

**NOVEMBER 21, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 4**

ITEM # 040

PURPOSE

To consider amending the site plan and stipulations for Pulte Home Company, LLC regarding rezoning applications Z-111 of 2001, Z-65 of 2003, Z-135 of 2005 and Z-31 of 2007, for property located at the northern terminus of Trumbul Oaks Court, the east side of Providence Club Drive, the southeasterly side of Providence Gate Lane, south of Veterans Memorial Highway in Land Lot 180 of the 18th District. *(Continued by staff from the September 19, 2017 and October 17, 2017 Board of Commissioners Zoning Hearings until the November 21, 2017 hearing)*

BACKGROUND

The subject property was rezoned to RM-8 in 2003 as part of a mixed use development originally consisting of over 100 acres. This Other Business item pertains to a 6.03 acre piece of the project near Veterans Memorial Highway, located at the front of the development. This portion of the development is currently approved for 134 stacked flat condominium units per the previously approved site plan and stipulations. The applicant wishes to amend the conditions on the property in order to build 45 townhouse style units. This equates to a reduction of density from 22.22 units per acre to 7.46 units per acre. There is a portion of a Civil War trench on the property that is being preserved pursuant to previous zoning stipulations, and is shown on the site plan. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Stormwater Management: Subject to Plan Review.

Water & Sewer Comments: Master water meter will not be required if units are individually-owned.

Historic Preservation: See attached.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Other Business Item #40 (2017)
Historic Preservation Comments

An archaeological survey completed in 2003 on the subject property indicates the presence of an approximately 190 foot long Civil War trench and two artillery emplacements, each measuring approximately 40 by 15 feet.

Per Other Business Item #5 from December 21, 2004, the following was stipulated:

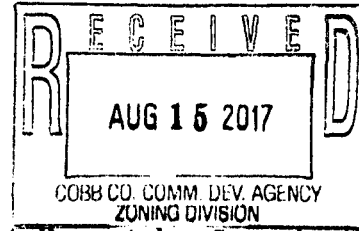
- *“preservation of at least half of the trench line and battery located near the entrance to the development*
- *contribution of \$15,000 to be used for historic purposes in the area of this development as determined by the Historic Preservation Commission*
- *installation of orange fencing during construction period around the area to be preserved, and installation of fencing and markers at the preservation area when development is completed”*

The mitigation money has been paid. The submitted site plan for OB #40 does reference the presence of the trench line, but does not indicate the presence of the artillery emplacements. Staff recommends the following to ensure the preservation of the site per the stipulations.

- A professional cultural resource firm should visit the site to assess what portion of the resources are in the best condition. This will help determine the best portions of the resources to be preserved and ensure the stipulated percentage of preservation is maintained.
- A 25-foot undisturbed buffer on all sides should be established around any preserved sections of the resources. All preserved areas and their buffers should be noted and labeled on all site plans.
- Remaining historic preservation stipulations to remain intact.

Application for "Other Business" Cobb County, Georgia

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



OB-040-2017

BOC Hearing Date Requested: September 19, 2017

Applicant: Pulte Home Company, LLC **Phone #:** See Representative.
(applicant's name printed)

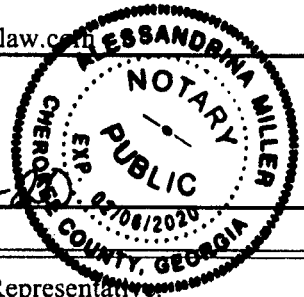
Address: See Representative. **E-Mail:** See Representative.

James A. Balli, Esq. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed)

[Signature] **Phone #:** 770.422.7016 **E-Mail:** jballi@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] **My commission expires:** 2-6-2020
Notary Public



Titleholder(s): Pulte Home Company, LLC **Phone #:** See Representative.
(property owner's name printed)

Address: See Representative. **E-Mail:** See Representative.

See attached Exhibit "A" for signatures.
(Property owner's signature)

Signed, sealed and delivered in presence of:

_____ **My commission expires:** _____
Notary Public

Commission District: District 4 **Zoning Case:** Z-111 of 2001, Z-65 of 2003, Z-135 of 2005
Z-31 of 2007, OB Item # 5 of 12-21-2004 and
OB Item #4 of 02-19-2008

Size of property in acres: 6.03 **Original Date of Hearing:** December 18, 2001

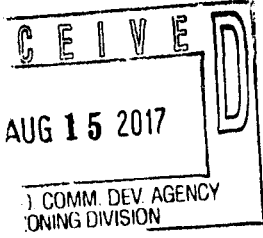
Location: East side of Providence Club Drive, south of Providence Gate Lane
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 180 **District(s):** 18

State specifically the need or reason(s) for Other Business: Approve a reduction and change
from 148 condominiums and a density of over 20 units per acre to fee-simple townhomes with
a density of approximately 7 units per acre with only 44 single-family homes.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS



Application No.: O.B. 40 (2017)
Hearing Date: 9-19-17

Applicant: Pulte Home Company, LLC
Titleholder: Pulte Home Company, LLC

Pulte Home Company, LLC

By: *Garen Smith*

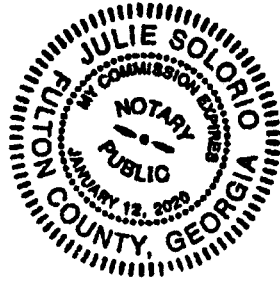
Title: DIVISION VP OF LAND ACQUISITION

Printed Name: GAREN SMITH

Date Executed: 8-15-17

Signed, sealed, and delivered in the presence of:

Julie Solario
Notary Public
Commission Expires: 1-12-20



SAMS, LARKIN, HUFF & BALLI, LLP

ATTORNEYS AT LAW

376 POWDER SPRINGS STREET

SUITE 100

MARIETTA, GA 30064-3448

JAMES A. W. BALLI

(Admitted in GA and AL)

JBALLI@SLHB-LAW.COM

TELEPHONE
(770) 422-7016

FACSIMILE
(770) 426-6583

WWW.SLHB-LAW.COM

August 30, 2017

VIA EMAIL AND REGULAR MAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
P. O. Box 649
Marietta, GA 30061

Re: Other Business Application of Pulte Home Company, LLC to change the RM-8 Conditional to RM-8 Conditional, Site Plan Specific with a new Site Plan, 6.03 Acre Tract on Providence Club Drive (Z-111 of 2001, Z-65 of 2003, Z-135 of 2005, Z-31 of 2007) Cobb County, Georgia ("Project Site").

Dear John:

As you know I represent Pulte with regard to the above-referenced Other Business application set for a hearing on September 19, 2017. On the initial filing I incorrectly listed the number of condominiums being 148 when the actual number approved is 134. All other calculations are correct and the site plan correctly identified the 134 condominiums being reduced to 44 townhomes. However, for the record I wanted to indicate that the correct number is not 148 but should be 134. I have also made that change in the notice letters that will be mailed no later than Friday, September 1, 2017.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP


James A. Balli
jballi@slhb-law.com

JAB/dvm

cc: Pulte Home Company, LLC

SAMS, LARKIN, HUFF & BALLI, LLP

ATTORNEYS AT LAW

376 POWDER SPRINGS STREET

SUITE 100

MARIETTA, GA 30064-3448

JAMES A. W. BALLI

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September 27, 2017

VIA EMAIL AND HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
Zoning Division
P. O. Box 649
Marietta, GA 30061

Re: Other Business Application of Pulte Home Company, LLC to change the RM-8 Conditional to RM-8 Conditional, Site Plan Specific with a new Site Plan, 6.03 Acre Tract on Providence Club Drive (Z-111 of 2001, Z-65 of 2003, Z-135 of 2005, Z-31 of 2007) Cobb County, Georgia (“Project Site”) (OB# 040).

Dear John:

As you know OB-40 is scheduled to be heard on October 17, 2017 by the Board of Commissioners. During the pendency of the Application it was discovered that alleged Confederate “forts” had not been shown on the original Site Plan of the neighborhood. Following that discovery, a new Site Plan was ordered.

I have enclosed the new Site Plan that shows 45 townhomes which will all have two-car garages and comply with the architectural standards already approved.¹ (See enclosed). Also, as you can see from this Site Plan, the Applicant is not even close to the permitted removal from the neighborhood of 50% of the now shown Confederate “forts.” For informational purposes only, at the public meeting on October 17, 2017 I will have examples of the colors and townhomes which are envisioned to be constructed in compliance with the architectural requirements. However, we are not changing the zoning conditions as they relate to architectural requirements already approved and will comply with same.

¹ The permitted zoning conditions require that the townhomes on this portion of the development to be “traditional or European in styling and architecture and shall consist of brick, stone stucco, hardi-plank, cedar shake or combinations thereof.”

SAMS, LARKIN, HUFF & BALLI, LLP
ATTORNEYS AT LAW

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Community Development Agency
September 27, 2017
Page 2

Please let me know if you have any questions or comments.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



James A. Balli
jballi@slhb-law.com

JAB/dvm
Enclosure

cc: Pulte Home Company, LLC
Commissioner Lisa Cupid
Dana Johnson, Director Community Development

Revised
Site Plan
received
7-22-6
J.P.P.

OWNER/DEVELOPER
Pulte Homes

2475 NORTHWOODS PARKWAY
SUITE 600
ALPHARETTA, GA 30009
PHONE: 770.703.1648

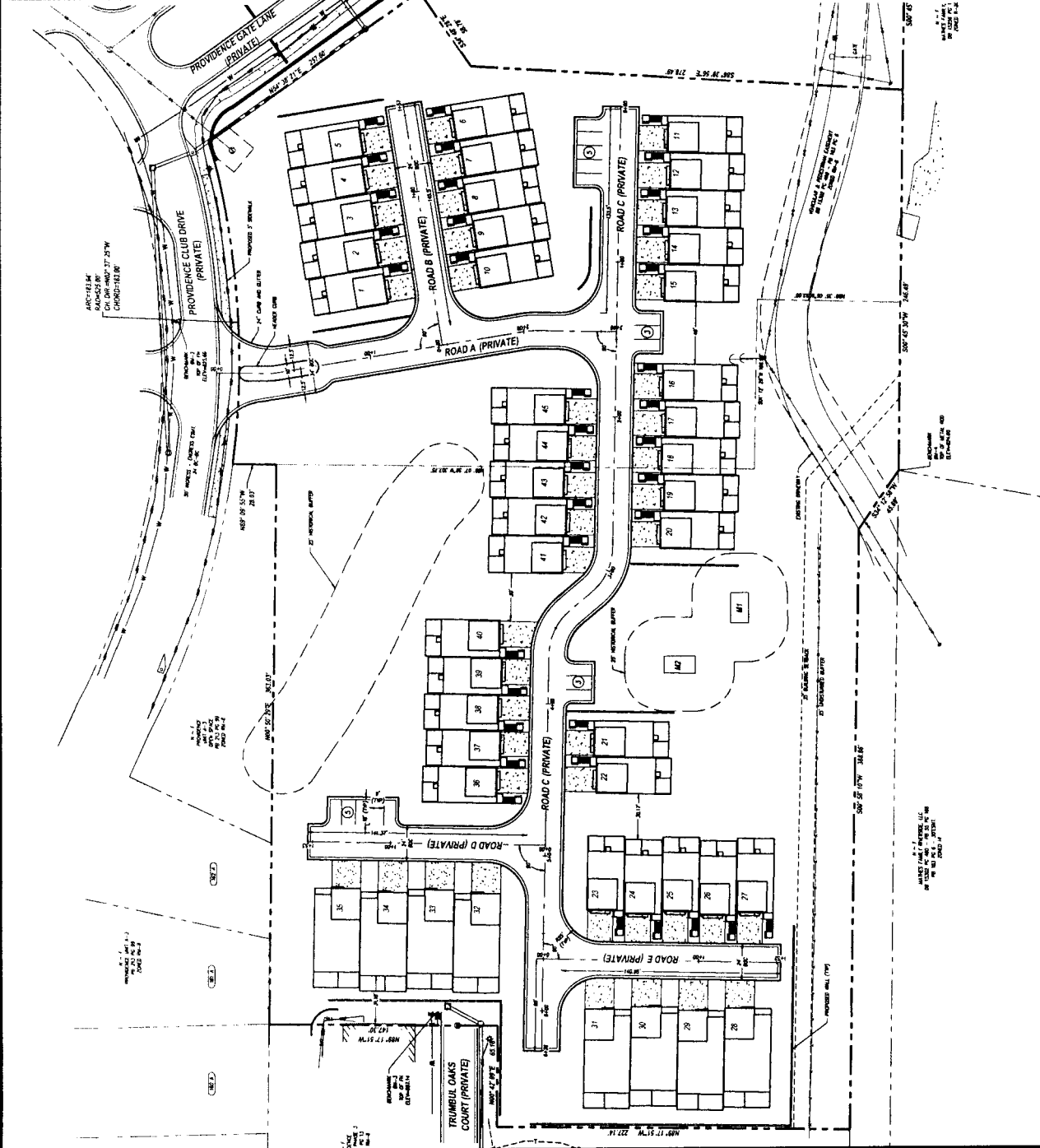
CONSTRUCTION PLANS
UNIT C1
LAND LOT 180
18TH DISTRICT
COBB COUNTY, GEORGIA

REVISIONS

No.	DESCRIPTION	DATE

ZONING ANALYSIS	
SITE PLAN	6.00 ACRES
TOTAL SITE AREA	42 ACRES
TOTAL LOT AREA	7.86 ACRES/195,000 SQ. FT.
TOTAL DENSITY	2.24 UNITS/ACRE / 1.03 x 42 A.C.
PERCENT IMPROVEMENT	25.4%
ZONING	RESIDENTIAL SINGLE-FAMILY
GENERAL ZONING	R-1.5
MASTER PLAN	676 UNITS / 116.38 ACRES = 5.79 UNITS PER ACRE
CONCEPT ZONING	134 UNITS / 43.0 ACRES = 3.11 UNITS PER ACRE
CONCEPT ZONING	508 UNITS / 116.38 ACRES = 4.37 UNITS PER ACRE
UNIT C1	42 UNITS / 6.00 ACRES = 7.00 UNITS PER ACRE
PLAN	2.24 UNITS PER ACRE
PERCENT IMPROVEMENT	25.4%
PERCENT IMPROVEMENT	25.4%

REVISION 1
ON 05/22/07
REVISION 2
ON 05/22/07
REVISION 3
ON 05/22/07



24 HOUR CONTACT:
BRAD EDWARDS
404.434.5424

GEORGIA 811
Utilities Protection Center, Inc.
Keep what's below.
Call before you dig.

BEFORE ANY CONSTRUCTION OR DIGGING WORK, CALL 811 TO LOCATE UNDERGROUND UTILITIES. THE 811 SERVICE IS PROVIDED BY THE UTILITIES PROTECTION CENTER, INC. (GPC) FOR A FEE. THE 811 SERVICE IS PROVIDED BY THE UTILITIES PROTECTION CENTER, INC. (GPC) FOR A FEE. THE 811 SERVICE IS PROVIDED BY THE UTILITIES PROTECTION CENTER, INC. (GPC) FOR A FEE.

RIDGE PLANNING AND ENGINEERING

1705 NORTHERN AVENUE, SUITE 100
SMITHSPUR, GA 30088
PHONE: 770.998.9900
OFFICE: 770.998.9900

LAND PLAN
ZONING
LP9

DATE: 05/22/07
PROJECT NO.: 102-040-B
SHEET NO.: 1 OF 1

ORIGINAL DATE OF APPLICATION: 05-20-03APPLICANTS NAME: JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 09-16-03 ZONING HEARING:**

JOHN WIELAND HOMES AND NEIGHBORHOODS, INC. (Roger C. Bisher, Adeline Price Mathes and John Wieland Homes and Neighborhoods, Inc., owners) for Rezoning from **NRC, UVC, RM-8** and **HI** to **NRC, UVC** and **RM-8** for the purpose of a Mixed Use Development in Land Lots 166, 167, 179, 180, 181, 278, 279, 280, 289 and 290 of the 18th District. Located at the southeast intersection of Veterans Memorial Highway and Queen Mill Road.

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

MOTION: Motion by W. Thompson, second by Lee, to **approve** rezoning to the **NRC, UVC, and RM-8** zoning districts **subject to:**

- **maximum 5.89 units per acre**
- **site plan received in the Zoning Division on August 27, 2003, with the District Commissioner approving minor modifications to site layout (copy attached and made a part of these minutes)**
- **all previous stipulations (not in conflict with these stipulations), including Historic Preservation comments, from Z-111 of October 16, 2001 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated August 27, 2003, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **letter from Ms. Robin Meyer dated August 12, 2003, *not otherwise in conflict* (copy attached and made a part of these minutes)**
- **Historic Preservation staff to consult with the District Commissioner following Plan Review and prior to final approval of the site plan**
- **Level I Archeology Study to be performed *only* on the 10 acres added to the development as part of this rezoning request**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

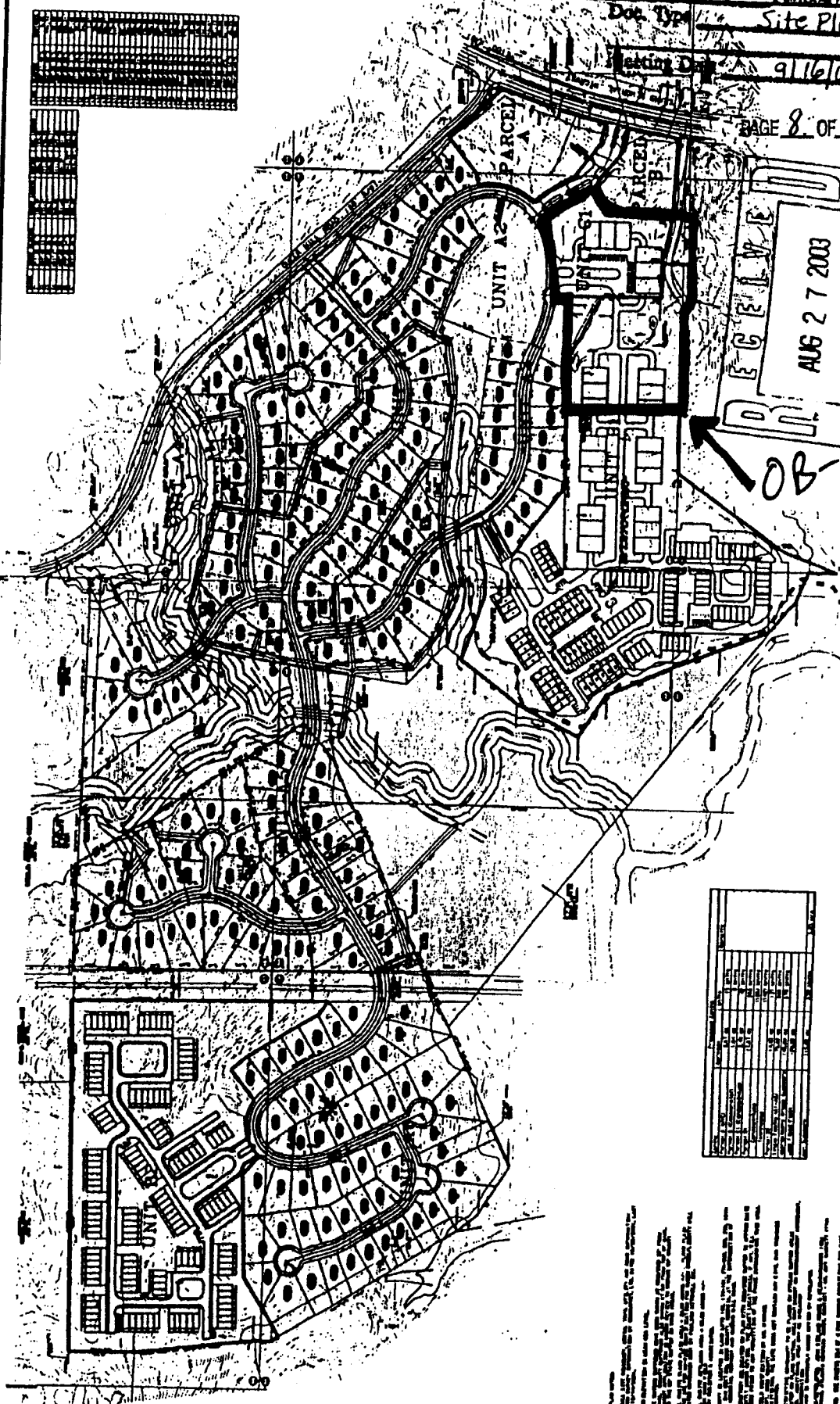
Meeting Date 9/16/03

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AUG 27 2003

CONH CO COMM DEV DEP
 ZONING DIVISION

OB-040-2017
 property



NO.	DESCRIPTION	AREA	PERCENT
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1. This plan is submitted for the purpose of...
 2. The applicant certifies that the information...
 3. The applicant certifies that the information...
 4. The applicant certifies that the information...
 5. The applicant certifies that the information...
 6. The applicant certifies that the information...
 7. The applicant certifies that the information...
 8. The applicant certifies that the information...
 9. The applicant certifies that the information...
 10. The applicant certifies that the information...

CONCEPTUAL MASTERPLAN

PROVIDENCE
 LOCATED IN LAND UNIT
 1500 DISTRICT, 344 FAYETTE
 COSS COUNTY, GEORGIA

CLIENT
 JOHN WILLIAMS HOMES AND NEIGHBORHOODS
 1705 SULLIVAN ROAD
 ATLANTA, GEORGIA 30337
 770-992-7000

DATE
 10/15/03

PROJECT
 1500 DISTRICT

TITLE
 CONCEPTUAL MASTERPLAN

SCALE
 AS SHOWN

DATE
 10/15/03

BY
 [Signature]

CHECKED BY
 [Signature]

APPROVED BY
 [Signature]

DATE
 10/15/03

PROJECT NO.
 [Number]

SHEET L-1



Cobb County Cemetery Preservation Commission Meeting of July 3, 2017

Minutes of the meeting of the Cobb County Cemetery Preservation Commission held on July 3, 2017 at the Cobb County Main Library in Marietta, GA.

There were present:

Cobb County Cemetery Preservation Commission

Helga Hong, Member
Mark Cearfoss, Member
Mike Jones, Member
David Blinkhorn, Member

The meeting was called to order at 6:01 p.m.

Approval of Minutes

Meeting minutes from June 5, 2017 were approved.

Standing Committees

Zonings: None

Variance: None

Site Plan Review: None

Annexations: None

De-annexations: None

Old Business

- Called to follow up with County Attorney concerning the cemetery standards. Still have not received any update.

New Business

- **Jonesville Cemetery - D17 LL499**, Received adoption paperwork from Sgt. Angela Countryman.
- **Collins-Loyd Cemetery – D17 LL965**, Received adoption paperwork from The River Line Historic Area organization. New Adopt-a-Cemetery signs have been requested.

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 I
 ROBERT D. INGRAM I
 J. BRIAN O'NEIL
 G. PHILLIP BEGGS
 ELDON L. BASHAM
 MATTHEW J. HOWARD
 JERE C. SMITH
 CLAYTON O. CARMACK
 KEVIN B. CARLOCK I
 ALEXANDER T. GALLOWAY III I
 J. KEVIN MOORE
 RODNEY R. MCCOLLOCH

SUSAN S. STUART
 DANIEL A. LANDIS I
 BRIAN D. SMITH
 HARRY R. TEAR III
 W. TROY HART
 JEFFREY A. DAXE
 MELISSA W. GILBERT
 TIMOTHY W. BAILEY
 JOYCE W. HARPER
 PATRICK D. DODSON I I
 JONATHAN H. PETCU
 AMY K. WEBER
 COURTNEY H. MOORE
 KIM A. ROPER

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

TARA C. RIDDLE
 JOSHUA M. BOOTH I I
 KELLI L. CROSS
 C. LEE DAVIS
 TANYA L. CROSSE I I
 ROBERT W. BROWN II
 JASON L. FOSS
 VICTOR P. VALMUS
 JEFFERY L. DICKERSON
 T. SHANE MAYES
 DALLAS R. IVEY
 SUZY A. LIFE
 F. MICHAEL VISCUSE I I
 DANIEL J. LEVY I I I

ALLISON B. FAUST
 ANGELA H. SMITH
 OF COUNSEL
 MICHELLE S. DAVENPORT
 JOHN L. SKELTON, JR.
 TIMOTHY A. HICKEY, JR.

I ALSO ADMITTED IN TN
 I ALSO ADMITTED IN NC
 I ALSO ADMITTED IN SC
 I ADMITTED ONLY IN TN
 I ALSO ADMITTED IN IL

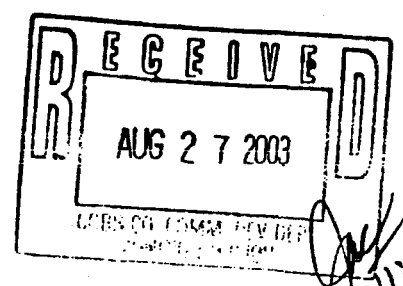
WRITER'S DIRECT DIAL NUMBER

August 27, 2003

FILE NO. 24 Petition No. Z-65
 Doc. Type Letter of agreeable
Stipulations
 Meeting Date 9/16/03

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

Hand Delivered



RE: Application for Rezoning
 Application No.: Z-65 (2003)
 Applicant: John Wieland Homes and Neighborhoods, Inc.
 Owner: John Wieland Homes and Neighborhoods, Inc.; the Estate of Roger C. Bisher; and Adeline Price Mathes
 Property: 145± acres located southeast of the intersection of Queens Mill Road and Veterans Memorial Highway, Land Lots 166, 178, 179, 180, 181, 278, 279, 280, 289, and 290, 18th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent John Wieland Homes and Neighborhoods, Inc., the Applicant and one of the Property Owners (hereinafter referred to as "Applicant"), and the Estate of Roger C. Bisher and Adeline Price Mathes, the remaining Property Owners (together with Applicant hereinafter collectively

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Two
August 27, 2003

Permit No. Z-65
Meeting Date 9/16/03
Contract

referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 145± acres located southeast of the intersection of Queens Mill Road and Veterans Memorial Highway, in Land Lots 166, 178, 179 180, 181, 278, 279, 280, 289, and 290, 18th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meetings with planning and zoning staff and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

GENERAL STIPULATIONS APPLICABLE TO ALL CATEGORIES

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the Heavy Industrial ("HI"), RM-8, Urban Village Commercial, and Neighborhood Retail Commercial zoning categories to the RM-8, Urban Village Commercial ("UVC"), and Neighborhood Retail Commercial ("NRC") zoning categories with reference to that certain Conceptual Masterplan for John Wieland Homes and Neighborhoods, Inc. by Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) dated February 13, 2003, last revised August 27, 2003.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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August 27, 2003

SEARCHED _____
SERIALIZED _____
INDEXED _____
FILED _____
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9/16/03

- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Conceptual Masterplan hereinabove set forth, same being prepared by Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) dated February 13, 2003, last revised August 27, 2003, which is submitted contemporaneously herewith.
- (4) The Subject Property shall be developed for retail, retail/residential, condominiums, single-family attached residences, and single-family detached residences upon a total area of 145± acres.
- (5) There shall be a main entrance into the overall development which shall have a boulevard style entryway; and also an entrance on Queen's Mill.
- (6) Environmentally sensitive, shoe-box style lighting, themed to the architecture and styling of the residences and buildings to be constructed, shall be utilized throughout the proposed community. Every effort shall be made to make all lighting as unobtrusive as possible on the site.
- (7) There shall be a community amenity area consisting of the following:
 - (a) Swimming pool;
 - (b) Tennis courts; and
 - (c) Clubhouse.

The amenity area shall be available for use by all residents within the proposed community.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Four
August 27, 2003

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- (8) Applicant agrees to the recording and enforcement of a master Declaration of Covenants, Conditions, and Restrictions for the proposed community which will contain covenants, rules, and regulations applicable to the entire community.
- (9) Additionally, and in conjunction with the master Declaration of Covenants, Conditions, and Restrictions, Applicant agrees to the creation of a mandatory, master homeowners association which shall be responsible for the upkeep and maintenance of all common/open space areas, landscaped areas, amenity area, fences, lighting, and private streets within the proposed community.
- (10) All common/open space, recreational, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management.
- (11) Applicant agrees to a thirty-five (35) foot undisturbed buffer along the Subject Property adjacent to the property of Mr. Philip J. Gerry.
- (12) The required fifty (50) foot buffer between industrial and residential property shall be placed entirely upon the Subject Property with respect to adjoining property owned by MSC Industrial Direct Co., Inc. (hereinafter "MSC") in order to mitigate the impact of this proposed development on the property of MSC. This fifty foot buffer shall be in lieu of MSC's obligation to provide a fifty foot buffer in the future as against the Subject Property for any expansion of the MSC facilities. This stipulation shall be binding upon the Subject Property and for the benefit of the MSC property. The clear intent of this agreement regarding the required fifty foot buffer is to provide such buffer on the Subject

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Five
August 27, 2003

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Property so as to relieve MSC of any possible obligation to provide for the fifty foot buffer on the MSC property.

- (13) Applicant shall incorporate the fifty foot buffer as against the MSC property into the Declaration of Covenants and Restrictions that will be filed of record as part of the proposed development. The fifty foot buffer provision provided in the Declaration of Covenants and Restrictions will be enforceable not only by the future homeowners association, but will also run to the benefit of and be enforceable by MSC. The Declaration of Covenants and Restrictions shall also contain reference to the fact that the Subject Property lies adjacent to the property of MSC, which is industrial in use and character. In addition, all recorded subdivision plats for the Subject Property shall provide and reference the fifty foot buffer as against the MSC property.
- (14) Applicant, by this letter of agreeable stipulations and conditions, hereby agrees that it, and any of its corporate successors, will not oppose MSC's proposed expansion plans with respect to the MSC property.
- (15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (16) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners.
- (17) Applicant agrees with the following system improvements in order to mitigate traffic concerns:

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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August 27, 2003

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- (a) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards; and
 - (b) All streets within the proposed community shall be private but shall be constructed to Cobb County standards.
- (18) Minor modifications to the proposed development shall be approved by the District Commissioner, as needed or necessary.

PROPOSED UVC - RETAIL/RESIDENTIAL

- (1) Rezoning of a portion of the Subject Property shall be to the UVC zoning category with reference to that certain revised Conceptual Masterplan hereinabove set forth, same being prepared by Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) dated February 13, 2003, last revised August 27, 2003.
- (2) The "Retail/Residential UVC Tract" comprises approximately 2.67 acres fronting on Veterans Memorial Highway and Queens Mill Road. This portion of the proposed development shall be a mixed-use development of retail and residential in the village concept.
- (3) All buildings in this portion of the proposed development shall be a maximum of three (3) stories in height and contain on the first level retail/office space with condominium units above.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Seven
August 27, 2003

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- (4) The units within the Retail/Residential UVC Development shall contain the following:
 - (a) A minimum of 1,000 square feet of retail or office space; and
 - (b) A minimum of 1,100 square feet of residential condominium space, each with a rear-loading, two-car garage.
- (5) The buildings shall be constructed in traditional or European style architecture and shall be complementary to the Retail UVC development and the residential areas within the proposed community.
- (6) The exterior facades of the buildings shall consist of brick, stone, stucco, hardi-plank, cedar shake, or combinations thereof.
- (7) Signage for the proposed UVC Retail/Residential development shall be located at the entrance to the area. Said signage shall be ground based, monument style, shall consist of materials complementary to the proposed units, and shall list all tenants of the retail and commercial spaces.

PROPOSED RM-8 - CONDOMINIUMS

- (1) Rezoning of a portion of the Subject Property shall be to the RM-8 zoning category with reference to that certain revised Conceptual Masterplan hereinabove set forth, same being prepared by Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) dated February 13, 2003, last revised August 27, 2003,

Mr. John P. Pederson
Planner III
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- (2) The "Condominium Community" shall consist of a total of one hundred sixty-eight (168) condominium units.
- (3) Units within the Condominium Community shall have a minimum of 1,000 square feet, ranging upwards to 1,600 square feet and possibly greater.
- (4) The exterior facades of the buildings within the Condominium Community shall be traditional or European in styling and architecture and shall consist of brick, stone, stucco, hardi-plank, cedar shake, or combinations thereof.
- (5) Lighting within the Condominium Community shall be decorative and themed to the style and architecture of the buildings.
- (6) Units within the Condominium Community shall be "for sale" units only.
- (7) The front and side yards of all units shall be sodded.

PROPOSED RM-8 - SINGLE-FAMILY ATTACHED TOWNHOUSE RESIDENCES

- (1) Rezoning of a portion of the Subject Property shall be to the RM-8 zoning category pursuant, with reference to that certain revised Conceptual Masterplan hereinabove set forth, same being prepared by Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) dated February 13, 2003, last revised August 27, 2003.
- (2) The "Single-Family Attached Townhouse Community" shall consist of a total of two hundred eighty-four (284) units.

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- (3) Residences within the Single-Family Attached Townhouse Community shall have a minimum of 1,400 square feet, ranging upwards to 2,400 square feet and possibly greater. The units shall have single and double garages.
- (4) The exterior facades of the residences within the Single-Family Attached Townhouse Community shall be traditional or European in styling and architecture and shall consist of brick, stone, stucco, hardi-plank, cedar shake, or combinations thereof. These residences shall be compatible with all other components of the proposed community.
- (5) Lighting within the Single-Family Attached Townhouse Community shall be decorative and themed to the style and architecture of the units.
- (6) The front and side yards of all units shall be sodded.
- (7) These units may be "stacked" units as well as "townhouse" units.
- (8) These units may be attached or detached.

PROPOSED RM-8 - SINGLE-FAMILY DETACHED RESIDENCES

- (1) Rezoning of a portion of the Subject Property shall be to the RM-8 zoning category with reference to that certain revised Conceptual Masterplan hereinabove set forth, same being prepared by Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) dated February 13, 2003, last revised August 27, 2003.

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- (2) The "Single-Family Detached Community" shall consist of a total of two hundred eight (208) units.
- (3) Residences within the Single-Family Detached Community shall have a minimum of 1,700 square feet ranging upwards to 2,800 square feet and possibly greater.
- (4) The exterior facades of the residences within the Single-Family Detached Community shall be traditional or European in styling and architecture and shall consist of brick, stone, stucco, hardi-plank, cedar shake, or combinations thereof. These residences shall be compatible with all other components of the proposed community.
- (5) Lighting within the Single-Family Detached Community shall be decorative and themed to the style and architecture of the residences.
- (6) Setbacks for the Single-Family Detached Community shall be as follows:
 - (a) Front setback - Fifteen (15) feet;
 - (b) Side setback - Five (5) feet
(Fifteen (15) feet between buildings); and
 - (c) Rear setback - Twenty (20) feet.
- (7) The front and side yards of all residences shall be sodded.

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PROPOSED NEIGHBORHOOD RETAIL COMMERCIAL

- (1) Rezoning of a portion of the Subject Property shall be to the NRC zoning category pursuant, with reference to that certain revised Conceptual Masterplan hereinabove set forth, same being prepared by Post, Buckley, Schuh & Jernigan, Inc. (PBS&J) dated February 13, 2003, last revised August 27, 2003.
- (2) The portion of the Subject Property comprising the proposed NRC development shall consist of approximately 2.0 acres.
- (3) The structures to be constructed on the proposed NRC development shall be complementary in architecture and design to the overall development.

We believe the requested zoning, as shown and reflected in the referenced revised Conceptual Masterplan and as set forth in the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the properties and owners thereof surrounding the proposed development and will allow for the enhancement and utilization of the Subject Property in a manner suitable with the recent growth and changes of the surrounding area. The proposed community will be a premier development and a model for future developments within the Metropolitan Atlanta area. Additionally, it will be developed and maintained in the Wieland tradition of quality as displayed in its numerous developments within the area and throughout the south. Thank you for your consideration in this request.

MOORE INGRAM JOHNSON & STEELE

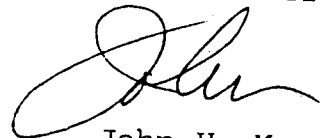
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With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Michael Paris
Christi S. Trombetti
(With Copy of Enclosure)

Mr. Philip J. Gerry
Queens Mill Road Resident
(With Copy of Enclosure)

Mr. Leon R. Moore
Queens Mill Road Resident
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

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Planner III
Zoning Division
Cobb County Community Development Agency
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File # _____
Date _____
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c: Mr. Jerry Shoemaker
Queens Mill Road Resident
(With Copy of Enclosure)

Ms. Robin Meyer
Queens Mill Road Resident
(With Copy of Enclosure)

John Wieland Homes and Neighborhoods, Inc.
(With Copy of Enclosure)

Robin Meyer
6375 Queen Mill Road
Mableton, Georgia 30126

5.8

August 12, 2003

Mr. Murray Homan, Chairman
Mr. Bob Hovey, Commissioner
Mr. Michael Paris, Commissioner
Ms. Christi Trombetti, Commissioner
Ms. Judy Williams, Commissioner
Cobb County Planning Commission
191 Lawrence Street
Marietta, Georgia 30060

RE: Z-65, Providence Mixed Use
Development in Mableton

NICKAJACK TRAIL

Dear Mr. Chairman and Commissioners:

I will be out of town on September 2 when the Planning Commission is expected to hear this case, so I am putting my comments in writing to you and the other Planning Commissioners. There are two issues about which I am concerned. I have spoken to Dan Fields, Vice President for John Wieland Homes and Neighborhoods, the developer of Providence, and he has indicated his agreement on both these points.

Sidewalks – Please require the developer to build sidewalks along the entire Queen Mill Road frontage of this development, as was stipulated by the Board of Commissioners when this development was zoned for residential and mixed use development in 2001 (Z-111, October 2001). At that time, the applicant stipulated in a letter from attorney John Moore, dated September 10, 2001 (relevant pages are Attachment A) that it would install “curb, gutter, and sidewalk along all roadway frontages of the proposed development.” These roadways are Veterans Memorial Parkway and Queen Mill Road. However, the site plan approved by the various county departments (including DOT) in February 2002, did not implement this stipulation. Instead, the site plan shows the sidewalk planned for Queen Mill Road ending about halfway down the Providence frontage on Queen Mill Road. At present, this is all the sidewalk that has been built. I have spoken to Mr. Fields, and he has assured me that they plan to build the remainder of the sidewalk along Queen Mill as called for in the 2001 zoning. However, I respectfully request that you re-affirm the requirement for sidewalk construction along the entire Queen Mill Road frontage of this development by making it a specific requirement of this zoning case and direct staff to implement it throughout the plan review process. As you know, hundreds of homes will be built along this road and, with the expected commercial development on Veterans Memorial Parkway, pedestrian traffic will increase. The magnitude of the Providence development supports this improvement to the public pedestrian infrastructure.

Public Trail System – Please require that the conservation easement affecting the floodplain along Queen Creek (also known as Little Nickajack Creek) be amended to allow the County to create and maintain a public walking trail. As shown on Attachment B, the Providence property

Z-65, Providence Development
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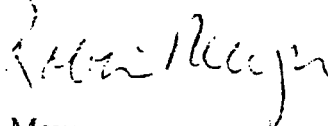
9/16/03

is bisected by Queen Creek. That floodplain has already been the subject of a conservation easement as part of the 2001 rezoning. The proposed Nickajack Creek Trail (shown on Attachment C and also known as the Nickajack Greenway) connects with the area covered by the Providence conservation easement. However, the current easement does not permit the county to build or maintain a trail through the property. In fact, it prohibits such action by the county. As I hope I have been able to show on the attached map (Attachment B), if access could eventually be gained through one other piece of property, residents all along Queen Mill Road could have access to the countywide system of trails (Attachment C). The remaining parcel changed hands recently, and, because it is now zoned R-20, it will likely come before you if it is to be developed. The County presently has a sewer easement along this creek through both parcels, so establishment of the trail extension along this property would not interfere with any other uses. I have spoken to Mr. Fields about this issue, including the need to amend the conservation easements, and he was in agreement and very supportive.

I appreciate your consideration of these two requests. The increased size and density of the Providence development makes both these infrastructure improvements even more urgent. Providence will truly change the Queen Mill area and we welcome these new neighbors. The sidewalks and trails that are the subject of this request will benefit both Providence and the neighborhood as the area becomes increasingly suburban and walking (rather than driving) becomes more a part of everyday life.

Again, I regret that I will miss the Zoning Commission hearing in September. If you need to reach me by phone, my number is 770/948-5394. Thank you for your consideration of these issues.

Sincerely,



Robin Meyer

cc: Chairman Sam Olens
Commissioner Woody Thompson
John Peterson, Zoning Division
David Jackson, Cobb DOT
Dan Fields, John Wieland Homes
John Moore, Esq.

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 16, 2001

Z-111

JOHN WIELAND HOMES AND NEIGHBORHOODS, INC. (Discovery Industrial Association, Inc., owner) for Rezoning from LI and HI to NRC, UVC and RM-8 for the purpose of Residential, Commercial and Office uses in Land Lots 166, 179, 180, 181, 278, 279, 280, 289 and 290 of the 18th District. Located at the southwest intersection of Veterans Memorial Highway and Queens Mill Road.

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

MOTION: Motion by W. Thompson, second by Byrne, to approve rezoning to the NRC, UVC and RM-8 zoning district subject to:

- letter of agreeable stipulations dated October 10, 2001 from Mr. John Moore (copy attached and made a part of these minutes)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- 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
- Historic Preservation comments and recommendations
- condominium units shall be provided covered parking
- single-family detached residential units shall have a two-car garage

VOTE: **ADOPTED** unanimously

Historic Preservation: According to the Cobb County Earthworks Map, a line of trenches traverse the property line. As indicated on the site plan, the developer has planned for the preservation of the trench by including this area into the Nature Park/Trails passive recreation area. The Cobb County Historic Preservation Commission requests that an interpretive sign be placed at the location of the trenches, explaining the significance of the trenches and their role in the Civil War battles. Prior to any land disturbance activity, orange protective fencing shall be placed 25 feet on each side of the trench line to ensure no disturbance occurs during construction. To further ensure preservation of the trenches, the path provided around the trenches and throughout the nature park area should be developed with no/limited intrusion to the soil, preferably foot stones and not a paved trail.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

Exhibit "A"

Z-65

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192 ANDERSON STREET

MARIETTA, GEORGIA 30060

TENNESSEE OFFICE

CEDAR RIDGE OFFICE PARK
SUITE 463

400 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923

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

Petition No. Z-65

Meeting Date 9/16/03

Continued

POST OFFICE BOX 333

MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499

TELECOPIER (770) 429-8631

WWW.MIJS.COM

October 10, 2001

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. MCWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK
ALEXANDER T. GALLOWAY III
J. KEVIN MOORE
SUSAN S. STUART
RODNEY R. MCCOLLOCH
DANIEL A. LANDIS
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART
JEFFREY A. DAZE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
DEAN C. SUCCI

JOYCE W. HARPER
THOMAS L. SCHAEFER
TRACY D. TEMPLETON
PATRICK D. OODSON
JONATHAN H. PETCU
AMY K. WOOD
BRYAN C. MAHAFFEY
CCOURTNEY H. MOORE
JIMMY D. HOLBROOK, JR.
KIM A. BRANGHAM
BART W. REED
TARA C. RIDOLE
JOSHUA M. BOOTH
JEREMY A. DANTIN
JANIS H. LEBORDE
KELLI L. CROSS

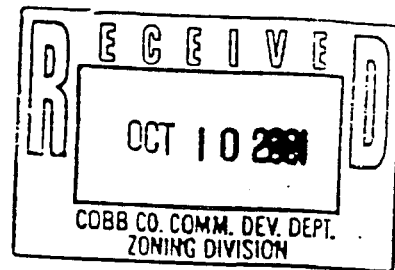
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN NC
** ALSO ADMITTED IN CA
*** ADMITTED ONLY IN TN

Min. Bk. 18 Petition No. Z-111
Doc. Type Stipulation Letter

Meeting Date October 16, 2001

Hand Delivered

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



RE: Application for Rezoning
Application No.: Z-111 (2001)
Applicant: John Wieland Homes and
Neighborhoods, Inc.
Owner: Discovery Boulevard (Atlanta)
PIP, L.P.
Property: 112.5± acres located southeast
of the intersection of Queens
Mill Road and Veterans Memorial
Highway, Land Lots 166, 180, 181,
278, 279, 280, 289, and 290,
18th District, 2nd Section,
Cobb County, Georgia

Dear Ed:

The undersigned and this firm represent John Wieland Homes and Neighborhoods, Inc., the Applicant (hereinafter "Applicant"), and the Discovery Boulevard (Atlanta) PIP, L.P., a Georgia Limited Partnership, the Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to a total tract of 112.5 acres located at the southeast of the intersection of Queens Mill Road and Veterans Memorial Highway, in Land Lots

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116, 180, 181, 278, 279, 280, 289, and 290, 18th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meetings with planning and zoning staff and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owner to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This revised letter of agreeable stipulations and conditions shall supersede and replace in full any and all previous letters of stipulations and conditions submitted in connection with the referenced Application for Rezoning and specifically that certain letter dated and submitted August 30, 2001. The referenced stipulations are as follows:

GENERAL STIPULATIONS APPLICABLE TO ALL CATEGORIES

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the Light Industrial ("LI") and Heavy Industrial ("HI") zoning categories to the RM-8, Urban Village Commercial ("UVC"), and Neighborhood Retail Commercial ("NRC") zoning categories with reference to that certain Zoning Plan prepared for John Wieland Homes and Neighborhoods, Inc. by Hughes Good O'Leary & Ryan dated July 2, 2001, last revised September 17, 2001.

Mr. Ed Thomas

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- (3) The Subject Property shall be developed for retail, retail/residential, condominiums, single-family attached residences, and single-family detached residences upon a total area of 112.5 acres.
- (4) There shall be a main entrance into the overall development which shall have a boulevard style entryway; and also an entrance on Queen's Mill.
- (5) The entrance for the proposed community shall be professionally landscaped and shall have ground-based, monument style signage.
- (6) Environmentally sensitive, shoe-box style lighting, themed to the architecture and styling of the residences and buildings to be constructed, shall be utilized throughout the proposed community. Every effort shall be made to make all lighting as unobtrusive as possible on the site.
- (7) There shall be a community amenity area consisting of the following:
 - (a) Swimming pool;
 - (b) Four (4) tennis courts;
 - (c) Multi-purpose court; and
 - (d) Clubhouse.

The amenity area shall be available for use by all residents within the proposed community.

Mr. Ed Thomas

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- (8) Applicant agrees to the recording and enforcement of a master Declaration of Covenants, Conditions, and Restrictions for the proposed community which will contain covenants, rules, and regulations applicable to the entire community.
- (9) Additionally, and in conjunction with the master Declaration of Covenants, Conditions, and Restrictions, Applicant agrees to the creation of a mandatory, master homeowners association which shall be responsible for the upkeep and maintenance of all common/open space areas, landscaped areas, amenity area, fences, lighting, and private streets within the proposed community.
- (10) All common/open space, recreational, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management.
- (11) Applicant agrees to a thirty-five (35) foot undisturbed buffer along the Subject Property adjacent to the property of Mr. Philip J. Gerry.
- (12) The required fifty (50) foot buffer between industrial and residential property shall be placed entirely upon the Subject Property with respect to adjoining property owned by MSC Industrial Direct Co., Inc. (hereinafter "MSC") in order to mitigate the impact of this proposed development on the property of MSC. This fifty foot buffer shall be in lieu of MSC's obligation to provide a fifty foot buffer in the future as against the Subject Property for any expansion of the MSC facilities. This stipulation shall be binding upon the Subject Property and for the benefit of the MSC property. The clear intent of this agreement regarding the required fifty foot buffer is to provide such buffer on the Subject

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Property so as to relieve MSC of any possible obligation to provide for the fifty foot buffer on the MSC property.

- (13) Applicant shall incorporate the fifty foot buffer as against the MSC property into the Declaration of Covenants and Restrictions that will be filed of record as part of the proposed development. The fifty foot buffer provision provided in the Declaration of Covenants and Restrictions will be enforceable not only by the future homeowners association, but will also run to the benefit of and be enforceable by MSC. The Declaration of Covenants and Restrictions shall also contain reference to the fact that the Subject Property lies adjacent to the property of MSC, which is industrial in use and character. In addition, all recorded subdivision plats for the Subject Property shall provide and reference the fifty foot buffer as against the MSC property.
- (14) Applicant, by this letter of agreeable stipulations and conditions, hereby agrees that it, and any of its corporate successors, will not oppose MSC's proposed expansion plans with respect to the MSC property.
- (15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (16) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners.
- (17) Applicant agrees with the following system improvements in order to mitigate traffic concerns:

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- (a) Donation of right-of-way on the south side of Veterans Memorial Highway a maximum of fifty (50) feet from the existing roadway centerline;
- (b) Donation of right-of-way on the east side of Queens Mill Road a maximum of thirty (30) feet from the existing roadway centerline;
- (c) Installation of a one hundred fifty (150) foot deceleration lane for ingress into the proposed entrances on Queens Mill Road and Veterans Memorial Highway;
- (d) Installation of curb, gutter, and sidewalk along all roadway frontages of the proposed development;
- (e) Installation of a right-turn lane on Queens Mill Road and a westbound left-turn lane on Veterans Memorial Highway to facilitate turning maneuvers;
- (f) Agrees to obtain Georgia Department of Transportation permits for all work encroaching upon state roadways;
- (g) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards; and
- (h) All streets within the proposed community shall be private but shall be constructed to Cobb County standards.

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PROPOSED UVC - RETAIL/RESIDENTIAL

- (1) Rezoning of a portion of the Subject Property shall be to the UVC zoning category with reference to that certain Zoning Plan prepared for John Wieland Homes and Neighborhoods, Inc. by Hughes Good O'Leary & Ryan dated July 2, 2001, last revised September 17, 2001.
- (2) The "Retail/Residential UVC Tract" comprises a total of 5.7 acres fronting on Veterans Memorial Highway and Queens Mill Road. This portion of the proposed development shall be a mixed-use development of retail and residential in the village concept.
- (3) All buildings in this portion of the proposed development shall be a maximum of three (3) stories in height and contain on the first level retail/office space with condominium units above.
- (4) The units within the Retail/Residential UVC Development shall contain the following:
 - (a) A minimum of 1,000 square feet of retail or office space; and
 - (b) A minimum of 1,100 square feet of residential condominium space, each with a rear-loading, two-car garage.
- (5) The buildings shall be constructed in traditional or European style architecture and shall be complementary to the Retail UVC development and the residential areas within the proposed community.

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- (6) The exterior facades of the buildings shall consist of brick, stone, stucco, hardi-plank, cedar shake, or combinations thereof.
- (7) Signage for the proposed UVC Retail/Residential development shall be located at the entrance to the area. Said signage shall be ground based, monument style, shall consist of materials complementary to the proposed units, and shall list all tenants of the retail and commercial spaces.

PROPOSED RM-8 - CONDOMINIUMS

- (1) Rezoning of a portion of the Subject Property shall be to the RM-8 zoning category with reference to that certain Zoning Plan prepared for John Wieland Homes and Neighborhoods, Inc. by Hughes Good O'Leary & Ryan dated July 2, 2001, last revised September 17, 2001.
- (2) The "Condominium Community" shall consist of a total of forty-two (42) condominium units.
- (3) Units within the Condominium Community shall have a minimum of 1,000 square feet, ranging upwards to 1,600 square feet and possibly greater.
- (4) The exterior facades of the buildings within the Condominium Community shall be traditional or European in styling and architecture and shall consist of brick, stone, stucco, hardi-plank, cedar shake, or combinations thereof.

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- (5) Lighting within the Condominium Community shall be decorative and themed to the style and architecture of the buildings.
- (6) Units within the Condominium Community shall be "for sale" units only.
- (7) The front and side yards of all units shall be sodded.

PROPOSED RM-8 - SINGLE-FAMILY ATTACHED TOWNHOUSE RESIDENCES

- (1) Rezoning of a portion of the Subject Property shall be to the RM-8 zoning category pursuant, with reference to that certain Zoning Plan prepared for John Wieland Homes and Neighborhoods, Inc. by Hughes Good O'Leary & Ryan dated July 2, 2001, last revised September 17, 2001.
- (2) The "Single-Family Attached Townhouse Community" shall consist of a total of two hundred twenty-one (221) units.
- (3) Residences within the Single-Family Attached Townhouse Community shall have a minimum of 1,400 square feet, ranging upwards to 2,400 square feet and possibly greater. The units shall have single and double garages.
- (4) The exterior facades of the residences within the Single-Family Attached Townhouse Community shall be traditional or European in styling and architecture and shall consist of brick, stone, stucco, hardi-plank, cedar shake, or combinations thereof. These residences shall be compatible with all other components of the proposed community.

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- (5) Lighting within the Single-Family Attached Townhouse Community shall be decorative and themed to the style and architecture of the units.
- (6) The front and side yards of all units shall be sodded.

PROPOSED RM-8 - SINGLE-FAMILY DETACHED RESIDENCES

- (1) Rezoning of a portion of the Subject Property shall be to the RM-8 zoning category with reference to that certain Zoning Plan prepared for John Wieland Homes and Neighborhoods, Inc. by Hughes Good O'Leary & Ryan dated July 2, 2001, last revised September 17, 2001.
- (2) The "Single-Family Detached Community" shall consist of a total of one hundred ninety-five (195) units.
- (3) Residences within the Single-Family Detached Community shall have a minimum of 1,700 square feet ranging upwards to 2,800 square feet and possibly greater.
- (4) The exterior facades of the residences within the Single-Family Detached Community shall be traditional or European in styling and architecture and shall consist of brick, stone, stucco, hardi-plank, cedar shake, or combinations thereof. These residences shall be compatible with all other components of the proposed community.
- (5) Lighting within the Single-Family Detached Community shall be decorative and themed to the style and architecture of the residences.

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community Development Agency
Page Eleven
October 10, 2001

Petition No. Z-111
Meeting Date October 16, 2001
Continued

- (6) Setbacks for the Single-Family Detached Community shall be as follows:
 - (a) Front setback - Fifteen (15) feet;
 - (b) Side setback - Five (5) feet
(Fifteen (15) feet between buildings); and
 - (c) Rear setback - Twenty (20) feet.
- (7) The front and side yards of all residences shall be sodded.

PROPOSED NEIGHBORHOOD RETAIL COMMERCIAL

- (1) Rezoning of a portion of the Subject Property shall be to the NRC zoning category pursuant, with reference to that certain Zoning Plan prepared for John Wieland Homes and Neighborhoods, Inc. by Hughes Good O'Leary & Ryan dated July 2, 2001, last revised September 17, 2001.
- (2) The portion of the Subject Property comprising the proposed NRC development shall consist of 2.0 acres.
- (3) The structures to be constructed on the proposed NRC development shall be complementary in architecture and design to the overall development.

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community Development Agency
Page Twelve
October 10, 2001

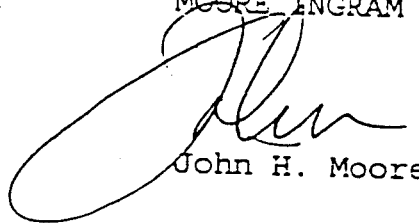
Petition No. Z-111
Meeting Date October 16, 2001
Continued

We believe the requested zoning, as shown and reflected in the referenced Zoning Plan and as set forth in the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the properties and owners thereof surrounding the proposed development and will allow for the enhancement and utilization of the Subject Property in a manner suitable with the recent growth and changes of the surrounding area. The proposed community will be a premier development and a model for future developments within the Metropolitan Atlanta area. Additionally, it will be developed and maintained in the Wieland tradition of quality as displayed in its numerous developments throughout the South. 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

MOORE INGRAM JOHNSON & STEELE

Exhibit "A"

Z-65

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Z-65

9/16/03

PAGE 37 OF

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community Development Agency
Page Thirteen
October 10, 2001

Petition No. Z-111
Meeting Date October 16, 2001
Continued

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

Mr. Philip J. Gerry
Queens Mill Road Resident

Mr. Leon R. Moore
Queens Mill Road Resident

Mr. Jerry Shoemaker
Queens Mill Road Resident

Peter L. Curry, Esq.
Farrell Fritz

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 18, 2001

Exhibit "A"
Z-65
PAGE 15 OF 21

Z-65
9/16/03

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ITEM #9

To consider amending something previously adopted regarding Z-111 (John Wieland Homes and Neighborhoods) of September 20, 2001, for property located southeast of the intersection of Queen Mill Road and Veterans Memorial Highway in Land Lots 166, 180, 181, 278, 279, 280, 289 and 290 of the 18th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend stipulations. Following presentation, the following motion was made:

MOTION: Motion by W. Thompson, second by Byrne, to amend previous action relative to Z-111 (John Wieland Homes and Neighborhoods) heard on October 16, 2001 for property located southeast of the intersection of Queen Mill Road and Veterans Memorial Highway in Land Lots 166, 180, 181, 278, 279, 280, 289 and 290 of the 18th District and to authorize the following:

- addition of stipulation letter from Mr. Kevin Moore dated October 12, 2001 (Copy of letter attached and made a part of these minutes.)
- all other previously approved conditions/stipulations to remain in full force and effect.

VOTE: ADOPTED unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

POST OFFICE BOX 3005
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8831

WWW.MIJS.COM

PAGE 39 OF 40

Z-65
9/16/03

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK
SUITE 403
408 N. CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 892-9038
TELECOPIER (865) 892-9071

ORIGINAL

WRITERS DIRECT DIAL NUMBER

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON I
ROBERT D. INGRAM I
THOMAS O'NEIL
CLIP BLOOM
JIM L. BASHAM
MATTHEW J. HOWARD
JENE C. SMITH
CLAYTON G. CARMACK
KEVIN B. CARLOCK I
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BART R. REED
TARA C. MOOLE
JOSEPH M. BOOTH I
JEREMY A. DANFEN
JAMES H. LEBORDE
KELLI L. CROSS

I ALSO ADMITTED IN TN
I ALSO ADMITTED IN NC
I ALSO ADMITTED IN GA
I ADMITTED ONLY IN TN

October 12, 2001

Other Business Item # 9
Min. Bk. 19 Petition No. Z-111 of 2001
Doc. Type Stipulation Letter

Meeting Date December 19, 2001

Peter L. Curry, Esq.
Farrell Fritz
Attorneys at Law
290 Broad Hollow Road
Melville, New York 11747

Telefax Transmission
To (631) 547-0501

Anthony S. Guardino, Esq.
Farrell Fritz
Attorneys at Law
290 Broad Hollow Road
Melville, New York 11747

Telefax Transmission
To (631) 547-0501

RE: Proposed Application for Rezoning by
John Wieland Homes and Neighborhoods, Inc.
with respect to approximately 112.5 acres
located at the intersection of Veterans
Memorial Highway and Queens Mill Road,
Cobb County, Georgia

Dear Peter and Anthony:

Pursuant to our conversation, this correspondence shall serve to memorialize the agreement reached between our respective clients, John Wieland Homes and Neighborhoods, Inc. ("John Wieland") and MSC Industrial Direct Co., Inc. ("MSC"). Specifically, this correspondence provides certain agreements on behalf of John Wieland with respect to the rezoning and proposed development of the property referenced above in consideration for the receipt of MSC's execution of the release from the Discovery Industrial

MOORE INGRAM JOHNSON & STEELE

Peter L. Curry, Esq.
Anthony S. Guardino, Esq.
Farrell Fritz
Attorneys at Law
Page Two
October 12, 2001

EXHIBIT "A"

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Other Business Item # 9

Petition No. Z-111 of 2001
Meeting Date Dec. 18, 2001
Continued

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Petition No. Z-65
Meeting Date 9/16/03
Continued

Property Owners Association by no later than Friday, October 12, 2001. The agreements, which shall be incorporated in a Declaration of Covenants and Restrictions that shall be recorded in the chain of title for the John Wieland property, are as follows:

- (1) Buffer Zone: The following restrictions shall apply to the areas designated as "50 Foot Buffer" which shall be located on the John Wieland property adjacent to property currently owned by MSC, as shown on those certain plats of John Wieland recorded in the Deed Records of the Superior Court of Cobb County, Georgia, as amended (collectively the "50 Foot Buffer"). The 50 Foot Buffer shall remain in its natural state in order to maintain its present character and appearance. No building, fences, or other structures of any description shall be constructed, erected, maintained, or moved onto or within the 50 Foot Buffer. There shall be no removal, destruction, or cutting of trees or plants within the 50 Foot Buffer, except that dead trees may be removed. Maintenance of the 50 Foot Buffer shall be the responsibility of the homeowners association, ^(existing or to be formed) and in the absence of the homeowners association, the responsibility of the owner of the property on which the buffer is located. Upon removal of any dead tree, it shall be the responsibility of the homeowners association, and in the absence of the homeowners association, the responsibility of the owner of the property on which the buffer is located, to replant a tree of similar species as near as possible to the location of the tree that was removed in an effort to maintain the integrity and character of the 50 Foot Buffer. These restrictions are specifically enforceable by MSC against the Declarant, any homeowners association, and the owners of property upon which the 50 Foot Buffer is located.

MOORE INGRAM JOHNSON & STEELE

Other Business Item # 9

Peter L. Curry, Esq.
 Anthony S. Guardino, Esq.
 Farrell Fritz
 Attorneys at Law
 Page Three
 October 12, 2001

Petition No. Z-111 of 2001
 Meeting Date Dec. 18, 2001
 Continued

Petition No. Z-65 PAGE 41 OF 41
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- (2) Adjacent Property Expansion. MSC currently owns a plant and surrounding property located at 6700 Discovery Boulevard, Mableton, Cobb County, Georgia ("Adjacent Property") adjacent to the proposed community. MSC and/or its successors and assigns may wish to expand the plant on the Adjacent Property at some time in the future. John Wieland and its corporate successors covenant and agree not to oppose or aid in opposing any such plant expansion on the Adjacent Property.
- (3) Notice. The proposed community borders on industrial property currently owned by MSC, so all Owners and future owners hereby acknowledge that such Owners take title to property within the proposed community with notice of MSC's adjacent industrial use and further acknowledge acceptance of the impacts typically associated with such use. Such notice shall be made part of the Declaration and Covenants.
- (4) Zoning Stipulation. John Wieland agrees to the placement of a minimum fifty (50) foot buffer along the common boundary line of property owned by MSC. This fifty (50) foot buffer shall serve as the required buffer between industrial and residential property under and pursuant to the Cobb County Planning and Zoning Ordinance for the benefit of MSC. Further, John Wieland shall be responsible for any planted screening required by Cobb County within this fifty (50) foot buffer area. This stipulation shall be binding upon and benefit all heirs, successors, assigns, and transferees of both MSC and John Wieland.
- (5) Stormwater Detention. John Wieland agrees that all stormwater detention will be located on property to be owned by John Wieland with no plans for any off-site detention.

MOORE INGRAM JOHNSON & STEELE

Other Business Item # 9

Peter L. Curry, Esq.
Anthony S. Guardino, Esq.
Farrell Fritz
Attorneys at Law
Page Four
October 12, 2001

Petition No. Z-111 of 2001
Meeting Date Dec 18, 2001
Continued

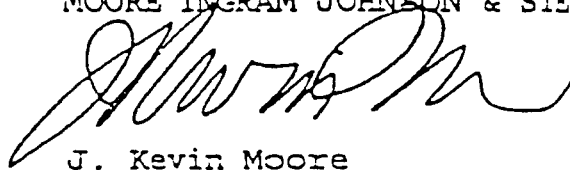
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The above-referenced agreements of John Wieland, as well as the release to be provided by MSC, are expressly contingent on the approval by the Cobb County Board of Commissioners of the referenced Application for Rezoning which shall include these zoning stipulations referenced hereinabove. Once you have reviewed this correspondence and find these agreements acceptable, I would appreciate acknowledgment of this agreement as referenced below. Again, thank you for your cooperation and assistance in this matter.

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

c: Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community
Development Agency
(Hand Delivered)

Mr. Dan Fields
Vice President
John Wieland Homes and Neighborhoods, Inc.

MOORE INGRAM JOHNSON & STEELE

Peter L. Curry, Esq.
Anthony S. Guardino, Esq.
Farrell Fritz
Attorneys at Law
Page Five
October 12, 2001

Other Business Item #9


Petition No. 2-111 of 2001
Meeting Date Dec. 18, 2001
Continued

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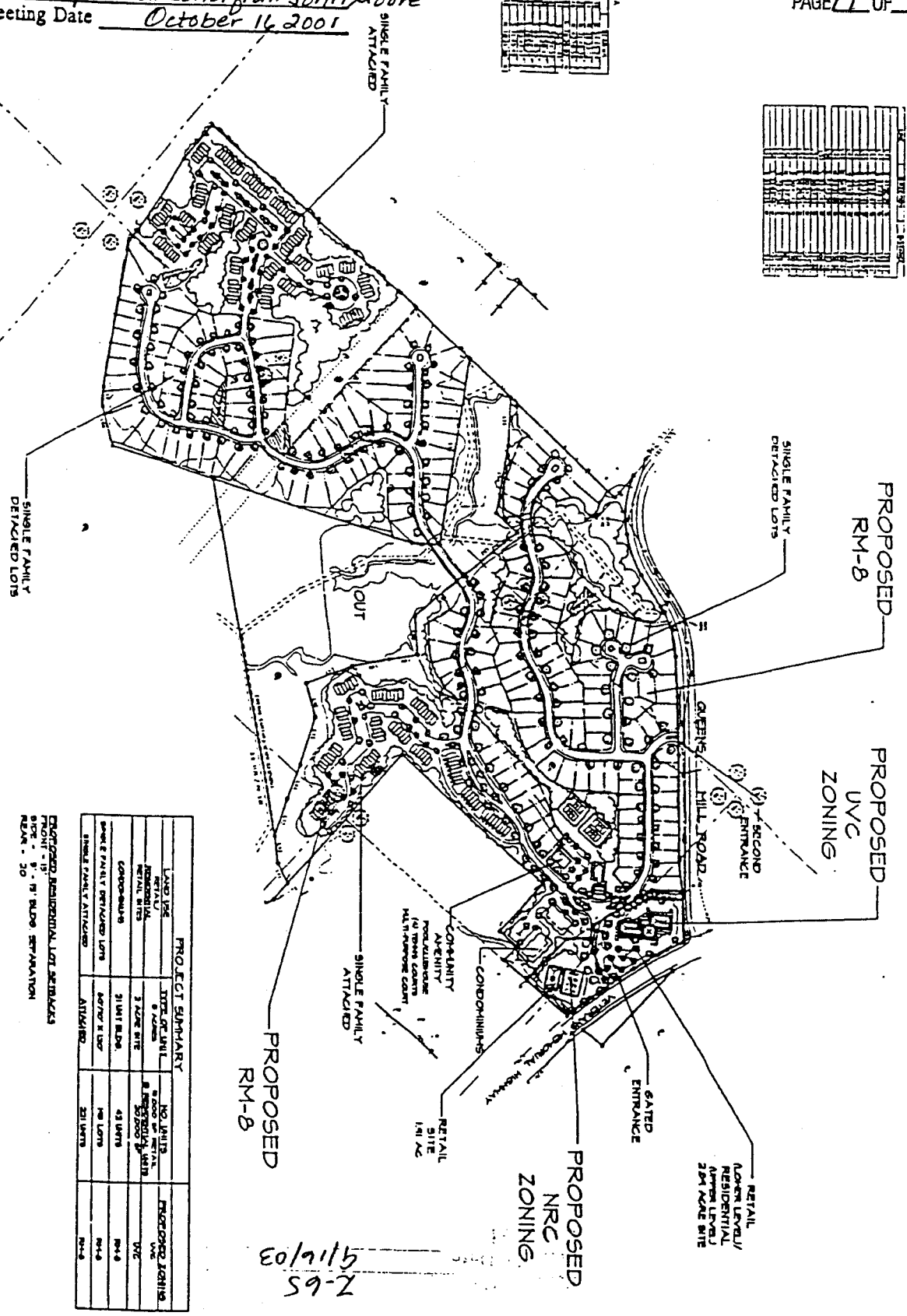
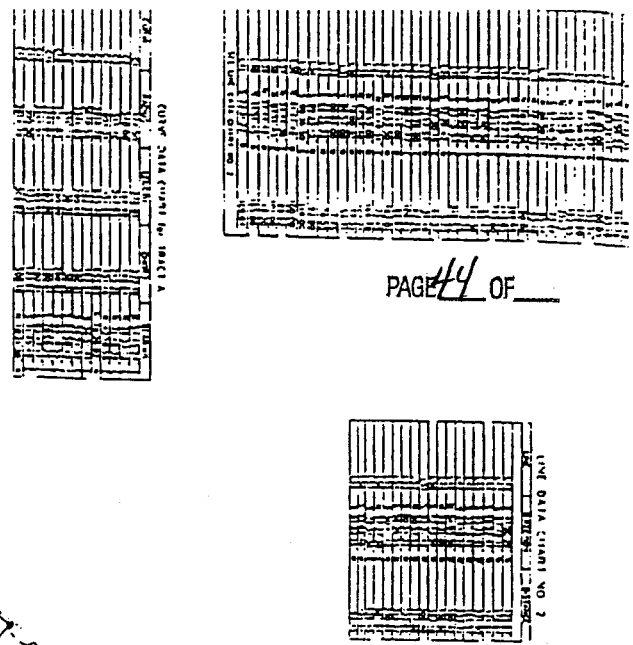
Acknowledgment and acceptance of the stipulations hereinabove
referenced is made this 15th day of October, 2001.

MSC INDUSTRIAL DIRECT CO., INC.

BY: 
TITLE: Vice President

(Corporate Seal)

Min. Bk. 18 Petition No. Z-111
 Doc. Type Site Plan as referenced in
10/10/01 Stipulation Letter from John Moore
 Meeting Date October 16, 2001



PROJECT SUMMARY			
LAND USE	TYPE OF UNIT	NO. UNITS	PROPOSED ZONING
RETAIL	3 STORES	8	UVC
CONDO-OWNERS	21 UNIT BLDG	43 UNITS	RM-B
CONDO-OWNERS	40 UNIT BLDG	80 UNITS	RM-B
SINGLE FAMILY ATTACHED	20 UNITS	20 UNITS	RM-B

PROPOSED RESIDENTIAL LOT SPACINGS
 FRONT - 15'
 SIDE - 5' - 8' BLDG SEPARATION
 REAR - 30'

REVISED: SEPTEMBER 17, 2001



5/16/03
 Z-65

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
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Attachment A

PAGE 45 OF

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9/16/03

EXHIBIT A
Z-65
PAGE 2 OF 21

TENNESSEE OFFICE

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

TELEPHONE (865) 892-8039
TELECOPIER (865) 892-8071

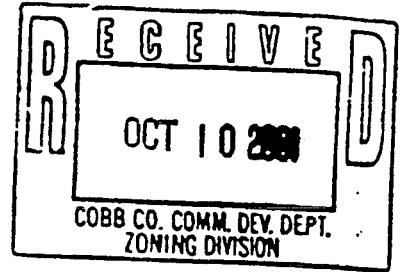
WRITER'S DIRECT DIAL NUMBER

October 10, 2001

Min. Bk. 18 Petition No. Z-111
Doc. Type Stipulation Letter

Meeting Date October 16, 2001

Hand Delivered



JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON
ROBERT D. INGRAM
J. BRIAN O'NEIL
B. PHILLIP BEGGS
ELDON L. BASHAM
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BART W. REED
TARA C. RIDOLE
JOHANNA M. BOOTH
JEREMY A. DANTIN
JAMES H. LEBORDE
KELLY L. CROSS

? ALSO ADMITTED IN TN
.. ALSO ADMITTED IN NC
... ALSO ADMITTED IN CA
... ADMITTED ONLY IN TN

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

RE: Application for Rezoning
Application No.: Z-111 (2001)
Applicant: John Wieland Homes and
Neighborhoods, Inc.
Owner: Discovery Boulevard (Atlanta)
PIP, L.P.
Property: 112.5± acres located southeast
of the intersection of Queens
Mill Road and Veterans Memorial
Highway, Land Lots 166, 180, 181,
278, 279, 280, 289, and 290,
18th District, 2nd Section,
Cobb County, Georgia

Dear Ed:

The undersigned and this firm represent John Wieland Homes and Neighborhoods, Inc., the Applicant (hereinafter "Applicant"), and the Discovery Boulevard (Atlanta) PIP, L.P., a Georgia Limited Partnership, the Property Owner, (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to a total tract of 112.5 acres located at the southeast of the intersection of Queens Mill Road and Veterans Memorial Highway, in Land Lots

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community Development Agency
Page Five
October 10, 2001

Petition No. Z-111
Meeting Date October 16, 2001
Continued

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9/16/03

Property so as to relieve MSC of any possible obligation to provide for the fifty foot buffer on the MSC property.

- (13) Applicant shall incorporate the fifty foot buffer as against the MSC property into the Declaration of Covenants and Restrictions that will be filed of record as part of the proposed development. The fifty foot buffer provision provided in the Declaration of Covenants and Restrictions will be enforceable not only by the future homeowners association, but will also run to the benefit of and be enforceable by MSC. The Declaration of Covenants and Restrictions shall also contain reference to the fact that the Subject Property lies adjacent to the property of MSC, which is industrial in use and character. In addition, all recorded subdivision plats for the Subject Property shall provide and reference the fifty foot buffer as against the MSC property.
- (14) Applicant, by this letter of agreeable stipulations and conditions, hereby agrees that it, and any of its corporate successors, will not oppose MSC's proposed expansion plans with respect to the MSC property.
- (15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (16) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners.
- (17) Applicant agrees with the following system improvements in order to mitigate traffic concerns:

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community Development Agency
Page Six
October 10, 2001

Petition No. Z-111
Meeting Date October 16, 2001
Continued

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Z-65
9/16/03

- (a) Donation of right-of-way on the south side of Veterans Memorial Highway a maximum of fifty (50) feet from the existing roadway centerline;
- (b) Donation of right-of-way on the east side of Queens Mill Road a maximum of thirty (30) feet from the existing roadway centerline;
- (c) Installation of a one hundred fifty (150) foot deceleration lane for ingress into the proposed entrances on Queens Mill Road and Veterans Memorial Highway;
- (d) Installation of curb, gutter, and sidewalk along all roadway frontages of the proposed development; *
- (e) Installation of a right-turn lane on Queens Mill Road and a westbound left-turn lane on Veterans Memorial Highway to facilitate turning maneuvers;
- (f) Agrees to obtain Georgia Department of Transportation permits for all work encroaching upon state roadways;
- (g) Applicant shall be allowed to provide for a gated community pursuant to Cobb County standards; and
- (h) All streets within the proposed community shall be private but shall be constructed to Cobb County standards.

Z-65

9/16/03

Project No.

Meeting Date

Veterans Memorial Parkway

Queen Mill Road

Ivey Road

Providence Development

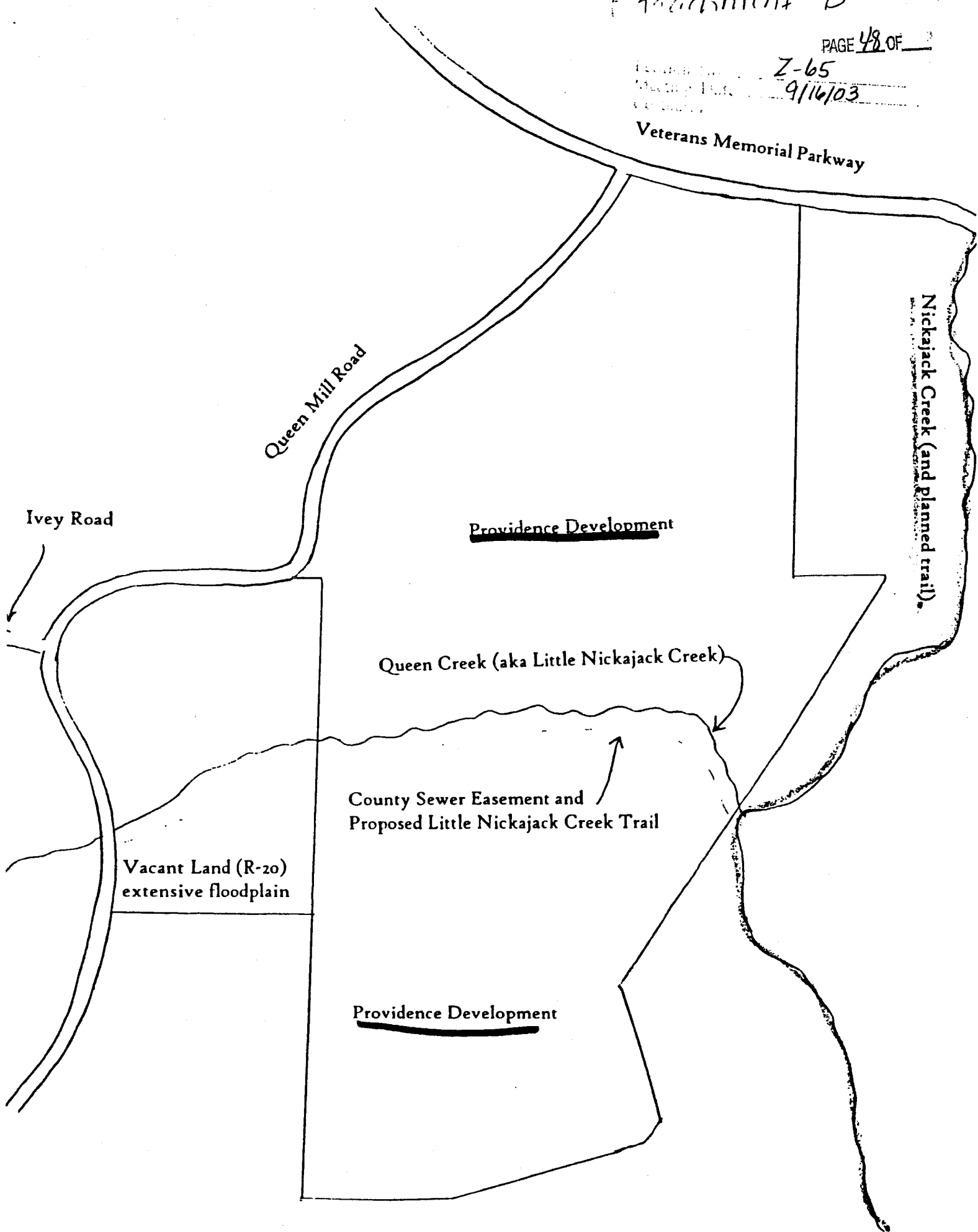
Nickajack Creek (and planned trail)

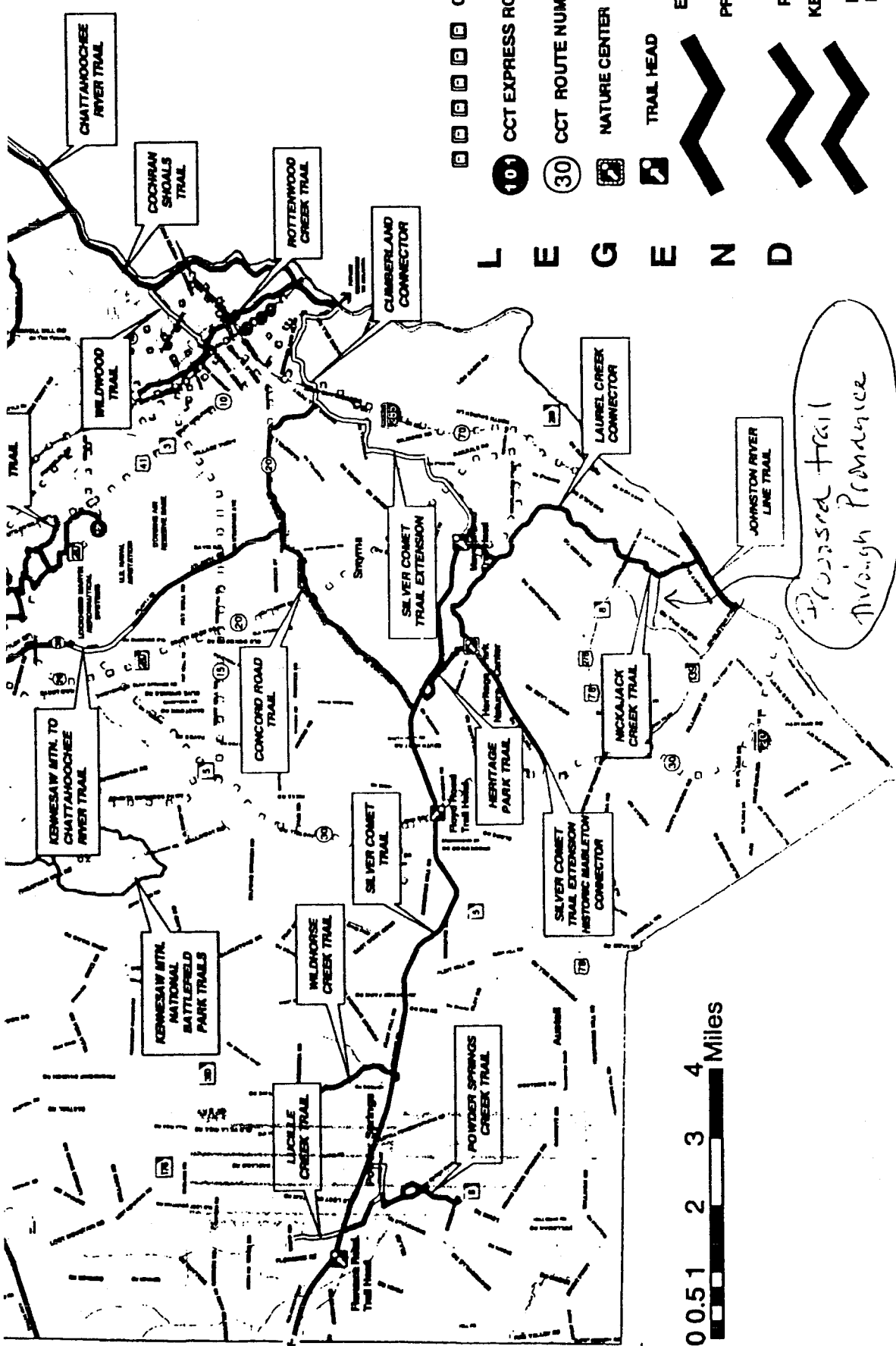
Queen Creek (aka Little Nickajack Creek)

County Sewer Easement and
Proposed Little Nickajack Creek Trail

Vacant Land (R-20)
extensive floodplain

Providence Development





from Direction Cobb, Aug 2003

- CCT BUS ROUTE
- CCT EXPRESS ROUTE NUMBER
- CCT ROUTE NUMBER
- NATURE CENTER
- TRAIL HEAD
- EXISTING TRAIL
- PROGRAMMED TRAIL
- PROPOSED TRAIL
- KENNESAW MTH NATIONAL BATTLEFIELD PARK TRAILS

LEGEND

cobbcounty.org

7

Attachment C

PAGE 49 OF 49

Revision No. Z-65
 Meeting Date 9/16/03
 Continued

Proposed trail through Prunace

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE
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G. PHILLIP BEGGS
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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

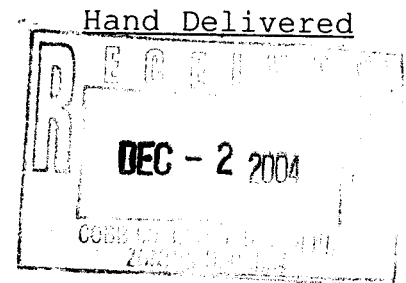
OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

† 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

November 19, 2004

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



RE: Application for Site Plan and Stipulation Amendment
Application No.: Z-65 (2003)
Applicant/Developer: John Wieland Homes and
Neighborhoods, Inc.
Property: 145± acres located southeast
of the intersection of Queens
Mill Road and Veterans Memorial
Highway, Land Lots 166, 178, 179,
180, 181, 278, 279, 280, 289,
and 290, 18th District,
2nd Section, Cobb County,
Georgia

Dear Mark:

The undersigned and this firm represent the Applicant and Developer, John Wieland Homes and Neighborhoods, Inc. (hereinafter referred to as "Developer"), with respect to the development of an approximately 145 acre tract located southeast of the intersection of Queens Mill Road and Veterans Memorial Highway, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). On September 16, 2003, the Property was rezoned to the Neighborhood Retail Commercial ("NRC"), Urban Village Commercial ("UVC"); and the RM-8 zoning categories by the Cobb County Board of Commissioners. As part of the approval of the rezoning, a letter of agreeable stipulations and conditions dated and filed August 27, 2003, from this firm was incorporated and made a part of the final zoning stipulations and conditions governing the development and use of the Subject Property.

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Two
November 19, 2004

Developer submits herewith its Application for Site Plan and Stipulation Amendment as follows:

- (1) Developer requests approval of revised site plans dated January 28, 2004, last revised November 19, 2004, prepared for John Wieland Homes and Neighborhoods, Inc. by PBS&J. The revised site plans are submitted herewith for consideration.
- (2) Developer further requests an amendment to the condition created by the Historic Preservation comments and contained in the official minutes of the Board of Commissioners Zoning Hearing held on October 16, 2001, as to Z-111 (October 16, 2001) and continued in the official minutes of the Board of Commissioners Zoning Hearing held on September 16, 2003, as to Z-65 (2003).
- (3) The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on October 16, 2001 (Z-111 (2001)) and September 16, 2003, (Z-112 (2003)) are unaltered by this request for site plan and stipulation amendment.

We respectfully request this Application for Site Plan and Stipulation Amendment be placed on the Board of Commissioners' "Other Business Agenda" for the scheduled Zoning Hearing on December 21, 2004. Thank you for your consideration in this matter. We look forward to confirmation of this item on the requested Zoning Hearing agenda and receipt of the signs in order to meet the requisite posting date.

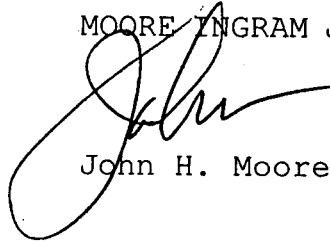
MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Three
November 19, 2004

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
George Woody Thompson, Jr.
Helen C. Goreham
Joe L. Thompson
Tim Lee
(With Copies of Enclosures)

John Wieland Homes and Neighborhoods, Inc.
(With Copies of Enclosures)



COBB COUNTY WATER SYSTEM

Operations Facility
680 South Cobb Drive
Marietta, Georgia 30060-3111

Robert L. Brice
DIRECTOR

Date: December 9, 2004

Memo: Mark Danneman, Manager
Zoning Division, Community Development

Subject: Other Business # _____ (December 21, 2004)
Providence
John Wieland Homes and Neighborhood
Veterans Memorial Hwy
LL 180 / 18th

DIVISIONS:
Business Services
Customer Services
Engineering & Records
Solid Waste
Stormwater Management
System Maintenance
Water Protection

Reference: Revisions to plan (undefined on plan) verbally described as substituting Condominiums for Fee Simple Townhouse in Unit C1-Parcel B, Phase 3. Impact on land will be virtually unchanged by this revision. Mass grading will be required to remanufacture terrain to fit this plan at odds with the State Law / County Ordinance mandating projects to fit natural terrain using minimum clearing and grading.

For the record, the site is dominated by ridge with side slopes varying from 12% to 22%. The plan calls for multiple flat pads for buildings and parking. To accomplish this, major retaining walls are liberally used throughout the project. One wall is prescribed exactly along the edge of a 25-foot undisturbed buffer which appears cannot be built without disturbing that buffer.

To understand the construction impact, suggest a preliminary grading plan be submitted to Board of Commissioners.

Sincerely,
COBB COUNTY STORMWATER MANAGEMENT

G.H. Mingledorff, P. E., RLS
Senior Engineer, Stormwater Management

Cc: Chairman Sam Olens
Commissioner Helen Goreham
Commissioner Joe L Thompson
Commissioner Tim Lee
Commissioner G Woody Thompson Jr.
David Hankerson, County Manager
Bob Brice, Director, Water System
Bill Higgins, Stormwater Management
Rob Hosack, Director, Community Development
Gail Huff, Assistant County Clerk
Sandra Richardson, Deputy County Clerk

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

JAN 11 2008

AUG 15 2017

BOC Hearing Date Requested 02/19/2008

Applicant: John Wieland Homes and Neighborhoods, Inc. Phone #: (770) 703-2100
(applicant's name printed)

Address: 1950 Sullivan Road, Atlanta, GA 30337 **E-Mail:** _____

Moore Ingram Johnson & Steele, LLP
John H. Moore **Address:** 192 Anderson Street, Marietta, GA 30060
(representative's name, printed)

BY: [Signature] Phone #: (770) 429-1499 **E-Mail:** jmoore@mijcs.com; w7@mijcs.com
(representative's signature)

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2011
Notary Public

Commission District: 4 **Zoning Case:** See Attached Listing

Date of Zoning Decision: See Attached Listing **Original Date of Hearing:** See Attached Listing

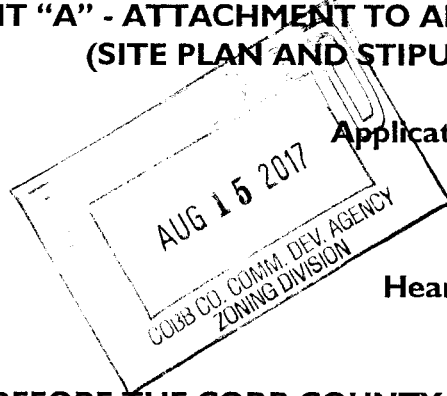
Location: Providence Subdivision located at the intersection of Veterans Memorial
(street address, if applicable; nearest intersection, etc.) Highway and Queens Mill Road

Land Lot(s): 166, 179-181, 278-280, 289, 290 **District(s):** 18th

State specifically the need or reason(s) for Other Business: _____
See Exhibit "A" 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)**

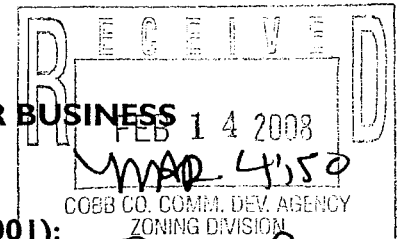


Application Nos.:

**Z-111 (2001);
Z-65 (2003);
Z-135 (2005)
Z-31 (2007)**

Hearing Date:

February 19, 2008



BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: John Wieland Homes and Neighborhoods, Inc.

Applicant requests the amendment to the overall Master Plan of the Providence development to allow for different uses on designated tracts which will result in a change in the density of the overall development. The requested amendments are as follows:

(1) Applicant submits with this Application the revised Master Plan for Providence Subdivision, prepared by Michael K. Medick, architect, dated January 8, 2008, which shall supersede and replace all prior approved Master Plans for the development.

(2) The primary proposed amendments to the Master Plan are two-fold:

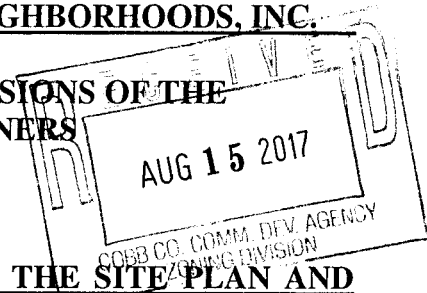
(A) Section A-9 of the proposed development shall be increased from sixty-five (65) units to eighty-five (85) single-family, attached units. The homes in this section shall be substantially similar in construction and architecture to the renderings attached hereto and incorporated herein by reference. The minimum square footage for these units shall increase from a minimum of 1,800 square feet to a minimum of 2,500 square feet.

(B) Areas CI-1 and CI-2 and Area B located along Veterans Memorial Highway shall be amended as follows:

i.) Areas CI-1 and CI-2 shall be reduced in density from a total of 168 condominiums to 148 condominiums;

ii.) Area B shall be converted to open space; and

iii.) The Master Plan for Areas CI-1 and CI-2 shall conform to the requirements of that certain amendment approved by the Board of Commissioners on December 21, 2004, with regard to preservation of existing Civil War features.

ORIGINAL DATE OF APPLICATION: 05-20-03APPLICANTS NAME: JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERSBOC DECISION OF 02-19-08 ZONING HEARING:OTHER BUSINESS ITEM #4 – TO CONSIDER AMENDING THE SITE PLAN AND STIPULATIONS REGARDING Z-65 (JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.) OF MAY 20, 2003

To consider amending the site plan and stipulations regarding Z-111, Z-65, Z-135 and Z-31 (JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.) in Land Lots 166, 167, 179, 180, 181, 278, 279, 280, 289, 290, 395, 396 and 403 of the 18th District at the southeast and southwest intersection of Veterans Memorial Highway and Queens Mill Road and at the northern terminus of Sunrise Boulevard and on the east side of Acacia Lane (private road).

Mr. Mark Danneman, Zoning Division Manager, provided information regarding site plan and stipulation amendments. The public hearing was opened and Mr. John Moore, Ms. Robin Meyer, Ms. Roberta Cook, Mr. Barry Brown and Mr. John Cissell addressed the Board. The Applicant's representative *amended* the request and withdrew from consideration site plan approval for Areas C1-1 and C1-2. Following presentations and discussions, the following motion was made:

MOTION: Motion by Kesting, second by Olens, to **approve amended** Other Business Item #4 for site plan and stipulation amendments *for Section A-9 of the Overall Master Plan* regarding Z-111, Z-65, Z-135 and Z-31 (JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.) in Land Lots 166, 167, 179, 180, 181, 278, 279, 280, 289, 290, 395, 396 and 403 of the 18th District at the southeast and southwest intersection of Veterans Memorial Highway and Queens Mill Road and at the northern terminus of Sunrise Boulevard and on the east side of Acacia Lane (private road), **subject to the following stipulations and directives:**

- site plan for Section A-9 (attached and made a part of these minutes) is subject to requirements in Plan Review
- minimum square footage of 2,600 square feet for units in Section A-9, with construction and architecture to be in substantial conformity to the submitted renderings (attached and made a part of these minutes)
- in consideration of increasing the number of units in Section A-9 from 65 to 85, there is required a 20 unit reduction within the overall development
- removing the commercial component and increasing greenspace in Areas C1-1 and C1-2, with the site plan for Areas C1-1 and C1-2 of the Providence Subdivision to be approved by the Board of Commissioners
- all other previous zoning stipulations and conditions not in conflict to remain in effect

VOTE: **ADOPTED** unanimously

Clerk's Note: The Applicant/Representative is to meet with the Historic Preservation Planner to review preservation of Civil War historical features prior to submitting site plan for Areas C1-1 and C1-2. Additionally, it was noted for the record that the previous stipulation for contribution of \$15,000 for historic preservation purposes has been paid.

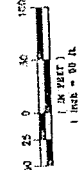
AUG 15 2017

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

ACACIA LANE
(PRIVATE STREET)

SUNRISE BOULEVARD 70' R/W
(P.A. BY PG 77)

- 1. ALL DIMENSIONS ARE IN FEET UNLESS OTHERWISE NOTED
- 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
- 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED
- 4. ALL DIMENSIONS ARE TO OUTLINE UNLESS OTHERWISE NOTED
- 5. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED
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- 16. ALL DIMENSIONS ARE TO OUTLINE UNLESS OTHERWISE NOTED
- 17. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED
- 18. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED
- 19. ALL DIMENSIONS ARE TO OUTLINE UNLESS OTHERWISE NOTED
- 20. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED



Min. Bk. 54 Petition No. 1084
 Doc. Type side plan
 Meeting Date 2-9-08

'03 77'05" AS INDICATED
 '01 2-11, 2-6S, 2-13S, '07, 2-31

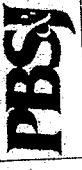
PAGE 2 OF 2

DATE	2/15/08
BY	J. J. JONES
CHECKED	J. J. JONES
SCALE	AS SHOWN
SHEET	3/4

LAND LOTS 179-181 and 278-280
18th DISTRICT, 2nd SECTION
COBB COUNTY

PROVIDENCE A-9

JOHN WIELAND HOMES AND NEIGHBORHOODS, INC.
 4125 ATLANTA ROAD SE
 SMYRNA, GEORGIA 30080
 (770) 703-3100



COMPILED BY: J. J. JONES

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 Atlanta, GA 30305
 Tel: (770) 333-0500
 Fax: (770) 333-0500