

**DECEMBER 15, 2015 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2**

ITEM # 059

PURPOSE

To consider revising existing site plan for DRIFTEASTCOBB, Inc regarding rezoning case Z-118 of 1997 (Cousins Marketcenters, Inc.) located on the north side of Roswell Road, the north and east sides of Marwell Drive, and east of Johnson Ferry Road in Land Lot 16 of the 1st District and Land Lot 829 of the 16th District

BACKGROUND

The subject property was rezoned to CRC in 1997 for the existing retail and restaurant development. The property was zoned to the site plan with many conditions. The applicant is leasing a space to operate a restaurant and would like to amend the site plan to allow an outdoor seating to the front of the building. The patio will be designed to complement the existing building architecture and surroundings. If amended, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Water and Sewer: Additional restaurant seating is subject to System Development Fees (sewer fee).

RECOMMENDATION

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

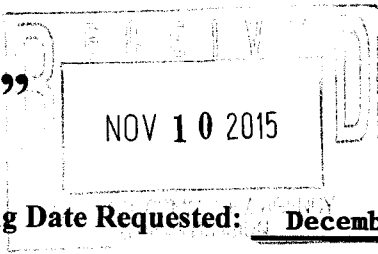
ATTACHMENTS

Other Business application and stipulations.

(Site Plan Approval)

Application for "Other Business" Cobb County, Georgia

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



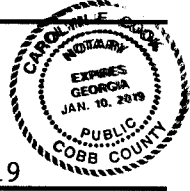
BOC Hearing Date Requested: December 15, 2015

Applicant: DRIFTEASTCOBB, Inc. Phone #: 678-773-4676
(applicant's name printed)

Address: 4475 Roswell Road, Suite 1410, Marietta, GA 30062 E-Mail: chef@eatatseed.com

Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
J. Kevin Moore Address: Marietta, GA 30060
(representative's name, printed)

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

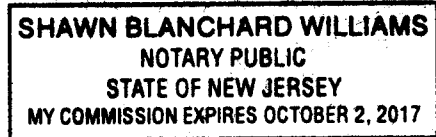


Signed, sealed and delivered in presence of:
Carolyn E. Cook My commission expires: January 10, 2019
Notary Public

Titleholder(s): CP Venture Five - AEC LLC Phone #: (973)734-1546
(property owner's name printed)

Address: 7 Giralda Farms, Madison, NJ 07940 E-Mail: michael.harrington@prudential.com

[Signature]
(Property owner's signature)



Signed, sealed and delivered in presence of:
Shawn Blanchard Williams My commission expires: _____
Notary Public

Commission District: 2 (Ott) Zoning Case: Z-118 (1997)

Date of Zoning Decision: 09/16/1997 Original Date of Hearing: 09/16/1997
10/21/1997
OB: 05/18/2004

Location: North side of Roswell Road; east of Johnson Ferry Road
(street address, if applicable; nearest intersection, etc.) (a/k/a The Avenue East Cobb)

Land Lot(s): 829, 16 District(s): 16th, 1st

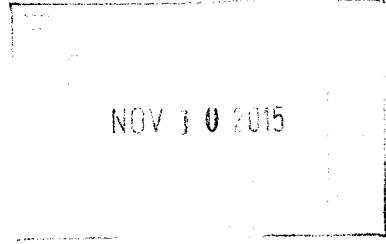
State specifically the need or reason(s) for Other Business: _____

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

OB-050-2015

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval)

Application No.: Z-118 (1997)
Original Hearing Dates: September 16, 1997
October 21, 1997
Date of Zoning Decisions: September 16, 1997
October 21, 1997
"Other Business" Hearing: May 18, 2004
Current Hearing Date: December 15, 2015



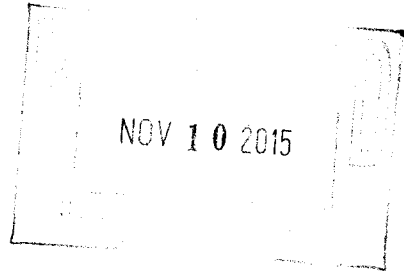
Applicant: DRIFTEASTCOBB, Inc.
Titleholder: CP Venture Five – AEC LLC

On September 16, 1997, the Cobb County Board of Commissioners granted a request to rezone an assemblage of property to the Community Retail Commercial ("CRC") and the Low-Rise Office ("LRO") zoning categories for the development known as the "Avenue East Cobb." The Applicant in this Application for "Other Business" is a new restaurant tenant within the Avenue East Cobb development and wishes to add outdoor seating for the restaurant, similar to restaurants located in other Avenue developments throughout the Metro Atlanta area. To accomplish the desired outdoor seating area, Applicant must bring a revised Site Plan for approval by the Cobb County Board of Commissioners.

Therefore, Applicant presents the revised Site Plan, dated August 21, 2015, last revised October 15, 2015, prepared by ai3, Inc., for consideration and approval by the Board of Commissioners, a reduced copy of the proposed, overall Site Plan and the enlarged Site Plan for the area are attached collectively to this narrative as Exhibit "1." Reduced copies of the Site Plan approved initially by the Board of Commissioners; as well as, the amended Site Plan approved in by the Board of Commissioners in May 2004, are attached to this overall Application for "Other Business."

If the revised Site Plan is approved, as submitted in this Application, it shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

The balance and remainder of the stipulations and conditions specifically enumerated in the final, official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on September 16, 1997; October 21, 1997; and May 18, 2004, applicable to the Subject Property are unaltered by this request for Site Plan Approval and shall remain in full force and effect.



**SITE PLAN PRESENTED FOR APPROVAL
PURSUANT TO APPLICATION FOR "OTHER
BUSINESS" FOR HEARING BEFORE
BOARD OF COMMISSIONERS ON
DECEMBER 15, 2015**



Project No.	
City/County	
Client Name	
Project Name	
Project Address	
Project Description	
Project Status	
Project Date	
Project Engineer	
Project Designer	
Project Checker	
Project Approver	



TITLE
SITE PLAN

Sheet No. A100
Project No. 08-059-2015
Drawing No. 1001
Date: 11/10/15

RELEASED FOR CONSTRUCTION
A100

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NOV 10, 2015

OB-059-2015
PROPOSED PLAN

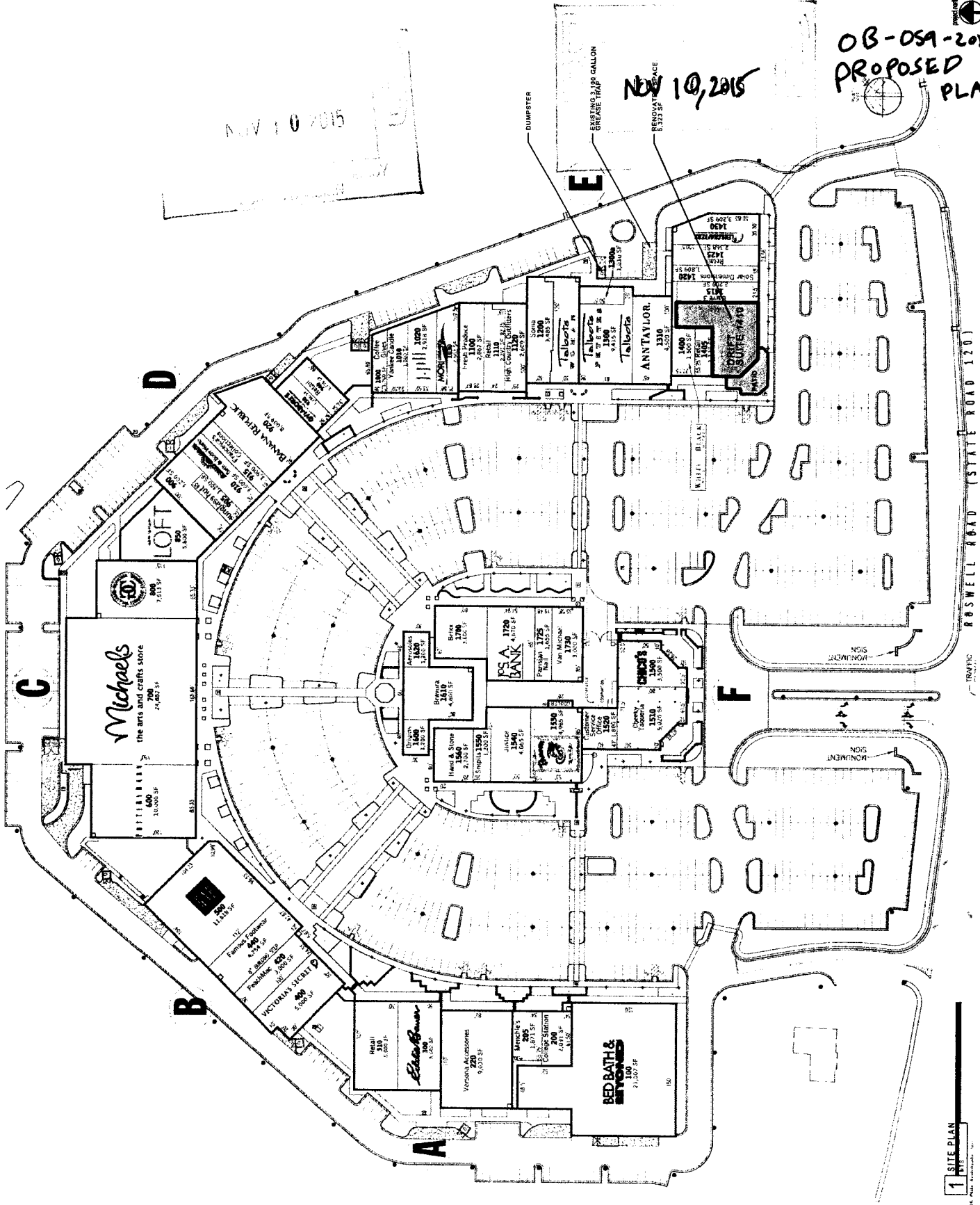


Exhibit "1"
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1 SITE PLAN



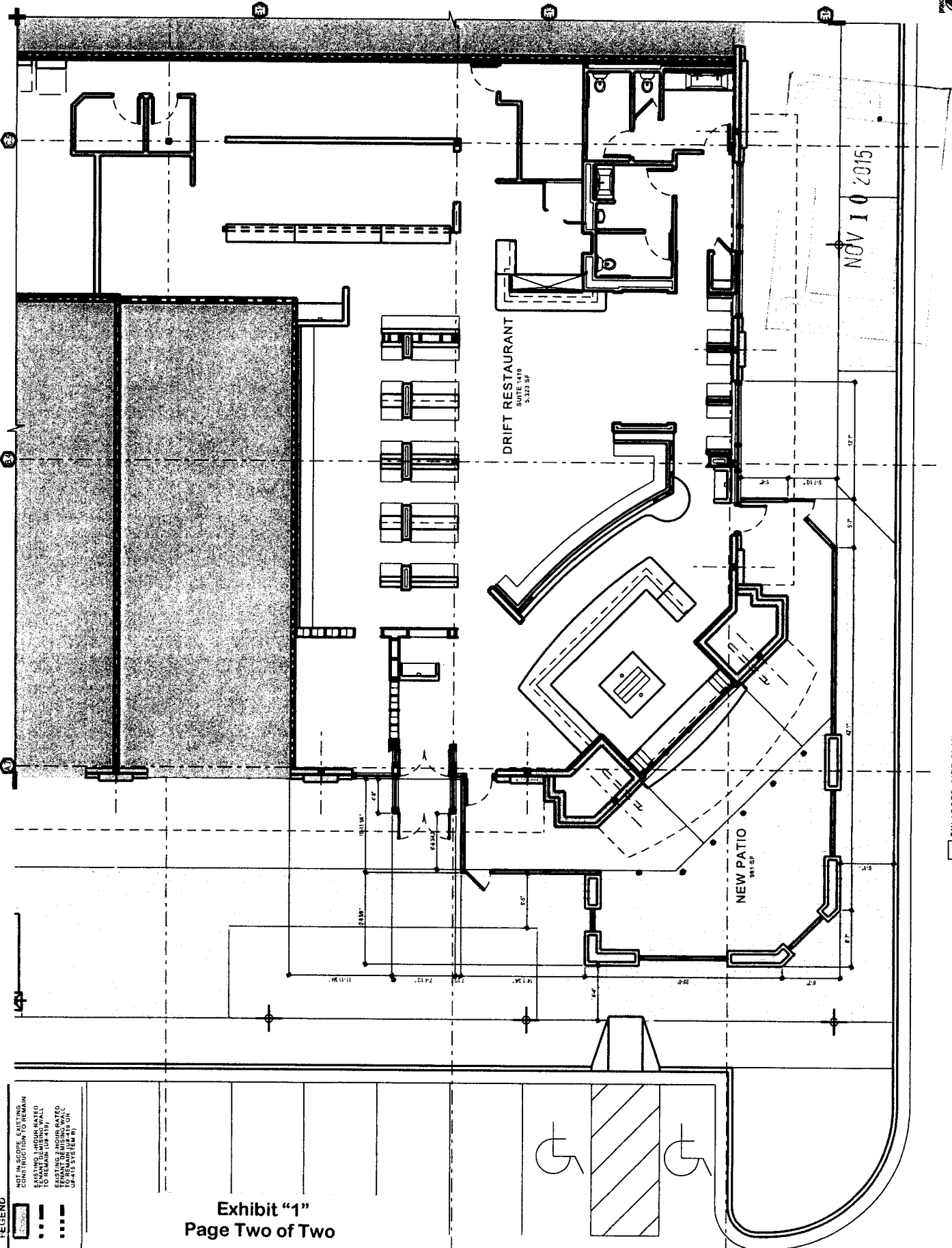
THE PROJECT ARCHITECT
1234567890
1234567890

Project Name	
Client	
Architect	
Date	
Scale	



OB-059-2015
Proposed
Site
Plan
A100a

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LEGEND

[Symbol]	NOT IN SCOPE, EXISTING
[Symbol]	EXISTING TO REMAIN
[Symbol]	EXISTING TO BE DEMOLISHED
[Symbol]	NEW CONSTRUCTION
[Symbol]	PROPOSED CONSTRUCTION
[Symbol]	PROPOSED CONSTRUCTION WITH NOTES
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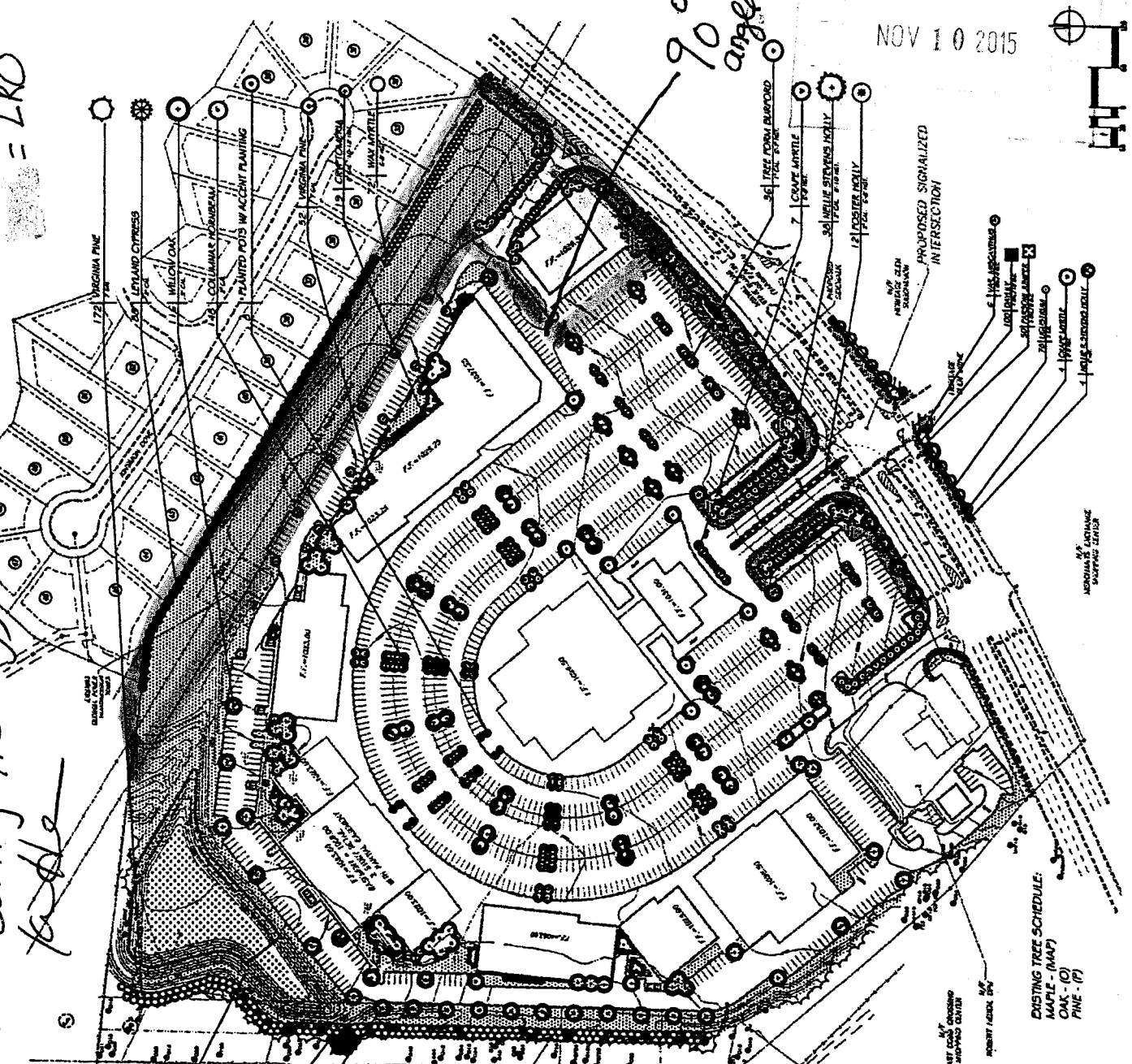
Exhibit "1"
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**SITE PLAN APPROVED BY
BOARD OF COMMISSIONERS ON
SEPTEMBER 17, 1997 –
Z-118 (1997)**

2-118 - Rendering depicting location of LRO
 (per minutes of 9-16-97 zoning hearing)
 to be

= LRO



TREE REPLACEMENT COST AND LIMIT REQUIREMENTS

Tree Size	Species	Quantity	Cost
12"	Magnolia	1	100.00
12"	Red Maple	1	100.00

EXISTING TREE SCHEDULE

Tree ID	Species	Size	Notes
1	Maple	12"	Remove
2	Oak	12"	Remove
3	Pine	12"	Remove

REPLACEMENT TREE SCHEDULE

Tree ID	Species	Size	Quantity	Cost
1	Maple	12"	1	100.00
2	Oak	12"	1	100.00
3	Pine	12"	1	100.00

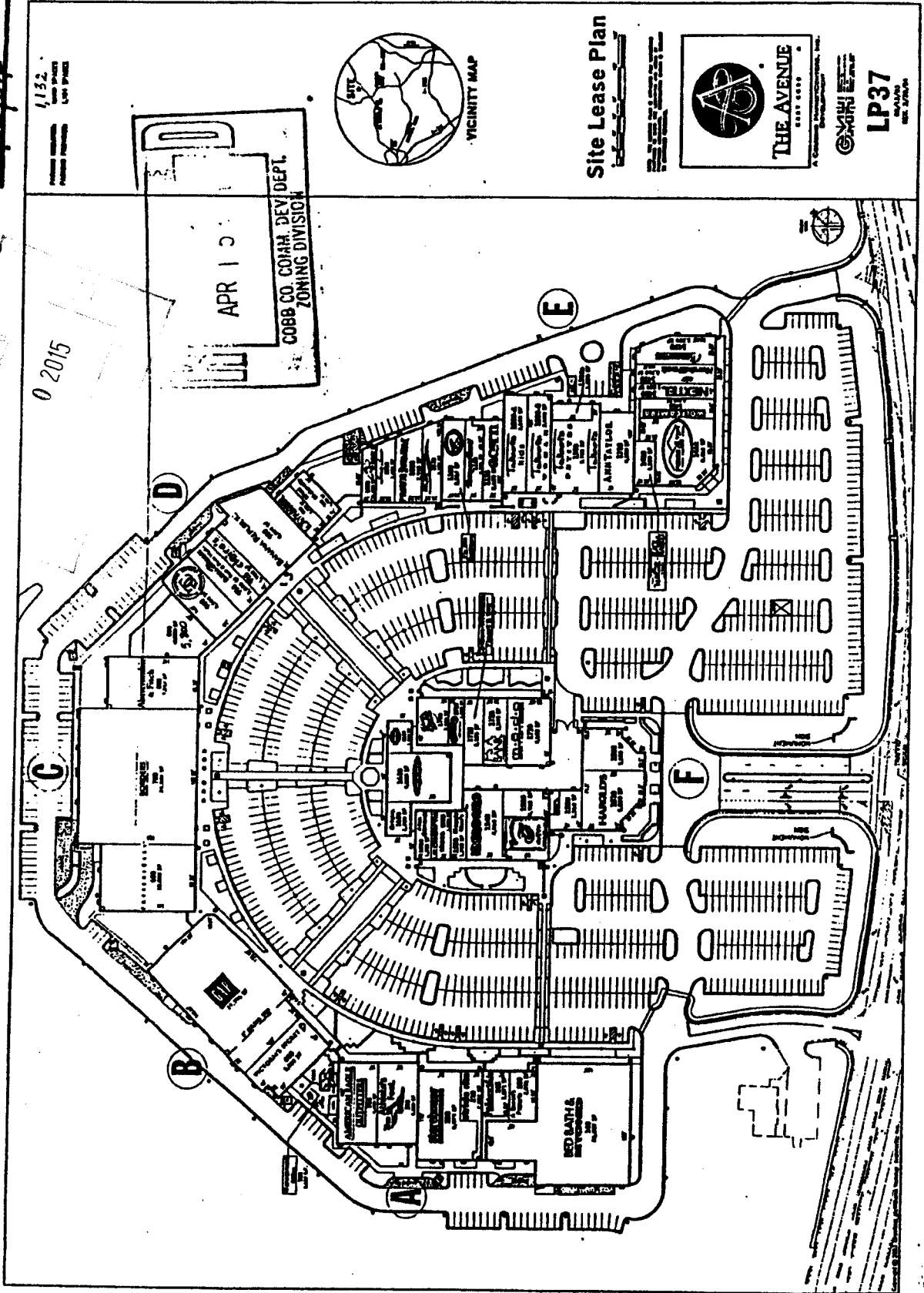
NOTES:

1. ALL TREES TO BE REMOVED OR REPLACED WITHIN 90 DAYS OF THE COMMENCEMENT OF CONSTRUCTION.
2. REPLACEMENT TREES SHALL BE OF EQUAL OR GREATER SIZE AND SPECIES AS THE TREES BEING REMOVED.
3. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE CITY OF COBB.
4. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES THROUGHOUT THE PROJECT.
5. THE CONTRACTOR SHALL PROTECT ALL EXISTING TREES AND LANDSCAPE FEATURES THAT ARE NOT TO BE REMOVED.
6. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
7. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF ALL TREE REMOVAL AND REPLACEMENT.
8. THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL TREE REMOVAL AND REPLACEMENT ACTIVITIES.
9. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE COST OF ALL TREE REMOVAL AND REPLACEMENT.
10. THE CONTRACTOR SHALL MAINTAIN A RECORD OF ALL TREE REMOVAL AND REPLACEMENT ACTIVITIES.

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**SITE PLAN APPROVED BY
BOARD OF COMMISSIONERS ON
MAY 18, 2004 –
APPLICATION FOR “OTHER BUSINESS”
FOR Z-118 (1997)**

D.B.# 9
Min. Blk. 27 Petition No. 2-118
Doc. Type Site Plan
Meeting Date 5/18/14

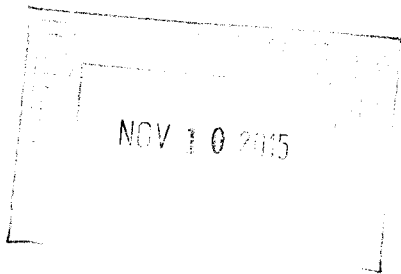


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**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. Z-118 (1997) – SEPTEMBER 16, 1997**

Minutes of the meeting of the Cobb County Board of Commissioners Zoning Hearing held on **September 16, 1997** in the Second Floor Commissioners' Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia.

Z-118 **COUSINS MARKETCENTERS, INC.** (The Moon Family Partnership, Charles Arnold, et al, owners) for Rezoning from **R-20** and **RDR** to **CRC** for the purpose of a Commercial Retail Development in Land Lot 829 of the 16th District and Land Lot 16 of the 1st District. 30.966 acres. Located on the north side of Roswell Road, east of Johnson Ferry Road. Prior to beginning public hearing on this request, the Board, by general consensus, granted extended time for presentations by the applicant and opposition; applicant and opposition were allowed total of 27 minutes each. Following presentations and discussions a motion was offered to delete request to the LRO and CRC zoning districts with stipulations. During discussion of stipulations, Commissioner Wysong *called the question* and a vote was taken to accept the question. VOTE: 5-0. Directly following this vote, the Board of Commissioners voted on motion as presented thereby **deleting** request to the **CRC** and **LRO** zoning districts subject to: 1) property designated as LRO is generally located as shown on rendering attached and made a part hereof; 2) letter of agreeable conditions dated September 12, 1997 attached and made a part hereof. Motion by Wysong, second by J. Thompson, carried 3-2, W. Thompson and Cooper opposed. Immediately following this vote a recess was taken from 10:41 a.m. until 10:52 a.m. Upon call to order, following the recess, Chairman Byrne introduced discussion of this petition, stating his opinion that substantial discussion was still needed. Commissioner Cooper responded that discussions needed to be completed, clarifications made, and questions answered. The Board queried Legal Counsel regarding consideration of this petition at the next Zoning Hearing. Following discussion of procedures/course of actions to be taken, the Board of Commissioners, by general consensus, directed Staff to place this item on the October 21, 1997 Zoning Hearing, Other Business Agenda.



MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY COMPANY

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
ROBERT E. JONES*

MICHELLE S. DAVENPORT
KENNETH T. ISRAEL
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

* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NC

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE
(770) 429-1499

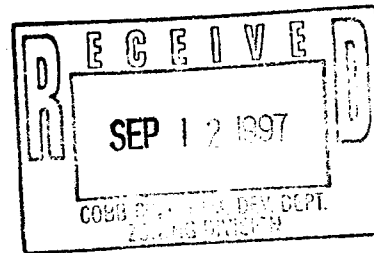
TELECOPIER
(770) 429-8631

September 12, 1997

WRITER'S DIRECT DIAL NUMBER

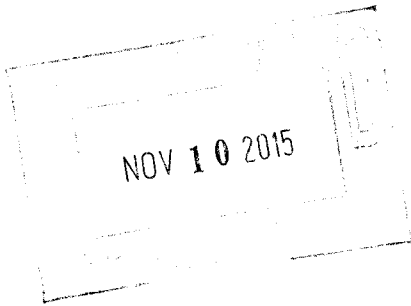
Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
Suite 500
100 Cherokee Street
Marietta, Georgia 30090-9674

Hand Delivered



2-118-Letter
of stipulations
as referenced in
Box Zoning
minutes of
9-16-97.
Kam-Hock

RE: Application for Rezoning
Application No.: Z-118
Applicant: Cousins MarketCenters, Inc.
Owners: Charles E. Arnold;
Estate of Mary Margaret Ficke;
Georgia State Directory Co.;
Jo K. Frances Fisher;
Linda G. Gould; Willie M.
Hawkins; James Harold Horne;
Dana Malcolm Jones; The Moon
Family Partnership; Estate of
Sumter S. Powell; Joyce H.
Pulver; Gary P. Scott and
Jean P. Scott; Rebecca M.
Shults; William Leon Stephens;
L. M. Wise, III
Property: 30.966 acres located on
Roswell Road in Land Lot 829,
16th District and Land Lot 16
1st District, 2nd Section,
Cobb County, Georgia



Dear Ed:

As you know, this firm represents Cousins MarketCenters, Inc., the Applicant (hereinafter referred to as "Applicant"), and Charles E.

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Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
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Arnold; the Estate of Mary Margaret Ficke; Georgia State Directory Co.; Jo K. Frances Fisher; Linda G. Gould; Willie M. Hawkins; James Harold Horne; Dana Malcolm Jones; The Moon Family Partnership; Estate of Sumter S. Powell; Joyce H. Pulver; Gary P. Scott and Jean P. Scott; Rebecca M. Shults; William Leon Stephens; and L. M. Wise, III (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 interested homeowner groups, reviewing the staff comments, recommendations, and the uses of surrounding properties, and subsequent to the Planning Commission Hearing, we have been authorized by the Applicant and Owner to submit this revised 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 August 29, 1997. The referenced 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 will be from the R-20 and RDR zoning categories to the CRC and LRO zoning categories with reference being made to that certain site plan prepared by Southern Civil Engineers, Inc. dated July 21, 1997, last revised September 9, 1997, with regard to the total acreage of 30.32 acres.
- (3) Applicant proposes a retail center utilizing the village concept with varying store fronts, roof elevations, and features. The front building facades will be a mixture of brick, stone, stucco, and wood. Applicant agrees to use those certain exterior building materials on specific

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Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
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buildings as more fully shown and delineated on that certain building elevation plan prepared by Ogram/Ozell Architects, Inc. dated August 28, 1997, and submitted prior to the Planning Commission Hearing.

- (4) The exterior components of the rear of the proposed development shall consist of those certain materials in the location specified on that certain building elevation plan prepared by Ogram/Ozell Architects, Inc. dated August 28, 1997, and submitted prior to the Planning Commission Hearing.
- (5) Applicant shall provide parking for the proposed development at the ratio of no less than 4.5 spaces per 1,000 square feet of building area as such area is determined under and pursuant to the Cobb County Zoning Ordinance.
- (6) Landscaping for the proposed development shall be pursuant to that certain Landscaping Plan prepared by Post Landscape Services, Plan L1.1, dated September 10, 1997, reference being made to said plan for a more particular delineation of location of plantings and species to be planted.
- (7) Applicant agrees to the following system improvements, subject to approval by the Cobb County Department of Transportation and the Georgia Department of Transportation, to mitigate traffic concerns with regard to the proposed development:
 - (a) Applicant shall be responsible for and pay 100 percent of costs associated with the design and installation of a traffic signal at Roswell Road, Heritage Glen Drive, and the development entrance. Included with this traffic signal will be a cross-

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Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
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walk system as outlined on the revised site plan together with cross-walk lighting and markings.

- (b) Applicant agrees to the installation of sidewalk, curb and gutter along its entire property frontage from the K-Mart shopping center on the west to East Hampton Subdivision on the east with the sidewalk penetrating from the frontage into the development approximately two hundred (200) feet at the main entrance as shown and delineated on the referenced site plan.
- (c) Applicant agrees to construct a left-turn lane on Roswell Road entering the westerly most median cut and dual left turns entering the main entrance. At the main entrance to the proposed development, there shall be constructed exiting lanes onto Roswell Road, one left turn only lane, one shared left-through lane, and one right turn only lane.
- (d) Applicant agrees to the construction of a continuous deceleration/acceleration lane for ingress and egress from Roswell Road into the proposed development from its eastern most property line to the existing Marwell Drive.
- (e) The existing Marwell Drive will be abandoned by Cobb County. If said right-of-way is abandoned in the area adjacent to the property owned by Dr. Robert I. Heden, then Applicant agrees to provide access to Dr. Robert I. Heden to Roswell Road.
- (f) Applicant will propose no U-turn signs at the median cuts located in front of the property and will vigorously encourage Cobb County and State of Georgia DOT approval.

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Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
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- (g) Applicant agrees to vigorously encourage Cobb County to complete construction of sidewalks on the southerly side of Roswell Road within the same time frame as construction of the proposed development.

- (8) Applicant agrees with regard to Heritage Glen Subdivision to provide supplemental landscaping upon the property of Heritage Glen along its frontage with Roswell Road, as per the referenced landscaping plan.

- (9) Parking area lighting will be at a maximum height of thirty (30) feet, be environmentally sensitive, low level, shoe-box luminaries so as to prevent light from penetrating outside Applicant's property.

- (10) Applicant agrees to comply, install, and construct lighting pursuant to a Site Plan-Lighting prepared by Ogram/Ozell Architects, Inc., dated August 28, 1997, as to type, color, and approximate location.

- (11) With regard to the property adjacent to Ivywood located on Applicant's northwest property line, Applicant agrees to the following:
 - (a) An undisturbed and planted buffer fifty (50) feet in width located immediately adjacent to Ivywood Subdivision, said buffer to be undisturbed where there is existing vegetation and planted where such vegetation is non-existent.

 - (b) Applicant agrees to construct and install an eight (8) foot solid, treated wooden fence on Applicant's side of the buffer referenced in subparagraph 11(a) above.

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Mr. Ed Thomas
Principal Planner
Zoning Division
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- (c) Applicant agrees to a landscape buffer of fifty (50) feet in width measured from the rear of the buffer referenced in subparagraph 11(a) above and toward the Applicant's property. Said buffer to be penetrated, as shown and reflected on the referenced site plan, by the proposed detention facilities.
 - (d) Applicant agrees to install landscaping pursuant to that certain landscape plan prepared by Post Landscape Services and referenced herein.
 - (e) Applicant agrees to remove all debris, junk, diseased, unsound, or fallen trees within the buffer area prior to opening. Applicant's arborist shall approve any tree removal. Applicant also agrees to remove the existing "cow fence."
 - (f) The plantings herein referenced shall be irrigated in the landscape buffer and shall be installed following grading on the site.
 - (g) The provisions of this paragraph may be altered or otherwise changed by written agreement entered into between Applicant and a representative of Ivywood Subdivision.
- (12) With regard to East Hampton Subdivision located along Applicant's easterly property boundary, Applicant agrees to the following:
- (a) Applicant shall continue the existing solid wooden fence, six (6) feet in height, along Applicant's property line, from its current termination point across the Georgia Power Company easement, to the point of intersection with the fence proposed for

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
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continued
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Ivywood Subdivision hereinabove referenced. If Georgia Power Company does not permit the fence across the easement, then the fence will continue on the westerly side of the easement to the intersection with Ivywood Subdivision fence.

- (b) Applicant agrees to install landscaping adjacent to the rear of its proposed development on its easterly side facing East Hampton Subdivision pursuant to that certain landscape plan, being landscape plan L1.1 dated September 10, 1997, and presented prior to the public hearing before the Planning Commission.
- (c) The plantings herein referenced shall be irrigated and installed at the commencement of construction of the proposed development.
- (13) Applicant agrees to comply with all Cobb County Zoning Code requirements as to height limitations for the proposed development.
- (14) Applicant agrees that if it has not commenced development of the proposed center within eighteen (18) months of zoning approval by the Board of Commissioners, for each respective property shall revert to the pre-existing categories of R-20 and RDR; and these stipulations shall automatically become null and void.
- (15) Entrance signage for the proposed development shall be ground-based, monument style signage as shown and delineated on that certain signage elevation plan prepared by Ogram/Ozell Architects, Inc. dated August 28, 1997, and submitted prior to the Planning Commission Hearing. Such signage shall be internally illuminated or "up lit" and shall contain no flashing sign components.

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Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
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The proposed development shall have no roof signs, no billboards, and no exterior temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming development.

- (16) Applicant warrants the survival of all plantings for a period of twenty-four (24) months after completion of development and agrees to replace any damaged or diseased plantings within twenty-four (24) months of the opening of the proposed center.
- (17) Dumpsters shall be placed in locations with screening by berms, landscaping, or walls with a locking gate. Dumpsters shall have rubber lids and bumpers to minimize noise during emptying. Dumpsters shall be emptied Monday through Saturday from 8:00 a.m. to 9:00 p.m. and Sunday from 11:00 a.m. to 9:00 p.m.
- (18) Deliveries to the center shall take place 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.
- (19) Parking lot cleaning mechanical equipment shall be restricted to hours Monday through Saturday from 7:00 a.m. to 10:00 p.m. and Sunday 11:00 a.m. to 9:00 p.m.
- (20) The following uses shall be prohibited from the proposed development:
 - (a) Video arcades as a primary use;
 - (b) Adult bookstores as a primary use;
 - (c) Automotive sales, repair, and/or service facilities;

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Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
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- (d) Free-standing fast food restaurants;
 - (e) Movie theaters;
 - (f) Cellular or communication towers, monopoles, or antennas of any type, except for use of tenants, with a maximum height of six (6) feet and screened to the fullest extent possible while at the same time permitting the intended function;
 - (g) Amplified live outdoor entertainment;
 - (h) Packaged sale of alcoholic beverages as a primary use; excepting a specialty store specializing in the sale of wine; and
 - (i) Gas station.
- (21) All HVAC systems shall be located on the roof and shall be screened with appropriate screening to reduce visibility to the fullest extent reasonably possible.
- (22) All exhaust from restaurant facilities shall be filtered to minimize grease and odors.
- (23) There shall be no outside paging systems, phone bells, or loudspeakers; excepting only low decibel outdoor music systems in outside seating areas.
- (24) Applicant shall construct stormwater management facilities to control silt and water flow to surrounding communities pursuant to the recommendations of that certain hydrology study prepared by Southern Civil Engineers, Inc. dated August 11, 1997, subject to approval by the Cobb County Stormwater Control Division

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Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
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and local, state, and federal regulations dealing therewith.

- (25) All detention areas shall be fenced and landscaped.
- (26) Applicant agrees to design and adhere to best practices in the construction of its detention areas with such design and installation based upon a 100 year stormwater flood design.
- (27) No individual tenant space shall exceed a maximum of 35,000 square feet.
- (28) Applicant agrees to maintain a daily security presence for the proposed development.
- (29) There shall be no additional free standing out parcel buildings along the Roswell Road (State Highway 120) frontage other than as shown and reflected on the referenced site plan. With regard to the free standing out parcel building located on the easterly side of the proposed development, Applicant agrees that the uses employed therefor shall not include a restaurant or eating establishment.
- (30) Applicant agrees that the center may only be open for business to the public during the following hours: Monday through Sunday from 7:00 a.m. to 12:00 midnight.

Restaurants may be open for business to the public Monday through Sunday from 6:00 a.m. to 12:00 midnight.
- (31) Applicant agrees that there shall be no outside storage facilities as such term is used and defined in the Cobb County Zoning Ordinance.

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
Page Eleven
September 12, 1997

*2-118
Continued
Pg. #11*

- (32) Applicant agrees that that area contained within the Georgia Power Company easement along Applicant's easterly property line and being one hundred fifty (150) feet in width shall be zoned to the category of LRO, excepting that Applicant may use said property for paving, parking, lighting, fencing, grading, utilities, curb, and planting. There shall be no setbacks and no buffers as measured from said LRO category to the proposed development.
- (33) Applicant agrees that should it acquire the property currently owned by Dr. Robert I. Heden, the same use restrictions as set forth in paragraph 20 above shall apply to this parcel.
- (34) The only two-story elements of the proposed development shall be in the center and rear portion of the subject property.
- (35) The proposed development is pedestrian friendly in that it proposes and will include at least five (5) pedestrian walkways between the proposed center buildings and the buildings around it through the proposed parking areas. These pedestrian ways shall be raised and consist of brick pavers and landscaping. Additionally, Applicant shall provide transit capabilities for service to the proposed center consisting of a transit stop with covered, landscaped, waiting area in a location along Roswell Road (State Highway 120) as agreed upon between Applicant and the Cobb County Community Transit.
- (36) There shall be a maximum density of 255,000 square feet.
- (37) Should Applicant desire to make any material change or alteration to the exteriors of the proposed buildings from that stipulated in paragraphs 3 and 4 hereof, or to

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
Page Twelve
September 12, 1997

*Z-118 continued
PS # 12*

the landscaping for the proposed development as stipulated in paragraph 6 hereof, such material change or alteration shall be approved by an Architectural Control Committee ("ACC") by simple majority vote of said Committee. The ACC shall have jurisdiction and authority only with regard to the provisions of this paragraph. Said Committee shall be comprised of the following individuals:

- (a) One representative of the Applicant;
- (b) One representative from the Applicant's architectural firm or landscape firm;
- (c) One representative of the Zoning Division of the Cobb County Community Development Department;
- (d) One representative from the East Cobb Civic Association; and
- (e) One representative to be selected by the adjacent subdivisions of Ivywood, East Hampton, Heritage Glen, and Villa Chase.

It is believed that the requested rezoning, pursuant to the stipulations contained herein, is an appropriate use of the subject property while taking into consideration the properties and owners thereof surrounding and in the immediate vicinity of the proposed development and will further provide an enhancement to the subject property and will allow for the utilization of the property in a manner suitable with the recent growth of the surrounding area. Thank you for your consideration of this request.

MOORE INGRAM JOHNSON & STEELE

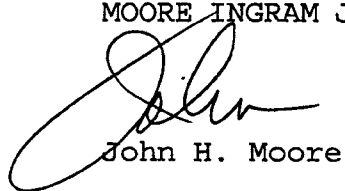
Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
Page Thirteen
September 12, 1997

*2-118 continued
Pg #13*

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLC



John H. Moore

JHM:cc

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

Mr. Samuel S. Olens
(Telefax Transmission
To (404) 525-0077)

Ms. Brenda L. Dunn
Heritage Glen Subdivision
(Telefax Transmission
To (770) 857-2041)

Mr. Richard Pulido
East Hampton Subdivision
(Telefax Transmission
To (770) 392-0944)

Mr. Rob Kviklys
Ivywood Subdivision
(Telefax Transmission
To (770) 423-2509)

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
Page Fourteen
September 12, 1997

*2-118
continued
pg #14*

c: Mr. Will Flatt
Ivywood Subdivision
(Telefax Transmission
To (770) 509-1444)

Mr. Scott Coleman
John Wieland Homes, Inc.
(Telefax Transmission
To (404) 303-6250)

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY COMPANY

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
ROBERT E. JONES*

MICHELLE S. DAVENPORT
KENNETH T. ISRAEL
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

* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NC

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE
(770) 429-1499

TELECOPIER
(770) 429-8631

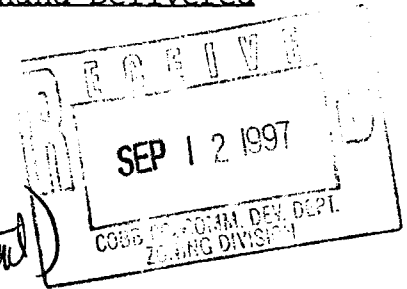
September 12, 1997

WRITER'S DIRECT DIAL NUMBER

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

*2-118- Letter as
referenced in Box
Zoning Hearing
Minutes of 9-16-97.
1cc to
(Site plan &
Tree Replacement)*

Hand Delivered



RE: Application for Rezoning

Application No.: Z-118

Applicant: Cousins MarketCenters, Inc.

Owners: Charles E. Arnold;
Estate of Mary Margaret Ficke;
Georgia State Directory Co.;
Jo K. Frances Fisher;
Linda G. Gould; Willie M.
Hawkins; James Harold Horne;
Dana Malcolm Jones; The Moon
Family Partnership; Estate of
Sumter S. Powell; Joyce H.
Pulver; Gary P. Scott and
Jean P. Scott; Rebecca M.
Shults; William Leon Stephens;
L. M. Wise, III

Property: 30.966 acres located on
Roswell Road in Land Lot 829,
16th District and Land Lot 16
1st District, 2nd Section,
Cobb County, Georgia

Dear Ed:

Enclosed are revised site plans with regard to the above-referenced Application for Rezoning. These site plans supersede the ones

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Principal Planner
Zoning Division
Cobb County Community
Development Department
Page Two
September 12, 1997

*2-118
Site plan & tree
replacement
continued*

previously submitted with the initial Application on or about July 3, 1997, as well as any and all other revised site plans. We respectfully request that these plans be taken into consideration with the Application from this date forward.

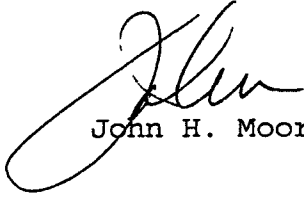
Also, enclosed are the requisite copies of the revised Tree Preservation/Replacement Plan prepared by Post Landscape Services dated September 10, 1997, which supersede and replace in full those previously submitted on or about August 29, 1997.

We appreciate your assistance in this matter. If you should have any questions or wish to discuss these revised site plans or any other aspect of this Application, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLC


John H. Moore

JHM:cc
Enclosures



THE AVENUE AT EAST COBB
 PREPARED FOR:
 COUSINS PROPERTIES INC.

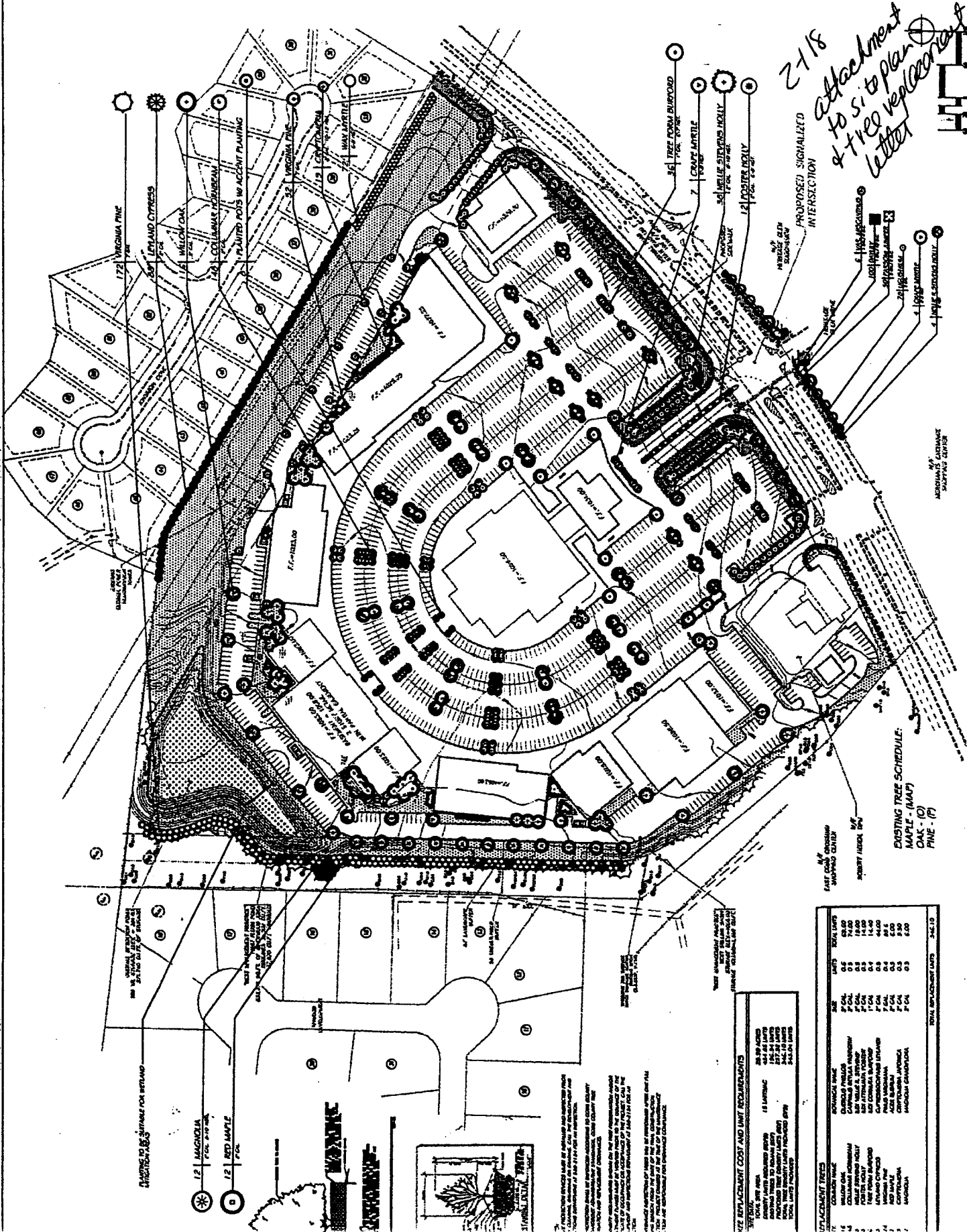
TREE REPLACEMENT PLAN

THE AVENUE AT EAST COBB

PREPARED FOR:
 COUSINS PROPERTIES INC.

NO. OF TREES TO BE REPLACED	24
NO. OF TREES TO BE MAINTAINED	10
TOTAL NO. OF TREES	34
NO. OF TREES TO BE REMOVED	0
TOTAL NO. OF TREES TO BE MAINTAINED OR REPLACED	34

TOTAL AREA	24.10
NO. OF TREES	34
DATE	11.17



2-1-18
Attachment to site plan letter

EXISTING TREE SCHEDULE:
 MAPLE - (MAY)
 OAK - (O)
 PINE - (P)

REPLACEMENT COST AND UNIT REQUIREMENTS

1. COST PER TREE: \$1,500

2. TOTAL COST: \$36,000

3. TOTAL AREA: 24.10 ACRES

4. TOTAL NO. OF TREES: 34

TYPE	NO.	UNIT	TOTAL
MAPLE	12	12	12
OAK	10	10	10
PINE	12	12	12
TOTAL	34	34	34

PLANTING TO BE SUFFICIENT FOR RETAINING STRUCTURES



12 | LANTANA
 F.C. 12-18"
 F.C. 12-18"

12 | RED MAPLE
 F.C. 12-18"
 F.C. 12-18"

12 | VIRGINIA PINE
 F.C. 12-18"
 F.C. 12-18"

12 | LANTANA
 F.C. 12-18"
 F.C. 12-18"

12 | RED MAPLE
 F.C. 12-18"
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12 | LANTANA
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 F.C. 12-18"

12 | RED MAPLE
 F.C. 12-18"
 F.C. 12-18"

1	PROPOSED LANE PLAN	
2	PROPOSED LANE PLAN	
3	PROPOSED LANE PLAN	
4	PROPOSED LANE PLAN	
5	PROPOSED LANE PLAN	
6	PROPOSED LANE PLAN	
7	PROPOSED LANE PLAN	
8	PROPOSED LANE PLAN	
9	PROPOSED LANE PLAN	
10	PROPOSED LANE PLAN	



SCS
 PROFESSIONAL CIVIL ENGINEERING, INC.
 1000 W. MARKET STREET - SUITE 100
 RALEIGH, NORTH CAROLINA 27601
 (919) 871-1111

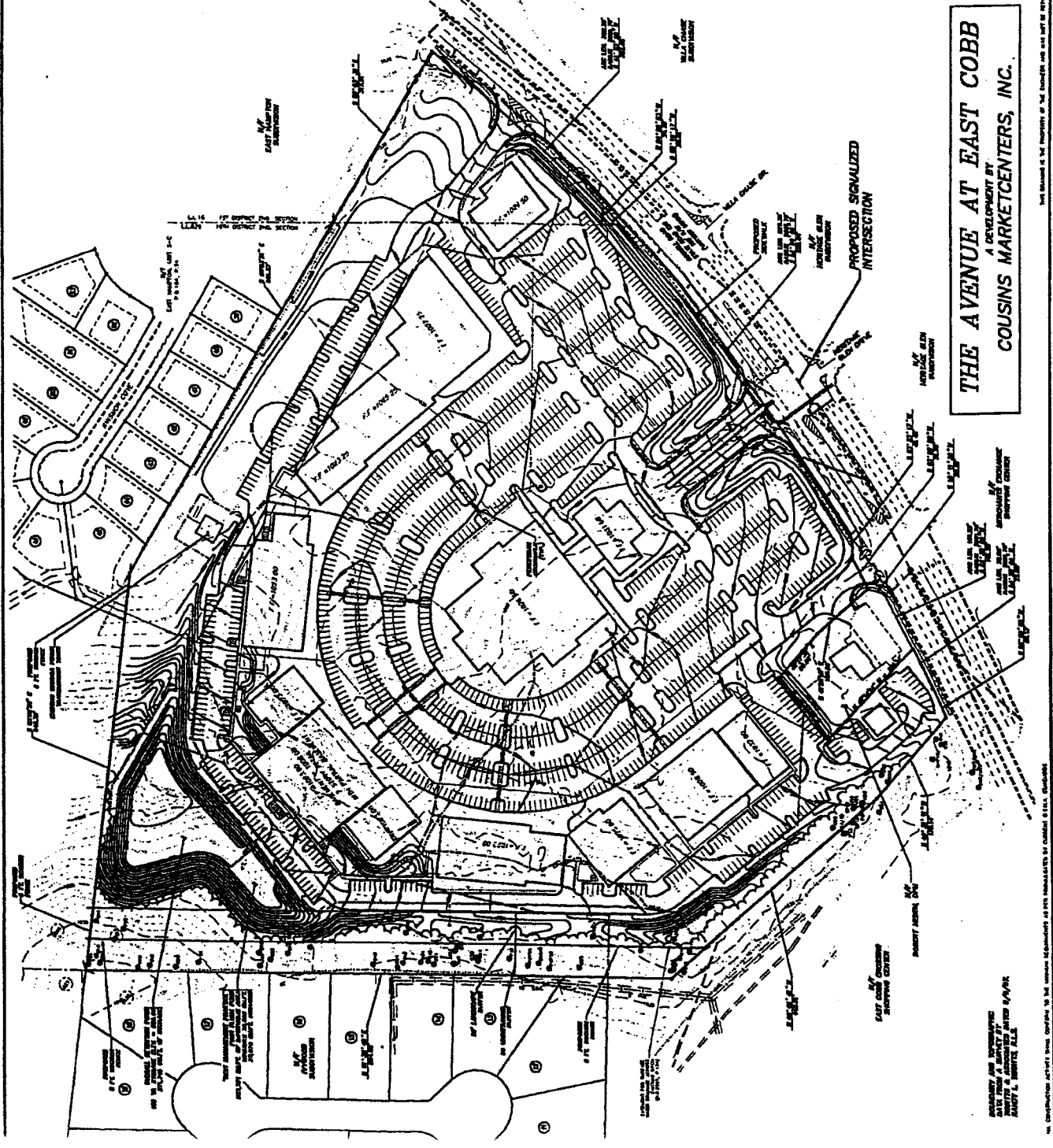
THE AVENUE AT EAST COBB
 A DEVELOPMENT BY
 COUSINS MARKETCENTERS, INC.
 PROJECT NO. 10000000000000000000

2-1
 SHEET NO. 10000000000000000000

- Development References:**
- CONSTRUCTION OF THE AVENUE AT EAST COBB, PROJECT NO. 10000000000000000000, COUSINS MARKETCENTERS, INC., 1000 W. MARKET STREET, RALEIGH, NC 27601, 10/1/2010
 - CONSTRUCTION OF THE AVENUE AT EAST COBB, PROJECT NO. 10000000000000000000, COUSINS MARKETCENTERS, INC., 1000 W. MARKET STREET, RALEIGH, NC 27601, 10/1/2010
 - CONSTRUCTION OF THE AVENUE AT EAST COBB, PROJECT NO. 10000000000000000000, COUSINS MARKETCENTERS, INC., 1000 W. MARKET STREET, RALEIGH, NC 27601, 10/1/2010
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 - CONSTRUCTION OF THE AVENUE AT EAST COBB, PROJECT NO. 10000000000000000000, COUSINS MARKETCENTERS, INC., 1000 W. MARKET STREET, RALEIGH, NC 27601, 10/1/2010

- Site Data:**
- ACREAGE: 24.10 ACRES
 - BUILDINGS: 24.10 ACRES
 - PARKING: 24.10 ACRES
 - UTILITIES: 24.10 ACRES
 - LANDSCAPE: 24.10 ACRES
 - ADJUSTMENTS: 24.10 ACRES
 - CONSTRUCTION: 24.10 ACRES
 - PROPOSED: 24.10 ACRES
 - EXISTING: 24.10 ACRES
 - ADJUSTED: 24.10 ACRES
 - TOTAL: 24.10 ACRES

*2-118 attached
 to site plan + spec
 replacement letter*



VICINITY MAP



THE AVENUE AT EAST COBB
 A DEVELOPMENT BY
 COUSINS MARKETCENTERS, INC.

CONSTRUCTION ACTIVITY SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE NORTH CAROLINA CONSTRUCTION ACTIVITY ACT, CHAPTER 85C, ARTICLE 1. THE CONSTRUCTION ACTIVITY SHALL BE IN ACCORDANCE WITH THE PROVISIONS OF THE NORTH CAROLINA CONSTRUCTION ACTIVITY ACT, CHAPTER 85C, ARTICLE 1.

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. Z-118 (1997) – OCTOBER 21, 1997**

Minutes of the meeting of the Cobb County Board of Commissioners Zoning Hearing held on **October 21, 1997** in the Second Floor Commissioners' Meeting Room, Cobb County Building, 100 Cherokee Street, Marietta, Georgia.

The meeting was called to order at 9:00 a.m. and the following members of the Cobb County Board of Commissioners were present and representing a quorum of the Board:

BOARD OF COMMISSIONERS

Bill Byrne, Chairman
Gordon Wysong
William A. Cooper
Joe L. Thompson
G. Woody Thompson

OTHER BUSINESS

Item #1

Z-118 OF 1997 (COUSINS MARKETCENTERS, INC.)

To consider Amendment of Something Previously Adopted regarding Z-118 of September 16, 1997 (Cousins MarketCenters, Inc.), for property located in Land Lot 829 of the 16th District and Land Lot 16 of the 1st District, on the north side of Roswell Road, east of Johnson Ferry Road.

The Zoning Division Manager opened discussion of Z-118 of 1997, reporting that Staff was directed to place this item on the Other Business Agenda for additional discussion. Chairman Byrne responded that item was placed on the agenda as directed and was advertised, but that amendment of stipulations would require a 4/5th vote of the Commission. Immediately thereafter the following motion was offered by Byrne, with second by Cooper: Motion to bring back zoning application #Z-118 of 1997 (Cousins MarketCenters, Inc.) for the purpose of amending something previously adopted. Motion failed to receive required 4/5th vote. **VOTE:** 2-3, Wysong, J. Thompson and W. Thompson opposed.

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR “OTHER BUSINESS”
FOR Z-118 (1997) – MAY 18, 2004**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 18, 2004
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, May 18, 2004, at 9:00 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman Samuel S. Olens
Commissioner Helen Goreham
Commissioner Tim Lee
Commissioner Joe L. Thompson
Commissioner G. Woody Thompson, Jr.

ITEM #3:

To consider amending the site plan and stipulations regarding Z-118 (Cousins NewMarket Centers) of September 16, 1997, for property on the north side of Roswell Road, east of Johnson Ferry Road in Land Lot 829 of the 16th District and Land Lot 16 of the 1st District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend site plan and stipulations. Following presentation and discussion, the following motion was made

MOTION: Motion by Lee, second by Olens, to approve a site plan and stipulations regarding Z-118 (Cousins NewMarket Centers) of September 16, 1997, for property on the north side of Roswell Road, east of Johnson Ferry Road in Land Lot 829 of the 16th District and Land Lot 16 of the 1st District **subject to:**

- **site plan received in the Zoning Division on April 15, 2004, which eliminates the amphitheater area, adds 5,800 square feet of retail space, and relocates the ATM facility (copy attached and made a part of these minutes)**
- **all previously approved conditions/stipulations to remain in full force and effect**

VOTE: **ADOPTED** unanimously

0:8.#9
Min. Bk. 27
Petition No. 2-118
Doc. Type Site Plan
Meeting Date 5/18/14

