

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: February 15, 2011

Applicant: Dr. Viralkumar Patel Phone #: (770) 333-7888

(applicant's name printed)

Address: 3903 South Cobb Drive, Suite 200, Smyrna, GA 30080 E-Mail: vpatel@atlantahandspecialist.com

Hill Foley Rossi & Associates, LLC

Michael A. Rossi, AIA Address: 3680 Pleasant Hill Road, Duluth, GA 30096 Suite 200

(representative's name, printed) Ga. Architect Registration RA9442

Michael Rossi Phone #: (770) 622-9858 E-Mail: mrossi@hfraa.com

(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public, Gwinnett County, Georgia
My Commission Expires July 23, 2013

Donna L. Karr My commission expires: *July 23, 2013*
Notary Public

Titleholder(s) : VIREEN, LLC Phone #: (770) 333-7888

(property owner's name printed)

Address: 3903 South Cobb Drive, Suite 200, Smyrna, GA 30080 E-Mail: vpatel@atlantahandspecialist.com

V. Patel
(Property owner's signature) Dr. Viralkumar Patel

Owner

Signed, sealed and delivered in presence of:

Notary Public, Gwinnett County, Georgia
My Commission Expires July 23, 2013

Donna L. Karr My commission expires: *July 23, 2013*
Notary Public

Commission District: 4 (Thompson) Zoning Case: Z-39 (2004)

Date of Zoning Decision: 8/17/2004 Original Date of Hearing: 3/16/2004

Location: Northerly side of East-West Connector; Easterly side of Hicks Road

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 25 District(s): 17th

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

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

EXHIBIT "A" – ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(SITE PLAN AMENDMENT)

Application No.:	Z-39 (2004)
Original Hearing Date:	March 16, 2004
Date of Zoning Decision:	August 17, 2004
Site Plan and Stipulation Amendment:	September 21, 2010
Current Hearing Date:	February 15, 2011

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant:	Dr. Viral Patel
Property Owner:	VIREEN, LLC

The property which is the subject of the Application for "Other Business" was the commercial portion of a mixed-use development rezoned to the Planned Village Community ("PVC") zoning category approved by the Cobb County Board of Commissioners on August 17, 2004. As part of the rezoning approval, the Board of Commissioners certain stipulations and conditions were imposed by the Board; as well as stipulations and conditions which were agreed to by the Applicants seeking rezoning (Traton Corp. and W & H Properties, LLC).

As part of a subsequent Site Plan and Stipulation Amendment approved by the Cobb County Board of Commissioners on September 21, 2010, the Board of Commissioners certain stipulations and conditions were imposed by the Board; as well as stipulations and conditions which were agreed to by the Applicants seeking amendment (Metro Development Group II, LLC).

The Applicant for the within "Other Business" Application, Dr. Viral Patel (hereinafter "Applicant"), seeks amendments only to the commercial section of the previously approved development, as follows:

- (1) Applicant requests an amendment of the Master Plan (Tract 2B) for the commercial/retail development which was previously approved by George "Woody" Thompson on September 21, 2010 (a reduced copy of said previously approved "Master Plan" is attached hereto as Exhibit "I"). Applicant submits a revised Master Plan with this Application; and, in conjunction with the approval of the revised Master Plan seeks approval of revised uses for the remaining commercial tract shown thereon for a medical ambulatory surgical center & clinic office facility.

(2) Applicant seeks the approval of the exterior elevation of the medical office facility, which shall be composed of four-sided brick with accents, pursuant to paragraph 55 (page 10 of the letter of agreeable stipulations and conditions dated July 28, 2004). Copies of said elevations are submitted with this Application.

The proposed amendment does not adversely impact or affect the remaining development or surrounding properties or property owners. If the requested revisions are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

Unless otherwise stated herein, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on August 17, 2004, as to Z-39 (2004), are unaltered by the requests for Master Plan approval and Stipulation Amendments set forth above.



Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RE: Application for "Other Business" – Application No. Z-39 (2004)

Applicant: Dr. Viral Patel
Property Owner: VIREEN, LLC
Property: Retail Development located on the northerly side of East-West Connector and the easterly side of Hicks Road, Land Lot 25 and 48, 17th District, 2nd Section, Cobb County, Georgia

Dear Mr. Pederson:

The undersigned and this firm represent Dr. Viral Patel, the Applicant (hereinafter referred to as the "Applicant"), and VIREEN, LLC, the Property Owner, (hereinafter referred to as the "Property Owner"), in their Application for "Other Business" with respect to the retail development located on the northerly side of East-West Connector and the easterly side of Hicks Road, Land Lot 25 and 48, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Subject Property" or the "Property").

The Applicant has agreed to certain additional stipulations to the existing zoning, which will become part of the zoning of the Subject Property if the zoning amendment currently pending is approved, as submitted. These additional stipulations shall become effective only in the event the proposed users of the specified tracts close and construct the proposed facilities as set forth in the proposed zoning amendment.

The additional stipulations are as follows:

Medical Surgery Facility (Tract 2B)

- (a) The proposed medical surgery facility shall be constructed substantially in conformance with that certain elevation presented to the Cobb County Community Development Agency and attached hereto.

As a representative of the Applicant, and as a requirement of this amendment, the undersigned has met with and submitted to the Barnes Mill Homeowners Association for approval of the building elevations and site work. A letter of approval from the BMHOA is pending and shall be forwarded to your attention before the committee meeting.

- (b) The brick used on the proposed facility shall be muted, earth tone brick.
- (c) No neon signage shall be permitted.

We believe the requested amendment, together with the previous approved stipulations applicable to this portion of the overall project and the stipulations set forth above, are appropriate for the proposed development of the Subject Property.

Sincerely,


Michael A. Rossi, AIA



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 ARCHITECTURE
 ENGINEERING
 4888 Peachtree Hill Road
 Atlanta, GA 30340
 Phone: 404.251.1000
 Fax: 404.251.1001
 Website: www.hillfortfoss.com



Proposed Medical Office - Tract 2b
 East West Connector and Felton Hill Rd.
 LT 25, 17th District, 2nd Section
 Cobb County, GA
 For: Dr. Viral Patel
 3903 South Cobb Drive, Suite 200
 Smyrna, Georgia 30080

NO.	DESCRIPTION	DATE
1	REVISION	
2	REVISION	
3	REVISION	
4	REVISION	
5	REVISION	
6	REVISION	
7	REVISION	
8	REVISION	
9	REVISION	
10	REVISION	

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 HFR# 10.241

COBB COUNTY NOTES:

- THE COBB COUNTY CONSENT RESOLUTION, COMMUNITY REVIEWER'S REPORT, AND ALL OTHER DOCUMENTS SUBMITTED TO THE PLANNING COMMISSION AND BOARD OF ALDERMEN ARE HEREBY INCORPORATED INTO THIS SITE PLAN. THE BOARD OF ALDERMEN'S ACTION IS LIMITED TO THE REVIEW OF THE SITE PLAN AND THE BOARD OF ALDERMEN'S ACTION IS LIMITED TO THE REVIEW OF THE SITE PLAN AND THE BOARD OF ALDERMEN'S ACTION IS LIMITED TO THE REVIEW OF THE SITE PLAN.
- THE PROJECT IS NOT AN OPEN SPACE COMMUNITY DEVELOPMENT PLAN.
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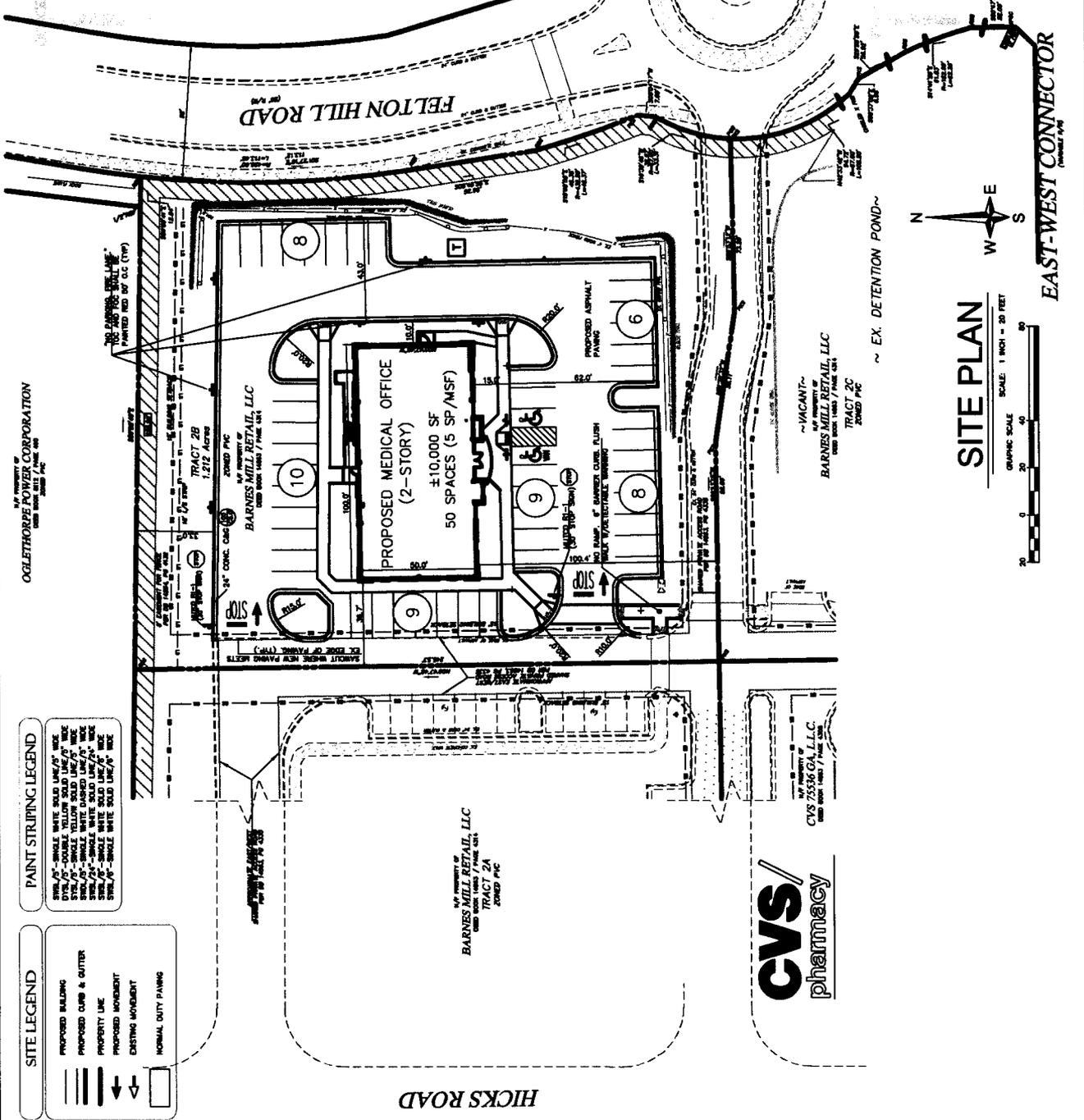
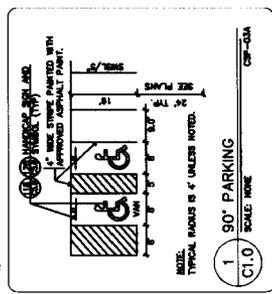
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SITE ANALYSIS

OFFICE BUILDING	10,000 SF
PARKING REQUIRED	5 SPACES (5 SP/MSF)
PARKING PROVIDED	50 SPACES (5 SP/MSF)
TOTAL SITE AREA	1.212 ACRES

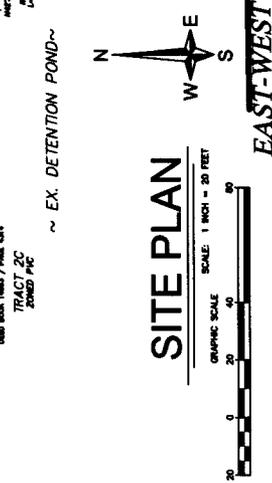


PAINT STRIPING LEGEND

SYMBOL	DESCRIPTION
(Symbol)	DOUBLE YELLOW SOLID LINE / 4' WIDE
(Symbol)	DOUBLE YELLOW DASHED LINE / 4' WIDE
(Symbol)	SINGLE YELLOW SOLID LINE / 4' WIDE
(Symbol)	SINGLE YELLOW DASHED LINE / 4' WIDE
(Symbol)	SINGLE WHITE SOLID LINE / 4' WIDE
(Symbol)	SINGLE WHITE DASHED LINE / 4' WIDE

SITE LEGEND

(Symbol)	PROPOSED BUILDING
(Symbol)	PROPOSED CURB & GUTTER
(Symbol)	PROPERTY LINE
(Symbol)	PROPOSED MOVEMENT
(Symbol)	EXISTING MOVEMENT
(Symbol)	NORMAL DUTY PARKING



SITE PLAN

EAST-WEST CONNECTOR
 (CONTRACT # 17)



BY PROPERTY OF
BARNES MILL RETAIL, LLC
 TRACT 2A
 ZONED PNC

~VACANT~
 BY PROPERTY OF
BARNES MILL RETAIL, LLC
 TRACT 2C
 ZONED PNC

EX. DETENTION POND~

HICKS ROAD

FELTON HILL ROAD

BY PROPERTY OF
OGLETHORPE POWER CORPORATION
 TRACT 2B
 ZONED PNC

