

JULY 16, 2019 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3

ITEM OB-37-2019

PURPOSE

To consider a stipulation and site plan amendment for Geneva Roswell, LLC regarding rezoning application Z-34 of 2001 for property located on the southwesterly side of Highway 92, north of Sandy Plains Road in Land Lots 38, 39 and 107 of the 16th District (4905 Alabama Road).

BACKGROUND

The property was rezoned to NRC and R-15 in 2001 for commercial development subject to numerous stipulations. The anchor tenant was a fitness user. The fitness user has vacated the property and the applicant would like to amend the stipulations and site plan to allow Neighborhood Retail Uses in that part of the vacant building. The old LA Fitness space would be subdividing with a fitness user going in one side, and Neighborhood Retail Uses going in on the other side. As part of this redevelopment, the applicant would like to amend paragraph 10 in the stipulation letter to allow a truck dock for the future retail user in the rear of the building. Lastly, the applicant would like to install a ground based monument sign at the signalized intersection to help identify users in the shopping center. This sign would meet the sign code. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

STAFF COMMENTS

Water and Sewer: Proposed monument sign location appears to violate Code 122-123 easement setback restrictions for permanent structures in public sewer easements. Sign location may have to be adjusted accordingly.

RECOMMENDATION

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

ATTACHMENTS

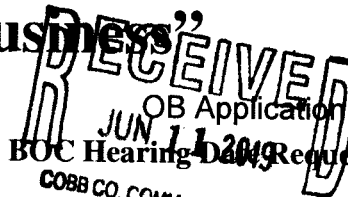
Other Business application and minutes.

(Site Plan and Stipulation Amendment)

Application for "Other Business"

Cobb County, Georgia

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



OB Application No.: OB- 37 -2019
BOC Hearing Date Requested: July 16, 2019

Applicant: Geneva Roswell, LLC

(applicant's name printed)

Address: Suite B, 2150 SW 10th Street, Deerfield Beach, FL 33442

E-Mail:

aaron@genevagg.com
jarred@genevagg.com

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

Address: Emerson Overlook, Suite 100, 326 Roswell Street
Marietta, GA 30060

(representative's name, printed)

BY:

Phone #: (770) 429-1499

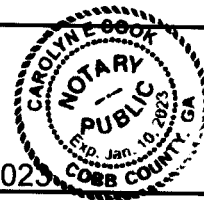
E-Mail: jkm@mijs.com

(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: January 10, 2023



Titleholder(s): Geneva Roswell, LLC

(property owner's name printed)

Phone #:

(954) 617-8131

Address: Suite B, 2150 SW 10th Street, Deerfield Beach, FL 33442

E-Mail:

aaron@genevagg.com
jarred@genevagg.com

See Attached Exhibit "A"

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 3 (Birrell)

Zoning Case: Z-34 (2001)

Date of Zoning Decision: 03/20/2001

Size of property in acres: 14.126+/-

Original Date of Hearing: 03/20/2001

OB Hearing Date: 07/17/2001

Location: Southwesterly side of Highway 92 (Alabama Road), north of Sandy Plains Road

(street address, if applicable; nearest intersection, etc.) (4905 Alabama Road)

Land Lot(s): 38, 39, 107

District(s): 16th

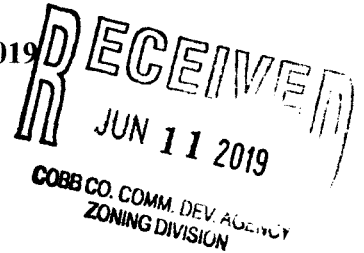
State specifically the need or reason(s) for Other Business: _____

See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

**EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS
(SITE PLAN AND STIPULATION AMENDMENT)**

OB Application No.: OB- 37 -2019
Application No.: Z-34 (2001)
Original Hearing Date: March 20, 2001
Date of Zoning Decision: March 20, 2001
Date of "OB" Decision: July 17, 2001
Current Hearing Date: July 16, 2019

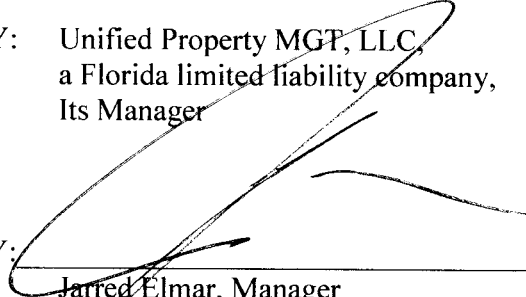


Applicant/Titleholder: Geneva Roswell, LLC,
a Florida limited liability company

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

GENEVA ROSWELL, LLC,
a Florida limited liability company

BY: Unified Property MGT, LLC,
a Florida limited liability company,
Its Manager

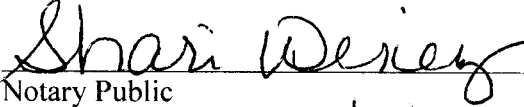
BY: 
Jarred Elmar, Manager

Date Executed: June 10, 2019

Address: Suite B, 2150 SW 10th Street
Deerfield Beach, Florida 33442

Telephone No.: (954) 617-8131
E-mail: jarred@genevagp.com

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires: 7/7/22

[Notary Seal]

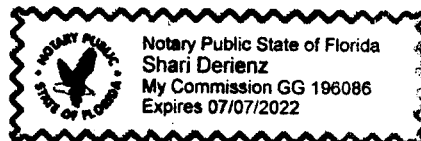
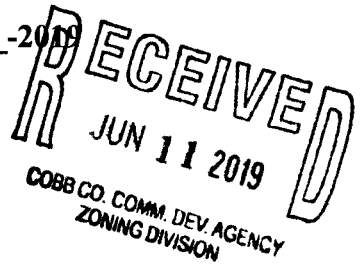


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)

OB Application No.:	OB- <u>37</u> -2019
Application No.:	Z-34 (2001)
Original Hearing Date:	March 20, 2001
Date of Zoning Decision:	March 20, 2001
Date of "OB" Decision:	July 17, 2001
Current Hearing Date:	July 16, 2019



**Applicant/Titleholder: Geneva Roswell, LLC,
a Florida limited liability company**

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

The property which is the subject of this Application for "Other Business" is 14.126 acres, more or less, located on the southwesterly side of Highway 92 (Alabama Road), north of Sandy Plains Road, being more particularly known as 4905 Alabama Road, Land Lots 38, 39, and 107, 16th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). On March 20, 2001, the Cobb County Board of Commissioners approved rezoning of the Property to the NRC and R-15 zoning categories to allow for development of a retail shopping center. The approval for the development was site plan specific to a plan approved by the Board of Commissioners (a copy of which is attached as Exhibit "1"); as well as, pursuant to stipulations and conditions set forth in the final minutes. On July 17, 2001, the Board of Commissioners approved an amendment for the first phase of development, which was for the two out parcel areas on Alabama Road. A copy of the amended site plan approved for the first phase of development of the retail center is attached as Exhibit "2."

Applicant and Property Owner, Geneva Roswell, LLC (hereinafter collectively "Applicant"), recently purchased the Property and is attempting to lease the unoccupied tenant space within the retail center. To allow flexibility for suitable tenants for the retail space, Applicant is seeking amendments to certain stipulations approved during rezoning; as well as, a modification to the approved Site Plan, while maintaining the overall quality and integrity of the development.

Applicant seeks approval by the Cobb County Board of Commissioners for revisions to the previously approved Site Plan and amendments to certain stipulations and conditions related to the Site Plan and Property, as follows:

- (1) Applicant seeks amendment to paragraph (9) of the March 14, 2001, letter of agreeable stipulations and conditions, by deleting the reference to "fitness center" as being the specific user of the tenant space. In lieu thereof, Applicant proposes that "neighborhood retail uses, as permitted under the NRC Zoning Ordinance" be inserted in lieu to the reference of "fitness center"; and, further that "neighborhood retail uses" be allowed for the area previously occupied by the fitness center tenant.

RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

- (2) Applicant proposes the deletion of paragraph (10) of the March 14, 2001, letter of agreeable stipulations and condition and allow for future tenants to have a truck dock at the rear of the retail center.
- (3) Applicant seeks approval of the revisions presented on the ALTA Survey prepared by Land Pro Surveying and Mapping, dated July 5, 2018, said revisions being the construction of a loading dock to service the prospective tenant for the retail center, and the placement of an additional ground-based, monument sign for the prospective tenant. Additionally, the words "fitness center" shall be deleted from any approved Site Plans going forward. A reduced copy of the ALTA Survey denoting the revisions, is attached hereto as Exhibit "3" for ease of reference, and is further submitted with the overall Application package.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearings held on March 20, 2001, and July 17, 2001 ("Other Business" hearing), as to Application No. Z-34 (2001); as well as any other amendments by Board of Commission approval or District Commissioner approval, which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

The revisions to the originally approved Site Plan presented with this Application and the amendments proposed to the stipulations would allow for a viable tenant to the existing retail center. The proposed amendments by Applicant to the Site Plan and the stipulations in no way adversely impact or affect the Property or the quality and integrity of the existing retail center. These amendments would allow flexibility to attract users for the retail area which would provide services sought-after and needed within the growing residential area. If the requested Site Plan and Stipulation Amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

EXHIBIT "1"

EXHIBIT "2"

Min. St. 17 Petition No. O.B. #2 (Z-34 of 3/20/01)
Doc. Type Site plan
Meeting Date July 17, 2001

RECEIVED
JUN 11 2019

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

ALTANSPS LAND TITLE SURVEY

**INDIAN CREEK
SHOPPING CENTER**
LAND LOTS 38, 39 AND 107
DISTRICT 16, SECTION 2
TOWNSHIP 16 NORTH
RANGE 4 EAST
1" = 40' 87708/18 20180705.1 OF 3

LAND PRO
SURVEYING AND MAPPING
1500 GORDON STREET
WOODSTOCK, GA 30188
TEL: 404-386-2170
AUTHORITY: NO. 10000338
WWW.LANDPROSURVEYING.COM
INFO@LANDPROSURVEYING.COM
EFFECTIVE: 03/18

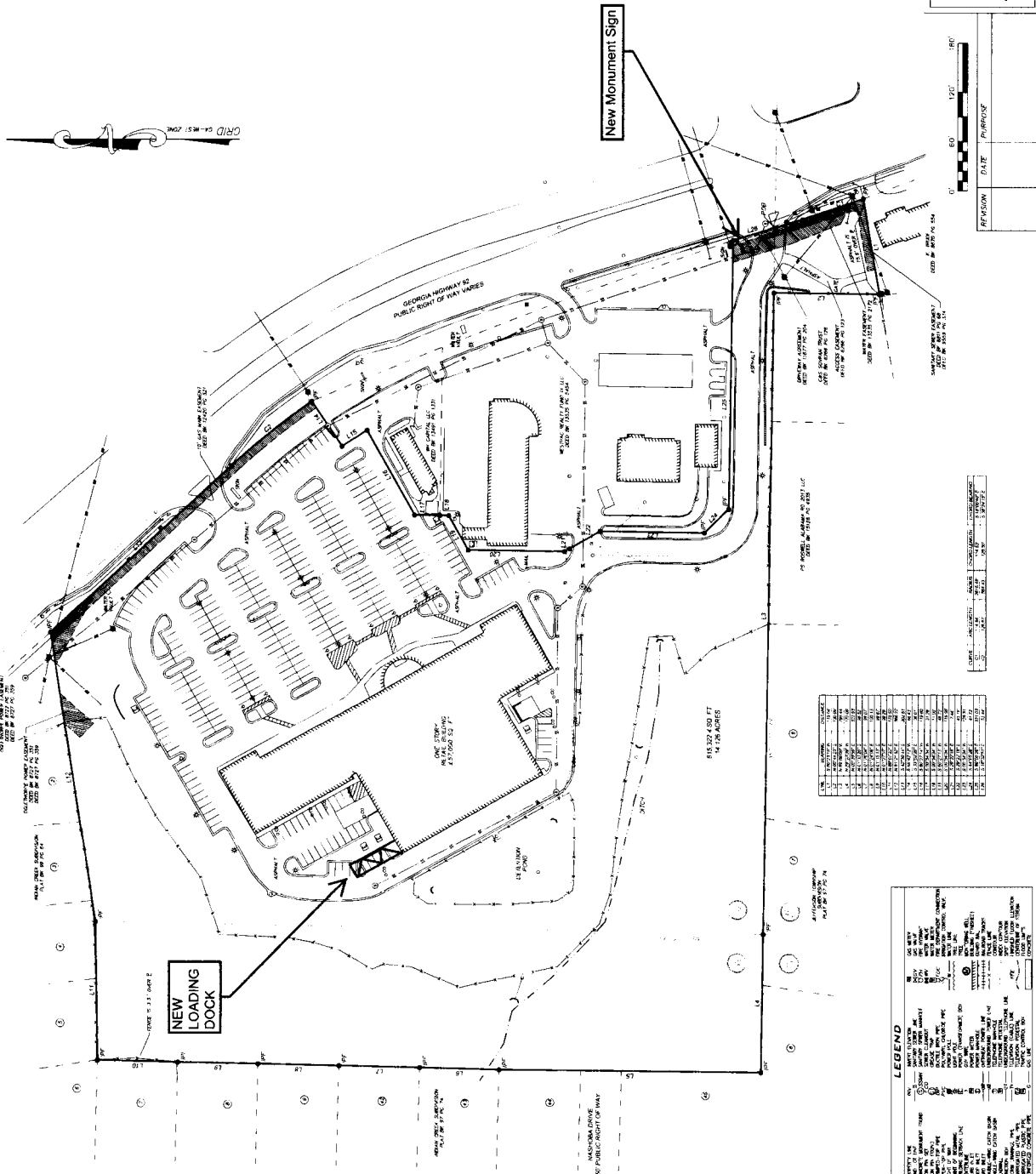


EXHIBIT "3"

RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**ALTA SURVEY/SITE PLAN SUBMITTED FOR
APPROVAL BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR “OTHER BUSINESS” –
JULY 16, 2019**

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**INDIAN CREEK
SHOPPING CENTER**

LAND LOTS 38, 39 AND 107

DISTRICT 16, SECTION 2

COBB COUNTY, GA

DATE	MALE	FEMALE	PROVEE
07/05/10	1' 3 40'		00180

[illegible]

Table 1. Demographic characteristics of the study population

LANDPRO

SURVEYING AND MAPPING
305 CREEKSTONE RIDGE
WOODSTOCK, GA 30188

TELE: 404-386-2170

AUTHORIZATION NO. L9F00083B

WWW.LANDPROSURVEYING.COM
INFO@LANDPROSURVEYING.COM

COPYRIGHT 2019

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

	DATE	PURPOSE
[REDACTED]		

Figure 1 is a line graph showing the percentage of total energy expenditure (TEE) for different activities over a 24-hour period. The Y-axis is 'Percentage of TEE' (0-100) and the X-axis is 'Time of day' (0-24). The activities and their approximate percentages are:

Time of day	Sleeping	Resting	Sedentary	Light	Moderate	Vigorous
0	30	10	5	5	5	5
4	35	10	5	5	5	5
8	30	10	5	5	5	5
12	25	10	5	5	5	5
16	20	10	5	5	5	10
20	25	10	5	5	5	10
24	30	10	5	5	5	5

10

1000

LEGEND

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

RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR REZONING
NO. Z-34 (2001)
– MARCH 20, 2001**

**OLD MOUNTAIN
PARK ROAD**

RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**SITE PLAN APPROVED BY BOARD OF
COMMISSIONERS PURSUANT TO
APPLICATION FOR "OTHER BUSINESS"
FOR NO. Z-34 (2001)
– JULY 17, 2001**

RECEIVED
JUN 11 2019
COBB CO. COMM. DEVELOPMENT
ZONING DIVISION

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
REZONING NO. Z-34 (2001)
- MARCH 20, 2001**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 20, 2001
9:00 A.M.**

RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

The Board of Commissioners' Zoning Hearing was held on Tuesday, March 20, 2001 at 9:00 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman William J. Byrne
Commissioner Billy L. Askea
Commissioner Samuel S. Olens
Commissioner G. Woody Thompson, Jr.
Commissioner Joe L. Thompson

Z-34 VFP EQUITIES, LLC for Rezoning from NRC and R-15 with stipulations to NRC and R-15 with stipulations for the purpose of Retail in Land Lots 38, 39 and 107 of the 16th District. Located on the southwest side of Highway 92 (Alabama Road), north of Sandy Plains Road.

The public hearing was opened and Mr. John Moore, Ms. Betsy Easterly, Ms. Marsue Minton, and Mr. Tim Marshall addressed the Board. Following presentations and discussion, the following motion was made:

MOTION: Motion by Olens, second by Byrne, to approve Rezoning request to the NRC and R-15 zoning districts with stipulations subject to:

- letter of agreeable stipulations from Mr. Moore dated March 14, 2001, not otherwise in conflict (copy attached and made a part of these minutes)
- 8 foot solid wooden fence adjacent to the detention pond on top of the embankment
- 6 foot wooden fence on the edge of the berm going approximate 100 linear feet westerly behind the planting screen
- ground based monument signage only
- site plan last revised March 12, 2001 (copy attached and made a part of these minutes)
- installation of sidewalks along Highway 92 (if not already in place)
- Architectural Control Committee comprised of staff, the applicant and Indian Creek and Jefferson Township Subdivisions with the subdivisions jointly having one vote
- conservation and greenspace easement to Cobb County, in perpetuity, for all of the R-15 area except as permitted herein by the March 14, 2001 letter
- all site lighting shall have "cut off luminaries" in order to direct lighting downward, maximum height of lights/luminaries shall be 25 feet. Any security lights shall be limited to 15 feet in height and shall use "cut off luminaries" to focus the light downward so that light does not penetrate into the R-15 buffer property (staff to insure lighting has as minimal a glare as possible)

RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

- trash collection between the hours of 7:00 a.m. and 7:00 p.m.
- delivery and construction hours 7:00 a.m. and 7:00 p.m.
- trash receptacles to be fully screened and/or bermed
- dumpsters to have rubber lids and bumpers
- no outside speakers on the property
- Stormwater staff to conduct an on-site inspection/evaluation of the site prior to Plan Review
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

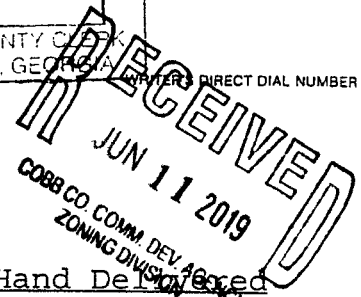
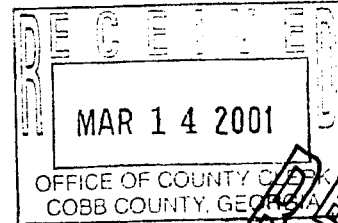
TELEPHONE (770) 429-1499
TELECOPIER (770) 429-8631

March 14, 2001

TENNESSEE OFFICE

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

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



JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
DAVID IAN MATTHEWS
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK
ALEXANDER T. GALLOWAY III
J. KEVIN MOORE
WILLIAM C. BUHAY
SUSAN S. STUART
RODNEY R. MCCOLLOCH
DANIEL A. LANDIS*
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY

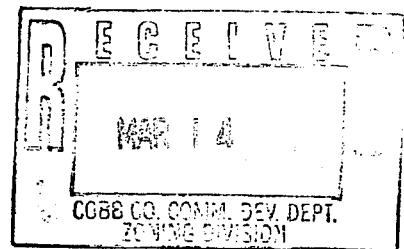
DEAN C. BUCCI†
JOYCE W. HARPER
THOMAS L. SCHAEFER**
TRACY K. DAVIS
PATRICK D. DODSON***
JONATHAN H. PETCU
AMY K. WOO
BRYAN C. MAHAFFEY
COURTNEY H. MOORE
ROGER B. ARNWINE***
KIM A. BRANGHAM
BART W. REED
E. JOHN HOLM III
AMY D. PALMER
TARA C. HOCHHEISER
JOSHUA M. BOOTH***
JEREMY A. DANTIN
JANIS H. LaBORDE

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

Min. Bk. 16 Petition No. Z-34
Doc. Type Letter of Agreeable
Stipulations
Meeting Date March 20, 2001

Hand Delivered

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



RE: Application for Rezoning
Application No.: Z-34 (2001)
Applicant/

Owner: VFP Equities, L.L.C.
Property: 17.13 acres located on the
westerly side of Alabama Road,
being known as 4845 Alabama
Road, Land Lots 38, 39, and
107, 16th District, 2nd Section,
Cobb County, Georgia

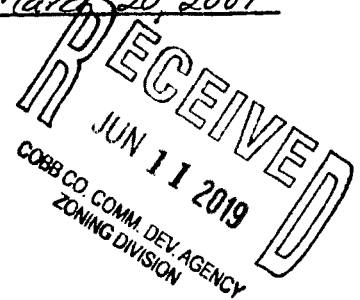
Dear Ed:

As you know, the undersigned and this firm represent VFP Equities, L.L.C., the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with regard to property located in Land Lots 38, 39, and 107, 16th District, 2nd Section, Cobb County, Georgia, being more particularly known as 4845 Alabama Road (hereinafter the "Subject Property"). After meetings with planning and zoning staff and various departmental representatives, meetings and discussions with

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community
Development Agency
Page Two
March 14, 2001

Petition No. 2-34
Meeting Date March 20, 2001
Continued



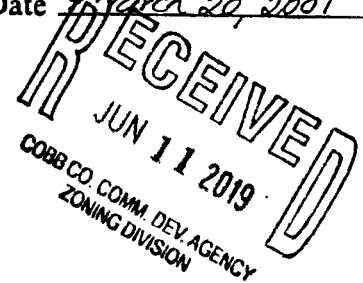
representatives of area homeowner groups and adjacent property owners, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This revised letter of agreeable stipulations and conditions shall replace and supersede in full the previous letter of agreeable stipulations and conditions dated and submitted March 2, 2001. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede only those prior stipulations and conditions which are currently in place on the Subject Property and are in conflict herewith; otherwise to remain in full force and effect.
- (2) In addition to the foregoing, the Declaration of Covenants, Conditions, Restrictions and Easements dated January 5, 1998, applicable to the Subject Property shall be amended as hereinafter set forth; otherwise to remain in full force and effect.
- (3) Rezoning of the Subject Property shall be from the and Neighborhood Retail Commercial ("NRC") and R-15 zoning categories, with stipulations, to the Neighborhood Retail Commercial ("NRC") and R-15 zoning categories, with stipulations, pursuant to, and site plan specific to, that certain Preliminary Landscape/Site Plan dated January 23, 2001, last revised March 12, 2001, prepared for VFP Equities, L.L.C. by Paulson Mitchell Incorporated.

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community
Development Agency
Page Three
March 14, 2001

Petition No. Z-34
Meeting Date March 20, 2001
Continued



- (4) By this revised letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Preliminary Landscape/Site Plan hereinabove set forth, same being prepared for VFP Equities, L.L.C. by Paulson Mitchell Incorporated dated January 23, 2001, last revised March 12, 2001, a reduced copy of which is attached hereto.
- (5) The proposed development shall consist of a commercial development with a maximum of 72,820 square feet, including a 3,000 square foot mezzanine.
- (6) The main center shall have an exterior of brick and stucco-type on three (3) sides with block on the rear, painted to match the brick color. Said exterior and components shall be substantially similar to that certain rendering of same submitted to the Board of Commissioners at its hearing to be held on March 20, 2001.
- (7) The other buildings and structures within the proposed development shall be all brick and stucco, architecturally and color complementary to the main center. Said exterior and components of these structures shall be substantially similar to those certain renderings of same submitted to the Board of Commissioners at its hearing to be held on March 20, 2001.
- (8) Applicant agrees to the relocation of the existing storm sewer from State Highway 92 to a location which will be approximately centered between the convenience store and tire center.

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community
Development Agency
Page Four
March 14, 2001

Petition No. Z-74
Meeting Date March 20, 2001
Continued

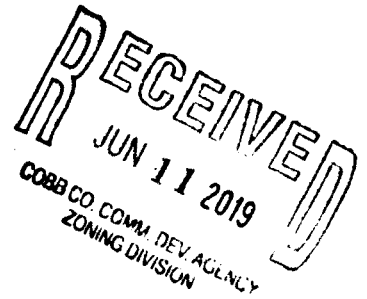


- (9) A fitness center will be the tenant and occupant of the proposed 38,000 square foot tenant area (plus mezzanine), and construction must commence within twelve (12) months of final zoning approval. If construction does not commence for this specific tenant, then, and in such event, the fitness center and shops portion of the center shall revert to its pre-existing status prior to March 20, 2001.
- (10) There shall be no truck dock associated with the fitness center nor adjacent shops.
- (11) Landscaping screens and berms to provide screening for owners of Lots 6 and 7 in Jefferson Township shall be as located and reflected on that certain revised Preliminary Landscape Plan, last revised March 12, 2001. In furtherance whereof:
 - (a) Applicant agrees to install forty-five (45) evergreen shrubs, thirty (30) inch height minimum, at six (6) feet on center spacing along the top of the embankment between the berm behind the convenience store and westerly along the curb line;
 - (b) Applicant agrees to contribute an additional \$5,000 towards the cost of trees and shrubs along said embankment subject to final plant material selections and placements by the Architectural Control Committee;
 - (c) Applicant agrees to provide irrigation of the berm area behind the convenience store; the hedge/embankment area south of the drive around the fitness center and shops; and, for the newly landscaped hilltop area south of Lots 2 and 3 in Indian Creek;

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community
Development Agency
Page Five
March 14, 2001

Petition No. 2-34
Meeting Date March 20, 2001
Continued

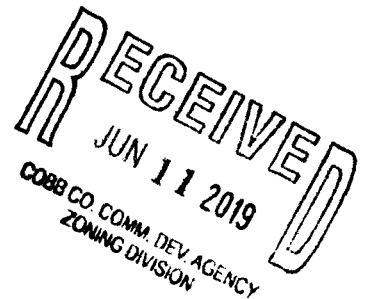


- (d) Plant material shall be maintained and replaced as necessary by the owner or owners of the retail center;
- (e) For Lot 4 (Ms. Elizabeth Hazel), plant seventeen (17) evergreen shrubs, thirty (30) inches in height at six (6) feet on center spacing along the drive around the rear of the center. Additionally, Applicant will install vegetative screening at her rear property line boundary; and
- (f) The existing chain link fence will be re-positioned along the fifty (50) foot buffer line parallel to Lots 2, 3, and 4 of the Indian Creek Subdivision.
- (12) Applicant agrees to contribute to the Indian Creek Homeowners Association the sum of \$3,000 to assist in re-landscaping its entrance at State Highway 92.
- (13) The detention pond shall be located as shown and reflected on the referenced site plan and shall not be located within the R-15 area.
- (14) Stormwater run-off from the convenience store and from the service drive area of the tire center will be routed through an oil/grit separator, or similar device, that is capable of capturing oil and grit from the paved areas prior to stormwater being routed to the detention facility.
- (15) Environmentally sensitive, shoe-box type, recessed lighting shall be utilized. Light bulbs shall be recessed within the fixtures and shall not extend below the fixtures.

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community
Development Agency
Page Six
March 14, 2001

Petition No. Z-34
Meeting Date March 20, 2001
Continued

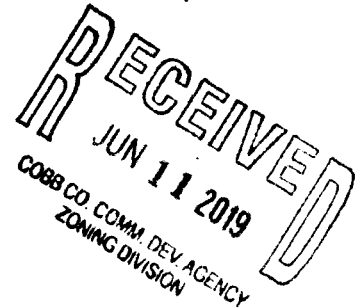


- (16) Any canopy lighting associated with the convenience store shall also be recessed and shall not protrude below any canopy ceiling.
- (17) All security lighting shall be either lighting facing the development or security lighting providing a down-cast lighting beam.
- (18) Applicant agrees that all dumpsters utilized for the proposed development shall have rubber bumper lids for the purpose of reducing noise and shall be replaced if worn out. All dumpsters shall be visually secluded from view within a brick enclosure with solid wooden doors.
- (19) Applicant agrees to convey to Cobb County, or a qualified charitable organization, a conservation and green space easement for a perpetual green space area over the undeveloped (except as permitted herein) R-15 portion of the Subject Property. Such easement shall not permit entry for recreational purposes, other than sight and view benefits and other than to ensure maintenance of a green space area. General costs of maintenance on the area shall remain with Applicant. In the event Cobb County, or a charitable organization, will not accept the easement, it may be conveyed to Jefferson Township Homeowners Association.
- (20) Applicant agrees to obtain Georgia Department of Transportation approval and permits, if required, for all work encroaching upon State Highway 92 right-of-way.

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community
Development Agency
Page Seven
March 14, 2001

Petition No. Z-34
Meeting Date March 20, 2001
Continued



We believe the requested zoning, pursuant, and specific to, the referenced, revised Preliminary Site Plan, the Preliminary Landscape Plan submitted herewith, and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the properties and owners thereof surrounding the proposed development. The proposed development shall be of a high caliber, shall be compatible with surrounding developments, and shall be an enhancement to the Subject Property and the community. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP

A handwritten signature in dark ink, appearing to be "John H. Moore", written over a horizontal line.

John H. Moore

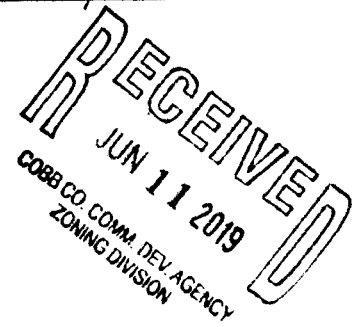
JHM:cc

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

MOORE INGRAM JOHNSON & STEELE

Mr. Ed Thomas
Planner III
Zoning Division
Cobb County Community
Development Agency
Page Eight
March 14, 2001

Petition No. 2-34
Meeting Date March 20, 2001
Continued



c: W. R. Robertson, III, Esq.
Jefferson Township Homeowners Association
(E-mail: wrobert244@aol.com)

Mr. William Stewart Minton
Jefferson Township Resident

Matthew M. Liss, Esq.
Indian Creek Homeowners Association
(Telefax Transmission
To (404) 888-6199)
(E-mail: mml@scmhlaw.com)

Ms. Vicki Plunkett
East Cobb Civic Association, Inc.
(Telefax Transmission
To (770) 509-3350)

Ms. Pauline S. Miller
Benham Woods Resident
(E-mail: ppmiller@mindspring.com)

Ms. Elizabeth Hazel
(Telefax Transmission
To (770) 516-0156)

Ms. Nancy Brandon
(Telefax Transmission
To (770) 643-8680)

OLD MOUNTAIN
PARK ROAD

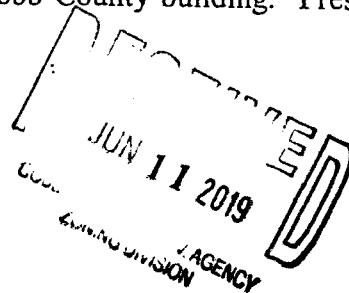
RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO "OTHER BUSINESS"
ITEM NO. 2 FOR Z-34 (2001)
- JULY 17, 2001**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
JULY 17, 2001
9:00 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, July 17, 2001 at 9:00 a.m. in the second floor public meeting room of the Cobb County building. Present and comprising a quorum of the Commission were:

Chairman William J. Byrne
Commissioner Billy L. Askea
Commissioner Samuel S. Olens
Commissioner G. Woody Thompson, Jr.
Commissioner Joe L. Thompson



ITEM #2

To consider a site plan and stipulation amendment regarding Z-34 (VFP Equities, LLC) of March 20, 2001, for property located on the southwest side of Highway 92 (Alabama Road), north of Sandy Plains Road in Land Lots 38, 39 and 107 of the 16th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding site plan and stipulation amendment. This site is impacted by the Big Creek sewer moratorium and only a portion of the original site is being permitted for sewer. Until the entire site can be provided sewer, the applicant seeks a temporary reduction in the size of the development and a delay in meeting some of the requirements imposed at the time the property was rezoned. The applicant proposes to develop only the convenience store with gas sales and the tire store at this time.

Following presentation and discussion, the following motion was made:

MOTION: Motion by Olens, second by Byrne, to approve the site plan and stipulation amendment as presented regarding Z-34 (VFP Equities, LLC) of March 20, 2001, for property located on the southwest side of Highway 92 (Alabama Road), north of Sandy Plains Road in Land Lots 38, 39 and 107 of the 16th District subject to:

- site plan as filed in the Zoning Office on June 28, 2001 (copy of site plan attached and made a part of these minutes)
- landscaping as referenced in Paragraph (2) of Mr. John Moore's letter of June 28, 2001, is amended to include the fencing that was part of the March 20, 2001 stipulations relative to this site (copy of letter attached and made a part of these minutes)
- sidewalk to be installed along Highway 92 up through the curb cut for this development
- the conservation easement, as contained in the stipulations of March 20, 2001, must be filed and a copy sent to Mr. Danneman *prior* to development
- all other previously approved conditions/stipulations shall remain in full force and effect

VOTE: **ADOPTED** unanimously

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

POST OFFICE BOX 3305
MARIETTA, GEORGIA 30061

TELEPHONE (770) 429-1491
TELECOPIER (770) 429-8831

WWW.MIJS.COM

RECEIVED
JUN 11 2011

June 28, 2001
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

TENNESSEE OFFICE

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

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

WRITER'S DIRECT DIAL NUMBER

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III
J. KEVIN MOORE
WILLIAM C. BUHAY
SUSAN S. STUART
RODNEY R. MCCOLLOCH
DANIEL A. LANDIS†
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART
JEFFREY A. DAXE
MELISSA W. GILBERT
TIMOTHY W. BAILEY
DEAN C. BUCCI†

JOYCE W. HARPER
THOMAS L. SCHAEFER**
TRACY K. DAVIS
PATRICK D. DODSON***
JONATHAN H. PETCU
AMY K. WOO
BRYAN C. MAHAFFEY
COURTNEY H. MOORE
JIMMY D. HOLBROOK, JR.***
KIM A. BRANGHAM
BART W. REED
AMY D. PALMER
TARA C. HOCHHEISER
JOSHUA M. BOOTH***
JEREMY A. DANTIN
JANIS H. LABORDE

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

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

Min. Bk. 17 Petition No. O.B. #2 (Z-34 7/3/20/01)
Doc. Type Letter from John
Moore Hand Delivered
Meeting Date July 17, 2001

RECEIVED
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

RE: Application for Site Plan and Stipulation Amendment
Application No.: Z-34 (2001)

Applicant/

Owner: VFP Equities, L.L.C.

Property: 17.13 acres located on the
westerly side of Alabama Road,
being known as 4845 Alabama
Road, Land Lots 38, 39, and
107, 16th District, 2nd Section,
Cobb County, Georgia

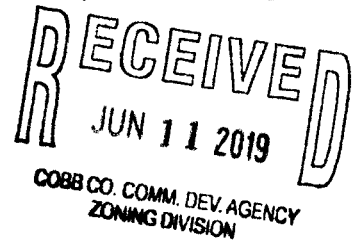
Dear Mark:

The undersigned and this firm represent VFP Equities, L.L.C., the Applicant and Property Owner (hereinafter collectively referred to as "Applicant"), with respect to the proposed site plan and stipulation amendment of the tract of land located in Land Lots 38, 39, and 107, 16th District, 2nd Section, Cobb County, Georgia, as more particularly referenced above (hereinafter the "Subject Property"). At the Zoning Hearing held on March 20, 2001, the Cobb County Board of Commissioners rezoned the Subject Property to the Neighborhood Retail Commercial ("NRC") and R-15 zoning categories, with stipulations and site plan specific, pursuant to Application No. Z-34 (2001).

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community
Development Agency
Page Two
June 28, 2001

Petition No. O.B. #2 (Z-34) 3/20/01
Meeting Date July 17, 2001
Continued



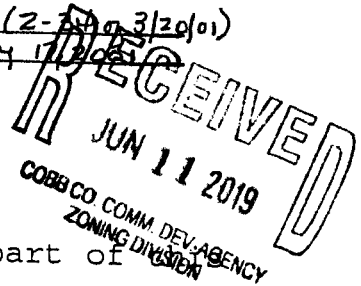
During the preliminary phase of development, Applicant and its development coordinator, Graddy Enterprises, Inc., have encountered a major obstacle to the commencement of development and construction of the entire center approved by the Board of Commissioners through Application No. Z-34. As background for the reasons behind this request, three days after approval of zoning on this site, March 23, 2001, the Georgia Environmental Protection Division imposed a sanitary sewer moratorium on the Big Creek Sewage Treatment Plant in Fulton County, into which the effluence from the developed site would be discharged. While Cobb County has been assisting Applicant in attempting to have the Subject Property "grandfathered" for sewer service, it appears the total gpd available to the project at this time would allow for development of only two out parcels. Therefore, Applicant submits this request for site plan and stipulation amendment regarding the proposed development of the Subject Property as follows:

- (1) Development of the Subject Property shall be accomplished in phases, with immediate development commencing on the tract designated for the convenience store and tire center, thus reducing the affected area of immediate development from 10.53 acres, more or less, to 2.5 acres, more or less. Submitted herewith is the Preliminary Landscape/Site Plan dated January 23, 2001, last revised March 12, 2001, prepared for VFP Equities, L.L.C. by Paulson Mitchell Incorporated which was approved by the Board of Commissioners under Application No. Z-34. Designated in "green" on the site plan is the portion of the Subject Property which Applicant seeks immediate development through this site plan and stipulation amendment.
- (2) Applicant agrees that the earthen berm and all supplemental landscaping, including irrigation, called for between the proposed development and Jefferson

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community
Development Agency
Page Three
June 28, 2001

Petition No. O.B. #2 (Z-340, 3/20/01)
Meeting Date July 17, 2001
Continued



Township Subdivision will be installed as part of action.

- (3) The ground-based, monument style signage will be installed for the convenience store and tire center only; installation of the remaining ground-based, monument style signage shall be installed only upon completion of the remainder of the site.
- (4) Applicant states that no grading will take place adjacent to the northern property line abutting the Indian Creek Subdivision, Parcels 2, 3, 4, or 5, and that none of the supplemental landscaping and fencing within that area required under the initial rezoning (Application No. Z-34) will be performed and/or installed until the remainder of the proposed development is granted sanitary sewer service and building permits issued for construction.
- (5) With respect to paragraph 11(e) and (f) of the March 14, 2001, stipulation letter incorporated into the final decision by the Board of Commissioners rendered on March 20, 2001, Applicant proposes to comply with said stipulations upon development of the remainder of the Subject Property.
- (6) Additionally, regarding paragraph 13 of the March 14, 2001, stipulation letter, Applicant states the detention pond may be modified if necessary for use by the convenience store and tire center; however, such modification shall be approved by staff during plan review process.
- (7) With respect to stormwater utilities, only the grading necessary to relocate the storm line from Alabama Road,

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community
Development Agency
Page Four
June 28, 2001

Petition No. O.B. #2 (Z-34 of 3/20/01)
Meeting Date July 17, 2001
Continued

RECEIVED
JUN 11 2001
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

between the convenience store and tire center, and the installation of a storm line from those two facilities to the existing detention pond will be installed at the commencement of immediate development. Additionally, it may be necessary to smooth other areas disturbed by the work but no grade modifications will take place elsewhere on the Subject Property.

- (8) All other provisions, stipulations, and conditions contained within the official minutes of the March 20, 2001, Board of Commissioners Zoning Hearing and the March 14, 2001, letter of agreeable stipulations and conditions imposed upon the Subject Property as a result of Application No. Z-34 (2001), as well as any other subsequent amendments applicable to the Subject Property, shall remain otherwise unaffected by the amendment requested herein.

We respectfully request this application for site plan and stipulation amendment be placed on the Board of Commissioners' "Other Business Agenda" for the scheduled Zoning Hearing on July 17, 2001.

We further believe the amendment requested herein as well as the previous minutes and stipulations placed upon the Subject Property are appropriate and reasonable in light of the obstacles encountered during the initial development phase. By this request for site plan and stipulation amendment, Applicant does not intend to vary from the true intent and spirit of the initial rezoning approval; it only seeks development of the Subject Property in phases to allow sufficient time to work toward a mutually acceptable resolution of issues. By allowing development to take place in this method and manner, it preserves the vast majority of the Subject Property in its existing state until such time

MOORE INGRAM JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community
Development Agency
Page Five
June 28, 2001

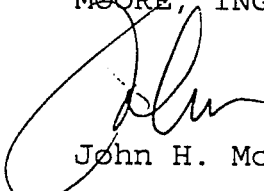
Petition No. O.B. # 2 (Z-34 of 3/20/01)
Meeting Date July 17, 2001
Continued

Applicant receives assurances and requisite permits from appropriate governmental agencies. Thank you for your consideration in this request. We look forward to confirmation of the addition of this item to the July 17, 2001, Zoning Hearing agenda and notification for the requisite posting of the Subject Property.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP


John H. Moore

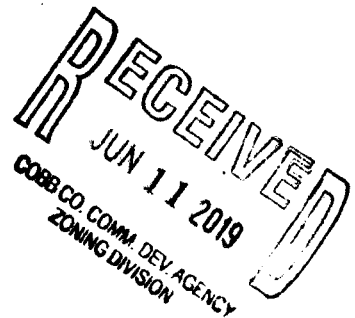
JHM:cc

Enclosures

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

W. R. Robertson, III, Esq.
Jefferson Township Homeowners Association
(With Copy of Enclosure)
(E-mail: wrobert244@aol.com)

Mr. William Stewart Minton
Jefferson Township Resident
(With Copy of Enclosure)



MOORE INGRAL JOHNSON & STEELE

Mr. Mark A. Danneman
Zoning Administrator
Zoning Division
Cobb County Community
Development Agency

Page Six
June 28, 2001

Petition No. OB. # 2 (Z-34) 3/20/01
Meeting Date July 17, 2001
Continued

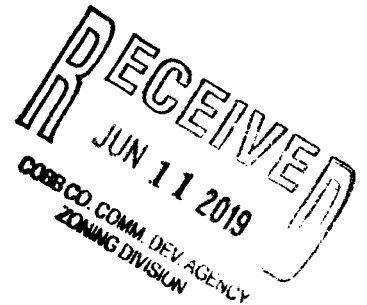
c: Matthew M. Liss, Esq.
Indian Creek Homeowners Association
(With Copy of Enclosure)
(Telefax Transmission
To (404) 888-6199)
(E-mail: mml@scmhlaw.com)

Ms. Vicki Plunkett
East Cobb Civic Association, Inc.
(With Copy of Enclosure)
(Telefax Transmission
To (770) 509-3350)

Ms. Pauline S. Miller
Benham Woods Resident
(With Copy of Enclosure)
(E-mail: ppmiller@mindspring.com)

Ms. Elizabeth Hazel
(With Copy of Enclosure)
(Telefax Transmission
To (770) 516-0156)

Ms. Nancy Brandon
(With Copy of Enclosure)
(Telefax Transmission
To (770) 643-8680)



RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

**2018 COBB COUNTY AD VALOREM
PROPERTY TAX RECEIPTS
(PARCEL NOS. 16003800310 AND
16010700510)**



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

Printed: 6/11/2019

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
Geneva Roswell

GENEVA ROSWELL LLC

Payment Date: 10/11/2018

Tax Year	Parcel ID	Due Date	Appeal Amount		Taxes Due
2018	16003800310	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	\$66,770.00	\$0.00



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

RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION



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

Printed: 6/7/2019

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:
Geneva Roswell

GEMINI INDIAN CREEK H LLC**Payment Date: 10/11/2018**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2018	16010700510	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	\$228.48	\$0.00



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

RECEIVED
JUN 11 2019
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION