

**OCTOBER 16, 2018 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM OB-055

PURPOSE

To consider a site plan and stipulation amendment for Grayco Stillhouse Land, LLC regarding rezoning applications Z-121 of 2005 and Z-8 of 2012 for property located on the southeast intersection of Stillhouse Lane and Cumberland Boulevard in Land Lots 949 and 950 of the 17th District (Cumberland Boulevard).

BACKGROUND

The subject property was zoned to UVC as part of a mixed-use development with many stipulations in 2006 and 2012. The property was originally approved with two eight-story buildings with 280 units. The property has come to back the Board of Commissioners in 2012 and 2016 as Other Business to revise the site plan, unit mix and building elevations. The applicant of this Other Business request would like to amend the site plan and stipulations for their proposal. The applicant is proposing one five-story building that wraps a seven-level parking deck with 275 units and 428 parking spaces. The previously approved parking ratio of 1.75 parking spaces per unit is being reduced to 1.25 parking spaces per unit based on increased one-bedroom unit counts. The applicant has submitted a proposed rendering of the building, which is in the Other Business packet marked as Exhibit “3”. Additionally, one of the access points on Stillhouse Lane is being removed and the remaining access point on Stillhouse Lane will only be used for service vehicles and emergency vehicle. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Stormwater Management: Subject to Plan Review comments and approval of proposed site grading plan.

OCTOBER 16, 2018 ZONING HEARING

“OTHER BUSINESS”

COMMISSION DISTRICT 2

ITEM OB-055

Page 2

Cobb DOT: 1. Recommend sidewalk, curb, and gutter along the frontage of Stillhouse Lane.

2. Recommend replacing any disturbed sidewalk along the Cumberland Road frontage.

3. Recommend applicant verify that minimum intersection sight distance is available for Stillhouse Road access and if it is not, implement remedial measures, subject to the Department’s approval, to achieve the minimum requirement of 280’.

4. Recommend entrance on Stillhouse Lane either directly align or have an offset of a minimum of 125 feet from Topiary Lane per Development Standard 401.10.

5. Recommend applicant submit site details to Cobb DOT for coordination with Cobb County Airport Manager to determine potential need for a FAA study.

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

7. Recommend a traffic study. The traffic study should include existing and base year (full build out year) Build and No Build analysis; and horizon year (base year + 10 years) Build and No Build analysis. Study assumptions (such as study intersections, trip distribution and annual growth rate) should be agreed to by Cobb DOT before completing the study.

RECOMMENDATION

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

ATTACHMENT

Other Business application and minutes.

(Site Plan and Stipulation Amendment)
Application for "Other Business"

Cobb County, Georgia



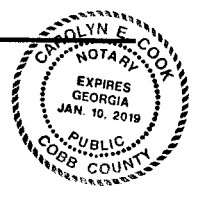
OB Application No.: OB-SS-2018
Hearing Date Requested: October 16, 2018

Applicant: Grayco Stillhouse Land, LLC COBB CO. COMM. DEV. AGENCY ZONING DIVISION Phone #: (713) 426-2004
(applicant's name printed)

Address: Suite 500, 55 Waugh Drive, Houston, Texas 77007 E-Mail: jgray@graycopartners.com
MOORE INGRAM JOHNSON & STEELE, LLP
emurphy@graycopartners.com

J. Kevin Moore Address: Emerson Overlook, Suite 100, 326 Roswell Street
(representative's name printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jkm@mijs.com
(representative's signature) Georgia Bar No. 519728



Signed, sealed and delivered in presence of:
Carolyn E. Cook My commission expires: January 10, 2019
Notary Public

Titleholder(s): Grayco Stillhouse Land, LLC Phone #: (713) 426-2004
(property owner's name printed)

Address: Suite 500, 55 Waugh Drive, Houston, Texas 77007 E-Mail: jgray@graycopartners.com
emurphy@graycopartners.com

See Attached Exhibit "A"
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-121 (2005); Z-8 (2012)

Size of property in acres: 5.38± **Original Date of Hearing:** 07/19/2005
02/21/2012

Location: Southeast intersection of Cumberland Boulevard and Stillhouse Lane
(street address, if applicable; nearest intersection, etc.) (3131 and 3165 Stillhouse Lane)

Land Lot(s): 949, 950 **District(s):** 17th

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

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

OB Application No.: OB- 55 -2018
Application Nos.: Z-121 (2005); Z-8 (2012)
Original Hearing Dates: July 19, 2005
Dates of Zoning Decisions: February 21, 2012
February 21, 2006
February 21, 2012
OB Zoning Decisions: December 16, 2008
March 17, 2009
August 17, 2010
October 16, 2012
October 18, 2016
Current Hearing Date: October 16, 2018

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: Grayco Stillhouse Land, LLC

GRAYCO STILLHOUSE LAND, LLC,
a Texas limited liability company

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BY: Grayco Stillhouse Land Manager, LLC,
a Texas limited liability company

BY: Grayco Partners LLC,
a Texas limited liability company,
its Sole Manager

BY: *[Signature]*
John J. Gray III, President

Date Executed: September 10th, 2018

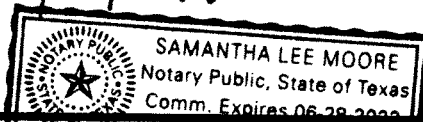
Address: Suite 500
55 Waugh Drive
Houston, Texas 77007

Telephone No.: (713) 426-2004

Signed, sealed, and delivered in the presence of:

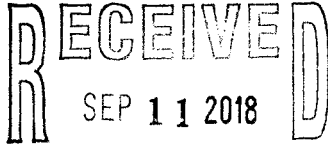
Samantha Lee Moore
Notary Public
Commission Expires: 06/28/2022

[Notary Seal]



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

OB Application No.:	OB- <u>59</u> -2018
Application Nos.:	Z-121 (2005); Z-8 (2012)
Original Hearing Dates:	July 19, 2005 February 21, 2012
Dates of Zoning Decisions:	February 21, 2006 February 21, 2012
OB Zoning Decisions:	December 16, 2008 March 17, 2009 August 17, 2010 October 16, 2012 October 18, 2016 October 16, 2018
Current Hearing Date:	October 16, 2018



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant/Titleholder: Grayco Stillhouse Land, LLC

The property which is the subject of this Application for "Other Business" is located at the southeasterly intersection of Cumberland Boulevard and Stillhouse Lane, Land Lots 949 and 950, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). On February 21, 2006, the Cobb County Board of Commissioners rezoned the Property to the Urban Village Commercial ("UVC") zoning category (Application No. Z-121 (2005)), which included certain stipulations and conditions related to the proposed development of the Subject Property. On February 21, 2012, the Cobb County Board of Commissioners again approved rezoning of the Property to the UVC zoning category (Application No. Z-8 (2012)), approving a revised site plan and making all previous stipulations and conditions under Z-121 (2005) applicable to the current rezoning approval. A stipulation amendment to Z-8 (2012) was approved by the Board of Commissioners on October 16, 2012, revising certain stipulations for the development of the Subject Property.

On October 18, 2016, a site plan and stipulation amendment was approved for Grayco Partners, LLC, manager of now Applicant and Property Owner, Grayco Stillhouse Land, LLC (hereinafter collectively "Applicant"), for development of the Subject Property. Applicant now seeks amendment and approval of a revised Site Plan, Landscape Plan, and revised perspectives for the development of the Subject Property, copies of which are attached hereto as Exhibit "1," Exhibit "2," and Exhibit "3," respectively, and incorporated herein by reference. The site plan and stipulation amendment are sought by Applicant due to further engineering, final design, topography, and overall project enhancements for the development.

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

CLIENT OWNER:
GRAYCO STILLHOUSE LAND, LLC
59 WALTON DRIVE, SUITE 300
HOUSTON, TX 77001

ADDRESS:
2017 STILLHOUSE LN
2017 STILLHOUSE LN
376 STILLHOUSE LN
376 STILLHOUSE LN
P.M. 1708000010

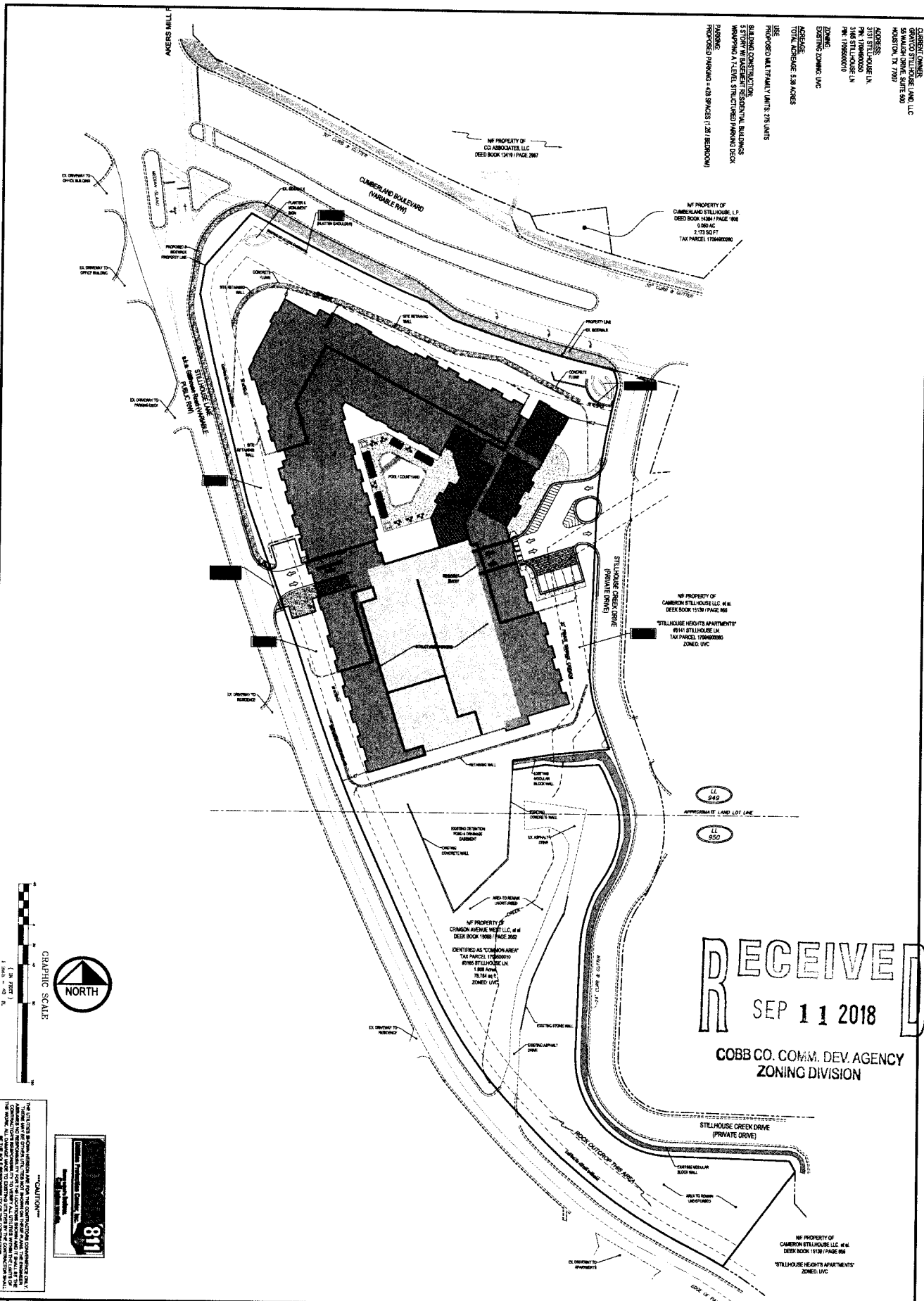
ZONING:
EXHIBIT ZONING LINC

APPLICABLE:
TOTAL ACRES: 3.38 ACRES

USE:
PROPOSED MULTIFAMILY UNITS, 375 UNITS

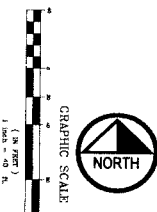
PLANNING CONSTRUCTION:
5 STORY APARTMENT RESIDENTIAL BUILDINGS
WITH PARKING, 17 LEVEL STRUCTURED PARKING DECK
PROPOSED

PROPOSED PARKING: 423 SPACES (125 OVERGROUND)



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ZONING DIVISION



CAUTION
THIS PLAN IS THE PROPERTY OF GRAYCO STILLHOUSE LAND, LLC. IT IS TO BE USED ONLY FOR THE PROJECT AND SITE SPECIFICALLY IDENTIFIED HEREON. IT IS NOT TO BE REPRODUCED, COPIED, OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF GRAYCO STILLHOUSE LAND, LLC. ANY UNAUTHORIZED REPRODUCTION OR TRANSMISSION IS STRICTLY PROHIBITED AND WILL BE PROSECUTED TO THE FULL EXTENT OF THE LAW. THE USER OF THIS PLAN ASSUMES ALL LIABILITY FOR ANY DAMAGE OR INJURY RESULTING FROM THE USE OF THIS PLAN.






ZONING SITE PLAN
VENUE VININGS
3131 STILLHOUSE LANE
LAND LOTS 949 & 950 - 17th DISTRICT
COBB COUNTY, GEORGIA

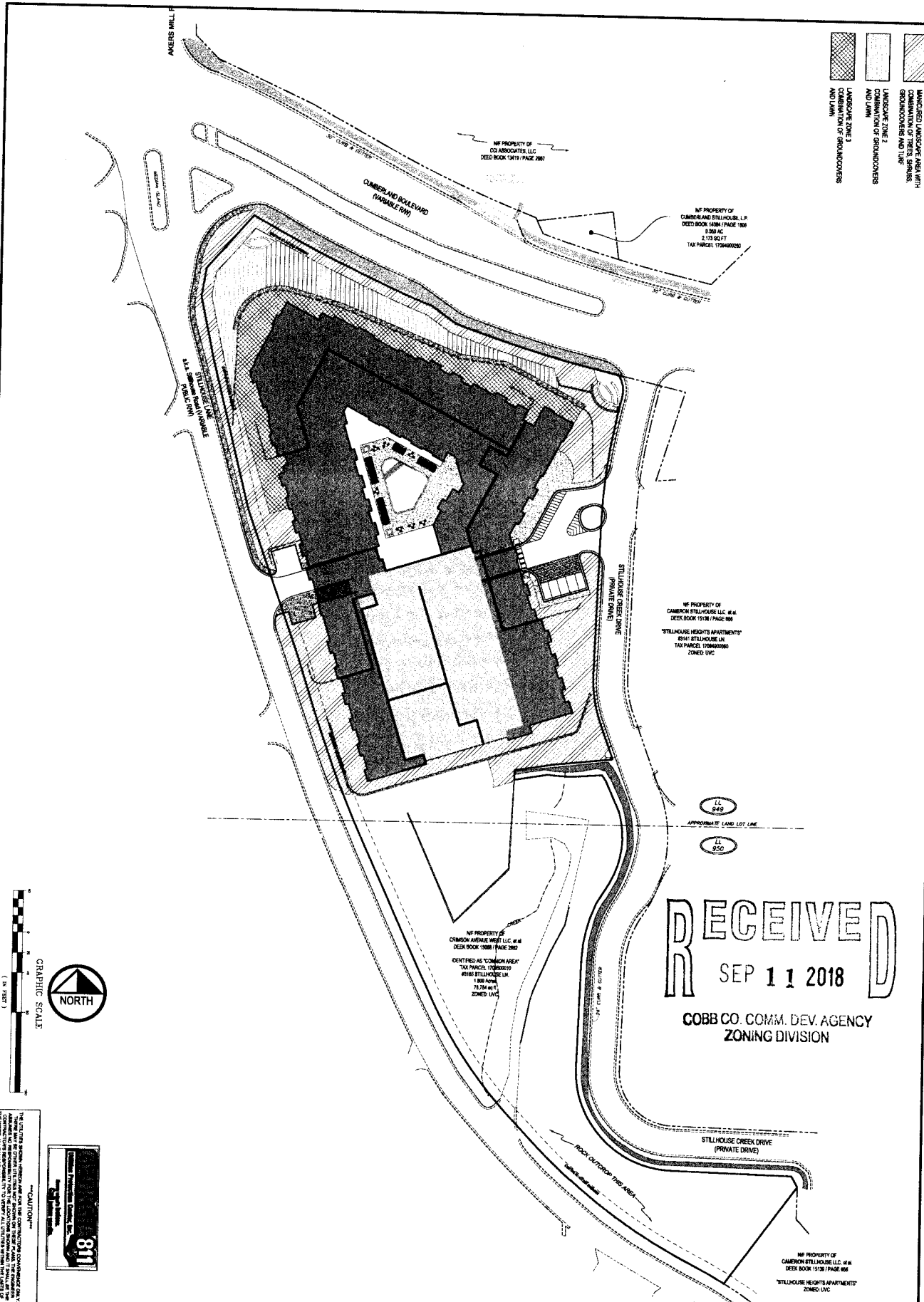
Project No.	Date	Revision	Description
S-16204			
Design By:	DR		
Drawn By:	DR / DS		
Checked By:	DR		
Date:	02/18		
Scale:	1" = 40'		

GC
Grayco Partners
55 Waugh Drive, Suite 500
Houston, TX 77007
713-426-2004

summit
Engineering Consultants, Inc.
6350 Shadd Road, Suite 100
Alpharetta, GA 30009
(770) 667-0094 / (770) 667-0095



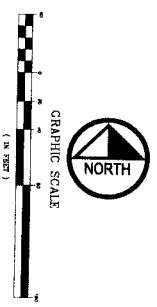
-  LANDSCAPE ZONE 1
LANDSCAPE ZONE 1
COMBINATION OF TREES, SHRUBS,
GROUNDCOVERS AND LIGHT
AND LUSH
-  LANDSCAPE ZONE 2
LANDSCAPE ZONE 2
COMBINATION OF GROUNDCOVERS
AND LUSH
-  LANDSCAPE ZONE 3
LANDSCAPE ZONE 3
COMBINATION OF GROUNDCOVERS
AND LUSH



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ZONING DIVISION



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LANDSCAPE PLAN
VENUE VININGS
3131 STILLHOUSE LANE
LAND LOTS 948 & 950 - 17th DISTRICT
COBB COUNTY, GEORGIA

Project No.	No.	Revision Schedule	Date
S-19-004			
Design By:	OOI		
Drawn By:	CMR/DG		
Checked By:	OOI		
Date:	6/27/18		
Scale:	1" = 40'		


Grayco Partners
55 Waugh Drive, Suite 500
Houston, TX 77007
713-426-2004


Summit
Engineering Consultants, Inc.
6350 Shiloh Road, Suite 100
Alpharetta, GA 30009
(770) 667-0094 (770) 667-0095



EXHIBIT "2"

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LEASING/CLUBHOUSE PERSPECTIVE
VENUE VININGS

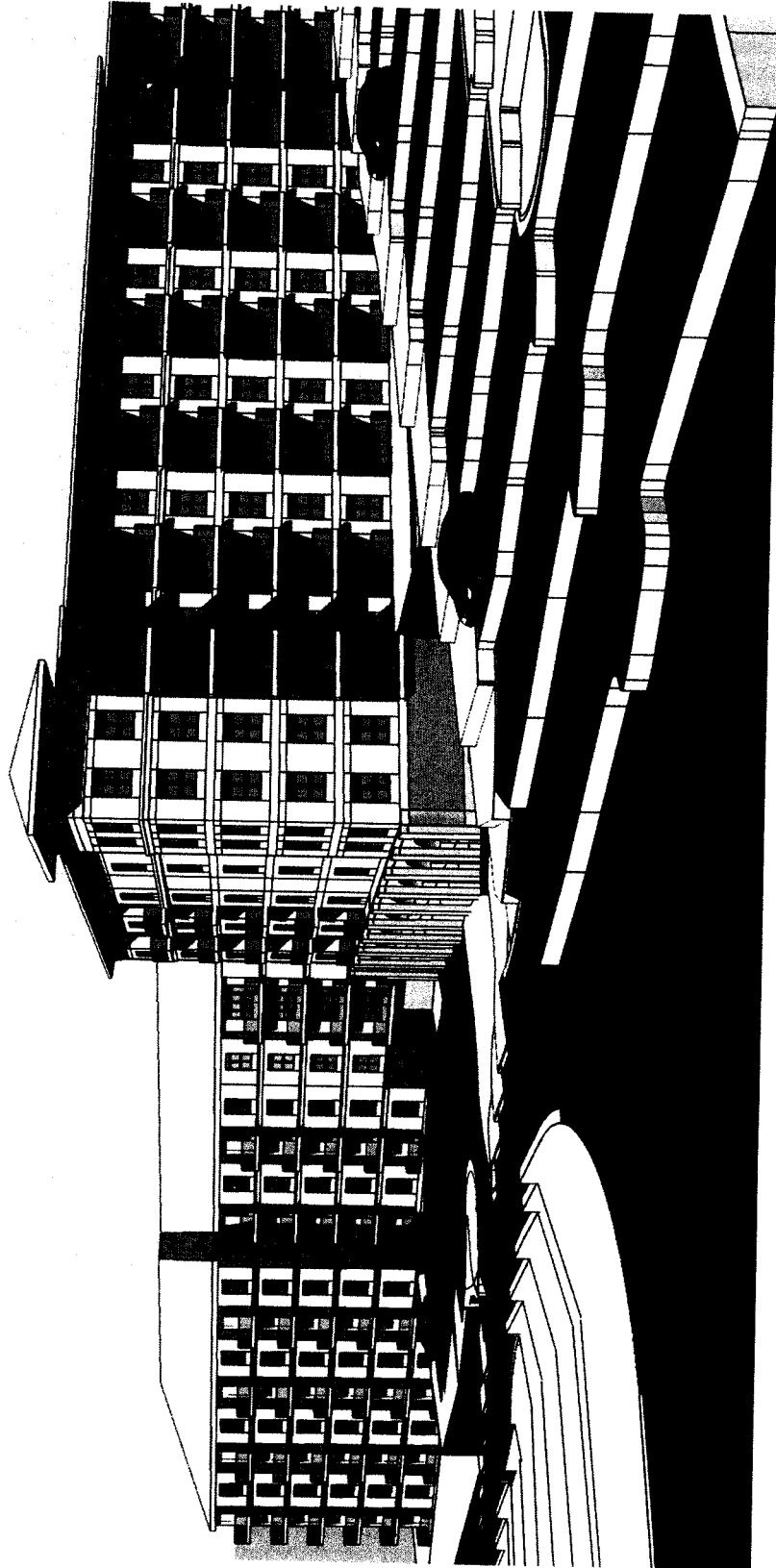


EXHIBIT "3"

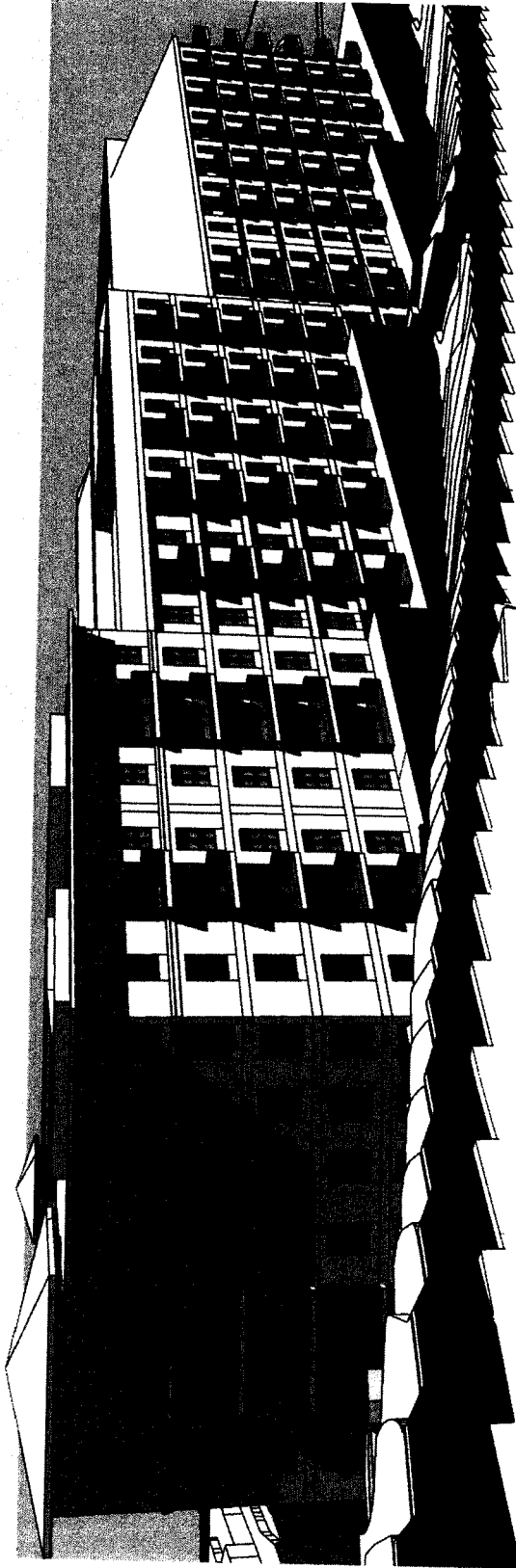
GRAYCO STILLHOUSE LAND, LLC

NILES BOLTON ASSOCIATES

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ZONING DIVISION

STILLHOUSE RD. PERSPECTIVE
VENUE VININGS



GRAYCO STILLHOUSE LAND, LLC

NILES BOLTON ASSOCIATES

**ZONING SITE PLAN PRESENTED FOR
APPROVAL PURSUANT TO APPLICATION FOR
“OTHER BUSINESS” – OCTOBER 16, 2018**

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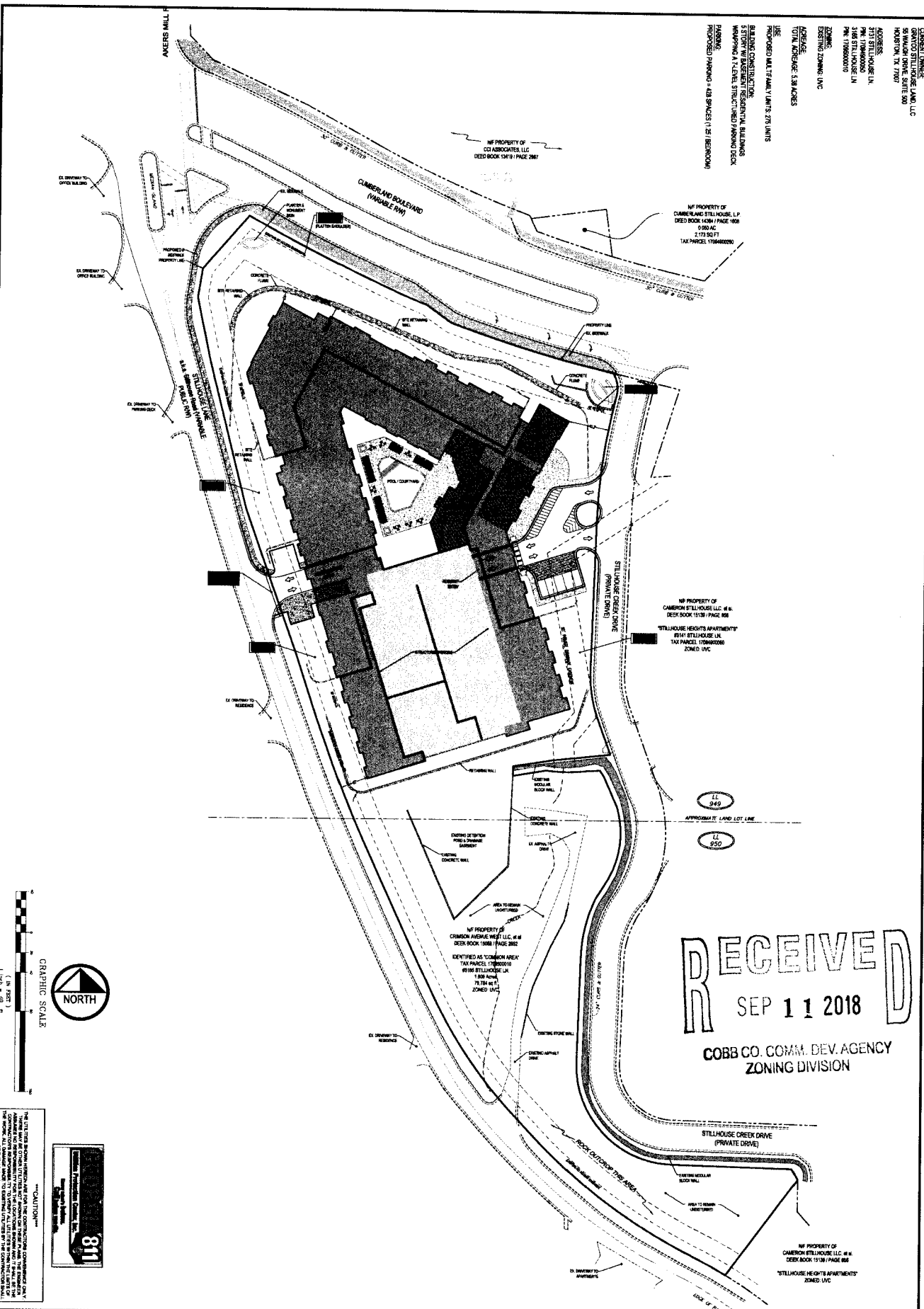
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

COBB COUNTY, GEORGIA
 GRAYCO PARTNERS
 55 WAUGH DRIVE, SUITE 500
 HOUSTON, TX 77007

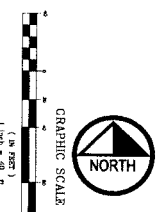
ADDRESS:
 3131 STILLHOUSE LN.
 PMB 170000000
 PMB 170000000
 PMB 170000000

EXISTING ZONING: UVC
 TOTAL ACRES: 5.88 ACRES

PROPOSED MULTIFAMILY UNITS: 275 UNITS
 EXISTING CONSTRUCTION:
 EXISTING RESIDENTIAL BUILDINGS
 MULTIFAMILY UNITS: 175 UNITS (175 BEDROOMS)
 175 BATHS
 PROPOSED PARKING: 425 SPACES (175 BEDROOM)



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 THIS DRAWING IS A PRELIMINARY DESIGN AND IS NOT TO BE USED FOR CONSTRUCTION OR CONTRACTING PURPOSES. IT IS THE RESPONSIBILITY OF THE USER TO VERIFY THE ACCURACY OF THE INFORMATION PROVIDED HEREON. ALL DIMENSIONS SHALL BE TO UNLESS OTHERWISE NOTED. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.






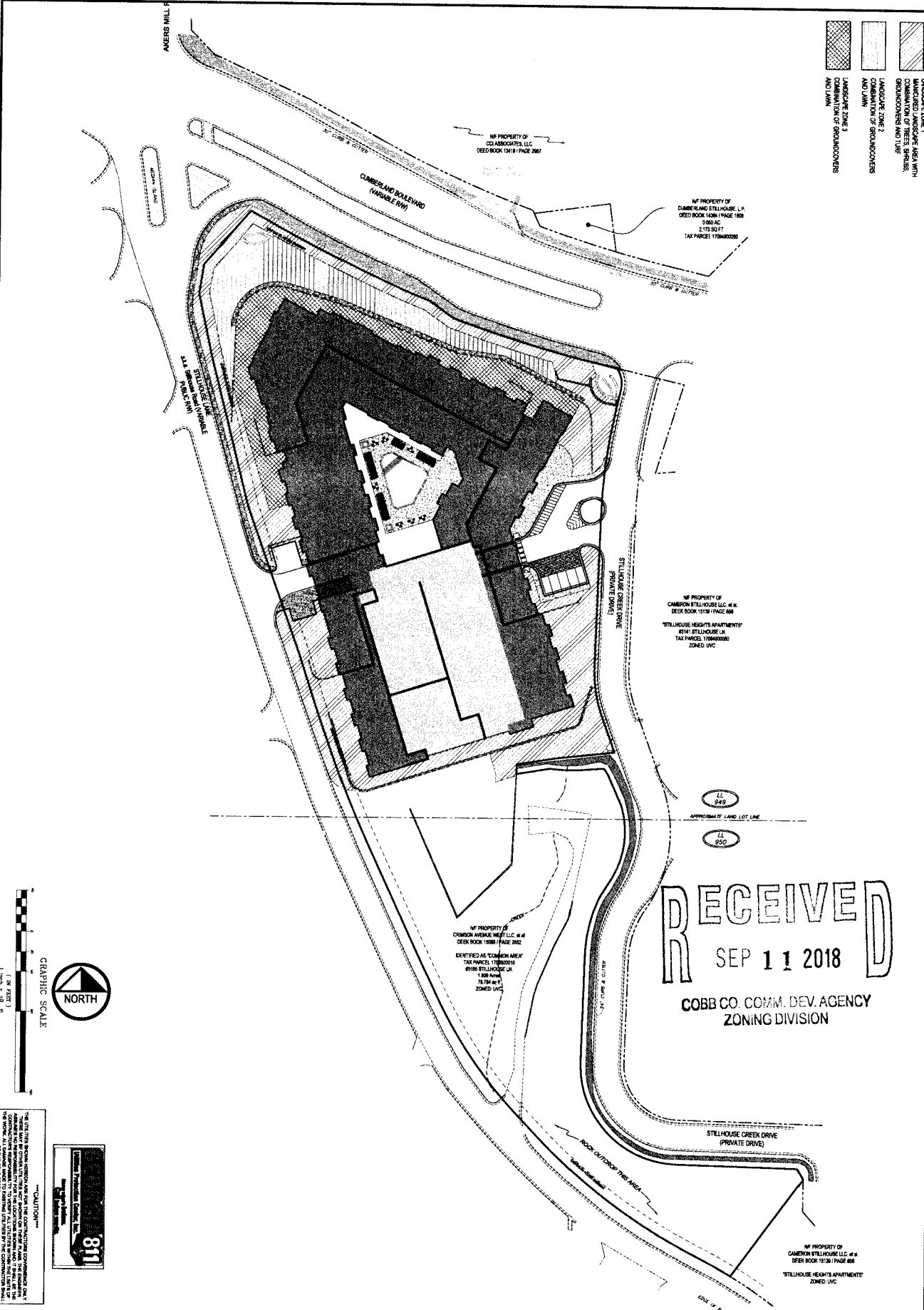
Drawing No. 1 of 1 S-15-00000.dwg	ZONING SITE PLAN VENUE VININGS 3131 STILLHOUSE LANE LAND LOTS 949 & 950 - 17th DISTRICT COBB COUNTY, GEORGIA		Project No: S-15-004 Design By: DBR Drawn By: DBR/DOB Checked By: DBR Date: 02/14 Scale: 1" = 40'	Revision Schedule <table border="1"> <thead> <tr> <th>No.</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Date							 Grayco Partners 55 Waugh Drive, Suite 500 Houston, TX 77007 713-426-2004	 Summit Engineering Consultants, Inc. 6550 Shiloh Road, Suite 100 Alpharetta, GA 30005 (770) 464-0094, (770) 464-0095	
	No.	Date													
THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.															

**LANDSCAPE PLAN PRESENTED FOR
APPROVAL PURSUANT TO APPLICATION FOR
“OTHER BUSINESS” – OCTOBER 16, 2018**

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ZONING DIVISION

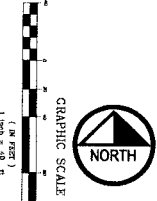
-  LANDSCAPE ZONE 1
LANDSCAPE AREA WITH
CONCRETE PATIOS,
BRICKPAVEMENT AND LIME
AND LIME
-  LANDSCAPE ZONE 2
CONCRETE PATIOS,
BRICKPAVEMENT AND LIME
AND LIME
-  LANDSCAPE ZONE 3
CONCRETE PATIOS,
BRICKPAVEMENT AND LIME
AND LIME



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ZONING DIVISION



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<p>LANDSCAPE PLAN VENUE VININGS 3131 STILLHOUSE LANE LAND LOTS 949 & 950 - 17th DISTRICT COBB COUNTY, GEORGIA</p>	<p>Project No. S-18-04 No. _____</p> <p>Design By: OOB</p> <p>Drawn By: OMR/OG</p> <p>Checked By: OOH</p> <p>Date: 8/27/18</p> <p>Scale: 1" = 40'</p>	<p>Revision Schedule</p> <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>No.</th> <th>Description</th> <th>Date</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> <td> </td> </tr> </tbody> </table>	No.	Description	Date										<p> Grayco Partners 55 Waugh Drive, Suite 500 Houston, TX 77007 713-426-2004</p>	<p> summit Engineering Consultants, Inc. 6450 Shiloh Road, Suite 1000 Alpharetta, GA 30005 (770) 467-0094 (770) 467-0095</p>	<p></p>
No.	Description	Date															

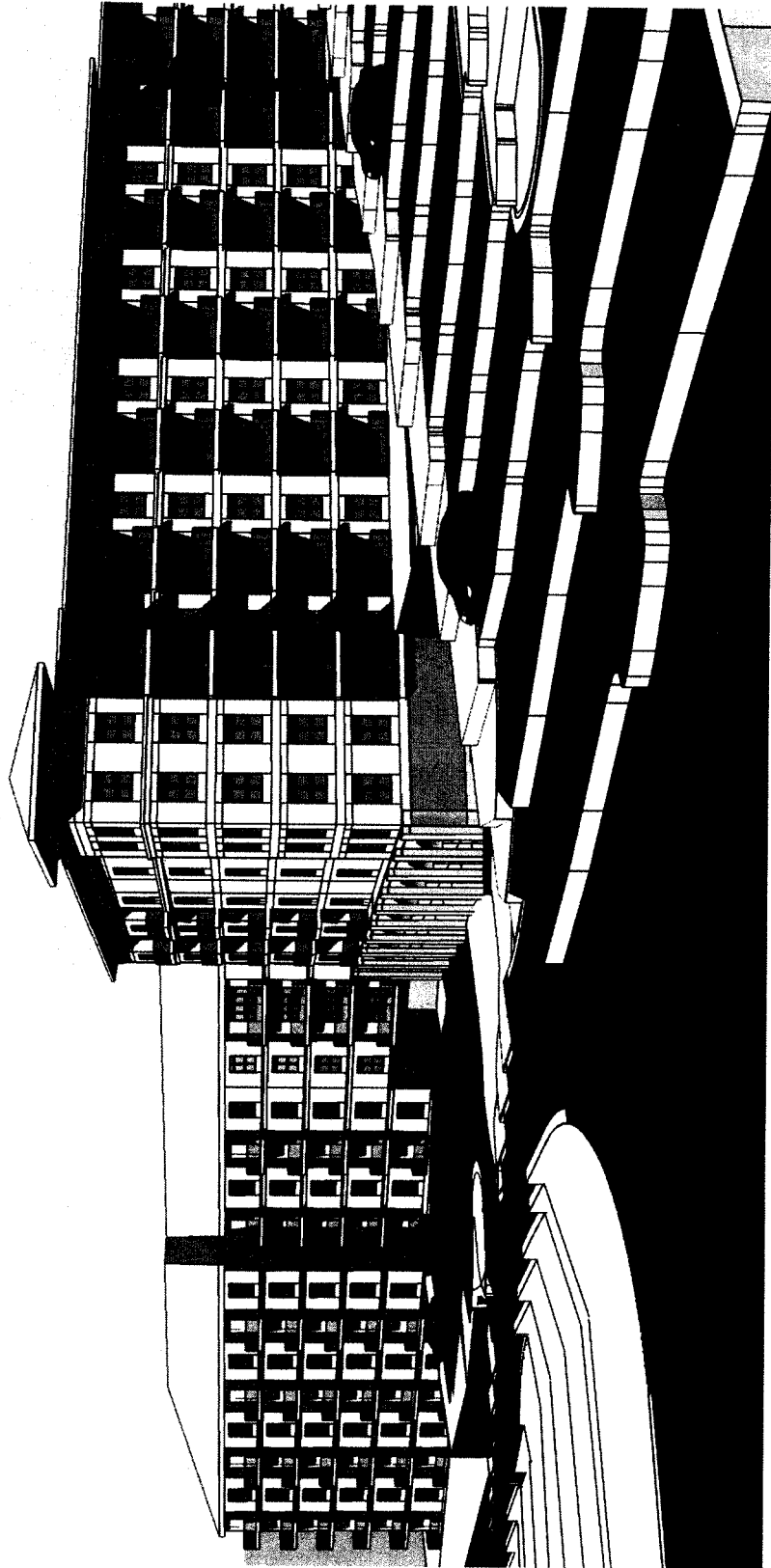
**PERSPECTIVES PRESENTED FOR
APPROVAL PURSUANT TO APPLICATION FOR
“OTHER BUSINESS” – OCTOBER 16, 2018**

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LEASING/CLUBHOUSE PERSPECTIVE
VENUE VININGS



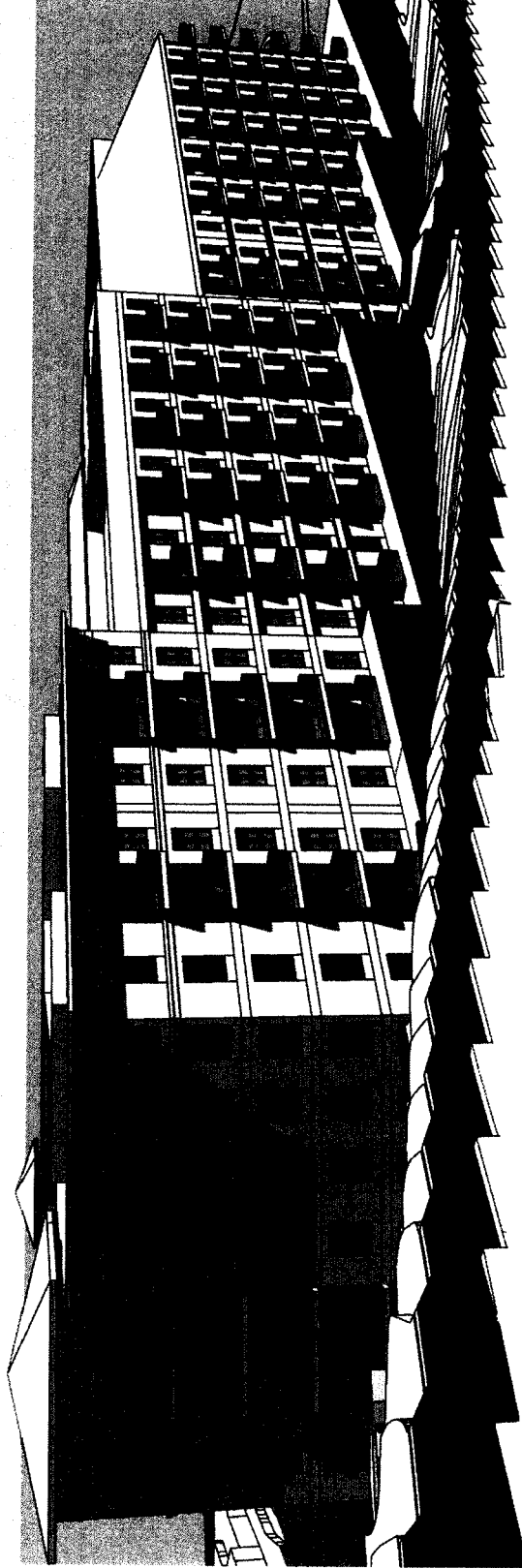
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NILES BOLTON ASSOCIATES

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STILLHOUSE RD. PERSPECTIVE
VENUE VININGS



GRAYCO STILLHOUSE LAND, LLC

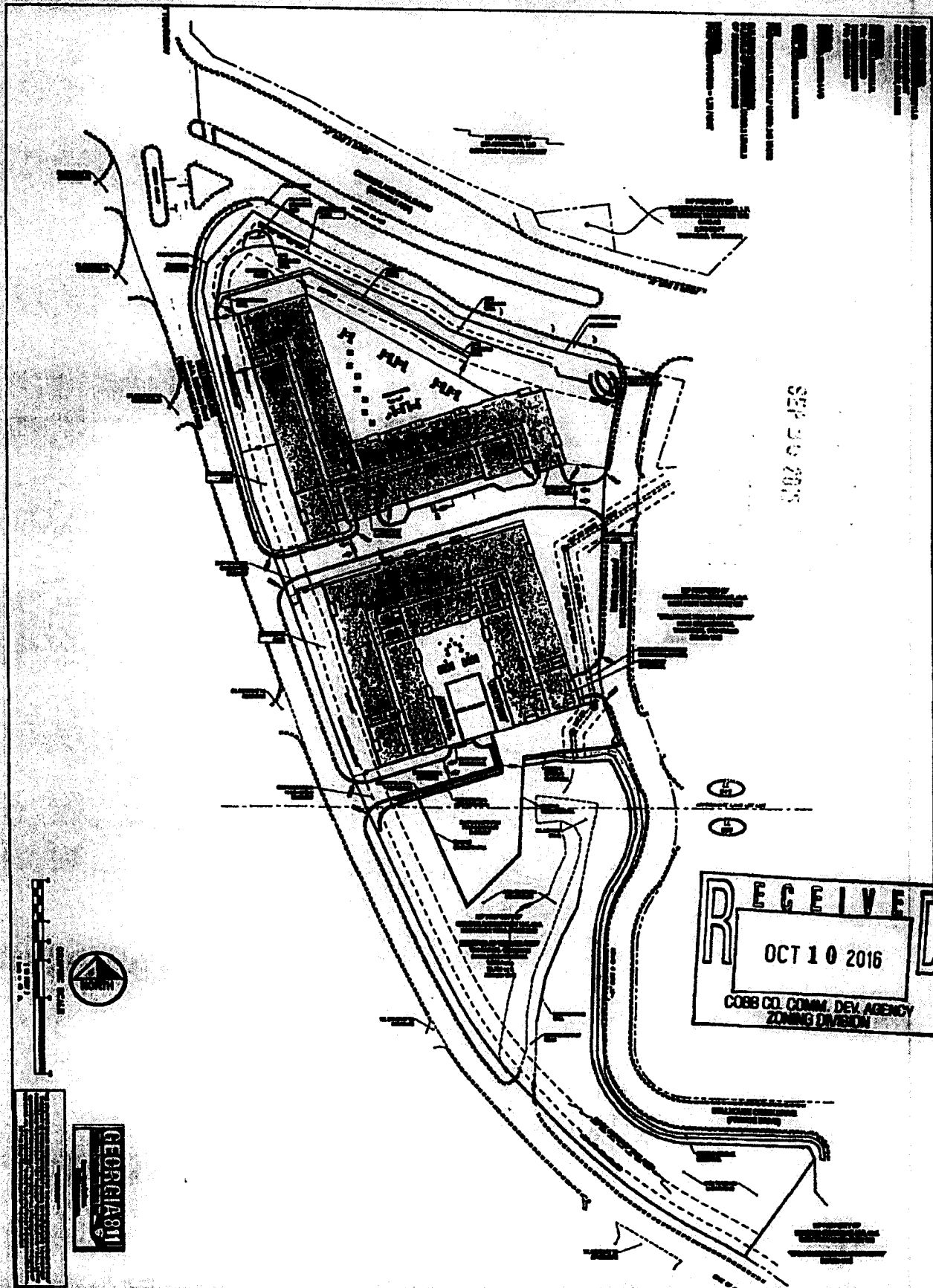
NILES BOLTON ASSOCIATES

**ZONING SITE PLAN APPROVED BY
BOARD OF COMMISSIONERS
PURSUANT TO APPLICATION FOR
“OTHER BUSINESS” – OCTOBER 18, 2016**

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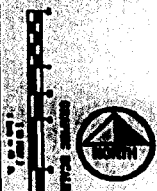
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Petition No. P.R. 53
Meeting Date 10-18-16
Continued



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ZONING DIVISION



GEORGIA 811

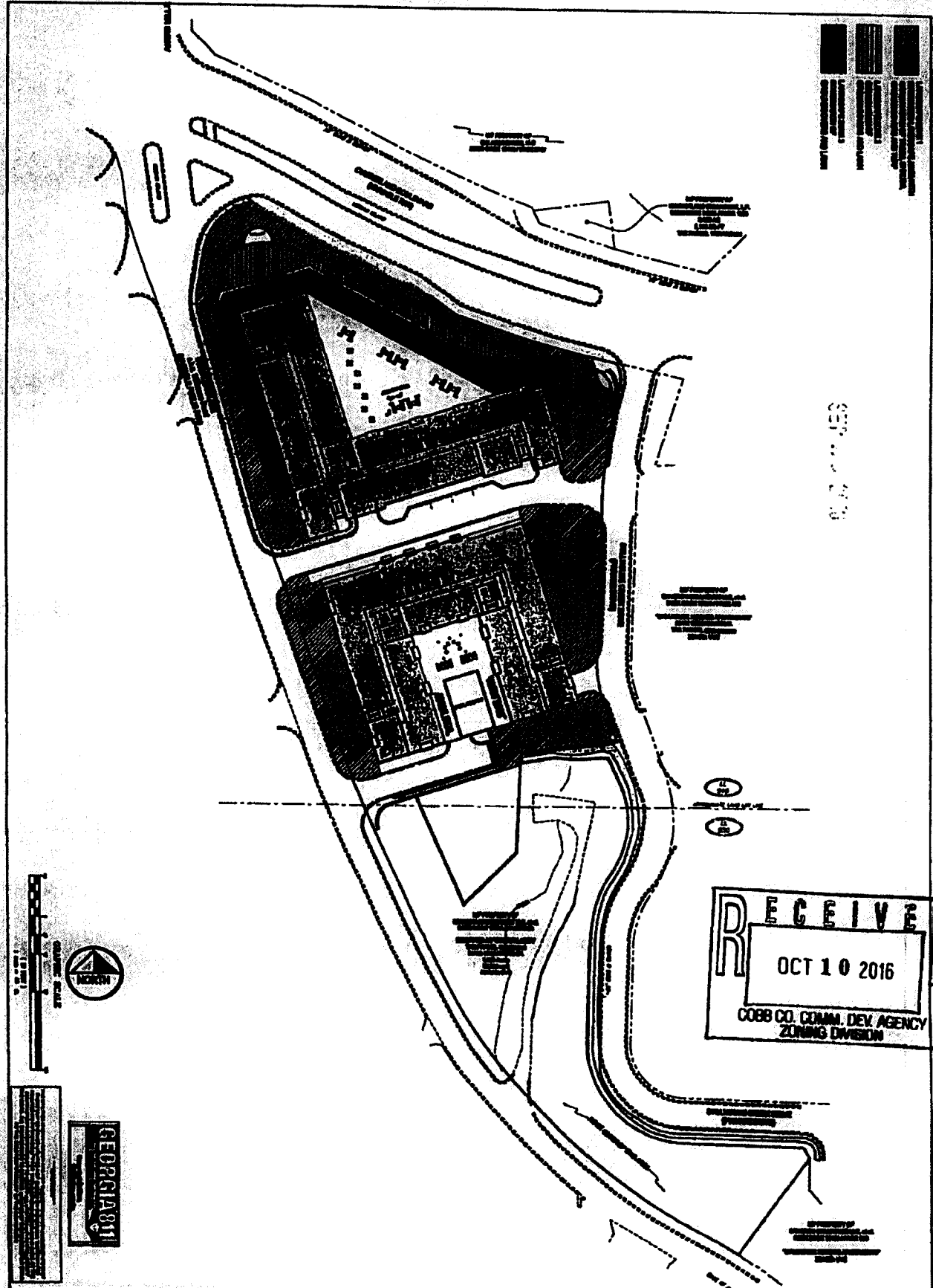
ZONING SITE PLAN
GRAYOO STILLHOUSE
3134 WILLOWBROOK LANE
LAND LOTS 948 & 950 - 170-DISTRICT
COBB COUNTY, GEORGIA

Project Details	
Project No.	688
Site No.	10
Submitted By	...
Date	...

EXHIBIT "1"

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Petition No. 0.B.53
 Meeting Date 10-18-16
 Continued



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 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

LANDSCAPE PLAN
GRAYCO STILLHOUSE
 3174 STILLHOUSE LANE
 LAND LOTS 540 & 545 - 176 DISTRICT
 COBB COUNTY, GEORGIA

Revision Schedule	
Prepared by	ASB
Checked by	ASB
Drawn by	ASB
Date	9/1/16
Scale	1"=20'

EXHIBIT "2"



summit
 ENGINEERING & ARCHITECTURE



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**CONCEPTUAL SITE PLAN APPROVED
BY BOARD OF COMMISSIONERS
PURSUANT TO APPLICATION FOR
REZONING – Z-8 (2012)
FEBRUARY 21, 2012**

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ZONING DIVISION



STUDIO HOUSE RIDGE SITE
Cobb County, Georgia

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SEP 1 2011

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ZONING DIVISION

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4-15

SEP 11 2018

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. Z-121 (2005) – FEBRUARY 21, 2006**

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 21, 2006
PAGE 19

~~Z-167⁰⁵ COUSINS REAL ESTATE CORPORATION (Continued)~~

- minimum fifteen (15) feet between structures
- pre-development hydrology study on pond in Broadlands Subdivision
- biking and pedestrian connection to Lost Mountain Park at a location on their common boundary as determined at Plan Review, with the concurrence of the Parks and Recreation Department
- Historic Preservation comments and recommendations
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- revised Cobb DOT comments and recommendations
- 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

~~VOTE: ADOPTED 3-2, Olens and Lee opposed~~

REGULAR CASES --- NEW BUSINESS: (Continued)

Rezoning: (Continued)

Z-121⁰⁵ POPE & LAND ENTERPRISES, INC. (Cumberland Center Associates, Cumberland Mathis Associates, LP, Riverwood Partners, LTD, P&L OP Investors, LLC, Thorne S. Winter, IV and Sandra M. Winter, owners) requesting Rezoning from OHR, R-80, OMR and RM-8 to UC for the purpose of Multi-Family Residential in Land Lots 949, 950 and 977 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive.

The public hearing was opened and Mr. John Moore, Mr. Randy Turner, Ms. Jody Smith, and Mr. Bradford Arp addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Lee, to delete rezoning to the UVC zoning district subject to:

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ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 21, 2006
PAGE 20

Z-121⁰⁵ POPE & LAND ENTERPRISES, INC. (Continued)

- site plan in general conformity with plan received in the Zoning Division February 1, 2006, *for reference only*, with final site plan to be approved by the Board of Commissioners (copy attached and made a part of these minutes)
- letter of agreeable stipulations from Mr. John Moore dated February 1, 2006, *not otherwise in conflict*, with the following revisions: (copy attached and made a part of these minutes)
 - Under General Stipulations Applicable to the Overall Development (page 4): add the following at the end of paragraph (15): *"as approved by District Commissioner and Staff."*
 - Under A. Residential Condominium Community (page 5): omit paragraph (1)(A)(c) in its entirety.
 - Under B. Residential Leased Community (page 8): change paragraph (4) to read as follows: *"... square footage not less than 950 rental square feet ..."*
- letter of agreeable stipulations from Mr. John Moore dated February 15, 2006, *not otherwise in conflict*, with the following revisions: (copy attached and made a part of these minutes)
 - Paragraph (1): change to read as follows: *"There shall be no construction activity, including parking or construction vehicles on Stillhouse Road and River Oaks Drive."*
 - Paragraph (2): change to read as follows: *"... , the zoning on the Subject Property shall revert ..."*
 - Paragraph (3) change as follows:
 - Subparagraph (a) change to read as follows: *"All residential condominium units shall have ceiling heights of ten (10) feet from floor to finished ceiling."*
 - Subparagraph (b) change to read as follows: *"All leased units shall have ceiling heights of ten (10) feet from floor to finished ceiling."*
 - Subparagraph (c) change to read as follows: *"Hallway widths for all units shall be a minimum of seven (7) feet in width."*
 - add new subparagraph (d) to read as follows: *"Rock formation along Stillhouse Road/River Oaks Drive shall not be disturbed."*

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 21, 2006
PAGE 21

Z-121⁰⁵ POPE & LAND ENTERPRISES, INC. (Continued)

- o add new subparagraph (e) to read as follows: *"Remove Building F and reconfigure plan to be approved by District Commissioner and Staff."*
- Development of Regional Impact (DRI) findings from Atlanta Regional Commission (ARC) and Georgia Regional Transportation Authority (GRTA) (copy attached and made a part of these minutes)
- Fire Department comments
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- 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

VOTE: ADOPTED unanimously

~~Following the vote on Z-121⁰⁵, a lunch recess was taken from 11:55 a.m. to 1:00 p.m.~~

Z-35⁰⁵ and SLUP-05⁰⁵ are companion cases and were heard simultaneously by the Commission.

Z-35⁰⁵ ANNOX SELF STORAGE #1, LLC, (owner) requesting Rezoning from GC and OI to OI for the purpose of a Climate Controlled Self Service Storage Facility in Land Lot 842 of the 17th District. Located at the northwest intersection of Paces Ferry Road and Cumberland Parkway.

The public hearing was opened and Mr. Doug Dillard, Mr. Marion Waters, and Mr. Ron Sifen addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Thompson, second by Olens, to authorize rezoning request to be **Withdrawn Without Prejudice**.

~~VOTE: ADOPTED 4-1, Kesting opposed~~

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ZONING DIVISION

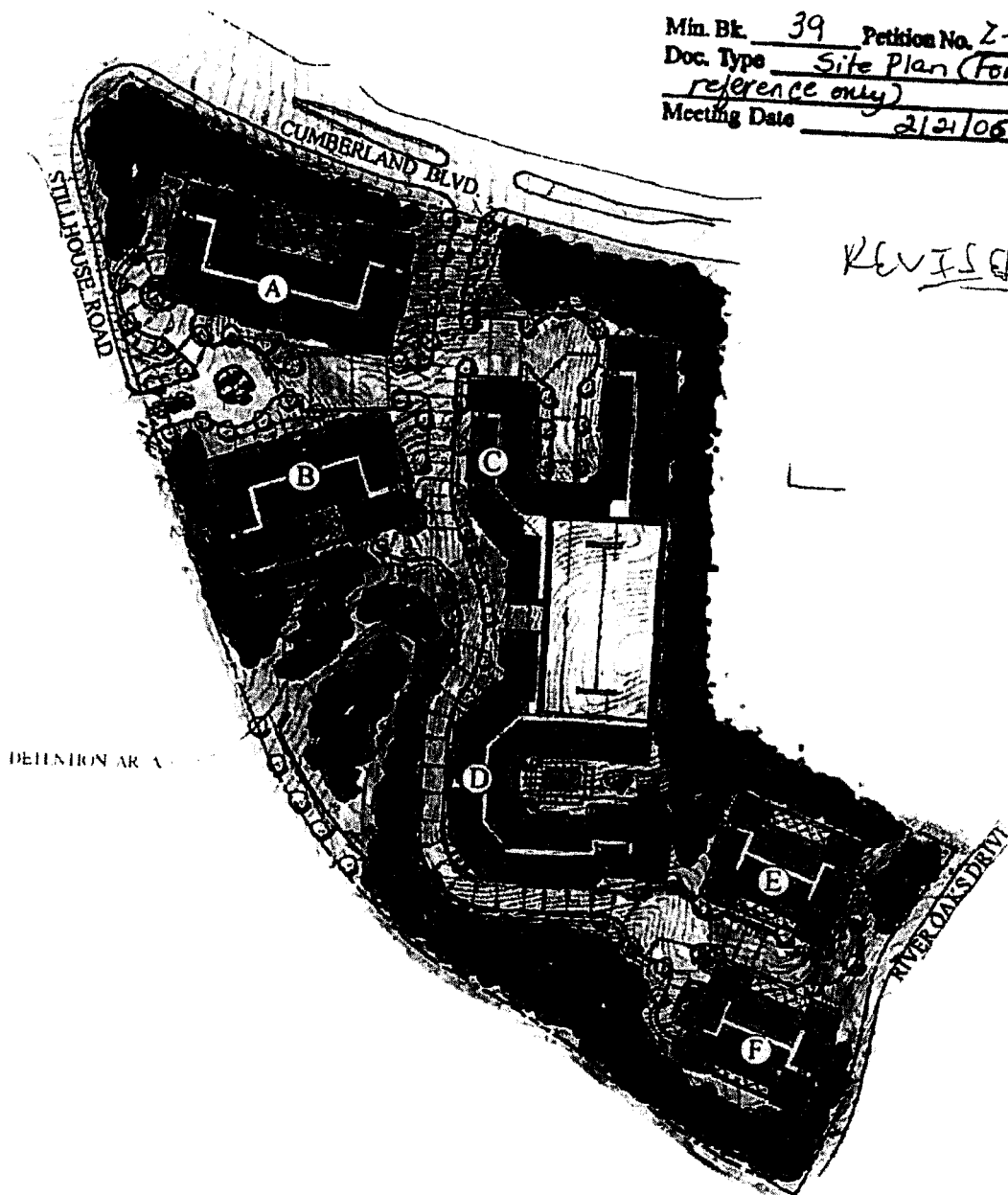
BLDG USE	# OF STORIES	UNITS	AREA	PARKING (INSIDE)	PARKING RATIOS
A CONDO	8 RESIDENTIAL/3 PARKING	152	191,800 SF	288	1.89 SPACES/UNIT
B CONDO	8 RESIDENTIAL/3 PARKING	128	151,000 SF	216	1.69 SPACES/UNIT
C LEASED	5 RESIDENTIAL/ 4 LEVEL PARKING DECK	103	126,200 SF	400 (BOTH C&D)	1.87 SPACES/UNIT
D LEASED	5 RESIDENTIAL/ 4 LEVEL PARKING DECK	111	129,700 SF	400 (BOTH C&D)	1.87 SPACES/UNIT
E CONDO	6 RESIDENTIAL/2 PARKING	60	94,800 SF	110	1.83 SPACES/UNIT
F CONDO	6 RESIDENTIAL/2 PARKING	60	94,800 SF	110	1.83 SPACES/UNIT
TOTAL		614		1124*	

* 23 OUTSIDE SPACES PROVIDED TOTALING 1147 PARKING SPACES

TOTAL SITE AREA:
592,880.15 SF/13.61 ACRES

GREENSPACE AREA:
315,389.38 SF/7.24 ACRES OR 53.2%

Min. Bk. 39 Petition No. Z-121⁰⁵
 Doc. Type Site Plan (for
reference only)
 Meeting Date 2/21/06



REVISED

[Signature]
12/24

CONCEPTUAL SITE PLAN
CUMBERLAND CIRCLE SITE
 COBB COUNTY, GEORGIA

FWPORT DEVELOPMENT

NILES BOLTON

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 ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
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MARIETTA, GEORGIA 30060

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OF COUNSEL:
JOHN L. SKELTON, JR.

¹ ALSO ADMITTED IN TN
² ALSO ADMITTED IN FL
³ ALSO ADMITTED IN OH
⁴ ADMITTED ONLY IN TN
WRITER'S DIRECTORY
DIAL NUMBER

February 1, 2006

Min. Bk. 39 Petition No. Z-121 05
Doc. Type Letter of Agreeable
Stipulations
Meeting Date Hand Delivered

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

RE: Application for Rezoning
Application No.: Z-121 (2005)
Applicant: Pope & Land Enterprises, Inc.
Property Owners: Cumberland Center Associates;
Cumberland Mathis Associates,
L.P.; Riverwood Partners, Ltd.;
P&L OP Investors, LLC;
Thorne S. Winter IV; and
Sandra M. Winter
Property: 13.61 acres located on the
southwest corner of Cumberland
Boulevard and Stillhouse Road;
Land Lots 949 and 977,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Pope & Land Enterprises, Inc., the Applicant, and Cumberland Center Associates; Cumberland Mathis Associates, L.P.; Riverwood Partners, Ltd.; P&L OP Investors, LLC; Thorne S. Winter IV; and Sandra M. Winter, the Property Owners (hereinafter collectively referred to as "Owners"), in the Application for Rezoning with regard to a total tract of approximately 13.61 acres located at southwest corner of Cumberland Boulevard and Stillhouse Road,

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-121⁰⁵
Meeting Date 2/21/06
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 11
February 1, 2006

Land Lots 949 and 977, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After review and completion of the Development of Regional Impact ("DRI") process by the Atlanta Regional Commission and the Georgia Regional Transportation Authority; meetings with planning and zoning staff; ongoing discussions and meetings with area residents and homeowner representatives; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Owners 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 stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the existing zoning categories of Office High Rise ("OHR"); Office Mid-Rise ("OMR"); Office and Institutional ("O&I"); and RM-8 to the proposed zoning category of Urban Condominium ("UC"), site plan specific to that certain Conceptual Site Plan (hereinafter "Site Plan") prepared for Newport Development by Niles Bolton Associates.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Site Plan hereinabove set forth, same being prepared by Niles Bolton Associates and being submitted contemporaneously herewith.

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Mr. John P. Pederson
Planner III
Zoning Division
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Page 3 of 11
February 1, 2006

GENERAL STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) The Subject Property is comprised of a total tract of approximately 13.61 acres and shall be developed for a high-rise single-family, residential condominiums and residential leased units (hereinafter generally referred to as the "Residential Community").
- (2) Additionally, the proposed Residential Community shall contain approximately 7.24 acres of greenspace area, equivalent to 53.2 percent of the total site area.
- (3) The entrances to the proposed Residential Community shall be from Cumberland Boulevard and Stillhouse Road, as shown and reflected on the referenced revised Site Plan.
- (4) Signage at each entrance point shall be ground based, monument style. The entrance areas shall be professionally designed, landscaped, and maintained.
- (5) Lighting within the proposed Residential Community shall be environmentally sensitive, decorative, and themed to the architecture and style of the building.
- (6) Additionally, hooded security lighting shall be utilized on the buildings and throughout the walkways, parking, and parking deck areas.
- (7) Applicant agrees that the landscaping for the entire Residential Community shall be of equal quality of that contained within the Post Riverside development.
- (8) Minor modifications to the referenced Site Plan, including, but not limited to, the layout and stormwater control measures may be approved by the District Commissioner, as needed or necessary.

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ZONING DIVISION

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Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 11
February 1, 2006

Petition No. 7-1215
Meeting Date 2/21/06
Continued

- (9) The detention area shall be fenced and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County arborist during the plan review process.
- (10) All utilities for the proposed Residential Community shall be located underground.
- (11) 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 community.
- (12) All streets within the proposed Residential Community shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (13) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (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 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.
- (16) Pope & Land Enterprises, Inc. and John Williams, or an entity formed by John Williams in which he is a principal, agree to enter into a joint venture to

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MOORE INGRAM JOHNSON & STEELE

Petition No Z-121⁰⁵
Meeting Date 2/21/06
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 11
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develop the subject site pursuant to the within revised Site Plan and will be involved in the development and construction of the site.

- (17) Applicant agrees to set forth on its construction plans during the plan review process a contact person with Applicant who will be available twenty-four hours per day for stormwater and management issues.

A. RESIDENTIAL CONDOMINIUM COMMUNITY

- (1) Applicant proposes residential condominium units contained within Buildings "A," "B," "E," and "F," as shown and reflected on the referenced Site Plan, as follows:
- (A) Building "A":
- (a) A maximum of an eight-story building containing a maximum of one hundred fifty-two (152) proposed residential condominium units with three levels of parking underneath.
- (b) Retail in the form of service retail and restaurants shall be permitted not to exceed a total of 20,000 square feet.
- (c) Applicant shall be permitted to provide outside seating in connection with restaurant use up to the edge of the multi-purpose path located along Cumberland Boulevard.

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ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

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Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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(B) Building "B":

- (a) A maximum of an eight-story residential condominium building with three (3) levels of parking underneath with a total number of residential condominium units not to exceed one hundred twenty-eight (128).

(C) Building "E":

- (a) A maximum of a six-story residential condominium building with two (2) levels of parking underneath containing a maximum of sixty (60) residential condominium units.

(D) Building "F":

- (a) A maximum of a six-story residential condominium building with two (2) levels of parking underneath containing a maximum of sixty (60) residential condominium units.
- (2) There shall be a maximum of four hundred (400) residential condominium units contained within the Residential Condominium Community. Units may be consolidated to meet potential market demands for larger units.
- (3) The residential condominium units contained within Buildings "A" and "B" shall have a square footage range of not less than 1,000 square feet, ranging upwards to 1,400 square feet and greater, with an approximate square foot average for all units within the building of 1,228 square feet.
- (4) The residential condominium square footage for Buildings "E" and "F" shall range from a minimum of

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Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 7 of 11
February 1, 2006

Petition No Z-121⁹⁵
Meeting Date 2/21/06
Continued

1,050 square feet ranging upwards to 1,600 square feet and greater, and having an approximate average of 1,389 square feet.

- (5) Floor plans and finishes for the residential condominium units shall consist, at a minimum, of those items contained on the attached Exhibit "A" and incorporated herein by reference.
- (6) The buildings for the proposed Residential Condominium Community shall be traditional in style and architecture and shall be constructed of brick-type, stucco-type, stone-type, glass, concrete, or combinations thereof, all as more fully shown on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.
- (7) The proposed Residential Condominium Community shall be a condominium development submitted by a Declaration of Condominium to the Georgia Condominium Act and shall comply in all respects therewith.
- (8) Applicant agrees to the recording and enforcement of a Declaration of Condominium which will contain covenants, rules, and regulations applicable to the proposed Residential Condominium Community.
- (9) Additionally, and in conjunction with the Declaration of Condominium, Applicant agrees to the creation of a mandatory condominium association which shall be responsible for the upkeep and maintenance of the entrance ways, all common areas, amenity areas, and private streets contained within the proposed Residential Condominium Community.

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ZONING DIVISION

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Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
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February 1, 2006

Petition No. Z-121⁰⁵
Meeting Date 2/21/06
Continued

- (10) There shall be established a restrictive covenant which limits the number of units which can be leased or rented at any one time to a maximum of 10 percent of the total number of units.
- (11) Amenities within the proposed Residential Condominium Community shall include, but not be limited to, a pool located on top of the parking deck as well as an amenity area within each building. Additionally, there will be walking paths within the open space area.
- (12) All units within the proposed Residential Condominium Community shall be "for sale" units only.

B. RESIDENTIAL LEASED COMMUNITY

- (1) Applicant proposes residential leased units to be contained within two (2) buildings, being Buildings "C" and "D," as shown and reflected on the referenced Site Plan.
- (2) Building "C" shall contain a maximum of five (5) residential stories adjacent to a four-level parking deck, said building to contain a maximum of one hundred three (103) residential leased units.
- (3) Building "D" shall contain a maximum of five (5) stories with a four-level parking deck immediately adjacent thereto and shall contain a maximum of one hundred eleven (111) residential leased units.
- (4) The residential leased units shall contain square footage not less than 850 rental square feet ranging upwards to 1,435 rental square feet, and greater.

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-121⁰⁵
Meeting Date 2/21/06
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 9 of 11
February 1, 2006

- (5) It is the intention of Applicant to convert the within leased units to "owned" residential units at such time as the outside real estate market forces permit.
- (6) The buildings for the proposed Residential Leased Community shall be traditional in style and architecture and shall be constructed of brick-type, stucco-type, stone-type, glass, concrete, or combinations thereof, all as more fully shown on the renderings to be presented to the Planning Commission and Board of Commissioners at their respective hearings.
- (7) There shall be an amenities area located in the courtyard of Building "D" as more particularly shown and reflected on the referenced Site Plan, including but not limited to a swimming pool and related indoor recreational activities such as exercise area and lounge.

We believe the requested zoning, pursuant to the referenced revised Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the surrounding area and other communities located therein. The project will promote the "live where you work concept" established by Cobb County in recent years. The proposed Residential Community shall be a development of the highest quality, as established by Applicant and John Williams in developments throughout the Metropolitan Atlanta area, shall be compatible with surrounding developments and neighborhoods, and shall be an enhancement to the Subject Property. We very much appreciate your consideration of this request.

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ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 10 of 11
February 1, 2006

Petition No. Z-121⁰⁵
Meeting Date 2/21/06
Continued

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

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

Cobb County Planning Commission:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

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

Mr. Ron Sifen
Vinings Civic Association
(With Copy of Enclosure)

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-121⁰⁵
Meeting Date 2/21/06
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 11 of 11
February 1, 2006

c: Mr. Anthony L. Waybright
Ms. Mary Rose Barnes
Ms. Suzanne Ballew
(With Copy of Enclosure)

Ms. Linda Barnes Cater
Ms. Kathrin Mattox
Ms. Jody Smith
Lower Stillhouse Group
(With Copy of Enclosure)

Pope & Land Enterprises, Inc.
Newport Development, LLC
(With Copy of Enclosure)

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

EXHIBIT "A"

FLOOR PLANS AND INTERIOR FINISHES

Floor plans and finishes shall consist, at a minimum, of the following:

- (a) Enhanced corian, granite, or marble counter tops;
- (b) Gas burning fireplaces as an upgrade;
- (c) Minimum ceiling heights:
 - i) Minimum 9 feet from floor to finished ceiling and greater; and
 - ii) Minimum 10 feet between floors;
- (d) European or upscale wooden face-frame cabinetry;
- (e) Stainless steel appliances or equivalent;
- (f) Extra-deep stainless steel sinks and side-by-side refrigerators/freezers as upgrades;
- (g) A selection of hardwood flooring, high-end carpet, and tile throughout;
- (h) Spacious open floor plans which eliminate the necessity for typical hallways within the units;
- (i) Brushed chrome or oiled rubbed bronze bathroom and kitchen fixtures;
- (j) Ceramic tile bathrooms and laundry rooms;
- (k) Spacious walk-in closets;
- (l) High-speed internet wiring in all rooms of each unit;
- (m) Garden tubs with separate showers;
- (n) Eight (8) foot entry doors subject to fire rating.

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MOORE INGRAM JOHNSON & STEELE

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OF COUNSEL:
JOHN L. SHELTON, JR.

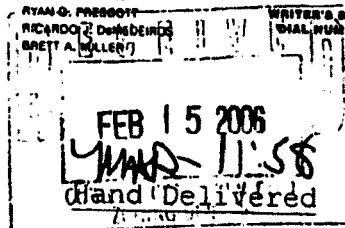
† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
- ALSO ADMITTED IN OH
- ALSO ADMITTED IN NC
• ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

February 15, 2006

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Min. Bk. 39 Petition No. Z-12105
Doc. Type Letter of Agreeable
Stipulations
Meeting Date 2/21/06



RE: Application for Rezoning
Application No.: Z-121 (2005)
Applicant: Pope & Land Enterprises, Inc.
Property Owners: Cumberland Center Associates;
Cumberland Mathis Associates,
L.P.; Riverwood Partners, Ltd.;
P&L OP Investors, LLC;
Thorne S. Winter IV; and
Sandra M. Winter
Property: 13.61 acres located on the
southwest corner of Cumberland
Boulevard and Stillhouse Road;
Land Lots 949 and 977,
17th District, 2nd Section,
Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owners in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated February 1, 2006, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

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ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 4
February 15, 2006

Petition No Z-121⁰⁵
Meeting Date 2/21/06
Continued

- (1) There shall be no construction activity, including parking of construction vehicles, below the access road off Stillhouse Road and to include River Oaks Drive.
- (2) All infrastructure, defined as utilities, roadways, and stormwater facilities, shall be constructed for the entire project at the same time. If the infrastructure, as defined, has not been completed within two (2) years from date of zoning approval, then, and in that event, the zoning for any uncompleted portion of the Subject Property shall revert to the zoning category existing at the time of the Application.
- (3) This paragraph shall supersede and replace any stipulation contained in that certain letter of stipulations and conditions dated and filed February 1, 2006, to the contrary:
 - (a) All residential condominium units shall have ceiling heights of ten (10) feet;
 - (b) All leased units shall have ceiling heights of nine (9) feet; and
 - (c) Hallway widths for all units shall be a minimum of six (6) feet in width.

As previously stated, we believe the requested zoning, pursuant to the referenced revised Site Plan, the stipulations set forth in our letter of February 1, 2006, and the additional stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the surrounding area and other communities located therein. The project will promote the "live where you work concept" established by Cobb County in recent years. The proposed Residential Community

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MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 4
February 15, 2006

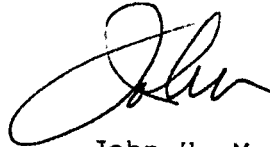
Petition No Z-121⁰⁵
Meeting Date 2/21/06
Continued

shall be a development of the highest quality, as established by Applicant and John Williams in developments throughout the Metropolitan Atlanta area, shall be compatible with surrounding developments and neighborhoods, and shall be an enhancement to the Subject Property. We very much appreciate your consideration of this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

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

Mr. Ron Sifen
Vinings Civic Association

Mr. Anthony L. Waybright
Ms. Mary Rose Barnes
Ms. Suzanne Ballew

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 4
February 15, 2006

Petition No. Z-121¹⁵
Meeting Date 2/21/06
Continued

c: Ms. Linda Barnes Cater
Ms. Kathrin Mattox
Ms. Jody Smith
Lower Stillhouse Group

Pope & Land Enterprises, Inc.
Newport Development, LLC

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



REGIONAL REVIEW FINDING

Atlanta Regional Commission • 40 Courtland Street NE, Atlanta, Georgia 30303 • ph: 404.463.3100 • fax: 404.463.3105 • www.atlantaregional.com

DATE: Sept 14 2005

ARC REVIEW CODE: R508151

TO: Chairman Sam Olens
ATTN TO: John Pederson, Planner III
FROM: Charles Krautler, Director *CK*

Min. Bk. 39 Petition No. Z-12105
Doc. Type Findings of Atlanta
Regional Commission (ARC) re DRI
Meeting Date 2/21/06

The Atlanta Regional Commission (ARC) has completed regional review of the following Development of Regional Impact (DRI). Below is the ARC finding. The Atlanta Regional Commission reviewed the DRI with regard to conflicts to regional plans, goals, and policies and impacts it might have on the activities, plans, goals, and policies of other local jurisdictions and state, federal, and other agencies. The finding does not address whether the DRI is or is not in the best interest of the local government.

Submitting Local Government: Cobb County
Name of Proposal: Cumberland Boulevard

Review Type: Development of Regional Impact | **Date Opened:** Aug 15 2005 | **Date Closed:** Sept 14 2005

FINDING: After reviewing the information submitted for the review, and the comments received from affected agencies, the Atlanta Regional Commission finding is that the DRI is in the best interest of the Region, and therefore, of the State.

Additional Comments: The proposed Cumberland Boulevard development is partially located in the Cumberland LCI Study Area. Therefore, the proposed development should meet many of the goals of the LCI Study as well as the ARC's Regional Development Plan Policies. It is strongly encouraged that the development work within the context of the LCI plan. The developer should continue to work with Cobb County and the Cumberland Community Improvement District to ensure such.

THE FOLLOWING LOCAL GOVERNMENTS AND AGENCIES RECEIVED NOTICE OF THIS REVIEW:

ARC LAND USE PLANNING
ARC DATA RESEARCH
GEORGIA DEPARTMENT OF NATURAL RESOURCES
CITY OF SMYRNA
FULTON COUNTY
GEORGIA CONSERVANCY

ARC TRANSPORTATION PLANNING
ARC AGING DIVISION
GEORGIA DEPARTMENT OF TRANSPORTATION
CITY OF MARIETTA
CITY OF ATLANTA

ARC ENVIRONMENTAL PLANNING
GEORGIA DEPARTMENT OF COMMUNITY AFFAIRS
GEORGIA REGIONAL TRANSPORTATION AUTHORITY
COBB COUNTY SCHOOLS
CUMBERLAND CID

If you have any questions regarding this review, Please call Mike Alexander, Review Coordinator, at (404) 463-3302. This finding will be published to the ARC website.

The ARC review website is located at: <http://www.atlantaregional.com/qualitygrowth/reviews.html>.

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COBB CO COMM DEV AGENCY

Min. Bk. 39 Petition No. 2-12105
Doc. Type Findings of Georgia Regional
Transportation Authority (GRTA)
Meeting Date 2/21/06

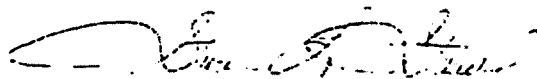
**Notice of Decision for
Request for Non-Expedited Review of
DRI 824 – Cumberland Boulevard**

The purpose of this notice is to inform Newport Development, LLC (the Applicant), Cobb County (i.e., the local government), the GRTA Land Development Committee, the Georgia Department of Community Affairs (DCA), the Georgia Department of Transportation (GDOT), and the Atlanta Regional Commission (ARC) of GRTA's decision regarding DRI #824 – Cumberland Boulevard (the DRI Plan of Development). GRTA has completed a non-expedited review for the DRI Plan of Development pursuant to sections 3-101 and 3-103.A of the *Procedures and Principles for GRTA Development of Regional Impact Review* and has determined that the DRI Plan of Development meets the GRTA review criteria set forth in Sections 3-101 and 3-103.A. The DRI Plan of Development as proposed is approved by Non-Expedited Review.

Pursuant to Section 1-201.R. of the *Procedures and Principles for GRTA Development of Regional Impact Review*, a "Required Improvement means a land transportation service [def. in Section 1-201.N] or access [def. in Section 1-201.A.] improvement which is necessary in order to provide a safe and efficient level of service to residents, employees and visitors of a proposed DRI." In this case, no Required Improvements in the study network were identified in the Review Package as necessary to bring the level of service up to an applicable standard before the build-out of the proposed project. Accordingly, GRTA will not make its approval subject to specific conditions. However, the technical analysis and staff report and recommendations may identify recommended improvements designed to mitigate traffic impacts or improve safety and functionality in and around the site. The applicant should consult with the local jurisdiction to determine whether the improvements are appropriate.

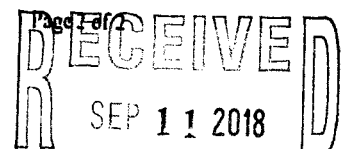
The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes the site development plan dated August 10, 2005 and received by GRTA on August 11, 2005, prepared by Highland Engineering, Inc., titled "Preliminary Grading Plan Cumberland Circle" (Site Plan) and the analysis prepared by Kimley-Horn and Associates, Inc. dated July 2005 and received by GRTA on July 25, 2005 (together the Review Package).

Pursuant to Section 2-501 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, the Applicant, the GRTA Land Development Committee and the local government have a right to appeal this decision within five (5) working days of the date on this letter by filing a Notice of Appeal with the GRTA Land Development Committee. A Notice of Appeal must specify the grounds for the appeal and present any argument or analysis in support of the appeal. For further information regarding the right to appeal, consult Part 5 of the *Procedures and Principles for GRTA Development of Regional Impact Review*, available from GRTA or on the Worldwide Web at <<http://www.grta.org/dri/home.htm>>. If GRTA staff receives an appeal, you will receive another notice from GRTA and the Land Development Committee will hear the appeal at its November 9, 2005 meeting.



Steven L. Stancil
Executive Director
Georgia Regional Transportation Authority

Notice of Decision for DRI #824-Cumberland Boulevard



**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR "OTHER BUSINESS"
RELATING TO NO. Z-121 (2005) -
DECEMBER 16, 2008**

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 16, 2008
PAGE 7**

~~SLUP-18 COOKE ENTERPRISES, INC. (Mack & Abe, Inc., owner) requesting a Special Land Use Permit for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lots 469 and 470 of the 16th District. Located on the east side of Johnson Ferry Road, south of Shallowford Road. *(Continued by the Planning Commission from their September 3, 2008 hearing until their November 4, 2008 hearing and continued by Staff from the November 4, 2008 Planning Commission hearing until their April 7, 2009 hearing; therefore was not considered at this hearing)*~~

HELD CASE:

~~Z-37 COOKE ENTERPRISES, INC. (Mack & Abe, Inc., owner) requesting Rezoning from GC to OI for the purpose of a Climate Controlled Self-Service Storage Facility in Land Lots 469 and 470 of the 16th District. Located on the east side of Johnson Ferry Road, south of Shallowford Road. *(Continued by the Planning Commission from their August 5, 2008 and September 3, 2008 hearings and held by the Board of Commissioners from their October 21, 2008 hearing until their March 17, 2009 hearing; therefore was not considered at this hearing)*~~

OTHER BUSINESS:

ITEM #1

To consider amending the site plan and stipulations regarding Z-121 (POPE & LAND ENTERPRISES, INC.) of July 19, 2005 for property located in Land Lots 949, 950 and 977 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding requested site plan and stipulation amendments. The public hearing was opened and Mr. John Moore, Mr. John Williams, Ms. Jody Smith, Mr. Ron Sifen and Mr. Bradford Arp addressed the Board. Following presentation and discussions, the following motion was made:

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ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 16, 2008
PAGE 8**

Z-121 - POPE & LAND ENTERPRISES, INC. OF JULY 19, 2005 (CONTINUED)

MOTION: Motion by Thompson, second by Kesting, to **approve** Other Business Item #1 for Z-121 (POPE & LAND ENTERPRISES, INC.) of July 19, 2005 for property located in Land Lots 949, 950 and 977 of the 17th District, at the southeast intersection of Cumberland Boulevard, subject to:

- **site plan submitted last revised October 21, 2008 (attached and made a part of these minutes)**
- **Exhibit "A" received by the Zoning Division December 10, 2008 (attached and made a part of these minutes)**
- **all other applicable previously approved conditions/stipulations to remain in effect**

VOTE: **ADOPTED** unanimously

ITEM #2

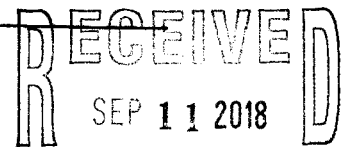
To consider amending the stipulations regarding SLUP-9 (ST. BENEDICT'S EPISCOPAL CHURCH, LLC) of July 15, 2008 for property located in Land Lots 694 and 695 of the 17th District. Located on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street.

By consensus, the Board deemed this to be a minor amendment. Mr. Mark Danneman, Zoning Division Manager, provided information regarding requested stipulation amendments. The public hearing was opened and Mr. John Moore, Ms. Mary Rose Barnes and Ms. Suzanne Ballew addressed the Board. Following presentations and discussions, the following motion was made:

MOTION: Motion by Thompson, second by Lee, to **approve** Other Business Item #2 for SLUP-9 (ST. BENEDICT'S EPISCOPAL CHURCH, LLC) of July 15, 2008 for property located in Land Lots 694 and 695 of the 17th District, on the west side of South Atlanta Road and on the east side of West Atlanta Road, south of Daniel Street, subject to:

- **mobile classrooms to be removed within eighteen (18) months of this decision**
- **Cobb DOT improvements are not required to be completed until Certificate of Occupancy is issued for the school**
- **all other applicable previously approved conditions/stipulations to remain in effect**

VOTE: **ADOPTED** unanimously



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

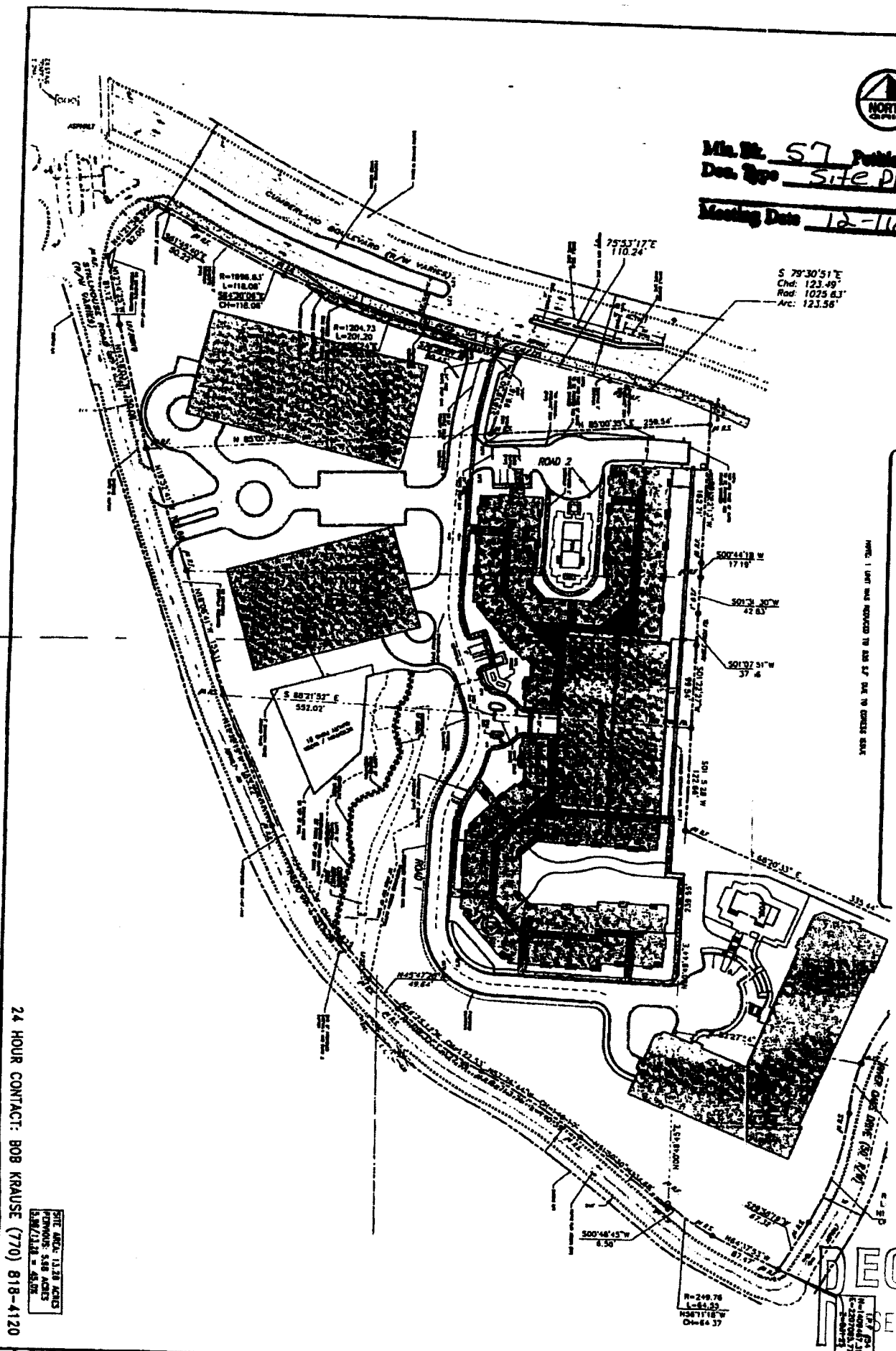


O.B.#1

Map No. 57 Section No. 2-1a1 '05
Doc. Type Site Plan
Meeting Date 12-16-08

S 79°30'51"E
Chd: 123.49'
Rad: 1025.63'
Arc: 123.56'

NOTE: 1 UNIT HAS REDUCED TO 60 SQ FT. DUE TO CORNER BAY.



24 HOUR CONTACT: BOB KRAUSE (770) 818-4120

SITE AREA: 11.28 ACRES
PONDING: 5.88 ACRES
LAND/218 = 45.00'

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SITE PLAN
STILLHOUSE RIDGE

Project No.	Rev.	Description	Date
08-008	1	CONCEPT PLAN FOR C & P ZONING	08/08

NEWPORT DEVELOPMENT
205 GERRARD DRIVE

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

08#1

Min. Bk. 57 Petition No. Z-21-05
Doc. Type side plan

Meeting Date 12-16-08

EXHIBIT "A"
AMENDMENT TO ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)

Application No.: Z-121 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decision: February 21, 2006
Current Hearing Date: December 16, 2008

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

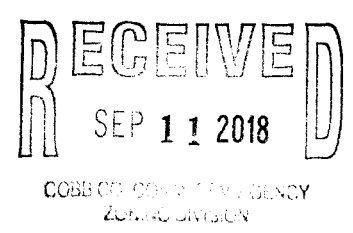
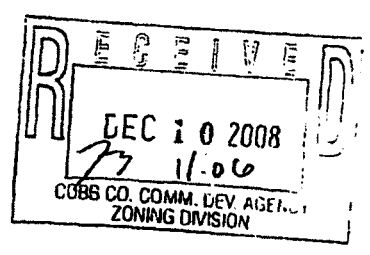
Applicant: Pope & Land Enterprises, Inc.

Applicant requests amendments to certain stipulations for the existing development known as "Stillhouse Ridge," approved through the rezoning process by the Board of Commissioners on February 21, 2006. The requested amendments are as follows:

- (I) Deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated February 1, 2006, page 8, paragraph 11, of the section titled **A. RESIDENTIAL CONDOMINIUM COMMUNITY**, which reads as follows:
 - (11) Amenities within the proposed Residential Condominium Community shall include, but not be limited to, a pool located on top of the parking deck as well as an amenity area within each building. Additionally, there will be walking paths within the open space area.

The following shall be inserted in lieu of the foregoing deleted paragraph:

- (11) Amenities within the proposed Residential Condominium Community shall include, but not be limited to, a pool and amenity area. Additionally, there will be walking paths within the open space area.



Petition No. DB # 1 (2/21/05)
Meeting Date 12-11-08
Continued

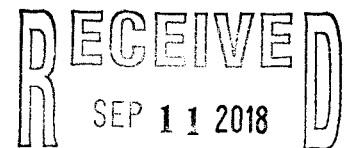
- (2) Deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated February 1, 2006, page 8, paragraph 12, of the section titled **A. RESIDENTIAL CONDOMINIUM COMMUNITY**, which reads as follows:

(12) All units within the proposed Residential Condominium Community shall be "for sale" units only.

The following shall be inserted in lieu of the foregoing deleted paragraph:

(12) All units within the proposed Residential Condominium Community shall be "for sale" units only; excepting only, that those units contained within Building "E" may be leased, but shall be converted to "for sale" units at such time as market conditions allow as determined by the primary lending institution, at any given time, financing the subject development. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of these units to "for sale" units.

- (3) 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 February 21, 2006, in Application No. Z-121 (2006), and any subsequent approvals related to the "Stillhouse Ridge" development, are unaltered or unchanged by this request for stipulation amendment.



**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO MINOR AMENDMENT RELATING TO
NO. Z-121 (2005) – MARCH 17, 2009**

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 17, 2009
PAGE 7**

ITEM #2

To consider amending the stipulations regarding Z-121 (POPE & LAND ENTERPRISES, INC.) of July 19, 2005, for property located in Land Lots 949, 950 and 977 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive.

By consensus, the Board deemed this to be a minor amendment. Mr. Mark Danneman, Zoning Division Manager, provided information for amending the stipulations regarding Z-121 (POPE & LAND ENTERPRISES, INC.) of July 19, 2005, due to economic conditions. Mr. Ron Sifen addressed the Board. Following presentation and discussions, the following motion was made:

MOTION: Motion by Ott, second by Thompson, to approve Other Business Item #2
subject to:

- applicant's submitted Exhibit A (attached and made part of these minutes)
- all other previous Zoning stipulations and conditions, not otherwise in conflict, to remain in effect

VOTE: ADOPTED unanimously

ITEM #3

To consider granting a Special Exception for reducing the required lot size as recommended by the Board of Zoning Appeals from their July 9, 2008 Variance Hearing regarding Variance Application:

V-69 **RONALD M. SNYDER AND MARIANNE D. SNYDER** (owners) requesting a variance to: 1) waive the public road frontage to allow one home off of a private easement; 2) waive the lot size on Tract 1 from the required 80,000 square feet to 51,546 square feet; 3) waive the width of an easement from the required 25 feet to 20 feet; and 4) waive the public road frontage at the front setback on Tract 2 from the required 75 feet to 25 feet in Land Lot 280 of the 1st District. Located on the north side of Aven Road, west of North River Forest Drive (5601 Aven Road).

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ZONING DIVISION

Min. Bk. 58 Petition No. 082
Doc. Type Applicant's submitted
Exhibit A
Meeting Date March 17, 2009

EXHIBIT "A"
ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)

Application No.: Z-121 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decisions: February 21, 2006
December 16, 2008
Current Hearing Date: March 17, 2009

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.

Applicant requests an amendment to certain stipulations and conditions for the development known as "Stillhouse Ridge," approved through the rezoning process by the Board of Commissioners on February 21, 2006, and as amended by the Board of Commissioners on December 16, 2008. The requested amendments are as follows:

- (1) Applicant requests the minimum square footage for all residential condominium units, whether "for sale" units or "leased" units, be amended to be a minimum of 700 square feet, with an approximate square foot average for said units being 1,080 square feet. Further, the total number of units with these square footage requirements shall not exceed thirty-five (35).
- (2) Applicant agrees that the size and scale, as well as the architecture, of the buildings within the development shall remain the same as previously approved by the Board of Commissioners and set forth in the official minutes, and attachments thereto, dated February 21, 2006, and as amended on December 16, 2008.
- (3) Applicant further agrees and states that the site plan controlling the development shall be the site plan which is on file in the Cobb County Zoning Office.
- (4) Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on February 21, 2006, in Application No. Z-121 (2006), and the Application for "Other Business" held on December 16, 2008, or any other approvals related to the specific zoning or the "Stillhouse Ridge" development, are unaltered or unchanged by this request for stipulation amendment.

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR "OTHER BUSINESS"
RELATING TO NO. Z-121 (2005) -
AUGUST 17, 2010**

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 17, 2010
PAGE 9

~~OTHER BUSINESS (Continued)~~

ITEM NO. 4 (Continued)

- Applicant's revised Exhibit B dated August 17, 2010, including submitted architectural rendering, with the following additions/changes (attached and made a part of these minutes):

On 8/24/2010, by Motion to Amend Something Previously Adopted, the BOC amended stipulations. See minutes of that meeting for replacement stipulations.

- ~~Add Item No. 6 – “Installation of a physical barrier/wall to be constructed between old and new development with gate for emergency access between the two (2) parts/phases.”~~
- ~~Add Item No. 7 – “Landscaping on both sides of the barrier/wall to be approved by County Arborist.”~~
- ~~Add Item No. 8 – “Creation of a new separate entrance for the new development.”~~
- Add Item No. 9 – “Final site plan to be approved by the District Commissioner.”
- Add Item No. 10 – “All other stipulations of Z-118 of 2005 to remain in effect.”

~~VOTE: ADOPTED unanimously~~

ITEM NO. 5

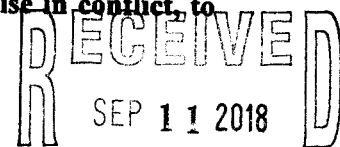
To consider a stipulation amendment for Pope & Land Enterprises, Inc. regarding application Z-121 of 2005 (Pope & Land Enterprises, Inc.) for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive Land Lots 949, 950 and 977 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information for amending the stipulations regarding Z-121 of 2005 (Pope & Land Enterprises, Inc.). There was no public comment. Following presentation and discussions, the following motion was made:

MOTION: Motion by Ott, second by Powell, to approve Other Business Item No. 5 for Pope & Land Enterprises, Inc. regarding application Z-121 of 2005 (Pope & Land Enterprises, Inc.) for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Road and at the northwest intersection of Stillhouse Road and River Oaks Drive in Land Lots 949, 950 and 977 of the 17th District, **subject to:**

- Applicant's submitted Exhibit B received by the Zoning Division July 13, 2010 (attached and made part of these minutes)
- all other previous stipulations and conditions, not otherwise in conflict, to remain in effect

VOTE: ADOPTED unanimously



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Min. Bk. 61 Petition No. 085
Doc. Type Applicants
Exhibit B
Meeting Date 8/17/10

Item 05
Exhibit "B"
August 2010

Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2045)

BOC Hearing Date Requested: August 17, 2010

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Applicant: Pope & Land Enterprises, Inc. Phone #: (770) 980-0808
(applicant's name printed)

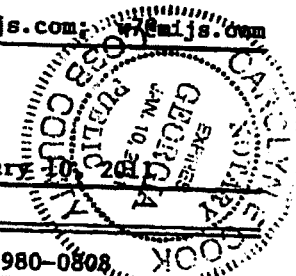
Address: Suite 400, 3225 Cumberland Boulevard, E-Mail:
Moore Ingram Johnson & Steele, LLP Atlanta, GA 30339

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:

Carolyn E. Cook My commission expires: January 10, 2011
Notary Public



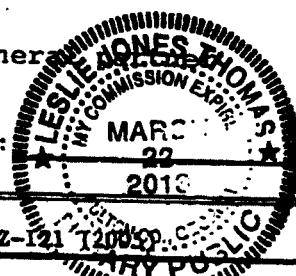
Titleholder(s): Cumberland Stillhouse, L.P. Phone #: (770) 980-0808
(property owner's name printed)

Address: Suite 400, 3225 Cumberland Boulevard, E-Mail:
Atlanta, GA 30339

By: [Signature] Lawrence P. Kelly, President
(Property owner's signature) Pope & Land Enterprises, Inc., general

Signed, sealed and delivered in presence of:

Leslie Jones Thomas My commission expires: March 22, 2010
Notary Public



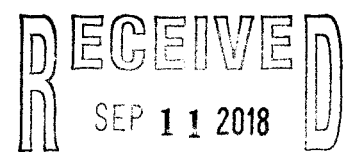
Commission District: 2 **Zoning Case:** z-121 (2008)...

Date of Zoning Decision: 02/21/2006 **Original Date of Hearing:** 07/19/2005
12/16/2008 (OB); 03/17/2009 (OB)

Location: Southwest corner of Cumberland Boulevard and Stillhouse Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 949, 950, 977 **District(s):** 17th

State specifically the need or reason(s) for Other Business:
See Exhibit "A" attached hereto and incorporated herein by reference.

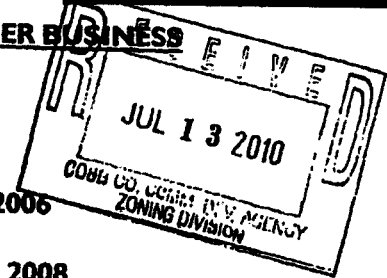


Petition No. DB.5
Meeting Date 8/17/10
Continued

Item 05
Exhibit "B"
August 2010

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)

Application No.: Z-121 (2005)
Original Hearing Date: July 19, 2005
Date of Zoning Decisions: February 21, 2006
"Other Business"
Hearing Dates: December 16, 2008
March 17, 2009
Current Hearing Date: August 17, 2010



BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.
Property Owner: Cumberland Stillhouse, L.P.

Applicant requests amendments to certain stipulations and conditions for the development known as "Stillhouse Ridge," approved through the rezoning process by the Board of Commissioners on February 21, 2006, and as amended by the Board of Commissioners on December 16, 2008, and March 17, 2009; as well as by minor amendment by the District Commissioner on November 9, 2006. The requested amendments are as follows:

- (1) Deletion in its entirety of subparagraph (b) of Exhibit "A," "Floor Plans and Interior Finishes," attached to letter of agreeable stipulations and conditions dated February 1, 2006, which reads as follows:
 - (b) Gas burning fireplaces as an upgrade;Said paragraph shall be replaced as follows:
 - (b) Gas, electric, wood-burning, or decorative fireplaces as an upgrade in two- and three-bedroom units on top floor.
- (2) Deletion in its entirety of subparagraph (m) of Exhibit "A," "Floor Plans and Interior Finishes," attached to letter of agreeable stipulations and conditions dated February 1, 2006, which reads as follows:
 - (m) Garden tubs with separate showers.
- (3) Amendment to paragraph 3(a) of the supplemental letter of agreeable stipulations and conditions dated February 15, 2006, which reads as follows:
 - (a) All residential condominium units shall have ceiling heights of ten (10) feet;

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COBB COUNTY BOARD OF COMMISSIONERS
ZONING DIVISION

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. Z-8 (2012) – FEBRUARY 21, 2012**

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 21, 2012
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 21, 2012 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 Helen Goreham
Commissioner Woody Thompson

Commissioner Robert Ott (absent)

Z-8 **POPE & LAND ENTERPRISES, INC.** (Cumberland Stillhouse, L.P., owner) requesting Rezoning from UVC w/stips to UVC w/stips for the purpose of Urban Condominiums in Land Lot 949 of the 17th District. Located at the southeast intersection of Cumberland Boulevard and Stillhouse Lane.

MOTION: Motion by Goreham, second by Birrell, as part of the Consent Agenda, to approve Rezoning to the UVC with Stipulations zoning district subject to:

- site plan received by the Zoning Division December 1, 2011, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- all previous zoning stipulations from Z-121 of 2005, *not otherwise in conflict*, to remain in effect
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED 4-0**

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COBB COUNTY GOV. AGENCY
ZONING DIVISION

STIMULUS HOUSE BRIDGE SITE
Cobb County Georgia

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MAY 1 2011

COBB COUNTY COM. DEV. AGENCY
ZONING DIVISION

J/L
4-15

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MAY 1 2018

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR "OTHER BUSINESS"
RELATING TO NO. Z-8 (2012) -
OCTOBER 16, 2012**

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COBB CO. COMMUNITY AGENCY
ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 16, 2012
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 16, 2012 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:

Vice Chairman Robert Ott
Commissioner JoAnn Birrell
Commissioner Helen Goreham
Commissioner Woody Thompson

Not Present: Chairman Tim Lee

ITEM NO. 1

To consider a stipulation amendment for Pope & Land Enterprises, Inc. regarding application Z-8 (Pope & Land Enterprises, Inc.) of February 21, 2012 for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Lane and at the northwest intersection of Stillhouse Lane and River Oaks Drive in Land Lot 949 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding stipulation amendments pertaining to the building consolidation and unit upgrades. 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 Birrell, to approve Other Business Item No. 1 for stipulation amendments regarding application Z-8 (Pope & Land Enterprises, Inc.) of February 21, 2012 for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Lane and at the northwest intersection of Stillhouse Lane and River Oaks Drive in Land Lot 949 of the 17th District subject to:

- **Exhibit "B" titled "Attachment to Application for Other Business" (attached and made a part of these minutes)**
- **All previous stipulations and conditions, not otherwise in conflict, to remain in effect**

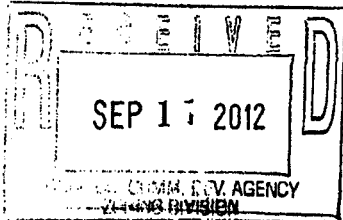
VOTE: ADOPTED 4-0

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COBB COUNTY GOVERNMENT AGENCY
ZONING DIVISION

Min. Bk. 66 Petition No. 031
Doc. Type "Exhibit B"
Meeting Date 10.16.12

**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(STIPULATION AMENDMENT)**

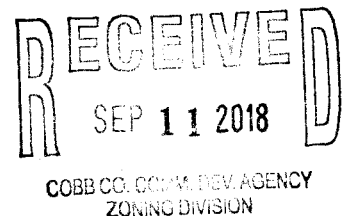


Application Nos.: Z-121 (2005)
Z-8 (2012)
Original Hearing Dates: July 19, 2005
February 21, 2012
Date of Zoning Decisions: February 21, 2006
February 21, 2012
**"Other Business"
Hearing Dates:** December 16, 2008
March 17, 2009
August 17, 2010
December 13, 2011
Current Hearing Date: October 16, 2012

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.
Property Owner: Cumberland Stillhouse, L.P.

On October 11, 2011, Applicant filed its Application for "Other Business" seeking amendments to the site plan and certain stipulations for the development to be known as "Stillhouse Ridge." Said Application was scheduled to be heard before the Board of Commissioners on November 15, 2011; however, it was continued to the December 13, 2011, Board of Commission Zoning Hearing. Prior to the December 2011 Zoning Hearing, it was determined the revisions to the site plan and stipulations were "major amendments" which would require proceeding through the rezoning process. The Application for "Other Business" was withdrawn and an Application for Rezoning was filed, same being Application No. Z-8 (2012), and hearings before the Cobb County Planning Commission and Cobb County Board of Commissioners were held on February 7, 2012, and February 21, 2012, respectively. The stipulations and conditions which were proposed for the "Other Business" amendment and the Application for Rezoning were not included as part of the final, official minutes of the Planning Commission Zoning Hearing held on February 8, 2012, or the final, official zoning minutes of the Board of Commissioners Zoning Hearing held on February 21, 2012. As a result of the omission, this Application for "Other Business" is being brought to include the stipulations and conditions which were approved by the Planning Commission and Board of Commissioners in Application No. Z-8 (2012) but which were inadvertently omitted from the February 21, 2012, Board of Commission minutes. The revised stipulations and conditions are as follows:



Petition No. 0B 1
Meeting Date 10/10/12
Continued

- (1) Deletion in its entirety of a portion of the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP dated February 1, 2006, page 8, paragraph 12, of the section titled "**A. RESIDENTIAL CONDOMINIUM COMMUNITY**," which reads as follows:

- (12) All units within the proposed Residential Condominium Community shall be "for sale" units only.

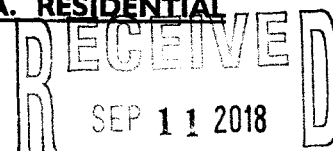
The following shall be inserted in lieu of the foregoing deleted paragraph:

- (12) All units within the proposed Residential Condominium Community shall be "for sale" units only; excepting only, that the units may be leased, but shall be converted to "for sale" units at such time as market conditions allow, as determined by the primary lending institution, at any given time, financing the subject development. The submission of these units to the Georgia Condominium Act shall be concurrent with the conversion of these units to "for sale" units.

- (2) Revisions and amendments to certain stipulations and conditions contained within the original zoning minutes approved by the Board of Commissioners on February 21, 2006, specifically, the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP, dated February 1, 2006, page 5, subparagraphs (1)(A) and (B) of the section titled "**A. RESIDENTIAL CONDOMINIUM COMMUNITY**," as follows:

- (a) Buildings "A" and "B" shall be converted to a single building denominated as Building "A";
- (b) Building "A" will be a maximum of five (5) stories in height;
- (c) The total number of units contained within Building "A" shall be decreased from two hundred eighty (280) units to a maximum of two hundred forty (240) units;
- (d) The parking facility shall be converted to a single, partially wrapped parking facility.

- (3) Deletion in its entirety of a portion of the letter of stipulations and conditions contained within the original zoning minutes approved by the Board of Commissioners on February 21, 2006, specifically, the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP, dated February 1, 2006, page 6, subparagraph (3) of the section titled "**A. RESIDENTIAL**



Petition No. OB 1
Meeting Date 10/16/12
Continued

CONDOMINIUM COMMUNITY. The following shall be inserted in lieu thereof:

- (6) The residential condominium units contained within Building "A" shall have a square footage range of not less than 700 square feet, with an approximate square footage average for said units being 1,050 square feet. Further, the total number of units with these minimum square footage requirements shall not exceed thirty-five (35) percent.

- (4) Amendment of a portion of the letter of stipulations and conditions contained within the original zoning minutes approved by the Board of Commissioners on February 21, 2006, specifically, the letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP, dated February 1, 2006, page 7, subparagraph (5), and Exhibit "A" referenced therein, of the section titled **"A. RESIDENTIAL CONDOMINIUM COMMUNITY,"** and the supplemental letter of agreeable stipulations and conditions dated February 15, 2006, specifically page 2, subparagraph (3), as follows:
 - (b) Gas burning fireplaces as an upgrade shall be deleted (contained within Exhibit "A" of the February 1, 2006, letter of agreeable stipulations and conditions);
 - (c) Minimum ceiling heights from floor to finished ceiling shall be changed to 9 feet 8 inches (contained within the February 15, 2006, letter of agreeable stipulations and conditions); and
 - (m) Garden tubs with separate showers shall be deleted in its entirety (contained with Exhibit "A" of the February 1, 2006, letter of agreeable stipulations and conditions).

- (5) Amendment of a portion of the letter of stipulations and conditions contained within the original zoning minutes approved by the Board of Commissioners on February 21, 2006, specifically, the supplemental letter of stipulations and conditions prepared by Moore Ingram Johnson & Steele, LLP, dated February 15, 2006, page 2, subparagraph (3)(c), as follows:
 - (b) Hallway and corridor widths for all units shall be a minimum of six (6) feet in width.

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COBB COUNTY PLANNING AGENCY
ZONING DIVISION

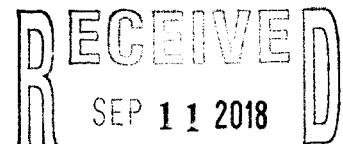
Petition No. 081
Meeting Date 10/16/12
Continued

- (6) Addition of the following stipulation applicable to the overall development:

Simultaneously with the issuance of a building permit for the proposed structure, Applicant agrees to donate the sum of Ten Thousand Dollars (\$10,000) to the Lower Stillhouse Group for the design and installation of enhancement and beautification landscaping for the barricade on Stillhouse Road. Applicant agrees to work with the Group in the design phase of the landscaping to achieve the best possible result for all concerned.

- (7) Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on February 21, 2006, in Application No. Z-121 (2006), and the Applications for "Other Business" held on December 16, 2008; March 17, 2009; and August 17, 2010; the minor amendment approved by the District Commissioner on November 9, 2006; as well as the stipulations and conditions, and approved site plan, set forth in the official minutes, and attachments thereto of the Board of Commissioners Zoning Hearing held on February 21, 2012, in Application No. Z-8 (2012), or any other approvals related to the specific zoning or the "Stillhouse Ridge" development, are unaltered or unchanged by the stipulation amendments requested herein.

The proposed amendments presented herein in no way adversely impact or affect surrounding properties or property owners. If the requested revisions are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the overall Subject Development.



**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR “OTHER BUSINESS”
RELATING TO NO. Z-121 (2005) AND
Z-8 (2012) – OCTOBER 18, 2016**

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COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 18, 2016
9:00 A.M.**

The Board of Commissioners Zoning Hearing was held on Tuesday, October 18, 2016 at 9:00 a.m. in the second floor public meeting room of the Cobb County Building A, 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

CONSENT AGENDA

MOTION: Motion by Lee, second by Ott, to **approve** the following items on the Consent Agenda, *as revised*:

O.B. 53 To consider a site plan and stipulation amendment for Grayco Partners, LLC regarding rezoning application Z-8 of 2012 (Pope & Land Enterprises, Inc.), for property located at the southeast intersection of Cumberland Boulevard and Stillhouse Lane in Land Lot 949 of the 17th District. (Continued by Staff from the September 20, 2016 hearing).

To **approve** O.B. 53, subject to:

- 1. Amended Exhibit B with attachments, received by the Zoning Division on October 10, 2016 (attached and made a part of these minutes)**
- 2. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

CONSENT VOTE: **ADOPTED** 5-0, *with the exception of O.B. 62, which was 4-0*, Lee abstained

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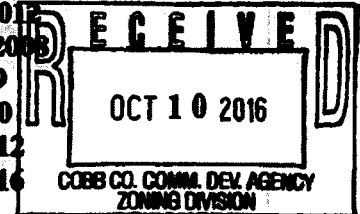
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Min. Bk. 80 Petition No. O.P.S.
Doc. Type Exhibit B w/attachment

Meeting Date 10-18-16

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(SITE PLAN AND STIPULATION AMENDMENT)
(Amended October 10, 2016)

OB Application No.: OB-053-2016
Application Nos.: Z-121 (2005); Z-8 (2012)
Original Hearing Dates: July 19, 2005
February 21, 2012
Date of Zoning Decisions: February 21, 2006
February 21, 2012
OB Zoning Decisions: December 16, 2008
March 17, 2009
August 17, 2010
October 16, 2012
Current Hearing Date: October 18, 2016



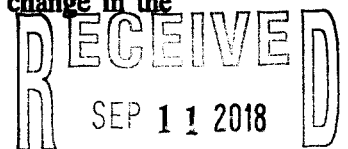
BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Grayco Partners, LLC
Property Owner: Crimson Avenue West, LLC

Exhibit "B," "Attachment to Application for "Other Business," filed as part of the Application for "Other Business" on August 16, 2016; regarding Other Business No. OB-053-2016 pending for hearing before the Cobb County Board of Commissioners on October 18, 2016, is deleted in its entirety and replaced in full as follows:

The property which is the subject of this Application for "Other Business" is located at the southeasterly intersection of Cumberland Boulevard and Stillhouse Lane, Land Lots 949 and 950, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). On February 21, 2006, the Cobb County Board of Commissioners rezoned the Property to the Urban Village Commercial ("UVC") zoning category (Application No. Z-121 (2005)), which included certain stipulations and conditions related to the proposed development of the Subject Property. On February 21, 2012, the Cobb County Board of Commissioners again approved rezoning of the Property to the UVC zoning category (Application No. Z-8 (2012)), approving a revised site plan and making all previous stipulations and conditions under Z-121 (2005) applicable to the current rezoning approval. A stipulation amendment to Z-8 (2012) was approved by the Board of Commissioners on October 16, 2012, revising certain stipulations for the development of the Subject Property.

Applicant, Grayco Partners, LLC (hereinafter "Applicant"), proposes the development of the Subject Property for a leased residential community. However, due to the length of time since the zoning approvals and amendments, change in market conditions, and change in the



COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Petition No. O.B.53
Meeting Date 10-18-16
Continued

general climate and market conditions within the Cumberland-Galleria-Vinings area, Applicant submits this Application for "Other Business" seeking approval by the Cobb County Board of Commissioners of the following:

- (1) The revised Zoning Site Plan dated September 23, 2016, prepared for Applicant by Summit Engineering Consultants, Inc., site specific as to the development of the Subject Property. A reduced copy of the revised Zoning Site Plan for the Subject Property which was filed with the Zoning Office on September 26, 2016, is attached hereto as Exhibit "1" for ease of review and incorporated herein by reference.
- (2) The Landscape Plan dated September 23, 2016, prepared for Applicant by Summit Engineering Consultants, Inc., as to the development of the Subject Property. A reduced copy of the Landscape Plan for the Subject Property which was filed with the Zoning Office on September 26, 2016, is attached hereto as Exhibit "2" for ease of review and incorporated herein by reference.
- (3) The revised elevations depicting the "Building 100 - South Elevation," "Stillhouse Apartments," and "Eye Level Perspective View," "Stillhouse Apartments," prepared by Niles Bolton Associates, submitted as part of this amendment to the Application for "Other Business." The exterior facades of the proposed residential buildings shall be substantially similar to those in the elevations. Copies of the elevations are attached collectively hereto as Exhibit "3" and incorporated herein by reference.
- (4) Setbacks for the proposed development shall be as shown and reflected on the revised, referenced Zoning Site Plan. All site retaining walls shall be allowed within the setback areas.
- (5) Monument signage and planters shall be located at the intersection of Cumberland Boulevard and Stillhouse Lane, as more particularly shown and reflected on the revised Zoning Site Plan referenced herein.
- (6) Access to the proposed development off Stillhouse Lane and Stillhouse Creek Drive shall be as shown and reflected on the revised Zoning Site Plan.
- (7) Landscape improvements shall be installed in the areas as more particularly shown and reflected on the referenced Landscape Plan.
- (8) The standard size parking space will be nine (9) feet wide and eighteen (18) feet deep. Any compact spaces and drive aisles will comply with Cobb County Standards.

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ZONING DEPARTMENT

Petition No. O.B.53
Meeting Date 10-16-16
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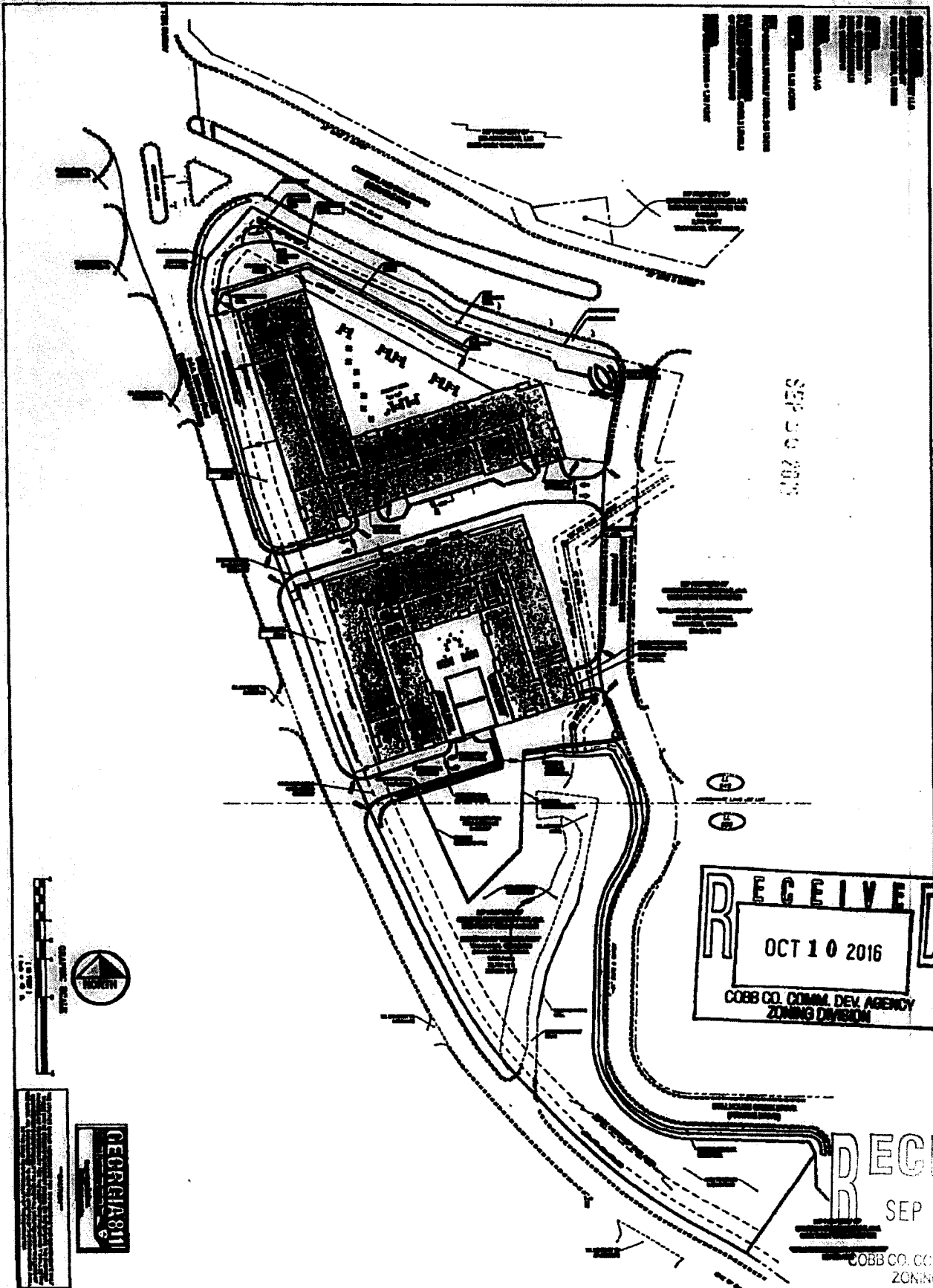
- (9) The balance and remainder of the stipulations and conditions, not in direct conflict with those contained herein, specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearings held on February 21, 2006, and February 21, 2012, together with any "Other Business" decisions applicable to the Subject Property, are unaltered by this request for Stipulation Amendment and shall remain in full force and effect.

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

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ZONING DIVISION

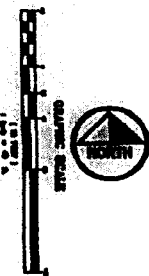
Petition No. 0-R-53
 Meeting Date 10-18-16
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 ZONING DIVISION



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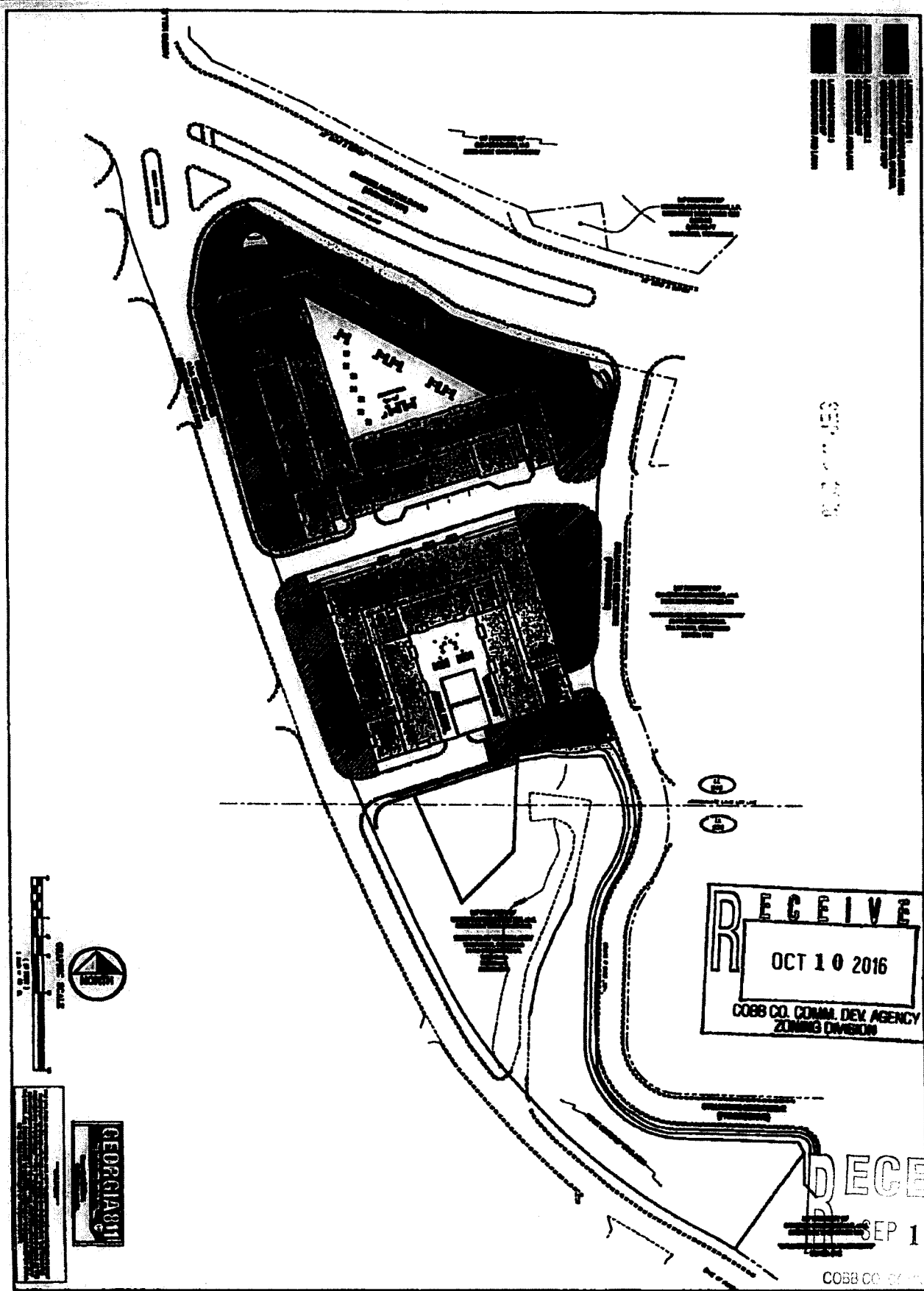
ZONING SITE PLAN
GRAYCO STILLHOUSE
 3151 GRAYCO LANE
 LAND LOTS 988 & 989 - 170-B DISTRICT
 COBB COUNTY, GEORGIA

Prepared by	Date	Revision	Submitted

EXHIBIT "1"



Petition No. 0.B.53
 Meeting Date 10-18-16
 Continued



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 ZONING DIVISION

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 COBB CO. COMM. DEV. AGENCY

**LANDSCAPE PLAN
 GRAYCO STILLHOUSE**
 3174 STILLHOUSE LANE
 LAND LOTS 880 & 881 - 1780 DISTRICT
 COBB COUNTY, GEORGIA

Project No.	0000	00	0000
Drawn By	00	00	00
Checked By	00	00	00
Date	00	00	00
Scale	1"=1'		

EXHIBIT "2"

summit
 Engineering, Consulting, Inc.
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: 404.525.8800
 Fax: 404.525.8801
 www.summiteng.com

COBB COUNTY

Building 100 - South Elevation
Stillhouse Apartments, Cobb County, Georgia

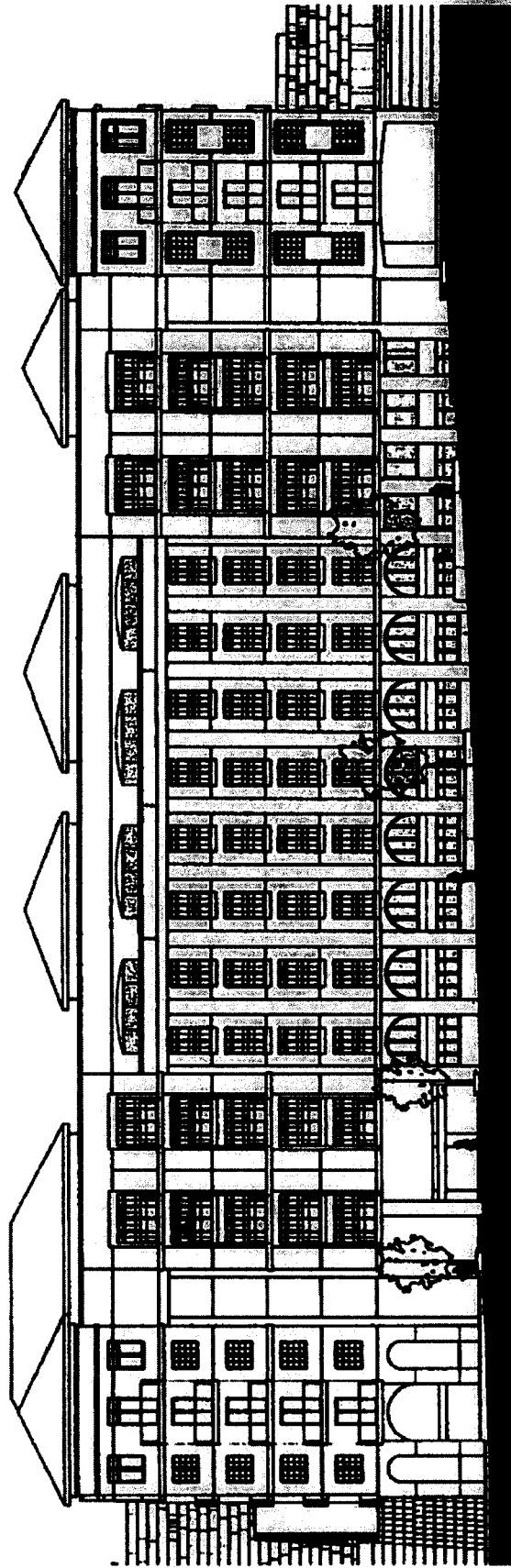


EXHIBIT "3"

Petition No. 0-853
Meeting Date 10-18-16
Continued

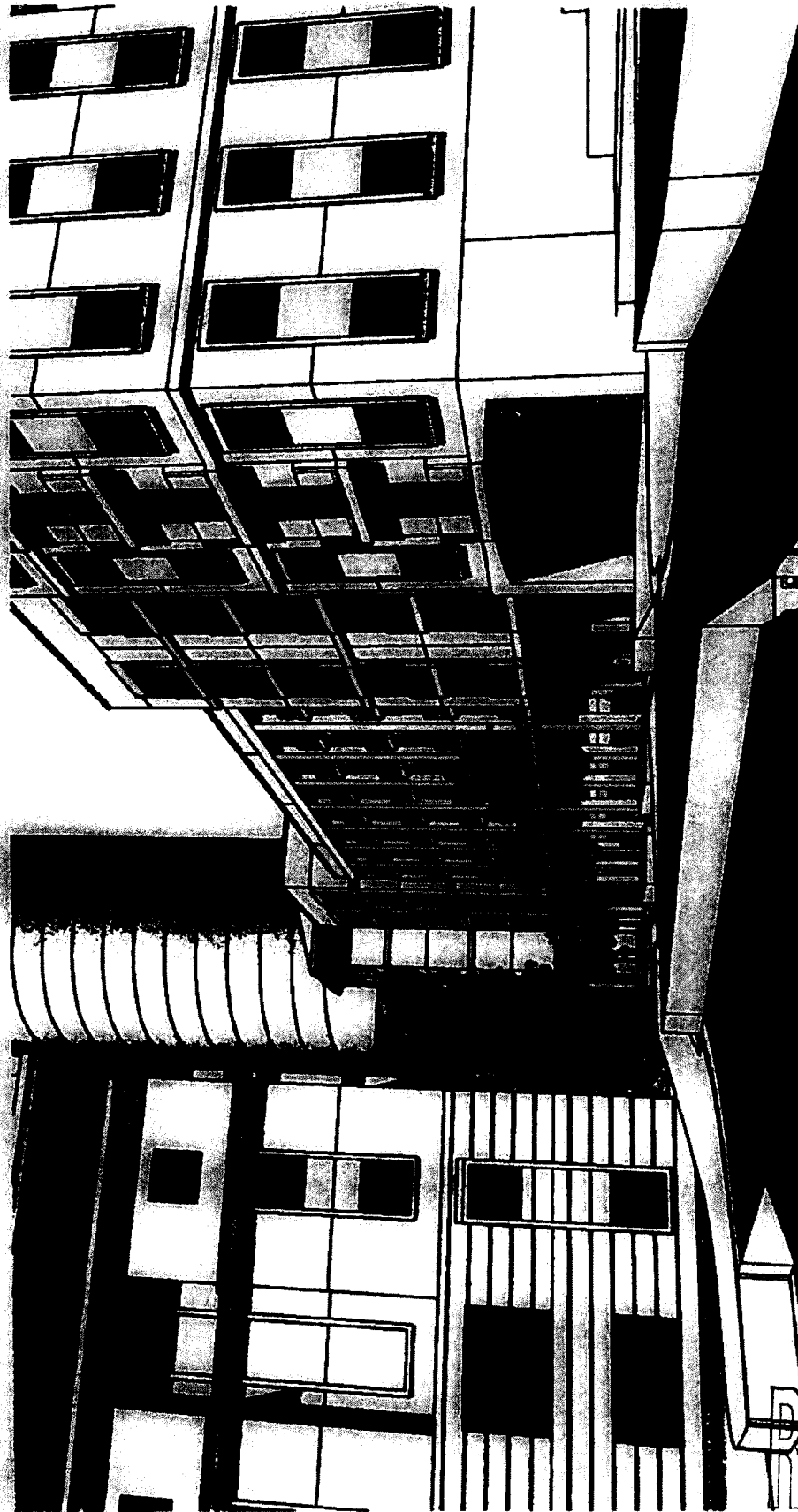
NILES BOLTON ASSOCIATES

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ZONING DIVISION

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SEP 17 2018
GRAYCO PARTNERS, LLC | SCALE: NTS

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Eye Level Perspective View
Stillhouse Apartments, Cobb County, Georgia



Petition No. 0-8-53
Meeting Date 10-19-16
Continued

NILUS DOLTON ASSOCIATES

OCT 10 2016
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

GRAYCO PARTNERS, LLC | SCALE: NTS

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COBB COUNTY COMMUNITY DEVELOPMENT DEPARTMENT

**2017 PAID AD VALOREM PROPERTY TAX
RECIPTS FOR TAX PARCEL NO.
17094900050 AND 17095000010**

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COBB COUNTY POLICE AGENCY
ZONING DEPARTMENT



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

Printed: 9/4/2018

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
GRAYCO STILLHOUSE LAND LLC

CRIMSON AVENUE WEST LLC
C/O SABAL FINANCIAL GROUP

Payment Date: 10/16/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2017	17094900050	10/15/2017	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$29,749.70	\$0.00



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ZONING DIVISION



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

Printed: 9/4/2018

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
GRAYCO STILLHOUSE LAND LLC

CRIMSON AVENUE WEST LLC
C/O SABAL FINANCIAL GROUP

Payment Date: 10/16/2017

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2017	17095000010	10/15/2017	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$12,583.94	\$0.00



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ZONING DIVISION