

# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035) PM 1:00 PM Hearing Date Requested: 02/18/2014

**Applicant:** Seven Star Ventures, LLC **Phone #:** 770 329-1944  
(applicant's name printed)

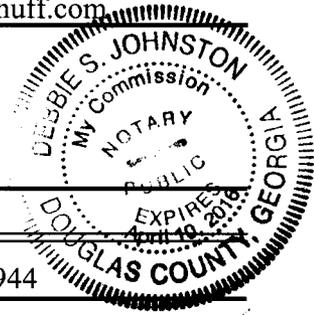
**Address:** Apt. 3308, 3345 Stratford Rd., Atlanta, GA 30236 **E-Mail:** equarles49@yahoo.com

Garvis L. Sams, Jr. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064  
(representative's name, printed)

[Signature] **Phone #:** (770) 422-7016 **E-Mail:** gsams@samslarkinbuff.com  
(representative's signature)

Signed, sealed and delivered in presence of:

[Signature] **My commission expires:** 04/10/2016  
Notary Public



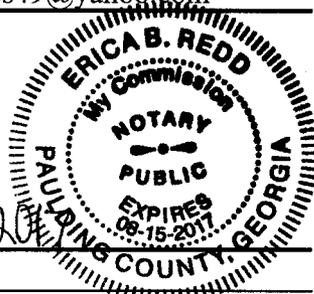
**Titleholder(s) :** Seven Star Ventures, LLC **Phone #:** (770) 329-1944  
(property owner's name printed)

**Address:** Apt. 3308, 3345 Stratford Rd., Atlanta, GA 30236 **E-Mail:** equarles49@yahoo.com

[Signature] **(Property owner's signature)** Eddie Quarles

Signed, sealed and delivered in presence of:

[Signature] **My commission expires:** 08/15/2017  
Notary Public



**Commission District:** 3 **Zoning Case:** Z-32 (2001)

**Date of Zoning Decision:** 03/20/2001 **Original Date of Hearing:** 03/20/2001

**Location:** The southwest quadrant of the intersection of Busbee Parkway Extension & Frey Rd., east of I-75  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 94 **District(s):** 20th

**State specifically the need or reason(s) for Other Business:** Site plan approval by the Cobb County Board of Commissioners is required prior to the issuance of Developmental Permits pursuant to a specific stipulation/condition of the original Rezoning. A site plan was approved by the Board of Commissioners as an Other Business Agenda Item on 02/19/2008. However, that particular development did not go forward and the subject property was ultimately sold to the current Applicant, Seven Star Ventures, LLC.

(List or attach additional information if needed)

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
JAMES A. BALLI

SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770•422•7016  
TELEPHONE  
770•426•6583  
FACSIMILE

JUSTIN H. MEEKS

SAMSLARKINHUFF.COM

January 14, 2014

**VIA HAND DELIVERY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
1150 Powder Springs Road, Suite 400  
Marietta, GA 30064

Re: Other Business Application of Seven Star Ventures, LLC for Site Plan Approval  
regarding Zoning Case No. Z-32 (2001)

Dear John:

As you know, this firm has been engaged by and represents Seven Star Ventures, LLC (“Seven Star”) concerning the above-captioned Other Business Application which we are filing pursuant to discussions which you and I have had recently with respect to the subject property. In that regard, we are requesting that the hearing concerning the matter be scheduled on the Board of Commissioners’ “Other Business” Agenda for February 18, 2014 immediately following the regularly scheduled zoning hearings that day.

With respect to the foregoing, enclosed is the Other Business Application; Minutes reflecting the original Rezoning in 2001 (No. Z-32); Minutes reflecting a previous Other Business Site Plan Approval (#2 [2008]); five (5) full-sized and one (1) 8½”x11” copy of the applicable site plan. By way of our discussion via email on January 10, 2014, the Community Development Agency has waived the filing fee for this Other Business Application.

As you know, we had originally filed a Variance Application concerning the subject property in view of the fact that utilization of the subject property (which is zoned GC) in a meaningful fashion requires setback variances. As you can see, the subject property has triple road frontage and the site plan reflects a request for contemporaneous variances waiving the front setback on Frey Road from fifty feet (50’) to twenty feet (20’); on Busbee Parkway Extension from thirty feet (30’) to twenty feet (20’); and, on I-75 from thirty feet (30’) to twenty feet (20’).

COBB COUNTY ZONING DIVISION  
2014 JAN 14 PM 1:49  
COBB COUNTY GEORGIA  
PLANNING DEPARTMENT

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

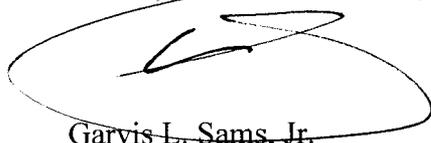
Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
January 14, 2014  
Page 2

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Please do not hesitate to contact me should you need any additional information or documentation prior to processing this Other Business Application. Additionally, please let me know when the signs are ready so that I can ensure that the subject property is properly posted. With kind regards, I am

Very truly yours,

**SAMS, LARKIN & HUFF, LLP**

A handwritten signature in black ink, appearing to read "Garvis L. Sams, Jr.", is written over a large, loopy scribble that partially obscures the text below it.

Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS/dsj  
Enclosures

cc: Commissioner JoAnn Birrell (via email w/attachments)  
Mr. Eddie Quarles, Seven Star (via email w/attachments)

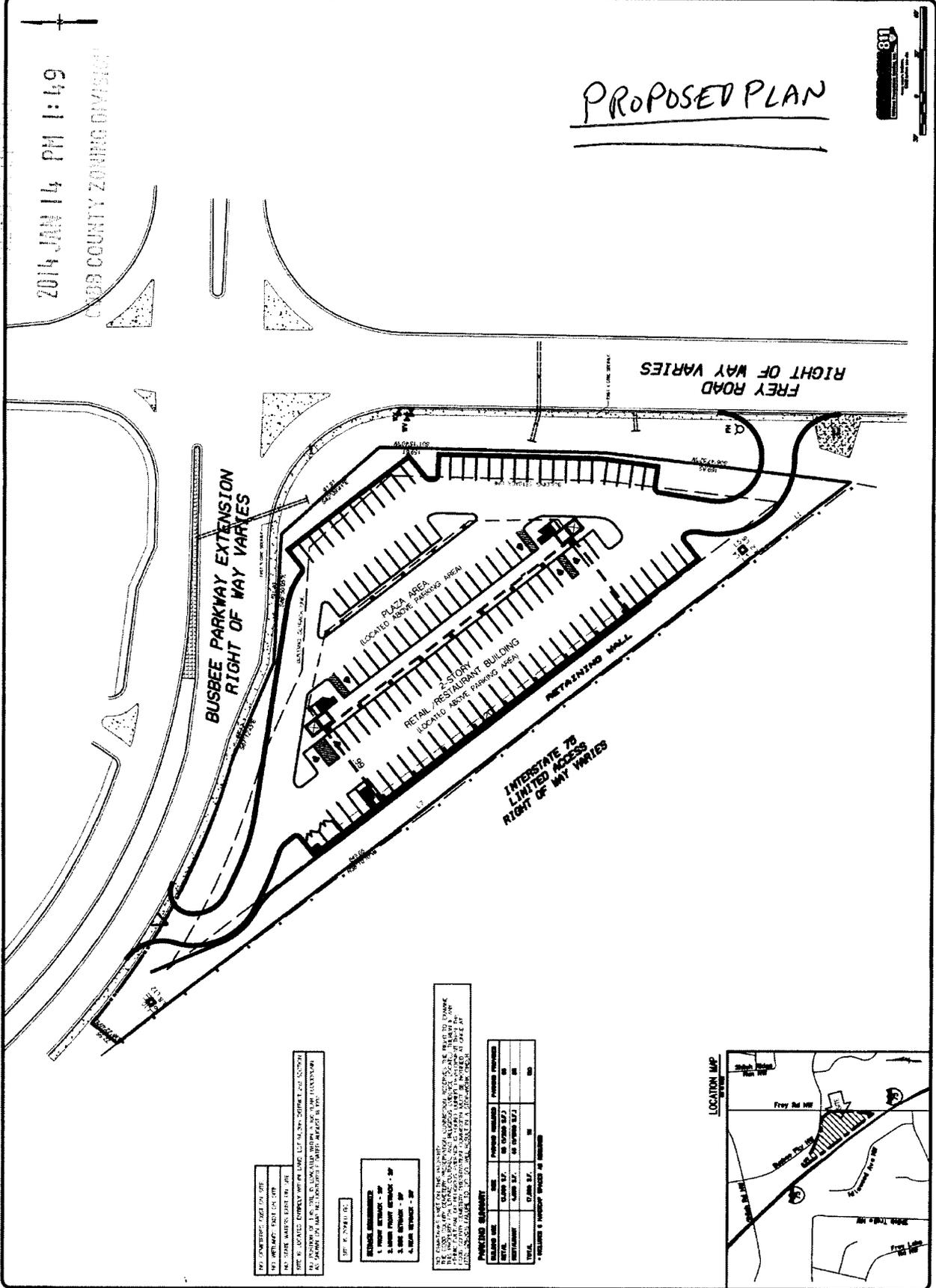
COBB COUNTY GEORGIA

2014 JAN 14 PM 1:49

COBB COUNTY ZONING DIVISION

PROPOSED PLAN

<p><b>VAM</b> Vannoy &amp; McElroy Civil Engineers, Inc. 1475 Peachtree Industrial Blvd., Suite 100 Atlanta, Georgia 30329 Tel: (770) 452-1111 Fax: (770) 452-1112 www.vam-engineers.com</p>	<p>OWNER: SEVEN STAR VENTURES 3445 STRATFORD ROAD SUITE 100 ATLANTA, GEORGIA 30346 MR. EDDIE OJARIER (770) 254-1541</p>	<p>THE OWL'S NEST VARIANCE PLAN</p>	<p>DATE: _____ SCALE: _____ PROJECT NO.: _____ SHEET NO.: _____</p>
	<p>PROJECT NO.: _____ SHEET NO.: _____</p>	<p>DATE: _____ SCALE: _____ PROJECT NO.: _____ SHEET NO.: _____</p>	<p>DATE: _____ SCALE: _____ PROJECT NO.: _____ SHEET NO.: _____</p>



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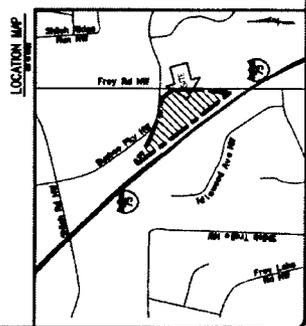
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**PARKING SUMMARY**

TYPE	NO.	TOTAL
CLAMP	10	10
STANDARD	100	100
TOTAL	110	110

\* INCLUDES 6 VEHICLE SPACES AS SHOWN

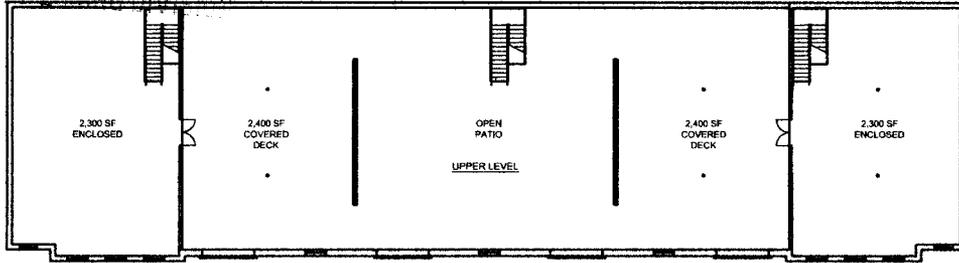


PROPOSED PLAN

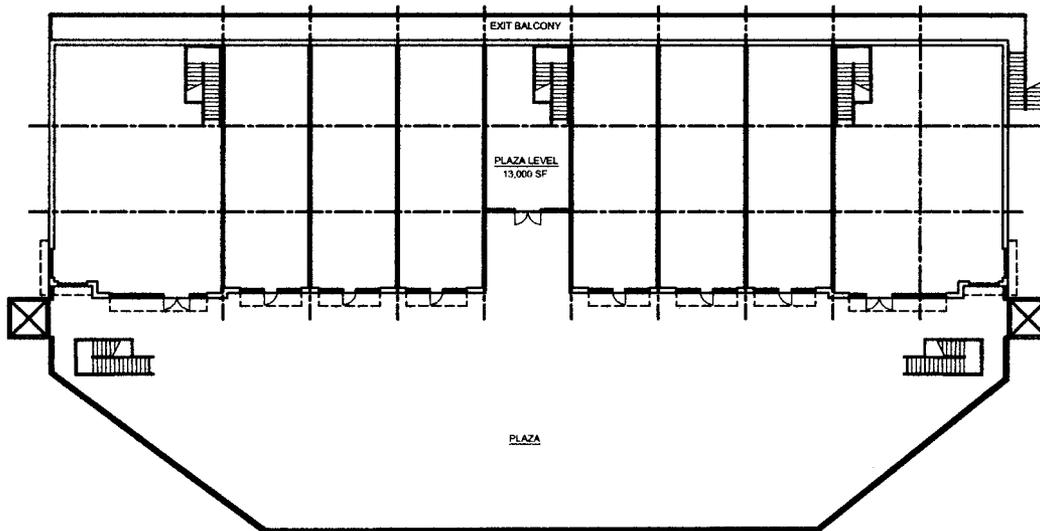
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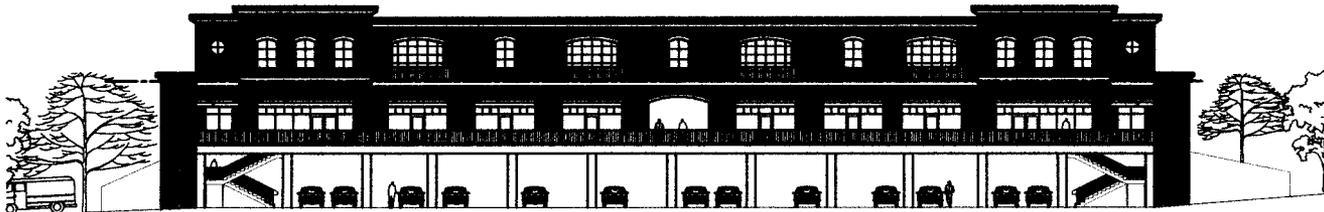
COBB COUNTY ZONING ENGINEER



PRELIMINARY UPPER LEVEL PLAN



PRELIMINARY PLAZA LEVEL PLAN



PRELIMINARY ELEVATION

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MARCH 20, 2001  
PAGE 11**

**Z-30**            **CAMELOT/SIGNATURE DEVELOPMENT, LLC** (The Estate of James E. Anderson, owner) for Rezoning from NS and R-20 to SC for the purpose of Suburban Condominiums in Land Lot 849 of the 19<sup>th</sup> District. Located on the south side of Hurt Road, west of Winesap Drive. **(Continued by the Planning Commission from their March 6, 2001 hearing, therefore was not considered by the Board of Commissioners)**

**Z-32**            **JAMES O'NEILL** for Rezoning from LI and GC to GC for the purpose of a Convenience/Gas Store in Land Lot 94 of the 20<sup>th</sup> District. Located at the southwest intersection of Busbee Parkway and Frey Road, east of Interstate 75.

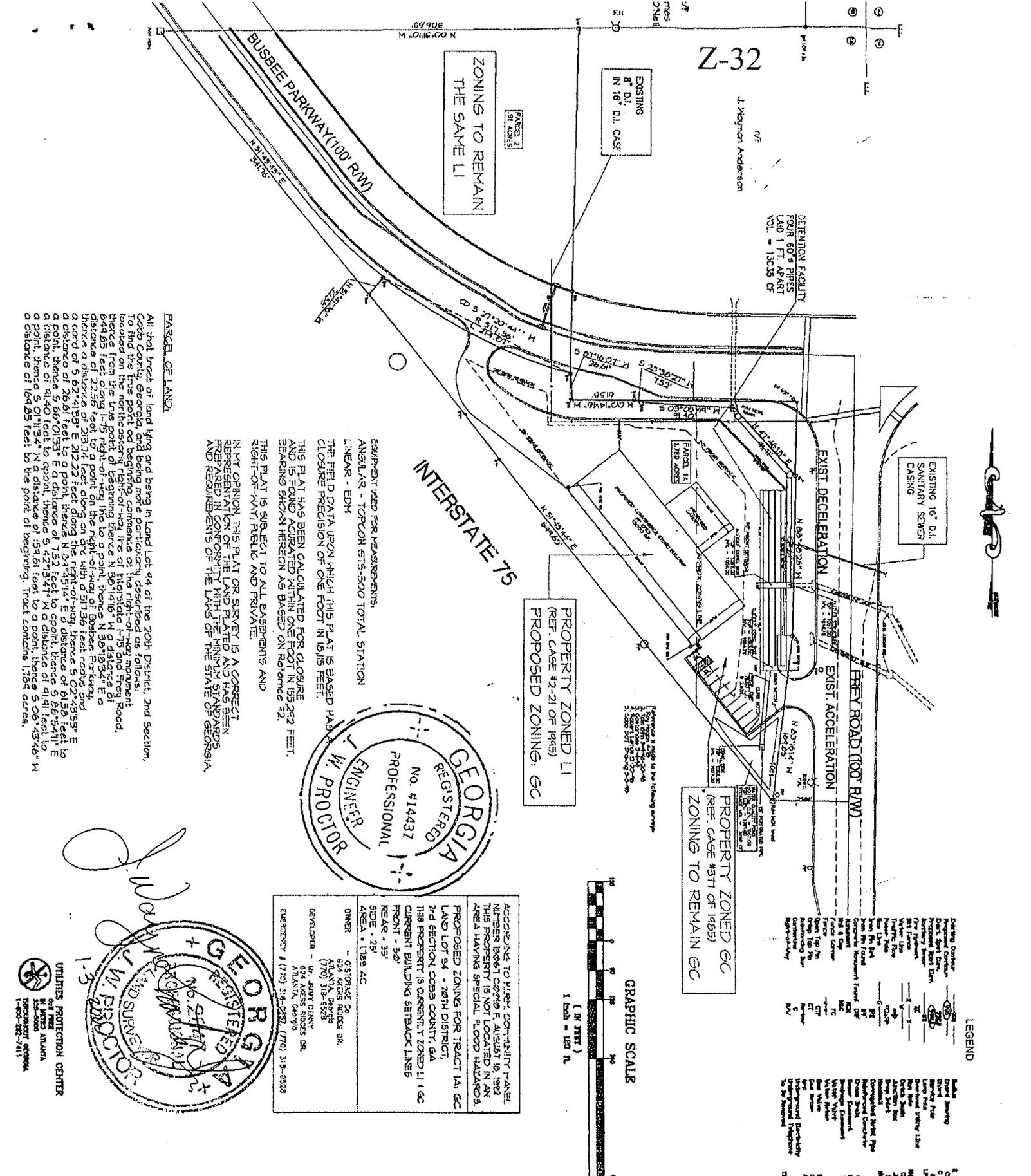
Mr. Richard Calhoun and Ms. Hilda Towery responded to inquires from the Board. Following discussion, the following motion was made:

**MOTION:**    Motion by Askea, second by Olens, to approve Rezoning request to the GC zoning district subject to:

- **site plan, architecture, signage, and landscaping to be approved by the Board of Commissioners prior to issuance of any permits**
- **Bells Ferry Homeowners Association representative(s) review of architectural design and site plan on this development**
- **Stormwater Management Division comments and recommendations**
- **Water and Sewer 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

**Z-33**            **TDE, LLC** for Rezoning from HI to CRC for the purpose of a Convenience/Gas Store in Land Lot 50 of the 20<sup>th</sup> District. Located at the southeast intersection of Hickory Grove Road and New McEver Road. **(Continued by the Planning Commission from their March 6, 2001 hearing, therefore was not considered by the Board of Commissioners)**



**PARCEL OF LAND**

All that tract of land lying and being in Land Lot 94 of the 20th District, 2nd Section, Cobb County, Georgia, and being more particularly described as follows: to wit, to find the true point of beginning, commence at the right-of-way monument located on the northwestern right-of-way line of Interstate I-75 and Frey Road, 64.65 feet from the point of beginning, thence N 36°14'16" W a distance of 64.65 feet to a point on the right-of-way line, thence N 36°14'16" W a distance of 223.26 feet to a point on the right-of-way line, thence S 67°43'53" E a distance of 213.74 feet along an arc with a radius of 511.36 feet, rockhead, a distance of 26.61 feet to a point, thence N 54°43'14" E a distance of 61.52 feet to a point, thence S 66°01'33" E a distance of 7.52 feet to a point, thence S 66°54'11" E a distance of 41.40 feet to a point, thence S 42°13'47" W a distance of 41.41 feet to a point, thence S 01°11'34" W a distance of 154.61 feet to a point, thence S 06°43'16" W a distance of 164.25 feet to the point of beginning. Tract contains 1.784 acres.

**EQUIPMENT USED FOR MEASUREMENTS:**  
ANELLOR - TOPCON 675-500 TOTAL STATION  
LINEAR - EDM

**THE FIELD DATA UPON WHICH THIS PLAT IS BASED HAS A CLOSURE PRECISION OF ONE FOOT IN 18,115 FEET.**

**THIS PLAT HAS BEEN CALCULATED FOR CLOSURE BEARING SHOWN HEREON AS BASED ON REFERENCE #2.**

**THIS PLAT IS SUBJECT TO ALL EASEMENTS AND RIGHT-OF-WAY, PUBLIC AND PRIVATE.**

**IN MY OPINION, THIS PLAT OR SURVEY IS A CORRECT REPRESENTATION OF THE LAND PLATED AND HAS BEEN PREPARED IN CONFORMITY WITH THE MINIMUM STANDARDS AND REQUIREMENTS OF THE LAWS OF THE STATE OF GEORGIA.**

**ACCORDING TO HIGH CONTINENTAL PARCEL NUMBER BOOK 6000 F. ALBERT 19, 1982 THIS PROPERTY IS NOT LOCATED IN AN AREA HAVING SPECIAL FLOOD HAZARDS.**

**PROPOSED ZONING FOR TRACT 1A: GC**  
LAND LOT 94 - 20TH DISTRICT, 2ND SECTION, COBB COUNTY, GA

**THIS PROPERTY IS CURRENTLY ZONED LI (1 AC)**  
CURRENT BUILDING SETBACK LINES  
FRONT - 56'  
REAR - 35'  
SIDE - 25'

**AREA = 1.789 AC**

**OWNER:** O'STOURCE CO.  
524 AKERS RIDGES DR.  
ATLANTA, GEORGIA  
(770) 318-6528

**DEVELOPER:** W. JIMMY DENNY  
634 AKERS RIDGES DR.  
ATLANTA, GEORGIA  
EMERGENCY # (770) 318-6522, (770) 318-8228

APPLICANT James O'Neill

PETITION NO. Z-32

PRESENT ZONING LI

PETITION FOR GC

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NOTE: Comments reflect only what facilities were in existence at the time of this review.

**WATER COMMENTS:**

Available at Development?  Yes  No

Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s): 12" DI on Frey Rd.

Additional Comments:

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: 100' east side of Frey Rd.

Estimated Waste Generation (in G.P.D.): **A D F** 1500 **Peak** 3750

Treatment Plant: Noonday

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

Letter of Allocation issued?  Yes  No

Septic Tank Recommended by this Department?  Yes  No

Subject to Health Department Approval?  Yes  No

Additional Comments:

\* 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.

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.

APPLICANT: James O'Neill

PETITION NO.: Z32

PRESENT ZONING: LI

PETITION FOR: GC

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**DRAINAGE COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek FLOOD HAZARD INFO: undefined at headwater pool of culvert under Frey Road.

- 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: within Flood Hazard

- 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 \_\_\_\_\_  
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: James O'Neill

PETITION NO.: Z32

PRESENT ZONING: LI

PETITION FOR: GC

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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 **in flood hazard** 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/SUGGESTIONS

Site is characterized by a hole 20' deep in which runoff from approximately 34 acres of office/commercial style development collects before entering culvert under Frey Road. The proposed development would fill this hole and create a plateau for the gasoline/convenience store. Such mass grading is not supported due to high potential for sediment pollution downstream.

The gasoline/convenience store owner/operator must submit a copy of the United States-Clean Water Act required Pollution Prevention Plan to Stormwater Management at Plan Review.

Project layout is very pavement intensive. Documentation supporting need or major reduction will be required at Plan Review.

Stormwater Management cannot approve the underground detention unless project is designed to direct all developed runoff to water quality pond.

APPLICANT: James O. Neil

PETITION NO.: Z-32

PRESENT ZONING: LI

PETITION FOR: GC

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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	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Busbee Parkway	N/A	Arterial	100'
Frey Road	10611	Arterial	100

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

Frey 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.

Frey Road is a current Cobb County road project as part of the Transportation Improvements Program. The owner/developer must coordinate with the Cobb DOT Engineering Division and if under construction, the Design or Construction Section prior to development plan approval in order to ensure compatibility with the roadway project.

As necessitated by this development for egress from Busbee Parkway and Frey Road, a minimum 150' deceleration lane will be required on each.

GDOT permit will be required for any work that encroaches I-75 right-of-way.

No median break on Busbee.

Right-in/Right-out on Busbee Parkway.

Install sidewalk along road frontage.

Driveway on Frey Road does not have minimum tangent separation from the intersection.

**RECOMMENDATIONS**

Recommend owner/developer coordinate with the Cobb DOT Engineering Division and if under construction, the Design or Construction Section, prior to development plan approval in order to ensure compatibility with the roadway project.

Recommend a minimum 150' deceleration lane.

GDOT permits will be required for all work that encroaches upon state right-of-way.

Recommend no median break on Busbee Parkway.

APPLICANT: James O. Neil

PETITION NO.: Z-32

PRESENT ZONING: LJ

PETITION FOR: GC

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**TRANSPORTATION COMMENTS**

Recommend a right-in/right-out driveway on Busbee Parkway.

Recommend the installation of sidewalk.

Recommend a minimum of 250' tangent separation between the driveway on Frey Road and Busbee Parkway.

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

ORIGINAL DATE OF APPLICATION: 03-20-01APPLICANTS NAME: JAMES ONEILL

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

**BOC DECISION OF 02-19-08 ZONING HEARING:****OTHER BUSINESS ITEM #2 – TO CONSIDER A SITE PLAN APPROVAL FOR MR. JIMMY R. DENNEY REGARDING Z-32 (JAMES ONEILL) OF MARCH 20, 2001**

To consider a site plan approval for Mr. Jimmy R. Denney regarding Z-32 (JAMES ONEILL) of March 20, 2001 for property located in Land Lot 94 of the 20th District at the southwest intersection of Busbee Parkway and Frey Road, east of Interstate 75.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding request for site plan approval. The public hearing was opened and Mr. Jimmy Denney addressed the Board. Following presentation and discussion, the following motion was made:

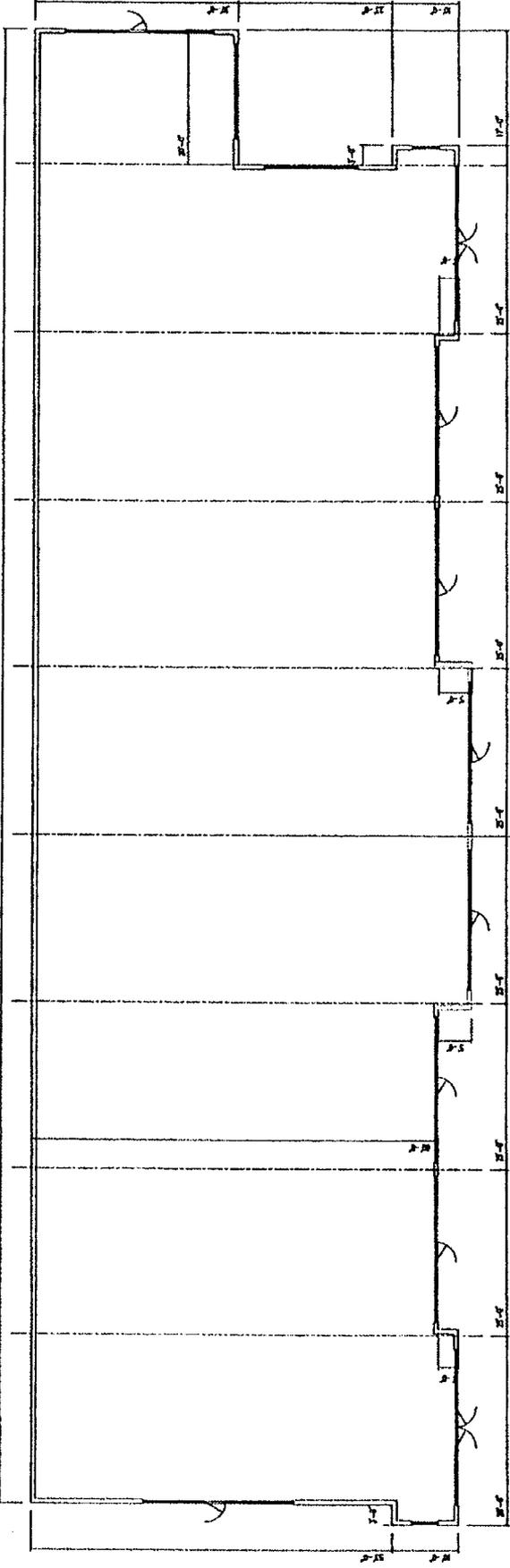
**MOTION:** Motion by Lee, second by Olens, to **approve** Other Business Item #2 for site plan approval for Mr. Jimmy R. Denney regarding Z-32 (JAMES ONEILL) of March 20, 2001 for property located in Land Lot 94 of the 20th District at the southwest intersection of Busbee Parkway and Frey Road, east of Interstate 75, **subject to:**

- **site plan received by the Zoning Division January 15, 2008, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
- **elevation drawing received by the Zoning Division January 15, 2008 (attached and made a part of these minutes)**
- **final architecture design and materials, landscape plan and signage to be approved by the District Commissioner**
- **development is subject to requirements in Plan Review**

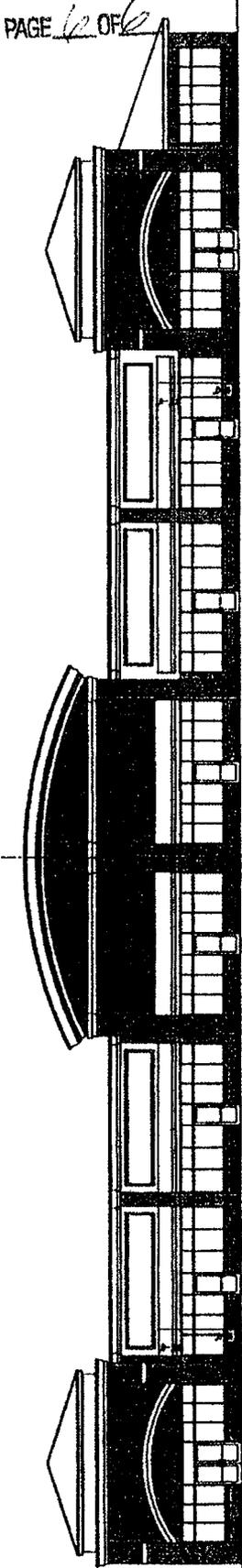
**VOTE:** **ADOPTED** unanimously



Min. Blk. 54      2-32 of '01  
 Div. Type 54      082  
 drawing Elevation  
 Drawing No. 2-19-08



① FLOOR PLAN



② FRONT ELEVATION

PAGE 1 OF 6

NOTE:  
 THESE ARE PRELIMINARY DESIGN  
 DRAWINGS INTENDED FOR DESIGN  
 REVIEW ONLY AND ARE NOT TO  
 BE USED FOR CONSTRUCTION

**RECEIVED**  
 JAN 15 2008  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

*Handwritten signature*

PA-1

ARCHITECT: MARK R. BIRRO, AIA  
 1550 OBER PARWAY  
 ALPHARETTA, GEORGIA 30101  
 PHONE: 404.251.9130  
 FAX: 404.251.9177

PROJECT: NEW CONSTRUCTION  
 PROJECT: FORD REDEVELOPMENT  
 COBB COUNTY, GEORGIA

PREPARED BY: [REDACTED]  
 CHECKED BY: [REDACTED]  
 DATE: [REDACTED]

DRAWING NO. PA-1