(Stipulation Amendment)

Application for "Other Business"

Cobb County, Georgia

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 JUN 10 PM 1:22
COBB COUNTY ZONING DIVISION

OB-38

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** 07/15/2014

Applicant: Trammell Crow Residential **Phone #:**
(applicant's name printed)

Address: Suite 475, 800 Mount Vernon Highway, **E-Mail:** lwood@tcresidential.com
Atlanta, GA 30328

Moore Ingram Johnson & Steele, LLP
John H. Moore **Address:** Emerson Overlook, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijs.com
(representative's signature) w7@mijs.com

CAROLYN E. COOK NOTARY PUBLIC COBB COUNTY EXPIRES GEORGIA January 10, 2015

Signed, sealed and delivered in presence of:

Carolyn E. Cook **My commission expires:** January 10, 2015
Notary Public

Titleholder(s): CBL Investors, LLC and City View Holdings, L.P. **Phone #:** (770) 980-0808
(property owner's name printed)

Address: Suite 400, 3225 Cumberland Boulevard, **E-Mail:**
Atlanta, GA 30339

See Exhibit "A" Attached Collectively for Signatures of Owners' Representatives
(Property owner's signature)

Signed, sealed and delivered in presence of:

My commission expires:
Notary Public

Commission District: 2 (Ott) **Zoning Case:** Z-64 (2013)

Date of Zoning Decision: 12/17/2013 **Original Date of Hearing:** 11/19/2013

Location: Southerly side of Cumberland Boulevard; west of Cobb Parkway
(street address, if applicable; nearest intersection, etc.) (U.S. Highway 41)

Land Lot(s): 977, 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)

COBB COUNTY GEORGIA
FILED IN OFFICE

2014 JUN 10 PM 4:23

COBB COUNTY ZONING DIVISION

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

Application No.:	**Z-64 (2013)**
Original Hearing Date:	**November 19, 2013**
Date of Zoning Decision:	**December 17, 2013**
Current Hearing Date:	**July 15, 2014**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: **Trammell Crow Residential**
Titleholders: **CBL Investors, LLC and**
City View Holdings, L.P.

CBL INVESTORS, LLC, a Georgia limited liability company

BY: P&L CBL Holdings, LLC, a Georgia limited liability company, Manager

By: _____ (SEAL)
Lawrence P. Kelly
Manager

Address: Suite 400
3225 Cumberland Boulevard
Atlanta, Georgia 30339

Telephone No.: (770) 980-0808

Signed, sealed, and delivered in the presence of:

Patricia Becker

Notary Public
Commission Expires: _____

[Notary Seal]

Patricia Becker
Notary Public
My Comm. Expires 11-13-2016
Cobb County, GA

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 JUN 10 PM 4: 23
COBB COUNTY ZONING DIVISION

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

Application No.:	**Z-64 (2013)**
Original Hearing Date:	**November 19, 2013**
Date of Zoning Decision:	**December 17, 2013**
Current Hearing Date:	**July 15, 2014**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: **Trammell Crow Residential**
Titleholders: **CBL Investors, LLC and**
City View Holdings, L.P.

CITY VIEW HOLDINGS, L.P., a Georgia limited liability partnership

BY: Pope & Land Enterprises, Inc., a Georgia corporation, its General Partner

By: _____
Lawrence P. Kelly
President

[Corporate Seal]

Address: Suite 400
3225 Cumberland Boulevard
Atlanta, Georgia 30339

Telephone No.: (770) 980-0808

Signed, sealed, and delivered in the presence of:

Patricia Becker

Notary Public
Commission Expires: _____

[Notary Seal]

Patricia Becker
Notary Public
My Comm. Expires 11-13-2016
Cobb County, GA

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 JUN 10 PM 4:23
COBB COUNTY ZONING DIVISION

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

Application No.:	**Z-64 (2013)**
Original Hearing Date:	**November 19, 2013**
Date of Zoning Decision:	**December 17, 2013**
Current Hearing Date:	**July 15, 2014**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant:	**Trammell Crow Residential**
Titleholders:	**CBL Investors, LLC and City View Holdings, L.P.**

The property which is the subject of this Application for "Other Business" is 5.843 acres, more or less, and is located on the southerly side of Cumberland Boulevard, west of Cobb Parkway, in Land Lots 977, 1015, and 1016, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property was rezoned to the Urban Village Commercial ("UVC") zoning classification by the Cobb County Board of Commissioners on December 17, 2013, to allow its use as a mixed-use development.

With the filing of this Application for "Other Business," Applicant seeks the deletion in its entirety of a portion of one Stormwater Management Comment, found on page 8, Additional Comments, No. 1, which reads as follows:

> (1) . . . Unless easement agreements are obtained from the downstream property owners, the facility must discharge to the existing stormwater system in the Cumberland boulevard right-of-way. . . .

Applicant desires to delete the referenced sentence from the Stormwater Management Comments because of discharge off this site, other than the discharge in the Cumberland Boulevard right-of-way, discharge will go into an existing drainage channel for the Subject Property. Following development, the discharge into the drainage channel will be much less than prior to development.

The balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Cobb County Board of Commissioners Zoning Hearing held on December 17, 2013, are unaltered and unchanged by this request for stipulation amendment.

The proposed amendment presented herein in no way adversely impacts or affects the quality of the overall project approved in the original rezoning of the Subject Property. If the requested amendment is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the proposed development.

AMENDED SITE PLAN
APPROVED BY DISTRICT COMMISSIONER
ON MAY 13, 2014

COBB COUNTY GEORGIA
FILED IN OFFICE
2014 JUN 10 PM 4:23
COBB COUNTY ZONING DIVISION

SITE DATA:

TOTAL AREA	5.846 ACRES
DEVELOPED AREA	3.95 ACRES
UNDEVELOPED AREA	1.896 ACRES
DISTURBED AREA	3.30 ACRES
ZONING	
ZONING JURISDICTION	COBB COUNTY
EXISTING ZONING	RSL - RESIDENTIAL SENIOR LIVING
CURRENT ZONING	UVC - URBAN VILLAGE COMMERCIAL
REZONING NUMBER	
APPLICABLE SETBACKS	
SIDE YARD SETBACK	0 FEET
REAR YARD SETBACK	0 FEET
CUMBERLAND BLVD BUILDING SETBACK	0 FEET (PER ZONING CONDITIONS)
BUILDING SUMMARY	
PROPOSED NUMBER OF RESIDENTIAL UNITS	282 UNITS
PROPOSED MAXIMUM BUILDING HEIGHT	8 STORIES
PARKING CALCULATIONS	
DECK SPACES:	407 SPACES
REGULAR HANDICAP SPACES	6 SPACES
VAN ACCESSIBLE HANDICAP SPACES	2 SPACES
SURFACE PARKING:	6 PARALLEL SPACES
TOTAL SPACES PROVIDED	421 SPACES

24 HOUR CONTACT:
LEONARD WOOD (404) 290-7749

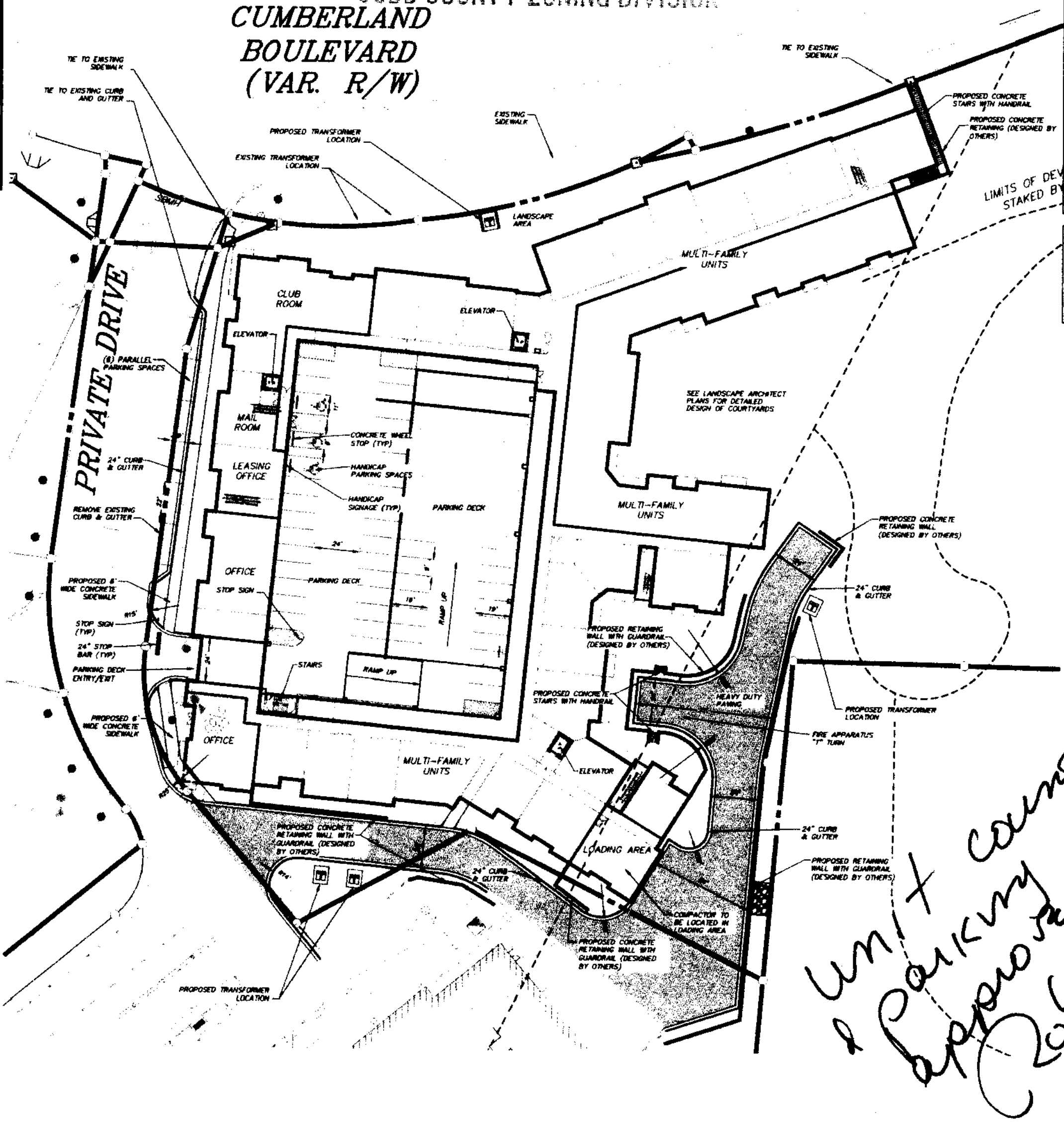
SITE ADDRESS
3330 CUMBERLAND BOULEVARD
ATLANTA, GA 30339

ADA NOTE:

ACCESS, SIDEWALK/SHOULDER GRADE AND CROSS-SLOPE SHALL BE STANDARD ¼" PER LF (2% PER ADA).

SITE LOCATION MAP (NTS)

SITE



GENERAL NOTES

1. ADDITIONAL EROSION CONTROL DEVICES ARE TO BE USED AS REQUIRED BY COBB COUNTY.
2. DISTURBED AREAS LEFT IDLE FOR TWO TO FOUR WEEKS, AND NOT TO FINAL GRADE, WILL BE ESTABLISHED TO TEMPORARY VEGETATION (Ds1). DISTURBED AREAS LEFT IDLE FOUR WEEKS OR MORE WILL BE ESTABLISHED TO PERMANENT VEGETATION (Ds2). ALL AREAS TO FINAL GRADE WILL BE ESTABLISHED TO PERMANENT VEGETATION WITHIN TWO WEEKS.
3. WHEN HAND PLANTING, MULCH (HAY OR STRAW) SHOULD BE UNIFORMLY SPREAD OVER SEEDED AREA WITHIN 24 HOURS OF SEEDING.
4. DURING UNSUITABLE GROWING SEASONS, MULCH WILL BE USED AS A TEMPORARY COVER (Ds1). ON SLOPES THAT ARE 4:1 OR STEEPER, MULCH WILL BE ANCHORED.
5. COBB COUNTY LAND DISTURBANCE PERMIT MUST BE DISPLAYED ON THE SITE AT ALL TIMES DURING CONSTRUCTION AND IN PLAIN VIEW FROM A COUNTY ROAD OR STREET.
6. EROSION AND SEDIMENT CONTROL DEVICES MUST BE INSTALLED AND INSPECTED BY A COBB COUNTY INSPECTOR PRIOR TO ANY GRADING ON SITE. PLEASE CALL 528-2134 FOR AN INSPECTION.
7. SEDIMENT/EROSION CONTROL DEVICES MUST BE CHECKED AFTER EACH STORM EVENT. EACH DEVICE IS TO BE MAINTAINED OR REPLACED IF SEDIMENT ACCUMULATION HAS REACHED ON HALF THE CAPACITY OF THE DEVICE.
8. ALL STRIPING AND ARROWS INSIDE R/W TO MEET GEORGIA DOT STANDARDS.
9. COBB COUNTY ACCEPTS NO RESPONSIBILITY FOR THE AMERICANS WITH DISABILITIES ACT (ADA), EXCEPT FOR NOTIFICATION REQUIREMENT. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE FOR SAID ACT.

NOTES:

1. NO CEMETARIES OR ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS EXIST ON SITE.
2. THERE IS NO 100-YEAR FLOODPLAIN.
3. DETENTION IS PROVIDED ONSITE IN AN UNDERGROUND FACILITY.
4. WATER QUALITY PROVIDED WITH A PROPRIETARY DEVICE IN EACH BASIN.

ZONING NOTES:

1. COBB COUNTY ACCEPTS NO RESPONSIBILITY FOR THE AMERICAN WITH DISABILITIES ACT (ADA), EXCEPT FOR NOTIFICATION REQUIREMENT. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH SAID ACT.
2. ANY SIGNS TO BE PERMITTED THROUGH THE COBB COUNTY CODE ENFORCEMENT DIVISION.
3. ANY CONSTRUCTION TRAILERS SHALL BE PERMITTED THROUGH THE ZONING DIVISION.
4. THE PARKING LOT AND PARKING SPACES SHALL CONFORM TO COUNTY DETAIL #114.

COBB ADA NOTE:

COBB COUNTY ACCEPTS NO RESPONSIBILITY FOR THE AMERICANS WITH DISABILITIES ACT (ADA), EXCEPT FOR NOTIFICATION REQUIREMENT. THE OWNER/DEVELOPER IS SOLELY RESPONSIBLE FOR COMPLIANCE WITH SAID ACT.

LANDSCAPE MAINTENANCE NOTE

CONTACT PATRICK LEWIS, CDOT, 770-528-1617 FOR LANDSCAPE LICENSE REQUIRED PRIOR TO ANY PLANTINGS IN THE R/W.

SITE AND GRADING NOTES

1. DETENTION FACILITIES AND EROSION CONTROL MEASURES ARE TO BE ACCOMPLISHED PRIOR TO ANY OTHER CONSTRUCTION ON THE SITE AND MAINTAINED UNTIL PERMANENT GROUND COVER IS ESTABLISHED.
2. COMPACTION OF FILL MATERIAL BETWEEN THE FRONT AND REAR BUILDING LINES IS TO BE 95% STANDARD PROCTOR AND CERTIFIED BY GEORGIA REGISTERED PROFESSIONAL SOILS ENGINEER PRIOR TO INSTALLATION OF CURB. THIS CERTIFICATION WILL BE SUBMITTED TO THE CHIEF OF DEVELOPMENT INSPECTIONS. LOTS WITH 2' OF FILL OR GREATER, AS DELINEATED ON THE CONSTRUCTION PLANS, WILL REQUIRE A COMPACTION CERTIFICATIONS PRIOR TO ISSUANCE OF BUILDING PERMITS. THE ENGINEER WILL ALSO PROVIDE A LETTER LISTING THOSE LOTS THAT REQUIRE COMPACTION CERTIFICATION. THOSE LOTS THAT REQUIRE COMPACTION CERTIFICATION WILL BE INDICATED ON THE FINAL RECORDED PLAT.
3. ANY PROPOSED SIGNS ARE TO BE PERMITTED THROUGH THE CODE ENFORCEMENT DIVISION, ENTRANCE SIGNS, MONUMENTS, AND COMMERCIAL SIGNS.
4. CONSTRUCTION TRAILERS ARE TO BE PERMITTED THROUGH THE ZONING DIVISION OF COMMUNITY DEVELOPMENT.
5. PAVEMENT TO BE STANDARD AND HEAVY DUTY PAVEMENT. SEE SITE PLAN FOR LOCATIONS OF EACH. SEE DETAILS FOR DESIGN DETAILS.
6. SITE PLAN APPROVAL DOES NOT INCLUDE TANKS OR GENERATORS. TANKS AND GENERATORS SHALL BE PERMITTED SEPARATELY AT CCFMO.
7. GATES SECURING FIRE APPARATUS ACCESS SHALL BE A MINIMUM OF 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 KNOX SWITCH AND SHALL BE APPROVED BY CCFMO.

COBB COUNTY CEMETARY PRESERVATION NOTE:

THE COBB COUNTY CEMETERY PRESERVATION COMMISSION RESERVES THE RIGHT TO EXAMINE THIS PROPERTY FOR ETHNIC, CULTURAL AND RELIGIOUS EVIDENCE LOCATED THEREIN. IF ANY ETHNIC, CULTURAL OR RELIGIOUS EVIDENCE IS FOUND DURING DEVELOPMENT, THEN THE COBB COUNTY CEMETERY PRESERVATION COMMISSION MUST BE NOTIFIED AT ONCE AT (770) 528-2035. FAILURE TO DO SO WILL RESULT IN A STOP-WORK ORDER.

COBB FIRE & EMERGENCY NOTES:

SHOW TRANSFORMER PADS NO LESS THAN 14 FEET FROM ANY DOOR, 10 FEET FROM ANY BUILDING, OVERHANGS, CANOPIES, EXTERIOR WALLS, BALCONY, EXTERIOR STAIRS, WALKWAYS OR WALL OPENINGS. (STATE MODIFICATION IFC 605.11) DISTANCE FROM BUILDING MAY BE REDUCED TO 3 FEET IF EXTERIOR IS NON-COMBUSTIBLE WALL WITH NO OPENINGS OR OVERHANGS. (AHJ)

SHOW DESIGNATED FIRE LANES TO MEET THE FOLLOWING REQUIREMENTS: BOTH SIDES OF SIGNS SHALL READ: "NO PARKING, FIRE LANE." LETTERS SHALL NOT BE LESS THAN 2 INCHES IN HEIGHT. ONE SIGN SHALL BE POSTED AT THE BEGINNING OF THE FIRE LANE AND ONE AT THE END OF THE FIRE LANE WITH SIGNS NOT MORE THAN 50 FEET APART. SIGNS SHALL NOT BE MORE THAN 4 FEET FROM THE EDGE OF CURB AND SHALL BE VISIBLE FROM BOTH DIRECTIONS OF DRIVING SURFACE. HEIGHT OF SIGN FACE AS MEASURED FROM THE BOTTOM OF THE SIGN SHALL BE A MINIMUM OF 4 FEET AND A MAXIMUM OF 7 FEET FROM GROUND LEVEL. DECORATIVE SIGNAGE MAY BE USED WITH FIRE MARSHAL'S APPROVAL. FOR LANES 20 TO 28 FEET WIDE, SIGNS AND MARKINGS WILL BE REQUIRED ON BOTH SIDES. FOR LANES 29 TO 37 FEET WIDE, SIGNS AND MARKINGS WILL BE REQUIRED ON ONE SIDE. LANE EXCESS OF 37 FEET WIDE REQUIRE NO SIGNS OR MARKINGS. CURBING OR LINEAGE DELINEATING FIRE LANES SHALL BE PAINTED RED. THE TOP AND FACE OF THE CURB SHALL BE PAINTED. THE LIFE SAFETY INSPECTOR WILL MAKE FINAL DETERMINATION OF FIRE LANES BEFORE FINAL INSPECTION IS MADE. ONE AND TWO FAMILY RESIDENTIAL OPTIONS TO ABOVE SEE 118-231 C. ABOVE REQUIREMENT MUST BE PRINTED ON SITE PLAN. SEE COBB COUNTY CODE SECTION 118-231.

SITE PLAN APPROVAL DOES NOT INCLUDE TANKS. TANKS SHALL BE PERMITTED SEPARATELY AT CCFMO. CALL 770-528-8310 TO SCHEDULE AN APPOINTMENT FOR PLAN REVIEW.

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 THE FIRE DEPARTMENT PERSONNEL FOR EMERGENCY ACCESS (KNOX SWITCH). EMERGENCY OPENING DEVICES SHALL BE APPROVED BY THE COBB COUNTY FIRE MARSHAL'S OFFICE. (COBB COUNTY DEVELOPMENT STANDARDS 401.08.02.1)

BUILDINGS ARE SPRINKLERED.

ALL STRUCTURES WILL REQUIRE A SEPARATE BUILDING PERMIT.

ALL ACCESSIBLE AREAS AND ENTITIES SHALL CONFORM TO 2010 ADA CODE.

unit count & parking approved
5/13/14

811 Know what's below. Call before you dig.

ALEXAN CITY VIEW

A MASTER PLANNED MULTI-FAMILY DEVELOPMENT
FOR
TRAMMELL CROW RESIDENTIAL
800 Mount Vernon Highway
Suite 475
Atlanta, GA 30328
770-801-3214

LAND LOT 1015, 1016 & 997
17 TH DISTRICT

COBB COUNTY GEORGIA

"WE PROVIDE SOLUTIONS"
PLANNERS AND ENGINEERS COLLABORATIVE
SITE PLANNING ■ LANDSCAPE ARCHITECTURE ■ CIVIL ENGINEERING ■ LAND SURVEYING
350 RESEARCH COURT ■ NORCROSS, GEORGIA 30092 ■ (770)451-2741 ■ FAX (770)451-3915 ■ WWW.PECATL.COM

REVISIONS:

NO	DATE	BY	DESCRIPTION

This drawing is the property of Planners and Engineers Collaborative and is not to be copied in whole or in part. It is not to be used on any other project and is to be returned upon request. © Planners and Engineers Collaborative.

SHEET TITLE
30-SCALE SITE PLAN

SCALE: 1" = 30'
DATE: MARCH 25, 2014
PROJECT: 98138.02A

THIS SEAL IS ONLY VALID IF COUNTER SIGNED AND DATED WITH AN ORIGINAL SIGNATURE.

GEORGIA REGISTERED No. 16509 PROFESSIONAL ENGINEER MICHAEL S. TWINER

GSWCC LEVEL II DESIGN PROFESSIONAL CERTIFICATION # 0000000174 EXP. 06/03/2014

SHEET 7A

OFFICIAL MINUTES OF BOARD OF COMMISSIONERS ZONING HEARING AS TO APPLICATION FOR REZONING NO. Z-64 (2013) – DECEMBER 17, 2013

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 17, 2013
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 17, 2013 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 Lisa Cupid
Commissioner Helen Goreham
Commissioner Bob Ott

Z-64 **POPE & LAND ENTERPRISES, INC.** (CBL Investors, LLC, and City View Holdings, L.P., owners) requesting Rezoning from **O&I** and **RSL** to **UVC** for the purpose of a Mixed-Use Community in Land Lots 977, 1015 and 1016 of the 17th District. Located at the southwest intersection of Cumberland Boulevard and Cobb Parkway A/K/A Highway 41. ***(Previously continued by the Board of Commissioners from their November 19, 2013 hearing)***

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

MOTION: Motion by Ott, second by Lee, to **approve** Rezoning to the **UVC** zoning district **subject to**:

- **Site plan received by the Zoning Division September 5, 2013 (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Mr. John Moore, dated October 30, 2013, including exhibits (attached and made a part of these minutes) with the following changes:**
  - **Item No. 9 on page 6, delete and replace with: *"Minor modifications to this plan may be approved by the District Commissioner, except for those that: 1) increase the density of a residential project or the overall square footage of a non-residential project; 2) reduce the size of an approved buffer adjacent to a property that is zoned the same or is more restrictive in its zoning; 3) relocate a structure closer to the property line of an adjacent property that is zoned the same or is more restrictive; 4) increase the height of a building that is adjacent to a property that is zoned the same or is more restrictive in its zoning; 5) change an access location to a different roadway."***
  - **Item No. 18 on page 7, add to the end: *"The need for additional parking spaces will be fully investigated and resolved at Plan Review, by way of a parking study and a shared parking arrangement study that will be presented at that time."***
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- ***Revised* Cobb DOT comments and recommendations (attached and made a part of these minutes)**

VOTE: **ADOPTED** unanimously

Z-64
(2013)

Min. Bk. 71 Petition No. Z-64
Doc. Type SITE PLAN
Meeting Date 12/19/13

2013 SEP -5 PM 4:05

COBB PARKWAY

CUMBERLAND BOULEVARD

PROPOSED SITE DEVELOPMENT

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†‡
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†‡
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS
WILLIAM R. WINDERS, JR.*

ANGELA H. SMITH†
JOYCE W. HARPER
CHRISTOPHER C. MINGLEDORFF*
ANGELA D. TARTLINE
CAREY E. OLSON*
CHARLES E. PIERCE*
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
TODD I. HEIRD*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER◊
ADON J. SOLOMON*
AMY L. JETT*
JEFF C. MORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON
KRISTEN C. STEVENSON*
CARLY R. FEDELE

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL ST
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1499

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-8039

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1468

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347

LOUISVILLE, KENTUCKY
9900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-5021

CHARLESTON, SOUTH CAROLINA
4900 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 552-9902

SARAH H. BEST*◊
RYAN C. EDENS*
JULIE C. PULLEN*
JODI B. LODEN*
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
MONTOYA M. HO-SANG†
TRISTAN S. MORRISON****
WILLIAM S. WARIHAY◊
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN*****
GRAHAM P. ROBERTS
DAVID J. OTTEN*
JONATHAN S. PUTRELL
JOSHUA D. ARTERS*
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
LYNDSEY J. HURST

B. CHASE ELLEBY
G. BARDIN HOOKS
DAPHNE S. WITHROW
WILLIAM W. MCGOWAN, II†-
TYLER R. MORGAN*
MARIANNA L. JABLONSKI*

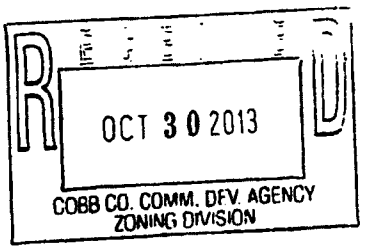
OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
**** ALSO ADMITTED IN CA
- ALSO ADMITTED IN TX
◊ ALSO ADMITTED IN AL
‡ ALSO ADMITTED IN KY
~ ALSO ADMITTED IN SC
# ALSO ADMITTED IN NC
◊ ADMITTED ONLY IN TN
◊ ADMITTED ONLY IN FL

October 30, 2013

Hand Delivered

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064



RE: Application for Rezoning - Application No. Z-64 (2013)
Applicant: Pope & Land Enterprises, Inc.
Property Owners: CBL Investors, LLC and City View Holdings, L.P.
Property: 5.843 acres located at the intersection of the southerly right-of-way of Cumberland Boulevard and the westerly right-of-way of Cobb Parkway (U.S. Highway 41), Land Lots 977, 1015, and 1016, 17th District, 2nd Section, Cobb County, Georgia

Min. Bk. 71 Petition No. Z-64
Doc. Type letter of agreeable conditions
Meeting Date 12/17/13

Dear Jason:

The undersigned and this firm represent Pope & Land Enterprises, Inc., the Applicant (hereinafter referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of 5.843 acres, more or less, located at the intersection of the southerly right-of-way of Cumberland Boulevard and the westerly right-of-way of Cobb Parkway (U.S. Highway 41), Land Lots 977, 1015, and 1016, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with planning and zoning staff, reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of

agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The proposed stipulations are as follows:

(1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.

(2) Applicant seeks rezoning of the Subject Property from the existing zoning classifications of Office Institutional ("OI") and Residential Senior Living (supportive) ("RSL") to the proposed zoning classification of Urban Village Commercial ("UVC"), site plan specific to the revised Zoning Site Plan prepared for Applicant by Hughes Good O'Leary & Ryan, dated September 5, 2013, and filed with the Application for Rezoning on that date. A reduced copy of the revised Zoning Site Plan is attached hereto as Exhibit "A" and incorporated herein by reference.

(3) The Subject Property consists of approximately 5.843 acres of total site area and shall be developed for a mixed-use development consisting of residential units, with supporting office and retail development.

I. RESIDENTIAL COMPONENT

(1) The residential component of the proposed development shall have a maximum of three hundred (300) residential leased units contained within mid-rise buildings, a maximum of eight (8) stories in height, as more particularly shown and reflected on the Zoning Site Plan. Specifics as to the units are as follows:

(i) Units shall consist of one, two, and three bedrooms;
(ii) Unit size shall range from a minimum of 700 square feet to a maximum of 1,100 square feet, and greater.

(2) The buildings comprising the proposed development shall be constructed in substantial conformity with the rendering attached hereto as Exhibit "B" and incorporated herein by reference.

Petition No. Z-64
Meeting Date 12/17/13
Continued

(3) Floor plans and finishes for the residential units shall consist, at a minimum, of the following:

(a) Enhanced corian, granite, or marble counter tops, or other solid surface materials;

(b) Minimum ceiling heights:
i) Minimum 9 feet from floor to finished ceiling and greater; and
ii) Minimum 10 feet between floors;

(c) Upscale wooden face-frame cabinetry with overlay doors;

(d) Top-of-the line appliances, stainless steel or equivalent;

(e) Extra-deep stainless steel sinks and side-by-side refrigerators/freezers as upgrades;

(f) A selection of hardwood-type flooring, high-end carpet, and tile throughout;

(g) Spacious open floor plans which eliminate the necessity for typical hallways within the units;

(h) Brushed chrome, brushed nickel, or oiled rubbed bronze bathroom and kitchen fixtures;

(i) Ceramic tile bathrooms and laundry rooms;

(j) Brushed chrome bathroom and kitchen fixtures;

(k) Spacious walk-in closets;

(l) High-speed internet wiring in all rooms of each unit;

(m) Garden tubs with showers as an upgrade;

(n) Eight (8) foot entry doors subject to fire rating;

(o) Energy-efficient construction which will exceed the Georgia Energy Code;

(p) Double-paned, insulated windows in all units; and

(q) Controlled access building and amenity areas.

(4) Parking for residents of the proposed residential development shall be within the parking deck located in the center of the overall proposed development and surface parking, as more particularly shown and reflected on the referenced Zoning Site Plan.

(5) All residents of the proposed residential community shall have access to and use and enjoyment of the amenity areas. which will include the following:

(a) Pool;
(b) Fitness center;
(c) Clubroom;
(d) Business center or internet café;
(e) Courtyards.

(6) The residents within the proposed residential community will utilize a compactor system for refuse.

(7) All residential units within the proposed residential community may be leased. The units shall be converted to "for sale" units at such time as market conditions allow as determined by the primary lending institution, at any given time, financing the subject development.

(8) During the period of time residential units shall be leased, and prior to conversion to "for sale" units, all residential units hall be subject to the Cobb County Condominium Ordinance, as more particularly set forth in the Cobb County Zoning Ordinance; and shall not be subject to the Georgia Condominium Act.

(9) However, upon conversion of the units to "for sale" condominium units, the units shall be made subject to the Georgia Condominium Act and shall comply in all respects therewith. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of the units to "for sale" units. Upon such conversion, Applicant agrees to the recording and enforcement of a

Declaration of Condominium which shall contain covenants, rules, and regulations applicable to the proposed residential condominium community.

(10) Additionally, and in conjunction with the submission of the community to the Georgia Condominium Act, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the entrance areas, all common areas, amenity areas, and the like, contained within the residential condominium community.

(11) Upon conversion of the units to "for sale" units, there shall be established a restrictive covenant which limits the number of units which can be leased or rented at any one time to a maximum of ten (10) percent of the total number of units, or as allowed by any federal agency.

II. OFFICE AND RETAIL COMPONENT

(1) The office and retail component of the proposed development shall consist of approximately 10,000 square feet which will include the business centers for the development.

(2) Parking for tenants and customers of the proposed office and retail establishments shall be within designated areas of the parking deck and surface parking.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

(1) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, and the like contained within the overall development.

(2) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage for

individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.

(3) The entrance to the proposed development shall be as more particularly shown and reflected on the referenced Zoning Site Plan.

(4) Entrance signage for the proposed overall development shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components. The location of the entrance signage shall be as more particularly shown and reflected on the referenced Zoning Site Plan.

(5) The entrance area, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process.

(6) Surface lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the overall development.

(7) Additionally, hooded security lighting shall be utilized on the exteriors of the buildings and parking deck areas.

(8) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.

(9) Minor modifications to the within stipulations and the referenced Zoning Site Plan may be approved by the District Commissioner, as needed or necessary.

(10) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

(11) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

(12) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

(13) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.

(14) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

(15) Detention/retention facilities for the proposed development shall be located underground, with possible above-ground water quality facilities, or provided off-site. Any and all detention and/or retention facilities shall comply with all Cobb County Stormwater Management requirements; as well as the requirements of the Metropolitan River Protection Act as approved by the Atlanta Regional Commission.

(16) All utilities for the proposed overall development shall be located underground.

(17) As to the overall development, there shall be "zero lot lines" among the various components within the development so as to allow for the free flow of access, parking, and the like.

(18) There shall be a maximum of four hundred sixty-eight (468) parking spaces within the proposed parking deck and surface parking areas. The overall parking shall consist of four hundred fifty (450) residential spaces and eighteen (18) retail and office spaces.

We believe the requested zoning, pursuant to the Zoning Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed is an exciting project which fits together a mixed-use development in an area of Cobb County which is perfectly situated for that type of development. The overall community shall be of the highest quality, shall be

Petition No. Z-64
Meeting Date 12/17/13
Continued

compatible with surrounding retail developments, businesses, and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

John H. Moore

JHM:cc
Attachments
c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
Helen C. Goreham
Robert J. Ott
JoAnn Birrell
Lisa N. Cupid
(With Copies of Attachments)

Cobb County Planning Commission
Mike Terry, Chairman
Judy Williams
Christi S. Trombetti
Robert Hovey
Galt Porter
(With Copies of Attachments)

Pope & Land Enterprises, Inc.
(With Copies of Attachments)

Trammell Crow Residential
(With Copies of Attachments)

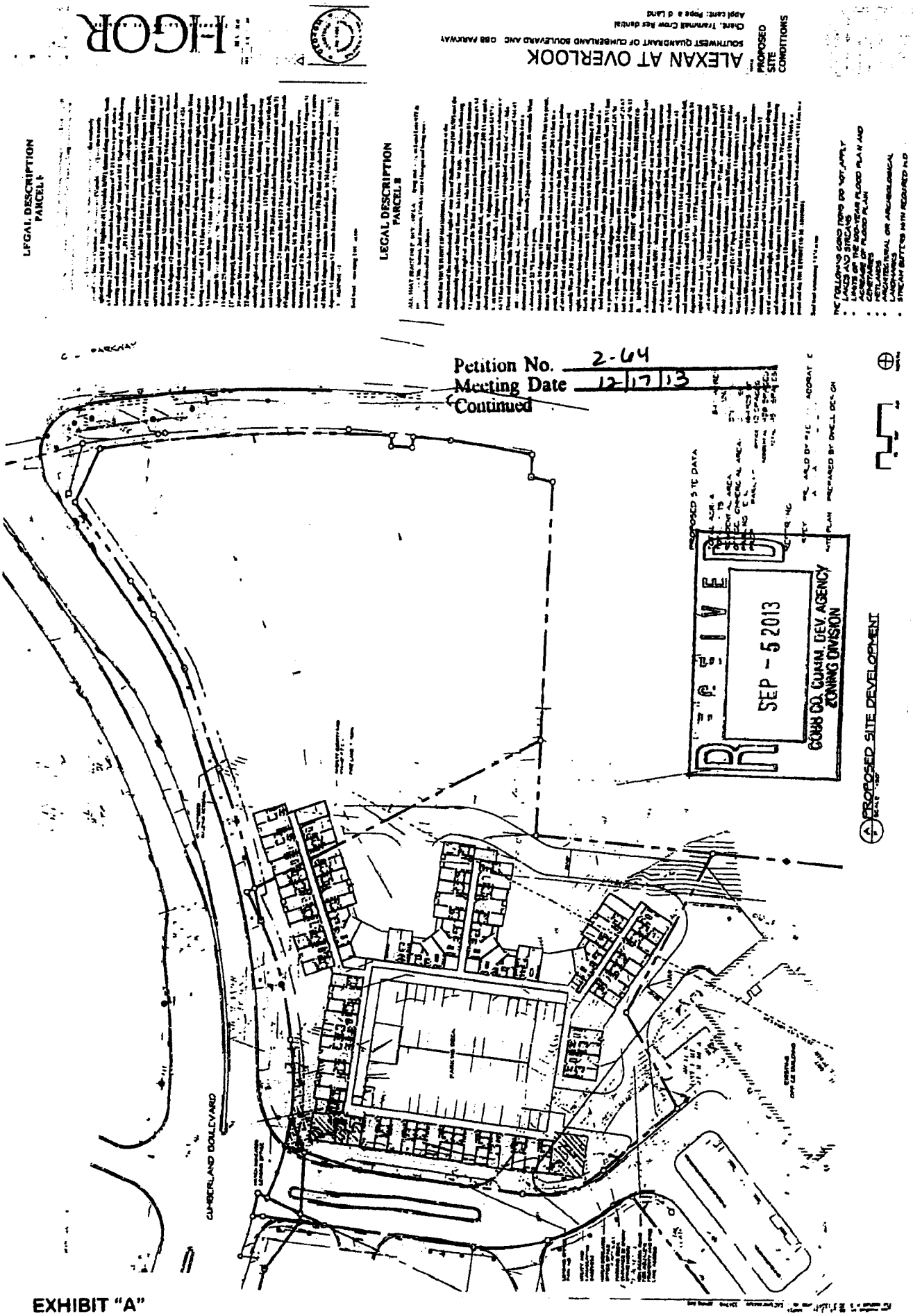

ALEXAN AT OVERLOOK
SOUTHWEST QUADRANT OF CUMBERLAND BOULEVARD AND I-285 PARKWAY
PROPOSED SITE CONDITIONS
LEGAL DESCRIPTION PARCEL I
LEGAL DESCRIPTION PARCEL II
Petition No. 2-64
Meeting Date 12/17/13
Continued
RECEIVED
SEP - 5 2013
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION
PROPOSED SITE DEVELOPMENT
CUMBERLAND BOULEVARD

EXHIBIT "A"

Petition No. 2-64
Meeting Date 12/17/13
Continued

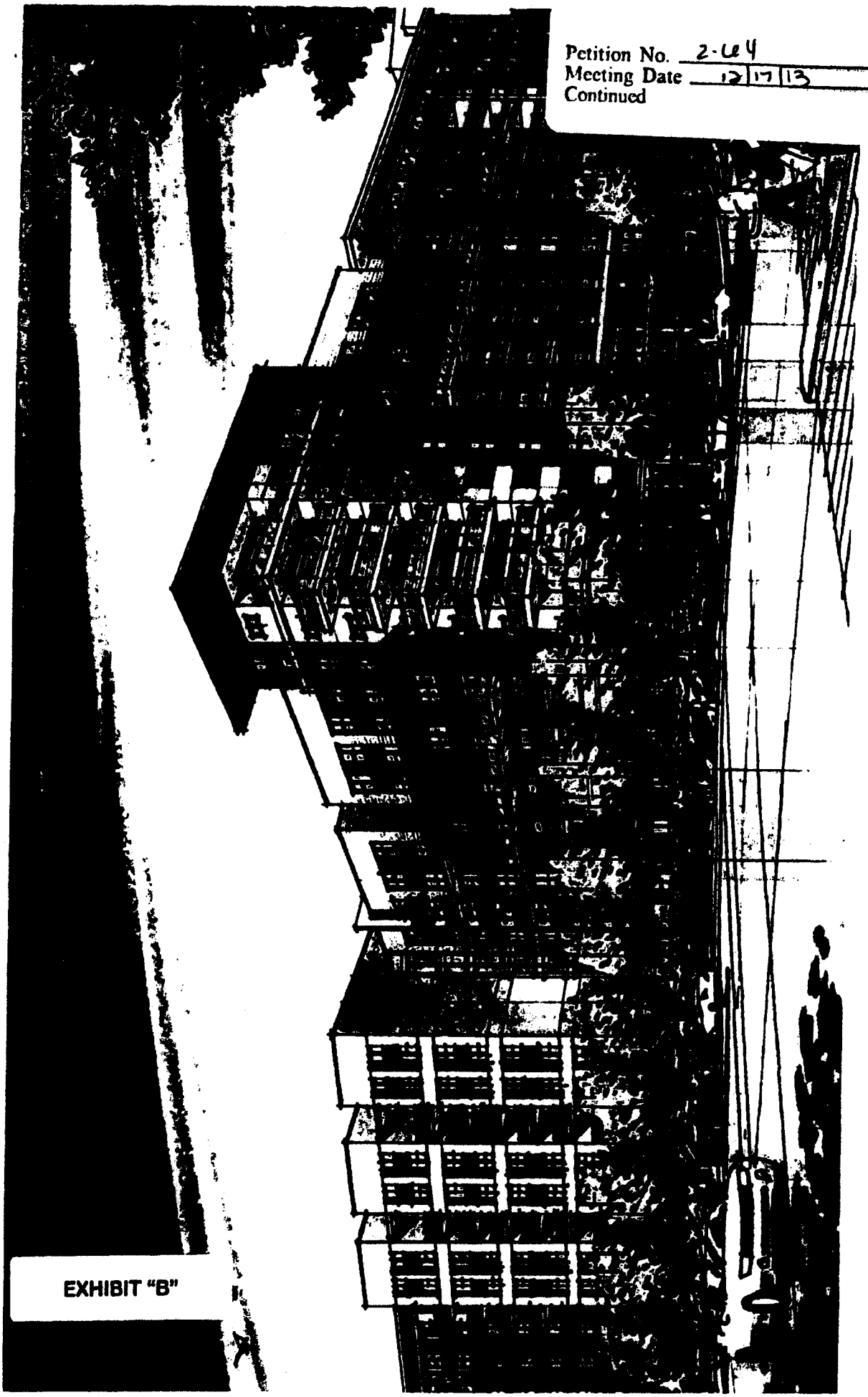


EXHIBIT "B"

!

APPLICANT: Pope & Land Enterprises, Inc. **PETITION NO.:** Z-64

PRESENT ZONING: O&I, RSL **PETITION FOR:** UVC

* *

TRANSPORTATION COMMENTS [redacted]

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
Cumberland Blvd	10,700	Arterial	35 mph	Cobb County	100'
Cobb Parkway	28,600	Arterial	45 mph	Georgia DOT	100'

Cbt f e! po! 3118! usbggj d! dpvouj oh! ebub! ubl f o! cz! Dpcc! EPU!) Dvnc! smboe! Qpvn! wbse*!
Cbt f e! po! 3116! usbggj d! dpvouj oh! ebub! ubl f o! cz! Dpcc! EPU!) Dpcc! Qbs! xbz*!
!

Min. Bk. 21 Petition No. Z-64
Doc. Type revised DOT comments
Meeting Date 12/17/13

COMMENTS AND OBSERVATIONS

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

Cobb Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

RECOMMENDATIONS

Recommend Georgia DOT permits for all work that encroaches upon State right-of-way.

Recommend curb, gutter, and sidewalk along Cobb Parkway frontage.

Recommend Developer coordinate with Georgia DOT regarding Cobb Parkway widening project.

Recommend FAA study.

Recommend no new access to Cumberland Boulevard.

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

PORTION OF STORMWATER MANAGEMENT COMMENTS FROM DECEMBER 2013 ZONING ANALYSIS BOOK AS TO APPLICATION FOR REZONING NO. Z-64 (2013)

APPLICANT: Pope & Land Enterprises, Inc. **PETITION NO.:** Z-64

PRESENT ZONING: O&I, RSL **PETITION FOR:** UVC

****

STORMWATER MANAGEMENT COMMENTS – Continued

REVISED 10/21/13

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 _____ 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.

INSUFFICIENT INFORMATION

- ☐ No Stormwater controls shown _____
- ☐ Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. Detention and water quality are proposed to be provided in an underground stormwater management facility. Unless easement agreements are obtained from the downstream property owners, the facility must discharge to the existing stormwater system in the Cumberland Boulevard right-of-way. Design peak discharges may be limited by the existing system capacity. These issues must be addressed in Plan Review.
2. The southeast portion of this site is located within the Chattahoochee River Corridor and will be subject to the requirements of the Metropolitan River Protection Act.