

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

**ITEM # 6**

**PURPOSE**

To consider a site plan amendment for Town Center Hotel Associates regarding application SLUP-32 of 1998 (Catskill Development Group, LLC), for property located on the east side of George Busbee Parkway, south of Big Shanty Road in Land Lots 502, 507 and 574 of the 16<sup>th</sup> District.

**BACKGROUND**

The subject property was approved site plan specific in 1998 for a suite hotel, which was built as a Suburban Lodge. The applicant desires to build a small swimming pool as an amenity for the hotel patrons. The swimming pool would take up four parking spaces, which still leaves the hotel with a surplus of ten parking spaces. Zoning criteria for setbacks and impervious surface would still be met on the property. 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 and stipulations.

# Application for "Other Business" Cobb County, Georgia

Cobb County, Georgia  
FILED IN OFFICE

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

BOC Hearing Date Requested: 11/19/2013

Applicant: TOWN CENTER HOTEL ASSOCIATES Phone #: 770-952-1500  
(applicant's name printed)

Address: 2900 GEORGE BUSBEE PARKWAY E-Mail: LHUCKASY@COLUMBIANM.COM

LOREN HUCKASY Address: 6151 POWERS FERRY SUITE 605 ATLANTA GA 30339  
(representative's name, printed)

[Signature] Phone #: 404-931-8395 E-Mail: LHUCKASY@COLUMBIANM.COM  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature]

Jamil R Johnson  
NOTARY PUBLIC  
Fulton County, GEORGIA  
My Comm. Expires 04/08/2017

My commission expires: 04/08/17

Notary Public

Titleholder(s): LOREN HUCKASY Phone #: 404-931-8395  
(property owner's name printed)

Address: 6151 POWERS FERRY RD. 605 SUITE E-Mail: LHUCKASY@COLUMBIANM.COM  
ATLANTA GA 30339

[Signature]  
(Property owner's signature)

Jamil R Johnson  
NOTARY PUBLIC  
Fulton County, GEORGIA  
My Comm. Expires 04/08/2017

My commission expires: 04/08/17

Notary Public

Commission District: 3 Zoning Case: Z-160 of 1996 + SLUP 32 of 1998

Date of Zoning Decision: 12/17/96 Original Date of Hearing: 12/17/1996

Location: 2900 George Busbee Pky  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 502, 507, 574 District(s): 16 + 4

State specifically the need or reason(s) for Other Business:  
To Add a swimming pool.

(List or attach additional information if needed)

# Proposed plan

AREA: 3.551 ACRES  
(154,680 SF)

LOCATIONS OF UNDERGROUND UTILITIES ARE TAKEN FROM VISIBLE  
EVIDENCE ABOVE GROUND APPROPRIATELY OR UTILITY LOCATOR MARKINGS  
OTHER UNDERGROUND UTILITIES MAY BE LOCATED ON THIS PROPERTY

PARKING PROVIDED:  
123 REGULAR SPACES  
138 TOTAL PARKING SPACES

WEST, LES, WITHIN A GENERALLY DESCRIBED FLOOD HAZARD  
FLOOD INSURANCE RATE MAP (FIRM) FOR COBB COUNTY,  
REL. NO. 1309700030 F. LAST REVISED 8/19/92

A PORTION  
AREA AS  
GEORGIA

2013 OCT 14 AM 11:51  
COBB COUNTY ZONING DIVISION



GEORGE BUSBEE PARKWAY (100' R/W)

252.69' → S01°53'26" W

531.12' →

278.26' → N88°51'06" W

55.31' → S01°08'54" W

112.80' → S74°10'55" W

147.06' → N88°10'03" W

139.56' → N01°08'54" E

23.03' → N14°36'02" E

76.84' → N01°08'54" E

GRACE AVENUE  
50' R/W

DEED BOOK PAGE PAGE 198  
50' UNDISTURBED BUYER

DEED BOOK PAGE PAGE 198  
100' BUILDING SETBACK LINE

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100' BUILDING SETBACK LINE

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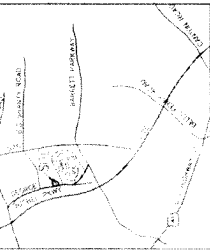
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100' BUILDING SETBACK LINE

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100' BUILDING SETBACK LINE

DEED BOOK PAGE PAGE 198  
100' BUILDING SETBACK LINE



W-1771/140P  
11/15

ALL DIMENSIONS  
ARE IN FEET AND DECIMALS THEREOF. DIMENSIONS ARE TO THE CENTERLINE OF THE PROPERTY UNLESS OTHERWISE NOTED.  
THESE DIMENSIONS ARE BASED ON THE SURVEY DATA PROVIDED TO THE SURVEYOR AND THE SURVEYOR'S FIELD NOTES.  
THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF OTHER SURVEYS OR RECORDS THAT WOULD AFFECT THESE DIMENSIONS.  
THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF OTHER SURVEYS OR RECORDS THAT WOULD AFFECT THESE DIMENSIONS.  
THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE PROPERTY AND HAS FOUND NO EVIDENCE OF OTHER SURVEYS OR RECORDS THAT WOULD AFFECT THESE DIMENSIONS.

Proposed pool

PREPARED BY:  
DEVELOPMENT CONSULTANTS GROUP  
3305 Greckridge Boulevard, Suite 102  
Tucker, Georgia 30084  
Phone: (770) 321-7700  
Fax: (770) 321-9478



To: Catfish Development Group, LLC, CDD-Town Center, LLC, Lawyers Title Insurance Corporation,  
This and Energy Mutual Services, Inc. Its Successors and Assigns  
This Survey was prepared in accordance with the Georgia Surveying and Mapping Act of 1997, Chapter 40, Title 47, Code of Georgia Annotated, and the Georgia Surveying and Mapping Board's Rules and Regulations. The Surveyor has conducted a visual inspection of the property and has found no evidence of other surveys or records that would affect these dimensions.  
Approved by the American Land Title Association on September 27, 1997.  
Approved by the Board of Directors, American Congress of Professional Surveyors on April 8, 1997.  
Approved by the Board of Directors, National Society of Professional Surveyors on April 8, 1997.

ALTA/ACSM LAND TITLE SURVEY  
CATFISH DEVELOPMENT GROUP, LLC  
CDD-TOWN CENTER, LLC, EMPIRE FINANCIAL SERVICES, INC.  
LAWYERS TITLE INSURANCE CORPORATION

DESIGNED BY	DATE	ISSUE
DRAWN BY	08/22/17	1
CHECKED BY	08/22/17	1
DATE	08/22/17	1
SCALE	1" = 40'	1
JOB #	1701	1
PROJECT	CDD-TOWN CENTER, LLC, EMPIRE FINANCIAL SERVICES, INC.	1
LOCATION	LANE LOTS: 507	1
SECTION	2ND SECTION, 10TH LAND DISTRICT	1
COUNTY	COBB COUNTY, GA	1

ISSUE NO. 1 - REVISED 8/22/17 TO ADD UNDERGROUND UTILITY INFORMATION  
ISSUE NO. 2 - REVISED 9/13/17 TO ADD UNDERGROUND UTILITY INFORMATION  
ISSUE NO. 3 - REVISED 9/13/17 TO ADD UNDERGROUND UTILITY INFORMATION  
ISSUE NO. 4 - REVISED 9/13/17 TO ADD UNDERGROUND UTILITY INFORMATION

# Application for Special Land Use Permit Cobb County

(type or print clearly)

Application No. SLUP-32

Hearing Date: 11/03/98

Hearing Date: 11/17/98

**Applicant** Catskill Development Group, L.L.C. Business Phone (770)951-2220 Home Phone \_\_\_\_\_

Moore Ingram Johnson & Steele, LLP

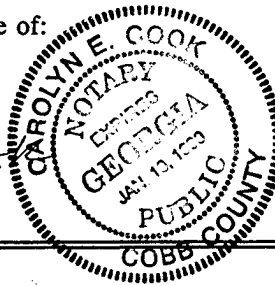
J. Kevin Moore Address 192 Anderson Street, Marietta, GA 30060

(representative's name, printed)

[Signature] Business Phone (770) 429-1499  
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public



My commission expires: 01-10-99

Titleholder See Attached Business Phone \_\_\_\_\_ Home Phone \_\_\_\_\_

Signature \_\_\_\_\_ Address \_\_\_\_\_

(attach additional signatures, if needed)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Present Zoning CRC

For the Purpose of Studio Suite Hotel/Motel Facility

Location Easterly side of George Busbee Parkway, north of Town Center Mall  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 502, 507, and 574 District 16t

Size of Tract 4.21 Acre(s)

ORIGINAL DATE OF APPLICATION: 11-98

APPLICANTS NAME: CATSKILL DEVELOPMENT GROUP, LLC

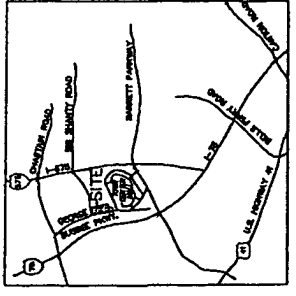
THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 11-17-98 ZONING HEARING:**

**CATSKILL DEVELOPMENT GROUP, LLC** (Athens Vest, Inc., owner) for a **Special Land Use Permit** for the purpose of a Studio Suite Hotel Facility in Land Lots 502, 507 and 574 of the 16<sup>th</sup> District. 4.21 acres. Located on the east side of George Busbee Parkway, south of Big Shanty Road. The Board of Commissioners, as part of the Consent Agenda, **approved Special Land Use Permit subject to: 1) site plan approved by the Board of Commissioners (reduced copies of site plan and architectural renderings attached and made a part hereof); 2) project to meet all requirements of the Cobb County hotel/suite ordinance, Section 134-218; 3) letter of agreeable conditions dated October 30, 1998 (attached and made a part hereof).** Motion by Wysong, second by W. Thompson, carried 5-0.

*Change plan in zoning file*

AN EXTENDED STAY HOTEL FOR A SUBURBAN LODGE. IN TOWN CENTER, GEORGIA



VICINITY MAP  
NOT TO SCALE

**PROJECT OWNER:**  
CATSKILL DEVELOPMENT GROUP, L.L.C.  
1640 POKERS FERRY ROAD  
GOVERNOR'S RIDGE / BLDG. 24 #500  
MARIETTA, GEORGIA 30067  
770-451-2220 / 770-455-3664 (FAX)

**PROJECT DATA:**  
SITE AREA: 512 ACRES  
HOTEL SITE RETENTION: 45 ACRES  
3.11 ACRES

**ZONING:** CRG  
**BUILDING AREA:** 20,456 S.F.  
1ST FLOOR: 20,456 S.F.  
2ND FLOOR: 14,470 S.F.  
3RD FLOOR: 6,124 S.F.  
**TOTAL:** 41,050 S.F.

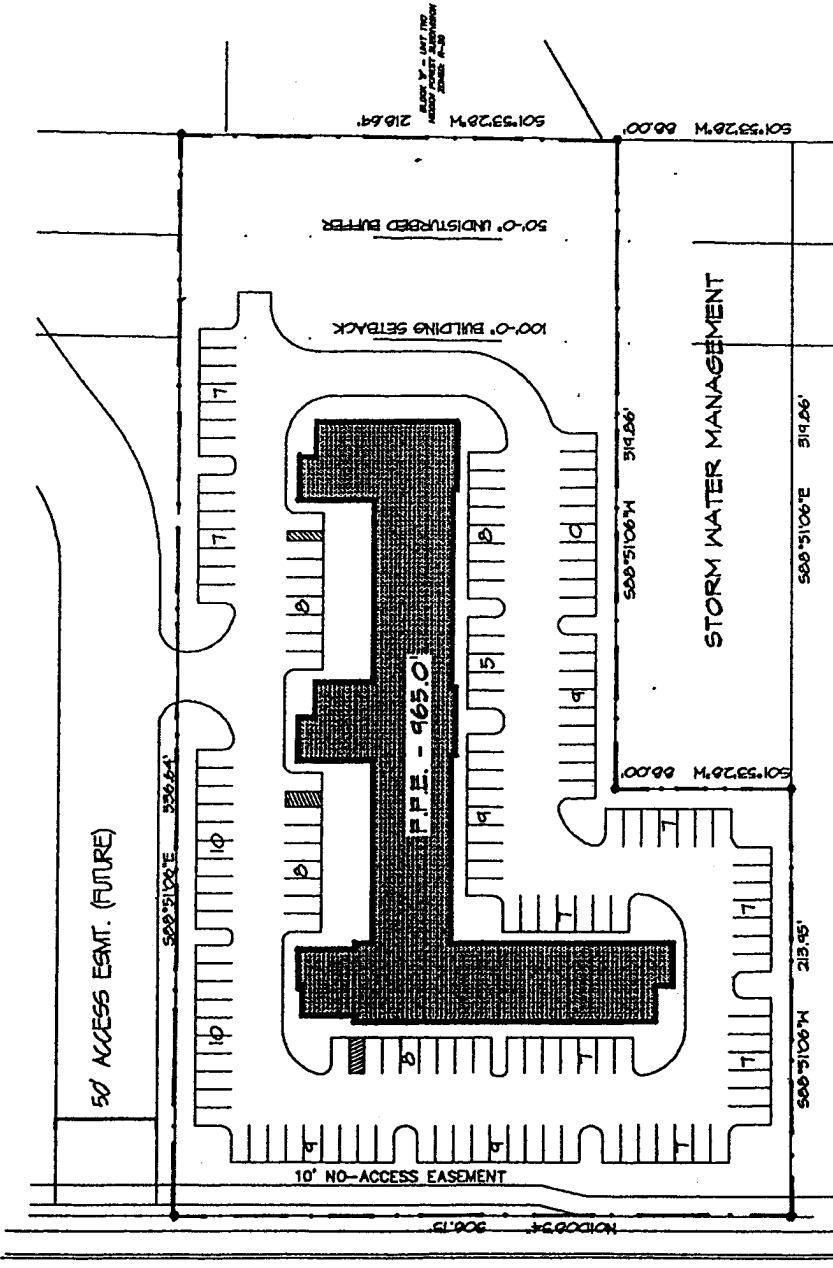
**BUILDING HEIGHT:** 3 STORY - 30'-0"  
**GUEST ROOMS:** 145 GUEST ROOMS  
**PARKING SPACES:** 154 REQUIRED  
2'-6" x 11'-0" : 157 SPACES  
HANDICAP : 7 SPACES  
**TOTAL:** 164 SPACES

**ROOM UNIT MIX**

UNIT TYPE	1ST	2ND	3RD	TOTALS	PERCENTAGE
FULL UNITS (F)	1	20	20	21	40.00%
GUEST UNITS (G)	1	9	6	16	30.00%
DOUBLE FULL UNITS (DF)	1	11	11	23	43.00%
CONV UNITS (C)	3	3	3	9	17.00%
ADULTS ONLY UNITS (AO)	1	2	2	5	9.00%
ACCESSIBLE UNITS (A)	3	2	2	7	13.00%
<b>TOTALS</b>	<b>40</b>	<b>51</b>	<b>51</b>	<b>142</b>	<b>100.00%</b>

**TOTAL NUMBER OF UNITS + MOVS UNIT = 149**

ORIGINAL SIZE ROOMS	41	40.00%	SHRINK RED ROOMS	101	67.80%
PRELIM SIZE ROOMS	149	100.00%	DOUBLE RED ROOMS	48	32.20%



PRELIMINARY SITE PLAN  
SCALE: 1" = 30'-0"



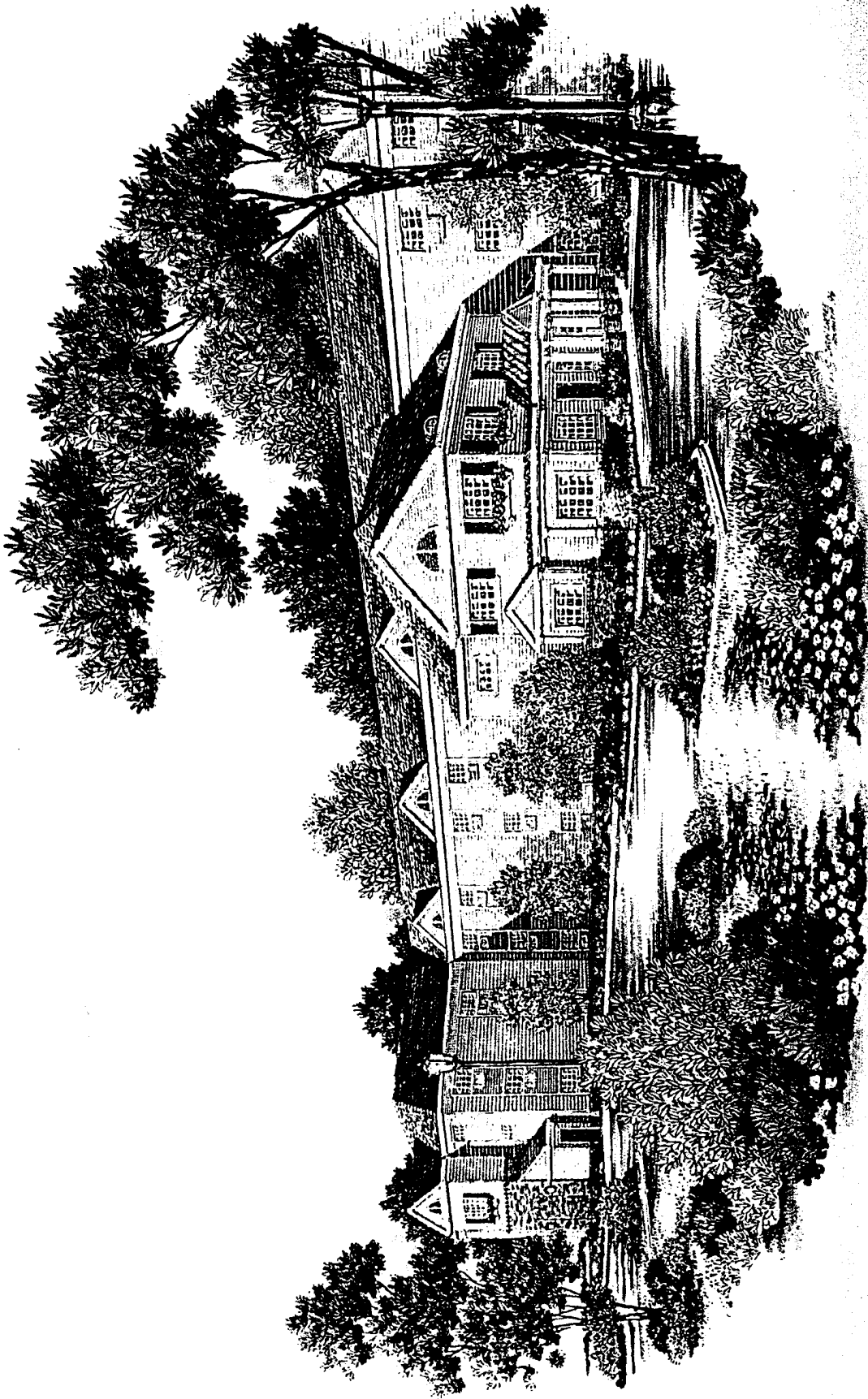
*Site plan referenced in BCC zoning in 11/17/98 minutes of 11/17/98*

PRINT RECORD  
NO. DATE RECEIVED BY  
NO. DATE RECEIVED BY

KIRKLAND + ASSOCIATES ARCHITECTS, P.C.  
1778 AARFORD BUNWOOD RD., SUITE 980  
ATLANTA, GEORGIA 30318  
PHONE 404-681-1813  
FAX 404-681-1814

JOB NO. 46046 PROJECT: A Suburban Lodge for Town Center, Georgia  
DATE: 3 SEPT. 98 SHEET NO.: 0111  
SHEET TITLE: PRELIMINARY SITE PLAN

Large drawing not found  
in Zoning file



SLUP-3a - Architectural rendering referenced in BOC Zoning minutes  
of 11/17/98. Kare King

**MOORE INGRAM JOHNSON & STEELE**

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET  
MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305  
MARIETTA, GEORGIA 30061

TELEPHONE  
(770) 429-1499

TELECOPIER  
(770) 429-8631

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  
SARAH L. BARGO  
DIANE M. BUSCH  
DAVID IAN MATTHEWS  
JERE C. SMITH  
CLAYTON O. CARMACK  
MICHELLE S. DAVENPORT  
KEVIN B. CARLOCK  
ALEXANDER T. GALLOWAY III

J. KEVIN MOORE  
WILLIAM C. BUHAY  
SUSAN S. STUART  
MICHAEL W. KITCHENS  
RODNEY R. McCOLLOCH  
DANIEL A. LANDIS\*  
BRIAN D. SMITH  
HARRY R. TEAR III  
MICHAEL R. WING  
W. TROY HART  
JOSEPH H. AKERS  
JEFFREY A. DAXE  
MELISSA W. GILBERT  
DEAN C. BUCCI  
JOHN R. McCOWN\*\*

\* ALSO ADMITTED IN NC  
\*\* ALSO ADMITTED IN TN

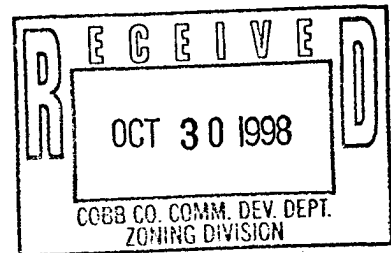
October 30, 1998

WRITER'S DIRECT DIAL NUMBER

SLUP-32  
Letter referenced in  
BCC zoning minutes  
of 11/17/98. Karen  
King

Hand Delivered

Mrs. Judy Williams  
Senior Planner  
Zoning Division  
Cobb County Community  
Development Department  
Suite 500  
100 Cherokee Street  
Marietta, Georgia 30090-9674



RE: Application for Special Land Use Permit  
Application No.: SLUP-32 (1998)  
Applicant: Catskill Development, L.L.C.  
Owner: Athens Vest, Inc.  
Property: Property located on  
George Busbee Parkway,  
Cobb County, Georgia

Dear Judy:

As you know, this firm represents Catskill Development, L.L.C., the Applicant (hereinafter referred to as "Applicant"), and Athens Vest, Inc., the Owner (hereinafter referred to as "Owner"), with respect to the above-referenced Application for Special Land Use Permit. After meeting with planning and zoning staff, 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 agreed stipulations which, if the Application for Special Land Use Permit is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the property. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall be in conformity with and in addition to all existing



## MOORE INGRAM JOHNSON &amp; STEELE

Mrs. Judy Williams  
Senior Planner  
Zoning Division  
Cobb County Community  
Development Department  
Page Two  
October 30, 1998

SLUP-32  
pg #2

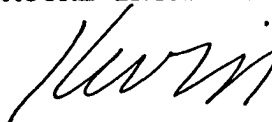
stipulations which are currently in place on the subject property.

- (2) Applicant is seeking a special land use permit in the existing Community Retail Commercial ("CRC") zoning category for a studio suite hotel/motel facility with reference being made to that preliminary site plan prepared for Catskill Development Group, L.L.C.
- (3) The subject property shall be developed for a studio suite hotel/motel facility upon a total of 4.21 acres.
- (4) Applicant agrees to comply fully with all provisions of the extended stay/studio suite hotel motel ordinance same being § 134-218(12) (b).
- (5) Applicant agrees that it shall maintain a 100 foot building setback line from the adjacent Hidden Forest Subdivision.
- (6) Applicant further agrees that it shall maintain a 50 foot undisturbed buffer from the adjacent Hidden Forest Subdivision.

It is believed that the requested zoning, pursuant to the referenced site plan and the stipulations contained herein, is an appropriate use of the subject property while taking into consideration the uses, properties, and owners thereof surrounding the proposed development. Thank you for your consideration in this matter.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

  
J. Kevin Moore

**MOORE INGRAM JOHNSON & STEELE**

PAGE 7 OF 9

Mrs. Judy Williams  
Senior Planner  
Zoning Division  
Cobb County Community  
Development Department  
Page Three  
October 30, 1998

SLUP-32  
pg #3

c: Cobb County Board of Commissioners:

William J. Byrne, Chairman  
William A. Cooper  
George Woody Thompson, Jr.  
Joe L. Thompson  
Gordon J. Wysong

Cobb County Planning Commission:

Henley A. Vansant, Chairman  
Jean Hallinan  
Murray Homan  
Jerry Dawson  
Richard M. Jones

ORIGINAL DATE OF APPLICATION: 11-17-98APPLICANTS NAME: CATSKILL DEVELOPMENT GROUP

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 07-20-99 ZONING HEARING:**

**OTHER BUSINESS ITEM #4 – TO CONSIDER A SITE PLAN  
AMENDMENT FOR SUBURBAN LODGE OF TOWN CENTER  
REGARDING SLUP-32 (CATSKILL DEVELOPMENT GROUP) OF  
NOVEMBER 17, 1998**

To consider a site plan amendment for Suburban Lodge of Town Center regarding SLUP-32 (Catskill Development Group) of November 17, 1998, for property located on the east side of George Busbee Parkway, south of Big Shanty Road in Land Lots 502 and 507 of the 16<sup>th</sup> District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding a request from Suburban Lodge of Town Center for site plan amendment relative to the maximum height of the building. The request for increased building height is to accommodate the cupola. Following presentation and discussion, the Board of Commissioners **approved** amendment to site plan for Suburban Lodge of Town Center regarding SLUP-32 (Catskill Development Group) of November 17, 1999 for property located on the east side of George Busbee Parkway, south of Big Shanty Road in Land Lots 502 and 507 of the 16<sup>th</sup> District **subject to: 1) maximum building height of fifty (50') feet for the cupola as shown in the elevation drawings dated March 9, 1999 (reduced copy attached and made a part of these minutes); 2) signage on building to meet Sign Ordinance requirements; 3) all other previously approved conditions/stipulations shall remain in effect.** Motion by Hunter, carried 5-0.

NO.	DATE	RECEIVED BY

KIRKLAND & ASSOCIATES  
ARCHITECTS, P.C.  
4488 N. 17th SHALLOWFORD RD, SUITE 110  
BUNKER HILL, GEORGIA 30134  
PHONE 770-298-9888  
FAX 770-298-9878

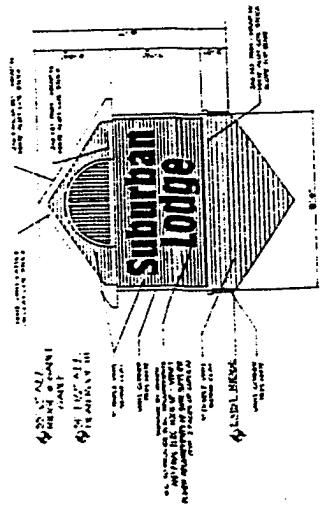
DATE: MARCH 10, 1988  
JOB NO.: 40044  
PROJECT:  
SHEET TITLE: BUILDING ELEVATIONS  
**Suburban Lodge**  
Cobb County, Georgia  
Town Center  
A Suburban Lodge for  
Cobb County Development

RELEASED FOR CONSTRUCTION

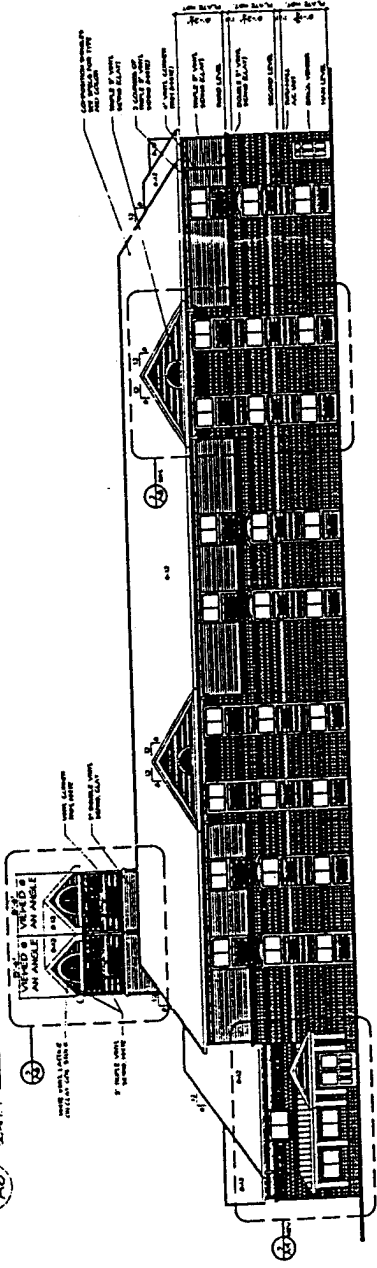
PAGE **9** OF **10**

RECEIVED  
JUL - 7 1993  
COMMUNITY DEV. DEPT.  
DIVISION

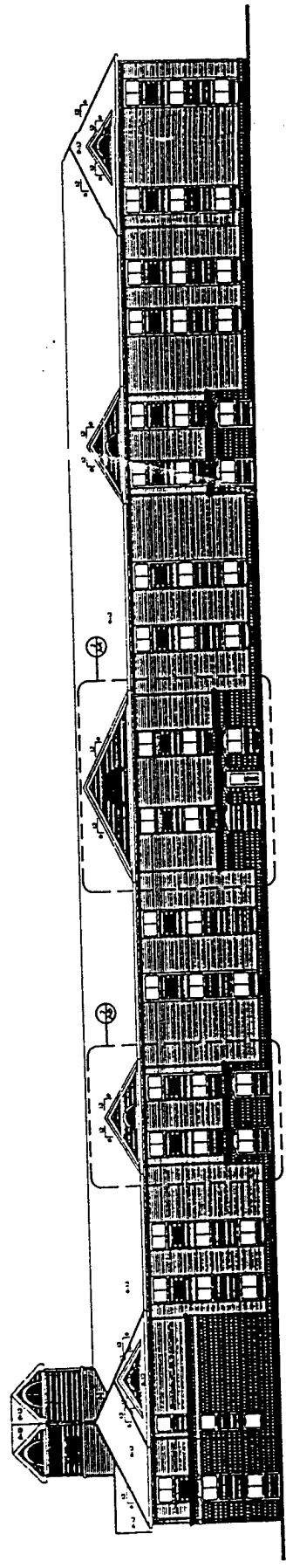
Min. Et. 12 Petition No. SUP-23 of 198  
Doc. Type SKETCH DRAWING  
*approved by cell*  
Meeting Date 7/20/89 - OTHER BUSINESS  
Item # 4



**3 SIGNAGE CUPOLA**  
SCALE: 3/32" = 1'-0"



**2 WEST ELEVATION**  
SCALE: 1/8\"/>



**1 SOUTH ELEVATION**  
SCALE: 1/8\"/>

© 1988 SUBURBAN FRANCHISE SYSTEMS INC.

*Note: Large sign drawing in zoning file*

ORIGINAL DATE OF APPLICATION: 11-17-98

APPLICANTS NAME: CATSKILL DEVELOPMENT GROUP, LLC

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 07-18-00 ZONING HEARING:**

**OTHER BUSINESS ITEM #2 – TO CONSIDER A STIPULATION  
AMENDMENT FOR CDG-TOWN CENTER, LLC REGARDING SLUP-32  
(CATSKILL DEVELOPMENT GROUP, LLC) OF NOVEMBER 17, 1998**

To consider a stipulation amendment for CDG-Town Center, LLC regarding SLUP-32 (Catskill Development, Group, LLC) of November 17, 1998, for property located on the east side of George Busbee Parkway, south of Big Shanty Road in Land Lots 502, 507 and 574 of the 16<sup>th</sup> District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend a stipulation, and it was determined by consensus of the Board that the request was a minor amendment. Following Mr. Danneman's presentation, the following motion was made:

**MOTION:** Motion by Buckner to **approve** request to amend the maximum height of a sign from 8' to 20', or as otherwise restricted by the Cobb County Sign Ordinance, for CDG-Town Center, LLC regarding SLUP-32 (Catskill Development Group, LLC) of November 17, 1998 for property located on the east side of George Busbee Parkway, south of Big Shanty Road in Land Lots 502, 507 and 574 of the 16<sup>th</sup> District, and **all other previously approved conditions/stipulations of December 17, 1996 are to remain in effect.**

**VOTE:** **ADOPTED** unanimously

ORIGINAL DATE OF APPLICATION: 12/96  
2013 OCT 14 AM 11:51

APPLICANTS NAME: COBB PERI ASSOCIATES  
COBB COUNTY ZONING DIVISION

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 12-17-96 ZONING HEARING: Following presentations there were extensive discussions pertaining to future access to the Hidden Forest Subdivision. Following these comments and review of submitted written agreeable conditions, the Board of Commissioners approved rezoning to the CRC zoning district subject to: 1) those portions of letter of agreeable conditions dated December 2, 1996 not in conflict with the letter of December 12, 1996 and the below listed stipulations (letter attached and made a part hereof); 2) letter of agreeable conditions dated December 12, 1996, with the second and last paragraph of this letter being removed in their entirety, (letter attached and made a part hereof); 3) in regard to future access to the Hidden Forest Subdivision, the applicant had previously agreed to the design and construction of buildings on subject property so as not to prevent access to the Hidden Forest Subdivision. Subsequently an agreement was included within the December 12, 1996 letter (stipulated above) for the applicant to provide a fifty foot access easement running from Grace Avenue to George Busbee Parkway. The Board of Commissioners further stipulated that this access easement not be opened until such time as there is actual commercial development of the Hidden Forest Subdivision; 4) 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; 5) project subject to amended Cobb DOT comments and recommendations which state: a) maximum of three (3) driveways on George Busbee Parkway (drives to align with the existing driveways on the opposite side of the street); b) installation of a continuous

ORIGINAL DATE OF APPLICATION: 12/96

APPLICANTS NAME: COBB PERI ASSOCIATES

**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS**

**BOC DECISION OF 12-17-96 ZONING HEARING (CONT'D.):**

deceleration/acceleration lane along the entire George Busbee Parkway; c) owner/developer/applicant to verify that minimum intersection sight distance is available at all access locations, and if it is not, implement remedial measures, subject to the Department's approval to achieve the minimum requirements; d) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements; 5) no access to Big Shanty Road; 6) project subject to Stormwater Management Division comments and recommendations. Motion by Cooper, second by Wysong, carried 5-0.

# ALSTON & BIRD

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424

404-881-7000  
Fax: 404-881-7777

Peter M. Degnan

Direct Dial: 404-881-7743

Internet: pdegnan@alston.com

*Z-160 - letter as  
referenced in zoning  
minutes 8/12-17-96.  
K. D. D.*

December 2, 1996

Mr. Ed Thomas  
Cobb County Planning Department  
100 Cherokee Street, Suite 500  
Marietta, GA 30090-9674

Re: Cobb-Peri Rezoning

Dear Ed:

This letter is in response to the written comments by the Hidden Forest Homeowners Association as reflected in their correspondence of November 21, 1996, addressed to Russ Kellogg. In an effort to respond to the concerns expressed by Hidden Forest and to ensure that our proposed development is of benefit to the entire community, I am hereby amending Peri-Cobb's zoning application to include the following stipulations:

## I. Limitation of Uses.

Attached to this letter is a copy of the site plan on file with Cobb County, with the entire site being divided into Tracts A and B. The following uses will be excluded from either Tract A or B.

- (1) Ambulance services excluded from the entire site;
- (2) Amusement centers excluded from the entire site;
- (3) Animal hospitals excluded from the entire site;
- (4) Amusement arcades excluded from the entire site as a permitted use;
- (5) Paint and body repair shops excluded from the entire site;
- (6) Auto upholstery shops excluded from the entire site;



- (7) Billiard and pool halls excluded from the entire site;
- (8) Bus stations excluded from the entire site;
- (9) Car washes excluded from the entire site;
- (10) Community fairs excluded from the entire site;
- (11) Convenience food stores with self-service fuel pumps excluded from the entire site;
- (12) Designated recycling collection locations excluded from the entire site;
- (13) Fast food restaurants (defined as being restaurants with drive-through services) excluded from Tract B only;
- (14) Exterminating facilities excluded from the entire site;
- (15) Full service gasoline stations excluded from the entire site;
- (16) Funeral homes excluded from the entire site;
- (17) Golf courses excluded from the entire site;
- (18) Helicopter landing area excluded from the entire site;
- (19) In-home daycare excluded from the entire site;
- (20) Rooming and boarding homes excluded from the entire site; and
- (21) Self-service storage facilities excluded from the entire site.

## II. Site Plan/Aesthetics

(1) Lighting. External lighting will be directed downward of an omnidirectional type and will not admit light in the direction of Hidden Forest Subdivision.

(2) Roof line. Roof lines will include a parapet to conceal all external vents, air-conditioning units, etc. from George Busbee Parkway and Big Shanty Road.

(3) Exterior. External facade of the building shall be brick, stone, not to exclude glass, quality stucco and/or masonry that would blend with existing structures in the area.

(4) Signage. The signage will be conservative, of monument type, no taller than 8 feet and adhering to the stipulations in the presented restricted covenants.

(5) Sidewalks. Sidewalks will be furnished along owner's frontage on George Busbee Parkway and meeting with existing sidewalk on Big Shanty.

(6) Public Telephones. All public telephones will be inside buildings.

(7) Landscaping Plans. Each parking area will have a minimum of one tree per twelve parking spaces within the parking area, as well as along the perimeters, with the dimensions of said trees being consistent with the existing restrictive covenants.

(8) Flooding. The proposed development will adhere to county and state runoff regulations and erosion control ordinances in order to ensure that the rate of runoff post-development will not exceed that of the pre-development rate for the designated storm levels. Necessary hydrology studies shall be submitted to Cobb County to establish that this standard has been met.

(9) Buffer. Fifty foot undisturbed buffer zone between Hidden Forest property lines and the proposed development, with an additional 50 foot building setback before any building structure. No living trees will be cut in the undisturbed buffer.

(10) Setback. The building is to be set back 75 feet from Big Shanty right-of-way.

(11) Fence. Chain link fence (6 foot tall) to run parallel to the contiguous property line with Hidden Forest subdivision and contained within the development with the exact location of the fence to be mutually agreed upon by property owner and Hidden Forest subdivision.

(12) Subdividing. Subject site will not be subdivided until a user has been identified for all or a portion of the property.

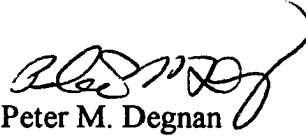
(13) Refuse. All refuse areas shall be screened by masonry fence, and screened by semi-mature evergreen trees.

Mr. Ed Thomas  
December 2, 1996  
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I understand that Hidden Forest still has concerns with respect to any change to the existing zoning classification of our property. However, I trust that these stipulations will, at a minimum, alleviate some of these concerns.

By copy of this letter to Buddy Curtis, I am reconfirming Peri-Cobb's willingness to continue to meet with representatives of the Hidden Forest Homeowners Association to discuss any remaining concerns they have pertaining to our development.

Sincerely,



Peter M. Degnan

PMD:lbl  
[AC963320.055]

cc: Mr. Buddy Curtis

December 12, 1996

*Z-1600*

Mr. Buddy Curtis  
President  
Hidden Forest Homeowners Association  
2981 Hidden Forest Court  
Marietta, Georgia 30066

*Rec'd  
at public  
hearing of  
12-17-96*

*Letter as referenced  
in zoning minutes  
of 12-17-96.  
K. Daen*

Dear Mr. Curtis:

This letter is in response to your correspondence of December 8, 1996. As representative of the property owner, I am agreeable to the following additional stipulations:

(a) ~~The fence constructed on the site will run continuously from the existing fence all the way to Noonday Creek and will be located on the property owner's side of the fifty foot undisturbed buffer (the only disturbance of the buffer will be for the construction of the fence).~~

*deleted  
(10)*

(b) The roof line will include a parapet or appropriate architectural screen to conceal all external vents, air conditioning units, etc. and will run continuously around the entire roof.

(c) The following additional uses will be excluded from the property: gas stations of any type; fast food restaurants (defined as restaurants offering drive-through services); and businesses operating twenty-four hours a day.

We are also willing to make the following commitment to the Hidden Forest Homeowners Association pertaining to an access easement. Subject to Hidden Forest obtaining appropriate approvals from Cobb County, we are agreeable to providing a fifty foot access easement running from Grace Street to the George Busby Parkway. However, the exact location of the easement will be determined by the property owner so as to insure that it will not interfere with the development plans for the proposed project approved by Cobb County.

~~Alternatively, we are agreeable to providing an access easement sufficient to accommodate four lanes from the western boundary of the Hidden Forest Subdivision to George Busby Parkway through the flood plain acreage located along the southern~~

*deleted  
(10)*

boundary of our property. Again, this commitment is subject to Hidden Forest Homeowners Association obtaining the appropriate approvals from local, state and federal authorities.

Very truly yours,

Russell Kellogg  
Vice President  
Cadillac Fairview U.S., Inc.