

Application for "Other Business"

OB-006

Cobb County, Georgia

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

BOC Hearing Date Requested: 2/20/2018

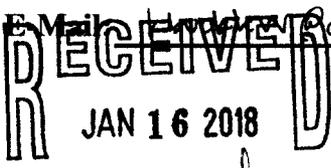
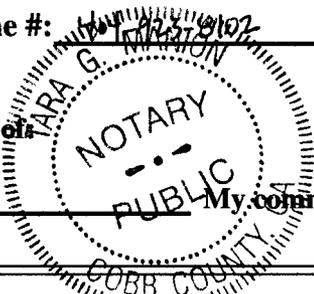
Applicant: BROADSTONE WINDY RIDGE, LLC Phone #: 404-923-8102
(applicant's name printed)

Address: 2020 POWERS FERRY ROAD, ATLANTA, GA 30329 E-Mail: kwicklen@allvresco.com

KIM BUCKLEN Address: 3715 NORTHSIDE PKWY, SUITE 1-102, ATLANTA, GA 30327
(representative's name, printed)

[Signature] Phone #: 404-923-8102 E-Mail: kwicklen@allvresco.com
(representative's signature)

Signed, sealed and delivered in presence of



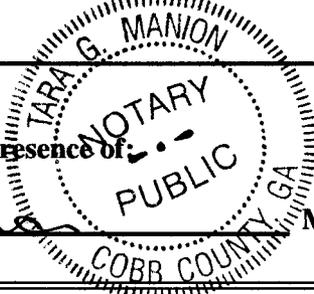
Tara G. Manion My commission expires: August 23, 2018
Notary Public

Titleholder(s): BROADSTONE WINDY RIDGE LLC Phone #: 404-923-8102
(property owner's name printed)

Address: 2020 POWERS FERRY ROAD, ATLANTA, GA 30329 E-Mail: kwicklen@allvresco.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of



Tara G. Manion My commission expires: August 23, 2018
Notary Public

Commission District: 2 **Zoning Case:** E-27 (2015)

Size of property in acres: 3.14 acres **Original Date of Hearing:** June 16, 2015

Location: 2020 POWERS FERRY ROAD (INTERSECTION OF POWERS FERRY ROAD & WINDY RIDGE PKWY)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 985 / 1008 **District(s):** 17th

State specifically the need or reason(s) for Other Business: SITE PLAN AMENDMENT

(List or attach additional information if needed)

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 16, 2015
9:00 A.M.**

The Board of Commissioners Zoning Hearing was held on Tuesday, June 16, 2015 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

Z-27

LYNWOOD DEVELOPMENT GROUP, LLC (BSD Power II, LLC and Park Point Land, LLC, owners) requesting Rezoning from **OHR** to **UVC** for the purpose of Mixed Use in Land Lots 985 and 1008 of the 17th District. Located at the southwest intersection of Powers Ferry Road and Windy Ridge Parkway. *(Previously continued by the Board of Commissioners from their March 17, 2015 hearing, previously continued by Staff from the April 21, 2015 Board of Commissioners' hearing and previously held by the Board of Commissioners from their May 19, 2015 hearing)*

The public hearing was opened and Mr. Kevin Moore, Mr. Todd Oglesby, Mr. Charles Coffin, and Ms. Maryli Marcos addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Birrell, to **hold** Z-27 until the July 21, 2015 Board of Commissioners Zoning Hearing.

VOTE: **FAILED** 2-3, Lee, Cupid, Weatherford opposed

SUBSTITUTE MOTION

MOTION: Motion by Weatherford, second by Lee, to **approve** Z-27 to the **UVC** zoning category, subject to:

- Site plan submitted to the Zoning Division on April 16, 2015, with the District Commissioner approving minor modifications (attached and made part of these minutes)
- Letter of agreeable conditions from Mr. Kevin Moore dated April 16, 2015 (attached and made a part of these minutes), including an amendment to the letter titled "*Proposed Stipulations*" submitted at this hearing (attached and made a part of these minutes)
- Water and Sewer Division comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 16, 2015
9:00 A.M.**

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Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Bob Ott
Commissioner Bob Weatherford

REGULAR AGENDA (CONT.)

Z-27 LYNWOOD DEVELOPMENT GROUP, LLC (CONT.)

- **Cobb DOT comments and recommendations, *not otherwise in conflict***
- **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**

VOTE: ADOPTED 4-1, Ott opposed

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
BRIAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DIXE
KIM A. ROOPER†
VICTOR P. VALMUS
ANGELA H. SMITH†
CHRISTOPHER C. MINGLEDORFF*
ANGELA D. TARTLINE

JOYCE W. HARPER
CAREY E. OLSON*
CHARLES E. PIERCE*
WILMA R. BUSH
GREGORY H. FULLER*
TODD I. HEIRD*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
CARLA C. WESTER‡
AMY L. JETT*
RYAN M. INGRAM
SHAWN G. SHELTON
D. AUSTIN GILLIS
KRISTEN C. STEVENSON*
SARAH H. BEST†
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
TAMMI L. BROWN
DAVID A. HURTADO
J. MARSHALL WEHUNT
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TRISTAN B. MORRISON****
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JACKSONVILLE, FLORIDA 32258
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DAVID P. CONLEY
B. CHASE ELLEBY
TYLER R. MORGAN*
MARIANNA L. JABLONSKI*
LOURDES SANCERMI-FULTON‡
LEAH C. FOX*
ALISHA I. WYATT-BULLMAN†
J. DANIEL COLE
RYAN S. ROBINSON
JOSEPH D. SHELLEY
LESLIE S. SMITH
CHRISTOPHER L. JOHNSON
CHRISTIAN H. LAYCOCK
LIZA D. HARRELL**
JESSICA A. KIRK
JOHN A. EARLY
CHRISTOPHER W. SHERMAN*
JESS E. MAPLES*
FREDERICK F. FISHER***
KENNETH D. HALL

RAHUL SHETH
GRANT S. TALL
NIGEL P. VORBRICH*
KIMBERLY E. THOMPSON*
E. SHANE BRANHAM*
BRENT R. LANAM*
CHRISTOPHER R. BROOKS*

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
**** ALSO ADMITTED IN CA
* ALSO ADMITTED IN TX
‡ ALSO ADMITTED IN AL
* ALSO ADMITTED IN SC
ALSO ADMITTED IN NC
** ALSO ADMITTED IN IN
* ADMITTED ONLY IN TN
‡ ADMITTED ONLY IN FL
*** ADMITTED ONLY IN SC
* ADMITTED ONLY IN KY

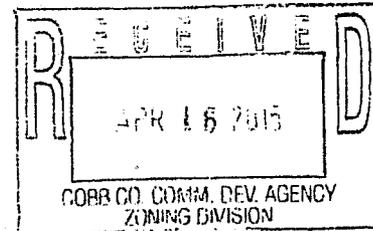
Min. Bk. 76 Petition No. Z-27

Doc. Type letter

Meeting Date 6-16-15

April 16, 2015

Hand Delivered



Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RE: Application for Rezoning - Application No. Z-27 (2015)
Applicant: Lynwood Development Group, LLC
Property Owners: BSD Power II, LLC and Park Point Land, LLC
Property: 3.14 acres, more or less, located on the southerly side of Powers Ferry Road and the westerly side of Windy Ridge Parkway, Land Lots 985 and 1008, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Lynwood Development, LLC, the Applicant (hereinafter "Applicant"), in its Application for Rezoning with regard to property located on the southerly side of Powers Ferry Road and the westerly side of Windy Ridge Parkway, being 3.14 acres, more or less, in Land Lots 985 and 1008, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or "Subject Property"). After meetings and discussions with planning and zoning staff and various Cobb County departmental representatives, ongoing discussions and meetings with area civic and homeowner representatives and area residents, reviewing the staff

MOORE INGRAM JOHNSON & STEELE

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Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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comments and recommendations and the uses of surrounding properties, and following the presentation to the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated February 25, 2015, and filed with the Cobb County Zoning Office on February 26, 2015. The revised, proposed 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; together with any and all prior Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property from any previous zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of Office High Rise ("OHR") to the proposed zoning category of Urban Village Commercial ("UVC"), site plan specific to the revised Rezoning Site Plan prepared for Applicant by Planners and Engineers Collaborative dated December 29, 2014, last revised April 15, 2015. A reduced copy of the revised Rezoning Site Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) By this revised letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Zoning Site Plan for the proposed development hereinabove referenced, same being prepared for Applicant by Planners and Engineers Collaborative dated December 29, 2014, last revised April 15, 2015, and filed contemporaneously herewith.
- (4) The Subject Property consists of approximately 3.14 acres of total site area and shall be developed for a mixed-use development consisting of residential units and supporting commercial development.

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I. COMMERCIAL COMPONENT

- (1) The commercial component shall consist of a minimum of 8,000 square feet along the entire frontage of Powers Ferry Road, and may include specialty shops such as coffee, sundries, fitness, general merchandise, alcohol sales and consumption, restaurants, shared "hotspot" workspace, and other like businesses or establishments, which may be shared as business and fitness centers for the overall development.
- (2) Applicant agrees the exteriors and architectural appearance of the commercial component, shall be substantially similar to the renderings attached hereto as Exhibit "B," including a combination of glass and brick with patio and outdoor seating areas ranging from twelve (12) to more than eighteen (18) feet in width and designed to engage the Powers Ferry Road corridor from a pedestrian perspective, but so as not to impede pedestrian traffic.
- (3) Applicant agrees that the minimum floor to finished ceiling height within the commercial component shall be twelve (12) feet.

II. RESIDENTIAL COMPONENT

- (1) The residential component of the proposed development shall consist of one building, a maximum of six (6) stories in height, with a maximum of two hundred eighty (280) total residential units.
- (2) Units within the proposed residential development shall consist of one and two-bedrooms, and range in square footage from 700 square feet to 1,400 square feet per unit, and possibly greater.
- (3) Floor plans and finishes within the units shall consist, at a minimum, of the following:
 - (a) Enhanced Corian, granite, marble, or other solid surface counter tops;
 - (b) Minimum ceiling heights:
 - i) Minimum nine (9) feet from floor to finished ceiling and greater; and

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- ii) Minimum ten (10) feet between floors;
 - (c) Wood frame cabinetry or equivalent;
 - (d) High-end appliances consistent with luxury apartment and condominium finishes;
 - (e) Extra deep stainless steel kitchen sinks;
 - (f) Ceramic tile, wood plank and high-end carpet throughout;
 - (g) Spacious, open floor plans;
 - (h) Brushed chrome or oiled rubbed bronze bathroom and kitchen fixtures;
 - (i) Ceramic tile bathrooms and laundry rooms;
 - (j) Spacious walk-in closets;
 - (k) High-speed internet wiring in all units;
 - (l) Window treatments throughout the units to present a uniform appearance;
 - (m) Tile tub surround and tile showers in select units;
 - (n) Upgraded wood trim package throughout each unit;
 - (o) First-class landscape and hardscape throughout the proposed development;
 - (p) Energy-efficient construction which will exceed the Georgia Energy Code;
 - (q) Double-paned, insulated windows in all units; and
 - (r) Controlled access building and amenity areas.
- (4) The exterior façade of the building will be responsive to the site and surrounding area and shall consist of brick, stone, stacked stone, stone-type materials, stucco-type materials, hardi or metal-panel, masonry, cement fiber, and glass, or any

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combinations thereof, on all four (4) sides. A copy of the rendering of the proposed building is attached hereto as Exhibit "C" and incorporated herein by reference.

- (5) All units within the proposed residential community may be leased in accordance with the UVC category. The units shall be converted to "for sale" units at such time as market conditions allow as determined by the primary lending institutions, at any given time, financing the subject development.
- (6) Upon conversion of the units to "for sale" condominium units, the units shall be made subject to the Georgia Condominium Act and shall comply in all respects therewith. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of the units to "for sale" units. Upon such conversion, Applicant agrees to the recording and enforcement of a Declaration of Condominium which shall contain covenants, rules, and regulations applicable to the proposed residential condominium community.
- (7) Additionally, and in conjunction with the submission of the community to the Georgia Condominium Act, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the entrance areas, all common areas, amenity areas, and the like, contained within the residential condominium community.
- (8) Upon conversion of the units to "for sale" units, there shall be established a restrictive covenant which limits the number of units which can be leased or rented at any one time to a maximum of ten (10) percent of the total number of units, or as allowed by any federal agency.
- (9) The proposed residential community shall have a state-of-the art recreational facility and unique amenity area for the use and enjoyment of its residents, as follows:
 - (a) Pool;
 - (b) Clubhouse, which will feature a media lounge and coffee bar;
 - (c) Fitness center, which will be fully equipped with weight training equipment; as well as a separate yoga studio and computerized aerobic training system;

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- (d) Outside courtyard;
- (e) Bicycle racks; and
- (f) Controlled access.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) Access to the proposed development shall be means of the existing access points to the office high-rise building; namely, the main access on Powers Ferry Road and the private road access from Windy Ridge Parkway, as more particularly shown and reflected on the referenced Rezoning Site Plan.
- (2) Parking for the commercial and residential components of the proposed project will be provided within the existing parking deck servicing the adjacent office high-rise building; as well as or within a multi-level addition to the existing parking deck, which will employ "shared" parking among the respective components and which will provide sufficient and adequate parking for the total development based on parking for the residents at a minimum ratio of one (1) space per bedroom and the Modified ULI Shared Parking demand ratios.
- (3) Overall lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the building. More specifically, proposed pedestrian lighting will be similar in nature and style to the Pedestrian Lighting Concepts attached hereto as Exhibit "D" and incorporated herein by reference so as to create a distinctive pedestrian-friendly location within the Powers Ferry Road corridor. The final pedestrian lighting style and concept will be subject to approval by the District Commissioner during the plan review process.
- (4) Additionally, hooded lighting shall be utilized on the building and throughout the walkways, surface parking area, and parking garage.
- (5) Signage for the proposed development shall be ground based, monument style, and shall be constructed in a style and of materials which are complementary to the proposed building; excepting only, building, commercial/tenant identification signage and directional signage. More specifically, signage for the commercial

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portion of the development will be similar in style and distinction to those shown on the Signage Concepts attached hereto as Exhibit "E" and incorporated herein by reference. The final signage package for the overall development, including commercial signage shall be subject to the approval of the District Commissioner during the plan review process.

- (6) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property, or the adjacent office parking, during development of infrastructure and construction of the residential building.
- (7) The setbacks for the proposed community shall be as follows:
 - (a) Front setback - Twenty-five (25) feet;
 - (b) Rear setback - Twenty-five (25) feet;
 - (c) Major side setback - Twenty-five (25) feet; and
 - (d) Minor side setback - Zero (0) feet.
- (8) The maximum impervious surface area shall be sixty-five (65) percent.
- (9) Landscaping for the entrance area, sign areas, amenity and courtyard areas, and all other common areas immediately surrounding the proposed building shall be professionally designed, implemented, and maintained.
- (10) All utilities servicing units within the proposed development shall be underground.
- (11) Applicant shall be allowed to provide for a gated development pursuant to Cobb County standards.
- (12) The District Commissioner shall have the authority to approve minor modifications to these stipulations and the Rezoning Site Plan as the development proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or, increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will

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come back through the public hearing process as an "Other Business" Application."

- (13) Any retaining walls exposed to public rights-of-way or adjoining properties shall be faced with hard surface materials such as brick, stone, stacked stone, or split-faced segment block wall.
- (14) Any sidewalk, curb, or guttering damaged or destroyed during construction shall be repaired or fully replaced following completion of the project.
- (15) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management; including, but not limited to, detention/retention facilities, drainage facilities, trails, and any and all slopes or other required engineering features of the foregoing.
- (16) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (17) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (18) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

We believe the requested zoning, pursuant to the revised Rezoning Site Plan and the stipulations set forth herein, conforms to the vision established in the Powers Ferry Master Plan and is an appropriate use of the Subject Property. This project will be of the highest quality and will make an immediate contribution of critically needed, higher quality housing to the Powers Ferry Road's residential base.

MOORE INGRAM JOHNSON & STEELE

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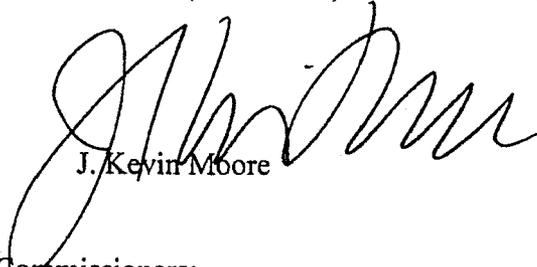
Petition No. 2-27
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Continued

Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford
(With Copies of Attachments)

Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

Charles H. Coffin
(With Copies of Attachments)

Sheldon Schlegman
The Horizon Condominiums
(With Copies of Attachments)

Sheri George
Vice President
Terrell Mill Community Association
(With Copies of Attachments)

MOORE INGRAM JOHNSON & STEELE

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c: Lynwood Development Group, LLC
(With Copies of Attachments)

Alliance Residential Company
(With Copies of Attachments)

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Continued

JUN 16 2016

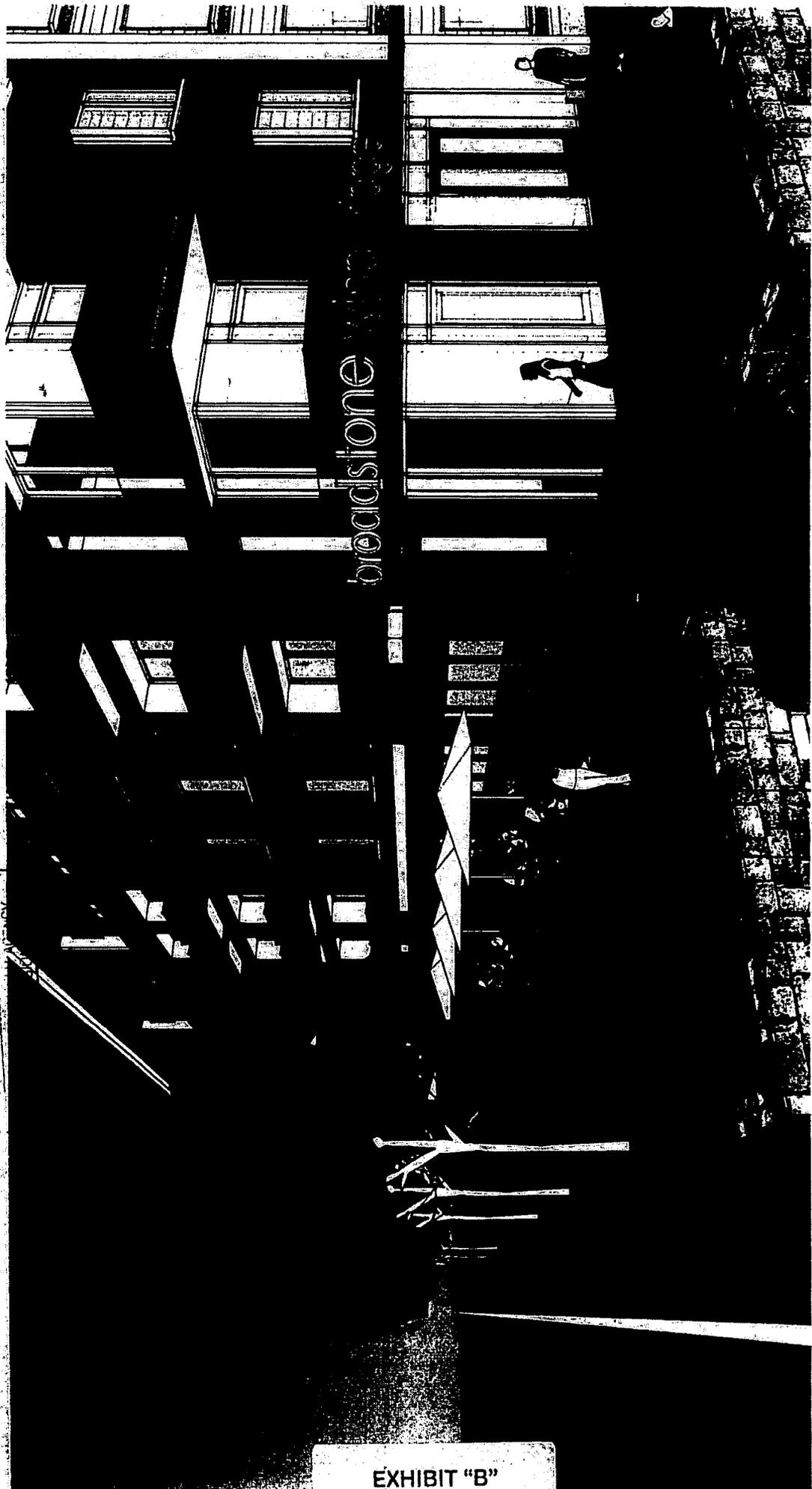
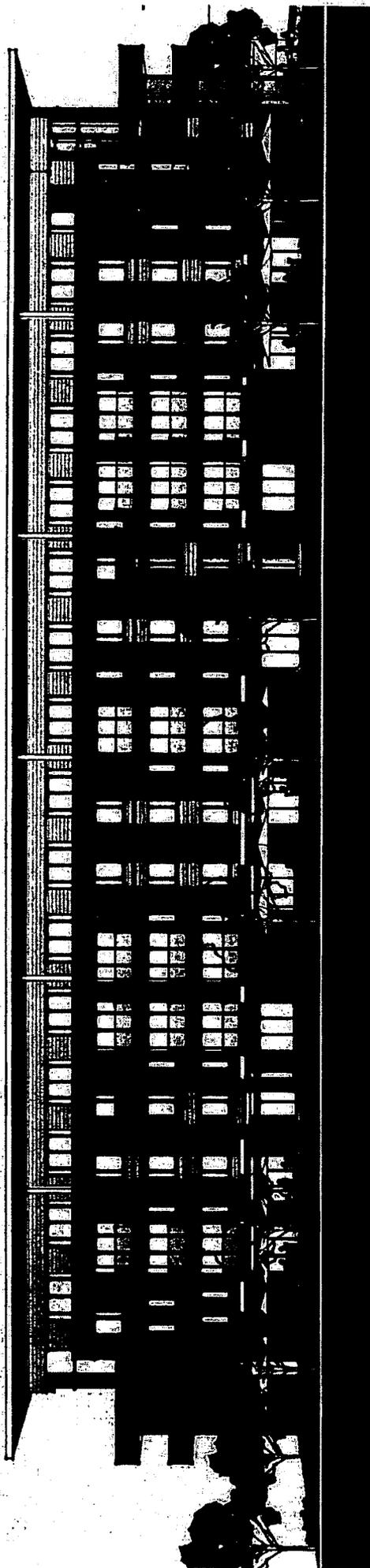
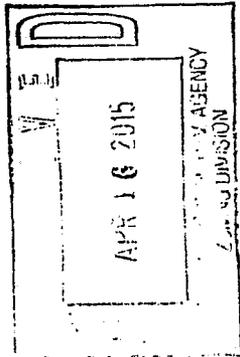


EXHIBIT "B"

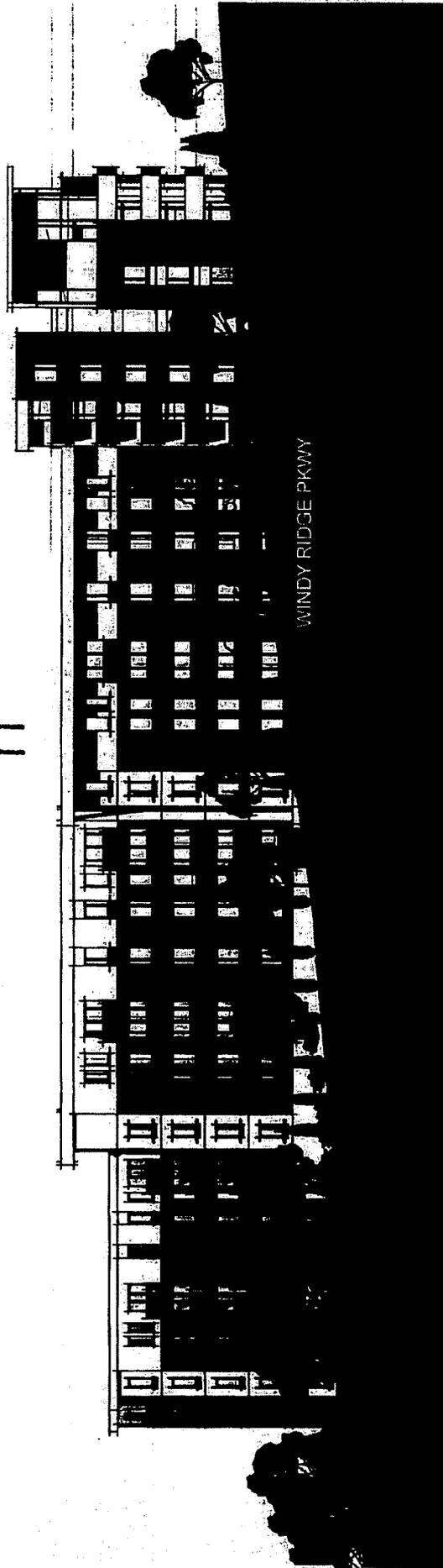
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Continued



EXISTING
OFFICE TOWER



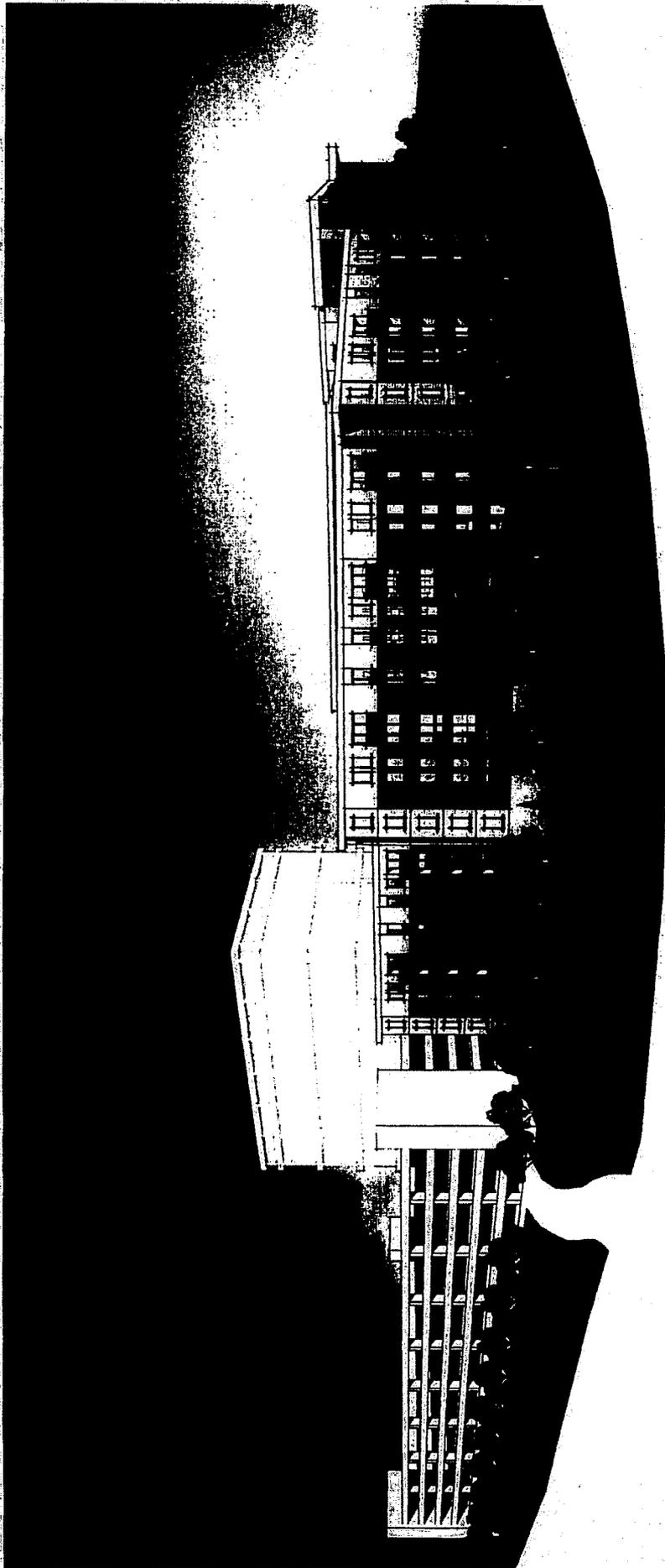
EAST ELEVATION @ WINDY RIDGE PKWY

EXHIBIT "C"

Windy Ridge
Project: P0320-14

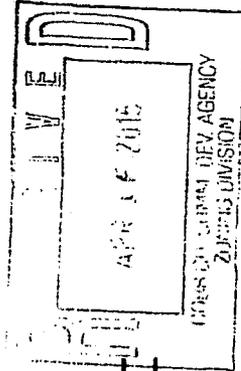
Powers Ferry Road at Windy Ridge Parkway, Marietta

Massing Diagram
01.29.15



PERSPECTIVE @ WINDY RIDGE PKWY - SOUTH

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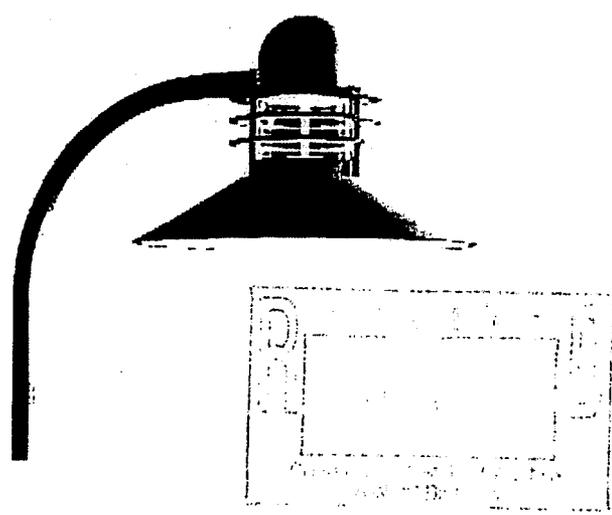
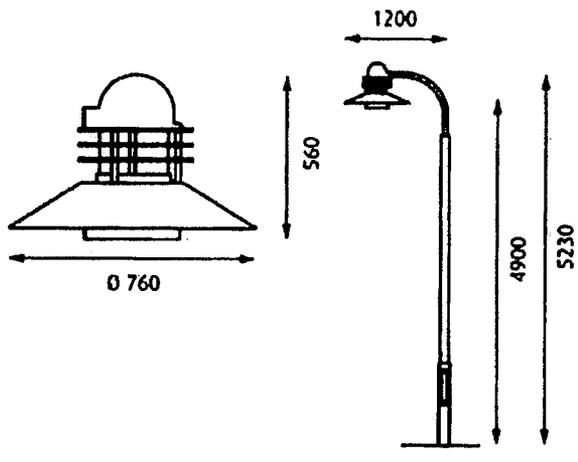
Windy Ridge
 Project: PR320-14

Powers Ferry Road at Windy Ridge Parkway, Marietta

Massing Diagram
 01.29.15

Streetscape Lighting

Creating a safe and inviting environment is the main goal for the commercial area street lighting plan.



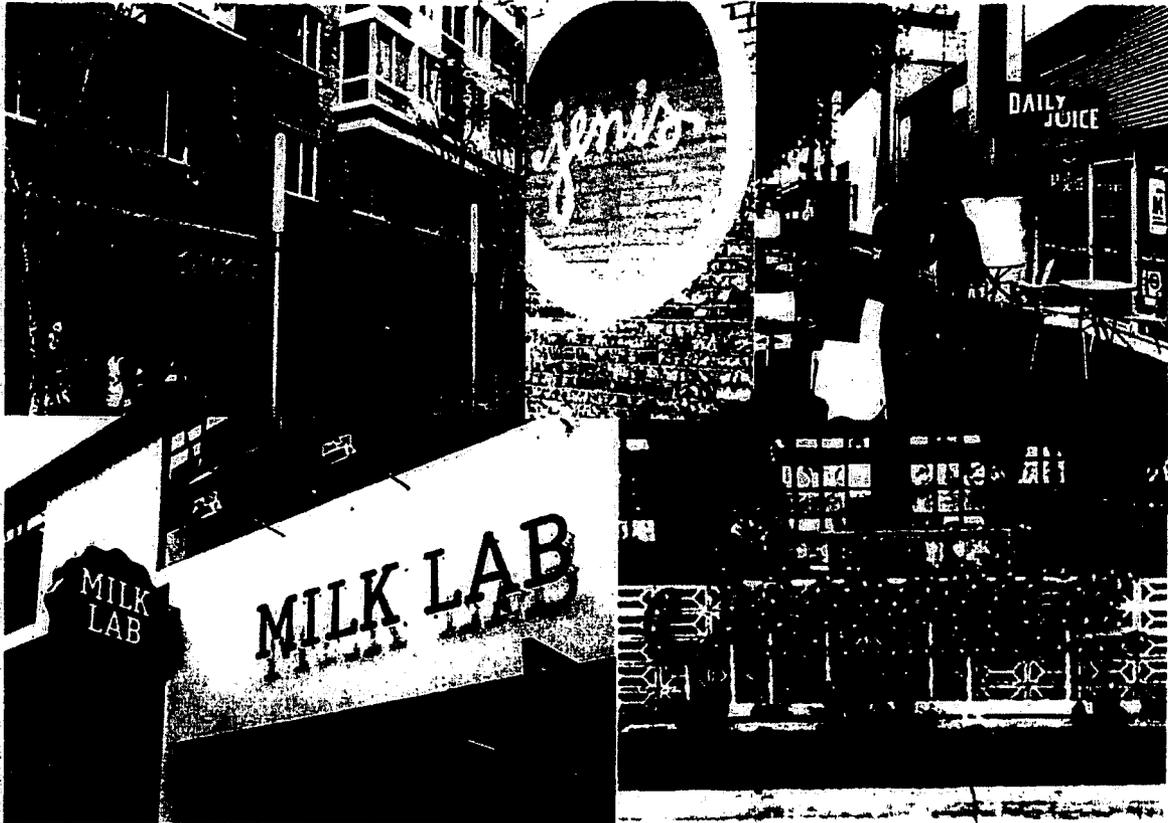
The town center style street lamps create a vintage look and are aesthetically pleasing. The fixtures illuminate adjacent sidewalks and storefronts providing opportunity for evening strolls and community gathering.

Petition No. 2-27
Meeting Date 6-16-15
Continued

Commercial Area - Conceptual Signage

Powers Ferry at Windy Ridge

Attractive, updated and fun with personality to match, the signage package provides an urban village feel and a destination to call home.



- Positioning signs at alternate heights and in nontraditional locales provides ideal pedestrian views and creates intimacy.
- Artistic alternative sign formats bring a unique, indie look to the commercial area.
- Allowing for autonomy in sign design, materials and placement avoids a homogenous suburban feel
- Prohibiting the use of back lit florescent signs mitigates a vehicular centric feel.

Petition No. Z-27
Meeting Date 6-16-15
Continued

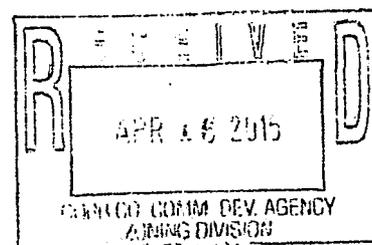


EXHIBIT "E"

Z-27/Lynwood Development
Proposed Stipulations:

(5) All units within the proposed residential community may be leased or purchased in accordance with the UVC category. Applicant and/or subsequent transferees and assigns agrees to actively pursue conversion of all units within the community in accordance with the Georgia Condominium Act to "for sale" units at such time as market conditions allow as determined by the primary lending institutions, at any given time, financing the subject development.

Deleted: All

Deleted: shall be converted

(6) Upon conversion of all units to "for sale" condominium units, all units shall be made subject to the Georgia Condominium Act and shall comply in all respects therewith. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of all units to "for sale" units. Upon such conversion, Applicant agrees to the recording and enforcement of a Declaration of Condominium consistent with the Georgia Condominium Act; consistent with the quality of the community as set forth in these stipulations; and which shall contain covenants, rules, and regulations applicable to the proposed residential condominium community. At the time of conversion, a copy of the Declaration of Condominium shall be delivered to the Cobb County Community Development Department.

(7) Additionally, and in conjunction with the submission of the community to the Georgia Condominium Act, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the entrance areas, all common areas, amenity areas, and the like, contained within the residential condominium community.

Min. Bk. 76 Petition No. Z-27
Doc. Type proposed stipulations
Meeting Date 6-16-15

FILED WITH COUNTY CLERK THIS 16 DAY
OF June 20 15 BY K. Moore
RE Z-27
Jeri Cantelero
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA