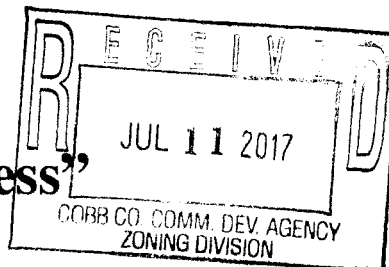


# Application for "Other Business"

## Cobb County, Georgia

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



06-030-2017

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)

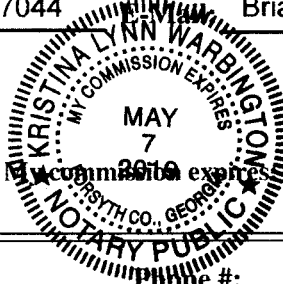
**Phone #:** 470.299.7044

**E-Mail:** Brian.Martin@kimley-horn.com

(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public



May 7, 2019

**Titleholder(s) :** CP Venture Five - AEC, LLC

**Phone #:** 901.531.8716

(property owner's name printed)

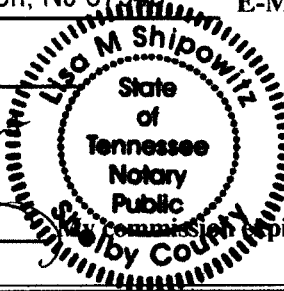
**Address:** 7 Giralda Farms, 3rd Floor, Madison, NJ 07940

**E-Mail:** preinke@poagllc.com

(Property owner's signature)

By Poag Shopping Centers, LLC, its Managing Agent

Signed, sealed and delivered in presence of:

  
Notary Public

My Commission Expires August 12, 2017

**Commission District:** 2

**Zoning Case:** Z-118

**Size of property in acres:** 29.63 ac

**Original Date of Hearing:** 09-16-97

**Location:** 4475 Roswell Road, Marietta, GA 30062

(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 829, 16

**District(s):** 16, 1

**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

4457 ROSWELL ROAD  
SUITE 1520  
MARIETTA, GA 30062  
404.871.5800

COBB COUNTY  
COMMUNITY DEVELOPMENT  
DIVISION  
ZONING DIVISION

DATE: \_\_\_\_\_  
BY: \_\_\_\_\_



THE AVENUE  
EAST COBB

POAG SHOPPING  
CENTERS

4457 ROSWELL ROAD  
SUITE 1520  
MARIETTA, GA 30062

SITE PLAN

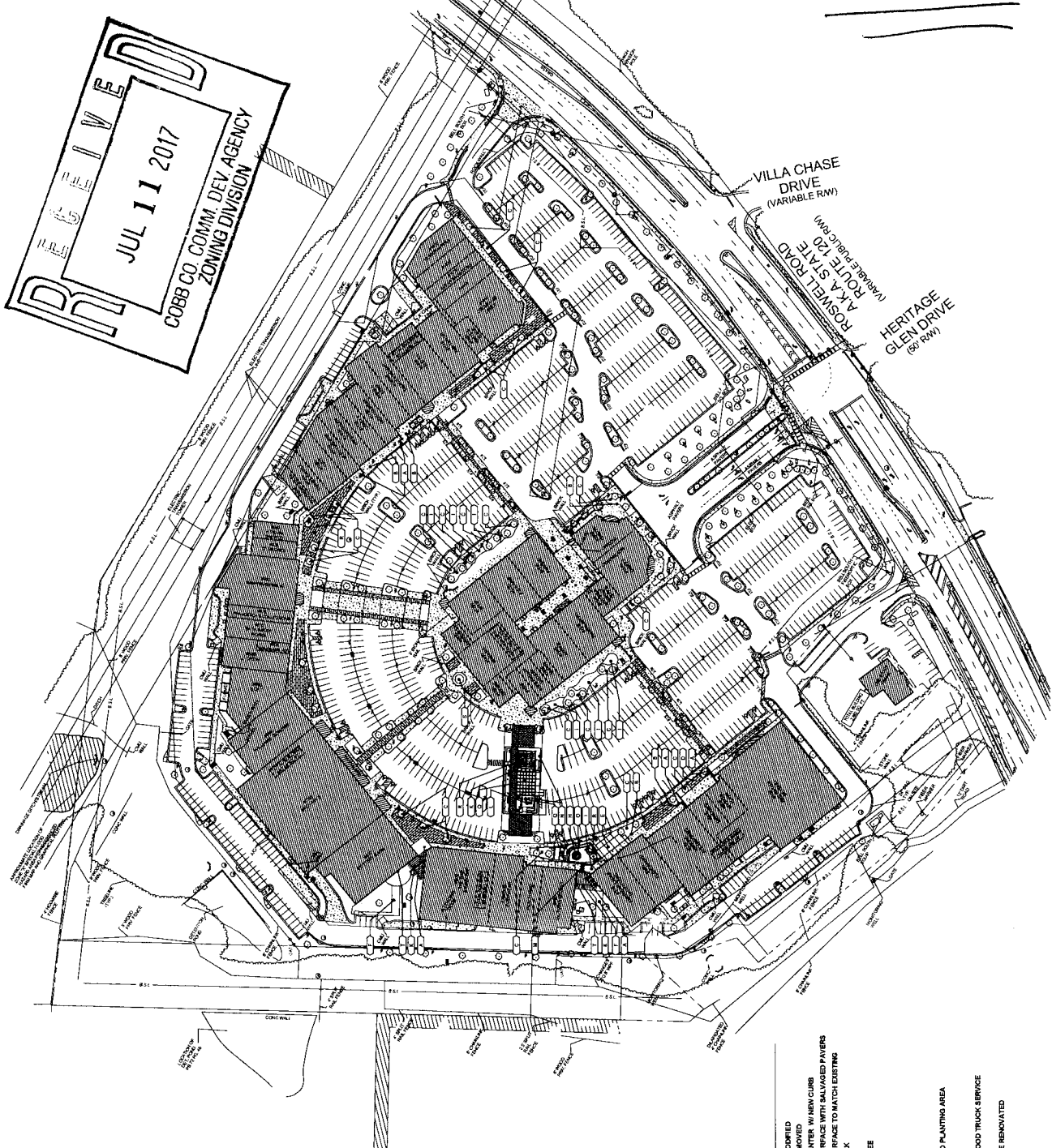
Author: \_\_\_\_\_  
Checker: \_\_\_\_\_  
2018.02.02

A100

OB-030-2017

Proposed plan

1 PROPOSED ARCHITECTURAL SITE PLAN



LEGEND

- EXISTING WALL TO BE MODIFIED
- EXISTING WALL TO BE REMOVED
- RE-SHAPED EXISTING PLANTER W/ NEW CURB
- PATCHED HARDSCAPE SURFACE WITH BALANCED PAVERS
- PATCHED HARDSCAPE SURFACE TO MATCH EXISTING
- NEW CONCRETE SIDEWALK
- NEW PLANTER
- NEW FEATURE PLANT/TREE
- NEW HARDSCAPE PAVING
- NEW LOOSE FILL PAVING
- NEW PINE TREE
- NEW CONCRETE STOPS
- NEW CONCRETE SEATING AND PLANTING AREA
- NEW PAVED SEATING
- NEW WALL
- NEW PARKING PAD FOR FOOD TRUCK SERVICE
- CASUAL SEATING AREA
- EXISTING FOUNTAIN TO BE RENOVATED
- MURAL WALL
- ART PREDESTAL



MSTSD

MSTSD, INC.  
1775 Peachtree Road, NW  
Suite 1000  
Atlanta, Georgia 30309  
404.467.9900

Project Name  
Site Data

Drawn By  
Check By



THE AVENUE  
EAST COBB

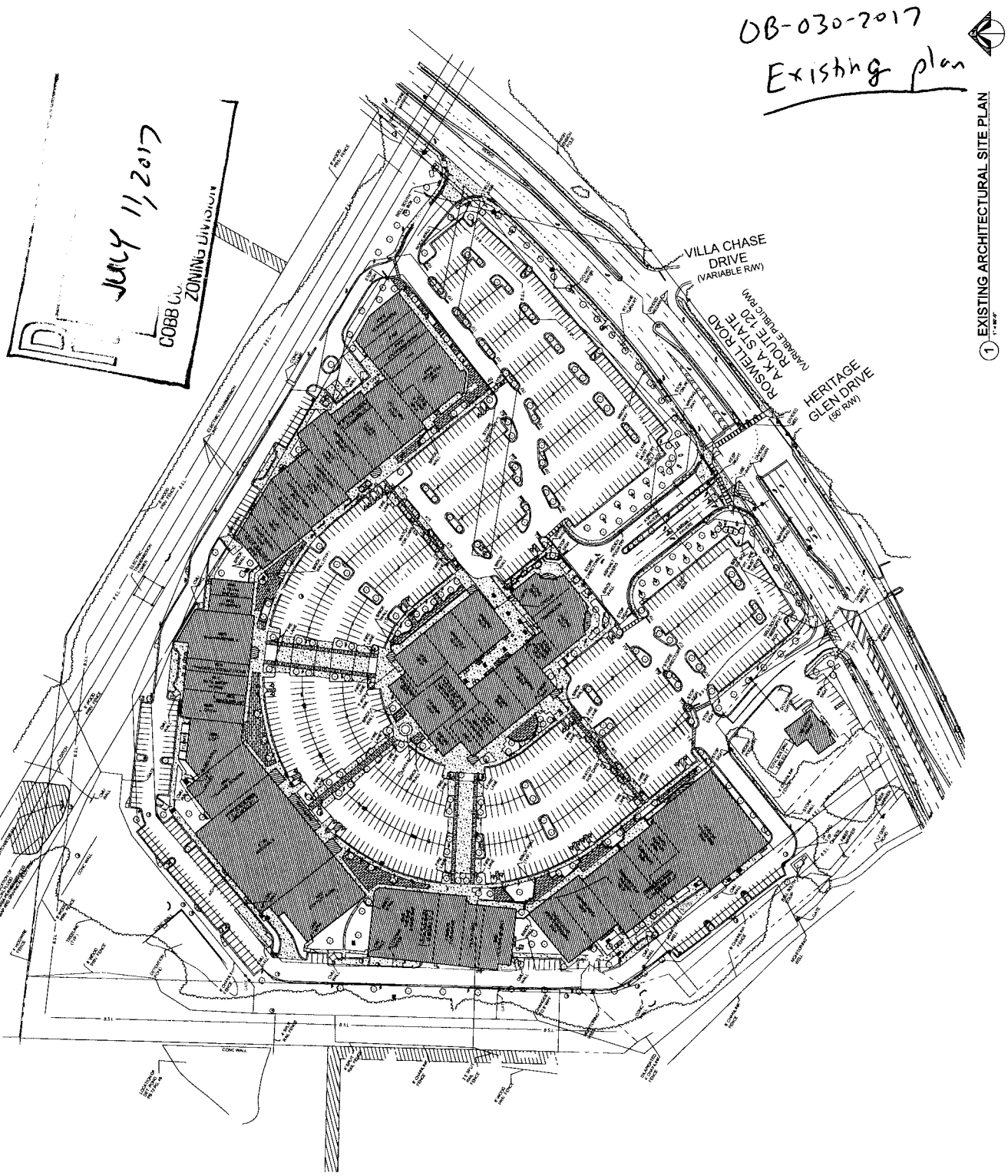
POAG SHOPPING  
CENTERS

4457 FOSWELL ROAD  
SUITE 1520  
DUMMETT, GA 30082

SITE PLAN - EXISTING

Drawn By  
Check By  
Date

A100-E



1 EXISTING ARCHITECTURAL SITE PLAN

ORIGINAL DATE OF APPLICATION: 09/97APPLICANT'S NAME: COUSINS MARKETCENTERS, INC.

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

**BOC DECISION OF 09-16-97 ZONING HEARING: COUSINS MARKETCENTERS, INC.** (The Moon Family Partnership, Charles Arnold, et al, owners) for Rezoning from **R-20** and **RDR** to **CRC** for the purpose of a Commercial Retail Development in Land Lot 829 of the 16<sup>th</sup> District and Land Lot 16 of the 1<sup>st</sup> District. 30.966 acres. Located on the north side of Roswell Road, east of Johnson Ferry Road. Prior to beginning public hearing on this request, the Board, by general consensus, granted extended time for presentations by the applicant and opposition; applicant and opposition were allowed total of 27 minutes each. Following presentations and discussions a motion was offered to delete request to the LRO and CRC zoning districts with stipulations. During discussion of stipulations, Commissioner Wysong *called the question* and a vote was taken to accept the question. VOTE: 5-0. Directly following this vote, the Board of Commissioners voted on motion as presented thereby **deleting** request to the **CRC and LRO zoning districts subject to: 1) property designated as LRO is generally located as shown on rendering attached and made a part hereof; 2) letter of agreeable conditions dated September 12, 1997 attached and made a part hereof.** Motion by Wysong, second by J. Thompson, carried 3-2, W. Thompson and Cooper opposed. Immediately following this vote a recess was taken from 10:41 a.m. until 10:52 a.m. Upon call to order, following the recess, Chairman Byrne introduced discussion of this petition, stating his opinion that substantial discussion was still needed. Commissioner Cooper responded that discussions needed to be completed, clarifications made, and questions answered. The Board queried Legal Counsel regarding consideration of this petition at the next Zoning Hearing. Following discussion of procedures/course of actions to be taken, the Board of Commissioners, by general consensus, directed Staff to place this item on the October 21, 1997 Zoning Hearing, Other Business Agenda.

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY COMPANY

JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON  
ROBERT D. INGRAM  
J. BRIAN O'NEIL  
G. PHILLIP BEGGS  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
SARAH L. BARGO  
DIANE M. BUSCH  
DAVID IAN MATTHEWS  
JERE C. SMITH  
CLAYTON O. CARMACK  
ROBERT E. JONES\*

MICHELLE S. DAVENPORT  
KENNETH T. ISRAEL  
KEVIN B. CARLOCK  
ALEXANDER T. GALLOWAY III  
G. ANDY ADAMEK  
J. KEVIN MOORE  
S. GREGORY WAGNER  
WILLIAM C. BUHAY  
SUSAN W. SMITH  
MICHAEL W. KITCHENS  
RODNEY R. MCCOLLOCH  
DANIEL A. LANDIS\*\*  
RICHARD C. FOSTER  
BRIAN D. SMITH  
HARRY R. TEAR III

\* ALSO ADMITTED IN FL  
\*\* ALSO ADMITTED IN AL

192 ANDERSON STREET  
MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305  
MARIETTA, GEORGIA 30061

TELEPHONE  
(770) 429-1499

TELECOPIER  
(770) 429-8631

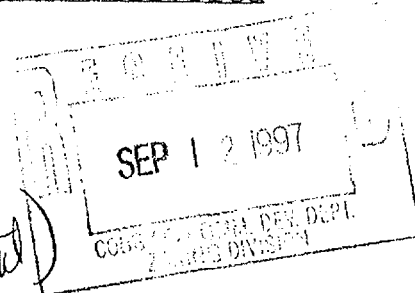
September 12, 1997

WRITER'S DIRECT DIAL NUMBER

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

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

Hand Delivered



RE: Application for Rezoning

Application No.: Z-118

Applicant: Cousins MarketCenters, Inc.

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

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

Dear Ed:

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

MOORE INGRAM JOHNSON & STEELE

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

2-118  
Site plan & tree  
replacement  
continued

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

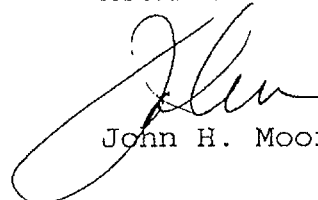
Also, enclosed are the requisite copies of the revised Tree Preservation/Replacement Plan prepared by Post Landscape Services dated September 10, 1997, which supersede and replace in full those previously submitted on or about August 29, 1997.

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

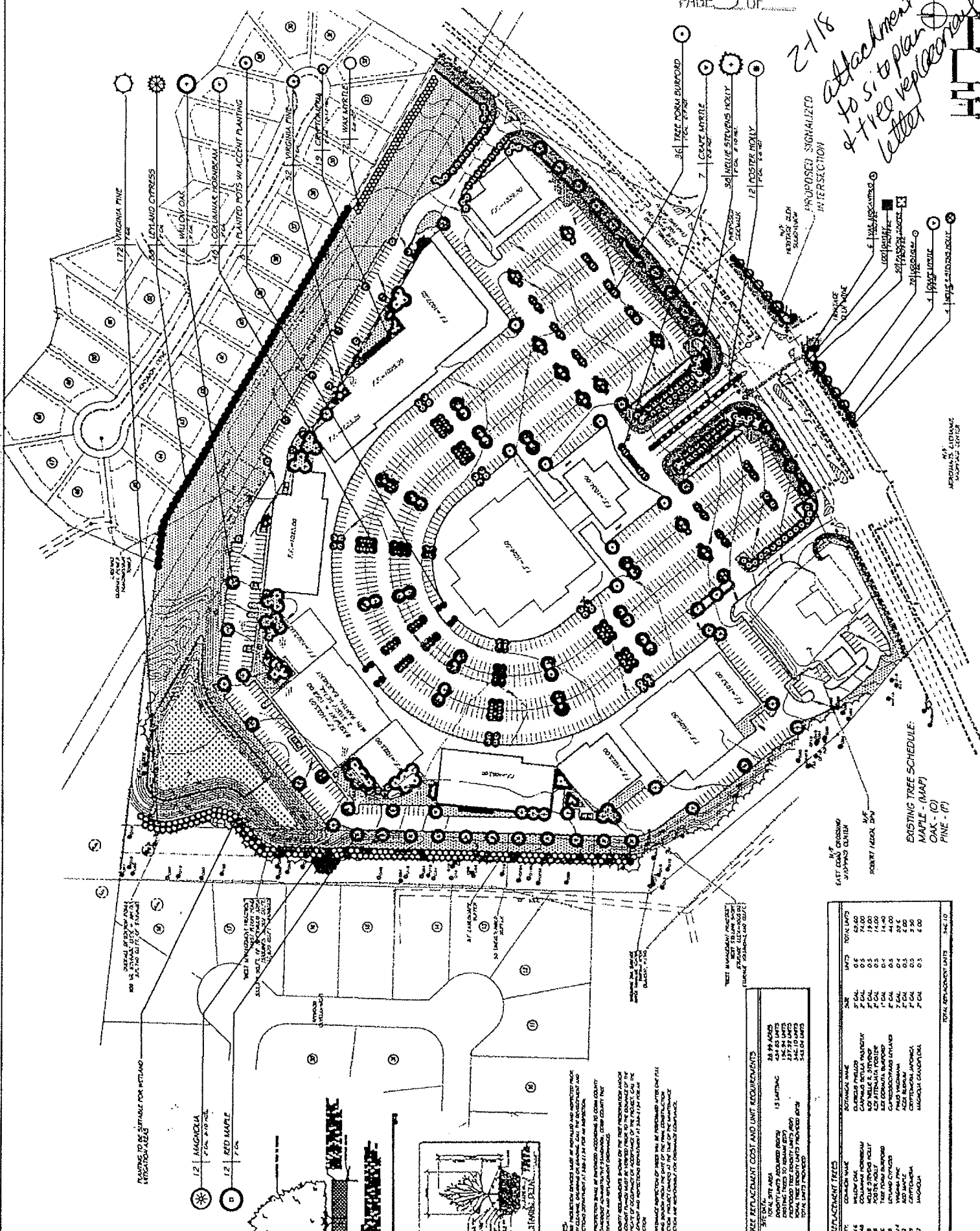
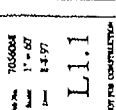
With kindest regards, I remain

Very truly yours,

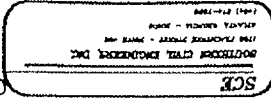
MOORE INGRAM JOHNSON & STEELE, LLC

  
John H. Moore

JHM:cc  
Enclosures

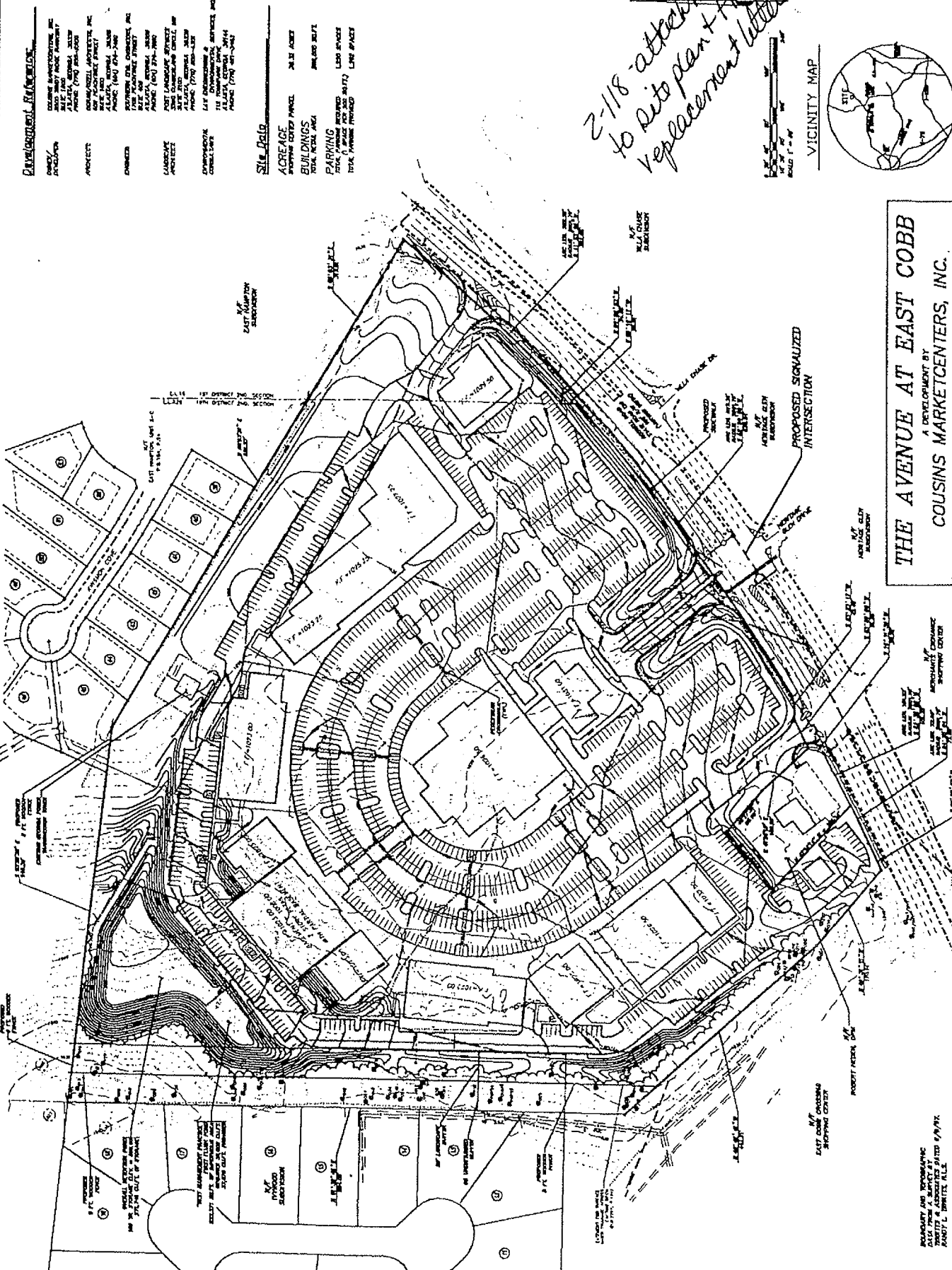


THE AVENUE AT EAST COBB  
A RESTAURANT  
COUSINS WARECENTERS, INC.  
1000 COLONY ROAD  
SUITE 100  
ALPHARETTA, GA 30004

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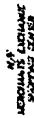
VICINITY MAP

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





~~202~~

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# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY COMPANY

JOHN H. MOORE  
STEPHEN C. STEELE  
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J. KEVIN MOORE  
S. GREGORY WAGNER  
WILLIAM C. BUHAY  
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RODNEY R. MCCOLLOCH  
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HARRY R. TEAR III

\* ALSO ADMITTED IN FL  
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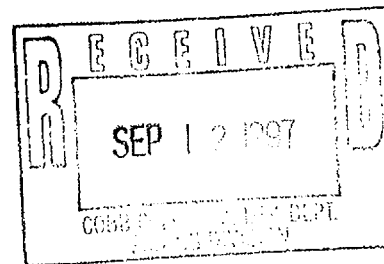
TELECOPIER  
(770) 429-8631

September 12, 1997

WRITER'S DIRECT DIAL NUMBER

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

Hand Delivered



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

RE: Application for Rezoning

Application No.: Z-118

Applicant: Cousins MarketCenters, Inc.

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

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

Dear Ed:

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

**MOORE INGRAM JOHNSON & STEELE**

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

*2-118 continued  
pg #2*

PAGE 9 OF

Arnold; the Estate of Mary Margaret Ficke; Georgia State Directory Co.; Jo K. Frances Fisher; Linda G. Gould; Willie M. Hawkins; James Harold Horne; Dana Malcolm Jones; The Moon Family Partnership; Estate of Sumter S. Powell; Joyce H. Pulver; Gary P. Scott and Jean P. Scott; Rebecca M. Shults; William Leon Stephens; and L. M. Wise, III (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to the above-referenced property. After meeting with planning and zoning staff, meetings with adjoining homeowners and interested homeowner groups, reviewing the staff comments, recommendations, and the uses of surrounding properties, and subsequent to the Planning Commission Hearing, we have been authorized by the Applicant and Owner to submit this revised letter of agreed stipulations which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the property. This letter shall supersede and replace in full our previous letter to you dated August 29, 1997. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the subject property.
- (2) Rezoning of the subject property will be from the R-20 and RDR zoning categories to the CRC and LRO zoning categories with reference being made to that certain site plan prepared by Southern Civil Engineers, Inc. dated July 21, 1997, last revised September 9, 1997, with regard to the total acreage of 30.32 acres.
- (3) Applicant proposes a retail center utilizing the village concept with varying store fronts, roof elevations, and features. The front building facades will be a mixture of brick, stone, stucco, and wood. Applicant agrees to use those certain exterior building materials on specific

**MOORE INGRAM JOHNSON & STEELE**

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

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pg #3*

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buildings as more fully shown and delineated on that certain building elevation plan prepared by Ogram/Ozell Architects, Inc. dated August 28, 1997, and submitted prior to the Planning Commission Hearing.

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

**MOORE INGRAM JOHNSON & STEELE**

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

*2-118 continued  
pg #4*

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walk system as outlined on the revised site plan together with cross-walk lighting and markings.

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

**MOORE INGRAM JOHNSON & STEELE**

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

2-1/8  
continued  
pg #5

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- (g) Applicant agrees to vigorously encourage Cobb County to complete construction of sidewalks on the southerly side of Roswell Road within the same time frame as construction of the proposed development.
- (8) Applicant agrees with regard to Heritage Glen Subdivision to provide supplemental landscaping upon the property of Heritage Glen along its frontage with Roswell Road, as per the referenced landscaping plan.
- (9) Parking area lighting will be at a maximum height of thirty (30) feet, be environmentally sensitive, low level, shoe-box luminaries so as to prevent light from penetrating outside Applicant's property.
- (10) Applicant agrees to comply, install, and construct lighting pursuant to a Site Plan-Lighting prepared by Ogram/Ozell Architects, Inc., dated August 28, 1997, as to type, color, and approximate location.
- (11) With regard to the property adjacent to Ivywood located on Applicant's northwest property line, Applicant agrees to the following:
  - (a) An undisturbed and planted buffer fifty (50) feet in width located immediately adjacent to Ivywood Subdivision, said buffer to be undisturbed where there is existing vegetation and planted where such vegetation is non-existent.
  - (b) Applicant agrees to construct and install an eight (8) foot solid, treated wooden fence on Applicant's side of the buffer referenced in subparagraph 11(a) above.

**MOORE INGRAM JOHNSON & STEELE**

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

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Continued  
pg #6

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

**MOORE INGRAM JOHNSON & STEELE**

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

2-118  
continued  
pg #7

PAGE 14 OF

Ivywood Subdivision hereinabove referenced. If Georgia Power Company does not permit the fence across the easement, then the fence will continue on the westerly side of the easement to the intersection with Ivywood Subdivision fence.

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



**MOORE INGRAM JOHNSON & STEELE**

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

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continued  
pg #8

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The proposed development shall have no roof signs, no billboards, and no exterior temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming development.

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

**MOORE INGRAM JOHNSON & STEELE**

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

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continued  
pg #9

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

**MOORE INGRAM JOHNSON & STEELE**

AGE 17 OF 17

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

2-118  
Continued  
pg #10

and local, state, and federal regulations dealing therewith.

- (25) All detention areas shall be fenced and landscaped.
- (26) Applicant agrees to design and adhere to best practices in the construction of its detention areas with such design and installation based upon a 100 year stormwater flood design.
- (27) No individual tenant space shall exceed a maximum of 35,000 square feet.
- (28) Applicant agrees to maintain a daily security presence for the proposed development.
- (29) There shall be no additional free standing out parcel buildings along the Roswell Road (State Highway 120) frontage other than as shown and reflected on the referenced site plan. With regard to the free standing out parcel building located on the easterly side of the proposed development, Applicant agrees that the uses employed therefor shall not include a restaurant or eating establishment.
- (30) Applicant agrees that the center may only be open for business to the public during the following hours:  
Monday through Sunday from 7:00 a.m. to 12:00 midnight.  
  
Restaurants may be open for business to the public Monday through Sunday from 6:00 a.m. to 12:00 midnight.
- (31) Applicant agrees that there shall be no outside storage facilities as such term is used and defined in the Cobb County Zoning Ordinance.

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

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

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

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

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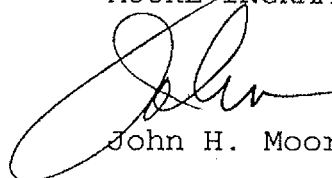
*2-118 continued  
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*20*

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLC

  
John H. Moore

JHM:cc

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

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

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

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

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

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

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

ORIGINAL DATE OF APPLICATION: 09-16-97APPLICANTS NAME: COUSINS NEWMARKET CENTERS

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

**BOC DECISION OF 05-18-04 ZONING HEARING:****OTHER BUSINESS ITEM #3 – TO CONSIDER AMENDING THE SITE PLAN  
AND STIPULATIONS REGARDING Z-118 (COUSINS NEWMARKET  
CENTERS) OF SEPTEMBER 16, 1997**

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

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

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

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

VOTE: **ADOPTED** unanimously



Min. Bl. 27 Petition No. 2-118  
 Doc. Type Site Plan  
 Meeting Date 3/18/04

