

Application for "Other Business"

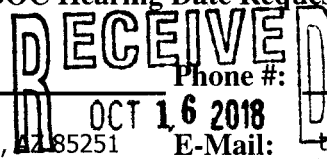
Cobb County, Georgia

OB-63-2018

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

BOC Hearing Date Requested: November 20, 2018

Applicant: District at Windy Hill, LLC
(applicant's name printed)



Phone #: (713) 977-5699 ext. 205

Address: 7150 E. Camelback Road, Suite 444, Scottsdale, AZ 85251
SAMS, LARKIN, HUFF & BALLI, LLP

E-Mail: tkaplan@kapcorp.com

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

by: Garvis L. Sams, Jr. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064

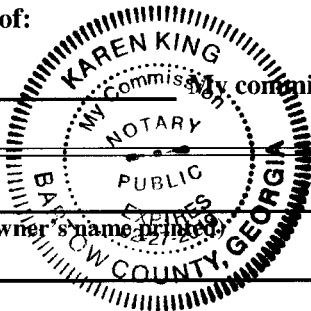
(representative's name printed)

Phone #: 770-422-7016 E-Mail: gsams@slhb-law.com

(representative's signature)

Signed, sealed and delivered in presence of:

Karen L. King
Notary Public



My commission expires: 2-27-19

Titleholder(s): See Attached
(property owner's name printed)

Phone #: _____

Address: _____ E-Mail: _____

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-89

Size of property in acres: 5.683 **Original Date of Hearing:** October 20, 2015

Location: On the northeast side of Interstate North Parkway West, south of Windy Hill Road.
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 875, 876 and 919 **District(s):** 17th

State specifically the need or reason(s) for Other Business: To allow an additional sign which will be mounted directly on a building wall (per attached rendering) in addition to the approved ground-based monument style signage, a rendering of which is also attached.

(List or attach additional information if needed)

* The Applicant specifically reserves the right to amend any information set forth in this Other Business Application at any time during the Other Business process).

ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB- 63
BOC Hearing Date: Nov. 20, 2018

Applicant: DISTRICT AT WINDY HILL, LLC
Titleholder(s): DISTRICT AT WINDY HILL, LLC
PIN#: 17091900030



PROPERTY OWNER'S CERTIFICATION

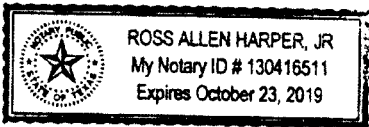
The undersigned(s) below, or as attached, is the owner of the property considered in this application.

[Signature] 10-8-18
Signature of Owner Date
Title: Manager
Printed Name: Geoff Simpson
Address: 777 Post Oak Blvd #850
Houston, TX 77056
Telephone No.: (713) 977-5699

[Signature]
Signature of Notary Public

Date 10/9/18

(Notary Seal)



CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE
OTHER BUSINESS APPLICATION

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1.
My name is Geoff Simpson. I am the officer who is delegated the responsibility for authenticating records of *District at Windy Hill, LLC* a Foreign Limited Liability Company (the "Titleholder"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application regarding certain real property owned by the Titleholder Company located in Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a Cobb County Other Business Application, I hereby attest on behalf of the Titleholder Company that I have reviewed the Other Business application and related documents which are being filed simultaneously therewith on behalf of the Applicant and Titleholder (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Other Business Application is in fact the seal of the Titleholder or a true facsimile thereof; and
- (b) That the officer who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Titleholder, and that the signature of said officer or other representative is genuine, and
- (c) That the execution of the Other Business Application and the filing of the Other Business Application by the Applicant is with the express permission of the Titleholder.


DISTRICT AT WINDY HILL, LLC

By:

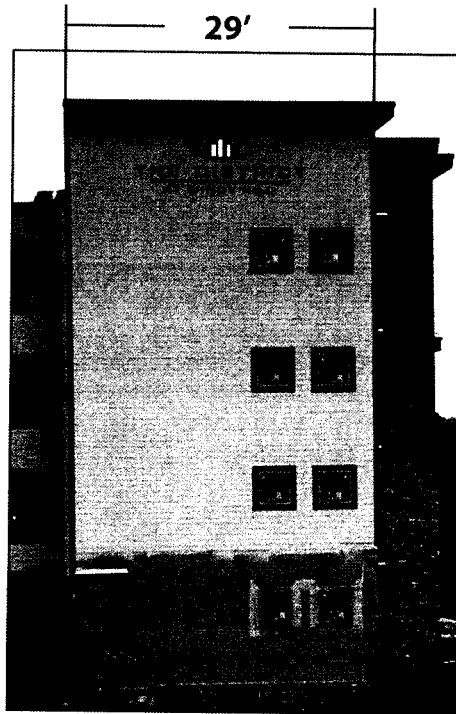
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Its

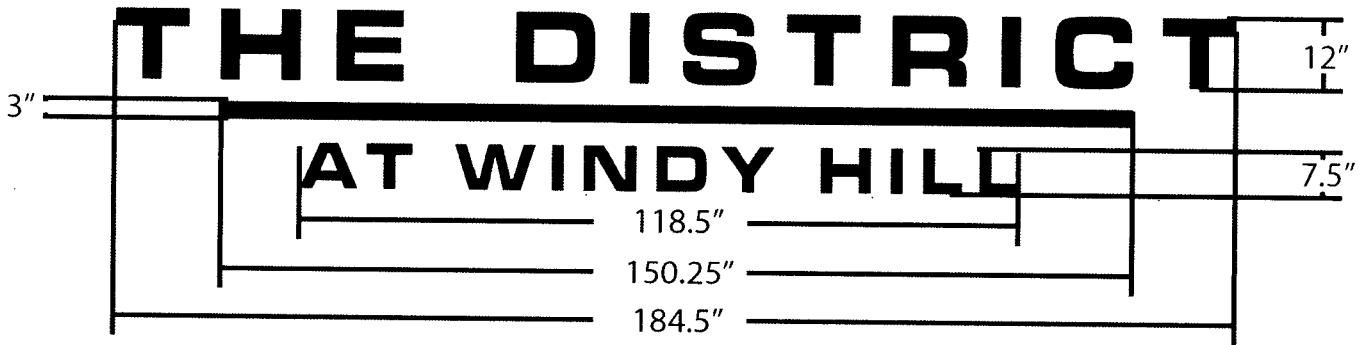
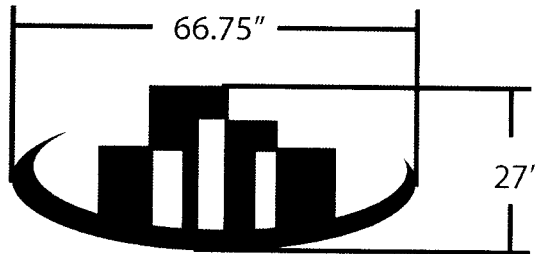
Title


Geoff Simpson
Manager

(CORPORATE SEAL)



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CLIENT	DISTRICT AT WINDY HILL
JOB	INDIVIDUAL CHANNEL LETTER
PROOF DATE	8.28.2018
PRODUCT DESCRIPTION	INDIVIDUAL CHANNEL LETTER SIGN HALO LIGHTING
SIZE	50.5 SQFT
PROOF	SITE RENDERING



COLORS

CMYK

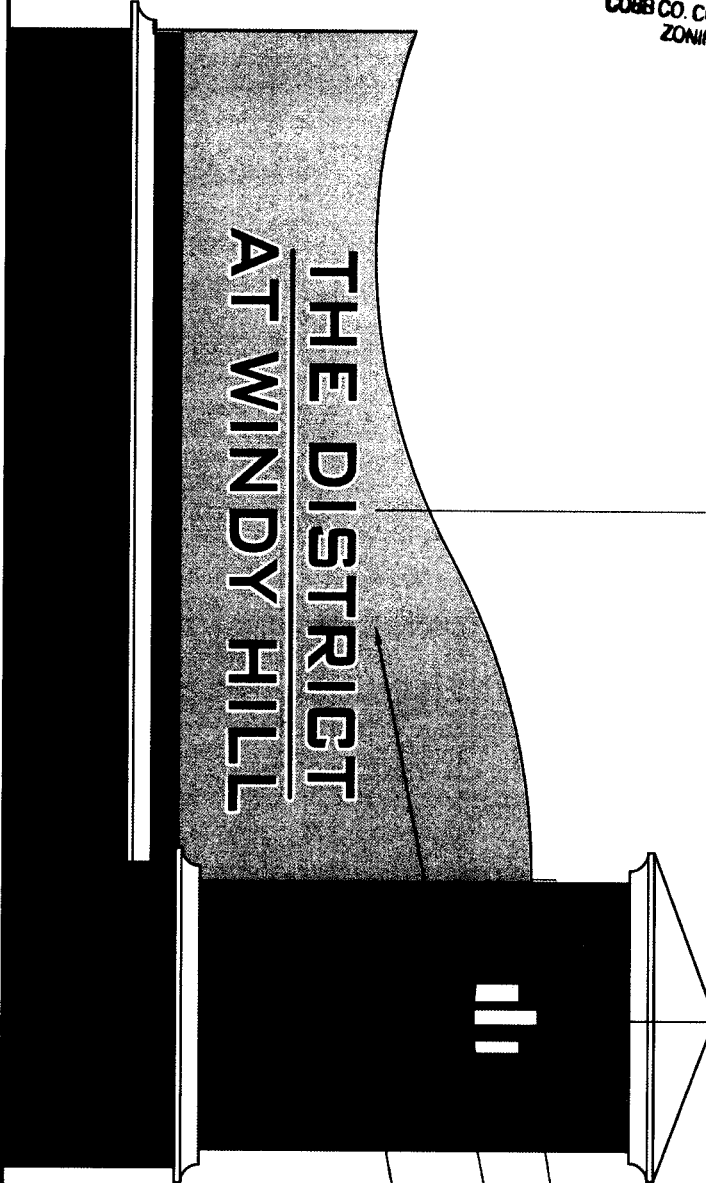


CONTACT

ANDREW WISEMAN
 678.903.5768

ANDREW@PROVIDENTIALSIGNWORKS.COM
 WWW.PROVIDENTIALSIGNWORKS.COM

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- ROUTED LOGO
- LED BLUE/WHITE BACKLIGHT
- INDIVIDUALLY ROUTED LETTERS
- WHITE LED BACKLIGHT
- BRICK VENEER TO MATCH CLUBHOUSE BRICK

CLIENT	KAPLAN MANAGEMENT
JOB	MONUMENT THE DISTRICT AT WINDY HILL
PROOF DATE	9.21.2018
PRODUCT DESCRIPTION	ABOVE: BACKLIT REVERSE CHANNEL LETTERS
SIZE	LTRs: 20.5" X 94.375", LOGO: 15.125" X 37.5"
PROOF	KM MONUMENT PROOF

COLORS

CMYK

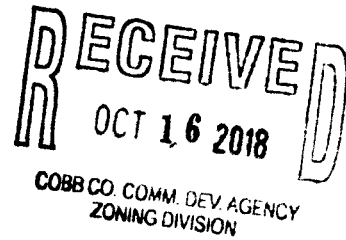


PROVIDENTIAL SIGNWORKS

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1220 KENNESTONE CIRCLE | SUITE 102 | MARIETTA, GA 30066



CONSENT AGENDA

MOTION: Motion by Birrell second by Ott, to approve/delete the following cases on the Consent Agenda, *as revised*:

~~Z-86~~ **TRINITY CHAPEL** (Trinity Chapel, Inc., owner) requesting rezoning from **R-30** to **O&I** for the purpose of a Church with an Electronic Sign in Land Lots 456 and 457 of the 19th District. Located on the south side of Macland Road, west of Old Lost Mountain Road (4665 Macland Road).

To delete Z-86 to the **R-30** zoning category, subject to:

- Site plan received by the Zoning Division on August 5, 2015 (attached and made a part of these minutes), with District Commissioner approving minor modifications
- Sign renderings received by the Zoning Division on August 21, 2015 (attached and made a part of these minutes), with District Commissioner approving minor modifications
- Allowance of an electronic sign
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

Z-89 **KAPLAN ACQUISITIONS, LLC** (Interstate North 5 Acres, LLC, formerly known as SHI Investments Six LLC, owner) requesting Rezoning from **OHR** to **UC** for the purpose of Residential Condominiums in Land Lots 875, 876 and 919 of the 17th District. Located on the northeast side of Interstate North Parkway West, south of Windy Hill Road.

To approve Z-89 to the UC zoning category, subject to:

- Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated September 11, 2015 (attached and made a part of these minutes), with the following changes:
 - Item No. 10 – strike in its entirety and revise to read: “Access to the proposed development shall be by means of an existing access point which is located on Interstate Parkway North as approved by Cobb DOT, with the proposed changes to traffic patterns from Windy Hill Road reflected on plan.”
 - Item No. 14, subset a. – add to end: “...if the on-site pond is utilized for detention, a hydrology study may be required to identify and define the current condition; details of this study will be outlined at Plan Review.”
 - Item No. 24 – add to end: “The final approval of all landscaping will be given by the District Commissioner.”

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CONSENT AGENDA (CONT.)

Z-89 KAPLAN ACQUISITIONS, LLC (CONT.)

- Item No. 26 – strike in its entirety and revise to read: “If Kaplan or one of its affiliated companies does not apply for Land Disturbance Permits within 24 months for that proposed residential community from the date of final rezoning, it will revert back to its previous (existing) category, with no further action required on behalf of Cobb County.”
- Add Item No. 27 – “Kaplan agrees to dedicate right-of-way along Rottenwood Creek in general conformity to the engineering design submitted at today’s hearing (attached and made a part of these minutes). However, Kaplan understands that this may not be the final design.”
- Add Item No. 28 – “Kaplan agrees to pay towards the construction of the Bob Callan Trail along their creek frontage. Currently, that is estimated to be approximately \$102,000.00. Kaplan acknowledges the final amount may be slightly higher or lower but will be in general conformity to that number.”
- Letter of agreeable conditions from Mr. Garvis L. Sams, Jr. dated October 2, 2015 (attached and made a part of these minutes)
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

Clerk’s Note: Upon reading Z-89 into the record, there was one person, Ms. Vicki Plunkett, in opposition. After discussion with Mr. Garvis L. Sams, Jr., Mr. Dave Breaden, and the Board, Ms. Plunkett responded that the resolution provided regarding the stormwater issue was satisfactory; therefore, this case remained on the Consent Agenda.

~~Due to opposition present, LUP-26 (WORD OF FAITH FAMILY WORSHIP CENTER, INC.) was pulled from the Consent Agenda and heard in its numerical order on the Regular Agenda (see page 15).~~

~~LUP-27 PRAISE TABERNACLE CHURCH (Praise Tabernacle Church, Inc., owner) requesting a **Land Use Permit (Renewal)** for the purpose of Mobile Classrooms in Land Lots 956 and 957 of the 19th District. Located on the west side of Hiram Lithia Springs Road, north of Defoors Farm Drive (4052 Hiram Lithia Springs Road).~~

~~To approve LUP-27 for **24 months** subject to:~~

- ~~Site plan received by the Zoning Division on September 24, 2015 (attached and made a part of these minutes)~~

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A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.

JOEL L. LARKIN

PARKS F. HUFF

JAMES A. BALLI

ADAM J. ROZEN

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30066

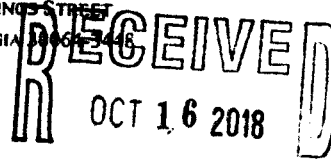
770-422-7016

TELEPHONE

770-426-6583

FACSIMILE

WWW.SLHB-LAW.COM



September 11, 2015
COB CO. COMM. DEV. AGENCY
ZONING DIVISION

VIA EMAIL

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

Min. Bk. 77 Petition No. Z-89
Doc. Type Letter

Meeting Date 10-20-15

Re: Application of Kaplan Acquisitions, L.L.C., to Rezone a 5.683 Acre Tract from OHR to UC - Conditional (No. Z-89)

Dear John:

As you know, this firm represents Kaplan Acquisitions, L.L.C. ("Kaplan") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on October 6, 2015 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on October 20, 2015.

Kaplan's focus is committed to developing Class A, amenitized, mid-rise multi-family communities in top growth markets throughout the United States such as the property which constitutes the subject matter of this application. Clearly, a huge draw for Kaplan is the \$400,000,000 mixed use development which will surround SunTrust Park. In that regard, the Cumberland CID has literally laid the groundwork for the types of growth and development trends which have now been firmly established. According to projections, in the 5 year period beginning in 2013 and ending in 2018, the Cumberland CID, defined as the 6.5 square mile area around "Cobb's largest job center", will add 4,500 dwelling units in the multi-family housing market which will include apartments, townhomes and condos and which will bring approximately 10,000 new residents to this sub-area of the County.

After meetings and discussions with Planning and Zoning staff and other Cobb County Departmental representatives, including Stormwater Management, DOT and the Water System and, after reviewing their comments and recommendations, the uses of adjacent properties and the dramatic changes in this sub-area's infrastructure, we have been authorized by Kaplan to submit this letter of agreeable stipulations which, if the application for rezoning is approved, as submitted, shall become conditions and a part of the grant of the requested rezoning and shall be binding upon the subject property thereafter.

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The proposed stipulations are as follows, to wit:

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 concerning the subject property; together with any and all prior departmental comments and staff recommendations relating to the subject property from any previous rezoning actions.¹
2. Kaplan seeks rezoning of the subject property from the existing zoning category of OHR to the proposed zoning category of UC - Conditional in substantial conformity to that certain Site Plan and the Stream Buffer Averaging Plan prepared by Planners and Engineers Collaborative which were filed concurrently with the application for rezoning. Reduced copies of the rezoning site plan and the stream buffer averaging plan are attached hereto for ease of reference.
3. The subject property consists of approximately 5.683 acres of total site area and shall be developed for a total number of 275 residential condominiums, one and two bedroom units ranging in size from 600 square feet to 1,620 square feet.
4. The architectural style and composition of the buildings shall be consistent with the architectural rendering/elevation submitted concurrently with the application for rezoning. A reduced copy of the architectural rendering/elevation is attached hereto for ease of reference.

The exteriors of the buildings will be responsive to the site and surrounding area and shall consist of brick, stone, stacked stone, stucco type materials, Hardi or metal-panel, masonry, cement fiber and glass or any combination thereof on all four sides.

5. All units within the proposed residential community will be leased; however, said units may 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.

¹ The subject property is currently zoned in the Office High Rise ("OHR") zoning classification for a sixteen story office building and a seven story parking deck, with 396,000 square feet of office space (No. Z-53[2002]).

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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. 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 occurring, Kaplan 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, Kaplan 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. The proposed residential community shall have state of art recreational facilities for the use and enjoyment of its residents, as follows:
 - a. Conveniently located pool area which will include a clubhouse which will feature a lounge and coffee bar area.
 - b. A fitness center which will be fully equipped and shall contain a separate yoga studio.
 - c. An outside courtyard and connectivity to the Rottenwood Creek Trail, a/k/a Bob Callan Trail, which extends from Interstate North Parkway north to Terrell Mill Road. Additionally, pedestrian connectivity is being explored by way of the possibility of a public-private partnership for access and use of a privately owned park along Interstate North Parkway and Rottenwood Creek within the Interstate North Office Park.
 - d. Bicycle racks; and,
 - e. Controlled access.

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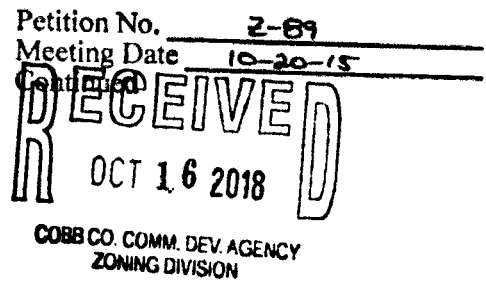
9. Floor plans and finishes within the units shall consist, at a minimum, of the following:
- a. A minimum of 9 feet ceiling heights from floor to finished ceilings and greater and a minimum of 10 feet between floors.
 - b. Wood framed cabinetry or its equivalent.
 - c. Enhanced granite, Corian, marble or other solid surface countertops.
 - 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 including spacious walk-in closets.
 - h. High speed internet wiring in all units.
 - i. Upgraded wood trim package throughout each unit.
 - j. Brushed chrome or oil rubbed bronze bathroom and kitchen fixtures.
 - k. Ceramic tile bathrooms and laundry rooms. Also, tile tub surround and tile showers in select units.
 - l. Window treatments throughout the units to present an uniform appearance.
 - m. First class landscape and hardscape throughout the proposed developed.
 - n. Energy efficient construction which will meet and exceed the Georgia Energy Code.
 - o. Double paned, insulated windows in all units; and
 - p. Controlled access buildings and amenity areas.

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10. Access to the proposed development shall be by means of the existing access point which is located on Interstate North Parkway as more particularly shown and reflected on the referenced rezoning site plan.
11. The overall lighting within the proposed development shall be environmentally sensitive, decorative and themed to the architectural style and composition of the buildings.
12. Pedestrian lighting style and concept will be subject to review and approval by the District Commissioner during the Plan Review process. Additionally, hooded lighting shall be utilized on the buildings and throughout the walkways, surface parking areas and parking garage.
13. Signage for the proposed development shall be ground-based, monument style and shall be constructed in the style and of materials which are complimentary to the proposed architecture as aforementioned.
14. Compliance with recommendations from the Stormwater Management Division with respect to hydrology, detention and downstream considerations, including the following:
 - a. In recognition of the small pond across Rottenwood Creek from the subject property which was likely developed as a regional detention pond prior to a majority of the construction and development which has taken place along the Interstate North Parkway Corridor, Kaplan shall pay a fee in lieu of detention which will be calculated at \$5,000 per impervious acre.
 - b. Kaplan shall deal with water quality issues and on-site Best Management Practices ("BMPs") with a proprietary device or other approved water quality methods.
 - c. The allowance of stream buffer averaging as shown on that certain Stream Buffer Averaging Plan prepared by Planners and Engineers Collaborative which was filed concurrently with the application for rezoning and which is being attached for ease of reference.

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- d. Kaplan may utilize pervious pavers, pervious asphalt or some other type of pervious substance for the fire apparatus roads and other areas within the proposed project in order to ameliorate impervious surfaces as much as possible.
15. Compliance with recommendations from the Cobb County Department of Transportation, as follows:
- a. Installation of sidewalks emanating from the proposed project to connect to sidewalks along Interstate North Parkway.
 - b. A recognition that the only access to the subject property from I-75 will be the off-ramp access which will take traffic southerly on Interstate North Parkway to the subject property.
 - c. For the purposes of easing traffic circulation and making it more accommodating to the residents of the proposed residential community, Kaplan shall ensure that each resident is aware of the existing inter-parcel access and/or reciprocal easement agreements with Pappadeaux's restaurant and other contiguous and adjacent properties.²
16. All construction and employee vehicles and equipment will be parked and otherwise located on the subject property during the development of infrastructure and construction of the residential buildings.
17. Granting of the following contemporaneous variances:
- a. A waiver of the west property line setback to 30 feet.
 - b. Stream buffer averaging (Administrative Variance) as shown on the Stream Buffer Averaging Plan.
 - c. Allowance for all the units to be rental in lieu of "for sale" condominiums.

² As a part of the 2016 SPLOST project concerning the conceptual plan for a connector between Windy Hill Road and Terrell Mill Road, there will be dedicated triple left turning lanes at the signalized intersection on Windy Hill Road at what presently constitutes the terminus of Spectrum Circle.

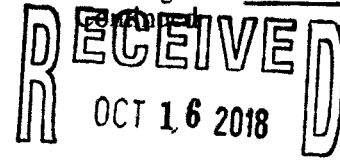
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18. Landscaping for the entrance area, sign area, amenity and courtyard areas and all other common areas immediately surrounding the proposed buildings shall be professionally designed, implemented and maintained.
19. All utilities servicing units within the proposed development shall be located underground.
20. Kaplan shall be allowed to provide for a gated development pursuant to Cobb County Standards and Ordinances.
21. Any retaining walls exposed to public rights-of-way or adjacent properties shall be faced with hard surface materials such as brick, stone, stacked stone or split-faced segmented block wall.
22. Any sidewalk, curb or guttering damaged or destroyed during construction shall be repaired or fully replaced during the completion of the project.
23. 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 required by Cobb County.
24. All landscaping referenced herein shall be approved by the Cobb County Arborist as a part of the Plan Review process and incorporated into the overall landscape plan for the proposed development.
25. 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 which 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 is in direct contradiction to or in conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business" application.

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26. If Kaplan or one of its affiliated companies does not commence the permitting process for the proposed residential community within 24 months from the date of final rezoning approval, the zoning of the subject property shall revert to its previous existing category of OHR without further action on behalf of Cobb County.

Of course, it is Cobb County's professional staff's responsibility to issue a Staff Zoning Analysis with recommendations following certain criteria and the manner in which that criteria relates either favorably or unfavorably to the proposed development. However, going through that same analysis, Kaplan has concluded that:

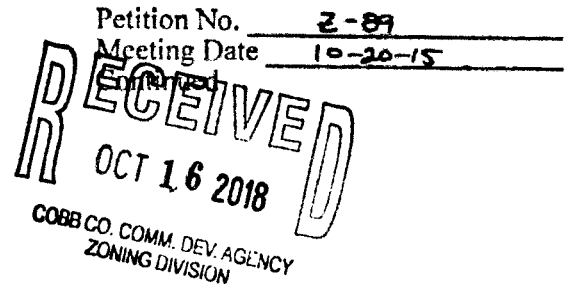
- a. The rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area contains many intense uses such as mid and high-rise office buildings, high density residential and commercial uses. The property is currently zoned for a sixteen story office building and a seven story parking deck, with 396,000 square feet of office space (No. Z-53 [2002]).
- b. The rezoning proposal will not have an adverse effect upon the usability of adjacent and nearby properties and the proposal is consistent with the character of the area which is truly mixed use. Moreover, the proposal is located in an area which supports a variety of office, commercial and residential uses.
- c. The rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, schools or utilities. This opinion can be supported by the ultimate departmental comments which will be contained in the staff's final Zoning Analysis and also embodied in the Traffic Impact Study prepared by A&R Engineering which was submitted concurrently with the application for rezoning.
- d. The rezoning proposal is in conformity with the policy and intent of Cobb County's Comprehensive Plan which delineates the property to be within a Regional Activity Center land use category, sub-area for Office use. The Cobb County Comprehensive Plan states, "...mixed use developments that include retail... and mid and high-rise residential developments are appropriate for this category" based upon the urban characteristics of the area and the intensity of this particular Regional Activity Center, the proposal meets the intent of the Cobb County Comprehensive Land Use Plan and the Future Land Use Map.

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- e. There are existing and changing conditions affecting the use and development of the subject property which give supporting grounds for approving the rezoning proposal. For instance, according to projections, in the five year period beginning in 2013 and ending in 2018, the Cumberland CID, defined as the 6.5 square mile area around "Cobb's largest job center", will add 4,500 dwelling units in the multi-family housing market which will include apartments, townhomes and condos and which will bring approximately 10,000 new residents to this sub-area of the County.

Consistent with Kaplan's discussions with Cobb DOT and the Georgia Department of Transportation ("GDOT") we are conversant with GDOT Project PI 0012774 which will convert the existing partial cloverleaf interchange of Windy Hill Road at I-75 to a diverging diamond interchange. This will, of course, include the relocation of the intersection of Windy Hill Road at Circle 75 Parkway and Windy Hill Road at Leland Drive. In that regard, Interstate North Parkway traffic heading northward to Windy Hill Road will be diverted to Interstate North Parkway "East".

Obviously, Kaplan has taken these infrastructure and transportation improvements into consideration and finds them to be an enhancement to the proposed development of the subject property as the construction of the aforementioned GDOT project will be completed after construction of the proposed development. With that being said, please do not hesitate to contact me should you or your staff require any further information or documentation prior to the formulation of your Zoning Analysis and staff recommendations. With kind personal regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

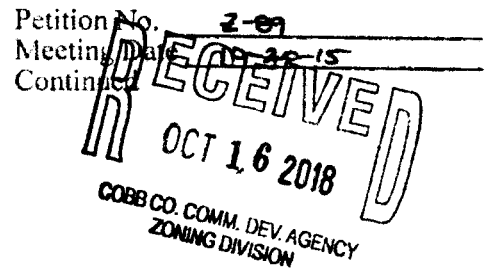
GLS/dsj
Attachments
cc: Listed on next page

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
September 11, 2015
Page 10



- cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Commission Assistants, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Mr. Dana Johnson, AICP, Director (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. Donald Wells, Zoning Analyst (via email w/attachments)
Ms. Kim Wakefield, Zoning Analyst (via email w/attachments)
Mr. Tim Davidson, Cobb County Water System (via email w/attachments)
Mr. David Breden, P.E., Cobb County Stormwater Management (via email w/attachments)
Ms. Jane Stricklin, P.E., Cobb County DOT (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Mr. Jerry Davis, Managing Director, Kaplan Acquisitions, LLC (via email w/attachments)
Mr. Abdul Amer, P.E., A&R Engineering, Inc. (via email w/attachments)
Mr. Matt Kaczinski, P.E., Planners and Engineers Collaborative (via email w/attachments)
James A. Balli, Esq. (via email w/attachments)

PLANNERS AND BUSINESS COLLABORATIVE
 300 POND DRIVE
 10000 WINDY HILL ROAD
 SUITE 100
 ATLANTA, GA 30338
 TEL: 404.525.8800
 FAX: 404.525.8801
 WWW: WWW.PBC-COOP.COM

REVISIONS:

NO.	DATE	DESCRIPTION
1	8/10/15	INITIAL
2	8/10/15	INITIAL
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REZONING SITE PLAN
 DATE: 8/10/15
 DRAWN BY: ABBY DAVIS
 CHECKED BY: ABBY DAVIS



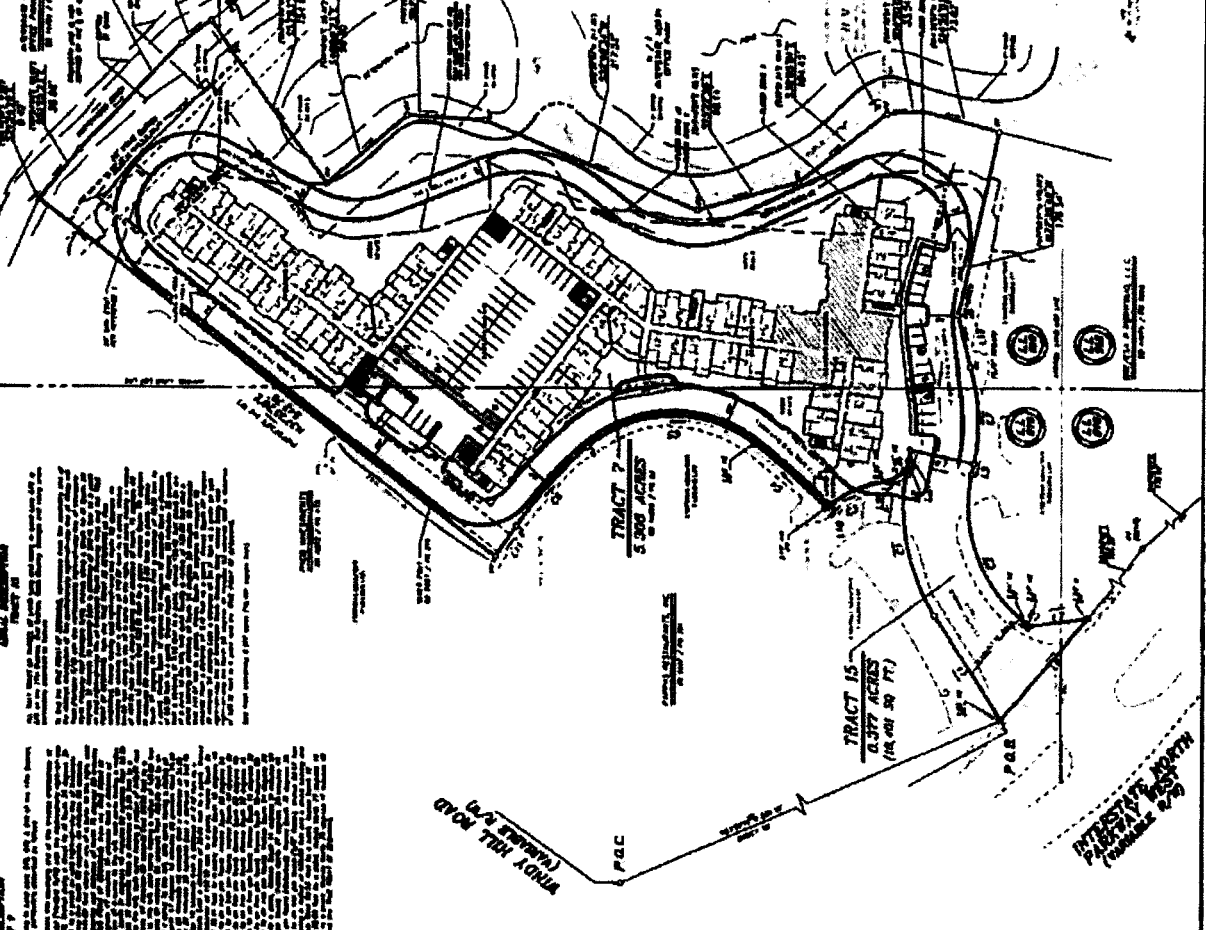
SITE DATA

TRACT NO.	15
TRACT AREA	2.377 ACRES
TRACT PERCENTAGE	100%
TRACT ZONING	P-C
TRACT ZONING DESCRIPTION	PLANNED COMMUNITY
TRACT ZONING EFFECTIVE DATE	11/10/13
TRACT ZONING EXPIRES	11/10/16
TRACT ZONING DISTRICT	15
TRACT ZONING DISTRICT DESCRIPTION	PLANNED COMMUNITY
TRACT ZONING DISTRICT EFFECTIVE DATE	11/10/13
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24 HOUR CONTACT
ABBY DAVIS
 AUG - 6 2015
 COBB COUNTY COMM. DEV. AGENCY
 ZONING DIVISION

RECEIVED
 OCT 16 2015

**COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION**



LEGAL DESCRIPTION
 TRACT 15
 2.377 ACRES
 (88,461 SQ. FT.)
 ...

LEGAL DESCRIPTION
 TRACT 7
 5.300 ACRES
 (228,000 SQ. FT.)
 ...

Petition No. Z-87
 Meeting Date 10-20-15
 Continued _____

PLANNERS AND ENGINEERS COLLABORATIVE

1000 NORTH DEERFIELD ROAD
 SUITE 100
 ALPHARETTA, GEORGIA 30201
 TEL: 770-442-2600
 FAX: 770-442-2601

THE DISTRICT AT WINDY HILL

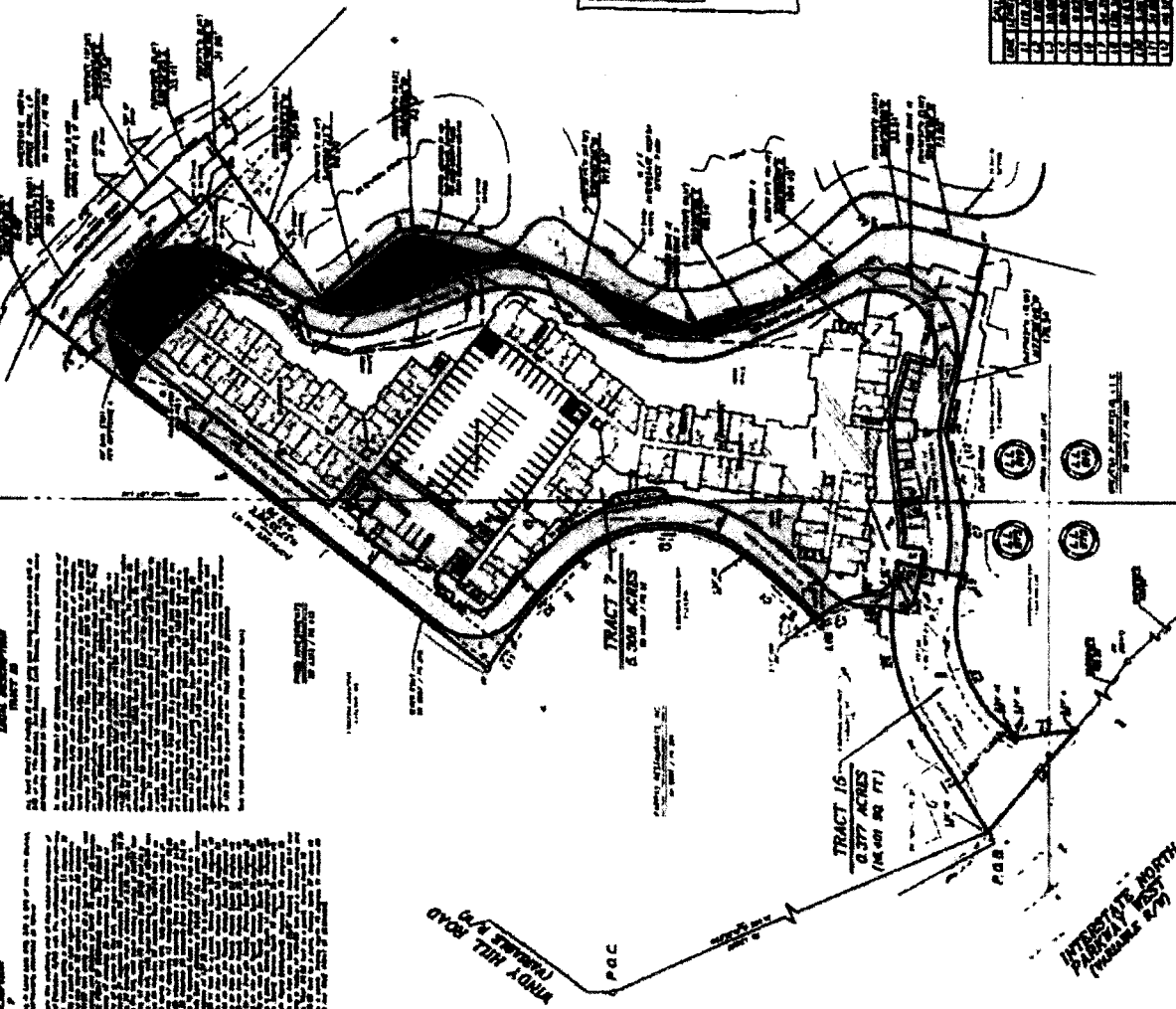
24 HOUR CONTACT
JERRY DAVIS @ 949-230-6681

REVISIONS:

NO.	DATE	DESCRIPTION

STREAM BUFFER AVERAGING PLAN

DATE: 8/6/15
 DRAWN BY: JERRY DAVIS

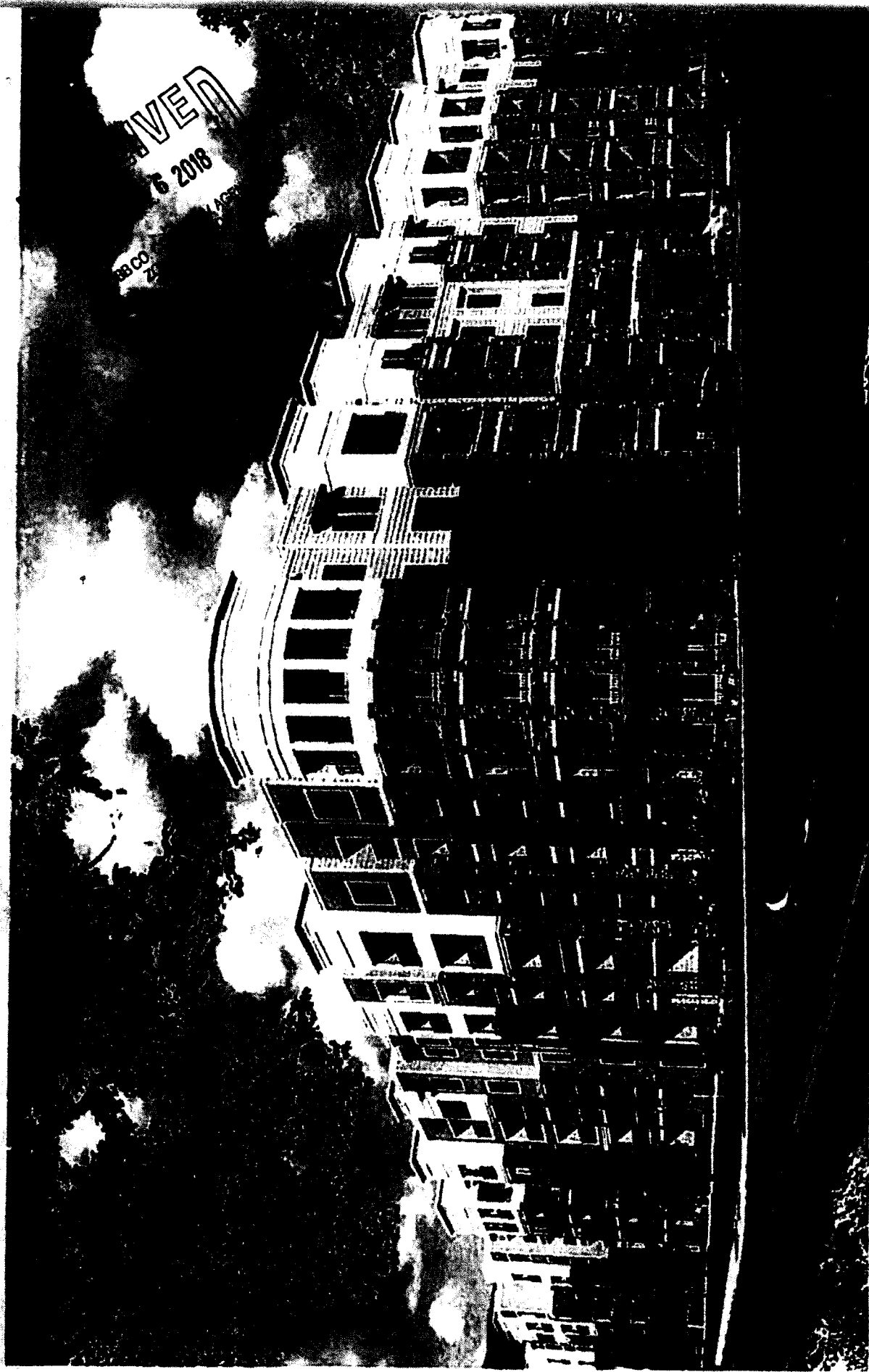


LOCAL ADVERTISEMENT

TRACT 7

TRACT 16

Petition No. 2-89
 Meeting Date 10-20-15
 Continued



VEN
6 2018
BB CO

THE
CORPORA
MAYORS
OFFICE

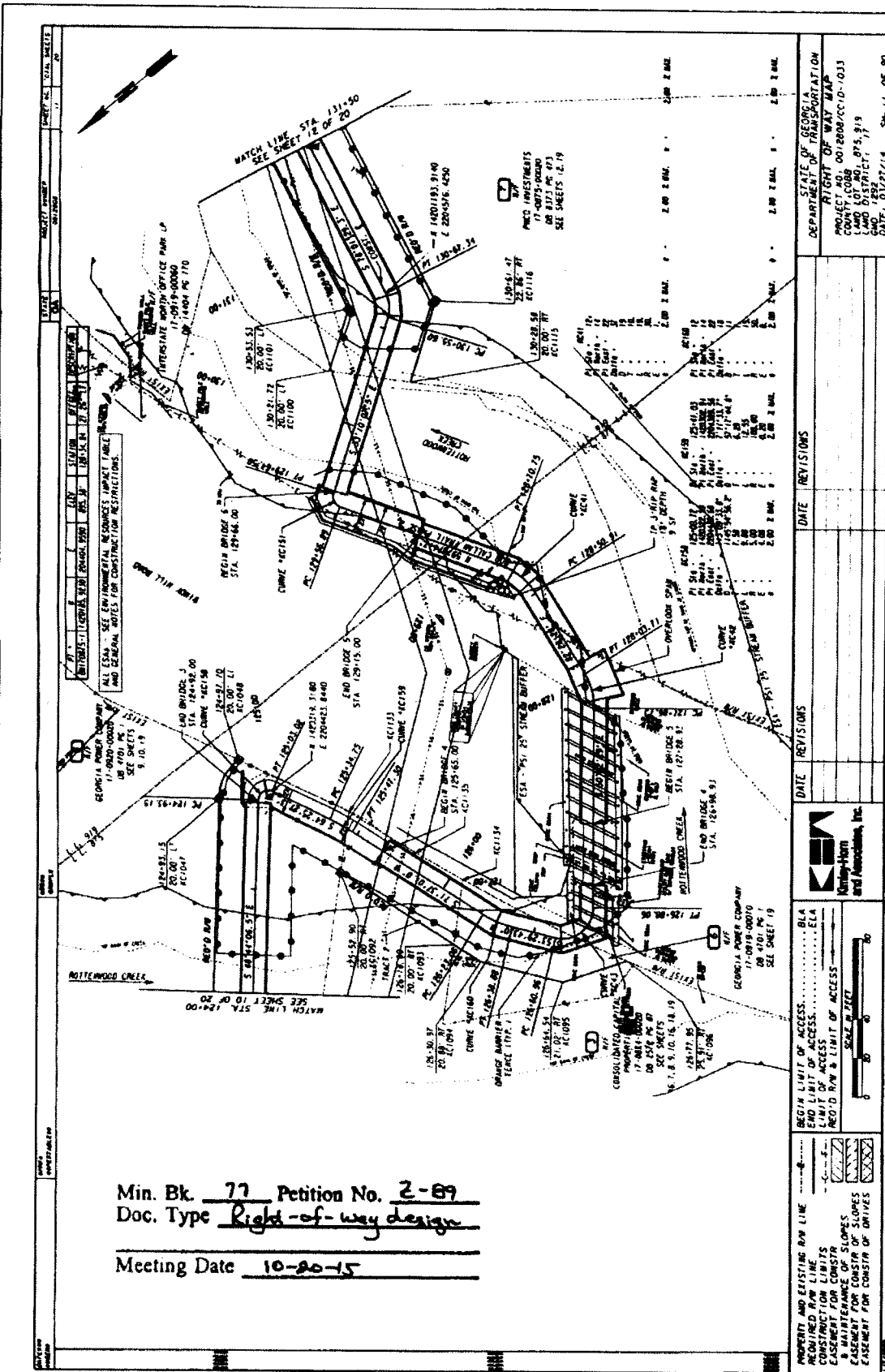


Naplan Companies, 420 West Oak Road
Nor 101 Houston, TX 77027

Petition No. 209
Meeting Date 10-20-15
Continued

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 OCT 16 2018

COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



Min. Bk. 77 Petition No. 2-89
 Doc. Type Right-of-way design
 Meeting Date 10-20-15

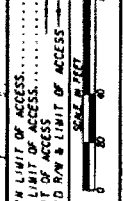
STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAP
 PROJECT NO. 0018008/CC/D-1033
 LAND LOT NO. 875, 919
 LAND DISTRICT 17
 DATE 10/27/14

DATE	REVISIONS

DATE	REVISIONS

DATE	REVISIONS

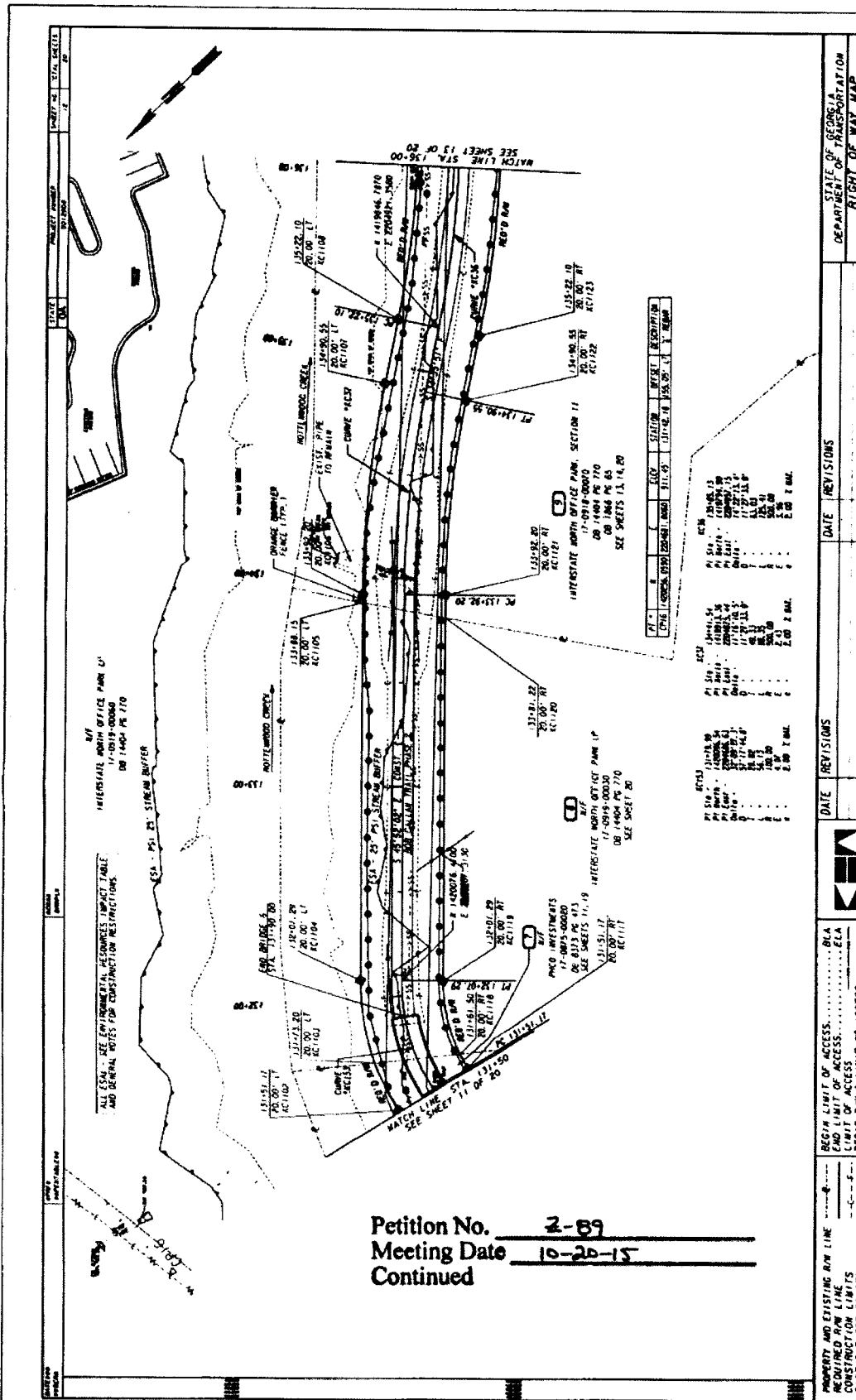
K&H
 K&H
 and Associates, Inc.



PROPERTY AND EXISTING R/W LINE	---
ACQUIRED R/W LINE	---
EXISTING R/W LINE	---
EASEMENT FOR CONSTR.	---
EASEMENT FOR CONSTR. OF SLOPES	---
EASEMENT FOR CONSTR. OF DRIVES	---

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COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



Petition No. 2-89
 Meeting Date 10-20-15
 Continued

NO.	DATE	REVISIONS
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99	12-11-15	REVISED
100	12-11-15	REVISED

STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 RIGHT OF WAY MAP

PROPERTY AND EXISTING ROW LINE
 REQUIRED ROW LINE
 CONSTRUCTION LIMITS

BEGIN LIMIT OF ACCESS
 END LIMIT OF ACCESS
 LIMIT OF ACCESS

DATE REVISIONS

DATE REVISIONS

RECEIVED
 OCT 16 2018

COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

PROPERTY AND EXISTING R/W LINE CONTINUED FOR LINE 1-5 CASEMENT FOR CONSTR & MAINTENANCE OF SLOPES EASEMENT FOR CONSTR OF SLOPES EASEMENT FOR CONSTR OF DRIVES	BEGIN LIMIT OF ACCESS CHAIN OF ACCESS RED'D R/W & LIMIT OF ACCESS SCALE 1/8" = 1'		BEA... ELA... CHAIN OF ACCESS... RED'D R/W & LIMIT OF ACCESS...	DATE REVISIONS	DATE REVISIONS	STATE OF GEORGIA DEPARTMENT OF TRANSPORTATION RIGHT-OF-WAY TABLES PROJECT NO. 0012008/CCID-1033 COUNTY OF COBB LAND DISTRICT 17 DATE: 10/16/2018 5:00 PM
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Petition No. 2-B9
 Meeting Date 10-26-15
 Continued

...CONTINUED FROM PREVIOUS COLUMN...

PRT	SPCITY	STRT/END	ALIGNMENT
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ACT105	20.00	L 127+74.00	DE Trail Phase II
ACT106	20.00	L 127+74.00	DE Trail Phase II
ACT107	20.00	L 127+74.00	DE Trail Phase II
ACT108	20.00	L 127+74.00	DE Trail Phase II
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ACT199	20.00	L 127+74.00	DE Trail Phase II
ACT200	20.00	L 127+74.00	DE Trail Phase II

...CONTINUED ON NEXT COLUMN...

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OCT 16 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770-422-7016
TELEPHONE
770-426-6583
FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

October 2, 2015

VIA EMAIL

Min. Bk. 77 Pctition No. 2-89
Doc. Type letter
Meeting Date 10-20-15

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

Re: Application of Kaplan Acquisitions, L.L.C., to Rezone a 5.683 Acre Tract from
OHR to UC - Conditional (No. Z-89)

Dear John:

You will recall that this firm represents Kaplan Acquisitions, L.L.C. ("Kaplan") concerning the above-captioned Application for Rezoning. The Application is scheduled to be heard and considered by the Cobb County Planning Commission on October 6, 2015 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on October 20, 2015.

On September 11, 2015 and on behalf of Kaplan, we submitted a letter of agreeable stipulations/conditions. Since that submission, Cobb County's professional staff has formulated its Zoning Analysis with staff having recommended that Kaplan's Application be approved. Additionally, the Application was discussed earlier this week by the Planning Commission at its Work Session.

In addition to the foregoing, I recently met with representatives of the Terrell Mill Community Association ("TMCA") to more fully discuss the rezoning proposal. That dialogue is meaningful and on-going. In that regard, we have identified a number of issues in meeting with TMCA's representatives which need to be added as stipulations/conditions in supplementation to those contained within the September 11, 2015 stipulation letter. To that end, Kaplan is amenable to the following stipulations becoming conditions and a part of the grant of the requested rezoning and, of course, binding upon the subject property thereafter in the same manner as those stipulations previously submitted on September 11, 2015. The referenced additional stipulations are as follows, to wit:

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

VIA EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
October 2, 2015
Page 2

Petition No. 2-89
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1. Consistent with the Power's Ferry Master Plan and its goals of pedestrian connectivity and walkability, Kaplan shall monetarily participate in the Cobb County Community Improvement District's ("CCID's") plans with respect to the construction of the Rottenwood Creek Trail, a/k/a the Bob Callan Trail, which will extend from Interstate North Parkway in a northerly direction ultimately to Terrell Mill Road.¹
2. In addition to the state of the art recreational facilities for the use and enjoyment of its residents as embodied in paragraph 8 of the September 11, 2015 stipulation letter, Kaplan also agrees to the following:
 - a. The establishment of a dog park and an air conditioned pet spa to wash/groom the resident's pets.²
 - b. The construction of an enclosed bicycle storage in a garage with a fully equipped bicycle repair station.
3. Kaplan agrees to allow a Georgia Native Plant Rescue to occur on the subject property prior to initiation of action regarding the issuance of developmental permits on the subject property as long as said "Plant Rescue" occurs in a timely fashion after notification to commence same and does not delay the development of the subject property.
4. Landscaping for the subject property shall be consistent to that certain Preliminary Landscape Plan prepared by the Clerkley Watkins Group which is being submitted contemporaneously herewith.³

¹ Additionally, pedestrian connectivity is being explored by way of the possibility of a public-private partnership for access and use of a privately owned lineal park along Interstate North Parkway and Rottenwood Creek within the Interstate North Office Park. Both the track and the park will clearly be added amenities for Kaplan's residents.

² Kaplan has an established pet policy which limits pets to dogs, cats, birds and fish and excludes exotic animals and aggressive breeds of pets. Pet deposits are \$300.00 per animal; there is a non-refundable \$300.00 pet fee; and, an additional pet rent of \$10.00 a month is also charged. All pet owners are required to sign a pet addendum which restricts behavior and permits the landlord to compel pet owners to remove an animal from the community if the situation arises which calls for same. See the attached photographs, including a faux fire-hydrant!

³ Before Kaplan's zoning proposal is heard by the Board of Commissioners, a more definitive Landscape Plan shall be prepared by the Preston Partnership, LLC and shall be submitted under separate cover.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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Concurrently herewith, also being formally submitted are renderings/elevations depicting the pool courtyard concept; the small courtyard concept; and, both concepts shown in juxtaposition to each other on the balance of the development, all prepared by the Preston Partnership, LLC. Also, please note the attached photograph of "Belgard" pervious pavers of many sizes, hues and finishes.

5. In addition to the foregoing, Kaplan agrees to ensure that the entrance to the residential community on Interstate North Parkway shall be landscaped utilizing trees, plants and other vegetation (including Mountain Laurel) indigenous to the State of Georgia where feasible to do so. A Landscape Committee comprised of Ms. Sheri George (TMCA), the County Arborist and a representative of Kaplan shall review and have input into the entire landscape plan for the subject property.
6. In the event there is any conflict between the September 11, 2015 stipulation letter, this letter and the Planning Commission minutes, the September 11th letter and this letter shall govern. Further, the District Commissioner shall have the authority to make minor modifications to the site plan and these stipulations/conditions during the Plan Review process except for those articulated in paragraph 25 of the September 11, 2015 stipulation letter.

The entirety of Kaplan's zoning proposal will consist of a \$49.1 million dollar project and represent the type of high-end demographics which this section of the CCID and the Regional Activity Center ("RAC") embodies. Additionally, having recently completed demographics for the subject property, the positive economic impact is undeniable. For instance, with respect to property taxes, the project will pay approximately \$720,000 annually in property taxes (7 million dollars over a ten year period), with no school age children to burden the Cobb County School District. Regarding sales taxes, each resident household is projected to spend approximately \$1,000 per month on tax for purchases or \$275,000 per month in aggregate which would generate approximately \$250,000 annually in new sales taxes. Presently, only 18% of the households within a three mile radius of the subject property have household income levels between \$50,000 - \$75,000; whereas, 100% of Kaplan's residents in this residential development, which will be known as "The District", will either be in or significantly exceed this income bracket.

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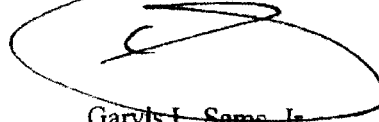
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I suspect that, during the interim between the Planning Commission's Zoning Hearing and the hearing scheduled to occur before the Board of Commissioners on October 20, 2015, we will formulate a comprehensive stipulation letter which will combine this letter with the previous stipulation letter and include any other issues which need to be addressed and resolved during that period of time. However, please do not hesitate to contact me should you or your staff have any questions whatsoever regarding these most recent developments. With kind personal regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS/klk
Attachments
cc: Listed on next page

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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Mr. John P. Pederson, AICP, Manager
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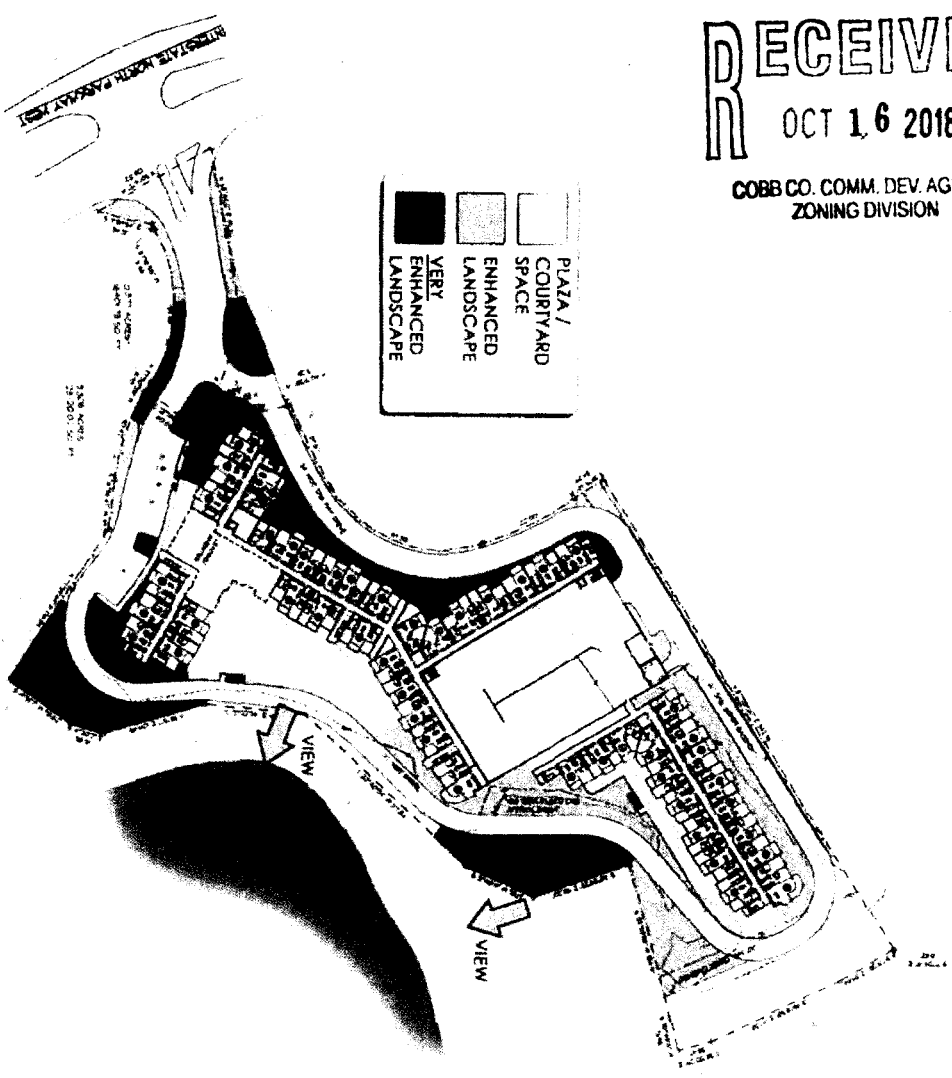
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

- cc: Members, Cobb County Board of Commissioners (via email w/attachments)
Members, Cobb County Planning Commission (via email w/attachments)
Commission Assistants, Cobb County Board of Commissioners (via email w/attachments)
Mr. Dana Johnson, AICP, Director (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. Donald Wells, Zoning Analyst (via email w/attachments)
Ms. Kim Wakefield, Zoning Analyst (via email w/attachments)
Mr. Tim Davidson, Cobb County Water System (via email w/attachments)
Mr. David Breaden, P.E., Cobb County Stormwater Management (via email w/attachments)
Ms. Jane Stricklin, P.E., Cobb County DOT (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Ms. Sheri George, TMCA Vice-President, Zoning Chair (via email w/attachments)
Mr. Jerry Davis, Managing Director, Kaplan Acquisitions, LLC (via email w/attachments)
Mr. Geoff Warr, P.E., A&R Engineering, Inc. (via email w/attachments)
Mr. Matt Kaczinski, P.E., Planners and Engineers Collaborative (via email w/attachments)
James A. Balli, Esq. (via email w/attachments)

PROJECT DATA		
NO.	DATE	DESCRIPTION
1	10/20/15	Final Review
2	10/15/15	Public Review
3	10/10/15	Staff Review
4	10/05/15	Staff Review
5	10/01/15	Staff Review
6	09/25/15	Staff Review
7	09/20/15	Staff Review
8	09/15/15	Staff Review
9	09/10/15	Staff Review
10	09/05/15	Staff Review
11	08/30/15	Staff Review
12	08/25/15	Staff Review
13	08/20/15	Staff Review
14	08/15/15	Staff Review
15	08/10/15	Staff Review
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17	07/30/15	Staff Review
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100	06/03/14	Staff Review

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SITE PLAN

PROJECT
THE DISTRICT AT NORTH PARKWAY
 KAPLAN ACQUISITIONS
 ATLANTA, GEORGIA

1111
 CHAIRMAN
 WATKINS
 ARCHITECTS



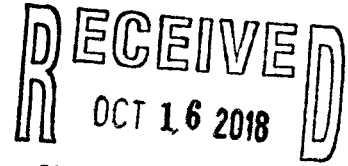
Printed: 10/5/2018

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 DISTRICT AT WINDY HILL LLC



COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

DISTRICT AT WINDY HILL LLC

Payment Date: 9/24/2018

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2018	17091900030	10/15/2018	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$59,891.97	\$0.00



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 bill!!