

JULY 16, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2

ITEM # 8

PURPOSE

To consider amending the zoning stipulations and site plan relating to Z-61 and Z-62 of 2005 (TI Riverwood, LLC and Regent Riverwood, LLC), for property located on the northerly side of Cumberland Boulevard, between Riverwood Parkway and Cobb Parkway in Land Lots 977, 978, 1015 and 1016 of the 17th District.

BACKGROUND

The subject property was zoned Urban Condominiums (UC), Office High Rise (OHR) and Community Retail Commercial (CRC) for a mixed use development in 2005 for almost two-million gross square feet (1,949,500). Subsequently, the development plan was amended several times through the Other Business process based on potential tenants. This Other Business proposal involves moving 400,397 of approved residential and commercial square footage from Building G to Building B. After the reallocation of square footage, Building G will have 7,500 square feet and Building B will have 772,397 square feet. There will be no increase in square footage overall. The applicant has submitted a very detailed account of the specific changes, which is attached as Exhibit B in the Other Business application. All the buildings are generally where they were on the approved on the previous plan. If approved, all other zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed stipulation amendment and site plan amendment.

DEPARTMENT COMMENTS

Water & Sewer Comments: There is a sanitary sewer line on the property along Cumberland Blvd. Permanent structures will be subject to sanitary sewer easement setbacks as required by County Code.

Stormwater Management comments: Subject to revised layout meeting ARC impervious and clearing allocation limits within the Chattahoochee River Corridor.

Cobb D.O.T comments.: Recommend applicant try to improve intersection sight distance for the existing driveway on Cumberland Boulevard by removing existing obstructions if possible.

ATTACHMENTS

Other Business application and zoning stipulations.

(Site Plan and Stipulation Amendment)

Application for "Other Business"**Cobb County, Georgia**

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

BOC Hearing Date Requested: July 16, 2013**Applicant:** Seven Oaks Company, LLC**Phone #:** (770) 874-9100

(applicant's name printed)

Address: Suite 400, 3350 Riverwood Parkway, Atlanta, GA 30339 **E-Mail:** msimmons@sevenoakscompany.com**Moore Ingram Johnson & Steele, LLP****GA 30339****John H. Moore****Address:** Emerson Overlook, 326 Roswell Street

(representative's name, printed)

Marietta, GA 30060**BY:** [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijs.com

(representative's signature) Georgia Bar No. 519800

w7@mijs.com

Signed, sealed and delivered in presence of:

[Signature]**My commission expires:** January 10, 2015

Notary Public

**Titleholder(s):** TI Riverwood / Outparcels, LLC; Riverwood Mixed-Use LLC;
Riverwood Apartments Master, LLC; **Phone #:** _____

(property owner's name printed)

and Riverwood 200 VAF, LLC**Address:** _____ **E-Mail:** _____See Exhibit "A" attached collectively hereto for
Titleholders' representatives' signatures and(Property owner's signature) **contact information**

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Commission District: 2 (Ott)**Zoning Case:** Z-61 (2005); Z-62 (2005)**Date of Zoning Decision:** 09/20/2005 **Original Date of Hearing:** 04/19/2005OB Decisions as to Z-61 (2005): 09/18/2007; 03/15/2011; 08/16/2011; 06/19/2012OB Decisions as to Z-62 (2005): 12/20/2005; 09/18/2007**Location:** Intersection of Cobb Parkway and Cumberland Boulevard

(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 977, 978, 1015, 1016**District(s):** 17th**State specifically the need or reason(s) for Other Business:** _____See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

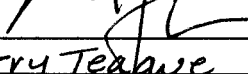
EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application Nos.: Z-61(2005) and Z-62 (2005)
Original Hearing Date: April 19, 2005
Date of Zoning Decision: September 20, 2005
Date of OB Decisions: September 18, 2007 (Z-61 (2005))
March 15, 2011 (Z-61 (2005))
August 16, 2011 (Z-61 (2005))
June 19, 2012 (Z-61 (2005))
December 20, 2005 (Z-62 (2005))
September 18, 2007 (Z-62 (2005))
Current Hearing Date: July 16, 2013

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

TI RIVERWOOD / OUTPARCELS, LLC
a Georgia Limited Liability Company

BY: TI Riverwood, LLC
a Georgia Limited Liability company,
its Sole Member

BY: 
NAME: L. Barry Teague
TITLE: Co-Manager

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

Telephone No.: (678) 303-4100

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: _____

[Notary Seal]

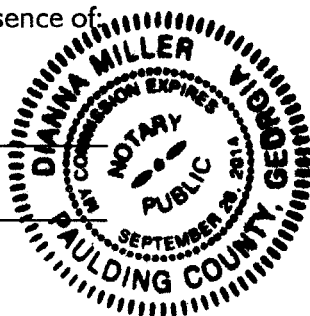


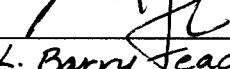
EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application Nos.: Z-61 (2005) and Z-62 (2005)
Original Hearing Date: April 19, 2005
Date of Zoning Decision: September 20, 2005
Date of OB Decisions: September 18, 2007 (Z-61 (2005))
March 15, 2011 (Z-61 (2005))
August 16, 2011 (Z-61 (2005))
June 19, 2012 (Z-61 (2005))
December 20, 2005 (Z-62 (2005))
September 18, 2007 (Z-62 (2005))
Current Hearing Date: July 16, 2013

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

RIVERWOOD APARTMENTS MASTER, LLC

BY: Walton Riverwood, LLC
a Georgia Limited Liability company,
its Managing Member

BY: 
NAME: L. Barry Teague
TITLE: Co-Manager

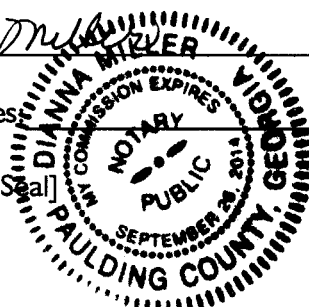
Address: Riverwood Apartments Master, LLC
2181 NewMarket Parkway
Marietta, Georgia 30067

Telephone No.: (678) 303-4100

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires _____

[Notary Seal]



COBB COUNTY GEORGIA
FILED IN OFFICE

2013 JUN 11 PM 4:11

COBB COUNTY ZONING DIVISION

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application Nos.: Z-61 (2005) and Z-62 (2005)
Original Hearing Date: April 19, 2005
Date of Zoning Decision: September 20, 2005
Date of OB Decisions: September 18, 2007 (Z-61 (2005))
March 15, 2011 (Z-61 (2005))
August 16, 2011 (Z-61 (2005))
June 19, 2012 (Z-61 (2005))
December 20, 2005 (Z-62 (2005))
September 18, 2007 (Z-62 (2005))
Current Hearing Date: July 16, 2013

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

RIVERWOOD MIXED-USE LLC

BY: Pamela C. Beam
NAME: Pamela C. Beam
TITLE: Vice President
Address: 1600 Summer Street
Stamford, CT 06905

Telephone No.: (203) 921-8054

Signed, sealed, and delivered in the presence of:

Carol W. Bull
Notary Public
Commission Expires: March 31, 2018

[Notary Seal]

CAROL W BULL
Notary Public - Connecticut
No. 163655
My Commission Expires
March 31, 2018

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 JUN 11 PM 4:11

COBB COUNTY ZONING DIVISION

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Application Nos.: Z-61(2005) and Z-62 (2005)
Original Hearing Date: April 19, 2005
Date of Zoning Decision: September 20, 2005
Date of OB Decisions: September 18, 2007 (Z-61 (2005))
March 15, 2011 (Z-61 (2005))
August 16, 2011 (Z-61 (2005))
June 19, 2012 (Z-61 (2005))
December 20, 2005 (Z-62 (2005))
September 18, 2007 (Z-62 (2005))
Current Hearing Date: July 16, 2013

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

RIVERWOOD 200 VAF, LLC

BY: Riverwood 200 VAF MEZZ, a Delaware limited
liability company, its sole member

BY: Pamela P. Beam
TITLE: Vice President

Address: 1600 Summer Street
Stamford, CT 06905

Telephone No.: (203) 921-2054

Signed, sealed, and delivered in the presence of:

Carol W. Bull
Notary Public
Commission Expires: March 31, 2018

[Notary Seal]

CAROL W. BULL
Notary Public - Connecticut
No. 183655
My Commission Expires
March 31, 2018

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 JUN 11 PM 4:12
COBB COUNTY ZONING DIVISION

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

Application Nos.:	Z-61(2005) and Z-62 (2005)
Original Hearing Date:	April 19, 2005
Date of Zoning Decision:	September 20, 2005
Date of OB Decisions:	September 18, 2007 (Z-61 (2005))
	March 15, 2011 (Z-61 (2005))
	August 16, 2011 (Z-61 (2005))
	June 19, 2012 (Z-61 (2005))
	December 20, 2005 (Z-62 (2005))
	September 18, 2007 (Z-62 (2005))
Current Hearing Date:	July 16, 2013

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

On September 20, 2005, the Cobb County Board of Commissioners approved the rezoning of two tracts of property located within the Cobb Parkway, Cumberland Boulevard, and Riverwood Parkway area. While the rezonings were separate, the overall development of the properties would be known as the "Riverwood Mixed-Use Project" (hereinafter collectively the "Property" or the "Subject Property"). The lower half of the Property was rezoned under Application No. Z-61 (2005) and encompassed approximately 7.84 acres located at the intersection of Cobb Parkway and Cumberland Boulevard and was rezoned to the Urban Condominium ("UC") and Community Retail Commercial ("CRC") zoning categories. The upper half of the Property was rezoned under Application No. Z-62 (2005) and encompassed approximately 5.726 acres located on the southerly side of Riverwood Parkway, and the easterly side of Cumberland Boulevard and was rezoned to the Urban Condominium ("UC"), Community Retail Commercial ("CRC"), and Office High-Rise ("OHR") zoning categories. Both tracts were for mixed-use developments—each having components of residential, retail, and commercial. Each rezoning approval was site plan specific and was subject to the conditions set forth in the official minutes, as well as the letters of agreeable stipulations and conditions dated September 16, 2005, and filed September 20, 2005 (Z-61) and dated September 16, 2005, and September 19, 2005 (Z-62), and made a part of the final zoning approval and minutes. Each Application has had numerous amendments to the Master Site Plan and certain stipulations; as more particularly set forth above within this Application for "Other Business." Copies of the last amended Master Site Plan for each Application are attached hereto as Exhibit "1" (as to Z-61 (2005)) and Exhibit "2" (as to Z-62 (2005)) and incorporated herein by reference. Additionally, copies of the final, official minutes, including referenced attachments, for the initial rezoning approval of each Application; as well as all subsequent amendments for each Application are attached and made a part of this overall Application for "Other Business."

Seven Oaks Company, LLC, Applicant in this Application for "Other Business" (hereinafter "Applicant"), is the developer as to the proposed Parcel "G," located in the lower half of the Property (hereinafter "Parcel 'G' Property") (rezoned in Z-61), and presents this request for site plan and stipulation amendment which, if approved as submitted herein, shall be an amendment to the overall Master Site Plan Amendment as to both Z-61 (2005) and Z-62 (2005) approved by the Board of Commissioners on June 12, 2012, and September 18, 2007, respectively, as well as any applicable stipulations specific to the amendment of the Master Site Plan, and shall become part of the approved rezoning as to the Subject Property. The following are the amendments requested:

- (1) Applicant submits herewith the Master Site Plan Amendment dated June 10, 2013, prepared for Applicant by Doungerakis Consulting Engineers, Inc. which depicts the revisions for development of the Subject Property, and more specifically the Parcel "G" Property (rezoned in Z-61); as well as the parcel denoted as Parcel "B" (rezoned in Z-62) (hereinafter referred to as the "Parcel 'B' Property"). This Master Site Plan Amendment, if approved, as presented herein, shall become the revised Master Site Plan for the overall Riverwood Mixed-Use Project. Attached to this Exhibit "B" is the proposed Master Site Plan Amendment noted as Exhibit "3" for ease of reference.

AMENDMENTS RELATING TO PARCEL "G" PARCEL

- (2) Parcel "G" Property shall be developed for a maximum two-story commercial office building, having a maximum square footage of 7,500 square feet.

AMENDMENTS RELATING TO PARCEL "B" PARCEL

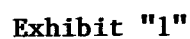
- (3) The remaining commercial and the total residential square footage previously approved for the Parcel "G" Property shall be transferred and applied to development of the Parcel "B" Property, to be known as "Riverwood 300"; and, therefore Applicant seeks to amend the Parcel "B" Property as follows:
 - (a) Development for the proposed Riverwood 300 (Parcel "B") shall be a twenty-five (25) story mixed-use tower (previously approved for an eighteen (18) story mixed-use tower);
 - (b) Increase in the residential square footage from the previously approved 372,000 gross square feet to 607,000 gross square feet (transfer of 235,000 gross square feet of residential condominium units from Parcel "G" Property to Parcel "B" Property for proposed Riverwood 300 tower);
 - (c) Addition of 19,000 gross square feet of residential rental (transfer from Parcel "G" Property to Parcel "B" Property for proposed Riverwood 300 tower);

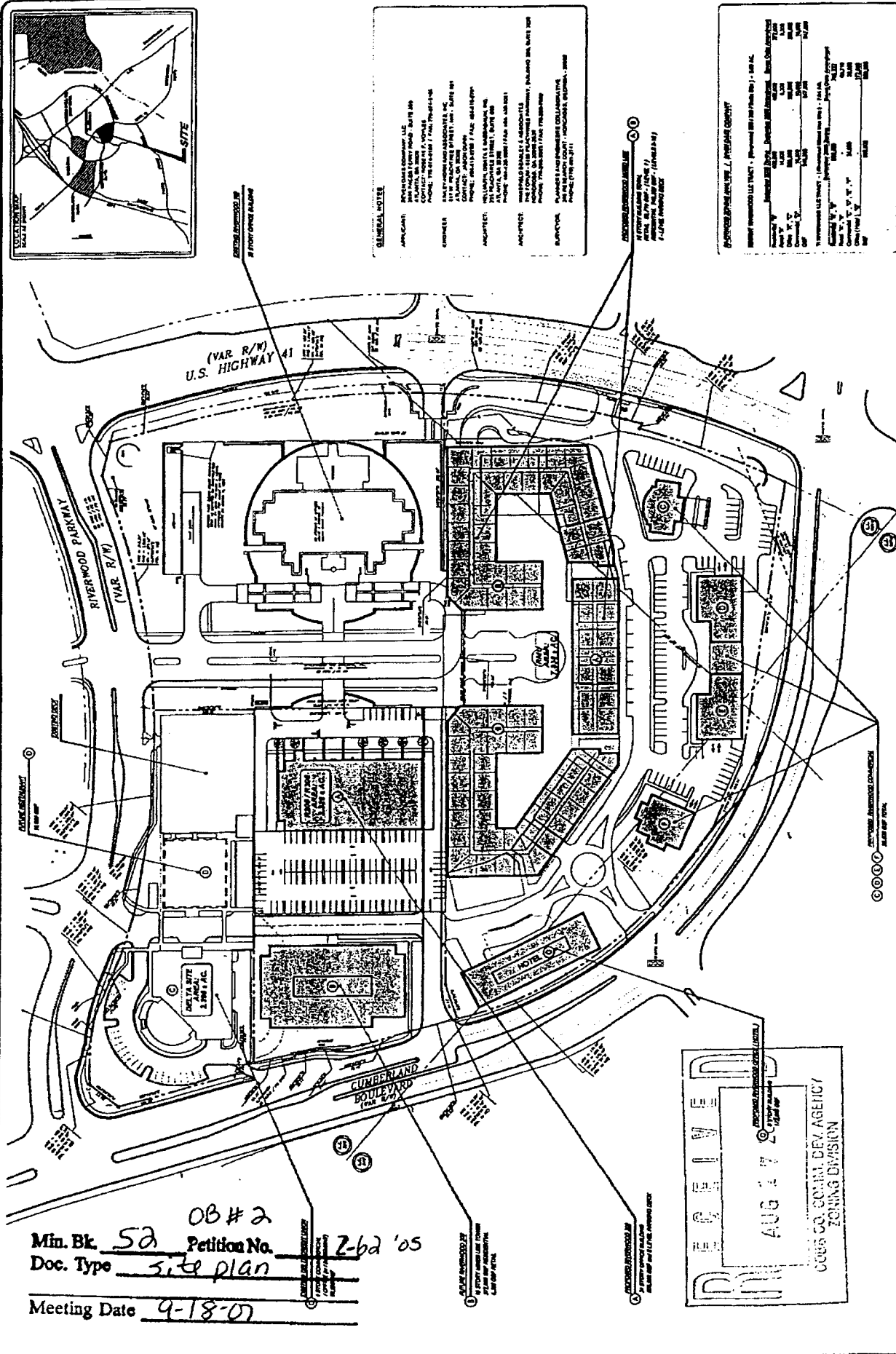
- (d) Addition of approximately 146,397 gross square feet of retail space (transfer from Parcel "G" Property of 153,897 gross square feet, less 7,500 gross square feet remaining on Parcel "G" Property for proposed development) to the previously approved 9,300 gross square feet of retail space allowed for proposed Riverwood 300 tower), for a total of 155,497 gross square feet of retail area; and
- (e) The proposed Riverwood 300 tower shall be constructed over structured parking.

The amendments proposed in this Application for "Other Business" result in no additional commercial/retail or residential gross square footage being added to the overall Riverwood Mixed-Use Project.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 20, 2005 as to the initial rezoning of the Riverwood Mixed-Use Project (Z-61 and Z-62 (2005)); as well as the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings relating to the subsequent amendments heard by the Board of Commissioners set forth more fully herein, which are not in conflict with the amendments sought in this Application for "Other Business," are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.

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





SEVEN OAKS COMPANY, LLC 10000 RIVERWOOD PARKWAY, SUITE 100 ATLANTA, GA 30338 TEL: 404.251.1000		RIVERWOOD LAND LOTS 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000
Kimley-Horn and Associates, Inc. 111 WEST PEACOCKS BLVD., SUITE 601 ATLANTA, GEORGIA 30308 TEL: 404.525.1000		
RECEIVED AUG 27 2 12 PM '05 COGS CO. COMM. DEV. AGENCY ZONING DIVISION		

Min. Bk. 5a Petition No. 2-62 '05
 Doc. Type Site plan
 Meeting Date 9-18-07

Exhibit "2"



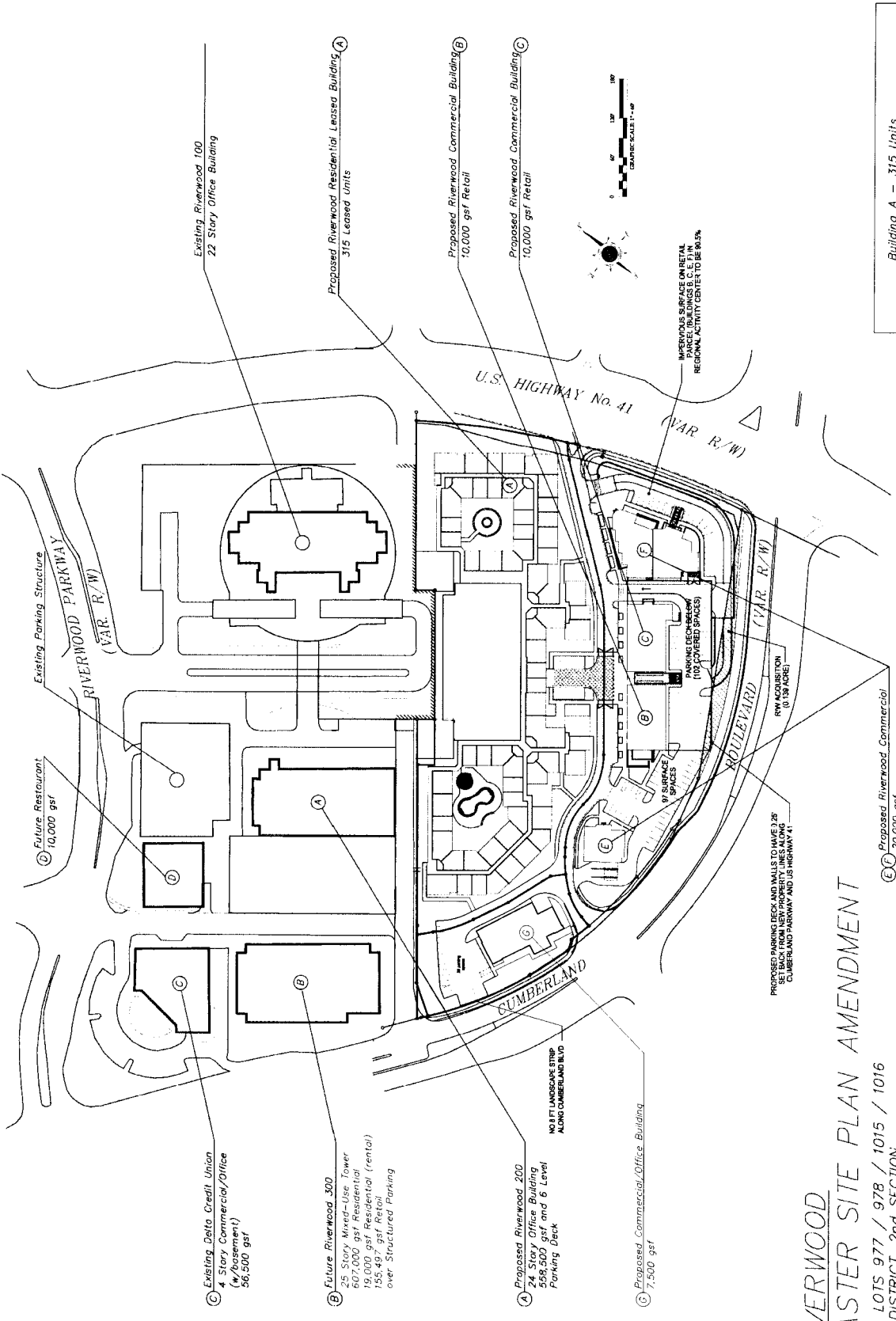
SITE PLAN

DOUGHERTIS CONSULTING ENGINEERS, INC.
planning • civil engineering • sanitary engineering
2665 Old Milton Parkway, P.O. Box 445, Alpharetta, Georgia 30009 phone: 770-731-9800

Riverwood Project at Cumberland Boulevard

1" = 60'
06-10-2013
13003

NOT FOR CONSTRUCTION



Building A - 315 Units		
Unit	Gross Square Feet	
One Bedroom	700-920 Sq/Ft	
Two Bedroom	1085-1200 Sq/Ft	
Three Bedroom	1400-1500 Sq/Ft	

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

Z-61 (2005)
OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO “OTHER BUSINESS”
AMENDMENT – JUNE 19, 2012

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 19, 2012
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 19, 2012 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Helen Goreham
Commissioner Woody Thompson
Commissioner Robert Ott

ITEM NO. 2

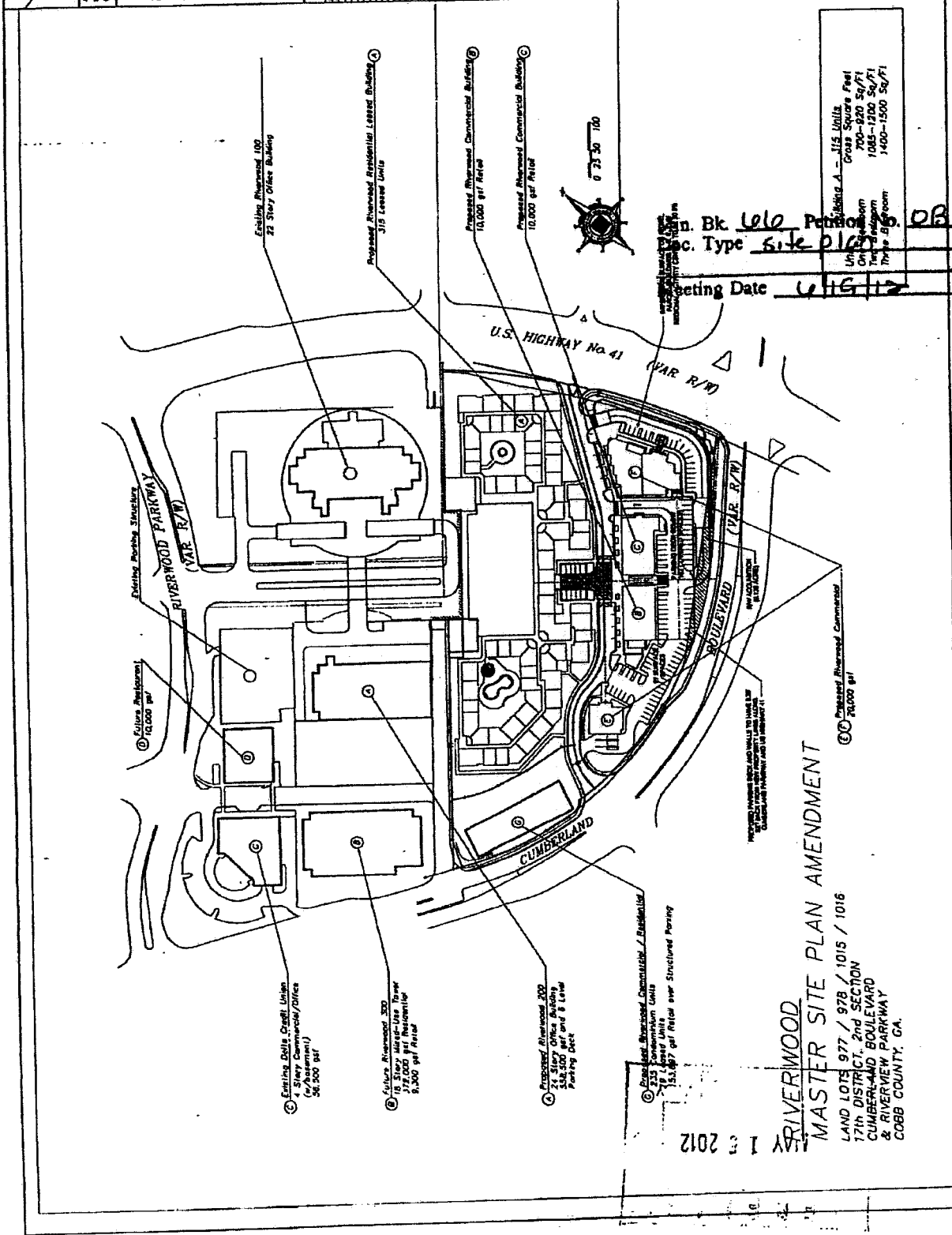
To consider a stipulation and site plan amendment for Walton Communities, LLC regarding rezoning application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lot 977, 978, 1015 and 1016 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a stipulation and site plan amendment to allow residential units and commercial uses to be moved and allow a two level parking deck. The public hearing was opened and there being no speakers, the public hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **approve** Other Business Item No. 2 for stipulation and site plan amendments regarding application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lot 977, 978, 1015 and 1016 of the 17th District, subject to:

- site plan received by the Zoning Division May 15, 2012 (attached and made a part of these minutes)
- Exhibit B of the Other Business package (attached and made a part of these minutes)
- all previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: ADOPTED unanimously



n. Bk. 1610 Petition 082
 c. Type Site Plan
 Meeting Date 4/16/12

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

MAY 1 3 2012

Min. Bk. 1414 Petition No. OB2
Doc. Type Exhibit B

Meeting Date 6/19/12 MAY 1 2012

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

Application No.: Z-61(2005)
Original Hearing Date: April 19, 2005
Date of Zoning Decision: September 20, 2005
Date of OB Decisions: September 18, 2007
March 15, 2011
August 16, 2011
Current Hearing Date: June 19, 2012

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

On September 20, 2005, the Cobb County Board of Commissioners approved the rezoning of an approximately 7.84 acre tract located at the intersection of Cobb Parkway and Cumberland Boulevard (hereinafter "Subject Property" or "Property") to the Urban Condominium ("UC") and Community Retail Commercial ("CRC") zoning categories. The purpose of rezoning the Property was for the development of a mixed-use community which, together with the property located adjacent and northwesterly of the Subject Property, would comprise the Riverwood Mixed-Use Project. The approval of the rezoning request was site plan specific (a copy of which is attached hereto as Exhibit "1"); and was subject to the conditions set forth in the official minutes, as well as the letter of agreeable stipulations and conditions dated September 16, 2005, and filed September 20, 2005. Subsequently, on September 18, 2007, the Cobb County Board of Commissioners approved amendments to the Master Site Plan and certain stipulations related to the applicable portion of the Riverwood Project. A true and correct copy of the Master Site Plan Amendment dated August 15, 2007, prepared by Kimley-Horn and Associates, Inc. is attached hereto as Exhibit "2" and incorporated herein by reference. On March 15, 2011, and August 16, 2011, the Cobb County Board of Commissioners approved amendments to the Master Site Plan and certain stipulations affecting the development of the Subject Property. True and correct copies of the approved, revised Master Site Plans, as incorporated into the final, official minutes of the Cobb County Board of Commissioners for the stated hearings, are attached hereto as Exhibits "3" and "4," respectively, and incorporated herein by reference.

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

Petition No. 082
Meeting Date 10/19/12
Continued

MAY 15 2012

- (1) Applicant submits herewith the Master Site Plan Amendment dated July 12, 2011, last revised May 11, 2012, prepared for Applicant by Niles Bolton Associates, Inc. which depicts the revisions for development of the Subject Property, as well as the revised development of property approved in Application for Rezoning No. Z-62 (2005), as amended September 18, 2007.

AMENDMENTS RELATING TO RESIDENTIAL DEVELOPMENT

- (2) Units within the proposed Riverwood Residential "Lease Building A" shall be increased from 314 leased units to 315 leased units.
- (3) The units within the proposed "Riverwood Commercial Building B" shall be reduced from ten (10) units to zero (0) units.
- (4) The units within the proposed "Riverwood Commercial Building C" shall be reduced from ten (10) units to zero (0) units.
- (5) Nineteen (19) leased units shall be added to proposed "Riverwood Commercial/Residential Building G."

AMENDMENTS RELATING TO RETAIL DEVELOPMENT

- (6) The square footage for proposed "Riverwood Commercial Building B" shall be increased from 3,969 square feet to 10,000 square feet (gross).
- (7) The square footage for proposed "Riverwood Commercial Building C" shall be increased from 3,969 square feet to 10,000 square feet (gross).
- (8) The combined square footage for proposed "Riverwood Commercial Buildings E and F" shall be increased from 13,700 square feet (gross) to 20,000 square feet (gross).
- (9) The square footage for proposed "Riverwood Commercial/Residential Building G" shall be decreased from 172,059 square feet to 153,697 square feet (gross).
- (10) Addition of a two (2) level parking deck to be located underneath proposed "Riverwood Commercial Building B" and "Riverwood Commercial Building C."
- (11) This amendment results in no additional gross square footage being added to the project.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 20, 2005; as well as those amendments set forth in the official minutes, and attachments thereto, of the Board of

Petition No. 082
Meeting Date 6/19/12
Continued

MAY 15 2012

Commissioners Zoning Hearing held on September 18, 2007; March 15, 2011; and August 16, 2011, are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.

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

Z-62 (2005)
OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO “OTHER BUSINESS”
AMENDMENT – SEPTEMBER 18, 2007

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

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 18, 2007, at 9:07 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

ITEM #2

To consider amending the site plan and stipulations regarding Z-62 (REGENT RIVERWOOD, LLC) of April 19, 2005, for property located in Land Lot 978 of the 17th District at the southeast intersection of Cumberland Boulevard and Riverwood Parkway.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend site plan and stipulations. Mr. John Moore and Mr. Ron Sifen had addressed their concerns regarding this request during their public comments on Other Business Item #1 (Z-61 TI RIVERWOOD, LLC). Thereafter, the following motion was made:

MOTION: Motion by Thompson, second by Lee, to approve site plan and stipulation amendment for Z-62 (REGENT RIVERWOOD, LLC) of April 19, 2005, for property located in Land Lot 978 of the 17th District at the southeast intersection of Cumberland Boulevard and Riverwood Parkway, subject to:

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

VOTE: ADOPTED 3-2, Goreham and Kesting opposed

Clerk's Note: Staff was directed to submit Code amendment regarding mixed use developments located within Regional Activity Centers.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON D. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS***
BRIAN D. SMITH

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

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

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

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

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK, SUITE 500
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

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

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

OF COUNSEL:
JOHN L. SKELTON, JR.†

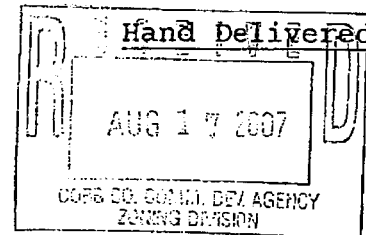
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
**** ALSO ADMITTED IN OH
* ADMITTED ONLY IN TN
** ADMITTED ONLY IN FL

August 17, 2007

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

O.B.#2
Min. Bk. 52 Petition No. 2-62 '05
Doc. Type Request letter

Meeting Date 9-18-07



RE: Application for Site Plan and Stipulation Amendment
Application No.: Z-62 (2005)
Present Applicant: Seven Oaks Company, LLC
Owner: Riverwood 200 VAF, LLC
Property: 5.69 acres located at the
southwesterly corner of Riverwood
Parkway and Cumberland Boulevard,
Land Lot 978, 17th District,
2nd Section, Cobb County, Georgia

Dear Mark:

The undersigned and this firm have been retained to represent Seven Oaks Company, LLC with respect to the development of the approximately 5.69 acre tract located at the southwesterly corner of Riverwood Parkway and Cumberland Boulevard, Land Lot 978, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property" or the "Property"). As you may recall, we also represented the previous Applicant, Regent Riverwood, LLC during the initial rezoning of the Subject Property. The Property was rezoned to the Urban Condominium ("UC"), Community Retail Commercial ("CRC"), and Office High Rise ("OHR") zoning categories, site plan specific, in Application for Rezoning No.

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 2 of 5
August 17, 2007

Petition No. Z-62 '05
Meeting Date 9-18-07
Continued

Z-62 (2005) heard by the Board of Commissioners at its Zoning Hearing held on September 20, 2005. Subsequently, on December 20, 2005, the Board of Commissioners approved a Site Plan and Stipulation Amendment for the Subject Property. As set forth in the official minutes of each meeting, certain stipulations and conditions were imposed upon the development of the Subject Property by the Board of Commissioners.

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

- (1) Applicant submits herewith the Master Site Plan Amendment dated August 15, 2007, prepared for Applicant by Kimley-Horn and Associates, Inc. which depicts the development proposed by Applicant, as well as the proposed, revised development of property approved in Application for Rezoning No. Z-61 (2005).
- (2) The residential gross square footage shall be reduced from 402,000 square feet to 372,000 gross square feet (Building "B").
- (3) The retail gross square footage shall remain 9,300 gross square feet (Building "B").
- (4) The office gross square footage shall be increased from 526,500 gross square feet to 556,500 gross square feet (Buildings "A" and "C").

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 3 of 5
August 17, 2007

Petition No. Z-62 '05
Meeting Date 9-18-07
Continued

- (5) The commercial square footage shall remain as amended, or 10,000 gross square feet (Building "D").
- (6) The office tower (Building "A") shall be a maximum of twenty-four (24) stories in height over six (6) levels of parking.
- (7) The mixed-use tower comprised of residential and retail (Building "B") shall be a maximum of eighteen (18) stories in height and shall contain approximately 372,000 gross square feet for residential use and approximately 9,300 gross square feet for retail use.
- (8) There shall be no increase in the gross square footage for this proposed development, as amended. The gross square footage, as amended, shall be 947,800 square feet, and the gross square footage contained within this amendment is a total of 947,800 gross square feet.
- (9) If the amendments are approved, as set forth above, together with the Master Site Plan Amendment submitted herewith, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings held on September 16, 2005, and December 20, 2005, are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.

We respectfully request this Application for Site Plan and Stipulation Amendment be placed on the Board of Commissioners' "Other Business Agenda" for the scheduled Zoning Hearing on September 18, 2007. Thank you for your consideration in this

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 4 of 5
August 17, 2007

Petition No. Z-62 '05
Meeting Date 9-18-07
Continued

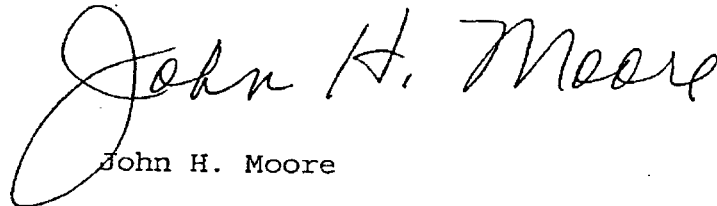
matter. We look forward to confirmation of this item on the requested Zoning Hearing agenda and receipt of the signs in order to meet the requisite posting date.

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

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:

Samuel S. Olens, Chairman

Helen C. Goreham

Annette Kesting

Joe L. Thompson

Tim Lee

(With Copy of Enclosure)

Shane Coldren, President

Ron Sifen

Vinings Homeowners Association

(With Copy of Enclosure)

Anthony L. Waybright

Suzanne Ballew

(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 5 of 5
August 17, 2007

c: Seven Oaks Company, LLC
(With Copy of Enclosure)