

**DECEMBER 13, 2011 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 3

PURPOSE

To consider site plan and stipulation amendment for Ashton Atlanta Residential, LLC regarding rezoning application Z-109 of 2005 (The Pacific Group, Inc.), for property located on the west side of Oakdale Road, south of Chelton Way in Land Lot 692 of the 17th District.

BACKGROUND

The subject property was zoned to PVC for as part of the mixed use development known as West Village. All the property in this section was zoned for single family houses. One of the zoning stipulations called for a 35 foot landscape buffer and building setback along the north property line, adjacent to Vinings Crossing subdivision. The applicant is building a slightly different house footprint and needs a little more room for the house, patio and backyard. The applicant’s request is to reduce the 35 foot landscape buffer and setback to a 30 foot landscape buffer and building setback. 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)

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 12/13/2011

Applicant: Ashton Atlanta Residential, L.L.C. Phone #: (770) 642-5123
(applicant's name printed)

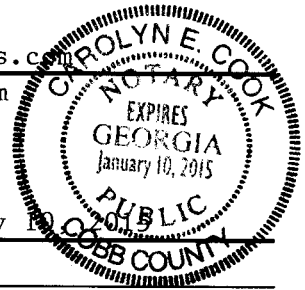
Address: Suite 100, 1455 Old Alabama Road, Roswell, GA 30076 E-Mail: _____
Moore Ingram Johnson & Steele, LLP

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

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800 w7@mijs.com

Signed, sealed and delivered in presence of:

[Signature] My commission expires: January 10, 2015
Notary Public



Titleholder(s): Ashton Atlanta Residential, L.L.C.; Marsha A. Bomar;
Lucien C. Bomar; and Vanessa Bryan Phone #: _____
(property owner's name printed)

Address: _____ E-Mail: _____
See Exhibit "A" for Property Owner Signatures
and Contact Information
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 2 (Ott) Zoning Case: Z-109 (2005)

Date of Zoning Decision: 07/19/2005 Original Date of Hearing: 07/19/2005
12/14/2010 (OB)

Location: Development known as Brookfield Park at West Village; westerly side of
Oakdale Road; terminus of Village Station Crossing
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 692 District(s): 17th

State specifically the need or reason(s) for Other Business: _____
See Exhibit "B" attached hereto and made a part hereof by reference.

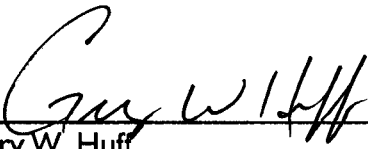
(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

Application No.: Z-109 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: July 19, 2005
"Other Business"
Amendment Hearing
Date: December 14, 2010
Current Hearing Date: December 13, 2011

Applicant: Ashton Atlanta Residential, L.L.C.
Property Owners: Ashton Atlanta Residential, L.L.C.;
Marsha A. Bomar and Lucien C. Bomar; and
Vanessa Bryan


ASHTON ATLANTA RESIDENTIAL, L.L.C.

BY: 
Gregory W. Huff
President, Atlanta Division

Address: Ashton Atlanta Residential, L.L.C.
Suite 100, 1455 Old Alabama Road
Roswell, Georgia 30076

Telephone No.: (770) 642-6123

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: _____

[Notary Seal]

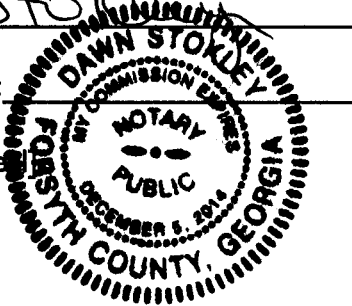


EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

Application No.: Z-109 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: July 19, 2005
"Other Business"
Amendment Hearing
Date: December 14, 2010
Current Hearing Date: December 13, 2011

Applicant: Ashton Atlanta Residential, L.L.C.
Property Owners: Ashton Atlanta Residential, L.L.C.;
Marsha A. Bomar and Lucien C. Bomar; and
Vanessa Bryan

Marsha Anderson Bomar

Marsha A. Bomar

Lucien C. Bomar

Lucien C. Bomar

Address: 1955 West Village Point
Smyrna, Georgia 30080

Telephone No.: (678) 480-3801

Signed, sealed, and delivered in the presence of:

Carla McAdams

Notary Public

Commission Expires: June 23, 2015

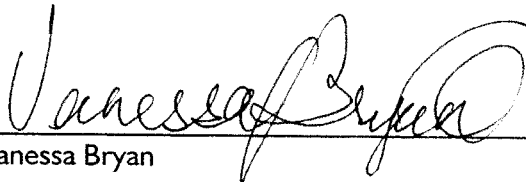
[Notary Seal]



EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

Application No.: Z-109 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: July 19, 2005
"Other Business"
Amendment Hearing
Date: December 14, 2010
Current Hearing Date: December 13, 2011

Applicant: Ashton Atlanta Residential, L.L.C.
Property Owners: Ashton Atlanta Residential, L.L.C.;
Marsha A. Bomar and Lucien C. Bomar; and
Vanessa Bryan

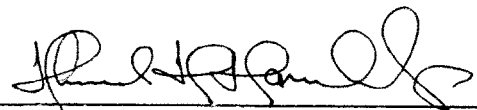


Vanessa Bryan

Address: 1937 West Villiage Point
SMYRNA, GA 30080

Telephone No.: (770) 330-1688

Signed, sealed, and delivered in the presence of:



Notary Public

Commission Expires: ~~Notary Public Cobb County Georgia~~

My Commission Expires November 26 2011

[Notary Seal]

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(SITE PLAN AND STIPULATION AMENDMENT)**

Application No.: Z-109 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: July 19, 2005
"Other Business"
Amendment Hearing
Date: December 14, 2010
Current Hearing Date: December 13, 2011

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Ashton Atlanta Residential, L.L.C.
Property Owners: Ashton Atlanta Residential, L.L.C.;
Marsha A. Bomar and Lucien C. Bomar; and
Vanessa Bryan

Applicant and Property Owners request an amendment to certain stipulations and conditions for the residential development known as Brookfield Park at West Village, which is a portion of the overall West Village development, approved through the rezoning process by the Board of Commissioners on July 19, 2005, and subsequently amended by the Board of Commissioners through an "Other Business" agenda item on December 14, 2010. The proposed amendment is as follows:

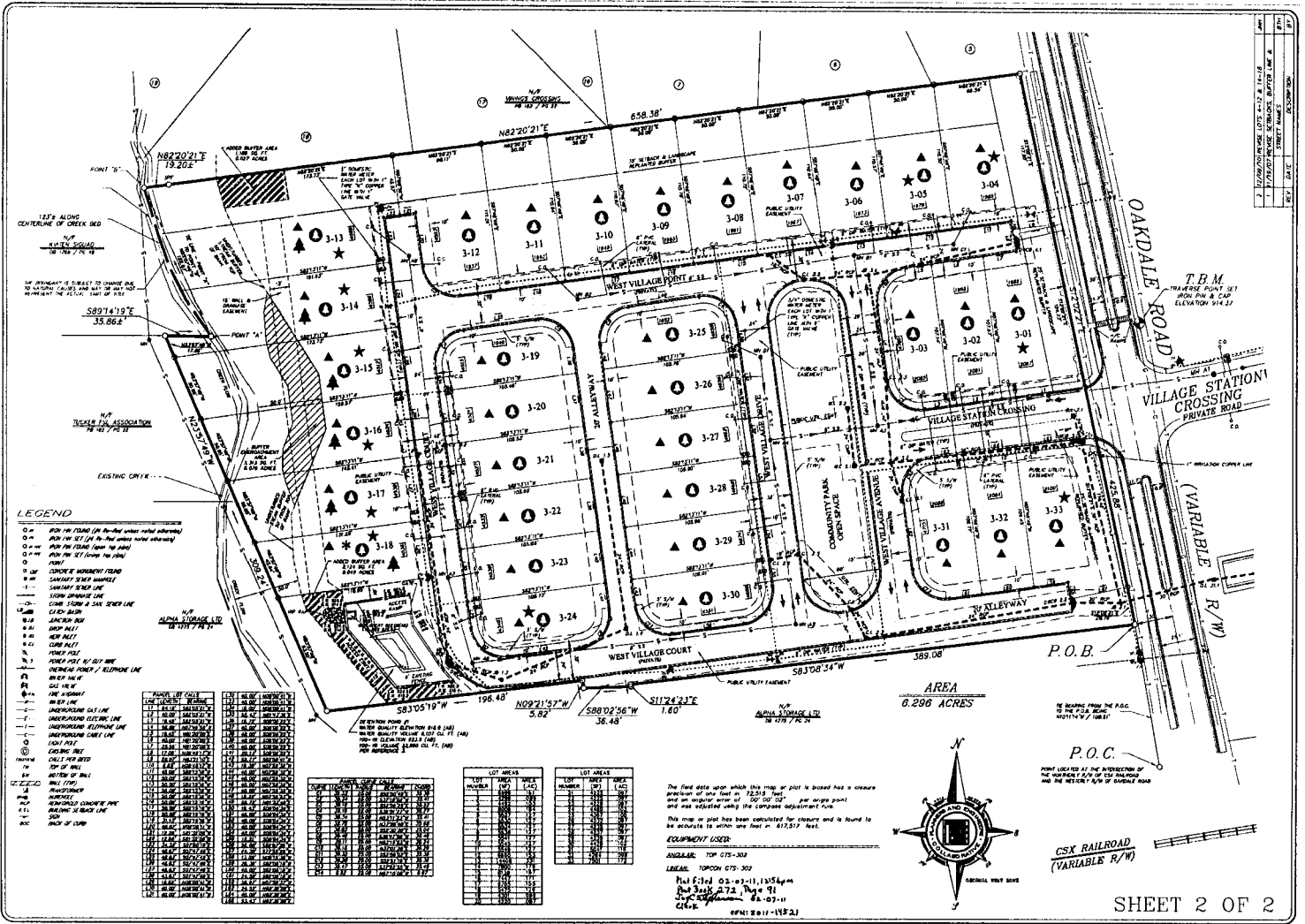
- (1) Deletion in its entirety of paragraph 22 (page 5 of the letter of agreeable stipulations and conditions dated July 13, 2005), and insertion of the following in lieu thereof:
- (22) There shall be a thirty (30) foot setback and landscape replanted buffer area located immediately adjacent to Lots 4 through 12, or along a portion of the northerly property line of the Brookfield Park at West Village development.

The amendment requested and presented herein in no way adversely impacts or affects the remainder of the overall development approved in various phases, including the Subject Property. If the requested amendment is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Brookfield Park at West Village development, as more particularly shown and reflected on the "Final Plat" filed of record on February 7, 2011, in Deed Book 272, page 91, Records of Cobb County, Georgia, said Final Plat being attached hereto as Exhibit "1" and incorporated herein by reference.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the

Board of Commissioners Zoning Hearings held on July 19, 2005, in Application No. Z-109 (2005), and the "Other Business" amendment to said Application approved by the Board of Commissioners on December 14, 2010, are unaltered or unchanged by this request for stipulation amendment.

**Final Recorded Plat for
Brookfield Park at West Village**



FINAL PLAT

BROOKFIELD PARK AT WEST VILLAGE

PLANNERS AND ENGINEERS
 COLLABORATIVE

THE PLANNING COLLABORATIVE

1100 WEST 10TH AVENUE, SUITE 200
 DENVER, COLORADO 80202
 PHONE: 303.733.8800
 FAX: 303.733.8801
 WWW: WWW.PLANNINGCOLLABORATIVE.COM

**Official Minutes of Cobb County Board
of Commission Zoning Hearing
July 19, 2005**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 19, 2005
9:05 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 19, 2005, at 9:05 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Joe L. Thompson
Commissioner Annette Kesting

Z-109

THE PACIFIC GROUP, INC. (Ronald W. Wrey, MKWM, LLC, James B. Elser, Barbara S. Cobb Simpson and Roger Sidney Cobb, III, Louie and Vivian Stiles, James G. and Bobbie Smith, Doris Parker, Keith Whitehead and Diane A. McCoy, owners) requesting Rezoning from RA-5 to PVC for the purpose of Additional Property to a Previously Approved PVC Project in Land Lot 692 of the 17th District. Located on the west side of Oakdale Road, south of Chelton Way and on the north, south, east and west sides of Ruth Circle.

Ms. Mary Rose Barnes and Mr. John Moore addressed the Board regarding the distance between buildings.

MOTION: Motion by Lee, second by Goreham, as part of the Consent Agenda, to approve rezoning to the PVC zoning district subject to:

- site plan received by the Zoning Division June 29, 2005, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated July 13, 2005, *not otherwise in conflict* (copy attached and made a part of these minutes)
- Historic Preservation comments and recommendations
- Cobb Fire Department 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

December 13, 2011
Other Business Item 03
Exhibit "A"

Min. Blk. 36 Petition No. Z-109
Doc. Type _____ Site Plan
Meeting Date 7/19/05

APPLICANT:	ATLANTA
PROJECT NAME:	3631 ATLANTA
PROJECT LOCATION:	3631 ATLANTA
PROJECT TYPE:	RESIDENTIAL
DATE SUBMITTED:	11/15/04
DATE APPROVED:	11/15/04
DATE REVIEWED:	11/15/04
DATE REVISIONS:	11/15/04
DATE FINAL PLAN:	11/15/04
DATE FINISHED:	11/15/04
DATE COMPLETED:	11/15/04
DATE OF MEETING:	11/15/04
DATE OF DECISION:	11/15/04
DATE OF RECORDATION:	11/15/04
DATE OF COMMENCEMENT:	11/15/04
DATE OF COMPLETION:	11/15/04

BEFORE YOU DIG

Call 811 or visit www.811.com to find out where to dig.

FOR MORE INFORMATION, VISIT www.811.com

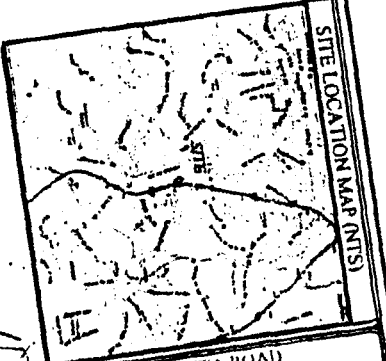
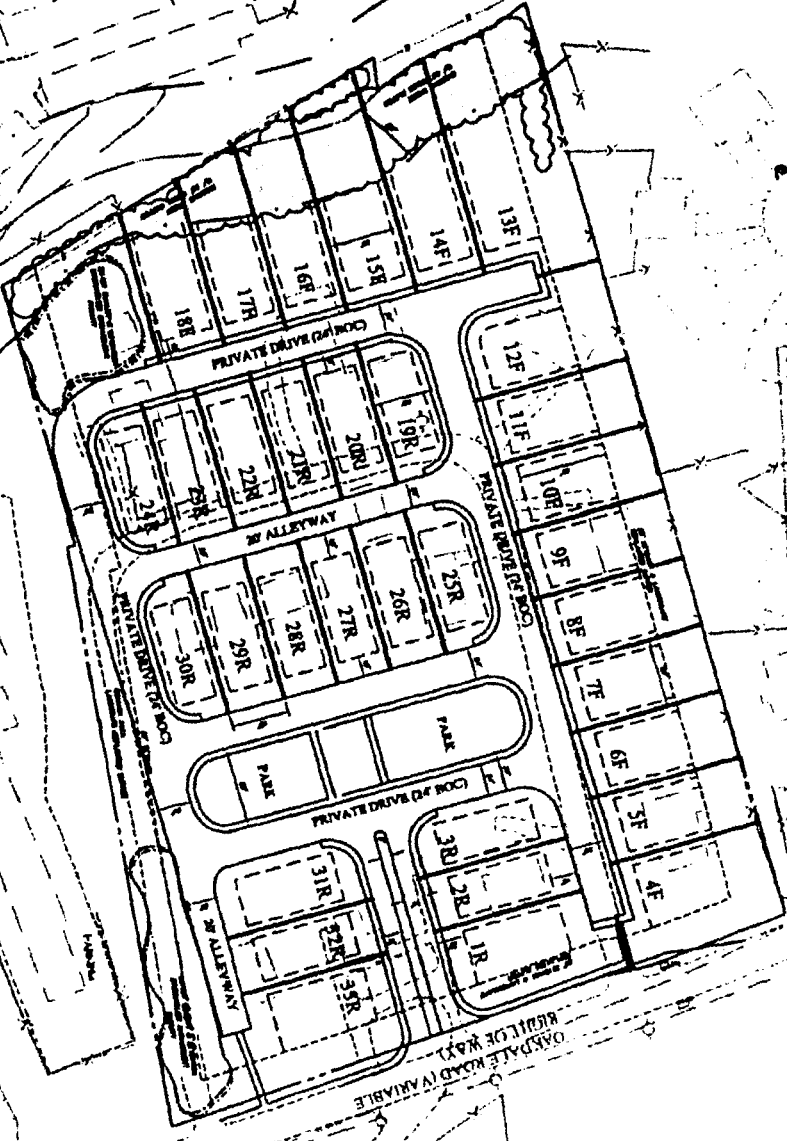
FOR A FREE BROCHURE, CALL 811-555-7434

FOR A FREE BROCHURE, VISIT www.811.com

FOR A FREE BROCHURE, VISIT www.811.com

FOR A FREE BROCHURE, VISIT www.811.com

FOR A FREE BROCHURE, VISIT www.811.com



RUTH CIRCLE @ ATLANTA ROAD
A SINGLE FAMILY RESIDENTIAL PROJECT

PLANNERS AND ENGINEERS COLLABORATIVE

3111 PACIFIC CREEK
SUITE 100
ATLANTA, GEORGIA 30341
TEL: 404.525.8100
WWW.PAECOLLABORATIVE.COM

THE PROVIDE SOLUTIONS

REVISIONS:

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		
19		
20		
21		
22		
23		
24		
25		
26		
27		
28		
29		
30		
31		
32		
33		
34		
35		
36		
37		
38		
39		
40		
41		
42		
43		
44		
45		
46		
47		
48		
49		
50		

PLANNERS AND ENGINEERS COLLABORATIVE

3111 PACIFIC CREEK
SUITE 100
ATLANTA, GEORGIA 30341
TEL: 404.525.8100
WWW.PAECOLLABORATIVE.COM

MOORE INGRAM JOHNSON & STEEL

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MJJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON †
ROBERT D. INGRAM †
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK †
ALEXANDER T. GALLOWAY III †
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***
BRIAN D. SMITH

HARRY R. TEAR III
W. TROY HART †
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
AMY K. WEBER
COURTNEY H. MOORE
KIM A. ROPER
TARA C. RIDDLE
JOSHUA M. BOOTH †
KELLI L. WOK
C. LEE DAVIS
TANYA L. CROSSE †
ROBERT W. BROWN II
VICTOR P. VALMUS
JEFFERY L. DICKERSON

MAIN OFFICE
POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061
TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK
SUITE 463
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 892-9039
TELECOPIER (865) 892-9071

T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
STACEY L. STEWART †
MEREDITH M. MILBY
DARRELL L. SUTTON
KASI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON †
JEFFREY K. STINSON
BENJAMIN A. WALDEN
ELIZABETH A. GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS †
CHRISTOPHER L. MOORE
JENNIFER S. WHITE †
KRISTIE L. KELLY †

RYAN G. PRESCOTT
RICARDO J. DOMEDEIROS
L. LAKE JORDAN
BRETT A. MILLER
JACQUELYN VAN TUYL †

OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN OH
*** ALSO ADMITTED IN NC
**** ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

July 13, 2005

Min. Bk. 36 Petition No. Z-109
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 7/19/05
Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Hand Delivered

JUL 13

RE: Application for Rezoning
Application No.: Z-109 (2005)
Applicant: The Pacific Group, Inc.
Property Owners: MKWM, LLC; James B. Elser;
Barbara S. Simpson; et al.
Property: 6.53 acres located on the
easterly and westerly sides of
Ruth Circle, west of Oakdale
Road; Land Lot 692,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, this firm represents The Pacific Group, Inc., the Applicant (hereinafter referred to as "Applicant"), and MKWM, LLC; James B. Elser; Barbara S. Simpson; Roger S. Cobb, III; Louis Stiles; Vivian P. Stiles; Diane A. McCoy; James G. Smith; Bobbie Nell Smith; Doris Parker; Ronald W. Wrey; and Keith Whitehead, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of approximately 6.53 acres located along the easterly and westerly sides of Ruth Circle, west of Oakdale Road, Land Lot 692, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, reviewing the staff comments and recommendations, meetings and discussions with area residents and homeowners associations, and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this revised

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Two
July 13, 2005

Petition No. Z-109
Meeting Date 7/19/05
Continued

letter of stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full that certain letter of agreeable stipulations and conditions dated and filed June 29, 2005. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing RA-5 zoning category to the Planned Village Community ("PVC") zoning classification, site plan specific to that certain revised Site Plan prepared for The Pacific Group, Inc. by Planners and Engineers Collaborative dated January 10, 2000, last revised June 28, 2005.
- (3) The Subject Property consists of 6.53 acres of total site area and is proposed as an additional phase of the development known as West Village which was previously approved by the Cobb County Board of Commissioners on November 16, 2004, in Application No. Z-42 (2004), and June 21, 2005, in Application No. Z-59 (2005).
- (4) This phase of the development will continue the quality architectural design and construction to be utilized within West Village and will further the village concept, which is the hallmark within the West Village community.
- (5) The Subject Property shall be developed for single-family, detached residences consisting of a maximum of thirty-three (33) homes, having a total net density of 5.05 units per acre.
- (6) Residences to be constructed within this phase of West Village shall have a minimum of 2,400 square feet, ranging upwards to 3,500 square feet and greater, and

MOORE INGRAM JOHNSON & STEELE

Petition No. 2
Meeting Date 7/19/05
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Three
July 13, 2005

shall be traditional or European in styling and architecture as more fully shown and depicted on the architectural rendering to be presented to the Planning Commission and Board of Commissioners at the respective scheduled Zoning Hearings.

- (7) Additionally, residences within the proposed community shall be front and both sides brick, stone, stacked stone, stucco-type, cedar shake-type shingles, or combinations thereof.
- (8) All residences within the proposed community shall have attached, two-car garages.
- (9) Applicant agrees to demolish all abandoned or vacated houses within sixty (60) days of the closing of the Subject Property, and further agrees to board-up any such houses within thirty (30) days of closing. This same process and time line shall apply after closing until complete demolition.
- (10) The Pacific Group, Inc., as the Applicant and Developer, will be involved in all aspects of this phase of the proposed development.
- (11) The setbacks for the proposed residential community shall be as follows:
 - (a) Front setback - Ten (10) feet (or as shown and reflected on the referenced Site Plan);
 - (b) Rear setback - Ten (10) feet (or as shown and reflected on the referenced Site Plan); and
 - (c) Side setback - Ten (10) feet between structures.
- (12) All front, side, and rear yards of the residences to be constructed within the proposed community shall be sodded.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Four
July 13, 2005

Petition No. 2-109
Meeting Date 7/19/05
Continued

- (13) The entrance to the proposed community shall have ground-based, monument style signage compatible with other West Village signage. The entrance area will be heavily and professionally designed, landscaped, and maintained.
- (14) All utilities servicing the residences within the proposed community shall be underground.
- (15) The proposed community shall be under the auspices of the master protective covenants for the entire West Village development. The master association formed as part of the master protective covenants shall be responsible for the oversight, upkeep, and maintenance of the entrance area, common area, open space areas, and the like contained within this phase of the West Village development.
- (16) Further, the master association formed as above stated has architectural design regulations which controls such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total, overall development, which regulations shall be applicable to the proposed community as well.
- (17) All portions of Ruth Circle will be abandoned by Cobb County, Georgia, and deeded to Applicant or a related entity by the Cobb County Board of Commissioners.
- (18) There shall be a "village commons" area which shall include a park for passive recreational activities of the residents.
- (19) Applicant agrees to install along the frontage of the Subject Property on Oakdale Road wrought-iron type fencing with brick or stone columns or piers as part of the approved landscape plan.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Five
July 13, 2005

Petition No. Z-709
Meeting Date 7/19/05
Continued

- (20) All internal streets shall be private and shall be constructed in accordance with the approved Site Plan and built to Cobb County Department of Transportation construction standards and guidelines.
- (21) Further, access to the residences shall be accomplished by alley ways located to the rear of same, together with front or side entrances.
- (22) There shall be a thirty-five (35) foot setback and landscape replanted buffer area located on the northerly side of the Subject Property.
- (23) Additionally, there shall be a twenty-five (25) foot setback and landscape replanted buffer located along the frontage of the Subject Property on Oakdale Road.
- (24) The detention areas shall be fenced and landscaped for purposes of visual screening from adjacent developments. Said landscaping shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the West Village development.
- (25) Applicant agrees to construct internal sidewalks within the proposed residential community. Said sidewalks shall comply in all respects with Cobb County standards and ordinances.
- (26) Minor modifications to the referenced Site Plan, including, but not limited to, lot layout and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (27) Applicant agrees to a fifty (50) foot stream buffer on either side of the centerline of stream traversing the westerly portion of the Subject Property as more particularly shown and reflected on the revised Site Plan referenced herein.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Six
July 13, 2005

Petition No. Z-109
Meeting Date 7/19/05
Continued

- (28) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (29) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations, except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (30) All landscape and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (31) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners, the Department of Transportation, or Community Development Agency, as their authority may allow which includes installation of the following:
 - (a) Construction of sidewalk, curb, and gutter, along the entire frontage of the Subject Property on Oakdale Road;
 - (b) Donation of right-of-way a maximum of thirty (30) feet from the existing roadway centerline; and
 - (c) Installation of a deceleration lane along the westerly side of Oakdale Road for ingress into the proposed community.

We believe the requested zoning, pursuant to the revised Zoning Plan previously submitted and the revised stipulations referenced herein, is an appropriate use of the Subject Property. The overall

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Seven
July 13, 2005

Petition No 2-109
Meeting Date 7/19/05
Continued

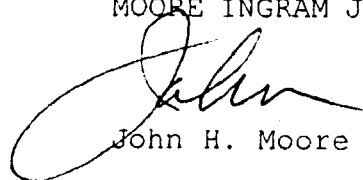
December 13, 2011
Other Business Item 03
Exhibit "A"

West Village development is an exciting concept and the proposed residential community will be a valuable feature in the promotion of the "live where you work" concept of the community. We very much appreciate your consideration of the requested rezoning.

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 S. Olens, Chairman
 - Helen C. Goreham
 - Annette Kesting
 - Joe L. Thompson
 - Tim Lee

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

Mr. Ron Sifen
Vinings Civic Association

Mr. Anthony L. Waybright
Ms. Mary Rose Barnes
Ms. Suzanne Ballew
Mr. Marvin Moate

The Pacific Group, Inc.

**Official Minutes of Cobb County Board
of Commission Zoning Hearing
December 14, 2010**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 14, 2010
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 14, 2010 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner Helen Goreham
Commissioner Robert Ott
Commissioner Thea Powell
Commissioner Woody Thompson

ITEM NO. 1

To consider a stipulation amendment for Ashton Atlanta Residential, LLC regarding application Z-109 (The Pacific Group, Inc) of 2005, for property located on the west side of Oakdale Road, south of Chelton Way in Land Lot 692 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding stipulation amendments relating to exterior finishes and purchaser's option of easy living standards. There were no public speakers. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Powell, to approve Other Business Item No. 1 stipulation amendment for Ashton Atlanta Residential, LLC regarding application Z-109 (The Pacific Group, Inc) of 2005, for property located on the west side of Oakdale Road, south of Chelton Way in Land Lot 692 of the 17th District, subject to:

- requested amendments contained in the Applicant's Other Business request Exhibit B and architectural renderings received by the Zoning Division November 9, 2010 (attached and made a part of these minutes)
- marketing is required for availability of upgrade to Easy Living Standards
- all other conditions and stipulations, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED unanimously

Year 2010 Form

Min. Blk. 61 Petition No. OB1
Doc. Type Exhibit B and
Architectural Renderings
Meeting Date 12/14/10

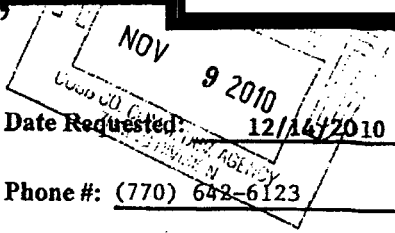
December 13, 2011
Other Business Item 03
Exhibit "A"

Application for "Other Business"

Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 12/14/2010



Applicant: Ashton Atlanta Residential, L.L.C. Phone #: (770) 642-6123
(applicant's name printed)

Address: Suite 100, 1455 Old Alabama Road, Roswell, GA 30076 E-Mail: _____
Moore Ingram Johnson & Steele, LLP

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

BY [Signature] Phone #: (770) 429-1499 E-Mail: jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800 w7@mijs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2011
Notary Public

Titleholder(s): Ashton Atlanta Residential, L.L.C. and
First Citizens Bank and Trust Phone #: _____
(property owner's name printed) Company, Inc.

Address: _____ E-Mail: _____

See Exhibit "A" for Signatures and Contact Information
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 2 (Ott) Zoning Case: Z-109 (2005)

Date of Zoning Decision: 07/19/2005 Original Date of Hearing: 07/19/2005

Location: Development known as Brookfield Park at West Village; westerly side of
Oakdale Road; terminus of Village Station Crossing
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 692 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)

Petition No. 081
Meeting Date 12/14/10
Continued

December 13, 2011
Other Business Item 03
Exhibit "A"

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

Application No.: Z-109 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: July 19, 2005
Current Hearing Date: December 14, 2010

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Ashton Atlanta Residential, L.L.C.
Property Owners: Ashton Atlanta Residential, L.L.C. and
First Citizens Bank and Trust Company, Inc.

Applicant and Property Owners request amendments to certain stipulations and conditions for the residential development known as Brookfield Park at West Village, which is a portion of the overall West Village development, approved through the rezoning process by the Board of Commissioners on July 19, 2005. The proposed amendments are as follows:

- (1) Deletion in its entirety of paragraph 7 (page 3 of the letter of agreeable stipulations and conditions dated July 13, 2005), and insertion of the following in lieu thereof:
 - (7) Additionally, residences within the proposed community will utilize a mix of exterior materials; including brick, stone, stacked stone, cedar shake-type shingles, siding, board and batten, or combinations thereof, which shall be in substantial conformity to the renderings attached collectively hereto as Exhibit "1" and incorporated herein by reference.
- (2) Addition of the following stipulation:
 - (32) Applicant states that "easy living standards" of construction shall be available as an option for any potential purchasers.

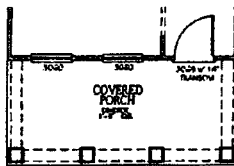
The amendments requested and presented herein in no way adversely impact or affect the remainder of the overall development approved in various phases, including the Subject Property. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Brookfield Park at West Village development, as more particularly shown and reflected on the "Final Plat" attached hereto as Exhibit "2" and incorporated herein by reference.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on July 19, 2005, in Application No. Z-109 (2005), are unaltered or unchanged by this request for stipulation amendment.

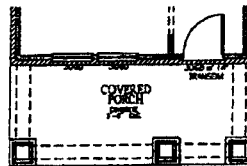
Petition No. 031
Meeting Date 12/14/10
Continued



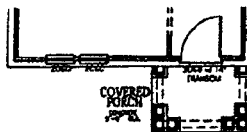
"A"



"B"



"C"



ATLANTA
38' House Width



ELEVATIONS

PLAN

2-STORY (4 BEDROOMS, 2.5 BATHS)
Scale: 1/8" = 1'-0"

December 13, 2011
Other Business Item 03
Exhibit "A"

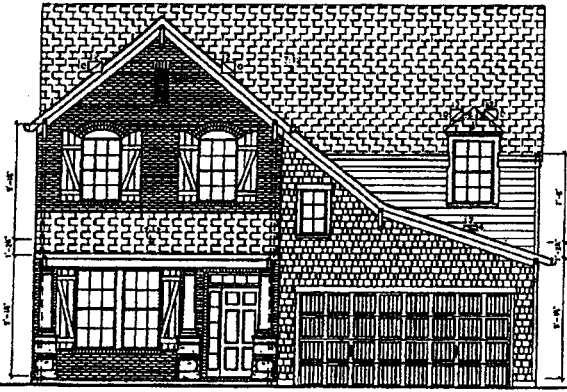


Petition No. OB 1
Meeting Date 12/14/10
Continued

"A"



"B"



"C"

ATLANTA
38' House Width



ELEVATIONS

PLAN 2

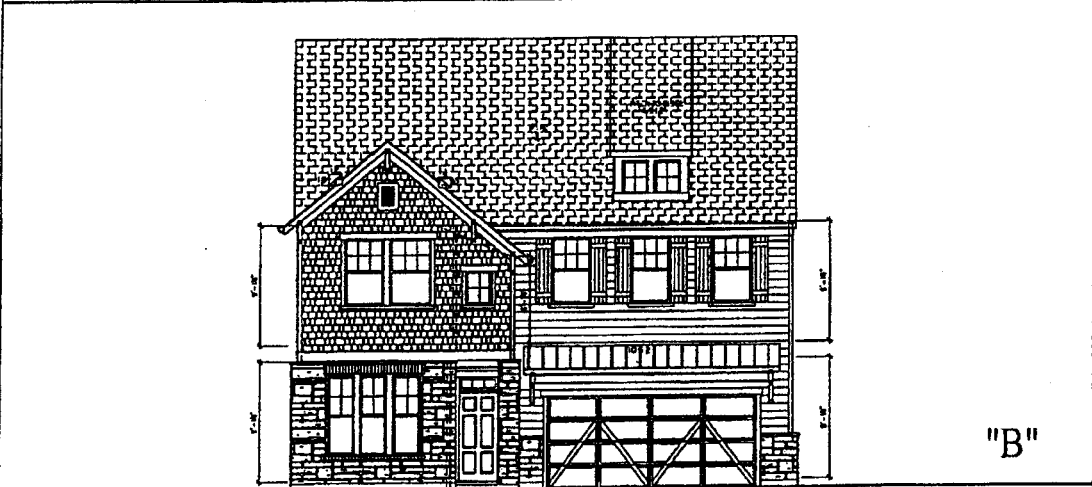
2-STORY (4 BEDROOMS, 2.5 BATH)

Scale: 1/8" = 1'-0"

Exhibit "1"
Page 2 of 7

December 13, 2011
Other Business Item 03
Exhibit "A"

Petition No. OB 1
Meeting Date 12/14/10
Continued



ELEVATIONS

Atlanta
38' House Width



Exhibit "1"
Page 3 of 7

Plan 3

2-STORY (4 BEDROOMS, 2.5 BATHS)
Scale: 1/8" = 1'-0"

December 13, 2011
Other Business Item 03
Exhibit "A"

Petition No. 031
Meeting Date 12/14/10
Continued



"A"



"B"



"C"

ELEVATIONS

ATLANTA

38' House Width



Plan 4

RANCH 2-STORY (X BEDROOMS, X BATH)

Exhibit "1"
Page 4 of 7

Scale: 1/8" = 1'-0"

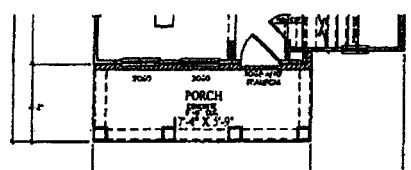
December 13, 2011
 Other Business Item 03
 Exhibit "A"



AREAS(HEATED)	
BASEMENT	0 SF
1st FLOOR	1,091 SF
2nd FLOOR	1,543 SF
TOTAL	2,633 SF
AREAS(UNHEATED)	
GARAGE	439 SF
UNFINISHED	0 SF
PORCH	268 SF
	697 SF

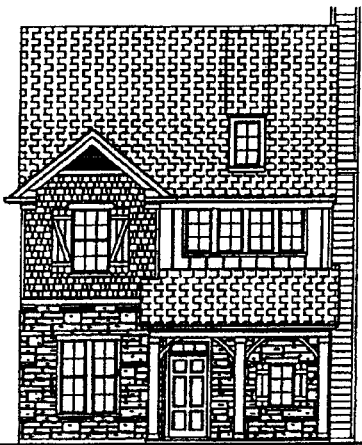
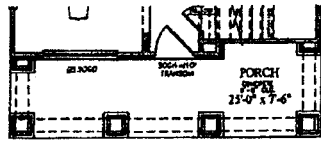
Petition No. 081
 Meeting Date 12/14/10
 Continued

"A" Traditional



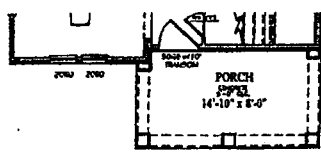
AREAS(HEATED)	
BASEMENT	0 SF
1st FLOOR	1,091 SF
2nd FLOOR	1,543 SF
TOTAL	2,633 SF
AREAS(UNHEATED)	
GARAGE	439 SF
UNFINISHED	0 SF
PORCH	268 SF
	697 SF

"B" Craftsman



AREAS(HEATED)	
BASEMENT	0 SF
1st FLOOR	1,086 SF
2nd FLOOR	1,577 SF
TOTAL	2,663 SF
AREAS(UNHEATED)	
GARAGE	439 SF
UNFINISHED	0 SF
PORCH	213 SF
	652 SF

"C" English Cottage

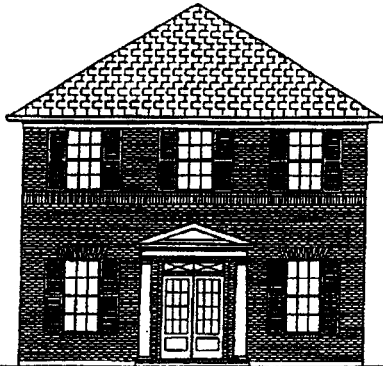


ELEVATIONS

ATLANTA
 25' House Width/BP-2



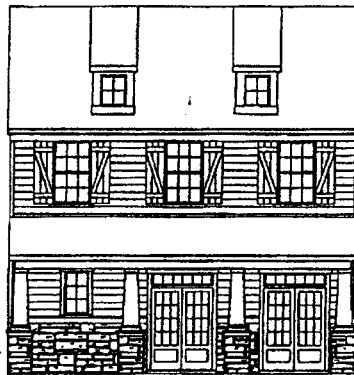
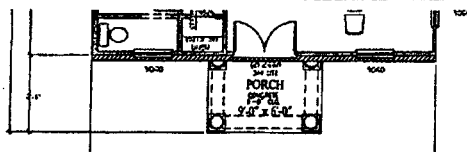
WEST VILLAGE 1935
 2-STORY (4 BEDROOMS, 2.5 BATHS)
 Scale: 1/8" = 1'-0"



AREAS(HEATED)	
BASEMENT	1,061 SF
1st FLOOR	1,351 SF
2nd FLOOR	1,351 SF
TOTAL	2,812 SF
AREAS(UNHEATED)	
GARAGE	491 SF
UNFINISHED	417 SF
PORCH	234 SF
TOTAL	1,142 SF

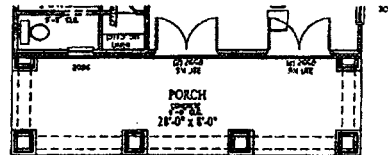
Petition No. 031
 Meeting Date 12/14/10
 Continued

"A" Traditional



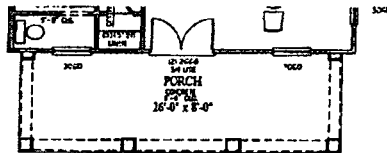
AREAS(HEATED)	
BASEMENT	1,061 SF
1st FLOOR	1,351 SF
2nd FLOOR	1,351 SF
TOTAL	2,812 SF
AREAS(UNHEATED)	
GARAGE	491 SF
UNFINISHED	417 SF
PORCH	396 SF
TOTAL	3,106 SF

"B" Craftsman



AREAS(HEATED)	
BASEMENT	1,061 SF
1st FLOOR	1,370 SF
2nd FLOOR	1,370 SF
TOTAL	2,801 SF
AREAS(UNHEATED)	
GARAGE	491 SF
UNFINISHED	417 SF
PORCH	390 SF
TOTAL	1,298 SF

"C" Cottage



ELEVATIONS

ATLANTA
 28' House Width/BP-2



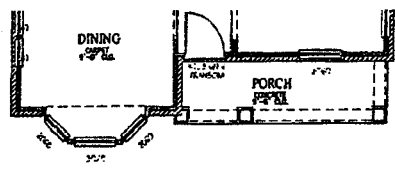
WEST VILLAGE 2178
 2-STORY (4 BEDROOMS, 2.5 BATHS)
 Scale: 1/8" = 1'-0"

Petition No. 081
 Meeting Date 12/14/10
 Continued



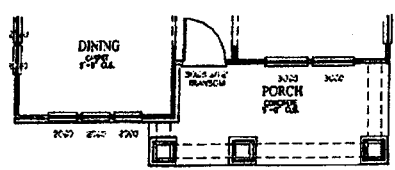
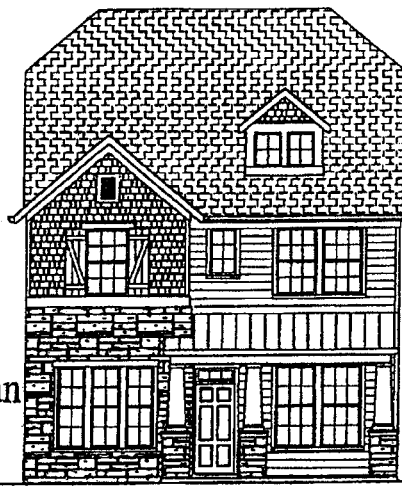
"A" Traditional

AREA(S) HEATED	
BASEMENT	1,264 SF
1st FLOOR	1,283 SF
2nd FLOOR	1,283 SF
TOTAL	2,830 SF
AREA(S) UNHEATED	
GARAGE	438 SF
UNFINISHED	611 SF
PORCH	137 SF
TOTAL	1,186 SF



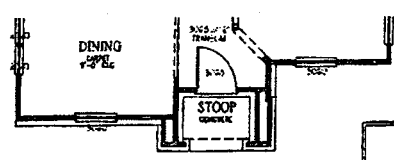
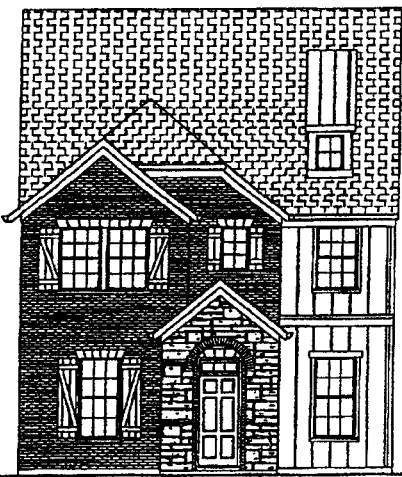
AREA(S) HEATED	
BASEMENT	1,264 SF
1st FLOOR	1,283 SF
2nd FLOOR	1,283 SF
TOTAL	2,830 SF
AREA(S) UNHEATED	
GARAGE	438 SF
UNFINISHED	611 SF
PORCH	137 SF
TOTAL	1,186 SF

"B" Craftsman



AREA(S) HEATED	
BASEMENT	1,276 SF
1st FLOOR	1,416 SF
2nd FLOOR	1,416 SF
TOTAL	2,808 SF
AREA(S) UNHEATED	
GARAGE	438 SF
UNFINISHED	611 SF
PORCH	88 SF
TOTAL	1,137 SF

"C" English Cottage



ELEVATIONS

2577

2-STORY (4 BEDROOMS, 2.5 BATHS)

Scale: 1/8" = 1'-0"

ATLANTA

28' House Width

