

**NOVEMBER 15, 2016 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM 076**

**PURPOSE**

To consider a stipulation amendment for MCRT Investments, LLC regarding rezoning application Z-60 of 2015 (MCRT Investments, LLC), for property located on the north side of Cumberland Boulevard, east of Akers Mill Road, in Land Lots 949 and 978 of the 17<sup>th</sup> District.

**BACKGROUND**

The subject property was rezoned to Regional Retail Commercial (RRC) in 2015 for a mixed use development consisting of office, retail and residential. At the time of rezoning, the signage was stipulated to be ground based monument style. The developer is finalizing the signage package for the project and would like to place a blade sign on the side of the building in order to achieve better visibility on this hilly and curvy part of Cumberland Boulevard. The applicant would also like to amend the stipulations to include the standard “minor modification” language that has become common in newer zoning cases. A detailed summary is attached (See Exhibit B) that explains these request in detail. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application and zoning stipulations.

(Stipulation Amendment)

# Application for "Other Business" Cobb County, Georgia

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

Application No.: OB- 76 -2016

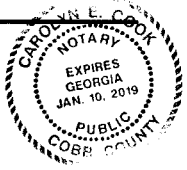
BOC Hearing Date Requested: November 15, 2016

**Applicant:** MCRT Investments LLC Phone #: (678) 608-0948  
(applicant's name printed)

**Address:** Suite 2-440, 3715 Northside Parkway, Atlanta, GA 30327 **E-Mail:** hwadsworth@mcctrust.com  
Moore Ingram Johnson & Steele, LLP

**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

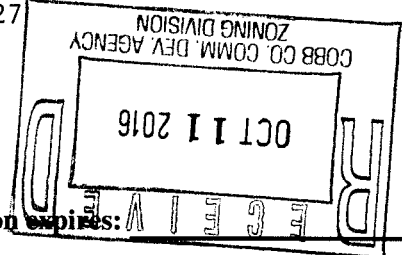


Signed, sealed and delivered in presence of:  
[Signature] My commission expires: January 10, 2019  
Notary Public

**Titleholder(s):** Cumberland Residential LLC Phone #: (678) 608-0908  
(property owner's name printed)

**Address:** Suite 2-440, 3715 Northside Parkway, Atlanta, GA 30327 **E-Mail:** hwadsworth@mcctrust.com

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



Signed, sealed and delivered in presence of:  
\_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Notary Public

**Commission District:** 2 (Ott) **Zoning Case:** Z-60 (2015)

**Size of property in acres:** 3.654± **Original Date of Hearing:** 06/16/2015

**Location:** North side of Cumberland Boulevard; east of Akers Mill Road  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 949, 978 **District(s):** 17th

**State specifically the need or reason(s) for Other Business:** \_\_\_\_\_  
See Exhibit "B" attached hereto and incorporated herein by reference

(List or attach additional information if needed)

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

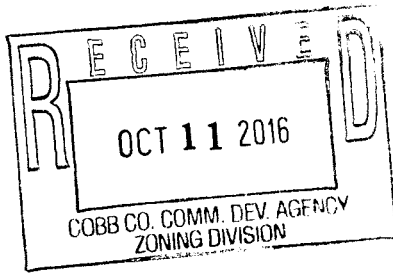
OB Application No.: OB- 76 -2016  
Application No.: Z-60 (2015)  
Original Hearing Date: June 16, 2015  
Date of Zoning Decision: June 16, 2016  
Current Hearing Date: November 15, 2016


**Applicant:** MCRT Investments LLC  
**Titleholder:** Cumberland Residential LLC

Cumberland Residential LLC  
a Delaware limited partnership

BY: Cumberland Development LLC,  
a Delaware limited liability company,  
its Sole Member

BY: MCRT Cumberland LLC,  
a Delaware limited liability company,  
its Managing Member



BY:   
TITLE: Vice President

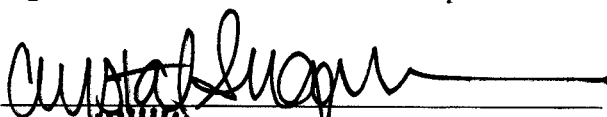
Printed Name: Harry Wadsworth

Date Executed: 10/10/2016

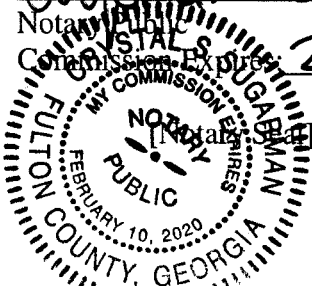
Address: Suite 2-440, 3715 Northside Parkway  
Atlanta, Georgia 30327

Telephone No.: (678) 608-0948

Signed, sealed, and delivered in the presence of:

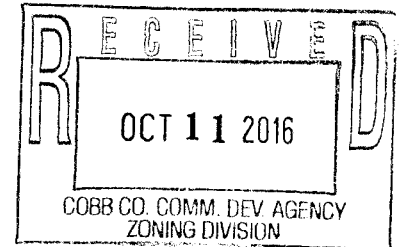
  
Notary Public

Commission Expires 2/10/20



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

**OB Application No.:** OB- 76 -2016  
**Application No.:** Z-60 (2015)  
**Original Hearing Date:** June 16, 2015  
**Date of Zoning Decision:** June 16, 2016  
**Current Hearing Date:** November 15, 2016



**Applicant:** MCRT Investments LLC  
**Titleholder:** Cumberland Residential LLC

On June 16, 2015, the Cobb County Board of Commissioners approved the rezoning of an approximately 3.654 acre tract located on the north side of Cumberland Boulevard, east of Akers Mill Road, Land Lots 949 and 978, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Subject Property" or "Property") to the Regional Retail Commercial ("RRC") zoning category for the development of a mixed-use community. MCRT Investments LLC, as Applicant in the initial Application for Rezoning and in this Application for "Other Business," (hereinafter "Applicant"), is the developer of the project to be known as "Modera Vinings." Details of the project, such as lighting, signage, and the like, are in final stages, and Applicant has determined that additional "name exposure" on Cumberland Boulevard would be beneficial to the Modera Vinings Project.

Applicant seeks to amend two stipulations which are set forth in the letter of agreeable stipulations and conditions dated June 10, 2015, and made a part of the final, official minutes of the Cobb County Board of Commissioners Zoning Hearing held on June 16, 2015, as follows:

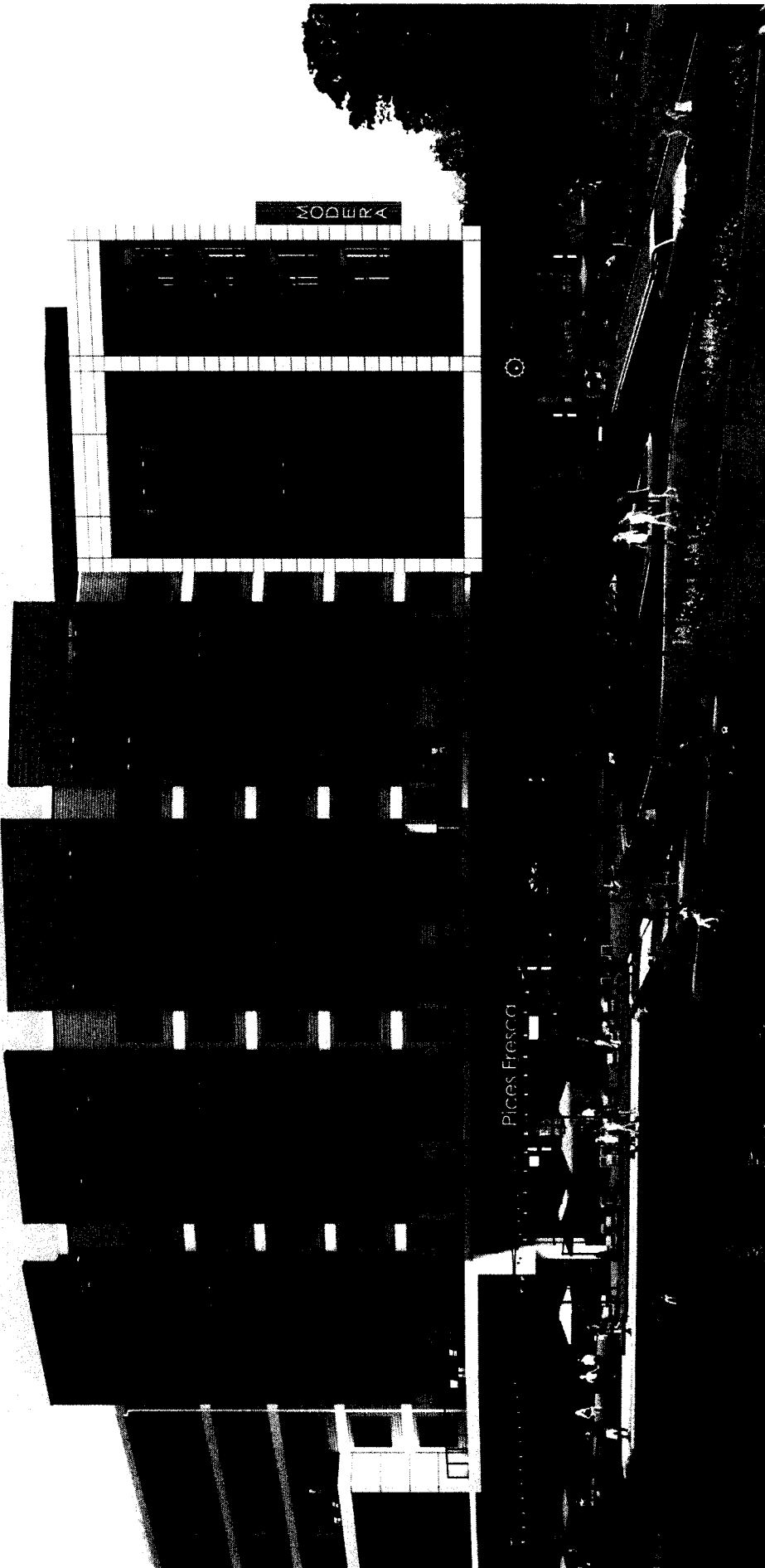
- (1) Applicant seeks to amend the stipulation relating to entrance signage, set forth on page 3, subparagraph (2), in the referenced letter of agreeable stipulations and conditions by adding thereto the following:

Applicant seeks approval of the placement of a permanent "blade" sign on the corner of one of the buildings which lies immediately adjacent to, and is visible from Cumberland Boulevard, in addition to the required ground-based monument signage approved by the Board of Commissioners on June 16, 2015. Renderings and details of the proposed blade signage are attached collectively as Exhibit "1."

- (a) Deletion of subparagraph (9), page 4, in its entirety and insertion in lieu thereof the following:
  - (9) Minor modifications to the stipulations, the Site Plan, lighting, landscaping, signage, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
    - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
    - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
    - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
    - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or
    - (e) Change an access location to a different roadway.

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

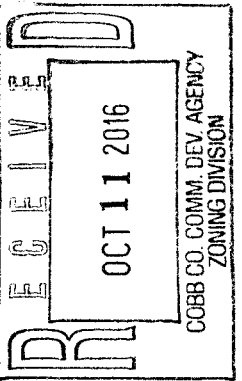
The balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on June 16, 2015; as well as the attachments referenced therein and made a part of the minutes, are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.



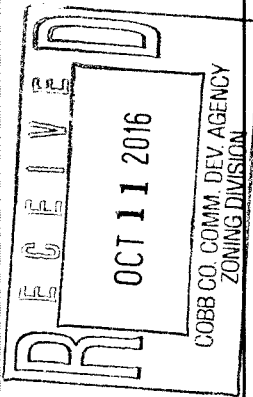
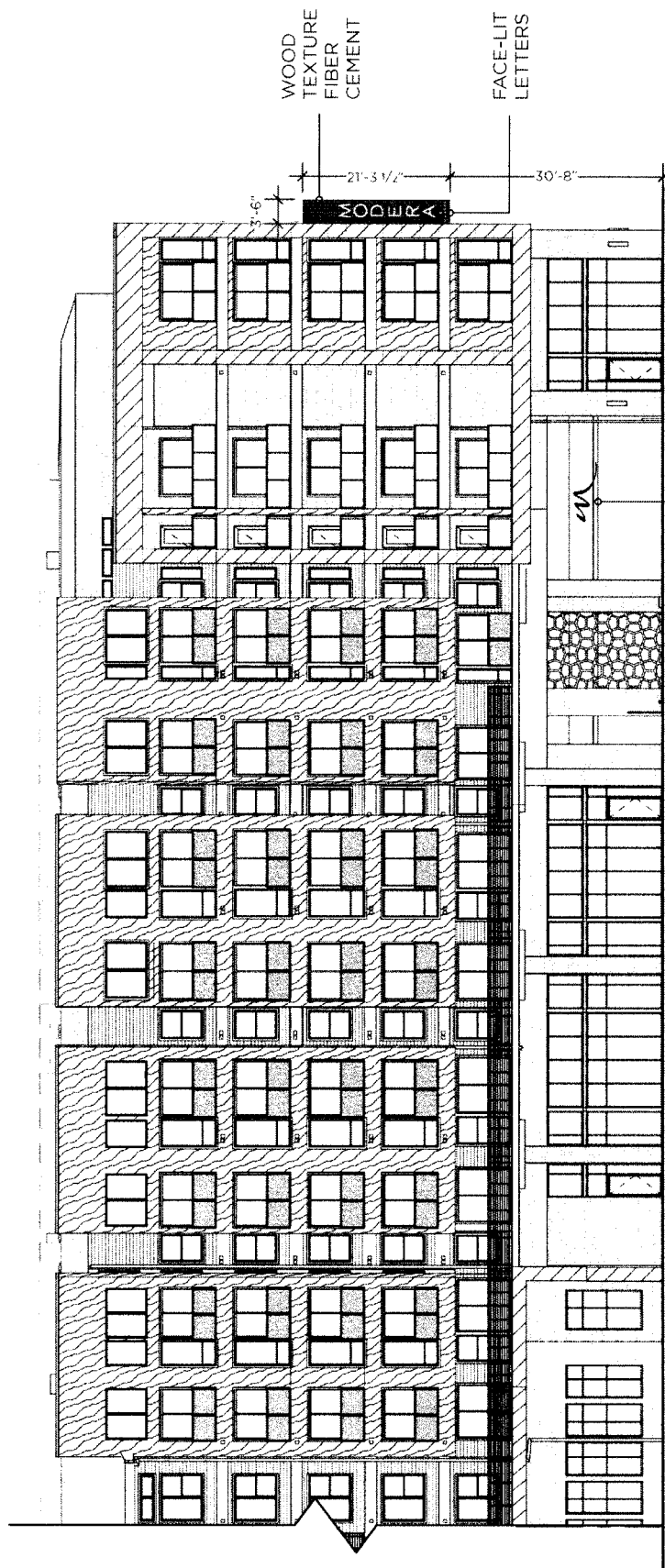
**IDENTITY BLADE RENDERING**

Modera Vinings | Signage + Wayfinding

FOR CONCEPT ONLY | 4



S.



1/16" = 1'-0"

WOOD TEXTURE FIBER CEMENT SYMBOL (EDGE-LIT OR EXTERNALLY ILLUMINATED)

WOOD TEXTURE FIBER CEMENT

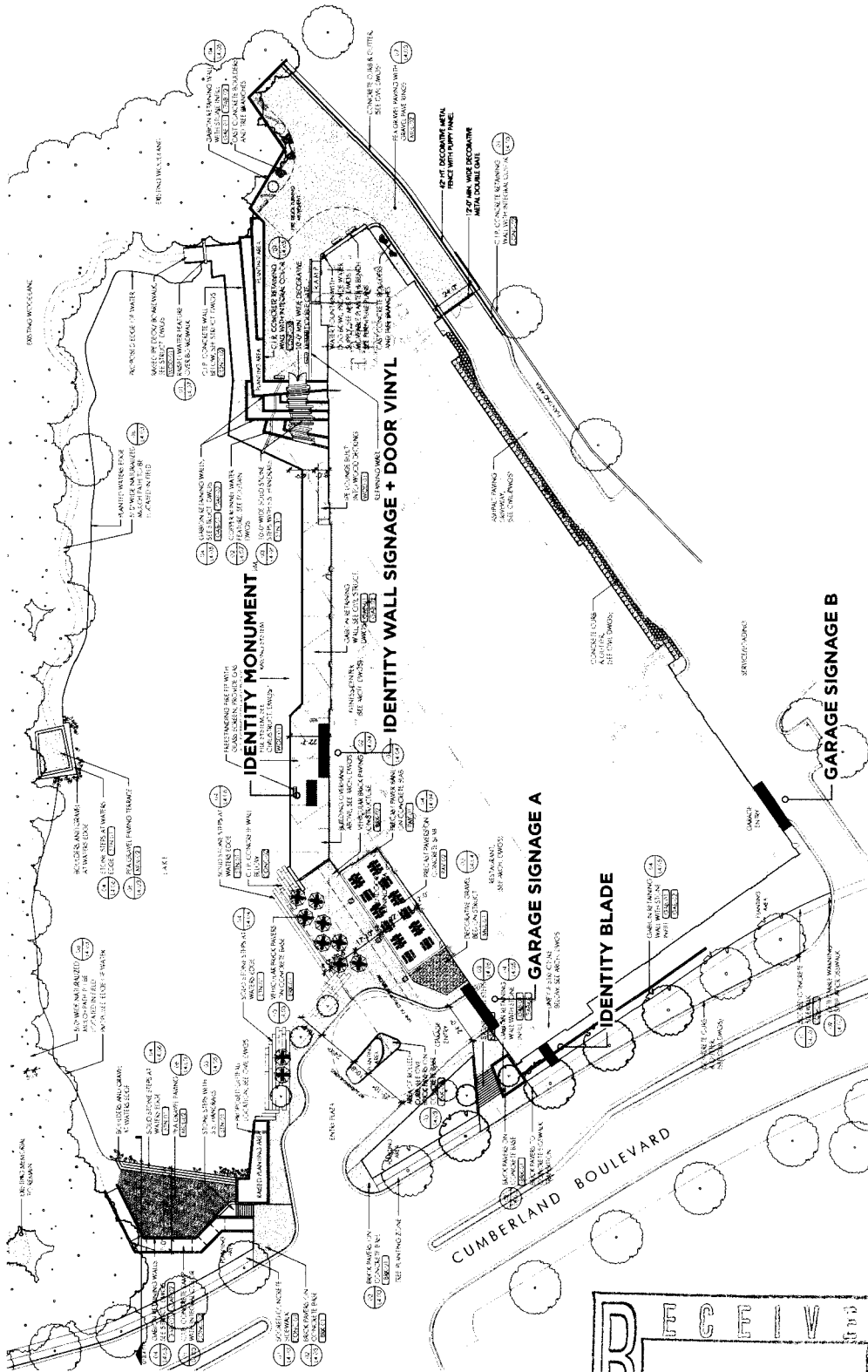
FACE-LIT LETTERS

**IDENTITY BLADE + GARAGE SIGNAGE A**

FOR CONCEPT ONLY | 3

Modera Vinings | Signage + Wayfinding

S.



**RECEIVED**  
 OCT 11 2016  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

**EXTERIOR SIGNAGE PLAN**

NOT TO SCALE | FOR CONCEPT ONLY | 2

Modera Vinings | Signage + Wayfinding

S.



**REVISED SITE PLAN FOR DEVELOPMENT  
OF SUBJECT PROPERTY  
APPROVED BY  
DISTRICT COMMISSIONER  
PURSUANT TO  
APPLICATION NO. Z-60 (2015) –  
APPROVED NOVEMBER 9, 2015**

**PLANNERS AND ENGINEERS COLLABORATIVE**  
WE PROVIDE SOLUTIONS  
3222 CUMBERLAND BLVD, SUITE 300  
ATLANTA, GA 30339  
(404) 525-1300

**REVISIONS:**

NO.	DATE	BY	DESCRIPTION

**SHEET TITLE**  
SITE PLAN  
SCALE: 1" = 40'  
DATE: SEPTEMBER 16, 2015  
PROJECT: RAUB RD

5 SHEET

**NOTES:**

- NO CURB CUTS OR ARCHITECTURAL OR LANDSCAPE LANDSCAPES EXIST ON SITE.
- TERRAIN IS 100% YEAR PLANTING ONLY (REFER TO PLAN).
- NO EXISTING UTILITIES ARE SHOWN IN THE EXISTING LAYOUT.
- NO EXISTING UTILITIES ARE SHOWN IN THE EXISTING LAYOUT.

**GENERAL NOTES:**

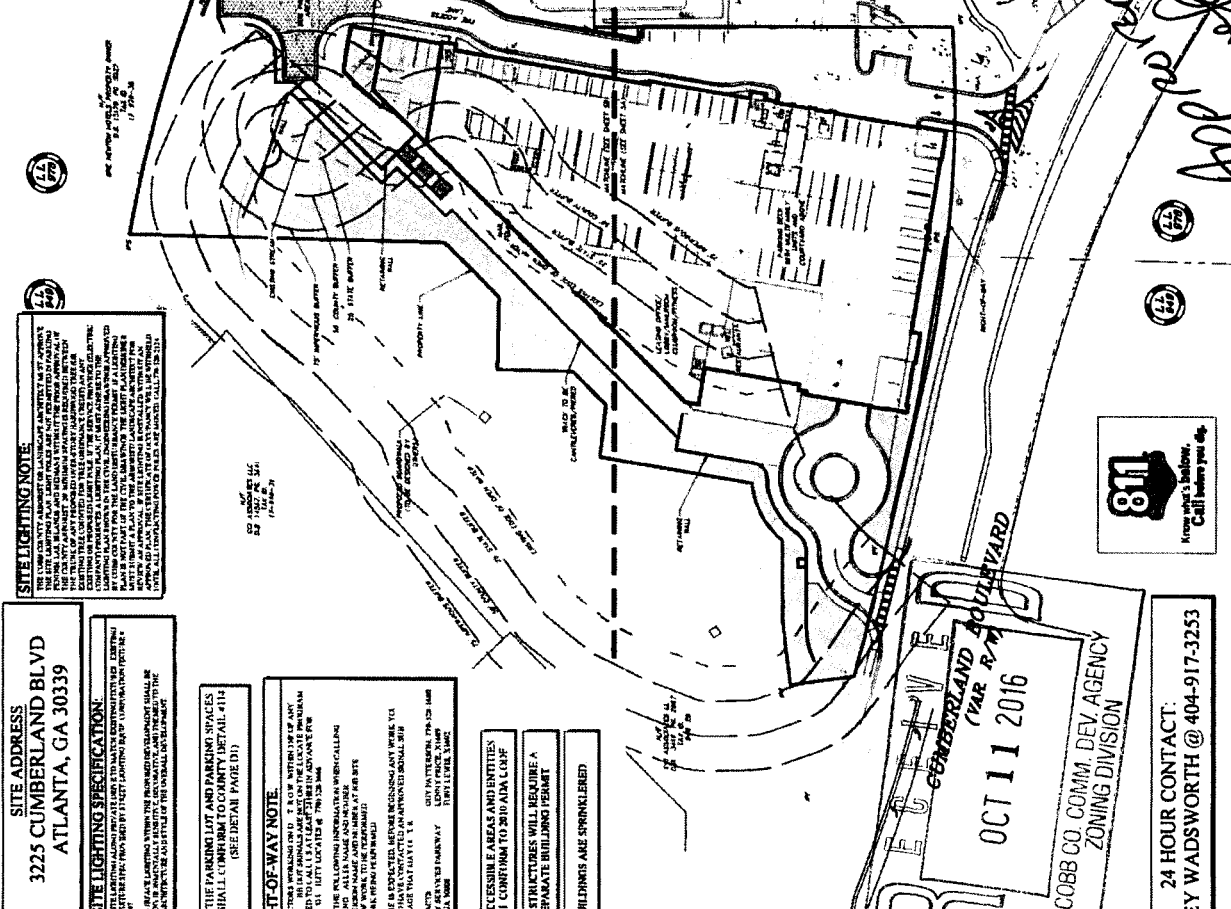
- ALL EXISTING UTILITIES SHALL BE RELOCATED TO AVOID THE PROPOSED CONSTRUCTION AND SHALL BE DEEPENED TO 24" BELOW FINISHED GRADE TO ACCOMMODATE ALL UTILITIES.
- ALL UTILITIES SHALL BE DEEPENED TO 24" BELOW FINISHED GRADE TO ACCOMMODATE ALL UTILITIES.
- ALL UTILITIES SHALL BE DEEPENED TO 24" BELOW FINISHED GRADE TO ACCOMMODATE ALL UTILITIES.

**ADA NOTE:**

ALL PUBLIC AREAS SHALL BE ACCESSIBLE TO ALL PEOPLE IN ACCORDANCE WITH THE ADA (28 CFR PART 36).

**SITE AND GRADING NOTES:**

- ALL EXISTING UTILITIES SHALL BE RELOCATED TO AVOID THE PROPOSED CONSTRUCTION AND SHALL BE DEEPENED TO 24" BELOW FINISHED GRADE TO ACCOMMODATE ALL UTILITIES.
- ALL UTILITIES SHALL BE DEEPENED TO 24" BELOW FINISHED GRADE TO ACCOMMODATE ALL UTILITIES.
- ALL UTILITIES SHALL BE DEEPENED TO 24" BELOW FINISHED GRADE TO ACCOMMODATE ALL UTILITIES.



**SITE LIGHTING SPECIFICATION:**

ALL LIGHTING SHALL BE PROVIDED TO ILLUMINATE THE PROPOSED CONSTRUCTION AND SHALL BE DEEPENED TO 24" BELOW FINISHED GRADE TO ACCOMMODATE ALL UTILITIES.

**THE PARKING LOT AND PARKING SPACES SHALL CONFORM TO COUNTY DETAIL #114 (SEE DETAIL PAIR D1)**

**DOT RIGHT-OF-WAY NOTE:**

ALL UTILITIES SHALL BE RELOCATED TO AVOID THE PROPOSED CONSTRUCTION AND SHALL BE DEEPENED TO 24" BELOW FINISHED GRADE TO ACCOMMODATE ALL UTILITIES.

**ALL ACCESSIBLE AREAS AND ENTITIES SHALL CONFORM TO 2010 ADA CGF**

**ALL STRUCTURES WILL REQUIRE A SEPARATE BUILDING PERMIT**

**HURDLES ARE SPRINKLERED**

**DRIVE**

**OCT 11 2016**

**COBB CO. COMM. DEV. AGENCY ZONING DIVISION**

**24 HOUR CONTACT: HARVEY WADSWORTH @ 404-917-3253**

**SITE LOCATION MAP (NTS)**

**SITE DATA**

TOTAL AREA: 1.11 ACRES  
DISTRICT: COMMERCIAL

APPLICABLE STANDARDS	
MIN. WARD HEIGHT	10 FT.
MIN. WARD SETBACK	5 FT.
MIN. WARD FRONT SETBACK	5 FT.
MIN. WARD SIDE SETBACK	5 FT.
MIN. WARD REAR SETBACK	5 FT.
MIN. WARD CORNER SETBACK	5 FT.
MIN. WARD TYPICAL SETBACK	5 FT.
MIN. WARD MINIMUM SETBACK	5 FT.
MIN. WARD MAXIMUM SETBACK	5 FT.
MIN. WARD MINIMUM SETBACK	5 FT.
MIN. WARD MAXIMUM SETBACK	5 FT.

**COBB FIRE & EMERGENCY NOTES:**

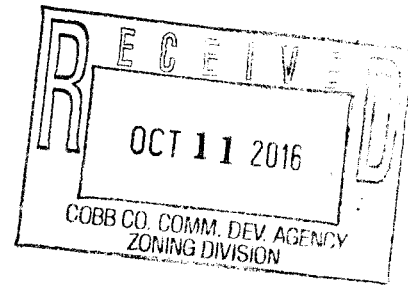
ALL EXISTING UTILITIES SHALL BE RELOCATED TO AVOID THE PROPOSED CONSTRUCTION AND SHALL BE DEEPENED TO 24" BELOW FINISHED GRADE TO ACCOMMODATE ALL UTILITIES.

**LANDSCAPE MAINTENANCE NOTE**

ALL PLANTING SHALL BE INSTALLED IN ACCORDANCE WITH THE 2010 ADA CGF.

**OFFICIAL MINUTES OF BOARD OF  
COMMISSIONERS ZONING HEARING  
FOR APPLICATION FOR REZONING  
NO. Z-60 (2015) – JUNE 15, 2015**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JUNE 16, 2015  
9:00 A.M.**



The Board of Commissioners Zoning Hearing was held on Tuesday, June 16, 2015 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 Bob Ott  
Commissioner Bob Weatherford

**Z-60**

**MCRT INVESTMENTS LLC** (River Oaks Associates, LP; Cumberland Center Associates; Cumberland Stillhouse, LP; CCAssociates (Georgia), LLC; owners) requesting Rezoning from **O&I** to **RRC** for the purpose of a Mixed-Use Development in Land Lots 949 and 978 of the 17<sup>th</sup> District. Located on the north side of Cumberland Boulevard, east of Akers Mill Road.

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 Weatherford, to **approve** Z-60 to the **RRC** zoning category, subject to:

- Letter of agreeable conditions from Mr. John Moore dated June 10, 2015 (attached and made a part of these minutes) with the following changes:
  - Item No. 8 – add to end: *“p. hospitals and medical clinics; q. radio, TV, or cell phone towers”*
  - Item No. 14 – add to end: *“...and will also require district commissioner approval.”*
  - Item No. 16 – add to end: *“...up to and including repair or improvements to the existing dam as determined by Cobb County.”*
  - Add Item No. 18: *“All construction, delivery, and worker vehicles must be contained on the worksite with no vehicle parking allowed on Cumberland Boulevard, Riverwood Parkway, or within the parking lots of adjoining businesses.”*
  - Add Item No. 19 – *“Construction hours limited to Monday through Friday with work hours concluding by 7:00 p.m. and Saturday work hours concluding by 6:00 p.m. and no work on Sunday without prior approval from the District Commissioner.”*
  - Add Item No. 20 – *“Construction hours limited to Monday through Friday, with work hours concluding at 7:00 p.m.; Saturday work hours concluding by 6:00 p.m.; and no work on Sunday.”*

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
JUNE 16, 2015  
9:00 A.M.**

The Board of Commissioners Zoning Hearing was held on Tuesday, June 16, 2015 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 Bob Ott  
Commissioner Bob Weatherford

**Z-60            MCRT INVESTMENTS LLC (CONT.)**

- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

**VOTE: ADOPTED** unanimously

# 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  
ANGELA H. SMITH†  
CHRISTOPHER C. MINGLEDORFF  
ANGELA D. TARTLINE

JOYCE W. HARPER  
CAREY E. OLSON\*  
CHARLES E. PIERCE\*  
WILMA R. BUSH  
GREGORY H. FULLER\*  
TODD I. HEIRD\*  
ALEXANDER B. MORRISON\*  
DOUGLAS W. BUTLER, JR.  
CARLA C. WESTER‡  
AMY L. JETT\*  
RYAN M. INGRAM  
SHAWN G. SHELTON  
D. AUSTIN GILLIS  
KRISTEN C. STEVENSON\*  
SARAH H. BEST\*†  
RYAN C. EDENS\*  
JULIE C. FULLER\*  
JODI B. LODEN\*  
TAMMI L. BROWN  
DAVID A. HURTADO  
J. MARSHALL WEHUNT  
JONATHAN J. SMITH  
KRISTAN B. MORRISON\*\*\*  
WILLIAM B. WARIHAY†

**MARIETTA, GEORGIA**  
EMERSON OVERLOOK  
326 ROSWELL ST  
MARIETTA, GEORGIA 30060  
TELEPHONE (770) 429-1499

**KNOXVILLE, TENNESSEE**  
408 N. CEDAR BLUFF RD • STE 500  
KNOXVILLE, TENNESSEE 37923  
TELEPHONE (865) 692-9039

**JACKSONVILLE, FLORIDA**  
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250  
JACKSONVILLE, FLORIDA 32256  
TELEPHONE (904) 428-1485

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

**LEXINGTON, KENTUCKY**  
2333 ALEXANDRIA DRIVE  
LEXINGTON, KENTUCKY 40504  
TELEPHONE (502) 410-8021

**CHARLESTON, SOUTH CAROLINA**  
885 ISLAND PARK DR • STE B  
CHARLESTON, SOUTH CAROLINA 29492  
TELEPHONE (843) 302-0002

**ORLANDO, FLORIDA**  
7380 W. SAND LAKE RD • STE 500  
ORLANDO, FLORIDA 32819  
TELEPHONE (407) 367-8233

COLLEEN K. HORN\*  
DAVID J. OTTEN\*  
JONATHAN S. FUTRELL  
NORBERT D. HUMMEL, IV  
DAVID P. CONLEY  
B. CHASE ELLEBY  
MARIANNA L. JABLONSKI\*  
LOURDES SANCERNI-FULTON†  
LEAH C. FOX†  
ALISHA I. WYATT-BULLMAN†  
J. DANIEL GOLE  
RYAN S. ROBINSON  
JOSEPH D. SHELLEY  
LESLIE S. SMITH  
CHRISTIAN H. LAYCOCK  
LIZA D. HARRELL\*\*  
JESSICA A. KING  
JOHN A. EARLY  
CHRISTOPHER W. SHERMAN\*  
JESS E. MAPLES\*  
FREDERICK F. FISHER\*\*\*  
KENNETH D. HALL  
RAHUL SHETH  
GRANT S. TALL

KIMBERLY E. THOMPSON\*  
BRENT R. LAMAN\*  
CHRISTOPHER R. BROOKS\*  
ADAM S. ROSENBERG  
CHRISTOPHER D. TROUTMAN  
ALLISON M. HELSINGER\*  
MICHAEL R. BEANE†

OF COUNSEL:  
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\*\*\* ALSO ADMITTED IN CA  
\* ALSO ADMITTED IN TX  
\* ALSO ADMITTED IN AL  
† ALSO ADMITTED IN KY  
† ALSO ADMITTED IN SC  
\*\* ALSO ADMITTED IN IN  
\* ALSO ADMITTED IN TN  
\* ADMITTED ONLY IN FL  
\*\*\* ADMITTED ONLY IN SC  
\* ADMITTED ONLY IN KY

Min. Bk. 76 Petition No. 260  
Doc. Type letter

June 10, 2015

Meeting Date 6-16-15

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-60 (2015)  
Applicant: MCRT Investments LLC  
Property Owners: River Oaks Associates, L.P.;  
Cumberland Center Associates;  
Cumberland Stillhouse, L.P.; and  
CCI Associates (Georgia), LLC  
Property: 3.654 acres located on the northerly side of  
Cumberland Boulevard, easterly of Akers  
Mill Road, Land Lots 949 and 978,  
17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County,  
Georgia

Dear Jason:

The undersigned and this firm represent MCRT Investments LLC, the Applicant (hereinafter referred to as "Applicant"), in its Application for Rezoning with regard to a total tract of 3.654 acres, more or less, located on the northerly side of Cumberland Boulevard, easterly of Akers Mill Road, Land Lots 949 and 978, 17th District, 2nd Section, Cobb County, Georgia

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 9  
June 10, 2015

Petition No.       Z-60        
Meeting Date       6-16-15        
Continued

(hereinafter referred to as the "Property" or the "Subject Property"). After meetings with planning and zoning staff, reviewing the staff comments and recommendations; reviewing the uses of surrounding properties, and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter shall supersede and replace in full the previous letter of agreeable stipulations and conditions dated and filed May 28, 2015. The revised, 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 classification of Office Institutional ("OI") to the proposed zoning classification of Regional Retail Commercial ("RRC"), site plan specific to the revised Rezoning Site Plan prepared for Applicant by Planners and Engineers Collaborative, dated October 20, 2014, last revised June 9, 2015. A reduced copy of the revised Rezoning Site Plan is attached hereto as Exhibit "A" and incorporated herein by reference.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Rezoning Site Plan for the proposed development hereinabove referenced, same being prepared for Applicant by Planners and Engineers Collaborative, dated October 20, 2014, last revised June 9, 2015, and filed with the Zoning Office contemporaneously with the filing of this revised letter of agreeable stipulations and conditions.
- (4) The Subject Property consists of approximately 3.654 acres of total site area and shall be developed for a mixed-use development consisting of residential units, with supporting office and retail development.

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 3 of 9  
June 10, 2015

Petition No. 2-60  
Meeting Date 6-16-15  
Continued

**STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT**

- (1) The main entrance area to the proposed development shall be a plaza-style entrance as more particularly shown and reflected on the referenced Rezoning Site Plan. The entrance area for residents and office and retail personnel shall be located as shown and reflected on the referenced Rezoning Site Plan.
- (2) 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 building. 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 Rezoning Site Plan.
- (3) 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.
- (4) Applicant agrees to the installation of a multi-use trail surrounding the lake located within the proposed development. The natural, wooded trees and vegetation shall remain and serve as a buffer area between the lake and the development immediately westerly of the Subject Property. Additionally, a boardwalk area shall be constructed over the lake, and a memorial garden and picnic area shall be established within a portion of the natural wooded area.
- (5) Surface lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the overall development.
- (6) Additionally, hooded security lighting shall be utilized on the exteriors of the building and parking deck areas.
- (7) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed building 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.



**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 4 of 9  
June 10, 2015

Petition No.       Z-60        
Meeting Date       6-16-15        
Continued

- (8) The following uses shall be prohibited from the proposed overall development:
  - (a) Video arcades as a primary use;
  - (b) Adult-themed bookstores as a primary use;
  - (c) Automotive sales, leasing, repair, and/or service facilities;
  - (d) Gas stations and self-service gas stations that sell gas and convenience stores;
  - (e) Truck and trailer leasing facilities;
  - (f) Automotive paint and body repair shops;
  - (g) Automotive upholstery shops;
  - (h) Billiards and pool halls which are the sole or predominant use;
  - (i) Bus stations (not to exclude bus stops);
  - (j) Fraternity and sorority house;
  - (k) Full-service gas stations;
  - (l) Light automotive repair;
  - (m) Rooming houses and boarding houses;
  - (n) Any form of adult entertainment business; and
  - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.
  
- (9) The District Commissioner shall have the authority to approve minor modifications to these stipulations and conditions and the Rezoning Site Plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 5 of 9  
June 10, 2015

Petition No. 2-60  
Meeting Date 6-16-15  
Continued

density; reduce the size or composition of an approved buffer area or landscape strip to adjacent property; relocate a structure closer to a property line; or increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will come back through the public hearing process as an "Other Business Application agenda.

- (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.
- (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) The proposed development shall be a "secured development" with gated, computer-code access for both entering and leaving the premises.
- (14) 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.
- (15) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (16) Applicant will utilize the detention/retention facilities located within the lake adjacent to the proposed development. Any and all work and necessary modifications to the detention and/or retention facilities shall comply with all Cobb County Stormwater Management requirements.
- (17) All utilities for the proposed overall development shall be located underground.
- (18) Applicant proposes to provide five hundred (500) parking spaces for the residential and retail development. Applicant shall provide Staff with a parking

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 6 of 9  
June 10, 2015

Petition No. 2-60  
Meeting Date 6-16-15  
Continued

study at Plan Review illustrating the propriety of the spaces provided. If the number of residential units decreases, the total number of parking spaces shall decrease on a pro rata basis, calculated at 1.5 parking spaces per unit. The retail spaces are calculated at five (5) spaces per one thousand square feet.

**I. RESIDENTIAL COMPONENT**

- (1) The residential component of the proposed development shall have a maximum of three hundred (300) residential leased units contained within one mid-rise building, a maximum of eight (8) stories in height, above grade, as more particularly shown and reflected on the Rezoning 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, and greater.
- (2) The building comprising the proposed development shall be constructed in substantial conformity with the rendering attached hereto as Exhibit "B" and incorporated herein by reference.
- (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;

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 7 of 9  
June 10, 2015

Petition No. 2-60  
Meeting Date 6-16-15  
Continued

- (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 each unit;
  - (m) Garden tubs with showers as an upgrade;
  - (n) Eight (8) foot entry doors subject to fire rating;
  - (o) Energy-efficient construction which will exceed the Georgia Energy Code;
  - (p) Double-paned, insulated windows in all units; and
  - (q) Controlled access building and amenity areas.
- (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) Cabana;
  - (c) Terrace level courtyard overlooking the lake;
  - (d) Fitness center;
  - (e) Clubroom; and
  - (f) Business center or internet café.

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 8 of 9  
June 10, 2015

Petition No. 2-60  
Meeting Date 6-16-15  
Continued

- (6) The residents within the proposed residential community will utilize a compactor system for refuse.

**II. OFFICE AND RETAIL COMPONENT**

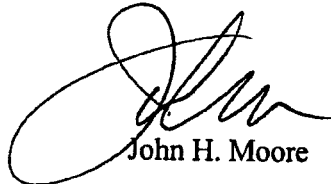
- (1) The office and retail component of the proposed development shall consist of a maximum of 10,000 square feet and shall be located on the ground floor of the proposed building. The office and retail component will include the business centers for the development.
- (2) Parking for tenants and customers of the proposed office and retail establishments shall be within designated areas of the parking deck.

We believe the requested zoning, pursuant to the Rezoning Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed development is an exciting project which fits together a mixed-use 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 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

**MOORE INGRAM JOHNSON & STEELE**

Mr. Jason A. Campbell  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 9 of 9  
June 10, 2015

Petition No.       Z-60        
Meeting Date       6-16-15        
Continued

- c: Cobb County Board of Commissioners:
  - Timothy D. Lee, Chairman
  - JoAnn Birrell
  - Lisa N. Cupid
  - Robert J. Ott
  - Bob Weatherford
  - (With Copies of Attachments)
  
- Mike Terry, Chairman  
Cobb County Planning Commission  
(With Copies of Attachments)
  
- MCRT Investments LLC  
(With Copies of Attachments)

**PLANNERS AND ENGINEERS COLLABORATIVE**  
 3115 NORTHERN PARKWAY  
 SUITE 2010  
 ATLANTA, GA 30319  
 TEL: 404.525.1100  
 FAX: 404.525.1101  
 WWW.PLANSOL.COM

**THE PROVIDOR SOLUTIONS**  
 2000 WOODBURN DRIVE  
 DECATUR, GA 30030  
 TEL: 404.233.8800  
 WWW.PROVIDORSOLUTIONS.COM

NO.	DATE	BY	DESCRIPTION

**REVISIONS:**

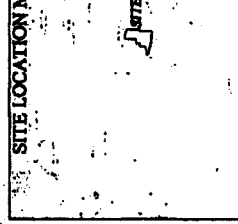
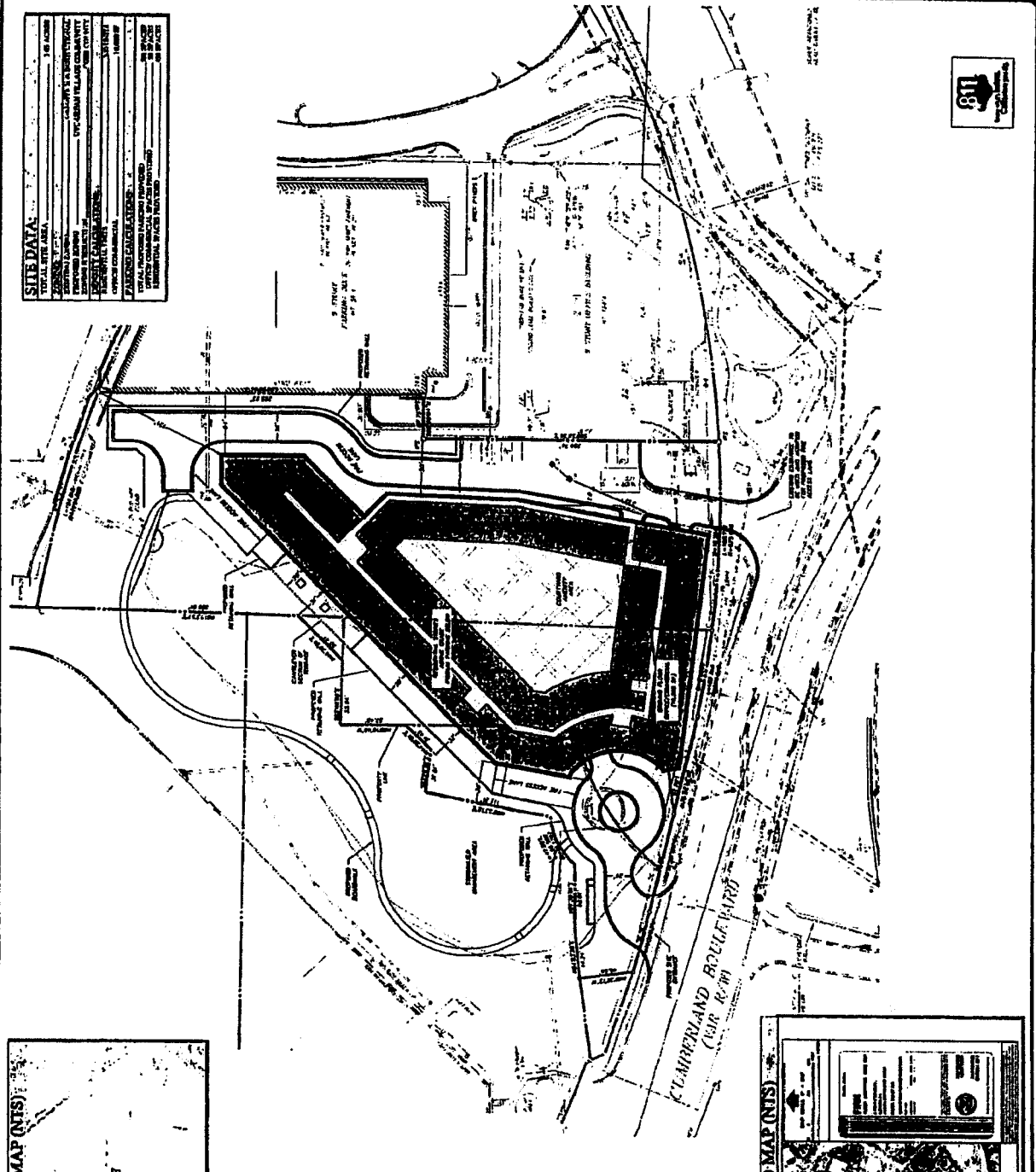
PROJECT TITLE: **REZONING SITE PLAN**  
 SCALE: 1" = 40'  
 DATE: OCTOBER 24, 2014  
 PROJECT: 14300.00  
 SHEET NO. 01 OF 02  
 THE SCALE FOR THIS SHEET SHALL BE 1" = 40'

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 COMMUNITY DEVELOPMENT DEPARTMENT  
 CITY OF ATLANTA  
 DATE: OCT 24 2014  
 TIME: 11:05 AM

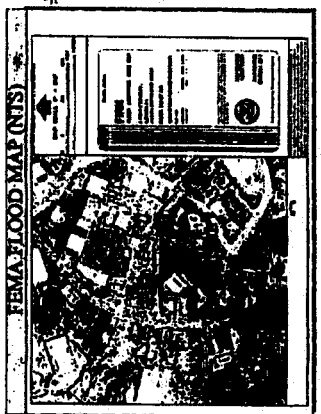
**STAMP: 811**  
 Call Before You Dig  
 811-4-NEED-4-11

**Z2**  
 DISTRICT

**N**  
 NORTH



Petition No. 2-60  
 Meeting Date 6-16-15  
 continued



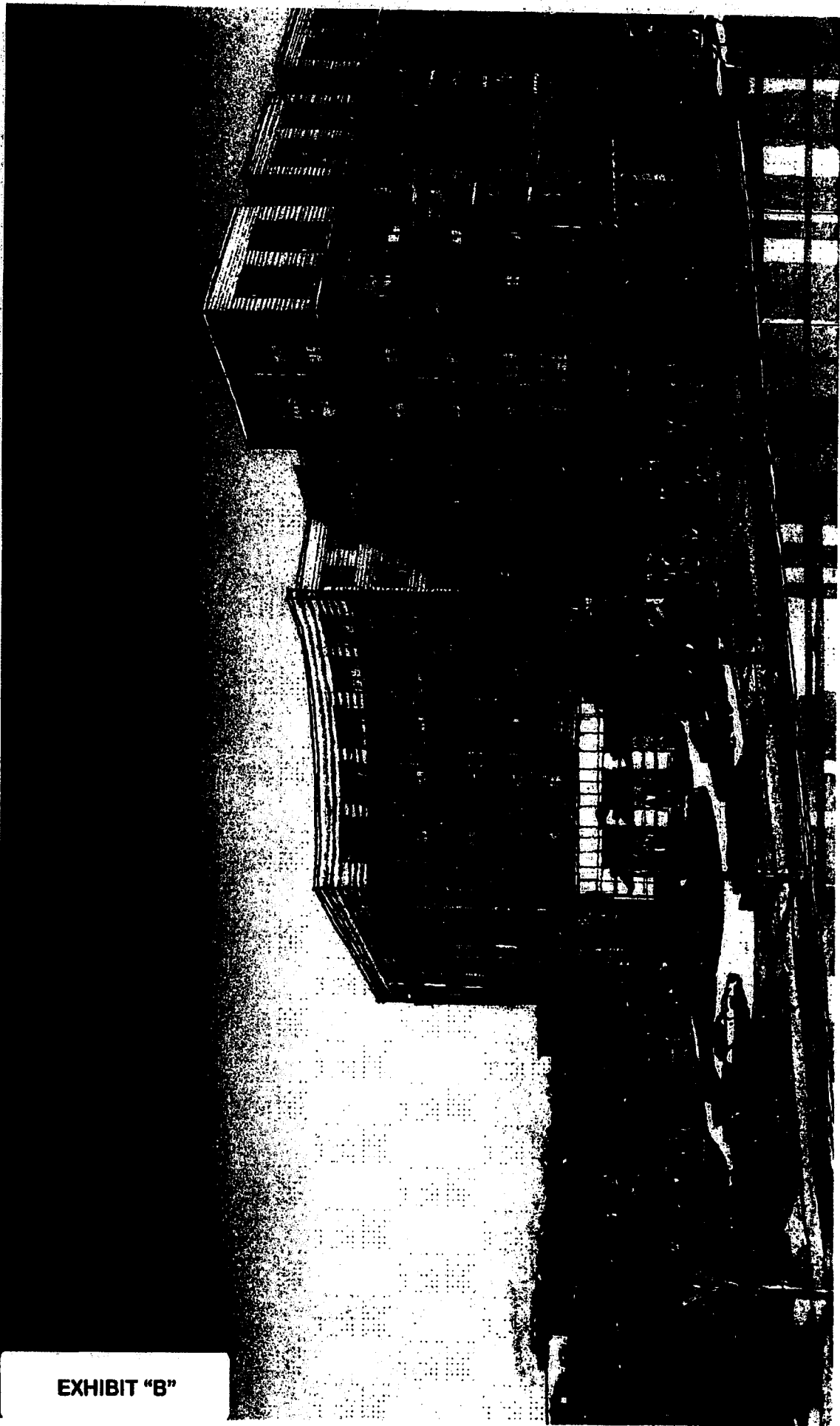


EXHIBIT "B"

Petition No. 3-60  
Meeting Date 6-16-75  
Continued



**2015 PAID AD VALOREM PROPERTY TAX  
RECEIPTS FOR TAX PARCEL  
NOS. 17094900010; 17094900280; AND  
17097800450**



Printed: 10/10/2016

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer: CCI ASSOCIATES LLC

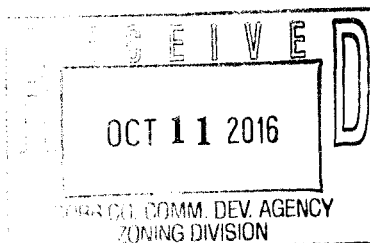
CUMBERLAND CENTER ASSOC

Payment Date: 9/11/2015

Table with columns: Tax Year, Parcel ID, Due Date, Appeal Amount, Taxes Due, Interest, Penalty, Fees, Total Due, Amount Paid, Balance. Row 1: 2015, 17094900010, 10/15/2015, Pay: N/A or, \$0.00. Row 2: \$0.00, \$0.00, \$0.00, \$0.00, \$771.59, \$0.00.



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**Cobb County Online Tax Receipt**

Thank you for your payment!

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

Payer:  
CCI ASSOCIATES LLC

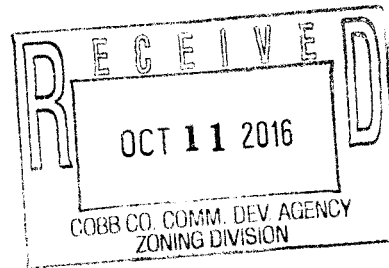
**CUMBERLAND STILLHOUSE LP  
C/O POPE & LAND ENTERPRISES**

**Payment Date: 9/14/2015**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17094900280	10/15/2015	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$62.73	\$0.00



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Printed: 10/10/2016

Cobb County Online Tax Receipt

Thank you for your payment!

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

Payer:  
RIVER OAKS ASSOCIATES

CC IV ASSOCIATES LLC

Payment Date: 9/14/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17097800450	11/15/2015	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$2,366.96	\$0.00



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