

**APRIL 17, 2018 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-018

PURPOSE

To consider a site plan and stipulation amendment for Battery Hotel Group, LLC regarding rezoning application Z-45 of 2014 for property located at the southwest side of Circle 75 Parkway, south of Windy Hill Road in Land Lot 876 of the 17th District.

BACKGROUND

The subject property was rezoned to Regional Retail Commercial (RRC) in 2014 for the purpose of a mixed-use development. The property was approved for two eight story hotels with 145 guest rooms each. The applicant proposes to build one five-story hotel with 113 guest rooms. The hotel will be one of the Hilton branded hotels, and there will be 113 parking spaces. If approved, all previous stipulations, not in conflict with this amendment would remain in effect.

STAFF COMMENTS

Stormwater Management: All previous Stormwater Management comments to remain in effect.

Cobb DOT: 1) Recommend applicant consider entering into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the west side of Circle 75 Parkway, a minimum of 50’ from the roadway centerline; 2) Recommend a deceleration lane on Circle 75 for the entrance. Recommend length and design be determined during plan review, subject to Cobb County DOT approval; 3) Recommend curb, gutter, and sidewalk along the frontage of Circle 75 Parkway; and 4) Recommend applicant submit site details to Cobb DOT for coordination with Cobb County Airport Manager to determine potential need for a FAA study.

RECOMMENDATION

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

ATTACHMENTS

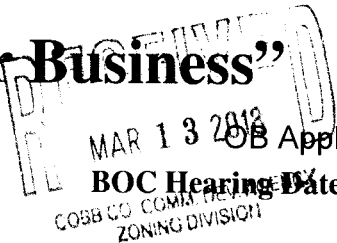
Other Business Application and zoning stipulations.

(Site Plan Amendment)

Application for "Other Business"

Cobb County, Georgia

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



OB Application No.: OB-18-2018

BOC Hearing Date Requested: April 17, 2018

Applicant: Battery Hotel Group, LLC

(applicant's name printed)

Phone #: (678) 613-2622

Address: 3217 Teton Drive, Atlanta, GA 30339

E-Mail: patelbk79@gmail.com

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

Address: Emerson Overlook, Suite 100, 326 Roswell Street

Marietta, GA 30060

(representative's name, printed)

BY: *J. Kevin Moore* Phone #: (770) 429-1499

E-Mail: jkm@mijs.com

(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

Carolyn E. Cook

My commission expires: January 10, 2019

Notary Public

Titleholder(s) : MCP-Ackerman Corporate Forum, LLC

(property owner's name printed)

Phone #: (770) 913-3900

Address: Suite 1000, 10 Glenlake Parkway, South Tower, Atlanta, GA 30328

E-Mail: lwiener@ackermanco.net

See Attached Exhibit "A"

(Property owner's signature)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Commission District: 2 (Ott)

Zoning Case: Z-45 (2014)

Size of property in acres: 2.29+/-

Original Date of Hearing: 07/15/2014

Hearing Date: 10/21/2014

Location: Southwest side of Circle 75 Parkway; south of Windy Hill Road

(street address, if applicable; nearest intersection, etc.) (4501 Circle 75 Parkway)

Land Lot(s): 876

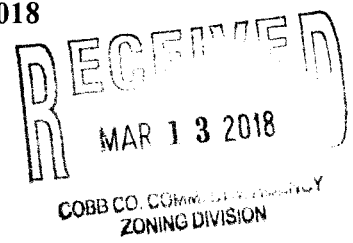
District(s): 17th

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

See Exhibit "B" attached hereto and incorporated herein by reference.

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

OB Application No.: OB- 18 -2018
Application No.: Z-45 (2014)
Original Hearing Date: July 15, 2014
Date of Zoning Decision: October 21, 2014
Current Hearing Date: April 17, 2018



BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Battery Hotel Group, LLC
Property Owner: MCP-Ackerman Corporate Forum, LLC

MCP-Ackerman Corporate Forum, LLC

BY: [Signature]
TITLE: Authorized Representative
Printed Name: Donald K. Miller
Date Executed: 3/12/18

Address: Suite 1000
10 Glenlake Parkway, South Tower
Atlanta, Georgia 30328

Telephone No.: (770) 913-3900

Signed, sealed, and delivered in the presence of:

[Signature]
Notary Public
Commission Expires: 4/23/18

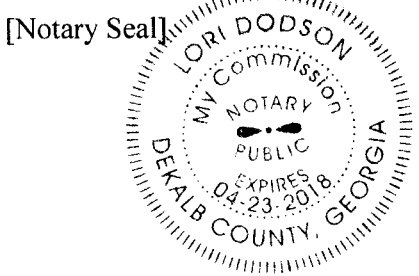
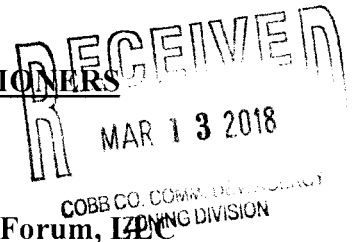


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Amendment)

Application No.:	OB-_____ (2018)
Application No.:	Z-45 (2014)
Original Hearing Date:	July 15, 2014
Date of Zoning Decision:	October 21, 2014
Current Hearing Date:	April 17, 2018

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant:	Battery Hotel Group, LLC
Property Owner:	MCP-Ackerman Corporate Forum, LLC



Battery Hotel Group, LLC, as Applicant in this Application for "Other Business" (hereinafter "Applicant"), proposes to amend a portion of the Site Plan approved for development of the property located on the southwest side of Circle 75 Parkway, south of Windy Hill Road, Land Lot 876, 17th District, 2nd Section, Cobb County, Georgia, being more particularly known as 4501 Circle 75 Parkway (hereinafter the "Property" or the "Subject Property"). On October 21, 2014, the Cobb County Board of Commissioners rezoned the Property and approved the Site Plan and stipulations for the development of the overall tract, being approximately 12.64 acres, to the Regional Retail Commercial ("RRC") zoning classification.. Applicant proposes development of a portion of the overall tract, approximately 2.29 acres; and, therefore, seeks approval of a modified Site Plan for that portion of the previously approved development. Applicant presents the amended Site Plan reflecting the 2.29 acre tract for consideration in this Application for "Other Business," said amended Site Plan being prepared for Applicant by Landworks Associates, Inc., dated February 14, 2018, a reduced copy of which is attached hereto as Exhibit "1" and incorporated herein by reference.


The balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on October 21, 2014, as to the rezoning approval for development of the overall tract or the Subject Property are unaltered or unchanged by this request for Site Plan Amendment.

The amendment of the Site Plan in no way adversely impacts or affects the quality or integrity of the overall development initially approved by the Cobb County Board of Commissioners. If the requested amendment to and approval of the Site Plan, as presented in this Application for "Other Business," is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

REVISIONS

NO.	DATE	DESCRIPTION

CONVOLUTIONAL
CIVIL ENGINEERING



Landmarks Associates, Inc.
 P O BOX 88834
 ATLANTA, GEORGIA 30356
 (770) 513-7100 FAX: 513-7100

PROJECT DESCRIPTION
 TRU HOTEL BY HILTON
 LAND LOT B26 173H LAND DISTRICT
 COBB COUNTY, GEORGIA

SHEET TITLE	
SITE PLAN	
DATE	2-21-18
JOB	505-18011
CRW	WCL
CHK	JJA
SHEET NUMBER	
C-1	

SCALE: 1"=30'

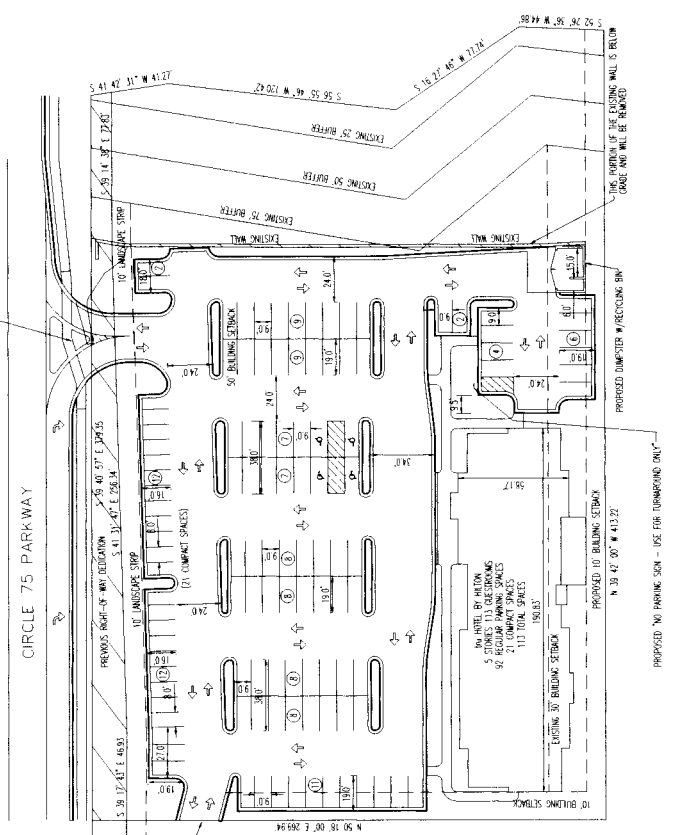


24 HOUR CONTACT MR. CHARLIE BRICE
 (404) 568-2154

SITE PLAN NOTES

1. PROPERTY OWNER / DEVELOPER: LANDMARKS ASSOCIATES, INC. (LAI), 1730 N. MOUNTAIN AVENUE, SUITE 300, ATLANTA, GA 30329. PHONE: (770) 513-7100. FAX: (770) 513-7100. WWW: WWW.LANDMARKSASSOCIATES.COM
2. THE CONSTRUCTION OF THIS PROJECT IS SUBJECT TO THE APPROVED DEVELOPMENT PLAN (DP) FOR THE TRU HOTEL BY HILTON, AS SHOWN ON SHEET C-1 OF THIS SET OF PLANS. THE DP IS A CONDITION OF THE ZONING PERMIT FOR THIS PROJECT.
3. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE APPROVED DP AND ALL APPLICABLE CITY, COUNTY AND STATE REGULATIONS. THE DEVELOPER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS FROM THE CITY OF ATLANTA AND THE STATE OF GEORGIA.
4. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
5. ALL UTILITIES SHALL BE LOCATED AND DEPTHED BY THE DEVELOPER. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ALL UTILITIES TO THE PROJECT.
6. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE APPROVED DP AND ALL APPLICABLE CITY, COUNTY AND STATE REGULATIONS.
7. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
8. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE APPROVED DP AND ALL APPLICABLE CITY, COUNTY AND STATE REGULATIONS.
9. THE DEVELOPER SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES. THE DEVELOPER SHALL BE RESPONSIBLE FOR PROVIDING ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
10. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE APPROVED DP AND ALL APPLICABLE CITY, COUNTY AND STATE REGULATIONS.

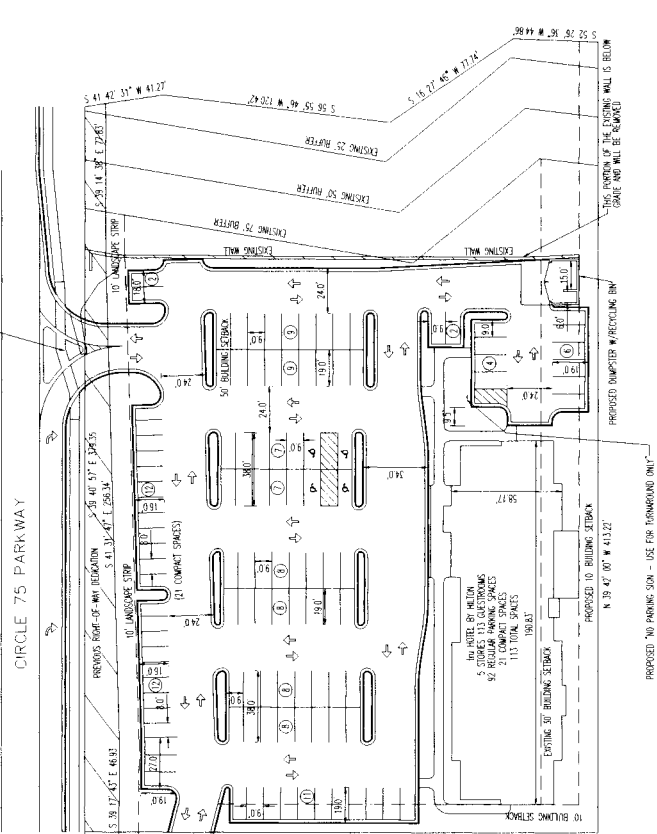
PROPERTY EVIDENCE PLAN ILLUSTRATED AS PER STAINUM WALK @ CORNER 75 PARKWAY
 PHASE 3 MASTER SITE PLAN, DATED FEBRUARY 24, 2018



APPROVED
 2018
 COMMUNITY DEVELOPMENT DEPARTMENT

EXHIBIT "1"

**SITE PLAN SUBMITTED FOR AMENDMENT
AND APPROVAL BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR “OTHER BUSINESS” –
APRIL 17, 2018**



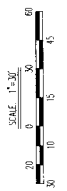
PROPOSED PARKING SPACES ILLUSTRATED AS PER STUDY AND @ CIRCLE 75 PARKING
 PHASE 3 MASTER SITE PLAN DATED FEBRUARY 24, 2018

CIRCLE 75 PARKWAY

INTER-PARCEL ACCESS TO MET STADIUM WALK APARTMENTS DRIVE

SITE PLAN NOTES

1. PROPERTY OWNER / DEVELOPER: [Name]
2. PROJECT NUMBER: [Number]
3. PROPERTY ADDRESS: [Address]
4. CITY: [City]
5. COUNTY: [County]
6. STATE: [State]
7. ZIP: [ZIP]
8. PROJECT DESCRIPTION: [Description]
9. ALL SETBACKS AND THE DATE MUST BE CLEARLY IDENTIFIED BY DIMENSION LINES FROM PROPERTY BOUNDARIES TO THE CENTERLINE OF THE SETBACK LINE.
10. ALL CONSTRUCTION MUST COMPLY TO COBB COUNTY EASEMENT STANDARDS AND REGULATIONS.



FOR MORE CONTACT MR. CHARLES BIERES
 404.268.2314

APPROVED
 MAR 13 2018
 ZONING DEPARTMENT

**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR
REZONING NO. Z-45 (2014)
– OCTOBER 21, 2014**



Railroad Commission

RECORDED
INDEXED
FILED
APR 11 2018
STATION



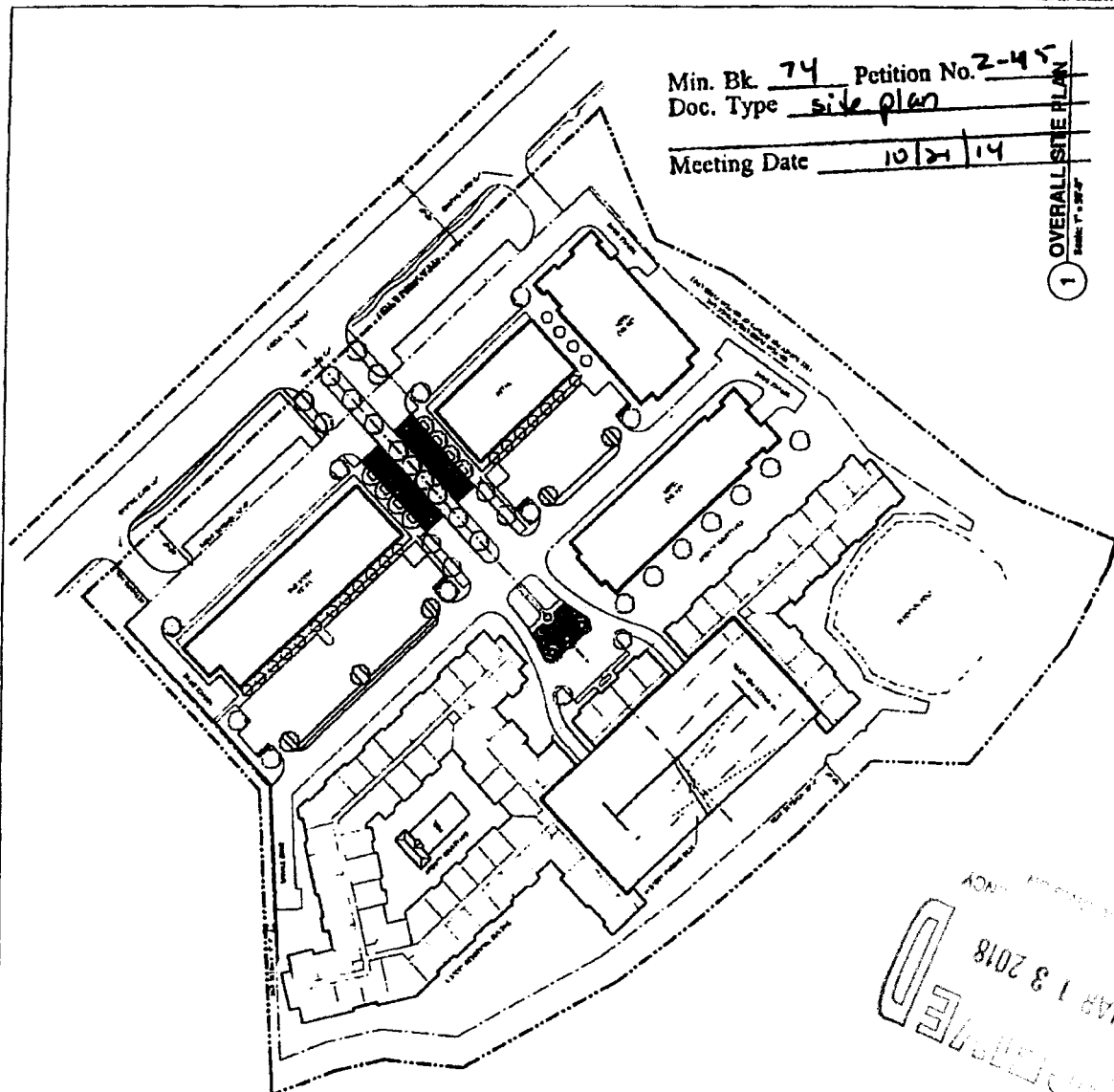
STADIUM WALK

A1-00

OVERALL SITE PLAN

Min. Bk. 74 Petition No. 2-45
 Doc. Type site plan
 Meeting Date 4/11/01

1 OVERALL SITE PLAN
 Scale: 1" = 100'



RECORDED
 MAR 13 2018
 COUNTY CLERK'S OFFICE
 HENRY

EXHIBIT "A"

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
REZONING Z-45 (2014)
– OCTOBER 21, 2014**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 21, 2014
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 21, 2014 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Helen Goreham
Commissioner Bob Ott

Z-45 **MCP-ACKERMAN CORPORATE FORUM, LLC** (owner) requesting Rezoning from GC to RRC for the purpose of a Mixed Use Development in Land Lots 850, 851, 876 and 877 of the 17th District. Located on the southwest side of Circle 75 Parkway, south of Windy Hill Road (4501 Circle 75 Parkway). *(Previously continued by Staff until the October 7, 2014 Planning Commission hearing)*

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

MOTION: Motion by Ott, second by Lee, to approve rezoning to the RRC zoning category subject to:

- **Site plan received with the letter of agreeable conditions from Mr. Kevin Moore dated October 1, 2014 (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Mr. John Moore dated October 1, 2014 (attached and made a part of these minutes), *not otherwise in conflict*, and with the following changes:**
 - **Item No. 2 – add to end: *“Whenever the master covenants conflict with county standards, the stricter of the two shall prevail; further, a copy of the master covenants shall be provided to the District Commissioner, Cobb DOT, and the Zoning Division prior to the issuance of any permits related to demolition or construction.”***
 - **Item No. 18 – strike second sentence and replace with: *“Prior to the issuance of any land disturbance permits or any other permits, ULI Shared Parking Study to be approved by Cobb DOT and Community Development.”***
 - **Item No. 19 – add to end: *“....Circle 71 Parkway, Windy Ridge, and Herodian Way.”***
 - **Item No. 20 – add to end: *“Stormwater shall not be released from the site at a rate higher than that which currently exists and further the percentage of impervious surface coverage will not exceed the allowable amount of 80%.”***
 - **Add No. 24 – *“Construction hours to be limited to Monday through Saturday from 7:00 a.m. until 7:00 p.m. No work on Sundays unless prior approval is obtained from District Commissioner.”***

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 21, 2014
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 21, 2014 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Tim Lee
Commissioner JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Helen Goreham
Commissioner Bob Ott

Z-45 MCP-ACKERMAN CORPORATE FORUM, LLC (CONT)

- **Fire Department comments and recommendations, *not otherwise in conflict***
- **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
- **Stormwater Management Division comments and recommendations, *not otherwise in conflict***
- **Cobb DOT comments and recommendations, *not otherwise in conflict***
- **Owner/developer to enter into a Development Agreement pursuant to §36-71-13 for dedication of system improvements to mitigate traffic concerns**

VOTE: ADOPTED unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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

ANGELA D. TARTLINE
JOYCE W. HARPER
CAREY E. OLSON*
CHARLES E. PIERCE*
WILMA R. BUSH
GREGORY H. FULLER*
TODD I. HEIRD*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER‡
AMY L. JETT*
JEFF C. MORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON
D. AUSTIN GILLIS
KRISTEN C. STEVENSON*
SARAH H. BEST†
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
TAMMI L. BROWN
DAVID A. HURTADO
J. MARSHALL WEHUNT

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL ST
MARIETTA, GEORGIA 30080
TELEPHONE (770) 429-1499
KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 592-9039
JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1485
NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7347
LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40504
TELEPHONE (502) 410-8021
CHARLESTON, SOUTH CAROLINA
885 ISLAND PARK DR • STE B
CHARLESTON, SOUTH CAROLINA 29492
TELEPHONE (843) 302-0002
ORLANDO, FLORIDA
7380 W. SAND LAKE RD • STE 500
ORLANDO, FLORIDA 32819
TELEPHONE (407) 387-8233

JONATHAN J. SMITH
TRISTAN B. MORRISON****
WILLIAM B. WARRIHAY*
COLLEEN K. HORN*****
DAVID J. OTTEN*
JONATHAN S. FUTRELL
NORBERT D. HUMMEL, IV
DAVID P. CONLEY
B. CHASE ELLEBY
TYLER R. MORGAN*
MARIANNA L. JABLONSKI*
LOURDES SANCERNI-FULTON‡
LEAH C. FOX
ALISHA I. WYATT-BULLMAN†
J. DANIEL COLE
RYAN S. ROBINSON
JOSEPH D. SHELLEY
LESLIE S. SMITH
CHRISTOPHER L. JOHNSON
CHRISTIAN H. LAYCOCK
LIZA D. HARRELL**
JESSICA A. KING
JOHN A. EARLY
CHRISTOPHER W. SHERMAN*

JOHN T. RICE†
JESS E. MAPLES*
FREDERICK F. FISHER***
OF COUNSEL:
JOHN L. SKELTON, JR.†

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

October 1, 2014

Hand Delivered

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

OCT - 1 2014

Min. Bk. 74 Petition No. 2-45
Doc. Type letter of agreeable
conditions
Meeting Date 10/21/14

RE: Application for Rezoning - Application No. Z-45 (2014)
Applicant/Property Owner: MCP-Ackerman Corporate Forum, LLC
Property: 12.64 acres, more or less, located on the westerly side of Circle 75 Parkway, southerly of Windy Hill Road (4501 Circle 75 Parkway), Land Lots 850, 851, 876, and 877, 17th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent MCP-Ackerman Corporate Forum, LLC, the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of 12.64 acres, more or less, located at the westerly side of Circle 75 Parkway, southerly of Windy Hill Road, and being also known as 4501 Circle 75 Parkway, Land Lots 850, 851, 876, and 877, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with planning and zoning staff, reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this letter

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 10
October 1, 2014

Petition No. 245
Meeting Date 10/21/14
Continued

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

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of General Commercial ("GC") to the proposed zoning category of Regional Retail Commercial ("RRC"), site plan specific to the revised Overall Site Plan prepared for Applicant by Rule Joy Trammell & Rubio, LLC, dated May 1, 2014, and filed with the Zoning Office on or about June 3, 2014. A reduced copy of the revised Overall Site Plan is attached collectively hereto for ease of reference as Exhibit "A" and incorporated herein by reference.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, amenity areas, and the like contained within the overall development.
- (2) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (3) The entrances to the proposed development shall be as more particularly shown and reflected on the referenced revised Overall Site Plan.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 10
October 1, 2014

Petition No. 2-45
Meeting Date 10/21/14
Continued

- (4) Entrance signage for the proposed overall development shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.
- (5) 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.
- (6) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (7) Additionally, hooded security lighting shall be utilized on the exteriors of the proposed retail buildings, the proposed hotels, and throughout the walkways, surface parking areas, and parking deck areas.
- (8) All dumpsters servicing any portion of the overall development shall be enclosed with a minimum six (6) foot high brick enclosure on three sides with a solid wooden screen gate or doors on the access side. All dumpsters shall contain rubber lids to minimize noise.
- (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 revised Zoning 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 a residential project or the overall square footage of a non-residential project;

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
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October 1, 2014

Petition No. 2-45
Meeting Date 10/21/14
Continued

- (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.
- (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, surface parking, 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 landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
 - (14) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
 - (15) All utilities for the proposed overall development shall be located underground.
 - (16) 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.
 - (17) Parking for the overall development shall be provided within the secured parking deck, being a maximum of eight (8) stories in height, and surface parking, as follows:
 - (a) Parking Deck - 640 spaces;

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 10
October 1, 2014

Petition No. 245
Meeting Date 10/21/14
Continued

(b) On-Grade, Surface Parking - 148 spaces.

- (18) Applicant shall have performed a ULI Shared Parking Study to determine if seven hundred eighty-eight (788) parking spaces are sufficient based upon shared use by hotel, retail, and residential users. Applicant shall present the Study to the Cobb County Zoning Office and the Cobb County Department of Transportation as soon as possible after the final hearing before the Cobb County Board of Commissioners. Cobb County Department of Transportation and the Cobb County Zoning Office approval of the Study will be a condition which must be achieved prior to permitting.
- (19) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of the structures, and shall not be parked on or along Circle 75 Parkway.
- (20) Detention/retention facilities for the proposed development shall be as more particularly shown and reflected on the referenced Overall Site Plan, which is the current location of existing facilities serving the development presently located on the Subject Property. These facilities will be upgraded to comply with all Cobb County Stormwater Management requirements, and the floodway will go through the existing pond; excepting that underground detention may be utilized in compliance with all regulations.
- (21) The detention area shall be fenced with a black, vinyl-clad chain link fence, a minimum of six (6) feet in height, with landscaping to the exterior for purposes of visual screening.
- (22) Any existing curb, gutter, and sidewalk along Circle 75 Parkway which may be damaged during construction shall be replaced by Applicant following completion of the development.
- (23) Due to existing leases, development of the Subject Property shall be completed in phases; and the existing office buildings currently located thereon shall remain and be utilized until such time as the specific phase of the development requires demolition of each respective building.

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I. RESIDENTIAL COMPONENT

- (1) The residential component of the proposed development shall have a maximum of three hundred ninety-two (392) residential leased units shall be contained within the mid-rise buildings, a maximum of five (5) stories in height, which will wrap around the parking deck, as more particularly shown and reflected on the revised Overall Site Plan. Specifics as to the units are as follows:
 - (i) Unit size shall range from a minimum of 700 square feet in a one-bedroom unit to 1,500 square feet, and greater;
 - (ii) Building architecture and exterior façade shall be complementary to the overall development, and will be substantially similar to the rendering presented at the upcoming meetings before the Cobb County Planning Commission and Cobb County Board of Commissioners.

- (2) Floor plans and finishes for the residential units shall consist, at a minimum, of the following:
 - (a) Enhanced Corian, granite, or marble counter tops, or other solid surface materials;
 - (b) Minimum ceiling heights:
 - i) Minimum 9 feet, except in furred-down areas, from floor to finished ceiling and greater; and
 - ii) Minimum 10 feet between floors;
 - (c) European or upscale wooden face-frame cabinetry;
 - (d) Stainless or paneled appliances;
 - (e) Extra-deep stainless steel or farmhouse sinks and side-by-side refrigerators/freezers as upgrades;

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- (f) A selection of faux hardwood flooring, high-end carpet, and tile throughout;
 - (g) Spacious open floor plans;
 - (h) Brushed chrome, brushed nickel, or oiled rubbed bronze bathroom and kitchen fixtures;
 - (i) Ceramic tile or faux hardwood bathrooms and laundry rooms; and
 - (j) Controlled access building and amenity areas.
- (3) The first two levels within the parking deck shall be shared by hotel guests, employees, and some retail customers.
- (4) All residents of the proposed residential community shall have access to and use and enjoyment of the amenity areas, which will include, but not be limited to, the following:
- (a) Pool;
 - (b) Clubhouse;
 - (c) Cabana; and
 - (d) Amenity Courtyard.
- (5) Access to the residential community and parking may be gated.

II. RETAIL COMPONENT

- (1) There shall be a maximum of 80,000 square feet of retail space contained within two separate buildings located adjacent to Circle 75 Parkway and across the courtyard area from the proposed hotels.
- (2) The exterior façade of the buildings for the retail component shall consist of glass, brick, stone, and stucco, or combinations thereof, and 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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- (3) All exhausts from restaurant facilities shall be filtered to minimize grease and odors.
- (4) Businesses within the retail component shall utilize the surface parking surrounding the proposed retail buildings. Valet customers, and employees may park in allocated areas within the first two levels of the parking deck.
- (5) Any roof-mounted HVAC equipment on the proposed retail buildings shall be screened by means of a continuous roof parapet.
- (6) 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, leasing, repair, and/or service facilities;
 - (d) Gas stations that sell gas and convenience stores;
 - (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;
 - (k) Full-service gas stations;
 - (l) Light automotive repair;
 - (m) Rooming houses and boarding houses;

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- (n) Any form of adult entertainment business; and
- (o) Nightclubs, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.

III. HOTEL COMPONENT

- (1) There shall be two (2) hotels, each being a maximum of eight (8) stories. The combined units of the proposed hotels shall have a maximum of two hundred ninety (290) guest rooms.
- (2) Each of the hotels shall also contain a restaurant facility to service its guests. However, the hotels will not have banquet rooms or facilities to accommodate banquets.
- (3) Parking for hotel guests shall be within the parking deck on designated levels and select areas of the surface parking area.
- (4) Applicant agrees that neither hotel will be used as an extended stay facility.

We believe the development of the project, pursuant to the revised Overall Site Plan and the stipulations set forth herein, is appropriate and will allow for redevelopment of the Subject Property into a community which fits together various types of product, servicing various types of individuals, into one development. The proposed overall development shall be of the highest quality; shall be compatible with and complementary to other developments, businesses, and neighborhoods within the area, and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

MOORE INGRAM JOHNSON & STEELE

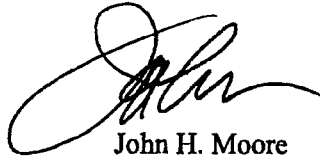
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With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Attachment

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

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

Marianna Friedlander
Waterford Place Condominiums Resident
(With Copy of Attachment)

MCP-Ackerman Corporate Forum, LLC
(With Copy of Attachment)



STADIUM WALK

A1-00

OVERALL SITE PLAN

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1 OVERALL SITE PLAN
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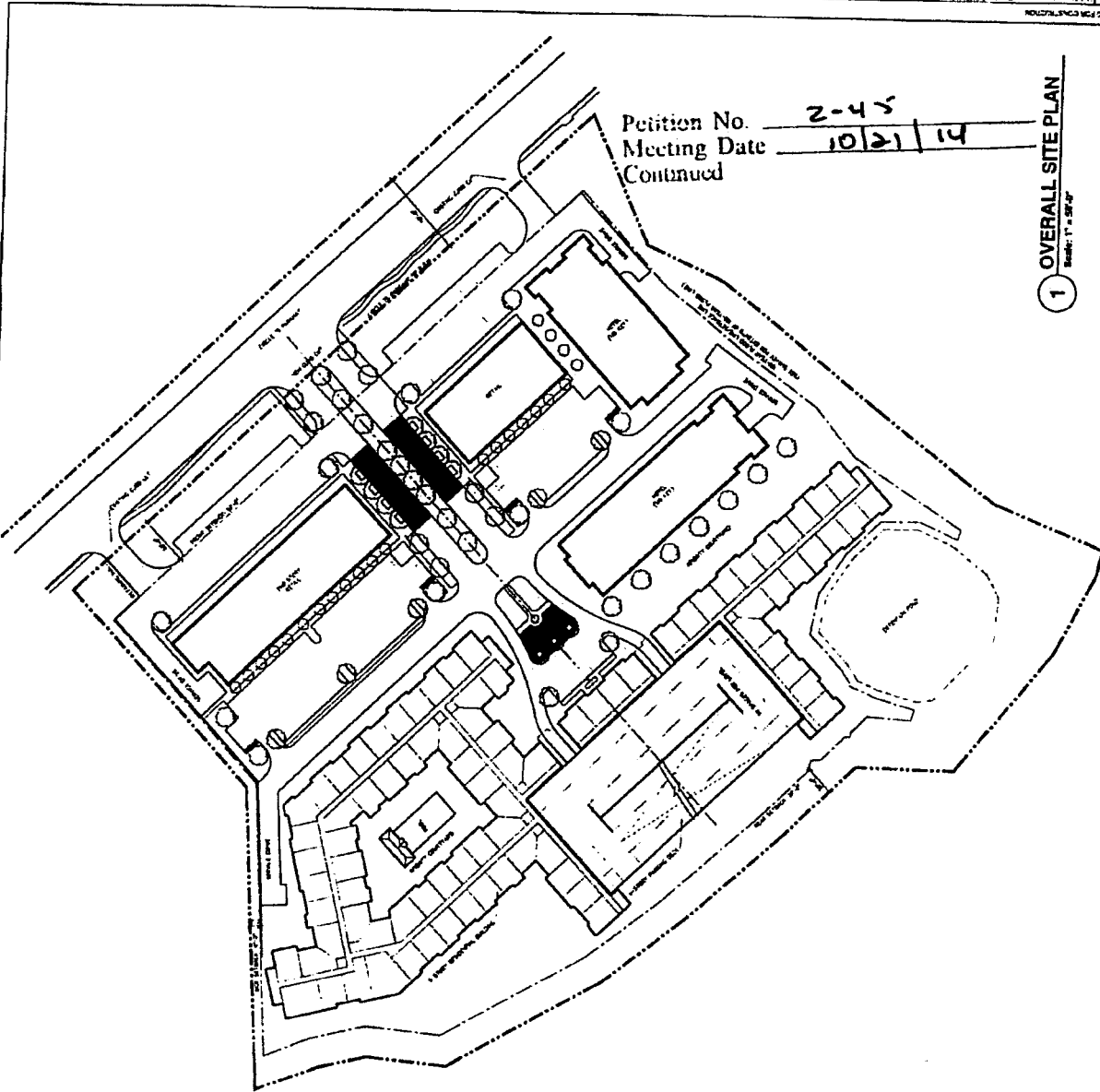


EXHIBIT "A"

**2017 PAID AD VALOREM PROPERTY TAX
RECIPT FOR SUBJECT PROPERTY
(TAX PARCEL NO. 17087600050)**



Printed: 3/9/2018

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:

MCP ACKERMAN CORPORATE FORUM
LLC
C/O ACKERMAN & CO

Payment Date: 1/1/0001

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2017	17087600050	10/15/2017	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00		\$0.00



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