(Site Plan and Stipulation Amendment)

Application for "Other Business"
Cobb County, Georgia

OB-028-2016

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** May 17, 2016

Applicant: NorSouth Development Company of Georgia, LLC **Phone #:** (770) 850-8280
(applicant's name printed)

Address: Suite 450, 2000 RiverEdge Parkway, N.W., Atlanta, GA 30328 **E-Mail:** Dave@NorSouth.com

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

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

Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public **My commission expires:** January 10, 2019

CAROLYN E. COOK NOTARY PUBLIC COBB COUNTY EXPIRES GEORGIA JAN. 10, 2019

Titleholder(s): Cousins Properties Incorporated **Phone #:** _____
(property owner's name printed)

Address: _____ **E-Mail:** _____

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

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Signed, sealed and delivered in presence of:

_____
Notary Public **My commission expires:** _____

Commission District: 2 (Ott) **Zoning Case:** #248 (1979); #12 (1980)

Size of property in acres: 5.242 **Original Date of Hearing:** 12/05/1979 01/02/1980

Location: Easterly of Windy Hill Road; northerly of Wildwood Parkway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 987, 988 **District(s):** 17th

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

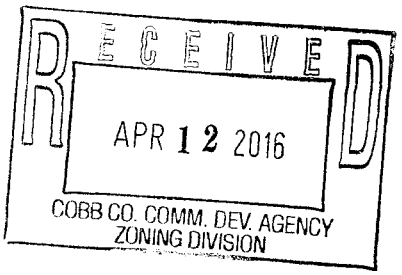
See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

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

Application Nos.:	**#248 (1979) and #12 (1980)**
Original Hearing Dates:	**December 5, 1979** **January 2, 1980**
Date of Zoning Decisions:	**December 5, 1979** **January 2, 1980**
Current Hearing Date:	**May 17, 2016**

Applicant:	**NorSouth Development Company of Georgia, LLC**
Titleholder:	**Cousins Properties Incorporated**



COUSINS PROPERTIES INCORPORATED,
a Georgia corporation

BY: _____
William I. Bassett, Jr.
Senior Vice President

[Corporate Seal]

Date Executed: April 11th, 2016

Address: Suite 500, 191 Peachtree Street, N.E.
Atlanta, Georgia 30303

Telephone No.: (404) 407-1000

Signed, sealed, and delivered in the presence of:

Kezia Guest
Notary Public
Commission Expires: Sept 16, 2019

[Notarial Seal]

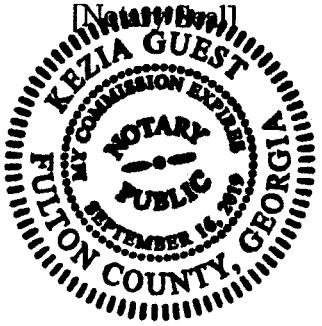
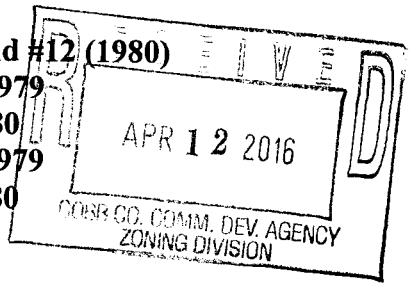


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application Nos.:	**#248 (1979) and #12 (1980)**
Original Hearing Dates:	**December 5, 1979** **January 2, 1980**
Date of Zoning Decisions:	**December 5, 1979** **January 2, 1980**
Current Hearing Date:	**May 17, 2016**



Applicant:	**NorSouth Development Company of Georgia, LLC**
Titleholder:	**Cousins Properties Incorporated**

On December 5, 1979, and January 2, 1980, the Cobb County Board of Commissioners approved the rezoning of an overall, total tract of 197.76 acres, more or less, to the Office and Institutional ("OI") and Planned Shopping Center ("PSC") zoning classifications. The development of the property comprising these Applications for Rezoning has become known as "Wildwood." The property for consideration in this Application for "Other Business" was zoned to the OI zoning classification in the original, overall Wildwood rezonings, and consists of 5.242 acres located easterly of Windy Hill Road and northerly of Wildwood Parkway, Land Lots 987 and 988, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property").

NorSouth Development Company of Georgia, LLC, as Applicant in this Application for "Other Business" (hereinafter "Applicant"), seeks to amend any previously approved site plan and stipulations applicable to the Subject Property only by deleting same in their entirety and substituting in lieu thereof the following:

(1) Applicant seeks approval of the Conceptual Site Plan ("Site Plan") dated April 11, 2016, prepared for Applicant by Foley Design, site specific as to the development of the Subject Property. A reduced copy of the Site Plan for the Subject Property is attached hereto as Exhibit "1" for ease of review and incorporated herein by reference.

(2) The Property is a 5.242 acre tract. Applicant seeks development of the Property for a residential senior living community, as follows:

(a) A residential building, a maximum of five (5) stories in height, containing a maximum of one hundred seventy (170) residential leased units; and

(b) A maximum four-story parking deck containing a maximum of two hundred forty (240) parking spaces for residents and guests. Applicant shall comply with Cobb County Parking requirements of 1.5 spaces per unit for the total, final number of units.

(3) Building architecture and exterior façade shall be composed of brick, stone, stacked stone, stucco-type, and hardi-plank finishes, or combinations thereof, and will be substantially similar to the rendering attached hereto as Exhibit "2" and incorporated herein by reference.

(4) All residents of the proposed residential community shall have access to and use and enjoyment of the amenity areas, which will include, but not be limited to, the following:

(a) Pool;
(b) Amenity courtyard areas;
(c) Picnic areas;
(d) Covered outdoor spaces;
(e) Walking paths;
(f) Community gardens with private plots;
(g) Café;
(h) Fitness center;
(i) Hearthside club room;
(j) Business center; and
(k) Wi Fi internet access.

(5) Access to the residential community and parking may be gated.

(6) Parking for residents and guests of the proposed residential community shall be within the four-story parking deck located adjacent to the residential building, as more particularly shown and reflected on the referenced Site Plan.

(7) The residents within the proposed residential community will utilize a compactor system for refuse.

(8) Residents within the proposed residential community shall be restricted to those persons age fifty-five (55) and older, pursuant to and in accordance with the RSL Zoning Ordinance and the Federal Fair Housing Act.

(9) The entrances to the proposed residential community shall be as more particularly shown and reflected on the referenced Site Plan.

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

(11) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by Staff as part of the Plan Review Process.

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

(13) Additionally, hooded security lighting shall be utilized on the exteriors of the proposed residential building and throughout the walkways, surface parking areas, and parking deck areas.

(14) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:

(a) Increase the density of a residential project or the overall square footage of a non-residential project;

(b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;

(c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;

(d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or

(e) Change an access location to a different roadway.

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

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

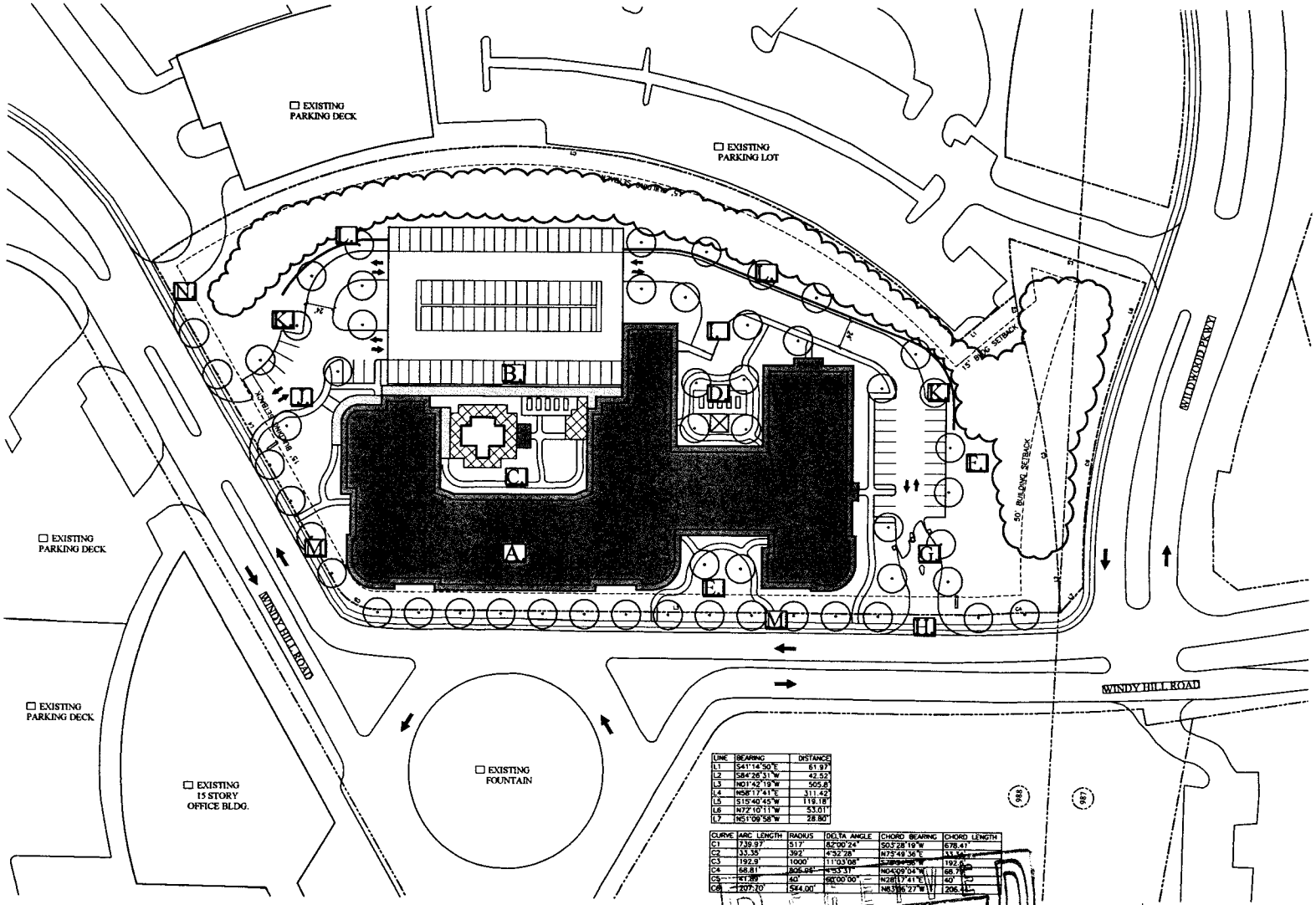
(17) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the proposed community.

(18) Applicant agrees to comply with all Cobb County Stormwater Management requirements for detention and water quality applicable to the Subject Property.

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

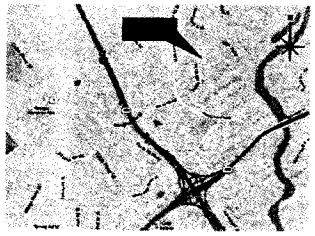
(20) The Subject Property shall revert to its existing zoning category in the event closing of the Subject Property has not been consummated within twelve (12) months of final rezoning approval.

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



LINE	BEARING	DISTANCE
L1	S41°14'50"E	61.97'
L2	S84°26'31"W	42.52'
L3	N01°42'19"W	505.8'
L4	N58°17'41"E	311.42'
L5	S15°40'45"W	119.18'
L6	N72°10'11"W	53.01'
L7	N51°09'58"W	28.80'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	739.97'	517'	82°00'24"	S03°28'19"W	678.41'
C2	33.35'	392'	4°52'28"	N75°49'36"E	33.34'
C3	192.9'	1000'	11°03'08"	[illegible]	192.6'
C4	68.81'	805.95'	4°53'31"	N04°09'04"W	68.79'
C5	41.89'	40'	60°00'00"	N28°17'41"E	40'
C6	207.70'	544.00'	[illegible]	N83°36'27"W	206.4[illegible]



VICINITY MAP

SITE PLAN DESCRIPTION:

SITE ACREAGE = 5.594ACRES
ZONING: O&I

5 STORY BUILDING
170 UNITS
255 PARKING SPACES (1.5 PER UNIT REQ.)
(4) STORY PARKING DECK

SETBACKS:
FRONT (15')
REAR (15')
SIDE ALONG PARKWAY (50')

KEY:

A. 5 STORY SENIOR LIVING APARTMENTS - 170 UNITS
B. (4) STORY PARKING DECK
C. MAIN INTERNAL COURTYARD WITH POOL, COVERED PATIOS, GRILLS AND PICNIC AREAS, OUTDOOR GATHERING, AND GARDENING AREAS.
D. OUTDOOR COURTYARD AREA W/ COVERED PAVILION AND GARDEN AREAS
E. OUTDOOR COURTYARD AREA WITH STREET ACCESS
F. POTENTIAL AREA FOR DETENTION
G. GATED ENTRY FOR RESIDENTS
H. RIGHT IN / RIGHT OUT ENTRY FOR RESIDENTS
I. SERVICE AND FIRE LANE TURN AROUND AREA
J. MAIN ENTRY DROP OFF
K. RETAINING WALLS
L. TREE SAVE AREA
M. STREETSCAPE - PRESERVE TREES ALONG FRONTAGE WITH SIDEWALKS, BENCHES AND LIGHTS
N. DRIVEWAY EASEMENT FOR ACCESS TO ADJACENT PROPERTY

**PER FIRM FLOOD PANEL #137, THERE ARE NO FLOOD AREAS OR 100 YEAR FLOOD LIMITS WITHIN THIS SITE. SEE SEPARATE FIRM MAP

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

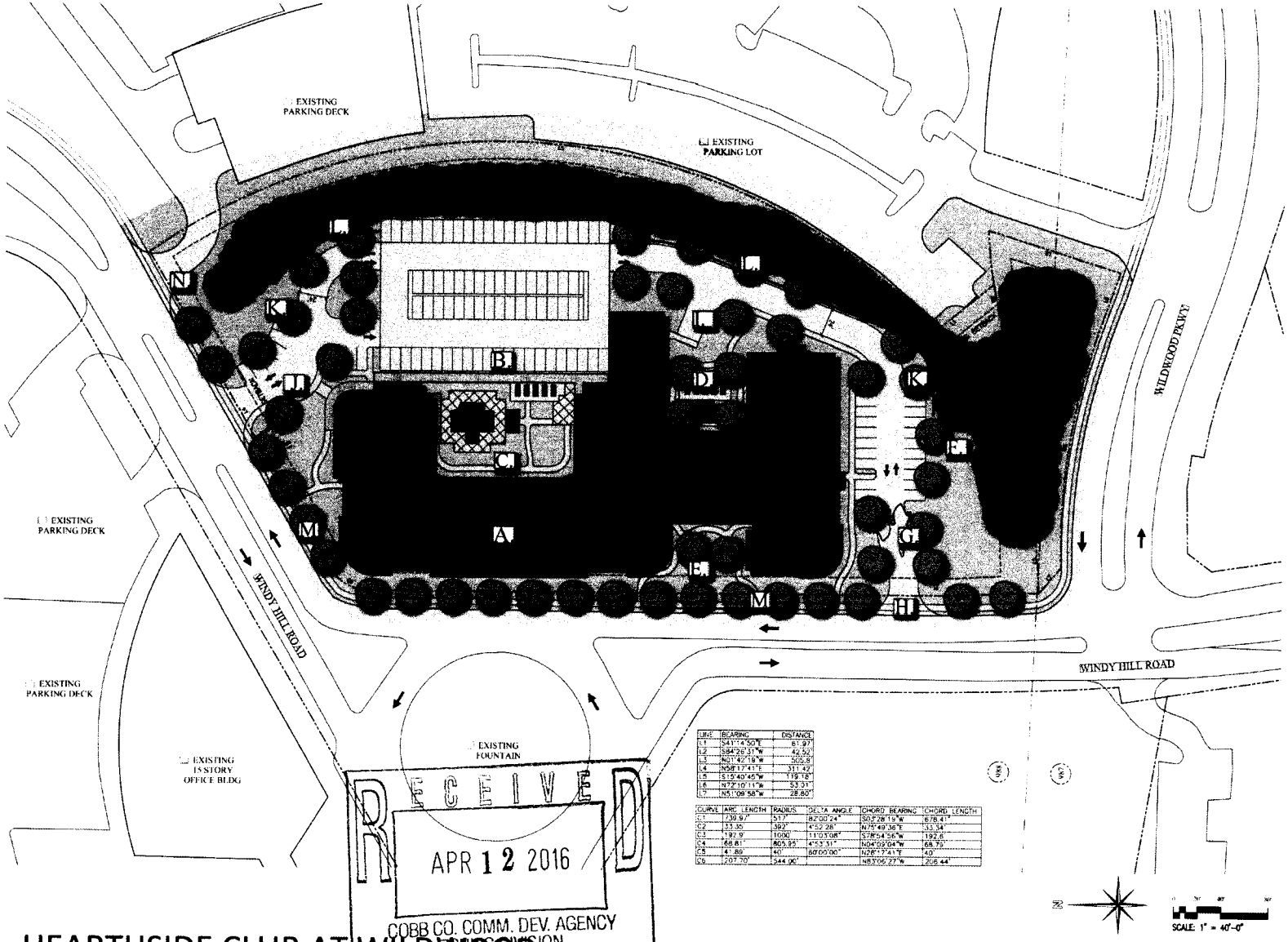
HEARTHSIDE CLUB AT WILDWOOD

NORSOUTH DEVELOPMENT
2000 RIVEREDGE PKWY, SUITE 950 ATLANTA GA 30328

APRIL 11, 2016
CONCEPTUAL SITE PLAN

FOLEY DESIGN

EXHIBIT "1"



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COBB CO. COMM. DEV. AGENCY
PLANNING DIVISION

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HEARTHSIDE CLUB AT WILDWOOD

NORSOUTH DEVELOPMENT
2000 RIVEREDGE PKWY, SUITE 950 ATLANTA GA 30328

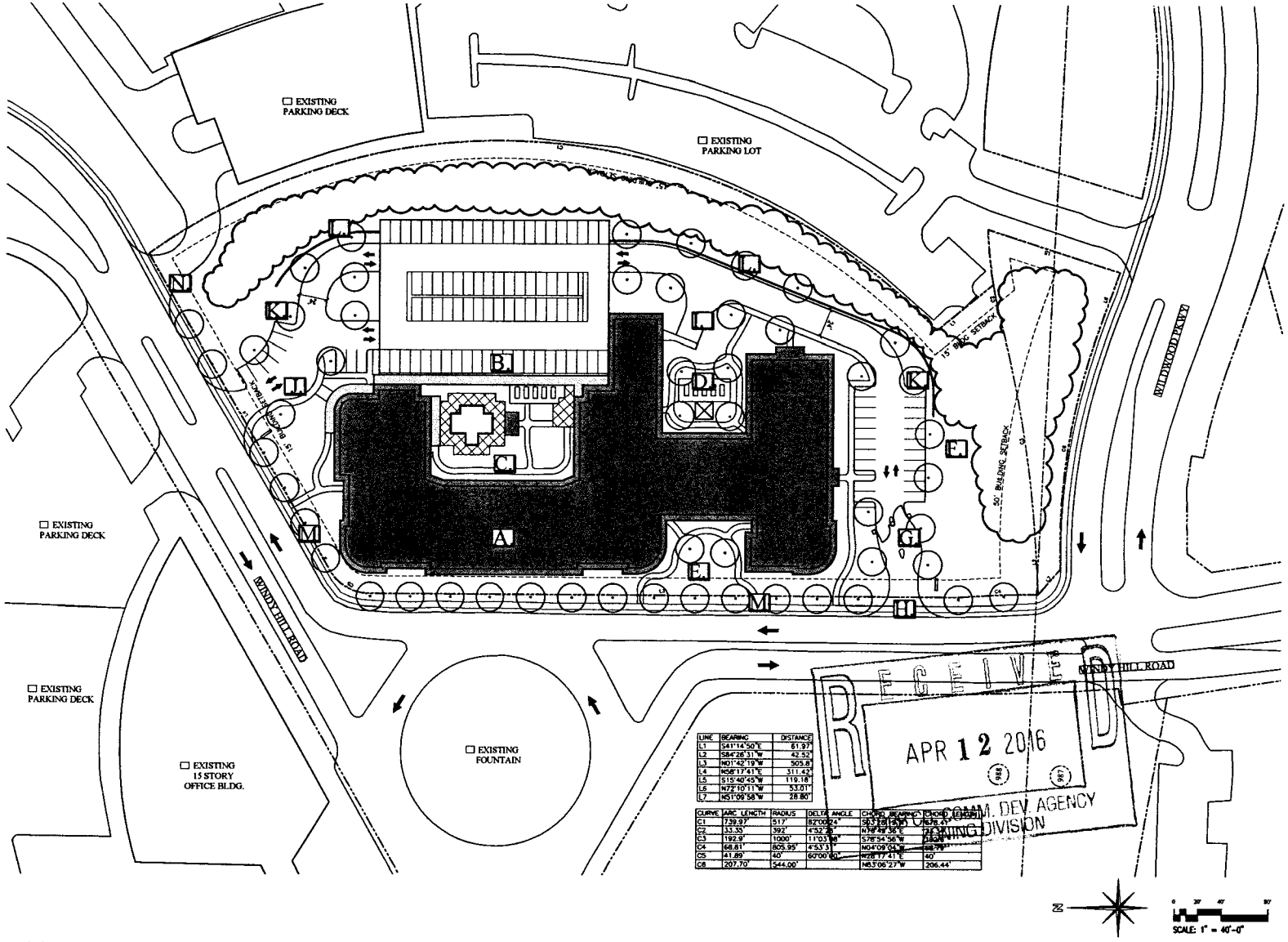
APRIL 11, 2016
CONCEPTUAL SITE PLAN

FOLEY DESIGN

APR 1 2 20
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

EXHIBIT "2"

CONCEPTUAL SITE PLAN FOR APPROVAL BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR "OTHER BUSINESS" – MAY 17, 2016
(5.242 acres)



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RECEIVED
APR 12 2016
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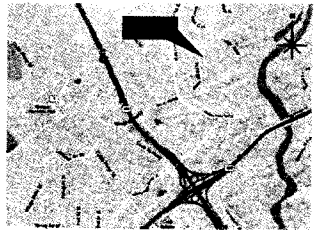
COMM. DEV. AGENCY
ZONING DIVISION



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SCALE: 1" = 40'-0"

HEARTHSIDE CLUB AT WILDWOOD

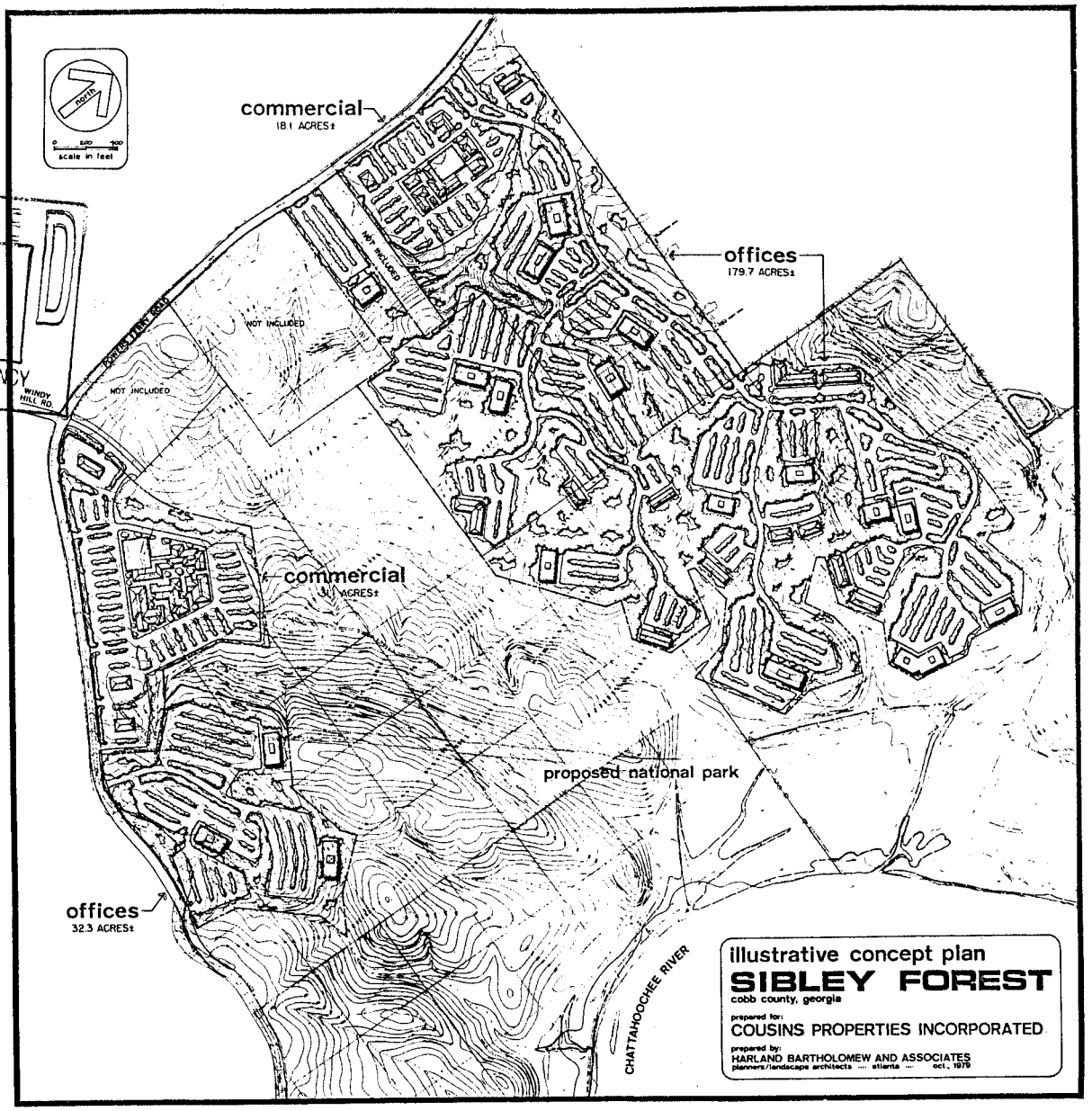
NORSOUTH DEVELOPMENT
2000 RIVEREDGE PKWY, SUITE 950 ATLANTA GA 30328

APRIL 11, 2016
CONCEPTUAL SITE PLAN

FOLEY DESIGN

ILLUSTRATIVE CONCEPT PLAN APPROVED BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR REZONING NO. 247 (1979) – DECEMBER 5, 1979

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING FOR NO. 248 (1979) – DECEMBER 5, 1979

NO. #248

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application October 30, 1979 Date of Hearing, Wed. 12/5/79 1:00 P

Titleholder River Properties, Incorporated /s/ Robert W. Cousins Vice Pres.

Address 300 Interstate North Phone 955-0000

Applicant River Properties, Incorporated /s/ Robert W. Cousins Vice Pres.

Address 300 Interstate North Phone 955-0000

To Zone From R-40 & R-80 / R-40 To PSC / O&I Land Use Commercial / Office/Institutional

FOR THE PURPOSE OF Shopping Center Development / Office Development

Land Lot (s) 939 / 939, 940, 988, 1004, 1005, 1006, 1035, 1036, 1037, District 17th / 17th, Sec. 2nd / 2nd Cobb County, Ga.,

CONTAINING 18.1 / 142.64 acres

LOCATED 17th District, 2nd Section, Cobb County, Georgia

This property being more particularly described as follows:

See Attached Legal Description

Recommendation of Planning Commission: 12/5/79 Planning Commission recommended application be approved subject to agreement marked Exhibit A. Motion by Fowler, seconded by Nixon; carried 6-0.

Bill Atkins, Chairman

Final Decision of Board of Commissioners: 12/5/79 Board of Commissioners approved application as stated above. Motion by Carson, seconded by Lankford, carried 5-0.

Ernest W. Barrett, Chairman

#248

EXHIBIT "A"

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS, made by and between RIVER PROPERTIES INCORPORATED, a Georgia corporation, its successors and assigns (hereinafter referred to as "Covenantor") and TERRELL MILL ESTATES-OLD MILL TRACE HOMEOWNERS' ASSOCIATION, INC., a Georgia Corporation, its successors and assigns (hereinafter referred to as "Covenantee").

W I T N E S S E T H:

WHEREAS, Covenantor is the owner of a certain tract of real property located in Land Lots 939, 988, 1004, 1005, 1006, 1035, 1036 and 1037 of the 17th District, 2nd Section of Cobb County, Georgia and being more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property"), concerning which Property Covenantor has asked the support of Covenantee, in connection with a certain re-zoning application (Number 248); and

WHEREAS, Covenantor has made certain agreements with Covenantee concerning use of certain portions of the Property whereunder Covenantee would support the aforesaid re-zoning application.

NOW THEREFORE, for and in consideration of Covenantee's support of the aforesaid re-zoning application of Covenantor, the value and sufficiency of which support is hereby acknowledged by Covenantor, it is hereby agreed and covenanted as follows:

1. Covenantor hereby makes, declares and places the following restrictions upon portions of the Property for the benefit of Covenantee and the property located within Terrell Mill Estates Subdivision, being more particularly shown on those certain Subdivision Plats of Terrell Mill Estates, recorded in: Plat Book 26, Page 46, dated April 15, 1963; Plat Book 27, Page 141, dated December 2, 1963; Plat Book 37, Page 4, dated October 22, 1965; Plat Book 32, Page 35, dated November 2, 1964; Plat Book 37, Page 93, dated January 12, 1966; Plat Book 52, Page 133, dated August 17, 1971; Plat Book 63, Pages 58 and 59, dated February 12, 1975; Plat Book 45, Page 86, dated February 29, 1968; Plat Book 34, Page 6, dated March 23, 1965; Plat Book 34, Page 12, dated March 24, 1965; and Plat Book 43, Page 11, dated May 24, 1967; which are all part of the Cobb County, Georgia, Records:

(a) There shall be maintained upon that portion of the Property located within two hundred (200) feet of the common property line (the"Common Property Line") between the Property and Terrell Mill Estates (i. e., portions of the Land Lot lines common to Land Lots 988 and 989 and Land Lots 989 and 1004 of the 17th District, 2nd Section

708.
798

of Cobb County, Georgia) (the "Buffer Zone") an undisturbed buffer, maintained by Covenantor or its successors or assigns in its natural state. Covenantor shall not be allowed to cut any trees in the "Buffer Zone."

(b) No building constructed upon that portion of the Property (excluding the Buffer Zone) located within five hundred (500) feet of the Common Property Line may exceed in height the average height of mature trees located upon the Buffer Zone.

(c) A Plat indicating the Property and the above-listed covenants is attached hereto and incorporated herein by reference as Exhibit "B."

2. This Declaration of Covenants shall constitute covenants running with the land and, as such, said Covenants shall be binding upon Covenantor and Covenantor's assigns and successors in title or other interest in the Property for a period of ninety-nine (99) years.

3. Covenantee shall have the right to enforce these Covenants by action for damages, or by an action in equity for injunction, or any other legal or equitable action seeking to prevent a violation of the terms of these Covenants or seeking redress because of the violation of the terms of these Covenants or seeking redress because of the violation of any of these Covenants.

4. This Declaration of Covenants is made for and shall be for the benefit of the Covenantee, its successors and assigns and for the benefit of the present and future members of Covenantee. However, for convenience it is hereby specifically agreed that, should Covenantor and Covenantee at anytime mutually agree to a change, amendment or release of any or all of the foregoing covenants, such change, amendment or release shall be fully accomplished by the execution of a written instrument, approved in a regularly scheduled meeting with due notice thereof by 51% of the property owners owning lots in Terrell Mill Estates and Old Mill Trace Subdivisions who are members of Covenantee. Such change, amendment or release shall be fully accomplished by the execution of a written instrument, witnessed and recorded with the formality of this Declaration, by Covenantor and by the then President of Covenantee, after approval of the property owners/members of Covenantee stated above.

IN WITNESS WHEREOF, Covenantor and Covenantee

have caused this Declaration of Covenants to be executed by their duly authorized officers and their respective seals to be affixed hereunto this 5th day of December, 1979.

Signed, sealed and delivered in the presence of:

Witness

Notary Public

My Commission Expires:

(NOTARIAL SEAL)

Notary Public, Georgia, State at Large
My Commission Expires July 26, 1982

"COVENANTOR"

RIVER PROPERTIES INCORPORATED, A Georgia Corporation

BY: Its: President

ATTEST: Its: Sec

(CORPORATE SEAL)

Signed, sealed and delivered in the presence of:

Witness

Notary Public

My Commission Expires:

(NOTARIAL SEAL)

NOTARY PUBLIC, GEORGIA, STATE AT LARGE
MY COMMISSION EXPIRES OCT. 30, 1981

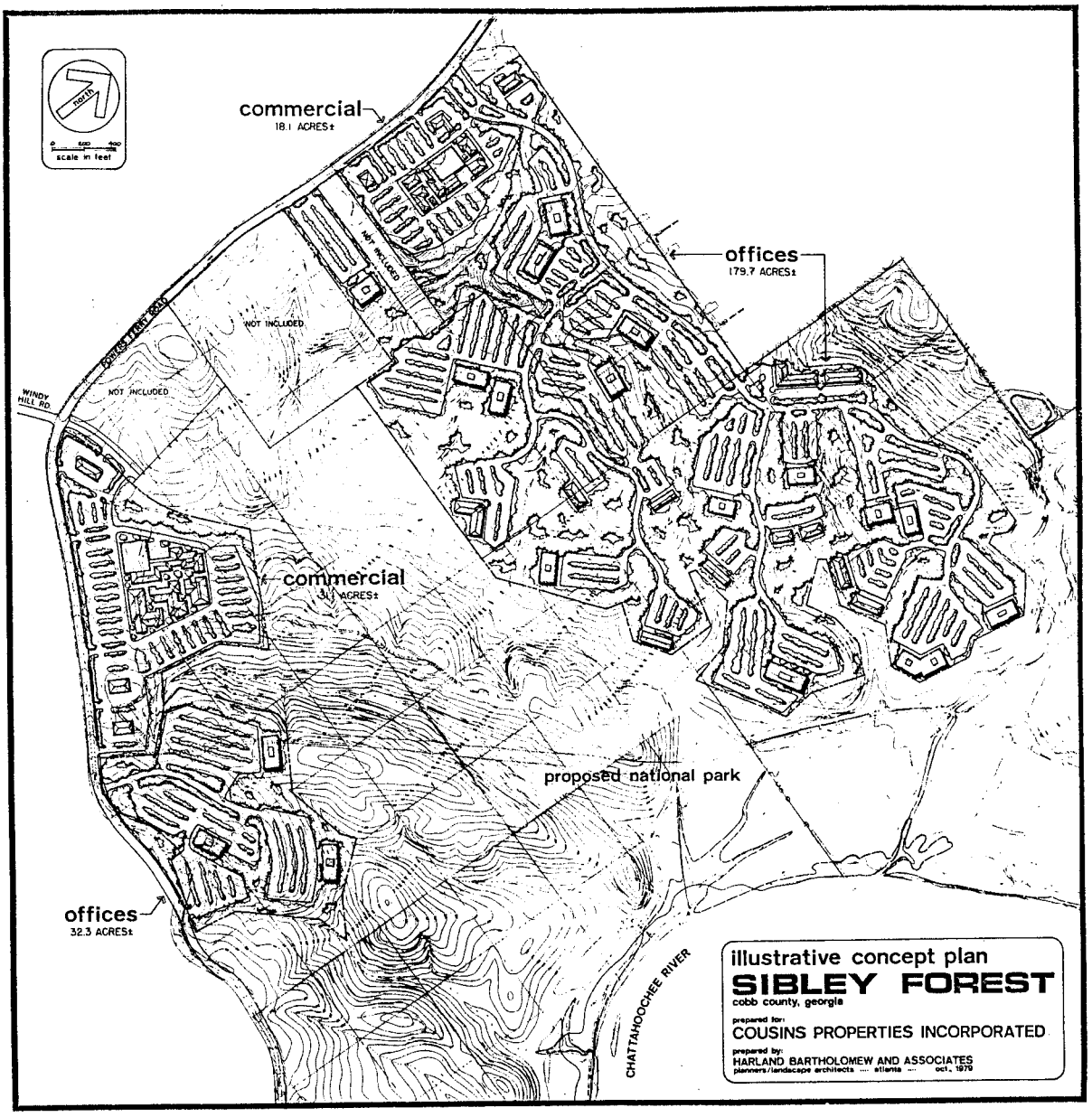
"COVENANTEE"

TERRELL MILL ESTATES-OLD MILL TRACE HOMEOWNERS' ASSOCIATION, INC., A Georgia Corporation

BY: Its: President

ATTEST: Its: Secretary

(CORPORATE SEAL)


NORTH
scale in feet
commercial
18.1 ACRES±
offices
179.7 ACRES±
NOT INCLUDED
NOT INCLUDED
DALLAS HIGHWAY
WINDY HILL RD.
commercial
31.1 ACRES±
proposed national park
offices
32.3 ACRES±
CHATTAHOOCHEE RIVER
illustrative concept plan
SIBLEY FOREST
cobb county, georgia
prepared for:
COUSINS PROPERTIES INCORPORATED
prepared by:
HARLAND BARTHOLOMEW AND ASSOCIATES
planners/landscape architects — atlanta — oct. 1979

OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING FOR NO. 12 (1980) – JANUARY 2, 1980

NO. #12

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application November 26, 1979 Date of Hearing, Wed. 1/2/80 1:00 P.M

Titleholder Lenox Peachtree, Inc. /s/ Robert P. Hunt, V.P.

Address 300 Interstate North, Atlanta, Ga. 30339 Phone 955-0000

Applicant Lenox Peachtree, Inc. /s/ Robert P. Hunt, V.P.

Address 300 Interstate North, Atlanta, Ga. 30339 Phone 955-0000

To Zone From RM-8 To O&I Land Use Commercial Office/Institutional

FOR THE PURPOSE OF Shopping Center Development Office Development

Land Lot (s) 940, 988, 987 ,District 17th ,Sec. 2nd Cobb County, Ga.,

CONTAINING 37.02 acres

LOCATED 17th District, 2nd Section, Cobb County, Georgia

This property being more particularly described as follows:

See attached legal description

Recommendation of Planning Commission: 1/2/80 Planning Commission recommended application be approved. Motion by Nixon, seconded by Fowler; carried 6-0.

Bill Adams, Chairman

Final Decision of Board of Commissioners: 1/2/80 Board of Commissioners approved application. Motion by Lankford, seconded by Carson; carried 5-0.

Grant W. Burnett, Chairman

(Site Plan and Stipulation Amendment)

Application for "Other Business"

OB-028-2016

Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** May 17, 2016

Applicant: NorSouth Development Company of Georgia, LLC **Phone #:** (770) 850-8280
(applicant's name printed)

Address: Suite 450, 2000 RiverEdge Parkway, N.W., **E-Mail:** Dave@NorSouth.com
Atlanta, GA 30328

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

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

Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public **My commission expires:** January 10, 2019

CAROLYN E. COOK NOTARY PUBLIC COBB COUNTY GEORGIA EXPIRES JAN. 10, 2019

Titleholder(s): Cousins Properties Incorporated **Phone #:**
(property owner's name printed)

Address: **E-Mail:**

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

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:**

Commission District: 2 (Ott) **Zoning Case:** #248 (1979); #12 (1980)

Size of property in acres: 5.242 **Original Date of Hearing:** 12/05/1979 01/02/1980

Location: Easterly of Windy Hill Road; northerly of Wildwood Parkway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 987, 988 **District(s):** 17th

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

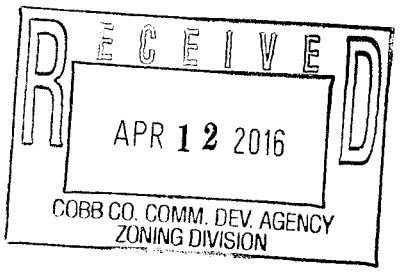
See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

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

Application Nos.:	**#248 (1979) and #12 (1980)**
Original Hearing Dates:	**December 5, 1979** **January 2, 1980**
Date of Zoning Decisions:	**December 5, 1979** **January 2, 1980**
Current Hearing Date:	**May 17, 2016**

Applicant:	**NorSouth Development Company of Georgia, LLC**
Titleholder:	**Cousins Properties Incorporated**



COUSINS PROPERTIES INCORPORATED,
a Georgia corporation

BY: _____
William I. Bassett, Jr.
Senior Vice President

[Corporate Seal]

Date Executed: April 11th, 2016

Address: Suite 500, 191 Peachtree Street, N.E.
Atlanta, Georgia 30303

Telephone No.: (404) 407-1000

Signed, sealed, and delivered in the presence of:

Kezia Guest
Notary Public
Commission Expires: Sept 16, 2019

[Notarial Seal]

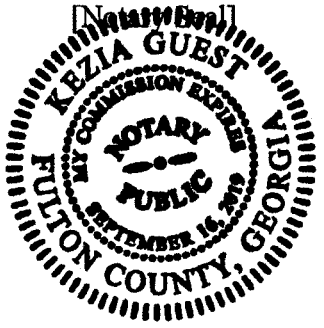
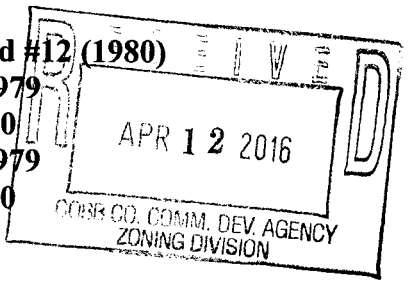


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application Nos.:	**#248 (1979) and #12 (1980)**
Original Hearing Dates:	**December 5, 1979** **January 2, 1980**
Date of Zoning Decisions:	**December 5, 1979** **January 2, 1980**
Current Hearing Date:	**May 17, 2016**



Applicant:	**NorSouth Development Company of Georgia, LLC**
Titleholder:	**Cousins Properties Incorporated**

On December 5, 1979, and January 2, 1980, the Cobb County Board of Commissioners approved the rezoning of an overall, total tract of 197.76 acres, more or less, to the Office and Institutional ("OI") and Planned Shopping Center ("PSC") zoning classifications. The development of the property comprising these Applications for Rezoning has become known as "Wildwood." The property for consideration in this Application for "Other Business" was zoned to the OI zoning classification in the original, overall Wildwood rezonings, and consists of 5.242 acres located easterly of Windy Hill Road and northerly of Wildwood Parkway, Land Lots 987 and 988, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property").

NorSouth Development Company of Georgia, LLC, as Applicant in this Application for "Other Business" (hereinafter "Applicant"), seeks to amend any previously approved site plan and stipulations applicable to the Subject Property only by deleting same in their entirety and substituting in lieu thereof the following:

(1) Applicant seeks approval of the Conceptual Site Plan ("Site Plan") dated April 11, 2016, prepared for Applicant by Foley Design, site specific as to the development of the Subject Property. A reduced copy of the Site Plan for the Subject Property is attached hereto as Exhibit "1" for ease of review and incorporated herein by reference.

(2) The Property is a 5.242 acre tract. Applicant seeks development of the Property for a residential senior living community, as follows:

(a) A residential building, a maximum of five (5) stories in height, containing a maximum of one hundred seventy (170) residential leased units; and

(b) A maximum four-story parking deck containing a maximum of two hundred forty (240) parking spaces for residents and guests. Applicant shall comply with Cobb County Parking requirements of 1.5 spaces per unit for the total, final number of units.

(3) Building architecture and exterior façade shall be composed of brick, stone, stacked stone, stucco-type, and hardi-plank finishes, or combinations thereof, and will be substantially similar to the rendering attached hereto as Exhibit "2" and incorporated herein by reference.

(4) All residents of the proposed residential community shall have access to and use and enjoyment of the amenity areas, which will include, but not be limited to, the following:

(a) Pool;
(b) Amenity courtyard areas;
(c) Picnic areas;
(d) Covered outdoor spaces;
(e) Walking paths;
(f) Community gardens with private plots;
(g) Café;
(h) Fitness center;
(i) Hearthside club room;
(j) Business center; and
(k) Wi Fi internet access.

(5) Access to the residential community and parking may be gated.

(6) Parking for residents and guests of the proposed residential community shall be within the four-story parking deck located adjacent to the residential building, as more particularly shown and reflected on the referenced Site Plan.

(7) The residents within the proposed residential community will utilize a compactor system for refuse.

(8) Residents within the proposed residential community shall be restricted to those persons age fifty-five (55) and older, pursuant to and in accordance with the RSL Zoning Ordinance and the Federal Fair Housing Act.

(9) The entrances to the proposed residential community shall be as more particularly shown and reflected on the referenced Site Plan.

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

(11) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by Staff as part of the Plan Review Process.

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

(13) Additionally, hooded security lighting shall be utilized on the exteriors of the proposed residential building and throughout the walkways, surface parking areas, and parking deck areas.

(14) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:

(a) Increase the density of a residential project or the overall square footage of a non-residential project;

(b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;

(c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;

(d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or

(e) Change an access location to a different roadway.

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

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

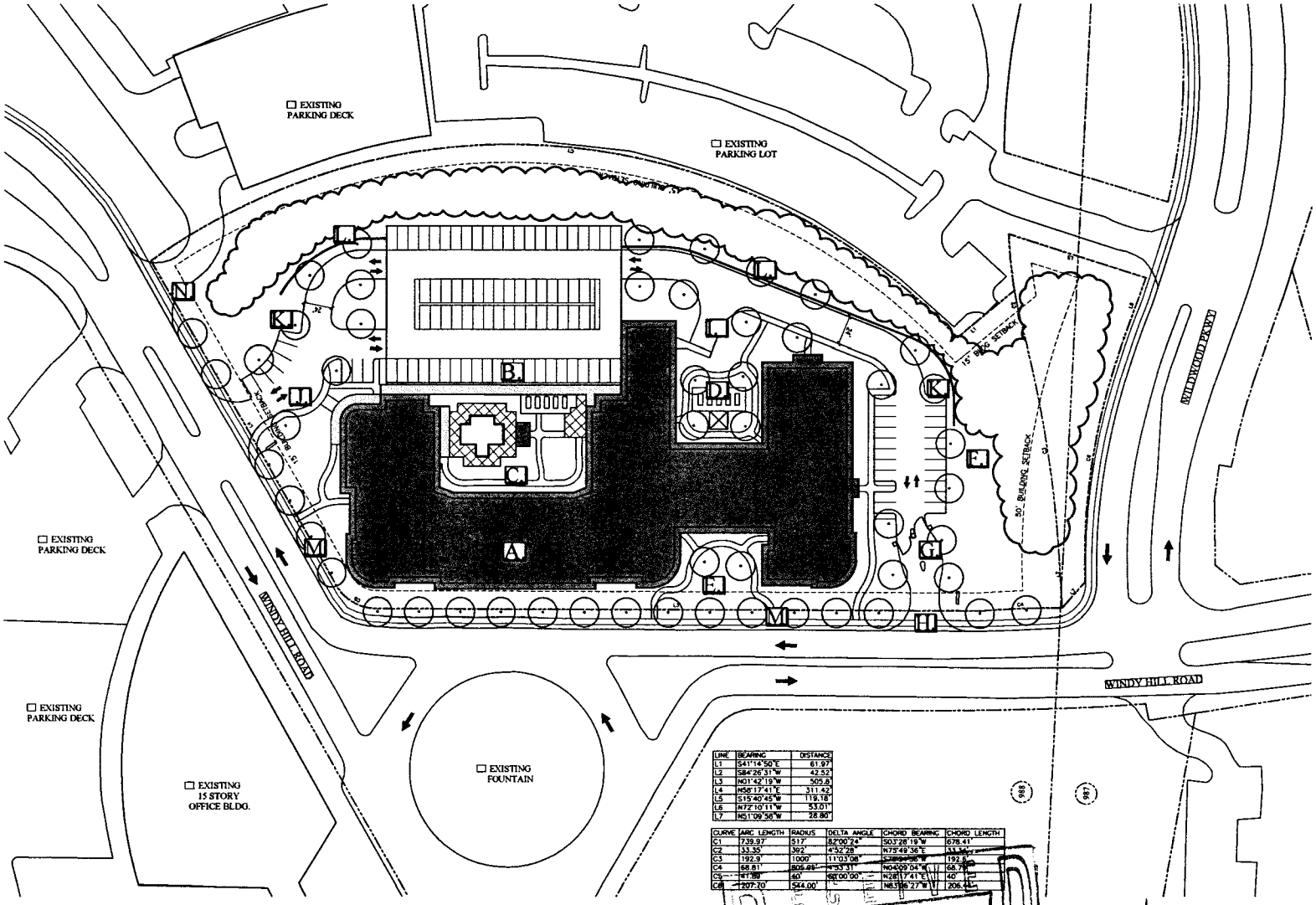
(17) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the proposed community.

(18) Applicant agrees to comply with all Cobb County Stormwater Management requirements for detention and water quality applicable to the Subject Property.

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

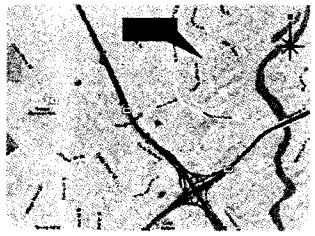
(20) The Subject Property shall revert to its existing zoning category in the event closing of the Subject Property has not been consummated within twelve (12) months of final rezoning approval.

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



LINE	BEARING	DISTANCE
L1	S41°14'50"E	61.97'
L2	S84°26'31"W	42.52'
L3	N01°42'19"W	505.8'
L4	N58°17'41"E	311.42'
L5	S15°40'45"W	119.18'
L6	N72°10'11"W	53.01'
L7	N51°09'58"W	28.80'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	739.97'	517'	82°00'24"	S03°28'19"W	678.41'
C2	33.35'	392'	4°52'28"	N75°49'36"E	[illegible]
C3	192.9'	1000'	11°03'08"	[illegible]	192.6[illegible]
C4	68.81'	805.95'	4°53'31"	N04°09'04"W	68.7[illegible]
C5	41.89'	40'	60°00'00"	N28°17'41"E	40'
C6	207.70'	544.00'	[illegible]	N83°06'27"W	206.4[illegible]



VICINITY MAP

SITE PLAN DESCRIPTION:

SITE ACREAGE = 5.594ACRES
ZONING: O&I

5 STORY BUILDING
170 UNITS
255 PARKING SPACES (1.5 PER UNIT REQ.)
(4) STORY PARKING DECK

SETBACKS:
FRONT (15')
REAR (15')
SIDE ALONG PARKWAY (50')

KEY:

A. 5 STORY SENIOR LIVING APARTMENTS - 170 UNITS
B. (4) STORY PARKING DECK
C. MAIN INTERNAL COURTYARD WITH POOL, COVERED PATIOS, GRILLS AND PICNIC AREAS, OUTDOOR GATHERING, AND GARDENING AREAS.
D. OUTDOOR COURTYARD AREA W/ COVERED PAVILION AND GARDEN AREAS
E. OUTDOOR COURTYARD AREA WITH STREET ACCESS
F. POTENTIAL AREA FOR DETENTION
G. GATED ENTRY FOR RESIDENTS
H. RIGHT IN / RIGHT OUT ENTRY FOR RESIDENTS
I. SERVICE AND FIRE LANE TURN AROUND AREA
J. MAIN ENTRY DROP OFF
K. RETAINING WALLS
L. TREE SAVE AREA
M. STREETSCAPE - PRESERVE TREES ALONG FRONTAGE WITH SIDEWALKS, BENCHES AND LIGHTS
N. DRIVEWAY EASEMENT FOR ACCESS TO ADJACENT PROPERTY

**PER FIRM FLOOD PANEL #137, THERE ARE NO FLOOD AREAS OR 100 YEAR FLOOD LIMITS WITHIN THIS SITE. SEE SEPARATE FIRM MAP

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

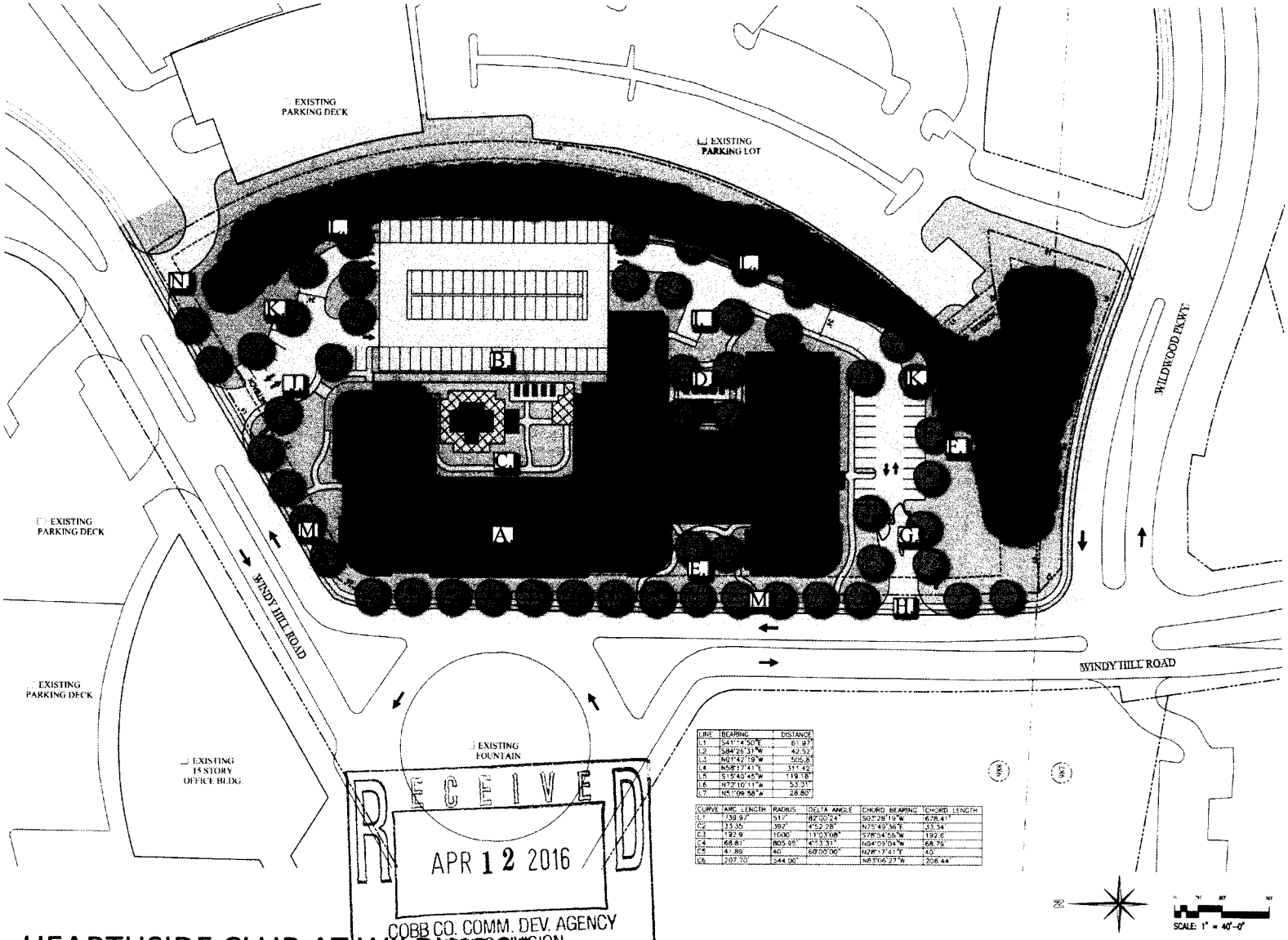
HEARTHSIDE CLUB AT WILDWOOD

NORSOUTH DEVELOPMENT
2000 RIVEREDGE PKWY, SUITE 950 ATLANTA GA 30328

APRIL 11, 2016
CONCEPTUAL SITE PLAN

FOLEY DESIGN

EXHIBIT "1"



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L6	N72°10'17"W	53.31'
L7	N51°09'58"W	28.80'

CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	139.9'	517'	15°30'24"	S07°29'19"W	139.47'
C2	33.35'	397'	4°48'28"	N75°49'36"E	33.34'
C3	192.9'	1000'	11°03'08"	S78°54'56"W	192.6'
C4	68.81'	805.95'	4°53'31"	N84°09'04"W	68.79'
C5	41.89'	40'	60°00'00"	N28°17'41"E	40'
C6	207.70'	344.00'		N81°06'27"W	204.44'

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

VICINITY MAP

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SITE ACREAGE = 5.594ACRES
ZONING: O&I

5 STORY BUILDING
170 UNITS
255 PARKING SPACES (1.5 PER UNIT REQ.)
(4) STORY PARKING DECK

SETBACKS:
FRONT (15')
REAR (15')
SIDE ALONG PARKWAY (50')

KEY:

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B. (4) STORY PARKING DECK
C. MAIN INTERNAL COURTYARD WITH POOL, COVERED PATIOS, GRILLS AND PICNIC AREAS, OUTDOOR GATHERING, AND GARDENING AREAS.
D. OUTDOOR COURTYARD AREA W/ COVERED PAVILION AND GARDEN AREAS
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F. POTENTIAL AREA FOR DETENTION
G. GATED ENTRY FOR RESIDENTS
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K. RETAINING WALLS
L. TREE SAVE AREA
M. STREETSCAPE - PRESERVE TREES ALONG FRONTAGE WITH SIDEWALKS, BENCHES AND LIGHTS
N. DRIVEWAY EASEMENT FOR ACCESS TO ADJACENT PROPERTY

**PER FIRM FLOOD PANEL #137. THERE ARE NO FLOOD AREAS OR 100 YEAR FLOOD LIMITS WITHIN THIS SITE. SEE SEPARATE FIRM MAP

SCALE: 1" = 40'-0"

HEARTHSIDE CLUB AT WILDWOOD

NORSOUTH DEVELOPMENT
2000 RIVEREDGE PKWY, SUITE 950 ATLANTA GA 30328

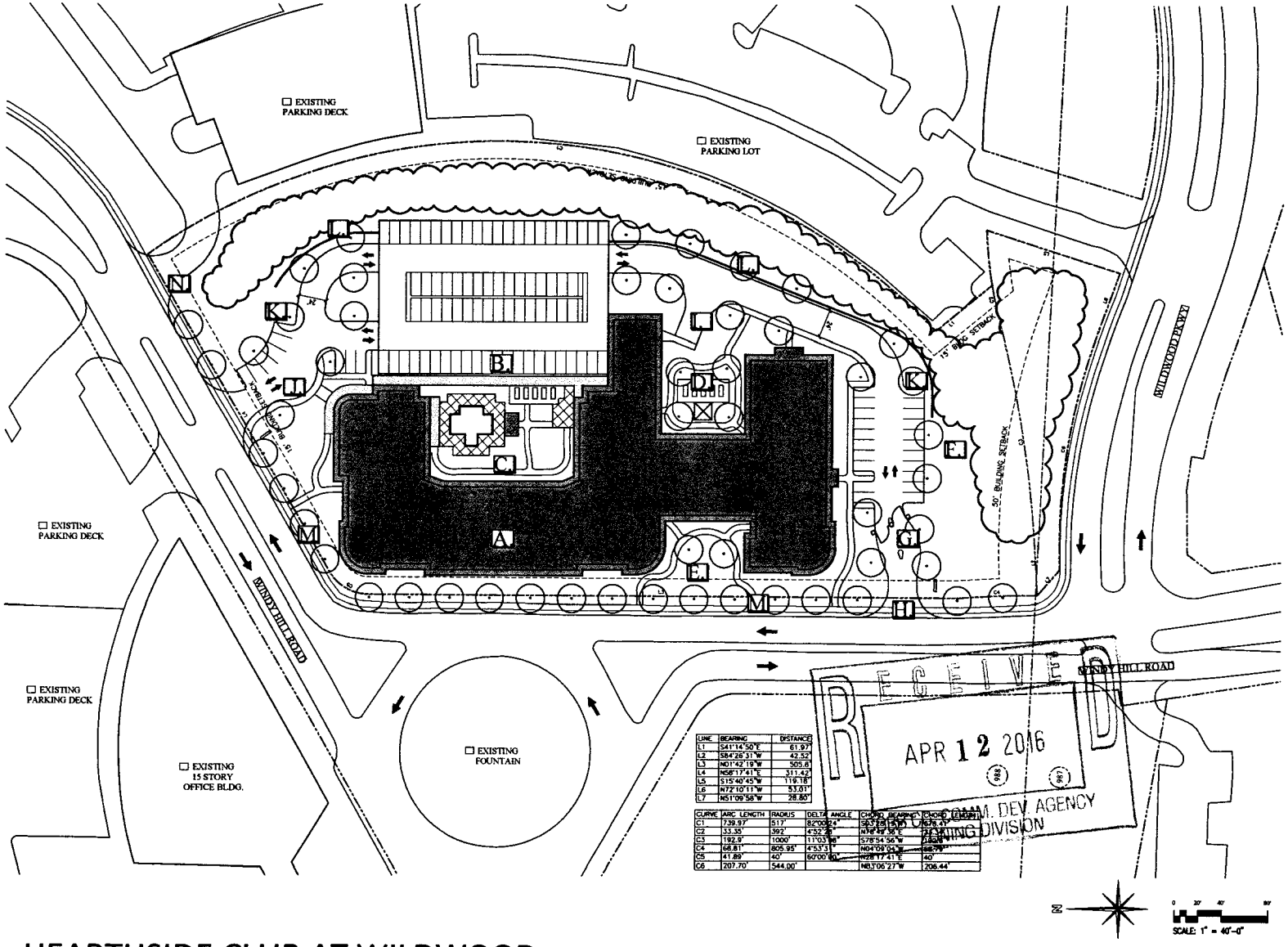
APRIL 11, 2016
CONCEPTUAL SITE PLAN

FOLEY DESIGN

APR 12 20
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

EXHIBIT "2"

CONCEPTUAL SITE PLAN FOR APPROVAL BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR "OTHER BUSINESS" – MAY 17, 2016
(5.242 acres)



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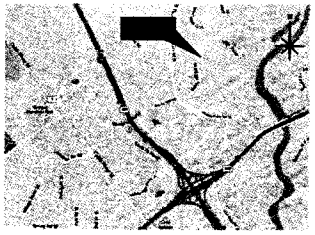
CURVE	ARC LENGTH	RADIUS	DELTA ANGLE	CHORD BEARING	CHORD LENGTH
C1	739.97'	517'	82°00'24"	S53°28'15"W	678.41'
C2	33.35'	392'	4°52'28"	N78°49'36"E	[illegible]
C3	192.9'	1000'	11°03'[illegible]"	S78°54'56"W	[illegible]
C4	68.81'	805.95'	4°53'3[illegible]"	N04°09'04"W	[illegible]
C5	41.89'	40'	60°00'[illegible]"	N28°17'41"E	40'
C6	207.70'	544.00'		N83°06'27"W	206.44'



VICINITY MAP

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(4) STORY PARKING DECK

SETBACKS:
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SIDE ALONG PARKWAY (50')

KEY:

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B. (4) STORY PARKING DECK
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D. OUTDOOR COURTYARD AREA W/ COVERED PAVILION AND GARDEN AREAS
E. OUTDOOR COURTYARD AREA WITH STREET ACCESS
F. POTENTIAL AREA FOR DETENTION
G. GATED ENTRY FOR RESIDENTS
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M. STREETSCAPE - PRESERVE TREES ALONG FRONTAGE WITH SIDEWALKS, BENCHES AND LIGHTS
N. DRIVEWAY EASEMENT FOR ACCESS TO ADJACENT PROPERTY

**PER FIRM FLOOD PANEL #137, THERE ARE NO FLOOD AREAS OR 100 YEAR FLOOD LIMITS WITHIN THIS SITE. SEE SEPARATE FIRM MAP

HEARTHSIDE CLUB AT WILDWOOD

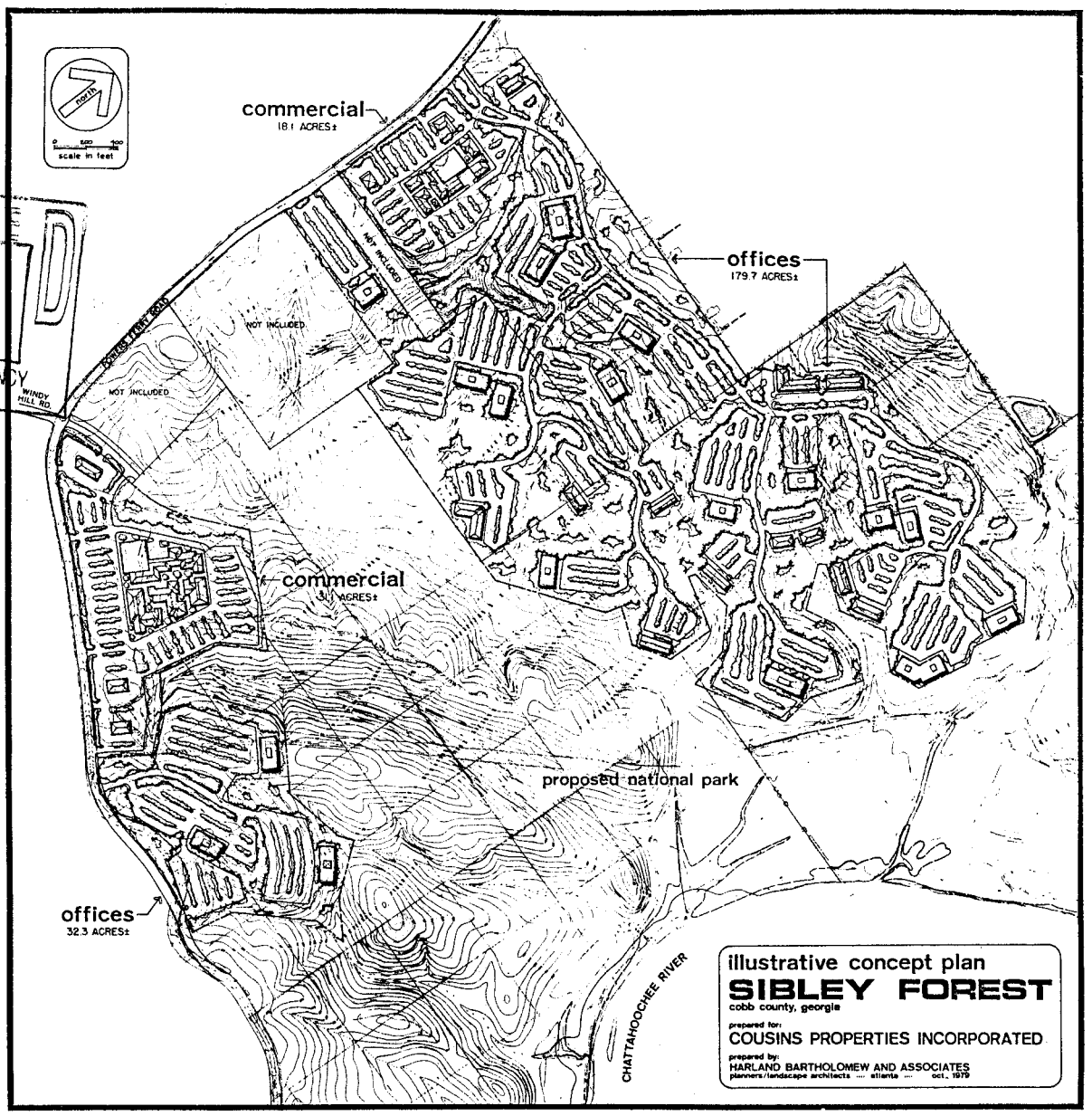
APRIL 11, 2016
CONCEPTUAL SITE PLAN

NORSOUTH DEVELOPMENT
2000 RIVEREDGE PKWY, SUITE 950 ATLANTA GA 30328

FOLEY DESIGN

ILLUSTRATIVE CONCEPT PLAN APPROVED BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR REZONING NO. 247 (1979) – DECEMBER 5, 1979

RECEIVED
APR 12 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING FOR NO. 248 (1979) – DECEMBER 5, 1979

NO. #248

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application October 30, 1979 Date of Hearing, Wed. 12/5/79 1:00 P

Titleholder River Properties, Incorporated /s/ Robert M. Cousins Vice Pres.

Address 300 Interstate North Phone 955-0000

Applicant River Properties, Incorporated /s/ Robert M. Cousins Vice Pres.

Address 300 Interstate North Phone 955-0000

To Zone From R-40 & R-80 To PSC Land Use Commercial

FOR THE PURPOSE OF R-40 O&I Office/Institutional
Shopping Center Development
Office Development

Land Lot (s) 939, 940, 988, 1004, 939 18.1 1005, 1006, 1035, 1036, 1037, District 17th 17th, Sec. 2nd 2nd Cobb County, Ga.,

CONTAINING 142.64 acres

LOCATED 17th District, 2nd Section, Cobb County, Georgia

This property being more particularly described as follows:

See Attached Legal Description

Recommendation of Planning Commission: 12/5/79 Planning Commission recommended application be approved subject to agreement marked Exhibit A. Motion by Fowler, seconded by Nixon; carried 6-0.

Bill Atkins, Chairman

Final Decision of Board of Commissioners: 12/5/79 Board of Commissioners approved application as stated above. Motion by Carson, seconded by Lankford, carried 5-0.

Grant W. Garrett, Chairman

ab

#248

EXHIBIT "A"

DECLARATION OF COVENANTS

THIS DECLARATION OF COVENANTS, made by and between RIVER PROPERTIES INCORPORATED, a Georgia corporation, its successors and assigns (hereinafter referred to as "Covenantor") and TERRELL MILL ESTATES-OLD MILL TRACE HOMEOWNERS' ASSOCIATION, INC., a Georgia Corporation, its successors and assigns (hereinafter referred to as "Covenantee").

W I T N E S S E T H:

WHEREAS, Covenantor is the owner of a certain tract of real property located in Land Lots 939, 988, 1004, 1005, 1006, 1035, 1036 and 1037 of the 17th District, 2nd Section of Cobb County, Georgia and being more particularly described in Exhibit "A" attached hereto and made a part hereof (hereinafter referred to as the "Property"), concerning which Property Covenantor has asked the support of Covenantee, in connection with a certain re-zoning application (Number 248); and

WHEREAS, Covenantor has made certain agreements with Covenantee concerning use of certain portions of the Property whereunder Covenantee would support the aforesaid re-zoning application.

NOW THEREFORE, for and in consideration of Covenantee's support of the aforesaid re-zoning application of Covenantor, the value and sufficiency of which support is hereby acknowledged by Covenantor, it is hereby agreed and covenanted as follows:

1. Covenantor hereby makes, declares and places the following restrictions upon portions of the Property for the benefit of Covenantee and the property located within Terrell Mill Estates Subdivision, being more particularly shown on those certain Subdivision Plats of Terrell Mill Estates, recorded in: Plat Book 26, Page 46, dated April 15, 1963; Plat Book 27, Page 141, dated December 2, 1963; Plat Book 37, Page 4, dated October 22, 1965; Plat Book 32, Page 35, dated November 2, 1964; Plat Book 37, Page 93, dated January 12, 1966; Plat Book 52, Page 133, dated August 17, 1971; Plat Book 63, Pages 58 and 59, dated February 12, 1975; Plat Book 45, Page 86, dated February 29, 1968; Plat Book 34, Page 6, dated March 23, 1965; Plat Book 34, Page 12, dated March 24, 1965; and Plat Book 43, Page 11, dated May 24, 1967; which are all part of the Cobb County, Georgia, Records:

(a) There shall be maintained upon that portion of the Property located within two hundred (200) feet of the common property line (the"Common Property Line") between the Property and Terrell Mill Estates (i. e., portions of the Land Lot lines common to Land Lots 988 and 989 and Land Lots 989 and 1004 of the 17th District, 2nd Section

708.
798

of Cobb County, Georgia) (the "Buffer Zone") an undisturbed buffer, maintained by Covenantor or its successors or assigns in its natural state. Covenantor shall not be allowed to cut any trees in the "Buffer Zone".

(b) No building constructed upon that portion of the Property (excluding the Buffer Zone) located within five hundred (500) feet of the Common Property Line may exceed in height the average height of mature trees located upon the Buffer Zone.

(c) A Plat indicating the Property and the above-listed covenants is attached hereto and incorporated herein by reference as Exhibit "B."

2. This Declaration of Covenants shall constitute covenants running with the land and, as such, said Covenants shall be binding upon Covenantor and Covenantor's assigns and successors in title or other interest in the Property for a period of ninety-nine (99) years.

3. Covenantee shall have the right to enforce these Covenants by action for damages, or by an action in equity for injunction, or any other legal or equitable action seeking to prevent a violation of the terms of these Covenants or seeking redress because of the violation of the terms of these Covenants or seeking redress because of the violation of any of these Covenants.

4. This Declaration of Covenants is made for and shall be for the benefit of the Covenantee, its successors and assigns and for the benefit of the present and future members of Covenantee. However, for convenience it is hereby specifically agreed that, should Covenantor and Covenantee at anytime mutually agree to a change, amendment or release of any or all of the foregoing covenants, such change, amendment or release shall be fully accomplished by the execution of a written instrument, approved in a regularly scheduled meeting with due notice thereof by 51% of the property owners owning lots in Terrell Mill Estates and Old Mill Trace Subdivisions who are members of Covenantee. Such change, amendment or release shall be fully accomplished by the execution of a written instrument, witnessed and recorded with the formality of this Declaration, by Covenantor and by the then President of Covenantee, after approval of the property owners/members of Covenantee stated above.

IN WITNESS WHEREOF, Covenantor and Covenantee

have caused this Declaration of Covenants to be executed by their duly authorized officers and their respective seals to be affixed hereunto this 5th day of December, 1979.

Signed, sealed and delivered in the presence of:

Witness

Notary Public

My Commission Expires:

(NOTARIAL SEAL)

Notary Public, Georgia, State at Large
My Commission Expires July 26, 1982

"COVENANTOR"

RIVER PROPERTIES INCORPORATED, A Georgia Corporation

BY: Its: President

ATTEST: Its: Sec

(CORPORATE SEAL)

Signed, sealed and delivered in the presence of:

Witness

Notary Public

My Commission Expires:

(NOTARIAL SEAL)

NOTARY PUBLIC, GEORGIA, STATE AT LARGE
MY COMMISSION EXPIRES OCT. 30, 1981

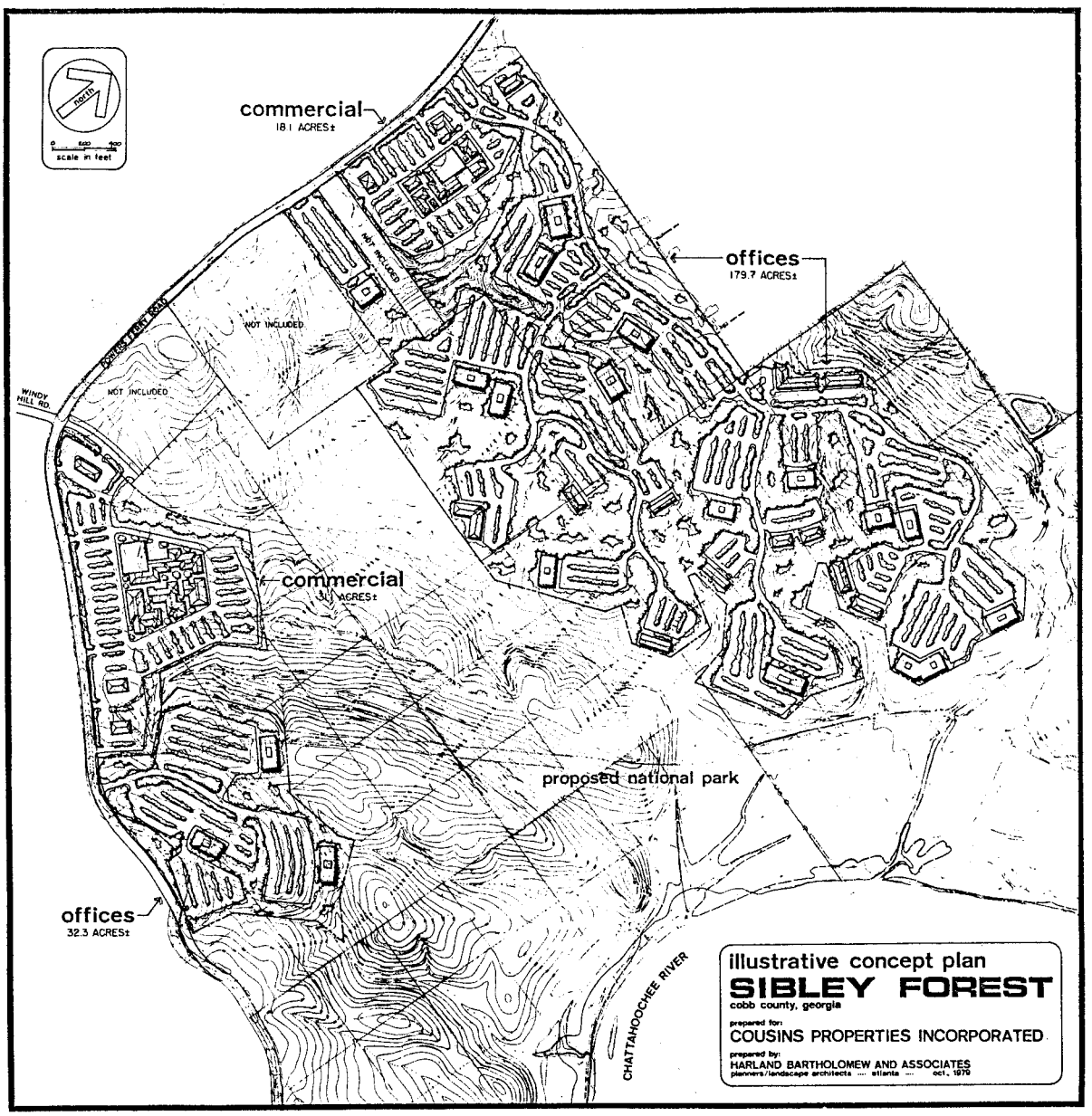
"COVENANTEE"

TERRELL MILL ESTATES-OLD MILL TRACE HOMEOWNERS' ASSOCIATION, INC., A Georgia Corporation

BY: Its: President

ATTEST: Its: Secretary

(CORPORATE SEAL)


north
0 500 1000
scale in feet
commercial
18.1 ACRES±
offices
179.7 ACRES±
NOT INCLUDED
NOT INCLUDED
NOT INCLUDED
DALLAS HIGHWAY
WINDY HILL RD.
commercial
31.1 ACRES±
proposed national park
offices
32.3 ACRES±
CHATTAHOOCHEE RIVER
illustrative concept plan
SIBLEY FOREST
cobb county, georgia
prepared for:
COUSINS PROPERTIES INCORPORATED
prepared by:
HARLAND BARTHOLOMEW AND ASSOCIATES
planners/landscape architects — atlanta — oct., 1979

OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING FOR NO. 12 (1980) – JANUARY 2, 1980

NO. #12

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

Date of Application November 26, 1979 Date of Hearing, Wed. 1/2/80 1:00 P.M

Titleholder Lenox Peachtree, Inc. /s/ Robert Hunt Jr., V.P.

Address 300 Interstate North, Atlanta, Ga. 30339 Phone 955-0000

Applicant Lenox Peachtree, Inc. /s/ Robert Hunt Jr., V.P.

Address 300 Interstate North, Atlanta, Ga. 30339 Phone 955-0000

To Zone From RM-8 To O&I Land Use Commercial Office/Institutional

FOR THE PURPOSE OF Shopping Center Development Office Development

Land Lot (s) 940, 988, 987 ,District 17th ,Sec. 2nd Cobb County, Ga.,

CONTAINING 37.02 acres

LOCATED 17th District, 2nd Section, Cobb County, Georgia

This property being more particularly described as follows:

See attached legal description

Recommendation of Planning Commission: 1/2/80 Planning Commission recommended application be approved. Motion by Nixon, seconded by Fowler; carried 6-0.

Bill Atkins, Chairman

Final Decision of Board of Commissioners: 1/2/80 Board of Commissioners approved application. Motion by Lankford, seconded by Carson; carried 5-0.

Grant W. Barrett, Chairman