

THE PROVIDE SOLUTIONS™
PLANNERS AND ENGINEERS COLLABORATIVE
 1115 HAZARDWOOD DRIVE
 SUITE 200
 ATLANTA, GEORGIA 30328
 PHONE: 770-996-1099
 FAX: 770-996-1098
 WWW.PVCSOL.COM

V-62
 (2009)

REVISION

NO.	DATE	BY	DESCRIPTION

ZONING VARIANCE PLAN

SCALE: 1" = 40'
 DATE: SEPT. 21, 2009
 PROJECT: 09061.00


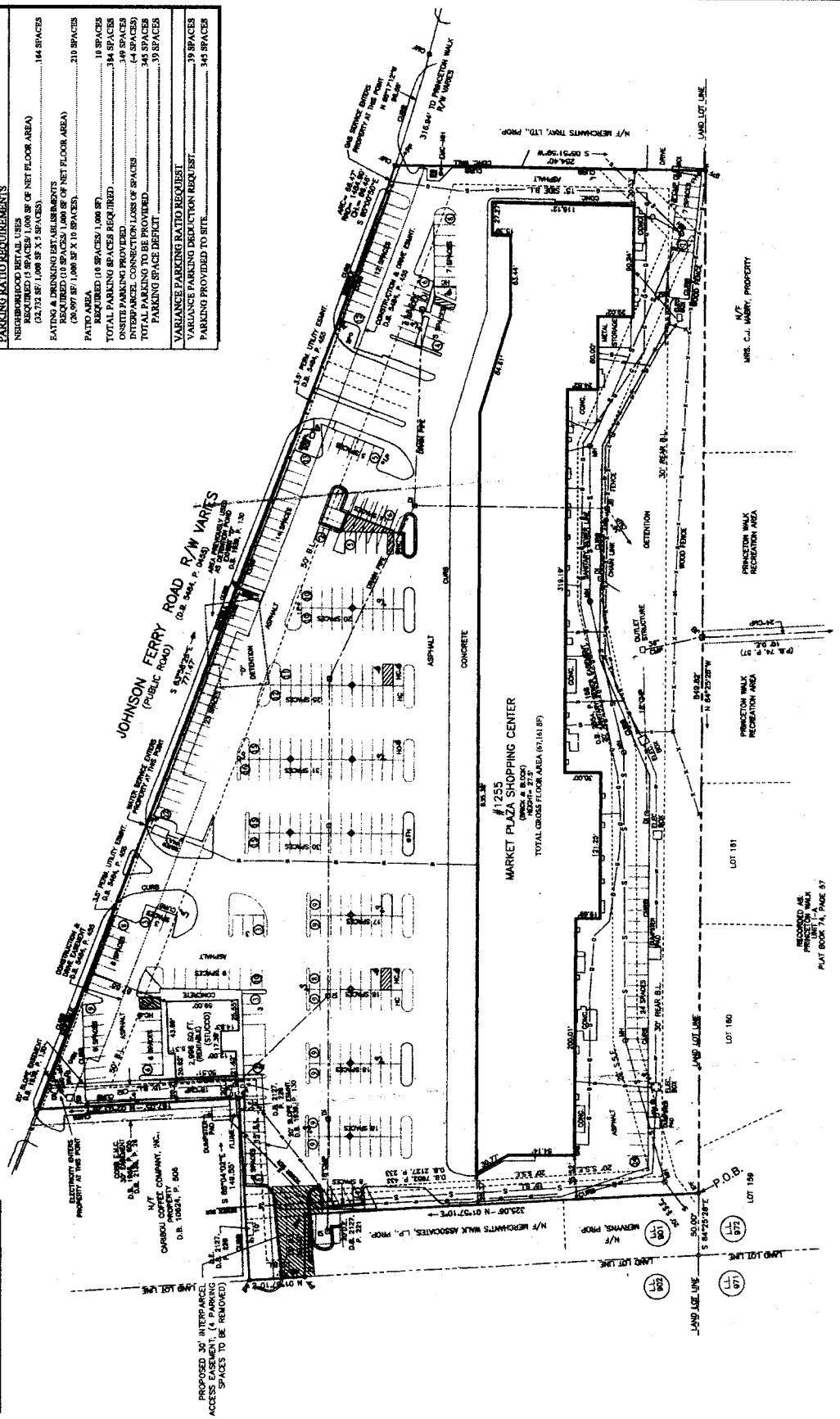
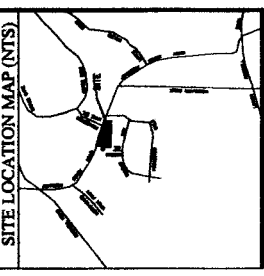


JOHNSON FERRY ROAD at PRINCETON LAKE DRIVE
 A MASTER PLANNED COMMERCIAL DEVELOPMENT

SITE DATA:

TOTAL SITE AREA	7.901 ACRES
PROPERTY ADDRESS	125 JOHNSON FERRY ROAD
EXISTING ZONING	N5 (NEIGHBORHOOD SHOPPING)
ZONING JURISDICTION	CLATSOP COUNTY
BUILDING DATA:	
TOTAL GROSS FLOOR AREA	67,161 SF
NEIGHBORHOOD RETAIL (NRS)	48,915 SF
GROSS FLOOR AREA	37,732 SF
100% REDUCTION OF GROSS FLOOR AREA	26,246 SF
EATING & DRINKING ESTABLISHMENTS	3,097 SF
GROSS FLOOR AREA	1,000 SF
100% REDUCTION OF GROSS FLOOR AREA	1,000 SF
PARKING RATIO REQUIREMENTS	
NEIGHBORHOOD RETAIL LINES	164 SPACES
REQUIRED (5 SPACES/1,000 SF OF NET FLOOR AREA)	
(32,732 SF / 1,000 SF X 5 SPACES)	
EATING & DRINKING ESTABLISHMENTS	210 SPACES
REQUIRED (10 SPACES/1,000 SF OF NET FLOOR AREA)	
(26,246 SF / 1,000 SF X 10 SPACES)	
PATIO AREA	19 SPACES
REQUIRED (10 SPACES/1,000 SF)	
TOTAL PARKING SPACES REQUIRED	394 SPACES
PROPOSED	345 SPACES
INTERNAL CONNECTION LOSS OF SPACES	(4) SPACES
TOTAL PARKING TO BE PROVIDED	345 SPACES
PARKING SPACE DEFICIT	39 SPACES
VARIANCE PARKING RATIO REQUEST	39 SPACES
VARIANCE PARKING DEDUCTION REQUEST	345 SPACES
PARKING PROVIDED TO SITE	

24 HOUR CONTACT:
 EARLY MUNTZING @ 770-396-1099

RECORDED AS
 PLAT BOOK 74, PAGE 97

APPLICANT: The Muntzing Sattelle Company **PETITION NO.:** V-92
PHONE: 770-396-1099 **DATE OF HEARING:** 12-09-09
REPRESENTATIVE: Garvis L. Sams **PRESENT ZONING:** NS
PHONE: 770-422-7016 **LAND LOT(S):** 901
PROPERTY LOCATION: Located on the south side of Johnson Ferry Road, south of Roswell Road (1255 Johnson Ferry Road). **DISTRICT:** 16
SIZE OF TRACT: 7.905 acres
COMMISSION DISTRICT: 2
TYPE OF VARIANCE: Waive the number of parking spaces from the required 384 spaces to 345 spaces.

COMMENTS

TRAFFIC: Recommend a recorded access easement for inter-parcel access as shown on the plan.

DEVELOPMENT & INSPECTIONS: No comments.

STORMWATER MANAGEMENT: No comments.

HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

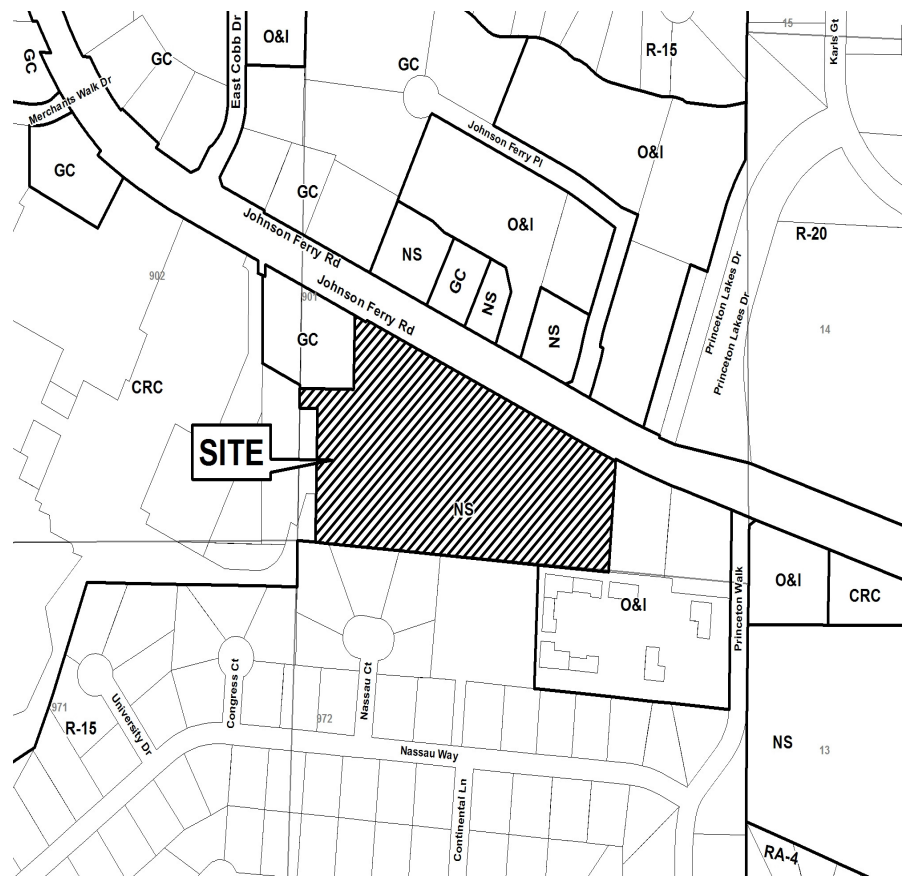
CEMETERY PRESERVATION: No comment.

WATER: No comment.

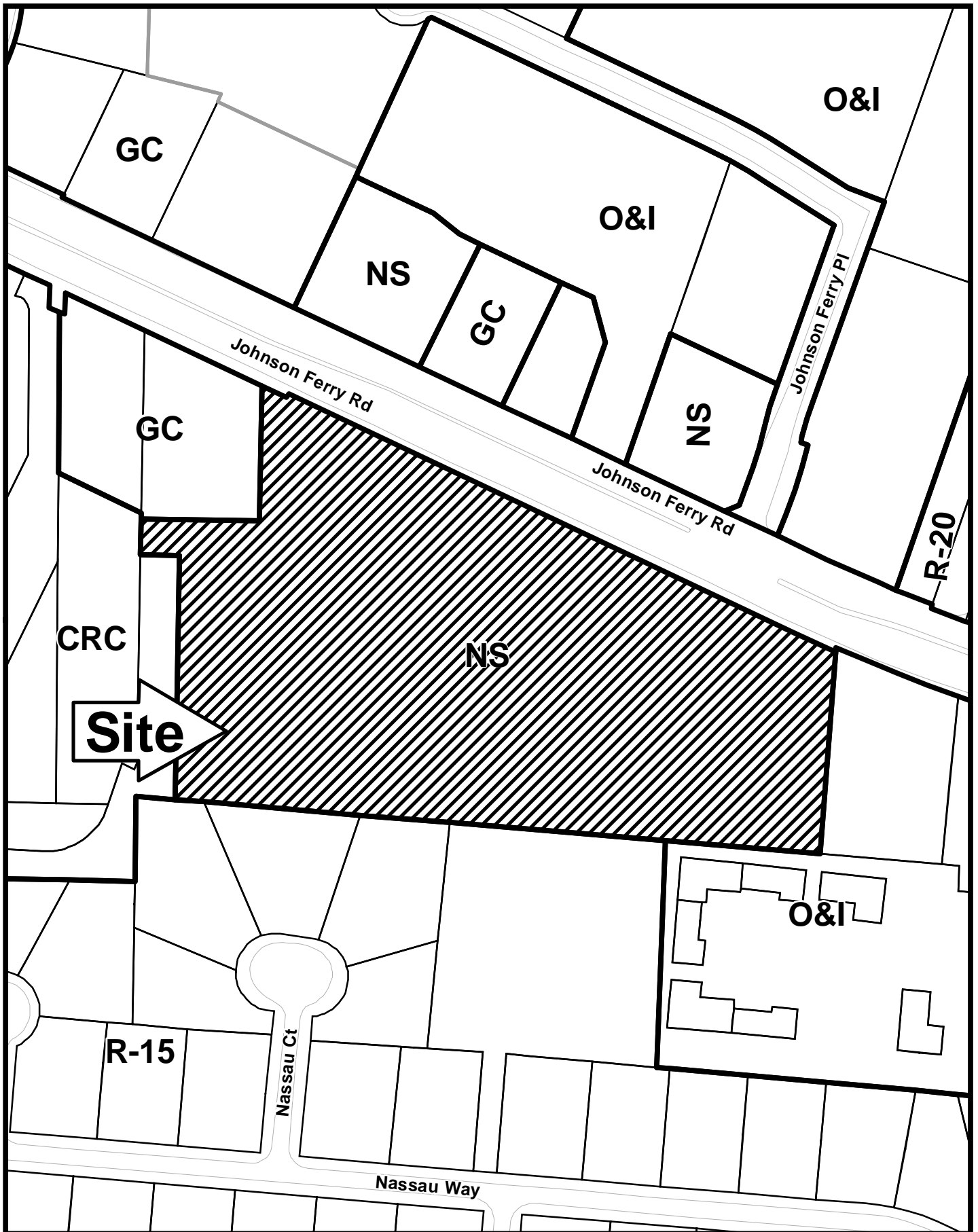
SEWER: No comment.

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

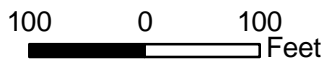
BOARD OF APPEALS DECISION
APPROVED _____ **MOTION BY** _____
REJECTED _____ **SECONDED** _____
HELD _____ **CARRIED** _____
STIPULATIONS: _____



V-92



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



Application for Variance Cobb County

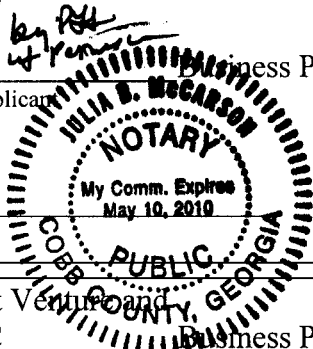
(type or print clearly)

Application No. V-V-92
Hearing Date: 12-9-09

Applicant The Muntzing Sattelle Company Business Phone (770) 396-1099 Home Phone _____
SAMS, LARKIN & HUFF, LLP 376 Powder Springs Street, Suite 100
Garvis L. Sams, Jr. Address Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)

By: Garvis L. Sams, Jr. *by RL* Business Phone (770) 422-7016 Fax (770) 426-6583
Garvis L. Sams, Jr., Attorney for Applicant

My commission expires: _____



Signed, sealed and delivered in presence of:

Julia B. McCarsen
Notary Public

Market Plaza Joint Venture
Titleholder Camp Creek, LLC Business Phone (770) 396-1099 Home Phone _____

Signature SEE ATTACHED Address: _____
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Present Zoning of Property Neighborhood Shopping (NS)

Location South side of Johnson Ferry Road (1255 Johnson Ferry Road)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 901 District 16th Size of Tract 7.59 Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property XX Shape of Property XX Topography of Property _____ Other _____

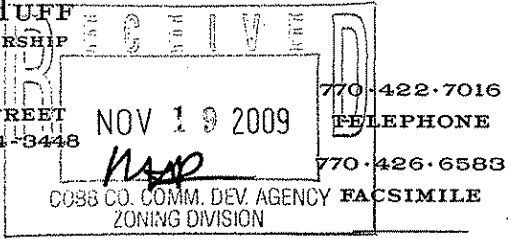
The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance.

A literal interpretation or enforcement of Cobb County Zoning Ordinance provisions with respect to parking ratio requirements precludes the as-built utilization of the subject property and constitutes a hardship.

List type of variance requested: A waiver of parking requirements from the required 384 parking spaces to 345 parking spaces (a total of 39 spaces).

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448



GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

MELISSA P. HAISTEN
JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

November 19, 2009

VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
191 Lawrence Street
Suite 300
Marietta, Georgia 30060-1661

Re: Variance Application of The Muntzing Sattelle Company
(No. V-92)

Dear Mark:

As you know, this firm represents The Muntzing Sattelle Company ("Muntzing") concerning the above-captioned Variance Application which is scheduled to be heard and considered by the Cobb County Board of Zoning Appeals ("BZA") on December 9, 2009.

The Variance Application seeks a waiver of parking requirements from the required 384 parking spaces to 345 parking spaces (a total of 39 spaces). Historically, since Muntzing purchased the subject property (Market Plaza) in 1988, building permits, business licenses and Certificates of Occupancy have been regularly granted without parking issues being discussed. However, even though the parking ratio has always been and still is adequate to service Market Plaza, the evolution of users/tenants, with a trend toward restaurant utilization, has left Muntzing in a position where it is 39 spaces short of Ordinance requirements.

While this application has been pending, we have established a dialogue with District BZA Member Kim Swanson and with representatives of the East Cobb Civic Association ("ECCA"). Additionally, regarding issues related to the variance request, we have also established a dialogue and met with Commissioner Bob Ott. Based upon those discussions, Muntzing is agreeable to the following stipulations becoming conditions and a part of the grant of the requested variance and binding upon the subject property thereafter:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned Variance Application.

VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
Page 2
November 19, 2009

2. Maintaining inter-parcel access between Market Plaza and Merchant's Walk consistent with the terms and provisions of that certain Easement Agreement, dated August 7, 2009, submitted under separate cover to BZA Member Kim Swanson (and BZA Members) on November 11, 2009, and which is being submitted contemporaneously herewith to the Zoning Division.
3. Even though the Easement Agreement does not contemplate the right to count any of the parking spaces for ratio purposes or to utilize any of the parking spaces between the two shopping centers, no signage will be erected which appears to prohibit such parking in view of the fact that same might discourage inter-parcel access and adversely affect the overall intent of the Easement Agreement.
4. The implementation of a landscape plan along the subject property's frontage in order to achieve landscaping and aesthetic continuity along said frontage consistent with the landscaping plans for Merchant's Walk. In order to effectuate such a landscape plan, Muntzing shall be allowed to convert no more than eleven (11) but not less than six (6) existing parking spaces along the subject property's frontage in order to accommodate the additional landscaping.¹

The landscape plan shall be subject to the County Arborist's review and approval with respect to configuration, species and types of vegetation with Muntzing being allowed to implement the landscape plan simultaneously with or immediately subsequent to the landscape plan being implemented for the Merchant's Walk frontage.

5. Trucks, vans, vehicles and other equipment belonging to the tenants of Market Plaza may not be parked next to the Johnson Ferry Road frontage and used for advertising purposes. However, said vehicles, for purposes of security, may be parked within the interior portions of the shopping center's parking lot.
6. Independent laborers and/or employees of businesses within Market Plaza shall not be allowed to carry or display signage regarding business activities such as "going out of business" or "liquidation sales".

¹ Muntzing voluntarily re-landscaped its parking lot in the Spring of 2005 spending in excess of \$100,000.00 for new landscape islands, plants, irrigation systems and professional landscaping fees.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. Mark A. Danneman, Manager
Cobb County Zoning Department
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November 19, 2009

Please do not hesitate to call should you or your staff require any further information or documentation prior to the formulation of your Variance Analysis and recommendations to the BZA. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc
Enclosure

- cc: Chairman Murray Homan – VIA First Class Mail – w/o enclosure
Members, Cobb County Board of Zoning Appeals – VIA E-Mail – w/o enclosure
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail – w/o enclosure
Ms. Karen King, Assistant County Clerk – VIA Hand Delivery - w/o enclosure
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery - w/o enclosure
Ms. Jane Stricklin, P.E., Development & Review Engineer – VIA E-Mail – w/o enclosure
Mr. David Breaden, P.E., Senior Stormwater Review Engineer – VIA E-Mail – w/o enclosure
Mr. Marvin Shams, ECCA – VIA E-Mail – w/o enclosure
Ms. Jill Flamm, Vice President, ECCA – VIA E-Mail – w/o enclosure
Mr. Bob Ott, Commissioner – VIA Hand Delivery – w/o enclosure
Mr. Early Muntzing, The Muntzing Sattelle Co. – VIA E-Mail - w/o enclosure