

Application for "Other Business"

COBB COUNTY, GEORGIA
FILED IN OFFICE

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

2013 FEB 12 PM 1:22
BOC Hearing Date Requested: 3-19-13
COBB COUNTY ZONING DIVISION

Applicant: Joel Ingham Phone #: 404-421-1520
(applicant's name printed)

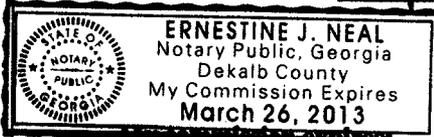
Address: 165 W. Wieuca Road NE Suite 305 E-Mail: thepermitspecialist@comcast.net

Joel C. Ingham
(representative's name, printed)

Address: 165 W. Wieuca Road NE Suite 305

Joel C. Ingham Phone #: 404-421-1520 E-Mail: thepermitspecialist@comcast.net
(representative's signature)

Signed, sealed and delivered in presence of:



Ernestine J. Neal My commission expires: 26 March 2013
Notary Public

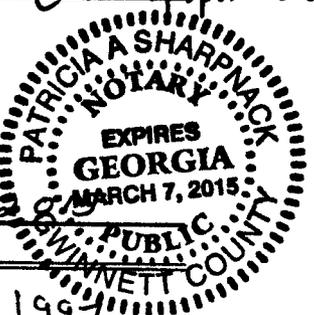
ADVENTURE FIVE AEC, LLC
Titleholder(s): COUSINS PROPERTIES INC., AGENT Phone #: 404-407-1000
(property owner's name printed)

Address: 191 PEACHTREE ST NE, STE 500, ATLANTA 30303 E-Mail: ruthanna.neal@cousinsproperties.com

Ruthanna M. Neal
(Property owner's signature) representative

Signed, sealed and delivered in presence of:

Patricia A. Sharpnack My commission expires: March 7, 2015
Notary Public



Commission District: 2 Zoning Case: 2-118 of 1997

Date of Zoning Decision: _____ Original Date of Hearing: 9-16-97

Location: 4475 Roswell Rd Suite 1530
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): _____ District(s): 16

State specifically the need or reason(s) for Other Business: Approval of Site Plan to allow a new Canopy for outdoor eating area.

(List or attach additional information if needed)

5820 OB#S 3-19-0

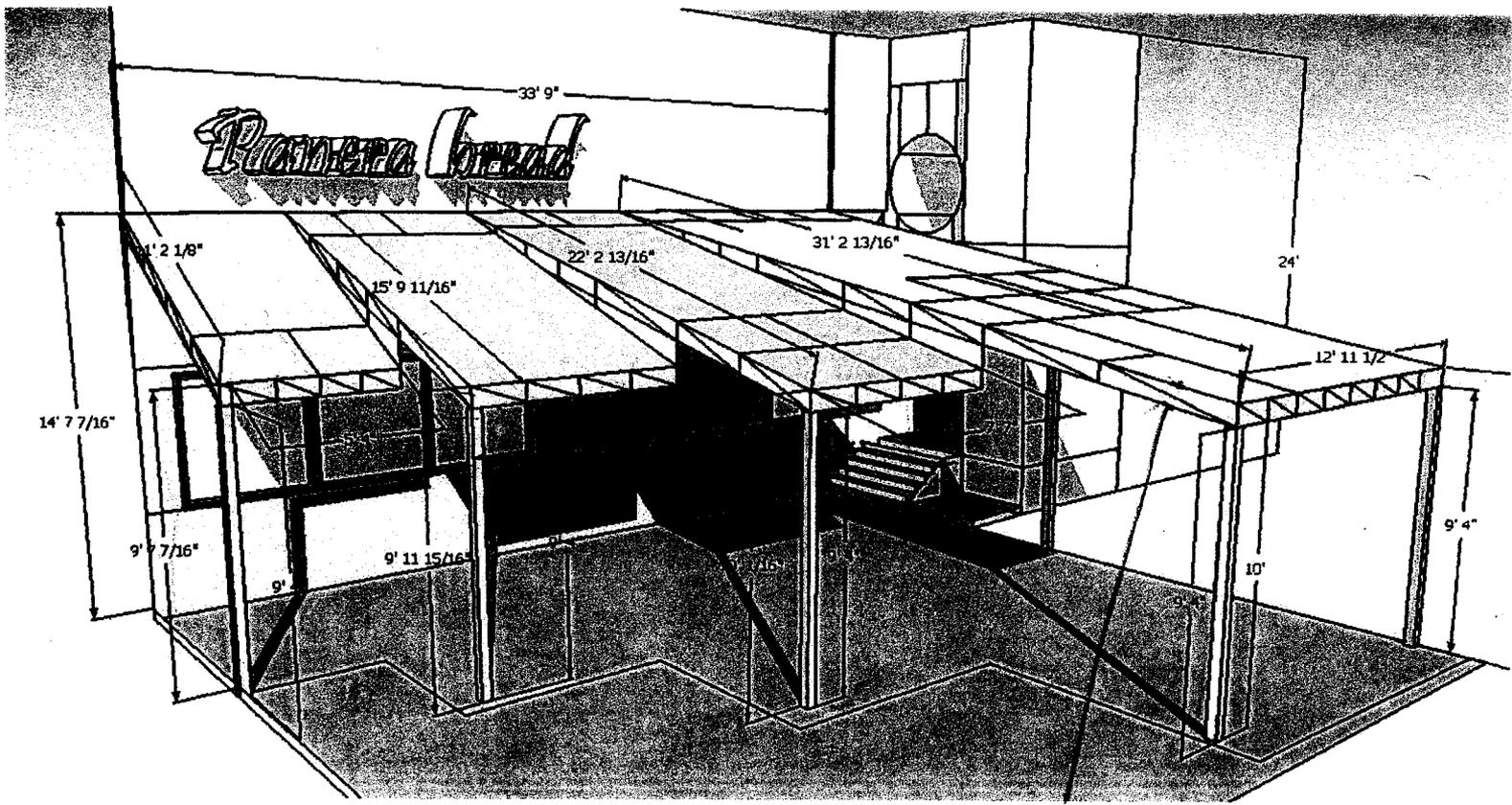
Proposed 1/4

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COBB COUNTY ZONING DIVISION

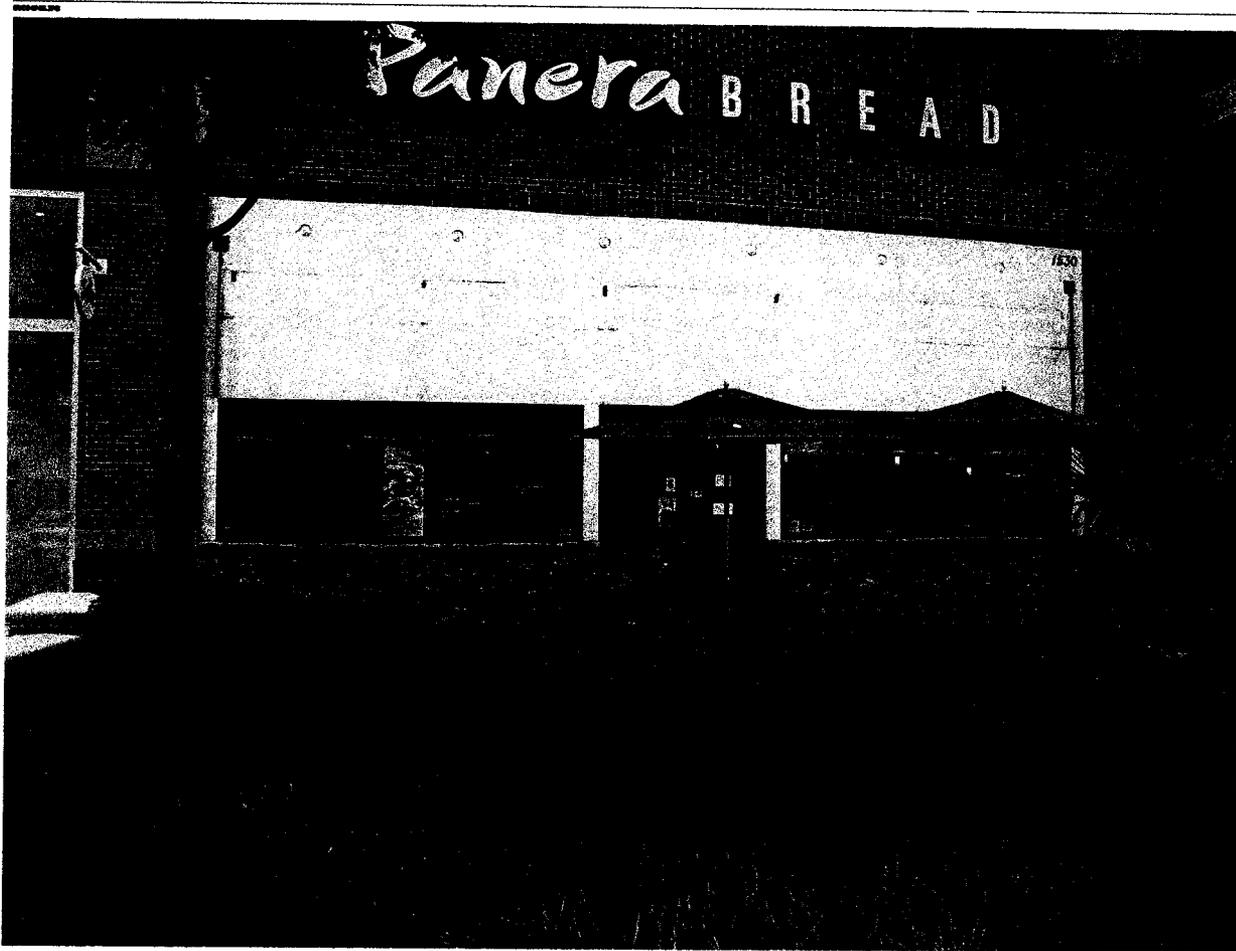
679 sq ft



OB #5 3-19-13

Proposed

2/4



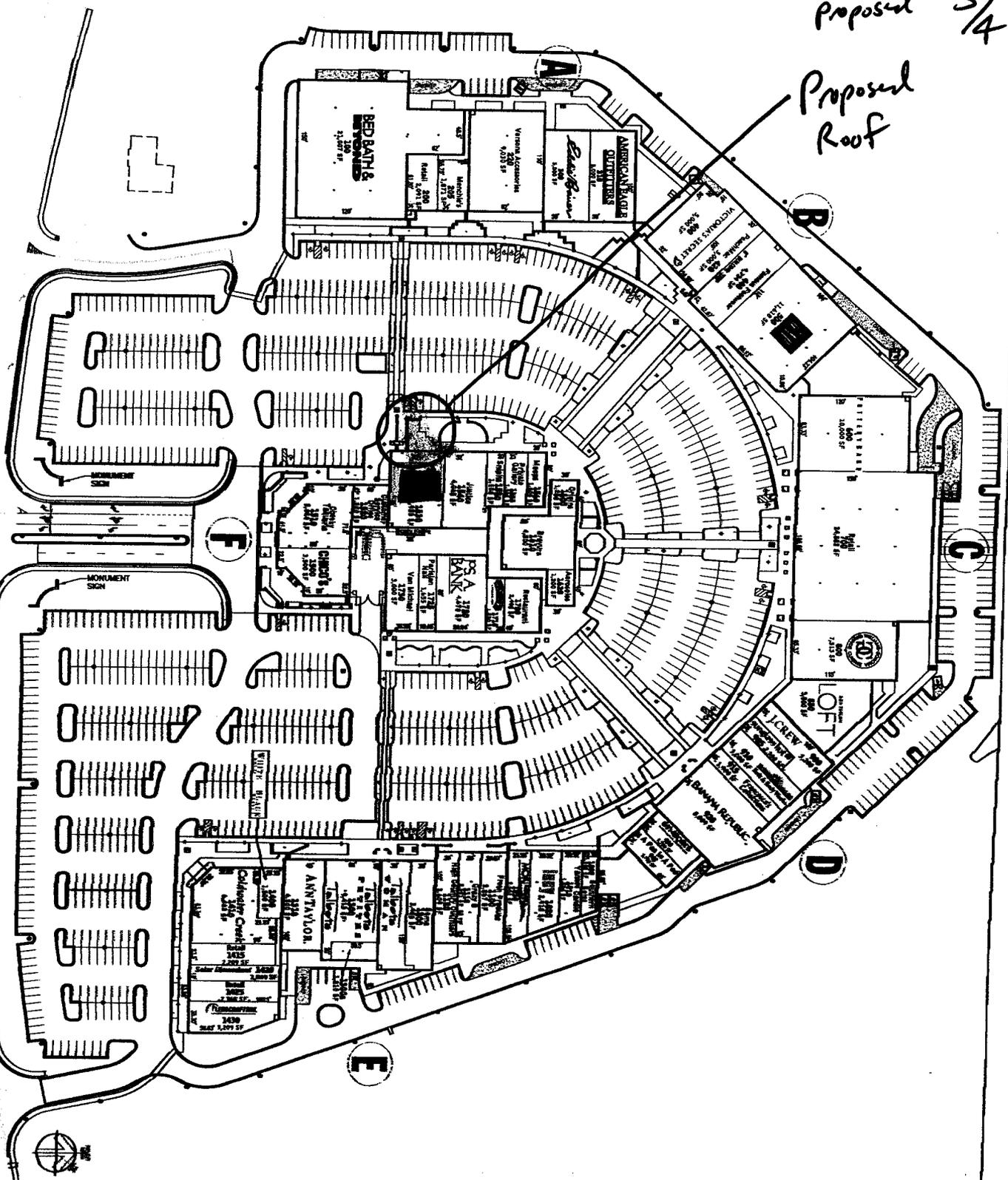
OB #5 3-19-13

Proposed 3/4

Proposed Roof

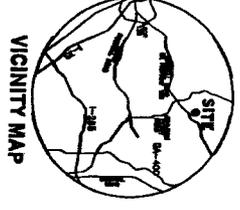
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TRAYLOR SIGN
ROSSFELL ROAD (STATE ROAD 130)



PROJECT DATA

BUILDING DATA	
MINUS LEASABLE AREA	14,400 SF
BUILDING A	57,700 SF
BUILDING B	44,700 SF
BUILDING C	52,100 SF
BUILDING D	52,100 SF
BUILDING E	52,100 SF
BUILDING F	52,100 SF
TOTAL PROJECT G.L.A.	236,245 SF
PARKING DATA	
PARKING SPACES PROVIDED	1,175
PERCENTAGE OF TOTAL G.L.A.	0.5%
* INCLUDES 50 IN PARKING SPACES	

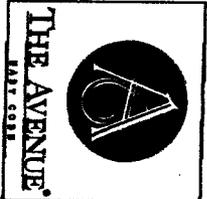


VICINITY MAP

Site Lease Plan

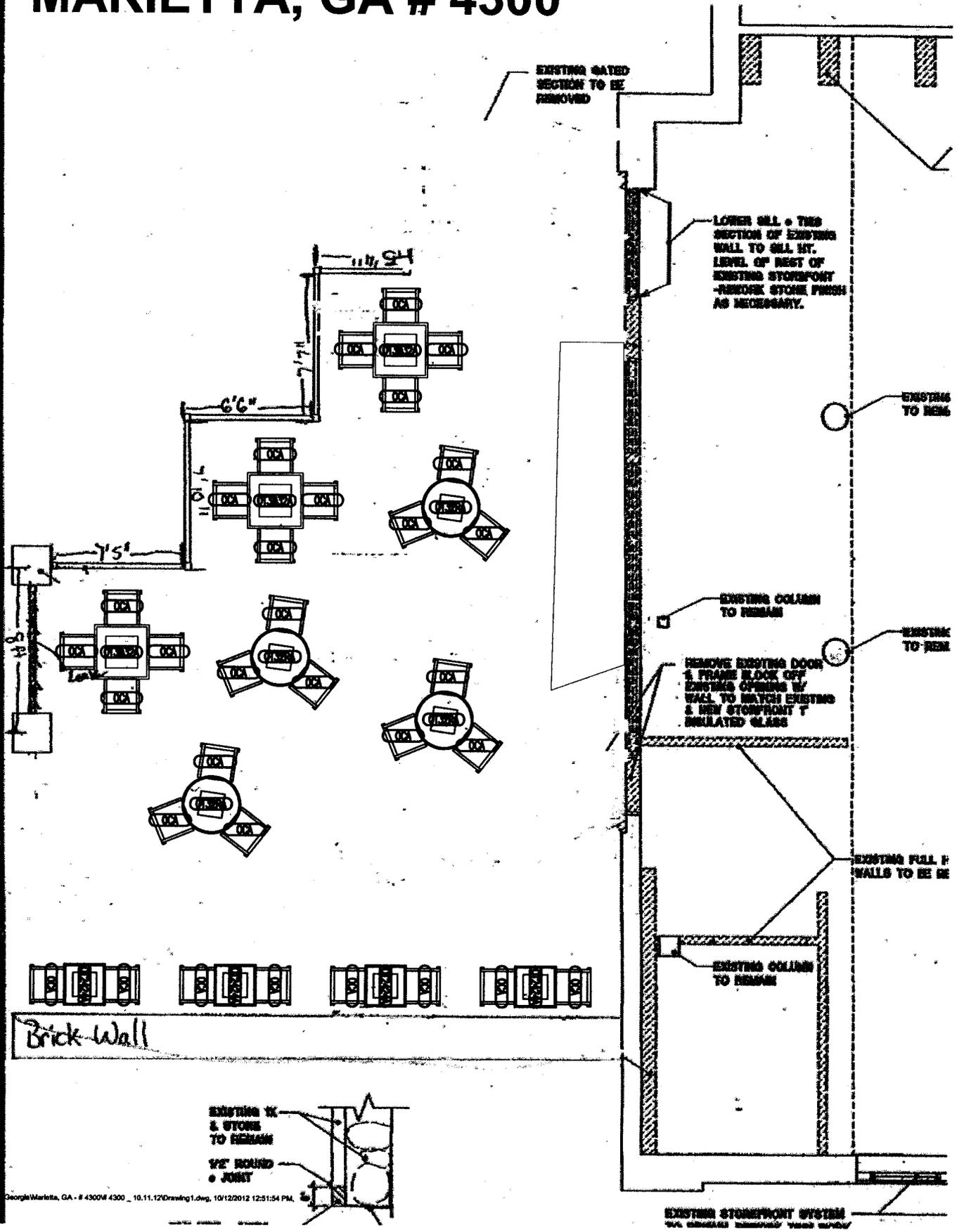


NOTE: THE SITE LEASE PLAN IS A PRELIMINARY PLAN AND IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT AND THE STATE DEPARTMENT OF TRANSPORTATION.



LP56
OF/MA/18

MARIETTA, GA # 4300



COBB COUNTY GEORGIA
FILED IN OFFICE

2013 FEB 12 PM 1:22

REGULAR AGENDA

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

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE
(770) 429-1499

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G. PHILIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
SAPRAH L. BARGO
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JERE C. SMITH
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ROBERT E. JONES*

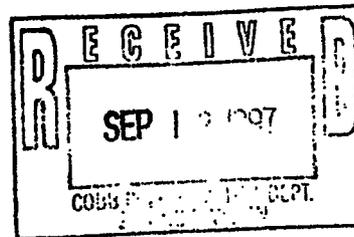
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G. ANDY ADAMEK
J. KEVIN MOORE
S. GREGORY WAGNER
WILLIAM C. BUHAY
SUSAN W. SMITH
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RODNEY R. MCCOLLOCH
DANIEL A. LANDIS**
RICHARD C. FOSTER
BRIAN D. SMITH
HARRY R. TEAR III

* ALSO ADMITTED IN FL
** ALSO ADMITTED IN NC

September 12, 1997

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
BOC zoning
minutes of
9-16-97.
Kandick

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
Development Department
Page Two
September 12, 1997

*2-118 continued
pg #2*

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
Page Three
September 12, 1997

*2-118 continued
Pg #3*

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
Development Department
Page Four
September 12, 1997

*2-118 continued
pg #4*

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.

MOORE INGRAM JOHNSON & STEELE

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

*2-1/18
continued
Pg #5*

- (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.

MOORE INGRAM JOHNSON & STEELE

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

*2-118
Continued
Pg #6*

- (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

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

*Z-118
continued
pg #7*

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
Page Eight
September 12, 1997

*2-118
continued
Pg #8*

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;

MOORE INGRAM JOHNSON & STEELE

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

2-118
continued
pg #9

- (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

MOORE INGRAM JOHNSON & STEELE

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

2-118
Continued
Pg #10

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.

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

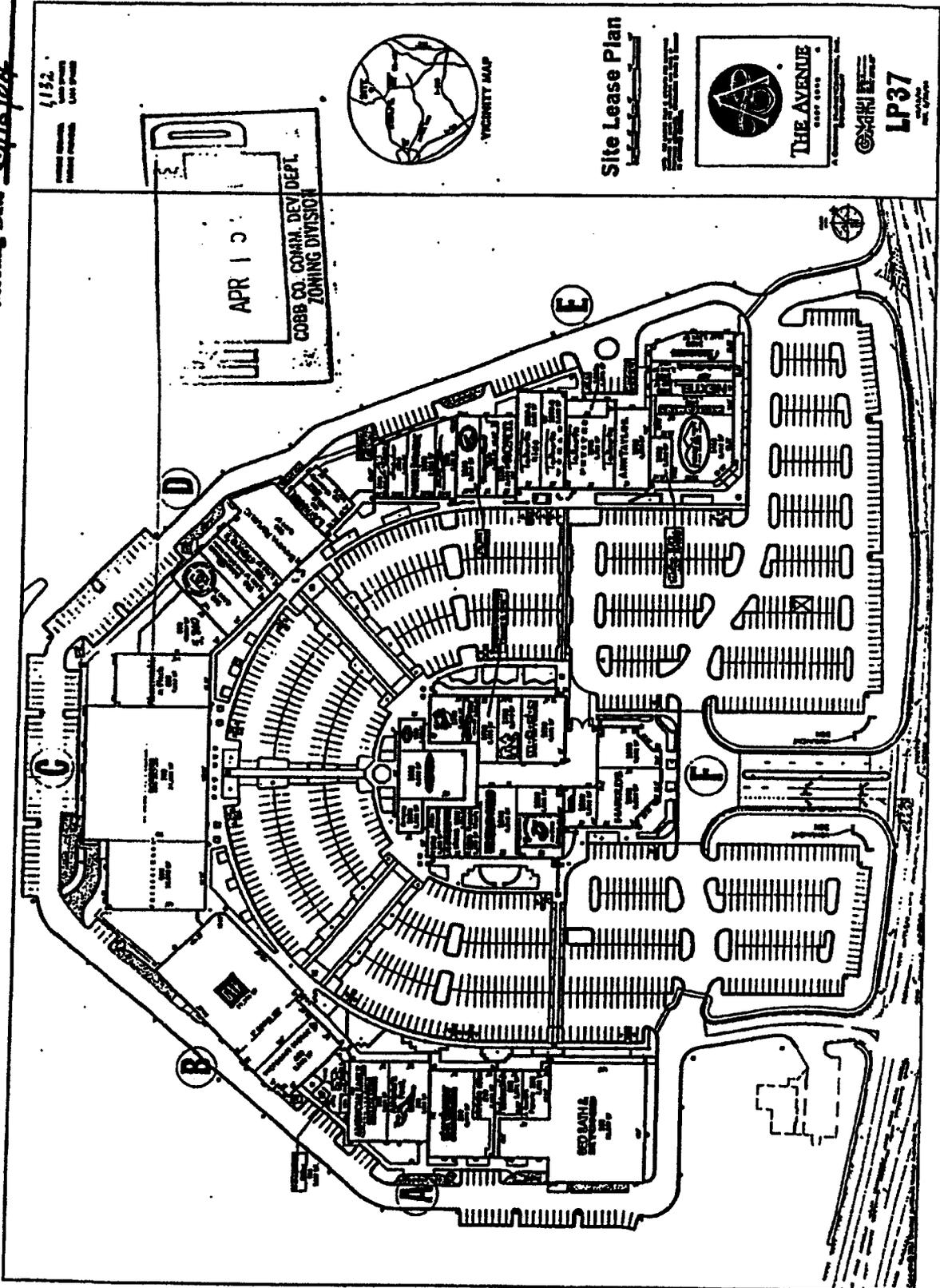
MOTION: Motion by Lee, second by Olens, to approve a site plan and stipulations regarding Z-118 (Cousins NewMarket Centers) of September 16, 1997, for property on the north side of Roswell Road, east of Johnson Ferry Road in Land Lot 829 of the 16th District and Land Lot 16 of the 1st District **subject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

Min. Bk. 27 Petition No. 118
Doc. Type Site Plan

Meeting Date 5/13/04



Site Lease Plan



LP37