

(Site Plan and Stipulation Amendment)

# Application for "Other Business"

## Cobb County, Georgia

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

FEB - 9 2016

08-008-2016

BOC Hearing Date Requested: March 15, 2016

**Applicant:** Greenstone Ventures, Inc. **Phone #:** (678) 589-7608  
(applicant's name printed)

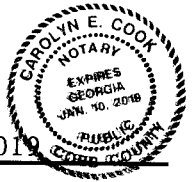
**Address:** Suite 320, 3301 Windy Ridge Parkway, **E-Mail:** delittle@greenstone-  
Moore Ingram Johnson & Steele, LLP Atlanta, GA 30339 properties.com  
John H. Moore **Address:** Emerson Overlook, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

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

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

My commission expires: January 10, 2019



**Titleholder(s):** I-75 Cumberland, LLC **Phone #:** (404) 252-4506  
(property owner's name printed)

**Address:** 50 Cates Ridge, Atlanta, GA 30327 **E-Mail:** EL\_Shell@msn.com

See Attached Exhibit "A" for Signature of  
Titleholder's Representative  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

**Commission District:** 2 (Ott) **Zoning Case:** Z-48 (1994)

**Size of property in acres:** 5.590 **Original Date of Hearing:** 05/17/1994

**Location:** Easterly side of Cumberland Boulevard at its intersection with Cobb Galleria  
(street address, if applicable; nearest intersection, etc.) Parkway; south of I-75

**Land Lot(s):** 1014, 1015, 1026, 1027 **District(s):** 17th

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_

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

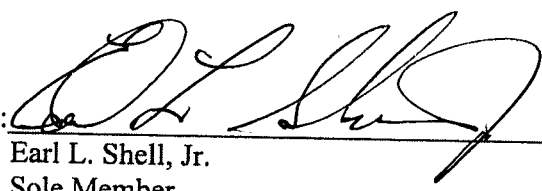
(List or attach additional information if needed)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(Site Plan and Stipulation Amendment)**

Application No.: Z-48 (1994)  
Original Hearing Date: May 17, 1994  
Date of Zoning Decision: May 17, 1994  
Date of "Other Business" Decisions: February 22, 2001  
October 21, 2014  
Current Hearing Date: March 15, 2016

Applicant: Greenstone Ventures, Inc.  
Titleholder: I-75 Cumberland, LLC

I-75 CUMBERLAND, LLC

BY:   
Earl L. Shell, Jr.  
Sole Member

Date Executed: 1/29/16

Address: 50 Cates Ridge  
Atlanta, Georgia 30327

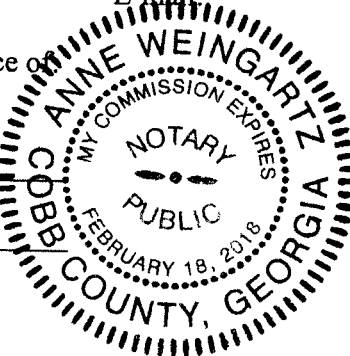
Telephone No.: (404) 252-4506  
E-mail: EL\_Shell@msn.com

Signed, sealed, and delivered in the presence of

  
Notary Public

Commission Expires: 2-18-18

[Notary Seal]



**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
**(Site Plan and Stipulation Amendment)**

**Application No.:** Z-48 (1994)  
**Original Hearing Date:** May 17, 1994  
**Date of Original Zoning Decision:** May 17, 1994  
**Date of "Other Business" Zoning Decisions:** February 22, 2001  
October 21, 2014  
**Current Hearing Date:** March 15, 2016

FEB - 9 2016

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant:** Greenstone Ventures, Inc.  
**Titleholder:** I-75 Cumberland, LLC  
a Georgia limited liability company

On May 17, 1994, the Cobb County Board of Commissioners approved the rezoning of an approximate 21.454 acre tract located on the easterly side of Cobb Parkway, south of Akers Mill Road to the Regional Retail Commercial ("RRC") zoning category. In 2001 and 2014, Applications for Site Plan and Stipulation Amendments were filed as to an approximate 5.590 acre tract, which was a portion of the property in the original Application for Rezoning. The property for consideration in this Application for "Other Business" is the same property presented in the two previous "Other Business" amendments, and is located on the easterly side of Cumberland Boulevard at its intersection with Cobb Galleria Parkway, south of Interstate 75, Land Lots 1014, 1015, 1026, and 1027, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property").

Greenstone Ventures, Inc., as Applicant in this Application for "Other Business" (hereinafter "Applicant"), seeks to amend the previously approved site plan and stipulations applicable to the Subject Property by deleting same in their entirety and substituting in lieu thereof the following:

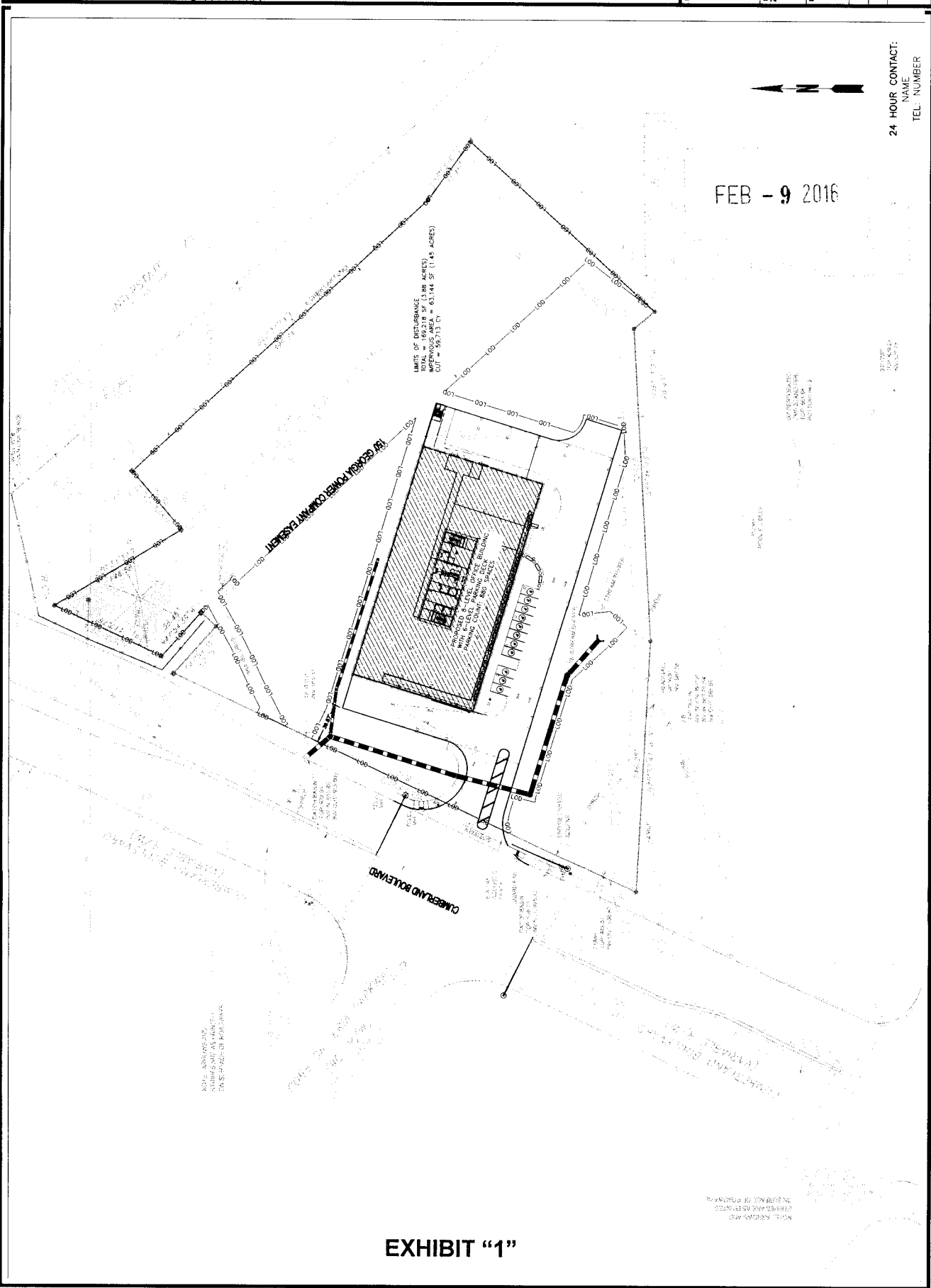
- (1) Applicant seeks approval of the Site Plan dated February 5, 2016, prepared for Applicant by Croy Engineering, LLC, site specific as to the development of the Subject Property. A reduced copy of the Site Plan as to the Subject Property is attached hereto as Exhibit "1" for ease of review and incorporated herein by reference.
- (2) Applicant seeks to amend the stipulations applicable to the Subject Property which were approved by the Board of Commissioners on October 21, 2014, by deleting said stipulations in their entirety and inserting in lieu thereof the following:
  - (1) The Property is a 5.590 acre tract. Applicant seeks development of the Property for an office tower, including a parking deck, site plan specific to the Site Plan dated February 5, 2016, prepared by Croy Engineering, LLC and submitted with this Application for "Other Business."

- (2) The office tower shall consist of a maximum of ten (10) stories containing a maximum of 275,000 square feet.
- (3) Parking for tenants of the proposed office tower shall be accomplished by providing a parking deck underneath the tower, having a maximum of six (6) levels of available parking spaces.
- (4) Up to twenty (20) percent of the parking spaces may be "compact spaces." Compact spaces will be a minimum of eight (8) feet by sixteen (16) feet. Regular parking spaces will be a minimum of nine (9) feet by nineteen (19) feet.
- (5) The exterior finish of the proposed office tower shall consist of glass, concrete, and steel, or combinations thereof; and may consist of partial brick and/or stone.
- (6) Detention for the overall development shall be in accordance with Cobb County Stormwater Management standards and regulations.
- (7) The entrance to the proposed office tower shall be at the signalized intersection of Cumberland Boulevard and Cobb Galleria Parkway, as more particularly shown and reflected on the referenced Site Plan. Applicant agrees to pay for the cost of the signal modifications and its design.
- (8) Entrance signage for the proposed development shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the office tower. Such signage shall contain no flashing sign components.
- (9) 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 during the plan review process.
- (10) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the office tower.
- (11) Additionally, hooded security lighting shall be utilized on the exterior of the building and throughout the walkways, surface parking areas, and parking deck areas.
- (12) A deceleration lane at the entrance to the proposed project shall not be required. This stipulation is justified by two (2) factors, as follows:
  - (a) As shown by the "Greenstone Office Park Intersection Analysis" dated February 4, 2016, performed for Applicant by Croy Engineering, LLC, lack of a deceleration lane will result in ". . . no change to the Level of Service . . . ." Additionally, it would result in a minor increase in ". . . average control delay . . ." (ranging from 0.1 to 1.6 seconds per vehicle). There will be no perceptible impact on traffic operations at the intersection.

- (b) The Subject Property lies within the Chattahoochee River Corridor and is subject to the Metropolitan River Protection Act (“MRPA”). This Act governs the amount of land disturbance and impervious surface allowable with respect to the Subject Property. The requirement of a deceleration lane will cause the proposed project to exceed MRPA limitations as to both factors. A causation factor is that construction of a deceleration lane, given the high sloping of the Property where the lane would have to be constructed, would be far in excess of the normal disturbance for a deceleration lane.
- (13) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
  - (a) Increase the density of the overall square footage of the development;
  - (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.
- (14) 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.
- (15) 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.
- (16) 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.
- (17) All utilities for the proposed development shall be located underground.

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

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on May 17, 1994, as to the original rezoning of the overall property, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.



**EXHIBIT "1"**

FEB - 9 2016

**SITE PLAN PRESENTED WITH  
APPLICATION FOR "OTHER BUSINESS"  
FOR CONSIDERATION OF APPROVAL  
BY BOARD OF COMMISSIONERS  
PURSUANT TO APPLICATION FOR  
"OTHER BUSINESS" – MARCH 15, 2016**



[illegible]

GSWOC CERT #####	PROJECT TITLE
	ONING SITE PLAN

SCALE IN FEET  
1"=40'

PROJECT NUMBER	1220.10	CHECKED BY	ALB
DATE	02/05/16	DATE	02/05/16

C6  
DRAWING NUMBER  
SHEET 06 of 06



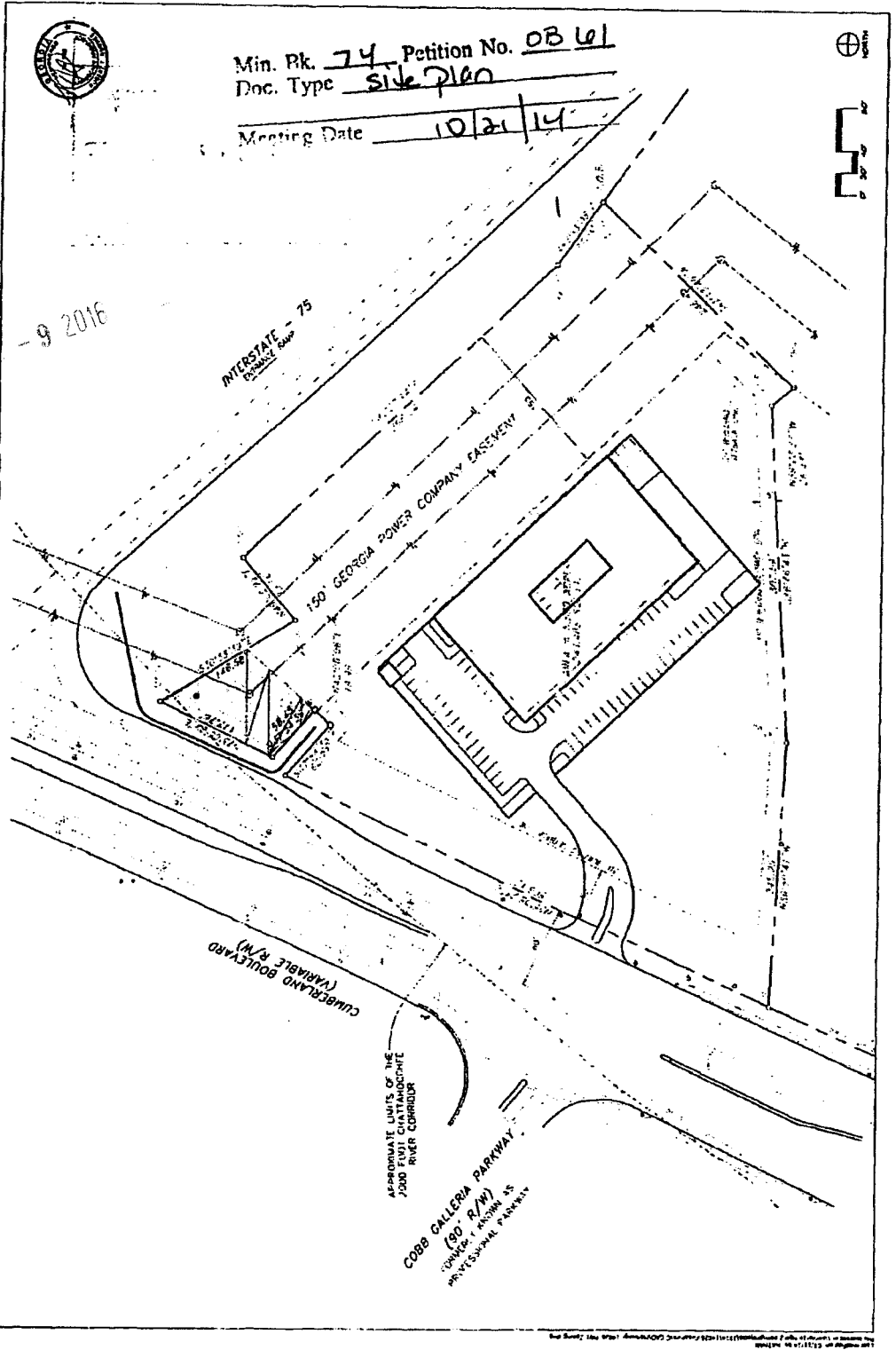
24 HOUR CONTACT:  
NAME  
TEL: NUMBER

FEB - 9 2016

FEB - 9 2016

**SITE PLAN APPROVED FOR  
SUBJECT PROPERTY BY  
BOARD OF COMMISSIONERS  
PURSUANT TO "OTHER BUSINESS"  
APPLICATION OB-061-2014 –  
OCTOBER 21, 2014**

<b>ENCORE CENTER</b> PROPERTY ID # 17-1015-0-006, COBB COUNTY, GA GREENSTONE PROPERTIES		<b>SITE PLAN</b> DATE: 09-11-2014 DRAWN BY: JLD CHECKED BY: JLD SCALE: AS SHOWN SHEET: 1 OF 1 TWP-1
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FEB - 9 2016

Exhibit "1"

**OFFICIAL MINUTES OF BOARD OF  
COMMISSIONERS ZONING HEARING  
AND APPROVED SITE PLAN FOR  
OVERALL DEVELOPMENT AS TO  
APPLICATION FOR REZONING  
NO. Z-48 (1994) – MAY 17, 1994**

FEB - 9 2016

**Application for Rezoning  
Cobb County**

(type or print clearly)

Application No. 248  
Hearing Date: 5-3 + 5-17  
1994

Applicant P.C. Thompson Business Phone 901-8800 Home Phone \_\_\_\_\_  
c/o Dow, Lohnes & Albertson  
P.C. Thompson Address One Ravinia Drive, Suite 1600  
Atlanta, GA 30346  
(representative's name, printed) Business Phone 901-8800  
(representative's signature)

Signed, sealed and delivered in presence of:

FEB - 9 2016

Notary Public, Fulton County, Georgia  
My Commission Expires April 11, 1994

Diane L. Lacy  
Notary Public

My commission expires: \_\_\_\_\_

Titleholder \_\_\_\_\_ Business Phone NA Home Phone 233-1140

Signature Gayle E. Kennedy Address 364 Valley Rd, Atlanta, GA 30305  
(attach additional signatures, if needed) Gayle England Kennedy, co-trustee of the  
Signed, sealed and delivered in presence of: Estate of A. Thornton Kennedy, Deceased

Brenda A. Michael  
Notary Public

Notary Public, Gwinnett County, Georgia  
My Commission Expires Feb. 11, 1995  
My commission expires: \_\_\_\_\_

Zoning Request From OI to RRC

(present zoning) (proposed zoning)  
For the Purpose of Retail & Restaurant Size of Tract 21.454 Acre(s)

(subdivision, restaurant, warehouse, apt., etc.)  
Location U.S. 41 (Cobb Pkwy), south of Akers Mill Rd at the proposed Kennedy Pkwy Inters.  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 1014, 1015, 1016, 1026 District 17th, 2nd Section

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any, they are as follows:

To the best of my knowledge no archeological and/or architectural landmark exist. If further investigations are necessary we will employ the services of Garrow & Associates for the appropriate studies.

P.C. Thompson  
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is/is not such a cemetery. If any, they are as follows:

To the best of my knowledge no cemetery exists on the site.

P.C. Thompson  
(applicant's signature)

Application for Rezoning  
Cobb County

(type or print clearly)

page 2 PAGE 11 OF 11  
Application No. 2-48  
Hearing Date: 5-3-5-12

Applicant P.C. Thompson Business Phone 901-8800 Home Phone 1994

P.C. Thompson Address c/o Dow, Lohnes & Albertson  
One Ravinia Drive, Suite 1600  
Atlanta, GA. 30346

(representative's name printed)  
P.C. Thompson Business Phone 901-8800  
(representative's signature)

Signed, sealed and delivered in presence of:

FEB - 9 2016

Notary Public, Fulton County, Georgia  
My Commission Expires April 11, 1994

Diane Laotayla  
Notary Public

My commission expires:

Titleholder Business Phone 607-4535 Home Phone NA

Signature Jon G. White  
(attach additional signatures, if needed)  
Signed, sealed and delivered in presence of:  
Address NationsBank Plaza, Suite 800, 600 Peachtree Atlanta 30308  
Jon G. White, Senior Vice President  
NationsBank of Georgia, N.A., co-trustee of the  
Estate of A. Thornton Kennedy, Deceased

Dianna O. Michael  
Notary Public  
My commission expires:  
Notary Public, Gwinnett County, Georgia  
My Commission Expires Feb. 11, 1995

Zoning Request From 01 to RRC  
(present zoning) (proposed zoning)

For the Purpose of Retail & Restaurant Size of Tract 21.454 Acre(s)  
(subdivision, restaurant, warehouse, apt, etc.)

Location U.S. 41 (Cobb Pkwy), south of Akers Mill Rd. at the proposed Kennedy Pkwy Inters.

Land Lot(s) 1014,1015,1016,1026 District 17th, 2nd Section  
(street address, if applicable; nearest intersection, etc.)

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are/are no such assets. If any, they are as follows:

To the best of my knowledge no archeological and/or architectural landmark exist. If further investigations are necessary we will employ the services of Garrow & Associates for the appropriate studies.

P.C. Thompson  
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. hereby certify that there is/is not such a cemetery. If any, they are as follows:  
To the best of my knowledge no cemetery exists on the site.

P.C. Thompson  
(applicant's signature)

PAGE 2 OF 2

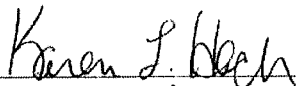
APPLICATION NO. Z-48

ORIGINAL DATE OF APPLICATION: 5-17-94

APPLICANT'S NAME: P. C. THOMPSON

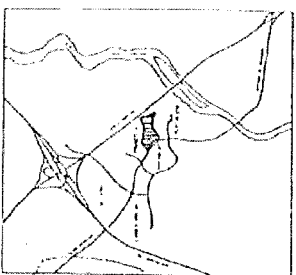
**THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY  
BOARD OF COMMISSIONERS**

**BOC DECISION OF 5-17-94:** The Board of Commissioners approved application subject to: 1) so as to address environmental concerns and per applicant's agreeable statement made at public hearing, any water leaving the site is to be clean water (free of pollutants and debris); 2) owner/developer required to provide detention and to control site stormwater discharges so as not to exceed the capacity of downstream storm drainage systems; 3) project subject to the Metropolitan River Protection Act; 4) 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: The owners of the property are participating in the ongoing negotiations for donation of right-of-way and required easements necessary for the professional parkway and Kennedy Interchange; however, the exact dimensions of that donation and corresponding improvements have not yet been finalized. When finalized, the Development Agreement is to be presented to the Board of Commissioners for approval. Motion by Wysong, second by Poole, carried 5-0.

  
Karen L. Hach, Deputy County Clerk  
Cobb County Board of Commissioners

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FEB - 9 2016

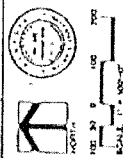
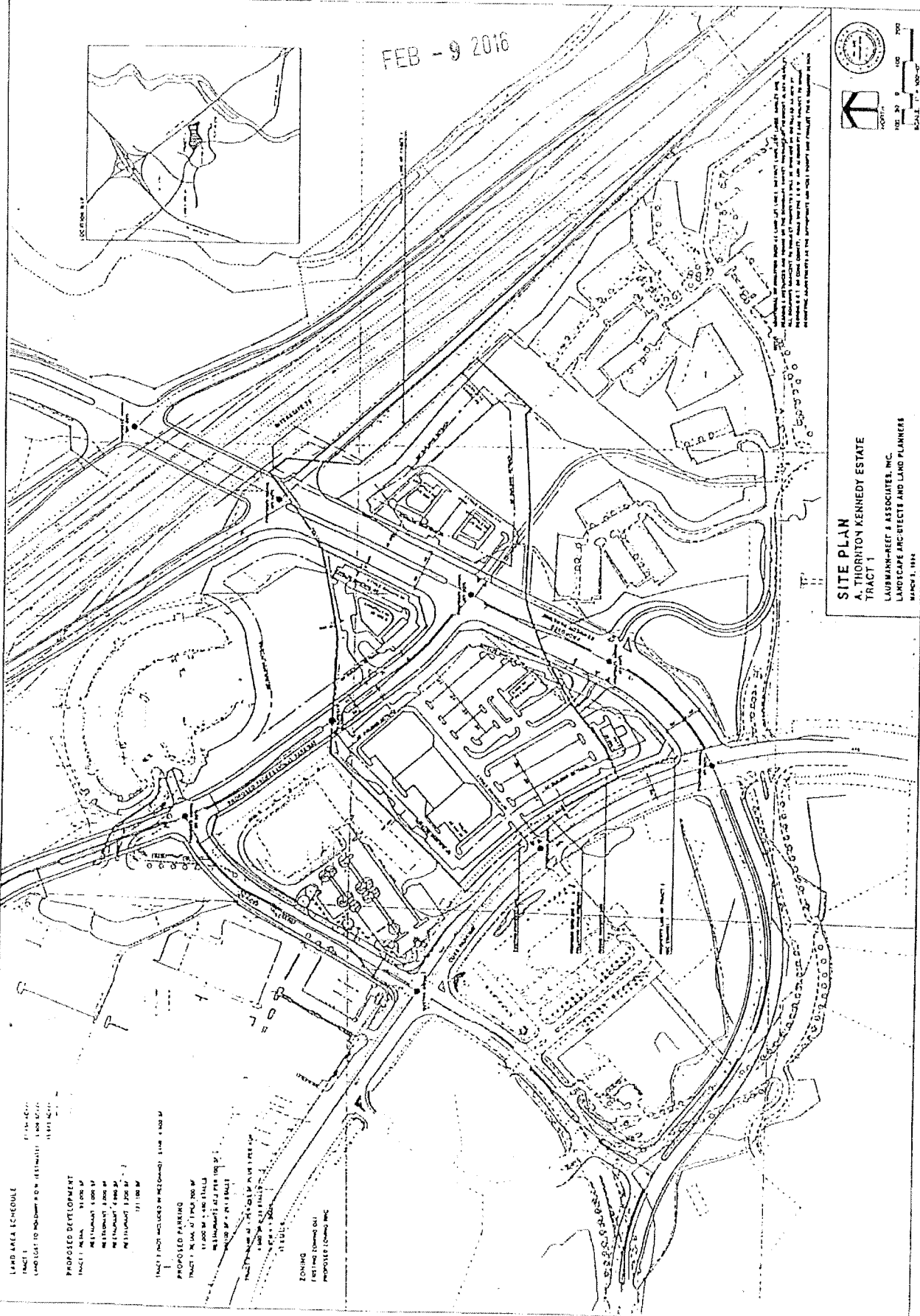


**LAND AREA SCHEDULE**  
 TRACT 1: 10.00 AC (10.00 AC)  
 TRACT 2: 10.00 AC (10.00 AC)  
 TRACT 3: 10.00 AC (10.00 AC)

**PROPOSED DEVELOPMENT**  
 TRACT 1: 10.00 AC (10.00 AC)  
 TRACT 2: 10.00 AC (10.00 AC)  
 TRACT 3: 10.00 AC (10.00 AC)

**PROPOSED PARKING**  
 TRACT 1: 10.00 AC (10.00 AC)  
 TRACT 2: 10.00 AC (10.00 AC)  
 TRACT 3: 10.00 AC (10.00 AC)

**ZONING**  
 TRACT 1: 10.00 AC (10.00 AC)  
 TRACT 2: 10.00 AC (10.00 AC)  
 TRACT 3: 10.00 AC (10.00 AC)



**SITE PLAN**  
 A. THORNTON KENNEDY ESTATE  
 TRACT 1  
 LAUBMANN-REED & ASSOCIATES, INC.  
 LANDSCAPE ARCHITECTS AND LAND PLANNERS  
 MAY 1, 1994



**OFFICIAL MINUTES OF BOARD OF  
COMMISSIONERS ZONING HEARING  
AS TO SITE PLAN AND STIPULATION  
AMENDMENT FOR SUBJECT PROPERTY  
- FEBRUARY 22, 2001  
(APPLICATION FOR REZONING  
NO. Z-48 (1994))**

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APPLICATION NO. Z-48

ORIGINAL DATE OF APPLICATION: 05-17-94

APPLICANTS NAME: P.C. THOMPSON

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 02-22-01 ZONING HEARING:**

**OTHER BUSINESS ITEM #5 – TO CONSIDER APPROVAL OF A SITE PLAN  
FOR FIVE KINGS, INC. REGARDING Z-48 (P.C. THOMPSON) OF MAY 17,  
1994**

To consider approval of a site plan for Five Kings, Inc. regarding Z-48 (P.C. Thompson) of May 17, 1994, for property located on the easterly side of Cumberland Boulevard at its intersection with Cobb Galleria Parkway, south of I-75 in Land Lots 1014 and 1015 of the 17<sup>th</sup> District.

Mr. Mark Danneman, Zoning Division Manager, provided information to the Board regarding applicant's request for site plan approval. Following Mr. Danneman's presentation, the following motion was made:

MOTION: Motion by J. Thompson, second by Byrne, to **approve** site plan for Five Kings, Inc. regarding Z-48 (P.C. Thompson) of May 17, 1994, for property located on the easterly side of Cumberland Boulevard at its intersection with Cobb Galleria Parkway, south of I-75 in Land Lots 1014 and 1015 of the 17<sup>th</sup> District **as follows:**

- **approve** site plan as submitted for a five (5) story office building and **authorize** a 15' foot setback along the southern property line as indicated on the site plan (Copy of site plan is attached and made a part of these minutes.)
- **direct** owner/applicant to submit request for review to the Atlanta Regional Commission (ARC) and obtain approval of a Development Certificate from the Board of Commissioners prior to any permits being issued

VOTE: **ADOPTED** unanimously

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Min. Bk. 16 Petition No. 2-48 of 1994  
 Doc. Type Site Plan (authorizing 15'  
setback on southern property line)  
 Meeting Date February 22, 2001

PAGE 4 OF 4



**METRO** ENGINEERING AND  
SURVEYING CO., INC.



04 SITE PLAN  
SCALE: 1"=30'

**NO. 1**

STORM WATER RUNOFF WILL BE CONTROLLED  
AND DETAINED IN ACCORDANCE WITH COBB  
COUNTY REGULATIONS

FEB - 9 2016

C u m b e r l a n d   B l v d.  
C O B B   C O U N T Y   G E O R G I A

# PRINCE

© 2011 American Bar Association

Case No.	18-00001
Date	12/10/01

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**OFFICIAL MINUTES OF BOARD OF  
COMMISSIONERS ZONING HEARING  
AS TO SITE PLAN AND STIPULATION  
AMENDMENT FOR SUBJECT PROPERTY  
PURSUANT TO OB-061-2014  
- OCTOBER 21, 2014**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 21, 2014  
9:00 A.M.**

FEB - 9 2016

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 21, 2014 at 9:00 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

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

- O.B. 61 To consider the site plan and the stipulation amendments for Greenstone Ventures, Inc. regarding zoning application Z-48 of 1994 (P.C. Thompson), for property located on the easterly side of Cumberland Boulevard at the intersection of Cobb Galleria Parkway, south of I-75 in Land Lots 1014, 1015, 1026 and 1027 of the 17th District.

Mr. Pederson provided information regarding a stipulation and site plan amendments to place an office development on the property. 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 Goreham, to approve O.B. 61 for stipulation and site plan amendments regarding application Z-48 of 1994 (P.C. Thompson), for property located on the easterly side of Cumberland Boulevard at the intersection of Cobb Galleria Parkway, south of I-75 in Land Lots 1014, 1015, 1026 and 1027 of the 17th District subject to:

- Exhibit "B" received by the Zoning Division dated September 16, 2014 (attached and made a part of these minutes)
- Site plan dated September 11, 2014, with District Commissioner approving minor modifications (attached and made a part of these minutes)
- Cobb DOT comments and recommendations: Developer to provide 100% funding for all traffic signal upgrades for the driveway at the intersection of Cumberland Boulevard and Cobb Galleria Parkway; recommend deceleration lane for Cumberland Boulevard; recommend FAA study; recommend GDOT permits for all work that encroaches upon State right-of-way.
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect
- VOTE: **ADOPTED** unanimously

Min. Bk. 74 Petition No. DB-61  
Doc. Type Exh. B.

Meeting Date 10/21/14

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"**  
(Site Plan and Stipulation Amendment)

Application No.: Z-48 (1994)  
Original Hearing Date: May 17, 1994  
Date of Original Zoning Decision: May 17, 1994  
Date of "Other Business" Zoning Decision: February 22, 2001  
Current Hearing Date: October 21, 2014

FEB - 9 2016

SEP 16 2014

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

Applicant: Greenstone Ventures, Inc.  
Titleholder: I-75 Cumberland, LLC  
a Georgia limited liability company

On May 17, 1994, the Cobb County Board of Commissioners approved the rezoning of an approximate 21.454 acre tract located on the easterly side of Cobb Parkway, south of Akers Mill Road to the Regional Retail Commercial ("RRC") zoning category. In 2001, an Application for Site Plan and Stipulation Amendment was filed as to a 5.590 acre tract, which was a portion of the property in the original Application for Rezoning. The property for consideration in the amendment is the same property presented in this instant Application for "Other Business," and is located on the easterly side of Cumberland Boulevard at its intersection with Cobb Galleria Parkway, south of Interstate 75, Land Lots 1014, 1015, 1026, and 1027, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property").

Greenstone Ventures, Inc., as Applicant in this Application for "Other Business" (hereinafter "Applicant") seeks to amend the previously approved site plan and stipulations by deleting same applicable to the Subject Property in their entirety and substituting in lieu thereof the following:

- (1) Applicant seeks approval of the Site Plan dated September 11, 2014, prepared for Applicant by Hughes Good O'Leary & Ryan, specific as to the development of the Subject Property. A reduced copy of the Site Plan as to the Subject Property is attached hereto as Exhibit "1" 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 dated January 18, 2001, for Application for Site Plan and Stipulation Amendment, and adopted as the agreeable stipulations and conditions of development by the Board of Commissioners on February 22, 2001, by deleting said stipulations in their entirety and inserting in lieu thereof the following:
  - (1) The Property is a 5.590 acre tract. Applicant seeks development of the Property for an office tower, including an underground parking deck and surface parking, site plan specific to the Site Plan dated September 11, 2014, prepared by Hughes good O'Leary & Ryan and submitted with this Application for "Other Business."

Petition No. 0861  
Meeting Date 10/21/14  
Continued

- (2) The office tower shall consist of a maximum of ten (10) stories containing approximately 250,000 square feet.
- (3) Parking for tenants of the proposed office tower shall be accomplished by providing a parking deck underneath the tower, having a maximum of five (5) levels of available parking spaces.
- (4) Surface parking for the office tower shall be as shown and reflected on the referenced Site Plan.
- (5) The exterior finish of the proposed office tower shall consist of glass, concrete, and steel, or combinations thereof.
- (6) Detention for the overall development shall be as agreed between Cobb County Stormwater Management and the Applicant.  
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- (7) The entrance to the proposed office tower shall be at the signalized intersection of Cumberland Boulevard and Cobb Galleria Parkway, as more particularly shown and reflected on the referenced Site Plan.
- (8) Entrance signage for the proposed development shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the office tower. Such signage shall contain no flashing sign components.
- (9) 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 during the plan review process.
- (10) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the office tower.
- (11) Additionally, hooded security lighting shall be utilized on the exterior of the building and throughout the walkways, surface parking areas, and parking deck areas.
- (12) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
  - (a) Increase the density of the overall square footage of the development;
  - (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;

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- (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.
- (13) 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.
- (14) 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.
- (15) 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.
- (17) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (18) All utilities for the proposed development shall be located underground.

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the development of the constructed as a result of the original rezoning in 1994. If the requested amendments for the Site Plan and stipulations are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on May 17, 1994, as to the original rezoning of the overall property, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

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<b>ENCORE CENTER</b> PROPERTY ID# 17-1015-0-006, COBB COUNTY, GA GREENSTONE PROPERTIES		DATE: 09-11-2014 FILE: 10286 USER: [blank] STATUS: [blank] DRAWN BY: [blank] CHECKED BY: [blank] NAME: [blank] T-W-1
<b>HIGOR</b> 1401-248-1088 1401-248-1866 1401-248-1866 Atlanta, Georgia 30328 Suite 1025 1445 Peachtree RD NE 30409		SITE PLAN NOT RELEASED FOR DISTRIBUTION

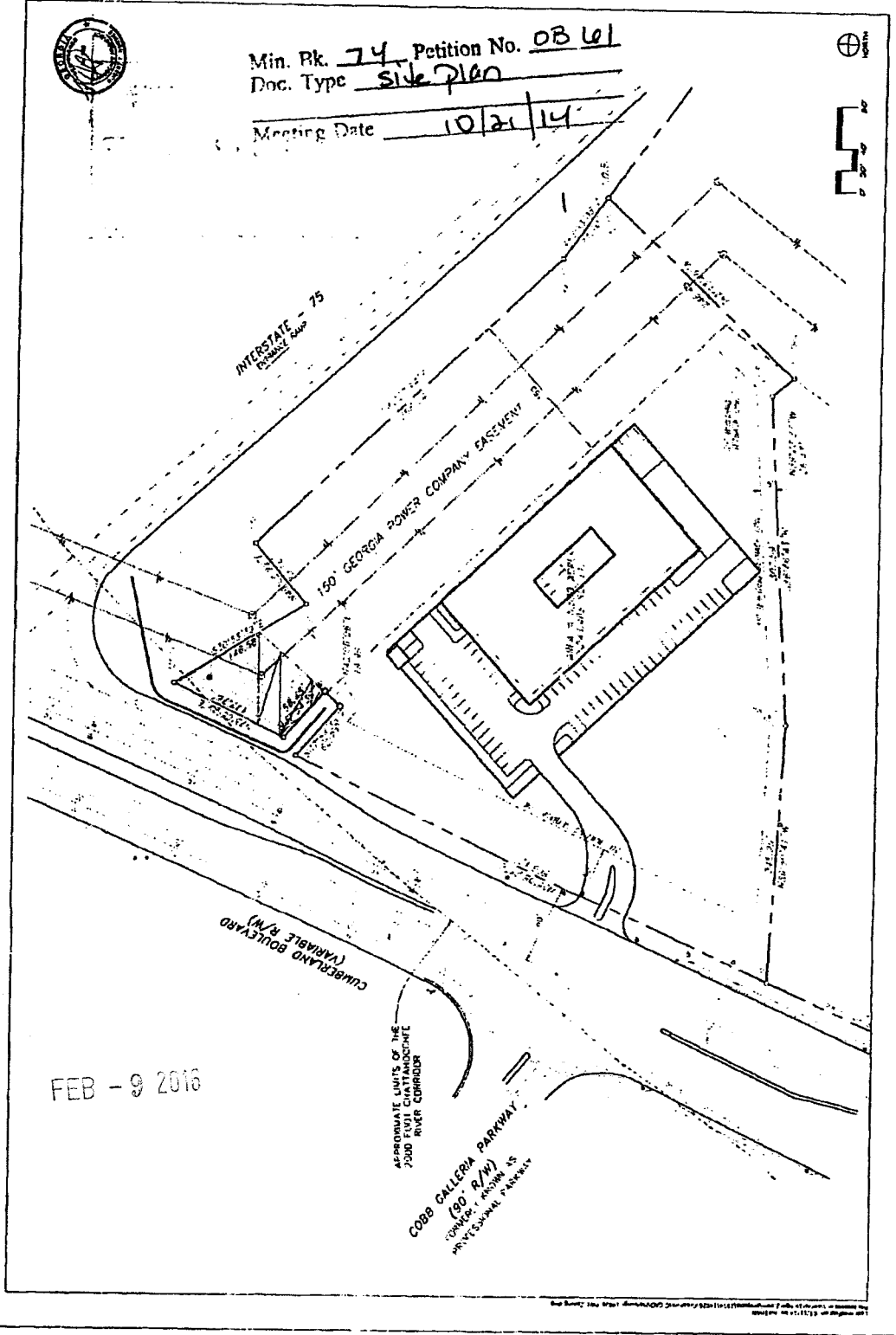


Exhibit "1"