

**MARCH 18, 2014 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 2

PURPOSE

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

BACKGROUND

The subject property was rezoned in September 2013 for a mixed used development consisting of 250,000 square feet of office & retail and 250 residential units. The original developer is not going to develop the property; a new developer has become involved with the development of the property. The new developer would like to alter the component mixture for the project to 10,000 square feet of retail and 344 residential units. There would be 12 townhouse style units along the frontage and 332 stacked flats units contained in a six story building. There would be approximately 214,000 less square footage in the proposed developed compared to the 2013 plan. The applicant has submitted a letter of agreeable conditions that apply to this specific development. If approved, all previous zoning stipulations not in conflict would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application, request letter, proposed site plan, proposed stipulations and current zoning stipulations.

(Site Plan and Stipulation Amendment)
Application for "Other Business"
Cobb County, Georgia

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

BOC Hearing Date Requested: 03/18/2014

Applicant: Oxford Properties, LLC Phone #: (770) 818-4050
(applicant's name printed)

Address: Suite 130, 3625 Cumberland Boulevard, E-Mail: _____
Moore Ingram Johnson & Steele, LLP Atlanta, GA 30339

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

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

Signed, sealed and delivered in presence of:

[Signature] My commission expires: January 10,
Notary Public COBB COUNTY

Titleholder(s): GP-RV Land I, LLC Phone #: (678) 589-7619
(property owner's name printed)

Address: Suite 320, 3301 Windy Ridge Parkway, E-Mail: _____
See Attached Exhibit "A" for Titleholder's Atlanta, GA 30339

Signature and Contact Information
(Property owner's signature)

Signed, sealed and delivered in presence of:

_____ My commission expires: _____
Notary Public

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

Date of Zoning Decision: 09/17/2013 **Original Date of Hearing:** 09/17/2013
OB Decision: 11/19/2013

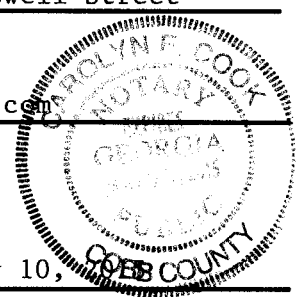
Location: Northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway
(street address, if applicable; nearest intersection, etc.)

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

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

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

(List or attach additional information if needed)



COBB COUNTY RECORDS
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EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(SITE PLAN AND STIPULATION AMENDMENT)

Application No.: Z-55 (2013)
Original Hearing Date: September 17, 2013
Date of Zoning Decision: September 17, 2013
Date of OB Decision: November 19, 2013
Current Hearing Date: March 18, 2014

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Oxford Properties, LLC
Titleholder: GP-RV Land I, LLC

GP-RV LAND I, LLC,
a Georgia limited liability company

BY: 
Printed Name: Anthony S. Rudy
TITLE: Executive Director

Address: Suite 320, 3301 Windy Ridge Parkway
Atlanta, Georgia 30339

Telephone No.: (678) 599-7615

COBB COUNTY BOARD OF COMMISSIONERS
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COBB COUNTY ZONING DEPARTMENT

Signed, sealed, and delivered in the presence of:



Notary Public

Commission Expires: February 19, 2015

[Notary Seal]

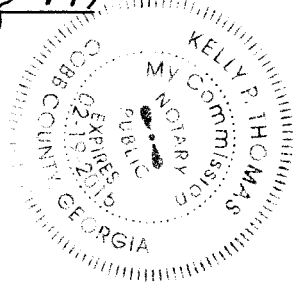


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(SITE PLAN AND STIPULATION AMENDMENT)

Application No.: Z-55 (2013)
Original Hearing Date: September 17, 2013
Date of Zoning Decision: September 17, 2013
Date of OB Decision: November 19, 2013
Current Hearing Date: March 18, 2014

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COBB COUNTY ZONING DEPARTMENT

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Oxford Properties, LLC
Titleholder: GP-RV Land I, LLC

The property which is the subject of this Application for "Other Business" is 6.658 acres, more or less, and is located at the northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway, southwesterly of Interstate 75, in Land Lots 1014 and 1015, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property was rezoned to the Regional Retail Commercial ("RRC") zoning classification by the Cobb County Board of Commissioners on September 17, 2013, to allow for a mixed-use development. Subsequently, on November 19, 2013, an amendment to certain stipulations within the Office Component of the original rezoning was approved by the Board of Commissioners.

The current Applicant, Oxford Properties, LLC, seeks a complete amendment to the previously approved site plan and stipulations for the Subject Property. Therefore, attached hereto and made a part hereof by reference as Exhibit "1" is the proposed letter of agreeable zoning stipulations for the amendment, together with the revised Zoning Site Plan prepared for Applicant by Croy Engineering, LLC, dated February 10, 2014. The revised Zoning Site Plan and stipulations set forth in the revised stipulation letter shall supersede and replace in full all previously approved Zoning Site Plans and stipulations for development of the Subject Property as set forth in the final, official minutes of the Board of Commissioners Zoning Hearings held on September 17, 2013, and November 19, 2013.

Additionally, and as required for submission of this Application for "Other Business," attached are the following:

- (1) Zoning Site Plan for the proposed development previously approved by the Cobb County Board of Commissioners attached as Exhibit "2";
- (2) Final, official minutes, including attachments, of the Cobb County Board of Commissioners Zoning Hearing held on September 17, 2013, as Exhibit "3"; and
- (3) Final, official minutes, including attachments, of the Cobb County Board of Commissioners Zoning Hearing held on November 19, 2013, as Exhibit "4."

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

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2014 QUALITY ZONING BOARD

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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JACKSONVILLE, FLORIDA 32256
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NASHVILLE, TENNESSEE 37203
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LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-6021

CHARLESTON, SOUTH CAROLINA
4000 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 302-0002

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OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
**** ALSO ADMITTED IN CA
^ ALSO ADMITTED IN TX
ALSO ADMITTED IN AL
‡ ALSO ADMITTED IN KY
+ ALSO ADMITTED IN SC
ALSO ADMITTED IN NC
* ADMITTED ONLY IN TN
^ ADMITTED ONLY IN FL

EXHIBIT "1" TO APPLICATION FOR "OTHER BUSINESS"

February 10, 2014

Hand Delivered

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

RE: Application for "Other Business" - Application No. Z-55 (2013)

Applicant: Oxford Properties, LLC
Property Owner: GP-RV Land I, LLC
Property: 6.658 acres located at the northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway, southwesterly of Interstate 75, Land Lots 1014 and 1015, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Oxford Properties, LLC, the Applicant (hereinafter referred to as "Applicant"), and GP-RV Land I, LLC, the Property Owner (hereinafter referred to as "Property Owner"), in this Application for "Other Business" with regard to a total tract of 6.658 acres, more or less, located at the northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway, southwesterly of Interstate 75, Land Lots 1014 and 1015, 17th District,

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY
ZONING DIVISION
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Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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COBB COUNTY GEORGIA
PLANNING DEPARTMENT

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COBB COUNTY ZONING DIVISION

2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). The Property was rezoned to the Regional Retail Commercial ("RRC") zoning category by the Cobb County Board of Commissioners on September 17, 2013. Subsequently, on November 19, 2013, the Board of Commissioners approved a minor stipulation amendment regarding the Office Component.

Applicant and Property Owner now seek approval of a revised Zoning Site Plan and revised stipulations through this Application for "Other Business," which, if approved, as submitted, shall supersede and replace in full the previously approved Zoning Site Plan and stipulations previously approved by the Board of Commissioners on September 17, 2013, and November 19, 2013, and shall be binding upon the Subject Property. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Development of the Subject Property shall be to the Regional Retail Commercial ("RRC") zoning category, as previously approved by the Cobb County Board of Commissioners on September 17, 2013, and shall be site plan specific to the revised Zoning Site Plan prepared for Applicant by Croy Engineering, LLC, dated February 10, 2014, and filed contemporaneously herewith. A reduced copy of the revised Zoning Plan is attached to this stipulation letter for ease of reference as Exhibit "1-A" and incorporated herein by reference.
- (3) The Subject Property consists of approximately 6.658 acres of total site area and shall be developed for a mixed-use development consisting of office, retail, and residential.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) There shall be the following access/entrances to the proposed development as more particularly shown and reflected on the referenced Zoning Site Plan:
 - (a) The main entrance shall be located on Cobb Galleria Parkway at a median break and shall consist of four lanes, with two lanes dedicated to entering

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Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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COBB COUNTY ZONING DIVISION

the development and two lanes dedicated to exiting the development. There will be no “gating” of the development at the main entrance; but rather, the “gating” shall be located farther into the parking deck to allow more room for stacking of vehicles.

- (b) There shall be a second entrance located on Cobb Galleria Parkway as shown and reflected on the referenced Zoning Site Plan which shall be right-in/right-out only.
 - (c) There shall also be a fire lane access for emergency access by fire trucks only located on Cobb Galleria Parkway as more particularly shown and reflected on the referenced Zoning Site Plan. There shall be no median break for this access. The access will be gated and no vehicles allowed except fire trucks.
- (2) There shall be a traffic signal installed at the project’s main entrance on Cobb-Galleria Parkway, in the location as shown and reflected on the referenced revised Zoning Site Plan. Applicant shall be responsible for and pay to the Cobb County Department of Transportation all costs associated with the design and installation of the referenced traffic signal.
 - (3) 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. There shall be a monument sign located at the intersection of Cumberland Boulevard and Cobb Galleria Parkway; a monument sign located at the main entrance on Cobb Galleria Parkway; and building signage located on the building and wall adjacent to Interstate 75, all as more particularly shown and reflected on the referenced Zoning Site Plan.
 - (4) 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.
 - (5) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.

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Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
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- (6) Additionally, hooded security lighting shall be utilized on the exteriors of the buildings and throughout the walkways, surface parking areas, and parking deck areas; excepting only, the individual townhome units which shall utilize only decorative, themed lighting as described above.
- (7) 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.
- (8) Setbacks for the components of the overall proposed development shall be as more particularly shown and reflected on the referenced Zoning Site Plan.
- (9) Minor modifications to the within stipulations, the referenced revised Zoning Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or
 - (e) Change an access location to a different roadway.
- (10) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention

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Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.

- (11) 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.
- (12) 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.
- (13) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (14) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (15) All utilities for the proposed overall development shall be located underground.
- (16) The following uses shall be prohibited from the proposed overall development:
 - (a) Video arcades as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, leasing, repair, and/or service facilities;
 - (d) Gas stations and self-service gas stations that sell gas and convenience stores;
 - (e) Truck and trailer leasing facilities;
 - (f) Automotive paint and body repair shops;
 - (g) Automotive upholstery shops;

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Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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COBB COUNTY GEORGIA
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- (h) Billiards and pool halls which are the sole or predominant use;
 - (i) Bus stations (not to exclude bus stops);
 - (j) Fraternity and sorority house;
 - (k) Full-service gas stations;
 - (l) Light automotive repair;
 - (m) Rooming houses and boarding houses;
 - (n) Any form of adult entertainment business; and
 - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.
- (17) As to the overall development, there shall be “zero lot lines” among the various components within the development so as to allow for the free flow of access, parking, and the like.
- (18) There shall be a minimum of six hundred forty-four (644) on-site parking spaces for the proposed overall development. According to Cobb County Code, there are six hundred thirty-three (633) parking spaces required.
- (19) There shall not be required decel lanes at the entrances to the proposed Project. However, if the Cobb County Department of Transportation should later believe that, due to traffic issues presented, decel lanes in some form are required, then the Cobb County Department of Transportation shall present a request therefor to the Cobb County Board of Commissioners in “Other Business,” and the Board shall determine whether to require a decel lane or lanes and the exact requirements therefor. If the Board of Commissioners decides that a decel lane or lanes are required, Applicant agrees to install and construct said lane(s) at its sole cost and expense.
- (20) Applicant agrees that there shall be no interparcel access established between Applicant and the Galleria 75 property unless and until the owners of each

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Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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respective property so agree. Applicant further agrees that no townhomes or other structures shall be placed upon or within any easement area to which the Cobb Galleria 75 property has rights.

- (21) Applicant agrees that there shall be no billboard proposed or approved by the Cobb County Board of Commissioners as a result of this Application for "Other Business" request.
- (22) Applicant will not seek any tax incentives for the proposed project.

I. RESIDENTIAL COMPONENT

- (1) The residential component of the proposed development shall have a maximum of three hundred forty-four (344) residential leased units, be as follows:
 - (a) A maximum of twelve (12) townhome units which shall be located as more particularly shown and reflected on the Zoning Site Plan submitted herewith. Specifics as to the townhomes are as follows:
 - (i) Maximum of three (3) stories in height;
 - (ii) Minimum 1,600 square feet, and greater;
 - (iii) Traditional in style and architecture;
 - (iv) Exterior façade consisting of brick, stone, stacked stone, stucco-type cementitious siding, and combinations thereof. The District Commissioner shall approve all final elevations.
 - (b) A maximum of three hundred thirty-two (332) units shall be contained within a maximum of six (6) stories, not including the parking deck, as more particularly shown and reflected on the Zoning Site Plan submitted herewith. Specifics as to the units are as follows:
 - (i) Units shall consist of one and two bedrooms;
 - (ii) Unit size shall range from a minimum of 540 square feet to 1,300 square feet, and greater; and
 - (iii) Building architecture and exterior façade shall be substantial conformity to the renderings to be presented at the hearing before

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Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
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the Cobb County Board of Commissioners. The District Commissioner shall approve all final elevations.

- (2) Floor plans and finishes for the residential units shall consist, at a minimum, of the following:
- (a) Enhanced corian, granite, or marble counter tops, or other solid surface materials;
 - (b) Minimum ceiling heights:
 - i) Minimum 9 feet, except in furred-down areas, from floor to finished ceiling and greater; and
 - ii) Minimum 10 feet between floors;
 - (c) European or upscale wooden face-frame cabinetry;
 - (d) Top-of-the line appliances;
 - (e) A selection of faux hardwood flooring, high-end carpet, and tile throughout;
 - (f) Spacious open floor plans;
 - (g) Brushed chrome, brushed nickel, or oiled rubbed bronze bathroom and kitchen fixtures;
 - (h) Spacious walk-in closets;
 - (i) High-speed internet wiring in all rooms of each unit;
 - (j) Tubs with showers;
 - (k) Six feet, eight inch (6'8") to eight (8) foot entry doors subject to fire rating;
 - (l) Energy-efficient construction which will meet or exceed the Georgia Energy Code;

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- (m) Double-paned, insulated windows in all units; and
 - (n) Controlled access to the project.
- (3) All residents of the proposed residential community shall have access to and use and enjoyment of the amenity areas, which will include the following:
- (a) Pool;
 - (b) Fitness center;
 - (c) Clubroom;
 - (d) Business center or internet café;
 - (e) Courtyards.
- (4) The residents within the proposed residential community will utilize a compactor system for refuse.
- (5) All residential units, including townhomes units, within the proposed residential community may be leased. The units shall be converted to “for sale” units at such time as market conditions allow as determined by the primary lending institution, at any given time, financing the subject development.
- (6) During the period of time residential units shall be leased, and prior to conversion to “for sale” units, all residential units, including townhome units, shall be subject to the Cobb County Condominium Ordinance, as more particularly set forth in the Cobb County Zoning Ordinance; and shall not be subject to the Georgia Condominium Act.
- (7) However, upon conversion of the units to “for sale” condominium units, the units shall be made subject to the Georgia Condominium Act and shall comply in all respects therewith. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of the units to “for sale” units. Upon such conversion, Applicant agrees to the recording and enforcement of a Declaration of Condominium which shall contain covenants, rules, and regulations applicable to the proposed residential condominium community.
- (8) Additionally, and in conjunction with the submission of the community to the Georgia Condominium Act, Applicant agrees to the creation of a mandatory

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Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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condominium association which shall be responsible for the upkeep and maintenance of the entrance areas, all common areas, amenity areas, and the like, contained within the residential condominium community.

- (9) Upon conversion of the units to “for sale” units, there shall be established a restrictive covenant which limits the number of units which can be leased or rented at any one time to a maximum of ten (10) percent of the total number of units, or as allowed by any federal agency.

III. RETAIL/OFFICE COMPONENT

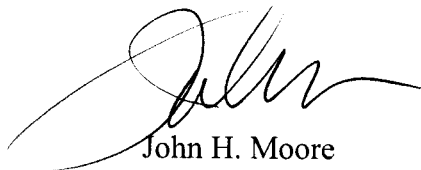
- (1) There shall be a maximum of 10,000 square feet of retail/office space which shall be located within the mid-rise residential building.

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

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Attachment

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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COBB COUNTY ZONING DIVISION

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

Mike Terry, Chairman
Cobb County Planning Commission
(With Copy of Attachment)

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

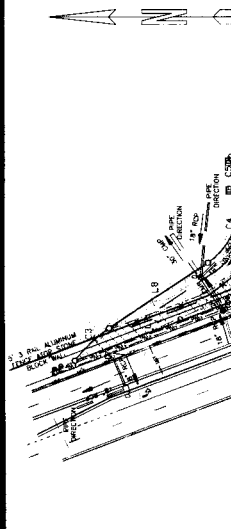
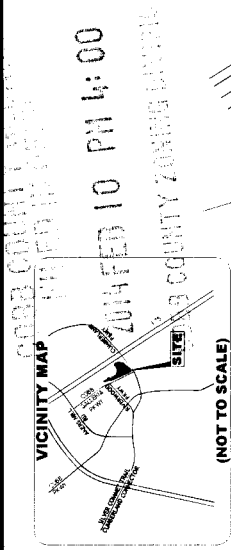
Oxford Properties, LLC
(With Copy of Attachment)

BUILDING AREA / UNIT COUNT
133 MULTI-FAMILY UNITS TOTAL
PARKING REQUIRED 175 PER UNITS - TOTAL 24 SPACES
15 TRUCKPARKS TOTAL
PARKING REQUIRED 21 PER UNITS - TOTAL 24 SPACES
6,500 SF OFFICE
PARKING REQUIRED 10 PER 200 SF NET - TOTAL 30 SPACES
1,000 SF RETAIL
PARKING REQUIRED 10 PER 200 SF NET - TOTAL 5 SPACES
PARKING REQUIRED 633 SPACES

PARKING COUNT
610 SPACES PARKING DECK
31 SPACES (TRUCKPARK & STREET PARKING)
644 TOTAL PARKING SPACES PROVIDED

NOTES:
1. SEE CORCORAN'S LATEST ASSES.
2. FOUNDATION AND EASEMENT INFORMATION IS BASED ON A ALTA SURVEY BY
3. THESE ARE NOT UNITS, UNLESS SPECIFICALLY NOTED OTHERWISE.
4. THIS PROPERTY IS SUBJECT TO A FLOOD INSURANCE RATE MAP, COMMUNITY PANEL
NUMBER 1300300301H, EFFECTIVE DATE MARCH 4, 2013, FOR COBB COUNTY,
GEORGIA. THE PROPERTY DOES NOT LIE WITHIN A "00" FLOOD HAZARD ZONE
GENERATED BY FEMA.
5. THERE ARE NO EASEMENTS LOCATED ON THIS PROPERTY.

OXFORD ENCORE CENTER
LAND LOTS 1014 & 1015
OF THE 17th DISTRICT, 2ND SECTION
COUNTY COUNTY, GEORGIA
CURRENT ZONING RRC
PROPOSED ZONING RRC

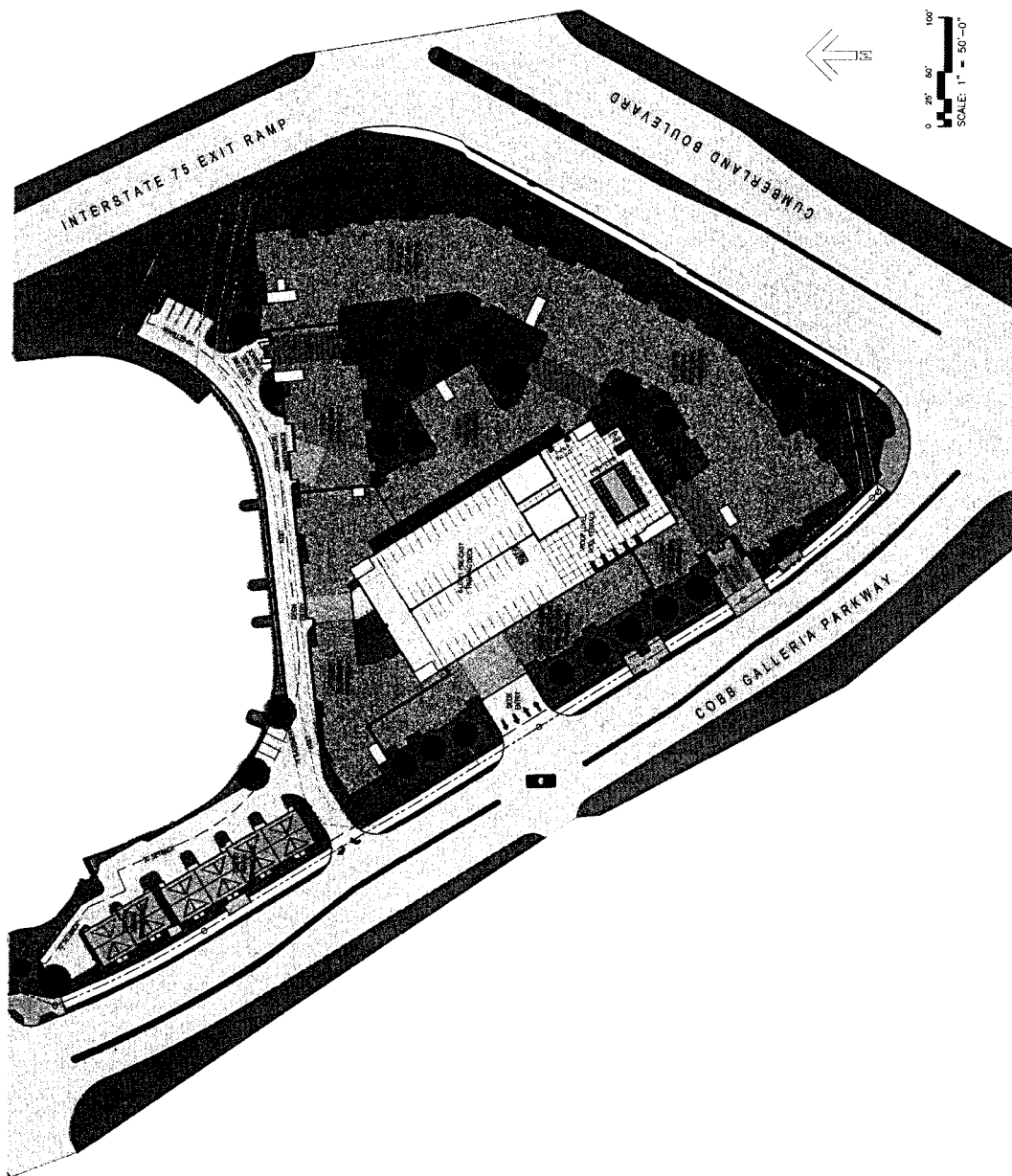


NORTH DECAUR SQUARE PARTNERS, LLC
N/F F 75, LLC
BGC GALLERIA LAND
UR 1495.3 PG 18 '13

LINE # / CURVE #	LENGTH	DISCRETE	RADIUS	ARC LENGTH
C1	133.89	NAZ 201.2026	671.24	152.01
C2	133.89	NAZ 201.2026	671.24	152.01
C3	41.56	S43.1171	120.76	41.75
C4	68.56	S58.5913	169.89	73.95
C5	51.43	S68.3373	148.05	52.03
C6	46.89	S11.3743	103.05	48.15
C7	189.29	S84.5544	181.14	202.32
C8	193.79	NAZ 241.3333	139.86	209.27
C9	7.91	NAZ 54.3874		
L1	220.52	USZ 56.0374		
L2	381.49	USZ 56.0374		
L3	57.88	N43.1743		
L4	57.88	N43.1743		
L5	61.17	N27.4543		
L6	39.39	N60.2717		
L7	154.16	N27.3943		
L8	104.34	S33.4923		
L9	38.06	S17.1438		
L10	32.24	S02.2927		
L11	61.33	S58.3937		
L12	20.06	S38.5303		
L13	29.90	N42.3843		
L14	64.23	S38.5738		
L15	142.38	N43.4303		
L16	109.46	S58.0430		
L17	128.50	S39.2703		
L18	160.59	S07.2743		
L19	70.75	S25.0463		
L20	349.21	S25.0463		
L21	91.40	S74.0913		

STORM AND SANITARY SEWER INVERT TABLES

LINE #	STATION	INVERT	MANHOLE	INVERT	MANHOLE	INVERT	MANHOLE
1	0+00	1.20	1	1.10	1	1.00	1
1	0+25	1.15	2	1.05	2	0.95	2
1	0+50	1.10	3	1.00	3	0.90	3
1	0+75	1.05	4	0.95	4	0.85	4
1	1+00	1.00	5	0.90	5	0.80	5
1	1+25	0.95	6	0.85	6	0.75	6
1	1+50	0.90	7	0.80	7	0.70	7
1	1+75	0.85	8	0.75	8	0.65	8
1	2+00	0.80	9	0.70	9	0.60	9
1	2+25	0.75	10	0.65	10	0.55	10
1	2+50	0.70	11	0.60	11	0.50	11
1	2+75	0.65	12	0.55	12	0.45	12
1	3+00	0.60	13	0.50	13	0.40	13
1	3+25	0.55	14	0.45	14	0.35	14
1	3+50	0.50	15	0.40	15	0.30	15
1	3+75	0.45	16	0.35	16	0.25	16
1	4+00	0.40	17	0.30	17	0.20	17
1	4+25	0.35	18	0.25	18	0.15	18
1	4+50	0.30	19	0.20	19	0.10	19
1	4+75	0.25	20	0.15	20	0.05	20
1	5+00	0.20	21	0.10	21	0.00	21



DESCRIPTION	QUANTITY	UNIT PRICE	TOTAL
CONCRETE	10,000	1.00	10,000.00
STEEL	50,000	0.20	10,000.00
BRICK	1,000,000	0.01	10,000.00
GLASS	50,000	0.20	10,000.00
PAINT	10,000	1.00	10,000.00
LANDSCAPE	10,000	1.00	10,000.00
UTILITIES	10,000	1.00	10,000.00
PERMITS	10,000	1.00	10,000.00
CONTINGENCY	10,000	1.00	10,000.00
TOTAL			80,000.00

COBB COUNTY ZONING
FILED 11/11/13
2014 FEB 10 PM 4:00
COBB COUNTY ZONING DIVISION



OXFORD ENCORE CENTER

ATLANTA, GEORGIA
February 10, 2014

PREFERRED PARTNER | **COMMUNITIES™**



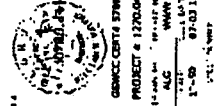
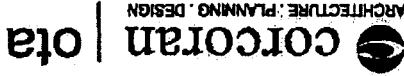
EXHIBIT "2"

**ZONING SITE PLAN PREVIOUSLY
APPROVED BY BOARD OF
COMMISSIONERS ON
SEPTEMBER 17, 2013**

2013 COUNTY ZONING DEPT.

2013 SEP 10 PM 4:00

2013 COUNTY ZONING DEPT.

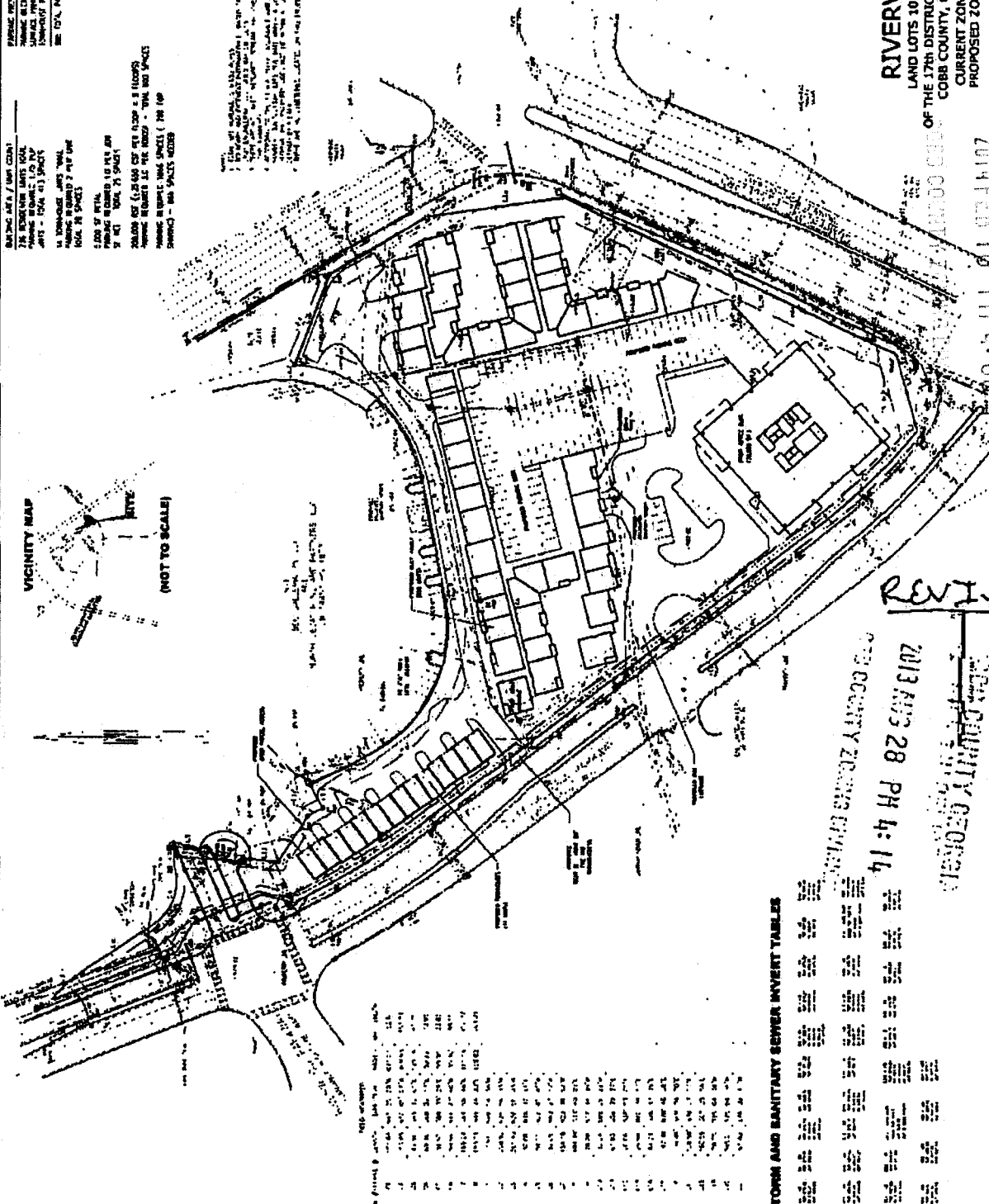


Min. Rk. 70 Petition No. 2-55
 Doc. Type site plan
 Meeting Date 9/17/13

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

REVISIONS

NO.	DATE	DESCRIPTION
1	09/17/13	ISSUE FOR PUBLIC HEARING
2	09/17/13	ISSUE FOR PUBLIC HEARING
3	09/17/13	ISSUE FOR PUBLIC HEARING
4	09/17/13	ISSUE FOR PUBLIC HEARING
5	09/17/13	ISSUE FOR PUBLIC HEARING
6	09/17/13	ISSUE FOR PUBLIC HEARING
7	09/17/13	ISSUE FOR PUBLIC HEARING
8	09/17/13	ISSUE FOR PUBLIC HEARING
9	09/17/13	ISSUE FOR PUBLIC HEARING
10	09/17/13	ISSUE FOR PUBLIC HEARING



REVISED
 2013 AUG 28 PM 4: 14
 COBB COUNTY ZONING DIVISION
 COBB COUNTY GEORGIA

2014 FEB 19 PM 4: 04

COBB COUNTY RECORDS

EXHIBIT “3”

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

COBB COUNTY COMMISSIONERS
2014 FEB 10 PM 4:00
COBB COUNTY ZONING DEPARTMENT

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

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

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

Not Present: Chairman Tim Lee

COBB COUNTY ZONING DEPARTMENT
2013 FEB 10 PM 4:00

Z-55

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

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

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

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

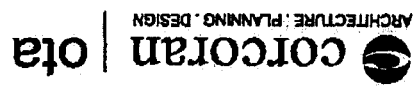
- **Water and Sewer Division comments and recommendations, *not otherwise in conflict***
- **Revised Cobb DOT comments and recommendations dated August 29, 2013 (attached and made a part of these minutes), *not otherwise in conflict***

VOTE: ADOPTED 4-0, Chairman Lee absent

2014 FEB 10 PM 4:00

COBB COUNTY BOARD OF COMMISSIONERS

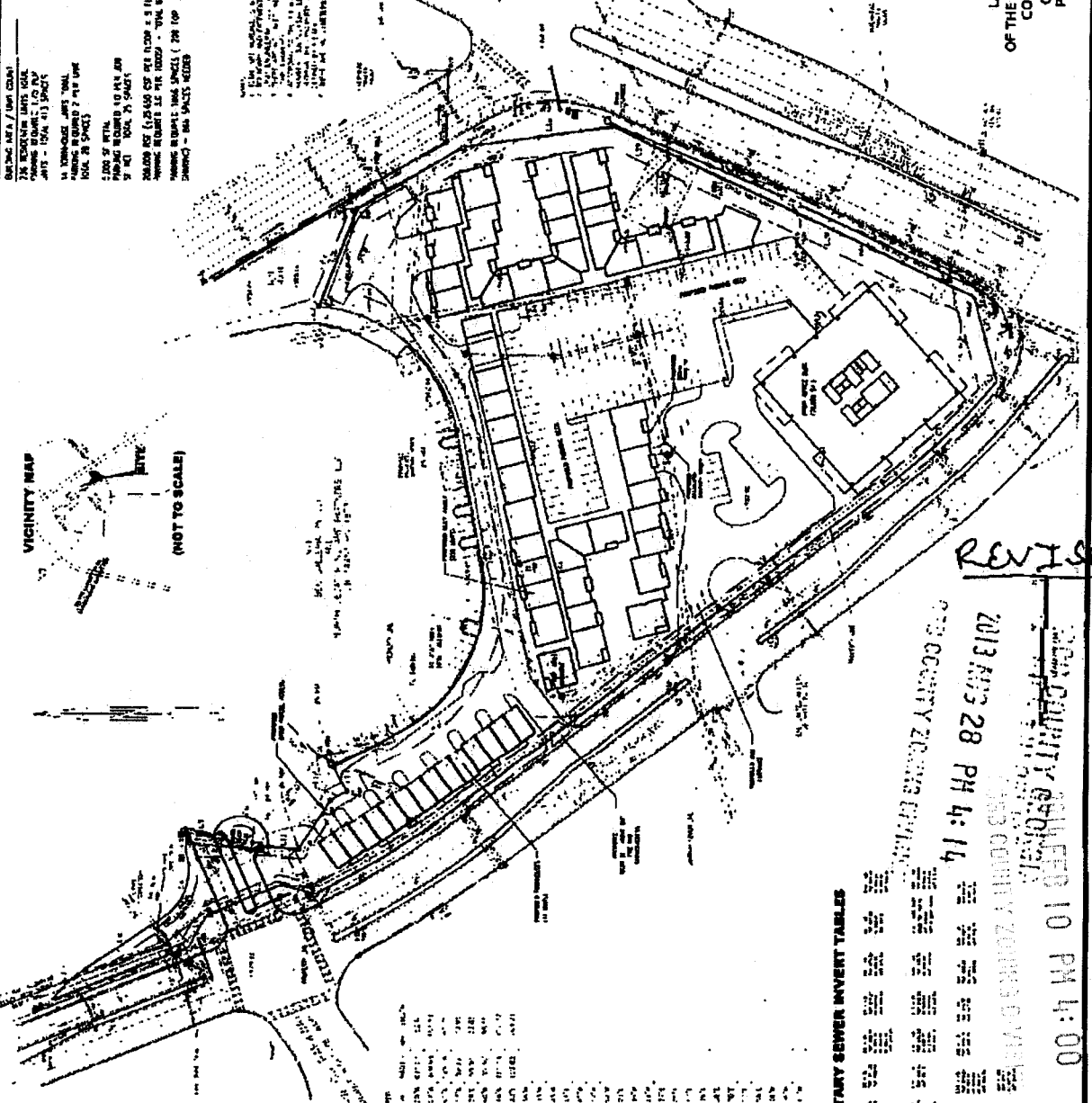
COBB COUNTY GEORGIA



Mn. Bk. 70 Petition No. 2-55
Doc. Type site plan
Meeting Date 9/11/13

RIVERVIEW
LAND LOTS 101.4 & 1015
OF THE 17th DISTRICT, 2ND SECTION
COBB COUNTY, GEORGIA
CURRENT ZONING OHR
PROPOSED ZONING RRC

DRAINAGE AREA / UNIT COUNT
734 RESIDENTIAL UNITS TOTAL
564 UNITS PER LOT 101.4
170 UNITS PER LOT 1015
34 UNITS PER UNIT
TOTAL 1,068 UNITS
UNITS PER UNIT = 170 / 101.4 = 1.67
UNITS PER UNIT = 170 / 1015 = 0.167



STATION	INVERT	MANHOLE	DEPTH	PIPE	MANHOLE	INVERT	DEPTH	PIPE	MANHOLE	INVERT
1+00	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
1+20	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
1+40	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
1+60	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
1+80	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
2+00	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
2+20	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
2+40	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
2+60	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
2+80	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
3+00	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
3+20	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
3+40	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
3+60	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
3+80	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
4+00	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
4+20	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
4+40	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
4+60	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
4+80	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
5+00	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
5+20	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
5+40	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
5+60	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
5+80	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
6+00	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
6+20	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
6+40	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
6+60	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
6+80	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
7+00	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
7+20	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
7+40	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
7+60	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
7+80	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
8+00	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
8+20	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
8+40	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
8+60	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00
8+80	10.00	M	12.00	12"	N	12.00	12.00	12"	M	12.00

STORM AND SANITARY SEWER INVERT TABLES

REVISED
2013 AUG 28 PM 4:14
COBB COUNTY ZONING DIVISION
COBB COUNTY ZONING DEPARTMENT
2013 AUG 28 PM 4:00

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN M. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
O. PHILIP BEGGS
ELDON L. BARNHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. GARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. McCOLLOCH
SUSAN B. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER
VICTOR A. VALMIUS
WILLIAM R. WINDERS, JR.*

ANGELA H. SMITH*
JOYCE W. HARPER
CHRISTOPHER C. MINDLEDOFF*
ANGELA D. TARTLINE
CARLEY E. OLSON*
CHARLES E. PIERCE*
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER*
VERONICA L. RICHARDSON
TODD L. WEIRD*
ALEXANDER B. MORRISON*
DOUGLAS W. BUTLER, JR.
APRIL A. HOLLOWAY
CARLA C. WEBSTER*
ADON J. SOLOMON*
AMY L. JETP*
JEFF C. MORMAN*
RYAN M. INGRAM
SHAWN G. SHELTON
KRISTEN C. STRYKERSON*
CARLY R. FEDELE

MARIETTA, GEORGIA
EMERSON OVERLOOK
306 ROSWELL ST
MARIETTA, GEORGIA 30066
TELEPHONE (770) 433-1499

KNOXVILLE, TENNESSEE
488 N. CEDAR BLUFF RD • STE 600
KNOXVILLE, TENNESSEE 37823
TELEPHONE (865) 592-8038

JACKSONVILLE, FLORIDA
10181 DIERHOOD PARK BLVD • BLDG 808, STE 800
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 423-1663

NASHVILLE, TENNESSEE
8208 WEST END AVE • STE 800
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 423-7947

LOUISVILLE, KENTUCKY
9100 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8821

CHARLESTON, SOUTH CAROLINA
4800 B. FASER PLACE DR • STE 800
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 382-0002

BARAH H. BEBY*
RYAN C. EDENS*
JULIE C. FULLER*
JODI B. LODEN*
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WEHRINT
JONATHAN J. SMITH
MONTAYA K. HO-SANG†
TRISTAN B. MORRISON†
WILLIAM B. WARIHAY†
K. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. MORSE†
ORANAM P. ROBERTS
DAVID J. OTTEN*
JONATHAN S. FUTRELL
JOHNUA D. ARTERS*
ROBERT D. HUMMEL, IV
DAVID R. CONLEY
LYNDEY J. HURST

B. CHASE ELLBY
B. BARDIN HOOKS
DAPHNE S. WITHROW
WILLIAM W. MCGOWAN, III*
TYLER R. MORGAN*
MARIANNA L. JABLONSKI*

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
--- ALSO ADMITTED IN GA
▲ ALSO ADMITTED IN TX
▲ ALSO ADMITTED IN AL
▲ ALSO ADMITTED IN NY
▲ ALSO ADMITTED IN NC
▲ ALSO ADMITTED IN MD
▲ ADMITTED ONLY IN TN
▲ ADMITTED ONLY IN FL

September 11, 2013

Hand Delivered

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

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

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

Dear Jason:

The undersigned and this firm represent Riverview Office, LLC, the Applicant (hereinafter referred to as "Applicant"), and Crescent Communities, LLC, the Property Owner (hereinafter referred to as "Property Owner"), in their Application for Rezoning with regard to a total tract of 6.658 acres, more or less, located at the northerly intersection of Cumberland Boulevard with Cobb Galleria Parkway, southwesterly of Interstate 75, Land Lots 1014 and 1015, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with planning and zoning staff, reviewing the staff comments and recommendations; reviewing the uses of surrounding properties, and following

COBB COUNTY GEORGIA
 FILED IN OFFICE
 2013 SEP 11 AM 11:42
 COBB COUNTY ZONING DIVISION
 10 PM 11:00

MOORE INGRAM JOHNSON & STEELE

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

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

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

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

2014 FEB 10 PM 4:00
COBB COUNTY COMMUNITY DEVELOPMENT
PLANNING DIVISION

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all

MOORE INGRAM JOHNSON & STEELE

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

Petition No. 2-55
Meeting Date 9/12/13
Continued

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

- (2) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (3) The entrances to the proposed development shall be as more particularly shown and reflected on the referenced revised Zoning Site Plan.
- (4) There shall be a traffic signal installed at the project's main entrance on Cobb-Galleria Parkway, in the location as shown and reflected on the referenced revised Zoning Site Plan. Applicant shall be responsible for and pay to the Cobb County Department of Transportation all costs associated with the design and installation of the referenced traffic signal.
- (5) Entrance signage for the proposed overall development shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.
- (6) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process.
- (7) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (8) Additionally, hooded security lighting shall be utilized on the exteriors of the buildings and throughout the walkways, surface parking areas, and parking deck areas; excepting only, the individual townhome units which shall utilize only decorative, themed lighting as described above.

Cobb County Department of Planning and Zoning
2013 FEB 10 PM 4:00

MOORE INGRAM JOHNSON & STEELE

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

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

- (9) All dumpsters servicing any portion of the overall development shall be enclosed with a minimum six (6) foot high brick enclosure on three sides with a solid wooden screen gate or doors on the access side. All dumpsters shall contain rubber lids to minimize noise. Dumpsters shall be emptied Monday through Saturday from 5:00 a.m. to 7:00 p.m. and Sunday from 2:00 p.m. to 7:00 p.m.
- (10) Parking lot cleaning with the use of mechanical equipment shall be restricted to hours Monday through Saturday from 5:00 a.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 9:00 p.m.
- (11) Deliveries to the proposed retail uses shall be limited to between the hours of 5:00 a.m. to 11:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m. on Saturday and Sunday.
- (12) Store hours which are open to the public for the retail uses proposed for this development shall be limited to Monday through Saturday, 6:00 a.m. to 10:00 p.m. and Sunday from 6:00 a.m. to 9:00 p.m. Restaurants may remain open until 2:00 a.m.
- (13) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.
- (14) Minor modifications to the within stipulations, the referenced revised Zoning Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;

2014 FEB 10 PM 4:00

COBB COUNTY RECORDS
9100 W. BRIDGE
CUMMINGS

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 13
September 11, 2013

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

- (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or
 - (e) Change an access location to a different roadway.
- (15) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (16) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (17) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (18) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (19) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (20) All utilities for the proposed overall development shall be located underground.
- (21) The following uses shall be prohibited from the proposed overall development:
- (a) Video arcades as a primary use;

2014 FEB 10 PM 1:00

COBB COUNTY DEPARTMENT OF COMMUNITY DEVELOPMENT

MOORE INGRAM JOHNSON & STEELE

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

2-55
9/17/13

- (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, leasing, repair, and/or service facilities;
 - (d) Gas stations that sell gas and convenience stores;
 - (e) Truck and trailer leasing facilities;
 - (f) Automotive paint and body repair shops;
 - (g) Automotive upholstery shops;
 - (h) Billiards and pool halls which are the sole or predominant use;
 - (i) Bus stations (not to exclude bus stops);
 - (j) Fraternity and sorority house;
 - (k) Full-service gas stations;
 - (l) Light automotive repair;
 - (m) Rooming houses and boarding houses;
 - (n) Any form of adult entertainment business; and
 - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.
- (22) As to the overall development, there shall be "zero lot lines" among the various components within the development so as to allow for the free flow of access, parking, and the like.

COBB COUNTY COMMUNITY DEVELOPMENT
2014 FEB 10 PM 4:00

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 7 of 13
September 11, 2013

Permit No. 2-55
Issuing Date 9/17/13
Contract

- (23) There shall be a minimum of nine hundred forty-seven (947) on-site parking spaces for the proposed overall development, as follows:
 - (a) Parking Deck - 441 spaces;
 - (b) Grade Level and Two Levels Below Grade Level Parking - 461 spaces;
 - (c) Townhome and Street Parking - 45 spaces.

- (23) Applicant shall have performed a ULI Shared Parking Study to determine if nine hundred forty-seven (947) parking spaces are sufficient based upon shared use by office, retail, and residential users. Applicant shall present the Study to the Cobb County Zoning Office and the Cobb County Department of Transportation as soon as possible after the final hearing before the Cobb County Board of Commissioners. Cobb County Department of Transportation and the Cobb County Zoning Office approval of the Study will be a condition which must be achieved prior to permitting.

- (24) There shall not be required decel lanes at the entrances to the proposed Project. However, if the Cobb County Department of Transportation should later believe that, due to traffic issues presented, decel lanes in some form are required, then the Cobb County Department of Transportation shall present a request therefor to the Cobb County Board of Commissioners in "Other Business," and the Board shall determine whether to require a decel lane or lanes and the exact requirements therefor. If the Board of Commissioners decides that a decel lane or lanes are required, Applicant agrees to install and construct said lane(s) at its sole cost and expense.

- (25) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of the structures, and shall not be parked on or along Cobb Galleria Parkway and Cumberland Boulevard. There will be no stacking of vehicles on either road waiting for entry onto the Subject Property.

RECEIVED
SEP 17 2013
Cobb County Zoning Office
2:49 PM

MOORE INGRAM JOHNSON & STEELE

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

Petition No. 2-55
Meeting Date 9/17/13
(Final)

I. OFFICE COMPONENT

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

II. RESIDENTIAL COMPONENT

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

2014 FEB 10 PM 4:00
Cobb County Zoning Division
MOORE INGRAM JOHNSON & STEELE

MOORE INGRAM JOHNSON & STEELE

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

Project No. 2-55
Meeting Date 9/17/13
City Council

- (i) Units shall consist of one, two, and three bedrooms;
 - (ii) Unit size shall range from a minimum of 540 square feet in a one-bedroom unit to a maximum of 1,600 square feet in a three-bedroom unit. The average unit shall be approximately 1,000 square feet of heated living space;
 - (iii) Building architecture and exterior façade shall be complementary to the office building.
- (2) Floor plans and finishes for the residential units shall consist, at a minimum, of the following:
- (a) Enhanced corian, granite, or marble counter tops, or other solid surface materials;
 - (b) Minimum ceiling heights:
 - i) Minimum 9 feet, except in furred-down areas, from floor to finished ceiling and greater; and
 - ii) Minimum 10 feet between floors;
 - (c) European or upscale wooden face-frame cabinetry;
 - (d) Top-of-the line appliances;
 - (e) Extra-deep stainless steel sinks and side-by-side refrigerators/freezers as upgrades;
 - (f) A selection of faux hardwood flooring, high-end carpet, and tile throughout;
 - (g) Spacious open floor plans which eliminate the necessity for typical hallways within the units;
 - (h) Brushed chrome, brushed nickel, or oiled rubbed bronze bathroom and kitchen fixtures;
 - (i) Ceramic tile or faux hardwood bathrooms and laundry rooms;

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY
2014 FEB 10 PM 4:01

MOORE INGRAM JOHNSON & STEELE

Mr. Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
Page 10 of 13
September 11, 2013

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

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

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY
2013 FEB 10 PM 4:01
COBB COUNTY RECORDS

MOORE INGRAM JOHNSON & STEELE

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

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

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

III. RETAIL COMPONENT

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

2013 FEB 10 PM 4:01

Cobb County Community Development Agency

MOORE INGRAM JOHNSON & STEELE

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

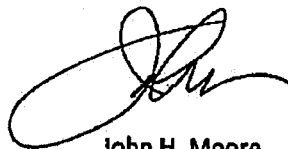
Permit No 2-55
Meeting Date 9/17/13
Continued

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

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Attachment

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

Mike Terry, Chairman
Cobb County Planning Commission
(With Copy of Attachment)

COBB COUNTY ZONING DIVISION
2014 FEB 10 PM 4:01
COBB COUNTY ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

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

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

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

Riverview Office, LLC
(With Copy of Attachment)

COBB COUNTY COMMUNITY DEVELOPMENT
2514 FEB 10 PM 4:01
COBB COUNTY ZONING DIVISION

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

RIVERVIEW
 LAND LOTS 9, 10, 11 & 12
 OF THE 17TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA
 CURRENT ZONING OHR
 PROPOSED ZONING RNC

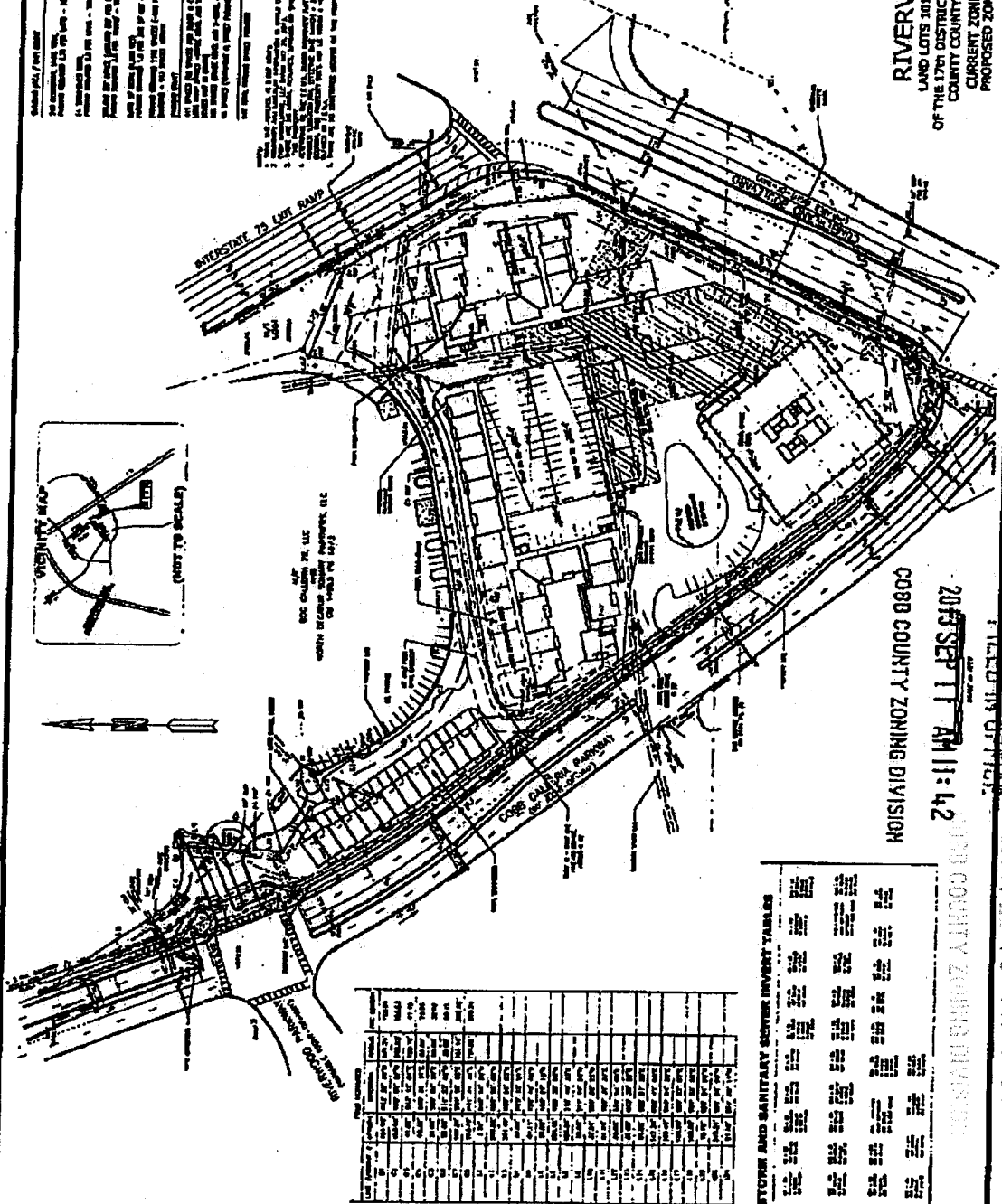
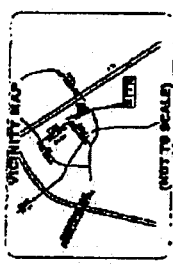
1. The proposed zoning change is consistent with the Comprehensive Zoning Ordinance of Cobb County, Georgia, as amended.

2. The proposed zoning change is in the public interest and is necessary for the proper development and use of the land.

3. The proposed zoning change is in accordance with the Comprehensive Zoning Ordinance of Cobb County, Georgia, as amended.

4. The proposed zoning change is in the best interests of the community and is necessary for the proper development and use of the land.

5. The proposed zoning change is in accordance with the Comprehensive Zoning Ordinance of Cobb County, Georgia, as amended.



Lot No.	Area (Ac.)	Proposed Zoning	Current Zoning
1	0.15	RNC	OHR
2	0.15	RNC	OHR
3	0.15	RNC	OHR
4	0.15	RNC	OHR
5	0.15	RNC	OHR
6	0.15	RNC	OHR
7	0.15	RNC	OHR
8	0.15	RNC	OHR
9	0.15	RNC	OHR
10	0.15	RNC	OHR
11	0.15	RNC	OHR
12	0.15	RNC	OHR

STORM AND SANITARY COVER INVERT TABLES

Station	Storm Invert	Sanitary Invert
1+00	10.00	10.00
2+00	10.00	10.00
3+00	10.00	10.00
4+00	10.00	10.00
5+00	10.00	10.00
6+00	10.00	10.00
7+00	10.00	10.00
8+00	10.00	10.00
9+00	10.00	10.00
10+00	10.00	10.00

COBB COUNTY ZONING DIVISION
 2013 SEP 11 AM 11:42
 COBB COUNTY ZONING DIVISION
 FILED IN OFFICE
 COBB COUNTY GEORGIA
 SEP 10 PM 4:01

EXHIBIT "A"

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJG.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON^{1,2}
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J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON G. CARMACK
KEVIN B. CARLOCK¹
ALEXANDER T. GALLOWAY III¹
J. KEVIN MOORE
ROONEY R. MCCOLLOCH⁴
SUSAN S. STUART
BRIAN D. SMITH
HARRY N. TEAR III
W. TROY HART^{1,3}
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS
WILLIAM R. WINDERS, JR.²

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ANGELA D. TARTLINE
CAREY E. OLSON²
CHARLES E. PIERCE²
PRESTON D. HOLLOWAY
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APRIL R. HOLLOWAY
CARLA C. WESTER²
ADON J. SOLOMON²
AMY L. JETT²
JEFF C. MORMAN²
RYAN M. INGRAM
SHAWN G. SKELTON
KRISTEN C. STEVENSON²
CARLY R. FEDELE

MARIETTA, GEORGIA
EMERSON OVERLOOK
525 ROXBELL ST
MARIETTA, GEORGIA 30060
TELEPHONE (770) 429-1480

KNOXVILLE, TENNESSEE
406 N. CEDAR BLUFF RD • STE 400
KNOXVILLE, TENNESSEE 37925
TELEPHONE (423) 592-8039

JACKSONVILLE, FLORIDA
10161 DEERWOOD PARK BLVD • BLDG 202, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1485

NASHVILLE, TENNESSEE
3200 WEST END AVE • STE 400
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 428-7347

LOUISVILLE, KENTUCKY
9900 CORPORATE CAMPUS DR • STE 300A
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8921

CHARLESTON, SOUTH CAROLINA
4900 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 392-0092

SARAH H. BEET¹
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JULIE C. FULLER²
JODI B. LODEN²
TAMMI L. BROWN
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DAVID A. HURTADO
J. MARSHALL WEHUNT
JONATHAN J. SMITH
MONTOYA W. HO-SANG¹
TRISTAN B. MORRISON²
WILLIAM S. WARHAM²
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN²
GRAHAM P. ROBERTS
DAVID J. OTTEN²
JONATHAN B. PUTRELL
JOSHUA D. ANTERS²
MORBERT O. HUMMEL, IV
DAVID P. COMLEY
LYNDBREY J. HURST

B. CHASE ELLERY
G. BARDON HOOKS
DAPHNE S. WITHROW
WILLIAM W. MCGOWAN, III²
TYLER R. MORGAN²
MARIANNA L. JABLONSKI²

OF COUNSEL:
JOHN L. SKELTON, JR.²

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

September 16, 2013

Via E-mail and First-Class Mail

Mr. Wade H. Goetz
Baker Dennard & Goetz
Suite 1225
3424 Peachtree Road
Atlanta, Georgia 30326

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

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

Dear Mr. Goetz:

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

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

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

COBB COUNTY RECORDS
 2013 SEP 10 PM 4:01
 COBB COUNTY ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

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

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

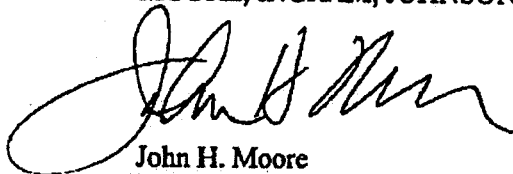
The last issue raised by your e-mail is the notation on the Zoning Site Plan as to a "billboard." In this regard, Applicant agrees that there shall be no billboard proposed or approved by the Cobb County Board of Commissioners as a result of this rezoning request.

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

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachment

c: Cobb County Board of Commissioners:

Timothy D. Lee, Chairman
Helen C. Goreham
Robert J. Ott
Joanne Birrell
Lisa N. Cupid
(With Copy of Attachment)
(Via E-mail Only)

Mike Terry, Chairman
Cobb County Planning Commission
(With Copy of Attachment)
(Via E-mail Only)

COBB COUNTY ZONING DIVISION
2014 FEB 10 PM 4:01

MOORE INGRAM JOHNSON & STEELE

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

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

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

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

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

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

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

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

COBB COUNTY RECORDS
PLANNING DEPARTMENT
2013 FEB 10 PM 4:01
COBB COUNTY ZONING DIVISION

APPLICANT: Riverview Office, LLC PETITION NO.: Z-55
 PRESENT ZONING: OHR PETITION FOR: RRC

TRANSPORTATION COMMENTS

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

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

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

COMMENTS AND OBSERVATIONS

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

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

RECOMMENDATIONS

Recommend no access to Cumberland Boulevard.

Recommend a traffic study.

Recommend a FAA study.

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

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

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

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

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

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

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

2014 FEB 10 PM 4:01
 COBB COUNTY ZONING DEPARTMENT
 5150 HUNTERS BLVD
 KENNESAW, GA 30144

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

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

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

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

COBB COUNTY GEORGIA
PLANNING DEPARTMENT
2014 FEB 10 PM 4:01
COBB COUNTY ZONING DEPARTMENT

EXHIBIT “4”

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-55 (2013) –
NOVEMBER 19, 2013**

COBB COUNTY GEORGIA
FILED IN 2013
2014 FEB 10 PM 4:01
COBB COUNTY ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 19, 2013
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, November 19, 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 (arrived at 11:19 a.m.)
Vice Chair JoAnn Birrell
Commissioner Lisa Cupid
Commissioner Helen Goreham
Commissioner Bob Ott

O.B. 4 To consider a stipulation amendment for Riverview Office, LLC regarding rezoning application Z-55 of 2013 (Riverview Office, LLC), for property located on the east side of Cobb Galleria Parkway and Cumberland Boulevard, and on the southwest side of Interstate 75, in Land Lots 1014 and 1015 of the 17th District.

Mr. Pederson provided information regarding a stipulation amendment. 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 Birrell, to **approve** Other Business Item No. 4 for stipulation amendments regarding for Riverview Office, LLC, application Z-55 of 2013 (Riverview Office, LLC), for property located on the east side of Cobb Galleria Parkway and Cumberland Boulevard, and on the southwest side of Interstate 75, in Land Lots 1014 and 1015 of the 17th District **subject to:**

- **Exhibit B received by the Zoning Division November 8, 2013 (attached and made a part of these minutes)**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: ADOPTED unanimously

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Min. Bk. 70 Petition No. 034

Doc. Type Exhibit B

Meeting Date 11/19/13

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

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

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

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

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

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

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

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

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

- (1) The office component of the proposed development shall consist of a maximum 10-story office tower containing approximately 225,000 square feet. The 10-story maximum does not include the two levels of parking underneath the building and plaza.

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

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

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

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

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

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

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

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