

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

Application No.: Z-42 (2004)
Original Hearing Date: April 20, 2004
Date of Zoning Decision: November 16, 2004
Current Hearing Date: November 18, 2008

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicants: Branch/Highlands Vinings-West, LLC and
Vinings West Phase II, LLC

Applicants request amendments to certain stipulations for the development known as "West Village," which currently has certain phases completed and other phases either under construction or scheduled for future construction. The major portion of the West Village project was approved through the rezoning process by the Board of Commissioners on November 16, 2004; however, additional sections of the West Village development were added in subsequent rezonings and amendments. The requested amendments are as follows:

- (1) Applicants propose the deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated November 15, 2004, page 9, section II, RESIDENTIAL, subparagraphs (A)(a) and (c), which read as follows:

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

(a) Within Blocks 1 and 2 of the proposed community, there shall be one hundred six (106) units located above retail/office and comprising the upper two (2) stories thereof. These units shall be "For Sale" units and shall comply in all respects with the State of Georgia Condominium Act.

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(c) Located within the "Town Center" building, Block 3, shall be one hundred sixty-six (166) condominium units. These units shall be "For Sale" units and shall comply in all respects with the State of Georgia Condominium Act.

The following shall be inserted in lieu of the foregoing deleted paragraphs:

II. RESIDENTIAL

[Page 9 of the letter of agreeable stipulations and conditions dated November 15, 2004]

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

(a) Within Blocks 1 and 2 of the proposed community, there shall be one hundred eleven (111) units located above retail/office and comprising the upper two (2) stories thereof. These units shall be "For Sale" units and shall comply in all respects with the State of Georgia Condominium Act.

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(c) Located within the "Town Center" building, Block 3, shall be one hundred sixty-one (161) condominium units. These units shall be "For Sale" units and shall comply in all respects with the State of Georgia Condominium Act.

(2) Applicants propose the deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP, dated November 15, 2004, page 9, section II, **RESIDENTIAL**, subparagraph (D), which reads as follows:

(D) The only exception to the foregoing is that the units, as described and set forth in subparagraphs (A)(a), (b), (c), and (d), above, may be leased from the inception of the project; except that, at the end of a period of five (5) years or sooner from the issuance of certificates of occupancy for the above residential units, Applicant agrees that said units will be offered for sale, one building at a time, until fully sold.

As well as the deletion in its entirety of the third sub-bullet under the second bullet of the Board of Commissioners' conditions as set forth in the official minutes of the Board of Commissioners Zoning Hearing held on November 16, 2004, which reads as follows:

Page 11, add the following sentence to the end of II. Residential, paragraph (D) to read as follows: "After five (5) years, said leases shall be month-to-month."

The following shall be inserted in lieu of the foregoing deleted paragraphs:

II. RESIDENTIAL

[Page 11 of the letter of agreeable stipulations and conditions dated November 15, 2004]

(D) The only exception to the foregoing is that the units, as described and set forth in subparagraph (A)(a), (b), (c), and (d), above, may be leased from the inception of the project; but Applicants, Applicants' successors and assigns, shall convert said units to "For Sale" units at such time as market conditions shall permit.

Compliance with the State of Georgia Condominium Act for those units hereinabove referenced shall occur at the time of such conversion.

- (3) Deletion in its entirety of a portion of that certain letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated November 15, 2004, page twelve, as follows:

PHASE II

I. MID-RISE CONDOMINIUMS

(A) Mid-rise condominiums shall be located in Pods "E" and "F" and Block 4 totaling five hundred sixty-nine (569) units. These units shall comply with the Cobb County Zoning Ordinance and shall be "for sale" units only.

(B) All buildings within this phase shall be a maximum of eight (8) residential levels in height, not including parking levels.

Applicants propose the insertion of the following paragraphs in lieu of the aforesaid deleted paragraphs:

PHASE II

[Page 12 of the letter of agreeable stipulations and conditions dated November 15, 2004]

I. MID-RISE CONDOMINIUMS

(A) (1) Mid-rise condominiums shall be located in Pods "E" and "F" totaling no more than two hundred fifty (250) units. These units shall comply with the Cobb County Zoning Ordinance and shall be "For Sale" units only.

However, these units may be leased from the inception of the development, and shall be converted to "for sale" units at such time as market conditions allow.

(A) (2) Mid-rise condominiums shall be located in Block 4 totaling no more than one hundred twenty (120) units. These units shall comply with the Cobb County Zoning Ordinance and shall be "For Sale" units only.

(B) All buildings within this phase shall be a maximum of five (5) residential levels in height, not including parking levels.

- (4) Applicants propose the addition to Section II, **RESIDENTIAL**, subparagraph (C), as found on page eleven, of that certain letter of agreeable stipulations and conditions, prepared by Moore Ingram Johnson & Steele, LLP dated November 15, 2004, as follows:

(C) This paragraph shall be amended by appending thereto an exhibit containing specific square footage totals for Village Townhomes, Village 1, 2, and 3 bedrooms condominiums. This exhibit is attached to this amendment as Exhibit "1" and incorporated herein by reference.

- (5) The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on November 16, 2004, in Application No. Z-42 (2004), and any subsequent approvals related to the West Village development, are unaltered by this request for stipulation amendment.

