

APPLICANT: Pull-A-Part of Northwest Atlanta, LLC

404-607-7000

REPRESENTATIVE: John H. Moore 770-429-1499

Moore Ingram Johnson & Steele, LLP

TITLEHOLDER: Word of Faith Christian Center Church, Inc. of

Georgia

PROPERTY LOCATION: Terminus of Tramore Pointe Parkway,

northwest of East-West Connector

ACCESS TO PROPERTY: Tramore Point Parkway

PHYSICAL CHARACTERISTICS TO SITE: Undeveloped acreage

PETITION NO: Z-49

HEARING DATE (PC): 08-06-13

HEARING DATE (BOC): 08-20-13

PRESENT ZONING: LI, CRC

PROPOSED ZONING: HI

PROPOSED USE: Do-It-Yourself

Used Auto Parts

SIZE OF TRACT: 24.43 acres

DISTRICT: 19

LAND LOT(S): 861, 916

PARCEL(S): 17, 2, 3

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: CRC/Developed Commercial, daycare on the north

SOUTH: RM-12/Multi-family Development, Tramore Park

EAST: CRC/Retail Center

WEST: HI/Colonial Pipeline Tank Farm

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

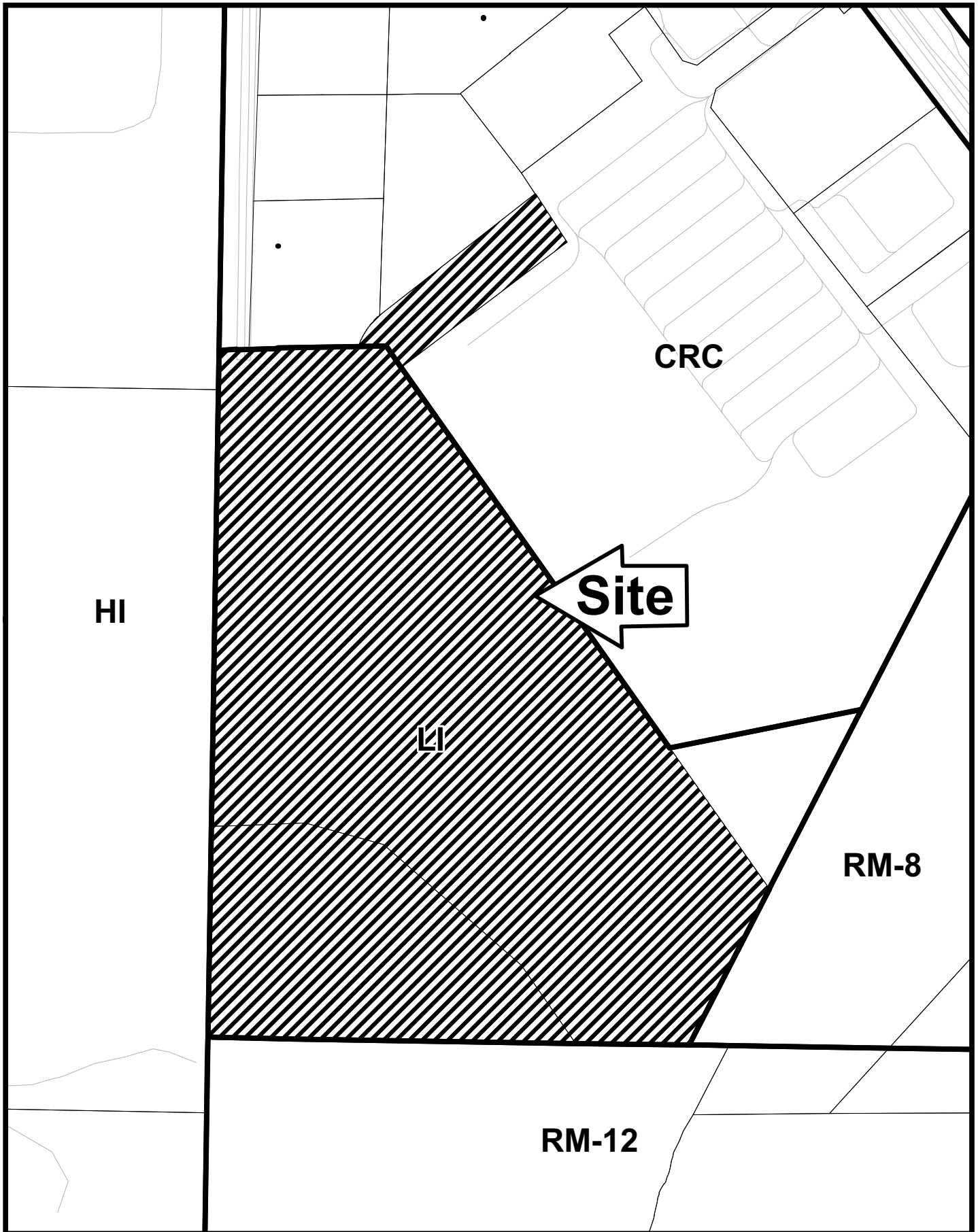
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

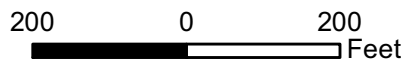
STIPULATIONS:



Z-49



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



City Boundary
Zoning Boundary

APPLICANT Pull-A-Part of Northwest Atlanta, LLC

PETITION NO.: Z-49

PRESENT ZONING: LI, CRC

PETITION FOR: HI

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Industrial Compatible (IC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 3,013

F.A.R.: .0028 **Square Footage/Acre:** 123.32

Parking Spaces Required: 30 **Parking Spaces Provided:** 145

Applicant is requesting the Heavy Industrial (HI) zoning category for the purpose of developing a do-it-yourself auto parts facility. The one proposed building architecture will be traditional. Applicant’s site plans also indicates the use of a process pad and a flattener pad. The hours of operation will be 8 a.m. until 6 p.m. Monday through Sunday. The business will have 20 employees. The inventory to be at the property will be 20 vehicles in and 20 vehicles out, being on the property 60-90 days.

Cemetery Preservation: No comment.

FIRE COMMENTS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

HYDRANT: Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8” supply lines to all hydrants.

APPLICANT Pull-A-Part of Northwest Atlanta, LLC

PETITION NO.: Z-49

PRESENT ZONING: LI, CRC

PETITION FOR: HI

PLANNING COMMENTS:

The applicant is requesting a rezoning from LI, CRC to HI for purpose of Do-It-Yourself Used Auto Parts. The 24.43 acre site is located on the terminus of Tramore Pointe Parkway, northwest of East-West Connector.

Comprehensive Plan

The parcel is within an Industrial Compatible (IC) future land use category, with LI and CRC zoning designations. The purpose of Industrial Compatible (IC) category is to provide for areas that can support light industrial, office /warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

Master Plan/Corridor Study

Not applicable.

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

Design Guidelines

Is the parcel in an area with Design Guidelines? Yes No

If yes, design guidelines area _____

Does the current site plan comply with the design requirements?

APPLICANT Pull-A-Part of Northwest Atlanta, LLC

PETITION NO. Z-049

PRESENT ZONING LI, CRC

PETITION FOR HI

WATER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development: Yes No

Fire Flow Test Required: Yes No

Size / Location of Existing Water Main(s): *8" DI / W side of Tramore Pointe Pkwy*

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS: NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin: Yes No

At Development: Yes No

Approximate Distance to Nearest Sewer: *On site at NE section of property*

Estimated Waste Generation (in G.P.D.): **ADF** 160 **Peak=** 400

Treatment Plant: **South Cobb**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drv Sewers Required: Yes No

Off-site Easements Required: Yes* No *If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required: Yes No

Letter of Allocation issued: Yes No

Septic Tank Recommended by this Department: Yes No

Subject to Health Department Approval: Yes No

Additional Comments:

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Pull-A-Part of Northwest Atlanta, LLC

PETITION NO.: Z-49

PRESENT ZONING: LI/CRC

PETITION FOR: HI

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Olley Creek FLOOD HAZARD INFO: Zone AE

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: within and adjacent to stream buffer and floodplain.

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: **50'**, **75'**, **100'** or **200'** each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on receiving stream (Olley Creek).

APPLICANT: Pull-A-Part of Northwest Atlanta, LLC

PETITION NO.: Z-49

PRESENT ZONING: LI/CRC

PETITION FOR: HI

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. This parcel is located adjacent to Olley Creek and is bounded by Colonial Pipeline to the west and south, Tramore Pointe to the north and northeast and Cobb County’s Tramore Park to the southeast. The entire site drains to the Olley Creek floodplain. Approximately 5.8 acres of the site is located within the 100-year floodplain which includes a portion of the Olley Creek Floodway.
2. The plan shows the detention pond and a solid barricade fence within the floodplain. The pond must be relocated outside the floodplain. The perimeter fence material/design must be changed to allow free flow of water or relocated outside the floodplain as well.
3. The proposed site plan shows the display yard extending well into the Olley Creek floodplain. The Stormwater Management Division recommends that all vehicle storage be located outside the floodplain.
4. A Notice of Intent must be filed with the Georgia Environmental Protection Division for coverage under the NPDES General Permit to discharge stormwater associated with industrial activity. This facility will likely be classified under SIC Code 5015 Section M for automotive salvage yards. Any requirements associated with this permit must be addressed. A Stormwater Pollution Prevention Plan must be submitted prior to issuance of the certificate of occupancy.

STAFF RECOMMENDATIONS

Z-49 PULL-A-PART OF NORTHWEST ATLANTA, LLC

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. Abutting properties to the northeast are zoned for community retail uses, which includes a daycare. Also, there is a county park and apartments to the southeast.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. Staff believes the proposed use will escalate industrial traffic in the area and could possibly be adverse because of stormwater issues raised in the attached comments. Staff is concerned that the proposed use will negatively affect the children at the daycare. Staff is also concerned the proposed use will negatively affect the county park and residential apartments.
- C. It is Staff's opinion that the applicant's rezoning proposal will result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within the Industrial Compatible (IC) land use category. The requested Heavy Industrial (HI) zoning category requires that it be in an Industrial land use category. As mentioned in the attached Planning Comments, the purpose of the IC land use category is to provide for areas that can support light industrial, office/warehouse, and distribution uses.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. In the past, the subject property and the properties to the east and northeast were zoned LI and CRC in 2004 and 2003 (minutes attached) and were brought in numerous times for site plan amendments and approvals, the last of which indicated a church on the upper portion of the subject property. The current request indicates gravel/pavement display areas in areas abutting buffer areas on the creek on the southern portion of the property – in direct conflict with plans that have been previously approved by the Board of Commissioners and the District Commissioner.

Based on the above analysis, Staff recommends **DENIAL** of the request.

COBB COUNTY GEORGIA
FILM OFFICE

Application No. z-49
(2013)

2013 JUN -6 PM 4:17

Aug.

COBB COUNTY ZONING DIVISION

Summary of Intent for Rezoning*

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): Not Applicable
- b) Proposed building architecture: _____
- c) Proposed selling prices(s): _____
- d) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Do-It-Yourself Used Auto Parts Facility
- b) Proposed building architecture: Traditional
- c) Proposed hours/days of operation: 8:00 a.m. - 6:00 p.m.
Monday - Sunday
- d) List all requested variances: None known at this time.

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

-
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?
(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). None known at this time.

*Applicant specifically reserves the right to amend any information set forth in the Summary of Intent, or any part of the Application for Rezoning, at any time during the rezoning process.

ATTACHMENT TO APPLICATION FOR REZONING

IMPACT ANALYSIS STATEMENT

Application No.: Z-49 (2013)
Hearing Dates: August 6, 2013
August 20, 2013

COBB COUNTY GEORGIA
2013 JUN -6 PM 4:17
COBB COUNTY ZONING DIVISION

Applicant: Pull-A-Part of Northwest Atlanta, LLC
Titleholder: Word of Faith Christian Center
Church, Inc. of Georgia

Analysis of impact of the proposed rezoning with respect to the following:

- (a) The Application for Rezoning requests rezoning of a 24.433 acre parcel from the Light Industrial (“LI”) and Community Retail Commercial (“CRC”) zoning classifications to the Heavy Industrial (“HI”) zoning classification for the purpose of operation of a “do-it-yourself” used auto parts facility. Due to the use sought by Applicant, rezoning of the Property to the Heavy Industrial zoning classification is required.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The Subject Property is adjacent to the Colonial Pipeline facility, which is zoned Heavy Industrial; as well as adjacent to the former BJ’s warehouse, which is zoned Community Retail Commercial. The proposed development will have adequate fencing and buffering along its boundaries with residentially zoned properties, thus minimizing any impact and effect. Applicant will further seek to minimize any impact on surrounding properties as much as possible. Therefore, rezoning of the Subject Property to the Heavy Industrial zoning classification will have a minimal, if any, impact on surrounding properties.
- (c) The property as zoned does have a reasonable economic use. Approval of the requested rezoning will allow for a more reasonable, economic use of the Subject Property.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools.
- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia; as well as the policy and intent of the Land Use Plan, as the Subject Property is in an “Industrial Compatible” classification and as evidenced by the existing zoning category of Light Industrial.
- (f) The Subject Property is currently zoned to the Light Industrial and Community Retail Commercial. A dedicated conservation easement area traverses the Property, which limits development and configuration. By granting the requested rezoning, as presented, the Subject Property will be able to enjoy its rightful economic use.

ORIGINAL DATE OF APPLICATION: 06-15-04APPLICANTS NAME: ACKERMAN EAST-WEST CONNECTOR, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 07-19-05 ZONING HEARING:****OTHER BUSINESS ITEM #1 – TO CONSIDER A SITE PLAN AMENDMENT
FOR ACKERMAN EAST-WEST CONNECTOR, LLC**

To consider a site plan amendment for Tramore Pointe regarding Z-94 (E. W. Connector, LLC) of July 15, 2003 and Z-74 (Ackerman East-West Connector, LLC) of June 15, 2004, for property located on the southwest side of the East-West Connector at Asquith Avenue in Land Lots 841, 842, 861, 862 and 916 of the 19th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request for site plan amendment. Following presentation and discussion, the following motion was made:

MOTION: Motion by Kesting, second by Thompson, to **approve** site plan amendment for Tramore Pointe regarding Z-94 (E. W. Connector, LLC) of July 15, 2003 and Z-74 (Ackerman East-West Connector, LLC) of June 15, 2004, for property located on the southwest side of the East-West Connector at Asquith Avenue in Land Lots 841, 842, 861 and 916 of the 19th District **subject to:**

- **site plan dated June 1, 2005 (copy attached and made a part of these minutes)**
- **letter from Mr. Jason Holland of Ackerman & Co., dated June 7, 2005 (copy attached and made a part of these minutes)**
- **submission to the Plan Review process and the requirements imposed at Plan Review**
- **all other previously approved conditions/stipulations to remain in full force and effect**

VOTE: **ADOPTED 4-0, Olens absent**

Ackerman & Co.

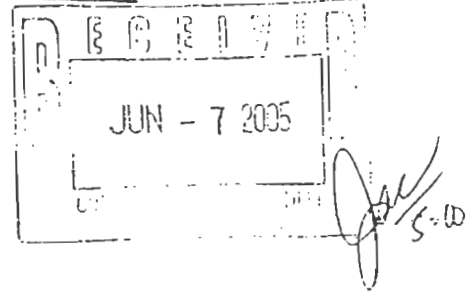
1040 Crown Pointe Parkway, Suite 200
Atlanta, Georgia 30338
Main 770 913 3900
Fax 770.913.3565

OB#1
(Z-94 of 7/15/03 and
Z-74 of 6/17/04)
Jason Holland
Development Manager
770-913-3939
Min. Bk. 36 Petition No. Z-74 of 6/17/04
Doc. Type Letter from Jason
Holland of Ackerman & Co.
Meeting Date 7/19/05

VIA FACSIMILE 770-528-2003

June 7, 2005

Mr. Mark Danneman
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, GA 30060-1661



RE: Site Plan Amendment Application for parcels nine and twelve of the Tramore Pointe mixed-use development, 66.973 acres located in Land Lots 788, 841, 842, 861, 862, and 916, 19th District, 2nd Section, Cobb County, Georgia.

Dear Mark:

Per your request, the following summarizes the building square-foot areas for the current and proposed site plan exhibits:

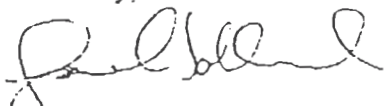
On the current Zoning Plan (ZA-74, June 2004), Parcels 12, 13, 14, and 15 total 100,000 square feet in four buildings. On the proposed amended site plan, Parcels 12, 13, 14, and 15 have been combined as a larger Parcel 12, with a total of 70,000 square feet in one building.

Parcel 9 has been reduced by 1.03 acres, and this 1.03 acres has also been added to the proposed Parcel 12. The proposed Parcel 12 includes 1.03 acres currently zoned CRC, and 23.39 acres currently zoned LI (formerly Parcels 12, 13, 14, and 15), for a total of 24.424 acres.

On the current Zoning Plan (ZA-74, June 2004), Parcel 9 had a total of 126, 597 square feet in five retail spaces. On the proposed amended site plan, Parcel 9 has been shown with 137, 200 square feet in five retail spaces.

The total building square footage on the current approved Zoning Plan, for the entire project, was 393,127 square feet. The proposed amended site plan has been shown with a total of 378, 550 square feet.

Please don't hesitate to call me with any questions or concerns. Thank you for your consideration in this matter.

Sincerely,

Jason Holland
Development Manager
Ackerman & Co.

ORIGINAL DATE OF APPLICATION: 06-15-04

APPLICANTS NAME: ACKERMAN EAST-WEST CONNECTOR

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

BOC DECISION OF 06-15-04 ZONING HEARING:

ACKERMAN EAST-WEST CONNECTOR (Sembler Family Partnership #26, LTD and Ackerman East West, LLC, owners) for Rezoning from **LI** to **CRC** for the purpose of Retail, Restaurants and Offices in Land Lots 841, 842, 861, 862 and 916 of the 19th District. Located on the southwest side of the East-West Connector at Asquith Avenue.

MOTION: Motion by Lee, second by Olens, as part of the Consent Agenda, to delete rezoning to the **CRC** and **LI (Lot 11 only)** zoning districts **subject to:**

- **site plan received by the Zoning Division May 26, 2004, with the District Commissioner approving minor modifications to site layout (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated May 26, 2004 and June 9, 2004 (copy attached and made a part of these minutes)**
- **LI zoning district on Lot 11 for use as ambulance business *only***
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**

VOTE: **ADOPTED** unanimously

PAULSON MITCHELL
INCORPORATED
LAND PLANNING
SURVEYING & ENGINEERING
1000 BROADWAY
SUITE 200
ATLANTA, GA 30309
404.525.1100

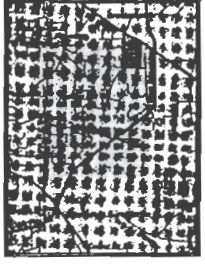
PROJECT:
TRAMO
POINT
LAND LOT 861 &
19TH DISTRICT
Cobb County, GA

ACKERM
& COMP
1040 CROWN POINT
SUITE 100
ATLANTA, GEORGIA
770.913.390



REVISIONS

NO.	DATE	DESCRIPTION
1	11/11/04	ISSUED FOR PERMITS
2	04/12/04	ISSUED FOR PERMITS
3	04/12/04	ISSUED FOR PERMITS
4	04/12/04	ISSUED FOR PERMITS
5	04/12/04	ISSUED FOR PERMITS
6	04/12/04	ISSUED FOR PERMITS
7	04/12/04	ISSUED FOR PERMITS
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50	04/12/04	ISSUED FOR PERMITS



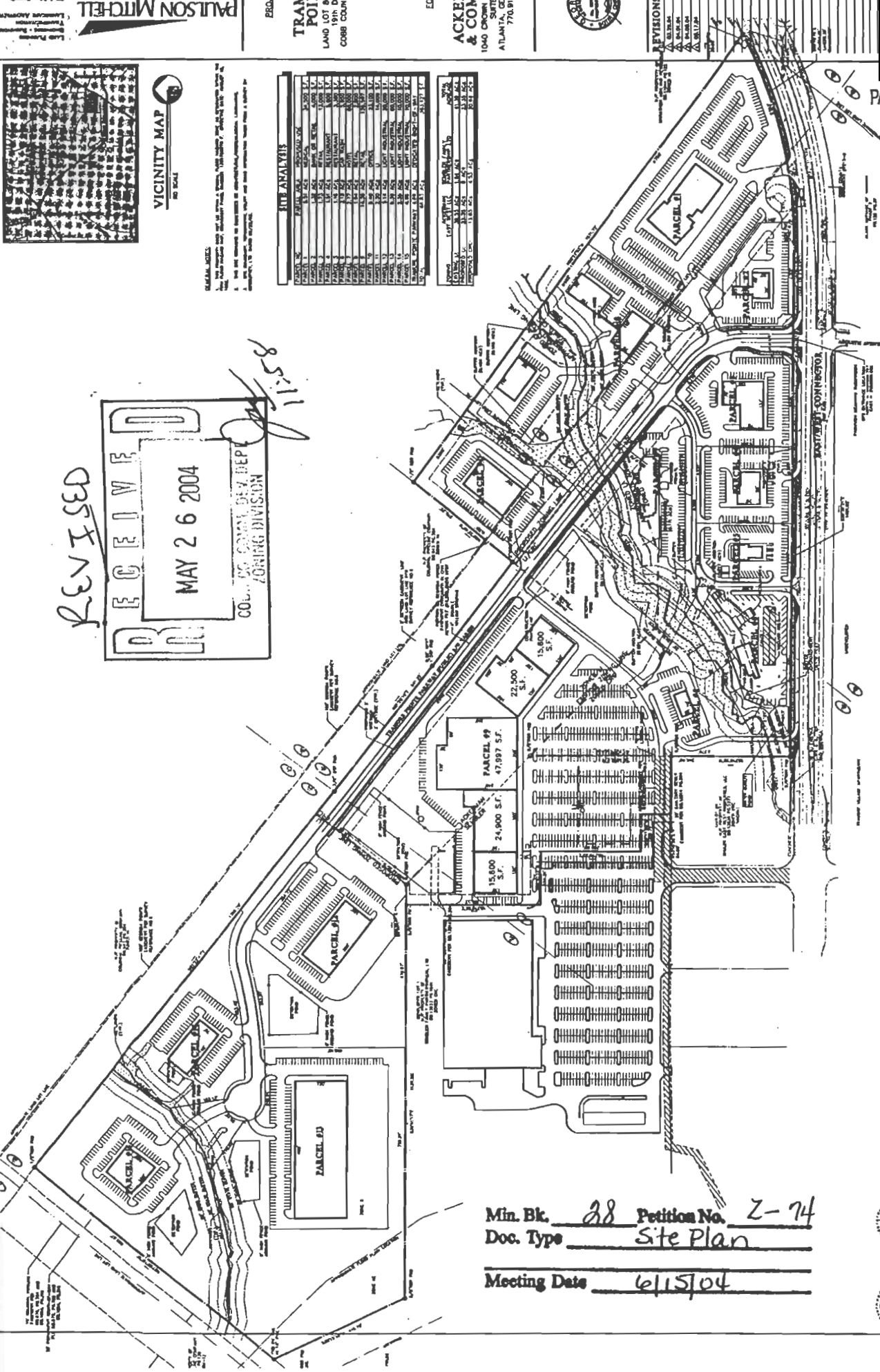
VICINITY MAP
1/8" = 1' SCALE

GENERAL NOTES:
1. THIS SITE PLAN IS A PRELIMINARY DESIGN AND IS SUBJECT TO THE APPROVAL OF THE LOCAL GOVERNMENT.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.
3. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE LOCAL GOVERNMENT.

IDE ANALYSIS

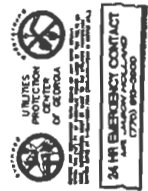
NO.	AREA	AREA (S.F.)	PERCENT
1	ASPHALT	1,200,000	1.20
2	CONCRETE	1,200,000	1.20
3	PAVEMENT	1,200,000	1.20
4	GRAVEL	1,200,000	1.20
5	WOOD	1,200,000	1.20
6	BRICK	1,200,000	1.20
7	STONE	1,200,000	1.20
8	GLASS	1,200,000	1.20
9	METAL	1,200,000	1.20
10	PLASTER	1,200,000	1.20
11	CEMENT	1,200,000	1.20
12	ADOB	1,200,000	1.20
13	CLAY	1,200,000	1.20
14	BRICK	1,200,000	1.20
15	STONE	1,200,000	1.20
16	GLASS	1,200,000	1.20
17	METAL	1,200,000	1.20
18	PLASTER	1,200,000	1.20
19	CEMENT	1,200,000	1.20
20	ADOB	1,200,000	1.20
21	CLAY	1,200,000	1.20
22	BRICK	1,200,000	1.20
23	STONE	1,200,000	1.20
24	GLASS	1,200,000	1.20
25	METAL	1,200,000	1.20
26	PLASTER	1,200,000	1.20
27	CEMENT	1,200,000	1.20
28	ADOB	1,200,000	1.20
29	CLAY	1,200,000	1.20
30	BRICK	1,200,000	1.20
31	STONE	1,200,000	1.20
32	GLASS	1,200,000	1.20
33	METAL	1,200,000	1.20
34	PLASTER	1,200,000	1.20
35	CEMENT	1,200,000	1.20
36	ADOB	1,200,000	1.20
37	CLAY	1,200,000	1.20
38	BRICK	1,200,000	1.20
39	STONE	1,200,000	1.20
40	GLASS	1,200,000	1.20
41	METAL	1,200,000	1.20
42	PLASTER	1,200,000	1.20
43	CEMENT	1,200,000	1.20
44	ADOB	1,200,000	1.20
45	CLAY	1,200,000	1.20
46	BRICK	1,200,000	1.20
47	STONE	1,200,000	1.20
48	GLASS	1,200,000	1.20
49	METAL	1,200,000	1.20
50	PLASTER	1,200,000	1.20

REVISED
RECEIVED
MAY 26 2004
COLUMBIA COUNTY DEPT.
ZONING DIVISION



ZONING EXHIBIT
SCALE: 1" = 100'

Min. Bk. 28 Petition No. Z-74
Doc. Type Site Plan
Meeting Date 6/15/04



24 HOUR EMERGENCY CONTACT
1-800-888-8888

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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MEREDITH M. MILBY

Z-49 & SLUP-9
(2013)
Previous Minutes

DOUGLAS B. ROHAN
DAVID M. VAN SANT
DARRELL L. SUTTON
KASI R. WHITAKER
AUTUMN L. VEAZEY

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

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN NC
** ALSO ADMITTED IN SC
*** ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

May 26, 2004

Min. Bk. 28 Petition No. Z-74
Doc. Type Letter of agreeable
Stipulations
Meeting Date 6/15/04

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-74 (2004)
Applicant: Ackerman East West Connector,
L.L.C.
Owners: Ackerman East West Connector,
L.L.C. and Sembler Family
Partnership #26, Ltd.
Property: 66.83± acres located on the
East-West Connector, Land
Lots 788, 841, 842, 861, 862,
and 916, 19th District,
2nd Section, Cobb County,
Georgia

Dear John:

As you know, this firm represents Ackerman East West Connector, L.L.C., who is the Applicant and one of the Property Owners (hereinafter collectively referred to as "Applicant"), and Sembler Family Partnership #26, Ltd., the remaining Property Owner (hereinafter referred to as "Owner"), in their Application for Rezoning with regard to a 66.83± acre tract located on the East-West Connector, southeasterly of Powder Springs Road, in Land Lots 788, 841, 842, 861, 862, and 916, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations which, if the Application for

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-14
Meeting Date 6/15/04
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Two
May 26, 2004

Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. 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.

GENERAL STIPULATIONS APPLICABLE TO ALL CATEGORIES

- (1) Rezoning of the Subject Property will be from the Light Industrial ("LI") zoning category to the Community Retail Commercial ("CRC") and Light Industrial zoning categories with reference being made to that certain revised Zoning Exhibit prepared for Ackerman & Co. by Paulson Mitchell Incorporated dated March 25, 2004, last revised May 17, 2004.
- (2) By this letter of agreeable stipulations and conditions, Applicant amends the Application for Rezoning to include the revised Zoning Exhibit hereinabove set forth, same being prepared for Ackerman & Co. by Paulson Mitchell Incorporated dated March 25, 2004, last revised May 17, 2004, which is submitted contemporaneously herewith.
- (3) The total site area for development is comprised of 66.83 acres.
- (4) Applicant agrees to pay the cost of signalization at the main access intersection on the East-West Connector, as required by the Cobb County Department of Transportation.
- (5) The following uses shall be prohibited from the proposed development:
 - (a) Pawn shops;
 - (b) Billiards or pool halls;

Petition No. Z-74
Meeting Date 6/15/04
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Three
May 26, 2004

- (c) Designated recycling collection stations;
 - (d) Used car lots;
 - (e) Self-service laundry facilities;
 - (f) Arcades, amusement or game rooms;
 - (g) Outdoor vending machines, kiosks, or other stands;
EXCEPT ATM facilities;
 - (h) Dry-cleaning plant; EXCEPT for dry cleaning establishments with petroleum-based cleaning equipment;
 - (i) Sale, lease, or rental of motorized vehicles or trailers;
 - (j) Tattoo or body piercing parlors;
 - (k) Adult-themed bookstores or sales of related adult items; and
 - (l) Check-cashing establishments.
- (6) Minor modifications to the referenced Zoning Exhibit, including, but not limited to, the layout and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (7) The Subject Property will be serviced by Cobb County sewer.
- (8) All detention facilities shall comply with Cobb County Stormwater Management requirements and shall be landscaped to the exterior.
- (9) All landscaping for buffers and detention areas shall be approved by the Cobb County Arborist during the plan review process.

Petition No. Z-7
Meeting Date 6/15/04
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Four
May 26, 2004

- (10) 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.
- (11) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations, except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (12) Applicant shall comply with the recently enacted Cobb County Tree Ordinance; and in that regard, Applicant shall use best efforts to minimize grading so as to avoid mass grading of the Subject Property.
- (13) Stormwater detention shall be designed to exceed minimum standards established by applicable law.
- (14) Applicant agrees to comply with the minimum stream buffer requirements as shown and reflected on the referenced Zoning Exhibit.

STIPULATIONS APPLICABLE TO THE CRC CATEGORY

- (1) The proposed CRC category shall consist of 20.68 acres which shall be located adjacent to the northerly side of the East-West Connector, as more fully shown and reflected on that certain Zoning Exhibit prepared for Ackerman & Co. by Paulson Mitchell Incorporated dated March 25, 2004, last revised May 17, 2004.
- (2) The exterior facades of the retail buildings within the proposed CRC category shall be brick or stacked stone with stucco or masonry accents on the front and both sides.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Five
May 26, 2004

Pctition No. Z-7a
Meeting Date 6/15/04
Continued

Z-49 & SLUP-9
(2013)
Previous Minutes

- (3) Signage, other than building signage, shall be ground-based, monument style. The finish, materials, and colors shall be compatible with the building design.
- (4) Environmentally sensitive, shoe-box style, recessed lighting shall be utilized within the proposed CRC development. Applicant shall make every effort to make all lighting as unobtrusive as possible on the site, including parking areas and rear of buildings.
- (5) All dumpsters within the proposed CRC development shall be enclosed within minimum six (6) foot high brick enclosures on three sides with solid screen gates on the access sides. The brick enclosures shall match the exterior brick which may be used for the proposed retail center and/or signage. All dumpsters shall contain rubber lids to minimize noise.
- (6) All landscaping within the proposed CRC development shall be professionally installed and maintained.

STIPULATIONS APPLICABLE TO THE LI CATEGORY

- (1) The proposed LI category shall consist of 41.39 acres which shall be located adjacent to the proposed CRC property and northerly of the East-West Connector, as more fully shown and reflected on that certain Zoning Exhibit prepared for Ackerman & Co. by Paulson Mitchell Incorporated dated March 25, 2004, last revised May 17, 2004.
- (2) Applicant proposes the construction of buildings for uses provided within the Light Industrial zoning category, said buildings being more particularly shown and delineated on the referenced Zoning Exhibit.
- (3) The exterior, front facades of the buildings within the proposed Light Industrial zoning category shall be brick and/or stacked stone with stucco-type or masonry accents.

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Six
May 26, 2004

Petition No. 2-70
Meeting Date 6/15/04
Continued

Z-49 & SLUP-9
(2013)
Previous Minutes

- (4) Entrance signage for the proposed industrial development shall be ground based, monument style signage located at the entrance thereto. The finish, materials, and colors shall be compatible with the design and materials of the buildings.
- (5) All dumpsters shall be enclosed within a minimum six (6) foot high brick enclosure on three sides with a solid screen gate on the access side. The brick enclosure shall match the exterior brick of the proposed buildings and/or signage. All dumpsters shall contain rubber lids to minimize noise.
- (6) Environmentally sensitive, shoe-box type, recessed lighting shall be utilized for parking areas. Light bulbs shall be recessed within the fixtures and shall not extend below the fixtures.
- (7) 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.

We believe the requested zoning, pursuant to the referenced revised Zoning Exhibit and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the ever-changing conditions of the area and the properties and owners thereof surrounding the proposed development. The proposed development shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community. Thank you for your consideration in this request.

MOORE INGRAM JOHNSON & STEELE

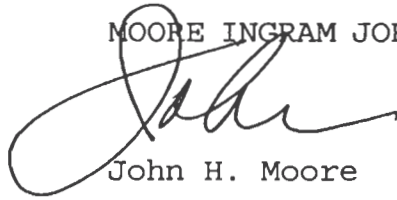
Petition No. Z-74
Meeting Date 6/15/04
Continued

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Seven
May 26, 2004

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Enclosures

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
George Woody Thompson, Jr.
Helen C. Goreham
Joe L. Thompson
Tim Lee
(With Copy of Enclosure)

Cobb County Planning Commissioners:
Murray Homan, Chairman
Judy Williams
Bob Hovey
Christi S. Trombetti
Bob Ott
(With Copy of Enclosure)

Ackerman & Company
(With Copy of Enclosure)

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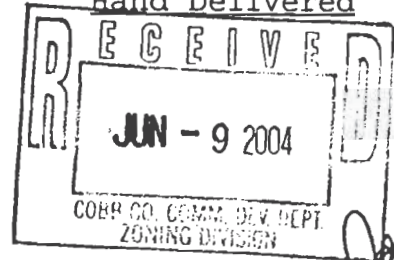
OF COUNSEL:
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN
** ALSO ADMITTED IN NC
*** ALSO ADMITTED IN SC
*** ADMITTED ONLY IN TN

WRITER'S DIRECT
DIAL NUMBER

June 9, 2004

Min. Bk. 28 Petition No. Z-74
Doc. Type Letter of agreeable stipulations
Meeting Date 6/15/04
Hand Delivered



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

RE: Application for Rezoning
Application No.: Z-74 (2004)
Applicant: Ackerman East West Connector,
L.L.C.
Owners: Ackerman East West Connector,
L.L.C. and Sembler Family
Partnership #26, Ltd.
Property: 66.83± acres located on the
East-West Connector, Land
Lots 788, 841, 842, 861, 862,
and 916, 19th District,
2nd Section, Cobb County,
Georgia

Dear John:

On behalf of the Applicant and Property Owners for the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to, and correction of, the acreage set forth in the letter of agreeable stipulations and conditions dated and filed with your office on May 26, 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 corrected acreage allocations are as follows:

- (1) The total site area is approximately 66.832 acres.

MOORE INGRAM JOHNSON & STEELE

Z-49 & SLUP-9
(2013)
Previous Minutes

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Two
June 9, 2004

Petition No. Z-14
Meeting Date 6/15/04
Continued

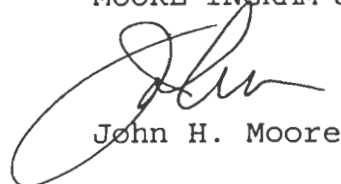
- (2) The site area within the proposed CRC category is approximately 41.132 acres.
- (3) The site area within the proposed LI category is approximately 25.70 acres.
- (4) This letter shall also serve to correct the erroneous acreage allocations reflected in the summaries on the Zoning Exhibit dated May 17, 2004.
- (5) The balance and remainder of the stipulations and conditions set forth in the May 26, 2004, correspondence shall be unaltered by this amendment.

As previously stated, we believe the requested zoning, pursuant to the referenced, revised Zoning Exhibit and the stipulations previously submitted and those contained herein, is an appropriate use of the Subject Property while taking into consideration the ever-changing conditions of the area and the properties and owners thereof surrounding the proposed development. The proposed development shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community. 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

c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
George Woody Thompson, Jr.
Helen C. Goreham
Joe L. Thompson
Tim Lee

Ackerman & Company

PAGE 13 OF 15

APPLICATION NO. Z-94^{'03}

ORIGINAL DATE OF APPLICATION: 07-15-03

APPLICANTS NAME: E. W. CONNECTOR, LLC

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

BOC DECISION OF 07-19-05 ZONING HEARING:

**OTHER BUSINESS ITEM #1 – TO CONSIDER A SITE PLAN AMENDMENT
FOR TRAMORE POINTE REGARDING Z-94 (E. W. CONNECTOR, LLC)**

To consider a site plan amendment for Tramore Pointe regarding Z-94 (E. W. Connector, LLC) of July 15, 2003 and Z-74 (Ackerman East-West Connector, LLC) of June 15, 2004, for property located on the southwest side of the East-West Connector at Asquith Avenue in Land Lots 841, 842, 861, 862 and 916 of the 19th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request for site plan amendment. Following presentation and discussion, the following motion was made:

MOTION: Motion by Kesting, second by Thompson, to **approve** site plan amendment for Tramore Pointe regarding Z-94 (E. W. Connector, LLC) of July 15, 2003 and Z-74 (Ackerman East-West Connector, LLC) of June 15, 2004, for property located on the southwest side of the East-West Connector at Asquith Avenue in Land Lots 841, 842, 861 and 916 of the 19th District **subject to:**

- **site plan dated June 1, 2005 (copy attached and made a part of these minutes)**
- **letter from Mr. Jason Holland of Ackerman & Co., dated June 7, 2005 (copy attached and made a part of these minutes)**
- **submission to the Plan Review process and the requirements imposed at Plan Review**
- **all other previously approved conditions/stipulations to remain in full force and effect**

VOTE: **ADOPTED 4-0, Olens absent**

Ackerman & Co.

1040 Crown Pointe Parkway, Suite 200
Atlanta, Georgia 30338
Main 770.913.3900
Fax 770.913.3965

Min. Bk. 36 Petition No. Z-74 of 6/19/04
Doc. Type Letter from Jason
Holland of Ackerman & Co.
Meeting Date 7/19/05

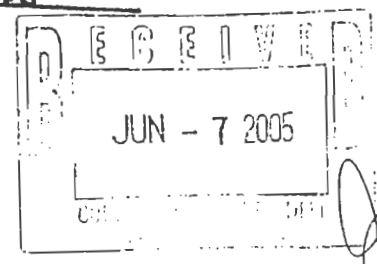
OB#1
(Z-94 of 7/15/03 and
Z-74 of 6/19/04)

Jason Holland
Development Manager
770-913-3939

VIA FACSIMILE 770-528-2003

June 7, 2005

Mr. Mark Danneman
Zoning Division
Cobb County Community Development Agency
Suite 300
191 Lawrence Street
Marietta, GA 30060-1661



RE: Site Plan Amendment Application for parcels nine and twelve of the Tramore Pointe mixed-use development, 66.973 acres located in Land Lots 788, 841, 842, 861, 862, and 916, 19th District, 2nd Section, Cobb County, Georgia.

Dear Mark:

Per your request, the following summarizes the building square-foot areas for the current and proposed site plan exhibits:

On the current Zoning Plan (ZA-74, June 2004), Parcels 12, 13, 14, and 15 total 100,000 square feet in four buildings. On the proposed amended site plan, Parcels 12, 13, 14, and 15 have been combined as a larger Parcel 12, with a total of 70,000 square feet in one building.

Parcel 9 has been reduced by 1.03 acres, and this 1.03 acres has also been added to the proposed Parcel 12. The proposed Parcel 12 includes 1.03 acres currently zoned CRC, and 23.39 acres currently zoned LI (formerly Parcels 12, 13, 14, and 15), for a total of 24.424 acres.

On the current Zoning Plan (ZA-74, June 2004), Parcel 9 had a total of 126, 597 square feet in five retail spaces. On the proposed amended site plan, Parcel 9 has been shown with 137, 200 square feet in five retail spaces.

The total building square footage on the current approved Zoning Plan, for the entire project, was 393,127 square feet. The proposed amended site plan has been shown with a total of 378, 550 square feet.

Please don't hesitate to call me with any questions or concerns. Thank you for your consideration in this matter.

Sincerely,

Jason Holland
Development Manager
Ackerman & Co.

ORIGINAL DATE OF APPLICATION: 07-15-03APPLICANTS NAME: E. W. CONNECTOR, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 07-15-03 ZONING HEARING:**

E. W. CONNECTOR, LLC for Rezoning from **GC** and **LI** to **CRC** and **LI** for the purpose of Retail and Industrial in Land Lots 841, 842, 861, 862, and 916 of the 19th District. Located on the southwest side of the East-West Connector, west of Austell Road.

At the call of the case, Commissioner W. Thompson provided information to the Board and made the following motion:

MOTION: Motion by W. Thompson, second by Olens, to **approve** rezoning to the **CRC** and **LI** zoning districts **subject to**:

- site plan received by the Zoning Division on June 3, 2003 (copy attached and made a part of these minutes)
- brick or stacked stone facades
- maximum total of 229,600 square feet for buildings in the LI zoning district
- Applicant/owner/developer to pay cost of signalization at the main access intersection on the East-West Connector, as required by Cobb DOT
- letter of agreeable stipulations from Mr. John Moore dated July 9, 2003, *not otherwise in conflict* (copy attached and made a part of these minutes)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations, *to include continuation of auxillary lane along the road frontage consistent with the adjacent BJ's development*

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

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OF COUNSEL:
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JOHN L. SKELTON, JR.
TIMOTHY A. HICKEY, JR.

[†] ALSO ADMITTED IN TN
^{*} ALSO ADMITTED IN NC
^{**} ALSO ADMITTED IN SC
^{***} ADMITTED ONLY IN TN
^{****} ALSO ADMITTED IN IL

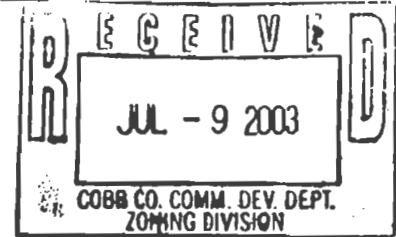
WRITER'S DIRECT
DIAL NUMBER

July 9, 2003

Min. Bk. 24 Petition No. Z-94
Doc. Type Letter of Agreeable
Stipulations
Meeting Date July 15, 2003

Hand Delivered

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-94 (2003)

Applicant/

Owner: E.W. Connector, LLC

Property: 62.29 acres located on the southwesterly side of the East-West Connector; south-easterly of Powder Springs Road, Land Lots 841, 842, 861, 862, and 916, 19th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, this firm represents E.W. Connector, LLC, who is the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to a 62.2898 acre tract located on the southwesterly side of the East-West Connector, southeasterly of Powder Springs Road, in Land Lots 841, 842, 861, 862, and 916, 19th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this revised letter of

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agreeable 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 Subject Property. This revised letter of agreeable stipulations and conditions shall replace and supersede in full our previous stipulation letter dated and filed June 25, 2003. 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.

GENERAL STIPULATIONS APPLICABLE TO ALL CATEGORIES

- (2) Rezoning of the Subject Property will be from the General Commercial ("GC") and Light Industrial ("LI") zoning categories to the Community Retail Commercial ("CRC") and Light Industrial zoning categories with reference being made to that certain Zoning Plat prepared for E.W. Connector, LLC by Travis Pruitt and Associates, Inc. dated April 21, 2003, last revised May 22, 2003.
- (3) The total site area for development is comprised of 62.29 acres.
- (4) Minor modifications to the referenced Zoning Plat, including, but not limited to, the layout and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (5) The Subject Property will be serviced by Cobb County sewer.

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- (6) All detention facilities shall comply with Cobb County Stormwater Management requirements and shall be landscaped to the exterior.
- (7) All landscaping for buffers and detention areas shall be approved by the Cobb County Arborist during the plan review process.
- (8) 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.
- (9) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations, except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (10) Applicant shall comply with the recently enacted Cobb County Tree Ordinance; and in that regard, Applicant shall use best efforts to minimize grading so as to avoid mass grading of the Subject Property.
- (11) Stormwater detention shall be designed to exceed minimum standards established by applicable law.
- (12) Applicant agrees to comply with the minimum stream buffer requirements as shown and reflected on the referenced Zoning Plat.

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STIPULATIONS APPLICABLE TO CRC CATEGORY

- (1) The proposed CRC category shall consist of 22.74 acres which shall be located adjacent to the westerly side of the East-West Connector, as more fully shown and reflected on that certain Zoning Plat prepared for E.W. Connector, LLC by Travis Pruitt and Associates, Inc. dated April 21, 2003, last revised May 22, 2003.
- (2) The exterior facades of the retail buildings within the proposed CRC category shall be brick with stucco or masonry accents on the front and both sides.
- (3) Signage, other than building signage, shall be ground-based, monument style. The finish, materials, and colors shall be compatible with the building design.
- (4) Environmentally sensitive, shoe-box style, recessed lighting shall be utilized within the proposed CRC development. Applicant shall make every effort to make all lighting as unobtrusive as possible on the site, including parking areas and rear of buildings.
- (5) All dumpsters within the proposed CRC development shall be enclosed within minimum six (6) foot high brick enclosures on three sides with solid screen gates on the access sides. The brick enclosures shall match the exterior brick which may be used for the proposed retail center and/or signage. All dumpsters shall contain rubber lids to minimize noise.
- (6) All landscaping within the proposed CRC development shall be professionally installed and maintained.

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STIPULATIONS APPLICABLE TO LI CATEGORY

- (1) The proposed LI category shall consist of 39.55 acres which shall be located adjacent to the proposed CRC property and westerly of the East-West Connector, as more fully shown and reflected on that certain Zoning Plat prepared for E.W. Connector, LLC by Travis Pruitt and Associates, Inc. dated April 21, 2003, last revised May 22, 2003.
- (2) Applicant proposes the construction of buildings for uses provided within the light industrial zoning category, said buildings being more particularly shown and delineated on the referenced Zoning Plat.
- (3) Entrance signage for the proposed industrial development shall be ground based, monument style signage located at the entrance thereto. The finish, materials, and colors shall be compatible with the design and materials of the buildings.
- (4) All dumpsters shall be enclosed within a minimum six (6) foot high brick enclosure on three sides with a solid screen gate on the access side. The brick enclosure shall match the exterior brick of the proposed buildings and/or signage. All dumpsters shall contain rubber lids to minimize noise.
- (5) Environmentally sensitive, shoe-box type, recessed lighting shall be utilized for parking areas. Light bulbs shall be recessed within the fixtures and shall not extend below the fixtures.

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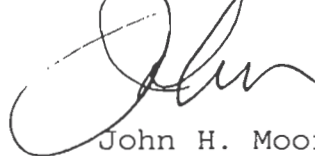
- (6) Security lighting on the structures shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.

We believe the requested zoning, pursuant to the referenced revised Zoning Plat and the revised stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the ever-changing conditions of the area and the properties and owners thereof surrounding the proposed development. The proposed development shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community. 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

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c: Cobb County Board of Commissioners:
Samuel S. Olens, Chairman
George Woody Thompson, Jr.
Helen C. Goreham
Joe L. Thompson
Tim Lee

Lyn L. Christoffersen
Area Resident
(Telefax Transmission
To (404) 577-5709)

E.W. Connector, LLC