

Z-14  
(2011)

| REVISIONS | DATE | DESCRIPTION |
|-----------|------|-------------|
|           |      |             |
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|           |      |             |

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 Atlanta, Georgia 30339  
 Scale 1/8" = 1'-0"

SFS CUMBERLAND ATLANTA  
 (LOVERTON PARK)  
 COBB COUNTY  
 SITE PLAN

1-31-11

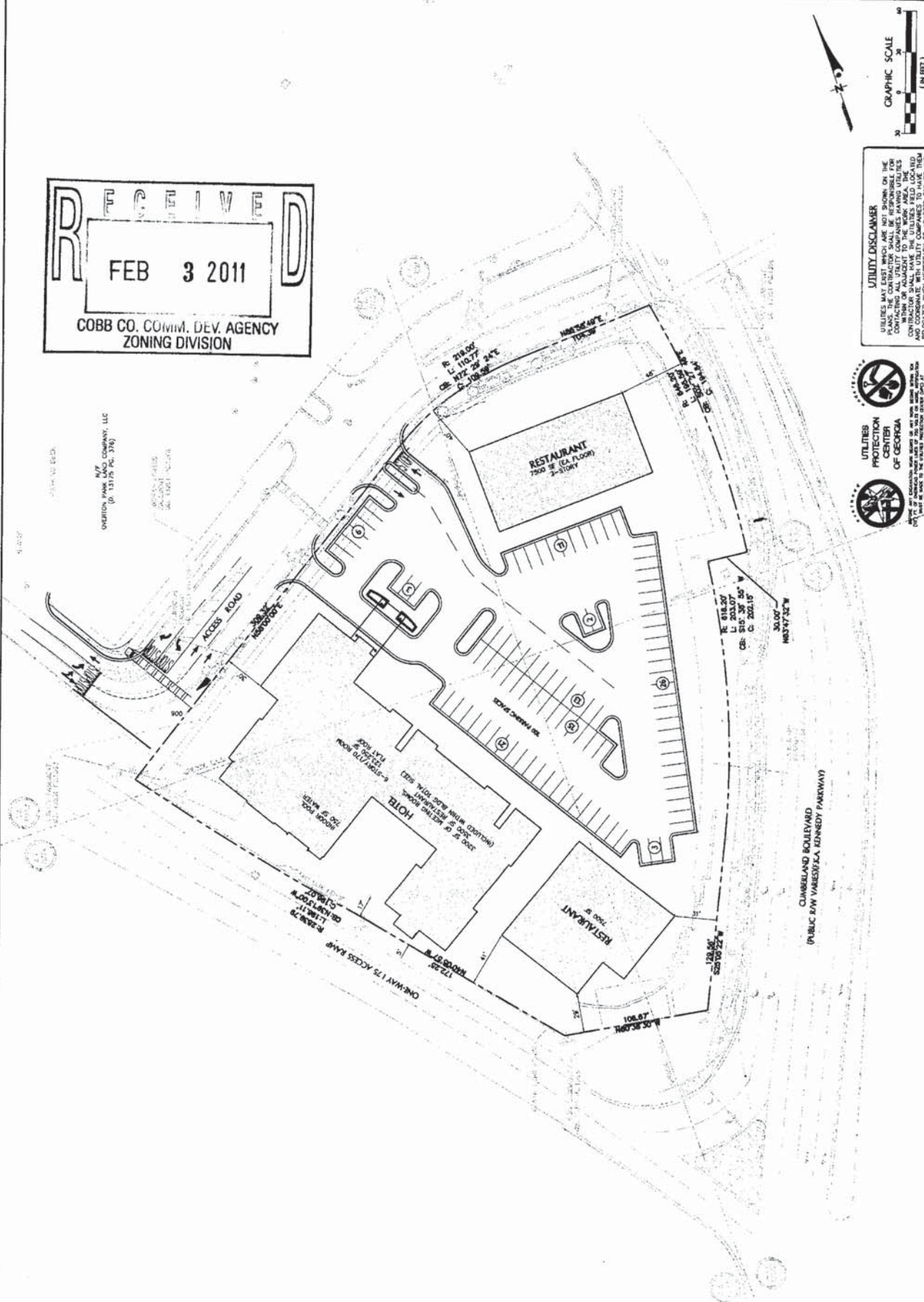
DATE: 1-31-11  
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 SCALE: 1/8" = 1'-0"

SHEET: C31

**RECEIVED**

FEB 3 2011

COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION



**UTILITY DISCLAIMER**

UTILITIES MAY EXIST WHICH ARE NOT SHOWN ON THE PLAN. CONTRACTOR SHALL VERIFY ALL UTILITIES PRIOR TO CONSTRUCTION. CONTRACTOR SHALL HAVE THE UTILITIES FIELD LOCATED AND COORDINATE WITH UTILITY COMPANIES TO HAVE THEM RELOCATED WHEN NECESSARY OR ADJUSTED FOR THE SITE.

**UTILITIES PROTECTION CENTER OF GEORGIA**

FOR INFORMATION ONLY. THESE ARE NOT TO BE USED FOR CONSTRUCTION. THESE ARE NOT TO BE USED FOR CONSTRUCTION. THESE ARE NOT TO BE USED FOR CONSTRUCTION.

OPTIONAL: [Signature]  
 (P. 131.07 PG. 316)

**APPLICANT:** Noble Investment Group, LLC  
404-262-9660

**REPRESENTATIVE:** Moore Ingram Johnson & Steele, LLP  
John H. Moore 770-429-1499

**TITLEHOLDER:** First Citizens Bank and Trust Company, Inc.

**PROPERTY LOCATION:** At the northeasterly intersection of  
Cumberland Boulevard and Interstate 75.

**ACCESS TO PROPERTY:** Cumberland Boulevard

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped acreage

**PETITION NO:** Z- 14

**HEARING DATE (PC):** 04-05-11

**HEARING DATE (BOC):** 04-19-11

**PRESENT ZONING:** RRC with  
Stipulations

**PROPOSED ZONING:** RRC with  
Stipulations

**PROPOSED USE:** Hotel, Retail, And  
Restaurant

**SIZE OF TRACT:** 3.37 acres

**DISTRICT:** 17

**LAND LOT(S):** 1013, 1014, 1027, 1028

**PARCEL(S):** 6

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 2

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** RRC/Overton Park Office Building

**SOUTH:** I-75 and Cumberland Boulevard

**EAST:** Cumberland Boulevard

**WEST:** I-75 Ramp and I-75

**OPPOSITION:** NO. OPPOSED \_\_\_ **PETITION NO:** \_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_ **CARRIED** \_\_\_\_\_

**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_ **MOTION BY** \_\_\_\_\_

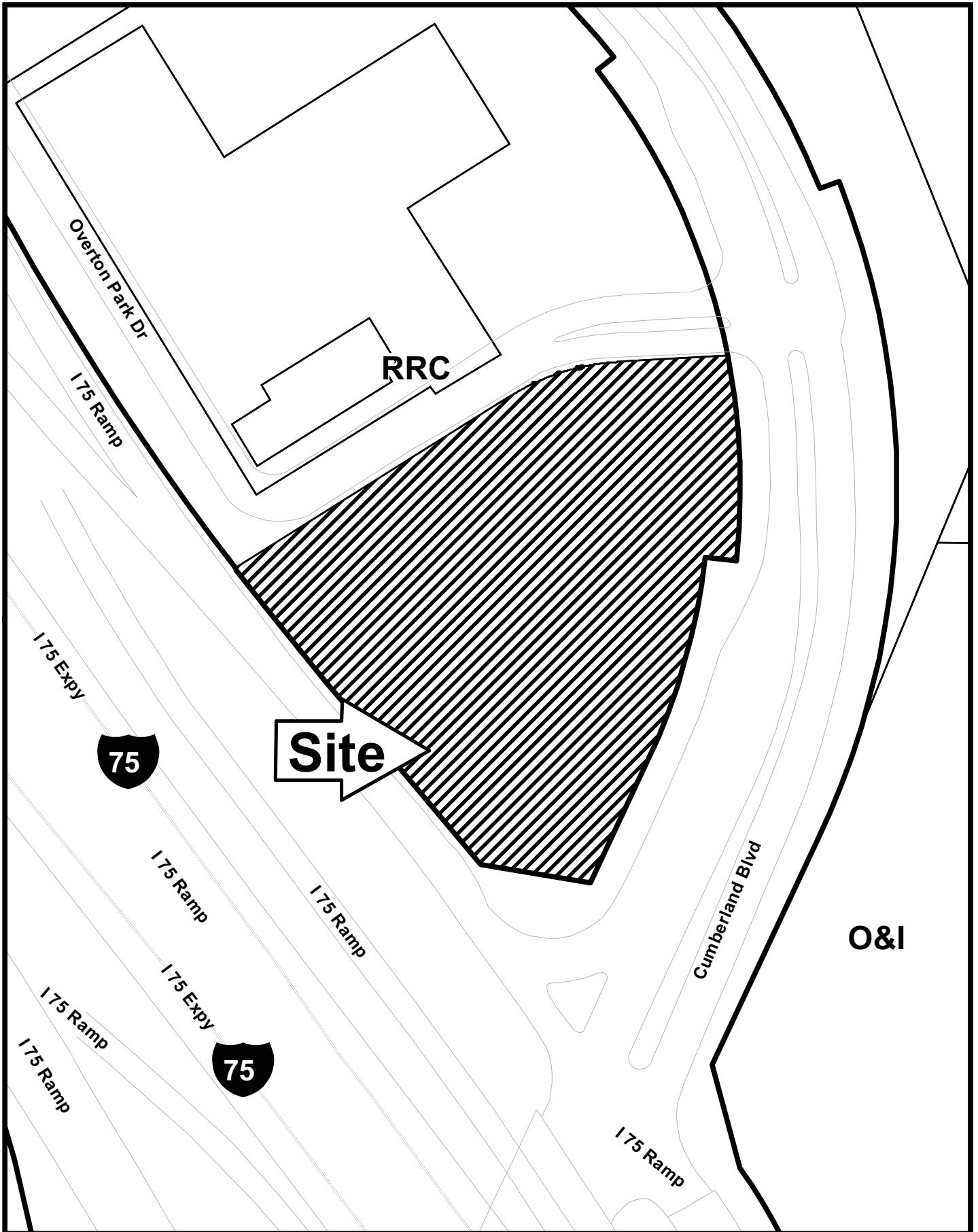
**REJECTED** \_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_ **CARRIED** \_\_\_\_\_

**STIPULATIONS:**



# Z-14



This map is provided for display and planning purposes only. It is not meant to be a legal description.

100 0 100 Feet



City Boundary  
Zoning Boundary

**APPLICANT:** Noble Investment Group, LLC

**PETITION NO.:** Z-14

**PRESENT ZONING:** RRC w/Stipulations

**PETITION FOR:** RRC w/Stips

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Regional Activity Center

**Proposed Number of Buildings:** 3 **Total Square Footage of Development:** 145,750

**F.A.R.:** 0.993 **Square Footage/Acre:** 43,249

**Parking Spaces Required:** 437 **Parking Spaces Provided:** 100 (onsite)

Applicant is requesting to rezone the subject property from RRC with Stipulations to RRC with Stipulations in order to amend items previously approved by the Board of Commissioners as part of Z-18 of 2007, which was last revised as Other Business Item #3 of December 14, 2010 (minutes attached as Exhibit "A"). Applicant is proposing to develop the property for a 123,250 square foot suite hotel (maximum of 170 units), one building containing 7,500 square feet of restaurant space and one building containing 15,000 square feet of restaurant space. The proposed building architecture will be according to the submitted rendering attached to this analysis as Exhibit "B". The proposed hours of operation will be Sunday – Saturday, 24 hours per day. The applicant has submitted a zoning impact analysis, which is attached for review.

The applicant is requesting a setback variance as shown and described on the submitted site plan and a parking space variance with an accompanying shared parking agreement with the Overton Park development to the north.

**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** No comment.

**Development & Inspections:** Proposed parking lot does not comply with County Tree Ordinance. Insufficient number of parking lot peninsulas provided.

\*\*\*\*\*

**APPLICANT:** Noble Investment Group, LLC

**PETITION NO.:** Z-14

**PRESENT ZONING:** RRC w/Stipulations

**PETITION FOR:** RRC w/Stips

\*\*\*\*\*

**FIRE COMMENTS:**

**ACCESS:** Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2006 Edition).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads in excess of 150 feet shall be provided with a turn-around (IFC 503.2.5 2006 Edition). Cul-de-sac with or without an island: minimum 60-foot radius to outside curb, measured to inside of curb and a minimum lane width = 24 feet (Cobb County Development Standard 401.09). Single-Family cul-de-sac without island: 38-foot outside radius with island reverts to commercial dimensions. Hammerhead turn-around: total of 110 feet needed (45 feet + 20 feet wide roadway + 45 feet).

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.08.02.1)

**HYDRANT:** Show fire hydrants arranged to have a hydrant available for the distribution of hose to any portion of any building on premises at distances not exceeding 500 feet (driving distance). Hydrants shall be at least 40 feet from the building (steamer connection facing street) (NFPA 24-7.2.3). Fire hydrants shall be spaced not more than 500 feet apart. Hydrants shall not be connected to water lines on the positive side (discharge side) of a fire pump. Minimum 8" supply lines to all hydrants.

APPLICANT Noble Investment Group, LLC

PETITION NO. Z-014

PRESENT ZONING RRC w/stips

PETITION FOR RRC w/stips

\*\*\*\*\*

**WATER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 16" DI / W side Cumberland Blvd

Additional Comments: One master water meter for each property ownership

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:**

NOTE: Comments reflect only what facilities were in existence at the time of this review.

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: 400' N in ROW, 100' N w/easement

Estimated Waste Generation (in G.P.D.): **A D F** 19250\*\* **Peak=** 48125\*\*

Treatment Plant: **Sutton**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

Projected Plant Availability:  0 - 5 years  5 - 10 years  over 10 years

Drv Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form ans stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

Flow Test Required:  Yes  No

Letter of Allocation issued:  Yes  No

Septic Tank Recommended by this Department:  Yes  No

Subject to Health Department Approval:  Yes  No

Additional Comments: \*\*Flow based on retail; restaurant flow will be greater based on seating. Sewer also 450' E w/easement

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or offsite easements, dedication of on and/or offsite water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Noble Investment Group, LLC

PETITION NO.: Z-14

PRESENT ZONING: RRC w/ stips

PETITION FOR: RRC w/ stips

\*\*\*\*\*

**DRAINAGE COMMENTS**

No comments.

**APPLICANT: Noble Investment Group, LLC**

**PETITION NO.: Z-14**

**PRESENT ZONING: RRC with stipulations**

**PETITION FOR: RRC with stipulations**

\*\*\*\*\*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

| ROADWAY              | AVERAGE DAILY TRIPS | ROADWAY CLASSIFICATION | SPEED LIMIT | JURISDICTIONAL CONTROL | MIN. R.O.W. REQUIREMENTS |
|----------------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Cumberland Boulevard | 14700               | Arterial               | 35 mph      | Cobb County            | 100'                     |
| Overton Park Drive   | 2200                | Local                  | 25 mph      | Cobb County            | 50'                      |

*Based on 2011 traffic counting data taken by Cobb County DOT (Cumberland Boulevard)  
Based on 2011 traffic counting data taken by Cobb County DOT (Overton Park Drive)*

**COMMENTS AND OBSERVATIONS**

Cumberland Boulevard is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Overton Park Drive is classified as a local and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Recommend installing sidewalk along the Overton Park Drive frontage.

Recommend left turn lane on Overton Park Drive.

Recommend no access to Cumberland Boulevard.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

Recommend a FAA Airspace Study.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.



## STAFF RECOMMENDATIONS

### **Z-14 NOBLE INVESTMENT GROUP, LLC**

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is located in an area that contains a mixture of uses that include high-rise office buildings, mixed use projects, apartments, office buildings, a national park, as well as the Cobb Energy Performing Arts Centre.
- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The area contains a variety of intense uses and the applicant's proposal will be compatible with those uses. The applicant's proposal is located within very close proximity to major transportation corridors, including I-75, I-285, Cobb Parkway and Cumberland Boulevard.
- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.
- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this area to be within a Regional Activity Center. Based upon the urban characteristics of the area, and the intensity of this particular Regional Activity Center, staff believes the applicant's proposal meets the intent of the *Cobb County Comprehensive Plan*.
- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for approving the applicant's rezoning proposal. The applicant's proposal is located in an area of Cobb County that contains the most intensive land uses. The applicant's proposal is consistent with the area and is consistent with the *Cobb County Comprehensive Plan*.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by the Zoning Division dated February 3, 2011, with the District Commissioner approving minor modifications;
- All previous stipulations not in conflict;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations; and
- DOT comments and recommendations.

**The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.**

ORIGINAL DATE OF APPLICATION: 02-20-07

Exhibit "A"  
Z-14  
April 2011

APPLICANTS NAME: MADISON RETAIL, LLC

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

**BOC DECISION OF 12-14-10 ZONING HEARING:**

**OTHER BUSINESS ITEM #3 – TO CONSIDER A SITE PLAN AND STIPULATION  
AMENDMENT FOR FIRST CITIZENS BANK AND TRUST REGARDING  
APPLICATION Z-18 (MADISON RETAIL, LLC) OF 2007**

To consider a site plan and stipulation amendment for First Citizens Bank and Trust regarding application Z-18 (Madison Retail, LLC) of 2007, for property located at the northeasterly intersection of Cumberland Boulevard and Interstate 75 in Land Lots 1013, 1014 and 1028 of the 17<sup>th</sup> District.

Mr. John Pederson, Zoning Division Manager, provided information regarding site plan and stipulation amendment for this Regional Retail Commercial development. There were no public speakers. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **approve** Other Business Item No. 3 site plan and stipulation amendment for First Citizens Bank and Trust regarding application Z-18 (Madison Retail, LLC) of 2007, for property located at the northeasterly intersection of Cumberland Boulevard and Interstate 75 in Land Lots 1013, 1014 and 1028 of the 17<sup>th</sup> District, **subject to:**

- **site plan received by Zoning Division on December 8, 2010 (attached and made a part of these minutes)**
- **rendering received by the Zoning Division November 9, 2010 (attached and made a part of these minutes)**
- **requested amendments contained in the Applicant’s Other Business request Exhibit A received by the Zoning Division December 8, 2010 (attached and made a part of these minutes)**
- **addendum letter of conditions dated December 8, 2010 (attached and made a part of these minutes)**
- **all other conditions and stipulations, *not otherwise in conflict*, to remain in effect**

VOTE: **ADOPTED** unanimously

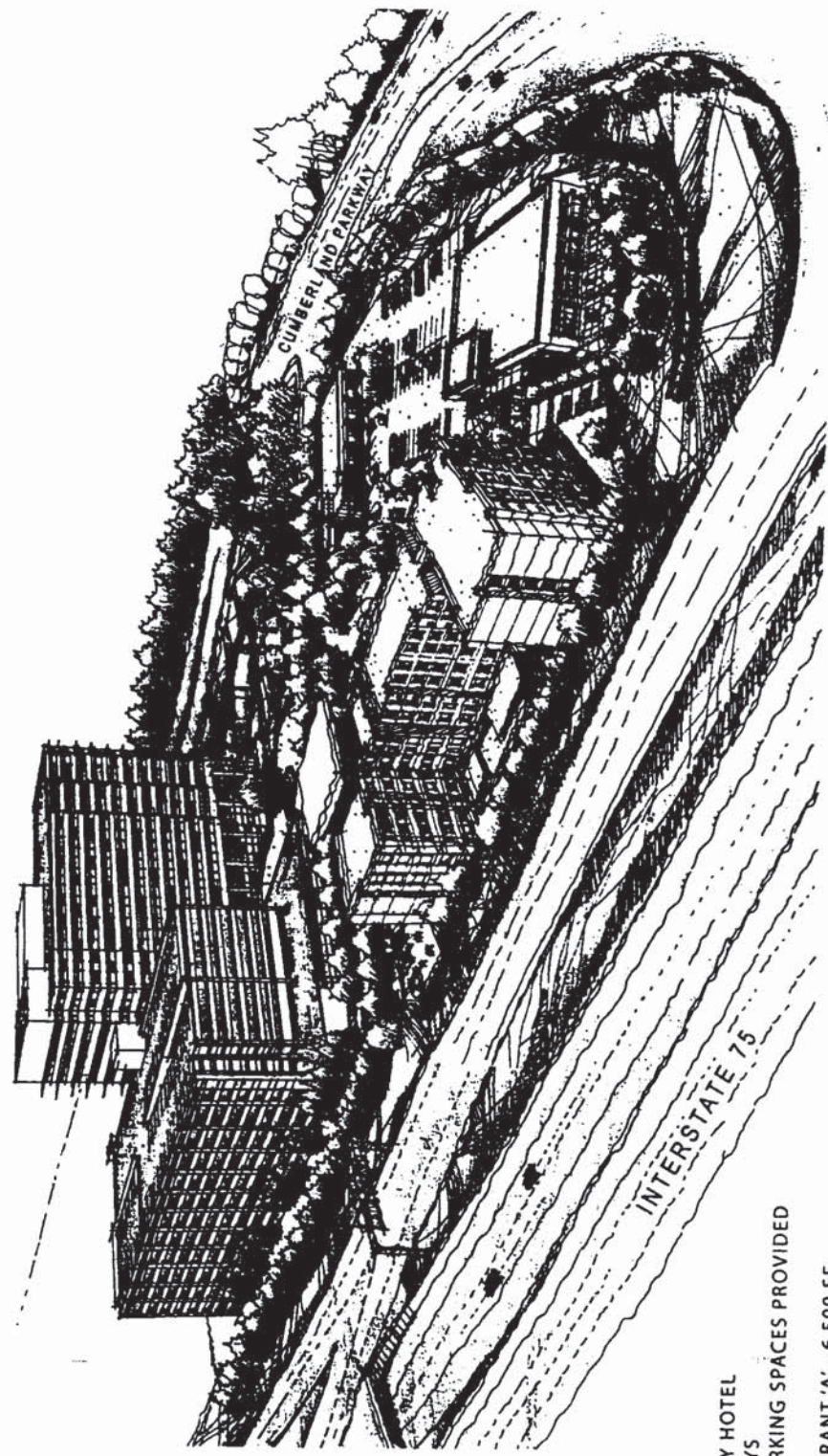


Petition No. OB3  
 Meeting Date 12/14/10  
 Continued



OVERTON PARK  
 Atlanta, Georgia

© 2010 Cooper Carry, Inc. 191 Peachtree Street NE, Suite 2400, Atlanta, Georgia 30303 Tel: 404.317.2000 Fax: 404.317.0276



6 STORY HOTEL  
 145 KEYS  
 264 PARKING SPACES PROVIDED  
 RESTAURANT 'A' - 6,500 SF  
 RESTAURANT 'B' - 7,000 SF

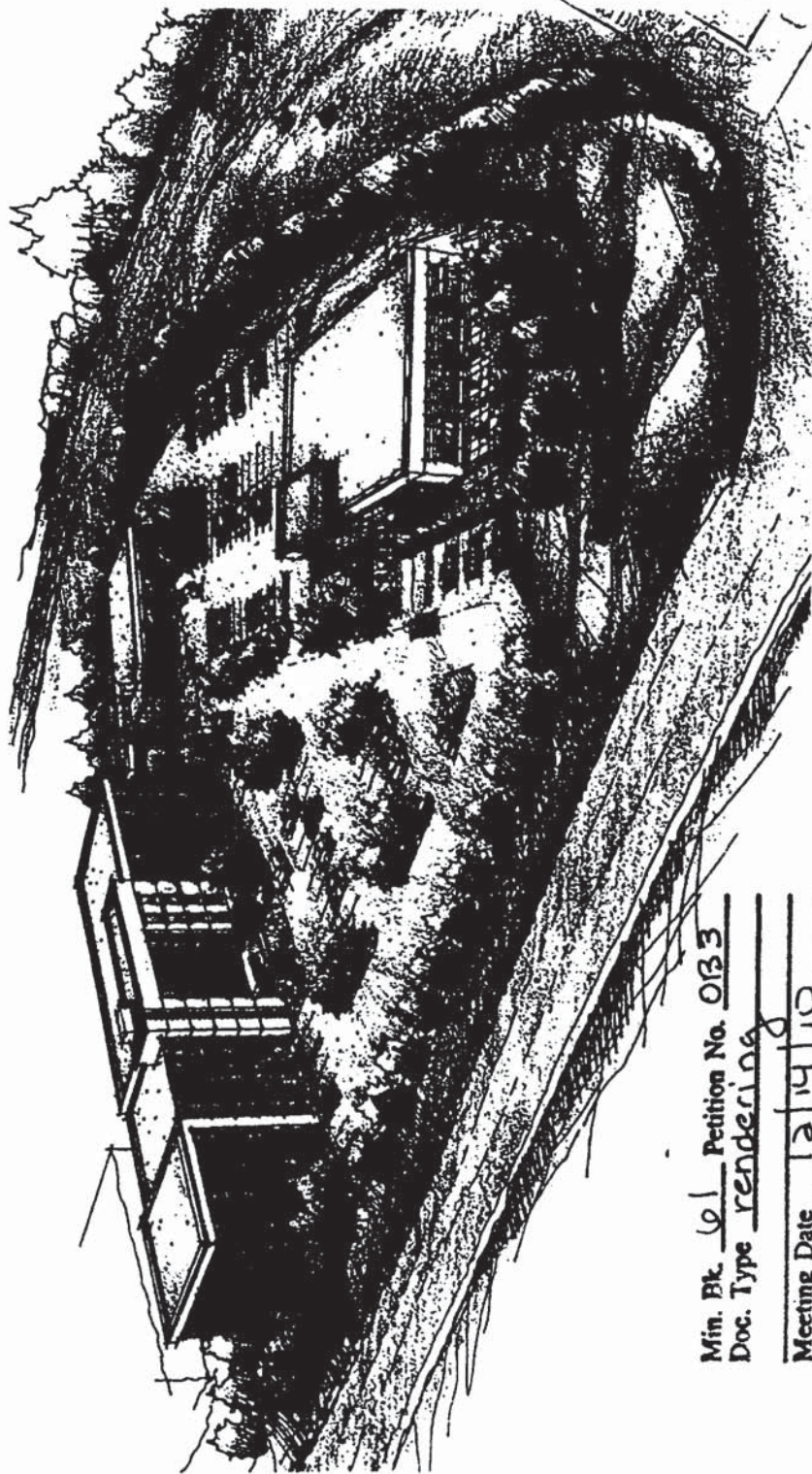
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AERIAL VIEW

December 14, 2010  
Exhibit "D"  
Other Business Item 03

PROPOSED

NOV 9 2010



Min. Bk. 61 Petition No. 0133  
Doc. Type rendering  
Meeting Date 12/14/10

AERIAL VIEW

OVERTON PARK  
Atlanta, Georgia

COOPER CARRY  
PAGE 34 OF

20100201.00 | 000 | 11 04 2010

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Min. Dk. 1e1 Petition No. OB3  
Inv. Type requested  
amendments  
Meeting Date 12/14/10

December 14, 2010  
Exhibit "B"  
Other Business Item 03

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

PAGE 35 OF     

Application No.: Z-18 (2007)  
Original Hearing Date: February 20, 2007  
Date of Zoning Decision: April 17, 2007  
"Other Business"  
Zoning Decision: December 18, 2007  
Current Hearing Date: December 14, 2010

**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

Applicant: Noble Investment Group, LLC  
Property Owner: First Citizens Bank and Trust Company, Inc.

Applicant and Property Owner request amendments to the previously approved site plan and certain stipulations and conditions which were set forth in Exhibit "A" of the "Other Business" Application, both of which were incorporated as part of the final approval by the Board of Commissioners on December 18, 2007. The requested amendments are as follows:

- (1) Applicant submits the Zoning Site Plans prepared for the Subject Property by Cooper Carry dated November 5, 2010. Approval of the Zoning Site Plan shall be made site plan specific.

**General Stipulations**

- (2) Paragraph (2), General Stipulations, "Other Business" Amendment approved December 18, 2007, shall be deleted in its entirety, and the following inserted in lieu thereof:
  - (2) Paragraph (2), General Stipulations of the "Other Business" Amendment approved December 18, 2007, currently provides for 300 on-site parking spaces with additional 260 spaces through a cross-easement parking agreement. Applicant proposes a revision to allow for 134 on-site parking spaces. An additional 150 parking spaces shall be provided through a cross-easement parking agreement as to the parking deck immediately adjacent to the Subject Property.

**Retail Component**

- (3) Paragraph (3), General Stipulations, Retail Component, "Other Business" Amendment approved December 18, 2007, currently allows three (3) areas for retail and restaurant uses; two (2) areas on the plaza level of the hotel, and one

Petition No. 033  
Meeting Date 12/14/10  
Continued

December 14, 2010  
Exhibit "B"  
Other Business Item 03

area as free-standing restaurants at the plaza level and retail above, for a maximum of 63,000 square feet of retail space. Applicant proposes three (3) areas for retail and restaurant uses. There will be two (2) areas for restaurants, being delineated as Restaurant "A," being a one-story structure containing a maximum of 6,500 square feet; and Restaurant "B", being a one-story structure and containing a maximum of 7,000 square feet, as more particularly shown and reflected on the Zoning Site Plan referenced herein. Additionally, there shall be an area on the main floor of the proposed hotel which may contain restaurant/retail type usage.

PAGE 3 OF     

- (4) Paragraph (4), General Stipulations, Retail Component, of the "Other Business" Amendment approved December 18, 2007, currently allows the hotel to be a maximum of eight (8) stories over parking, containing a maximum of 210 rooms and a maximum of 136,500 square feet. Applicant proposes a revision to allow the hotel to be a maximum of five (5) stories with 145 rooms and a maximum of 74,000 gross square feet.

#### General Amendments

- (5) The proposed amendments set forth above do not increase the square footage of the overall Overton Park development.
- (6) Except as otherwise herein set forth, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on April 17, 2007; as well as the amendments set forth in the official minutes of the Board of Commissioners Zoning Hearing held on December 18, 2007, are unchanged by the amendments requested herein.

The amendments requested and presented herein in no way adversely impact or affect the Subject Property or the remainder of the overall Overton Park development, as previously approved and amendment. If the requested amendments are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

# MOORE INGRAM JOHNSON & STEELE

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PAGE 3 OF 7

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ADON J. SOLOMON<sup>\*</sup>  
AMY L. JETT<sup>\*</sup>  
  
OF COUNSEL:  
JOHN L. SKELTON, JR.<sup>1</sup>

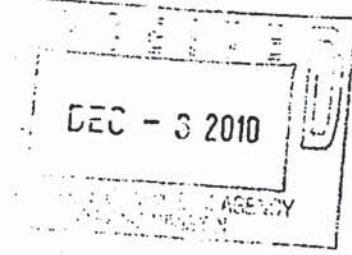
<sup>1</sup> ALSO ADMITTED IN TN  
<sup>\*</sup> ALSO ADMITTED IN FL  
<sup>\*\*</sup> ALSO ADMITTED IN NM  
<sup>\*\*\*\*</sup> ALSO ADMITTED IN CA  
<sup>1</sup> ALSO ADMITTED IN PA  
<sup>1</sup> ADMITTED ONLY IN TN  
<sup>1</sup> ADMITTED ONLY IN FL

December 8, 2010

Hand Delivered

Min. No. 61 Petition No. 083  
addendum  
letter  
12/14/10

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



RE: Application for "Other Business"

Application No.: Z-18 (2007)  
Applicant: Noble Investment Group, LLC  
Owner: First Citizens Bank and Trust Company, Inc.  
Property: Portion of Overton Park Development located northerly of the intersection of the easterly side of Interstate 75 and the westerly side of Cumberland Boulevard, Land Lots 1013, 1014, 1027, and 1028, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner in the above-referenced Application for "Other Business," submitted is the revised Zoning Site Plan dated December 7, 2010, prepared for the proposed project by Cooper Carry. Additionally, and in conjunction with the revised Zoning Site Plan, also submitted is the First Amendment to the Attachment to the "Other Business" Application. In addition to the referenced to the submission of the revised Zoning Site Plan in paragraph 1, the amendments to the Application are set forth in paragraphs 2 (number of



**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Zoning Administrator  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 2  
December 8, 2010

December 14, 2010  
Exhibit "B"  
Other Business Item 03

PAGE 38 JF 38

Petition No. 083  
Meeting Date 12/14/10  
Continued

parking spaces), and paragraph 4 (revision to hotel height, rooms, and square footage). The remaining requests set forth in the initial Attachment filed with the Application for "Other Business" are unchanged but have been repeated and reincorporated with the First Amendment.

The revised Zoning Site Plan and the First Amendment to Attachment to Application for "Other Business" submitted herewith supersede and replace in full those which were filed with the Application for "Other Business" on November 9, 2010, and we respectfully request same be considered with the Application from this date forward.

Thank you for your consideration and assistance in this matter. If you should have any questions or require additional information or documentation prior to the upcoming hearing on December 14, 2010, please do not hesitate to contact me.

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

Attachments

c: Cobb County Board of Commissioners:  
Tim Lee, Chairman  
George W. "Woody" Thompson  
Helen C. Goreham  
Robert J. Ott  
Thea Powell  
(With Copies of Attachments)

Noble Investment Group, LLC  
(With Copies of Attachments)

ORIGINAL DATE OF APPLICATION: 02-20-07APPLICANTS NAME: MADISON RETAIL, LLC

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

**BOC DECISION OF 12-18-07 ZONING HEARING:**

**OTHER BUSINESS ITEM #3 – TO CONSIDER AMENDING THE SITE PLAN AND  
STIPULATIONS REGARDING Z-18 (MADISON RETAIL, LLC) OF FEBRUARY 20,  
2007**

To consider amending the site plan and stipulations regarding Z-18 (MADISON RETAIL, LLC) of February 20, 2007, for property located in Land Lots 1013, 1014 and 1028 of the 17th District. Located at the northeasterly intersection of Cumberland Boulevard and Interstate 75.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request to amend site plan and stipulations. The public hearing was opened and Mr. John Moore addressed the Board. Following presentation and discussion, the following motion was made:

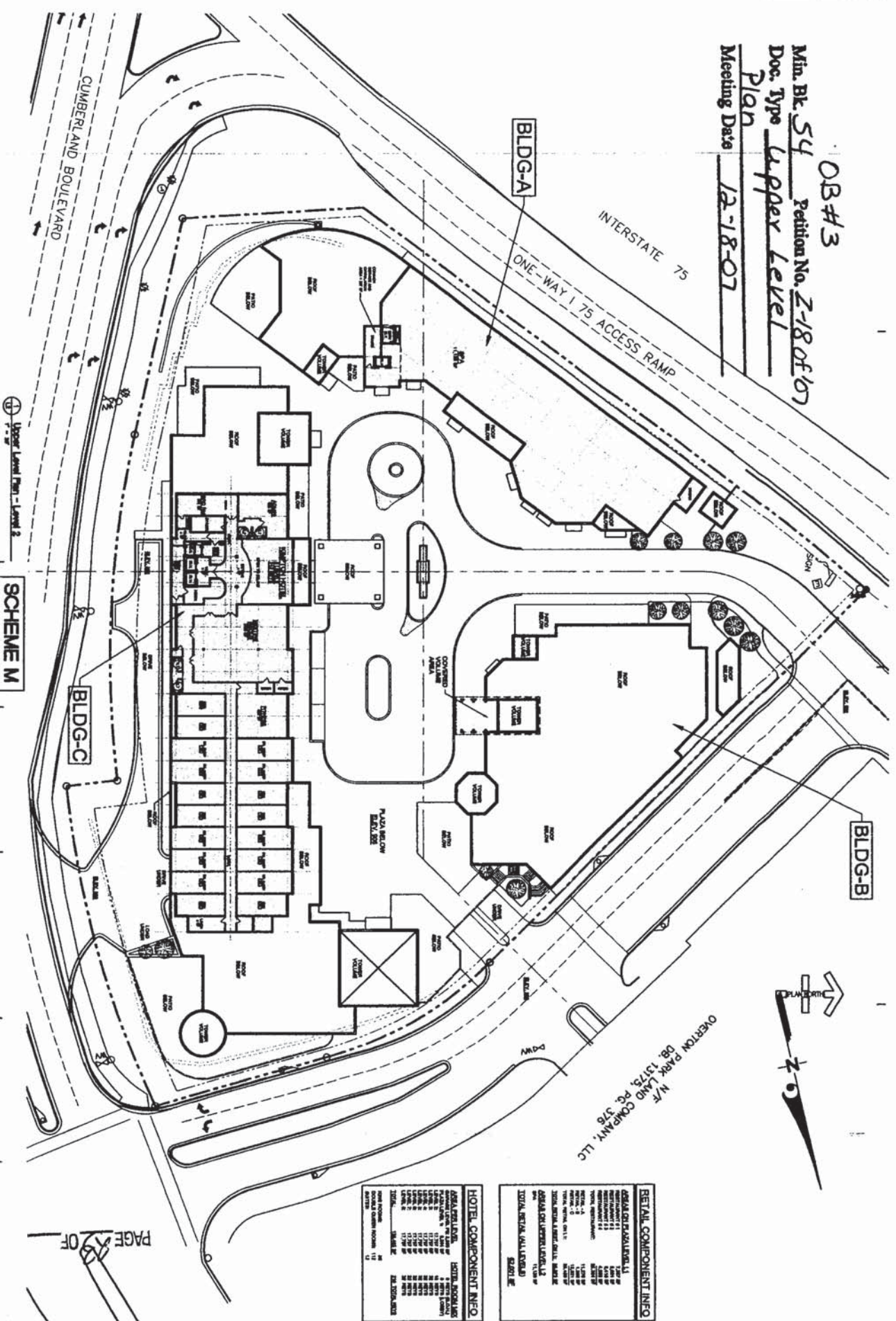
**MOTION:** Motion by Thompson, second by Olens, to **approve** Other Business Item #3 for site plan and stipulation amendment regarding Z-18 (MADISON RETAIL, LLC) of February 20, 2007, for property located in Land Lots 1013, 1014 and 1028 of the 17th District, at the northeasterly intersection of Cumberland Boulevard and Interstate 75, **subject to:**

- **site plans (Plaza Level Plan – Level 1, Upper Level Plan – Level 2 and Upper Level Plan – Levels 3 – 8 --- Scheme M) received in the Zoning Division on December 12, 2007 (referenced plans attached and made a part of these minutes)**
- **District Commissioner will be involved in the Plan Review process including review of site plans and architecture**
- **document from Mr. John Moore identified as “Exhibit A – Attachment to Amendment to Application for Other Business”, received by the Zoning Division on December 14, 2007 (attached and made a part of these minutes)**
- **list of finishing standards for the hotel as provided to the Clerk on December 18, 2007 (attached and made a part of these minutes)**
- **all other previously approved conditions/stipulations not in conflict to remain in effect**

**VOTE: ADOPTED** unanimously



OB #3  
 Min. Blk 54 Petition No. Z-18-07  
 Doc. Type Upper Level  
 Plan  
 Meeting Date 12-18-07



MILTON PATE ARCHITECTS  
 2800 Wilshire Boulevard  
 Los Angeles, CA 90010  
 Tel: 310.415.1234  
 Fax: 310.415.1234  
 www.miltonpate.com

HOTEL PARTNER  
**KIMPTON**  
 HOTEL

WANDI SOY  
 RETAIL, LLC

OVERTON  
 PARK

SCHEME M

BLDG-C

BLDG-A

BLDG-B

OVERTON PARK (LAND PC 376)  
 N/E  
 OVERTON PARK (LAND PC 376)  
 N/E



**HOTEL COMPONENT INFO**

| AREA | AREA TYPE  | AREA SIZE (SQ FT) | AREA TYPE | AREA SIZE (SQ FT) |        |
|------|------------|-------------------|-----------|-------------------|--------|
| 1    | LOBBY      | 11,700            | 1         | LOBBY             | 11,700 |
| 2    | RECEPTION  | 1,100             | 2         | RECEPTION         | 1,100  |
| 3    | CONCOURSE  | 11,700            | 3         | CONCOURSE         | 11,700 |
| 4    | RESTROOMS  | 1,100             | 4         | RESTROOMS         | 1,100  |
| 5    | STAIRS     | 1,100             | 5         | STAIRS            | 1,100  |
| 6    | ELEVATORS  | 1,100             | 6         | ELEVATORS         | 1,100  |
| 7    | MECHANICAL | 1,100             | 7         | MECHANICAL        | 1,100  |
| 8    | PLUMBING   | 1,100             | 8         | PLUMBING          | 1,100  |
| 9    | ELECTRICAL | 1,100             | 9         | ELECTRICAL        | 1,100  |
| 10   | TELEPHONE  | 1,100             | 10        | TELEPHONE         | 1,100  |
| 11   | STORAGE    | 1,100             | 11        | STORAGE           | 1,100  |
| 12   | MECHANICAL | 1,100             | 12        | MECHANICAL        | 1,100  |
| 13   | PLUMBING   | 1,100             | 13        | PLUMBING          | 1,100  |
| 14   | ELECTRICAL | 1,100             | 14        | ELECTRICAL        | 1,100  |
| 15   | TELEPHONE  | 1,100             | 15        | TELEPHONE         | 1,100  |
| 16   | STORAGE    | 1,100             | 16        | STORAGE           | 1,100  |
| 17   | MECHANICAL | 1,100             | 17        | MECHANICAL        | 1,100  |
| 18   | PLUMBING   | 1,100             | 18        | PLUMBING          | 1,100  |
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| 21   | STORAGE    | 1,100             | 21        | STORAGE           | 1,100  |
| 22   | MECHANICAL | 1,100             | 22        | MECHANICAL        | 1,100  |
| 23   | PLUMBING   | 1,100             | 23        | PLUMBING          | 1,100  |
| 24   | ELECTRICAL | 1,100             | 24        | ELECTRICAL        | 1,100  |
| 25   | TELEPHONE  | 1,100             | 25        | TELEPHONE         | 1,100  |
| 26   | STORAGE    | 1,100             | 26        | STORAGE           | 1,100  |
| 27   | MECHANICAL | 1,100             | 27        | MECHANICAL        | 1,100  |
| 28   | PLUMBING   | 1,100             | 28        | PLUMBING          | 1,100  |
| 29   | ELECTRICAL | 1,100             | 29        | ELECTRICAL        | 1,100  |
| 30   | TELEPHONE  | 1,100             | 30        | TELEPHONE         | 1,100  |
| 31   | STORAGE    | 1,100             | 31        | STORAGE           | 1,100  |
| 32   | MECHANICAL | 1,100             | 32        | MECHANICAL        | 1,100  |
| 33   | PLUMBING   | 1,100             | 33        | PLUMBING          | 1,100  |
| 34   | ELECTRICAL | 1,100             | 34        | ELECTRICAL        | 1,100  |
| 35   | TELEPHONE  | 1,100             | 35        | TELEPHONE         | 1,100  |
| 36   | STORAGE    | 1,100             | 36        | STORAGE           | 1,100  |
| 37   | MECHANICAL | 1,100             | 37        | MECHANICAL        | 1,100  |
| 38   | PLUMBING   | 1,100             | 38        | PLUMBING          | 1,100  |
| 39   | ELECTRICAL | 1,100             | 39        | ELECTRICAL        | 1,100  |
| 40   | TELEPHONE  | 1,100             | 40        | TELEPHONE         | 1,100  |
| 41   | STORAGE    | 1,100             | 41        | STORAGE           | 1,100  |
| 42   | MECHANICAL | 1,100             | 42        | MECHANICAL        | 1,100  |
| 43   | PLUMBING   | 1,100             | 43        | PLUMBING          | 1,100  |
| 44   | ELECTRICAL | 1,100             | 44        | ELECTRICAL        | 1,100  |
| 45   | TELEPHONE  | 1,100             | 45        | TELEPHONE         | 1,100  |
| 46   | STORAGE    | 1,100             | 46        | STORAGE           | 1,100  |
| 47   | MECHANICAL | 1,100             | 47        | MECHANICAL        | 1,100  |
| 48   | PLUMBING   | 1,100             | 48        | PLUMBING          | 1,100  |
| 49   | ELECTRICAL | 1,100             | 49        | ELECTRICAL        | 1,100  |
| 50   | TELEPHONE  | 1,100             | 50        | TELEPHONE         | 1,100  |
| 51   | STORAGE    | 1,100             | 51        | STORAGE           | 1,100  |
| 52   | MECHANICAL | 1,100             | 52        | MECHANICAL        | 1,100  |
| 53   | PLUMBING   | 1,100             | 53        | PLUMBING          | 1,100  |
| 54   | ELECTRICAL | 1,100             | 54        | ELECTRICAL        | 1,100  |
| 55   | TELEPHONE  | 1,100             | 55        | TELEPHONE         | 1,100  |
| 56   | STORAGE    | 1,100             | 56        | STORAGE           | 1,100  |
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| 58   | PLUMBING   | 1,100             | 58        | PLUMBING          | 1,100  |
| 59   | ELECTRICAL | 1,100             | 59        | ELECTRICAL        | 1,100  |
| 60   | TELEPHONE  | 1,100             | 60        | TELEPHONE         | 1,100  |
| 61   | STORAGE    | 1,100             | 61        | STORAGE           | 1,100  |
| 62   | MECHANICAL | 1,100             | 62        | MECHANICAL        | 1,100  |
| 63   | PLUMBING   | 1,100             | 63        | PLUMBING          | 1,100  |
| 64   | ELECTRICAL | 1,100             | 64        | ELECTRICAL        | 1,100  |
| 65   | TELEPHONE  | 1,100             | 65        | TELEPHONE         | 1,100  |
| 66   | STORAGE    | 1,100             | 66        | STORAGE           | 1,100  |
| 67   | MECHANICAL | 1,100             | 67        | MECHANICAL        | 1,100  |
| 68   | PLUMBING   | 1,100             | 68        | PLUMBING          | 1,100  |
| 69   | ELECTRICAL | 1,100             | 69        | ELECTRICAL        | 1,100  |
| 70   | TELEPHONE  | 1,100             | 70        | TELEPHONE         | 1,100  |
| 71   | STORAGE    | 1,100             | 71        | STORAGE           | 1,100  |
| 72   | MECHANICAL | 1,100             | 72        | MECHANICAL        | 1,100  |
| 73   | PLUMBING   | 1,100             | 73        | PLUMBING          | 1,100  |
| 74   | ELECTRICAL | 1,100             | 74        | ELECTRICAL        | 1,100  |
| 75   | TELEPHONE  | 1,100             | 75        | TELEPHONE         | 1,100  |
| 76   | STORAGE    | 1,100             | 76        | STORAGE           | 1,100  |
| 77   | MECHANICAL | 1,100             | 77        | MECHANICAL        | 1,100  |
| 78   | PLUMBING   | 1,100             | 78        | PLUMBING          | 1,100  |
| 79   | ELECTRICAL | 1,100             | 79        | ELECTRICAL        | 1,100  |
| 80   | TELEPHONE  | 1,100             | 80        | TELEPHONE         | 1,100  |
| 81   | STORAGE    | 1,100             | 81        | STORAGE           | 1,100  |
| 82   | MECHANICAL | 1,100             | 82        | MECHANICAL        | 1,100  |
| 83   | PLUMBING   | 1,100             | 83        | PLUMBING          | 1,100  |
| 84   | ELECTRICAL | 1,100             | 84        | ELECTRICAL        | 1,100  |
| 85   | TELEPHONE  | 1,100             | 85        | TELEPHONE         | 1,100  |
| 86   | STORAGE    | 1,100             | 86        | STORAGE           | 1,100  |
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| 88   | PLUMBING   | 1,100             | 88        | PLUMBING          | 1,100  |
| 89   | ELECTRICAL | 1,100             | 89        | ELECTRICAL        | 1,100  |
| 90   | TELEPHONE  | 1,100             | 90        | TELEPHONE         | 1,100  |
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| 93   | PLUMBING   | 1,100             | 93        | PLUMBING          | 1,100  |
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| 96   | STORAGE    | 1,100             | 96        | STORAGE           | 1,100  |
| 97   | MECHANICAL | 1,100             | 97        | MECHANICAL        | 1,100  |
| 98   | PLUMBING   | 1,100             | 98        | PLUMBING          | 1,100  |
| 99   | ELECTRICAL | 1,100             | 99        | ELECTRICAL        | 1,100  |
| 100  | TELEPHONE  | 1,100             | 100       | TELEPHONE         | 1,100  |

**RETAIL COMPONENT INFO**

| AREA | AREA TYPE | AREA SIZE (SQ FT) | AREA TYPE | AREA SIZE (SQ FT) |        |
|------|-----------|-------------------|-----------|-------------------|--------|
| 1    | RETAIL    | 11,700            | 1         | RETAIL            | 11,700 |
| 2    | RETAIL    | 1,100             | 2         | RETAIL            | 1,100  |
| 3    | RETAIL    | 11,700            | 3         | RETAIL            | 11,700 |
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| 84   | RETAIL    | 1,100             | 84        | RETAIL            | 1,100  |
| 85   | RETAIL    | 1,100             | 85        | RETAIL            |        |



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

OB #3

PAGE 25 OF \_\_\_\_\_

Min. Bk. 54 Petition No. Z-18 of '07

Doc. Type Exhibit A

Application No.: Z-18 (2007)

Hearing Date: December 18, 2007

Meeting Date 12-18-07

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Madison Retail, LLC

Applicant requests amendments to the approved site plan and certain stipulations and conditions which were set forth in the letter of agreeable stipulations and conditions dated January 31, 2007, both of which were incorporated as part of the final approval by the Board of Commissioners on April 17, 2007. The amendments requested herein shall supersede and replace in full those amendments set forth in the Application for Other Business dated and filed November 13, 2007. The requested amendments are as follows:

- (1) Applicant submits the revised Site Plans prepared for Barry Hotel Partners by Milton Pate Architects dated November 29, 2007, said Site Plans being "Plaza Level Plan - Level 1," "Upper Level Plan - Level 2," and "Upper Level Plan - Levels 3 - 8," "Scheme M." Approval of the amendments requested herein shall be made site plan specific to the revised Site Plans filed herewith.

General Stipulations

- (2) Item (2), page 3, of the January 31, 2007, stipulation letter currently provides for 360 on-site parking spaces with additional 200 spaces through a cross-easement parking agreement. Applicant proposes a revision to allow for 300 on-site parking spaces. The cross-easement parking agreement shall be increased to allow for 260 spaces.

Retail Component

- (3) Item (2), page 7, of the January 31, 2007, stipulation letter allows for six (6) areas for retail and restaurant uses; two (2) areas are two-stories in height with restaurant space on the first floor and retail or restaurant space on the second floor. Applicant proposes three (3) areas for retail and restaurant uses; two (2) areas are on the plaza level of the hotel, and one area shall be free-standing with restaurants at the plaza level and retail above, for a maximum of 63,000 square feet of retail space, all as more fully shown and delineated on the referenced Site Plans.
- (4) The hotel component as set forth in item (3), page 7, allows for an eight (8) level structure with 161 rooms. Applicant requests the amendment to allow for the hotel to be a maximum of eight (8) stories over parking. The hotel shall contain a maximum of 210 rooms and a maximum of 136,500 square feet.

General Amendments

- (5) The proposed amendments set forth above do not increase the square footage of the overall development.
- (6) The curb cut onto Cumberland Boulevard, as more particularly shown and reflected on the referenced Site Plan, shall require Georgia Department of Transportation permit.
- (7) Except as otherwise herein set forth, the balance and remainder of the stipulations and conditions specifically enumerated in the official minutes, and attachments, of the Board of Commissioners Zoning Hearing held on April 17, 2007, are unchanged by these requests.

# SCOPE OF WORK cont.

## Finish Standards:

### Lobby and Circulation:

Floors: Carpet Double Stick Pad (Tred-MOR 2580)

Walls: Wall Covering/Plaster/Millwork

Millwork: Wood base, Crown and Casing at Doors

Ceilings: Level 4 Drywall

Lighting: Recessed, Sconces, Pendants, Two Different Light Sources

### ■ Guestrooms:

Floors: Carpet Tack and Pad (Horizen Cloud Nine)

Base: Carpet Base

Threshold: ¾" x 4" Stone Thin Set

Crown Molding: 4" Shadow Molding

Ceiling: Painted Level 4/Alternative Texture

Vanity Top: 5' Stone top; 6' at Suites

Vanity Base: Millwork Casework ; 4 Legs

### Door Frames and Hardware:

Guest Entry Door: 1 3/4" Paint Grade or With Applied Moldings on Timely Frame or Millennium Doors

Guest Entry Hardware: Ving Card Key Lock, BB Hinges, Closer, Peep Hole, Door Stop, Bottom Door Seal

Closet Door: Paint Grade with Applied Moldings

Bathroom Door: Pocket Door on Stanley PD 150 or Barn Door 3070 Slab

Suite 1: 1 3/4" Solid Core Swing Door

Suite 2: 6'-0" 1 3/4" Solid Core Pocket Doors when Space Allows

### Plumbing Fixtures:

Toilet: Kohler K-3496-TR Cimarron Comfort Height Two Piece Elongated Toilet

Toilet Seat: Church or Olsonite Closed Front with SS Posts

Vanity Sink: Kohler K-2211-G Caxton Undedcounter Lavatory

Vanity Faucet: Kohler

Tub/Shower: 5' Cast Iron Kohler Mendota

Tub/Shower Controls: 5' Cast Iron Kohler Villager - Alternate Steel

Suite Shower: Min. 42"x42" Terazzo or Tile Pan

Suite/Spa King Jetted Tub: MTI Yubune 40" x 60" Jetted Soaking Tub; ¾" Water Supply-Piping

ADA Rollin Shower: Ceramic Tile Mudset. Standard Shower Head and Separate Control Valve for ADA Flex Hose

ADA Tub: 5' Cast Iron Kohler Villager. Standard Shower Head and Diverter for ADA Flex Hose.

ADA Suite Jetted Tub: 42"x72" MTI Georgian I. Shower Controls Set and Separate Top Mount Filler Required. ¾" Water Piping

Suite Bath Floor Drain: Floor Drain Located Under Vanity

Showerhead: Speakman by OS&E

Guestroom Corridors: 6 ft.  
9 ft. ceilings

OB #3

Min. Bk. 54 Petition No. Z-18 of '07  
Doc. Type finishing standards

Meeting Date \_\_\_\_\_

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ORIGINAL DATE OF APPLICATION: 02-20-07APPLICANTS NAME: MADISON RETAIL, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 04-17-07 ZONING HEARING:**

**MADISON RETAIL, LLC** (Overton Park Land Company, LLC, owner) requesting Rezoning from **RRC** to **UVC** for the purpose of Mixed Use Development in Land Lots 1013, 1014 and 1028 of the 17<sup>th</sup> District. Located at the northeasterly intersection of Cumberland Boulevard and Interstate 75.

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

**MOTION:** Motion by Thompson, second by Kesting, to delete Rezoning to the **RRC** zoning district **subject to:**

- site plan received by the Zoning Division December 7, 2006, with the District Commissioner approving minor modifications (copy attached and made a part of these minutes)
- letter of agreeable conditions from Mr. John Moore, dated January 31, 2007 *with the following changes* (copy attached and made a part of these minutes):
  - Page 2, Item No. 2 – Add to end of paragraph: *“This does not include a right-in and right-out on Cumberland Boulevard.”*
  - Page 2, Item No. 3 – Add to end of paragraph: *“This does not include a right-in and right-out on Cumberland Boulevard.”*
  - Page 3, Item No. 5 – Remove paragraph in its entirety
  - Page 4, Item No. 6 – Remove paragraph in its entirety
  - Page 4, Item No. 8 – Remove paragraph in its entirety
  - Page 5, Item No. 14 - Remove *“except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.”*
  - Page 6, Item No. 20 (a) – Remove the words: *“as a primary use”* and Add: *“except as may be located within hotel and approved by Staff”*
  - Page 6, Item No. 20 (b) – Remove the words: *“as a primary use”*
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division 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



**THE PRESTON PARTNERSHIP, LLC**  
 A MULTI-MEMBERSHIP PARTNERSHIP FIRM  
 1000 ALBANY ROAD NE, SUITE 600  
 ATLANTA, GEORGIA 30329  
 TELEPHONE: 404.525.1100  
 FAX: 404.525.1101  
 WWW.THEPRESTONPARTNERSHIP.COM

CONTRACT NO.

**OVERTON PARK  
 MIXED USE**  
 ATLANTA, GEORGIA

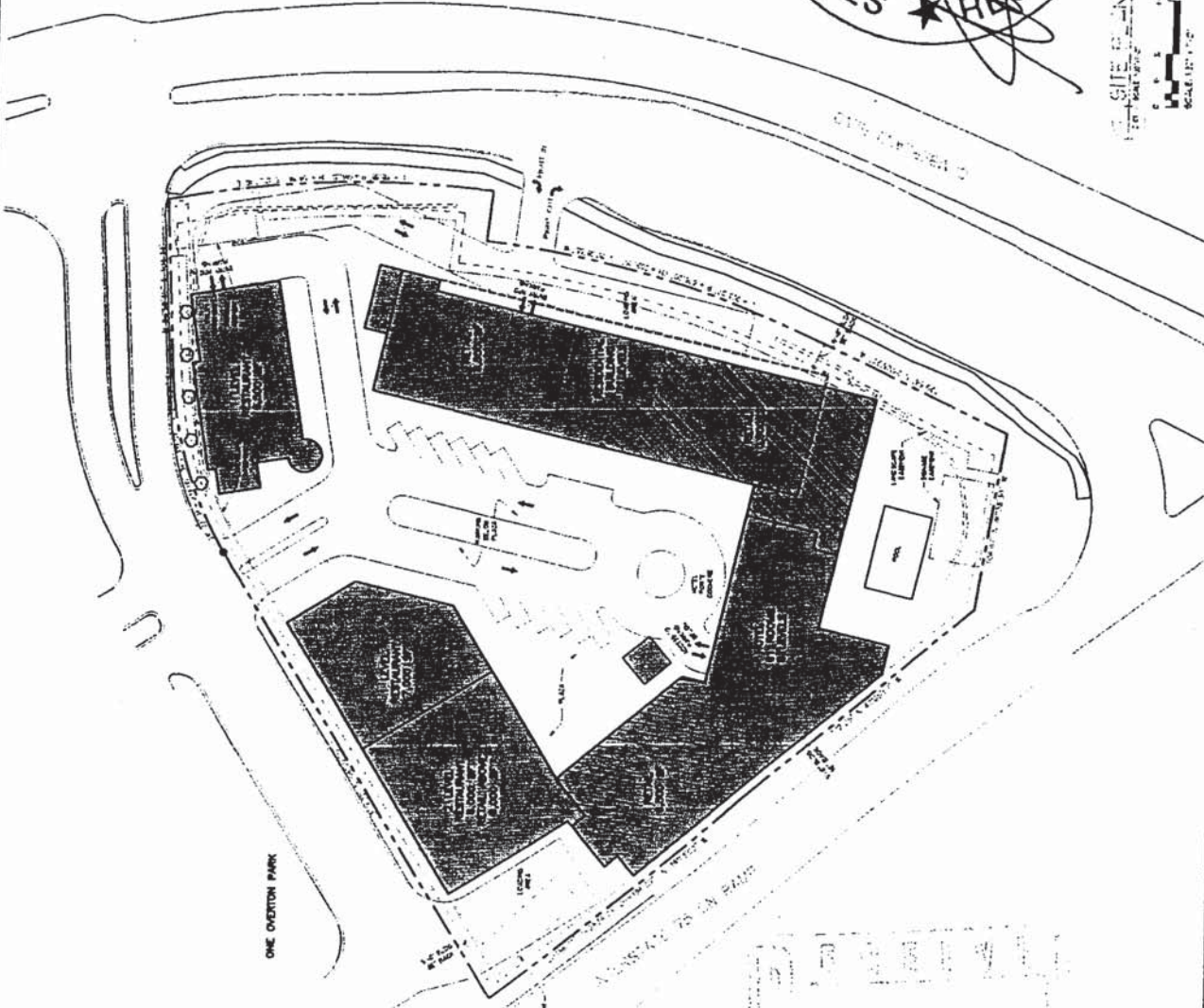
**MADISON RETAIL, LLC**  
 3415 GLENVIEW AVENUE, SUITE 100  
 ATLANTA, GA 30329  
 (404) 518-1158

**BARRY REAL ESTATE  
 COMPANIES**  
 22 West Peachtree Street, Suite 200  
 Atlanta, Georgia 30308  
 (404) 525-1500

DATE: 11/29/06  
 JOB NUMBER: 0543302  
 DRAWN BY: TW  
 CHECKED BY: TW  
 SHEET TITLE: ZONING SITE PLAN  
 SHEET NUMBER: Z-01

| NO. | DESCRIPTION           | DATE     | BY |
|-----|-----------------------|----------|----|
| 1   | ISSUED FOR PERMITTING | 11/29/06 | TW |
| 2   | REVISION              |          |    |
| 3   | REVISION              |          |    |
| 4   | REVISION              |          |    |
| 5   | REVISION              |          |    |
| 6   | REVISION              |          |    |
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| 50  | REVISION              |          |    |

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 DEC 05 2006



Min. Bk. 48 Petition No. 2-18  
 Doc. Type site plan  
 Meeting Date 4-17-2007

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP  
WWW.MIJS.COM

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JOHN H. MOORE  
STEPHEN C. STEELE  
WILLIAM H. JOHNSON†  
ROBERT D. INGRAM†  
J. BRIAN O'NEIL  
G. PHILLIP BIGGS  
ELDON L. BASHAM  
MATTHEW J. HOWARD  
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ROONEY R. MCCOLLOCH  
SUSAN S. STUART  
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P.O. BOX 3305 • MARIETTA, GEORGIA 30061

### TENNESSEE OFFICE

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SUZANNE E. HENRICKSON  
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STAYCE BURKHART\*\*

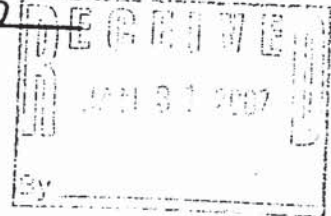
OF COUNSEL:  
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\* ALSO ADMITTED IN MI  
\*\*\* ALSO ADMITTED IN NC  
\*\*\*\* ALSO ADMITTED IN OH  
\*\*\*\*\* ADMITTED ONLY IN TN  
\*\*\*\*\* ADMITTED ONLY IN FL

January 31, 2007

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

Min. Bk. 48 Petition No. Z-18  
Doc. Type Letter of agreeable conditions Hand Delivered  
Meeting Date 4-17-2007



RE: Application for Rezoning

Application No.: Z-18 (2007)

Applicant: Madison Retail, LLC

Owner: Overton Park Land Company, LLC

Property: 3.37 acres located northerly of the intersection of the easterly side of I-75 and the westerly side of Cumberland Boulevard, Land Lots 1013, 1014, 1027, and 1028, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Madison Retail, LLC, the Applicant (hereinafter referred to as "Applicant"), and Overton Park Land Company, LLC, the Property Owner (hereinafter referred to as "Property Owner"), in their Application for Rezoning with regard to a total tract of 3.37 acres, more or less, located northerly of the intersection of the easterly side of I-75 and the westerly side of Cumberland Boulevard, Land Lots 1013, 1014, 1027, and 1028, 17th District, 2nd Section, Cobb County, Georgia (hereinafter referred to as the "Property" or the "Subject Property"). After meetings with

COBB COUNTY, GEORGIA  
FILED IN OFFICE

2007 FEB -2 PM 4:05

COBB COUNTY COMMUNITY DEVELOPMENT OFFICE

**MOORE INGRAM JOHNSON & STEELE**

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Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
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planning and zoning staff; reviewing the staff comments and recommendations; and reviewing the uses of surrounding properties, we have been authorized by the Applicant and Property Owner to submit this 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 zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property; together with any and all Departmental Comments and Staff Recommendations relating to the Subject Property from any prior zoning actions.
- (2) Applicant seeks rezoning of the Subject Property from the existing zoning categories of Regional Retail Commercial ("RRC") to the Regional Retail Commercial ("RRC"), site plan specific to the Zoning Site Plan prepared for Applicant by The Preston Partnership, LLC dated November 20, 2006.
- (3) By this letter of agreeable stipulations and conditions, Applicant amends the Application for Rezoning to seek rezoning to the Regional Retail Commercial ("RRC") zoning category, site plan specific to the Zoning Site Plan referenced above.
- (4) The Subject Property consists of approximately 3.37 acres of total site area.

Mr. John P. Pederson, AICP  
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STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) This rezoning proposal is for a mixed-use development consisting of retail, comprised of restaurants, retail shops, office space, and a hotel, together with a residential component. The overall proposed development will contain approximately 252,200 gross square feet.
- (2) Additionally, the overall proposed development shall have three hundred sixty (360) on-site parking spaces, with an additional two hundred (200) additional spaces through a Cross Easement Parking Agreement with the One Overton Park development.
- (3) There shall be master protective covenants for the entire development which will include all phases of the development; and concurrent therewith a master association, and possibly sub-associations, will be formed which will include all component parts of the proposed development. The master association shall be responsible for the oversight, upkeep, and maintenance of the entrance areas, common areas, open space areas, and the like contained within the overall development.
- (4) The master association, and any sub-associations, to be formed hereunder shall have architectural design regulations which shall control such items as signage for individual units, and other such usual and necessary covenants and restrictions to protect the quality and integrity of the total development.
- (5) Applicant agrees to construct all necessary roadway improvements, as more particularly shown and reflected on the referenced Zoning Site Plan.

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Planner III

Zoning Division

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- (6) Entrances to the proposed development shall be from Cumberland Boulevard and the One Overton Park Access Road, as more particularly shown and reflected on the referenced Zoning Site Plan.
- (7) Entrance signage for the proposed overall development shall be ground based, monument style signage, with the finish, materials, and color being in conformity with the architecture and design of the various components. Such signage shall contain no flashing sign components.
- (8) The entrance areas, together with all islands and planted areas, shall be professionally designed, landscaped, and maintained. These areas shall be part of the overall landscape plan approved by staff as part of the plan review process, as more hereinafter more particularly set forth.
- (9) Lighting within the proposed development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (10) Additionally, hooded security lighting shall be utilized on the buildings and throughout the walkways, parking, and parking deck areas.
- (11) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicant and any prospective tenant, and Applicant agrees to enforce these provisions against any tenant which violates the foregoing. Additionally, there shall be no vehicles parked in front of the proposed retail centers with "for sale" signs posted thereon.

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- (12) Minor modifications to the within stipulations, the referenced Zoning Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (13) All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to, detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing.
- (14) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.
- (15) All streets within the proposed development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (16) There shall be interparcel access between the proposed development and the development known as One Overton Park, as more particularly shown and reflected on the referenced Zoning Site Plan.
- (17) All landscaping referenced herein shall be approved by the Cobb County Arborist as part of the plan review process and incorporated into the overall landscape plan for the proposed development.

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- (18) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (19) All utilities for the proposed development shall be located underground.
- (20) The following uses shall be prohibited from the proposed overall development:
  - (a) Video arcades as a primary use;
  - (b) Adult-themed bookstores as a primary use;
  - (c) Automotive sales, repair, and/or service facilities;
  - (d) Gas station;
  - (e) Truck and trailer leasing facilities;
  - (f) Automotive paint and body repair shops;
  - (g) Automotive upholstery shops;
  - (h) Billiards and pool halls which are the sole or predominant use;
  - (i) Bus stations (not to exclude bus stops);
  - (j) Fraternity and sorority house;
  - (k) Full-service gas stations;
  - (l) Light automotive repair;
  - (m) Rooming houses and boarding houses;



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- (n) Any form of adult entertainment business; and
  - (o) Nightclubs and bars, except that same would be permitted within a restaurant or hotel provided that they are an integral part of a restaurant or hotel operation.
- (21) As to the overall development, there shall be "zero lot lines" among the various components within the development so as to allow for the free flow of access, parking, and the like.

I. RETAIL COMPONENT

- (1) The Retail Component of the proposed development shall be comprised of hotel and associated office space; retail; and restaurant facilities, as more particularly shown and reflected on the referenced Zoning Site Plan.
- (2) There shall be six areas for retail and restaurant uses. Two areas shall be two-stories in height, with restaurant space on the first floor and retail or restaurant space on the second floor. The buildings shall be arranged around a plaza area. Portions of the retail shall be located on the first floor level of the hotel and residential buildings.
- (3) The hotel component shall be an eight-level structure over parking in the center of the plaza area. It shall contain one hundred sixty-one (161) rooms and have approximately 86,200 gross square feet.

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- (4) The architectural theme, exteriors, and materials for the Retail Component shall be substantially similar to the renderings presented to the Planning Commission and Board of Commissioners at the respective public hearings.
- (5) Parking for the Retail Component shall be by means of an underground, on-site deck parking, surface parking, together with shared parking with the adjacent office parking deck under a Cross-Easement Agreement.
- (6) There shall be pre-installed grease traps for each restaurant site within the proposed development.

II. RESIDENTIAL COMPONENT

- (1) The residential component of the proposed development shall consist of one (1) 7 story residential building, over retail, as more particularly shown and reflected on the referenced Zoning Site Plan.
- (2) The proposed residential building shall contain sixty (60) residential units, each having a minimum of 1,100 square feet, being approximately 110,000 gross square feet. Units may be consolidated to meet potential market demands for larger units.
- (3) The architectural style and materials of the residential building shall be compatible with and complementary to the buildings within the Retail Component, as well as that of the surrounding developments, and shall be as shown and reflected on the renderings presented to the Planning Commission and Board of Commissioners at the respective Zoning Hearings.

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- (4) Parking for the proposed residential building shall be by means of an underground, on-site deck parking, together with shared parking with the adjacent office parking deck under a Cross-Easement Agreement.
- (5) The units within the residential building shall be condominiums as the term "condominium" is defined under the Georgia Condominium Act.
- (6) The units within the residential building shall be "for sale" units only. A maximum of ten (10) percent of the proposed units may be leased at any one time.
- (7) Floor plans and finishes for the residential condominium units shall consist, at a minimum, of the following:
  - (a) Enhanced corian, granite, or marble counter tops, or other solid surface materials;
  - (b) Gas burning fireplaces as an upgrade;
  - (c) Minimum ceiling heights:
    - i) Minimum 9 feet from floor to finished ceiling and greater; and
    - ii) Minimum 10 feet between floors;
  - (d) European or upscale wooden face-frame cabinetry;
  - (e) Stainless steel appliances or equivalent;
  - (f) Extra-deep stainless steel sinks and side-by-side refrigerators/freezers as upgrades;

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- (g) A selection of hardwood flooring, high-end carpet, and tile throughout;
- (h) Spacious open floor plans which eliminate the necessity for typical hallways within the units;
- (i) Brushed chrome, brushed nickel, or oiled rubbed bronze bathroom and kitchen fixtures;
- (j) Ceramic tile bathrooms and laundry rooms;
- (k) Spacious walk-in closets;
- (l) High-speed internet wiring in all rooms of each unit;
- (m) Garden tubs with showers;
- (n) Eight (8) foot entry doors subject to fire rating.

We believe the requested zoning, pursuant to the Zoning Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed development will be complementary to the One Overton Park development. The Applicant has gone to great detail in planning the development to ensure that it promotes the "live where you work" concept; that it is of the highest quality; that it is compatible with surrounding retail developments, businesses, and neighborhoods; and that it is an enhancement to the Subject Property and Cobb County as a whole. Thank you for your consideration in this request.

**MOORE INGRAM JOHNSON & STEELE**

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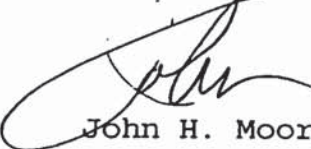
Mr. John P. Pederson, AICP  
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January 31, 2007

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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  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
Tim Lee

Cobb County Planning Commission:  
Murray Homan, Chairman  
Judy Williams  
Bob Hovey  
Christi S. Trombetti  
Bob Ott

Madison Retail, LLC

APPLICANT: Madison Retail, LLC

PETITION NO.: Z-18

PRESENT ZONING: RRC

PETITION FOR: UVC

\*\*\*\*\*

**SCHOOL COMMENTS:**

| <u>Name of School</u> | <u>Enrollment</u> | <u>Capacity</u><br><u>Status</u> | <u>Number of</u><br><u>Portable</u><br><u>Classrooms</u> |
|-----------------------|-------------------|----------------------------------|--|
| Elementary            |                   |                                  |  |
| Middle                |                   |                                  |  |
| High                  |                   |                                  |  |

**Additional Comments:**

\*\*\*\*\*

**FIRE COMMENTS:**

The applicant is responsible to ensure all Cobb County Fire and Emergency Services Code requirements are met related to this project. Plans will need to be submitted to the Cobb County Fire Marshall's Office, prior to any permits being issued.

Standard comments:

1. Provide 24-hour emergency phone number (offset in bold print on all sheets).
2. Fire Hydrant
  - a. Commercial: Fire hydrant within 500 feet of most remote part of structure.
  - b. Residential: Fire hydrant within 500 feet of structure.
3. Fire apparatus access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor IFC 503.1 2003 Edition. **All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20-feet, 25-foot inside turning radius, 50-foot outside turning radius and unobstructed vertical clearance of not less than 13-feet 6 inches.** Dead-end access roads in excess of 150-feet shall be provided with a turn-around IFC 503.2.5 2003 Edition. Cul-de-sac with an island: minimum 60-foot radius to outside curb, measured to inside of curb. Minimum lane width = 24-feet. Residential cul-de-sac without island: 38-foot outside radius. Commercial cul-de-sac to have a 60-foot paved radius. Hammerhead turn-around: total of 110-feet needed (45-feet + 20-feet wide roadway + 45-feet).

**Additional Comments:**

APPLICANT Madison Retail, LLC

PETITION NO. Z-018

PRESENT ZONING RRC

PETITION FOR UVC

\*\*\*\*\*

NOTE: Comments reflect only what facilities were in existence at the time of this review.

**WATER COMMENTS:**

Available at Development?  Yes  No

Fire Flow Test Required?  Yes  No

Size/ Location of Existing Water Main(s): 16" DI / W side Cumberland Blvd

Additional Comments: One master meter for each property ownership

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

\*\*\*\*\*

**SEWER COMMENTS:**

In Drainage Basin?  Yes  No

At Development?  Yes  No

Approximate Distance to Nearest Sewer: 400' north

Estimated Waste Generation (in G.P.D.): **A D F** 45,700\*\* **Peak** 114,250\*\*

Treatment Plant: Sutton

Plant Capacity Available?  Yes  No

Line Capacity Available?  Yes  No

Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years

Dry Sewers Required?  Yes  No

Off-site Easements Required?  Yes\*  No

Flow Test Required?  Yes  No

Letter of Allocation issued?  Yes  No

Septic Tank Recommended by this Department?  Yes  No

Subject to Health Department Approval?  Yes  No

\* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

\*\*Flow based on retail; restaurant flow will be greater.

Pre-installed grease trap required for each restaurant.

Sewer also 100' N, easement required

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: Madison Retail, LLC

PETITION NO.: Z-18

PRESENT ZONING: RRC

PETITION FOR: UVC

\*\*\*\*\*

**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rottenwood Creek FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50' , 75' , 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream \_\_\_\_\_.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream existing stormdrain system and master detention facility.



APPLICANT: Madison Retail, LLC

PETITION NO.: Z-18

PRESENT ZONING: RRC

PETITION FOR: UVC

\*\*\*\*\*

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1. This site is served by the existing master detention facility for Overton Park. The design engineer must verify that adequate detention and water quality volume is provided in the master facility as well as sufficient conveyance capacity to carry site runoff to the facility.

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\*\*\*\*\*

**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

| ROADWAY         | AVERAGE DAILY TRIPS | ROADWAY CLASSIFICATION | SPEED LIMIT | JURISDICTIONAL CONTROL | MIN. R.O.W. REQUIREMENTS |
|-----------------|---------------------|------------------------|-------------|------------------------|--------------------------|
| Cumberland Blvd | 13300               | Arterial               | 35 mph      | Cobb County            | 110'                     |
|                 |                     |                        |             |                        |                          |

*Based on 2005 traffic counting data taken by Cumberland CID Consultant.*

**COMMENTS AND OBSERVATIONS**

Cumberland Boulevard is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

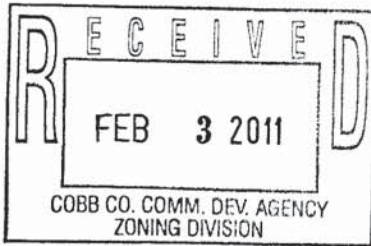
No access to Cumberland Boulevard.

**RECOMMENDATIONS**

Recommend no access to Cumberland Boulevard.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

**ATTACHMENT TO APPLICATION FOR REZONING**



**Application No.:** Z- 14 (2011)  
**Hearing Dates:** April 5, 2011  
April 19, 2011

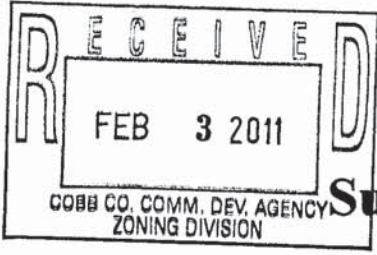
**IMPACT ANALYSIS STATEMENT**

**Applicant:** Noble Investment Group, LLC  
**Titleholder:** First Citizens Bank and Trust Company, Inc.

Analysis of impact of the proposed rezoning with respect to the following:

- (a) Applicant and Property Owner are seeking rezoning of an approximately 3.37 acre tract from the existing zoning category of Regional Retail Commercial, with stipulations, to the proposed zoning category of Regional Retail Commercial ("RRC"), with stipulations. The Subject Property was rezoned to the RRC category as part of the rezoning of a larger tract approximately twelve years ago. Subsequent to the initial rezoning, modifications to the approved site plan and certain stipulations applicable to the rezoning of the Subject Property have been approved by the Board of Commissioners. In the instant Application for Rezoning, Applicant seeks the modification of the site plan and certain stipulations to allow for a six-story, one hundred seventy (170) room all-suites hotel, including meeting space, together with three restaurants. The rezoning of the Subject Property to allow for the uses sought by Applicant will permit suitable uses in view of its location, size, and the use and development of adjacent and nearby properties. The Subject Property is located northerly of the intersection of the easterly side of I-75 and I-75 access ramp and the westerly side of Cumberland Boulevard. This location affords visibility and access for the all-suites hotel to accommodate the needs of businesses and their executives within the Platinum Triangle area. The retail and restaurants available to the hotel guests, as well as residents and commuters within the area, will broaden services to available.
- (b) This zoning proposal will have no adverse effect on the existing use or usability of adjacent or nearby property. The proposed development will have minimal, if any, impact on surrounding properties. If approved and developed according to the request, the adjacent and nearby property owners should benefit in higher land values. Cobb County will benefit in increased revenue.
- (c) The property as zoned does have a reasonable economic use; however, the proposed zoning would allow for a higher and better use.
- (d) This zoning proposal will not cause excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. Retail and commercial developments have almost no effect on schools, minimal effect on utilities and transportation facilities. The improved roadways in the area can accommodate any increased traffic the proposed development may bring without burdensome effects.

- (e) The zoning proposal is in conformity with the Land Use Map of Cobb County, Georgia.
- (f) Due to the economic climate, the needs and uses available for development of properties have changed. An all-suites hotel would service the needs of businesses within the Platinum Triangle area, as well as surrounding areas. The retail and restaurants proposed for the development will provide quality business for the hotel guests and the residents of the Vinings area.



Application No. z- 14  
(2011)

### Summary of Intent for Rezoning\*

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): Not Applicable
  - b) Proposed building architecture: \_\_\_\_\_
  - c) Proposed selling prices(s): \_\_\_\_\_
  - d) List all requested variances: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): All-Suites Hotel and Three Restaurants
  - b) Proposed building architecture: Traditional, according to submitted rendering
  - c) Proposed hours/days of operation: Sunday-Saturday; 24 hours per day
  - d) List all requested variances: (1) Setback variance as shown and described on submitted site plan; (2) Parking variance, but with accompanying shared parking agreement.
- \_\_\_\_\_
- \_\_\_\_\_

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

Not Applicable.

\_\_\_\_\_

\_\_\_\_\_

.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located).** None.

\_\_\_\_\_

\_\_\_\_\_

**\*Applicant specifically reserves the right to amend any information set forth herein at any time during the rezoning process.**