

**DECEMBER 15, 2015 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM OB 52**

**PURPOSE**

To consider a Settlement of Litigation for Cumberland Mall regarding Variance application V-105 (Jones Sign, LLC) of 2014, for property located on the easterly side of I-285, the southwesterly side of Cobb Parkway, the west side of Akers Mill Road, and the north side of Cumberland Boulevard in Land Lots 881, 882, 912, 913, 948 and 949 of the 17<sup>th</sup> District.

**BACKGROUND**

The applicant’s petition for a zoning variance was denied by the Board of Zoning Appeals on October 1, 2014. The applicant filed a lawsuit in Superior Court challenging the Board of Zoning Appeals decision. Prior to this case going to court, the applicant and the County entered into mediation to resolve the conflict. Attached is a letter from Jonathan A. Page, Sr. dated October 15, 2015 that outlines the settlement proposal.

**FUNDING**

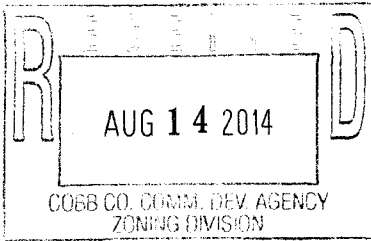
N/A

**RECOMMENDATION**

The Board of Commissioners conduct a Public Hearing and consider the Settlement of Litigation proposal.

**ATTACHMENTS**

Variance application, minutes and variance analysis.  
Proposed Settlement letter and attachments.



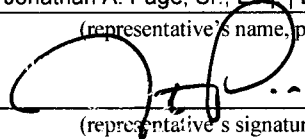
# Application for Variance Cobb County

(type or print clearly)

Application No. V-105  
Hearing Date: 10-01-2014

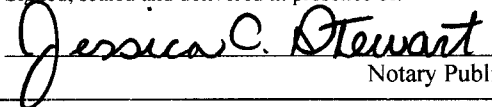
Applicant Jones Sign, LLC Phone # (215) 788-3898 E-mail molson@jonessign.com

Jonathan A. Page, Sr., Esq. | Blaska Law Firm Address 8565 Dunwoody Place, Building 15, Suite A, Atlanta GA 30350  
(representative's name, printed) (street, city, state and zip code)

 Phone # 770-998-1005 E-mail jonathan@blaskalaw.com  
(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: 2/19/2018

  
Notary Public

Titleholder Cumberland Mall, LLC Phone # (312) 960-5000 E-mail joshua.burrows@generalgrowth.com

Signature (See attached Signature Page) Address: 110 North Wacker Drive, Chicago, IL 60606  
(attach additional signatures, if needed) (street, city, state and zip code)

Signed, sealed and delivered in presence of:

My commission expires: (See attached Signature Page)

Notary Public

Present Zoning of Property PSC - Planned Shopping Center District

Location Cumberland Mall between I-285 and the Sheraton Hotel on Highway 41 at the same location of the existing pylon sign.  
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 913 District 17th District, 2nd Section Size of Tract 21.63 +/- Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property 21.63 +/- Shape of Property barbell <sup>odd-shaped</sup> Topography of Property very steep at sign location <sup>Sign must be visible from</sup> Other I-285

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance (If applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

(See attached letter)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

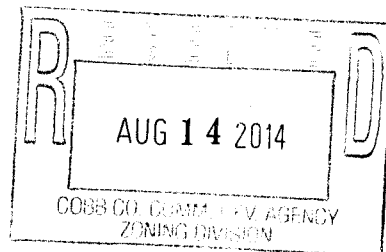
List type of variance requested: (See attached letter)  
\_\_\_\_\_  
\_\_\_\_\_



THE BLASKA LAW FIRM, LLC

JONATHAN A. PAGE, SR.  
jonathan@blaskalaw.com

August 14, 2014



Cobb County, Community Development Agency  
**Attn: Mr. John Pederson**  
Zoning Division Manager  
1150 Powder Springs Street  
Suite 400  
Marietta, Georgia 30064

Re: 2014 Variance Application; Cumberland Mall, LLC c/o General Growth Properties, Inc.

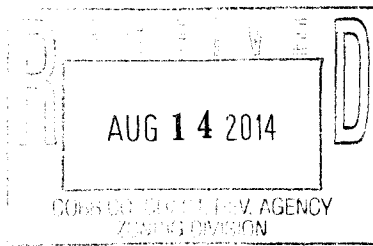
Dear Mr. Pederson:

We represent Cumberland Mall, LLC c/o General Growth Properties, Inc. ("Cumberland Mall") and Jones Sign, LLC, the applicant. Cumberland Mall and Jones Sign seek administrative relief from Sections 134-313 and 134-314 of the Cobb County Code of Ordinances with regard to the proposed construction of a new digital sign.

In 1995, the Cobb County Board of Commissioners approved Cumberland Mall for a sign variance to allow for much larger and modern signs. This 1995 variance approval helped Cumberland Mall attract vehicular traffic off of I-285 and enhanced the overall economic impact of Cumberland Mall within the county. In 2012, the Board again approved Cumberland Mall for a sign variance on Land Lot 913 to allow for a large digital LED display sign to improve visibility and aesthetics and to respond to the changing market. Today, Cumberland Mall requests a variance to replace the existing freestanding pylon sign on Land Lot 913 in its entirety with a digital LED display and face-let illuminated style sign (the "Proposed LED Sign"). The Proposed LED Sign rendering is shown in Exhibit E, attached.

Specifically, Cumberland Mall and Jones Sign seek the following types of variances for the Proposed LED Sign:

1. Increase the allowable message portion permitted for an electronic sign from 377.5 square feet (per V-101 of 2012) to approximately 1,041.08 square feet. See also Section 134-313(o)(2)b.



Mr. John Pederson  
August 14, 2014  
Page 2 of 3

2. Increase the height permitted for a freestanding sign located within 660 feet of an interstate from 80 feet (per V-162 of 1995) to 90 feet. See also Section 134-314(b)(5).
3. Continue to allow a poll-mounted sign within 660 feet of I-285, an interstate highway. See 134-314(b)(3).
4. Increase the copy/display area for all the freestanding signs in Land Lots 881, 882, 912, 913, 948 and 949 of the 17<sup>th</sup> District from 1,540.14 (per V-101 of 2012) to 1,799.72 square feet. See also Comparison Chart at Exhibit G; Section 134-314(b)(1).

Pursuant to Section 134-94 of the Cobb County Code of Ordinances, Cumberland Mall and Jones Sign requests the above-referenced variances in order to avoid unnecessary hardships.

Specifically, the increased height and message size of the Proposed LED Sign will improve the overall visibility and aesthetics and respond to the modernization that has occurred in that area since the 2012 variance approval. It also comports with Cobb County's future modernization plans to make that area a point of regional and national attraction.

For example, the size, shape and topography of Land Lot 913 make it extraordinarily difficult for travelers and motorists on I-285 to view and comprehend the existing static pylon sign, especially in light of the on-ramp and off-ramp grade separation of that interstate. Additionally, the existing static sign is close to 10 years old. Several competing businesses in the area have now erected much larger and newer marquee-style signs. In just the past couple of years, for example, Cumberland Mall's neighbors, the Cobb Energy Performing Arts Centre and the Cobb Galleria Mall, both erected and constructed large marquee-style LED display signs. These newer signs reflect the modernization that has occurred in this area. And Cobb Galleria Mall and Cumberland Mall have similar regional impact (*e.g.*, both have similar retail stores) and they both market to the same types of customers. And like the existing pylon sign, Cobb Galleria's sign is also visible from I-285. With respect to the future modernization plans, the Atlanta Braves have been tentatively approved for several large marquee-style signs nearby. Thus, the granting of this variance would allow Cumberland Mall to comport with the current and future modernization of the area.

Accordingly, the requested variances are necessary in order for Cumberland Mall to continue to increase its economic impact in the county and staying consistent and modern with the other marquee-style signs nearby. And like the other marquee-style signs in the area, the granting of this variance will continue to preserve the character, health, safety and welfare of the community.

Finally, Cumberland Mall would make the Proposed LED Sign available to the county for use in emergencies, such as Amber Alerts, after an appropriate protocol has been established with the county.

MINUTES OF VARIANCE HEARING  
COBB COUNTY BOARD OF ZONING APPEALS  
OCTOBER 1, 2014  
PAGE 12

REGULAR AGENDA (CONT.)

V-105 JONES SIGN, LLC (Cumberland Mall, LLC, owner) requesting a variance to: 1) increase the allowable message portion permitted for an electronic sign from 377.5 square feet (per V-101 of 2012) to approximately 1,041.08 square feet; 2) increase the height permitted for a freestanding sign located within 660 feet of an interstate from 80 feet (per V-162 of 1995) to 90 feet; 3) continue to allow a pole-mounted sign within 660 feet of I-285, an interstate highway; and 4) increase the copy/display area for all the freestanding signs from 1,540.14 square feet (per V-101 of 2012) to 1,799.72 square feet in Land Lots 880, 881, 882, 912, 913, 914, 948 and 949 of the 17th District. Bounded by Cobb Parkway, Akers Mill Road, Cumberland Boulevard, and Interstate 285.

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

MOTION: Motion by Swanson, second by Hovey, to deny variance request.

VOTE: ADOPTED unanimously

~~V-109~~

~~LORRAINE CARTER (Edger V. Carter IV and Loraine Carter, owners) requesting a variance to: 1) waive the side setback from the required 12 feet to 7.6 feet adjacent to the southern property line and to 5.2 feet adjacent to the northern property line; and 2) waive the side setback for an accessory structure under 144 square feet (approximately 64 square foot frame play house) from the required 5 feet to 2 feet in Land Lot 1076 of the 17th District. Located on the south side of Lamplighter Lane, east of Horseshoe Circle (352 Lamplighter Lane).~~

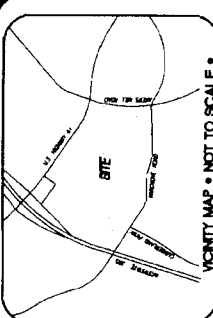
~~The public hearing was opened and Ms. Loraine Carter and Mr. Erik Peddle addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Swanson, second by Hovey, approve only the portion of request number one that reads "waive the side setback from the required 12 feet to 7.6 feet adjacent to the southern property line," and deny request number two, subject to:~~

V-105  
(2014)

GENERAL GROWTH  
PROPERTIES, INC.

ARMSTRONG LAND SURVEYING, INC.  
POST OFFICE BOX 775  
DOUGLASSVILLE, GEORGIA 30133  
PHONE: (770) 571-0071 / FAX: (770) 571-0088



GENERAL NOTES  
THE SURVEY IS BASED ON THE ASSUMPTION THAT THE BOUNDARIES OF THE ADJACENT PARCELS ARE CORRECT AND AS SHOWN ON THE RECORD PLATS AND SURVEYS OF RECORD. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE SITE OR THE ADJACENT PARCELS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS AFFECTING THE SITE OR THE ADJACENT PARCELS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNLAWFUL CONSTRUCTION OR OTHER VIOLATIONS OF ANY APPLICABLE LAWS, ORDINANCES, OR REGULATIONS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER MATTERS THAT MAY AFFECT THE ACCURACY OR RELIABILITY OF THE SURVEY. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER MATTERS THAT MAY AFFECT THE ACCURACY OR RELIABILITY OF THE SURVEY.

LEGEND

STANDARD ABBREVIATIONS	STANDARD SYMBOLS
ADJACENT PARCEL	---
BOUNDARY	---
CONCRETE	▨
ASPHALT	▩
GRAVEL	▧
PAVED DRIVEWAY	▦
UNPAVED DRIVEWAY	▥
CONCRETE DRIVEWAY	▤
ASPHALT DRIVEWAY	▣
GRAVEL DRIVEWAY	▢
UNPAVED DRIVEWAY	□
CONCRETE DRIVEWAY	■
ASPHALT DRIVEWAY	▟
GRAVEL DRIVEWAY	▞
UNPAVED DRIVEWAY	▝
CONCRETE DRIVEWAY	▜
ASPHALT DRIVEWAY	▛
GRAVEL DRIVEWAY	▚
UNPAVED DRIVEWAY	▙
CONCRETE DRIVEWAY	▘
ASPHALT DRIVEWAY	▗
GRAVEL DRIVEWAY	▖
UNPAVED DRIVEWAY	▕
CONCRETE DRIVEWAY	▔
ASPHALT DRIVEWAY	▓
GRAVEL DRIVEWAY	▒
UNPAVED DRIVEWAY	░
CONCRETE DRIVEWAY	▐
ASPHALT DRIVEWAY	▏
GRAVEL DRIVEWAY	▍
UNPAVED DRIVEWAY	▌
CONCRETE DRIVEWAY	▋
ASPHALT DRIVEWAY	▊
GRAVEL DRIVEWAY	▉
UNPAVED DRIVEWAY	█
CONCRETE DRIVEWAY	▇
ASPHALT DRIVEWAY	▆
GRAVEL DRIVEWAY	▅
UNPAVED DRIVEWAY	▄
CONCRETE DRIVEWAY	▃
ASPHALT DRIVEWAY	▂
GRAVEL DRIVEWAY	▁
UNPAVED DRIVEWAY	▀
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UNPAVED DRIVEWAY	▁
CONCRETE DRIVEWAY	▄
ASPHALT DRIVEWAY	▃
GRAVEL DRIVEWAY	▂
UNPAVED DRIVEWAY	▁

LAND LOT 880  
LAND LOT 881  
LAND LOT 882  
LAND LOT 883  
LAND LOT 884  
LAND LOT 885  
LAND LOT 886  
LAND LOT 887  
LAND LOT 888  
LAND LOT 889  
LAND LOT 890  
LAND LOT 891  
LAND LOT 892  
LAND LOT 893  
LAND LOT 894  
LAND LOT 895  
LAND LOT 896  
LAND LOT 897  
LAND LOT 898  
LAND LOT 899  
LAND LOT 900

U.S. HIGHWAY 41  
(VARIABLE R.O.W.)  
CUMBERLAND MAIL  
CUMBERLAND BOULEVARD  
INTERSTATE 75  
AKERS MILL ROAD (80' R.O.W.)  
(A.K.A. STILLHOUSE ROAD AND JONES ROAD)

SIGN LOCATION  
SITE AREA  
3,119,988 SQ. FT.  
71.67 ACRES



REVISIONS  
NO. DATE BY

GRAPHIC SCALE  
1" = 100' ±

RELEASE NOTE  
THE SURVEYOR HAS CONDUCTED A VISUAL INSPECTION OF THE SITE AND THE ADJACENT PARCELS. THE SURVEYOR HAS NOT CONDUCTED A VISUAL INSPECTION OF THE SITE OR THE ADJACENT PARCELS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY ENCUMBRANCES, EASEMENTS, OR OTHER INTERESTS AFFECTING THE SITE OR THE ADJACENT PARCELS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY UNLAWFUL CONSTRUCTION OR OTHER VIOLATIONS OF ANY APPLICABLE LAWS, ORDINANCES, OR REGULATIONS. THE SURVEYOR HAS NOT BEEN ADVISED OF ANY OTHER MATTERS THAT MAY AFFECT THE ACCURACY OR RELIABILITY OF THE SURVEY.

AUG 14 2014

**APPLICANT:** Jones Sign, LLC  
**PHONE:** 215-788-3898  
**REPRESENTATIVE:** Jonathan A. Page, Sr., Esq.  
**PHONE:** 770-998-1005  
**TITLEHOLDER:** Cumberland Mall, LLC  
**PROPERTY LOCATION:** Bounded by Cobb Parkway, Akers Mill Road, Cumberland Boulevard, and Interstate 285.

**PETITION No.:** V-105  
**DATE OF HEARING:** 10-01-2014  
**PRESENT ZONING:** CRC, PSC, RRC  
**LAND LOT(S):** 880, 881, 882, 912, 913, 914, 948, 949  
**DISTRICT:** 17  
**SIZE OF TRACT:** 71.63 acres  
**COMMISSION DISTRICT:** 2

**TYPE OF VARIANCE:** 1) Increase the allowable message portion permitted for an electronic sign from 377.5 square feet (per V-101 of 2012) to approximately 1,041.08 square feet; 2) increase the height permitted for a freestanding sign located within 660 feet of an interstate from 80 feet (per V-162 of 1995) to 90 feet; 3) continue to allow a pole-mounted sign within 660 feet of I-285, an interstate highway; and 4) increase the copy/display area for all the freestanding signs from 1,540.14 (per V-101 of 2012) to 1,799.72 square feet.

**OPPOSITION:** No. OPPOSED **PETITION No.**        **SPOKESMAN**       

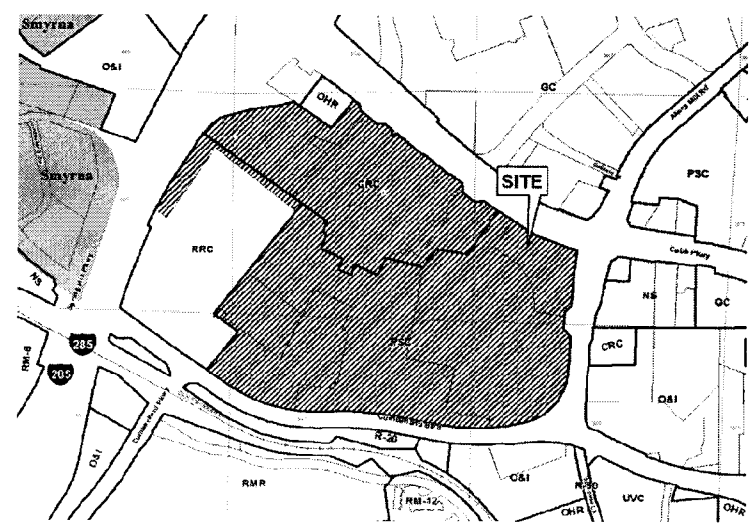
**BOARD OF APPEALS DECISION**

**APPROVED**        **MOTION BY**       

**REJECTED**        **SECONDED**       

**HELD**        **CARRIED**       

**STIPULATIONS:**         
        
      



**APPLICANT:** Jones Sign, LLC                      **PETITION No.:** V-105

\*\*\*\*\*

**COMMENTS**

**TRAFFIC:** Provide FAA study of sign and construction equipment for impacts to aviation.

**DEVELOPMENT & INSPECTIONS:** No comment.

**SITE PLAN REVIEW:** No comment.

**STORMWATER MANAGEMENT:** No comment.

**HISTORIC PRESERVATION:** After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

**DESIGN GUIDELINES:** No comment.

**CEMETERY PRESERVATION:** No comment.

**WATER:** Cobb County Marietta Water Authority water main/easement may conflict with proposed location.

**SEWER:** No conflict.

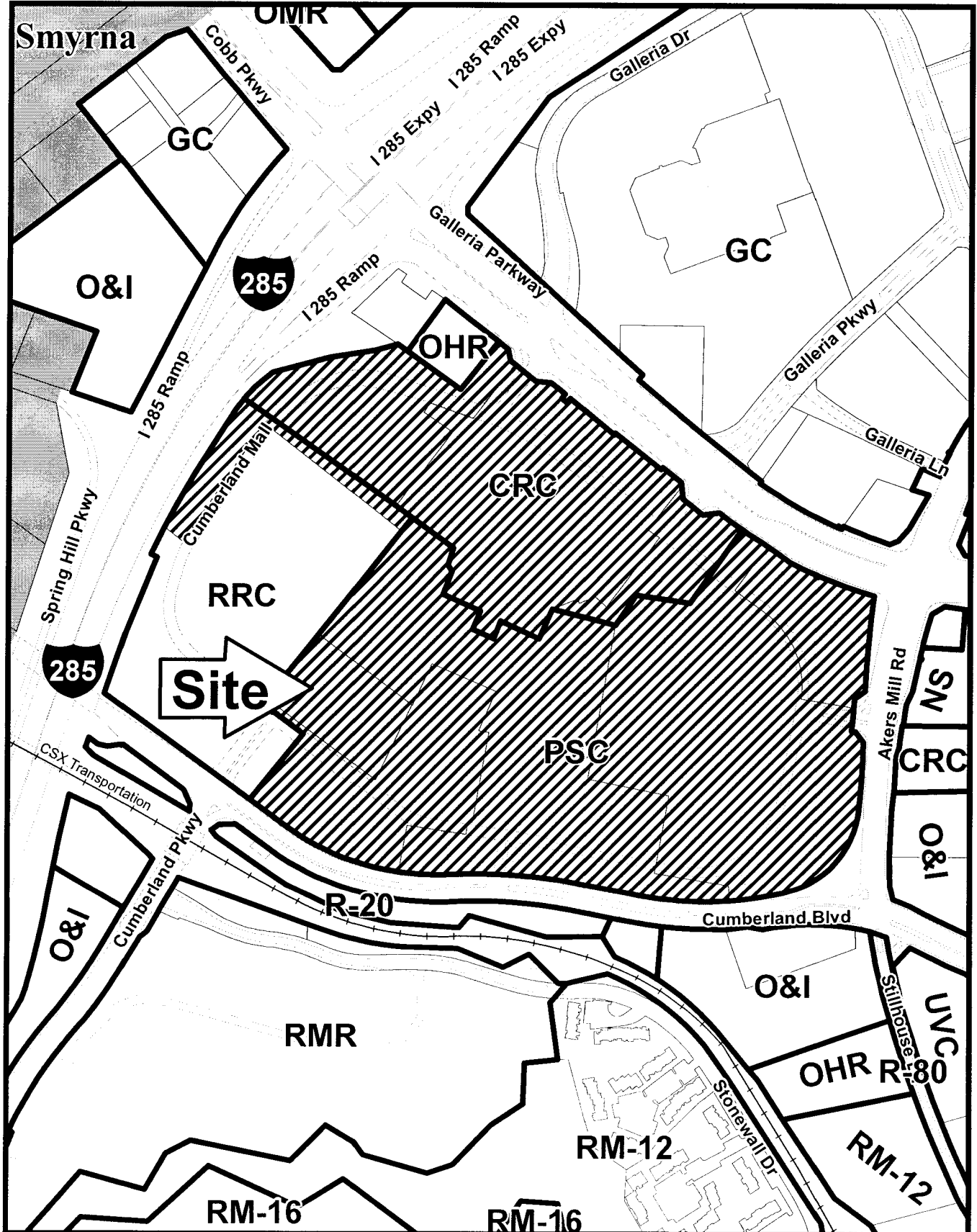


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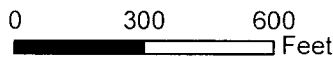
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**FIRE DEPARTMENT:** After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

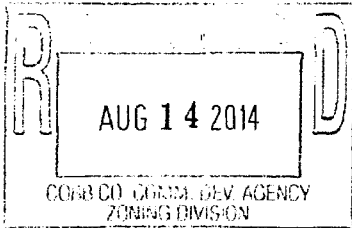
# V-105



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



City Boundary  
Zoning Boundary



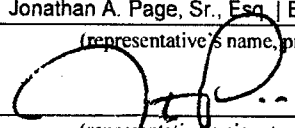
# Application for Variance Cobb County

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Hearing Date: 10-01-2014

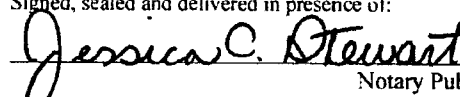
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(representative's name, printed) (street, city, state and zip code)

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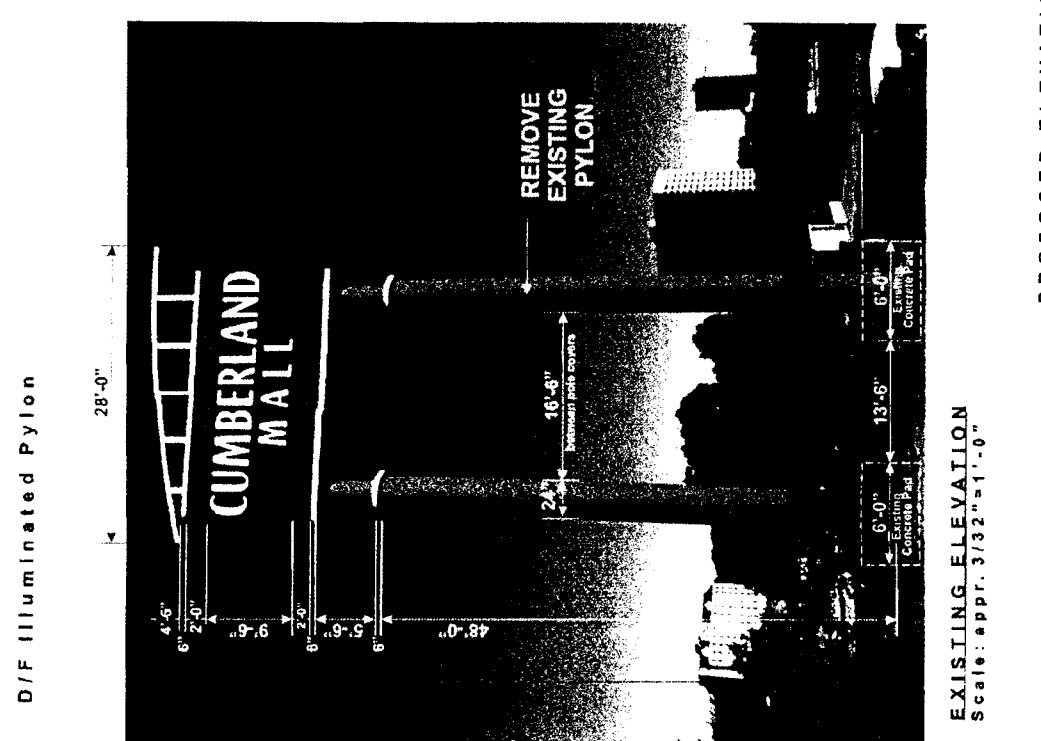
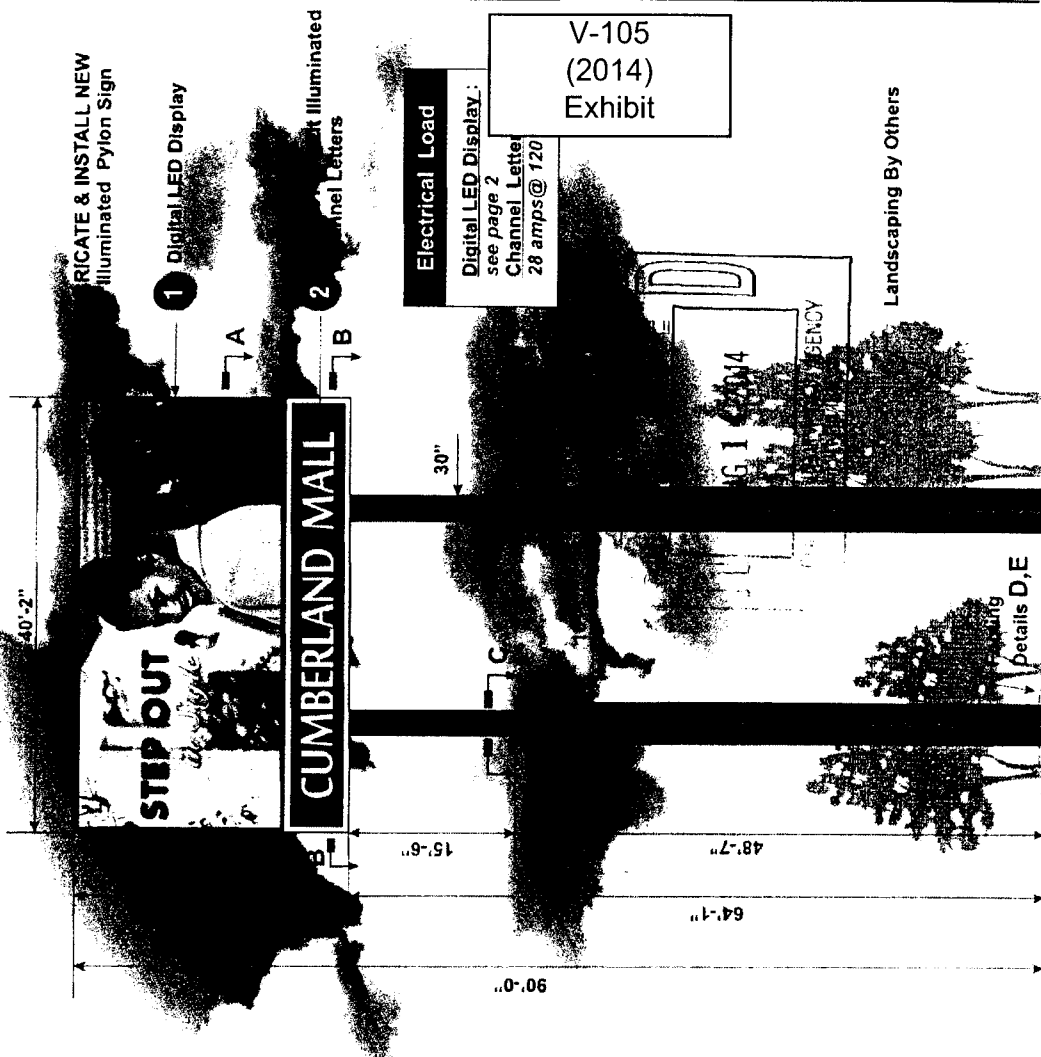
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(See attached letter)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

List type of variance requested: (See attached letter)  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_



PROPOSED ELEVATION  
Scale: 3/32"=1'-0"

EXISTING ELEVATION  
Scale: appr. 3/32"=1'-0"

Client: \_\_\_\_\_

This drawing is submitted for your review and is not to be used for construction without the express written consent of Jones Sign.

REVISION INFO

R1	02.07.14	RR	Remove existing pylon, top & install new 80'H pylon
R2	02.07.14	RR	Remove Tenant Cabinet
R3	02.07.14	RR	Remove Tenant Cabinet
R4	02.07.14	RR	Add section details
R5		RR	
R6		RR	

DATE: 02.07.14  
DRAWN BY: RR  
MECHANICAL: 10602

SS# 52438-R4  
Location: Cumberland Mall  
1000 Cumberland Mall  
Atlanta, GA 30339

JONES SIGN  
Completed  
1000 CUMBERLAND MALL, ATLANTA, GA 30339  
PHONE: 404.215.788.7508

GYE  
Pylon

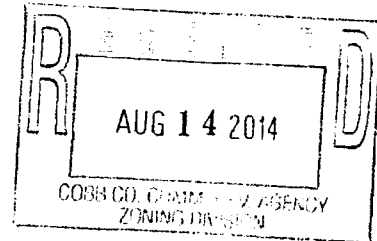


V-105  
(2014)  
Exhibit

THE BLASKA LAW FIRM, LLC

JONATHAN A. PAGE, SR.  
jonathan@blaskalaw.com

August 14, 2014



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**Attn: Mr. John Pederson**  
Zoning Division Manager  
1150 Powder Springs Street  
Suite 400  
Marietta, Georgia 30064

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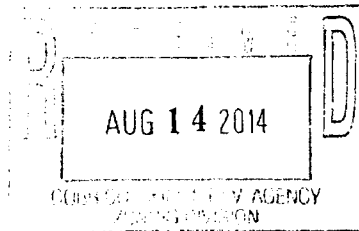
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Specifically, the increased height and message size of the Proposed LED Sign will improve the overall visibility and aesthetics and respond to the modernization that has occurred in that area since the 2012 variance approval. It also comports with Cobb County's future modernization plans to make that area a point of regional and national attraction.

For example, the size, shape and topography of Land Lot 913 make it extraordinarily difficult for travelers and motorists on I-285 to view and comprehend the existing static pylon sign, especially in light of the on-ramp and off-ramp grade separation of that interstate. Additionally, the existing static sign is close to 10 years old. Several competing businesses in the area have now erected much larger and newer marquee-style signs. In just the past couple of years, for example, Cumberland Mall's neighbors, the Cobb Energy Performing Arts Centre and the Cobb Galleria Mall, both erected and constructed large marquee-style LED display signs. These newer signs reflect the modernization that has occurred in this area. And Cobb Galleria Mall and Cumberland Mall have similar regional impact (e.g., both have similar retail stores) and they both market to the same types of customers. And like the existing pylon sign, Cobb Galleria's sign is also visible from I-285. With respect to the future modernization plans, the Atlanta Braves have been tentatively approved for several large marquee-style signs nearby. Thus, the granting of this variance would allow Cumberland Mall to comport with the current and future modernization of the area.

Accordingly, the requested variances are necessary in order for Cumberland Mall to continue to increase its economic impact in the county and staying consistent and modern with the other marquee-style signs nearby. And like the other marquee-style signs in the area, the granting of this variance will continue to preserve the character, health, safety and welfare of the community.

Finally, Cumberland Mall would make the Proposed LED Sign available to the county for use in emergencies, such as Amber Alerts, after an appropriate protocol has been established with the county.

**SQ. FT. COMPARISON**

**AUG 14 2014**  
CHIEF OF COMMUNITY DEV. AGENCY  
 Zolner Division

Cumberland Mall SQ FT. Comparison		1995 Variance Approved			2012 Variance Approved			2014 Proposed Signage			Comments
Sign Description	QTY	Sign SQ FT.	Sign Total	QTY	Sign SQ FT.	Sign Total	QTY	Sign SQ FT.	Sign Total		
<b>1995 Approved Signage</b>											
Existing Freeway Pylon	1	444.00	444.00	1	444.00	444.00	1	0.00	0.00	This sign will be eliminated.	
New Main ID on Existing Wall	1	118.13	118.13	1	118.13	118.13	1	118.13	118.13		
Vertical Monument	1	28.95	28.95	1	0.00	0.00	1	0.00	0.00		
Horizontal Monument	5	18.24	91.20	5	18.24	91.20	5	18.24	91.20		
Main Entry ID	2	62.03	124.06	2	62.03	124.06	2	62.03	124.06		
Food Court Entry ID	1	115.00	115.00	1	115.00	115.00	1	115.00	115.00		
Entry Sign	1	6.0	6.0	1	6.0	6.0	1	6.0	6.0		
<b>SUBTOTAL</b>			<b>927.34</b>			<b>898.39</b>			<b>454.39</b>		
<b>2012 Approved Signage</b>											
Primary ID - Cobb Parkway	1	110.25	110.25	1	110.25	110.25	1	110.25	110.25		
ALT Primary ID - Akers Mill / Hwy 41	1	194.00	194.00	1	194.00	194.00	1	194.00	194.00		
Primary Pylon - Digital Screen	1	337.50	337.50	1	337.50	337.50	1	0.00	0.00	This sign was never erected.	
<b>SUBTOTAL</b>						<b>641.75</b>			<b>304.25</b>		
<b>2014 Proposed Signage</b>											
Proposed LED Pylon	1			1	1041.08	1041.08	1	1041.08	1041.08		
<b>SUBTOTAL</b>									<b>1041.08</b>		
<b>TOTAL</b>			<b>927.34</b>			<b>1540.14</b>			<b>1799.72</b>		





THE BLASKA LAW FIRM, LLC

Fred D. Bentley, Jr.  
Bentley, Bentley & Bentley  
241 Washington Avenue  
Marietta, GA 30060  
[fred.bentley@bbandblaw.com](mailto:fred.bentley@bbandblaw.com)

October 15, 2015

**Re: Proposed Redesign of the Cumberland Mall Sign**

Dear Mr. Bentley:

On behalf of Cumberland Mall and Jones Sign, we apologize for any misunderstanding we may have caused by the proposed sign plans that we submitted a few weeks ago with regard to the dimensions of the sign.

The proposed sign plan called for a sign that is 20 feet taller than what was discussed at mediation. This was done to alleviate visibility issues caused by surrounding trees, as shown in the attached photographs. (*See Exhibit A*). With a height of only 80 feet, the surrounding trees prevent the sign from being seen. We understand now that the County would like to keep the sign to 80 feet, and our client has revised the sign plan accordingly. We believe all other elements of the design, however, fall within the dimensions that the parties agreed to at the mediation. (*See Mediation Notes at Exhibit B.*)

At the mediation, we agreed that the static portion of the sign would not exceed a total of 532 square feet. As shown in the attached plans, the static portion of the sign is only 518.4 square feet, when one considers both the rectangular space occupied by the "Cumberland Mall" lettering (158.4 sqf) and the entire white panel beneath the digital board (360 sqf) – less than the amount discussed at mediation. We also agreed the electronic reader board would not exceed 377 sq. feet. The electronic reader board in the attached plans is the same size as proposed during mediation – only 377 square feet. Specifically, each side of the screen is 19'5" or approximately 19.4 feet in length, which, when squared, equals approximately 376.4 square feet.

As to the height, we understand that the County is opposed to any increase, and we do not want this issue to derail our settlement negotiations. For this reason, we have attached a redrawing of the sign, which lowers it to 80 feet. (*See Exhibit C*). Please note that, although the current sign is 73 feet tall, the County has agreed to the 80-foot height, given that the board of zoning appeals previously approved an 80-foot sign as part of Cumberland Mall's 1995 variance application (*See Exhibit D*).



Because the proposed sign will reach no higher than 80 feet, our client will need to trim or prune the surrounding trees to make the sign more visible from I-75. We believe this can be achieved without any negative impact on the appearance of the landscape. We would greatly appreciate the County's cooperation in accomplishing this task, and we will gladly address any concerns the County may have in this regard.

Please let us know if you have any other questions or thoughts about the proposed redesign. We look forward to getting this matter resolved and constructing a more crisp and modern sign that better supports the County's modernization efforts.

Sincerely,

Jonathan A. Page, Sr.  
jonathan@blaskalaw.com  
The Blaska Law Firm,  
Building 15, Suite A  
8565 Dunwoody Place  
Northridge 400 Office Park  
Atlanta, GA 30350

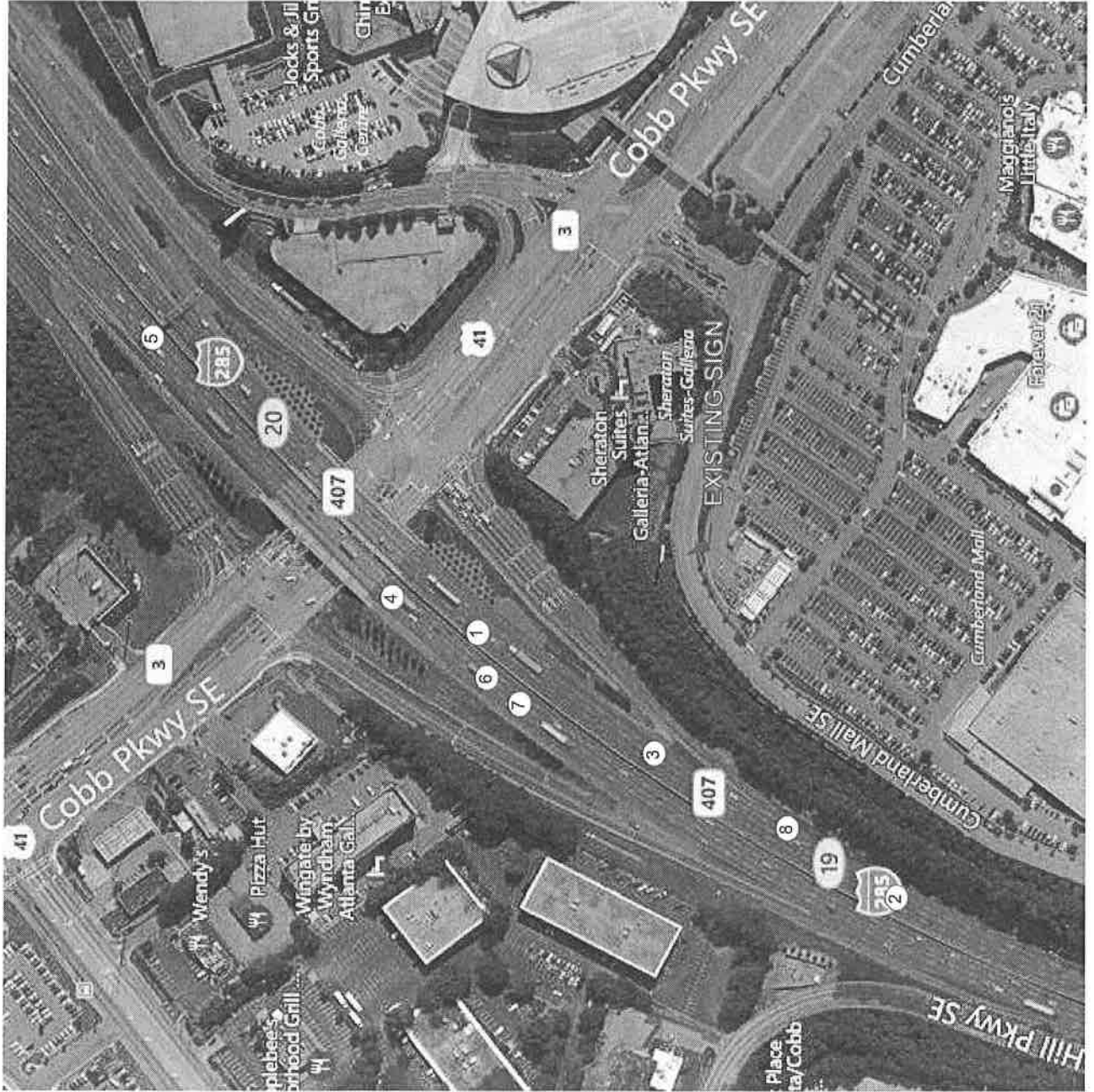
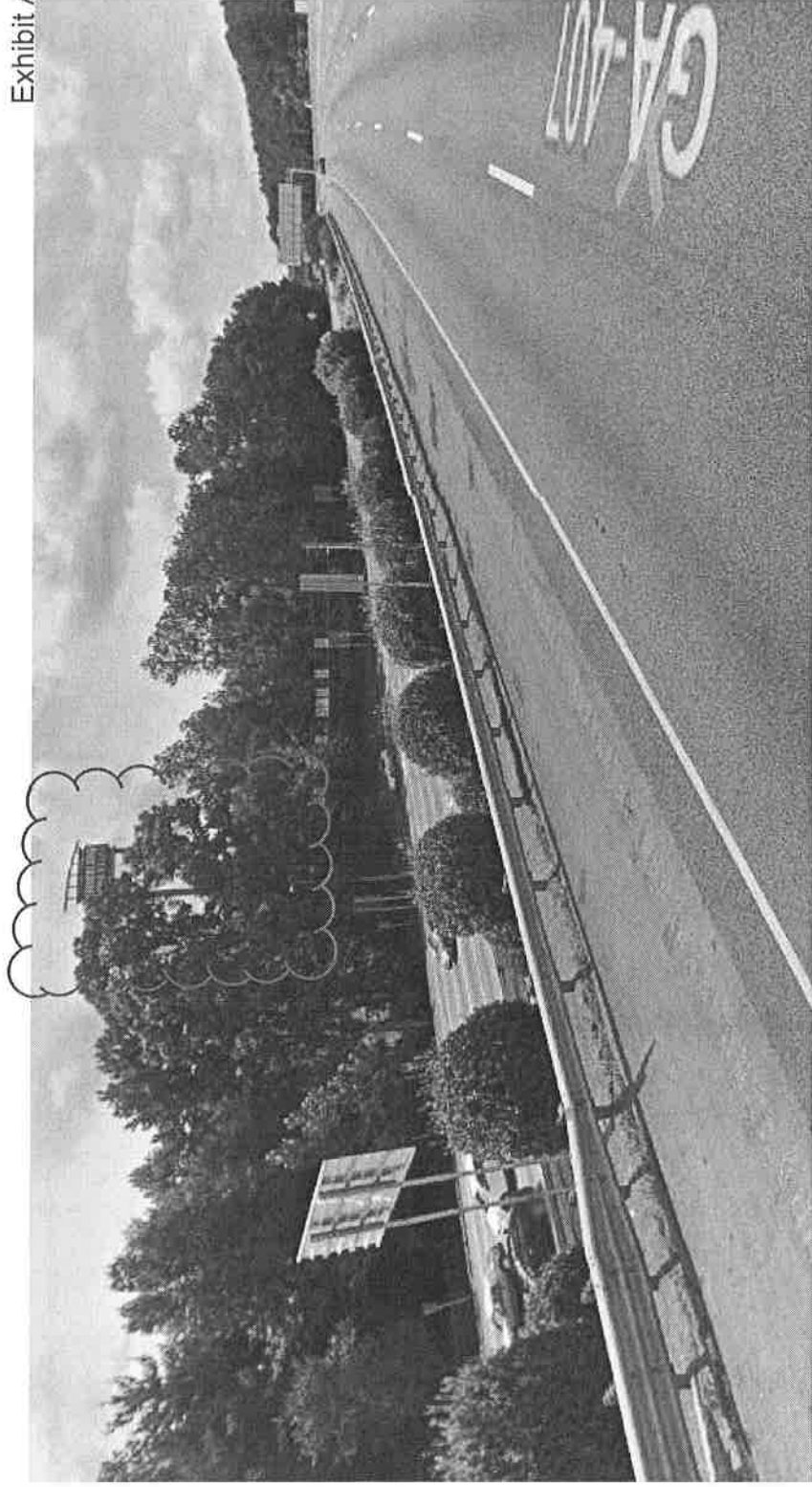
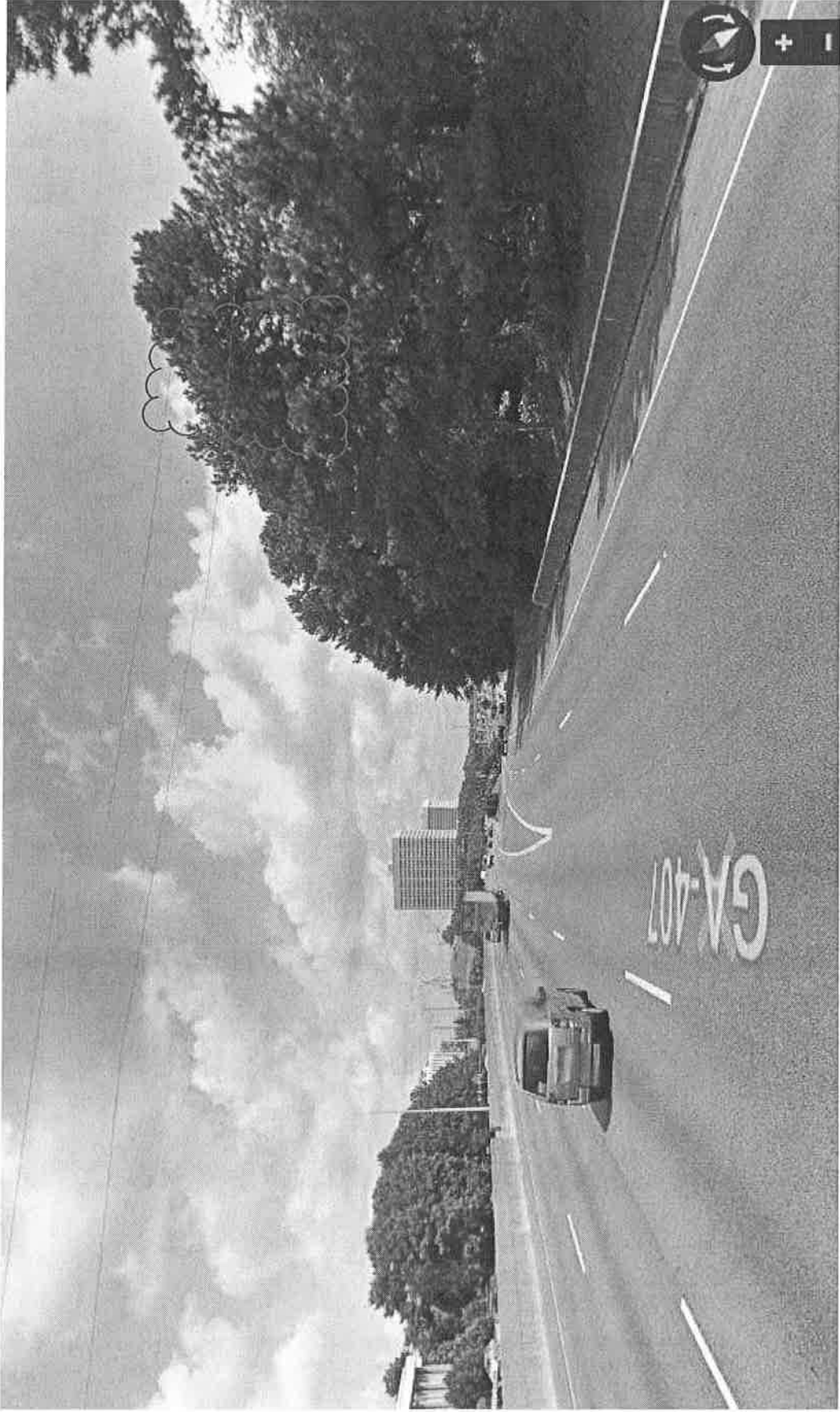


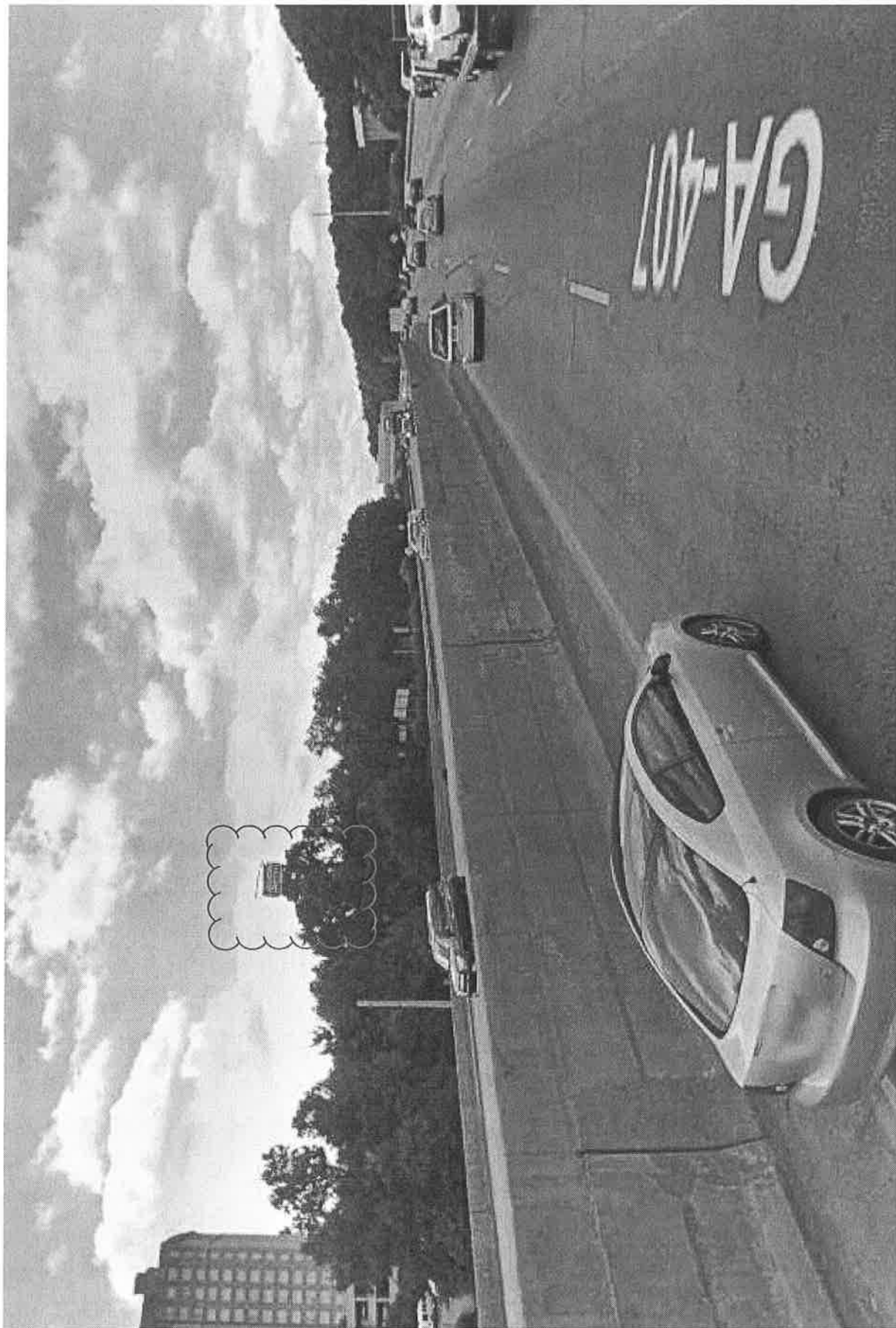
Exhibit A



#1







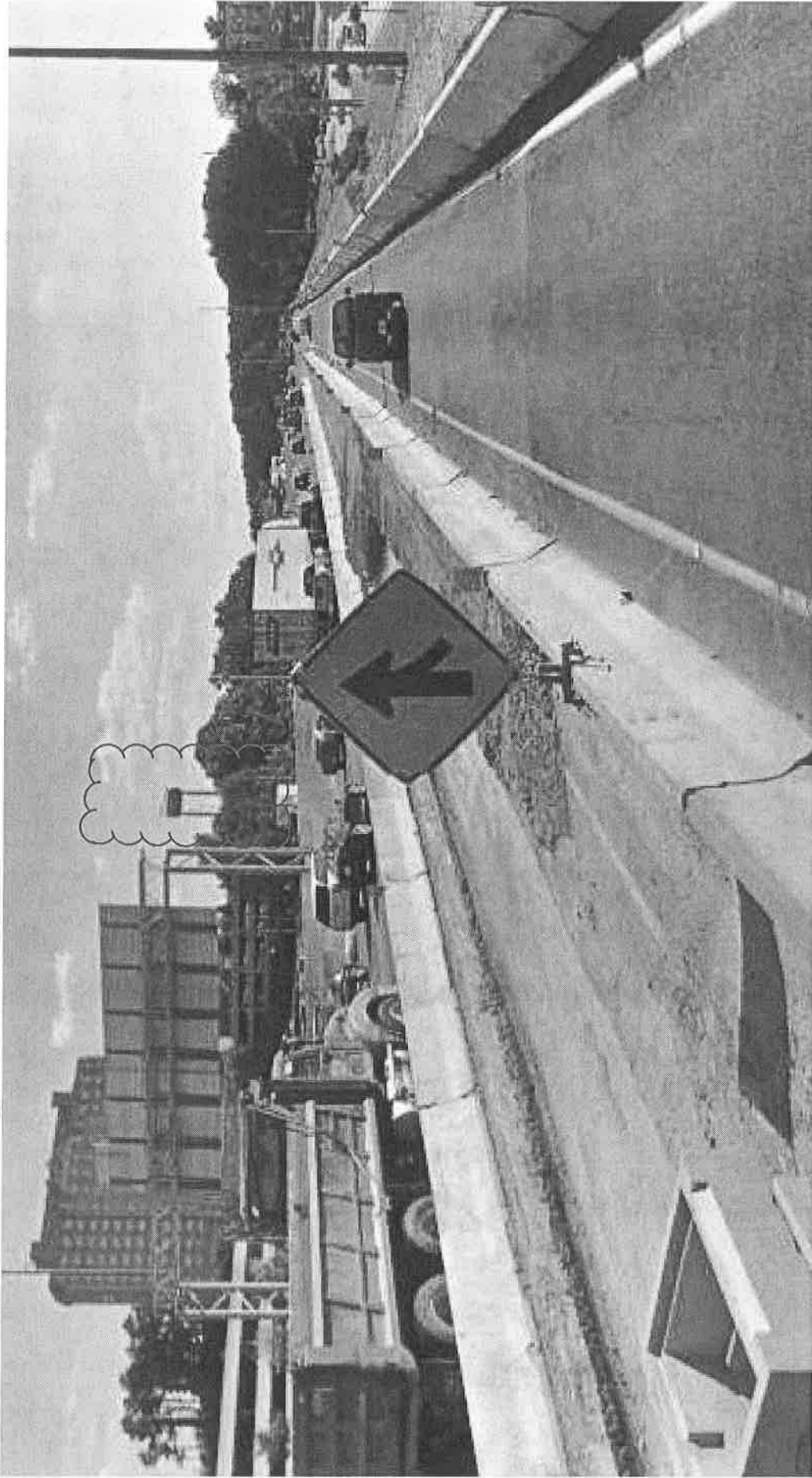
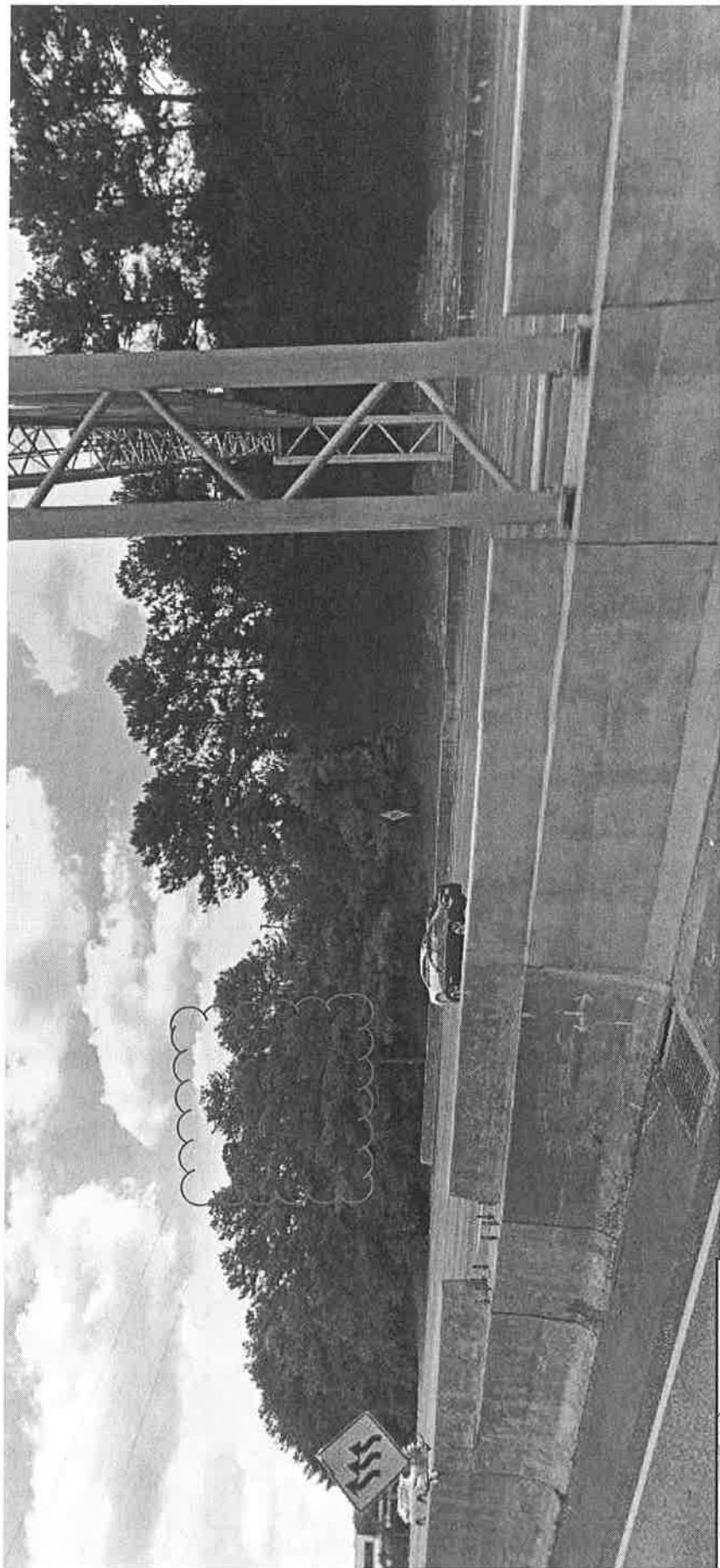






Exhibit A

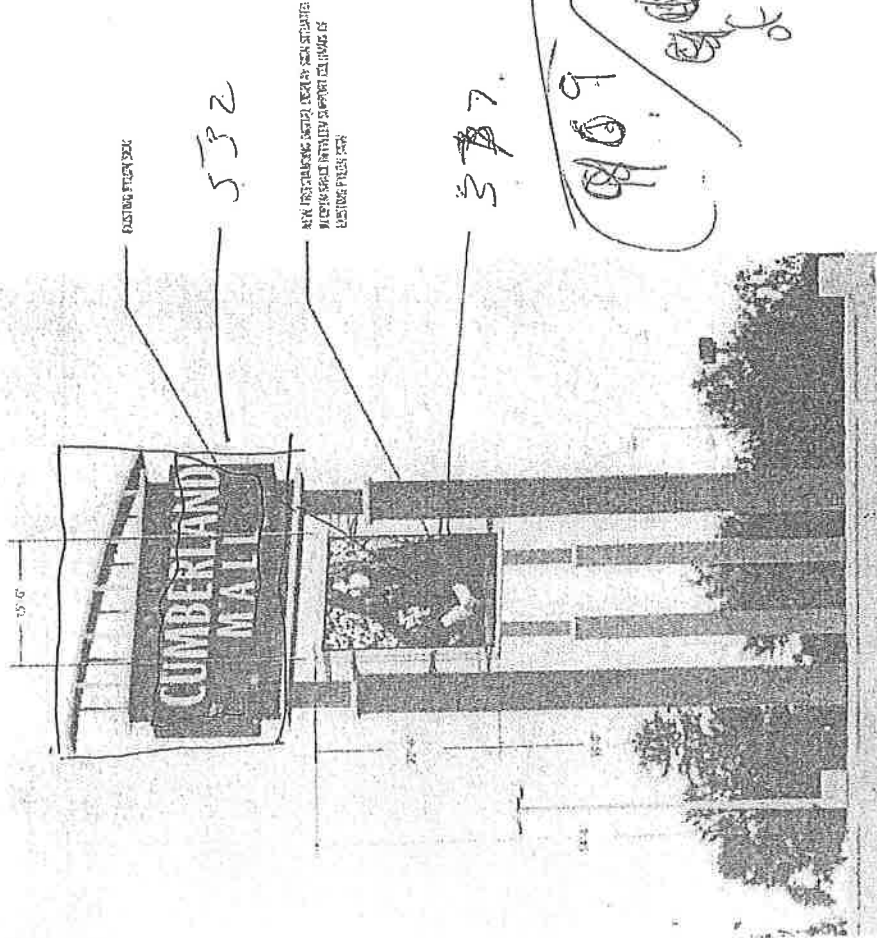




# Primary ID - Pylon

SIGN TYPE D

SQUARE FT. CALCULATIONS  
EXISTING PYLON  
8'-0" X 27'-0" = 216 SQ. FT.  
DIGITAL DISPLAY  
15'-0" X 22'-6" = 337.5 SQ. FT.



Petition No V-100<sup>'12</sup>  
Meeting Date 1-9-13  
Continued

*Handwritten notes:*  
- 532  
- 57  
- 532  
- 57  
- 532  
- 57

- square footage allocations - consisted of applicant's submittal
- submit concept drawing that includes static space - subject to 706 20 sq ft
- 80 ft' height storage zone
- report back - litigation on hold

Not broken into repair & blue frame panels

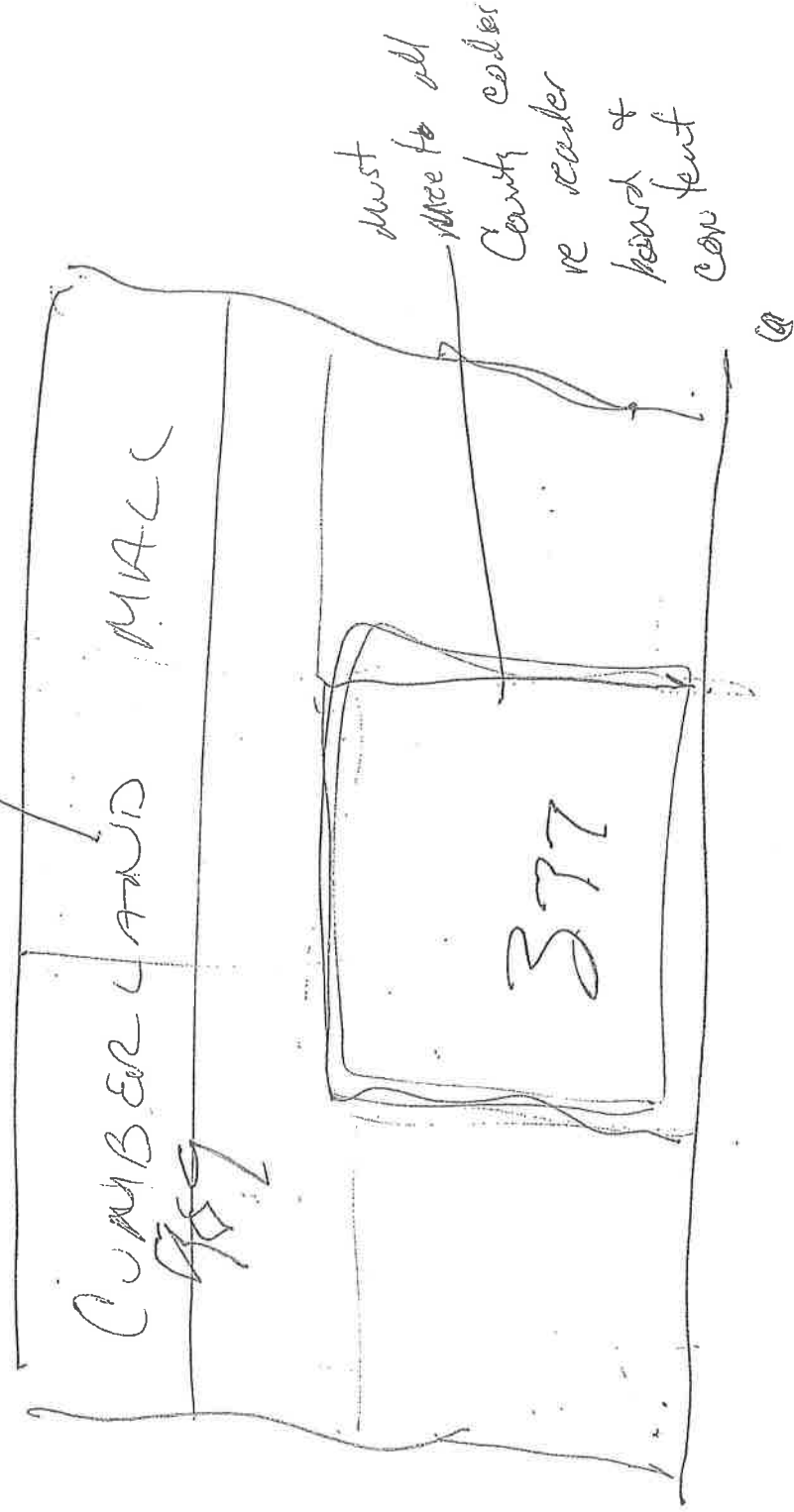
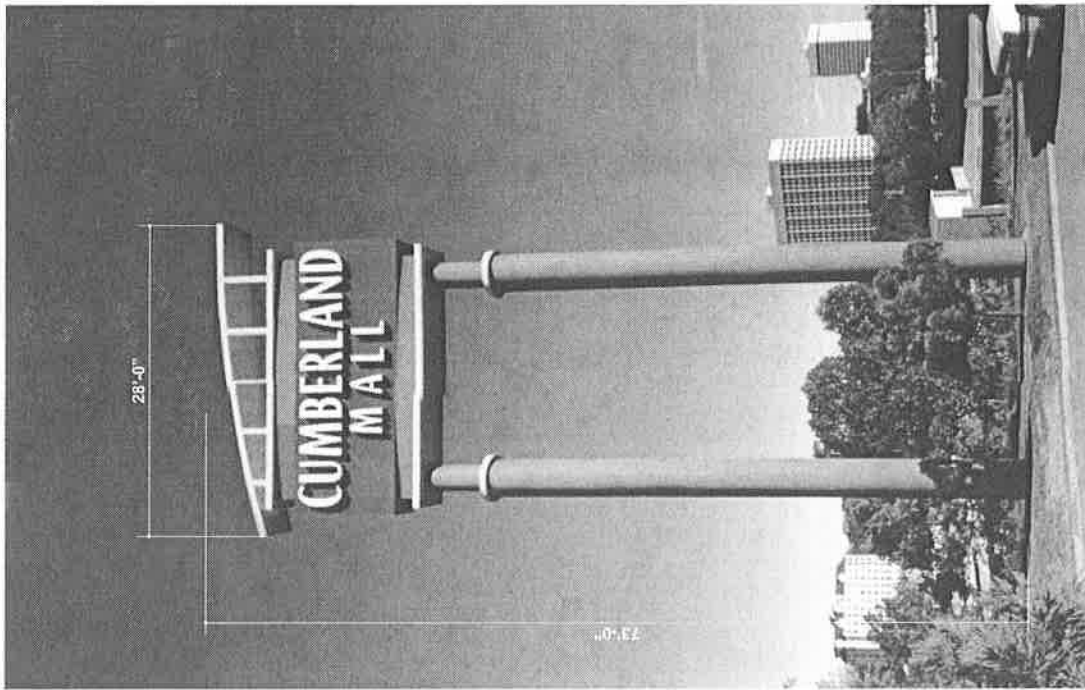


Exhibit C



EXISTING PYLON  
SCALE: 3/32"=1'-0"



PROPOSED PYLON  
SCALE: 3/32"=1'-0"

**JONES SIGN**  
Your Vision, Accomplished.  
469 BACK DRIVE CROYDON, VA 22024  
PH: 215.788.3898 FX: 215.788.7588

PA52438-R8  
Location: Cumberland Mall  
1000 Cumberland Mall  
Atlanta, GA 30339

Date: 02.07.14  
Drawn By: RR  
Merlin #: 10602

REVISION INFO

- R5-06-04-15 RM design new concepts
- R6-06-11-15 RM add detail to sign, & remove other code.
- R7-09-02-15 AR add color options
- R8-09-10-15 RM show site by scaled signs

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Client:



DIGITAL DISPLAY: 377.13 SQ. FT.  
 CHANNEL LETTERS: 1586.52 SQ. FT.  
 TENANT SIGN: 360 SQ. FT.  
 STATIC TOTAL: 5156.52 SQ. FT.

HORIZONTAL SUPPORTS  
 PAINTED BLACKSTONE MP  
 33348

5" DEEP FACE LIT CHANNEL  
 LETTERS: WHITE FACES,  
 BLACKSTONE MP 33348  
 RETURNS & TRIMCAP

DIGITAL DISPLAY PAINTED  
 BLACKSTONE MP 33348

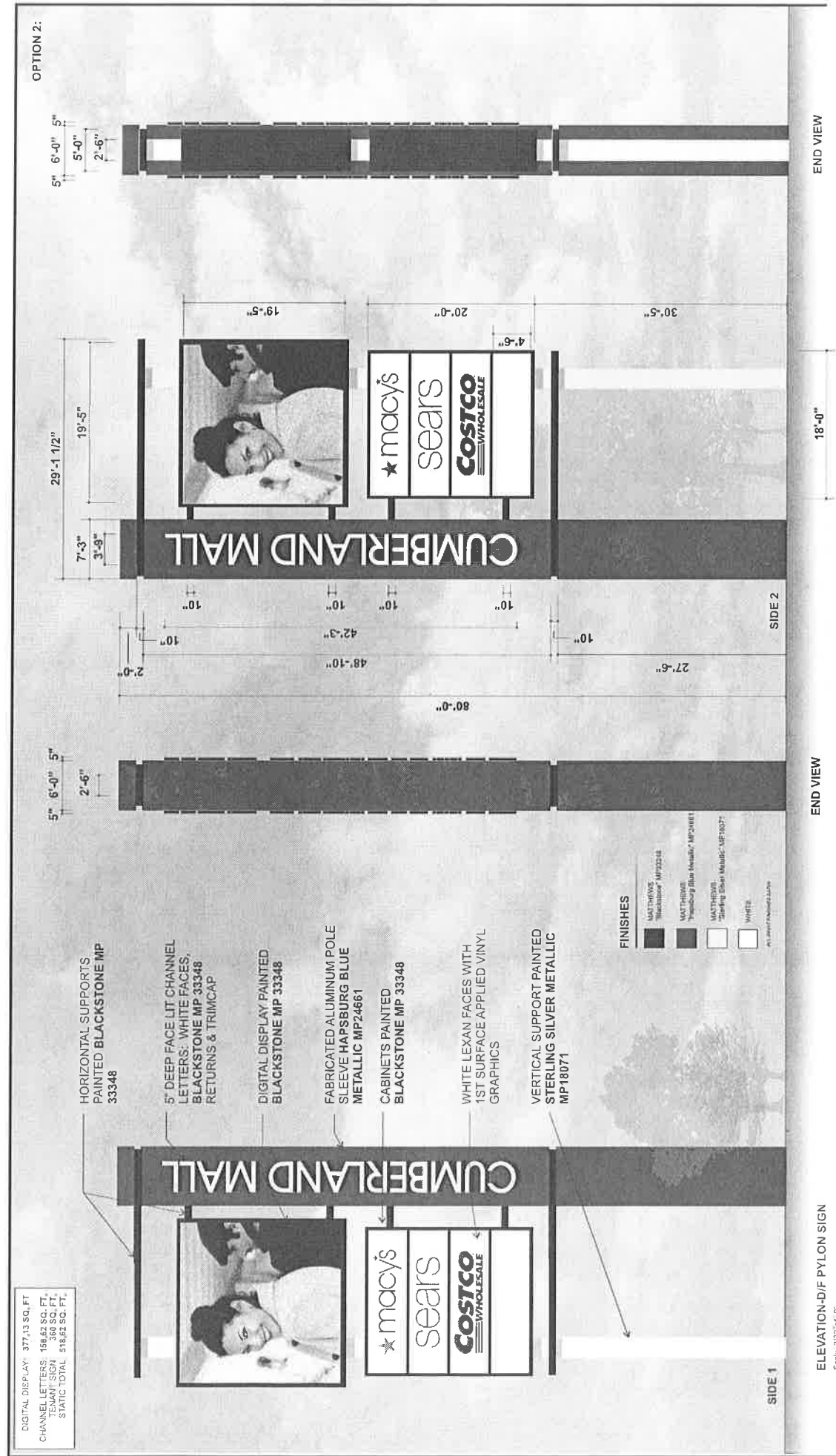
FABRICATED ALUMINUM POLE  
 SLEEVE HAFSBURG BLUE  
 METALLIC MP24661

CABINETS PAINTED  
 BLACKSTONE MP 33348

WHITE LEXAN FACES WITH  
 1ST SURFACE APPLIED VINYL  
 GRAPHICS

VERTICAL SUPPORT PAINTED  
 STERLING SILVER METALLIC  
 MP18071

- FINISHES**
- MATHEWES "Blackstone" MP3348
  - MATHEWES "Hafsburg Blue Metallic" MP24661
  - MATHEWES "Sterling Silver Metallic" MP18071
  - WHITE
- (\*) Colors not available in all areas.



OPTION 2:

ELEVATION-DIF PYLON SIGN  
 Scale: 3/32"=1'-0"

END VIEW

END VIEW

SIDE 1

SIDE 2

2 of 3

**JONES SIGN**  
 Your Vision. Accomplished.  
 400 MACK DRIVE CROYDON, PA 19021  
 PH: 215.788.3898 FX: 215.788.7568

PA52438-R8  
 Location: Cumberland Mall  
 1000 Cumberland Mall  
 Atlanta, GA 30339

Date: 02.07.14  
 Drawn By: RR  
 Merfin #: 10602

**REVISION INFO**

- R5 -05.02.15 RM design new concepts
- R6 -08.11.15 RM add detail to cab. 2. Remove other cab.
- R7 -09.02.15 AR add color options
- R8 -09.10.15 RM show site by scaled signs

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DIGITAL DISPLAY: 377.13 SQ. FT.  
CHANNEL LETTERS: 156.62 SQ. FT.  
TENANT SIGN: 388 SQ. FT.  
STATIC TOTAL: 516.62 SQ. FT.

HORIZONTAL SUPPORTS  
PAINTED MEDITERRANEAN  
GREEN MP 12613

5" DEEP FACE LIT CHANNEL  
LETTERS: WHITE FACES  
AND RETURNS & TRIMCAP

DIGITAL DISPLAY PAINTED  
PEWTER 48104SP

FABRICATED ALUMINUM POLE  
SLEEVE BLUEST BLUE  
MP55697

CABINETS PAINTED  
PEWTER 48104SP

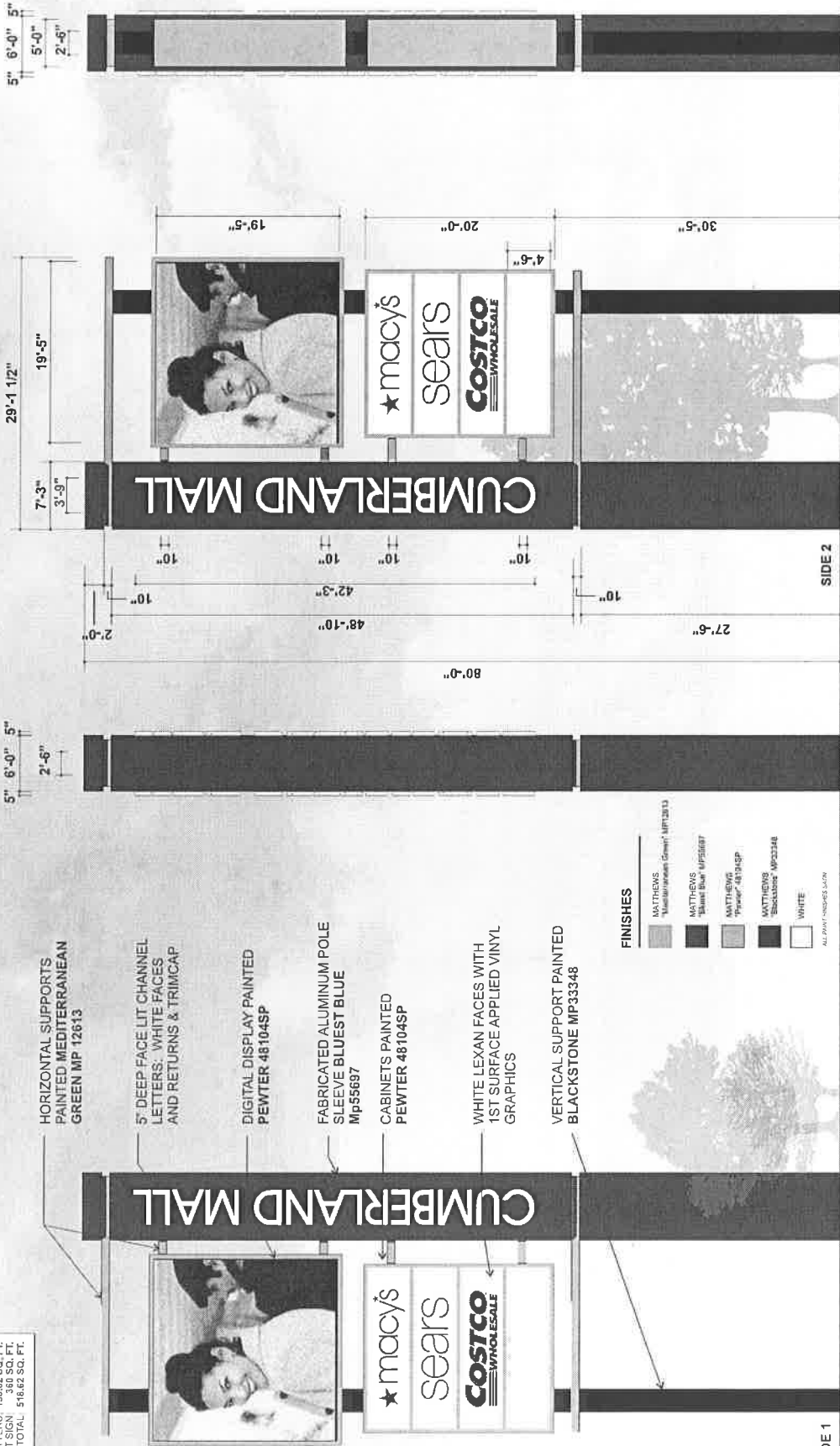
WHITE LEXAN FACES WITH  
1ST SURFACE APPLIED VINYL  
GRAPHICS

VERTICAL SUPPORT PAINTED  
BLACKSTONE MP33348

FINISHES

- MATTHEWS  
"Mediteranean Green" MP12613
- MATTHEWS  
"Bluest Blue" MP55697
- MATTHEWS  
"Pewter" 48104SP
- MATTHEWS  
"Blackstone" MP33348
- WHITE  
ALL PYPAT FINISHES SATIN

OPTION 5:



SIDE 1

SIDE 2

ELEVATION-DIF. PYLON SIGN

Scale: 3/32"=1'-0"

END VIEW

END VIEW

**JONES SIGN**  
Your Vision. Accomplished.  
490 MACK DRIVE CROYDON, PA 19021  
PH: 215.788.3898 FX: 215.788.7588

PA52438-R8  
Location: Cumberland Mall  
1000 Cumberland Mall  
Atlanta, GA 30339

Date: 02.07.14  
Drawn By: RR  
Merlin #: 10602

REVISION INFO

- R3 -05.02.14 RERevised. Tenant Cabinet
- R4 -05.06.14 RRevised section details
- R5 -05.04.15 RRevised new concepts
- R6 -05.11.15 RM\_add detail to copl. 2 remove other copls.
- R7 -09.02.15 AR\_add color options

Client:

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