

(Site Plan Approval and Stipulation Amendment)
Application for "Other Business"
Cobb County, Georgia

OB-64

SEP 16 2014

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

BOC Hearing Date Requested: October 21, 2014

Applicant: D&A Investment Group, LLC and Pereira Management, LLC **Phone #:** (404) 444-1010
(applicant's name printed)

Address: 3105 Bethany Bend, Milton, GA 30004 **E-Mail:** mkhah@dandaig.com

Moore Ingram Johnson & Steele, LLP Emerson Overlook, 326 Roswell Street
John H. Moore **Address:** Marietta, GA 30060

(representative's name, printed)

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

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]
Notary Public

My commission expires: January 10, 2015

Titleholder(s): D&A Investment Group, LLC and Pereira Management, LLC **Phone #:** (404) 444-1010
(property owner's name printed)

Address: 3105 Bethany Bend, Milton, GA 30004 **E-Mail:** mkhah@dandaig.com

See Exhibit "A" Attached Collectively Hereto for Signatures of Titleholders' Representatives
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Commission District: 2 (Ott) **Zoning Case:** Z-40 (2008)

Date of Zoning Decision: 10/21/2008 **Original Date of Hearing:** 08/19/2008

Location: North side of Paces Ferry Road, west of Overlook Parkway;
South side of Bert Adams Road, south of Mount Wilkinson Parkway
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 885 **District(s):** 17th

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

See Exhibit "B" attached hereto and incorporated herein by reference.


EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval and Stipulation Amendment)

Application No.: Z-40 (2008)
Original Hearing Date: August 19, 2008
Date of Zoning Decision: October 21, 2008
Current Hearing Date: October 21, 2014

SEP 16 2014

**Applicants/Titleholders: D&A Investment Group, LLC and
Pereira Management, LLC**

D&A INVESTMENT GROUP, LLC

BY: 
Mehdi Jannat-Khah
Manager

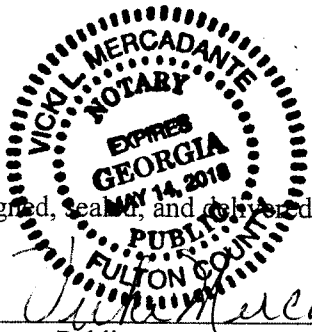
Printed Name: Mehdi Jannat-Khah

Date Executed: 09/12/14

Address: 3105 Bethany Bend
Milton, Georgia 30004

Telephone No.: (404) 444-1010

Signed, sealed, and delivered in the presence of:




Notary Public

Commission Expires: 05/14/2018

[Notary Seal]

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval and Stipulation Amendment)

Application No.: Z-40 (2008)
Original Hearing Date: August 19, 2008
Date of Zoning Decision: October 21, 2008
Current Hearing Date: October 21, 2014

SEP 16 2014

Applicants/Titleholders: D&A Investment Group, LLC and
Pereira Management, LLC

PEREIRA MANAGEMENT, LLC

BY: [Signature]
Mehdi Jannat-Khah
Manager

Printed Name: Mehdi Jannat-Khah

Date Executed: 09/12/14

Address: 3105 Bethany Bend
Milton, Georgia 30004

Telephone No.: (404) 444-1010

Signed, sealed, and delivered in the presence of:
[Signature]
Notary Public
Commission Expires: 05/14/2018



[Notary Seal]

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval and Stipulation Amendment)

Application No.: Z-40 (2008)
Original Hearing Date: August 19, 2008
Date of Zoning Decision: October 21, 2008
Current Hearing Date: October 21, 2014

SEP 19 2014

BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

**Applicants/Titleholders: D&A Investment Group, LLC and
Pereira Management, LLC**

The Applicants and Property Owners, D&A Investment Group, LLC and Pereira Management, LLC (hereinafter collectively referred to as the "Applicants"), originally sought rezoning of the approximately 10.425 acre tract located on the north side of Paces Ferry Road, west of Overlook Parkway, and on the south side of Bert Adams Road, south of Mount Wilkinson Parkway, Land Lot 885, 17th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"), in 2007. This Application was withdrawn. In 2008, the Applicants refiled their Application for Rezoning for the Subject Property seeking rezoning from the then existing zoning categories of Office and Institutional ("OI") and Neighborhood Shopping ("NS") to the Regional Retail Commercial ("RRC") for a mixed-use development/

On October 21, 2008, the Cobb County Board of Commissioners approved the rezoning sought by the Applicants to the RRC zoning classification subject to the final site plan being approved by the Board of Commissioners through an "Other Business" agenda item; as well as a number of stipulations set forth within the final, official minutes. Applicants now wish to move forward with development of the Property; however, due to the passage of time and changes in the economy and demographics of the area, Applicants seek approval of a final Site Plan and a complete amendment of the stipulations set forth in the final, official minutes dated October 21, 2008.

Applicants seek approval of the Overall Preliminary Site Plan and revised stipulations set forth below through this Application for "Other Business," which, if approved, as submitted, shall supersede and replace in full the previously approved stipulations by the Board of Commissioners on October 21, 2008, and shall be binding upon the Subject Property. The revised 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) Development of the Subject Property shall be to the Regional Retail Commercial ("RRC") zoning category, as previously approved by the Cobb County Board of Commissioners on

October 21, 2008, and shall be site plan specific to the Overall Preliminary Site Plan ("Site Plan") prepared for Applicants by AEC Engineering, dated September 2, 2014, and filed contemporaneously herewith. A reduced copy of the revised Site Plan is attached to this stipulation letter for ease of reference as Exhibit "1" and incorporated herein by reference.

- (3) The Subject Property consists of approximately 10.425 acres of total site area and shall be developed for a mixed-use development consisting of retail and residential.

SEP 16 2014

I. STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) The project shall have two distinct phases and types of products, as follows:
 - (a) The Vinings Vista development shall be a townhome community located on 5.6 acres on the most northerly portion of the Subject Property, along the southerly side of Bert Adams Road;
 - (b) The Vinings Ascent development shall consist of 4.825 acres and shall be developed in a village concept with retail and restaurant space located on the main, street level and residential townhomes above. Vinings Ascent shall be developed along the northerly side of Paces Ferry Road, as more particularly shown and reflected on the referenced Site Plan.
- (2) 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. There shall be a monument sign located on Paces Ferry road and a monument sign on Bert Adams Road, all as more particularly shown and reflected on the referenced Site Plan.
- (3) 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.
- (4) Lighting within the overall development shall be environmentally sensitive, decorative, and themed to the architecture and style of the respective components of the development.
- (5) Additionally, hooded security lighting shall be utilized on the exteriors of the buildings and throughout the walkways, surface parking areas, and parking deck and ramp areas; excepting only, the individual townhome units which shall utilize only decorative, themed lighting as described above.
- (6) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed retail buildings containing tenant identification signage or advertising signage. This provision shall be contained within any lease between Applicants and any prospective tenant, and Applicants agree to enforce these provisions against any tenant which violates the foregoing. Additionally, there

- shall be no vehicles parked in front of the proposed retail buildings with “for sale” signs posted thereon.
- (7) Setbacks for the components of the overall proposed development shall be as more particularly shown and reflected on the referenced Site Plan.
 - (8) Minor modifications to the within stipulations, the referenced Site Plan, lighting, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary, except for those that:
 - (a) Increase the density of a residential project or the overall square footage of a non-residential project;
 - (b) Reduce the size of an approved buffer adjacent to a property that is zoned the same or in a more restrictive zoning district;
 - (c) Relocate a structure closer to the property line of an adjacent property that is zoned the same or in a more restrictive zoning district;
 - (d) Increase the height of a building that is adjacent to a property that is zoned the same or in a more restrictive zoning district; or
 - (e) Change an access location to a different roadway.
 - (9) 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.
 - (10) Applicants agree 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.
 - (11) 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.
 - (12) 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.
 - (13) Applicants agree to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
 - (14) All utilities for the proposed overall development shall be located underground.

- (15) 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, leasing, repair, and/or service facilities;
 - (d) Gas stations and self-service gas stations that sell gas and convenience stores;
 - (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;
 - (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.
- (16) 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.
- (17) A total of one hundred forty-two (142) parking spaces are located within the adjacent office tower currently located in the Vinings Ascent portion of the overall development. These spaces will remain until development of the Vinings Ascent component, at which time the parking spaces will be provided in surface and parking deck space within Vinings Ascent, as more particularly shown and reflected on the referenced Site Plan.
- (18) Applicants shall not simultaneously develop the Vinings Vista project and the Vinings Ascent project. The Vinings Vista (Residential component) shall be developed as phase one of the overall development, and Vinings Ascent (Retail and Residential component) shall be developed as phase two of the overall development.

II. VININGS VISTA - RESIDENTIAL COMPONENT

- (1) The proposed Vinings Vista community shall consist of 5.6 acres and shall be developed for a residential townhome community, containing a maximum of fifty-seven (57) residential, for sale units.
- (2) The proposed townhomes shall be traditional in style and architecture, shall be three (3) and four (4) stories in height, and shall have minimum two-car garages. The driveway pad in front of the garages shall be of sufficient size to park two (2) full-size automobiles.
- (3) The proposed townhomes shall have a minimum of 2,500 square feet, upwards to 4,000 square feet, and possibly greater, of heated and cooled living space.
- (4) The exterior of the townhomes shall have front and side facades of brick, stone, stacked stone, stucco-type, masonry siding, cedar shake shingles, hardi-plank, or combinations thereof, with complementary accents. No vinyl materials shall be used on the exterior of the proposed townhome residences.
- (5) Unit finishes shall consist, at a minimum, of the following:
 - (a) Enhanced Corian, granite, or marble countertops;
 - (b) Selection of hardwood flooring, carpet, and tile throughout;
 - (c) Brushed chrome bathroom and kitchen fixtures, or equivalent;
 - (d) Ceramic tile bathrooms and laundry rooms; and
 - (e) Spacious walk-in closets in the master bedroom.
- (6) Elevators will be offered as an option within the units.
- (7) All units within the proposed residential community shall be “for sale” units. The Declaration of Restrictive Covenants shall restrict the number of units which can be leased at any one time to ten (10) percent of the units and restrict the lease term to a minimum of one (1) year.
- (8) Applicants agree to the recording and enforcement of a Declaration of Restrictive Covenants which shall contain covenants, rules, and regulations applicable to the proposed townhome community.
- (9) Additionally, and in conjunction with the Declaration of Restrictive Covenants, Applicant agrees to the creation of a mandatory homeowners association which shall be responsible for the upkeep and maintenance of the entrance area, signage, all common areas, open space, stormwater management area, private streets, and the like contained within the community.
- (10) The yard areas around each unit shall be fully sodded and maintained by the mandatory homeowners association to be created through the Declaration of Restrictive Covenants applicable to the proposed community.

- (11) In conjunction with the entrance area for the proposed townhome community, there shall be constructed a wrought-iron type fence, with brick columns along the frontage of the development along Bert Adams Road.
- (12) All residents of the proposed residential community shall have access to and use and enjoyment of the amenity areas, which will include, but not be limited to pool and clubhouse.
- (13) There shall be a twenty (20) foot front building setback along Bert Adams Road, adjacent to the main entrance area, as more fully shown and reflected on the referenced Site Plan.
- (14) The proposed townhome community shall have private streets, twenty-four (24) feet in width, from back-of-curb to back-of-curb. Construction of the private streets shall comply in all respects as to materials, base, and other requirements with the Cobb County Code. No parking shall be permitted on private streets, unless in designated parking areas; and further shall not apply during construction. Guest parking areas shall be provided, as more particularly shown and reflected on the referenced Site Plan.
- (15) Applicants shall be allowed to provide for a gated community for both entrances on Bert Adams Road pursuant to Cobb County standards.
- (16) The required parking for the proposed townhome community is one hundred fourteen (114) spaces, which shall be provided in the two-car garages of the units.

III. VININGS ASCENT – RETAIL AND RESIDENTIAL COMPONENT

- (1) The Vinings Ascent development shall consist of 4.825 acres and shall be developed in a village concept with retail and restaurant space located on the main, street level with residential townhomes above.
- (2) There shall be a maximum of 64,000 square feet of retail and restaurant space located within the Vinings Ascent development.
- (3) There shall be a maximum of twenty-eight (28) residential, for sale townhome units located above the retail units within the Vinings Ascent development. These residential units shall be two and three stories in height.
- (4) Elevators shall be offered as options within the residential units. Additionally, elevators to reach the townhome units from the retail area will be provided.
- (5) Parking required for the proposed Vinings Ascent development shall be three hundred seventy-eight (378) spaces. The parking spaces provided are three hundred seventy-eight (378) surface parking and in the adjoining parking deck, pursuant to Cobb County Code.

- (6) Detention and water quality facilities for the proposed Vinings Ascent development shall be as shown and reflected on the Site Plan. Any above ground facilities shall be screened by black, vinyl-clad chain link fencing, or black wrought iron-type fencing. The fencing shall be six (6) feet in height with landscaping to the exterior of the fencing for purposes of visual screening.
- (7) The streets within the Vinings Ascent development shall be private with the construction therefor complying in all respects as to materials, base, and other requirements to the Cobb County Code.
- (8) There shall be interparcel access between the Vinings Vista and Vinings Ascent developments as more particularly areas as shown on the referenced Site Plan. A gate between the two developments may be installed.

The proposed site plan approval and stipulation amendment presented herein in no way adversely impacts or affects the quality of the overall project approved in the original rezoning of the Subject Property, but shall allow development of the Property into a quality project which shall serve the needs and demands of the residents of the Vinings community. If the requested approval and amendments are approved, as submitted, they shall supersede and replace in full the previous minutes from the October 21, 2014, Board of Commissioners Zoning Hearing, and become a part of the final rezoning and shall be binding upon the proposed development.

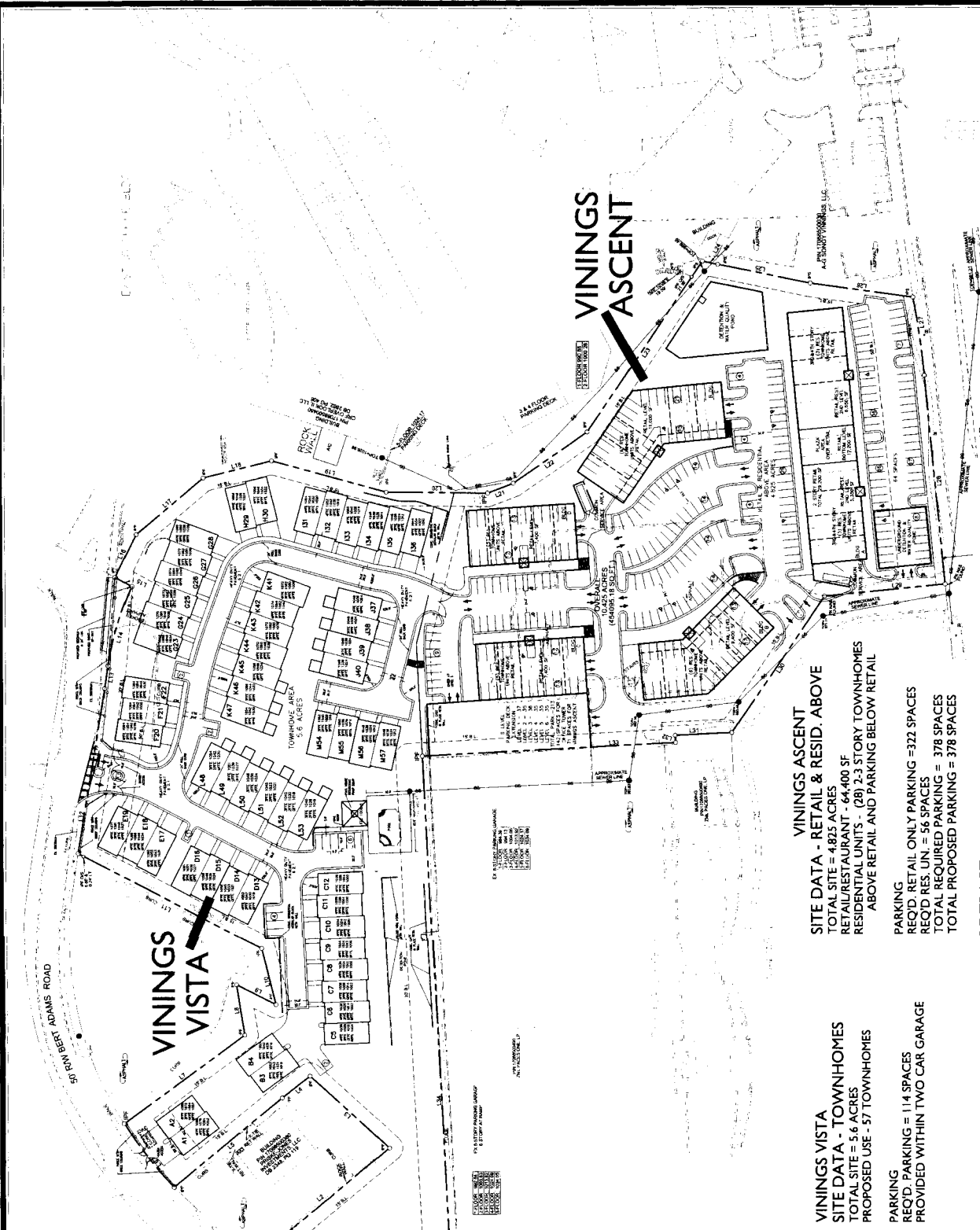
AEC
 Planning & Design
 49 Warm Springs Circle
 Atlanta, Georgia 30328
 404.525.1100
 www.aec.com

**OVERALL
 PRELIMINARY SITE
 PLAN**

VININGS ASCENT
 FOR
 VININGS, GEORGIA
 D & A INVESTMENT GROUP, LLC

NO.	REVISIONS	DATE

PROJECT NO. - 14-378
 DRAWN - BDR
 DESIGNED - BDR
 CHECKED -
 DATE - 4-2-14



VININGS VISTA
 SITE DATA - TOWNHOMES
 TOTAL SITE = 5.6 ACRES
 PROPOSED USE - 57 TOWNHOMES

PARKING
 REQ'D. PARKING = 114 SPACES
 PROVIDED WITHIN TWO CAR GARAGE

VININGS ASCENT
 SITE DATA - RETAIL & RESID. ABOVE
 TOTAL SITE = 4.825 ACRES
 RETAIL/RESTAURANT - 64,400 SF
 RESIDENTIAL UNITS - (28) 2-3 STORY TOWNHOMES
 ABOVE RETAIL AND PARKING BELOW RETAIL

PARKING
 REQ'D. RETAIL ONLY PARKING = 372 SPACES
 REQ'D. RES. UN. = 56 SPACES
 TOTAL REQUIRED PARKING = 378 SPACES
 TOTAL PROPOSED PARKING = 378 SPACES

SITE DATA - ENTIRE TRACT
 TOTAL SITE = 10.425 ACRES

Count	Boundary	Distance
L1	N 11° 12' 30" E	218.07'
L2	N 87° 00' 00" E	115.47'
L3	N 10° 00' 00" E	138.50'
L4	N 30° 00' 00" E	138.50'
L5	N 87° 00' 00" E	115.47'
L6	N 11° 12' 30" E	218.07'
L7	N 87° 00' 00" E	115.47'
L8	N 10° 00' 00" E	138.50'
L9	N 30° 00' 00" E	138.50'
L10	N 87° 00' 00" E	115.47'
L11	N 11° 12' 30" E	218.07'
L12	N 87° 00' 00" E	115.47'
L13	N 10° 00' 00" E	138.50'
L14	N 30° 00' 00" E	138.50'
L15	N 87° 00' 00" E	115.47'
L16	N 11° 12' 30" E	218.07'
L17	N 87° 00' 00" E	115.47'
L18	N 10° 00' 00" E	138.50'
L19	N 30° 00' 00" E	138.50'
L20	N 87° 00' 00" E	115.47'
L21	N 11° 12' 30" E	218.07'
L22	N 87° 00' 00" E	115.47'
L23	N 10° 00' 00" E	138.50'
L24	N 30° 00' 00" E	138.50'
L25	N 87° 00' 00" E	115.47'
L26	N 11° 12' 30" E	218.07'
L27	N 87° 00' 00" E	115.47'
L28	N 10° 00' 00" E	138.50'
L29	N 30° 00' 00" E	138.50'
L30	N 87° 00' 00" E	115.47'
L31	N 11° 12' 30" E	218.07'
L32	N 87° 00' 00" E	115.47'
L33	N 10° 00' 00" E	138.50'
L34	N 30° 00' 00" E	138.50'
L35	N 87° 00' 00" E	115.47'
L36	N 11° 12' 30" E	218.07'
L37	N 87° 00' 00" E	115.47'
L38	N 10° 00' 00" E	138.50'
L39	N 30° 00' 00" E	138.50'
L40	N 87° 00' 00" E	115.47'
L41	N 11° 12' 30" E	218.07'
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L43	N 10° 00' 00" E	138.50'
L44	N 30° 00' 00" E	138.50'
L45	N 87° 00' 00" E	115.47'
L46	N 11° 12' 30" E	218.07'
L47	N 87° 00' 00" E	115.47'
L48	N 10° 00' 00" E	138.50'
L49	N 30° 00' 00" E	138.50'
L50	N 87° 00' 00" E	115.47'
L51	N 11° 12' 30" E	218.07'
L52	N 87° 00' 00" E	115.47'
L53	N 10° 00' 00" E	138.50'
L54	N 30° 00' 00" E	138.50'
L55	N 87° 00' 00" E	115.47'
L56	N 11° 12' 30" E	218.07'
L57	N 87° 00' 00" E	115.47'
L58	N 10° 00' 00" E	138.50'
L59	N 30° 00' 00" E	138.50'
L60	N 87° 00' 00" E	115.47'
L61	N 11° 12' 30" E	218.07'
L62	N 87° 00' 00" E	115.47'
L63	N 10° 00' 00" E	138.50'
L64	N 30° 00' 00" E	138.50'
L65	N 87° 00' 00" E	115.47'
L66	N 11° 12' 30" E	218.07'
L67	N 87° 00' 00" E	115.47'
L68	N 10° 00' 00" E	138.50'
L69	N 30° 00' 00" E	138.50'
L70	N 87° 00' 00" E	115.47'
L71	N 11° 12' 30" E	218.07'
L72	N 87° 00' 00" E	115.47'
L73	N 10° 00' 00" E	138.50'
L74	N 30° 00' 00" E	138.50'
L75	N 87° 00' 00" E	115.47'
L76	N 11° 12' 30" E	218.07'
L77	N 87° 00' 00" E	115.47'
L78	N 10° 00' 00" E	138.50'
L79	N 30° 00' 00" E	138.50'
L80	N 87° 00' 00" E	115.47'
L81	N 11° 12' 30" E	218.07'
L82	N 87° 00' 00" E	115.47'
L83	N 10° 00' 00" E	138.50'
L84	N 30° 00' 00" E	138.50'
L85	N 87° 00' 00" E	115.47'
L86	N 11° 12' 30" E	218.07'
L87	N 87° 00' 00" E	115.47'
L88	N 10° 00' 00" E	138.50'
L89	N 30° 00' 00" E	138.50'
L90	N 87° 00' 00" E	115.47'
L91	N 11° 12' 30" E	218.07'
L92	N 87° 00' 00" E	115.47'
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L94	N 30° 00' 00" E	138.50'
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L96	N 11° 12' 30" E	218.07'
L97	N 87° 00' 00" E	115.47'
L98	N 10° 00' 00" E	138.50'
L99	N 30° 00' 00" E	138.50'
L100	N 87° 00' 00" E	115.47'

DATE: 4/2/14

SCALE: 1" = 40'

NOR 'H

Exhibit "1"

**SITE PLAN PRESENTED WITH
APPLICATION FOR “OTHER BUSINESS”
FOR CONSIDERATION OF APPROVAL
BY BOARD OF COMMISSIONERS
PURSUANT TO APPLICATION FOR
“OTHER BUSINESS” – OCTOBER 21, 2014**

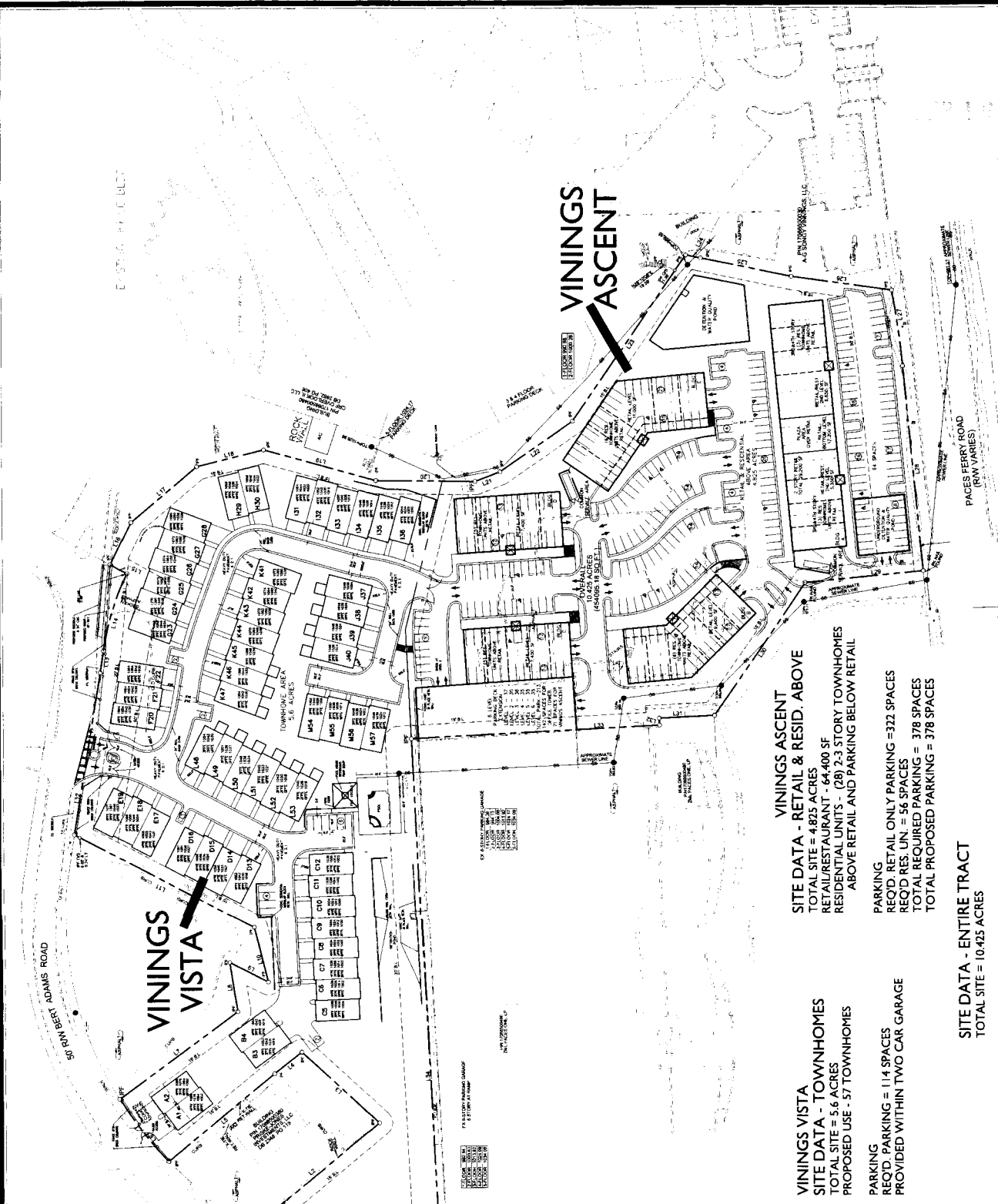


A:E:C
 ARCHITECTS & ENGINEERS
 2000 Peachtree Dunwoody Road, Suite 100
 Atlanta, Georgia 30328
 Phone: 404.488.8888
 Fax: 404.488.8889
 www.aecga.com

**OVERALL
 PRELIMINARY SITE
 PLAN**

VININGS ASCENT
 FOR
 VININGS, GEORGIA
VININGS VISTA
 D & A INVESTMENT GROUP, LLC

PROJECT NO. 14-578
 DRAWN: BDR
 DESIGNED: BDR
 CHECKED:
 DATE: 9-2-14



VININGS VISTA

VININGS ASCENT

VININGS ASCENT - RETAIL & RESID. ABOVE
 SITE DATA - 4.825 ACRES
 RETAIL/RESTAURANT - 64,400 SF
 RESIDENTIAL UNITS - (28) 2-3 STORY TOWNHOMES
 ABOVE RETAIL AND PARKING BELOW RETAIL

VININGS VISTA - TOWNHOMES
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 PROPOSED USE - 57 TOWNHOMES

SITE DATA - ENTIRE TRACT
 TOTAL SITE = 10.425 ACRES

PARKING
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 PROVIDED WITHIN TWO CAR GARAGE

PARKING
 REQ'D. RETAIL ONLY PARKING = 322 SPACES
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 TOTAL REQUIRED PARKING = 378 SPACES
 TOTAL PROPOSED PARKING = 378 SPACES

Corner	Bearing	Distance
L1	S 17° 02' 00" E	117.47
L2	S 17° 02' 00" E	117.47
L3	N 16° 02' 00" W	117.47
L4	N 16° 02' 00" W	117.47
L5	S 17° 02' 00" E	117.47
L6	S 17° 02' 00" E	117.47
L7	N 16° 02' 00" W	117.47
L8	N 16° 02' 00" W	117.47
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L16	N 16° 02' 00" W	117.47
L17	S 17° 02' 00" E	117.47
L18	S 17° 02' 00" E	117.47
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L35	N 16° 02' 00" W	117.47
L36	N 16° 02' 00" W	117.47
L37	S 17° 02' 00" E	117.47
L38	S 17° 02' 00" E	117.47
L39	N 16° 02' 00" W	117.47
L40	N 16° 02' 00" W	117.47
L41	S 17° 02' 00" E	117.47
L42	S 17° 02' 00" E	117.47
L43	N 16° 02' 00" W	117.47
L44	N 16° 02' 00" W	117.47
L45	S 17° 02' 00" E	117.47
L46	S 17° 02' 00" E	117.47
L47	N 16° 02' 00" W	117.47
L48	N 16° 02' 00" W	117.47
L49	S 17° 02' 00" E	117.47
L50	S 17° 02' 00" E	117.47
L51	N 16° 02' 00" W	117.47
L52	N 16° 02' 00" W	117.47
L53	S 17° 02' 00" E	117.47
L54	S 17° 02' 00" E	117.47
L55	N 16° 02' 00" W	117.47
L56	N 16° 02' 00" W	117.47
L57	S 17° 02' 00" E	117.47
L58	S 17° 02' 00" E	117.47
L59	N 16° 02' 00" W	117.47
L60	N 16° 02' 00" W	117.47
L61	S 17° 02' 00" E	117.47
L62	S 17° 02' 00" E	117.47
L63	N 16° 02' 00" W	117.47
L64	N 16° 02' 00" W	117.47
L65	S 17° 02' 00" E	117.47
L66	S 17° 02' 00" E	117.47
L67	N 16° 02' 00" W	117.47
L68	N 16° 02' 00" W	117.47
L69	S 17° 02' 00" E	117.47
L70	S 17° 02' 00" E	117.47
L71	N 16° 02' 00" W	117.47
L72	N 16° 02' 00" W	117.47
L73	S 17° 02' 00" E	117.47
L74	S 17° 02' 00" E	117.47
L75	N 16° 02' 00" W	117.47
L76	N 16° 02' 00" W	117.47
L77	S 17° 02' 00" E	117.47
L78	S 17° 02' 00" E	117.47
L79	N 16° 02' 00" W	117.47
L80	N 16° 02' 00" W	117.47
L81	S 17° 02' 00" E	117.47
L82	S 17° 02' 00" E	117.47
L83	N 16° 02' 00" W	117.47
L84	N 16° 02' 00" W	117.47
L85	S 17° 02' 00" E	117.47
L86	S 17° 02' 00" E	117.47
L87	N 16° 02' 00" W	117.47
L88	N 16° 02' 00" W	117.47
L89	S 17° 02' 00" E	117.47
L90	S 17° 02' 00" E	117.47
L91	N 16° 02' 00" W	117.47
L92	N 16° 02' 00" W	117.47
L93	S 17° 02' 00" E	117.47
L94	S 17° 02' 00" E	117.47
L95	N 16° 02' 00" W	117.47
L96	N 16° 02' 00" W	117.47
L97	S 17° 02' 00" E	117.47
L98	S 17° 02' 00" E	117.47
L99	N 16° 02' 00" W	117.47
L100	N 16° 02' 00" W	117.47



SEP 10 2008

**OFFICIAL MINUTES OF BOARD OF
COMMISSIONERS ZONING HEARING
AS TO APPLICATION FOR REZONING
NO. Z-40 (2008) – AUGUST 19, 2008**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
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SEP 11 2008

REQUEST TO WITHDRAW WITHOUT PREJUDICE:

SLUP-14 T-MOBILE C/O COMPASS TECHNOLOGY SERVICES (Tony K. and Mary Turner, owners) requesting a **Special Land Use Permit** for the purpose of a 199-Foot Telecommunications Tower and Equipment in Land Lots 77 and 78 of the 20th District. Located on the west side of Dallas Acworth Highway (Georgia Highway 92), north of Cheatham Road.

Mr. John Moore, Applicant's representative, stated request for the application to be **Withdrawn Without Prejudice**. There was no opposition to this request. Thereafter, the following motion was made:

MOTION: Motion by Goreham, second by Olens, to **authorize** Rezoning request to be **Withdrawn Without Prejudice**.

VOTE: **ADOPTED** unanimously

REGULAR CASES — NEW BUSINESS:

The order of business was amended by general consensus, and application #Z-40 was brought forward on the agenda.

Z-40 D & A INVESTMENT GROUP, LLC AND PEREIRA MANAGEMENT, LLC (owners) requesting Rezoning from **OI** and **NS** to **RRC** for the purpose of Mixed Use Development in Land Lot 885 of the 17th District. Located on the north side of Paces Ferry Road, west of Overlook Parkway and on the south side of Bert Adams Road, south of Mount Wilkinson Parkway.

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

MOTION: Motion by Thompson, second by Lee, to **approve** Rezoning to the **RRC** zoning district **subject to:**

- **site plan specific to RRC zoning district to be approved by the Board of Commissioners as "Other Business" agenda item**

**MINUTES OF ZONING HEARING
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**Z-40 D & A INVESTMENT GROUP, LLC AND PEREIRA
MANAGEMENT, LLC (Continued)**

- there will be one "Senior Living Building" with maximum 12 stories in height to be approved by Board of Commissioners as "Other Business" agenda item
- a maximum of two (2) other buildings not to exceed 16 stories in height to be approved by Board of Commissioners as "Other Business" agenda item
- maximum of 78,000 square feet of retail/commercial in "The Village" (*retail/commercial square footage is contingent upon Cobb DOT confirming Paces Ferry Road can handle this traffic*)
- any "Other Business" documentation to be submitted at least thirty (30) days prior to the public hearing
- maximum F.A.R. of 1.6
- land located along Paces Ferry Road, referred to as "The Village" to be site plan specific and approved by Board of Commissioners as "Other Business" agenda item regarding landscaping, signage, architecture, DOT, Stormwater Management, and Water and Sewer issues
- berm on Paces Ferry Road right-of-way not to be removed until approved by Board of Commissioners as "Other Business" agenda item
- no permits are to be issued until the 142 parking spaces (exclusive parking for adjacent office buildings) are replaced (except for permits for the parking space)
- Cobb DOT to consider Paces Ferry Road as part of "The Village" concept and not as a major roadway in evaluating system improvements
- subject to the two "Development of Regional Impact" (DRI) studies performed by the Atlanta Regional Commission (ARC) and the Georgia Regional Transportation Authority (GRTA) (on file in the Zoning Division)
- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- Cobb DOT comments and recommendations
- owner/developer to enter into a Development Agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concern

VOTE: ADOPTED unanimously

Following the vote on Z-40, a break was taken from 10:16 a.m. until 10:22 a.m.