

**NOVEMBER 19, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 4

PURPOSE

To consider stipulation amendments for Riverview Office, LLC regarding rezoning application Z-55 of 2013 (Riverview Office, LLC), for property located on the east side of Cobb Galleria Parkway and Cumberland Boulevard, and on the southwest side of Interstate 75, in Land Lots 1014 and 1015 of the 17th District.

BACKGROUND

The subject property was rezoned in September 2013 for a mixed used development consisting of office, retail and residential. It was discovered after the zoning hearing that the square footage of the office tower and number of residential units for the project was incorrect. The correct square footage for the office tower should be 250,000 square feet in lieu of 225,000 square feet; the tower will still be 10 stories in height. The correct number of residential units is 250 units in lieu of 240 units, and the building will still be six stories in height. The approved site plan will still be followed. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 2013 OCT 15 PM 4:16 10/19/2013

COBB COUNTY GEORGIA
FILED IN OFFICE

#4

Applicant: Riverview Office, LLC
(applicant's name printed)

COBB COUNTY ZONING DIVISION
Phone #: (770) 818-4125

Address: Suite 120, 3300 Cobb Parkway, Atlanta, GA 30339 **E-Mail:** swhisenant@madisonretailllc.com

Moore Ingram Johnson & Steele, LLP

John H. Moore

Address: Emerson Overlook, 326 Roswell Street
Marietta, GA 30060

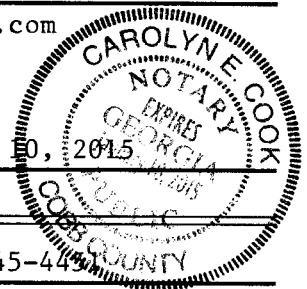
(representative's name, printed)

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800 w7@mijs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public

My commission expires: January 10, 2015



Titleholder(s): Crescent Communities, LLC
(property owner's name printed)

Phone #: (404) 245-4499

Address: Suite 1560, 3340 Peachtree Road
Atlanta, GA 30326

E-Mail: _____

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

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-55 (2013)

Date of Zoning Decision: 09/17/2013 **Original Date of Hearing:** 09/17/2013

Location: Northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 1014, 1015 **District(s):** 17th

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

See Exhibit "B" attached hereto and made a part hereof by reference.

(List or attach additional information if needed)

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

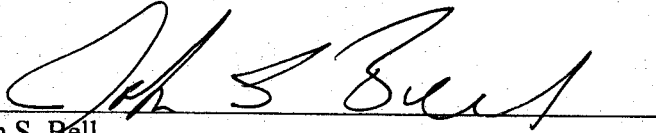
Application No.: Z-55 (2013)
Original Hearing Date: September 17, 2013
Date of Zoning Decision: September 17, 2013
Current Hearing Date: November 19, 2013

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 OCT 15 PM 4:16
COBB COUNTY ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Riverview Office, LLC
Titleholder: Crescent Communities, LLC, a Georgia limited liability company; f/k/a Crescent Resources, LLC, a Georgia limited liability company; f/k/a Crescent Resources of Georgia, Inc., a Georgia corporation, successor by merger to Crescent Resources, Inc., a South Carolina corporation

CRESCENT COMMUNITIES, LLC
a Georgia limited liability company

BY: 
John S. Bell
Senior Vice President

Address: Suite 1560, 3340 Peachtree Road
Atlanta, Georgia 30326

Telephone No.: (404) 245-4451

Signed, sealed, and delivered in the presence of:


JANET L. BOLTON

Notary Public

Commission Expires: 6-12-2014

[Notary Seal]



PROJECT AUTHORITY DELEGATION

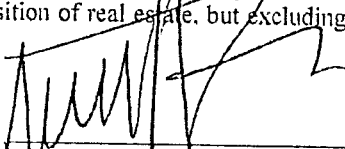
One (1) copy to be submitted to Crescent Resources. Attn: Kay Arnette

DIVISION: Commercial Division

The officers named below have the authority to act on behalf of Crescent Resources, LLC and the Commercial Division of Crescent Resources, LLC with respect to the real estate projects, developments and land holdings undertaken by the Division for which they have project management responsibility (the "Projects") only in the territories or with respect to the aspects of the Projects indicated by their titles. The authority herein granted includes authority to act on behalf of each direct or indirect subsidiary entity of Resources through which such Project may be conducted, subject to any limitations listed below, but all authority given herein is subject to, and limited by, that certain Delegation of Authority Matrix approved by the Board of Managers of Crescent Holdings, LLC on July 27, 2011.

For avoidance of doubt, the authority granted herein includes signature authority for the Projects on all documents that are relevant or incident to the acquisition or disposition of real estate, including, without limitation, purchase and sale agreements, escrow agreements, service agreements, pledge agreements, instruments, undertakings, certificates, applications, filings, schedules, consents, waivers or other documents, as well as any amendments or modifications from time to time of any such documents, to accomplish the intent or purposes of such acquisition or disposition of real estate, but excluding guarantees and environmental indemnities;

By:


Robert (Whit) Duncan
Commercial Division President

Date: 1/8/11

Officer Name:

Joseph K. McGorrey
John S. Bell
George L. Hodges, III
William E. (Ned) Austin

Commercial Division Title:

Sr. Vice President
Sr. Vice President
Vice President
Vice President

Signature Authority?

☒ yes ☐ no

Countersignature required?

☐ yes ☒ no

If countersignature required, list name of additional signatories/situations in which required:

N/A

Other limitations/date of expiration of authority (if any):

The authority of each individual named herein shall automatically expire upon his or her resignation, termination, replacement, removal or death.

EXHIBIT "B" – AMENDMENT TO ATTACHMENT TO
APPLICATION FOR "OTHER BUSINESS"
(STIPULATION AMENDMENT)
(Amended November 8, 2013)

Application No.:	Z-55 (2013)
Original Hearing Date:	September 17, 2013
Date of Zoning Decision:	September 17, 2013
Current Hearing Date:	November 19, 2013

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 NOV -8 PM 3:14
COBB COUNTY ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant:	Riverview Office, LLC
Titleholder:	Crescent Communities, LLC, a Georgia limited liability company; f/k/a Crescent Resources, LLC, a Georgia limited liability company; f/k/a Crescent Resources of Georgia, Inc., a Georgia corporation, successor by merger to Crescent Resources, Inc., a South Carolina corporation

Exhibit "B," Attachment to Application for "Other Business," filed on October 15, 2013, regarding Other Business Item No. 4 pending for hearing before the Cobb County Board of Commissioners on November 19, 2013, shall be deleted in its entirety and replaced in full, as follows:

The property which is the subject of this Application for "Other Business" is 6.658 acres, more or less, and is located at the northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway, southwesterly of Interstate 75, in Land Lots 1014 and 1015, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property was rezoned to the Regional Retail Commercial ("RRC") zoning classification by the Cobb County Board of Commissioners on September 17, 2013, to allow its use as a mixed-use development.

With the filing of this Application for "Other Business," Applicant seeks the amendment of stipulations as to the office and residential components of the proposed development, more particularly set forth in the letter of agreeable stipulations and conditions dated September 11, 2013, as follows:

- A. Applicant proposes the deletion of the stipulation found on page 8, section titled "I. Office Component," subparagraph (1), of the September 11, 2013, letter of agreeable stipulations and conditions, which reads as follows:
- (1) The office component of the proposed development shall consist of a maximum 10-story office tower containing approximately 225,000 square feet. The 10-story maximum does not include the two levels of parking underneath the building and plaza.

Applicant desires to increase the square footage of the proposed 10-story office tower from the approved 225,000 square feet to 250,000 square feet; and, therefore, requests, the following be substituted in lieu thereof:

- (1) The office component of the proposed development shall consist of a maximum 10-story office tower containing approximately 250,000 square feet. The 10-story maximum does not include the two levels of parking underneath the building and plaza.

B. Applicant proposes the deletion of the first sentence of the stipulation found on page 8, section titled "II. Residential Component," subparagraph (1)(b), of the September 11, 2013, letter of agreeable stipulations and conditions, which reads as follows:

- (b) A maximum of two hundred forty (240) units shall be contained within a maximum of six (6) stories located within the mid-rise buildings as more particularly shown and reflected on the revised Zoning Site Plan submitted herewith.

Applicant desires to increase the number of units from two hundred forty (240) to two hundred fifty (250); and, therefore, requests, the following be substituted in lieu thereof:

- (b) A maximum of two hundred fifty (250) units shall be contained within a maximum of six (6) stories located within the mid-rise buildings as more particularly shown and reflected on the revised Zoning Site Plan submitted herewith.

The balance and remainder of subparagraph (1)(b), together with the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, including the Zoning Site Plan, of the Board of Commissioners Zoning Hearing held on September 17, 2013, are unaltered and unchanged by this request for stipulation amendment.

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

STATE OF GEORGIA

Secretary of State
Corporations Division
313 West Tower
#2 Martin Luther King, Jr. Dr.
Atlanta, Georgia 30334-1530

CERTIFICATE OF NAME CHANGE

I, **Brian P. Kemp**, The Secretary of State and the Corporations Commissioner of the State of Georgia, hereby certify under the seal of my office that

CRESCENT RESOURCES, LLC

Name Changed To

CRESCENT COMMUNITIES, LLC

is hereby issued a CERTIFICATE OF NAME CHANGE under the laws of the State of Georgia on 4/1/2013 12:00:00 AM by the filing of all documents in the Office of the Secretary of State and by the paying of all fees as provided by Title 14 of the Official Code of Georgia Annotated .

WITNESS my hand and official seal in the City of Atlanta and the State of Georgia on 3/25/2013 10:03:43 AM

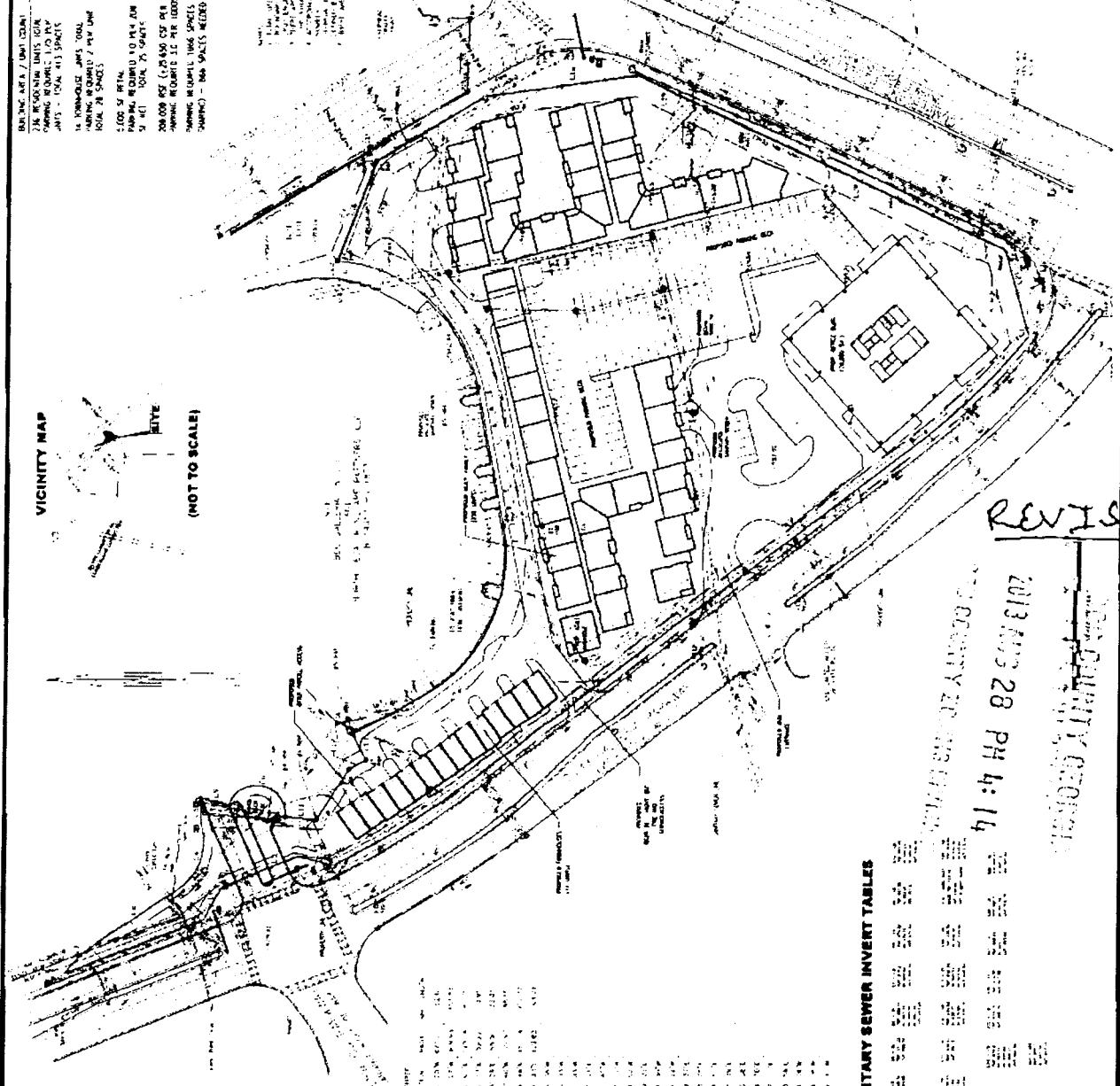


B. P. Kemp

Brian P. Kemp
Secretary of State

Min. Bk. 70 Petition No. 2-55
Doc. Type site plan
Meeting Date 9/17/13

RIVERVIEW
LAND LOTS 1014 & 1015
OF THE 17th DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
CURRENT ZONING OHR
PROPOSED ZONING RRC

[illegible]

STORM AND SANITARY SEWER INVENT TABLES

1911	1912	1913	1914	1915	1916	1917	1918	1919	1920	1921	1922	1923	1924	1925	1926	1927	1928	1929	1930	1931	1932	1933	1934	1935	1936	1937	1938	1939	1940	1941	1942	1943	1944	1945	1946	1947	1948	1949	1950	1951	1952	1953	1954	1955	1956	1957	1958	1959	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1970	1971	1972	1973	1974	1975	1976	1977	1978	1979	1980	1981	1982	1983	1984	1985	1986	1987	1988	1989	1990	1991	1992	1993	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	2042	2043	2044	2045	2046	2047	2048	2049	2050	2051	2052	2053	2054	2055	2056	2057	2058	2059	2060	2061	2062	2063	2064	2065	2066	2067	2068	2069	2070	2071	2072	2073	2074	2075	2076	2077	2078	2079	2080	2081	2082	2083	2084	2085	2086	2087	2088	2089	2090	2091	2092	2093	2094	2095	2096	2097	2098	2099	2100	2101	2102	2103	2104	2105	2106	2107	2108	2109	2110	2111	2112	2113	2114	2115	2116	2117	2118	2119	2120	2121	2122	2123	2124	2125	2126	2127	2128	2129	2130	2131	2132	2133	2134	2135	2136	2137	2138	2139	2140	2141	2142	2143	2144	2145	2146	2147	2148	2149	2150	2151	2152	2153	2154	2155	2156	2157	2158	2159	2160	2161	2162	2163	2164	2165	2166	2167	2168	2169	2170	2171	2172	2173	2174	2175	2176	2177	2178	2179	2180	2181	2182	2183	2184	2185	2186	2187	2188	2189	2190	2191	2192	2193	2194	2195	2196	2197	2198	2199	2200	2201	2202	2203	2204	2205	2206	2207	2208	2209	2210	2211	2212	2213	2214	2215	2216	2217	2218	2219	2220	2221	2222	2223	2224	2225	2226	2227	2228	2229	2230	2231	2232	2233	2234	2235	2236	2237	2238	2239	2240	2241	2242	2243	2244	2245	2246	2247	2248	2249	2250	2251	2252	2253	2254	2255	2256	2257	2258	2259	2260	2261	2262	2263	2264	2265	2266	2267	2268	2269	2270	2271	2272	2273	2274	2275	2276	2277	2278	2279	2280	2281	2282	2283	2284	2285	2286	2287	2288	2289	2290	2291	2292	2293	2294	2295	2296	2297	2298	2299	2300	2301	2302	2303	2304	2305	2306	2307	2308	2309	2310	2311	2312	2313	2314	2315	2316	2317	2318	2319	2320	2321	2322	2323	2324	2325	2326	2327	2328	2329	2330	2331	2332	2333	2334	2335	2336	2337	2338	2339	2340	2341	2342	2343	2344	2345	2346	2347	2348	2349	2350	2351	2352	2353	2354	2355	2356	2357	2358	2359	2360	2361	2362	2363	2364
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REVISED

2013 Nov 28 PM 4:11

1900-1901

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-55 (2013) –
APPROVED SEPTEMBER 17, 2013**

**ZONING SITE PLAN APPROVED BY BOARD
OF COMMISSIONERS PURSUANT TO
APPLICATION FOR REZONING NO. Z-55
(2013) – SEPTEMBER 17, 2013**

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

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 17, 2013 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Vice Chair JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Helen Goreham
Commissioner Bob Ott

Not Present: Chairman Tim Lee

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 OCT 15 PM 4:17
COBB COUNTY ZONING DIVISION

Z-55 RIVERVIEW OFFICE, LLC (Crescent Communities, LLC, owner) requesting Rezoning from **OHR** to **RRC** for the purpose of Mixed Use Development in Land Lots 1014 and 1015 of the 17th District. Located on the east side of Cobb Galleria Parkway, north of the intersection of Cobb Galleria Parkway and Cumberland Boulevard; and on the southwest side of Interstate 75.

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

MOTION: Motion by Ott, second by Goreham, to approve Rezoning to the **RRC** zoning district **subject to**:

- *Revised site plan dated August 28, 2013 (attached and made a part of these minutes)*
- Letter of agreeable conditions from Mr. John Moore dated September 11, 2013 (attached and made a part of these minutes) with the following change:
 - Item No. 21, subset d. – revise to read: *“Gas stations and self-service gas stations that sell gas and convenience stores”*
- Letter of agreeable conditions from Mr. John Moore dated September 16, 2013 (attached and made a part of these minutes) with the following change:
 - Page 1, third paragraph, second sentence: *“...no townhomes or other structures or encroachments of any kind shall be placed...”*
- Fire Department comments and recommendations, *not otherwise in conflict*
- Stormwater Management Division comments and recommendations, *not otherwise in conflict*

- **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
- ***Revised Cobb DOT* comments and recommendations dated August 29, 2013 (attached and made a part of these minutes), *not otherwise in conflict***

VOTE: ADOPTED 4-0, Chairman Lee absent

DATE: 01/11/13
DRAWN BY: J. H. HARRIS
CHECKED BY: J. H. HARRIS
SCALE: 1" = 40' (PLAN)
1" = 20' (SECTION)

DATE: 01/11/13
DRAWN BY: J. H. HARRIS
CHECKED BY: J. H. HARRIS
SCALE: 1" = 40' (PLAN)
1" = 20' (SECTION)

VICINITY MAP



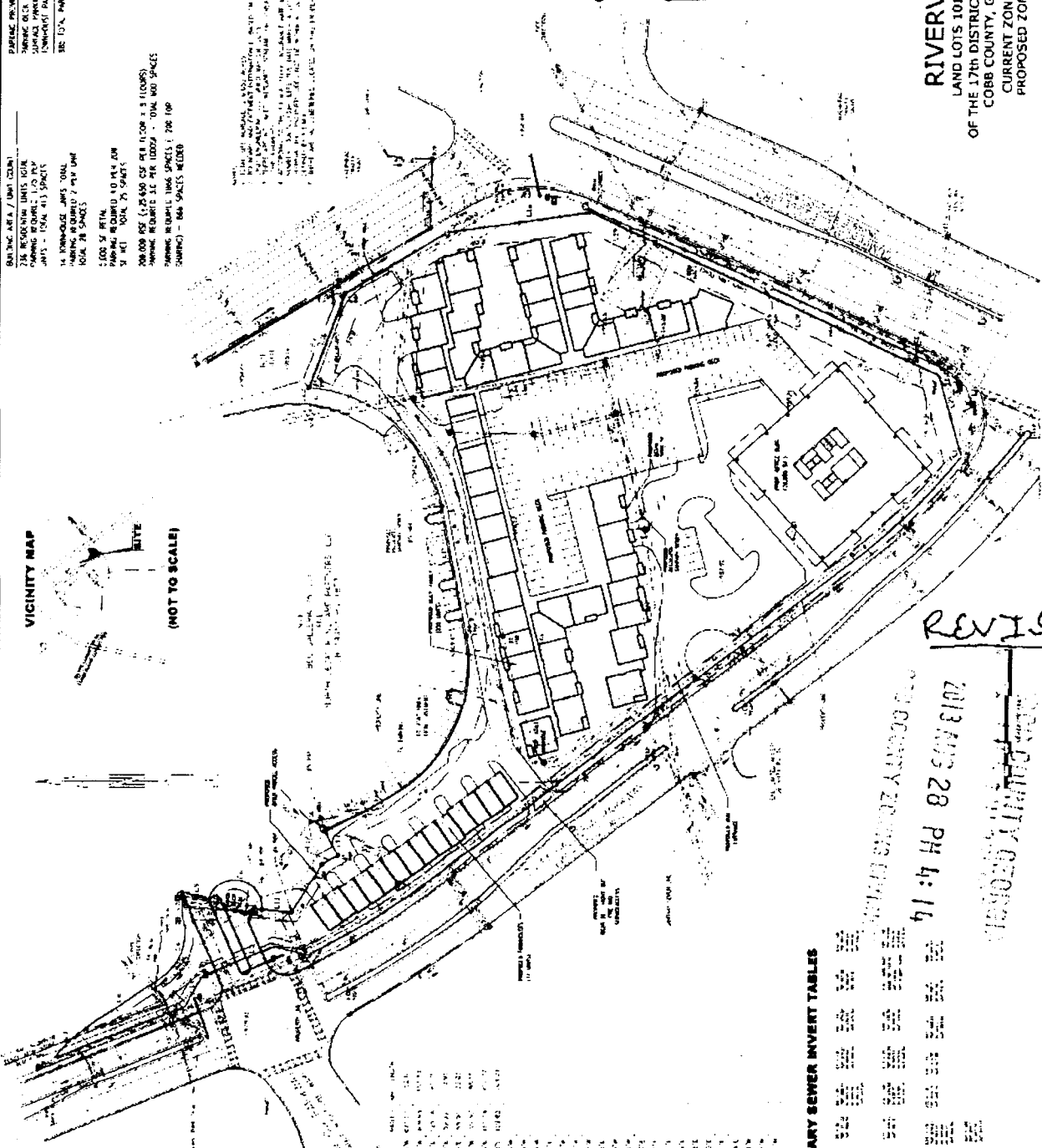
(NOT TO SCALE)

DATE: 01/11/13
DRAWN BY: J. H. HARRIS
CHECKED BY: J. H. HARRIS
SCALE: 1" = 40' (PLAN)
1" = 20' (SECTION)

Map. Bk. 70 Petition No. 2-55
Doc. Type site plan

Meeting Date 9/17/13

RIVERVIEW
LAND LOTS 1014 & 1015
OF THE 17th DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
CURRENT ZONING OHR
PROPOSED ZONING RRC



REVISED

STORM AND SANITARY SEWER INVERT TABLES

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON¹
ROBERT D. INGRAM¹
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ELDON L. BASHAM
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CLAYTON D. CARMACK
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RODNEY R. MCCOLLOCH
BUBAN B. STUART
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HARRY R. TEAR III
W. TROY HART¹
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CARLA C. WESTER¹
ADON J. SOLOMON¹
AMY L. JETT¹
JEFF C. MORMAN¹
RYAN M. INGRAM
SHAWN O. SHELTON
KRISTEN C. STEVENSON¹
CARLY R. FEDELE

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EMERSON OVERLOOK
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KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 581-8038

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 280
JACKSONVILLE, FLORIDA 32284
TELEPHONE (904) 425-1485

NASHVILLE, TENNESSEE
3208 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7847

LOUISVILLE, KENTUCKY
8900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8821

CHARLESTON, SOUTH CAROLINA
4800 N. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 382-0002

SARAH H. BERT¹
RYAN C. EDENS¹
JULIE C. FULLER¹
JODI B. LODEN¹
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
MONTROYA M. HO-SANG¹
TAMSTAN B. MORRISON¹
WILLIAM B. WARRIWAY¹
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN¹
GRAHAM P. ROBERTS
DAVID J. OTTEN¹
JONATHAN S. FUTRELL
JOSHUA D. ANTERS¹
HONBERT D. HUMMEL, IV
DAVID R. CONLEY
LYNDEY J. HURST

B. CHASE ELLEBY
B. BARDIN HOOKS
DAPHNE B. WITHROW
WILLIAM W. MCGOWAN, II¹
TYLER R. MORGAN¹
MARIANNA L. JABLONSKI¹

OF COUNSEL:
JOHN L. SKELTON, JR.¹

¹ ALSO ADMITTED IN TN
² ALSO ADMITTED IN FL
³ ALSO ADMITTED IN GA
⁴ ALSO ADMITTED IN TX
⁵ ALSO ADMITTED IN AL
⁶ ALSO ADMITTED IN KY
⁷ ALSO ADMITTED IN MS
⁸ ALSO ADMITTED IN NC
⁹ ADMITTED ONLY IN FL

September 11, 2013

Hand Delivered

Min. Bk. 70 Petition No. 2-55
Doc. Type Letter of agreeable
conditions
Meeting Date 9/17/13

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

RE: Application for Rezoning - Application No. Z-55 (2013)
Applicant: Riverview Office, LLC
Property Owner: Crescent Communities, LLC
Property: 6.658 acres located at the northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway, southwesterly of Interstate 75, Land Lots 1014 and 1015, 17th District, 2nd Section, Cobb County, Georgia

Dear Jason:

The undersigned and this firm represent Riverview Office, LLC, the Applicant (hereinafter referred to as "Applicant"), and Crescent Communities, LLC, the Property Owner (hereinafter referred to as "Property Owner"), in their Application for Rezoning with regard to a total tract of 6.658 acres, more or less, located at the northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway, southwesterly of Interstate 75, Land Lots 1014 and 1015, 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; reviewing the uses of surrounding properties, and following

COBB COUNTY GEORGIA
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COBB COUNTY ZONING DIVISION

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Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 13
September 11, 2013

Petition No. 2-55
Meeting Date 9/17/13
Continued

the presentation to the Cobb County Planning Commission, we have been authorized by the Applicant and Property Owner to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the previous letter of stipulations and conditions dated and filed August 29, 2013. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; 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 Office High Rise ("OHR") to the proposed zoning category of Regional Retail Commercial ("RRC"), site plan specific to the revised Zoning Site Plan prepared for Applicant by Croy Engineering, LLC, dated July 3, 2013, last revised September 4, 2013, and filed contemporaneously herewith. A reduced copy of the revised Zoning Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) By this revised letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Zoning Site Plan for the proposed development hereinabove referenced, same being prepared for Applicant by Croy Engineering, LLC, dated July 3, 2013, last revised September 4, 2013, and filed contemporaneously herewith.
- (4) The Subject Property consists of approximately 6.658 acres of total site area and shall be developed for a mixed-use development consisting of office, retail, and residential.

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

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 13
September 11, 2013

Petition No. 2-55
Meeting Date 9/11/13
Continued

component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, and the like contained within the overall development.

- (2) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (3) The entrances to the proposed development shall be as more particularly shown and reflected on the referenced revised Zoning Site Plan.
- (4) There shall be a traffic signal installed at the project's main entrance on Cobb-Galleria Parkway, in the location as shown and reflected on the referenced revised Zoning Site Plan. Applicant shall be responsible for and pay to the Cobb County Department of Transportation all costs associated with the design and installation of the referenced traffic signal.
- (5) 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.
- (6) 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.
- (7) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (8) Additionally, hooded security lighting shall be utilized on the exteriors of the buildings and throughout the walkways, surface parking areas, and parking deck areas; excepting only, the individual townhome units which shall utilize only decorative, themed lighting as described above.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 13
September 11, 2013

Project No. 2-55
Project Date 9/17/13
City of Atlanta

- (9) 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. Dumpsters shall be emptied Monday through Saturday from 5:00 a.m. to 7:00 p.m. and Sunday from 2:00 p.m. to 7:00 p.m.
- (10) Parking lot cleaning with the use of mechanical equipment shall be restricted to hours Monday through Saturday from 5:00 a.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 9:00 p.m.
- (11) Deliveries to the proposed retail uses shall be limited to between the hours of 5:00 a.m. to 11:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m. on Saturday and Sunday.
- (12) Store hours which are open to the public for the retail uses proposed for this development shall be limited to Monday through Saturday, 6:00 a.m. to 10:00 p.m. and Sunday from 6:00 a.m. to 9:00 p.m. Restaurants may remain open until 2:00 a.m.
- (13) 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.
- (14) 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

Page 5 of 13

September 11, 2013

Petition No. 2-55
Meeting Date 9/17/13
Consent

- (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.
- (15) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
 - (16) 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.
 - (17) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
 - (18) 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.
 - (19) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
 - (20) All utilities for the proposed overall development shall be located underground.
 - (21) The following uses shall be prohibited from the proposed overall development:
 - (a) Video arcades as a primary use;

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 13
September 11, 2013

2-55
9/11/13

- (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;
 - (n) Any form of adult entertainment business; and
 - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.
- (22) 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.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell

Planner III

Zoning Division

Cobb County Community Development Agency

Page 7 of 13

September 11, 2013

Position No. 2-55
Meeting Date 9/17/13
City/County

- (23) There shall be a minimum of nine hundred forty-seven (947) on-site parking spaces for the proposed overall development, as follows:
- (a) Parking Deck - 441 spaces;
 - (b) Grade Level and Two Levels
Below Grade Level Parking -- 461 spaces;
 - (c) Townhome and Street Parking - 45 spaces.
- (23) Applicant shall have performed a ULI Shared Parking Study to determine if nine hundred forty-seven (947) parking spaces are sufficient based upon shared use by office, 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.
- (24) There shall not be required decel lanes at the entrances to the proposed Project. However, if the Cobb County Department of Transportation should later believe that, due to traffic issues presented, decel lanes in some form are required, then the Cobb County Department of Transportation shall present a request therefor to the Cobb County Board of Commissioners in "Other Business," and the Board shall determine whether to require a decel lane or lanes and the exact requirements therefor. If the Board of Commissioners decides that a decel lane or lanes are required, Applicant agrees to install and construct said lane(s) at its sole cost and expense.
- (25) 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 Cobb Galleria Parkway and Cumberland Boulevard. There will be no stacking of vehicles on either road waiting for entry onto the Subject Property.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 8 of 13
September 11, 2013

Petition No. 2-55
Meeting Date 9/17/13
Continued

I. OFFICE COMPONENT

- (1) The office component of the proposed development shall consist of a maximum 10-story office tower containing approximately 225,000 square feet. The 10-story maximum does not include the two levels of parking underneath the building and plaza.
- (2) Parking for tenants of the proposed office tower shall be accomplished by providing connectivity to the proposed multi-level parking deck.
- (3) The exterior finish of the proposed office building shall consist of glass, brick, stone, steel, concrete, and stucco, or combinations thereof; and shall be substantially similar to the renderings to be presented to the Planning Commission and Board of Commissioners at the respective upcoming public hearings.

II. RESIDENTIAL COMPONENT

- (1) The residential component of the proposed development shall have a maximum of two hundred fifty-four (254) residential leased units, be as follows:
 - (a) A maximum of fourteen (14) townhome units which shall be located as more particularly shown and reflected on the revised Zoning Site Plan submitted herewith. Specifics as to the townhomes are as follows:
 - (i) Maximum of three (3) stories in height;
 - (ii) Minimum 1,600 square feet, and greater;
 - (iii) Traditional in style and architecture;
 - (iv) Exterior façade consisting of brick, stone, stacked stone, cementitious siding, and combinations thereof.
 - (b) A maximum of two hundred forty (240) units shall be contained within a maximum of six (6) stories located within the mid-rise buildings as more particularly shown and reflected on the revised Zoning Site Plan submitted herewith. Specifics as to the units are as follows:

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 9 of 13
September 11, 2013

Project No. 2-55
Drawing No. 9/17/13
Date

- (i) Units shall consist of one, two, and three bedrooms;
 - (ii) Unit size shall range from a minimum of 540 square feet in a one-bedroom unit to a maximum of 1,600 square feet in a three-bedroom unit. The average unit shall be approximately 1,000 square feet of heated living space;
 - (iii) Building architecture and exterior façade shall be complementary to the office building.
- (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) Top-of-the line appliances;
 - (e) Extra-deep stainless steel sinks and side-by-side refrigerators/freezers as upgrades;
 - (f) A selection of faux hardwood flooring, high-end carpet, and tile throughout;
 - (g) Spacious open floor plans which eliminate the necessity for typical hallways within the units;
 - (h) Brushed chrome, brushed nickel, or oiled rubbed bronze bathroom and kitchen fixtures;
 - (i) Ceramic tile or faux hardwood bathrooms and laundry rooms;

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell

Planner III

Zoning Division

Cobb County Community Development Agency

Page 10 of 13

September 11, 2013

Document No. 2-55
Date 9/17/13

- (j) Brushed chrome bathroom and kitchen fixtures;
 - (k) Spacious walk-in closets;
 - (l) High-speed internet wiring in all rooms of each unit;
 - (m) Large tubs with showers;
 - (n) Six feet, eight inch (6'8") to eight (8) foot entry doors subject to fire rating;
 - (o) Energy-efficient construction which will exceed the Georgia Energy Code;
 - (p) Double-paned, insulated windows in all units; and
 - (q) Controlled access building and amenity areas.
- (3) Parking for residents of the proposed residential high-rise shall be within the parking deck to be utilized by the office component.
- (4) All residents of the proposed residential community shall have access to and use and enjoyment of the amenity areas, which will include the following:
- (a) Pool;
 - (b) Fitness center;
 - (c) Clubroom;
 - (d) Business center or internet café;
 - (e) Courtyards.
- (5) The residents within the proposed residential community will utilize a compactor system for refuse.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 11 of 13
September 11, 2013

Petition No. 2-55
Meeting Date 9/17/13
Continued

- (6) All residential units, including townhomes units, within the proposed residential community may be leased. The units shall be converted to "for sale" units at such time as market conditions allow as determined by the primary lending institution, at any given time, financing the subject development.
- (7) During the period of time residential units shall be leased, and prior to conversion to "for sale" units, all residential units, including townhome units, shall be subject to the Cobb County Condominium Ordinance, as more particularly set forth in the Cobb County Zoning Ordinance; and shall not be subject to the Georgia Condominium Act.
- (8) However, upon conversion of the units to "for sale" condominium units, the units shall be made subject to the Georgia Condominium Act and shall comply in all respects therewith. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of the units to "for sale" units. Upon such conversion, Applicant agrees to the recording and enforcement of a Declaration of Condominium which shall contain covenants, rules, and regulations applicable to the proposed residential condominium community.
- (9) Additionally, and in conjunction with the submission of the community to the Georgia Condominium Act, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the entrance areas, all common areas, amenity areas, and the like, contained within the residential condominium community.
- (10) Upon conversion of the units to "for sale" units, there shall be established a restrictive covenant which limits the number of units which can be leased or rented at any one time to a maximum of ten (10) percent of the total number of units, or as allowed by any federal agency.

III. RETAIL COMPONENT

- (1) There shall be a maximum of 5,000 square feet of retail space which shall be located on the ground level of buildings located adjacent to the parking deck and across the courtyard area from the high-rise office building.

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 12 of 13
September 11, 2013

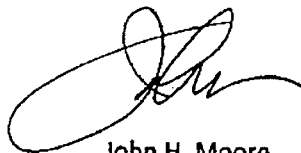
Petition No. 2-55
Meeting Date 9/17/13
Continued

We believe the requested zoning, pursuant to the revised Zoning Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community is an exciting project which fits together various types of product into one development. The proposed development shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments, businesses, and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachment

c: Cobb County Board of Commissioners:

Timothy D. Lee, Chairman

Helen C. Goreham

Robert J. Ott

Joanne Birrell

Lisa N. Cupid

(With Copy of Attachment)

Mike Terry, Chairman

Cobb County Planning Commission

(With Copy of Attachment)

MOORE INGRAM JOHNSON & STEELE

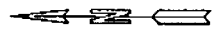
Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 13 of 13
September 11, 2013

Petition No. 2-56
Meeting Date 9/17/13
Continued

c: Wade Goetz
Area Property Owner
(With Copy of Attachment)
(Via E-mail Only)

Riverview Office, LLC
(With Copy of Attachment)

RIVERVIEW
LAND LOTS 10114 & 10115
OF THE 17TH DISTRICT, 2ND SECTION
COUNTY COUNTY, GEORGIA
CURRENT ZONING-OHR
PROPOSED ZONING RRC



STORM AND SANITARY SEWER INVERT TABLES									
ELEVATION		INVERT		DEPTH		DRAINAGE		SLOPE	
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EXHIBIT "A"

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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LYNDBEY J. HURST

B. CHASE ELLERY
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MARIANNA L. JABLONSKI^{*}

OF COUNSEL:
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^{*} ALSO ADMITTED IN FL
^{***} ALSO ADMITTED IN CA
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[^] ALSO ADMITTED IN SC
[^] ALSO ADMITTED IN NC
[^] ADMITTED ONLY IN TN
[^] ADMITTED ONLY IN FL

September 16, 2013

Via E-mail and First-Class Mail

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Baker Dennard & Goetz
Suite 1225
3424 Peachtree Road
Atlanta, Georgia 30326

Min. Bk. 70 Petition No. Z-55
Doc. Type letter of agreeable
conditions
Meeting Date 9/17/13

RE: Application for Rezoning – Application No. Z-55 (2013)
Applicant: Riverview Office, LLC
Property Owner: Crescent Communities, LLC
Property: 6.658 acres, more or less, located at the northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway, Land Lots 1014 and 1015, 17th District, 2nd Section, Cobb County, Georgia

Dear Mr. Goetz:

This letter will respond to your e-mail to Mr. John P. Pederson, Cobb County Zoning Administrator, dated Friday, September 13, 2013, a copy of which is attached hereto and incorporated herein by reference.

The first issue raised is interparcel access. Our proposed site plan shows the interparcel access reflected thereon as "proposed." Applicant fully agrees that there shall be no interparcel access established between the two respective properties until such time as the owners thereof so agree.

The second issue raised is possible encroachment by the proposed townhomes on an existing easement in favor of your property. In this regard, Applicant agrees that no townhomes or other structures shall be placed upon or within any easement areas to which you have rights.

MOORE INGRAM JOHNSON & STEELE

Mr. Wade H. Goetz
Baker Dennard & Goetz
Page 2 of 3
September 16, 2013

Petition No. 2-55
Meeting Date 9/17/13
Continued

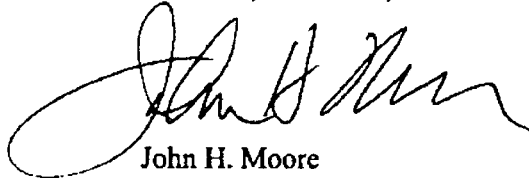
The last issue raised by your e-mail is the notation on the Zoning Site Plan as to a "billboard." In this regard, Applicant agrees that there shall be no billboard proposed or approved by the Cobb County Board of Commissioners as a result of this rezoning request.

Pursuant to our conversation of this date regarding the foregoing, we agree to submit this letter as additional stipulations for the proposed rezoning at the hearing before the Cobb County Board of Commissioners on Tuesday, September 17, 2013.

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

Joanne Birrell

Lisa N. Cupid

(With Copy of Attachment)

(Via E-mail Only)

Mike Terry, Chairman

Cobb County Planning Commission

(With Copy of Attachment)

(Via E-mail Only)

MOORE INGRAM JOHNSON & STEELE

Mr. Wade H. Goetz
Baker Dennard & Goetz
Page 3 of 3
September 16, 2013

Petition No. 2-55
Meeting Date 9/17/13
Continued

c: John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
(With Copy of Attachment)
(Via E-mail Only)

Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
(With Copy of Attachment)
(Via E-mail Only)

Deborah L. Dance, Esq.
Joseph B. Atkins, Esq.
Cobb County Attorney's Office
(With Copy of Attachment)
(Via E-mail Only)

Karen L. King
Assistant County Clerk
(With Copy of Attachment)
(Via E-mail Only)

Lori P. Barton
Deputy County Clerk
(With Copy of Attachment)
(Via E-mail Only)

Riverview Office, LLC
(With Copy of Attachment)
(Via E-mail Only)

APPLICANT: Riverview Office, LLC

PETITION NO.: Z-55

PRESENT ZONING: OHR

PETITION FOR: RRC

TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Cumberland Boulevard	19,000	Arterial	35 mph	Cobb County	100'
Cobb Galleria Parkway	4700	Major Collector	35 mph	Cobb County	80'

Based on 2007 traffic counting data taken by Cobb DOT (Cumberland Boulevard)
Based on 2007 traffic counting data taken by Cobb DOT (Cobb Galleria Parkway)

COMMENTS AND OBSERVATIONS

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

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

RECOMMENDATIONS

Recommend no access to Cumberland Boulevard.

Recommend a traffic study.

Recommend a FAA study.

Recommend a deceleration lane for all access points on Cobb Galleria Parkway.

Recommend replacing any disturbed concrete curb, gutter, and wide sidewalk.

Recommend a minimum intersection sight distance of 390 feet be maintained for all full access points on Cobb Galleria Parkway.

Recommend a minimum intersection sight distance of 335 feet be maintained for the right in/ right out access on Cobb Galleria Parkway.

Recommend developer contribute 100% of the cost for a traffic signal at the southern entrance, if installation is approved by Cobb County DOT.

Recommend modifying pavement markings for left turn lane on Cobb Galleria Parkway.

App. Bk. 70 Petition No. Z-55
Type revised DOT
Comments 9/17/13

Revised August 29, 2013

Recommend all access points angle of intersection not be at an interior angle less than 85 degrees per Cobb County Development Standards.

Recommend the applicant consider inter-parcel access with the adjacent property owner.

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

Petition No. 2-55
Meeting Date 9/17/13
Continued