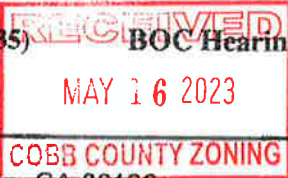


# Application for "Other Business" Cobb County, Georgia

OB-28

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



BOC Hearing Date Requested: 06/20/2023

**Applicant:** Matthew Bowman Jr

(applicant's name printed)

**Phone #:** (757) 610-2744

**Address:** 376 Vinings Vintage Cir. Mableton, GA 30126

**E-Mail:** prohibitionliquor2@gmail.com

Matthew Bowman Sr  
(representative's name, printed)

**Address:** 1025 Veterans Memorial Hwy Ste 310 Mableton GA 30126

[Signature]  
(representative's signature)

**Phone #:** 757-610-2744 **E-Mail:** ProhibitionLiquor2@gmail.com

Signed, sealed and delivered in presence of:

Patricia A Frankle  
Notary Public



02-12-2027

**Titleholder(s):**

PROVIDENCE FEE, LLC; By: Providence MJW SE LLC, its sole member  
By: Providence Manager, Inc., its manager

Marc R. Wilkow, President

(property owner's name printed)

312-726-9622

**Address:** 20 S. Clark Street Suite 3000, Chicago, IL 60603

**E-Mail:** pskontos@wilkow.com

(Property owner's signature)



Signed, sealed and delivered in presence of:

Nancy Jarka  
Notary Public

My commission expires: 8/27/2023

**Commission District:** District 4

**Zoning Case:** Z-37 of 2003

**Size of property in acres:** 13.99

**Original Date of Hearing:** April 17, 2003

**Location:** 1025 Veterans Memorial Hwy, Ste 310, Mableton, GA 30126

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

**Land Lot(s):** 166

**District(s):** 18th District

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

Per Cobb County Board of Commissioners Zoning Hearing on April 17, 2003 (Z-27).

the property now located at 1025 Veterans Memorial Hwy, Mableton, GA 30126 was granted CRC Zoning with restrictions prohibiting specified businesses on the property which included Liquor Stores

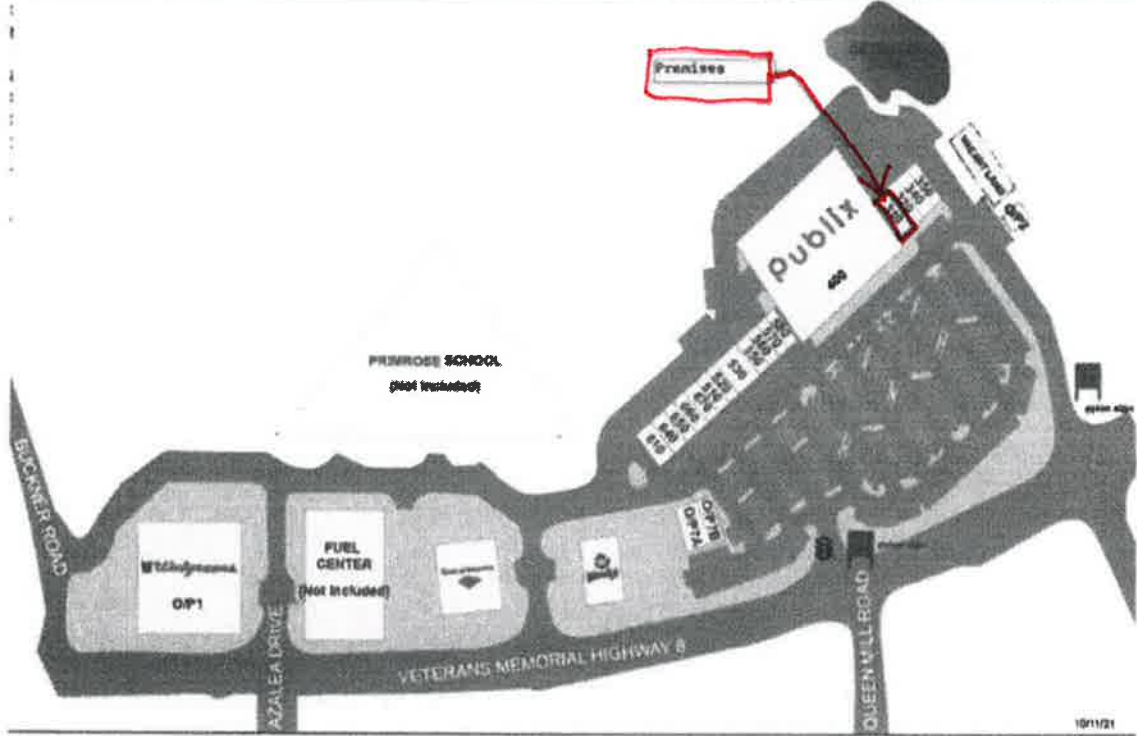
On December 15, 2022 Cobb County granted Prohibition Liquor, LLC dba Prohibition Liquor a Business License to include the sale of package store related items, liquor package, beer package, wine

package, and Sunday sales package at 1025 Veterans Memorial Hwy, Ste 310, Mableton, GA 30126. We are requesting a variance to the decision made in April 2003, to conduct liquor/package sales at this location

\* Amend Stipulation 1+ from April 16, 2003 stipulation letter  
(List or attach additional information if needed)  
to allow a liquor store.

Site Plan

PROVIDENCE PAVILION  
25 Veterans Memorial Highway (at Queens Mill Road) | Mableton, GA | 30126



RECEIVED  
MAY 6  
COBB COUNTY ZONING

This Exhibit is attached for the purpose of showing the general layout of the Shopping Center and approximate location of the Premises. This Exhibit is not to scale and is subject to change without notice. Store references are not, and shall in no event be deemed to be, representations, covenants or warranties. Nothing herein shall be deemed to create or grant to Tenant any easement or other similar right, nor shall this Exhibit be deemed to limit or restrict Landlord's right to change, alter, or expand all or any part of the Shopping Center. All private roads and driveways, land area, common areas and parking areas, as shown hereon or as may be provided or owned by Landlord in the future shall at all times and for all purposes be deemed within the Shopping Center.

03-28-2023

Store layout



PROJECT NAME: PROHIBITION LIQUOR  
DRAWN BY: [Name]  
DATE: [Date]

PROHIBITION LIQUOR  
LOCATED AT 1025 BERTRAMS MEMORIAL HWY., SUITE 310,  
MABLETON, GEORGIA, 30128

ISSUE DATE: 02/03/23  
SHEET: A1.1



**TENANT OWNER OF PROHIBITION LIQUOR**  
MATTHEW BOUMAN  
1025 BERTRAMS MEMORIAL HWY., SUITE 310,  
MABLETON, GEORGIA 30128  
CELL: 754-512-7474

**PROJECT DESCRIPTION**  
RENOVATION AND CONVERSION OF AN EXISTING CELLAR (MERCHANDISING) TO A LIQUOR STORE (MERCHANDISE)

**APPLICABLE CODES**  
IFPA 101 LIFE SAFETY CODE 2018 EDITION, WITH GEORGIA AMENDMENTS (2020)  
INTERNATIONAL BUILDING CODE (IBC), 2018 EDITION, WITH GEORGIA AMENDMENTS (2020) (2021)  
INTERNATIONAL PLUMBING CODE (IPC), 2018 EDITION, WITH GEORGIA AMENDMENTS (2020) (2021)  
INTERNATIONAL ELECTRICAL CODE (NEC), 2017 EDITION, WITH GEORGIA AMENDMENTS (2020) (2021)  
INTERNATIONAL ENERGY CONSERVATION CODE 2015 EDITION, WITH GEORGIA AMENDMENTS (2020) (2021)

**DESCRIPTIVE BUILDING DATA**  
ORIGIN: EXISTING BUILDING, ADDITIONS OR ALTERATION TO THE EXISTING BUILDING. THIS PROJECT CONSISTS OF THE RENOVATION AND CONVERSION OF AN EXISTING CELLAR (MERCHANDISING) TO A LIQUOR STORE (MERCHANDISE) CONSISTING OF TWO EXISTING ADA UNISEX RESTROOMS, ONE EXISTING OFFICE, AND AN EXISTING SALES FLOOR. (1) NEW SALES FLOOR, SOME RETROFITTING TO THE EXISTING MECHANICAL ELECTRICAL IS NEEDED DUE TO EXISTING MECHANICAL ELECTRICAL AND TILES TO OPEN UP THE NEW SALES FLOOR SPACE.

**LIFE SAFETY CODES FOR TENANT SPACE**  
101 IBC OF CONSTRUCTION, PER IFPA 101.1 TYPE 1B  
SPRINKLERED  
MERCANTILE  
OCCUPANCY CLASSIFICATION, PER IFPA 101.2  
TYPE 1B  
MERCANTILE  
OCCUPANCY CLASSIFICATION, PER IFPA 101.2  
TYPE 1B

**INTERNATIONAL BUILDING CODE FOR TENANT SPACE**  
IBC OF CONSTRUCTION, PER IBC  
TYPE 1B  
MERCANTILE  
OCCUPANCY CLASSIFICATION, PER IBC  
TYPE 1B  
HEIGHT, ALLOWED/PROVIDED: 6'-0" / 4'-0"  
STORIES ALLOWED/PROVIDED: 2 STORES / 1 STORY  
PER TABLE 504.4  
FLOOR JOIST ALLOWED/PROVIDED: 2x10SPF / 2x10SPF  
PER TABLE 504.5

**DETAIL DESCRIPTION OF EXISTING BUILDING CONSTRUCTION**  
TOTAL GROSS BUILDING AREA, EXISTING: 4,655 SF  
NUMBER OF STORES: 1  
TYPE 1B  
REINFORCED CONCRETE  
MASONRY  
W/ITE COP WALL CONSTRUCTION  
METAL STUD  
FLOOR CONSTRUCTION  
SLAB ON GRADE  
STRUCTURAL FRAME (OR STEEL COLUMNS AND BEAMS)  
ROOF STRUCTURE (EXISTING)  
STEEL BEAMS  
AND STEEL ROOF JOIST  
WOOD TRUSS  
BTU/MEN MEMBRANE OVER STEEL DECK  
MODIFIED

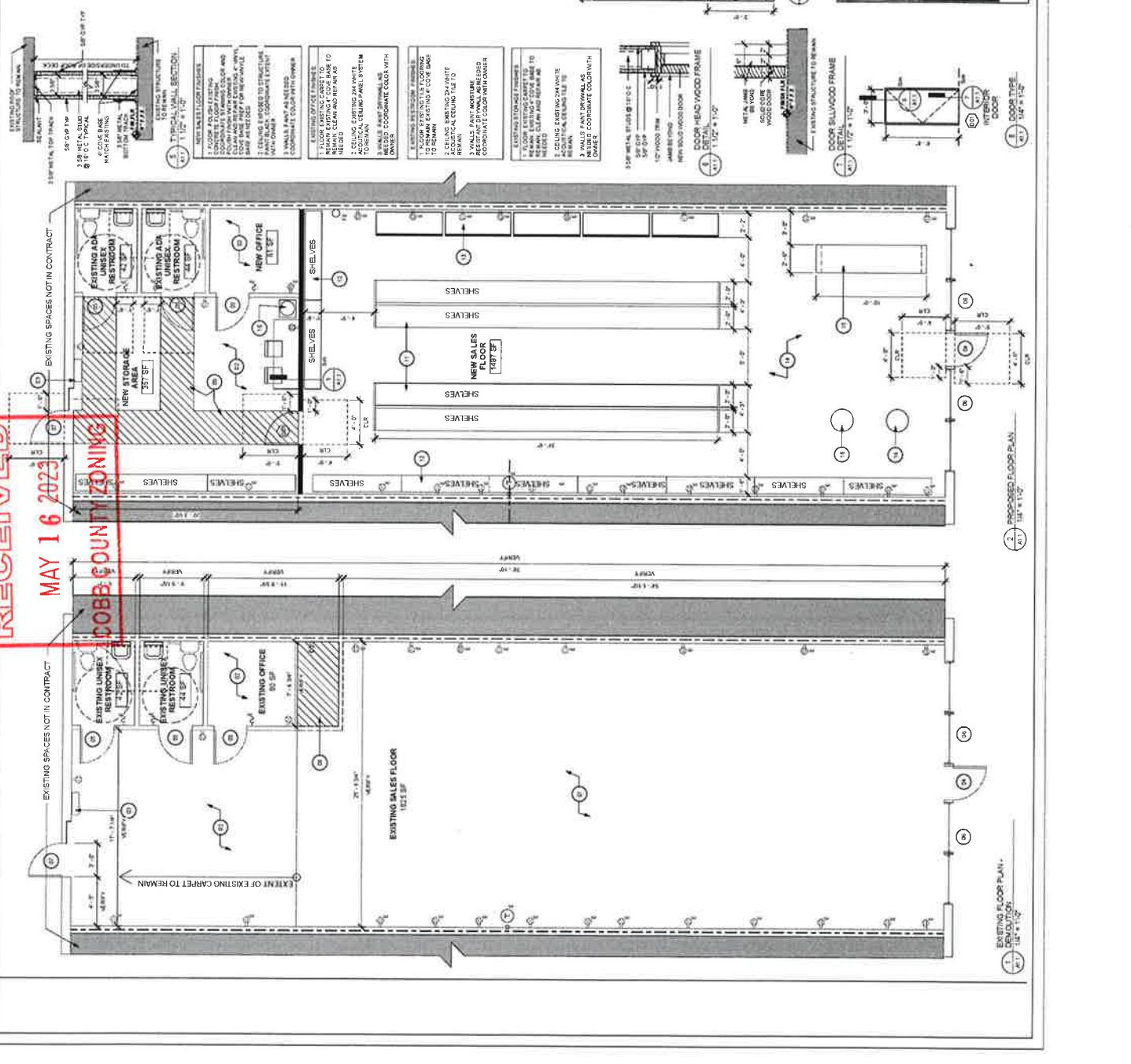
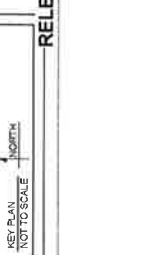
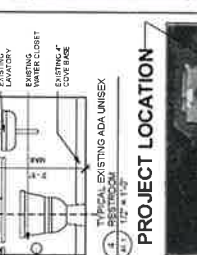
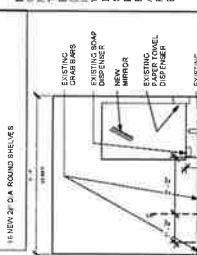


**GENERAL LEGEND**  
EXISTING WALL  
EXISTING 2-HOUR RATED DEMISING WALL  
NEW WALL  
NEW 2-HOUR RATED DEMISING WALL  
1. TO MOUNT MAY COVENOR, NEW, ALL EXISTING CONDITIONS AND REPORT ALL DIMENSIONS AND REPORT TO OWNER ANY DISCREPANCIES. PRIOR TO STARTING ANY WORK, THE CONTRACTOR SHALL VERIFY THE EXISTING CONDITIONS AND REPORT TO OWNER ANY DISCREPANCIES.

**MECHANICAL LEGEND**  
EXISTING MECHANICAL  
EXISTING MECHANICAL  
EXISTING MECHANICAL

**ELECTRICAL LEGEND**  
EXISTING ELECTRICAL  
EXISTING ELECTRICAL  
EXISTING ELECTRICAL

**PLAN NOTES**  
1. EXISTING CONCRETE FLOOR SHALL BE REPAIRED AND CLEAN AND FINISHING CONCRETE TO BE REFINISHED.  
2. EXISTING CARPET TO REMAIN.  
3. EXISTING PARTITION WALLS TO REMAIN.  
4. EXISTING PARTITION WALLS TO REMAIN.  
5. EXISTING PARTITION WALLS TO REMAIN.  
6. EXISTING PARTITION WALLS TO REMAIN.  
7. EXISTING PARTITION WALLS TO REMAIN.  
8. EXISTING PARTITION WALLS TO REMAIN.  
9. EXISTING PARTITION WALLS TO REMAIN.  
10. EXISTING PARTITION WALLS TO REMAIN.



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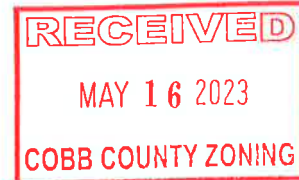
MAY 16 2023

DOBB COUNTY ZONING

EXISTING FLOOR PLAN - RENOVATION  
1/16/23

PROCESSED FLOOR PLAN  
1/16/23

RELEASED FOR CONSTRUCTION



**Z-13 GWINNETT PARTNERS, LLC (Continued)**

**MOTION:** Motion by J. Thompson, second by S. Olens, to hold rezoning request until the May 20, 2003 Board of Commissioners zoning hearing.

**VOTE:** **ADOPTED** unanimously

*Clerk's Note:* Applicant was encouraged to continue negotiations with representatives of the community regarding density and placement of the buildings on the property. Zoning staff was directed to provide the Board with all related documentation for each case on the agenda, specifically supplemental documentation prepared by staff or applicants and/or their representatives. Legal staff was directed to prepare a legal analysis for the Board relevant to a conservation easement as compared to a deed in perpetuity.

**REGULAR AGENDA – NEW BUSINESS (Continued):**

**Rezoning (Continued):**

**Z-37 COLUMBIA PROPERTIES, INC.** (Franklin D. Fowler, et al., owners) for Rezoning from GC, UVC and R-20 to CRC for the purpose of a Shopping Center in Land Lots 165 and 166 of the 18<sup>th</sup> District. Located at the northeast intersection of Veterans Memorial Highway and Buckner Road at Queen Mill Road.

The public hearing was opened and Mr. John Moore, Ms. Teresa Buchanan, Ms. Roberta Cook, Ms. Robin Meyer, and Ms. Ann Stephens addressed the Board. Following presentations and discussion, the following motion was made:

**MOTION:** Motion by W. Thompson, second by Olens, to approve rezoning to the CRC zoning district subject to:

- final site plan and architectural design to be approved by the District Commissioner
- letters of agreeable stipulations from Mr. John Moore, dated April 15, 2003 and April 16, 2003, *not otherwise in conflict, and with the following revision to Paragraph 5 of the April 15, 2003 letter: "block" changed to "split-faced block;" if any painting of block is necessary it shall be a muted color* (copies attached and made apart of these minutes)

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
APRIL 17, 2003  
PAGE 9

Z-37 COLUMBIA PROPERTIES, INC. (Continued)

- letter of agreeable stipulations from Ms. Robin Meyer, dated April 16, 2003, *omitting paragraph 1, and not otherwise in conflict with the letters of stipulation from Mr. John Moore* (copy attached and made apart of these minutes)
- all buildings to have brick and/or stucco fronts and sides
- approval of use and plans by the Board of Commissioners for all outlots prior to permitting
- all landscaping to be approved by the County Arborist
- areas barren of vegetation within the 35-foot landscape buffer to be enhanced with trees, shrubs, and other vegetation as approved by the County Arborist and District Commissioner
- Level II Archaeological Study to be performed prior to any grading permits being issued
- all artifacts excavated from this site to be placed in the custody of the Director of the Community Development Agency of Cobb County until a permanent display location is determined
- gas fueling station and canopy to be similar in architecture and brick design with the shopping center complex
- concrete parking stops to be installed on the 18 parking spaces located to the east of the fueling station as depicted on the preliminary site plan dated April 14, 2003 (copy of preliminary site plan attached and made apart of these minutes)
- Historic Preservation comments and recommendations *to include memorandums from Mr. Michael Fortenberry dated April 1, 2003 and April 15, 2003* (copies attached and made apart of these minutes)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: ADOPTED unanimously

*Clerk's Note:* The oil/water separation system as stipulated in Z-32 (The Kroger Company) shall be taken into consideration at final site plan review. Staff to evaluate the need for "No Truck" signs along Queen Mill Road and review archeological site number 5 in close proximity to the stream area for a possible pocket park.

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

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 G. CARMACK  
KEVIN B. CARLOCK†  
ALEXANDER T. GALLOWAY III†  
J. KEVIN MOORE

SUSAN S. STUART  
RODNEY R. MCGOLLOCH  
DANIEL A. LANDIS\*  
BRIAN D. SMITH  
HARRY R. TEAR III  
W. TROY HART  
JEFFREY A. DAXE  
MELISSA W. QILBERT  
TIMOTHY W. BAILEY  
JOYCE W. HARPER  
THOMAS L. SCHAEFER\*\*  
PATRICK D. DOOSON\*\*\*  
JONATHAN H. PETCU

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

AMY K. WEBER  
BRYAN C. MAHAFFEY  
COURTNEY H. MOORE  
KIM A. ROPER  
BART W. REED  
TARA C. RIDDLE  
JOSHUA M. BOOTH\*\*\*  
KELLI L. CROSS  
C. LEE DAVIS  
TANYA L. CROSSE\*\*\*  
ROBERT W. BROWN II  
JASON L. FOSS  
JAMES S. WIENER

VICTOR P. VALMUS  
JASON C. FISHER  
NATHANIEL F. HANSFORD\*  
JEFFERY L. DICKERSON  
T. SHANE MAYES  
DALLAS R. IVEY

OF COUNSEL:  
JOHN L. SKELTON, JR.

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

WRITER'S DIRECT  
DIAL NUMBER

April 15, 2003

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

Hand Delivered

Min. Bk. 23 Petition No. Z-37  
Doc. Type Stipulation letter  
Meeting Date April 17, 2003

RE: Application for Rezoning

Application No.: Z-37 (2003)

Applicant: Columbia Properties Incorporated

Owners: Franklin D. Fowler; Velton V. Fowler; Rachel Woodall; Dabney Partners, LLC; Bennett A. Brown, III; James A. Glass; Elizabeth Carlton; and John Wieland Homes and Neighborhoods, Inc.

Property: 22.04 acres located on the north side of Veterans Memorial Highway and Queens Mill Road Land Lot 166, 18<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

FILED WITH COUNTY CLERK THIS 17th DAY  
OF April 2003 BY John Moser  
RE Z-37  
Sandra J. Richardson  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

Dear John:

As you know, this firm represents Columbia Properties Incorporated, the Applicant (hereinafter referred to as "Applicant"), and Franklin D. Fowler; Velton V. Fowler; Rachel Woodall; Dabney Partners, LLC; Bennett A. Brown, III; James A. Glass; Elizabeth Carlton; and John Wieland Homes and Neighborhoods, Inc., the Property Owners (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a 22.04 acre tract

**MOORE INGRAM JOHNSON & STEELE**

Petition No. 2-31  
Meeting Date April 17, 2003  
Continued

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Two  
April 15, 2003

located on the north side of Veterans Memorial Highway and Queens Mill Road, Land Lot 166, 18<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meeting with planning and zoning staff, meetings with representatives of area subdivisions and homeowner groups, 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 agreed stipulations which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. This correspondence shall supersede and replace in full our previous letter of agreeable stipulations and conditions dated and submitted on March 26, 2003. 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 will be from the General Commercial ("GC"), Urban Village Commercial ("UVC"), and R-20 zoning categories to the Community Retail Commercial ("CRC") zoning category with reference being made to that certain Preliminary Site Plan prepared for Columbia Properties Incorporated by Paulson Mitchell Incorporated dated April 14, 2003.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends its Application for Rezoning to include the revised Preliminary Site Plan hereinabove set forth, same being prepared by Paulson Mitchell Incorporated dated April 14, 2003, which is submitted contemporaneously herewith.

**MOORE INGRAM JOHNSON & STEELE**

Petition No. Z-37  
Meeting Date April 17, 2003  
Continued

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Three  
April 15, 2003

- (4) The total site area for development is comprised of 22.04 acres.
- (5) The structures within the main portion of the proposed retail development, anchored by Kroger, shall consist of brick with stucco-type accents on the front and sides with block in the rear painted in a color to complement the front and shall be in substantial conformance with the renderings presented at the Board of Commissioners Zoning Hearing held on April 17, 2003.
- (6) The structure designated on the referenced Preliminary Site Plan as Eckerd's shall be in substantial conformance with the renderings to be presented at the Board of Commissioners Zoning Hearing held on April 17, 2003.
- (7) All structures erected on out parcels within the proposed retail development shall be architecturally compatible with the main center.
- (8) Entrance signage for the proposed retail development shall be ground based, monument style signage, with the finish, materials, and color being compatible with and complementary to the overall development. Such signage shall be internally illuminated or "up lit" and shall contain no flashing sign components. There shall be no roof signs, no billboards, and no exterior, temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming development.
- (9) 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.



**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Four  
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Petition No. 2-37  
Meeting Date April 17, 2003  
Continued

- (10) 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.
- (11) 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.
- (12) All dumpsters servicing the proposed retail development shall be enclosed with a minimum six (6) foot high masonry enclosure on three sides with a solid screen gate on the access side. All dumpsters shall contain rubber lids to minimize noise. Dumpsters shall be emptied Monday through Saturday from 8:00 a.m. to 7:00 p.m. and Sunday from 2:00 p.m. to 7:00 p.m.
- (13) Minor modifications to the referenced Preliminary Site Plan, including, but not limited to, the layout and stormwater control measures, may be approved by the District Commissioner, as needed or necessary.
- (14) There shall be a thirty-five (35) foot landscape buffer along the northerly and easterly sides of the Subject Property.
- (15) The proposed fueling center shall be located as shown and reflected on the referenced Preliminary Site Plan. The center shall have brick columns to match those in the main center, together with a pitched roof.
- (16) All landscaping relating to signage and within the proposed retail development shall be professionally installed and maintained.

**MOORE INGRAM JOHNSON & STEELE**

Pctition No. Z-37  
Meeting Date April 17, 2003  
Continued

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Five  
April 15, 2003

- (17) The Subject Property will be serviced by Cobb County sewer.
- (18) All detention facilities shall comply with Cobb County Stormwater Management requirements and shall be landscaped to the exterior.
- (19) All landscaping for buffers and detention areas shall be approved by the Cobb County Arborist during the plan review process.
- (20) All 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.
- (21) Applicant agrees to comply with the recommendation of the Cobb County Community Development Agency, Historic Preservation Office, and shall have a Level II Archaeological Study performed prior to any land disturbance activity and coordinated through the Cobb County Historic Preservation Commission.
- (22) Applicant shall comply with all county development standards and ordinances relating to project improvements, including stormwater management, detention, hydrology, and downstream considerations, except as approved by the Board of Commissioners, Department of Transportation, or Community Development Agency, as their authority may allow.
- (23) Applicant shall comply with the recently enacted Cobb County Tree Ordinance; and in that regard, Applicant shall use best efforts to minimize grading so as to avoid mass grading of the Subject Property.

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Six  
April 15, 2003

Petition No. Z-37  
Meeting Date April 17, 2003  
Continued

- (24) Stormwater detention shall be designed to exceed minimum standards established by applicable law.
- (25) Applicant agrees to the following system improvements to mitigate traffic concerns:
  - (a) The proposed development shall have those curb cuts as shown and delineated on the referenced Preliminary Site Plan;
  - (b) Access to the out parcels shall be as shown and reflected on the referenced Preliminary Site Plan together with inter-parcel access;
  - (c) Donation of right-of-way on the east side of Buckner Road a maximum of thirty (30) feet from the existing roadway centerline;
  - (d) A continuous frontage lane along Veterans Memorial Highway;
  - (e) Installation of sidewalk along the entire road frontages along with installation of pedestrian crosswalks at the proposed signalized intersection;
  - (f) Removal of driveway between out parcel 3 and the proposed parking area, as more particularly shown and reflected on the referenced Preliminary Site Plan;
  - (g) Move drive on Buckner Road further away from the intersection;
  - (h) Widening Buckner Road to a three-lane facility from the intersection to the driveway entrance; and

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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April 15, 2003

Petition No. Z-37  
Meeting Date April 17, 2003  
Continued

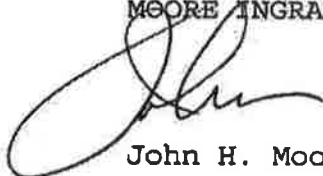
- (i) All work encroaching upon state right-of-way shall require Georgia Department of Transportation approval.

We believe the requested zoning, pursuant to the referenced revised Preliminary Site Plan and the revised stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the changing conditions of the area and the properties and owners thereof surrounding the proposed retail 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. 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

Enclosures

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

**MOORE INGRAM JOHNSON & STEELE**

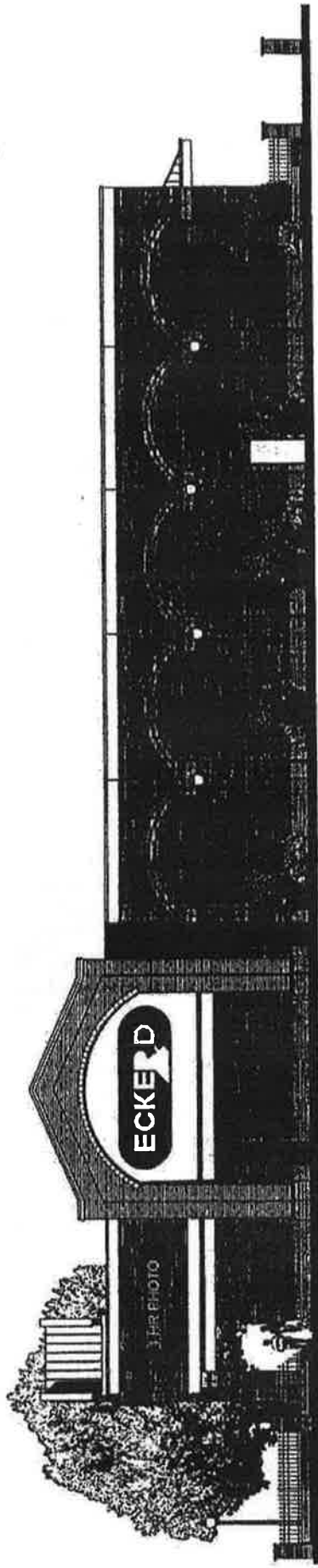
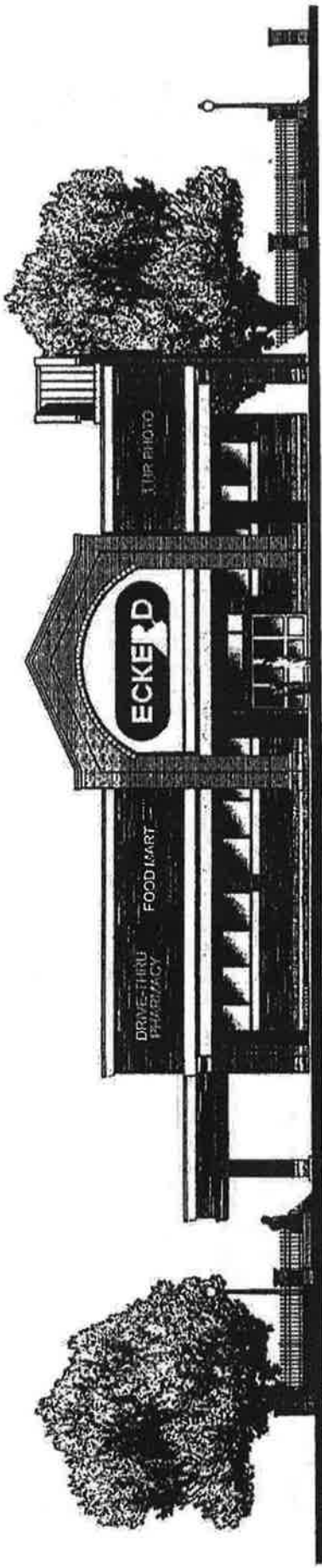
Petition No. Z-37  
Meeting Date April 17, 2003  
Continued

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Eight  
April 15, 2003

c: Area Residents:  
Alberto Andrade  
Mary Rose Barnes  
David and Marlea Barr  
Keith Brunson  
Teresa Buchanan  
Paul Clark  
Robertta Cook  
Mary Frey  
Apurve Gupta  
Joyce Howell  
Sal Jones  
Reverend Asemnor Marty  
Robin Meyer  
Tyronda Minter  
Carroll Mullis  
Carlos Sanchez  
Jerry M. Shoemaker  
Kristy Ulmer  
Gary Vause, II  
(With Copy of Enclosure)

Columbia Properties Incorporated  
(With Copy of Enclosure)





**CP** COLUMBIA PROPERTIES INCORPORATED  
INC.

Min. Blk. 23 Petition No. Z-37  
Doc. Type Eckerd rendering as  
referenced in stip letter of 4/15/03  
Meeting Date April 17, 2003

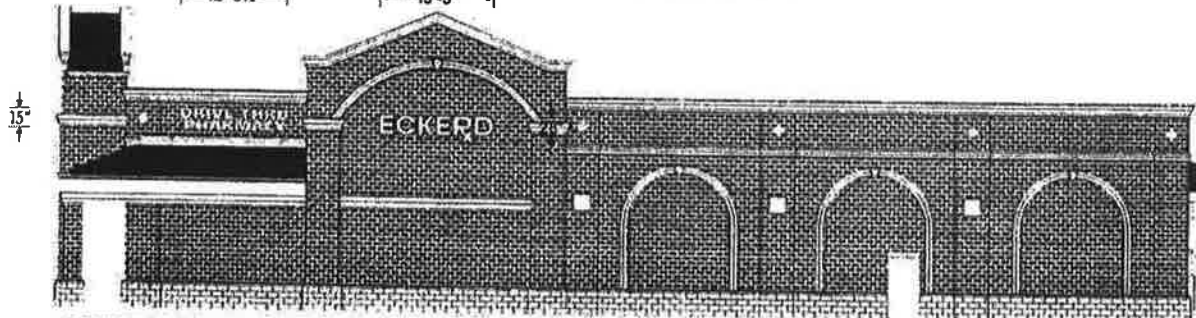
# PROPOSED ECKERD - FLOWERY BRANCH, GA

SQUARE FOOTAGE  
 FRONT ELEVATION 97.46  
 RIGHT ELEVATION 65.93  
 LEFT ELEVATION 14.17  
 REAR ELEVATION 3.88  
 TOTAL WALL SIGNS 181.44

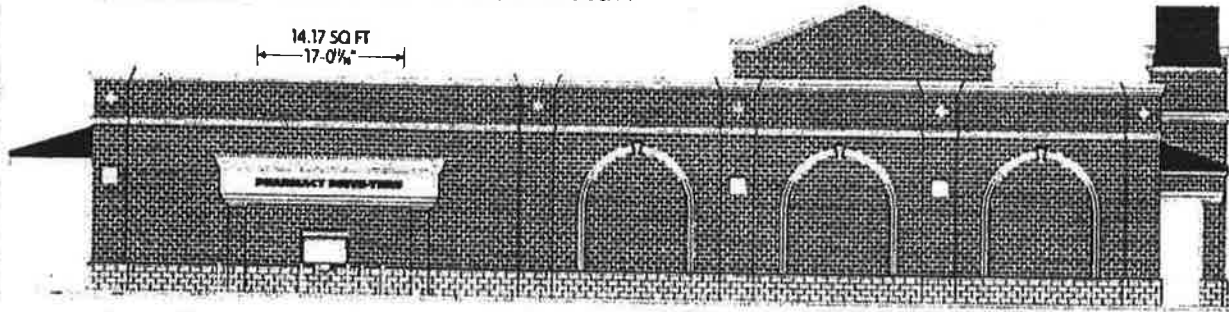
32.29 SQ FT 25'-10"  
 30.87 SQ FT 13'-3"  
 15.94 SQ FT 12'-9 1/4"  
 15.73 SQ FT 12'-7 1/4"



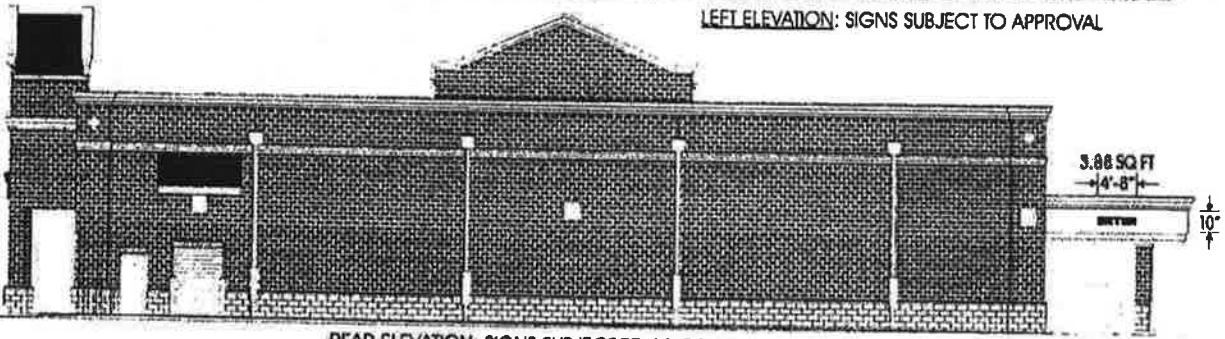
FRONT ELEVATION: FACES SPOUT SPRINGS RD, NTE 100 SQ FT



RIGHT ELEVATION: FACES HOG MOUNTAIN RD, NTE 100 SQ FT



LEFT ELEVATION: SIGNS SUBJECT TO APPROVAL



REAR ELEVATION: SIGNS SUBJECT TO APPROVAL

*Min. Bk. 23 Petition No. 2-37  
 Doc. Type Eckerd rendering as  
 referenced in stip letter of 4/15/03  
 Meeting Date April 17, 2003*

**WALL:** NTE 1 1/2 sq ft per linear ft of building frontage, to a maximum of 100 sq ft. Multi frontage sites are calculated with one major frontage.  
**WINDOW SIGNS:** Window sign area NTE 50% of window area. Illumination is not allowed, per code official.  
**DIRECTIONALS:** Number of directionals is not restricted. OAH 2', NTE 2 sq ft. Canopy directionals will not count towards wall sign total if under 2 sq ft, per code official.

**BELL SIGNS, INC.**  
 1200 BELL AVE., PANAMA CITY, FL 32401 PHONE: 850.763.7982 FAX: 850.872.8584

**U.L. Underwriters Laboratories Inc.**  
1888

CUSTOMER APPROVAL

CLIENT: ECKERD

SCALE: 3/64" = 1'0"

THIS IS AN ORIGINAL UNPUBLISHED DRAWING CREATED BY BELL SIGNS, INC. IT IS SUBMITTED FOR YOUR PERSONAL USE IN CONNECTION WITH A PROJECT BEING PLANNED FOR YOU BY BELL SIGNS, INC. IT IS NOT TO BE SHOWN TO ANYONE OUTSIDE YOUR ORGANIZATION, NOR IS IT TO BE USED, REPRODUCED, COPIED, OR EXHIBITED IN ANY FASHION.

DATE: 01.30.03

REVISED:

DRAWN BY: SB

DWG. NO.: FLOWERYBRANCHGA1



# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

WWW.MIJS.COM

JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM R. JOHNSON†  
ROBERT D. INGRAM†  
J. BRIAN O'NEAL  
O. PHILLIP BEGGS  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
JERE C. SMITH  
CLAYTON O. CARMACK  
KEVIN B. GARLOCK†  
ALEXANDER T. GALLOWAY III†  
J. KEVIN MOORE

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  
JOYCE W. HARPER  
THOMAS L. SCHAEFER\*\*  
PATRICK D. DODSON\*\*\*  
JONATHAN M. PETCU

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

AMY K. WEBER  
BRYAN C. MAHAFFEY  
COURTNEY H. MOORE  
KIM A. ROPER  
BART W. REED  
TARA C. RIDDLE  
JOSHUA M. BOOTH\*\*\*  
KELLI L. GROSS  
C. LEE DAVIS  
TANYA L. CROSSE\*\*\*  
ROBERT W. BROWN II  
JASON L. FOSS  
JAMES S. WIDENER

VICTOR P. VALMUS  
JASON C. FISHER  
NATHANIEL F. HANSF†  
JEFFERY L. DICKERSON  
T. SHANE MAYES  
DALLAS R. NEY

OF COUNSEL:  
JOHN L. SKELTON, JR.

† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN NC  
\*\* ALSO ADMITTED IN GA  
\*\*\* ADMITTED ONLY IN TN  
\*\*\*\* ALSO ADMITTED IN AL

WRITER'S SHORT  
DIAL NUMBER

April 16, 2003

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

Hand Delivered

Min. Bk. 23 Petition No. Z-37  
Doc. Type Stipulation Letter  
Meeting Date April 17, 2003

RE: Application for Rezoning

Application No.: Z-37 (2003)

Applicant: Columbia Properties Incorporated

Owners: Franklin D. Fowler; Velton V.

Fowler; Rachel Woodall; Dabney  
Partners, LLC; Bennett A. Brown,  
III; James A. Glass; Elizabeth  
Carlton; and John Wieland Homes  
and Neighborhoods, Inc.

Property: 22.04 acres located on the  
north side of Veterans Memorial  
Highway and Queens Mill Road  
Land Lot 166, 18<sup>th</sup> District,  
2<sup>nd</sup> Section, Cobb County,  
Georgia

FILED WITH COUNTY CLERK THIS 17<sup>th</sup> DAY  
OF April 2003 BY John Moore  
RE Z-37  
Shirley S. Richardson  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

Dear John:

On behalf of the Applicant and Property 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 April 15, 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:

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Two  
April 16, 2003

Petition No. Z-37  
Meeting Date April 17, 2003  
Continued

(1) Applicant agrees that the following principal uses, though permitted in a CRC zoning classification, shall be prohibited on the Subject Property:

- (a) Arcades;
- (b) Billiards and pool halls;
- (c) Boarding kennels;
- (d) Bus stations;
- (e) Clubs or lodges (noncommercial);
- (f) Colleges and universities (private), including but not limited to, research and training facilities;
- (g) Community fairs;
- (h) Executive golf courses;
- (i) Fraternity and sorority house and residence halls;
- (j) Golf courses, 18-hole regulation, public and private;
- (k) Golf courses, par 3;
- (l) Group homes;
- (m) Motels;
- (n) Rest homes, personal care homes, and convalescent homes;
- (o) Roominghouses and boardinghouses;
- (p) Self-service laundry facilities;
- (q) Adult book or entertainment;
- (r) Pawn shop;
- (s) Tatoo parlor;
- (t) Liquor store.

(2) There shall be a landscaped area along the frontages of both Veterans Memorial Highway and Buckner Road. Such landscaping shall be approved by the Cobb County Arborist during the plan review process.

Again, thank you for your consideration in this requested rezoning.

**MOORE INGRAM JOHNSON & STEELE**

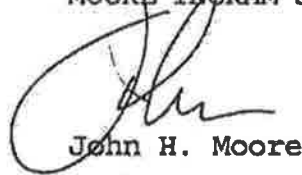
Petition No. 2-37  
Date: April 17, 2003

Mr. John P. Pederson  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page Three  
April 16, 2003

With kindest regards, I remain

Very truly yours,

MOORE INGRAM JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

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

Columbia Properties Incorporated

ROBIN MEYER  
6375 QUEEN MILL ROAD  
MABLETON, GEORGIA 30126

Min. Bk. 23 Petition No. Z-37  
Doc. Type Stipulation letter  
Meeting Date April 17, 2003

April 16, 2003

Mr. John Moore, Esq.  
Moore Ingram Johnson & Steele  
192 Anderson Street  
Marietta, Georgia 30060  
Via email to: [jmoore@mijjs.com](mailto:jmoore@mijjs.com)

FILED WITH COUNTY CLERK THIS 17<sup>th</sup> DAY  
OF April 20 03 BY Robin Meyer  
RE Z-37  
Jandra J. Richardson  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

Re: Zoning Application Z-37  
Columbia Properties, Inc.

Dear Mr. Moore:

Thank you for sending me via email your proposed stipulations letter for this development, dated April 15, 2003. Upon review, I believe that there are some items previously discussed and agreed to that do not appear in the April 15 letter. A few other items below have come up in more recent discussions. For the sake of clarity, I believe that all of the following items should be added to your April 15 letter.

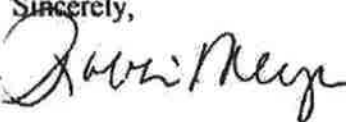
- X 1. With respect to your items #5, 6 & 7 (April 15 letter), all buildings must be totally brick, with the exception of the back of the main center, which may be block painted to match the brick.
2. Add to your #8 that there may not be any additional, free-standing signs for the fueling station, but rather that the fueling station signage be incorporated into the entrance signage.
3. The proposed fueling center's non-brick materials must be muted colors compatible with the brick exteriors; that is, no bright primary or "neon" colors allowed. (add to your item #15)
4. No lighted signs will be allowed on the fueling station canopy.
5. The lighting on the underside of the canopy will either be mounted flush with the ceiling of the canopy or the sides of the canopy will extend below the ceiling in order to shield the lighting from passing traffic.
6. No alcohol sales at the fueling station.

Mr. John Moore  
April 16, 2003  
Page 2

Petition No. Z-37  
Meeting Date April 17, 2003  
Continued

7. Traffic entering and leaving the fueling station must be separated from traffic entering and leaving the center via the entrance at Queen Mill Road by a landscaped barrier deemed sufficient by Cobb DOT to prevent the fueling station from causing traffic congestion at the Queen Mill/Veterans Memorial Parkway intersection.
8. As raised at the community meeting, no portion of the property may be used for the following types of businesses: adult novelty stores, tattoo parlors, gun shops, pawn shops, flea markets, thrift stores, or second hand stores. Also, no merchandise may be displayed or stored outdoors except for occasional promotional sales, such as "sidewalk sales" or seasonal items for brief periods (Christmas trees, garden supplies).

I look forward to seeing you tomorrow and working to incorporate these items into the final zoning approval. As I have stated many times, I truly look forward to this development and to shopping near my home.

Sincerely,  


Robin Meyer

cc: Board of Commissioners  
John Pederson

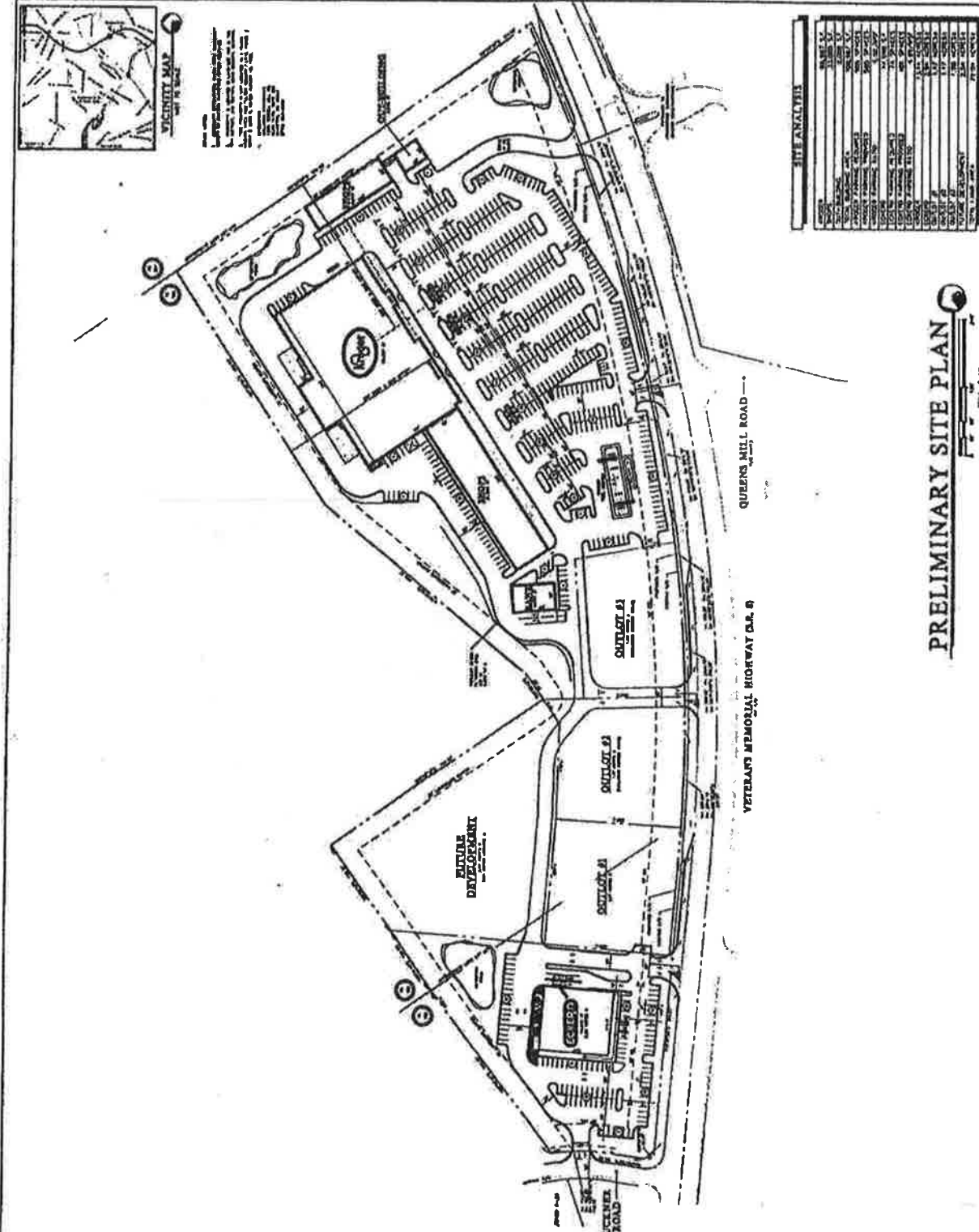
Min. Blk. 23 Petition No. Z-37  
 Doc. Type preliminary site plan  
 depicting 8 parking spaces to east of  
 Meeting Date April 17, 2003 fueling sta  
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**COLUMBIA PROPERTIES**  
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**PRELIMINARY SITE PLAN**  
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**SITE ANALYSIS**

NO.	DESCRIPTION	AREA (SQ. FT.)	PERCENTAGE
1	Site Area		
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6	Site Area		
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**PRELIMINARY SITE PLAN**  
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## COMMUNITY DEVELOPMENT AGENCY

Historic Preservation Office

191 Lawrence Street

Marietta, Georgia 30060-1661

Phone: (770) 528-2010 Fax: (770) 528-2161

Min. Bk. 23 Petition No. Z-37  
Doc. Type Memorandum from M. Fortenberry  
and as referenced in 4/15/03 Mem. -nd  
Meeting Date April 17, 2003

### MEMORANDUM

To: Cobb County Planning Commission  
Cobb County Zoning Division  
From: Michael Fortenberry, Planner II  
Date: April 1, 2003  
RE: Z-37/Columbia Properties

Please find attached, an archaeological study submitted by Columbia Properties that was requested of them during preliminary zoning review. R.S. Webb performed the study and reported that final analysis was inconclusive without further study. I spoke with the applicant yesterday, and they are amenable to a Level II Archaeological Study that would make final determination of the potential historic resources. Therefore, it is my recommendation the **Level II study should be performed prior to any land disturbance activity** and coordinated through the Cobb County Historic Preservation Commission and myself. If you have any questions or comments, please contact me at 770-528-2010.

## R.S. Webb & Associates

Cultural Resource Management Consultants  
2800 Holly Springs Parkway, Suite 200 • P.O. Drawer 1319  
Holly Springs, Georgia 30142  
Phone: 770-345-0706 • Fax: 770-345-0707

February 27, 2003

Ms. Mary Ellen Yancey  
Columbia Properties, Inc.  
1355 Terrell Mill Road  
Building 1478, Suite 200  
Marietta, Georgia 30067

Petition No. Z-37  
Meeting Date April 17, 2003  
Continued

Subject: Findings: Archeological Field Survey  
Veterans Memorial Development Tract  
Cobb County, Georgia  
R.S. Webb & Associates No. 03-284-001

Dear Ms. Yancey:

### BACKGROUND

On February 26, 2003, R.S. Webb & Associates conducted a Phase I archeological field survey for an archeological field survey of an approximate 22-acre development tract fronting Veterans Memorial Highway in Cobb County, Georgia (Figure 1). The purpose of the survey was to identify archeological sites within the project area. An archeological site is defined as a location containing physical evidence of human activity more than 50 years ago. Archeological sites include but are not limited to, prehistoric artifact scatters, historic artifact scatters, Civil War earthworks, cemeteries, structure remains, and similar resources.

### METHODS

*Literature Search:* The 2002 Georgia Archeological sites files database was searched to determine if known archeological sites are located within or near the project area. Darlene Roth's work on Cobb County historic architecture, archeology and historic landscapes was examined as well [i.e., *Architecture, Archeology and Landscapes* (1982)]. Because the study site is known to be in an area of intensive Civil War activity, Civil War era maps and documents were examined to determine where earthworks and/or troop movements occurred [i.e., Cobb County Planning/Zoning Department Map *Historic Locations of Civil War Earthworks*, *The Official Military Atlas of the Civil War* (Davis et al. 1983), *The Campaign for Atlanta* (Scaife 1993)].

*Survey for Civil War Surface Features:* A surface survey of the entire 22-acre tract was conducted to search for possible Civil War features. The team walked transects spaced 80 to 100 feet apart to ensure full visual coverage of the study site. The team examined each feature to determine if it was a trench, rifle pit, gun ramp, or other Civil War military earthen work.

*Survey for Subsurface Archeological Sites:* To detect prehistoric and historic archeological sites the field team surveyed the project area along transects spaced 100 ft apart, using surface and subsurface techniques. Exposed surfaces within the project area were inspected for artifacts and surface features. Subsurface techniques included the excavation of one by one-ft screened shovel tests to sterile subsoil and the inspection of shovel test soil profiles. Shovel test soils were screened through 0.25-inch hardware cloth to enhance the recovery of artifacts. In areas where the slope was 20 percent or less, shovel tests were excavated at intervals no greater than 100 ft apart. In areas with slope greater than 20 percent, shovel testing was discretionary.



*Findings: Archeological Field Survey, 22-Acre Veterans Memorial Highway Tract, Cobb County, Georgia  
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When a positive shovel test occurred, the shovel test interval was reduced to 50 ft so that the archeological site could be defined more precisely.

Artifacts recovered from the archeological sites were collected and bagged by shovel test location. The field survey team recorded information on the nature and extent of archeological resources detected during the field survey, and determined if these resources were potentially important archeological sites. The importance of each archeological site was assessed through the presence or absence of intact archeological deposits or features, the degree and types of disturbances observed, the type of site, the potential for containing human remains, state of preservation of archeological materials and the density and diversity of the artifacts present. The same bases are used to determine National Register of Historic Places eligibility status when operating under the National Historic Preservation Act (i.e., Section 106 compliance).

*Data Analysis:* Artifacts recovered during the field survey were washed, analyzed and catalogued during data analysis. Field maps and notes were transcribed and artifacts were prepared for curation.

### RESULTS

*Archeological Site Files Search:* No state-recognized archeological sites are located within or adjacent to the project area.

*Civil War Map Research:* Civil War maps of the area indicate that there was significant activity in the study vicinity during July 4 through 9, 1864 as the Union Army approached Nickajack Creek to move on Atlanta. Looking specifically at the project area, the Cobb County Planning/Zoning Department's map of Cobb County entitled, *Historic Locations of Civil War Earthworks* (Figure 2) shows a Union line crossing Turners Ferry Road (now known as Veterans Memorial Highway) in the vicinity of the project area. *The Official Military Atlas of the Civil War* shows the same Union trenches crossing Turners Ferry Road in approximately the same location (Figure 3). *Soaife* (1993) shows Union troop alignments in the same area (Figure 4).

*Civil War Features Surface Survey:* Three sections of possible Civil War trenches (Figure 5; Sites 2, 3 and 5) were recorded during the current study. The locations of these trenches correlate fairly well with the locations of Union earthworks illustrated on Civil War maps. The possible Civil War trenches are in variable states of preservation, but all are recognizable earthworks. The trenches range from one to three feet deep and are approximately four to six feet wide. Trench sections range from 150 feet to 450 feet in length (Figure 5). Trenches at Sites 3 and 5 are on northwest-facing slopes and are positioned correctly to be Confederate trenches rather than Union trenches. The trenches at Site 5 have been recently vandalized by relic hunters. The trench at Site 2 is along the ridge crest and has a high berm along its northwest side, making it more suitable for Confederate use; however, the berm is high enough to have been used by either Union or Confederate forces.

Two pit features detected during the current study are likely to be Civil War rifle pits (Figure 5; Site 1). The pits are six to eight feet in diameter and two to three feet deep. These features are on a northwest facing slope 450 feet down slope from the trench at Site 2. These pits are well positioned to have been Confederate rifle pits. The pits are in fair condition.

*Archeological Site Survey:* Site 4 is a scatter of prehistoric stone-tool-making debris and 20<sup>th</sup> century historic ceramic and glass artifacts. The prehistoric artifacts were recovered from two positive shovel tests, while the historic items were observed in an exposed area near a structure to the east. Site 4 is severely disturbed and is not considered a significant archeological site.

A prehistoric projectile point was recovered from the earthwork soils at Site 3. The point is an isolated, repositioned item and is not in its original context. For these reasons, the projectile point find is not considered a significant archeological resource.

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### CONCLUSIONS AND RECOMMENDATIONS

*Civil War Era Resources:* Possible Civil War earthen features are located in the west (Site 1), central (Site 2) and east (Sites 3 and 5) portions of the project area. The trench features in the central and east portions of the site are near the location where Union trenches are recorded on Civil War era maps. However, the morphology of the trench features do not clearly support Union positions, rather they appear to be more typical of Confederate positions. Additional work is needed to confirm the origin of these four earthwork features, and their orientation (i.e., Union or Confederate). The origin of the rifle pits is also uncertain, since these features are often difficult to discern from tree tips and other non-Civil War-related phenomena.

If these earthworks are found to be of Civil War origin, they will be significant archeological resources. The justification for this statement is that these features could be directly linked to specific Union and Confederate actions along Nickajack Creek during the approach on the Confederate River Line between July 4 and 9, 1864. Furthermore, the earthworks at Sites 2, 3, and 5 are well defined. These factors would make the trenches interpretable to the public. It is recommended that earthworks of Civil War origin be preserved if possible. If Civil War features can not be preserved, then Cobb County Zoning/Planning may require some form of mitigation on these features.

*Archeological Resources:* One archeological site and an isolated projectile point were recorded during the field survey. These resources are highly disturbed due to erosion, cultivation and logging. Similar archeological resources are quite common in Cobb County and north Georgia. Based on the data collected, it is our opinion that these resources do not have the potential for producing additional significant archeological information, and no additional work is recommended.

### CLOSING COMMENTS

Ms. Yancey, we appreciate the opportunity to work with you on this project. Please contact Mr. Steve Webb at 770-345-0706 if you have any questions.

Sincerely,

R.S. WEBB & ASSOCIATES



Robert S. Webb  
President and Senior Principal

Attachments: Figures 1, 2, 3, 4 and 5

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Map Source: 7.5 Minute USGS Quadrangle  
Mableton, Georgia 1992

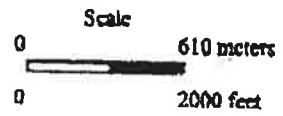
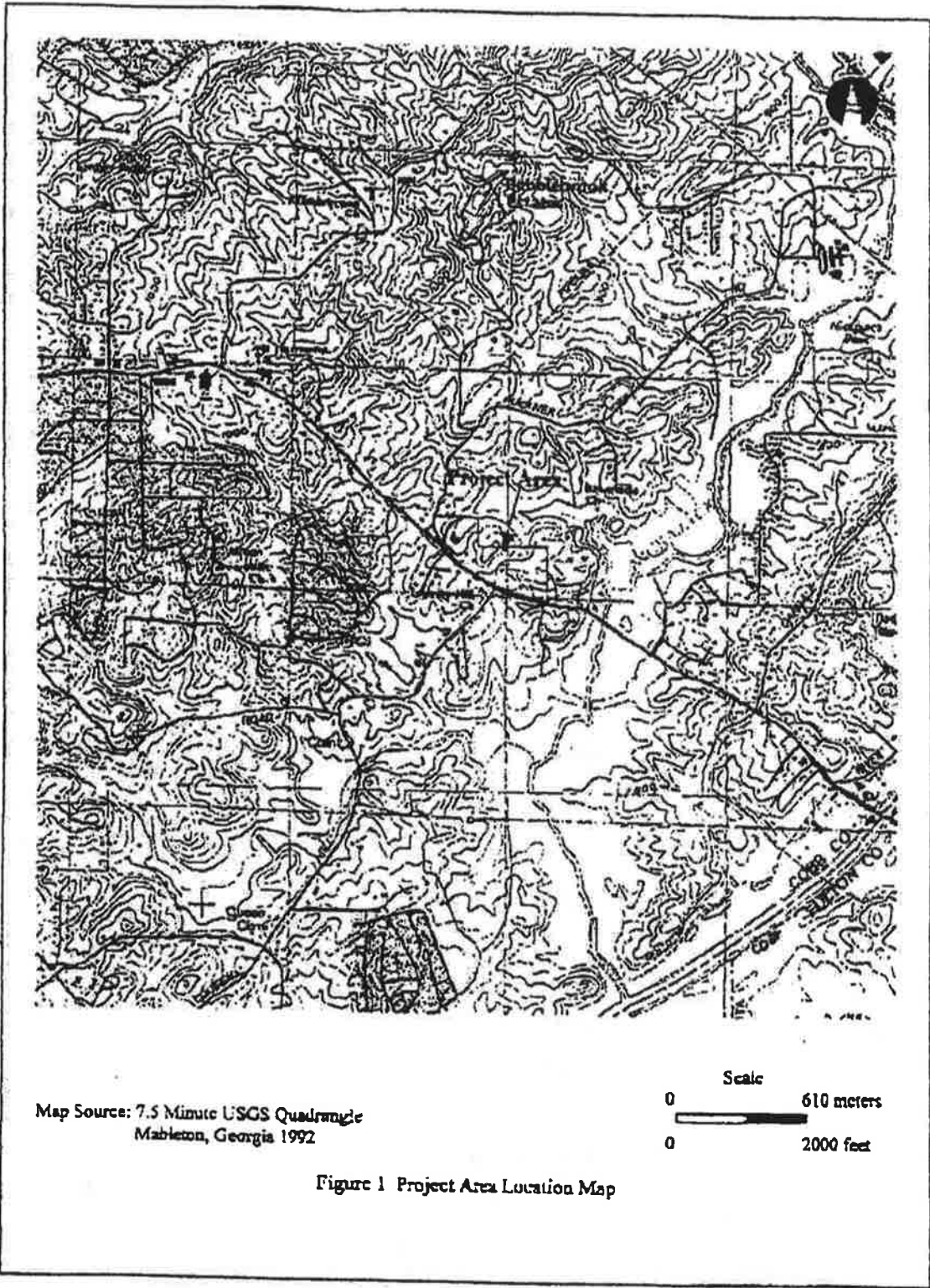
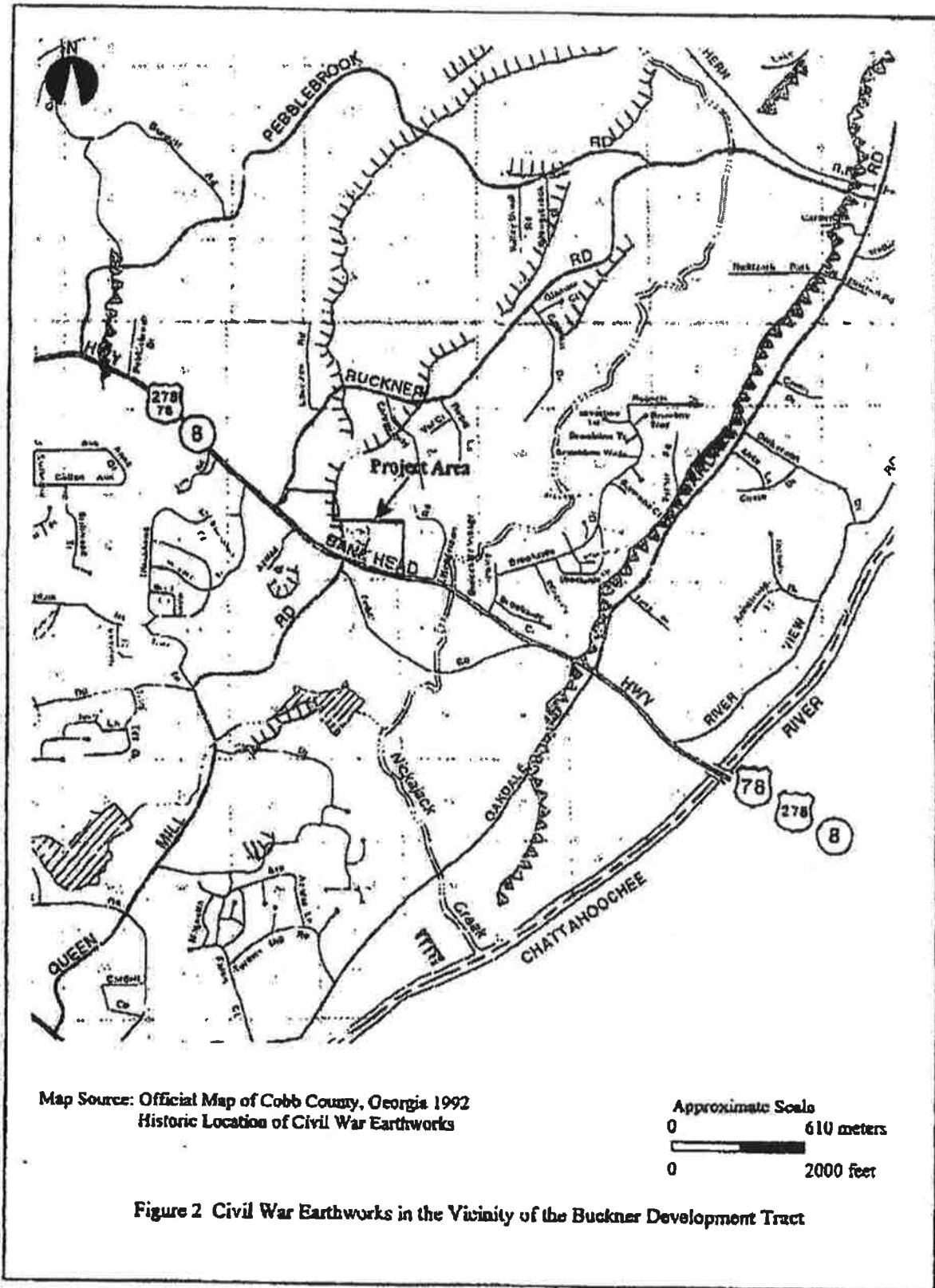


Figure 1 Project Area Location Map

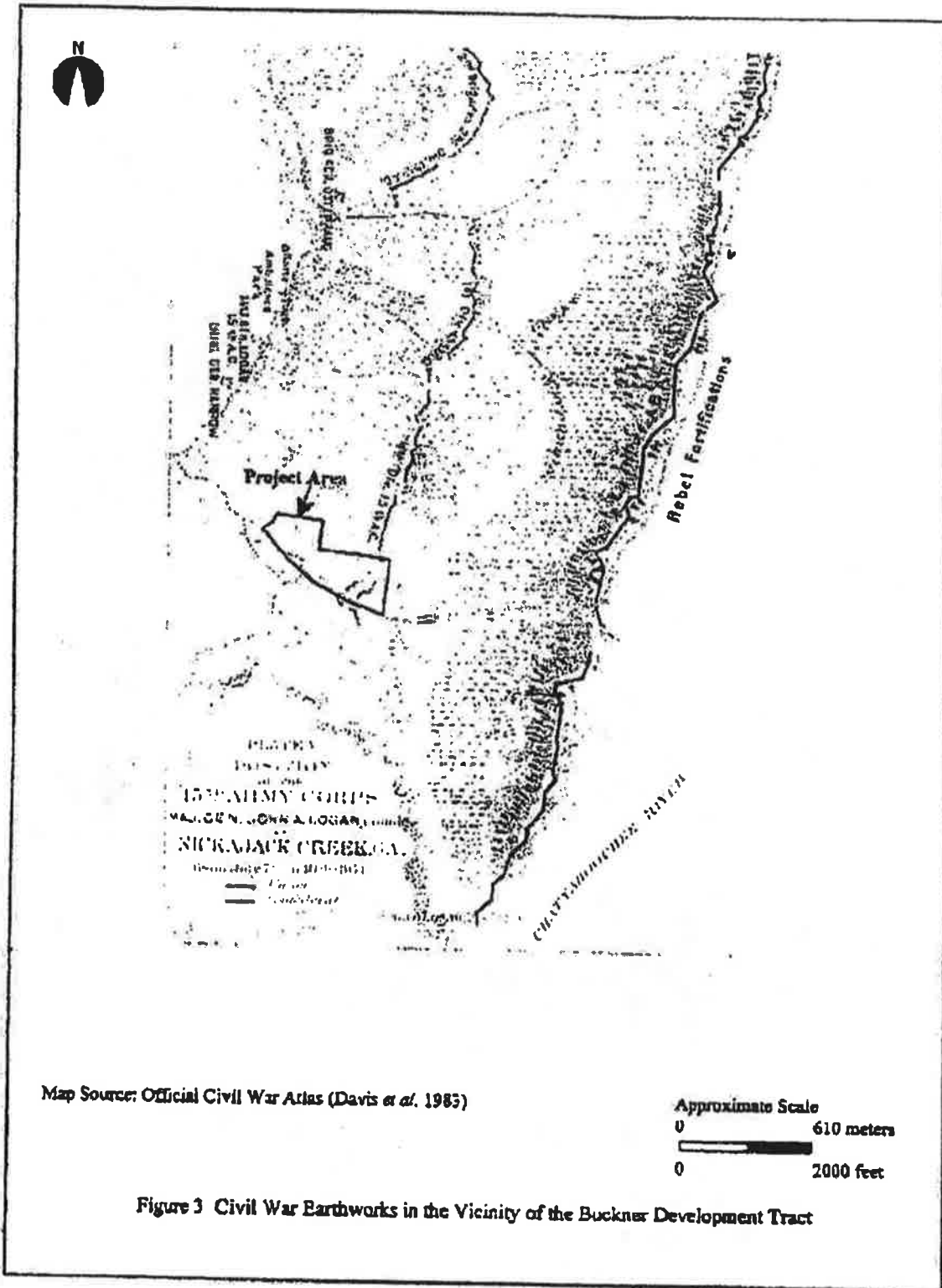
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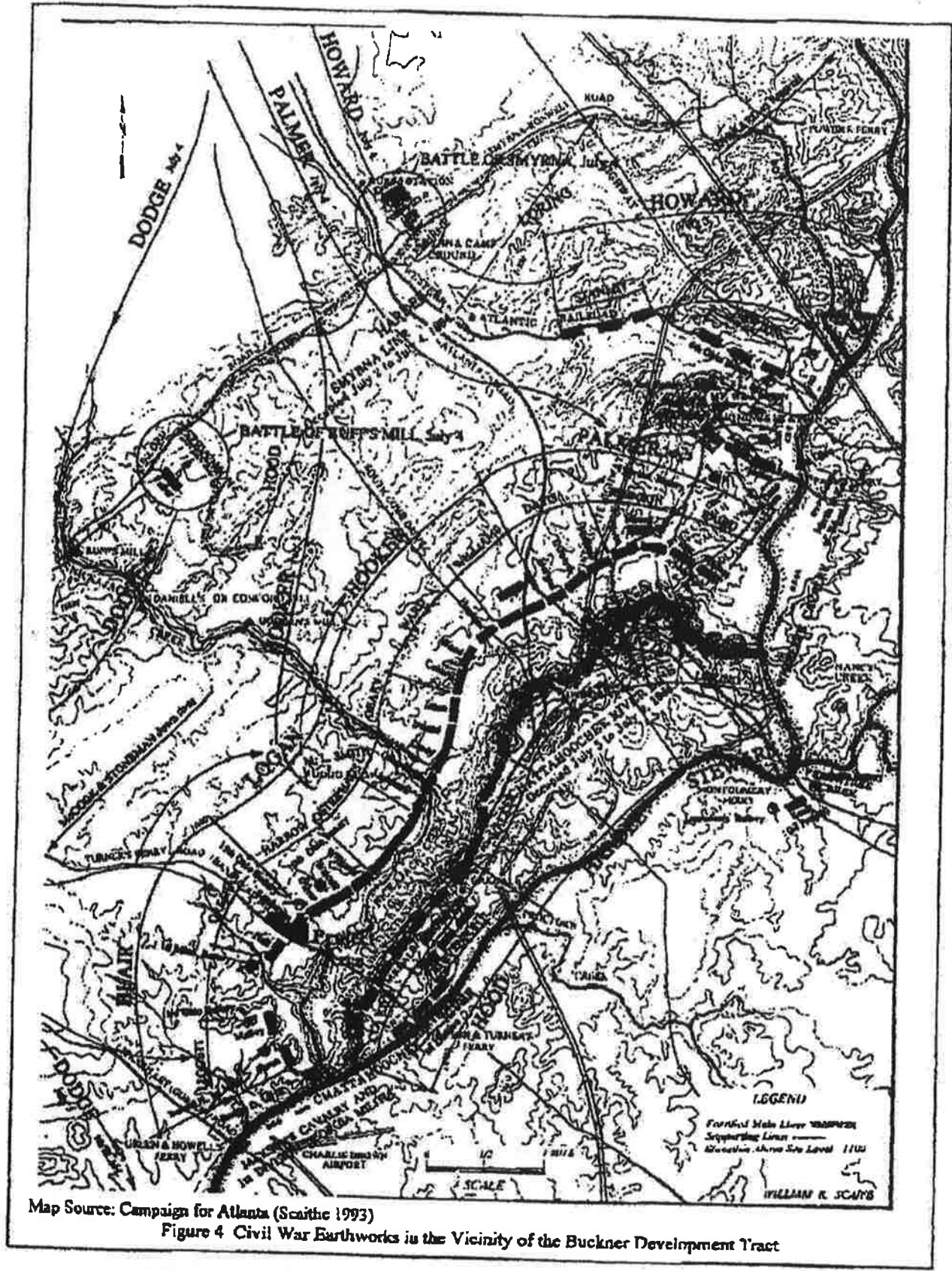
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Petition No. 2-37  
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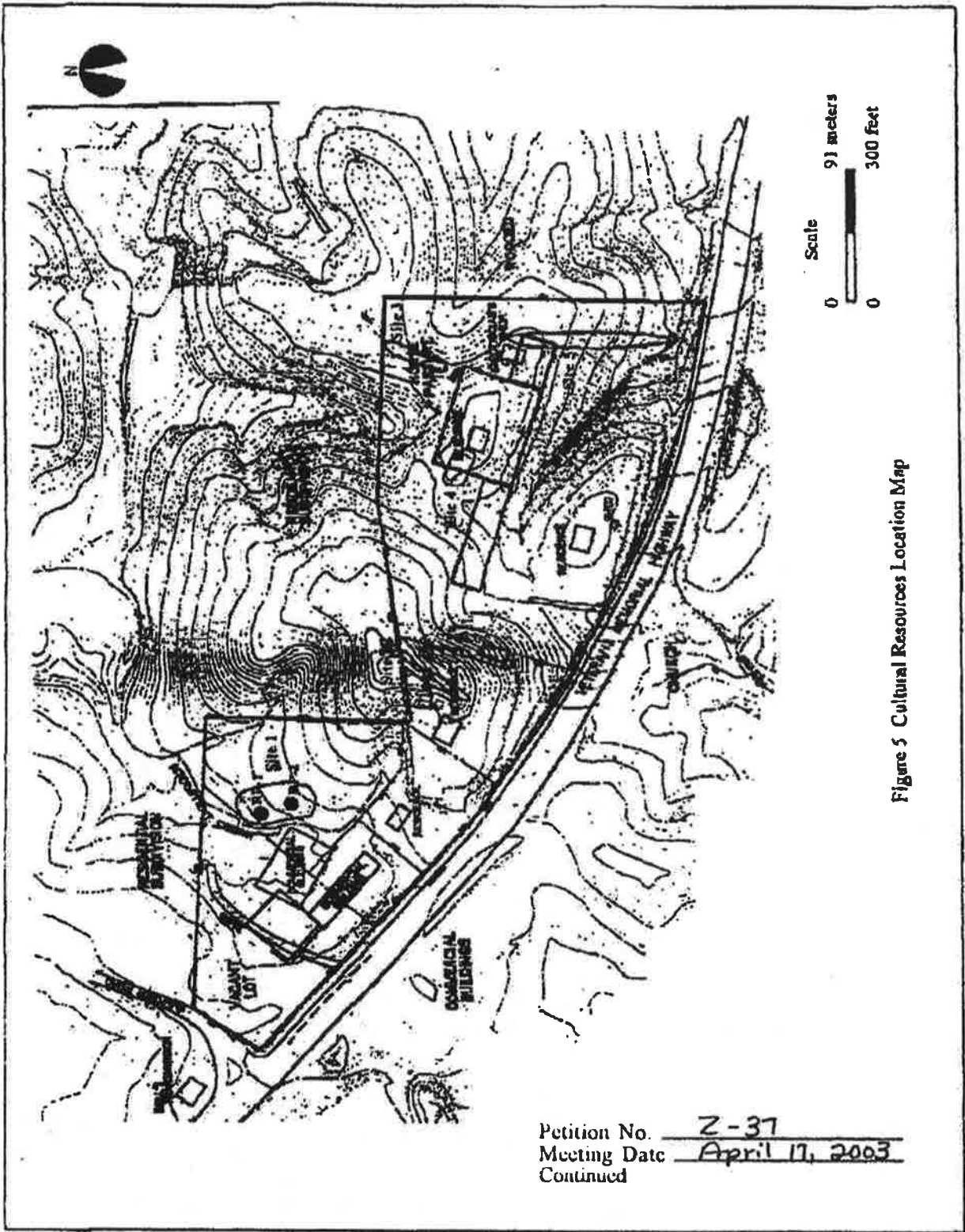


Figure 5 Cultural Resources Location Map





## COMMUNITY DEVELOPMENT AGENCY

Historic Preservation Office

191 Lawrence Street

Marietta, Georgia 30060-1661

Phone: (770) 528-2010 Fax: (770) 528-2161

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Doc. Type Memorandum from M. Fortenberry  
(referencing April 17, 2003 Memo also)

Meeting Date April 17, 2003

### MEMORANDUM

To: Cobb County Board of Commissioners  
Mr. Rob Hosack, Community Development Director  
Mr. Mike Tuller, Planning Division Manager  
Mr. Mark Danneman, Zoning Division Manager  
Ms. Dottie Bishop, Cobb County Attorney  
✓ Cobb County Clerks Office

From: Michael Fortenberry, Planning Division

Date: April 15, 2003

RE: Z-37/Columbia Properties Inc./Proposed Kroger/Eckerd

I wanted to provide an update on rezoning case Z-37 that will be before you on Thursday, April 17<sup>th</sup>. During the preliminary rezoning review, a Phase I Archaeological Study (attached) was requested of Columbia Properties due to the possibility of historic resources being located within or adjacent to the proposed tract. R.S. Webb performed the study on February 26, 2003 and after assessing all of the data that had been found on the site and through historic documentation, the final recommendation of the report was inconclusive without further study. After speaking with Mr. Webb about the inconclusive findings, we decide it would be a valid request of the applicant/developer to fund a Phase II Archeological Study that would provide finite earthwork analysis and relic interpretation. While there appears to be some identifiable resources on the property, determination of their significance is the vital tool that dictates any preservation efforts. The memo referencing my request of the study and the applicant's agreement to fund the study, is attached for your review. I made specific request for the study to be completed prior to any land disturbance activity, with any preservation plan of the site to be approved by the Cobb County Historic Preservation Commission (CCHPC), Plan Review staff and myself.

One last item I wanted to mention is regarding an e-mail you have received one or more occasions from Ms. Roberta Cook regarding the Kroger rezoning and the historic resources she references as being located on the property. First let me say that I am assisting Roberta and some homeowner groups from the Vinings and Oakdale Road area with the identification of historic resources/sites within their community and along the Johnston River Line earthworks. Also, we are working on an overall historically-influenced marketing campaign that involves John Weiland Homes and Neighborhoods, and their current Providence Development and any future residential phases. My concern is that she included my name on the e-mail as a member of her "group" and then she continued to discuss Z-37 with some negative comments regarding the development. I wanted to make it clear that I do not share

in the ideas she mentioned and have no criticism of the proposed development. Furthermore, the historical resource information (trenched, rifle pits) she references as being Mr. Finch's interpretation is not considered with factual merit by the Historic Preservation Commission, as he is not a certified archeologist. The CCHPC is appreciative to these individuals concern(s) of the property, however the Phase II Archaeological Study follows the professional archeological procedures for the extensive documentation and site detailing of a potentially historic site. I am comfortable in that the Phase II study will address all concerns of the site and any historic resources.

If you have any questions or comments, please contact me at 770-528-2010.

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