

(Site Plan Approval)

Application for "Other Business"

Cobb County, Georgia

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

OB Application No.: OB- 041 -2017
BOC Hearing Date Requested: September 19, 2017

Applicant: J. Blair Waldron

(applicant's name printed)

Phone #: (678) 498-1977

Address: Suite 100, 3020 Roswell Road, Marietta, GA 30067 **E-Mail:** blairwaldron@mac.com

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

Address: Emerson Overlook, Suite 100, 326 Roswell Street
Marietta, GA 30060

(representative's name printed)

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

(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]

Notary Public

My commission expires: January 10, 2019



Titleholder(s) : Young Men's Christian Association of
Metropolitan Atlanta, Inc.

(property owner's name printed)

Phone #: (404) 588-9622

Address: Suite 1100, 100 Edgewood Avenue, Atlanta, GA 30303 **E-Mail:** _____

See Attached Exhibit "A"

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Commission District: 2 (Ott)

Zoning Case: Z-149 (1998)

Size of property in acres: 1.28+/-

Original Date of Hearing: 10/20/1998

OB Hearing Dates: 05/11/1999; 04/20/2000

Location: Northerly side of Roswell Road (State Route 120), westerly of East Piedmont Road

(street address, if applicable; nearest intersection, etc.) (portion of 2411 Roswell Road)

Land Lot(s): 986

District(s): 16th

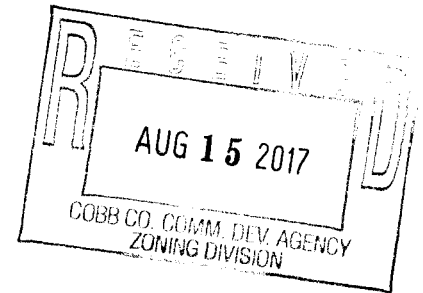
State specifically the need or reason(s) for Other Business: _____

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 Approval)

Application No.: Z-149 (1998)
Original Hearing Date: October 20, 1998
Settlement of Litigation Date: May 11, 1999
Date of OB Zoning Decision: April 20, 2000
Current Hearing Date: September 19, 2017



Applicant: J. Blair Waldron
Titleholder: Young Men's Christian Association of
Metropolitan Atlanta, Inc., a Georgia
non-profit corporation

YOUNG MEN'S CHRISTIAN ASSOCIATION
OF METROPOLITAN ATLANTA, INC.
a Georgia non-profit corporation

BY: Edward G. Munster
Edward G. Munster
President/Chief Executive Officer

Date Executed: 08/15/17

Address: Suite 1100, 100 Edgewood Avenue
Atlanta, Georgia 30303

Telephone No.: (404) 588-9622

Signed, sealed, and delivered in the presence of:

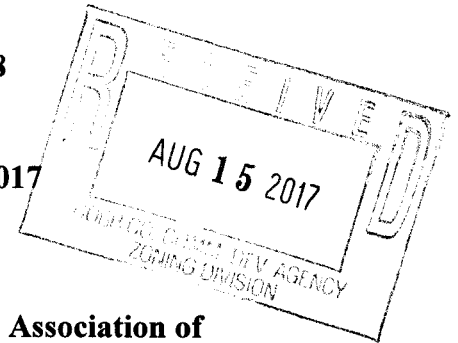
Sheree F. Slaughter
Notary Public
Commission Expires: July 24, 2018

[Notary Seal]



EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval)

Application No.: Z-149 (1998)
Original Hearing Date: October 20, 1998
Settlement of Litigation Date: May 11, 1999
Date of OB Zoning Decision: April 20, 2000
Current Hearing Date: September 19, 2017



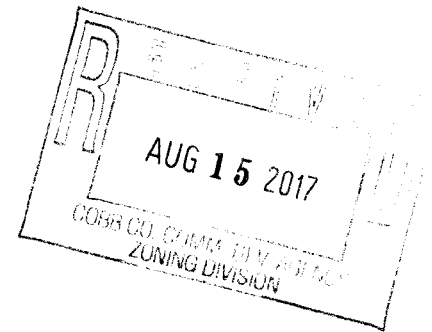
Applicant: J. Blair Waldron
Titleholder: Young Men's Christian Association of
Metropolitan Atlanta, Inc., a Georgia
non-profit corporation

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

J. Blair Waldron, as Applicant in this Application for "Other Business," proposes the development of an approximately 1.28 acre tract located on the northerly side of Roswell Road (State Route 120), westerly of East Piedmont Road, Land Lot 986, 16th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"), for use as professional medical and dental offices. The Subject Property was part of a larger tract and rezoned through a "Settlement of Litigation" on May 11, 1999, to the Neighborhood Retail Commercial ("NRC") zoning category. On April 20, 2000, the Cobb County Board of Commissioners, through an "Other Business" item, approved an amended site plan for the overall tract. Subsequently, on December 17, 2002, the Board of Commissioners approved a site plan and stipulation amendment for a portion of the overall tract, leaving the Subject Property and the remainder of the original, overall property undeveloped.

Applicant desires to develop the Subject Property for use as medical and dental facilities. Applicant seeks approval of the Zoning Site Plan which is attached hereto as Exhibit "1" to allow for the construction of the professional offices under the existing NRC zoning classification.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners "Settlement of Litigation" Hearing held on May 11, 1999, and the Minutes of the April 20, 2000, Board of Commission Zoning Hearing for the "Other Business" amendment, as well as, any other amendments which have been approved by the Board of Commissioners or the District Commissioner, and which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan Approval.

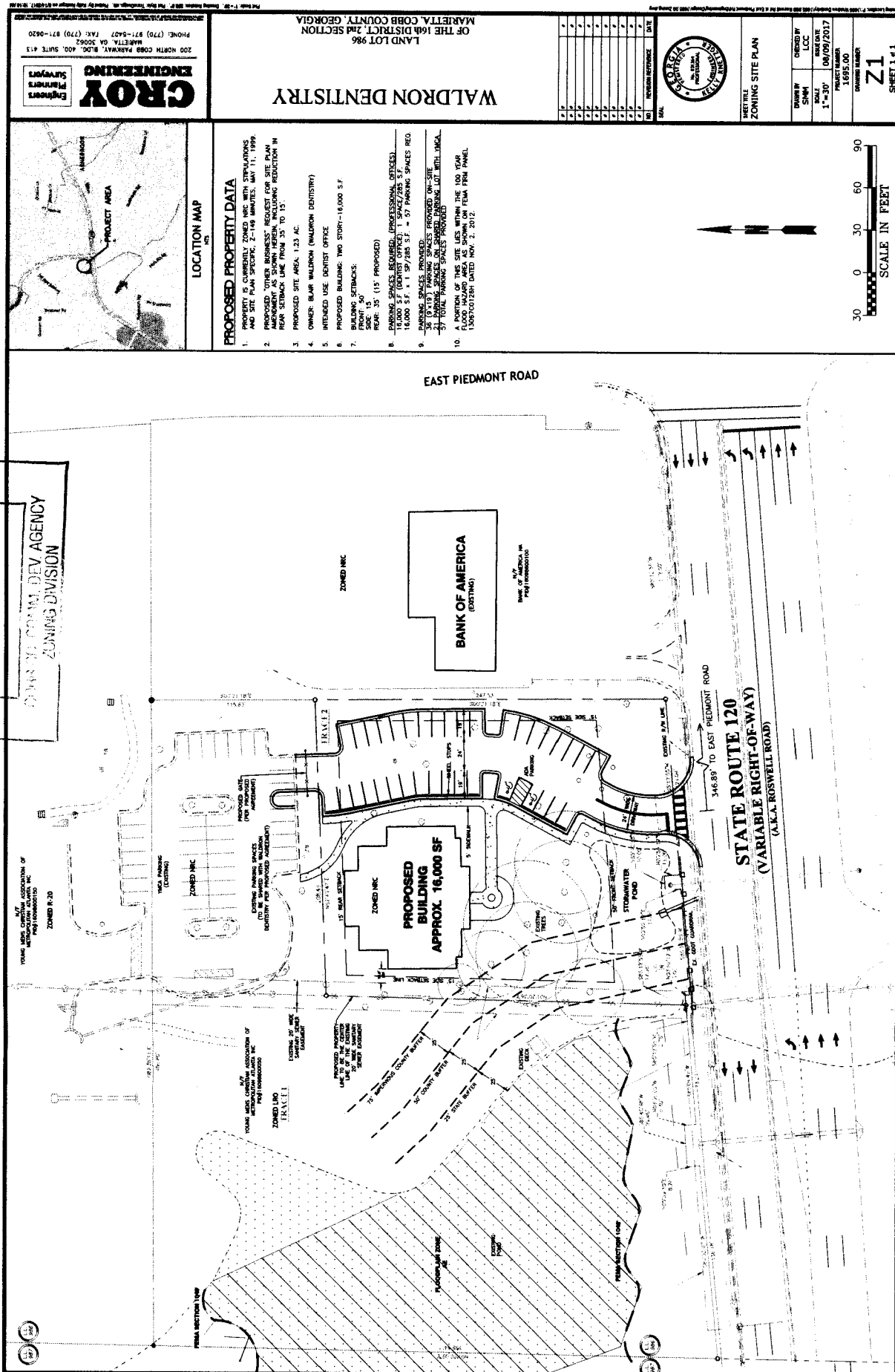


**SITE PLAN SUBMITTED FOR APPROVAL BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR “OTHER BUSINESS”
– SEPTEMBER 19, 2017**

OB-041-2017

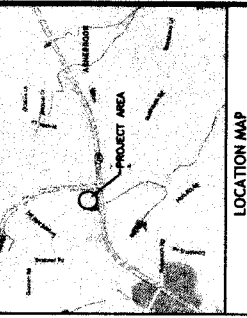
Proposed
Site Plan

RECEIVED
AUG 15 2017
CLARK COUNTY DEV AGENCY
ZONING DIVISION



WALDRON DENTISTRY
OF THE 16th DISTRICT, 2nd SECTION
MARIETTA COBB COUNTY, GEORGIA
LAND LOT 986

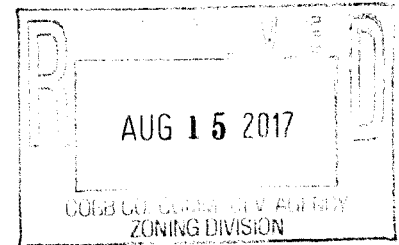
ENGINEERS
PLANNERS
SURVEYORS
GROY
ENGINEERING



- PROPOSED PROPERTY DATA**
1. PROPERTY IS CURRENTLY ZONED M-C WITH STIPULATIONS AND SITE PLAN SPECIFIC, 2-14-1987, MAY 11, 1999.
 2. PROPOSED ZONED BUSINESS REQUEST FOR SITE PLAN AND ZONING VARIATION REQUEST FOR VARIATION IN REAR SETBACK LINE FROM 35' TO 15'.
 3. PROPOSED SITE AREA, 1.23 AC.
 4. OWNER, BLAIR WALDRON (WALDRON DENTISTRY)
 5. INTENDED USE, DENTIST OFFICE
 6. PROPOSED BUILDING, TWO STORY-16,000 S.F.
 7. BUILDING SETBACKS:
FRONT: 50'
REAR: 35' (15' PROPOSED)
 8. PARKING SPACES REQUIRED (PROFESSIONAL OFFICES):
16,000 S.F. (DENTIST OFFICE), 1 SPACE/285 S.F.
16,000 S.F. x 1.97/285 S.F. = 57 PARKING SPACES REQ.
 9. PARKING SPACES PROVIDED:
31 PARKING SPACES ON SHELTERED PARKING LOT WITH MCA.
57 TOTAL PARKING SPACES PROVIDED
 10. A PORTION OF THIS SITE LIES WITHIN THE 100 YEAR FLOOD PLAIN ZONE. THE PROPOSED BUILDING AND PARKING LOT ARE NOT WITHIN THE 100 YEAR FLOOD PLAIN ZONE. DATED NOV. 2, 2012.

ZONING SITE PLAN	
DRAWN BY	SHM
CHECKED BY	LCC
DATE	08/09/2017
SCALE	1"=30'
PROJECT NO.	OB-041-2017
DATE	08/09/2017
1695.00	
DRAWING NUMBER	Z1
SHEET 1 OF 1	

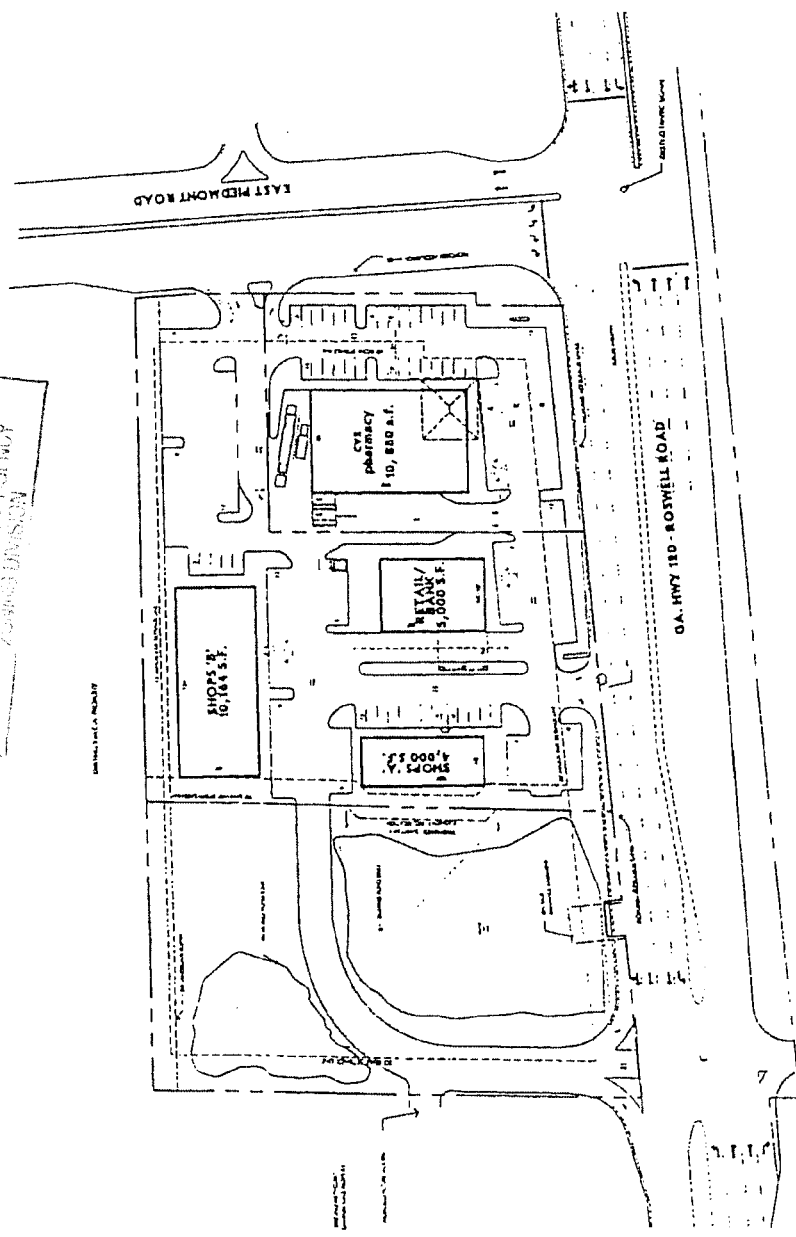
EXHIBIT "1"



**REVISED SITE PLAN APPROVED BY
BOARD OF COMMISSIONERS PURSUANT
TO "OTHER BUSINESS" ITEM
– APRIL 20, 2000**

OZELL
ST US
ASSESSMENTS
ARCHITECTS

AUG 15 2017
JENNIFER L. MCNEIL
ZONING DIVISION



SITE DATA	
ACREAGE	1.17 AC
LOT AREA	50,760 S.F.
DEVELOPABLE	17,400 S.F.
DEVELOPABLE	17,400 S.F.
BUILDINGS	17,400 S.F.
STAIR	5,000 S.F.
CYCLING	4,000 S.F.
PARKING	1,101,810 S.F.
STAIR	5,000 S.F.
CYCLING	4,000 S.F.
PARKING	1,101,810 S.F.



SITE PLAN

Min. Bk. 14 Petition No. 2-149 of '98
Doc. Type Site plan

Meeting Date 4/20/2000
Other Business Item
#3

SP-20.

Note: This plan is different than plan in OB packet - use this plan per BOC & McDermott
Large plan in zoning file

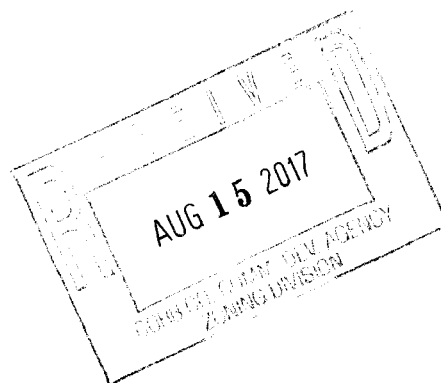
By: J. L. McNeil J. L. McNeil
For: J. L. McNeil J. L. McNeil
Title: City Engineer Title: City Engineer

PROJECT
PIEDMONT
VILLAGE
COMM. COUNTY, GEORGIA
PROJECT AREA

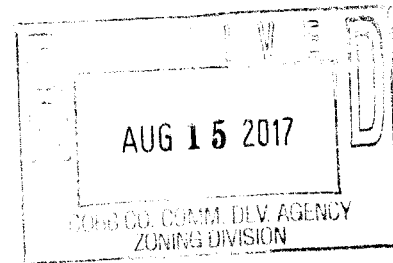
OWNER
PIEDMONT
CAPITAL
PROJECT AREA

DATE
4/20/2000

DATE
4/20/2000



**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
REZONING NO. Z-149 (1998)
– OCTOBER 20, 1998**

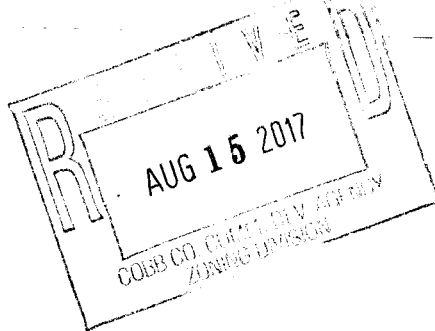
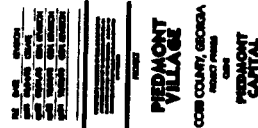
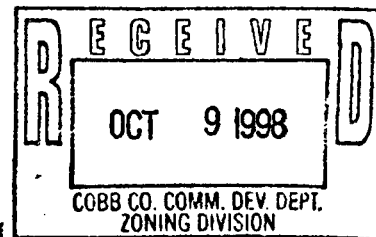
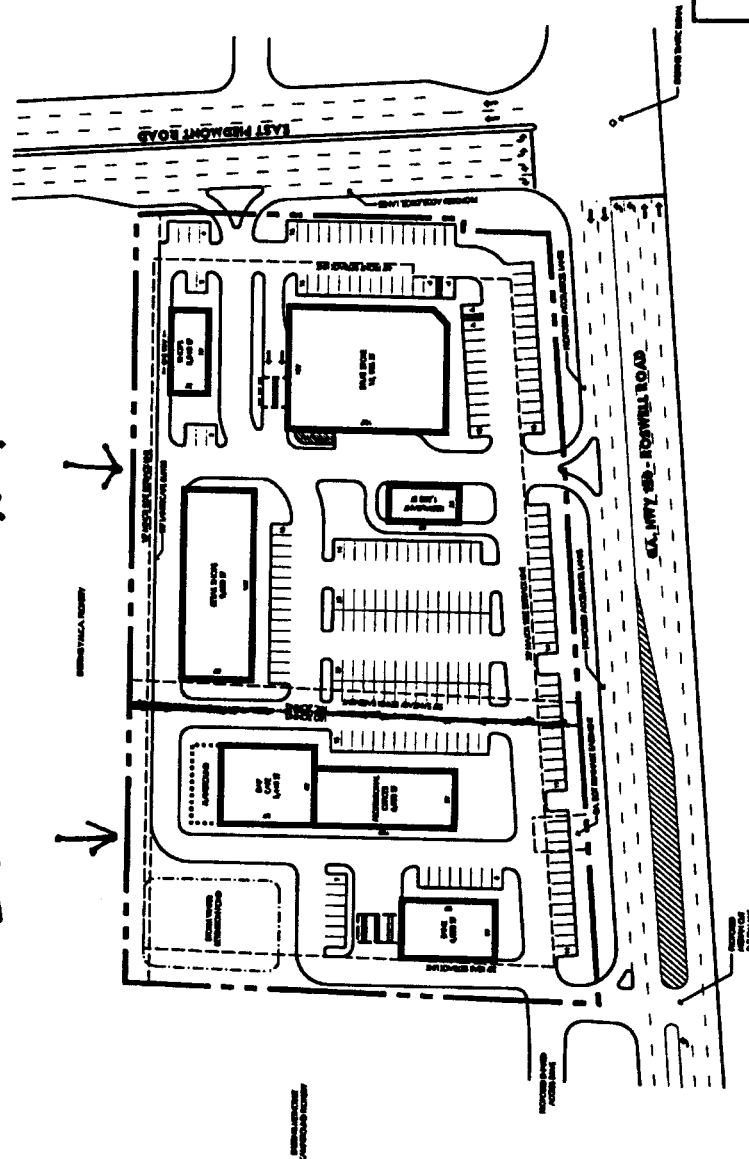


Z-149

PIEDMONT PARTNERS, L.P. (Dora Lee Moon Sheleny, Young Men's Christian Association of Georgia, owners) for Rezoning from **R-20** to **NRC** for a Retail Commercial Center in Land Lot 986 of the 16th District. 5.703 acres. Located on the north side of Roswell Road, west of East Piedmont Road. Mr. John Moore, Representative for Piedmont Partners, L.P., made a presentation on behalf of the applicant. Mr. Moore displayed a revised site plan amending the original rezoning request to NRC and LRO. Ms. Jane Hamilton, Ms. DeAnn Forten, Ms. Jerri Briner and Ms. Vicki Plunkett spoke in opposition. Following the presentations and extensive discussion, the Board of Commissioners approved Rezoning to the **NRC** and **LRO** zoning districts subject to: 1) all property *west* of the sewer easement (2.17 acres) as shown on site plan (last revised October 8, 1998) is rezoned **LRO** with pond/lake to be retained in its existing configuration, except that pond/lake can be enlarged if needed and used for detention purposes; 2) all property *east* of the sewer easement (3.54 acres) rezoned **NRC** with the total square footage of buildings not to exceed what is shown on site plan submitted (last revised October 8, 1998, reduced copy attached and made a part hereof); 3) twenty-five percent (25%) of the **NRC** property is to be retained as green space; 4) right-in right-out access located on Roswell Road is required to be redesigned to one of the following options: (a) moved westerly to prohibit left turn access (ingress/egress) to the development beyond the proposed median point; (b) extend the proposed median beyond the Roswell Road access point; or (c) eliminate the Roswell Road access entirely. Final design for ingress/egress from Roswell Road to be approved by D.O.T. staff; 5) all signage on the site to be approved by Plan Review Staff; 6) project subject to Stormwater Management Division comments and recommendations; 7) Water and Sewer comments and recommendations; 8) project subject to Cobb DOT comments and recommendations; 9) 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; 10) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements. Motion by Wysong, second by Byrne, carried 4-0-1, Cooper abstained due to his position on the Board of Directors for the YMCA.

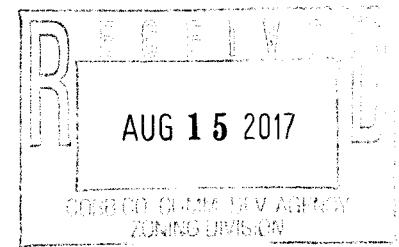
100b: Not sit to plan specific—
But there are stipulations
regarding prod'l' costs, square
footages of retail, etc. (See m-

2-149 of 198 - 50 plan defining central
zoning districts as stipulated
in doc zoning minuting 10/28/98
Karen King

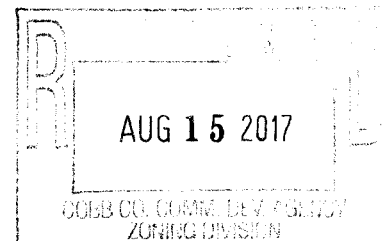
[illegible]

Sp-04

Large plan in Zone 7.6



**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS REGULAR
HEARING AS TO SETTLEMENT OF
LITIGATION - APPLICATION FOR
REZONING NO. Z-149 (1998)
– MAY 11, 1999**



11. PUBLIC HEARING – CONDUCT OF PUBLIC HEARING REGARDING SETTLEMENT OF LITIGATION PROPOSAL RELATIVE TO ZONING APPLICATION Z-149 OF OCTOBER 20, 1998 (PIEDMONT PARTNERS, L.P.), FOR PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF ROSWELL ROAD AND EAST PIEDMONT ROAD – COMMUNITY DEVELOPMENT:

The public hearing was opened regarding the proposed settlement of litigation relative to Zoning Application Z-149 of October 20, 1998, (Piedmont Partners, L.P.), for property in Land Lot 986 of the 16th District, Cobb County, located at the northwest intersection of Roswell Road and East Piedmont Road.

Mr. Mark Danneman, Zoning Administrator, presented pertinent information relative to the proposed settlement of litigation.

Chairman Byrne asked those persons wishing to address the Commission to come forward.

Ms. Susan Samuels and Mr. Mike Bueller, Engineer on the project, addressed the Board.

There being no further public comment, the public hearing was closed and the following motion was made:

MOTION: Motion by Olens to authorize acceptance of the proposed settlement of litigation relative to Zoning Application Z-149 of October 20, 1998, (Piedmont Partners, L.P.), for property in Land Lot 986 of the 16th District, Cobb County, located at the northwest intersection of Roswell Road and East Piedmont Road subject to the following:

- the March 19, 1999 site plan approved as submitted (reduced copy attached and made a part of these minutes, large plan on file in Zoning Division);
- a deed covenant stipulating that no buildings/structures will be constructed on the LRO portion of the subject property;
- all access points to be approved by Georgia Department of Transportation;
- no automobile, convenience store, car wash and/or gas station uses on site;
- the letters (2) dated March 19, 1999 and May 11, 1999 from attorney John Moore (copies attached and made a part of these minutes).

VOTE ADOPTED unanimously

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

AUG 15 2017

March 19, 1999

WRITER'S DIRECT DIAL NUMBER

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

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community
Development Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Frank E. Jenkins, III, Esq.
Jenkins & Nelson, P.C.
Attorneys at Law
15 South Public Square
Cartersville, Georgia 30120-3350

Hand Delivered

RE: Application for Rezoning

Application No.: Z-149 (1998)

Applicant: Piedmont Partners, L.P.,
A Texas Limited Partnership

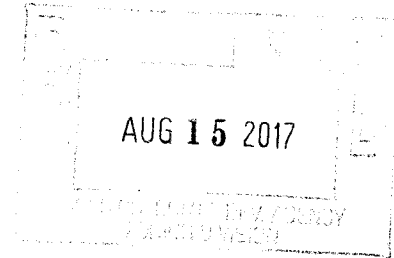
Owners: Dora Lee Moon Sheleny;
Young Men's Christian
Association of Cobb County,
Georgia, Inc., a Georgia
not-for-profit corporation,
and North Georgia United
Methodist Foundation, Inc.

Property: 5.71 acres located at the
northwest intersection of
Roswell Road and East Piedmont
Road Extension, Land Lot 986,
16th District, 2nd Section
Cobb County, Georgia

AND

MOORE INGRAM JOHNSON & STEELE

Page Two
March 19, 1999



Young Men's Christian Association of Cobb County,
Georgia, Inc., a Georgia Not-for-Profit Corpora-
tion; North Georgia United Methodist Foundation,
Inc.; Dora Lee Moon Sheleny; and Piedmont
Partners, L.P., A Texas Limited Partnership,
v. Cobb County, Georgia; et al.
Civil Action, File Number: 98-1-09372-33
Superior Court of Cobb County

Dear Mark and Frank:

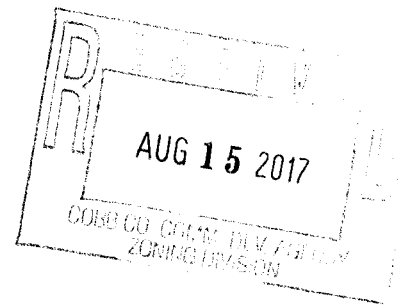
As you know, the undersigned and this firm represent Piedmont Partners, L.P. (hereinafter sometimes referred to as "Applicant"), and Doris Lee Moon Sheleny; Young Men's Christian Association of Cobb County, Georgia, Inc., a Georgia not-for-profit corporation; and North Georgia United Methodist Foundation, Inc., the Property Owners (hereinafter sometimes collectively referred to as "Owners") (Applicant and Owners hereinafter sometimes collectively referred to as "Plaintiffs"), in their Application for Rezoning and the subsequent zoning appeal with regard to the real property located in Land Lot 985, 16th District, 2nd Section, Cobb County, Georgia. The referenced zoning appeal arose as a result of the decision by the Board of Commissioners rendered on October 2, 1998, to rezone the subject property to the Neighborhood Retail Commercial ("NRC") and the Low-Rise Office ("LRC") zoning categories, being Application No. Z-149 (1998).

The settlement, as proposed in this letter, the stipulations contained herein, and the accompanying site plan, result from settlement conferences among Applicant, Applicant's engineers, and Cobb County in an effort by all parties to resolve the issues presented without the necessity of further litigation.

The Plaintiffs agree to the following stipulations and conditions, subject to approval of the zoning plan submitted herewith, which, if approved, as submitted, shall be in complete settlement of the pending zoning appeal and shall be binding upon the subject property. This letter of agreed stipulations and conditions shall supersede and replace in full any and all other letters of

MOORE INGRAM JOHNSON & STEELE

Page Three
March 19, 1999



RM
5-11-9
5011

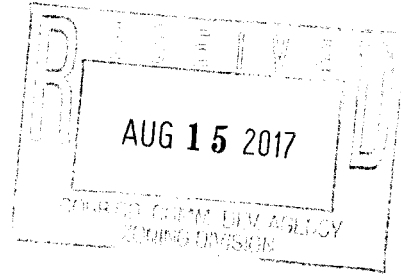
agreeable stipulations and conditions not specifically enumerated herein. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the subject property.
- (2) Rezoning of the subject property will be from the R-20 zoning category to the Neighborhood Retail Commercial ("NRC") and Low-Rise Office ("LRO") zoning categories pursuant and specific to that certain site plan prepared for Piedmont Capital by Post Buckley Schuh & Jernigan, Inc. dated March 19, 1999, with regard to the total acreage of 5.71 acres.
- (3) The rezoning of the referenced property to the NRC and LRO categories shall be as follows:
 - (a) That portion of the subject property to be zoned to the NRC category shall contain approximately 3.54 acres located directly at the intersection of East Piedmont Road and Roswell Road; said portion of the subject property being further delineated as that portion commencing at East Piedmont Road and moving westerly along Roswell Road to the westerly side of the sanitary sewer easement traversing the subject property;
 - (b) That portion of the subject property to be zoned to the LRO category shall contain approximately 2.17 acres and is located immediately adjacent to and westerly of the NRC portion; and
 - (c) All as shown and reflected on the referenced site plan.
- (4) Development of the NRC portion of the subject property shall be limited to a maximum of 30,000 square feet of retail space.

MOORE INGRAM JOHNSON & STEELE

Page Four

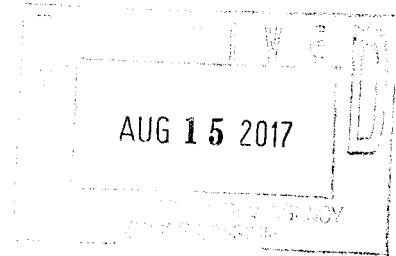
March 19, 1999



- (5) There shall be no buildings constructed or allowed within the LRO portion of the proposed development; however, ground based, monument style signage shall be permitted benefitting the NRC portion of the development.
- (6) All structures to be constructed within the proposed development shall have brick and dryvit exteriors with brick as the predominant feature.
- (7) There shall be a landscaped area along the frontages of Roswell Road and East Piedmont Road ten (10) feet in width.
- (8) There shall be landscaped islands contained within the parking area as shown and described on the referenced site plan.
- (9) All landscaping within the proposed development shall be approved by staff during the plan review process.
- (10) All grassed areas within the NRC portion of the development must be sodded.
- (11) Entrance signage for the proposed development shall be ground based, monument style signage, and shall be mounted on a brick base which matches the brick on the structures of the proposed development.
- (12) Environmentally sensitive, shoe-box type, recessed lighting shall be utilized.
- (13) Applicant agrees to comply with all Cobb County Stormwater Management requirements.
- (14) All pond work and access road construction (graded aggregate base only) in the LRO area shall be done prior to the issuance of building permits for buildings to be constructed on the NRC portion of the subject property. Once this work has been completed, the same shall be inspected by Mr. William J. Higgins, P.E., Division

MOORE INGRAM JOHNSON & STEELE

Page Five
March 19, 1999



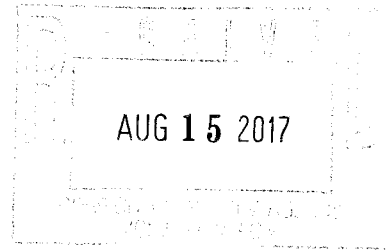
Manager, Cobb County Water System, Stormwater Management Division, and approved by him prior to building permits being issued.

- (15) The stormwater provisions with regard to the subject pond and proposed development are as follows:
- (a) Construction of the first flush pond with outlet control containing a pollution retardant basin with balance of pond to be used for detention;
 - (b) An outlet flow control pipe shall be installed for existing, stormwater management facility;
 - (c) All existing vegetation around the pond shall remain except as removed to comply with site plan requirements;
 - (d) Upper and lower ponds shall be densely vegetated with aquatic vegetation, and all efforts will be made to save existing white oaks located north of the upper pond; and
 - (e) Both ponds shall be fenced with black chain link fencing six (6) feet in height.
- (16) Work with regard to the ponds shall be accomplished in the following order:
- (a) The existing pond pool level shall be lowered;
 - (b) The existing pond mucked out at the proposed road crossing;
 - (c) Construction of the road and outlet control structures;
 - (d) Install plantings on vegetated littoral shelf or shelves simultaneously with road construction; and

MOORE INGRAM JOHNSON & STEELE

Page Six

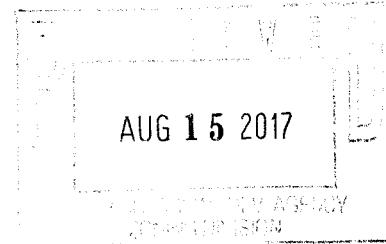
March 19, 1999



- (e) Install stormwater infrastructure.
- (17) A maintenance agreement shall be prepared by Applicant as to both ponds and filed prior to obtaining building permits, which agreement shall include plant replacement within the first two (2) years as determined by the Cobb County arborist and shall contain a continuing covenant running with the subject property concerning all maintenance issues of vegetation in and surrounding the ponds.
- (18) Applicant shall comply with the recommendations contained within that certain Hydrologic Study and Storm Water Management Plan for Piedmont Village prepared by Post Buckley Schuh & Jernigan, Inc. dated March 15, 1999, submitted herewith, excepting only to the extent modified by Cobb County Stormwater Management or any other governmental entity having jurisdiction thereof. This hydrology study contains as a part thereof the following:
 - (a) Ecology study;
 - (b) Wetlands plantings;
 - (c) Stormwater control; and
 - (d) Operations and maintenance manual.
- (19) All work involving state waters shall be subject to the Georgia Environmental Protection Division grant of variance for stream crossing and buffer.
- (20) No surface water from the proposed development shall flow directly into the lower pond without first going through stormwater structures or through vegetated swells, such swells not to handle flow greater than 15 percent.

MOORE INGRAM JOHNSON & STEELE

Page Seven
March 19, 1999



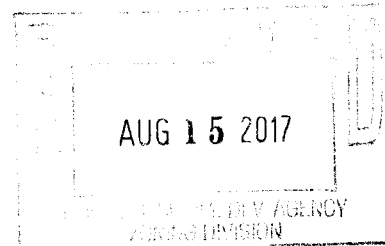
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5-11-99
9/15

- (21) Applicant agrees to the following system improvements to mitigate traffic concerns:
- (a) Donation of right-of-way on the westerly side of East Piedmont Road a maximum of fifty (50) feet from the existing roadway centerline;
 - (b) Construction along the property's frontage with East Piedmont Road of a right turn lane running the entire length of the frontage of the subject property with East Piedmont Road with the intersection of Roswell Road; provided, that the Georgia Department of Transportation grants approval therefor;
 - (c) Access to the proposed development off East Piedmont Road shall consist of a curb cut permitting right-in and right-out movements only as shown and reflected on the referenced site plan; and
 - (d) Access to the proposed development off Roswell Road and any required system improvements shall be as determined and required by the Georgia Department of Transportation.
- (22) Part of the planned access to the proposed development is provided by a proposed median break on Roswell Road into the LRO portion of the subject property as shown and reflected on the referenced site plan. The access across the LRO portion of the subject property into the NRC portion of the subject property shall be as shown and reflected on the referenced site plan.
- (23) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements.

MOORE INGRAM JOHNSON & STEELE

Page Eight

March 19, 1999



The proposal contained herein is submitted in settlement and compromise of the pending zoning appeal and shall not otherwise be used in any hearing or trial of said appeal. If the settlement, as proposed, is approved by the Board of Commissioners, Plaintiffs agree to dismiss, with prejudice, the pending litigation case and to pay their own legal expenses and litigation costs.

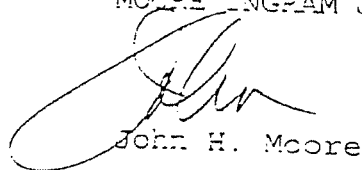
If the foregoing stipulations and the site plan submitted herewith are acceptable, we request the matter be placed on the Executive Session agenda before the Board of Commissioners to be heard on Tuesday, March 23, 1999, and subsequently on the Board of Commissioners agenda for hearing during its regular monthly meeting to be held on April 27, 1999, at 7:00 p.m. We would appreciate receiving confirmation of these dates at your earliest opportunity.

In conclusion, we believe 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 significant changes within the area, the impact of those changes upon existing residential developments and area properties and owners thereof surrounding the proposed development, and the roadway improvements of the roadways surrounding the subject property. Thank you for your consideration in this matter.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

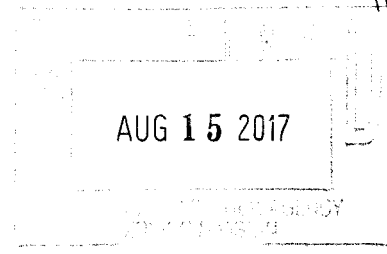
Enclosures

MOORE INGRAM JOHNSON & STEELE

Page Nine

March 19, 1999

RM
5/11/99
1107/K



c: Cobb County Board of Commissioners:
William J. Byrne, Chairman
George Woody Thompson, Jr.
Joe L. Thompson
Samuel S. Olens
(With Copy of Enclosure)

Mr. William J. Higgins, P.E.
Division Manager
Cobb County Water System
Stormwater Management Division
(With Copy of Enclosures)
(Hand Delivered)

SCALE: 1" = 100'

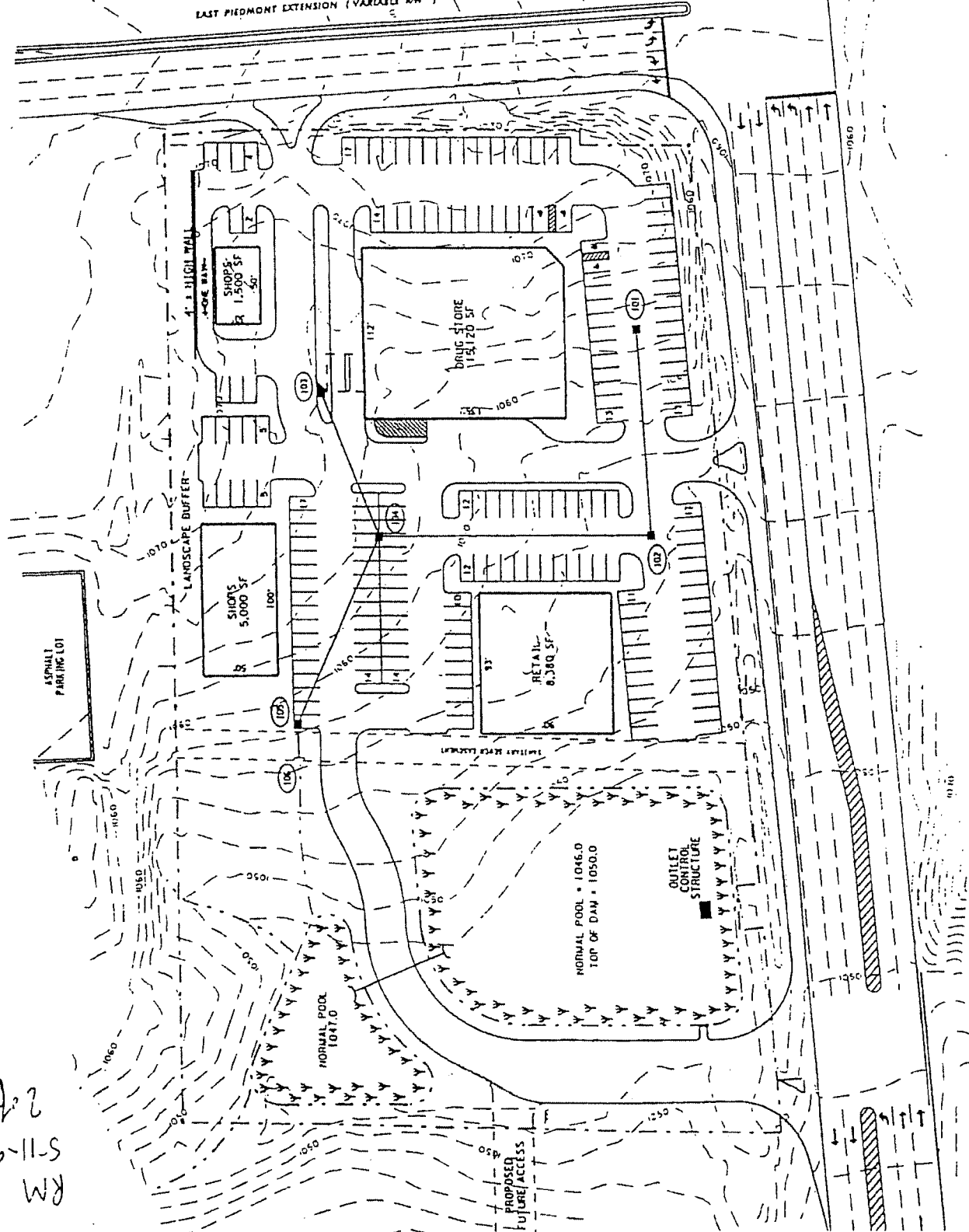
NORTH

AUG 15 2017

DATE OF SITE PLAN

STATE ROUTE 130
A.K.A. ROSWELL ROAD
(135' R/W)

EAST PIEDMONT EXTENSION (VARIABLE R/W)



PIEDMONT VILLAGE

REFERENCE MINUTE BOOK 76

SECTION 11 DATED 5/11/99 Reg. BAC CONCEPTUAL SITE PLAN

Reduced site plan as referenced in MARCH 19, 1999

Minutes relative to 2-149 of 10/20/98 Piedmont Properties

RM
S-11-94
2 of 15

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
W. TROY HART
JOSEPH H. AKERS
JEFFREY A. DAXE
MELISSA W. GILBERT
DEAN C. BUCCI
JOHN R. MCCOWN
JOYCE W. HARPER
THOMAS L. SCHAEFER
JONATHAN J. TUGGLE
TRACY K. DAVIS

* ALSO ADMITTED IN NC
** ALSO ADMITTED IN TN

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community
Development Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Frank E. Jenkins, III, Esq.
Jenkins & Nelson, P.C.
Attorneys at Law
15 South Public Square
Cartersville, Georgia 30120-3350

Telefax Transmission
To (770) 387-2395

RE: Application for Rezoning

Application No.: Z-149 (1998)

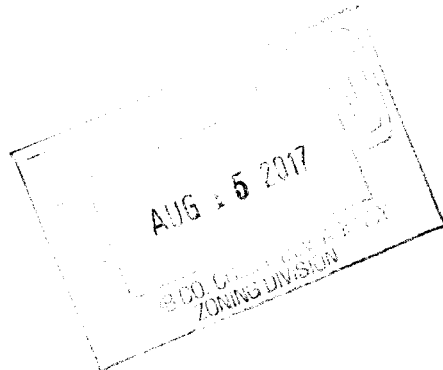
Applicant: Piedmont Partners, L.P.,
A Texas Limited Partnership

Owners: Dora Lee Moon Sheleny;
Young Men's Christian
Association of Cobb County,
Georgia, Inc., a Georgia
not-for-profit corporation,
and North Georgia United
Methodist Foundation, Inc.

Property: 5.71 acres located at the
northwest intersection of
Roswell Road and East Piedmont
Road Extension, Land Lot 936,
15th District, 2nd Section
Cobb County, Georgia

AND

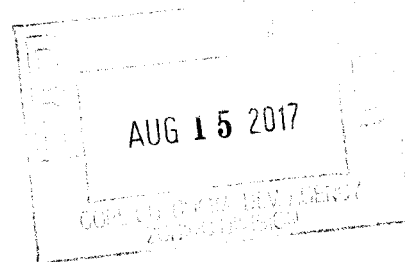
RM
5-11-99
12:15



Hand Delivered

MOORE INGRAM JOHNSON & STEELE

Page Two
May 11, 1999



Young Men's Christian Association of Cobb County,
Georgia, Inc., a Georgia Not-for-Profit Corpora-
tion; North Georgia United Methodist Foundation,
Inc.; Dora Lee Moon Sheleny; and Piedmont
Partners, L.P., A Texas Limited Partnership,
v. Cobb County, Georgia; et al.
Civil Action, File Number: 98-1-09372-33
Superior Court of Cobb County

Dear Mark and Frank:

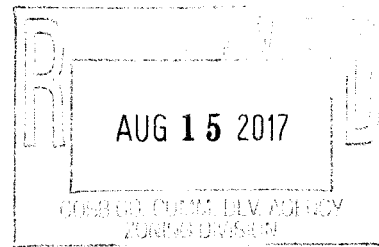
As you know, the undersigned and this firm represent Piedmont Partners, L.P. (hereinafter sometimes referred to as "Applicant"), and Doris Lee Moon Sheleny; Young Men's Christian Association of Cobb County, Georgia, Inc., a Georgia not-for-profit corporation; and North Georgia United Methodist Foundation, Inc., the Property Owners (hereinafter sometimes collectively referred to as "Owners") (Applicant and Owners hereinafter sometimes collectively referred to as "Plaintiffs"), in their Application for Rezoning and the subsequent zoning appeal with regard to the real property located in Land Lot 986, 16th District, 2nd Section, Cobb County, Georgia. The referenced zoning appeal arose as a result of the decision by the Board of Commissioners rendered on October 2, 1998, to rezone the subject property to the Neighborhood Retail Commercial ("NRC") and the Low-Rise Office ("LRO") zoning categories, being Application No. Z-149 (1998).

This correspondence is in supplementation to and not in lieu of that certain settlement stipulation letter dated March 19, 1999. As previously stated, the Plaintiffs agree to the following additional stipulations and conditions, subject to approval of the zoning plan submitted on March 19, 1999, which, if approved, as submitted, shall be in complete settlement of the pending zoning appeal and shall be binding upon the subject property. The referenced additional stipulations are as follows:

- (24) Prior to any construction on the subject property, Applicant agrees to conduct with Mr. William J. Higgins, P.E., Division Manager, Cobb County Water System,

MOORE INGRAM JOHNSON & STEELE

Page Three
May 11, 1999



Stormwater Management Division, a pre-construction conference to establish an inspection schedule by Mr. Higgins or his designee for any and all construction in connection with the existing pond.

- (25) Applicant agrees to locate the proposed median, full-access curb cut from Roswell road into the subject development as far westerly as possible, including location of such access either totally or partially upon the property of an adjacent property owner, if such owner is acceptable thereto.

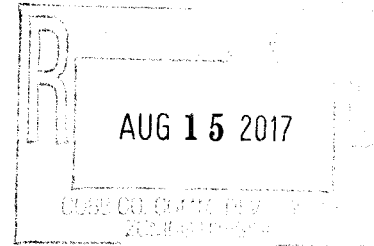
The additional stipulations proposal contained herein, as well as those submitted on or about March 19, 1999, are submitted in settlement and compromise of the pending zoning appeal and shall not otherwise be used in any hearing or trial of said appeal. If the settlement, as proposed, is approved by the Board of Commissioners, Plaintiffs agree to dismiss, with prejudice, the pending litigation case and to pay their own legal expenses and litigation costs.

If the foregoing stipulations together with those set forth in our settlement stipulation letter dated March 19, 1999, and the site plan submitted therewith are acceptable, we request the matter be during the Board of Commissioners' regular meeting to be held on May 11, 1999, at 9:00 a.m.

In conclusion, we believe that the requested zoning, pursuant to the referenced site plan and the stipulations contained in the March 19, 1999, settlement stipulation letter as well as those set forth herein, is an appropriate use of the subject property while taking into consideration the significant changes within the area, the impact of those changes upon existing residential developments and area properties and owners thereof surrounding the proposed development, and the roadway improvements of the roadways surrounding the subject property. Thank you for your consideration in this matter.

MOORE INGRAM JOHNSON & STEELE

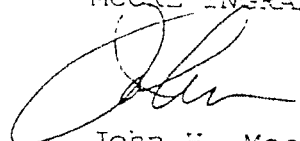
Page Four
May 11, 1999



With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

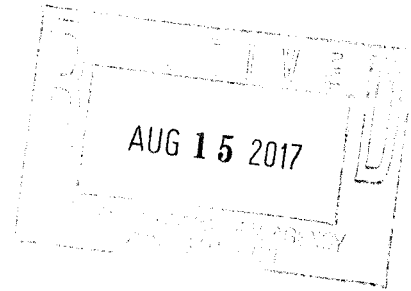


John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:
William J. Byrne, Chairman
George Woody Thompson, Jr.
Joe L. Thompson
Samuel S. Olens

Mr. William J. Higgins, P.E.
Division Manager
Cobb County Water System
Stormwater Management Division



**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO “OTHER BUSINESS”
ITEM FOR Z-149 (1998)
– APRIL 20, 2000**

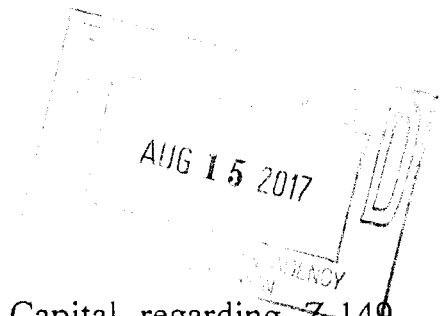
Cobb County Board of Commissioners' Zoning Hearing
April 20, 2000

OTHER BUSINESS AGENDA

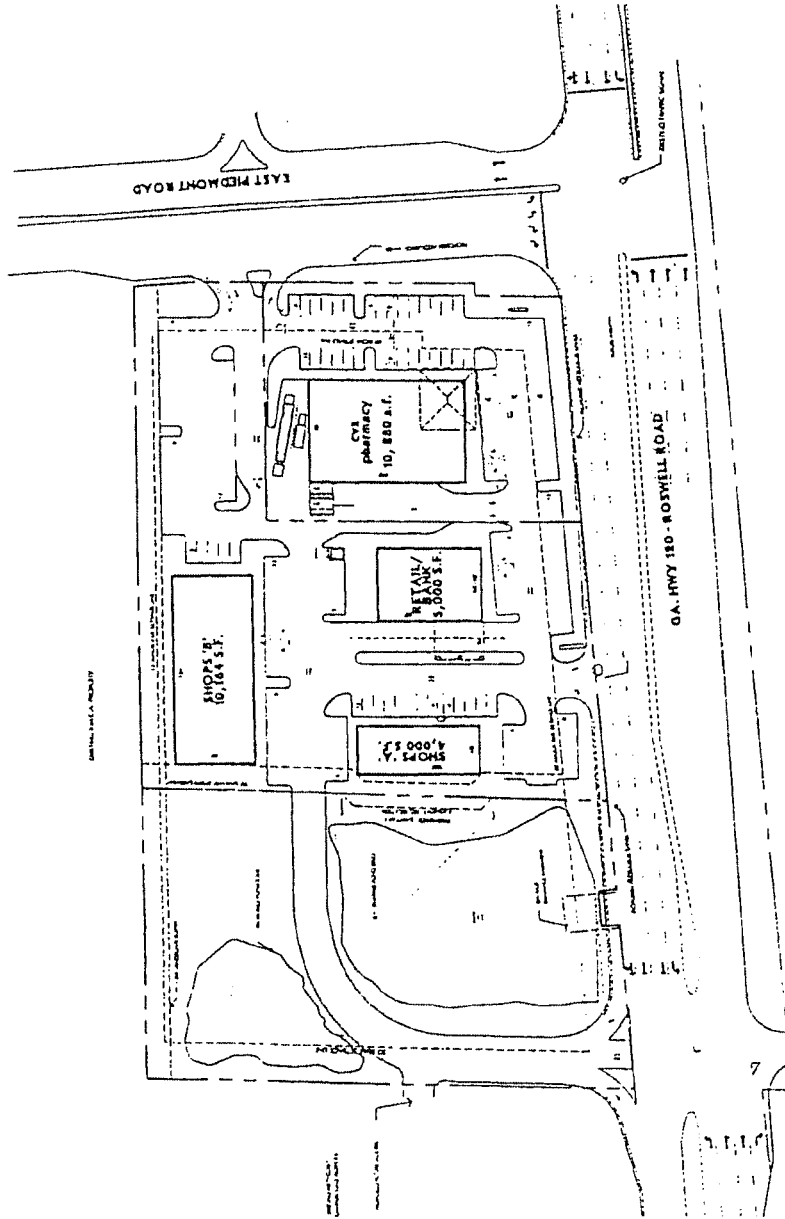
Other Business Item #3

To consider a Site Plan Amendment for Piedmont Capital regarding Z-149 (Piedmont Partners, L.P.) of October 20, 1998, for property located at the northwest intersection of Roswell Road and East Piedmont Road in Land Lot 986 of the 16th District.

Mr. Danneman, Zoning Division Manager, provided information regarding site plan amendment for Piedmont Capital to amend project layout and building locations. The Board of Commissioners **approved** site plan amendment for Piedmont Capital regarding Z-149 (Piedmont Partners, L.P.) of October 20, 1998, for property located at the northwest intersection of Roswell Road and East Piedmont Road in Land Lot 986 of the 16th District **subject to: 1) site plan submitted (reduced copy attached and made a part of these minutes); 2) no dry-cleaning use allowed on this site; 3) all other previously approved conditions/stipulations remain in effect.** Motion by Olens, carried 5-0.



OZELL
ST US
ASSESSMENT
ARCHITECT



SITE DATA	
ACREAGE	11.74
LOT 10-2	11.74
LOT 10-3	11.74
LOT 10-4	11.74
LOT 10-5	11.74
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LOT 10-97	11.74
LOT 10-98	11.74
LOT 10-99	11.74
LOT 10-100	11.74

AUG 15 2017

Min. Bk. 14
Petition No. 2-149 of '98
Doc. Type site plan

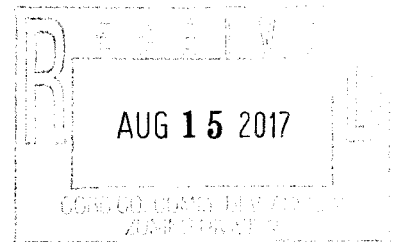


Min. Bk. 14
Petition No. 2-149 of '98
Doc. Type site plan

Meeting Date 4/11/2000
Other Business Item #3

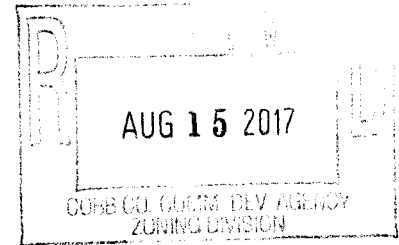
Sp-20.

Note: This plan is different than plan in OB packet - use this plan per BOC & McDonnan
Large plan in zoning file



**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO "OTHER BUSINESS"
ITEM FOR Z-149 (1998)
– DECEMBER 17, 2002
(BANK OF AMERICA SITE)**

**DECEMBER 17, 2002 ZONING HEARING
"OTHER BUSINESS"**



ITEM #4

PURPOSE

To consider a site plan and stipulations amendment for Bank of America, N.A. regarding Z-149 (Piedmont Partners, LP) of October 20, 1998, for property located at the northwest intersection of Roswell Road and East Piedmont Road in Land Lot 986 of the 16th District.

BACKGROUND

The subject property originally came in for rezoning as a request to NRC. The Board of Commissioners deleted the request to LRO and NRC. The applicant/property owners filed a lawsuit challenging the decision. On May 11, 1999, the Board of Commissioners approved a settlement of litigation, rezoning the property to LRO and NRC, subject to the March 19, 1999 site plan as submitted. The Board of Commissioners decision is attached. On April 20, 2000 the Board of Commissioners approved a site plan amendment. The Board of Commissioners decision and the amended site plan are attached. Earlier this year, the majority of the property within the original rezoning request was acquired by the YMCA. This 1.67 acre tract is all that remains from the original application. This site is zoned NRC, subject to the May 11, 1999 and April 20, 2000 stipulations. This request is to amend the approved site plan and stipulations to allow construction of a 4,800 square foot banking facility with four drive-thru windows. The proposed site plan is attached. The request letter is also attached.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider amending the site plan and stipulations as submitted, and if approved, all other previously approved conditions/stipulations should remain in effect. If approved, the State D.O.T must approve the proposed access location on Roswell Road.

ATTACHMENTS

Board of Commissioners Decision
Approved Site Plan
Proposed Site Plan
Request Letter

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

MAIN OFFICE
POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429 1499
TELECOPIER (770) 429 5631

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

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

AMY K. WEBER
BRYAN C. MAHAFFEY
COURTNEY H. MOORE
KIM A. BRANCHAM
BART W. REED
TARA C. RIDDLE
JOSHUA M. BOOTH***
JEREMY A. DANTIN
KELLI L. CROSS
C. LEE DAVIS
TANYA L. CROSSE***
ROBERT W. BROWN II
JASON L. FOSS

JAMES S. WIDENER
VICTOR P. VALMUS
JASON C. FISHER
NATHANIEL F. HANSEN***
JEFFERY L. DICKERSON

I ALSO ADMITTED N.Y.
I ALSO ADMITTED N.Y.
I ALSO ADMITTED N.Y.
I ADMITTED ONLY N.Y.
I ALSO ADMITTED N.Y.

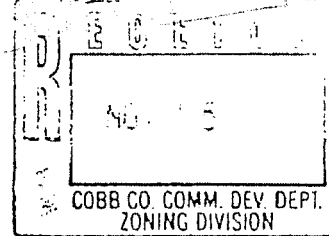
WRITER'S DIRECT
DIAL NUMBER

November 15, 2002

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

AUG 15 2017

Hand Delivered



RE: Application for Site Plan and Stipulation Amendments

Application No.: Z-149 (1998)

Current Applicant/

Developer: Bank of America, N.A.

Former Applicant: Piedmont Partners, L.P.

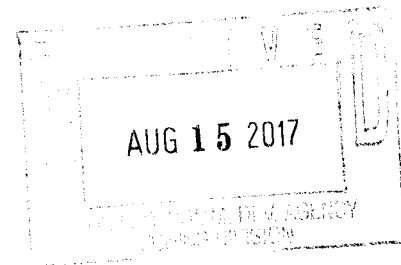
Property: 1.63 acres located at the
northwesterly intersection of
East Piedmont Road and Roswell
Road, Land Lot 986, 16th District,
2nd Section, Cobb County,
Georgia

Dear Mark:

The undersigned and this firm represent Bank of America, N.A. with respect to a 1.63 acre tract located at the northwesterly intersection of Roswell Road and East Piedmont Road in Land Lot 986, 16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). Initially, the Property was part of a larger tract under Application for Rezoning No. Z-149 (1998), which was rezoned through settlement by the Board of Commissioners at its Zoning Hearing held on May 11, 1999. During that hearing, the Property was rezoned to the Neighborhood Retail Commercial ("NRC") and Low Rise Office ("LRO")

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Two
November 15, 2002



zoning categories pursuant to the restrictions set forth in the official minutes.

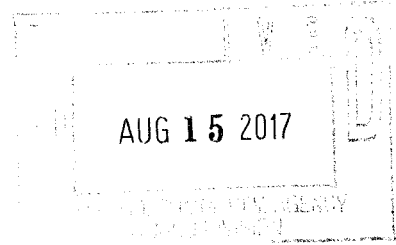
Bank of America, N.A. (hereinafter referred to as "Applicant") is now the Applicant for the Subject Property, being the 1.63 acre tract located at the northwesterly intersection of Roswell Road and East Piedmont Road. It should be noted the balance of the Subject Property under the original Application for Rezoning was donated to the YMCA by the former owner and, at this time, will not be developed as zoned under Application No. Z-149 (1998).

Applicant now submits this request for site plan and stipulation amendments. If the requested changes are approved, as submitted, it shall become an additional part of the grant of the final zoning and shall be binding upon the Property. The requested amendments are as follows:

- (1) Applicant requests an amendment to the site plan previously approved pursuant to that certain Site Plan dated September 10, 2002, prepared for Bank of America by Smallwood, Reynolds, Stewart, Stewart and Associates, Inc. submitted herewith.
- (2) Applicant further requests amendments to the stipulations previously approved for the entire tract which shall be applicable to the Subject Property as follows:
- (3) All structures to be constructed within the proposed development shall have brick and dryvit exteriors with brick as the predominant feature.
- (4) There shall be a landscaped area along the frontages of Roswell Road and East Piedmont Road ten (10) feet in width.

MOORE INGRAM JOHNSON & STEELE

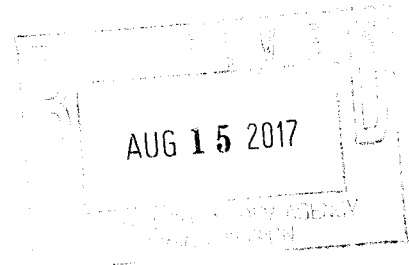
Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Three
November 15, 2002



- (5) There shall be landscaped islands contained within the parking area as shown and described on the referenced Site Plan.
- (6) All landscaping within the proposed development shall be approved by staff during the plan review process.
- (7) All grassed areas within the proposed development must be sodded.
- (8) Entrance signage for the proposed development shall be ground based, monument style signage, and shall be mounted on a brick base which matches the brick on the structure of the proposed development.
- (9) Environmentally sensitive, shoe-box type, recessed lighting shall be utilized.
- (10) Applicant agrees to comply with all Cobb County Stormwater Management requirements.
- (11) Applicant agrees to the following system improvements to mitigate traffic concerns:
 - (a) Donation of right-of-way on the westerly side of East Piedmont Road a maximum of fifty (50) feet from the existing roadway centerline;
 - (b) Construction along the property's frontage with East Piedmont Road of a right turn lane running the entire length of the frontage of the Subject Property with East Piedmont Road with the intersection of Roswell Road; provided, that the Georgia Department of Transportation grants approval therefor;

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Four
November 15, 2002



- (c) Access to the proposed development off East Piedmont Road shall consist of a curb cut permitting right-in and right-out movements only as shown and reflected on the referenced Site Plan; and
 - (d) Access to the proposed development off Roswell Road and any required system improvements shall be as determined and required by the Georgia Department of Transportation.
- (12) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements.

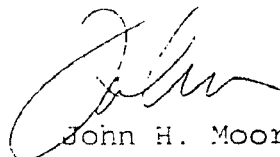
We respectfully request this application for site plan and stipulation amendments be placed on the Board of Commissioners' "Other Business Agenda" for the regularly scheduled Zoning Hearing on December 17, 2002.

We believe the rezoning granted to the Subject Property, pursuant to the Site Plan submitted herewith, is an appropriate use of the relevant tract and will be an enhancement not only to the Subject Property but to the community as a whole. Thank you for your consideration in this matter. We look forward to confirmation of the addition of this item to the upcoming Zoning Hearing agenda and receipt of the signs in order to meet the requisite posting date.

With kindest regards, I remain

Very truly yours,

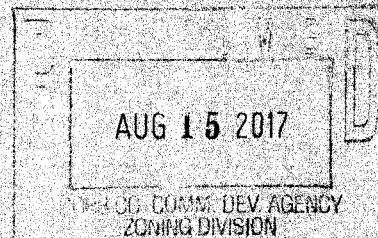
MOORE INGRAM JOHNSON & STEELE, LLP


John H. Moore

JHM:cc
Enclosures

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Five
November 15, 2002



c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
George Woody Thompson, Jr.
William L. Askea
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Bank of America, N.A.
(With Copy of Enclosure)

Y.M.C.A. SITE

SCHEME 1

AUG 15 2017

COBB CO CIVIL DIV DEPT.
ZONING DIVISION

POSSIBLE
TREE-SAVE

48" OAK

18" HICKORY

MAXIMUM BUILDING
AREA: 4,800 S.F.

ON-SITE WATER
RETENTION REQUIRED
SHOWN AS UNDERGROUND

POSSIBLE
TREE-SAVE

18" OAK

S 85° 09'47"W 189.62'

SITE AREA: 89,773 S.F.
(1.59 ACRES)
GREEN SPACE: 71,540 S.F.
(40% GREEN SPACE,
MAXIMUM SIZE OF BUILDING
4,800 S.F.)
SPACES: 50 (15 REQUIRED)
DRIVE-THROUGH PROGRAM:
LANE 1, DWR, RIGHT DROP
LANE 2, TUBE LANE
LANE 3, ATM LANE
LANE 4, ESCAPE LANE

SITE PLAN
SCALE: 1"=50'



Bank of America

EAST COBB, ATLANTA



STEWART STEWART AND ASSOCIATES INC. ARCHITECTS