

# Application for Rezoning Cobb County, Georgia

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

Application No. z-40 (2008)

PC Hearing Date: 08/05/2008

BOC Hearing Date: 08/19/2008

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

Address 2489 Dallas Highway, Marietta, GA 30064 Home Phone Not Applicable

Moore Ingram Johnson & Steele, LLP

John H. Moore Address 192 Anderson Street, Marietta, GA 30060

(representative's name, printed)

BY: [Signature] Business Phone (770) 429-1499 Cell Phone (404) 313-5664  
(representative's signature) Georgia Bar No. 519800

Signed, sealed and delivered in presence of:

[Signature]  
Notary Public

My commission expires: January 10, 2011

Titleholder D & A Investment Group, LLC and  
Pereira Management, LLC Business Phone \_\_\_\_\_ Home Phone \_\_\_\_\_  
(titleholder's name, printed)

Signature See Attached Exhibit "A" Address \_\_\_\_\_  
(attach additional signature, if needed)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public

My commission expires: \_\_\_\_\_

Zoning Request From OI, NS to RRC  
(present zoning) (proposed zoning)

Mixed-Use Development Consisting  
of Retail, Office, Residential, and

For the Purpose of Residential Senior Living Size of Tract 10.46 Acre(s)  
(subdivision, restaurant, warehouse, apt., etc.)

Location Northerly side of Paces Ferry Road; Easterly of I-285  
(street address, if applicable; nearest intersection, etc.)

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

We have investigated the site as to the existence of archeological and/or architectural landmarks. I hereby certify that there ~~are~~ are no such assets. If any exist, provide documentation with this application.

to the best of our knowledge,  
information, and belief.

See Attached Exhibit "A"  
(applicant's signature)

We have investigated the site as to the existence of any cemetery located on the above property. I hereby certify that there ~~is~~ is not such a cemetery. If any exist, provide documentation with this application.

to the best of our knowledge,  
information, and belief.

See Attached Exhibit "A"  
(applicant's signature)

EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: Z- 40 (2008)  
Hearing Dates: August 5, 2008 and  
August 19, 2008

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

D & A Investment Group, LLC

BY: [Signature]  
Mehdi Jannat-Khah  
Manager

Address: 2489 Dallas Highway  
Marietta, Georgia 30064

Telephone No.: (404) 444-1010

Signed, sealed, and delivered  
in the presence of:

Carolyn E. Cook  
Notary Public  
Commission Expires       
(Notary Seal)

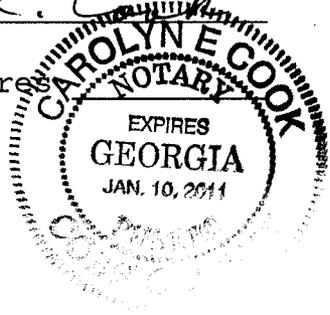


EXHIBIT "A" - ATTACHMENT TO APPLICATION FOR REZONING

Application No.: Z- 40 (2008)  
Hearing Dates: August 5, 2008 and  
August 19, 2008

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

PEREIRA MANAGEMENT, LLC

BY:   
Mehdi Jannat-Khah  
Manager

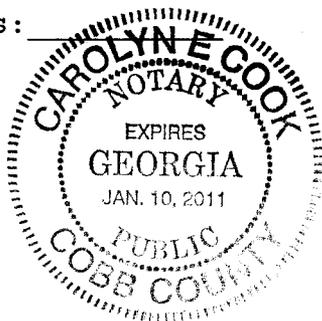
Address: 2489 Dallas Highway  
Marietta, Georgia 30064

Telephone No.: (404) 444-1010

Signed, sealed, and delivered  
in the presence of:

  
Notary Public  
Commission Expires: \_\_\_\_\_

(Notary Seal)



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APPLICATION NO. Z-40

ORIGINAL DATE OF APPLICATION: 08-19-08

APPLICANTS NAME: D & A INVESTMENT GROUP, LLC  
AND PEREIRA MANAGEMENT, LLC

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

**BOC DECISION OF 08-19-08 ZONING HEARING:**

**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. *(Continued by Staff from the August 5, 2008 Planning Commission hearing; therefore was not considered at this hearing)*

ORIGINAL DATE OF APPLICATION: 08-19-08

APPLICANTS NAME: D & A INVESTMENT GROUP, LLC  
AND PEREIRA MANAGEMENT, LLC

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

**BOC DECISION OF 09-16-08 ZONING HEARING:**

**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. *(Continued by Staff from the August 5, 2008 and September 3, 2008 Planning Commission hearings; therefore was not considered at this hearing)*

ORIGINAL DATE OF APPLICATION: 08-19-08APPLICANTS NAME: D & A INVESTMENT GROUP, LLC  
AND PEREIRA MANAGEMENT, LLCTHE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 10-21-08 ZONING HEARING:**

**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
- 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

ORIGINAL DATE OF APPLICATION: 08-19-08

APPLICANTS NAME: D & A INVESTMENT GROUP, LLC  
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THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 10-21-08 ZONING HEARING (Continued):**

- **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

**APPLICANT:** D & A INVESTMENT GROUP, LLC...

**PETITION NO.:** Z-40

**PRESENT ZONING:** OI, NS

**PETITION FOR:** RRC

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**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

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**FIRE DEPARTMENT COMMENTS:**

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot paved radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or slide type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal's office.

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APPLICANT D & A Investment Group, LLC & Pereira

PETITION NO. Z-040

PRESENT ZONING OI, NS

PETITION FOR RRC

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NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

**WATER COMMENTS:**

Available at Development?  Yes  No

Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s) 16" DI / S side Paces Fy Rd; 8" CI / Bert Adams Rd

Additional Comments: One master meter for retail/office, and one for each tower

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

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**SEWER COMMENTS:**

In Drainage Basin?  Yes  No

At Development?  Yes  No

Approximate Distance to Nearest Sewer: In Paces Fy Rd and Bert Adams Rd

Estimated Waste Generation (in G.P.D.): **A D F** 247,880 **Peak** 619,700

Treatment Plant: Sutton

Plant Capacity Available?  Yes  No

Line Capacity Available?  Yes  No

Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years

Dry Sewers Required?  Yes  No

Off-site Easements Required?  Yes\*  No

Flow Test Required?  Yes  No

Septic Tank Recommended by this Department?  Yes  No

Subject to Health Department Approval?  Yes  No

\* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Restaurants and central kitchens require pre-installed and CCWS inspected grease traps

Notes FYI: *Basin study and flow tests will be required at plan review to determine if developer will be required any existing line upsizing*

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: D & A Investment Group, LLC and Pereira

PETITION NO.: Z-40

PRESENT ZONING: OI, NS

PETITION FOR: RRC

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Vinings Branch** FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS:  YES  NO  POSSIBLY, NOT VERIFIED

Location: \_\_\_\_\_

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE:  YES  NO  POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (\_\_\_\_\_ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream -within Lake @ Vinings development.  
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream stormdrainage system.

APPLICANT: D & A Investment Group, LLC and Pereira

PETITION NO.: Z-40

PRESENT ZONING: OL, NS

PETITION FOR: RRC

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DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill \_\_\_\_\_ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown \_\_\_\_\_
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS

1. Like most of the sites on Mount Wilkinson, this site is extremely steep. Erosion and Sediment Control BMPs must be well-maintained with redundant design features to provide adequate site protection.
2. The proposed detention pond on the site plan provided is inadequate for the size of the site. A significant amount of underground detention will be required for the intensity of development proposed. It is recommended that surface water features be incorporated into the site design to provide the necessary water quality volumes that will be required. This will limit the cost and perpetual maintenance issues associated with proprietary underground water quality devices.
3. The site discharges to the south across Paces Ferry Road into the Vinings Main (aka Alta Vinings) development currently under construction. The design engineer must account for the capacity of the downstream receiving storm drainage system.

APPLICANT: D&A Investment Group, LLC

PETITION NO.: Z-40

PRESENT ZONING: OL, NS

PETITION FOR: RRC

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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Paces Ferry Road	27500	Arterial	35 mph	Cobb County	100'
Bert Adams Road	2100	Non-residential Local	25 mph	Cobb County	60'

*Based on 2007 traffic counting data taken by Cobb County DOT. (Paces Ferry Road)  
Based on 1993 traffic counting data taken by Cobb County DOT. (Burt Adams Road)*

**COMMENTS AND OBSERVATIONS**

Paces Ferry Road is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Bert Adams Road is classified as a Non-residential Local and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Construct a right turn lane along Paces Ferry Road at entrance.

Lengthen the eastbound left turn lane on Paces Ferry Road.

Construct a left turn lane on Cumberland Parkway at Bert Adams Road.

Developer to provide dual left turns from westbound Paces Ferry to southbound Cumberland Parkway upon approval of Cobb County DOT operations.

Maintain existing at-grade interconnection with adjacent office building parking deck.

Upgrade the southbound approach to the traffic signal to include video detection equipment and provide 50% funding for like upgrades to the remaining three approaches.

The applicant will have to verify that minimum intersection sight distance is available. If it is not, the applicant will have to implement remedial measures, subject to approval by the Department, to achieve the minimum requirement.

**RECOMMENDATIONS**

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.

Recommend a right turn lane along Paces Ferry Road at the development entrance.

Recommend a left turn lane on Cumberland Parkway at Bert Adams.

Recommend the developer provide dual left turns from westbound Paces Ferry Road to southbound Cumberland Parkway upon approval of Cobb County DOT operations.

**APPLICANT: D&A Investment Group, LLC**

**PETITION NO.: Z-40**

**PRESENT ZONING: OI, NS**

**PETITION FOR: RRC**

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**TRANSPORTATION COMMENTS cont.**

Recommend maintaining existing at-grade interconnection with adjacent office building parking deck.

Recommend developer upgrade the southbound approach to the traffic signal to include video detection equipment and provide 50% funding for like upgrades to the remaining three approaches.

Recommend applicant verify that minimum intersection sight distance is available and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.