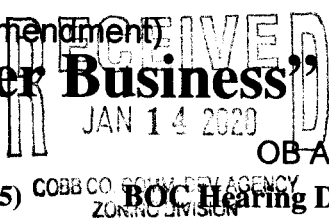


(Stipulation/Special Exception Use Amendment)

# Application for "Other Business"

## Cobb County, Georgia



OB Application No.: OB- 8 -2020

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

COBB COUNTY PLANNING AGENCY ZONING DIVISION

BOC Hearing Date Requested: February 18, 2020

**Applicant:** Brixmor Mableton Walk, LLC Phone #: (770) 442-3773  
(applicant's name printed)

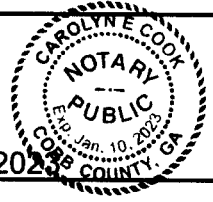
**Address:** 1003 Holcomb Woods Parkway, Roswell, GA 30076 E-Mail: Brett.Milke@brixmor.com

**MOORE INGRAM JOHNSON & STEELE, LLP**

**J. Kevin Moore** Address: Emerson Overlook, Suite 100, 326 Roswell Street  
(representative's name, printed) Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499 E-Mail: jkm@mijs.com  
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:  
[Signature] My commission expires: January 10, 2020  
Notary Public



**Titleholder(s) :** Brixmor Mableton Walk, LLC Phone #: (770) 442-3773  
(property owner's name printed)

**Address:** 1003 Holcomb Woods Parkway, Roswell, GA 30076 E-Mail: Brett.Milke@brixmor.com

See Attached Exhibit "A"  
(Property owner's signature)

Signed, sealed and delivered in presence of:  
\_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Notary Public

**Commission District:** 4 (Cupid) **Zoning Case:** Z-61 (1995)

**Size of property in acres:** 15.210+/- **Original Date of Hearing:** 06/20/1995

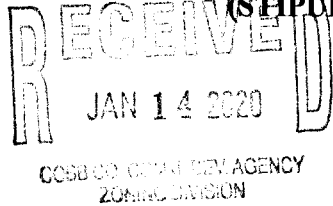
**Location:** Southerly side of Nickajack Road; easterly side of Floyd Road; northerly side of Ayers Road  
(street address, if applicable; nearest intersection, etc.) (5015 Floyd Road)

**Land Lot(s):** 41 **District(s):** 17th

**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"**  
**(STIPULATION/SPECIAL EXCEPTION USE AMENDMENT)**



OB Application No.: OB- 8 (2020)  
Application No.: Z-61 (1995)  
Original Hearing Date: June 20, 1995  
Date of Zoning Decision: June 20, 1995  
Current Hearing Date: February 18, 2020

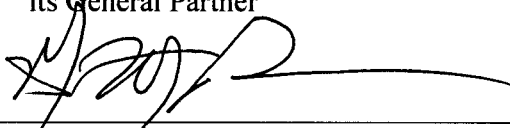
**Applicant/Titleholder:** Brixmor Mableton Walk, LLC,  
a Delaware limited liability company

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

BRIXMOR MABLETON WALK, LLC,  
a Delaware limited liability company

BY: Brixmor Management Joint Venture 2, LP,  
a Delaware limited partnership,  
as Managing Agent

BY: BRE Retail Management GP Holdings LLC,  
its General Partner

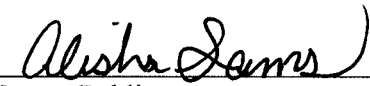
BY:   
Matthew Ryan  
Executive Vice President  
President South Region

Date Executed: January 12, 2020

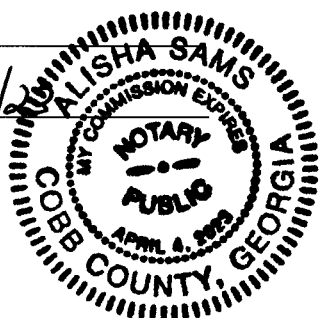
Address: 1003 Holcomb Woods Parkway  
Roswell, Georgia 30076

Telephone No.: (770) 442-3773

Signed, sealed, and delivered in the presence of:

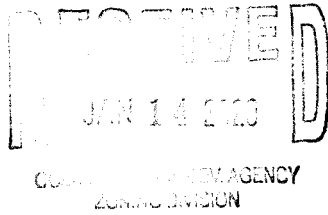
  
Notary Public  
Commission Expires: 4/4/20

[Notary Seal]





**EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS  
(STIPULATION/SPECIAL EXCEPTION USE AMENDMENT)**



<b>OB Application No.:</b>	<b>OB- 8 (2020)</b>
<b>Application No.:</b>	<b>Z-61 (1995)</b>
<b>Original Hearing Date:</b>	<b>June 20, 1995</b>
<b>Date of Zoning Decision:</b>	<b>June 20, 1995</b>
<b>Current Hearing Date:</b>	<b>February 18, 2020</b>

**Applicant/Titleholder: Brixmor Mableton Walk, LLC**

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

The property which is the subject of this Application for "Other Business" is 15.210 acres, more or less, located on the southerly side of Nickajack Road, the easterly side of Floyd Road, and the northerly side of Ayers Road, being more particularly known as 5105 Floyd Road, Land Lot 41, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). The Property was rezoned by the Cobb County Board of Commissioners on June 20, 1995, to the NRC zoning category to allow for development of a retail shopping center. As part of the approval by the Board of Commissioners, certain stipulations and conditions were also placed upon the development of the retail center.

Applicant/Property Owner, Brixmor Mableton Walk, LLC (hereinafter collectively "Applicant"), seeks approval by the Cobb County Board of Commissioners for the operation of a thrift store as a "special exception" use under the existing NRC zoning district, which allows "other consumer goods and services" as a special exception use; as well as, amending use limitation by removal of "used goods" as a prohibited use within the retail center.

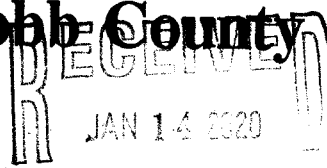
Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Cobb County Board of Commissioners Zoning Hearing held on June 20, 1995, as to Application No. Z-61 (1995); as well as any 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 Stipulation/Special Exception Amendment.

**ALTA LAND TITLE SURVEY OF  
5015 FLOYD ROAD**

**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING AS TO APPLICATION FOR  
REZONING NO. Z-61 (1995)  
- JUNE 20, 1995**

# Application for Rezoning

## Cobb County



Application No. 2-61  
PC Hearing: 6-6-95  
BOC Hearing: 6-20-95

Applicant Mableton Walk Associates,  
a Georgia general partnership Business Phone 872-8666 Home Phone \_\_\_\_\_

W. Neal Freeman c/o Watkins Associated Developers, Inc.  
General Partner Address 1946 Monroe Drive, N.E., Atlanta, GA 30324

(representative's name, printed) W. Neal Freeman Business Phone 872-8666  
(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public, DeKalb County, Georgia  
My Commission Expires June 13, 1998

Zaneta W. Hensberger  
Notary Public

My commission expires: \_\_\_\_\_

Titleholder Mableton Walk Associates,  
a Georgia general partnership Business Phone 872-8666 Home Phone \_\_\_\_\_

Signature W. Neal Freeman Address c/o Watkins Associated Developers, Inc.  
(attach additional signatures, if needed) 1946 Monroe Drive, N.E., Atlanta, GA  
30324

Signed, sealed and delivered in presence of:

Notary Public, DeKalb County, Georgia  
My Commission Expires June 13, 1998

Zaneta W. Hensberger  
Notary Public

My commission expires: \_\_\_\_\_

Zoning Request From NS (present zoning) to NRC (Conditional) (proposed zoning)

For the Purpose of existing shopping center (subdivision, restaurant, warehouse, apt., etc.) Size of Tract 15.23 Acre(s)

Location Southeast corner of Floyd Road and Nickajack Road

Land Lot(s) 41 (street address, if applicable; nearest intersection, etc.) District 17th

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:

Mableton Walk Associates,  
a Georgia general partnership  
By: W. Neal Freeman  
W. Neal Freeman (applicant's signature)  
General Partner

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there is is not such a cemetery. If any, they are as follows:

Mableton Walk Associates,  
a Georgia general partnership  
By: W. Neal Freeman  
W. Neal Freeman (applicant's signature)  
General Partner

CEIV

PAGE 4 2 OF 2

APPLICATION NO. Z-61

ORIGINAL DATE OF APPLICATION: 6/95

APPLICANT'S NAME: MABLETON WALK ASSOCIATES

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

BOC DECISION OF 6-20-94? The Board of Commissioners, as part of the Consent Agenda, approved application subject to: 1) all previous stipulations and covenants remaining in force, (reference application #225 of 1988 -- James S. Rosser); 2) letter of consent regarding continuation of the existing covenants submitted by applicant's representative, marked as Exhibit "A". Motion by Wysong, second by Poole, carried 4-0.

Lined area for additional text or notes.

Karen L. Hach

Karen L. Hach, Deputy County Clerk  
Cobb County Board of Commissioners



31. CC #122  
7/2/88

Exhibit Z-61 Cont'd.

PROTECTIVE COVENANTS

AYRES PROPERTY

LOCATED IN LAND LOT 41, 17TH DISTRICT  
2ND SECTION, COBB COUNTY, GEORGIA

COBB COUNTY CLERK  
J. C. [Signature]

83 DEC -2 PM 2:55

COBB COUNTY, GA  
FILED IN OFFICE

The following restrictions and covenants shall apply to the property known as the AYRES PROPERTY as per plat of same made by Land Plus Associates, Ltd., Land Planners, dated September 7, 1988. These restrictions and covenants are to run with the land and shall be binding on all parties and persons claiming under them for a period of twenty (20) years from the date of the execution hereof, unless by the written consent of the FLOYD/NICKAJACK RESIDENTS ASSOCIATION, INC. and the property owners, their successors and assigns, it is agreed to change said restrictions in whole or in part.

The AYRES PROPERTY shall be developed in substantial conformity to the plot plan attached hereto, made a part hereof by reference, and marked Exhibit "A".

The property shall be developed under the following covenants and restrictions:

ARCHITECTURAL CONTROL COMMITTEE

The site shall be developed under the specified supervision of an Architectural Control Committee (hereinafter called "ACC") pursuant to the design standards specified in these covenants for

the sole purpose of assuring that all structures and all improvements located thereon shall be in general conformity and harmony of external design and general quality with the existing standards of the area. The ACC shall be composed of five (5) members and shall consist of the following:

- (a) Two (2) members of the FLOYD/NICKAJACK RESIDENTS ASSOCIATION, INC. elected by the Association from time to time.
- (b) JAMES S. ROSSER, his successors and assigns.
- (c) One (1) member of an architectural or engineering firm selected by JAMES S. ROSSER, or assigns.
- (d) An independent shopping center design engineer or architect chosen by vote of the other four (4) members.

Services of said professional shall be paid for by JAMES S. ROSSER, or assigns.

The ACC shall review every external design decision through construction to make certain that the materials, colors, textures and overall design are within the covenants set forth herein.

#### DESIGN STANDARDS

A. Submission of Plans and Specifications. The ACC shall review all plans before submitted to the Cobb County Building Department to assure the ACC that such plans conform to the guidelines established by the Homeowners Association.

Before the plans are approved, the ACC shall review and approve:

1. Design Detail
2. Windows and Doors
3. Exterior Colors and Materials

#### LANDSCAPING

A landscaping plan shall be submitted to the ACC for approval before construction begins.

1. The plan shall show location, size and type (name) of all trees, shrubs and cover material.
2. All landscaped areas shall be provided with a workable automatic irrigation system.
3. A minimum of one (1) fifteen (15) gallon tree shall be provided for every thirty (30) feet of interior boundary on the site. The trees shall be located on a minimum of five (5) foot wide planting areas, trees may be clustered.
4. All ground cover shall be of straw, bark, grass, river rock or shrubs.
5. All landscaping shall be maintained in a professional manner on a regular scheduled basis. Maintenance shall include mowing, weeding, pruning, fertilizing and insect spraying.

#### LIGHTING

Outdoor lighting for parking and pedestrian walkways shall be designed and installed so that all direct rays are confined to

BOOK 5163 PAGE 509

this site, with adjacent properties protected from glare, i.e. 25' maximum poles for parking lot.

SIGN SPECIFICATIONS

A. Outdoor signs must be aluminum or other ACC approved material.

B. Signs projecting perpendicular from the face of the building or above the roof and/or parapet coping or on the canopy roof will not be permitted.

C. Rear delivery door only will be permitted to be lettered, rear wall signs not permitted.

D. Sign design.

1. Signs must consist of individual painted aluminum "reverse Channel Letters" back-lighted.

2. Box or plaque type sign will not be permitted.

3. Insignias or trademarks will not be permitted without prior written approval.

4. Maximum sign length is defined as being 80% of the leased frontage less a distance of 2'-0" from each end of said frontage.

5. Lessor has right of absolute approval as regards to placement, size, etc.

6. The Tenant shall have a choice of the following colors. Colors shall be equal to products as manufactured by Sherwin Williams 1985/88 Automotive Colors: 33756, 35381, 32113,

BOOK 5163 PAGE 510

34447, and 3091. Letter style shall be Helvetica Medium. Any substitutions must be approved by the Landlord and the ACC.

E. Flashing or moving lights and illuminated show window signs will not be permitted. Portable marquee type signs will not be permitted.

F. One (1) exterior under canopy type sign will be permitted (but not required) but must be as per the approved sign specifications.

G. There will under no circumstances erect, install, inscribe, paint or affix any sign, lettering or advertising medium to, upon, or above the exterior of the Demised Premises of the building, including glass surface of the windows and doors. Should the Tenant install, display, inscribe, paint or affix any sign, lettering or advertising medium to or upon the interior glass surface of any entrance door or show window without in each instance obtaining prior written approval of the Lessor, and should such sign, lettering or advertising medium prove objectionable to the Lessor, it will be removed forthwith by the Tenant upon request of the Lessor.

H. No floodlight for sign illumination will be permitted.

I. Sign illumination by lighting or intermittent or varying intensity will not be permitted.

J. Very high output or high output lamps will not be permitted for sign illumination. Maximum level of illumination must not exceed 1/2 candle per one square inch of the sign.

Illumination levels must be indicated on required sign drawings.

K. Ground Mounted Identification Sign shall be no larger than sixty-four (64) feet per side and have a maximum height of eight (8) feet. Grand opening banner signs shall be permitted for fourteen (14) days only.

REFUSE COLLECTION AREAS

A. All dumpsters shall be located inside of any required set back areas and shall be screened from any off-site views by berms, concrete, wood and shrubs. They shall have concrete pads to rest upon and shall have gates to enclose the unit.

B. All dumpsters shall be located conveniently to the buildings they are to serve.

C. All refuse areas shall be serviced (collected) a minimum of three (3) times weekly.

OFF STREET PARKING

All parking shall be in accordance with the regulation of Cobb County and shall provide with adequate size to handle all normal size autos. All parking areas shall be maintained in a safe and clean manner. Parking areas shall have a regular schedule for cleaning and sweeping (at least five (5) days a week).

SCREENING AND SETBACK

Building area setbacks shall be within the recommended building lines indicated on a plot plan attached hereto as Exhibit "A" provided, however, that less restrictive setbacks may be approved by the ACC if an exception is requested when plans and specifications are submitted to the ACC for approval. In no event shall the setbacks be less than those required by the Cobb County Zoning Ordinance.

Screening shall be used within the development to attract or divert attention to or from particular areas. In every instance, screening shall be used in connection with the following:

1. Free standing utility apparatus, such as transformers and switching equipment;
2. Exterior ground level machinery such as air conditioning and heating equipment;
3. Outside storage and service areas for equipment and supplies; and
4. Refuse containers and related storage areas.

Subject to the approval of the ACC, the following methods of screening shall be used:

- (1) Earthbanks and berms to be covered with an acceptable grass or grounding cover;
- (2) Planting screens composed of specie approved by the ACC; and

(3) Fences and walls which compliment the design, texture and color of the project, except that no woven or metal or chain link fences shall be used.

INGRESS AND EGRESS

Ingress and egress locations shall substantially conform to the plot plan. All entrances and exits shall be plainly marked with small signs. Ingress and egress off of Floyd Road to Nickajack and Ayres Road shall be visually distinguished as residential areas by creating a strong but compatible, visual distinction and character change between Floyd Road and the adjacent residential areas by the following:

- A. Use landscape materials at the residential side of Floyd Road which contrast in form and character from that used on Floyd Road.
- B. Change the street material at cross walks and driveways.
- C. Construct a monument sign entry into Nickajack Road and Ayres Road identifying them as residential streets.

USES

Out parcels shall prohibit auto service or gasoline sales and fast food drive-thru type restaurants. Any lawful business shall be permitted in the center except the following: Video



arcade, theater, liquor store, adult book store, auto parts store (unless incidental to a major use) pawn shop, used goods, or massage parlors.

These covenants are specifically subject to the rezoning of the property described in Exhibit "A" attached hereto by Cobb County as neighborhood shopping.

In consideration of these covenants and in consideration of all other agreements contained herein, FLOYD/NICKAJACK RESIDENTS ASSOCIATION, INC. does hereby pay to JAMES S. ROSSER the sum of Ten Dollars (\$10.00) and other valuable considerations.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and affixed their seals this 2<sup>nd</sup> day of December, 1988.

Linda Auger  
Witness

James S. Rosser  
JAMES S. ROSSER

Sworn to and subscribed before me this 2<sup>nd</sup> day of December, 1988.

Susan J. Chambliss  
Notary Public, State of Georgia



Notary Public, Cobb County, Georgia  
My Commission Expires Nov. 18, 1991

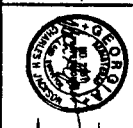
APR 17 1995  
 Wood County  
 Community Development Dept.  
**ZONING DIVISION**

- NOTES:**
1. INTEREST / INTEREST: PROVIDED FOR WATSON BANK PK
  2. DEAD END 5688, 5685, 5682, AND 5681
  3. THESE ARE 688 FARMING SITES
  4. ACCESS STATEMENT PROVIDED FOR ROSSER FARM
  5. 7-10 DEAD END 5688, 5685, 5682, AND 5681
  6. 7-10 DEAD END 5688, 5685, 5682, AND 5681
  7. 7-10 DEAD END 5688, 5685, 5682, AND 5681
  8. 7-10 DEAD END 5688, 5685, 5682, AND 5681

NO.	SECTION	DESCRIPTION OF SECTION
1	1/4	SECTION 1, T17N, R10E, S10E
2	1/4	SECTION 2, T17N, R10E, S10E
3	1/4	SECTION 3, T17N, R10E, S10E
4	1/4	SECTION 4, T17N, R10E, S10E
5	1/4	SECTION 5, T17N, R10E, S10E
6	1/4	SECTION 6, T17N, R10E, S10E
7	1/4	SECTION 7, T17N, R10E, S10E
8	1/4	SECTION 8, T17N, R10E, S10E
9	1/4	SECTION 9, T17N, R10E, S10E
10	1/4	SECTION 10, T17N, R10E, S10E

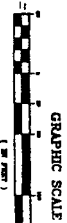
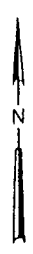
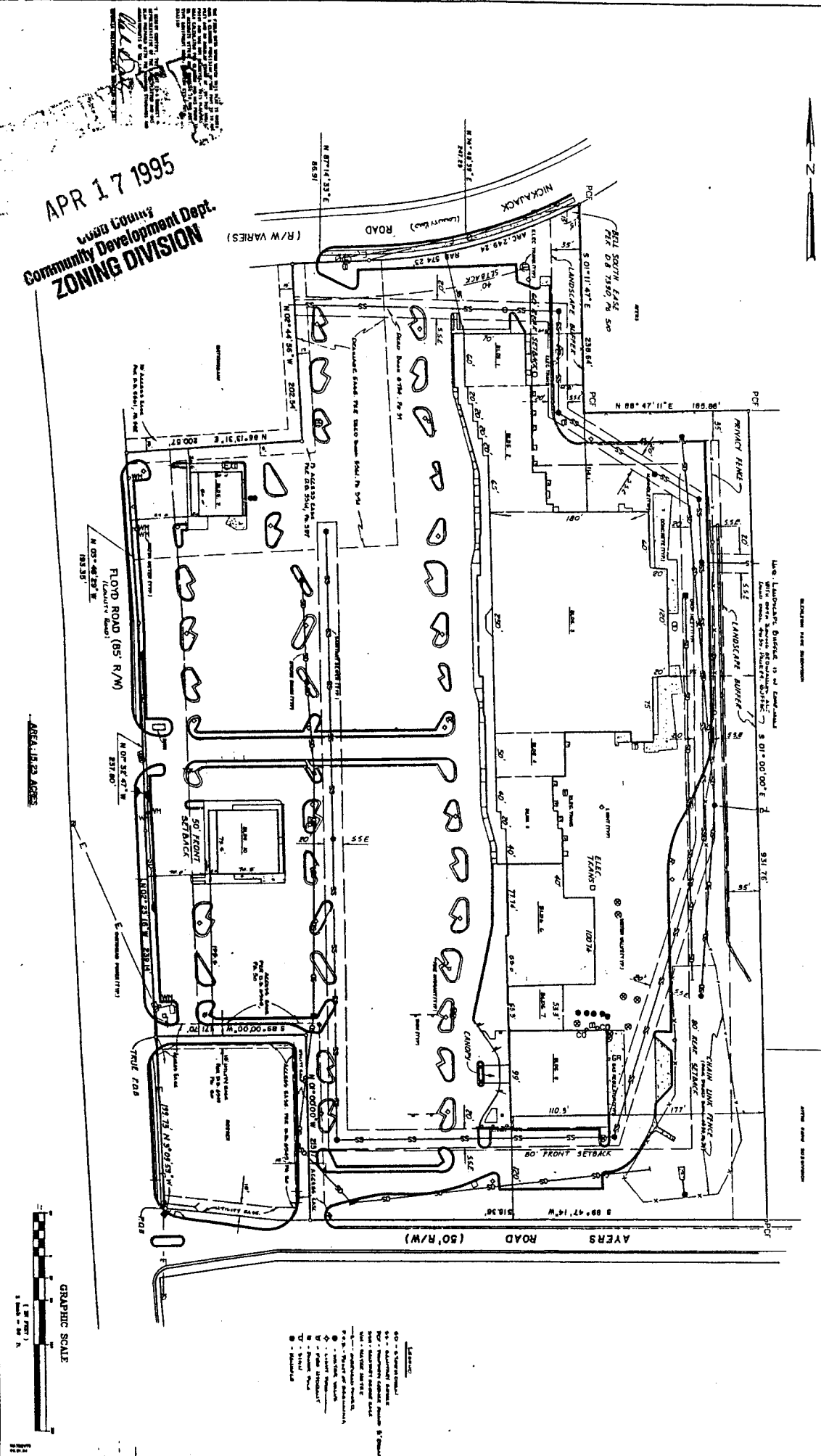


PREPARED FOR:  
**MABLETON WALK ASSOCIATION,  
 JOHN HANCOCK MUTUAL LIFE INSURANCE  
 COMPANY AND LAWYERS TITLE  
 INSURANCE CORPORATION**



ASBESTOS SURVEY OF MABLETON WALK SHOPPING CENTER

SECTION	DATE	BY
1	02/19/94	1
2	02/19/94	1
3	02/19/94	1
4	02/19/94	1
5	02/19/94	1
6	02/19/94	1
7	02/19/94	1
8	02/19/94	1
9	02/19/94	1
10	02/19/94	1

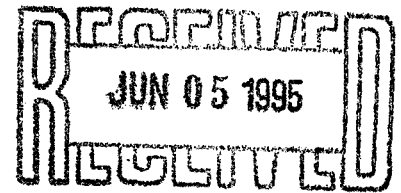


- LEGEND:**
- 60' - 60' front setback
  - 75' - 75' front setback
  - 90' - 90' front setback
  - 100' - 100' front setback
  - 120' - 120' front setback
  - 150' - 150' front setback
  - 175' - 175' front setback
  - 200' - 200' front setback
  - 225' - 225' front setback
  - 250' - 250' front setback
  - 275' - 275' front setback
  - 300' - 300' front setback
  - 325' - 325' front setback
  - 350' - 350' front setback
  - 375' - 375' front setback
  - 400' - 400' front setback
  - 425' - 425' front setback
  - 450' - 450' front setback
  - 475' - 475' front setback
  - 500' - 500' front setback

# ALSTON & BIRD

One Atlantic Center  
1201 West Peachtree Street  
Atlanta, Georgia 30309-3424

404-881-7000  
Fax: 404-881-7777 Telex: 54-2996



SENT TO: \_\_\_\_\_

Peter M. Degnan

Direct Dial (404) 881-7743

June 2, 1995

## VIA FACSIMILE

Mr. Mark Danneman  
Cobb County Zoning Administrator  
Cobb County Planning and Zoning  
100 Cherokee Street  
Marietta, Georgia 30061

*EXHIBIT "A"  
As referenced in  
zoning minutes  
of 6-20-95. Kar Place*

Re: Z-61, Rezoning Application Filed on Behalf of  
Mableton Walk Associates

Dear Mark:

The purpose of this letter is to supplement my earlier correspondence of April 3, 1995 pertaining to the above-referenced rezoning application. As you know, the existing NS zoning of the property is subject to certain protective covenants which are on file with the Cobb County Zoning office. Those covenants provide that they are "specifically subject to the rezoning of the property described in Exhibit A attached hereto by Cobb County as neighborhood shopping."

My client acknowledges that a rezoning of the site from NS, with stipulations, to NRC, with stipulations, will not affect the continuation of the existing covenants. Thus, the provision that the covenants are subject to a rezoning of the property as neighborhood shopping will be satisfied regardless of the change in the zoning designation from NS to NRC.

I trust that this response will resolve any uncertainty as to this issue.

Sincerely,

  
Peter M. Degnan

FMD:srs  
[AC951530.074]

**2019 COBB COUNTY AD VALOREM  
PROPERTY TAX RECEIPT  
(PARCEL NO. 17004100480)**



Printed: 1/10/2020

**Cobb County Online Tax Receipt**

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
Phone: 770-528-8800  
Fax: 770-528-8679

Payer:  
BRIXMOR OPERATING PARTNERSHIP LP

**CENTRO NP MABLETON WALK LLC  
C/O RYAN LLC TAX COMPLIANCE DEPT  
124**

**Payment Date: 9/26/2019**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2019	17004100480	10/15/2019	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$142,855.02	\$0.00



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