

APPLICANT: The Kroger Company

770-496-7400

REPRESENTATIVE: Paulson Mitchell Incorporated

Ali Daughtry 770-650-7685

TITLEHOLDER: Inland Western Powder Springs Battle Ridge, LLC

PROPERTY LOCATION: Located on the northwesterly side of

Powder Springs Road, north of Macland Road and on the east side of

John Ward Road, north of Macland Road.

ACCESS TO PROPERTY: Powder Springs Road, John Ward Road

PHYSICAL CHARACTERISTICS TO SITE: Existing shopping

center

PETITION NO: Z-15

HEARING DATE (PC): 03-04-08

HEARING DATE (BOC): 03-18-08

PRESENT ZONING: NRC with

Stipulations

PROPOSED ZONING: NRC with

Stipulations

PROPOSED USE: Amend Prior Rezoning

Stipulations To Allow Kroger Fueling Station

SIZE OF TRACT: 10.8 acres

DISTRICT: 19

LAND LOT(S): 339, 340, 402, 403

PARCEL(S): 23

TAXES: PAID pending DUE _____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: RR, R-20/ Kennesaw Mountain National Battlefield Park

SOUTH: NRC/ Retail shops

EAST: GC, PSC, MHP, NRC/ State Farm, Southern Signs, Texaco, Lamplighter Mobile Home Park,

WEST: SC, OI/ undeveloped, McAdoo House office building

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

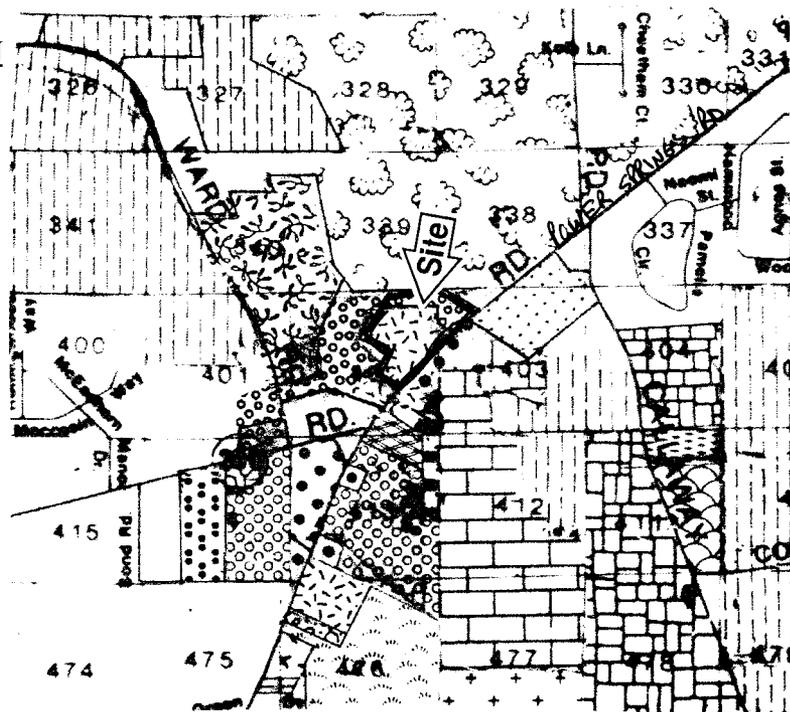
BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

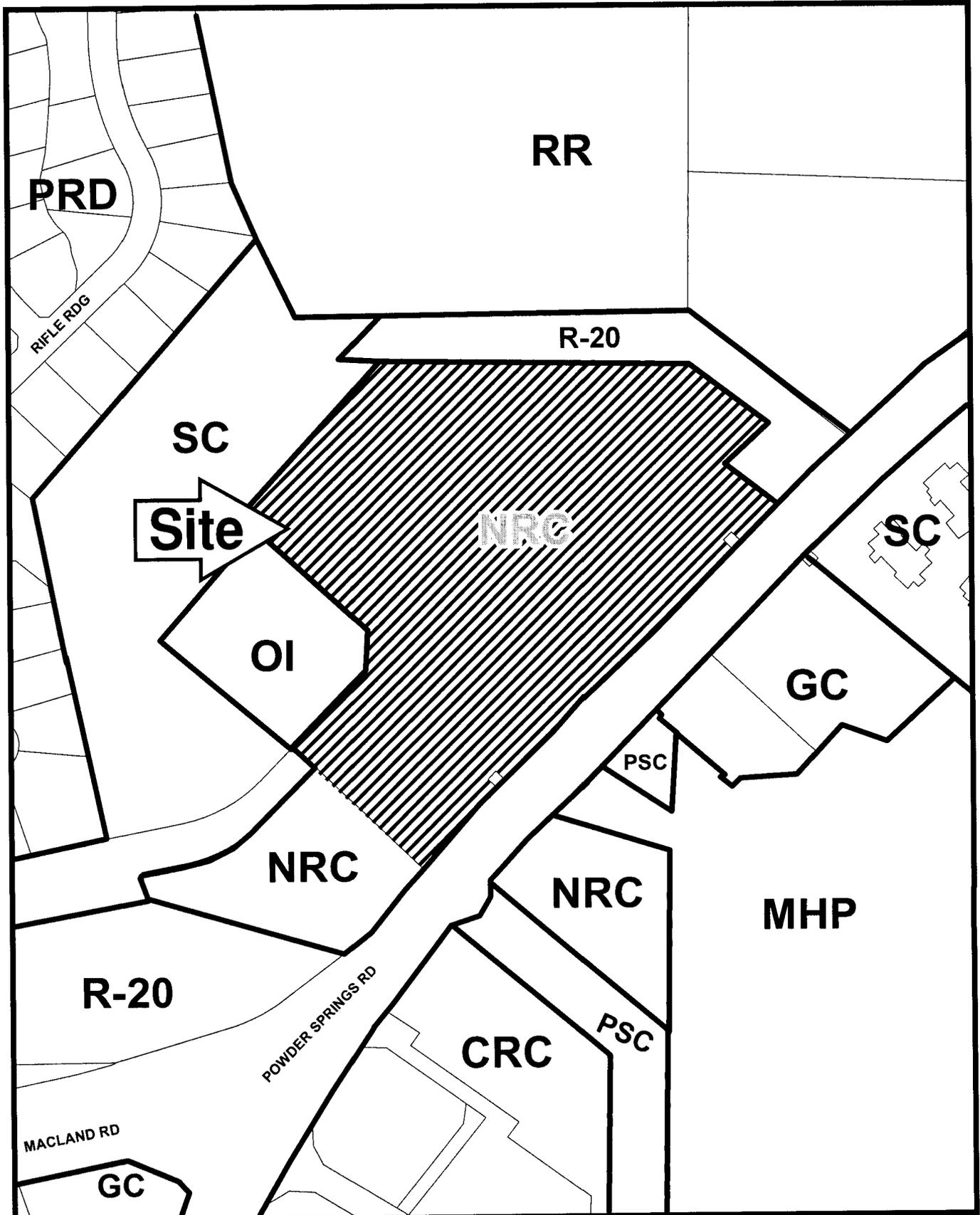
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

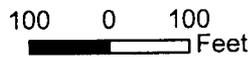
STIPULATIONS:



Z-15



This map is provided for display and planning purposes only. It is not meant to be a legal description.



 Draft Parcel Boundary
 Approximate Zoning Boundary

APPLICANT: The Kroger Company

PETITION NO.: Z-15

PRESENT ZONING: NRC with stipulations

PETITION FOR: NRC w/ stips

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 112

F.A.R. N/A

Parking Spaces Required: 471 **Parking Spaces Provided:** 480

The applicant is requesting the NRC zoning category to build a gasoline fueling station in the existing Kroger supermarket. There will be five pump islands, with ten fueling stations. There will be a small 112 square-foot attendant station. The canopy columns will be bricked to match the existing shopping center. The canopy over the fueling pumps will be 14'-18' high, with recessed lighting fixtures. The hours of operation will be 6 a.m. to 11 p.m. The previous stipulations are attached for review (see Exhibit "A").

Historic Preservation: After consulting various county historic resource surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

No comments.

APPLICANT The Kroger Company

PETITION NO. Z-015

PRESENT ZONING NRC w/ stips

PETITION FOR NRC w/ stips

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development? Yes No
Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s)

Additional Comments: No water needed

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer:

Estimated Waste Generation (in G.P.D.): **A D F** **Peak**

Treatment Plant:

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? Yes No

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

No sewer needed

Notes FYI:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: The Kroger Company

PETITION NO.: Z-15

PRESENT ZONING: NRC w/ stips

PETITION FOR: NRC w/ stips

DRAINAGE COMMENTS

FLOOD HAZARD: [] YES [X] NO [] POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley Creek FLOOD HAZARD INFO: Zone X

- [] FEMA Designated 100 year Floodplain Flood.
[] Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
[X] Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
[] Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: [] YES [X] NO [] POSSIBLY, NOT VERIFIED

Location: _____

- [] The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: [] YES [X] NO [] POSSIBLY, NOT VERIFIED

- [] Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
[] Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
[X] Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
[] Georgia DNR Variance may be required to work in 25 foot streambank buffers.
[] County Buffer Ordinance: 50' , 75' , 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- [] Potential or Known drainage problems exist for developments downstream from this site.
[] Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
[] Minimize runoff into public roads.
[] Minimize the effect of concentrated stormwater discharges onto adjacent properties.
[] Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
[] Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
[] Lake Study needed to document sediment levels.
[] Stormwater discharges through an established residential neighborhood downstream.
[] Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream _____.

APPLICANT: J & J Construction Group, Inc.

PETITION NO.: Z-15

PRESENT ZONING: NRC w/ stips

PETITION FOR: NRC w/ stips

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
Submit all proposed site improvements to Plan Review.
Any spring activity uncovered must be addressed by a qualified geotechnical engineer (PE).
Structural fill must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
Existing facility.
Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
Calculate and provide % impervious of project site.
Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown
Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
No site improvements showing on exhibit.

ADDITIONAL COMMENTS

- 1. The existing site has a stormwater management facility and no increase in runoff is anticipated from this project. However, a fuel center is considered a water quality hotspot and as such will require an oil/water separator to be installed to provide treatment for the runoff from the fuel bay area. A spill prevention plan will also be required.

APPLICANT: The Kroger Company

PETITION NO.: Z-15

PRESENT ZONING: NRC with stipulations

PETITION FOR: NRC with stipulations

TRANSPORTATION COMMENTS

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

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Powder Springs Rd	38500	Arterial	45 mph	GDOT	100'

Based on 2006 traffic counting data taken by Cobb County DOT.

COMMENTS AND OBSERVATIONS

Powder Springs Road is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Maintain right-in/right-out access at secondary driveway.

There is currently no sidewalk from the streetside sidewalks into the shopping center, and pedestrians currently walk in the inbound traffic lanes with their back to traffic to get to the store. This is made worse because the principal sign on the center partially blocks the view of drivers entering the access lane from Powder Springs southbound.

RECOMMENDATIONS

Recommend secondary driveway remain right-in/right-out.

Recommend improving pedestrian access from the streetside sidewalk to the store.

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

STAFF RECOMMENDATIONS

Z-15 THE KROGER COMPANY

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The proposal is located in the center of the property; commercial development is on all sides of the fueling station.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposal will be architecturally compatible with the shopping center, and there are fueling stations in the area.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The proposal is consistent with the *Cobb County Comprehensive Plan*. The proposal is located in a commercial node having several commercial uses. The applicant's agreement to match the shopping center's architectural style will help to blend the fueling station into the surroundings.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan dated January 04, 2008;
- Hours of operation to be 6:00 a.m. to 11:00 p.m.;
- District Commissioner approve the final architectural plan;
- No outdoor display of merchandise;
- Canopy lighting (included lenses) be flush with the bottom of the canopy;
- County Arborist review and approve all landscaped areas;
- All previous zoning stipulations (not in conflict with the fuel station addition);
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

ORIGINAL DATE OF APPLICATION: 11/97

Z-15/2008
Exhibit "A"
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APPLICANT'S NAME: JEBCO VENTURES, INC.

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

BOC DECISION OF 11-18-97 ZONING HEARING: JEBCO VENTURES, INC.

(Estate of John S. Walker, Estate of Agnes M. W. MacKenzie, B. B. Walker and J. J. Walker, owners) for Rezoning from R-20 to PRD, LRO and NRC for the purpose of Single Family Homes, Retail Sales and Offices in Land Lots 339, 340, 401, 402 and 403 of the 19th District. 57.84 acres. Located on the west side of Powder Springs Road, east side of John Ward Road, north of Macland Road. By consensus, the Board of Commissioners allowed extended time for presentations by the applicant and the opposition. The Board of Commissioners approved Rezoning to the PRD, LRO and NRC zoning districts subject to: 1) staff recommendations (departmental comments included in analysis) of: a) all residential lots along John Ward Road to be a minimum of 15,000 square feet; b) installation of a 20 foot buffer along John Ward Road; c) Cemetery Preservation comments/recommendations; d) Historic Preservation comments/recommendations; e) Stormwater Management Division comments/recommendations; f) Cobb DOT comments/recommendations; g) 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; h) owner/developer required to meet all Cobb County development requirements and ordinances related to project improvements -- if conflict exists between the departmental comments and the below listed letters - the departmental comments will control; 2) stipulations as included in representative's letter of agreeable conditions dated 11-13-97 (letter and exhibits to letter are attached and made a part hereof); 97 (attached and made a part hereof). Motion by Cooper, second by Byrne, carried 3-2, Wysong and J. Thompson opposed.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY COMPANY

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

November 13, 1997

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON
ROBERT D. INGRAM
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
SARAH L. BARGO
DIANE M. BUSCH
DAVID IAN MATTHEWS
JERE C. SMITH
CLAYTON O. CARMACK
MICHELLE S. DAVENPORT
KEVIN B. CARLOCK

ALEXANDER T. GALLOWAY III
G. ANDY ADAMEK
J. KEVIN MOORE
S. GREGORY WAGNER
WILLIAM C. BUHAY
SUSAN W. SMITH
MICHAEL W. KITCHENS
RODNEY R. McCOLLOCH
DANIEL A. LANDIS*
RICHARD C. FOSTER
BRIAN D. SMITH
HARRY R. TEAR III
MICHAEL R. WING
W. TROY HART
* ALSO ADMITTED IN NC

Z-15/2008
Exhibit "A"
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POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE
(770) 429-1499

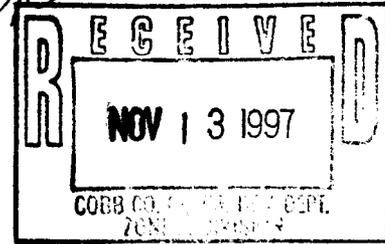
TELECOPIER
(770) 429-8631

WRITER'S DIRECT DIAL NUMBER

Hand Delivered

Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
Suite 500
100 Cherokee Street
Marietta, Georgia 30090-9674

*Z-142-letter as
referenced in BOC
minutes of 11-18-97.
Karen Heach*



*Note: If in conflict to departmental
comments - departmental comments
will control. @*

RE: Application for Rezoning

Application No.: Z-142

Applicant: Jebco Ventures, Inc.

Owners: Estate of John S. Walker;
Estate of Agnes M. Walker
MacKenzie; Benjamin D. Walker;
and Johnny M. Walker

Property: 57.84 acres located on
Powder Springs Road and
John Ward Road, Land Lots 339,
340, 401, 402, and 403,
19th District, 2nd Section,
Cobb County, Georgia

Dear Ed:

As you know, this firm represents Jebco Ventures, Inc., the Applicant (hereinafter referred to as "Applicant"), and the Estate of John S. Walker, the Estate of Agnes M. Walker MacKenzie, Benjamin D. Walker, and Johnny M. Walker (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to the above-referenced property. After meeting with planning and zoning staff, meetings with adjoining homeowners and

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Principal Planner
Zoning Division
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*Z-142 attachment
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interested homeowner groups, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this letter of agreed stipulations 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 property. This letter shall supersede and replace in full our previous letter to you dated October 30, 1997, submitted to the Zoning Office on October 31, 1997, as well as the letter dated November 3, 1997, to Mt. Zion Baptist Church and submitted to the Zoning Office at the Planning Commission Hearing on November 4, 1997. The referenced stipulations are as follows:

GENERAL STIPULATIONS APPLICABLE TO ALL CATEGORIES

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the subject property.
- (2) Rezoning of the subject property will be from the R-20 zoning category to the Planned Residential Development ("PRD"), Low Rise Office ("LRO"), and Neighborhood Retail Commercial ("NRC") zoning categories with reference being made to that certain site plan prepared for Jebco Ventures, Inc. by DGM Land Planning Consultants dated August 7, 1997, last revised November 3, 1997, with regard to the total acreage of 57.84 acres.
- (3) The McAdoo House shall remain in its current location as shown and depicted in Parcel B on the referenced site plan. There shall be as little disturbance as is possible within the areas comprising the McAdoo House and grounds in order to preserve natural foliage and specimen trees.

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- (4) Applicant agrees to work with the Cobb County Historic Society and Cobb Landmarks in permitting restoration of the McAdoo House and grounds as an historical site.
- (5) Applicant agrees to provide to Mt. Zion Baptist Church ingress and egress from its primary entrance generally at Oxford Drive and Powder Springs Road through the proposed development's parking area.
- (6) With regard to the twenty (20) foot landscape buffer which is shown on that certain site plan located between the LRO proposed development and the Mt. Zion Baptist Church property, Applicant agrees to grant to Mt. Zion Baptist Church ingress and egress through said buffer so as to allow Mt. Zion Baptist Church access to the rear of its church building.
- (7) Access to the proposed development off Powder Springs Road and John Ward Road shall be as shown and reflected on the referenced site plan with the following specifics:
 - (a) With regard to the most southerly entrance to the proposed development off John Ward Road, Applicant agrees to so construct said access to permit left turns in, right turns in, and right turns out but to prohibit left turns out.
 - (b) Applicant agrees to erect signage at the entrance prohibiting deliveries, truck traffic, and thru traffic.
 - (c) Applicant agrees to install and construct speed bumps along this access way.
 - (d) Applicant agrees to install and construct a concrete island divider prohibiting a left-turn out from the center.

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Cobb County Community
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- (e) Applicant agrees to extend the left turn lane from John Ward Road into the LRO portion of the proposed development in order to accommodate left turning traffic into the center or, in the alternative, to widen the right lanes to facilitate traffic flow around left turning vehicles.

- (8) Applicant agrees to construct and install deceleration lanes for ingress and egress points from Powder Springs Road and John Ward Road.

- (9) Applicant agrees to a no access easement ten (10) feet in width along all lots abutting John Ward Road.

- (10) Applicant agrees that all cul de sacs in the PRD portion of the proposed development shall meet minimum Cobb County development standards before final approval.

- (11) All work encroaching upon state right-of-way of Powder Springs Road shall require Georgia Department of Transportation approval.

- (12) All detention ponds shall be fenced with black chain link fencing with the outside of the fencing being landscaped.

- (13) Applicant agrees to prepare and submit a hydrology study addressing stormwater concerns prior to or at the time of plan review.

- (14) There shall be no telecommunications towers or monopoles on any portion of the proposed development excepting only such telecommunications equipment which serves uses within the proposed development.

- (15) Entrance signage for the proposed development shall be ground based, monument style signage, shall be internally illuminated or "up-lit" and shall contain no flashing

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sign components. There shall be no roof signs, no billboards, and no exterior temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming development.

- (16) Should Applicant desire to make any material change or alteration to the exteriors of the buildings proposed in the NRC and LRO portions of the proposed development, such changes shall be approved by an Architectural Control Committee by simple majority vote of said Committee. The Architectural Control Committee shall have jurisdiction and authority only with regard to the provisions of this paragraph. Said Committee shall be comprised of the following:
- (a) One representative of Applicant;
 - (b) One representative from People Looking After Neighborhoods, Inc. ("P.L.A.N."); and
 - (c) One representative of the Zoning Division of the Cobb County Community Development Department.
- (17) Applicant agrees to pay the full costs for the design and installation of a traffic signal at the entrance to the NRC portion of the proposed development off Powder Springs Road, generally opposite Oxford Drive. This traffic signal is subject to approval by the Georgia Department of Transportation.
- (18) Wherever in the proposed development retaining walls are necessary, cross-ties and poured concrete are prohibited.

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BUFFER AREAS APPLICABLE TO ALL PARCELS

- (19) Applicant agrees to an undisturbed buffer fifty (50) feet in width lying immediately northerly and adjacent to Mt. Zion Cemetery together with the construction of a fence six (6) feet in height of black chain link along the boundary of the proposed development to the cemetery side of the buffer.
- (20) Applicant agrees to an undisturbed buffer twenty (20) feet in width along the property's frontage with John Ward Road.
- (21) A landscaped buffer twenty (20) feet in width located between the proposed PRD and LRO developments and along the northerly side of the southerly access to John Ward Road. A solid wooden fence eight (8) feet in height shall be constructed on the LRO side of the buffer except that it shall be along the residential side of the access portion.
- (22) Applicant agrees to a buffer fifty (50) feet in width and located between the National Park property and the LRO and NRC portions of the proposed development. The thirty (30) feet closest to the National Park property shall remain as an undisturbed buffer with the remaining twenty (20) feet of said buffer being a landscaped buffer having constructed thereon a berm six (6) feet in height.
- (23) There shall be a buffer ten (10) feet in width between the PRD portion of the proposed development and the National Park boundary which shall be undisturbed where foliage currently exists and planted where foliage does not exist.

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- (24) With regard to all buffers, same may be penetrated for installation of utilities, access, and stormwater drainage requirements.
- (25) All landscaping referenced within the proposed development, whether in buffers or otherwise, shall be approved by the Cobb County staff during the plan review process.

NRC TRACT

- (1) Rezoning of a portion of the subject property will be from the R-20 zoning category to the NRC zoning category with reference being made to that certain site plan prepared for Jebco Ventures, Inc. by DGM Land Planning Consultants dated August 7, 1997, last revised November 3, 1997, with regard to 10.8 acres, and specifically delineated on said site plan as Parcel C.
- (2) The Kroger Center shall be of brick construction (reddish tone brick) on three (3) sides with the fourth side (rear) being painted in a color complementary to the brick.
- (3) The architectural style and elevation of the proposed center shall be pursuant to that certain elevation plan presented at the meeting held on October 28, 1997, at the offices of Moore Ingram Johnson & Steele, LLC among Applicant, P.L.A.N., and subdivision representatives of The Overlook, Loring's Square, Walker's Ridge, and Willowbrook and further presented at the public hearing before the Cobb County Board of Commissioners.
- (4) All grassed areas shall be sodded.

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- (5) Environmentally sensitive shoe-box type lighting shall be utilized on poles with a maximum height of thirty (30) feet (poles adjacent to the National Park shall be a maximum of eighteen (18) feet in height). Poles shall be bronze in color. Security lights for the center shall be illuminated only after business hours.
- (6) All mechanical shall be screened by roof lines of the buildings or screened by landscaping and fences.
- (7) The NRC portion of the proposed development shall be limited to one commercial out parcel. The uses allowable for such out parcel are restricted in that there shall be no liquor or package store sales, no automotive or automotive-related sales, and no primarily adult-themed businesses.
- (8) The out parcel construction shall be of complementary architecture and color to the Kroger Center.

LRO TRACTS

- (1) Rezoning of a portion of the subject property will be from the R-20 zoning category to the LRO zoning category with reference being made to that certain site plan prepared for Jebco Ventures, Inc. by DGM Land Planning Consultants dated August 7, 1997, last revised November 3, 1997, with regard to a total of 15.44 acres, and specifically delineated on said site plan as Parcel B and Parcel D.
- (2) The buildings within the LRO portion of the proposed development shall be traditional in style and complementary in architecture and color to the Kroger Center. They shall have exteriors constructed of brick,

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stucco-type materials, Hardi-plank, or equivalent, or combinations thereof.

- (3) Applicant agrees to prepare and record restrictive covenants requiring maintenance and upkeep of the LRO portion of the proposed development.
- (4) All grassed areas must be sodded.
- (5) All mechanical shall be screened by roof lines of the buildings or by landscaping and fencing.
- (6) Environmentally sensitive shoe-box type lighting shall be utilized on poles with a maximum height of thirty (30) feet (poles adjacent to the National Park shall be a maximum of eighteen (18) feet in height). Poles shall be bronze in color. Security lights shall be illuminated only after business hours.

PRD TRACTS

- (1) Rezoning of a portion of the subject property shall be from the R-20 zoning category to the PRD zoning category pursuant and specific to the preliminary plan prepared for Jebco Ventures, Inc. by DGM Land Planning Consultants dated August 7, 1997, last revised November 3, 1997, specifically delineated on said site plan as Parcel A.
- (2) The subject property shall be developed for single-family residences upon a total area of 31.6 acres, and shall have a total of 63 units upon said total acreage, for a net density of 2.0 units per acre.
- (3) All residences constructed in the PRD portion of the proposed development shall be traditional in styling and

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shall have a minimum of 1,800 square feet of heated living area.

- (4) All residences constructed must have foundations on the front and sides which match the front facade material, and any siding employed in the construction must be Hardi-plank or equivalent thereto.
- (5) The minimum lot size of the proposed development shall be 8,400 square feet, with an overall approximate average lot size of 15,000 square feet.
- (6) All lots in the proposed development shall have the following setbacks:
 - (a) Front setback - Twenty-five (25) feet;
 - (b) Rear setback - Twenty-Five (25) feet; and
 - (c) Side setback - Five (5) feet
(minimum fifteen (15) feet
between buildings).
- (7) The front entrance to the proposed development shall be heavily landscaped with trees and shrubs to provide spring and fall color. Entrance signage shall be ground based, monument style signage of brick or stacked stone construction.
- (8) All units within the entire proposed development shall have sodded front and side yards.
- (9) The area contained within the Georgia Power easement one hundred (100) feet in width shall have walking trails and landscaping from its northerly beginning to the NRC portion of the proposed development.

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
Page Eleven
November 13, 1997

*Z-142 Attachment
pg. # 11*

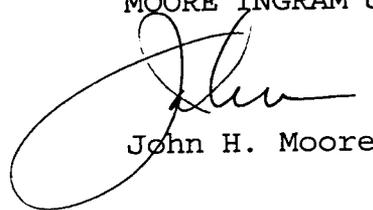
- (10) The open space shown and reflected on the referenced site plan shall be of a passive nature and connected with the Georgia Power easement and walking trails (open space required 1.45 acres; open space reflected on site plan 4.57 acres).
- (11) Applicant agrees to a mandatory homeowners' association with restrictive covenants consistent with neighboring communities and specifically providing a prohibition of destruction of any portion of the undisturbed buffer area along John Ward Road and no trail blazing within the National Park.

We believe that the requested zoning, pursuant to the referenced site plan and the stipulations contained herein, is an appropriate use of the subject property while taking into consideration the properties and owners thereof surrounding the proposed development. Thank you for your consideration in this matter.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLC



John H. Moore

JHM:cc

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
Page Twelve
November 13, 1997

*Z-142 Attachment
pg. # 12*

c: Cobb County Board of Commissioners:
William J. Byrne, Chairman
William A. Cooper
George Woody Thompson, Jr.
Joe L. Thompson
Gordon J. Wysong

Ms. Denise Rose, President
P.L.A.N.

Mr. John Cissell
Kennesaw Mountain National Park

Mrs. Jan Hair
The Overlook Homeowners Association

Ms. Nancy Tatnall
Lorings Square Homeowners Association

Mr. Bob Millinor
Walker's Ridge Homeowners Association

Ms. Annette Gunter
Willowbrook Subdivision

Mr. L. C. Manous
Board of Deacons
Mt. Zion Baptist Church

2-142- site plan as referenced in 11-13-97 stipulated

Preliminary Plan

Large Plan in File

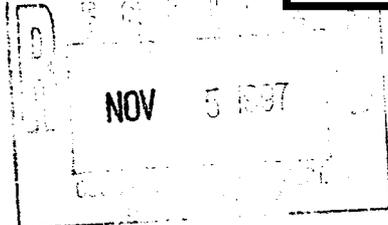
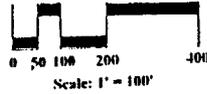
Powder Springs Road Tract

Cobb County, Georgia Land Lots 339, 340, 401, 402, & 403 19th District, 2nd Section

prepared for:

Jebco Ventures, Inc.

August 7, 1997
 rev. October 8, 1997
 rev. November 3, 1997



Site Data

Total Site Area: 57.84 AC
 Present Zoning: R-20

Parcel A

Single Family Subdivision
 Site Area: 31.6 AC
 Total Lots Shown: 63
 Density: 2.06 UN/AC
 Proposed Zoning: FRD
 Minimum House Size: 1,800 SF
 Minimum Lot Size: 8,400 SF
 Average Lot Size: 15,000 SF
 Building Setbacks: Front: 25'
 Back: 25'
 Side: 5'
(min. 17' between buildings)

Open Space Required @ 1,000 SF/UN =
 63,000 SF (1.43 AC)
 Open Space Shown: 4.57 AC

Parcel B

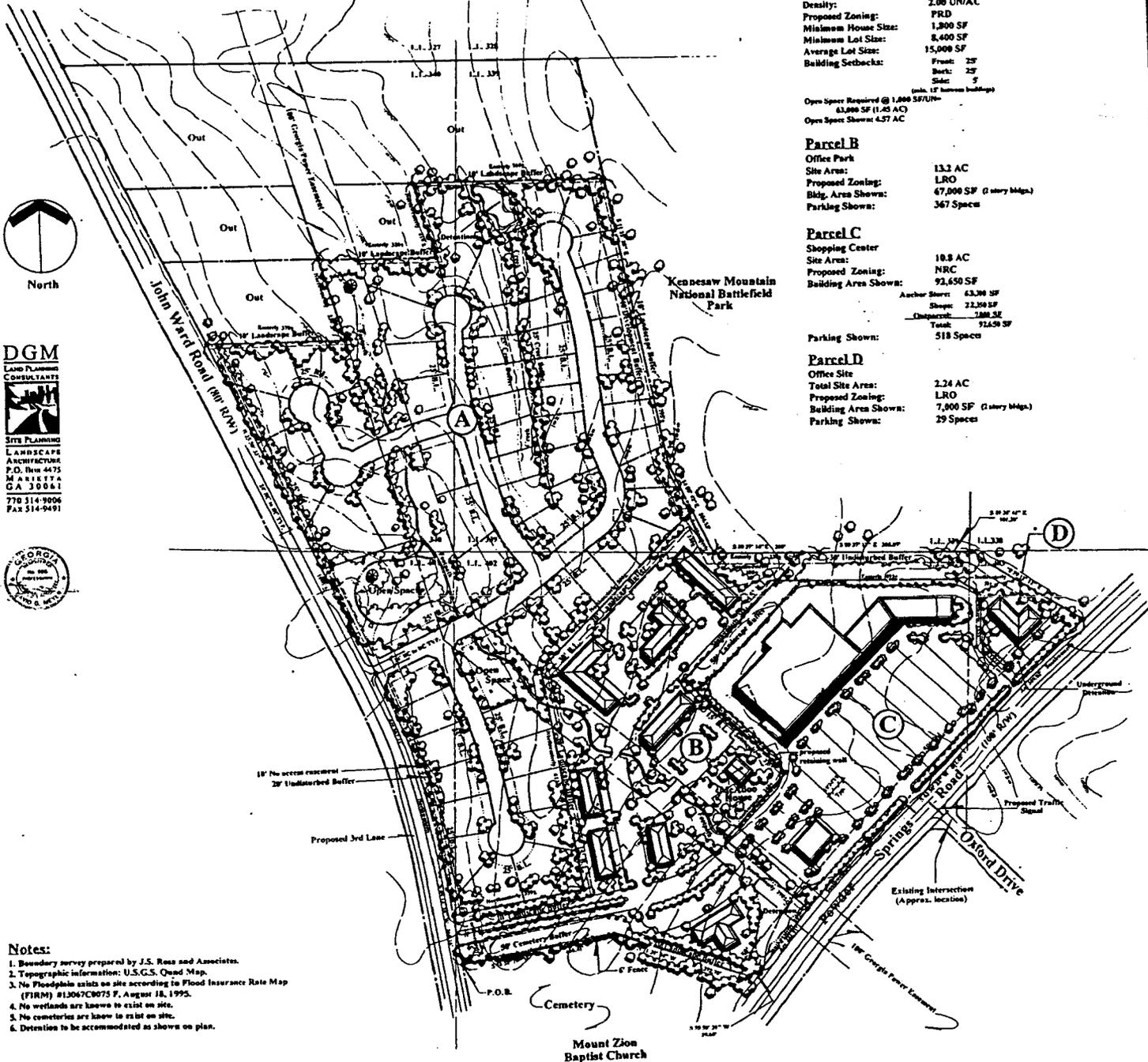
Office Park
 Site Area: 13.3 AC
 LRO
 Proposed Zoning: 47,000 SF (factory bldgs.)
 Parking Shown: 367 Spaces

Parcel C

Shopping Center
 Site Area: 18.8 AC
 NRC
 Proposed Zoning: 92,650 SF
 Building Area Shown: 63,200 SF
 Anchor Store: 22,000 SF
 Shops: 18,000 SF
 Department: 10,000 SF
 Total: 51,000 SF
 Parking Shown: 518 Spaces

Parcel D

Office Site
 Total Site Area: 2.24 AC
 LRO
 Proposed Zoning: 7,000 SF (factory bldgs.)
 Building Area Shown: 29 Spaces



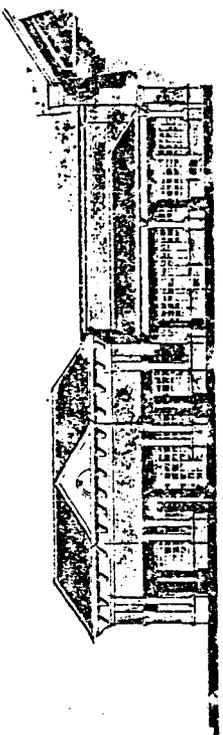
DGM
 Land Planning
 CONSULTANTS
 SITE PLANNING
 LANDSCAPE
 ARCHITECTURE
 P.O. Box 4475
 Marietta
 GA 30066
 770 514-9006
 Fax 514-9491



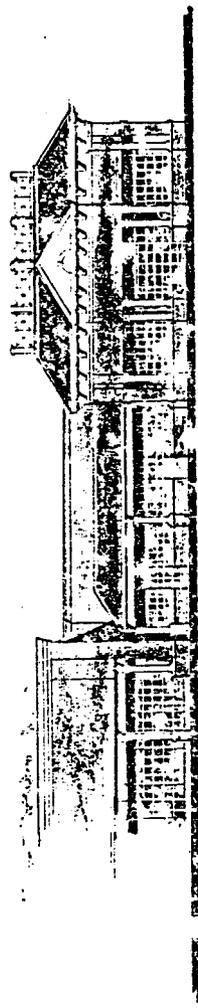
- Notes:**
1. Boundary survey prepared by J.S. Ross and Associates.
 2. Topographic information: U.S.G.S. Quad Map.
 3. No Floodplain exists on site according to Flood Insurance Rate Map (FIRM) #13067C0075 F, August 18, 1995.
 4. No wetlands are known to exist on site.
 5. No cemeteries are known to exist on site.
 6. Detention to be accommodated as shown on plan.

2-142. Elevation plan referenced in 11-13-97 stipulated letter
Cg

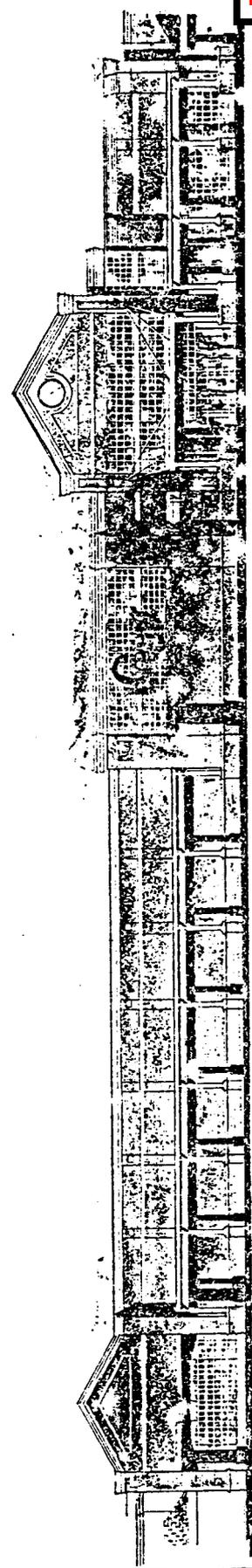
Large drawings
not found in
file.



PROPOSED FRONT ELEVATION
SCALE: 1/8"=1'-0"



PROPOSED FRONT ELEVATION
SCALE: 1/8"=1'-0"



PROPOSED FRONT ELEVATION
SCALE: 1/8"=1'-0"

Stipulation Revisions and Additions
Zoning Case Z-142
Jebco Ventures, Inc.
November 18, 1997

*Z-142 - letter as
referenced in box
minutes of 11-18-97.
Karen Klean*

1. Page 8, LRO Tracts #2 - at least 50% of each building should be brick..
2. Page 8 NRC Tract #7 - the commercial outparcel to exclude drive-thru fast food restaurants because of additional traffic complications.
3. Page 8, NRC Tract #5 - after business hours or 12 a.m. midnight, whichever comes first.
4. New stipulation: Any undisturbed buffer shall not be destroyed either intentionally or accidentally.
5. New stipulation: A member of PLAN (People Looking After Neighborhoods) and an employee of the National Park Service shall be present for the designating and marking of tree-save areas.

FILED WITH COUNTY CLERK THIS 18th DAY
OF NOV, 1997 BY Nancy Tatnel
RE: Z-142

Karen Klean
COUNTY CLERK / DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA