

**APRIL 15, 2014 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM # 1**

**PURPOSE**

To consider a stipulation amendment for Maribel Gonzalez regarding rezoning application Z-151 of 2004 (Ransom Development Corporation), for property located on the west side of Powder Springs Road, north of Green Drive in Land Lots 475 and 488 of the 19<sup>th</sup> District.

**BACKGROUND**

The subject property is zoned Neighborhood Retail Commercial (NRC) for a shopping center. Two of the stipulations from the rezoning case from the stipulation letter dated December 20, 2004, page two concern restaurants. Stipulation 4f states “No fast food restaurants” and stipulation 5 states in part “The site will be limited to one sit-down restaurant site, which may not be a barbeque restaurant or sports bar..”. The applicant would need to amend both of these to place her eating establishment in the shopping center. The applicant specifically sells healthy smoothies. The Staff believes these conditions can be altered in such a way that would allow other restaurant uses, but would still meet the intent of the original conditions. Staff would suggest that stipulation 4f be amended to read “ No stand alone fast food restaurants”, and the first part of stipulation 5 could be changed to “No barbeque restaurants or sports bar..”. If approved, all other stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application, request letter, proposed site plan, proposed stipulations and current zoning stipulations.

#1

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 4-15-14

Applicant: Maribel Gonzalez Phone #: 770 231 7281  
(applicant's name printed)

Address: 1204 Brandl Dr Marietta GA 30008 E-Mail: Maribel\_306@yahoo.com

Address: \_\_\_\_\_  
(representative's name, printed)

Maribel Phone #: 770-231-7281 E-Mail: Maribel\_306@yahoo.com  
(representative's signature)

Signed, sealed and delivered in presence of:  
Laura N. Salazar Deza My commission expires: 1/23/2018  
Notary Public



Titleholder(s): Redus Georgia Commercial, LLC Phone #: 770-955-7676  
(property owner's name printed)

Address: 3350 Riverwood Parkway, Ste 450 Atlanta GA 30339 E-Mail: Marrissa@riverwoodhomes.com  
Marrissa  
(Property owner's signature)



Signed, sealed and delivered in presence of:  
Shirley S. Sokolowski My commission expires: \_\_\_\_\_  
Notary Public

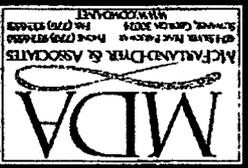
Commission District: 4 Zoning Case: Z-151

Date of Zoning Decision: 12-21-04 Original Date of Hearing: 12-21-04

Location: 1812 Powder Springs Rd, Marietta, Ga. 30064  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 475 District(s): 19

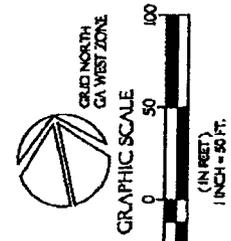
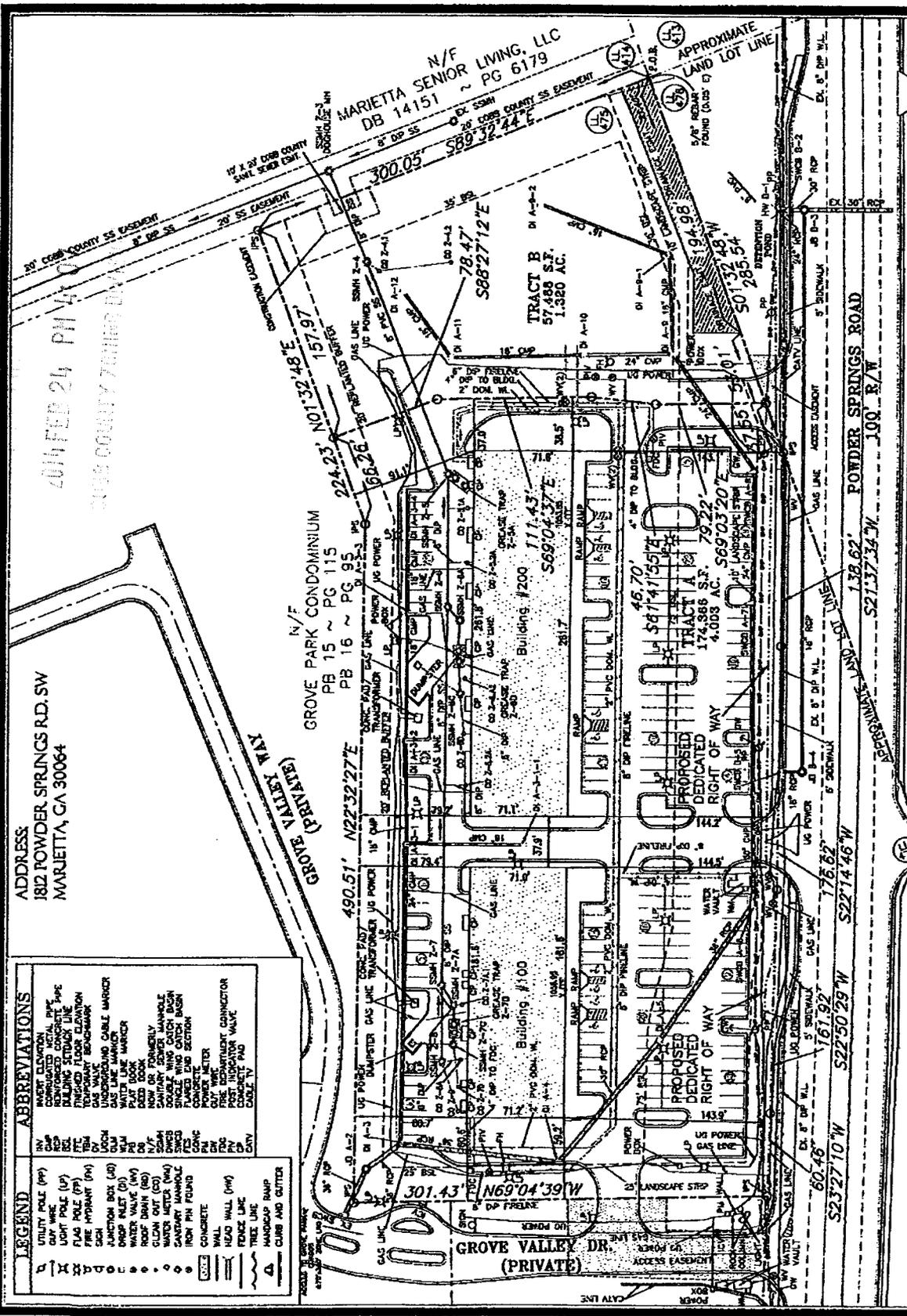
State specifically the need or reason(s) for Other Business: \_\_\_\_\_  
Remove fast food condition that prohibits this use.



| DATE                                  | DESCRIPTION      |
|---------------------------------------|------------------|
| 02-26-2008 <td>ASBUILT SURVEY </td>   | ASBUILT SURVEY   |
| 02-02-2008 <td>UTILITY LOCATION </td> | UTILITY LOCATION |

DRAWN BY: JAK  
 CHECKED BY: TNS  
 SURVEYED BY: BL  
 PROJECT NO: 07-05  
 MCFARLAND, DIER & ASSOCIATES, INC.

SURVEY FOR: A RICHMOND LIMITED LIABILITY COMPANY,  
 WACHONA BANK NATIONAL ASSOCIATION  
 LAWYERS TITLE INSURANCE CORPORATION  
 TRINITY KAPNER, SCHWAB, BARKER, FREUND &  
 HILLIS, P.A., FT. RAY, MARIETTA, PA  
 2ND SECTION  
 11, 25, 27TH DISTRICT  
 COOK COUNTY, GEORGIA



**NOTES**  
 - ALL EASEMENTS SHOWN PER DESIGN PLAN EXCEPT AS SHOWN PER TITLE COMMITMENT.  
 - ALL UTILITIES SHOWN PER MARKING AND FLAGGING BY UTILITY LOCATING COMPANY.

ADDRESS  
 1812 POWDER SPRINGS RD. SW  
 MARIETTA, GA 30064

| LEGEND            | ABBREVIATIONS     |
|-------------------|-------------------|
| UTILITY POLE (PT) | MASTER ELECTION   |
| CONCRETE          | CONCRETE          |
| WALL              | WALL              |
| FENCE LINE        | FENCE LINE        |
| TREE LINE         | TREE LINE         |
| CLUB AND GUTTER   | CLUB AND GUTTER   |
| MANHOLE RAMP      | MANHOLE RAMP      |
| WATER VALVE (WV)  | WATER VALVE (WV)  |
| SEWER VALVE (SV)  | SEWER VALVE (SV)  |
| GAS VALVE (GV)    | GAS VALVE (GV)    |
| POWER METER (PM)  | POWER METER (PM)  |
| TRANSFORMER (TR)  | TRANSFORMER (TR)  |
| UTILITY POLE (UP) | UTILITY POLE (UP) |
| CONCRETE          | CONCRETE          |
| WALL              | WALL              |
| FENCE LINE        | FENCE LINE        |
| TREE LINE         | TREE LINE         |
| CLUB AND GUTTER   | CLUB AND GUTTER   |
| MANHOLE RAMP      | MANHOLE RAMP      |
| WATER VALVE (WV)  | WATER VALVE (WV)  |
| SEWER VALVE (SV)  | SEWER VALVE (SV)  |
| GAS VALVE (GV)    | GAS VALVE (GV)    |
| POWER METER (PM)  | POWER METER (PM)  |
| TRANSFORMER (TR)  | TRANSFORMER (TR)  |
| UTILITY POLE (UP) | UTILITY POLE (UP) |
| CONCRETE          | CONCRETE          |
| WALL              | WALL              |
| FENCE LINE        | FENCE LINE        |
| TREE LINE         | TREE LINE         |
| CLUB AND GUTTER   | CLUB AND GUTTER   |
| MANHOLE RAMP      | MANHOLE RAMP      |

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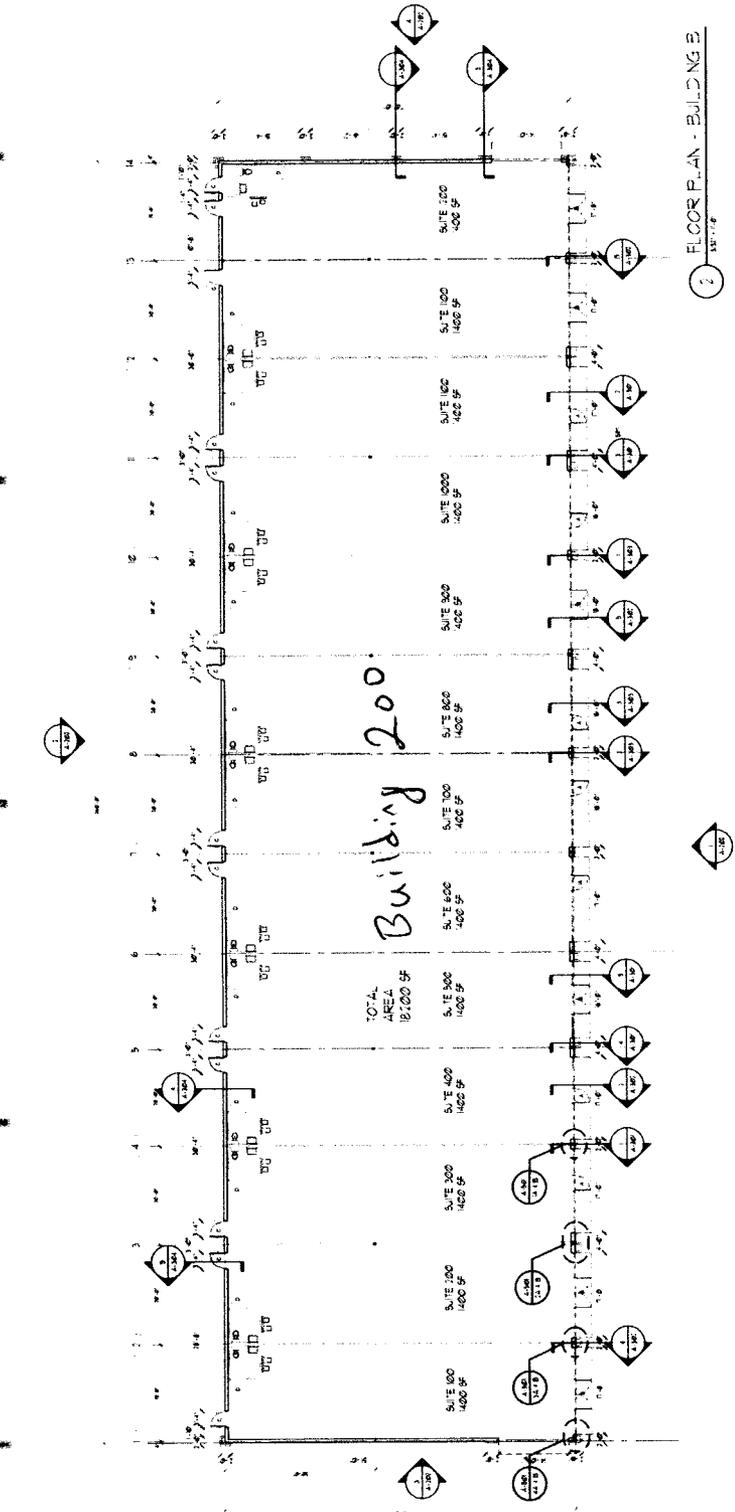
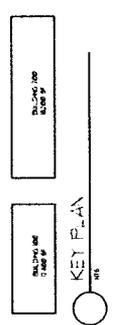
This plot was prepared for the exclusive use of the person, persons, or entity named herein. The plot does not extend to any unshown person, persons, or entity without the express authorization of the surveyor naming said person, persons, or entity.

### FLOOR PLAN NOTES

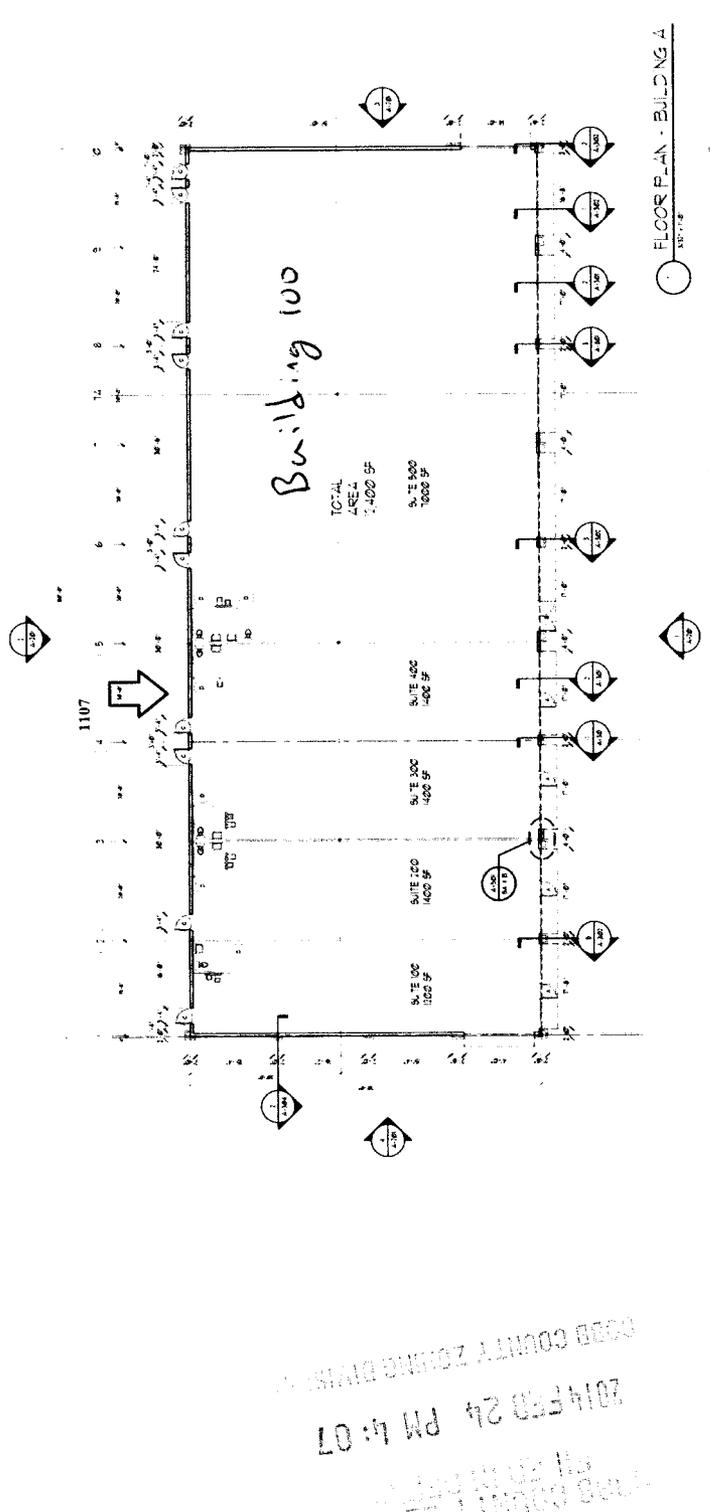
1. CONTRACTOR SHALL VERIFY ALL PERMITS ARE IN COMPLIANCE WITH ALL CITY AND COUNTY ORDINANCES AND REGULATIONS.
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4. CONTRACTOR SHALL VERIFY ALL PERMITS ARE IN COMPLIANCE WITH ALL CITY AND COUNTY ORDINANCES AND REGULATIONS.
5. CONTRACTOR SHALL VERIFY ALL PERMITS ARE IN COMPLIANCE WITH ALL CITY AND COUNTY ORDINANCES AND REGULATIONS.

### GENERAL NOTES

1. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REPORTS AND PAY ALL FEES AND CHARGES.
2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REPORTS AND PAY ALL FEES AND CHARGES.
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5. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND REPORTS AND PAY ALL FEES AND CHARGES.



1 FLOOR PLAN - BUILDING B



2 FLOOR PLAN - BUILDING A

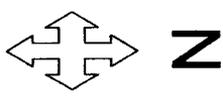
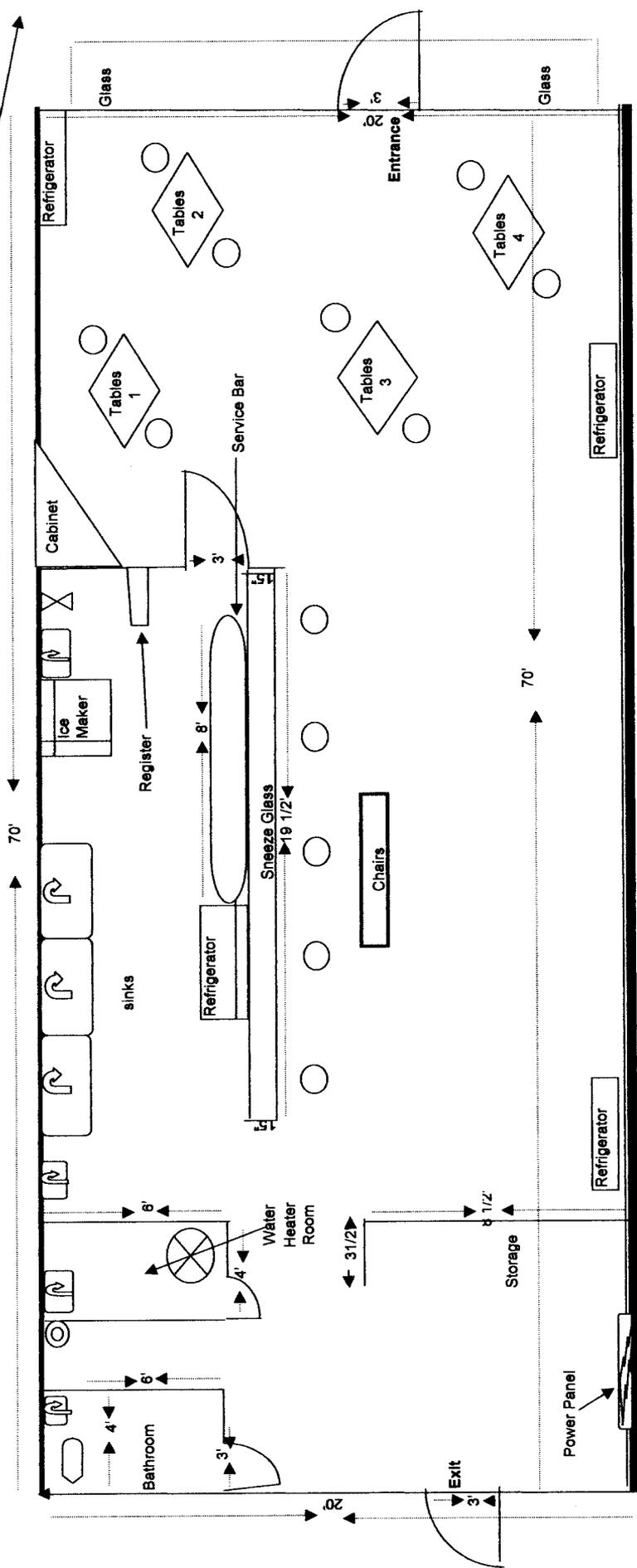
2014 FEB 24 PM 4:07  
 0000 COUNTY ZONING DIVISION  
 0000 COUNTY ZONING DIVISION

*Building 100*

**Suite 1107 HEALTHY SMOOTHIES INC.**

ADDRESS  
1812 POWDER SPRINGS RD. SW  
MARIETTA, GA 30084

PROPOSED DEDICATED  
RIGHT OF WAY



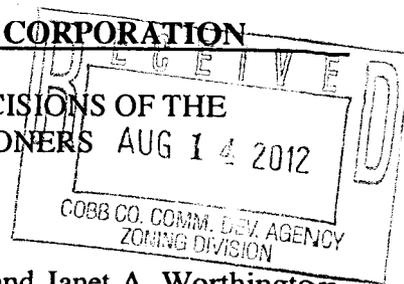
**LEGEND**

-  Toilet
-  Sink
-  Fire Extinguisher
-  Water Heater
-  Water Filter
-  Table
-  Chair

COCONA COUNTY GEORGIA  
PLANNING DEPARTMENT  
2014 FEB 24 PM 4:07  
COCONA COUNTY ZONING DIVISION

ORIGINAL DATE OF APPLICATION: 12-21-04APPLICANTS NAME: RANSOM DEVELOPMENT CORPORATION

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

**BOC DECISION OF 12-21-04 ZONING HEARING:**

**RANSOM DEVELOPMENT CORPORATION** (James T. and Janet A. Worthington, Deborah Dyson Atkinson and Marcia Dyson Riley, owners) for Rezoning from **R-20** to **RA-5, SC** and **NRC** for the purpose of Residential Condominiums, Detached Houses and Commercial in Land Lots 475 and 488 of the 19<sup>th</sup> District. Located on the west side of Powder Springs Road and on the north side of Green Drive.

The public hearing was opened and Mr. John Moore and Ms. Laura Montini addressed the Board. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by W. Thompson, second by Lee, to delete rezoning to the **SC, R-15, NRC**, and **LRO** zoning districts subject to:

- site plan last revised December 15, 2004 received by County Clerk on December 21, 2004 (copy attached and made a part of these minutes)
- letters of agreeable stipulations from Mr. John Moore dated December 15, 2004 and December 20, 2004, *not otherwise in conflict* (copy attached and made a part of these minutes)
- installation of water line and fire hydrant for Green Drive, as approved by Staff
- strip of property 75-foot wide along the south boundary of the NRC zoning district to be zoned LRO
- written notification to Ms. Laura Montini of any changes or deviations to the development plan
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

**VOTE:** **ADOPTED 4-1**, Goreham opposed

COBB COUNTY ZONING DIVISION  
 CONFERENCE ROOM  
 AUG 14 2012 PM 4:05



A LIMITED LIABILITY PARTNERSHIP  
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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MARIETTA, GEORGIA 30061

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SUITE 463  
408 N. CEDAR BLUFF ROAD  
KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039  
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F. MICHAEL VISCUSE\*\*  
ANGELA H. SMITH  
OPHELIA W. CHAN  
STACEY L. STEWART†  
MEREDITH M. MILBY  
DAVID M. VAN SANT  
DARRELL L. SUTTON  
KASIR R. WHITAKER  
AUTUMN L. VEAZEY  
NICHOLAS J. PETERSON\*  
JEFFREY K. STINSON  
BENJAMIN A. WALDEN  
DAVID A. COX  
ELIZABETH A. GUERRANT  
JAMES D. WALKER III  
CHRISTOPHER D. GUNNELS\*

CHRISTOPHER L. MOORE  
JENNIFER S. WHITE\*  
KRISTIE L. KELLY†  
RYAN G. PRESCOTT  
RICARDO J. DeMEDEIROS  
L. LAKE JORDAN

OF COUNSEL:  
MICHELLE S. DAVENPORT  
JOHN L. SKELTON, JR.

\* ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\* ALSO ADMITTED IN SC  
\* ALSO ADMITTED IN NC  
\* ADMITTED ONLY IN TN

WRITER'S DIRECT  
DIAL NUMBER

JOHN P. MOORE  
STEPHEN L. STEELE  
WILLIAM H. JOHNSON†  
ROBERT D. INGRAM†  
J. BRIAN NEIL  
G. PHILIP NEGGS  
ELDON L. USHAM  
MATTHEW I. HOWARD  
JERE C. SMITH  
CLAYTON R. CARMACK  
KEVIN B. CRLOCK†  
ALEXANDER T. GALLOWAY III†  
J. KEVIN MOORE  
RODNEY R. MCCOLLOCH  
SUSAN S. STUART  
DANIEL A. LUNDIS\*\*\*  
BRIAN D. SMITH

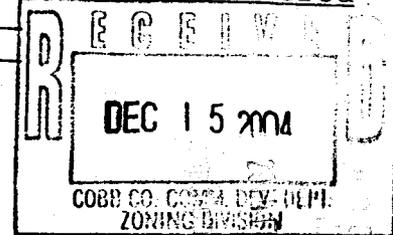
HARRY R. TEAR III  
W. TROY HART†  
JEFFREY A. DAXE  
MELISSA W. GILBERT  
TIMOTHY W. BAILEY  
JOYCE W. HARPER  
AMY K. WEBER  
COURTNEY H. MOORE  
KIM A. ROPER  
TARA C. RIDDLE  
JOSHUA M. BOOTH\*  
KELLI L. WOLK  
C. LEE DAVIS  
TANYA L. CROSSE\*  
ROBERT W. BROWN II  
VICTOR P. VALMUS  
JEFFERY L. DICKERSON

December 15, 2004

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

Min. Bk. 32 Petition No. Z-151  
Doc. Type Letter of Agreeable  
Stipulations  
Meeting Date 12/21/04

Hand Delivered



RE: Application for Rezoning  
Application No.: Z-151 (2004)  
Applicant: Ransom Development Corporation  
Property Owners: Deborah Dyson Atkinson;  
Marcia Dyson Riley; James T. Worthington; and Janet A. Worthington  
Property: 32.77 acres located northerly and westerly of the northwesterly intersection of Powder Springs Road and Green Drive, Land Lots 475 and 488, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Ransom Development Corporation, the Applicant (hereinafter "Applicant"), and Deborah Dyson Atkinson; Marcia Dyson Riley; James T. Worthington; and Janet A. Worthington, the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 32.77 acres located northerly and westerly of the northwesterly intersection of Powder Springs Road and Green Drive, Land Lots 475 and 488, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meetings with planning and zoning staff and various departmental representatives, discussions and meetings with area residents and

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Two  
December 15, 2004

Petition No. 2-151  
Meeting Date 12/21/04  
Continued

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY  
2004 FEB 24 PM 4:00  
COURT REPORTER

representatives of area homeowners associations, 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 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 those certain letters of agreeable stipulations and conditions dated and filed September 29, 2004, October 27, 2004; and December 1, 2004. 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.
- (2) Rezoning of the Subject Property shall be from the R-20 zoning category to the Suburban Condominium ("SC"), R-15, Neighborhood Retail Commercial ("NRC"), and Low Rise Office ("LRO") zoning categories, site plan specific to the revised Site Plan prepared by Hughes Good O'Leary & Ryan dated August 30, 2004, last revised November 30, 2004, and submitted on December 1, 2004.
- (3) The Subject Property consists of a total of approximately 32.77 acres.

**GENERAL STIPULATIONS APPLICABLE TO ALL CATEGORIES**

- (1) Minor modifications to the referenced Site Plan, including, but not limited to, site layout and stormwater control measures may be approved by the District Commissioner, as needed or necessary.
- (2) The detention areas shall be fenced with black, vinyl-clad chain-link fencing and landscaped for purposes of visual screening. The landscaping shall be approved by the Cobb County arborist during the plan review process.

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Three  
December 15, 2004

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Meeting Date 12/21/04  
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2004 SECURITY ZONING DIVISION  
2014 FEB 21 PM 1:06

- (3) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed community.
- (4) All streets within the proposed community shall be private, except the public right-of-way south of the commercial tract, with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (5) Applicant agrees to comply with all state and county stream buffer requirements as to streams traversing the Subject Property.
- (6) All utilities for the proposed overall development shall be located underground.
- (7) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (8) 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.
- (9) All buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (10) Applicant agrees to provide interparcel access among the proposed commercial development and the proposed residential development, all as more particularly shown and reflected on the revised Site Plan referenced herein.

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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Petition No. 2-151  
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Continued

COBB COUNTY COMMUNITY DEVELOPMENT AGENCY  
12/21/04 PM 1:06

- (11) Applicant agrees to establish adjacent to Green Drive a natural and enhanced buffer, which buffer shall extend a distance of three hundred (300) feet in depth from Green Drive into the interior of the Subject Property. Any enhancement to said buffer shall be approved by the Cobb County Arborist staff. Applicant further agrees to grant to the residents of Green Drive an easement in sufficient width through said buffer for installation of water and sewer service to Green Street. The buffer herein established shall be zoned to the category of R-15. Applicant further agrees to install and construct to the inside of said buffer a solid wooden privacy fence six (6) feet in height, which privacy fence shall extend to the inside of all buffers referenced herein.
- (12) Applicant agrees to a landscape buffer along the westerly boundary of the proposed development, adjacent to the property of Hammond and for a short distance along the northerly property line adjacent to residential development.
- (13) Applicant agrees to a pre-development and post-development lake study as to the lake located on the Hammond property. The study shall be performed by a Georgia licensed, professional engineering firm with experience in performing these studies.
- (14) Applicant agrees to post a bond for erosion and sediment protection in a total sum of Twenty-Five Thousand Dollars (\$25,000), which bond shall remain in place for a period of three (3) years following issuance of the land disturbance permit.
- (15) Applicant agrees, at its expense, to install a fire hydrant along the area of frontage of Green Drive within the buffer area; subject to the approval of the Cobb County Water System.

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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December 15, 2004

Petition No. Z-151  
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COBB COUNTY COMMUNITY DEVELOPMENT AGENCY  
FEB 24 PM 4:06

STIPULATIONS APPLICABLE TO THE NRC CATEGORY

- (1) A portion of the Subject Property, consisting of approximately 5.32 acres (hereinafter the "Retail Property"), shall be developed pursuant to the NRC zoning category, site plan specific to the revised Site Plan prepared for Ransom Development Corporation by Hughes Good O'Leary & Ryan dated August 30, 2004, last revised November 30, 2004, and submitted on December 1, 2004.
- (2) The Retail Property shall be developed for a retail shopping area, including restaurant and bank sites.
- (3) There shall be approximately 53,200 square feet of retail space within the proposed center.
- (4) The structures within the proposed retail center shall consist of brick, stone, and related materials with stucco-type accents on the front and sides with block in the rear painted in a color to complement the front.
- (5) Entrance signage for the proposed retail center shall be ground based, monument style signage. Such signage shall contain no flashing sign components. There shall be no roof signs and no exterior, temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming development.
- (6) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed retail center 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 center with "for sale" signs posted thereon.
- (7) Any roof-mounted HVAC equipment shall be screened from the frontage view by means of a continuous roof parapet.

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Planner III  
Zoning Division  
Cobb County Community Development Agency  
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COBB COUNTY COMMUNITY DEVELOPMENT AGENCY  
12/21/04 PM 4:06

- (8) Lighting within the proposed retail center shall be of a style and design that reflects a residential or more traditional appearance.
- (9) Lighting fixtures for parking areas shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (10) Security lighting on the structures shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (11) All dumpsters servicing the proposed retail center shall be enclosed with a minimum six (6) foot high masonry enclosure on three sides with a solid screen gate on the access side. All dumpsters shall contain rubber lids to minimize noise. Dumpsters shall be emptied Monday through Saturday from 8:00 a.m. to 7:00 p.m. and Sunday from 2:00 p.m. to 7:00 p.m.
- (12) Access to the proposed retail development shall be as shown and reflected on the referenced revised Site Plan.
- (13) The following uses shall be excluded from the proposed development:
  - (a) Automotive related;
  - (b) Check cashing establishments;
  - (c) Tattoo or body piercing establishments;
  - (d) Adult bookstores or adult items; and
  - (e) Video arcades.

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Seven  
December 15, 2004

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Meeting Date 12/21/04  
Continued

RECEIVED  
COBB COUNTY PLANNING DEPT  
NOV 24 12 00 PM '04

STIPULATIONS APPLICABLE TO THE SC CATEGORY

- (1) A portion of the Subject Property, consisting of approximately 27.45 acres (hereinafter the "SC Property"), shall be developed pursuant to the SC zoning category, site plan specific to the revised Site Plan prepared for Ransom Development Corporation by Hughes Good O'Leary & Ryan dated August 30, 2004, last revised November 30, 2004, and submitted on December 1, 2004.
- (2) The SC Property shall be developed for suburban condominiums which shall contain a total of one hundred twenty (120) units, for a maximum net density of 4.37 units per acre.
- (3) The proposed condominium community shall contain only "for sale" units.
- (4) Homes within the proposed condominium community shall be four (4) attached homes per building and shall be one-story in height with an attached two-car garage and a pitched roof.
- (5) The proposed condominium community shall be traditional in styling with fifty (50) percent of the exterior comprised of brick, stone, or stacked stone, and combinations thereof; excepting only for doors, windows, garages, gables, and the like. There shall be no vinyl or stucco materials utilized.
- (6) Units within the proposed condominium community shall have square footage, as follows:
  - (a) One-third - 1,600 square feet and greater;
  - (b) One-third - 1,800 square feet and greater; and
  - (c) One-third - 2,000 square feet and greater.

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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Continued

RECEIVED  
Cobb County Zoning Division  
JAN 24 PM 4:06

- (7) Lighting for the proposed condominium community shall be environmentally sensitive, decorative, and themed to the architecture of the homes.
- (8) The yard area around the homes shall be fully sodded and maintained by the mandatory condominium association to be created through the Declaration of Condominium.
- (9) The proposed condominium community shall have an amenity area consisting of pool and clubhouse.
- (10) Applicant agrees to the recording and enforcement of a Declaration of Covenants and Restrictions which will contain covenants, rules, and regulations applicable to the proposed development.
- (11) There shall be created a mandatory condominium association which shall be responsible for the upkeep and maintenance of all exteriors, common areas, private streets, and the like, contained within the proposed residential community.
- (12) Further, there shall be established a restrictive covenant which limits the number of homes which can be leased or rented at any one time to a maximum of ten (10) percent of the total number of homes.
- (13) Applicant agrees to comply with the Federal Fair Housing Act, as amended, in restricting sales to persons 55 years and older.
- (14) Applicant agrees that it shall initially market the units for sale within the proposed project at a minimum price of \$225,000 per unit.
- (15) It is hereby granted as a part of the zoning approval a contemporaneous variance as to the maximum acreage requirement for Suburban Condominiums.

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Nine  
December 15, 2004

Petition No. Z-151  
Meeting Date 12/21/04  
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STIPULATIONS APPLICABLE TO THE LRO CATEGORY

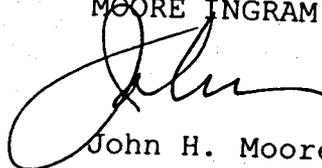
- (1) There shall be zoned to the LRO zoning category an area fifty (50) feet in width located along the southerly side of the Retail Property at the, and including, most southerly entrance to the proposed development.

We believe the requested zoning, specific to the revised Site Plan referenced herein, the revised zoning categories, and the foregoing revised stipulations, is an appropriate use of the Subject Property while taking into consideration the changing conditions of the area and the properties and owners thereof surrounding the proposed development. The proposed residential community shall be a quality development, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community 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

RECEIVED  
ZONING DIVISION  
DEC 24 PM 4:06

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Ten  
December 15, 2004

Petition No. 2-151  
Meeting Date 12/21/04  
Continued

- c: Cobb County Board of Commissioners:
  - Samuel S. Olens, Chairman
  - George Woody Thompson, Jr.
  - Helen C. Goreham
  - Joe L. Thompson
  - Tim Lee
  
- Ms. Evelyn L. Fuchcar
  
- Mr. Roy Timothy Hammond
  
- Mr. Dane R. Gazaway
  
- Ms. Laura Montini
- Macland Station Homeowners Association
  
- Ransom Development Corporation

COMMUNITY DEVELOPMENT  
2004 DEC 21 PM 4:06  
COMMUNITY DEVELOPMENT

# MOORE INGRAM JOHNSON & STEELE

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OF COUNSEL:  
MICHELLE S. DAVENPORT  
JOHN L. SKELTON, JR.

ALSO ADMITTED IN TN  
ALSO ADMITTED IN FL  
ALSO ADMITTED IN NC  
ADMITTED ONLY IN TN

WRITER'S DIRECT  
DIAL NUMBER

December 20, 2004

Min. Bk. 32 Petition No. Z-151  
Doc. Type Letter of Agreeable  
Stipulations  
Meeting Date 12/21/04

Hand Delivered

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

2004 DEC 21 PM 1:06  
COMMUNITY DEVELOPMENT DIVISION

RE: Application for Rezoning

Application No.: Z-151 (2004)

Applicant: Ransom Development Corporation

Property Owners: Deborah Dyson Atkinson;

Marcia Dyson Riley; James T. Worthington; and Janet A. Worthington

Property: 32.77 acres located northerly and westerly of the northwesterly intersection of Powder Springs Road and Green Drive, Land Lots 475 and 488, 19<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

FILED WITH COUNTY CLERK THIS 21st DAY  
OF Dec 2004 BY John Meall  
RE Z-151  
Mail Room  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

Dear John:

On behalf of the Applicant and Property Owners of the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated and filed with your office on December 15, 2004, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additions and revisions are as follows:

- (1) By this supplemental letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Site Plan, same being prepared by

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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Petition No. 2-151  
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Hughes Good O'Leary & Ryan dated August 30, 2004, last revised December 15, 2004, and submitted contemporaneously herewith.

- (2) Any references in the December 15, 2004, stipulation letter to the November 30, 2004, revised Site Plan shall be amended to refer to the revised Site Plan dated December 15, 2004, and submitted herein.
- (3) Applicant strikes paragraph (15), page four, under its "General Stipulations" in its entirety and inserts in lieu thereof the following:

"(15) Applicant agrees, at its expense, to install a fire hydrant along the area of frontage of Green Drive within the buffer area, being in the southwesterly corner thereof; subject to the approval of the Cobb County Water System."

- (4) Applicant amends paragraph (13), page 6, under the "NRC Stipulations" to add the following prohibited uses:

- \* (f) No fast food restaurants;
- (g) No convenience stores with fuel pumps;
- (h) No liquor store; and
- (i) No pawn shops."

- (5) Applicant adds the following additional stipulations to the "NRC Stipulations":

"(14) The site shall be limited to one sit-down restaurant site, which may not be a barbeque restaurant or sports bar, and the hours of operation therefor shall be Sunday through Thursday, 6:00 a.m. to 11:00 p.m.; and Friday and Saturday, 6:00 a.m. to 12:00 a.m.

COMMUNITY DEVELOPMENT  
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Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Three  
December 20, 2004

Petition No. 2-151  
Meeting Date 12/21/04  
Continued

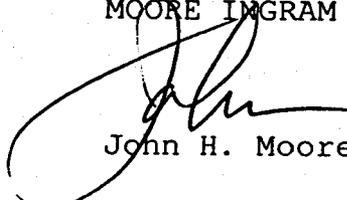
- (15) There shall be landscaped areas a minimum of ten (10) feet in width along the Subject Property's frontage with Powder Springs Road and a minimum of twenty-five (25) feet in width along the entrance drive. These landscaped areas shall contain street trees and other landscaping vegetation as approved by the Cobb County Arborist staff during the plan review process."
- (6) Any stipulation contained herein, if in conflict with those set forth in the December 15, 2004, letter of agreeable stipulations and conditions, shall control.

As previously stated, we believe the requested zoning, pursuant to the revised Site Plan submitted herewith and the revised stipulations set forth in the December 15, 2004, stipulation letter and those set forth herein, is an appropriate use of the Subject Property while taking into consideration the changing conditions of the area and the properties and owners thereof surrounding the proposed development. 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  
Enclosures

COBB COUNTY COMMUNITY DEVELOPMENT  
ZONING DIVISION  
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