

**AUGUST 15, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM 031

PURPOSE

To consider amending the site plan for Poag Shopping Centers, LLC regarding rezoning application Z-139 of 1999 and Z-123 of 2004, for property located on the south side of Dallas Highway and on the east side of Casteel Road in Land Lots 333 and 334 of the 19th District (3625 Dallas Highway).

BACKGROUND

The subject was rezoned in 2002 and 2004 to Neighborhood Retail Commercial (NRC) for an upscale shopping center. One of the stipulations from zoning case zoned the property to the site plan. The property has changed ownership recently and the new owner would like to aesthetically upgrade look of the center with amenities such trellises, outdoor art, outdoor seating areas, new plantings & landscape areas, hardscape areas and a 3,000 square-foot non-commercial wall mural. The wall mural is on the end of suite 280 and is only viewable interior to the shopping center. The applicant has submitted a parking study prepared by their engineer because some of the existing parking will be lost due to the proposed improvements (parking study attached). The parking study does conclude there is would still surplus parking after the improvements are complete. If approved, all previous stipulations should remain in effect.

STAFF COMMENTS

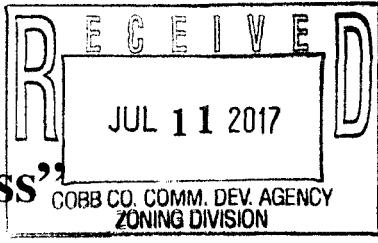
None.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.



OB-031-2017

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 08/15/17

Applicant: Poag Shopping Centers, LLC Phone #: 901.531.8716
(applicant's name printed)

Address: 2650 Thousand Oaks Blvd, Suite 2200, Memphis, TN E-Mail: preinke@poagllc.com

Brian Martin Address: 10 Roswell St., Suite 210, Alpharetta, GA 30009
(representative's name, printed)

[Signature] Phone #: 470.299.7044 E-Mail: Brian.Martin@kimley-horn.com
(representative's signature)

Signed, sealed and delivered in presence of:

Kristina Lynn Warbington My commission expires: May 7, 2019
Notary Public

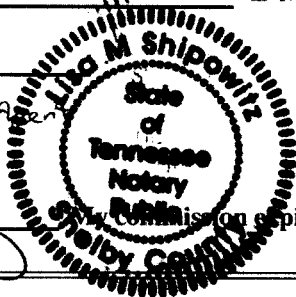


Titleholder(s): CP Venture Five - AWC, LLC Phone #: 901.531.8716
(property owner's name printed)

Address: 7 Giralda Farms, 3rd Floor, Madison, NJ 07940 E-Mail: preinke@poagllc.com

[Signature]
(Property owner's signature)
By Poag Shopping Centers, LLC, its Managing Agent

Signed, sealed and delivered in presence of:
[Signature] My Commission Expires August 12, 2017
Notary Public



Commission District: 1 **Zoning Case:** Z-139-1999 & Z-123-2004 J.P.P.

Size of property in acres: 22.17 ac **Original Date of Hearing:** 10-28-99

Location: 3625 Dallas Hwy, Marietta, GA 30064
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 333 & 334 **District(s):** 20

State specifically the need or reason(s) for Other Business:
Site Hardscape and Landscape renovations and improvements

(List or attach additional information if needed)



MSTSD

WEST INC
1775 Peachtree Road, NW
Suite 1000
Atlanta, Georgia 30309
404.981.0800

DATE: _____

PROJECT: _____

SCALE: _____

DESIGNER: _____

CHECKED BY: _____

APPROVED BY: _____



THE AVENUE
WEST COBB

POAG SHOPPING
CENTERS, LLC.

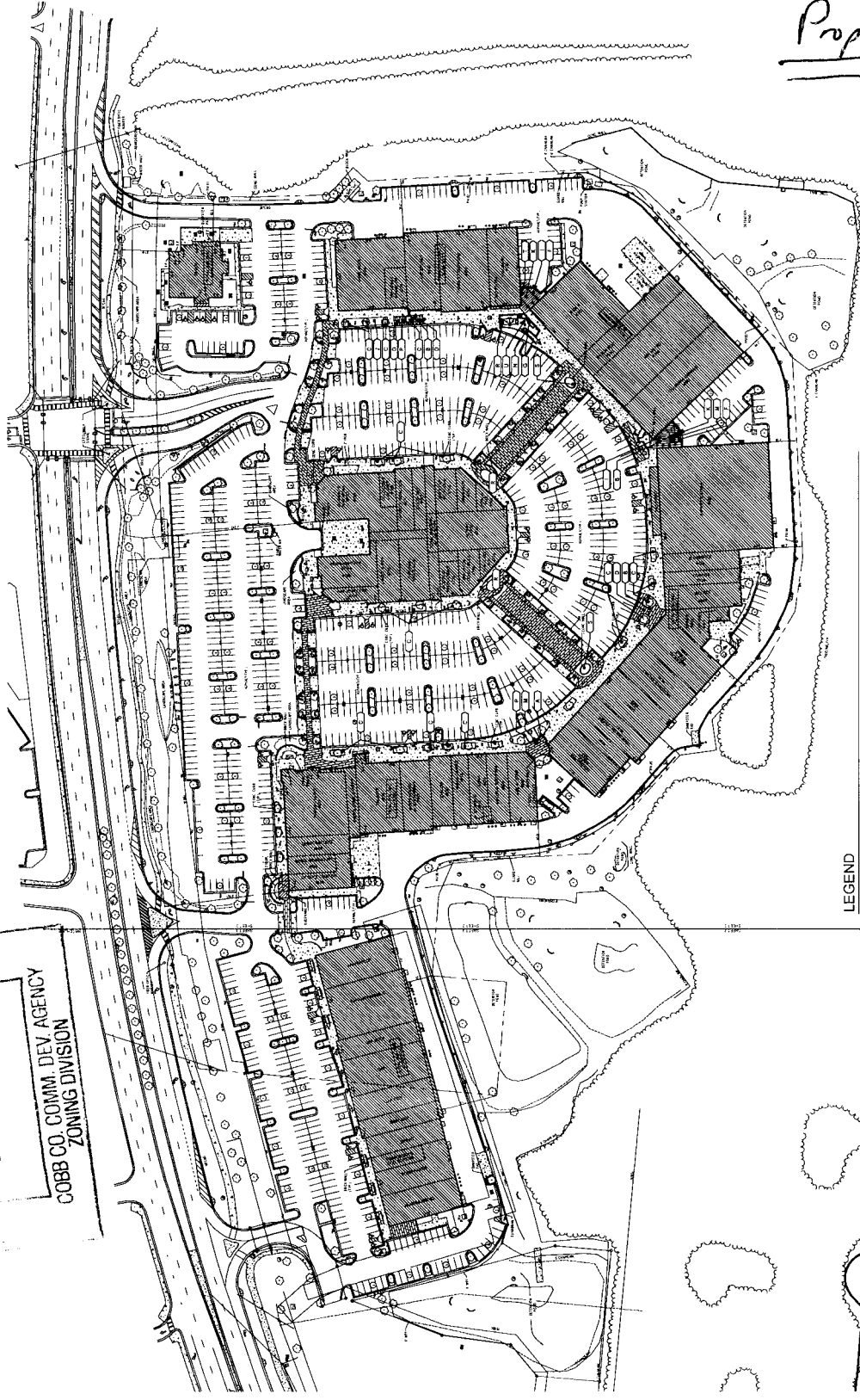
3825 DALLAS HWY, SW
MARIETTA, GA 30064

SITE PLAN

DATE: _____

A100

Proposed plan



- LEGEND**
- ▨ EXISTING WALL TO BE MODIFIED
 - ▨ EXISTING WALL TO BE REMOVED
 - ▨ REFINISHED CONCRETE WITH NEW CURB
 - ▨ PATCHED HARDSCAPE SURFACE WITH SALVAGED PAVERS
 - ▨ PATCHED HARDSCAPE SURFACE TO MATCH EXISTING
 - ▨ NEW CONCRETE SIDEWALK
 - ▨ NEW PLANTER
 - ▨ NEW FEATURE PLANT/TREE
 - ▨ NEW HARDSCAPE PAVING
 - ▨ NEW LOOSE FILL PAVING
 - ▨ NEW TRELLIS
 - NEW FIRE PIT
 - NEW FIRE PIT STEPS
 - NEW TERRAZZO SEATING AND PLANTING AREA
 - NEW TERRAZZO SEATING
 - NEW WALL
 - NEW PARKING PAD FOR FOOD TRUCK SERVICE
 - CASUAL SEATING AREA
 - EXISTING FOUNTAIN TO BE RENOVATED
 - MURAL WALL
 - ART FEDESTAL

BRIDGE

JUL 11 2017

**COBB CO. COMM. DEV. AGENCY
ZONING DIVISION**

1 PROPOSED ARCHITECTURAL SITE PLAN



MSTSD

WESTCO, INC.
1774 Peachtree Road, NW
Suite 1700
Atlanta, Georgia 30361
404.882.8888

DATE	
DESCRIPTION	
REVISION	
BY	
DATE	
DESCRIPTION	
REVISION	
BY	
DATE	
DESCRIPTION	
REVISION	
BY	
DATE	
DESCRIPTION	



PROJECT NAME
THE AVENUE
WEST COBB

OWNER
POAG SHOPPING
CENTERS, LLC.

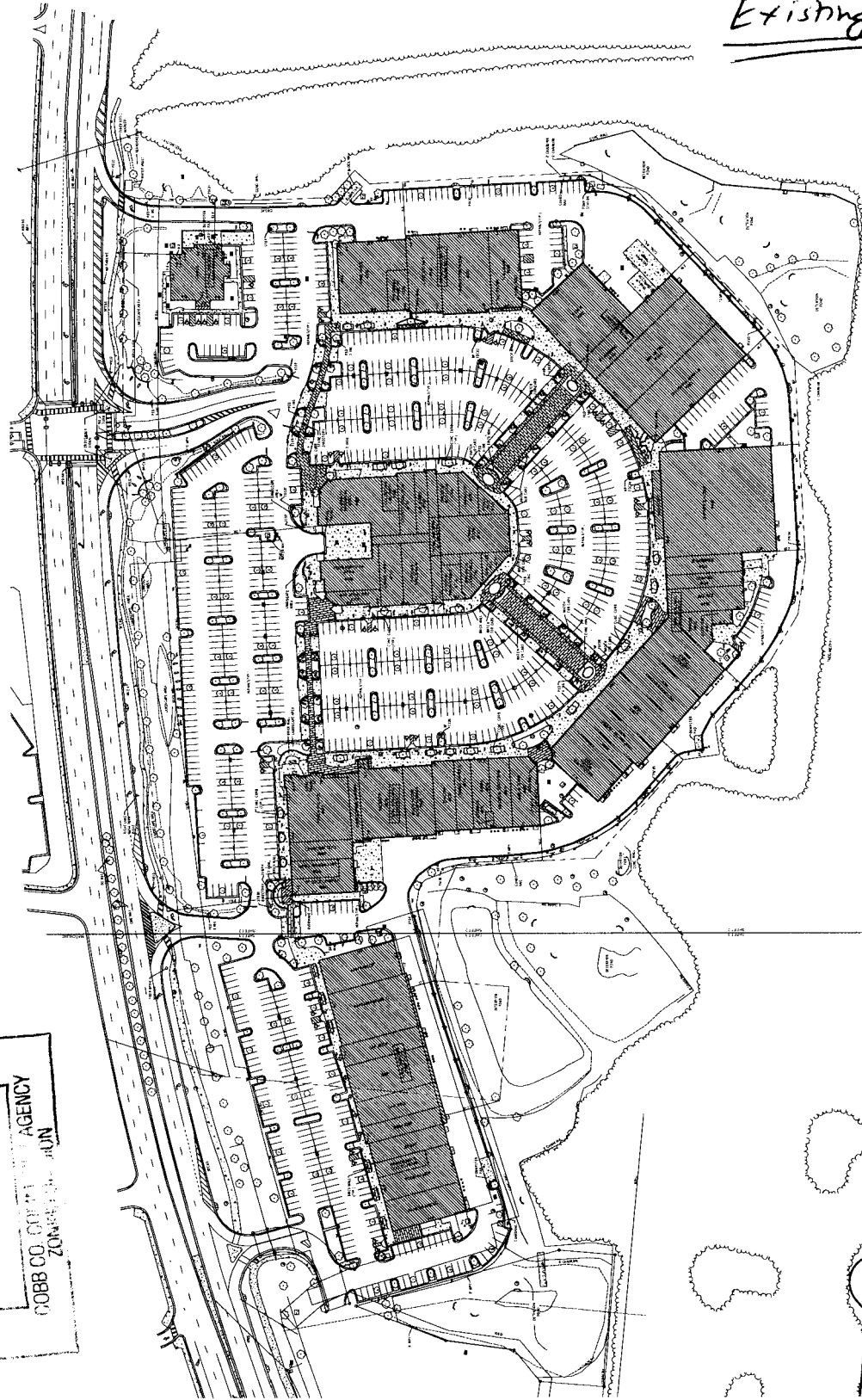
ADDRESS
3625 DALLAS HWY, SW
MARIETTA, GA 30064

DATE
SITE PLAN - EXISTING

SCALE
AS SHOWN

A100-E

Existing Plan



1 EXISTING ARCHITECTURAL SITE PLAN

RECEIVED
JUL 11 2017
COBB COUNTY PLANNING AGENCY
ZONING DEPARTMENT

ORIGINAL DATE OF APPLICATION: 10-28-99APPLICANTS NAME: SEMBLER ATLANTA, INC.

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

BOC DECISION OF 07-16-02 ZONING HEARING:

**OTHER BUSINESS ITEM #5 - TO CONSIDER A SETTLEMENT OF
LITIGATION PROPOSAL FOR COUSINS PROPERTIES REGARDING Z-139
(SEMBLER ATLANTA, INC.) OF OCTOBER 28, 1999**

To consider a Settlement of Litigation proposal for Cousins Properties regarding Z-139 (Sembler Atlanta, Inc.) of October 28, 1999, for rezoning from R-30 to NRC for property located on the south side of Dallas Highway, east of Casteel Road in Land Lot 333 of the 20th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding settlement of litigation. The public hearing was opened and Mr. John Moore, Ms. Kathy Norris, Mr. Michael Filchock, Mr. John Cissell, and Mr. Paul Paulson addressed the Board. The public hearing was closed. Following presentations and discussion, the following motion was made:

MOTION: Motion by Askea, second by W. Thompson, to **approve** the following relative to the settlement proposal for Cousins Properties regarding Z-139 (Sembler Atlanta, Inc.) of October 28, 1999, for rezoning from R-30 to NRC for property located on the south side of Dallas Highway, east of Casteel Road in Land Lot 333 of the 20th District:

- to **authorize** settlement of litigation regarding Cobb Superior Court Civil Action File Number 00-1-02113-22
- to **approve** rezoning from **R-30** to **NRC** zoning district subject to:
 - letters of agreeable stipulations from Mr. John Moore (to include referenced site plans) dated January 16, 2002 and June 27, 2002 (copy of letters and site plans attached and made a part of these minutes)
 - letters of agreement between Cousins Properties and John H. Henderson, III, Daniel C. and Kathy Norris, and Rick and Mary Riske (copies of letters of agreement attached and made a part of these minutes)
 - final landscape plans to be approved by P.L.A.N. and the County Arborist
 - parking lot and building-mounted lighting to be HPS to reduce glare
 - Water and Sewer Division comments and recommendations
 - Stormwater Management Division comments and recommendations

ORIGINAL DATE OF APPLICATION: 10-28-99

APPLICANTS NAME: SEMBLER ATLANTA, INC.

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

BOC DECISION OF 07-16-02 ZONING HEARING:

OTHER BUSINESS ITEM #5 - TO CONSIDER A SETTLEMENT OF
LITIGATION PROPOSAL FOR COUSINS PROPERTIES REGARDING Z-139
(SEMBLER ATLANTA, INC.) OF OCTOBER 28, 1999 (Continued)

- Historic Preservation Commission comments and recommendations dated July 12, 2002 (copy attached and made a part of these minutes)
- Cobb DOT comments and recommendations to include widening of Dallas Highway all along this property if approved by Georgia DOT
- 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 unanimously

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

TENNESSEE OFFICE
CEDAR RIDGE OFFICE PARK
SUITE 463
408 N CEDAR BLUFF ROAD
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 692-9039
TELECOPIER (365) 692-9071

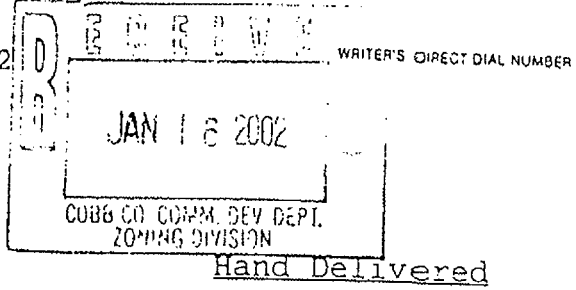
JAN I MOORE
STEPHEN C STEELE
WILLIAM R JOHNSON
ROBERT O INGRAM
J BRIAN O'NEIL
G PHILLIP BEGGS
ELDON L BASHAM
MATTHEW J HOWARD
JERE C SMITH
CLAYTON O CARNAACK
KEVIN B CARLOCK
ALEXANDER T GILLOWAY III
J KEVIN MOORE
SUSAN S STUAR
RODNEY R MCCOLLOCH
DANIEL A LANCIS
BRIAN D SMITH
HARRY R TEAR
W TACY HART
JEFFREY A DAXE
MELISSA W GILBERT
TIMOTHY W BAILY

JOYCE W HARPER
THOMAS L SCHAEFER
TRACY D TEMPLETON
PATRICK D OGDON
JONATHAN H PETCU
AMY K WOOD
BRYAN C MAHAFFEY
COURTNEY H MOORE
JIMMY D HOLBROOK JR
KIM A BRANGHAM
BART W REED
TARA C RIDDLE
JOSHUA M BOOTH
JEREMY A DANTIN
JANIS H LABARGE
KELLI L CROSS
C LEE DAVIS
TANYA L CRISSE
I ALSO ADMITTED WITH
I ALSO ADMITTED WITH
I ALSO ADMITTED WITH
I ADMITTED ONLY WITH

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061
TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

WWW.MIJS.COM

January 16, 2002



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

Min. Bk. 20 Petition No. (Z-139 of '99)
Doc. Type Letter of Agreeable
Stipulations
Meeting Date July 16, 2002

RE: Application for Rezoning
Application No.: Z-139 (1999)
Owners: Paul F. Wagner; E. P. Daniell;
Phillip Goldstein; Susan
Goldstein; et al.
Property: 34.08 acres located at the
south side of Dallas Highway,
west of Westhaven Drive,
Land Lot 333, 20th District,
2nd Section, Cobb County,
Georgia

Paul F. Wagner; et al., v. Cobb County,
Georgia; et al.
Civil Action, File Number: 00-1-02113-22
Superior Court of Cobb County

Dear Mark:

As you know, the undersigned and this firm represent Paul F. Wagner; the Estate of L. F. Daniell; E. P. Daniell; K. F. Daniell; Paula Goldstein Shea; Jacob J. Goldstein; Susan Goldstein; and Philip M. Goldstein, the Property Owners (hereinafter collectively referred to as "Owners"), in Application for Rezoning No. Z-139

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Two
January 16, 2002

O.B. #5
Petition No. (Z-139 of '99)
Meeting Date July 16, 2002
Continued

(1999) and in the subsequent zoning appeal with regard to a total tract of 34.2 acres located on the southerly side of Dallas Highway (State Route 120), west of West Haven Drive, Land Lot 333, 20th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). Further, we also represent Cousins Properties, Incorporated, who is currently the developer for the project proposed for the Subject Property as set forth herein (hereinafter referred to as "Developer"). The appeal of the Application for Rezoning arose as a result of the decision by the Board of Commissioners on February 17, 2000, to deny the requested rezoning to the Community Retail Commercial ("CRC") zoning category.

The settlement, as proposed in this letter, the stipulations contained herein, and the accompanying plans and study, result from efforts by all parties to resolve the issues presented without the necessity of further litigation.

The Developer agrees to the following stipulations and conditions, subject to approval of the Site Plan, Landscape Plan, and Site Lighting Plan submitted herewith, which, if approved, as submitted, shall be in complete settlement of the pending zoning appeal 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.
- (2) Rezoning of the Subject Property shall be from the R-30 zoning category to the Neighborhood Retail Commercial ("NRC"), site plan specific to that certain Site Plan, designated as "C-1," prepared by Southern Civil Engineers, Inc. dated January 7, 2002, with regard to the total acreage of 34.08 acres.

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Three
January 16, 2002

Petition No. ^{OB#5} (2-139 of '99)
Meeting Date July 16, 2002
Continued

- (3) Developer proposes a retail center utilizing the village concept with varying storefronts, roof elevations, and features. The front building facades will be a mixture of brick, stone, and stucco. Developer agrees to use those certain building materials on specific buildings as more fully shown and delineated on that certain Building Elevation Plan "A-2," prepared by Crawford McWilliams Hatcher Architects dated January 7, 2002, a reduced copy being submitted herewith, and a full-size rendering to be presented to the Board of Commissioners at its scheduled hearing concerning this proposal.
- (4) Developer shall provide parking for the proposed center 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.
- (5) Landscaping for the proposed center shall be pursuant to that certain Landscape Plan, being designated as "L-1," prepared by Site Solutions dated January 7, 2002, submitted contemporaneously herewith, reference being made to said plan for a more particular delineation and location of plantings and species to be planted.
- (6) Developer agrees there shall be a total of approximately 14.80 acres of the Subject Property designated as "Proposed Green Space" as more fully shown and reflected on the referenced Site Plan. This Green Space shall comprise approximately 43 percent of the total land area for the proposed project.
- (7) While not a condition to the grant of the within rezoning request, Owners and/or Developer agree, prior to obtaining a building permit hereunder, to convey to Cobb County by Deed of Gift that certain portion of the Subject Property designated as "Proposed Green Space," totaling approximately 14.80 acres, as more particularly shown and reflected on the referenced Site Plan.

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Four
January 16, 2002

Petition No. 0.B.#5
(Z-139 of '99)
Meeting Date July 16, 2002
Continued

- (8) Developer 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 pursuant to the Traffic Study and Analysis prepared by Street Smarts Incorporated dated January 7, 2002, submitted herein, as follows:
- (a) Developer shall be responsible for and pay 100 percent of the costs associated with the design and installation of a traffic signal on Dallas Highway (State Route 120);
 - (b) Installation of sidewalk, curb, and gutter along the entire property frontage on Dallas Highway (State Route 120) as more particularly shown and reflected on the referenced Site Plan submitted contemporaneously herewith;
 - (c) Construction of turn lanes and deceleration lanes as required by the Cobb County Department of Transportation and the Georgia Department of Transportation; and
 - (d) All work encroaching upon state right-of-way shall receive prior approval from the Georgia Department of Transportation.
- (7) Parking area lighting shall be at a maximum height of thirty (30) feet, shall be environmentally sensitive, low-level, shoe-box luminaries so as to prevent light from penetrating outside the Subject Property.
- (8) Hooded security lighting shall be utilized on the buildings within the proposed center as required by Cobb County codes or ordinances only.

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Five
January 16, 2002

O.B. #5
Petition No. (Z-139 of '99)
Meeting Date July 16, 2002
Continued

- (9) Developer agrees to comply, install, and construct site lighting pursuant to a Site Lighting Plan designated as Sheet "A-1" prepared by Crawford McWilliams Hatcher Architects dated January 7, 2002, and submitted contemporaneously herewith.
- (10) Developer agrees to comply with all Cobb County Zoning Code requirements as to height limitations for the proposed development.
- (11) Developer agrees that if it has not commenced development of the proposed center within eighteen (18) months from the date of final zoning approval by the Cobb County Board of Commissioners of this project (being defined as thirty (30) days following approval by the Board of Commissioners), then, and in such event, the Board's decision shall be automatically rescinded and of no force and effect and the currently pending zoning appeal in the Superior Court of Cobb County shall be reinstated in the same status as existed at the time of approval of the project by the Board of Commissioners.
- (12) Entrance signage for the proposed development shall be ground-based, monument style signage as shown and delineated in the Monument Sign Elevation section of the Site Lighting Plan designated as Sheet "A-1," prepared by Crawford McWilliams Hatcher Architects dated January 7, 2002, and submitted contemporaneously herewith. Such signage shall be internally illuminated or "up lit" and shall contain no flashing sign components.
- (13) Dumpsters shall be placed in locations with screening by berms, landscaping, or walls. 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.

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Six
January 16, 2002

O.B.#5
Petition No. (Z-135 of '99)
Meeting Date July 16, 2002
Continued

- (14) 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.

- (15) Parking lot cleaning mechanical equipment shall be restricted to hours Monday through Saturday from 6:00 a.m. to 10:00 p.m. and Sunday from 11:00 a.m. to 9:00 p.m.

- (16) The following uses shall be prohibited from the proposed center:
 - (a) Video arcades as a primary use;
 - (b) Adult-themed bookstores as a primary use;
 - (c) Automotive sales, repair, and/or service facilities;
 - (d) Movie theaters;
 - (e) 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;
 - (f) Amplified live outdoor entertainment;
 - (g) Packaged sale of alcoholic beverages as a primary use; excepting a specialty store specializing in the sale of wine; and
 - (h) Gas station.

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Seven
January 16, 2002

O.B.#5
Petition No. (2-139 of '99)
Meeting Date July 16, 2002
Continued

- (17) All exhausts from restaurant facilities shall be filtered to minimize grease and odors.
- (18) There shall be no outside paging systems, phone bells, or loudspeakers; excepting only low decibel outdoor music systems.
- (19) Developer 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. and pursuant to that certain Site Plan hereinabove referenced and submitted contemporaneously herewith, subject to approval by the Cobb County Stormwater Control Division and local, state, and federal regulations dealing therewith.
- (20) All detention areas shall be fenced and landscaped.
- (21) Developer agrees to design and adhere to best management practices in the construction of its detention areas with such design and installation based upon a 100 year stormwater management design.
- (22) Tenant spaces within the proposed center may vary in size from 800 square feet to 45,000 square feet; however, no individual tenant space shall exceed a maximum of 45,000 square feet in size.
- (23) Developer agrees to maintain a daily security presence for the proposed center.
- (24) Developer agrees that the proposed center may only be open for business to the public during the following hours:

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Eight
January 16, 2002

o. B. #5
Petition No. (2-139 of '99)
Meeting Date July 16, 2002
Continued

Retail:

70 percent of the retail square footage shall be allowed to operate between the hours of 7:00 a.m. to 11:00 p.m.;

30 percent of the retail square footage shall be allowed to operate between the hours of 7:00 a.m. to 12:00 a.m.

Restaurants:

Any restaurant shall be allowed to operate between the hours of 6:00 a.m. to 11:30 p.m. Sunday through Thursday;

Any restaurant shall be allowed to operate between the hours of 6:00 a.m. and 12:00 a.m. Friday and Saturday.

- (25) Developer agrees that there shall be no outside storage facilities as such term is used and defined in the Cobb County Zoning Ordinance.
- (26) The proposed center is pedestrian friendly in that it proposes and will include pedestrian walkways between the proposed center buildings and the buildings around it through the proposed parking areas. These pedestrian ways shall be raised and consist of brick pavers and landscaping.
- 27) There shall be a maximum density of 255,000 square feet.
- (28) Should Developer desire to make any material change or alteration to the exteriors of the proposed buildings from that hereinabove stipulated, or to the landscaping for the proposed center as set forth herein and designated on the Landscape Plan submitted herewith, such material change or alteration shall be approved by an Architectural Control Committee ("ACC") by simple

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Nine
January 16, 2002

Petition No. 0.B.#5
(2-139 03 '99)
Meeting Date July 16, 2002
Continued

PAGE 16 OF

majority vote of said Committee. The ACC shall have jurisdiction and authority only with regard to the provisions of this paragraph. Said Committee shall be comprised of the following individuals:

- (a) One representative of the Developer;
 - (b) One representative from the Developer's architectural firm or landscape firm;
 - (c) One representative of the Zoning Division of the Cobb County Community Development Agency;
 - (d) One representative from People Looking After Neighborhoods, Inc. ("PLAN"); and
 - (e) One representative to be selected by the adjacent residents located southerly of the Subject Property.
- (29) Developer agrees, prior to obtaining a building permit, to escrow sums necessary, to be paid out jointly to the contractor and owners of the dam of the lake abutting the Subject Property, for the following scope of work:
- (a) Improvements to the outlet structure;
 - (b) Desilting of the northwest corner of the lake;
 - (c) Rework spillway;
 - (d) Replace and augment, as required, the driveway culvert serving the Riske residence; and

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Ten
January 16, 2002

O.B.#5
Petition No. (2-139) '99
Meeting Date July 16, 2002
Continued

- (e) Install siltation curtains at the northwest and northeast corners of the lake abutting the Subject Property as an additional protection from siltation during construction.
- (30) There shall be a fifty (50) foot landscape buffer along the frontage of the Subject Property on Dallas Highway (State Route 120). Additionally, there shall be a fifty (50) foot undisturbed buffer along the westerly boundary of the Subject Property. Also, there shall be a one hundred fifty (150) foot undisturbed buffer along the southerly/rear portion of the Subject Property. All buffers are more particularly shown and reflected on the referenced Site Plan submitted simultaneously herewith.
- (31) All open space, green space, and 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.
- (32) Developer agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (33) Developer 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.
- (34) Developer shall comply with the Cobb County Tree Ordinance; and in that regard, Developer shall use reasonable best efforts to minimize grading so as to avoid mass grading of the Subject Property.

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Eleven
January 16, 2002

O.B.#5
PAGE 18 JF
Petition No. (Z-139 of '99)
Meeting Date July 16, 2002
Continued

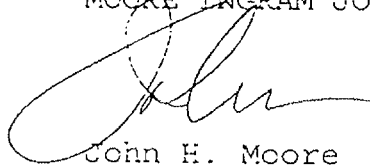
The proposal contained herein is submitted in settlement and compromise of the pending zoning appeal and shall not otherwise be used in any hearing, trial, arbitration, or mediation of said appeal. If the settlement, as proposed, is approved by the Board of Commissioners, Plaintiffs agree to conditionally dismiss, with prejudice, the pending litigation case and to pay their own legal expenses and litigation costs.

We believe that the requested zoning, pursuant to the referenced Site Plan, Landscape Plan, Site Lighting Plan, and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the significant and on-going changes within the area, the impact of those changes upon existing developments and area properties and owners thereof surrounding the proposed development. The proposed center shall be of the highest caliber, as demonstrated by its predecessor, the Avenues at East Cobb, shall provide valuable retail services to the residents of West Cobb County and westerly and northerly counties, and shall be an overall enhancement to the West Cobb 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
Enclosures

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Twelve
January 16, 2002

Petition No. ^{OB.#5}
~~(2-139 of '99)~~
Meeting Date July 16, 2002
Continued

c: Cobb County Board of Commissioners:
William J. Byrne, Chairman
George Woody Thompson, Jr.
William L. Askea
Joe L. Thompson
Samuel S. Olens
(With Copies of Enclosures)

Fred D. Bentley, Jr., Esq.
Bentley, Bentley & Bentley
(With Copies of Enclosures)

Mr. and Mrs. Dan Norris
(With Copies of Enclosures)

Helen C. Goreham
People Looking After Neighborhoods, Inc.
(With Copies of Enclosures)

Mrs. Denise Rose
People Looking After Neighborhoods, Inc.
(With Copies of Enclosures)

Mrs. Luanne Porper
People Looking After Neighborhoods, Inc.
(With Copies of Enclosures)

Gary Wolovick, Esq.
People Looking After Neighborhoods, Inc.
(With Copies of Enclosures)



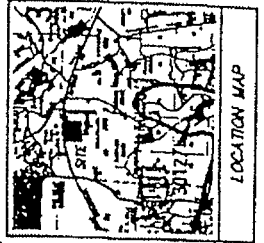
Development Reference:
 1. ALL INFORMATION ON THIS SITE PLAN IS BASED ON THE RECORDS OF THE COUNTY OF DALLAS, TEXAS, AND THE CITY OF DALLAS, TEXAS.
 2. THE DEVELOPER HAS BEEN ADVISED THAT THE CITY OF DALLAS HAS A RECORDING SYSTEM FOR THE RECORDING OF SITE PLANS.
 3. THE DEVELOPER HAS BEEN ADVISED THAT THE CITY OF DALLAS HAS A RECORDING SYSTEM FOR THE RECORDING OF SITE PLANS.
 4. THE DEVELOPER HAS BEEN ADVISED THAT THE CITY OF DALLAS HAS A RECORDING SYSTEM FOR THE RECORDING OF SITE PLANS.
 5. THE DEVELOPER HAS BEEN ADVISED THAT THE CITY OF DALLAS HAS A RECORDING SYSTEM FOR THE RECORDING OF SITE PLANS.

Site Address:
 1. ALL INFORMATION ON THIS SITE PLAN IS BASED ON THE RECORDS OF THE COUNTY OF DALLAS, TEXAS, AND THE CITY OF DALLAS, TEXAS.
 2. THE DEVELOPER HAS BEEN ADVISED THAT THE CITY OF DALLAS HAS A RECORDING SYSTEM FOR THE RECORDING OF SITE PLANS.
 3. THE DEVELOPER HAS BEEN ADVISED THAT THE CITY OF DALLAS HAS A RECORDING SYSTEM FOR THE RECORDING OF SITE PLANS.
 4. THE DEVELOPER HAS BEEN ADVISED THAT THE CITY OF DALLAS HAS A RECORDING SYSTEM FOR THE RECORDING OF SITE PLANS.
 5. THE DEVELOPER HAS BEEN ADVISED THAT THE CITY OF DALLAS HAS A RECORDING SYSTEM FOR THE RECORDING OF SITE PLANS.

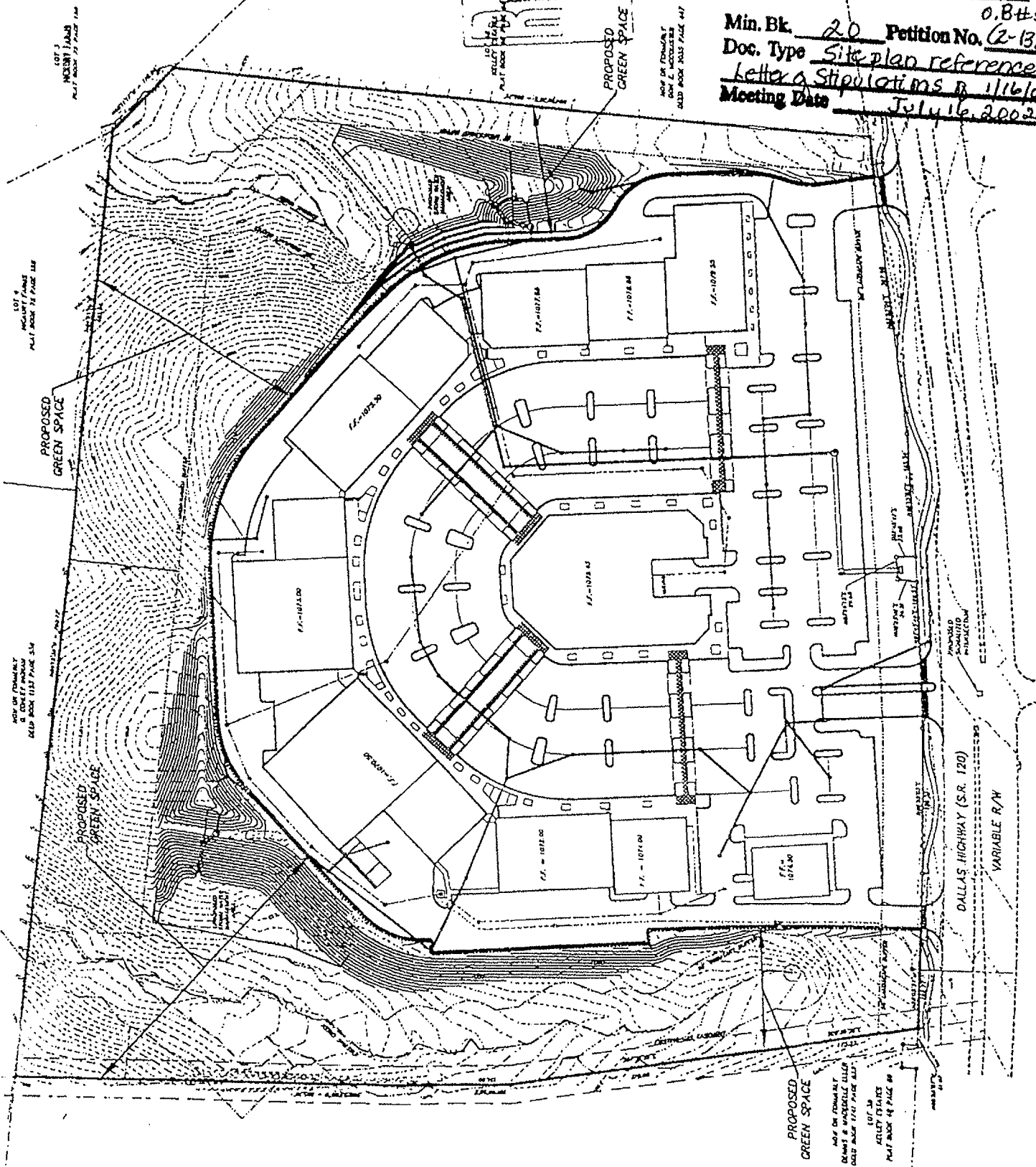
AVENUE WEST COBB
 Cousins Properties
 A Development by
 Cousins Properties
 1200 LEE STREET, SUITE 2000, DALLAS, TEXAS 75209
 CITY OF DALLAS, COUNTY OF DALLAS, TEXAS

Site Plan
 PAGE 12 OF 12

RECEIVED
 JAN 16 2002
 COUNTY OF DALLAS, TEXAS
 RECORDS DIVISION



Min. Bk. 20 Petition No. 0.8#5
 Doc. Type Site plan referenced by
Letter & Stipulations B 1/16/02
 Meeting Date July 16, 2002



LOT 3
 NICKSON JAMES
 PLAT BOOK 25 PAGE 128

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

NOT BE FORWART
 A. DENNIS B. WARDLELL CLELL
 OLD ROAD 1187 PAGE 128
 107 3A
 ARLEY STARKS
 PLAT BOOK 48 PAGE 88

DALLAS HIGHWAY (S.R. 120)
 VARIABLE RAY

PROPOSED SUBMITTED PROJECT

MUNICIPAL WATER

LOT 4
 NICKSON JAMES
 PLAT BOOK 25 PAGE 128

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

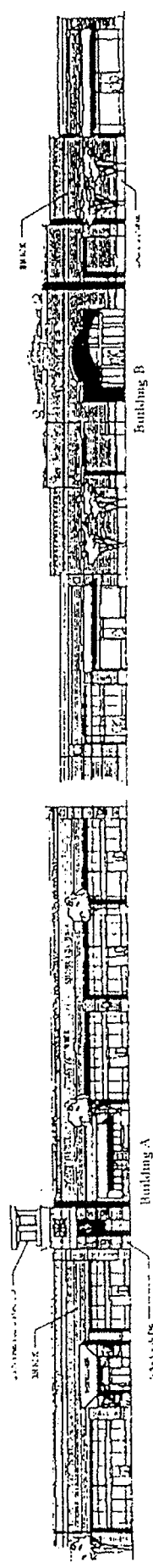
PROPOSED GREEN SPACE

PROPOSED GREEN SPACE

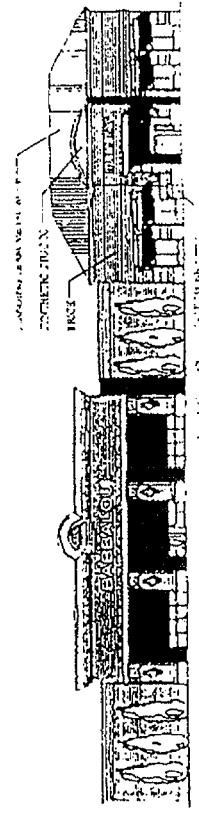
Cousins

OB. #5

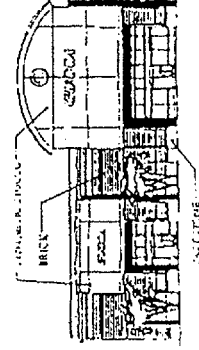
Min. Bk. 20 Petition No. CZ-139 of 9c
Doc. Type Elevation Plan referenced
Letter of Stipulations of 1/16/02
Meeting Date July 16/2002



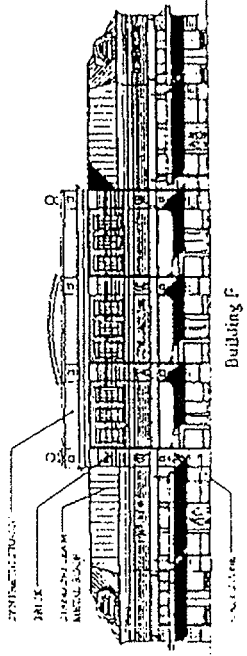
Building A



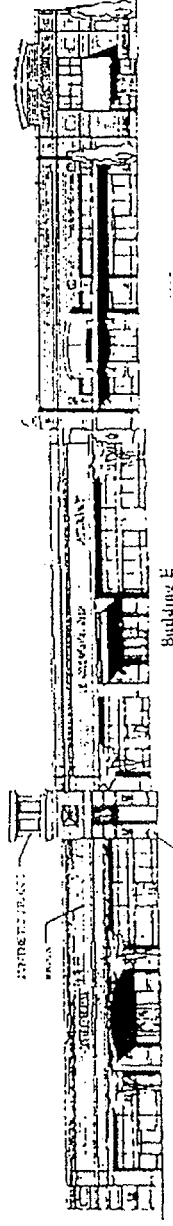
Building C



Building D



Building F

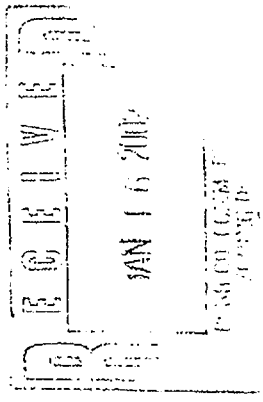


Building E

A-2 ELEVATIONS



THE AVENUE





THE AVENUE WEST COBB

PREPARED FOR

LANDSCAPE PLAN

PAGE 22 OF 22
PROJECT NUMBER 0078
DATE 1-16-02

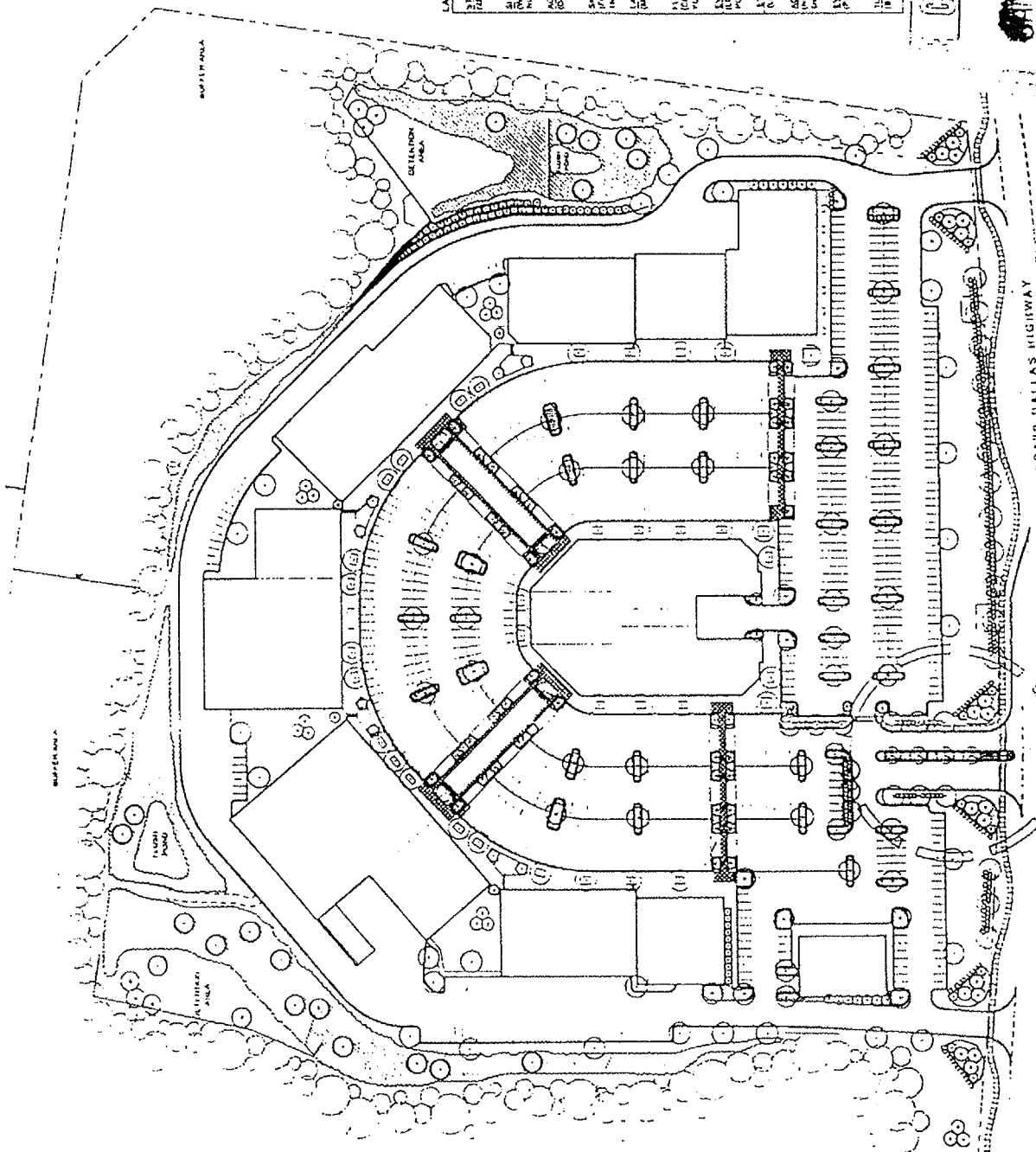
Min. Bk. 20 Petition No. (#139 of 199)
Doc. Type Landscape Plan as
Referenced in Letter of Stipulation of 7/4/02
Meeting Date July 16, 2002

0.8#5

LANDSCAPE ELEMENT

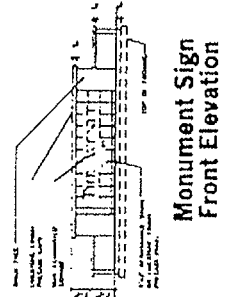
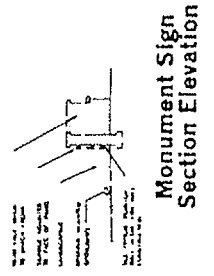
1	SHADE TREES (EUPHORBIA PALM TREE)
2	SHADE TREES (EUPHORBIA PALM TREE)
3	SHADE TREES (EUPHORBIA PALM TREE)
4	SHADE TREES (EUPHORBIA PALM TREE)
5	SHADE TREES (EUPHORBIA PALM TREE)
6	SHADE TREES (EUPHORBIA PALM TREE)
7	SHADE TREES (EUPHORBIA PALM TREE)
8	SHADE TREES (EUPHORBIA PALM TREE)
9	SHADE TREES (EUPHORBIA PALM TREE)
10	SHADE TREES (EUPHORBIA PALM TREE)
11	SHADE TREES (EUPHORBIA PALM TREE)
12	SHADE TREES (EUPHORBIA PALM TREE)
13	SHADE TREES (EUPHORBIA PALM TREE)
14	SHADE TREES (EUPHORBIA PALM TREE)
15	SHADE TREES (EUPHORBIA PALM TREE)
16	SHADE TREES (EUPHORBIA PALM TREE)
17	SHADE TREES (EUPHORBIA PALM TREE)
18	SHADE TREES (EUPHORBIA PALM TREE)
19	SHADE TREES (EUPHORBIA PALM TREE)
20	SHADE TREES (EUPHORBIA PALM TREE)
21	SHADE TREES (EUPHORBIA PALM TREE)
22	SHADE TREES (EUPHORBIA PALM TREE)
23	SHADE TREES (EUPHORBIA PALM TREE)
24	SHADE TREES (EUPHORBIA PALM TREE)
25	SHADE TREES (EUPHORBIA PALM TREE)
26	SHADE TREES (EUPHORBIA PALM TREE)
27	SHADE TREES (EUPHORBIA PALM TREE)
28	SHADE TREES (EUPHORBIA PALM TREE)
29	SHADE TREES (EUPHORBIA PALM TREE)
30	SHADE TREES (EUPHORBIA PALM TREE)
31	SHADE TREES (EUPHORBIA PALM TREE)
32	SHADE TREES (EUPHORBIA PALM TREE)
33	SHADE TREES (EUPHORBIA PALM TREE)
34	SHADE TREES (EUPHORBIA PALM TREE)
35	SHADE TREES (EUPHORBIA PALM TREE)
36	SHADE TREES (EUPHORBIA PALM TREE)
37	SHADE TREES (EUPHORBIA PALM TREE)
38	SHADE TREES (EUPHORBIA PALM TREE)
39	SHADE TREES (EUPHORBIA PALM TREE)
40	SHADE TREES (EUPHORBIA PALM TREE)
41	SHADE TREES (EUPHORBIA PALM TREE)
42	SHADE TREES (EUPHORBIA PALM TREE)
43	SHADE TREES (EUPHORBIA PALM TREE)
44	SHADE TREES (EUPHORBIA PALM TREE)
45	SHADE TREES (EUPHORBIA PALM TREE)
46	SHADE TREES (EUPHORBIA PALM TREE)
47	SHADE TREES (EUPHORBIA PALM TREE)
48	SHADE TREES (EUPHORBIA PALM TREE)
49	SHADE TREES (EUPHORBIA PALM TREE)
50	SHADE TREES (EUPHORBIA PALM TREE)
51	SHADE TREES (EUPHORBIA PALM TREE)
52	SHADE TREES (EUPHORBIA PALM TREE)
53	SHADE TREES (EUPHORBIA PALM TREE)
54	SHADE TREES (EUPHORBIA PALM TREE)
55	SHADE TREES (EUPHORBIA PALM TREE)
56	SHADE TREES (EUPHORBIA PALM TREE)
57	SHADE TREES (EUPHORBIA PALM TREE)
58	SHADE TREES (EUPHORBIA PALM TREE)
59	SHADE TREES (EUPHORBIA PALM TREE)
60	SHADE TREES (EUPHORBIA PALM TREE)
61	SHADE TREES (EUPHORBIA PALM TREE)
62	SHADE TREES (EUPHORBIA PALM TREE)
63	SHADE TREES (EUPHORBIA PALM TREE)
64	SHADE TREES (EUPHORBIA PALM TREE)
65	SHADE TREES (EUPHORBIA PALM TREE)
66	SHADE TREES (EUPHORBIA PALM TREE)
67	SHADE TREES (EUPHORBIA PALM TREE)
68	SHADE TREES (EUPHORBIA PALM TREE)
69	SHADE TREES (EUPHORBIA PALM TREE)
70	SHADE TREES (EUPHORBIA PALM TREE)
71	SHADE TREES (EUPHORBIA PALM TREE)
72	SHADE TREES (EUPHORBIA PALM TREE)
73	SHADE TREES (EUPHORBIA PALM TREE)
74	SHADE TREES (EUPHORBIA PALM TREE)
75	SHADE TREES (EUPHORBIA PALM TREE)
76	SHADE TREES (EUPHORBIA PALM TREE)
77	SHADE TREES (EUPHORBIA PALM TREE)
78	SHADE TREES (EUPHORBIA PALM TREE)
79	SHADE TREES (EUPHORBIA PALM TREE)
80	SHADE TREES (EUPHORBIA PALM TREE)
81	SHADE TREES (EUPHORBIA PALM TREE)
82	SHADE TREES (EUPHORBIA PALM TREE)
83	SHADE TREES (EUPHORBIA PALM TREE)
84	SHADE TREES (EUPHORBIA PALM TREE)
85	SHADE TREES (EUPHORBIA PALM TREE)
86	SHADE TREES (EUPHORBIA PALM TREE)
87	SHADE TREES (EUPHORBIA PALM TREE)
88	SHADE TREES (EUPHORBIA PALM TREE)
89	SHADE TREES (EUPHORBIA PALM TREE)
90	SHADE TREES (EUPHORBIA PALM TREE)
91	SHADE TREES (EUPHORBIA PALM TREE)
92	SHADE TREES (EUPHORBIA PALM TREE)
93	SHADE TREES (EUPHORBIA PALM TREE)
94	SHADE TREES (EUPHORBIA PALM TREE)
95	SHADE TREES (EUPHORBIA PALM TREE)
96	SHADE TREES (EUPHORBIA PALM TREE)
97	SHADE TREES (EUPHORBIA PALM TREE)
98	SHADE TREES (EUPHORBIA PALM TREE)
99	SHADE TREES (EUPHORBIA PALM TREE)
100	SHADE TREES (EUPHORBIA PALM TREE)

0.8#5
JULY 16 2002
SIT
SLO COUNTY
ZONING DEPT.



THE SITE PLAN IS THE PROPERTY OF SIT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF SIT. THE SITE PLAN IS THE PROPERTY OF SIT AND IS NOT TO BE REPRODUCED OR COPIED IN ANY MANNER WITHOUT THE WRITTEN PERMISSION OF SIT.

EXISTING TREES TO REMAIN
PLANTING AREAS WITH
EMPHASIS ON
LANDSCAPE PLAN



PROJECT DATA

BUILDING DATA	315,335 SQ
100% FINISHABLE INT'L. AREA	7,000 SQ
SHOPS 100	2,200 SQ
TOTAL AREA	2,200 SQ

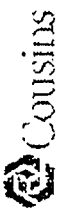
PARKING DATA

PARKING SPACES PROVIDED	181
4.7% MINIMUM PER 1,000 SQ. FT.	

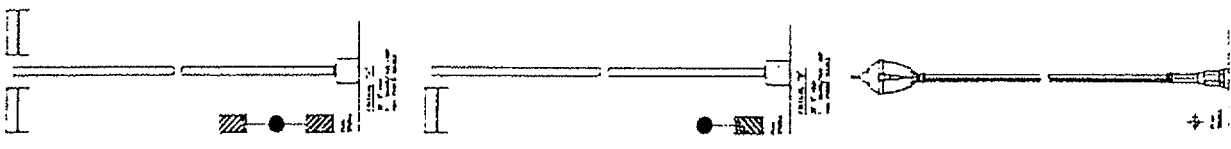
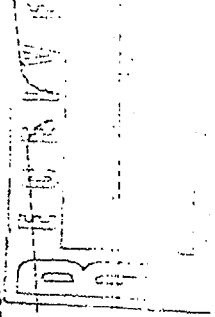
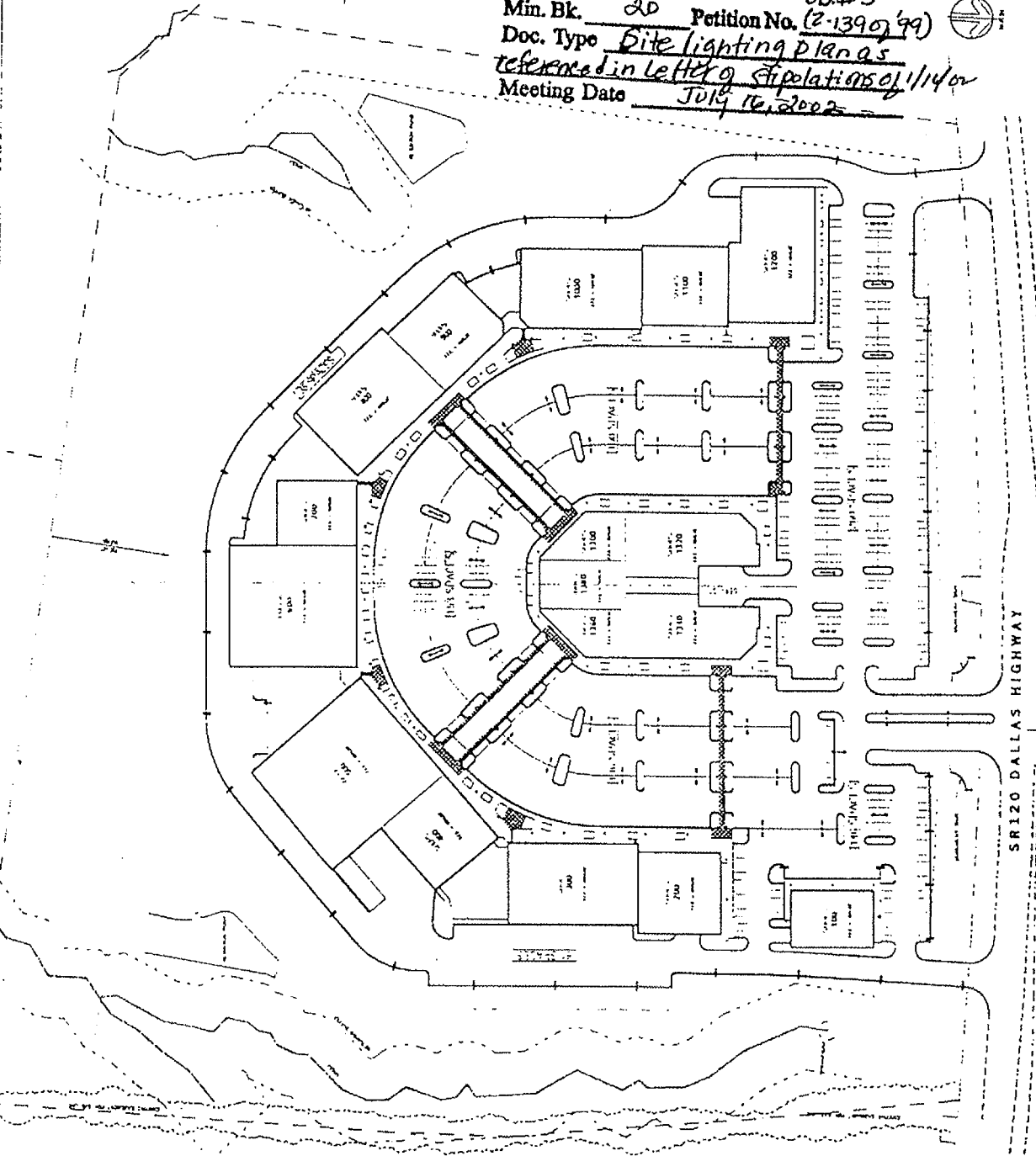


THE AVENUE
WEST COBA

Site Lighting
Sheet A-1
January 07, 2002



Min. Bk. 20 Petition No. 08.#5
 Doc. Type Site Lighting Plan as
referenced in Letter of stipulations of 1/14/02
 Meeting Date July 16, 2002



Light Fixtures

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET
MARIETTA, GEORGIA 30060

WWW.MIJS.COM

MAIN OFFICE
POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

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

TELEPHONE (865) 692-9039
TELECOPIER (865) 692-9071

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON
ROBERT D. INGRAM
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON D. CARMACK
KEVIN B. CARLOCK
ALEXANDER T. GALLOWAY III
J. KEVIN MOORE

SUSAN S. STUART
RODNEY R. MCCOLLOCH
DANIEL A. LANDIS
BRIAN D. SMITH
HARRY A. TEAR III
W. TROY HART
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
THOMAS L. SCHAEFER
PATRICK D. OGDON
JONATHAN H. PETCU

AMY K. WEBER
BRYAN C. MAHAFFEY
COURTNEY H. MOORE
KIM A. BRANGHAM
BART W. REED
TARA C. RIDDLE
JOSHUA M. BOOTH
JEREMY A. DANTIN
KELLI L. CROSS
C. LEE DAVIS
TANYA L. CROSSE
ROBERT W. BROWN II

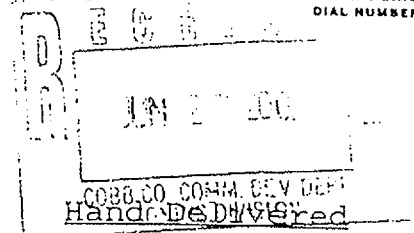
JASON L. FOSS
JAMES S. WIDENER
VICTOR P. VALMUS
JASON C. FISHER
NATHANIEL F. HANSFORD

ALSO ADMITTED IN TN
ALSO ADMITTED IN NC
ALSO ADMITTED IN GA
ALSO ADMITTED IN TN
ALSO ADMITTED IN AL

WRITER'S DIRECT
DIAL NUMBER

June 27, 2002

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



Min. Bk. 20 Petition No. OB #5 (Z-139 of '99)
Doc. Type Letter of Agreeable
Stipulations
Meeting Date July 16, 2002

RE: Application for Rezoning

Application No.: Z-139 (1999)

Owners: Paul F. Wagner; E. P. Daniell;
Phillip Goldstein; Susan
Goldstein; et al.

Property: 34.08 acres located at the
south side of Dallas Highway,
west of Westhaven Drive,
Land Lot 333, 20th District,
2nd Section, Cobb County,
Georgia

Paul F. Wagner; et al., v. Cobb County,
Georgia; et al.

Civil Action, File Number: 00-1-02113-22
Superior Court of Cobb County

Dear Mark:

As you know, the undersigned and this firm represent Paul F. Wagner; the Estate of L. F. Daniell; E. P. Daniell; K. F. Daniell; Paula Goldstein Shea; Jacob J. Goldstein; Susan Goldstein; and Philip M. Goldstein, the Property Owners (hereinafter collectively referred to as "Owners"), in Application for Rezoning No. Z-139

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Two
June 27, 2002

Petition No. O.B.#5
(Z-13907 '99)
Meeting Date July 16, 2002
Continued

(1999) and in the subsequent zoning appeal with regard to a total tract of 34.2 acres located on the southerly side of Dallas Highway (State Route 120), west of West Haven Drive, Land Lot 333, 20th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). On or about January 17, 2002, we submitted on behalf of the Owners and Cousins Properties, Incorporated, who is currently the developer for the project proposed for the Subject Property as set forth herein (hereinafter referred to as "Developer"), a letter of agreeable stipulations and conditions which, if rezoning was approved as submitted, would be applicable to the development and the Subject Property. We now respectfully submit this supplemental letter of agreeable settlement stipulations and conditions which shall be in addition to, and where in conflict, shall supersede the previously submitted and referenced settlement stipulation letter. The supplemental stipulations are as follows:

- (1) Since the date of the prior settlement letter of January 16, 2002, discussions have been ongoing between the Developer and the owners of real property in the area of the lake and dam located southerly of the Subject Property resulting in further definition of their agreement. The Developer and said owners have reached an agreement defining the scope of work referenced in paragraph 29 of the January 16, 2002, letter hereniabov referenced. A true and correct copy of said agreement is attached hereto as Exhibit "A" and incorporated herein by reference.
- (2) Discussions have also been held between the Developer and Mr. and Mrs. Riske who reside southerly of the proposed development with regard to making drainage improvements on the property of the Riskes, all as more fully shown and delineated in that certain agreement between the Developer and the Mr. and Mrs. Riske executed June 14, 2002, attached hereto as Exhibit "B" and incorporated herein by reference.

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Three
June 27, 2002

(3) The stormwater drainage facilities will be located within the green space/conservation area. Said facilities shall be designed and constructed pursuant to approvals from the Cobb County Stormwater Management Division. Developer shall retain an easement for the installation of said facilities and ingress and egress thereto for the purposes of installation and construction thereof and for the maintenance and repair thereof. All trees located within the green space/conservation area shall be counted toward meeting any and all tree density requirements as required under the Cobb County Tree Ordinance.

(4) With regard to paragraph 30 of the January 16, 2002, settlement stipulation letter, the second sentence thereof shall be amended to read as follows:

Additionally, there shall be a fifty (50) foot undisturbed buffer along the westerly boundary of the Subject Property adjacent to all residentially zoned property.

(5) The balance and remainder of the Applicant's and Owners' letter of agreeable stipulations and conditions dated and submitted on January 16, 2002, shall remain unaltered and unchanged by this amendment.

We believe that the requested zoning, pursuant to the amended stipulations set forth above as well as the previously submitted Site Plan, Landscape Plan, Site Lighting Plan, and stipulations, is an appropriate use of the Subject Property while taking into consideration the significant and on-going changes within the area and the impact of those changes upon existing developments and area properties and owners thereof surrounding the proposed development. As previously stated, the proposed center shall be of the highest caliber, as demonstrated by its predecessor, the Avenues at East Cobb, shall provide valuable retail services to the residents of

MOORE INGRAM JOHNSON & STEELE

O.B.#5

PAGE 27 OF 27

Petition No. (2-139 of '99)
Meeting Date July 16, 2002
Continued

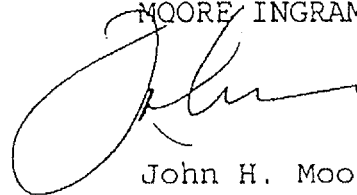
Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community Development Agency
Page Four
June 27, 2002

West Cobb County and westerly and northerly counties, and shall be an overall enhancement to the West Cobb community. Again, 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:
Joe L. Thompson, Interim Chairman
George Woody Thompson, Jr.
William L. Askea
Scott Chadwick

Fred D. Bentley, Jr., Esq.
Bentley, Bentley & Bentley

Mr. and Mrs. Dan Norris

Helen C. Goreham
People Looking After Neighborhoods, Inc.

Mrs. Denise Rose
People Looking After Neighborhoods, Inc.

Mrs. Luanne Porper
People Looking After Neighborhoods, Inc.

Gary Wolovick, Esq.
People Looking After Neighborhoods, Inc.



DRAFT
- Revised -

This letter agreement will set forth the agreement reached among the undersigned property owner ("Owner"), Cousins Properties Incorporated ("CPI"), and certain other adjacent property owners with regard to the matters described in this letter. Owner is the owner of a tract of land adjacent to or near a private lake (the "Lake") located in Cobb County, Georgia which is the subject of this letter agreement.

In connection with the potential development of a shopping center on a tract of land containing approximately 34 acres the ("Proposed Retail Site"), CPI has caused a storm water drainage system to be designed that will drain storm and surface water from the Proposed Retail Site into the Lake and CPI intends to apply for a permit to drain storm and surface water into the Lake. In connection with CPI's design of its storm water drainage system for the Proposed Retail Site, CPI has agreed to contribute towards the repair and upgrade of the dam serving the Lake as set forth in this letter agreement in the event that CPI acquires the Proposed Retail Site and develops a shopping center on such land.

The property owners and CPI have agreed as follows:

- Repairs to asphalt necessitated by construction will be paid for by CPI.
- Jack Henderson and Lucia Hames will hire a reputable engineer and contractor to design and construct the lake and dam improvements (the "Lake Improvement Work"), including:
 - Removal and/or abandonment of the old primary standpipe and outlet system
 - Construction of a new spillway system
 - Remove trees and brush from the back face of the dam
 - Rework to the back face of the dam to create a 3:1 slope
 - Revegetation of the back face of the dam
 - Installation of the toe drain along the base of the back face of the dam
 - Improvements to the spillway area leaving the dam
 - Removal of approximately 1,000 yards of siltation at the east and west coves of the lake
 - Place two rip-rap check dams upstream from lake
- All necessary adjacent property owners will grant easements as are necessary to perform the Lake Improvement Work, including temporary access easements over their property during times that construction activities require that certain existing roads be removed or blocked in order to perform the Lake Improvement Work.
- The owners acknowledge that the Lake may be fully or partially drained in order to properly perform the improvement work.
- In connection with removal of the silt, it must be placed in a temporary location in order to dry before permanent placement in other areas and the property owners will cooperate with one another to accomplish the same.

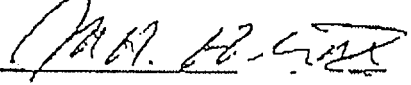
lake improvement letter revised 25.13.02

- CPI has agreed to pay the cost of the improvements to the lake and dam subject to its acquisition of the Proposed Retail Site, its reasonable approval of the contract and contractor for the improvements, and the cooperation of all of the property owners as contemplated in this letter agreement (collectively, the "Conditions").

The undersigned acknowledges that CPI is pursuing its rezoning of the Proposed Retail Site based upon the undersigned's agreement set forth in this letter and CPI agrees that it shall pay the cost of the Lake Improvement Work upon satisfaction of the Conditions.

The undersigned Owner and CPI have executed this letter agreement to evidence their mutual intent as set forth herein.


Property Owner:

Signature: 

Print Name: John H. Henderson III

Address: 2379 Sassafras Ln
Powder Springs, Ga
30127

CPI:

By: 

Name: William I Bassett, Jr.

Address: 2500 Windy Ridge Parkway
Atlanta, GA 30133



DRAFT
- Revised -

This letter agreement will set forth the agreement reached among the undersigned property owner ("Owner"), Cousins Properties Incorporated ("CPI"), and certain other adjacent property owners with regard to the matters described in this letter. Owner is the owner of a tract of land adjacent to or near a private lake (the "Lake") located in Cobb County, Georgia which is the subject of this letter agreement.

In connection with the potential development of a shopping center on a tract of land containing approximately 34 acres the ("Proposed Retail Site"), CPI has caused a storm water drainage system to be designed that will drain storm and surface water from the Proposed Retail Site into the Lake and CPI intends to apply for a permit to drain storm and surface water into the Lake. In connection with CPI's design of its storm water drainage system for the Proposed Retail Site, CPI has agreed to contribute towards the repair and upgrade of the dam serving the Lake as set forth in this letter agreement in the event that CPI acquires the Proposed Retail Site and develops a shopping center on such land.

The property owners and CPI have agreed as follows:

- Repairs to asphalt necessitated by construction will be paid for by CPI.
- Jack Henderson and Lucia Hames will hire a reputable engineer and contractor to design and construct the lake and dam improvements (the "Lake Improvement Work"), including:
 - Removal and/or abandonment of the old primary standpipe and outlet system
 - Construction of a new spillway system
 - Remove trees and brush from the back face of the dam
 - Rework to the back face of the dam to create a 3:1 slope
 - Revegetation of the back face of the dam
 - Installation of the toe drain along the base of the back face of the dam
 - Improvements to the spillway area leaving the dam
 - Removal of approximately 1,000 yards of siltation at the east and west coves of the lake
 - Place two rip-rap check dams upstream from lake
- All necessary adjacent property owners will grant easements as are necessary to perform the Lake Improvement Work, including temporary access easements over their property during times that construction activities require that certain existing roads be removed or blocked in order to perform the Lake Improvement Work.
- The owners acknowledge that the Lake may be fully or partially drained in order to properly perform the improvement work.
- In connection with removal of the silt, it must be placed in a temporary location in order to dry before permanent placement in other areas and the property owners will cooperate with one another to accomplish the same.

- CPI has agreed to pay the cost of the improvements to the lake and dam subject to its acquisition of the Proposed Retail Site, its reasonable approval of the contract and contractor for the improvements, and the cooperation of all of the property owners as contemplated in this letter agreement (collectively, the "Conditions").

The undersigned acknowledges that CPI is pursuing its rezoning of the Proposed Retail Site based upon the undersigned's agreement set forth in this letter and CPI agrees that it shall pay the cost of the Lake Improvement Work upon satisfaction of the Conditions.

The undersigned Owner and CPI have executed this letter agreement to evidence their mutual intent as set forth herein.

Property Owner:

Signature: *[Signature]*
Print Name: Daniel C. Norris
Address: 3652 Cambridge Dr
Marietta, Ga 30064

[Signature]
5/26/02

Please add —

• Any repairs on gravel road access to be completed by CPI as necessitated by removal of silt
X.N. of DCN

CPI:

By: *[Signature]*
Name: William I Bassett, Jr.
Address: 2500 W. May Ridge Parkway
ATL. GA
30188

June 13, 2002

Mary & Rick Riske
3710 Ramblo Lane
Marietta, Georgia 300640.B. #5
Min. Bk. 20 Petition No. (2-139 of '99)
Doc. Type Letter of agreement between
Cousins Properties & Rick & Mary Riske
Meeting Date July 16, 2002

Re: The Avenue West Cobb

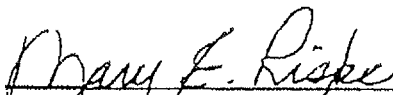
Dear Mary & Rick:


Thank you again for your time last night. You certainly have a wonderful setting for your home. As we discussed, Cousins Properties will install the twin 48" corrugated steel pipe culvert system and rework the driveway area associated with this work as per the attached exhibit (Ex-1) prepared by Southern Civil Engineering.

This work will entail the installation of two 48" twin aluminized corrugated steel pipes with related concrete headwalls and necessary riprap and stone bedding which will allow for the increase in driveway width of approximately 12' and approximately 14' from headwall to headwall allowing for a 1' shoulder on either side at the culvert location. Cousins will take the necessary precautions to protect your existing utilities that run within the drive at the culvert location and will minimize utility downtime during the reconstruction of the culvert area. We will notify you of any utility downtime well in advance so that you can plan accordingly.


It is Cousins intent to close on the real estate for The Avenue West Cobb in mid to late August in anticipation of construction start of September 1, 2002. All work described above is dependent on Cousins moving forward with the development of The Avenue West Cobb. We would anticipate the work associated with the culvert to commence and be completed very quickly upon our commencement of construction at The Avenue and would anticipate no more than a 3 day construction period and minimum utility downtimes.

Agreed and Accepted this 14th day of June, 2002



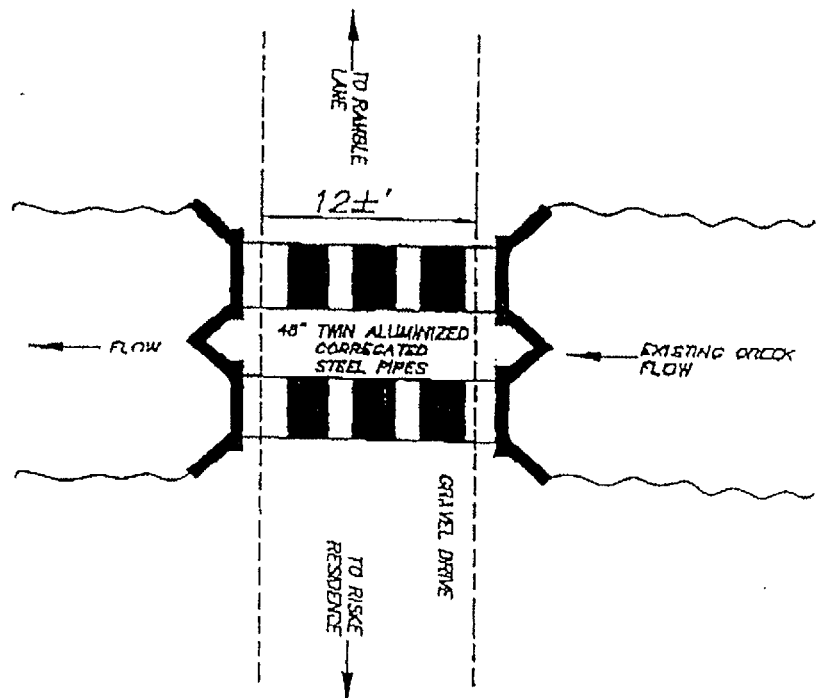
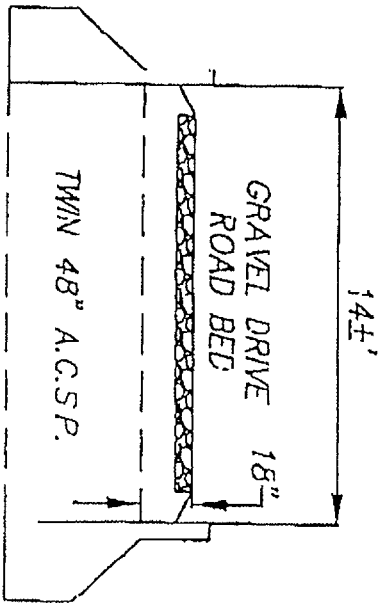
Mary Riske


Rick Riske



Bill Bassett, Senior Vice President
Cousins Properties Incorporated

O.B.#5
 Min. Blk. 20 Petition No. (2-1390)'99
 Doc. Type Culvert System as referenced
in letter of agreement between Cousins Properties
 Meeting Date July 1, 2002 and Rick & Mary
 Riske of 7/16/02



Project Description
AVENUE WEST COBB
 A Development By
COUSINS PROPERTIES, INC.
 LAND LOT 333 - 20TH DISTRICT - 3RD SECTION
 CITY OF MARIETTA, COBB COUNTY, GEORGIA

SCE
 SERVICES CIVIL ENGINEERS
 110 Royal Blvd South
 Suite 200
 Alpharetta, GA 30021
 (770) 585-4300
 www.sce-engineers.com

Drawn By: **RISKE PROPERTY EXHIBIT**
 Checked By: **ALYSE**
 Date: **08/01/02**

10-1

COMMUNITY DEVELOPMENT AGENCY

Historic Preservation Commission
191 Lawrence Street
Marietta, Georgia 30060-1661
Phone: (770) 528-2010 Fax: (770) 528-2161

OB#5
Min. Bk. 20 Petition No. (2-1399'99)
Doc. Type Historic Preservation
comments + recommendations
Meeting Date July 16, 2002

July 12, 2002

Mr. Bill Bassett, Senior VP of Development
Cousins Properties Incorporated
2500 Windy Ridge Parkway, Suite 1600
Atlanta, GA 30339-5683

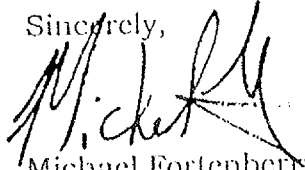
Dear Mr. Bassett:

On behalf of the Cobb County Historic Preservation Commission, I want to express my appreciation for your commitment to researching and documenting the historic significance of the proposed Avenues of West Cobb development site located along Dallas Highway. The multi-component period resources located on the property were indeed a surprise to all and evidenced the remains of a railroad grade and rock culvert belonging to the Marietta and Western Railroad Corporation. The preliminary findings of the Phase I analysis conducted by your company appropriately alerted everyone to the railroads significance and its role in the history of Cobb County.

After meeting with RS Webb and Associates on June 21 to discuss the site, we were very pleased to learn of your plans to preserve the rock culvert as a architectural/engineering resource. At our meeting in my office on June 26, I was furthermore pleased to learn of the interpretive signage displays to be located in the public viewing area. As we look forward to finalizing these mitigation plans, the Cobb County Historic Preservation Commission would like to give their full endorsement of the most recent site plan.

Again, we appreciate your dedication to the historic preservation and interpretation of this significant site. If you have any questions or comments, please do not hesitate to contact me at 770-528-2010.

Sincerely,



Michael Fortenberry, Planner
Cobb County Planning Division

Kimley»Horn

Memorandum

To: Paul Reinke
Poag Shopping Centers, LLC

From: Jeffrey B. Smith, P.E., LEED AP
Jourdyn R. Fuga, EIT
Kimley-Horn and Associates, Inc.

Date: August 1, 2017

Subject: Parking Occupancy Study
The Avenue East Cobb and The Avenue West Cobb

Poag Shopping Centers, LLC., retained Kimley-Horn and Associates, Inc., to provide professional parking planning services related to the evaluation of existing and proposed parking supply and demand at two Poag shopping centers: The Avenue East Cobb and The Avenue West Cobb. Proposed projects at both sites are currently under consideration and include the construction of additional food vendor and restaurant spaces. The purpose of this study is to document existing parking demand at each of the two shopping centers, to project future parking demand after completion of the proposed projects, and to determine whether future parking capacity will satisfy the additional parking demand. This study is based on weekday and Saturday five-hour parking occupancy counts and on future parking demand projections. This study also includes review of current zoning requirements as they relate to parking.

Methodology

Parking occupancy counts were conducted at each shopping center for weekday and Saturday parking conditions. Total parking supply inventories were performed in conjunction with these counts, which were conducted from 5:00 PM to 10:00 PM each day. The Urban Land Institute (ULI) defines the peak period for shopping center parking demand to be from 1:00 PM to 2:00 PM during weekdays and from 2:00 PM to 4:00 PM during weekend days. Parking occupancy counts were conducted from 5:00 PM to 10:00 PM at the request of Poag Shopping Centers, LLC. The 5:00 PM hour represents 95 percent of the peak weekday demand and 90 percent of the peak weekend demand, per ULI. The objective was to conduct one-hour occupancy counts; however, during some of the counting periods, conditions allowed for 30-minute occupancy counts to be completed. Thirty-minute parking occupancy count data is included where applicable.

A term used extensively in this memo is “effective parking supply.” A site’s effective parking supply is the supply at which the site’s parking system operates at optimum efficiency. Effective parking supply is typically 85 to 95 percent of the actual physical parking supply and is determined by the land use of the site, as well as by driver familiarity at the site and by the size and type of parking layout. The concept of effective parking supply allows for the dynamics of vehicles moving in and out of parking spaces; reduces the time required to search for the last few available spaces; and provides for unusual or seasonal peaks and variations

in demand. Due to the high-turnover nature of the shopping centers, an effective supply factor of 85 percent was applied to the total parking supply at each site.

The observed parking demand at each site was compared to two parking demand estimates, which were calculated using the area of shopping center that is currently leased at each site. The first estimate was calculated using the shared parking methodology contained in the ULI *Shared Parking, 2nd Edition* manual, and the second estimate was calculated from the Institute of Transportation Engineers (ITE) *Parking Generation, 4th Edition* manual. The estimates were calculated for the peak hour of demand for the shopping center land use. At each site, ULI code *Community Shopping Center (<400 ksf)* was utilized for the ULI parking demand estimate and ITE Land Use Code (LUC) *#820 Shopping Center* was utilized for the ITE parking demand estimate.

At both sites, ITE parking demand estimates were higher than ULI parking demand estimates, which were closer to the actual observed parking demand. ULI parking demand calculations were therefore utilized to project future demand at each site. Future parking demand included both the predicted demand from any future additions to the shopping center and any additional demand that would be associated from fully leasing any vacant retail spaces. ULI code *Community Shopping Center (<400 ksf)* was used to project future demand at each site.

The Avenue East Cobb

The Avenue East Cobb is a shopping center located on SR 120 (Roswell Road), approximately 1,000 feet northeast of its intersection with Johnson Ferry Road in Marietta, Georgia. The shopping center contains approximately 242,654 square feet of gross leasable area (GLA), with a total of 201,149 square feet of retail space and a total of 29,101 square feet of restaurant space currently leased. Of the total available GLA, six retail spaces are currently vacant in the shopping center, for a total of 9,404 square feet of vacant retail space and 3,000 square feet of vacant space that may be occupied by either retail or restaurant land uses. The site includes a total of 28 Americans with Disabilities Act (ADA)-accessible parking spaces and 1,137 standard parking spaces for a total of 1,165 parking spaces. The shopping center is accessible by a signalized full-movement driveway and by two right-turn-in/right-turn-out (RIRO) driveways along SR 120.

Existing Parking Demand

Parking occupancy counts were conducted on Saturday, November 12, 2016 and on Tuesday, November 15, 2016. The site was divided into eight parking fields, as depicted in **Figure 1**, and the counts were conducted in 30-minute intervals on Saturday and in one-hour intervals on Tuesday. The effective parking supply was determined to be 991 spaces. **Figure 2** depicts the observed hourly parking during the parking occupancy count, and **Table 1** summarizes the weekday and weekend occupancy counts for The Avenue East Cobb. Overall parking demand was higher on Saturday, and the peak demand observed was 608 spaces (52 percent occupancy of total parking supply and 61 percent of effective parking supply), which occurred from 5:00 PM to 5:30 PM. The peak demand observed on Tuesday was 353 spaces (30 percent occupancy of total parking supply and 36 percent of effective parking supply), which occurred from 6:00 PM to 7:00 PM. It should be noted that two of the supplied parking spaces, one in Parking Field 7 and one in Parking Field 8, were occupied by dumpsters during the parking occupancy count. Data collection sheets are attached.

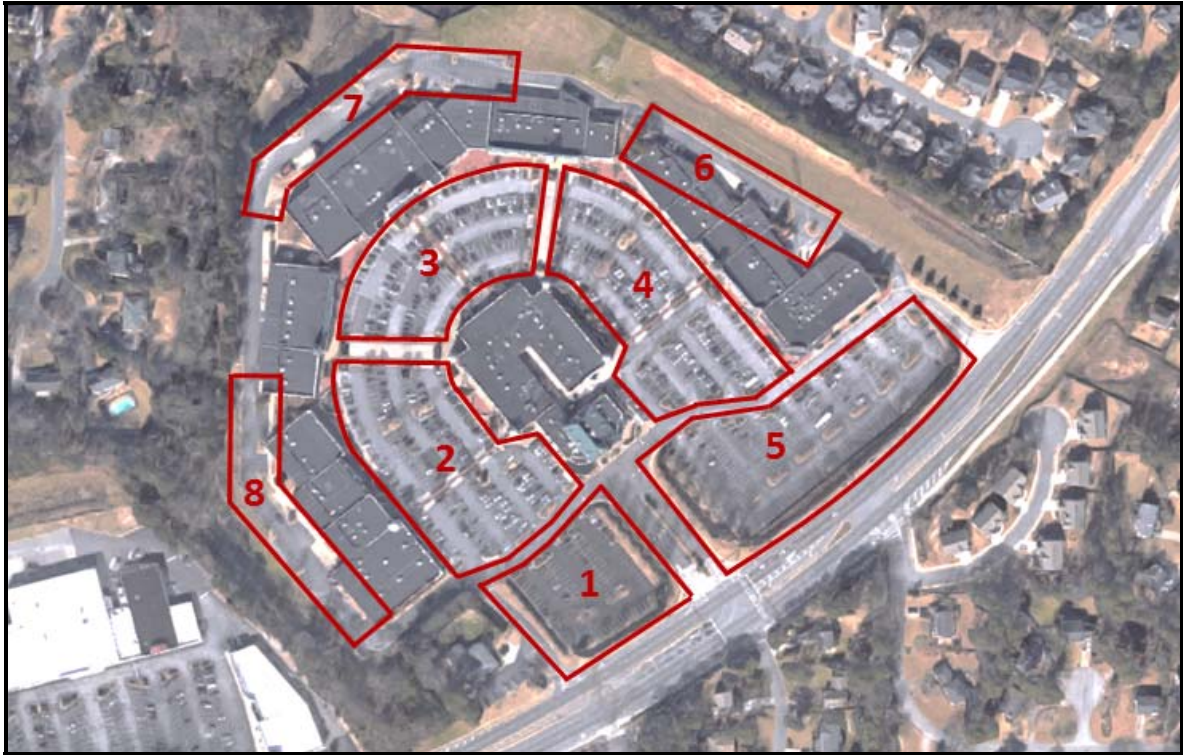


FIGURE 1: The Avenue East Cobb

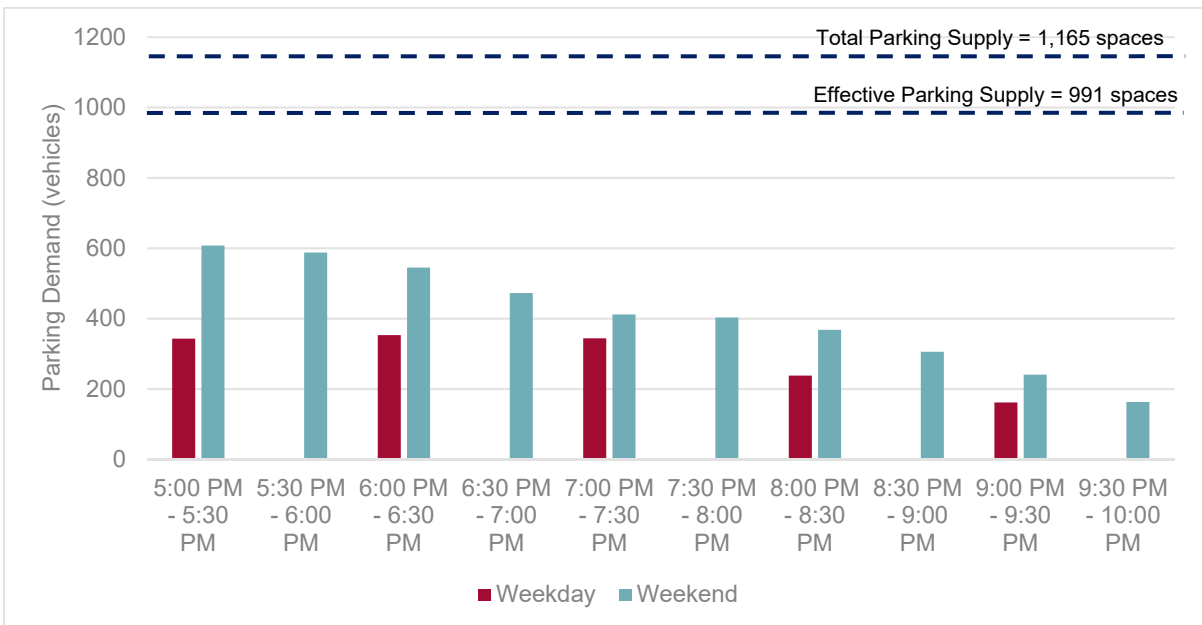


FIGURE 2: The Avenue East Cobb – Observed Hourly Parking Demand

TABLE 1: The Avenue East Cobb – Parking Occupancy

Weekday (Tuesday)											
		Parking Field								Total	Percent Occupied (of Total Supply/ Effective Supply)
		1	2	3	4	5	6	7	8		
Capacity (Spaces)		112	241	184	246	229	20	92	41	1,165	
Occupancy (Number of Spaces Occupied)	5:00 PM – 6:00 PM	40	85	95	83	30	8	2	0	343	29% / 35%
	6:00 PM – 7:00 PM	42	112	64	73	52	8	2	0	353	30% / 36%
	7:00 PM – 8:00 PM	50	116	70	69	28	9	2	0	344	30% / 35%
	8:00 PM – 9:00 PM	30	88	45	49	21	6	2	0	238	20% / 24%
	9:00 PM – 10:00 PM	26	26	46	23	28	8	5	0	162	14% / 16%
<i>Average</i>		38	86	64	59	32	8	3	0	288	25% / 29%
Weekend (Saturday)											
		Parking Field								Total	Percent Occupied (of Total Supply/ Effective Supply)
		1	2	3	4	5	6	7	8		
Capacity (Spaces)		112	241	184	246	229	20	92	41	1,165	
Occupancy (Number of Spaces Occupied)	5:00 PM – 5:30 PM	80	164	141	145	60	14	4	0	608	52% / 61%
	5:30 PM – 6:00 PM	84	165	131	134	57	13	4	0	588	50% / 59%
	6:00 PM – 6:30 PM	82	163	121	113	51	12	3	0	545	47% / 55%
	6:30 PM – 7:00 PM	74	144	102	91	49	12	1	0	473	41% / 48%
	7:00 PM – 7:30 PM	82	126	66	70	55	12	1	0	412	35% / 42%
	7:30 PM – 8:00 PM	73	117	73	71	56	12	1	0	403	35% / 41%
	8:00 PM – 8:30 PM	70	98	63	65	59	12	1	0	368	32% / 37%
	8:30 PM – 9:00 PM	56	83	50	55	49	12	1	0	306	26% / 31%
	9:00 PM – 9:30 PM	51	70	25	44	39	11	1	0	241	21% / 24%
9:30 PM – 10:00 PM	45	43	11	23	31	10	0	0	163	14% / 16%	
<i>Average</i>		70	118	79	82	51	12	2	0	411	35% / 41%

Table 2 summarizes the ULI and ITE parking demand estimates. The ULI calculation estimates a demand of 829 spaces during the weekday peak hour and a demand of 921 spaces during the Saturday peak hour; the ITE calculation estimates a demand of 954 spaces during the weekday peak hour and a demand of 1,175 spaces during the Saturday peak hour. Both estimates are higher than the peak demand observed during the parking occupancy counts (353 spaces on Tuesday and 608 spaces on Saturday). Although the peak hour observed on Tuesday represents 95 percent of a typical weekday peak and the peak hour observed on Saturday represents 90 percent of a typical weekend peak (per ULI), the observed parking demand at this site is overall much lower than what standard industry methodology would suggest. The ULI and ITE peak hour demand estimates are compared to the observed peak demand in **Figure 3**.

TABLE 2: The Avenue East Cobb – Estimated Peak Hour Parking Demand

ULI Method							
Weekday							
Land Use	Quantity	Unit	Need Type	Base Ratio	Unit	Peak Hour Parking Demand	Total
Community Shopping Center (<400 ksf)	230,250	sf GLA	Visitor	2.90	/ksf GLA	668	829
			Employee	0.70	/ksf GLA	161	
Weekend							
Land Use	Quantity	Unit	Need Type	Base Ratio	Unit	Peak Hour Parking Demand	Total
Community Shopping Center (<400 ksf)	230,250	sf GLA	Visitor	3.20	/ksf GLA	737	921
			Employee	0.80	/ksf GLA	184	
ITE Method							
Weekday							
ITE #	Land Use	Quantity	Unit	Equation	Peak Hour Parking Demand		
#820	Shopping Center	230.250	ksf GLA	$P = 3.62x + 120$	954		
Weekend							
ITE #	Land Use	Quantity	Unit	Equation	Peak Hour Parking Demand		
#820	Shopping Center	230.250	ksf GLA	$P = 4.60x + 115$	1,175		

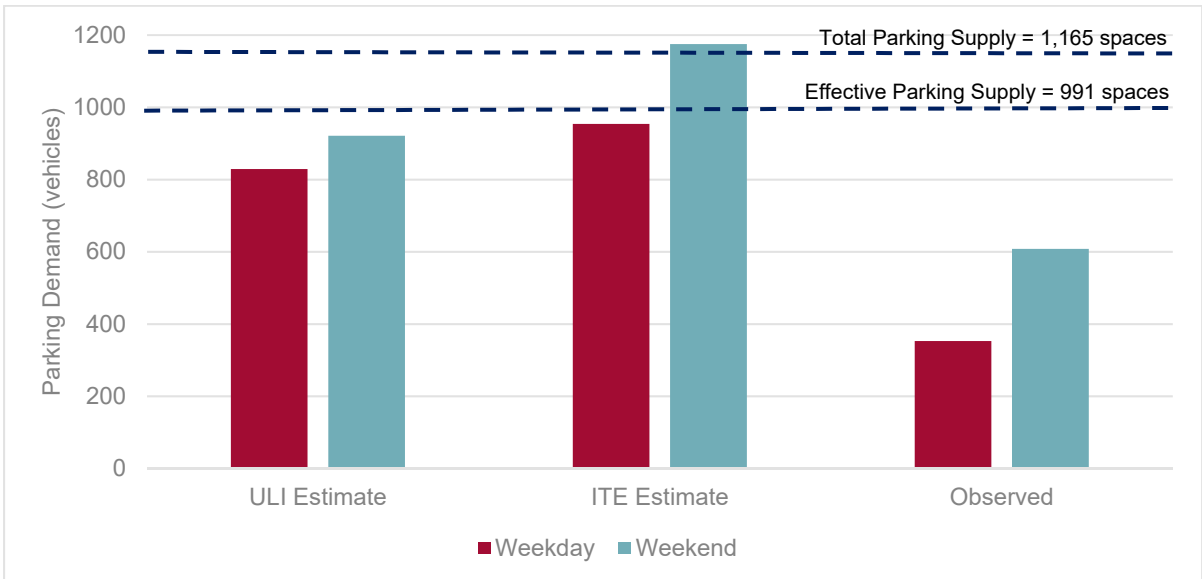


FIGURE 3: The Avenue East Cobb – Estimated and Observed Peak Hour Parking Demand

Projected Parking Demand

Six retail units are currently vacant at The Avenue East Cobb, for a total of 12,404 square feet of vacancy. In addition to this, plans for the shopping center include the addition of two 1,500 square foot casual food units, such as a coffee shop or ice cream shop, for a total addition of 3,000 square feet. These additions would be located in outdoor garden courts built on the existing parking lot, and each addition would result in the loss of 33 parking spaces, for a total loss of 66 spaces. **Table 3** summarizes the ULI parking demand estimates for the shopping center under fully leased conditions and for the additional unit under consideration. It is anticipated that when fully leased, the site will generate an additional 45 spaces of demand during the weekday peak hour and an additional 50 spaces during the weekend peak hour. It is estimated that the additions would generate a demand of 11 spaces during the weekday peak hour and a demand of 12 spaces during the weekend peak hour.

The ULI *Shared Parking, 2nd Edition* manual provides time-of-day (TOD) adjustment factors, which were applied to the projected peak hour parking demands and are summarized in **Table 4** for the hours between 5:00 PM and 10:00 PM, when the counts were conducted. The projected parking demand was added to the observed parking demand, which is depicted in **Figure 4** and in **Figure 5** for weekday and weekend conditions, respectively. True peak hour demand (1:00 PM during the weekday and 2:00 PM during the weekend) was estimated using ULI time-of-day factors and is also presented in the table, to project the total weekday and weekend peak hour volumes. The total and effective parking supplies depicted in this table and these figures were adjusted to account for the loss of 66 spaces that would occur when the additional units are constructed.

TABLE 3: The Avenue East Cobb – Projected Peak Hour Parking Demand							
Fully Leased							
Peak Period	Quantity	Unit	Need Type	Base Ratio	Unit	Peak Hour Parking Demand	Total
Weekday	12,404	sf GLA	Visitor	2.90	/ksf GLA	36	45
			Employee	0.70	/ksf GLA	9	
Weekend	12,404	sf GLA	Visitor	3.20	/ksf GLA	40	50
			Employee	0.80	/ksf GLA	10	
Additional Casual Food Units							
Peak Period	Quantity	Unit	Need Type	Base Ratio	Unit	Peak Hour Parking Demand	Total
Weekday	3,000	sf GLA	Visitor	2.90	/ksf GLA	9	11
			Employee	0.70	/ksf GLA	2	
Weekend	3,000	sf GLA	Visitor	3.20	/ksf GLA	10	12
			Employee	0.80	/ksf GLA	2	

TABLE 4: The Avenue East Cobb – Projected Parking Demand by Hour

Weekday (Tuesday)							
Time Period	Total Supply	Effective Supply	Existing Demand	Projected Demand (Fully Leased)	Projected Demand (Addition)	Total	New % Occupied (of Total Supply/ Effective Supply)
1:00 PM	1,099*	935*	361**	45	11	417	38% / 45%
5:00 PM			343	44	11	398	36% / 43%
6:00 PM			353	44	11	408	37% / 44%
7:00 PM			344	44	11	399	36% / 43%
8:00 PM			238	38	10	268	26% / 31%
9:00 PM			162	25	7	194	18% / 21%
Weekend (Saturday)							
Time Period	Total Supply	Effective Supply	Existing Demand	Projected Demand (Fully Leased)	Projected Demand (Addition)	Total	New % Occupied (of Total Supply/ Effective Supply)
2:00 PM	1,099*	935*	676**	50	12	738	67% / 79%
5:00 PM			608	46	11	665	61% / 71%
6:00 PM			545	41	10	596	54% / 64%
7:00 PM			412	38	10	460	42% / 49%
8:00 PM			368	34	9	411	37% / 44%
9:00 PM			241	27	7	275	25% / 29%

*Includes loss of 66 spaces due to two new casual food units that will occupy existing parking

**Estimated using ULI time-of-day adjustment factors

Under current conditions, there is a surplus of 630 parking spaces and a surplus of 315 parking spaces when comparing the existing effective parking supply to the weekday peak hour demand and to the weekend peak hour demand, respectively. A surplus of 518 spaces and a surplus of 197 spaces are estimated when comparing the projected effective parking supply to the future projected weekday peak hour parking demand and to the future projected weekend peak hour parking demand, respectively.

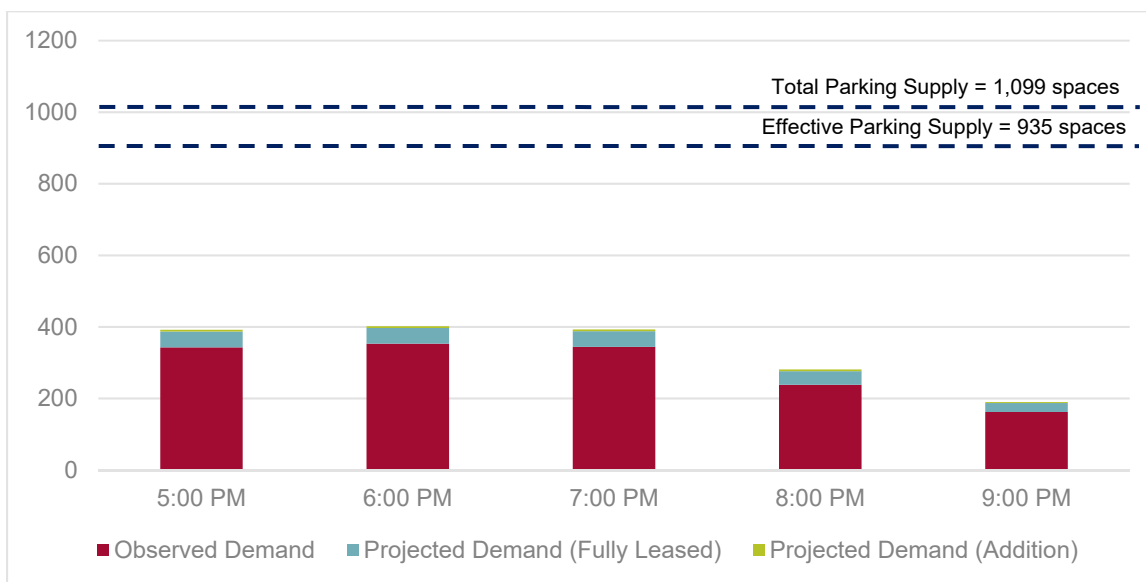


FIGURE 4: The Avenue East Cobb - Existing and Future Parking Demand (Weekday)

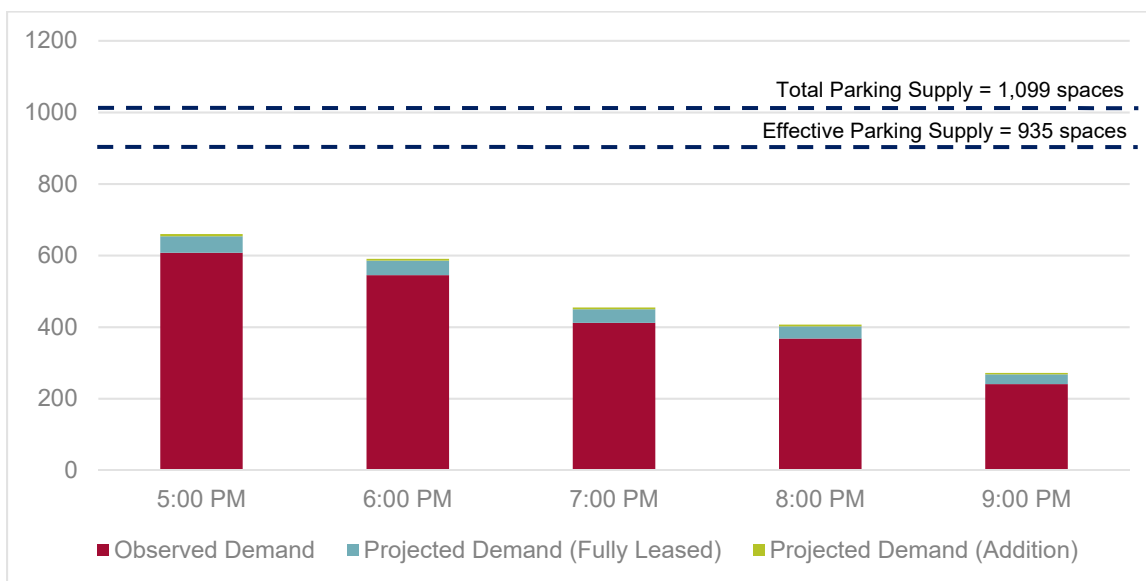


FIGURE 5: The Avenue East Cobb - Existing and Future Parking Demand (Weekend)

Ordinance Comparison

Cobb County ordinance parking requirements indicate a parking rate of one space per 200 square feet of floor space for the *community retail* designation. Applying this rate to the total existing space (leased and not leased), a total of 1,214 parking spaces are required at The Avenue East Cobb, which is 49 spaces greater than the 1,165 spaces that are currently supplied. Per Cobb County ordinance parking requirements, an additional 15 spaces will be required for the potential addition. Accounting for the loss of 66 parking spaces due to construction, the projected parking supply of the shopping center will be 130 parking spaces less than county requirements for future conditions. Cobb County ordinance parking

requirements also indicate a parking rate of one space per 100 square feet of floor space for the *eating and drinking establishments* designation. If Cobb County were to require the shopping center to be further broken down into retail and restaurant land uses when analyzing parking requirements, a greater number of parking spaces would be required.

The Avenue West Cobb

The Avenue West Cobb is a shopping center located in the southeast quadrant of the intersection of SR 120 (Dallas Highway) at Castell Road/Hamilton Road in Marietta, Georgia. The shopping center contains approximately 255,144 square feet of GLA, with a total of 195,719 square feet of retail space and a total of 33,991 square feet of restaurant space currently leased. Of the total available GLA, five retail spaces are currently vacant in the shopping center, for a total of 14,936 square feet of vacant retail space and 10,498 square feet of vacant space that may be occupied by either retail or restaurant land uses. The site includes a total of 30 ADA-accessible parking spaces and 1,122 standard parking spaces, for a total of 1,152 parking spaces. The shopping center is accessible by a signalized full-movement driveway and by two RIRO driveways along SR 120.

Existing Parking Demand

Parking occupancy counts were conducted on Saturday, November 12, 2016 and on Tuesday, November 15, 2016. The site was divided into eight parking fields, as depicted in **Figure 6**. The effective parking supply was determined to be 980 spaces. **Figure 7** depicts the observed hourly parking during the parking occupancy count, and **Table 5** summarizes the weekday and weekend occupancy counts for The Avenue East Cobb. Overall parking demand was higher on Saturday, and the peak demand observed was 679 spaces (59 percent occupancy of total parking supply and 69 percent of effective parking supply), which occurred from 5:00 PM to 5:30 PM. The peak demand observed on Tuesday was 456 spaces (40 percent occupancy of total parking supply and 47 percent occupancy of effective parking supply), which occurred from 6:30 PM to 7:00 PM. Data collection sheets are attached.



FIGURE 6: The Avenue West Cobb

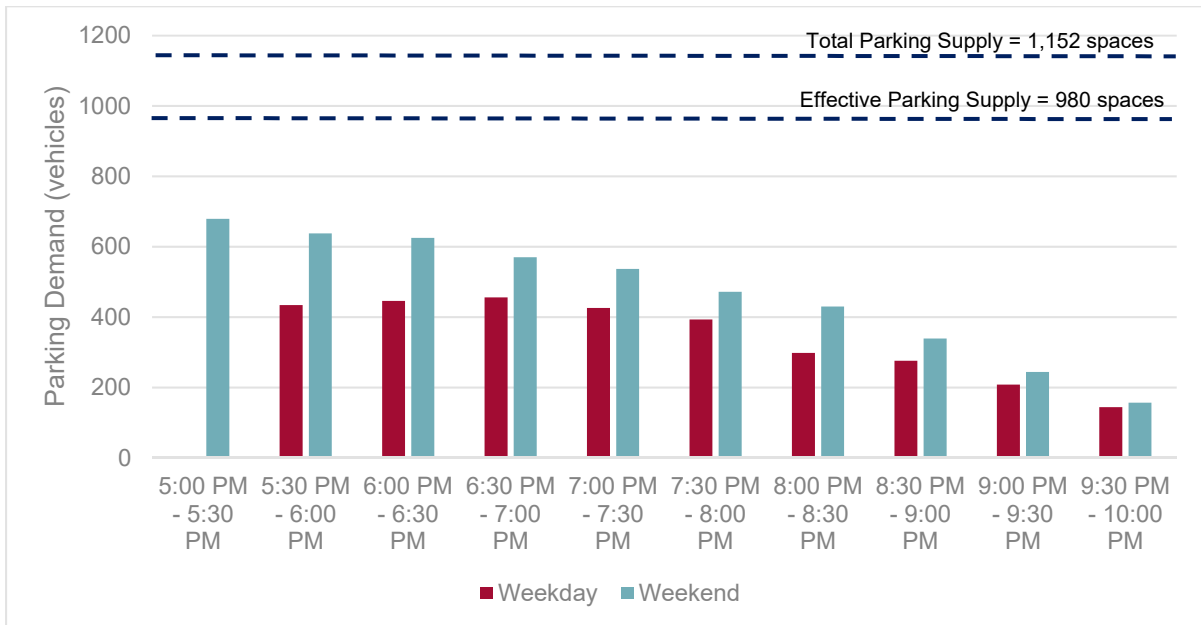


FIGURE 7: The Avenue West Cobb – Observed Hourly Parking Demand

Table 6 summarizes the ULI and ITE parking demand estimates. The ULI calculation estimates a demand of 827 spaces during the weekday peak hour and a demand of 919 spaces during the Saturday peak hour; the ITE calculation estimates a demand of 952 spaces during the weekday peak hour and a demand of 1,172 spaces during the Saturday peak hour. Both estimates are higher than the peak demand observed during the parking occupancy counts, illustrating that the actual parking demand at this site is much lower than what standard industry methodology would suggest. The ULI and ITE peak hour demand estimates are compared to the observed peak demand in **Figure 8**.

Projected Parking Demand

Five retail units are currently vacant at The Avenue West Cobb, for a total of 25,434 square feet of vacancy. In addition to this, plans for the shopping center include the addition of two 1,500 square foot casual food units, such as a coffee shop or ice cream shop, for a total addition of 3,000 square feet. These additions would be located in outdoor garden courts built on the existing parking lot, and each addition would result in the loss of 33 parking spaces, for a total loss of 66 spaces. **Table 7** summarizes the ULI parking demand estimates for the shopping center under fully leased conditions and for the additional unit under consideration. It is anticipated that when fully leased, the site will generate an additional 92 spaces of demand during the weekday peak hour and an additional 101 spaces during the weekend peak hour. It is estimated that the addition would generate a demand of 11 spaces during the weekday peak hour and 12 spaces during the weekend peak hour.

TABLE 5: The Avenue West Cobb – Parking Occupancy

Weekday (Tuesday)											
		Parking Field								Total	Percent Occupied (of Total Supply/ Effective Supply)
		1	2	3	4	5	6	7	8		
Capacity (Spaces)		192	287	188	149	166	80	47	43	1152	
Occupancy (Number of Spaces Occupied)	5:30 PM – 6:00 PM	70	102	115	62	48	17	1	19	434	38% / 44%
	6:00 PM – 6:30 PM	71	128	109	56	46	19	1	16	446	39% / 46%
	6:30 PM – 7:00 PM	68	131	110	58	49	24	1	15	456	40% / 47%
	7:00 PM – 7:30 PM	62	124	86	61	46	31	1	15	426	37% / 43%
	7:30 PM – 8:00 PM	59	109	78	61	46	26	1	13	393	34% / 40%
	8:00 PM – 8:30 PM	53	91	41	57	29	16	1	10	298	26% / 30%
	8:30 PM – 9:00 PM	40	85	40	53	29	18	1	10	276	24% / 28%
	9:00 PM – 9:30 PM	32	59	34	40	21	13	1	8	208	18% / 21%
	9:30 PM – 10:00 PM	22	41	20	32	12	9	1	7	144	13% / 15%
<i>Average</i>		53	97	71	54	37	20	1	13	343	30% / 35%
Weekend (Saturday)											
		Parking Field								Total	Percent Occupied (of Total Supply/ Effective Supply)
		1	2	3	4	5	6	7	8		
Capacity (Spaces)		192	287	188	149	166	80	47	43	1152	
Occupancy (Number of Spaces Occupied)	5:00 PM – 5:30 PM	94	208	150	116	79	19	0	13	679	59% / 69%
	5:30 PM – 6:00 PM	83	182	155	103	76	25	0	14	638	55% / 65%
	6:00 PM – 6:30 PM	66	198	142	95	79	32	0	13	625	54% / 64%
	6:30 PM – 7:00 PM	51	204	111	84	79	28	0	13	570	49% / 58%
	7:00 PM – 7:30 PM	47	199	104	70	79	26	0	12	537	47% / 55%
	7:30 PM – 8:00 PM	41	181	73	69	68	26	0	14	472	41% / 48%
	8:00 PM – 8:30 PM	51	173	51	73	50	19	0	13	430	37% / 44%
	8:30 PM – 9:00 PM	37	143	46	56	33	13	0	11	339	29% / 35%
	9:00 PM – 9:30 PM	25	111	33	32	22	11	0	10	244	21% / 25%
9:30 PM – 10:00 PM	17	76	15	23	12	6	0	8	157	14% / 16%	
<i>Average</i>		52	168	88	73	58	21	0	13	470	41% / 48%

TABLE 6: The Avenue West Cobb – Estimated Peak Hour Parking Demand

ULI Method							
Weekday							
Land Use	Quantity	Unit	Need Type	Base Ratio	Unit	Peak Hour Parking Demand	Total
Community Shopping Center (<400 ksf)	229,710	sf GLA	Visitor	2.90	/ksf GLA	666	827
			Employee	0.70	/ksf GLA	161	
Weekend							
Land Use	Quantity	Unit	Need Type	Base Ratio	Unit	Peak Hour Parking Demand	Total
Community Shopping Center (<400 ksf)	229,710	sf GLA	Visitor	3.20	/ksf GLA	735	919
			Employee	0.80	/ksf GLA	184	
ITE Method							
Weekday							
ITE #	Land Use	Quantity	Unit	Equation	Peak Hour Parking Demand		
#820	Shopping Center	229.710	ksf GLA	$P = 3.62x + 120$	952		
Weekend							
ITE #	Land Use	Quantity	Unit	Equation	Peak Hour Parking Demand		
#820	Shopping Center	229.710	ksf GLA	$P = 4.60x + 115$	1,172		

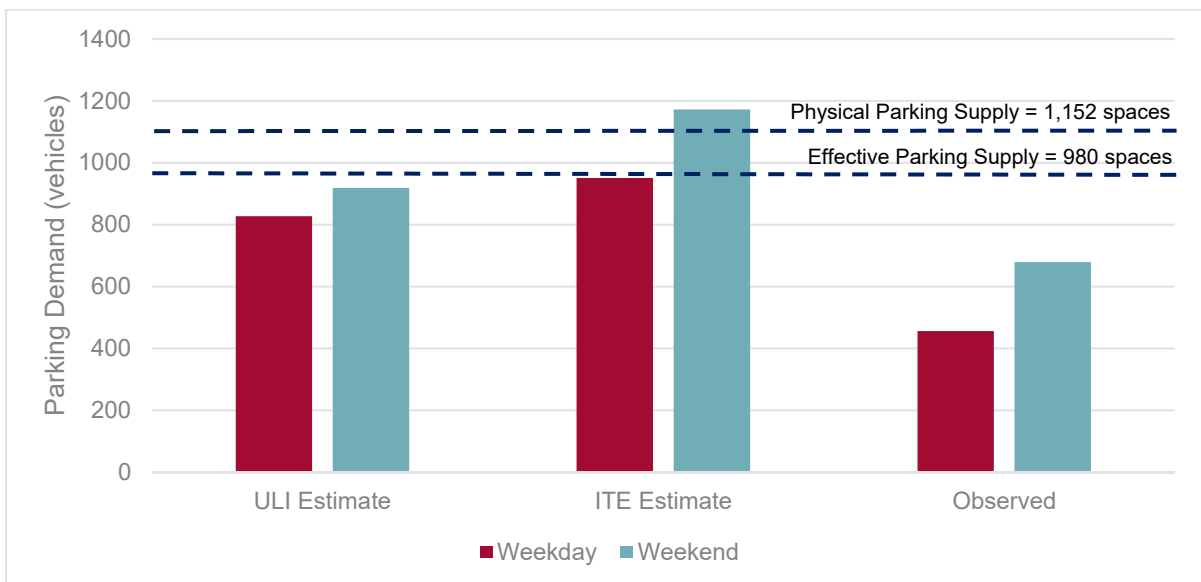


FIGURE 8: The Avenue West Cobb – Estimated and Observed Peak Hour Parking Demand

TABLE 7: The Avenue West Cobb – Projected Peak Hour Parking Demand							
Fully Leased							
Peak Period	Quantity	Unit	Need Type	Base Ratio	Unit	Peak Hour Parking Demand	Total
Weekday	25,434	sf GLA	Visitor	2.90	/ksf GLA	74	92
			Employee	0.70	/ksf GLA	18	
Weekend	25,434	sf GLA	Visitor	3.20	/ksf GLA	81	101
			Employee	0.80	/ksf GLA	20	
Additional Casual Food Units							
Peak Period	Quantity	Unit	Need Type	Base Ratio	Unit	Peak Hour Parking Demand	Total
Weekday	3,000	sf GLA	Visitor	2.90	/ksf GLA	9	11
			Employee	0.70	/ksf GLA	2	
Weekend	3,000	sf GLA	Visitor	3.20	/ksf GLA	10	12
			Employee	0.80	/ksf GLA	2	

Time-of-day adjustment factors were applied to the projected peak hour parking demands and are summarized in **Table 8**. The projected parking demand was added to the observed parking demand, which is depicted in **Figure 9** and in **Figure 10**. True peak hour demand (1:00 PM during the weekday and 2:00 PM during the weekend) was estimated using ULI time-of-day factors and is also presented in the table, to project the total weekday and weekend peak hour volumes. The total and effective parking supplies depicted in this table and these figures were adjusted to account for the loss of 66 spaces that would occur when the additional units are constructed.

Under existing conditions, there is a surplus of 523 parking spaces and a surplus of 206 parking spaces when comparing the existing effective parking supply to the weekday peak hour demand and to the weekend peak hour demand, respectively. A surplus of 364 spaces and a surplus of 37 spaces are estimated when comparing the projected parking supply to the future projected weekday peak hour parking demand and to the future projected weekend peak hour parking demand, respectively.

TABLE 8: The Avenue West Cobb – Projected Parking Demand by Hour

Weekday (Tuesday)							
Time Period	Total Supply	Effective Supply	Existing Demand	Projected Demand (Fully Leased)	Projected Demand (Addition)	Total	New % Occupied (of Total Supply/ Effective Supply)
1:00 PM	1,086*	924*	457**	92	11	560	52% / 61%
5:00 PM			434	89	11	534	49% / 58%
6:00 PM			456	89	11	556	51% / 60%
7:00 PM			426	89	11	526	48% / 57%
8:00 PM			298	77	10	385	35% / 42%
9:00 PM			208	51	7	266	24% / 29%
Weekend (Saturday)							
Time Period	Total Supply	Effective Supply	Existing Demand	Projected Demand (Fully Leased)	Projected Demand (Addition)	Total	New % Occupied (of Total Supply/ Effective Supply)
2:00 PM	1,086*	924*	774**	101	12	887	82% / 96%
5:00 PM			697	92	11	800	74% / 87%
6:00 PM			625	82	10	717	66% / 78%
7:00 PM			537	77	10	624	57% / 68%
8:00 PM			430	68	9	507	47% / 55%
9:00 PM			244	54	7	305	28% / 33%

*Includes loss of 66 spaces due to two new casual food units that will occupy existing parking

**Estimated using ULI time-of-day adjustment factors

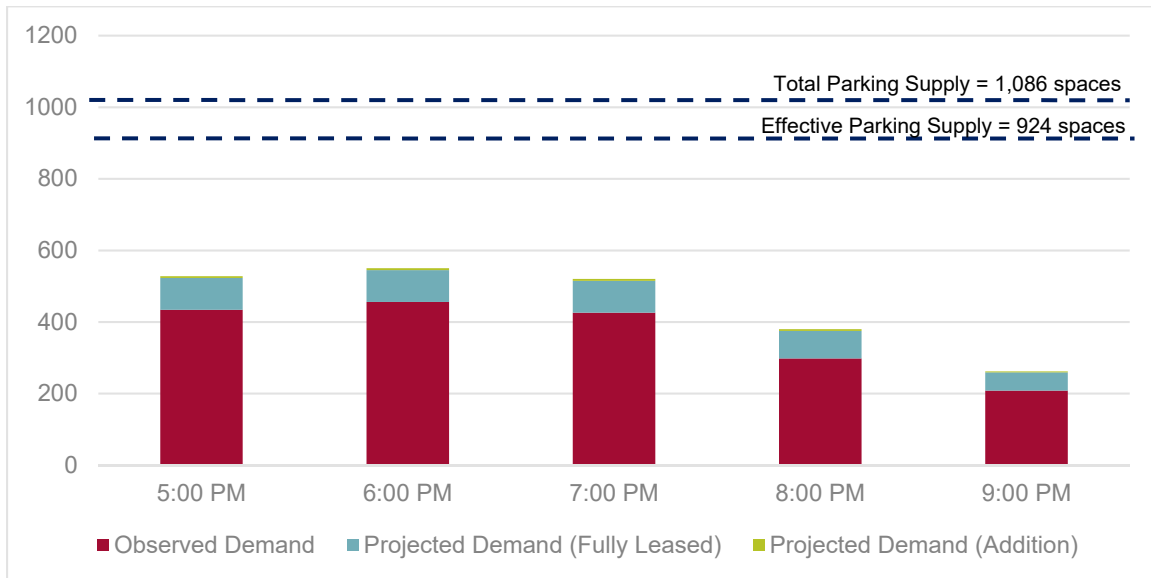


FIGURE 9: The Avenue West Cobb - Existing and Future Parking Demand (Weekday)

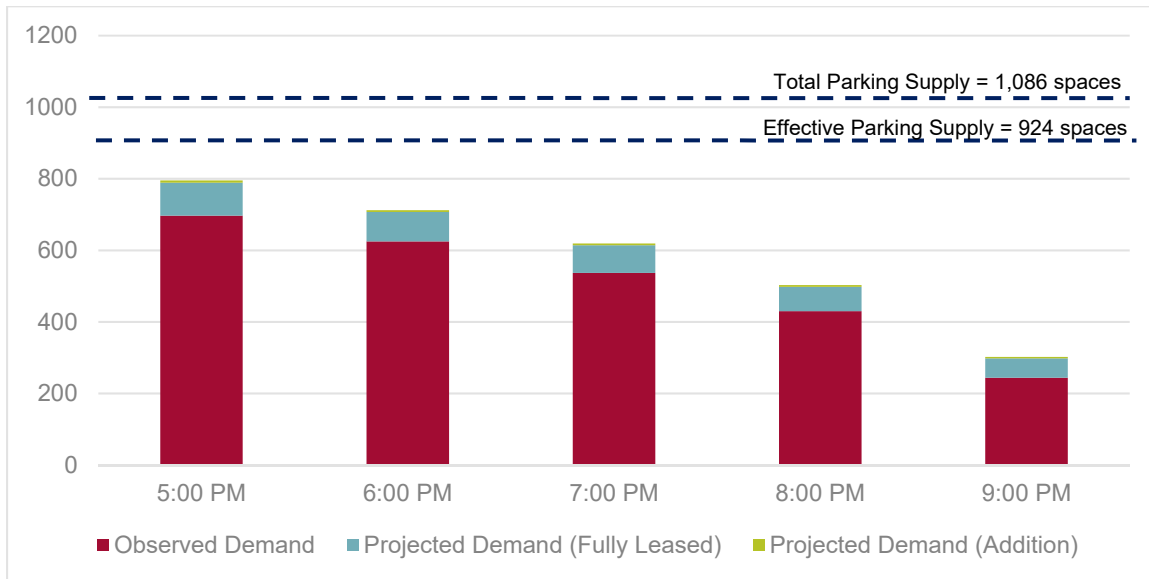


FIGURE 10: The Avenue West Cobb - Existing and Future Parking Demand (Weekend)

Ordinance Comparison

Cobb County ordinance parking requirements indicate a parking rate of one space per 200 square feet of floor space for the *community retail* designation. Applying this rate to the total existing space (leased and not leased), a total of 1,276 parking spaces are required at The Avenue East Cobb, which is 124 spaces greater than the 1,152 spaces that are currently supplied. Per Cobb County ordinance parking requirements, an additional 15 spaces will be required for the potential addition. Accounting for the loss of 66 parking spaces due to construction, the projected parking supply of the shopping center will be 205 spaces less than county requirements for future conditions. Cobb County ordinance parking requirements also indicate a parking rate of one space per 100 square feet of floor spaces for the *eating and drinking establishments* designation. If Cobb County were to require the shopping center to be further broken down into retail and restaurant land uses when analyzing parking requirements, a greater number of parking spaces would be required.

The following attachments are included to supplement the memorandum:

- A. Data Collection Sheets – The Avenue East Cobb
- B. Data Collection Sheets – The Avenue West Cobb