Application for "Other Business"

OB-010-2016

Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2035) BOC Hearing Date Requested: 3-15-2016

Applicant: Chicken Coop V RE, LLC. Phone #: 678-852-1483
(applicant's name printed)

Address: 2981 Delk Road SE Marietta, GA 30067 E-Mail: dustin@2axchicken.com

Dustin Mullis Address: 1579 Monroe Dr. Ste F133 Atlanta, GA 30324
(representative's name, printed)

Phone #: 678-852-1483 E-Mail: dustin@2axchicken.com
(representative's signature)

Signed, sealed and delivered in presence of:

JADA BRE EDWARDS NOTARY PUBLIC COBB COUNTY, GEORGIA MY COMMISSION EXPIRES JUNE 18, 2016

Notary Public My commission expires: June 18, 2016

Titleholder(s): Phone #:
(property owner's name printed)

Address: E-Mail:

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires:

Commission District: 2 Zoning Case: Z-91

Size of property in acres: 2.5 AC Original Date of Hearing: 7-15-03

Location: 2981 Delk Road
(street address, if applicable; nearest intersection, etc.)

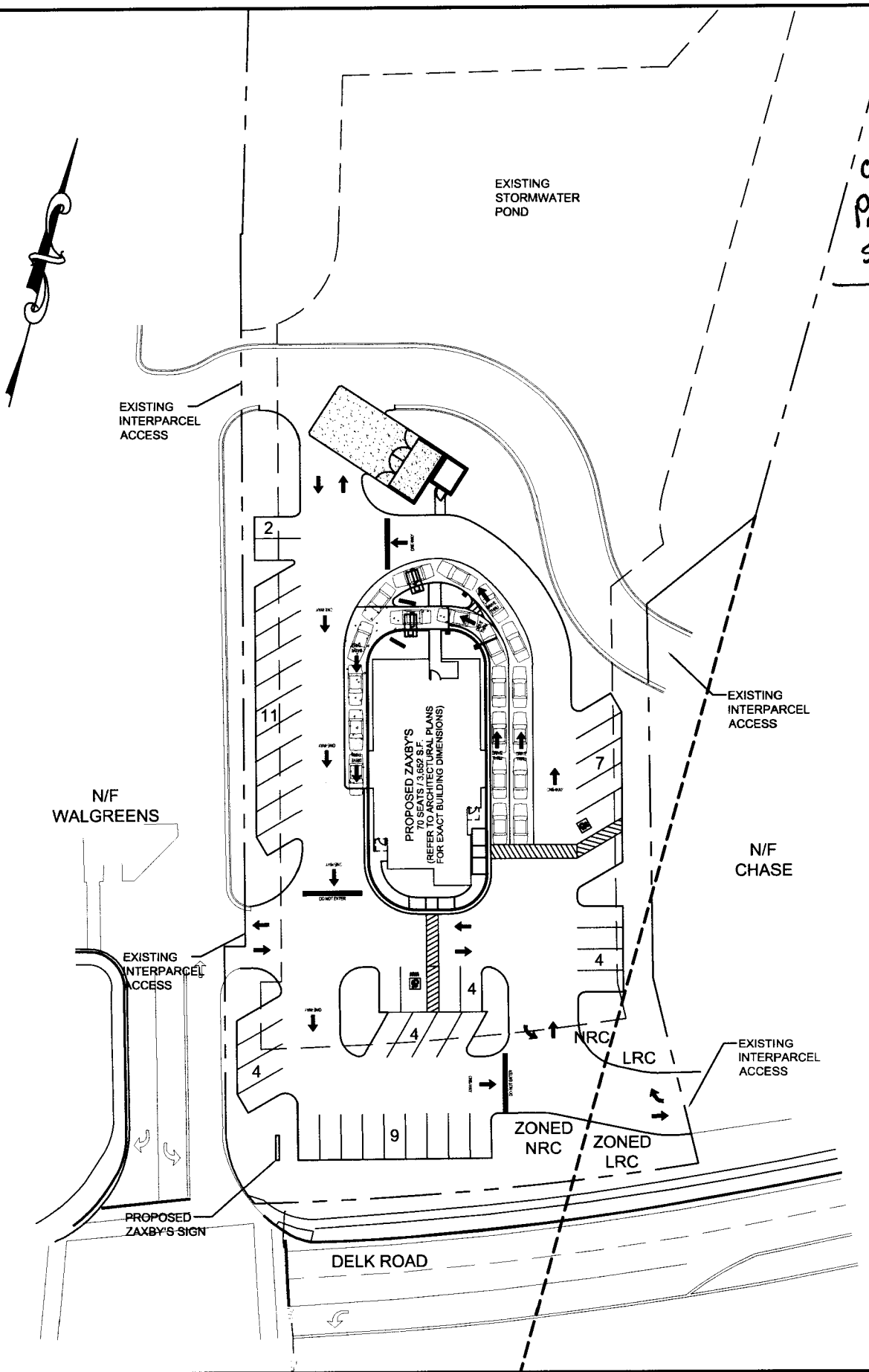
Land Lot(s): 925, 936 District(s): 17

State specifically the need or reason(s) for Other Business:

1. Amend site plan

(List or attach additional information if needed)

OB-010-2016
Proposed site plan



Carter Engineering Consultants, Inc.
3651 Mars Hill Road
Suite 2000
Watkinsville, GA 30677

P: 770.725.1200
F: 706.559.7435
www.carterengineering.net

ZAXBY'S

PRELIMINARY SITE PLAN

2981 DELK ROAD, COBB COUNTY G.A

SCALE: 1"=60'

DATE 02.01.16

ORIGINAL DATE OF APPLICATION: 07-15-03

APPLICANTS NAME: RETAIL PLANNING CORPORATION

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

BOC DECISION OF 07-15-03 ZONING HEARING:

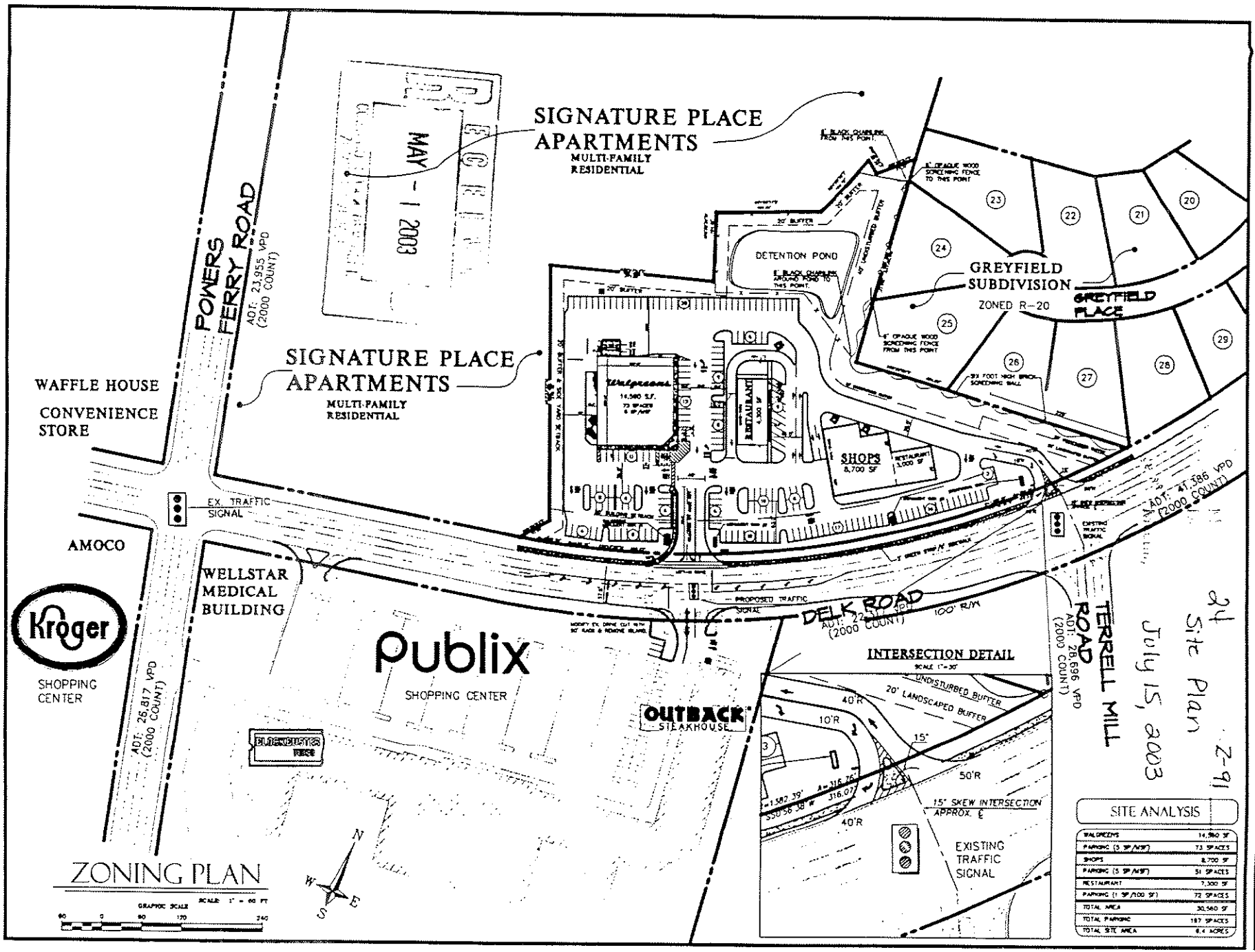
RETAIL PLANNING CORPORATION (Cobb-Powers Ferry Associates, Ltd. and Ruby Inez Fridell, owners) for Rezoning from **OI** and **R-20** to **NRC** for the purpose of Retail and Restaurants in Land Lots 925 and 936 of the 17th District. Located on the north side of Delk Road, east of Powers Ferry Road.

The public hearing was opened and Mr. John Moore and Mr. Richard Morris addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by J. Thompson, second by Olens, to **approve** rezoning to the **NRC** and **LRC** zoning districts **subject to:**

- **site plan received by the Zoning Division on May 1, 2003 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated June 18, 2003 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. John Moore dated July 9, 2003 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. Les Lewis, Retail Planning Corporation, dated July 14, 2003 (copy attached and made a part of these minutes)**
- **pawn shop use prohibited**
- **notification as soon as possible to homeowners in Terrell Mill Estates and Greyfield Subdivisions regarding any future plans for annexation into the City of Marietta**
- **Applicant/developer to cooperate with Cobb DOT regarding future reconfiguration of the Delk Road/Terrell Mill intersection**
- **street sidewalks to be extended to provide access to retail businesses**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** unanimously



SITE ANALYSIS

WALGREENS	14,560 SF
PARKING (5 SP/MSF)	73 SPACES
SHOPS	8,700 SF
PARKING (5 SP/MSF)	51 SPACES
RESTAURANT	7,300 SF
PARKING (1 SP/100 SF)	72 SPACES
TOTAL AREA	30,560 SF
TOTAL PARKING	187 SPACES
TOTAL SITE AREA	6.4 ACRES

HILL FOLEY ROSSI & ASSOCIATES, LLC
ARCHITECTURE
ENGINEERING
SPACE PLANNING

PROJECT
Walgreens
STORE NUMBER 47526
DELK ROAD & POWERS FERRY RD

FOR
RETAIL PLANNING CORPORATION

SEHMAN ENTERPRISES

ZONING PLAN

24 Site Plan
July 15, 2003
Z-91

PAGE 3 OF Z.13

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 BIGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY R. MCCULLOCH

SUSAN S. STUART
DANIEL A. LANDIS*
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
JOYCE W. HARPER
PATRICK D. DODSON***
JONATHAN H. PETCU
AMY K. WEBER
COURTNEY H. MOORE
KIM A. ROPER

TARA C. RIDDLE
JOSHUA M. BOOTH***
KELLI L. CROSS
C. LEE DAVIS
TANYA L. CROSSE***
ROBERT W. BROWN II
JASON L. FOSS
VICTOR P. VALMUS
JEFFERY L. DICKERSON
J. SHANE MAYES
[illegible]
[illegible]
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ALLISON B. FAUST
ANGELA H. SMITH

OF COUNSEL
MICHELLE S. DAVENPORT
JOHN L. SKELTON, JR.
TIMOTHY A. HICKEY, JR.

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

RECEIVED
JUN 25 2003
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION
WRITER'S DIRECT DIAL NUMBER

June 18, 2003

Hand Delivered

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

Min. Bk. 24 Petition No. Z-91
Doc. Type Letter of agreeable stipulations from Mr. John Moore
Meeting Date July 15, 2003

RE: Application for Rezoning
Application No.: Z-91 (2003)
Applicant: Retail Planning Corporation
Owners: Cobb-Powers Ferry/Northside Associates, L.P. and Ruby Fridell
Property: 6.4 acres located at the northwesterly intersection of Delk Road and Terrell Mill Road, Land Lots 925 and 936, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Retail Planning Corporation, the Applicant (hereinafter referred to as "Applicant"), and Cobb-Powers Ferry/Northside Associates, L.P. and Ruby Fridell, the Property Owners (hereinafter collectively referred to as "Owners"), and Retail Planning Corporation, who is the Applicant (hereinafter referred to as "Applicant") of the property totaling 6.4 acres located at the northwesterly intersection of Delk Road and Terrell Mill Road, Land Lots 925 and

MOORE INGRAM JOHNSON & STEELE

Petition No. Z-91
Meeting Date July 15, 2003
Continued

936, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meetings with planning and zoning staff and various departmental representatives, meetings and discussions with representatives of area homeowner groups and adjacent property owners, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant and Owners to submit this letter of agreeable stipulations which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. 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 Office and Institutional ("OI") and R-20 zoning categories to the Neighborhood Retail Commercial ("NRC") zoning category as to real property within Land Lot 925 and to the Limited Retail Commercial ("LRC") zoning category as to real property within Land Lot 926, site plan specific, to that certain Zoning Plan dated April 7, 2003, Job No. 01-172, Sheet Z.13, prepared for Retail Planning Corporation by Hill Foley Rossi & Associates, LLC with regard to the Subject Property.

(3) Applicant proposes to construct a single story structure for use as a Walgreen's store, site plan specific, to the above-referenced Zoning Plan on 2.1 acres of the Subject Property.

(4) The Walgreen's building shall be in substantial conformity with the architectural rendering submitted at the public hearing before the Board of Commissioners to

consider approval of the within stipulations and conditions. Exterior finish, materials, and color shall comply in all respects with the Exterior Finish Schedule prepared by Hill Foley Rossi & Associates, LLC, being drawing PD2.1 (HFR #01-172) attached hereto and incorporated herein by reference. It is the intent herein to utilize the same architecture as the existing Walgreen's at Roswell Road and East Piedmont Road.

(5) Any roof-mounted HVAC equipment shall be screened by means of a continuous roof parapet which shall be one (1) foot higher than the highest point of the HVAC equipment.

(6) Signage, other than building signage, for the proposed development shall be ground-based, monument style and limited to four (4) signs:

(a) Signage for Walgreen's on Delk Road;

(b) Signage for proposed restaurant on Delk Road;

(c) Signage for proposed shops on Delk Road; and

(d) Directional signage at Delk Road and Terrell Mill Road.

The finish, materials, and colors shall be compatible with the Walgreen's building design. The size and design of the signs shall be substantially similar to the Monument Sign Detail prepared by Hill Foley Rossi & Associates, LLC, and identified as "Drawing PY-1," Job No. 01-172, a copy of which is attached hereto and incorporated herein by reference. If, for any reason, there is constructed only one building in addition to the Walgreen's building, then signage shall be reduced by one.

(7) There shall be no scrolling or flashing signs, either temporary or permanent, located within the proposed development. Further, no temporary signage, other than "grand opening" signage, shall be allowed within the development. This temporary signage shall include signage on vehicles, any such vehicles shall be parked to the rear of the businesses. The requirement as to vehicle signage shall be included in any lease to any tenant.

(8) The height of pole lighting fixtures shall be limited to twenty-five (25) feet in height with fixtures being environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line. Site lighting shall be reduced (to security levels) within one hour after close of operations.

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

(10) With regard to the retail shops in the LRC portion, there shall be a maximum of two (2) dumpsters located to the rear of the shops. All dumpsters shall be enclosed with a minimum six (6) foot high masonry enclosure on three sides with a solid screen gate on the access side. Any dumpsters for food service establishments shall have appropriate "wash down" facilities. All dumpsters shall contain rubber lids to minimize noise.

(11) Hours of operation within the proposed development shall be as follows:

Z-91
July 15, 2003

(a) Dumpster pick-ups shall be limited to the hours between 7:00 a.m. and 8:00 p.m., Monday through Friday, with no dumpster pick-ups on Saturday or Sunday;

(b) Deliveries to businesses within the proposed development shall be limited to the hours between 6:00 a.m. and 9:00 p.m.; and

(c) All businesses within the proposed development, excepting only the Walgreen's store, shall be operated between the hours of 6:00 a.m. and 12:00 midnight.

(12) Building structures located on the east side of the site, as shown and reflected on the referenced site plan, shall be limited to one story, a maximum of twenty-five (25) feet in height, parapet excluded.

(13) Any outdoor food service eating areas, patios, or courtyards shall be located on the south or west sides of the buildings in which the establishment is located.

(14) In addition to the current use limitations as more particularly set forth within the NRC zoning classification of the Cobb County Zoning Ordinance, it is agreed to further restrict the uses of the Subject Property to prohibit the following:

(a) Billiards and pool halls;
(b) Car washes;
(c) Community fairs;
(d) Convenience food stores with self-service fuel sales;
(e) Designated recycling collection stations;
(f) Emissions or inspections stations;

Petition No. Z-91
Meeting Date July 15, 2003
Continued

(g) Full-service gasoline stations;
(h) Funeral homes;
(i) Automotive repair establishments;
(j) Radio, television, and other communication towers and antennas (except small residential scale dishes and antennas used in connection with permitted tenant uses);
(k) Self-service laundry facilities;
(l) Package liquor sales;
(m) Arcades, amusement galleries, and game rooms;
(n) Outdoor vending machines, kiosks, or other stands; excepting only a bank ATM facility);
(o) Bars, cocktail lounges, and night clubs;
(p) Dry cleaning plant; excepting only dry cleaning establishments with petroleum based cleaning equipment;
(q) Sale, lease, or rental of motorized vehicles or trailers;
(r) Tattoo/body piercing parlors;
(s) Overnight boarding or holding of pets or animals;
(t) Adult-themed bookstores or sales of related merchandise; and
(u) Check cashing establishments.

(15) Should Applicant desire to make any material change or alteration to the exterior of the proposed Walgreen's building from the submitted plans, or to the landscaping for the proposed development as set forth herein, 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;

Z-91
July 15, 2003

(b) Either Mark Danneman, Zoning Manager, or Rob Hosack, Director of the Cobb County Community Development Agency, or their successor in office; and

(c) One representative from either the East Cobb Civic Association, Inc. or Greyfield Subdivision.

(16) Applicant agrees to provide, as shown and reflected on the referenced Zoning Plan, a six (6) foot decorative masonry buffer wall with brick finish along the property line abutting Lots 25, 26, and 27 of Greyfield Subdivision. Said wall shall be permitted to meander along said property line in order to preserve, to the extent reasonably possible, trees.

(17) Applicant further agrees to provide, as shown and reflected on the referenced Zoning Plan, a minimum six (6) foot high solid wooden fence along the property line abutting Lots 23, 24, and 25 of Greyfield Subdivision. Said fence shall be permitted to meander along said property line in order to preserve, to the extent reasonably possible, trees.

(18) Applicant agrees to erect, as shown and reflected on the referenced Zoning Plan, a six (6) foot black, vinyl clad, chain link fence along the northerly property line of the Subject Property.

(19) The project shall provide buffering, as follows:

(a) Adjacent to Greyfield Subdivision shall be a buffer forty (40) feet in width, which shall remain undisturbed except for enhancement thereof pursuant to the Landscape Plan herein referenced. Excepting

only, twenty (20) feet of the referenced buffer closest to Delk Road and shown and reflected on the referenced Zoning Plan shall be a landscaped buffer;

(b) Buffer twenty (20) feet in width along the northerly and westerly sides of the Subject Property, which buffer shall be a landscaped buffer as shown and reflected on the referenced Zoning Plan; and

(c) Landscaping buffer located along the frontage of the project with Delk Road, as shown and reflected on the referenced Landscape Plan.

(20) Landscaping for the proposed project shall be in conformity with the Landscape Plan prepared by Kolias Bradford & Associates dated June 5, 2002, Job No. 02068 (Sheet L-1), attached hereto and incorporated herein by reference. Landscaping shall be completed in two phases as shown and reflected on the referenced Landscape Plan; phase one shall be completed on or before the issuance of a certificate of occupancy; and phase two shall be completed on or before a period of not more than two (2) years after issuance of a land disturbance permit for the proposed project or upon issuance of a Certificate of Occupancy for the building(s), other than the Walgreen's building, whichever first occurs.

(21) Applicant agrees to pay for the design and installation of a traffic signal to be located opposite the existing Delk Spectrum Shopping Center entrance, as shown and reflected on the referenced Zoning Plan. Additionally, Applicant agrees to pay for and construct the roadway improvements along Delk Road shown and reflected on the referenced Zoning Plan; including, but not limited to,

left-turn lanes into and out of the proposed project at the proposed traffic signal; left turn lanes into and out of Delk Spectrum Shopping Center, as shown and reflected on the referenced Zoning Plan. Additionally, Applicant agrees to make such modifications at its expense to redesign the entrance into the Delk Spectrum Shopping Center to allow the traffic movements, as shown and indicated on the referenced Zoning Plan. The current full-service entrance to Delk Spectrum Shopping Center, located westerly of the proposed traffic signal, will be converted to a right-in, right-out only. Access to the Subject Property shall be by the full-service curb cut shown and reflected on the referenced Zoning Plan directly opposite Delk Spectrum Shopping Center, together with a straight-in access at Terrell Mill Road into the proposed project, together with a right-in, right-out access at the same location. All of the above as approved by the Cobb County Department of Transportation and delineated in an e-mail from the Cobb County Department of Transportation to the Applicant which is attached hereto and incorporated herein by reference.

(22) Buildings, other than the Walgreen's hereinabove referenced, will be complementary in architectural style and materials to the Walgreen's building, and the architectural style and building materials for said buildings shall be approved by the Architectural Control Committee hereinabove referenced.

(23) For security purposes, the Applicant shall maintain all fences and have regular, and at a minimum quarterly, inspections.

(24) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Ten
June 18, 2003

(25) Applicant 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.

(26) All common/open space, recreational, 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.

(27) Any approvals required by the Board of Commissioners shall be before the entire Board.

We believe the requested zoning, pursuant to the referenced Zoning Plan and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the significant changes within the area, the impact of those changes upon surrounding developments and area properties and owners thereof surrounding the proposed project, and the improvements of the roadways surrounding the Subject Property. Thank you for your consideration in this matter.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP

John H. Moore

JHM:cc
Attachments

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Eleven
June 18, 2003

Z-91
July 15, 2003

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

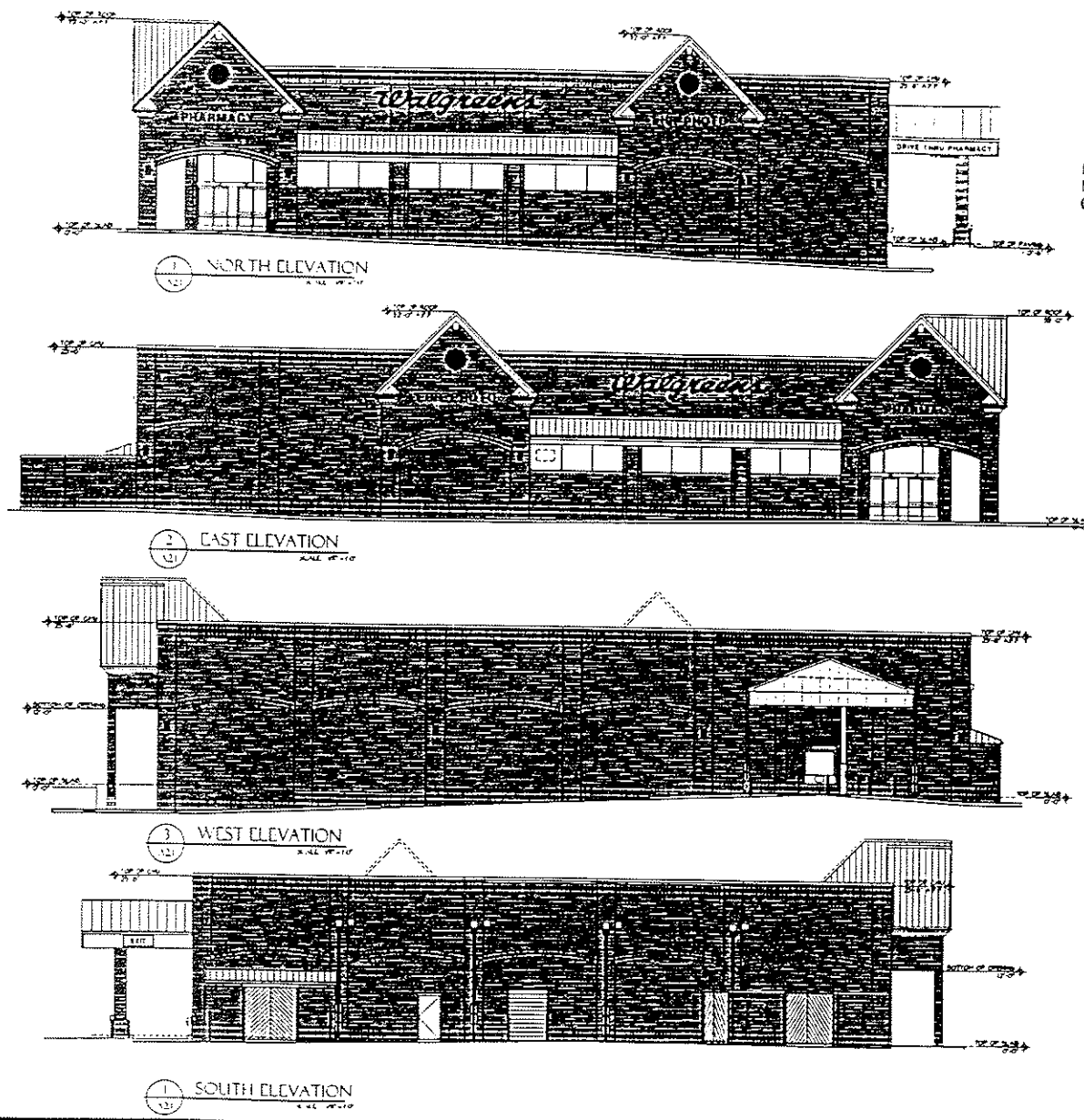
Cobb County Planning Commission
Murray Homan, Chairman
Judy Williams
Bob Hovey
Michael Paris
Christi S. Trombetti
(With Copies of Attachments)

Mr. John G. Nash, Jr.
East Cobb Civic Association, Inc.
(With Copies of Attachments)

Mr. Bob Ott
East Cobb Civic Association, Inc. and
Terrell Mill Estates Homeowners Association
(With Copies of Attachments)
(Telefax Transmission
To (770) 951-1239)

Mr. Dan Lovett
Greyfield Subdivision
(With Copies of Attachments)
(Telefax Transmission
To (770) 988-8773)

Retail Planning Corporation
(With Copies of Attachments)

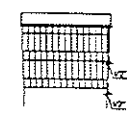


1 NORTH ELEVATION

2 EAST ELEVATION

3 WEST ELEVATION

1 SOUTH ELEVATION



6 CORNICE DETAIL

EXTERIOR FINISH SCHEDULE

Petition No. Z-91
Meeting Date July 15, 2003
Continued Exterior elevation and finish schedule as referenced in letter of agreeable Stipulations

HILL FOLEY ROSSI & ASSOCIATES, LLC
ARCHITECTURE
ENGINEERING
SPACE PLANNING

MK	DATE	SUBMITTAL/REVISION

Walgreens
Store #7526
Delk Rd. & Terrell Mill Rd.
Cobb County, GA

FOR
RETAIL PLANNING CORPORATION
SLEIMAN ENTERPRISES

EXTERIOR ELEVATIONS AND FINISH SCHEDULE

PD2.1

HFR #01-172

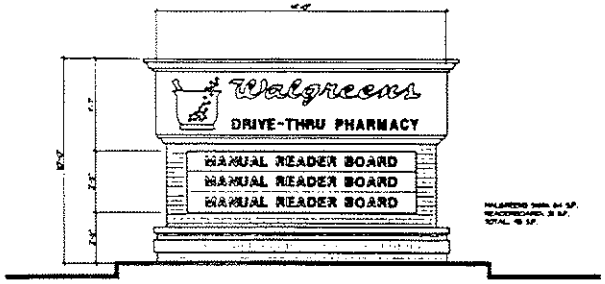
Petition No. Z-91
Meeting Date July 15, 2001
Continued Exterior Finish Schedule as referenced in letter of agreeable Stipulations

H:\Cad_Architectural\-00\00130 - Walgreens #7334 Cascade Rd\00130_A2.1.dwg, 4/1/2003 5:36:35 PM, MRossi, HP 5000N.pc3, Letter

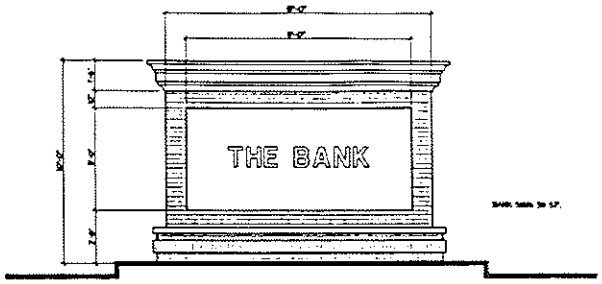
EXTERIOR FINISH SCHEDULE

FIELD BRICK - CALLOWAY TUDOR BY GENERAL SHALE
FIELD MORTAR -BC RED BY U.S. CEMENT
STANDING SEAM ROOF PANELS: BERRIDGE "CHARCOAL GREY"
PARAPET COPING: BERRIDGE "CHARCOAL GREY"
STOREFRONT ENTRY & WINDOWS: DARK BRONZE ANODIZED
DRIVE-UP CANOPY SIDING PANELS: BERRIDGE "PARCHMENT"
GABLE RAKE TRIM AND CANOPY CLADDING: BERRIDGE "PARCHMENT"
GUTTERS & DOWNSPOUTS: BERRIDGE "CHARCOAL GREY"
DOWNSPOUT GUARDS: BERRIDGE "CHARCOAL GREY"

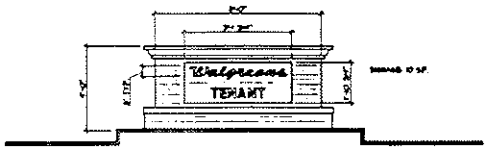
Petition No. Z-91
Meeting Date July 15, 2003
Continued Monument sign rendering as referenced in letter of agreeable stipulations



1 py-1 proposed monument sign



2 py-1 proposed monument sign



3 py-1 proposed directional sign

HILL FOLEY ROSSI & ASSOCIATES LLC
ARCHITECTURE
ENGINEERING
SPACE PLANNING
3525 Mall Boulevard
Suite 6A
Duluth, Georgia 30096
Phone 770 622 8658
Fax 770 622 8535
www.hillfoleyrossi.com

MK	DATE	SUBMITTAL/REVISION

Walgreens
Store #7526
Dalk Rd. & Terrell Mill Rd
Cobb County, GA

FOR
RETAIL PLANNING CORPORATION
35 Johnson Ferry RD
Marietta, GA 30067
770 956 6383

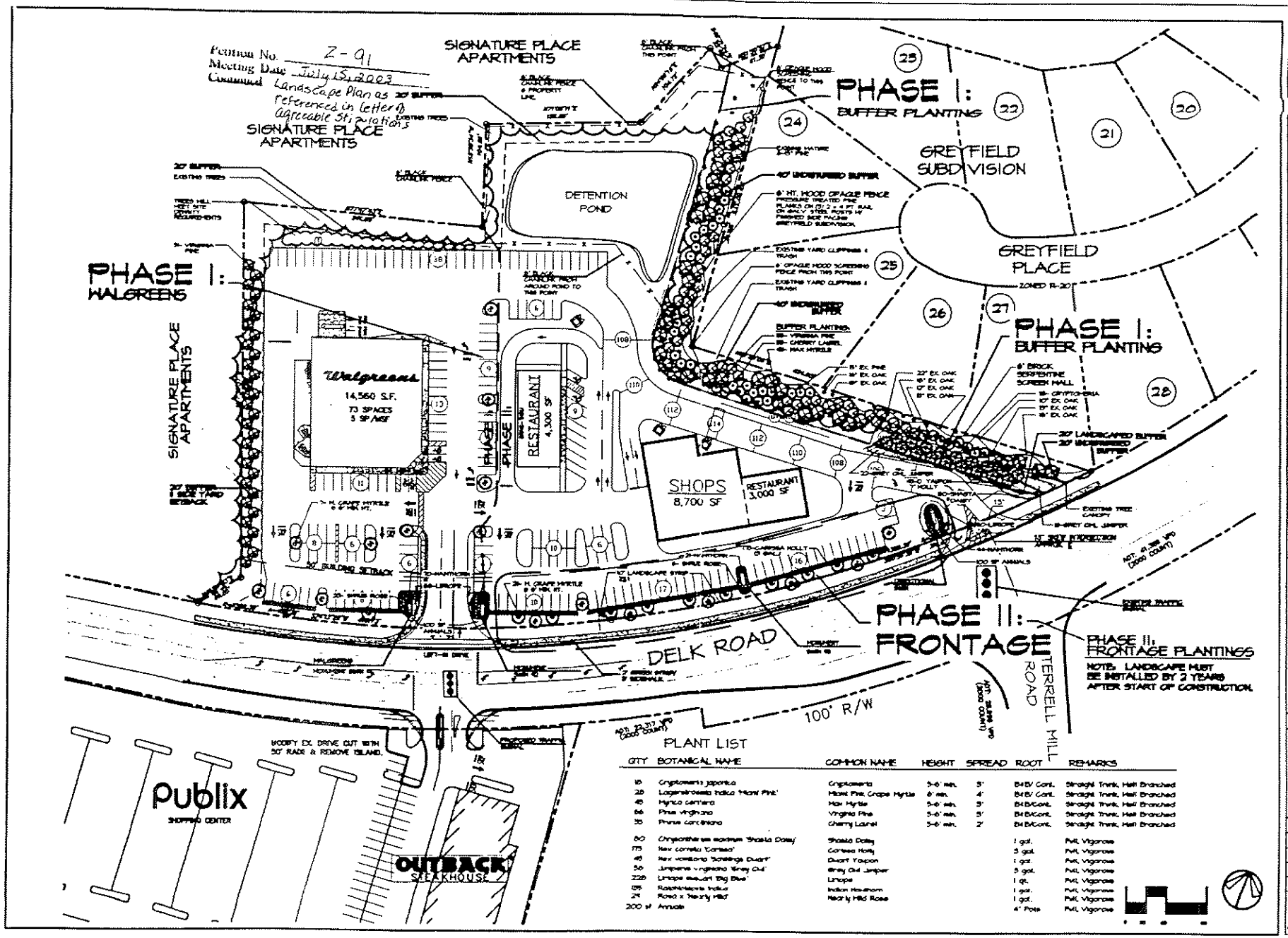
SLEIMAN ENTERPRISES
One Sleiman Parkway
Suite 200
Jacksonville, FL 32216
904 731 5828

MONUMENT SIGNS

PY-1

HFR #01-172

Petition No. Z-91
Meeting Date July 15, 2003
Continued Landscape Plan as referenced in letter of agreeable stipulations



PLANT LIST

QTY	BOTANICAL NAME	COMMON NAME	HEIGHT	SPREAD	ROOT	REMARKS
16	Cryptomeria japonica	Cryptomeria	5-6' min.	5'	B4B/ Cont.	Straight Trunk, Well Branched
28	Lagerstroemia indica 'Miami Pink'	Miami Pink Crape Myrtle	6' min.	4'	B4B/ Cont.	Straight Trunk, Well Branched
45	Myrica cerifera	Max Myrtle	5-6' min.	5'	B4B/Cont.	Straight Trunk, Well Branched
66	Pinus virginiana	Virginia Pine	5-6' min.	5'	B4B/Cont.	Straight Trunk, Well Branched
35	Prunus carolinana	Cherry Laurel	5-6' min.	2'	B4B/Cont.	Straight Trunk, Well Branched
80	Chrysanthemum maximum 'Shasta Daisy'	Shasta Daisy			1 gal.	Full, Vigorous
175	Ilex cornuta 'Carissa'	Carissa Holly			5 gal.	Full, Vigorous
48	Ilex vomitoria 'Schillings Dwarf'	Dwarf Yaupon			1 gal.	Full, Vigorous
56	Juniperus virginiana 'Grey Owl'	Grey Owl Juniper			5 gal.	Full, Vigorous
228	Liriope muscari 'Big Blue'	Liriope			1 qt.	Full, Vigorous
155	Rhaphiolepis indica	Indian Hawthorn			1 gal.	Full, Vigorous
24	Rosa x 'Nearly Mild'	Nearly Mild Rose			1 gal.	Full, Vigorous
200 sf	Annuals				4" Pots	Full, Vigorous

Schematic Landscape Plan

Walgreens
Delk Road & Powers Ferry Rd.
Cobb County, GA.
Prepared for: Retail Planning Corporation

L-1

Leslie Brown

From: <David.Jackson@CobbCounty.org>
To: <owenbrown@retailplanningcorp.com>
Sent: Tuesday, August 13, 2002 3:24 PM
Subject: DELK ROAD REZONING

PAGE 21 OF ___

Petition No. Z-91
Meeting Date July 15, 2003
Continued email from Cobb Department of Transportation as referenced in Letter of agreeable stipulations

Revised as discussed.

Thanks, DAJ
David A. Jackson, P.E.
Development Review Engineer
Cobb County Department of Transportation
Phone: 770-528-1660 Fax: 770-528-1620
Email: david.jackson@cobbcounty.org

-----Forwarded by David A Jackson/DOT/CobbEM on 08/13/2002 03:18PM -----

To: owenbrown@retailplanningcorp.com
From: David A Jackson/DOT/CobbEM
Date: 08/13/2002 02:56PM
cc: Daniel B Dobry/DOT/CobbEM, David Montanye/DOT/CobbEM, Joe Fletcher/DOT/CobbEM, Timothy C McKay/DOT/CobbEM
Subject: DELK ROAD REZONING

Owen,

As discussed, I submitted a copy of the alternatives for the Delk Road rezoning to DOT Operations Division for review and direction. Joe Fletcher returned the copies to me today with a recommendation to support the Z.13 alternative.

As shown on Z.13, a developer funded signal will be installed mid-block between the existing signal at Delk Road/Powers Ferry Road and Delk Road/Terrell Mill Road. The signal will serve the proposed development on the north side of Delk Road, and the existing Publix shopping center on the south side of Delk Road. The existing full access drive at the west end of the Publix shopping center will be converted to a right-in/right-out drive. To facilitate the stacking of the traffic exiting the Publix shopping center, the eastern parking aisle will be modified to direct traffic toward the shopping center, where the traffic will U-turn and line-up in the traffic cue at the signal. The signals will be interconnected and programmed to facilitate traffic movement on Delk Road.

Also shown on Z.13, as part of the proposed development, a right-in/right-out drive will be constructed on the east end of the development. This drive will be aligned with the Delk Road/Terrell Mill Road signal to receive straight thru traffic from Terrell Mill Road. No alteration to the existing signal will be required.

The Department is agreeable to supporting Z.13 for the transportation improvements required to mitigate the impacts of the proposed development. We look forward to working with you when you chose to bring this development in for rezoning.

Thanks, DAJ

David A. Jackson, P.E.
Development Review Engineer
Cobb County Department of Transportation
Phone: 770-528-1660 Fax: 770-528-1620
Email: david.jackson@cobbcounty.org

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

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SUITE 463
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KNOXVILLE, TENNESSEE 37923

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ELDON L. BASHAM
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OF COUNSEL:
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† ALSO ADMITTED IN TN
* ALSO ADMITTED IN NC
** ALSO ADMITTED IN SC
*** ADMITTED ONLY IN TN
**** ALSO ADMITTED IN IL

WRITER'S DIRECT DIAL NUMBER

RECEIVED
JUL - 9 2003
COBB CO. COMM. DEV. DEPT.
ZONING DIVISION

July 9, 2003

Hand Delivered

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

Min. Bk. 24 Petition No. Z-91
Doc. Type letter of agreeable stipulations from Mr. John Moore
Meeting Date July 15, 2003

RE: Application for Rezoning
Application No.: Z-91 (2003)
Applicant: Retail Planning Corporation
Owners: Cobb-Powers Ferry/Northside Associates, L.P. and Ruby Fridell
Property: 6.4 acres located at the northwesterly intersection of Delk Road and Terrell Mill Road, Land Lots 925 and 936, 17th District, 2nd Section, Cobb County, Georgia

Dear John:

On behalf of the Applicant and Owners of the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated June 18, 2003, and filed with your office on June 25, 2003, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

Petition No. Z-91
Meeting Date July 15, 2003
Continued

(1) With respect to paragraph (14), the following use limitation is added:

(v) Pawn shops.

(2) Paragraph 16 shall be deleted in its entirety and the following inserted in lieu thereof:

(16) Applicant agrees to construct a six (6) foot decorative, masonry buffer wall, with brick finish, together with a wooden lattice three (3) feet in height located on top of the brick wall, along the property lines abutting Lots 25, 26, and 27, Greyfield Subdivision. Said wall shall be permitted to meander along said property line in order to preserve, to the extent reasonably possible, trees.

(3) Paragraph 17 shall be deleted in its entirety and the following inserted in lieu thereof:

(17) Applicant further agrees to provide, as shown and reflected on the referenced Zoning Plan, a minimum six (6) foot high solid wooden fence along the property line abutting Lot 24 of Greyfield Subdivision. Said fence shall be permitted to meander along said property line in order to preserve, to the extent reasonably possible, trees.

(4) The following stipulation shall be added as noted:

(28) Certain roadway improvements are being studied by the Cobb County Department of Transportation for the intersection of Delk Road and Terrell Mill

Road. Applicant and Owners agree to work with the Cobb County Department of Transportation in the location of the access shown at the referenced intersection so as to comport with any such intersectional improvements.

(5) Any stipulation contained herein, if in conflict with those set forth in the June 18, 2003, letter of agreeable stipulations and conditions, shall control.

As stated, we believe the requested zoning, pursuant to the plans previously submitted and the stipulations dated June 18, 2003, as well as those contained herein, is an appropriate use of the Subject Property while taking into consideration the existing conditions of the area and the properties and owners thereof surrounding the proposed development. The proposed development shall be of the highest quality, shall be compatible with surrounding neighborhoods, and shall be an enhancement to the Subject Property and the community as a whole. 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

Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
Page Four
July 9, 2003

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

Mr. John G. Nash, Jr.
East Cobb Civic Association, Inc.
(Telefax Transmission
To (770) 509-8706)

Mr. Bob Ott
East Cobb Civic Association, Inc. and
Terrell Mill Estates Homeowners Association
(Telefax Transmission
To (770) 951-1239)

Mr. Dan Lovett
Greyfield Subdivision
(Telefax Transmission
To (770) 988-8773)

Ms. Laura Liggett
Mill Ridge Subdivision

Retail Planning Corporation

RETAIL PLANNING CORPORATION

35 JOHNSON FERRY ROAD
MARIETTA, GEORGIA 30068

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FAX-DEVELOPMENT 678-385-1930
FAX-LEASING 770-956-9092
FAX-ACCOUNTING 770-984-2662
FAX-PROPERTY MGMT 770-955-7513
DOMAIN retailplanningcorp.com

Min. Bk. 24 Petition No. Z-91
Doc. Type Letter from Mr. Les Lewis, Retail Planning Corporation
Meeting Date July 15, 2003

July 14, 2003

VIA FACSIMILE (770/952-2884)

Mr. Matt Hicks
D.E.L. Development
1049 Powers Ferry Road
Marietta, Georgia 30067

RE: Proposed Rezoning on Delk Road in Cobb County, Georgia

Dear Matt:

As you and I discussed, as part of the proposed development, Retail Planning Corporation is willing to install a six foot (6') black chainlink fence with black slats along the entire northern property line and a portion of the western property line of the property being rezoned, as shown on the attached plan. This proposed fence would be within the bounds of the subject property, and its maintenance will be the responsibility of the owner of the portion of the property that such fence traverses.

I hope that this proposed action satisfies your concerns. Please let me know if you are in agreement with our proposal or if you have any questions or comments.

Sincerely,

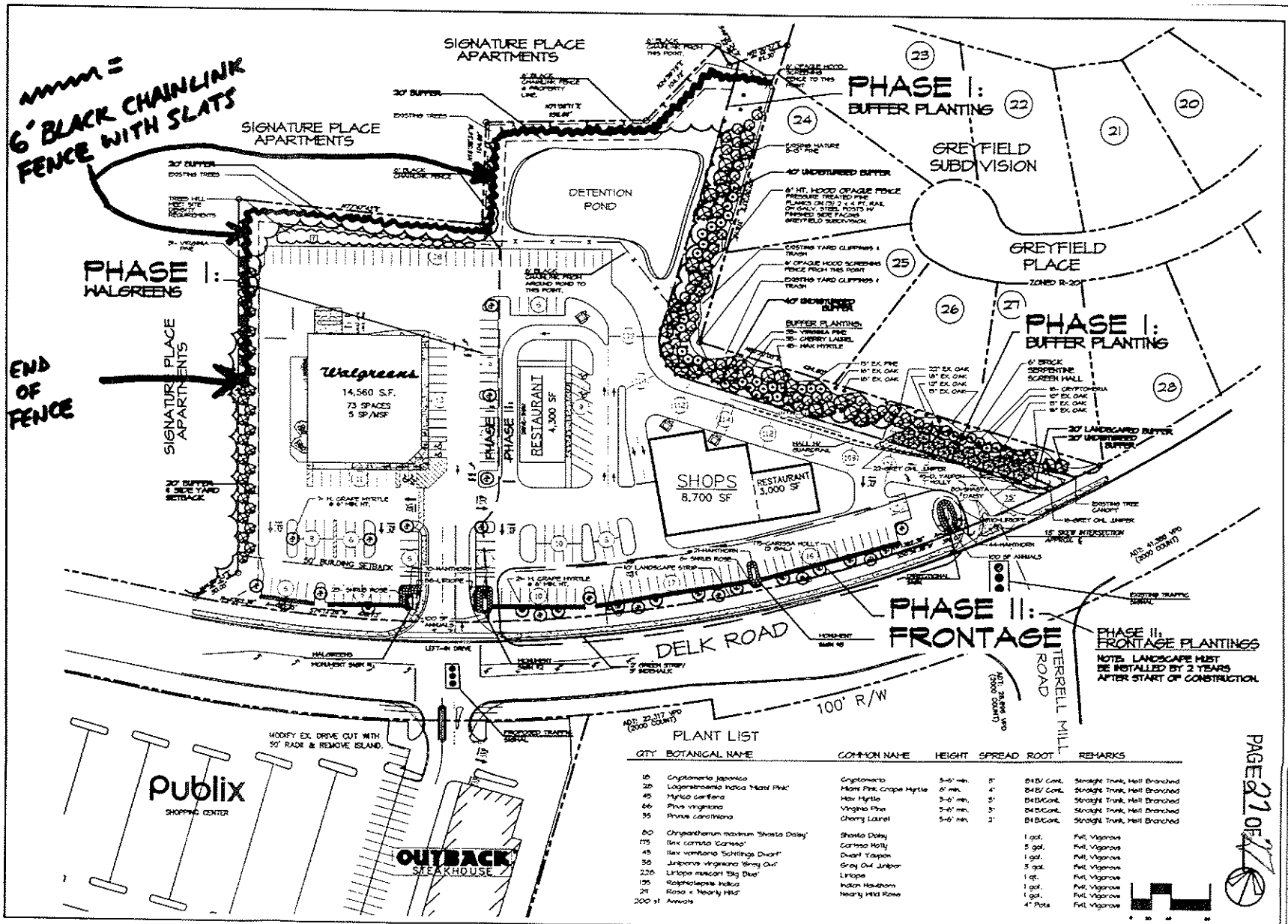
Les Lewis

LL/jm

Enclosure

Cc: Owen Brown {w/ encl. via: hand-delivery}
John Moore {w/ encl. via: facsimile}

FILED WITH COUNTY CLERK THIS 15th DAY
OF July 2003 BY John Moore
RE Z-91
Janice S. Richardson
~~COUNTY CLERK/ASST. COUNTY CLERK~~/DEPUTY COUNTY CLERK
COBB COUNTY, GEORGIA



Petition No. Z-91
Meeting Date July 15, 2003
Continued Site plan referenced in letter from Mr. Lee Lewis, Retail Planning Corporation