

4

Application for "Other Business" Cobb County, Georgia

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

COBB COUNTY GEORGIA
FILED IN OFFICE

BOC Hearing Date Requested: 2013 SEP 10 PM 3:50 10/15/2013

Applicant: Pope & Land Enterprises, Inc.
(applicant's name printed)

Phone #: (770) 980-0808

COBB COUNTY ZONING DIVISION

Address: Suite 400, 3225 Cumberland Boulevard, **E-Mail:** fkelly@popeandland.com
Moore Ingram Johnson & Steele, LLP Atlanta, GA 30339

John H. Moore **Address:** Emerson Overlook, 326 Roswell Street
(representative's name, printed) Marietta, GA 30060

BY: [Signature] **Phone #:** (770) 429-1499 **E-Mail:** jmoore@mijcs.com
(representative's signature) Georgia Bar No. 519800 w7@mijcs.com



Signed, sealed and delivered in presence of:

Carolyn E. Cook
Notary Public

My commission expires: January 10, 2015

Titleholder(s): DCP Cumberland Investors, LLC **Phone #:** (404) 846-5777
(property owner's name printed)

Address: Suite 430, 1447 Peachtree Street, Atlanta, **E-Mail:** bday@daycp.com
See Attached Exhibit "A" for Signature GA 30309
of Titleholder's Representative

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-160 (1998)

Date of Zoning Decision: 11/17/1998 **Original Date of Hearing:** 11/17/1998
02/19/2013 (OB Decision)

Location: Northwesterly intersection of Cobb Parkway and Akers Mill Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 948 **District(s):** 17th

State specifically the need or reason(s) for Other Business: _____
See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

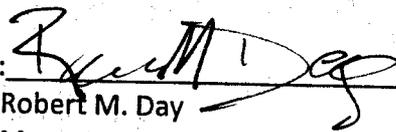
Application No.: Z-160 (1998)
Original Hearing Date: November 17, 1998
Date of Zoning Decision: November 17, 1998
Date of "Other Business"
Decision: February 19, 2013
Current Hearing Date: October 15, 2013

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.
Titleholder: DCP Cumberland Investors, LLC

DCP CUMBERLAND INVESTORS, LLC

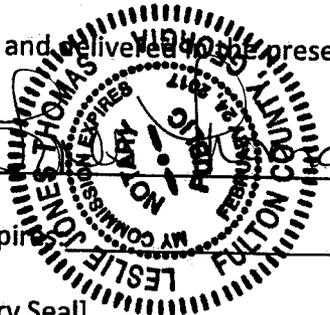
BY: DCP Cumberland Manager, LLC,
Its Manager

BY: 
Robert M. Day
Manager

Address: Suite 430
1447 Peachtree Street
Atlanta, Georgia 30309

Telephone No.: (404) 846-5777

Signed, sealed, and delivered in the presence of:


Notary Public
Commission Expires

[Notary Seal]

COBB COUNTY GEORGIA
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2013 SEP 10 PM 3:50
COBB COUNTY ZONING DIVISION

EXHIBIT "B" – ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(SITE PLAN AND STIPULATION AMENDMENT)

Application No.: Z-160 (1998)
Original Hearing Date: November 17, 1998
Date of Zoning Decision: November 17, 1998
Date of OB Decision: February 19, 2013
Current OB Hearing Date: October 15, 2013

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 SEP 10 PM 3:50
COBB COUNTY ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.
Property Owner: DCP Cumberland Investors, LLC

On November 17, 1998, the Cobb County Board of Commissioners approved rezoning of the property located at the northwesterly intersection of Cobb Parkway and Akers Mill Road, Land Lot 948, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property") to the General Commercial ("GC") zoning category to allow for office and retail uses. The Property has been developed and utilized for office and retail uses for many years. Earlier this year, on February 19, 2013, the Board of Commissioners approved an amendment for the Subject Property which would allow for the overall tract to become one, unified tract which would include certain improvements for ingress and egress to the site, renovations and upgrades to the existing buildings; as well as, the addition of a third building within the overall development. A true and correct copy of the approved, revised Site Plan is attached hereto as Exhibit "1" and incorporated herein by reference.

Subsequent to the approval of the "Other Business" amendment in February 2013, Applicant has obtained a specific user for a portion of the Subject Property who would require the construction of a new building specific for use as a banking facility. Therefore, the Applicant and Property Owner, by and through this Application for "Other Business," request certain modifications to the previously approved site plan on February 19, 2013, and modifications of certain stipulations related to the overall development as follows:

- (1) Applicant submits with this Application for "Other Business" a Site Plan dated August 21, 2013, prepared for Applicant by Travis Pruitt & Associates, Inc., a copy of which is attached hereto as Exhibit "2" and incorporated herein by reference. This Site Plan depicts only the portion of the Subject Property which is at the immediate intersection of the northerly side of Cobb Parkway (U.S. Highway 41) and the westerly side of Akers Mill Road. Applicant will supplement this Application with an updated, revised Site Plan of the overall site, which includes the proposed user building.

- (2) Applicant further seeks amendment to the overall, original zoning to allow for the demolition of the existing building located at the immediate intersection of the northerly side of Cobb Parkway (U.S. Highway 41) and the westerly side of Akers Mill Road (presently used for the retail development known as Men's Warehouse) to allow for the construction and development of the site area for a new structure for the proposed new user, a banking institution, as more particularly shown and reflected on the referenced Site Plan submitted herewith.

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the remaining, existing building and its tenants or surrounding developments, but shall serve to enhance the Subject Property. If the amendments requested in this Application for "Other Business" are approved, as submitted, they shall become an additional part of the final rezoning and prior amendments and shall be binding upon the Subject Property and the overall development.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on November 17, 1998, in Application No. Z-160 (1998); together with the official minutes, and attachments from the Board of Commissioners Zoning Hearing held on February 19, 2013, as to the proposed "Other Business" amendment, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.



Summit
Engineering Consultants, Inc.
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309
404.525.8800

COBE & LAND
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309
404.525.8800

Project No.	Client	Drawn By	Checked By	Date
0000	0000	0000	0000	0000
0000	0000	0000	0000	0000
0000	0000	0000	0000	0000
0000	0000	0000	0000	0000
0000	0000	0000	0000	0000
0000	0000	0000	0000	0000
0000	0000	0000	0000	0000
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0000	0000	0000	0000	0000
0000	0000	0000	0000	0000

SITE PLAN EXHIBIT A
LAND LOT #46 - 17th DISTRICT 2nd SECTION
COBB COUNTY, GEORGIA
AKERS MILL MEN'S WEARHOUSE

Drawn
EXHIBIT A

Proposed

OB#7

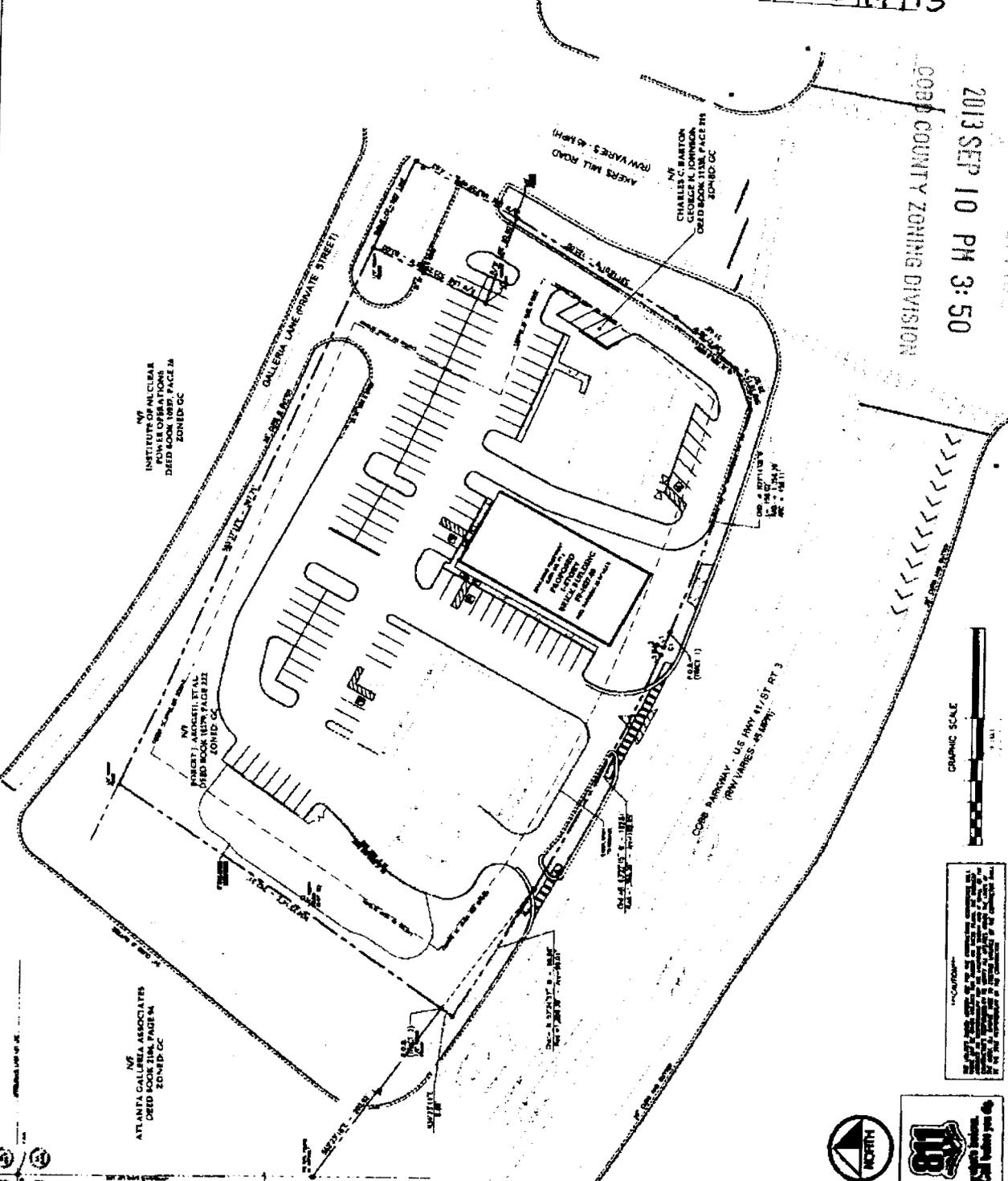
Map. PK. 007 Petition No. 007
Map Type *site plan*

Effective Date *2/19/13*

2013 SEP 10 PM 3:50

COBB COUNTY ZONING DIVISION

COBB COUNTY, GEORGIA
FILED IN OFFICE



INSTITUTE OF NUCLEAR
POWER OPERATIONS
DEED BOOK 1087, PAGE 2A
ZONED CC

ATLANTA GALLERIA ASSOCIATES
DEED BOOK 1087, PAGE 2A
ZONED CC



24 HOUR EMERGENCY CONTACT: FRANK KELLY 770-860-0808



Exhibit "1"

**REVISED SITE PLAN FOR AMENDMENT BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR “OTHER BUSINESS”
– OCTOBER 15, 2013
(Represents Portion of Overall Site)**

DATE: 09-10-13
 DRAWN BY: J. BEASLEY
 CHECKED BY: J. BEASLEY
 PROJECT NO. 13-001

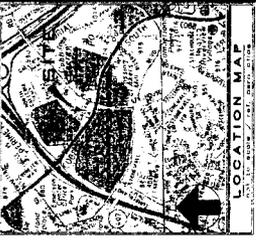


J.P. Morgan Chase Bank
COBB PARKWAY & AKERS MILL RD
 PRACTICAL PLAN 1
 LAND LOT 945, 17TH DISTRICT, COBB COUNTY, GEORGIA

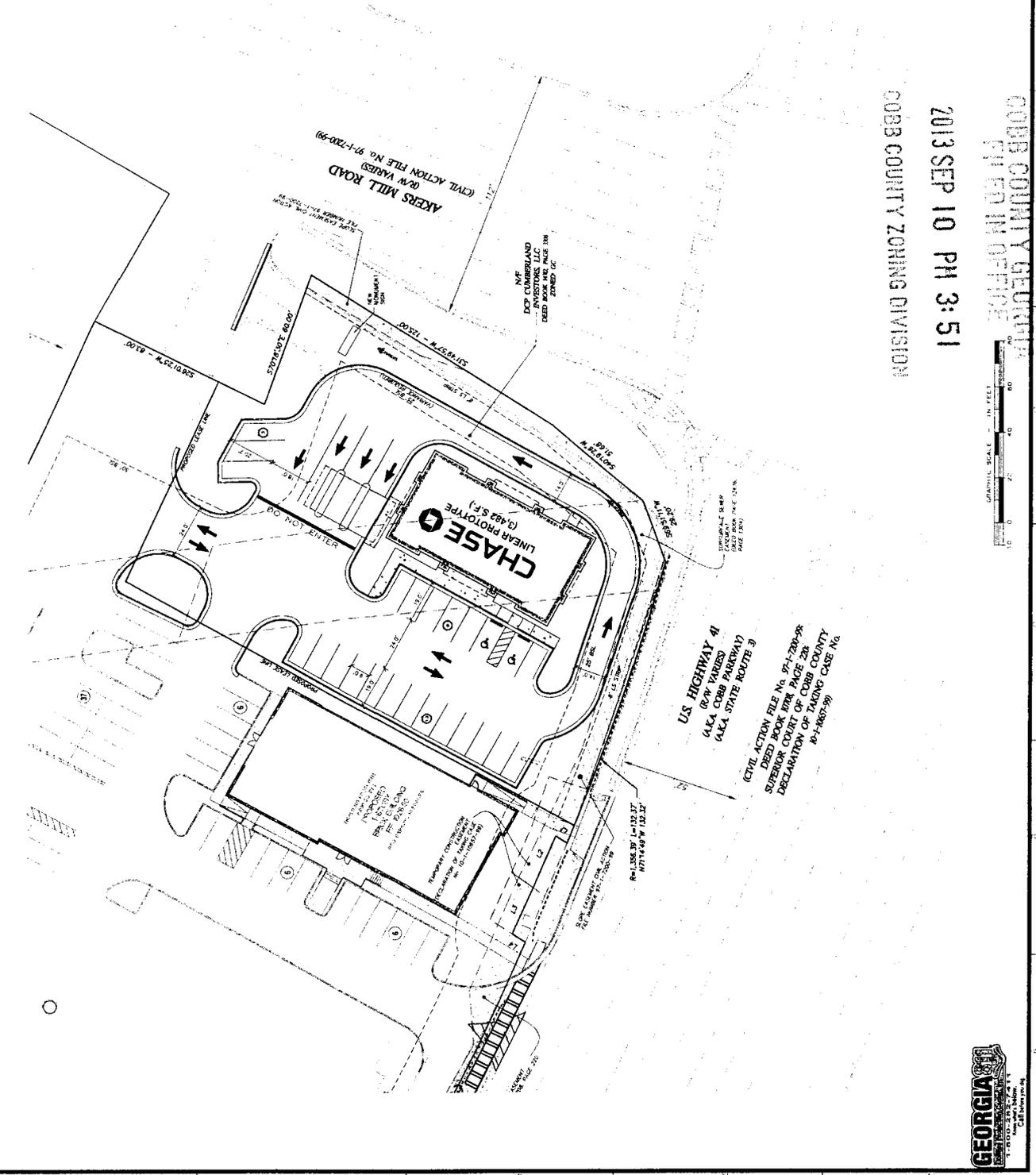
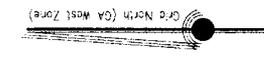
TransPoint Architects, Inc.
 4317 Park Drive, Suite 401
 Marietta, Georgia 30066
 Phone: (770) 476-7511
 Fax: (770) 476-7528
 Contact: Travis Anderson, P.E.

NO.	DATE	DESCRIPTION	BY
1	09-10-13	ISSUED FOR PERMIT	J. BEASLEY
2	09-10-13	ISSUED FOR PERMIT	J. BEASLEY
3	09-10-13	ISSUED FOR PERMIT	J. BEASLEY
4	09-10-13	ISSUED FOR PERMIT	J. BEASLEY
5	09-10-13	ISSUED FOR PERMIT	J. BEASLEY
6	09-10-13	ISSUED FOR PERMIT	J. BEASLEY
7	09-10-13	ISSUED FOR PERMIT	J. BEASLEY
8	09-10-13	ISSUED FOR PERMIT	J. BEASLEY
9	09-10-13	ISSUED FOR PERMIT	J. BEASLEY
10	09-10-13	ISSUED FOR PERMIT	J. BEASLEY

WAKEFIELD BEASLEY & ASSOCIATES
 ARCHITECTS/INTERIORS
 1000 Peachtree Street, N.E.
 Atlanta, Georgia 30309
 Phone: (404) 525-1100
 Fax: (404) 525-1101
 www.wakefieldbeasley.com



SITE ZONING: G-C
BUILDING SETBACK LINES:
 FRONT: 10 FEET
 SIDE: 10 FEET
 REAR: 10 FEET
BUILDING SUMMARY:
 1 STORY
 100,000 S.F. CHASE BANK
PARKING SUMMARY:
 REPAIR PARKING: 11 SPACES
 TOTAL PARKING SPACES: 12 SPACES
 ONE SPACE PER 835 SQUARE FEET OF GROSS FLOOR AREA
NOTES:
 1. SEE CIVIL ACTION FILE NO. 97-1-200-98 FOR THE 2007 BANKING SETBACK.
 2. SEE CIVIL ACTION FILE NO. 97-1-200-98 FOR THE 2007 BANKING SETBACK.



COBB COUNTY GEORGIA
PERMITTED IN OFFICE

2013 SEP 10 PM 3:51

COBB COUNTY ZONING DIVISION



US HIGHWAY 41
 (R/W VARIED)
 (ALCA COBB PARKWAY)
 (ALCA STATE ROUTE 3)
 CIVIL ACTION FILE NO. 97-1-200-98
 DEED BOOK 1074 PAGE 238
 SUPERIOR COURT OF COBB COUNTY
 DECLARATION OF TAKING CHASE No. 97-1-1887-98



**OVERALL SITE PLAN APPROVED BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR "OTHER BUSINESS"
– FEBRUARY 19, 2013**



Project No.	Sheet No.	Scale	Date	Drawn By	Checked By	Appr. By	Project Name
088B	1	AS SHOWN	2/19/13				AKERS MILL WEARHOUSE

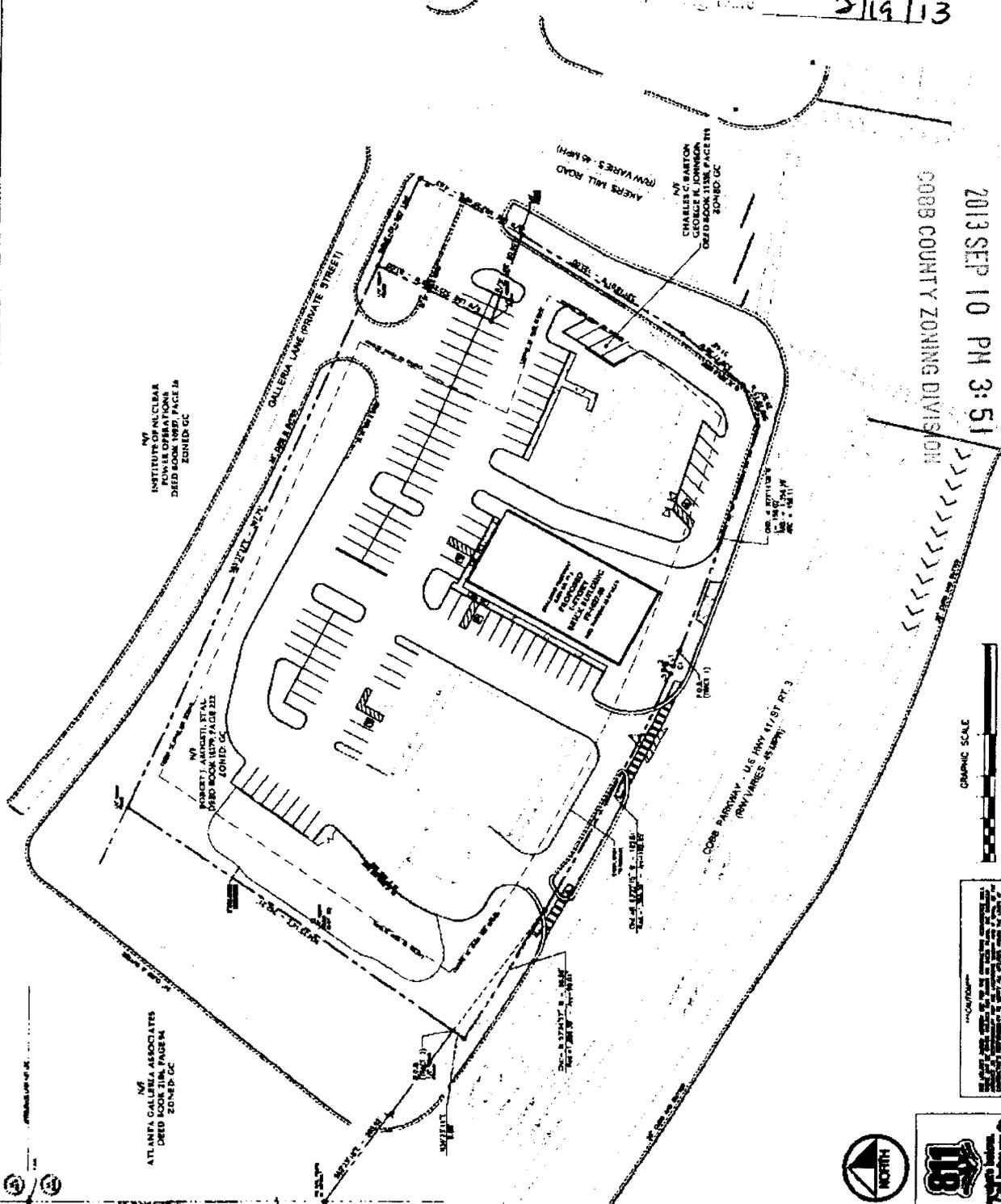
SITE PLAN EXHIBIT A
 AKERS MILL WEARHOUSE
 COBB COUNTY, GEORGIA
 LAND LOT 846 - 17th DISTRICT 2ND SECTION

EXHIBIT A
 Drawn

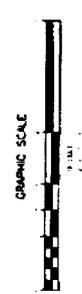
OB#7

Proposed

Mrs. PE. 07 Feticion No. 087
 Dist. Type site plan
 Date 2/19/13



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 COBB COUNTY ZONING DIVISION
 COBB COUNTY GEORGIA
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ATLANTA GALLERIA ASSOCIATES
 DESIGNED AND PREPARED
 ZONED CC

INSTITUTE OF NUCLEAR
 POWER OPERATIONS
 DESIGNED AND PREPARED
 ZONED CC

PROPERTY RIGHTS BY ALL
 PARTIES INVOLVED
 ZONED CC

CHARLES BARTON
 GEORGE H. JOHNSON
 DEED BOOK 1186 PAGE 171
 ZONED CC

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING FOR Z-160 (1998) –
NOVEMBER 17, 1998**

Application for Rezoning Cobb County

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 SEP 10 PM 3:51

Application No. 2-160
PC Hearing: 11-3-98
BOC Hearing: 11-17-98

COBB COUNTY ZONING DIVISION

Applicant George H. Johnson and Charles C. Barton Business Phone 770/ 955-1822 Home Phone 770/ 955-5305

Peter M. Degnan Address 1201 W. Peachtree Street, NW, Atlanta, GA 30309

(representative's name, printed) Business Phone 404/ 881-7743 or 881-7745

(representative's signature) *Peter M. Degnan*

Signed, sealed and delivered in presence of:

George H. Lee
Notary Public

Notary Public, Cobb County, Georgia
My Commission Expires October 30, 1998
My commission expires: _____

Titleholder SEE ATTACHED EXHIBIT "A" Business Phone _____ Home Phone _____

Signature SEE ATTACHED EXHIBIT "A" Address _____

(attach additional signatures, if needed)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Zoning Request From PSC to GC (tract 1=0.7672) (tract 2=2.1501)

For the Purpose of To bring the zoning in compliance with the zoning regulations of Cobb Co. (present zoning) (proposed zoning) The Size of Tract 2.9174 Acre(s)

(subdivision, restaurant, warehouse, apt., etc.) existing use of the property are a bank and retail commercial.

Location 2931 and 2905 Cobb Parkway (street address, if applicable; nearest intersection, etc.)

Land Lot(s) 948 District 17th

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there are no such assets. If any, they are as follows:

George H. Johnson
George H. Johnson (applicant's signature)

Charles C. Barton
Charles C. Barton (applicant's signature)

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

George H. Johnson
George H. Johnson (applicant's signature)

Charles C. Barton
Charles C. Barton (applicant's signature)

ORIGINAL DATE OF APPLICATION: 11-98

APPLICANTS NAME: GEORGE H. JOHNSON AND CHARLES C. BARTON

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

BOC DECISION OF 11-17-98 ZONING HEARING:

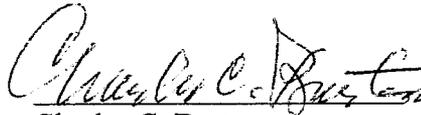
GEORGE H. JOHNSON AND CHARLES C. BARTON for Rezoning from **PSC** to **GC** for the purpose of Retail in Land Lot 948 of the 17th District. 2.9174 acres. Located at the northwest intersection of Cobb Parkway and Akers Mill Road. The Board of Commissioners, as part of the Consent Agenda, **approved** Rezoning to the **GC zoning district subject to: 1) this project subject to Stormwater Management Division comments and recommendations; 2) project subject to Cobb Department of Transportation comments and recommendations; 3) Board of Commissioners to have final approval on the development of property.** Motion by Wysong, second by W. Thompson, carried 5-0.

COBB COUNTY GEORGIA
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2013 SEP 10 PM 3:51
COBB COUNTY ZONING DIVISION

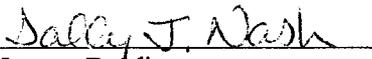
EXHIBIT "A"

To Rezoning Application for

GEORGE H. JOHNSON and CHARLES C. BARTON

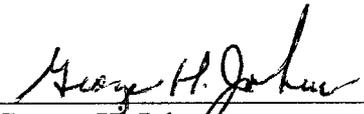
 Titleholder
Charles C. Barton
100 Galeria Parkway, Suite 1050
Atlanta, Georgia 30309

Signed, sealed and delivered
in the presence of:

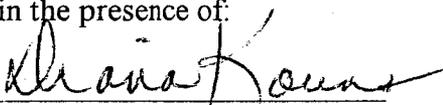

Notary Public

My commission Expires:

~~Notary Public, Cobb County, Georgia
My Commission Expires June 10, 2001~~

 Titleholder
George H. Johnson
100 Galeria Parkway, Suite 1045
Atlanta, Georgia 30309

Signed, sealed and delivered
in the presence of:


Notary Public

My commission Expires:

~~Notary Public, Cobb County, Georgia
My Commission Expires August 30, 2000~~

COBB COUNTY GEORGIA
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2013 SEP 10 PM 3:51
COBB COUNTY ZONING DIVISION

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO “OTHER BUSINESS
AMENDMENT” FOR Z-160 (1998) –
FEBRUARY 19, 2013**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 19, 2013**

COBB COUNTY GEORGIA
FILED IN OFFICE

2013 SEP 10 PM 3:51

COBB COUNTY ZONING DIVISION

ITEM NO. 7

To consider approval of a site plan for Pope & Land Enterprises, Inc. regarding rezoning application Z-160 of 1998 (George H. Johnson and Charles C. Barton), for property located at the northwesterly intersection of Cobb Parkway and Akers Mill Road in Land Lot 948 of the 17th District.

Mr. John Pederson provided information for approval of final development plan. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **approve** Other Business Item No. 7 for site plan approval regarding rezoning application Z-160 of 1998 (George H. Johnson and Charles C. Barton), for property located at the northwesterly intersection of Cobb Parkway and Akers Mill Road in Land Lot 948 of the 17th District **subject to:**

- **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**
- **Site plan dated January 15, 2013 marked Exhibit A in Other Business package (attached and made a part of these minutes)**
- **Letter of agreeable conditions including attachments from Mr. John Moore dated February 13, 2013 (attached and made a part of these minutes)**

VOTE: **ADOPTED** unanimously

Clerk's Note: Commissioner Ott requested that staff work with Applicant to convert access to right-in/right-out.

MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP
WWW.MIJS.COM

JOHN H. MOORE
STEPHEN C. STEELE
WILLIAM R. JOHNSON†
ROBERT D. INGRAM†
J. BRIAN O'NEIL
G. PHILLIP BEGGS
ELDON L. BASHAM
MATTHEW J. HOWARD
JERE C. SMITH
CLAYTON O. CARMACK
KEVIN B. CARLOCK†
ALEXANDER T. GALLOWAY III†
J. KEVIN MOORE
RODNEY A. McCOLLOCH
SUSAN S. STUART
BRIAN D. SMITH
HARRY R. TEAR III
W. TROY HART†
JEFFREY A. DAXE
KIM A. ROPER
VICTOR P. VALMUS
WILLIAM R. WINDERS, JR.†

ANGELA H. SMITH†
JOYCE W. HARPER
CHRISTOPHER C. MINGLEDORFF†
ANGELA D. TARTLINE
CAREY E. OLSON†
CHARLES E. PIERCE†
PRESTON D. HOLLOWAY
WILMA R. BUSH
GREGORY H. FULLER†
VERONICA L. RICHARDSON
TODD I. HEIRD†
DANIEL W. STARNES†
ALEXANDER B. MORRISON†
DOUGLAS W. BUTLER, JR.
APRIL R. HOLLOWAY
CARLA C. WESTER†
JANIE E. KNOBEL†
ADON J. SOLOMON†
AMY L. JETT†
JEFF C. MORMAN†
RYAN M. INGRAM
SHAWN G. SHELTON

MARIETTA, GEORGIA
EMERSON OVERLOOK
328 ROSWELL ST
MARIETTA, GEORGIA 30068
TELEPHONE (770) 429-1489

KNOXVILLE, TENNESSEE
408 N. CEDAR BLUFF RD • STE 500
KNOXVILLE, TENNESSEE 37923
TELEPHONE (865) 892-9038

JACKSONVILLE, FLORIDA
10151 DEERWOOD PARK BLVD • BLDG 200, STE 250
JACKSONVILLE, FLORIDA 32256
TELEPHONE (904) 428-1485

NASHVILLE, TENNESSEE
3208 WEST END AVE • STE 800
NASHVILLE, TENNESSEE 37203
TELEPHONE (615) 425-7847

LOUISVILLE, KENTUCKY
8900 CORPORATE CAMPUS DR • STE 3000
LOUISVILLE, KENTUCKY 40223
TELEPHONE (502) 410-8821

CHARLESTON, SOUTH CAROLINA
4000 S. FABER PLACE DR • STE 300
CHARLESTON, SOUTH CAROLINA 29405
TELEPHONE (843) 302-0002

KRISTEN C. STEVENSON*
CARLY M. RECORD
SARAH H. BEST†
BRAM L. SCHARF†
ROY H. SPARKS*
RYAN C. EOENS*
JULIE C. FULLER*
JODI B. LOOEN*
TAMMI L. BROWN
TRAVIS R. JACKSON
DAVID A. HURTADO
J. MARSHALL WEMUNT
KENDRA A. BIRTSCH†
JONATHAN J. SMITH
MONTROYA M. HO-SANG†
TRISTAN B. MORRISON***
WILLIAM B. WARHAY*
W. COLLINS BROWN
ROBERT A. BUTLER
COLLEEN K. HORN****
GRAHAM P. ROBERTS
DAVID J. OTTEN*

JONATHAN S. FUTRELL
JOSHUA D. ARTERS*
NORBERT D. HUMMEL, IV
DAVID P. GOWLEY
LYNDSY J. HURST
B. CHASE ELLEBY
G. BARDIN HOOKS
DAPHNE S. WITHROW

OF COUNSEL:
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN
* ALSO ADMITTED IN FL
*** ALSO ADMITTED IN CA
* ALSO ADMITTED IN TX
* ALSO ADMITTED IN AL
* ALSO ADMITTED IN KY
* ALSO ADMITTED IN SC
* ALSO ADMITTED IN NC
* ADMITTED ONLY IN TN
* ADMITTED ONLY IN FL

COBB COUNTY ZONING DIVISION

2013 FEB 13 AM 11:55

COBB COUNTY GEORGIA
PLANNING OFFICE

February 13, 2013

Hand Delivered

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

47-0000-007
Letter of agreeable
2/19/13

RE: Application for "Other Business" - Application No. Z-160 (1998)
(Item No. 7)

Applicant: Pope & Land Enterprises, Inc.
Property Owner: DCP Cumberland Investors, LLC
Property: 2931 and 2905 Cobb Parkway, Land Lot 948,
17th District, 2nd Section, Cobb County, Georgia

Dear John:

On behalf of the Applicant and Property Owner in the above-referenced Application for "Other Business," please accept this correspondence as our request to formally amend the pending Application as follows:

- (1) Submission herewith of a revised "Site Plan Exhibit 'A,'" dated January 15, 2013, prepared for Applicant by Summit Engineering Consultants, Inc.; and
- (2) Submission of amended and revised Exhibit "B" to the Application for "Other Business."

COBB COUNTY ZONING DIVISION

2013 SEP 10 PM 3:51

COBB COUNTY GEORGIA
PLANNING OFFICE

MOORE INGRAM JOHNSON & STEELE

Mr. John P. Pederson, AICP
Zoning Division Manager
Zoning Division
Cobb County Community Development Agency
Page 2 of 2
February 13, 2013

Filing No. 0B7
Filing Date 2/14/13

The original Site Plan Exhibit "A" and Exhibit "B" which were submitted with the filing of the Application for "Other Business" shall be replaced and superseded by the amendments presented and filed herewith.

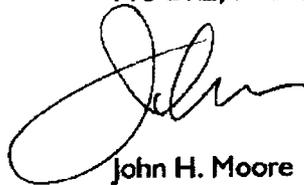
The balance and remainder of the pending Application for "Other Business" is unaltered by the amendments requested herein.

Thank you for your consideration and assistance in this request. If you should have any questions or require additional information or documentation at this time, 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:
Timothy D. Lee, Chairman
Helen C. Goreham
Robert Ott
Joann Birrell
Lisa N. Cupid
(With Copies of Attachments)

Pope & Land Enterprises, Inc.
(With Copies of Attachments)

COBB COUNTY GEORGIA
FILED IN OFFICE

087
2/19/13

2013 SEP 10 AM 3:45
COBB COUNTY ZONING DIVISION

**EXHIBIT "B" 3 AMENDMENT TO APPLICATION FOR OTHER BUSINESS
(SITE PLAN AND STIPULATION AMENDMENT)**

Application No.: Z-160 (1998)
Original Hearing Date: November 17, 1998
Date of Zoning Decision: November 17, 1998
Current Hearing Date: February 19, 2013

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 13 AM 11:56
COBB COUNTY ZONING DIVISION

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

Applicant: Pope & Land Enterprises, Inc.
Property Owner: DCP Cumberland Investors, LLC

Applicant files this Amendment to Application for "Other Business," deleting Exhibit "B" attached to the Application for "Other Business" filed on or about January 15, 2013, in its entirety and substituting in lieu thereof the following:

- (1) Applicant submits with this Amendment to Application for "Other Business" a revised "Site Plan Exhibit 'A,'" dated January 15, 2013, prepared for Applicant by Summit Engineering Consultants, Inc., which more particularly delineates the redevelopment of the Subject Property and the amendments proposed herein.
- (2) Applicant proposes to redevelop the site to reduce the topographical changes existing, and to construct a maximum two-story building, with a maximum of 10,000 square feet. The existing two-story building at the immediate intersection of Akers Mill Road and Cobb Parkway will be renovated.
- (3) Applicant proposes to convert the existing two separate parcels, or tracts, into one unified tract.
- (4) Applicant's existing full-service access to Akers Mill Road shall remain in place and unchanged; allowing left-in/left-out and right-in/right-out movements. However, should Applicant obtain an easement which would allow it and its tenants to use Galleria Lane, a private street, then, and in such event, the existing access shall be converted to a right-in/right-out access.
- (5) Applicant shall reduce the curb cuts to the Subject Property fronting along Cobb Parkway from three (3) curb cuts to two (2) curb cuts; one being a right-in/right-out and the other being a right-out only, as more particularly shown and reflected on the revised Site Plan Exhibit "A" submitted with this Amendment.

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- (6) With the proposed redevelopment, the new front for the Subject Property, as per Cobb County Code, will now be Akers Mill Road. Therefore, the front setback shall be reduced from fifty (50) feet to twenty-five (25) feet pursuant to existing conditions. Please note that previously the front for the tract containing this building was Cobb Parkway and the setback was twenty-five (25) feet as a major side setback.

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the existing buildings and its tenants or surrounding developments, but shall serve to enhance the Subject Property and allow for safer access points within the overall development. 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 and the overall development.

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and attachments thereto, of the Board of Commissioners Zoning Hearing held on November 17, 1998, in Application No. Z-160 (1998), are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.