

**NOVEMBER 15, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM OB-071

To consider a stipulation amendment and site plan amendment for W&H Properties, LLC regarding rezoning application Z-39 of 2004 (Traton Corp. and W&H Properties, LLC), for property located on the east side of Felton Hill Road, north of the East West Connector, in Land Lot 48 of the 17th District.

BACKGROUND

The subject property was zoned to PVC in 2004 for a mixed used development consisting of residential, office and retail. This particular request is for fifteen residential units at the corner of the East West Connector and Felton Hill Road. This area was originally approved for fifteen live/work units built to condominium standards. The applicant would like to amend the site plan and stipulations to build fifteen fee-simple townhouses. The proposed site plan is very similar to the approved zoning site plan. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Water & Sewer Comments: Master meter for townhouses no longer applicable.

RECOMMENDATION

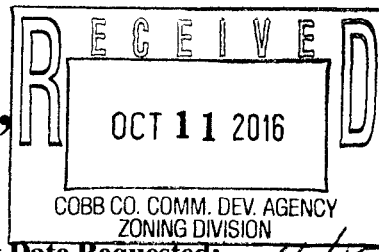
The Board of Commissioners consider the request for the site plan and stipulation amendments.

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"
Cobb County, Georgia

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



08-071-2016

BOC Hearing Date Requested: 11/15/2016

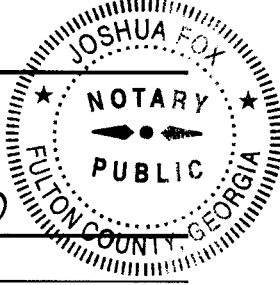
Applicant: W&H Properties, LLC Phone #: 404-386-0322
(applicant's name printed)

Address: 701 Whitlock Avenue, Suite K46, Marietta, GA 30064 E-Mail: colby@hseproperties.com

Colby Henson or Skip Harper Address: 701 Whitlock Avenue, Suite K46, Marietta, GA 30064
(representative's name, printed)

[Signature] Phone #: 404-386-0322 E-Mail: colby@hseproperties.com
(representative's signature)

Signed, sealed and delivered in presence of:
[Signature] My commission expires: 2/24/2020
Notary Public

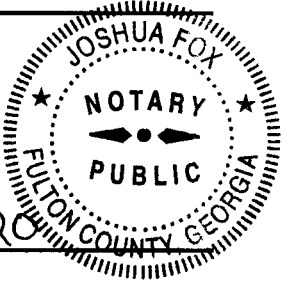


Titleholder(s) : Covered Bridge Investments, Inc. Phone #: 404-372-5739
(property owner's name printed)

Address: 701 Whitlock Avenue, Suite K46, Marietta, GA 30064 E-Mail: skip@hseproperties.com

[Signature] member
(Property owner's signature)

Signed, sealed and delivered in presence of:
[Signature] My commission expires: 2/24/2020
Notary Public



Commission District: 4 **Zoning Case:** Z-39 of 2004

Size of property in acres: 2.57 **Original Date of Hearing:** 8/17/2004

Location: Felton Hill Road and East-West Connector
(street address, if applicable; nearest intersection, etc.)

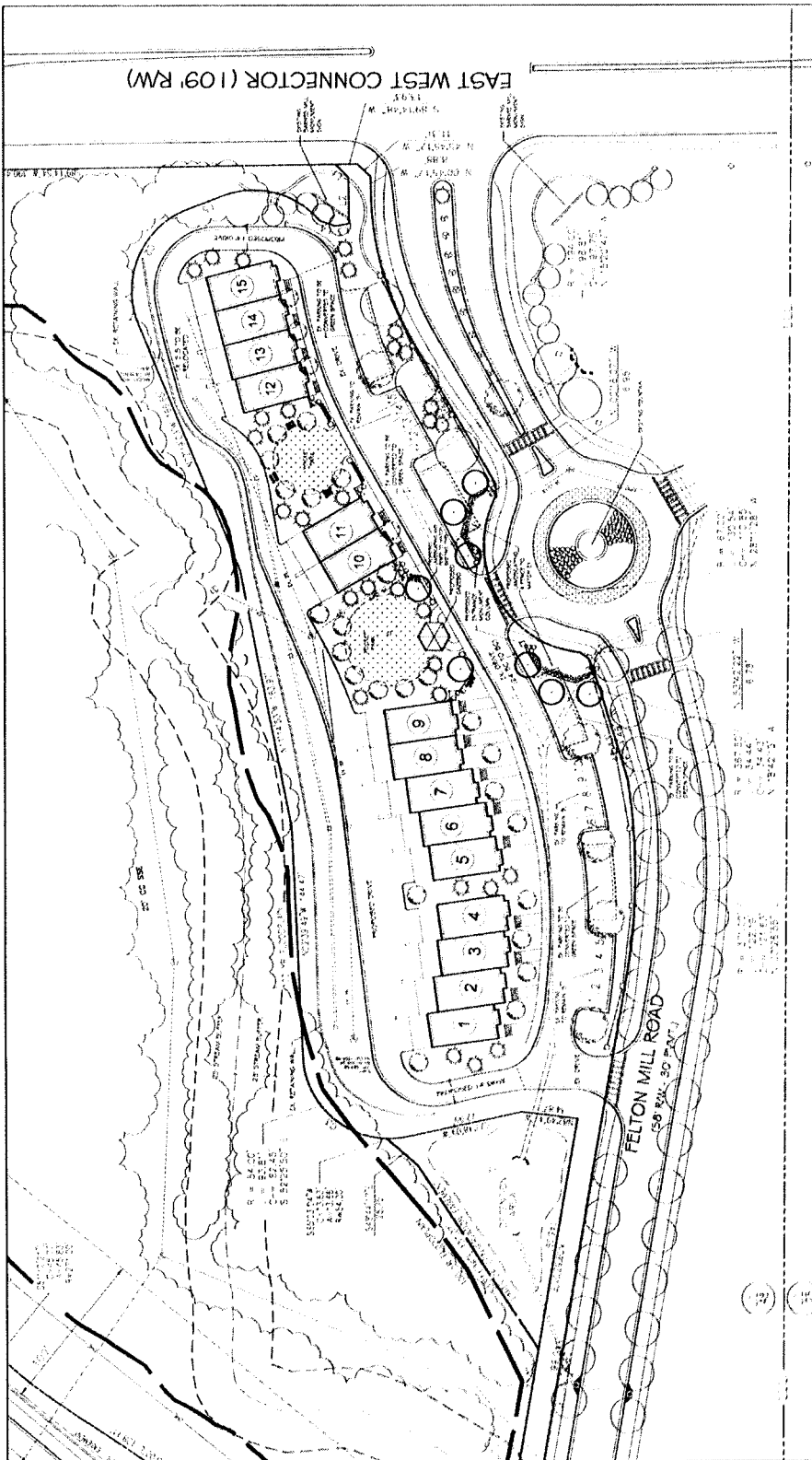
Land Lot(s): 48 & 49 **District(s):** 17th

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

To amend the site plan to allow construction of 15 fee simple residential townhomes. The original zoning stipulation has the property configured with 15 live/work townhomes bound to the Cobb County condominium guidelines.

9/10/2016-10-30
Proposed
MP-1
w/plan

REVISIONS BY	 Dilson & Associates LANDSCAPE ARCHITECTS & LAND PLANNERS 200 W. MARKET STREET, SUITE 100 ATLANTA, GA 30333		BARNES MILL VILLAGE PRELIMINARY SITE PLAN PREPARED FOR BARNES MILL VDL, LLC COBB COUNTY, GEORGIA 1500 LOT 48, 17TH DISTRICT, 2ND SECTION	DATE
				SCALE
				MP-1
				SHEET



SUMMARY
 TOTAL SITE AREA: 2.57 AC +/-
 NUMBER OF TOWNHOUSES: 15
 DENSITY: 5.8 UNITS/AC
 DISTRICT ZONING: PWC (CO REVEN)
 LOT AREA: 171 SQ FT PER UNIT
 CURB PARKING: 15 SPACES PER 0.35 UNITS
 15 x 0.35 = 5.25 SPACES/AC TO (15 SPACES 9'-0" WIDE)

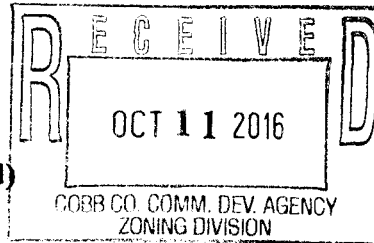


RECEIVED

OCT 11 2016

COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 17, 2004
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REGULAR CASES -- NEW BUSINESS: (Continued)

Rezoning: (Continued)

Z-112 **PROGRESSIVE DEVELOPMENT SERVICES, LLC** (William Paul Hill, et al., owners) for Rezoning from **R-20** to **RA-5** and **NRC** for the purpose of a Subdivision, Retail, Office and Restaurants in Land Lot 332 of the 20th District. Located at the southeast intersection of Dallas Highway and Old Trace Road.

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

MOTION: Motion by J. Thompson, second by Olens, to **hold** rezoning request until the September 21, 2004 Board of Commissioners zoning hearing.

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

Clerk's Note: Applicant was encouraged to meet with residents in the community to continue discussion and consider alternatives and/or compromises relevant to issues of concern. At the September 21, 2004 Board of Commissioners zoning hearing, the Chairman requested that Staff reflect that 73 people were present in opposition to Z-112 at the August hearing.

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

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

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Z-39 TRATON CORP. AND W & H PROPERTIES, LLC (Continued)

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

- **site plan received by the Zoning Division June 3, 2004, with the District Commissioner approving minor modifications to the site layout (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated July 28, 2004 (copy attached and made a part of these minutes)**
- **letters of agreeable stipulations from Mr. William H. Harper, Jr. dated July 13, 2004 and August 12, 2004 (copy attached and made a part of these minutes)**
- **donation of greenspace on the south and east sides of South Hurt Road to the Cobb Land Trust to be made a part of Heritage Park and acceptance of same on behalf of Cobb County**
- **decisions from the Atlanta Regional Commission (ARC) dated July 14, 2004 and the Georgia Regional Transportation Authority (GRTA) dated August 2, 2004, relevant to the Development of Regional Impact (DRI) (copies attached and made a part of these minutes)**
- **Developer to work with Staff relevant to the installation of sidewalks along South Hurt Road**
- **District Commissioner to approve issues relevant to access to the project**
- **Historic Preservation comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: **ADOPTED** unanimously

Following the vote on Z-39, a brief recess was taken from 10:52 a.m. to 11:07 a.m.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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ROONEY R. MCCOLLOCH
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ANGELA H. SMITH
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OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

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

WRITER'S DIRECT
DIAL NUMBER

July 28, 2004

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

Hand Delivered

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

RE: Application for Rezoning

Application No.: Z-39 (2004)

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

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

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

Dear John:

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

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

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

STIPULATIONS APPLICABLE TO THE OVERALL COMMUNITY

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

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

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

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Single-Family Residential Component

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

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

Single-Family Townhome Component

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

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

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

Ranch Condominium Component

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

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

Single-Family Live/Work Townhome Component

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

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

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Proposed Village Square Component

- (54) The Village Square Component shall be comprised of 6.3 acres of total site area and shall be utilized for office, retail, and restaurant uses servicing primarily the residents of the overall community.

- (55) Structures within the Village Square Component shall be complementary to the overall development and shall be as more fully set forth on the renderings to be presented to the Cobb County Planning Commission and Cobb County Board of Commissioners at their respective Zoning Hearings.

- (56) Applicant agrees that the proposed Village Square Component shall include a landscaped park as shown on the referenced Preliminary Plan.

- (57) The Village Square Component shall also include extensive tree plantings as part of a landscaped streetscape.

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

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With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

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

Ms. Mary Rose Barnes

Ms. Clarice Barber Page
Southwest Austell Neighbors

Traton Corp.
W & H Properties, LLC