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June 27, 2018

Hand Delivered

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064

RECEIVED
JUN 27 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

RE: Application for Rezoning - Application No. Z-42 (2018)
Applicant: Chance Powers Ferry, LLC
Property Owners: Powers Ferry Woods Office Park Limited Partnership; J. Houston Lennard; and Celeste Coggin Lennard
Property: 3.698 acres, more or less, located on the westerly side of Shadowood Parkway, south of Powers Ferry Road (2024, 2026, and 2028 Powers Ferry Road), Land Lots 1008 and 1009, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent Chance Powers Ferry, LLC, the Applicant (hereinafter referred to as "Applicant"), and Powers Ferry Woods Office Park Limited Partnership, J. Houston Lennard, and Celeste Coggin Lennard, the Property Owners (hereinafter collectively

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Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
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referred to as “Owners” or “Property Owners”), in this Application for Rezoning with regard to a total tract of 3.698 acres, more or less, located on the westerly side of Shadowood Parkway, south of Powers Ferry Road, and being known as 2024, 2026, and 2028 Powers Ferry Road, Land Lots 1008 and 1009, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the “Property” or the “Subject Property”). After meetings with Planning and Zoning Staff, meetings and ongoing discussions with area residents and homeowner representatives; reviewing the Departmental Comments and Staff Recommendations; and reviewing the uses of surrounding properties, we have been 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. The proposed stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Rezoning of the Subject Property shall be from the existing Office and Institutional (“OI”) zoning category to the Regional Retail Commercial (“RRC”), and shall be site plan specific to the revised Rezoning Site Plan (“Site Plan”) prepared for Applicant by Paulson Mitchell Incorporated, dated June 11, 2018, filed with the Zoning Office on June 12, 2018. A reduced copy of the revised Site Plan is attached to this stipulation letter for ease of reference as Exhibit “A” and incorporated herein by reference.
- (3) The Subject Property consists of approximately 3.698 acres of total site area and shall be developed for a mixed-use development consisting of office/retail and residential.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) Signage for the proposed overall development shall have finish, materials, and color consistent with the architecture and design of the overall development. Such signage shall contain no flashing sign components. Each building within the overall development shall have entrance and building signage pursuant to Cobb County Standards and Ordinances.

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Zoning Division
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- (2) The entrance areas, 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.
- (3) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development. All pedestrian and street lighting shall be consistent with the Cumberland Improvement District lighting designs.
- (4) Setbacks for the components of the overall proposed development shall be as more particularly shown and reflected on the referenced Site Plan.
- (5) Minor modifications to the within stipulations, the revised Site Plan, lighting, signage, 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 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;
 - (e) Change an access location to a different roadway;
 - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
 - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
 - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.

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- (6) 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, surface parking, and any and all slopes or other required engineering features of the foregoing.
- (7) 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.
- (8) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (9) All utilities for the proposed overall development shall be located underground.
- (10) 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;

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- (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.
- (11) As to the overall development, there shall be “zero lot lines” among the various components within the development so as to allow for the free flow of access, parking, and the like.
- (12) The overall development may be subdivided into individual parcels. As such, there shall be no requirement for setbacks, as between individual parcels. Further, parking for the entire development shall be as shown on the revised Site Plan with no parking requirement as to any individual parcel. Likewise, access shall be afforded throughout the overall development, as shown, with no access required for any individual parcel. The overall development shall be subject to a Declaration of Covenants, Easements, and Restrictions which will provide for cross-parking and access between and among any individual parcel.
- (13) All construction and employee vehicles and equipment will be parked, and otherwise located on, the Subject Property during development of infrastructure and construction of the structures, and shall not be parked on or along adjacent public rights-of-way.
- (14) Applicant agrees to the installation of a meandering sidewalk, a minimum of five (5) feet in width, along the Property’s frontage on Shadowood Parkway.

I. RESIDENTIAL COMPONENT

- (1) The residential component of the proposed development shall have a maximum of two hundred ninety-nine (299) residential leased units.

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- (2) Units shall consist primarily of studio, one, and two bedrooms, with the majority of units consisting of one and two bedroom units. Also, Applicant agrees there shall be no less than 3, and no more than 6, three bedroom units.
- (3) Building architecture and exterior façade of the proposed residential building shall be as more particularly shown and reflected on Exhibit “B” attached collectively hereto and incorporated herein by reference.
- (4) Floor plans and finishes for the residential units shall consist, at a minimum, or shall exceed the level of quality, of the following:
 - (a) Enhanced Corian, granite, quartz, or marble counter tops, or other solid surface materials;
 - (b) Minimum ceiling heights:
 - i) Minimum 9 feet will be the goal , except in furred-down areas, from floor to finished ceiling and greater; and as required to coordinate with MEP drops
 - ii) Minimum 10 feet between floors;
 - (c) Top-of-the line appliances; such as Whirlpool or General Electric (“GE”);
 - (d) Premium grade cabinetry;
 - (e) A selection of faux hardwood flooring, high-end carpet, and tile throughout;
 - (f) Spacious open floor plans;
 - (g) Brushed chrome, brushed nickel, or antiqued or brushed brown or bronze bathroom and kitchen fixtures;
 - (h) Spacious closets;
 - (i) Units include tile surrounds, either tubs with showers and/or shower only walk-ins;

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- (j) Energy-efficient construction which will meet or exceed the Georgia Energy Code; and
 - (k) Controlled access to the Project.
- (5) All residents of the proposed residential community shall have access to and use and enjoyment of the amenity areas, which will include, at a minimum, the following:
- (a) Pool;
 - (b) Fitness center;
 - (c) Clubroom;
 - (d) Business center or internet café;
 - (e) Electric vehicle charging stations (or other alternate power source); and
 - (f) Bicycle racks.

II. OFFICE/RETAIL COMPONENT

- (1) There shall be a maximum of 30,000 square feet of gross office space within the proposed overall development constructed within a separate building, as reflected on the revised Site Plan, containing intended office uses, but available also for retail uses.
- (2) The exterior façade of the office building shall consist of glass, brick, stone, and stucco, or combinations thereof, and shall be complementary to the residential building within the proposed development.
- (3) Businesses within the office building shall utilize available surface parking surrounding the office building; as well as, the parking decks within the proposed overall development.

We believe the development of the project, pursuant to the revised 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 various types of product into one community. The proposed overall development shall be of the highest quality; shall be compatible with and complementary to surrounding developments, businesses, and venues; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

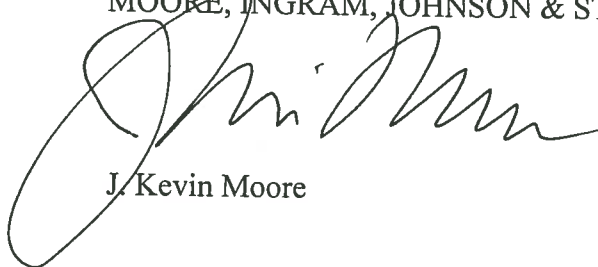
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With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

c: Cobb County Board of Commissioners:
Mike Boyce, Chairman
JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford
(With Copies of Attachments)

Cobb County Planning Commission:
Judy Williams, Chairman
Thea Powell
Skip Gunther
Galt Porter
Andy Smith
(With Copies of Attachments)

Jason A. Campbell
Planner III
Zoning Division
Cobb County Community Development Agency
(With Copies of Attachments)

Sheri George
Area Resident
(With Copies of Attachments)

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- c: Patricia J. Rice
President
Powers Ferry Corridor Alliance
(With Copies of Attachments)
- Kevin O'Donnell
Vice President
Powers Ferry Corridor Alliance
(With Copies of Attachments)
- Chance Powers Ferry, LLC
(With Copies of Attachments)



SOUTH FAÇADE MATERIAL ALLOCATION		OVERALL BUILDING MATERIAL ALLOCATION	
MATERIAL	SOFT	%	%
CEMENTITIOUS PANEL	4,486.29	24%	35%
CEMENTITIOUS SIDING	5,189.69	28%	30%
STUCCO	2,404.38	14%	15%
BRICK	6,268.21	34%	20%
TOTAL		100%	100%

EXHIBIT "B"

DESIGN VIGNETTE 01

POWER LOFTS
 ATLANTA, GA
 05-29-2018
 CHP2017.12

DYNAMIK
 DESIGN



