Application for "Other Business"

OB-037-2018

Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2035) BOC Hearing Date Requested: 7-17-18

RECEIVED JUN 12 2018 COBB COMM. DEV. AGENCY ZONING DIVISION

Applicant: Terwilliger Pappas c/o Greg Power Phone #: 404-285-5974
(applicant's name printed)

Address: 3565 Piedmont Rd, Suite 735, Atlanta, GA 30305 E-Mail: gpower@terwilligerpappas.com

Kenneth J. Wood, PEC Address: 350 Research Ct, Suite 200, Peachtree Corners, GA 30092
(representative's name, printed)

Phone #: 770-380-5969 E-Mail: kwood@pecatl.com, dianne@pecatl.com
(representative's signature)

Signed, sealed and delivered in presence of:

DIANNE PATHAMMAVONG NOTARY PUBLIC GWINNETT COUNTY, GEORGIA MY COMMISSION EXPIRES 04-21-2020

Dianne Pathammavong My commission expires: 4/21/2020
Notary Public

Titleholder(s): G. Power Phone #: 404 500 5766
(property owner's name printed)

Address: 3565 Piedmont Rd NW E-Mail: gpower@terwilligerpappas.com

(Property owner's signature)

Signed, sealed and delivered in presence of:

REBECCA M. COOPER NOTARY PUBLIC DeKALB COUNTY, GEORGIA

RMCooper My commission expires: 9/5/21
Notary Public

Commission District: 3 Zoning Case: Z-26 (2007) and Z-73 (2013)

Size of property in acres: 3.161 Original Date of Hearing: 4/17/2007 and 12/17/2013

Location: 3021 Hidden Forest Ct @ Grace Street
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 507 District(s): 16

State specifically the need or reason(s) for Other Business: Site Plan Amendment to block "C" only. Modifying block "C" to get rid of surface parking and to add a parking deck with wrap structure. The new proposed modification will add more space by using structured parking.

(List or attach additional information if needed)

TOWN VILLAGE

A MIXED USE MASTER DEVELOPMENT

FOR

Hidden Forest Redevelopment LLC. (fka. Pacific 2, LLC)

4880 LOWER ROSWELL ROAD
SUITE 165, NO. 524
MARIETTA, GEORGIA 30068
PHONE: 404-512-4583

LAND LOTS 501,502, 507, 508
16th DISTRICT, 2nd SECTION

TOWN CENTER CID AREA
COBB COUNTY
GEORGIA

"WE PROVIDE SOLUTIONS"

PLANNERS AND ENGINEERS COLLABORATIVE

SITE PLANNING ■ LANDSCAPE ARCHITECTURE ■ CIVIL ENGINEERING ■ LAND SURVEYING
350 RESEARCH COURT ■ NORCROSS, GEORGIA 30092 ■ (770)451-2741 ■ FAX (770)451-3915 ■ WWW.PECATL.COM

OB-037-2018

Proposed Site plan

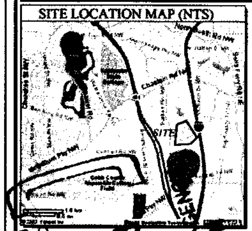
FOREST COVERAGE SUMMARY

SUBJECT PROPERTY CONSISTS OF A MOSTLY A MIXED MATURE HARDWOOD / PINE FOREST. NORTH, EAST AND CENTRAL PORTION OF THE SITE IS COVERD WITH THE MIXED HARDWOOD / PINE FOREST.

CULTURAL FEATURES STATEMENT:

PLANNERS & ENGINEERS COLLABORATIVE IS UNAWARE OF ANY CULTURAL OR HISTORIC FEATURES AROUND OR WITHIN THE PROPOSED DEVELOPMENT, AT THIS TIME

SITE LOCATION MAP (NTS)



COBB COUNTY NOTES

1. ALL OPEN DRAINAGE SWALES MUST BE GRASSED AND RIP-RAP MUST BE PLACED AS REQUIRED TO CONTROL EROSION.
2. ALL MATERIALS AND SITE CONSTRUCTION TO BE IN ACCORDANCE WITH COBB COUNTY STANDARDS AND SPECIFICATIONS.
3. WATER, GRAVITY SEWER, AND STORM SYSTEMS TO BE INSTALLED COMPLETELY IN ACCORDANCE WITH COBB COUNTY REQUIREMENTS. CALL COP'S COUNTY ABOUT TYPE OF MATERIALS, BEFORE BEGINNING CONSTRUCTION.
4. NOTIFY THE COBB COUNTY INSPECTOR TWENTY-FOUR (24) HOURS BEFORE BEGINNING EVERY PHASE OF CONSTRUCTION.
5. NOTIFY COBB COUNTY WATER AND SEWER INSPECTOR PRIOR TO START OF CONSTRUCTION.
6. ALL CONSTRUCTION TO CONFORM TO APPLICABLE COBB COUNTY WATER SYSTEM SPECIFICATIONS AND IN ACCORDANCE WITH COBB COUNTY ORDINANCES.
7. DUMPSTER PAD CANNOT BE TIED TO SEWER.
8. SIGNS TO BE PERMITTED THROUGH CODE ENFORCEMENT/SIGN DIVISION; i.e., SUBDIVISION ENTRANCE SIGNS, MONUMENTS, AND ALL COMMERCIAL SIGNS.
9. ANY CONSTRUCTION TRAILERS TO BE PERMITTED THROUGH THE PLANNING AND ZONING DIVISION.
10. LANE OR ROAD CLOSURE PERMITS MUST BE OBTAINED PRIOR TO ANY WORK IN COUNTY ROADWAY DEVELOPMENT AND INSPECTIONS AT 528-2145. ROAD CLOSURE PERMITS MAY BE OBTAINED THROUGH COBB D.O.T. OPERATIONS AT 528-1670.
11. NO CEMETERIES HAVE BEEN IDENTIFIED WITHIN THE LIMITS OF THIS PROJECT

SITE ACREAGE NOTE:

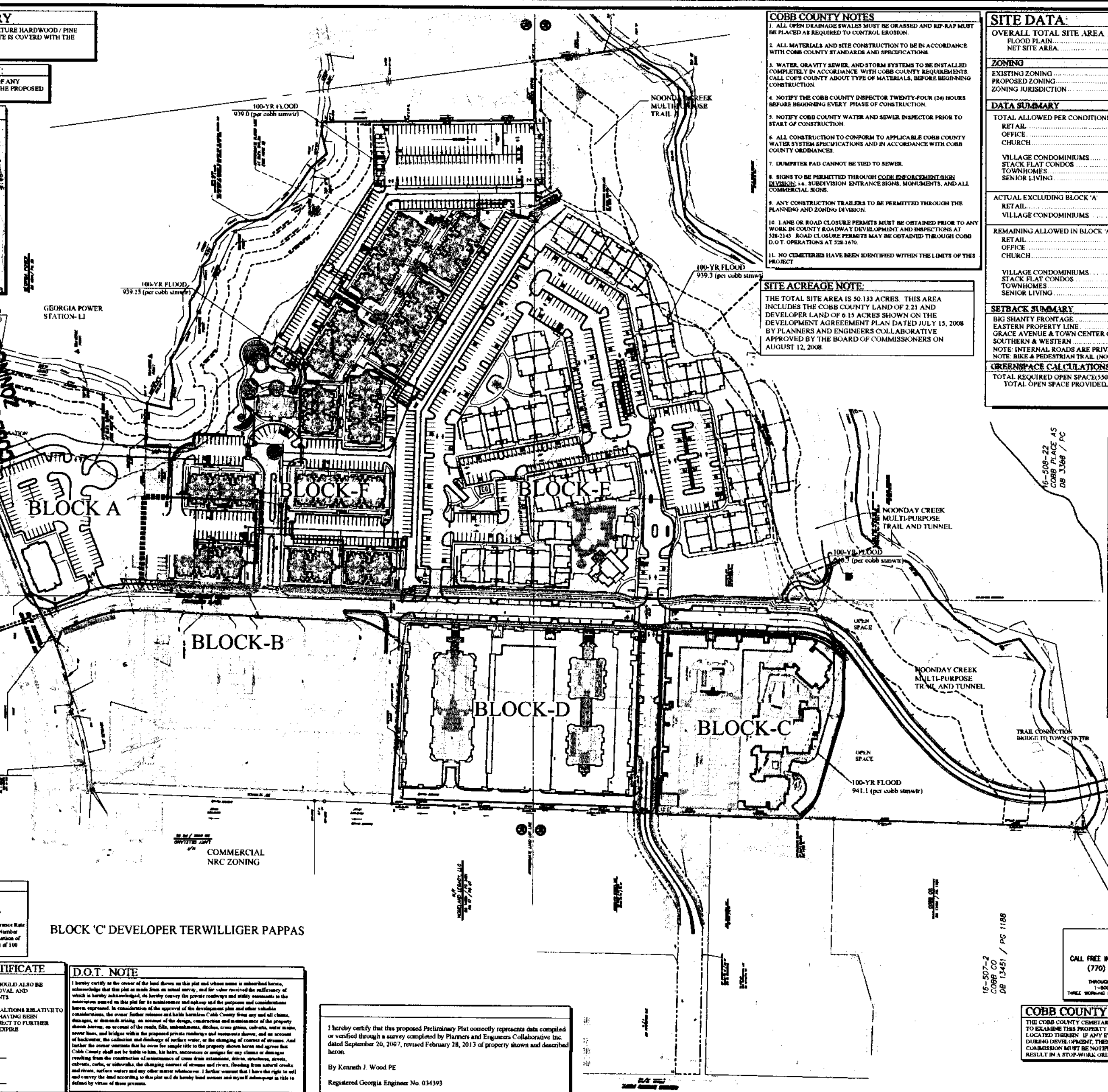
THE TOTAL SITE AREA IS 50.133 ACRES. THIS AREA INCLUDES THE COBB COUNTY LAND OF 2.21 AND DEVELOPER LAND OF 6.15 ACRES SHOWN ON THE DEVELOPMENT AGREEMENT PLAN DATED JULY 15, 2008 BY PLANNERS AND ENGINEERS COLLABORATIVE APPROVED BY THE BOARD OF COMMISSIONERS ON AUGUST 12, 2008.

SITE DATA:

OVERALL TOTAL SITE AREA	50.237 ACRES
FLOOD PLAIN	13.08 ACRES
NET SITE AREA	37.157 ACRES
ZONING	
EXISTING ZONING	R-20 RESIDENTIAL, NS
PROPOSED ZONING	PVC (PLANNED VILLAGE COMMUNITY)
ZONING JURISDICTION	COBB COUNTY
DATA SUMMARY	
TOTAL ALLOWED PER CONDITIONS	
RETAIL	134,600 SF
OFFICE	144,600 SF
CHURCH	31,200 SF
VILLAGE CONDOMINIUMS	1,351 UNITS
STACK FLAT CONDOS	80 UNITS
TOWNHOMES	94 UNITS
SENIOR LIVING	185 UNITS
ACTUAL EXCLUDING BLOCK 'A'	
RETAIL	20,000 SF
VILLAGE CONDOMINIUMS	1,135 UNITS
REMAINING ALLOWED IN BLOCK 'A'	
RETAIL	114,600 SF
OFFICE	144,600 SF
CHURCH	31,200 SF
VILLAGE CONDOMINIUMS	216 UNITS
STACK FLAT CONDOS	80 UNITS
TOWNHOMES	94 UNITS
SENIOR LIVING	185 UNITS
SETBACK SUMMARY	
BIG SHANTY FRONTAGE	10 FEET
EASTERN PROPERTY LINE	10 FEET
GRACE AVENUE & TOWN CENTER CONNECTOR SETBACK	0 FEET
SOUTHERN & WESTERN	20 FEET
NOTE: INTERNAL ROADS ARE PRIVATE, NO SETBACKS OFF THEM	
NOTE: BIKE & PEDESTRIAN TRAIL (NOONDAY TRAIL SYSTEM) ALONG NOONDAY CREEK	
GREENSPACE CALCULATIONS	
TOTAL REQUIRED OPEN SPACE(550SF/UNIT)	21.59 ACRES
TOTAL OPEN SPACE PROVIDED	23.87 ACRES
IN FLOOD	13.08 ACRES
OUT OF FLOOD	10.79 ACRES

GRTA NOTES:

1. ALL INTERNAL STREETS ARE PRIVATE EXCEPT TOWN CENTER CONNECTOR
2. PROVIDE TWO POINTS OF INGRESS AND EGRESS FOR EACH PARKING DECK
3. MAXIMUM OF 3 ACCESS POINTS ALONG BIG SHANTY ROAD
4. EXTEND GRACE AVENUE TO GEORGE BUSBEE
5. PROVIDE VEHICULAR CONNECTION BETWEEN BIG SHANTY ROAD AND TOWN CENTER DRIVE
6. PROVIDE SIDEWALKS ON BOTH SIDES OF INTERNAL STREETS
7. PROVIDE SIDEWALK ALONG BIG SHANTY FRONTAGE AND EXTEND TO CONNECT TO THE EXISTING SIDEWALK TO THE WEST.
8. PROVIDE PEDESTRIAN CONNECTION FROM THE TOWN CENTER CONNECTOR TO THE MULTI-USE TRAIL.
9. PROVIDE BUS SHELTERS ALONG PROPERTY FRTONAGE
10. INSTALL TRAFFIC SIGNAL IF WARRANTED AT GEORGE BUSBEE AND BUSBEE DRIVE
11. CONSTRUCT A WESTBOUND RIGHT TURN LANE ALONG BIG SHANTY.
12. INSTALL TRAFFIC SIGNAL WHEN WARRANTED AT BIG SHANTY AND TOWN CENTER CONNECTOR.
13. CONSTRUCT A WESTBOUND TURN LANE ON BIG SHANTY.
14. CONSTRUCT A EASTBOUND RIGH TURN LANE ON BIG SHANTY.
15. RE-STRIP THE EXISTING WESTBOUND AND EASTBOUND APPROACH GEOMETRY ALONG TOWN CENTER DRIVE AS A SEPERATE LEFT TURN LANE AND SHARED RIGHT, STRAIGHT
16. CONSTRUCT A SOUTHBOUND LEFT TURN LANE ALONG TOWN CENTER-BIG SHANTY CONNECTOR
17. CONSTRUCT A SOUTHBOUND SHARED THROUGH/RIGHT TURN LANE ALONG TOWN CENTER-BIG SHANTY CONN.
18. AT BOTH RIGHT IN/RIGHT OUT #1,2, CONSTRUCT A EASTBOUND RIGHT TURN LANE



BLOCK 'C' DEVELOPER TERWILLIGER PAPPAS

SITE NOTE:

1. ALL STRIPING AND PAINTED ARROWS TO MEET GEORGIA DEPARTMENT OF TRANSPORATION STANDARDS
2. ALL PAVEMENT SHOWN IS NORMAL DUTY, NO HEAVY DUTY PAVEMENT IS SHOWN.
3. SOLID WASTE TO BE DISPOSED BY OF BY OUTSIDE CARRIER. DUMPSTER NOT REQUIRED ON SITE.
4. TRASH PICKUP IS TO BE CURB SIDE FOR EACH UNIT, NO DUMPSTER IS ON THE SITE.
5. ALL ROADWAY STRIPING IS TO BE THERMOPLASTIC
6. ALL UTILITIES/POLES ARE TO BE 8' MINIMUM FROM BACK OF CURB OR WITHIN 2' OF THE RIGHT OF WAY, WHICHEVER IS GREATER, PER STANDARD DETAIL NUMBER 80, PAGE D9

SITE NOTES:

1. BOUNDARY INFORMATION PROVIDED BY PLANNERS AND ENGINEERS COLLABORATIVE ALTA SURVEY, DATED SEPTEMBER 20, 2007
2. TOPOGRAPHIC INFORMATION PROVIDED BY FIELD RUN PLANNERS AND ENGINEERS SURVEY DATED SEPT 20, 2007
3. I have examined the Federal Emergency Management Agency Flood Insurance Rate Map for Cobb County, Georgia and Incorporated Areas, Community Panel Number 13067C0030 F, Panel 30 of 95 effective date August 18, 1992 and found a portion of the property shown hereon to fall within a designated Flood Zone "A" (areas of 100 Year flood).

PRELIMINARY PLAT APPROVAL CERTIFICATE

THE FOLLOWING APPROVAL CERTIFICATION THAT FOLLOWS SHOULD ALSO BE PROVIDED ON THE PRELIMINARY PLAT TO INDICATE THE APPROVAL AND ACCEPTANCE OF THE APPROPRIATE COBB COUNTY DEPARTMENTS

ALL REQUIREMENTS OF THE COBB COUNTY SUBDIVISION REGUALTIONS RELATIVE TO THE PREPARATION AND SUBMISSION OF A PRELIMINARY PLAT HAVING BEEN FULFILLED, APPROVAL OF THIS PLAT IS HEREBY GRANTED SUBJECT TO FURTHER PROVISIONS OF SAID REGUALTIONS. THIS CERTIFICATE SHALL EXPIRE

DEVELOPMENT AND INSPECTIONS DIVISION ______ DATE ______

ZONING DIVISIONS ______ DATE ______

D.O.T. NOTE

I hereby certify as the owner of the land shown on this plat and whose name is subscribed hereto, acknowledge that this plat as made from an actual survey, and for value received the sufficiency of which is hereby acknowledged, do hereby convey the private roadways and utility easements to the associations named on this plat for its maintenance and upkeep and the purposes and considerations herein expressed. In consideration of the approval of the development plan and other valuable considerations, the owner further releases and holds harmless Cobb County from any and all claims, damages, or demands arising, on account of the design, construction and maintenance of the property shown hereon; on account of the roads, fills, embankments, ditches, cross drains, culverts, water mains, sewer lines, and bridges within the proposed private roadways and easements shown; and on account of backwater, the collection and discharge of surface water, or the changing of courses of streams. And further the owner warrants that he owns fee simple title to the property shown hereon and agrees that Cobb County shall not be liable to him, his heirs, successors or assigns for any claims or damages resulting from the construction of maintenance of cross drain extensions, drives, structures, streets, culverts, curbs, or sidewalks, the changing courses of streams and rivers, flooding from natural creeks and rivers, surface waters and any other matter whatsoever. I further warrant that I have the right to sell and convey the land according to this plat and do hereby bind owners and myself subsequent in title to defend by virtue of these presents.

I hereby certify that this proposed Preliminary Plat correctly represents data compiled or verified through a survey completed by Planners and Engineers Collaborative Inc. dated September 20, 2007, revised February 28, 2013 of property shown and described heron.

By Kenneth J. Wood PE

Registered Georgia Engineer No. 034393

BEFORE YOU DIG

UTILITIES PROTECTION CENTER

CALL FREE IN METRO ATLANTA (770) 623-4344

THROUGHOUT GEORGIA 1-800-282-7411

THREE WORKING DAYS BEFORE YOU DIG

COBB COUNTY STATEMENT

THE COBB COUNTY CEMETARY PRESERVATION COMMISSION RESERVES THE RIGHT TO EXAMINE THIS PROPERTY FOR ETHNIC, CULTURAL, AND RELIGIOUS EVIDENCE LOCATED THEREIN. IF ANY ETHNIC, CULTURAL, OR RELIGIOUS EVIDENCE IS FOUND DURING DEVELOPMENT, THEN THE COBB COUNTY CEMETARY PRESERVATION COMMISSION MUST BE NOTIFIED AT ONCE AT (770) 528-2035. FAILURE TO DO SO WILL RESULT IN A STOP-WORK ORDER.

REVISIONS:

NO.	DATE	BY	DESCRIPTION
*1	04-14-11	KW	MODIFIED PHASE LINE
*2	07-24-12	KW	MODIFIED SITE PLAN
*3	02-28-13	KW	UPDATED PHASING
*4	08-18-13	KW	UPDATED SITE LAYOUT
*5	01-31-18	KW	UPDATED SITE LAYOUT
*6	06-12-18	KW	UPDATED SITE LAYOUT

This drawing is the property of Planners and Engineers Collaborative and is not to be copied in whole or in part. It is not to be used on any other project and is to be returned upon request. © Planners and Engineers Collaborative.

SHEET TITLE

PRELIMINARY PLAT

0 50 100 200 300

SCALE: 1" = 100'
DATE: December 20, 2010
PROJECT: 06143.00C

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED No. 34393 PROFESSIONAL ENGINEER KENNETH J WOOD

PP

SHEET

RECEIVED JUN 1 2 2018 COBB CO. COMM. DEV. AGENCY ZONING DIVISION

OTHER BUSINESS (CONT.)

~~O.B. 5 (CONT.)~~

~~MOTION: Motion by Cupid, second by Goreham, to **approve** Other Business Item No. 5 for site plan amendment for The Charles Agency, Inc. regarding rezoning application Z-149 (O'Neil Developments, Inc) of 1989, for property located in Land Lot 413 of the 19th District, on the west side of Powder Springs Road, south of Macland Road **subject to:**~~

- ~~**Site plan received by the Zoning Division March 11, 2014 (attached and made a part of these minutes)**~~
- ~~**All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**~~

~~VOTE: **ADOPTED** 4-0, Lee absent~~

O.B. 6 To consider a site plan and stipulation amendment for TV Holdings, LLC regarding rezoning application Z-73 of 2013 and Z-26 of 2007(TV Holdings, LLC and Town Center Associates, LLC), for property located on the south side of Big Shanty Road, on the east side of George Busbee Parkway and on the south and east sides of Hidden Forest Court in Land Lots 501 and 508 of the 16th District.

Mr. Pederson provided information regarding a stipulation and site plan amendment. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Cupid, to **approve** Other Business Item No. 6 for stipulation and site plan amendment for TV Holdings, LLC regarding rezoning application Z-73 of 2013 and Z-26 of 2007(TV Holdings, LLC and Town Center Associates, LLC), for property located on the south side of Big Shanty Road, on the east side of George Busbee Parkway and on the south and east sides of Hidden Forest Court in Land Lots 501 and 508 of the 16th District **subject to:**

- **Site plan last revised March 18, 2014 by Planners and Engineers Collaborative (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Mr. Kevin Moore dated April 14, 2014 (attached and made a part of these minutes)**

OTHER BUSINESS (CONT.)

O.B. 6 (CONT.)

- **District Commissioner shall have the authority to approve minor modifications to these stipulations and conditions and the Rezoning Plan as the development proposal 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 area 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 come back through the public hearing process as an Other Business Item.**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** 4-0, Lee absent

~~O.B. 7~~ ~~To consider a stipulation amendment for Bryan Sodel regarding rezoning~~ application Z-41 of 2010 (Health Care Capital Consolidated, Inc.), for property located on the south side of Lower Roswell Road, east of Cove Drive in Land Lots 1114 and 1115 of the 16th District.

Mr. Pederson provided information regarding a stipulation amendment. The public hearing was opened and there being no speakers, the hearing was then closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **approve** Other Business Item No. 7 for stipulation amendment for Bryan Sodel regarding rezoning application Z-41 of 2010 (Health Care Capital Consolidated, Inc.), for property located on the south side of Lower Roswell Road, east of Cove Drive in Land Lots 1114 and 1115 of the 16th District **subject to:**

- **Units to be moved according to description in Background section of staff comments (attached and made part of these minutes)**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** 4-0, Lee absent

~~O.B. 8~~ ~~WITHDRAWN~~

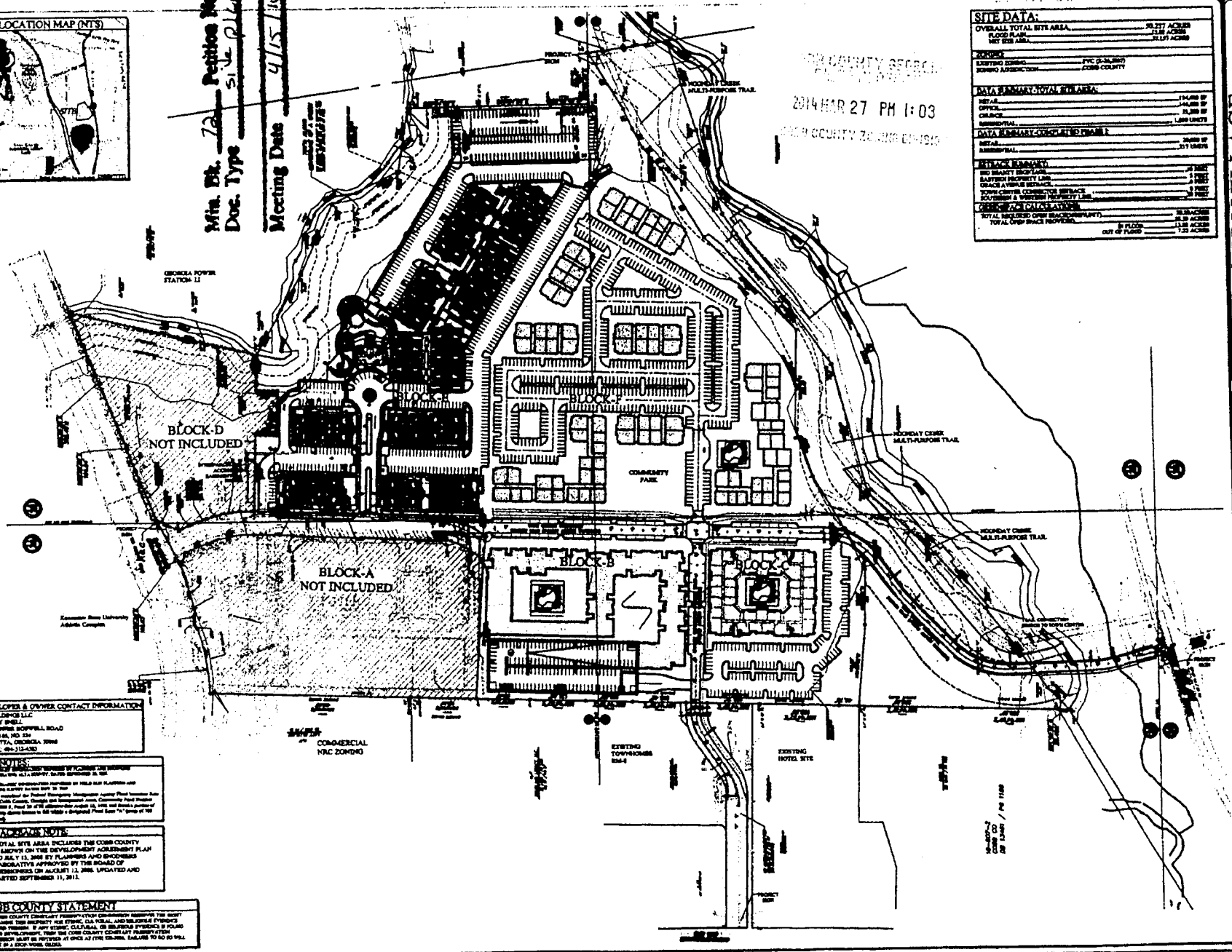
Mtn. Bk. 72 Petition No. 0814
Doc. Type SLUP
Meeting Date 4/15/14

2014 MAR 27 PM 1:03

SITE LOCATION MAP (NTS)

SITE DATA:

OVERALL TOTAL SITE AREA	30.277 ACRES
FLOOD PLAIN	1.138 ACRES
NET SITE AREA	31.171 ACRES
ZONING	
EXISTING ZONING	PVC (5-30-2007)
ZONING JURISDICTION	COBB COUNTY
DATA SUMMARY-TOTAL SITE AREA:	
RETAIL	214,000 SF
OFFICE	145,000 SF
CHURCH	35,000 SF
RESIDENTIAL	1,000 UNITS
DATA SUMMARY-COMPLETED PHASE I	
RETAIL	30,000 SF
RESIDENTIAL	311 UNITS
SETBACK SUMMARY:	
BIG BRANCH SIGNATURE	40 FEET
EASTERN PROPERTY LINE	5 FEET
GRACE AVENUE SETBACK	5 FEET
TOWN CENTER CONNECTOR SETBACK SOUTHERN & WESTERN PROPERTY LINE	5 FEET
OPEN SPACE CALCULATION:	
TOTAL REQUIRED OPEN SPACE(MINIMUM)	30.38 ACRES
TOTAL OPEN SPACE PROVIDED	45.31 ACRES
IN FLOOD	11.38 ACRES
OUT OF FLOOD	7.23 ACRES



DEVELOPER & OWNER CONTACT INFORMATION
TV HOLDINGS LLC
WOODY SNELL
4000 LOWER ROSWELL ROAD
SUITE 140, NO. 234
MARIETTA, GEORGIA 30068
PHONE: 404-312-4383

SITE NOTES:

SITE ACREAGE NOTE:
THE TOTAL SITE AREA INCLUDES THE COBB COUNTY LAND SHOWN ON THE DEVELOPMENT AGREEMENT PLAN DATED JULY 13, 2005 BY PLANNERS AND ENGINEERS COLLABORATIVE APPROVED BY THE BOARD OF COMMISSIONERS ON AUGUST 12, 2008. UPDATED AND RESTARTED SEPTEMBER 11, 2013.

COBB COUNTY STATEMENT
THE COBB COUNTY CEMETERY PRESERVATION COMMISSION RECEIVED THE RIGHT TO REVIEW THIS PROPERTY FOR ETHNIC, CULTURAL AND RELIGIOUS EVIDENCE LOCATED THEREIN. IF ANY ETHNIC, CULTURAL OR RELIGIOUS EVIDENCE IS FOUND DURING DEVELOPMENT, THEN THE COBB COUNTY CEMETERY PRESERVATION COMMISSION MUST BE NOTIFIED AT ONCE AT (770) 528-2056. FAILURE TO DO SO WILL RESULT IN A STOP-WORK ORDER.

TOWN VILLAGE
A MIXED USE MASTER DEVELOPMENT
FOR
TV HOLDINGS, LLC
4000 LOWER ROSWELL ROAD
SUITE 140, NO. 234
MARIETTA, GEORGIA 30068
PHONE: 404-312-4383

PLANNERS AND ENGINEERS COLLABORATIVE
SITE PLANNING LANDSCAPE ARCHITECTURE CIVIL ENGINEERING LAND SURVEYING

REVISIONS:

NO.	DATE	BY	DESCRIPTION
1	1/13/06	PEC	APPROVED SUBMITTAL PLAN
2	4/20/07	PEC	APPROVED SITE PLAN
3	10/1/13	PEC	PLAN UPDATE, MP & LAND SUBTRACT
4	12/4/13	PEC	UPDATE PLAN
5	3/4/14	PEC	UPDATE PLAN
6	3/26/14	PEC	UPDATE PLAN

SHEET TITLE
MASTER SITE PLAN

SCALE: 1" = 100'
DATE: October 1, 2013
PROJECT: 06143.00C

S

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
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†‡
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS
WILLIAM R. WINDERS, JR.^

ANGELA H. SMITH†
JOYCE W. HARPER
CHRISTOPHER C. MINGLEDORFF
ANGELA D. TARTLINE
CAREY E. OLSON^
CHARLES E. PIERCE*
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
TODD I. HEIRD*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER^
ADON J. SOLOMON^
AMY L. JETT^
JEFF C. MORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON
KRISTEN C. STEVENSON*
CARLY R. FEDELE

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL ST
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347

LOUISVILLE, KENTUCKY
9900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-6021

CHARLESTON, SOUTH CAROLINA
4000 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 302-0002

SARAH H. BEST*‡
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
MONTOYA M. HO-SANG†
TRISTAN B. MORRISON****
WILLIAM B. WARIHAY*
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN*****
GRAHAM P. ROBERTS
DAVID J. OTTEN*
JONATHAN S. FUTRELL
JOSHUA D. ARTERS*
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
LYNDSEY J. HURST

B. CHASE ELLEBY
G. BARDIN HOOKS
DAPHNE S. WITHROW
WILLIAM W. MCGOWAN, II‡^
TYLER R. MORGAN*
MARIANNA L. JABLONSKI*

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 KY
ALSO ADMITTED IN SC
* ALSO ADMITTED IN NC
* ADMITTED ONLY IN TN
; ADMITTED ONLY IN FL

April 14, 2014

Min. Bk. 72 Petition No. OB 6
Doc. Type letter of agreeable conditions
Meeting Date 4/15/14

Hand Delivered

RECEIVED
APR 14 2014
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

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 "Other Business" - Application No. Z-26 (2007) and Application No. Z-73 (2013) (Other Business Item No. 6)

Applicant: TV Holdings, LLC

Property Owners: TV Holdings, LLC and J. Ronald Terwilliger Revocable Trust

Property: 44.212 acres (42.477 acres and 1.735 acres) located along the southerly side of Big Shanty Road, easterly of George Busbee Parkway, and westerly of Interstate 75, Land Lots 436, 501, 502, 507, and 508, 16th District, 2nd Section, Cobb County, Georgia ("Property" or "Subject Property")

Dear John:

On behalf of the Applicant and Property Owners, please accept the following as amended, additional agreeable stipulations and conditions, which, if the referenced Application for "Other Business" Item is approved, as submitted, shall become a part of the grant of the requested Application 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 and filed March 31, 2014. The referenced revised additional stipulations are as follows:

Petition No. 086
Meeting Date 4/15/14
Continued

(1) The site plan shall be revised to that certain Master Site Plan prepared by Planners and Engineers Collaborative dated March 18, 2014.

(2) The Town Center Connector Road from Grace Avenue to Town Center Drive will be a private road and Applicant will dedicate a permanent, irrevocable easement to Cobb County, Georgia, on the Town Center Connector Road as a burden on its property and for the benefit and unrestricted use of the public.

(3) Applicant agrees to design and install private streets within the project and such streets will be designed by an experienced engineer based on a project specific traffic and site specific subsurface conditions.

(4) Community Project Signage will be installed at the locations indicated on the revised Master Site Plan as prepared by Planners and Engineers Collaborative dated March 18, 2014, and will include a Landscape License Agreement as required by Cobb County Department of Transportation. The project signage will be consistent with those conceptual evaluations provided with this request, attached collectively hereto as Exhibit "A" and incorporated herein by reference.

(5) The District Commissioner shall have the authority to approve minor modifications to these stipulations and conditions and the Master Site Plan as the development proposal 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 area 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 come back through the public hearing process as an "Other Business" Application agenda.

(6) These additional stipulations will supersede the previous site plan and stipulations and where in conflict Cobb County agrees to modify and amend the Development Agreement associated with the referenced property, if necessary to comply with theses stipulations.

We believe these requested updated stipulations are an appropriate modification for the Subject Property; and further we believe this project will be an enhancement to the community and to Cobb County as a whole. Thank you for your consideration of this request.

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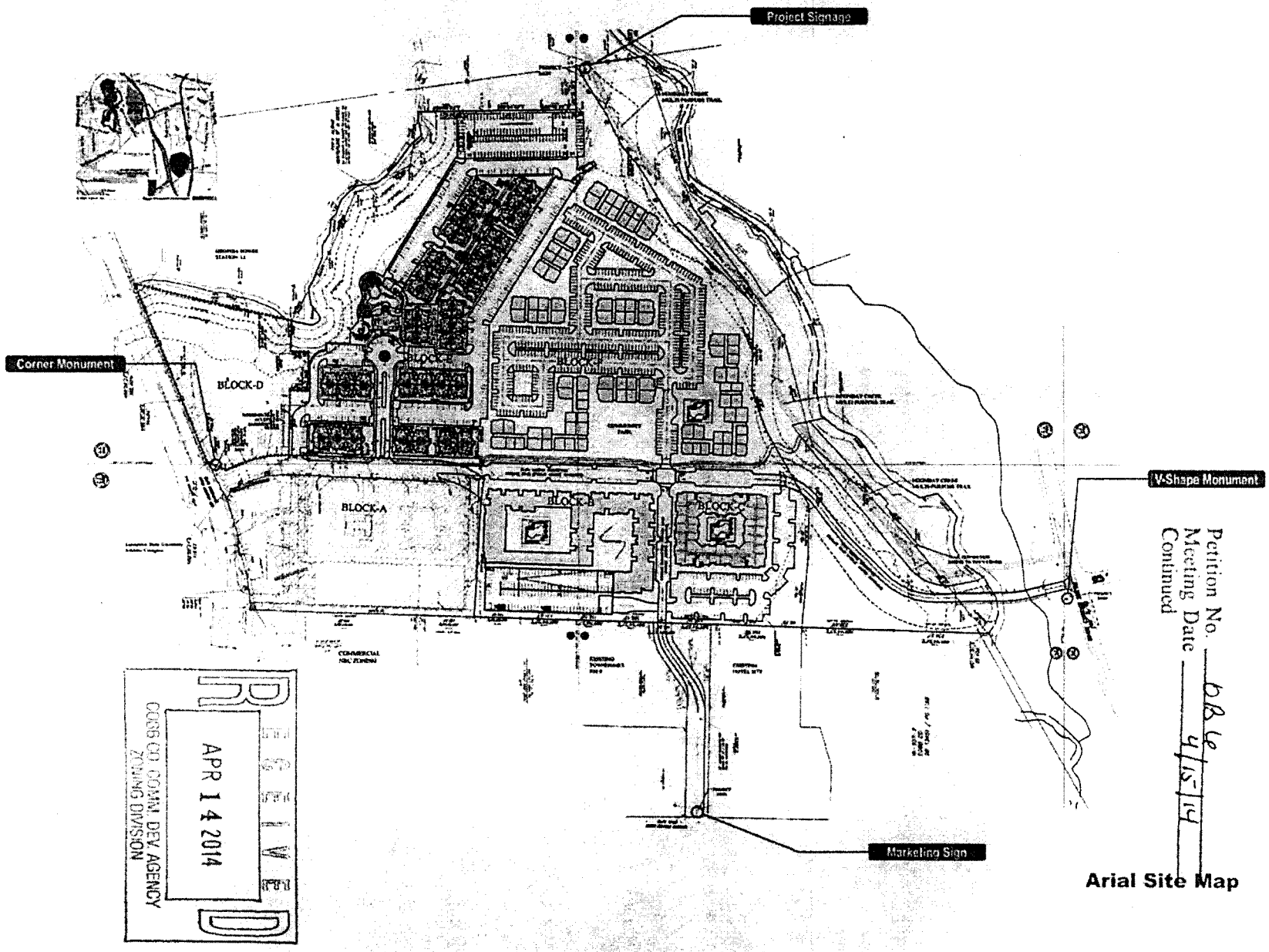

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www.denyseco.com

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Management Company
N/A

Property Name & Address
Town Village
Kennesaw, GA

Bid Number
62274

Project Manager
David Kaplen

Designer
C Craig

Date
01.13.2014

Revision Date
B 01.23.2014 ccraig
03.12.2014 ccraig
03.19.2014 ccraig
03.22.2014 ccraig

Design Time
11

Customer Approval

Filename
Monuments 1v3

- Concept
- Preliminary
- Production

Petition No. DB 6
Meeting Date 4/15/14
Continued

Arial Site Map

1

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

EXHIBIT "A"

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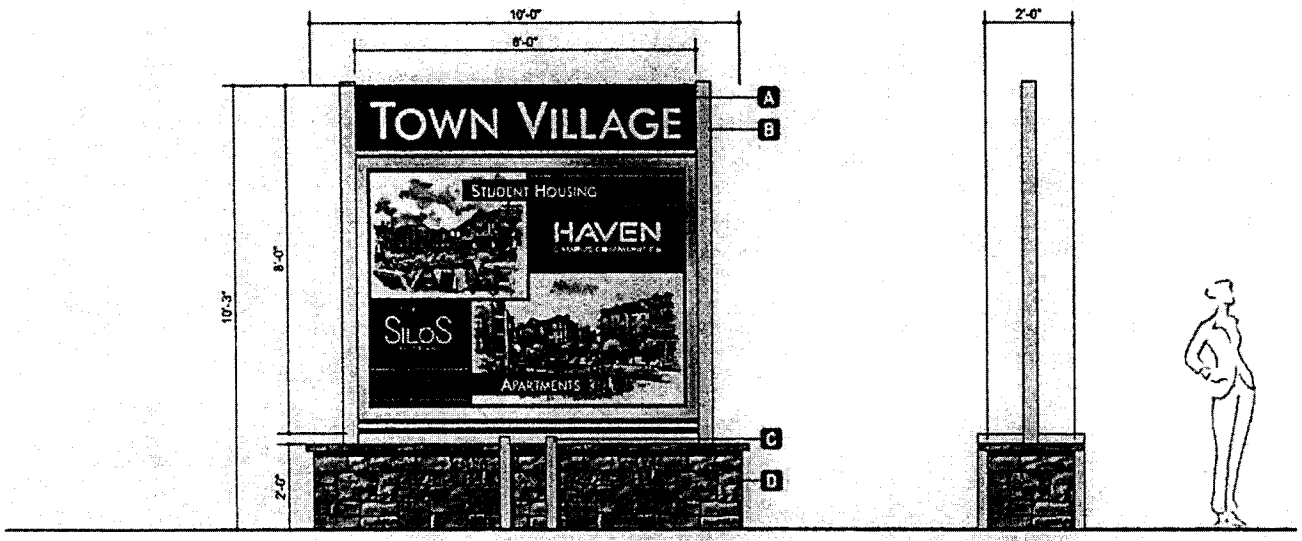

Front View

Qty: 1 DF
Site: See Plans

Side View

Marketing Sign
Scale: 3/8" = 1'-0"

Field Survey Required
All measurements & site conditions are to be field verified prior to production. Patterns may be required for production.

Vector Artwork Required
Vector artwork needs to be provided to produce this product. Must be an AI, EPS, or CDR file and formatted for a PC.

High Resolution Artwork Required
A file with 160 dpi this file (or 1/4 size) is needed to produce this product. Any resolution issued may result in a pixelated image.

Colors & Finishes

Colors shown here may not exactly match manufacturers color chart swatch or actual sample. Chart to either provide samples or specifications for custom colors prior to production or approve DeNyse color samples or color specifications.

- C1 Chocolate Brown - To be specified
- C2 Metallic or High Gloss Silver - To be specified
- C3 Beige - To be specified
- C4 Black
- S1 Stone - To be specified
- L1 White LEDs
- D1 Digitally Printed Image (color match not required)

Construction Specifications

- A 6mm Aluminum composite with first applied digitally printed graphics.
- B 4"x 4" Painted Aluminum Posts
- C 2"x 2" Painted Aluminum Tube
- D Stone Base

Code Research

Max Sign Area Allowed: To be specified (Boxed around copy area only)
Max Height: To be specified

Petition No. 08 6
Meeting Date 4/15/14
Continued

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Management Company
N/A

Property Name & Address
Town Village
Kennesaw, GA

Bid Number
62274

Project Manager
David Kaplan

Designer
C.Craig

Date
01.13.2014

Revision Date
0 01.23.2014 ccraig
03.12.2014 ccraig
03.19.2014 ccraig
03.22.2014 ccraig

Design Time
11

Customer Approval

Filename
Monuments 1v3

- Concept
- Preliminary
- Production

Marketing Sign

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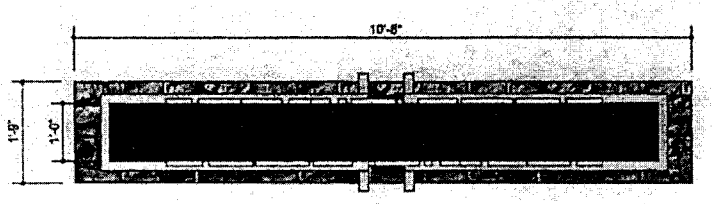
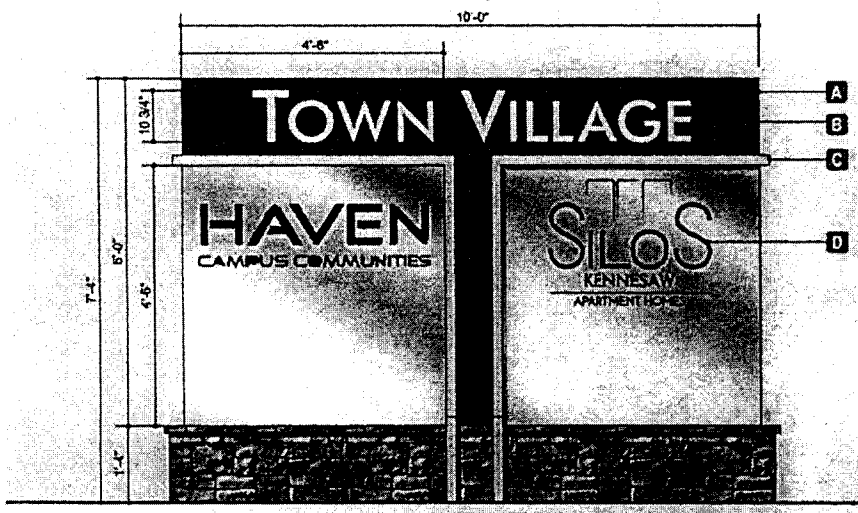
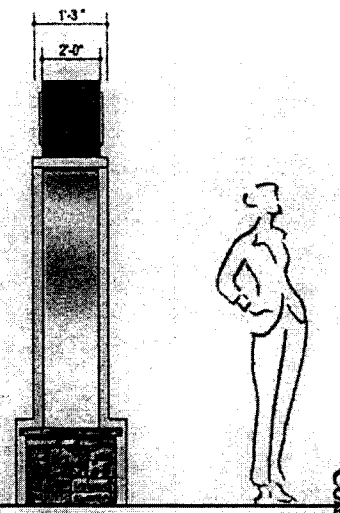


Plan View



Front View

Qty: 1 DF
Site: See Plans



Side View

Monument
Scale: 1/2" = 1'-0"

Field Survey Required
All measurements & site conditions are to be field verified prior to production. Patterns may be required for production.

Vector Artwork Required
Vector artwork needs to be provided to produce this product. Must be an AI, EPS, or CDR file and formatted for a FC.

Colors & Finishes

Colors shown here may not exactly match manufacturers color chart swatch or actual sample. Client to either provide samples or specifications for custom colors prior to production or approve Denyse color samples or color specifications.

- C1 Chocolate Brown - To be specified
- C2 Metallic or High Gloss Silver - To be specified
- C3 Beige - To be specified
- C4 Black
- S1 Stone - To be specified
- L1 White LEDs
- D1 Digitally Printed Image (color match not required)
- V1 Day / Night Vinyl

Construction Specifications

- A Aluminum fabricated cabinet with lath for applied stone
- B 0.75" Thick Routed and push thru acrylic; illuminated with LED
- C 2"x 2" Painted Aluminum Tube
- D .125" Routed aluminum face; face to have 0.75" thick routed and push-thru acrylic with first surface applied day/night vinyl

Code Research

Max Sign Area Allowed: To be specified (Boxed around copy area only)
Max Height: To be specified

Electrical Notes

Ⓧ Disconnect switch(s) UL & ID labels ☑ Vent - 2" Dia. Louvered

FINAL ELECTRICAL HOOK UP BY OTHERS
Electrical Requirements: 120 volt 60 Hz
Connection Type: permanent continuous operation
Number of Circuits: One (1) 20 amp Dedicated Branch Circuit(s)
Wire Size: 12 swg / conduit size: ½"
Max. Line Current: tbd

UL LISTED — Inspected and labeled in accordance with UL Standard for Electric Signs installed using UL listed parts and methods of installation in accordance with Article 600 of the National Electric Code and other applicable local codes. This includes proper grounding and bonding

Rb — This lighted product may contain Fluorescent, Neon, HID lamps or components that use Mercury in them. Dispose of these lamps & components according to the laws of the authority having jurisdiction

Petition No. 086
Meeting Date 4/15/14
Continued

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Management Company
N/A

Property Name & Address
Town Village
Kennesaw, GA

Bid Number
62274

Project Manager
David Kaplan

Designer
C.Craig

Date
01.13.2014

Revision Date
0 — 01.23.2014 ccraig; 03.12.2014 ccraig; 03.19.2014 ccraig; 03.22.2014 ccraig

Design Time
11

Customer Approval

Filename
Monuments 1v3

- ○ Concept
- ● Preliminary
- ○ Production

Corner Monument

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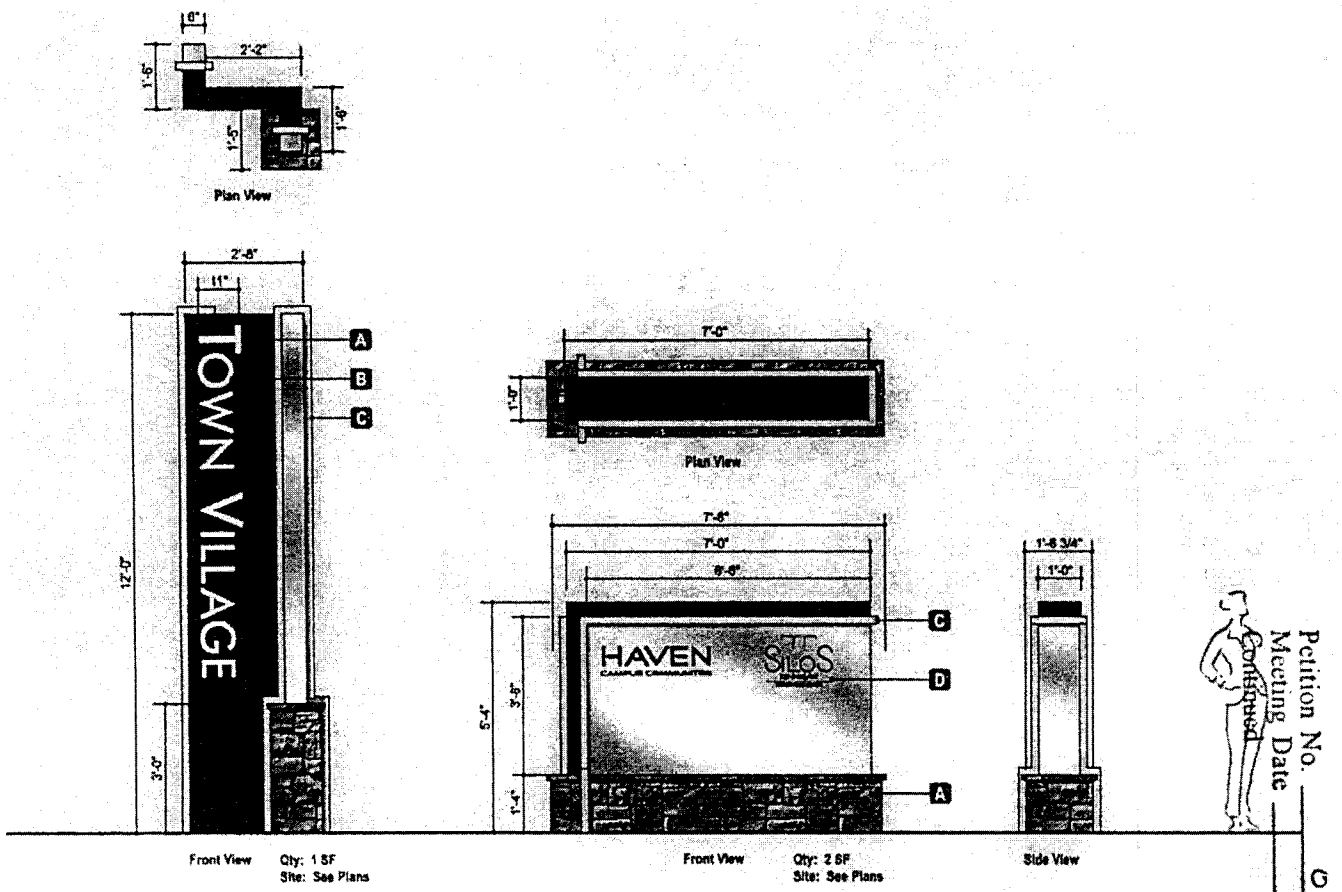

V-Shape Monument
Scale: 3/8" = 1'-0"

Petition No. OB 6
Meeting Date 4/15/14
Continued

Colors & Finishes

Colors shown here may not exactly match manufacturers color chart swatch or actual sample. Check to either provide samples or specifications for custom colors prior to production or approve DeNyse color samples or color specifications.

- C1 Chocolate Brown - To be specified
- C2 Metallic or High Gloss Silver - To be specified
- C3 Beige - To be specified
- C4 Black
- S1 Stone - To be specified
- L1 White LEDs
- D1 Digitally Printed Image (color match not required)
- V1 Day / Night Vinyl

Construction Specifications

- A Aluminum fabricated cabinet with lath for applied stone.
- B 0.75" Thick Routed and push thru acrylic; illuminated with LED
- C 2"x 2" Painted Aluminum Tube
- D .125" Routed aluminum face; face to have 0.75" thick routed and push-thru acrylic with first surface applied day/night vinyl

Code Research

Max Sign Area Allowed: To be specified (Boxed around copy area only)
Max Height: To be specified

Electrical Notes

Ⓧ Disconnect switch(s) UL & ID labels ☑ Vent - 2" Dia. Louvered

FINAL ELECTRICAL HOOK UP BY OTHERS
Electrical Requirements: 120 volt 60 hz
Connection Type: permanent continuous operation
Number of Circuits: One (1) 20 amp Dedicated Branch Circuit(s)
Wire Size: 12 awg / conduit size: ½"
Max. Line Current: tbd

UL LISTED — Inspected and labeled in accordance with UL Standard for Electric Signs installed using UL listed parts and methods of installation in accordance with Article 600 of the National Electric Code and other applicable local codes. This includes proper grounding and bonding.

Hg — This lighted product may contain Fluorescent, Neon, HID lamps or components that use Mercury in them. Dispose of these lamps & components according to the laws of the authority having jurisdiction.

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Management Company
N/A

Property Name & Address
Town Village
Kennesaw, GA

Bid Number
62274

Project Manager
David Kaplan

Designer
C.Craig

Date
01.13.2014

Revision Date
0 — 01.23.2014 copied; 03.12.2014 copied; 03.19.2014 copied; 03.22.2014 copied

Design Time
11

Customer Approval

Filename
Monuments 1v3

- Concept
- Preliminary
- Production

Field Survey Required — All measurements & site conditions are to be field verified prior to production. Patterns may be required for production.

Vector Artwork Required — Vector artwork needs to be provided to produce this product. Must be an AI, EPS, or CDR file and formatted for a PC.

V-Shape Monument (Option A)

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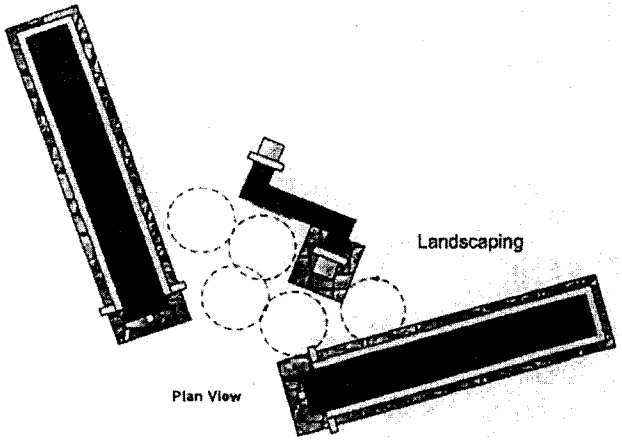
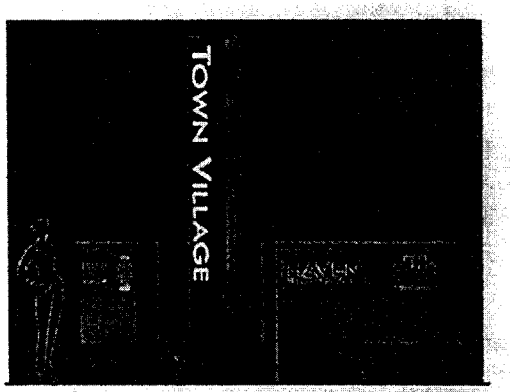
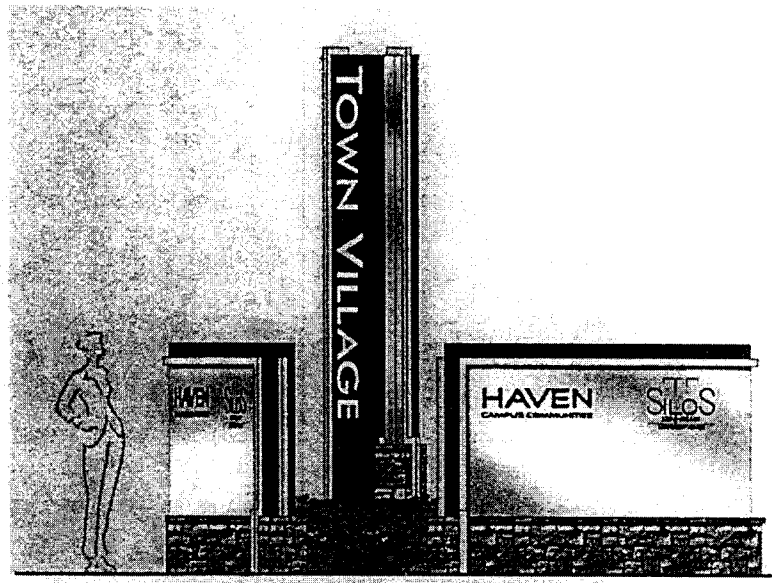




Night View
Scale: 1/4" = 1'-0"



V-Shape Monument
Scale: 3/8" = 1'-0"

Petition No. 0B6
Meeting Date 4/15/14
Continued

V-Shape Monument (Option A) Perspective

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Management Company
N/A

Property Name & Address
Town Village
Kennesaw, GA

Bid Number
62274

Project Manager
David Kaplan

Designer
C.Craig

Date
01.13.2014

Revision Date
0 01.23.2014 ccraig
03.12.2014 ccraig
03.19.2014 ccraig
03.22.2014 ccraig

Design Time
11

Customer Approval

Filename
Monuments 1v3

- Concept
- Preliminary
- Production

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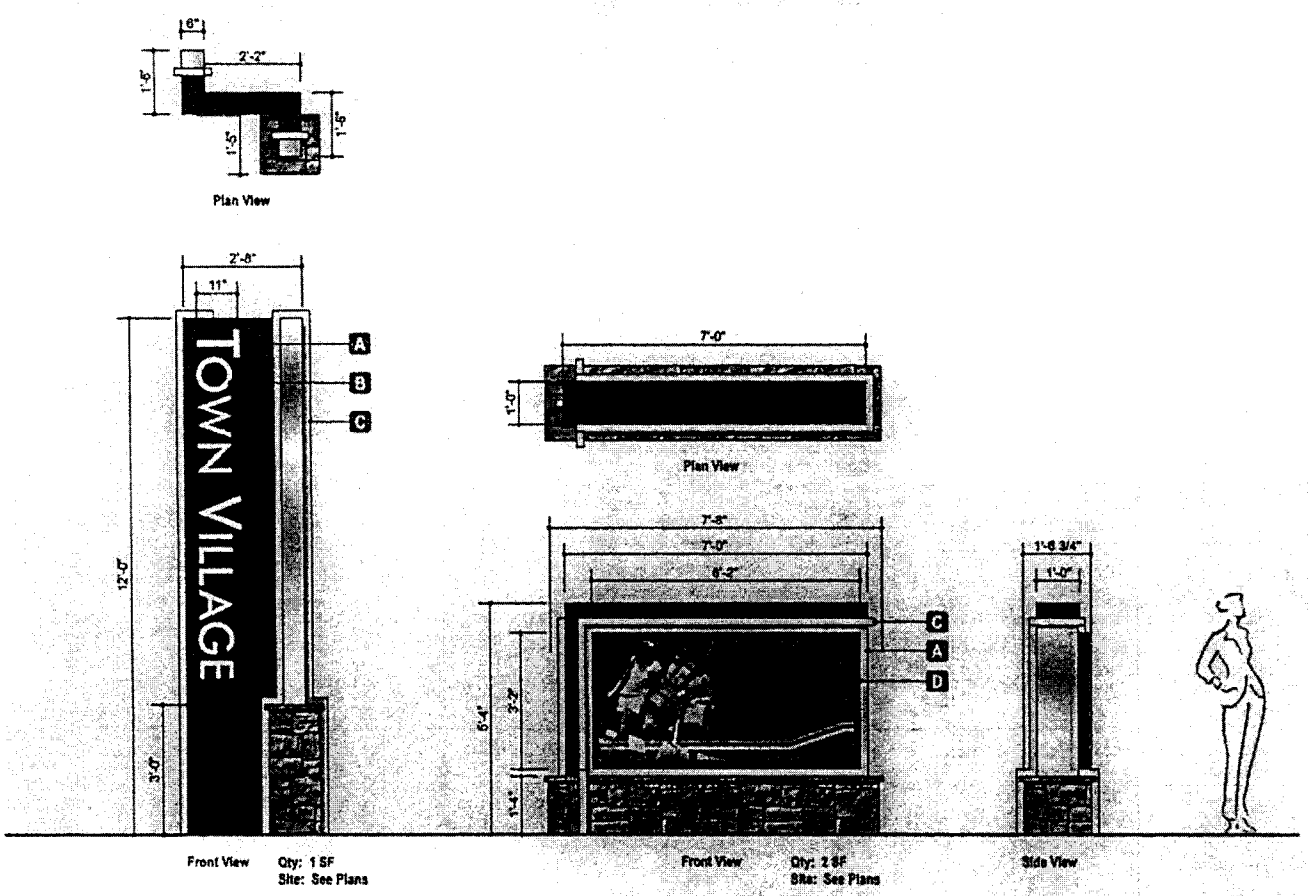

V-Shape Monument
Scale: 3/8" = 1'-0"

Colors & Finishes

Colors shown here may not exactly match manufacturers color chart match or actual sample. Client to either provide samples or specifications for custom colors prior to production or approve DeNyse color sampled or color specifications

- C1 Chocolate Brown - To be specified
- C2 Metallic or High Gloss Silver - To be specified
- C3 Beige - To be specified
- C4 Black
- S1 Stone - To be specified
- L1 White LEDs
- D1 Digitally Printed Image (color match not required)

Construction Specifications

- A Aluminum fabricated cabinet with lath for applied stone.
- B 0.75" Thick Routed and push thru acrylic; illuminated with LED
- C 2"x 2" Painted Aluminum Tube
- D Electronic Message Center (Full Color LED)

Code Research

Max Sign Area Allowed: To be specified (Boxed around copy area only)
Max Height: To be specified

Electrical Notes

Disconnect switch(s) UL & ID labels Vent - 2" Dia. Louvered

FINAL ELECTRICAL HOOK UP BY OTHERS
Electrical Requirements: 120 volt 60 hz
Connection Type: permanent continuous operation
Number of Circuits: One (1) 20 amp Dedicated Branch Circuit(s)
Wire Size: 12 awg / conduit size: ½"
Max. Line Current: lbd

UL LISTED — Inspected and labeled in accordance with UL Standard for Electric Signs installed using UL listed parts and methods of installation in accordance with Article 600 of the National Electric Code and other applicable local codes. This includes proper grounding and bonding.

Hg — This lighted product may contain Fluorescent, Neon, HID lamps or components that use Mercury in them. Dispose of these lamps & components according to the laws of the authority having jurisdiction.

Petition No. OB 6
Meeting Date 4/15/14
Continued

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Management Company
N/A

Property Name & Address
Town Village
Kennesaw, GA

Bid Number
62274

Project Manager
David Kaplan

Designer
C.Craig

Date
01.13.2014

Revision Date
0 — 01.23.2014 cc/aig; 03.12.2014 cc/aig; 03.19.2014 cc/aig; 03.22.2014 cc/aig

Design Time
11

Customer Approval

Filename
Monuments 1v3

- Concept
- Preliminary
- Production

Field Survey Required
All measurements & site conditions are to be field verified prior to production. Patterns may be required for production.

Vector Artwork Required
Vector artwork needs to be provided to produce this product. Must be an AI, EPS, or CDR file and formatted for a PC.

V-Shape Monument (Option B)

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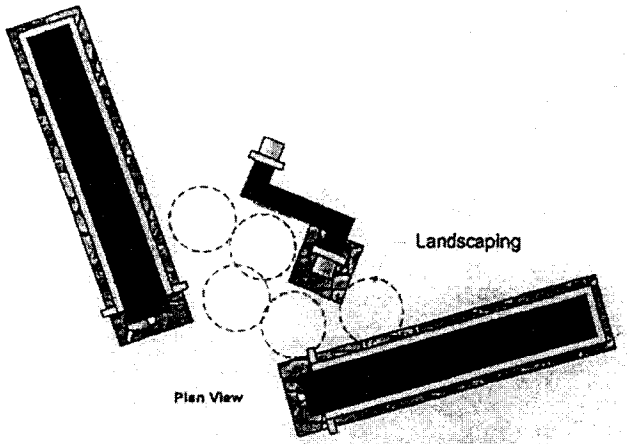
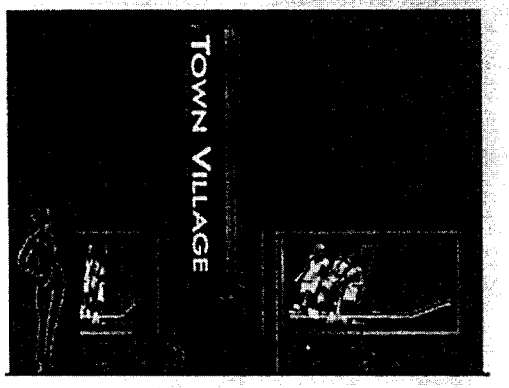
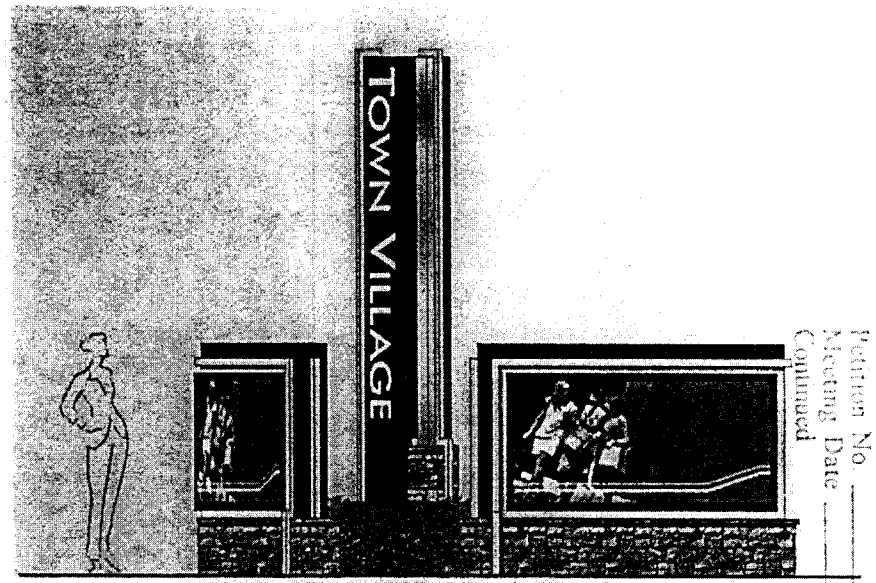


Plan View



Night View
Scale: 1/4" = 1'-0"



V-Shape Monument
Scale: 3/8" = 1'-0"

Petition No. ____
Meeting Date ____
Continued ____

OBG
4/15/14

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Management Company
N/A

Property Name & Address
Town Village
Kennesaw, GA

Bid Number
62274

Project Manager
David Kaplan

Designer
C.Craig

Date
01.13.2014

Revision Date
0 01.23.2014 ccraig
03.12.2014 ccraig
03.19.2014 ccraig
03.22.2014 ccraig

Design Time
11

Customer Approval

Filename
Monuments 1v3

- Concept
- Preliminary
- Production

V-Shape Monument (Option B) Perspective

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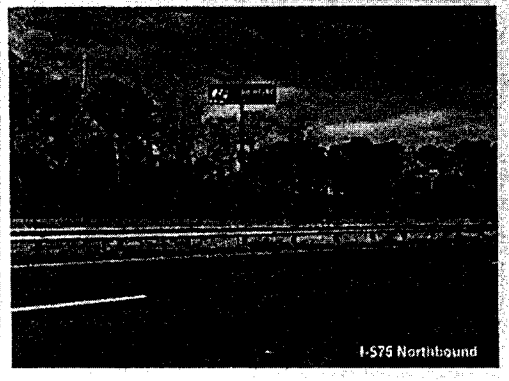
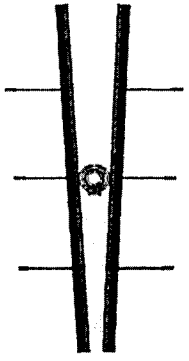
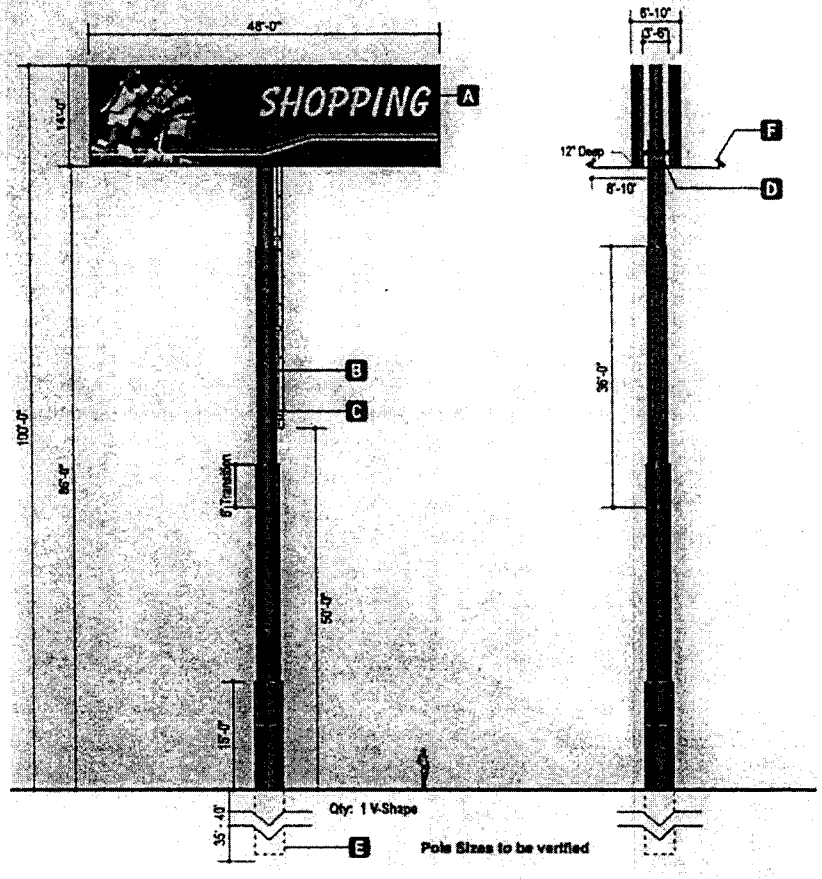




Plan View



LED EMC
Scale: 1/16" = 1'-0"

Colors & Finishes

Colors shown here may not exactly match manufacturers color chart swatch or actual sample. Client to either provide samples or specifications for custom colors prior to production or approve Denyse color samples or color specifications.

- C1 Chocolate Brown - To be specified
- C2 Metallic or High Gloss Silver - To be specified
- C3 Beige - To be specified
- C4 Black
- S1 Stone - To be specified
- L1 White LEDs
- D1 Digitally Printed Image (color match not required)

Construction Specifications

- A LED EMC
- B Steel Tube with Transitions
- C Access Ladder
- D Catwalk for Service
- E Footers installed with Vibro Hammer (direct burial)
- F Camera

Petition No. 086
Meeting Date 4/15/14
Continued

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Management Company
N/A

Property Name & Address
Town Village
Kennesaw, GA

Bid Number
62274

Project Manager
David Kaplan

Designer
C Craig

Date
01.13.2014

Revision Date
0 — 01.23.2014 ccraig; 03.12.2014 ccraig; 03.19.2014 ccraig; 03.22.2014 ccraig

Design Time
11

Customer Approval

Filename
Monuments 1v2

- Concept
- Preliminary
- Production

Field Survey Required
All measurements & site conditions are to be field verified prior to production. Patterns may be required for production.

Vector Artwork Required
Vector artwork needs to be provided to produce this product. Must be an AI, EPS, or CDR file and formatted for a PC.

EMC off I-575

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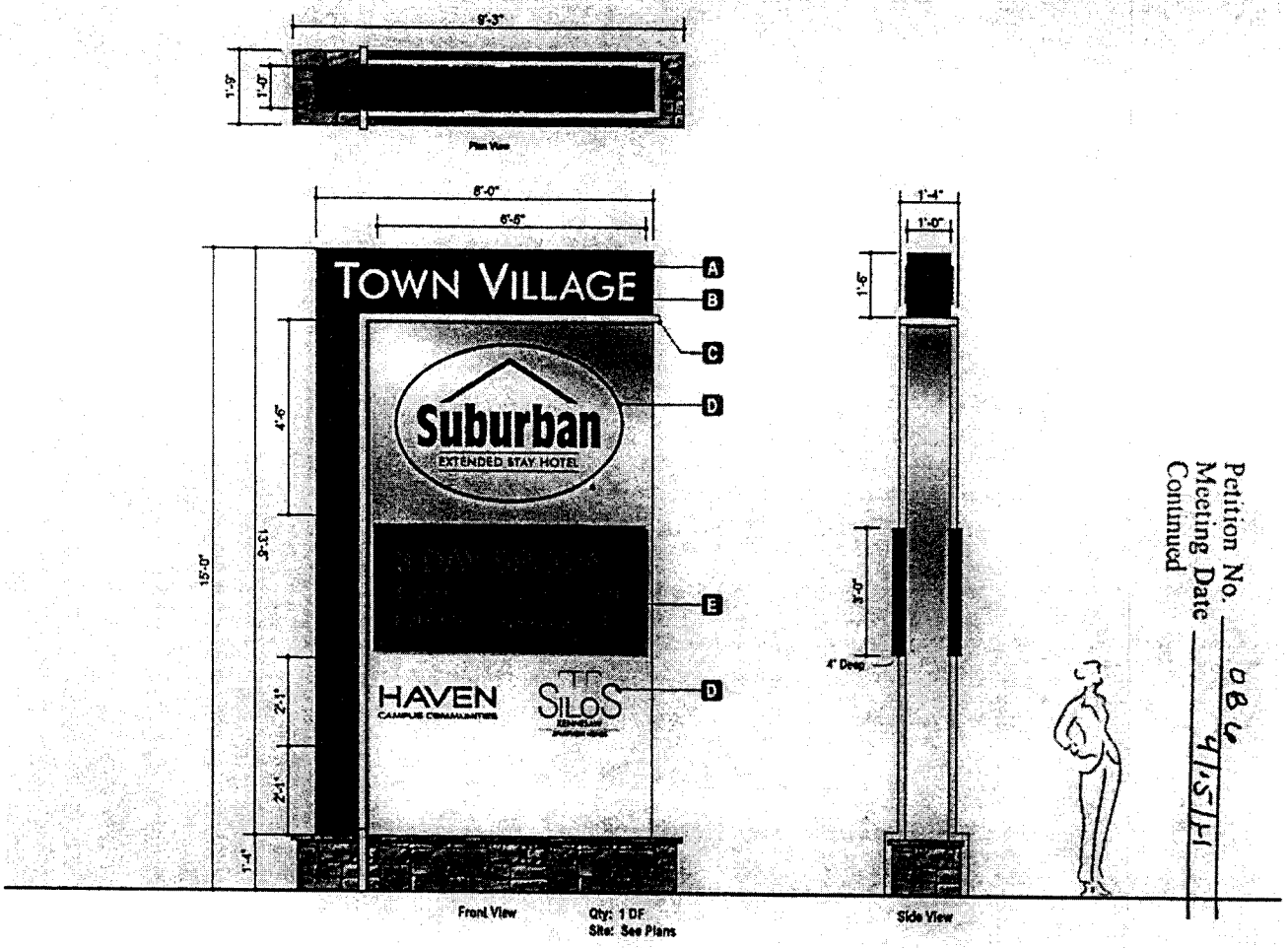

Petition No. OB6
Meeting Date 4/15/14
Continued

Monument
Scale: 3/8" = 1'-0"

Colors & Finishes

Colors shown here may not exactly match manufacturers color chart swatch or actual sample. Client to either provide samples or specifications for custom colors prior to production or approve DeNyse color samples or color specifications.

- C1 Chocolate Brown - To be specified
- C2 Metallic or High Gloss Silver - To be specified
- C3 Beige - To be specified
- C4 Black
- S1 Stone - To be specified
- L1 White LEDs
- D1 Digitally Printed Image (color match not required)
- V1 Day / Night Vinyl

Construction Specifications

- A Aluminum fabricated cabinet with lath for applied stone
- B 0.75" Thick Routed and push thru acrylic; illuminated with LED
- C 2"x 2" Painted Aluminum Tube
- D .125" Routed aluminum face; face to have 0.75" thick routed and push-thru acrylic with first surface applied day/night vinyl
- E Electronic Message Center (Red LED)

Code Research

Max Sign Area Allowed: To be specified (Boxed around copy area only)
Max Height: To be specified

Electrical Notes

Ⓧ Disconnect switch(s) UL & ID labels ☑ Vent - 2" Dia. Louvered

FINAL ELECTRICAL HOOK UP BY OTHERS
Electrical Requirements: 120 volt 60 hz
Connection Type: permanent continuous operation
Number of Circuits: One (1) 20 amp Dedicated Branch Circuit(s)
Wire Size: 12 awg / conduit size: ½"
Max. Line Current: tbd

UL LISTED — Inspected and labeled in accordance with UL Standard for Electric Signs installed using UL listed parts and methods of installation in accordance with Article 600 of the National Electric Code and other applicable local codes. This includes proper grounding and bonding.

Hg — This lighted product may contain Fluorescent, Neon, HID lamps or components that use Mercury in them. Dispose of these lamps & components according to the laws of the authority having jurisdiction.

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Management Company
N/A

Property Name & Address
Town Village
Kennesaw, GA

Bid Number
62274

Project Manager
David Kaplan

Designer
C.Craig

Date
01.13.2014

Revision Date
0 — 01.23.2014 cc/dkg; 03.12.2014 cc/dkg; 03.19.2014 cc/dkg; 03.22.2014 cc/dkg

Design Time
11

Customer Approval

Filename
Monuments 1v3

- Concept
- Preliminary
- Production

Field Survey Required
All measurements & site conditions are to be field verified prior to production. Patterns may be required for production.

Vector Artwork Required
Vector artwork needs to be provided to produce this product. Must be an AI, EPS, or CDR file and formatted for a PC.

Shared Monument

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 19, 2013
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 19, 2013 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 Helen Goreham
Commissioner Robert Ott

O.B. 1 To consider a stipulation clarification and amendment for rezoning application Z-26 of 2007 (Town Center Associates, LLC), for property located on the south side of Big Shanty Road on Hidden Forest Court and Truth Avenue in Land Lots 436, 501, 502, 507 and 508 of the 16th District.

Mr. John Pederson provided information regarding a stipulation clarification and amendment. The public hearing was opened and Mr. Kevin Moore, Ms. Linda Goff, Mr. Eric McConaghy, and Mr. James Laird addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Ott, to **approve** Other Business Item No. 1 for stipulation amendment for Z-26 of 2007 (Town Center Associates, LLC), for property located on the south side of Big Shanty Road on Hidden Forest Court and Truth Avenue in Land Lots 436, 501, 502, 507 and 508 of the 16th District **subject to:**

- **Amend previously stipulated letter of agreeable conditions from Mr. John Moore dated February 27, 2008 (attached and made a part of these minutes) as follows:**
  - **Page 3, Item No. 2, strike in its entirety and replace with: *"The property shall be developed by a master developer who shall be involved in all aspects of the subject development; including, but not limited to, coordination and responsibility to satisfy the conditions of rezoning and requirements of the Development of Regional Impact (DRI) comments. The master developer may include successors and/or assigns of the***

initial master developer, provided at all times there shall be one party acting as the master developer. Further provided that any successors or assigns of the master developer must follow the approved master site plan. Non minor modifications must be addressed through the rezoning application process."

- **All previous stipulations and conditions,** ***not otherwise in conflict,*** **to remain in effect**

VOTE: **ADOPTED** 4-1, Ott opposed

Clerk's Note: *Commissioner Ott clarified that the three properties currently not under contract (Walker, McConaghy, and Grace Church properties) have the following options: complete build-out of existing site plan under supervision of master developer; sell property to master developer; or seek rezoning of the property.*

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

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TELEPHONE (865) 682-9035
TELECOPIER (865) 682-9071

Min. Bk. 55 Petition No. Z-26 '07
Doc. Type letter of agreeable conditions
Meeting Date ~~Hand Delivered~~ 3-18-08

February 27, 2008

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

FEB 27 2008
COBB CO. COMM. ... ZONING DIVISION

RE: Application for Rezoning
Application No.: Z-26 (2007)
Applicants: Town Center Associates, LLC and Pacific 2, LLC
Property Owners: Tammy Black; Karl Baden; Catherine Baden; et al.
Property: 50.237 acres, being known as Hidden Forest Subdivision, and a tract located on the northerly side Big Shanty Road, easterly of George Busbee Parkway and westerly of I-575; Land Lots 436, 501, 502, 507, and 508, 16th District, 2nd Section, Cobb County, Georgia

Min. Bk. 68 Petition No. OB1
Doc. Type letter of agreeable conditions
Meeting Date 8/19/13

Dear Mark:

As you know, the undersigned and this firm represent Pacific 2, LLC and Town Center Associates, who are the Applicants (hereinafter collectively referred to as "Applicants"), and the numerous Property Owners enumerated in the above-referenced Application for Rezoning regarding a tract totaling 50.237 acres, more or less, being known as the Hidden Forest Subdivision, located in Land Lots 436, 501, 502, 507 and 508,

16th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicants 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. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed January 30, 2008; excepting only the Landscape Exhibit submitted therewith. The revised stipulations are as follows:

(1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations submitted by Planning, Fire, Water, Sewer, and Drainage, relating to the Subject Property.

(2) Applicants seek rezoning of the Subject Property from the existing R-20 and Neighborhood Shopping ("NS") zoning categories to the proposed zoning category of Planned Village Community ("PVC"), site plan specific to the revised Master Rezoning Site Plan (hereinafter "Zoning Plan") prepared by Planners and Engineers Collaborative dated September 4, 2007, last revised February 5, 2008.

(3) The Subject Property consists of 50.237 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL COMMUNITY

(1) This rezoning proposal is a "Village Concept" to include retail, office, and residential, with the residential component being of varying types.

(2) Pacific 2, LLC, as the developer, will be involved in all aspects of the development, including, but not limited to, the residential, retail, office and park components.

(3) There shall be master protective covenants for the entire development that will include all phases of the community; and concurrent therewith a master association will be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, and the like contained within the overall community (i.e., bike paths, sidewalks, open space, walking trails, and the like).

(4) The master association to be formed hereunder shall have architectural design regulations which shall control such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.

(5) Applicants propose to exchange with Cobb County existing rights-of-way for proposed rights-of-way, as more particularly shown and reflected on the referenced Zoning Plan.

(6) Applicants agree to work with the Cobb County Department of Transportation regarding the re-alignment of Grace Avenue, as more particularly shown and reflected on the referenced Zoning Plan.

(7) There shall be approximately 23.8 acres of open space/park area within the proposed community, which comprises approximately 47 percent of the total tract.

(8) The following buffers shall be associated with the proposed community:

(a) A landscape buffer ten (10) feet in width located along the frontage of the Subject Property with Big Shanty Road, as more particularly shown and reflected on the referenced Zoning Plan;

(b) A landscape buffer ten (10) feet in width located along the eastern boundary of the Subject Property, as more particularly shown and reflected on the referenced Zoning Plan; and

(c) A landscape buffer twenty (20) feet in width along the southern and western boundaries of the Subject Property, as more particularly shown and reflected on the referenced Zoning Plan.

(9) Entrances to the proposed community shall be as more particularly shown and reflected on the referenced Zoning Plan.

(10) Signage at each entrance point shall be ground based, monument style. The entrance areas shall be professionally designed, landscaped, maintained, and themed to the architecture and style of the community.

(11) There shall also be a network of walking trails and bicycle paths located within the open space area of the proposed overall community which shall link the various components of the development in order to promote the "live where you work" concept.

(12) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.

(13) Modifications to the within stipulations, the referenced Zoning Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.

(14) All open space, green space, trails, and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

(15) Applicants agree 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.

(16) Parking for restaurants, commercial and retail uses, and residential within The Village Center, as well as out parcels, will be provided by means of surface parking and parking decks as detailed on the Zoning Plan, which will employ "shared" parking among the

respective components and which will provide sufficient and adequate parking for the overall development.

(17) All private streets within the proposed community shall be constructed with the construction complying in all respects as to materials and base, of the Cobb County Code.

(18) The retail/office area of the proposed community shall have recessed areas and alcoves for any restaurant use so as not to impede pedestrian traffic with outside seating. Sidewalks located within The Village Center shall range from eleven (11) to eighteen (18) feet in width, with a minimum of eight (8) feet in width for sidewalks adjacent to outdoor seating areas.

(19) Applicants shall construct a passive Town Green park consisting of open space and a bandstand area. It is the intent of the development for the Town Green to be a public amenity to the entire community.

(20) Landscaping, lighting, paving features, and related site details shall be substantially similar to the plans prepared by Planners and Engineers Collaborative dated January 29, 2008, and submitted to the Cobb County Zoning Office on or about January 30, 2008.

(21) Applicants agree to install traffic calming devices within the development as approved by the District Commissioner.

(22) Project signage will also be installed in the southeastern portion of the site adjacent to Interstate 575, as more particularly shown and reflected on the referenced Zoning Plan.

(23) The District Commissioner shall approve all landscaping and architecture, not otherwise herein approved, as depicted in the renderings and plans set forth herein, prior to issuance of building permits.

(24) Applicants are planning to include restaurants as a part of the retail component within the proposed community, which restaurants may serve alcoholic beverages as a part of the food service.

(25) Applicants are planning to include this development as a Water Conservation Project based upon the suggestions of Kathey Nguyen, Water Conservation Coordinator for the Cobb County Water System. Conservation measures will include a combination of the following:

- WaterSense Labeled High Efficiency Toilets using 1.28 gallons per flush either through a reduced volume flush or an approved dual flush technology;

- Faucet aerators which have the WaterSense certification and use no more than 1.5 ~~Gallons~~ per minute;

- Showerheads which have a flow rate between 1.5-2.0 under 80 PSI;

- Outdoor irrigation will include efficient technology including, cistern systems, efficient irrigation heads, Evapotranspiration Controllers (Smart Controllers);

- Landscape design will include low water use vegetation; and

- Retail shops will have efficient technologies, including 1.6 gallons per minute pre-rinse spray valves for restaurants and food establishments, efficient dishwashing and laundry facilities using new water saving technology.

(26) Applicants agree to install and properly maintain all erosion control Best Management Practices in accordance with Cobb County and Georgia Soil and Water Conservation Commission requirements. Applicants agree to utilize polymer enhanced Best Management Practices during site development operations.

(27) Applicants agree to provide water quality for the Subject Property as approved by the Cobb County Stormwater Management Division. Applicants agree to utilize innovative water quality measures consisting of bio-retention, polymer enhanced baffle system, stream buffer protection, and enhancement with native species.

STIPULATIONS APPLICABLE TO RETAIL AND OFFICE USES

(1) There shall be a total of approximately 134,600 square feet of retail and commercial; approximately 144,600 square feet of office space; and approximately 31,200 square feet of multi-use church space as more particularly shown and reflected on the referenced Zoning Plan.

(2) Contained within this component part shall be community space of approximately 5,000 square feet which shall be reserved for community purposes for a period of one (1) year from the date of final zoning approval, after which time if no agreement has been

reached as to its uses, the same shall revert to retail/office space.

(3) The retail/office space shall consist of ground floor retail with four (4) stories of residential above; retail out parcel uses; and a separate office building a maximum of five (5) stories above parking, all as more detailed and reflected on the referenced Zoning Plan.

(4) Tenant space for the retail component shall not exceed a box size of 25,000 square feet.

(5) Applicants agree the exteriors and architectural appearance of the retail/office components, together with associated residences, shall be substantially similar to the renderings to be presented to the Planning Commission and the Board of Commissioners at the respective public hearings.

(6) The architectural theme and materials for out parcels shall be substantially similar to that of the proposed Village Center.

(7) The following uses shall be prohibited from the proposed overall development:

(a) Video arcades as a primary use;

(b) Adult-themed bookstores as a primary use;

(c) Automotive sales, repair, and/or service facilities; and

(d) Packaged sale of alcoholic beverages as a primary use; excepting a specialty store specializing in the sale of wine.

(8) Applicants agree to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

STIPULATIONS APPLICABLE TO RESIDENTIAL COMPONENT

(1) Within the area denominated as "The Village Center," shall be the following residential components:

(a) Within Blocks 1, 2, 3, and 4 of the proposed community, there shall be one thousand three hundred fifty-one (1,351) Village Condominium units located above retail/office uses and comprising the upper two (2) to four (4) stories thereof. These units shall be "for sale" units and shall comply in all respects with the State of Georgia Condominium Act.

(b) Condominiums in the townhome style in compliance with the Cobb County Condominium or Zoning Ordinance, totaling ninety-four (94) units, all of said units shall be "for sale" units;

(c) Stack Flat Condominiums consisting of eighty (80) units, four (4) to five (5) stories above an underground parking level will be located on the eastern portion of the site. These units shall be "for sale" units and shall comply in all respects with the State of Georgia Condominium Act.

(d) Independent Senior Living Condominiums consisting of one hundred eighty-five (185) units a maximum of five (5) stories above parking. These units shall be senior living leased units with a

resident of each unit being a minimum of fifty-five (55) years of age or older; excepting only compliance with the Federal Fair Housing Act, as amended.

(2) The total unit square footages for the respective residential types are as follows:

TYPE	SQUARE FOOTAGE RANGE
Townhomes	1,600 - 2,400 square feet
Village 3 Bedroom Condos	1,300 - 2,000 square feet
Village 2 Bedroom Condos	1,100 - 1,300 square feet
Village 1 Bedroom Condos	800 - 1,100 square feet[1]
Stack Flat 3 Bedroom Condos	1,400 - 2,000 square feet
Stack Flat 2 Bedroom Condos	1,200 - 1,500 square feet
Stack Flat 1 Bedroom Condos	900 - 1,200 square feet
Independent 2 Bedroom Senior	2,000 - 1,000 square feet
Independent 1 Bedroom Senior	700 - 1,100 square feet

(3) An exception to the foregoing is that the units, as described and set forth in subparagraph (1)(a), above, may be leased from the inception of the project. These Village Condominium units will be converted to "owned" residential units as soon as market conditions allow. Once converted, these units will become

[1]A maximum of forty (40) Village one bedroom units may be less than 800 square feet.

Petition No. OB1
Meeting Date 3/19/13
Continued

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

condominiums under and pursuant to the Georgia Condominium Act.

We believe the requested zoning, pursuant to the referenced, revised Zoning Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed overall community is an exciting concept which fits together numerous types of product into one development. The Applicants have gone to great detail in planning the development. The proposed community will promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc

Petition No. OB 1
Meeting Date 3/19/13

Petition No. Z-26 '07
Meeting Date 3-18-08
Continued

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

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Christi S. Trombetti
Bob Hovey
Bob Ott

Mr. Robert L. Hosack, Jr., AICP, Director
Cobb County Community Development Agency

John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency

Hilda W. Towery
Michael Stine
Bells Ferry Civic Association, Inc.

Carol Brown
Canton Road Neighbors

David Hong
East Cobb Civic Association, Inc.

The Pacific Group, Inc.

OFFICIAL MINUTES OF BOARD OF COMMISSIONERS ZONING HEARING AS TO APPLICATION FOR REZONING NO. Z-73 (2013) – DECEMBER 17, 2013

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 17, 2013
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 17, 2013 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 Helen Goreham
Commissioner Bob Ott

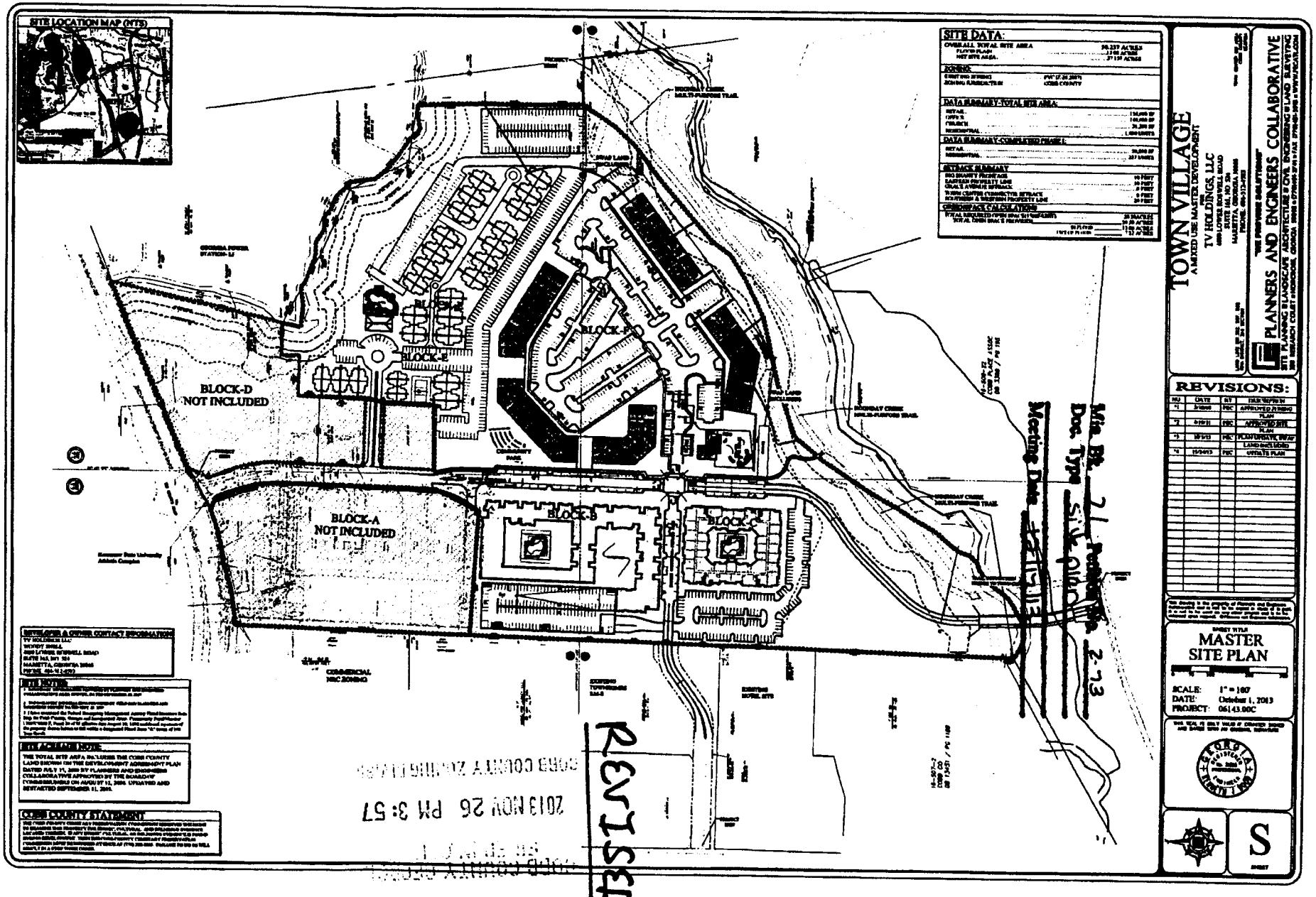
Z-73 **TV HOLDINGS, LLC** (owner) requesting Rezoning from **R-20** to **PVC** for the purpose of Residential Units and Site Plan Amendment in Land Lots 501 and 508 of the 16th District. Located on the south side of Big Shanty Road, on the east side of George Busbee Parkway, and on the south and east sides of Hidden Forest Court.

The public hearing was opened and Mr. Kevin Moore, Mr. T. E. Cauthorn, Mr. Eric McConaghy, and Mr. Michael Fox addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Birrell, second by Lee, to **approve** Rezoning to the **PVC** zoning district **subject to:**

- **Site plan received by the Zoning Division October 3, 2013 with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **If three properties not included as part of this site plan are acquired by "master developer," then any changes may be considered as an Other Business Item; if property is not sold to "master developer," then any changes must go through rezoning process**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **All previous stipulations and conditions for Z-26 of 2007, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously


SITE LOCATION MAP (NTS)
SITE DATA:
OVERALL TOTAL SITE AREA
FLOOD PLAIN
NET SITE AREA
ZONING:
DATA SUMMARY-TOTAL SITE AREA:
DATA SUMMARY-COMPLETED PHASE I:
SETBACK SUMMARY
ORDINANCE CALCULATIONS
BLOCK-A
NOT INCLUDED
BLOCK-B
BLOCK-C
BLOCK-D
NOT INCLUDED
BLOCK-E
BLOCK-F
COMMERCIAL
NRC ZONING
DEVELOPER & OWNER CONTACT INFORMATION
SITE NOTES
SITE ACREAGE NOTE
COBB COUNTY STATEMENT
TOWN VILLAGE
A MIXED USE MASTER DEVELOPMENT
TV HOLDINGS, LLC
PLANNERS AND ENGINEERS COLLABORATIVE
REVISIONS:
MASTER
SITE PLAN
SCALE: 1" = 100'
DATE: October 1, 2013
PROJECT: 06143.00C
S
Min. Bk. 21 Petition No. 2-73
Doc. Type Site Plan
Meeting Date 12/17/13
REVISED
2013 NOV 26 PM 3:57