

**DECEMBER 17, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 6

PURPOSE

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

BACKGROUND

The subject property was zoned UC and CRC with stipulations for a mixed use development in 2005 for over one-million gross square feet. Subsequently, the property has been amended through the Other Business process several times since 2005. This current Other Business proposal is in regards to the signage for the property. The applicant cannot install the required monument based sign along Cobb Parkway due to a right of way taking and a roadway slope easement that affects this portion of the property. Therefore the applicant would need to install a “blade sign” on the building to help identify the building for people traveling north or south on Cobb Parkway. The proposed sign would be 24 feet in length and would be 4 ½ feet wide. The sign would need to project 54 inches from the face of the building in lieu of the maximum of 24 inches from the face of the building. The sign rendering is attached as Exhibit “1” in the Other Business packet. If approved, all other zoning stipulations would remain in effect. The Board of Commissioners' decision is attached.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

(Stipulation Amendment)

Application for "Other Business"

Cobb County, Georgia

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

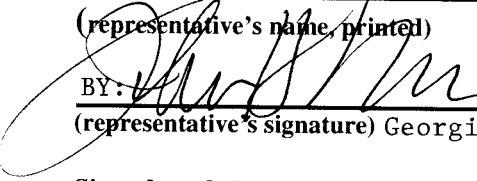
BOC Hearing Date Requested: December 17, 2013

Applicant: Riverwood Apartments Master, LLC Phone #: (678) 303-4100
(applicant's name printed)

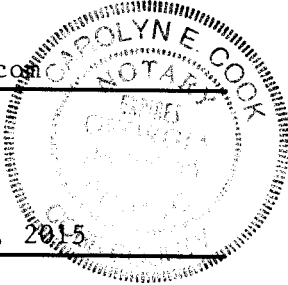
Address: 2181 NewMarket Parkway, Marietta, GA 30067 E-Mail: mteague@waltoncommunities.com

Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
John H. Moore Address: Marietta, GA 30060

(representative's name, printed)



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



Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public

My commission expires: January 10, 2015

Titleholder(s): Riverwood Apartments Master, LLC Phone #: (678) 303-4100
(property owner's name printed)

Address: 2181 NewMarket Parkway, Marietta, GA 30067 E-Mail: mteague@waltoncommunities.com

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-61 (2005)

Date of Zoning Decision: 09/20/2005 **Original Date of Hearing:** 04/19/2005
OB Decisions: 09/18/2007; 03/15/2011; 08/16/2011; 06/19/2012; 07/16/2013

Location: Westerly side of Cobb Parkway (U.S. Highway 41); northerly of Cumberland
(street address, if applicable; nearest intersection, etc.) Boulevard

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

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

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

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application No.: Z-61(2005)
Original Hearing Date: April 19, 2005
Date of Zoning Decision: September 20, 2005
Date of OB Decisions: September 18, 2007 (Z-61 (2005))
March 15, 2011 (Z-61 (2005))
August 16, 2011 (Z-61 (2005))
June 19, 2012 (Z-61 (2005))
July 16, 2013 (Z-61 (2005))
Current Hearing Date: December 17, 2013

Applicant/Property Owner: Riverwood Apartments Master, LLC

RIVERWOOD APARTMENTS MASTER, LLC

BY: ~~Walton Riverwood, LLC~~
a Georgia Limited Liability company,
its Managing Member

BY: _____
Keith A. Davidson
Co-Manager

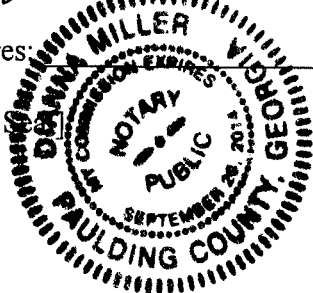
Address: Riverwood Apartments Master, LLC
2181 NewMarket Parkway
Marietta, Georgia 30067

Telephone No.: (678) 303-4100

Signed, sealed, and delivered in the presence of:

Deanna Miller
Notary Public
Commission Expires: _____

[Notary



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2013 NOV 12 PM 4:02
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EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Stipulation Amendment)

Application No.:	Z-61(2005)
Original Hearing Date:	April 19, 2005
Date of Zoning Decision:	September 20, 2005
Date of OB Decisions:	September 18, 2007 (Z-61 (2005))
	March 15, 2011 (Z-61 (2005))
	August 16, 2011 (Z-61 (2005))
	June 19, 2012 (Z-61 (2005))
	July 16, 2013 (Z-61 (2005))
Current Hearing Date:	December 17, 2013

Applicant/Property Owner: Riverwood Apartments Master, LLC

On September 20, 2005, the Cobb County Board of Commissioners approved the rezoning of an approximately 7.84 acre tract located at the intersection of Cobb Parkway and Cumberland Boulevard (hereinafter "Subject Property" or "Property") to the Urban Condominium ("UC") and Community Retail Commercial ("CRC") zoning categories. The purpose of rezoning the Property was for the development of a mixed-use community which, together with the property located adjacent and northwesterly of the Subject Property, would comprise the Riverwood Mixed-Use Project. The Applications comprising the overall Riverwood Mixed-Use Project have had numerous amendments to the Master Site Plan and certain stipulations since the initial rezoning. True and correct copies of the final, official minutes of the initial rezoning hearing held on September 20, 2005, and of the subsequent amendments on September 18, 2007; March 15, 2011; August 16, 2011; June 19, 2012; and July 16, 2013, are attached and made a part of this overall Application for "Other Business."

Riverwood Apartments Master, LLC, is the owner, developer and Applicant (hereinafter "Applicant") of approximately 4.362 acres tract within the overall Riverwood Mixed-Use Project for an apartment community to be known as "Walton Riverwood" pursuant to, and in conformance with, the rezoning of the Subject Property to the UC and CRC zoning classifications approved by the Cobb County Board of Commissioners.

Applicant seeks to amend the stipulation relating to signage which is set forth on page 3, subparagraph (6) of the letter of agreeable stipulations and conditions dated September 16, 2005, and made a part of the final, official minutes of the Cobb County Board of Commissioners Zoning Hearing held on September 20, 2013, as follows:

As to the Walton Riverwood apartment community development only, Applicant seeks approval of the placement of a permanent "blade" sign on the corner of one of the buildings which lies immediately adjacent to, and is visible from Cobb Parkway, in lieu of the required ground-based monument sign. A rendering and details of the proposed blade signage is attached collectively as Exhibit "1."

The basis for the requested stipulation amendment is the Georgia Department of Transportation has acquired certain rights and easements along the westerly right-of-way of Cobb Parkway for the construction of certain roadway improvements. As more particularly shown and reflected on the Sign Easement Exhibit and the Georgia Department of Transportation Right-of-Way Plan attached collectively as Exhibit "2," the approximate location for placement of the required ground-based monument sign for the Walton Riverwood development is located within a slope easement which is currently held by the Georgia Department of Transportation. There is no other location for the placement of ground-based monument signage for the Walton Riverwood development; and, thus a blade sign would be the only form of advertising of the development. Applicant does not seek an amendment to any other signage within the Riverwood Mixed-Use Project.

The amendment requested and presented above in no way adversely impacts or affects the remainder of the overall Riverwood Mixed-Use Project. If the requested amendment is approved, as submitted, it shall become an additional part of the final rezoning and shall be binding upon the Walton Riverwood apartment community development only.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 20, 2005; as well as those amendments set forth in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 18, 2007; March 15, 2011; August 16, 2011; June 19, 2012; and July 16, 2013., are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.

2013 NOV 12 PM 4:02
COMMUNITY DEVELOPMENT

DENYSE
 C. O. M. P. A. N. Y.
 ARCHITECTURAL ARCHITECTURE

Atlanta | Savannah | Columbus
 Dallas | Charlotte | Tampa
 1.800.941.7446
 www.denyseco.com

10.01.2012 ac
 10.24.2012 ac
 11.02.2012 ac
 11.05.2012 ac
 11.09.2012 ac
 02.22.2013 ac
 03.02.2013 ac
 03.07.2013 ac
 03.30.2013 ac

Revision Date

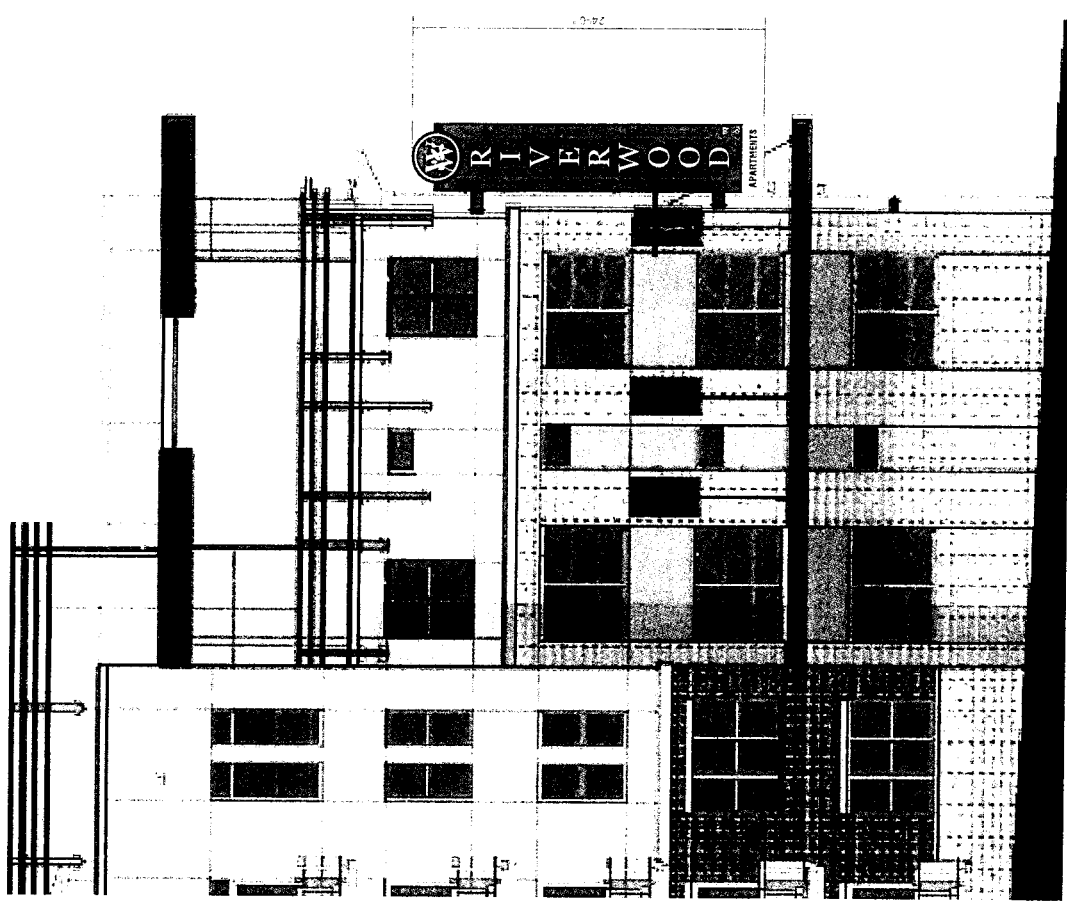
12

Design Time
 H

Filename
 Blade 01 2 92

Concept
 Preliminary
 Production

110



X

Blade Sign/Elevation

Partial Elevation
 Scale: 1/8" = 1'-0"

2013 NOV 12 PM 4:02

Our products are designed to meet the needs of the construction industry. We are committed to providing the highest quality products and services to our customers. We are proud to be a part of the construction industry and to provide the highest quality products and services to our customers.

Management Company
Walton Communities

Property Name & Address
Walton Riverwood

GA

Bid Number
55083

Project Manager
David Kaplan

Designer
m.burles

Date
7/31/2017

Revision Date
10/11/2012 NC
10/24/2012 NC
11/05/2012 NC
11/05/2012 NC
11/05/2012 NC
02/17/2013 AC
02/18/2013 AC
03/07/2013 AC
03/30/2013 AC

Design Time
6

Filename
Rdite #17.05

Concept
 Preliminary
 Production

Colors & Finishes

Colors shown here may not exactly match materials due to color chart quality or actual sample. Client to provide physical samples or specifications for exterior colors used for production or provide 2" square color samples or color chip for finish.

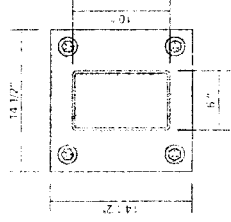
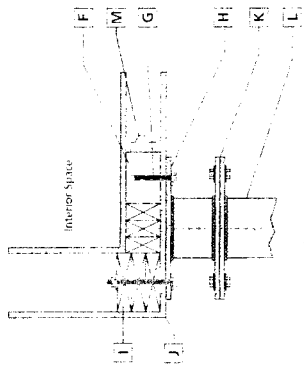
- (C-1) Pantone 468 U
- (C-2) Pantone-Black 4U
- (C-3) White
- (C-4) Pantone-Black 7U

Construction Specifications

- [A] Fabricated internally illuminated aluminum cabinet with routed faces and push-through acrylic copy
- [B] 3/4" acrylic push-through copy
- [C] 1/2" acrylic with translucent, digitally printed matches
- [D] 3/4" acrylic push-through copy with Opaque Painted Faces
- [E] Paint Book
- [F] 3/4" x 5/8" PSL Box
- [G] 1/2" Dia A36 Galv. Bolts engaging Steel Pack every 6" o.c.
- [H] 1/2" Thick Steel Plate Inside Wall
- [I] Solid Studs
- [J] Exterior Eason Finish
- [K] 1/2" Steel Plate to Plate finished and Welded Connection
- [L] Steel Rect. Tube 6" x 10" x 2" wall Section Modulus 20.6
- [M] Simpson A34 Top and Bottom

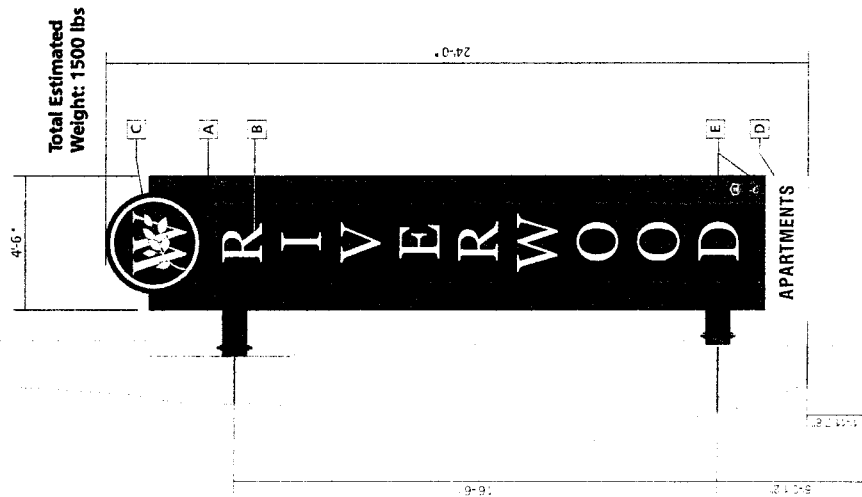
General Notes and Specifications

Max Sign Area Allowed: XX' Max Height XX'
Application: exterior
Service and Installation Access: thru access panel
FINAL ELECTRICAL HOOK UP BY OTHERS
Electrical Requirements: 120 volt 60 Hz
Connection type: permanent continuous operation
The sign shall be installed in accordance with the manufacturer's instructions. The sign shall be installed in accordance with the manufacturer's instructions. The sign shall be installed in accordance with the manufacturer's instructions.
Wiring shall be done in accordance with the manufacturer's instructions. The sign shall be installed in accordance with the manufacturer's instructions. The sign shall be installed in accordance with the manufacturer's instructions.
Circuit #1 Max. Line Current: 10A
Designed Wind Speed: 90 MPH
Inspected & labeled in accordance with UL Standard for Electric Signs Installed using UL listed parts & methods of installation in accordance with Article 600 of the NEC, and other applicable local codes. This includes proper grounding & bonding.
This listed product may contain Fluorescent, Neon, LED lamps or components that use Mercury in them. Dispose of these lamps & components according to the laws of the authority having jurisdiction.
Disconnect switches (S) (S) & ID labels. Vent - 2" Dia. Uncovered



Mounting Detail
Scale: 1" = 1'-0"

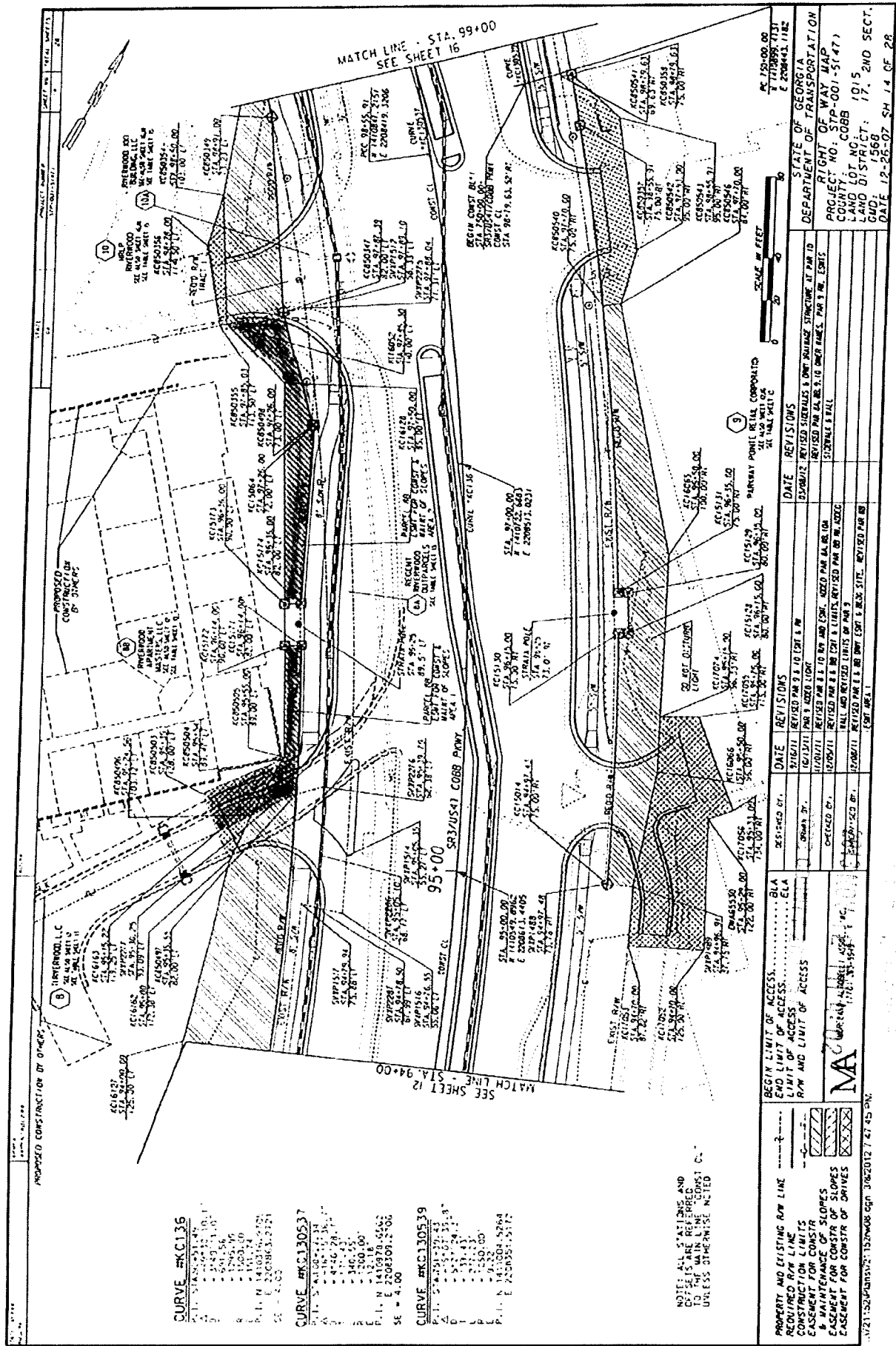
End View
Scale: 1/4" = 1'-0"



Front
Scale: 1/4" = 1'-0"

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CURVE #KC136
 P.C. 11+25.00
 P.T. 12+50.00
 L 125.00
 E 270.00
 SC = 4.00

CURVE #KC130537
 P.C. 11+25.00
 P.T. 12+50.00
 L 125.00
 E 270.00
 SC = 4.00

CURVE #KC130539
 P.C. 11+25.00
 P.T. 12+50.00
 L 125.00
 E 270.00
 SC = 4.00

NOTE: ALL STATIONS AND DISTANCES REFERRED TO UNLESS OTHERWISE NOTED

PROPERTY AND EXISTING ROW LINE	REVISIONS
PROPOSED ROW LINE	DATE
CONSTRUCTION	DATE
EASEMENT FOR CONSTR.	DATE
EASEMENT FOR CONSTR. OF SLOPES	DATE
EASEMENT FOR CONSTR. OF DROVES	DATE

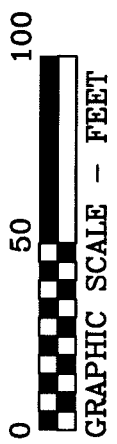
DATE	REVISIONS
12/15/11	REVISED PAR 3 & 4 TO COR & W
10/17/11	PAR 9 ADDED LINES
10/05/11	REVISED PAR 3 & 4 TO COR AND EASE. ADDED PAR 3A, 3B, 3C
10/05/11	REVISED PAR 3 & 4 TO COR AND EASE. ADDED PAR 3A, 3B, 3C
10/05/11	REVISED PAR 3 & 4 TO COR AND EASE. ADDED PAR 3A, 3B, 3C
10/05/11	REVISED PAR 3 & 4 TO COR AND EASE. ADDED PAR 3A, 3B, 3C

STATE OF GEORGIA
 DEPARTMENT OF TRANSPORTATION
 PROJECT NO: STP-001-51471
 COUNTY: COBB
 LAND DISTRICT: 1015
 DATE: 12-26-07 SH 14 OF PR

MA
 11/15/11 11:55:58 AM

2013 OCT 12 PM 4:02

- LEGEND:
- IPF IRON PIN FOUND
 - IPS IRON PIN SET
 - RB REBAR
 - OT OPEN TOP PIPE
 - R/W RIGHT OF WAY
 - MH MANHOLE
 - CB CATCH BASIN
 - DI DROP INLET
 - JB JUNCTION BOX
 - RTDI RAISED TOP DROP INLET
 - HW HEADWALL
 - CMP CORRUGATED METAL PIPE
 - RCP REINFORCED CONCRETE PIPE
 - POB POINT OF BEGINNING
 - DB DEED BOOK
 - PG PAGE

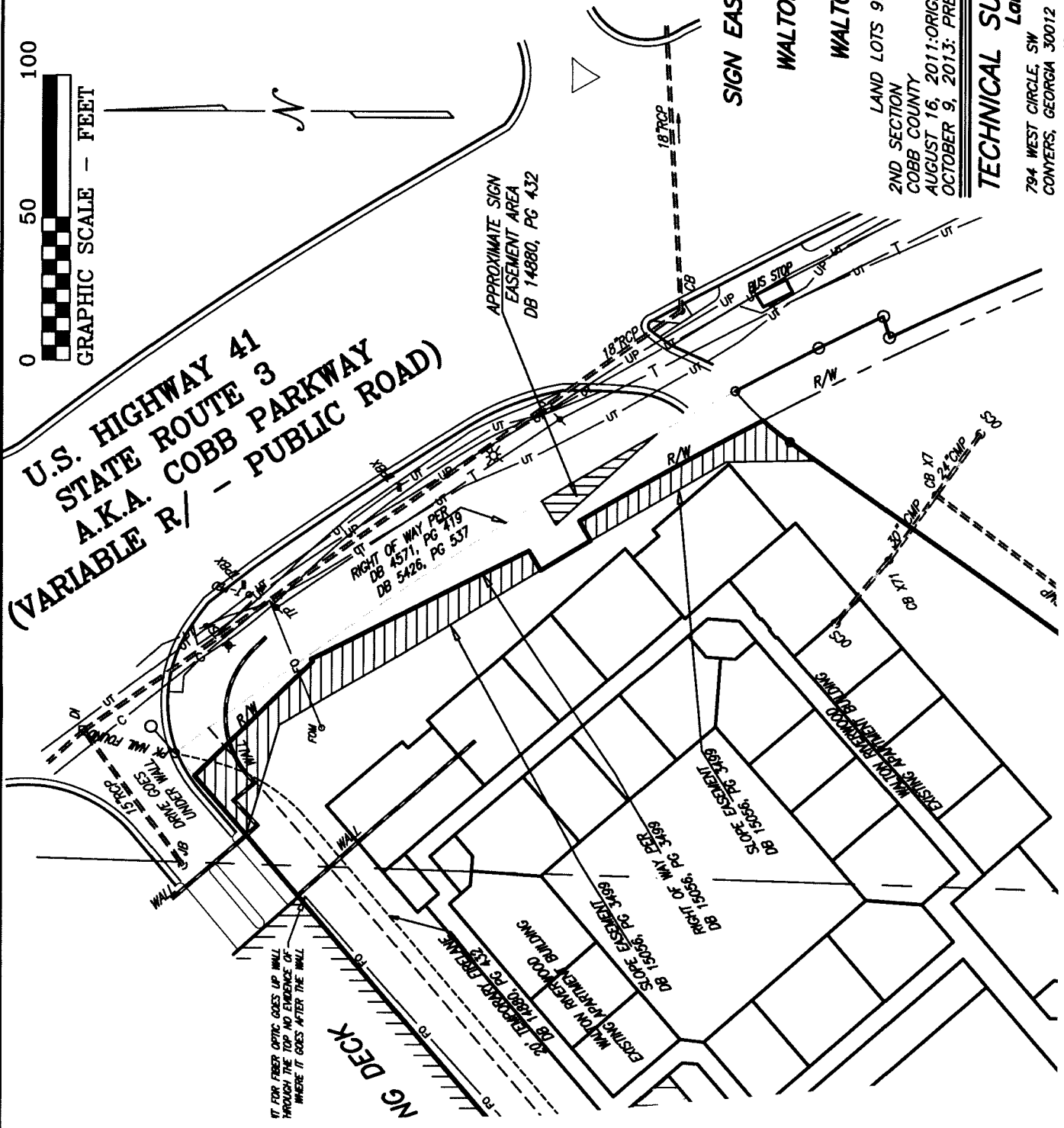


U.S. HIGHWAY 41
STATE ROUTE 3
A.K.A. COBB PARKWAY
(VARIABLE R/ - PUBLIC ROAD)

SIGN EASEMENT EXHIBIT
 FOR
WALTON COMMUNITIES
 OF
WALTON RIVERWOOD

LAND LOTS 977, 978 & 1015
 2ND SECTION
 COBB COUNTY
 17TH DISTRICT
 GEORGIA
 AUGUST 16, 2011: ORIGINAL BOUNDARY SCALE: 1" = 50'
 OCTOBER 9, 2013: PREPARE EXHIBIT

TECHNICAL SURVEY SERVICES, INC.
 Land Surveyors
 794 WEST CIRCLE, SW
 CONYERS, GEORGIA 30012
 Telephone (770) 922-6391
 FAX (770) 922-0767
 JOB#: WALWOOD.CRD SCREEN FILE: WALTON_RIVERWOOD.DWG



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

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

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

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

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

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

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

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

Stipulations Applicable to the Overall Development:

➤ **Paragraph 18:**

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

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

VOTE: ADOPTED unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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

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

MAIN OFFICE

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MARIETTA, GEORGIA 30061

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

TENNESSEE OFFICE

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

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

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

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

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

WRITER'S DIRECT
DIAL NUMBER

September 16, 2005

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

RE: Application for Rezoning

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

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

Dear John:

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

MOORE INGRAM JOHNSON & STEELE

Division No. Z-61
Master Date 9/20/05
Continued

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

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

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

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

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

MOORE INGRAM JOHNSON & STEELE

Project No. Z-61
Meeting Date 9/20/05
Location _____

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

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

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

MOORE INGRAM JOHNSON & STEELE

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

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

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

MOORE INGRAM JOHNSON & STEELE

Plan No. 2-61
Meeting Date 9/20/05
Committee

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

MOORE INGRAM JOHNSON & STEELE

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

I. RETAIL COMPONENT

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

MOORE INGRAM JOHNSON & STEELE

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

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

II. RESIDENTIAL COMPONENT

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

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- (2) The two proposed 27 story residential towers shall contain the following particulars:
 - (a) The towers shall contain a maximum of 520 units and have approximately 769,500 total gross square feet.
 - (b) The proposed towers shall be located over 7 levels of parking.
 - (c) There shall be approximately 1,040 parking spaces available to the proposed residential units; or approximately 2 spaces per unit.

- (3) The proposed 4 story residential units shall contain the following particulars:
 - (a) There shall be a maximum of 56 units contained within the 4 story structure having approximately 76,000 total gross square feet.
 - (b) The proposed structure shall be located over a parking area. There shall be approximately 112 parking spaces available to the proposed residential units; or approximately 2 spaces per unit.
 - (c) The ground level may be utilized for retail/office.

- (4) The proposed 8 story residential tower shall contain the following particulars:
 - (a) The tower shall contain a maximum of 70 units and have approximately 120,000 total gross square feet.
 - (b) The proposed tower shall be located over 2.5 levels of parking. There shall be approximately 150 parking spaces available to the proposed residential units; or approximately 2.14 spaces per unit.

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

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

MOORE INGRAM JOHNSON & STEELE

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Continued

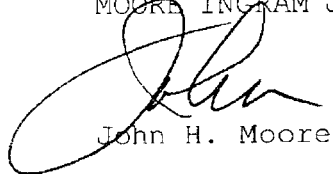
Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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We believe the requested zoning, pursuant to the revised Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property.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

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

MOORE INGRAM JOHNSON & STEELE

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Continued

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

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

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

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

Ms. Kathrin Mattox
(With Copy of Enclosure)

Ms. Jody Smith
(With Copy of Enclosure)

Ms. Mary Rose Barnes
(With Copy of Enclosure)

TI Riverwood, LLC
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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

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

WRITER'S DIRECT
DIAL NUMBER

September 19, 2005

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

Hand Delivered

FILED WITH COUNTY CLERK THIS 20th DAY
OF Sept 2005 BY John Meate
RE Z-161
Dail H. Neff
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY GEORGIA

Min. Bk. 37 Petition No. Z-61

Doc. Type Letters of Agreeable

Stipulations

Meeting Date 9/20/05

RE: Application for Rezoning

Application No.: Z-61 (2005)

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

Dear John:

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

(1) With respect to subsection II, Residential Component, item no. 5 on page 10 of the stipulation letter, shall be deleted in its entirety and the following inserted in lieu thereof:

"(5) Applicant agrees to the following unit square footage for the proposed residential:

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-61
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Continued

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

MOORE INGRAM JOHNSON & STEELE

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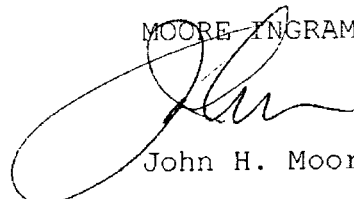
- (h) Spacious open floor plans which eliminate the necessity for typical hallways within the units;
- (i) Brushed chrome bathroom and kitchen fixtures;
- (j) Ceramic tile bathrooms and laundry rooms;
- (k) Spacious walk-in closets;
- (l) Surround-sound wiring;
- (m) High-speed internet wiring in all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

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

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

MOORE INGRAM JOHNSON & STEELE

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

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

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

Mr. Ron Sifen
Vinings Civic Association

Mr. Anthony L. Waybright
Ms. Suzanne Ballew

Ms. Linda Barnes Cater
Lower Stillhouse Group

Ms. Kathrin Mattox

Ms. Jody Smith

Ms. Mary Rose Barnes

TI Riverwood, LLC



REGIONAL REVIEW FINDING

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

DATE: 7/1/2005

ARC REVIEW CODE: R506021

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

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

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

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

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

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

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

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

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

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

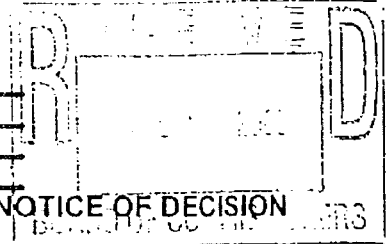
ARC ENVIRONMENTAL PLANNING
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS
GEORGIA REGIONAL TRANSPORTATION AUTHORITY
CITY OF ATLANTA
CITY OF MARIETTA

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

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



Min. Bk. 37 Petition No. 2-61
 Doc. Type GRTA decision
relevant to DRI
 Meeting Date 9/20/05



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

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

Comm. Joe Thompson
Rob Hirsch
David Montague

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

From: Steven L. Stancil, GRTA Executive Director

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

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

Date: July 6, 2005

Re: Notice of Decision Regarding DRI 743 Regent Riverwood

~~AS~~ *John P. - FYI*

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

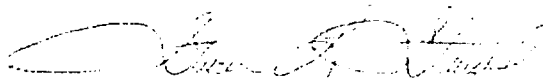
**Notice of Decision for
Request for Non-Expedited Review of
DRI 743 Regent Riverwood**

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

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

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

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



Steven L. Stancil
Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

Conditions to GRTA Notice of Decision:

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

Roadway Improvements as Conditions to GRTA Notice of Decision:

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

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

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

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

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

Attachment B – Required Elements of the DRI Plan of Development

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

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

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

Attachment C – Required Improvements to Serve the DRI

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

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

Section 1.

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

Section 2.

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

APPLICANT: Regent Riverwood, LLC

PETITION NO.: Z-61

PRESENT ZONING: OL, OHR

PETITION FOR: RRC

TRANSPORTATION COMMENTS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

APPLICANT: Regent Riverwood, LLC

PETITION NO.: Z-61

PRESENT ZONING: OL, OHR

PETITION FOR: RRC

TRANSPORTATION COMMENTS cont.

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

RECOMMENDATIONS

- Recommend modifying striping along US 41 to accommodate the right-in/right-out driveway.
- Recommend GDOT permits for the proposed right-in/right-out driveway on U.S. Highway 41 and all work that may encroach upon State right-of-way.
- Recommend deleting right-in/right-out drive on Riverwood Parkway.
- Recommend developer provide 100% funding for traffic signal upgrade at proposed access on Cumberland Boulevard.
- Recommend extending sidewalk, curb and gutter along the section of Riverwood Parkway that lacks it.
- Recommend inter-parcel access easements for all properties having common boundaries.
- Recommend a minimum 150' deceleration lane at each access point along US 41, Cumberland Boulevard and Riverwood Parkway.
- Recommend applicant coordinate with Blueprint Cumberland, Cobb County DOT and Georgia DOT to ensure compatibility with the proposed streetscape project, the Silver Comet Trail Extension and the proposed widening of U.S. 41.
- Recommend converting the striped areas of the medians into a left turn lane on Cumberland Boulevard and Riverwood Parkway.
- Recommend modifying landscaped island along Cumberland Boulevard to extend left turn storage.
- Recommend creating a left-thru and a right turn lane driveway along Riverwood Parkway across from the Wachovia building.
- Recommend constructing a driveway to mirror the access drive to the Russell Office Suites on Cumberland Boulevard.
- Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO “OTHER BUSINESS”
AMENDMENT FOR Z-61 (2005) –
SEPTEMBER 18, 2007**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
SEPTEMBER 18, 2007
9:07 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, September 18, 2007, at 9:07 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

ITEM #1

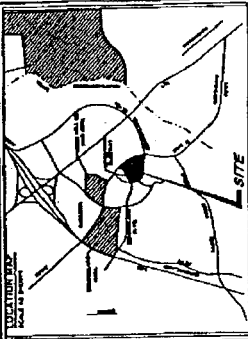
To consider amending the site plan and stipulations regarding Z-61 (TI RIVERWOOD, LLC) of April 19, 2005, for property located in Land Lots 977, 978, 1015 and 1016 of the 17th District at the northwest intersection of Cumberland Boulevard and U.S. Highway 41.

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

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

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

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



EXISTING IMPROVEMENTS BY RIVERWOOD BUILDING

GENERAL NOTES

1. THE PROJECT IS LOCATED AT THE INTERSECTION OF RIVERWOOD PARKWAY AND CUMBERLAND BOULEVARD IN THE CITY OF ATLANTA, GEORGIA.

2. THE PROJECT IS A MIXED-USE DEVELOPMENT INCLUDING OFFICE, RETAIL, AND RESIDENTIAL USES.

3. THE PROJECT IS SUBJECT TO THE CITY OF ATLANTA ZONING ORDINANCES AND THE STATE OF GEORGIA ZONING ACT.

4. THE PROJECT IS SUBJECT TO THE CITY OF ATLANTA DEVELOPMENT PERMITS AND THE STATE OF GEORGIA CONSTRUCTION PERMITS.

5. THE PROJECT IS SUBJECT TO THE CITY OF ATLANTA TRAFFIC SIGNALS AND THE STATE OF GEORGIA TRAFFIC SIGNALS.

6. THE PROJECT IS SUBJECT TO THE CITY OF ATLANTA UTILITIES AND THE STATE OF GEORGIA UTILITIES.

7. THE PROJECT IS SUBJECT TO THE CITY OF ATLANTA ENVIRONMENTAL REGULATIONS AND THE STATE OF GEORGIA ENVIRONMENTAL REGULATIONS.

8. THE PROJECT IS SUBJECT TO THE CITY OF ATLANTA HISTORIC PRESERVATION REGULATIONS AND THE STATE OF GEORGIA HISTORIC PRESERVATION REGULATIONS.

9. THE PROJECT IS SUBJECT TO THE CITY OF ATLANTA LANDMARKS REGULATIONS AND THE STATE OF GEORGIA LANDMARKS REGULATIONS.

10. THE PROJECT IS SUBJECT TO THE CITY OF ATLANTA PLANNING REGULATIONS AND THE STATE OF GEORGIA PLANNING REGULATIONS.

PROJECT INFORMATION

PROJECT NAME: RIVERWOOD

PROJECT ADDRESS: 1000 RIVERWOOD PARKWAY, ATLANTA, GA 30309

PROJECT OWNER: SEVEN OAKS COMPANY, LLC

PROJECT ARCHITECT: KIMLEY-HORN AND ASSOCIATES, INC.

PROJECT ENGINEER: [REDACTED]

PROJECT PLANNING: [REDACTED]

PROJECT ENVIRONMENTAL: [REDACTED]

PROJECT HISTORIC PRESERVATION: [REDACTED]

PROJECT LANDMARKS: [REDACTED]

PROJECT PLANNING: [REDACTED]

RIVERWOOD

LAND USE PLAN FOR THE PROJECT - 1000 RIVERWOOD PARKWAY, ATLANTA, GA 30309

OWNER: SEVEN OAKS COMPANY, LLC

ARCHITECT: KIMLEY-HORN AND ASSOCIATES, INC.

DATE: AUGUST 27, 2007

SCALE: AS SHOWN

PROJECT NO.: 07-118

PROJECT ADDRESS: 1000 RIVERWOOD PARKWAY, ATLANTA, GA 30309

PROJECT OWNER: SEVEN OAKS COMPANY, LLC

PROJECT ARCHITECT: KIMLEY-HORN AND ASSOCIATES, INC.

PROJECT ENGINEER: [REDACTED]

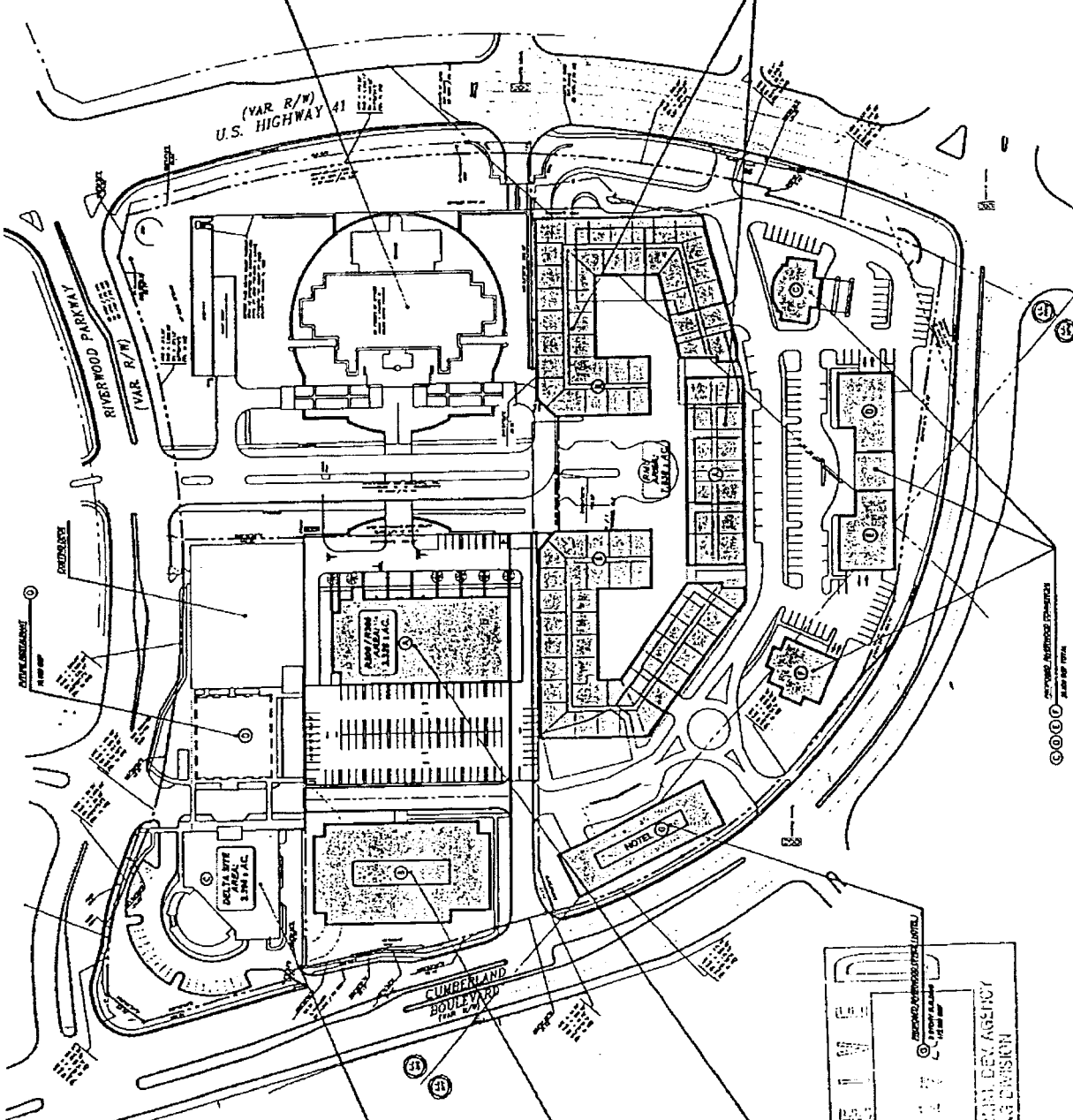
PROJECT PLANNING: [REDACTED]

PROJECT ENVIRONMENTAL: [REDACTED]

PROJECT HISTORIC PRESERVATION: [REDACTED]

PROJECT LANDMARKS: [REDACTED]

PROJECT PLANNING: [REDACTED]



Min. Bk. 52 Petition No. 2005-061

Doc. Type Site plan

Meeting Date 9-18-07

PLANNING AGENCY

AUG 27 2007

COCOA COUNTY DEV AGENCY

ZONING DIVISION

NO.	REVISION	DATE

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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OF COUNSEL:
JOHN L. SKELTON, JR.†

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

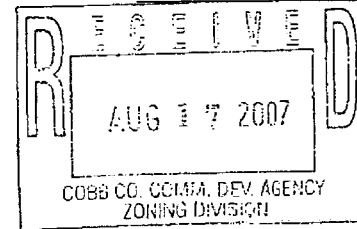
August 17, 2007

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

Meeting Date _____

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

Hand Delivered



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

Dear Mark:

The undersigned and this firm have been retained to represent Seven Oaks Company, LLC with respect to the development of the approximately 7.84 acre tract located at the intersection of Cobb Parkway and Cumberland Boulevard, Land Lots 977, 978, 1015, and 1016, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property" or the "Property"). As you may recall, we also represented the previous Applicant, TI Riverwood, LLC during the initial rezoning of the Subject Property. The Property was rezoned to the Urban Condominium

MOORE INGRAM JOHNSON & STEELE

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

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

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

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

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

MOORE INGRAM JOHNSON & STEELE

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

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

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

RESIDENTIAL COMPONENT

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

(A) Condominium Units:

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

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
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Continued

(B) Leased Units:

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

MOORE INGRAM JOHNSON & STEELE

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

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Meeting Date 9-18-07
Continued

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

MOORE INGRAM JOHNSON & STEELE

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

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Continued

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

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

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

MOORE INGRAM JOHNSON & STEELE

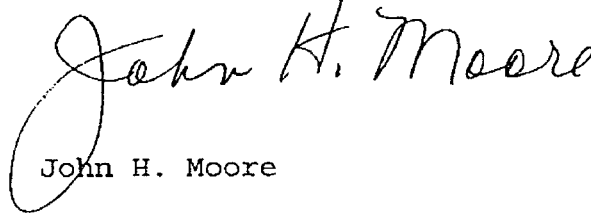
Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 7 of 7
August 17, 2007

Petition No. 261 '05
Meeting Date 9-18-07
Continued

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

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

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

Seven Oaks Company, LLC
(With Copy of Enclosure)

MOORE INGRAM JOHNSON & STEELE

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

September 18, 2007

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

Meeting Date 9-18-07

Hand Delivered

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

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

Dear Mark:

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

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

MOORE INGRAM JOHNSON & STEELE

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

Petition No Z-601 '05
Meeting Date 9-18-07
Continued

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

MOORE INGRAM JOHNSON & STEELE

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

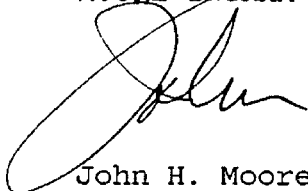
Petition No 2-61 '05
Meeting Date 9-18-07
Continued

Thank you for your consideration and assistance in this matter.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

Shane Coldren, President
Ron Sifen
Vinings Homeowners Association

Anthony L. Waybright
Suzanne Ballew

Seven Oaks Company, LLC

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

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

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

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

ITEM NO. 3

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

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

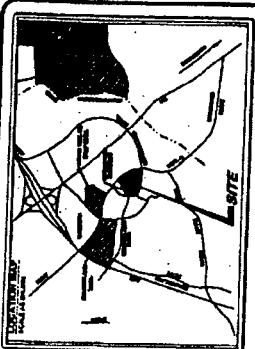
MOTION: Motion by Ott, second by Lee, to **approve** Other Business Item No. 3 for site plan and stipulation amendments for Seven Oaks Company, LLC regarding rezoning application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard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

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

VOTE: **ADOPTED** unanimously

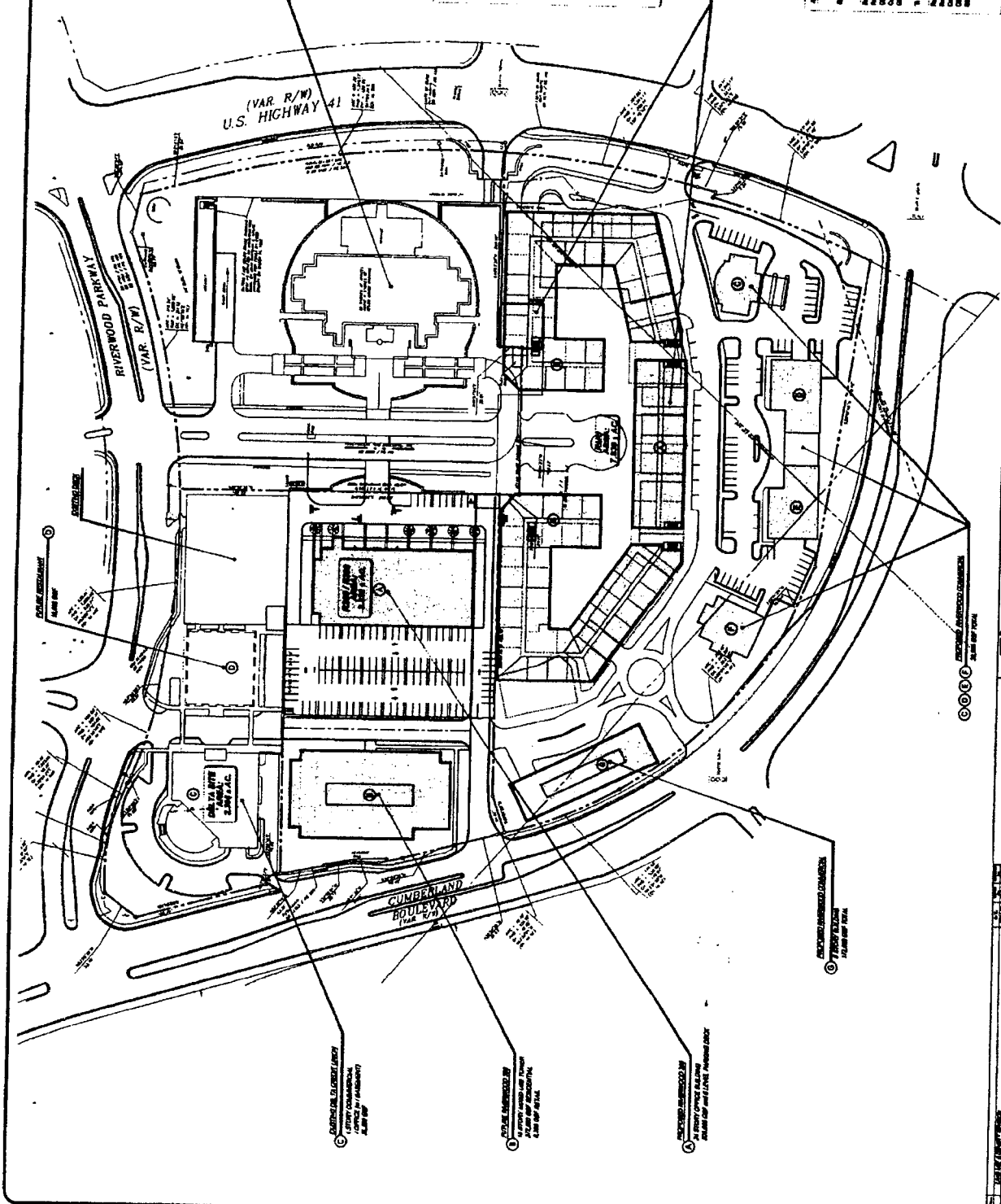
Min. Bk. 62 Petition No. 0B3
 Doc. Type side plan

Meeting Date 3/15/11



GENERAL NOTES

APPLICANT: SEVEN OAKS COMPANY, LLC
 ARCHITECT: KIMLEY-HORN AND ASSOCIATES, INC.
 ENGINEER: PEPPER HARRIS & ASSOCIATES, INC.
 PLANNING: PEPPER HARRIS & ASSOCIATES, INC.
 LANDSCAPE ARCHITECT: PEPPER HARRIS & ASSOCIATES, INC.
 CIVIL ENGINEER: PEPPER HARRIS & ASSOCIATES, INC.
 ELECTRICAL ENGINEER: PEPPER HARRIS & ASSOCIATES, INC.
 MECHANICAL ENGINEER: PEPPER HARRIS & ASSOCIATES, INC.
 PLUMBING ENGINEER: PEPPER HARRIS & ASSOCIATES, INC.
 STRUCTURAL ENGINEER: PEPPER HARRIS & ASSOCIATES, INC.
 TRAFFIC ENGINEER: PEPPER HARRIS & ASSOCIATES, INC.
 ENVIRONMENTAL ENGINEER: PEPPER HARRIS & ASSOCIATES, INC.



PROJECT NO.	03000
DATE	03/15/11
SCALE	AS SHOWN
PROJECT NAME	RIVERWOOD
CLIENT	SEVEN OAKS COMPANY, LLC
LOCATION	1700 RIVERWOOD PARKWAY, SUITE 200, ATLANTA, GA 30329
PROJECT TYPE	Master Site Plan

NO.	DATE	DESCRIPTION
1	03/15/11	ISSUED FOR PERMITTING
2	03/15/11	ISSUED FOR PERMITTING
3	03/15/11	ISSUED FOR PERMITTING
4	03/15/11	ISSUED FOR PERMITTING

SEVEN OAKS COMPANY, LLC
 1700 RIVERWOOD PARKWAY, SUITE 200
 ATLANTA, GEORGIA 30329
 TEL: (404) 488-1800

Kimley-Horn and Associates, Inc.
 511 WEST PEACOCKS ST., NW - SUITE 801 - ATLANTA, GEORGIA 30308-1211
 TEL: (404) 435-1700



DATE	03/15/11
SCALE	AS SHOWN
PROJECT NAME	RIVERWOOD
CLIENT	SEVEN OAKS COMPANY, LLC
LOCATION	1700 RIVERWOOD PARKWAY, SUITE 200, ATLANTA, GA 30329
PROJECT TYPE	Master Site Plan

Min. Bk. 62 Petition No. OB3
Doc. Type Applicants
Exhibit "B"
Meeting Date 3/15/11

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

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

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

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

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

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

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

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

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

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

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

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

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

ITEM NO. 1

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

Mr. John Pederson, Zoning Division Manager, provided information regarding site plan and stipulation amendment for Walton Communities, LLC. The public hearing was opened and Mr. John Moore addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **approve** Other Business Item No. 1 site plan and stipulation amendment for Walton Communities, LLC regarding rezoning application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lot 977, 978, 1015 and 1016 of the 17th District, **subject to:**

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

VOTE: **ADOPTED** unanimously



Niles Bolton Associates, Inc.
 1700 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: (404) 525-1100
 Fax: (404) 525-1101
 Website: www.nba.com



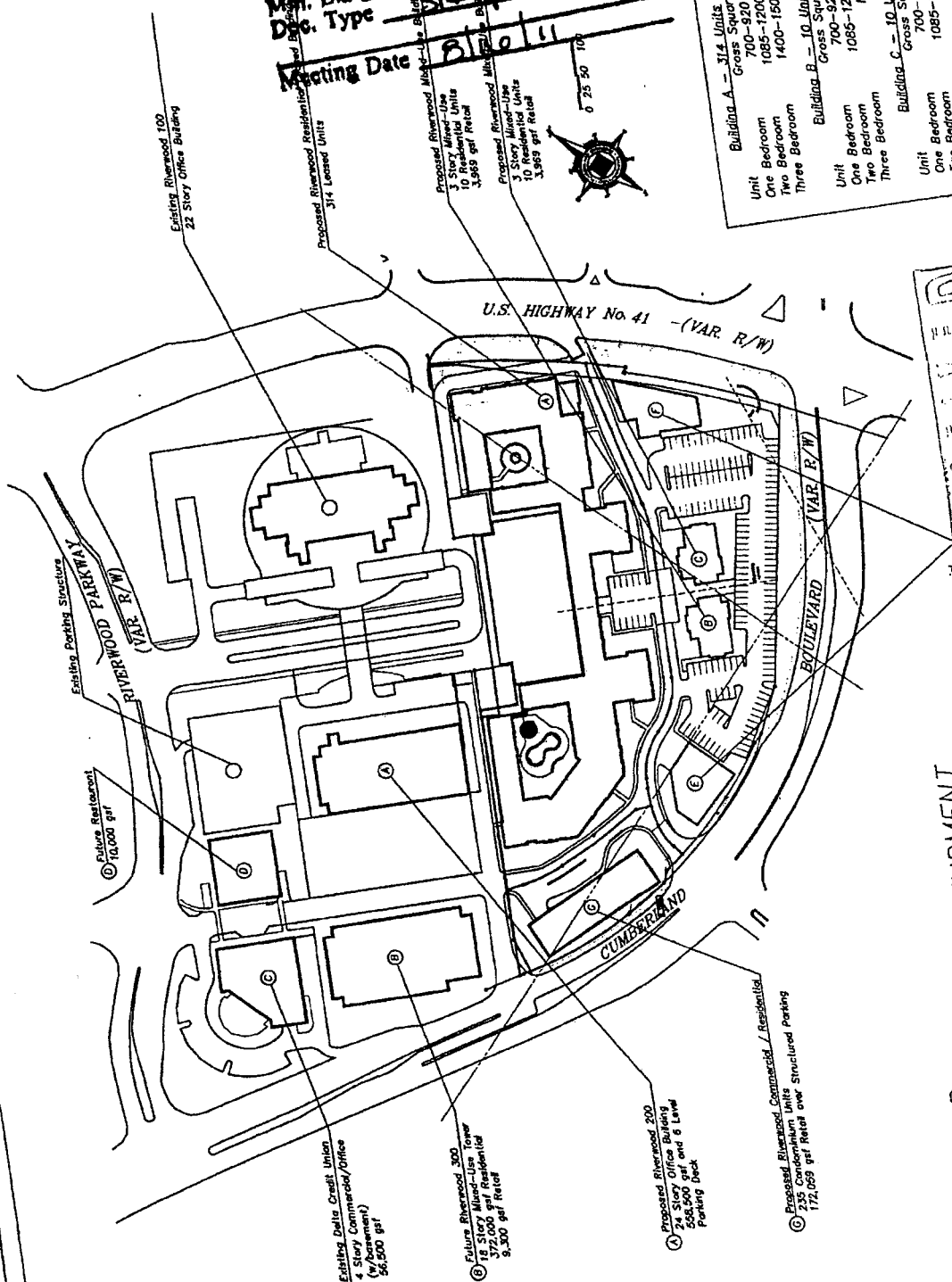
Scale: 1" = 100'

Walton Riverwood
 at Cumberland Boulevard
 Walton Communities

Site Plan

Met. Bk. 63 Petition No. 031
 Dec. Type Site plan
 Meeting Date 8/15/11

Building A - 314 Units	
Unit	Gross Square Feet
One Bedroom	700-920 Sq/Ft
Two Bedroom	1085-1200 Sq/Ft
Three Bedroom	1400-1500 Sq/Ft
Building B - 10 Units	
Unit	Gross Square Feet
One Bedroom	700-920 Sq/Ft
Two Bedroom	1085-1200 Sq/Ft
Three Bedroom	N/A
Building C - 10 Units	
Unit	Gross Square Feet
One Bedroom	700-920 Sq/Ft
Two Bedroom	1085-1200 Sq/Ft
Three Bedroom	N/A



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

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

Existing Delta Credit Union
 4-Story Commercial/Office
 56,500 sq ft

Future Riverwood 300
 18-Story Mixed-Use Tower
 372,000 sq ft (Residential)
 9,300 sq ft Retail

Proposed Riverwood 200
 7 1/2-Story Office Building
 588,500 sq ft, and 6 Level
 Parking Deck

Proposed Riverwood Commercial / Residential
 235 Condos/Residential Units
 172,069 sq ft Retail over Structured Parking

Proposed Riverwood Commercial
 11,700 sq ft

Future Restaurant
 10,000 sq ft

Existing Parking Structure
 RIVERWOOD PARKWAY (VAR. R/W)

Existing Riverwood 102
 22-Story Office Building

Proposed Riverwood Residential
 314 Leased Units

Proposed Riverwood Mixed-Use Building
 3-Story Mixed-Use
 10 Residential Units
 3,989 sq ft Retail

Proposed Riverwood Mixed-Use Building
 3-Story Mixed-Use
 10 Residential Units
 3,989 sq ft Retail

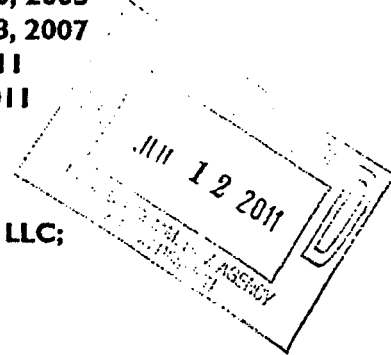
0 25 50 100'

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

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

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

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



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

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

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

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

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

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

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

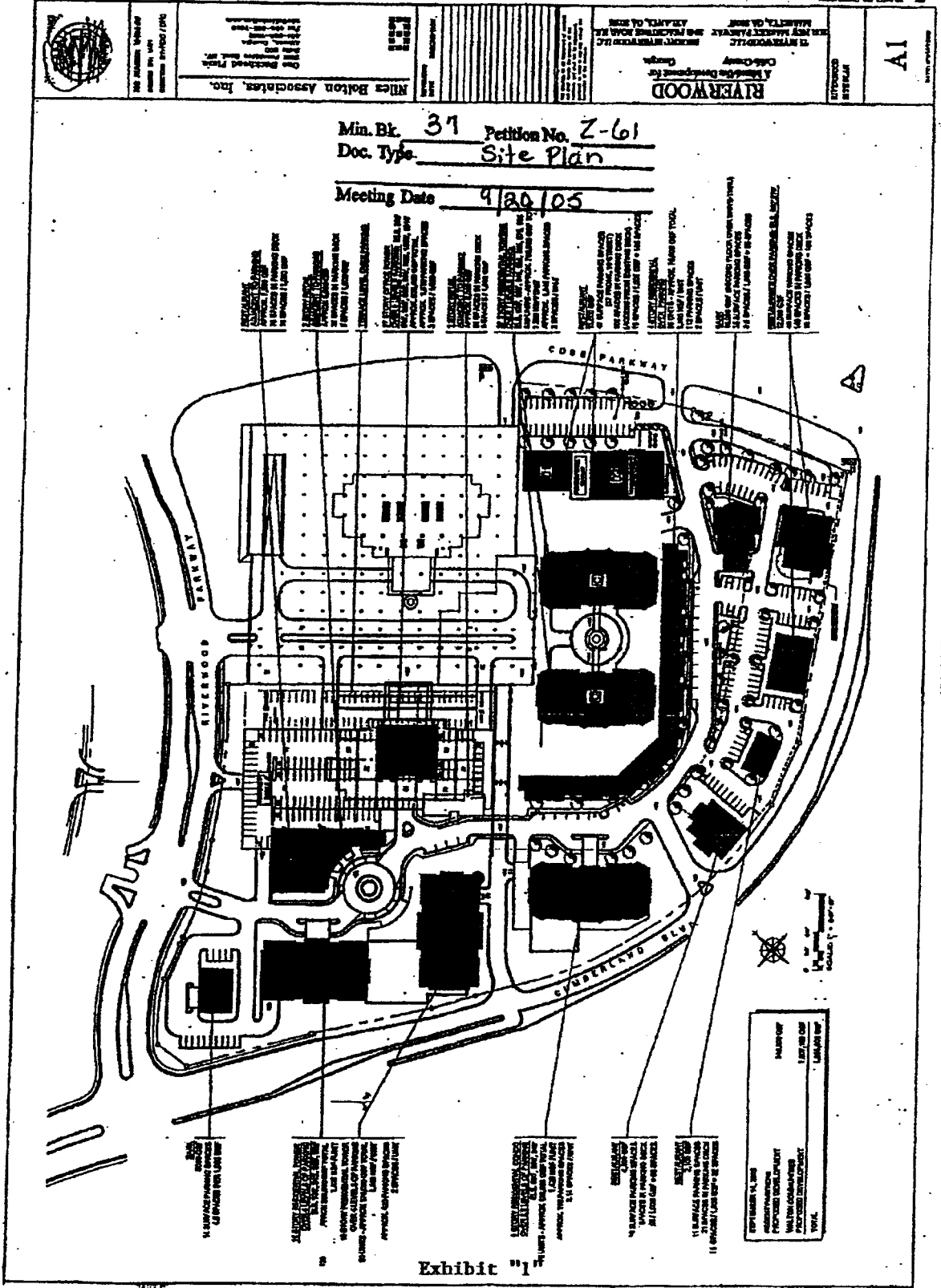
- (a) Subparagraph (a) shall be changed to read as follows:
 - (a) Enhanced corian, granite, marble, or some other solid surface countertops in select units;
- (b) Subparagraph (b) shall be deleted in its entirety.
- (c) Subparagraph (j) shall be changed to read as follows:
 - (i) Ceramic tile bathrooms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

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

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

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

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



Min. Bk. 31 Petition No. Z-61
 Doc. Type Site Plan
 Meeting Date 9/20/05



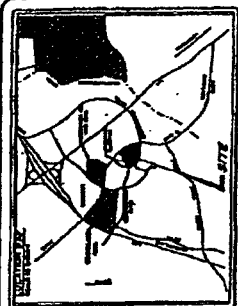
RIVERWOOD
 A Residential Development for
 Office/Community
 Georgia
 12100 RIVERWOOD BLVD
 SUITE 100
 ATLANTA, GA 30341
 404.488.1111
 www.riverwoodatl.com

Miles Bolton Associates, Inc.
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 404.525.1111
 www.milesbolton.com

AL

Exhibit "1"

Petition No. 081
 Meeting Date 8/16/11
 Continued



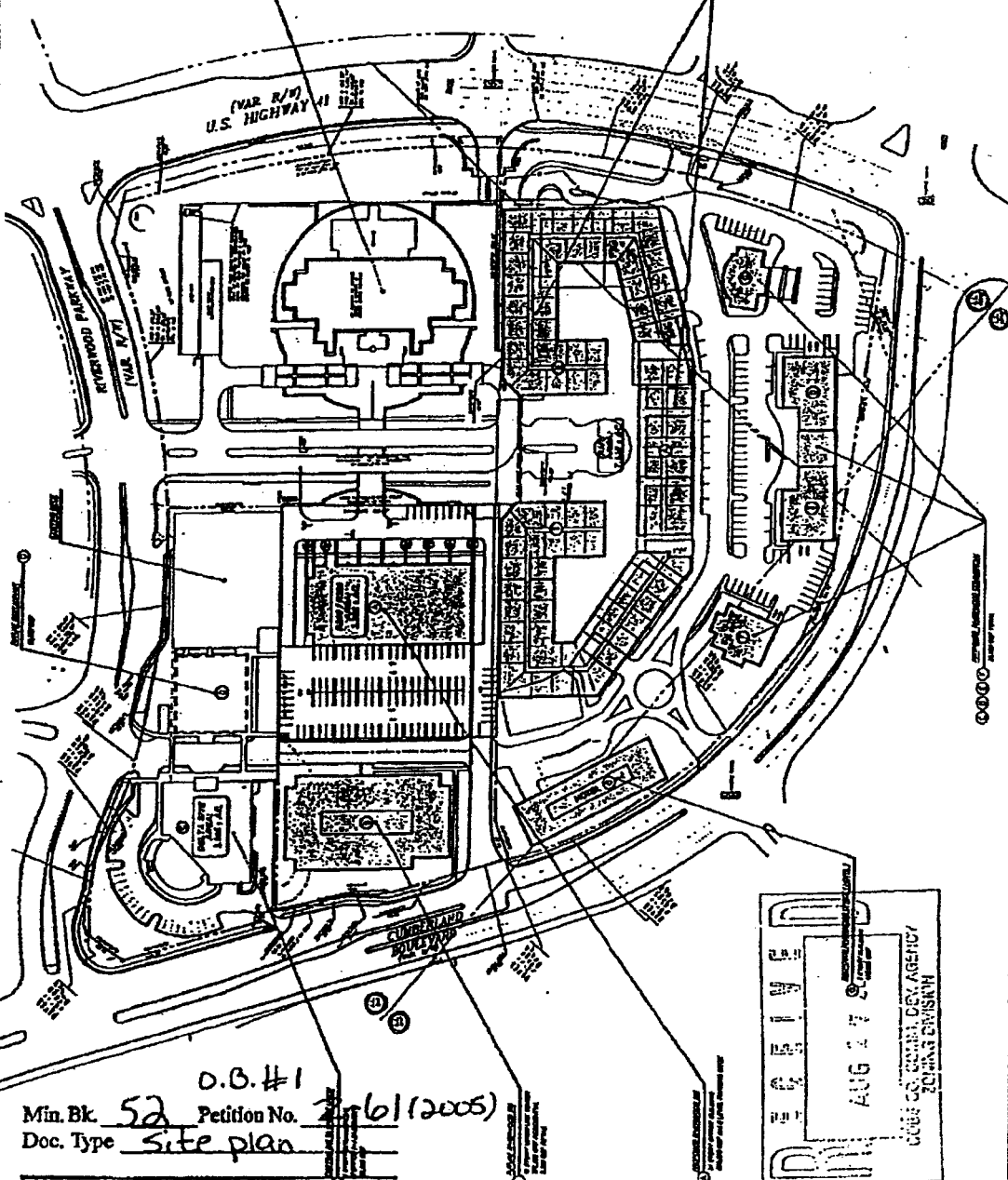
GENERAL NOTES:

1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE CALIFORNIA BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES TO REMAIN.
5. THE CONTRACTOR SHALL MAINTAIN PROPER EROSION CONTROL MEASURES THROUGHOUT CONSTRUCTION.
6. THE CONTRACTOR SHALL MAINTAIN PROPER SCHEDULING AND NOISE CONTROL MEASURES TO MINIMIZE DISRUPTION TO THE NEIGHBORHOOD.
7. THE CONTRACTOR SHALL MAINTAIN PROPER TRAFFIC CONTROL MEASURES TO ENSURE THE SAFETY OF ALL ROAD USERS.
8. THE CONTRACTOR SHALL MAINTAIN PROPER SITE SECURITY AND ACCESS AT ALL TIMES.
9. THE CONTRACTOR SHALL MAINTAIN PROPER RECORDS OF ALL CONSTRUCTION ACTIVITIES.
10. THE CONTRACTOR SHALL MAINTAIN PROPER COMMUNICATIONS WITH ALL STAKEHOLDERS.

PROPOSED DEVELOPMENT

Item	Description	Quantity
1	Single-Family Residential Units	100
2	Multi-Family Residential Units	50
3	Commercial Units	20
4	Public Buildings	5
5	Industrial Buildings	10
6	Other Buildings	10
7	Streets	1.0
8	Parking Spaces	1000
9	Landscaping	10000
10	Utilities	1000

RIVERWOOD
 Large Lots and Medium Density Residential Development
 Master Site Plan Amendment



Min. Bk. 52 Petition No. 081
 Doc. Type Site plan
 Meeting Date 9-18-01

RECEIVED
 AUG 27 2011
 COUNTY OF SANTA CLAY AGENCY
 ZONING DIVISION

Exhibit "2"

SEVEN OAKS COMPANY, LLC
 10000 RIVERWOOD PARKWAY, SUITE 100
 RIVERWOOD, CALIFORNIA 95070
 TEL: (916) 437-1000 FAX: (916) 437-1001

Kimley-Horn and Associates, Inc.
 100 WEST PALMBOULEVARD, SUITE 200
 SACRAMENTO, CALIFORNIA 95834
 TEL: (916) 442-1000 FAX: (916) 442-1001

2011

Petition No. 083
 Meeting Date 0/16/11
 Continued

Min. Bk. 62 Petition No. 083
 Doc. Type side plan

Meeting Date 3/15/11

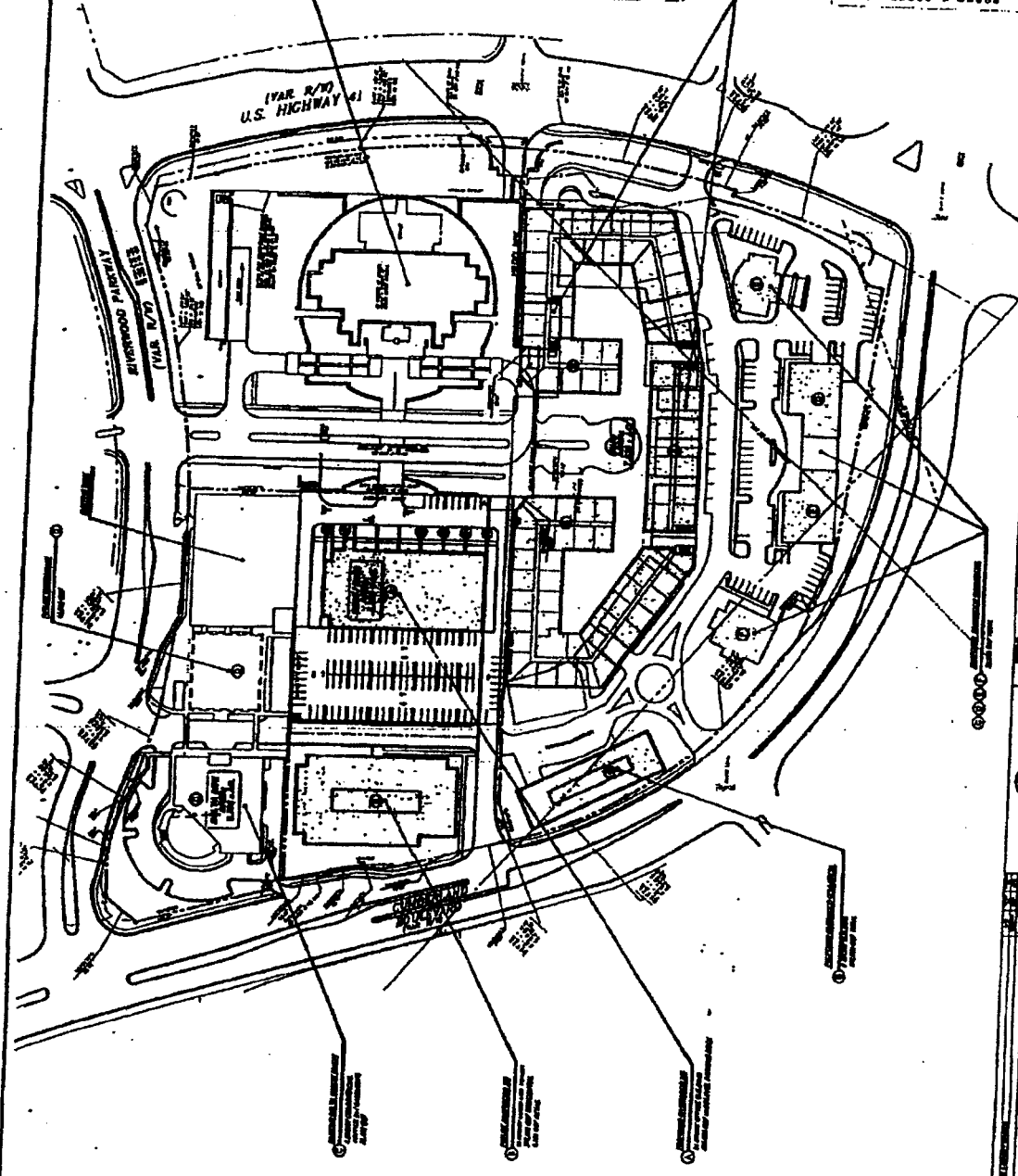


GENERAL NOTES

1. All dimensions are in feet and inches.
2. All areas are to be graded to the elevations shown.
3. All areas to be paved with 4" concrete.
4. All areas to be seeded and fertilized.
5. All areas to be landscaped with native plants.
6. All areas to be enclosed by a 6' high fence.
7. All areas to be enclosed by a 6' high fence.
8. All areas to be enclosed by a 6' high fence.
9. All areas to be enclosed by a 6' high fence.
10. All areas to be enclosed by a 6' high fence.

Project Name	SEVEN OAKS COMPANY, LLC
Project Address	10000 U.S. HIGHWAY 41, SUITE 100, FARMERS BRANCH, TEXAS 75448
Project Owner	SEVEN OAKS COMPANY, LLC
Project Manager	KINLEY-HORN AND ASSOCIATES, INC.
Project Engineer	KINLEY-HORN AND ASSOCIATES, INC.
Project Surveyor	KINLEY-HORN AND ASSOCIATES, INC.
Project Date	03/15/11

Master Site Plan



SEVEN OAKS COMPANY, LLC
 10000 U.S. HIGHWAY 41, SUITE 100
 FARMERS BRANCH, TEXAS 75448
 PHONE: 972.261.1111
 FAX: 972.261.1112

Kinley-Horn and Associates, Inc.
 10000 U.S. HIGHWAY 41, SUITE 100
 FARMERS BRANCH, TEXAS 75448
 PHONE: 972.261.1111
 FAX: 972.261.1112



Exhibit "3"

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

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

RIVERWOOD UNIT MIX

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

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO “OTHER BUSINESS”
AMENDMENT FOR Z-61 (2005) –
JUNE 19, 2012**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JUNE 19, 2012
9:00 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, June 19, 2012 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

ITEM NO. 2

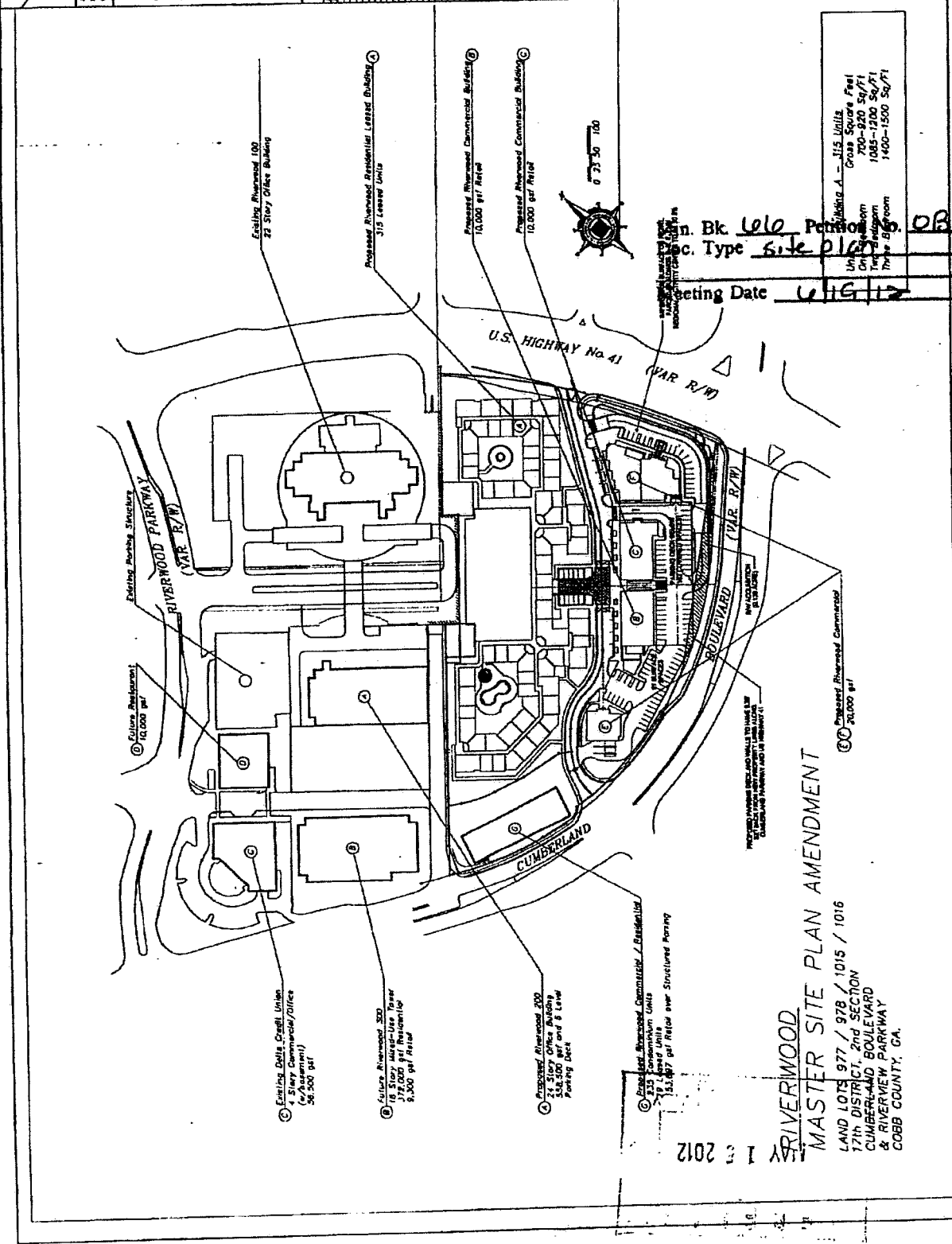
To consider a stipulation and site plan amendment for Walton Communities, LLC regarding rezoning application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lot 977, 978, 1015 and 1016 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a stipulation and site plan amendment to allow residential units and commercial uses to be moved and allow a two level parking deck. The public hearing was opened and there being no speakers, the public hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: ~~Motion by Ott, second by Goreham, to~~ approve Other Business Item No. 2 for stipulation and site plan amendments regarding application Z-61 of 2005 (TI Riverwood, LLC), for property located at the northwest intersection of Cobb Parkway and Cumberland Boulevard in Land Lot 977, 978, 1015 and 1016 of the 17th District, subject to:

- site plan received by the Zoning Division May 15, 2012 (attached and made a part of these minutes)
- Exhibit B of the Other Business package (attached and made a part of these minutes)
- all previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: **ADOPTED** unanimously



Existing Parking Structure
RIVERWOOD PARKWAY (VAR R/W)

Existing Riverwood 100
22 Story Office Building

Proposed Riverwood Residential Leased Building
319 Leased Units

Proposed Riverwood Commercial Building
10,000 sq ft Retail

Proposed Riverwood Commercial Building
10,000 sq ft Retail

Future Restaurant
10,000 sq ft

Existing Delta Small Union
4 Story Commercial/Office
56,200 sq ft

Future Riverwood 200
18 Story Mixed-Use Tower
3,500 sq ft Retail

Proposed Riverwood 200
24 Story Office Building
518,500 sq ft and 6 Level
Parking Deck

Proposed Riverwood Commercial
253 Condominium Units
72 Leased Units
153,877 sq ft Retail over Structure Parking

Proposed Riverwood Commercial
20,000 sq ft

PROPOSED PARKING DECK AND WALLS TO HAVE 50% PERMEABLE PAVEMENT AND 10% TREES

U.S. HIGHWAY No. 41 (VAR R/W)

BOULEVARD (VAR R/W)

CUMBERLAND

PROPOSED RIVERWOOD COMMERCIAL

Plot No. 166 Parcel No. OB2

Spec. Type side plot

Setting Date 6/16/12

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

REV 1 3 2012

1. 1/10/2012 11:58 AM 10/10/2012 11:58 AM 10/10/2012 11:58 AM 10/10/2012 11:58 AM

Min. Bk. 666 Petition No. OB2
Doc. Type Exhibit B

Meeting Date 6/19/12 MAY 13 2012

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

Application No.: Z-61(2005)
Original Hearing Date: April 19, 2005
Date of Zoning Decision: September 20, 2005
Date of OB Decisions: September 18, 2007
March 15, 2011
August 16, 2011
Current Hearing Date: June 19, 2012

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

On September 20, 2005, the Cobb County Board of Commissioners approved the rezoning of an approximately 7.84 acre tract located at the intersection of Cobb Parkway and Cumberland Boulevard (hereinafter "Subject Property" or "Property") to the Urban Condominium ("UC") and Community Retail Commercial ("CRC") zoning categories. The purpose of rezoning the Property was for the development of a mixed-use community which, together with the property located adjacent and northwesterly of the Subject Property, would comprise the Riverwood Mixed-Use Project. The approval of the rezoning request was site plan specific (a copy of which is attached hereto as Exhibit "1"); and was subject to the conditions set forth in the official minutes, as well as the letter of agreeable stipulations and conditions dated September 16, 2005, and filed September 20, 2005. Subsequently, on September 18, 2007, the Cobb County Board of Commissioners approved amendments to the Master Site Plan and certain stipulations related to the applicable portion of the Riverwood Project. A true and correct copy of the Master Site Plan Amendment dated August 15, 2007, prepared by Kimley-Horn and Associates, Inc. is attached hereto as Exhibit "2" and incorporated herein by reference. On March 15, 2011, and August 16, 2011, the Cobb County Board of Commissioners approved amendments to the Master Site Plan and certain stipulations affecting the development of the Subject Property. True and correct copies of the approved, revised Master Site Plans, as incorporated into the final, official minutes of the Cobb County Board of Commissioners for the stated hearings, are attached hereto as Exhibits "3" and "4," respectively, and incorporated herein by reference.

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

Petition No. DB 2
Meeting Date 10/19/12
Continued

MAY 15 2012

- (1) Applicant submits herewith the Master Site Plan Amendment dated July 12, 2011, last revised May 11, 2012, prepared for Applicant by Niles Bolton Associates, Inc. which depicts the revisions for development of the Subject Property, as well as the revised development of property approved in Application for Rezoning No. Z-62 (2005), as amended September 18, 2007.

AMENDMENTS RELATING TO RESIDENTIAL DEVELOPMENT

- (2) Units within the proposed Riverwood Residential "Lease Building A" shall be increased from 314 leased units to 315 leased units.
- (3) The units within the proposed "Riverwood Commercial Building B" shall be reduced from ten (10) units to zero (0) units.
- (4) The units within the proposed "Riverwood Commercial Building C" shall be reduced from ten (10) units to zero (0) units.
- (5) Nineteen (19) leased units shall be added to proposed "Riverwood Commercial/Residential Building G."

AMENDMENTS RELATING TO RETAIL DEVELOPMENT

- (6) The square footage for proposed "Riverwood Commercial Building B" shall be increased from 3,969 square feet to 10,000 square feet (gross).
- (7) The square footage for proposed "Riverwood Commercial Building C" shall be increased from 3,969 square feet to 10,000 square feet (gross).
- (8) The combined square footage for proposed "Riverwood Commercial Buildings E and F" shall be increased from 13,700 square feet (gross) to 20,000 square feet (gross).
- (9) The square footage for proposed "Riverwood Commercial/Residential Building G" shall be decreased from 172,059 square feet to 153,697 square feet (gross).
- (10) Addition of a two (2) level parking deck to be located underneath proposed "Riverwood Commercial Building B" and "Riverwood Commercial Building C."
- (11) This amendment results in no additional gross square footage being added to the project.

The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 20, 2005; as well as those amendments set forth in the official minutes, and attachments thereto, of the Board of

Petition No. 082
Meeting Date 6/19/12
Continued

MAY 15 2012

Commissioners Zoning Hearing held on September 18, 2007; March 15, 2011; and August 16, 2011, are unaltered by this request for Site Plan and Stipulation Amendment and shall remain in full force and effect.

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

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO “OTHER BUSINESS”
AMENDMENT FOR Z-61 (2005) –
JULY 16, 2013**

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

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 16, 2013 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

- O. B. 8** To consider amending the zoning stipulations and site plan relating to Z-61 and Z-62 of 2005 (TI Riverwood, LLC and Regent Riverwood, LLC), for property located on the northerly side of Cumberland Boulevard, between Riverwood Parkway and Cobb Parkway in Land Lots 977, 978, 1015 and 1016 of the 17th District.

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

MOTION: Motion by Ott, second by Lee, to **approve** Other Business Item No. 8 for stipulation and site plan amendments regarding Z-61 and Z-62 of 2005 (TI Riverwood, LLC and Regent Riverwood, LLC), for property located on the northerly side of Cumberland Boulevard, between Riverwood Parkway and Cobb Parkway in Land Lots 977, 978, 1015 and 1016 of the 17th District **subject to:**

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

VOTE: **ADOPTED** unanimously



SITE PLAN

Riverwood Project at Cumberland Boulevard

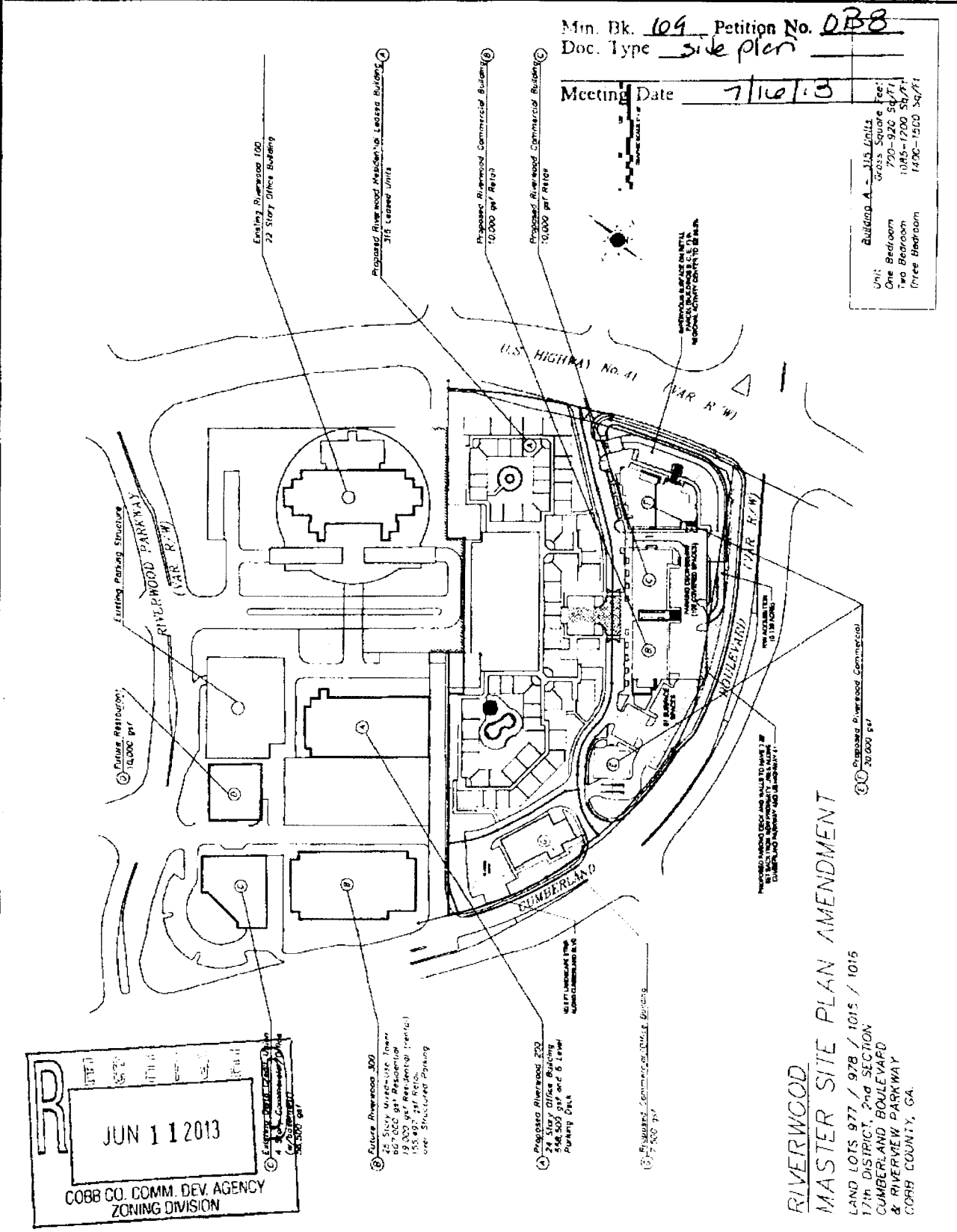
1" = 60'
06-10-2013
1300

NOT FOR CONSTRUCTION

Min. Bk. 109 Petition No. 0288
Doc. Type Site plan

Meeting Date 7/10/13

Building A	315 Units
Unit	Gross Square Feet:
One Bedroom	770 - 920 Sq/Ft
Two Bedroom	1045 - 1700 Sq/Ft
Three Bedroom	1400 - 1500 Sq/Ft



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

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