

DECEMBER 13, 2011 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1

ITEM # 2

PURPOSE

To consider a site plan amendment and proposed building architecture for JP Morgan Chase Bank regarding zoning application #66 of 1987 (George S. Morgan Development Company, Inc.), for property located on the north side of Dallas Highway, east of Mars Hill Road in Land Lot 66 of the 19th District.

BACKGROUND

The subject property was zoned to GC for a shopping center in 1987. The applicant is proposing to remove the portion of the shopping center that was occupied by a Blockbuster video store, and build a new freestanding Chase Bank branch building. In order to move the new development forward, the applicant needs to have the Board approve two items. First, the Board of Commissioners would need to approve a site plan amendment to allow the proposed free standing bank branch. The site plan amendment would create a 15 foot building setback for Chase, and a zero setback for the shopping center. There would be cross easements for parking, access and maintenance. Secondly, the building architecture would need to be approved by the Board of Commissioners, since this is on the same lot as the Lost Mountain Store. The Cobb County Historic Preservation Commission has reviewed the proposal and provided comments to the developer. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached to the Other Business application.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business Application and stipulations (Exhibit A)

Proposed site plan (Exhibit B)

Proposed building architecture (Exhibit C)

Year 2011 Form

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 12/13/2011

Applicant: JPMORGAN CHASE BANK Phone #: 770-910-5495
(applicant's name printed)

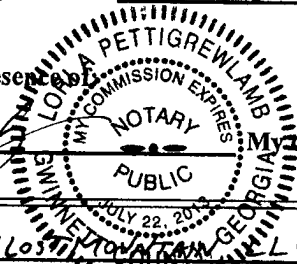
Address: 970 DENMEADE WALK, MARIETTA, GA 30064 E-Mail: Steve.d.Fischer@chase.com

STEVEN D. FISCHER Address: 970 DENMEADE WALK, MARIETTA, GA 30064
(representative's name, printed)

[Signature] Phone #: 770-910-5495 E-Mail: Steve.d.fischer@chase.com
(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public



My commission expires: 7-22-2013

Titleholder(s): COLUMBIA II LOST MOUNTAIN LLC Phone #: (404) 575-3200
(property owner's name printed)

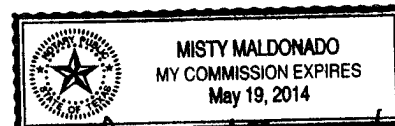
Address: 3715 Northside Pkwy, #400, Atlanta, GA 30327 E-Mail: _____

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public - [Signature]

My commission expires: July 19, 2014



Commission District: 1 Zoning Case: Application #186 - Year 1987

Date of Zoning Decision: 08/18/1987 Original Date of Hearing: unknown

Location: 5100 Dallas Highway- Shops at Lost Mountain Shopping Center

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

Land Lot(s): 19 District(s): 66

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

Original zoning case is site plan specific- we request to modify site plan

Setback variance- reduction to 0-feet on main parcel for existing building.

Rear setback variance- reduced from 30-feet to 15-feet on Chase parcel

(List or attach additional information if needed)

APPLICATION FOR REZONING
TO THE
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
AND THE
COBB COUNTY PLANNING COMMISSION
(type or print clearly)

Application No. #186

George S. Morgan Development Company, Inc.

Hearing Date _____

Applicant _____ Business Phone 952-1776 Home Phone _____
(business name)
George S. Morgan Address 100 Galleria Pkwy, #115, Atlanta, GA 30339
(representative's name, printed)
Business Phone Same Home Phone _____
(representative's signature)

Hallie H. Lester, Guardian for Ruth B. Hutchins & Administratrix de bonis
now with will annexed of the estate of

Titleholder A.L. Bartlett, Deceased Business Phone 0 Home Phone 404-3254

Signature Hallie H. Lester Address 260 E. Memorial Dr., Marietta, GA 30132
(attach additional signatures, if needed)

Zoning Request From PSC & R-30 To GC & RE15 R-20 to plan
(present zoning) (proposed zoning)

For the Purpose of Subdivision & Commercial tract Size of Tract 68.3 acre(s)
(subdivision, restaurant, warehouse, apts., etc.)

Location Intersection of Marietta-Dallas Hwy, Mars Hill and Lost Mountain Roads
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 9,10,11,66,65 District 19

Recommendation of Planning Commission 8/18/87 - Planning Commission recommended

application be approved as recommended by Staff and all other stipulations agreed upon.

Motion by Vansant, seconded by McAfee, carried 5-0.

Henry A. Vansant Chairman

Board of Commissioners' Decision 8/18/87 - Board of Commissioners approved application

subject to the following stipulations: 1) Residential portion be zoned R-20 per plan submitted; 2)

Subject to plan approval by Staff and the Board of Commissioners; 3) Subject to agreement of the

property owner providing either a storage tank or pumping station to supply water above the 1150 ft.

Carl E. Smith Chairman

cont.

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES

COBB COUNTY PLANNING COMMISSION

December 13, 2011
Other Business Item 02
Exhibit "A"

Date of Application _____ Date of Hearing August 18, 1987

Applicant's Name George S. Morgan Dev. Co., Inc.

Address 100 Galleria Parkway #115
Atlanta, GA 30339

Recommendation of Planning Commission (Cont'd from page 1):

Henry A. Conaway
Chairman

Final Decision of Board of Commissioners (Cont'd from page 1):

elevation; 4) Subject to all those homes above that 1150 ft. having a surcharge fee to maintain that system; 5) Subject to Staff approval of landscape plan; 6) Subject to the phrase of "and/or Board of Commissioners" being added to the stipulations to be approved by the Cobb County Historic Preservation Commission; 7) Subject to 80% of the lots to be 20,000 sq. ft. or more and the remaining 20% be from 15,000 to 20,000 sq. ft. in size; 8) Subject to letters of stipulations dated August 14th and 16th to Ed Thomas, Planning Dept. and to the Board of Commissioners and to the Cobb D.O.T. dated August 10th on all stipulations agreed upon, marked Exhibits A, B and C respectively. Motion by Smith, seconded by Clay, carried 5-0.

*See attached page for minutes
of 6-22-93 Reg. Commission
Agenda (11)*

Carl E. Smith
Chairman

Original Date of Application: 8-18-87

Applicant's Name: GEORGE S. MORGAN DEVELOPMENT COMPANY, INC.

December 13, 2011
Other Business Item 02
Exhibit "A"

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY PLANNING
COMMISSION AND THE COBB COUNTY BOARD OF COMMISSIONERS

THE FOLLOWING IS AN EXCERPT OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF
COMMISSIONERS HELD ON 6-22-93

ITEM #17: COMMUNITY DEVELOPMENT DEPARTMENT - HOLD APPROVAL OF SITE PLAN FOR GEORGE S. MORGAN
DEVELOPMENT COMPANY FOR PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF DALLAS HIGHWAY
(S.R. 120) AND MARS HILL ROAD:

MOTION: Motion by Byrne to hold approval of the site plan for George S. Morgan Development
Company for property located at the northwest intersection of Dallas Highway (S.R. 12[0]) and
Mars Hill Road until finalization of the agreement to relocate the Lost Mountain Store is
complete.

VOTE: ADOPTED unanimously

*Clerk's Note: Please see attached letter from Carol
Callaway to BOC members (dated 7-30-93) regarding
issuance of permits. Karen L. Hach*

See attached page after Exhibits

Karen L. Hach
Karen L. Hach, Deputy Clerk
Cobb County Board of Commissioners



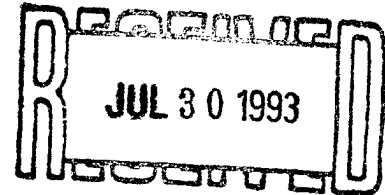
COUNTY ATTORNEY'S OFFICE
100 Cherokee Street, Suite 595
Marietta, Georgia 30090-9689
(404) 528-4000/ FAX (404) 528-4010

December 13, 2011
Other Business Item 02
Exhibit "A"

Fred D. Bentley, Jr.
Jerry L. Gentry
Carol A. Callaway
Linda W. Brunt
Kate Rogers

MEMORANDUM

COBB CO. PLANNING
& ZONING DEPT.



SENT TO: _____

TO: Commission Chairman Bill Byrne
Commissioner Bill Cooper
Commissioner Freeman Poole
Commissioner Joe Lee Thompson
Commissioner Gordon Wysong

FROM: Carol A. Callaway *CA*
Assistant County Attorney

RE: LOST MOUNTAIN STORE AND COMMERCIAL DEVELOPMENT

DATE: July 30, 1993

This is to confirm that each of you agrees that permits should be issued to George Morgan and that development may begin on the commercial development (Publix Store) and Lost Mountain Store relocation at Dallas Highway and Mars Hill Road. Attached is a letter to Barnett Bank which states that permits will be issued. Please let me know by 5:00 p.m. today if you have any questions or changes.

Attch.

CAC:bc



COUNTY ATTORNEY'S OFFICE
100 Cherokee Street, Suite 595
Marietta, Georgia 30090-9689
(404) 528-4000/ FAX (404) 528-4010

December 13, 2011
Other Business Item 02
Exhibit "A"

Fred D. Bentley, Jr.
Jerry L. Gentry
Carol A. Callaway
Linda W. Brunt
Kate Rogers


July 30, 1993

Mr. George Morgan
George Morgan Development Company Inc.
3060 Peachtree Road
Suite 760
Atlanta, GA 30305

Dear Mr. Morgan:

This letter confirms that all requirements for going forward have been satisfied and that all permits can be issued for the construction of the Publix store and the contemporaneous relocation of the Lost Mountain Store.

Sincerely,


Fred D. Bentley, Jr.
County Attorney

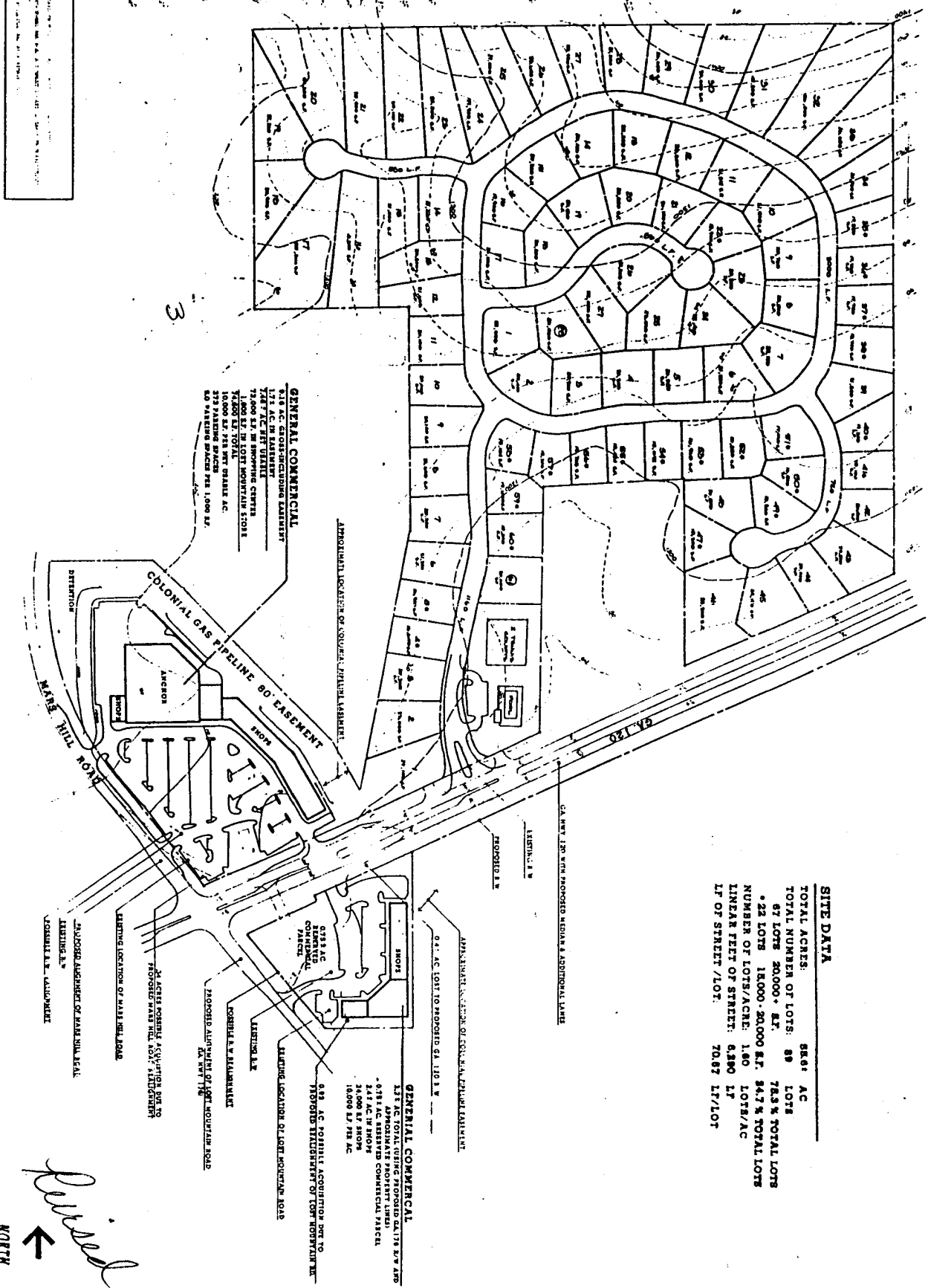
FDB,Jr/sk

CONCEPTUAL STUDY
LOST MOUNTAIN PROPERTY
GEORGE S. MORGAN DEVELOPMENTS INC.

REECE, HOOPES & FINCHER
LAND PLANNERS LANDSCAPE ARCHITECTS
400 PERIMETER CENTER DR. SW STE 100
ATLANTA GEORGIA 30346
404/524-8100

NOV 27 1987
NOV 27 1987
NOV 27 1987

Scale: 1" = 100'



SITE DATA	
TOTAL ACRES:	86.6 AC
TOTAL NUMBER OF LOTS:	89 LOTS
* 32 LOTS 20.000+ A.F.	76.3% TOTAL LOTS
* 23 LOTS 16.000-20.000 A.F.	84.7% TOTAL LOTS
NUMBER OF LOTS/ACRE:	1.60 LOTS/AC
LINEAR FEET OF STREET:	6,890 LF
LF OF STREET / LOT:	70.87 LF/LOT

↑
NORTH

LAW OFFICES

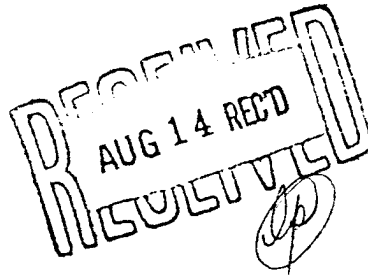
ALSTON & BIRD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

100 GALLERIA PARKWAY
SUITE 1200
ATLANTA, GEORGIA 30339
404-955-8400

DIRECT DIAL NUMBER
(404) 955-8411

EXHIBIT "B"



DOWNTOWN OFFICES
1200 CITIZENS & SOUTHERN NA
35 BROAD STREET
ATLANTA, GEORGIA 30335
404-586-1500

CABLE: AMGRAM ATLANTA
TELEX: 54-2996

8-18-87
#186

December 13, 2011
Other Business Item 02
Exhibit "A"

August 14, 1987

BY HAND DELIVERY

Mr. Ed Thomas
Cobb County Zoning
47 South Waddell
Marietta, Georgia 30061

Re: George S. Morgan Development
Company Lost Mountain Zoning

Dear Ed:

In response to the concerns discussed at our meeting last week, Mr. Morgan has authorized me to agree to the following stipulations to be made part of the pending zoning application:

(a) That the developer will be required to cooperate with the submission of an application pertaining to the General Store for designation as an historical site. The developer will be responsible for funding the cost of the application in an amount not to exceed \$1,000.00. The area to be included within the historical designation application consists of the General Store itself and the immediately surrounding property as shown on the attached site plan as being outlined in red.

(b) That no use of the General Store will be allowed other than continuation of the existing use; provided, however, other uses shall be allowed (i.e. museum) if approved by the Cobb County Historic Preservation Committee ("Committee"). Moreover, no changes shall be allowed to the architecture of the exterior of the General Store unless first approved by the Committee.

(c) That the developer shall be required to submit its landscaping plan for the proposed shopping center to be located at the northwest corner of the intersection to the Committee in order to afford the Committee an opportunity to submit comments and

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Mr. Ed Thomas
August 14, 1987
Page Two

suggestions with respect to said plan. The Committee shall be required to submit its comments in writing to the developer within ten (10) days from the receipt of the landscaping plan. The developer shall retain sole decision making authority with respect to the landscaping plan.

(d) The developer shall also be required to utilize his best efforts (all parties acknowledging that developer is without authority to require such an inspection) to arrange an opportunity for a member of the Cobb County Planning Staff to inspect the interior of the residence located behind the General Store. If as a result of that inspection the Committee determines that the residential structure is of historical significance, then the developer shall be required to afford the Committee an opportunity to explain its position concerning the historical significance of the structure and will consider a request to increase the area to receive an historical designation to a size sufficient to accommodate the residential structure. However, the developer shall retain the sole decision making authority on this issue and nothing contained herein shall be viewed as a commitment on behalf of the developer with respect to said structure.

I believe that the aforestated committments respond to each of the concerns which we discussed at our meeting. Please give me a call if you have any questions.

Sincerely



Peter M. Dignan

PMD/srs

CC: Ms. Linda Cater

Exhibit B

August 18, 1987

Cobb County Board of Commissioners
County Administration Building
Cobb County, Georgia

Re: George S. Morgan Development Company/Lost Mountain Zoning

Dear Commissioners:

The purpose of this letter is to supplement my correspondence of August 14, 1987, by adding the following additional stipulations to Rezoning Application No. 186:

- ✓ (1) The area to be included within the historical designation application will consist of the General Store itself, plus 10 feet on both sides, extending in a straight line to the road right of way, and an additional 10 feet at the rear of the structure. The Developer will prepare a legal description by the time of closing of the property to more particularly describe this area.
- ✓ (2) That the restrictions on the use of the General Store (as described in the August 14 letter, paragraph (b)) will be included as a covenant running with the land as well as a zoning stipulation.
- ✓ (3) That the developer will be required to submit architectural design plans, as well as landscaping plans for the proposed shopping center around the General Store to the Cobb County Historic Preservation Commission in accordance with paragraph (c) of the August 14th correspondence.
- ✓ (4) That the developer shall be required to utilize his best efforts to arrange an opportunity for representatives of the Cobb County Historic Preservation Commission and the Cobb County Planning Staff to inspect the interior of the residence and accessory buildings behind the General Store.

*Addendum
to letter
of conditions*


*add "and/or Board of Commissioners" for approval
after CCHPC*

Cobb County Board of Commissioners
August 18, 1987

Page 2

- ✓ (5) If the residential structure or accessory buildings are determined by the Commission to be of historic significance upon inspection, then the developer shall be required to provide the Cobb County Historic Preservation Commission with written notice upon the occurrence of any event which constitutes a termination of the lease agreement concerning the residence located behind the General Store. Upon receipt of such notification, the Commission shall have 45 days to relocate said structure(s) to an appropriate location. If the Commission elects to relocate said structure(s), then the developer shall deed said relocated structure(s) to the Commission or the County free of cost. Additional time for relocation shall be provided in the event of a force majeure delay.
- (6) The developer shall be required to maintain the residential portion of the site in its current condition for a period of 30 days in order to allow sufficient time for an exploratory archaeological survey to be performed by the Cobb County archaeologist. If the survey identifies any significant archaeological finds, then the developer shall be required to allow the County to remove said archaeological finds. This paragraph applies to the R-20 portion of the rezoning request.
- (7) These commitments and stipulations of zoning are intended to be fully binding on and enforceable against subsequent successors and assigns of the rezoned property.

Very truly yours,


Peter M. Degnan as Attorney
for Applicant

LAW OFFICES

ALSTON & BIRD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

100 GALLERIA PARKWAY
SUITE 1200
ATLANTA, GEORGIA 30339
404-955-8400

DIRECT DIAL NUMBER
(404) 955-8411

DOWNTOWN OFFICES
1200 CITIZENS & SOUTHERN NATIONAL BANK BUILDING
35 BROAD STREET
ATLANTA, GEORGIA 30335
404-586-1500

CABLE: AMGRAM ATLANTA
TELEX: 54-2996

December 13, 2011
Other Business Item 02
Exhibit "A"

EXHIBIT "A"

August 10, 1987

Mr. Randall Hulsey
Cobb County Department of Transportation
Cobb County Administration Building
10 East Park Square
Marietta, Georgia 30061

Re: George S. Morgan Development
Company; Application No. 186

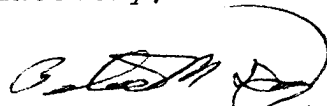
Dear Randy:

The purpose of this letter is to confirm our discussion of Monday, July 27, 1987, pertaining to this application. At that meeting, George S. Morgan Development Company agreed to the following conditions being made a part of Rezoning Application No. 186:

(a) Dedication of additional right-of-way in accordance with the Cobb County Thoroughfare Plan or design of Dallas Highway (State Route 120); and

(b) In the event that the commercial shopping center proposed for the northwest corner of the intersection is completed prior to the completion to Dallas Highway improvements, the Cobb County Department of Transportation shall retain the right to require additional road improvements sufficient to accommodate the additional traffic generated by the shopping center until such time as the Dallas Highway project is completed. Under these circumstances, the developer would be required to pay a reasonable pro rata share of the improvements as determined by the Cobb County Department of Transportation.

Sincerely,


Peter M. Degnan, As Attorney
for Applicant, George S. Morgan
Development Company

PMD/srs

CC: Mr. George S. Morgan

December 13, 2011
Other Business Item 02
Exhibit "A"

Original Date of Application: 8-18-87

Applicant's Name: GEORGE S. MORGAN DEVELOPMENT COMPANY, INC.

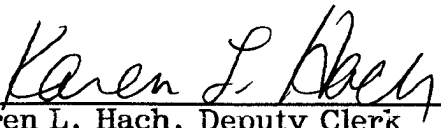
**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY PLANNING
COMMISSION AND THE COBB COUNTY BOARD OF COMMISSIONERS**

THE FOLLOWING IS AN EXCERPT OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF
COMMISSIONERS HELD ON 2-8-94:

ITEM 22. COMMUNITY DEVELOPMENT DEPARTMENT - APPROVAL OF RELOCATION OF LOST MOUNTAIN STORE:

MOTION: Motion by Cooper to **approve** the request of Lost Mountain Partnership to relocate the
Lost Mountain Store as shown on the plat marked Attachment A attached and made a part hereof,
and subject to all other previously approved conditions and stipulations being adhered to.

VOTE: **ADOPTED** unanimously

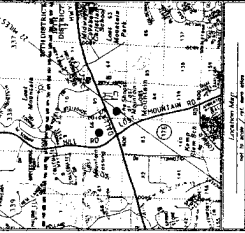


Karen L. Hach, Deputy Clerk
Cobb County Board of Commissioners

AND LOT 66, 19TH DISTRICT, COBB COUNTY, GEORGIA

OVERALL PLAN

NO.	DATE	DESCRIPTION	BT
0			
1			
2			
3			
4			
5			
6			



WAKEFIELD
BEASLEY &
ASSOCIATES

ARCHITECTS INTERIOR

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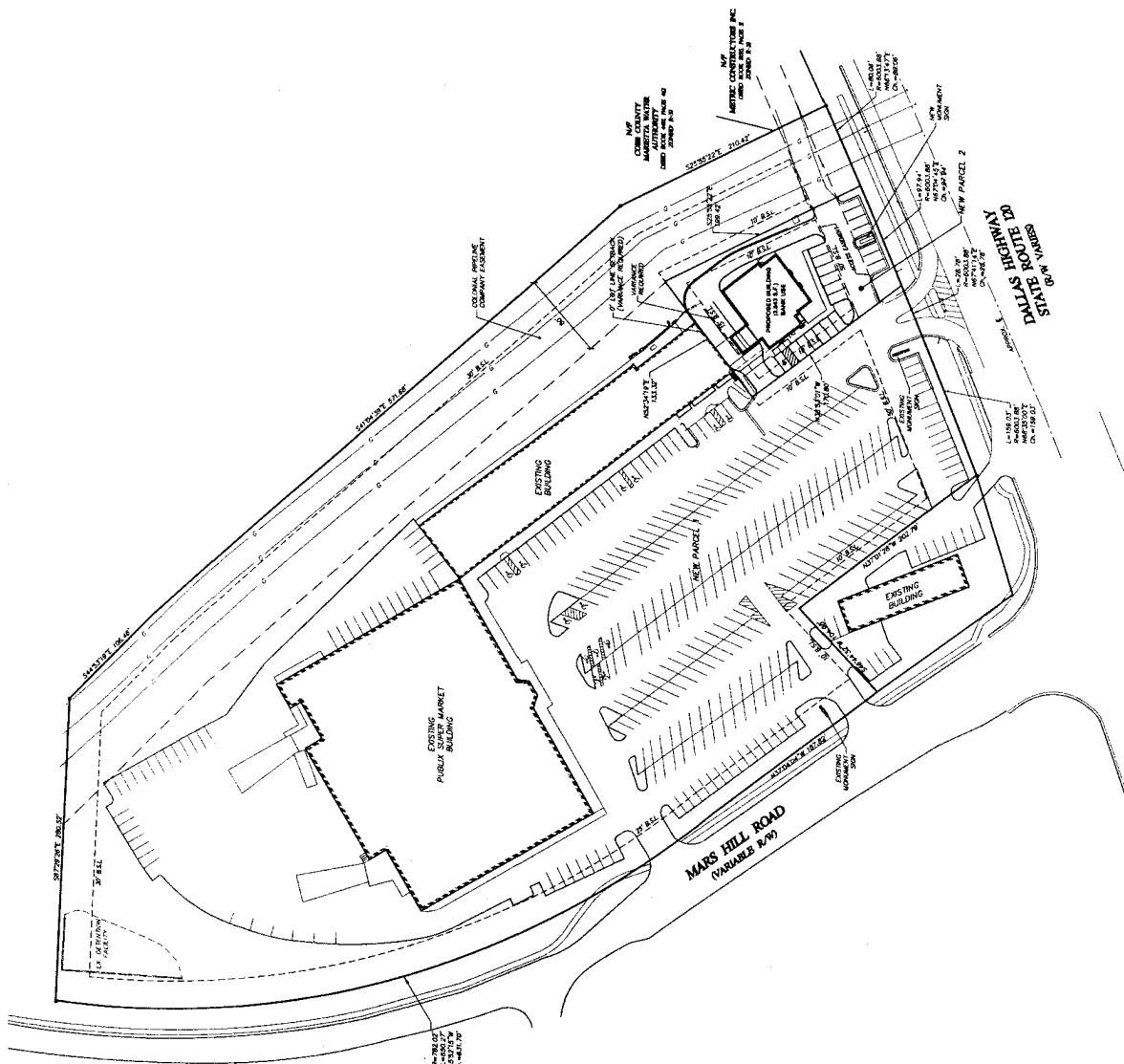
NOTES:

1. THERE ARE NO BUFFER AREAS WITHIN THIS SITE.
2. THERE ARE NO LAKES OR STREAMS ON THIS SITE.
3. THIS PROPERTY DOES NOT LIE WITHIN A 100 YEAR FLOOD HAZARD ZONE AS DETERMINED BY THE F.E.M.A. FLOOD INSURANCE RATE MAP NUMBER 1306700096E.
4. THERE ARE NO CEMETERIES ON THIS SITE.
5. THERE ARE NO STREAM BUFFERS ON THIS SITE.
6. THERE ARE NO WETLANDS ON THIS SITE.

VARIANCES REQUIRED:

1. SETBACK REDUCTION TO 0 FEET ON MAIN PARCEL AT EXISTING BUILDING.
2. SETBACK REDUCTION FROM 30 FEET TO 15 FEET REAR ON CHASE PARCEL.

Proposed (overall)



GRAPHIC SCALE - IN FEET

0 50 100 150 200

GEORGIA 811
1-800-282-7411
Keep what's below.
Call before you dig.

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Southwest Elevation



Southeast Elevation



Northwest Elevation



Northeast Elevation

- Architectural Signage
Mtl: Cementitious
Product: Independence
Color: Weatherwood
- Brick
Mtl: TPO
Color: Match Existing
- Prefinished Metal
Mtl: 16 Gauge Steel
Color: Chase Nickel
- Prefinished Metal
Mtl: 16 Gauge Steel
Color: Chase Blue



Chase #28118
Dallas Hwy & Lost Mountain Rd.
Powder Springs, Georgia (Cobb County)

