Year 2012 Form

Application for "Other Business"
Cobb County, Georgia

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

RECEIVED
SEP 11 2012
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BOC Hearing Date Requested: 10/16/2012

Applicant: Pope & Land Enterprises, Inc. **Phone #:** (770) 980-0808
(applicant's name printed)

Address: Suite 400, 3225 Cumberland Boulevard, Atlanta, GA 30339 **E-Mail:**

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

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

CAROLYN E. COOK NOTARY PUBLIC GEORGIA EXPIRES January 10, 2015 COBB COUNTY

Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public **My commission expires:** January 10, 2015

Titleholder(s): Cumberland Stillhouse, L.P. **Phone #:** (770) 980-0808
(property owner's name printed)

Address: Suite 400, 3225 Cumberland Boulevard, Atlanta, GA 30339 **E-Mail:**

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

Signed, sealed and delivered in presence of:

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

Commission District: 2 (Ott) **Zoning Case:** Z-121 (2005); Z-8 (2012)

Date of Zoning Decision: 02/21/2006 **Original Date of Hearing:** 07/19/2005; 02/21/2012
12/16/2008 (OB); 03/17/2009 (OB); 08/17/2010 (OB); 12/13/2011 (OB)

Location: Southeast corner of Cumberland Boulevard and Stillhouse Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 949, 950, 977 **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)

REVISED December 13, 2011

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

Application Nos.:	**Z-121 (2005)**
	Z-8 (2012)
Original Hearing Dates:	**July 19, 2005**
	February 21, 2012
Date of Zoning Decisions:	**February 21, 2006**
	February 21, 2012
"Other Business" Hearing Dates:	**December 16, 2008**
	March 17, 2009
	August 17, 2010
	December 13, 2011
Current Hearing Date:	**October 16, 2012**

RECEIVED
SEP 11 2012
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: **Pope & Land Enterprises, Inc.**
Property Owner: **Cumberland Stillhouse, L.P.**

CUMBERLAND STILLHOUSE, L.P.,
A Georgia Limited Partnership,
Successor to Harry J. Mathis

BY: Pope & Land Enterprises, Inc.,
A Georgia Corporation,
General Partner

BY: _____
Lawrence P. Kelly, President

[Corporate Seal]

Address: Suite 400
3225Cumberland Boulevard
Atlanta, Georgia 30339

Telephone No.: (770) 980-0808

Signed, sealed, and delivered in the presence of:

_____
Notary Public
Commission Expires: _____

LESLIE JONES THOMAS NOTARY PUBLIC FULTON CO., GEORGIA MY COMMISSION EXPIRES MARCH 22 2013

[Notarial Seal]

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

Application Nos.:	**Z-121 (2005)**
	Z-8 (2012)
Original Hearing Dates:	**July 19, 2005**
	February 21, 2012
Date of Zoning Decisions:	**February 21, 2006**
	February 21, 2012
"Other Business" Hearing Dates:	**December 16, 2008**
	March 17, 2009
	August 17, 2010
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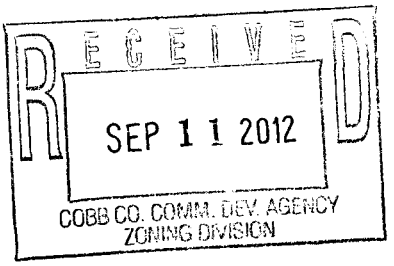
Current Hearing Date:	**October 16, 2012**



BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: **Pope & Land Enterprises, Inc.**
Property Owner: **Cumberland Stillhouse, L.P.**

On October 11, 2011, Applicant filed its Application for "Other Business" seeking amendments to the site plan and certain stipulations for the development to be known as "Stillhouse Ridge." Said Application was scheduled to be heard before the Board of Commissioners on November 15, 2011; however, it was continued to the December 13, 2011, Board of Commission Zoning Hearing. Prior to the December 2011 Zoning Hearing, it was determined the revisions to the site plan and stipulations were "major amendments" which would require proceeding through the rezoning process. The Application for "Other Business" was withdrawn and an Application for Rezoning was filed, same being Application No. Z-8 (2012), and hearings before the Cobb County Planning Commission and Cobb County Board of Commissioners were held on February 7, 2012, and February 21, 2012, respectively. The stipulations and conditions which were proposed for the "Other Business" amendment and the Application for Rezoning were not included as part of the final, official minutes of the Planning Commission Zoning Hearing held on February 8, 2012, or the final, official zoning minutes of the Board of Commissioners Zoning Hearing held on February 21, 2012. As a result of the omission, this Application for "Other Business" is being brought to include the stipulations and conditions which were approved by the Planning Commission and Board of Commissioners in Application No. Z-8 (2012) but which were inadvertently omitted from the February 21, 2012, Board of Commission minutes. The revised stipulations and conditions are as follows:

(1) Deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated February 1, 2006, page 8, paragraph 12, of the section titled **"A. RESIDENTIAL CONDOMINIUM COMMUNITY,"** which reads as follows:

> (12) All units within the proposed Residential Condominium Community shall be "for sale" units only.

The following shall be inserted in lieu of the foregoing deleted paragraph:

(12) All units within the proposed Residential Condominium Community shall be "for sale" units only; excepting only, that the units may be leased, but shall be converted to "for sale" units at such time as market conditions allow, as determined by the primary lending institution, at any given time, financing the subject development. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of these units to "for sale" units.

(2) Revisions and amendments to certain stipulations and conditions contained within the original zoning minutes approved by the Board of Commissioners on February 21, 2006, specifically, the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP, dated February 1, 2006, page 5, subparagraphs (1)(A) and (B) of the section titled **"A. RESIDENTIAL CONDOMINIUM COMMUNITY,"** as follows:

(a) Buildings "A" and "B" shall be converted to a single building denominated as Building "A";

(b) Building "A" will be a maximum of five (5) stories in height;

(c) The total number of units contained within Building "A" shall be decreased from two hundred eighty (280) units to two hundred forty (240) units;

(d) The parking facility shall be converted to a single, wrapped parking facility.

(3) Deletion in its entirety of a portion of the letter of stipulations and conditions contained within the original zoning minutes approved by the Board of Commissioners on February 21, 2006, specifically, the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP, dated February 1, 2006, page 6, subparagraph (3) of the section titled **"A. RESIDENTIAL CONDOMINIUM COMMUNITY."** The following shall be inserted in lieu thereof:

(6) The residential condominium units contained within Building "A" shall have a square footage range of not less than 700 square feet, with an approximate square footage average for said units being 1,080 square feet. Further, the total number of units with these minimum square footage requirements shall not exceed thirty-five (35) percent.

(4) Amendment of a portion of the letter of stipulations and conditions contained within the original zoning minutes approved by the Board of Commissioners on February 21, 2006, specifically, the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP, dated February 1, 2006, page 7, subparagraph (5), and Exhibit "A" referenced therein, of the section titled **"A. RESIDENTIAL CONDOMINIUM COMMUNITY,"** and the supplemental letter of agreeable stipulations and conditions dated February 15, 2006, specifically page 2, subparagraph (3), as follows:

(b) Gas burning fireplaces as an upgrade shall be deleted (contained within Exhibit "A" of the February 1, 2006, letter of agreeable stipulations and conditions);

(c) Minimum ceiling heights from floor to finished ceiling shall be changed to 9 feet 8 inches (contained within the February 15, 2006, letter of agreeable stipulations and conditions); and

(m) Garden tubs with separate showers shall be deleted in its entirety (contained with Exhibit "A" of the February 1, 2006, letter of agreeable stipulations and conditions).

(5) Amendment of a portion of the letter of stipulations and conditions contained within the original zoning minutes approved by the Board of Commissioners on February 21, 2006, specifically, the supplemental letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP, dated February 15, 2006, page 2, subparagraph (3)(c), as follows:

(b) Hallway and corridor widths for all units shall be a minimum of six (6) feet in width.

(6) Addition of the following stipulation applicable to the overall development:

Simultaneously with the issuance of a building permit for the proposed structure, Applicant agrees to donate the sum of Ten Thousand Dollars ($10,000) to the Lower Stillhouse Group for the design and installation of

enhancement and beautification landscaping for the barricade on Stillhouse Road. Applicant agrees to work with the Group in the design phase of the landscaping to achieve the best possible result for all concerned.

(7) 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 February 21, 2006, in Application No. Z-121 (2006), and the Applications for "Other Business" held on December 16, 2008; March 17, 2009; and August 17, 2010; the minor amendment approved by the District Commissioner on November 9, 2006; as well as the stipulations and conditions, and approved site plan, set forth in the official minutes, and attachments thereto of the Board of Commissioners Zoning Hearing held on February 21, 2012, in Application No. Z-8 (2012), or any other approvals related to the specific zoning or the "Stillhouse Ridge" development, are unaltered or unchanged by the stipulation amendments requested herein.

The proposed amendments presented herein in no way adversely impact or affect 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 overall Subject Development.

POPE & LAND
ENTERPRISES, INC.

LAWRENCE P. KELLY
PRESIDENT

RECEIVED
SEP 11 2012
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

October 11, 2011

Cobb County Zoning Division
Cobb County, Georgia

RE: Zoning Case Z-121 (2005)

Gentlemen:

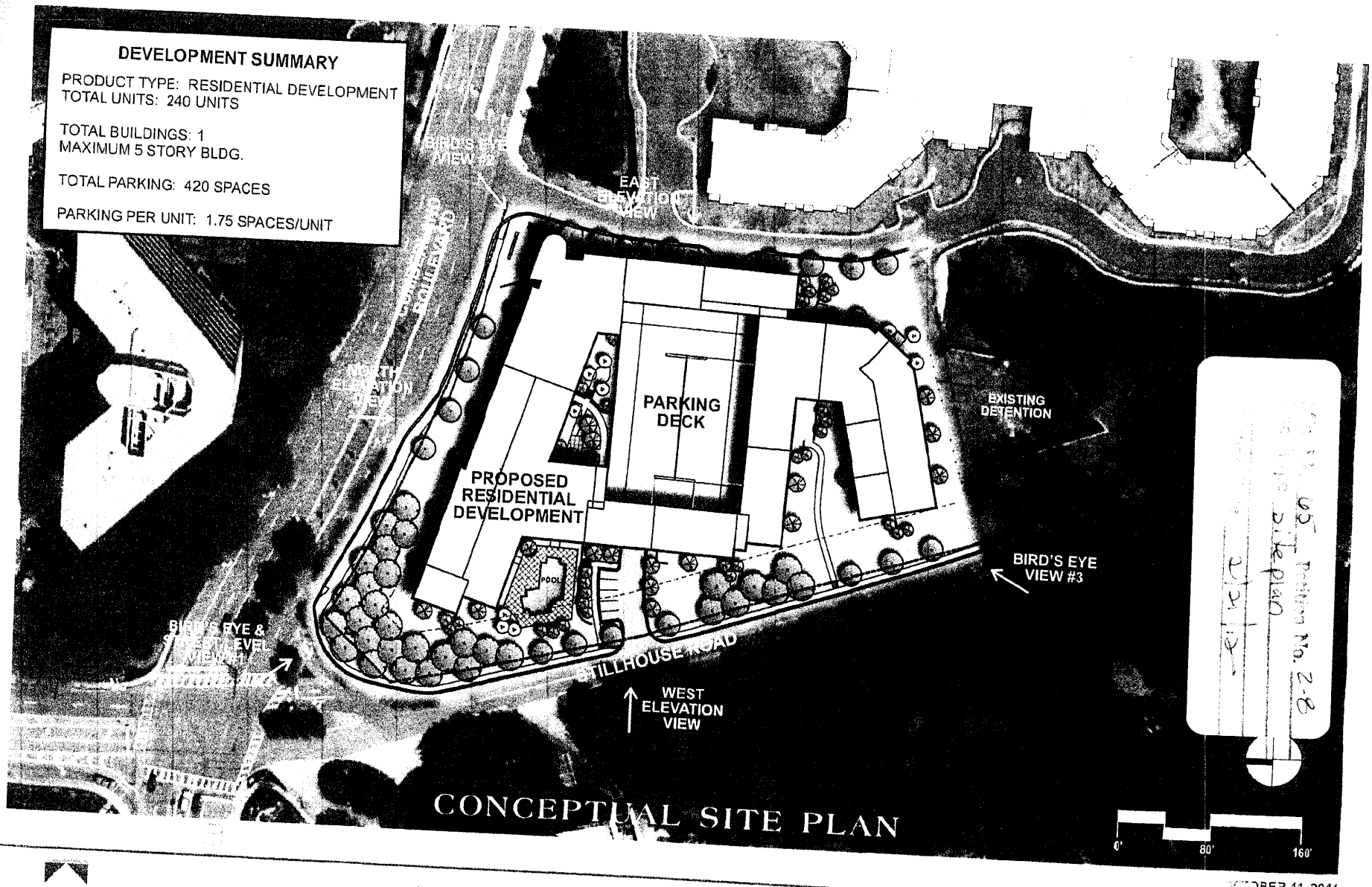
This letter certifies that Lawrence P. Kelly is authorized to sign on behalf of Pope & Land Enterprises, Inc., as general partner of Cumberland Stillhouse, L.P. which is the title holder of the property which is the subject of the zoning case Z-121 (2005), located at the southwest corner of Cumberland Boulevard and Stillhouse Road.

Sincerely,

Lawrence P. Kelly
LP/ljt
Enclosure

3225 Cumberland Blvd. ◆ Suite 400
Atlanta, Georgia 30339-5939
(770) 980-0808 ◆ FAX (770) 984-8630
www.popeandland.com

SITE PLAN APPROVED BY BOARD OF COMMISSIONERS ON FEBRUARY 21, 2012 APPLICATION NO. Z-8 (2012)



OCTOBER 11, 2011

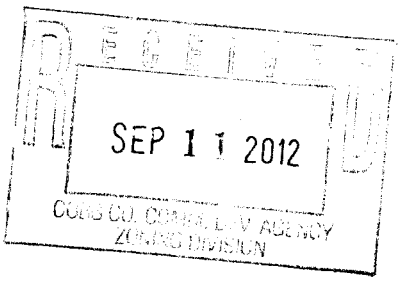
POPE & LAND

STILLHOUSE RIDGE SITE

Cobb County, Georgia

Niles Bolton Associates

PAGE 4 OF 4



MINUTES OF BOARD OF COMMISSION ZONING HEARING HELD ON FEBRUARY 21, 2006 APPLICATION NO. Z-121 (2006)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 21, 2006
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 21, 2006, at 9:00 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 Joe L. Thompson
Commissioner Tim Lee
Commissioner Annette Kesting

Z-121 '05 **POPE & LAND ENTERPRISES, INC.** (Cumberland Center Associates, Cumberland Mathis Associates, LP, Riverwood Partners, LTD, P&L OP Investors, LLC, Thorne S. Winter, IV and Sandra M. Winter, owners) requesting Rezoning from **OHR, R-80, OMR** and **RM-8** to **UC** for the purpose of Multi-Family Residential in Land Lots 949, 950 and 977 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive.

The public hearing was opened and Mr. John Moore, Mr. Randy Turner, Ms. Jody Smith, and Mr. Bradford Arp addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Lee, to **delete** rezoning to the **UVC** zoning district **subject to:**

- **site plan in general conformity with plan received in the Zoning Division February 1, 2006,** ***for reference only,*** **with final site plan to be approved by the Board of Commissioners (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated February 1, 2006,** ***not otherwise in conflict,*** **with the following revisions: (copy attached and made a part of these minutes)**
  - **Under General Stipulations Applicable to the Overall Development (page 4): add the following at the end of paragraph (15):** ***"as approved by District Commissioner and Staff."***
  - **Under A. Residential Condominium Community (page 5): omit paragraph (1)(A)(c) in its entirety.**
  - **Under B. Residential Leased Community (page 8): change paragraph (4) to read as follows: "...** ***square footage not less than 950 rental square feet ..."***

- letter of agreeable stipulations from Mr. John Moore dated February 15, 2006, *not otherwise in conflict,* with the following revisions: (copy attached and made a part of these minutes)
  - Paragraph (1): change to read as follows: *"There shall be no construction activity, including parking or construction vehicles on Stillhouse Road and River Oaks Drive."*
  - Paragraph (2): change to read as follows: *". . . , the zoning on the Subject Property shall revert ..."*
  - Paragraph (3) change as follows:
    - Subparagraph (a) change to read as follows: *"All residential condominium units shall have ceiling heights of ten (10) feet from floor to finished ceiling."*
    - Subparagraph (b) change to read as follows: *"All leased units shall have ceiling heights of ten (10) feet from floor to finished ceiling."*
    - Subparagraph (c) change to read as follows: *"Hallway widths for all units shall be a minimum of seven (7) feet in width."*
    - add new subparagraph (d) to read as follows: *"Rock formation along Stillhouse Road/River Oaks Drive shall not be disturbed."*
    - add new subparagraph (e) to read as follows: *"Remove Building F and reconfigure plan to be approved by District Commissioner and Staff."*
- Development of Regional Impact (DRI) findings from Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) (copy attached and made a part of these minutes)
- Fire Department comments
- 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

BLDG USE	# OF STORIES	UNITS	AREA	PARKING (INSIDE)	PARKING RATIOS
A CONDO	8 RESIDENTIAL/3 PARKING	152	800 SF	288	1.89 SPACES/UNIT
B CONDO	8 RESIDENTIAL/3 PARKING	128	[illegible],000 SF	216	1.69 SPACES/UNIT
C LEASED	5 RESIDENTIAL/ 4 LEVEL PARKING DECK	103	126,200 SF	400 (BOTH C&D)	1.87 SPACES/UNIT
D LEASED	5 RESIDENTIAL/ 4 LEVEL PARKING DECK	111	129,700 SF	400 (BOTH C&D)	1.87 SPACES/UNIT
E CONDO	6 RESIDENTIAL/2 PARKING	60	94,800 SF	110	1.83 SPACES/UNIT
F CONDO	6 RESIDENTIAL/2 PARKING	60	94,800 SF	110	1.83 SPACES/UNIT
TOTAL		614		1124*	

* 23 OUTSIDE SPACES PROVIDED TOTALING 1147 PARKING SPACES

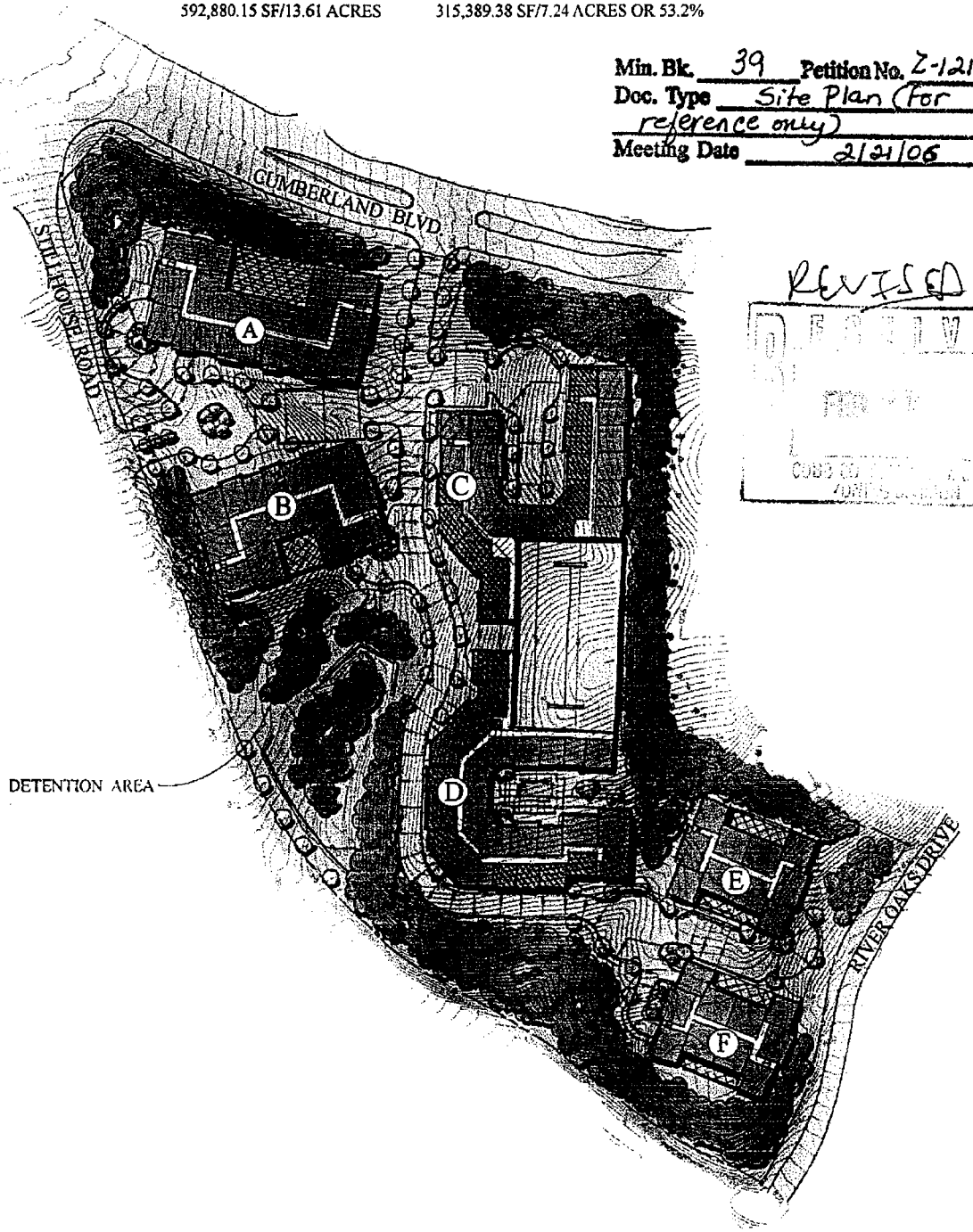
TOTAL SITE AREA:
592,880.15 SF/13.61 ACRES

GREENSPACE AREA:
315,389.38 SF/7.24 ACRES OR 53.2%

Min. Bk. 39 Petition No. Z-121 05
Doc. Type Site Plan (for reference only)
Meeting Date 2/21/06

REVISED

RECEIVED
FEB
COBB CO... DEPT.



CONCEPTUAL SITE PLAN

CUMBERLAND CIRCLE SITE

COBB COUNTY, GEORGIA

A RESIDENTIAL COMMUNITY BY

NEWPORT DEVELOPMENT

NORTH

0' 60' 120' 240'

SCALE: 1" = 60'-0"

NILES BOLTON ASSOCIATES
ONE BUCKHEAD PLAZA, 3060 PEACHTREE RD. NW
ATLANTA GA 30305
404.365.7600 T 404.365.7610 F

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET
MARIETTA, GEORGIA 30060
WWW.MIJS.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. WOLK
C. LEE DAVIS†
TANYA L. CROSSE*
ROBERT W. BROWN II
VICTOR P. VALMUS
JEFFERY L. DICKERSON

BILLING ADDRESS
P.O. 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) 692-8039
TELECOPIER (865) 692-9071

T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON
KASI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON*
JEFFREY K. STINSON
ELIZABETH ANN GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
KHRISTIE L. KELLY†
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS
BRETT A. MILLER

KAREN S. KURTZ
CHRISTOPHER C. MINGLEDORFF
MORGAN E. FOSTER
KATHERINE G. CRONE
RICHARD V. MERRITT

OF COUNSEL:
JOHN L. SKELTON, JR.

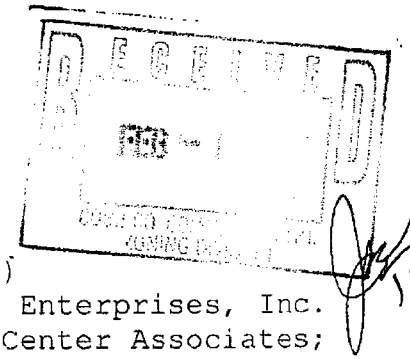
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN OH
*** ALSO ADMITTED IN NC
♦ ADMITTED ONLY IN TN

WRITER'S DIRECT DIAL NUMBER

February 1, 2006

Min. Bk. 39 Petition No. Z-121 05
Doc. Type Letter of Agreeable Stipulations
Meeting Date Hand Delivered 2/21/06

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



RE: Application for Rezoning
Application No.: Z-121 (2005)
Applicant: Pope & Land Enterprises, Inc.
Property Owners: Cumberland Center Associates; Cumberland Mathis Associates, L.P.; Riverwood Partners, Ltd.; P&L OP Investors, LLC; Thorne S. Winter IV; and Sandra M. Winter
Property: 13.61 acres located on the southwest corner of Cumberland Boulevard and Stillhouse Road; Land Lots 949 and 977, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Pope & Land Enterprises, Inc., the Applicant, and Cumberland Center Associates; Cumberland Mathis Associates, L.P.; Riverwood Partners, Ltd.; P&L OP Investors, LLC; Thorne S. Winter IV; and Sandra M. Winter, the Property Owners (hereinafter collectively referred to as "Owners"), in the Application for Rezoning with regard to a total tract of approximately 13.61 acres located at southwest corner of Cumberland Boulevard and Stillhouse Road,

Land Lots 949 and 977, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant 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 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 zoning categories of Office High Rise ("OHR"); Office Mid-Rise ("OMR"); Office and Institutional ("O&I"); and RM-8 to the proposed zoning category of Urban Condominium ("UC"), site plan specific to that certain Conceptual Site Plan (hereinafter "Site Plan") prepared for Newport Development by Niles Bolton Associates.

(3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Site Plan hereinabove set forth, same being prepared by Niles Bolton Associates and being submitted contemporaneously herewith.

GENERAL STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

(1) The Subject Property is comprised of a total tract of approximately 13.61 acres and shall be developed for a high-rise single-family, residential condominiums and residential leased units (hereinafter generally referred to as the "Residential Community").

(2) Additionally, the proposed Residential Community shall contain approximately 7.24 acres of greenspace area, equivalent to 53.2 percent of the total site area.

(3) The entrances to the proposed Residential Community shall be from Cumberland Boulevard and Stillhouse Road, as shown and reflected on the referenced revised Site Plan.

(4) Signage at each entrance point shall be ground based, monument style. The entrance areas shall be professionally designed, landscaped, and maintained.

(5) Lighting within the proposed Residential Community shall be environmentally sensitive, decorative, and themed to the architecture and style of the building.

(6) Additionally, hooded security lighting shall be utilized on the buildings and throughout the walkways, parking, and parking deck areas.

(7) Applicant agrees that the landscaping for the entire Residential Community shall be of equal quality of that contained within the Post Riverside development.

(8) Minor modifications to the referenced Site Plan, including, but not limited to, the layout and stormwater control measures may be approved by the District Commissioner, as needed or necessary.

(9) The detention area shall be fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County arborist during the plan review process.

(10) All utilities for the proposed Residential Community shall be located underground.

(11) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.

(12) All streets within the proposed Residential Community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

(13) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

(14) 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.

(15) All 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.

(16) Pope & Land Enterprises, Inc. and John Williams, or an entity formed by John Williams in which he is a principal, agree to enter into a joint venture to

develop the subject site pursuant to the within revised Site Plan and will be involved in the development and construction of the site.

(17) Applicant agrees to set forth on its construction plans during the plan review process a contact person with Applicant who will be available twenty-four hours per day for stormwater and management issues.

A. RESIDENTIAL CONDOMINIUM COMMUNITY

(1) Applicant proposes residential condominium units contained within Buildings "A," "B," "E," and "F," as shown and reflected on the referenced Site Plan, as follows:

(A) Building "A":

(a) A maximum of an eight-story building containing a maximum of one hundred fifty-two (152) proposed residential condominium units with three levels of parking underneath.

(b) Retail in the form of service retail and restaurants shall be permitted not to exceed a total of 20,000 square feet.

(c) Applicant shall be permitted to provide outside seating in connection with restaurant use up to the edge of the multi-purpose path located along Cumberland Boulevard.

(B) Building "B":

(a) A maximum of an eight-story residential condominium building with three (3) levels of parking underneath with a total number of residential condominium units not to exceed one hundred twenty-eight (128).

(C) Building "E":

(a) A maximum of a six-story residential condominium building with two (2) levels of parking underneath containing a maximum of sixty (60) residential condominium units.

(D) Building "F":

(a) A maximum of a six-story residential condominium building with two (2) levels of parking underneath containing a maximum of sixty (60) residential condominium units.

(2) There shall be a maximum of four hundred (400) residential condominium units contained within the Residential Condominium Community. Units may be consolidated to meet potential market demands for larger units.

(3) The residential condominium units contained within Buildings "A" and "B" shall have a square footage range of not less than 1,000 square feet, ranging upwards to 1,400 square feet and greater, with an approximate square foot average for all units within the building of 1,228 square feet.

(4) The residential condominium square footage for Buildings "E" and "F" shall range from a minimum of

1,050 square feet ranging upwards to 1,600 square feet and greater, and having an approximate average of 1,389 square feet.

(5) Floor plans and finishes for the residential condominium units shall consist, at a minimum, of those items contained on the attached Exhibit "A" and incorporated herein by reference.

(6) The buildings for the proposed Residential Condominium Community shall be traditional in style and architecture and shall be constructed of brick-type, stucco-type, stone-type, glass, concrete, or combinations thereof, all as more fully shown on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.

(7) The proposed Residential Condominium Community shall be a condominium development submitted by a Declaration of Condominium to the Georgia Condominium Act and shall comply in all respects therewith.

(8) Applicant agrees to the recording and enforcement of a Declaration of Condominium which will contain covenants, rules, and regulations applicable to the proposed Residential Condominium Community.

(9) Additionally, and in conjunction with the Declaration of Condominium, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the entrance ways, all common areas, amenity areas, and private streets contained within the proposed Residential Condominium Community.

(10) There shall be established a restrictive covenant which limits the number of units which can be leased or rented at any one time to a maximum of 10 percent of the total number of units.

(11) Amenities within the proposed Residential Condominium Community shall include, but not be limited to, a pool located on top of the parking deck as well as an amenity area within each building. Additionally, there will be walking paths within the open space area.

(12) All units within the proposed Residential Condominium Community shall be "for sale" units only.

B. RESIDENTIAL LEASED COMMUNITY

(1) Applicant proposes residential leased units to be contained within two (2) buildings, being Buildings "C" and "D," as shown and reflected on the referenced Site Plan.

(2) Building "C" shall contain a maximum of five (5) residential stories adjacent to a four-level parking deck, said building to contain a maximum of one hundred three (103) residential leased units.

(3) Building "D" shall contain a maximum of five (5) stories with a four-level parking deck immediately adjacent thereto and shall contain a maximum of one hundred eleven (111) residential leased units.

(4) The residential leased units shall contain square footage not less than 850 rental square feet ranging upwards to 1,435 rental square feet, and greater.

(5) It is the intention of Applicant to convert the within leased units to "owned" residential units at such time as the outside real estate market forces permit.

(6) The buildings for the proposed Residential Leased Community shall be traditional in style and architecture and shall be constructed of brick-type, stucco-type, stone-type, glass, concrete, or combinations thereof, all as more fully shown on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.

(7) There shall be an amenities area located in the courtyard of Building "D" as more particularly shown and reflected on the referenced Site Plan, including but not limited to a swimming pool and related indoor recreational activities such as exercise area and lounge.

We believe the requested zoning, pursuant to the referenced revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the surrounding area and other communities located therein. The project will promote the "live where you work concept" established by Cobb County in recent years. The proposed Residential Community shall be a development of the highest quality, as established by Applicant and John Williams in developments throughout the Metropolitan Atlanta area, shall be compatible with surrounding developments and neighborhoods, and shall be an enhancement to the Subject Property. We very much appreciate your consideration of this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc
Enclosures
c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
Helen C. Goreham
Annette Kesting
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

Mr. Robert L. Hosack, Jr., AICP, Director
Cobb County Community Development Agency
(With Copy of Enclosure)

Mr. Ron Sifen
Vinings Civic Association
(With Copy of Enclosure)

Petition No. Z-121 05
Meeting Date 2/21/06
Continued

c: Mr. Anthony L. Waybright
Ms. Mary Rose Barnes
Ms. Suzanne Ballew
(With Copy of Enclosure)

Ms. Linda Barnes Cater
Ms. Kathrin Mattox
Ms. Jody Smith
Lower Stillhouse Group
(With Copy of Enclosure)

Pope & Land Enterprises, Inc.
Newport Development, LLC
(With Copy of Enclosure)

Petition No. Z-121 05
Meeting Date 2/21/06
Continued

EXHIBIT "A"

FLOOR PLANS AND INTERIOR FINISHES

Floor plans and finishes shall consist, at a minimum, of the following:

(a) Enhanced corian, granite, or marble counter tops;

(b) Gas burning fireplaces as an upgrade;

(c) Minimum ceiling heights:

i) Minimum 9 feet from floor to finished ceiling and greater; and

ii) Minimum 10 feet between floors;

(d) European or upscale wooden face-frame cabinetry;

(e) Stainless steel appliances or equivalent;

(f) Extra-deep stainless steel sinks and side-by-side refrigerators/freezers as upgrades;

(g) A selection of hardwood flooring, high-end carpet, and tile throughout;

(h) Spacious open floor plans which eliminate the necessity for typical hallways within the units;

(i) Brushed chrome or oiled rubbed bronze bathroom and kitchen fixtures;

(j) Ceramic tile bathrooms and laundry rooms;

(k) Spacious walk-in closets;

(l) High-speed internet wiring in all rooms of each unit;

(m) Garden tubs with separate showers;

(n) Eight (8) foot entry doors subject to fire rating.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET
MARIETTA, GEORGIA 30060
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
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ROBERT W. BROWN II
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JEFFERY L. DICKERSON

BILLING ADDRESS
P.O. 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) 692-9039
TELECOPIER (865) 692-9071

T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON
KASI R. WHITAKER
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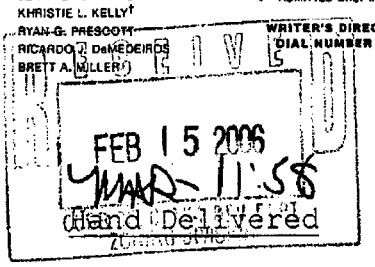
MORGAN E. FOSTER
KATHERINE G. CRONE
RICHARD V. MERRITT

OF COUNSEL:
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



February 15, 2006

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

Min. Bk. 39 Petition No. Z-121 05
Doc. Type Letter of Agreeable Stipulations
Meeting Date 2/21/06

RE: Application for Rezoning
Application No.: Z-121 (2005)
Applicant: Pope & Land Enterprises, Inc.
Property Owners: Cumberland Center Associates; Cumberland Mathis Associates, L.P.; Riverwood Partners, Ltd.; P&L OP Investors, LLC; Thorne S. Winter IV; and Sandra M. Winter
Property: 13.61 acres located on the southwest corner of Cumberland Boulevard and Stillhouse Road; Land Lots 949 and 977, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owners in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated February 1, 2006, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

(1) There shall be no construction activity, including parking of construction vehicles, below the access road off Stillhouse Road and to include River Oaks Drive.

(2) All infrastructure, defined as utilities, roadways, and stormwater facilities, shall be constructed for the entire project at the same time. If the infrastructure, as defined, has not been completed within two (2) years from date of zoning approval, then, and in that event, the zoning for any uncompleted portion of the Subject Property shall revert to the zoning category existing at the time of the Application.

(3) This paragraph shall supersede and replace any stipulation contained in that certain letter of stipulations and conditions dated and filed February 1, 2006, to the contrary:

(a) All residential condominium units shall have ceiling heights of ten (10) feet;

(b) All leased units shall have ceiling heights of nine (9) feet; and

(c) Hallway widths for all units shall be a minimum of six (6) feet in width.

As previously stated, we believe the requested zoning, pursuant to the referenced revised Site Plan, the stipulations set forth in our letter of February 1, 2006, and the additional stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the surrounding area and other communities located therein. The project will promote the "live where you work concept" established by Cobb County in recent years. The proposed Residential Community

shall be a development of the highest quality, as established by Applicant and John Williams in developments throughout the Metropolitan Atlanta area, shall be compatible with surrounding developments and neighborhoods, and shall be an enhancement to the Subject Property. We very much appreciate your consideration of this request.

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

c: Ms. Linda Barnes Cater
Ms. Kathrin Mattox
Ms. Jody Smith
Lower Stillhouse Group

Pope & Land Enterprises, Inc.
Newport Development, LLC

REGIONAL REVIEW FINDING

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax: 404.463.3105 • www.atlantaregional.com

DATE: Sept 14 2005

ARC REVIEW CODE: R508151

Min. Bk. 39 Petition No. Z-121 05
Doc. Type Findings of Atlanta Regional Commission (ARC) re DRI
Meeting Date 2/21/06

TO: Chairman Sam Olens
ATTN TO: John Pederson, Planner III
FROM: Charles Krautler, Director

The Atlanta Regional Commission (ARC) has completed regional review of the following Development of Regional Impact (DRI). Below is the ARC finding. The Atlanta Regional Commission reviewed the DRI with regard to conflicts to regional plans, goals, and policies and impacts it might have on the activities, plans, goals, and policies of other local jurisdictions and state, federal, and other agencies. The finding does not address whether the DRI is or is not in the best interest of the local government.

Submitting Local Government: Cobb County
Name of Proposal: Cumberland Boulevard

Review Type: Development of Regional Impact	Date Opened: Aug 15 2005	Date Closed: Sept 14 2005

FINDING: After reviewing the information submitted for the review, and the comments received from affected agencies, the Atlanta Regional Commission finding is that the DRI is in the best interest of the Region, and therefore, of the State.

Additional Comments: The proposed Cumberland Boulevard development is partially located in the Cumberland LCI Study Area. Therefore, the proposed development should meet many of the goals of the LCI Study as well as the ARC's Regional Development Plan Policies. It is strongly encouraged that the development work within the context of the LCI plan. The developer should continue to work with Cobb County and the Cumberland Community Improvement District to ensure such.

THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

ARC LAND USE PLANNING	ARC TRANSPORTATION PLANNING	ARC ENVIRONMENTAL PLANNING
ARC DATA RESEARCH	ARC AGING DIVISION	GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS
GEORGIA DEPARTMENT OF NATURAL RESOURCES	GEORGIA DEPARTMENT OF TRANSPORTATION	GEORGIA REGIONAL TRANSPORTATION AUTHORITY
CITY OF SMYRNA	CITY OF MARIETTA	COBB COUNTY SCHOOLS
FULTON COUNTY	CITY OF ATLANTA	CUMBERLAND CID
GEORGIA CONSERVANCY		

If you have any questions regarding this review, Please call Mike Alexander, Review Coordinator, at (404) 463-3302. This finding will be published to the ARC website.
The ARC review website is located at: http://www.atlantaregional.com/qualitygrowth/reviews.html .

Bk. 39 Petition No. Z-121 05
Type Findings of Georgia Regional Transportation Authority (GRTA)
Meeting Date 2/21/06

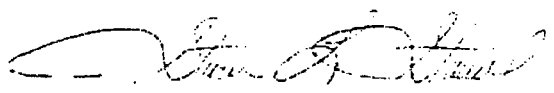
Notice of Decision for Request for Non-Expedited Review of DRI 824 – Cumberland Boulevard

The purpose of this notice is to inform Newport Development, LLC (the Applicant), Cobb County (i.e., the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI #824 – Cumberland Boulevard (the DRI Plan of Development). GRTA has completed a non-expedited review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103.A. The DRI Plan of Development as proposed is **approved** by Non-Expedited Review.

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a "Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI." In this case, no Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. Accordingly, GRTA will not make its approval subject to specific conditions. However, the technical analysis and staff report and recommendations may identify recommended improvements designed to mitigate traffic impacts or improve safety and functionality in and around the site. The applicant should consult with the local jurisdiction to determine whether the improvements are appropriate.

The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes the site development plan dated August 10, 2005 and received by GRTA on August 11, 2005, prepared by Highland Engineering, Inc., titled "Preliminary Grading Plan Cumberland Circle" (Site Plan) and the analysis prepared by Kimley-Horn and Associates, Inc. dated July 2005 and received by GRTA on July 25, 2005 (together the Review Package).

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the Procedures and Principles for GRTA Development of Regional Impact Review, available from GRTA or on the Worldwide Web at <http://www.grta.org/dri/home.htm>. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal at its November 9, 2005 meeting.



Steven L. Stancil
Executive Director
Georgia Regional Transportation Authority

MINOR AMENDMENT
NOVEMBER 9, 2006

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
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192 ANDERSON STREET
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

BILLING ADDRESS
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK, SUITE 463
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. SUTTON
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ANN A. HAMMENECKER*
JAMES D. BUSCH♦
ESTHER VAYMAN
COLE B. STINSON† **
SUZANNE E. HENRICKSON

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
♦ ADMITTED ONLY IN TN

November 9, 2006

The Honorable Joe L. Thompson
Eastern District Commissioner
Cobb County Board of Commissioners
Suite 300
100 Cherokee Street
Marietta, Georgia 30090-9680

Hand Delivered

RE: Application for Rezoning
Application No.: Z-121 (2005)
Applicant: Pope & Land Enterprises, Inc.
Property Owners: Cumberland Center Associates; Cumberland Mathis Associates, L.P.; Riverwood Partners, Ltd.; P&L OP Investors, LLC; Thorne S. Winter IV; and Sandra M. Winter
Property: 13.61 acres located on the southwest corner of Cumberland Boulevard and Stillhouse Road; Land Lots 949 and 977, 17th District, 2nd Section, Cobb County, Georgia

Dear Commissioner Thompson:

This correspondence is sent to memorialize our recent meeting regarding the above-referenced Application for Rezoning. Applicant is proposing a "minor" amendment to one of the stipulations approved by the Board of Commissioners on February 21, 2006, as follows:

(1) Deletion of paragraph 3(b), which states "[a]ll leased units shall have ceiling heights of ten (10) feet from floor to finished ceiling," shall be amended to read:

"All leased units shall have ceiling heights of 9 feet 8 inches from floor to finished ceiling."

The balance of the final, official minutes, including attachments thereto, from the February 21, 2006, Zoning Hearing shall remain unchanged by this amendment. For your convenience, enclosed is a copy of the minutes, including referenced attachments.

If the foregoing meets with your approval, please so indicate in the space below on both the original and the additional copy enclosed herewith. We respectfully request your office notify us when this approval has been made so that we can obtain the signed letters to file with the Zoning Office for inclusion in the zoning file.

Thank you for your consideration and assistance in this request. If you should have any questions or wish to further discuss this matter, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

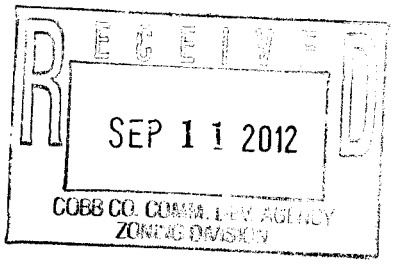
JHM:cc
Enclosures
c: Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency

Pope & Land Enterprises, Inc.
Newport Development, LLC

Read and approved by:

Joe L. Thompson
Eastern District Commissioner
Cobb County Board of Commissioners

Date Approved: 12-14-06



MINUTES OF BOARD OF COMMISSION ZONING HEARING HELD ON DECEMBER 16, 2008 APPLICATION NO. Z-121 (2006)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 16, 2008
9:03 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 16, 2008, at 9:03 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 Samuel S. Olens (arrived at 9:14 a.m.)
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Joe L. Thompson
Commissioner Annette Kesting

ITEM #1

To consider amending the site plan and stipulations regarding Z-121 (POPE & LAND ENTERPRISES, INC.) of July 19, 2005 for property located in Land Lots 949, 950 and 977 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding requested site plan and stipulation amendments. The public hearing was opened and Mr. John Moore, Mr. John Williams, Ms. Jody Smith, Mr. Ron Sifen and Mr. Bradford Arp addressed the Board. Following presentation and discussions, the following motion was made:

MOTION: Motion by Thompson, second by Kesting, to **approve** Other Business Item #1 for Z-121 (POPE & LAND ENTERPRISES, INC.) of July 19, 2005 for property located in Land Lots 949, 950 and 977 of the 17th District, at the southeast intersection of Cumberland Boulevard, **subject to:**

- **site plan submitted last revised October 21, 2008 (attached and made a part of these minutes)**
- **Exhibit "A" received by the Zoning Division December 10, 2008 (attached and made a part of these minutes)**
- **all other applicable previously approved conditions/stipulations to remain in effect**

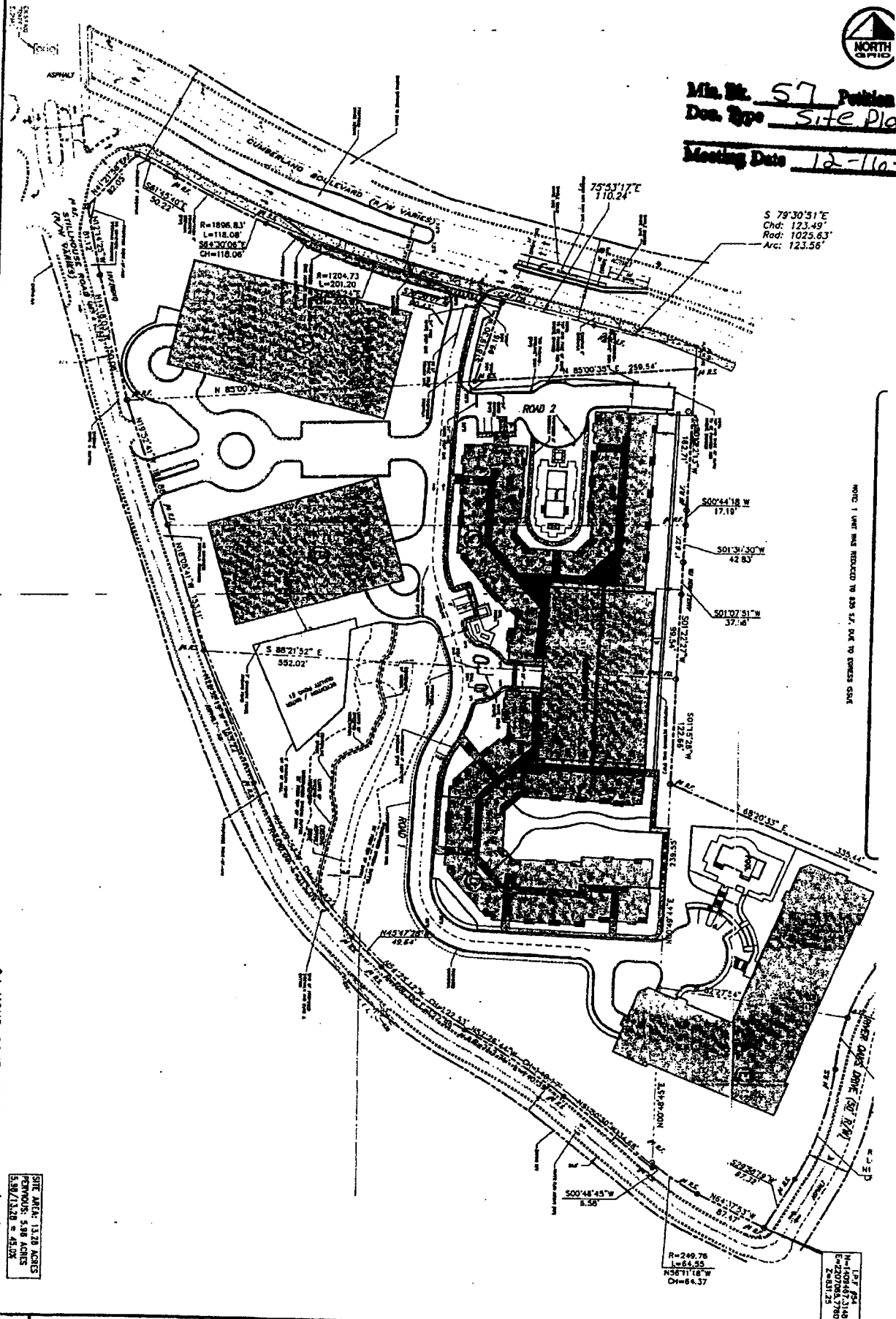
VOTE: **ADOPTED** unanimously

O.B.#1

Min. Bk. 57 Petition No. Z-121 '05

Doc. Type Site Plan

Meeting Date 12-16-08



SITE AREA: 13.28 ACRES
PERVIOUS: 5.98 ACRES
5.98/13.28 = 45.0%

24 HOUR CONTACT: BOB KRAUSE (770) 818-4120

SITE PLAN
STILLHOUSE RIDGE

Project No.	05-020	No	Revision	Date
Design By:	CJS	1	CHANGED PARKING DECK - 2 OF STORIES	12-21-08

NEWPORT DEVELOPMENT
3925 CUMBERLAND BOULEVARD

Drawn C

OB #1

Min. Bk. 5M Petition No. Z-21 '05
Doc. Type site plan
Meeting Date 12-16-08

EXHIBIT "A"
AMENDMENT TO ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)

Application No.:	**Z-121 (2005)**
Original Hearing Date:	**July 19, 2005**
Date of Zoning Decision:	**February 21, 2006**
Current Hearing Date:	**December 16, 2008**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.

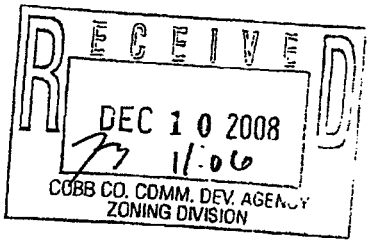
Applicant requests amendments to certain stipulations for the existing development known as "Stillhouse Ridge," approved through the rezoning process by the Board of Commissioners on February 21, 2006. The requested amendments are as follows:

(1) Deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated February 1, 2006, page 8, paragraph 11, of the section titled **A. RESIDENTIAL CONDOMINIUM COMMUNITY**, which reads as follows:

> (11) Amenities within the proposed Residential Condominium Community shall include, but not be limited to, a pool located on top of the parking deck as well as an amenity area within each building. Additionally, there will be walking paths within the open space area.

The following shall be inserted in lieu of the foregoing deleted paragraph:

> (11) Amenities within the proposed Residential Condominium Community shall include, but not be limited to, a pool and amenity area. Additionally, there will be walking paths within the open space area.



(2) Deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated February 1, 2006, page 8, paragraph 12, of the section titled **A. RESIDENTIAL CONDOMINIUM COMMUNITY**, which reads as follows:

> (12) All units within the proposed Residential Condominium Community shall be "for sale" units only.

The following shall be inserted in lieu of the foregoing deleted paragraph:

> (12) All units within the proposed Residential Condominium Community shall be "for sale" units only; excepting only, that those units contained within Building "E" may be leased, but shall be converted to "for sale" units at such time as market conditions allow as determined by the primary lending institution, at any given time, financing the subject development. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of these units to "for sale" units.

(3) 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 February 21, 2006, in Application No. Z-121 (2006), and any subsequent approvals related to the "Stillhouse Ridge" development, are unaltered or unchanged by this request for stipulation amendment.

MINUTES OF BOARD OF COMMISSION ZONING HEARING HELD ON MARCH 17, 2009 APPLICATION NO. Z-121 (2006)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 17, 2009
9:04 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 17, 2009, at 9:04 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 Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Woody Thompson
Commissioner Robert Ott

ITEM #2

To consider amending the stipulations regarding Z-121 (POPE & LAND ENTERPRISES, INC.) of July 19, 2005, for property located in Land Lots 949, 950 and 977 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive.

By consensus, the Board deemed this to be a minor amendment. Mr. Mark Danneman, Zoning Division Manager, provided information for amending the stipulations regarding Z-121 (POPE & LAND ENTERPRISES, INC.) of July 19, 2005, due to economic conditions. Mr. Ron Sifen addressed the Board. Following presentation and discussions, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to **approve** Other Business Item #2 **subject to:**

- **applicant's submitted Exhibit A (attached and made part of these minutes)**
- **all other previous Zoning stipulations and conditions, not otherwise in conflict, to remain in effect**

VOTE: **ADOPTED** unanimously

Min. Bk. 58 Petition No. OB2
Doc. Type Applicant's submitted Exhibit "A"
Meeting Date March 17, 2009

EXHIBIT "A"
ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)

Application No.:	**Z-121 (2005)**
Original Hearing Date:	**July 19, 2005**
Date of Zoning Decisions:	**February 21, 2006**
	December 16, 2008
Current Hearing Date:	**March 17, 2009**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.

Applicant requests an amendment to certain stipulations and conditions for the development known as "Stillhouse Ridge," approved through the rezoning process by the Board of Commissioners on February 21, 2006, and as amended by the Board of Commissioners on December 16, 2008. The requested amendments are as follows:

(1) Applicant requests the minimum square footage for all residential condominium units, whether "for sale" units or "leased" units, be amended to be a minimum of 700 square feet, with an approximate square foot average for said units being 1,080 square feet. Further, the total number of units with these square footage requirements shall not exceed thirty-five (35).

(2) Applicant agrees that the size and scale, as well as the architecture, of the buildings within the development shall remain the same as previously approved by the Board of Commissioners and set forth in the official minutes, and attachments thereto, dated February 21, 2006, and as amended on December 16, 2008.

(3) Applicant further agrees and states that the site plan controlling the development shall be the site plan which is on file in the Cobb County Zoning Office.

(4) 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 February 21, 2006, in Application No. Z-121 (2006), and the Application for "Other Business" held on December 16, 2008, or any other approvals related to the specific zoning or the "Stillhouse Ridge" development, are unaltered or unchanged by this request for stipulation amendment.

MINUTES OF BOARD OF COMMISSION ZONING HEARING HELD ON AUGUST 17, 2010 APPLICATION NO. Z-121 (2006)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 17, 2010
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, August 17, 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. 5

To consider a stipulation amendment for Pope & Land Enterprises, Inc. regarding application Z-121 of 2005 (Pope & Land Enterprises, Inc.) for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive Land Lots 949, 950 and 977 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information for amending the stipulations regarding Z-121 of 2005 (Pope & Land Enterprises, Inc.). There was no public comment. Following presentation and discussions, the following motion was made:

MOTION: Motion by Ott, second by Powell, to **approve** Other Business Item No. 5 for Pope & Land Enterprises, Inc. regarding application Z-121 of 2005 (Pope & Land Enterprises, Inc.) for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive in Land Lots 949, 950 and 977 of the 17th District, **subject to:**

- **Applicant's submitted Exhibit B received by the Zoning Division July 13, 2010 (attached and made part of these minutes)**
- **all other previous stipulations and conditions, not otherwise in conflict, to remain in effect**

VOTE: **ADOPTED** unanimously

Min. Bk. 61 Petition No. OBS
Doc. Type Applicants
Exhibit B
Meeting Date 8/17/10

Item 05
Exhibit "B"
August 2010

Year 2010 Form

Application for "Other Business"
Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2045) **BOC Hearing Date Requested:** August 17, 2010

RECEIVED
JUL 13 2010
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Applicant: Pope & Land Enterprises, Inc. **Phone #:** (770) 980-0808
(applicant's name printed)

Address: Suite 400, 3225 Cumberland Boulevard, Atlanta, GA 30339 **E-Mail:**

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

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

Signed, sealed and delivered in presence of:

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

CAROLYN E. COOK NOTARY PUBLIC COBB COUNTY GEORGIA MY COMM. EXPIRES JAN. 10, 2011

Titleholder(s): Cumberland Stillhouse, L.P. **Phone #:** (770) 980-0808
(property owner's name printed)

Address: Suite 400, 3225 Cumberland Boulevard, Atlanta, GA 30339 **E-Mail:**

BY: _____
(Property owner's signature) Lawrence P. Kelly, President
Pope & Land Enterprises, Inc., general partner

Signed, sealed and delivered in presence of:

Leslie Jones Thomas
Notary Public **My commission expires:** MARCH 22 2013

LESLIE JONES THOMAS NOTARY PUBLIC FULTON COUNTY, GEORGIA MY COMMISSION EXPIRES

Commission District: 2 **Zoning Case:** Z-121 (2005)

Date of Zoning Decision: 02/21/2006 **Original Date of Hearing:** 07/19/2005
12/16/2008 (OB); 03/17/2009 (OB)

Location: Southwest corner of Cumberland Boulevard and Stillhouse Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 949, 950, 977 **District(s):** 17th

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

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

(List or attach additional information if needed)

REVISED October 05, 2009

Petition No. Z-121
Meeting Date 8/17/10
Continued

Item 05
Exhibit "B"
August 2010

RECEIVED
JUL 13 2010
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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

Application No.:	**Z-121 (2005)**
Original Hearing Date:	**July 19, 2005**
Date of Zoning Decisions:	**February 21, 2006**
"Other Business"	
Hearing Dates:	**December 16, 2008**
	March 17, 2009
Current Hearing Date:	**August 17, 2010**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: **Pope & Land Enterprises, Inc.**
Property Owner: **Cumberland Stillhouse, L.P.**

Applicant requests amendments to certain stipulations and conditions for the development known as "Stillhouse Ridge," approved through the rezoning process by the Board of Commissioners on February 21, 2006, and as amended by the Board of Commissioners on December 16, 2008, and March 17, 2009; as well as by minor amendment by the District Commissioner on November 9, 2006. The requested amendments are as follows:

(1) Deletion in its entirety of subparagraph (b) of Exhibit "A," "Floor Plans and Interior Finishes," attached to letter of agreeable stipulations and conditions dated February 1, 2006, which reads as follows:

(b) Gas burning fireplaces as an upgrade;

Said paragraph shall be replaced as follows:

(b) Gas, electric, wood-burning, or decorative fireplaces as an upgrade in two- and three-bedroom units on top floor.

(2) Deletion in its entirety of subparagraph (m) of Exhibit "A," "Floor Plans and Interior Finishes," attached to letter of agreeable stipulations and conditions dated February 1, 2006, which reads as follows:

(m) Garden tubs with separate showers.

(3) Amendment to paragraph 3(a) of the supplemental letter of agreeable stipulations and conditions dated February 15, 2006, which reads as follows:

(a) All residential condominium units shall have ceiling heights of ten (10) feet;

Petition No. 08 5
Meeting Date 8/17/10
Continued

Item 05
Exhibit "B"
August 2010

Said paragraph shall be amended as follows:

(a) All residential condominium units shall have ceiling heights of ten (10) feet; excepting residential units located in Building "E" shall have ceiling heights of 9 feet 8 inches.

(4) Pursuant to the revisions made by the Board to the February 1, 2006, stipulation letter, specifically subparagraph (4) of Section B. "Residential Leased Community," as more particularly set forth in the official minutes of the Board of Commissioners Zoning Hearing held on February 21, 2006, the minimum square footage of residential leased units was established as "not less than 950 rental square feet." It is requested the minimum square footage of one (1) unit, Unit 1131, located in Building "D," be reduced from 950 rental square feet to 835 square feet. This unit configuration is impacted by the location of the meter bank.

The proposed amendments presented herein in no way adversely impact or affect 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 overall Subject Development.

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 February 21, 2006, in Application No. Z-121 (2006), and the Applications for "Other Business" held on December 16, 2008, and March 17, 2009; as well as the minor amendment approved by the District Commissioner on November 9, 2006, or any other approvals related to the specific zoning or the "Stillhouse Ridge" development, are unaltered or unchanged by the stipulation amendments requested herein.

MINUTES OF BOARD OF COMMISSION ZONING HEARING HELD ON DECEMBER 13, 2011 APPLICATION NO. Z-121 (2006)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 13, 2011
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 13, 2011 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:

Commissioner JoAnn Birrell
Commissioner Helen Goreham
Commissioner Robert Ott
Commissioner Woody Thompson

Chairman Tim Lee - absent

ITEM #1 WITHDRAWN

To consider a site plan and stipulation amendment for Pope & Land Enterprises, Inc. regarding application Z-121 (Pope & Land Enterprises, Inc.) of February 21, 2006 for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Lane and at the northwest intersection of Stillhouse Lane and River Oaks Drive in Land Lots 949, 950 and 977 of the 17th District.

MINUTES OF BOARD OF COMMISSION ZONING HEARING HELD ON FEBRUARY 21, 2012 APPLICATION NO. Z-8 (2012)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 21, 2012
9:00 A.M.

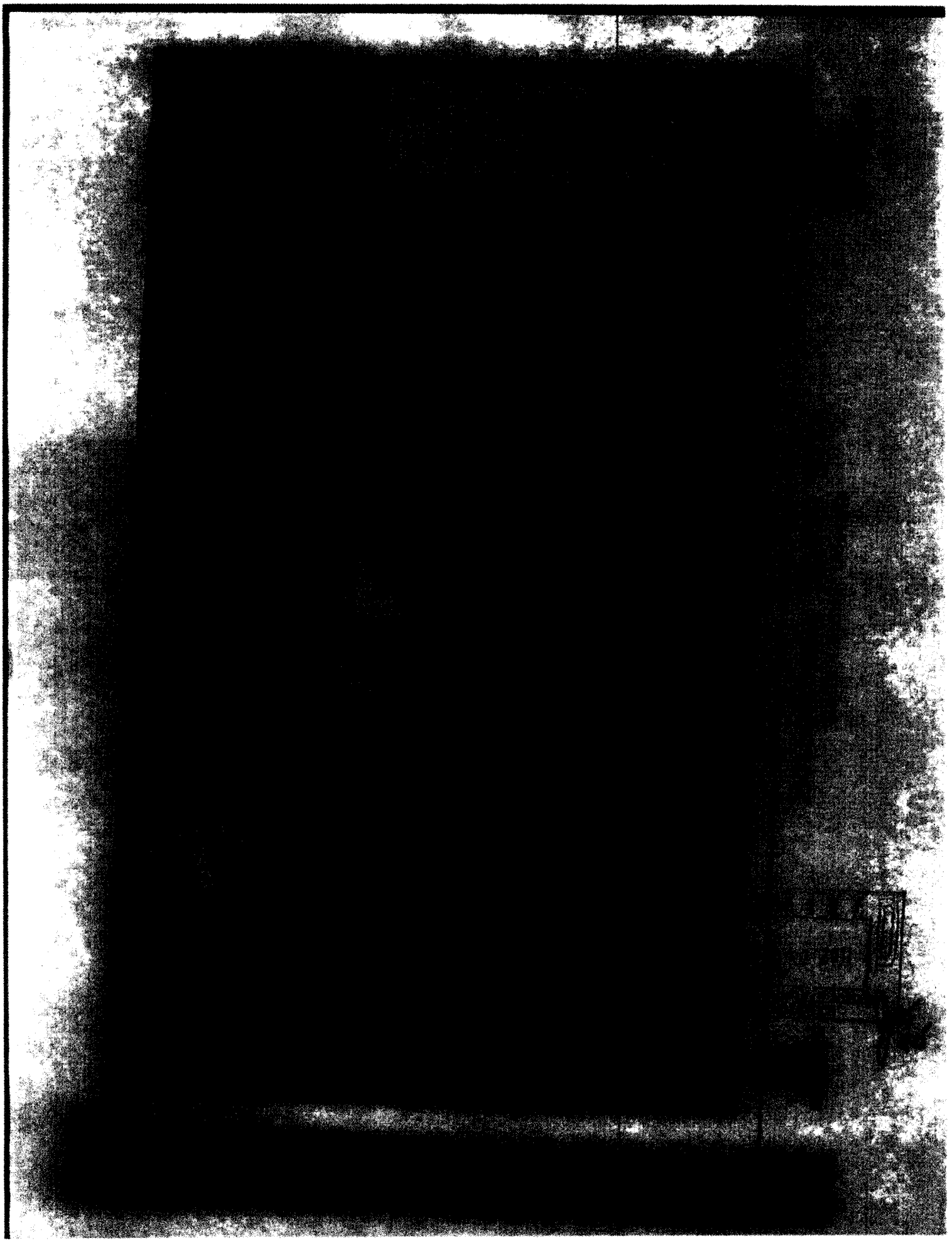
The Board of Commissioners' Zoning Hearing was held on Tuesday, February 21, 2012 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Helen Goreham
Commissioner Woody Thompson

Commissioner Robert Ott (absent)

Z-8 **POPE & LAND ENTERPRISES, INC.** (Cumberland Stillhouse, L.P., owner) requesting Rezoning from **UVC w/stips** to **UVC w/stips** for the purpose of Urban Condominiums in Land Lot 949 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Stillhouse Lane.

MOTION: Motion by Goreham, second by Birrell, as part of the Consent Agenda, to **approve** Rezoning to the **UVC with Stipulations** zoning district **subject to:**

- **site plan received by the Zoning Division December 1, 2011, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **all previous zoning stipulations from Z-121 of 2005, *not otherwise in conflict*, to remain in effect**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** 4-0