

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: 8/14/12

Applicant: SAMONA ROBERTS
(applicant's name printed)

Address: 1812 Powder Springs Rd # 2119 E-Mail: MY Enterprise @ me . com

SAMONA ROBERTS Address: 1812 Powder Springs Rd # 2119
(representative's name, printed)

[Signature] Phone #: 678-733-2447 E-Mail: myenterprise@me.com
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] Notary Public My commission expires: 8-27-13

Titleholder(s) REYES GARCIA CARRERA, LLC Phone #: (704) 715-5096
(property owner's name printed)

Address: 301 S. COLLEGE ST. #1414, MAR 21053-045 E-Mail: MICHAEL.DUNSON@REYESFARMS.COM
Charlotte, NC 28288
[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

Clara T. Kneip My commission expires: 9-16-2014
Notary Public

Commission District: _____ Zoning Case: Z-151

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

Location: 1812 POWDER SPRINGS ROAD, SW MARIETTA, GA 30064
(street address, if applicable; nearest intersection, etc.)

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

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

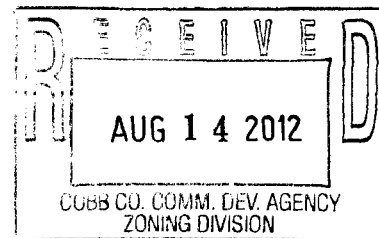
SEE EXHIBIT "A" ATTACHED

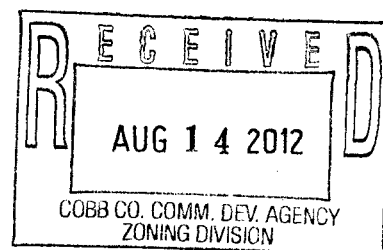
(List or attach additional information if needed)

Exhibit "A"

Applicant hereby requests that paragraph 5 of "STIPULATIONS APPLICABLE TO THE NRC CATEGORY" in Zoning Case Z-151 be amended so as to allow the following:

-Temporary signs and banners promoting businesses within the shopping center





August 6, 2012

Cobb County
Zoning Division
1150 Powder Springs Street
Suite 400
Marietta, GA 30064

RE: Other Business Application
Grove Park Shopping Center
1812 Powder Springs Road

To Whom It May Concern:

My name is Bill Dyer and our company, Riverwood Properties, is the Property Manager for Grove Park Shopping Center. Our company manages approximately 50 shopping centers across the Southeastern U.S.

I am writing in support of the "Other Business Application" that has been filed pertaining to the property. In this competitive retail environment, we try to give our tenants every opportunity to be successful. The restriction that disallows signs and promotional banners at this property puts the tenants at Grove Park Shopping Center at a distinct disadvantage.

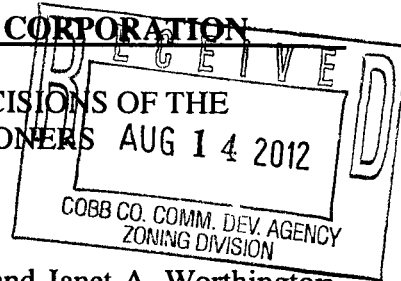
When managed properly, signs and banners can be an effective marketing tool and not necessarily an eyesore. Riverwood Properties requires all tenants to submit sign and banner designs for approval prior to installation. There are limitations on size, length of time they can be in place, and a limit on the overall number of banners/signs that can be displayed at any given time.

I respectfully request that you take whatever measures necessary to allow the use of signs and promotional banners at this property. If you have questions regarding this matter, please feel free to contact me.

Sincerely,

A handwritten signature in black ink, appearing to read "Bill Dyer".

Bill Dyer
Partner/Property Manager

ORIGINAL DATE OF APPLICATION: 12-21-04APPLICANTS NAME: RANSOM DEVELOPMENT CORPORATIONTHE 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 19th 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

MOORE INGRAM JOHNSON & STEELE

PAGE 9 OF

A LIMITED LIABILITY PARTNERSHIP
192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MJS.COM

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ROBERT T. INGRAM[†]
J. BRIAN ONEIL
G. PHILIP BEGGS
ELDON L. LASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON D. CARMACK
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J. KEVIN MOORE
RODNEY R. MCCOLLOCH
SUSAN S. STUART
DANIEL A. LANDIS^{***}
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CHRISTOPHER L. MOORE
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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

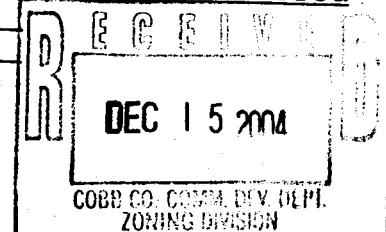
WRITER'S DIRECT
DIAL NUMBER

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, 19th District,
2nd 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, 19th District, 2nd 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
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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.

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Planner III
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- (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.

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- (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

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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
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- (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
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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.

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Planner III
Zoning Division
Cobb County Community Development Agency
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- (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
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STIPULATIONS APPLICABLE TO THE LRO CATEGORY

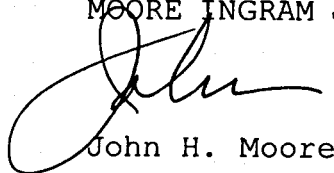
- (1) There shall be zoned to the LRO zoning category an area fifty (50) feet in width located along the southerly side of the Retail Property at the, and including, most southerly entrance to the proposed development.

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

MOORE INGRAM JOHNSON & STEELE

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

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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

MOORE INGRAM JOHNSON & STEELE

PAGE 19 OF

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OF COUNSEL:
MICHELLE S. DAVENPORT
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1 ALSO ADMITTED IN TN
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December 20, 2004

Min. Bk. 32 Petition No. Z-151
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Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

RE: Application for Rezoning

Application No.: Z-151 (2004)

Applicant: Ransom Development Corporation

FILED WITH COUNTY CLERK THIS 21st
OF Dec 2004 BY John Moore
RE Z-151
Paul K. Nye
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA

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, 19th District,
2nd Section, 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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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.

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

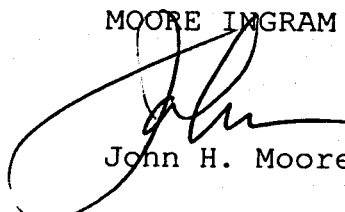
- (15) There shall be landscaped areas a minimum of ten (10) feet in width along the Subject Property's frontage with Powder Springs Road and a minimum of twenty-five (25) feet in width along the entrance drive. These landscaped areas shall contain street trees and other landscaping vegetation as approved 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

