(Site Plan Amendment)

#6

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** 04/15/2014

Applicant: TV Holdings LLC **Phone #:** 404-512-4583
(applicant's name printed)

Address: 4880 Lower Roswell Rd, Suite 165, #525, Marietta GA 30068 **E-Mail:** wsnell@LynwoodDevelopment.com

Moore Ingram Johnson & Steele, LLP

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

BY: **Phone #:** 770-795-5032 **E-Mail:** jkm@mijs.com
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

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

CAROLYN E. COOK NOTARY PUBLIC GEORGIA EXPIRES COBB COUNTY

Titleholder(s): TV Holdings LLC, J. Ronald Terwilliger Revocable Trust **Phone #:** 404-512-4583
(property owner's name printed)

Address: 4880 Lower Roswell Road, Suite 165, #524, Marietta GA 30068 **E-Mail:** wsnell@LynwoodDevelopment.com

J. Ronald Terwilliger by Jeffrey D Mentzer attorney in fact
(Property owner's signature)

F. Wood Snell III, as COO, TV Holdings LLC

Signed, sealed and delivered in presence of:

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

CAROLYN E. COOK NOTARY PUBLIC GEORGIA EXPIRES COBB COUNTY

Commission District: 3 (Birrell) **Zoning Case:** Z-26 (2007); Z-73 (2013)

Date of Zoning Decision: 03/18/2008 **Original Date of Hearing:** 04/17/2007
03/19/2013 (OB) 12/17/2013
12/17/2013 (Z-73 (2013))

Location: Southerly side of Big Shanty Road; Westerly of Interstate 75 and Noonday Creek;
(street address, if applicable; nearest intersection, etc.) Easterly of Busbee Parkway

Land Lot(s): 501, 502, 507, 508 **District(s):** 16th

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

Site plan revision based on land acquisition and update to stipulation letter.

COBB COUNTY GEORGIA 2014 JAN 11 PM 8:28 COBB COUNTY ZONING DIVISION

(List or attach additional information if needed)

MASTER SITE PLAN
PRESENTED TO THE BOARD OF COMMISSIONERS FOR APPROVAL PURSUANT TO APPLICATION FOR "OTHER BUSINESS" – APRIL 15, 2014

COBB COUNTY GEORGIA
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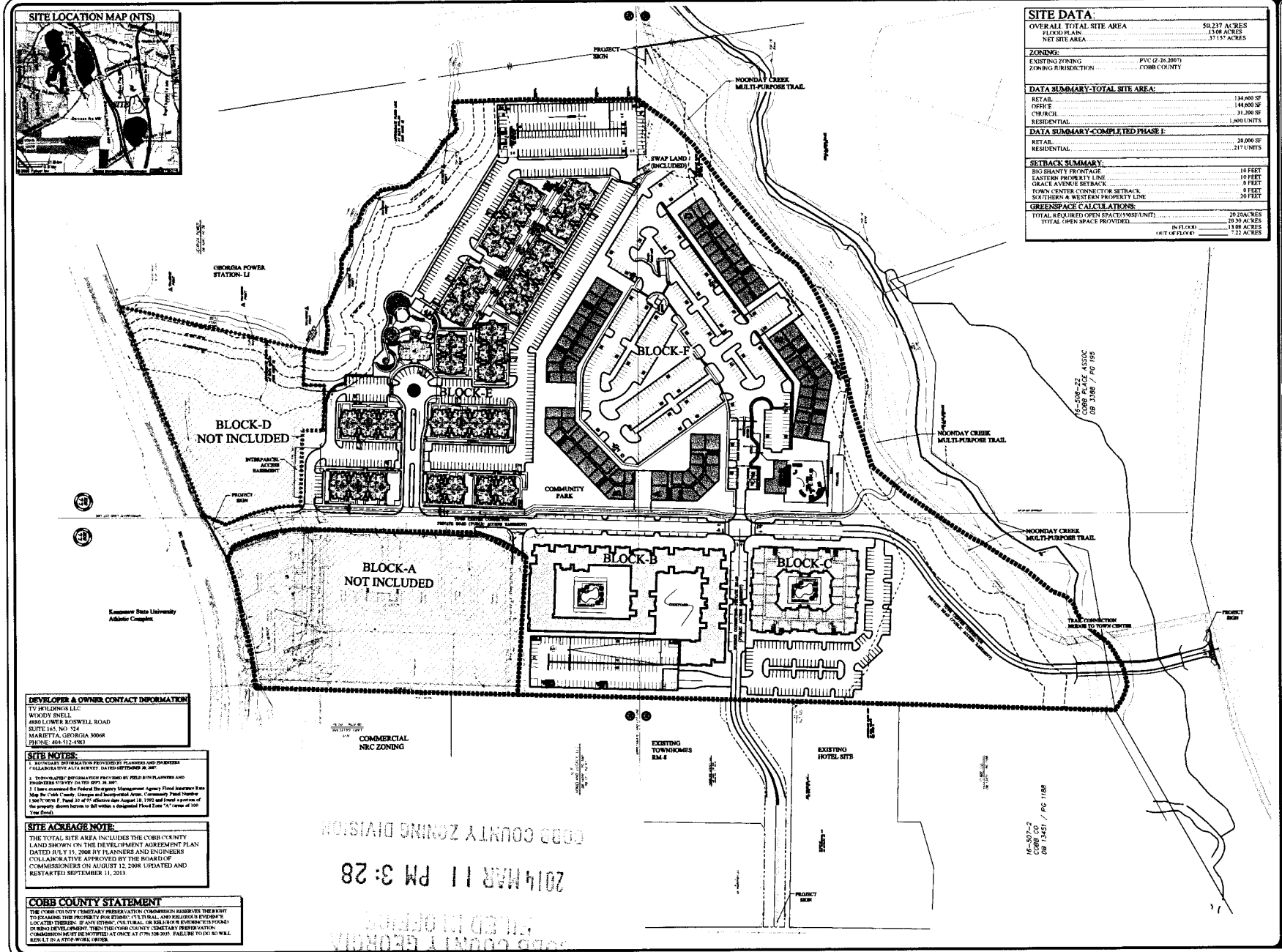
COBB COUNTY ZONING DIVISION



TOWN VILLAGE

A MIXED USE MASTER DEVELOPMENT

FOR

TV HOLDINGS, LLC
4880 LOWER ROSWELL ROAD
SUITE 165, NO 324
MARIETTA, GEORGIA 30068
PHONE: 404-512-4583

LAND LOTS 501/502, 507, 508
DISTRICT 20TH, SECTION

TOWN CENTER CO. AREA
COBB COUNTY
GEORGIA

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PLANNERS AND ENGINEERS COLLABORATIVE
SITE PLANNING ■ LANDSCAPE ARCHITECTURE ■ CIVIL ENGINEERING ■ LAND SURVEYING
350 RESEARCH COURT ■ NORCROSS, GEORGIA 30092 ■ (770)451-3741 ■ FAX (770)451-3915 ■ WWW.PECATL.COM

REVISIONS:

NO	DATE	BY	DESCRIPTION
*1	3/18/08	PEC	APPROVED ZONING PLAN
*2	4/19/11	PEC	APPROVED SITE PLAN
*3	10/1/13	PEC	PLAN UPDATE, SWAP LAND INCLUDED
*4	11/24/13	PEC	UPDATE PLAN
*5	3/4/14	PEC	UPDATE PLAN

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SHEET TITLE

MASTER SITE PLAN

0 50 100 200 300

SCALE: 1" = 100'
DATE: October 1, 2013
PROJECT: 06143.00C

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED No. 34303 PROFESSIONAL ENGINEER KENNETH J. WOOD

S

SHEET

MASTER SITE PLAN APPROVED BY BOARD OF COMMISSIONERS PURSUANT TO Z-73 (2013) – DECEMBER 17, 2013

COBB COUNTY GEORGIA
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COBB COUNTY ZONING DIVISION

Min. Bk. 21 Petition No. 2-73
Doc. Type site plan
Meeting Date 4/23/13

REVISED

2013 NOV 26 PM 3:54

2014 MAR 11 PM 3:28

COBB COUNTY ZONING DIVISION

COBB COUNTY GEORGIA

TOWN VILLAGE

A MIXED USE MASTER DEVELOPMENT

TV HOLDINGS, LLC

4000 LOWER ROSWELL ROAD

SUITE 165, NO 334

MARIETTA, GEORGIA 30068

PHONE: 404-513-4513

PLANNERS AND ENGINEERS COLLABORATIVE

SITE PLANNING ■ LANDSCAPE ARCHITECTURE ■ CIVIL ENGINEERING ■ LAND SURVEYING

REVISIONS:

NO	DATE	BY	DESCRIPTION
1.	3/18/08	DSC	ADMINISTRATIVE PLAN
2.	4/18/11	DSC	APPROVED SITE PLAN
3.	8/19/13	DSC	PLANNING SUBMITTAL
4.	11/24/13	DSC	LAND DISTURBING PLAN

SHEET TITLE:
MASTER SITE PLAN

SCALE: 1" = 100'
DATE: October 1, 2013
PROJECT: 0613.00C

SHEET
S

SITE DATA:

OVERALL TOTAL SITE AREA	36.331 ACRES
LAND DISTURBED	34.178 ACRES
NET SITE AREA	27.117 ACRES

ZONING:

EXISTING ZONING	PVC (2.26.07)
ZONING JURISDICTION	COBB COUNTY

DATA SUMMARY (TOTAL SITE AREA):

RETAIL	134,000 SF
OFFICE	134,000 SF
CHURCH	31,300 SF
RESIDENTIAL	1,000 UNITS

DATA SUMMARY (CONSTRUCTED AREA):

RETAIL	39,000 SF
RESIDENTIAL	277 UNITS

SETBACK SUMMARY:

PERIMETER PROPERTY LINE	10 FEET
EASTERN PROPERTY LINE	10 FEET
TRAIL (ATRAIL) SETBACK	0 FEET
SOUTHERN & WESTERN PROPERTY LINE	0 FEET
INTERNAL	20 FEET

OPEN SPACE CALCULATIONS:

TOTAL OPEN SPACE PROVIDED	27.79 ACRES
	102.5%
REQUIRED	27.12 ACRES
	100%

SITE LOCATION MAP (NTS)

BLOCK-A NOT INCLUDED

BLOCK-D NOT INCLUDED

BLOCK-B

BLOCK-C

BLOCK-E

DEVELOPER & OTHER CONTACT INFORMATION:

TV HOLDINGS, LLC
WYATT PHILL
4000 LOWER ROSWELL ROAD
SUITE 165, NO 334
MARIETTA, GEORGIA 30068
PHONE: 404-513-4513

SITE NOTE:

SITE ACREAGE NOTE:

THE TOTAL SITE AREA INCLUDES THE COBB COUNTY LAND FRONTAGE ON THE DEVELOPMENT AGREEMENT PLAN DATED JULY 11, 2006 BY PLANNERS AND ENGINEERS COLLABORATIVE AND REVISED AND RESUBMITTED TO COBB COUNTY COMMISSIONERS ON AUGUST 15, 2006. UPDATED AND RESTATED SEPTEMBER 11, 2013.

COBB COUNTY STATEMENT:

OFFICIAL MINUTES OF BOARD OF COMMISSIONERS ZONING HEARING AS TO APPLICATION FOR REZONING NO. Z-26 (2007) – MARCH 18, 2008

COBB COUNTY GEORGIA
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2014 MAR 11 PM 3:28
COBB COUNTY ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 18, 2008
9:07 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 18, 2008, at 9:07 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

Z-26'07 **TOWN CENTER ASSOCIATES, LLC** (Due to individual parcels, a complete list of titleholders is available in the Zoning Office) requesting Rezoning from **R-20** and **NS** to **PVC** for the purpose of a Mixed Use Development in Land Lots 436, 501, 502, 507 and 508 of the 16th District. Located at the southeast and southwest intersections of Big Shanty Road and Hidden Forest Court, on the northeasterly and southwesterly sides of Truth Avenue, on the north side of Big Shanty Road, east of Hidden Forest Court, at the northwesterly and southwesterly intersections of Grace Avenue and Hidden Forest Court and on the north, south, east and west sides of Hidden Forest Court, south of Big Shanty Road.

The public hearing was opened and Mr. John Moore, Mr. D. A. King, Ms. Pat Wagener and Ms. Carol Brown addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Lee, second by Thompson, to **approve** Rezoning to the PVC zoning district **subject to:**

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COBB COUNTY ZONING DIVISION

- **maximum of 1600 residential units, with final plan to include calculations and verifications that minimum open space requirements for PVC are met**
- **project layout/design to be developed in conformity to the site plan submitted dated September 4, 2007 received by the Zoning Division February 7, 2008 (attached and made a part of these minutes)**
- **Georgia Regional Transportation Authority (GRTA) Notice of Decision dated November 20, 2007 (attached and made a part of these minutes)**
- **letter of agreeable conditions from Mr. John Moore dated February 27, 2008 with the following changes (attached and made a part of these minutes):**
  - **Item No. 5 – Actions pertaining to paragraph No. 5 of this letter of agreeable conditions must come back to the Board of Commissioners for clarification prior to going forward**
  - **Item No. 24 – Add to end: *"Restaurants are required to meet alcohol licensing requirements."***
- ***additional* letter of agreeable conditions from Mr. John Moore, dated March 17, 2007 with the following change (attached and made a part of these minutes):**
  - **Item No. 5 – Actions pertaining to paragraph No. 5 of this letter of agreeable conditions must come back to the Board of Commissioners for clarification prior to going forward**
- **Development of Regional Impact from the Atlanta Regional Commission and the Georgia Regional Transportation Authority received by the Zoning Division November 26, 2007 (attached and made a part of these minutes)**
- **as confirmed at the public hearing and to clarify Exhibit A of the March 17, 2008 letter of agreeable conditions – all items shown in Exhibit A are applicant required roadway improvements, including requirements that from the Town Center Connector along Grace Avenue to George Busbee Parkway will be a public road, that the applicant/developer will pay for extension of Grace Avenue to George Busbee Parkway and pay for the bridge over Noonday Creek. Ancillary funding agreements/options as contained within the letters of agreeable conditions (including Exhibit A – column titled "Applicant Proposal") are acceptable where not in conflict with GRTA requirements**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations *not otherwise in conflict* with GRTA Notice of Decision dated November 20, 2007 and the February 27, 2008 and March 17, 2008 letters of agreement**

VOTE: **ADOPTED 3-2** (Olens and Goreham opposed)

COBB COUNTY GEORGIA
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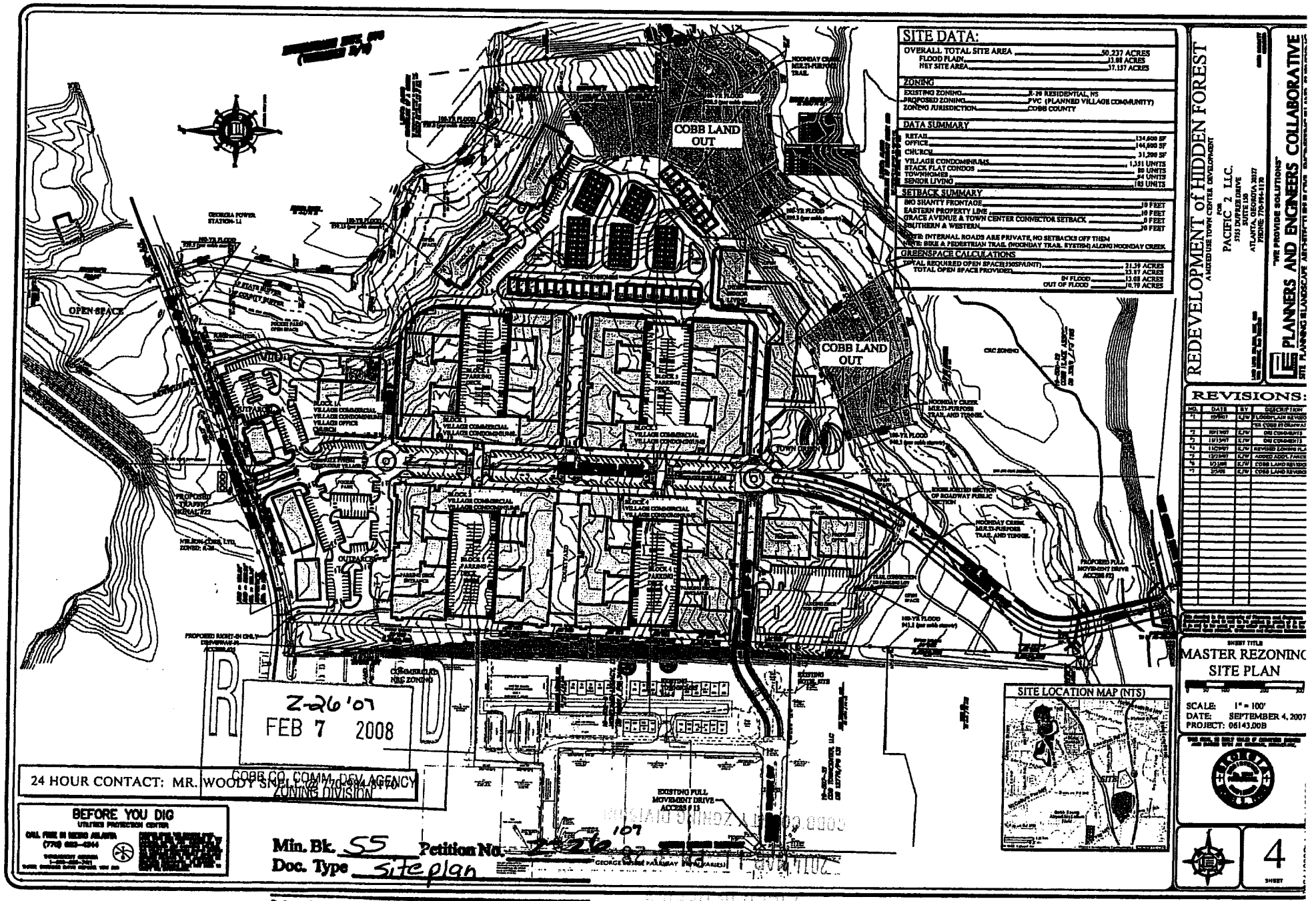
2008 MAR 11 PM 3:28
COBB COUNTY ZONING DIVISION


SITE DATA:
OVERALL TOTAL SITE AREA 50.237 ACRES
FLOOD PLAIN 13.08 ACRES
NET SITE AREA 37.157 ACRES
ZONING
EXISTING ZONING R-20 RESIDENTIAL, NS
PROPOSED ZONING PVC (PLANNED VILLAGE COMMUNITY)
ZONING JURISDICTION COBB COUNTY
DATA SUMMARY
RETAIL 134,600 SF
OFFICE 144,600 SF
CHURCH 31,200 SF
VILLAGE CONDOMINIUMS 1,351 UNITS
STACK FLAT CONDOS 80 UNITS
TOWNHOMES 94 UNITS
SENIOR LIVING 185 UNITS
SETBACK SUMMARY
BIG SHANTY FRONTAGE 10 FEET
EASTERN PROPERTY LINE 10 FEET
GRACE AVENUE & TOWN CENTER CONNECTOR SETBACK 0 FEET
SOUTHERN & WESTERN 30 FEET
NOTE: INTERNAL ROADS ARE PRIVATE, NO SETBACKS OFF THEM
NOTE: BIKE & PEDESTRIAN TRAIL (NOONDAY TRAIL SYSTEM) ALONG NOONDAY CREEK
GREENSPACE CALCULATIONS
TOTAL REQUIRED OPEN SPACE(350SF/UNIT) 21.39 ACRES
TOTAL OPEN SPACE PROVIDED 23.87 ACRES
IN FLOOD 13.08 ACRES
OUT OF FLOOD 10.79 ACRES
COBB LAND OUT
COBB LAND OUT
OPEN SPACE
TOWNHOMES
TOWN GREEN
NOONDAY CREEK MULTI-PURPOSE TRAIL AND TUNNEL
PROPOSED FULL MOVEMENT DRIVE ACCESS #22
EXISTING FULL MOVEMENT DRIVE ACCESS # 13
COMMERCIAL NRC ZONING
GEORGIA POWER STATION-L1
PROPOSED TRAFFIC SIGNAL #22
PROPOSED RIGHT-IN ONLY DRIVEWAY-#6 ACCESS #25
SITE LOCATION MAP (NTS)
REDEVELOPMENT of HIDDEN FOREST
A MIXED USE TOWN CENTER DEVELOPMENT
FOR
PACIFIC 2 LLC.
5755 DUPREE DRIVE
SUITE 150
ATLANTA, GEORGIA 30327
PHONE: 770-994-8170
"WE PROVIDE SOLUTIONS"
PLANNERS AND ENGINEERS COLLABORATIVE
SITE PLANNING & LANDSCAPE ARCHITECTURE
REVISIONS:
NO. DATE BY DESCRIPTION
SHEET TITLE
MASTER REZONING SITE PLAN
SCALE: 1" = 100'
DATE: SEPTEMBER 4, 2007
PROJECT: 06143.00B
4
SHEET
Z-26 '07
FEB 7 2008
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION
24 HOUR CONTACT: MR. WOODY SNELL @ 770-984-8170
BEFORE YOU DIG
UTILITIES PROTECTION CENTER
CALL FREE IN METRO ATLANTA
(770) 623-4344
Min. Bk. 55 Petition No. Z-26 '07
Doc. Type Site plan
Meeting Date 3-18-2008
COBB COUNTY GEORGIA
FILED IN OFFICE

Min. Bk. 55 Petition No. Z-26 '07
Doc. Type GRTA Notice of Decision
Meeting Date 3-18-08

NOTICE OF DECISION

To: Chick Krautler, ARC
(via electronic mail) Sonny Deriso, GRTA
Brandon Beach, GRTA
Jerry Bowman, GRTA
Caric Martin, GRTA
John Sibley, GRTA
Jeanie Thomas, GRTA
Bob Voyles, GRTA

To: Chairman Sam Olens, Cobb County Board of Commisioners
(via electronic mail and certified mail) Woody Snell, The Pacific Group, Inc.
Stephen Arms, Marthasville Development LLC

From: Steven L. Stancil, GRTA Executive Director

Copy: Kirk Fjelstul, GRTA
(via electronic mail) Laura Beall, GRTA
Art Gibert, DCA
Haley Fleming, ARC
Steve Walker, GDOT
Mike Lobdell, GDOT District 7
John Pederson, Cobb County
John Morely, Cobb County DOT
Jessica Hill, Seyfarth Shaw, LLP
John Walker, Kimley-Horn

Date: November 20, 2007

Re: Notice of Decision Regarding DRI 1352 Hidden Forest

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 MAR 11 PM 3:28
COBB COUNTY ZONING DIVISION

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

Notice of Decision for Request for Non-Expedited Review of DRI 1352 Hidden Forest

The purpose of this notice is to inform The Pacific Group, Inc. and Marthasville Development LLC (the Applicant), Cobb County (the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI 1352 Hidden Forest (the DRI Plan of Development). GRTA has completed a non-expedited review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103.A. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

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

The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes the revised site development plan dated November 15, 2007, and received by GRTA on November 15, 2007, prepared by Planners and Engineers Collaborative, titled "Master DRI Site Plan" (Referred to as the "Site Plan" or the "DRI Plan of Development") and the analysis prepared by Kimley-Horn and Associates, Inc. dated October 2007 and received by GRTA on October 12, 2007.

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the Procedures and Principles for GRTA Development of Regional Impact Review, available from GRTA or on the Worldwide Web at <http://www.grta.org/dri/home.htm>. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal at its December 12, 2007 meeting.

2007 DEC 11 PM 3:28
COBB COUNTY ZONING DIVISION
COBB COUNTY, GEORGIA

Steven L. Stancil
Executive Director
Georgia Regional Transportation Authority

Petition No. Z06 '07
Meeting Date 3-18-08
Continued

Attachment A – General Conditions

Conditions to GRTA Notice of Decision:

Development Intensity and Use
- Provide a mixture of retail, residential, and office uses.

Parking Facilities
- Provide two points of egress/ingress for each parking deck (as shown on plan).

Road Connectivity
- Preserve necessary right-of-way for Big Shanty Road project (ARC #CO-297A /GDOT#0006861).
- A maximum of 3 access points along Big Shanty Road (as shown on plan). One to be full access, one to be right-in/right-out only, and one to be right-in only with direct access to the parking deck.
- Extend Grace Avenue to George Busbee Parkway.
- Maintain the direct north-south and east-west road connections internal to the site.
- Provide a direct vehicular connection between Big Shanty Road and Town Center Drive (as shown on site plan labeled "Town Center Connector").

Pedestrian Facilities
- Provide sidewalks on both sides of all internal roads
- Provide sidewalk along Big Shanty Road property frontage and extend to connect to the existing sidewalk to the west.
- Provide a pedestrian connection from the residential units to the multi-use trail.
- Provide a pedestrian connection from Town Center Connector to the multi-use trail.

Transit Facilities
- Provide bus shelters along property frontage in coordination with transit provider(s).

Roadway Improvements as Conditions to GRTA Notice of Decision:

The following improvements are required on and adjacent to *non-state* routes:

Big Shanty Road @ Bells Ferry Road
- Construct a eastbound right-turn lane along Big Shanty Road.

George Busbee Parkway @ Busbee Drive
- Install a traffic signal if warranted, and approved by Cobb DOT.

George Busbee Parkway @ Big Shanty Road
- Construct a westbound right-turn lane along Big Shanty Road.

Big Shanty Road @ Town Center – Big Shanty Connector
- Install a traffic signal when warranted.
- Construct a westbound left-turn lane along Big Shanty Road.

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- Construct an eastbound right-turn lane along Big Shanty Road.
- Install a northbound left-turn lane in median along Town Center – Big Shanty Connector. Reserve width to allow for possible through lane exiting the site for future conditions beyond the 2015 Build-out year.

Town Center Drive @ Mall Driveway / Town Center – Big Shanty Connector

- Re-stripe the existing westbound approach geometry along Town Center Drive as a separate left-turn lane and a shared through/right-turn lane.
- Re-stripe the existing eastbound approach geometry along Town Center Drive as a separate left-turn lane and a shared through/right-turn lane.
- Construct a southbound left-turn lane along Town Center – Big Shanty Connector
- Construct a southbound shared through/right-turn lane along Town Center – Big Shanty Connector.

Big Shanty Road @ Proposed Right-in/Right-out Driveway #2

- Construct an eastbound right-turn lane along Big Shanty Road.

Big Shanty Road @ Proposed Right-in Driveway #1

- Construct an eastbound right-turn lane along Big Shanty Road.

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COBB COUNTY ZONING DIVISION

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

Attachment B – Required Elements of the DRI Plan of Development

Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All of the "Conditions to GRTA Notice of Decision" set forth in Attachment A are satisfied.
- All of the "Roadway Improvements as Conditions to GRTA Notice of Decision" set forth in Attachment A are satisfied.

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Petition No. Z-26 '07
Meeting Date 3-18-2008
Continued

Attachment C – Required Improvements to Serve the DRI

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a "Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI."

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

Section 1.

Big Shanty Road @ Bells Ferry Road
- Construct a eastbound right-turn lane along Big Shanty Road.

George Busbee Parkway @ Busbee Drive
- Install a traffic signal if warranted, and approved by Cobb DOT.

George Busbee Parkway @ Big Shanty Road
- Construct a westbound right-turn lane along Big Shanty Road.

Big Shanty Road @ Town Center – Big Shanty Connector
- Install a traffic signal when warranted.
- Construct a westbound left-turn lane along Big Shanty Road.
- Construct an eastbound right-turn lane along Big Shanty Road.
- Install a northbound left-turn lane in median along Town Center – Big Shanty Connector. Reserve width to allow for possible through lane exiting the site for future conditions beyond the 2015 Build-out year.

Town Center Drive @ Mall Driveway / Town Center – Big Shanty Connector
- Re-stripe the existing westbound approach geometry along Town Center Drive as a separate left-turn lane and a shared through/right-turn lane.
- Re-stripe the existing eastbound approach geometry along Town Center Drive as a separate left-turn lane and a shared through/right-turn lane.
- Construct a southbound left-turn lane along Town Center – Big Shanty Connector
- Construct a southbound shared through/right-turn lane along Town Center – Big Shanty Connector.

Big Shanty Road @ Proposed Right-in/Right-out Driveway #2
- Construct an eastbound right-turn lane along Big Shanty Road.

Big Shanty Road @ Proposed Right-in Driveway #1

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COBB COUNTY ZONING DIVISION

- Construct an eastbound right-turn lane along Big Shanty Road.

Section 2.

Chastain Road @ George Busbee Parkway
- Install dual left turn lanes westbound on Chastain Road.

Chastain Road @ Bells Ferry Road
- Construct a westbound right-turn lane along Chastain.
- Construct a northbound right-turn lane along Bells Ferry Road.

Big Shanty Road @ Bells Ferry Road
- Install a traffic signal when warranted.
- Install split-phasing for the proposed traffic signal at the Big Shanty Road eastbound approach and the Kathryn Drive westbound approach or re-align the road to eliminate the offset.
- Install protected/permissive left-turn phasing (green arrow) for the northbound approach.
- Construct a southbound left-turn lane along Bells Ferry Road.

Barrett Parkway @ Interstate 575 Southbound Ramps
- Construct one additional westbound left-turn lane (creating dual left turn lanes) along Barrett Parkway.
- Re-stripe the existing southbound approach geometry along the Interstate 575 Southbound Ramp as a separate left-turn lane, a shared left-turn/through/right-turn lane, and a separate right-turn lane.

Barrett Parkway @ Interstate 575 Northbound Ramps
- Construct one additional eastbound left-turn lane (creating dual left turn lanes) along Barrett Parkway.
- Re-stripe the existing northbound approach geometry along the Interstate 575 Northbound Ramp as a separate left-turn lane, a shared left-turn/through/right-turn lane, and a separate right-turn lane.

Barrett Parkway @ Chastain Meadows Parkway
- Construct one additional southbound left-turn lane (creating dual left turn lanes) along Chastain Meadows Parkway.
- Install protected/permissive left-turn phasing (green arrow) for the northbound approach.

Barrett Parkway @ Bells Ferry Road
- Construct a southbound through lane along Bells Ferry Road.
- Construct a northbound through lane along Bells Ferry Road.
- Construct a westbound through lane along Barrett Parkway.
- Construct an eastbound through lane along Barrett Parkway.

Chastain Road @ Big Shanty Road
- Construct one additional westbound left-turn lane (creating dual left turn lanes) along Big Shanty Road.
- Construct an eastbound right-turn lane along Big Shanty Road.

2007 MAR 1 PM 3:28
COBB COUNTY ZONING DIVISION
COBB COUNTY GEORGIA

Chastain Road @ Interstate 575 Southbound Ramps

- Construct an eastbound through lane along Chastain Road.

Barrett Parkway @ George Busbee Parkway

- Construct a westbound through lane along Barrett Parkway.
- Install permissive/overlapped right-turn phasing (green arrow) for the southbound approach.

1.	ARC# CO-313 GDOT# 0000555	2008	Chastain Road at Bells Ferry Road – add right turn lanes Completion Date: 2008, ROW-2007, Construction-2008
2.	ARC# CO-332A GDOT# 0006869	2010	Big Shanty Road Extension – Phase I From Busbee Parkway to Barrett Lakes Boulevard at Big Shanty Road [See also CO-332B] Completion Date: 2010, ROW-2008, Construction-2009
3.	ARC# CO-332B GDOT# 0006870	2010	Big Shanty Road Extension – Phase II From Barrett Lakes Boulevard at Big Shanty Road to Chastain Road [See also CO-332A]. Completion Date: 2010, ROW-2008, Construction-2009
4.	ARC# CP-AR-BP219 GDOT# 00068185	2010	Noonday Creek Trail: Phase II from US 41 (Cobb Parkway) to Bells Ferry Road. Completion Date: 2013, ROW-2008, Construction-2009, 2010
5.	SPLOST	2010	Bells Ferry Road – I-575 to North Cobb Parkway (US 41) – Intersection Improvements. Completion Date: Scheduled Construction Bid – May 2010
6.	ARC# ARC-H-005 GDOT# 713640	2015	I-575 HOV Lanes from I-75 North in Cobb County to Sixes Road in Cherokee County. Completion Date: 2015
7.	ARC# AR-H-004 GDOT# 0006419	2024	I-75 North HOV Lanes (Funding for Engineering and Design included under AR-H-010) from I-575 to Wade Green Road in Cobb County. Completion Date: 2024
8.	ARC# CO-297A GDOT# 0006861	Long Range	Big Shanty Road from Busbee Parkway to Chastain Meadows Parkway. Completion Date: Long Range
9.	ARC# CO-297B GDOT# 0006861	Long Range	Big Shanty Road from Chastain Meadows Parkway to Bells Ferry Road. Completion Date: Long Range
10.	ARC# CP-AR-BP214B GDOT# 0004511	Long Range	South Barrett Reliever – Phase I: US 41 to Barrett Lakes, Phase II: has not started. Completion Date: Phase I: Design Ready, ROW + Construction will begin by June 2008, Phase II: proposed 2020 – Long Range

COBB COUNTY, GEORGIA
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COBB COUNTY ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

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SARAH S. GRANT

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
◆ ADMITTED ONLY IN TN

Min. Bk. 55 Petition No. Z-26 '07
Doc. Type letter of agreeable conditions
Meeting Date ~~Hand Delivered~~ 3-18-08

February 27, 2008

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

RECEIVED
FEB 27 2008
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

RE: Application for Rezoning
Application No.: Z-26 (2007)
Applicants: Town Center Associates, LLC and Pacific 2, LLC
Property Owners: Tammy Black; Karl Baden; Catherine Baden; et al.
Property: 50.237 acres, being known as Hidden Forest Subdivision, and a tract located on the northerly side Big Shanty Road, easterly of George Busbee Parkway and westerly of I-575; Land Lots 436, 501, 502, 507 and 508, 16th District, 2nd Section, Cobb County, Georgia

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COBB COUNTY GEORGIA
CLERK OF SUPERIOR COURT

Dear Mark:

As you know, the undersigned and this firm represent Pacific 2, LLC and Town Center Associates, who are the Applicants (hereinafter collectively referred to as "Applicants"), and the numerous Property Owners enumerated in the above-referenced Application for Rezoning regarding a tract totaling 50.237 acres, more or less, being known as the Hidden Forest Subdivision, located in Land Lots 436, 501, 502, 507 and 508,

16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the 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. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed January 30, 2008; excepting only the Landscape Exhibit submitted therewith. The revised stipulations are as follows:

(1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property.

(2) Applicants seek rezoning of the Subject Property from the existing R-20 and Neighborhood Shopping ("NS") zoning categories to the proposed zoning category of Planned Village Community ("PVC"), site plan specific to the revised Master Rezoning Site Plan (hereinafter "Zoning Plan") prepared by Planners and Engineers Collaborative dated September 4, 2007, last revised February 5, 2008.

COBB COUNTY GEORGIA PLANNING DEPARTMENT 2008

(3) The Subject Property consists of 50.237 acres of total site area.

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COBB COUNTY ZONING DIVISION

STIPULATIONS APPLICABLE TO THE OVERALL COMMUNITY

(1) This rezoning proposal is a "Village Concept" to include retail, office, and residential, with the residential component being of varying types.

(2) Pacific 2, LLC, as the developer, will be involved in all aspects of the development, including, but not limited to, the residential, retail, office and park components.

(3) There shall be master protective covenants for the entire development that will include all phases of the community; and concurrent therewith a master association 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, and the like contained within the overall community (i.e., bike paths, sidewalks, open space, walking trails, and the like).

(4) The master association 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.

(5) Applicants propose to exchange with Cobb County existing rights-of-way for proposed rights-of-way, as more particularly shown and reflected on the referenced Zoning Plan.

(6) Applicants agree to work with the Cobb County Department of Transportation regarding the re-alignment of Grace Avenue, as more particularly shown and reflected on the referenced Zoning Plan.

(7) There shall be approximately 23.8 acres of open space/park area within the proposed community, which comprises approximately 47 percent of the total tract.

(8) The following buffers shall be associated with the proposed community:

(a) A landscape buffer ten (10) feet in width located along the frontage of the Subject Property with Big Shanty Road, as more particularly shown and reflected on the referenced Zoning Plan;

(b) A landscape buffer ten (10) feet in width located along the eastern boundary of the Subject Property, as more particularly shown and reflected on the referenced Zoning Plan; and

(c) A landscape buffer twenty (20) feet in width along the southern and western boundaries of the Subject Property, as more particularly shown and reflected on the referenced Zoning Plan.

(9) Entrances to the proposed community shall be as more particularly shown and reflected on the referenced Zoning Plan.

(10) 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 community.

COBB COUNTY GEORGIA
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COBB COUNTY GEORGIA
ZONING DIVISION

(11) 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.

(12) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.

(13) Modifications to the within stipulations, the referenced Zoning Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.

(14) All open space, green space, trails, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

(15) Applicants agree to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

(16) Parking for restaurants, commercial and retail uses, and residential within The Village Center, as well as out parcels, will be provided by means of surface parking and parking decks as detailed on the Zoning Plan, which will employ "shared" parking among the

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respective components and which will provide sufficient and adequate parking for the overall development.

(17) All private streets within the proposed community shall be constructed with the construction complying in all respects as to materials and base, of the Cobb County Code.

(18) The retail/office area of the proposed community shall have recessed areas and alcoves for any restaurant use so as not to impede pedestrian traffic with outside seating. Sidewalks located within The Village Center shall range from eleven (11) to eighteen (18) feet in width, with a minimum of eight (8) feet in width for sidewalks adjacent to outdoor seating areas.

(19) Applicants shall construct a passive Town Green park consisting of open space and a bandstand area. It is the intent of the development for the Town Green to be a public amenity to the entire community.

(20) Landscaping, lighting, paving features, and related site details shall be substantially similar to the plans prepared by Planners and Engineers Collaborative dated January 29, 2008, and submitted to the Cobb County Zoning Office on or about January 30, 2008.

(21) Applicants agree to install traffic calming devices within the development as approved by the District Commissioner.

(22) Project signage will also be installed in the southeastern portion of the site adjacent to Interstate 575, as more particularly shown and reflected on the referenced Zoning Plan.

COBB COUNTY GEORGIA
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Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

(23) The District Commissioner shall approve all landscaping and architecture, not otherwise herein approved, as depicted in the renderings and plans set forth herein, prior to issuance of building permits.

(24) Applicants are planning to include restaurants as a part of the retail component within the proposed community, which restaurants may serve alcoholic beverages as a part of the food service.

(25) Applicants are planning to include this development as a Water Conservation Project based upon the suggestions of Kathey Nguyen, Water Conservation Coordinator for the Cobb County Water System. Conservation measures will include a combination of the following:

- WaterSense Labeled High Efficiency Toilets using 1.28 gallons per flush either through a reduced volume flush or an approved dual flush technology;
- Faucet aerators which have the WaterSense certification and use no more than 1.5 Gallons per minute;
- Showerheads which have a flow rate between 1.5-2.0 under 80 PSI;
- Outdoor irrigation will include efficient technology including, cistern systems, efficient irrigation heads, Evapotranspiration Controllers (Smart Controllers);
- Landscape design will include low water use vegetation; and

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COBB COUNTY ZONING DIVISION
BOARD OF COMMISSIONERS
COBB COUNTY, GEORGIA

Petition No. Z-26 67
Meeting Date 3-18-08
Continued

- Retail shops will have efficient technologies, including 1.6 gallons per minute pre-rinse spray valves for restaurants and food establishments, efficient dishwashing and laundry facilities using new water saving technology.

(26) Applicants agree to install and properly maintain all erosion control Best Management Practices in accordance with Cobb County and Georgia Soil and Water Conservation Commission requirements. Applicants agree to utilize polymer enhanced Best Management Practices during site development operations.

(27) Applicants agree to provide water quality for the Subject Property as approved by the Cobb County Stormwater Management Division. Applicants agree to utilize innovative water quality measures consisting of bio-retention, polymer enhanced baffle system, stream buffer protection, and enhancement with native species.

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STIPULATIONS APPLICABLE TO RETAIL AND OFFICE USES

(1) There shall be a total of approximately 134,600 square feet of retail and commercial; approximately 144,600 square feet of office space; and approximately 31,200 square feet of multi-use church space as more particularly shown and reflected on the referenced Zoning Plan.

(2) Contained within this component part shall be community space of approximately 5,000 square feet which shall be reserved for community purposes for a period of one (1) year from the date of final zoning approval, after which time if no agreement has been

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

reached as to its uses, the same shall revert to retail/office space.

(3) The retail/office space shall consist of ground floor retail with four (4) stories of residential above; retail out parcel uses; and a separate office building a maximum of five (5) stories above parking, all as more detailed and reflected on the referenced Zoning Plan.

(4) Tenant space for the retail component shall not exceed a box size of 25,000 square feet.

(5) Applicants agree the exteriors and architectural appearance of the retail/office components, together with associated residences, shall be substantially similar to the renderings to be presented to the Planning Commission and the Board of Commissioners at the respective public hearings.

(6) The architectural theme and materials for out parcels shall be substantially similar to that of the proposed Village Center.

(7) 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; and

(d) Packaged sale of alcoholic beverages as a primary use; excepting a specialty store specializing in the sale of wine.

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COBB COUNTY ZONING DIVISION
COBB COUNTY GEORGIA

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

(8) Applicants agree to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

STIPULATIONS APPLICABLE TO RESIDENTIAL COMPONENT

(1) Within the area denominated as "The Village Center," shall be the following residential components:

(a) Within Blocks 1, 2, 3, and 4 of the proposed community, there shall be one thousand three hundred fifty-one (1,351) Village Condominium units located above retail/office uses and comprising the upper two (2) to four (4) stories thereof. These units shall be "for sale" units and shall comply in all respects with the State of Georgia Condominium Act.

(b) Condominiums in the townhome style in compliance with the Cobb County Condominium or Zoning Ordinance, totaling ninety-four (94) units, all of said units shall be "for sale" units;

(c) Stack Flat Condominiums consisting of eighty (80) units, four (4) to five (5) stories above an underground parking level will be located on the eastern portion of the site. These units shall be "for sale" units and shall comply in all respects with the State of Georgia Condominium Act.

(d) Independent Senior Living Condominiums consisting of one hundred eighty-five (185) units a maximum of five (5) stories above parking. These units shall be senior living leased units with a

COBB COUNTY, GEORGIA
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Cobb County Zoning Division

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

resident of each unit being a minimum of fifty-five (55) years of age or older; excepting only compliance with the Federal Fair Housing Act, as amended.

(2) The total unit square footages for the respective ~~residential~~ types are as follows:

TYPE	SQUARE FOOTAGE RANGE
Townhomes	1,600 - 2,400 square feet
Village 3 Bedroom Condos	1,300 - 2,000 square feet
Village 2 Bedroom Condos	1,100 - 1,300 square feet
Village 1 Bedroom Condos	800 - 1,100 square feet[1]
Stack Flat 3 Bedroom Condos	1,400 - 2,000 square feet
Stack Flat 2 Bedroom Condos	1,200 - 1,500 square feet
Stack Flat 1 Bedroom Condos	900 - 1,200 square feet
Independent 2 Bedroom Senior	2,000 - 1,000 square feet
Independent 1 Bedroom Senior	700 - 1,100 square feet

(3) An exception to the foregoing is that the units, as described and set forth in subparagraph (1)(a), above, may be leased from the inception of the project. These Village Condominium units will be converted to "owned" residential units as soon as market conditions allow. Once converted, these units will become

[1]A maximum of forty (40) Village one bedroom units may be less than 800 square feet.

COBB COUNTY GEORGIA
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COBB COUNTY ZONING DIVISION

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

condominiums under and pursuant to the Georgia Condominium Act.

We believe the requested zoning, pursuant to the referenced, revised Zoning 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 will promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments 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.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc

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Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency

February 27, 2008

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

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

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

Mr. Robert L. Hosack, Jr., AICP, Director
Cobb County Community Development Agency

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

Hilda W. Towery
Michael Stine
Bells Ferry Civic Association, Inc.

Carol Brown
Canton Road Neighbors

David Hong
East Cobb Civic Association, Inc.

The Pacific Group, Inc.

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MOORE INGRAM JOHNSON & STEELE

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OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
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♦ ADMITTED ONLY IN TN

March 17, 2008

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered

Min. Bk. 55 Petition No. Z-26 '07
Doc. Type letter of agreeable conditions
Meeting Date 3-18-2008

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COBB COUNTY ZONING DIVISION
COBB COUNTY, GEORGIA

COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA
RE Z-26 OF 2007

RE: Application for Rezoning
Application No.: Z-26 (2007)
Applicants: Town Center Associates, LLC and Pacific 2, LLC
Property Owners: Tammy Black; Karl Baden; Catherine Baden; et al.
Property: 50.237 acres, being known as Hidden Forest Subdivision, and a tract located on the northerly side Big Shanty Road, easterly of George Busbee Parkway and westerly of I-575; Land Lots 436, 501, 502, 507, and 508, 16th District, 2nd Section, Cobb County, Georgia

Dear Mark:

On behalf of the Applicants and Property Owners in the above-referenced Application for Rezoning please accept the following as additional 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:

Petition No. Z-26 '07
Meeting Date 3-18-2008
Continued

(1) The stipulations and conditions set forth herein shall be in addition to the letter from Moore Ingram Johnson & Steele dated February 27, 2008.

(2) Applicants agree to the Conditions to Georgia Regional Transportation Authority Notice of Decision for DRI 1352 Hidden Forest as presented on Attachment "A" of such approval and as documented and specified on the attached Exhibit "A" of this stipulation letter.

(3) Applicants agree that the project will be subject to the Town Center Connector Road from Grace Avenue being built and remaining public and functional. Applicant understands that Cobb County is not agreeing to fund the construction of the Big Shanty-Town Center Connector Road and Bridge. Applicants agree to fund this road from the existing Big Shanty Road to the proposed Town Green. Applicants agree to continue working the Town Center Area Community Improvement District (TCA CID) and others, including the Georgia Department of Transportation (GDOT), the Atlanta Regional Commission (ARC), Georgia Regional Transportation Authority (GRTA), Cobb County Transportation Department and others to identify funding for that portion of the road from the proposed Town Green to Town Center Mall.

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(4) The following shall be added to the end of the first sentence on page 12 of the stipulation letter prepared dated and filed February 27, 2008:

> Conversion of Village Condominiums from leased units to owned units will be based upon market conditions, financing requirements and construction completion. Based upon expected conditions, Applicants

Petition No. Z-26 '07
Meeting Date 3-18-2008
Continued

project the Construction, Sales and Conversion schedule presented as Exhibit "B" of this letter.

(5) Applicants agree to reserve area for the requested right-of-way of Big Shanty Road and the requested right-of-way of Grace Avenue. Applicants agree to also reserve the area as shown and reflected on the referenced Zoning Plan for the Noonday Creek multi-use trail.

Again, we believe the requested zoning, pursuant to the referenced revised Zoning 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 will promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments 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.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc
Enclosures

2008 MAR 11 PM 3:29
COBB COUNTY GEORGIA
PLANNING DIVISION
COBB COUNTY ZONING DIVISION

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency

March 17, 2008

Petition No. Z-26 '07
Meeting Date 3-18-2008
Continued

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

Mr. Robert L. Hosack, Jr., AICP, Director
Cobb County Community Development Agency
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Planner III
Zoning Division
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Petition No. Z-26 '07
Meeting Date 3-18-2008
Continued

EXHIBIT A.

ATTACHMENT A - GRTA NOTICE OF DECISION DRI 1352 HIDDEN FOREST

GRTA REQUIREMENT	APPLICANT PROPOSAL
Conditions to GRTA Notice of Decision	
Development Intensity and Use	
1 Provide a mixture of retail, residential and office uses	Included on Proposed Z-26 Site Plan
Parking Facilities	
2 Provide two points of engress/ingress for each parking deck	Included on Proposed Z-26 Site Plan
Road Connectivity	
3 Preserve necessary right-of-way for Big Shanty Road Project	Included on Proposed Z-26 Site Plan
4 A maximum of 3 access points along Big Shanty Road. One to be full access, one to be right in/right out only, one to be right in/right out only with direct access to the parking deck.	Included on Proposed Z-26 Site Plan
5 Extend Grace Avenue to George Busbee Parkway.	Included on Proposed Z-26 Site Plan
6 Maintain the direct north-south and east-west road connections internal to the site.	Included on Proposed Z-26 Site Plan
7 Provide a direct vehicular connection between Big Shanty Road and Town Center Drive.	Included on Proposed Z-26 Site Plan
Pedestrian Facilities	
8 Provide sidewalks on both sides of all internal streets	Included on Proposed Z-26 Site Plan
9 Provide sidewalk along Big Shanty Road property frontage and extend to connect to the existing sidewalk to the west	Included on Proposed Z-26 Site Plan
10 Provide a pedestrian connection from the residential units to the multi-use trail.	Applicant Agrees to Provide
11 Provide a pedestrian connection from the Town Center Connector to the multi-use trail.	Included on Proposed Z-26 Site Plan
Transit Facilities	
12 Provide bus shelters along property frontage in coordination with transit providers).	Applicant Agrees to Provide

COBB COUNTY GEORGIA
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2014 MAR 11 PM 3:29
COBB COUNTY ZONING DIVISION

Petition No. Z-26 '07
Meeting Date 3-18-2008
Continued

EXHIBIT A.

ATTACHMENT A - GRTA NOTICE OF DECISION DRI 1352 HIDDEN FOREST

GRTA REQUIREMENT	APPLICANT PROPOSAL
Roadway Improvements as Conditions to GRTA Notice of Decision	
Big Shanty Road @ Bells Ferry Road	
13 Construction a eastbound right-turn lane along Big Shanty Road	Applicant Agrees to Provide Originally included with the Big Shanty Connector project but removed due to community concerns.
George Busbee Parkway @ Busbee Drive	
14 Install a traffic signal if warranted, and approved by Cobb DOT	Applicant Agrees to sharing in the cost of this signal with Brandsmart and Town Center CID based upon prorate traffic volume.
George Busbee Parkway @ Big Shanty Road	
15 Construct a westbound right-turn lane along Big Shanty Road.	Included in Big Shanty Road project
Big Shanty Road @ Town Center-Big Shanty Connector	
16 Install a traffic signal when warranted	Applicant Agrees to Provide
17 Construct a westbound left turn lane along Big Shanty Road	Applicant Agrees to Provide
18 Construct an eastbound right turn lane along Big Shanty Road	Applicant Agrees to Provide
19 Install a northbound left-turn lane in median along Town Center -Big Shanty Connector. Reserve width to allow for possible through lane exiting site for future conditions beyond the 2015 Build-out year	Applicant Agrees to Provide
Town Center Drive @ Mall Driveway/Town Center-Big Shanty Connector	
20 Re-strip the existing westbound approach geometry along Town Center Drive as a separate left turn lane and a shared through/right turn lane	Applicant Agrees to Provide Condition 3 MIJS letter date 3/17/08
21 Re-strip the existing eastbound approach geometry along Town Center Drive as a separate left turn lane and a shared through/right turn lane	Applicant Agrees to Provide Condition 3 MIJS letter date 3/17/08
22 Construct a southbound left-turn lane along Town Center-Big Shanty Connector	Applicant Agrees to Provide Condition 3 MIJS letter date 3/17/08
23 Construct a southbound shared through/right turn lane along Town Center-Big Shanty Connector	Applicant Agrees to Provide Condition 3 MIJS letter date 3/17/08
24 Construct a southbound shared through/right turn lane along Town Center-Big Shanty Connector	Applicant Agrees to Provide Condition 3 MIJS letter date 3/17/08
Big Shanty Road @ Proposed Right-In/Right-Out Driveway #2	Applicant Agrees to Provide
25 Construct an eastbound right turn lane alone Big Shanty Road	
Big Shanty Road @ Proposed Right-In/Right-Out Driveway #1	Applicant Agrees to Provide
25 Construct an eastbound right turn lane alone Big Shanty Road	

REDEVELOPMENT OF HIDDEN FOREST
March 11, 2008

	2008	2009	2010 Year 1	2011 Year 2	2012 Year 3	2013 Year 4	2014 Year 5	2015 Year 6	2016 Year 7	Total
Close	9/1/2008									
Sitework										
VILLAGE UNITS										
Block 1 Construction										
Block 1 Sales				300	37					
Block 1 Condo Conversion									(300)	
Block 2 Construction										
Block 2 Sales					300	25				
Block 3 Construction										
Block 3 Sales						300	25			
Block 4 Construction										
Block 4 Sales							300	64		
TOWNHOMES										
TH Construction										
TH Sales			30	30	15					
FLATS										
Flats Construction										
Flats Sales			40	40	40	40				
SENIOR LIVING										
SR Construction										
SR Sales					60	60	65			
TOTAL UNITS			**70**	**370**	**452**	**425**	**390**	**64**	**0**	**1,771**
CUMM TOTAL UNITS			**70**	**440**	**892**	**1,317**	**1,707**	**1,771**	**1,771**	
Village Rental			0	300	337	325	325	64	(300)	1,051
Cumm Village Rental			0	300	637	962	1,287	1,351	1,051	
For Sale			70	70	115	100	65	0	300	720
Cumm For Sale			70	140	255	355	420	420	720	
% Leased								76%	59%	59%

LEGEND
- Construction
- Sales
- Condo Conversion

Note: Expected schedule is based upon anticipated market conditions and construction progress. Acual sales, leasing and conversations will be based upon market conditions, financing requirements and construction completion.

EXHIBIT "B"

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Continued

REGIONAL REVIEW FINDING

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

DATE: Nov 16 2007

ARC REVIEW CODE: R7710171

RECEIVED
NOV 26 2007
BOARD OF COMMISSIONERS

TO: Chairman Samuel Olens
ATTN TO: John Pederson,
FROM: Charles Krautler, Director

Min. Bk. SS Petition No. Z-126
Doc. Type DRI-GRTA document
Meeting Date 3-18-08

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

Submitting Local Government: Cobb County
Name of Proposal: City Side at Town Center (Hidden Forest Redevelopment)

Review Type: Development of Regional Impact	Date Opened: Oct 17 2007	Date Closed: Nov 16 2007

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

Additional Comments: The proposed development is consistent with many of ARC's Regional Development Policies. The development is adding to a mix of uses within the area that will allow individuals the opportunity to live and work within close proximity. The proposed development also is ideally located adjacent to the interstate system that will provide sufficient transportation connections to other areas in the region. The project is also consistent with the Atlanta Region Unified Growth Policy Map. The proposed development is located within a mega corridor which is defined as the most intensely developed radial corridors in the region.

The proposed development is also located within the Town Center LCI study area and thus should follow the study guidelines. The overall goals of the Town Center LCI study are to improve mobility and connectivity for all users, increase economic vitality, balance land use and transportation, and create an innovative and implementable plan. The proposed development meets the intent and goals of the LCI study by providing a mixed use, transit oriented development that offers a variety of housing types, takes advantage of good access to the existing mall, and enhances the recreational opportunities within the area.

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

ARC Land Use Planning	ARC Transportation Planning	ARC Environmental Planning
ARC Data Research	ARC Aging Division	Georgia Department of Community Affairs
Georgia Department of Natural Resources	Georgia Department of Transportation	Georgia Regional Transportation Authority
City of Marietta	City of Kennesaw	Cobb County Schools
Georgia Conservancy	Town Center Area CID	CobbRides

If you have any questions regarding this review, Please call Haley Fleming, Review Coordinator, at (404) 463-3311. This finding will be published to the ARC website.

The ARC review website is located at: http://www.atlantaregional.com/landuse .

Preliminary Report:	October 17, 2007	DEVELOPMENT OF REGIONAL IMPACT REVIEW REPORT	Project:	City Side (Hidden Forest) #1352
Final Report Due:	November 15, 2007		Comments Due By:	October 30, 2007

FINAL REPORT SUMMARY

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

PROPOSED DEVELOPMENT:

The City Side development, also know as Hidden Forest, is a mixed use development located on 53 acres in Cobb County. The proposed development will consist of 144,600 square feet of retail space, 143,000 square feet of office space, a 31,200 square foot church, 1,351 village condominiums, 160 stack flats condominiums, 88 townhomes, and 185 senior living units. The propose development is located east of Interstate 75 and west of Interstate 575 near the intersection of Big Shanty Road and Hidden Forest Court in Cobb County.

PROJECT PHASING:

The project is being proposed in multiple phases with build-out by the year 2015.

GENERAL

According to information on the review form or comments received from potentially affected governments:

Is the proposed project consistent with the host-local government's comprehensive plan? If not, identify inconsistencies.

The project site is currently zoned R-20 residential. The proposed zoning is Planned Village Community (PVC). The proposed zoning is consistent with the Cobb County Future Land Use Plan which identifies this area as a Regional Center.

Is the proposed project consistent with any potentially affected local government's comprehensive plan? If not, identify inconsistencies.

No comments were received identifying inconsistencies with any potentially affected local government's comprehensive plan.

Will the proposed project impact the implementation of any local government's short-term work program? If so, how?

No comments were received concerning impacts to the implementation of any local government's short term work program.

Will the proposed project generate population and/or employment increases in the Region? If yes, what would be the major infrastructure and facilities improvements needed to support the increase?

Yes, the proposed development would increase the need for services in the area for existing and future residents.

What other major development projects are planned near the proposed project?

The ARC has reviewed other major development projects, known as Area Plan (1984 to1991) or as a DRI (1991 to present), within a two mile radius of the proposed project.

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YEAR	NAME
2007	LAFARGE BUILDING MATERIALS
2002	MBNA Operations Center
2001	GWINNETT PARTNERS U.S. 41 DEVELOPMENT
2000	RIDENOUR REVISION
1999	RIDENOUR
1998	GREERS CHAPEL DEVELOPMENT
1997	VILLAGES AT TOWN CENTER
1993	MCCOLLUM AIRPORT IMPROVEMENTS
1993	SHEPHERD ASPHALT MIXING PLANT
1992	TOWN POINT CENTER
1987	CHASTAIN CORNERS
1986	COBB NORTH
1985	FALLS OF BELLS FERRY
1985	SHELL OIL IND. PARK/WEST OAK CENTER
1984	BARRETT
1984	I-75/BIG SHANTY

Will the proposed project displace housing units or community facilities? If yes, identify and give number of units, facilities, etc.

Based on information submitted for the review, the site is currently a single family neighborhood and will displace approximately 45 homes.

Will the development cause a loss in jobs? If yes, how many?

No.

Is the proposed development consistent with regional plans and policies?

The proposed development is consistent with many of ARC's Regional Development Policies. The development is adding to a mix of uses within the area that will allow individuals the opportunity to live and work within close proximity. The proposed development also is ideally located adjacent to the interstate system that will provide sufficient transportation connections to other areas in the region. The project is also consistent with the Atlanta Region Unified Growth Policy Map. The proposed development is located within a mega corridor which is defined as the most intensely developed radial corridors in the region.

The proposed development is also located within the Town Center LCI study area and thus should follow the study guidelines. The overall goals of the Town Center LCI study are to improve mobility and connectivity for all users, increase economic vitality, balance land use and transportation, and create an innovative and implementable plan. The framework plan of the LCI study calls for additional mid-rise, multi-family housing and high density mixed-use within close proximity to the proposed BRT station. The site should take advantage of location opportunities, such as proximity and good access to the mall and the quarter mile proximity to the proposed BRT station. The LCI plan also calls for a new gateway entrance to the mall, centered on the recreational and amenity opportunities along Noonday Creek.

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Continued

The proposed development meets the intent and goals of the LCI study by providing a mixed use, transit oriented development that offers a variety of housing types, takes advantage of good access to the existing mall, and enhances the recreational opportunities within the area.

As the proposed development is refined through the local planning process, the goals and policies set forth in the LCI study should remain in the forefront. These include ensuring longevity of the mall with mixed use development, new residential opportunities, and improving access throughout the area. Secondly, proposed development should support and encourage transit; therefore, mixed use, transit oriented development is encouraged, adequate, convenient, and safe pedestrian, bicycle, and vehicle access to existing and proposed transit opportunities is strongly encouraged. The developer should work with the appropriate transit agencies to ensure that individuals living and working within the development are served adequately by the existing transit opportunities, as well as future opportunities.

ARC also strongly recommends that the proposed development incorporate an affordable housing component. The Regional Development Policies encourage a variety of homes styles, densities, and price ranges that are accessible to jobs and services to ensure housing for individuals and families of all incomes and age groups. There are organizations within the region that the developer should work with to incorporate a successful affordable housing program into the development that will allow individuals and families to live a community convenient to jobs, daily services, transportation options, and recreational opportunities.

The developments current layout does a good job of creating a comfortable pedestrian environment. However, there are a few staff recommendations that may improve the quality of the pedestrian environment. The first would be to consider relocating the entrances to the parking garages from the main street (Private Street A) to side streets B, E and F. This would create a continuous pedestrian zone on Street as well as expand the medians on Street A. The second recommendation would be to screen parking with buildings. There are a few locations where parking fronts a street, in these locations, a thin "ribbon" building could be located to obstruct the view of the parking while not eliminating too many spaces. The final recommendation deals with the coordination of the fronts and back of the townhomes. Consider reconfiguration to use all "rear loaded" townhomes and place these buildings back to back to create a consistent and comfortable street.

Revisions to the site plan include adding additional access to the parking decks in blocks 2 and 4. The additional access from block 2 will connect with outparcel B and the additional access to block 4 will connect to Grace Avenue. Intent of the revisions is included at the end of this report.

Information submitted for the review includes recreational amenities that will include a multi-use trail along Noonday Creek. This trail has the potential to connect to a greater system of trails existing and proposed throughout Cobb County. ARC recommends that the developer coordinate with Cobb County to provide trail head at logical locations that will connect the proposed development to the Noonday Creek Trail project. Furthermore, the developer should coordinate the design and construction of the multi-use trail within the project with Cobb County.

The character of this area is quickly becoming more urban as many of the adjacent and surrounding properties have been developed or redeveloped with higher than average densities, however, there are still many light industrial uses located here due to the access to Interstates 75 and 575. Appropriate transition or buffering between incompatible land uses will need to be considered given the various uses that are located in this area.

Finally, it is important for the developer to work with the community and Cobb County to alleviate many of the concerns raised by the community. Appropriate measures should be taken to promote sustainability, conservation, and environmental stewardship throughout the development.

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Continued

FINAL REPORT

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Meeting Date 3-18-2008
Continued

Regional Development Plan Policies

1. Provide sustainable economic growth in all areas of the region.
2. Encourage new homes and jobs within existing developed areas of the region, focusing on principal transportation corridors, the Central Business District, activity centers, and town centers.
3. Increase opportunities for mixed use development, transit-oriented development, infill, and redevelopment.
4. At strategic regional locations, plan and retail industrial and freight land uses.
5. Design transportation infrastructure to protect the context of adjoining development and provide a sense of place appropriate for our communities.
6. Promote the reclamation of Brownfield development sites.
7. Protect the character and integrity of existing neighborhoods, while also meeting the needs of communities to grow.
8. Encourage a variety of homes styles, densities, and price ranges in locations that are accessible to jobs and services to ensure housing for individuals and families of all incomes and age groups.
9. Promote new communities that feature greenspace and neighborhood parks, pedestrian scale, support transportation options, and provide an appropriate mix of uses and housing types.
10. Promote sustainable and energy efficient development.
11. Protect environmentally-sensitive areas including wetlands, floodplains, small water supply watersheds, rivers and stream corridors.
12. Increase the amount, quality, and connectivity, and accessibility of greenspace.
13. Provide strategies to preserve and enhance historic resources
14. Through regional infrastructure planning, limit growth in undeveloped areas of the region
15. Assist local governments to adopt growth management strategies that make more efficient use of existing infrastructure.
16. Inform and involve the public in planning at regional, local, and neighborhood levels.
17. Coordinate local policies and regulations to support Regional Policies
18. Encourage the development of state and regional growth management policy.

BEST LAND USE PRACTICES

Practice 1: Keep vehicle miles of travel (VMT) below the area average. Infill developments are the best at accomplishing this. The more remote a development the more self contained it must be to stay below the area average VMT.
Practice 2: Contribute to the area's jobs-housing balance. Strive for a job-housing balance with a three to five mile area around a development site.

Practice 3: Mix land uses at the finest grain the market will bear and include civic uses in the mix.
Practice 4: Develop in clusters and keep the clusters small. This will result in more open space preservation.
Practice 5: Place higher-density housing near commercial centers, transit lines and parks. This will enable more walking, biking and transit use.
Practice 6: Phase convenience shopping and recreational opportunities to keep pace with housing. These are valued amenities and translate into less external travel by residents if located conveniently to housing.
Practice 7: Make subdivisions into neighborhoods with well-defined centers and edges. This is traditional development.
Practice 8: Reserve school sites and donate them if necessary to attract new schools. This will result in neighborhood schools which provide a more supportive learning environment than larger ones.
Practice 9: Concentrate commercial development in compact centers or districts, rather than letting it spread out in strips.
Practice 10: Make shopping centers and business parks into all-purpose activity centers. Suburban shopping centers and their environs could be improved by mixing uses and designing them with the pedestrian amenities of downtowns.
Practice 11: Tame auto-oriented land uses, or at least separate them from pedestrian-oriented uses. Relegate "big box" stores to areas where they will do the least harm to the community fabric.

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BEST TRANSPORTATION PRACTICES

Practice 1: Design the street network with multiple connections and relatively direct routes.
Practice 2: Space through-streets no more than a half-mile apart or the equivalent route density in a curvilinear network.
Practice 3: Use traffic-calming measures liberally. Use short streets, sharp curves, center islands, traffic circles, textured pavements, speed bumps and raised crosswalks.
Practice 4: Keep speeds on local streets down to 20 mph.
Practice 5: Keep speeds on arterials and collectors down to 35 mph (at least inside communities).
Practice 6: Keep all streets as narrow as possible and never more than four traffic lanes wide. Florida suggests access streets 18 feet, subcollectors 26 feet, and collectors from 28 feet to 36 feet depending on lanes and parking.
Practice 7: Align streets to give buildings energy-efficient orientations. Allow building sites to benefit from sun angles, natural shading and prevailing breezes.
Practice 8: Avoid using traffic signals wherever possible and always space them for good traffic progression.
Practice 9: Provide networks for pedestrians and bicyclists as good as the network for motorists.
Practice 10: Provide pedestrians and bicyclists with shortcuts and alternatives to travel along high-volume streets.
Practice 11: Incorporate transit-oriented design features.
Practice 12: Establish TDM programs for local employees. Ridesharing, modified work hours, telecommuting and others.

BEST ENVIRONMENTAL PRACTICES

Practice 1: Use a systems approach to environmental planning. Shift from development orientation to basins or ecosystems planning.
Practice 2: Channel development into areas that are already disturbed.
Practice 3: Preserve patches of high-quality habitat, as large and circular as possible, feathered at the edges and connected by wildlife corridors. Stream corridors offer great potential.
Practice 4: Design around significant wetlands.
Practice 5: Establish upland buffers around all retained wetlands and natural water bodies.
Practice 6: Preserve significant uplands, too.
Practice 7: Restore and enhance ecological functions damaged by prior site activities.
Practice 8: Detain runoff with open, natural drainage systems. The more natural the system the more valuable it will be for wildlife and water quality.
Practice 9: Design man-made lakes and stormwater ponds for maximum environmental value. Recreation, stormwater management, wildlife habitat and others.

Practice 10: Use reclaimed water and integrated pest management on large landscaped areas. Integrated pest management involves controlling pests by introducing their natural enemies and cultivating disease and insect resistant grasses.
Practice 11: Use and require the use of Xeriscape™ landscaping. Xeriscaping™ is water conserving landscape methods and materials.

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BEST HOUSING PRACTICES

Practice 1: Offer "life cycle" housing. Providing integrated housing for every part of the "life cycle."
Practice 2: Achieve an average net residential density of six to seven units per acre without the appearance of crowding. Cluster housing to achieve open space.
Practice 3: Use cost-effective site development and construction practices. Small frontages and setbacks; rolled curbs or no curbs; shared driveways.
Practice 4: Design of energy-saving features. Natural shading and solar access.
Practice 5: Supply affordable single-family homes for moderate-income households.
Practice 6: Supply affordable multi-family and accessory housing for low-income households.
Practice 7: Tap government housing programs to broaden and deepen the housing/income mix.
Practice 8: Mix housing to the extent the market will bear.

LOCATION

Where is the proposed project located within the host-local government's boundaries?

The proposed development is located east of Interstate 75 and west of Interstate 575 along Big Shanty Road, approximately 0.2 miles east of George Busbee Parkway, near the intersection of Big Shanty Road at Hidden Forest Court in Cobb County.

Will the proposed project be located close to the host-local government's boundary with another local government? If yes, identify the other local government.

The proposed development is entirely within the County's jurisdiction. The proposed project is less than 2 miles from the cities of Kennesaw and Marietta.

Will the proposed project be located close to land uses in other jurisdictions that would benefit, or be negatively impacted, by the project? Identify those land uses which would benefit and those which would be negatively affected and describe impacts.

None were determined during the review.

ECONOMY OF THE REGION

According to information on the review form or comments received from potentially affected governments:

What new taxes will be generated by the proposed project?

Estimated value of the development is $441,561,200 million with an expected $13 million in annual local tax revenues.

How many short-term jobs will the development generate in the Region?

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Short-term jobs will depend upon construction schedule.

Is the regional work force sufficient to fill the demand created by the proposed project?

Yes.

In what ways could the proposed development have a positive or negative impact on existing industry or business in the Region?

The proposed development will provide opportunities for individuals to live and work within close proximity to one another, as well as provide services and recreational opportunities for individuals living within the development in the immediate surrounding community.

NATURAL RESOURCES

Will the proposed project be located in or near wetlands, groundwater recharge area, water supply watershed, protected river corridor, or other environmentally sensitive area of the Region? If yes, identify those areas.

Watershed Protection and Stream Buffers

The project property is in the Allatoona Lake Water Supply watershed, which is a large water supply watershed (more than 100 square miles) as defined in the Part 5 Environmental Minimum Criteria. Under the current Criteria, because Allatoona is a Corps of Engineers lake, it is exempt from the Part 5 criteria, so no special requirements apply to this facility.

The project site is crossed by Noonday Creek and a tributary. The site plan shows a 100-foot County buffer along Noonday Creek and a 50-foot County buffer along the tributary to Noonday. The 25-foot State sediment and erosion buffer is also shown along both streams. The property appears to be beyond the seven (7) mile around Allatoona in which the Cobb ordinance requires a 100-foot vegetative buffer and 150-foot impervious surface setback on perennial streams. The proposed project plans show a portion of a road within the 50-foot buffer of the tributary, which may require a variance from the County.

Any other waters of the state not shown on the project plans are also subject to the State 25-foot erosion and sedimentation buffer.

Stormwater / Water Quality

The project should adequately address the impacts of the proposed development on stormwater runoff and downstream water quality. During construction, the project should conform to the relevant state and federal erosion and sedimentation control requirements. After construction, water quality will be impacted due to polluted stormwater runoff. ARC has estimated the amount of pollutants produced after the construction of the entire proposed development, based on the submitted site plans. These estimates are based on some simplifying assumptions for typical pollutant loading factors (lbs/ac/yr).

The loading factors are based on the results of regional storm water monitoring data from the Atlanta Region. Actual pollutant loadings will vary based on actual use and the amount of impervious surface in the final project design. Office/Light Industrial was chosen for the property because of the coverage shown on the proposed project plans.

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The following table summarizes the results of the analysis:

Estimated Pounds of Pollutants Per Year:

Land Use	Land Area (ac)	Total Phosphorus	Total Nitrogen	BOD	TSS	Zinc	Lead
Office/Light Industrial	53.40	68.89	914.74	6087.60	37807.20	79.03	10.15
TOTAL	53.40	68.89	914.74	6087.60	37807.20	79.03	10.15

Total % impervious 70%

In order to address post-construction stormwater runoff quality, the project should implement stormwater management controls (structural and/or nonstructural) as found in the Georgia Stormwater Management Manual (www.georgiastormwater.com) and meet the stormwater management quantity and quality criteria outlined in the Manual. Where possible, the project should utilize the stormwater better site design concepts included in the Manual.

HISTORIC RESOURCES

Will the proposed project be located near a national register site? If yes, identify site.

None have been identified.

In what ways could the proposed project create impacts that would damage the resource?

Not applicable.

In what ways could the proposed project have a positive influence on efforts to preserve or promote the historic resource?

Not applicable.

INFRASTRUCTURE

Transportation

How many site access points will be associated with the proposed development? What are their locations?

Vehicular access to the development is proposed at five locations. Three driveways are proposed along Big Shanty Rd, one along George Busbee Parkway and one along Town Center Drive.

- Town Center – Big Shanty Connector, located along Big Shanty Rd, is proposed to be a full-movement signalized driveway at the existing location of Big Shanty Rd and Hidden Forest Court located approximately 1,100 feet east of the existing signalized intersection of Big Shanty Rd and George Busbee Parkway.

- Proposed Driveway #1, located along Big Shanty Rd, is proposed to be a restricted movement (right-in/right-out) unsignalized driveway located approximately 800 feet east of the existing signalized intersection of Big Shanty Rd and George Busbee Pkwy.

- Proposed Driveway #2, located along Big Shanty Rd, is proposed to be a restricted movement (right-in/right-out) unsignalized driveway located approximately 1,400 feet east of the existing signalized intersection of Big Shanty Rd and George Busbee Pkwy.

- Mall Driveway/future Town Center – Big Shanty Connector, located along Town Center Drive, is proposed to be a full-movement unsignalized driveway at the existing location of Mall Driveway and Town Center Drive located approximately 750 feet east of the existing signalized intersection of George Busbee Pkwy and Town Center Dr.

- George Busbee Pkwy/Retail Driveway connection is proposed to connect to the existing retail driveway approximately 300 feet east of the existing signalized intersection of George Busbee Pkwy and Retail Driveway.

How much traffic (both average daily and peak am/pm) will be generated by the proposed project?

Kimley-Horn and Associates, Inc. performed the transportation analysis. GRTA and ARC review staff agreed with the methodology and assumptions used in the analysis. The net trip generation is based on the rates published in the 7th edition of the Institute of Transportation Engineers (ITE) Trip Generation report; they are listed in the following table:

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Land Use	A.M. Peak Hour			P.M. Peak Hour			24-Hour
	Enter	Exit	2-Way	Enter	Exit	2-Way	2-Way
Apartments 1,351 Units	133	533	666	495	266	761	8,270
Residential Condominium/Townhouse 248 Units	18	89	107	85	42	127	1,390
Senior Adult Housing - Attached 185 Units	7	8	15	12	8	20	644
Church 31,1200 SF	10	12	22	11	10	21	284
General Office 143,000 SF	220	30	250	41	198	239	1,756
Retail 144,600 SF	119	76	195	384	415	799	8,632
Mixed-Use Reductions	*-0*	*-0*	*-0*	*-109*	*-109*	*-218*	*-2,366*
Alternate Mode Reduction	*-9*	*-16*	*-25*	*-19*	*-17*	*-36*	*-372*
Pass-By Reduction	*-0*	*-0*	*-0*	*-75*	*-75*	*-150*	*-1,500*
TOTAL NEW TRIPS	**500**	**730**	**1,230**	**825**	**738**	**1,563**	**16,736**

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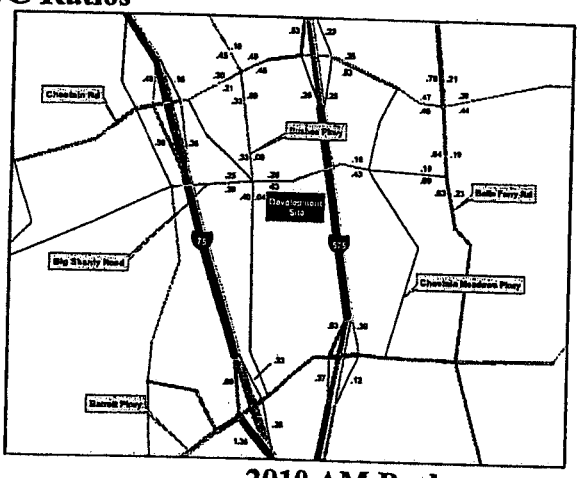
What are the existing traffic patterns and volumes on the local, county, state and interstate roads that serve the site?

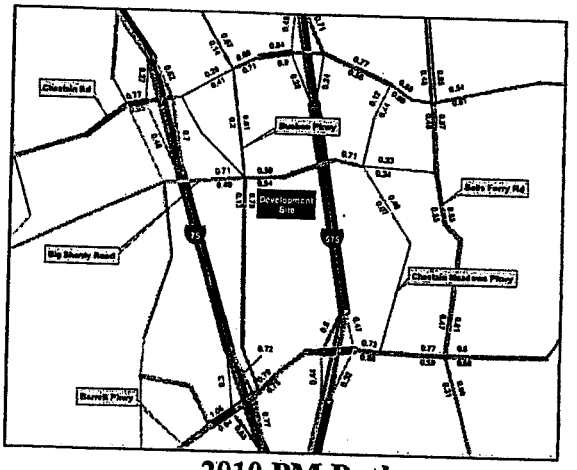
Incorporating the trip generation results, the transportation consultant distributed the traffic on the current roadway network. An assessment of the existing Level of Service (LOS) and projected LOS based on the trip distribution findings helps to determine the study network. The results of this exercise determined the study network, which has been approved by ARC and GRTA. If analysis of an intersection or roadway results in a substandard LOS "D", then the consultant recommends improvements.

Projected traffic volumes from the Regional Travel Demand Model are compared to the assigned capacity of facilities within the study network. This data is used to calculate a volume to capacity (V/C) ratio. The V/C ratio values that define the LOS thresholds vary depending on factors such as the type of terrain traversed and the percent of the road where passing is prohibited. LOS A is free-flow traffic from 0 to 0.3, LOS B is decreased free-flow from 0.31 to 0.5, LOS C is limited mobility from 0.51 to 0.75, LOS D is restricted mobility from 0.76 to 0.9, LOS E is at or near capacity from 0.91 to 1.00, and LOS F is breakdown flow with a V/C ratio of 1.01 or above. As a V/C ratio reaches 0.8, congestion increases. The V/C ratios for traffic in various network years are presented in the following table. Any facilities that have a V/C ratio of 1.0 or above are considered congested.

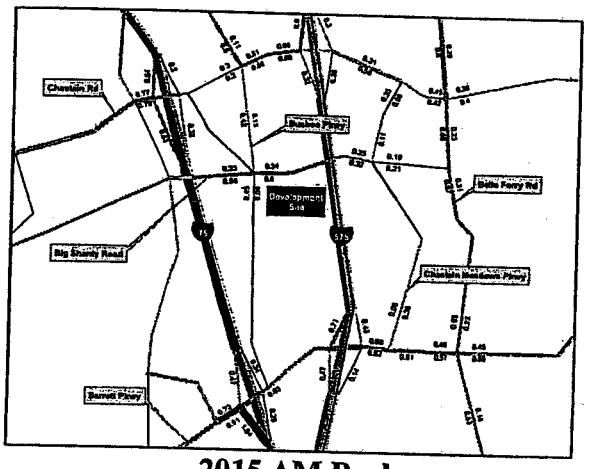
V/C Ratios



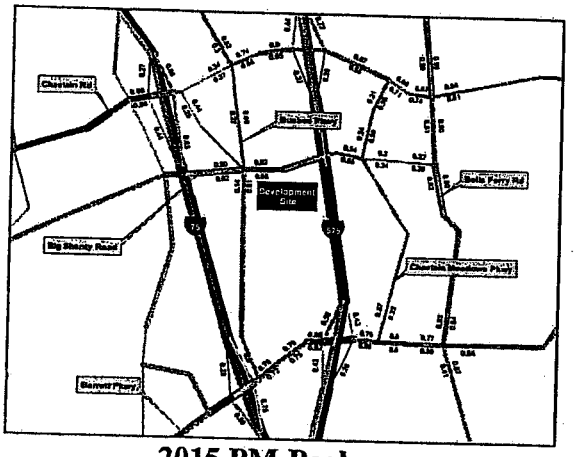
2010 AM Peak



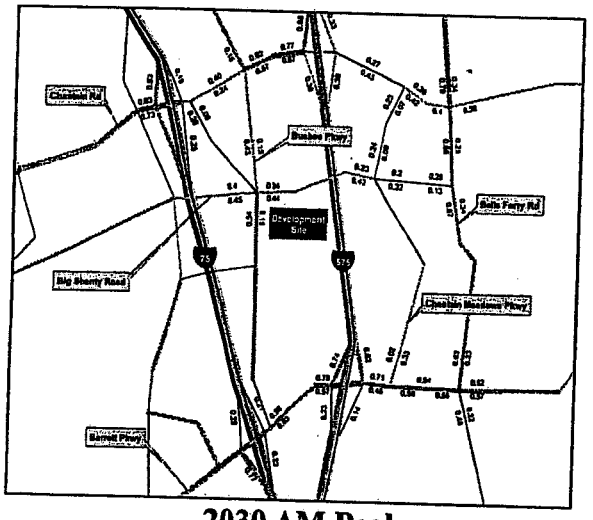
2010 PM Peak



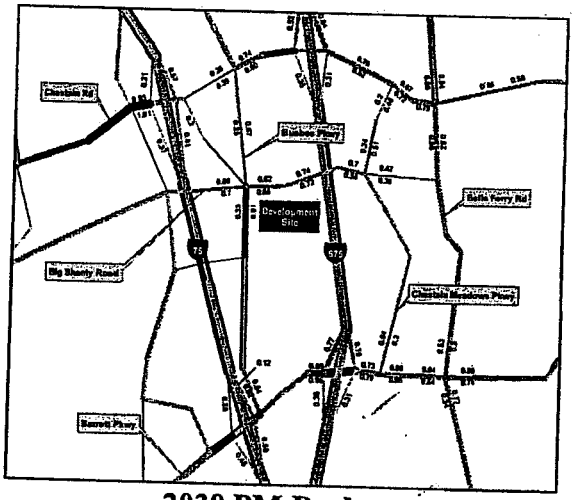
2015 AM Peak



2015 PM Peak



2030 AM Peak



2030 PM Peak

Legend

AM/PM Peak V/C Ratio — LOS A: 0 - 0.3 — LOS B: 0.31 - 0.5 — LOS C: 0.51 - 0.75 — LOS D: 0.76 - 0.90 — LOS E: 0.91 - 1.00 — LOS F: 1.01+

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Continued

For the V/C ratio graphic, the data is based on 2005, 2010 and 2030 AM/PM peak volume data generated from ARC's 20-county travel demand model utilizing projects from Mobility 2030 and the FY 2006-2011 TIP. The 20-county networks are being used since they consist of the most up to date transportation networks and data. The travel demand model incorporates lane addition improvements and updates to the network as appropriate. As the life of the RTP progresses, volume and/or V/C ratio data may appear inconsistent due to (1) effect of implementation of nearby new or expanded facilities or (2) impact of socio-economic data on facility types.

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List the transportation improvements that would affect or be affected by the proposed project.

2006-2011 TIP*

ARC Number	Route	Type of Improvement	Scheduled Completion Year
AR-251 (A-D)	I-75 North from Akers Mill Road Area to Town Center Mall Area	Fixed Guideway Transit Capital (BRT)	2011
AR-H-004	I-75 North from I-575 to Wade Green Road in Cobb County	HOV Lanes	2024
AR-H-005	I-575 from I-75 North in Cobb County to Sixes Road in Cherokee County	HOV Lanes	2015
CO-297A	Big Shanty Road from Busbee Parkway to Chastain Meadows Parkway	General Purpose Roadway Capacity	2011
CO-313	Chastain Road at Bells Ferry Road	Roadway Operational Upgrade	2008
CO-332A	Big Shanty Road Extension from Busbee Parkway to Barrett Lakes Boulevard at Big Shanty Road	General Purpose Roadway Capacity	2010
CO-332B	Big Shanty Road Extension from Barrett Lakes Boulevard at Big Shanty Road to Chastain Road	General Purpose Roadway Capacity	2010
CO-368A	Greers Chapel Road from US 41 (North Cobb Pkwy) to Shiloh Valley Drive	General Purpose Roadway Capacity	2009
CO-AR-BP214B	Noonday Creek Trail: Phase II from US 41 (Cobb Parkway) to Bells Ferry Road	Multi-Use Bike/Ped Facility	2013

2030 RTP*

ARC Number	Route	Type of Improvement	Scheduled Completion Year
AR-917	I-575 from I-75 North in Cobb County to SR 5 Business in Cherokee County	General Purpose Roadway Capacity	2025
CO-297B	Big Shanty Road from Chastain Meadows Parkway to Bells Ferry Road	General Purpose Roadway Capacity	2015
CO-334	Chastain Road, Busbee Parkway, Bells Ferry Road, North Cobb Parkway, Barrett Parkway	Roadway Operational Upgrades	2015
CO-368B	South Barrett Pkwy from Greers Chapel Rd South to Bells Ferry Rd	General Purpose Roadway Capacity	2025

**The ARC Board adopted the 2030 RTP and FY 2006-2011 TIP on June 8, 2007.*

Summarize the transportation improvements as recommended by consultant in the traffic study for Hidden Forest.

According to the findings, there will be some capacity deficiencies as a result of future year **background** traffic. The transportation consultant has made recommendations for improvements to be carried out in order to upgrade the existing level of service.

Chastain Road @ George Busbee Parkway

- No-Build LOS was within LOS standard; however based on the "no-build" volumes engineering judgment recommends dual lefts.

Chastain Road @ Bells Ferry Road

- Construct a westbound right-turn lane along Chastain Road
- Construct a northbound right-turn lane along Bells Ferry Road

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Continued

George Busbee Parkway @ Busbee Drive

- Install a traffic signal when warranted.

Big Shanty Road @ Bells Ferry Road

- Install a traffic signal when warranted.
- Install split-phasing for the proposed traffic signal at the Big Shanty Road eastbound approach and the Kathryn Drive westbound approach or re-align the road to eliminate the offset.
- Install protected/permissive left-turn phasing (green arrow) for the northbound approach.
- Construct an eastbound right-turn lane along Big Shanty Road.
- Construct a southbound left-turn lane along Bells Ferry Road.

Barrett Parkway @ Interstate 575 Southbound Ramps

- Construct one additional westbound left-turn lane (creating dual left turn lanes) along Barrett Parkway.
- Re-stripe the existing southbound approach geometry along the Interstate 575 Southbound Ramp as a separate left-turn lane, a shared left-turn/through/right-turn lane, and a separate right-turn lane.

Barrett Parkway @ Interstate 575 Northbound Ramps

- Construct one additional eastbound left-turn lane (creating dual left turn lanes) along Barrett Parkway.
- Re-stripe the existing northbound approach geometry along the Interstate 575 Northbound Ramp as a separate left-turn lane, a shared left-turn/through/right-turn lane, and a separate right-turn lane.

Barrett Parkway @ Chastain Meadows Parkway

- Construct one additional southbound left-turn lane (creating dual left turn lanes) along Chastain Meadows Parkway.
- Install protected/permissive left-turn phasing (green arrow) for the northbound approach.

Barrett Parkway @ Bells Ferry Road

- Construct a southbound through lane along Bells Ferry Road.
- Construct a northbound through lane along Bells Ferry Road.
- Construct a westbound through lane along Barrett Parkway.
- Construct an eastbound through lane along Barrett Parkway.

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Continued

Chastain Road @ Big Shanty Road

- Construct one additional westbound left-turn lane (creating dual left turn lanes) along Big Shanty Road.
- Construct an eastbound right-turn lane along Big Shanty Road.

According to the findings, there will be some capacity deficiencies as a result of future year **total** traffic. The transportation consultant has made recommendations for improvements to be carried out in order to upgrade the existing level of service.

Chastain Road @ Interstate 575 Southbound Ramps

- Construct an eastbound through lane along Chastain Road.
  George Busbee Parkway @ Big Shanty Road
- Construct a westbound right-turn lane along Big Shanty Road.

Barrett Parkway @ George Busbee Parkway

- Construct a westbound through lane along Barrett Parkway.
- Install permissive/overlapped right-turn phasing (green arrow) for the southbound approach.

Big Shanty Road @ Town Center – Big Shanty Connector

- Install a traffic signal when warranted.
- Construct a westbound left-turn lane along Big Shanty Road.
- Construct an eastbound right-turn lane along Big Shanty Road.
- Install a northbound left-turn lane in median along Town Center – Big Shanty Connector. Reserve width to allow for possible through lane exiting the site for future conditions beyond the 2015 Build-out year.

Town Center Drive @ Town Center – Big Shanty Connector

- Re-stripe the existing westbound approach geometry along Town Center Drive as a separate left-turn lane and a shared through/right-turn lane.
- Re-stripe the existing eastbound approach geometry along Town Center Drive as a separate left-turn lane and a shared through/right-turn lane.
- Construct a southbound left-turn lane along Town Center – Big Shanty Connector
- Construct a southbound shared through/right-turn lane along Town Center – Big Shanty Connector.

Big Shanty Road @ Proposed Right-in/Right-out Driveway #1

- Construct an eastbound right-turn lane along Big Shanty Road.

Big Shanty Road @ Proposed Right-in/Right-out Driveway #2

- Construct an eastbound right-turn lane along Big Shanty Road.

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Is the site served by transit? If so, describe type and level of service and how it will enhance or be enhanced by the presence of transit? Are there plans to provide or expand transit service in the vicinity of the proposed project?

The proposed development is located within the Town Center Area Community Improvement District and Cobb Rides Transportation Management Association. There are at least four bus stops located within a mile of the proposed development. One is located on big Shanty Road just west of the proposed site entrance and three are located on George Busbee Parkway. A Cobb County Transit Park and Ride Lot is located off Busby Drive less than a mile from the proposed site.

Cobb Community Transit (CCT) Route 10C operates from Town Center to MARTA Arts Center via Marietta Transfer Center (MTC). The outbound trips will begin at the Town Center Mall stop located at JC Penny, stopping only at the MTC and ending at the MARTA Arts Center Station.

CCT Route 40 passes to the west of the site along George Busbee Parkway. This route operates from Marietta to Kennesaw State University via Bell Ferry Road and George Busbee Parkway, with stops in the Town Center mall area.

CCT Route 45 passes in front of the proposed development along Big Shanty Road and to the west of the development along George Busbee Parkway. This route operates from Marietta to Town Center Mall area via U.S. 41 and Ernest Barrett Parkway, with access to Chastain Meadows Industrial Park and Kennesaw State University.

CCT Route 481 outbound operates express service from the Children's Health Care Center, adjacent to the Busbee Park and Ride Lot. Route 481 will travel to three MARTA Stations; Civic Center, Arts Center, and Midtown.

In addition, Bus Rapid Transit (BRT) is proposed (AR-251 A-D) along I-75 with a northern terminus in the Town Center area. Completion of this project will provide residents and employees of the development with an additional transit option.

What transportation demand management strategies does the developer propose (carpool, flex-time, transit subsidy, etc.)?

None proposed. The proposed development is within the Cobb Rides TMA.

The development PASSES the ARC's Air Quality Benchmark test.

Air Quality Impacts/Mitigation (based on ARC strategies)	Credits	Total
Where Residential is dominant, >15 units/ac	6%	6%
Where Residential is dominant, 10% Retail	9%	9%

and 10% Office		
w/in 1/4 mile of Bus Stop (CCT, MARTA, Other)	3%	3%
Bike/ped networks that meet Mixed Use or Density target and connect to adjoining uses	2%	2%
Total		**20%**

What are the conclusions of this review? Is the transportation system (existing and planned) capable of accommodating these trips?

Based on the traffic analysis completed by Kimley-Horn and Associates, Inc. and projected traffic volumes derived from the ARC Travel Demand Model (TDM), the transportation system is not fully capable of accommodating the new trips generated by the proposed development and maintaining acceptable LOS standards at the studied intersections.

ARC concludes that the improvements recommended in the traffic analysis are needed and should be implemented to maintain or improve LOS standards on surface streets in the vicinity of the proposed development.

ARC makes the following recommendations for the proposed development consistent with adopted local and regional plans:

- Noonday Creek Trail
  - The traffic analysis provided for review promotes the Noonday Creek multi-use trail as a major recreation amenity and alternative mode transportation facility but no trailheads are shown on site plan.
    - *The ARC recommends that the developer coordinate with Cobb County to provide trail heads at logical locations that will connect the proposed development to the Noonday Creek Trail project.*

INFRASTRUCTURE

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Continued

Wastewater and Sewage

Based on regional averages, wastewater is estimated at 0.562 MGD.

Which facility will treat wastewater from the project?

Noonday Creek will provide wastewater treatment for the proposed development.

What is the current permitted capacity and average annual flow to this facility?

The capacity of Noonday Creek Site is listed below:

PERMITTED CAPACITY MMF, MGD 1	DESIGN CAPACITY MMF, MGD	2001 MMF, MGD	2008 MMF, MGD	2008 CAPACITY AVAILABLE +/-, MGD	PLANNED EXPANSION	REMARKS
No flow limit	12	11	16	-4	Expansion to 20 mgd under construction	

MMF: Maximum Monthly Flow. Mgd: million of gallons per day.
*1 Source: Metropolitan North Georgia Water Planning District **SHORT-TERM WASTEWATER CAPACITY PLAN,** August 2002.*

What other major developments will be served by the plant serving this project?

ARC has reviewed a number of major developments that will be served by this plant.

INFRASTRUCTURE
Water Supply and Treatment

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

How much water will the proposed project demand?

Water demand also is estimated at 0.562 MGD based on information submitted for the review.

How will the proposed project's demand for water impact the water supply or treatment facilities of the jurisdiction providing the service?

Information submitted with the review suggests that there is sufficient water supply capacity available for the proposed project.

INFRASTRUCTURE
Solid Waste

How much solid waste will be generated by the project? Where will this waste be disposed?

Information submitted with the review states that the development will generate 11,970 tons of solid waste per year and will be disposed in Cobb County.

Will the project create any unusual waste handling or disposal problems?

No.

Are there any provisions for recycling this project's solid waste?

None stated.

INFRASTRUCTURE
Other facilities

According to information gained in the review process, will there be any unusual intergovernmental impacts on:

- **Levels of governmental services?**
- **Administrative facilities?**
- **Schools?**
- **Libraries or cultural facilities?**
- **Fire, police, or EMS?**
- **Other government facilities?**
- **Other community services/resources (day care, health care, low income, non-English speaking, elderly, etc.)?**

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

None were determined during the review.

HOUSING

Will the proposed project create a demand for additional housing?

No.

Will the proposed project provide housing opportunities close to existing employment centers?

No.

Is there housing accessible to the project in all price ranges demanded?

The site proposed for the development is located in Census Tract 302.05. This tract had a 12.2 percent increase in number of housing units from 2000 to 2006 according to ARC's Population and Housing Report. The report shows that 38 percent of the housing units are single-family, compared to 69 percent for the region; thus indicating a variety of housing options around the development area.

Is it likely or unlikely that potential employees of the proposed project will be able to find affordable* housing?

N/A

* Defined as 30 percent of the income of a family making 80 percent of the median income of the Region – FY 2000 median income of $51,649 for family of 4 in Georgia.

Haley Fleming

From: Elicia Fritsch [write-away@comcast.net]
Sent: Wednesday, October 31, 2007 11:16 AM
To: Haley Fleming
Subject: Cityside at Town Center

Petition No. Z-26 '07
Meeting Date 3-18-08
Comment

I realize that the comment period ended yesterday for the Cityside at Town Center project, but I attended a meeting last night presented by the Pacific Group. I would like to comment on this project after hearing the developer's plans:

- Cityside is a premature development without county infrastructure to support it. There is no transit to alleviate traffic congestion, and we are currently (and in the future) experiencing water shortages at current usage. I am not opposed to high density development when it is appropriate. This is not in-fill; it is more housing than is appropriate for the area.
- Cityside is misrepresented as a "live, work, play" community as the cost of living is far above the kind of income earned in a retail environment. Therefore, most people living at Cityside will be leaving each day, (in their cars because there is no efficient transit) for higher paying jobs in Atlanta, further contributing to the already unacceptable traffic volume in the Town Center area and the major highways during rush hours. The DRI is underestimating the traffic volume during peak hours AM and PM. With an additional 1,784 residences with 2 parking spaces each, there is a potential for an additional 3,568 vehicles on the roadways. That does not take into account additional traffic flow for the planned retail and office space.
- The developer should not compare Cityside with its West Village project at Vinings. While comparable in design and amenities, Cityside's Town Center location will not appeal to the same demographics as West Village due to its more northern location. It can take as long as 45 minutes to travel the 12 miles from I-575 to I-285 during rush hour, while from Vinings, commuters can easily access I-285 or I-75 into Atlanta. The people who can afford to pay $1500 per month in rent are not the demographic for mass transit, regardless of the CCT and GRTA Express service available at the Park and Ride across the street from Cityside.
- North Georgia is currently in a Level 4 drought. Residents and businesses are making sacrifices to conserve water as evidenced by the county's 20% reduction in usage since the elevation. Cityside is "business as usual" with no plans for conserving water (e.g. gray water systems, use of Noonday Creek as alternative water source, green roofs and other existing technologies). The DRI indicates that wastewater disposal will be 0.562 MGD off peak, but 1.96 MGD during peak times.
- The DRI indicates that "after construction, water quality **will be impacted** due to polluted stormwater runoff." There is no mitigation in the plan.
- The neighborhood currently is heavily forested with large trees. County residents are tired of land clearing for development. The development currently plans for 70% impervious surface. The Urban Forestry Council recommends 50% tree canopy in residential areas. The county must enforce the tree ordinance and demand that a maximum number of trees be preserved rather than replaced. They should encourage the developer to achieve the 50% coverage.
- To fast-track a project of this magnitude at this time is irresponsible. From what I heard last night, the developer needs approval immediately in order to secure financing. That is not an acceptable reason for ignoring the shortfalls of the project.

Thank you for allowing comments on this project. Ultimately, my preference would be to see the number of residences scaled back, and the project delayed until the housing market has stabilized and our natural resources are more in balance.

Sincerely,

Elicia Fritsch
Advisory Board, Canton Road Neighbors
550 Chicapoo Drive
Marietta, GA 30066
770-427-9513

Ms. Haley Fleming, AICP
Principal Planner
Atlanta Regional Commission
40 Courtland St.
Atlanta, GA 30303

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

October 31, 2007

RE: Z-26 Cityside at Town Center, (Hidden Forest Redevelopment)

Dear Ms. Fleming,

Along with two other civic associations, our group met with Mr. Snell and his attorney John Moore last night to review his presentation for Z-26 Cityside at Town Center. While the project is clearly intended to be an upscale development we feel that there are serious issues the developer is unwilling to address at this early stage

The most serious issues are with traffic and water. As you well know, the future of the proposed NW Corridor HOV/BRT proposal is in question with substantive negative comments by a number of organizations and by the public. Currently in Cobb County we do not even have a single HOV lane to accommodate the express bus service that we have, thus for practical purposes, we have no viable transit during peak travel times. This proposed development, at 1,784 residential units could easily bring another 3,000 vehicles to our local roads, already grid locked in the Town Center CID.

I would further point out to you that the review of Transportation options on page 9 of 11 as quoted below mistakenly places this development in Alpharetta and not Cobb County. This suggests only the most cursory glance at the proposal and a desire to expedite a plan submitted by a "favored" developer.

"INFRASTRUCTURE
Transportation
To be determined during the review.
The development PASSES the ARC's Air Quality Benchmark test."

"In addition, there is a MARTA bus route along Haynes Bridge Road and North/South Main Street and a Park & Ride lot located north of GA 400 at Windward Parkway and south of GA 400 at Mansell Road, as well as a MARTA bus stop at Northpoint Mall, just south of the project. These additional facilities present transportation options and increases the chances that alternative modes are sought."

That this is a "live work play" community is to mischaracterize the plan. This has become an overly used buzz word designed to win approval with the planning community. In reality, the projected rental of $1,500 per month would require that tenants commute to locations outside the CID since the retail shops planned for the community would likely not pay a living wage, let alone the salary needed to rent a condominium in this gated

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

community. Thus, it is likely that not only the majority of residents of this project, but employees in the shops will be commuting on local roads or our congested interstates.

There are significant issues with the amount of impervious surface, the use of Noonday Creek as detention, impacts to the stream from runoff, removal of tree canopy, and most of all, with the demand for water that would be generated by a project of this scale. While a mixed use development may use water more efficiently, the demand will increase significantly.

The applicant was not willing to scale back the size of this project or to take a slower approach until water and transportation issues are better addressed in the region. Based on the apparently hasty and inaccurate review given transportation by the ARC staff, we have no confidence that the real issues raised by a project of this magnitude will be adequately addressed.

At a time of crisis as regards our region's water supply and transportation, putting Z-26 Cityside (AKA Hidden Forest Redevelopment) on a fast track for approval constitutes an egregious example of "business as usual". This flies in the face of all we are being told by leadership about the dire situation we face with our water supply. We cannot understand how 1,784 new luxury condominiums (with four large swimming pools) could be approved at a time when small business owners are going out of business and residents are being told water rationing may be necessary early next year.

We urge all involved to slow this process down and take a much closer look. We can do better than this.

Sincerely,

Carol Brown
Chairman, Canton Road Neighbors, Inc.

cc: Ms. Laura Beall, Land Use Division Director GRTA
Chairman Sam Olens, Cobb County Commission
Commissioner Tim Lee, Cobb Commission District 3
Planning Commissioner Christi Trombetti, District 3
Ms. Julie Mayfield, Counsel, Georgia Conservancy

Kathryn A. Sims
1611 Sheridan Drive
Marietta, Georgia 30066
(404) 588-2527

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

October 31, 2007

Ms. Haley Fleming, AICP
Principal Planner
Atlanta Regional Commission
40 Courtland Street
Atlanta, GA 30303

Re: Z-26 Cityside at Town Center (Hidden Forest Redevelopment)

Dear Ms. Fleming:

The purpose of this letter is to provide comments regarding the proposed redevelopment of Hidden Forest Subdivision. It is our understanding that several residents and civic associations met with the proposed developer, together with his attorney, on Tuesday, October 30.

The proposed development will cause an extreme impact to the Town Center CID. It appears that the development is intended to be a live/work/play community. While the plan states there will be a total of 1,511 condominium, 88 townhomes, and 185 senior living units, for a total of 1,784 total units, it is our understanding that the majority of these units are not intended to be privately owned, but rather, rental units, with an approximate rental rate of $1,500.00 per month. The area within the immediate vicinity of the proposed development already has an extremely high number of rental housing units. The addition of yet another rental development to an already overabundant supply, regardless of whether they are labeled "apartment" or "condominium," is inappropriate for this area. Further, it is infeasible to believe that tenants will choose to rent a condominium at a cost comparable to the cost to purchase a home. Furthermore, the household income which will be necessary to qualify for such a rental rate would likely exceed the average salary paid for residents in this live/work/play community.

To put it bluntly, the Town Center area has a serious problem with traffic. The nature of the housing is such that people must work in the downtown Atlanta or other areas not in this vicinity to provide sufficient income to afford this standard of living expenses. This creates additional problems with commuter traffic. Each morning, I travel from the Highway 5 entrance to downtown Atlanta. This commute now takes approximately 40 minutes on a typical morning; and 60 minutes each evening, which is an increase of almost 50% over four years ago. The traffic problems in the Town Center area are not limited to the morning and evening commute. Weekend traffic deadlocks on Barrett Parkway are becoming the norm, with extreme congestion between I-75 and I-575. Holiday traffic is even worse. The addition of the vehicles from this

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

extremely high density development will further exacerbate the situation. There is no interstate access from the development, forcing residents and employees to use these same congested surface streets.

The current infrastructure cannot support a development of this magnitude. The estimated impervious surface for the proposed development is 65-70%. The County should be striving to reduce the amount of impervious surface in new developments. The use of Noonday Creek for detention, as well as stormwater runoff, grading, and clear cutting will cause severe, detrimental impact upon the area watershed. Water quality will be impacted due to polluted stormwater runoff. No mitigation plan has been proposed. This polluted stormwater runoff will directly affect Lake Allatoona and the counties, and states, which draw upon the Lake for drinking water.

This project has been placed on a fast track for review and approval. We feel that such actions are irresponsible and should not be condoned. Considering the current soft market for housing, a development of this magnitude should be examined closely and carefully.

We appreciate your consideration of our comments. Should you have any questions, please do not hesitate to contact us.

Sincerely,

Bill and Kathy Sims

Haley Fleming

From: Beverly T McMurray [btmcmurray@comcast.net]
Sent: Thursday, November 01, 2007 11:20 AM
To: Haley Fleming
Cc: solens@cobbcounty.org; jmayfield@gaconservancy.org; 'Lee, Tim'; ctrombetti@cobbcounty.org; lbeall@grta.org; zloo@grta.org
Subject: Z-26 Cityside at Town Center (Hidden Forest Redevelopment)

November 1, 2007

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

Ms. Haley Fleming, AICP
Principal Planner
Atlanta Regional Commission
40 Courtland St.
Atlanta, GA 30303

re: Z-26 Cityside at Town Center (Hidden Forest Redevelopment)

Dear Ms. Fleming,

I am writing to emphasize a point made in the letter to you from Carol Brown, Chairman of Canton Road Neighbors, Inc. As a fellow board member of CRN, I share her strong reservations about the density with its resulting traffic, runoff and water usage problems.

She has pointed out that the review of Transportation options on page 9 of 11 refers to the MARTA options in north Fulton County. However, as she stressed, this development will be in Cobb County, where we have no MARTA.
The HOV lanes that were in a planning stage for I-75 as well as the bus rapid transit have all been put on hold. That makes a project with this density in the Town Center and Chastain/Kennesaw State University areas premature.

Not withstanding the traffic gridlock, we are currently in a severe water crisis that is expected to get worse. It would be very irresponsible to allow a dense development with as many as four swimming pools and a great deal of runoff from the impervious surfaces to be built at this time.

Thank you in advance for taking the concerns of Canton Road Neighbors into consideration as the review of this proposal moves forward.

Sincerely,

Beverly T. McMurray
2104 Drogheda Lane NE
Marietta, GA 30066
770-426-6916
btmcmurray@comcast.net

cc: Ms. Laura Beall, Land Use Division Director GRTA
Z. Loo, GRTA
Chairman Sam Olens, Cobb County Commission
Commissioner Tim Lee, Cobb Commission District 3
Planning Commissioner Christi Trombetti, District 3
Ms. Julie Mayfield, Counsel, Georgia Conservancy

Developments of Regional Impact

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

#1352

DEVELOPMENT OF REGIONAL IMPACT
Initial DRI Information

s form is to be completed by the city or county government to provide basic project information that will allow the RDC to determine if the ject appears to meet or exceed applicable DRI thresholds. Refer to both the Rules for the DRI Process and the DRI Tiers and Thresholds more information.

Local Government Information

Submitting Local Government:	Cobb
Individual completing form:	John P. Pederson 191 Lawrence Street Marietta, G
Telephone:	770-528-2024
E-mail:	john.pederson@cobbcounty.org

te: The local government representative completing this form is responsible for the accuracy of the information contained herein. If a ject is to be located in more than one jurisdiction and, in total, the project meets or exceeds a DRI threshold, the local government in which largest portion of the project is to be located is responsible for initiating the DRI review process.

Proposed Project Information

Name of Proposed Project:	City Side at Town Center
Location (Street Address, GPS Coordinates, or Legal Land Lot Description):	34 deg 01' 30" N
Brief Description of Project:	Mixed use project consisting of 4.1 million square feet of office retail hotel resturants and residential.

velopment Type:

) (not selected)	○ Hotels	○ Wastewater Treatment Facilities
) Office	◉ Mixed Use	○ Petroleum Storage Facilities
) Commercial	○ Airports	○ Water Supply Intakes/Reservoirs
) Wholesale & Distribution	○ Attractions & Recreational Facilities	○ Intermodal Terminals
) Hospitals and Health Care Facilities	○ Post-Secondary Schools	○ Truck Stops
) Housing	○ Waste Handling Facilities	○ Any other development types
) Industrial	○ Quarries, Asphalt & Cement Plants	

Resolution No. Z-26 '07
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Continued

)ther development type, describe:

Project Size (# of units, floor area, etc.):	
Developer:	Marthasville Development, LLC c/o Stephen Arms 9775 Hunt Club Way Alpharetta, GA 30022
Mailing Address:	
Address 2:	
	City: State: Zip:
Telephone:	770-442-8555
Email:	armss@mindspring.com
Is property owner different from developer/ applicant?	○ (not selected) ◉ Yes ○ No
If yes, property owner:	There are 45 different owners.
the proposed project entirely located within your local government's jurisdiction?	○ (not selected) ◉ Yes ○ No
f no, in what additional jurisdictions is the project located?	
the current proposal a continuation or expansion of a previous DRI?	○ (not selected) ○ Yes ◉ No
If yes, provide the following information:	Project Name:
	Project ID:
The initial action being requested of the local government for this project:	☑ Rezoning ☐ Variance ☐ Sewer ☐ Water ☐ Permit ☐ Other
Is this project a phase or part of a larger overall project?	○ (not selected) ◉ Yes ○ No
/es, what percent of the overall project does this project/phase represent?	

Estimated Project Completion Dates:	This project/phase: Overall project: 2015

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Continued

Developments of Regional Impact

#1352

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DEVELOPMENT OF REGIONAL IMPACT
Additional DRI Information

s form is to be completed by the city or county government to provide information needed by the RDC for its review of the proposed DRI. fer to both the Rules for the DRI Process and the DRI Tiers and Thresholds for more information.

Local Government Information

Submitting Local Government:	Cobb
Individual completing form:	John P. Pederson; 191 Lawrence Street; Marietta, G
Telephone:	770-528-2024
Email:	john.pederson@cobbcounty.org

Project Information

Name of Proposed Project:	City Side at Town Center
DRI ID Number:	1352
Developer/Applicant:	The Pacific Group, Inc.
Telephone:	770-984-8170
Email(s):	wsnell@pacificgroupinc.com

Additional Information Requested

Has the RDC identified any additional information required in order to proceed with the official regional eview process? (If no, proceed to Economic Impacts.)	○ (not selected) ○ Yes ◉ No
yes, has that additional information been provided to your RDC and, if applicable, GRTA?	◉ (not selected) ○ Yes ○ No

, the official review process can not start until this additional information is provided.

Economic Development

nated Value at Build-Out:	441,561,200 million
nated annual local tax revenues (i.e., property tax, s tax) likely to be generated by the proposed lopment:	13 million

s the regional work force sufficient to fill the demand reated by the proposed project?	○ (not selected) ◉ Yes ○ No
Vill this development displace any existing uses?	○ (not selected) ◉ Yes ○ No

yes, please describe (including number of units, square feet, etc): The proposed development will displace 48 single-family houses that are 0 years old and are approximately 2,000 s.f. each.

Water Supply

ame of water supply provider for this site:	Cobb County Water System
/hat is the estimated water supply demand to be enerated by the project, measured in Millions of Gallons er Day (MGD)?	0.562 MGD
sufficient water supply capacity available to serve the oposed project?	○ (not selected) ◉ Yes ○ No

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Continued

no, describe any plans to expand the existing water supply capacity:

a water line extension required to serve this project?	○ (not selected) ○ Yes ◉ No

yes, how much additional line (in miles) will be required?

Wastewater Disposal

ame of wastewater treatment provider for this site:	Cobb County Water System
hat is the estimated sewage flow to be generated by e project, measured in Millions of Gallons Per Day GD)?	0.562 MGD off peak/ 1.96 MGD peak
sufficient wastewater treatment capacity available to rve this proposed project?	○ (not selected) ◉ Yes ○ No

o, describe any plans to expand existing wastewater treatment capacity:

a sewer line extension required to serve this project?	○ (not selected) ○ Yes ◉ No

es, how much additional line (in miles) will be required?

Land Transportation

w much traffic volume is expected to be generated by proposed development, in peak hour vehicle trips per ? (If only an alternative measure of volume is ilable, please provide.)	499 entering and 762 exiting trips AM peak hour/ 821 entering and 736 existing trips PM peak hour.
a traffic study been performed to determine whether ot transportation or access improvements will be ded to serve this project?	○ (not selected) ◉ Yes ○ No
transportation improvements needed to serve this ect?	○ (not selected) ◉ Yes ○ No

s, please describe below:See DRI traffic report for specific improvements.

Solid Waste Disposal

low much solid waste is the project expected to enerate annually (in tons)?	11,970 tons
s sufficient landfill capacity available to serve this roposed project?	○ (not selected) ◉ Yes ○ No

no, describe any plans to expand existing landfill capacity:

Will any hazardous waste be generated by the evelopment?	○ (not selected) ○ Yes ◉ No

yes, please explain:

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Stormwater Management

hat percentage of the site is projected to be impervious rface once the proposed development has been nstructed?	65%

escribe any measures proposed (such as buffers, detention or retention ponds, pervious parking areas) to mitigate the project's impacts on ormwater management:Increased buffers on streams, water quality measures, polyacrylanide siltation defense measures, and undisturbed odplain.

Environmental Quality

the development located within, or likely to affect any of the following:

Water supply watersheds?	○ (not selected) ○ Yes ◉ No
Significant groundwater recharge areas?	○ (not selected) ○ Yes ◉ No
Wetlands?	○ (not selected) ○ Yes ◉ No
Protected mountains?	○ (not selected) ○ Yes ○ No
Protected river corridors?	○ (not selected) ○ Yes ◉ No
Floodplains?	○ (not selected) ◉ Yes ○ No
Historic resources?	○ (not selected) ○ Yes ◉ No
Other environmentally sensitive resources?	○ (not selected) ○ Yes ◉ No

ou answered yes to any question above, describe how the identified resource(s) may be affected:
e floodplain along Noonday Creek will not be affected due to measures cited in the Stormwater Management section of this form.

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Petition No. Z-26 '07
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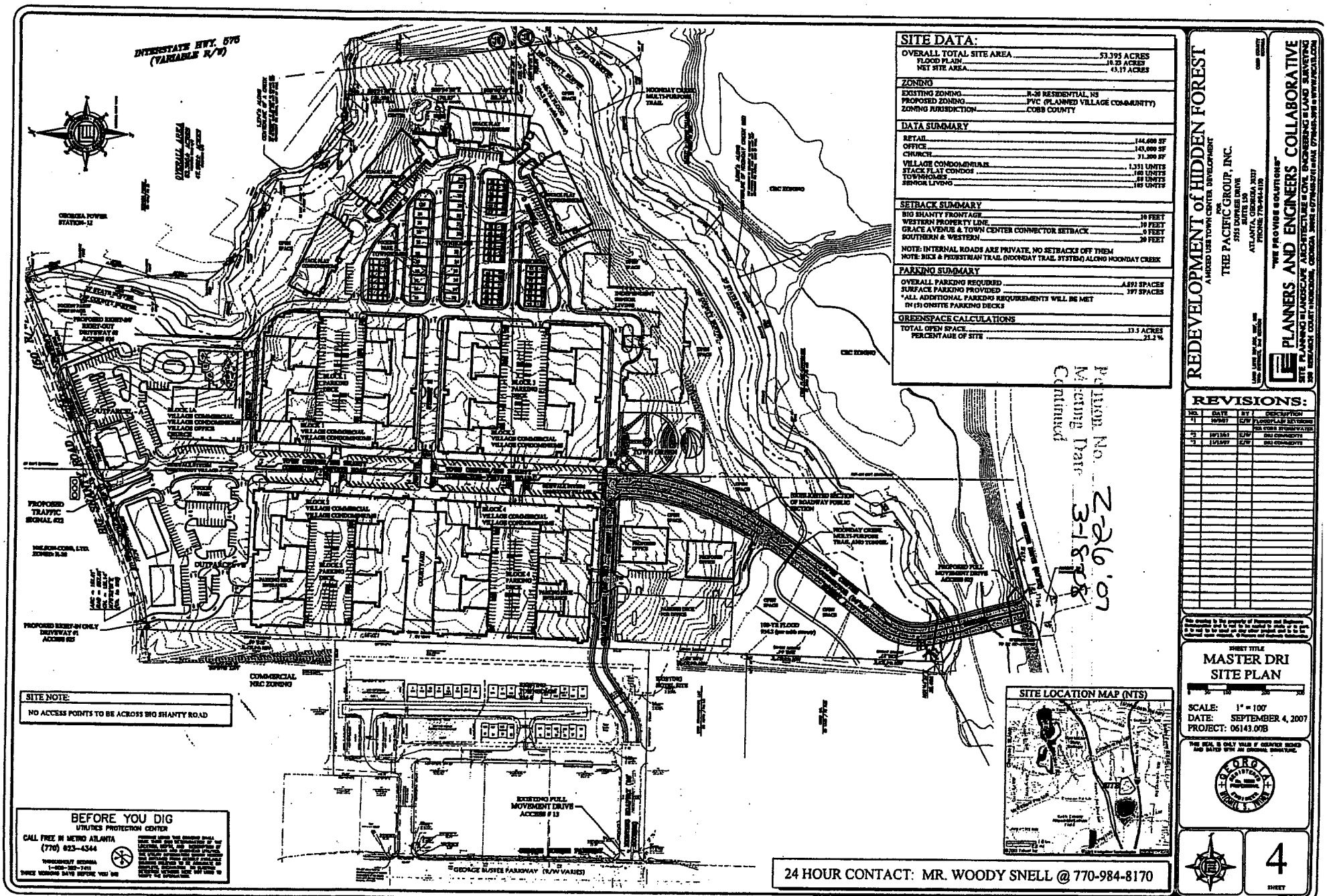
Continued



SITE DATA:

OVERALL TOTAL SITE AREA	53.395 ACRES
FLOOD PLAIN	10.25 ACRES
NET SITE AREA	43.19 ACRES

ZONING

EXISTING ZONING	R-20 RESIDENTIAL, NS
PROPOSED ZONING	PVC (PLANNED VILLAGE COMMUNITY)
ZONING JURISDICTION	COBB COUNTY

DATA SUMMARY

RETAIL	144,600 SF
OFFICE	143,000 SF
CHURCH	71,200 SF
VILLAGE CONDOMINIUMS	1351 UNITS
STACK FLAT CONDOS	165 UNITS
TOWNHOMES	89 UNITS
SENIOR LIVING	105 UNITS

SETBACK SUMMARY

BIG SHANTY FRONTAGE	10 FEET
WESTERN PROPERTY LINE	10 FEET
GRACE AVENUE & TOWN CENTER CONNECTOR SETBACK	0 FEET
SOUTHERN & WESTERN	20 FEET

NOTE: INTERNAL ROADS ARE PRIVATE, NO SETBACKS OFF THEM
NOTE: BICK & PEDESTRIAN TRAIL (HOODAY TRAIL SYSTEM) ALONG HOODAY CREEK

PARKING SUMMARY

OVERALL PARKING REQUIRED	4,891 SPACES
SURFACE PARKING PROVIDED	397 SPACES

*ALL ADDITIONAL PARKING REQUIREMENTS WILL BE MET IN (5) ONSITE PARKING DECKS

GREENSPACE CALCULATIONS

TOTAL OPEN SPACE	13.5 ACRES
PERCENTAUE OF SITE	25.3 %

Planning Item No. Z-26-07
Meeting Date 11-13-07
Continued

REDEVELOPMENT of HIDDEN FOREST

A MIXED USE TOWN CENTER DEVELOPMENT

FOR

THE PACIFIC GROUP, INC.
3755 DAVIDES DRIVE
SUITE 150
ATLANTA, GEORGIA 30337
PHONE: 770-984-8170

"WE PROVIDE SOLUTIONS"
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338 RESEARCH COURT • NORCROSS, GEORGIA 30092 • (770)662-3245 • (FAX) 770-662-3246 • WWW.PECLTD.COM

REVISIONS:

NO.	DATE	BY	DESCRIPTION
-1-	10/9/07	G/W	FLOODPLAIN REVISIONS
			PER COBB INTERVENTION
-2-	10/23/07	G/W	DRI COMMENTS
-3-	11/19/07	G/W	DRI COMMENTS

SHEET TITLE
MASTER DRI SITE PLAN

SCALE: 1" = 100'
DATE: SEPTEMBER 4, 2007
PROJECT: 06143.00B

THIS SEAL IS ONLY VALID IF EMBOSSED HEREON AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED LANDSCAPE ARCHITECT
DANIEL S. HUNT

SHEET 4

LETTER OF CLARIFICATION DATED JULY 15, 2008, FROM COBB COUNTY COMMUNITY DEVELOPMENT DIRECTOR AS TO APPLICATION FOR REZONING NO. Z-26 (2007)

COBB COUNTY
COMMUNITY DEVELOPMENT AGENCY

191 Lawrence Street
Marietta, Georgia 30060-1689
(770) 528-2125 • fax: (770) 528-2126
Email: rhosack@cobbcounty.org

Rob Hosack, AICP
Director

July 15, 2008

Woody Snell
Lynwood Development Group
4880 Lower Roswell Road
Suite 165, #524
Marietta, GA 30068-4385

Dear Woody:

Reference is made to the attached copy of the approved rezoning plan and associated letter of stipulations for Z-26 of 2007 (approved March 18, 2008).

Please be advised that the residential units approved in this rezoning may be leased from the inception of the project until market conditions allow the developer to convert them to "for sale" units.

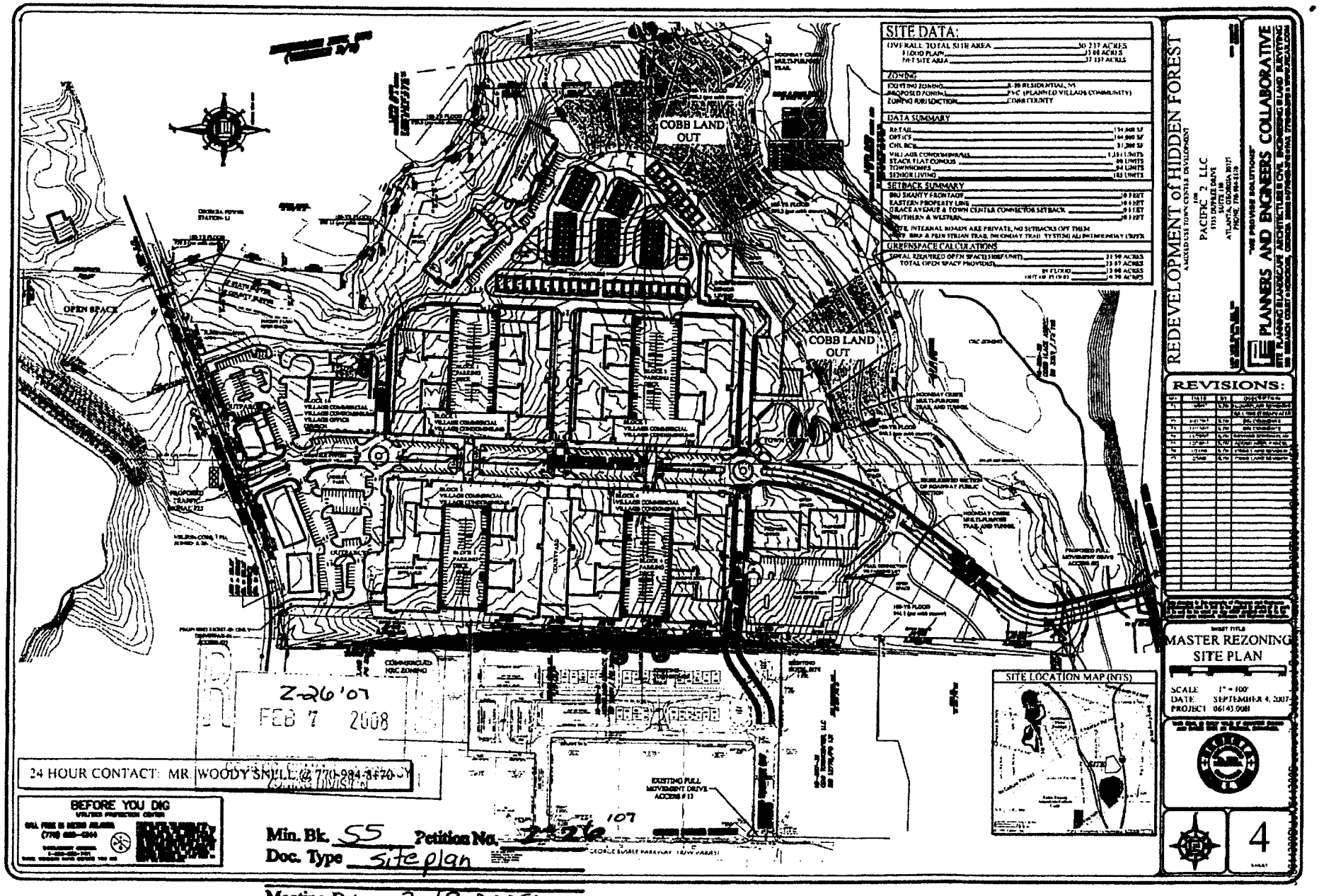
Please feel free to contact me if you have any questions. Good luck with your project.

Sincerely,

Rob Hosack, AICP
Director

RH/rh

cc: Zoning File – Z-26 of 2007



Min. Bk. 55 Petition No. Z-26

Doc. Type Site plan

Meeting Date 3-18-2008

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

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P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK, SUITE 463
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

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OF COUNSEL
JOHN L. SKELTON, JR.†

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

Min. Bk. 55 Petition No. Z-26 '07
Doc. Type Letter of agreeable conditions
Meeting Date ~~Hand Delivered~~ 3-18-08

February 27, 2008

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

RE: Application for Rezoning
Application No.: Z-26 (2007)
Applicants: Town Center Associates, LLC and Pacific 2, LLC
Property Owners: Tammy Black; Karl Baden; Catherine Baden; et al.
Property: 50.237 acres, being known as Hidden Forest Subdivision, and a tract located on the northerly side Big Shanty Road, easterly of George Busbee Parkway and westerly of I-575; Land Lots 436, 501, 502, 507, and 508, 16th District, 2nd Section, Cobb County, Georgia

Dear Mark:

As you know, the undersigned and this firm represent Pacific 2, LLC and Town Center Associates, who are the Applicants (hereinafter collectively referred to as "Applicants"), and the numerous Property Owners enumerated in the above-referenced Application for Rezoning regarding a tract totaling 50.237 acres, more or less, being known as the Hidden Forest Subdivision, located in Land Lots 436, 501, 502, 507 and 508,

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the 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. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed January 30, 2008; excepting only the Landscape Exhibit submitted therewith. The revised stipulations are as follows:

(1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property.

(2) Applicants seek rezoning of the Subject Property from the existing R-20 and Neighborhood Shopping ("NS") zoning categories to the proposed zoning category of Planned Village Community ("PVC"), site plan specific to the revised Master Rezoning Site Plan (hereinafter "Zoning Plan") prepared by Planners and Engineers Collaborative dated September 4, 2007, last revised February 5, 2008.

(3) The Subject Property consists of 50.237 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL COMMUNITY

(1) This rezoning proposal is a "Village Concept" to include retail, office, and residential, with the residential component being of varying types.

(2) Pacific 2, LLC, as the developer, will be involved in all aspects of the development, including, but not limited to, the residential, retail, office and park components.

(3) There shall be master protective covenants for the entire development that will include all phases of the community; and concurrent therewith a master association 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, and the like contained within the overall community (i.e., bike paths, sidewalks, open space, walking trails, and the like).

(4) The master association 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.

(5) Applicants propose to exchange with Cobb County existing rights-of-way for proposed rights-of-way, as more particularly shown and reflected on the referenced Zoning Plan.

(6) Applicants agree to work with the Cobb County Department of Transportation regarding the re-alignment of Grace Avenue, as more particularly shown and reflected on the referenced Zoning Plan.

(7) There shall be approximately 23.8 acres of open space/park area within the proposed community, which comprises approximately 47 percent of the total tract.

(8) The following buffers shall be associated with the proposed community:

(a) A landscape buffer ten (10) feet in width located along the frontage of the Subject Property with Big Shanty Road, as more particularly shown and reflected on the referenced Zoning Plan;

(b) A landscape buffer ten (10) feet in width located along the eastern boundary of the Subject Property, as more particularly shown and reflected cn the referenced Zoning Plan; and

(c) A landscape buffer twenty (20) feet in width along the southern and western boundaries of the Subject Property, as more particularly shown and reflected on the referenced Zoning Plan.

(9) Entrances to the proposed community shall be as more particularly shown and reflected on the referenced Zoning Plan.

(10) 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 community.

(11) 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.

(12) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.

(13) Modifications to the within stipulations, the referenced Zoning Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.

(14) All open space, green space, trails, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

(15) Applicants agree to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

(16) Parking for restaurants, commercial and retail uses, and residential within The Village Center, as well as out parcels, will be provided by means of surface parking and parking decks as detailed on the Zoning Plan, which will employ "shared" parking among the

respective components and which will provide sufficient and adequate parking for the overall development.

(17) All private streets within the proposed community shall be constructed with the construction complying in all respects as to materials and base, of the Cobb County Code.

(18) The retail/office area of the proposed community shall have recessed areas and alcoves for any restaurant use so as not to impede pedestrian traffic with outside seating. Sidewalks located within The Village Center shall range from eleven (11) to eighteen (18) feet in width, with a minimum of eight (8) feet in width for sidewalks adjacent to outdoor seating areas.

(19) Applicants shall construct a passive Town Green park consisting of open space and a bandstand area. It is the intent of the development for the Town Green to be a public amenity to the entire community.

(20) Landscaping, lighting, paving features, and related site details shall be substantially similar to the plans prepared by Planners and Engineers Collaborative dated January 29, 2008, and submitted to the Cobb County Zoning Office on or about January 30, 2008.

(21) Applicants agree to install traffic calming devices within the development as approved by the District Commissioner.

(22) Project signage will also be installed in the southeastern portion of the site adjacent to Interstate 575, as more particularly shown and reflected on the referenced Zoning Plan.

(23) The District Commissioner shall approve all landscaping and architecture, not otherwise herein approved, as depicted in the renderings and plans set forth herein, prior to issuance of building permits.

(24) Applicants are planning to include restaurants as a part of the retail component within the proposed community, which restaurants may serve alcoholic beverages as a part of the food service.

(25) Applicants are planning to include this development as a Water Conservation Project based upon the suggestions of Kathey Nguyen, Water Conservation Coordinator for the Cobb County Water System. Conservation measures will include a combination of the following:

- WaterSense Labeled High Efficiency Toilets using 1.28 gallons per flush either through a reduced volume flush or an approved dual flush technology;
- Faucet aerators which have the WaterSense certification and use no more than 1.5 Gallons per minute;
- Showerheads which have a flow rate between 1.5-2.0 under 80 PSI;
- Outdoor irrigation will include efficient technology including, cistern systems, efficient irrigation heads, Evapotranspiration Controllers (Smart Controllers);
- Landscape design will include low water use vegetation; and

- Retail shops will have efficient technologies, including 1.6 gallons per minute pre-rinse spray valves for restaurants and food establishments, efficient dishwashing and laundry facilities using new water saving technology.

(26) Applicants agree to install and properly maintain all erosion control Best Management Practices in accordance with Cobb County and Georgia Soil and Water Conservation Commission requirements. Applicants agree to utilize polymer enhanced Best Management Practices during site development operations.

(27) Applicants agree to provide water quality for the Subject Property as approved by the Cobb County Stormwater Management Division. Applicants agree to utilize innovative water quality measures consisting of bio-retention, polymer enhanced baffle system, stream buffer protection, and enhancement with native species.

STIPULATIONS APPLICABLE TO RETAIL AND OFFICE USES

(1) There shall be a total of approximately 134,600 square feet of retail and commercial; approximately 144,600 square feet of office space; and approximately 31,200 square feet of multi-use church space as more particularly shown and reflected on the referenced Zoning Plan.

(2) Contained within this component part shall be community space of approximately 5,000 square feet which shall be reserved for community purposes for a period of one (1) year from the date of final zoning approval, after which time if no agreement has been

reached as to its uses, the same shall revert to retail/office space.

(3) The retail/office space shall consist of ground floor retail with four (4) stories of residential above; retail out parcel uses; and a separate office building a maximum of five (5) stories above parking, all as more detailed and reflected on the referenced Zoning Plan.

(4) Tenant space for the retail component shall not exceed a box size of 25,000 square feet.

(5) Applicants agree the exteriors and architectural appearance of the retail/office components, together with associated residences, shall be substantially similar to the renderings to be presented to the Planning Commission and the Board of Commissioners at the respective public hearings.

(6) The architectural theme and materials for out parcels shall be substantially similar to that of the proposed Village Center.

(7) 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; and

(d) Packaged sale of alcoholic beverages as a primary use; excepting a specialty store specializing in the sale of wine.

(8) Applicants agree to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

STIPULATIONS APPLICABLE TO RESIDENTIAL COMPONENT

(1) Within the area denominated as "The Village Center," shall be the following residential components:

(a) Within Blocks 1, 2, 3, and 4 of the proposed community, there shall be one thousand three hundred fifty-one (1,351) Village Condominium units located above retail/office uses and comprising the upper two (2) to four (4) stories thereof. These units shall be "for sale" units and shall comply in all respects with the State of Georgia Condominium Act.

(b) Condominiums in the townhome style in compliance with the Cobb County Condominium or Zoning Ordinance, totaling ninety-four (94) units, all of said units shall be "for sale" units;

(c) Stack Flat Condominiums consisting of eighty (80) units, four (4) to five (5) stories above an underground parking level will be located on the eastern portion of the site. These units shall be "for sale" units and shall comply in all respects with the State of Georgia Condominium Act.

(d) Independent Senior Living Condominiums consisting of one hundred eighty-five (185) units a maximum of five (5) stories above parking. These units shall be senior living leased units with a

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resident of each unit being a minimum of fifty-five (55) years of age or older; excepting only compliance with the Federal Fair Housing Act, as amended.

(2) The total unit square footages for the respective residential types are as follows:

TYPE	SQUARE FOOTAGE RANGE
Townhomes	1,600 - 2,400 square feet
Village 3 Bedroom Condos	1,300 - 2,000 square feet
Village 2 Bedroom Condos	1,100 - 1,300 square feet
Village 1 Bedroom Condos	800 - 1,100 square feet[1]
Stack Flat 3 Bedroom Condos	1,400 - 2,000 square feet
Stack Flat 2 Bedroom Condos	1,200 - 1,500 square feet
Stack Flat 1 Bedroom Condos	900 - 1,200 square feet
Independent 2 Bedroom Senior	2,000 - 1,000 square feet
Independent 1 Bedroom Senior	700 - 1,100 square feet

(3) An exception to the foregoing is that the units, as described and set forth in subparagraph (1)(a), above, may be leased from the inception of the project. These Village Condominium units will be converted to "owned" residential units as soon as market conditions allow. Once converted, these units will become

[1]A maximum of forty (40) Village one bedroom units may be less than 800 square feet.

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Continued

condominiums under and pursuant to the Georgia Condominium Act.

We believe the requested zoning, pursuant to the referenced, revised Zoning 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 will promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments 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.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

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

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

Mr. Robert L. Hosack, Jr., AICP, Director
Cobb County Community Development Agency

John P. Pederson
Planner III
Zoning Division
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Canton Road Neighbors

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The Pacific Group, Inc.

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OF COUNSEL
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
◆ ADMITTED ONLY IN TN

March 17, 2008

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered

Min. Bk. 55 Petition No. Z-26 '07
Doc. Type letter of agreeable conditions
Meeting Date 3-18-2008

FILED WITH COUNTY CLERK THIS 18th DAY OF March 20 08 BY John Moore
RE Z-26 2007
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

RE: Application for Rezoning
Application No.: Z-26 (2007)
Applicants: Town Center Associates, LLC and Pacific 2, LLC
Property Owners: Tammy Black; Karl Baden; Catherine Baden; et al.
Property: 50.237 acres, being known as Hidden Forest Subdivision, and a tract located on the northerly side Big Shanty Road, easterly of George Busbee Parkway and westerly of I-575; Land Lots 436, 501, 502, 507, and 508, 16th District, 2nd Section, Cobb County, Georgia

Dear Mark:

On behalf of the Applicants and Property Owners in the above-referenced Application for Rezoning please accept the following as additional 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 be in addition to the letter from Moore Ingram Johnson & Steele dated February 27, 2008.

(2) Applicants agree to the Conditions to Georgia Regional Transportation Authority Notice of Decision for DRI 1352 Hidden Forest as presented on Attachment "A" of such approval and as documented and specified on the attached Exhibit "A" of this stipulation letter.

(3) Applicants agree that the project will be subject to the Town Center Connector Road from Grace Avenue being built and remaining public and functional. Applicant understands that Cobb County is not agreeing to fund the construction of the Big Shanty-Town Center Connector Road and Bridge. Applicants agree to fund this road from the existing Big Shanty Road to the proposed Town Green. Applicants agree to continue working the Town Center Area Community Improvement District (TCA CID) and others, including the Georgia Department of Transportation (GDOT), the Atlanta Regional Commission (ARC), Georgia Regional Transportation Authority (GRTA), Cobb County Transportation Department and others to identify funding for that portion of the road from the proposed Town Green to Town Center Mall.

(4) The following snall be added to the end of the first sentence on page 12 of the stipulation letter prepared dated and filed February 27, 2008:

> Conversion of Village Condominiums from leased units to owned units will be based upon market conditions, financing requirements and construction completion. Based upon expected conditions, Applicants

project the Construction, Sales and Conversion schedule presented as Exhibit "B" of this letter.

(5) Applicants agree to reserve area for the requested right-of-way of Big Shanty Road and the requested right-of-way of Grace Avenue. Applicants agree to also reserve the area as shown and reflected on the referenced Zoning Plan for the Noonday Creek multi-use trail.

Again, we believe the requested zoning, pursuant to the referenced revised Zoning 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 will promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments 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.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc
Enclosures

Petition No. Z-26 '07
Meeting Date 3-18-2008
Continued

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

Mr. Robert L. Hosack, Jr., AICP, Director
Cobb County Community Development Agency
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(With Copies of Enclosures)

David Hong
East Cobb Civic Association, Inc.

The Pacific Group, Inc.
(With Copies of Enclosures)

OFFICIAL MINUTES OF BOARD OF COMMISSIONERS ZONING HEARING AS TO APPLICATION FOR "OTHER BUSINESS" FOR Z-26 (2007) – MARCH 19, 2013

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 19, 2013
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 19, 2013 at 9:00 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 Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Helen Goreham
Commissioner Robert Ott

O.B. 1 To consider a stipulation clarification and amendment for rezoning application Z-26 of 2007 (Town Center Associates, LLC), for property located on the south side of Big Shanty Road on Hidden Forest Court and Truth Avenue in Land Lots 436, 501, 502, 507 and 508 of the 16th District.

Mr. John Pederson provided information regarding a stipulation clarification and amendment. The public hearing was opened and Mr. Kevin Moore, Ms. Linda Goff, Mr. Eric McConaghy, and Mr. James Laird addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to **approve** Other Business Item No. 1 for stipulation amendment for Z-26 of 2007 (Town Center Associates, LLC), for property located on the south side of Big Shanty Road on Hidden Forest Court and Truth Avenue in Land Lots 436, 501, 502, 507 and 508 of the 16th District **subject to:**

- **Amend previously stipulated letter of agreeable conditions from Mr. John Moore dated February 27, 2008 (attached and made a part of these minutes) as follows:**
  - **Page 3, Item No. 2, strike in its entirety and replace with: *"The property shall be developed by a master developer who shall be involved in all aspects of the subject development; including, but not limited to, coordination and responsibility to satisfy the conditions of rezoning and requirements of the Development of Regional Impact (DRI) comments. The master developer may include successors and/or assigns of the***

initial master developer, provided at all times there shall be one party acting as the master developer. Further provided that any successors or assigns of the master developer must follow the approved master site plan. Non minor modifications must be addressed through the rezoning application process."

- **All previous stipulations and conditions,** ***not otherwise in conflict,*** **to remain in effect**

VOTE: **ADOPTED** 4-1, Ott opposed

Clerk's Note: *Commissioner Ott clarified that the three properties currently not under contract (Walker, McConaghy, and Grace Church properties) have the following options: complete build-out of existing site plan under supervision of master developer; sell property to master developer; or seek rezoning of the property.*

MOORE INGRAM JOHNSON & STEELE

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JOHN L. SKELTON, JR.†

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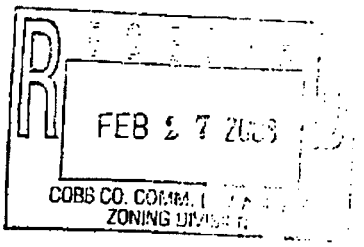
◊ ADMITTED ONLY IN TN

Min. Bk. 55 Petition No. Z-26 '07
Doc. Type Letter of agreeable conditions
Meeting Date Hand-Delivered 3/18/08

February 27, 2008

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661



RE: Application for Rezoning
Application No.: Z-26 (2007)
Applicants: Town Center Associates, LLC and Pacific 2, LLC
Property Owners: Tammy Black; Karl Baden; Catherine Baden; et al.
Property: 50.237 acres, being known as Hidden Forest Subdivision, and a tract located on the northerly side Big Shanty Road, easterly of George Busbee Parkway and westerly of I-575; Land Lots 436, 501, 502, 507, and 508, 16th District, 2nd Section, Cobb County, Georgia

Min. Bk. 68 Petition No. Z-31
Doc. Type letter of agreeable conditions
Date 8/19/13

Dear Mark:

As you know, the undersigned and this firm represent Pacific 2, LLC and Town Center Associates, who are the Applicants (hereinafter collectively referred to as "Applicants"), and the numerous Property Owners enumerated in the above-referenced Application for Rezoning regarding a tract totaling 50.237 acres, more or less, being known as the Hidden Forest Subdivision, located in Land Lots 436, 501, 502, 507 and 508,

16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the 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. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed January 30, 2008; excepting only the Landscape Exhibit submitted therewith. The revised stipulations are as follows:

(1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property.

(2) Applicants seek rezoning of the Subject Property from the existing R-20 and Neighborhood Shopping ("NS") zoning categories to the proposed zoning category of Planned Village Community ("PVC"), site plan specific to the revised Master Rezoning Site Plan (hereinafter "Zoning Plan") prepared by Planners and Engineers Collaborative dated September 4, 2007, last revised February 5, 2008.

OB1
3/19/13

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

PAGE 70 OF

(3) The Subject Property consists of 50.237 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL COMMUNITY

(1) This rezoning proposal is a "Village Concept" to include retail, office, and residential, with the residential component being of varying types.

(2) Pacific 2, LLC, as the developer, will be involved in all aspects of the development, including, but not limited to, the residential, retail, office and park components.

(3) There shall be master protective covenants for the entire development that will include all phases of the community; and concurrent therewith a master association 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, and the like contained within the overall community (i.e., bike paths, sidewalks, open space, walking trails, and the like).

(4) The master association 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.

(5) Applicants propose to exchange with Cobb County existing rights-of-way for proposed rights-of-way, as more particularly shown and reflected on the referenced Zoning Plan.

(6) Applicants agree to work with the Cobb County Department of Transportation regarding the re-alignment of Grace Avenue, as more particularly shown and reflected on the referenced Zoning Plan.

(7) There shall be approximately 23.8 acres of open space/park area within the proposed community, which comprises approximately 47 percent of the total tract.

(8) The following buffers shall be associated with the proposed community:

(a) A landscape buffer ten (10) feet in width located along the frontage of the Subject Property with Big Shanty Road, as more particularly shown and reflected on the referenced Zoning Plan;

(b) A landscape buffer ten (10) feet in width located along the eastern boundary of the Subject Property, as more particularly shown and reflected on the referenced Zoning Plan; and

(c) A landscape buffer twenty (20) feet in width along the southern and western boundaries of the Subject Property, as more particularly shown and reflected on the referenced Zoning Plan.

(9) Entrances to the proposed community shall be as more particularly shown and reflected on the referenced Zoning Plan.

(10) 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 community.

(11) 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.

(12) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.

(13) Modifications to the within stipulations, the referenced Zoning Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.

(14) All open space, green space, trails, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

(15) Applicants agree to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

(16) Parking for restaurants, commercial and retail uses, and residential within The Village Center, as well as out parcels, will be provided by means of surface parking and parking decks as detailed on the Zoning Plan, which will employ "shared" parking among the

respective components and which will provide sufficient and adequate parking for the overall development.

(17) All private streets within the proposed community shall be constructed with the construction complying in all respects as to materials and base, of the Cobb County Code.

(18) The retail/office area of the proposed community shall have recessed areas and alcoves for any restaurant use so as not to impede pedestrian traffic with outside seating. Sidewalks located within The Village Center shall range from eleven (11) to eighteen (18) feet in width, with a minimum of eight (8) feet in width for sidewalks adjacent to outdoor seating areas.

(19) Applicants shall construct a passive Town Green park consisting of open space and a bandstand area. It is the intent of the development for the Town Green to be a public amenity to the entire community.

(20) Landscaping, lighting, paving features, and related site details shall be substantially similar to the plans prepared by Planners and Engineers Collaborative dated January 29, 2008, and submitted to the Cobb County Zoning Office on or about January 30, 2008.

(21) Applicants agree to install traffic calming devices within the development as approved by the District Commissioner.

(22) Project signage will also be installed in the southeastern portion of the site adjacent to Interstate 575, as more particularly shown and reflected on the referenced Zoning Plan.

(23) The District Commissioner shall approve all landscaping and architecture, not otherwise herein approved, as depicted in the renderings and plans set forth herein, prior to issuance of building permits.

(24) Applicants are planning to include restaurants as a part of the retail component within the proposed community, which restaurants may serve alcoholic beverages as a part of the food service.

(25) Applicants are planning to include this development as a Water Conservation Project based upon the suggestions of Kathey Nguyen, Water Conservation Coordinator for the Cobb County Water System. Conservation measures will include a combination of the following:

- WaterSense Labeled High Efficiency Toilets using 1.28 gallons per flush either through a reduced volume flush or an approved dual flush technology;
- Faucet aerators which have the WaterSense certification and use no more than 1.5 ~~Gallons~~ per minute;
- Showerheads which have a flow rate between 1.5-2.0 under 80 PSI;
- Outdoor irrigation will include efficient technology including, cistern systems, efficient irrigation heads, Evapotranspiration Controllers (Smart Controllers);
- Landscape design will include low water use vegetation; and

- Retail shops will have efficient technologies, including 1.6 gallons per minute pre-rinse spray valves for restaurants and food establishments, efficient dishwashing and laundry facilities using new water saving technology.

(26) Applicants agree to install and properly maintain all erosion control Best Management Practices in accordance with Cobb County and Georgia Soil and Water Conservation Commission requirements. Applicants agree to utilize polymer enhanced Best Management Practices during site development operations.

(27) Applicants agree to provide water quality for the Subject Property as approved by the Cobb County Stormwater Management Division. Applicants agree to utilize innovative water quality measures consisting of bio-retention, polymer enhanced baffle system, stream buffer protection, and enhancement with native species.

STIPULATIONS APPLICABLE TO RETAIL AND OFFICE USES

(1) There shall be a total of approximately 134,600 square feet of retail and commercial; approximately 144,600 square feet of office space; and approximately 31,200 square feet of multi-use church space as more particularly shown and reflected on the referenced Zoning Plan.

(2) Contained within this component part shall be community space of approximately 5,000 square feet which shall be reserved for community purposes for a period of one (1) year from the date of final zoning approval, after which time if no agreement has been

reached as to its uses, the same shall revert to retail/office space.

(3) The retail/office space shall consist of ground floor retail with four (4) stories of residential above; retail out parcel uses; and a separate office building a maximum of five (5) stories above parking, all as more detailed and reflected on the referenced Zoning Plan.

(4) Tenant space for the retail component shall not exceed a box size of 25,000 square feet.

(5) Applicants agree the exteriors and architectural appearance of the retail/office components, together with associated residences, shall be substantially similar to the renderings to be presented to the Planning Commission and the Board of Commissioners at the respective public hearings.

(6) The architectural theme and materials for out parcels shall be substantially similar to that of the proposed Village Center.

(7) 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; and

(d) Packaged sale of alcoholic beverages as a primary use; excepting a specialty store specializing in the sale of wine.

(8) Applicants agree to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

STIPULATIONS APPLICABLE TO RESIDENTIAL COMPONENT

(1) Within the area denominated as "The Village Center," shall be the following residential components:

(a) Within Blocks 1, 2, 3, and 4 of the proposed community, there shall be one thousand three hundred fifty-one (1,351) Village Condominium units located above retail/office uses and comprising the upper two (2) to four (4) stories thereof. These units shall be "for sale" units and shall comply in all respects with the State of Georgia Condominium Act.

(b) Condominiums in the townhome style in compliance with the Cobb County Condominium or Zoning Ordinance, totaling ninety-four (94) units, all of said units shall be "for sale" units;

(c) Stack Flat Condominiums consisting of eighty (80) units, four (4) to five (5) stories above an underground parking level will be located on the eastern portion of the site. These units shall be "for sale" units and shall comply in all respects with the State of Georgia Condominium Act.

(d) Independent Senior Living Condominiums consisting of one hundred eighty-five (185) units a maximum of five (5) stories above parking. These units shall be senior living leased units with a

resident of each unit being a minimum of fifty-five (55) years of age or older; excepting only compliance with the Federal Fair Housing Act, as amended.

(2) The total unit square footages for the respective residential types are as follows:

TYPE	SQUARE FOOTAGE RANGE
Townhomes	1,600 - 2,400 square feet
Village 3 Bedroom Condos	1,300 - 2,000 square feet
Village 2 Bedroom Condos	1,100 - 1,300 square feet
Village 1 Bedroom Condos	800 - 1,100 square feet[1]
Stack Flat 3 Bedroom Condos	1,400 - 2,000 square feet
Stack Flat 2 Bedroom Condos	1,200 - 1,500 square feet
Stack Flat 1 Bedroom Condos	900 - 1,200 square feet
Independent 2 Bedroom Senior	2,000 - 1,000 square feet
Independent 1 Bedroom Senior	700 - 1,100 square feet

(3) An exception to the foregoing is that the units, as described and set forth in subparagraph (1)(a), above, may be leased from the inception of the project. These Village Condominium units will be converted to "owned" residential units as soon as market conditions allow. Once converted, these units will become

[1]A maximum of forty (40) Village one bedroom units may be less than 800 square feet.

condominiums under and pursuant to the Georgia Condominium Act.

We believe the requested zoning, pursuant to the referenced, revised Zoning 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 will promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments 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.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency

February 27, 2008

Petition No. Z-26 '07
Meeting Date: 3-18-08
Continued

c: Cobb County Board of Commissioners:
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OFFICIAL MINUTES OF BOARD OF COMMISSIONERS ZONING HEARING AS TO APPLICATION FOR REZONING NO. Z-73 (2013) – DECEMBER 17, 2013

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 17, 2013
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 17, 2013 at 9:00 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 Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Helen Goreham
Commissioner Bob Ott

Z-73 **TV HOLDINGS, LLC** (owner) requesting Rezoning from **R-20** to **PVC** for the purpose of Residential Units and Site Plan Amendment in Land Lots 501 and 508 of the 16th District. Located on the south side of Big Shanty Road, on the east side of George Busbee Parkway, and on the south and east sides of Hidden Forest Court.

The public hearing was opened and Mr. Kevin Moore, Mr. T. E. Cauthorn, Mr. Eric McConaghy, and Mr. Michael Fox addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Lee, to **approve** Rezoning to the **PVC** zoning district **subject to:**

- **Site plan received by the Zoning Division October 3, 2013 with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **If three properties not included as part of this site plan are acquired by "master developer," then any changes may be considered as an Other Business Item; if property is not sold to "master developer," then any changes must go through rezoning process**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **All previous stipulations and conditions for Z-26 of 2007, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

Min. Bk. 21 Petition No. Z-73

Doc. Type site plan

Meeting Date 12/17/13

REVISED

2013 NOV 26 PM 3:57

COBB COUNTY ZONING DIVISION

TOWN VILLAGE

A MIXED USE MASTER DEVELOPMENT

FOR

TV HOLDINGS, LLC

6899 LOWER ROSWELL ROAD

SUITE 161, NO 524

MARIETTA, GEORGIA 30068

PHONE: 404-312-4983

PLANNERS AND ENGINEERS COLLABORATIVE

SITE PLANNING • LANDSCAPE ARCHITECTURE • CIVIL ENGINEERING • LAND SURVEYING

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REVISIONS:

NO.	DATE	BY	DESCRIPTION
1.	3/18/08	PEC	APPROVED PLANNING COMMISSION SITE PLAN
2.	7/14/11	PEC	APPROVED SITE PLAN
3.	10/4/11	PEC	PLOT/SPECIAL EVENT
4.	11/21/13	PEC	LAND DISTURBANCE
5.	12/2/13	PEC	SITE PLAN

SHEET TITLE:

MASTER SITE PLAN

SCALE: 1" = 100'

DATE: October 1, 2013

PROJECT: 06143.00C

SHEET

S

SITE DATA:

OVERALL TOTAL SITE AREA: 59.337 ACRES
LESS ROW: 2.180 ACRES
NET SITE AREA: 57.157 ACRES

ZONING:
EXISTING ZONING: (PVC & CRC) (MIXED USE)
ZONING SUBMITTED: (MIXED USE)

DATA BREAKDOWN - TOTAL SITE AREA:
RETAIL: 134,400 SF
OFFICE: 30,300 SF
RESIDENTIAL: 1,000 UNITS

DATA BREAKDOWN - COMPLETED PHASE 1:
RETAIL: 30,000 SF
RESIDENTIAL: 333 UNITS

SETBACK SUMMARY:
NO SMART FRONTAGE: 10 FEET
EASTERN PROPERTY LINE: 10 FEET
CAMP CREEK PARKWAY: 10 FEET
TOWN CENTER CONNECTOR: 10 FEET
NORTHERN & WESTERN PROPERTY LINE: 10 FEET

GREENSPACE CALCULATIONS:
TOTAL GREENSPACE REQUIRED (15%): 29.7 ACRES
TOTAL GREENSPACE PROVIDED: 41.8 ACRES
(INCLUDES WALK & PATHWAYS): 12.1 ACRES

SITE LOCATION MAP (NTS)

BLOCK-A NOT INCLUDED

BLOCK-D NOT INCLUDED

COMMERCIAL PAD ZONING

OWNER & OTHER CONTACT INFORMATION

SITE NOTES

SITE ACREAGE NOTE

COBB COUNTY STATEMENT