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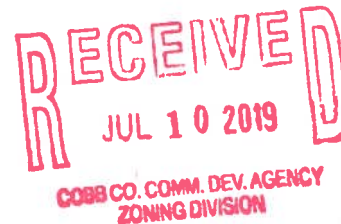
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July 10, 2019

Hand Delivered

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Suite 400
1150 Powder Springs Road
Marietta, Georgia 30064



RE: Application for Rezoning - Application No. Z-33 (2019)
Applicant: The DeVille Group of Companies, Inc.
Property Owners: Estate of Gerald Blonder; Estate of Felix
Dziewienski; Estate of John Cowart; David
Berkman; and Lyonel Joffre
Property: 2.1 acres, more or less, located on the southerly
side of Mableton Parkway, southeasterly of
South Gordon Road, Land Lot 389, 18th District,
2nd Section, Cobb County, Georgia

Dear John:

The undersigned and this firm represent The DeVille Group of Companies, Inc., as Applicant (hereinafter referred to as "Applicant"); as well as, the Property Owners set forth above (hereinafter collectively referred to as "Owners"), in the Application for Rezoning with regard to a total tract of approximately 2.1 acres located on the southerly side of Mableton Parkway, southeasterly of South Gordon Road, Land Lot 389, 18th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with Planning and Zoning Staff; reviewing the Departmental Comments and Staff Recommendations; reviewing the uses of surrounding properties; following meetings and communications with area residents and homeowner representatives; and following the presentation to and hearing before the Cobb County Planning Commission, we have been authorized by the Applicant to submit this revised letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested rezoning and shall be binding upon the Subject Property. The proposed, revised stipulations are as follows:

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- (1) Applicant seeks rezoning of the Subject Property from the existing zoning classification of Neighborhood Shopping (“NS”) to the proposed zoning category of Neighborhood Retail Commercial (“NRC”), site plan specific to the revised Conceptual Site Plan (“Site Plan”) dated and last revised July 8, 2019, and filed with the Zoning Office contemporaneously with the filing of this revised letter of agreeable stipulations and conditions. A reduced copy of the revised Site Plan is attached hereto for ease of reference as Exhibit “A” and incorporated herein by reference.
- (2) The Subject Property consists of 2.1 acres, more or less, and will be developed for a restaurant, with drive-thru.
- (3) The building architecture and exterior shall be consistent with and comply in all respects with the Mableton Parkway Design Guidelines.
- (4) Lighting fixtures for parking areas shall be 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.
- (5) Security lighting on the proposed restaurant 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.
- (6) Entrance signage for the proposed restaurant shall be ground based, monument style signage. The design, finish, materials, and colors for the signage shall be complementary with the building. Accessory entrance/exit signage at access points and directional signage shall be permitted as per Cobb County Code. All signage shall comply with Cobb County Zoning Code and Ordinances, and be consistent with Mableton Parkway Design Guidelines.
- (7) The dumpsters servicing the proposed restaurant shall be positioned in a location screened by landscaping or walls and shall be enclosed within a minimum six (6) foot high brick enclosure on three sides with a solid wooden screen gate or doors on the access side. The materials and colors for the enclosure shall match and be complementary to the façade of the restaurant. The doors shall remain closed except for dumping. All dumpsters shall contain rubber lids to minimize noise.
- (8) There shall be an eight (8) foot landscape enhancement area located along the frontage of the Subject Property along Mableton Parkway.

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- (9) All landscaping for the proposed development shall be professionally designed, implemented, and maintained. Landscaping shall be consistent and in compliance with the Mableton Parkway Design Guidelines.
- (10) Applicant agrees to the establishment of a thirty (30) foot landscape buffer along the rear of the Property. Such buffer shall meet the requirements of Cobb County Ordinances to provide one hundred (100) percent visual screening within two years of planting; but also shall be authorized to include existing vegetation to the extent same provides screening subject to the approval of the Cobb County Arborist.
- (11) Minor modifications to the within stipulations, the referenced, revised Site Plan, lighting, signage, landscaping, building architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (e) Change an access location to a different roadway;
 - (f) Would be in direct contradiction or conflict with any of the stipulations of this rezoning;
 - (g) Would be in direct contradiction or conflict with Cobb County Code and Ordinances; or
 - (h) Would be in direct contradiction or conflict with any Staff Recommendations that were adopted into the final zoning decision.

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- (12) Applicant agrees to the establishment of a Landscape Review Committee composed of designated representatives of Applicant, Mableton Improvement Coalition, and the Cobb County Community Development Agency to approve a thick evergreen buffer between Sierra Forest Apartments and the proposed development.
- (13) Applicant agrees that all dead/damaged landscape materials will be replaced within ninety (90) days.
- (14) Applicant agrees to the establishment of an Architectural Review Committee for review and input of final renderings of the proposed structure.
- (15) Applicant agrees to the installation of wrought iron-type fencing along the rear of the Subject Property located between the twenty (20) foot landscape buffer and the proposed structure.
- (16) Any additional building or development upon the Subject Property will go back through the rezoning process.
- (17) The following uses shall be prohibited upon the Subject Property:
 - (a) Liquor stores;
 - (b) Adult entertainment;
 - (c) Sale of sexually explicit or drug-related paraphernalia;
 - (d) Pawn shops and title pawn shops;
 - (e) Gold or precious metal dealers;
 - (f) Nightclubs;
 - (g) Video arcades as a primary use;
 - (h) Check cashing establishments;
 - (i) [Omitted from June 27, 2019, Mableton Improvement Coalition correspondence];
 - (j) Auto sales, auto parts, auto service, and used tire sales;
 - (k) Taxi dispatching services;
 - (l) Wholesale only sales establishments;
 - (m) Gun, knife, or weapon sales;
 - (n) Shooting ranges;
 - (o) Outside speakers; excepting only, for a drive-thru ordering system;
 - (p) Firewood sales; and
 - (q) Thrift stores, secondhand stores, or flea markets.

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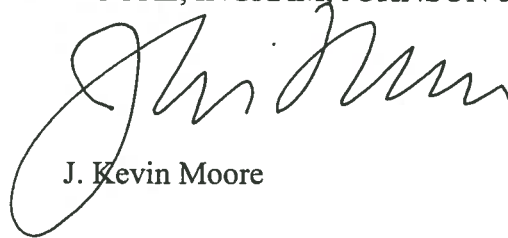
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We believe the requested zoning, together with the revised Site Plan and the revised stipulations set forth herein, is appropriate for the Subject Property while taking into consideration the overall area and uses of properties surrounding the proposed development. We appreciate very much your consideration; as well as that of the Cobb County Board of Commissioners, in this request.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



J. Kevin Moore

JKM:cc

Attachments

c: Cobb County Board of Commissioners:

Mike Boyce, Chairman

JoAnn Birrell

Lisa N. Cupid

Keli A. Gambrill

Robert J. Ott

(With Copy of Attachment)

Jason A. Campbell

Planner III

Zoning Division

Cobb County Community Development Agency

(With Copy of Attachment)

Robin Meyer

Sonya Wheatley

Mableton Improvement Coalition

(With Copy of Attachment)

The DeVille Group of Companies, Inc.

(With Copy of Attachment)

