

**NOVEMBER 15, 2016 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM 075**

**PURPOSE**

To consider a stipulation amendment and site plan amendment for Passion City Church, Inc. regarding rezoning application Z-1 of 1990 and Z-48 of 2008 (Prentiss Properties Limited, Inc. and Shi Investments Three, LLC), for property located on the west side of Cumberland Parkway, on the east side of I-285, and on the south side of Mount Wilkinson Parkway in Land Lots 842, 843 and 884 of the 17<sup>th</sup> District.

**BACKGROUND**

The subject property is zoned Office High Rise (OHR) and Community Retail Commercial (CRC) per two different zoning cases. The original zoning cases proposed high-rise office and retail development on this property. The applicant would like to amend the site plan and stipulations in order to place a religious facility on this property that would contain worship facilities, offices, educational classrooms and related parking facilities. The existing four-story office building will be remodeled and will be used in the proposed development. The applicant’s representative has submitted a summary (Exhibit B) that goes into more detail about this proposed amendment; also, the proposed site plan is also attached for review. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

**STAFF COMMENTS**

**Water and sewer:** If zoned to a site plan, Code-required sewer easement setbacks for the existing on-site sanitary sewer must be considered.

**Cobb D.O.T.:** Recommend a deceleration lane and left turn lane at each access point. Recommend applicant verify that minimum intersection sight distance is available along Cumberland Parkway. If it is not, the applicant will have to implement remedial measures, subject to approval by the department to achieve the minimum requirement of 440'. Recommend a traffic study. 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 zoning stipulations.

# Application for "Other Business"

## Cobb County, Georgia

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

Application No.: OB- 75 -2016

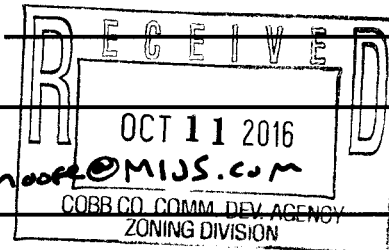
BOC Hearing Date Requested: November 15, 2016

Applicant: Passion City Church, Inc Phone #: \_\_\_\_\_  
(applicant's name printed)

Address: \_\_\_\_\_ E-Mail: \_\_\_\_\_

John Moore Address: Emerson overlook  
(representative's name, printed) 326 Roswell Street  
Marietta, GA 30060

Phone #: 7-429-1499 E-Mail: JMoore@MIDS.com  
(representative's signature)



Signed, sealed and delivered in presence of:

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

Titleholder(s): WHITE HALL INVESTMENTS, LLC Phone #: 714-376-8089  
(property owner's name printed)

Address: PO Box 788, York Linda CA 92885-0788 E-Mail: sabadiar@gmail.com

Rahim Sabadia  
(Property owner's signature) Rahim Sabadia, Manager

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public My commission expires: 11/15/16



Commission District: 2 Zoning Case: 2-1(1990); 2-48(2008)

Size of property in acres: 10.758 Original Date of Hearing: 1990; 2008

Location: East side I-285, west side of Cumberland parkway  
(street address, if applicable; nearest intersection, etc.)

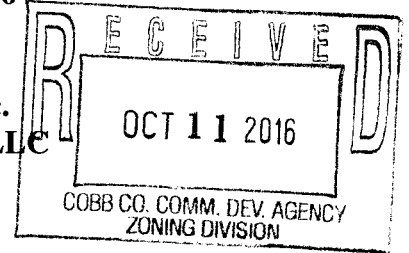
Land Lot(s): 842, 843, 884 District(s): 17

State specifically the need or reason(s) for Other Business: See Exhibit B

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

**OB Application No.:** OB- 75 -2016  
**Application Nos.:** Z-1 (1990) and Z-48 (2008)  
**Original Hearing Dates:** February 20, 1990  
October 21, 2008  
**Current Hearing Date:** November 15, 2016

**Applicant:** Passion City Church, Inc.  
**Property Owner:** Whitehall Investments, LLC



Passion City Church, Inc., as Applicant in this Application for "Other Business" (hereinafter "Applicant"), proposes amendments to the previously approved site plan and stipulations of three parcels which comprise an existing office park located on the westerly side of Cumberland Parkway, the easterly side of Interstate 285, southerly of Mt. Wilkinson Parkway, Land Lots 842, 843, and 884, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia, being more particularly known as 2575, 2625, and 2675 Cumberland Parkway (hereinafter collectively the "Property" or the "Subject Property"). Applicant proposes use of the Subject Property for location of its Cobb County campus which would initially require the renovation of the existing four-story office building for worship and office facilities. Future plans for development of the campus include construction of additional worship, office, educational, and related parking facilities.

Applicant seeks approval by the Cobb County Board of Commissioners for substantial revisions to any previously approved site plans and amendments to stipulations and conditions related to the Subject Property. With this Application for "Other Business," Applicant presents for approval the Zoning Site Plan prepared for Applicant by Cornerstone Site Consultants and Wakefield Beasley & Associates dated October 3, 2016, a reduced copy of which is attached hereto as Exhibit "1" for ease of reference, and is further submitted with the overall Application package. However, since the previously approved stipulations will be amended substantially, the stipulations proposed for the development of the Subject Property pursuant to the Zoning Site Plan will be enumerated in a separate letter of agreeable stipulations and conditions which will be filed with the Cobb County Zoning Office prior to the scheduled hearing before the Cobb County Board of Commissioners.

**WAKEFIELD  
BEASLEY &  
ASSOCIATES**

ATLANTA · JACKSONVILLE · PANAMA  
ABU DHABI · SHARJAH



FOR THE ARCHITECT: STEPHEN W. COBB, INC.

**CORNING**  
SITE CONSULTANTS

2985 GORDY PARKWAY  
SUITE 119  
KARIETTA, GA 30066  
PROJECT # 25142814

**PASSION CITY  
CHURCH**

CUMBERLAND PARKWAY  
ATLANTA, GEORGIA

Prof. Robert  
Prof. Robert

Prof. Robert

2016 10-03-16 AM 16

2016 10-03-16 AM 16

**ZONING  
SITE PLAN**

**SP-001**

**PROJECT DATA**

**SITE ADDRESS:**  
2575, 2625, 2675  
CUMBERLAND PARKWAY  
ATLANTA, GA 30066  
BLK 843, 845-849  
17TH DIST., 2ND SECT.

**SITE AREA:**  
10,758 ACRES

**EXISTING SITE USE:**  
OFFICE BUILDINGS

**PROPOSED PROJECT:**  
CHURCH BUILDINGS

**SITE ZONING:**  
OHR & CRC (2008 Z-48)

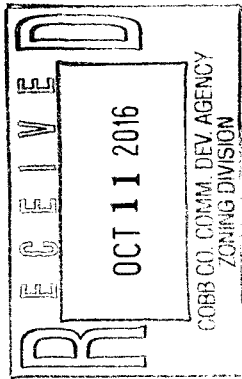
**IMPERVIOUS AREA:**  
70% MAXIMUM ALLOWED  
70% PROPOSED

**PARKING:**  
PARKING SPACES WILL BE  
PROVIDED AS REQUIRED  
BY COBB COUNTY CODE

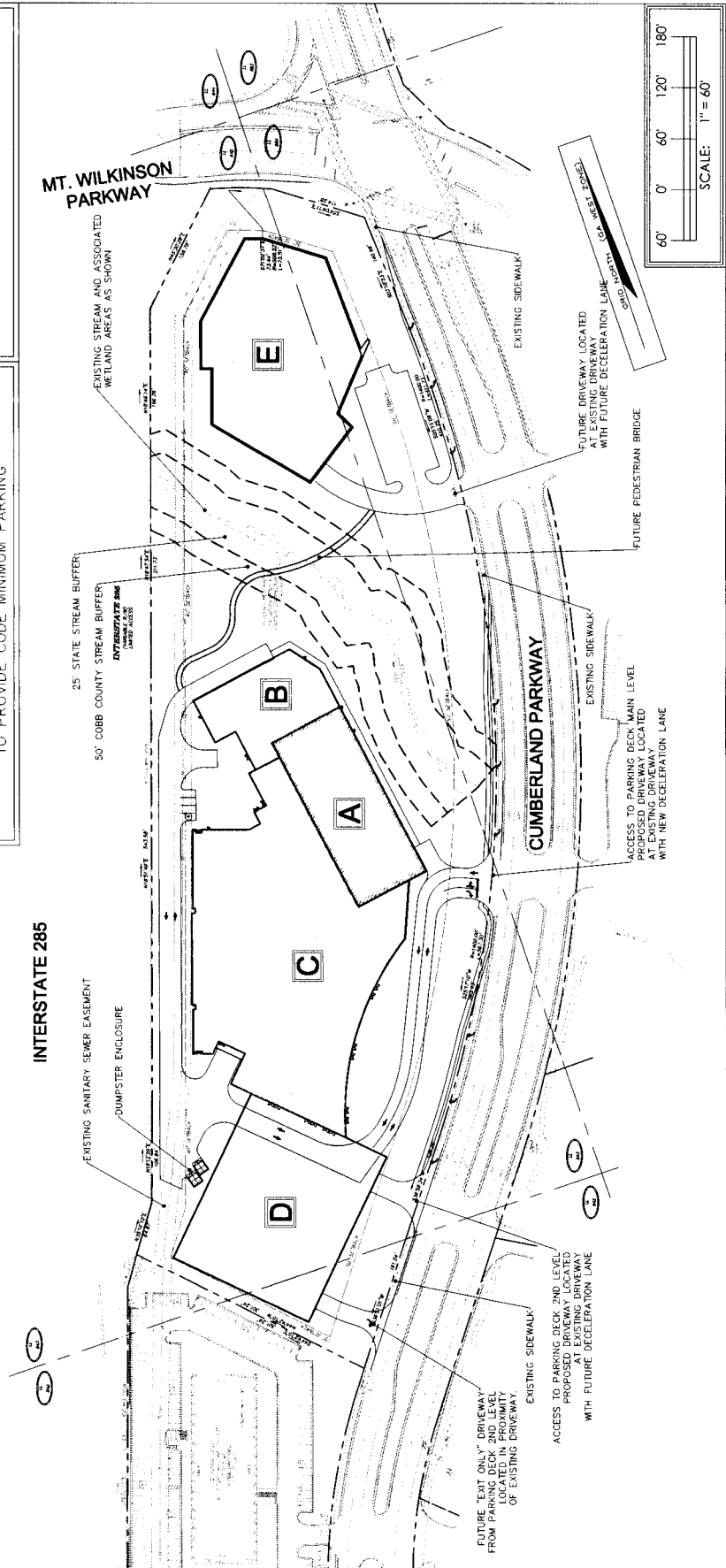
**FLOOD PLAIN NOTE:**  
FLOOD INSURANCE RATE MAP PANEL 13067 C 0226 G,  
DATED DECEMBER 16, 2008 THE SITE IS IN ZONE "X"  
(NO LISTED 100 YEAR FLOOD PLAIN)

**BUILDING LEGEND**

- A** EXISTING 4 STORY OFFICE BUILDING TO BE RENOVATED
- B** PROPOSED BUILDING ADDITION MAXIMUM 2,000 SEATS & MAXIMUM 30,000 SF
- C** PROPOSED WORSHIP BUILDING MAXIMUM 5,000 SEATS & MAXIMUM 300,000 SF
- D** PROPOSED MULTI LEVEL PARKING DECK TO PROVIDE CODE MINIMUM PARKING
- E** PROPOSED CHURCH MINISTRY AND/OR OFFICE BUILDING, MAXIMUM 150,000 SF WITH MULTI LEVEL PARKING DECK BELOW TO PROVIDE CODE MINIMUM PARKING



INTERSTATE 285



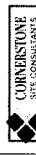
**ZONING SITE PLAN SUBMITTED FOR  
APPROVAL BY BOARD OF  
COMMISSIONERS PURSUANT TO  
APPLICATION FOR “OTHER BUSINESS” –  
NOVEMBER 15, 2016**

**WAKEFIELD  
BEASLEY &  
ASSOCIATES**

ATLANTA • JACKSONVILLE • PANAMA  
ABU DHABI • SHARJHA



FOR THE RECORD CONNECTION SEE CONSULTANTS, LLC



2985 GORDY PARKWAY  
SUITE 117  
MARIETTA, GA 30066  
Project # 2014-0014

**PASSION CITY  
CHURCH**

CUMBERLAND PARKWAY  
ATLANTA, GEORGIA

DATE: 10/11/16  
DRAWN: [Name]  
CHECKED: [Name]  
APPROVED: [Name]

**ZONING  
SITE PLAN**

**SP-001**

**PROJECT DATA**

**SITE ADDRESS:**  
2575, 2625, 2675  
CUMBERLAND PARKWAY  
ATLANTA, GA 30308  
L.L. 842, 843, &  
17TH DIST., 2ND SECT.

**SITE AREA:**  
10.758 ACRES

**EXISTING SITE USE:**  
OFFICE BUILDINGS

**PROPOSED PROJECT:**  
CHURCH BUILDINGS

**SITE ZONING:**  
OHR & CRC (2008 Z-48)

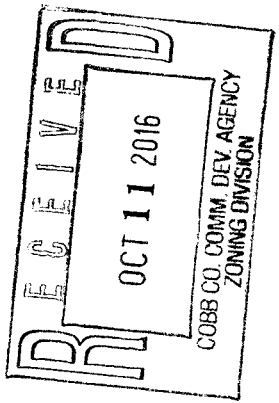
**IMPERVIOUS AREA:**  
70% MAXIMUM ALLOWED  
70% PROPOSED

**PARKING:**  
PARKING SPACES WILL BE  
PROVIDED AS REQUIRED  
BY COBB COUNTY CODE

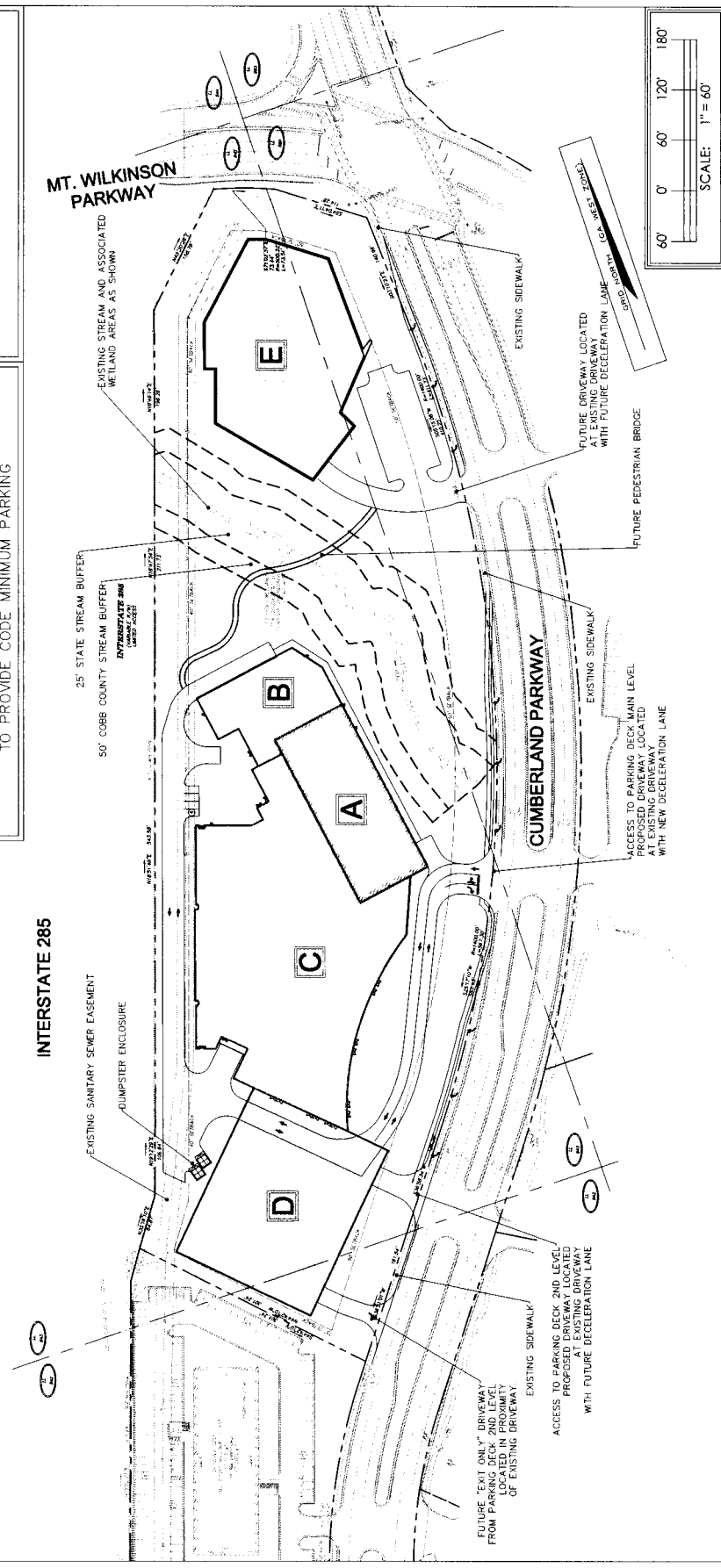
**FLOOD PLAIN NOTE:**  
FLOOD INSURANCE RATE MAP PANEL 13067 C 0226 G,  
DATED DECEMBER 16, 2008 THE SITE IS IN ZONE "X"  
(NO LISTED 100 YEAR FLOOD PLAIN)

**BUILDING LEGEND**

- A** EXISTING 4 STORY OFFICE BUILDING  
TO BE RENOVATED
- B** PROPOSED BUILDING ADDITION  
MAXIMUM 2,000 SEATS & MAXIMUM 30,000 SF
- C** PROPOSED WORSHIP BUILDING  
MAXIMUM 5,000 SEATS & MAXIMUM 300,000 SF
- D** PROPOSED MULTI LEVEL PARKING DECK  
TO PROVIDE CODE MINIMUM PARKING
- E** PROPOSED CHURCH MINISTRY AND/OR  
OFFICE BUILDING, MAXIMUM 150,000 SF  
WITH MULTI LEVEL PARKING DECK BELOW  
TO PROVIDE CODE MINIMUM PARKING



INTERSTATE 285



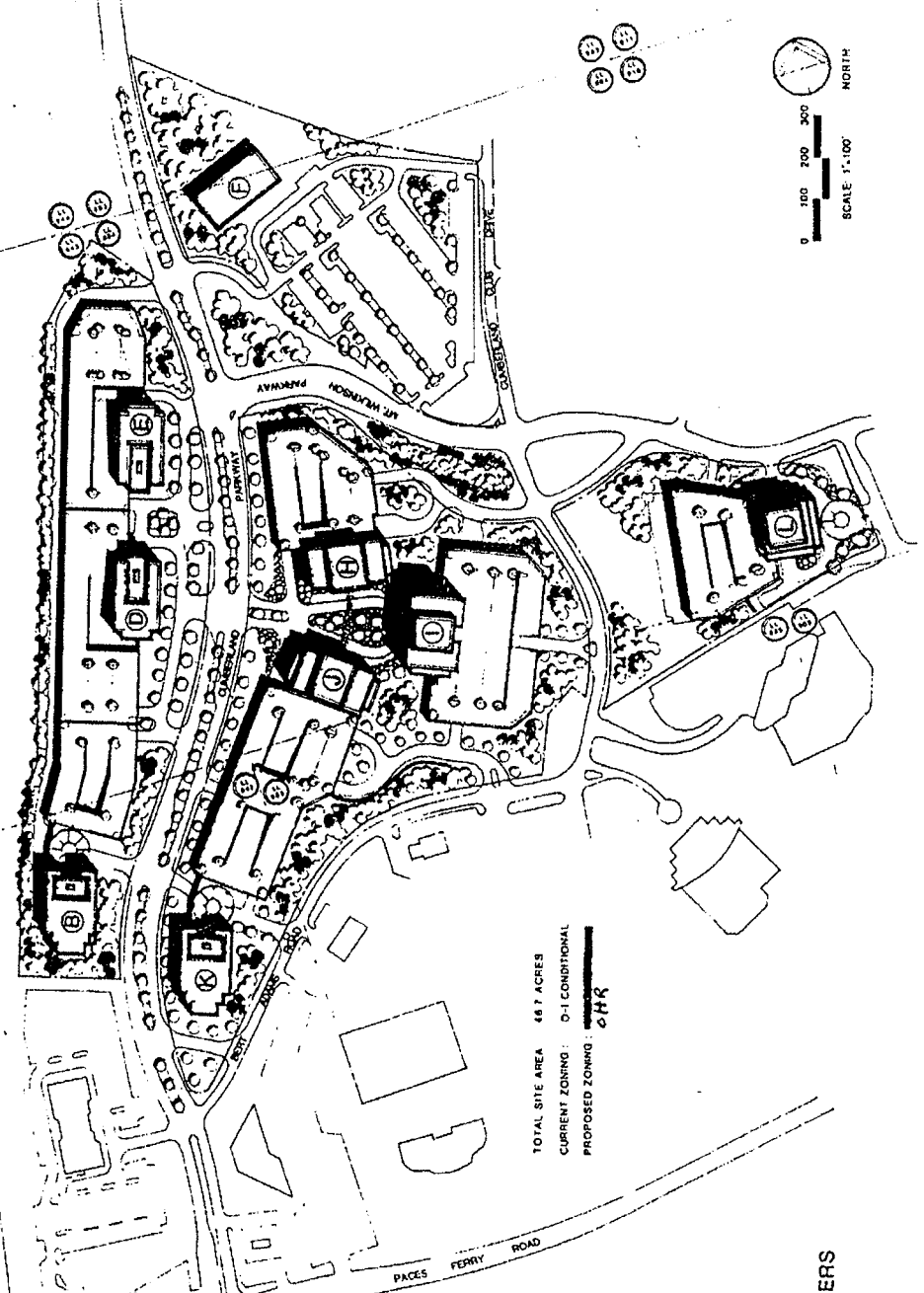
**OVERALL MASTER PLAN FOR  
CUMBERLAND OFFICE PARK  
APPROVED BY BOARD OF  
COMMISSIONERS PURSUANT TO  
APPLICATION FOR REZONING  
NO. Z-1 (1990) – FEBRUARY 20, 1990**

RECEIVED

OCT 11 2016

COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

INTERSTATE 285



TOTAL SITE AREA 46.7 ACRES  
CURRENT ZONING: D-1 CONDITIONAL  
PROPOSED ZONING: **PHR**

PROPOSED RE-ALIGNMENT OF  
CUMBERLAND PARKWAY

BLDG.	NET LEASEABLE SF	NO. FLOORS	PARKING SPACES
B	179,223	9	700
D	246,510	12	960
E	246,510	12	960
H	268,924	13	1050
I	403,367	20	1575
J	268,924	13	1050
K	179,223	9	700
L	358,409	18	1400
<b>SUBTOTALS</b>	<b>2,151,090</b>		<b>8395 SPACES</b>
F (EXISTING)	(87,550)		
<b>TOTAL</b>	<b>2,238,640</b>		

## CUMBERLAND OFFICE PARK

COBB COUNTY, GEORGIA LL 842,843,883,884,885,886,887 (0.911)  
A DEVELOPMENT OF

## PRENTISS PROPERTIES LIMITED, INC.

CONSULTANTS  
COOPER CARRY AND ASSOCIATES, INC. ARCHITECTS  
FRANZMAN/DAVIS AND ASSOCIATES LTD. LAND PLANNERS





**REZONING SITE PLAN FOR  
CUMBERLAND OFFICE PARK  
(SUBJECT PROPERTY)  
APPROVED BY BOARD OF  
COMMISSIONERS PURSUANT TO  
APPLICATION FOR REZONING  
NO. Z-48 (2008) – OCTOBER 21, 2008**



City of Atlanta  
Planning Department  
150 Peachtree Street NE, 10th Floor  
Atlanta, GA 30309  
Phone: 404.462.1100  
Fax: 404.462.1101  
www.atlantaga.gov

**SH INVESTMENTS THREE, LLC**  
1575 Peachtree Street, NE  
Atlanta, GA 30309  
Phone: 404.462.1100  
Fax: 404.462.1101  
www.shinvestments.com

SH INVESTMENTS THREE, LLC  
1575 PEACHTREE STREET NE  
ATLANTA, GEORGIA  
PHONE: 404-462-1100  
FAX: 404-462-1101  
WWW.SHINVESTMENTS.COM

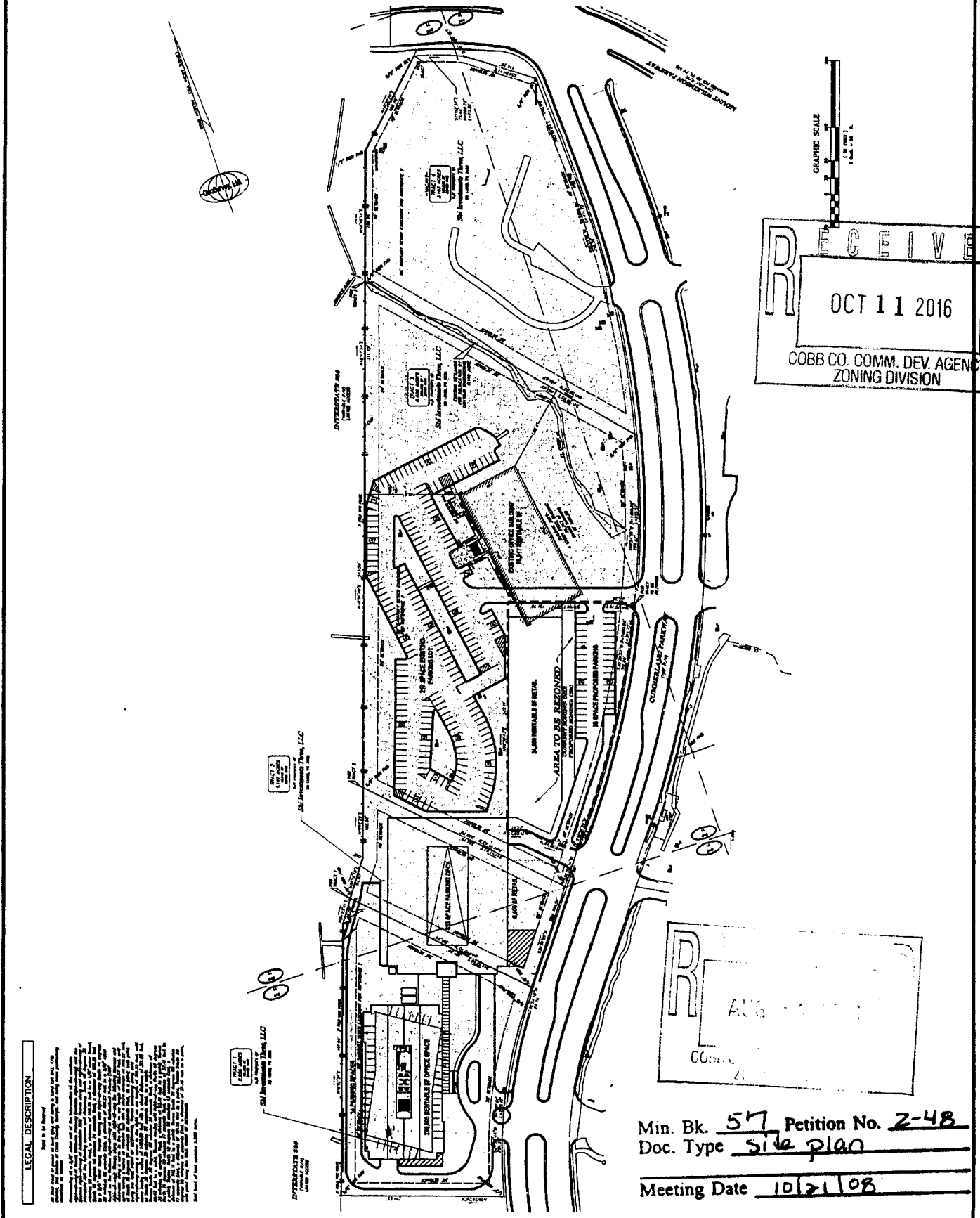
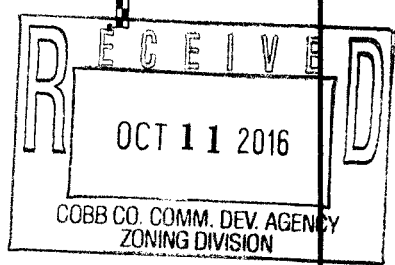
NO.	REVISIONS	DATE

CUMBERLAND OFFICE PARK  
CUMBERLAND PARKWAY  
WINDS, GEORGIA  
COBB COUNTY  
LAND LOTS 504, 505 AND 506  
7TH DISTRICT, 2ND SECTION

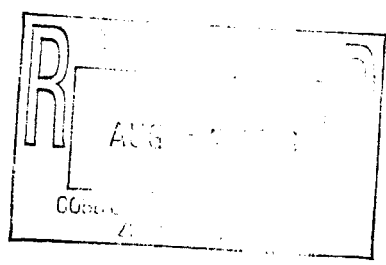
NO.	REVISIONS	DATE

REVISIONS

Z1.0  
ZONING DISTRICT  
MEETING DATE PLAN  
10/21/08



**LEGAL DESCRIPTION**  
Parcel 57  
The property is located in the City of Atlanta, Georgia, and is bounded as follows:  
North by Parcel 58, owned by SH Investments Three, LLC, containing approximately 100,000 sq. ft.  
East by Parcel 59, owned by SH Investments Three, LLC, containing approximately 100,000 sq. ft.  
South by Parcel 60, owned by SH Investments Three, LLC, containing approximately 100,000 sq. ft.  
West by Parcel 61, owned by SH Investments Three, LLC, containing approximately 100,000 sq. ft.  
The property is a portion of the land shown in the plat for Parcel 57, recorded in the Cobb County Records on 10/21/08.  
The property is currently zoned Z1.0.  
The property is being rezoned to Z1.0.  
The rezoning is necessary to conform the property to the surrounding area and to promote the public health, safety, and general welfare of the community.  
The rezoning is consistent with the Comprehensive Zoning Ordinance of the City of Atlanta.



Min. Bk. 57 Petition No. 2-48  
Doc. Type side plan  
Meeting Date 10/21/08

**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING FOR Z-1 (1990) –  
FEBRUARY 20, 1990**

# Application for Rezoning COBB COUNTY

(type or print clearly)

Application No. Z-1  
Hearing Date 2-20-90

Applicant Prentiss Properties Limited, Inc. Business Phone 892-1616 Home Phone \_\_\_\_\_  
Richard B. Bradshaw, Jr. Address 1201 W. Peachtree Street, Suite 3600  
Atlanta, Georgia  
Richard B. Bradshaw, Jr. Business Phone 892-1616 Home Phone \_\_\_\_\_  
(representative's signature)

Titleholder BREEF USA Fund-III, Inc. Business Phone 415/781-3300 Home Phone \_\_\_\_\_  
Signature [Signature] Address 650 California St., San Francisco, CA 94109  
Titleholder \_\_\_\_\_ Business Phone \_\_\_\_\_ Home Phone \_\_\_\_\_  
Signature \_\_\_\_\_ Address \_\_\_\_\_

Zoning Request From O-I To OHR  
(present zoning) (proposed zoning)

For the Purpose of Redevelopment of Cumberland Office Park Size of Tract Approx. 46 acre(s)  
(subdivision, restaurant, warehouse, apts, etc.)

Location Cumberland Parkway (east and west of Cumberland Parkway and north of Paces Ferry Road  
(street address, if applicable, nearest intersection, etc.)

Land Lot(s) 842, 843, 883, 884, 885, 909, 910 District 17th, 2nd Section

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

[Signature]  
Applicant's Signature

### FOR OFFICIAL USE ONLY

Recommendation of Planning Commission 2-20-90 Planning Commission recommended approval of application  
subject to: 1) Cobb County DOT recommendation as outlined in letter to Mr. Ed Thomas from Bill Peratta, dated  
Feb. 20, 1990 and marked as Exhibit "A"; 2) Dev. & Inspections Dept. comments; 3) Water & Sewer Dept. comments;  
4) landscaping to be reviewed and approved by Staff. Motion by Wise, second by Dawson, carried 4-0.

[Signature] Chairman

Board of Commissioners' Decision 2-20-90 Board of Commissioners approved application as recommended  
by the Planning Commission and further subject to: 5) applicant participating in the Suburban Mobility  
program VOTE: 4-1, Burton opposed.

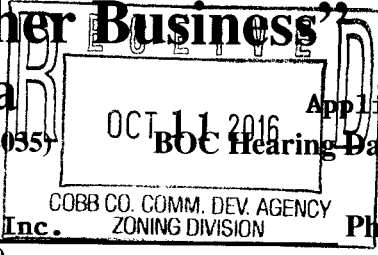
[Signature] Chairman

(Site Plan and Stipulation Amendment)

# Application for "Other Business"

## Cobb County, Georgia

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



Application No.: OB- 73 -2016  
BOC Hearing Date Requested: November 15, 2016

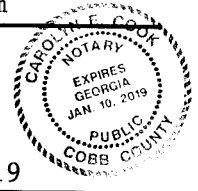
**Applicant:** Passion City Church, Inc. Phone #: (404) 231-7080  
(applicant's name printed)

**Address:** 515 Garson Drive, Atlanta, GA 30324 **E-Mail:** aaron.coe@passioncitychurch.com

**Moore Ingram Johnson & Steele, LLP**  
**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

Signed, sealed and delivered in presence of:  
[Signature] My commission expires: January 10, 2019  
Notary Public



**Titleholder(s):** Whitehall Investments, LLC Phone #: (714) 376-8089  
(property owner's name printed)

**Address:** Post Office Box 788, Yorba Linda, CA 92885-0788 **E-Mail:** sabadiar@gmail.com

See Exhibit "A" for Titleholder's Representative's Signature  
(Property owner's signature)

Signed, sealed and delivered in presence of:  
\_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Notary Public

**Commission District:** 2 (Ott) **Zoning Case:** Z-1 (1990); Z-48 (2008)

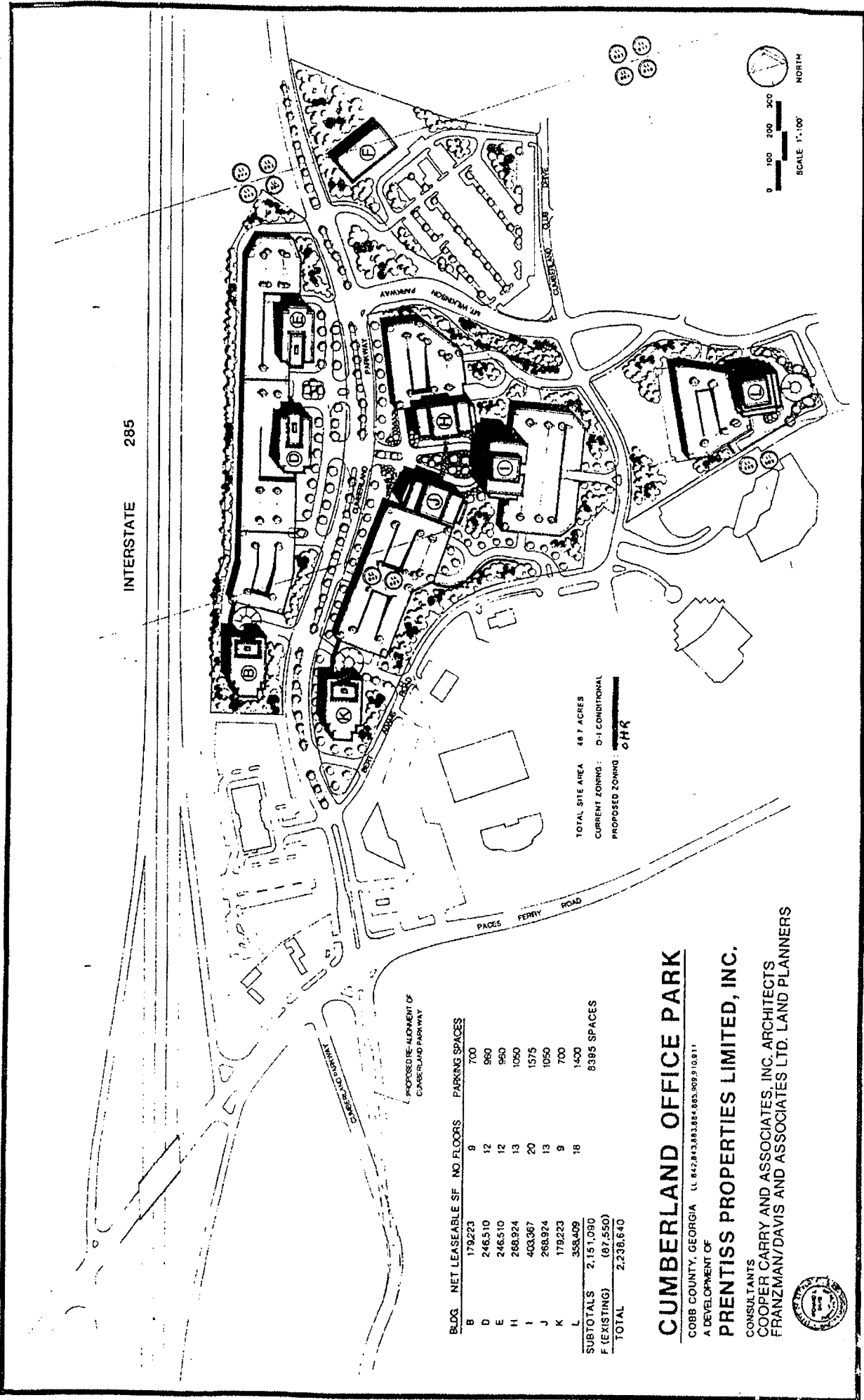
**Size of property in acres:** 10.758± **Original Date of Hearing:** 02/20/1990  
10/21/2008

**Location:** West side of Cumberland Parkway; south of Mt. Wilkinson Parkway  
(street address, if applicable; nearest intersection, etc.) (2575, 2625, 2675 Cumberland Parkway)

**Land Lot(s):** 842, 843, 884 **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)



BLDG	NET LEASABLE SF.	NO. FLOORS	PARKING SPACES
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D	246,510	12	960
E	246,510	12	960
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K	179,223	9	700
L	358,409	18	1,400
<b>SUBTOTALS</b>	<b>2,151,090</b>		<b>8,395 SPACES</b>
<b>F (EXISTING)</b>	<b>(87,550)</b>		
<b>TOTAL</b>	<b>2,238,640</b>		

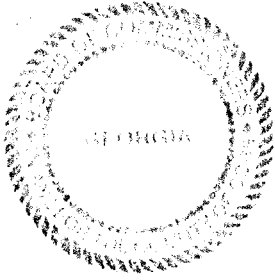
**CUMBERLAND OFFICE PARK**

COBB COUNTY, GEORGIA (L 442,843,883,884,885,886,887,888,889,890,891)  
A DEVELOPMENT OF

**PRENTISS PROPERTIES LIMITED, INC.**

CONSULTANTS  
COOPER CARRY AND ASSOCIATES, INC. ARCHITECTS  
FRANZMAN/DAVIS AND ASSOCIATES LTD. LAND PLANNERS



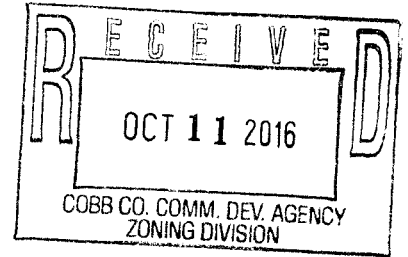


**Cobb County  
Board of Commissioners**

10 E. Park Square  
Marietta, GA 30090-9623  
(404) 429-3420

**DEPARTMENT OF TRANSPORTATION**

**Traffic Engineering Division  
DOUGLAS E. HEFTY  
Traffic Engineer**



**TO:** Ed Thomas, Principal Planner  
Planning & Zoning Department

**FROM:** Bill Peratta, Traffic Engineer II

**DATE:** February 20, 1990

**SUBJECT:** Prentiss Properties Limited, Inc.  
Petition No. Z-1  
Date of Hearing: 2-20-90

**EXHIBIT "A"**

Cobb County Department of Transportation recommends approval of this application subject to the following conditions:

- a. Construction of the specific roadway improvements identified by the developer on the attached Exhibit under the caption "Roadway Improvements" in accordance with the time schedule established therein; and
- b. Agreement of the applicant to include the property being rezoned within the Cobb County Community Improvement District; and
- c. Cobb County Department of Transportation will retain the right to approve the final site location of Buildings B, D, and E at the time of submission of applications for land disturbance permits for each building for the limited purpose of ensuring that no construction activity is proposed within any reasonable right-of-way which may be required by the Georgia DOT to implement any then existing plans prepared by or on behalf of the Georgia DOT pertaining to a collector/distributor system paralleling I-285. The "reasonableness" standard provided for herein shall take into account the minimum amount of right-of-way necessary to implement the improvements and the impact of the right-of-way requirement upon the proposed development.

Philip L. Secrist  
Chairman

Emmett L. Burton  
Eastern District

Harvey D. Paschal  
Western District

Thea J. Powell  
Eastern District

Harriet L. Smith  
Western District

PROPOSED STIPULATIONS OF ZONING.

The proposed stipulations of zoning consist of two categories: specific roadway improvements to be required of the developer and coordinated with the completion of the proposed office facilities; and the funding of off-site infrastructure improvements through voluntary participation in the County's CID program.

Roadway Improvements.

Based upon the traffic analysis performed by LRE Engineering, Inc., the developer is agreeable to the following stipulations pertaining to roadway improvements:

(1) Prior to issuance of a certificate of occupancy for Building K, the construction of an additional right lane on Cumberland Parkway at its intersection with Paces Ferry Road for use by vehicles heading northbound on I-285 only; (Estimated cost: \$95,300)

(2) Prior to the issuance of a certificate of occupancy for Building E, the realignment and reconstruction to four lanes of Mount Wilkerson Parkway. Additionally, signalizations will be required at the intersection with Cumberland Parkway and Cumberland Club Drive; (Estimated cost: \$278,800)



EXHIBIT A

EXHIBIT "A"

(3) Prior to the issuance of a certificate of occupancy for Building B, the construction of an additional east bound lane on Paces Ferry Road beginning at the I-285 off ramp and ending approximately 600 feet west of the Overlook Parkway intersection; (Estimated cost: \$125,300)

(4) Prior to the issuance of a certificate of occupancy for Building L, the realignment and signalization of Burt Adams Road at its intersection with Cumberland Parkway; (Estimated cost: \$71,385)

(5) Prior to the issuance of a certificate of occupancy for Building D, Mount Wilkerson Parkway will be widened to six lanes at its Cumberland Parkway intersection; (Estimated cost: \$30,400) and

(6) Prior to the issuance of a certificate of occupancy for Building I, an additional right hand lane will be constructed on east bound Hargrove Road at its intersection with Cumberland Parkway.  
(Estimated cost: \$22,900)

(NOTE: Buildings are identified by the numbers referred to on Plate 16 of the Traffic Impact Study.)

CID Participation.

Attached hereto is an analysis of the additional tax funds which will be paid by Prentiss Properties as a result of

electing to participate in the Community Improvement District through the year 2003. The analysis evidences that the total contributions should be in the range of approximately \$4,543,570.00.

#### CONCLUSION

Prentiss Properties is extremely enthusiastic concerning the prospects of developing a high quality office park in Cobb County. The professional team assembled to properly plan this project include the land planning firm of Franzman and Davis, the architectural firm of Cooper Carry and Associates, LRE Traffic Engineers, and the engineering firm of Hensley-Schmidt, Inc. We look forward to continuing the planning process by working with Cobb County and each of the County's affected departments to insure that the final product is a credit to the entire Cobb County community.

**OFFICIAL MINUTES OF COBB COUNTY  
BOARD OF COMMISSIONERS ZONING  
HEARING FOR Z-48 (2008) –  
OCTOBER 21, 2008**

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 21, 2008  
9:05 A.M.**

The Board of Commissioners' Zoning Hearing was held on Tuesday, October 21, 2008, at 9:05 a.m. in the second floor public meeting room of the Cobb County building, Marietta, Georgia. Present and comprising a quorum of the Board were:

Chairman Samuel S. Olens  
Commissioner Joe L. Thompson  
Commissioner Annette Kesting  
Commissioner Tim Lee  
Commissioner Helen Goreham

**Z-48**

**SHI INVESTMENTS THREE, LLC** (owner) requesting Rezoning from **OHR** to **CRC** for the purpose of Retail and Restaurants in Land Lots 842 and 843 of the 17<sup>th</sup> District. Located on the west side of Cumberland Parkway, south of Mount Wilkinson Parkway.

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

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

- **site plan received by the Zoning Division August 7, 2008, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **letters of agreeable conditions from Mr. John Moore dated October 1, 2008 and October 16, 2008 (attached and made a part of these minutes)**
- **Fire Department comments and recommendations**
- **Cobb County-Marietta Water Authority comments**
- **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 concerns**

**VOTE:**           **ADOPTED** unanimously

NO. OF LOTS	2
NO. OF STORIES	3
TOTAL AREA	1,000,000
NO. OF UNITS	100
NO. OF PARKING SPACES	100
NO. OF OFFICE SPACES	100
NO. OF RESIDENTIAL UNITS	100

CUMBERLAND PARKWAY  
CUMBERLAND COUNTY  
GEORGIA  
LAND LOTS 858, 859 AND 860  
5TH DISTRICT, 3RD SECTION

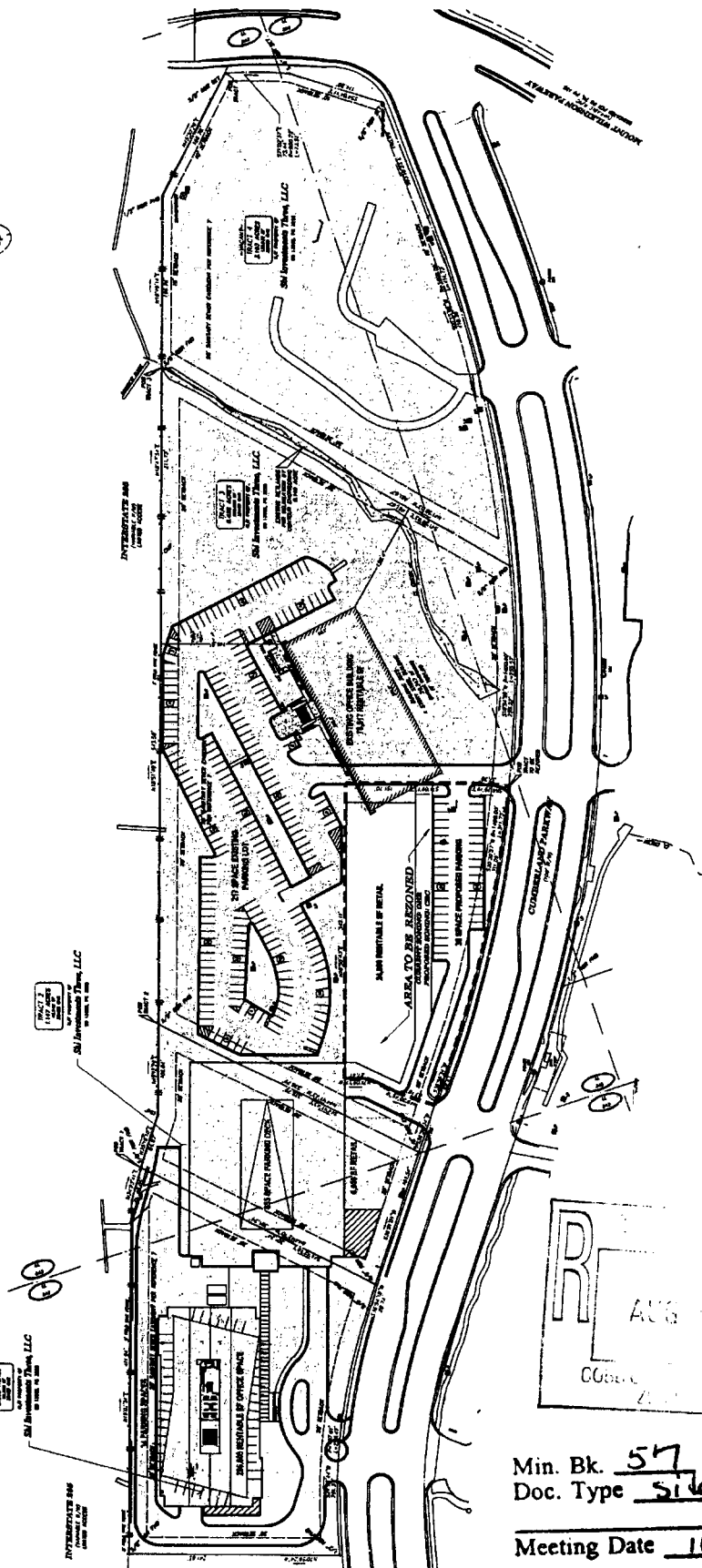
CUMBERLAND OFFICE PARK

REVISIONS

NO.	DATE	DESCRIPTION
1		
2		
3		
4		
5		
6		
7		
8		
9		
10		

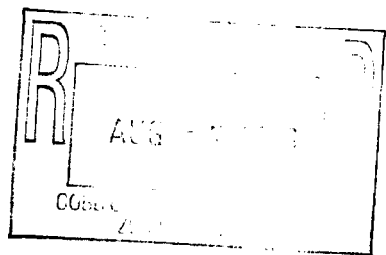
SHI INVESTMENTS THREE, LLC  
1170 PEACHTREE STREET NE  
ATLANTA, GEORGIA  
PHONE: 404-801-0726  
FAX: 404-801-0722  
www.shiinvestments.com

**SC** CONSULTING LLC  
REGISTERED PROFESSIONAL ENGINEER  
STATE OF GEORGIA  
NO. 10156  
ATLANTA, GA 30339  
PHONE: 404-525-7100  
FAX: 404-525-7101  
www.sc-engineering.com



**LEGAL DESCRIPTION**

SHI INVESTMENTS THREE, LLC  
1170 PEACHTREE STREET NE  
ATLANTA, GA 30339  
PHONE: 404-801-0726  
FAX: 404-801-0722  
www.shiinvestments.com



Min. Bk. 57 Petition No. Z-48  
 Doc. Type side plan  
 Meeting Date 10/21/08

# 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†  
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J. KEVIN MOORE  
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NICHOLAS J. PETERSON\*  
JAMES D. WALKER III  
CHRISTOPHER D. GUNNELS\*  
JENNIFER S. WHITE\*

192 ANDERSON STREET  
MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1498  
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**BILLING ADDRESS**  
P.O. BOX 3305 • MARIETTA, GEORGIA 30061

**TENNESSEE OFFICE**  
CEDAR RIDGE OFFICE PARK, SUITE 500  
408 N. CEDAR BLUFF ROAD • KNOXVILLE, TENNESSEE 37923

TELEPHONE (865) 692-9039  
TELECOPIER (865) 692-9071

RYAN G. PRESCOTT  
CHRISTOPHER C. MINGLEDORFF  
COLE B. STINSON\*\*\*  
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CHARLES PIERCE\*  
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S. NIKOL RICHARDSON\*  
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TIMOTHY H. STALLINGS  
PRESTON D. PIERCE\*

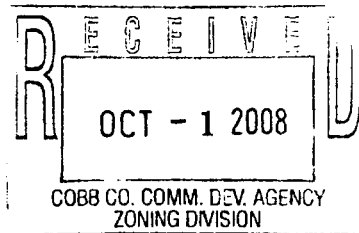
OF COUNSEL:  
JOHN L. SKELTON, JR.†

† ALSO ADMITTED IN TN  
\* ALSO ADMITTED IN FL  
\*\* ALSO ADMITTED IN NM  
\*\*\* ALSO ADMITTED IN NC  
\*\*\*\* ALSO ADMITTED IN CA  
• ADMITTED ONLY IN TN

October 1, 2008

Hand Delivered

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661



RE: Application for Rezoning - Application No. Z-48 (2008)  
Applicant/Owner: Shi Investments Three, LLC  
Property: 1.280 acres located on the westerly side of  
Cumberland Parkway, south of Mount  
Wilkinson Parkway, Land Lots 842 and 843,  
17th District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

As you know, the undersigned and this firm represent Shi Investments Three, LLC, the Applicant and the Property Owner (hereinafter collectively referred to as "Applicant"), in its Application for Rezoning with respect to a 1.280 tract of property located on the westerly side of Cumberland Parkway, southerly of Mount Wilkinson Parkway, Land Lots 842 and 843, 17<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (hereinafter the "Property" or the "Subject Property"). After meeting with planning and zoning staff and various Cobb County departmental representatives, discussions with area property owners, and reviewing the staff comments and recommendations and the uses of surrounding properties, we have been authorized by the Applicant to submit this letter of agreeable stipulations and conditions which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

Map Bk. 57 Petition No. Z-48  
Type letter of agreeable  
conditions  
Date 10/21/08

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 4  
October 1, 2008

- (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) Applicant seeks rezoning of the Subject Property from the existing zoning category of Office High Rise ("OHR") to the proposed zoning category of Community Retail Commercial ("CRC"), with reference to the Rezoning Site Plan prepared for Applicant by SG Consulting, LLC dated July 21, 2008.
- (3) The Subject Property consists of approximately 1.280 acres and shall be developed for a maximum of 24,000 square feet of rentable retail space within the existing office park development.
- (4) The proposed structure shall be located adjacent to the existing parking deck and fronting Cumberland Parkway so as to provide a shield of the view of the parking deck from Cumberland Parkway.
- (5) The one-story structure within the existing office park shall be traditional in style and architecture.
- (6) The front façade of the proposed structure shall consist of brick, stone, stacked stone, stucco, stucco-type, steel, glass, and combinations thereof.
- (7) Any roof-mounted HVAC equipment shall be screened by means of a continuous roof parapet.
- (8) Entrance signage for the proposed retail building shall be ground based, monument style signage. The finish, materials, and colors for the signage shall be compatible with the retail structure as well as the signage for the existing office development. Further, such signage shall contain no flashing sign components.
- (9) There shall be no roof signs and no exterior, temporary signs excepting only grand opening signage, leasing signage, and signage indicating the coming business.

Petition No. 2-48  
Meeting Date 10/21/08  
Continued

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 3 of 4  
October 1, 2008

- (10) There shall be no tenant vehicles or vehicles of any type parked in front of the proposed retail building containing tenant identification signage or advertising signage.
- (11) Lighting fixtures for parking areas shall be environmentally sensitive, shoe-box style and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (12) Security lighting on the structure shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut off shields to prevent light from extending beyond the property line.
- (13) All dumpsters servicing the proposed retail building shall be enclosed with a minimum six (6) foot high brick enclosure on three sides with a solid wooden screen gate or doors on the access side. All dumpsters shall contain rubber lids to minimize noise.
- (14) Landscaping for the proposed entrance area and surrounding the proposed retail building shall be professionally designed, implemented, and maintained, and shall be compatible with the overall landscaping of the existing office park.
- (15) Minor modifications to the within stipulations, the referenced Rezoning Site Plan, landscaping, architecture, site features, and the like, may be approved by the District Commissioner, as needed or necessary.
- (16) All utilities for the proposed development shall be located underground.
- (17) Applicant agrees to comply with all Cobb County Stormwater Management requirements applicable to the Subject Property.
- (18) All landscape 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.
- (19) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of

Petition No. 2-48  
Meeting Date 10/21/08  
Continued



**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 4 of 4  
October 1, 2008

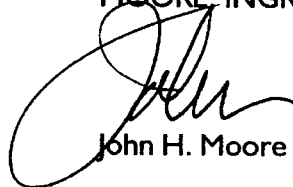
Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

We believe the requested zoning, pursuant to the referenced Rezoning Site Plan and the stipulations contained herein, is an appropriate use of the Subject Property while taking into consideration the significant changes within the area and the impact of those changes upon surrounding developments and area properties and owners thereof surrounding the proposed development. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly yours,

MOORE INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:  
Samuel S. Olens, Chairman  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
Tim Lee

Cobb County Planning Commission:  
Murray Homan, Chairman  
Judy Williams  
Bob Hovey  
Christi S. Trombetti  
Tom McCleskey

Petition No. 2-48  
Meeting Date 10/21/08  
Continued

Shi Investments Three, LLC

# MOORE INGRAM JOHNSON & STEELE

A LIMITED LIABILITY PARTNERSHIP

WWW.MIJS.COM

192 ANDERSON STREET

MARIETTA, GEORGIA 30060

TELEPHONE (770) 429-1499  
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## BILLING ADDRESS

P.O. BOX 3305 • MARIETTA, GEORGIA 30061

## TENNESSEE OFFICE

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OF COUNSEL:  
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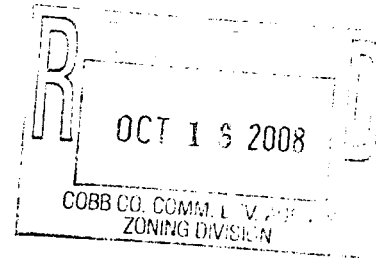
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DARRELL L. SUTTON  
NICHOLAS J. PETERSON\*  
JAMES D. WALKER III  
CHRISTOPHER D. GUNNELS\*  
JENNIFER S. WHITE\*

October 16, 2008

Hand Delivered

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060-1661



RE: Application for Rezoning - Application No. Z-48 (2008)

Applicant/Owner: Shi Investments Three, LLC  
Property: 1.280 acres located on the westerly side of  
Cumberland Parkway, south of Mount  
Wilkinson Parkway, Land Lots 842 and 843,  
17th District, 2<sup>nd</sup> Section, Cobb County, Georgia

Dear John:

On behalf of the Shi Investments Three, LLC, as Applicant and Property Owner in the above-referenced Application for Rezoning, please allow this correspondence to serve as a supplement to the letter of agreeable stipulations and conditions dated and filed with your office on October 1, 2008, which, if the Application for Rezoning is approved, as submitted, shall become part of the grant of the requested zoning and shall be binding upon the Subject Property. The additional stipulations are as follows:

- (1) There shall be no businesses with a drive-thru, excepting only banks.
- (2) The following uses shall be prohibited from the proposed overall development:
  - (a) Video arcades as a primary use;

37 Petition No. Z-48  
letter of agreeable  
conditions  
Date 10/2/08

**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 2 of 3  
October 16, 2008

- (b) Adult-themed bookstores as a primary use;
- (c) Automotive sales, repair, and/or service facilities;
- (d) Gas station;
- (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.

As previously stated, we believe the requested zoning, pursuant to the referenced Rezoning Site Plan, the stipulations contained in the letter of agreeable stipulations and conditions dated October 1, 2008, and the supplemental stipulations set forth herein, is an appropriate use of the Subject Property while taking into consideration the significant changes within the area and the impact of those changes upon surrounding developments and area properties and owners thereof surrounding the proposed development. Thank you for your consideration in this request.

Petition No. 2-48  
Meeting Date 10/21/08  
Continued

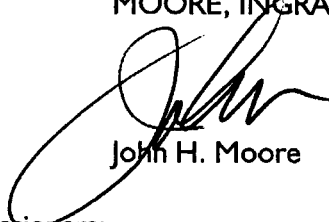
**MOORE INGRAM JOHNSON & STEELE**

Mr. John P. Pederson, AICP  
Planner III  
Zoning Division  
Cobb County Community Development Agency  
Page 3 of 3  
October 16, 2008

With kindest regards, I remain

Very truly yours,

MOORE, INGRAM, JOHNSON & STEELE, LLP



John H. Moore

JHM:cc

c: Cobb County Board of Commissioners:  
Samuel S. Olens, Chairman  
Helen C. Goreham  
Annette Kesting  
Joe L. Thompson  
Tim Lee

Ron Sifen  
Vinings Homeowners Association

Shi Investments Three, LLC

Petition No. 2-48  
Meeting Date 10/21/08  
Continued

BETHANY PRESBYTERIAN CHURCH  
444 SOUTH PLAINS ROAD  
VALLETTA, GEORGIA 30084

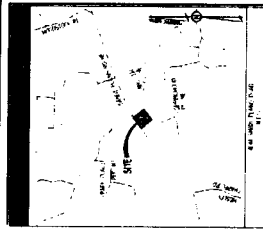
BETHANY PRESBYTERIAN CHURCH  
444 SOUTH PLAINS ROAD  
VALLETTA, GEORGIA 30084



Table with 2 columns: 'NO.', 'DESCRIPTION'. It is currently empty.



PROJECT: BETHANY PRESBYTERIAN CHURCH  
OWNER: BETHANY PRESBYTERIAN CHURCH  
DATE: 10/21/08  
SCALE: AS SHOWN

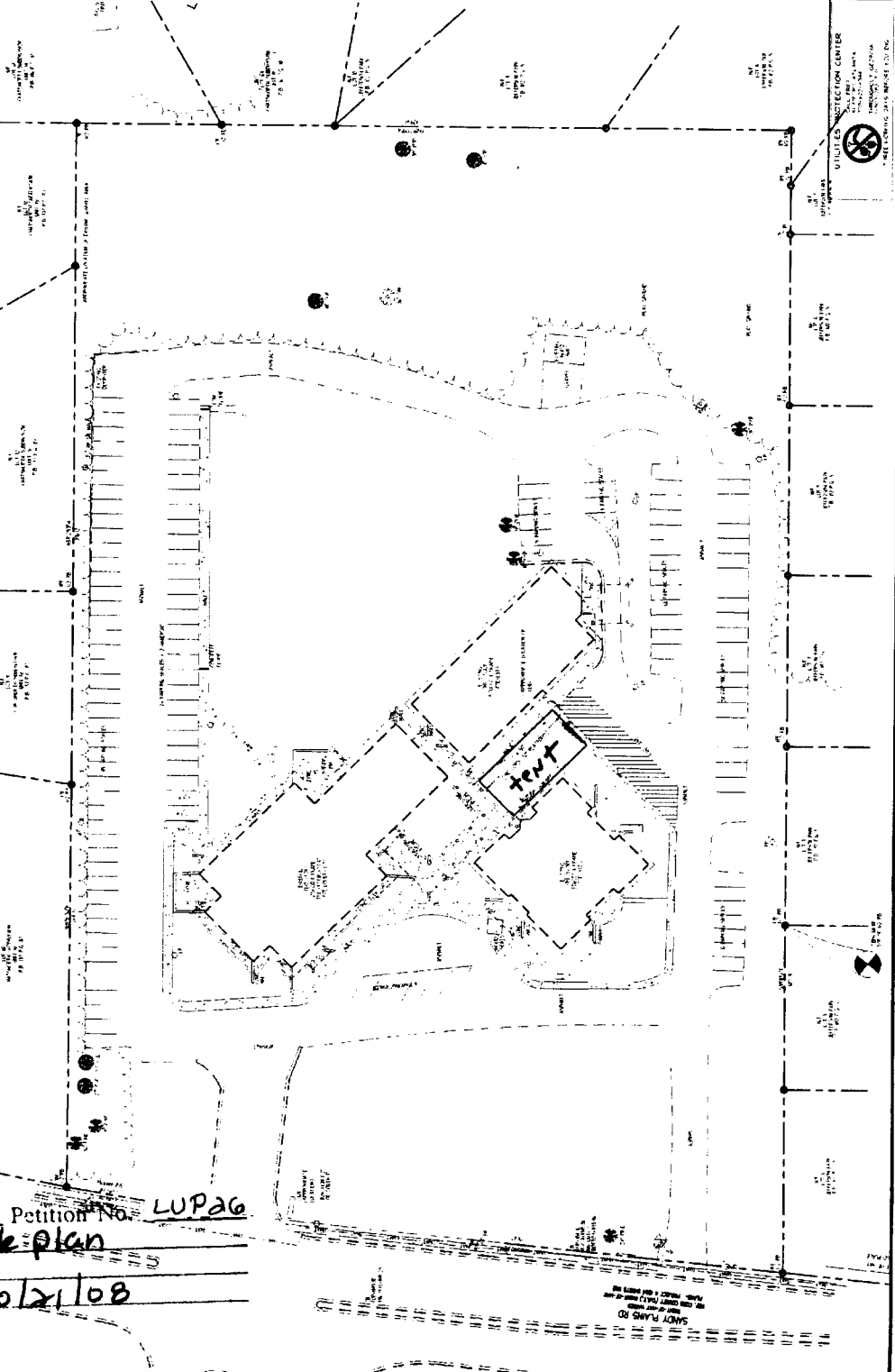


**SITE INFORMATION**  
OWNER: BETHANY PRESBYTERIAN CHURCH  
PROJECT: BETHANY PRESBYTERIAN CHURCH  
ADDRESS: 444 SOUTH PLAINS ROAD, VALLETTA, GA 30084  
ZONING: R-10  
ADJACENT PROPERTIES:  
N: 444 SOUTH PLAINS ROAD  
S: 444 SOUTH PLAINS ROAD  
E: 444 SOUTH PLAINS ROAD  
W: 444 SOUTH PLAINS ROAD

**SITE NOTES**  
1. THE EXISTING BUILDING IS TO BE DEMOLISHED AND A NEW BUILDING IS TO BE CONSTRUCTED ON THE SAME SITE.  
2. THE NEW BUILDING IS TO BE A 10,000 SQ. FT. CHURCH WITH A STEEPLE.  
3. THE STEEPLE IS TO BE 150 FT. TALL AND IS TO BE THE CENTRAL FEATURE OF THE BUILDING.  
4. THE BUILDING IS TO BE SURROUNDED BY A PARKING LOT WITH 50 SPACES.  
5. LANDSCAPING IS TO BE PROVIDED AROUND THE BUILDING AND PARKING LOT.  
6. THE SITE IS TO BE PAVED WITH ASPHALT.  
7. THE SITE IS TO BE IRRIGATED.  
8. THE SITE IS TO BE MAINTAINED AS A CHURCH PROPERTY.  
9. THE SITE IS TO BE OPEN TO THE PUBLIC.  
10. THE SITE IS TO BE OPEN TO THE PUBLIC.

**LANDSCAPE NOTE**  
LANDSCAPING IS TO BE PROVIDED AS SHOWN ON THE LANDSCAPE PLAN.  
PLANTING IS TO BE PROVIDED AS SHOWN ON THE LANDSCAPE PLAN.  
IRRIGATION IS TO BE PROVIDED AS SHOWN ON THE LANDSCAPE PLAN.  
MAINTENANCE IS TO BE PROVIDED AS SHOWN ON THE LANDSCAPE PLAN.

**VARIANCE LETTER**  
APPLICANT: BETHANY PRESBYTERIAN CHURCH  
ADDRESS: 444 SOUTH PLAINS ROAD, VALLETTA, GA 30084  
PROJECT: BETHANY PRESBYTERIAN CHURCH  
ZONING: R-10  
VARIANCE: THE VARIANCE IS TO BE GRANTED FOR THE CONSTRUCTION OF A CHURCH WITH A STEEPLE THAT IS 150 FT. TALL, WHICH IS IN VIOLATION OF THE ZONING ORDINANCE.  
REASON: THE CHURCH IS A PUBLIC BUILDING AND THE STEEPLE IS A NECESSARY FEATURE OF THE BUILDING.  
CONCLUSION: THE VARIANCE IS TO BE GRANTED FOR THE CONSTRUCTION OF THE CHURCH WITH A STEEPLE THAT IS 150 FT. TALL.



Map No. 57 Petition No. LUP26  
side plan  
10/21/08

444 SOUTH PLAINS ROAD  
VALLETTA, GEORGIA 30084

**2016 PAID AD VALOREM PROPERTY TAX  
RECIPTS FOR SUBJECT PROPERTY  
(TAX PARCEL NOS. 17084200160;  
17084300030; AND 17084300050)**



Printed: 10/11/2016

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:  
Adriana dos Reis

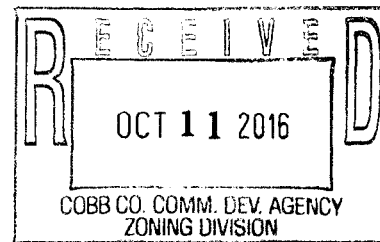
WHITEHALL INVESTMENTS LLC

Payment Date: 9/13/2016

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2016	17084200160	10/17/2016	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$6,795.60	\$0.00



Scan this code with your mobile phone to view this bill!





Printed: 10/11/2016

**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:  
Adriana dos Reis

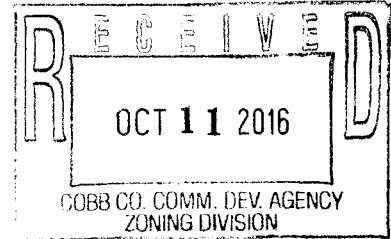
**WHITEHALL INVESTMENT LLC**

**Payment Date: 9/13/2016**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2016	17084300030	10/17/2016	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$57,656.47	\$0.00



Scan this code with your mobile phone to view this bill!!







Printed: 10/11/2016

**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:  
Adriana dos Reis

**WHITEHALL INVESTMENTS LLC**

**Payment Date: 9/13/2016**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2016	17084300050	10/17/2016	Pay: N/A or	\$0.00	
Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$12,982.33	\$0.00



Scan this code with your mobile phone to view this bill!!

