

**JULY 15, 2014 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM OB-38**

**PURPOSE**

To consider a stipulation amendment for Trammell Crow Residential regarding rezoning application Z-64 of 2013 (Pope & Land Enterprises, Inc.), for property located at the southwest intersection of Cumberland Boulevard and Cobb Parkway in Land Lots 977, 1015 and 1016 of the 17<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned in 2013 for a mixed use development consisting of residential units, office and retail. The applicant is ready to develop the property, but cannot due to a stormwater comment concerning stormwater easements. The applicant has developed a drainage plan that discharges water into the Cumberland Boulevard right-of-way and into an existing drainage channel located at the southeast corner of the property. Water already flows into this drainage channel from the property, and the applicant states that the post development water flow will be less than water flow prior to development. The comment the applicant wishes to delete from Stormwater Management comments is:

*“Unless easement agreements are obtained from the downstream property owners, the facility must discharge to the existing stormwater system in the Cumberland Boulevard right-of-way.”*

If approved, all previous zoning conditions not in conflict would remain in effect.

**FUNDING**

N/A

**STAFF COMMENTS**

Stormwater Management: All other stormwater comments to remain in effect.

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application and current zoning stipulations.

(Stipulation Amendment)

# Application for "Other Business"

## Cobb County, Georgia

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

COBB COUNTY GEORGIA  
FILED IN OFFICE

OB-38

BOC Hearing Date Requested: 07/15/2014

COBB COUNTY ZONING DIVISION  
Phone #:

**Applicant:** Trammell Crow Residential  
(applicant's name printed)

**Address:** Suite 475, 800 Mount Vernon Highway, **E-Mail:** lwood@tcresidential.com

Moore Ingram Johnson & Steele, LLP Atlanta, GA 30328

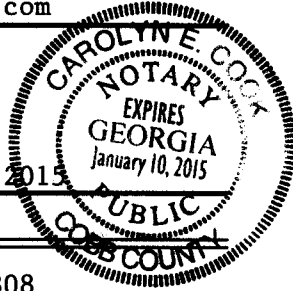
**John H. Moore** **Address:** Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

**BY:** [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijs.com  
(representative's signature) w7@mijs.com

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]  
Notary Public

My commission expires: January 10, 2015



**Titleholder(s):** CBL Investors, LLC and City View Holdings, L.P. **Phone #:** (770) 980-0808  
(property owner's name printed)

**Address:** Suite 400, 3225 Cumberland Boulevard, **E-Mail:** \_\_\_\_\_  
Atlanta, GA 30339

**See Exhibit "A" Attached Collectively for Signatures of Owners' Representatives**  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public My commission expires: \_\_\_\_\_

**Commission District:** 2 (Ott) **Zoning Case:** Z-64 (2013)

**Date of Zoning Decision:** 12/17/2013 **Original Date of Hearing:** 11/19/2013

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

**Land Lot(s):** 977, 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)

COBB COUNTY GEORGIA  
FILED IN OFFICE

2014 JUN 16 11 4 25  
**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(STIPULATION AMENDMENT)**

COBB COUNTY ZONING DIVISION

**Application No.:** Z-64 (2013)  
**Original Hearing Date:** November 19, 2013  
**Date of Zoning Decision:** December 17, 2013  
**Current Hearing Date:** July 15, 2014

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant:** Trammell Crow Residential  
**Titleholders:** CBL Investors, LLC and  
City View Holdings, L.P.

CBL INVESTORS, LLC, a Georgia limited liability company

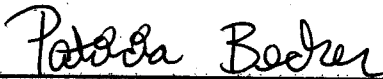
**BY:** P&L CBL Holdings, LLC, a Georgia limited liability company, Manager

**By:**  (SEAL)  
Lawrence P. Kelly  
Manager

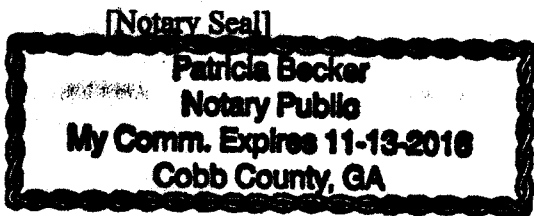
**Address:** Suite 400  
3225 Cumberland Boulevard  
Atlanta, Georgia 30339

**Telephone No.:** (770) 980-0808

Signed, sealed, and delivered in the presence of:



Notary Public  
Commission Expires: \_\_\_\_\_



COBB COUNTY GEORGIA  
FILED IN OFFICE

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
COBB COUNTY ZONING DIVISION  
APPROX 10 PM 4:23 (STIPULATION AMENDMENT)

COBB COUNTY ZONING DIVISION

**Application No.:** Z-64 (2013)  
**Original Hearing Date:** November 19, 2013  
**Date of Zoning Decision:** December 17, 2013  
**Current Hearing Date:** July 15, 2014

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant:** Trammell Crow Residential  
**Titleholders:** CBL Investors, LLC and  
City View Holdings, L.P.

CITY VIEW HOLDINGS, L.P., a Georgia limited liability partnership

BY: Pope & Land Enterprises, Inc., a Georgia corporation, its General Partner

By:

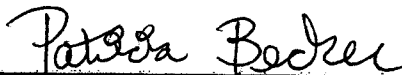
  
Lawrence P. Kelly  
President

[Corporate Seal]

**Address:** Suite 400  
3225 Cumberland Boulevard  
Atlanta, Georgia 30339

**Telephone No.:** (770) 980-0808

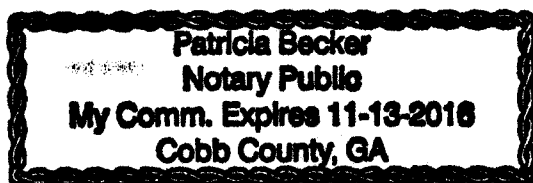
Signed, sealed, and delivered in the presence of:



Notary Public

Commission Expires: \_\_\_\_\_

[Notary Seal]



**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**

2014 JUN 10 PM 4: 23

(STIPULATION AMENDMENT)

COBB COUNTY ZONING DIVISION

**Application No.:** Z-64 (2013)  
**Original Hearing Date:** November 19, 2013  
**Date of Zoning Decision:** December 17, 2013  
**Current Hearing Date:** July 15, 2014

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant:** Trammell Crow Residential  
**Titleholders:** CBL Investors, LLC and  
City View Holdings, L.P.

The property which is the subject of this Application for "Other Business" is 5.843 acres, more or less, and is located on the southerly side of Cumberland Boulevard, west of Cobb Parkway, in Land Lots 977, 1015, and 1016, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property was rezoned to the Urban Village Commercial ("UVC") zoning classification by the Cobb County Board of Commissioners on December 17, 2013, to allow its use as a mixed-use development.

With the filing of this Application for "Other Business," Applicant seeks the deletion in its entirety of a portion of one Stormwater Management Comment, found on page 8, Additional Comments, No. 1, which reads as follows:

- (1) . . . Unless easement agreements are obtained from the downstream property owners, the facility must discharge to the existing stormwater system in the Cumberland boulevard right-of-way. . . .

Applicant desires to delete the referenced sentence from the Stormwater Management Comments because of discharge off this site, other than the discharge in the Cumberland Boulevard right-of-way, discharge will go into an existing drainage channel for the Subject Property. Following development, the discharge into the drainage channel will be much less than prior to development.

The balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Cobb County Board of Commissioners Zoning Hearing held on December 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.

**AMENDED SITE PLAN  
APPROVED BY DISTRICT COMMISSIONER  
ON MAY 13, 2014**

COBB COUNTY GEORGIA  
FILED IN OFFICE

24 HOUR CONTACT: 2014  
LEONARD WOOD (404) 290-7749

SITE ADDRESS  
CUMBERLAND BOULEVARD  
ATLANTA, GA 30339

ADA NOTE:  
SLOPE SHALL BE 2% TO 4%  
MIN.

**SITE DATA:**  
TOTAL AREA: 1.50 ACRES  
DEVELOPED AREA: 1.30 ACRES  
UNDEVELOPED AREA: 0.20 ACRES  
ZONING: R-10  
SUBDIVISION: CUMBERLAND BOULEVARD  
OWNER: TRAMMELL CROW RESIDENTIAL  
DESIGNER: ALEXAN CITY VIEW  
DATE: 03/25/2014

**APPLICABLE REGULATIONS:**  
CUMBERLAND BOULEVARD (VAR. R/W)  
CUMBERLAND BOULEVARD (VAR. R/W)  
CUMBERLAND BOULEVARD (VAR. R/W)

**EXISTING UTILITIES:**  
WATER: 12" DUCTILE IRON PIPE  
SEWER: 12" DUCTILE IRON PIPE  
GAS: 8" BLACK IRON PIPE  
ELECTRIC: 4" PVC CONDUIT

**PROPOSED UTILITIES:**  
WATER: 12" DUCTILE IRON PIPE  
SEWER: 12" DUCTILE IRON PIPE  
GAS: 8" BLACK IRON PIPE  
ELECTRIC: 4" PVC CONDUIT

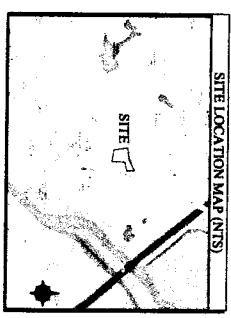
**EXISTING CONDITIONS:**  
EXISTING BUILDING  
EXISTING DRIVEWAY  
EXISTING DRIVEWAY

**PROPOSED CONDITIONS:**  
PROPOSED BUILDING  
PROPOSED DRIVEWAY  
PROPOSED DRIVEWAY

**PROPOSED GRADING:**  
PROPOSED GRADING  
PROPOSED GRADING  
PROPOSED GRADING

**PROPOSED PAVING:**  
PROPOSED PAVING  
PROPOSED PAVING  
PROPOSED PAVING

**PROPOSED LANDSCAPE:**  
PROPOSED LANDSCAPE  
PROPOSED LANDSCAPE  
PROPOSED LANDSCAPE

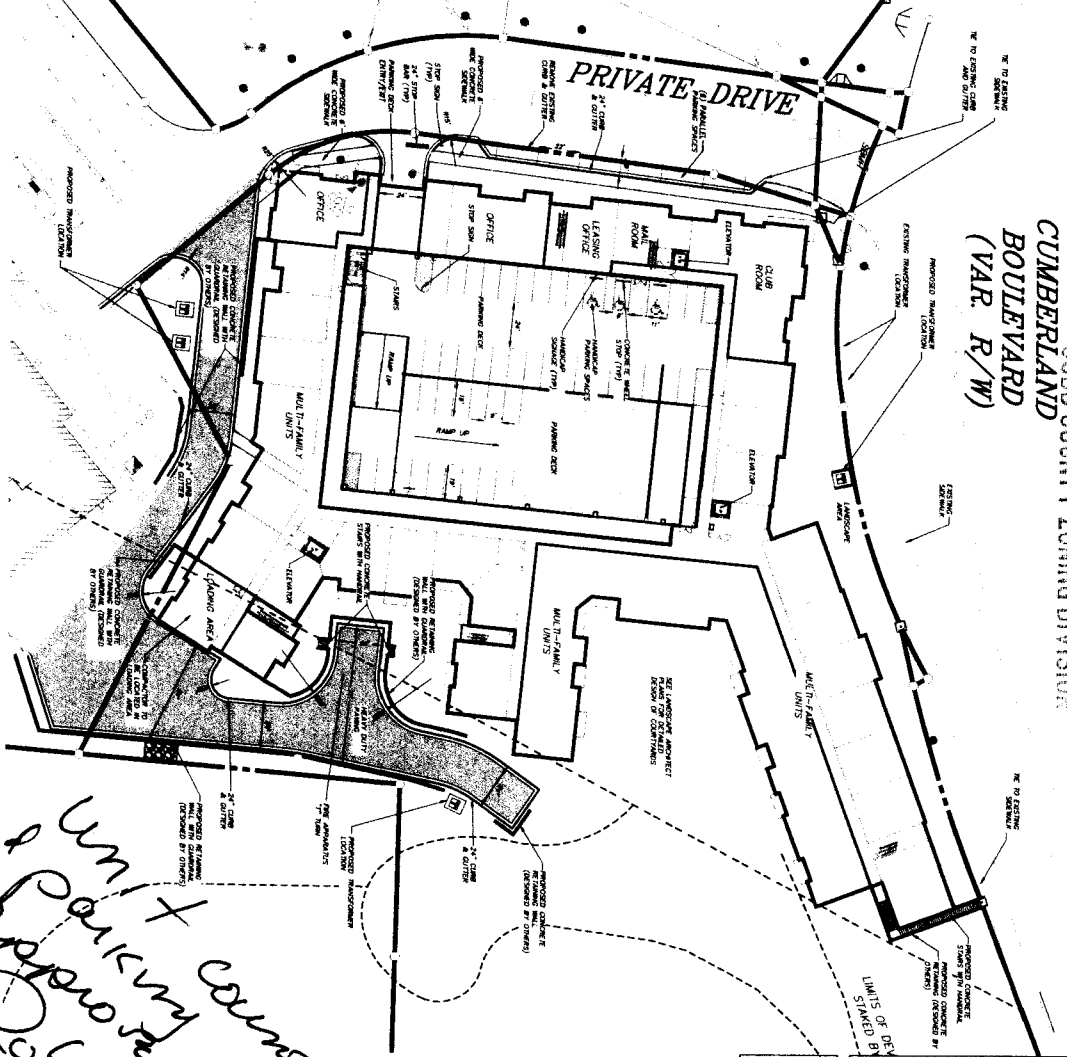


**GENERAL NOTES:**  
1. ALL UTILITIES SHOWN ARE BASED ON THE LATEST AVAILABLE RECORDS AND FIELD SURVEY. THE CONTRACTOR SHALL VERIFY THE LOCATION AND DEPTH OF ALL UTILITIES PRIOR TO CONSTRUCTION.  
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.  
3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC UTILITIES AT ALL TIMES.  
4. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES THAT ARE NOT TO BE REMOVED OR ALTERED.  
5. THE CONTRACTOR SHALL MAINTAIN ADEQUATE DRAINAGE AND EROSION CONTROL MEASURES THROUGHOUT THE CONSTRUCTION PROCESS.  
6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC UTILITIES AT ALL TIMES.  
7. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES AND SUBMIT THEM TO THE ARCHITECT UPON COMPLETION OF THE PROJECT.

**NOTES:**  
1. THERE IS NO ONE-YEAR RAINFALL RECORD FOR THIS AREA.  
2. DETERMINATION OF SOIL TYPE AND PERMEABILITY SHALL BE MADE BY A REGISTERED PROFESSIONAL ENGINEER.  
3. WATER QUALITY PROVIDED WITH A REGISTERED PROFESSIONAL ENGINEER'S FACILITY.  
4. WATER QUALITY PROVIDED WITH A REGISTERED PROFESSIONAL ENGINEER'S FACILITY.

**ZONING NOTES:**  
1. THE CONTRACTOR SHALL OBTAIN ALL NECESSARY PERMITS AND APPROVALS FROM THE APPLICABLE AGENCIES.  
2. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC UTILITIES AT ALL TIMES.  
3. THE CONTRACTOR SHALL PROTECT ALL EXISTING UTILITIES AND STRUCTURES THAT ARE NOT TO BE REMOVED OR ALTERED.  
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6. THE CONTRACTOR SHALL MAINTAIN ADEQUATE RECORDS OF ALL CONSTRUCTION ACTIVITIES AND SUBMIT THEM TO THE ARCHITECT UPON COMPLETION OF THE PROJECT.

**COBB ADA NOTE:**  
SLOPE SHALL BE 2% TO 4% MIN.



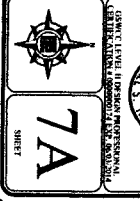
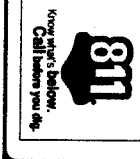
*Unit + parking count  
& approved  
5/13/14*

**LANDSCAPE MAINTENANCE NOTE:**  
LANDSCAPE MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE OWNER.  
LANDSCAPE MAINTENANCE SHALL BE THE RESPONSIBILITY OF THE OWNER.

**SITE AND GRADING NOTES:**  
SLOPE SHALL BE 2% TO 4% MIN.  
SLOPE SHALL BE 2% TO 4% MIN.

**COBB COUNTY CEMETERY PRESERVATION NOTE:**  
THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC UTILITIES AT ALL TIMES.  
THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC UTILITIES AT ALL TIMES.

**COBB FIRE & EMERGENCY NOTES:**  
THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC UTILITIES AT ALL TIMES.  
THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AND PUBLIC UTILITIES AT ALL TIMES.



**30-SCALE SITE PLAN**  
SCALE: 1" = 30'  
DATE: MARCH 25, 2014  
PROJECT: 98138.02A

NO.	DATE	BY	DESCRIPTION

**ALEXAN CITY VIEW**  
A MASTER PLANNED MULTI-FAMILY DEVELOPMENT  
FOR  
TRAMMELL CROW RESIDENTIAL  
800 Mount Vernon Highway  
Suite 475  
Atlanta, GA 30328  
770-801-3214

**PLANNERS AND ENGINEERS COLLABORATIVE**  
SITE PLANNING • LANDSCAPE ARCHITECTURE • CIVIL ENGINEERING • LAND SURVEYING  
350 RESEARCH COURT • NORCROSS, GEORGIA 30092 • (770) 451-2741 • FAX: (770) 451-3915 • WWW.PECAT.COM

**OFFICIAL MINUTES OF BOARD OF  
COMMISSIONERS ZONING HEARING  
AS TO APPLICATION FOR REZONING  
NO. Z-64 (2013) – DECEMBER 17, 2013**



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

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 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:

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

**Z-64**      **POPE & LAND ENTERPRISES, INC.** (CBL Investors, LLC, and City View Holdings, L.P., owners) requesting Rezoning from **O&I** and **RSL** to **UVC** for the purpose of a Mixed-Use Community in Land Lots 977, 1015 and 1016 of the 17<sup>th</sup> District. Located at the southwest intersection of Cumberland Boulevard and Cobb Parkway A/K/A Highway 41. *(Previously continued by the Board of Commissioners from their November 19, 2013 hearing)*

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 Lee, to approve Rezoning to the **UVC** zoning district **subject to:**

- **Site plan received by the Zoning Division September 5, 2013 (attached and made a part of these minutes)**
- **Letter of agreeable conditions from Mr. John Moore, dated October 30, 2013, including exhibits (attached and made a part of these minutes) with the following changes:**
  - **Item No. 9 on page 6, delete and replace with: “Minor modifications to this plan may be approved by the District Commissioner, except for those that: 1) increase the density of a residential project or the overall square footage of a non-residential project; 2) reduce the size of an approved buffer adjacent to a property that is zoned the same or is more restrictive in its zoning; 3) relocate a structure closer to the property line of an adjacent property that is zoned the same or is more restrictive; 4) increase the height of a building that is adjacent to a property that is zoned the same or is more restrictive in its zoning; 5) change an access location to a different roadway.”**
  - **Item No. 18 on page 7, add to the end: “The need for additional parking spaces will be fully investigated and resolved at Plan Review, by way of a parking study and a shared parking arrangement study that will be presented at that time.”**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Revised Cobb DOT comments and recommendations (attached and made a part of these minutes)**

**VOTE: ADOPTED** unanimously

HGOR



Z-64  
(2013)

ALEXAN AT OVERL  
SOUTHWEST QUADRANT OF CUMBERLAND  
Tract: Trained Crow Residential  
Map: 441, Pope and L.A. 2

PROPOSED  
SITE  
CONDITIONS

DATE: 12/19/13  
DRAWN BY: [Name]  
CHECKED BY: [Name]

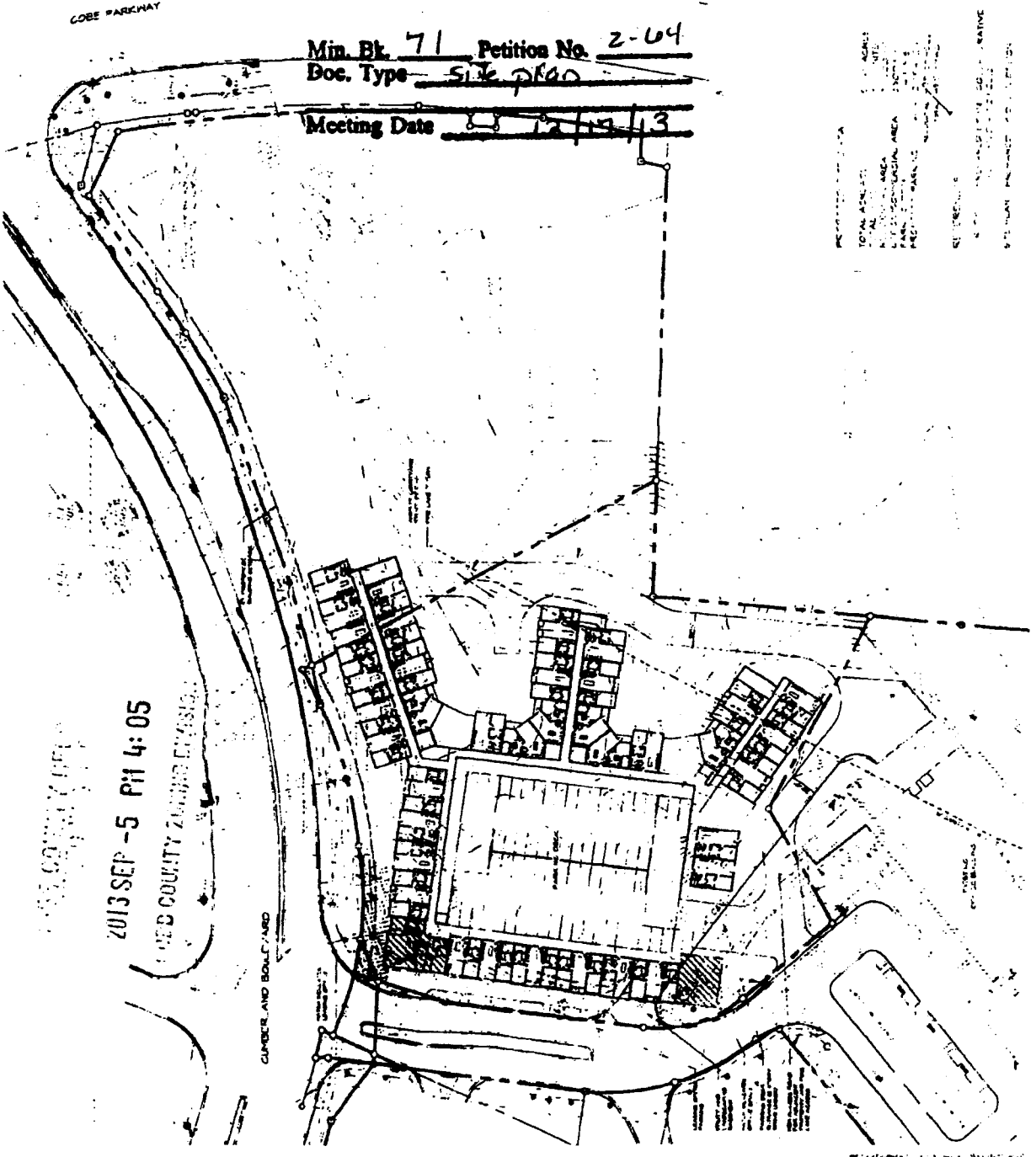
LEGAL DESCRIPTION  
PARCEL F

Parcel F is a portion of the Trained Crow Residential Tract, as shown on the map of the Trained Crow Residential Tract, Map 441, Pope and L.A. 2, recorded in the Public Records of the County of Cumberland, Maryland, at Page 100, Volume 100, and is bounded as follows: ...

LEGAL DESCRIPTION  
PARCEL S

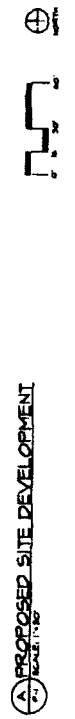
Parcel S is a portion of the Trained Crow Residential Tract, as shown on the map of the Trained Crow Residential Tract, Map 441, Pope and L.A. 2, recorded in the Public Records of the County of Cumberland, Maryland, at Page 100, Volume 100, and is bounded as follows: ...

- THE FOLLOWING CONDITIONS DO NOT APPLY:
- LANDS AND STREAMS
- ADJACENT TO A FLOOD PLAIN AND
- CRITERIA FOR FLOOD PLAIN
- WETLANDS
- NATURAL OR ARCHAEOLOGICAL
- LANDMARKS
- STREAMS & LEB WITH REQUIRED NOTICES



Min. Bk. 71 Petition No. 2-64  
 Doc. Type SITE PLAN  
 Meeting Date 12/19/13

TOTAL ACRES: [Value]  
 TOTAL AREA: [Value]  
 TOTAL PAVED AREA: [Value]  
 TOTAL PARKING: [Value]



2013 SEP -5 PM 4:05  
 CUMBER COUNTY ZONING DIVISION

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
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  
BRIAN D. SMITH  
HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAXE  
KIM A. ROPER  
VICTOR P. VALMUS  
WILLIAM R. WINDERS, JR.†

ANGELA H. SMITH†  
JOYCE W. HARPER  
CHRISTOPHER C. MINGLEDDORFF†  
ANGELA D. TARTLINE  
CAREY E. OLSON†  
CHARLES E. PIERCE†  
PRESTON D. HOLLOWAY  
WILMA R. BUSH  
GREGORY H. FULLER†  
VERONICA L. RICHARDSON  
TODD I. HEIRD†  
ALEXANDER B. MORRISON†  
DOUGLAS W. BUTLER, JR.  
APRIL R. HOLLOWAY  
CARLA G. WESTER†  
ADON J. SOLOMON†  
AMY L. JETT†  
JEFF C. MORMAN†  
RYAN M. INGRAM  
SHAWN G. SHELTON  
KRISTEN C. STEVENSON†  
CARLY R. FEDELE

**MARIETTA, GEORGIA**  
EMERSON OVERLOOK  
326 ROSSWELL ST  
MARIETTA, GEORGIA 30066  
TELEPHONE (770) 429-1488

**KNOXVILLE, TENNESSEE**  
408 N. CEDAR BLUFF RD • STE 500  
KNOXVILLE, TENNESSEE 37823  
TELEPHONE (865) 853-8038

**JACKSONVILLE, FLORIDA**  
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250  
JACKSONVILLE, FLORIDA 32256  
TELEPHONE (904) 428-1466

**NASHVILLE, TENNESSEE**  
3200 WEST END AVE • STE 500  
NASHVILLE, TENNESSEE 37203  
TELEPHONE (615) 425-7347

**LOUISVILLE, KENTUCKY**  
8900 CORPORATE CAMPUS DR • STE 3000  
LOUISVILLE, KENTUCKY 40223  
TELEPHONE (502) 418-5821

**CHARLESTON, SOUTH CAROLINA**  
4800 B. FABER PLACE DR • STE 300  
CHARLESTON, SOUTH CAROLINA 29405  
TELEPHONE (843) 552-1800

October 30, 2013

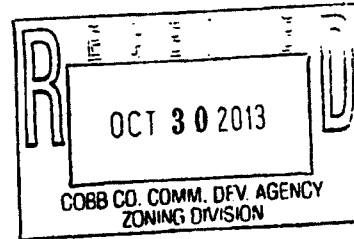
SARAH H. BEST††  
RYAN C. EDENS†  
JULIE C. FULLER†  
JODI B. LODEN†  
TAMMI L. BROWN  
TRAVIS R. JACKSON  
DAVID A. HURTADO  
J. MARSHALL WENHUNT  
JONATHAN J. SMITH  
MONTAYA M. HO-SANG†  
TRISTAN B. MORRISON†††  
WILLIAM B. WARIHAY†  
W. COLLINS BROWN  
ROBERT A. BUTLER  
COLLEEN K. HORN††††  
GRAHAM P. ROBERTS  
DAVID J. OTTEN†  
JONATHAN S. FUTRELL  
JOSHUA D. ARTERS†  
NORBERT D. HUMMEL, IV  
DAVID P. CONLEY  
LYNDBEY J. HURST

B. CHASE ELLEBY  
G. 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 CA  
- ALSO ADMITTED IN TX  
- ALSO ADMITTED IN AL  
† ALSO ADMITTED IN KY  
† ALSO ADMITTED IN NC  
# ALSO ADMITTED IN MO  
# ADMITTED ONLY IN TN  
# ADMITTED ONLY IN FL

Hand Delivered

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-64 (2013)  
Applicant: Pope & Land Enterprises, Inc.  
Property Owners: CBL Investors, LLC and City View Holdings, L.P.  
Property: 5.843 acres located at the intersection of the southerly right-of-way of Cumberland Boulevard and the westerly right-of-way of Cobb Parkway (U.S. Highway 41), Land Lots 977, 1015, and 1016, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Min. Blk. 71 Petition No. 2-64  
Doc. Type letter of agreeable conditions  
Meeting Date 12/17/13

Dear Jason:

The undersigned and this firm represent Pope & Land Enterprises, Inc., the Applicant (hereinafter referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of 5.843 acres, more or less, located at the intersection of the southerly right-of-way of Cumberland Boulevard and the westerly right-of-way of Cobb Parkway (U.S. Highway 41), Land Lots 977, 1015, and 1016, 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; and reviewing the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 8  
October 30, 2013

Petition No. 2-64  
Meeting Date 12/17/13  
Continued

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. The proposed 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 classifications of Office Institutional ("OI") and Residential Senior Living (supportive) ("RSL") to the proposed zoning classification of Urban Village Commercial ("UVC"), site plan specific to the revised Zoning Site Plan prepared for Applicant by Hughes Good O'Leary & Ryan, dated September 5, 2013, and filed with the Application for Rezoning on that date. A reduced copy of the revised Zoning Site Plan is attached hereto as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of approximately 5.843 acres of total site area and shall be developed for a mixed-use development consisting of residential units, with supporting office and retail development.

**I. RESIDENTIAL COMPONENT**

- (1) The residential component of the proposed development shall have a maximum of three hundred (300) residential leased units contained within mid-rise buildings, a maximum of eight (8) stories in height, as more particularly shown and reflected on the Zoning Site Plan. Specifics as to the units are as follows:
  - (i) Units shall consist of one, two, and three bedrooms;
  - (ii) Unit size shall range from a minimum of 700 square feet to a maximum of 1,100 square feet, and greater.
- (2) The buildings comprising the proposed development shall be constructed in substantial conformity with the rendering attached hereto as Exhibit "B" and incorporated herein by reference.

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- (3) 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 from floor to finished ceiling and greater; and
    - ii) Minimum 10 feet between floors;
  - (c) Upscale wooden face-frame cabinetry with overlay doors;
  - (d) Top-of-the line appliances, stainless steel or equivalent;
  - (e) Extra-deep stainless steel sinks and side-by-side refrigerators/freezers as upgrades;
  - (f) A selection of hardwood-type 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 bathrooms and laundry rooms;
  - (j) Brushed chrome bathroom and kitchen fixtures;
  - (k) Spacious walk-in closets;
  - (l) High-speed internet wiring in all rooms of each unit;
  - (m) Garden tubs with showers as an upgrade;
  - (n) Eight (8) foot entry doors subject to fire rating;

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- (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.
- (4) Parking for residents of the proposed residential development shall be within the parking deck located in the center of the overall proposed development and surface parking, as more particularly shown and reflected on the referenced Zoning Site Plan.
- (5) 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.
- (6) The residents within the proposed residential community will utilize a compactor system for refuse.
- (7) All residential 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.
- (8) During the period of time residential units shall be leased, and prior to conversion to "for sale" units, all residential 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.
- (9) 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

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Declaration of Condominium which shall contain covenants, rules, and regulations applicable to the proposed residential condominium community.

- (10) 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.
- (11) 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.

**II. OFFICE AND RETAIL COMPONENT**

- (1) The office and retail component of the proposed development shall consist of approximately 10,000 square feet which will include the business centers for the development.
- (2) Parking for tenants and customers of the proposed office and retail establishments shall be within designated areas of the parking deck and surface parking.

**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 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

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individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.

- (3) The entrance to the proposed development shall be as more particularly shown and reflected on the referenced Zoning Site Plan.
- (4) 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. The location of the entrance signage shall be as more particularly shown and reflected on the referenced Zoning Site Plan.
- (5) The entrance area, 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.
- (6) Surface lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the overall development.
- (7) Additionally, hooded security lighting shall be utilized on the exteriors of the buildings and parking deck areas.
- (8) 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.
- (9) Minor modifications to the within stipulations and the referenced Zoning Site Plan may be approved by the District Commissioner, as needed or necessary.
- (10) 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.



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- (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) Detention/retention facilities for the proposed development shall be located underground, with possible above-ground water quality facilities, or provided off-site. Any and all detention and/or retention facilities shall comply with all Cobb County Stormwater Management requirements; as well as the requirements of the Metropolitan River Protection Act as approved by the Atlanta Regional Commission.
- (16) All utilities for the proposed overall development shall be located underground.
- (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 maximum of four hundred sixty-eight (468) parking spaces within the proposed parking deck and surface parking areas. The overall parking shall consist of four hundred fifty (450) residential spaces and eighteen (18) retail and office spaces.

We believe the requested zoning, pursuant to the Zoning Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed is an exciting project which fits together a mixed-use development in an area of Cobb County which is perfectly situated for that type of development. The overall community shall be of the highest quality, shall be

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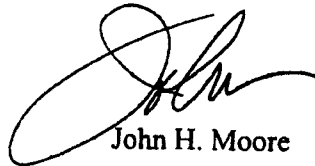
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Continued

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

**Attachments**

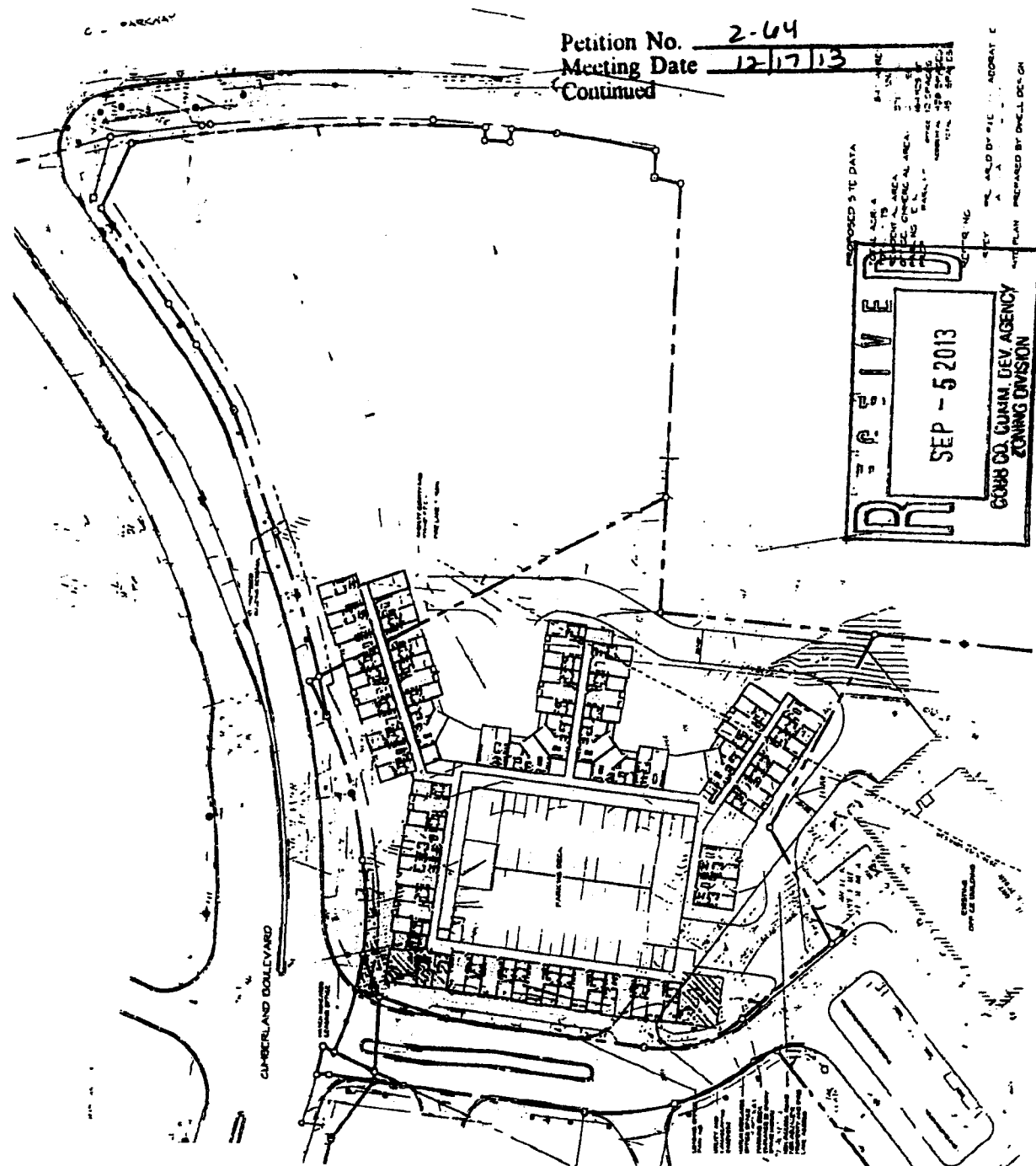
c: Cobb County Board of Commissioners:  
Timothy D. Lee, Chairman  
Helen C. Goreham  
Robert J. Ott  
JoAnn Birrell  
Lisa N. Cupid  
(With Copies of Attachments)

Cobb County Planning Commission  
Mike Terry, Chairman  
Judy Williams  
Christi S. Trombetti  
Robert Hovey  
Galt Porter  
(With Copies of Attachments)

Pope & Land Enterprises, Inc.  
(With Copies of Attachments)

Trammell Crow Residential  
(With Copies of Attachments)

EXHIBIT "A"



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**RECEIVED**  
 SEP - 5 2013  
 GOV. CO. QUASIM. DEV. AGENCY  
 ZONING DIVISION

PROPOSED SITE DEVELOPMENT

LEGAL DESCRIPTION  
 PARCEL 1

ALL THAT TRACT OF LAND... (Detailed legal description text for Parcel 1, including acreage and survey information.)

LEGAL DESCRIPTION  
 PARCEL 2

ALL THAT TRACT OF LAND... (Detailed legal description text for Parcel 2, including acreage and survey information.)

FIGOR



ALEXAN AT OVERLOOK  
 PROPOSED SITE CONDITIONS  
 SOUTHWEST QUADRANT OF CUMBERLAND BOULEVARD AND 688 PARKWAY  
 City of Tallahassee, Florida

- THE FOLLOWING CONDITIONS DO NOT APPLY
- LANDS AND STREAMS
- LANDS OF THE 100-YEAR FLOOD PLAIN AND
- CONTIGUOUS FLOOD PLAIN
- WETLANDS
- NATURAL OR HISTORICAL LANDMARKS
- STREAM BUFFERS WITH REQUIRED 100'

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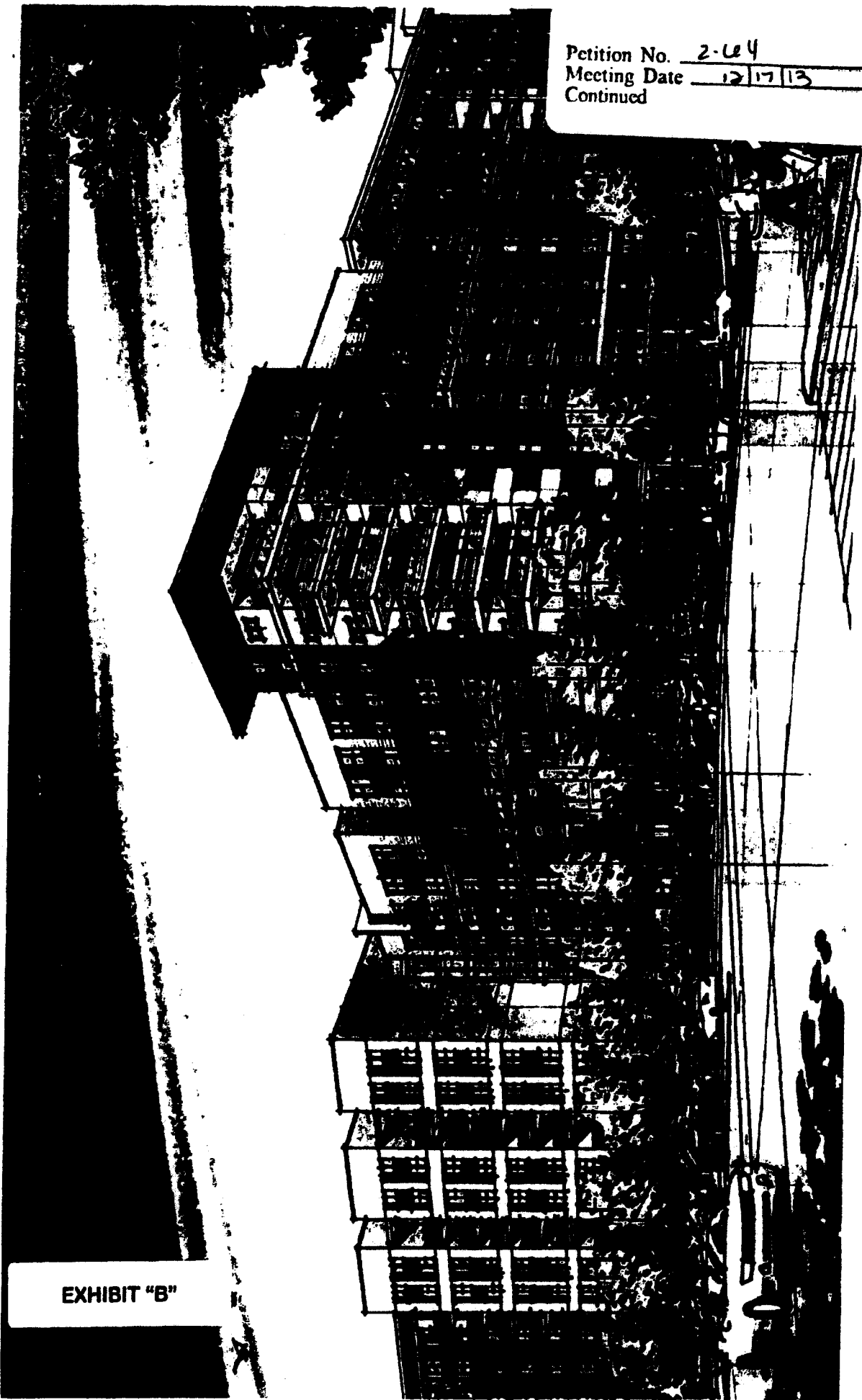


EXHIBIT "B"

APPLICANT: Pope & Land Enterprises, Inc. PETITION NO.: Z-64

PRESENT ZONING: O&I, RSL PETITION FOR: UVC

\*\*\*\*\*

**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 Blvd	10,700	Arterial	35 mph	Cobb County	100'
Cobb Parkway	28,600	Arterial	45 mph	Georgia DOT	100'

Obt f el pol 31181 usbgg| dl dpvouj ohl ebub| ubl f ol cz! Dpcc! EPU ) Dvncf smboel Qpvm wbose\*!  
Obt f el pol 31181 usbgg| dl dpvouj ohl ebub| ubl f ol cz! Dpcc! EPU ) Dpcc! Qbs! xbz\*!

Min. Bk. 71 Petition No. Z-64  
Doc. Type revised DOT  
Comments  
Meeting Date 12/17/13

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

**RECOMMENDATIONS**

Recommend Georgia DOT permits for all work that encroaches upon State right-of-way.

Recommend curb, gutter, and sidewalk along Cobb Parkway frontage.

Recommend Developer coordinate with Georgia DOT regarding Cobb Parkway widening project.

Recommend FAA study.

Recommend no new access to Cumberland Boulevard.

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

**PORTION OF STORMWATER  
MANAGEMENT COMMENTS  
FROM DECEMBER 2013  
ZONING ANALYSIS BOOK  
AS TO APPLICATION FOR  
REZONING NO. Z-64 (2013)**

APPLICANT: Pope & Land Enterprises, Inc.

PETITION NO.: Z-64

PRESENT ZONING: O&I, RSL

PETITION FOR: UVC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS – Continued**

REVISED 10/21/13

SPECIAL SITE CONDITIONS

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

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. Detention and water quality are proposed to be provided in an underground stormwater management facility. Unless easement agreements are obtained from the downstream property owners, the facility must discharge to the existing stormwater system in the Cumberland Boulevard right-of-way. Design peak discharges may be limited by the existing system capacity. These issues must be addressed in Plan Review.
2. The southeast portion of this site is located within the Chattahoochee River Corridor and will be subject to the requirements of the Metropolitan River Protection Act.