

APRIL 16, 2024 ZONING HEARING

“OTHER BUSINESS”

COMMISSION DISTRICT 2

ITEM OB-15-2024

To consider a stipulation and site plan amendment for Riverview Associates, Ltd. regarding cases Z-49 of 2008 and Z-102 of 2016. The property is located at the northwesterly intersection of Cobb Parkway and Paces Mill Road in Land Lots 976, 977, 1016 and 1017 of the 17th District (3300 Cobb Parkway).

BACKGROUND

The subject property was rezoned to Regional Retail Commercial (RRC) in 2008 and 2016 for a mid-rise and high-rise mixed-use development consisting of office, retail, and residential. The applicant would like to revise the mixture of uses and residential unit size (average 1,100 square-feet) to suit the current real estate market. Staff believe it is important to review the previous zoning history to understand the current request:

1. Z-49-2008 initially submitted with **569,000** square feet (sf) of mixed used development comprising of 200,000 sf of office, 264,000 sf of residential (240 units at 1,100 sf per unit), and 105,000 sf of retail.
2. Z-49-2008 was approved by the Board of Commissioners (BOC) on February 17, 2009 with **342,600** sf comprising of 105,000 sf of retail & office, and 237,600 sf of residential (216 units at 1,100 sf per unit).
3. Z-49 -2008 was appealed and was settled (OB-2, October 2010) with **542,600** sf comprising of 200,000 sf of office, 237,600 sf of residential (216 units at 1,100 sf per unit), and 105,000 sf of retail.
4. Z-49-2008 was amended by OB-3 (December 2012) with **522,600** sf comprising of 180,000 sf of office, 237,600 sf of residential (216 units at 1,100 sf per unit), and 105,000 sf of retail.
5. Z-102-2016 was approved November 2016 with **497,600** sf comprising of 180,000 sf of office, 237,600 sf of residential (216 units at 1,100 sf per unit), and 80,000 sf of retail.

The applicant desires to amend the site plan and stipulations to have **530,490** sf of mixed use comprising of 120,490 sf of retail, 320,000 sf of residential (320 units at 1,000 sf per unit), and 90,000 sf of hotel (150 keys). The project was originally a Development of Regional Impact (DRI) in 2008, however the DRI thresholds have been raised and the current request does not qualify for a DRI. If the amendments are approved, all previous stipulations not in conflict would remain in effect.

STAFF COMMENTS

Site Plan Review: No comments.

Water & Sewer Comments: Wastewater flow estimates will change. However, there remains adequate capacity at RL Sutton WRF, and a line capacity study is still not required.

Stormwater Management: The applicant to meet all Cobb County Stormwater Management and Erosion Control codes and regulations.

Fire Department: See attached.

Cobb DOT: See attached.

STAFF RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

APPLICANT: Riverview Associates, Ltd.

PETITION NO.: OB-15

PRESENT ZONING: _____

PETITION FOR: _____

FIRE COMMENTS:

The owner/tenant maintain the sole responsibility for the design and correcting all errors, omissions, problems, and code (if any) exposed during construction AFTER authorization by Cobb County

COMMERCIAL ACCESS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2012 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 35 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% front to back and 5% side to side. (IFC D103.2)

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC 503.2.5).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the highest roof surface. (IFC: D105.1)

Aerial fire apparatus access roads shall be a minimum width of 26 feet and between 15' and 30' from the structure and be positioned parallel to one of the entire long sides of the building.

No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02)

The fire department must be able to access the long side of the buildings with heights in excess of 30ft. The long side shall be chosen by the FMO.

FIRE HYDRANTS:

Hydrant location within 500 feet of the most remote portion of the structure.* (Additional hydrant may need to be installed.)

The road at the fire hydrant must have a minimum width of 26 feet and a minimum length of 40 feet, centered on the hydrant. (IFC D103.1)

Fire Flow Test from closest existing hydrant shall be provided meeting the minimum.* (Required Flow: 1,500 gpm @ 20 psi)

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE:

New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

GATES:

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. The gates shall not reduce the operating width of the roadway. Double lane gates shall be a minimum of 20 feet in clear width. Gates shall be of the swinging or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's Office.

MULTIPLE FAMILY RESIDENTIAL DEVELOPMENTS:**Projects having more than 100 dwelling units. D106.1**

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

Exception:

Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

Projects having more than 200 dwelling units. D106.2

Multiple-family residential projects having more than 200 dwelling units shall be provided with two separate and approved fire apparatus access roads regardless of whether they are equipped with an approved automatic sprinkler system.

COMMERCIAL DEVELOPMENTS:

Buildings or facilities exceeding 30 feet (9144 mm) or three stories in height shall have not fewer than two means of fire apparatus access for each structure. D104.1

Buildings or facilities having a gross building area of more than 62,000 square feet (5760 m²) shall be provided with two separate and approved fire apparatus access roads. D104.2

Exception:

Projects having a gross building area of up to 124,000 square feet (11 520 m²) that have a single approved fire apparatus access road where all buildings are equipped throughout with approved automatic sprinkler systems.

Remoteness:

Where two fire apparatus access roads are required, they shall be placed a distance apart equal to not less than one half of the length of the maximum overall diagonal dimension of the lot or area to be served, measured in a straight line between accesses. D104.3

FIRE PROTECTION:

Automatic sprinkler protection must be provided where mandated by the applicable codes.

C/O:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

The above is not an all-inclusive list, all applicable fire and life safety provisions must be met.

Jeff Byrd

(770) 528-8814

jeffrey.byrd@cobbcounty.org

| Roadway | Roadway classification | Speed limit (mph) | Jurisdictional control | Min. R.O.W. requirements |
|----------------------|------------------------|-------------------|------------------------|--------------------------|
| Cobb Parkway (US 41) | Arterial | 45 | GDOT | 100' |
| Paces Mill Road | Major Collector | 35 | Cobb County | 80' |

| Roadway | Location | Average daily trips (vpd) | Level of service |
|----------------------|--------------------------|---------------------------|------------------|
| Cobb Parkway (US 41) | North of Cumberland Blvd | 17,300 | C |
| Paces Mill Road | East of Paces Ferry Road | 13,300 | D |

Based on 2016 AADT counting data taken by Cobb DOT for Paces Mill Road and 2023 GDOT counting data for Cobb Parkway. Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial roads from this data source. LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

| ITE Land Use | Description | Expected Size | AM | | | PM | | | Daily (vpd) |
|--------------|--|---------------|----------|-----------|-------------|----------|-----------|--------------|---------------|
| | | | In (vph) | Out (vph) | Total (vph) | In (vph) | Out (vph) | Total (vph) | |
| 221 | Multifamily Housing (Mid Rise) (4-10 floors) | 320 DU | 30 | 99 | 129 | 76 | 49 | 125 | 1,480 |
| 310 | Hotel (General Urban/Suburban) | 150 rooms | 38 | 30 | 68 | 42 | 41 | 83 | 1,202 |
| 821 | Shopping Plaza with Supermarket (40K-150K) | 113.7 KSF | 249 | 152 | 401 | 476 | 515 | 991 | 10,162 |
| 931 | Quality Restaurant | 6.8 KSF | 2 | 3 | 5 | 36 | 17 | 53 | 570 |
| TOTAL | | | 319 | 284 | 603 | 630 | 622 | 1,252 | 13,414 |

vph = vehicles per hour, vpd = vehicles per day, DU = dwelling units, KSF= 1,000 square feet
Development gross trip generation based on available development size and rates from the Institute of Transportation Engineers (ITE) Trip Generation, 11th edition.

Comments and Observations

Cobb Parkway is classified as an arterial and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Paces Mill Road is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

In accordance with Cobb County Code 134-121 and based on site plan received March 12, 2024, this development does require a traffic study submittal. Cobb DOT received a traffic Submittal 2 (dated February 14, 2024; received February 15, 2024) with an included site plan. The traffic impact study and site plan retains a right-in right-out driveway at the existing Driveway 3 location. A meeting was held between Cobb County and the developer team on March 4th to discuss the overall parcel history, including its previous zoning stipulations. The

consensus of that meeting was that the Driveway 3 location would be allowed to remain as a right-in right-out only driveway in its existing location. With Driveway 3 remaining in place, the February 14th Submittal 2 was accepted, reviewed and approved by Cobb DOT. The traffic study requirement for this development can be considered complete.

Recommendations:

1. Recommend a traffic study pursuant to Code Section 134-121(b)(8). The traffic study requirement for this development can be considered complete.
2. Recommend constructing curb, gutter, and sidewalk along the Paces Mill Road frontage. This recommendation is pursuant to Cobb County Development Standard 401.15, Curbs and Gutters (including subsections), Cobb County Development Standard 404 Sidewalks and Pathways, Cobb County Development Standard 405 Accessibility Requirements, and Cobb County Development Standard Detail 106, Concrete Curbs, Medians.
3. Recommend Paces Mill Road access points include deceleration lane, taper and/or improved curve radius to address safety because Paces Mill Road is a major collector roadway. This recommendation is pursuant to Cobb County Development Standard 402.9, Deceleration Lanes/Roadway Improvements Along Existing Streets, and Cobb County Development Standard Detail 401A, Deceleration Lanes. Recommend location and design be determined during plan review, subject to CCDOT approval.
4. Recommend a minimum of 50 feet straight-line distance from the edge of the right-of-way line on Paces Mill Road to the first internal parking space or drive aisle to allow for vehicle stacking. This recommendation is pursuant to Cobb County Development Standard 402.8, Non-Residential Driveways and Cobb County Development Standard Detail 116. To comply with this requirement, recommend closing or relocating the immediate access from the easternmost driveway on Paces Mill Road to the parking lot or limit that internal opening to egress only onto the driveway.
5. Recommend constructing a raised concrete island in lieu of the existing painted island at the easternmost driveway on Paces Mill Road to aid compliance with turn restrictions. The final design of this driveway, including any improved radius and/or taper in lieu of a right turn lane due to geometric constraints, will be addressed through Plan Review.
6. Recommend Paces Mill Road westernmost access include left turn lane to address safety because Paces Mill Road is a major collector roadway. This recommendation is pursuant to Cobb County Development Standard 402.10, Left Turn Lane Design

Guidelines, and Cobb County Development Standard Detail 401F, Left Turn Lane. Cobb DOT also follows Table 9-24 and Figure 9-35 recommendations published in the American Association of State Highway and Transportation Officials (AASHTO) *A Policy on Geometric Design of Highways and Streets* (Green Book), 7th Edition.

- a. Due to extenuating circumstances of the site and location, a left turn waiver request (Submittal 4) may be submitted by the developer team during the Plan Review process.
 - b. The waiver should be submitted in a memorandum and outline the reasons behind the left turn lane variance including but not limited to: the design and construction feasibility, any possible hardships, as well as all constraints of the site and adjacent road network.
 - c. As part of the waiver review during the Plan Review process Cobb DOT will retain the right to prohibit left-in movements at the development driveway if a needed left turn lane cannot be installed.
 - d. Recommendation 6 will be considered satisfied if a Submittal 4 left turn waiver request at the Paces Mill Road westernmost access driveway is approved by Cobb DOT during the Plan Review process.
7. Recommend Georgia Department of Transportation (GDOT) permits for any work that encroaches upon State right-of-way.
 8. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

(Site Plan and Stipulation Amendment)*

Application for "Other Business"

Cobb County, Georgia

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

OB Application No.: OB- 15 (2024)
BOC Hearing Date Requested: April 16, 2024

Applicant: Riverview Associates, Ltd. Phone #: (770) 818-4130
(applicant's name printed)

Address: 3300 Cobb Parkway, S.E., Suite 120, Atlanta, GA 30339 **E-Mail:** jfoley@tri-kellinvestments.com
MOORE INGRAM JOHNSON & STEELE, LLP

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

BY: J. Moore 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, 2027
Notary Public



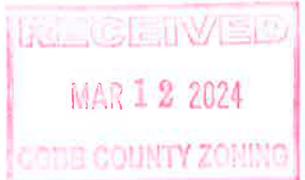
Titleholder(s): Riverview Associates, Ltd. Phone #: (770) 818-4130
(property owner's name printed)

Address: 3300 Cobb Parkway, S.E., Suite 120, Atlanta, GA 30339 **E-Mail:** jfoley@tri-kellinvestments.com

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

Signed, sealed and delivered in presence of:

_____ My commission expires: _____
Notary Public



Commission District: 2 (Richardson) **Zoning Case:** Z-49 (2008); Z-102 (2016)
(See Attached Exhibit "C" for OBs)

Size of property in acres: 16.8+/- **Original Date of Hearing:** See Attached Exhibit "C"

Location: Northwesterly intersection of Cobb Parkway and Paces Mill Road
(street address, if applicable; nearest intersection, etc.) (3300 Cobb Parkway)

Land Lot(s): 976, 977, 1016, 1017 **District(s):** 17th

State specifically the need or reason(s) for Other Business: _____

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

*Applicant specifically reserves the right to amend any information set forth in this Application for "Other Business," or any other portion of the Application or documentation submitted herewith, at any time during the "Other Business" process.

(List or attach additional information if needed)

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

Current OB Application No.: OB- 15 (2024)
Current Hearing Date: April 16, 2024

Tax Parcel Nos.: 17101700040; 17101600120

Applicant/Property Owner: Riverview Associates, Ltd.

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS



RIVERVIEW ASSOCIATES, LTD.
A Georgia Limited Partnership

BY: *S. H. Whisenant*
Stephen H. Whisenant
General Partner

Address: 3300 Cobb Parkway, S.E., Suite 120
Atlanta, Georgia 30339

Telephone No.: (770) 818-4130
E-mail: _____

Signed, sealed, and delivered in the presence of:

Betsy L. Bailey
Notary Public, State of Georgia

Commission Expires: 1-21-2025

[Notary Seal]

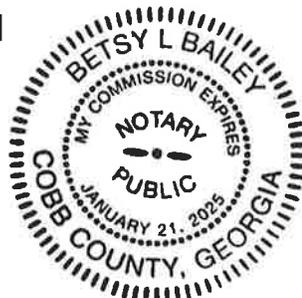


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

Current OB Application No.: OB- 15 (2024)
Current Hearing Date: April 16, 2024

Tax Parcel Nos.: 17101700040; 17101600120

Applicant/Property Owner: Riverview Associates, Ltd.

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS



The property which is the subject of this Application for "Other Business" consists of approximately 16.8 acres and is located at the southwesterly intersection of Cobb Parkway (U.S. Highway 41) and Paces Mill Road, Land Lots 976, 977, 1016, and 1017, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). On October 19, 2010, the Cobb County Board of Commissioners rezoned the Property to the Regional Retail Commercial ("RRC") zoning category, which included development to a specific site plan; as well as, stipulations and conditions related to the proposed project. The initial approval was subsequently amended through the "Other Business" process on December 18, 2012, which approved a revised site plan and revised certain stipulations and conditions previously approved. Thereafter, the previously revised site plan and stipulations were subsequently amended on November 15, 2016, through the "Other Business" process.

Since the time of prior rezoning approval and amendments, various road improvements have occurred along the Cobb Parkway corridor; as well as, changes in market conditions within Cobb County and the Cumberland-Galleria-Vinings area. Applicant and Property Owner, Riverview Associates, Ltd. (hereinafter collectively "Applicant"), now proposes development pursuant to the Conceptual Site Plan submitted with this Application for "Other Business," together with approval of stipulations and conditions which are specific as to the Conceptual Site Plan.

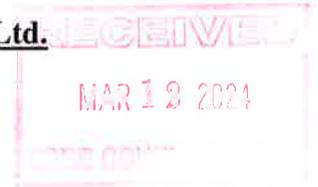
Prior to the hearing before the Cobb County Board of Commissioners, Applicant will submit a detailed letter of stipulations and conditions incorporating the Conceptual Site Plan.

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

Current OB Application No.: OB- 15 (2024)
Current Hearing Date: April 16, 2024

Tax Parcel Nos.: 17101700040; 17101600120

Applicant/Property Owner: Riverview Associates, Ltd.



ZONING HISTORY

| <u>Application No.</u> | <u>Original Hearing Date</u> | <u>Final Hearing Date</u> |
|---|-------------------------------------|----------------------------------|
| Z-49 (2008) | October 21, 2008 | February 17, 2009 |
| OB 2 (2010 (Settlement of Litigation)) | Not Applicable | October 19, 2010 |
| OB 3 (2012) | November 20, 2012 | December 18, 2012 |
| OB 48 (2016) | August 16, 2016 | Withdrawn |
| Z-102 (2016) | November 15, 2016 | November 16, 2016 |

**CONCEPTUAL SITE PLAN SUBMITTED
FOR APPROVAL BY COBB COUNTY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR "OTHER BUSINESS"
- APRIL 16, 2024**



AREA

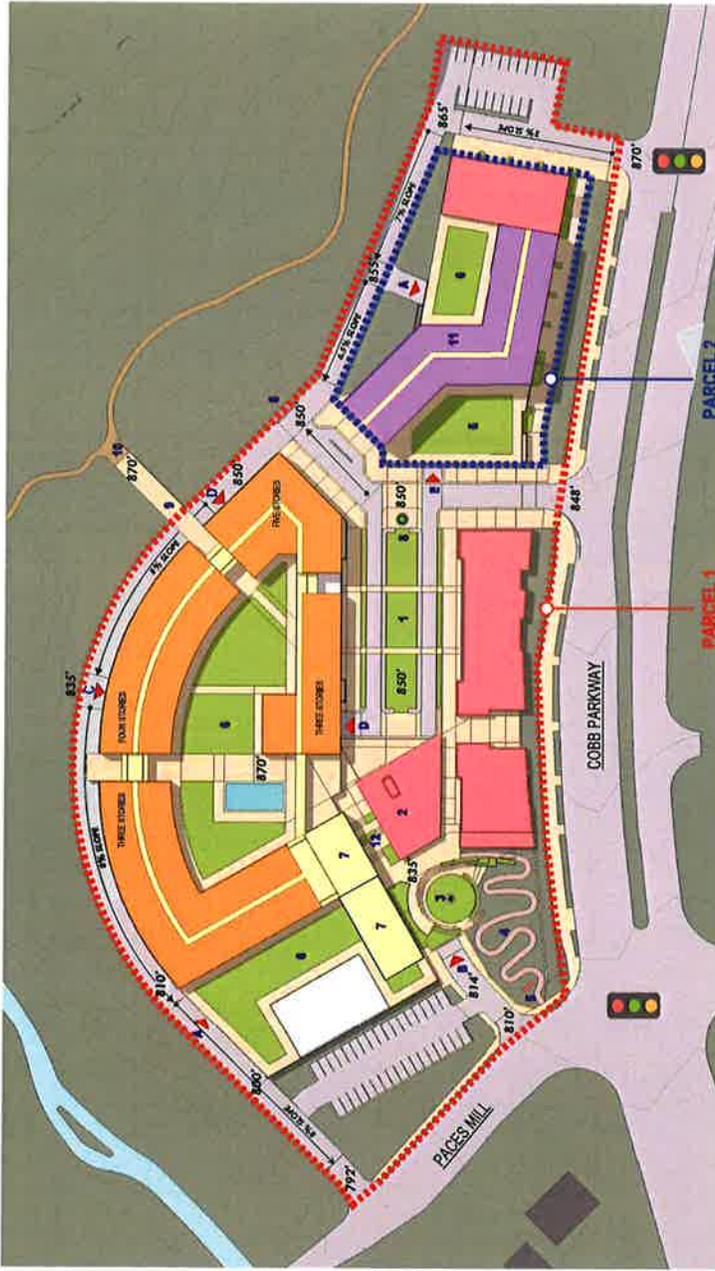
| PARCEL 1 | |
|-------------|------------|
| GROCERY | 42,600 SF |
| RETAIL | 53,730 SF |
| RESIDENTIAL | 250 UNITS |
| TOTAL | 376,018 SF |

| PARCEL 2 | |
|-------------|------------|
| RETAIL | 24,160 SF |
| RESIDENTIAL | 70 UNITS |
| HOTEL | 150 KEYS |
| TOTAL | 223,981 SF |

| PARCEL 2A | |
|-------------|------------|
| RETAIL | 24,160 SF |
| RESIDENTIAL | 158 UNITS |
| TOTAL | 223,981 SF |

KEYNOTE

- TOWN CENTER
 - PAVILION
 - RIVER PLAZA
 - WOODLAND WALK
 - MONUMENT SIGN
 - AMENITY DECK
 - CLUB HOUSE/ROOFTOP LOUNGE/CO-WORKING
 - STATUE
 - PEDESTRIAN BRIDGE
 - FUTURE TRAILS
 - 9 STORY HOTEL AND/OR RESIDENTIAL OVER RETAIL
 - GATHERING STAIR
-
- ENTRANCE FOR SERVICE
 - ENTRANCE FOR GROCER/RETAIL
 - ENTRANCE FOR RESIDENTIAL
 - ENTRANCE FOR RETAIL
 - ENTRANCE FOR HOTEL/RETAIL/RESIDENTIAL



| AREA | | PARKING | | Delta | |
|------------------|-------|------------|------------|-------|-----------|
| Hotel | Ratio | Required | Provided | Delta | Delta |
| 150 Key | 0.5 | 75 | 75 | 0 | 0 |
| 24,160 SF Retail | 7.5 | 381 | 193 | 188 | 12 |
| 70 Units | 1.5 | 105 | 105 | 0 | 0 |
| Total | | 361 | 373 | | 12 |

| AREA | | PARKING | | Delta | |
|------------------|-------|------------|--------------|-------|------------|
| Grocery | Ratio | Required | Provided | Delta | Delta |
| 42,600 SF | 5 | 213 | 192 | -21 | -21 |
| 53,730 SF Retail | 7.2 | 403 | 430 | 27 | 27 |
| 0 SF Office | 4 | 0 | 0 | 0 | 0 |
| 250 Units | 1.3 | 325 | 413 | 88 | 38 |
| Total | | 641 | 1,035 | | 394 |

1,408 TOTAL PROVIDED SPACES BOTH PARCELS
 1,352 TOTAL REQUIRED SPACES BOTH PARCELS
 56 DIFFERENCE



SITE PLAN

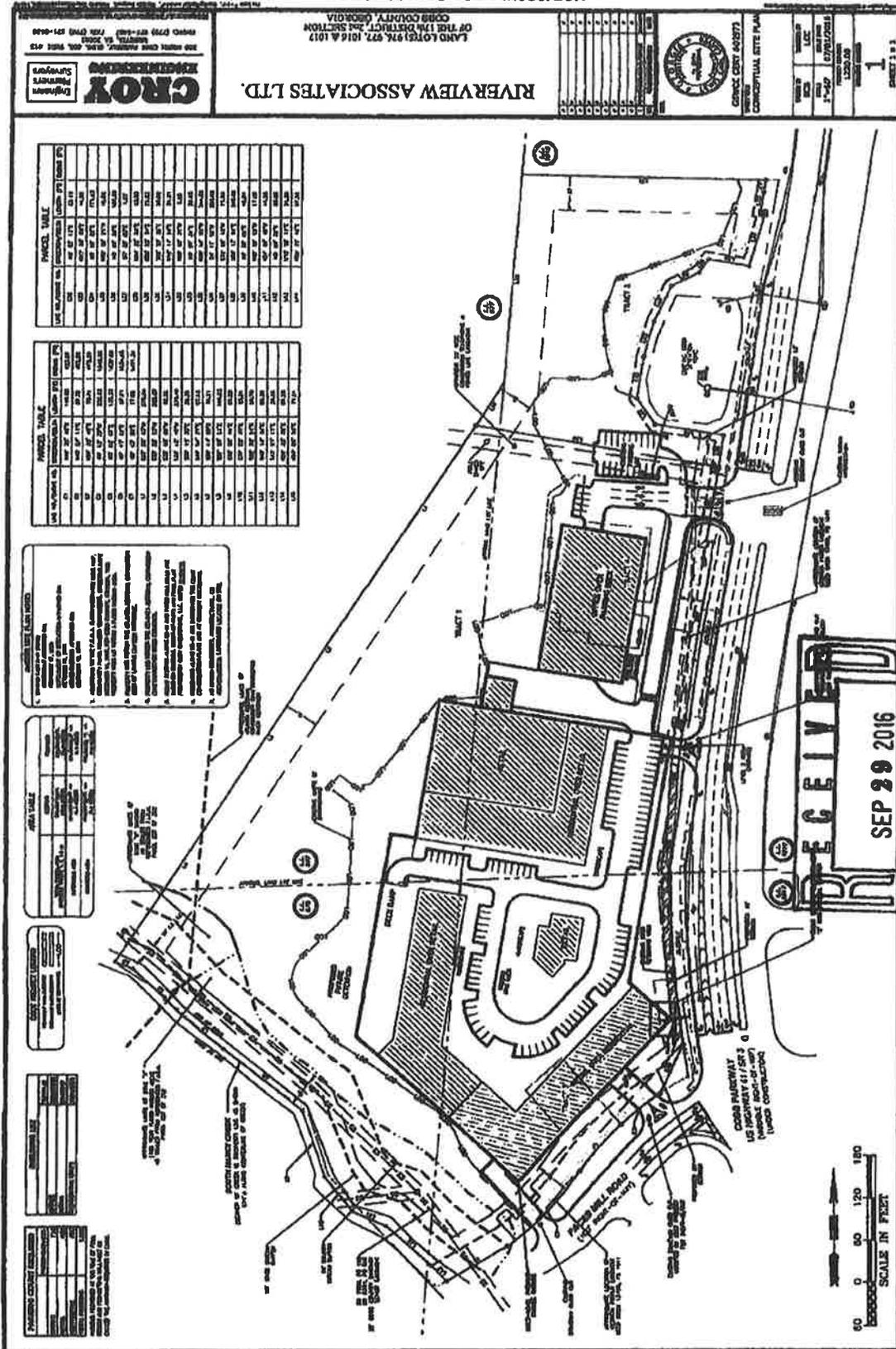
RIVERVIEW VILLAGE

■ GROCER
 ■ RETAIL
 ■ RESIDENTIAL
 ■ HOTEL
 ■ CIRCULATION
 ■ LOBBY

RECEIVED
 MAR 12 2024
 COMMUNITY ZONING

**CONCEPTUAL SITE PLAN APPROVED BY
COBB COUNTY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR REZONING
Z-102 (2016) – NOVEMBER 15, 2016**





PARCEL TABLE

| PARCEL NO. | AREA (SQ. FT.) | AREA (AC.) | OWNER |
|------------|----------------|------------|-------|
| 1 | 1,234,567 | 28.1 | ... |
| 2 | 1,234,567 | 28.1 | ... |
| 3 | 1,234,567 | 28.1 | ... |
| 4 | 1,234,567 | 28.1 | ... |
| 5 | 1,234,567 | 28.1 | ... |
| 6 | 1,234,567 | 28.1 | ... |
| 7 | 1,234,567 | 28.1 | ... |
| 8 | 1,234,567 | 28.1 | ... |
| 9 | 1,234,567 | 28.1 | ... |
| 10 | 1,234,567 | 28.1 | ... |
| 11 | 1,234,567 | 28.1 | ... |
| 12 | 1,234,567 | 28.1 | ... |
| 13 | 1,234,567 | 28.1 | ... |
| 14 | 1,234,567 | 28.1 | ... |
| 15 | 1,234,567 | 28.1 | ... |
| 16 | 1,234,567 | 28.1 | ... |
| 17 | 1,234,567 | 28.1 | ... |
| 18 | 1,234,567 | 28.1 | ... |
| 19 | 1,234,567 | 28.1 | ... |
| 20 | 1,234,567 | 28.1 | ... |
| 21 | 1,234,567 | 28.1 | ... |
| 22 | 1,234,567 | 28.1 | ... |
| 23 | 1,234,567 | 28.1 | ... |
| 24 | 1,234,567 | 28.1 | ... |
| 25 | 1,234,567 | 28.1 | ... |
| 26 | 1,234,567 | 28.1 | ... |
| 27 | 1,234,567 | 28.1 | ... |
| 28 | 1,234,567 | 28.1 | ... |
| 29 | 1,234,567 | 28.1 | ... |
| 30 | 1,234,567 | 28.1 | ... |
| 31 | 1,234,567 | 28.1 | ... |
| 32 | 1,234,567 | 28.1 | ... |
| 33 | 1,234,567 | 28.1 | ... |
| 34 | 1,234,567 | 28.1 | ... |
| 35 | 1,234,567 | 28.1 | ... |
| 36 | 1,234,567 | 28.1 | ... |
| 37 | 1,234,567 | 28.1 | ... |
| 38 | 1,234,567 | 28.1 | ... |
| 39 | 1,234,567 | 28.1 | ... |
| 40 | 1,234,567 | 28.1 | ... |
| 41 | 1,234,567 | 28.1 | ... |
| 42 | 1,234,567 | 28.1 | ... |
| 43 | 1,234,567 | 28.1 | ... |
| 44 | 1,234,567 | 28.1 | ... |
| 45 | 1,234,567 | 28.1 | ... |
| 46 | 1,234,567 | 28.1 | ... |
| 47 | 1,234,567 | 28.1 | ... |
| 48 | 1,234,567 | 28.1 | ... |
| 49 | 1,234,567 | 28.1 | ... |
| 50 | 1,234,567 | 28.1 | ... |

PARCEL TABLE

| PARCEL NO. | AREA (SQ. FT.) | AREA (AC.) | OWNER |
|------------|----------------|------------|-------|
| 51 | 1,234,567 | 28.1 | ... |
| 52 | 1,234,567 | 28.1 | ... |
| 53 | 1,234,567 | 28.1 | ... |
| 54 | 1,234,567 | 28.1 | ... |
| 55 | 1,234,567 | 28.1 | ... |
| 56 | 1,234,567 | 28.1 | ... |
| 57 | 1,234,567 | 28.1 | ... |
| 58 | 1,234,567 | 28.1 | ... |
| 59 | 1,234,567 | 28.1 | ... |
| 60 | 1,234,567 | 28.1 | ... |
| 61 | 1,234,567 | 28.1 | ... |
| 62 | 1,234,567 | 28.1 | ... |
| 63 | 1,234,567 | 28.1 | ... |
| 64 | 1,234,567 | 28.1 | ... |
| 65 | 1,234,567 | 28.1 | ... |
| 66 | 1,234,567 | 28.1 | ... |
| 67 | 1,234,567 | 28.1 | ... |
| 68 | 1,234,567 | 28.1 | ... |
| 69 | 1,234,567 | 28.1 | ... |
| 70 | 1,234,567 | 28.1 | ... |
| 71 | 1,234,567 | 28.1 | ... |
| 72 | 1,234,567 | 28.1 | ... |
| 73 | 1,234,567 | 28.1 | ... |
| 74 | 1,234,567 | 28.1 | ... |
| 75 | 1,234,567 | 28.1 | ... |
| 76 | 1,234,567 | 28.1 | ... |
| 77 | 1,234,567 | 28.1 | ... |
| 78 | 1,234,567 | 28.1 | ... |
| 79 | 1,234,567 | 28.1 | ... |
| 80 | 1,234,567 | 28.1 | ... |

NOTES:

1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.
2. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
3. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
4. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
5. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
6. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
7. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
8. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.
9. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED.
10. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED.

AREA TABLE

| AREA | AREA (SQ. FT.) | AREA (AC.) |
|------|----------------|------------|
| 1 | 1,234,567 | 28.1 |
| 2 | 1,234,567 | 28.1 |
| 3 | 1,234,567 | 28.1 |
| 4 | 1,234,567 | 28.1 |
| 5 | 1,234,567 | 28.1 |
| 6 | 1,234,567 | 28.1 |
| 7 | 1,234,567 | 28.1 |
| 8 | 1,234,567 | 28.1 |
| 9 | 1,234,567 | 28.1 |
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EXISTING UTILITIES

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PROPOSED UTILITIES

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PROPOSED CONSTRUCTION

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RIVERVIEW ASSOCIATES LTD.
 LAND LOTS 974, 977, 1014 & 1017
 OF THE 17th DISTRICT, 2nd SECTION
 COBB COUNTY, GEORGIA

CROY ENGINEERS
 REGISTERED PROFESSIONAL ENGINEERS
 200 NORTH CHASE AVENUE, SUITE 200
 ATLANTA, GEORGIA 30309
 PHONE (404) 525-1111 FAX (404) 525-1112

NOT ISSUED FOR CONSTRUCTION



REVISIONS

| NO. | DATE | DESCRIPTION |
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EXHIBIT "A"

Min. Bk. 80 Petition No. Z-102
 Doc. Type Site plan

Meeting Date 11-15-16

**CONCEPT PLAN APPROVED BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR
“OTHER BUSINESS” – “OB 3”
(Z-49 (2008)) – DECEMBER 18, 2012**



08.9
2/10/12

NOT ISSUED FOR CONSTRUCTION



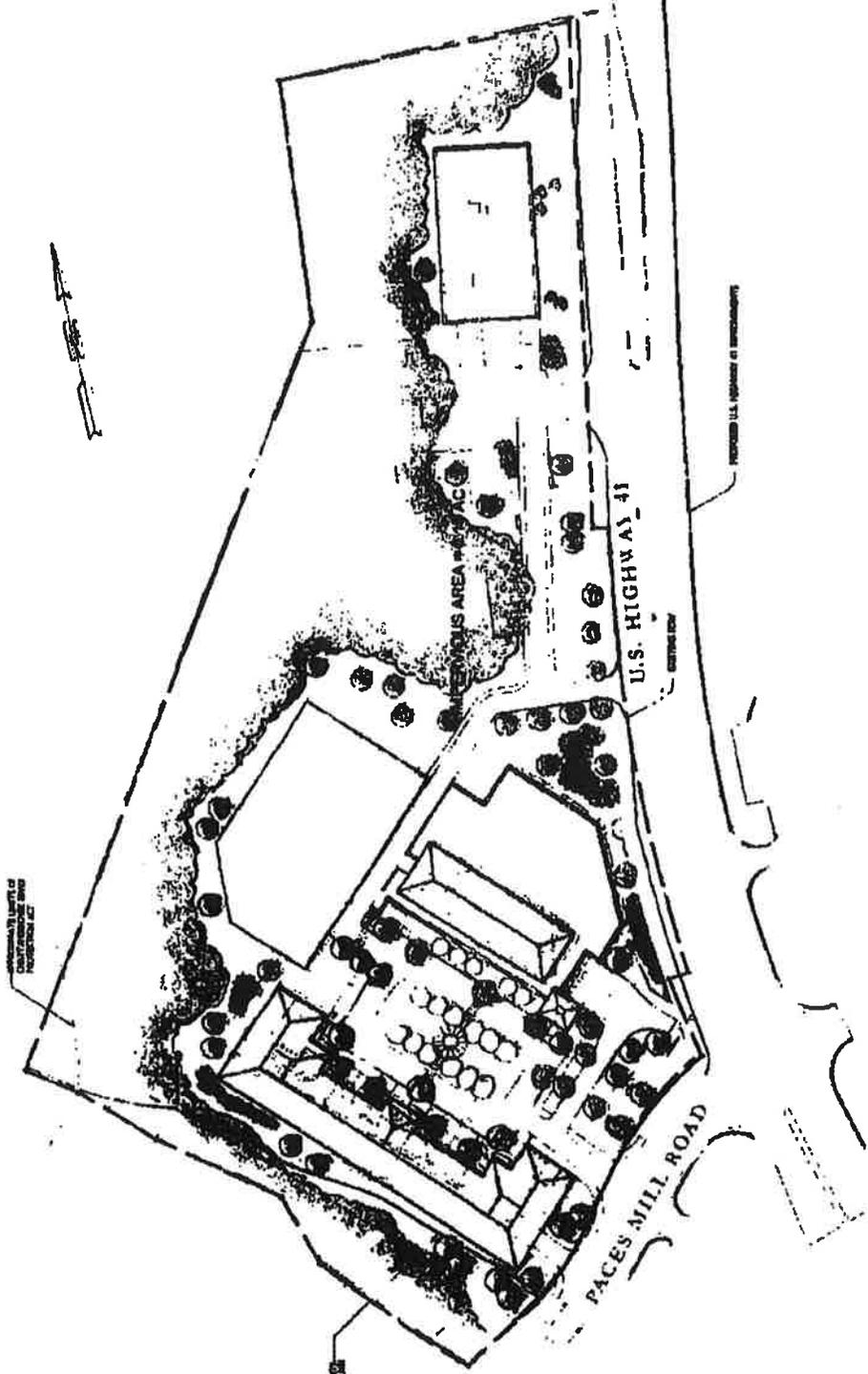
 GROY

RIVERVIEW ASSOCIATES LTD.
 LAND LOTS 976, 977, 1016 & 1017
 OF THE 17th DISTRICT
 COBB COUNTY, GEORGIA

COBB COUNTY ZONING DIVISION
 2012 DEC 13 AM 11:29

IMPERVIOUS AREA = 6.13 AC

COBB COUNTY ZONING DIVISION



U.S. HIGHWAY 41

PACES MILL ROAD

EXHIBIT "A"



OPS 3
12/8/12

NOT ISSUED FOR CONSTRUCTION

APR 11, 1984

GROY
 ENGINEERING
 1000 W. BROAD ST. SUITE 100
 ATLANTA, GA 30336
 (404) 525-1100

RIVERVIEW ASSOCIATES LTD.
 OF THE 17th DISTRICT
 COBB COUNTY, GEORGIA
 LAND LOTS 976, 977, 1016 & 1017

COBB COUNTY GEORGIA
 PLANNING DEPARTMENT
 ZONING DIVISION

| | |
|-------------|----------|
| DATE | 12/13/12 |
| PROJECT | |
| PREPARED BY | |
| SCALE | |

2012 DEC 13 AM 11:29
 COBB COUNTY ZONING DIVISION

- IMPROVEMENTS COMPLETION
- NEW IMPROVEMENTS
- ADD BLDG/DRIVE
- REMOVE IMPROVEMENTS
- TEST COPY TAKE
- REIN GLASSWAVE AND
- LAWN AREAS
- NET IMPROVEMENTS
- FINAL SITE -0.001 AC IMPROVEMENTS
- REDUCTION

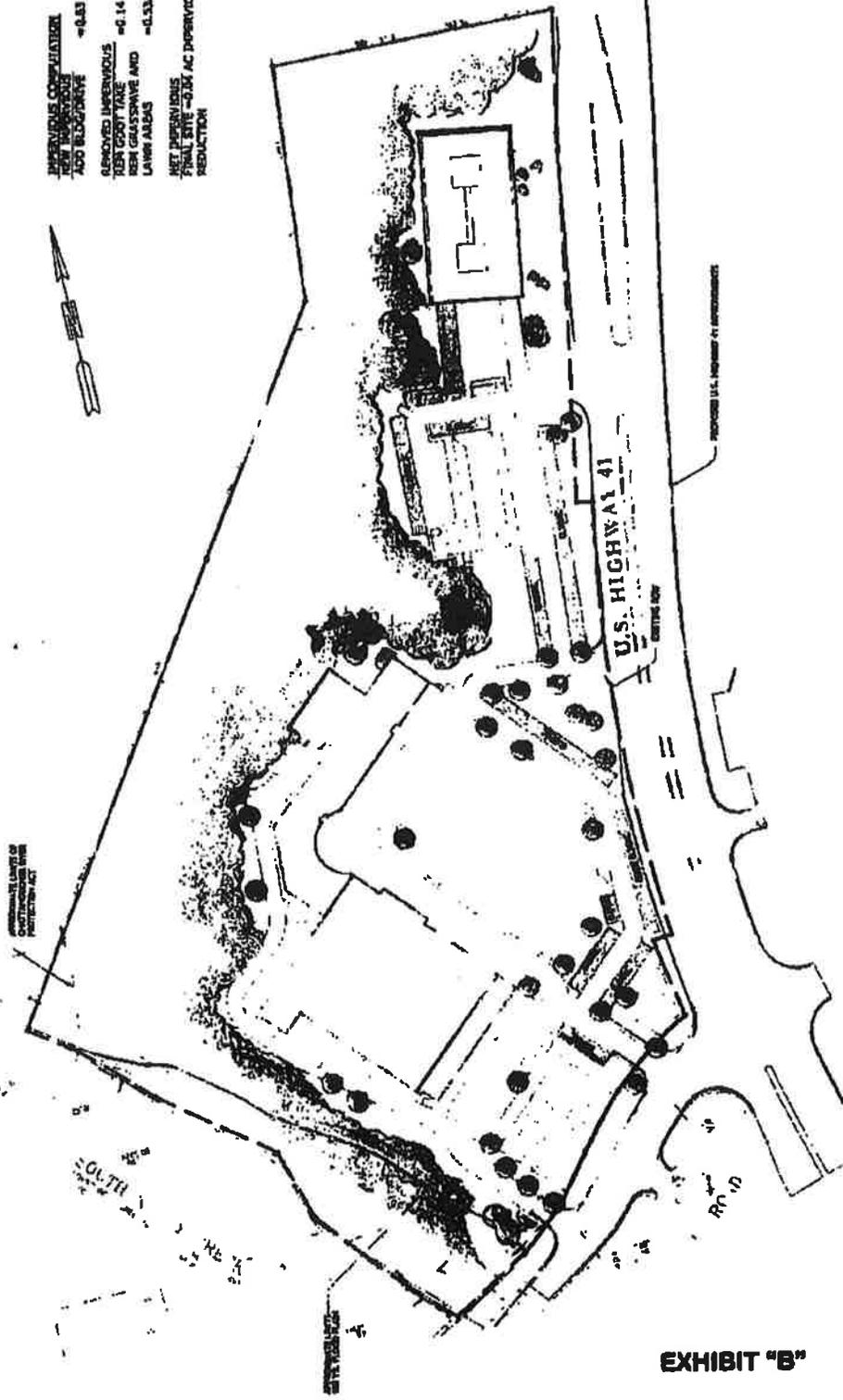


EXHIBIT "B"



**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-102 (2012) –
NOVEMBER 15, 2016**



**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
NOVEMBER 15, 2016
9:00 A.M.**

The Board of Commissioners Zoning Hearing was held on Tuesday, November 15, 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/delete** the following items on the Consent Agenda, *as revised*:

Z-102 **RIVERVIEW ASSOCIATES, LTD.** (Riverview Associates, Ltd., owner) requesting Rezoning from **RRC with Stipulations** to **RRC with Stipulations** for the purpose of a Mixed Use in Land Lots 976, 977, 1016 and 1017 of the 17th District. Located at the northwesterly intersection of Cobb Parkway (U.S. Highway 41) and Paces Mill Road.

To **approve** Z-102 to the **RRC with Stipulations** zoning category, subject to:

1. **Site plan received by the Zoning Division September 29, 2016, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Letter of agreeable conditions from Mr. John Moore dated November 9, 2016 (attached and made a part of these minutes)**
3. **Fire Department comments and recommendations**
4. **Water and Sewer Division comments and recommendations**
5. **Stormwater Management Division comments and recommendations**
6. **Department of Transportation comments and recommendations**

CONSENT VOTE: ADOPTED 5-0

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELOON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART††
JEFFREY A. DAXE
KIM A. ROPER†
VICTOR P. VALMUS
ANGELA H. SMITH†
CHRISTOPHER C. MINGLEDORFF†
ANGELA D. TARTLINE
PHILIP C. THOMPSON
SHANE MAYES

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

MARIETTA, GEORGIA
EMERSON OVERLOOK
326 ROSWELL ST • STE 100
MARIETTA, GEORGIA 30060
TELEPHONE (770) 428-1499

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

JACKSONVILLE, FLORIDA
10201 CENTURION PKWY, N • STE 401
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1465

BRENTWOOD, TENNESSEE
8200 MARYLAND WAY • STE 301
BRENTWOOD, TENNESSEE 37027
TELEPHONE (615) 426-7347

LEXINGTON, KENTUCKY
2333 ALEXANDRIA DRIVE
LEXINGTON, KENTUCKY 40504
TELEPHONE (502) 410-6021

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

ORLANDO, FLORIDA
7380 W. SAND LAKE RD • STE 600
ORLANDO, FLORIDA 32819
TELEPHONE (407) 347-6233

DAVID P. CONLEY
LOURDES M. SANCERN†
J. DANIEL COLE
RYAN S. ROBINSON
JOSEPH D. SHELLEY
LESLIE S. NEUBAUER
JENNIFER B. SIMPSON
CHRISTIAN H. LAYCOCK
LIZA D. HARRELL**
JESSICA A. KING
JOHN A. EARLY
CHRISTOPHER W. SHERMAN*
FREDERICK F. FISHER***
KENNETH D. HALL
RAHUL SHETH
GRANT S. TALL
KIMBERLY E. THOMPSON*
BRENT R. LAMAN*
CHRISTOPHER R. BROOKS*
CHRISTOPHER D. TROUTMAN
ALLISON M. HELSINGER*
MICHAEL R. BEANE*
N. CRAIG HOLLOWAY*
MICHAEL E. PATTERSON***
MATTHEW L. JONES

MELOPAR AGHARAHIMI*
ANTHONY J. TROMMELLO
RYAN T. BOWDEN
PATRICK R. MCKENRICK*
JARED C. WILLIAMS***
CHRISTOPHER G. ROWE*
TIFFANY B. SHERRILL*
AMBER LAMPE PETERS*
DAVID W. SAMMONS*

OF COUNSEL:
JOHN L. SKELTON, JR.†

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

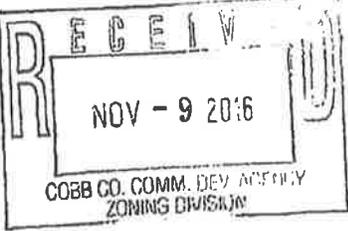
Min. Bk. 80 Petition No. 2-102
Doc. Type letter

November 9, 2016

Meeting Date 11-15-16

Hand Delivered

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



RE: Application for Rezoning - Application No. Z-102 (2016)
Applicant/Property Owner: Riverview Associates, Ltd.
Property: 16.8 acres, more or less, located at the
northwesterly intersection of Cobb Parkway
(U.S. Highway 41) and Paces Mill Road,
Land Lots 976, 977, 1016, and 1017,
17th District, 2nd Section, Cobb County,
Georgia

Dear John:

The undersigned and this firm represent Riverview Associates, Ltd., the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in the referenced Application for Rezoning with regard to a total tract of 16.8 acres, more or less, located at the northwesterly intersection of Cobb Parkway (U.S. Highway 41) and Paces Mill Road, Land Lots 976, 977, 1016, and 1017, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with Planning and Zoning Staff, reviewing the Departmental Comments and Staff Recommendations; reviewing the uses of

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Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 9
November 9, 2016

surrounding properties, ongoing meetings and discussions with area residents, and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This letter of agreeable stipulations and conditions shall supersede and replace in full all prior letters of agreeable stipulations and conditions submitted in connection with the pending Application for Rezoning, and specifically the letter of agreeable stipulations and conditions dated and filed October 25, 2016. The proposed, revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Rezoning of the Subject Property shall be from the existing Regional Retail Commercial zoning category to the Regional Retail Commercial ("RRC") zoning category, site plan specific to the revised Conceptual Site Plan prepared for Applicant by Croy Engineering, LLC, dated July 1, 2016, last revised August 4, 2016, and filed with the Zoning Office on September 30, 2016. A reduced copy of the revised Conceptual Site Plan is attached for ease of reference as Exhibit "A" and incorporated herein by reference.
- (3) The Subject Property consists of approximately 16.8 acres of total site area and shall be developed for a mixed-use development consisting of office, retail, and residential.

I. STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) Applicant agrees to work with the Vinings Village Homeowners Association with regard to the architecture for the proposed development.
- (2) Signage for the proposed, overall development shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components. There shall be monument signage at all designated entrance areas, as more particularly shown and reflected on the proposed, revised

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 3 of 9
November 9, 2016

Conceptual Site Plan. Additionally, any building signage shall be allowed pursuant to Cobb County Code.

- (3) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the Plan Review Process.
- (4) Lighting within the overall development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (5) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed retail buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail buildings with "for sale" signs posted thereon.
- (6) Setbacks for the components of the overall proposed development shall be as more particularly shown and reflected on the revised, proposed Conceptual Site Plan.
- (7) Minor modifications to the within stipulations, the referenced Conceptual Site Plan, lighting, landscaping, architecture, site features, signage, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned in a more restrictive zoning district; or

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 4 of 9
November 9, 2016

- (e) Change an access location to a different roadway.
- (8) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (9) 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.
- (10) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the Plan Review Process and incorporated into the overall landscape plan for the proposed development.
- (11) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (12) All utilities for the proposed overall development shall be located underground.
- (13) The following uses shall be prohibited from the proposed overall development:
 - (a) Video arcades as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, leasing, repair, and/or service facilities;
 - (d) Gas stations and self-service gas stations that sell gas and convenience stores;
 - (e) Truck and trailer leasing facilities;
 - (f) Automotive paint and body repair shops;
 - (g) Automotive upholstery shops;
 - (h) Billiards and pool halls which are the sole or predominant use;
 - (i) Bus stations (not to exclude bus stops);
 - (j) Fraternity and sorority house;
 - (k) Full-service gas stations;
 - (l) Light automotive repair;
 - (m) Rooming houses and boarding houses;
 - (n) Any form of adult entertainment business; and

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 5 of 9
November 9, 2016

- (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant operation.
- (14) As to the overall development, there shall be "zero lot lines" among the various components within the development so as to allow for the free flow of access, parking, and the like.
- (15) Detention and water quality facilities for the proposed development shall be as shown and reflected on the revised Conceptual Site Plan. Any above ground facilities shall be screened by black, vinyl-clad chain link fencing, or black wrought iron-type fencing. The fencing shall be six (6) feet in height with landscaping to the exterior of the fencing for purposes of visual screening.
- (16) Parking shall comply with Cobb County Code.
- (17) The entrance to the development on Paces Mill Road, nearest the intersection with Cobb Parkway (U.S. Highway 41), shall be right-in/right-out. In addition, Applicant shall construct a concrete island between the turns with dimensions as specified by the Cobb County Department of Transportation.

II. RETAIL AND RESIDENTIAL COMPONENTS

- (1) The retail and residential components shall be developed to share space in two structures, and one separate structure shall have retail space as well. In one structure residential shall be located over retail; and in the remaining structure, a portion of the structure shall have residential over retail, with the remaining structure having retail over residential.
- (2) There shall be a maximum of eighty thousand (80,000) square feet of retail space.
- (3) The multi-story residential and retail buildings shall be a maximum of five (5) stories in height, which shall contain a maximum of two hundred sixteen (216) residential units, as shown and reflected on the revised Conceptual Site Plan. Specifics as to the units are as follows:
 - (i) Units may consist of studio, one, two, and three bedrooms;

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 6 of 9
November 9, 2016

- (ii) Unit size shall range from a minimum of six hundred twenty (620) square feet, and greater.
- (4) Units within the multi-story residential building shall be “for lease” or “for sale” units.
- (5) The building shall be constructed of stucco-type, brick, stone, stacked stone, high-quality Cementous siding, and other hard-surface materials, and combinations thereof.
- (6) Floor plans and finishes for the residential units shall consist, at a minimum, of the following:
 - (a) Enhanced Corian, granite, or marble counter tops, or other solid surface materials;
 - (b) Minimum ceiling heights:
 - i) Minimum 9 feet, except in furred-down areas, from floor to finished ceiling and greater; and
 - ii) Minimum 10 feet between floors;
 - (c) European or upscale wooden face-frame cabinetry;
 - (d) Stainless or paneled appliances;
 - (e) Extra-deep stainless steel or farmhouse sinks and side-by-side refrigerators/freezers as upgrades;
 - (f) A selection of faux hardwood flooring, high-end carpet, and tile throughout;
 - (g) Spacious open floor plans;
 - (h) Brushed chrome, brushed nickel, or oiled rubbed bronze bathroom and kitchen fixtures;
 - (i) Ceramic tile or faux hardwood bathrooms and laundry rooms; and
 - (j) Controlled access building and amenity areas.

MOORE INGRAM JOHNSON & STEELE

Petition No. 2-102
Meeting Date 11-15-16
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 7 of 9
November 9, 2016

- (7) All residents of the proposed residential buildings shall have access to and use and enjoyment of the amenity areas, which may include, but not be limited to, the following:
 - (a) Pool;
 - (b) Cabana;
 - (c) Amenity courtyards and terraces;
 - (d) Fitness center;
 - (e) Clubroom;
 - (f) Business center; and
 - (g) Internet café.
- (8) The residents within the proposed buildings will utilize a compactor system for refuse.
- (9) There will be levels of below grade parking and podium parking for residents, tenants, and customers of the multi-story residential and retail buildings. Additionally, there shall be surface parking, as more particularly shown and reflected on the revised Conceptual Site Plan for retail customers and clients and guests of residents.
- (10) Access to the residential portion of the proposed community and parking may be gated.

III. OFFICE COMPONENT

- (1) The office tower shall consist of a maximum of nine (9) stories containing a maximum of one hundred eighty thousand (180,000) square feet of net rentable area.
- (2) Parking for tenants of the proposed office tower shall be accomplished by providing a parking deck underneath the tower, having a maximum of seven hundred fourteen (714) spaces.
- (3) Up to twenty (20) percent of the parking spaces may be "compact spaces." Compact spaces will be a minimum of eight (8) feet by sixteen (16) feet. Regular

MOORE INGRAM JOHNSON & STEELE

Petition No. 2-102
Meeting Date 11-15-16
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 8 of 9
November 9, 2016

parking spaces will be a minimum of eight and one-half (8.5) feet by nineteen (19) feet.

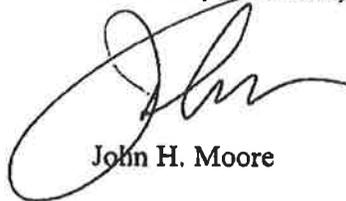
- (4) The exterior finish of the proposed office tower shall consist of glass, concrete, and steel, or combinations thereof; and may consist of partial brick and/or stone.

We believe the development of the project, pursuant to the revised Conceptual Site Plan and the revised stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community is an exciting project which fits together various types of product into one development. The development continues the promotion of the "live where you work" concept; shall be of the highest quality; shall be compatible with and complementary to surrounding developments, businesses, and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Attachment

c: Cobb County Board of Commissioners:
Timothy D. Lee, Chairman
JoAnn Birrell
Lisa N. Cupid
Robert J. Ott
Bob Weatherford
(With Copy of Attachment)

Mike Terry, Chairman
Cobb County Planning Commission
(With Copy of Attachment)

MOORE INGRAM JOHNSON & STEELE

Petition No. 2-102
Meeting Date 11-15-16
Continued

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 9 of 9
November 9, 2016

c: Jason A. Campbell
Planner II
Zoning Division
Cobb County Community Development Agency
(With Copy of Attachment)

Ron Sifen
Linda Cater
Kathrin Mattox
Jody Smith
Vinings Area Residents
(With Copy of Attachment)

Nancy Geisler
Vinings Village Homeowners Association
(With Copy of Attachment)

Riverview Associates, Ltd.
(With Copy of Attachment)

**OFFICIAL MINUTES OF
COBB COUNTY BOARD OF
COMMISSIONERS ZONING HEARING FOR
Z-49 (2008) – DECEMBER 18, 2012
(APPLICATION FOR “OTHER BUSINESS”)**



**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 18, 2012
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, December 18, 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 Robert Ott
Commissioner Woody Thompson

ITEM NO. 3

To consider site plan and stipulation amendments for Tri-Kell Investments, Inc. regarding rezoning application Z-49 of 2008 (Tri-Kell Investments, Inc.), for property located at the northwesterly intersection of Paces Mill Road and U.S. Highway 41 in Land Lots 976, 977, 1016 and 1017 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding a stipulation and site plan amendment to move office tower and remove a stipulation. 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. 3 for stipulation and site plan amendments regarding application Z-49 of 2008 (Tri-Kell Investments, Inc.), for property located at the northwesterly intersection of Paces Mill Road and U.S. Highway 41 in Land Lots 976, 977, 1016 and 1017 of the 17th District, **subject to:**

- **Revised Notice of Decision from GRTA dated December 17, 2012 (attached and made a part of these minutes)**
- **Concept Plan Option One dated December 17, 2012 (attached and made a part of these minutes)**
- **Concept Plan dated December 17, 2012 (attached and made a part of these minutes)**
- **Email correspondence from Mr. Jim Santo to Mr. David Breaden dated December 17, 2012 (attached and made a part of these minutes)**
- **Letter from Mr. John Moore dated December 13, 2012 (attached and made a part of these minutes)**
- **Remove stipulated reversion clause (Z-49 of 2008)**
- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

VOTE: ADOPTED unanimously



Min. Bk. 07 Petition No. 063
Doc. Type Notice of Decision
Meeting Date 12/18/12

REVISED NOTICE OF DECISION

To: Doug Hooker, ARC
(via electronic mail) Sonny Deriso, GRTA
Bob Voyles, GRTA
Dick Anderson, GRTA
Lara Hodgson, GRTA
Al Nash, GRTA
Ken Stewart, GRTA

To: Chairman Tim Lee, Cobb County Commission
(via electronic mail and certified mail) Steve Whisenant, Tri-Kell Investments

From: Jannine Miller, GRTA Executive Director

Copy: Kirk Fjelstul, GRTA
(via electronic mail) Laura Beall, GRTA
Jon West, DCA
John Tuley, ARC
Mike Lobdell, GDOT District 7
Jane Stricklin, Cobb County DOT
John Pederson, Cobb County Zoning
John Moore, MIJS
Greg Teague, Croy Engineering

Date: December 17, 2012

Re: DRI 1933 Riverview

Revision: A request was approved to revise the condition regarding the distance of internal intersections off of US41 to reflect the current GDOT Driveway Manual exemption for narrow lots. This Revised Notice of Decision replaces the one issued on November 12, 2008 for DRI 1933.

Petition No. OB 3
Meeting Date 12/18/12
Continued

**Revised Notice of Decision for
Request for Non-Expedited Review of
DRI 1933 Riverview**

The purpose of this notice is to inform Tri-Kell Investments (the Applicant), Cobb County (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 1933 Riverview (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 subject to conditions, as provided in Attachment A and subject to the limitations placed on allowable modifications to the DRI Plan of Development, as described in Attachment B.

Subject to the conditions set forth in Attachment A and Attachment B, GRTA will approve the expenditure of state and/or federal funds for providing the Land Transportation Services and Access Improvements listed in Section 2 of Attachment C. The need for said approval shall terminate and be of no further force and effect after ten (10) years from the date of this Notice of Decision, unless the local government has issued a permit for the construction of any part of the proposed DRI Plan of Development prior to the end of the ten-year period.

The notice of decision is based upon review of the applicant's DRI Review Package. The Review Package includes the site development plan dated September 16, 2008 and received by GRTA on September 26, 2008, prepared by HGOR Planners Landscape Architects, titled "Riverview" (Site Plan) and the analysis prepared by A&R Engineering, Inc, dated September 19, 2008 and received by GRTA on September 19, 2008 (together the Review Package). The approved revisions are based upon the information provided and revised site plans dated December 7, 2012 and December 11, 2012 prepared by Croy Engineering and received by GRTA on December 11, 2012.

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 January 9, 2013 meeting.



Jannine Miller
Executive Director
Georgia Regional Transportation Authority

Attachment A – General Conditions

This Revised Notice of Decision dated December 17, 2012 replaces the Notice of Decision issued on November 12, 2008 for DRI 1933 Riverview.

Conditions to GRTA Notice of Decision:

Development Intensity and Use

- Provide a mixture of retail, office, and residential uses.

Site Access and Road Connectivity

- Provide internal vehicular connection between all site driveways.
- Provide 2 access points for all parking decks.
- Provide a maximum of 2 access points along US 41.
- All internal intersections must be a minimum of 100 feet from US 41 per the GDOT Driveway Manual.
- All internal intersections must be 100 feet minimum from site driveways on Paces Mill Rd, excluding service driveways.
- Align internal intersections or offset by a minimum of 100 feet.
- No access is permitted along Paces Mill Road within 200 feet along Paces Mill of the US 41 northwestern curb.
- Site Driveway #3 shall, at a minimum, be aligned with the opposing driveway across Paces Mill Road.
- Additional site access, if any, along Paces Mill Road shall be approved by Cobb DOT.

Pedestrian and Bicycle Facilities

- Provide sidewalks along all road frontages on US 41 and Paces Mill Road.
- Provide sidewalks on both sides of all internal streets, except for Driveways #1 and #5.
- Provide sidewalks on one side of Driveway #1 and #5.
- Provide direct pedestrian connection from office building to commercial uses.
- Provide bike racks at all retail, office, and multi-family building entrances.

Roadway Improvements as Conditions to GRTA Notice of Decision:

Paces Mill Road at Cobb Parkway (US 41)

- Provide a 3-lane intersection approach on Paces Mill Road at US 41, maintaining the existing left turn storage at this approach.

US 41 (SR 3) at Southern Site driveway #2

- Add a southbound right turn lane along US 41

US 41 (SR 3) at Northern Site driveway #1

- Add a southbound right turn lane along US 41

Petition No. OB 3
Meeting Date 12/18/12
Continued

Attachment B – Required Elements of the DRI Plan of Development

Conditions Related to Altering Site Plan after GRTA Notice of Decision:

The on-site development will be constructed materially (substantially) in accordance with the Site Plan. Changes to the Site Plan will not be considered material or substantial so long as the following conditions are included as part of any changes:

- All of the "Conditions to GRTA Notice of Decision" set forth in Attachment A are satisfied.
- All of the "Roadway Improvements as Conditions to GRTA Notice of Decision" set forth in Attachment A are satisfied.

Attachment C – Required Improvements to Serve the DRI

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."

The 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. These requirements are identified in Sections 1 and 2 of this Attachment. Section 1 contains improvements that do not require GRTA approval at this time because they are to be constructed prior to the completion of the DRI Plan of Development. However, GRTA approval shall be required in the event state and/or federal funds are proposed at a later date to be used for any portion of the improvements described in Section 1. Section 2 contains improvements that require GRTA approval prior to the expenditure of state and/or federal funding. Subject to the conditions set forth in Attachment A and Attachment B, GRTA approves the expenditure of state/and or federal funding for the improvements contained in Section 2.

Section 1.

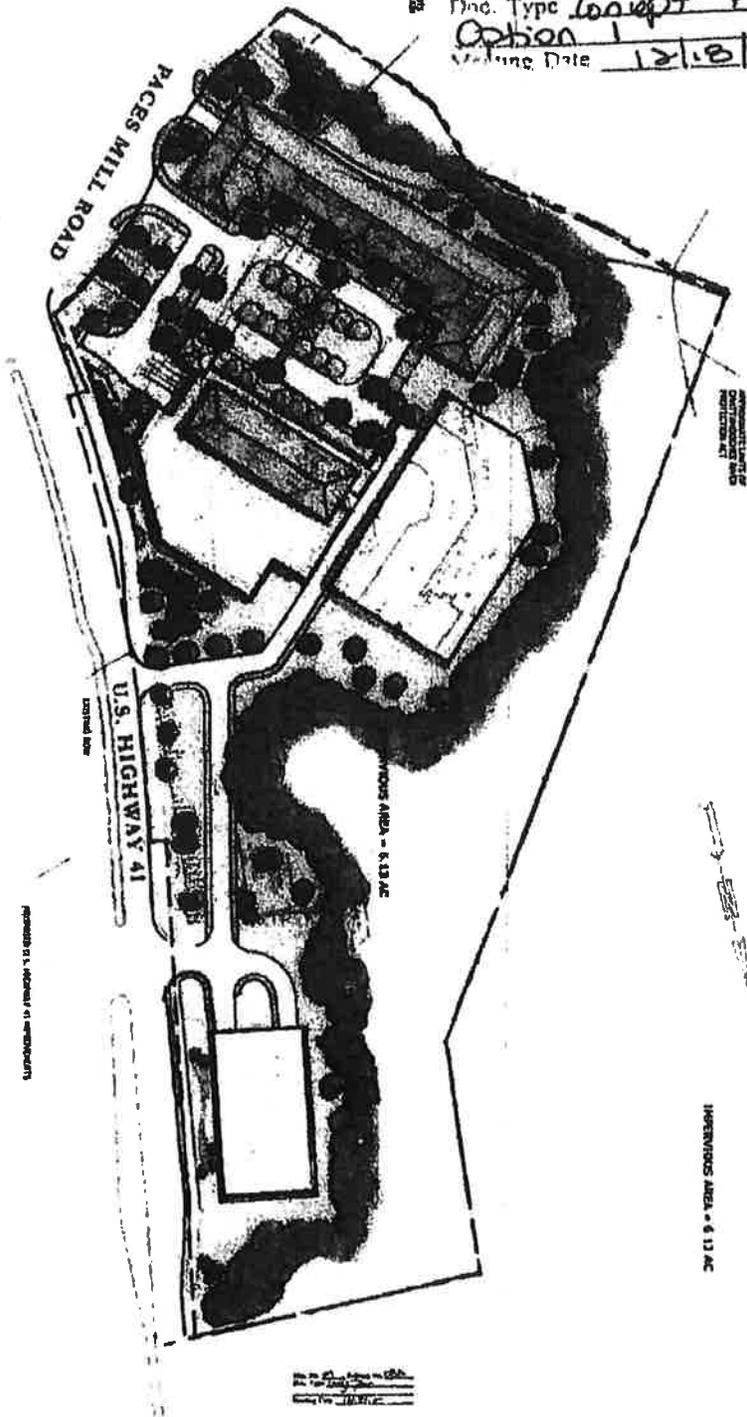
- Paces Mill Road at Cobb Parkway (US 41)
Provide a 3-lane intersection approach on Paces Mill Road at US 41 maintaining the existing left turn storage at this approach.
- US 41 (SR 3) at Southern Site driveway #2
Add a southbound right turn lane along US 41
- US 41 (SR 3) at Northern Site driveway #1
Add a southbound right turn lane along US 41

Section 2.

- CO-231: US 41 (Cobb Parkway) from Chattahoochee River to Akers Mill Road
Includes widening of US 41 (Cobb Parkway) from four lanes to six lanes.
- AT-012: US 41 (Northside Parkway) from Paces Mill Road to Mount Paran Road
Includes widening of US 41 (Northside Parkway) from four lanes to six lanes with 20 feet raised median and auxiliary lanes at major intersections. The existing bridge over the Chattahoochee River would be replaced. The proposed bridge would have 3 lanes in each direction with a 4' raised median, 17' multi-use path and 6' sidewalks.
- AR-H-302: I-285 west managed lanes from I-20 west in City of Atlanta to I-75 north in Cobb County
Includes addition of two managed lanes in both directions for 9.6 miles between I-20 West and I-75 North.
- Paces Ferry Road at Paces Mill Road / Mountain Street
Add a dedicated westbound left turn lane along Paces Mill Road



Min Pk. 07 Petition No. 083
 Doc. Type Concept Plan
Option 1
 Filing Date 12/8/12



See the 2012 Georgia Code
 for the definition of
 "Concept Plan"

DISTRICT 1
 COUNTY OF COBB
 STATE OF GEORGIA
 DEPARTMENT OF REVENUE
 OFFICE OF PERMITS
 1000 PHOENIX BLVD., SUITE 100
 ATLANTA, GA 30329
 (404) 437-3000
 www.dor.ga.gov

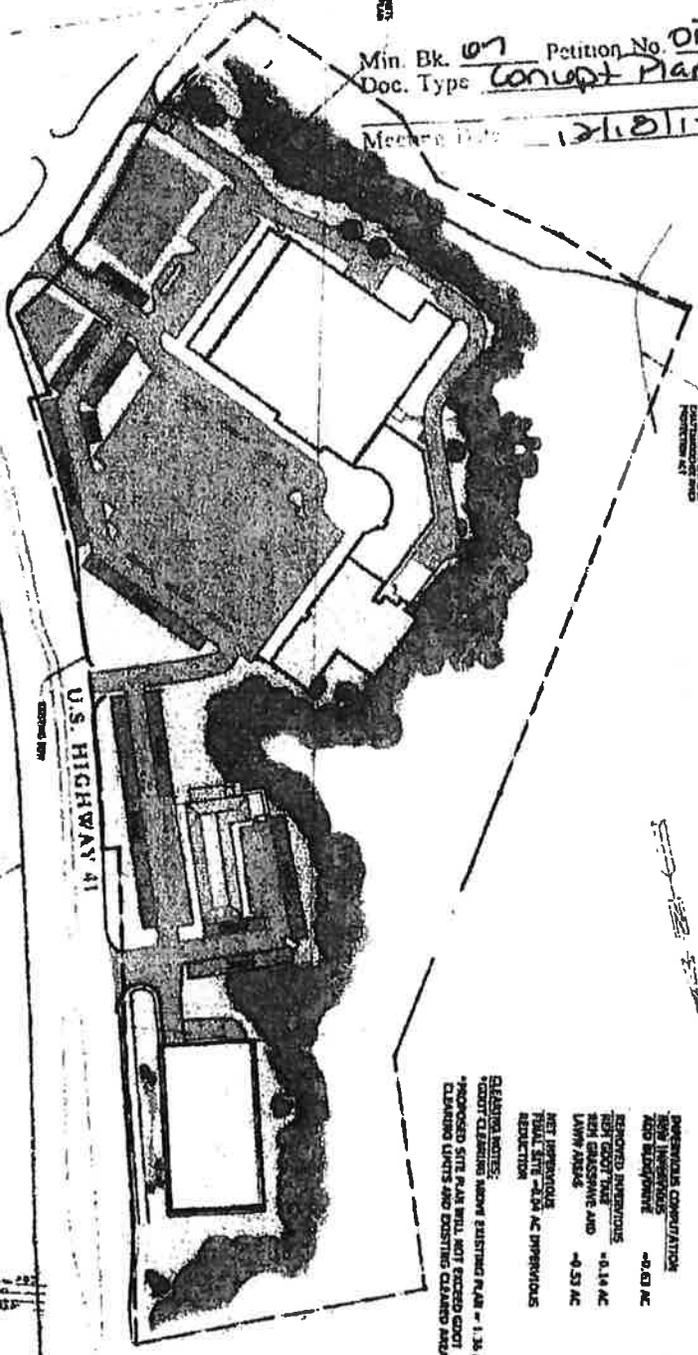
| NO. | DESCRIPTION | AREA |
|-----|--------------|------|
| 1 | CONCEPT PLAN | |

RIVERVIEW ASSOCIATES LTD.
 1 AND LOTS 976, 977, 1016 & 1017
 OF THE 17th DISTRICT
 COBB COUNTY, GEORGIA

CROY
 ENGINEERING
 2000 WOODBRIDGE BLVD., SUITE 100
 ATLANTA, GA 30329
 PHONE 404-487-0000 FAX 404-487-0001
 WWW.CROY-ENG.COM

NOT ISSUED FOR CONSTRUCTION

Min. Bk. 07 Petition No. 083
 Doc. Type Concept Plan
 Meeting Date 12/18/12



DISSIPATION COMPUTATION
 NEW IMPERVIOUS -0.63 AC
 ADD IMPERVIOUS
 REMOVED IMPERVIOUS +0.14 AC
 NET IMPERVIOUS -0.53 AC
 TOTAL SITE = 2.59 AC IMPERVIOUS
 REDUCTION

SELECTION NOTES:
 1. EXISTING CLEARING ABOVE EXISTING PLAN = 1.26 AC
 2. PROPOSED SITE PLAN WILL NOT EXCEED EXISTING CLEARING LIMITS AND DISTRICT CLEARANCE AREA

U.S. HIGHWAY 41



12/18/12

CONCEPT PLAN

DATE: 12/18/12

BY: [Signature]

SCALE: AS SHOWN

RIVERVIEW ASSOCIATES LTD.
 LAND LOTS 976, 977, 1016 & 1017
 OF THE 17th DISTRICT
 COBB COUNTY, GEORGIA

CRUY

Engineering
 Surveying
 Architecture

1000 Peachtree Street, N.E., Suite 1000
 Atlanta, GA 30309
 Phone: (404) 525-8800

NOT ISSUED FOR CONSTRUCTION

Barton, Lori

From: Pederson, John
Sent: Monday, December 17, 2012 3:09 PM
To: Lee, Tim; Rogers, Millie; Goreham, Helen; Friant, Annette; Ott, Bob; Nichols, Renee; Birrell, JoAnn; Eberhart, Inger; Thompson, Woody; Jones, Jackie
Cc: King, Karen; Barton, Lori; Bishop, Dorothy; Hankerson, David
Subject: OB#3 FW: Metro River Issues concerning Riverview Office Building - Tri-Kell - Zoning Application No. Z-49 (2008); Other Business Item No. 3

Min. Bk. 67 Petition No. OB3
Doc. Type email correspondence

Good afternoon,

Meeting Date 12/18/12

Attached is an email from Jim Santo to Dave Breaden regarding OB#3.

Please let me know if you have any questions.

John

From: Jim Santo [mailto:JSanto@atlantaregional.com]
Sent: Monday, December 17, 2012 3:00 PM
To: Breaden, David
Cc: Pederson, John; Hosack, Robert; Dan Reuter
Subject: Re: Metro River Issues concerning Riverview Office Building - Tri-Kell - Zoning Application No. Z-49 (2008); Other Business Item No. 3

Dave,

I have received the most recent plans concerning the amounts of land disturbance and impervious surface for this proposed project on the property containing the existing Riverview Village, which was reviewed under the Metropolitan River Protection Act in 1979 (Review Number RC-79-1CC).

As we have discussed, the property is being affected by the widening of US 41/Cobb Parkway. It is losing land to right-of-way and Georgia DOT is proposing new land disturbance on the property outside the right-of-way, including grading easements and a proposed detention pond in a currently wooded area. It is my understanding that this will occur whether or not any new structures are developed on the property. Under Georgia Code 12-5-451(6), Georgia DOT projects are not subject to the requirements of the Metropolitan River Protection Act. The submitted concept plans show that the applicant is proposing to build a structure entirely within the land disturbance proposed for the Georgia DOT detention pond, with no other increase in land disturbance on the property. The submitted concept plans also show that the applicant is proposing to remove sufficient impervious surface to offset the impervious surface proposed for the new structure and its access drive. As long as the final design places all new construction and grading only within existing and Georgia DOT land disturbance and includes the removal of enough existing impervious surface to offset the impervious included in the new construction, then it is my opinion that this proposal does not create a substantial change to the original review. As always, the final decision rests with Cobb County.

Let me know if you have any questions.

James M. Santo
Principal Environmental Planner

Atlanta Regional Commission
regional impact + local relevance

40 Courtland Street, NE
Atlanta, Georgia 30303-2538

P | 404.463.3258

F | 404.463.3254

jsanto@atlantaregional.com
atlantaregional.com

Petition No. DB 3
Meeting Date 12/10/12
Continued

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Follow us on [Twitter](#) »

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MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJLS.COM

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MARIETTA, GEORGIA
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595 ROSWELL ST
MARIETTA, GEORGIA 30066
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KNOXVILLE, TENNESSEE 37923
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10181 DESERWOOD PARK BLVD • BLDG 200, STE 200
JACKSONVILLE, FLORIDA 32256
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NASHVILLE, TENNESSEE
3250 WEST END AVE • STE 500
NASHVILLE, TENNESSEE 37205
TELEPHONE (615) 422-7847

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6900 CORPORATE CAMPUS DR • STE 2000
LOUISVILLE, KENTUCKY 40228
TELEPHONE (502) 410-9221

CHARLESTON, SOUTH CAROLINA
400 S. FARMER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 562-2522

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ROY H. SPANUS²⁵
RYAN C. SOEMM²⁶
JULIE C. FILLER²⁷
JODI B. LODGE²⁸
AMY B. BROWN²⁹
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WELMUT
KENDRA A. BERTSCH³⁰
JONATHAN J. SMITH
MONTYVA S. HO-BANG³¹

TRISTAN S. MORRISON³²
WILLIAM H. WARDLAW³³
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN³⁴

OF COUNSEL:
JOHN L. SHELTON, JR.³⁵

- 1 ALSO ADMITTED IN TN
- 2 ALSO ADMITTED IN FL
- 3 ALSO ADMITTED IN GA
- 4 ALSO ADMITTED IN TN
- 5 ALSO ADMITTED IN AL
- 6 ALSO ADMITTED IN NY
- 7 ALSO ADMITTED IN NY
- 8 ALSO ADMITTED IN NC
- 9 ALSO ADMITTED IN MD
- 10 ADMITTED ONLY IN TN
- 11 ADMITTED ONLY IN FL

December 13, 2012

letter of agreeable conditions

12/13/12

Hand Delivered

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

COBB COUNTY GEORGIA
 FILED IN OFFICE
 2012 DEC 13 AM 11:29
 COBB COUNTY ZONING DIVISION

RE: Application for "Other Business" - Application No. Z-49 (2008)
(Other Business Item No. 3 for
December 2012 Agenda)
(Site Plan and Stipulation Amendment)

Applicant: Tri-Kell Investments, Inc.
Property Owner: Riverview Associates, Ltd.
Property: Located at the northwesterly intersection of
Cobb Parkway (U.S. Highway 41) and Paces Mill
Road, Land Lots 976, 977, 1016, and 1017,
17th District, 2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent the Applicant, Tri-Kell Investments, Inc. (hereinafter "Applicant"), and the Property Owner, Riverview Associates, Ltd. (hereinafter "Owner"), in the above-referenced Application for "Other Business" regarding the development of property located at the northwesterly intersection of Cobb Parkway (U.S. Highway 41) and Paces Mill

MOORE INGRAM JOHNSON & STEELE

Petition No. 083
Filing Date 12/18/12
Contract

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 2 of 5
December 13, 2012

Road, Land Lots 976, 977, 1016, and 1017, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or the "Subject Property"), which was the subject of Application No. Z-49 (2008). Applicant proposes revised amendments to portions of the previously approved stipulations and conditions relating to the overall development of the Subject Property, which, if the revised amendments requested herein are approved, as presented, including the revised Concept Plan, shall replace and supersede the specifically stated stipulations, and, together with the remaining stipulations and revised Concept Plan, shall become binding stipulations for development of the Subject Property. This letter shall replace and supersede in full the letter amendment dated and filed November 14, 2012, regarding the above-referenced Application for "Other Business." The revised stipulations and conditions proposed by Applicant and Owner for amendment are as follows:

- (1) The zoning classification applicable to the Subject Property is Regional Retail Commercial ("RRC"). Applicant proposes development to the RRC zoning classification, site plan specific to the revised Concept Plan prepared by Croy Engineering, Inc., dated December 11, 2012, and submitted contemporaneously with the proposed amendments set forth herein. A reduced copy of the revised Concept Plan is attached hereto for ease of reference as Exhibit "A" and incorporated herein by reference. The revised Concept Plan submitted herewith supersedes and replaces in full the Concept Plan submitted on October 16, 2012, with the Application for "Other Business"; as well as, the revised Concept Plan dated November 7, 2012, and submitted on November 14, 2012.
- (2) Applicant proposes the following amendments to the stipulations and conditions set forth in the April 22, 2010, letter of agreeable conditions and stipulations attached to the final, official minutes for the settlement of litigation heard by the Board of Commissioners and approved on October 19, 2010, as follows:
 - (a) Subparagraph (2)(a) concerning reversion of the Subject Property shall be deleted in its entirety.
 - (b) Subparagraph (2)(b) shall be deleted in its entirety and the following inserted in lieu thereof:

[M]aximum of 105,000 square feet of commercial development (retail space only) as shown and reflected on the revised Concept Plan; and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 3 of 5
December 13, 2012

Permit No. OB 3
Issued Date 12/18/12
City/County

[M]aximum of 180,000 square feet of office space, a maximum of nine (9) stories in height, constructed upon a parking deck. The location of the referenced office building shall be moved northerly along Cobb Parkway (U.S. Highway 41) to that location shown and depicted on the revised Concept Plan dated December 11, 2012, and submitted contemporaneously herewith.

- (3) The land area comprising the office space as set forth in subparagraph (2)(b) above shall be referred to as Phase I of the total development as more particularly shown and reflected on the revised Concept Plan. The balance and remainder of the development referenced in said Concept Plan shall be referred to as Phase II.
- (4) Prior to obtaining any building permit for Phase II of the development, Applicant will remove a portion of the existing retail (that portion of Phase II immediately adjacent to Phase I).
- (5) Applicant shall, during construction of Phase I, increase the capacity of the existing detention facilities located within Phase II to accommodate any increase in the stormwater runoff from Phase I.
- (6) The Metropolitan River Protection Act is applicable to the Subject Property. This Act imposes, among other things, a limit of impervious surface for this development. The limit imposed for the Subject Property is 6.13 acres. This limit shall be achieved by the following:

| | | |
|--------|--|-------------------|
| (a) | Georgia Department of Transportation Condemnation: | 0.14 acres; |
| (b) | Grass Pavers and Lawn Areas: | <u>0.53 acres</u> |
| Total: | | 0.67 acres; |
- (7) The proposed office building and drive will add 0.63 acres, which will result in an actual net reduction of total impervious area of 0.04 acres. The work to achieve this net impervious reduction shall be accomplished by Applicant simultaneously

all as more particularly shown and depicted on the attached Concept Plan, Option 1, dated December 7, 2012, said Plan being attached hereto as Exhibit "B" and contemporaneously submitted herewith.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 4 of 5
December 13, 2012

083
12/10/12

with development of the office building, regardless of whether said work is to occur within Phase I or Phase II.

- (8) The balance and remainder of the official minutes, including stipulations set forth therein and referenced attachments, applicable to Application No. Z-49 (2008) from the Board of Commissioners Zoning Hearing held on February 17, 2009, and October 19, 2010, unless otherwise in conflict with the revised stipulations contained herein and the revised Concept Plan, shall remain in full force and effect.

We believe the amendments requested, together with the Plans presented herein, will allow for development of the Subject Property as closely as possible to the originally approved plan when considering the taking of a portion of the Subject Property's right-of-way along Cobb Parkway (U.S. Highway 41) by the Georgia Department of Transportation. The proposed development shall be of the highest quality and shall be comparable to and compatible with similar developments along the Cobb Parkway and Cumberland Boulevard corridors. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc
Attachments

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page 5 of 5
December 13, 2012

083
12/13/12

- c: Cobb County Board of Commissioners:
 - Timothy D. Lee, Chairman
 - George "Woody" Thompson
 - Helen C. Goraham
 - Robert J. Ott
 - Joann Birrell
 - (With Copies of Attachments)

- Ron Sifen
(With Copies of Attachments)

- Tri-Kell Investments, Inc.
(With Copies of Attachments)

083

12/8/12

NOT ISSUED FOR CONSTRUCTION

NOT TO SCALE

GROY
 ENGINEERING
 1000 N. W. 10th St., Suite 100
 Ft. Lauderdale, FL 33304
 Phone: (954) 571-1111
 Fax: (954) 571-1112
 www.groyeng.com

RIVERVIEW ASSOCIATES LTD.
 LAND LOTS 974, 977, 1016 & 1017
 OF THE 11th DISTRICT
 COBB COUNTY, GEORGIA

COBB COUNTY GEORGIA
 PLANNING OFFICE
 1000 N. W. 10th St., Suite 100
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 Fax: (954) 571-1112
 www.cobbcountyga.gov

2012 DEC 13 AM 11:29
 COBB COUNTY ZONING DIVISION

IMPERVIOUS COMPLETION
 NEW IMPERVIOUS
 ADD PAVEMENT
 → 0.83 AC

REMOVED IMPERVIOUS
 TERN COUNTRY VASE
 NEW COURSPAVEMENT AND
 DRIVE ALLEYS
 → 0.14 AC

NET IMPERVIOUS
 FINAL SITE → 0.24 AC IMPERVIOUS
 REDUCTION

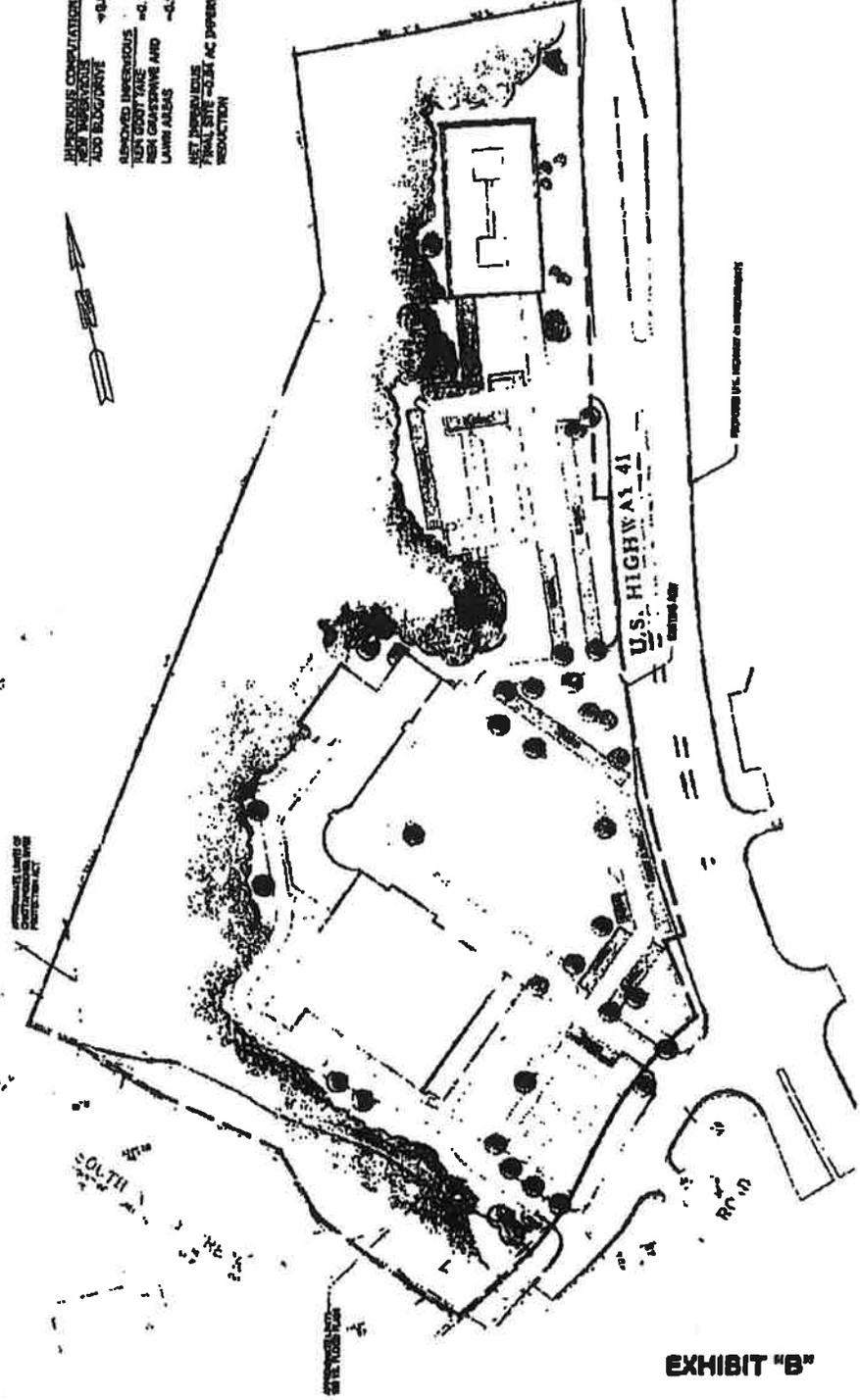


EXHIBIT "B"



**OFFICIAL MINUTES OF
COBB COUNTY BOARD OF
COMMISSIONERS ZONING HEARING FOR
Z-49 (2008) – OCTOBER 19, 2010
(SETTLEMENT OF LITIGATION)**

RECEIVED
MAR 12 2024
COBB COUNTY ZONING

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 19, 2010
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 19, 2010 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 Helen Goreham
Commissioner Robert Ott
Commissioner Thea Powell
Commissioner Woody Thompson

ITEM NO. 2

To consider Settlement of Litigation for Tri-Kell Investments, Inc, Riverview Associates, Ltd. and Riverview Village, LLC regarding rezoning application Z-49 (Tri-Kell Investments, Inc.) of 2008, for property located at the northwesterly intersection of U.S. Highway 41 and Paces Mill Road in Land Lots 976, 977, 1016 and 1017 of the 17th District.

Mr. John Pederson, Zoning Division Manager, provided information regarding the proposal for settlement of litigation on Z-49 of 2008. The public hearing was opened and Mr. John Moore addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Ott, second by Powell, to authorize settlement of litigation regarding Tri-Kell Investments, Inc, Riverview Associates, Ltd. and Riverview Village, LLC regarding rezoning application Z-49 (Tri-Kell Investments, Inc.) of 2008, for property located at the northwesterly intersection of U.S. Highway 41 and Paces Mill Road in Land Lots 976, 977, 1016 and 1017 of the 17th District **subject to:**

- **settlement of litigation regarding Cobb Superior Court Civil Action File No. 09-1-2402-40**
- **conditions of settlement contained in letter of agreeable conditions from Mr. John Moore dated April 22, 2010 (attached and made a part of these minutes)**
- **all other conditions and stipulations, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STRONG

October 19, 2010
Exhibit "A"
Other Business Item 02

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJJS.COM

JOHN H. MOORE
STEPHEN G. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
S. PHILLIP REESE
ELDON L. BARNHAM
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April 22, 2010

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CLAY S. O'DAMEL
GRAHAM E. McDONALD
KARINE M. POLIS
PHILIP S. GOMEZ†
BARAH E. STUTTLEMYER
PRENTON D. HOLLOWAY†
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ASPEN S. RABIN†
MARC E. BROTHMAN
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JENNIFER L. LAFOUNTAIN†
TIMOTHY H. STALLINGS
WILMA R. BUSH
BENEDICT H. FULLER†
CHERYL A. STANGAITS
JENNIFER R. TOMMABELLO

VERONICA L. RICHARDSON
GALANT HAYES
TODD I. HEND†
DANIEL W. STARNES†
ALEXANDER S. MORRISON†
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER†

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
** ALSO ADMITTED IN MN
--- ALSO ADMITTED IN MD
--- ALSO ADMITTED IN GA
§ ADMITTED ONLY IN TN
◇ ADMITTED ONLY IN FL

Hand Delivered

Min. Bk. 101 Petition No. 082
Doc. Type letter of agree-
able conditions
Meeting Date 10/19/10

Joseph B. Atkins, Esq.
Senior Assistant County Attorney
Cobb County Attorney's Office
Suite 350
100 Cherokee Street
Marietta, Georgia 30090-7003

RE: Application for Rezoning - Application No. Z-49 (2008)

Applicant: Tri-Kell Investments, Inc.
Owners: Riverview Associates, Ltd. and
Riverview Village, LLC
Property: 18.01 acres located at the intersection of the
westerly side of Cobb Parkway and the
northerly side of Paces Mill Road,
Land Lots 976, 977, 1016, and 1017,
17th District, 2nd Section, Cobb County, Georgia

Tri-Kell Investments, Inc.; Riverview Associates, Ltd.; and Riverview Village, LLC
v. Cobb County, Georgia; et al.
Civil Action, File Number: 09-1-2402-40
Superior Court of Cobb County

Dear Joe:

As you know, the undersigned and this firm represent Tri-Kell Investments, Inc., as Applicant (hereinafter referred to as "Applicant"), and Riverview Associates, Ltd. and Riverview Village, LLC, the Property Owners (hereinafter collectively referred to as "Owners"), in their pending zoning appeal as to property totaling 18.01 acres located at the intersection of the westerly side of Cobb Parkway and the northerly side of Paces Mill Road, Land Lots 976, 977, 1016, and 1017,

MOORE INGRAM JOHNSON & STEELE

Joseph B. Atkins, Esq.
Senior Assistant County Attorney
Cobb County Attorney's Office
Page 2 of 5
April 22, 2010

**October 19, 2010
Exhibit "A"
Other Business Item 02**

Petition No. 082
Meeting Date 10/19/10
Continued

17th District, 2nd Section, Cobb County, Georgia (hereinafter "Subject Property"), which was the subject of the above-referenced Application for Rezoning, same being Application No. Z-49 (2008). The appeal arose as a result of the placement of certain conditions upon the approval of the requested zoning category by the Board of Commissioners

The settlement, as proposed in this letter and the stipulations contained herein result from meetings and discussions with county staff and representatives of Applicant and Owner to resolve the issues presented without the necessity of further litigation.

Applicant agrees to the following, which, if approved, as submitted, shall be in complete settlement of the pending zoning appeal and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) That portion of the revised Cobb DOT comments and recommendations which were attached to and made a part of the Official Minutes of the Cobb County Board of Commissioners Zoning Hearing held on February 17, 2009, shall be amended in the following particulars:
 - (a) **The following shall be deleted in its entirety:**

Recommend applicant enter into a development agreement pursuant to O.C.G.A. § 36-71-13 for dedication of the following system improvements to mitigate traffic concerns:

- a) Donation of right-of-way and easements on the west side of Cobb Parkway and the north side of Paces Mill Road, a minimum to accommodate the proposed road widening and trail project, GDOT Project Number STP-001-5(47), dated December 26, 2007.

The following shall be inserted in lieu thereof:

Recommend Applicant enter into a Development Agreement pursuant to O.C.G.A. § 36-71-13 for dedication of the following system improvements to mitigate traffic concerns:

- a) Applicant agrees to reserve a portion of its real property located on the westerly side of Cobb Parkway and the northerly side of Paces Mill Road, sufficient to accommodate the proposed road widening and trail project, GDOT Project Number STP-001-

MOORE INGRAM JOHNSON & STEELE

Joseph B. Atkins, Esq.
Senior Assistant County Attorney
Cobb County Attorney's Office
Page 3 of 5
April 22, 2010

October 19, 2010
Exhibit "A"
Other Business Item 02

Petition No. OB2
Meeting Date _____
Continued

5(47), dated December 26, 2007. "Reserved," as used in the foregoing sentence, shall be defined as not permitting the construction of building structures within the area of the proposed road widening and trail project, and further that such reservation shall not constitute a donation of right-of-way or easements. Further, the reservation of real estate shall be solely for the area shown and reflected as a part of GDOT Project Number STP-001-5(47), dated December 26, 2007, unaltered and unamended. This reservation shall continue for a period of seven (7) years as measured from the final approval by the Board of Commissioners at the settlement hearing.

(b) **The following shall be deleted in its entirety:**

The applicant understands that the GDOT project will convert the full access southern drive on Cobb Parkway to a right-in/right-out.

The following shall be inserted in lieu thereof:

The applicant understands that the GDOT project will convert the full access southern drive on Cobb Parkway to a right-in/right-out; the northern drive on Cobb Parkway shall remain full access.

(2) **The stipulations imposed by the Cobb County Board of Commissioners and set forth in the Official Minutes of the Cobb County Board of Commissioners Zoning Hearing held on February 17, 2009, shall be amended in the following particulars:**

(a) **The third "bullet," which is stated as follows, shall be deleted in its entirety:**

[R]everison clause so that if a demolition permit and subsequent construction permit is not pulled, along with demolition of site, within 36 months – then the site reverts back to the previous zoning (applicant may return to BOC as an Other Business Item if Highway 41 project issues arise)

MOORE INGRAM JOHNSON & STEELE

Joseph B. Atkins, Esq.
Senior Assistant County Attorney
Cobb County Attorney's Office
Page 4 of 5
April 22, 2010

October 19, 2010
Exhibit "A"
Other Business Item 02

Petition No. 032
Meeting Date 10/19/10
Continued

The following shall be inserted in lieu thereof:

[R]everison clause so that if a demolition permit and subsequent construction permit are not pulled, along with demolition of site, within 36 months after the date of final approval by the Board of Commissioners - then the site reverts back to the previous zoning; however, if the Georgia Department of Transportation or the Cobb County Department of Transportation has not commenced construction of improvements to Highway 41 (GDOT Project Number STP-001-5(47)) within this 36-month time frame, Applicant may apply to the Cobb County Board of Commissioners as an "Other Business" item to have this reversionary provision removed or extended. "Commencing construction of improvements" is defined as actual, on-site, full construction of roadway improvements along the U.S. Highway 41 frontage of the Subject Property.

If actual construction of improvements, as herein defined, has commenced within the 36-month time period hereinabove set forth, the reversionary provision shall automatically terminate, and no such reversion shall occur.

- (b) The fifth "bullet," which is stated as follows, shall be deleted in its entirety:

[M]aximum of 105,000 square feet of commercial development (office and retail) as shown on site plan

The following shall be inserted in lieu thereof:

[M]aximum of 105,000 square feet of commercial development (retail space only) as shown on site plan

[M]aximum of 200,000 square feet of office space

- (3) The balance and remainder of the official minutes, including stipulations set forth therein, applicable to Application No. Z-49 (2008) from the Board of Commissioners Zoning Hearing held on February 17, 2009, unless otherwise in conflict with the revised stipulations contained herein, shall remain in full force and effect.

MOORE INGRAM JOHNSON & STEELE

Joseph B. Atkins, Esq.
Senior Assistant County Attorney
Cobb County Attorney's Office
Page 5 of 5
April 22, 2010

**October 19, 2010
Exhibit "A"
Other Business Item 02**

Petition No. D102
Meeting Date 10/19/10
Continued

The proposal contained herein is submitted in settlement and compromise of the pending zoning appeal and shall not otherwise be used in any hearing, trial, arbitration, or mediation of said appeal. If the settlement, as proposed, is approved by the Board of Commissioners, Applicant and Owners agree to dismiss, with prejudice, the pending litigation case and to pay their own legal expenses and litigation costs.

We respectfully request the settlement proposal contained herein be submitted to the Board of Commissioners during the next available Executive Session and subsequently be placed upon the "Other Business" agenda before the Board of Commissioners during the Zoning Hearing scheduled immediately thereafter. In order to meet the required time frame for posting and advertising of the Subject Property, we would request your expeditious review and handling of this request.

We believe the requested zoning, specific to the revised stipulations contained herein, is an appropriate use of the Subject Property. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

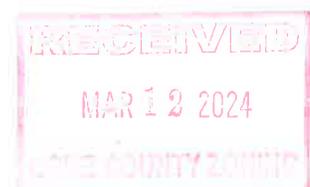
JHM:cc

- c Cobb County Board of Commissioners:
- Helen C. Goreham
- George W. "Woody" Thompson
- Robert Ott
- Thea Powell

Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency

Tri-Kell Investments, Inc.

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-49 (2008) –
FEBRUARY 17, 2009**



**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 17, 2009
9:05 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 17, 2009, at 9:05 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 Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Woody Thompson
Commissioner Robert Ott

Z-49^{'08} **TRI-KELL INVESTMENTS, INC.** (Riverview Associates, Ltd. and Riverview Village, LLC, owners) requesting Rezoning from **GC** to **RRC** for the purpose of Mixed Use Development in Land Lots 976, 977, 1016 and 1017 of the 17th District. Located at the northwesterly intersection of U.S. Highway 41 and Paces Mill Road.

The public hearing was opened and Mr. John Moore, Mr. Ron Sifen and Ms. Jody Smith addressed the Board. Following presentation and discussion, the following motion was made, discussed and amended as follows:

MOTION: Motion by Ott, second by Goreham, to approve Rezoning to the **RRC** zoning district subject to:

- site plan submitted, received by the Zoning Division August 7, 2008, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- final site plan approval by the District Commissioner
- reversion clause so that if a demolition permit and subsequent construction permit is not pulled, along with demolition of site, within 36 months - then the site reverts back to the previous zoning (applicant may return to BOC as an Other Business Item if Highway 41 project issues arise)
- letter of agreeable conditions from Mr. John Moore dated February 3, 2009, not otherwise in conflict and with the following changes (attached and made a part of these minutes):
 - Page No. 3 – Item No. 8 – last sentence change to: “...from 7:00 a.m. to 7:00 p.m. and Sunday from 2:00 p.m. to 7:00 p.m.”
 - Page No. 3 – Item No. 9 – last sentence change to: “... Monday through Saturday from 7:00 a.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 9:00 p.m.”
- maximum of 105,000 square feet of commercial development (office and retail) as shown on site plan

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 17, 2009
9:05 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, February 17, 2009, at 9:05 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 Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Woody Thompson
Commissioner Robert Ott

Z-49^{'08}

TRI-KELL INVESTMENTS, INC. (Continued)

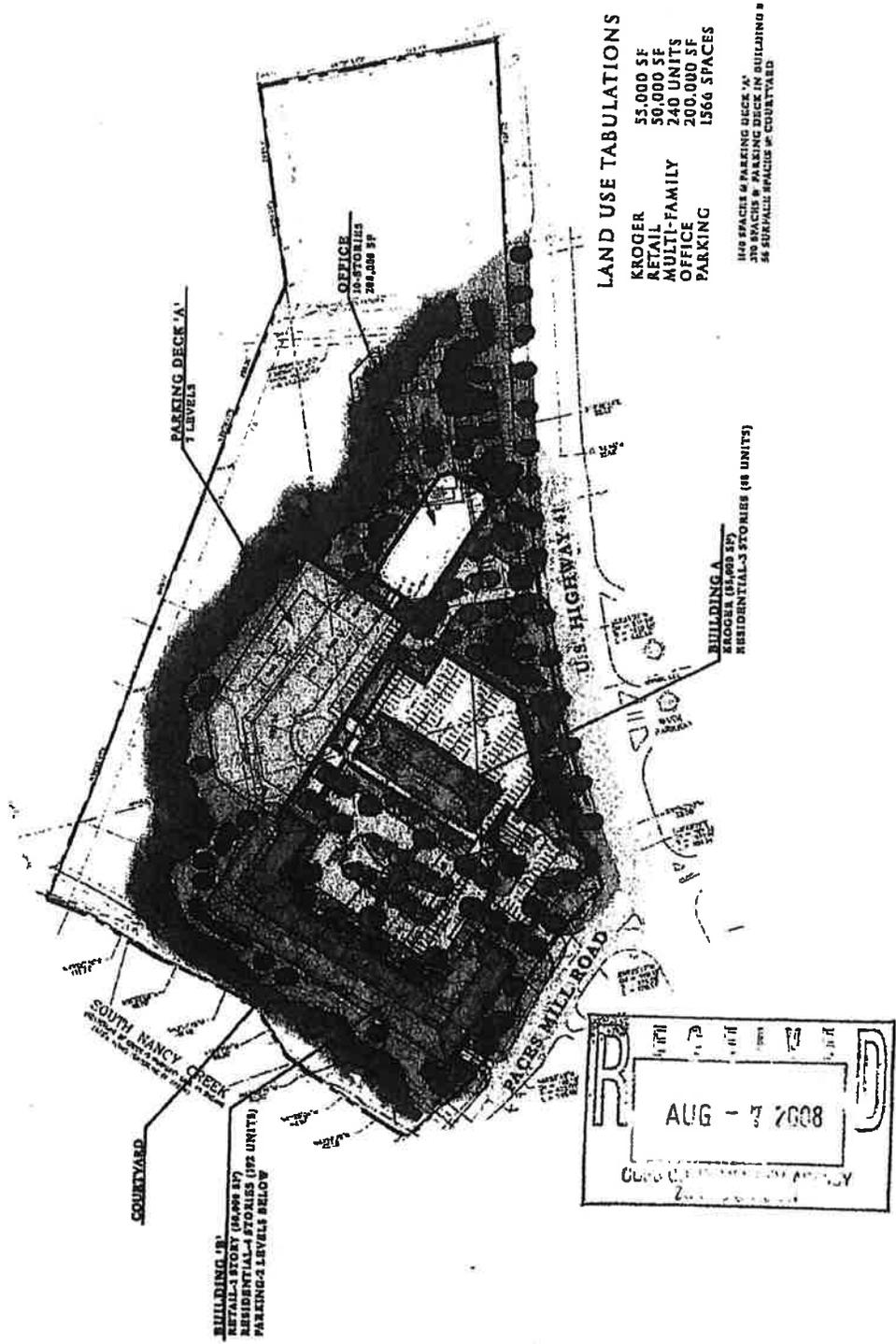
- **maximum of 180 residential units unless Highway 41 is widened, if widened, then the maximum number of units allowed will be 216**
- **maximum of 8 stories for the office building; however if Highway 41 is widened up to 10 stories will be allowed**
- **Development of Regional Impact Study (including GRTA and ARC findings on file in the Zoning Division)**
- **Fire Department comments and recommendations**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **revised Cobb DOT comments and recommendations (attached and made a part of these minutes)**
- **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 (Goreham and Olens opposed)

Min. Bk. 57 Petition No. 2-49^{'08}
 Doc. Type Site Plan
 Meeting Date 2-17-09



HGOR
 HATCH, GOLDER & ASSOCIATES, INC.



RIVERVIEW
 AUG - 7 2008
 CIVIL ENGINEER
 2008-08-07

LAND USE TABULATIONS

| | |
|--------------|--------------|
| KROGER | 55,000 SF |
| RETAIL | 50,000 SF |
| MULTI-FAMILY | 240 UNITS |
| OFFICE | 200,000 SF |
| PARKING | 1,566 SPACES |

140 SPACES IN PARKING DECK 'A'
 370 SPACES IN PARKING DECK IN BUILDING
 56 SURFACE SPACES IN COURTYARD

09-09-02
 02/17/09 09:04:47

RIVERVIEW
 TRAMMELL CROW RESIDENTIAL/TRI-KELL INVESTMENTS

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

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KEVIN L. LOPER¹

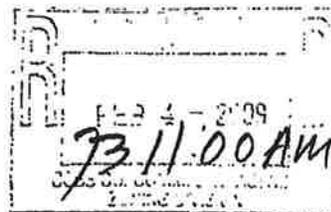
OF COUNSEL
JOHN L. SKELTON JR.¹

¹ ALSO ADMITTED IN TN
¹ ALSO ADMITTED IN FL
¹ ALSO ADMITTED IN NM
¹ ALSO ADMITTED IN NC
¹ ALSO ADMITTED IN CA
¹ ADMITTED ONLY IN TN

February 3, 2009

Hand Delivered

Mr. John P. Pederson, AICP
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-49 (2008)

Applicant: Tri-Kell Investments, Inc.
Owners: Riverview Associates, Ltd. and
Riverview Village, LLC

Min. Bk. 57 Petition No. Z-49 Property:
Doc. Type Letter of agreeable
conditions
Meeting Date 2-17-2009

18.01 acres located at the intersection of the
westerly side of Cobb Parkway and the
northerly side of Paces Mill Road,
Land Lots 976, 977, 1016, and 1017,
17th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent the Applicant, Tri-Kell Investments, Inc. (hereinafter referred to as "Applicant"), and the Property Owners, Riverview Associates, Ltd. and Riverview Village, LLC (hereinafter collectively referred to as "Owners"), in the above-referenced Application for Rezoning with regard to a total tract of 18.01 acres, more or less, located at the intersection of the westerly side of Cobb Parkway and the northerly side of Paces Mill Road, Land Lots 976, 977, 1016, and 1017, 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; reviewing the zoning staff comments and recommendations; discussions and meetings with area residents and homeowner representatives; and reviewing the uses of

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 2 of 9
February 3, 2009

Petition No. 2-49 '08
Meeting Date 2-17-09
Continued

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. This letter shall supersede and replace in full the letter of agreeable stipulations and conditions dated and filed November 26, 2008. The revised stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning category of General Commercial ("GC") to the proposed zoning category of Regional Retail Commercial ("RRC"), with reference to the Site Plan prepared for Applicant by Hughes Good O'Leary & Ryan dated September 2, 2002, and submitted to the Cobb County Zoning Office with the Application for Rezoning on August 7, 2008.
- (3) The Subject Property consists of approximately 18.01 acres of total site area and shall be developed for a mixed-use development consisting of office, retail, and condominiums and related services.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, and the like contained within the overall development.
- (2) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage for

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 3 of 9
February 3, 2009

Petition No. 2-49¹⁰⁸
Meeting Date 2-17-09
Continued

individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.

- (3) Entrances to the proposed development shall be as more particularly shown and reflected on the referenced Site Plan.
- (4) Entrance signage for the proposed overall development shall be ground-based, monument-style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.
- (5) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process.
- (6) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (7) Additionally, hooded security lighting shall be utilized on the exteriors of the buildings and throughout the walkways, parking, and parking deck areas.
- (8) All dumpsters servicing any portion of the overall development shall be enclosed with a minimum six (6) foot high brick enclosure on three sides with a solid wooden screen gate or doors on the access side. All dumpsters shall contain rubber lids to minimize noise. Dumpsters shall be emptied Monday through Saturday from 5:00 a.m. to 7:00 p.m. and Sunday from 2:00 p.m. to 7:00 p.m.
- (9) Parking lot cleaning with the use of mechanical equipment shall be restricted to hours Monday through Saturday from 5:00 a.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 9:00 p.m.
- (10) Deliveries to the proposed retail uses shall be limited to between the hours of 5:00 a.m. to 11:00 p.m., Monday through Friday; 9:00 a.m. to 7:00 p.m. on Saturday and Sunday.
- (11) Store hours which are open to the public for the retail uses proposed for this development shall be limited to Monday through Saturday, 6:00 a.m. to

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 4 of 9
February 3, 2009

Petition No. 2-49⁰⁸
Meeting Date 2-17-09
Continued

10:00 p.m. and Sunday from 6:00 a.m. to 9:00 p.m. Restaurants may remain open until 2:00 a.m.

- (12) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.
- (13) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (14) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (15) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (16) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (17) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.
- (18) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (19) All utilities for the proposed development shall be located underground.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 5 of 9
February 3, 2009

Petition No. 2-49'08
Meeting Date 2-17-09
Continued

- (20) The following uses shall be prohibited from the proposed overall development:
- (a) Video arcades as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, repair, and/or service facilities;
 - (d) Gas station;
 - (e) Truck and trailer leasing facilities;
 - (f) Automotive paint and body repair shops;
 - (g) Automotive upholstery shops;
 - (h) Billiards and pool halls which are the sole or predominant use;
 - (i) Bus stations (not to exclude bus stops);
 - (j) Fraternity and sorority house;
 - (k) Full-service gas stations;
 - (l) Light automotive repair;
 - (m) Rooming houses and boarding houses;
 - (n) Any form of adult entertainment business; and
 - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.
- (21) As to the overall development, there shall be "zero lot lines" among the various components within the development so as to allow for the free flow of access, parking, and the like.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 6 of 9
February 3, 2009

Petition No. 2-49^{'08}
Meeting Date 2-17-09
Continued

- (22) The exterior walls of the various levels of the parking deck referenced herein shall be of sufficient height to block vehicle lights from shining outside the deck.
- (23) Applicant agrees to install Leyland Cypress along the westerly property line, being the southerly one-half of this property line, and the southerly property line, being the westerly one-half of this property line. These plantings shall be a minimum of eight (8) feet in height, planted on a staggered row with ten (10) foot centers. These shall be installed by Applicant, at the latest, upon commencement of construction of the proposed re-development.

I. OFFICE COMPONENT

- (1) The office component of the proposed development shall consist of a maximum 10-story office tower containing approximately 200,000 square feet.
- (2) Parking for tenants of the proposed office tower shall be accomplished by providing connectivity to the proposed maximum 7-level parking deck (denoted as Parking Deck "A" on the referenced Site Plan). The parking deck shall provide approximately 1,140 spaces.
- (3) The exterior finish of the proposed office building shall consist of glass, brick, stone, and stucco, or combinations thereof; and shall be substantially similar to the renderings presented to the Planning Commission and Board of Commissioners at the respective upcoming public hearings.

II. RESIDENTIAL CONDOMINIUM UNITS

- (1) The residential condominium units shall be located as follows:
 - (a) A maximum of forty-eight (48) units shall be contained within a maximum of three (3) stories located above the one-story retail (proposed Kroger store) building noted as "Building A" on the referenced Site Plan; and

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 7 of 9
February 3, 2009

Petition No. 2-49 '08
Meeting Date 2-17-09
Continued

- (b) A maximum of one hundred ninety-two (192) units shall be contained within a maximum of four (4) stories located above the one-story retail building noted as "Building B" on the referenced Site Plan; together with parking consisting of a maximum of two (2) levels beneath the building.
- (2) There shall be a maximum of two hundred forty (240) condominium units ranging from 700 to 2,000 square feet in heated living space. The average unit shall be approximately 1,100 square feet.
- (3) The exterior finish of the proposed residential condominium units shall consist of brick, stone, or stucco, or combinations thereof.
- (4) Floor plans and finishes for the residential condominium units shall consist, at a minimum, of the following:
 - (a) Enhanced corian, granite, or marble counter tops, or other solid surface materials;
 - (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;

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 8 of 9
February 3, 2009

Permit No. 2-49'08
Meeting Date 2-17-09
Continued

- (i) Brushed chrome, brushed nickel, 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 showers;
 - (n) Eight (8) foot entry doors subject to fire rating.
- (5) The residential units shall be condominiums as the term "condominium" is defined under the Georgia Condominium Act.
- (6) The residential units shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.

III. RETAIL COMPONENT

- (1) The retail component of the proposed development shall be contained within two separate buildings as follows:
- (a) Approximately 55,000 square feet for a proposed supermarket located on the ground level of "Building A," as more particularly shown and reflected on the referenced Site Plan;
 - (b) Approximately 50,000 square feet of retail space located on the ground level of "Building B," as more particularly shown on the referenced Site Plan.
- (2) The exterior façade of the buildings for the retail component shall consist of glass, brick, stone, and stucco, or combinations thereof, and shall be substantially similar to the renderings presented to the Planning Commission and Board of Commissioners at the respective public hearings.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Planner III
Zoning Division
Cobb County Community Development Agency
Page 9 of 9
February 3, 2009

Petition No. Z-49 '08
Meeting Date 2-17-09
City

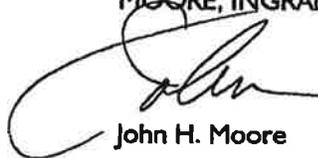
- (3) All exhausts from restaurant facilities shall be filtered to minimize grease and odors.

We believe the requested zoning, pursuant to the Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed community is an exciting project which fits together various types of product into one development. The proposed development shall promote the "live where you work" concept; shall be of the highest quality; shall be compatible with surrounding retail developments, businesses, and neighborhoods; and shall be an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

Ron Sifen
Shane Coldren
Vinings Homeowners Association

Steve Robinson
Area Resident

Tri-Kell Investments, Inc.

APPLICANT: Tri-Kell Investments, Inc.

PETITION NO.: Z-49

PRESENT ZONING: GC

PETITION FOR: RRC

TRANSPORTATION COMMENTS

Min. Bk. 57 Petition No. Z-49 '08
Doc. Type Revised DDT

Comments/Recommendations
Meeting Date field investigation and office review

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

2-17-09

| ROADWAY | AVERAGE DAILY TRIPS | ROADWAY CLASSIFICATION | SPEED LIMIT | JURISDICTIONAL CONTROL | MIN. R.O.W. REQUIREMENTS |
|-----------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Cobb Parkway | 22660 | Arterial | 55 mph | GDOT | 100' |
| Paces Mill Road | 11700 | Major Collector | 35 mph | Cobb County | 80' |

Based on 2007 traffic counting data taken by GDOT. (Cobb Parkway)

Based on 2007 traffic counting data taken by Cobb County DOT. (Paces Mill Road)

COMMENTS AND OBSERVATIONS

Cobb Parkway is classified as an Arterial and according to the available information; the existing right-of-way does meet the minimum requirements for this classification.

Paces Mill Road is classified as a Major Collector and according to the available information; the existing right-of-way does meet the minimum requirements for this classification.

Cobb Parkway is identified as a road improvement project.

The applicant understands that the GDOT project will convert the full access southern drive on Cobb Parkway to a right-in/ right-out.

The western side of Cobb Parkway is identified as the corridor for the extension of the Mountain to River Trail.

Install sidewalk, curb and gutter along Paces Mill Road.

GDOT permits will be required for work that encroaches upon State right-of-way.

RECOMMENDATIONS

Recommend applicant enter into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way and easements on the west side of Cobb Parkway and the north side of Paces Mill Road, a minimum to accommodate the proposed road widening and trail project, GDOT Project Number STP-001-5(47).

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed road improvement project and the trail extension.

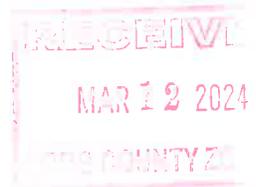
Recommend installing sidewalk, curb and gutter along Paces Mill Road.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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



**2023 PAID AD VALOREM PROPERTY TAX
RECIPTS FOR SUBJECT PROPERTY
(TAX PARCEL NOS. 17101600120,
17101600140, 17101700040,
AND 17101700150)**





Printed: 3/12/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 RIVERVIEW ASSOCIATES LTD (RVI)

RIVERVIEW ASSOCIATES LTD

Payment Date: 10/16/2023

| Tax Year | Parcel ID | Due Date | Appeal Amount | Taxes Due |
|----------|-------------|------------|---------------|-----------|
| 2023 | 17101600120 | 10/15/2023 | Pay: N/A or | \$0.00 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|----------|---------|--------|-----------|-------------|---------|
| \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$4,169.09 | \$0.00 |



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Printed: 3/12/2024

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 RIVERVIEW ASSOCIATES LTD (RVI)

RIVERVIEW ASSOCIATES LTD

Payment Date: 10/16/2023

| Tax Year | Parcel ID | Due Date | Appeal Amount | Taxes Due |
|----------|-------------|------------|---------------|-----------|
| 2023 | 17101600140 | 10/15/2023 | Pay: N/A or | \$0.00 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|----------|---------|--------|-----------|-------------|---------|
| \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$44,894.40 | \$0.00 |



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HEATHER WALKER CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 RIVERVIEW ASSOCIATES LTD (RVI)

RIVERVIEW ASSOCIATES LTD

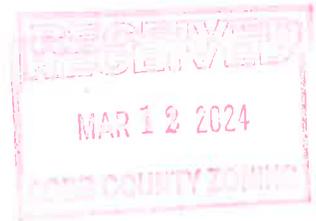
Payment Date: 11/13/2023

| Tax Year | Parcel ID | Due Date | Appeal Amount | Taxes Due |
|----------|-------------|------------|---------------|-----------|
| 2023 | 17101700040 | 10/15/2023 | Pay: N/A or | \$0.00 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|----------|---------|--------|-----------|--------------|---------|
| \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$203,040.00 | \$0.00 |



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Cobb County Online Tax Receipt

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CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
 Phone: 770-528-8600
 Fax: 770-528-8679

Payer:
 RIVERVIEW ASSOCIATES LTD (RVI)

RIVERVIEW ASSOCIATES LTD

Payment Date: 10/16/2023

| Tax Year | Parcel ID | Due Date | Appeal Amount | Taxes Due |
|----------|-------------|------------|---------------|-----------|
| 2023 | 17101700150 | 10/15/2023 | Pay: N/A or | \$0.00 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|----------|---------|--------|-----------|-------------|---------|
| \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$153.26 | \$0.00 |



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