

(Site Plan and Stipulation Amendment)

# Application for "Other Business" Cobb County, Georgia

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

06-049-2015  
OCT 13 2015  
COBB COUNTY

BOC Hearing Date Requested: November 17, 2015

**Applicant:** JLB Realty LLC Phone #: (678) 855-7900  
(applicant's name printed)

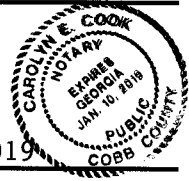
**Address:** Suite 4-200, 3715 Northside Parkway, **E-Mail:** mhallman@jlbpartners.com  
Moore Ingram Johnson & Steele, LLP Atlanta, GA 30327

**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@mijs.com  
(representative's signature) Georgia Bar No. 519800 w7@mijs.com

Signed, sealed and delivered in presence of:

Carolyn E. Cook My commission expires: January 10, 2019  
Notary Public



**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:

\_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

**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.


(List or attach additional information if needed)

**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:** November 17, 2015

**Applicant:** JLB Realty LLC  
**Titleholders:** D&A Investment Group, LLC and  
Pereira Management, LLC

PEREIRA MANAGEMENT, LLC

BY:   
Mehdi Jannat-Khah  
Manager

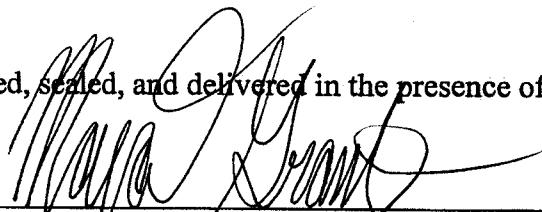
Printed Name: Mehdi Jannatkhah

Date Executed: 10/12/2015

Address: 3105 Bethany Bend  
Milton, Georgia 30004

Telephone No.: (404) 444-1010

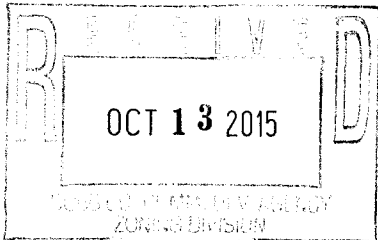
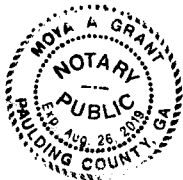
Signed, sealed, and delivered in the presence of:



Notary Public

Commission Expires: August 26 2019

[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: November 17, 2015

Applicant: JLB Realty LLC  
Titleholders: D&A Investment Group, LLC and  
Pereira Management, LLC

D&A INVESTMENT GROUP, LLC

BY: *Mehdi Jannat-Khah*  
Mehdi Jannat-Khah  
Manager

Printed Name: Mehdi Jannatkhah

Date Executed: 10/12/2015

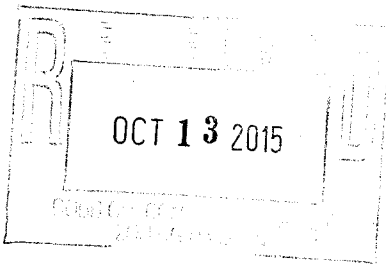
Address: 3105 Bethany Bend  
Milton, Georgia 30004

Telephone No.: (404) 444-1010

Signed, sealed, and delivered in the presence of:

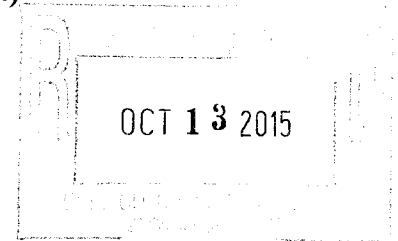
*[Signature]*  
Notary Public  
Commission Expires: August 26 2019

[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:** November 17, 2015



**BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS**

**Applicant:** JLB Realty LLC  
**Titleholders:** D&A Investment Group, LLC and  
Pereira Management, LLC

The property which is the subject of this Application for "Other Business" is approximately a 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, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"). In 2008, the Property Owners, D&A Investment Group, LLC and Pereira Management, LLC (hereinafter collectively referred to as the "Owners"), filed an 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 the purpose of developing the Property to a mixed-use development. On October 21, 2008, the Cobb County Board of Commissioners approved the rezoning sought by the Owners 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.

Applicant, JLB Realty LLC (hereinafter "Applicant"), is now pursuing development of the Property pursuant to the RRC zoning classification. However, due to the passage of time and changes in the economy and demographics of the area, Applicant seeks approval of a revised, final Site Plan and a complete amendment of the stipulations set forth in the final, official minutes dated October 21, 2008.

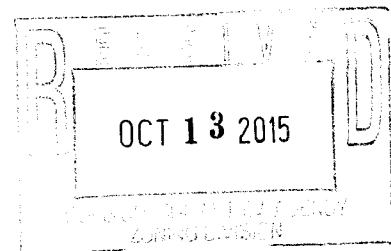
Applicant seeks approval of a revised Site Plan and revised stipulations through this Application for "Other Business," which, if approved, as submitted, shall supersede and replace in full the site plan and stipulations previously approved by the Board of Commissioners on October 21, 2008, and shall be binding upon the Subject Property, as follows:

- (1) 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 Zoning Site Plan prepared for Applicant by Summit Engineering Consultants, Inc., dated September 21, 2015, and filed

contemporaneously herewith. A reduced copy of the proposed Zoning Site Plan is attached for ease of reference as Exhibit "1" and incorporated herein by reference.

- (2) 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.
- (3) Development of the northern portion of the Subject Property shall be for a townhome community upon approximately 5.51 acres, containing a maximum of fifty-nine (59) residential, for sale units.
- (4) Development of the southern portion of the Subject Property shall be for retail and residential upon approximately 4.91 acres, as follows:
  - (a) There shall be a maximum of 35,000 square feet of retail and restaurant space located on two levels of the building immediately adjacent to Paces Ferry Road;
  - (b) There shall be a maximum of twelve (12) residential, for sale townhome units located above the retail and restaurant space;
  - (c) A two-story parking deck shall be constructed immediately adjacent, and to the rear, of the retail and residential townhomes to provide for parking for the patrons and residents; and
  - (d) The multi-story residential building shall be a maximum of five (5) stories in height, above grade, which shall contain a maximum of two hundred ninety-five (295) units, containing three levels of parking below grade, as shown and reflected on the proposed Zoning Site Plan.
- (5) Applicant is currently working with the Vinings Community regarding the proposed development and will supplement this Application with a more detailed stipulation letter prior to the hearing before the Cobb County Board of Commissioners.

The approval of the proposed Zoning Site Plan and revised stipulations presented in this "Other Business" Application in no way adversely impacts or affects the quality of the overall project approved in the original rezoning of the Subject Property, but will 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, 2008, Board of Commissioners Zoning Hearing, and become a part of the final rezoning and shall be binding upon the proposed development.



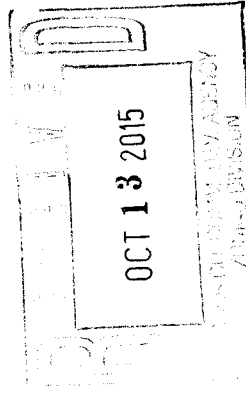
# Site Plan Rendering

Vinings, Georgia

NOTES FROM ZONING SUBMITTAL PLAN BY SUMMIT ENG.

- ▶ TOTAL SITE AREA: 10.42 ACRES  
 TOWNHOME ACREAGE (NORTH): 5.51 ACRES  
 MIXED USE ACREAGE (SOUTH): 4.91 ACRES
- ▶ PROPOSED UNITS:  
 TOWNHOMES (NORTH) = 59 UNITS  
 TOWNHOMES (SOUTH) = 12 UNITS  
 MULTIFAMILY RES (SOUTH) = 295 UNITS
- ▶ PARKING REQUIRED PER USE (SECTION 134-272.5D)  
 TOWNHOMES - 2 SPACES/DWELLING UNITS @ 73 UNITS  
 MIXED USE RESIDENTIAL BUILDING - 295 UNITS @ 1.75 SPACES/UNIT  
 RETAIL (COMMUNITY) - 1 SPACE / 200 SQUARE FEET  
 OTHER USES ALLOWED PER CODE
- ▶ REQUIRED SETBACKS\*  
 FRONT = 50'  
 SIDE = 15'  
 REAR = 30' (NO REAR YARD EXISTS)
- SETBACK VARIANCE REQUESTED:  
 SETBACK AT PACES FERRY RD. REDUCED TO 15'-0"  
 SETBACK AT BERT ADAMS RD. (WEST) REDUCED TO 30'-0"  
 SETBACK AT BERT ADAMS RD. (EAST) REDUCED TO 20'-0"
- ▶ RRC DISTRICT MAX HEIGHT OF 100 FT:  
 MIXED USE RESIDENTIAL BUILDING: TYPE 3  
 CONSTRUCTION, MAX HEIGHT 85' ABOVE GRADE  
 (5 STORY RESIDENTIAL OVER 3 STORY PARKING  
 PODIUM. PARKING STRUCTURE IS PARTIALLY  
 UNDERGROUND.)
- NOTE: THERE ARE NO LAKES, STREAMS, STREAM BUFFERS,  
 WETLANDS, FLOOD PLAINS OR CEMETERIES LOCATED ON OR  
 ADJACENT TO THE SITE.

OB-049-2015



D & A Investment Group, LLC

M J S SUMMIT ENGINEERING ARCHITECTURE & INTERIORS

NILES BOLTON ASSOCIATES JLB

NORTH 1" = 50' | 09.21.15 | SCALE: 1" = 50'

*Proposed Site Plan*

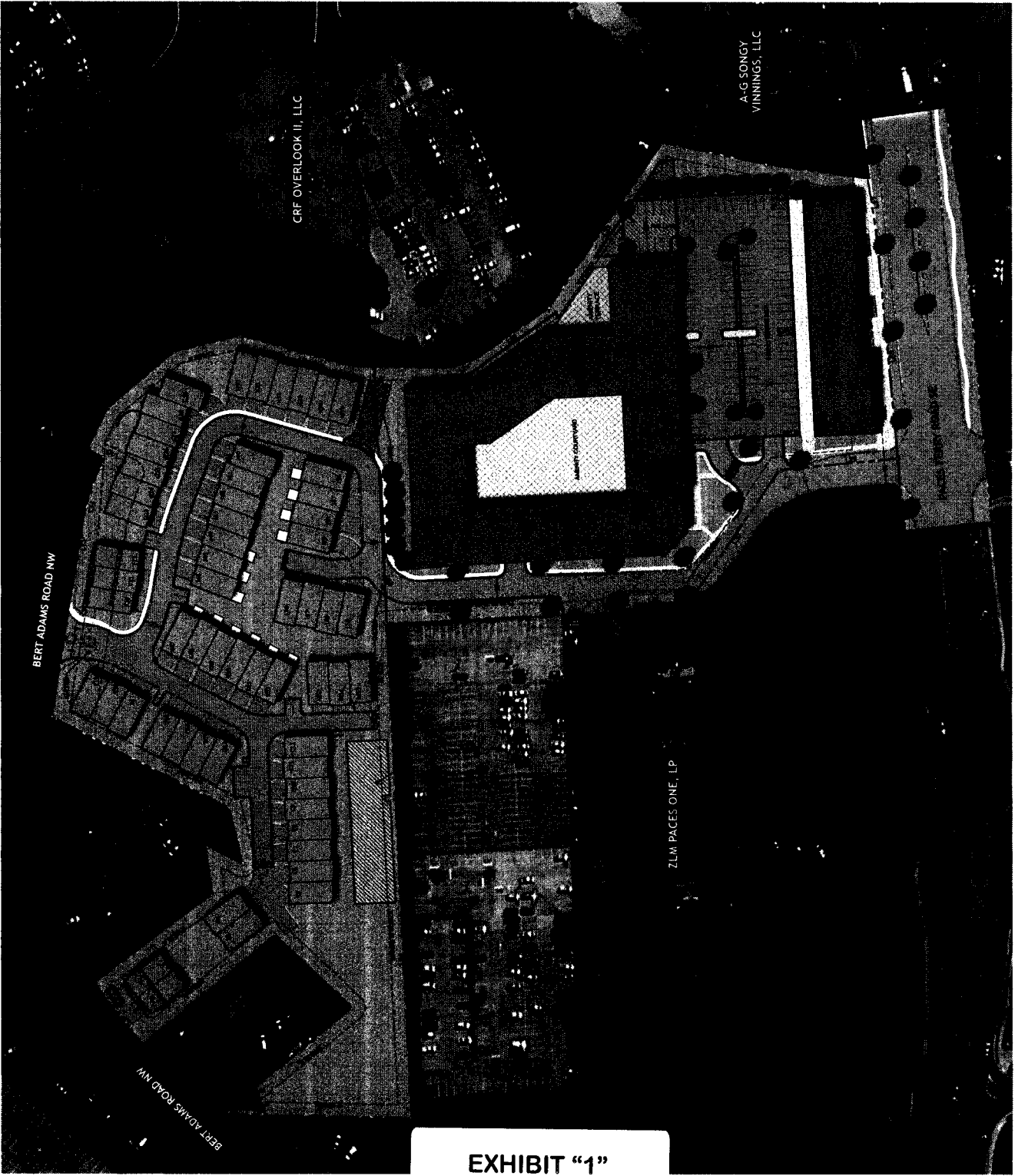
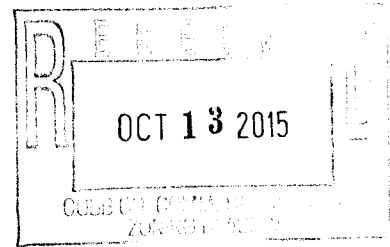


EXHIBIT "1"



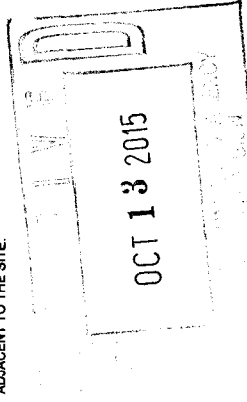
**SITE PLAN PRESENTED WITH  
APPLICATION FOR “OTHER BUSINESS”  
FOR CONSIDERATION OF APPROVAL  
BY BOARD OF COMMISSIONERS  
PURSUANT TO APPLICATION FOR  
“OTHER BUSINESS” – NOVEMBER 17, 2015**

# Site Plan Rendering

Vinings, Georgia

NOTES FROM ZONING SUBMITTAL PLAN BY SUMMIT ENG.

- ▶ TOTAL SITE AREA: 10.42 ACRES  
 TOWNHOME ACREAGE (NORTH): 5.51 ACRES  
 MIXED USE ACREAGE (SOUTH): 4.91 ACRES
- ▶ PROPOSED UNITS:  
 TOWNHOMES (NORTH) = 59 UNITS  
 TOWNHOMES (SOUTH) = 12 UNITS  
 MULTIFAMILY RES (SOUTH) = 295 UNITS
- ▶ PARKING REQUIRED PER USE (SECTION 134-272.5D)  
 TOWNHOMES - 2 SPACES/DWELLING UNITS @ 73 UNITS  
 MIXED USE RESIDENTIAL BUILDING - 295 UNITS @ 1.75 SPACES/UNIT  
 RETAIL (COMMUNITY) - 1 SPACE / 200 SQUARE FEET  
 OTHER USES ALLOWED PER CODE
- ▶ REQUIRED SETBACKS\*  
 FRONT = 50'  
 SIDE = 15'  
 REAR = 30' (NO REAR YARD EXISTS)
- SETBACK VARIANCE REQUESTED:  
 SETBACK AT PACES FERRY RD. REDUCED TO 15'-0"  
 SETBACK AT BERT ADAMS RD. (WEST) REDUCED TO 30'-0"  
 SETBACK AT BERT ADAMS RD. (EAST) REDUCED TO 20'-0"
- ▶ RRC DISTRICT MAX HEIGHT OF 100 FT.  
 MIXED USE RESIDENTIAL BUILDING: TYPE 3  
 CONSTRUCTION, MAX HEIGHT 85' ABOVE GRADE.  
 (5 STORY RESIDENTIAL OVER 3 STORY PARKING  
 PODIUM. PARKING STRUCTURE IS PARTIALLY  
 UNDERGROUND.)
- NOTE: THERE ARE NO LAKES, STREAMS, STREAM BUFFERS,  
 WETLANDS, FLOOD PLAINS OR CEMETERIES LOCATED ON OR  
 ADJACENT TO THE SITE.

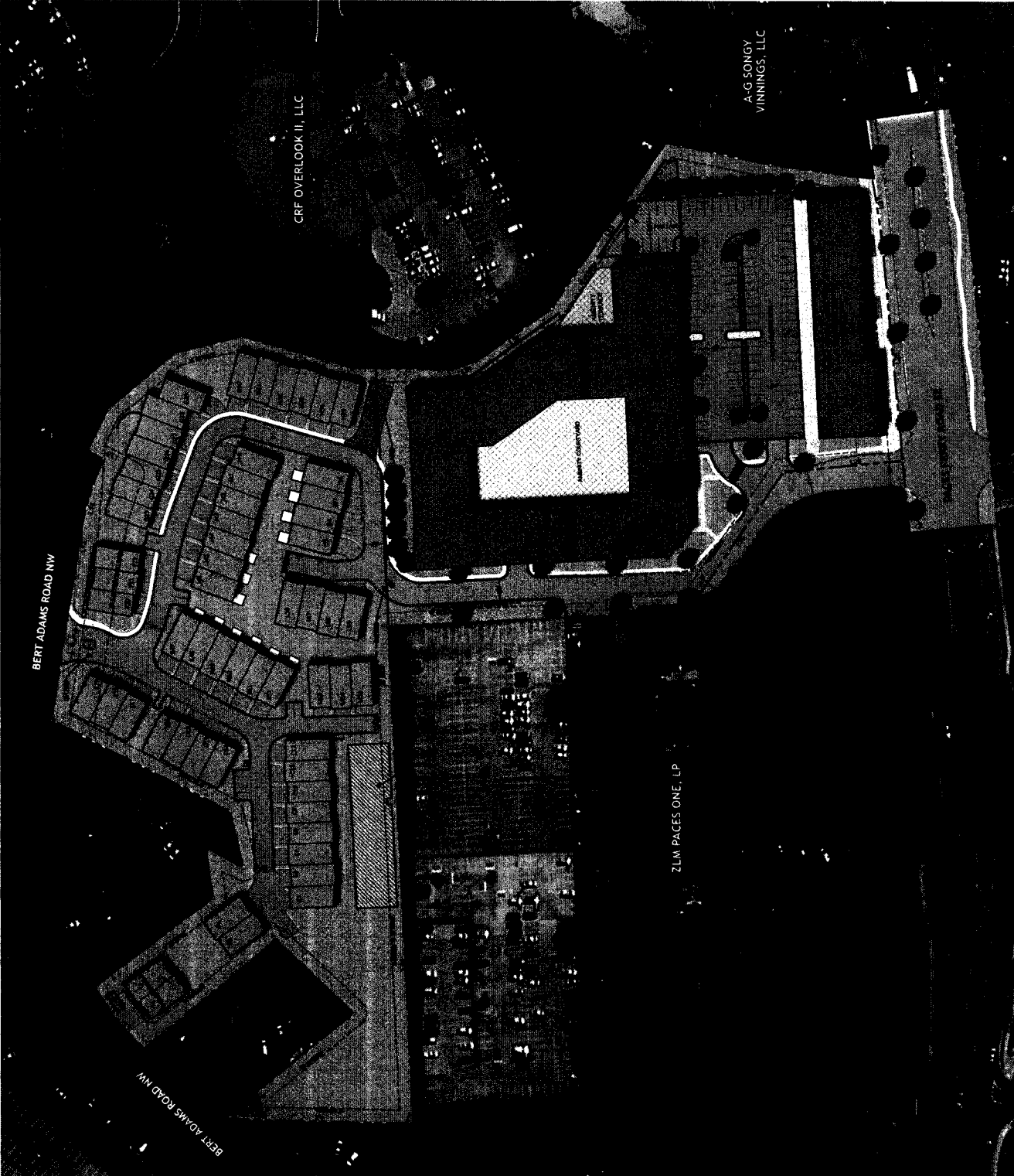


D & A Investment Group, LLC      ATEC

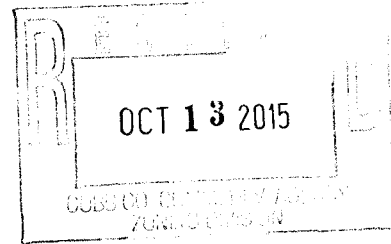
M I I S      SUMMIT      PHILLIPS  
MOORE INSURANCE, ROBINSON & SHELLEY      COMMERCIAL LIABILITY      CONSULTING ENGINEERS

**NILES BOLTON ASSOCIATES**      JLB  
ARCHITECTS

NORTH      | 09.21.15 | SCALE: 1" = 50'







**OFFICIAL MINUTES OF BOARD OF  
COMMISSIONERS ZONING HEARING AS  
TO APPLICATION FOR REZONING  
NO. Z-40 (2008) – OCTOBER 21, 2008**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 21, 2008  
PAGE 7**

**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 20<sup>th</sup> 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 17<sup>th</sup> 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**

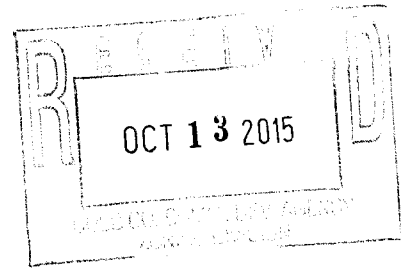
**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 21, 2008  
PAGE 8**

**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.



**2015 PAID AD VALOREM PROPERTY TAX  
RECEIPTS FOR TAX PARCELS  
COMPRISING PROPOSED DEVELOPMENT**



CARLA JACKSON TAX COMMISSIONER  
CHELLY MCDUFFIE CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Printed: 10/13/2015 2:09:51 PM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:  
D & A INVESTMENT GROUP LLC

D&A INVESTMENT GROUP LLC &  
PEREIRA MANAGEMENT LLC

Payment Date: 9/9/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17088500060	10/15/2015	Pay: N/A or	717.79	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$717.79	\$717.79	\$0.00



CARLA JACKSON TAX COMMISSIONER  
CHELLY MCDUFFIE CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Printed: 10/13/2015 2:12:03 PM

**Cobb County Online Tax Receipt**

Thank you for your payment!

Payer:  
D & A INVESTMENT GROUP LLC

**D&A INVESTMENT GROUP LLC &  
PEREIRA MANAGEMENT LLC**

**Payment Date: 9/9/2015**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2015	17088500130	10/15/2015	Pay: N/A or	11889.37

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$11,889.37	\$11,889.37	\$0.00



CARLA JACKSON TAX COMMISSIONER  
CHELLY MCDUFFIE CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Printed: 10/13/2015 2:10:53 PM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:  
D & A INVESTMENT GROUP LLC

D&A INVESTMENT GROUP LLC &  
PEREIRA MANAGEMENT LLC

Payment Date: 9/9/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17088500160	10/15/2015	Pay: N/A or	10688.39	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$10,688.39	\$10,688.39	\$0.00



CARLA JACKSON TAX COMMISSIONER  
CHELLY MCDUFFIE CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Printed: 10/13/2015 2:16:31 PM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:  
D & A INVESTMENT GROUP LLC

D&A INVESTMENT GROUP LLC &  
PEREIRA MANAGEMENT LLC

Payment Date: 9/9/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17088500510	10/15/2015	Pay: N/A or	3773.15	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$3,773.15	\$3,773.15	\$0.00





Printed: 10/13/2015 2:11:11 PM

**Cobb County Online Tax Receipt**

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**CHELLY MCDUFFIE** CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Payer:  
D & A INVESTMENT GROUP LLC

**D&A INVESTMENT GROUP LLC &  
PEREIRA MANAGEMENT LLC**

**Payment Date: 9/9/2015**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17088500540	10/15/2015	Pay: N/A or	22187.67	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$22,187.67	\$22,187.67	\$0.00



**CARLA JACKSON** TAX COMMISSIONER  
**CHELLY MCDUFFIE** CHIEF DEPUTY  
 Phone: 770-528-8600  
 Fax: 770-528-8679

Printed: 10/13/2015 2:10:16 PM

**Cobb County Online Tax Receipt**

Thank you for your payment!

Payer:  
 D & A INVESTMENT GROUP LLC

**D&A INVESTMENT GROUP LLC &  
 PEREIRA MANAGEMENT LLC**

**Payment Date: 9/9/2015**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17088500550	10/15/2015	Pay: N/A or	2883.71	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$2,883.71	\$2,883.71	\$0.00



CARLA JACKSON TAX COMMISSIONER  
CHELLY MCDUFFIE CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Printed: 10/13/2015 2:09:10 PM

Cobb County Online Tax Receipt

Thank you for your payment!

Payer:  
D & A INVESTMENT GROUP LLC

D&A INVESTMENT GROUP LLC &  
PEREIRA MANAGEMENT LLC

Payment Date: 9/9/2015

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2015	17088500560	10/15/2015	Pay: N/A or	9020.11	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$9,020.11	\$9,020.11	\$0.00