

**OCTOBER 21, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-61

PURPOSE

To consider amending the site plan and the stipulations for Greenstone Ventures, Inc. regarding zoning application Z-48 of 1994 (P.C. Thompson), for property located on the easterly side of Cumberland Boulevard at its intersection with Cobb Galleria Parkway, south of I-75 in Land Lots 1014, 1015, 1026 and 1027 of the 17th District.

BACKGROUND

The subject property was rezoned in 1994 to Regional Retail Commercial (RRC) as part of a mixed use development, which was amended in 2001 for a mid-rise office building. The applicant seeks to amend the site plan in order to place their office development on the property. The proposed building would be ten stories in height with a glass exterior. There would be a five level parking deck under the building. The applicant has also reduced the number of curb cuts from two curb cuts to one curb cut on Cumberland Boulevard. The applicant has submitted an eighteen paragraph stipulation letter which is attached for review. If approved, all previous zoning stipulations would remain in effect.

RECOMMENDATION

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

STAFF COMMENTS

Cobb DOT: Recommend developer provide 100% funding for all traffic signal upgrades for the driveway at the intersection of Cumberland Blvd and Cobb Galleria Pkwy. Recommend a deceleration lane for the Cumberland Blvd access. Recommend a FAA Study. Recommend GDOT permits for all work that encroaches upon State right-of-way.

ATTACHMENTS

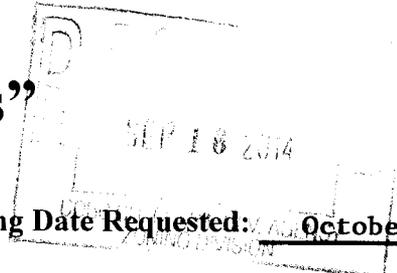
Other Business application and stipulations.

(Site Plan and Stipulation Amendment)

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: October 21, 2014



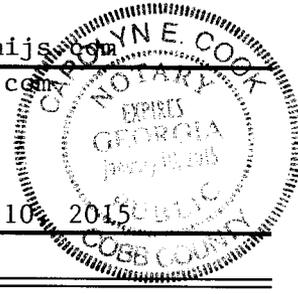
OB-61

Applicant: Greenstone Ventures, Inc. Phone #: (678) 589-7608
(applicant's name printed)

Address: Suite 320, 3301 Windy Ridge Parkway, Atlanta, GA 30339 **E-Mail:** radamson@greenstone-properties.com
Moore Ingram Johnson & Steele, LLP

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@mijsw7.com
(representative's signature) Georgia Bar No. 519800



Signed, sealed and delivered in presence of:
[Signature] My commission expires: January 10, 2015
Notary Public

Titleholder(s): I-75 Cumberland, LLC Phone #: (404) 252-4506
(property owner's name printed)

Address: 50 Cates Ridge, Atlanta, GA 30327 **E-Mail:** EL_Shell@msn.com

See Attached Exhibit "A" for Signature of Titleholder's Representative
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-48 (1994)

Date of Zoning Decision: 05/17/1994 **Original Date of Hearing:** 05/17/1994
OB - 02/22/2001

Location: Easterly side of Cumberland Boulevard at its intersection with Cobb Galleria
(street address, if applicable; nearest intersection, etc.) Parkway; south of I-75

Land Lot(s): 1014, 1015, 1026, 1027 **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)

(Site Plan and Stipulation Amendment)
Exhibit "A" to

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: October 21, 2014

SEP 16 2014

~~Applicant: _____ Phone #: _____~~

~~(applicant's name printed)~~

~~Address: _____ E-Mail: _____~~

~~_____ Address: _____~~

~~(representative's name, printed)~~

~~_____ Phone #: _____ E-Mail: _____~~

~~(representative's signature)~~

Signed, sealed and delivered in presence of:

My commission expires: _____

~~Notary Public~~

Titleholder(s): I-75 CUMBERLAND, LLC Phone #: 404-252-4506

(property owner's name printed)

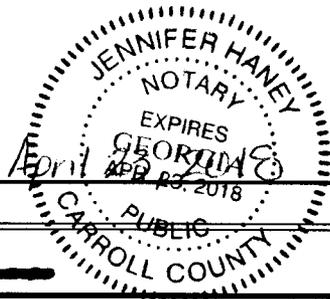
Address: 50 CATES RIDGE, ATLANTA, GA 30327 E-Mail: EL_SHELL@MSN.COM

(Property owner's signature) EARL L. SHELL, JR. AS SOLE MEMBER OF I-75 CUMBERLAND, LLC

Signed, sealed and delivered in presence of:

Jennifer Haney My commission expires: April 2018

Notary Public



~~Commission District: _____ Zoning Case: _____~~

Date of Zoning Decision: _____ Original Date of Hearing: _____

Location: _____

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

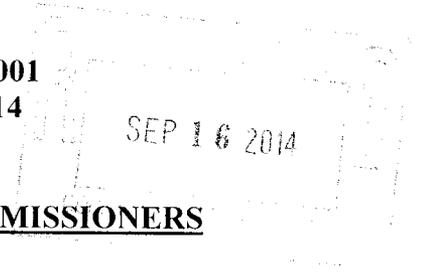
Land Lot(s): _____ District(s): _____

State specifically the need or reason(s) for Other Business: _____

(List or attach additional information if needed)

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

Application No.: Z-48 (1994)
Original Hearing Date: May 17, 1994
Date of Original Zoning Decision: May 17, 1994
Date of "Other Business" Zoning Decision: February 22, 2001
Current Hearing Date: October 21, 2014



BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Greenstone Ventures, Inc.
Titleholder: I-75 Cumberland, LLC
a Georgia limited liability company

On May 17, 1994, the Cobb County Board of Commissioners approved the rezoning of an approximate 21.454 acre tract located on the easterly side of Cobb Parkway, south of Akers Mill Road to the Regional Retail Commercial ("RRC") zoning category. In 2001, an Application for Site Plan and Stipulation Amendment was filed as to a 5.590 acre tract, which was a portion of the property in the original Application for Rezoning. The property for consideration in the amendment is the same property presented in this instant Application for "Other Business," and is located on the easterly side of Cumberland Boulevard at its intersection with Cobb Galleria Parkway, south of Interstate 75, Land Lots 1014, 1015, 1026, and 1027, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property").

Greenstone Ventures, Inc., as Applicant in this Application for "Other Business" (hereinafter "Applicant") seeks to amend the previously approved site plan and stipulations by deleting same applicable to the Subject Property in their entirety and substituting in lieu thereof the following:

- (1) Applicant seeks approval of the Site Plan dated September 11, 2014, prepared for Applicant by Hughes Good O'Leary & Ryan, specific as to the development of the Subject Property. A reduced copy of the Site Plan as to the Subject Property is attached hereto as Exhibit "1" for ease of review and incorporated herein by reference.
- (2) Applicant seeks to amend the stipulations applicable to the Subject Property which are more particularly set forth in the letter dated January 18, 2001, for Application for Site Plan and Stipulation Amendment, and adopted as the agreeable stipulations and conditions of development by the Board of Commissioners on February 22, 2001, by deleting said stipulations in their entirety and inserting in lieu thereof the following:
 - (1) The Property is a 5.590 acre tract. Applicant seeks development of the Property for an office tower, including an underground parking deck and surface parking, site plan specific to the Site Plan dated September 11, 2014, prepared by Hughes good O'Leary & Ryan and submitted with this Application for "Other Business."

- (2) The office tower shall consist of a maximum of ten (10) stories containing approximately 250,000 square feet.
- (3) Parking for tenants of the proposed office tower shall be accomplished by providing a parking deck underneath the tower, having a maximum of five (5) levels of available parking spaces.
- (4) Surface parking for the office tower shall be as shown and reflected on the referenced Site Plan.
- (5) The exterior finish of the proposed office tower shall consist of glass, concrete, and steel, or combinations thereof.
- (6) Detention for the overall development shall be as agreed between Cobb County Stormwater Management and the Applicant.
- (7) The entrance to the proposed office tower shall be at the signalized intersection of Cumberland Boulevard and Cobb Galleria Parkway, as more particularly shown and reflected on the referenced Site Plan.
- (8) Entrance signage for the proposed development shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the office tower. Such signage shall contain no flashing sign components.
- (9) 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 during the plan review process.
- (10) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the office tower.
- (11) Additionally, hooded security lighting shall be utilized on the exterior of the building and throughout the walkways, surface parking areas, and parking deck areas.
- (12) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of the overall square footage of the development;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;

- (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or
 - (e) Change an access location to a different roadway.
- (13) 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.
 - (14) 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.
 - (15) 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.
 - (17) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
 - (18) All utilities for the proposed development shall be located underground.

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the development of the constructed as a result of the original rezoning in 1994. If the requested amendments for the Site Plan and stipulations are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

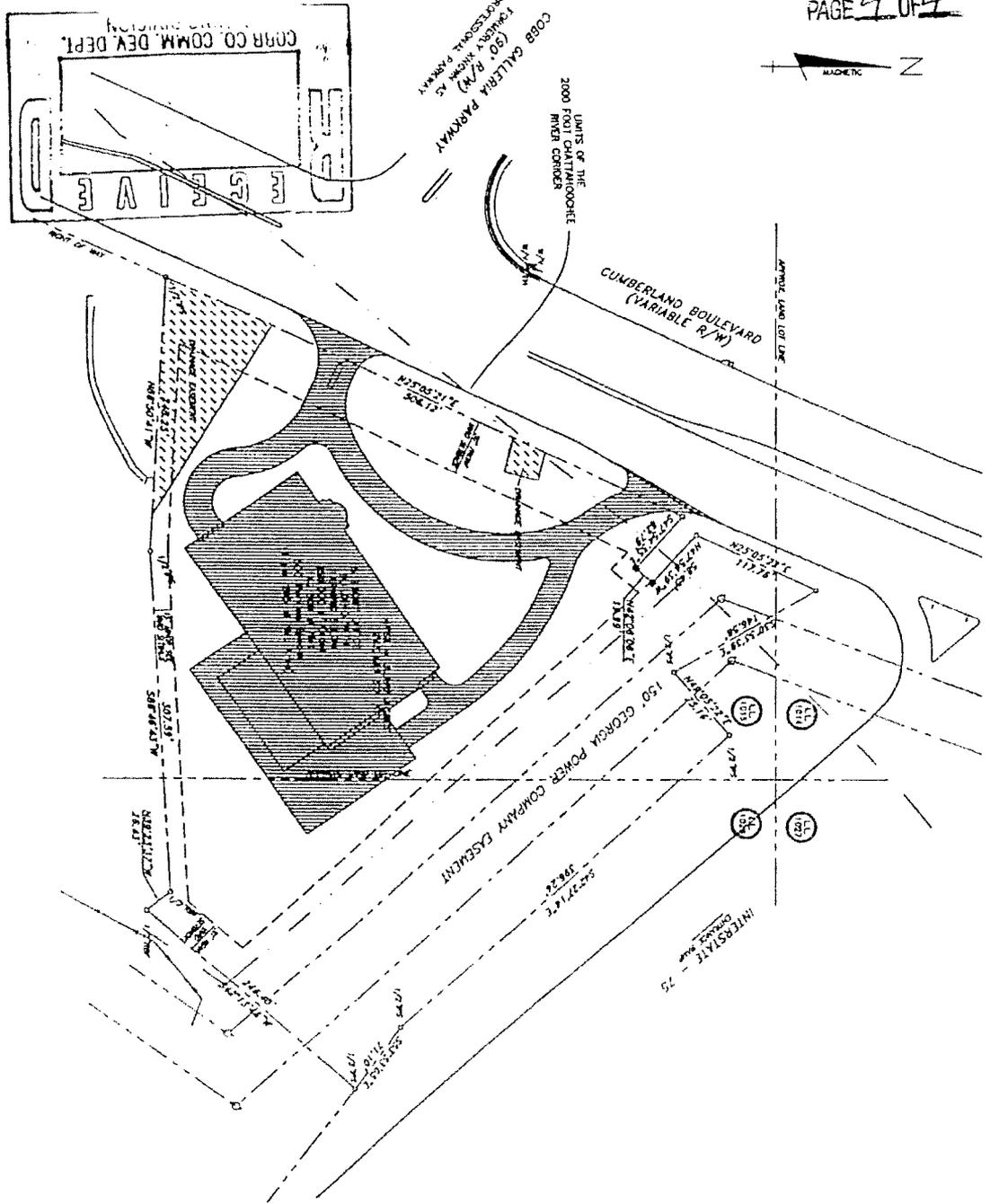
Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on May 17, 1994, as to the original rezoning of the overall property, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

**SITE PLAN APPROVED FOR
SUBJECT PROPERTY BY
BOARD OF COMMISSIONERS PURSUANT
AMENDMENT TO Z-48 (1994) –
FEBRUARY 22, 2001**

O.B. Item #5

Min. Bk. 16 Petition No. Z-48 of 1994
Doc. Type Site Plan (authorizing 15' setback on southern property line)
Meeting Date February 22, 2001

PAGE 4 OF 4



STORM WATER RUNOFF WILL BE CONTROLLED AND DETAINED IN ACCORDANCE WITH COBB COUNTY REGULATIONS

04 SITE PLAN
SCALE: 1"=30'



METRO ENGINEERING AND SURVEYING CO., INC.
CANTON/7884 AIRPORT
116 S. GLENWOOD ROAD
HUNTSVILLE, GA 35893



Cumberland Blvd.
COBB COUNTY GEORGIA

Table with columns for 'No.', 'Date', 'Description', and 'Checked by'. Includes a signature line for 'Prepared by' and 'Checked by'.

RTKL
ARCHITECTS
PLANNERS
ENGINEERS

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING,
AND APPROVED SITE PLAN FOR
OVERALL DEVELOPMENT,
AS TO APPLICATION FOR REZONING
NO. Z-48 (1994) – MAY 17, 1994**

Application for Rezoning
Cobb County

(type or print clearly)

Application No. 2-48
Hearing Date: 5-3 + 5-17
1994

Applicant P.C. Thompson Business Phone 901-8800 Home Phone _____
c/o Dow, Lohnes & Albertson
P.C. Thompson Address One Ravinia Drive, Suite 1600
Atlanta, GA 30346

(representative's name, printed)
P.C. Thompson Business Phone 901-8800
(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public, Fulton County, Georgia
My Commission Expires April 11, 1994

[Signature]
Notary Public My commission expires: _____

Titleholder _____ Business Phone NA Home Phone 233-1140

Signature [Signature] Address 364 Valley Rd, Atlanta, GA 30305
(attach additional signatures, if needed) Gayle England Kennedy, co-trustee of the

Signed, sealed and delivered in presence of: Estate of A. Thornton Kennedy, Deceased

[Signature]
Notary Public My commission expires: _____
Notary Public, Gwinnett County, Georgia
My Commission Expires Feb. 11, 1995

Zoning Request From OI to RRC

For the Purpose of Retail & Restaurant Size of Tract 21.454 Acre(s)

(subdivision, restaurant, warehouse, apt., etc.)
Location U.S. 41 (Cobb Pkwy), south of Akers Mill Rd at the proposed Kennedy Pkwy Inters.

(street address, if applicable; nearest intersection, etc.)
Land Lot(s) 1014, 1015, 1016, 1026 District 17th, 2nd Section

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any, they are as follows:
To the best of my knowledge no archeological and/or architectural landmark exist. If
further investigations are necessary we will employ the services of Garrow & Associates
for the appropriate studies.

[Signature]
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any, they are as follows:
To the best of my knowledge no cemetery exists on the site.

[Signature]
(applicant's signature)

Application for Rezoning
Cobb County

(type or print clearly)

page 2 PAGE 11 OF

Application No. 248
Hearing Date: 5/3+5/12

Applicant P.C. Thompson Business Phone 901-8800 Home Phone 1994

P.C. Thompson Address c/o Dow, Lohnes & Albertson
One Ravinia Drive, Suite 1600
Atlanta, GA. 30346

(representative's name printed) Business Phone 901-8800
(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public, Fulton County, Georgia
My Commission Expires April 11, 1994
My commission expires:

Notary Public

Titleholder Business Phone 607-4535 Home Phone NA

Signature Jon G. White Address NationsBank Plaza, Suite 800, 600 Peachtree
(attach additional signatures, if needed) Atlanta 30308
Jon G. White, Senior Vice President

Signed, sealed and delivered in presence of: NationsBank of Georgia, N.A., co-trustee of the
Estate of A. Thornton Kennedy, Deceased

Notary Public, Cinnnet County, Georgia
My Commission Expires Feb. 17, 1995
My commission expires:

Zoning Request From 01 to RRC

For the Purpose of Retail & Restaurant (present zoning) Size of Tract 21.454 Acre(s) (proposed zoning)

Location U.S. 41 (Cobb Pkwy), south of Akers Mill Rd. at the proposed Kennedy Pkwy Inters.
(subdivision, restaurant, warehouse, apt, etc.)

Land Lot(s) 1014,1015,1016,1026 District 17th, 2nd Section
(street address, if applicable; nearest intersection, etc.)

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any, they are as follows:
To the best of my knowledge no archeological and/or architectural landmark exist. If further investigations are necessary we will employ the services of Garrow & Associates for the appropriate studies.

(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. hereby certify that there is/is not such a cemetery. If any, they are as follows:
To the best of my knowledge no cemetery exists on the site.

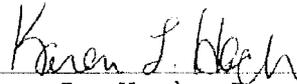
(applicant's signature)

ORIGINAL DATE OF APPLICATION: 5-17-94

APPLICANT'S NAME: P. C. THOMPSON

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 5-17-94: The Board of Commissioners approved application subject to: 1) so as to address environmental concerns and per applicant's agreeable statement made at public hearing, any water leaving the site is to be clean water (free of pollutants and debris); 2) owner/developer required to provide detention and to control site stormwater discharges so as not to exceed the capacity of downstream storm drainage systems; 3) project subject to the Metropolitan River Protection Act; 4) 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: The owners of the property are participating in the ongoing negotiations for donation of right-of-way and required easements necessary for the professional parkway and Kennedy Interchange; however, the exact dimensions of that donation and corresponding improvements have not yet been finalized. When finalized, the Development Agreement is to be presented to the Board of Commissioners for approval. Motion by Wysong, second by Poole, carried 5-0.


Karen L. Hach, Deputy County Clerk
Cobb County Board of Commissioners

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO SITE PLAN AND STIPULATION
AMENDMENT TO APPLICATION FOR
REZONING Z-48 (1994) –
FEBRUARY 22, 2001**

ORIGINAL DATE OF APPLICATION: 05-17-94APPLICANTS NAME: P.C. THOMPSON

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS

BOC DECISION OF 02-22-01 ZONING HEARING:

**OTHER BUSINESS ITEM #5 – TO CONSIDER APPROVAL OF A SITE PLAN
FOR FIVE KINGS, INC. REGARDING Z-48 (P.C. THOMPSON) OF MAY 17,
1994**

To consider approval of a site plan for Five Kings, Inc. regarding Z-48 (P.C. Thompson) of May 17, 1994, for property located on the easterly side of Cumberland Boulevard at its intersection with Cobb Galleria Parkway, south of I-75 in Land Lots 1014 and 1015 of the 17th District.

Mr. Mark Danneman, Zoning Division Manager, provided information to the Board regarding applicant's request for site plan approval. Following Mr. Danneman's presentation, the following motion was made:

MOTION: Motion by J. Thompson, second by Byrne, to **approve** site plan for Five Kings, Inc. regarding Z-48 (P.C. Thompson) of May 17, 1994, for property located on the easterly side of Cumberland Boulevard at its intersection with Cobb Galleria Parkway, south of I-75 in Land Lots 1014 and 1015 of the 17th District **as follows**:

- **approve** site plan as submitted for a five (5) story office building and **authorize** a 15' foot setback along the southern property line as indicated on the site plan (Copy of site plan is attached and made a part of these minutes.)
- **direct** owner/applicant to submit request for review to the Atlanta Regional Commission (ARC) and obtain approval of a Development Certificate from the Board of Commissioners prior to any permits being issued

VOTE: **ADOPTED** unanimously

