

(Site Plan and Stipulation Amendment)

# Application for "Other Business"

## Cobb County, Georgia

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

Application No.: OB- 47 -2016

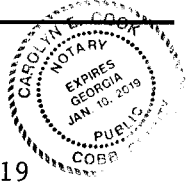
BOC Hearing Date Requested: August 16, 2016

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

**Address:** Suite 1425, 3438 Peachtree Road, Atlanta, GA 30326 **E-Mail:** bcurran@goarp.com  
Moore Ingram Johnson & Steele, LLP

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

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



Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2019  
Notary Public

**Titleholder(s):** BRED CO., LLC Phone #: \_\_\_\_\_  
(property owner's name printed)

**Address:** 755 Hank Aaron Drive, S.E., Atlanta, GA 30315 **E-Mail:** \_\_\_\_\_  
See Attached Exhibit "A" for

Titleholder's Representative's Signature  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

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

**Size of property in acres:** 2.852± **Original Date of Hearing:** 08/17/2004

**Location:** Southerly side of Crescent Parkway; southerly of Circle 75 Parkway  
and southeasterly of Herodian Way  
(street address, if applicable; nearest intersection, etc.)

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

**OB Application No.:** OB- 47 -2016  
**Application No.:** Z-116 (2004)  
**Original Hearing Date:** August 17, 2004  
**Date of Zoning Decision:** March 15, 2005  
**Current Hearing Date:** August 16, 2016

**Applicant:** Atlantic Realty Development LLC  
**Titleholder:** BRED CO., LLC,  
a Georgia limited liability company

BRED CO., LLC,  
a Georgia limited liability company

BY:   
\_\_\_\_\_  
Michael Plant  
President of Development

**Address:** 755 Hank Aaron Drive, .S.E  
Atlanta, Georgia 30315

**Telephone No.:** 404.614-1338

Signed, sealed, and delivered in the presence of:

\_\_\_\_\_  
Notary Public  
Commission Expires: \_\_\_\_\_  
[Notary Seal: JONATHAN E SMITH, NOTARY PUBLIC, FULTON COUNTY, GEORGIA, MY COMMISSION EXPIRES DECEMBER 4, 2016]

**EXHIBIT “B” –ATTACHMENT TO APPLICATION FOR “OTHER BUSINESS”**  
**(SITE PLAN AND STIPULATION AMENDMENT)**

<b>OB Application No.:</b>	<b>OB- <u>47</u> -2016</b>
<b>Application No.:</b>	<b>Z-116 (2004)</b>
<b>Original Hearing Date:</b>	<b>August 17, 2004</b>
<b>Date of Zoning Decision:</b>	<b>March 15, 2005</b>
<b>Current Hearing Date:</b>	<b>August 16, 2016</b>

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

<b>Applicant:</b>	<b>Atlantic Realty Development LLC</b>
<b>Titleholder:</b>	<b>BRED CO., LLC, a Georgia limited liability company</b>

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”), pursuant to Application No.: Z-116 (2004). 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 an approximately 2.85 acre tract located on the southerly side of Crescent Parkway, southerly of Circle 75 Parkway and southeasterly of Herodian Way (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 Conceptual Site Plan for the project titled “Reserve at the Ballpark, Phase III,” prepared for Applicant by SGN+A, Inc., specific as to the development of the Subject Property only. A reduced copy of the proposed Conceptual Site 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 Conceptual Site Plan submitted with  
Application for “Other Business”)**

- (1) The Property is designated as Area “D” on the previously approved Conceptual Site Plan (Z-116 (2004)) and is located on the southerly side of Crescent Parkway, southerly of Circle 75 Parkway and southeasterly of Herodian Way, and contains approximately 2.85 acres. Applicant seeks development of the Property for a multi-family residential community pursuant to the Conceptual Site Plan for the project titled “Reserve at the Ballpark, Phase III,” prepared for Applicant by SGN+A, Inc. and submitted with this Application for “Other Business.”
- (2) There shall be a maximum of two hundred twenty-four (224) total units contained within one (1) mid-rise building, up to a maximum of six (6) stories in height.
- (3) The units shall consist of studios, 1, 2, and 3 bedroom units ranging in square footage from 620 square feet to 2,066 square feet, and greater.
- (4) The exterior façade of the residential building 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.
- (5) 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; and
  - v) Walking trails.
- (6) 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 building. Additionally, building signage shall be allowed pursuant to Cobb County Code.
- (7) Lighting within the residential community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residential building.
- (8) Additionally, hooded security lighting shall be utilized on the building and throughout the walkways, surface parking area, and amenity area.
- (9) All internal 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.

- (10) The residential community shall have a multi-level parking deck for use by residents and guests.
- (11) Phase III of the proposed residential development shall utilize the private parking spaces located immediately adjacent to the development in determining Code compliance for parking.
- (12) Parking requirements as to the number of spaces required by Code and the size of spaces may be varied by means of a parking study submitted by Applicant through the Cobb County Zoning Division Manager and accepted by Cobb County Staff during the Plan Review Process.
- (13) The proposed residential development shall have minimum front, rear, and side setbacks of ten (10) feet.

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 (2004), are unaltered and unchanged by this request for Site Plan and Stipulation Amendment.





**CONCEPTUAL SITE PLAN FOR APPROVAL  
BY BOARD OF COMMISSIONERS  
PURSUANT TO APPLICATION FOR “OTHER  
BUSINESS” – AUGUST 16, 2016**





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



**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

**Z-116<sup>04</sup>**      **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 17<sup>th</sup> 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

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ROBERT D. INGRAM†  
J. BRIAN O'NEIL  
G. PHILLIP BEGGS  
ELDON L. BASHAM  
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RYAN G. PRESCOTT  
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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  
• ADMITTED ONLY IN TN

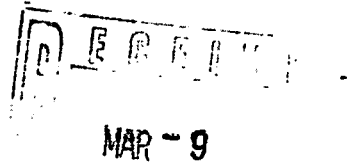
WRITER'S DIRECT  
DIAL NUMBER

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-116 of  
Doc. Type Letter of Agreeable  
Stipulation  
Meeting Date 3-15-05

Hand Delivered



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, 17<sup>th</sup> District,  
2<sup>nd</sup> 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

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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.

**MOORE INGRAM JOHNSON & STEELE**

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Zoning Division  
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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
<b>Total Units</b>	<b>602</b>	

**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**

Petition No. Z-116<sup>04</sup>  
Meeting Date 3-15-05  
Continued

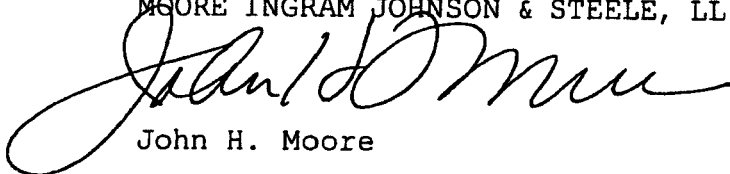
Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Eleven  
March 9, 2005

"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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ROBERT D. INGRAM†  
J. BRIAN O'NEIL  
G. PHILLIP BEGGS  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
JERE C. SMITH  
CLAYTON D. 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  
KIMA A. ROPER  
TARA C. RIDOLE  
JOSHUA M. BOOTH\*  
KELLI L. WOLK  
C. LEE DAVIS  
TANYA L. CROSSE\*  
ROBERT W. BROWN II  
VICTOR P. VALMIUS  
JEFFERY L. DICKERSON

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MARIETTA, GEORGIA 30051

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

## TENNESSEE OFFICE

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

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DAVID M. VAN SANT  
DARRELL L. SUTTON  
KASI R. WHITAKER  
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NICHOLAS J. PETERSON\*  
JEFFREY K. STINSON  
BENJAMIN A. WALDEN  
DAVID A. COX  
ELIZABETH ANN GUERRANT  
JAMES D. WALKER III  
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CHRISTOPHER L. MOORE  
JENNIFER S. WHITE\*  
KRISTIE L. KELLY†  
RYAN G. PRESCOTT  
RICARDO J. DOMEDEIROS  
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  
• 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-116<sup>04</sup>  
Doc. Type Letter of Agreeable  
Stipulations  
Meeting Date 3-15-05

Hand Delivered

FILED WITH COUNTY CLERK THIS 15<sup>th</sup> DAY  
OF March 2005 BY John Moore  
RE Z-116 '04  
Paul 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, 17<sup>th</sup> District,  
2<sup>nd</sup> 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

**MOORE INGRAM JOHNSON & STEELE**

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

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

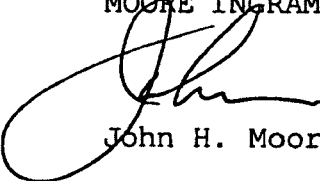
The balance and remainder of the stipulations and conditions set forth in the March 9, 2005, correspondence shall be unaltered by this supplement.

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

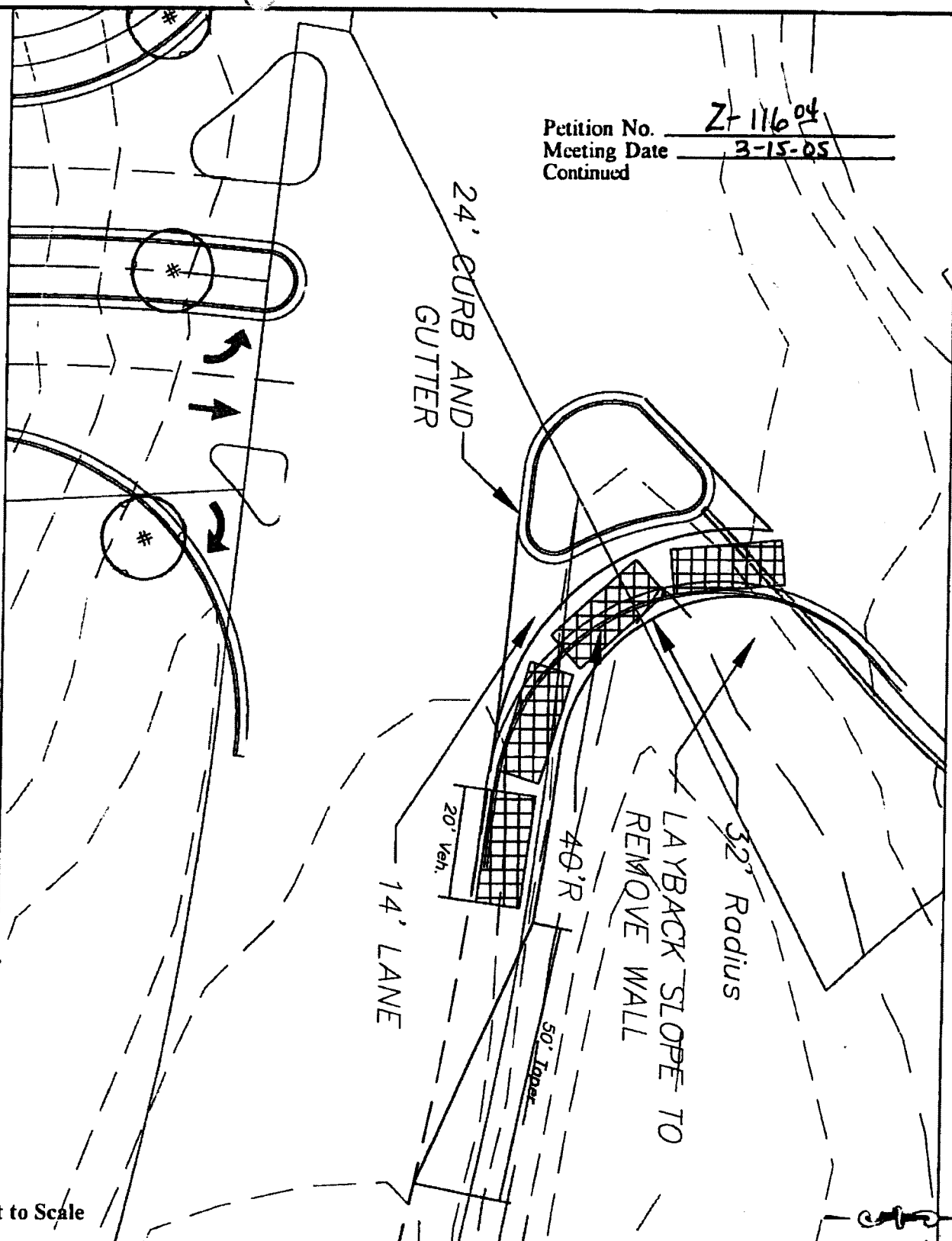
**MOORE INGRAM JOHNSON & STEELE**

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

Pctition No. Z-116<sup>04</sup>  
Meeting Date 3-15-05  
Continued

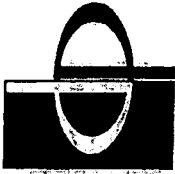
- c: Cobb County Board of Commissioners:  
Samuel S. Olens, Chairman  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
Tim Lee  
(With Attachment)
- Mr. Robert L. Hosack, Jr., AICP, Director  
Cobb County Community Development Agency  
(With Attachment)
- Mr. Michael H. S. Hughes, Director  
Cobb 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-116<sup>04</sup>  
 Meeting Date 3-15-05  
 Continued



CLIENT: <b>B.F. Saul Property Company</b>	
PROJECT: <b>Circle 75 Neighborhood Development</b>	
Date: <b>3/11/05</b>	DRAWN BY: <b>S. Smoak</b>
FILE: P:\152810066_Circle 75\Drawings\circle75.pdf	CHECKED BY: <b>D. Dobry</b>

TITLE: <b>Waterford Place Deceleration Lane</b>	
PROJ NO.:	1528006
TASK:	
FIGURE:	1



THE PRESTON PARTNERSHIP, LLC  
 A MULTIDISCIPLINARY DESIGN FIRM  
 1500 AMHERSTERY ROAD, SUITE 600  
 ATLANTA, GEORGIA, 30329  
 TEL: 404.525.7343  
 FAX: 404.525.7343  
 WWW.PRESTONPARTNERSHIP.COM

PROJECT  
**CIRCLE 75  
 MASTER PLAN**  
 COBB COUNTY, GEORGIA

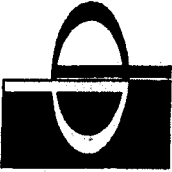
PREPARED BY  
**BF SAUL  
 PROPERTY COMPANY**  
 880 CIRCLE 75 PARKWAY, SUITE 100  
 ATLANTA, GEORGIA 30329  
 770.952.0075

DATE: DECEMBER 1, 2004  
 JOB NUMBER: 0318301  
 LAYOUT CODE: 0318301  
 PLANNING CODE: 0318301  
 DRAWING NO.: 0318301  
 SHEET NO.: 0318301  
 SHEET TITLE: CONCEPTUAL RENDERING  
 SHEET NUMBER: CR-03

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 AIRWAY DRIVE, SUITE 600  
 ATLANTA, GEORGIA 30328  
 TELEPHONE: 770.294.2344  
 FAX: 770.294.2343  
 WWW.THEPRESTONPARTNERSHIP.COM  
 CONCEPTUAL RENDERING

**PROJECT**  
**CIRCLE 75**  
**MASTER PLAN**  
 COBB COUNTY, GEORGIA

**FOR**  
**BF SAUL**  
**PROPERTY COMPANY**  
 500 CIRCLE 75 PARKWAY, SUITE 100  
 ATLANTA, GEORGIA 30328  
 770.881.0075

**DATE** DECEMBER 1, 2004  
**JOB NUMBER** 0318001  
**PROJECT CODE**  
**PLANNING CODE**  
**DESIGNED BY**  
**DATE**  
**CONCEPTUAL RENDERING**  
**CR-01**



Min. Bk. 33 Petition No. Z-116<sup>04</sup>  
 Doc. Type Rendering  
 Meeting Date 3-15-05

*Submitted by me to  
 THE PRESTON PARTNERSHIP, LLC*

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

Min. Bk. 33 Petition No. Z-116<sup>04</sup>  
 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.**

Petition No. Z-116<sup>04</sup>  
Meeting Date 3-15-05  
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.