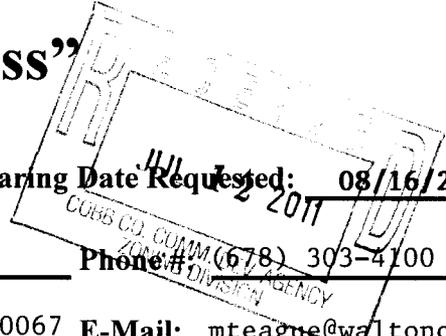


# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 08/16/2011



**Applicant:** Walton Communities, LLC  
(applicant's name printed)

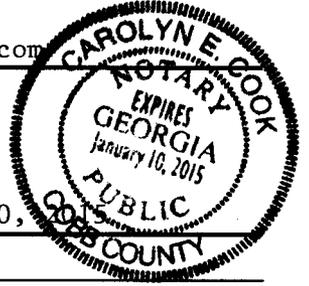
**Phone #:** (678) 303-4100

**Address:** 2181 Newmarket Parkway, Marietta, GA 30067 **E-Mail:** mteague@waltoncommunities.com

**Moore Ingram Johnson & Steele, LLP** Emerson Overlook, 326 Roswell Street  
**John H. Moore** Address: Marietta, GA 30060

(representative's name, printed)

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mij.s.com  
(representative's signature) Georgia Bar No. 519800 w7@mij.s.com



Signed, sealed and delivered in presence of:

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

**Titleholder(s):** TI Riverwood / Outparcels, LLC and  
Riverwood Mixed-Use LLC **Phone #:** \_\_\_\_\_  
(property owner's name printed)

**Address:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

See Exhibit "A" attached collectively  
hereto for Titleholders' signatures  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

**Commission District:** 2 (Ott) **Zoning Case:** Z-61 (2005)

**Date of Zoning Decision:** 09/20/2005 **Original Date of Hearing:** 04/19/2005  
09/18/2007-OB; 03/15/2011-OB

**Location:** Intersection of Cobb Parkway and Cumberland Boulevard  
(street address, if applicable; nearest intersection, etc.)

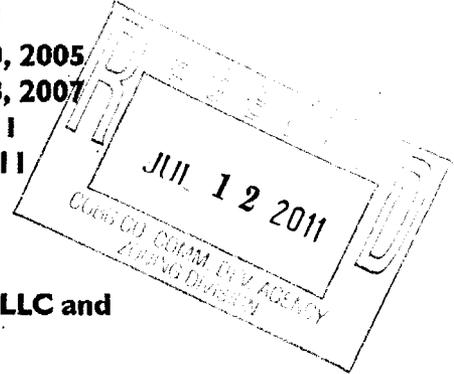
**Land Lot(s):** 977, 978, 1015, 1016 **District(s):** 17th

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_  
See Exhibit "B" attached hereto and incorporated herein by reference.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

(List or attach additional information if needed)

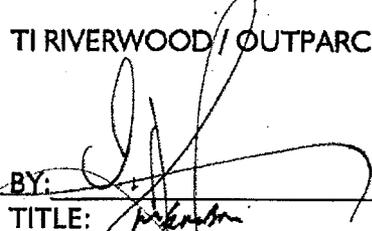
**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**

**Application No.:** Z-61(2005)  
**Original Hearing Date:** April 19, 2005  
**Date of Zoning Decision:** September 20, 2005  
**Date of OB Decisions:** September 18, 2007  
March 15, 2011  
**Current Hearing Date:** August 16, 2011



**Applicant:** Walton Communities, LLC  
**Property Owners:** TI Riverwood / Outparcels, LLC and Riverwood Mixed-Use LLC

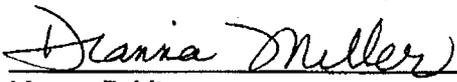
TI RIVERWOOD / OUTPARCELS, LLC

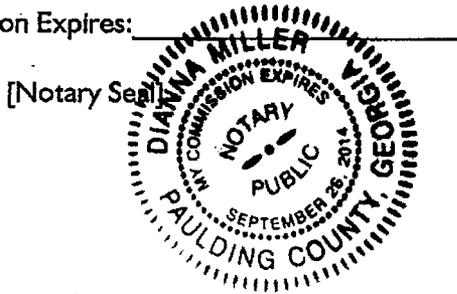
BY:   
TITLE: \_\_\_\_\_

Address: TI Riverwood / Outparcels, LLC  
2181 Newmarket Parkway  
Marietta, Georgia 30067

Telephone No.: (678) 303-4100

Signed, sealed, and delivered in the presence of:

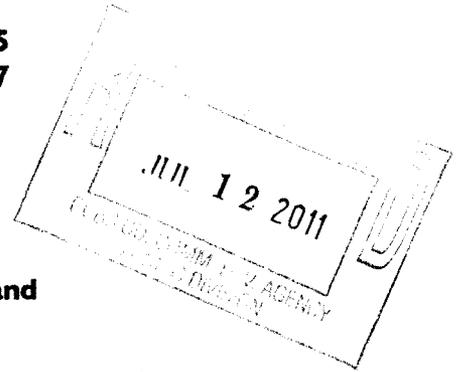
  
Notary Public  
Commission Expires: \_\_\_\_\_





**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**

**Application No.:** Z-61(2005)  
**Original Hearing Date:** April 19, 2005  
**Date of Zoning Decision:** September 20, 2005  
**Date of OB Decisions:** September 18, 2007  
March 15, 2011  
**Current Hearing Date:** August 16, 2011



**Applicant:** Walton Communities, LLC  
**Property Owners:** TI Riverwood / Outparcels, LLC and Riverwood Mixed-Use LLC

RIVERWOOD MIXED-USE LLC

*Pamela C. Beam*

BY: *Pamela C. Beam*  
TITLE: *Vice President*

Address: Riverwood Mixed-Use LLC  
3001 Summer Street  
Stamford, Connecticut 06904

Telephone No.: (203) 921-2054

Signed, sealed, and delivered in the presence of:

*[Signature]*

Notary Public  
Commission Expires: *May 31, 2012*

[Notary Seal]

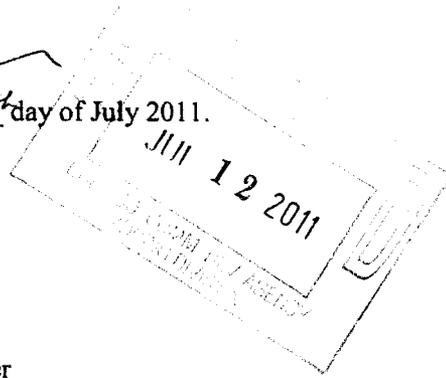
MARIA A.S. O'SHEA  
NOTARY PUBLIC-STATE OF CT  
NO. 148570  
QUALIFIED IN FAIRFIELD CTY  
EXPIRES MAY 31, 2012

**CERTIFICATE OF INCUMBENCY**

The undersigned, being the sole member of Riverwood Mixed-Use LLC, a Delaware limited liability company (the "Company"), HEREBY CERTIFIES THAT the persons listed below are authorized to sign on behalf of the Company:

Name:	Title:	Specimen Signature
Pamela C. Beam	Vice President	<i>Pamela C. Beam</i>
Leanne R. Dunn	Vice President and Secretary	<i>Leanne R. Dunn</i>

IN WITNESS WHEREOF, the undersigned has executed this Certificate on the 12<sup>th</sup> day of July 2011.



RIVERWOOD MIXED-USE VALUE ADD LLC,  
a Delaware limited liability company

By: GEAM Value Add Realty Partners, L.P.  
a Delaware limited partnership, its sole member

By: GE Realty Management, LLC,  
a Delaware limited liability company, its general partner

By: GE Asset Management Incorporated,  
a Delaware corporation, its sole member

By: *Leanne R. Dunn*

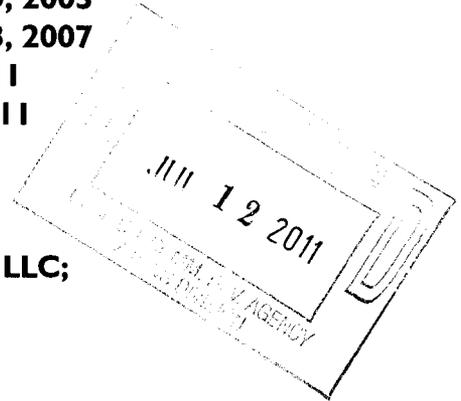
Name: *Leanne R. Dunn*

Title: *Vice President & Associate General Counsel*

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(SITE PLAN AND STIPULATION AMENDMENTS)**

**Application No.:** Z-61(2005)  
**Original Hearing Date:** April 19, 2005  
**Date of Zoning Decision:** September 20, 2005  
**Date of OB Decisions:** September 18, 2007  
March 15, 2011  
**Current Hearing Date:** August 16, 2011

**Applicant:** Walton Communities, LLC  
**Property Owners:** TI Riverwood / Outparcels, LLC;  
Riverwood Mixed-Use LLC



On September 20, 2005, the Cobb County Board of Commissioners approved the rezoning of an approximately 7.84 acre tract located at the intersection of Cobb Parkway and Cumberland Boulevard (hereinafter "Subject Property" or "Property") to the Urban Condominium ("UC") and Community Retail Commercial ("CRC") zoning categories. The purpose of rezoning the Property was for the development of a mixed-use community which, together with the property located adjacent and northwesterly of the Subject Property, would comprise the Riverwood Mixed-Use Project. The approval of the rezoning request was site plan specific (a copy of which is attached hereto as Exhibit "1"); and was subject to the conditions set forth in the official minutes, as well as the letter of agreeable stipulations and conditions dated September 16, 2005, and filed September 20, 2005. Subsequently, on September 18, 2007, the Cobb County Board of Commissioners approved amendments to the Master Site Plan and certain stipulations related to the applicable portion of the Riverwood Project. A true and correct copy of the Master Site Plan Amendment dated August 15, 2007, prepared by Kimley-Horn and Associates, Inc. is attached hereto as Exhibit "2" and incorporated herein by reference. Additionally, on March 15, 2011, the Cobb County Board of Commissioners approved an amendment to the Master Site Plan and applicable stipulations to the Subject Property. A true and correct copy of the Master Site Plan Amendment dated February 7, 2011, prepared by Kimley-Horn and Associates, Inc. is attached hereto as Exhibit "3" and incorporated herein by reference.

Walton Communities, LLC, as the developer and Applicant (hereinafter "Applicant"), presents this request for site plan and stipulation amendment which, if approved as submitted herein, shall be an amendment to the Master Site Plan Amendment as to Z-61 (2005) approved by the Board of Commissioners on September 18, 2007, as well as any applicable stipulations specific to the amendment of the Master Site Plan, and shall become part of the approved rezoning as to the Subject Property. The following are the amendments requested:

- (1) Applicant submits herewith the Master Site Plan Amendment dated July 12, 2011, prepared for Applicant by Niles Bolton Associates, Inc. which depicts the revisions for development of the Subject Property, as well as the revised development of property approved in Application for Rezoning No. Z-62 (2005), as amended September 18, 2007.

- (2) The retail component of 24,000 square feet located in Buildings "A" and "B," Level I, shall be deleted.
- (3) The 235 "for sale" condominium units contained within Buildings "A" and "B" shall be shifted to Building "G."
- (4) Building "G" shall now contain 235 "for sale" condominium units; 172,059 gross square feet of retail over structured parking; and shall be a maximum height of eight (8) stories.
- (5) Building "A" shall now contain a maximum of 314 "leased" condominium units.
- (6) Building "B" shall now contain twenty (20) "leased" condominium units and 9,014 gross square feet of retail.
- (7) With respect to the stipulations set forth in the official minutes of the Cobb County Board of Commissioners Zoning Hearing held on September 20, 2005, and specifically the supplemental stipulation letter dated September 19, 2005, and filed September 20, 2005, attached to said minutes, shall be amended as follows:

Paragraph (1) of the September 19, 2005, supplemental stipulation letter shall be deleted in its entirety and the following inserted in lieu thereof:

- (5) Applicant agrees unit square footage for Buildings "A" and "B" shall be as shown and reflected on Exhibit "4" attached hereto and made a part hereof by reference.
- (8) With respect to the stipulations set forth in the official minutes of the Cobb County Board of Commissioners Zoning Hearing held on September 18, 2007, and specifically the request letter dated and filed August 17, 2007, attached to said minutes, shall be amended as follows:

The following amendments are applicable to the stipulations set forth in paragraph (9), beginning on page 4:

- (a) Subparagraph (a) shall be changed to read as follows:
  - (a) Enhanced corian, granite, marble, or some other solid surface countertops in select units;
- (b) Subparagraph (b) shall be deleted in its entirety.
- (c) Subparagraph (j) shall be changed to read as follows:
  - (j) Ceramic tile bathrooms in select units;
- (d) Subparagraph (l) shall be deleted in its entirety.

- (e) Subparagraph (u)(iv) shall be deleted in its entirety.
- (9) This amendment results in no additional gross square footage being added to the project.
- (10) 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 September 20, 2005; as well as those amendments set forth in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 18, 2007, and March 15, 2011, are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.

The amendments requested and presented above in no way adversely impact or affect the remainder of the overall development. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Riverwood Mixed-Use Project.

Min. Bk. 62 Petition No. 083  
 Doc. Type Site plan

Meeting Date 3/15/11



**GENERAL NOTES**

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING CODE (IPC).

2. THE DESIGNER HAS CONDUCTED VISUAL AND AERIAL PHOTOGRAPHY OF THE SITE AND ADJACENT AREAS. THE DESIGNER HAS OBSERVED THE SITE AND ADJACENT AREAS AND HAS CONDUCTED VISUAL AND AERIAL PHOTOGRAPHY OF THE SITE AND ADJACENT AREAS.

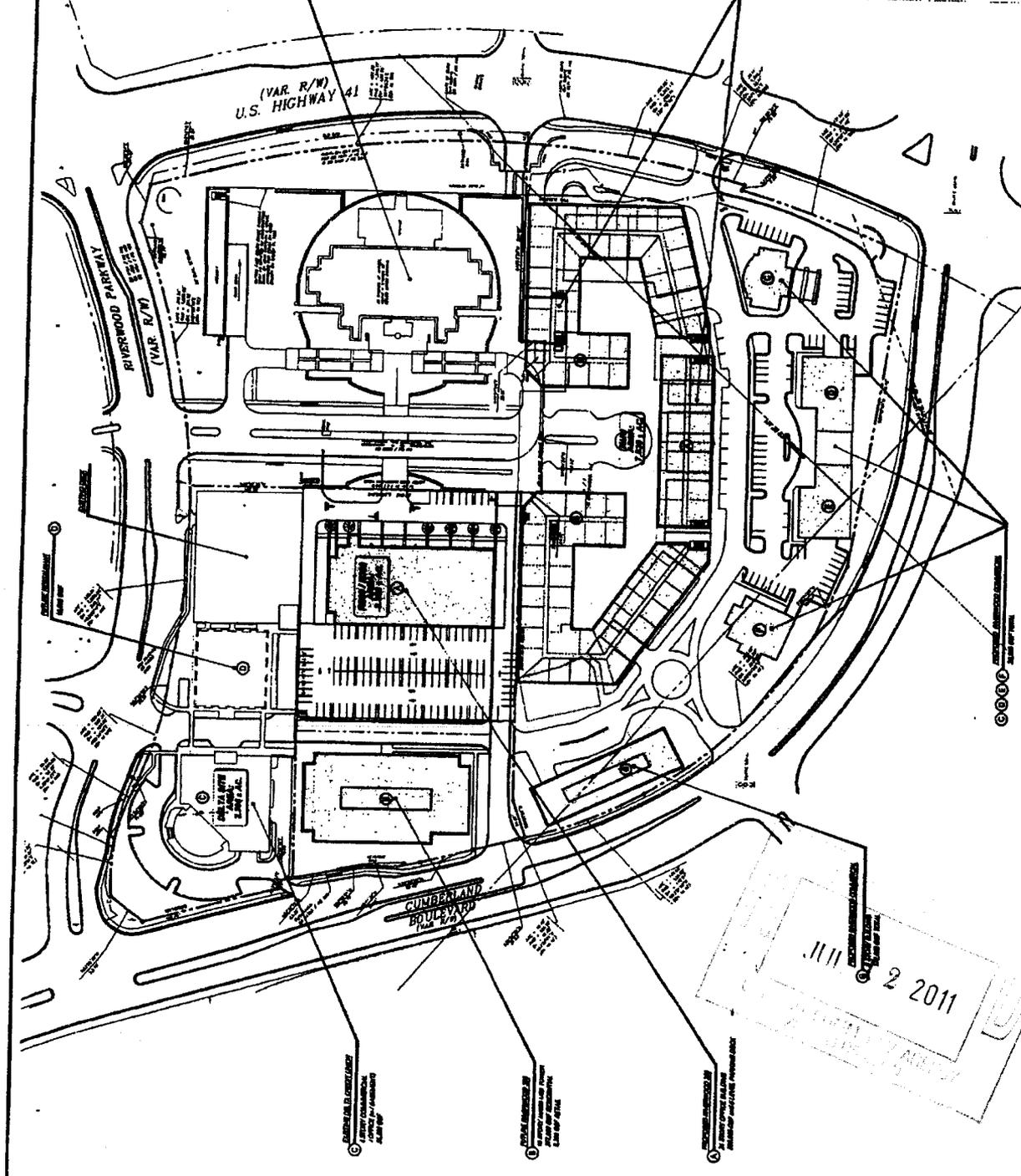
3. THE DESIGNER HAS CONDUCTED VISUAL AND AERIAL PHOTOGRAPHY OF THE SITE AND ADJACENT AREAS. THE DESIGNER HAS OBSERVED THE SITE AND ADJACENT AREAS AND HAS CONDUCTED VISUAL AND AERIAL PHOTOGRAPHY OF THE SITE AND ADJACENT AREAS.

4. THE DESIGNER HAS CONDUCTED VISUAL AND AERIAL PHOTOGRAPHY OF THE SITE AND ADJACENT AREAS. THE DESIGNER HAS OBSERVED THE SITE AND ADJACENT AREAS AND HAS CONDUCTED VISUAL AND AERIAL PHOTOGRAPHY OF THE SITE AND ADJACENT AREAS.

5. THE DESIGNER HAS CONDUCTED VISUAL AND AERIAL PHOTOGRAPHY OF THE SITE AND ADJACENT AREAS. THE DESIGNER HAS OBSERVED THE SITE AND ADJACENT AREAS AND HAS CONDUCTED VISUAL AND AERIAL PHOTOGRAPHY OF THE SITE AND ADJACENT AREAS.

NO.	DESCRIPTION	DATE
1	PRELIMINARY SITE PLAN	10/15/10
2	REVISIONS	11/15/10
3	REVISIONS	12/15/10
4	REVISIONS	1/15/11
5	REVISIONS	2/15/11
6	REVISIONS	3/15/11

**RIVERWICK**  
 LAND DEVELOPMENT / ARCHITECTURE / ENGINEERING  
 1000 WEST 10TH AVENUE, SUITE 1000  
 DENVER, CO 80202  
 PHONE: (303) 733-1111  
 FAX: (303) 733-1112  
 WWW: RIVERWICK.COM



**SEVEN OAKS COMPANY, LLC**  
 1000 WEST 10TH AVENUE, SUITE 1000  
 DENVER, CO 80202  
 PHONE: (303) 733-1111  
 FAX: (303) 733-1112  
 WWW: SEVENOAKS.COM

**Kimley-Horn and Associates, Inc.**  
 87 WEST PEACHTREE ST., 4TH FL. SUITE 401  
 ATLANTA, GA 30308  
 TEL: (404) 525-8800  
 WWW: KIMLEY-HORN.COM



2011  
 1111

Exhibit "3"

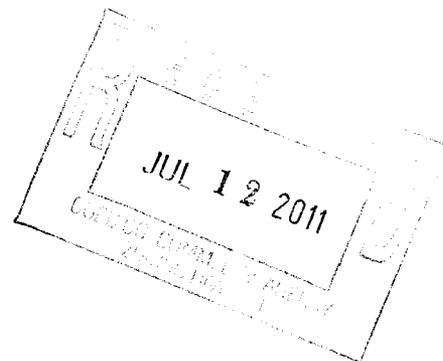


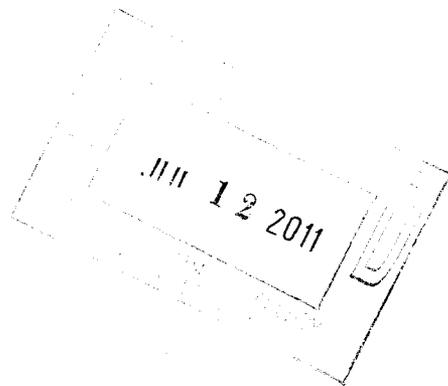


**EXHIBIT "4" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(SITE PLAN AND STIPULATION AMENDMENTS)**

**RIVERWOOD UNIT MIX**

<b>TYPE</b>	<b>NUMBER</b>	<b>HSF EACH</b>	<b>HSF TOTAL</b>	<b>RSF EACH</b>	<b>RSF TOTAL</b>
<b>One Bedroom</b>					
Unit A1	99	697	69003	697	69003
Unit A2	10	916	9160	916	9160
Unit A3	74	825	61050	888	65712
Unit A4	2	767	1534	767	1534
<b>Two Bedroom</b>					
Unit B1	71	1085	77035	1085	77035
Unit B5	20	1149	22980	1149	22980
Unit B6	24	1197	28728	1261	30264
<b>Three Bedroom</b>					
Unit C1	14	1424	19936	1424	19936
<b>TOTAL</b>	<b>314</b>		<b>289426</b>		<b>295624</b>





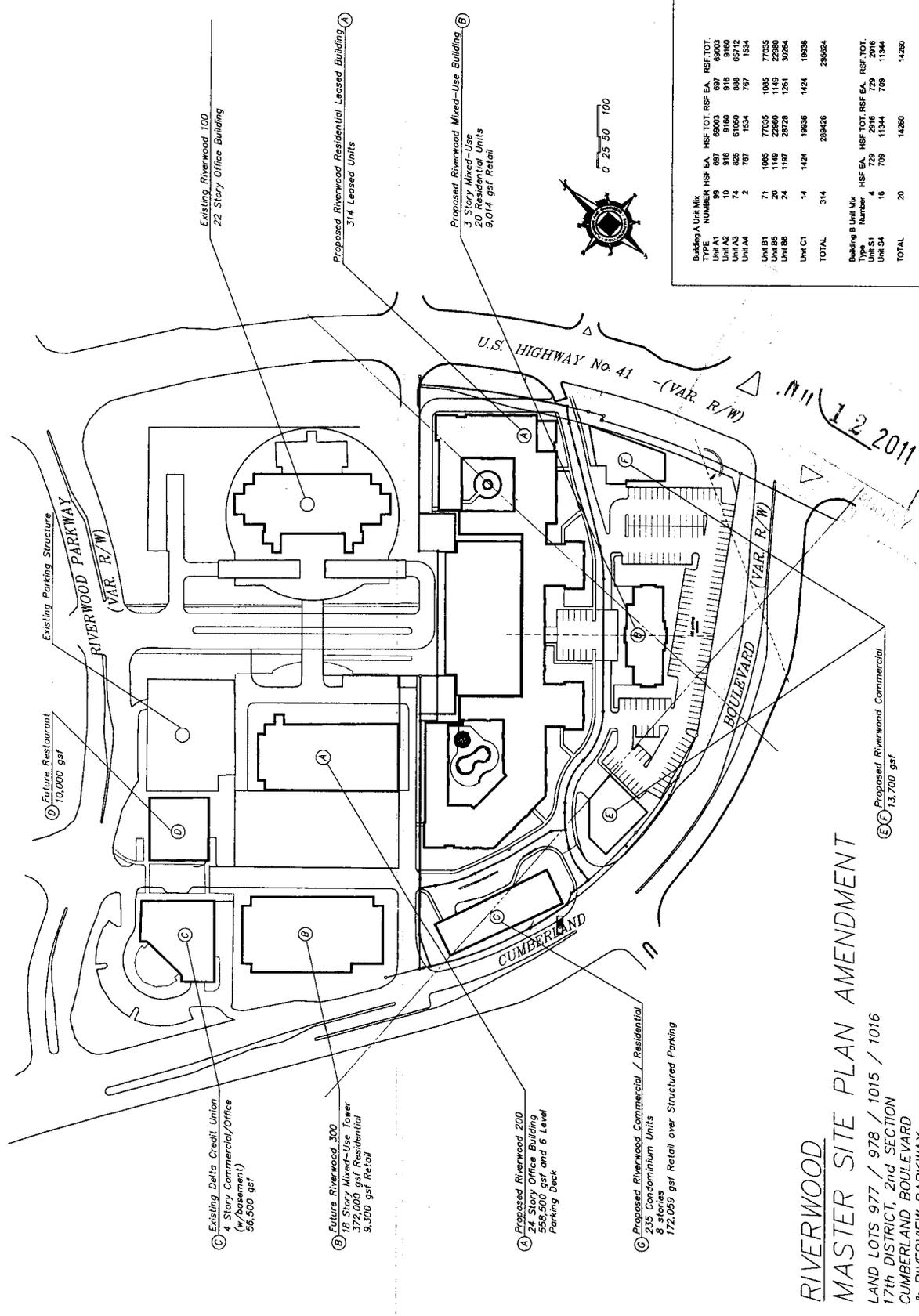
**SITE PLAN FOR PROPOSED AMENDMENT  
BY BOARD OF COMMISSIONERS  
PURSUANT TO "OTHER BUSINESS"  
APPLICATION – AUGUST 16, 2011**



JOB NUMBER: W-10000000  
 DRAWN BY:  
 CHECKED BY:  
 Niles Bolton Associates, Inc.  
 One Bucklehead Plaza, N.E.  
 Atlanta, Georgia  
 30308  
 Phone: 404-525-7000  
 Fax: 404-525-7010

**Walton Riverwood**  
**at Cumberland Boulevard**  
 Walton Communities

DATE: 01/22/11



Building A Unit Mix	TYPE	NUMBER	HSF EA.	HSF TOT	RSF EA.	RSF TOT
Unit A1	10	916	9160	9160	9160	9160
Unit A2	10	916	9160	9160	9160	9160
Unit A3	74	635	6150	698	6512	6512
Unit A4	2	787	1534	787	1534	1534
Unit B1	71	1045	77035	1045	77035	77035
Unit B2	20	1149	22980	1149	22980	22980
Unit B3	24	1197	28728	1261	30284	30284
Unit C1	14	1424	19936	1424	19936	19936
TOTAL	314		289428		289428	289428

Building B Unit Mix	TYPE	NUMBER	HSF EA.	HSF TOT	RSF EA.	RSF TOT
Unit S1	4	729	2916	729	2916	2916
Unit S2	16	709	11344	709	11344	11344
Unit S3	20		14280		14280	14280
TOTAL						



**RIVERWOOD**  
**MASTER SITE PLAN AMENDMENT**  
 LAND LOTS 977 / 978 / 1015 / 1016  
 17th DISTRICT, 2nd SECTION  
 CUMBERLAND BOULEVARD  
 & RIVERVIEW PARKWAY  
 COBB COUNTY, GA.

(D) Future Restaurant  
 10,000 gsf

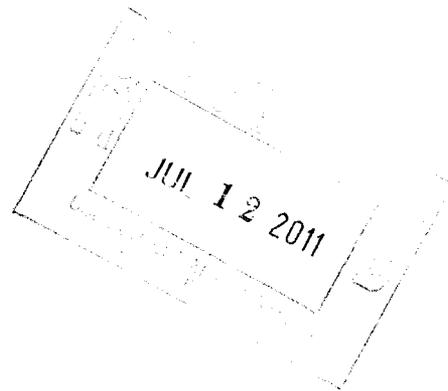
(E) Proposed Riverwood Commercial  
 13,700 gsf

(C) Existing Delta Credit Union  
 4 Story Commercial/Office  
 (+basement)  
 56,500 gsf

(B) Future Riverwood 300  
 18 Story Mixed-Use Tower  
 372,000 gsf Residential  
 9,300 gsf Retail

(A) Proposed Riverwood 200  
 24 Story Office Building  
 588,500 gsf and 6 Level  
 Parking Deck

(G) Proposed Riverwood Commercial / Residential  
 235 Condominium Units  
 8 stories  
 172,059 gsf Retail over Structured Parking



**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING – SEPTEMBER 20, 2005**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 20, 2005  
9:05 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 20, 2005, at 9:05 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman Samuel S. Olens  
Commissioner Helen Goreham  
Commissioner Joe L. Thompson  
Commissioner Tim Lee  
Commissioner Annette Kesting

JUL 12 2011

Z-61      **TI RIVERWOOD, LLC**, (owner) requesting Rezoning from OI to RRC for the purpose of Mixed Use Development in Land Lots 977, 978, 1015 and 1016 of the 17<sup>th</sup> District. Located at the northwest intersection of Cumberland Boulevard and U.S. Highway 41.

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

**MOTION:** Motion by Thompson, second by Olens, to delete rezoning to the UC and CRC zoning districts subject to:

- site plan last revised September 14, 2005 (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated September 16, 2005, *not otherwise in conflict, with the following revisions:* (copy attached and made a part of these minutes)

**Stipulations Applicable to the Overall Development:**

➤ **Paragraph 18:**

- ❖ Subparagraph (h) change to read: "Billiard parlors and pool halls are excluded *except* that there may be up to a maximum of two (2) pool tables at any one establishment."
- ❖ Subparagraph (o) change to read: "Nightclubs."
- ❖ Add new Subparagraph (p) to read: "Bars, except that bars with entertainment that would be permitted within a restaurant or hotel provided that they are an integral part of the restaurant or hotel operation, and not in conflict with the Alcohol Beverage License."

- letter of agreeable stipulations from Mr. John Moore dated September 19, 2005 (copy attached and made a part of these minutes)
- decision from the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) relevant to a Development of Regional Impact (DRI) finding that it is in the best interest of the state (copy attached and made a part of these minutes)
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- *revised* Cobb DOT comments and recommendations (copy attached and made a part of these minutes)
- owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE:        ADOPTED unanimously



NILES BOLTON ASSOCIATES, INC.  
 ARCHITECTS  
 3000 RIVERWOOD BLVD.  
 SUITE 200  
 RIVERWOOD, GA 30075  
 PHONE: 404-299-7800  
 FAX: 404-299-7810  
 www.nilesbolton.com

PROJECT NO. 2005-001  
 DATE: 07/12/05

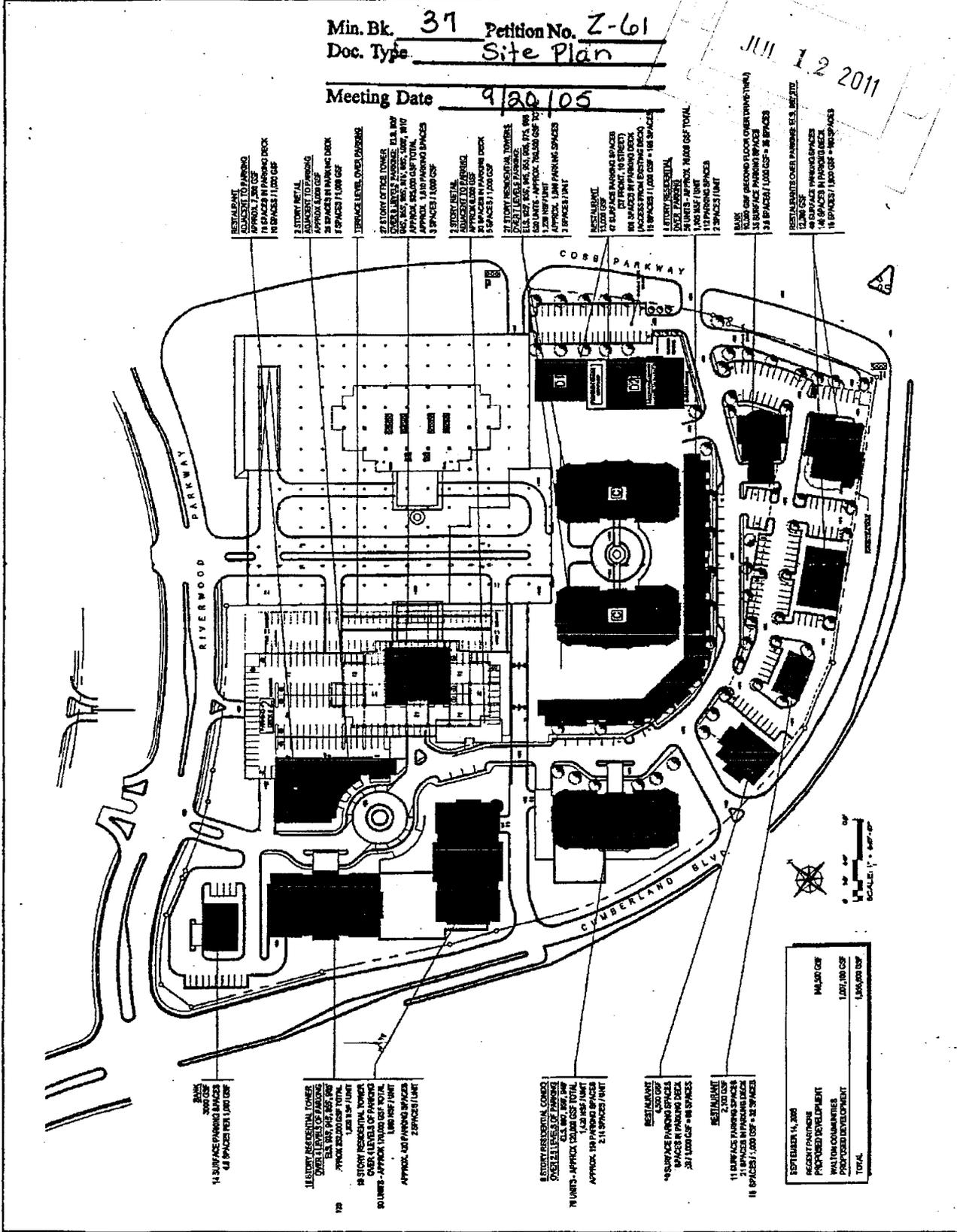
MIN. BK. 37  
 PETITION NO. Z-61  
 DOC. TYPE: Site Plan

MEETING DATE: 9/20/05

RYERWOOD  
 A Mixed-Use Development for  
 Cobb County  
 77 RIVERWOOD L.P.  
 3000 RIVERWOOD BLVD.  
 RIVERWOOD, GA 30075

RYERWOOD  
 SITE PLAN

DATE: 07/12/05



RESTAURANT  
 ADJACENT TO PARKING  
 APPROX. 1,200 GSF  
 14 SURFACE PARKING SPACES  
 44 SPACES TOTAL

3 STORY RETAIL  
 ADJACENT TO PARKING  
 APPROX. 1,000 GSF  
 20 SPACES IN PARKING DECK  
 8 SPACES TOTAL

TERACE LEVEL OVER PARKING  
 27 LIVING LEVELS OVER  
 OVERALL LEVELS VARYING  
 600, 700, 800, 900, 1000, 1100, 1200  
 APPROX. 1,000 GSF TOTAL  
 10 SPACES TOTAL

3 STORY RETAIL  
 ADJACENT TO PARKING  
 APPROX. 1,000 GSF  
 20 SPACES IN PARKING DECK  
 8 SPACES TOTAL

27 STORY RESIDENTIAL TOWER  
 OVER 1,000 LEVELS VARYING  
 1,200 UNITS APPROX. 750,000 GSF  
 1,200 UNITS APPROX. 750,000 GSF  
 APPROX. 1,000 GSF TOTAL  
 2 SPACES / UNIT

RESTAURANT  
 1,200 GSF  
 14 SURFACE PARKING SPACES  
 44 SPACES TOTAL

RESTAURANT  
 1,200 GSF  
 14 SURFACE PARKING SPACES  
 44 SPACES TOTAL

11 STORY RESIDENTIAL TOWER  
 OVER 1,000 LEVELS VARYING  
 APPROX. 200,000 GSF TOTAL  
 1,200 UNITS

19 STORY RESIDENTIAL TOWER  
 OVER 1,000 LEVELS VARYING  
 APPROX. 300,000 GSF TOTAL  
 1,200 UNITS

20 STORY RESIDENTIAL TOWER  
 OVER 1,000 LEVELS VARYING  
 APPROX. 400,000 GSF TOTAL  
 1,200 UNITS

8 STORY RESIDENTIAL CONDO  
 OVER 1,000 LEVELS VARYING  
 APPROX. 200,000 GSF TOTAL  
 1,200 UNITS

RESTAURANT  
 1,200 GSF  
 14 SURFACE PARKING SPACES  
 44 SPACES TOTAL

RESTAURANT  
 1,200 GSF  
 14 SURFACE PARKING SPACES  
 44 SPACES TOTAL

14 SURFACE PARKING SPACES  
 44 SPACES TOTAL

11 SURFACE PARKING SPACES  
 44 SPACES TOTAL

19 SURFACE PARKING SPACES  
 44 SPACES TOTAL

20 SURFACE PARKING SPACES  
 44 SPACES TOTAL

8 SURFACE PARKING SPACES  
 44 SPACES TOTAL

11 SURFACE PARKING SPACES  
 44 SPACES TOTAL



SEPTEMBER 14, 2005	14,500 GSF
RECENT PHASES	1,000,000 GSF
PROPOSED DEVELOPMENT	1,500,000 GSF
WALTON COMMUNITIES	
TOTAL	1,500,000 GSF

JUL 12 2011

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON†  
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  
DANIEL A. LANDIS\*\*\*  
BRIAN D. SMITH

HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAXE  
MELISSA W. GILBERT  
TIMOTHY W. BAILEY  
JOYCE W. HARPER  
AMY K. WEBER  
COURTNEY H. MOORE  
KIM A. ROPER  
TARA C. RIDDLE  
JOSHUA M. BOOTH\*  
KELLI L. WOLK  
C. LEE DAVIS  
TANYA L. CROSSE\*  
ROBERT W. BROWN II  
VICTOR P. VALMUS  
JEFFERY L. DICKERSON

## MAIN OFFICE

POST OFFICE BOX 3305  
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499  
TELECOPIER (770) 429-8631

## TENNESSEE OFFICE

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

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

T. SHANE MAYES  
ANGELA H. SMITH  
OPHELIA W. CHAN  
MEREDITH M. MILBY  
DARRRELL L. SUTTON  
KASI R. WHITAKER  
AUTUMN L. VEAZEY  
NICHOLAS J. PETERSON\*  
JEFFREY K. STINSON  
BENJAMIN A. WALDEN  
ELIZABETH ANN GUERRANT  
JAMES D. WALKER III  
CHRISTOPHER D. GUNNELS\*  
CHRISTOPHER L. MOORE  
JENNIFER S. WHITE\*  
KRISTIE L. KELLY†  
RYAN G. PRESCOTT

RICARDO J. DE MEDEIROS  
MICHELLE S. DAVENPORT  
JOHN L. SKELTON, JR.  
BRETVA MEXLER  
JACQUELYN VAN TUYL\*\*

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

† ALSO ADMITTED IN TN  
\*\* ALSO ADMITTED IN FL  
\*\*\* ALSO ADMITTED IN OH  
\*\*\*\* ALSO ADMITTED IN NC  
\*\*\*\*\* ADMITTED ONLY IN TN

WRITER'S DIRECT  
DIAL NUMBER

September 16, 2005

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

RE: Application for Rezoning

Application No.: Z-61 (2005)  
Applicant/Owner: TI Riverwood, LLC  
Property: 7.838 acres located at the  
intersection of Cobb Parkway  
and Riverwood Parkway, Land  
Lots 977, 978, 1015, and 1016,  
17<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia

Hand Delivered  
FILED WITH COUNTY CLERK THIS 30<sup>th</sup> DAY  
OF Sept 2005 BY John Moore  
RE Z-61  
Phil R. May  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

Min. Bk. 37 Petition No. Z-61  
Doc. Type Letter of Agreeable  
Stipulations  
Meeting Date 9/20/05

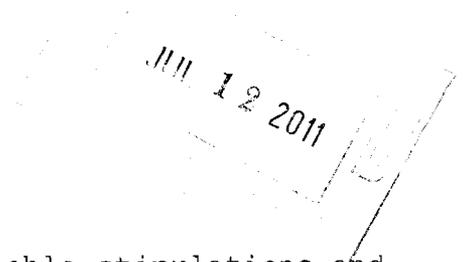
Dear John:

As you know, the undersigned and this firm represent TI Riverwood, LLC, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of approximately 7.838 acres located at the intersection of Cobb Parkway and Riverwood Parkway, Land Lots 977, 978, 1015, and 1016, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or 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 Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and

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Ordinance No. Z-61  
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replace in full that certain letter of agreeable stipulations and conditions dated and filed August 31, 2005. 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.
- (2) By submission of this revised letter of agreeable stipulations, Applicant hereby amends its request and rezoning of the Subject Property shall be from the existing Office High Rise ("OHR") and Office and Institutional ("OI") zoning categories to the Community Retail Commercial ("CRC"), Office High Rise ("OHR"), and Urban Condominium ("UC") zoning categories, site plan specific to that certain revised Site Plan prepared for Regent Riverwood, LLC and TI Riverwood, LLC by Niles Bolton Associates, Inc. dated August 25, 2005, last revised September 14, 2005, submitted contemporaneously herewith.
- (3) By this revised letter of agreeable stipulations and conditions, Applicant further amends its Application for Rezoning to include the revised Site Plan hereinabove set forth, same being prepared by Niles Bolton Associates, Inc. dated August 25, 2005, last revised September 14, 2005.
- (4) The Subject Property consists of approximately 7.838 acres of total site area.

**STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT**

- (1) This rezoning proposal is for a mixed-use development consisting of retail and residential, with the residential component being of varying types. The

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Project No. Z-61  
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overall proposed development shall contain approximately 1,007,100 gross square feet.

- (2) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, 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 development.
- (3) The master association, and any sub-associations, 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.
- (4) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the referenced Site Plan.
- (5) Entrances to the proposed development shall be as more particularly shown and reflected on the referenced Site Plan.
- (6) Entrance signage for the proposed overall development shall be ground based, monument style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.
- (7) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process, as more hereinafter more particularly set forth.

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- (8) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (9) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.
- (10) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (11) All setbacks 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.
- (12) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (13) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

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- (14) There shall be interparcel access among the proposed development, the development proposed by Regent Riverwood, LLC, located northwesterly of the Subject Property, and the existing "ING Office Building" located northeasterly of the Subject Property, as more particularly shown and reflected on the referenced Site Plan.
- (15) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (16) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (17) All utilities for the proposed development shall be located underground.
- (18) 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;
  - (d) Gas station;
  - (e) Truck and trailer leasing facilities;
  - (f) Automotive paint and body repair shops;
  - (g) Automotive upholstery shops;
  - (h) Billiards and pool halls which are the sole or predominant use;

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- (i) Bus stations (not to exclude bus stops);
  - (j) Fraternity and sorority house;
  - (k) Full-service gas stations;
  - (l) Light automotive repair;
  - (m) Rooming houses and boarding houses;
  - (n) Any form of adult entertainment business; and
  - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.
- (19) The parking spaces delineated herein may be reduced if shared parking among the various uses so allows; subject to the approval of the District Commissioner.

**I. RETAIL COMPONENT**

- (1) The retail component of the proposed development shall consist of seven buildings, being denoted as Buildings "D1," "D2," "E," "F," "G1," "G2," and "H," as more particularly shown and reflected on the referenced Site Plan.
- (2) Retail Buildings "D1" and "D2" shall be a maximum of 3 stories in height and contain the following:
  - (a) The proposed retail buildings shall contain approximately 13,000 total gross square feet and shall be located adjacent to a parking area and a parking deck.

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- (b) Retailers within the proposed buildings shall have approximately 47 surface parking spaces and access to approximately 109 spaces within the existing parking deck.
- (c) There shall be approximately 15 spaces per 1,000 gross square feet.
- (3) Retail Building "E" shall be a maximum of 3 stories and shall contain the following:
  - (a) The proposed retail building, with drive-thru, shall contain approximately 10,000 total gross square feet and shall be located adjacent to a surface parking area.
  - (b) Retailers within the proposed building shall have approximately 35 surface parking spaces.
  - (c) There shall be approximately 3.5 spaces per 1,000 gross square feet.
- (4) Retail Buildings "F" and "G1" shall be a maximum of 3 stories and shall contain the following:
  - (a) The proposed retail buildings shall contain Approximately 12,000 total gross square feet.
  - (b) Retailers within the proposed buildings shall have approximately 51 surface parking spaces and approximately 140 spaces within the proposed parking deck.
  - (c) There shall be approximately 16 spaces per 1,000 gross square feet.
- (5) Retail Building "G2" shall be a maximum of 3 stories and shall contain the following:
  - (a) The proposed retail building shall contain approximately 2,100 total gross square feet.

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- (b) Retailers within the proposed building shall have approximately 11 surface parking spaces and approximately 21 spaces in the parking deck.
- (c) There shall be approximately 15 spaces per 1,000 gross square feet.
- (6) Retail Building "H" shall be a maximum of 3 stories and shall contain the following:
  - (a) The proposed retail building shall contain approximately 4,500 total gross square feet.
  - (b) Retailers within the proposed building shall have approximately 10 surface parking spaces and approximately 58 spaces in the parking deck.
  - (c) There shall be approximately 15 spaces per 1,000 gross square feet.
- (7) The architectural theme, exteriors, and materials for the retail component shall be substantially similar to the renderings presented to the Planning Commission and Board of Commissioners at the respective public hearings.

**II. RESIDENTIAL COMPONENT**

- (1) The residential component of the proposed development shall consist of three areas as follows:
  - (a) Two 27 story residential towers;
  - (b) One 4 story residential building; and
  - (c) One 8 story residential tower.

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- (2) The two proposed 27 story residential towers shall contain the following particulars:
  - (a) The towers shall contain a maximum of 520 units and have approximately 769,500 total gross square feet.
  - (b) The proposed towers shall be located over 7 levels of parking.
  - (c) There shall be approximately 1,040 parking spaces available to the proposed residential units; or approximately 2 spaces per unit.
  
- (3) The proposed 4 story residential units shall contain the following particulars:
  - (a) There shall be a maximum of 56 units contained within the 4 story structure having approximately 76,000 total gross square feet.
  - (b) The proposed structure shall be located over a parking area. There shall be approximately 112 parking spaces available to the proposed residential units; or approximately 2 spaces per unit.
  - (c) The ground level may be utilized for retail/office.
  
- (4) The proposed 8 story residential tower shall contain the following particulars:
  - (a) The tower shall contain a maximum of 70 units and have approximately 120,000 total gross square feet.
  - (b) The proposed tower shall be located over 2.5 levels of parking. There shall be approximately 150 parking spaces available to the proposed residential units; or approximately 2.14 spaces per unit.

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Alternatively, this tower may be an upscale hotel with interior corridors with a maximum of 150 rooms. Extended-stay hotels are excluded.

- (5) Applicant agrees to the following unit square footage for the proposed residential:
  - (a) Not greater than five (5) percent of the units shall be less than 850 square feet;
  - (b) Not greater than fifteen (15) percent of the units shall be between 850 and 900 square feet;
  - (c) Not greater than thirty (30) percent of the units shall be between 900 and 1,100 square feet; and
  - (d) Not less than fifty (50) percent of the units shall be 1,100 square feet and greater.
- (6) The architectural style and materials of the residential towers and units shall be compatible with and complementary to the buildings within the retail component, as well as that of the surrounding developments, and shall be as shown and reflected on the renderings presented to the Planning Commission and Board of Commissioners at the respective Zoning Hearings.
- (7) The units within the residential towers shall be condominiums as the term "condominium" is defined under the Georgia Condominium Act.
- (8) The units within the residential towers shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (9) The proposed residential towers shall contain a separate pool and related club amenities such as meeting rooms, lounge area, exercise area, and the like.

**MOORE INGRAM JOHNSON & STEELE**

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Continued

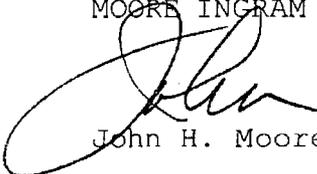
Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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We believe the requested zoning, pursuant to the revised Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community, together with the Regent Riverwood community, is an exciting concept which fits together numerous types of product into one development. The Applicant has gone to great detail in planning the development and working with residents within the Vinings Community and businesses within the Cumberland and Vinings areas. The proposed development shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments, businesses, 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

Enclosures

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

**MOORE INGRAM JOHNSON & STEELE**

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Mr. John P. Pederson  
Planner III  
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Cobb County Community Development Agency  
Page Twelve  
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- c: Mr. Ron Sifen  
Vinings Civic Association  
(With Copy of Enclosure)
- Mr. Anthony L. Waybright  
Ms. Suzanne Ballew  
(With Copy of Enclosure)
- Ms. Linda Barnes Cater  
Lower Stillhouse Group  
(With Copy of Enclosure)
- Ms. Kathrin Mattox  
(With Copy of Enclosure)
- Ms. Jody Smith  
(With Copy of Enclosure)
- Ms. Mary Rose Barnes  
(With Copy of Enclosure)
- TI Riverwood, LLC  
(With Copy of Enclosure)

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON†  
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  
DANIEL A. LANDIS\*\*\*  
BRIAN D. SMITH

HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAXE  
MELISSA W. GILBERT  
TIMOTHY W. BAILEY  
JOYCE W. HARPER  
AMY K. WEBER  
COURTNEY H. MOORE  
KIM A. ROPER  
TARA C. RIDDLE  
JOSHUA M. BOOTH\*  
KELLI L. WOLK  
C. LEE DAVIS  
TANYA L. CROSSE\*  
ROBERT W. BROWN II  
VICTOR P. VALMUS  
JEFFERY L. DICKERSON

## MAIN OFFICE

POST OFFICE BOX 3305  
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499  
TELECOPIER (770) 429-8631

## TENNESSEE OFFICE

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

TELEPHONE (865) 692-9039  
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T. SHANE MAYES  
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JUL 1

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WRITER'S DIRECT  
DIAL NUMBER

September 19, 2005

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

Hand Delivered

FILED WITH COUNTY CLERK THIS 20<sup>th</sup> DAY  
OF Sept 2005 BY John Meare  
RE Z-61  
Mail to Clerk  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA  
Min. Bk. 37 Petition No. Z-61  
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and Riverwood Parkway, Land  
Lots 977, 978, 1015, and 1016,  
17<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated September 16, 2004, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

(1) With respect to subsection II, Residential Component, item no. 5 on page 10 of the stipulation letter, shall be deleted in its entirety and the following inserted in lieu thereof:

"(5) Applicant agrees to the following unit square footage for the proposed residential:

**MOORE INGRAM JOHNSON & STEELE**

Petition No.       Z-61        
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- (a) Not greater than twenty (20) percent of the units shall be between 850 and 900 square feet;
  - (b) Not greater than thirty (30) percent of the units shall be between 900 and 1,100 square feet;
  - (c) Not less than twenty (20) percent of the units shall be 1,100 square feet to 1,500 square feet; and
  - (d) Not less than thirty (30) percent of the units shall be 1,500 square feet and greater."
- (2) Further, the following shall be an additional stipulation applicable to subsection II, Residential Component:
- (10) Floor plans and finishes shall consist, at a minimum, of the following:
- (a) Enhanced corian, granite, or marble counter tops;
  - (b) Gas burning fireplaces as an upgrade;
  - (c) Minimum ceiling heights:
    - i) Minimum 9 feet from floor to finished ceiling and greater; and
    - ii) Minimum 10 feet between floors;
  - (d) European or upscale wooden face-frame cabinetry;
  - (e) Top-of-the line appliances, stainless steel or equivalent;
  - (f) Extra deep stainless steel sinks and side-by-side refrigerators/freezers;
  - (g) A selection of hardwood flooring, Berber carpet, and tile throughout;

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September 19, 2005

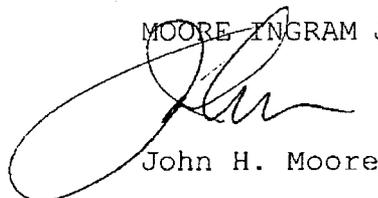
- (h) Spacious open floor plans which eliminate the necessity for typical hallways within the units;
- (i) Brushed chrome bathroom and kitchen fixtures;
- (j) Ceramic tile bathrooms and laundry rooms;
- (k) Spacious walk-in closets;
- (l) Surround-sound wiring;
- (m) High-speed internet wiring in all rooms of each unit; and
- (n) Spa-jet garden tubs.

As previously stated, we believe the requested zoning, pursuant to the revised Site Plan, the revised stipulations, and the additional stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community, together with the Regent Riverwood community, is an exciting concept which fits together numerous types of product into one development. The Applicant has gone to great detail in planning the development and working with residents within the Vinings Community and businesses within the Cumberland and Vinings areas. The proposed development shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments, businesses, 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

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Four  
September 19, 2005

Petition No.       Z-61        
Meeting Date       9/20/05        
Continued

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

Mr. Ron Sifen  
Vinings Civic Association

Mr. Anthony L. Waybright  
Ms. Suzanne Ballew

Ms. Linda Barnes Cater  
Lower Stillhouse Group

Ms. Kathrin Mattox

Ms. Jody Smith

Ms. Mary Rose Barnes

TI Riverwood, LLC



# REGIONAL REVIEW FINDING

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax: 404.463.3105 • www.atlantaregional.com

DATE: 7/1/2005

ARC REVIEW CODE: R506021

TO: Chairman Sam Olens  
ATTN TO: John Pederson, Planner III  
FROM: Charles Krautler, Director

Min. Bk. 37 Petition No. Z-61  
Doc. Type ARC decision  
relevant to DRI  
Meeting Date 9/20/05

The Atlanta Regional Commission (ARC) has completed regional review of the following Development of Regional Impact (DRI). Below is the ARC finding. The Atlanta Regional Commission reviewed the DRI with regard to conflicts to regional plans, goals, and policies and impacts it might have on the activities, plans, goals, and policies of other local jurisdictions and state, federal, and other agencies. The finding does not address whether the DRI is or is not in the best interest of the local government.

**Submitting Local Government:** Cobb County  
**Name of Proposal:** Regent Riverwood

**Review Type:** Development of Regional Impact

**Date Opened:** 6/2/2005

**Date Closed:** 7/1/2005

**FINDING:** After reviewing the information submitted for the review, and the comments received from affected agencies, the Atlanta Regional Commission finding is that the DRI is in the best interest of the Region, and therefore, of the State.

**Additional Comments:** This development meets many of ARC's Regional Development Policies. The proposed development incorporates a mix of uses that includes residential, commercial and office uses. To encourage a more livable region, the Regional Development Policies encourage new development in central business districts, transportation corridors, activity centers, and town centers. The Policies also recommend mix use development, infill development, and redevelopment while providing for a variety of housing choices for individuals and families of diverse incomes and age groups. The proposed Regent Riverwood development promotes these policies through a mix use interconnected development in the Cumberland Galleria activity center. This project is located in the Cumberland Livable Center Initiative Study area. The vision of the Cumberland LCI study area is to create a more urban district that includes increased residential densities, greater integration of land uses, greater emphasis on mobility, and more active public spaces. The developer should review the Blueprint Cumberland Strategic Plan to ensure future transportation connections. There are proposed future transit stations in close proximity to the proposed development. It is encouraged that pedestrian, bike, and possible auto connections be implemented where possible. The developer should work with the Cumberland Community Improvement District and the Cumberland Transportation Network to integrate the proposed development into the overall strategic plan for the Cumberland Galleria area.

## THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

ARC LAND USE PLANNING  
ARC DATA RESEARCH  
GEORGIA DEPARTMENT OF NATURAL RESOURCES  
CUMBERLAND CID  
COBB COUNTY SCHOOLS  
METRO ATLANTA RAPID TRANSIT AUTHORITY

ARC TRANSPORTATION PLANNING  
ARC AGING DIVISION  
GEORGIA DEPARTMENT OF TRANSPORTATION  
CITY OF SMYRNA  
FULTON COUNTY

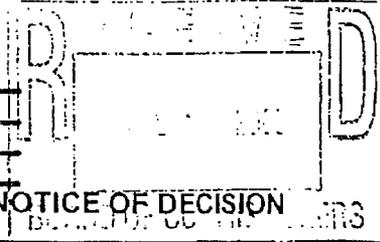
ARC ENVIRONMENTAL PLANNING  
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS  
GEORGIA REGIONAL TRANSPORTATION AUTHORITY  
CITY OF ATLANTA  
CITY OF MARIETTA

If you have any questions regarding this review, Please call Mike Alexander, Review Coordinator, at (404) 463-3302. This finding will be published to the ARC website.

The ARC review website is located at: <http://www.atlantaregional.com/qualitygrowth/reviews.html>.



Min. Bk. 37 Petition No. Z-61  
 Doc. Type GRTA decision  
relevant to DRI  
 Meeting Date 9/20/05



To: Chick Krautler, ARC  
 (via electronic mail) Sonny Deriso, GRTA  
 Kessel Stelling, GRTA  
 Ken Bernard, GRTA

Lee Morris, GRTA  
 John Sibley, GRTA  
 Jeanie Thomas, GRTA

*Comm. Joe Thompson*  
*Rob Horack*  
*David Montague*

To: Chairman Sam Olens, Cobb County Board of Commissioners  
 (via electronic mail and certified mail) Mr. John H. Moore, Regent Riverwood, LLC

From: Steven L. Stancil, GRTA Executive Director

Copy: Kirk Fjelstul, GRTA  
 (via electronic mail) Debbie Miness, DCA  
 Mike Alexander, ARC  
 Steve Walker, GDOT  
 Harry Graham, GDOT District 7

Michael Tuller, Cobb County  
 David Knight, Walton Communities  
 Rex Bray, Planners and Engineers  
 Tara Riddle, Moore Ingram Johnson, & Steele  
 Mark Oprisul, Niles Bolton & Associates

Date: July 6, 2005

Re: Notice of Decision Regarding DRI 743 Regent Riverwood

~~AS~~ *John P - FM*

Petition No. Z-61  
Meeting Date 9/20/05  
Continued

**Notice of Decision for  
Request for Non-Expedited Review of  
DRI 743 Regent Riverwood**

The purpose of this notice is to inform Regent Riverwood, LLC (the Applicant), Cobb County (i.e., the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI 743 Regent Riverwood (the DRI Plan of Development). GRTA has completed a non-expedited review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103.A. The DRI Plan of Development as proposed is **approved subject to conditions**, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless the local government has issued a permit for the construction of any part of the proposed DRI Plan of Development prior to the end of the ten-year period.

The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes the site development plan dated May 19, 2005, prepared by Planners and Engineers Collaborative, titled "Riverwood A Mixed Use Development" (Referred to as the "Site Plan" or the "DRI Plan of Development") and the analysis prepared by A&R Engineering, Inc. dated May 27, 2005 and received by GRTA on May, 27, 2005.

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, available from GRTA or on the Worldwide Web at <<http://www.grta.org/dri/home.htm>>. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal at its August 10, 2005 meeting.



Steven L. Stancil  
Executive Director  
Georgia Regional Transportation Authority

### Attachment A – General Conditions

#### Conditions to GRTA Notice of Decision:

- Development Intensity and Use
  - Provide a mixed-use development consisting of high-rise residential units, office space, and retail.
  - Commercial/retail buildings E,F,G, & H shall have a front facade facing adjacent public roadways.
- Road Connectivity/Site Accesses
  - Provide an internal street connection between Riverwood Parkway, US 41, and Cumberland Boulevard.
- Pedestrian Facilities
  - Provide sidewalks along all internal roadways connecting all building entrances with adjacent streets.
  - Provide sidewalks adjacent to exterior public streets.
  - Provide internal pedestrian connections between all uses.
  - Provide conveniently located bicycle racks for each residential building and groupings of retail, commercial, and office uses.

#### Roadway Improvements as Conditions to GRTA Notice of Decision:

The following improvements are required on and adjacent to *state* routes:

- Cobb Parkway (US 41) @ Cumberland Blvd
  - Add an additional southbound left turn lane on US 41 creating dual left turn lanes

The following improvements are required on and adjacent to *non-state* routes:

- Cumberland Boulevard @ Russell Office Suites Driveway / South Site Driveway
  - Provide a dedicated left and a shared through / right turn lane for traffic exiting the proposed development.
  - Add a westbound right turn lane on Cumberland Blvd
  - Add an eastbound left turn lane on Cumberland Blvd
- Cobb Parkway (US 41) @ Right in – Right out Site Driveway
  - Add a dedicated southbound right turn lane on US 41 for traffic entering the development.

Petition No. Z-61  
Meeting Date 9/20/05  
Continued

## Attachment B – Required Elements of the DRI Plan of Development

### Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All of the “Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.
- All of the “Roadway Improvements as Conditions to GRTA Notice of Decision” set forth in Attachment A are satisfied.

## Attachment C – Required Improvements to Serve the DRI

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a "Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI."

The Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

### Section 1.

- Cobb Parkway (US 41) @ Cumberland Blvd
  - Add an additional southbound left turn lane on US 41 creating dual left turn lanes
- Cumberland Boulevard @ Russell Office Suites Driveway / South Site Driveway
  - Provide a dedicated left and a shared through / right turn lane for traffic exiting the proposed development.
  - Add a westbound right turn lane on Cumberland Blvd
  - Add an eastbound left turn lane on Cumberland Blvd
- Cobb Parkway (US 41) @ Right in – Right out Site Driveway
  - Add a dedicated southbound right turn lane on US 41 for traffic entering the development.

### Section 2.

- Cumberland Boulevard @ Cumberland Parkway / Cumberland Mall
  - Add a westbound left turn lane on Cumberland Boulevard creating dual left turn lanes and restripe the shared left / through lane to make it a dedicated through lane.
- Cumberland Boulevard @ Akers Mill Road / Jones Road
  - Change the phasing of southbound right turn movement on Akers Mill Road from permissive to permissive + overlap.
- Riverwood Parkway @ Wachovia Bank Drive-thru / West Site Driveway
  - Provide a shared left / through lane and a dedicated right turn lane for traffic exiting the proposed development.

APPLICANT: Regent Riverwood, LLC

PETITION NO.: Z-61

PRESENT ZONING: OL, OHR

PETITION FOR: RRC

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

Mfn. Blk. 37 Petition No. Z-61  
Doc. Type revised Cobb DOT  
Comments + recommendations  
Meeting Date and office review of 9/20/05

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Cumberland Blvd	19889	Arterial	100'
U.S. Hwy 41	24240	Arterial	100'
Riverwood Pkwy	NA	Major Collector	80'

Based on 10-23-02 traffic counting data taken by Cobb County DOT. (Cumberland Boulevard)  
Based on 2003 traffic counting data taken by GDOT. (U.S. 41)

Cumberland Boulevard is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

U.S. Highway 41 is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Riverwood Parkway is classified as a Major Collector and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Currently these properties have a combined total of one curb cut along each major road. The developer is proposing one new curb cut along Cumberland Boulevard at a signalized intersection, one new curb cut along U.S. Highway 41 that the Department recommends as a right-in/right-out and two new curb cuts along Riverwood Parkway.

Modify striping along US 41 to accommodate the right-in/right-out driveway.

GDOT permits will be required for all work along US 41.

Delete right-in/right-out drive on Riverwood Parkway.

Provide 100% funding for the traffic signal upgrade at the proposed access on Cumberland Boulevard.

U.S. Highway 41 is identified as a long-range transportation improvement project.

Extend sidewalk, curb and gutter along the section of Riverwood Parkway that lacks it.

Inter-parcel access easements will be required for all properties that have common boundaries.

As necessitated by this development for egress from Cumberland Boulevard, U.S. Highway 41 and Riverwood Parkway, a minimum 150' deceleration lane will be required at each access point.

Cumberland Boulevard corridor is identified by Blueprint Cumberland as a streetscape project. Additionally, this road will serve as the corridor for the Silver Comet Trail Extension.

Convert the striped areas of the medians into a left turn lane on Cumberland Boulevard and Riverwood Parkway. Modify landscaped island along Cumberland Boulevard to extend left turn storage.

Create a left-thru and a right turn lane driveway along Riverwood Parkway across from the Wachovia building.

Construct a driveway to mirror the access drive to the Russell Office Suites on Cumberland Boulevard.

APPLICANT: Regent Riverwood, LLC

PETITION NO.: Z-61

PRESENT ZONING: OL, OHR

PETITION FOR: RRC

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**TRANSPORTATION COMMENTS cont.**

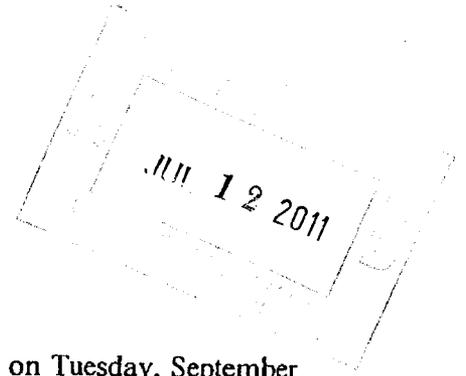
Petition No. Z-61  
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Continued

**RECOMMENDATIONS**

- Recommend modifying striping along US 41 to accommodate the right-in/right-out driveway.
- Recommend GDOT permits for the proposed right-in/right-out driveway on U.S. Highway 41 and all work that may encroach upon State right-of-way.
- Recommend deleting right-in/right-out drive on Riverwood Parkway.
- Recommend developer provide 100% funding for traffic signal upgrade at proposed access on Cumberland Boulevard.
- Recommend extending sidewalk, curb and gutter along the section of Riverwood Parkway that lacks it.
- Recommend inter-parcel access easements for all properties having common boundaries.
- Recommend a minimum 150' deceleration lane at each access point along US 41, Cumberland Boulevard and Riverwood Parkway.
- Recommend applicant coordinate with Blueprint Cumberland, Cobb County DOT and Georgia DOT to ensure compatibility with the proposed streetscape project, the Silver Comet Trail Extension and the proposed widening of U.S. 41.
- Recommend converting the striped areas of the medians into a left turn lane on Cumberland Boulevard and Riverwood Parkway.
- Recommend modifying landscaped island along Cumberland Boulevard to extend left turn storage.
- Recommend creating a left-thru and a right turn lane driveway along Riverwood Parkway across from the Wachovia building.
- Recommend constructing a driveway to mirror the access drive to the Russell Office Suites on Cumberland Boulevard.
- Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING – SEPTEMBER 18, 2007**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
SEPTEMBER 18, 2007  
9:07 A.M.**



The Board of Commissioners' Zoning Hearing was held on Tuesday, September 18, 2007, at 9:07 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 Samuel S. Olens  
Commissioner Helen Goreham  
Commissioner Joe L. Thompson  
Commissioner Tim Lee  
Commissioner Annette Kesting

**ITEM #1**

To consider amending the site plan and stipulations regarding Z-61 (TI RIVERWOOD, LLC) of April 19, 2005, for property located in Land Lots 977, 978, 1015 and 1016 of the 17th District at the northwest intersection of Cumberland Boulevard and U.S. Highway 41.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend site plan and stipulations. Following discussions among the Board, the public hearing was opened and Mr. John Moore and Mr. Ron Sifen addressed the Board. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by Thompson, second by Lee, to **approve** site plan and stipulation amendment for Z-61 (TI RIVERWOOD, LLC) of April 19, 2005, for property located in Land Lots 977, 978, 1015 and 1016 of the 17th District at the northwest intersection of Cumberland Boulevard and U.S. Highway 41, **subject to:**

- site plan received in the Zoning Division August 17, 2007, *subject to final approval in Plan Review* (attached and made a part of these minutes)
- request letter from Mr. John Moore dated August 17, 2007 (attached and made a part of these minutes)
- addendum letter from Mr. John Moore dated September 18, 2007 (attached and made a part of these minutes)
- all other previously approved conditions/stipulations not in conflict to remain in effect

**VOTE:** ADOPTED 3-2, Goreham and Kesting opposed



# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

192 ANDERSON STREET  
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499  
TELECOPIER (770) 429-8631

**BILLING ADDRESS**  
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

**TENNESSEE OFFICE**  
CEDAR RIDGE OFFICE PARK, SUITE 500  
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

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

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  
DANIEL A. LANDIS\*\*\*  
BRIAN D. SMITH

HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAXE  
JOYCE W. HARPER  
AMY K. WEBER  
KIM A. ROPER  
TARA C. RIDDLE  
KELLI L. WOLK  
TANYA L. CROSSE\*  
ROBERT W. BROWN II  
VICTOR P. VALMUS  
JEFFERY L. DICKERSON  
T. SHANE MAYES  
ANGELA H. SMITH  
OPHELIA W. CHAN  
DARRRELL L. SUTTON  
KASI R. WHITAKER

NICHOLAS J. PETERSON\*  
JAMES D. WALKER III  
CHRISTOPHER D. GUNNELS\*  
CHRISTOPHER L. MOORE  
JENNIFER S. WHITE\*  
RYAN G. PRESCOTT  
RICARDO J. DeMEDEIROS  
BRETT A. MILLER  
JACQUELYN D. VAN TUYL\*\*\*\*  
KAREN S. KURTZ  
CHRISTOPHER C. MINGLEDORFF  
KATHERINE G. CRONE  
RYAN E. JARRARD\*  
ANN A. HAMMENECKER\*  
JAMES D. BUSCH\*  
ESTHER VAYMAN  
COLE B. STINSON\*\*\*

SUZANNE E. HENNINGSON  
K. MARTINE NELSON  
ANGELA D. CHEATHAM  
G. LAMAR SMITH, JR.  
CAREY E. ATKINS\*\*  
STAYCE BURKHART\*\*

OF COUNSEL:  
JOHN L. SKELTON, JR.†

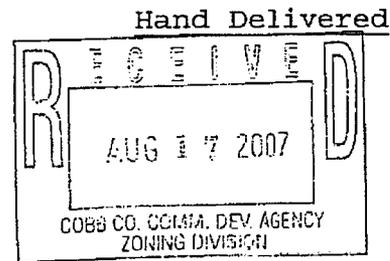
† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\* ALSO ADMITTED IN NM  
\*\*\* ALSO ADMITTED IN NC  
\*\*\*\* ADMITTED ONLY IN OH  
\*\*\*\*\* ADMITTED ONLY IN TH  
\*\*\*\*\* ADMITTED ONLY IN FL

August 17, 2007

Min. Bk. 52 O.B.#1  
Petition No. Z-61'05  
Doc. Type Request letter

Meeting Date \_\_\_\_\_

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



RE: Application for Site Plan and Stipulation Amendment  
Application No.: Z-61 (2005)  
Present Applicant: Seven Oaks Company, LLC  
Owners: TI Riverwood, LLC and  
Riverwood 300 VAF, LLC  
Property: 7.84 acres located at the  
intersection of Cobb Parkway and  
Cumberland Boulevard,  
Land Lots 977, 978, 1015, and  
1016, 17<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia

Dear Mark:

The undersigned and this firm have been retained to represent Seven Oaks Company, LLC with respect to the development of the approximately 7.84 acre tract located at the intersection of Cobb Parkway and Cumberland Boulevard, Land Lots 977, 978, 1015, and 1016, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Subject Property" or the "Property"). As you may recall, we also represented the previous Applicant, TI Riverwood, LLC during the initial rezoning of the Subject Property. The Property was rezoned to the Urban Condominium

## MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
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August 17, 2007

Petition No. Z-61'05  
Meeting Date 9-18-07  
Continued

("UC") and Community Retail Commercial ("CRC") zoning categories, site plan specific, in Application for Rezoning No. Z-61 (2005) heard by the Board of Commissioners at its Zoning Hearing held on September 20, 2005. As set forth in the official minutes of each meeting, certain stipulations and conditions were imposed upon the development of the Subject Property by the Board of Commissioners.

Seven Oaks Development, LLC, as the developer and current Applicant (hereinafter "Applicant") presents this request for site plan and stipulation amendment which, if approved as submitted herein, shall be an amendment to the Master Site Plan approved by the Board of Commissioners on September 20, 2005, and shall become part of the approved rezoning as to the Subject Property. The following are the amendments requested to the original zoning approval:

- (1) Applicant submits herewith the Master Site Plan Amendment dated August 15, 2007, prepared for Applicant by Kimley-Horn and Associates, Inc. which depicts the development proposed by Applicant, as well as the proposed, revised development of property approved in Application for Rezoning No. Z-62 (2005).
- (2) The total gross square feet of residential use shall be amended from 965,500 square feet to 748,222 square feet (Buildings "A" and "B").
- (3) A retail component of 58,719 square feet shall be added Buildings "A" and "B."
- (4) The commercial square feet shall be reduced from a total of 34,000 square feet to 20,500 square feet (Buildings "C," "D," "E," and "F").

**MOORE INGRAM JOHNSON & STEELE**

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
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Meeting Date 9-18-07  
Continued

- (5) A total of 172,059 square feet of office (hotel) area shall be added (Building "G").
- (6) The proposed hotel shall be a maximum of eight (8) stories in height and shall contain a maximum of 172,059 square feet. This hotel may be a business-suite hotel.
- (7) This amendment results in no additional gross square footage being added to the project. The original square footage total was 999,500 square feet, and this amendment results in 999,500 square feet.

RESIDENTIAL COMPONENT

- (8) The proposed residential component shall be amended by reducing the number of total units from six hundred forty-six (646) units to five hundred seventy (570) units, as follows:
  - (A) Condominium Units:
    - (a) There shall be a maximum of one hundred seventy-five (175) "for sale" units which shall comply in all respects with the Georgia Condominium Act.
    - (b) The average square footage of the proposed units shall be approximately 1,471 gross square feet.

**MOORE INGRAM JOHNSON & STEELE**

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
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(B) Leased Units:

- (a) There shall be a maximum of three hundred ninety-five (395) units which may be leased. These units shall have an approximate average size of 1,082 gross square feet.
  - (b) It is the intention of Applicant to convert these units to "owned" residential units as soon as market conditions allow. Once converted, these units will become condominiums under and pursuant to the Georgia Condominium Act.
- (9) Floor plans and finishes for the residential units shall consist, at a minimum, of the following:
- (a) Enhanced corian, granite, marble, or some other solid surface countertops;
  - (b) Gas burning fireplaces, as an upgrade, on top floor units only;
  - (c) Minimum ceiling heights:
    - (i) Minimum nine (9) feet from floor to finished ceiling, and greater. Some floors will have ceiling heights of ten (10) feet; and
    - (ii) Minimum ten (10) feet between floors.
  - (d) Wood frame face cabinetry or equivalent;
  - (e) Top-of-the-line appliances, stainless steel or equivalent, consistent with luxury apartment and condominium finishes;

## MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
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August 17, 2007

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Continued

- (f) Extra deep stainless steel sinks, up to 6.5 inches, as an upgrade;
- (g) Ceramic tile in kitchens and baths, hardwood flooring, and high-quality (Berber or equivalent) in select areas, as an upgrade;
- (h) Spacious, open floor plans;
- (i) Brushed chrome bathroom and kitchen fixtures (or equivalent);
- (j) Ceramic tile bathrooms and laundry rooms;
- (k) Spacious walk-in closets in master bedroom;
- (l) Networked data wiring throughout each unit;
- (m) High-speed internet wiring in all living and bedroom areas in each unit;
- (n) Window treatments throughout the units to present a uniform appearance;
- (o) Tile tub surround and tile showers in select units;
- (p) Upgraded wood trim package throughout each unit;
- (q) First-class landscape and hardscape throughout the development;
- (r) Energy-efficient construction which will meet or exceed the Georgia Energy Code;
- (s) Double-paned, insulated windows in all units;

**MOORE INGRAM JOHNSON & STEELE**

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
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- (t) Controlled access buildings and amenity areas;
  - (u) Extensive amenity package for both condominiums units and leased units, including, but not limited to:
    - (i) Pool;
    - (ii) Business center or internet café;
    - (iii) Fitness center; and
    - (iv) Controlled access, covered parking;
  - (v) Controlled access, covered parking.
- (10) If the amendments are approved, as set forth above, together with the Master Site Plan Amendment submitted herewith, 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 September 16, 2005, are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.

We respectfully request this Application for Site Plan and Stipulation Amendment be placed on the Board of Commissioners' "Other Business Agenda" for the scheduled Zoning Hearing on September 18, 2007. Thank you for your consideration in this matter. We look forward to confirmation of this item on the requested Zoning Hearing agenda and receipt of the signs in order to meet the requisite posting date.

If you should have any questions or require additional information at this time, please do not hesitate to contact me.

**MOORE INGRAM JOHNSON & STEELE**

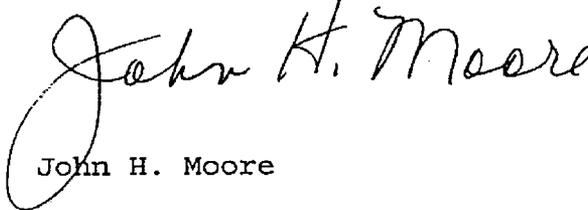
Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page 7 of 7  
August 17, 2007

Petition No. 2-61 '05  
Meeting Date 9-18-07  
Continued

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

Shane Coldren, President  
Ron Sifen  
Vinings Homeowners Association  
(With Copy of Enclosure)

Anthony L. Waybright  
Suzanne Ballew  
(With Copy of Enclosure)

Seven Oaks Company, LLC  
(With Copy of Enclosure)

# 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  
DANIEL A. LANDIS\*\*\*  
BRIAN D. SMITH

HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAXE  
JOYCE W. HARPER  
AMY K. WEBER  
KIM A. ROPER  
TARA C. RIDDLE  
KELLI L. WOLK  
TANYA L. CROSSE\*  
ROBERT W. BROWN II  
VICTOR P. VALMUS  
JEFFERY L. DICKERSON  
T. SHANE MAYES  
ANGELA H. SMITH  
OPHELIA W. CHAN  
DARRELL L. SUTTON  
KASI R. WHITAKER

192 ANDERSON STREET  
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499  
TELECOPIER (770) 429-8631

**BILLING ADDRESS**  
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

**TENNESSEE OFFICE**  
CEDAR RIDGE OFFICE PARK, SUITE 500  
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

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

NICHOLAS J. PETERSON\*  
JAMES D. WALKER III  
CHRISTOPHER D. GUNNELS\*  
CHRISTOPHER L. MOORE  
JENNIFER S. WHITE\*  
RYAN G. PRESCOTT  
RICARDO J. DeMEDEIROS  
BRETT A. MILLER  
JACQUELYN D. VAN TUYL\*\*\*  
KAREN S. KURTZ  
CHRISTOPHER C. MINGLEDORFF  
KATHERINE G. CRONE  
RYAN E. JARRARD\*  
ANN A. HAMMENECKER\*  
JAMES D. BUSCH\*  
ESTHER VAYMAN  
COLE B. STINSON\*\*\*

SUZANNE E. HENRICKSON  
K. MARTINE NELSON\*  
ANGELA D. CHEATHAM  
D. LAMAR SMITH, JR  
CAREY E. ATKINS\*\*  
STAYCE BURKHART\*\*

OF COUNSEL:  
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\* ALSO ADMITTED IN NM  
\*\*\* ALSO ADMITTED IN NC  
\*\*\*\* ALSO ADMITTED IN OH  
\*\*\*\*\* ADMITTED ONLY IN TN  
\*\*\*\*\* ADMITTED ONLY IN FL

September 18, 2007

O.B.#1  
Min. Bk. 52 Petition No. 2-61 '05  
Doc. Type Addendum letter  
Meeting Date 9-18-07

Hand Delivered

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

RE: Application for Site Plan and Stipulation Amendment  
Application No.: Z-61 (2005)  
Present Applicant: Seven Oaks Company, LLC  
Owners: TI Riverwood, LLC and  
Riverwood 300 VAF, LLC  
Property: 7.84 acres located at the  
intersection of Cobb Parkway and  
Cumberland Boulevard,  
Land Lots 977, 978, 1015, and  
1016, 17<sup>th</sup> District, 2<sup>nd</sup> Section,  
Cobb County, Georgia

Dear Mark:

On behalf of Applicant, Seven Oaks Company, LLC, please accept this correspondence as an amendment to the Application for Site Plan and Stipulation Amendment dated and filed August 17, 2007. The amendments are as follows:

- (1) Paragraph (8), subparagraph (A), subparagraph (a), shall be deleted in its entirety and the following inserted in lieu thereof:

**MOORE INGRAM JOHNSON & STEELE**

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 3  
September 18, 2007

Petition No. Z-61 '05  
Meeting Date 9-18-07  
Continued

- (a) There shall be a maximum of two hundred thirty-five (235) "for sale" units which shall comply in all respects with the Georgia Condominium Act.
- (2) Paragraph (8), subparagraph (B), subparagraph (a), shall be deleted in its entirety and the following inserted in lieu thereof:
  - (a) There shall be a maximum of three hundred thirty-five (335) units which may be leased. These units shall have an approximate average size of 1,080 gross square feet.
- (3) The following shall be inserted in paragraph (8), following the amended subparagraph (a) set forth above:
  - (i) These units shall be comprised as follows:
    - ▶ 700- 800 square feet - 17 percent;
    - ▶ 880- 970 square feet - 37 percent;
    - ▶ 1,030-1,235 square feet - 19 percent; and
    - ▶ 1,350-1,710 square feet - 27 percent.
  - (ii) The percentage of leased units to "for sale" units is hereby amended to provide for 41 percent "for sale" units and 59 percent leased units.
- (4) The balance and remainder of the August 17, 2007, Application for Site Plan and Stipulation Amendment is unaltered by the requested amendments set forth herein.

**MOORE INGRAM JOHNSON & STEELE**

Mr. Mark A. Danneman  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page 3 of 3  
September 18, 2007

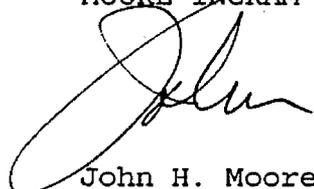
Petition No 2-61 '05  
Meeting Date 9-18-07  
Continued

Thank you for your consideration and assistance in this matter.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

- c: Cobb County Board of Commissioners:  
Samuel S. Olens, Chairman  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
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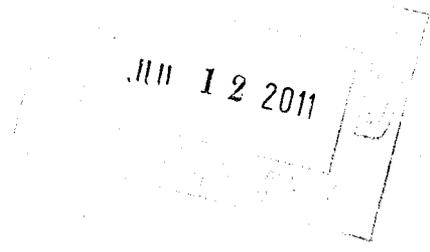
Seven Oaks Company, LLC

**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING – MARCH 15, 2011**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MARCH 15, 2011  
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 15, 2011 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 Helen Goreham  
Commissioner Robert Ott  
Commissioner Woody Thompson



**ITEM NO. 3**

To consider site plan and stipulation amendment for Seven Oaks Company, LLC regarding rezoning application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lot 977, 978, 1015 and 1016 of the 17<sup>th</sup> District.

Mr. John Pederson, Zoning Division Manager, provided information regarding site plan and stipulation amendments. The public hearing was opened and there was no public comment. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by Ott, second by Lee, to approve Other Business Item No. 3 for site plan and stipulation amendments for Seven Oaks Company, LLC regarding rezoning application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lot 977, 978, 1015 and 1016 of the 17<sup>th</sup> District, **subject to:**

- **site plan dated February 7, 2011 (attached and made a part of these minutes)**
- **stipulation amendments as contained in Applicant's Exhibit "B" (attached and made a part of these minutes)**
- **all other previously approved conditions/stipulations, not otherwise in conflict, to remain in effect**

**VOTE:** **ADOPTED** unanimously



Min. Bk. 62 Petition No. OB3  
Doc. Type Applicants  
Exhibit "B"  
Meeting Date 3/15/11

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(SITE PLAN AND STIPULATION AMENDMENTS)**

Application No.: Z-61(2005)  
Original Hearing Date: April 19, 2005  
Date of Zoning Decision: September 20, 2005  
Date of OB Decision: September 18, 2007  
Current Hearing Date: March 15, 2011

Applicant: Seven Oaks Company, LLC  
Property Owners: TI Riverwood / Outparcels, LLC;  
Riverwood 200 VAF LLC; and  
Riverwood Mixed-Use LLC

On September 20, 2005, the Cobb County Board of Commissioners approved the rezoning of an approximately 7.84 acre tract located at the intersection of Cobb Parkway and Cumberland Boulevard (hereinafter "Subject Property" or "Property") to the Urban Condominium ("UC") and Community Retail Commercial ("CRC") zoning categories. The purpose of rezoning the Property was for the development of a mixed-use community which, together with the property located adjacent and northwesterly of the Subject Property, would comprise the Riverwood mixed-use project. The approval of the rezoning request was site plan specific (a copy of which is attached hereto as Exhibit "1"); and was subject to the conditions set forth in the official minutes, as well as the letter of agreeable stipulations and conditions dated September 16, 2005, and filed September 20, 2005. Subsequently, on September 18, 2007, the Cobb County Board of Commissioners approved amendments to the Master Site Plan and certain stipulations related to the applicable portion of the Riverwood Project. A true and correct copy of the Master Site Plan Amendment dated August 15, 2007, and prepared for Applicant by Kimley-Horn and Associates, Inc. is attached hereto as Exhibit "2" and incorporated herein by reference.

Seven Oaks Company, LLC, as the developer and Applicant (hereinafter "Applicant"), presents this request for site plan and stipulation amendment which, if approved as submitted herein, shall be an amendment to the Master Site Plan Amendment as to Z-61 (2005) approved by the Board of Commissioners on September 18, 2007, as well as any applicable stipulations specific to the amendment of the Master Site Plan, and shall become part of the approved rezoning as to the Subject Property. The following are the amendments requested:

- (1) Applicant submits herewith the Master Site Plan Amendment dated February 7, 2011, prepared for Applicant by Kimley-Horn and Associates, Inc. which depicts the revisions for development of the Subject Property, as well as the revised development of property approved in Application for Rezoning No. Z-62 (2005), as amended September 18, 2007.

Petition No. 083  
Meeting Date 3/15/11  
Continued

- (2) The retail component of 58,719 square feet in Buildings "A" and "B," Level 1, shall be reduced to 24,000 square feet.
- (3) The proposed use for Building "G" shall be revised from office (hotel) to commercial use having 172,059 square feet.
- (4) This amendment results in no additional gross square footage being added to the project.
- (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 September 20, 2005; as well as those amendments set forth in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 18, 2007, are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.

The amendments requested and presented above in no way adversely impact or affect the remainder of the overall development. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Riverwood Project.