

(Site Plan and Stipulation Amendment)
Application for "Other Business"
Cobb County, Georgia

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

BOC Hearing Date Requested: May 17, 2016

Applicant: Walton Communities, LLC Phone #: (678) 303-4100
(applicant's name printed)

Address: 2181 NewMarket Parkway, Marietta, GA 30067 **E-Mail:** dknight@waltoncommunities.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@mijs.com
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:

[Signature]
Notary Public

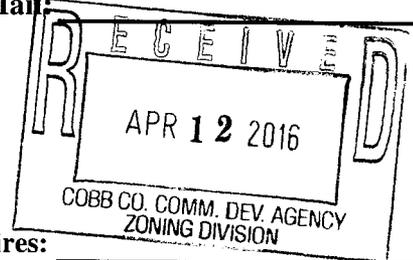
My commission expires: January 10, 2019



Titleholder(s): _____ Phone #: _____
(property owner's name printed)

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:

Notary Public

My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-61 (2005); Z-62 (2005)

Size of property in acres: 16.2223± **Original Date of Hearing:** 04/19/2005

Location: Northwesterly corner of Cumberland Boulevard and Cobb Parkway;
Southwesterly corner of Riverwood Parkway and Cobb Parkway
(street address, if applicable; nearest intersection, etc.)

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

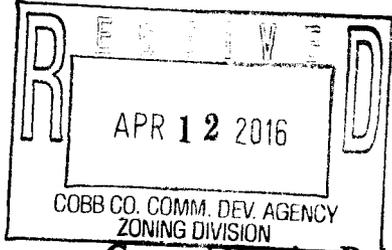
State specifically the need or reason(s) for Other Business: _____

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)) July 16, 2013 (Z-61 (2005) and Z-62 (2005))
Current Hearing Date:	May 17, 2016



Applicant: Walton Communities, LLC
Property Owners: TI Riverwood / Outparcels, LLC;
Riverwood Apartments Master, LLC;
~~XXXXXXXXXXXX~~
Highwoods Realty Limited Partnership; and
Bayrock Investment Co.

TI RIVERWOOD / OUTPARCELS, LLC
a Georgia Limited Liability Company

BY: TI Riverwood, LLC
a Georgia limited liability company,
its Sole Member

BY: 
NAME: L.B. TEAGUE
TITLE: Managing Member

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

Telephone No.: (678) 303-4100

Signed, sealed, and delivered in the presence of:

Megan Collins
Notary Public
Commission Expires: April 25, 2017

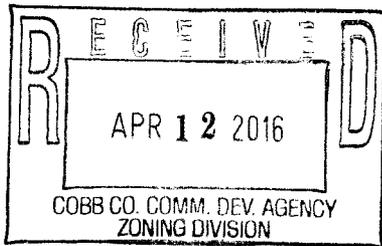
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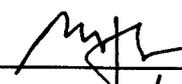
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Applicant: Walton Communities, LLC
Property Owners: TI Riverwood / Outparcels, LLC ;
Riverwood Apartments Master, LLC;
~~_____~~
Highwoods Realty Limited Partnership; and
Bayrock Investment Co.



RIVERWOOD APARTMENTS MASTER, LLC,
a Delaware limited liability company

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

BY: 
NAME: L. B. TEAGUE
TITLE: 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

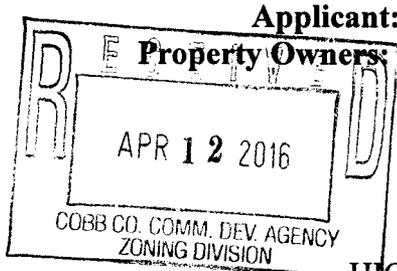
Commission Expires: April 25, 2017

[Notary Seal]



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Applicant: Walton Communities, LLC
Property Owners: TI Riverwood / Outparcels, LLC ;
Riverwood Apartments Master, LLC;
Highwoods Realty Limited Partnership; and
Bayrock Investment Co.

HIGHWOODS REALTY LIMITED PARTNERSHIP
a North Carolina limited liability company

BY: Highwoods Properties, Inc.,
a Maryland corporation,
its General Partner

BY: _____
NAME: _____
TITLE: _____

Address: Highwoods Realty Limited Partnership

Telephone No.: () _____

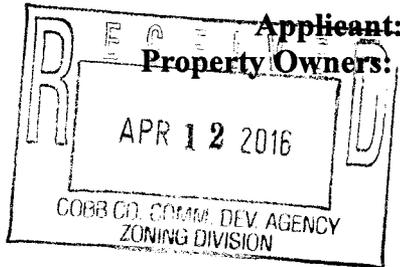
Signed, sealed, and delivered in the presence of:

Notary Public
Commission Expires: _____

[Notary Seal]

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Applicant: Walton Communities, LLC
Property Owners: TI Riverwood / Outparcels, LLC ;
Riverwood Apartments Master, LLC;
Highwoods Realty Limited Partnership; and
Bayrock Investment Co.

BAYROCK INVESTMENT CO.,
a North Carolina general partnership

BY: Bayrock Investment Co., LLC,
a Nevada limited liability company,
as Managing General Partner

BY: _____
NAME: _____
TITLE: _____

Address: Bayrock Investment Co.

Telephone No.: () _____

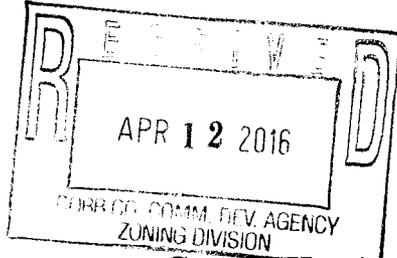
Signed, sealed, and delivered in the presence of:

Notary Public
Commission Expires: _____

[Notary Seal]

EXHIBIT "B" - 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
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	July 16, 2013 (Z-61 (2005) and Z-62 (2005))
Current Hearing Date:	May 17, 2016



Applicant: **Walton Communities, LLC**
Property Owners: **TI Riverwood / Outparcels, LLC;**
Riverwood Apartments Master, LLC;
Highwoods Realty Limited Partnership; and
Bayrock Investment Co.

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 "Riverwood"). 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 Riverwood was rezoned under Application No. Z-62 (2005) and encompassed approximately 5.726 acres located on the southerly side of Riverwood Parkway, the easterly side of Cumberland Boulevard, and the westerly side of Cobb Parkway, 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, and filed September 20, 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." A copy of the last amended Master Site Plan for Riverwood is attached hereto as Exhibit "1" 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."

Walton Communities, LLC, as Applicant in this Application for "Other Business" (hereinafter "Applicant"), proposes amendments to Parcels "B," "C," "E," and "F" located at the southernmost section of Riverwood, on the northerly and northeasterly side of Cumberland Boulevard with the intersection of the westerly side of Cobb Parkway (hereinafter the "Property" or the "Subject 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 July 16, 2013, 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, last revised April 12, 2016, prepared for Applicant by Doulgerakis Consulting Engineers, Inc. which depicts the revisions for development of the Subject Property. This Master Site Plan, 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, revised Master Site Plan Amendment noted as Exhibit "2" for ease of reference.
- (2) All prior stipulations applicable to Parcels "B," "C," "E," and "F" only concerning use, square footage, access, landscaping, and the like, are deleted in their entirety and the stipulations following shall replace same in their entirety.

AMENDMENTS RELATING TO THE SUBJECT PROPERTY
(PARCELS "B," "C," "E," AND "F")

- (3) The Subject Property is 2.793 acres, more or less, and shall be developed for use as the Cobb County campus of Passion City Church.
- (4) Development of the Subject Property shall be as follows:
 - (a) Main campus structure, a maximum of four (4) stories in height containing approximately 186,972 square feet; which shall include, but not be limited to, an auditorium for seating up to 3,500 people, and a theatre for seating up to 600 people;
 - (b) Educational building which shall be used for educational and offices purposes related to the Church;
 - (c) Two level sub-surface parking deck containing a minimum of three hundred (300) parking spaces; as well as limited plaza parking; and
 - (d) A restaurant and a café/coffee shop for use by Church members and attendees; as well as the Riverwood residents and office personnel.
- (5) The exterior finishes for the campus buildings shall be as more particularly shown and reflected on the rendering attached hereto as Exhibit "3" and incorporated herein by

reference. All structures shall be complementary to, and compatible with, the existing Riverwood development.

- (6) Access to the proposed Church campus shall be as follows:
 - (a) Two (2) right-in/right-out access points on Cumberland Boulevard, as more particularly shown and reflected on the revised Master Site Plan submitted herewith;
 - (b) Deceleration lane at the entrance areas on Cumberland Boulevard; and
 - (c) Access to surface and staff parking; as well as a private entrance and exit shall be via Walton Riverwood Lane.
- (7) Entrance signage for the proposed Church shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the Church buildings and overall Riverwood development. Such signage shall contain no flashing sign components.
- (8) The entrance areas, together with all islands and planted areas, plaza area, and buffer areas along Cumberland Boulevard and Cobb Parkway shall be professionally designed, landscaped, and maintained. Landscaping shall be substantially similar to that as more particularly shown and reflected on the Conceptual Landscape Plan dated April 12, 2016. A copy of the Landscape Plan is attached hereto as Exhibit "4" and incorporated herein by reference. All landscape areas described herein shall be subject to approval by Staff during the Plan Review Process.
- (9) The Church will provide for shared parking agreements with the owners of the Riverwood 100 and Riverwood 200 parking decks, which would provide for approximately 2,000 parking spaces for Sunday services. A true and correct copy of the letter evidencing the agreement is attached hereto as Exhibit "5" and incorporated herein by reference.
- (10) Lighting for the proposed Church campus shall be environmentally sensitive, decorative, and themed to the architecture and style of the buildings.
- (11) Additionally, hooded security lighting shall be utilized on the exterior of the buildings and throughout the walkways, surface parking areas, and parking deck areas.
- (12) The uses sought for development of the Subject Property shall be for Church and related Church educational, recreational, and ministerial activities and no daycare, pre-school, or private school type uses are included.
- (13) Minor modifications to the within stipulations, the referenced, revised Master 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.
- (14) 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.
- (15) 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.
- (16) All utilities for the proposed development shall be located underground.
- (17) Detention for the Subject Property shall be in accordance with Cobb County Stormwater Management standards and regulations.

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.

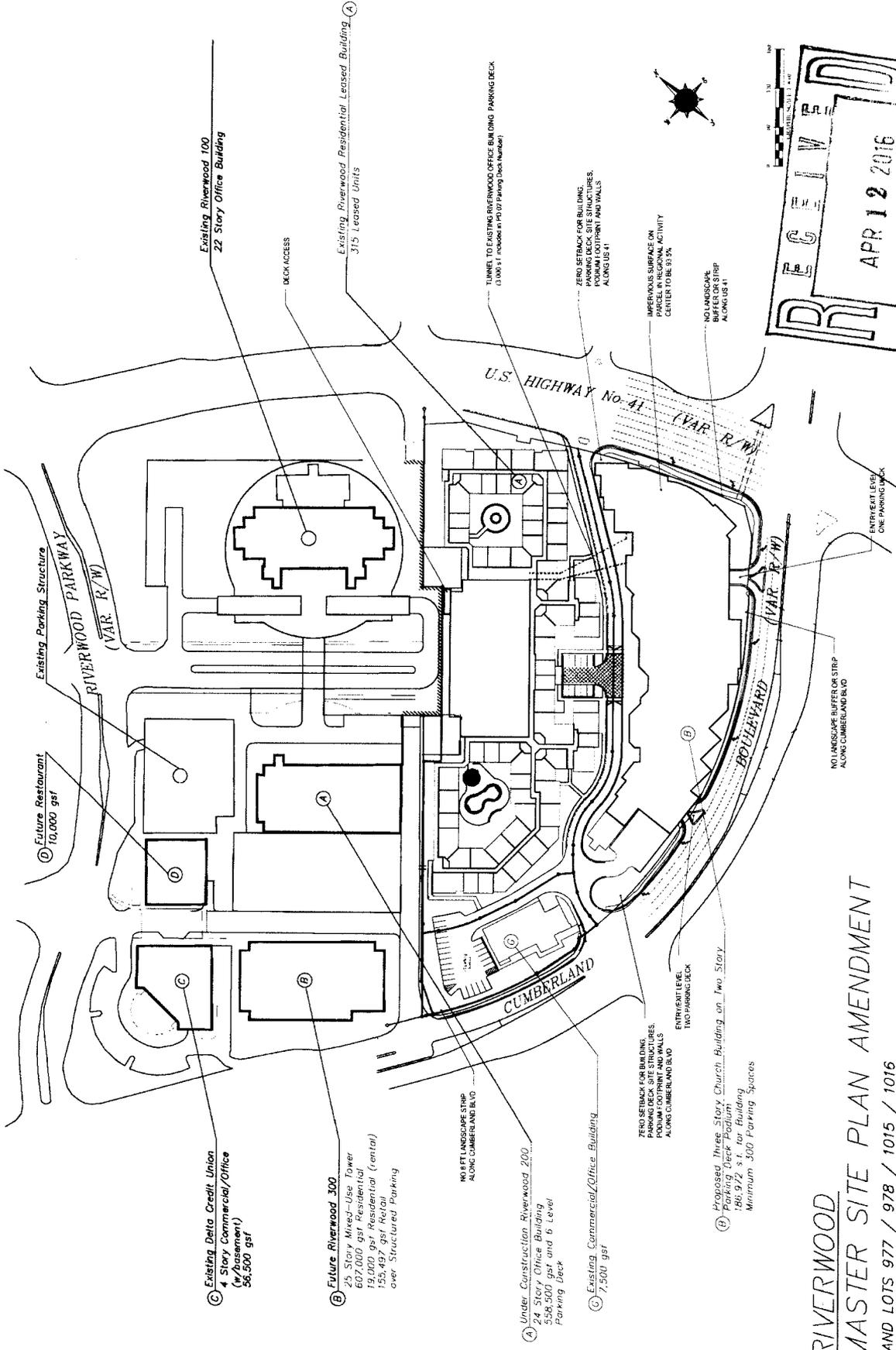
The amendments requested and presented above in no way adversely impact or affect the remainder of the overall development. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Riverwood Mixed-Use Project.



SITE PLAN
 DOUGLASS CONSULTING ENGINEERS, INC.
 Planning, Civil Engineering & Surveying
 400 Abbey Court, Alpharetta, Georgia 30004, Phone: 770-753-9800

Riverwood Project
 at Cumberland Boulevard

DATE	06-10-2013
SCALE	1" = 60'
JOB NO.	1303
SHEET	1 of 1
NOT FOR CONSTRUCTION	

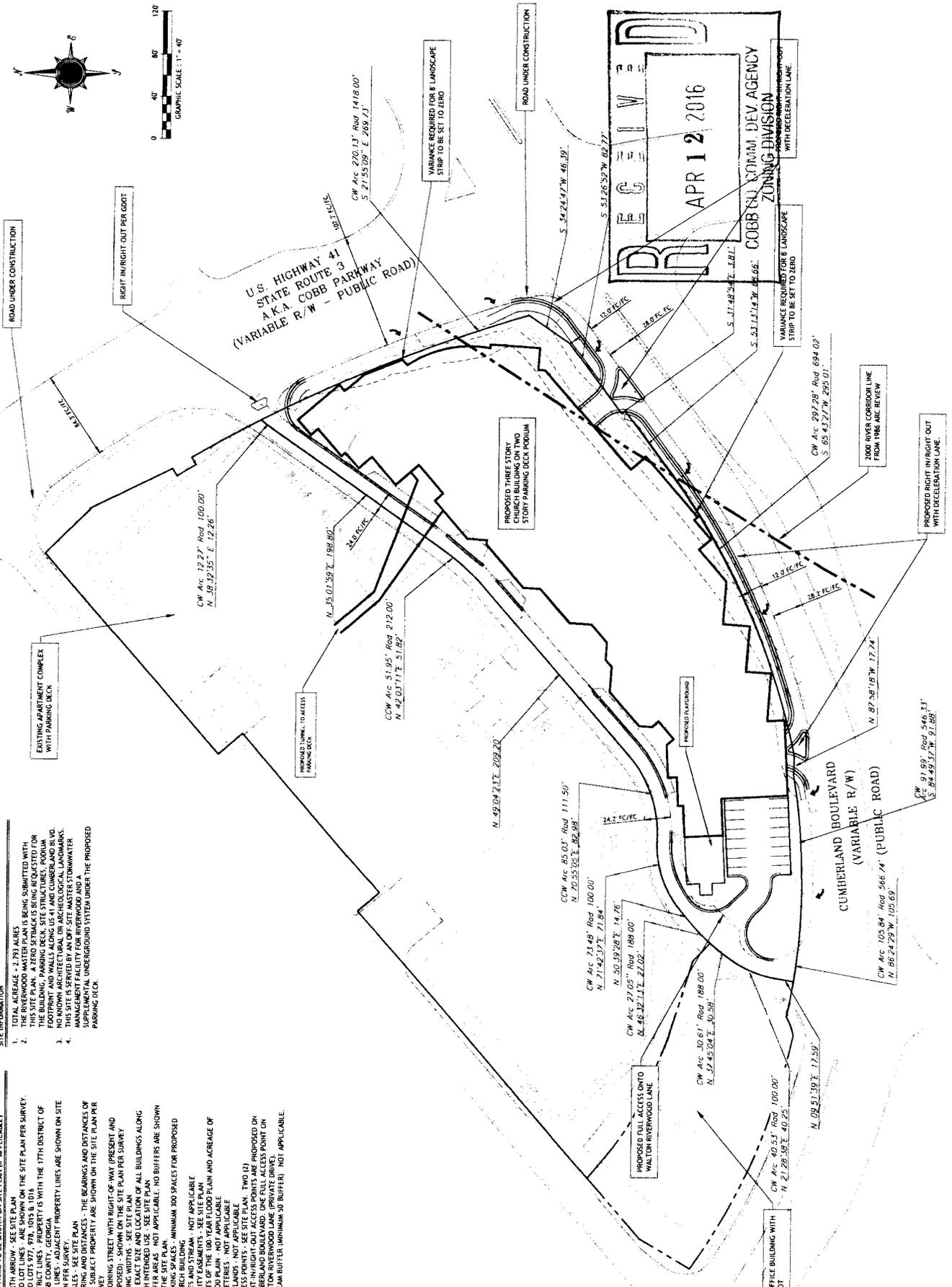


RECEIVED
 APR 12 2016
 COBB CO. COMMUNITY DEVELOPMENT
 ZONING DISTRICT

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



NO.	DATE	REVISION
1	04/12/2016	DATE: 04/12/2016
2		SCALE: 1" = 40'
3		JOB NO. 1606
4		SHEET. P-01

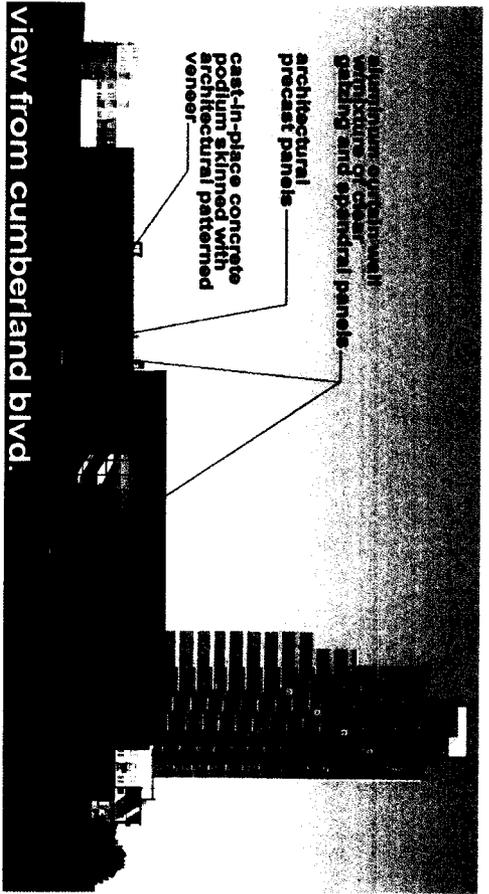


- REQUIRED ITEMS TO BE SHOWN ON SITE PLAN (IF APPLICABLE)**
- NORTH ARROW - SEE SITE PLAN
 - LAND LOT LINES - ARE SHOWN ON THE SITE PLAN PER SURVEY.
 - DISTRICT LINES - PROPERTY IS WITHIN THE 17TH DISTRICT OF COBB COUNTY, GEORGIA.
 - LOT LINES - ADJACENT PROPERTY LINES ARE SHOWN ON SITE PLAN.
 - ADJACENT PROPERTY LINES - ARE SHOWN ON SITE PLAN.
 - BEARINGS AND DISTANCES - THE BEARINGS AND DISTANCES OF THE SUBJECT PROPERTY ARE SHOWN ON THE SITE PLAN PER SURVEY.
 - PROPOSED - SHOWN ON THE SITE PLAN PER SURVEY AND PROPOSED - SHOWN ON THE SITE PLAN PER SURVEY.
 - THE EXACT SIZE AND LOCATION OF ALL BUILDINGS ALONG WITH INTENDED USE - SEE SITE PLAN.
 - ALL UTILITIES - NOT APPLICABLE. NO BUFFERS ARE SHOWN ON THE SITE PLAN.
 - PARKING SPACES - MINIMUM 300 SPACES FOR PROPOSED CHURCH BUILDING.
 - UTILITY LINES - NOT APPLICABLE.
 - LIMITS OF THE 100-YEAR FLOOD PLAIN AND ACREAGE OF FLOOD PLAIN - NOT APPLICABLE.
 - WETLANDS - NOT APPLICABLE.
 - ACCESS POINTS - SEE SITE PLAN. TWO (2) RIGHT-IN/RIGHT-OUT ACCESS POINTS ARE PROPOSED ON CUMBERLAND BOULEVARD. ONE FULL ACCESS POINT ON CUMBERLAND BOULEVARD. ONE FULL ACCESS POINT ON WILTON RIVERWOOD LINE. (MINIMUM 50' BUFFERS - NOT APPLICABLE).
 - STREAM BUFFERS (MINIMUM 50' BUFFERS - NOT APPLICABLE).

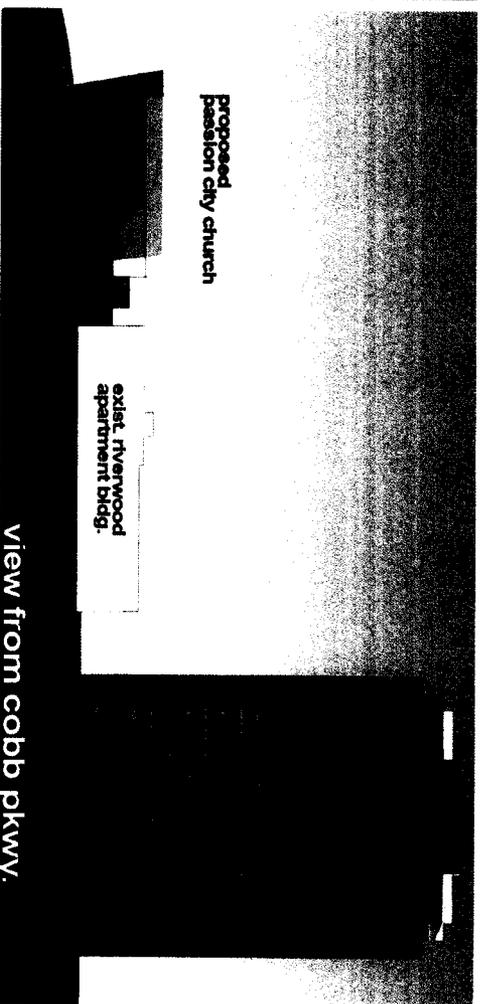
- NOTE:**
- TOTAL ACREAGE = 2.793 ACRES
 - THE RIVERWOOD MASTER PLAN IS BEING SUBMITTED WITH THIS SITE PLAN. A ZERO SETBACK IS BEING REQUESTED FOR THE PROPOSED CHURCH BUILDING, PODIUM, AND FOOTPRINT AND WALLS ALONG US HIGHWAY 41.
 - NO KNOWN ARCHITECTURAL OR ARCHEOLOGICAL LANDMARKS.
 - THIS SITE IS SERVED BY AN OFF-SITE MASTER STORMWATER SUPPLY FACILITY FOR RIVERWOOD AND A UNDERGROUND STIEZER UNDER THE PROPOSED PARKING DECK.

EXHIBIT "2-A"

NOT FOR CONSTRUCTION



view from cumberland blvd.



view from cobb pkwy.

EXHIBIT "3"



perspective view @ intersection of cobb pkwy. and cumberland blvd.

passion
city
church

RECEIVED
 APR 12 2016
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION 313

APR 12 2016

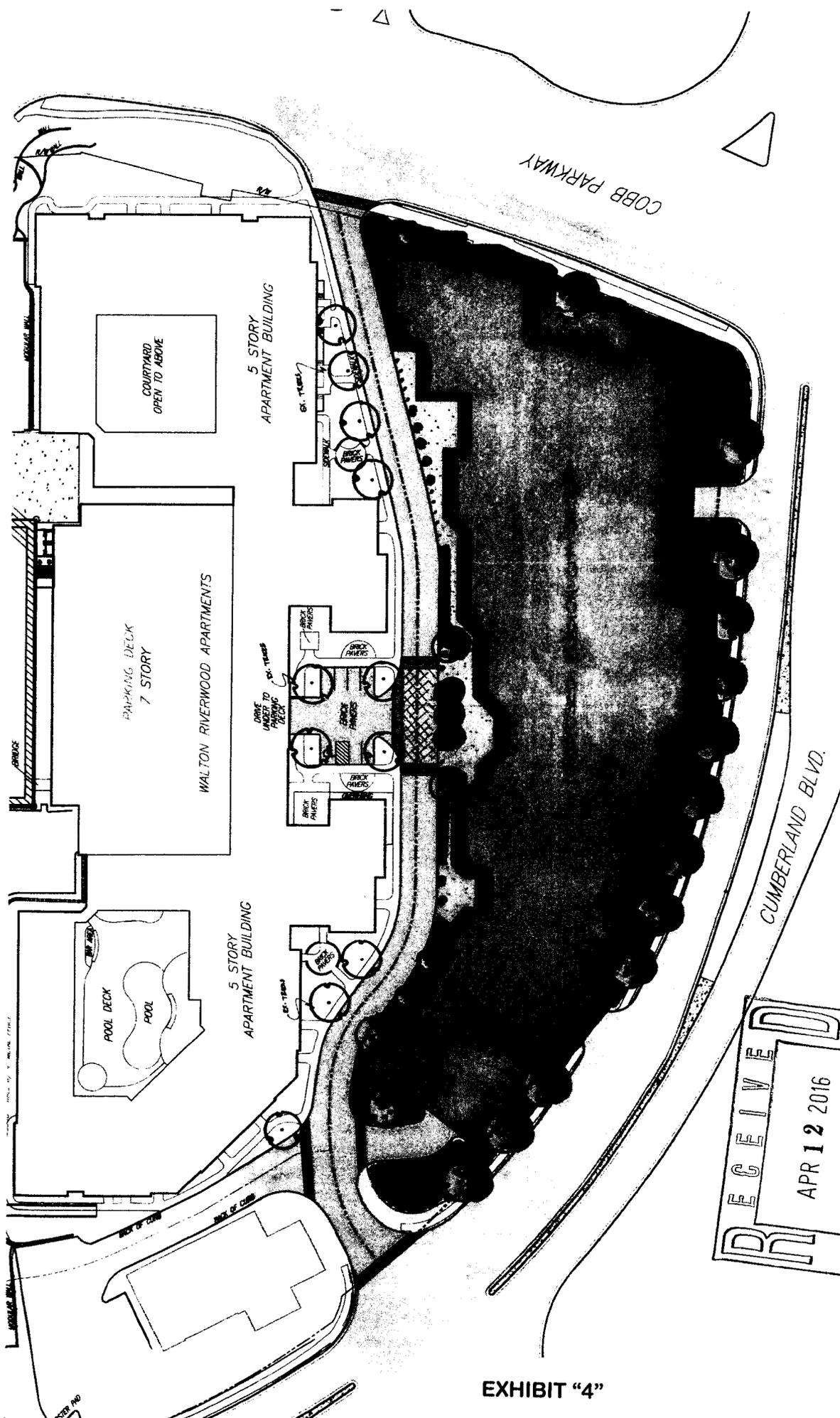
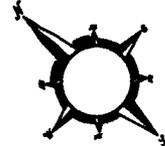


EXHIBIT "4"

RECEIVED
 APR 12 2016
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

CONCEPTUAL LANDSCAPE PLAN

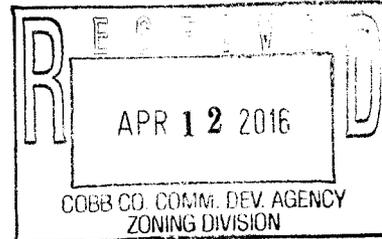


DATE: 4/12/16

April 8, 2016

Re: Parking arrangement with Passion City Church

To Whom it May Concern:

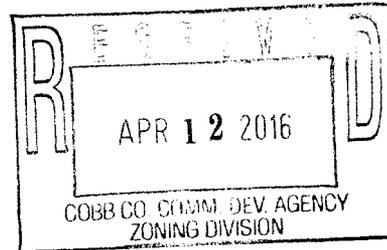


Highwoods is interested in working out a long term parking arrangement with Passion City Church, to be located at the corner of Cobb Parkway and Cumberland Parkway. Our Riverwood 100 and Riverwood 200 parking decks, which total approximately 2,400 spaces, will be available to provide parking for Sunday church services. At present, they are minimally used on Sundays. Please feel free to contact me at your convenience.

Best Regards,

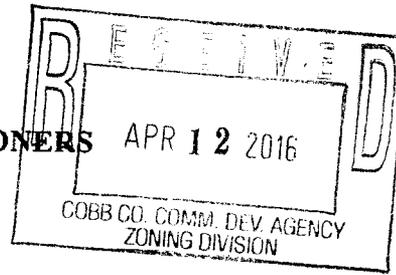


Jim Bacchetta
Vice President



**Z-61 (2005)
OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING – SEPTEMBER 20, 2005**

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



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

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

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

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

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

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

Stipulations Applicable to the Overall Development:

➤ **Paragraph 18:**

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

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

VOTE: ADOPTED unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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

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

MAIN OFFICE

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

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

TENNESSEE OFFICE

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

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BRETT A. MILLER
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OF COUNSEL
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN GA
*** ALSO ADMITTED IN NC
* ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

September 16, 2005

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

Hand Delivered
FILED WITH COUNTY CLERK THIS 20th DAY
OF Sept 2005 BY John Mance
Phil R. Mace
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

RE: Application for Rezoning

Application No.: Z-61 (2005)

Applicant/Owner: TI Riverwood, LLC

Property: 7.838 acres located at the
intersection of Cobb Parkway
and Riverwood Parkway, Land
Lots 977, 978, 1015, and 1016,
17th District, 2nd Section,
Cobb County, Georgia

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

Dear John:

As you know, the undersigned and this firm represent TI Riverwood, LLC, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of approximately 7.838 acres located at the intersection of Cobb Parkway and Riverwood Parkway, Land Lots 977, 978, 1015, and 1016, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and

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replace in full that certain letter of agreeable stipulations and conditions dated and filed August 31, 2005. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) By submission of this revised letter of agreeable stipulations, Applicant hereby amends its request and rezoning of the Subject Property shall be from the existing Office High Rise ("OHR") and Office and Institutional ("OI") zoning categories to the Community Retail Commercial ("CRC"), Office High Rise ("OHR"), and Urban Condominium ("UC") zoning categories, site plan specific to that certain revised Site Plan prepared for Regent Riverwood, LLC and TI Riverwood, LLC by Niles Bolton Associates, Inc. dated August 25, 2005, last revised September 14, 2005, submitted contemporaneously herewith.
- (3) By this revised letter of agreeable stipulations and conditions, Applicant further amends its Application for Rezoning to include the revised Site Plan hereinabove set forth, same being prepared by Niles Bolton Associates, Inc. dated August 25, 2005, last revised September 14, 2005.
- (4) The Subject Property consists of approximately 7.838 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

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

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overall proposed development shall contain approximately 1,007,100 gross square feet.

- (2) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, and the like contained within the overall development.
- (3) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (4) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the referenced Site Plan.
- (5) Entrances to the proposed development shall be as more particularly shown and reflected on the referenced Site Plan.
- (6) Entrance signage for the proposed overall development shall be ground based, monument style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.
- (7) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process, as more hereinafter more particularly set forth.

MOORE INGRAM JOHNSON & STEELE

Petition No. 2-61
Meeting Date 9/20/05
Continued

Mr. John P. Pederson
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- (8) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (9) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.
- (10) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (11) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (12) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (13) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

MOORE INGRAM JOHNSON & STEELE

Project: _____ Z-61
Map: _____ 9/20/05
Document: _____

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

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

I. RETAIL COMPONENT

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

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9/20/05

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

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

II. RESIDENTIAL COMPONENT

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

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

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

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

MOORE INGRAM JOHNSON & STEELE

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

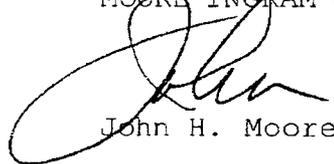
Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Eleven
September 16, 2005

We believe the requested zoning, pursuant to the revised Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community, together with the Regent Riverwood community, is an exciting concept which fits together numerous types of product into one development. The Applicant has gone to great detail in planning the development and working with residents within the Vinings Community and businesses within the Cumberland and Vinings areas. The proposed development shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments, businesses, and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

MOORE INGRAM JOHNSON & STEELE

Petition No. 2-61
Meeting Date 9/20/05
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Twelve
September 16, 2005

- c: Mr. Ron Sifen
Vinings Civic Association
(With Copy of Enclosure)
- Mr. Anthony L. Waybright
Ms. Suzanne Ballew
(With Copy of Enclosure)
- Ms. Linda Barnes Cater
Lower Stillhouse Group
(With Copy of Enclosure)
- Ms. Kathrin Mattox
(With Copy of Enclosure)
- Ms. Jody Smith
(With Copy of Enclosure)
- Ms. Mary Rose Barnes
(With Copy of Enclosure)
- TI Riverwood, LLC
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

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OF COUNSEL:
MICHELLE S. DAVENPORT
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† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
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• ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

September 19, 2005

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

Hand Delivered

FILED WITH COUNTY CLERK THIS 20th DAY
OF Sept 2005 BY John Moore
RE Z-61
Gail K. Neff
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA
Min. Bk. 37 Petition No. Z-61
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 9/20/05

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

Dear John:

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

- (1) With respect to subsection II, Residential Component, item no. 5 on page 10 of the stipulation letter, shall be deleted in its entirety and the following inserted in lieu thereof:
- "(5) Applicant agrees to the following unit square footage for the proposed residential:

MOORE INGRAM JOHNSON & STEELE

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

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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- (a) Not greater than twenty (20) percent of the units shall be between 850 and 900 square feet;
 - (b) Not greater than thirty (30) percent of the units shall be between 900 and 1,100 square feet;
 - (c) Not less than twenty (20) percent of the units shall be 1,100 square feet to 1,500 square feet; and
 - (d) Not less than thirty (30) percent of the units shall be 1,500 square feet and greater."
- (2) Further, the following shall be an additional stipulation applicable to subsection II, Residential Component:
- (10) Floor plans and finishes shall consist, at a minimum, of the following:
- (a) Enhanced corian, granite, or marble counter tops;
 - (b) Gas burning fireplaces as an upgrade;
 - (c) Minimum ceiling heights:
 - i) Minimum 9 feet from floor to finished ceiling and greater; and
 - ii) Minimum 10 feet between floors;
 - (d) European or upscale wooden face-frame cabinetry;
 - (e) Top-of-the line appliances, stainless steel or equivalent;
 - (f) Extra deep stainless steel sinks and side-by-side refrigerators/freezers;
 - (g) A selection of hardwood flooring, Berber carpet, and tile throughout;

MOORE INGRAM JOHNSON & STEELE

Petition No. 2-61
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Continued

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

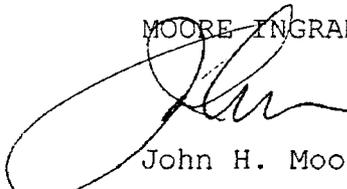
- (h) Spacious open floor plans which eliminate the necessity for typical hallways within the units;
- (i) Brushed chrome bathroom and kitchen fixtures;
- (j) Ceramic tile bathrooms and laundry rooms;
- (k) Spacious walk-in closets;
- (l) Surround-sound wiring;
- (m) High-speed internet wiring in all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

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

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

MOORE INGRAM JOHNSON & STEELE

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

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

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

Mr. Ron Sifen
Vinings Civic Association

Mr. Anthony L. Waybright
Ms. Suzanne Ballew

Ms. Linda Barnes Cater
Lower Stillhouse Group

Ms. Kathrin Mattox

Ms. Jody Smith

Ms. Mary Rose Barnes

TI Riverwood, LLC



REGIONAL REVIEW FINDING

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

DATE: 7/1/2005

ARC REVIEW CODE: R506021

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

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

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

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

Review Type: Development of Regional Impact	Date Opened: 6/2/2005	Date Closed: 7/1/2005
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FINDING: After reviewing the information submitted for the review, and the comments received from affected agencies, the Atlanta Regional Commission finding is that the DRI is in the best interest of the Region, and therefore, of the State.

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

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

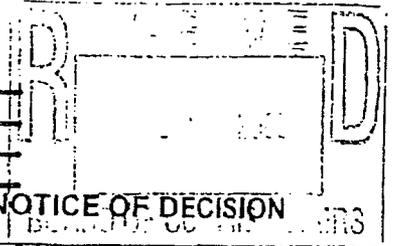
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|---|--------------------------------------|---|
| ARC LAND USE PLANNING | ARC TRANSPORTATION PLANNING | ARC ENVIRONMENTAL PLANNING |
| ARC DATA RESEARCH | ARC AGING DIVISION | GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS |
| GEORGIA DEPARTMENT OF NATURAL RESOURCES | GEORGIA DEPARTMENT OF TRANSPORTATION | GEORGIA REGIONAL TRANSPORTATION AUTHORITY |
| CUMBERLAND CID | CITY OF SMYRNA | CITY OF ATLANTA |
| COBB COUNTY SCHOOLS | FULTON COUNTY | CITY OF MARIETTA |
| METRO ATLANTA RAPID TRANSIT AUTHORITY | | |

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

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



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



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

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

Comm. Joe Thompson
Rob Horack
David Montague

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

From: Steven L. Stancil, GRTA Executive Director

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

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

Date: July 6, 2005

Re: Notice of Decision Regarding DRI 743 Regent Riverwood

~~AS~~ *John P. - FM*

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

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

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

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

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

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



Steven L. Stancil
Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

Conditions to GRTA Notice of Decision:

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

Roadway Improvements as Conditions to GRTA Notice of Decision:

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

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

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

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

Attachment B – Required Elements of the DRI Plan of Development

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

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

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

Attachment C – Required Improvements to Serve the DRI

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

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

Section 1.

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

Section 2.

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

APPLICANT: Regent Riverwood, LLC

PETITION NO.: Z-61

PRESENT ZONING: OL, OHR

PETITION FOR: RRC

TRANSPORTATION COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPLICANT: Regent Riverwood, LLC

PETITION NO.: Z-61

PRESENT ZONING: OL, OHR

PETITION FOR: RRC

TRANSPORTATION COMMENTS cont.

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

RECOMMENDATIONS

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

Recommend GDOT permits for the proposed right-in/right-out driveway on U.S. Highway 41 and all work that may encroach upon State right-of-way.

Recommend deleting right-in/right-out drive on Riverwood Parkway.

Recommend developer provide 100% funding for traffic signal upgrade at proposed access on Cumberland Boulevard.

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

Recommend inter-parcel access easements for all properties having common boundaries.

Recommend a minimum 150' deceleration lane at each access point along US 41, Cumberland Boulevard and Riverwood Parkway.

Recommend applicant coordinate with Blueprint Cumberland, Cobb County DOT and Georgia DOT to ensure compatibility with the proposed streetscape project, the Silver Comet Trail Extension and the proposed widening of U.S. 41.

Recommend converting the striped areas of the medians into a left turn lane on Cumberland Boulevard and Riverwood Parkway.

Recommend modifying landscaped island along Cumberland Boulevard to extend left turn storage.

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

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

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

Z-61 (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 #1

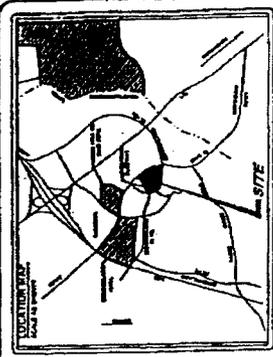
To consider amending the site plan and stipulations regarding Z-61 (TI RIVERWOOD, LLC) of April 19, 2005, for property located in Land Lots 977, 978, 1015 and 1016 of the 17th District at the northwest intersection of Cumberland Boulevard and U.S. Highway 41.

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

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

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

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



GENERAL NOTES

1. This plan was prepared by the undersigned for the purpose of showing the location of the proposed improvements and the location of the existing improvements.

2. The proposed improvements are shown in solid lines and the existing improvements are shown in dashed lines.

3. The proposed improvements are subject to the approval of the Board of Commissioners of the City of Atlanta.

4. The proposed improvements are subject to the approval of the Georgia Department of Transportation.

5. The proposed improvements are subject to the approval of the Georgia Department of Natural Resources.

6. The proposed improvements are subject to the approval of the Georgia Department of Community Development.

7. The proposed improvements are subject to the approval of the Georgia Department of Transportation.

8. The proposed improvements are subject to the approval of the Georgia Department of Natural Resources.

9. The proposed improvements are subject to the approval of the Georgia Department of Community Development.

10. The proposed improvements are subject to the approval of the Georgia Department of Transportation.

PROPOSED IMPROVEMENTS

ITEM	QUANTITY	UNIT PRICE	TOTAL
ASPHALT DRIVEWAY	10,000	1.50	15,000.00
CONCRETE DRIVEWAY	5,000	2.00	10,000.00
ASPHALT SIDEWALK	20,000	0.50	10,000.00
CONCRETE SIDEWALK	10,000	0.75	7,500.00
ASPHALT DRIVEWAY	5,000	1.50	7,500.00
CONCRETE DRIVEWAY	2,500	2.00	5,000.00
ASPHALT SIDEWALK	10,000	0.50	5,000.00
CONCRETE SIDEWALK	5,000	0.75	3,750.00
ASPHALT DRIVEWAY	2,500	1.50	3,750.00
CONCRETE DRIVEWAY	1,250	2.00	2,500.00
ASPHALT SIDEWALK	5,000	0.50	2,500.00
CONCRETE SIDEWALK	2,500	0.75	1,875.00
ASPHALT DRIVEWAY	1,250	1.50	1,875.00
CONCRETE DRIVEWAY	625	2.00	1,250.00
ASPHALT SIDEWALK	2,500	0.50	1,250.00
CONCRETE SIDEWALK	1,250	0.75	937.50
ASPHALT DRIVEWAY	625	1.50	937.50
CONCRETE DRIVEWAY	312.5	2.00	625.00
ASPHALT SIDEWALK	1,250	0.50	625.00
CONCRETE SIDEWALK	625	0.75	468.75
ASPHALT DRIVEWAY	312.5	1.50	468.75
CONCRETE DRIVEWAY	156.25	2.00	312.50
ASPHALT SIDEWALK	625	0.50	312.50
CONCRETE SIDEWALK	312.5	0.75	234.375
ASPHALT DRIVEWAY	156.25	1.50	234.375
CONCRETE DRIVEWAY	78.125	2.00	156.25
ASPHALT SIDEWALK	312.5	0.50	156.25
CONCRETE SIDEWALK	156.25	0.75	117.1875
ASPHALT DRIVEWAY	78.125	1.50	117.1875
CONCRETE DRIVEWAY	39.0625	2.00	78.125
ASPHALT SIDEWALK	156.25	0.50	78.125
CONCRETE SIDEWALK	78.125	0.75	58.59375
ASPHALT DRIVEWAY	39.0625	1.50	58.59375
CONCRETE DRIVEWAY	19.53125	2.00	39.0625
ASPHALT SIDEWALK	78.125	0.50	39.0625
CONCRETE SIDEWALK	39.0625	0.75	29.296875
ASPHALT DRIVEWAY	19.53125	1.50	29.296875
CONCRETE DRIVEWAY	9.765625	2.00	19.53125
ASPHALT SIDEWALK	39.0625	0.50	19.53125
CONCRETE SIDEWALK	19.53125	0.75	14.6484375
ASPHALT DRIVEWAY	9.765625	1.50	14.6484375
CONCRETE DRIVEWAY	4.8828125	2.00	9.765625
ASPHALT SIDEWALK	19.53125	0.50	9.765625
CONCRETE SIDEWALK	9.765625	0.75	7.32421875
ASPHALT DRIVEWAY	4.8828125	1.50	7.32421875
CONCRETE DRIVEWAY	2.44140625	2.00	4.8828125
ASPHALT SIDEWALK	9.765625	0.50	4.8828125
CONCRETE SIDEWALK	4.8828125	0.75	3.662109375
ASPHALT DRIVEWAY	2.44140625	1.50	3.662109375
CONCRETE DRIVEWAY	1.220703125	2.00	2.44140625
ASPHALT SIDEWALK	4.8828125	0.50	2.44140625
CONCRETE SIDEWALK	2.44140625	0.75	1.8310546875
ASPHALT DRIVEWAY	1.220703125	1.50	1.8310546875
CONCRETE DRIVEWAY	0.6103515625	2.00	1.220703125
ASPHALT SIDEWALK	2.44140625	0.50	1.220703125
CONCRETE SIDEWALK	1.220703125	0.75	0.91552734375
ASPHALT DRIVEWAY	0.6103515625	1.50	0.91552734375
CONCRETE DRIVEWAY	0.30517578125	2.00	0.6103515625
ASPHALT SIDEWALK	1.220703125	0.50	0.6103515625
CONCRETE SIDEWALK	0.6103515625	0.75	0.46026609375
ASPHALT DRIVEWAY	0.30517578125	1.50	0.46026609375
CONCRETE DRIVEWAY	0.152587890625	2.00	0.30517578125
ASPHALT SIDEWALK	0.6103515625	0.50	0.30517578125
CONCRETE SIDEWALK	0.30517578125	0.75	0.230381875
ASPHALT DRIVEWAY	0.152587890625	1.50	0.230381875
CONCRETE DRIVEWAY	0.0762939453125	2.00	0.152587890625
ASPHALT SIDEWALK	0.30517578125	0.50	0.152587890625
CONCRETE SIDEWALK	0.152587890625	0.75	0.1144409375
ASPHALT DRIVEWAY	0.0762939453125	1.50	0.1144409375
CONCRETE DRIVEWAY	0.03814697265625	2.00	0.0762939453125
ASPHALT SIDEWALK	0.152587890625	0.50	0.0762939453125
CONCRETE SIDEWALK	0.0762939453125	0.75	0.05721796875
ASPHALT DRIVEWAY	0.03814697265625	1.50	0.05721796875
CONCRETE DRIVEWAY	0.019073486328125	2.00	0.03814697265625
ASPHALT SIDEWALK	0.0762939453125	0.50	0.03814697265625
CONCRETE SIDEWALK	0.03814697265625	0.75	0.02863796875
ASPHALT DRIVEWAY	0.019073486328125	1.50	0.02863796875
CONCRETE DRIVEWAY	0.0095367431640625	2.00	0.019073486328125
ASPHALT SIDEWALK	0.03814697265625	0.50	0.019073486328125
CONCRETE SIDEWALK	0.019073486328125	0.75	0.014255203125
ASPHALT DRIVEWAY	0.0095367431640625	1.50	0.014255203125
CONCRETE DRIVEWAY	0.00476837158203125	2.00	0.0095367431640625
ASPHALT SIDEWALK	0.019073486328125	0.50	0.0095367431640625
CONCRETE SIDEWALK	0.0095367431640625	0.75	0.0071525578125
ASPHALT DRIVEWAY	0.00476837158203125	1.50	0.0071525578125
CONCRETE DRIVEWAY	0.002384185791015625	2.00	0.00476837158203125
ASPHALT SIDEWALK	0.0095367431640625	0.50	0.00476837158203125
CONCRETE SIDEWALK	0.00476837158203125	0.75	0.00361876953125
ASPHALT DRIVEWAY	0.002384185791015625	1.50	0.00361876953125
CONCRETE DRIVEWAY	0.0011920928955078125	2.00	0.002384185791015625
ASPHALT SIDEWALK	0.00476837158203125	0.50	0.002384185791015625
CONCRETE SIDEWALK	0.002384185791015625	0.75	0.0018128796875
ASPHALT DRIVEWAY	0.0011920928955078125	1.50	0.0018128796875
CONCRETE DRIVEWAY	0.00059604644775390625	2.00	0.0011920928955078125
ASPHALT SIDEWALK	0.002384185791015625	0.50	0.0011920928955078125
CONCRETE SIDEWALK	0.0011920928955078125	0.75	0.0009076596875
ASPHALT DRIVEWAY	0.00059604644775390625	1.50	0.0009076596875
CONCRETE DRIVEWAY	0.000298023223876953125	2.00	0.00059604644775390625
ASPHALT SIDEWALK	0.0011920928955078125	0.50	0.00059604644775390625
CONCRETE SIDEWALK	0.00059604644775390625	0.75	0.0004515375
ASPHALT DRIVEWAY	0.000298023223876953125	1.50	0.0004515375
CONCRETE DRIVEWAY	0.0001490116119384765625	2.00	0.000298023223876953125
ASPHALT SIDEWALK	0.00059604644775390625	0.50	0.000298023223876953125
CONCRETE SIDEWALK	0.000298023223876953125	0.75	0.000226269375
ASPHALT DRIVEWAY	0.0001490116119384765625	1.50	0.000226269375
CONCRETE DRIVEWAY	0.00007450580596923828125	2.00	0.0001490116119384765625
ASPHALT SIDEWALK	0.000298023223876953125	0.50	0.0001490116119384765625
CONCRETE SIDEWALK	0.0001490116119384765625	0.75	0.00011250203125
ASPHALT DRIVEWAY	0.00007450580596923828125	1.50	0.00011250203125
CONCRETE DRIVEWAY	0.000037252902984619140625	2.00	0.00007450580596923828125
ASPHALT SIDEWALK	0.0001490116119384765625	0.50	0.00007450580596923828125
CONCRETE SIDEWALK	0.00007450580596923828125	0.75	0.000056252109375
ASPHALT DRIVEWAY	0.000037252902984619140625	1.50	0.000056252109375
CONCRETE DRIVEWAY	0.0000186264514923095703125	2.00	0.000037252902984619140625
ASPHALT SIDEWALK	0.00007450580596923828125	0.50	0.000037252902984619140625
CONCRETE SIDEWALK	0.000037252902984619140625	0.75	0.0000281296875
ASPHALT DRIVEWAY	0.0000186264514923095703125	1.50	0.0000281296875
CONCRETE DRIVEWAY	0.00000931322574615478515625	2.00	0.0000186264514923095703125
ASPHALT SIDEWALK	0.000037252902984619140625	0.50	0.0000186264514923095703125
CONCRETE SIDEWALK	0.0000186264514923095703125	0.75	0.0000140700625
ASPHALT DRIVEWAY	0.00000931322574615478515625	1.50	0.0000140700625
CONCRETE DRIVEWAY	0.000004656612873077392578125	2.00	0.00000931322574615478515625
ASPHALT SIDEWALK	0.0000186264514923095703125	0.50	0.00000931322574615478515625
CONCRETE SIDEWALK	0.00000931322574615478515625	0.75	0.00000705003125
ASPHALT DRIVEWAY	0.000004656612873077392578125	1.50	0.00000705003125
CONCRETE DRIVEWAY	0.0000023283064365386962890625	2.00	0.000004656612873077392578125
ASPHALT SIDEWALK	0.00000931322574615478515625	0.50	0.000004656612873077392578125
CONCRETE SIDEWALK	0.000004656612873077392578125	0.75	0.00000352726875
ASPHALT DRIVEWAY	0.0000023283064365386962890625	1.50	0.00000352726875
CONCRETE DRIVEWAY	0.00000116415321826934814453125	2.00	0.0000023283064365386962890625
ASPHALT SIDEWALK	0.000004656612873077392578125	0.50	0.0000023283064365386962890625
CONCRETE SIDEWALK	0.0000023283064365386962890625	0.75	0.000001746226875
ASPHALT DRIVEWAY	0.00000116415321826934814453125	1.50	0.000001746226875
CONCRETE DRIVEWAY	0.000000582076609134674072265625	2.00	0.00000116415321826934814453125
ASPHALT SIDEWALK	0.0000023283064365386962890625	0.50	0.00000116415321826934814453125
CONCRETE SIDEWALK	0.00000116415321826934814453125	0.75	0.000000873140625
ASPHALT DRIVEWAY	0.000000582076609134674072265625	1.50	0.000000873140625
CONCRETE DRIVEWAY	0.0000002910383045673370361328125	2.00	0.000000582076609134674072265625
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ASPHALT SIDEWALK	0.000000072759576141834259033203125	0.50	0.0000000363797880709171295166015625
CONCRETE SIDEWALK	0.0000000363797880709171295166015625	0.75	0.0000000272848125
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CONCRETE SIDEWALK	0.00000001818989403545856475780078125	0.75	0.00000001371741875
ASPHALT DRIVEWAY			

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STAYCE BURKHART**

OF COUNSEL:
JOHN L. SKELTON, JR.†

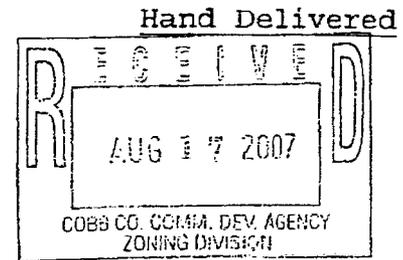
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NM
*** ALSO ADMITTED IN NC
**** ALSO ADMITTED IN OH
• ADMITTED ONLY IN TN
•• ADMITTED ONLY IN FL

August 17, 2007

Min. Bk. 52 O.B.#1
Petition No. 2-61'05
Doc. Type Request letter

Meeting Date _____

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



RE: Application for Site Plan and Stipulation Amendment
Application No.: Z-61 (2005)
Present Applicant: Seven Oaks Company, LLC
Owners: TI Riverwood, LLC and
Riverwood 300 VAF, LLC
Property: 7.84 acres located at the
intersection of Cobb Parkway and
Cumberland Boulevard,
Land Lots 977, 978, 1015, and
1016, 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 7.84 acre tract located at the intersection of Cobb Parkway and Cumberland Boulevard, Land Lots 977, 978, 1015, and 1016, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property" or the "Property"). As you may recall, we also represented the previous Applicant, TI Riverwood, LLC during the initial rezoning of the Subject Property. The Property was rezoned to the Urban Condominium

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 2 of 7
August 17, 2007

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

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

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

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

MOORE INGRAM JOHNSON & STEELE

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

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

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

RESIDENTIAL COMPONENT

- (8) The proposed residential component shall be amended by reducing the number of total units from six hundred forty-six (646) units to five hundred seventy (570) units, as follows:

(A) Condominium Units:

- (a) There shall be a maximum of one hundred seventy-five (175) "for sale" units which shall comply in all respects with the Georgia Condominium Act.
- (b) The average square footage of the proposed units shall be approximately 1,471 gross square feet.

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 4 of 7
August 17, 2007

Petition No. 261 '05
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Continued

(B). Leased Units:

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

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 5 of 7
August 17, 2007

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

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

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 6 of 7
August 17, 2007

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

- (t) Controlled access buildings and amenity areas;
 - (u) Extensive amenity package for both condominiums units and leased units, including, but not limited to:
 - (i) Pool;
 - (ii) Business center or internet café;
 - (iii) Fitness center; and
 - (iv) Controlled access, covered parking;
 - (v) Controlled access, covered parking.
- (10) If the amendments are approved, as set forth above, together with the Master Site Plan Amendment submitted herewith, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 16, 2005, are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.

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

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

MOORE INGRAM JOHNSON & STEELE

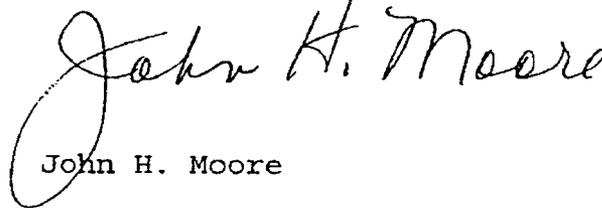
Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 7 of 7
August 17, 2007

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

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

John H. Moore

JHM:cc

Enclosures

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

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

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

Seven Oaks Company, LLC
(With Copy of Enclosure)

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STAYCE BURKHART**

OF COUNSEL:
JOHN L. SKELTON, JR.†

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

September 18, 2007

O.B.#1
Min. Bk. 52 Petition No. 2-61 '05
Doc. Type Addendum letter

Meeting Date 9-18-07

Hand Delivered

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

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

Dear Mark:

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

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

MOORE INGRAM JOHNSON & STEELE

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

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

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

MOORE INGRAM JOHNSON & STEELE

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

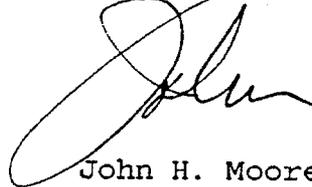
Petition No 2-61 '05
Meeting Date 9-18-07
Continued

Thank you for your consideration and assistance in this matter.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

Shane Coldren, President
Ron Sifen
Vinings Homeowners Association

Anthony L. Waybright
Suzanne Ballew

Seven Oaks Company, LLC

Z-61 (2005)
OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO “OTHER BUSINESS”
AMENDMENT – MARCH 15, 2011

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

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 15, 2011 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

ITEM NO. 3

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

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

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

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

VOTE: **ADOPTED** unanimously

Min. Blk. 62 Position No. OB3
Doc. Type Applicant's
Exhibit "B"
Meeting Date 3/15/11

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

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

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

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

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

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

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

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

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

**Z-61 (2005)
OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO “OTHER BUSINESS”
AMENDMENT – AUGUST 16, 2011**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 16, 2011
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, August 16, 2011 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

ITEM NO. 1

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 site plan and stipulation amendment for Walton Communities, LLC. 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 Goreham, to **approve** Other Business Item No. 1 site plan and stipulation 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, **subject to:**

- **site plan dated August 15, 2011 (attached and made a part of these minutes)**
- **Exhibit "B" received by the Zoning Division July 12, 2011 (attached and made a part of these minutes) with the following changes:**
 - **Item No. 8, Subsection "a" – Add to end of (a): "*in not less than 50% of the units.*"**
 - **Item No. 8, Subsection "c" - Add to end of (j): "*in not less than 50% of the units.*"**
- **all other conditions and stipulations, not otherwise in conflict, to remain in effect**

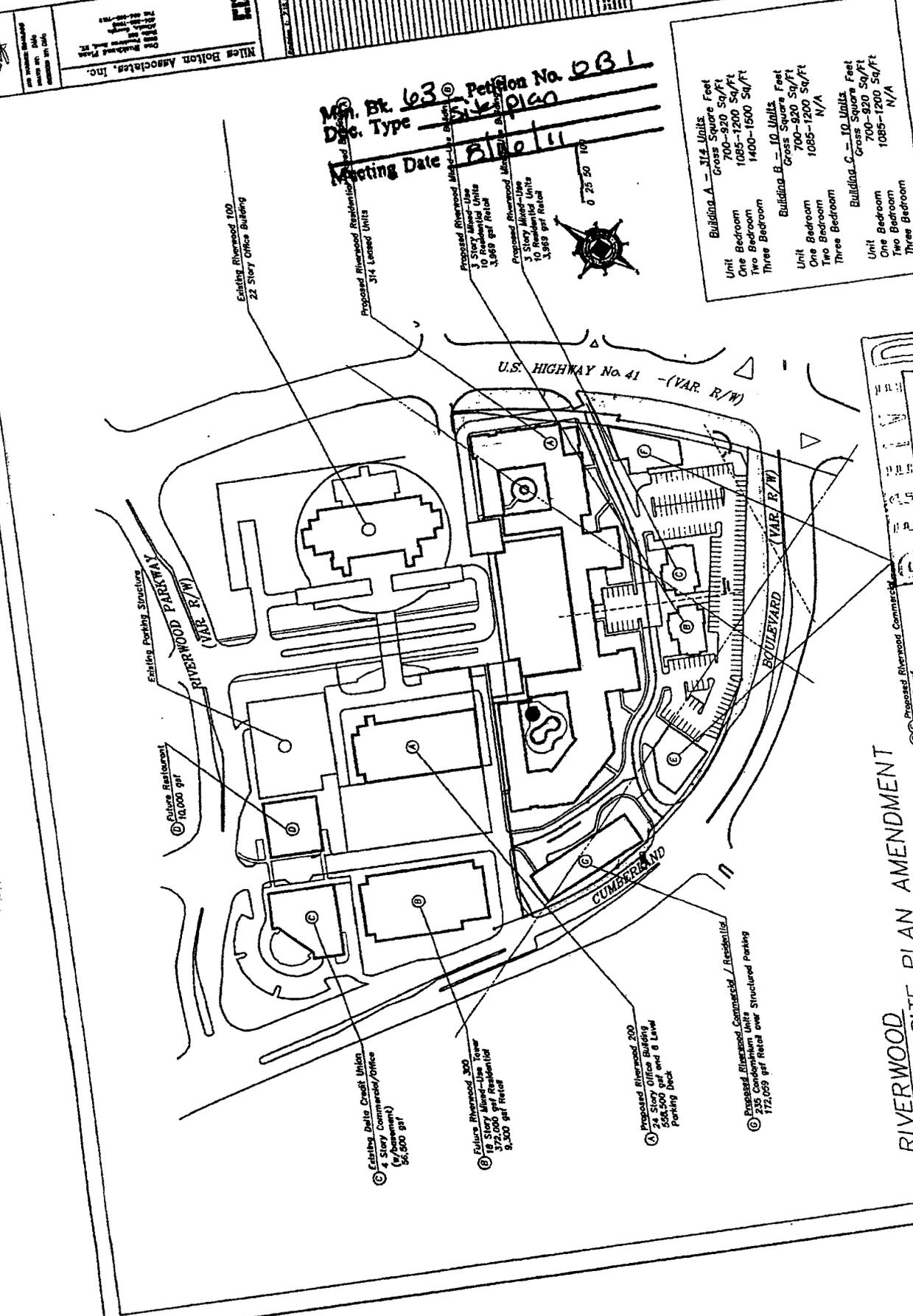
VOTE: **ADOPTED** unanimously

Walton Riverwood
at Cumberland Boulevard

Site Plan

Map Bk. 63 Petition No. 031
 Dec. Type Site Plan
 Meeting Date 8/11/11

Unit	Building A - 114 Units	Building B - 10 Units	Building C - 10 Units
One Bedroom	700-920 Sq/Ft	700-920 Sq/Ft	700-920 Sq/Ft
Two Bedroom	1085-1200 Sq/Ft	1085-1200 Sq/Ft	1085-1200 Sq/Ft
Three Bedroom	1400-1500 Sq/Ft	N/A	N/A
Three Bedroom			
Unit			
One Bedroom			
Two Bedroom			
Three Bedroom			
Unit			
One Bedroom			
Two Bedroom			
Three Bedroom			



AUG 15 2011
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

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

Miles Bolton Associates, Inc.
 2225 Riverwood Parkway
 Atlanta, GA 30328
 Phone: 404.525.1100
 Fax: 404.525.1101
 Website: www.milesbolton.com

- Existing Riverwood 100
22 Story Office Building
- Proposed Riverwood Re-development
314 Leased Units
- Proposed Riverwood Mixed-Use
3 Story Mixed-Use
10 Residential Units
3,669 sqf Retail
- Proposed Riverwood Mixed-Use
3 Story Mixed-Use
10 Residential Units
3,669 sqf Retail



Existing Delta Credit Union
4 Story Commercial/Office
56,500 sqf

Existing Riverwood 300
12 Story Mixed-Use Tower
12,200 sqf Residential
9,300 sqf Retail

Proposed Riverwood 200
24 Story Office Building
506,500 sqf
Parking Deck

Proposed Riverwood Commercial / Residential
235 Condominium Units Structured Parking
171,059 sqf Retail over Structured Parking

Proposed Riverwood Commercial
13,700 sqf

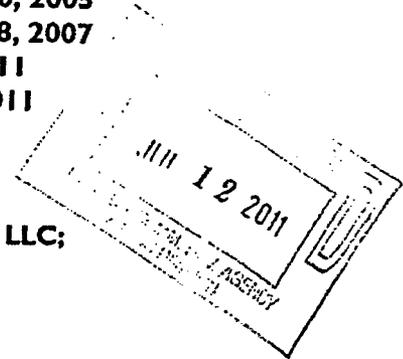
8/15/11

Min. Bk. 63 Petition No. OB1
Doc. Type Exhibit B
Meeting Date 8/16/11

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

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

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



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

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

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

- (2) The retail component of 24,000 square feet located in Buildings "A" and "B," Level 1, shall be deleted.
- (3) The 235 "for sale" condominium units contained within Buildings "A" and "B" shall be shifted to Building "G."
- (4) Building "G" shall now contain 235 "for sale" condominium units; 172,059 gross square feet of retail over structured parking; and shall be a maximum height of eight (8) stories.
- (5) Building "A" shall now contain a maximum of 314 "leased" condominium units.
- (6) Building "B" shall now contain twenty (20) "leased" condominium units and 9,014 gross square feet of retail.
- (7) With respect to the stipulations set forth in the official minutes of the Cobb County Board of Commissioners Zoning Hearing held on September 20, 2005, and specifically the supplemental stipulation letter dated September 19, 2005, and filed September 20, 2005, attached to said minutes, shall be amended as follows:

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

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

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

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

Petition No. DB1
Meeting Date 8/16/11
Continued

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

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

Petition No. OB 1
 Meeting Date 8/16/11
 Continued

RYERWOOD
 A Residential Development for
 Condominiums
 designed by
 RILEY BOLTON ASSOCIATES, INC.
 1100 WEST BROADWAY AVENUE
 SUITE 200
 HOUSTON, TEXAS 77002
 (713) 861-1100
 RBA@RBA-INC.COM

Min. Bk. 37 Petition No. Z-61
 Doc. Type Site Plan
 Meeting Date 9/20/05

- 1. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODE (IBC) AND THE INTERNATIONAL PLUMBING AND MECHANICAL CODE (IMC).
- 2. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL FIRE CODE (IFC) AND THE INTERNATIONAL ELECTRICAL CODE (IEC).
- 3. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL ENERGY CONSERVATION CODE (IECC) AND THE INTERNATIONAL SMOKE ALARM CODE (ISAC).
- 4. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING EXAMINER'S HANDBOOK (IMPEH).
- 5. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING EXAMINER'S HANDBOOK (IMPEH).
- 6. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING EXAMINER'S HANDBOOK (IMPEH).
- 7. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING EXAMINER'S HANDBOOK (IMPEH).
- 8. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING EXAMINER'S HANDBOOK (IMPEH).
- 9. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING EXAMINER'S HANDBOOK (IMPEH).
- 10. ALL NEW CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL MECHANICAL AND PLUMBING EXAMINER'S HANDBOOK (IMPEH).

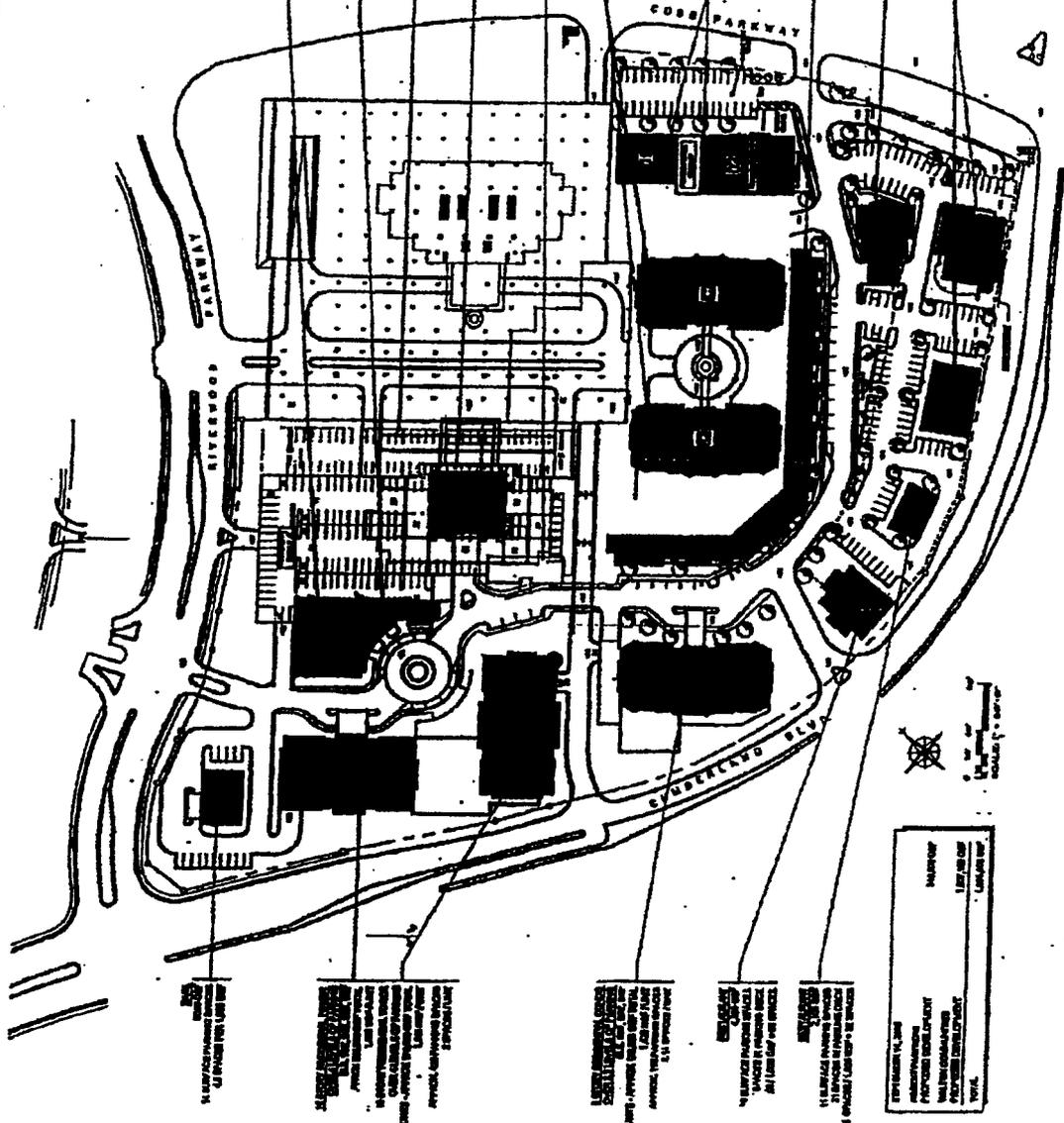


Exhibit "I"

Petition No. 0B1
 Meeting Date 8/16/11
 Continued



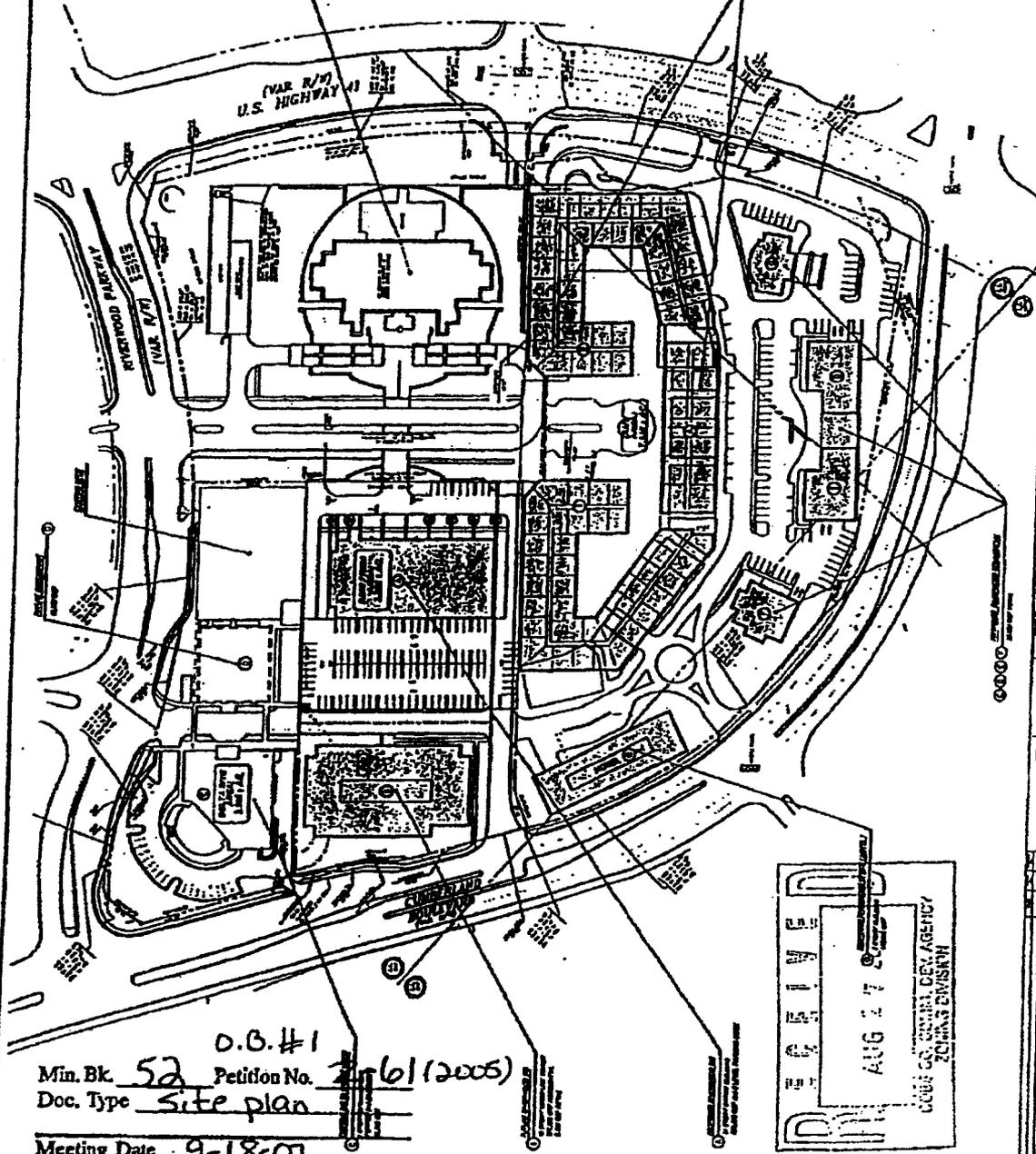
GENERAL NOTES

1. All dimensions are in feet and inches.
2. All elevations are in feet above mean sea level.
3. All areas are to be graded to the finished surface.
4. All areas are to be planted with the specified plants.
5. All areas are to be paved with the specified material.
6. All areas are to be finished with the specified finish.
7. All areas are to be finished with the specified finish.
8. All areas are to be finished with the specified finish.
9. All areas are to be finished with the specified finish.
10. All areas are to be finished with the specified finish.

PROPOSED IMPROVEMENTS - PRELIMINARY

Item	Quantity	Unit	Price	Total
Grading	10,000	sq. yd.	1.00	10,000.00
Paving	5,000	sq. yd.	2.00	10,000.00
Planting	1,000	plants	10.00	10,000.00
Lighting	100	fixtures	100.00	10,000.00
Signage	10	signs	1,000.00	10,000.00
Other				
Total				50,000.00

RIVERSHWOOD
 LAND DEVELOPMENT AND CONSTRUCTION
 10000 RIVERSHWOOD DRIVE, SUITE 100, RIVERSHWOOD, MISSISSIPPI 38675
 PHONE: 662-875-1111 FAX: 662-875-1112
Master Site Plan Amendment



SEVEN OAKS COMPANY, LLC
 10000 RIVERSHWOOD DRIVE, SUITE 100, RIVERSHWOOD, MISSISSIPPI 38675
 PHONE: 662-875-1111 FAX: 662-875-1112

Kinley-Harr and Associates, Inc.
 10000 RIVERSHWOOD DRIVE, SUITE 100, RIVERSHWOOD, MISSISSIPPI 38675
 PHONE: 662-875-1111 FAX: 662-875-1112

GENERAL NOTES

RECEIVED
 AUG 27 2011
 CIVIL ENGINEERING DIVISION

Min. Bk. 52 Petition No. 0B1 (2005)
 Doc. Type Site plan
 Meeting Date 9-18-01

Exhibit "2"

Petition No. 031
Meeting Date 8/16/11
Continued

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

RIVERWOOD UNIT MIX

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

**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

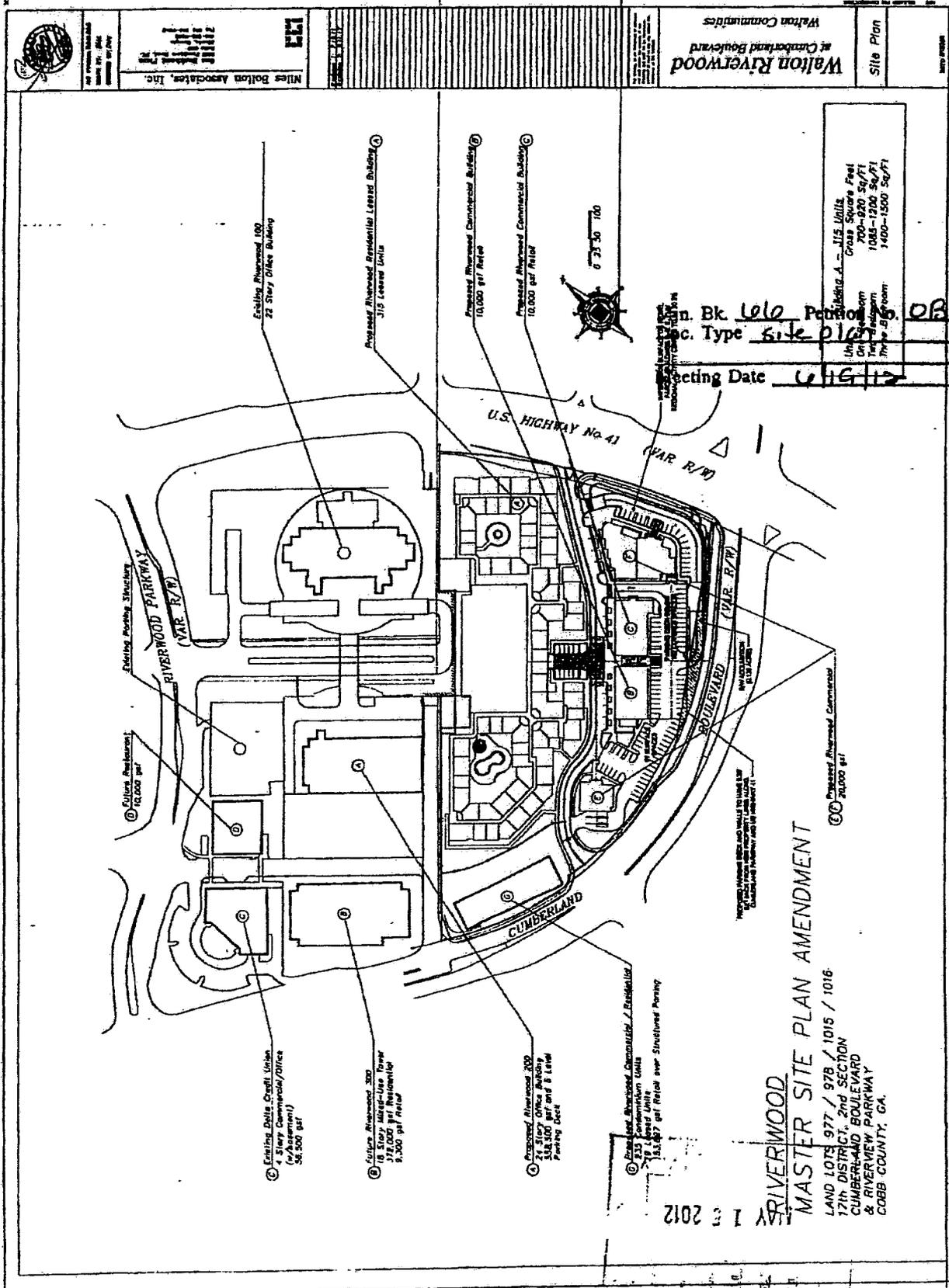
To consider a stipulation and site plan amendment for Walton Communities, LLC regarding rezoning application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lot 977, 978, 1015 and 1016 of the 17th District.

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



Walton Riverwood
at Cumberland Boulevard
Walton Communities

Site Plan

U.S. Units	115 Units
Gross Square Feet	700-920 Sq/Ft
Units	1005-1200 Sq/Ft
Units	1400-1500 Sq/Ft

Project Name: n. Bk. 1616 Parcel
 c. Type: site plan
 Projecting Date: 4/15/12

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

MAY 1 3 2012



Mies Bolton Associates, Inc.
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404.525.1100
 Fax: 404.525.1101
 Website: www.miesbolton.com

Walton Communities
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404.525.1100
 Fax: 404.525.1101
 Website: www.waltoncommunities.com

1. 10/2011 10/2011 10/2011 10/2011 10/2011 10/2011 10/2011 10/2011 10/2011 10/2011

Min. Bk. 1616 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. OB 2
Meeting Date 6/19/12
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 – SEPTEMBER 20, 2005

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

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

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

Z-62 **REGENT RIVERWOOD, LLC.** (owner) requesting Rezoning from OI and OHR to RRC for the purpose of Mixed Use Development in Land Lot 978 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Riverwood Parkway.

The public hearing was opened and Mr. John Moore and Ms. Mary Rose Barnes addressed the Board. Following presentations and discussion, the following motion was made:

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

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

Stipulations Applicable to the Overall Development:

➤ **Paragraph 18:**

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

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

VOTE: ADOPTED unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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

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

MAIN OFFICE

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

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

TENNESSEE OFFICE

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

TELEPHONE (865) 692-9039
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T. SHANE MAYES
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DARRELL L. SUTTON
KASI R. WHITAKER
AUTUMN L. VEAZEY
NICHOLAS J. PETERSON*
JEFFREY K. STINSON
BENJAMIN A. WALDEN
ELIZABETH ANN GUERRANT
JAMES D. WALKER III
CHRISTOPHER D. GUNNELS*
CHRISTOPHER L. MOORE
JENNIFER S. WHITE*
KRISTIE L. KELLY†
RYAN G. PRESCOTT

RICARDO J. DAMEDEIROS
L. LAKE JORDAN
BRETT A. MILLER
JACQUELYN VAN TUYL**

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

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

WRITER'S DIRECT
DIAL NUMBER

September 16, 2005

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

Hand Delivered

FILED WITH COUNTY CLERK THIS 20th DAY
OF Sept. 2005 BY John Moore
RE 17-62
Mail
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY GEORGIA
Mr. Bl. 31 Petition No. 2-62
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 9/20/05

RE: Application for Rezoning
Application No.: 2-62 (2005)
Applicant/Owner: Regent Riverwood, LLC
Property: 5.726 acres located at the
southwesterly corner of Riverwood
Parkway and Cumberland Boulevard,
Land Lot 978, 17th District,
2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Regent Riverwood, LLC, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of approximately 5.726 acres located at the southwesterly intersection of Riverwood Parkway and Cumberland Boulevard, Land Lot 978, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full that

MOORE INGRAM JOHNSON & STEELE

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certain letter of agreeable stipulations and conditions dated and filed August 31, 2005. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) By submission of this revised letter of agreeable stipulations, Applicant hereby amends its request and rezoning of the Subject Property shall be from the existing Office High Rise ("OHR") and Office and Institutional ("OI") zoning categories to the Community Retail Commercial ("CRC"), Office High Rise ("OHR"), and Urban Condominium ("UC") zoning categories, site plan specific to that certain revised Site Plan prepared for Regent Riverwood, LLC and TI Riverwood, LLC by Niles Bolton Associates, Inc. dated August 25, 2005, last revised September 14, 2005, submitted contemporaneously herewith.
- (3) By this revised letter of agreeable stipulations and conditions, Applicant further amends its Application for Rezoning to include the revised Site Plan hereinabove set forth, same being prepared by Niles Bolton Associates, Inc. dated August 25, 2005, last revised September 14, 2005.
- (4) The Subject Property consists of approximately 5.726 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) This rezoning proposal is for a mixed-use development consisting of retail, office, and residential, with the residential component being of varying types. The overall proposed development shall contain approximately 948,500 gross square feet.

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- (2) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, and the like contained within the overall development.
- (3) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (4) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the referenced Site Plan.
- (5) Entrances to the proposed development shall be as more particularly shown and reflected on the referenced Site Plan.
- (6) Entrance signage for the proposed overall development shall be ground based, monument style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.
- (7) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process, as more hereinafter more particularly set forth.
- (8) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the

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architecture and style of the respective components of the development.

- (9) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.
- (10) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (11) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (12) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (13) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (14) There shall be interparcel access among the proposed development, the development proposed by TI Riverwood, LLC, located southwesterly of the Subject Property, and

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the existing "ING Office Building" located northeasterly of the Subject Property, as more particularly shown and reflected on the referenced Site Plan.

- (15) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (16) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (17) All utilities for the proposed development shall be located underground.
- (18) The following uses shall be prohibited from the proposed overall development:
 - (a) Video arcades as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, repair, and/or service facilities;
 - (d) Gas station;
 - (e) Truck and trailer leasing facilities;
 - (f) Automotive paint and body repair shops;
 - (g) Automotive upholstery shops;
 - (h) Billiards and pool halls which are the sole or predominant use;
 - (i) Bus stations (not to exclude bus stops);
 - (j) Fraternity and sorority house;

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- (k) Full-service gas stations;
 - (l) Light automotive repair;
 - (m) Rooming houses and boarding houses;
 - (n) Any form of adult entertainment business; and
 - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.
- (19) The parking spaces delineated herein may be reduced if shared parking among the various uses so allows; subject to the approval of the District Commissioner.

I. OFFICE COMPONENT

- (1) The office component of the proposed development shall consist of a 27 story office tower.
- (2) The proposed office tower shall be opposite of and mirror the existing ING office building. The proposed tower shall have the following specifics:
 - (a) The office tower shall be built over 8 levels of parking.
 - (b) The office tower shall contain approximately 525,000 total gross square feet.
 - (c) There shall be approximately 1,610 parking spaces.
 - (d) There shall be approximately 3 parking spaces per 1,000 gross square feet.

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- (3) The architectural theme, exteriors, and materials for the office component shall be substantially similar to the renderings presented to the Planning Commission and Board of Commissioners at the respective public hearings.

II. RETAIL COMPONENT

- (1) The retail component of the proposed development shall consist of four areas as follows:
 - (a) Two, two-story retail buildings; and
 - (b) Two retail buildings, a maximum of three stories in height.
- (2) One two-story retail building shall contain the following:
 - (a) A two-story building shall have approximately 5,000 total gross square feet and shall be located adjacent to a parking deck area.
 - (b) Retailers within the proposed building shall have approximately 25 parking spaces within the proposed parking deck.
 - (c) There shall be approximately 5 parking spaces per 1,000 gross square feet.
- (3) The second two-story retail building shall contain the following:
 - (a) A two-story building which shall have approximately 6,000 total gross square feet and shall be located adjacent to a parking deck area.

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- (b) Retailers within the proposed building shall have approximately 30 parking spaces within the proposed parking deck.
 - (c) There shall be approximately 5 spaces per 1,000 gross square feet.
- (4) The proposed maximum three-story retail building, located adjacent to one of the two-story retail sites, shall contain the following:
- (a) The building shall have approximately 7,500 total gross square feet and shall be located adjacent to a parking deck area.
 - (b) Retailers within the proposed building shall have approximately 75 parking spaces within the proposed parking deck.
 - (c) There shall be approximately 10 spaces per 1,000 gross square feet.
- (5) The proposed maximum three-story building, located at the intersection of Cumberland Boulevard and Riverwood Parkway, shall contain the following:
- (a) The building shall have approximately 3,000 total gross square feet.
 - (b) There shall be approximately 14 surface parking spaces available to retailers, as well as customers.
 - (c) There shall be approximately 4.6 spaces per 1,000 gross square feet.
- (6) The architectural theme, exteriors, and materials for the retail component shall be substantially similar to the renderings presented to the Planning Commission and Board of Commissioners at the respective public hearings.

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III. RESIDENTIAL COMPONENT

- (1) The residential component of the proposed development shall consist of two areas as follows:
 - (a) One 16 story residential tower; and
 - (b) One 10 story residential tower.
- (2) The proposed 16 story residential tower shall contain the following particulars:
 - (a) The tower shall contain a maximum of 120 units and have approximately 232,000 total gross square feet. Each unit shall have approximately 1,620 net square feet.
 - (b) The proposed tower shall be located over 4 levels of parking.
 - (c) The ground level may be utilized for retail/office.
- (3) The proposed 10 story residential tower shall contain the following particulars:
 - (a) The tower shall contain a maximum of 90 units and have approximately 170,000 total gross square feet. Each unit shall have approximately 1,560 net square feet.
 - (b) The proposed tower shall be located over 4 levels of parking.

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

- (4) Applicant agrees to the following unit square footage for the proposed residential:

MOORE INGRAM JOHNSON & STEELE

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_____ _____

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- (a) Not greater than five (5) percent of the units shall be less than 850 square feet;
 - (b) Not greater than fifteen (15) percent of the units shall be between 850 and 900 square feet;
 - (c) Not greater than thirty (30) percent of the units shall be between 900 and 1,100 square feet; and
 - (d) Not less than fifty (50) percent of the units shall be 1,100 square feet and greater.
- (5) The parking for both residential towers shall be approximately 420 parking spaces, being approximately 2 spaces per residential unit.
 - (6) The architectural style and materials of the residential towers shall be compatible with and complementary to the buildings within the retail and office components and shall be as shown and reflected on the renderings presented to the Planning Commission and Board of Commissioners at the respective Zoning Hearings.
 - (7) The units within the residential towers shall be condominiums as the term "condominium" is defined under the Georgia Condominium Act.
 - (8) The units within the residential towers shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
 - (9) The proposed residential towers shall contain a separate pool and related club amenities such as meeting rooms, lounge area, exercise area, and the like.

We believe the requested zoning, pursuant to the revised Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community, together with the TI Riverwood project, is an exciting concept which fits

MOORE INGRAM JOHNSON & STEELE

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Continued

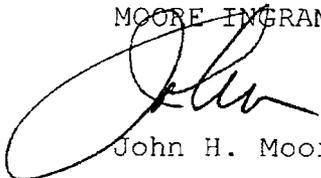
Mr. John P. Pederson
Planner III
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together numerous types of product into one development. The Applicant has gone to great detail in planning the development and working with residents within the Vinings Community and businesses within the Cumberland area. The proposed development shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments, businesses, and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

MOORE INGRAM JOHNSON & STEELE

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September 16, 2005

- c: Mr. Ron Sifen
Vinings Civic Association
(With Copy of Enclosure)
- Mr. Anthony L. Waybright
Ms. Suzanne Ballew
(With Copy of Enclosure)
- Ms. Linda Barnes Cater
Lower Stillhouse Group
(With Copy of Enclosure)
- Ms. Kathrin Mattox
(With Copy of Enclosure)
- Ms. Jody Smith
(With Copy of Enclosure)
- Ms. Mary Rose Barnes
(With Copy of Enclosure)
- Regent Riverwood, LLC
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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ELDON L. BASHAM
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J. KEVIN MOORE
RODNEY R. MCCOLLOCH
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RICARDO J. DeMEDEIROS
L. LAKE JORDAN
BRETT A. MILLER
JACQUELYN VAN TUYL**

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

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

WRITER'S DIRECT
DIAL NUMBER

September 19, 2005

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

Hand Delivered

FILED WITH COUNTY CLERK THIS 20th DAY
OF Sept. 2005 BY John Moore
RE Atty. General
Atty. General
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA
Mm. Bk. 31 Petition No. Z-62
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 9/20/05

RE: Application for Rezoning
Application No.: Z-62 (2005)
Applicant/Owner: Regent Riverwood
Property: 5.726 acres located at the
southwesterly corner of Riverwood
Parkway and Cumberland Boulevard,
Land Lot 978, 17th District,
2nd Section, Cobb County, Georgia

Dear John:

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

- (1) With respect to subsection III, Residential Component, item no. 4 on page 9 of the stipulation letter, shall be deleted in its entirety and the following inserted in lieu thereof:
- "(4) Applicant agrees to the following unit square footage for the proposed residential:

MOORE INGRAM JOHNSON & STEELE

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Continued

- (a) Not greater than twenty (20) percent of the units shall be between 850 and 900 square feet;
 - (b) Not greater than thirty (30) percent of the units shall be between 900 and 1,100 square feet;
 - (c) Not less than twenty (20) percent of the units shall be 1,100 square feet to 1,500 square feet; and
 - (d) Not less than thirty (30) percent of the units shall be 1,500 square feet and greater."
- (2) Further, the following shall be an additional stipulation applicable to subsection III, Residential Component:
- (10) Floor plans and finishes shall consist, at a minimum, of the following:
- (a) Enhanced corian, granite, or marble counter tops;
 - (b) Gas burning fireplaces as an upgrade;
 - (c) Minimum ceiling heights:
 - i) Minimum 9 feet from floor to finished ceiling and greater; and
 - ii) Minimum 10 feet between floors;
 - (d) European or upscale wooden face-frame cabinetry;
 - (e) Top-of-the line appliances, stainless steel or equivalent;
 - (f) Extra deep stainless steel sinks and side-by-side refrigerators/freezers;
 - (g) A selection of hardwood flooring, Berber carpet, and tile throughout;

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Planner III
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Continued

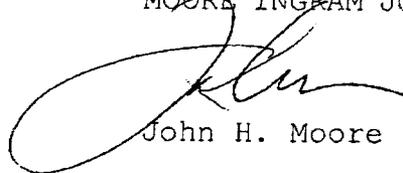
- (h) Spacious open floor plans which eliminate the necessity for typical hallways within the units;
- (i) Brushed chrome bathroom and kitchen fixtures;
- (j) Ceramic tile bathrooms and laundry rooms;
- (k) Spacious walk-in closets;
- (l) Surround-sound wiring;
- (m) High-speed internet wiring in all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

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

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

MOORE INGRAM JOHNSON & STEELE

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

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Continued

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

Mr. Ron Sifen
Vinings Civic Association

Mr. Anthony L. Waybright
Ms. Suzanne Ballew

Ms. Linda Barnes Cater
Lower Stillhouse Group

Ms. Kathrin Mattox

Ms. Jody Smith

Ms. Mary Rose Barnes

Regent Riverwood, LLC



REGIONAL REVIEW FINDING

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

DATE: 7/1/2005

ARC REVIEW CODE: R506021

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

Min. Bk. 37 Petition No. Z62
Doc. Type ARC decision
relevant to DRI
Meeting Date 9/20/05

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

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

Review Type: Development of Regional Impact Date Opened: 6/2/2005 Date Closed: 7/1/2005

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

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

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

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

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

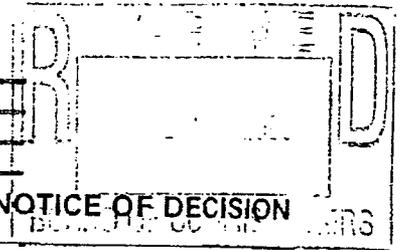
ARC ENVIRONMENTAL PLANNING
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS
GEORGIA REGIONAL TRANSPORTATION AUTHORITY
CITY OF ATLANTA
CITY OF MARIETTA

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

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



Min. Bk. 37 Petition No. Z-62
 Doc. Type GRTA decision
relevant to DRI
 Meeting Date 9/20/05



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

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

Comm. Joe Thompson
Rob Horack
David Montague

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

From: Steven L. Stancil, GRTA Executive Director

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

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

Date: July 6, 2005

Re: Notice of Decision Regarding DRI 743 Regent Riverwood

~~Mark~~ *John P. - FYI*

Petition No. 2-82
Meeting Date 9/20/05
Continued

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

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

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

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

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



Steven L. Stancil
Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

Conditions to GRTA Notice of Decision:

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

Roadway Improvements as Conditions to GRTA Notice of Decision:

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

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

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

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

Petition No. 2-62
Meeting Date 9/20/05
Continued

Attachment B – Required Elements of the DRI Plan of Development

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

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

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

Attachment C – Required Improvements to Serve the DRI

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

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

Section 1.

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

Section 2.

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

APPLICANT: TLRiverwood, LLC

PETITION NO.: Z-62

PRESENT ZONING: OL, OHR

PETITION FOR: RRC

 Min. Bk. 37 Decision No. Z-62
 Doc. Type revised Cobb DOT
Comments + recommendations
 Meeting Date 9/20/05

TRANSPORTATION COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPLICANT: TL Riverwood, LLC

PETITION NO.: Z-62

PRESENT ZONING: OL OHR

PETITION FOR: RRC

TRANSPORTATION COMMENTS cont.

Petition No. Z-62
Meeting Date 9/20/05
Continued

RECOMMENDATIONS

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

Recommend GDOT permits for the proposed right-in/right-out driveway on U.S. Highway 41 and all work that may encroach upon State right-of-way.

Recommend deleting right-in/right-out drive on Riverwood Parkway.

Recommend developer provide 100% funding for traffic signal upgrade at proposed access on Cumberland Boulevard.

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

Recommend inter-parcel access easements for all properties having common boundaries.

Recommend a minimum 150' deceleration lane at each access point along US 41, Cumberland Boulevard and Riverwood Parkway.

Recommend applicant coordinate with Blueprint Cumberland, Cobb County DOT and Georgia DOT to ensure compatibility with the proposed streetscape project, the Silver Comet Trail Extension and the proposed widening of U.S. 41.

Recommend converting the striped areas of the medians into a left turn lane on Cumberland Boulevard and Riverwood Parkway.

Recommend modifying landscaped island along Cumberland Boulevard to extend left turn storage.

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

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

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

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

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

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

ITEM #2:

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

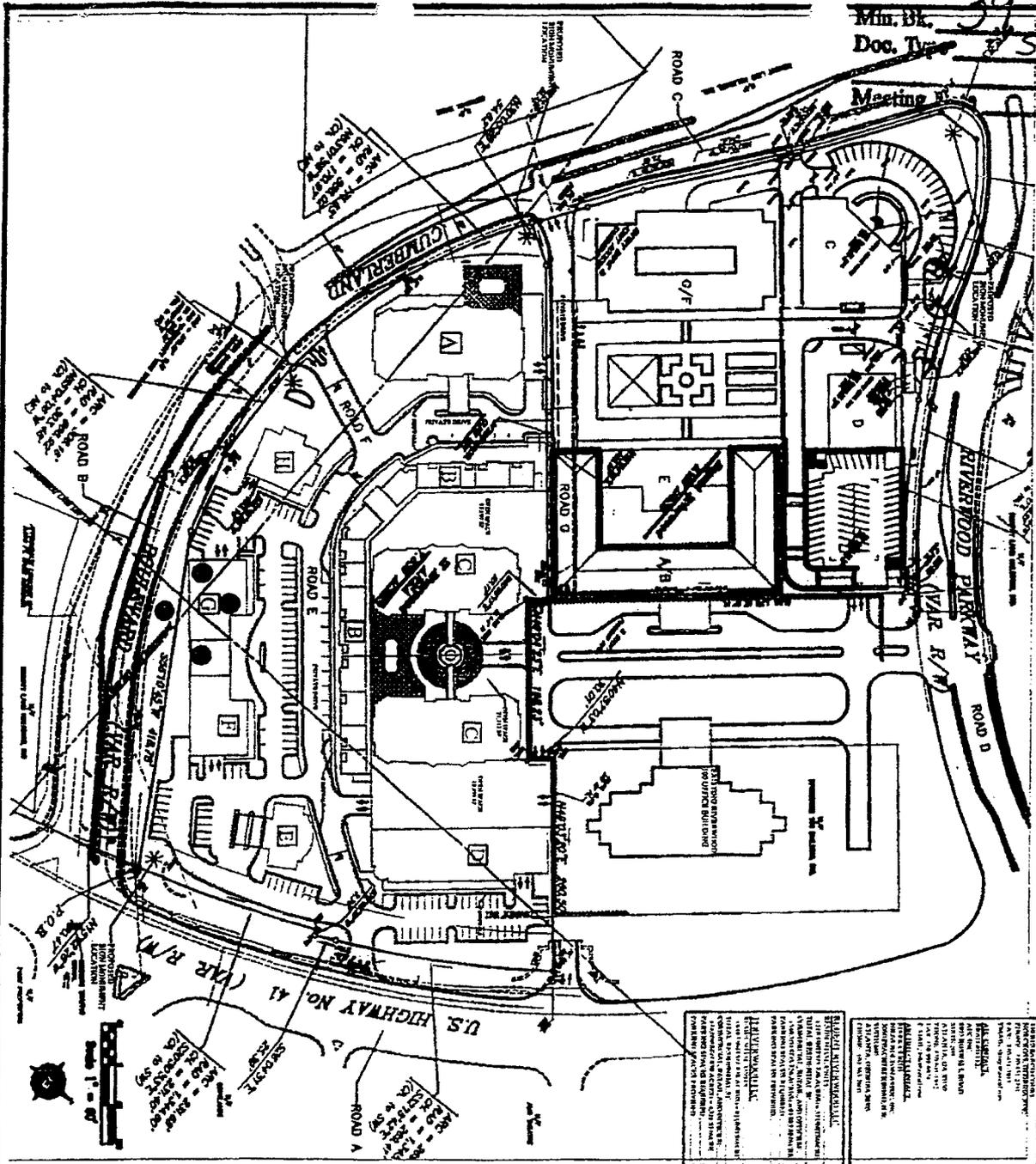
Mr. Mark Danneman, Zoning Division Manager, provided information regarding request for site plan and stipulation amendment. The public hearing was opened and Mr. John Moore and Mr. Ron Sifen addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Olens, to **approve** amending the site plan and stipulations regarding Z-62 (Regent Riverwood, LLC) of April 19, 2005, for property located at the southeast intersection of Cumberland Boulevard and Riverwood Parkway in Land Lot 978 of the 17th District **subject to:**

- **site plan received in the Zoning Division December 14, 2005 (copy attached and made a part of these minutes)**
- **letter of request/agreeable stipulations from Mr. John Moore dated November 22, 2005, with the following revisions: (copy attached and made a part of these minutes)**
 - **paragraph (2) revised to read: "... *right-in only* access, with 100-foot deceleration lane with 50-foot taper, onto Riverwood Parkway..."**
 - **paragraph (3) revised to read: "... *right-in only* entrance, with a standard Cobb DOT deceleration lane, onto Cumberland Boulevard ..."**
- **Cobb DOT to approve curb cut changes**
- **all other previously approved conditions/stipulations to remain in full force and effect**

VOTE: **ADOPTED** unanimously

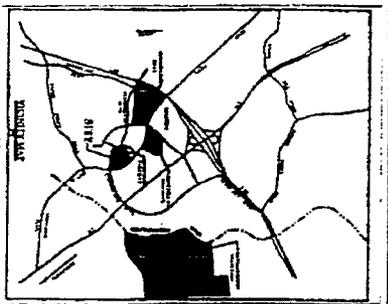
Meeting # 12/20/05



THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION. THE DESIGNER ASSUMES NO LIABILITY FOR THE ACCURACY OF THE INFORMATION PROVIDED HEREON. THE DESIGNER'S RESPONSIBILITY IS LIMITED TO THE DESIGN OF THE PROJECT AS SHOWN ON THIS PLAN. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER'S SERVICES DO NOT INCLUDE THE OBTAINING OF PERMITS OR APPROVALS. THE CLIENT IS RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE DESIGNER'S SERVICES DO NOT INCLUDE THE OBTAINING OF PERMITS OR APPROVALS.

GENERAL NOTES:
 1. ALL DIMENSIONS ARE IN FEET AND INCHES.
 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 4. ALL DIMENSIONS ARE TO EXTERIOR UNLESS OTHERWISE NOTED.
 5. ALL DIMENSIONS ARE TO INTERIOR UNLESS OTHERWISE NOTED.
 6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
 7. ALL DIMENSIONS ARE TO EXTERIOR UNLESS OTHERWISE NOTED.
 8. ALL DIMENSIONS ARE TO INTERIOR UNLESS OTHERWISE NOTED.

LEGEND:
 1. EXISTING BUILDING FOOTPRINT
 2. EXISTING PARKING LOT
 3. EXISTING ROAD
 4. EXISTING RAIL LINE
 5. EXISTING UTILITY LINE
 6. EXISTING TREE
 7. EXISTING LANDSCAPE
 8. EXISTING FENCE
 9. EXISTING SIGN
 10. EXISTING LIGHT FIXTURE
 11. EXISTING STREET LIGHT
 12. EXISTING BIKEWAY
 13. EXISTING TRAIL
 14. EXISTING WATERWAY
 15. EXISTING DRAINAGE CANAL



SITE DATA:
 RIVERWOOD, LLC TRACT - 0.728 AC
 RIVERWOOD, LLC TRACT - 7,850 SQ FT
 PROJECT NUMBER - 08#2

NO.	DESCRIPTION	DATE
1	PRELIMINARY SITE PLAN	12/20/05
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	

NO.	DESCRIPTION	DATE
1	PRELIMINARY SITE PLAN	12/20/05
2	REVISIONS	
3	REVISIONS	
4	REVISIONS	
5	REVISIONS	
6	REVISIONS	
7	REVISIONS	
8	REVISIONS	
9	REVISIONS	
10	REVISIONS	

UNDESIGNED CONCRETE DETENTION WALL
 RIVERWOOD, LLC TRACT - 8 ON THE
 RIVERWOOD, LLC TRACT
 PROJECT REFERENCE - DRI 743 RIVERWOOD

MOORE INGRAM JOHNSON & STEELE

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192 ANDERSON STREET

MARIETTA, GEORGIA 30060

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OF COUNSEL:
JOHN L. SKELTON, JR.

! ALSO ADMITTED IN TN
... ALSO ADMITTED IN FL
... ALSO ADMITTED IN OH
... ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

November 22, 2005

Min. Bk. 39 Petition No. (Z-62 of 4/19/05) **OB#2**
Doc. Type Letter of request/agreeable
stipulations
Meeting Date 12/20/05
Hand Delivered

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

RE: Application for Site Plan and Stipulation Amendment
Application No.: Z-62 (2005)
Applicant/Owner: Regent Riverwood, LLC
Property: 5.726 acres located at the
southwesterly corner of Riverwood
Parkway and Cumberland Boulevard,
Land Lot 978, 17th District,
2nd Section, Cobb County, Georgia

Dear Mark:

As you know, the undersigned and this firm represent Regent Riverwood, LLC (hereinafter "Applicant") concerning the rezoning and development of the approximately 5.726 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"). 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. Z-62 (2005) heard by the Board of Commissioners at its Zoning Hearing held on September 20, 2005. Additionally, certain stipulations were imposed by the Board of Commissioners upon the development as set forth in the official minutes.

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 2 of 5
November 22, 2005

OB#2
Petition No. (2-62 of 4/19/05)
Meeting Date 12/20/05
Continued

Applicant presents this request for site plan and stipulation amendment which, if approved as submitted herein, shall become part of the approved rezoning as to the Subject Property. The following are the amendments requested:

- (1) Applicant submits herewith the revised Site Plan depicting the development proposed by Applicant, as well as the adjacent development by TI Riverwood, LLC. The approval of the revised Site Plan shall be site plan specific as to the Subject Property only.
- (2) Applicant proposes the slight re-location of the curb cut and right-in/right-out access onto Riverwood Parkway as shown and reflected on the revised Site Plan submitted herewith. This re-location will allow for the alignment of the entrance with the entrance to the existing office complex.
- (3) Additionally, Applicant proposes the addition of a right-in/right-out entrance onto Cumberland Boulevard (between proposed buildings "A" and "C") as more particularly shown and reflected on the revised Site Plan.
- (4) Applicant proposes the revision to Building "C" (subparagraph (2) of the Retail Component (page seven) of the September 26, 2005, letter of agreeable stipulations and conditions) as follows:
 - (A) One four-story building, plus a basement, for commercial and office use shall contain the following:
 - (a) Approximately 55,000 gross square feet and shall be located adjacent to a parking deck area.
 - (b) Tenants shall have approximately 165 parking spaces within the proposed development (290 spaces required).

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 3 of 5
November 22, 2005

Petition No. OB#2
(2-62 of 4/19/05)
Meeting Date 12/20/05
Continued

- (5) Applicant proposes the revision to Building "G" (section I, "Office Component," (page six) of the September 26, 2005, letter of agreeable stipulations and conditions) as follows:
- (A) The 27 story office tower shall contain approximately 470,000 gross square feet for office uses.
- (B) There shall be approximately 1,460 parking spaces (2,350 spaces required).
- (6) Further, 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.
- (7) If the amendments are approved, as set forth above, together with the amended Site Plan submitted herewith, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 16, 2005, are unaltered by this request for site plan and stipulation amendment and shall remain in full force and effect.

We respectfully request this Application for Site Plan and Stipulation Amendment be placed on the Board of Commissioners' "Other Business Agenda" for the scheduled Zoning Hearing on December 20, 2005. Thank you for your consideration in this matter. We look forward to confirmation of this item on the requested Zoning Hearing agenda and receipt of the signs in order to meet the requisite posting date.

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

MOORE INGRAM JOHNSON & STEELE

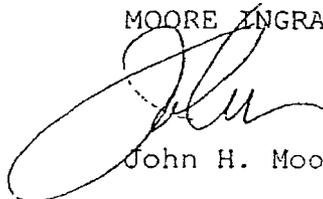
Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 4 of 5
November 22, 2005

Petition No. OB#2 (Z-6244/15/05)
Meeting Date 12/26/05
Continued

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

Mr. Ron Sifen
Vinings Civic Association
(With Copy of Enclosure)

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

Ms. Linda Barnes Cater
Lower Stillhouse Group
(With Copy of Enclosure)

Ms. Kathrin Mattox
(With Copy of Enclosure)

Ms. Jody Smith
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 5 of 5
November 22, 2005

OB#2
Petition No. (2-62 of 4/19/05)
Meeting Date 12/20/05
Continued

c: Ms. Mary Rose Barnes
(With Copy of Enclosure)

Regent Riverwood, LLC
(With Copy of Enclosure)

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

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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.[†]

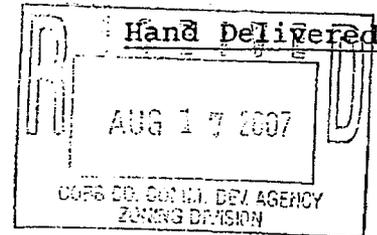
[†] ALSO ADMITTED IN TN
^{*} ALSO ADMITTED IN FL
^{**} ALSO ADMITTED IN NM
^{***} ALSO ADMITTED IN NC
^{****} ALSO ADMITTED IN OH
^{*****} ADMITTED ONLY IN TN
^{*****} ADMITTED ONLY IN FL

August 17, 2007

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

Meeting Date 9-18-07

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



RE: Application for Site Plan and Stipulation Amendment
Application No.: Z-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
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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
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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
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Meeting Date 9-18-07
Continued

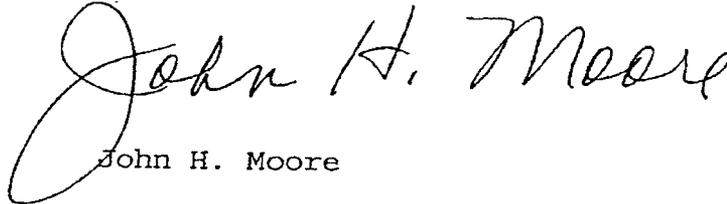
matter. We look forward to confirmation of this item on the requested Zoning Hearing agenda and receipt of the signs in order to meet the requisite posting date.

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)

**Z-61 (2005) AND Z-62 (2005)
OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING – JULY 16, 2013**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 16, 2013
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 16, 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

- O. B. 8** 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.

Mr. Pederson provided information regarding stipulation and site plan amendments to move square footage from Building G to Building B. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Lee, to approve Other Business Item No. 8 for stipulation and site plan amendments regarding 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 subject to:

- **Site plan received by the Zoning Division June 11, 2013 (attached and made a part of these minutes)**
- **District Commissioner to approve final building architecture and building signage for Z-61 and Z-62**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: ADOPTED unanimously

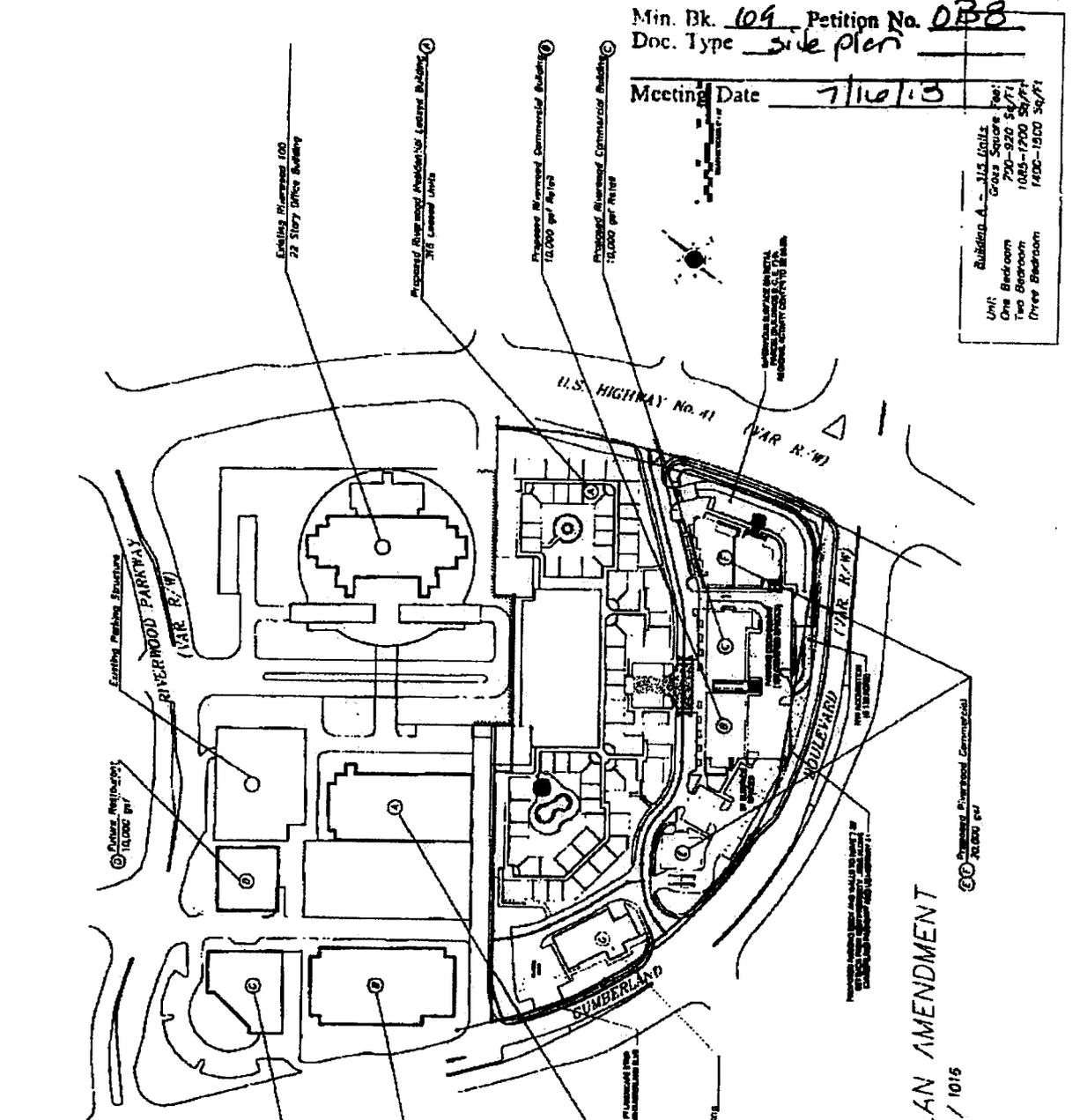


SITE PLAN
 DOUGLAS HANKS CONSULTING ENGINEERS, INC.
 1000 Peachtree Street, N.E., Atlanta, Georgia 30309
 Phone: 404.525.1111 Fax: 404.525.1112

Riverwood Project
 at Cumberland Boulevard

Min. Bk. 50 Petition No. 028
 Doc. Type Site Plan
 Meeting Date 7/10/13

1-48
 06-18-2003
 1:00



Unit:	One Bedroom	Two Bedroom	Three Bedroom
Area:	700-920 Sq/Ft	1085-1700 Sq/Ft	1400-1900 Sq/Ft
Building A:	315 Units		
Gross Square Feet:			

JUN 11 2013
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

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

**2015 PAID AD VALOREM PROPERTY TAX
RECIPTS FOR OVERALL
RIVERWOOD PROJECT
(TAX PARCEL NOS. 17097800340;
17097800350; 17097800390;
17097800470; AND 17097800480)**



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 4/7/2016 10:07:34 AM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
HIGHWOODS REALTY LTD PARTNERSHIP

HRLP RIVERWOOD 100 LLC

Payment Date: 10/15/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2015	17097800340	10/15/2015	Pay: N/A or	1260040.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$1,260,040.00	\$1,260,040.00	\$0.00



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 4/7/2016 10:09:56 AM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
HIGHWOODS REALTY LTD PARTNERSHIP

**HIGHWOODS REALTY LIMITED
PARTNERSHIP**

Payment Date: 10/15/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2015	17097800350	10/15/2015	Pay: N/A or	43302.68

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$43,302.68	\$43,302.68	\$0.00



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 4/7/2016 10:11:48 AM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
TI RIVERWOOD LLC

TI RIVERWOOD OUTPARCELS LLC

Payment Date: 9/14/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17097800390	10/15/2015	Pay: N/A or	58669.69	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$58,669.69	\$58,669.69	\$0.00



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 4/7/2016 10:12:58 AM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
BAYROCK INVESTMENT CO

BAYROCK INVESTMENT CO

Payment Date: 12/11/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17097800470	10/15/2015	Pay: N/A or	24462.12	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$513.70	\$1,223.11	\$0.00	\$24,462.12	\$26,198.93	\$0.00



CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 4/7/2016 10:15:33 AM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
CBRE CAPITAL MARKETS INC

RIVERWOOD APARTMENTS MASTER LLC

Payment Date: 10/15/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17097800480	10/15/2015	Pay: N/A or	902008.10	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$902,008.10	\$902,008.10	\$0.00