

**FEBRUARY 21, 2012 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM # 4**

**PURPOSE**

To consider a stipulation amendment for Greenstreet Properties/ Marthasville Development/ Jamestown Properties regarding rezoning application Z-28 of 2010, for property located on the southeasterly side of River View Road, south of I-285; on the northwesterly side of River View Road, between Dickerson Drive and Nichols Drive; and on the southerly side of Nichols Drive, between River View Road and Armstrong Place in Land Lots 58, 171, 172, 174, 175 and 284 of the 18<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned to PVC in 2011 for mixed use development. The property was rezoned with many stipulations relating to transportation improvements along Riverview Road. The applicant has been working on the plans for the right of way and roadway sections with Cobb DOT the past several months. One of the zoning stipulations required the applicant to enter into a development agreement to dedicate property to achieve an 80 foot wide right of way along Riverview Road. The applicant has designed a road that meets the zoning requirements (travel lane widths, sidewalks, curb and gutter, bikes lanes, center turn lanes and medians) that can all be accommodated in the existing 60 foot right of way in most portions. There would be some expanded 72 foot right of ways located near the center of the project to accommodate on-street parking. The applicant would like to amend the stipulation requiring an 80 foot right of way dedication along Riverview Road. Instead, the applicant would like the Director of Cobb DOT to determine the right of way dedication required for this project. If approved, all other zoning stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business Application (Exhibit A)  
Stipulations (Exhibit B)  
Proposed Road Sections (Exhibit C)

# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: 02/21/12

Green Street Properties / Marthasville

Applicant: Development / Jamestown Properties Phone #: (404) 835-8223  
(applicant's name printed)

Address: 999 Peachtree Street, NE, Ste. 1925, Atlanta, GA 30309 E-Mail: walter@gsprop.com

SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100

Garvis L. Sams, Jr. Address: Marietta, GA 30064

(representative's name, printed)



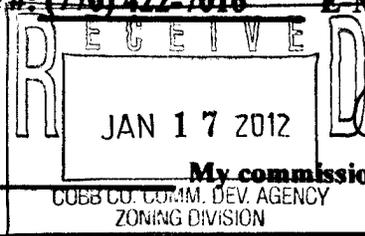
Phone #: (770) 422-7016 E-Mail: gsams@samslarkinbuff.com

(representative's signature)

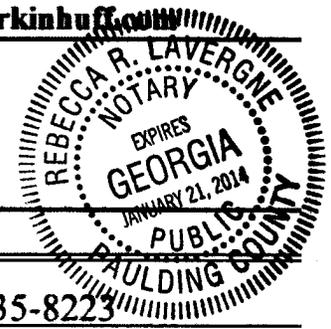
Signed, sealed and delivered in presence of:



Notary Public



My commission expires: 3:20



Titleholder(s) Riverview Industries, L.P.  
(property owner's name, printed)

Phone #: (404) 835-8223

By: Walter Brown

Address 999 Peachtree Street, NE, Ste. 1925, Atlanta, GA 30309 E-Mail: walter@gsprop.com

  
(Property owner's signature)

Signed, sealed and delivered in presence of:



Notary Public

My commission expires: \_\_\_\_\_



Commission District: 4 Zoning Case: No. Z-28 (2010)

Date of Zoning Decision: March 15, 2011 Original Date of Hearing: March 15, 2011

Location: Southeasterly side of Riverview Road between I-285 and the Southern Railway Railroad tracks; on the southeasterly side of Riverview Road, south of I-285; on the northwesterly side of Riverview road, between Dickerson Drive and Nichols Drive; and, on the southerly side of Nichols Drive between Riverview Road and Armstrong Place.

Land Lot(s): 58, 171, 172, 174, 175 & 284 District(s): 18

State specifically the need or reason(s) for Other Business: To revise the Cobb County Department of Transportation (Cobb DOT) recommendation of the minimum right-of-way of Riverview Road from 80' in width to the existing 60' in width, based upon discussions between the Applicant's traffic engineering consultant (Croy Engineering, LLC) and the Director of Cobb DOT.

(List or attach additional information if needed)

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MARCH 15, 2011  
PAGE 3**

**HELD CASE:**

**Z-28<sup>'10</sup>**

**GREEN STREET PROPERTIES/MARTHASVILLE DEVELOPMENT/JAMESTOWN PROPERTIES** (Riverview Industries, L.P., owner) requesting Rezoning from HI and R-20 to PVC for the purpose of a Mixed Use Development in Land Lots 58, 171, 172, 174, 175, and 284 of the 18th District. Located on the southeasterly side of River View Road, between I-285 and the Southern Railway Railroad tracks; on the southeasterly side of River View Road, south of I-285; on the northwesterly side of River View Road, between Dickerson Drive and Nichols Drive; and on the southerly side of Nichols Drive, between River View Road and Armstrong Place.

The public hearing was opened and Mr. Garvis L. Sams, Jr., Mr. Ben Clopper, Mr. Allen Bell, Ms. Shalise Wrobel, Mr. Barry Gittleman, Mr. James Land, Ms. Cynthia Poselenary, Ms. Katie Gissendanner, Mr. Clint Stamps, Ms. Karen Barton, Ms. Gail Wilson and Mr. Walter Brown addressed the Board. Following presentation and discussion, the following motion was made:

**MOTION:** Motion by Thompson, second by Birrell, to **approve** Rezoning to the PVC zoning district **subject to:**

- **Illustrative Master Plan and Rezoning Master Plan submitted to the Zoning Division November 12, 2010 (attached and made a part of these minutes)**
- **Industrial Buffer Plan and Concept Master Plan (attached and made a part of these minutes)**
- **letters of agreeable conditions from Mr. Garvis L. Sams, Jr., dated February 10, 2011 and addendum letter dated March 14, 2011 where not otherwise in conflict with the below listed stipulations and with the following changes (attached and made a part of these minutes):**
  - **February 10, 2011 letter - Page 12, Item No. 3 – Add to end of paragraph: “Excepting the apartments and RSL development, all residential development will be “for sale” units.”**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MARCH 15, 2011  
PAGE 4**

**HELD CASE (Continued):**

**Z-28<sup>10</sup> GREEN STREET PROPERTIES/MARTHASVILLE  
DEVELOPMENT/JAMESTOWN PROPERTIES (Continued)**

- **March 14, 2011 letter - Page 3, Item No. 4 – Reword last sentence in paragraph to now read: *“However, in general, should any adjoining industrial properties no longer be zoned in an industrial classification, the Developer shall have the option to remove/reconfigure the above referenced buffers and berms, following approval by the Board of Commissioners as an Other Business Item.”***
- **March 14, 2011 letter - Page 3, Item No. 6 - Reword last sentence in paragraph to now read: *“Should the adjoining industrial property no longer be zoned in an industrial classification, the Developer shall have the option to remove/reconfigure this landscaped buffer, following approval by the Board of Commissioners as an Other Business Item.”***
- **reversion clause, as contained in the February 10, 2011 stipulated letter, Item No. 11**
- **comments and recommendations from the Development of Regional Impact (on file in the Zoning Division)**
- **ARC Regional Review Findings dated December 10, 2010 (on file in the Zoning Division)**
- **GRTA Notice of Decision dated December 20, 2010 (on file in the Zoning Division)**
- **Planning Division comments and recommendations**
- **Fire Department comments and recommendations**
- **Historic Preservation comments and recommendations**
- **Cobb County – Marietta Water Authority (CCMWA) comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- ***revised* Stormwater Management Division comments and recommendations (attached and made a part of these minutes)**
- ***revised* Cobb DOT comments and recommendations (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 4-1 (Ott opposed)**

**REDEVELOPMENT OF RIVERVIEW ROAD**

A MASTER PLANNED MIXED USE COMMUNITY

FOR

**MANTONVILLE DEVELOPMENT**  
1770 W. CLAY WALK  
ALPHARETTA, GEORGIA 30201  
904-914-8223

**GREEN STREET PROPERTIES**  
999 PEACHTREE STREET, NE  
ATLANTA, GEORGIA 30309  
904-914-8223

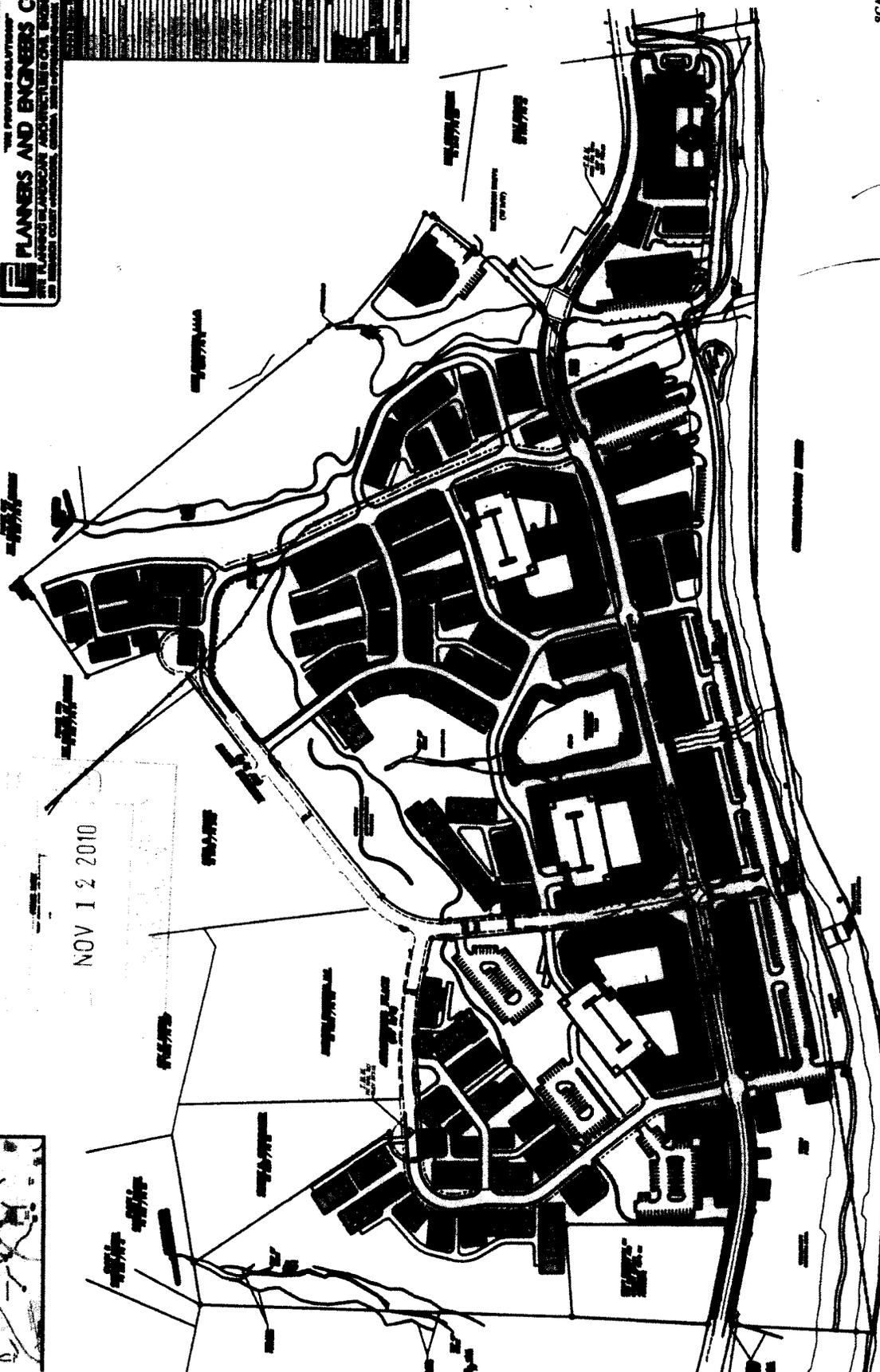
**JANESTOWN ONE OVERSTON PARK, FOR PLACE**  
1000 W. CLAY WALK  
ATLANTA, GEORGIA 30201  
904-914-8223

**PLANNERS AND ENGINEERS COLLABORATIVE**  
1000 W. CLAY WALK  
ATLANTA, GEORGIA 30201  
904-914-8223

THE PROJECT DEVELOPER

PROJECT CONTACT:  
Mr. Walter Brown @ 404-451-8223

NOV 12 2010



Min. Bk. 62 Petition No. 2-28  
Doc. Type Illustrative  
Master Plan  
Meeting Date 3/15/11

SCALE: 1" = 100'  
PROJECT: 08031.00  
DATE: 08-25-20  
DRAWN: 2152  
NOTE: SITE IS ENTIRELY WITHIN CORSB COUNTY

*Illustrative Master Plan  
River View on the Chattahoochee*

**REDEVELOPMENT of RIVERVIEW ROAD**  
 A MASTER PLANNED MIXED USE COMMUNITY

**PLANNERS AND ENGINEERS COLLABORATIVE**  
 SITE PLANNING PLANS ARCHITECTURE & CIVIL ENGINEERING LAND SURVEYING  
 300 BANCROFT COURT WOODBRIDGE, GEORGIA 30086 • PHONE: 404-835-8223

**THE PROVIDER RELATIONSHIP**  
 TRINIC CONSULTING  
 KIMLEY-HORN AND ASSOCIATES, INC.  
 117 N. WASHINGTON STREET, S.W.  
 ATLANTA, GEORGIA 30308  
 PHONE: 404-525-8700

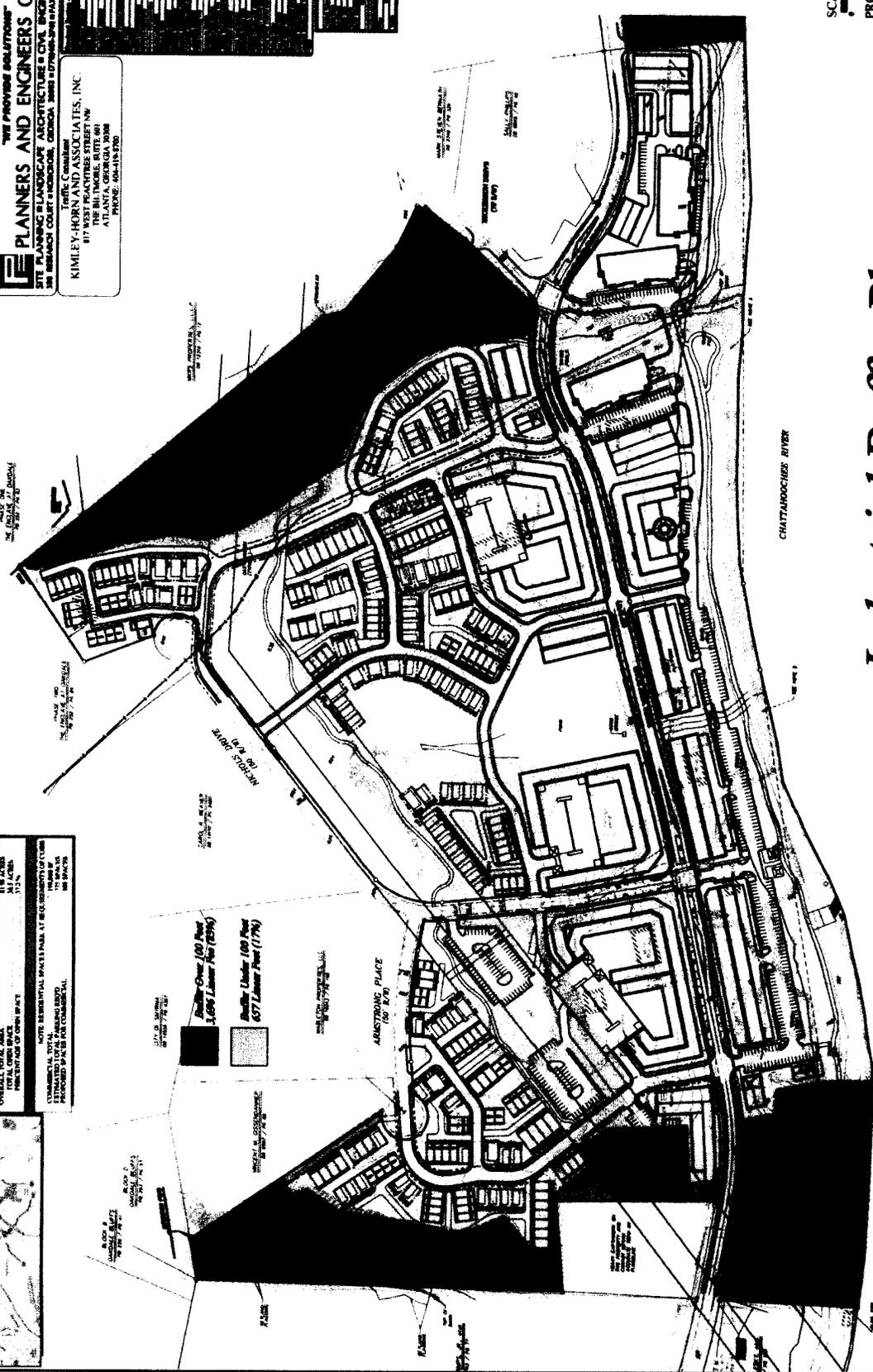
**PROJECT CONTACT:**  
 Mr. Walter Brown @ 404-835-8223

OVERALL TOTAL THE AREA	
CONCRETE PAVING	11,272.33
ASPHALT PAVING	11,272.33
TOTAL PAVING	22,544.66
TOTAL CONCRETE	11,272.33
TOTAL ASPHALT	11,272.33
TOTAL PAVING	22,544.66
TOTAL CONCRETE	11,272.33
TOTAL ASPHALT	11,272.33
TOTAL PAVING	22,544.66

NOTE: RESIDENTIAL SPACES SHALL BE RE-DEVELOPED AT COMPLETION OF THE PROJECT.  
 UNIMPROVED TOTAL ASSESSMENT RATED: 177,894.55  
 PARCELS SPACES FOR COMMERCIAL: 88 PARCELS

Min. Bk. 62 Petition No. 2-20-12  
 Doc. Type Industrial Buffer  
 Plan  
 Meeting Date 3/15/11

SCALE: 1" = 100'  
 PROJECT: 06031.00  
 DATE: Feb-22, 2011  
 DR#: 2152  
 NOTE: SITE IS ENTIRELY WITHIN COBB COUNTY



*Industrial Buffer Plan*  
*River View on the Chattahoochee*

**REDEVELOPMENT OF RIVERVIEW ROAD**  
 A MASTER PLANNED MIXED USE COMMUNITY

PROJECT CONTACT  
 Mr. Walter Brown @ 404-813-8223

GREEN STREET PROPERTIES  
 ONE OVERTON PARK, 126 FLOOR  
 2425 CUMBERLAND BLVD  
 ATLANTA, GEORGIA 30309  
 (404) 525-1100

MARTINVILLE DEVELOPMENT  
 9729 RINE CLAY WAY  
 ALPHARETTA, GA 30622  
 (404) 487-4889

PLANNERS AND ENGINEERS COLLABORATIVE  
 SITE PLANNING & LANDSCAPE ARCHITECTURE & CIVIL ENGINEERING & LAND SURVEYING  
 100 BIRCHWOOD COURT, HOUSTON, GEORGIA 30628 • 10000 S. STATE STREET, SUITE 200, SPRINGFIELD, ILL. 62781

KINLEY-HORN AND ASSOCIATES, INC.  
 TRAFFIC CONSULTANT  
 4115 W. WINDY HILL RD., SUITE 101  
 THE BIRCHMOUNT BUILDING NW  
 ATLANTA, GEORGIA 30341  
 PHONE: 404.351.5210

**THE PROPOSED DEVELOPMENT**

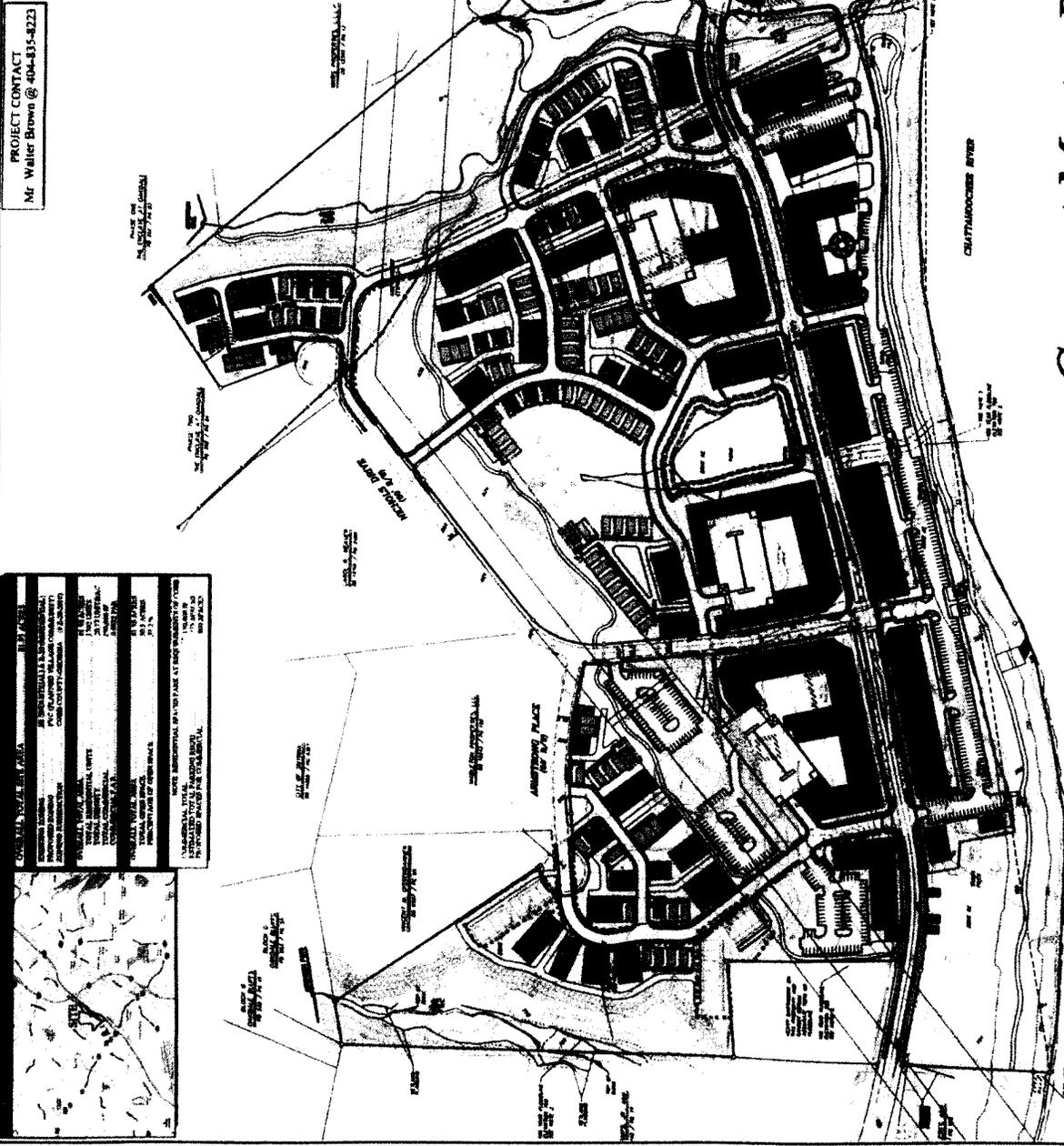
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Min. Bk. 62 Petition No. 2-28<sup>10</sup>  
 Doc. Type Concept  
Master Plan  
 Meeting Date 3/15/11

SCALE: 1" = 100'

PROJECT 08031.00  
 DATE Oct-25, 2010  
 Rev #1 11/24/2010  
 Rev #2 12/26/2010  
 Rev #3 1/26/2011

DRAWN 2152  
 NOTE: SITE IS ENTIRELY WITHIN CORB COUNTY



*Concept Master Plan  
 River View on the Chattahoochee*

**GENERAL NOTES**

1. ALL DIMENSIONS ARE IN FEET AND INCHES UNLESS OTHERWISE NOTED.
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Min. Bk. 62 Petition No. 2-28'10  
Doc. Type letter of agreeable  
conditions  
Meeting Date 3/15/11

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

MELISSA P. HAISTEN  
JUSTIN H. MEEKS

February 10, 2011

February 21, 2012  
Other Business Item 04  
Exhibit B

SAMSLARKINHUFF.COM

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Application of Green Street Properties/Marthasville Development/  
Jamestown Properties to Rezone an 81.95± Acre Tract from  
R-20 & HI to Conditional Planned Village Community (No. Z-28 [2010])

Dear John:

As you know, this firm represents Green Street Properties, Marthasville Development and Jamestown Properties (hereinafter collectively referred to as the "Developer") concerning the above-captioned Application for Rezoning. Additionally, we represent Riverview Industries, L.P. (hereinafter "Riverview Industries") which owns the assembled properties constituting the project proposed for the subject property. The Application was heard, considered and unanimously recommended for approval by the Cobb County Planning Commission on February 1, 2011. The Application is now scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on February 15, 2011.<sup>1</sup>

With respect to the foregoing, the rezoning proposal, which represents in excess of Three Hundred Million Dollars in real estate development, is a Development of Regional Impact ("DRI") which has been reviewed by the Atlanta Regional Commission ("ARC") and the Georgia Regional Transportation Authority ("GRTA"). On December 10, 2010, the ARC issued its Regional Review Finding concluding that the DRI proposal is in the best interest of the Region and the State. On December 20, 2010, GRTA issued its Notice of Decision finding that the proposed development meets the GRTA review criteria subject to certain conditions set forth in the Notice of Decision.

Since submitting our last stipulation letter, dated January 31, 2011, we have continued our dialogue with the County's professional staff, representatives of the Upper Chattahoochee River Keeper, representatives of the Mableton Improvement Coalition ("MIC"), area business and property owners and representatives of the Chattahoochee Business and Industrial

<sup>1</sup> To review continually updated information, please refer to [www.riverview.us.com](http://www.riverview.us.com)

February 21, 2012 Other Business Item 04 Exhibit B
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**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Department  
February 10, 2011  
Page 2

Association, Inc. ("CBIA"). In that regard, we have been authorized by the Developer and Riverview Industries to submit this third revised letter of agreeable stipulations which, if the Application for Rezoning is approved as submitted, shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to wit:

**GENERAL STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT**

1. The revised stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Application for Rezoning ("subject property").
2. Rezoning of the subject property shall be from the Heavy Industrial ("HI") and R-20 zoning districts to Conditional Planned Village Community with reference to that certain Master Site Plan prepared by Planners & Engineers Collaborative, which was submitted under separate cover on November 12, 2010.<sup>2</sup> Any grandfathered HI use which has not lapsed for more than twelve (12) months shall not be in conflict with the rezoning.
3. The total site area of the subject property consists of 81.95± acres which shall be developed as a Mixed Use Development including the following: Single-Family Residential, Town Homes, Condominiums, Senior Housing, Apartments, Retail, Restaurants, Schools and Community Facilities, Office and Self-Service Storage Buildings.<sup>3</sup>

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<sup>2</sup> A revised plan submitted to GRTA reflects that the RSL component will ultimately be located within 1,000 feet of the Town Center component.

<sup>3</sup> Attached as Exhibit "A" for illustrative purposes is a chart reflecting inter alia, the usage, number of residential units, typical single family lot sizes, building height and number of floors per district as may be modified in accordance with the Master Plan districts and miscellaneous stipulations/conditions set forth hereinafter.

February 21, 2012  
Other Business Item 04  
Exhibit B

**VIA E-MAIL AND HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Department  
February 10, 2011  
Page 3

4. As a part of the future development of the subject property, there shall be Protective Covenants which will be incorporated and expanded as each phase of the proposed community is permitted and platted and which will run with the subject property for the maximum time frame allowed by law, which will include all phases of the proposed community. Concurrently therewith, Property Owner Associations will be formed which will include all components of the proposed development on a phased development basis. The Association(s) shall be responsible for the oversight, upkeep and maintenance of the entrance areas, common areas, community buildings and structures, open space areas and similar features contained within the overall community (i.e. walking trails, bike paths, sidewalks, etc.).
5. The Associations to be formed shall have Architectural Design Regulations which shall control such items as signage and other usual and necessary covenants and restrictions to protect the quality and integrity of the overall development.
6. Consistent with GRTA recommendations, the various entrances to the proposed community shall include, with potential modifications, the following: Six (6) intersection locations along Riverview Road; eight (8) intersection locations along Nichols Drive; twelve (12) intersection locations along Armstrong Place; and, one (1) intersection location on Dickerson Drive.
7. All entrance signage shall be ground-based, monument-style signage with finish, materials and color being in substantial conformity to the architectural style embodied in the mixed-use development. There shall be no billboard signs, no roof signs unless architecturally integrated into an approved building design and no exterior, temporary signs excepting only grand opening signage and signage indicating the coming development. Free standing signage, including sandwich-style retail boards and other signage shall be permitted in accordance with the terms and provisions of the Cobb County Sign Ordinance.
8. Consistent with ARC and GRTA recommendations, at full build-out, there shall be a network of walking trails and bicycle paths located within the proposed community which shall link the various components of the development. In addition, at full build-out, the

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- Developer shall construct an eight foot – twelve foot (8'-12') wide trail along the Chattahoochee River frontage unless prohibited by Cobb County's regulations or where environmental features prohibit cost-effective connections to be built. The trail may be constructed of gravel or other pervious material with input from the County Stormwater Management Division and the Upper Chattahoochee River Keeper.
9. Lighting within the proposed mixed-use community shall be chosen by the Developer and shall be environmentally sensitive, appropriately spaced for safe lighting purposes (i.e. per the Photometric Plan) and whenever possible shall be themed to the architectural style of the buildings and residences to be constructed and shall be utilized throughout the community. Effort shall be made to make all lighting as unobtrusive as possible.
  10. Compliance with the recommendations and conclusions contained within that certain Archaeological Reconnaissance Report prepared by R.S. Webb & Associates. Additionally, compliance with Cobb County Historic Preservation comments and recommendations as provided in the Cobb County Staff Review completed for Z-28.
  11. Minor modifications to the within stipulations/conditions, Master Plan, lighting, landscaping, architecture, site features and the like may be approved by the District Commissioner as needed or necessary.
  12. In order to facilitate the approval of major Master Plan changes, the Developer shall form an Advisory Committee consisting of the Developer, a representative from CBIA, a representative from MIC and the Director of the Community Development Agency who shall facilitate decisions with respect to issues upon which the Developer, CBIA and MIC can not agree. The Advisory Committee shall also assist the Developer in the creation of Architectural Design Regulations which will be the basis by which the Property Owners Association's Architectural Review Board ("ARB") approves all initial building designs. The primary focus for the community representatives on the Advisory Committee shall be the Design Guidelines which affect property adjacent to Riverview Road.

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13. All set-backs and buffer areas may be penetrated for purposes of detention, utilities and stormwater management as long as such encroachments satisfy Cobb County and MRPA regulations.
14. An agreement to comply with Cobb County Development Standards and Ordinances related to project improvements except as approved herein by the Board of Commissioners, the Cobb County Department of Transportation or the Cobb County Community Development Agency, as their respective authority may allow.
15. Compliance with written recommendations from Stormwater Management Division with respect to the location, configuration and methodology of water quality and on-site detention (if any). Additionally, an agreement to the following:
  - a. To design and adhere to the Best Management Practices in the construction of detention and water quality areas on site with such design and installation based upon Cobb County Development Standards. To the extent that such infrastructure exceeds these standards, they may be installed in lieu of contributions to the Cobb County Off-Site Detention Fund.
  - b. All above-ground detention areas shall landscaped and/or fenced in accordance with Cobb County Development Standards.
  - c. In order to improve water quality, reduce target contaminant loads and to maintain high water quality standards by addressing runoff and pollution for non-point sources, the Developer and Cobb County have jointly applied for an EPA 319 Grant which proposed improvements, if jointly funded by the Developer and EPA, will be completed in accordance with the submitted grant application.
  - d. To the extent Cobb County and the ARC concur with same, compliance with the comments and recommendations contained within that certain letter from the Upper Chattahoochee River Keeper, dated November 30, 2010.

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- e. Compliance with provisions of the Metropolitan River Protection Act ("MRPA").
  - f. Compliance with the Letter of Map Revision issued by FEMA on February 26, 2010 for this segment of the Chattahoochee River.
  - g. All proposed structures must meet the elevation freeboard and venting code requirements.
  - h. Any field placement within floodplain must be compensated by an equal volume of cut which must be field verified and as-built certification provided.
  - i. Subject to FEMA and Cobb County, consideration to be given to raising the grade of the intersection of Riverview Road and Dickerson Drive to allow access of emergency and any other vehicles to the development during flood conditions on the Chattahoochee River with the Developer agreeing to participate with respect to the incurrence of costs concerning same.
  - j. Subject to the letter to David Breaden, dated February 9, 2011, from ARC Planner, James M. Santo.
16. Compliance with the recommendations of the Cobb County Water System with respect to the availability and acquisition of water and sewer to service the subject property. Additionally, compliance with the recommendations of the Cobb County-Marietta Water Authority.
17. With respect to the proposed development, the Developer seeks a rezoning to a Conceptual Site Plan and seeks contemporaneous variances to the regulations of the PVC zoning district which are consistent with the Conceptual Site Plan and which include the following:
- a. Allowing a PVC development in an Industrial or Industrial Compatible area.<sup>4</sup>

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<sup>4</sup> There is a pending proposed Code Amendment which, if approved, will obviate the necessity for this Variance.

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- b. The allowance of restaurants larger than three thousand square feet (3,000 sq. ft.).
  - c. Allowing a Self-Service Storage Facility within the PVC district.
  - d. A waiver of the front setback from fifty feet to zero feet (50'-0'), side setbacks from fifteen feet to zero feet (15'-0') and rear setbacks from thirty feet to zero feet (30'-0').<sup>5</sup>
  - e. Waiving the requirement for retail and service square footage from eighty-five thousand, one-hundred square feet (85,100 sq. ft.) to one-hundred ninety thousand square feet (190,000 sq. ft.).
  - f. A reduction in the forty foot (40') landscaped screening buffer in Overlook District (B1) to zero feet (for approximately 500 linear feet of common boundary with the Enclave at Oakdale).
  - g. Waiving the parking requirements for the proposed commercial space including retail/restaurants, office space and self-service storage facilities so that parking ratios shall be set at not less than three (3) spaces per one-thousand square feet (1,000 sq. ft.) of building area, subject to the submission of a "Shared Parking Analysis" (including on-street parking) for staff review and approval. Parking for any self-storage facilities shall have a parking ratio not less than 1 space per twenty-five hundred square feet (2500 sq.ft).
18. An agreement to comply with on-site system improvements mandated by GRTA, Cobb County DOT and the recommendations contained within the Transportation Analysis prepared by Kimley-Horn & Associates and submitted to GRTA on November 5, 2010, as may be modified through negotiations and agreements with the Cobb County Board of

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<sup>5</sup> The setback variances will not be needed in all areas; however, these are the maximum shown in certain areas in accordance with the site plan.

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Commissioners and/or with the Cobb County Department of Transportation. However, an agreement has been reached with CBIA that "roundabouts" will not be constructed within the proposed development and that all radii currently in place at existing street intersections will be designed to accommodate tractor trailer trucks and industrial vehicles.<sup>6</sup> Other design options, including widened medians and landscaped zones, may be considered where not in conflict with normal movement of commercial and industrial traffic.

As a part of the foregoing, the Developer agrees to participate with respect to the design, signalization and improvements to the intersection of Riverview Road and Veterans Memorial Highway, if warranted.

19. Prior to the issuance of building permits, Staff shall review and approve all landscaping and architecture not otherwise herein approved as depicted in the renderings/elevations and plans submitted to Cobb County on November 12, 2010 and those which may be filed under separate cover. A set of Architectural Design Regulations will be established by the Developer with assistance from the Advisory Committee and shall be used for approval of all initial improvements by the Property Owners Association's ARB.
20. Proposed plans are to include restaurants as a part of the retail component within the proposed community. Said restaurants may serve alcoholic beverages as a part of their respective food services upon securing the proper permits from Cobb County and State agencies.
21. There shall be no tenant vehicles or vehicles of any type permanently parked in front of the proposed overall development containing tenant identification signage or advertising signage. This provision shall be contained within any lease between the Property Owner and any prospective tenant and the Property Owner agrees to make its best efforts to enforce these provisions against any tenant which violates the foregoing.

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<sup>6</sup> This provision can only be modified by the filing of an Other Business Agenda Application which will be heard and considered by the full Board of Commissioners.

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22. The Open Space under the PVC district shall comply with regulations contain therein. At present, the overall total Open Space consists of 30.5 acres which translates into 37.2% of the total site area.
23. There will be no occupied buildings within the ultimately reconfigured flood plain except for accessory structures such as pavilions, gazebos, barns, boat houses, etc.

**STIPULATIONS APPLICABLE TO THE NON-RESIDENTIAL COMPONENTS**

1. The Developer proposes retail, restaurants, live-work, farmers market building, community facilities, flex-space buildings, self service storage buildings and offices utilizing the Village Concept with varying storefronts, roof elevations and other aesthetically pleasing treatments. The front building facades and other facades which face streets or important connecting ways to community spaces shall be a mixture of brick, stone, cedar shake, articulated stucco, hardi-board, wood siding or other compatible materials. The architectural style and composition shall be reasonably consistent with the renderings/elevations which were submitted under separate cover on November 12, 2010 as may be approved during the Plan Review process and which shall be consistent with the Architectural Guidelines established by the Developer.
2. Pursuant to a request from CBIA, only self-service storage buildings or other non-residential buildings shall be constructed within the A-4 (Creekside) District as shown on the Rezoning Master Plan.<sup>7</sup>
3. The proposed non-residential components shall contain a maximum of 190,000 sq. ft. which will include a flexible mix of commercial space including retail/restaurants, office space and self-service storage facilities.

<sup>7</sup> This provision can only be modified by the filing of an Other Business Agenda Application which will be heard and considered by the full Board of Commissioners.

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4. Landscaping for the proposed development shall be pursuant to that certain Landscape Plan which shall be submitted under separate cover, reference being made to said plan for a more particular delineation and location of plantings and species to be planted.
5. Parking area lighting shall be a maximum height of thirty feet (30') and shall be environmentally sensitive, energy efficient, horizontal cut-off luminaries so as to eliminate light pollution and prevent illumination from penetrating outside the boundaries of the subject property.
6. Hooded security lighting shall be utilized on the buildings within the non-residential areas as required by Cobb County Codes and Ordinances.
7. The Developer agrees to install and construct site lighting pursuant to a Site Lighting/Photometric Plan which shall be submitted to staff for review and approval.
8. Every effort will be made so that dumpsters will be positioned to prevent visual intrusion from major streets, connection points to community spaces and wherever possible from any trail or green space along the Chattahoochee River with screening by berms, landscaping, walls and/or vegetation. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying.
9. All exhaust from restaurant facilities shall be filtered and attenuated to minimize grease and odors.
10. There shall be no outside paging systems, phone bells or loud speakers. However, outdoor music systems shall be allowed.
11. The following uses shall be prohibited:
  - a. Automotive sales, repair and/or service facilities.
  - b. Video arcades as a primary use.

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- c. Adult themed bookstores as a primary use.
  - d. Pawn shops and check cashing establishments.
  - e. Skating rinks, except for small, season-appropriate rinks.
  - f. Houses of worship.
  - g. Tattoo or body piercing parlors and any business which principally features sexually explicit products or drug related paraphernalia.
  - h. Retail facilities which sell knives as a primary use.
  - i. Retail facilities which sell or initiate transactions including guns and/or weapons.
  - j. Retail facilities which sell gasoline except as an accessory use limited to two (2) pump stations.
  - k. Wholesale warehouse sales centers.
12. An agreement that there shall be no outside storage facilities except for community garden and recreation equipment, including small tractors, storage ancillary to multi-family and commercial utilization, bikes, kayaks, canoes, etc. as such terms are used and defined in the Cobb County Zoning Ordinance.
13. The non-residential components will include pedestrian walkways between the proposed buildings and throughout the parking areas subject to approval pursuant to the Landscape Plan submitted during the Plan Review process. Additionally, there will be pedestrian connectivity between the non-residential and the residential components.
14. There shall be no non-residential building footprint which exceeds thirty-five thousand square feet (35,000 sq. ft.).

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**STIPULATIONS APPLICABLE TO THE RESIDENTIAL COMPONENTS**

1. Within residential areas there shall be a total maximum number of one-hundred fifty-five (155) single-family residences; three-hundred thirty-two (332) town homes; one hundred sixty-five (165) condominium flats; two hundred (200) residential senior housing units; and, eight hundred fifty (850) apartment units.
2. The architectural style and composition of the various residential components shall be reasonably consistent with the renderings/elevations which were submitted under separate cover on November 12, 2010 or as otherwise approved during the Plan Review process in accordance with the Architectural Design Regulations established in advance by the Developer with assistance from the Advisory Committee.
3. The Developer agrees to begin development of other mixed-use components of the proposed development during the construction of the multi-family dwellings or immediately upon reaching a maximum threshold of 450 multi-family units. Prior to any additional multi-family development above this threshold, the Developer shall begin the construction of (including any non-multi-family construction begun before the threshold has been reached) Ten (10) acres of other mixed-use development including retail, office, open space and/or for sale housing.
4. All residential components of the subject property which are located contiguous to industrially utilized properties (not including Freeman Pond) shall have either an existing natural buffer of at least one-hundred feet (100') in width or a fifty-foot (50') landscaped buffer containing a berm of not less than eight feet (8') in height. Referenced landscaping shall include landscaping on the sides and top of the berm. However, should such industrial properties cease being used as or zoned in an industrial classification, the Developer shall have the option to remove/reconfigure said buffers and berms.

Where space is especially limited, an alternative buffer composed of a solid, architecturally appealing wall, at least eight feet (8') in height as may be reduced when

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placed on a raised berm or existing raised topography, may be constructed with a minimum of twenty feet (20') of landscaped area remaining on the proposed development site for landscape materials.

In order to protect and/or enhance residential views, the buffer on the Highland District (A-1) shall be a minimum of forty feet (40') in width with an adequate berm and landscaping.

5. The following recital shall be contained within all marketing documents, all contractual documents concerning the conveyance of property from the Developer, all deeds of conveyance including, but not limited to warranty deeds and quitclaim deeds and all leases, Covenants, Conditions & Restrictions ("CCRs"):

"The property contained and referenced in this document is located in close proximity to a Heavy Industrial area which, may at times, produce loud noises, noxious odors and sounds. Owner and/or Lessee acknowledges and accepts that the Heavy Industrial land uses, including their necessary ancillary activities, are recognized and acceptable conditions concerning which the parties herein have any control over the use of such industrial properties."

In addition to the foregoing, the Developer will utilize sound attenuation devices and construction materials on homes directly abutting industrial property boundaries in order to ameliorate adverse impacts.

6. The establishment of one or more mandatory Property Owners Association(s) which shall include architectural controls (Architectural Review Board), oversights and the submission of Declaration of Covenants, Conditions and Restrictions or, in the case of the condominium component, said units shall comply in all respects to the State of Georgia Condominium Act.
7. A third-party management company and/or the Developer shall manage the day-to-day operations of the Property Owners Association(s), including the responsibility of all commonly owned properties and all amenities within the proposed community. They

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- shall also be responsible for the management of all association monies as well as ensuring that any association is properly insured.
8. The submission of a landscape plan during the Plan and Review Process which shall be subject to staff review and approval and which shall include the following:
    - a. Sodded or otherwise landscaped front, side and rear yards.
    - b. The installation of underground utilities.
    - c. Ground-based, monument-style signage which shall be landscaped and irrigated as appropriate.
    - d. Landscaping throughout the community which shall be irrigated as appropriate.
  9. As recommended by ARC and GRTA, a network of sidewalks and bike paths throughout the residential community which shall be designed to promote a pedestrian and bicycle friendly atmosphere and which shall be designed in order to provide meaningful connectivity to adjacent retail and office areas. All buildings shall have sidewalks on their respective road frontages. Alleys are not required to have sidewalks. All required sidewalks shall be interconnected with sidewalks or trails.

**MASTER PLAN DISTRICTS AND MISCELLANEOUS STIPULATIONS/CONDITIONS**

1. The gross square footage of permitted uses within the Master Plan Districts shall be as described on the Rezoning Master Plan (Riverview on the Chattahoochee) prepared by Planners & Engineers Collaborative, which was submitted under separate cover on November 12, 2010. Any unused permitted development may be transferred to and among the various districts shown on Master Plan except for the A-4 (Creekside) District which shall be utilized for self-service storage buildings and non-residential uses. However, there shall be no multi-family apartments nor commercial/retail/office development within the B-1 (Overlook District).

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2. Bike lanes, where designated along Riverview Road, shall be a minimum of four feet (4') in width, except where on-street parking is also present and then shall be a minimum of four feet, six inches (4'6") in width. On all of the internal streets, bike routes shall be permitted and encouraged.
3. For non-residential uses, an appropriate amount of bicycle parking shall be provided subject to staff review and approval. Public and resident access to bicycle parking facilities within commercial/office areas shall also be permitted during non-business hours.
4. With respect to on-street parking on or immediately adjacent to Riverview Road,, parallel parking spaces shall be a minimum of eight feet (8') in width and shall be a minimum of twenty feet (20') in length or twenty-two feet (22') wherever the additional length is practical. Angled parking spaces shall be a minimum of eight feet (8') in width and a minimum of twenty feet (20') in length. Special loading zones which are intermittently located to serve commercial areas of the development may exceed these maximum lengths as may be required by the Cobb County Development Regulations.
5. Trees shall be planted on all streets and shall be a minimum of two and one-half inches (2½") in caliper. Said trees shall have a minimum of twenty-four (24) sq. ft. of planting area and shall be spaced an average of forty-five feet (45') apart and a maximum of fifty-five feet (55'). Smaller, ornamental trees may be spaced an average of twenty-five feet (25') apart. Trees shall be permitted within two feet (2') of the face of curb at the time of planting. A landscape plan shall be subject to the County's Arborist's review and approval.
6. Street lighting will consist of light fixtures which shall be utilized on all roadways within the proposed development. Street lighting will be chosen by the Developer and shall be located on a landscape plan subject to the County's professional staff's review and approval. Lamps shall be either metal halide, high pressure sodium, or other approved high-efficiency type lamps. The Developer shall determine the type of posts and fixtures subject to review and approval by the County's professional staff.

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7. Pedestrian crossings shall be standard painted markings on Riverview Road only. Pedestrian crossings will also be provided at key parking and community facilities. No other pedestrian markings shall be required within the proposed development.
8. With respect to street signage, standard street signage shall be utilized. A "topper" may be installed on the top of the sign indicating the name of the development which shall make reference to the River Line Historic Area.
9. Posted street speed shall be thirty-five (35) miles per hour on Riverview Road. Internal streets shall have a maximum posted speed of twenty-five (25) miles per hour. Alleys may restrict speeds to ten (10) miles per hour.
10. All public street widths, including parking lane widths, travel lane widths and bike lane widths shall be built according to Cobb County Development Standards, subject to modifications approved by the District Commissioner and/or Cobb County's professional staff.
11. If a Land Disturbance Permit regarding the proposed Mixed Use Development is not secured or if initial land disturbance does not commence within a three (3) year period from the date of rezoning approval, the subject property shall revert to its original zoning classifications.

The proposed mixed-used development, which is consistent with Cobb County's Comprehensive Land Use Plan and Cobb County's recently adopted River Line Master Plan and LCI Study, has been designed as a walkable, new urbanistic, upscale, family lifestyle development which will translate into significant and positive environmental and economic impact for the County. Moreover, the requested rezoning is an appropriate use of the subject property which consolidates a multitude of products into one upscale, mixed-use development. The proposed community will promote a live/work/play concept and will be an enhancement within this sub-area of Cobb County.

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Please do not hesitate to call should you or your staff have any questions whatsoever regarding these matters or if you need additional information or documentation prior to the Application being heard and considered by the Planning Commission and Board of Commissioners.

With kind regards, I am

Very truly yours,

**SAMS, LARKIN & HUFF, LLP**

Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS, Jr./dsj

cc: Members, Cobb County Board of Commissioners (via email and hand delivery)  
Mr. David Hankerson, County Manager (via email and hand delivery)  
Mr. Robert L. Hosack, Jr., AICP, Director (via email and hand delivery)  
Ms. Faye DiMassimo, AICP, Director, Cobb County DOT (via email)  
Mr. Dana Johnson, AICP, Manager Planning Division (via email and hand delivery)  
Ms. Jane Stricklin, P.E. (via email)  
Mr. David Breaden, P.E. (via email)  
Ms. Karen King, Assistant County Clerk (via email)  
Ms. Lori Presnell, Deputy County Clerk (via email)  
Mr. Ben Clopper, Mableton Improvement Coalition (MIC) (via email)  
Ms. Robin Meyer, MIC (via email)  
Ms. Roberta Cook, MIC (via email)  
John H. Moore, Esq., CBIA (via email)  
Honorable Max A. Bacon, Mayor, City of Smyrna (via email)  
Members, Smyrna City Council (via email)

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- Mr. Eric Taylor, City Administrator (via email)
- Mr. Ken Suddreth, Director Community Development Agency (via email)
- Scott A. Cochran, Esq. (via email)
- Mr. Walter Brown
  - Green Street Properties (via email)
- Ms. Katharine W. Kelley
  - Green Street Properties (via email)
- Mr. Stephen Arms
  - Marthasville Development (via email)
- Mr. Brandon Kessinger
  - Jamestown Properties (via email)
- Mr. Kenneth J. Wood, P.E., LEED AP
  - Planners and Engineers Collaborative, Inc. (via email)
- Mr. John Walker
  - Kimley-Horn and Associates (via email)

Min. Bk. 62 Petition No. 2-28<sup>10</sup>  
Doc. Type addendum  
letter  
Meeting Date 3/15/11

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A LIMITED LIABILITY PARTNERSHIP

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March 14, 2011

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**VIA EMAIL & HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

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Re: Application of Green Street Properties/Marthasville Development/  
Jamestown Properties to Rezone an 81.95± Acre Tract from  
R-20 & HI to Conditional Planned Village Community (No. Z-28 [2010])

Dear John:

As you know, this firm represents Green Street Properties, Marthasville Development and Jamestown Properties (collectively referred to as the "Developer") concerning the above-captioned Application for Rezoning. The Application has been recommended for approval by the County's professional staff and unanimously recommended for approval by the Cobb County Planning Commission. After being held by the Board of Commissioners last month, the Application is now scheduled to be heard and considered for final action by the Board on March 15, 2011.

Since last appearing before the Board of Commissioners, we have continued to interface with the County's professional staff, individual Commissioners, the Mableton Improvement Coalition ("MIC") and area business and property owners. However, the focus of our conversations and meetings has been the Chattahoochee Business and Industrial Association, Inc. ("CBIA"). In that regard and based upon all of those discussions, particularly those with CBIA and the members of CBIA which are contiguous property owners, we submitted a supplemental stipulation letter on March 11, 2011, but since we have received additional comments and suggestions from CBIA, hence the submission of this letter. This letter will serve as a supplement to the February 10, 2011 letter of agreeable stipulations/conditions and will supersede said letter where in conflict therewith.

1. In order to facilitate transportation, traffic and related infrastructure issues, the Developer shall form an Advisory Committee consisting of the Developer, a representative from CBIA, a representative from the Community Development Agency who will be an ex officio member of the Committee and the Director of the Cobb County Department of Transportation ("DOT") who shall facilitate decisions with respect to issues upon which the Developer and CBIA can not agree. The Advisory Committee shall also assist the Developer with respect to infrastructure design issues during the Plan Review process

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with the primary focus of the Advisory Committee being to ensure compliance with GRTA and Cobb DOT requirements and to foster compatibility between the proposed development and existing industrial businesses.

2. The Developer agrees to comply with the system improvements recommended by GRTA and Cobb County DOT as may be modified through negotiations and agreements with the Cobb County Board of Commissioners and Cobb DOT. Additionally, the Developer agrees to fund those certain system improvements delineated in Attachment "A" (General Conditions) of GRTA's Notice of Decision, dated December 20, 2010<sup>1</sup> while not being precluded from obtaining available funding, and agrees to post a bond or an equivalent form of security with Cobb County in an amount commensurate with the projected costs of the system improvements for which the Developer is responsible. Such bond shall be posted in a manner and in an amount consistent with the phased development of the project and its related system improvements. As a part of the Plan Review process and consistent with the manner in which such plans are presently reviewed by Cobb County's professional staff, the Developer shall incrementally submit phased construction plans and, simultaneously with the approval of those plans, shall be responsible for the funding of the system improvements and the construction of transportation infrastructure contained within those phased submissions. The Developer will continue to submit and fund plans accordingly during the phased development and build-out of the project. The funding and construction of said system improvements will be required no sooner than the approval of the phased construction plans. No transportation system improvements will be required until the commencement of major construction activities per the phased construction plans. Specifically, if the developer proposes minor clean-up construction, including any EPA 319 Grant funded construction or similar riverfront improvement activities, or the construction of any accessory structures consistent with the open space programming anticipated to be an early phase project, such initiatives shall not require transportation system improvements.
3. An agreement that nineteen (19) town home units within the Highland District (as shown on the revised Concept Master Plan attached hereto) will not initially be built during the estimated seven to ten (7-10) year phased project in order to temporarily meet the one-hundred foot (100') buffer distancing between adjacent industrial properties. These units may be built as an earlier phase if, prior to the construction of said units, the Developer

<sup>1</sup> The Developer will follow the language contained within the February 10, 2011 stipulation letter which states that the Developer agrees to participate with respect to the design, signalization and improvements to the intersection of Riverview Road and Veterans Memorial Highway since such improvements are not yet designed nor warranted by Cobb DOT.

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**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
**VIA EMAIL & HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
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shall either submit evidence of a change in the zoning of the adjacent parcels to a non-Heavy Industrial classification or submit a written agreement with the adjacent property owner allowing for a reduction in the temporary buffer. The Developer shall file an Other Business Application for the construction of these units so that the full Board of Commissioners can review the circumstances at that time

4. Reference to all other buffers less than one-hundred feet (100'), as contained in paragraph 4, page 12 (Stipulations applicable to the Residential Components) of the February 10, 2011 stipulation letter, shall be superseded and replaced with the agreement that all buffers shall be one-hundred feet (100') or greater as more fully demonstrated by the Industrial Buffer Plan (Riverview on the Chattahoochee) exhibit submitted as an attachment to a recent letter to Commissioner Helen Goreham, dated February 28, 2011, said Buffer Plan being attached hereto. In addition, in certain locations as indicated on the attached Buffer Plan exhibit, a fifty-foot (50') landscaped buffer containing a berm of not less than eight (8') in height is acceptable. Referenced landscaping shall include landscaping on all sides and top of the berm. Finally, a solid, architecturally appealing wall, at least eight feet (8') in height and placed on a raised berm with a minimum of twenty feet (20') of landscaped area remaining on the proposed development site for landscaping materials, shall be constructed in the Highlands District (A-1) directly adjacent to the Heavy Industrial property located at 1650 Armstrong Place (Land District 18; Land Lot 0176; Parcel 010)." However, in general, should any adjoining industrial properties cease being used as or zoned in an industrial classification, the Developer shall have the option to remove/reconfigure the above referenced buffers and berms.
5. Previously, the Creekside District, as shown on that certain Rezoning Master Plan (Riverview on the Chattahoochee) prepared by Planners & Engineers Collaborative which was submitted on November 12, 2010, has been restricted to self-service storage buildings and other non-residential buildings. However, the Developer also agrees to eliminate the construction and development of restaurants within said district.
6. The Developer agrees to the positioning of a landscaped buffer between the Seagraves' "Pallet" site and the Developer's parcel along Riverview Road which is currently shown on the site plan as "Open Space". Should this adjoining industrial property cease being used as or zoned in an industrial classification, the Developer shall have the option to remove/reconfigure this landscaped buffer.

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
**VIA EMAIL & HAND DELIVERY**

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Mr. John P. Pederson, AICP, Manager  
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7. The following revised recital shall be contained within all marketing documents, all contractual documents concerning the conveyance of property from the Developer, all deeds of conveyance from the Developer including, but not limited to warranty deeds and quitclaim deeds and all leases, covenants, conditions & restrictions from the Developer:

“The property contained and referenced in this document is located in close proximity to a Heavy Industrial area which, may at times, house dangerous equipment, materials and terrain, trespass upon which could cause serious injuries. Also, said properties may produce loud noises, noxious odors and sounds. Owner and/or Lessee acknowledges and accepts that the Heavy Industrial land uses, including their necessary ancillary activities, are recognized and acceptable conditions concerning which the parties herein have no control over the use of such industrial properties. Owner and/or Lessee hereby waives any right to file a cause of action for nuisance that may arise out of the lawful use of the above referenced current heavy industrial properties.”

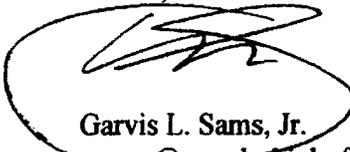
8. Major modifications or revisions to the zoning proposal shall come back for review by the Board of Commissioners in the form of the filing of an Other Business Application.

Please do not hesitate to call should you, your staff or the Commissioners require any additional information or documentation prior to the Application being heard by the Board of Commissioners on March 15, 2011.

With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS, Jr./dsj  
Enclosures

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
**VIA EMAIL & HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
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February 21, 2012  
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- cc: Members, Cobb County Board of Commissioners (via email w/attachments & hand delivery w/encs.)  
Mr. David Hankerson, County Manager (via email w/attachments & hand delivery w/encs.)  
Mr. Robert L. Hosack, Jr., AICP, Director (via email w/attachments & hand delivery w/encs.)  
Ms. Faye DiMassimo, AICP, Director, Cobb County DOT (via email w/attachments.)  
Mr. Dana Johnson, AICP, Manager  
Planning Division (via email w/attachments.& hand delivery w/encs.)  
Ms. Jane Stricklin, P.E. (via email w/attachments)  
Mr. David Breaden, P.E. (via email w/attachments)  
Ms. Karen King, Assistant County Clerk (via email w/attachments)  
Ms. Lori Presnell, Deputy County Clerk (via email w/attachments)  
Mr. Ben Clopper, President, Mableton Improvement Coalition (MIC) (via email w/attachments)  
Ms. Robin Meyer, MIC (via email w/attachments)  
John H. Moore, Esq., CBIA (via email w/attachments)  
Mr. Walter Brown  
Green Street Properties (via email w/attachments)  
Ms. Katharine W. Kelley  
Green Street Properties (via email w/attachments)  
Mr. Stephen Arms  
Marthasville Development (via email w/attachments)  
Mr. Brandon Kessinger  
Jamestown Properties (via email w/attachments)  
Mr. Kenneth J. Wood, P.E., LEED AP  
Planners and Engineers Collaborative, Inc. (via email w/attachments)  
Mr. John Walker  
Kimley-Horn and Associates (via email w/attachments)

February 21, 2012  
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APPLICANT: Green Street/Marthasville/Jamestown

PETITION

PRESENT ZONING: HL, R-20

PETITION

\*\*\*\*\*

**DRAINAGE COMMENTS**

Min. Bk. 62 Petition No. 2-20'10  
Doc. Type revised stormwater  
Management Comments  
Meeting Date 3/15/11

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: Zone AE

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review/State Review.**
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

**DOWNSTREAM CONDITION**

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving stream (Chattahoochee River).

APPLICANT: Green Street/Marthasville/Jamestown

PE

February 21, 2012  
Other Business Item 04  
Exhibit B

PRESENT ZONING: HL, R-20

PETITION FOR: PVC

\*\*\*\*\*

DRAINAGE COMMENTS CONTINUED

Petition No. 2-28 '10  
Meeting Date 3/15/11  
Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill placed within the floodplain must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

ADDITIONAL COMMENTS

Revised Comments based on Plan dated November 25, 2010.

1. It is understood that the current proposed plan may be somewhat conceptual at this time. However, any proposed plan will have to be consistent with all of the Metropolitan River Protection Act (MRPA) guidelines (ie. impervious setbacks, undisturbed stream buffers, building height restrictions within the 500-year floodplain, impervious and disturbed area coverage limits, etc.). No buildings are to be located within the 150-foot river setback other than public access points.
2. The proposed plan must comply with Cobb County's Flood Damage Prevention Ordinance. The proposed plan is consistent with the Letter of Map Revision issued by FEMA for this segment of the Chattahoochee River. All proposed structures must meet the elevation freeboard and venting code requirements. Any fill placed within the floodplain must be compensated by an equal volume of cut which must be field verified and as-built certification provided.
3. Based on discussions during the applicant meetings it is anticipated that innovative water quality and stormwater management measures will be utilized for this development. Since these designs are highly dependent on the final proposed site layout, these issues will need to be addressed during the plan review process.
4. The existing lake located in the center of the site does not have adequate spillway capacity. The proposed plan will include dam modifications required to meet the current County spillway design requirements.
5. Since the existing grade of Riverview Road is below the 100-year flood elevation, emergency ingress and egress for this development will be limited during severe flood conditions. Consideration should be given to at least raising the grade of the intersection at Riverview Road and Dickerson Drive to allow access to a majority of the development during flood conditions on the Chattahoochee River.

APPLICANT: Green Street Properties/ Marthasville Development

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PETITION NO.: Z-28

PRESENT ZONING: HL, R-20

PETITION FOR: PVC

\*\*\*\*\*  
Min. Bk. 62 Petition No. Z-28<sup>110</sup>

**TRANSPORTATION COMMENTS**

Doc. Type revised DOT  
comments  
Meeting Date 3/15/11

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Riverview Road	4200	Major Collector	35 mph	Cobb County	80'
Nichols Road	N/A	Local	25 mph	Cobb County	50'
Armstrong Place	N/A	Local	25 mph	Cobb County	50'
Dickerson Drive	600	Local	25 mph	Cobb County	50'

*Based on 2006 traffic counting data taken by Cobb County DOT (Riverview Road)  
Based on 2002 traffic counting data taken by Cobb County DOT (Dickerson Drive)*

**RECOMMENDATIONS**

Riverview Road is classified as a major collector and according to the available information the existing right-of-way does not meet the minimum requirements for this classification. Recommend applicant consider entering into a development agreement pursuant of 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 both sides of Riverview Road, a minimum of 40' from the roadway centerline.

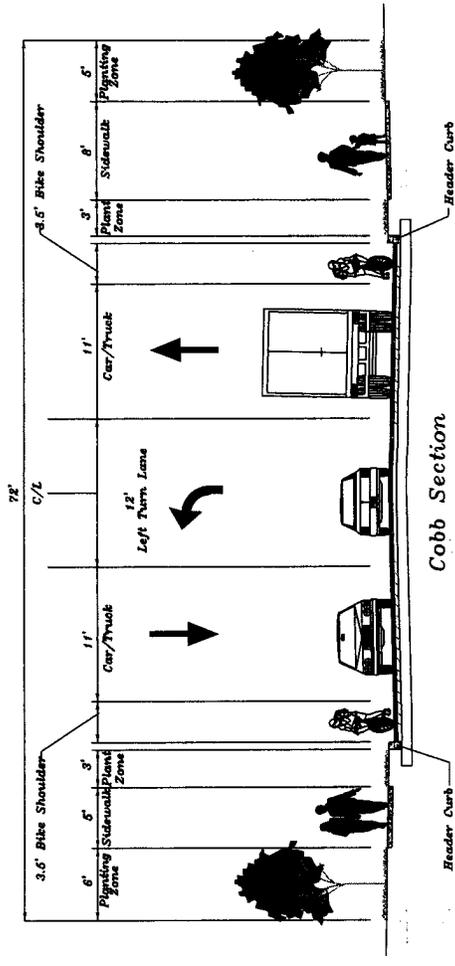
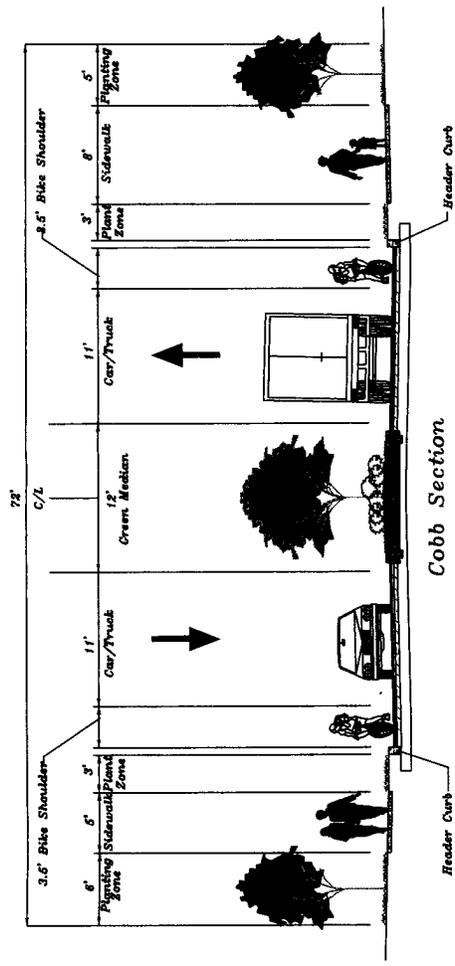
Recommend installing curb, gutter, and sidewalk along all the road frontages.

Recommend applicant verify that minimum intersection sight distance is available for Dickerson Drive at Riverview Road and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 390'.

Recommend developer comply with the requirements of GRТА's Notice of Decision recommendations.

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

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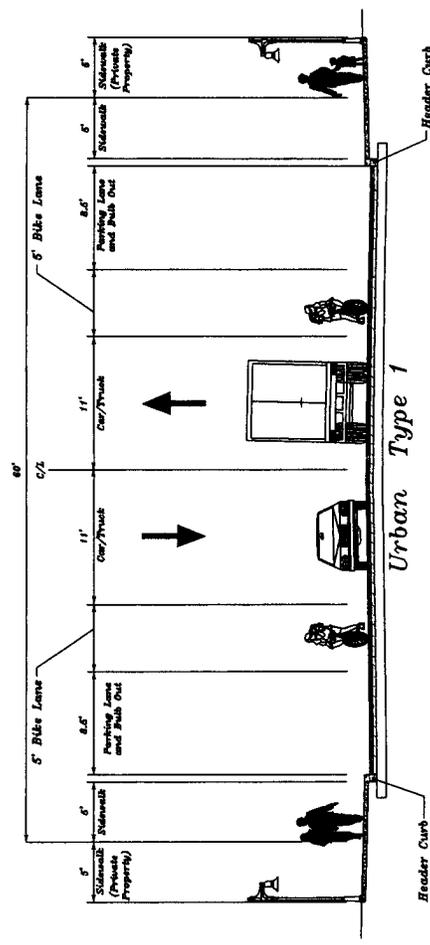
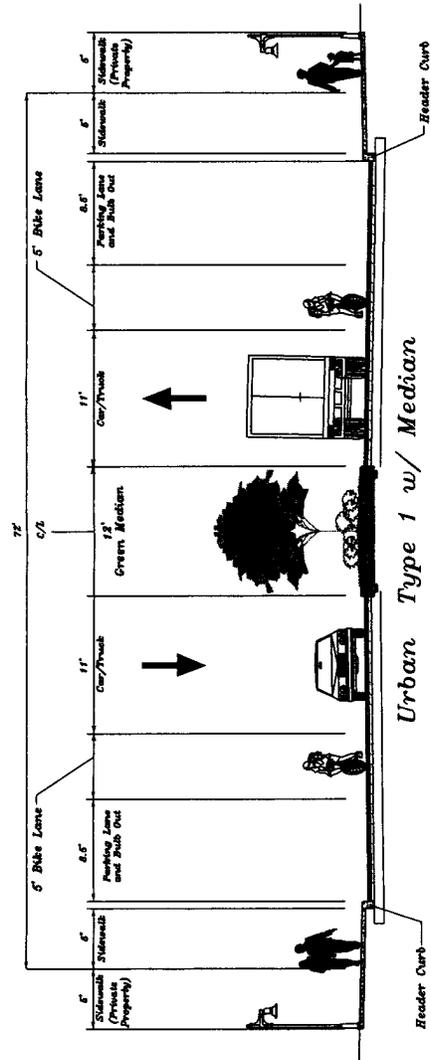
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ZONING DIVISION  
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COBB COUNTY	REVISION DATES
RIVERVIEW ROAD	
TYPICAL SECTION	

**CROY ENGINEERING**  
Engineers  
Planners  
Surveyors  
300 NORTH DASH HIGHWAY, S.W. 420, SUITE 413  
MARIETTA, GA 30067  
PHONE: (770) 971-5407 FAX: (770) 971-0920

February 21, 2012  
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CROY REFERENCE NUMBER: \_\_\_\_\_ COUNTY: COBB PROJECT NUMBER: INCL 00 SHEET NO. 1 TOTAL SHEETS: 4#



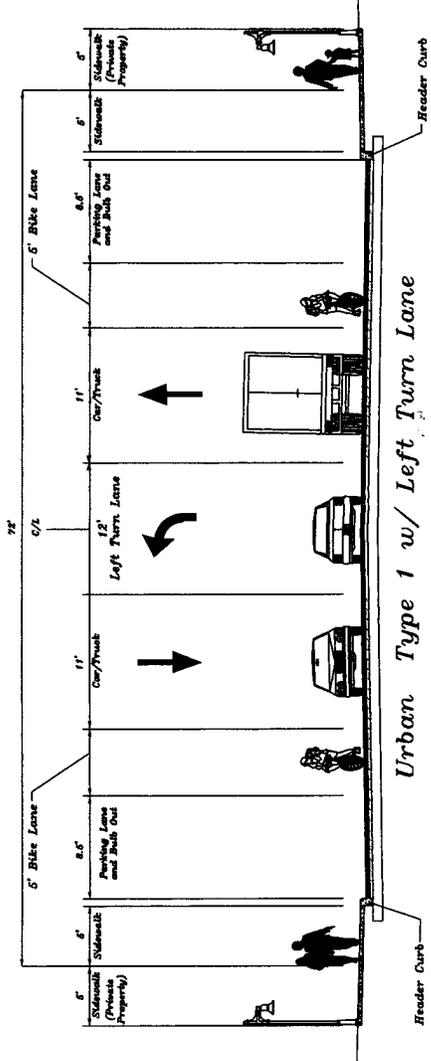
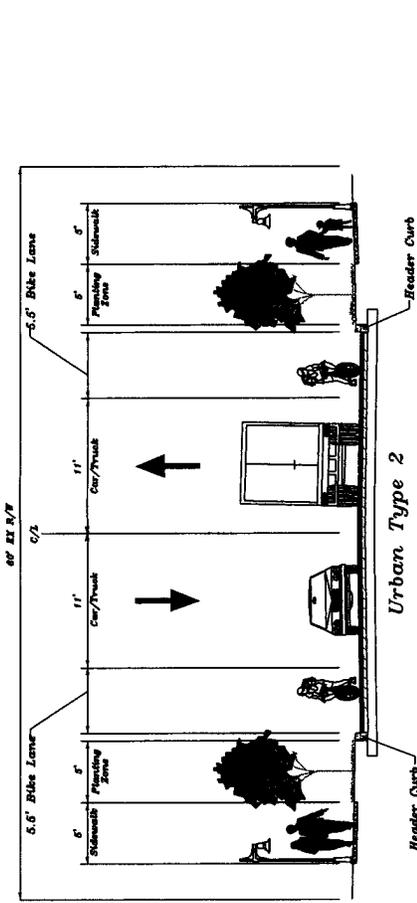
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 ZONING DIVISION  
 [Signature]

Engineers  
 Planners  
 Surveyors  
**CROY ENGINEERING**  
 200 NORTH CUMBERLAND BLVD, SUITE 415  
 MARIETTA, GA 30067  
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REVISION DATES	COBB COUNTY
	RIVERVIEW ROAD
	TYPICAL SECTION

February 21, 2012  
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CITY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
	COBB	106108	1	106



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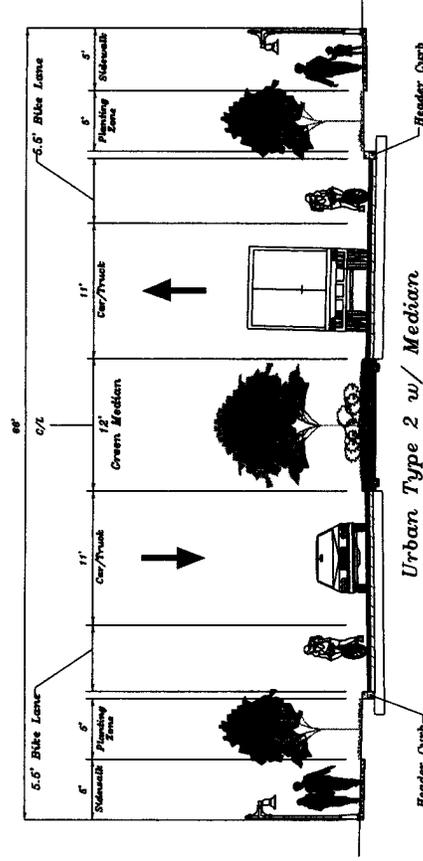
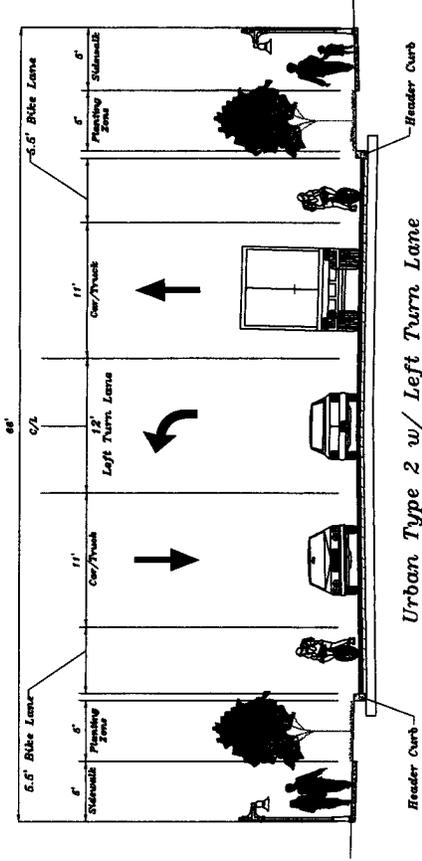
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REVISION DATES	COBB COUNTY
	RIVERVIEW ROAD
	TYPICAL SECTION

**CROY ENGINEERING**  
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CITY REFERENCE NUMBER	COUNTY	PROJECT NUMBER	SHEET NO.	TOTAL SHEETS
	COBB	(0412)	1	1



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*[Signature]*

REVISION DATES	COBB COUNTY
	RIVERVIEW ROAD
	TYPICAL SECTION

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