

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

ITEM # 049

PURPOSE

To consider amending the site plan and stipulations for JLB Realty LLC regarding rezoning application Z-40 (D & A Investment Group LLC and Pereira Management LLC) of 2008, for property located on the north side of Paces Ferry Road, west of Overlook Parkway and on the south side of Bert Adams Road in Land Lot 885 of the 17th District.

BACKGROUND

The subject property was rezoned to Regional Retail Commercial (RRC) in 2008 for a proposed mixed use development consisting of over one-million square feet of mid and high rise office, high rise residential and retail. In 2008, the proposal included 78,000 square feet of retail, 600,000 square feet of office and 450 residential units. The applicant’s current proposal departs from the 2008 concept in that it is approximately half the square footage with much less intensity. The applicant is proposing 366 residential units with 35,000 square feet of retail. The tallest building the applicant is building is 5 stories, whereas in 2008, the tallest building was 30 stories. The applicant is showing setback variances along Paces ferry Road and Bert Adams Road to accommodate the proposal. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Cobb D.O.T.: 1) Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the south side of Bert Adams Road, a minimum of 30’ from the roadway centerline. 2) Recommend a right turn lane along Paces Ferry Road at the development entrance. 3) Recommend applicant verify that minimum intersection sight distance on Bert Adams Road is available and if it is not, implement remedial measures, subject to the Department’s approval, to achieve the minimum requirement. 4) Recommend a FAA Study; and 5) Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

RECOMMENDATION

The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

ATTACHMENTS

Other Business application and stipulations.

(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

BOC Hearing Date Requested: November 17, 2015

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

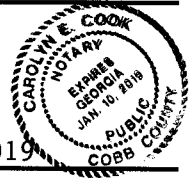
Address: Suite 4-200, 3715 Northside Parkway, **E-Mail:** mhallman@jlbpartners.com
Moore Ingram Johnson & Steele, LLP Atlanta, GA 30327

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]

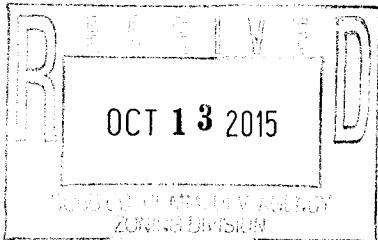
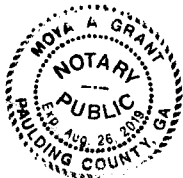



EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval and Stipulation Amendment)

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
Manager

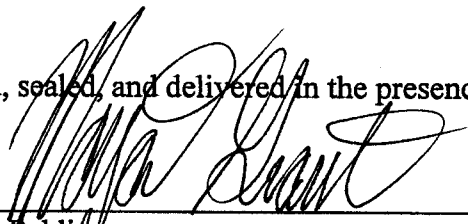
Printed Name: Mehdi Jannatkhah

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]

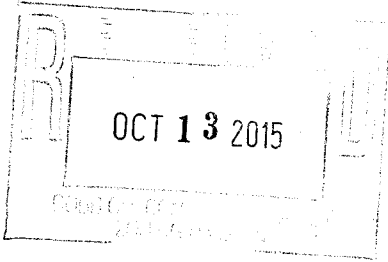
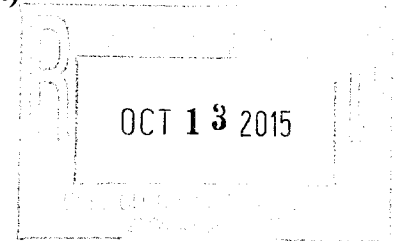


EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan Approval and Stipulation Amendment)

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, 17th District, 2nd 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.

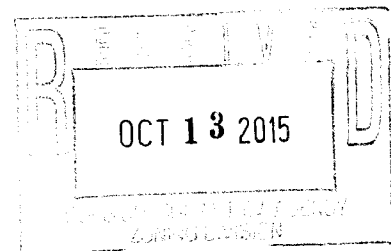
Applicant seeks approval of a revised Site Plan and revised stipulations through this Application for "Other Business," which, if approved, as submitted, shall supersede and replace in full the site plan and stipulations previously approved by the Board of Commissioners on October 21, 2008, and shall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



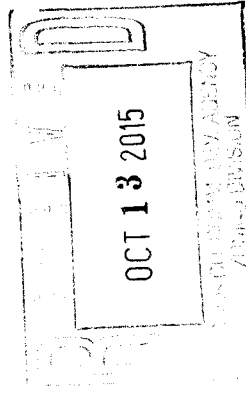
Site Plan Rendering

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 PHILLIPS CONSULTANTS

NILES BOLTON ASSOCIATES JLB

NORTH 1" = 50'

Proposed Site Plan

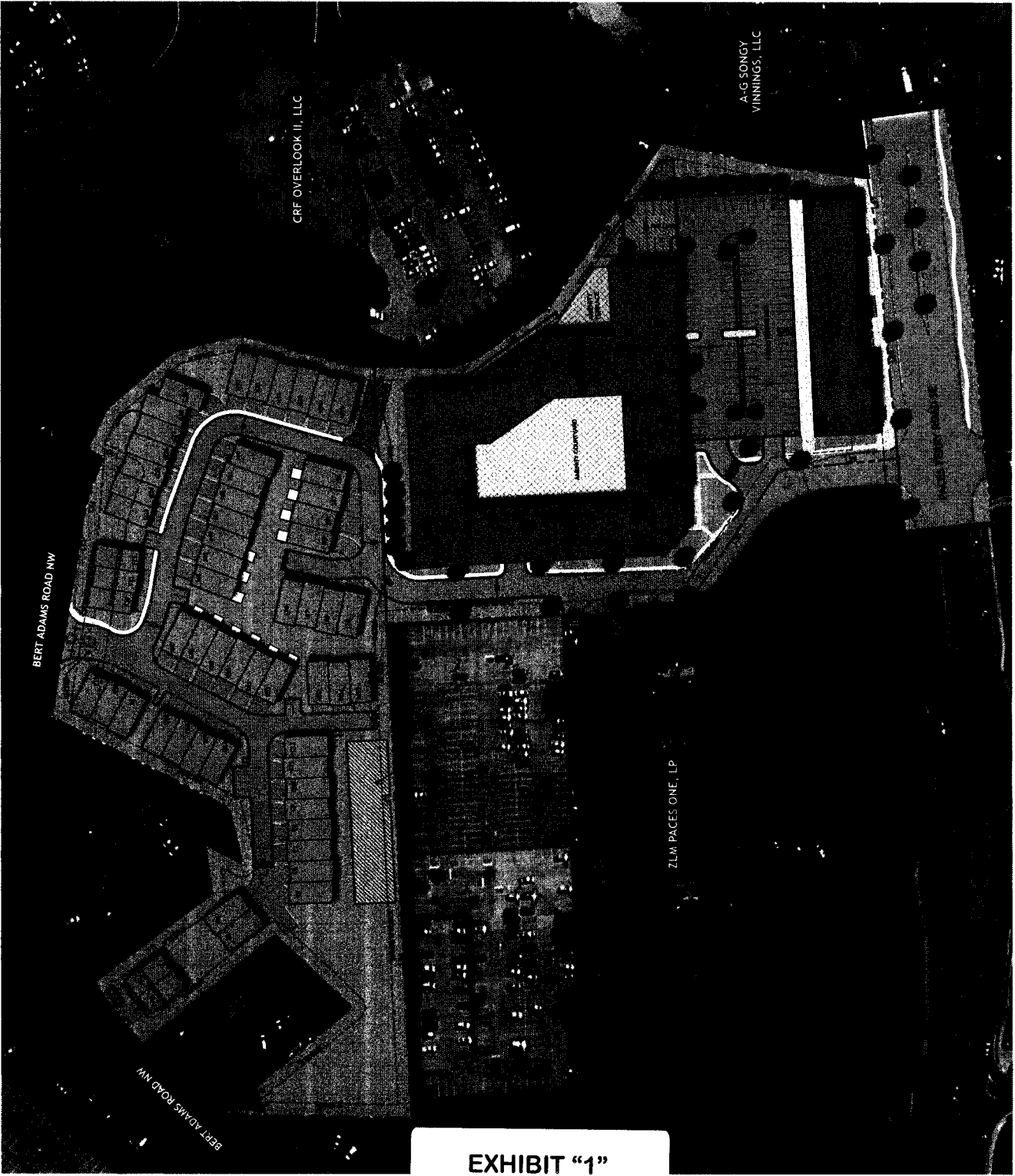
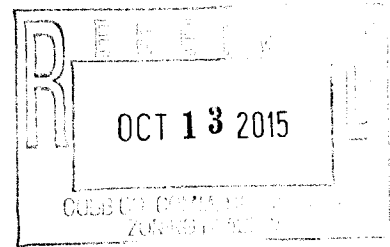


EXHIBIT "1"



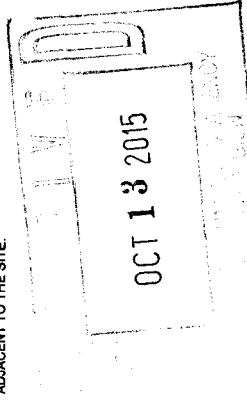
**SITE PLAN PRESENTED WITH
APPLICATION FOR “OTHER BUSINESS”
FOR CONSIDERATION OF APPROVAL
BY BOARD OF COMMISSIONERS
PURSUANT TO APPLICATION FOR
“OTHER BUSINESS” – NOVEMBER 17, 2015**

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
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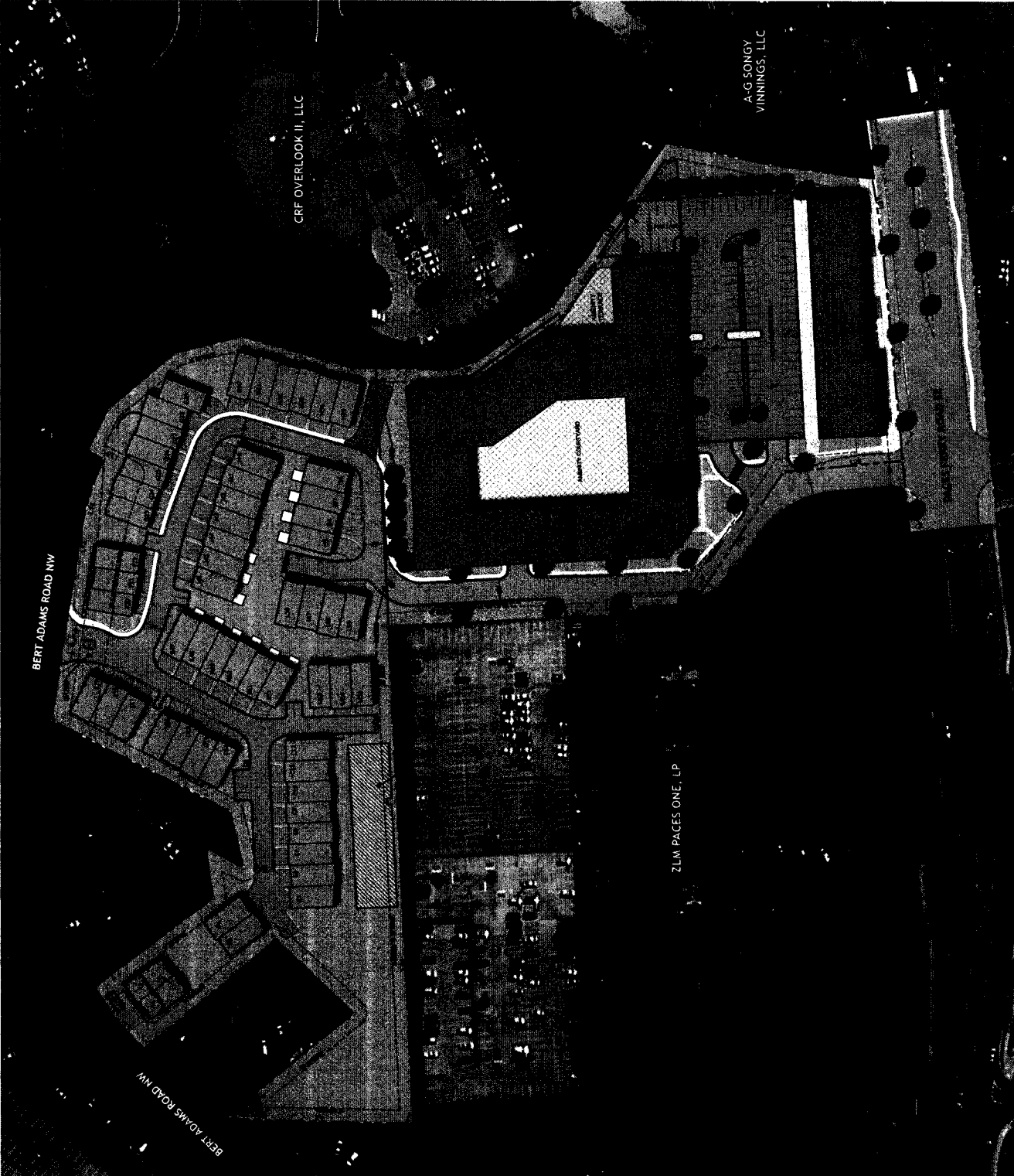


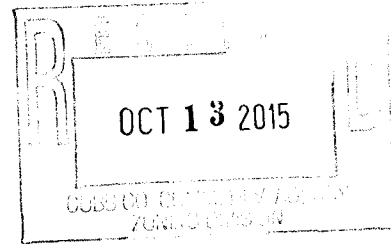
D & A Investment Group, LLC ATEC

M I I S SUMMIT PHILLIPS
MOORE INSURANCE, ROYALSON & 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 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**

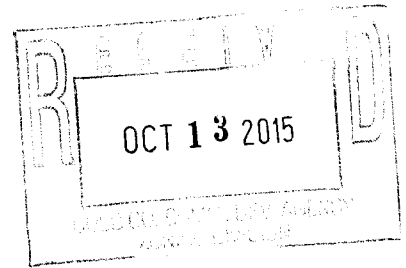
**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
OCTOBER 21, 2008
PAGE 8**

**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
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