

(Stipulation Amendment)

# Application for "Other Business" Cobb County, Georgia

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

#4

COBB COUNTY GEORGIA  
FILED IN OFFICE

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

**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**

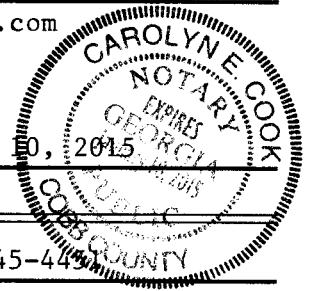
**John H. Moore** **Address:** Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

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

Signed, sealed and delivered in presence of:

Carolyn E. Cook  
Notary Public

**My commission expires:** January 30, 2015



**Titleholder(s):** Crescent Communities, LLC **Phone #:** (404) 245-4499  
(property owner's name printed)

**Address:** Suite 1560, 3340 Peachtree Road **E-Mail:** \_\_\_\_\_  
Atlanta, GA 30326

**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)**

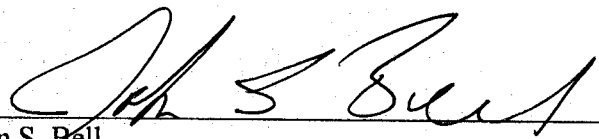
Application No.: Z-55 (2013)  
Original Hearing Date: September 17, 2013  
Date of Zoning Decision: September 17, 2013  
Current Hearing Date: November 19, 2013

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

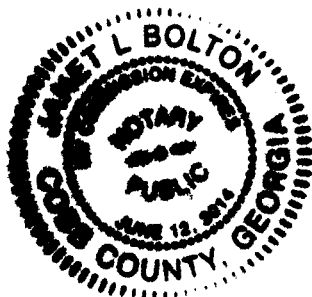
Telephone No.: (404) 245-4451

Signed, sealed, and delivered in the presence of:

JANET L BOLTON

Notary Public  
Commission Expires: 6-12-2014

[Notary Seal]



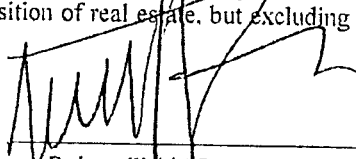
**PROJECT AUTHORITY DELEGATION**

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

<u>Officer Name:</u>	<u>Commercial Division Title:</u>
Joseph K. McGorrey	Sr. Vice President
John S. Bell	Sr. Vice President
George L. Hodges, III	Vice President
William E. (Ned) Austin	Vice President
Signature Authority?	<input checked="" type="checkbox"/> yes <input type="checkbox"/> no
Countersignature required?	<input type="checkbox"/> yes <input checked="" type="checkbox"/> 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.

# 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

**EXHIBIT "B" - 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

**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

COBB COUNTY BOARD OF COMMISSIONERS  
2013 OCT 27 AM 4:16  
COBB COUNTY GEORGIA  
PLANNING DIVISION

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, 17<sup>th</sup> District, 2<sup>nd</sup> 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 component of the proposed development, more particularly set forth in the letter of agreeable stipulations and conditions dated September 11, 2013, found on page 8, section titled "I. Office Component," subparagraph (1), 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.

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.

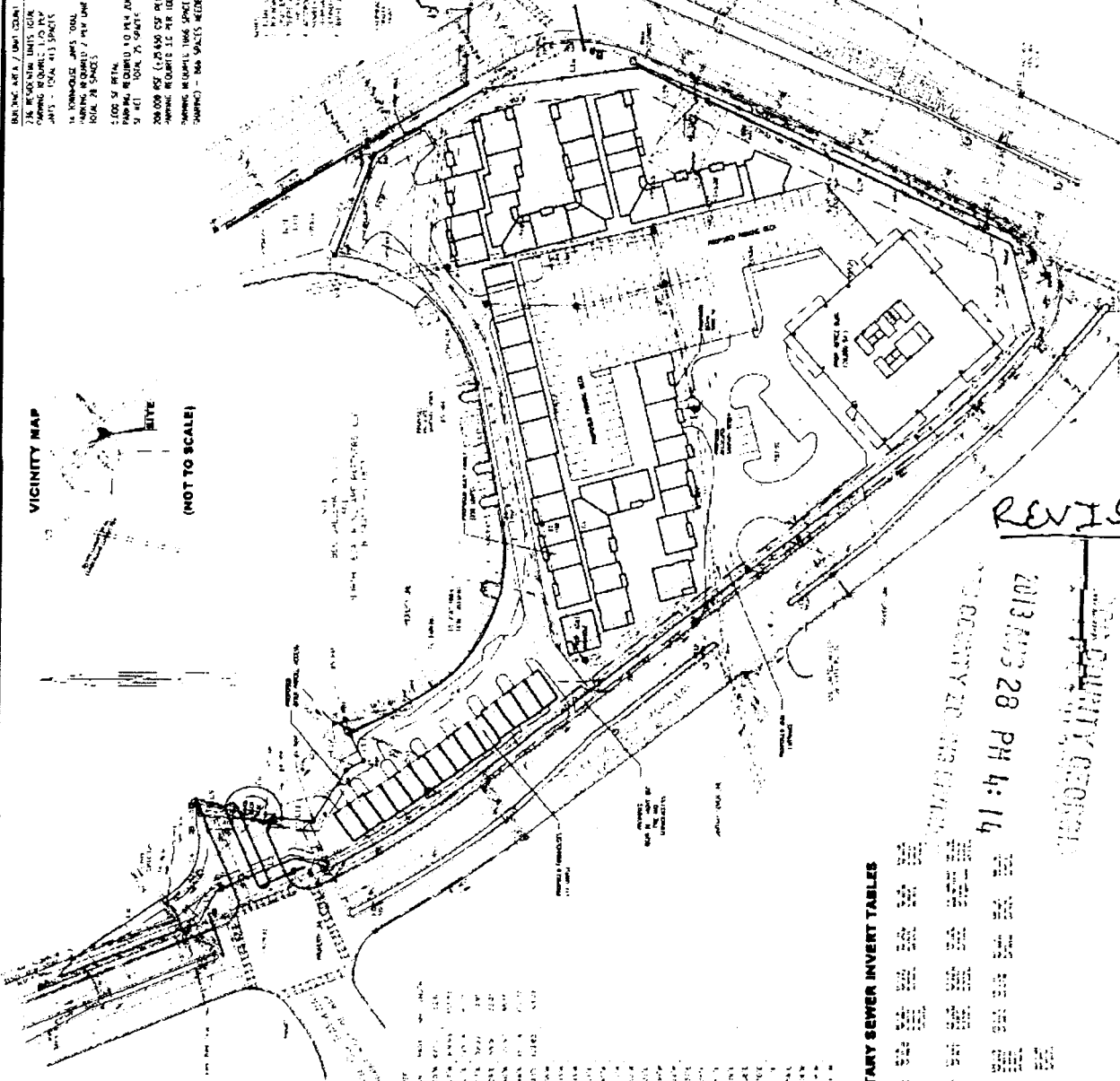
COBB COUNTY GEORGIA  
PLANNING OFFICE  
2013 OCT 15 PM 4:17  
COBB COUNTY ZONING DIVISION

COBB COUNTY RECORDS  
 2013 OCT 15 PM 4: 17  
 COBB COUNTY ZONING DIVISION

Map Rk. 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

REPLACE ALL EXISTING CURBS  
 24" R/S CONCRETE RAIN SPACES  
 PARKING SPACES TO BE  
 15' WIDE WITH 5' SIDEWAYS  
 15' SIDEWAYS WITH 20' DOWNSIDE  
 TOTAL 28 SPACES  
 2,000 SF RETAIL  
 PARKING REQUIRED TO BE 20' ZONE  
 5' SET BACK FROM DRIVE  
 200,000 SF (10,000 SF PER LOT) + 8 FLOORS  
 PARKING REQUIRED 12 PER 1,000 SF TOTAL GROSS SPACES  
 (MINIMUM) - 240 SPACES REQUIRED



STORM AND SANITARY SEWER INVERT TABLES

LINE	STATION	STORM INVERT	SANITARY INVERT
1	0+00	10.00	9.50
1	0+10	10.00	9.50
1	0+20	10.00	9.50
1	0+30	10.00	9.50
1	0+40	10.00	9.50
1	0+50	10.00	9.50
1	0+60	10.00	9.50
1	0+70	10.00	9.50
1	0+80	10.00	9.50
1	0+90	10.00	9.50
1	0+99.99	10.00	9.50

**REVISED**

2013 OCT 28 PM 4: 14

COBB COUNTY ZONING DIVISION

**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 17<sup>th</sup> 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.

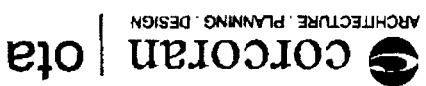
The public hearing was opened and Mr. John Moore addressed the Board. Following presentation and discussion, the following motion was made:

**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



PROJECT # 17004  
 DATE: 11/13/13  
 SCALE: 1"=50'  
 SHEET: 1 OF 1

ZONING SITE PLAN

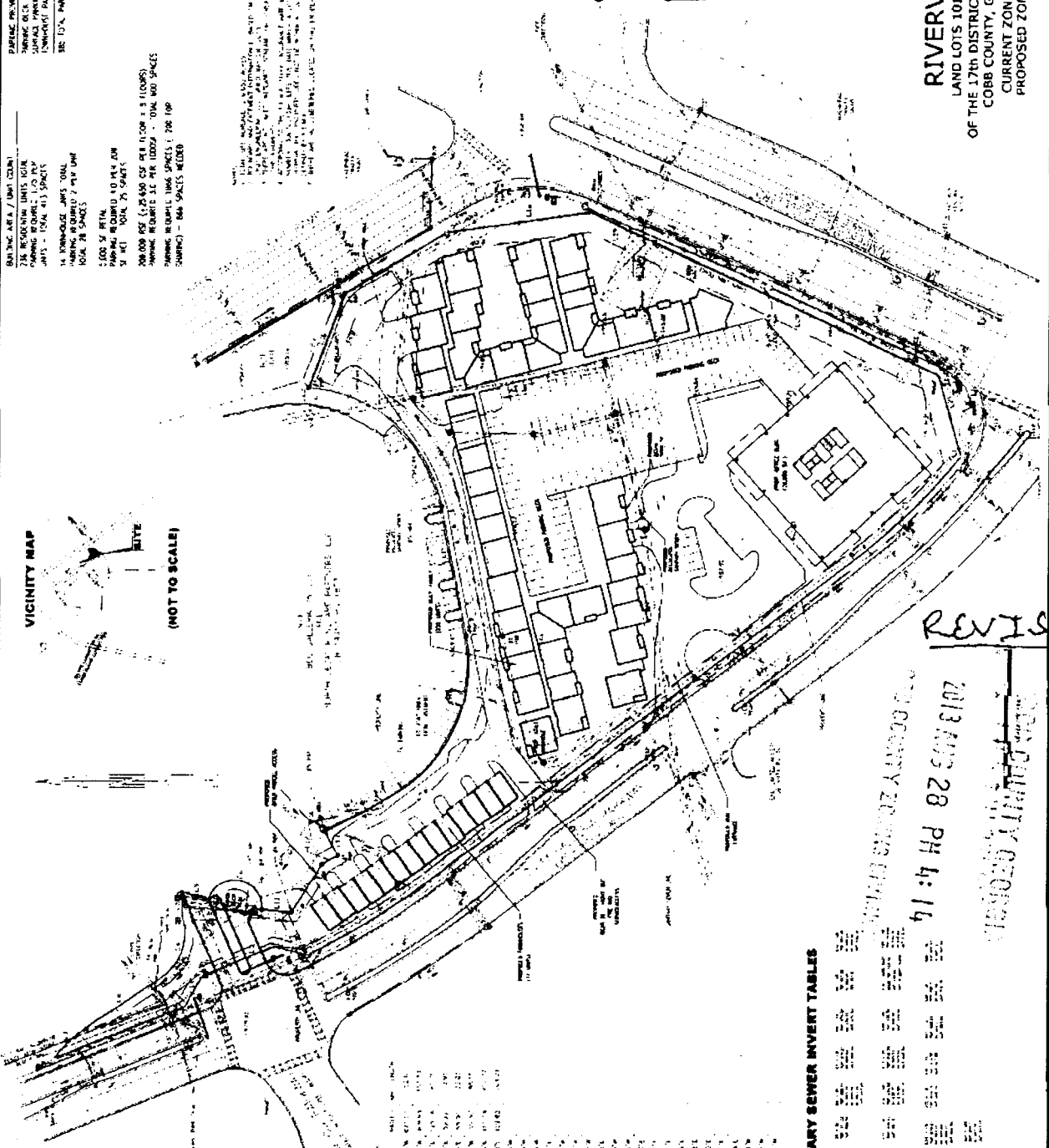
DATE: 11/13/13  
 SHEET: 1 OF 1  
 SCALE: 1"=50'

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

EXISTING AREA / UNIT COUNT  
 216 RESIDUAL UNITS (108  
 2-BEDROOM UNITS, 108  
 3-BEDROOM UNITS)  
 147,000 SQ. FT. (108,000 SQ. FT.  
 147,000 SQ. FT.)  
 147,000 SQ. FT. (108,000 SQ. FT.  
 147,000 SQ. FT.)  
 147,000 SQ. FT. (108,000 SQ. FT.  
 147,000 SQ. FT.)

THESE PLANS AND SPECIFICATIONS  
 REPRESENT THE DESIGN OF THE  
 PROJECT AS OF THE DATE OF THE  
 ISSUANCE OF THESE PLANS AND  
 SPECIFICATIONS. THE DESIGNER  
 ACCEPTS NO LIABILITY FOR  
 ERRORS OR OMISSIONS IN THESE  
 PLANS AND SPECIFICATIONS.  
 THE DESIGNER'S LIABILITY IS  
 LIMITED TO THE DESIGN OF THE  
 PROJECT AS SHOWN ON THESE  
 PLANS AND SPECIFICATIONS.



**REVISED**  
 2013 AUG 28 PM 4:14  
 COBB COUNTY ZONING DEPARTMENT  
 COBB COUNTY, GEORGIA

**STORM AND SANITARY SEWER INVERT TABLES**

STATION	INVERT	MANHOLE	INVERT
1+00	1.00	1+00	1.00
1+10	1.10	1+10	1.10
1+20	1.20	1+20	1.20
1+30	1.30	1+30	1.30
1+40	1.40	1+40	1.40
1+50	1.50	1+50	1.50
1+60	1.60	1+60	1.60
1+70	1.70	1+70	1.70
1+80	1.80	1+80	1.80
1+90	1.90	1+90	1.90
2+00	2.00	2+00	2.00
2+10	2.10	2+10	2.10
2+20	2.20	2+20	2.20
2+30	2.30	2+30	2.30
2+40	2.40	2+40	2.40
2+50	2.50	2+50	2.50
2+60	2.60	2+60	2.60
2+70	2.70	2+70	2.70
2+80	2.80	2+80	2.80
2+90	2.90	2+90	2.90
3+00	3.00	3+00	3.00
3+10	3.10	3+10	3.10
3+20	3.20	3+20	3.20
3+30	3.30	3+30	3.30
3+40	3.40	3+40	3.40
3+50	3.50	3+50	3.50
3+60	3.60	3+60	3.60
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3+80	3.80	3+80	3.80
3+90	3.90	3+90	3.90
4+00	4.00	4+00	4.00
4+10	4.10	4+10	4.10
4+20	4.20	4+20	4.20
4+30	4.30	4+30	4.30
4+40	4.40	4+40	4.40
4+50	4.50	4+50	4.50
4+60	4.60	4+60	4.60
4+70	4.70	4+70	4.70
4+80	4.80	4+80	4.80
4+90	4.90	4+90	4.90
5+00	5.00	5+00	5.00
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5+40	5.40	5+40	5.40
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5+60	5.60	5+60	5.60
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6+20	6.20	6+20	6.20
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6+60	6.60	6+60	6.60
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6+90	6.90	6+90	6.90
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8+00	8.00	8+00	8.00
8+10	8.10	8+10	8.10
8+20	8.20	8+20	8.20
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8+60	8.60	8+60	8.60
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8+90	8.90	8+90	8.90
9+00	9.00	9+00	9.00
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11+00	11.00	11+00	11.00
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11+50	11.50	11+50	11.50
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18+40	18.40	18+40	18.40
18+50	18.50	18+50	18.50
18+60	18.60	18+60	18.60
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18+90	18.90	18+90	18.90
19+00	19.00	19+00	19.00
19+10	19.10	19+10	19.10
19+20	19.20	19+20	19.20
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20+60	20.60	20+60	20.60
20+70	20.70	20+70	20.70
20+80	20.80	20+80	20.80
20+90	20.90	20+90	20.90

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OF COUNSEL:  
JOHN L. SKELTON, JR.<sup>†</sup>

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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

COBB COUNTY GEORGIA  
FILED IN OFFICE  
2013 SEP 11 AM 11:42  
COBB COUNTY ZONING DIVISION

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, 17<sup>th</sup> District, 2<sup>nd</sup> 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

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Mr. Jason A. Campbell  
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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

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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.

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- (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;



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- (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;

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- (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.

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- (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.

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**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:

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- (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;

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- (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.

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- (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.

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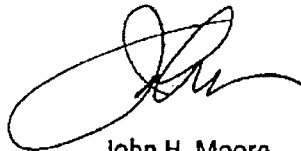
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We believe the requested zoning, pursuant to the revised Zoning Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community is an exciting project which fits together various types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

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

Riverview Office, LLC  
(With Copy of Attachment)



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September 16, 2013

## Via E-mail and First-Class Mail

Mr. Wade H. Goetz  
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, 17<sup>th</sup> District, 2<sup>nd</sup> 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

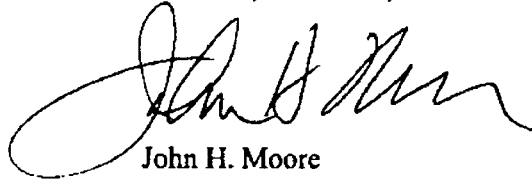
The last issue raised by your e-mail is the notation on the Zoning Site Plan as to a "billboard." In this regard, Applicant agrees that there shall be no billboard proposed or approved by the Cobb County Board of Commissioners as a result of this rezoning request.

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  
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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.

City of Atlanta, GA  
Petition No. Z-55  
Type revised DOT  
comments 9/17/13

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.

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Meeting Date 9/17/13  
Continued