

**MAY 21, 2013 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM # 4**

**PURPOSE**

To consider clarifying and amending zoning stipulations relating to Z-28 of 2010 (Greenstreet Properties/ Marthasville Development/ Jamestown Properties), for property located on the easterly and westerly sides of Riverview Road, on the south side of Dickerson Drive, on the north, south and east sides of Nichols Drive, and on the southerly and easterly sides of Armstrong Place in Land Lots 58, 171, 172, 174, 175 and 284 of the 18<sup>th</sup> District.

**BACKGROUND**

On March 15, 2011, the Board of Commissioners rezoned an 81+ acre property to Planned Village Commercial (PVC) for a mixed used development consisting of residential, retail, offices and residential uses. There were many stipulations placed on the property, including many stipulations relating to transportation improvements. The reason for this Other Business item is to clarify and amend the zoning stipulations relating to the required roadway improvements concerning the County’s responsibilities under SPLOST, and the Developers responsibility under the zoning stipulations and the Georgia Regional Transportation Authority (GRTA) Development of Regional Impact (DRI) conditions. Cobb D.O.T has offered the following proposed stipulations:

1. Recommend the Developer coordinate with the River View Rd SPLOST project.
2. Recommend Developer is responsible for transportation related improvements along their roadway frontages and other improvements specified in the DRI Notice of Decision Attachment 'A' with the exception of the right turn lanes at the intersection of River View Road and Veterans Memorial Highway ( The turn lanes will be included in the SPLOST project).
3. Recommend Developer contribute 100% of the cost for the traffic signals specified in the DRI, if and when warranted and installation approved by Cobb County DOT and/or Georgia DOT.
4. Recommend the Developer provide emergency access in a flood event by raising River View Road above the 100 year floodplain near the intersection of Riverview Road and Dickerson Drive, or provide an equivalent plan.
5. All other stipulations from Z-28 of 2010, not in conflict.

**FUNDING**

N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider clarifying and amending stipulations relating to transportation improvements.

**ATTACHMENTS**

Other Business application and zoning stipulations.

Reference No. 13351

Scanned Date: \_\_\_\_\_

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: May 21, 2013

Applicant: Cobb County Board of Commissioners Phone #: 770-528-3300\*  
(applicant's name printed)

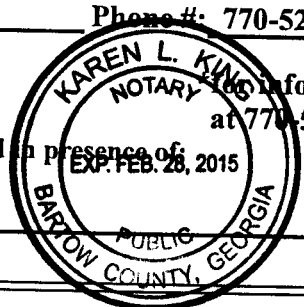
Address: 100 Cherokee Street, Marietta GA 30060 E-Mail: see below\*

Tim Lee\* Address: 100 Cherokee Street, Marietta GA 30060  
(representative's name, printed)

*[Handwritten Signature]*

(representative's signature) Phone #: 770-528-3300 E-Mail: see below\*

Timothy D. Lee, Chairman  
Cobb County Board of  
Commissioners



Information concerning this request, please call John Pederson at 770-528-2024 or email at john.pederson@cobbcounty.org

Signed, sealed and delivered in presence of:

*[Handwritten Signature]*  
Notary Public

My commission expires: Feb. 28, 2015

Titleholder(s) : Riverview Industries, L.P. Phone #: 404-835-8220  
(property owner's name printed)

Address: 3625 Cumberland Blvd.; Atlanta, GA 30339 E-Mail: \_\_\_\_\_

\_\_\_\_\_  
(Property owner's signature)

Signed, sealed and delivered in presence of:

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

Commission District: 4 Zoning Case: Z-28 of 2010

Date of Zoning Decision: 03-15-11 Original Date of Hearing: 10-19-10

Location: Riverview Road, Dickerson Drive, Nichols Drive, Armstrong Place  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 58, 171, 172, 174, 175, 284 District(s): 18

State specifically the need or reason(s) for Other Business: To clarify and amend the zoning stipulations relating to the required roadway improvements concerning the County's responsibilities under SPLOST, and the Developers responsibility under the zoning stipulations and the Georgia Regional Transportation Authority (GRTA) Development of Regional Impact (DRI) conditions.

ORIGINAL DATE OF APPLICATION: 10-19-10APPLICANTS NAME: GREEN STREET PROPERTIES/MARTHASVILLE  
DEVELOPMENT/JAMESTOWN PROPERTIESTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 03-15-11 ZONING HEARING:**

**GREEN STREET PROPERTIES/MARTHASVILLE DEVELOPMENT/JAMESTOWN PROPERTIES** (Riverview Industries, L.P., owner) requesting Rezoning from **HI** and **R-20** to **PVC** for the purpose of a Mixed Use Development in Land Lots 58, 171, 172, 174, 175, and 284 of the 18th District. Located on the southeasterly side of River View Road, between I-285 and the Southern Railway Railroad tracks; on the southeasterly side of River View Road, south of I-285; on the northwesterly side of River View Road, between Dickerson Drive and Nichols Drive; and on the southerly side of Nichols Drive, between River View Road and Armstrong Place.

The public hearing was opened and Mr. Garvis L. Sams, Jr., Mr. Ben Clopper, Mr. Allen Bell, Ms. Shalise Wrobel, Mr. Barry Gittleman, Mr. James Land, Ms. Cynthia Poselenary, Ms. Katie Gissendanner, Mr. Clint Stamps, Ms. Karen Barton, Ms. Gail Wilson and Mr. Walter Brown addressed the Board. Following presentation and discussion, the following motion was made:

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

- **Illustrative Master Plan and Rezoning Master Plan submitted to the Zoning Division November 12, 2010 (attached and made a part of these minutes)**
- **Industrial Buffer Plan and Concept Master Plan (attached and made a part of these minutes)**
- **letters of agreeable conditions from Mr. Garvis L. Sams, Jr., dated February 10, 2011 and addendum letter dated March 14, 2011 *where not otherwise in conflict with the below listed stipulations and with the following changes* (attached and made a part of these minutes):**
  - **February 10, 2011 letter - Page 12, Item No. 3 – Add to end of paragraph: *“Excepting the apartments and RSL development, all residential development will be “for sale” units.”***
  - **March 14, 2011 letter - Page 3, Item No. 4 – Reword last sentence in paragraph to now read: *“However, in general, should any adjoining industrial properties no longer be zoned in an industrial classification, the Developer shall have the option to remove/reconfigure the above referenced buffers and berms, following approval by the Board of Commissioners as an Other Business Item.”***
  - **March 14, 2011 letter - Page 3, Item No. 6 - Reword last sentence in paragraph to now read: *“Should the adjoining industrial property no longer be zoned in an industrial classification, the Developer shall have the option to remove/reconfigure this landscaped buffer, following approval by the Board of Commissioners as an Other Business Item.”***

ORIGINAL DATE OF APPLICATION: 10-19-10APPLICANTS NAME: GREEN STREET PROPERTIES/MARTHASVILLE  
DEVELOPMENT/JAMESTOWN PROPERTIESTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 02-15-11 ZONING HEARING (Continued):**

- reversion clause, as contained in the February 10, 2011 stipulated letter, Item No. 11
- comments and recommendations from the Development of Regional Impact (on file in the Zoning Division)
- ARC Regional Review Findings dated December 10, 2010 (on file in the Zoning Division)
- GRTA Notice of Decision dated December 20, 2010 (on file in the Zoning Division)
- Planning Division comments and recommendations
- Fire Department comments and recommendations
- Historic Preservation comments and recommendations
- Cobb County – Marietta Water Authority (CCMWA) comments and recommendations
- Water and Sewer Division comments and recommendations
- *revised* Stormwater Management Division comments and recommendations (attached and made a part of these minutes)
- *revised* Cobb DOT comments and recommendations (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 4-1** (Ott opposed)



SITE DATA  
 AVAILABLE AT THE FOLLOWING OFFICES:  
 PROJECT: 08031.00  
 DATE: 09-23-2010  
 PROJECT: 08031.00  
 DATE: 09-23-2010  
 PROJECT: 08031.00  
 DATE: 09-23-2010

PROJECT CONTACT:  
 Mr. Weber Brown @ 404-835-8223

REDEVELOPMENT of RIVERVIEW ROAD  
 FOR A MASTER PLANNED MIXED USE COMMUNITY  
 FOR GREEN STREET PROPERTIES  
 ONE COUNTRY PARK, 126 BLAK  
 RICHMOND, VA 23131  
 ATLANTA, GEORGIA 30389  
 PHONE: 404-835-8223

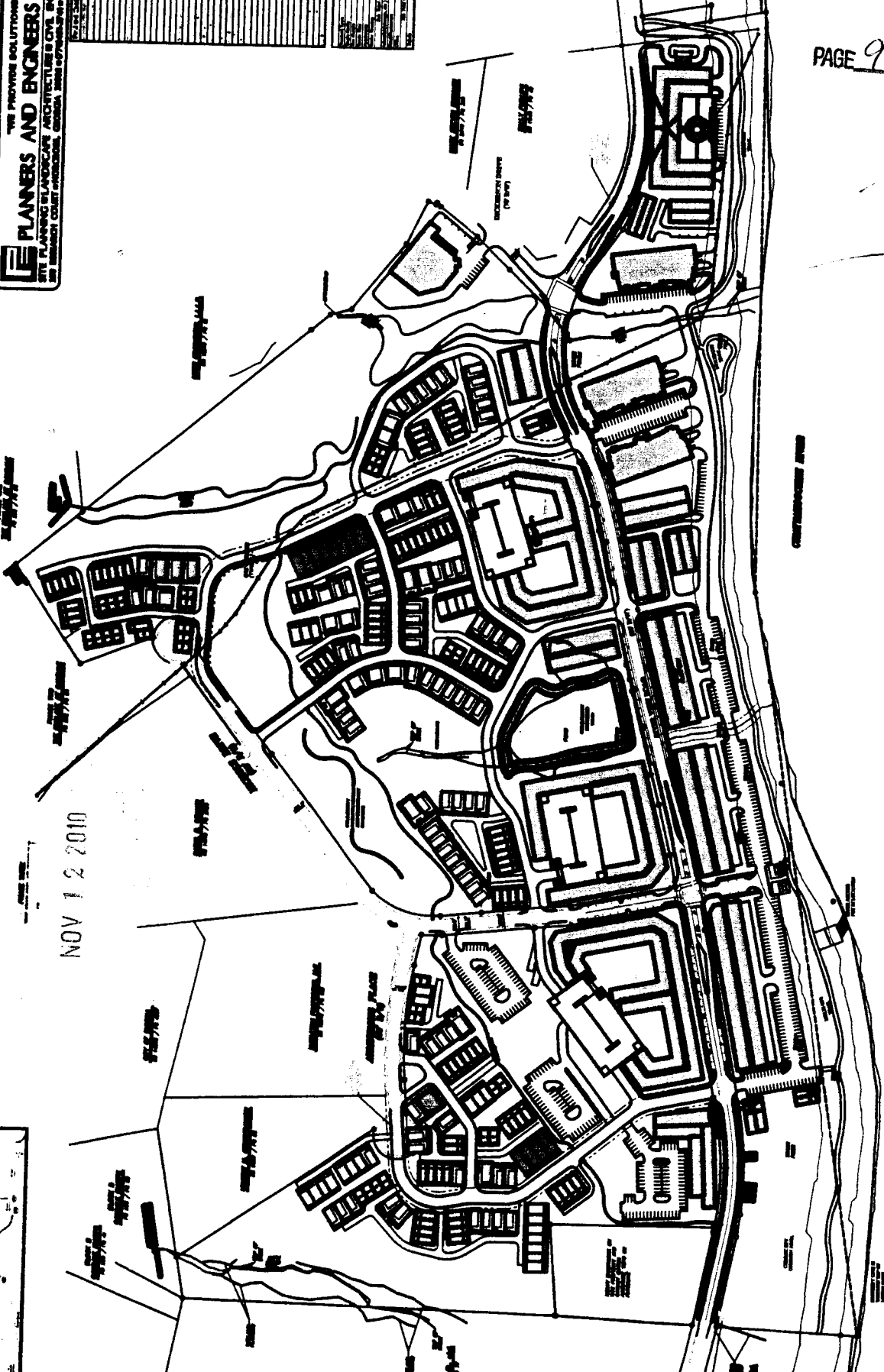
THE PROVIDOR SOLUTIONS  
**PLANNERS AND ENGINEERS COLLABORATIVE**  
 SITE PLANNING, ARCHITECTURE, ENGINEERING, ENVIRONMENTAL, AND CONSTRUCTION SERVICES  
 2075 SOUTH 14 STREET  
 SUITE 200  
 DICKINSONVILLE, VA 22626

NO.	DESCRIPTION	DATE	BY	CHECKED
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Min. Bk. 62 Petition No. 2-28  
 Doc. Type Illustrative  
 Master Plan  
 Meeting Date 3 15 11

SCALE 1" = 100'  
 PROJECT: 08031.00  
 DATE: 09-23-2010  
 DRI#: 2152  
 NOTE: SITE IS ENTIRELY WITHIN COBB COUNTY

NOV 12 2010



PAGE 9 OF  
 Illustrative Master Plan  
 River View on the Chattahoochee

# Riverview on the Chattahoochee

PCB  
 JAMES TOWN  
 ONE UNIVERSITY PARK, 12th FLOOR  
 ATLANTA, GEORGIA 30303  
 PHONE: 770-995-1000

GREEN STREET PROPERTIES  
 775 FRONT CLUB WAY  
 ALPHARETTA, GA 30202  
 PHONE: 404-531-4222

THE PROVIDER SOLUTIONS  
**PLANNERS AND ENGINEERS COLLABORATIVE**  
 ARCHITECTURE CIVIL ENGINEERING LAND SURVEYING  
 2500 SOUTH RIVERCHASE DRIVE, SUITE 1000  
 ATLANTA, GEORGIA 30328  
 PHONE: 770-995-1000

SUBDIVISION: RIVERVIEW ON THE CHATTAHOOCHEE  
 PLANNING DISTRICT: D-1, D-2, D-3  
 PREPARED FOR: GREEN STREET PROPERTIES  
 PREPARED BY: THE PROVIDER SOLUTIONS  
 DATE: 11/2/2010

NOV 12 2010

**DISTRICT LEGEND:**

MIXED USE DEVELOPMENT DISTRICT District: A1, A2, A3, A4, A5, A6	MEDIUM DENSITY RESIDENTIAL DISTRICT District: B1, B2, B3, B4, B5, B6
COMMUNITY RECREATION DISTRICT District: C1, C2, C3, C4, C5, C6	OPEN SPACE / GREEN SPACE DISTRICT District: D1, D2, D3
MIXED USE PARKING/RECREATION DISTRICT District: E1, E2, E3, E4, E5, E6	OPEN SPACE DISTRICT District: F1, F2, F3, F4, F5, F6

DISTRICT	AREA (AC)	TOTAL ACRES
A1	24.00	24.00
A2	16.00	16.00
A3	16.00	16.00
A4	16.00	16.00
A5	16.00	16.00
A6	16.00	16.00
B1	16.00	16.00
B2	16.00	16.00
B3	16.00	16.00
B4	16.00	16.00
B5	16.00	16.00
B6	16.00	16.00
C1	16.00	16.00
C2	16.00	16.00
C3	16.00	16.00
C4	16.00	16.00
C5	16.00	16.00
C6	16.00	16.00
D1	16.00	16.00
D2	16.00	16.00
D3	16.00	16.00
E1	16.00	16.00
E2	16.00	16.00
E3	16.00	16.00
E4	16.00	16.00
E5	16.00	16.00
E6	16.00	16.00
F1	16.00	16.00
F2	16.00	16.00
F3	16.00	16.00
F4	16.00	16.00
F5	16.00	16.00
F6	16.00	16.00

Map Pt. 62 Position No. Z-28  
 Map Type Rezoning Master Plan  
 Issuing Date 3/15/11  
 SCALE 1" = 100' 0"  
 PROJECT: 098031.00



# Rezoning Master Plan Riverview on the Chattahoochee

**REDEVELOPMENT OF RIVERVIEW ROAD**  
 A MASTER PLANNED MIXED USE COMMUNITY

FOR  
**MARIASVILLE DEVELOPMENT**  
 975 HUNT CLUB WAY  
 ALPHARETTA, GA 30201  
 404-416-6553

**GREEN STREET PROPERTIES**  
 699 PEACHTREE STREET, NE  
 SUITE 2030  
 ATLANTA, GEORGIA 30309  
 PHONE: 404-535-8223

**JAMESTOWN**  
 ONE OVERTON PARK, 126 FLOOR  
 365 CUMBERLAND BLVD  
 ATLANTA, GEORGIA 30309  
 PHONE: 770-446-1800

**THE PROVIDE SOLUTIONS**  
**PLANNERS AND ENGINEERS COLLABORATIVE**

**SITE PLANNING** LANDSCAPE ARCHITECTURE CIVIL ENGINEERING & LAND SURVEYING  
 390 REDBANK COURT, ATLANTA, GEORGIA 30326 404-524-9100 WWW.PEACOL.COM

The PEACOL Collaborative  
 KIMBLEY-HOBBS ARCHITECTS, INC.  
 615 WEST PEACHTREE STREET, NW  
 SUITE 400 (MIDWAY) SUITE 60  
 ATLANTA, GEORGIA 30308  
 PHONE: 404-524-6200

**PROJECT CONTACT:**  
 Mr. Walter Brown @ 404-834-8223

**SITE DATA:**

SITE LOCATION MAP (NTS)	
OVERALL TOTAL SITE AREA	113.6 ACRES
ZONING	RESIDENTIAL MEDIUM DENSITY (RM-15)
APPROVED PLANNING	PREPARED AND ADOPTED BY THE COMMUNITY DEVELOPMENT DEPARTMENT
DESIGN & BIDDING	CORPORATE CITY OF ATLANTA 12.2.12-20.00
DENSITY SUMMARY	
TOTAL RESIDENTIAL UNITS	1,000 UNITS
TOTAL OFFICE	200,000 SQ. FT.
TOTAL COMMERCIAL	100,000 SQ. FT.
TOTAL RETAIL	100,000 SQ. FT.
TOTAL OFFICE	100,000 SQ. FT.
TOTAL COMMERCIAL	100,000 SQ. FT.
TOTAL RETAIL	100,000 SQ. FT.



Min. Dk. 62 Petition No. 2-08-10  
 Single Type Industrial Buffering Plan  
 Working Date 3/15/11

SCALE: 1" = 200'

PROJECT: 08031.00  
 DATE: Feb-22, 2011

DRAWN BY: 2152  
 NOTE: SITE IS ENTIRELY WITHIN COBB COUNTY

**Industrial Buffer Plan  
 River View on the Chattahoochee**

PAGE 11 OF 11

**REDEVELOPMENT OF RIVERVIEW ROAD**

PROJECT CONTACT  
Mr. Walter Brown @ 404-455-8223

**PLANNERS AND ENGINEERS COLLABORATIVE**  
SITE PLANNING, LANDSCAPE ARCHITECTURE & CIVIL ENGINEERING, LAND SURVEYING  
230 WINDSOR COURT, WOODBRIDGE, GEORGIA 30092-2708 (404) 477-8100 FAX (404) 477-8101  
NIMI EY-HORN AND ASSOCIATES, INC.  
14010 Green Valley  
4015 WOODBURN DRIVE  
WILMINGTON, NC 28403  
PHONE: 754-347-2200

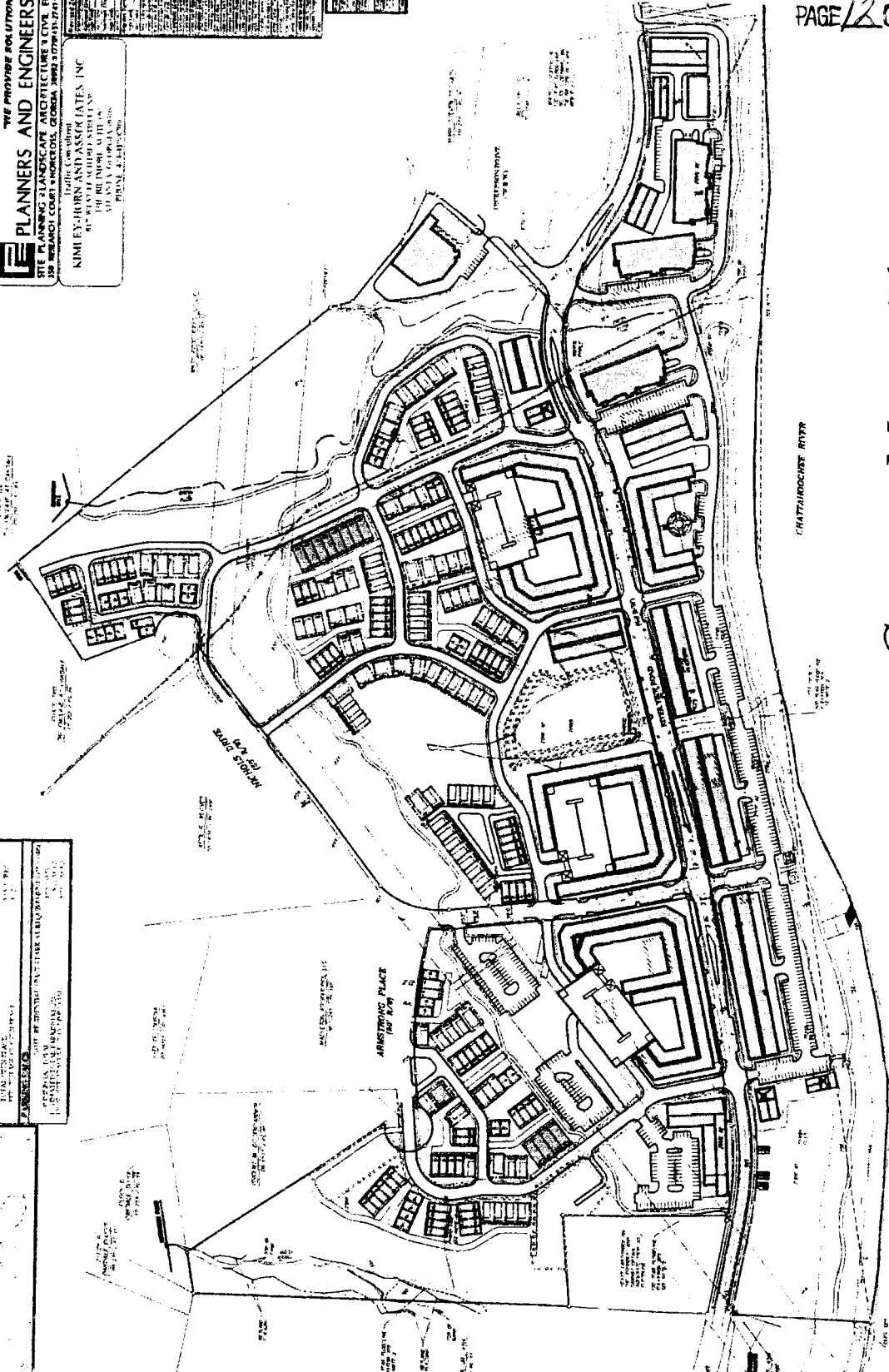
NO.	DESCRIPTION	DATE	BY	CHECKED
1	PRELIMINARY PLAN	11/20/2010	JAMUS STOWS	
2	REVISION	12/28/2010	JAMUS STOWS	
3	REVISION	1/13/2011	JAMUS STOWS	
4	REVISION	3/15/11	JAMUS STOWS	

62 Petition No. 2-28 '10  
Master Plan  
3/15/11

SCALE 1" = 400'  
PAGE 12 OF  
PROJECT 08031 00  
DATE Oct-25-2010  
Rev #1 11-20-2010  
Rev #2 12-28-2010  
Rev #3 3-15-2011  
DRI# 2152  
NOTE: SITE IS ENTIRELY WITHIN COBB COUNTY

**SITE DATA**

PROJECT NO.	10-00000000
DATE	11/20/2010
SCALE	1" = 400'
DRAWN BY	JAMUS STOWS
CHECKED BY	JAMUS STOWS
DATE	11/20/2010
PROJECT NO.	10-00000000
DATE	11/20/2010
SCALE	1" = 400'
DRAWN BY	JAMUS STOWS
CHECKED BY	JAMUS STOWS
DATE	11/20/2010



*Concept Master Plan  
River View on the Chattahoochee*



62  
letter of agreeable  
conditions  
3/15/11

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

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

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

[SAMSLARKINHUFF.COM](http://SAMSLARKINHUFF.COM)

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

MELISSA P. HAISTEN  
JUSTIN H. MEEKS

February 10, 2011

**VIA E-MAIL AND HAND DELIVERY**

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

Re: Application of Green Street Properties/Marthasville Development/  
Jamestown Properties to Rezone an 81.95± Acre Tract from  
R-20 & HI to Conditional Planned Village Community (No. Z-28 [2010])

Dear John:

As you know, this firm represents Green Street Properties, Marthasville Development and Jamestown Properties (hereinafter collectively referred to as the "Developer") concerning the above-captioned Application for Rezoning. Additionally, we represent Riverview Industries, L.P. (hereinafter "Riverview Industries") which owns the assembled properties constituting the project proposed for the subject property. The Application was heard, considered and unanimously recommended for approval by the Cobb County Planning Commission on February 1, 2011. The Application is now scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on February 15, 2011.<sup>1</sup>

With respect to the foregoing, the rezoning proposal, which represents in excess of Three Hundred Million Dollars in real estate development, is a Development of Regional Impact ("DRI") which has been reviewed by the Atlanta Regional Commission ("ARC") and the Georgia Regional Transportation Authority ("GRTA"). On December 10, 2010, the ARC issued its Regional Review Finding concluding that the DRI proposal is in the best interest of the Region and the State. On December 20, 2010, GRTA issued its Notice of Decision finding that the proposed development meets the GRTA review criteria subject to certain conditions set forth in the Notice of Decision.

Since submitting our last stipulation letter, dated January 31, 2011, we have continued our dialogue with the County's professional staff, representatives of the Upper Chattahoochee River Keeper, representatives of the Mableton Improvement Coalition ("MIC"), area business and property owners and representatives of the Chattahoochee Business and Industrial

<sup>1</sup> To review continually updated information, please refer to [www.riverview.us.com](http://www.riverview.us.com)

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Department  
February 10, 2011  
Page 2

Association, Inc. ("CBIA"). In that regard, we have been authorized by the Developer and Riverview Industries to submit this third revised letter of agreeable stipulations which, if the Application for Rezoning is approved as submitted, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

**GENERAL STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT**

1. The revised stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning ("subject property").
2. Rezoning of the subject property shall be from the Heavy Industrial ("HI") and R-20 zoning districts to Conditional Planned Village Community with reference to that certain Master Site Plan prepared by Planners & Engineers Collaborative, which was submitted under separate cover on November 12, 2010.<sup>2</sup> Any grandfathered HI use which has not lapsed for more than twelve (12) months shall not be in conflict with the rezoning.
3. The total site area of the subject property consists of 81.95± acres which shall be developed as a Mixed Use Development including the following: Single-Family Residential, Town Homes, Condominiums, Senior Housing, Apartments, Retail, Restaurants, Schools and Community Facilities, Office and Self-Service Storage Buildings.<sup>3</sup>

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<sup>2</sup> A revised plan submitted to GRТА reflects that the RSL component will ultimately be located within 1,000 feet of the Town Center component.

<sup>3</sup> Attached as Exhibit "A" for illustrative purposes is a chart reflecting *inter alia*, the usage, number of residential units, typical single family lot sizes, building height and number of floors per district as may be modified in accordance with the Master Plan districts and miscellaneous stipulations/conditions set forth hereinafter.

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Department  
February 10, 2011  
Page 3

4. As a part of the future development of the subject property, there shall be Protective Covenants which will be incorporated and expanded as each phase of the proposed community is permitted and platted and which will run with the subject property for the maximum time frame allowed by law, which will include all phases of the proposed community. Concurrently therewith, Property Owner Associations will be formed which will include all components of the proposed development on a phased development basis. The Association(s) shall be responsible for the oversight, upkeep and maintenance of the entrance areas, common areas, community buildings and structures, open space areas and similar features contained within the overall community (i.e. walking trails, bike paths, sidewalks, etc.).
5. The Associations to be formed shall have Architectural Design Regulations which shall control such items as signage and other usual and necessary covenants and restrictions to protect the quality and integrity of the overall development.
6. Consistent with GRTA recommendations, the various entrances to the proposed community shall include, with potential modifications, the following: Six (6) intersection locations along Riverview Road; eight (8) intersection locations along Nichols Drive; twelve (12) intersection locations along Armstrong Place; and, one (1) intersection location on Dickerson Drive.
7. All entrance signage shall be ground-based, monument-style signage with finish, materials and color being in substantial conformity to the architectural style embodied in the mixed-use development. There shall be no billboard signs, no roof signs unless architecturally integrated into an approved building design and no exterior, temporary signs excepting only grand opening signage and signage indicating the coming development. Free standing signage, including sandwich-style retail boards and other signage shall be permitted in accordance with the terms and provisions of the Cobb County Sign Ordinance.
8. Consistent with ARC and GRTA recommendations, at full build-out, there shall be a network of walking trails and bicycle paths located within the proposed community which shall link the various components of the development. In addition, at full build-out, the

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Department  
February 10, 2011  
Page 4

Developer shall construct an eight foot – twelve foot (8'-12') wide trail along the Chattahoochee River frontage unless prohibited by Cobb County's regulations or where environmental features prohibit cost-effective connections to be built. The trail may be constructed of gravel or other pervious material with input from the County Stormwater Management Division and the Upper Chattahoochee River Keeper.

9. Lighting within the proposed mixed-use community shall be chosen by the Developer and shall be environmentally sensitive, appropriately spaced for safe lighting purposes (i.e. per the Photometric Plan) and whenever possible shall be themed to the architectural style of the buildings and residences to be constructed and shall be utilized throughout the community. Effort shall be made to make all lighting as unobtrusive as possible.
10. Compliance with the recommendations and conclusions contained within that certain Archaeological Reconnaissance Report prepared by R.S. Webb & Associates. Additionally, compliance with Cobb County Historic Preservation comments and recommendations as provided in the Cobb County Staff Review completed for Z-28.
11. Minor modifications to the within stipulations/conditions, Master Plan, lighting, landscaping, architecture, site features and the like may be approved by the District Commissioner as needed or necessary.
12. In order to facilitate the approval of major Master Plan changes, the Developer shall form an Advisory Committee consisting of the Developer, a representative from CBIA, a representative from MIC and the Director of the Community Development Agency who shall facilitate decisions with respect to issues upon which the Developer, CBIA and MIC can not agree. The Advisory Committee shall also assist the Developer in the creation of Architectural Design Regulations which will be the basis by which the Property Owners Association's Architectural Review Board ("ARB") approves all initial building designs. The primary focus for the community representatives on the Advisory Committee shall be the Design Guidelines which affect property adjacent to Riverview Road.

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Department  
February 10, 2011  
Page 5

13. All set-backs and buffer areas may be penetrated for purposes of detention, utilities and stormwater management as long as such encroachments satisfy Cobb County and MRPA regulations.
14. An agreement to comply with Cobb County Development Standards and Ordinances related to project improvements except as approved herein by the Board of Commissioners, the Cobb County Department of Transportation or the Cobb County Community Development Agency, as their respective authority may allow.
15. Compliance with written recommendations from Stormwater Management Division with respect to the location, configuration and methodology of water quality and on-site detention (if any). Additionally, an agreement to the following:
  - a. To design and adhere to the Best Management Practices in the construction of detention and water quality areas on site with such design and installation based upon Cobb County Development Standards. To the extent that such infrastructure exceeds these standards, they may be installed in lieu of contributions to the Cobb County Off-Site Detention Fund.
  - b. All above-ground detention areas shall landscaped and/or fenced in accordance with Cobb County Development Standards.
  - c. In order to improve water quality, reduce target contaminant loads and to maintain high water quality standards by addressing runoff and pollution for non-point sources, the Developer and Cobb County have jointly applied for an EPA 319 Grant which proposed improvements, if jointly funded by the Developer and EPA, will be completed in accordance with the submitted grant application.
  - d. To the extent Cobb County and the ARC concur with same, compliance with the comments and recommendations contained within that certain letter from the Upper Chattahoochee River Keeper, dated November 30, 2010.

JUNE 18 2011

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Department  
February 10, 2011  
Page 6

- e. Compliance with provisions of the Metropolitan River Protection Act ("MRPA").
  - f. Compliance with the Letter of Map Revision issued by FEMA on February 26, 2010 for this segment of the Chattahoochee River.
  - g. All proposed structures must meet the elevation freeboard and venting code requirements.
  - h. Any field placement within floodplain must be compensated by an equal volume of cut which must be field verified and as-built certification provided.
  - i. Subject to FEMA and Cobb County, consideration to be given to raising the grade of the intersection of Riverview Road and Dickerson Drive to allow access of emergency and any other vehicles to the development during flood conditions on the Chattahoochee River with the Developer agreeing to participate with respect to the incurrence of costs concerning same.
  - j. Subject to the letter to David Breden, dated February 9, 2011, from ARC Planner, James M. Santo.
16. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property. Additionally, compliance with the recommendations of the Cobb County-Marietta Water Authority.
17. With respect to the proposed development, the Developer seeks a rezoning to a Conceptual Site Plan and seeks contemporaneous variances to the regulations of the PVC zoning district which are consistent with the Conceptual Site Plan and which include the following:
- a. Allowing a PVC development in an Industrial or Industrial Compatible area.<sup>4</sup>

<sup>4</sup> There is a pending proposed Code Amendment which, if approved, will obviate the necessity for this Variance.

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- b. The allowance of restaurants larger than three thousand square feet (3,000 sq. ft.).
  - c. Allowing a Self-Service Storage Facility within the PVC district.
  - d. A waiver of the front setback from fifty feet to zero feet (50'-0'), side setbacks from fifteen feet to zero feet (15'-0') and rear setbacks from thirty feet to zero feet (30'-0').<sup>5</sup>
  - e. Waiving the requirement for retail and service square footage from eighty-five thousand, one-hundred square feet (85,100 sq. ft.) to one-hundred ninety thousand square feet (190,000 sq. ft.).
  - f. A reduction in the forty foot (40') landscaped screening buffer in Overlook District (B1) to zero feet (for approximately 500 linear feet of common boundary with the Enclave at Oakdale).
  - g. Waiving the parking requirements for the proposed commercial space including retail/restaurants, office space and self-service storage facilities so that parking ratios shall be set at not less than three (3) spaces per one-thousand square feet (1,000 sq. ft.) of building area, subject to the submission of a "Shared Parking Analysis" (including on-street parking) for staff review and approval. Parking for any self-storage facilities shall have a parking ratio not less than 1 space per twenty-five hundred square feet (2500 sq.ft).
18. An agreement to comply with on-site system improvements mandated by GRTA, Cobb County DOT and the recommendations contained within the Transportation Analysis prepared by Kimley-Horn & Associates and submitted to GRTA on November 5, 2010, as may be modified through negotiations and agreements with the Cobb County Board of

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<sup>5</sup> The setback variances will not be needed in all areas; however, these are the maximum shown in certain areas in accordance with the site plan.

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Commissioners and/or with the Cobb County Department of Transportation. However, an agreement has been reached with CBIA that "roundabouts" will not be constructed within the proposed development and that all radii currently in place at existing street intersections will be designed to accommodate tractor trailer trucks and industrial vehicles.<sup>6</sup> Other design options, including widened medians and landscaped zones, may be considered where not in conflict with normal movement of commercial and industrial traffic.

As a part of the foregoing, the Developer agrees to participate with respect to the design, signalization and improvements to the intersection of Riverview Road and Veterans Memorial Highway, if warranted.

19. Prior to the issuance of building permits, Staff shall review and approve all landscaping and architecture not otherwise herein approved as depicted in the renderings/elevations and plans submitted to Cobb County on November 12, 2010 and those which may be filed under separate cover. A set of Architectural Design Regulations will be established by the Developer with assistance from the Advisory Committee and shall be used for approval of all initial improvements by the Property Owners Association's ARB.
20. Proposed plans are to include restaurants as a part of the retail component within the proposed community. Said restaurants may serve alcoholic beverages as a part of their respective food services upon securing the proper permits from Cobb County and State agencies.
21. There shall be no tenant vehicles or vehicles of any type permanently parked in front of the proposed overall development containing tenant identification signage or advertising signage. This provision shall be contained within any lease between the Property Owner and any prospective tenant and the Property Owner agrees to make its best efforts to enforce these provisions against any tenant which violates the foregoing.

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<sup>6</sup> This provision can only be modified by the filing of an Other Business Agenda Application which will be heard and considered by the full Board of Commissioners.



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22. The Open Space under the PVC district shall comply with regulations contain therein. At present, the overall total Open Space consists of 30.5 acres which translates into 37.2% of the total site area.
23. There will be no occupied buildings within the ultimately reconfigured flood plain except for accessory structures such as pavilions, gazebos, barns, boat houses, etc.

**STIPULATIONS APPLICABLE TO THE NON-RESIDENTIAL COMPONENTS**

1. The Developer proposes retail, restaurants, live-work, farmers market building, community facilities, flex-space buildings, self service storage buildings and offices utilizing the Village Concept with varying storefronts, roof elevations and other aesthetically pleasing treatments. The front building facades and other facades which face streets or important connecting ways to community spaces shall be a mixture of brick, stone, cedar shake, articulated stucco, hardi-board, wood siding or other compatible materials. The architectural style and composition shall be reasonably consistent with the renderings/elevations which were submitted under separate cover on November 12, 2010 as may be approved during the Plan Review process and which shall be consistent with the Architectural Guidelines established by the Developer.
2. Pursuant to a request from CBIA, only self-service storage buildings or other non-residential buildings shall be constructed within the A-4 (Creekside) District as shown on the Rezoning Master Plan. <sup>7</sup>
3. The proposed non-residential components shall contain a maximum of 190,000 sq. ft. which will include a flexible mix of commercial space including retail/restaurants, office space and self-service storage facilities.

<sup>7</sup> This provision can only be modified by the filing of an Other Business Agenda Application which will be heard and considered by the full Board of Commissioners.

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4. Landscaping for the proposed development shall be pursuant to that certain Landscape Plan which shall be submitted under separate cover, reference being made to said plan for a more particular delineation and location of plantings and species to be planted.
5. Parking area lighting shall be a maximum height of thirty feet (30') and shall be environmentally sensitive, energy efficient, horizontal cut-off luminaries so as to eliminate light pollution and prevent illumination from penetrating outside the boundaries of the subject property.
6. Hooded security lighting shall be utilized on the buildings within the non-residential areas as required by Cobb County Codes and Ordinances.
7. The Developer agrees to install and construct site lighting pursuant to a Site Lighting/Photometric Plan which shall be submitted to staff for review and approval.
8. Every effort will be made so that dumpsters will be positioned to prevent visual intrusion from major streets, connection points to community spaces and wherever possible from any trail or green space along the Chattahoochee River with screening by berms, landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying.
9. All exhaust from restaurant facilities shall be filtered and attenuated to minimize grease and odors.
10. There shall be no outside paging systems, phone bells or loud speakers. However, outdoor music systems shall be allowed.
11. The following uses shall be prohibited:
  - a. Automotive sales, repair and/or service facilities.
  - b. Video arcades as a primary use.

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- c. Adult themed bookstores as a primary use.
  - d. Pawn shops and check cashing establishments.
  - e. Skating rinks, except for small, season-appropriate rinks.
  - f. Houses of worship.
  - g. Tattoo or body piercing parlors and any business which principally features sexually explicit products or drug related paraphernalia.
  - h. Retail facilities which sell knives as a primary use.
  - i. Retail facilities which sell or initiate transactions including guns and/or weapons.
  - j. Retail facilities which sell gasoline except as an accessory use limited to two (2) pump stations.
  - k. Wholesale warehouse sales centers.
12. An agreement that there shall be no outside storage facilities except for community garden and recreation equipment, including small tractors, storage ancillary to multi-family and commercial utilization, bikes, kayaks, canoes, etc. as such terms are used and defined in the Cobb County Zoning Ordinance.
13. The non-residential components will include pedestrian walkways between the proposed buildings and throughout the parking areas subject to approval pursuant to the Landscape Plan submitted during the Plan Review process. Additionally, there will be pedestrian connectivity between the non-residential and the residential components.
14. There shall be no non-residential building footprint which exceeds thirty-five thousand square feet (35,000 sq. ft.).

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**STIPULATIONS APPLICABLE TO THE RESIDENTIAL COMPONENTS**

1. Within residential areas there shall be a total maximum number of one-hundred fifty-five (155) single-family residences; three-hundred thirty-two (332) town homes; one hundred sixty-five (165) condominium flats; two hundred (200) residential senior housing units; and, eight hundred fifty (850) apartment units.
2. The architectural style and composition of the various residential components shall be reasonably consistent with the renderings/elevations which were submitted under separate cover on November 12, 2010 or as otherwise approved during the Plan Review process in accordance with the Architectural Design Regulations established in advance by the Developer with assistance from the Advisory Committee.
3. The Developer agrees to begin development of other mixed-use components of the proposed development during the construction of the multi-family dwellings or immediately upon reaching a maximum threshold of 450 multi-family units. Prior to any additional multi-family development above this threshold, the Developer shall begin the construction of (including any non-multi-family construction begun before the threshold has been reached) Ten (10) acres of other mixed-use development including retail, office, open space and/or for sale housing.
4. All residential components of the subject property which are located contiguous to industrially utilized properties (not including Freeman Pond) shall have either an existing natural buffer of at least one-hundred feet (100') in width or a fifty-foot (50') landscaped buffer containing a berm of not less than eight feet (8') in height. Referenced landscaping shall include landscaping on the sides and top of the berm. However, should such industrial properties cease being used as or zoned in an industrial classification, the Developer shall have the option to remove/reconfigure said buffers and berms.

Where space is especially limited, an alternative buffer composed of a solid, architecturally appealing wall, at least eight feet (8') in height as may be reduced when

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placed on a raised berm or existing raised topography, may be constructed with a minimum of twenty feet (20') of landscaped area remaining on the proposed development site for landscape materials.

In order to protect and/or enhance residential views, the buffer on the Highland District (A-1) shall be a minimum of forty feet (40') in width with an adequate berm and landscaping.

5. The following recital shall be contained within all marketing documents, all contractual documents concerning the conveyance of property from the Developer, all deeds of conveyance including, but not limited to warranty deeds and quitclaim deeds and all leases, Covenants, Conditions & Restrictions ("CCRs"):

"The property contained and referenced in this document is located in close proximity to a Heavy Industrial area which, may at times, produce loud noises, noxious odors and sounds. Owner and/or Lessee acknowledges and accepts that the Heavy Industrial land uses, including their necessary ancillary activities, are recognized and acceptable conditions concerning which the parties herein have any control over the use of such industrial properties."

In addition to the foregoing, the Developer will utilize sound attenuation devices and construction materials on homes directly abutting industrial property boundaries in order to ameliorate adverse impacts.

6. The establishment of one or more mandatory Property Owners Association(s) which shall include architectural controls (Architectural Review Board), oversights and the submission of Declaration of Covenants, Conditions and Restrictions or, in the case of the condominium component, said units shall comply in all respects to the State of Georgia Condominium Act.
7. A third-party management company and/or the Developer shall manage the day-to-day operations of the Property Owners Association(s), including the responsibility of all commonly owned properties and all amenities within the proposed community. They

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shall also be responsible for the management of all association monies as well as ensuring that any association is properly insured.

8. The submission of a landscape plan during the Plan and Review Process which shall be subject to staff review and approval and which shall include the following:
  - a. Sodded or otherwise landscaped front, side and rear yards.
  - b. The installation of underground utilities.
  - c. Ground-based, monument-style signage which shall be landscaped and irrigated as appropriate.
  - d. Landscaping throughout the community which shall be irrigated as appropriate.
9. As recommended by ARC and GRTA, a network of sidewalks and bike paths throughout the residential community which shall be designed to promote a pedestrian and bicycle friendly atmosphere and which shall be designed in order to provide meaningful connectivity to adjacent retail and office areas. All buildings shall have sidewalks on their respective road frontages. Alleys are not required to have sidewalks. All required sidewalks shall be interconnected with sidewalks or trails.

**MASTER PLAN DISTRICTS AND MISCELLANEOUS STIPULATIONS/CONDITIONS**

1. The gross square footage of permitted uses within the Master Plan Districts shall be as described on the Rezoning Master Plan (Riverview on the Chattahoochee) prepared by Planners & Engineers Collaborative, which was submitted under separate cover on November 12, 2010. Any unused permitted development may be transferred to and among the various districts shown on Master Plan except for the A-4 (Creekside) District which shall be utilized for self-service storage buildings and non-residential uses. However, there shall be no multi-family apartments nor commercial/retail/office development within the B-1 (Overlook District).

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2. Bike lanes, where designated along Riverview Road, shall be a minimum of four feet (4') in width, except where on-street parking is also present and then shall be a minimum of four feet, six inches (4'6") in width. On all of the internal streets, bike routes shall be permitted and encouraged.
3. For non-residential uses, an appropriate amount of bicycle parking shall be provided subject to staff review and approval. Public and resident access to bicycle parking facilities within commercial/office areas shall also be permitted during non-business hours.
4. With respect to on-street parking on or immediately adjacent to Riverview Road,, parallel parking spaces shall be a minimum of eight feet (8') in width and shall be a minimum of twenty feet (20') in length or twenty-two feet (22') wherever the additional length is practical. Angled parking spaces shall be a minimum of eight feet (8') in width and a minimum of twenty feet (20') in length. Special loading zones which are intermittently located to serve commercial areas of the development may exceed these maximum lengths as may be required by the Cobb County Development Regulations.
5. Trees shall be planted on all streets and shall be a minimum of two and one-half inches (2½") in caliper. Said trees shall have a minimum of twenty-four (24) sq. ft. of planting area and shall be spaced an average of forty-five feet (45') apart and a maximum of fifty-five feet (55'). Smaller, ornamental trees may be spaced an average of twenty-five feet (25') apart. Trees shall be permitted within two feet (2') of the face of curb at the time of planting. A landscape plan shall be subject to the County's Arborist's review and approval.
6. Street lighting will consist of light fixtures which shall be utilized on all roadways within the proposed development. Street lighting will be chosen by the Developer and shall be located on a landscape plan subject to the County's professional staff's review and approval. Lamps shall be either metal halide, high pressure sodium, or other approved high-efficiency type lamps. The Developer shall determine the type of posts and fixtures subject to review and approval by the County's professional staff.

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7. Pedestrian crossings shall be standard painted markings on Riverview Road only. Pedestrian crossings will also be provided at key parking and community facilities. No other pedestrian markings shall be required within the proposed development.
8. With respect to street signage, standard street signage shall be utilized. A "topper" may be installed on the top of the sign indicating the name of the development which shall make reference to the River Line Historic Area.
9. Posted street speed shall be thirty-five (35) miles per hour on Riverview Road. Internal streets shall have a maximum posted speed of twenty-five (25) miles per hour. Alleys may restrict speeds to ten (10) miles per hour.
10. All public street widths, including parking lane widths, travel lane widths and bike lane widths shall be built according to Cobb County Development Standards, subject to modifications approved by the District Commissioner and/or Cobb County's professional staff.
11. If a Land Disturbance Permit regarding the proposed Mixed Use Development is not secured or if initial land disturbance does not commence within a three (3) year period from the date of rezoning approval, the subject property shall revert to its original zoning classifications.

The proposed mixed-used development, which is consistent with Cobb County's Comprehensive Land Use Plan and Cobb County's recently adopted River Line Master Plan and LCI Study, has been designed as a walkable, new urbanistic, upscale, family lifestyle development which will translate into significant and positive environmental and economic impact for the County. Moreover, the requested rezoning is an appropriate use of the subject property which consolidates a multitude of products into one upscale, mixed-use development. The proposed community will promote a live/work/play concept and will be an enhancement within this sub-area of Cobb County.



**VIA E-MAIL AND HAND DELIVERY**

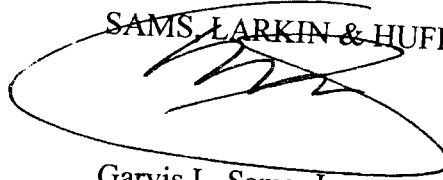
Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Department  
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Please do not hesitate to call should you or your staff have any questions whatsoever regarding these matters or if you need additional information or documentation prior to the Application being heard and considered by the Planning Commission and Board of Commissioners.

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS, Jr./dsj

- cc: Members, Cobb County Board of Commissioners (via email and hand delivery)  
Mr. David Hankerson, County Manager (via email and hand delivery)  
Mr. Robert L. Hosack, Jr., AICP, Director (via email and hand delivery)  
Ms. Faye DiMassimo, AICP, Director, Cobb County DOT (via email)  
Mr. Dana Johnson, AICP, Manager Planning Division (via email and hand delivery)  
Ms. Jane Stricklin, P.E. (via email)  
Mr. David Breaden, P.E. (via email)  
Ms. Karen King, Assistant County Clerk (via email)  
Ms. Lori Presnell, Deputy County Clerk (via email)  
Mr. Ben Clopper, Mableton Improvement Coalition (MIC) (via email)  
Ms. Robin Meyer, MIC (via email)  
Ms. Roberta Cook, MIC (via email)  
John H. Moore, Esq., CBIA (via email)  
Honorable Max A. Bacon, Mayor, City of Smyrna (via email)  
Members, Smyrna City Council (via email)

**VIA E-MAIL AND HAND DELIVERY**

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Mr. Eric Taylor, City Administrator (via email)  
Mr. Ken Suddreth, Director Community Development Agency (via email)  
Scott A. Cochran, Esq. (via email)  
Mr. Walter Brown  
Green Street Properties (via email)  
Ms. Katharine W. Kelley  
Green Street Properties (via email)  
Mr. Stephen Arms  
Marthasville Development (via email)  
Mr. Brandon Kessinger  
Jamestown Properties (via email)  
Mr. Kenneth J. Wood, P.E., LEED AP  
Planners and Engineers Collaborative, Inc. (via email)  
Mr. John Walker  
Kimley-Horn and Associates (via email)

File No. 62      Exemption No. 2-28  
Type addendum  
Letter  
Recording Date 3/15/11

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

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PAGE 3 / OF

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

MELISSA P. HAISTEN  
JUSTIN H. MEERS

March 14, 2011

**VIA EMAIL & HAND DELIVERY**

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

Re: Application of Green Street Properties/Marthasville Development/  
Jamestown Properties to Rezone an 81.95± Acre Tract from  
R-20 & HI to Conditional Planned Village Community (No. Z-28 [2010])

Dear John:

As you know, this firm represents Green Street Properties, Marthasville Development and Jamestown Properties (collectively referred to as the "Developer") concerning the above-captioned Application for Rezoning. The Application has been recommended for approval by the County's professional staff and unanimously recommended for approval by the Cobb County Planning Commission. After being held by the Board of Commissioners last month, the Application is now scheduled to be heard and considered for final action by the Board on March 15, 2011.

Since last appearing before the Board of Commissioners, we have continued to interface with the County's professional staff, individual Commissioners, the Mableton Improvement Coalition ("MIC") and area business and property owners. However, the focus of our conversations and meetings has been the Chattahoochee Business and Industrial Association, Inc. ("CBIA"). In that regard and based upon all of those discussions, particularly those with CBIA and the members of CBIA which are contiguous property owners, we submitted a supplemental stipulation letter on March 11, 2011, but since we have received additional comments and suggestions from CBIA, hence the submission of this letter. This letter will serve as a supplement to the February 10, 2011 letter of agreeable stipulations/conditions and will supersede said letter where in conflict therewith.

1. In order to facilitate transportation, traffic and related infrastructure issues, the Developer shall form an Advisory Committee consisting of the Developer, a representative from CBIA, a representative from the Community Development Agency who will be an ex officio member of the Committee and the Director of the Cobb County Department of Transportation ("DOT") who shall facilitate decisions with respect to issues upon which the Developer and CBIA can not agree. The Advisory Committee shall also assist the Developer with respect to infrastructure design issues during the Plan Review process

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with the primary focus of the Advisory Committee being to ensure compliance with GRTA and Cobb DOT requirements and to foster compatibility between the proposed development and existing industrial businesses.

2. The Developer agrees to comply with the system improvements recommended by GRTA and Cobb County DOT as may be modified through negotiations and agreements with the Cobb County Board of Commissioners and Cobb DOT. Additionally, the Developer agrees to fund those certain system improvements delineated in Attachment "A" (General Conditions) of GRTA's Notice of Decision, dated December 20, 2010<sup>1</sup> while not being precluded from obtaining available funding, and agrees to post a bond or an equivalent form of security with Cobb County in an amount commensurate with the projected costs of the system improvements for which the Developer is responsible. Such bond shall be posted in a manner and in an amount consistent with the phased development of the project and its related system improvements. As a part of the Plan Review process and consistent with the manner in which such plans are presently reviewed by Cobb County's professional staff, the Developer shall incrementally submit phased construction plans and, simultaneously with the approval of those plans, shall be responsible for the funding of the system improvements and the construction of transportation infrastructure contained within those phased submissions. The Developer will continue to submit and fund plans accordingly during the phased development and build-out of the project. The funding and construction of said system improvements will be required no sooner than the approval of the phased construction plans. No transportation system improvements will be required until the commencement of major construction activities per the phased construction plans. Specifically, if the developer proposes minor clean-up construction, including any EPA 319 Grant funded construction or similar riverfront improvement activities, or the construction of any accessory structures consistent with the open space programming anticipated to be an early phase project, such initiatives shall not require transportation system improvements.
3. An agreement that nineteen (19) town home units within the Highland District (as shown on the revised Concept Master Plan attached hereto) will not initially be built during the estimated seven to ten (7-10) year phased project in order to temporarily meet the one-hundred foot (100') buffer distancing between adjacent industrial properties. These units may be built as an earlier phase if, prior to the construction of said units, the Developer

<sup>1</sup> The Developer will follow the language contained within the February 10, 2011 stipulation letter which states that the Developer agrees to participate with respect to the design, signalization and improvements to the intersection of Riverview Road and Veterans Memorial Highway since such improvements are not yet designed nor warranted by Cobb DOT.

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shall either submit evidence of a change in the zoning of the adjacent parcels to a non-Heavy Industrial classification or submit a written agreement with the adjacent property owner allowing for a reduction in the temporary buffer. The Developer shall file an Other Business Application for the construction of these units so that the full Board of Commissioners can review the circumstances at that time

4. Reference to all other buffers less than one-hundred feet (100'), as contained in paragraph 4, page 12 (Stipulations applicable to the Residential Components) of the February 10, 2011 stipulation letter, shall be superseded and replaced with the agreement that all buffers shall be one-hundred feet (100') or greater as more fully demonstrated by the Industrial Buffer Plan (Riverview on the Chattahoochee) exhibit submitted as an attachment to a recent letter to Commissioner Helen Goreham, dated February 28, 2011, said Buffer Plan being attached hereto. In addition, in certain locations as indicated on the attached Buffer Plan exhibit, a fifty-foot (50') landscaped buffer containing a berm of not less than eight (8') in height is acceptable. Referenced landscaping shall include landscaping on all sides and top of the berm. Finally, a solid, architecturally appealing wall, at least eight feet (8') in height and placed on a raised berm with a minimum of twenty feet (20') of landscaped area remaining on the proposed development site for landscaping materials, shall be constructed in the Highlands District (A-1) directly adjacent to the Heavy Industrial property located at 1650 Armstrong Place (Land District 18; Land Lot 0176; Parcel 010)." However, in general, should any adjoining industrial properties cease being used as or zoned in an industrial classification, the Developer shall have the option to remove/reconfigure the above referenced buffers and berms.
5. Previously, the Creekside District, as shown on that certain Rezoning Master Plan (Riverview on the Chattahoochee) prepared by Planners & Engineers Collaborative which was submitted on November 12, 2010, has been restricted to self-service storage buildings and other non-residential buildings. However, the Developer also agrees to eliminate the construction and development of restaurants within said district.
6. The Developer agrees to the positioning of a landscaped buffer between the Seagraves' "Pallet" site and the Developer's parcel along Riverview Road which is currently shown on the site plan as "Open Space". Should this adjoining industrial property cease being used as or zoned in an industrial classification, the Developer shall have the option to remove/reconfigure this landscaped buffer.

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**VIA EMAIL & HAND DELIVERY**

Invoice No. 2-28 '10  
Meeting Date 3/15/11  
Commissioner

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7. The following revised recital shall be contained within all marketing documents, all contractual documents concerning the conveyance of property from the Developer, all deeds of conveyance from the Developer including, but not limited to warranty deeds and quitclaim deeds and all leases, covenants, conditions & restrictions from the Developer:

"The property contained and referenced in this document is located in close proximity to a Heavy Industrial area which, may at times, house dangerous equipment, materials and terrain, trespass upon which could cause serious injuries. Also, said properties may produce loud noises, noxious odors and sounds. Owner and/or Lessee acknowledges and accepts that the Heavy Industrial land uses, including their necessary ancillary activities, are recognized and acceptable conditions concerning which the parties herein have no control over the use of such industrial properties. Owner and/or Lessee hereby waives any right to file a cause of action for nuisance that may arise out of the lawful use of the above referenced current heavy industrial properties."

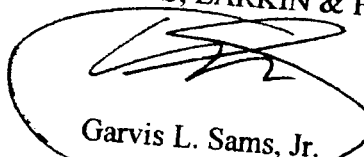
8. Major modifications or revisions to the zoning proposal shall come back for review by the Board of Commissioners in the form of the filing of an Other Business Application.

Please do not hesitate to call should you, your staff or the Commissioners require any additional information or documentation prior to the Application being heard by the Board of Commissioners on March 15, 2011.

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.

[gsams@samlarkinhuff.com](mailto:gsams@samlarkinhuff.com)

GLS, Jr./dsj  
Enclosures

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A LIMITED LIABILITY PARTNERSHIP  
**VIA EMAIL & HAND DELIVERY**

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- cc:
- Members, Cobb County Board of Commissioners (via email w/attachments & hand delivery w/encs.)
  - Mr. David Hankerson, County Manager (via email w/attachments & hand delivery w/encs.)
  - Mr. Robert L. Hosack, Jr., AICP, Director (via email w/attachments & hand delivery w/encs.)
  - Ms. Faye DiMassimo, AICP, Director, Cobb County DOT (via email w/attachments.)
  - Mr. Dana Johnson, AICP, Manager  
Planning Division (via email w/attachments & hand delivery w/encs.)
  - Ms. Jane Stricklin, P.E. (via email w/attachments)
  - Mr. David Breaden, P.E. (via email w/attachments)
  - Ms. Karen King, Assistant County Clerk (via email w/attachments)
  - Ms. Lori Presnell, Deputy County Clerk (via email w/attachments)
  - Mr. Ben Clopper, President, Mableton Improvement Coalition (MIC) (via email w/attachments)
  - Ms. Robin Meyer, MIC (via email w/attachments)
  - John H. Moore, Esq., CBIA (via email w/attachments)
  - Mr. Walter Brown  
Green Street Properties (via email w/attachments)
  - Ms. Katharine W. Kelley  
Green Street Properties (via email w/attachments)
  - Mr. Stephen Arms  
Marthasville Development (via email w/attachments)
  - Mr. Brandon Kessinger  
Jamestown Properties (via email w/attachments)
  - Mr. Kenneth J. Wood, P.E., LEED AP  
Planners and Engineers Collaborative, Inc. (via email w/attachments)
  - Mr. John Walker  
Kimley-Horn and Associates (via email w/attachments)

APPLICANT: Green Street/Marthasville/Jamestown

PETITION NO.: Z-28

PRESENT ZONING: HL, R-20

PETITION FOR: PVC

\*\*\*\*\*

**DRAINAGE COMMENTS**

62 Petition No. Z-28 '10  
revised Stormwater  
Management Comments  
3/15/11

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FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: Zone AE

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review/State Review.**
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

**DOWNSTREAM CONDITION**

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream **receiving stream (Chattahoochee River).**



APPLICANT: Green Street/Marthasville/Jamestown

PETITION NO.: Z-28

PRESENT ZONING: HL, R-20

PETITION FOR: PVC

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DRAINAGE COMMENTS CONTINUED

Permit No. 2-28 '10  
Meeting Date 3/15/11  
Comments

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SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill placed within the floodplain must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

ADDITIONAL COMMENTS

Revised Comments based on Plan dated November 25, 2010.

1. It is understood that the current proposed plan may be somewhat conceptual at this time. However, any proposed plan will have to be consistent with all of the Metropolitan River Protection Act (MRPA) guidelines (ie. impervious setbacks, undisturbed stream buffers, building height restrictions within the 500-year floodplain, impervious and disturbed area coverage limits, etc.). No buildings are to be located within the 150-foot river setback other than public access points.
2. The proposed plan must comply with Cobb County's Flood Damage Prevention Ordinance. The proposed plan is consistent with the Letter of Map Revision issued by FEMA for this segment of the Chattahoochee River. All proposed structures must meet the elevation freeboard and venting code requirements. Any fill placed within the floodplain must be compensated by an equal volume of cut which must be field verified and as-built certification provided.
3. Based on discussions during the applicant meetings it is anticipated that innovative water quality and stormwater management measures will be utilized for this development. Since these designs are highly dependent on the final proposed site layout, these issues will need to be addressed during the plan review process.
4. The existing lake located in the center of the site does not have adequate spillway capacity. The proposed plan will include dam modifications required to meet the current County spillway design requirements.
5. Since the existing grade of Riverview Road is below the 100-year flood elevation, emergency ingress and egress for this development will be limited during severe flood conditions. Consideration should be given to at least raising the grade of the intersection at Riverview Road and Dickerson Drive to allow access to a majority of the development during flood conditions on the Chattahoochee River.

APPLICANT: Green Street Properties/ Marthasville Development/ Jamestown Properties

PETITION NO.: Z-28

PRESENT ZONING: HI, R-20

PETITION FOR: PVC

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\*\*\*\*\* 62 \*\*\*\*\* 2-28 '10  
revised DOT  
comments  
3/15/11

**TRANSPORTATION COMMENTS**

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Riverview Road	4200	Major Collector	35 mph	Cobb County	80'
Nichols Road	N/A	Local	25 mph	Cobb County	50'
Armstrong Place	N/A	Local	25 mph	Cobb County	50'
Dickerson Drive	600	Local	25 mph	Cobb County	50'

*Based on 2006 traffic counting data taken by Cobb County DOT (Riverview Road)  
Based on 2002 traffic counting data taken by Cobb County DOT (Dickerson Drive)*

**RECOMMENDATIONS**

Riverview Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification. Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on both sides of Riverview Road, a minimum of 40' from the roadway centerline.

Recommend installing curb, gutter, and sidewalk along all the road frontages.

Recommend applicant verify that minimum intersection sight distance is available for Dickerson Drive at Riverview Road and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.

Recommend developer comply with the requirements of GRTA's Notice of Decision recommendations.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.



## NOTICE OF DECISION

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**To:** Chick Krautler, ARC  
**(via electronic mail)** Sonny Deriso, GRTA  
Bob Voyles, GRTA  
Jerry Bowman, GRTA  
Lara Hodgson, GRTA

Mike Byrd, GRTA  
Caric Martin, GRTA  
John Sibley, GRTA  
Al Nash, GRTA

**To:** Chairman Tim Lee, Cobb County Board of Commissioners  
**(via electronic mail** Walter Brown, Green Street Properties  
**and certified mail)** Stephen Arms, Marthasville Development LLC

**From:** Jannine Miller, GRTA Executive Director

**Copy:** Kirk Fjelstul, GRTA  
**(via electronic mail)** Laura Beall, GRTA  
Jon West, DCA  
Jon Tuley, ARC  
Mike Lobdell, GDOT District 7  
Steve Walker, GDOT

Jane Stricklin, Cobb County  
John Pederson, Cobb County  
Parks Huff, Sams Larkin and Huff  
Kenneth Wood, Planners and Engineers  
John Walker, Kimley-Horn and Associates

**Date:** December 20, 2010

**Re:** DRI 2152 Riverview on the Chattahoochee

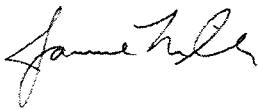
## Notice of Decision for Request for Non-Expedited Review of DRI 2152 Riverview on the Chattahoochee

The purpose of this notice is to inform the Green Street Properties (the Applicant), Cobb County (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 RC (ARC) of GRTA's decision regarding DRI 2152 Riverview on the Chattahoochee (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 October 25, 2010, and received by GRTA on November 8, 2010, prepared by Planners and Engineers Collaborative and, titled "Concept Master Plan Riverview on the Chattahoochee" (Site Plan) and the analysis prepared by Kimley-Horn and Associates Inc., dated November 2010 and received by GRTA on November 8, 2010 (together the Review Package).

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 February 9, 2011 meeting.



Jannine Miller  
Executive Director  
Georgia Regional Transportation Authority

## Attachment A – General Conditions

### Proposed Conditions to GRTA Notice of Decision:

#### Development Intensity and Use

- Provide a mixture of retail, industrial, office, and residential uses.

#### Road Connectivity

- Internal intersections should be at least 100 feet from public streets.
- Allow for future road and pedestrian connections to Oakdale Road.
- Allow for future road and pedestrian connections to Dickerson Road.

#### Pedestrian and Bicycle Facilities

- Provide crosswalks at all driveways and intersections.
- Provide pedestrian sidewalks along both sides of all streets.
- Provide bike racks for all commercial and multi-family uses.
- Provide bike lanes in both directions along Riverview Road property frontage.
- Provide a public access multi-purpose trail along the riverfront.

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

- Veterans Memorial Highway at Riverview Road (Intersection #2)
  - ALTERNATE OPTION A:
    - Construct a southbound right-turn lane along Riverview Road.
    - Construct a westbound right-turn lane along Veterans Memorial Highway.
    - Install a traffic signal (if warranted).
  - ALTERNATE OPTION B:
    - Construct a modern roundabout.
- Riverview Road at Armstrong Place Extension (Driveway 1) / Driveway 2 (Intersection #15)
  - Provide full access.
  - ALTERNATE OPTION A:
    - Install a traffic signal if warranted.
    - Construct one (1) northbound left-turn lane along Riverview Road.
    - Construct one (1) southbound left-turn lane along Riverview Road.
    - Construct one (1) eastbound shared left-turn/through/right-turn lane along Armstrong Place Extension (Driveway 1).
    - Construct one (1) westbound shared left-turn/through/right-turn lane along Driveway 2.
  - ALTERNATE OPTION B:
    - Construct a single-lane modern roundabout.

- ALTERNATE OPTION C:
    - Install STOP control on the side-street approaches, allowing free-flow conditions on Riverview Road (in lieu of a traffic signal).
    - Provide left-turn lanes along Riverview Road, as listed in Alternate Option A.
- Riverview Road at Nichols Drive / Driveway 3 (Intersection #6)
  - Provide full access.
  - ALTERNATE OPTION A:
    - Install a traffic signal if warranted.
    - Construct one (1) northbound left-turn lane along Riverview Road.
    - Construct one (1) southbound left-turn lane along Riverview Road.
    - Maintain one (1) eastbound shared left-turn/through/right-turn lane along Nichols Drive.
    - Construct one (1) westbound shared left-turn/through/right-turn lane along Driveway 3.
  - ALTERNATE OPTION B:
    - Construct a single-lane modern roundabout.
  - ALTERNATE OPTION C:
    - Install a traffic signal if warranted, as listed in Option A.
    - Provide left-turn lanes along Riverview Road, as listed in Alternate Option A.
    - Construct a 2<sup>nd</sup> eastbound approach lane along Nichols Drive, consisting of a left-turn lane and a shared through/right-turn lane.
    - Construct a 2-lane westbound approach along Driveway 3, consisting of a left-turn lane and a shared through/right-turn lane.
- Riverview Road at Driveway 4 / Driveway 5 (Intersection #16)
  - Provide full access.
  - Construct one (1) northbound left-turn lane along Riverview Road.
  - Construct one (1) southbound left-turn lane along Riverview Road.
  - Construct one (1) eastbound shared left-turn/through/right-turn lane along Driveway 4.
  - Construct one (1) westbound shared left-turn/through/right-turn lane along Driveway 5.
- Riverview Road at Nichols Drive Extension (Driveway 6) / Driveway 7 (Intersection #17)
  - Provide full access.
  - Construct one (1) eastbound shared left-turn/through/right-turn lane along Nichols Drive Extension (Driveway 6).

- Construct one (1) westbound shared left-turn/through/right-turn lane along Driveway 7.
- Riverview Road at Dickerson Drive / Driveway 8 (Intersection #7)
  - Provide full access.
  - Construct one (1) northbound left-turn lane along Riverview Road.
  - Construct one (1) southbound left-turn lane along Riverview Road.
  - Construct one (1) westbound shared left-turn/through/right-turn lane along Driveway 8.
- Riverview Road at Driveway 9 (Intersection #18)
  - Provide full access.
  - Construct one (1) westbound shared left-turn/right-turn lane along Driveway 9.
- Nichols Drive at Driveway 10/Driveway 11 (Intersection #19)
  - Provide full access.
  - Construct one (1) northbound shared left-turn/through/right-turn lane along Driveway 10.
  - Construct one (1) southbound shared left-turn/through/right-turn lane along Driveway 11.
- Driveways 12-19 along Nichols Drive and Nichols Drive Extension
  - Provide full access as shown on the GRTA Site Plan.
- Driveways 20-30 along Armstrong Place and Armstrong Place Extension
  - Provide full access as shown on the GRTA Site Plan.
- Driveway 31 along Dickerson Drive
  - Provide full access as shown on the GRTA Site Plan.

## **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.

#### Veterans Memorial Highway at Riverview Road (Intersection #2)

- ALTERNATE OPTION A:
  - Construct a southbound right-turn lane along Riverview Road.
  - Construct a westbound right-turn lane along Veterans Memorial Highway.
  - Install a traffic signal (if warranted).
- ALTERNATE OPTION B:
  - Construct a modern roundabout.

### Section 2.

#### Veterans Memorial Highway and Oakdale Rd/Discovery Blvd

- This project is a northbound right-turn lane along Discovery Blvd and an additional northbound and southbound thru-lane along Oakdale Rd./Discovery Blvd. GDOT 0009210 (2013)

#### South Cobb Dr. between Atlanta Rd (SR 5) and Bolton Rd (SR 70)

- Widening of South Cobb Dr (SR 280) from 4 lanes to 6 lanes between Atlanta Rd (SR 5) and Bolton Rd (SR 70). GDOT 752760 (2030)

#### I-285 at South Cobb Dr (SR 280)

- Interchange reconstruction along I-285 at South Cobb Dr (SR 280). Modifications will include adding a second left turn lane to northbound I-285. GDOT 0006048 (2030)

#### Donald Lee Hollowell Pkwy (US 278) from Harwell Rd to H.E. Holmes Drive

- Widening of Donald Lee Hollowell Pkwy (US 278) from Harwell Rd to H.E. Holmes Drive. The roadway will become a 4 lane section with sidewalks and bike lanes. GDOT 750780 (2030)

#### I-285 and Veterans Memorial Highway (US 278)

- Reconstruction of the interchange at I-285 and Veterans Memorial Highway (US 278). This project also includes a collector-distributor system from I-20 to Bolton Rd. (SR 70). GDOT 713690 (2030)

I-20 and I-75 along I-285

- The addition of two managed lanes in each direction between I-20 and I-75 along I-285. The locations of the dedicated ramps have not been determined at this time. GDOT 0003433 (2030)

Buckner Road from Oakdale Road to Veterans Memorial Highway

- This project involves enhancing Buckner Road from Oakdale Road to Veterans Memorial Highway. The work includes geometric improvements, curb and gutter, widened travel lanes, and sidewalks. ARC CO-347 (2020)

Queens Mill Road from Mableton Parkway to Veterans Memorial Highway

- This project involves enhancing Queens Mill Road from Mableton Parkway to Veterans Memorial Highway. The work includes geometric improvements, curb and gutter, widened travel lanes, and sidewalks. GDOT 0007538 (2013)

**APPLICANT:** Green Street Properties, et al.

**PETITION NO.:** Z-28 (2010)

**PRESENT ZONING:** HI & R-20

**PETITION FOR:** PVC

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**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, it is determined that a portion of the project area is in the immediate vicinity of documented Civil War trenches. In order to determine if any significant Civil War features are located within the project area, an archeological field survey performed by a cultural resource professional on the parcels on the west side of Riverview Road and north of Nichols Drive is to be considered at site plan review. This survey, if completed, should be submitted to the historic preservation planner. Based on the determination of either the presence or absence of potentially significant features, further recommendations (such as buffers, fencing, interpretive signage, etc.) shall be made by staff.

**Cemetery Preservation:** No comments.

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**COBB COUNTY-MARIETTA WATER AUTHORITY COMMENTS (CCMWA):**

CCMWA requests to review the plans for this project as soon as they are available in order to determine the extent of impact upon our facilities. CCMWA has a 36" DIP Transmission Water Line with permanent easements that run along Riverview Road and through the woods between Riverview Road and the Chattahoochee River. The owner/developer will be financially responsible for any impacts to CCMWA facilities from the project. Contact Chuck Byrge at (770) 426-8788 to coordinate plan review.

\*\*\*\*\*

**SCHOOL COMMENTS:**

<b>Name of School</b>	<b>Enrollment</b>	<b>Capacity Status</b>	<b>Number of Portable Classrooms</b>
Harmony Leland	512	Over	
<b>Elementary</b> Lindley	1,318	Under	
<b>Middle</b> Pebblebrook	2,113	Over	

**High**  
\* School attendance zones are subject to revision at anytime.

**Additional Comments:**

Approval of this zoning could adversely impact enrollment at Harmony Leland Elementary and Pebblebrook High School.

# Cobb County Fire and Emergency Services

Applicant Name: Green Street Properties/ Marthasville Development/ Jamestown Properties  
Petition Number: Z-28

Date: 8/19/2010

## *Fire Marshal Comments*

### Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupiable floor level. Aerial fire apparatus roads shall be a minimum width of 24 feet face of curb to face of curb maximum of 40 feet from the structure and be positioned parallel to the long side of the building for its entire length. No overhead utility and power lines shall be located within the aerial apparatus access.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-de-sac without an island to have a 60 foot paved radius or Hammerhead turnaround – total of 110-feet needed (45 feet + 20 foot wide roadway + 45 feet).

Residential subdivision: Cul-de-sac with an island – minimum 60 foot radius to outside curb, measured to inside of curb, minimum lane width 24 feet or Cul-de-sac without an island – 38 foot outside radius or Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

### Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT: Green Street Properties...

PETITION NO.: Z-28

PRESENT ZONING: HI, R-20

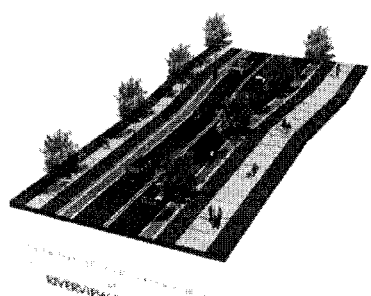
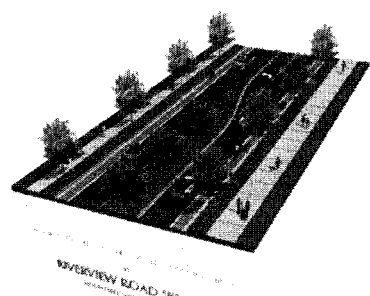
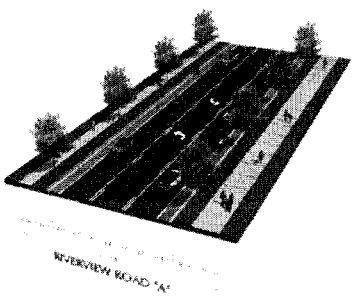
PETITION FOR: PVC

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River Line Master Plan/Veterans Memorial Highway – D. L. Hollowell Parkway Livable Centers Initiative

The River Line Master Plan was approved in 2010 and sets the policy and vision for new investment along Veterans Memorial Highway, Riverview Road, and Oakdale Road up to the Chattahoochee River. The Veterans Memorial Highway LCI study recommends a transportation system in connection with the City of Atlanta that will enable the visions and concepts contained in the River Line study to come to fruition. Together, these two initiatives provide the framework for new development in this area. The following items are made in the two studies that impact this application for rezoning:

- The area under consideration is identified in both the Master Plan and the LCI study as Mixed-use/Village Center.
- Uses within the Mixed-use/Village Center should contain a combination of commercial, office, residential, and industrial uses.
- Importance is placed on designing the new village center in a manner that will be compatible with the existing “quality” industrial uses.
- Alterations to Riverview Road should occur in a manner that would allow for the creation of a more pedestrian-bicycle friendly environment, while also ensuring safety and enhanced mobility for the numerous large trucks and other industrial vehicles that utilize the corridor.
- Additional connections should be made to the Chattahoochee River to encourage and enhance this areas quality-of-life.
- Environmental issues and concerns are vital to success of any new development in this area and as such, the 1972 FEMA floodplain map should be re-evaluated prior to development and alternative methods to stormwater management should be considered to assist in improving water quality heading into the Chattahoochee River.
- Three concepts were proposed for the Riverview Road, see images below. A final concept was not proposed. The range of right-of-way requirement for the three concepts was between sixty-four feet



(64') and Seventy-eight feet (78').

Design Guidelines

Is the parcel in an area with Design Guidelines?  Yes  No

If yes, design guidelines area \_\_\_\_\_

Does the current site plan comply with the design requirements?

Yes  No  Not applicable

APPLICANT Green St., Marthasville Dev., Jamestown Properties

PETITION NO. Z-028

PRESENT ZONING HL, R-20

PETITION FOR PVC

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**WATER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 8" DI / NW side Riverview Road

Additional Comments: Meter allocation subject to plan review

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: On site at Chattahoochee River, also at creek S of Dickerson Rd

Estimated Waste Generation (in G.P.D.): **A D F** 896,000 **Peak=** 2,240,000

Treatment Plant: **South Cobb**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form ans stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Comments: Line capacity unknown. Developer responsible for any necessary line upsizing.

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.