## DECEMBER 20, 2016 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 2

#### **ITEM OB-082**

#### **PURPOSE**

To consider a site plan amendment and stipulation amendment for Pope and Land Enterprises, Inc. regarding rezoning application Z-181 of 1998 (R & A Land Holdings, Inc.), for property located on the south side of Cumberland Boulevard and on the west side of River Oaks Drive, in Land Lots 949, 977 and 978 of the 17<sup>th</sup> District.

#### **BACKGROUND**

The subject property was rezoned to OHR for a high rise office development for an eleven story office tower with 240,000 square feet. The applicant would like to amend the stipulations to allow a six story office tower with 100,000 square feet. There would also be 7,500 square feet of accessory retail uses in the building. The exterior of the building would be glass and steel, and there may be some brick and/or stone accents. The project would only have access to Cumberland Boulevard. The applicant has submitted a detailed description of the proposed project which is attached as Exhibit "B". There are setback/buffer reductions shown on the proposed site plan, as well as a 29 parking space reduction (from 389 parking spaces to 360 parking spaces). If approved, all other zoning stipulations would remain in effect.

#### **STAFF COMMENTS**

**Cobb D.O.T.:** Recommend a FAA study for any structure over four (4) stories. Recommend deceleration lane for entrance on Cumberland Blvd. Recommend a traffic study. Recommend traffic signal to be modified at the entrance. Recommend developer contribute 100% of the cost for traffic signal modifications at the entrance.

**Stormwater Management:** Subject to Plan Review.

#### **RECOMMENDATION**

The Board of Commissioners consider the request for the site plan and stipulation amendments.

#### **ATTACHMENTS**

Other Business application and stipulations.

(Site Plan and Stipulation Amendment)

**Commission District:** 2 (0tt)

3.095±

Size of property in acres:

### **Application for "Other Business"**

Application No.: OB- 082 -2016 Cobb County, Georgia (Cobb County Zoning Division - 770-528-2035) BOC Hearing Date Requested: December 20, 2016 Applicant: Pope & Land Enterprises, Inc. Phone #: (770) 980-0808 (applicant's name printed) Address: Suite 300, 3330 Cumberland Boulevard, E-Mail: dspears@popeandland.com Atlanta, GA 30339 Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street John H. Moore \_\_\_\_\_ Address: \_\_ Marietta, GA 30060 (representative's name, printed) Phone #: (770) 429-1499 E-Mail: jmoore@mijs.com (representative's signature) Georgia Bar No. 519800 Signed, sealed and delivered in presence of: My commission expires: January 10, 2019 Titleholder(s): Regent Riverwood, LLC Phone #: (404) 364-1400 (property owner's name printed) Address: Suite 1400, 3340 Peachtree Road, N.E., E-Mail: Atlanta, GA 30326 See Attached Exhibit "A" (Property owner's signature) NOV 15 2016 Signed, sealed and delivered in presence of: My commission expires: **Notary Public** 

	(street address, if applicable; nearest intersection, o	tc.) Riverwoo	d Parkway
and Lot(s):	949, 977, 978	<b>District(s):</b>	17th
tate specifica	lly the need or reason(s) for Other B	ısiness:	
	lly the need or reason(s) for Other Books attached hereto and incorporate		

**Zoning Case:** Z-181 (1998)

12/15/1998

**Original Date of Hearing:** 

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

**OB Application No.:** 

OB- 082 -2016

**Application No.:** 

Z-181 (1998)

Original Hearing Date:

December 15, 1998 December 15, 1998

Date of Zoning Decision:

December 15, 19;

OB Zoning Decision:

**April 29, 1999** 

**Current Hearing Date:** 

**December 20, 2016** 

#### BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant:

Pope & Land Enterprises, Inc.

**Property Owner:** 

Regent Riverwood, LLC

a Georgia limited liability company

REGENT RIVERWOOD, LLC a Georgia limited liability company

NOV 15 2016

BY: A

Allman Regent, LLC, a Georgia limited

liability company, its Sole Member

BY:

TITLE: Presiden

Printed Name:

avid B. Allman

Date Executed:\_\_

November

11,2016

Address:

**Suite 1400** 

3340 Peachtree Road, N.E. Atlanta, Georgia 30326

Telephone No.:

(404) 364-1400

Signed, sealed, and delivered in the presence of:

Notary/Public

Commission Expires:

11 3,2020

[Notary Seal]

## <u>EXHIBIT "B"</u> - <u>ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"</u> (SITE PLAN AND STIPULATION AMENDMENT)

OB Application No.: OB-082 -2016

**Application No.: Z-181 (1998)** 

Original Hearing Date:
December 15, 1998
Date of Zoning Decision:
December 15, 1998
December 15, 1998
April 29, 1999

Current Hearing Date: December 20, 2016

#### BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.
Property Owner: Regent Riverwood, LLC

a Georgia limited liability company 1.5 2016

On December 15, 1998, the Cobb County Board of Commissioners approved the rezoning of an approximate 6.303 acre tract located on the roadways then known as Cumberland Circle and River Oaks Drive to the proposed Office High Rise ("OHR") zoning category. This approval was conditioned upon the final site plan being approved by the Board of Commissioners prior to development permits being issued. On April 29, 1999, the Board of Commissioners approved a site plan and stipulations for Riverwood Development, which included the 6.303 acre tract from the December 1998 zoning approval. This approval was conditioned upon the "roadway [Cumberland Boulevard] actually being constructed and all other previously approved conditions/stipulations. . . ." The property for consideration in this Application for "Other Business" is a portion of the property approved in Application No. Z-181 (1998) and considered and approved in the amendment in April 1999, being 3.095 acres, more or less, located on the southwesterly side of Cumberland Boulevard, at its intersection with Riverwood Parkway, Land Lots 949, 977, and 978, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property").

Pope & Land Enterprises, 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 Zoning Plan dated November 8, 2016, prepared for Applicant by Cooper Carry, site specific as to the development of the Subject Property. A reduced copy of the Zoning 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 any stipulations applicable to the Subject Property which were approved by the Board of Commissioners on December 15, 1998, and April 29, 1999, by deleting said stipulations in their entirety and inserting in lieu thereof the following:
  - (1) The Property is 3.095 acres, more or less. Applicant seeks development of the Property for office, retail, and related parking, site plan specific to the Zoning Plan dated November 8, 2016, prepared by Cooper Carry and submitted with this Application for "Other Business."
  - (2) Development of the Subject Property shall consist of the following:
    - (a) One office building, a maximum of six (6) stories in height and containing a maximum of 100,000 net square feet; and
    - (b) Retail, containing a maximum of 7,500 net square feet.
  - (3) Parking for tenants of the proposed development shall be accomplished by a separate parking garage, adjacent to the single-story building, having a maximum of four (4) levels and containing a maximum of three hundred sixty (360) 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 buildings shall consist of glass, concrete, and steel, or combinations thereof; and may consist of partial brick and/or stone.
  - (6) Detention for the 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 Riverwood Parkway, as more particularly shown and reflected on the referenced Zoning Plan. Applicant agrees to pay for the cost of any signal modifications and its design.
  - (8) Additionally, there shall be a right-out/exit only onto Cumberland Boulevard at the most easterly point of the Subject Property, as more particularly shown and reflected on the referenced Zoning Plan.

- (9) 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.
- (10) The entrance area, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained.
- (11) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the office buildings, and as allowed by the power provider.
- (12) Additionally, hooded security lighting shall be utilized on the exterior of the buildings and throughout the walkways, surface parking areas, and parking garage areas.
- (13) Applicant shall construct a deceleration lane for access at the entrance to the proposed development, as required by the Cobb County Department of Transportation.
- (14) Setbacks for the proposed development shall be as more fully shown and reflected on the referenced Zoning Plan.
- Minor modifications to the within stipulations, the referenced Zoning Plan, signage, 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.

- (16) 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.
- (17) 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.
- (18) 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.
- (19) 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 proposed Zoning 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 December 15, 1998, as to the original rezoning of the Subject Property; as well as, the balance and remainder of the Subject Property affected by the amendments approved by the Board of Commissioners on April 29, 1999, or by District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

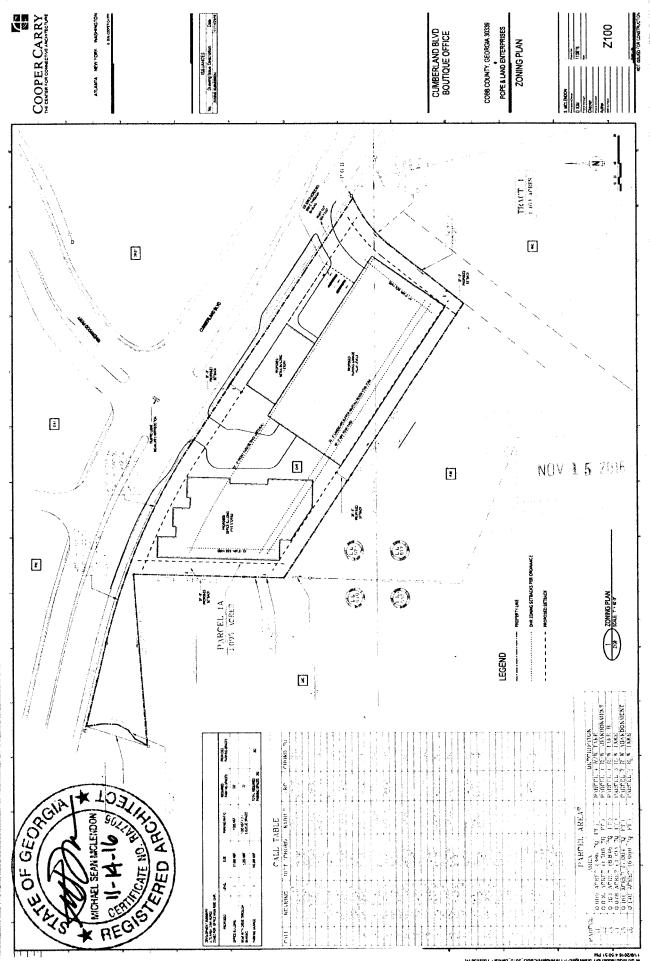
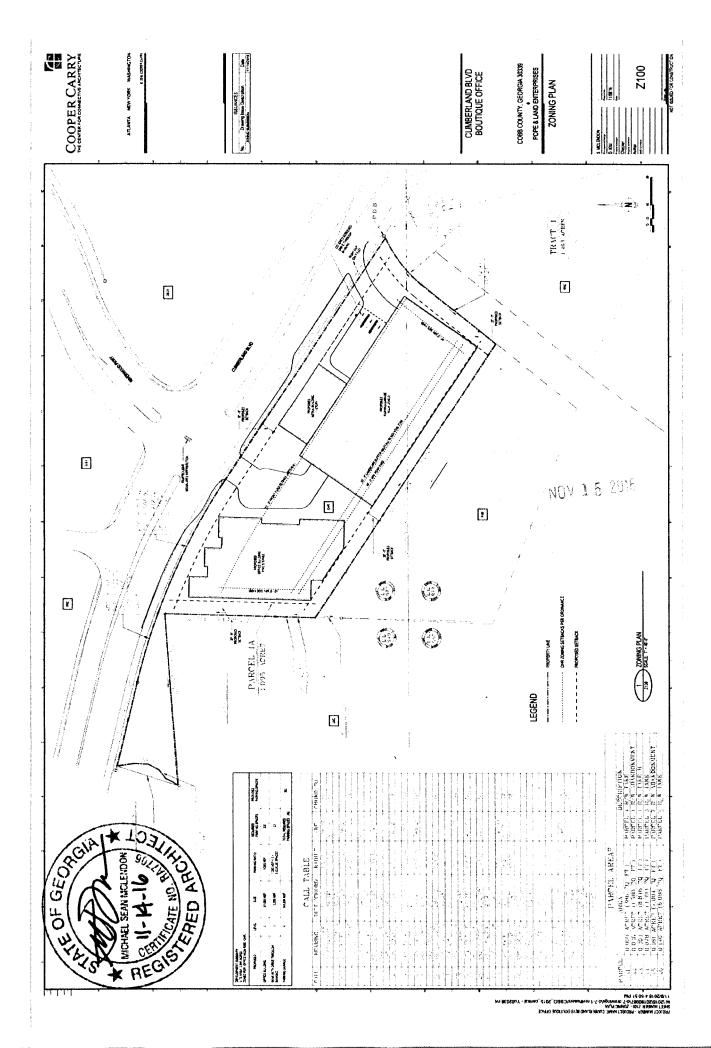


EXHIBIT "1"

A PROFESSOR TRADECT HAVE CHARGE AND BLYO DOUTOUR OFFICE PREET MARGER 2001 - SORBECT PLAN PROFECT HARBER 2002 - CRARGE PLAN

NOV 1 5 7016

## ZONING PLAN SUBMITTED FOR APPROVAL BY BOARD OF COMMISSIONERS PURSUANT TO APPLICATION FOR "OTHER BUSINESS" – DECEMBER 20, 2016



SITE PLAN AMENDMENT APPROVED BY BOARD OF COMMISSIONERS PURSUANT TO AMENDMENT OF APPLICATION NO. 288 (1987) AND NO. Z-181 (1998) – APRIL 29, 1999

NOV \$ 5 2015

NOV 1 5 2016 8 SITE PLAN
AMENDAENT
L'-100'-0
LIE 1/-100'-0
LIE 1/-100'-0
LIE 1/2/99
RIE 1/-100'-0 RIVERWOOD DEVELOPMENT STUDY PLANNERS AND ENGINEERS

Reduced copy of site plan dated 4/12/99 as amended by BOL action on REFERENCE MINUTE BOOK 76 4/29/99

SECTION 19 DATED 4/29/99

Application # 288 (Portman-Barry Investments of 1987; Z-181

(RiA Land Holdings) of 1998.

NOV 1 5 2016

## OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING FOR Z-181 (1998) – DECEMBER 15, 1998

# **Application for Rezoning Cobb County**

Rev: November 12, 1996 L:\DATA\ZONING\A. : LIC , TIONS\ZONING.APP

Application No. 2-181PC Hearing: 12-1-98BOC Hearing: 12-15-98

(applicant's signature)

Applicant R&A Land Holdings, Inc. Business Phone 404-364-1400 Home Phone
Peter M. Degnan Address Atlanta, GA 30309-3424
(representative's name, printed)
Business Phone 404-881-7743
(representative's signature)
Signed, sealed and delivered in presence of:
Notary Public My commission expires:
364-1400
Titleholder R&A Land Holdings, Inc. Business Phone 404/842-7736 Home Phone
Signature By: Out Address Atlanta, GA 30326-1078
(attach additional signature, "lengeded)  Signed sealed and lely seal the presence of:
a igness the same and the same of the same
// CIA : Su commission continue GP 02'
Notary Publish Edit Gibbs 2002
Zoning Request From O-I w/ stips to OHR OPEN (present zoning) (proposed zoning)
(proposed zoning)
For the Purpose of Removal of 250 ft. huffer Size of Tract 6.303 Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)
Location Cumberland Circle and River Oaks Dr. (proposed Kennedy Pkwy.)  (street address, if applicable; nearest intersection, etc.)
Land Lot(s) 977 and 978 District 17th
We have investigated the site as to the existence of archeological and/or architectura
landmarks. I hereby certify that there ****E/are no such assets. If any, they are as follows:
R&A Land Holdings, Inc. By: Wand alle
(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 \(\frac{48}{\sigma\sigma\sigma}\) is not such a cemetery. If any, they are as follows:
R&A Land Holdings, Inc.
By: Clind all

PAGE _ 2 OF _ 2	APPLICATION NO. Z-181
ORIGINAL DATE OF APPLICATION:	12-98

APPLICANTS NAME:. R. & A. LAND HOLDINGS, INC.

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

#### **BOC DECISION OF 12-15-98 ZONING HEARING:**

R & A LAND HOLDINGS, INC. (R & A Land Holdings, Inc., owner) for Rezoning from OI with stipulations to OHR for the purpose of Office High Rise in Land Lots 977 and 978 of the 17<sup>th</sup> District. 6.303 acres. Located on the south side of Cumberland Circle and the west side of Riverwood Parkway. Mr. Peter M. Degnan, Representative for R&A Land Holdings, Inc., made a presentation on behalf of the applicant. Mr. Bradford Arp, Ms. Jody Smith, Mr. Sky Rector, and Mr. Richard Calhoun spoke in opposition to the petition. Following discussion, the Board of Commissioners approved Rezoning to the OHR zoning district subject to: 1) site plan to be approved by the Board of Commissioners prior to any development permits being issued; 2) Stormwater Management Division comments and recommendations; 3) Cobb DOT comments and recommendations; 4) owner/developer to enter into a Development Agreement pursuant to O.C.G.A. 336-71-13 for dedication of system improvements to mitigate traffic concerns. Motion by J. Thompson, second by Wysong, carried 5-0.

## OFFICIAL MINUTES OF COBB COUNTY BOARD OF COMMISSIONERS ZONING HEARING FOR SITE PLAN AMENDMENT -APRIL 29, 1999

PAGE 3 OF 4	APPLICATION NO. Z-181
ORIGINAL DATE OF APPLICATION:	12-98
APPLICANTS NAME: R&A LAND	HOLDINGS

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

#### **BOARD OF COMMISSIONERS REGULAR MEETING OF 04-29-99:**

SITE PLAN APPROVAL AND AMENDMENT FOR RIVERWOOD DEVELOPMENT RELATIVE TO ZONING APPLICTIONS #288 (PORTMAN-BARRY INVESTMENTS) OF DECEMBER 15, 1987 AND Z-181 (R&A LAND HOLDINGS) OF DECEMBER 15, 1998 FOR PROPERTY LOCATED ON THE WEST SIDE OF COBB PARKWAY, NORTH AND WEST OF RIVER OAKS DRIVE IN LAND LOTS 949, 950, 977, 978, 1015, AND 1016 OF THE 17<sup>TH</sup> DISTRICT – COMMUNITY DEVELOPMENT:

Mr. Mark Danneman, Zoning Division Manager, presented a request for site plan approval and amendment for Riverwood Development regarding Application #288 (Portman-Barry Investments) of December 15, 1987 and Z-181 (R&A Land Holdings) of December 15, 1988 for property located on the west side of Cobb Parkway, north and west of River Oaks Drive in Land Lots 949, 950, 977, 1015, and 1016 of the 17<sup>th</sup> District.

Following Mr. Danneman's presentation, the following motion was made:

MOTION: Motion by J. Thompson to approve the site plan and amendments to same as presented for Riverwood Development regarding Application #288 (Portman-Barry Investments) of December 15, 1987 and Z-181 (R&A Land Holdings) of December 15, 1998 for property located on the west side of Cobb Parkway, north and west of River Oaks Drive in Land Lots 949,950,977, 978, 1015, and 1016 of the 17<sup>th</sup> District, subject to the roadway actually being constructed and all other previously approved conditions/stipulations relative to #288 and Z-181 to remain in effect. Reduced copy of the site plan attached and made a part of these minutes. Large site plan on file in the office of the County Clerk.

VOTE: **ADOPTED** unanimously

D RIVERWOOD DEVELOPMENT STUDY

Reduced copy of site plan dated 4/12/99 as amended by BOC action on REFERENCE MINUTE BOOK 76 4/29/99

SECTION 19 DATED 4/29/99

Application # 288 (Portman-Barry Investments of 1987; Z-181

(RiA Land Holdings) of 1998.

## 2016 PAID AD VALOREM PROPERTY TAX RECIEPT FOR SUBJECT PROPERTY (TAX PARCEL NO. 17097800360)

NOV 15 2016



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

Printed: 11/15/2016

#### **Cobb County Online Tax Receipt**

Thank you for your payment!

Payer: REGENT ATLANTA LLC

#### REGENT RIVERWOOD LLC

Payment Date: 8/29/2016

Tax Year	Parcel ID	Due Date		Appeal Amount		Taxes Due
2016	17097800360	10/17/2016	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Pald		Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$24,992.47		\$0.00



Scan this code with your mobile phone to view this

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