

**DECEMBER 17, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 9

PURPOSE

To consider a stipulation and site plan amendment for Atlantic Realty Development LLC regarding rezoning application Z-116 of 2004 (B. F Saul real Estate Investment Trust), for property located at the northwest intersection of Circle 75 Parkway and Windy Ridge Parkway, the northwest intersection of Circle 75 Parkway and Herodian Way and on the south side of Herodian Way in Land Lots 850, 876, 877, 878, 916 and 917 of the 17th District.

BACKGROUND

The subject property was rezoned to Planned Village Commercial (PVC) 2005 to build a mixed use development consisting of residential and commercial uses. Since 2005 the townhouse component in area “B” has been built, along with the main road and some infrastructure. This request is to amend area “D”, which is the “city center” part of the project. The applicant has submitted a detailed letter (Exhibit “B”) explaining the exact changes. The highpoints of the applicant’s letter include less units (-327), less stories (-2), less retail (-3000 s.f.), no parking decks, and larger one bedroom units (+80 s.f.). The applicant has also proposed a reversion clause if the developer has not closed on the property within 180 days. 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 stipulation and site plan amendment.

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

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

COBB COUNTY GEORGIA
FILED IN OFFICE

12-17-2013

2013 OCT 15 PM 4:17

BOC Hearing Date Requested: ~~November 19, 2013~~

COBB COUNTY ZONING DIVISION

Applicant: Atlantic Realty Development LLC **Phone #:** (404) 591-2492
(applicant's name printed)

Address: 3378 Peachtree Road, Atlanta, GA 30326 **E-Mail:** _____

Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street

John H. Moore **Address:** Marietta, GA 30060

(representative's name, printed)

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijs.com

(representative's signature) Georgia Bar No. 519800

w7@mijs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook

Notary Public

My commission expires: January 10, 2015

Titleholder(s): B.F. Saul Real Estate Investment Trust

(property owner's name printed)

Phone #: (770) 952-0075

Address: Suite 100, 900 Circle 75 Parkway, Atlanta, GA 30339 **E-Mail:** _____

See Attached Exhibit "A" for Titleholder's Representative's Signature

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Commission District: 2 (Ott)**Zoning Case:** Z-116 (2004)

Date of Zoning Decision: 03/15/2005 **Original Date of Hearing:** 08/17/2004

Location: Westerly side of Circle 75 Parkway; Northerly of Windy Ridge Parkway; Southerly of Herodian Way

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

Land Lot(s): 877, 878, 916, 917 **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)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application No.: Z-116 (2004)
Original Hearing Date: August 17, 2004
Date of Zoning Decision: March 15, 2005
Current Hearing Date: November 19, 2013

Applicant: Atlantic Realty Development LLC
Titleholder: B. F. Saul Real Estate Investment Trust

B. F. SAUL REAL ESTATE INVESTMENT TRUST

BY: _____

H. C. Parrish, III
Vice President

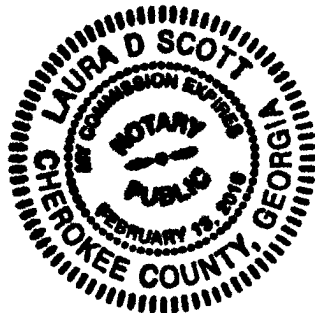
Address: Suite 100, 900 Circle 75 Parkway
Atlanta, Georgia 30339

Telephone No.: (770) 952-0075

Signed, sealed, and delivered in the presence of:

Laura D Scott
Notary Public
Commission Expires: February 13, 2016

[Notary Seal]



COBB COUNTY GEORGIA
2013 OCT 15 PM 4:17
COBB COUNTY ZONING DIVISION

EXHIBIT "B" -AMENDMENT TO ATTACHMENT TO
APPLICATION FOR "OTHER BUSINESS"
(SITE PLAN AND STIPULATION AMENDMENT)
(AMENDED NOVEMBER 8, 2013)

| | |
|--------------------------|-------------------|
| Application No.: | Z-116 (2004) |
| Original Hearing Date: | August 17, 2004 |
| Date of Zoning Decision: | March 15, 2005 |
| Current Hearing Date: | November 19, 2013 |

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 NOV -8 PM 3:15
COBB COUNTY ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Atlantic Realty Development LLC
Property Owner: B. F. Saul Real Estate Investment Trust

Exhibit "B," Attachment to Application for "Other Business," filed on October 15, 2013, regarding Other Business Item No. 5 pending for hearing before the Cobb County Board of Commissioners on November 19, 2013, shall be deleted in its entirety and replaced in full, as follows:

On March 15, 2005, the Cobb County Board of Commissioners approved the rezoning of an approximate 50.05 acre tract located at the northwest intersection of Circle 75 Parkway and Windy Ridge Parkway, the intersection of Circle 75 Parkway and Herodian Way, and on the south side of Herodian Way to the Planned Village Community ("PVC"). The rezoning was an amendment to the Master Plan previously approved by Cobb County to allow for the development of the residential component of the Master Plan. A copy of the amended, approved Master Plan is attached hereto as Exhibit "1" and incorporated herein by reference.

The property involved in this Application for "Other Business" is a 7.97 acre tract located on the westerly side of Circle 75 Parkway, northerly of Windy Ridge Parkway (hereinafter "Property" or "Subject Property"). Applicant is seeking to amend the portion of the previously approved Master Plan; as well as amend certain stipulations approved during rezoning of the residential component of the Master Plan. The proposed approval and amendments are enumerated as follows:

- (1) Applicant seeks approval of the Zoning Plan dated October 10, 2013, prepared for Applicant by The Preston Partnership, LLC, specific as to the development of the Subject Property only. A reduced copy of the proposed Zoning Plan as to the Subject Property is attached hereto as Exhibit "2" for ease of review and incorporated herein by reference.

- (2) Applicant seeks to amend the stipulations applicable to the Subject Property which are more particularly set forth in the letter of agreeable stipulations and conditions dated March 9, 2005, page 8, section titled "Residential Component 'D,'" which are attached and referenced in the official minutes of the Board of Commissioners Zoning Hearing held on March 15, 2005, by deleting said stipulations in their entirety and inserting in lieu thereof the following:

RESIDENTIAL COMPONENT "D"
(Pursuant to Zoning Plan dated October 10, 2013)

- (1) The Property is designated as Area "D" on the previously approved Conceptual Site Plan (Z-116 (2005)) and is located on the westerly side of Circle 75 Parkway, northerly of Windy Ridge Parkway and contains approximately 7.97 acres. Applicant seeks development of the Property for a multi-family residential community pursuant to the Zoning Plan dated October 10, 2013, prepared by The Preston Partnership, LLC and submitted with this Application for "Other Business."
- (2) There shall be a maximum of two hundred seventy-five (275) units contained within two (2) mid-rise buildings, up to a maximum of six (6) stories in height, with surface parking.
- (3) The proposed residential buildings shall contain a maximum of 7,000 square feet for potential accessory service retail, such as dry cleaners, convenience store, and the like, which will be located on the ground floors.
- (4) The amenities for the residential community shall include, but not be limited to, the following:
 - i) Resident lounge/cyber café;
 - ii) Fitness and aerobic center;
 - iii) Conference center;
 - iv) Resort-style pool, with grill cabana;
 - v) Walking trails; and
 - vi) Dog-walk park (which is already constructed).
- (5) All streets within the 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.
- (6) The units shall consist of 1, 2, and 3 bedroom units ranging in square footage from 700 square feet to 1,400 square feet, and greater.

- (7) The exterior façade of the residential buildings shall consist of brick, stone, stacked stone, hardi-plank type, and combinations thereof, and shall be substantially similar to the renderings to be presented at the hearing before the Board of Commissioners.
- (8) Signage for the residential community shall be ground-based, monument style, and shall consist of materials complementary to the materials comprising the exterior façade of the residential buildings.
- (9) Lighting within the residential community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residential buildings.
- (10) Additionally, hooded security lighting shall be utilized on the building and throughout the walkways, surface parking area, and amenity area.
- (11) The proposed residential development shall utilize the eighteen (18) private parking spaces located immediately adjacent to the development in determining Code compliance for parking.
- (12) If closing of the Property does not occur between Applicant and Owner within one hundred eighty (180) days following the final zoning approval of the amendments sought by Applicant in this Application for "Other Business," then, and in such event, the zoning shall automatically revert to the zoning pre-existing (including the approved stipulations and conditions and the approved Master Plan) at the time of filing of this Application for "Other Business," being Z-116 (2004), approved by the Cobb County Board of Commissioners on March 15, 2005.

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 Conceptual Site Plan and 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 March 15, 2005 in Application No. Z-116 (2005), are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

Exhibit "1"



**THE PRESTON
PARTNERSHIP, LLC**
A MULTIDISCIPLINARY DESIGN FIRM
115 HEMLOCK UNIT 100, SUITE 100
SOUTH TOWN
ATLANTA, GEORGIA 30346
TELEPHONE: 770.399.7244
FAX: 770.399.7245
WWW.THEPRESTONPARTNERSHIP.COM
COMBAT/ART



PROJECT
**CIRCLE
T5**

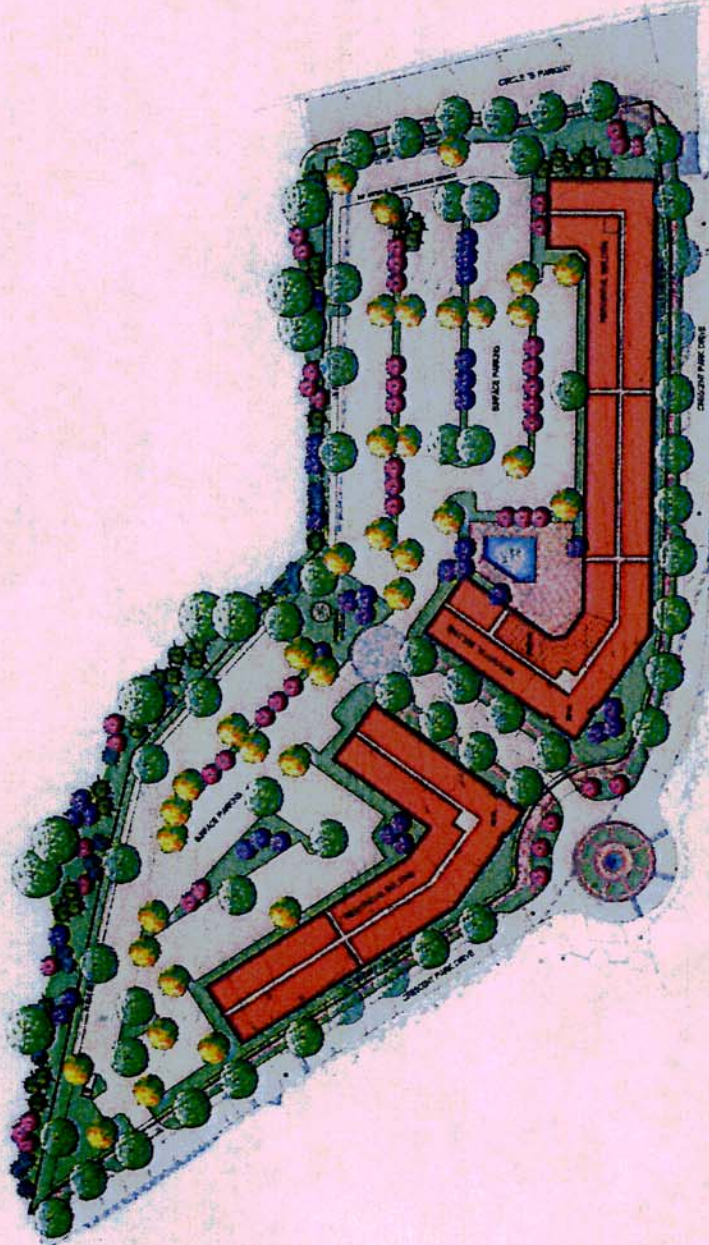
CORNER COUNTY, GEORGIA

FOR



**ATLANTIC REALTY
PARTNERS**
3000 PEACOCK BLVD
SUITE 100
ATLANTA, GA 30346
PHONE: 404.525.1234

DATE: **10 OCTOBER 2015**
JOB NUMBER: **193307**
DRAWN BY: **AJC**
CHECKED BY: **DAG**
DRAWING TITLE: **DENSITY STUDY
ZONING PLAN**
DRAWING NUMBER: **D5-01**
COMMENTS:



1 DENSITY STUDY
SCALE: 1" = 400'-0"

| ZONING EXTRACT | |
|-----------------|------------------------------|
| DATE: | 10 OCTOBER 2015 |
| JOB NUMBER: | 193307 |
| DRAWN BY: | AJC |
| CHECKED BY: | DAG |
| DRAWING TITLE: | DENSITY STUDY ZONING PLAN |
| DRAWING NUMBER: | D5-01 |
| COMMENTS: | |

Exhibit "2"



THE PRESTON PARTNERSHIP, LLC
A MULTI-OWNERSHIP PARTNERSHIP
1000 ATLANTA AVENUE, SUITE 1000
ATLANTA, GEORGIA 30309
TEL: 404.525.1000
FAX: 404.525.1001
WWW.PRESTONPARTNERSHIP.COM



CIRCLE 15
MASTER PLAN
COBB COUNTY

BY SAIL PROPERTY CO.
FOR CIRCLE 15 MASTER PLAN
10/15/2013

DATE: 01 FEBRUARY 2005
JOB NUMBER: 0318000
DRAWN BY: DPC
CHECKED BY: DAG
APPROVED BY: [Signature]
CONCEPTUAL SITE PLAN
DRAWING NUMBER: SP-1

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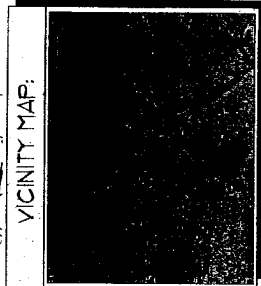
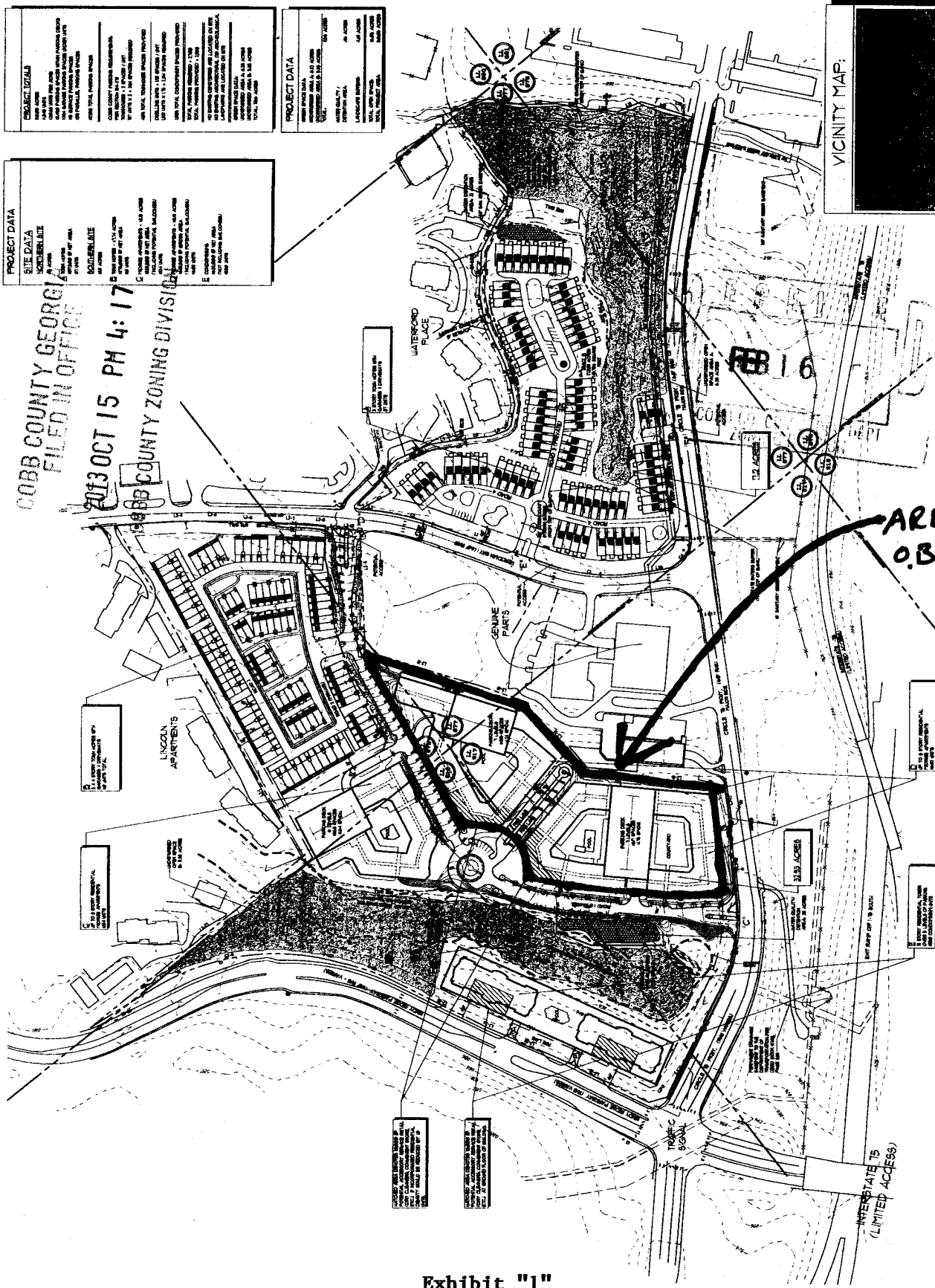
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COBB COUNTY ZONING DIVISION



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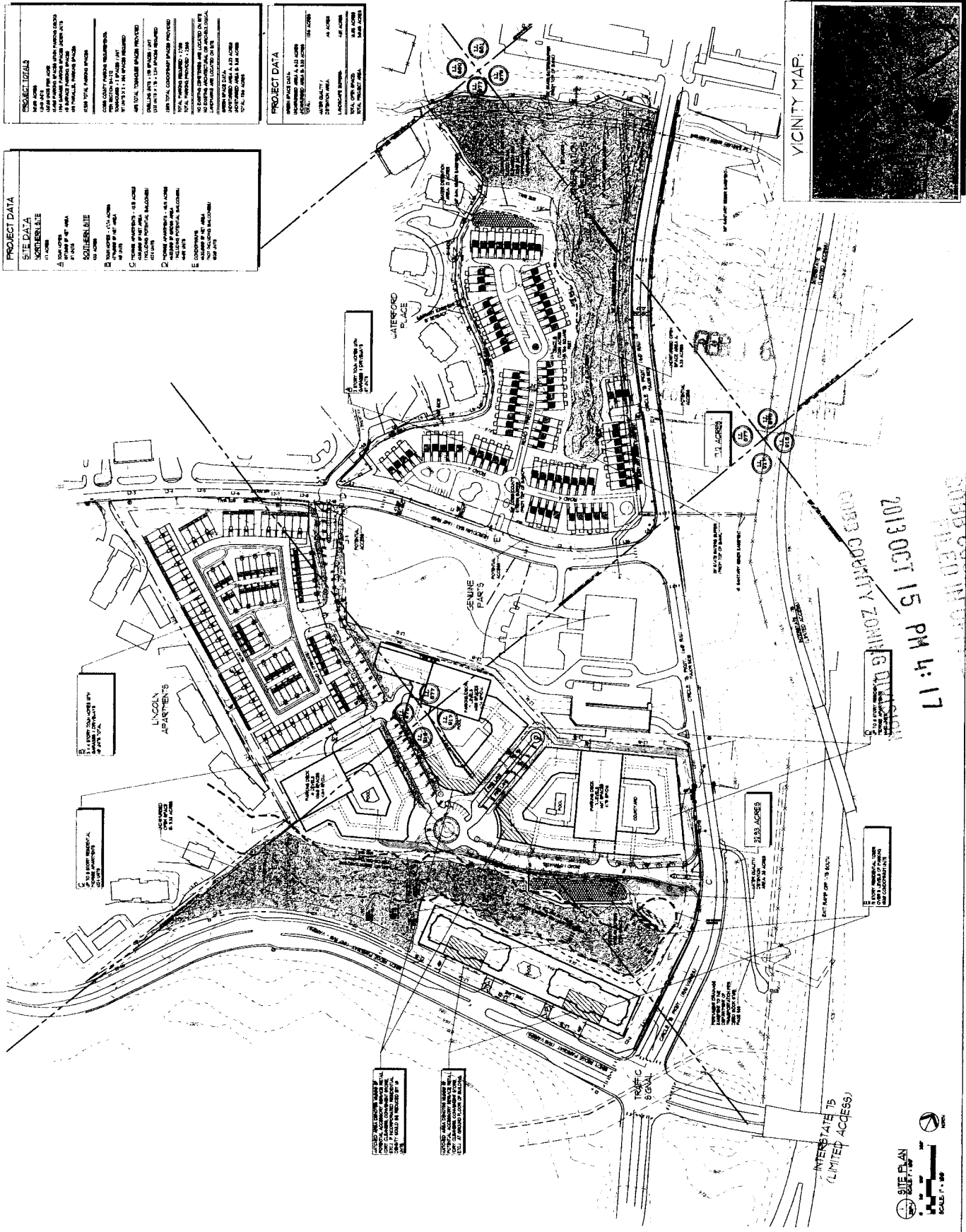
Exhibit "1"



**ZONING PLAN FOR AMENDMENT BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR “OTHER BUSINESS”
– NOVEMBER 19, 2013
(Represents Residential Component “D”
of Overall Approved Development)**

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COBBS COUNTY GEORGIA
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COBBS COUNTY ZONING DIVISION

**OVERALL CIRCLE 75 MASTER PLAN
APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR REZONING
NO. Z-116 (2004) – MARCH 15, 2005**



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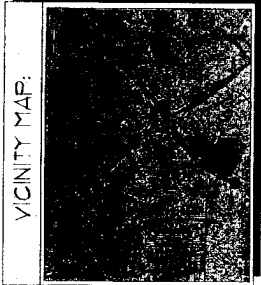
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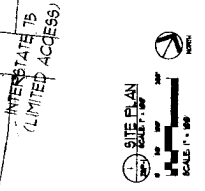


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COBB COUNTY ZONING DEPARTMENT

COBB COUNTY, GEORGIA

FILED IN OFFICE



**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-116 (2004) –
MARCH 15, 2005**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 15, 2005
9:05 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 15, 2005, at 9:05 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

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

COBB COUNTY GEORGIA
PLANNING OFFICE
2013 OCT 15 PM 4:18
COBB COUNTY ZONING DISTRICT

Z-116^{'04}

B. F. SAUL REAL ESTATE INVESTMENT TRUST for Rezoning from OI to RRC for the purpose of Low-Rise, Mid-Rise and High-Rise Condominiums in Land Lots 850, 876, 877, 878, 916 and 917 of the 17th District. Located at the northwest intersection of Circle 75 Parkway and Windy Ridge Parkway, the northwest intersection of Circle 75 Parkway and Herodian Way and on the south side of Herodian Way.

The public hearing was opened and Mr. John Moore, Ms. Lori Kennedy, Mr. Ron Sifen, and Ms. Martha Adams addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Olens, to delete rezoning to the PVC zoning district subject to:

- letters of agreeable stipulations from Mr. John Moore dated March 9, 2005 and March 14, 2005 (copy attached and made a part of these minutes)
- renderings submitted (copy attached and made a part of these minutes)
- Applicant agrees to consider a circulator bus service within the area in conjunction with the Cumberland CID
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- *revised* Cobb DOT comments and recommendations dated March 14, 2005, *with any changes to be reviewed by Staff and approved by the District Commissioner* (copy attached and made a part of these minutes)
- 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, *to include improvements to Herodian Way and Circle 75 Parkway*

VOTE: **ADOPTED** unanimously

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

MAIN OFFICE

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

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

TENNESSEE OFFICE

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

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

T. SHANE MAYES
F. MICHAEL VISCUSE**
ANGELA H. SMITH
OPHELIA W. CHAN
STACEY L. STEWART†
MEREDITH M. MILBY
DAVID M. VAN SANT
DARRELL L. SUTTON
KASI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON*
JEFFREY K. STINSON
BENJAMIN A. WALDEN
DAVID A. COX
ELIZABETH ANN GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*

CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
KCHRISTIE L. KELLY†
RYAN G. PRESCOTT
RICARDO J. DeMEDEIROS
L. LAKE JORDAN

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

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN SC
*** ALSO ADMITTED IN NC

WRITER'S DIRECT
DIAL NUMBER

March 9, 2005

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

Min. Bk. 33 Petition No. Z-116⁰⁴
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 3-15-05

Hand Delivered

RECEIVED
MAR - 9

RE: Application for Rezoning

Application No.: Z-116 (2004)

Applicant/Owner: B.F. Saul Real Estate
Investment Trust

Property: 50.05 acres located at the
intersection of Circle 75
Parkway and Herodian Way,
Land Lots 850, 876, 877, 878,
916, and 917, 17th District,
2nd Section, Cobb County,
Georgia

Dear John:

As you know, the undersigned and this firm represent B.F. Saul Real Estate Investment Trust, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of 50.05 acres located at the intersection of Circle 75 Parkway and Herodian Way, Land Lots 850, 876, 877, 878, 916, and 917, 17th District, 2nd Section, Cobb County, Georgia (hereinafter 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

MOORE INGRAM JOHNSON & STEELE

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authorized by the Applicant 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. This letter shall supersede and replace in full that certain letter of agreeable stipulations and conditions dated and filed February 23, 2005. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Applicant seeks rezoning of the Subject Property from the Office and Institutional ("OI") zoning category, with variances as to height, to the Planned Village Commercial ("PVC") zoning category, site plan specific to the revised Conceptual Site Plan prepared by The Preston Partnership, LLC and Sprinkle Design Conservancy dated and last revised February 2, 2005.
- (3) The Subject Property consists of 50.05 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL RESIDENTIAL COMMUNITY

- (1) This rezoning proposal is an Amendment to the existing Master Plan previously approved by Cobb County, Georgia. The total B.F. Saul property consists of approximately 144 acres, 19 acres of which is currently developed, the subject 50.05 acres for residential components and the remaining approximately 75 acres left for future development.
- (2) There shall be protective covenants for the entire subject development that will include all phases of the community; and concurrent therewith associations will be

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formed which will include all components parts of the proposed development. The associations shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, and the like contained within the overall community (i.e., bike paths, sidewalks, open space, walking trails, and the like).

- (3) The 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) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the referenced Zoning Plan.
- (5) There shall be approximately 16.03 acres of open space/park space/buffers within the proposed community, which comprises approximately 32 percent of the total tract.
- (6) Entrances to the proposed community shall be as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (7) Signage at each entrance point shall be ground based, monument style. The entrance areas shall be professionally designed, landscaped, maintained, and themed to the architecture and style of the community.
- (8) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (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.

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- (10) All setbacks and buffer areas may be penetrated for purposes of detention, utilities, and stormwater management.
- (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 community shall be private.
- (13) Applicant agrees that the Subject Property cannot be annexed into the City of Smyrna for a period of five (5) years from the date of zoning approval.
- (14) Staff shall approve all landscaping, not otherwise herein approved as depicted in the renderings and plans set forth herein, prior to issuance of building permits.
- (15) 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.
- (16) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed overall development 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 center with "for sale" signs posted thereon.
- (17) Landscaping for the proposed development shall be pursuant to the landscaping plan presented to the

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Planning Commission and Board of Commissioners at the respective Zoning Hearings.

- (18) The architectural style and materials of the various residential components shall be as shown and reflected on the renderings presented to the Planning Commission and Board of Commissioners at the respective Zoning Hearings.
- (19) Notwithstanding anything contained herein to the contrary, the maximum number of residential units shall not exceed a total of one thousand five hundred forty-three (1,543) units.

RESIDENTIAL COMPONENT "A"

- (1) This portion of the proposed development contains approximately 17.12 acres and is identified on the referenced Conceptual Site Plan as Area "A."
- (2) This component contains approximately 7 acres of undisturbed open space/green space, as shown and reflected on the referenced Conceptual Site Plan.
- (3) There shall be eighty-seven (87) townhome units, up to three (3) stories in height with two-car garages.
- (4) The square footage range for these units shall be between 2,000 square feet and 3,200 square feet, and greater.
- (5) These units shall be condominiums in the townhome style, as the term "condominiums" is defined under the Cobb County Zoning Ordinance.
- (6) These units shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.

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- (7) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (8) A fifteen (15) foot wide buffer shall be constructed along the common property line between Waterford Place and the Subject Property and shall consist of two areas as follows:
 - (a) Area One is designed to buffer the Waterford entrance road and Buildings 400 and 500 and is approximately six hundred seventy (670) feet long; and
 - (b) Area Two is designed to buffer Building 1000 and is approximately eighty (80) feet long.

The buffer shall consist of twenty-one (21) 6-8 foot evergreen trees planted six (6) feet on center in a double staggered row for every sixty-five (65) feet on length. The plant material shall include random groupings of the following plants: Southern Magnolia, Deodar Cedar, Canadian Hemlock, Leyland Cypress, and Cryptomeria. The new plant material will be placed within the buffer in mutually agreeable areas.

- (9) There shall be a right turn lane constructed at the entrance to Waterford Place. The turn lane shall be constructed to meet Cobb County standards and shall include the relocation and reconstruction of any entrance signs or monuments, landscaping, irrigation, system, lighting, etc., impacted by the turn lane construction. In addition, Waterford Place and Applicant agree to grant necessary easements or to quitclaim and transfer title on property necessary to construct the turn lane. The construction shall be generally in conformance with drawings by Roy Ashley & Associates dated March 7, 2005, and by Southern Civil Engineers, being drawing "EX-1" and dated July 15, 2004.

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RESIDENTIAL COMPONENT "B"

- (1) This portion of the proposed development contains approximately 7.74 acres and is identified on the referenced Conceptual Site Plan as Area "B."
- (2) There shall be one hundred ten (110) townhome units, up to four (4) stories in height, with one and two-car garages.
- (3) The square footage range for these units shall be from a minimum of 1,250 square feet to 2,000 square feet, and greater.
- (4) These units shall be condominiums in the townhome style, as the term "condominiums" is defined under the Cobb County Zoning Ordinance.
- (5) These units shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (6) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

RESIDENTIAL COMPONENT "C"

- (1) This portion of the proposed development contains approximately 3.15 acres and is identified on the referenced Conceptual Site Plan as Area "C."
- (2) There shall be two hundred twenty-four (224) condominium units in a mid-rise building up to eight (8) stories in height and containing a parking deck of six (6) levels immediately adjacent to the mid-rise building, all as more particularly delineated on the referenced Conceptual Site Plan.

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- (3) The square footage range for these units shall be between 800 square feet and 2,000 square feet, and greater.
- (4) These units shall be condominiums as the term "condominiums" is defined under the Georgia Condominium Act.
- (5) These units shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (6) This Component "C" shall contain a separate pool and related club amenities such as meeting rooms, lounge area, exercise area, and the like.
- (7) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

RESIDENTIAL COMPONENT "D"

- (1) This portion of the proposed development contains approximately 8.19 acres and is identified on the referenced Conceptual Site Plan as Area "D."
- (2) There shall be six hundred two (602) apartment home units in two mid-rise buildings up to eight (8) stories in height each and containing parking decks of seven (7) levels, located immediately adjacent to said buildings, all as more particularly delineated on the referenced Conceptual Site Plan.
- (3) The buildings shall contain an area of 10,000 square feet for potential accessory service retail, such as dry cleaners, convenience store, and the like, which will be located on the ground floors. If the retail component is incorporated, residential density would be reduced by approximately ten (10) units per building.

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- (3) Amenities for Component "D" are as follows:
- (a) The southerly building of this Component contains a pool and related amenities such as meeting rooms, lounge area, exercise area, and the like; and
 - (b) The northerly building of this Component contains a pool and related amenities such as meeting rooms, lounge area, exercise area, and the like.
- (4) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

UNIT INFORMATION APPLICABLE TO RESIDENTIAL COMPONENT "D"

- (1) The total unit division and square footages for Residential Component "D" are as follows:

| UNITS | NUMBER | SQUARE FOOTAGE RANGE |
|--------------------|--------|----------------------|
| Studio | 30 | 620 |
| One Bedroom | 272 | 725-1,100 |
| Two Bedroom | 259 | 1,155-1,511 |
| Three Bedroom | 41 | 1,500-1,690 |
| Total Units | 602 | |

RESIDENTIAL COMPONENT "E"

- (1) This portion of the proposed development contains approximately 14.51 acres and is identified on the referenced Conceptual Site Plan as Area "E."

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- (2) This residential component shall consist of two (2) 19 story residential towers, each over five (5) levels of parking, and containing in total five hundred twenty (520) residential condominium units, all as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (3) The square footage range for these units shall be from a minimum of 800 square feet ranging upwards to 2,000 square feet, and greater.
- (4) These units shall be "for sale" units only and shall comply with the State of Georgia Condominium Act. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (5) Each residential tower contains an area of 10,000 square feet for potential accessory service retail, such as dry cleaners, convenience store, and the like, which will be located on the ground floors of each building. If the retail component is incorporated, residential density would be reduced by approximately ten (10) units per building.
- (6) Component "E" shall contain a separate pool and related club amenities such as meeting rooms, lounge area, exercise area, and the like.
- (7) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

We believe the requested zoning, pursuant to the revised Conceptual Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community 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. The proposed community shall promote the

MOORE INGRAM JOHNSON & STEELE

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Planner III
Zoning Division
Cobb County Community Development Agency
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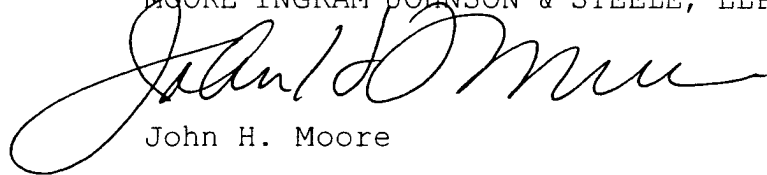
Petition No. Z-116⁰⁴
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Continued

"live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments 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.

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. Michael H. S. Hughes, Director
Cobb County Economic Development

Mr. Ron Sifen
Vinings Civic Association

Ms. Karen Morales, President
Waterford Place Homeowners Association

Mr. Anthony L. Waybright

Ms. Mary Rose Barnes

B. F. Saul Real Estate Investment Trust

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN SC
*** ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

March 14, 2005

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

Min. Bk. 33 Petition No. Z-116⁰⁴
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 3-15-05

Hand Delivered

FILED WITH COUNTY CLERK THIS 15th DAY
OF March 2005 BY John Moore
RE Z-116⁰⁴
Gail K. Duff
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

RE: Application for Rezoning

Application No.: Z-116 (2004)

Applicant/Owner: B.F. Saul Real Estate
Investment Trust

Property: 50.05 acres located at the
intersection of Circle 75
Parkway and Herodian Way,
Land Lots 850, 876, 877, 878,
916, and 917, 17th District,
2nd Section, Cobb County,
Georgia

Dear John:

On behalf of the Applicant and Property Owner for the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated and filed with your office on March 9, 2005, which if the Application for Rezoning is approved, as submitted, shall also become part of the grant of the requested zoning and shall be binding upon the Subject Property. Applicant deletes in its entirety subparagraph (9) of "Residential Component 'A'" and inserts in lieu thereof the following:

"(9) There shall be a right turn lane constructed by the Applicant, including all permitting costs, at the entrance to Waterford Place. The turn lane shall be constructed to meet Cobb County standards and shall

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Continued

include the relocation and reconstruction of any entrance signs or monuments, landscaping, irrigation system, lighting, etc., impacted by the turn lane construction. In addition, Waterford Place and Applicant agree to grant necessary easements or to quitclaim and transfer title on property necessary to construct the turn lane. The construction and landscaping shall be generally in conformance with drawings by Roy Ashley & Associates dated March 7, 2005, and by URS dated March 11, 2005, and being Project No. 1528006."

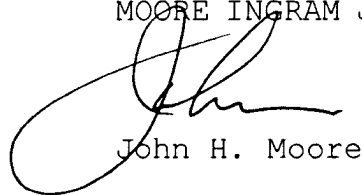
The balance and remainder of the stipulations and conditions set forth in the March 9, 2005, correspondence shall be unaltered by this supplement.

As previously stated, we believe the requested zoning, pursuant to the revised Conceptual Site Plan and the revised stipulations set forth in the March 9, 2005, and the revision contained herein, is an appropriate use of the Subject Property. The proposed community 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. The proposed community shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments 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.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Attachment

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Three
March 14, 2005

Petition No. Z-116⁰⁴
Meeting Date 3-15-05
Continued

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

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

Mr. Michael H. S. Hughes, Director
Cobb County Economic Development
(With Attachment)

Mr. Ron Sifen
Vinings Civic Association
(With Attachment)

Ms. Karen Morales, President
Waterford Place Homeowners Association
(With Attachment)

Mr. Anthony L. Waybright
(With Attachment)

Ms. Mary Rose Barnes
(With Attachment)

B. F. Saul Real Estate Investment Trust
(With Attachment)

Petition No. Z-116⁰⁴
Meeting Date 3-15-05
Continued

24' CURB AND
GUTTER

14' LANE

20' Veh.

40' R

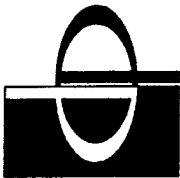
50' Taper

LAYBACK SLOPE TO
REMOVE WALL

32' Radius

Not to Scale

| | | | |
|--|----------------------|---|--|
| CLIENT: B.F. Saul Property Company | | TITLE: Waterford Place Deceleration Lane | |
| PROJECT: Circle 75 Neighborhood Development | | PROJ NO.: 1528006 | |
| Date: 3/11/05 | DRAWN BY: S. Smoak | TASK: | |
| FILE: P:\1528\0066_Circle 75\Drawings\circle75.pdf | CHECKED BY: D. Dobry | FIGURE: 1 | |



THE PRESTON PARTNERSHIP, LLC
A MULTI-DISCIPLINARY DESIGN FIRM
1885 ALBANY ROAD, SUITE 600
ATLANTA, GEORGIA 30328
TEL: 770.394.7148
FAX: 770.394.7295
WWW.PRESTONPARTNERSHIP.COM
CONCEPTUAL RENDERING

REAL

PROJECT

CIRCLE 75
MASTER PLAN
COBB COUNTY, GEORGIA

FOR

BF SAUL
PROPERTY COMPANY
880 CIRCLE 75 PARKWAY, SUITE 100
ATLANTA, GEORGIA 30338
770.852.0075

PRINTED

REVISIONS

DATE: DECEMBER 1, 2004

JOB NUMBER: 0318301

LAYOUT CODE: PLANNED MAP

DRAWN BY: CHECKED BY:

DRAWING TITLE: CONCEPTUAL RENDERING

DRAWING NUMBER: CR-03

CONCEPTUAL RENDERING

CONCEPTUAL RENDERING

CONCEPTUAL RENDERING

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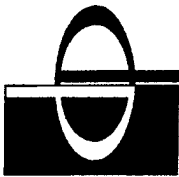


Min. Bk. 33 Petition No. 2-11604

Doc. Type Rendering

Meeting Date 3-15-05

Handwritten signature: The Preston Partnership, LLC



THE PRESTON PARTNERSHIP, LLC
A MULTI-DISCIPLINARY DESIGN FIRM
1800 ABERNATHY ROAD, SUITE 600
ATLANTA, GEORGIA 30328
TELEPHONE 770 394 7248
FAC 770 394 7245
WWW.THEPRESTONPARTNERSHIP.COM

SEAL

PROJECT

CIRCLE 75
MASTER PLAN
COBB COUNTY, GEORGIA

FOR

BF SAUL
PROPERTY COMPANY
800 CIRCLE 75, SUITE 100
ATLANTA, GEORGIA 30338
770-851-0075

PRINTED

REVISIONS

DATE: DECEMBER 1, 2004
JOB NUMBER: 0318301
LAYOUT CODE:
PLANNING MAP:
DRAWN BY:
CHECKED BY:

DRAWING TITLE:
CONCEPTUAL
RENDERING

DRAWING NUMBER:
CR-01
COMMENTS:

Min. Bk. 33 Petition No. Z-116
Doc. Type Rendering

Meeting Date 3-15-05



*Submitted to:
The Preston Partnership, LLC*

TRANSPORTATION COMMENTS

Min. Bk. 33 Petition No. Z-116⁰⁴
 Doc. Type Revised DOT Comments
 Meeting Date 3-15-05

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

| | AVERAGE DAILY TRIPS | CLASSIFICATION | MIN. R.O.W. REQUIREMENTS |
|---------------------|------------------------|-----------------|-----------------------------|
| Herodian Way | 14490 | Major Collector | 80' |
| Circle 75 Parkway | 5801 | Major Collector | 80' |
| Windy Ridge Parkway | 10938 | Arterial | 100' |

Based on 10-23-03 traffic counting data taken by Cobb DOT. (Circle 75 Parkway)
 Based on 10-29-03 traffic counting data taken by Cobb DOT. (Herodian Way)
 Based on 10-14-03 traffic counting data taken by Cobb DOT. (Windy Ridge Parkway)

Herodian Way is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.
 Circle 75 Parkway is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.
 Windy Ridge Parkway is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Install sidewalk, curb and gutter along the all road frontages.

As necessitated by this development for egress from Herodian Way, Circle 75 Parkway and Windy Ridge Parkway, a minimum 150' deceleration lane will be required at each access point.

Two median breaks on Windy Ridge Parkway with minimum separation of 660'.

Provide 100% funding for traffic signal if and when warranted on Circle 75 at access point "C".

Construct a northbound left turn lane on Circle 75 at access point "C".

Driveway for access point "F" should be right-in-right-out.

Construct a 100' deceleration lane with a 50' taper at Waterford Place Condominiums driveway.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side and south side of Herodian Way, a minimum of 40' from the roadway centerline, b) donation of right-of-way on the west side of Circle 75 Parkway, a minimum of 40' from the roadway centerline and c) donation of right-of-way on the north side of Windy Ridge Parkway, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk, curb and gutter along all road frontages.

Recommend a minimum 150' deceleration lane at each access point.

Recommend a maximum of two median breaks on Windy Ridge Parkway between Circle 75 Parkway and Heritage Trail with a minimum separation of 660 ft. and a minimum distance to intersection of 660'.

APPLICANT: B.F. Saul I / Estate Investment Trust PETITION NO.: Z-116

PRESENT ZONING: OI PETITION FOR: RRC

TRANSPORTATION COMMENTS cont.

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Continued

Recommend developer provide 100% funding for a traffic signal if and when warranted on Circle 75 at access point "C".

Recommend constructing a northbound left turn lane on Circle 75 at access point "C".

Recommend the driveway for access point "F" be a right-in/right-out.

Recommend constructing a 100' deceleration lane with a 50' taper at Waterford Place Condominiums driveway.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.