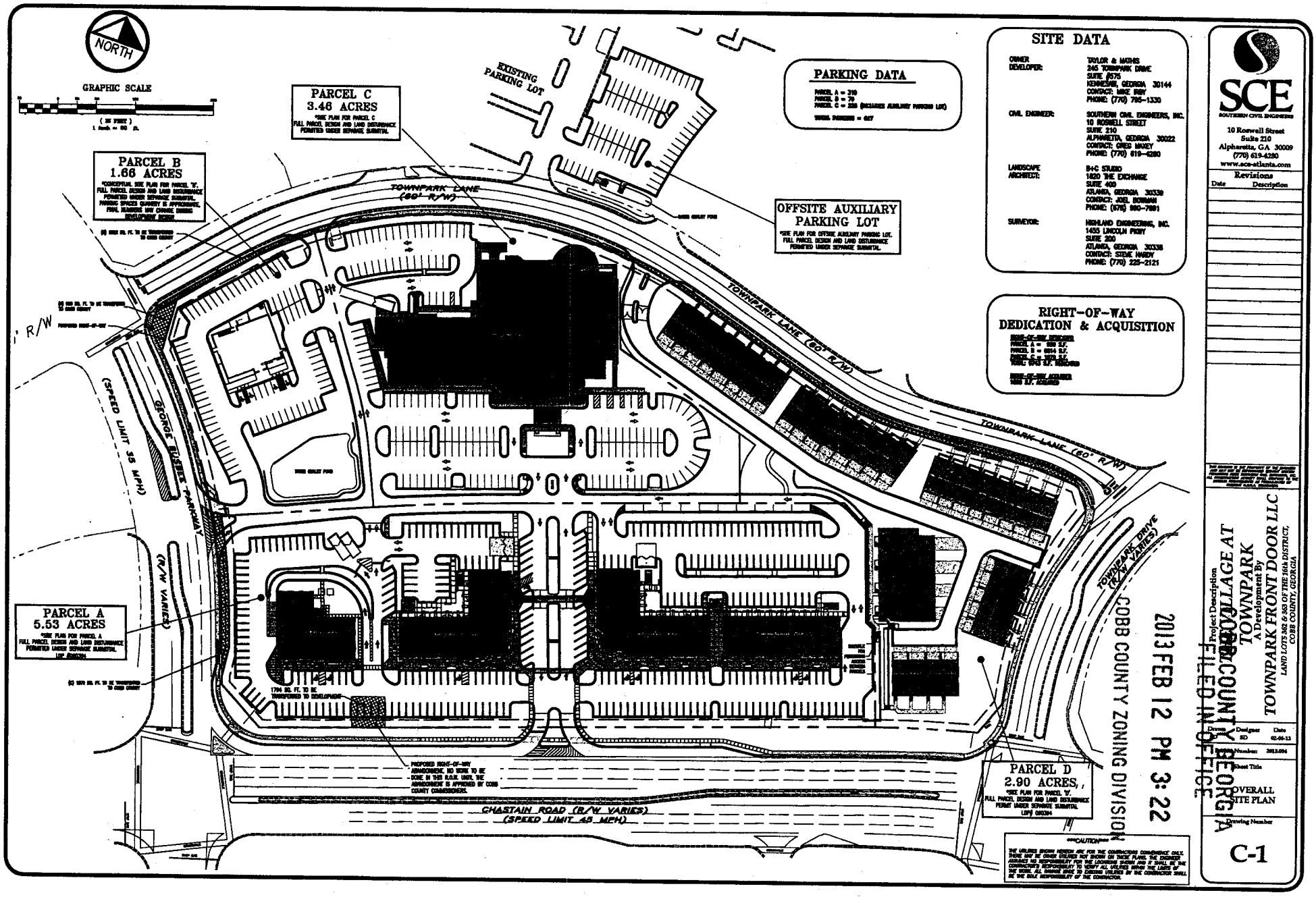
COBB COUNTY ZONING DIVISION

REVISED OVERALL SITE PLAN FOR AMENDMENT BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR "OTHER BUSINESS" – MARCH 19, 2013



SCE
SOUTHERN CIVIL ENGINEERS
10 Roswell Street
Suite 210
Alpharetta, GA 30009
(770) 619-4280
www.sce-atlanta.com

Revisions

Date	Description

Project Description
VILLAGE AT TOWNPARK
A Development By
TOWNPARK FRONT DOOR LLC
LAND LOTS 362 & 363 OF THE 16th DISTRICT, COBB COUNTY, GEORGIA

Drawn	Designer	Date
	SD	02-06-13

Project Number: 2013.004

Sheet Title
OVERALL SITE PLAN

Drawing Number
C-1

2013 FEB 12 PM 3:22
COBB COUNTY ZONING DIVISION
COBB COUNTY, GEORGIA
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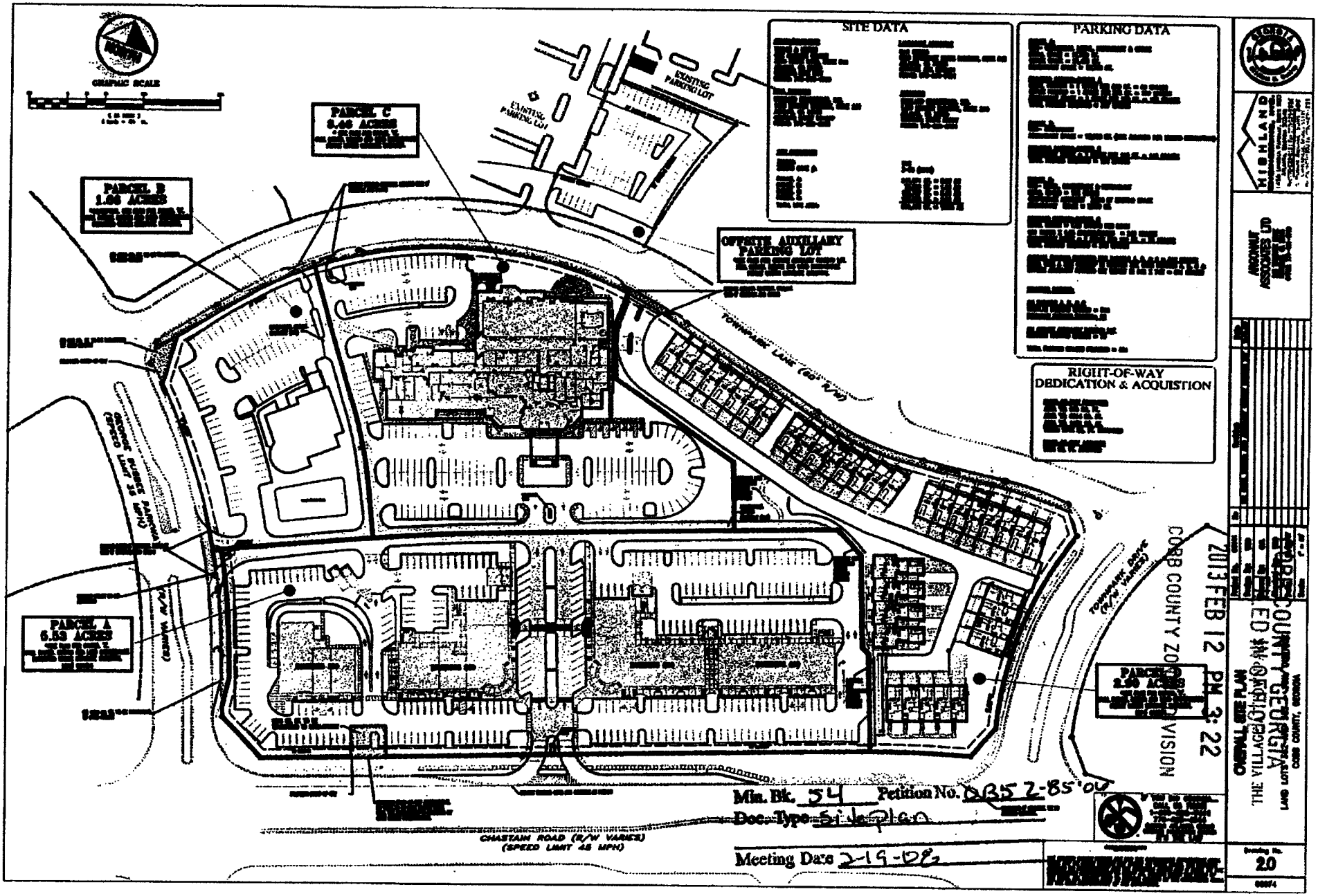
COBB COUNTY ZONING DIVISION

OVERALL SITE PLAN APPROVED BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR "OTHER BUSINESS" – FEBRUARY 19, 2008



GRAPHIC SCALE
PARCEL C
3.46 ACRES
PARCEL B
1.66 ACRES
PARCEL A
5.53 ACRES
PARCEL D
2.90 ACRES
EXISTING PARKING LOT
EXISTING PARKING LOT
OFFSITE AUXILLARY PARKING LOT
SITE DATA
PARKING DATA
RIGHT-OF-WAY DEDICATION & ACQUISTION
TOWNPARK LANE (60' R/W)
TOWNPARK DRIVE (R/W VARIES)
CHASTAIN ROAD (R/W VARIES) (SPEED LIMIT 45 MPH)
HIGHLAND
ARGONAUT ASSOCIATES LTD
OVERALL SITE PLAN
THE VILLAGE AT HIGHLAND
LAND LOTS
COBB COUNTY, GEORGIA
2013 FEB 12 PM 3:22
COBB COUNTY ZONE DIVISION
Min. Bk. 54 Petition No. OB52-85'00
Doc. Type Site Plan
Meeting Date 2-19-08
2.0

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 12 PM 3:22

COBB COUNTY ZONING DIVISION

OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING FOR Z-85 (2006) – JUNE 20, 2006

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 12 PM 3: 22

COBB COUNTY ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 20, 2006
9:11 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 20, 2006, at 9:11 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Board were:

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

Z-85 **TAYLOR & MATHIS, INC.** (Argonaut Associates, Ltd., A Georgia Limited Partnership, owner) requesting Rezoning from **GC** to **UVC** for the purpose of Mixed Use Development in Land Lots 362 and 363 of the 16th District. Located on the north side of Chastain Road and the south side of Townpark Lane, between George Busbee Parkway and Townpark Drive.

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

MOTION: Motion by Lee, second by Thompson, to **approve** rezoning to the **UVC** zoning district **subject to:**

- **site plan received by the Zoning Division on April 6, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated May 31, 2006 *with the following additions* (copy attached and made a part of these minutes):**

- **Page 7, Paragraph 21: Change to read *"Applicant agrees to conduct a pre- and post-lake study of Snake Lake prior to development of the subject site."***
- **Page 8, I. Retail/Office Component, add Paragraph 6 to read: *"Parcel "D" will not be utilized as a fast food restaurant with drive-thru facility, and further that any type drive-thru for other uses is to be approved by the District Commissioner***
- **Page 8, II. Townhomes, add Paragraph 3 to read: *"Leasing shall be limited to not greater than 10% of the total units."***

- **architectural renderings received by the Clerk on June 20, 2006 (copy attached and made a part of these minutes)**
- **architecture to be approved by District Commissioner**
- **Fire Department comments**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations to be finalized at Plan Review subject to District Commissioner approval**
- **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

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

BILLING ADDRESS

POST OFFICE BOX 3395
MARIETTA, GEORGIA 30061

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK
SUITE 403
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-8038
TELECOPIER (865) 692-8071

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON ⊥
ROBERT D. INGRAM ⊥
J. BRIAN O-NEIL
G. PHILLIP BEGGS
ELDON L. BABHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN S. 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
JOYCE W. HARPER
AMY K. WEBER
COURTNEY H. MOORE
KIM A. ROPER
TARA C. RIDDLE
KELLI L. WOLK
TANYA L. CROSBY "
ROBERT W. BROWN II
VICTOR P. VALMUS
JEFFERY L. DICKERSON
T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON
KABI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON "

JEFFREY K. STINSON
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
CHRISTOPHER L. MOORE
JENNIFER S. WHITE "
KHRISTIE L. KELLY ⊥
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS
BRETT A MILLER
KAREN S. KURTZ
CHRISTOPHER C. MINGLEDORFF
MORGAN E. FOSTER
KATHERINE G. CROME
RYAN E. JARRARD "
ANN A. HAMMENECKER
JAMES D. BUSCH "
ESTHER VAYMAN

OF COUNSEL
JOHN L. SKELTON, JR.

⊥ ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
" ALSO ADMITTED IN NC
*** ADMITTED ONLY IN TN

May 31, 2006

COBB COUNTY, GEORGIA
FILED IN OFFICE
2006 MAY 31 PM 3:31
COBB COUNTY CLERKS OFFICE

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

Min. Bk. 42 Petition No. Z-85
Doc. Type Letter of agreeable Conditions dated May 31, 2006
Meeting Date June 20, 2006

Hand Delivered

RECEIVED
MAY 31 2006
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

RE: Application for Rezoning
Application No.: Z-85 (2006)
Applicant: Taylor & Mathis, Inc.
Property Owner: Argonaut Associates, Ltd., A Georgia Limited Partnership
Property: 13.74 acres located at the northeasterly intersection of George Busbee Parkway and Chastain Road, Land Lots 362 and 363, 16th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Taylor & Mathis, Inc., the Applicant (hereinafter referred to as "Applicant"), and Argonaut Associates, Ltd., the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to a total tract of approximately 13.74 acres located at the northeasterly intersection of George Busbee Parkway and Chastain Road, and the southerly side of Townpark Lane, Land Lots 362 and 363, 16th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with planning and zoning staff; ongoing discussions and meetings with area

Petition No. Z-85
Meeting Date June 20, 2006
Continued

residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owner 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 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 General Commercial ("GC") zoning category to the Urban Village Commercial ("UVC"), site plan specific to that certain revised Conceptual Site Plan prepared for Applicant by b+c Studio, dated and last revised May 22, 2006, submitted contemporaneously herewith.

(3) By this letter of agreeable stipulations and conditions, Applicant further amends its Application for Rezoning to include the revised Conceptual Site Plan hereinabove set forth, same being prepared by b+c Studio, dated and last revised May 22, 2006.

(4) The Subject Property consists of approximately 13.74 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

(1) This rezoning proposal is for a mixed-use development consisting of retail, office, hotel, and residential consisting of townhome units.

Petition No. 285
Meeting Date June 20, 2006
Continued

(2) 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 development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, detention, and the like contained within the overall development.

(3) 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 units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.

(4) Entrances to the proposed development shall be as more particularly shown and reflected on the referenced Conceptual Site Plan.

(5) Entrance signage for the proposed overall development shall be ground based, monument style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.

(6) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process, as more hereinafter more particularly set forth.

(7) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to

Petition No. Z-85
Meeting Date June 20, 2006
Continued

the architecture and style of the respective components of the development.

(8) 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. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.

(9) Minor modifications to the within stipulations, the referenced Conceptual Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.

(10) 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.

(11) 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.

(12) 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.

Petition No. 2-85
Meeting Date June 20, 2006
Continued

(13) There shall be interparcel access among the various components of the overall proposed development, as more particularly shown and reflected on the referenced Conceptual Site Plan.

(14) 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; excepting only that the requirements of the Arborist shall be superseded by any sight distance requirements of the Cobb County Department of Transportation.

(15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

(16) All utilities for the proposed development shall be located underground.

(17) The following uses shall be prohibited from the proposed overall development:

(a) Video arcades as a primary use;

(b) Adult-themed bookstores as a primary use;

(c) Automotive sales, repair, and/or service facilities;

(d) Gas station;

(e) Truck and trailer leasing facilities;

(f) Automotive paint and body repair shops;

(g) Automotive upholstery shops;

Petition No. Z-85
Meeting Date June 20, 2006
Continued

(h) Billiards and pool halls which are the sole or predominant use;

(i) Bus stations (not to exclude bus stops);

(j) Fraternity and sorority house;

(k) Full-service gas stations;

(l) Light automotive repair;

(m) Rooming houses and boarding houses;

(n) Any form of adult entertainment business; and

(o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided they are an integral part of a restaurant or hotel operation.

(18) The parking spaces delineated herein may be reduced if shared parking among the various uses so allows; subject to the approval of the District Commissioner.

(19) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the referenced Conceptual Site Plan.

(20) Further, Applicant agrees to the following improvements to mitigate traffic concerns:

(a) Installation of a one hundred fifty (150) foot deceleration lane at each access point, as more particularly set forth on the referenced Conceptual Site Plan;

(b) Extension of left-turn storage lane for left turns from Busbee Parkway into the proposed development;

Petition No. 2-85
Meeting Date June 20, 2006
Continued

(c) Installation of sidewalk, curb, and gutter on all road frontages;

(d) The access located on Chastain Road shall be right-in/right-out only;

(e) Abandonment of right-of-way on Chastain Road in exchange for donated right-of-way at the intersection of George Busbee Parkway and Town Park Lane; and

(f) Verification of minimum sight distance of four hundred forty (440) feet on Town Park Lane; and if necessary, take such remedial measures as to meet or exceed the minimum sight distance; and further, any sight distance requirements set forth herein shall supersede any landscape requirements of the Cobb County Arborist.

(21) Applicant agrees to conduct a pre- and post-lake study for Chastain Lakes prior to development of the subject site.

STIPULATIONS SPECIFIC TO THE UVC COMMUNITY

The proposed rezoning includes mixed-use components consisting of retail, office, hotel, and townhomes, as follows:

I. **Retail/Office Component**:

(1) Building 100 (Suites 100-110) will contain approximately 7,000 square feet of retail area with a drive-thru facility.

Petition No. Z-85
Meeting Date June 20, 2006
Continued

(2) Building 200 (Suites 200-240) will contain approximately 11,000 square feet of retail space on the first floor and approximately 11,000 square feet of office space on the second floor.

(3) Building 300 (Suites 300-340) will contain approximately 10,500 square feet of retail space on the first floor, and approximately 10,500 square feet of office space on the second floor.

(4) Building 400 (Suites 400-440) will contain approximately 8,500 square feet of retail space on the first floor, and approximately 8,500 square feet of office space on the second floor.

(5) Retail space denominated on the Conceptual Site Plan as Parcel "D" will contain square footage ranging from 8,000 square feet to 13,000 square feet and is proposed for a restaurant.

II. Townhomes

(1) Applicant proposes a total of forty-two (42) townhomes as shown and reflected on the referenced Conceptual Site Plan.

(2) The units shall range in square footage from 1,800 square feet to 2,400 square feet, and greater; shall be two and three stories in height; shall be constructed of brick/stone with accents; and shall contain a two-car garage.

Petition No. Z-85
Meeting Date June 20, 2006
Continued

III. **Hotel**

(1) The hotel component of the proposed development is shown and denominated on the referenced Conceptual Site Plan as Parcel "C," which shall be a hotel eight (8) stories in height and containing one hundred fifty-six (156) rooms and constructed of stone/brick/stucco/glass and steel.

(2) This hotel may be a "suite hotel," meaning that there will be a separate sitting area from the bedroom area for each room within the hotel.

Applicant will present at the Planning Commission Zoning Hearing and the Board of Commissioners Zoning Hearing renderings and/or photographs depicting the differing component parts which will represent the quality of each component part being proposed.

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 development is an exciting concept which fits together numerous types of product into one development. The Applicant has gone to great detail in planning the development and working with area residents and businesses. The proposed development shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments, businesses, and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

Petition No. 285
Meeting Date June 20, 2006
Continued

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc
Enclosures
c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

Jean Cantrell
Chastain Lakes Subdivision
(With Copy of Enclosure)

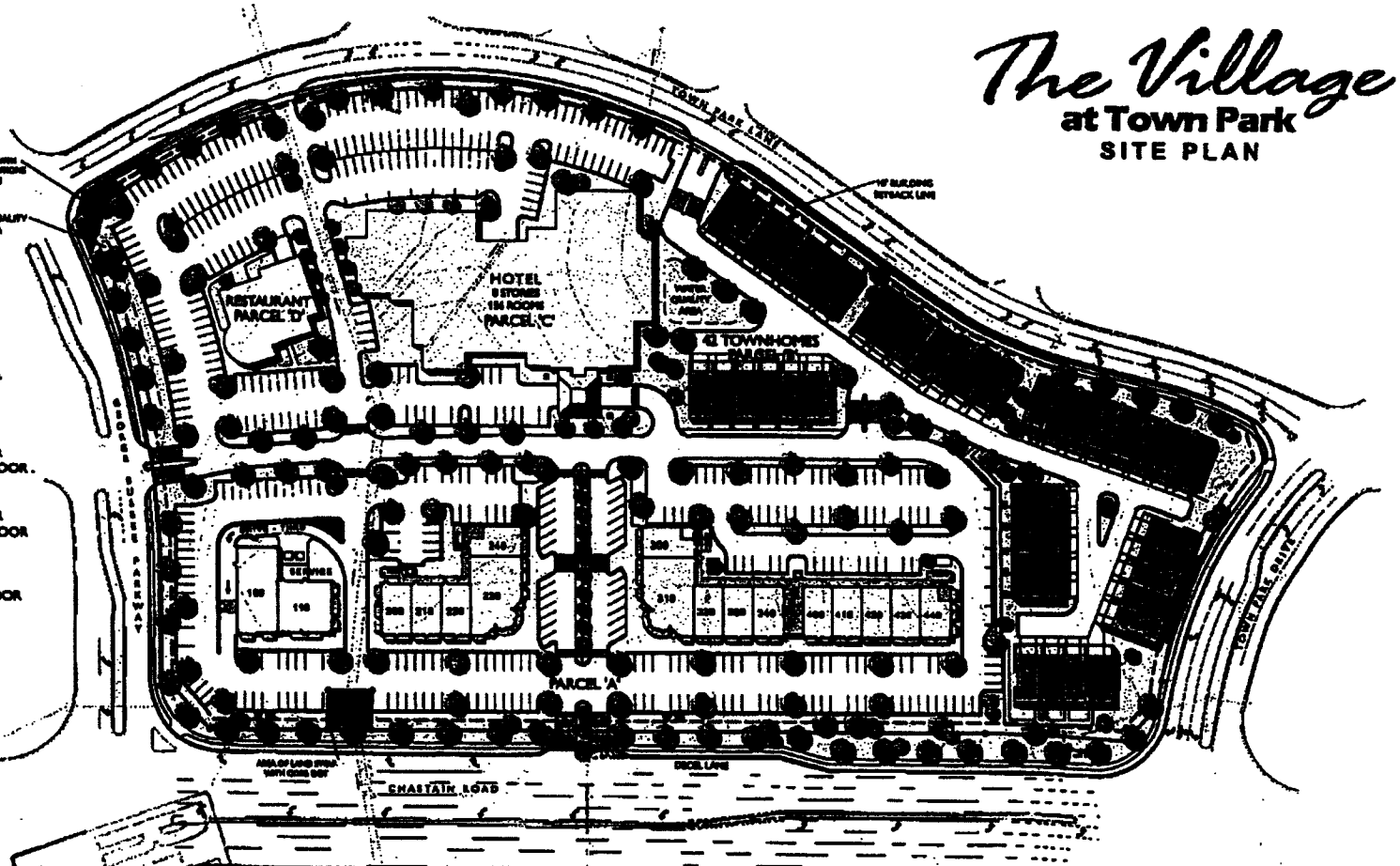
Hilda W. Towery
Bells Ferry Civic Association, Inc.
(With Copy of Enclosure)

Taylor & Mathis, Inc.
(With Copy of Enclosure)

Petition No. Z-85
Meeting Date June 20, 2006
Continued

TAYLOR&MATHIS

The Village at Town Park
SITE PLAN



TABULATIONS:

PARCEL 'A' - RETAIL/OFFICE
BUILDING 100
7,000 S.F. RETAIL

BUILDING 200
11,000 S.F. RETAIL FIRST FLOOR
11,000 S.F. OFFICE SECOND FLOOR

BUILDING 300
10,500 S.F. RETAIL FIRST FLOOR
10,500 S.F. OFFICE SECOND FLOOR

BUILDING 400
8,500 S.F. RETAIL FIRST FLOOR
8,500 S.F. OFFICE SECOND FLOOR

TOTAL RETAIL - 37,000 S.F.
TOTAL OFFICE - 30,000 S.F.

PARCEL 'B' - TOWNHOMES
±42 TOWNHOMES
2 CAR GARAGE PROVIDED

PARCEL 'C' - HOTEL
±150,000 G.S.F. (6 STORIES)
156 ROOMS

PARCEL 'D' - RESTAURANT
±10,000 S.F. - ONE LEVEL

TOTAL PARKING SPACES - 544

TOTAL SITE ACREAGE +/- 13.74
CURRENT ZONING: GC
PROPOSED ZONING: UVC

BOUNDARY AND TOPOGRAPHY INFORMATION PROVIDED BY MIDLAND ENGINEERING, INC.

METHODOLOGY NOTE:
THE STORM WATER DETENTION FOR THE DEVELOPMENT IS PROVIDED FOR BY A WATER DETENTION FACILITY THAT WAS BUILT DURING THE CONSTRUCTION OF THE TOWNPARK MARKE DEVELOPMENT. THEREFORE NO ADDITIONAL STORM WATER DETENTION WILL BE REQUIRED FOR THIS PROPOSED DEVELOPMENT. ON SITE WATER QUALITY TREATMENT WILL BE REQUIRED FOR THE IMPROVEMENTS OF THIS PROPOSED DEVELOPMENT. THE WATER QUALITY NEEDS WILL BE HANDLED WITH A SERIES OF MECHANICAL AND NATURAL BEST MANAGEMENT PRACTICE DEVICES.

DATED: MAY 22, 2006

0 50 100 150 FT

RECEIVED
MAY 31 2006
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

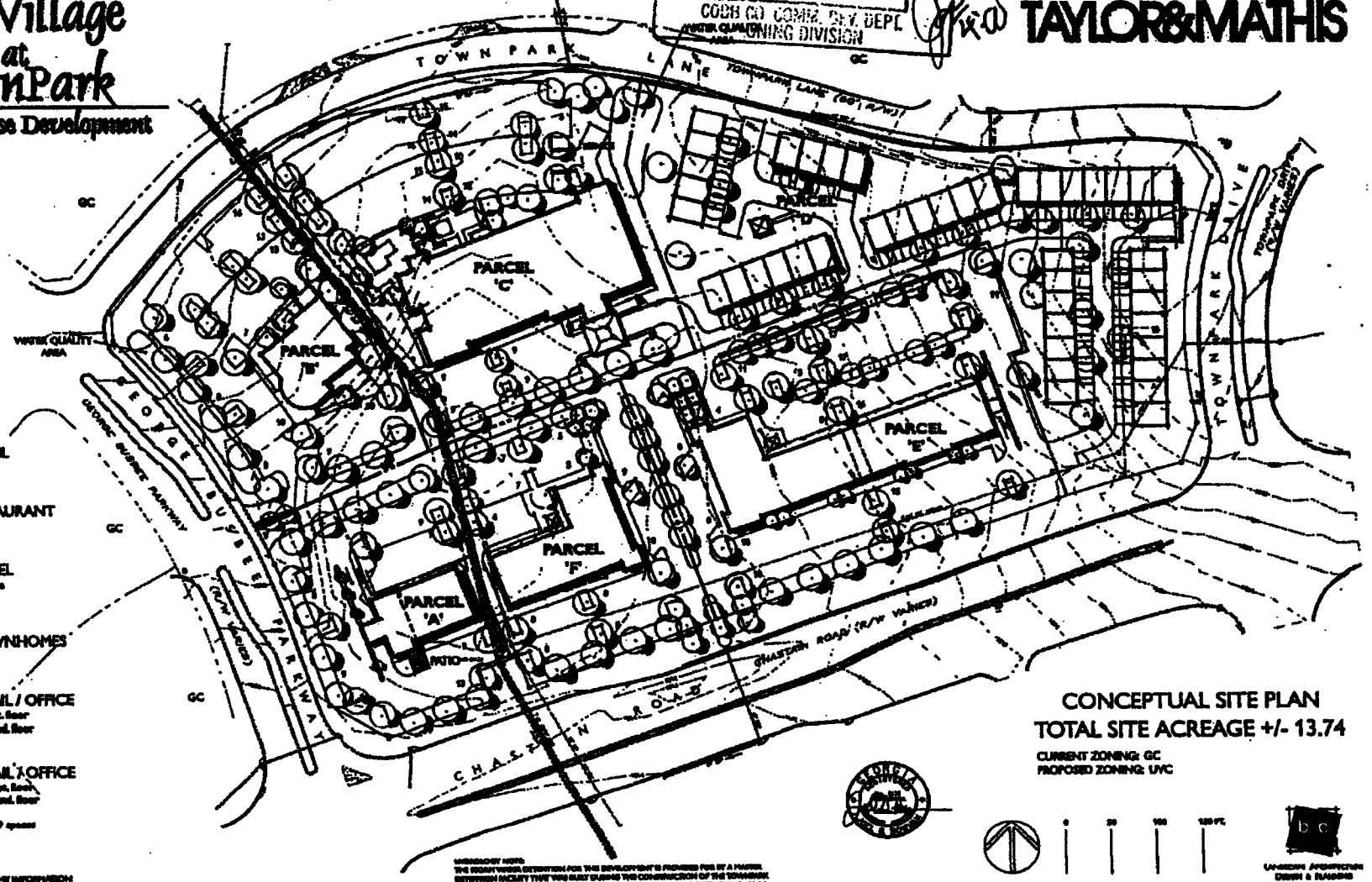
Min. Bk. 42 Petition No. 2-85
Doc. Type reduced site plan
received April 6, 2006
Meeting Date June 20, 2006

RECEIVED
APR - 6 2006
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

The Village at TownPark

A Mixed-Use Development

TAYLOR&MATHIS



TABULATIONS:

PARCEL 'A' - RETAIL
+/- 6,300 SF - One Level

PARCEL 'B' - RESTAURANT
+/- 10,000 SF - One Level

PARCEL 'C' - HOTEL
+/- 150,00 G.S.F. - 7 Stories
154 Rooms

PARCEL 'D' - TOWNHOMES
+/- 43 Townhouses
2 Car Garage Provided

PARCEL 'E' - RETAIL / OFFICE
+/- 21,600 SF Retail on 1st. floor
+/- 21,600 SF Office on 2nd. floor

PARCEL 'F' - RETAIL / OFFICE
+/- 11,500 SF Retail on 1st. floor
+/- 11,500 SF Office on 2nd. floor

Total Parking Counts: 579 spaces

SOUNDARY AND TOPOGRAPHY INFORMATION PROVIDED BY: HIGHLAND ENGINEERING, INC.

UNDERGROUND NOTE:
THE STORM WATER DETENTION FOR THIS DEVELOPMENT IS PROVIDED FOR BY A MASTER DETENTION FACILITY THAT WAS BUILT DURING THE CONSTRUCTION OF THE TOWNPARK PARKING DEVELOPMENT. THEREFORE NO ADDITIONAL STORM WATER DETENTION WILL BE REQUIRED FOR THE PROPOSED DEVELOPMENT. ON SITE WATER QUALITY TREATMENT WILL BE REQUIRED FOR THE IMPROVEMENTS OF THE PROPOSED DEVELOPMENT. THE WATER QUALITY NEEDS WILL BE MANAGED WITH A SERIES OF MECHANICAL AND NATURAL BEST MANAGEMENT PRACTICE DEVICES.

CONCEPTUAL SITE PLAN
TOTAL SITE ACREAGE +/- 13.74

CURRENT ZONING: GC
PROPOSED ZONING: UVC

0 50 100 150 FT.

LANDSCAPE ARCHITECTURE DESIGN & PLANNING

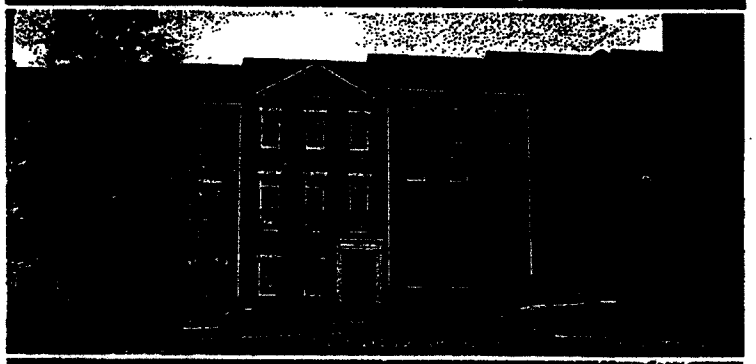
DATED: MARCH 2006

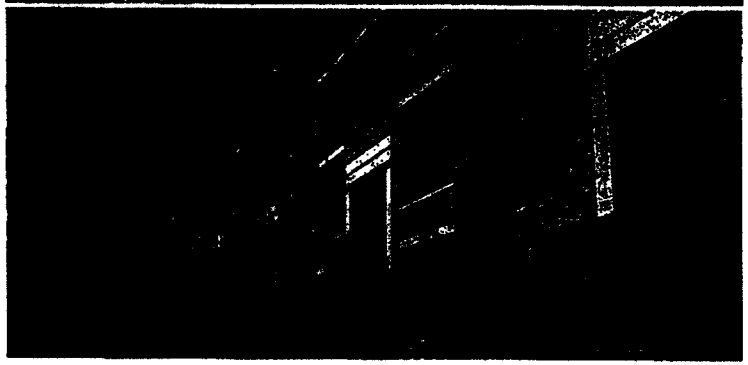
Min. Bk. 42 Petition No. Z-85
Doc. Type architectural rendering
Meeting Date June 20, 2006

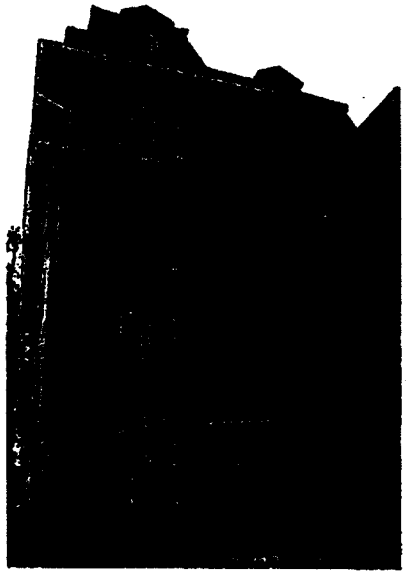
FILED WITH COUNTY CLERK THIS 20th DAY
OF June 2006 BY John Moore
RE Z-85
Mail K Gluff
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

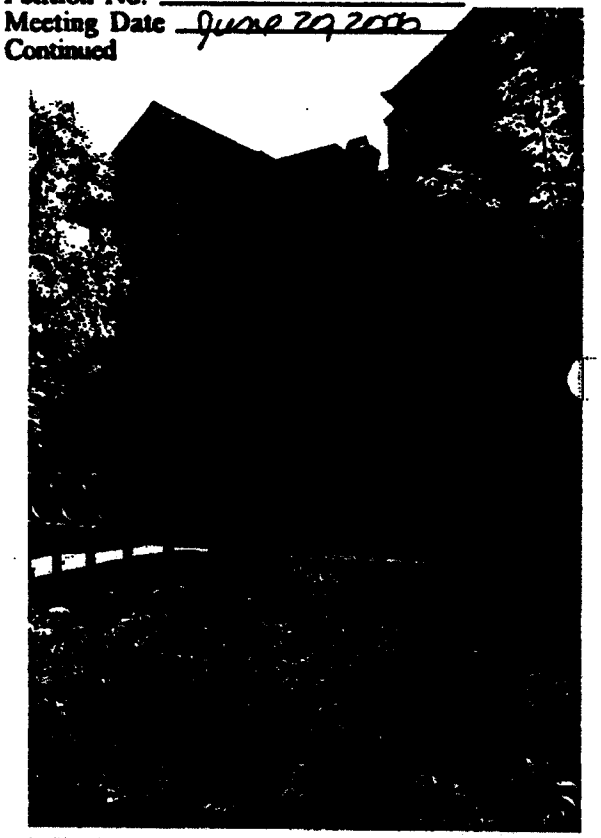
Design Option III

Petition No. Z-85
Meeting Date June 29, 2006
Continued









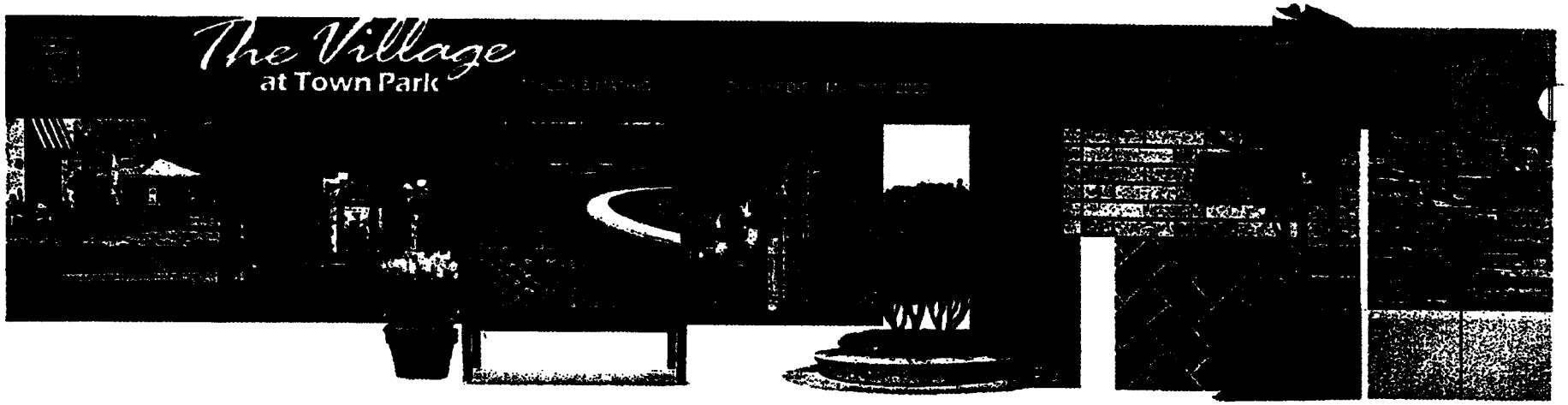
BENCHMARK DESIGN INTERNATIONAL
ARCHITECTS • PLANNERS

Villages at Town Park

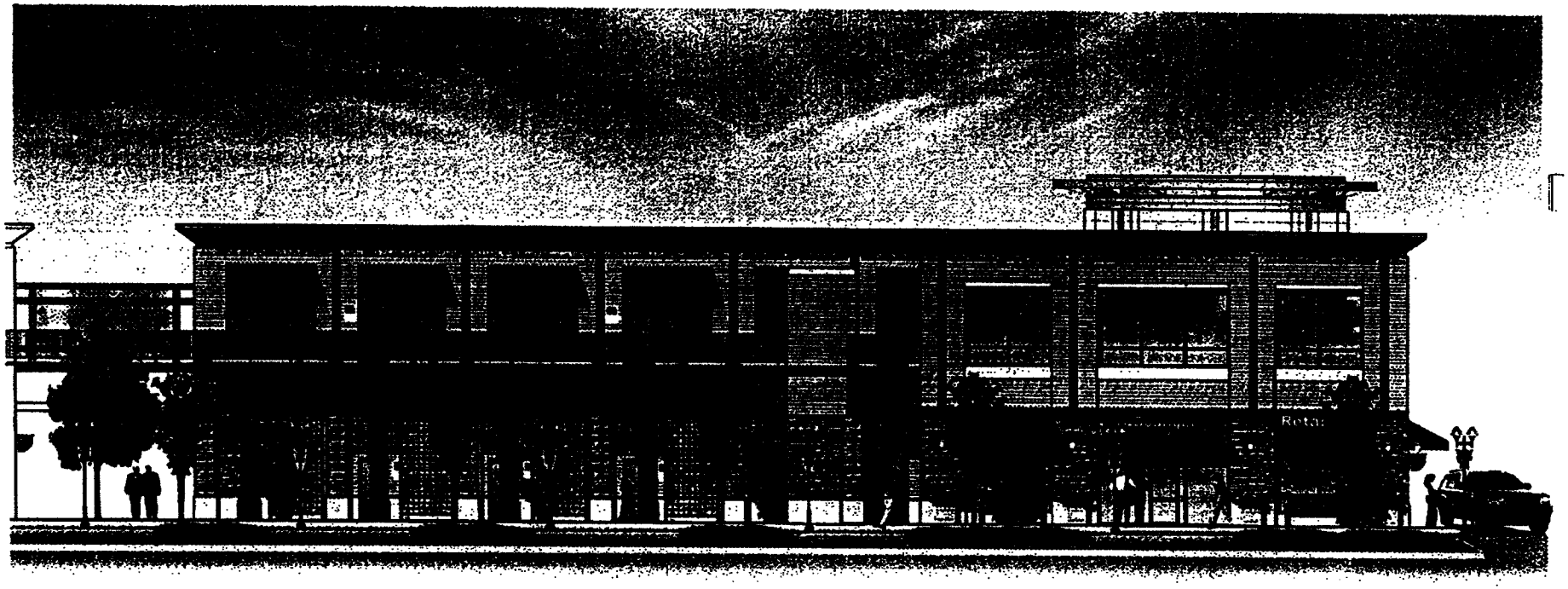
All projects and drawings shown are owned and Copyright © Benchmark Design International, Inc.

THE COLUMNS GROUP, INC.

Petition No. Z-85
Meeting Date June 20, 2006
Continued



Petition No. Z-85
Meeting Date June 20, 2006
Continued



The Village
at Town Park

Building Elevations Design PD-5 April 6, 2006

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 12 PM 3: 22

COBB COUNTY ZONING DIVISION

OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING AS TO "OTHER BUSINESS AMENDMENT" FOR Z-85 (2006) – FEBRUARY 19, 2008

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 12 PM 3:22

COBB COUNTY ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 19, 2008
9:03 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 19, 2008, at 9:03 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

ITEM #5

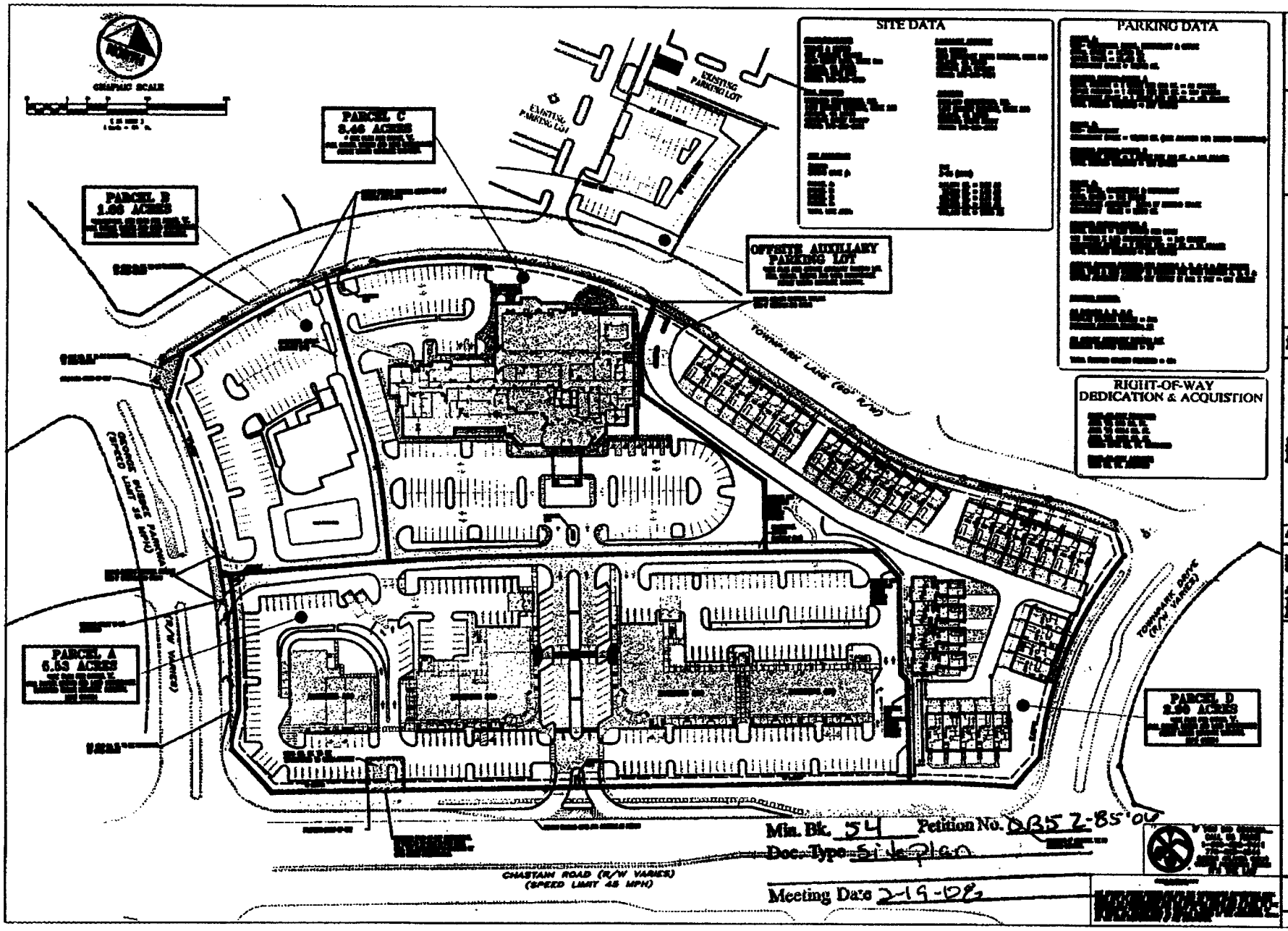
To consider amending the site plan and stipulations for GS Development, LLC regarding Z-85 (TAYLOR & MATHIS, INC.) of June 20, 2006, for property located in Land Lots 362 and 363 of the 16th District on the north side of Chastain Road and the south side of Townpark Lane, between George Busbee Parkway and Townpark Drive.

By consensus, the Board deemed this to be a minor amendment. Mr. Mark Danneman, Zoning Division Manager, provided information regarding site plan and stipulation amendments. Following presentations and discussions, the following motion was made:

MOTION: Motion by Lee, second by Thompson, to **approve** Other Business Item #5 for site plan and stipulation amendments regarding GS Development, LLC regarding Z-85 (TAYLOR & MATHIS, INC.) of June 20, 2006, for property located in Land Lots 362 and 363 of the 16th District on the north side of Chastain Road and the south side of Townpark Lane, between George Busbee Parkway and Townpark Drive, **subject to:**

- **site plan last revised December 21, 2007 (attached and made a part of these minutes)**
- **verification, prior to any permits being issued, that the off-site parking does not include any required spaces for the development across Townpark Lane**
- **letter of intent identified as Exhibit "A" (attached and made a part of these minutes)**
- **development is subject to requirements in Plan Review**
- **installation of pedestrian access/crosswalk to offsite auxiliary parking lot**
- **all other previous zoning stipulations and conditions not in conflict to remain in effect**

VOTE: **ADOPTED** unanimously



GRAPHIC SCALE
PARCEL C
3.46 ACRES
PARCEL B
1.66 ACRES
PARCEL A
6.53 ACRES
PARCEL D
2.90 ACRES
EXISTING PARKING LOT
EXISTING PARKING LOT
OFFSITE AUXILLARY PARKING LOT
TOWNPARK LANE (60' R/W)
TOWNPARK DRIVE (R/W VARIES)
GEORGE BUSBEE PARKWAY (SPEED LIMIT 35 MPH)
CHASTAIN ROAD (R/W VARIES) (SPEED LIMIT 45 MPH)
SITE DATA
PARKING DATA
RIGHT-OF-WAY DEDICATION & ACQUISTION
HIGHLAND
ARGONAUT ASSOCIATES LTD
OVERALL SITE PLAN
THE VILLAGE AT TOWNPARK
LAND LOTS 362 AND 363 - 16th DISTRICT
COBB COUNTY, GEORGIA
Drawing No.
2.0
Min. Bk. 54 Petition No. OBS 2-85'00
Doc. Type Site Plan
Meeting Date 2-19-02

2-85 '06

Min. Bk. 54 Petition No. 085
Doc. Type letter of intent

Meeting Date 2-19-08

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

Application No.: Z-85 (2006)
Original Hearing Date: June 20, 2006
Current Hearing Date: February 19, 2008

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: GS Development, LLC

Applicant requests the amendment of the previously approved site plan and certain zoning stipulations which were enumerated in the letter of agreeable stipulations and conditions dated May 31, 2006, and incorporated as part of the final approval by the Board of Commissioners on June 20, 2006. The requested amendments are as follows:

(1) Stipulation no. (1), UVC Community (Hotel Component), of the May 31, 2006, letter of agreeable stipulations and conditions, and as approved by the Board of Commissioners, allows one hundred fifty-six (156) units for the hotel facility. Applicant proposes to increase the maximum units allowed to one hundred ninety-two (192). The conference area shall have a maximum of 7,094 square feet, and the on-site restaurant will have a maximum of 7,500 square feet.

(2) In conjunction with the increase in allowable units, the required number of parking spaces for the UVC Community shall be increased to three hundred fifteen (315) spaces. There will be a maximum of one hundred fifty on-site parking spaces (which includes eight (8) handicapped spaces) for the hotel component. The restaurant component shall have one hundred (100) spaces. The balance of the required parking spaces will be obtained by a cross-easement parking agreement for a parking area located across TownPark Lane, as more particularly shown and reflected on the revised Overall Site Plan submitted with this Application for Other Business Agenda Item.

Petition No. OBS 2-85'06
Meeting Date 2-15-08
Continued

(3) Applicant submits herewith a revised Overall Site Plan dated March 28, 2007, last revised December 21, 2007, prepared by Highland Engineering, Inc. which denotes the area hotel facility and off-site parking area.

(4) Excepting as otherwise set forth 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 June 20, 2006, are unaltered by this request for site plan and stipulation amendment.