

**MARCH 19, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM # 4

PURPOSE

To consider a site plan amendment for Taylor & Mathis, Inc. regarding rezoning application Z-85 of 2006 (Taylor & Mathis, Inc.), for property located on the north side of Chastain Road and the south side of Townpark Lane, between George Busbee Parkway and Townpark Drive in Land Lot 362 and 363 of the 16th District.

BACKGROUND

The subject property was approved site plan specific to the Urban Village Commercial (UVC) zoning district in 2006 for a mixed use development. The applicant would like to amend the approved site plan to allow an 8,500 square foot retail building on parcel “B”, which was previously approved to be an 8,000 square foot to 13,000 square foot restaurant. The applicant would also like to amend the number of parking spaces from 601 parking spaces to 617 parking spaces. The increased number of parking spaces is needed due to the success of the businesses along Chastain Road. Lastly, the applicant would like to amend the site plan to take the water quality pond from parcel “B” and place it on its own lot. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan amendment.

ATTACHMENTS

Other Business application, proposed site plan and zoning stipulations.

Application for "Other Business"

Cobb County, Georgia

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

COBB COUNTY GEORGIA
FILED IN OFFICEBOC Hearing Date Requested: 2013 FEB 12 PM 3:21
March 19, 2013

COBB COUNTY ZONING DIVISION

Applicant: Taylor & Mathis, Inc.Phone #: (770) 795-1330

(applicant's name printed)

Address: Suite 575, 245 TownPark Drive, Kennesaw, GA 30144 E-Mail: mirby@taylormathis.com

Moore Ingram Johnson & Steele, LLP

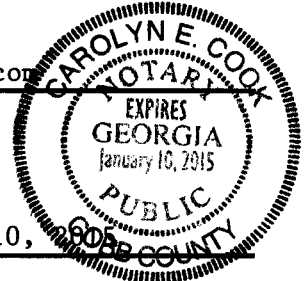
John H. Moore

Address: Emerson Overlook, 326 Roswell StreetMarietta, GA 30060

(representative's name, printed)

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

Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary PublicMy commission expires: January 10, 2015Titleholder(s): TownPark Front Door, LLC; TownPark Hotel, LLC;
CG TownPark, LLC Phone #: _____

(property owner's name printed)

Address: _____ E-Mail: _____

See Exhibit "A" attached collectively hereto for
Titleholders' signatures and contact information

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____Commission District: 3 (Birrell) Zoning Case: Z-85 (2006)Date of Zoning Decision: 06/20/2006 Original Date of Hearing: 06/20/2006
02/19/2008-OBLocation: Northeasterly intersection of Chastain Road and George Busbee Parkway
(street address, if applicable; nearest intersection, etc.)Land Lot(s): 362, 363 District(s): 16thState 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)

COBB COUNTY GEORGIA
FILED IN OFFICE

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

(Site Plan and Stipulation Amendment)

2013 FEB 12 PM 3:22

COBB COUNTY ZONING DIVISION

Application No.: Z-85(2006)
Original Hearing Date: June 20, 2006
Date of Zoning Decision: June 20, 2006
Date of OB Decision: February 19, 2008
Current Hearing Date: March 19, 2013

Applicant: Taylor & Mathis, Inc.
Property Owners: TownPark Front Door, LLC
TownPark Hotel, LLC
CG TownPark, LLC

TOWNPARK FRONT DOOR, LLC,
a Georgia Limited Liability Company

BY: Taylor & Mathis Properties III, LLC
Managing Member

BY: *[Signature]*
TITLE: AUTHORIZED MEMBER

Address: TownPark Front Door, LLC
Suite 575, 245 TownPark Drive
Kennesaw, Georgia 30144

Telephone No.: (770) 795-1330

Signed, sealed, and delivered in the presence of:

Margie Ferguson
Notary Public
Commission Expires: 4-17-2016

[Notary Seal]



COBB COUNTY GEORGIA
FILED IN OFFICE

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

(Site Plan and Stipulation Amendment)

FILED FEB 12 PM 3:22

COBB COUNTY ZONING DIVISION

Application No.: Z-85(2006)
Original Hearing Date: June 20, 2006
Date of Zoning Decision: June 20, 2006
Date of OB Decision: February 19, 2008
Current Hearing Date: March 19, 2013

Applicant: Taylor & Mathis, Inc.
Property Owners: TownPark Front Door, LLC
TownPark Hotel, LLC
CG TownPark, LLC

TOWNPARK HOTEL, LLC,
a Delaware Limited Liability Company

BY: Sapp Family Townpark, LLC, a Georgia
Limited liability company, its Manager

BY: 
Gerald L. Sapp, its Manager

Address: Post Office Box 839
Acworth, Georgia 30101

Telephone No.: (229) 392-5443

Signed, sealed, and delivered in the presence of:


Notary Public

Commission Expires: 8/24/14

[Notary Seal]



COBB COUNTY GEORGIA
FILED IN OFFICE

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

(Site Plan and Stipulation Amendment)

2013 FEB 12 PM 3: 22

COBB COUNTY ZONING DIVISION

Application No.: Z-85(2006)
Original Hearing Date: June 20, 2006
Date of Zoning Decision: June 20, 2006
Date of OB Decision: February 19, 2008
Current Hearing Date: March 19, 2013

Applicant: Taylor & Mathis, Inc.
Property Owners: TownPark Front Door, LLC
TownPark Hotel, LLC
CG TownPark, LLC

CG TOWNPARK, LLC,
a Georgia Limited Liability Company

BY: The Columns Group, Inc.,
its Managing Member

BY: 

TITLE: President

Address: CG TownPark, LLC
Building 200, Suite 200
1000 Mansell Exchange West
Alpharetta, Georgia 30022

Telephone No.: (404) 867-8279

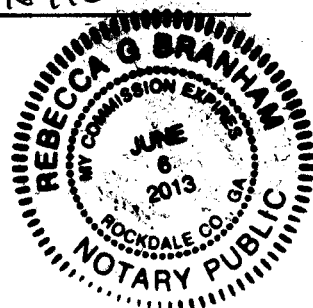
Signed, sealed, and delivered in the presence of:

Rebecca G. Branham

Notary Public

Commission Expires: 6/6/13

[Notary Seal]



COBB COUNTY GEORGIA
CLERK OF SUPERIOR COURT
2013 FEB 12 PM 3: 22

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

Application No.:	Z-85 (2006)	COBB COUNTY ZONING DIVISION
Original Hearing Date:	June 20, 2006	
Date of Zoning Decision:	June 20, 2006	
Date of OB Decision:	February 19, 2008	
Current Hearing Date:	March 19, 2013	

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Taylor & Mathis, Inc.
Property Owners: TownPark Front Door, LLC
TownPark Hotel, LLC
CG TownPark, LLC

On June 20, 2006, the Cobb County Board of Commissioners approved the rezoning of property located on the northerly side of Chastain Road and the south side of TownPark Lane, between George Busbee Parkway and TownPark Drive, Land Lots 362 and 363, 16th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property was rezoned to the Urban Village Commercial ("UVC") zoning classification for a mixed-use development consisting of retail, office, hotel, and residential townhome units. Subsequently, on February 19, 2008, the Cobb County Board of Commissioners approved a "minor amendment" to the overall development which included approval of a revised Overall Site Plan and certain amended stipulations.

Applicant in this Application for "Other Business" seeks to amend the previously amended Overall Site Plan; as well as certain stipulations previously approved for the overall development. The amendments proposed in this Application for "Other Business" are as follows:

- (1) Applicant submits herewith a revised Overall Site Plan dated February 6, 2013, prepared by Southern Civil Engineers which shall replace and supersede all previously approved site plans for the overall development. A reduced copy of the proposed, revised Overall Site Plan is attached as Exhibit "I" for ease of review and incorporated herein by reference.
- (2) The stipulation in subparagraph (5), page 8, of the "Retail/Office Component," in the May 31, 2006, letter of agreeable stipulations and conditions, attached to and referenced in the final, official minutes of the June 20, 2006, Board of Commissioners Zoning Hearing, stated the following:

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- (5) Retail space denominated on the Conceptual Site Plan as Parcel "D" will contain square footage ranging from 8,000 square feet to 13,000 square feet and is proposed for a restaurant.

COBB COUNTY ZONING DIVISION

By this amendment, Applicant proposes the deletion in its entirety of the referenced stipulation and the insertion in lieu thereof the following:

- (5) Retail space denominated on the revised Overall Site Plan dated February 6, 2013, as submitted herein, as Parcel "B" will contain a maximum of 8,500 square feet.
- (3) Applicant proposes to increase the allowable number of parking spaces for the overall development from six hundred one (601) to a maximum of six hundred twenty (620), as is more particularly shown and reflected on the revised Overall Site Plan submitted herewith. The parking spaces will be achieved by allowing cross-parking among Parcels "A," "B," and "C"; as well as a cross-easement parking agreement for the parking area located across TownPark Lane, together with conversion of a two-way street to a one-way street and installing parallel parking spaces, as more particularly shown and reflected on the revised Overall Site Plan submitted with this Application for "Other Business."

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the overall development. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property and the overall 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 June 20, 2006, in Application No. Z-85 (2006), and the "Other Business" amendment approved on February 19, 2008, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

COBB COUNTY GEORGIA
FILED IN OFFICE

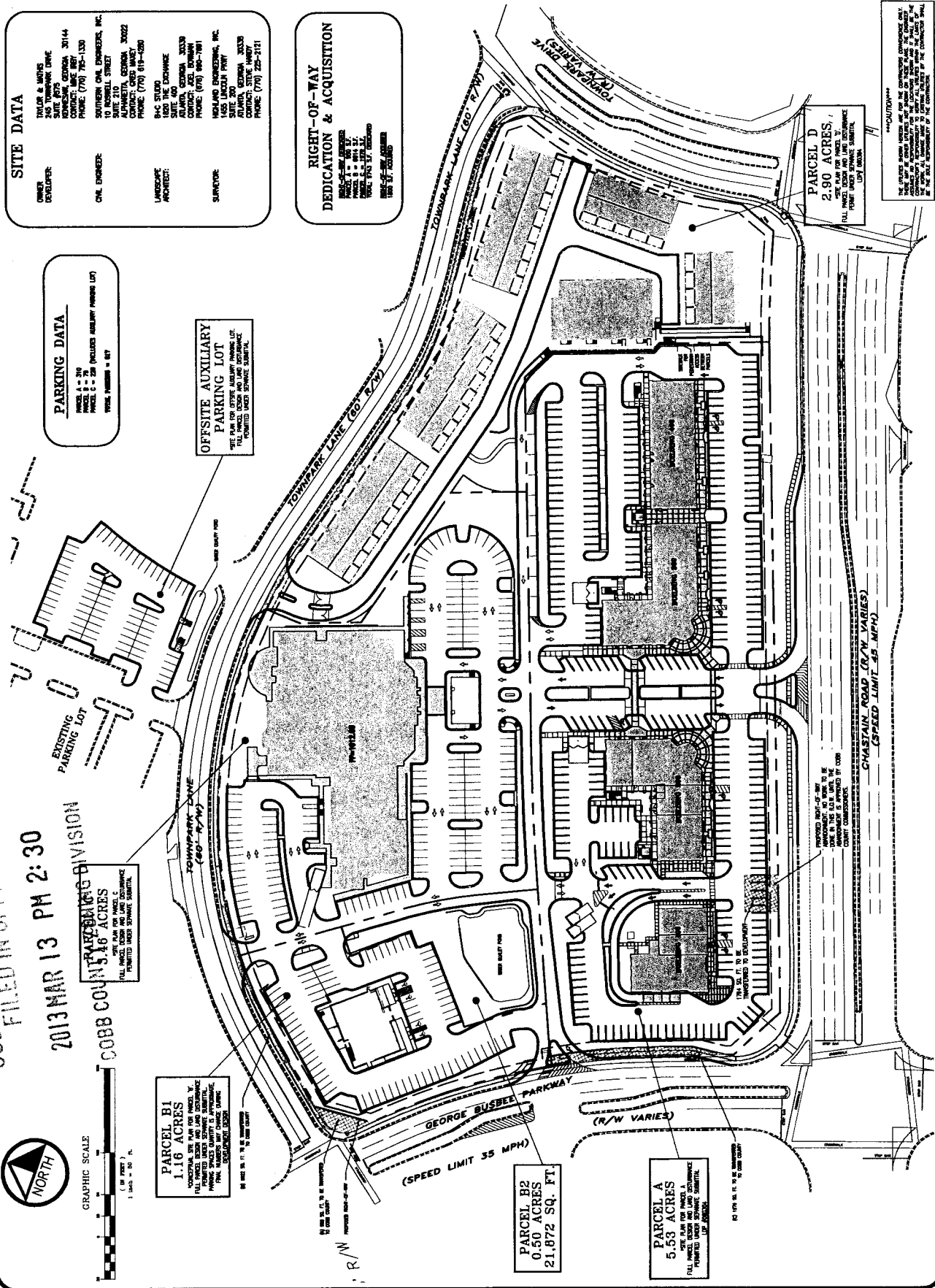
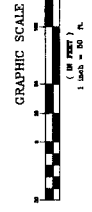
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COBB COUNTY ZONING DIVISION

**REVISED OVERALL SITE PLAN FOR
AMENDMENT BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR "OTHER BUSINESS" –
MARCH 19, 2013**

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 MAR 13 PM 2:30
PLANNING DIVISION



SITE DATA

OWNER: TAYLOR & MOORE
DEVELOPER: 245 TOWNPARK DRIVE
SUITE 200 ATLANTA, GEORGIA 30344
CONTACT: LANCE BERT
PHONE: (770) 795-1330

OWNER: SOUTHERN CIVIL ENGINEERS, INC.
DEVELOPER: 10 NORWELL STREET
SUITE 210 ATLANTA, GEORGIA 30302
CONTACT: CHRIS WALKY
PHONE: (770) 619-4280

LANDSCAPE ARCHITECT: RAC STUDIO
1820 THE EXCHANGE
SUITE 400 ATLANTA, GEORGIA 30339
CONTACT: JAMES BROWN
PHONE: (404) 960-7861

SURVEYOR: HOSLAND ENGINEERING, INC.
1455 LINDEN DRIVE
SUITE 200 ATLANTA, GEORGIA 30339
CONTACT: JAMES HOSLAND
PHONE: (770) 225-2171

PARKING DATA

PARCEL 1: 20
PARCEL 2: 20
PARCEL 3: 20 (INCLUDES AUXILIARY PARKING LOT)
TOTAL PARKING = 60

OFFSITE AUXILIARY PARKING LOT

SEE PLAN FOR OFFSITE AUXILIARY PARKING LOT. FULLY PAVED, GRADED, AND ILLUMINATED. LOCATED UNDER SPANIAL. 100' X 150'.

RIGHT-OF-WAY DEDICATION & ACQUISITION

RIGHT-OF-WAY: 60' R/W
DEDICATION: 60' R/W
ACQUISITION: 60' R/W
SEE PLAN FOR DETAILS.

PARCEL B1
1.16 ACRES
SEE PLAN FOR PARCEL B1. FULL PAVED, GRADED, AND ILLUMINATED. LOCATED UNDER SPANIAL. 100' X 150'.

PARCEL B2
0.50 ACRES
21,672 SQ. FT.
SEE PLAN FOR PARCEL B2. FULL PAVED, GRADED, AND ILLUMINATED. LOCATED UNDER SPANIAL. 100' X 150'.

PARCEL A
5.53 ACRES
SEE PLAN FOR PARCEL A. FULL PAVED, GRADED, AND ILLUMINATED. LOCATED UNDER SPANIAL. 100' X 150'.

PARCEL D
2.90 ACRES
SEE PLAN FOR PARCEL D. FULL PAVED, GRADED, AND ILLUMINATED. LOCATED UNDER SPANIAL. 100' X 150'.

THE VILLAGE AT TOWNPARK
A Development By
TOWNPARK FRONT DOOR LLC
LAND LOTS 34 & 35 OF THE 14th DISTRICT
COBB COUNTY, GEORGIA

Drawn	Check	Date	Project Number	Sheet Title
SD	SD	08-03-10	2013-008	OVERALL SITE PLAN
Drawing Number				
C-1				



COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 12 PM 3: 22

COBB COUNTY ZONING DIVISION

**OVERALL SITE PLAN APPROVED BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR "OTHER BUSINESS"
– FEBRUARY 19, 2008**



HISLAND ASSOCIATES, INC.
PLANNING & DESIGN
1000 N. W. 10th Ave., Suite 100
Fort Lauderdale, FL 33304
(954) 561-1100

ARCHITECTURAL ASSOCIATES, P.A.
1000 N. W. 10th Ave., Suite 100
Fort Lauderdale, FL 33304
(954) 561-1100

NO.	DATE	DESCRIPTION
1	10/1/01	PRELIMINARY
2	10/1/01	PRELIMINARY
3	10/1/01	PRELIMINARY
4	10/1/01	PRELIMINARY
5	10/1/01	PRELIMINARY
6	10/1/01	PRELIMINARY
7	10/1/01	PRELIMINARY
8	10/1/01	PRELIMINARY
9	10/1/01	PRELIMINARY
10	10/1/01	PRELIMINARY

CORB COUNTY GEORGIA
THE VILLAGE OF CORB
CORB COUNTY ZONING DIVISION
2013 FEB 12 PM 3:22

20

PARKING DATA

TYPE	NO.
STREET	10
LOT	10
TRUCK	10
BUS	10
TOTAL	10

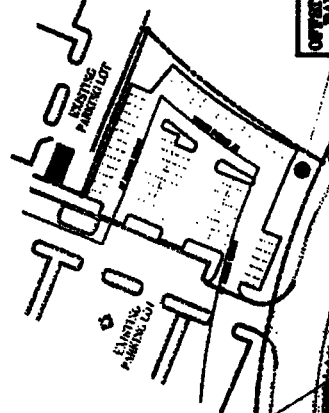
RIGHT-OF-WAY DEDICATION & ACQUISITION

STREET	10
LOT	10
TRUCK	10
BUS	10
TOTAL	10

SITE DATA

TYPE	NO.
STREET	10
LOT	10
TRUCK	10
BUS	10
TOTAL	10

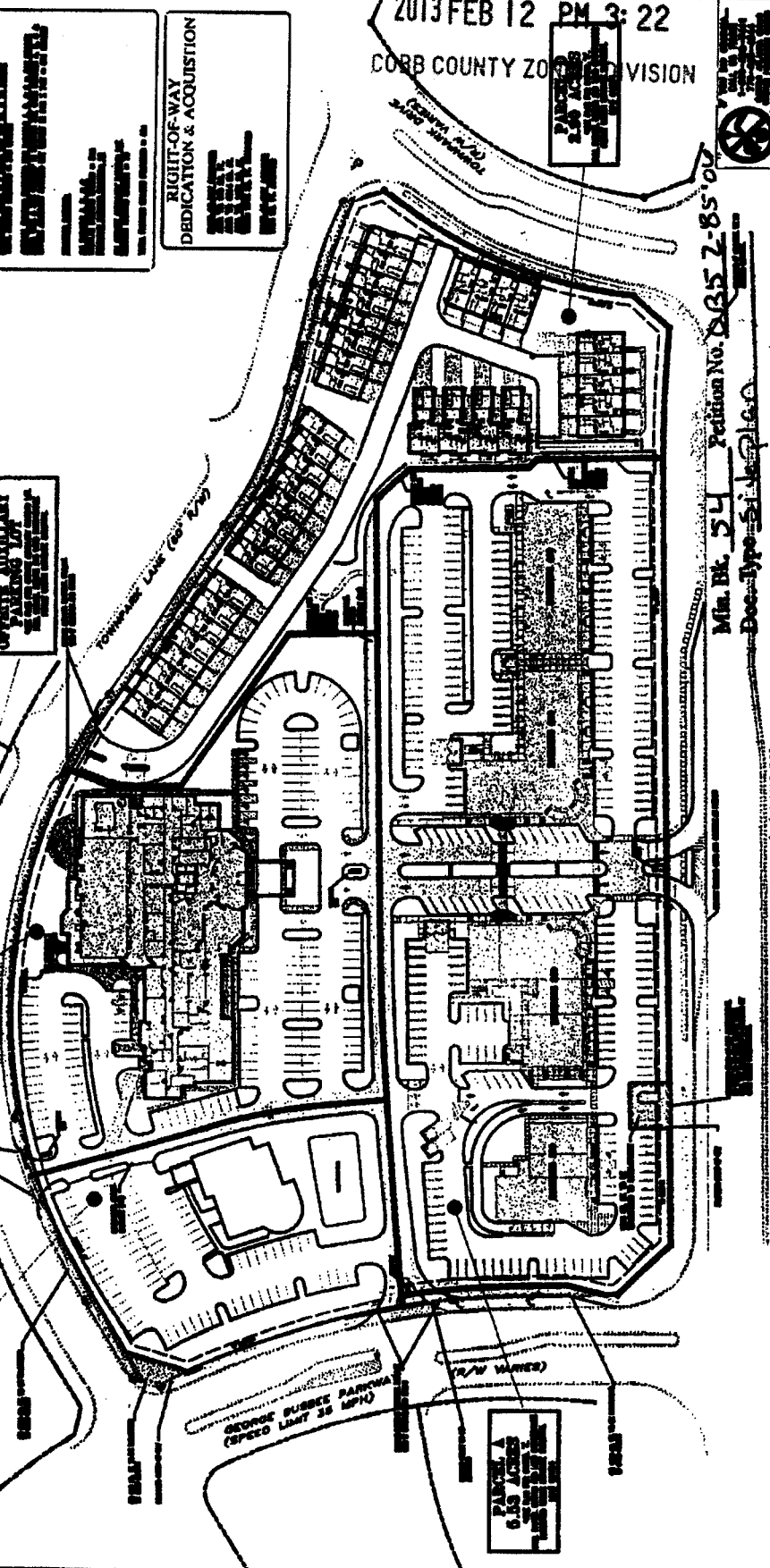
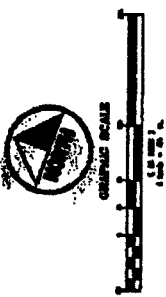
OFFSITE AUXILIARY PARKING LOT



PARKING C
2.00 ACRES

PARKING B
1.00 ACRES

PARKING A
0.50 ACRES



Min. Bk. 24 Petition No. 2013-2-85-02
Doc. Type: Site Plan

Meeting Date 2-19-13

CHASTAIN ROAD (S/W CORNER)
(SPEED LIMIT 35 MPH)

GEORGE DUBOIS PARKWAY
(SPEED LIMIT 35 MPH)

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 12 PM 3: 22

COBB COUNTY ZONING DIVISION

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-85 (2006) –
JUNE 20, 2006**

2013 FEB 12 PM 3: 22

COBB COUNTY ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 20, 2006
9:11 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 20, 2006, at 9:11 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Board were:

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

Z-85

TAYLOR & MATHIS, INC. (Argonaut Associates, Ltd., A Georgia Limited Partnership, owner) requesting Rezoning from GC to UVC for the purpose of Mixed Use Development in Land Lots 362 and 363 of the 16th District. Located on the north side of Chastain Road and the south side of Townpark Lane, between George Busbee Parkway and Townpark Drive.

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

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

- site plan received by the Zoning Division on April 6, 2006, 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 May 31, 2006 with the following additions (copy attached and made a part of these minutes):

- Page 7, Paragraph 21: Change to read *"Applicant agrees to conduct a pre- and post-lake study of Snake Lake prior to development of the subject site."*
- Page 8, I. Retail/Office Component, add Paragraph 6 to read: *"Parcel "D" will not be utilized as a fast food restaurant with drive-thru facility, and further that any type drive-thru for other uses is to be approved by the District Commissioner"*
- Page 8, II. Townhomes, add Paragraph 3 to read: *"Leasing shall be limited to not greater than 10% of the total units."*
- architectural renderings received by the Clerk on June 20, 2006 (copy attached and made a part of these minutes)
- architecture to be approved by District Commissioner
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations to be finalized at Plan Review subject to District Commissioner approval
- 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

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJLS.COM

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1419
TELECOPIER (770) 429-8631

BILLING ADDRESS

POST OFFICE BOX 3385
MARIETTA, GEORGIA 30061

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK
SUITE 403
428 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 682-3038
TELECOPIER (865) 682-0971

JEFFREY K. STANSON
JAMES D. WALKER II
CHRISTOPHER D. GUNNELS
CHRISTOPHER L. MOORE
JENNIFER S. WHITE
KORRIE L. KELLY
RYAN G. PRESCOTT
RICARDO J. D'AMERICO
BRETT A. MILLER
KAREN B. KURTZ
CHRISTOPHER C. MINGLEDORF
MORGAN E. FOSTER
KATHERINE G. CRONE
RYAN E. JARRARD
ANN A. HAMMECKEER
JAMES D. BUSCH
ESTHER VAYMAN

OF COUNSEL
JOHN L. SHELTON, JR.

ALSO ADMITTED IN TN
ALSO ADMITTED IN FL
ALSO ADMITTED IN NC
ADMITTED ONLY IN TN

COBB COUNTY CLERKS OFFICE

2006 MAY 31 PM 3:31

COBB COUNTY, GEORGIA
FILED IN OFFICE

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON II
ROBERT D. INGRAM II
J. BRIAN D. NEEL
O. PHILIP BEGGS
ELDON I. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN S. CARLOCK
ALEXANDER T. GALLOWAY III
J. KEVIN MOORE
ROONEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDS
BRIAN D. SMITH
HARRY R. TEAR II
W. TROY HART

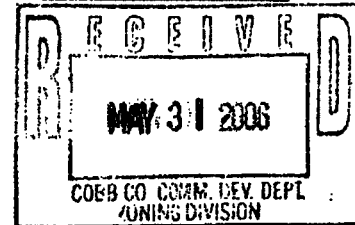
JEFFREY A. DAXE
MELISSA W. GILBERT
JOYCE W. HANPER
AMY K. WEBER
COURTNEY H. MOORE
KIM A. ROPER
TARA C. RIDGLE
KELLIL WOLK
TANYA L. CROSSE
ROBERT W. BROWN II
VICTOR P. VALUAS
JEFFERY L. DICKERSON
T. SHANE MAYES
ANGELA H. SMITH
OPHELIA W. CHAN
DARRELL L. BUTTON
KARI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON

May 31, 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. 42 Petition No. 2-85
Doc. Type Letter of agreeable
Conditions dated May 31, 2006
Meeting Date June 20, 2006

Hand Delivered



RE: Application for Rezoning

Application No.: Z-85 (2006)

Applicant: Taylor & Mathis, Inc.

Property Owner: Argonaut Associates, Ltd.,
A Georgia Limited Partnership

Property: 13.74 acres located at the
northeasterly intersection of
George Busbee Parkway and
Chastain Road, Land Lots 362 and
363, 16th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Taylor & Mathis, Inc., the Applicant (hereinafter referred to as "Applicant"), and Argonaut Associates, Ltd., the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to a total tract of approximately 13.74 acres located at the northeasterly intersection of George Busbee Parkway and Chastain Road, and the southerly side of Townpark Lane, Land Lots 362 and 363, 16th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with planning and zoning staff; ongoing discussions and meetings with area

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 10
May 31, 2006

Petition No. 2-85
Meeting Date June 12, 2006
Continued

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 Owner 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 General Commercial ("GC") zoning category to the Urban Village Commercial ("UVC"), site plan specific to that certain revised Conceptual Site Plan prepared for Applicant by b+c Studio, dated and last revised May 22, 2006, submitted contemporaneously herewith.
- (3) By this letter of agreeable stipulations and conditions, Applicant further amends its Application for Rezoning to include the revised Conceptual Site Plan hereinabove set forth, same being prepared by b+c Studio, dated and last revised May 22, 2006.
- (4) The Subject Property consists of approximately 13.74 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) This rezoning proposal is for a mixed-use development consisting of retail, office, hotel, and residential consisting of townhome units.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson

Planner III

Zoning Division

Cobb County Community Development Agency

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May 31, 2006

Petition No. 285
Meeting Date June 24, 2006
Continued

- (2) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, detention, and the like contained within the overall development.
- (3) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control 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 development.
- (4) Entrances to the proposed development shall be as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (5) Entrance signage for the proposed overall development shall be ground based, monument style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.
- (6) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process, as more hereinafter more particularly set forth.
- (7) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 10
May 31, 2006

Petition No. 2-85
Meeting Date June 20, 2006
Continued

the architecture and style of the respective components of the development.

- (8) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.
- (9) Minor modifications to the within stipulations, the referenced Conceptual Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (10) All setbacks 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.
- (11) 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.
- (12) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson

Planner III

Zoning Division

Cobb County Community Development Agency

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May 31, 2006

Petition No. 2-85
Meeting Date June 20, 2006
Continued

- (13) There shall be interparcel access among the various components of the overall proposed development, as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (14) 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 development; excepting only that the requirements of the Arborist shall be superseded by any sight distance requirements of the Cobb County Department of Transportation.
- (15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (16) All utilities for the proposed development shall be located underground.
- (17) The following uses shall be prohibited from the proposed overall development:
 - (a) Video arcades as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, repair, and/or service facilities;
 - (d) Gas station;
 - (e) Truck and trailer leasing facilities;
 - (f) Automotive paint and body repair shops;
 - (g) Automotive upholstery shops;

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson

Planner III

Zoning Division

Cobb County Community Development Agency

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May 31, 2006

Petition No. Z-85
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Continued

- (h) Billiards and pool halls which are the sole or predominant use;
 - (i) Bus stations (not to exclude bus stops);
 - (j) Fraternity and sorority house;
 - (k) Full-service gas stations;
 - (l) Light automotive repair;
 - (m) Rooming houses and boarding houses;
 - (n) Any form of adult entertainment business; and
 - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided they are an integral part of a restaurant or hotel operation.
- (18) The parking spaces delineated herein may be reduced if shared parking among the various uses so allows; subject to the approval of the District Commissioner.
- (19) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (20) Further, Applicant agrees to the following improvements to mitigate traffic concerns:
- (a) Installation of a one hundred fifty (150) foot deceleration lane at each access point, as more particularly set forth on the referenced Conceptual Site Plan;
 - (b) Extension of left-turn storage lane for left turns from Busbee Parkway into the proposed development;

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
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May 31, 2006

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Continued

- (c) Installation of sidewalk, curb, and gutter on all road frontages;
 - (d) The access located on Chastain Road shall be right-in/right-out only;
 - (e) Abandonment of right-of-way on Chastain Road in exchange for donated right-of-way at the intersection of George Busbee Parkway and Town Park Lane; and
 - (f) Verification of minimum sight distance of four hundred forty (440) feet on Town Park Lane; and if necessary, take such remedial measures as to meet or exceed the minimum sight distance; and further, any sight distance requirements set forth herein shall supersede any landscape requirements of the Cobb County Arborist.
- (21) Applicant agrees to conduct a pre- and post-lake study for Chastain Lakes prior to development of the subject site.

STIPULATIONS SPECIFIC TO THE UVC COMMUNITY

The proposed rezoning includes mixed-use components consisting of retail, office, hotel, and townhomes, as follows:

I. Retail/Office Component:

- (1) Building 100 (Suites 100-110) will contain approximately 7,000 square feet of retail area with a drive-thru facility.

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Continued

- (2) Building 200 (Suites 200-240) will contain approximately 11,000 square feet of retail space on the first floor and approximately 11,000 square feet of office space on the second floor.
- (3) Building 300 (Suites 300-340) will contain approximately 10,500 square feet of retail space on the first floor, and approximately 10,500 square feet of office space on the second floor.
- (4) Building 400 (Suites 400-440) will contain approximately 8,500 square feet of retail space on the first floor, and approximately 8,500 square feet of office space on the second floor.
- (5) Retail space denominated on the Conceptual Site Plan as Parcel "D" will contain square footage ranging from 8,000 square feet to 13,000 square feet and is proposed for a restaurant.

II. Townhomes

- (1) Applicant proposes a total of forty-two (42) townhomes as shown and reflected on the referenced Conceptual Site Plan.
- (2) The units shall range in square footage from 1,800 square feet to 2,400 square feet, and greater; shall be two and three stories in height; shall be constructed of brick/stone with accents; and shall contain a two-car garage.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
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Cobb County Community Development Agency
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May 31, 2006

Petition No. 2-85
Meeting Date June 29, 2006
Continued

III. Hotel

- (1) The hotel component of the proposed development is shown and denominated on the referenced Conceptual Site Plan as Parcel "C," which shall be a hotel eight (8) stories in height and containing one hundred fifty-six (156) rooms and constructed of stone/brick/stucco/glass and steel.
- (2) This hotel may be a "suite hotel," meaning that there will be a separate sitting area from the bedroom area for each room within the hotel.

Applicant will present at the Planning Commission Zoning Hearing and the Board of Commissioners Zoning Hearing renderings and/or photographs depicting the differing component parts which will represent the quality of each component part being proposed.

We believe the requested zoning, pursuant to the revised Conceptual Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed development is an exciting concept which fits together numerous types of product into one development. The Applicant has gone to great detail in planning the development and working with area residents and businesses. The proposed development shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments, businesses, and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

MOORE INGRAM JOHNSON & STEELE

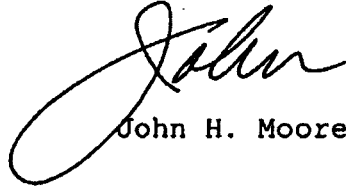
Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 10 of 10
May 31, 2006

Petition No. 285
Meeting Date June 20, 2006
Continued

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)

Jean Cantrell
Chastain Lakes Subdivision
(With Copy of Enclosure)

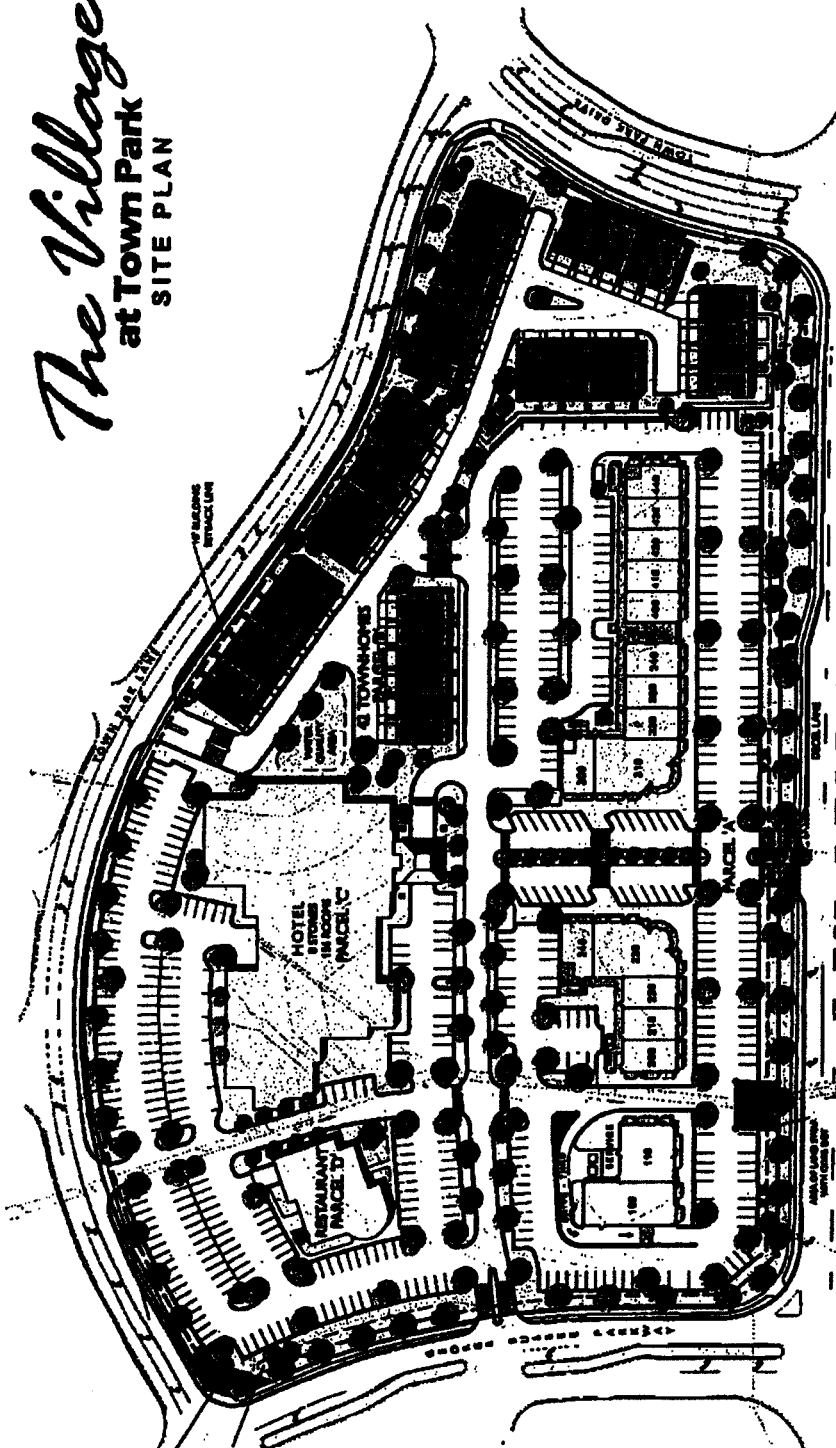
Hilda W. Towery
Bells Ferry Civic Association, Inc.
(With Copy of Enclosure)

Taylor & Mathis, Inc.
(With Copy of Enclosure)

TAYLOR&MATHIS

Petition No. Z-85
Meeting Date June 28, 2006
Continued

The Village at Town Park SITE PLAN



TABULATIONS:

PARCEL A - RETAIL/OFFICE

BUILDING 100
7,000 SF RETAIL

BUILDING 200

11,000 SF RETAIL FIRST FLOOR
11,000 SF OFFICE SECOND FLOOR

BUILDING 300

14,000 SF RETAIL FIRST FLOOR
14,000 SF OFFICE SECOND FLOOR

BUILDING 400

13,000 SF RETAIL FIRST FLOOR
13,000 SF OFFICE SECOND FLOOR

TOTAL RETAIL - 37,000 SF
TOTAL OFFICE - 30,000 SF

PARCEL B - TOWNHOMES

50 TOWNHOMES
2 CAR GARAGE PROVIDED

PARCEL C - HOTEL

210,000 GSA (8 STORIES)
156 ROOMS

PARCEL D - RESTAURANT

310,000 SF - ONE LEVEL

TOTAL PARKING SPACES - 544

TOTAL SITE ACREAGE +/- 13.74

CURRENT ZONING: GC

PROPOSED ZONING: UVC

PREPARED BY: TAYLOR & MATHIS, INC.
REGISTERED IN ILLINOIS ENGINEERING, INC.



MAY 31 2006

COSB CO. COMM. DEV. DEPT.
ZONING DIVISION

NOTES:
1. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO THE APPROVAL OF THE CITY OF CHICAGO.
2. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO THE APPROVAL OF THE CITY OF CHICAGO.
3. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO THE APPROVAL OF THE CITY OF CHICAGO.
4. THE SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO THE APPROVAL OF THE CITY OF CHICAGO.

DATED: MAY 22, 2006

**The Village
at
TownPark**
A Mixed-Use Development

TAYLOR&MATHIS

CONCEPTUAL SITE PLAN
TOTAL SITE ACREAGE +/- 13.74

**CURRENT ZONING: GC
PROPOSED ZONING: LNC**

DATE: MARCH 2006

[illegible]

TABULATIONS:

PARCEL 'A' - RETAIL
41-6300 SE - One Level

PARCEL 'B' - RESTAURANT
 +/- 10,000 SF - One Level

PARCEL 'C' - HOTEL
 4-130.00 CASH - 7 Shares
 154 Revenue

PARCEL 'D' - TOWNHOMES
44-43 Townhomes
2 Car Garage Provided

PARCEL 'E' - RETAIL / OFFICE
 +- 21,400 SQ. Feet on 1st floor
 +- 21,400 SQ. Feet on 2nd floor

PARCEL 'P' - RETAIL OFFICE
 +- 11,500 SF Retail on 1st floor
 +- 11,500 SF Office on 2nd floor

Total Further Credits 129 credits

THE MANHATTAN CENTER HAS PROVIDED THE FOLLOWING INFORMATION RELATIVE TO THE ABOVE:

Min. Bk. 47 Petition No. Z-85
Doc. Type Architectural
Meeting Date June 26, 2006

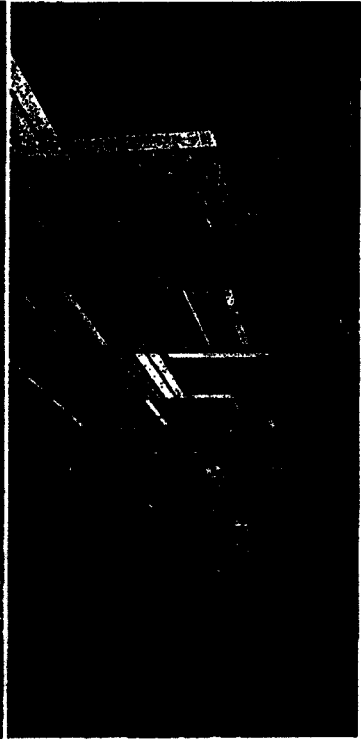
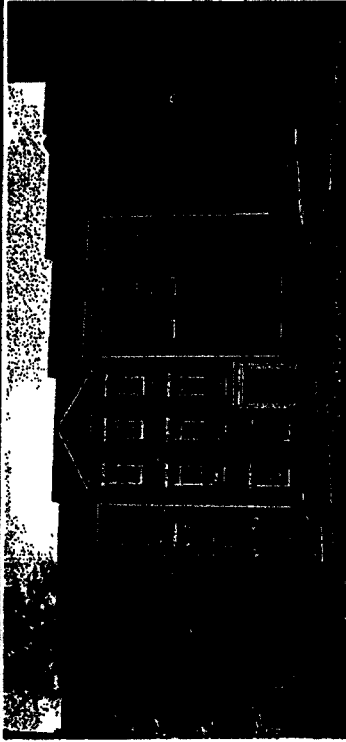
Design Option III



FILED WITH COUNTY CLERK THIS 20th DAY
OF June 2006 BY John Moore
RE 7-85
Chail R. Floyd
COUNTY CLERK/ASST. COUNTY CLERK/CLERK/CLERK
FOR COUNTY, GEORGIA



Petition No. 2-85
 Meeting Date June 29, 2000
 Continued



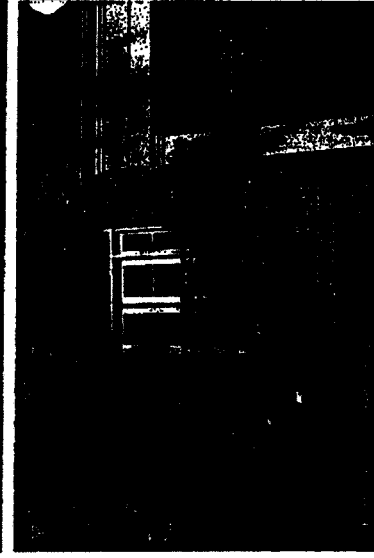
BENCHMARK DESIGN
 INTERNATIONAL, INC.
 ARCHITECTS



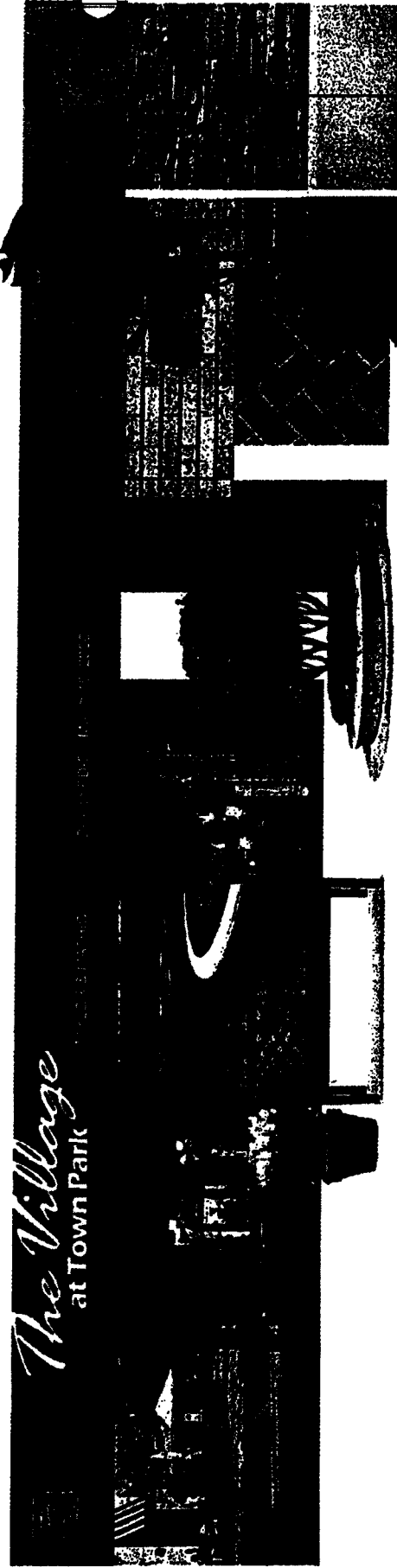
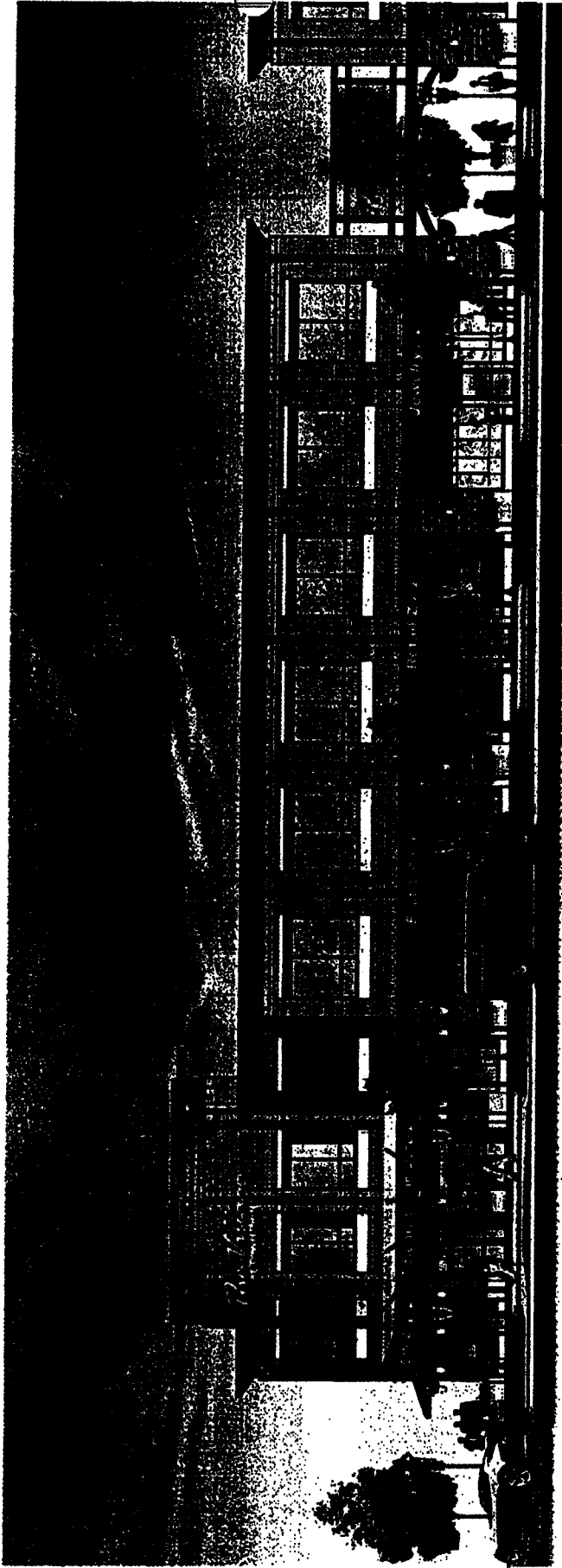
Villages at Town Park
 All projects and drawings shown are owned and
 Copyright © Benchmark Design International, Inc.



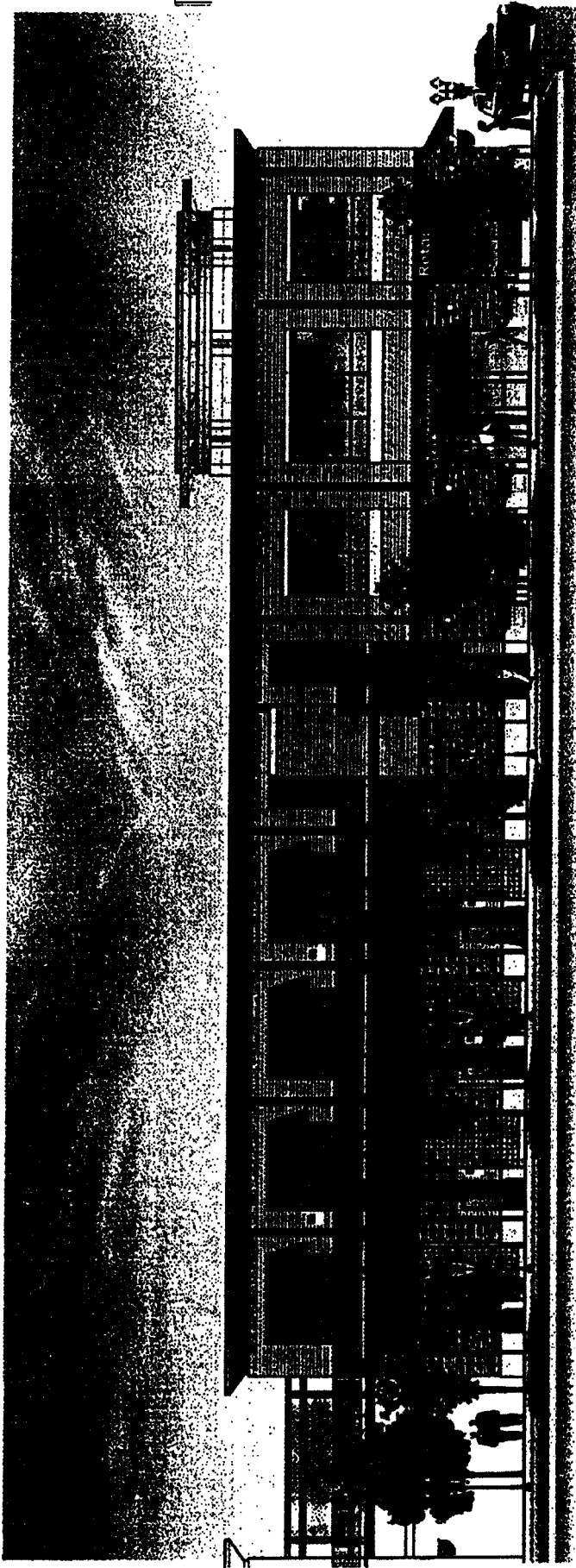
THE
 COLUMNS
 GROUP, INC.



Petition No. 2-85
Meeting Date June 29, 2016
Continued



Petition No. Z-85
Meeting Date June 20, 2006
Continued



The Village
at Town Park

Building Exterior Design, Inc. April 6, 2006

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 12 PM 3: 22

COBB COUNTY ZONING DIVISION

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO "OTHER BUSINESS
AMENDMENT" FOR Z-85 (2006) –
FEBRUARY 19, 2008**

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 12 PM 3: 22

COBB COUNTY ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 19, 2008
9:03 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 19, 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
Commissioner Helen Goreham
Commissioner Joe L. Thompson
Commissioner Annette Kesting
Commissioner Tim Lee

ITEM #5

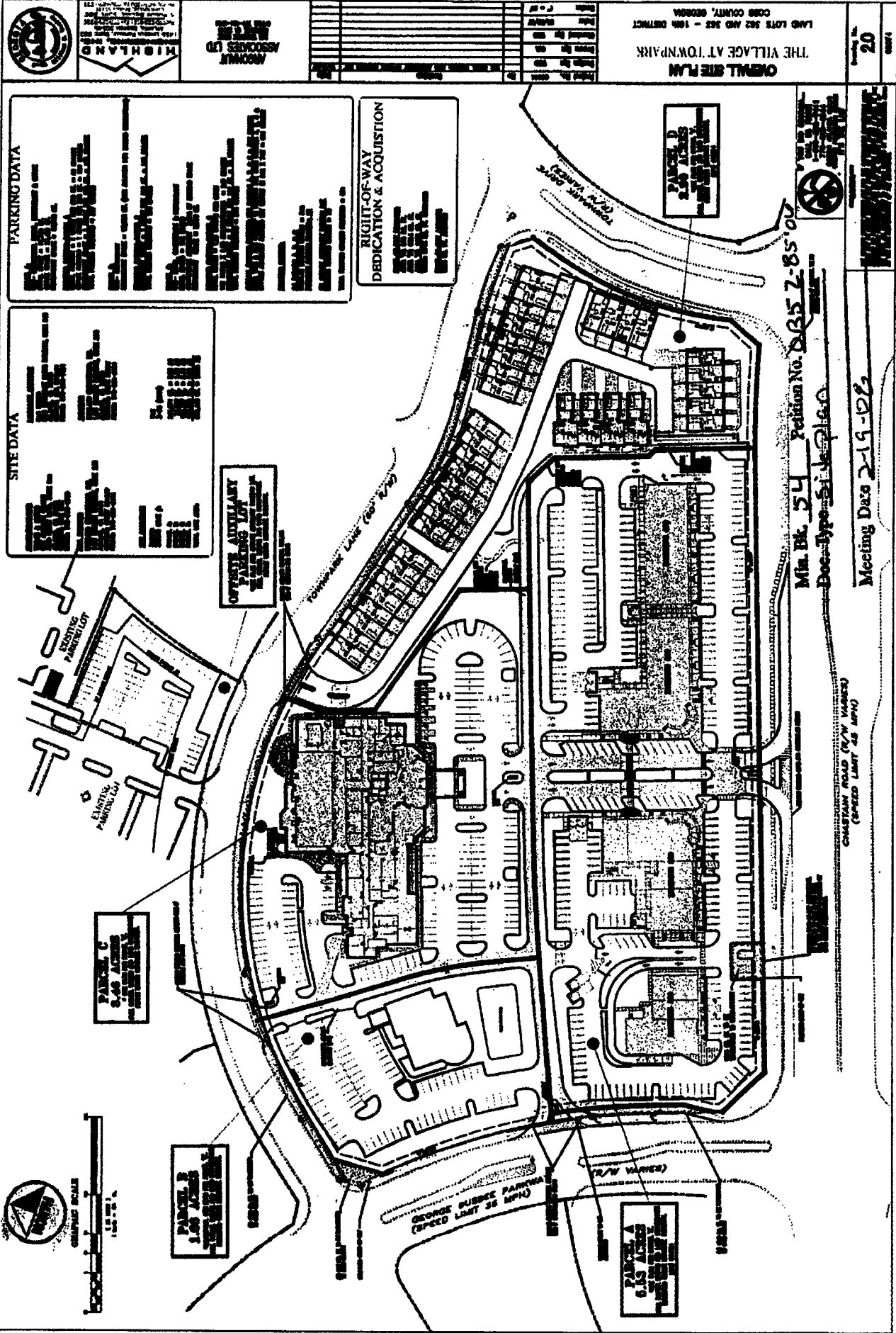
To consider amending the site plan and stipulations for GS Development, LLC regarding Z-85 (TAYLOR & MATHIS, INC.) of June 20, 2006, for property located in Land Lots 362 and 363 of the 16th District on the north side of Chastain Road and the south side of Townpark Lane, between George Busbee Parkway and Townpark Drive.

By consensus, the Board deemed this to be a minor amendment. Mr. Mark Danneman, Zoning Division Manager, provided information regarding site plan and stipulation amendments. Following presentations and discussions, the following motion was made:

MOTION: Motion by Lee, second by Thompson, to approve Other Business Item #5 for site plan and stipulation amendments regarding GS Development, LLC regarding Z-85 (TAYLOR & MATHIS, INC.) of June 20, 2006, for property located in Land Lots 362 and 363 of the 16th District on the north side of Chastain Road and the south side of Townpark Lane, between George Busbee Parkway and Townpark Drive, subject to:

- site plan last revised December 21, 2007 (attached and made a part of these minutes)
- verification, prior to any permits being issued, that the off-site parking does not include any required spaces for the development across Townpark Lane
- letter of intent identified as Exhibit "A" (attached and made a part of these minutes)
- development is subject to requirements in Plan Review
- installation of pedestrian access/crosswalk to offsite auxiliary parking lot
- all other previous zoning stipulations and conditions not in conflict to remain in effect

VOTE: **ADOPTED** unanimously



COBB COUNTY BOARD OF COMMISSIONERS
 1000 W. BUCKLEBOURNE DRIVE
 ALPHARETTA, GA 30606
 (404) 254-2000

ASSOCIATES, LTD.
 1000 W. BUCKLEBOURNE DRIVE
 ALPHARETTA, GA 30606
 (404) 254-2000

Lot	Area (Acres)	Area (Sq. Ft.)
1	6.55	285,000
2	1.06	46,000
3	8.46	366,000
4	2.90	125,000
Total	18.97	782,000

OVERALL SITE PLAN
THE VILLAGE AT TOWNPARK
 LAND LOTS 322 AND 323 - 10th DISTRICT
 COBB COUNTY, GEORGIA

Sheet No. **20**
 of 20

Min. Bk. **34** Petition No. **2035-2-85-00**
 Doc. Type **21-6-0**

Meeting Date **2-19-02**

Christman Road (R/W Varies) (Speed Limit 35 MPH)

2-85'04

Min. Bk. 54 Petition No. 085
Doc. Type letter of intent

Meeting Date 2-19-08

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

Application No.: Z-85 (2006)
Original Hearing Date: June 20, 2006
Current Hearing Date: February 19, 2008

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: GS Development, LLC

Applicant requests the amendment of the previously approved site plan and certain zoning stipulations which were enumerated in the letter of agreeable stipulations and conditions dated May 31, 2006, and incorporated as part of the final approval by the Board of Commissioners on June 20, 2006. The requested amendments are as follows:

- (1) Stipulation no. (1), UVC Community (Hotel Component), of the May 31, 2006, letter of agreeable stipulations and conditions, and as approved by the Board of Commissioners, allows one hundred fifty-six (156) units for the hotel facility. Applicant proposes to increase the maximum units allowed to one hundred ninety-two (192). The conference area shall have a maximum of 7,094 square feet, and the on-site restaurant will have a maximum of 7,500 square feet.
- (2) In conjunction with the increase in allowable units, the required number of parking spaces for the UVC Community shall be increased to three hundred fifteen (315) spaces. There will be a maximum of one hundred fifty on-site parking spaces (which includes eight (8) handicapped spaces) for the hotel component. The restaurant component shall have one hundred (100) spaces. The balance of the required parking spaces will be obtained by a cross-easement parking agreement for a parking area located across TownPark Lane, as more particularly shown and reflected on the revised Overall Site Plan submitted with this Application for Other Business Agenda Item.

Petition No. 035 2-85010
Meeting Date 2-15-08
Continued

- (3) Applicant submits herewith a revised Overall Site Plan dated March 28, 2007, last revised December 21, 2007, prepared by Highland Engineering, Inc. which denotes the area hotel facility and off-site parking area.
- (4) Excepting as otherwise set forth herein, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on June 20, 2006, are unaltered by this request for site plan and stipulation amendment.