OCTOBER 20, 2015 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 2

<u>ITEM # 042</u>

PURPOSE

To consider amending the site plan and stipulations for Atlantic Realty Development, LLC regarding rezoning application Z-116 (B.F. Saul) of 2004, for property located on the westerly side of Circle 75 Parkway, northerly side of Windy Ridge Parkway, southerly side of Herodian Way in Land Lots 877, 878, 916 and 917 of the 17th District.

BACKGROUND

The subject property was rezoned to Planned Village Commercial (PVC) in 2005 for a mixed used development consisting of retail, office, restaurants and residential. A majority of the project is built or is under construction. This particular site plan and stipulation amendment concerns Area "D", which is located right next to phase 1. The applicant would like to amend the zoning conditions to 1) build two, six story buildings (approved for two, eight story buildings); 2) develop 597 residential units (602 units approved); 3) develop 7,000 s.f. of accessory service retail (10,000 s.f. approved); and 4) amend the zoning stipulations for Area "D" to allow the above stated changes. If approved, all other zoning stipulations not in conflict would remain in effect.

STAFF COMMENTS

Cobb DOT comments: Recommend a FAA Study for the structures over 4 stories.

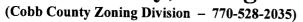
RECOMMENDATION

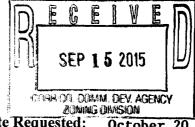
The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business application and stipulations.

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





BOC Hearing Date Requested: October 20, 2015

	C Dhoma 4. (101) 501 0000
Applicant: Atlantic Realty Development Ll (applicant's name printed)	rnone #: (404) 591-2900
Address: Suite 1425, 3438 Peachtree Road,	Atlanta GA F Moil.
Moore Ingram Johnson & Steele, LLP	30326
John H. Moore Address:	
(representative's name, printed)	Marietta, GA 30060
BY: Phone #: (770) 4	29-1499 E-Mail: jmoore@mijs.com
(representative's signature) Georgia Bar No. 519800	Jacob Com Jacob Com
<i></i>	S tought to S
Signed, sealed and delivered in presence of:	
Carolyn E. Cook	COBE Court
Notary Public	My commission expires: January 10, 2019
Titleholder(s): Circle 75 Venture Partners	, L.L.C. and
(property owner's name pri	
Address:	E-Mail:
See Collective Exhibit "A" for	D Nam
Signatures of Titleholders' Representative	s
(Property owner's signature)	
Signed, sealed and delivered in presence of: Notary Public	My commission expires:
Commission District: 2 (0tt)	Zoning Case: Z-116 (2004)
Commission District: 2 (0tt) Date of Zoning Decision: 03/15/2005	
Date of Zoning Decision: 03/15/2005	
Date of Zoning Decision: 03/15/2005 Westerly side of Circle 75 Pa Southerly of Herodian Way (street address, if applicable; nearest interest)	Priginal Date of Hearing: 08/17/2004 rkway; Northerly of Windy Ridge Parkway;
Date of Zoning Decision: 03/15/2005 Westerly side of Circle 75 Pa Southerly of Herodian Way (street address, if applicable; nearest interest)	Priginal Date of Hearing: 08/17/2004 rkway; Northerly of Windy Ridge Parkway; ersection, etc.)
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Date of Zoning Decision: 03/15/2005 Coation: Westerly side of Circle 75 Pa Southerly of Herodian Way (street address, if applicable; nearest into Land Lot(s): 877, 878, 916, 917 State specifically the need or reason(s) for O	Priginal Date of Hearing:08/17/2004 rkway; Northerly of Windy Ridge Parkway; rsection, etc.) District(s):17th Other Business:
Date of Zoning Decision: 03/15/2005 Westerly side of Circle 75 Pa Southerly of Herodian Way (street address, if applicable; nearest into Land Lot(s): 877, 878, 916, 917	Priginal Date of Hearing:08/17/2004 rkway; Northerly of Windy Ridge Parkway; rsection, etc.) District(s):17th Other Business:
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EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS" (Site Plan and Stipulation Amendment)

Application No.: Z-:
Original Hearing Date: Au
Date of Zoning Decision: Ma

Z-116 (2004) August 17, 2004 March 15, 2005

Current Hearing Date:

October 20, 2015

Applicant: Titleholders:

Atlantic Realty Development LLC Circle 75 Venture Partners, L.L.C.,

a Delaware limited liability company, and

West Crescent Realty Partners LLC,

a Georgia limited liability company

CIRCLE 75 VENTURE PARTNERS, L.L.C. a Delaware limited liability company

BY:

CRP Circle 75 Member, L.L.C., a Delaware limited liability company,

Its Managing Member

BX:	- Comment	
TITLE:_	DAVID B. DAN	UEL
	VICE PRESIDI	ENT

Printed Name: 1001 PENNSYLVANIA AVENUE, NW

1/1/0/1

Address: Suite 220, South
Washington, DC 20004

Telephone No.:_

Signed, sealed, and delivered in the presence of:

Notary Public Commission Expires STACY M. ROSENTHAL

NOTARY PUBLIC DISTRICT OF COLUMBIA
My Commission Expires October 14, 2016

EXP.
10-14-16

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"

(Site Plan and Stipulation Amendment)

Application No.:

Z-116 (2004)

Original Hearing Date:

August 17, 2004

Date of Zoning Decision:

March 15, 2005

Current Hearing Date:

October 20, 2015

Applicant: Titleholders:

Atlantic Realty Development LLC

Circle 75 Venture Partners, L.L.C.,

a Delaware limited liability company, and

West Crescent Realty Partners LLC,

a Georgia limited liability company

WEST CRESCENT REALTY PARTNERS LLC

a Georgia limited liability company

DV. 9

TITLE: Manager

Printed Name: Richard D. Aaronso

Address:

3438 Peachtree Road, Snite 1425

Atlanta GA 30326

Telephone No.: 404-591-2900

Signed, sealed, and delivered in the presence of:

Notary Public

Commission Expires:

124 23, 2018

OFFICIAL SEAL
ELENA SANTIAGO
Notary Public, Georgia
FULTON COUNTY
My Commission Expires
JULY 23, 2018

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

(AMENDED OCTOBER 6, 2015)

OB-042-2015 OCT -6 2015

Application No.:

Z-116 (2004)

Original Hearing Date:

August 17, 2004

Date of Zoning Decision: Current Hearing Date: March 15, 2005 October 20, 2015

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant:

Atlantic Realty Development LLC

Titleholders:

Circle 75 Venture Partners, L.L.C. and

West Crescent Realty Partners LLC

Exhibit "B," Attachment to Application for "Other Business," filed on September 15, 2015, regarding Other Business No. OB-042-2015 pending for hearing before the Cobb County Board of Commissioners on October 20, 2015, shall be deleted in its entirety and replaced in full as follows:

On March 15, 2005, the Cobb County Board of Commissioners approved the rezoning of an approximate 50.05 acre tract located at the northwest intersection of Circle 75 Parkway and Windy Ridge Parkway, the intersection of Circle 75 Parkway and Herodian Way, and on the south side of Herodian Way to the Planned Village Community ("PVC"). The rezoning was an amendment to the Master Plan previously approved by Cobb County to allow for the development of the residential component of the Master Plan. A copy of the amended, approved Master Plan is attached hereto as Exhibit "1" and incorporated herein by reference.

The property involved in this Application for "Other Business" is an approximately 7.97 acre tract located on the westerly side of Circle 75 Parkway, northerly of Windy Ridge Parkway (hereinafter "Property" or "Subject Property"). Applicant is seeking to amend the portion of the previously approved Master Plan; as well as amend certain stipulations approved during rezoning of the residential component of the Master Plan. The proposed approval and amendments are enumerated as follows:

(1) Applicant seeks approval of the Preliminary Zoning Plan for the project titled "Reserve at the Ballpark, Phase I & II," dated August 28, 2015, prepared for Applicant by Kimley-Horn and Associates, Inc., specific as to the development of the Subject Property only. A reduced copy of the proposed Preliminary Zoning Plan as to the Subject Property is attached hereto as Exhibit "2" for ease of review and incorporated herein by reference.

(2) Applicant seeks to amend the stipulations applicable to the Subject Property which are more particularly set forth in the letter of agreeable stipulations and conditions dated March 9, 2005, page 8, section titled "Residential Component 'D," which are attached and referenced in the official minutes of the Board of Commissioners Zoning Hearing held on March 15, 2005, by deleting said stipulations in their entirety and inserting in lieu thereof the following:

RESIDENTIAL COMPONENT "D" (Pursuant to Preliminary Zoning Plan dated August 28, 2015)

(1) The Property is designated as Area "D" on the previously approved Conceptual Site Plan (Z-116 (2005)) and is located on the westerly side of Circle 75 Parkway, northerly of Windy Ridge Parkway and contains approximately 7.97 acres. Applicant seeks development of the Property for a multi-family residential community pursuant to the Preliminary Zoning Plan for the project titled "Reserve at the Ballpark, Phase I & II," dated August 28, 2015, prepared for Applicant by Kimley-Horn and Associates, Inc. and submitted with this Application for "Other Business."

It is noted that Phase I of the development consisting of one multi-family building and adjacent parking deck is under construction with a target opening date of October 2015.

- (2) There shall be a maximum of five hundred ninety-seven (597) total units contained within two (2) mid-rise buildings, up to a maximum of six (6) stories in height, with surface parking.
- (3) The proposed residential buildings shall contain a maximum of 7,000 square feet for potential accessory service retail, such as dry cleaners, convenience store, and the like, which will be located on the ground floors.
- (4) The units shall consist of studios, 1, 2, and 3 bedroom units ranging in square footage from 620 square feet to 2,066 square feet, and greater.
- (5) The exterior façade of the residential buildings shall consist of brick, stone, stacked stone, hardi-plank type, and combinations thereof, and shall be substantially similar to the renderings to be presented at the hearing before the Board of Commissioners.
- The amenities for the residential community shall include, but not be limited to, the following:

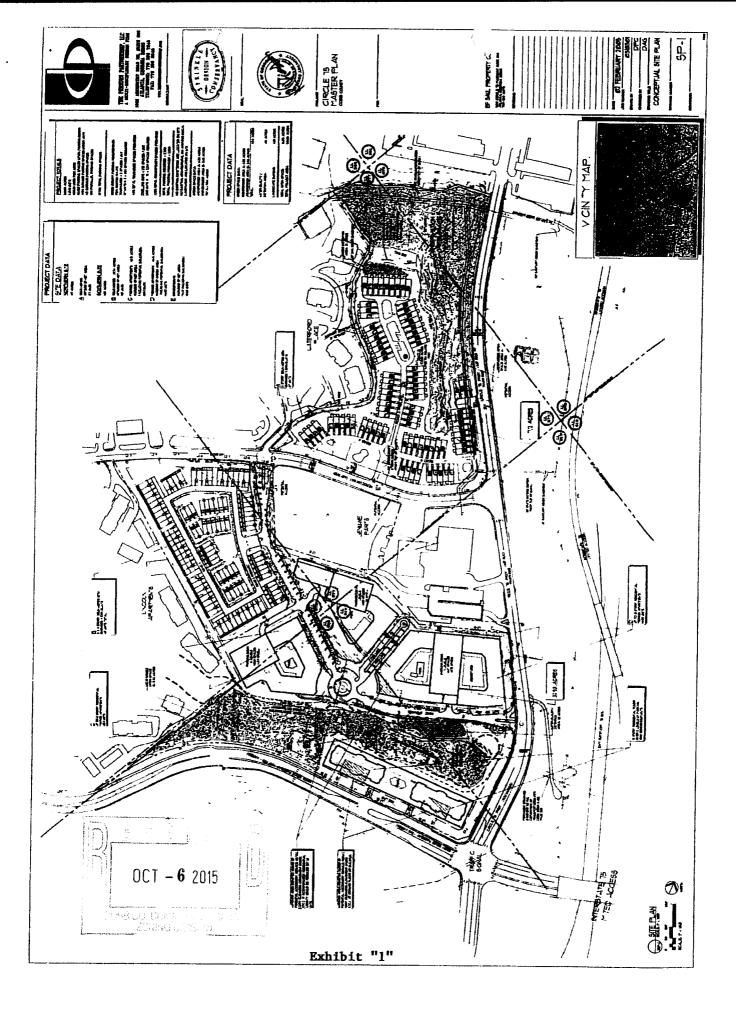
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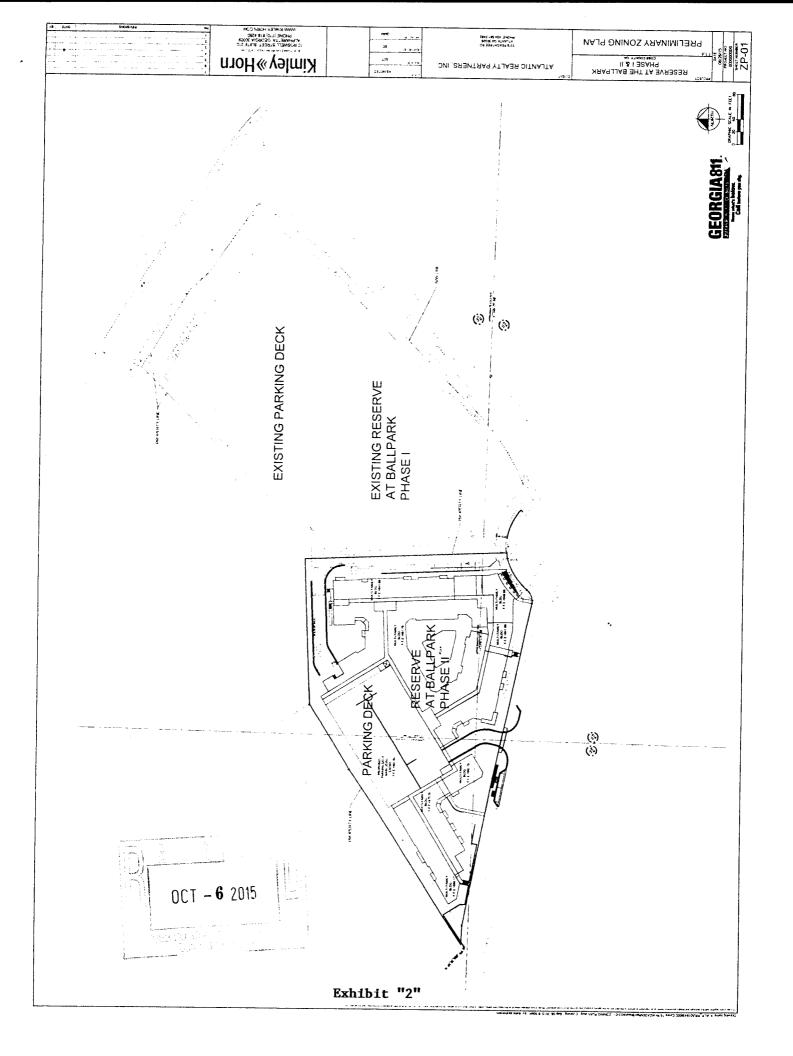
 i) Resident lounge/cyber café;
 - Page 2 of 3

- ii) Fitness and aerobic center;
- iii) Conference center;
- iv) Resort-style pool, with grill cabana;
- v) Walking trails; and
- vi) Dog-walk park (which is already constructed).
- (7) Signage for the residential community shall be ground-based, monument style, and shall consist of materials complementary to the materials comprising the exterior façade of the residential buildings.
- (8) Lighting within the residential community shall be environmentally sensitive, decorative, and themed to the architecture and style of the residential buildings.
- (9) Additionally, hooded security lighting shall be utilized on the building and throughout the walkways, surface parking area, and amenity area.
- (10) All streets within the residential community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (11) Each phase of the proposed development shall have an adjacent, multi-level parking deck for use by residents, tenants, and clients of any retail establishments.
- (12) Phase I of the proposed residential development shall utilize the eighteen (18) private parking spaces located immediately adjacent to the development in determining Code compliance for parking.
- (13) Parking requirements as to the number of spaces required by Code and the size of spaces may be varied by means of a parking study submitted by Applicant through the Cobb County Zoning Division Manager and accepted by Cobb County Staff during the Plan Review Process.

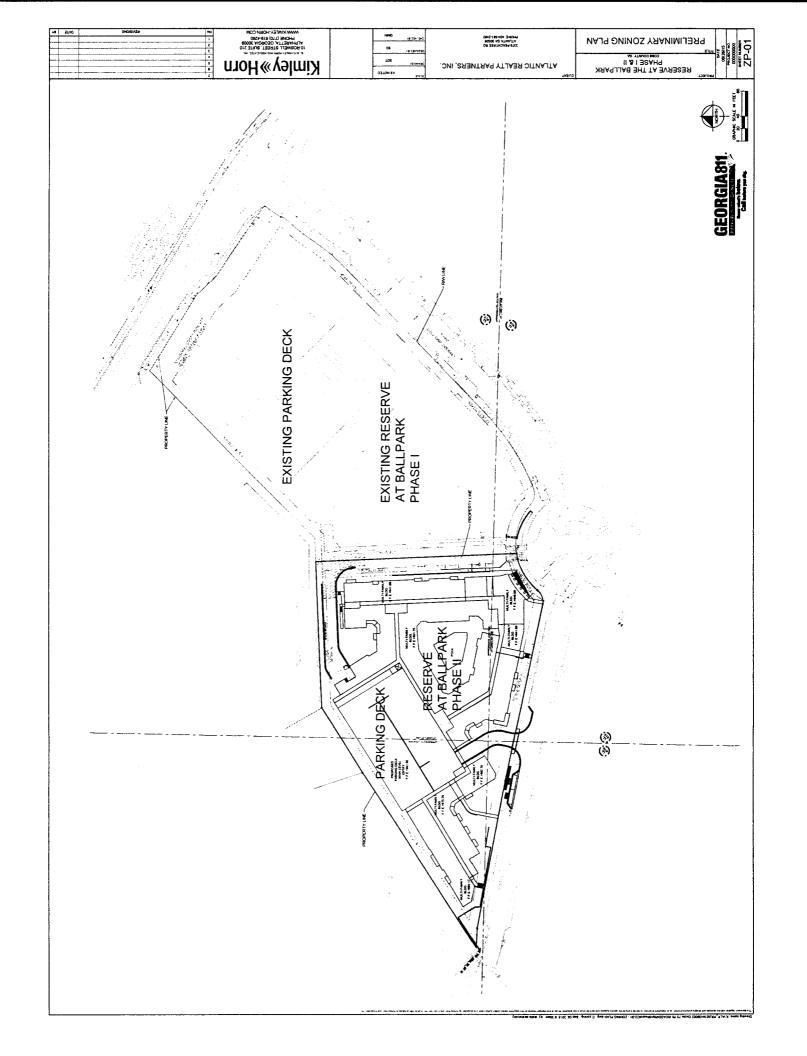
The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the overall development. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property and the overall development.

Unless otherwise specifically set forth herein, the Conceptual Site Plan and the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on March 15, 2005, in Application No. Z-116 (2005), are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

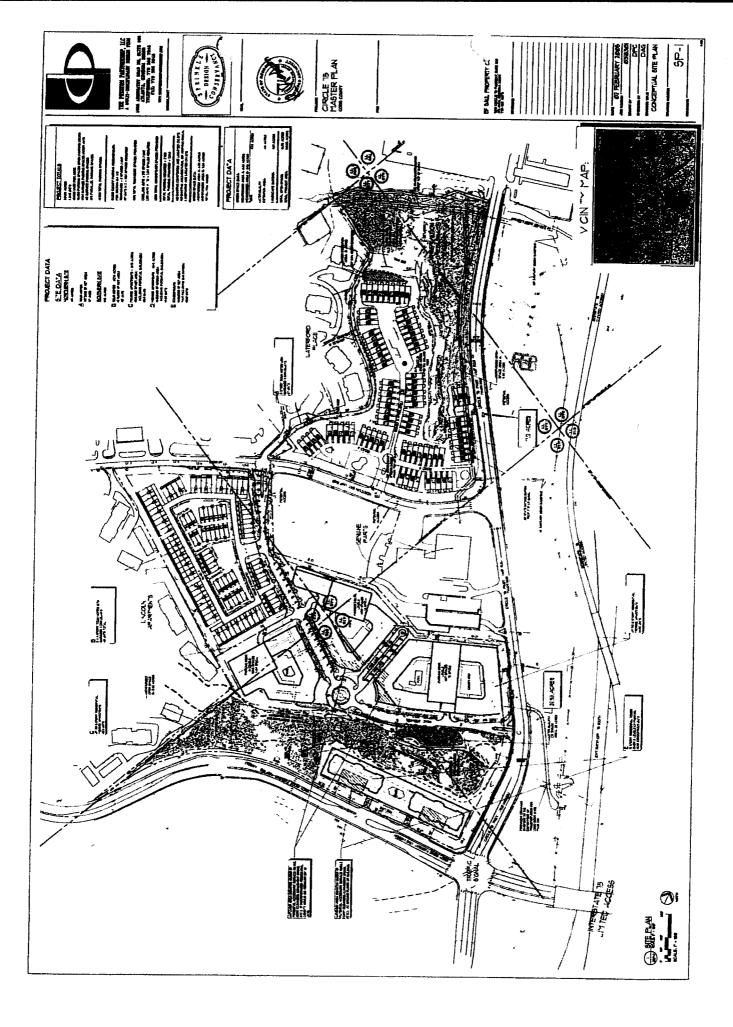




ZONING PLAN FOR AMENDMENT BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR "OTHER BUSINESS" – OCTOBER 20, 2015 (Represents Residential Component "D" of Overall Approved Development)



OVERALL CIRCLE 75 MASTER PLAN APPROVED BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR REZONING NO. Z-116 (2004) – MARCH 15, 2005



OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING FOR Z-116 (2004) – MARCH 15, 2005

MINUTES OF ZONING HEARING COBB COUNTY BOARD OF COMMISSIONERS MARCH 15, 2005 9:05 A.M.

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 15, 2005, at 9:05 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

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

Z-116^{'04} B. F. SAUL REAL ESTATE INVESTMENT TRUST for Rezoning from OI to RRC for the purpose of Low-Rise, Mid-Rise and High-Rise Condominiums in Land Lots 850, 876, 877, 878, 916 and 917 of the 17th District. Located at the northwest intersection of Circle 75 Parkway and Windy Ridge Parkway, the northwest intersection of Circle 75 Parkway

and Herodian Way and on the south side of Herodian Way.

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

MOTION: Motion by Thompson, second by Olens, to <u>delete</u> rezoning to the PVC zoning district subject to:

- letters of agreeable stipulations from Mr. John Moore dated March 9, 2005 and March 14, 2005 (copy attached and made a part of these minutes)
- renderings submitted (copy attached and made a part of these minutes)
- Applicant agrees to consider a circulator bus service within the area in conjunction with the Cumberland CID
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- revised Cobb DOT comments and recommendations dated March 14, 2005, with any changes to be reviewed by Staff and approved by the District Commissioner (copy attached and made a part of these minutes)
- owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns, to include improvements to Herodian Way and Circle 75 Parkway

VOTE: ADOPTED unanimously

A LIMITED LIABILITY PARTNERSHIP 192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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

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

MAIN OFFICE POST OFFICE BOX 3305 MARIETTA, GEORGIA 30061

CEDAR RIDGE OFFICE PARK

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

Doc. Type Letter

Meeting Date

408 N. CEDAR BLUFF ROAD KNOXVILLE, TENNESSEE 37923

TENNESSEE OFFICE

TELEPHONE (865) 692-9039 TELECOPIER (865) 692-9071

_Petition No. Z-116약

agreeable

T. SHANE MAYES F. MICHAEL VISCUSE" ANGELA H. SMITH OPHELIA W. CHAN STACEY L. STEWART MEREDITH M. MILRY DAVID M. VAN SANT DARRELL L. SUTTON KASI R. WHITAKER AUTUMN L. VEAZEY NICHOLAS J. PETERSON⁴ JEFFREY K. STINSON BENJAMIN A. WALDEN DAVID A. COX ELIZABETH ANN GUERRANT JAMES D. WALKER III.

CHRISTOPHER D. GUNNELS"

Hand Delivered

CHRISTOPHER L. MOORE JENNIFER S. WHITE KHRISTIE L. KELLY RYAN G. PRESCOTT RICARDO J. DeMEDEIROS L. LAKE JORDAN

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

ALSO ADMITTED IN TH ALSO ADMITTED IN FI ALSO ADMITTED IN SC ALSO ADMITTED IN NO

. ADMITTED ONLY IN TH

WRITER'S DIRECT DIAL NUMBER

March 9, 2005

*p*ulation

Mr. John P. Pederson

Planner III Zoning Division

Cobb County Community Development Agency

Suite 300

191 Lawrence Street

Marietta, Georgia 30060-1661

Application for Rezoning RE:

> Application No.: Z-116 (2004)

Applicant/Owner:

B.F. Saul Real Estate

Investment Trust

Property:

50.05 acres located at the intersection of Circle 75 Parkway and Herodian Way, Land Lots 850, 876, 877, 878, 916, and 917, 17^{th} District, 2nd Section, Cobb County,

Georgia

Dear John:

As you know, the undersigned and this firm represent B.F. Saul Real Investment Trust, the Applicant and Property Owner Estate (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of 50.05 acres located at the intersection of Circle 75 Parkway and Herodian Way, Land Lots 850, 876, 877, 878, 916, and 917, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been

Petition No. 2-116 by
Meeting Date 3-15-05
Continued

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Two March 9, 2005

authorized by the Applicant to submit this 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 that certain letter of agreeable stipulations and conditions dated and filed February 23, 2005. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Applicant seeks rezoning of the Subject Property from the Office and Institutional ("OI") zoning category, with variances as to height, to the Planned Village Commercial ("PVC") zoning category, site plan specific to the revised Conceptual Site Plan prepared by The Preston Partnership, LLC and Sprinkle Design Conservancy dated and last revised February 2, 2005.
- (3) The Subject Property consists of 50.05 acres of total site area.

STIPULATIONS APPLICABLE TO THE OVERALL RESIDENTIAL COMMUNITY

- (1) This rezoning proposal is an Amendment to the existing Master Plan previously approved by Cobb County, Georgia. The total B.F. Saul property consists of approximately 144 acres, 19 acres of which is currently developed, the subject 50.05 acres for residential components and the remaining approximately 75 acres left for future development.
- (2) There shall be protective covenants for the entire subject development that will include all phases of the community; and concurrent therewith associations will be

Petition No. Z-116 by Meeting Date 3-15-05
Continued

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Three March 9, 2005

formed which will include all components parts of the proposed development. The associations 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 community (i.e., bike paths, sidewalks, open space, walking trails, and the like).

- (3) The associations to be formed hereunder shall have architectural design regulations which shall control such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (4) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the referenced Zoning Plan.
- (5) There shall be approximately 16.03 acres of open space/park space/buffers within the proposed community, which comprises approximately 32 percent of the total tract.
- (6) Entrances to the proposed community shall be as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (7) Signage at each entrance point shall be ground based, monument style. The entrance areas shall be professionally designed, landscaped, maintained, and themed to the architecture and style of the community.
- (8) Lighting within the proposed community shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (9) Minor modifications to the within stipulations, the referenced Conceptual Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Four
March 9, 2005

Petition No. Z-116 de Meeting Date 3-15-05
Continued

- (10) All setbacks and buffer areas may be penetrated for purposes of detention, utilities, and stormwater management.
- (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 community shall be private.
- (13) Applicant agrees that the Subject Property cannot be annexed into the City of Smyrna for a period of five (5) years from the date of zoning approval.
- (14) Staff shall approve all landscaping, not otherwise herein approved as depicted in the renderings and plans set forth herein, prior to issuance of building permits.
- (15) 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.
- (16) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed overall development 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 center with "for sale" signs posted thereon.
- (17) Landscaping for the proposed development shall be pursuant to the landscaping plan presented to the

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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March 9, 2005

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Planning Commission and Board of Commissioners at the respective Zoning Hearings.

- (18) The architectural style and materials of the various residential components shall be as shown and reflected on the renderings presented to the Planning Commission and Board of Commissioners at the respective Zoning Hearings.
- (19) Notwithstanding anything contained herein to the contrary, the maximum number of residential units shall not exceed a total of one thousand five hundred forty-three (1,543) units.

RESIDENTIAL COMPONENT "A"

- (1) This portion of the proposed development contains approximately 17.12 acres and is identified on the referenced Conceptual Site Plan as Area "A."
- (2) This component contains approximately 7 acres of undisturbed open space/green space, as shown and reflected on the referenced Conceptual Site Plan.
- (3) There shall be eighty-seven (87) townhome units, up to three (3) stories in height with two-car garages.
- (4) The square footage range for these units shall be between 2,000 square feet and 3,200 square feet, and greater.
- (5) These units shall be condominiums in the townhome style, as the term "condominiums" is defined under the Cobb County Zoning Ordinance.
- (6) These units shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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March 9, 2005

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Meeting Date 3-15-05
Continued

- (7) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (8) A fifteen (15) foot wide buffer shall be constructed along the common property line between Waterford Place and the Subject Property and shall consist of two areas as follows:
 - (a) Area One is designed to buffer the Waterford entrance road and Buildings 400 and 500 and is approximately six hundred seventy (670) feet long; and
 - (b) Area Two is designed to buffer Building 1000 and is approximately eighty (80) feet long.

The buffer shall consist of twenty-one (21) 6-8 foot evergreen trees planted six (6) feet on center in a double staggered row for every sixty-five (65) feet on length. The plant material shall include random groupings of the following plants: Southern Magnolia, Deodar Cedar, Canadian Hemlock, Leyland Cypress, and Cryptomeria. The new plant material will be placed within the buffer in mutually agreeable areas.

(9) There shall be a right turn lane constructed at the entrance to Waterford Place. The turn lane shall be constructed to meet Cobb County standards and shall include the relocation and reconstruction of any entrance signs or monuments, landscaping, irrigation, system, lighting, etc., impacted by the turn lane construction. In addition, Waterford Place and Applicant agree to grant necessary easements or to quitclaim and transfer title on property necessary to construct the turn lane. The construction shall be generally in conformance with drawings by Roy Ashley & Associates dated March 7, 2005, and by Southern Civil Engineers, being drawing "EX-1" and dated July 15, 2004.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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Continued

RESIDENTIAL COMPONENT "B"

- (1) This portion of the proposed development contains approximately 7.74 acres and is identified on the referenced Conceptual Site Plan as Area "B."
- (2) There shall be one hundred ten (110) townhome units, up to four (4) stories in height, with one and two-car garages.
- (3) The square footage range for these units shall be from a minimum of 1,250 square feet to 2,000 square feet, and greater.
- (4) These units shall be condominiums in the townhome style, as the term "condominiums" is defined under the Cobb County Zoning Ordinance.
- (5) These units shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (6) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

RESIDENTIAL COMPONENT "C"

- (1) This portion of the proposed development contains approximately 3.15 acres and is identified on the referenced Conceptual Site Plan as Area "C."
- (2) There shall be two hundred twenty-four (224) condominium units in a mid-rise building up to eight (8) stories in height and containing a parking deck of six (6) levels immediately adjacent to the mid-rise building, all as more particularly delineated on the referenced Conceptual Site Plan.

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Eight March 9, 2005 Petition No. Z-116⁹⁴
Meeting Date 3-15-05
Continued

- (3) The square footage range for these units shall be between 800 square feet and 2,000 square feet, and greater.
- (4) These units shall be condominiums as the term "condominiums" is defined under the Georgia Condominium Act.
- (5) These units shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (6) This Component "C" shall contain a separate pool and related club amenities such as meeting rooms, lounge area, exercise area, and the like.
- (7) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

RESIDENTIAL COMPONENT "D"

- (1) This portion of the proposed development contains approximately 8.19 acres and is identified on the referenced Conceptual Site Plan as Area "D."
- (2) There shall be six hundred two (602) apartment home units in two mid-rise buildings up to eight (8) stories in height each and containing parking decks of seven (7) levels, located immediately adjacent to said buildings, all as more particularly delineated on the referenced Conceptual Site Plan.
- (3) The buildings shall contain an area of 10,000 square feet for potential accessory service retail, such as dry cleaners, convenience store, and the like, which will be located on the ground floors. If the retail component is incorporated, residential density would be reduced by approximately ten (10) units per building.

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Nine March 9, 2005

Petition No.	Z-116 04
Meeting Date	3.15.05
Continued	

- (3) Amenities for Component "D" are as follows:
 - (a) The southerly building of this Component contains a pool and related amenities such as meeting rooms, lounge area, exercise area, and the like; and
 - (b) The northerly building of this Component contains a pool and related amenities such as meeting rooms, lounge area, exercise area, and the like.
- (4) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

UNIT INFORMATION APPLICABLE TO RESIDENTIAL COMPONENT "D"

(1) The total unit division and square footages for Residential Component "D" are as follows:

UNITS	NUMBER	SQUARE FOOTAGE RANGE
Studio	30	620
One Bedroom	272	725-1,100
Two Bedroom 259		1,155-1,511
Three Bedroom	41	1,500-1,690
Total Units	602	

RESIDENTIAL COMPONENT "E"

(1) This portion of the proposed development contains approximately 14.51 acres and is identified on the referenced Conceptual Site Plan as Area "E."

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Ten March 9, 2005

Petition No	2-11604
Meeting Date	3-15-05
Continued	

- (2) This residential component shall consist of two (2) 19 story residential towers, each over five (5) levels of parking, and containing in total five hundred twenty (520) residential condominium units, all as more particularly shown and reflected on the referenced Conceptual Site Plan.
- (3) The square footage range for these units shall be from a minimum of 800 square feet ranging upwards to 2,000 square feet, and greater.
- (4) These units shall be "for sale" units only and shall comply with the State of Georgia Condominium Act. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (5) Each residential tower contains an area of 10,000 square feet for potential accessory service retail, such as dry cleaners, convenience store, and the like, which will be located on the ground floors of each building. If the retail component is incorporated, residential density would be reduced by approximately ten (10) units per building.
- (6) Component "E" shall contain a separate pool and related club amenities such as meeting rooms, lounge area, exercise area, and the like.
- (7) All streets within the proposed community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.

We believe the requested zoning, pursuant to the revised Conceptual Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community is an exciting concept which fits together numerous types of product into one development. The Applicant has gone to great detail in planning the development. The proposed community shall promote the

Petition No. Z-116 of Meeting Date 3-15-05
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Eleven
March 9, 2005

"live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments 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

c: Cobb County Board of Commissioners: Samuel S. Olens, Chairman

Helen C. Goreham Annette Kesting Joe L. Thompson

Tim Lee

Mr. Robert L. Hosack, Jr., AICP, Director Cobb County Community Development Agency

Mr. Michael H. S. Hughes, Director Cobb County Economic Development

Mr. Ron Sifen Vinings Civic Association

Ms. Karen Morales, President Waterford Place Homeowners Association

Mr. Anthony L. Waybright

Ms. Mary Rose Barnes

B. F. Saul Real Estate Investment Trust

Moore Ingram Johnson & Steele

A LIMITED LIABILITY PARTNERSHIP 192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW MIJS.COM

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

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

MAIN OFFICE

POST OFFICE BOX 3305 MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499 TELECOPIER (770) 429-8631 **TENNESSEE OFFICE**

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

TELEPHONE (865) 692-9039 TELECOPIER (865) 692-9071

T. SHANE MAYES F. MICHAEL VISCUSE" ANGELA H. SMITH OPHELIA W. CHAN STACEY L. STEWARTT MEREDITH M. MILBY DAVID M. VAN SANT DARRELL L. SUTTON KASI R. WHITAKER **AUTUMN L. VEAZEY** NICHOLAS J. PETERSON JEFFREY K. STINSON BENJAMIN A. WALDEN DAVID A. COX ELIZABETH ANN GUERRANT JAMES D. WALKER III

CHRISTOPHER D. GUNNELS*

CHRISTOPHER L. MOORE JENNIFER S. WHITE KHRISTIE L. KELLY RYAN G. PRESCOTT RICARDO J. DeMEDEIROS L. LAKE JORDAN

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

ALSO ADMITTED IN TH ALSO ADMITTED IN FL ALSO ADMITTED IN SC ALSO ADMITTED IN NO

. ADMITTED ONLY IN TH

WRITER'S DIRECT DIAL NUMBER

March 14, 2005

	Min. Bk. 33_	Petition No. Z-116		
	Doc. Type <u>Lett</u> Stidulation	Petition No. Z-116 erg Agreeable	Hand Delivered	
Planner III	Meeting Date	3-15-05	. 41.19	
Zoning Division	Meeting Date	3-15-05 FILED WITH COUNTY	CLERK THIS 15 Yr	DAY
Cobb County Community I	Development	Agency March	2005 BY John Moor	
Suite 300		RE Z · ///		
191 Lawrence Street		EV.	il K. Thus	
Marietta, Georgia 30060	0-1661	COUNTY CLERK/ASST COBB COUNTY, GEORG	T. COUNTY CLERK/ Op 1/1 /14 County G GIA	LERK
PE: Application t	for Rezonino	1	•	

Application for Rezoning

Z-116 (2004) Application No.:

Applicant/Owner:

B.F. Saul Real Estate

αL

Investment Trust

Property:

50.05 acres located at the intersection of Circle 75 Parkway and Herodian Way, Land Lots 850, 876, 877, 878, 916, and 917, 17^{th} District. 2nd Section, Cobb County,

Georgia

Dear John:

On behalf of the Applicant and Property Owner for the above-Application for Rezoning, please allow this referenced correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated and filed with your office on March 9, 2005, which if the Application for Rezoning is approved, as submitted, shall also become part of the grant of the requested zoning and shall be binding upon the Subject Property. Applicant deletes in its entirety subparagraph (9) of "Residential Component 'A'" and inserts in lieu thereof the following:

"(9) There shall be a right turn lane constructed by the Applicant, including all permitting costs, The turn lane shall be entrance to Waterford Place. constructed to meet Cobb County standards and shall

Mr. John P. Pederson Planner III Zoning Division Cobb County Community Development Agency Page Two March 14, 2005

Petition No. Z-11604

Meeting Date 3-15-05

Continued

include the relocation and reconstruction of any entrance signs or monuments, landscaping, irrigation system, lighting, etc., impacted by the turn lane construction. In addition, Waterford Place and Applicant agree to grant necessary easements or to quitclaim and transfer title on property necessary to construct the turn lane. The construction and landscaping shall be generally in conformance with drawings by Roy Ashley & Associates dated March 7, 2005, and by URS dated March 11, 2005, and being Project No. 1528006."

The balance and remainder of the stipulations and conditions set forth in the March 9, 2005, correspondence shall be unaltered by this supplement.

As previously stated, we believe the requested zoning, pursuant to the revised Conceptual Site Plan and the revised stipulations set forth in the March 9, 2005, and the revision contained herein, is an appropriate use of the Subject Property. The proposed community is an exciting concept which fits together numerous types of product into one development. The Applicant has gone to great detail in planning the development. The proposed community shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments 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

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Three
March 14, 2005

Petition No. Z-11604
Meeting Date 3-15-05
Continued

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

Mr. Robert L. Hosack, Jr., AICP, Director Cobb County Community Development Agency (With Attachment)

Mr. Michael H. S. Hughes, Director Cobb County Economic Development (With Attachment)

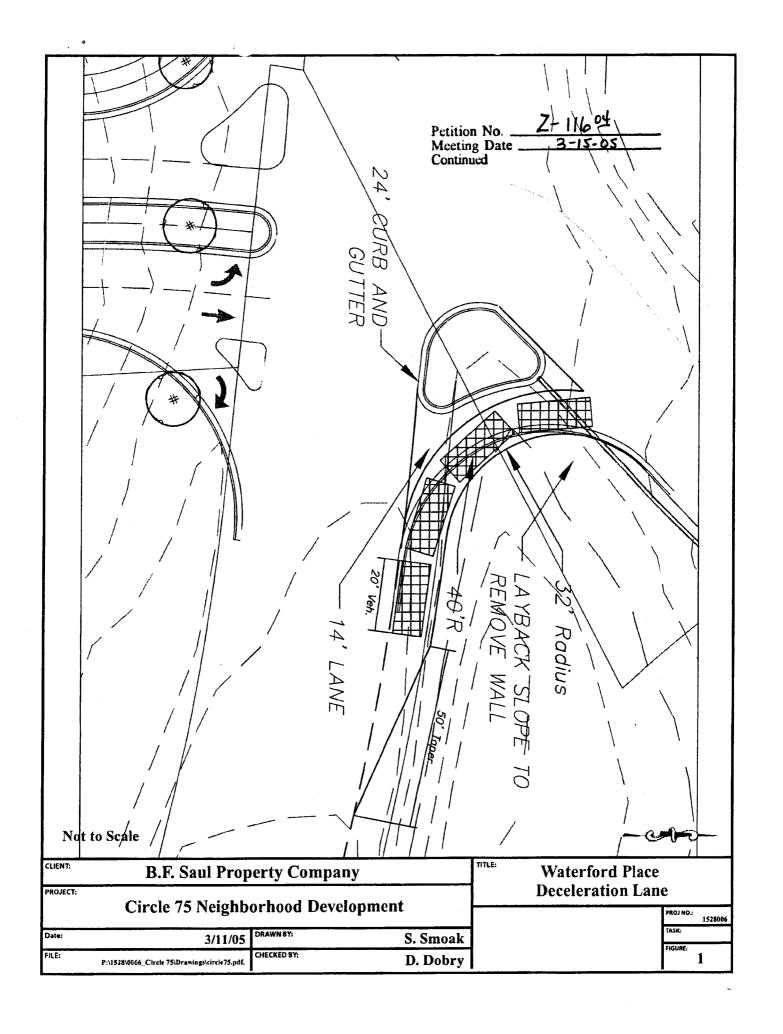
Mr. Ron Sifen
Vinings Civic Association
(With Attachment)

Ms. Karen Morales, President Waterford Place Homeowners Association (With Attachment)

Mr. Anthony L. Waybright
(With Attachment)

Ms. Mary Rose Barnes
(With Attachment)

B. F. Saul Real Estate Investment Trust
(With Attachment)





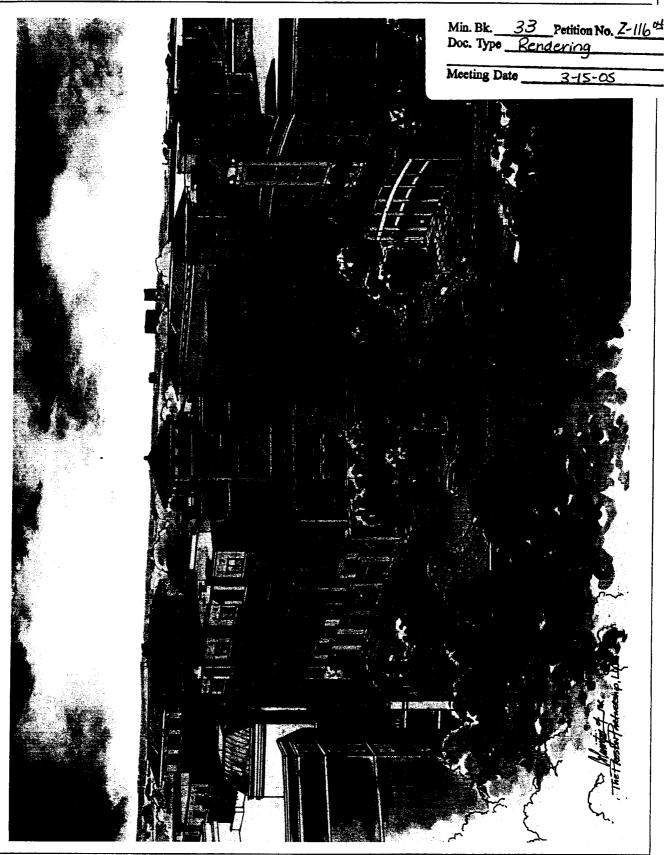




CIRCLE 75
MASTER PLAN

IF SAUL PROPERTY COMPANY DOINCE TO PARAMAY, BUTTE 100 PLANTE OCCOMEN 2000 DECEMBER 1, 2004

AND DECEMBER 1, 200
AND COOKED IVA
CONCEPTUAL
RENDERING



APPLICANT: B.F. Saul P 'Estate Investment Trust PETITION' O.: Z-116

 PETITION FOR: RRC

TRANSPORTATION COMMENTS

Min. Bk. 33 Petition No. Z-116 04

Doc. Type Revised Dot Comments

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

| Meeting Date 3-15-05|

	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Herodian Way	14490	Major Collector	80'
Circle 75 Parkway	5801	Major Collector	80'
Windy Ridge Parkway	10938	Arterial	100'

Based on 10-23-03 traffic counting data taken by Cobb DOT. (Circle 75 Parkway)
Based on 10-29-03 traffic counting data taken by Cobb DOT. (Herodian Way)
Based on 10-14-03 traffic counting data taken by Cobb DOT. (Windy Ridge Parkway)

Herodian Way is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Circle 75 Parkway is classified as a Major Collector and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Windy Ridge Parkway is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Install sidewalk, curb and gutter along the all road frontages.

As necessitated by this development for egress from Herodian Way, Circle 75 Parkway and Windy Ridge Parkway, a minimum 150' deceleration lane will be required at each access point.

Two median breaks on Windy Ridge Parkway with minimum separation of 660'.

Provide 100% funding for traffic signal if and when warranted on Circle 75 at access point "C".

Construct a northbound left turn lane on Circle 75 at access point "C".

Driveway for access point "F" should be right-in-right-out.

Construct a 100' deceleration lane with a 50' taper at Waterford Place Condominiums driveway.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the north side and south side of Herodian Way, a minimum of 40' from the roadway centerline, b) donation of right-of-way on the west side of Circle 75 Parkway, a minimum of 40' from the roadway centerline and c) donation of right-of-way on the north side of Windy Ridge Parkway, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk, curb and gutter along all road frontages.

Recommend a minimum 150' deceleration lane at each access point.

Recommend a maximum of two median breaks on Windy Ridge Parkway between Circle 75 Parkway and Heritage Trail with a minimum separation of 660 ft. and a minimum distance to intersection of 660'.

APPLICANT: B.F. Saul 1 Estate Investment Trus	t PETITIO. (O.: <u>Z-116</u>
PRESENT ZONING: <u>OI</u> ************************************	PETITION FOR: <u>RRC</u>
TRANSPORTATION COMMENTS cont.	Petition No. $\frac{Z-116^{OH}}{Meeting Date}$
	Continued

Recommend developer provide 100% funding for a traffic signal if and when warranted on Circle 75 at access point "C".

Recommend constructing a northbound left turn lane on Circle 75 at access point "C".

Recommend the driveway for access point "F" be a right-in/right-out.

Recommend constructing a 100' deceleration lane with a 50' taper at Waterford Place Condominiums driveway.

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

2014 PAID AD VALOREM PROPERTY TAX RECIEPTS FOR SUBJECT PROPERTY (TAX PARCEL NOS. 17091600050, 17091700010, AND 17087700010)



CARLA JACKSON
CHELLY MCDUFFIE
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 9/15/2015 2:58:38 PM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer: ATLANTA BRAVES

SAUL B F REAL ESTATE INV TRUST C/O EASLEY MCCALEB & ASSOCIATES

Payment Date: 10/14/2014

Tax Year	Parcel ID	💆 Due Date 🔭	App	eal Amount		Taxes Due
2014	17091600050	10/15/2014	Pay:	N/A	or	24638.23
interest	Penalty	Foos	· Total Due	mount Pald * *		Balance
\$0.00	\$0.00	\$0.00		24,638.23		\$0.00



CARLA JACKSON
CHELLY MCDUFFIE
Phone: 770-528-8600
Fax: 770-528-8679

Printed: 9/15/2015 3:21:23 PM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer: ATLANTA BRAVES

SAUL B F REAL ESTATE INV TRUST C/O EASLEY MCCALEB & ASSOCIATES INC

Payment Date: 10/14/2014

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CARLA JACKSON
CHELLY MCDUFFIE
Phone:
TAX COMMISSIONER
CHIEF DEPUTY
770-528-8600 770-528-8679

Printed: 9/15/2015 2:55:42 PM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer: ATLANTA BRAVES

SAUL B F REALESTATE INV TRUST C/O EASLEY MCCALEB & ASSOC INC

Payment Date: 10/14/2014

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