

**DECEMBER 18, 2018 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 073

PURPOSE

To consider a site plan amendment for John Earley (Regions Bank) regarding rezoning application Z-116 of 1996. The property is located on the south side of Shallowford Road, east of Sandy Plains Road, in Land Lot 387 of the 16th District (3028 Shallowford Road).

BACKGROUND

The subject property was rezoned to Community Retail Commercial (CRC) in 1996 for a retail store (Eckerds, Rite-Aid). The store closed this year and the applicant would like to amend the site plan to demolish the old building and build a new Regions bank building. The existing building is approximately 11,000 square feet, and the new building would be 2,700 square feet. There will not be any new curb cuts onto Shallowford Road, and the applicant is in discussions with the architectural control committee regarding the future appearance of the building, signage and landscaping. If approved, all previous stipulations would remain in effect.

STAFF COMMENTS

Cobb County Stormwater Management: Subject to Plan Review approval.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

Application for "Other Business" Cobb County, Georgia

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

RECEIVED
NOV 13 2018
OB-73

BOC Hearing Date Requested: 12/18/2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Applicant: John Earley (Regions Bank) Phone #: 205-560-5348
(applicant's name printed)

Address: 250 Riverchase Parkway East, Birmingham, AL 35244 E-Mail: John.Earley@regions.com

Michael Foster Address: 2100 First Avenue North, Suite 100, Birmingham, AL 35203
(representative's name, printed)

[Signature] Phone #: 205-252-8222 E-Mail: michael.foster@bdgllp.com
(representative's signature)

Signed, sealed and delivered in presence of:

Kay D. Milstead
Notary Public

Kay D. Milstead
Notary Public
State of Alabama at Large
My Commission Expires 2/9/2020

My commission expires: _____

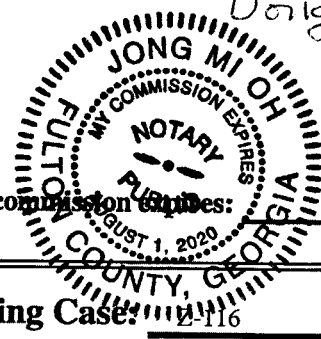
Titleholder(s): SODGIE Y. KIM Phone #: 770-687-5521, 5522
(property owner's name printed)

Address: P.O. Box 1240 Duluth, GA, 30096 E-Mail: Moeza3355@gmail.com
Dorigalm46@gmail.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of:

[Signature] 11.09.18
Notary Public



My commission expires: 8.01.2020

Commission District: 3 **Zoning Case:** 2-116

Size of property in acres: 1.62 acres **Original Date of Hearing:** PC Hearing: 09/03/1996
BOC Hearing: 09/17/1996

Location: 3028 Shallowford Road, Marietta, GA (Intersection of the SE Corner of Sandy Plains Rod and Shallowford Rd)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 386, 387, 406 **District(s):** 16

State specifically the need or reason(s) for Other Business: Regions Bank proposes the construction of
a new freestanding branch bank facility. The one-level building will have approximately 2,700 gross square feet and be provided
with a drive-thru equipped with on(1) window lane and three (3) VTM lanes.

(List or attach additional information if needed)



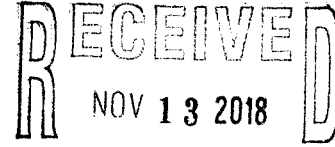
Printed: 11/13/2018

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
HEATHER WALKER CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
PARAN INVESTMENT LLC



PARAN INVESTMENT LLC

Payment Date: 9/17/2018
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2018	16038700090	10/15/2018	Pay:	N/A	or	\$0.00
Interest	Penalty	Fees	Total Due	Amount Paid	Balance	
\$0.00	\$0.00	\$0.00	\$0.00	\$28,236.92	\$0.00	



Scan this code with your mobile phone to view this bill!

Application for Rezoning Cobb County

RECEIVED
NOV 13 2018

Application No. 2-116
PC Hearing: 09/03/96
BOC Hearing: 09/17/96

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Applicant Sembler Centers, Inc. Business Phone (404)816-2219 Home Phone _____

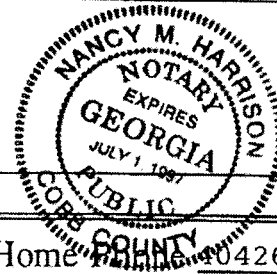
Jeffrey S. Fuqua Address Suite 918, Eleven Piedmont Center
(representative's name, printed) 3495 Piedmont Road, Atlanta, GA 30305

[Signature] Business Phone (404) 816-2219
(representative's signature)

Signed, sealed and delivered in presence of:

Nancy M. Harrison
Notary Public

My commission expires: _____



Titleholder See Attached Business Phone 770984-1743 Home Phone 404261-7477

Signature Evelyn Gordy-Rankin Address 2660 Peachtree Rd. Unit 20-H Atlanta
(attach additional signatures, if needed) Ga. 30305

Signed, sealed and delivered in presence of:

Christi R. Watson
Notary Public

My commission expires: _____

Notary Public, Cobb County, Georgia
My Commission Expires Oct. 15, 2003

Zoning Request From NRC and R-20 to CRC and R-20
(present zoning) (proposed zoning)

For the Purpose of SHOPPING CENTER Size of Tract 24.17 Acre(s)
(subdivision, restaurant, warehouse, apt., etc.)

Location Intersection of the Southeast Corner of Sandy Plains Road and Shallowford Roads
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 386, 387, 406 District 16

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~ are no such assets. If any, they are as follows:

Not Applicable

SEMBLER CENTERS, INC.

BY: [Signature]
Jeffrey S. Fuqua (applicant's signature)
Agent for Sembler Centers, Inc.

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is ~~is~~ such a cemetery. If any, they are as follows:

SEMBLER CENTERS, INC.

BY: [Signature]
Jeffrey S. Fuqua (applicant's signature)
Agent for Sembler Centers, Inc.

Step #1 - Attachment



Cobb County
Board of Commissioners

100 Cherokee Street
Marietta, Ga. 30090-9680
(770) 528-3300 / Fax (770) 528-2606

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Chairman
Bill Bryne

William A. Cooper
C. Freeman Poole
Joe L. Thompson
Gordon J. Wysong

County Clerk
Carol G. Myers

TO: Honorable Members of the Commission

FROM: Gordon Wysong, Commission

DATE: September 12, 1996

SUBJECT: Zoning Application Z-116 (Sembler Centers, Inc.)

This application essentially completes the development of the 400 plus acre Gordy tract at Sandy Plains and Shallowford Road. In order to preserve the original plan, I ask that the enclosed stipulations be attached to the zoning on September 17, 1996.

I appreciate the Board's consideration.

*Z-116 of 9-1996
Attachment as
referenced in zoning
minutes of 9-17-96
(stipulation #1)
Kemp*

Note: Some of the "comments" & agreements conflict - therefore this letter is controlling. Attachments referenced in steps 2 & 3 are to be reviewed carefully & any conditions not contained in this letter are to be met - any conditions that conflict - this letter will control.

Z-116 8/1996

*Attachment of
Step #1 continued*

PAGE 4 OF

**Stipulations Z-116 (Sembler Centers, Inc.)
September 17, 1996**

1. Applicant shall agree that subject property consisting of 24.17 acres shall be rezoned from NRC, R-20 to CRC, R-20 subject to site plan prepared by LRE Engineering revised August 23, 1996, except where site plan violates or fails to address the stipulations set forth below.
2. Applicant shall agree that subject property shall be developed for a proposed shopping center consisting of a maximum of 140,000 square feet of shopping center retail space, including two (2) out parcels as set forth on above site plan. There shall be one (1) right in/ right out curb cut on Sandy Plains Road, and two (2) curb cuts on Shallowford Road. The western curb cut on Shallowford Road shall be right in/right out and the second shall be aligned with Gordy Parkway.
3. Applicant shall agree to pay for 100% of the signal upgrade cost at the intersection formed by Gordy Parkway Extension, Shallowford Road and the proposed access driveway.
4. With respect to the Beulah Cemetery the applicant shall agree to the following:
 - a) Mt. Beulah Cemetery and a 50 foot buffer along the easterly property line shall remain in an R-20 zoning category.
 - b) Applicant shall agree there shall be established a 50 foot buffer along the easterly property line immediately adjacent to the cemetery and along the southerly property line immediately adjacent to the cemetery. There will be no buffer on the westerly side of the cemetery due to Cobb County Department of Transportation requirements as to alignment of access into the proposed development.
 - c) Applicant shall agree to pay for and obtain an archeological study in this area to determine the location of all grave sites and ensure the integrity of the cemetery.
 - d) Applicant shall construct a dark green chain link fence around the cemetery and shall provide a gate and access from the southern side of the cemetery.
 - e) Applicant shall agree that parking for the cemetery shall be made available on the southern side of the cemetery.

Stipulations Z-116 (Sembler Centers, Inc.)
September 17, 1996

Z-116 9/1996
Attachment of
Stip #1 continued
PAGE 5 OF

- f) Applicant shall agree to have professionally repaired (not replaced) the seven (7) broken markers identified by the Cobb County Cemetery Preservation Commission at a maximum cost of \$500.
 - g) Applicant shall agree that on the western side of the cemetery the slope shall be 1 to 1 instead of 2 to 1, as it is now, to accommodate the alignment of the development with Gordy Parkway.
5. Applicant shall agree to a 150 foot building setback from the southern and from the eastern property line. Setbacks shall be 50 foot undisturbed buffer, 75 foot planted buffer and 25 foot setback from planted buffer.
 6. Applicant shall agree the 50 foot undisturbed buffer on the southerly and easterly portion of the property shall remain zoned R-20.
 7. Applicant shall agree detention ponds may be located in the 75 foot planted buffer and utility and/or water and sewer easements may be located in either the 50 foot or the 75 foot buffers, where required and approved by County Zoning staff.
 8. Applicant shall agree site lighting shall have "cut off luminaries" in order to direct lighting downward. Maximum height for luminaries shall be 42 feet. Any security lights will be limited to 15 feet in height, and shall use cut off luminaries to be focused downward so light does not penetrate into buffers.
 9. Applicant shall agree there shall be no roof signs, no billboards, no temporary signs, except for limited usage of certain special occasional signs, such as "construction signs," "coming soon signs," "grand opening signs, and certain civic and community purpose signs. Signs shall be situated on "monument" basing with an architectural style which complements the development. All signs shall comply with the applicable Cobb County Sign Requirements and subject to any variance which may be granted. All signs shall be approved by the Architectural Control Committee (ACC).
 10. Applicants shall agree dumpsters will be located, to the extent practicable, in concealed or less visible locations. Dumpsters shall be screened with berms, fencing, or landscaping in a manner so as to permit service access to dumpsters. Dumpsters shall have "rubber bumpers" or "rubber lids" to minimize noise during emptying. Dumpsters shall be emptied between the hours of 7:00am and 10:00pm. Delivery truck motor idling and power street sweeping of parking lots shall be restricted to 7:00 am to 10 pm, and prohibited on Sundays.

Stipulations Z-116 (Sembler Centers, Inc.)
September 17, 1996

Z-116 9/1996
Attachment #1
Step #1 continued
PAGE 6 OF

11. Applicant shall agree the following uses will not be allowed:
 - a) Video arcades, defined as those establishments offering coin operated video or other patron participation games where such revenue constitutes a principle source of revenue for the particular establishment. However nothing shall prevent the sale or rental of video tapes where such rental is primarily designed for off site or home viewing.
 - b) Adult book stores, defined as establishments where the principal business purpose of such establishments involves the sale or rental of sexually explicit books, magazines, tapes, or other sexually explicit paraphernalia or erotica. However, nothing shall preclude any establishment from selling or offering books, or popular movie-going fare.
12. Applicant shall agree that there be no gas/service station or automotive repair or auto service facility in the subject development.
13. Applicant shall agree the need for consistency and continuity in the overall design, construction, landscaping, and maintenance of the property which is the subject of this application for rezoning. Applicant shall agree to work with an Architectural Control Committee. This Committee shall approve architectural design, materials, color, landscaping, and other significant criteria pertinent to the overall design of the project. However, interior design shall be not be subject to approval of the ACC.

The Architectural Control Committee shall be comprised of the following individuals:

- a) A representative of the Applicant
 - b) A representative of AB Realty
 - c) A representative of Thompson Enterprises
 - d) A representative of Cobb County Zoning Department
 - e) A representative of the East Cobb Civic Association (ECCA)
 - f) Notice of meetings will be given to Cutters Gap and Country Crossing Homeowners Associations.
14. Applicant shall agree to present to the Architectural Control Committee prior to development a landscape plan for approval by the Committee for use in the development of the subject property.

Stipulations Z-116 (Sembler Centers, Inc.)
September 17, 1996

Z-116 9/1996
Attachment of
Stip #1 continued
PAGE 7 OF

15. Applicant shall agree to fence the entire eastern and southern borders with a 6 foot non-wood opaque fence approved by the Architectural Control Committee, and shall be installed within the 50 foot non disturbed buffer. The applicant shall be responsible for the fence maintenance. Fencing for security during construction shall be installed at the start of the project.
16. Applicant shall agree to an underground detention pond on the eastern border unless the applicant purchases the two adjoining residences on Winter Wood Court. Design and construction of underground detention pond shall be completed within 6 months of the start of construction.
17. Applicant shall agree that the planting plan along Winter Wood Court must conform with the plan dated December 2, 1988 by Robertson Loia, P.C. showing detail of visual screening in that area. Applicant shall be responsible for ensuring the survival and replacement of the plantings for 24 months after the completion of the development.
18. Applicant shall agree that detention required on western boundary which is in a different drainage basin, not shown on plan must be addressed by applicant and approved by Cobb County staff.
19. Applicant shall agree the area adjoining the Mountain View School property will be protected by retaining walls and planted buffers approved by Cobb County staff.

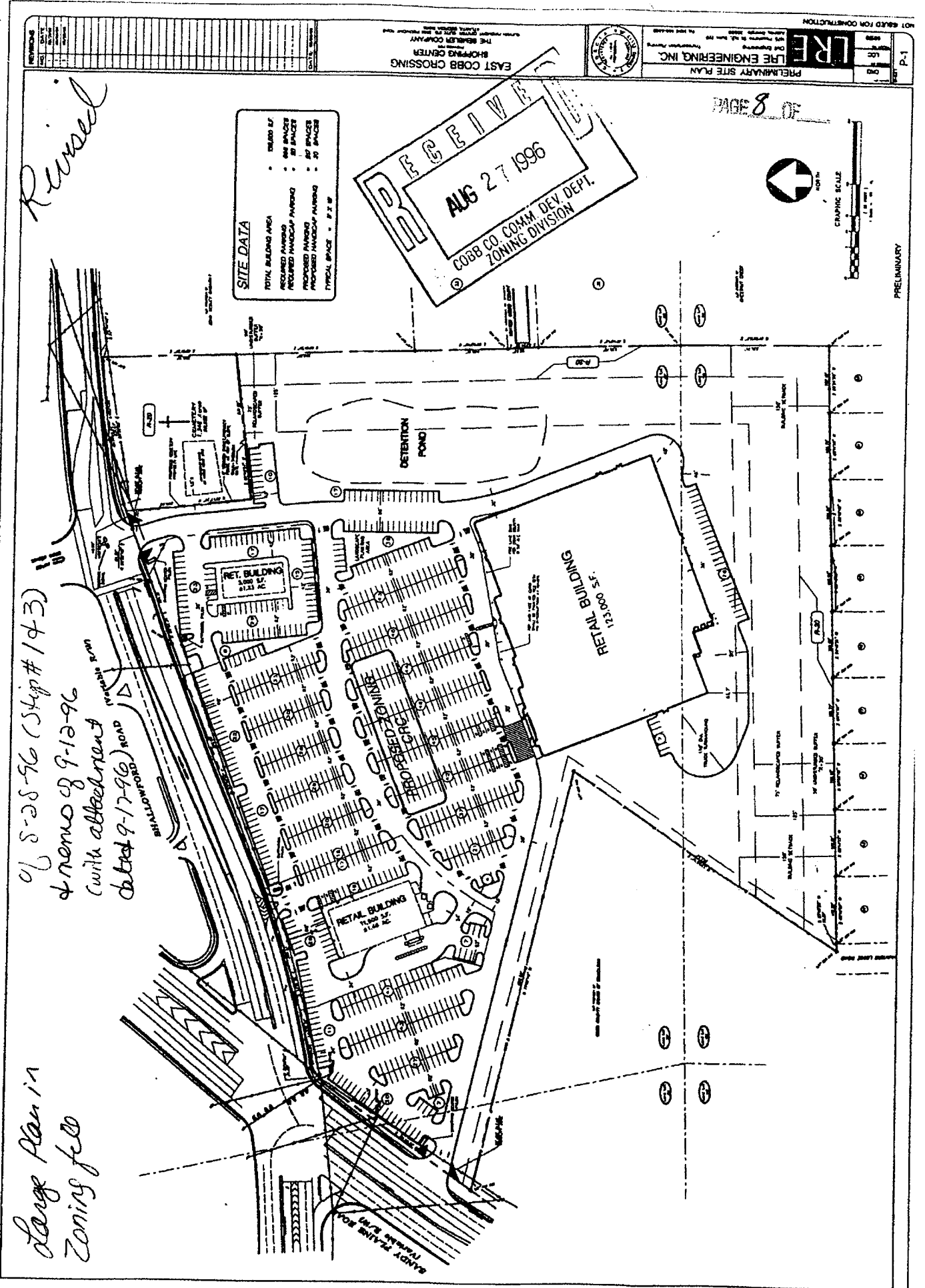
Zoning Case
Z-116

Revised

As referenced in letter

of 8-28-96 (Site # 143)
& memo of 9-12-96
(with attachment
dated 9-17-96) ROAD

Large Plan in
Zoning fee



PRELIMINARY

STAFF RECOMMENDATIONS

2-11-69 1996
Attachment as referenced
in zoning minutes of
9-17-96. Karthe

Z-116 SEMBLER CENTER

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. This is evidenced by the Ken-Med, Bottle & Wine Shop, Boston Chicken and Children's Hospital contiguous to the north and the Harris-Teeter Grocery (under construction) contiguous to the west and the existing elementary school located to the south.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. This is evidenced by the fact that properties contiguous to the north, west and south are currently being used for commercial or non commercial use (Mt. View Elementary School).
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. This is evidenced by the property being located in an area recommended for Community Activity Center type uses. Additionally, the property is located in the East Planning Area of Cobb County. Sandy Plains Road and Shallowford Road intersection is ideal for the concentration of commercial and office at this crossroads. The East Cobb Planning Area has experienced rapid change in terms of development over the past thirty years. As a response to continued residential growth in East Cobb, it is anticipated that nonresidential development at designated activity centers will intensify as demand for goods and services grows. Nonresidential trends are toward higher concentrations of commercial activity in already defined activity areas, such as Sandy Plains Road and Shallowford Roads.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. This is evidenced by the completion of the widening of Sandy Plains Road and the proposed widening of Shallowford Road and by the almost completed Gordy Parkway Extension.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Subject to the maximum square footage of entire development (including two outparcels) to be 140,000 square feet.

Continued...

- Two outparcels only (outparcels to be approximately located as depicted on submitted site plan).
- Three (3) curb cuts only to this parcel; one curb cut on Sandy Plains Road to be right-in-right out and located approximately as shown on submitted site plan, and two curb cuts on Shallowford Road to be located as shown on submitted site plan (one full access driveway opposite existing Gordy Parkway).
- ~~Subject to detailed agreements previously stipulated via application numbers 223 of 11-15-88 and/or Z-95 of 12-18-90 regarding buffering, setbacks and cemetery protection to remain intact and in full force.~~ This step was removed from Staff Rec. by Mark Danraenian, upon submittal of 8-28-96 letter of agreeable conditions (see exhibit # 31A)
- Subject to Cobb Drainage comments and recommendations.
- Subject to Cobb DOT comments and recommendations.
- Subject to Cobb Cemetery comments and recommendations. (attached)

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

NOTES

Cobb Cemetery Preservation Commission

100 Cherokee Street, Suite 500
Marietta, GA 30090-9674

2-1168 1996

Comments as referenced
in Staff Report (Step # 2)

September 12, 1996

Mr. William Byrne
Cobb County Board of Commissioners
100 Cherokee Street
Marietta GA, 30090-9697

Dear Bill,

The Cobb Cemetery Preservation Commission is opposed to petition Z-116, 1996. The site plan shows the presence of Mount Beulah cemetery on the northeastern corner of the proposed commercial development. To preserve this cemetery, the Cobb County Cemetery Preservation Commission requires the following:

1. Mount Beulah Cemetery and the 50 foot buffer surrounding it on all sides shall remain R-20.
2. A six (6) foot high chain link fence to be erected around the perimeter of the cemetery, and a gate and access provided from the southern side of the cemetery outside the buffer.
3. Prior to any construction or ground disturbance, an orange protective fence to be installed on the outer perimeter of the 50 foot buffer. The protective fence to be maintained in good repair until the 6 foot high chain link fence is installed.
4. The buffer and the area outside the buffer on at least the west and south sides of the cemetery shall be landscaped to enhance both the cemetery and the shopping center property.
5. Parking for the cemetery shall be made available on the southern side of the cemetery, outside the buffer.
6. Seven (7) broken markers, identified by the Cobb County Cemetery Preservation Commission, to be professionally repaired (not replaced) at a maximum cost of \$500.
7. On the western side of the cemetery, the slope outside the 50 foot buffer shall be 1 to 1 instead of 2 to 1, as it is now, to accommodate the alignment of the development's drive with Gordy Parkway. A rubble wall to be constructed along the western slope.

Z-116-9 1996
Comments of
Step # 2 continue &

PAGE 12 OF

The applicant's letter of stipulations, dated August 28, 1996 shows agreement on points 5 and 6. However, complete agreement on the other five points has not been reached.

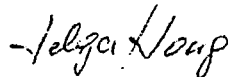
The cemetery should be protected by a 50 foot buffer along each side, not just the eastern and southern sides. The buffer along the western side can be reduced to allow the proper alignment of the shopping center entrance with Frank Gordy Parkway, but the buffer is still required.

A six foot high chain link fence with gate and access to the parking area is needed to protect the cemetery. A picket fence is picturesque but offers little protection and requires perpetual maintenance by the shopping center owner and all future owners.

The orange protective fence during construction demarcates the outer boundary of the cemetery buffers and prevents inadvertent ground disturbance.

Since the cemetery is immediately adjacent to the shopping center entrance and across from the smaller outparcel, proper landscaping and a rubble wall along the western slope enhance the visual beauty of the area and present a quality image for the shopping center.

The Cemetery Preservation Commission asks you to support them in their efforts to preserve Cobb's heritage. Thank you for your consideration.



Helga Hong
Planning and Protection Committee
Cobb Cemetery Preservation Commission

cc: Zoning staff

Step #3- Attachment

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY COMPANY

ATTORNEYS AT LAW
192 ANDERSON STREET
MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE
(770) 429-1499

TELECOPIER
(770) 429-8631

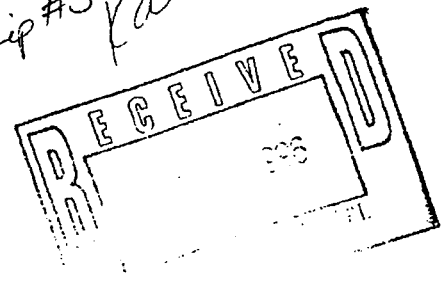
JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON
ROBERT D. INGRAM
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
SARAH L. BARGO
DIANE M. BUSCH
DAVID IAN MATTHEWS
JERE C. SMITH
CLAYTON O. CARMACK
JEFFREY A. WATKINS
* ALSO ADMITTED IN FL

ROBERT E. JONES*
MICHELLE S. DAVENPORT
KENNETH T. ISRAEL
KEVIN J. McGRATH
LAURA E. STORY
KEVIN B. CARLOCK
ALEXANDER T. GALLOWAY III
G. ANDY ADAMEK
J. KEVIN MOORE
S. GREGORY WAGNER
WILLIAM C. BUHAY
CARL R. CURRY**
SUSAN W. SMITH
** ALSO ADMITTED IN DC

*2-116 8/1996
Attachment as
referenced in
Step #3 for H&C*

August 28, 1996

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Hand Delivered

Ms. Judy Williams
Senior Planner
Zoning Division
Community Development Department
Suite 500
100 Cherokee Street
Marietta, Georgia 30090-9674

RE: Application for Rezoning
Application No.: Z-116
Applicant: Sembler Centers, Inc.
Owners: Evelyn J. Gordy-Rankin and
the Trust Created Pursuant to
Item Three of the Will of
W. Frank Gordy, Sr.
Property: 24.17 acres located in
Land Lots 386, 387, and 406,
16th District, 2nd Section,
Cobb County, Georgia

Dear Judy:

As you know, this firm represents Sembler Centers, Inc., hereinafter "Applicant," and Evelyn J. Gordy-Rankin and the Trust Created Pursuant to Item Three of the Will of W. Frank Gordy, Sr., hereinafter collectively referred to as "Owner," in their Application for Rezoning with regard to the above-referenced property. After discussions and meetings with zoning and planning staff and members of the Cemetery Preservation Committee and various meetings and discussions with members of the East Cobb Civic Association, other area residents, and interested parties concerning the proposed development, we have been authorized by the Applicant and Owner to submit this 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.

Ms. Judy Williams
Senior Planner
Cobb County Planning and Zoning Department
Page Two
August 28, 1996

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Any and all existing zoning stipulations and conditions presently affecting the real property which is the subject matter of the above-referenced Application for Rezoning shall be and the same are hereby removed and are of no further force and effect and the following zoning stipulations and conditions shall be substituted in lieu thereof:

- (1) The subject property, consisting of 24.17 acres, shall be rezoned from the existing zoning classifications of NRC and R-20 to CRC and R-20 pursuant to a site plan prepared by LRE Engineering, Inc. dated August 8, 1996, last revised August 23, 1996.
- (2) The subject property shall be developed for a proposed shopping center consisting of a maximum total of 140,000 square feet of shopping center retail space, including two (2) out parcels, all as per more particularly set forth on the above-referenced site plan; except that, there shall be a maximum of two (2) curb cuts into the proposed development off Shallowford Road and one (1) curb cut into the proposed development off Sandy Plains Road.
- (3) The main shopping center shall have a building exterior of brick with dryvit with the rear of the shopping center being block with a coping along the top portion of the building.
- (4) With respect to Mt. Beulah Cemetery, the following matters are stipulated on behalf of Applicant:
 - (a) Mt. Beulah Cemetery and 50 foot buffer along the easterly property line shall remain in the zoning category of R-20.
 - (b) There shall be established a 50 foot buffer along the easterly property line immediately adjacent to the cemetery and along the southerly property line immediately adjacent to the cemetery. There will be no buffer on the westerly side of the cemetery due to Cobb County Department of Transportation requirements as to alignment of access into the proposed development.

MOORE INGRAM JOHNSON & STEELE

Ms. Judy Williams
Senior Planner
Cobb County Planning and Zoning Department
Page Three
August 28, 1996

- (c) Applicant agrees to pay for and obtain an archeological study in this area to determine the location of all grave sites and ensure the integrity of the cemetery.
 - (d) Applicant shall construct a wooden picket fence around the cemetery and shall provide a gate and access from the southern side of the cemetery.
 - (e) Applicant agrees that parking for the cemetery shall be made available on the southern side of the cemetery.
 - (f) Applicant agrees to have professionally repaired (not replaced) the seven (7) broken markers identified by the Cobb County Cemetery Preservation Commission at a maximum cost of \$500.
 - (g) Applicant agrees that on the western side of the cemetery the slope shall be 1 to 1 instead of 2 to 1, as it is now, to accommodate the alignment of the development drive with Gordy Parkway.
- (5) Applicant commits to a 150 foot building setback from the southern property line and a 125 foot building setback from the east property line, all as more particularly shown on the referenced site plan.
 - (6) Applicant agrees to dedicate right-of-way on the south side of Shallowford Road from the eastern access driveway (at the intersection with the proposed Gordy Parkway Extension) to the eastern boundary, being a distance of approximately 220 feet. Donation shall be 50 feet from the existing centerline of Shallowford Road.
 - (7) Applicant agrees to pay for 100 percent of the signal upgrade at the intersection to be formed by the completion of the proposed Gordy Parkway Extension and Shallowford Road with the proposed access driveway.

MOORE INGRAM JOHNSON & STEELE

Ms. Judy Williams
Senior Planner
Cobb County Planning and Zoning Department
Page Four
August 28, 1996

- (8) There shall be a 50 foot buffer running along the entire easterly and southerly boundary of the subject property, which buffer shall remain zoned R-20.
- (9) (a) Applicant agrees to a 50 foot non-disturbed and a 75 foot planted buffer on the east and south sides of the subject property adjacent to existing residential development. Detention ponds may be located in these buffers and utilities and/or water or sewer easements may also be located within these buffers.

(b) Additionally, Applicant agrees to erect a wooden fence around the existing detention facility.
- (10) Site lighting shall have "cut-off luminaries" in order to direct lighting downward. Maximum mounting height for luminaries shall be 42 feet. Any security lights attached to buildings will be focused away from adjacent property and will be limited to 15 feet in height.
- (11) There shall be no roof signs, no billboards, no temporary signs, except for limited usage of certain special occasional signs, such as "construction signs," "coming soon signs," "grand opening signs," and certain civic and community purpose signs. Pylon signs shall be situated on "monument" basing with an architectural style which complements the development. All signs shall comply with applicable Cobb County Sign Requirements and subject to any variance which might be requested.
- (12) Dumpsters shall be located, to the extent practicable, in concealed or less visible locations. Dumpsters shall be screened with berms, fencing, or landscaping in a manner so as to permit service access to dumpsters. Dumpsters shall be emptied between the hours of 7:00 a.m. and 10:00 p.m.
- (13) Adult book stores, defined as establishments where the principal business purpose of such establishments involves the sale or rental of sexually explicit books, tapes, or other sexually explicit paraphernalia or

MOORE INGRAM JOHNSON & STEELE

Ms. Judy Williams
Senior Planner
Cobb County Planning and Zoning Department
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erotica, shall be prohibited. However, nothing shall preclude any establishment from selling or offering "standard" arrays or selections of magazines, tapes, books, or popular movie-going fare.

- (14) Applicant agrees that there shall be no gas/service station or automotive repair facility in the subject development.
- (15) Applicant acknowledges the need for consistency and continuity in the overall design, construction, and maintenance of the property which is the subject of this Application for Rezoning. Applicant agrees to work with an Architectural Control Committee. This Committee shall approve architectural design, materials, color, landscaping, and other significant criteria pertinent to the overall design of the project. However, interior design shall not be subject to approval of the Architectural Control Committee. The control of the Architectural Control Committee shall be limited to building exteriors.

The Architectural Control Committee shall be comprised of the following individuals:

- (a) A representative of the Applicant;
 - (b) Two architects and/or engineers, (at least one architect) to be retained by the Applicant;
 - (c) A representative of the Cobb County Zoning Department;
 - (d) A representative designated by an "umbrella" civic association, such as the East Cobb Civic Association.
- (16) Applicant agrees to present to the Architectural Control Committee prior to development a landscape plan for approval by the Committee for use in the development of the subject property.

Step #3- Attachment
Continued

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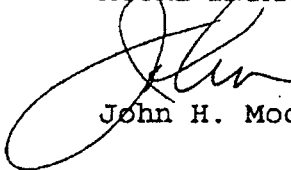
- (17) Cobb County desires to commemorate an Indian Trail which may have formerly been located in the vicinity of the subject property. The Applicant, hereby agrees to make available a portion of this property for the placement of certain markers and/or appropriate landscaping and related pedestrian access to the marker. Cobb County agrees that any such commemoration shall be at its own expense and shall be limited in scope or physical area where it is situated; that this utilization by Cobb County shall in no shape, form, or manner, hinder the submitted development plans.

It is believed that the requested rezoning, pursuant to the referenced revised site plan and the stipulations contained herein, will 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.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLC



John H. Moore

JHM:cc

MOORE INGRAM JOHNSON & STEELE

Step # 3 - Attachment
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c: Mr. David L. Hong, Vice President
East Cobb Civic Association

Ms. Betty Parker, Chairperson
Cobb County Cemetery
Preservation Commission

Cobb County Board of Commissioners:
William J. Byrne, Chairman
William A. Cooper
C. Freeman Poole
Joe L. Thompson
Gordon J. Wysong

Cobb Planning Commissioners:
Henley A. Vansant, Chairman
Murray Homan
Richard M. Jones
Jerry Dawson
Jean Hallinan

