

**MARCH 20, 2018 ZONING HEARING  
"OTHER BUSINESS"  
COMMISSION DISTRICT 2**

---

**ITEM OB-003**

**PURPOSE**

To consider a stipulation amendment for Joseph Josey regarding rezoning application Z-44 of 2016 for property located on the east side of Johnson Ferry Road, at Waterfront Drive, in Land Lot 470 of the 16<sup>th</sup> District (3120 Johnson Ferry Road). *(Continued by the Board of Commissioners from the February 20, 2018 hearing)*

**BACKGROUND**

The subject property was rezoned in 2016 to NRC for an urgent care center. One of the items in the letter of stipulations stated the exterior of the building would not change. The applicant would like to change the exterior side of the building that faces Johnson Ferry Road to add translucent wall panels. This is being done to cover up the former drive thru windows when this was a Wendy's restaurant. The addition of the wall panels may cause a slight encroachment into the 50-foot front setback of 10-inches. The length of the wall panels would be 51-feet and are shown on sheet A-301 in the other business packet. If approved, all previous zoning stipulations would remain in effect.

**FUNDING**

N/A

**RECOMMENDATION**

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

**ATTACHMENTS**

Other Business application and stipulations.

# Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 2/20/18

Applicant: Joseph Josey (applicant's name printed) Phone #: 770-631-0499

Address: 1100 Commerce Dr, Peachtree City, GA E-Mail: j.josey@South-tree.com

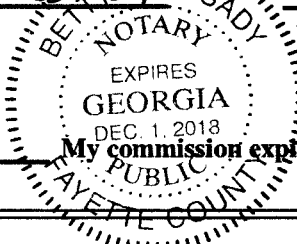
Joseph Josey (representative's name, printed) Address: 1100 Commerce Dr, Peachtree City, GA 30269

Joseph Josey (representative's signature) Phone #: 770-631-0499 E-Mail: j.josey@South-tree.com

Signed, sealed and delivered in presence of:

Patty Flanagan

Notary Public



My commission expires: 12/1/2018

Titleholder(s): SAYRE REALTY INVESTMENTS (property owner's name printed) Phone #: 770-448-0300

Address: 4030 Johns Creek Pkwy, Suwanee, GA E-Mail: julie@hoover-foods.com

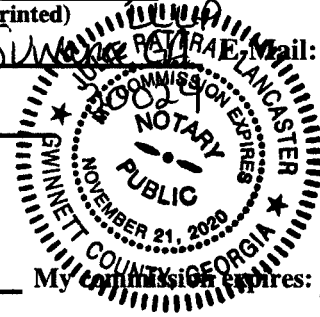
Julie Hoover

(Property owner's signature)

Signed, sealed and delivered in presence of:

Julie Hoover

Notary Public



My commission expires: 11/21/2020

Commission District: 2 Zoning Case: 2-44 2016

Size of property in acres: 1.019 acre Original Date of Hearing: 5/17/16

Location: 3120 Johnson Ferry Rd. Marietta GA 30062  
(street address, if applicable, nearest intersection, etc.)

Land Lot(s): 470 District(s): 16

State specifically the need or reason(s) for Other Business: Variance to make changes to the exterior



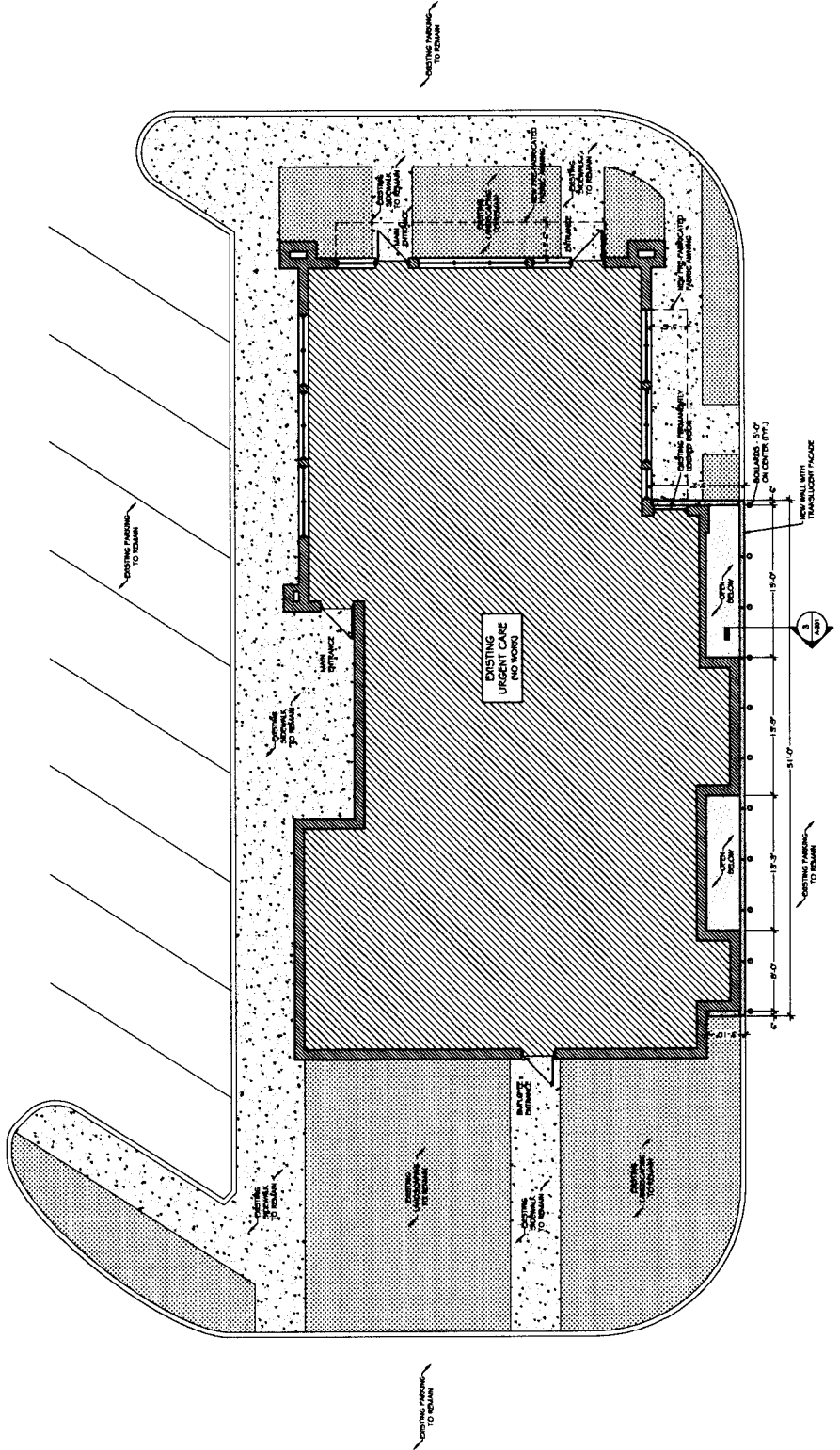


DATE: 02/15/2017  
REVISION: 01/11/2017  
REVISION: 01/11/2017

PROPOSED FLOOR PLANS

DATE: 02/15/2017  
PROJECT: SUMMIT URGENT CARE - EAST COBB  
SHEET: A-101  
SCALE: 1/8" = 1'-0"

OB-003  
Proposed



1 FLOOR PLAN  
1/8"=1'-0"

GENERAL NOTES:	WALL LEGEND	DOOR LEGEND
1. EXISTING PARTS AND DOORS TO REMAIN AS SHOWN PER REMODEL DATA SHEET.	EXISTING WALL	OPEN TO
	NEW WALL	
	AREAS TO WORK	

NO.	DESCRIPTION

**SUMMIT URGENT CARE - EAST COBB  
FACADE UPDATE**

3180 JOHNSON FERRY ROAD  
MARIETTA, GEORGIA 30069  
PROJECT 17-8456



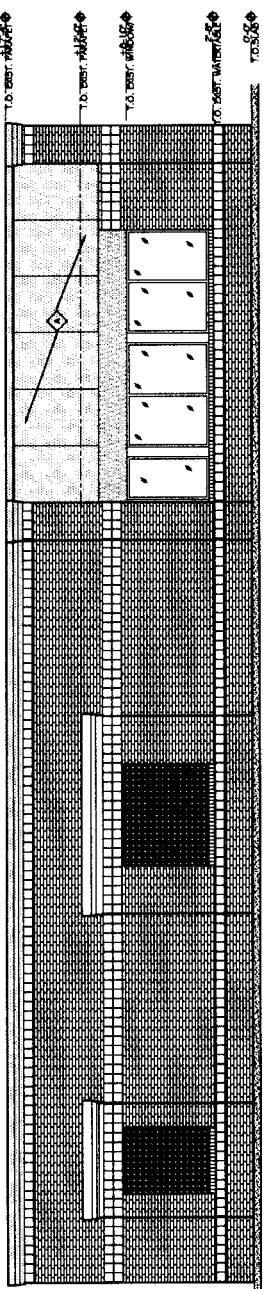
DATE: SEPTEMBER 24, 2017  
DRAWN BY: J. B. G. ARCHITECTS  
CHECKED BY: J. B. G. ARCHITECTS  
SCALE: AS SHOWN

**WEST AND  
NORTH  
EXTERIOR  
ELEVATIONS**

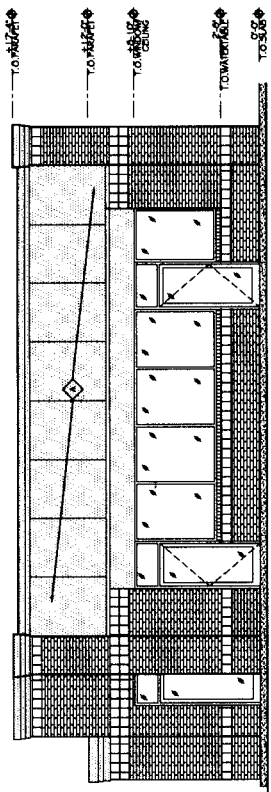
CONTRACTOR: J. B. G. ARCHITECTS  
ARCHITECT: J. B. G. ARCHITECTS  
1000 W. BROAD ST., SUITE 100  
ANN ARBOR, MI 48106  
PH: 734.769.1000  
WWW.JBGARCHITECTS.COM

NO. 17-8456  
DATE: 09/24/17  
PROJECT: EAST COBB  
SHEET: A-301

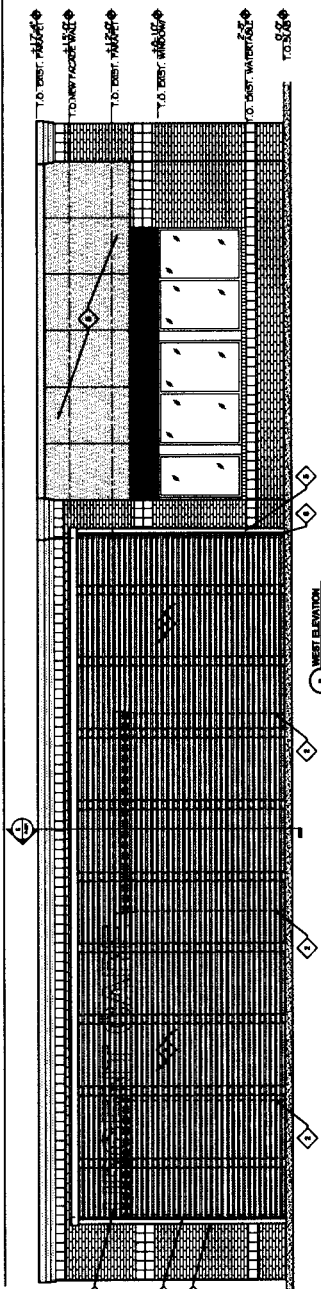
*Handwritten:* 00-00  
*Handwritten:* Proposed



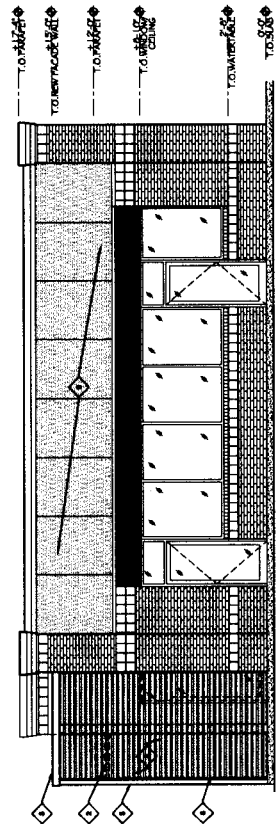
1 EXISTING WEST ELEVATION



2 EXISTING SOUTH ELEVATION



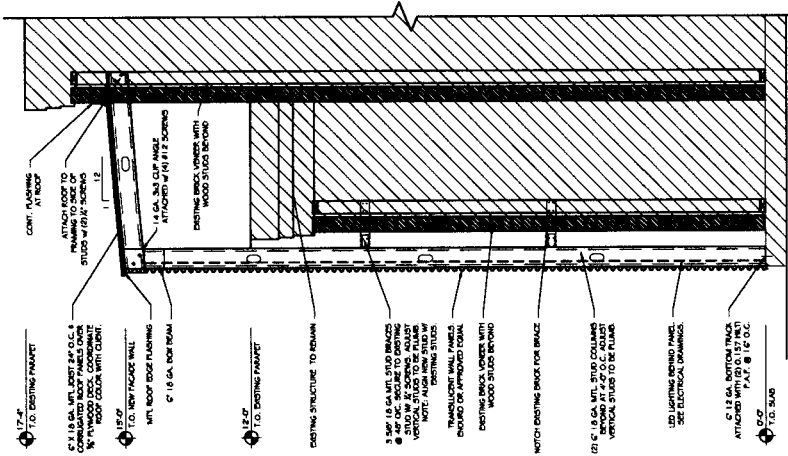
3 WEST ELEVATION



4 SOUTH ELEVATION

DESIGN NOTES:  
1. EXISTING EXTERIOR FINISHED TYPICAL. FINISHES FOR NEW  
PARTS S.C. TO PROVIDE SUBSTRATE ATTACHED TO EXISTING  
FRAMING.

KEY NOTES:  
1. FINISHES PROVIDED BY TOWNART  
2. FINISHES SHALL BE SEPARATE SUBMITTAL TO CITY  
3. EXISTING STRUCTURE TO REMAIN  
4. PROPOSED METAL CLADDING AND Drip Edge OVER NEW  
FRAME COLOR TBD APPROVED BY OWNER AND ARCHITECT  
5. TRANSLUCENT WALL PANELS, SHROUD OR APPROVED EQUAL  
6. BRICK METAL FINISHES AT ALL CORNERS  
7. LED LIGHTING BEHIND PANEL. SEE ELECTRICAL DRAWINGS.  
8. NEW PREFABRICATED FABRIC FINISHES  
9. NEW BRICK FINISHES COLOR TO MATCH EXISTING



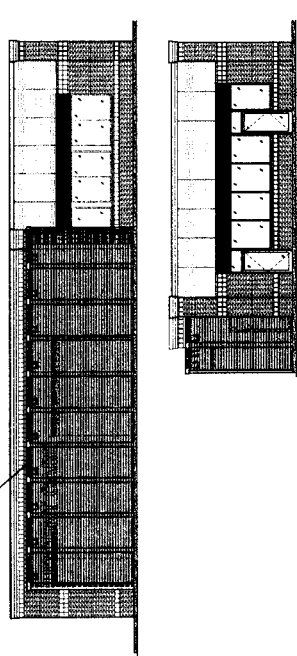
5 WALL SECTION

17'-4" T.O. EXISTING FINISH  
C 1 X 10 GA. MET. STUDS @ 24" O.C. &  
CONSOLIDATED ROOF PANELS OVER  
EXISTING ROOF. SEE ROOF PLAN FOR  
ROOF COLOR WITH CLINT.  
11'-2" T.O. NEW FINISH  
1'-0" NEW FINISH WALL  
MET. ROOF EDGE FLASHING  
C 1 X 10 GA. MET. STUDS  
11'-2" T.O. EXISTING FINISH  
EXISTING STRUCTURE TO REMAIN  
3'-0" X 10 GA. MET. STUD BRACED  
@ 48" O.C. SECURE TO EXISTING  
STRUCTURE. SEE ROOF PLAN FOR  
VERTICAL STUDS TO BE PLACED  
NOTE: ALL FINISHES TO BE  
TRANSLUCENT WALL PANELS  
EXISTING BRICK VENEER WITH  
WOOD STUDS BEYOND  
METAL EXISTING BRICK FOR BRACE  
C 1 X 10 GA. MET. STUDS COLLAPSED  
BEHIND AT 24" O.C. ADJUST  
VERTICAL STUDS TO BE PLACED  
LED LIGHTING BEHIND PANEL.  
SEE ELECTRICAL DRAWINGS.  
C 1 X 10 GA. MET. STUDS  
ATTACHED WITH 1/2" X 1/2" O.C.  
T.O. SUB

### LUMINAIRE SCHEDULE

TYPE	SYMBOL	MANUFACTURER	MODEL NUMBER	DESCRIPTION	CITY	TYPE	FORM	COLOR	QUANTITY	VOLTAGE	WATTAGE	DIMENSIONS	REMARKS
1	(Symbol)	OSRAM	OSRAM 24V-20W-4000K-LED	EXTERIOR LED STRIP		LED		WH	4	24V	20W	3 1/2" x 1 1/2"	UNIFORMITY OF TOP PANEL
2	(Symbol)	OSRAM	OSRAM 24V-20W-4000K-LED	EXTERIOR LED STRIP		LED		WH	14	24V	20W	3 1/2" x 1 1/2"	UNIFORMITY OF TOP PANEL

- ### GENERAL NOTES
- THE CONTRACTOR SHALL VERIFY ALL MATERIALS, EQUIPMENT, AND METHODS FOR COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND INSURANCE. THE CONTRACTOR SHALL MAINTAIN ALL RECORDS AND SUBMITTALS TO THE OWNER AND ARCHITECT.
  - THE CONTRACTOR SHALL VERIFY THE SITE AND ALL MATERIALS AND METHODS FOR COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND INSURANCE. THE CONTRACTOR SHALL MAINTAIN ALL RECORDS AND SUBMITTALS TO THE OWNER AND ARCHITECT.
  - ALL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND INSURANCE. THE CONTRACTOR SHALL MAINTAIN ALL RECORDS AND SUBMITTALS TO THE OWNER AND ARCHITECT.
  - THE CONTRACTOR SHALL VERIFY THE QUALITY OF ALL MATERIALS AND METHODS FOR COMPLIANCE WITH ALL APPLICABLE CODES AND REGULATIONS. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND INSURANCE. THE CONTRACTOR SHALL MAINTAIN ALL RECORDS AND SUBMITTALS TO THE OWNER AND ARCHITECT.



- ### ELECTRICAL LEGEND
- (Symbol) LIGHTING FIXTURE
  - (Symbol) ELECTRICAL SYMBOL
- ### LIGHTING NOTES
- EXTERIOR LIGHTING SHALL BE SET ON ANTI-CLOCKWISE AND RUN FROM SOUTH TO NORTH.

### ELECTRICAL NOTES

- ALL ELECTRICAL WORK SHALL BE PERFORMED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND INSURANCE. THE CONTRACTOR SHALL MAINTAIN ALL RECORDS AND SUBMITTALS TO THE OWNER AND ARCHITECT.
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- ### GROUNDING NOTES
- ALL ELECTRICAL SYSTEMS SHALL BE GROUNDED IN ACCORDANCE WITH THE NATIONAL ELECTRICAL CODE (NEC) AND ALL APPLICABLE LOCAL CODES. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS, APPROVALS, AND INSURANCE. THE CONTRACTOR SHALL MAINTAIN ALL RECORDS AND SUBMITTALS TO THE OWNER AND ARCHITECT.
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**REVISIONS**

NO.	DATE	DESCRIPTION

**SUMMIT URGENT CARE - EAST COBB**  
**FACADE UPDATE**  
 3150 JOHNSON FORBIA ROAD  
 MARIETTA, GEORGIA 30066  
 PROJECT 17-2456



DATE OF ISSUE: SEPTEMBER 20, 2017  
 PROJECT: 17-2456  
 CONTRACTOR: PMH ASSOCIATES, INC.

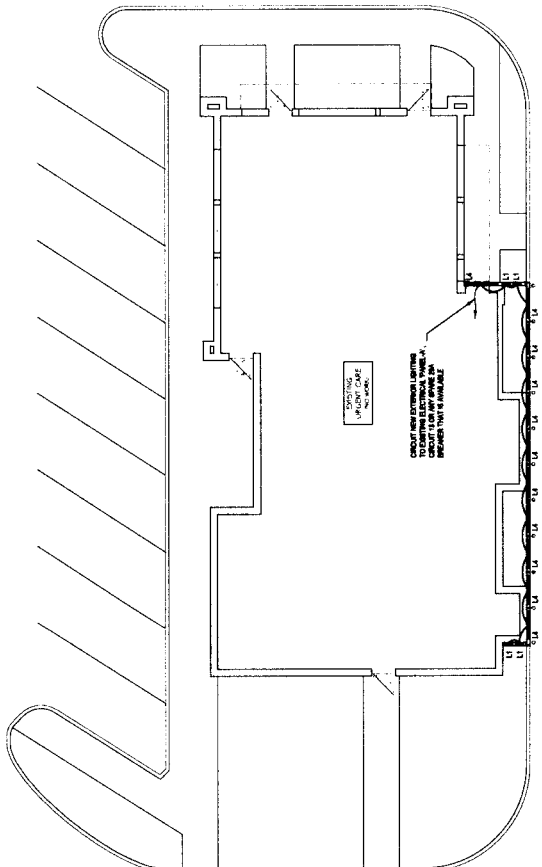
**ELECTRICAL PLAN, SCHEDULES AND NOTES**

DATE: 09/20/17  
 PROJECT: 17-2456  
 CONTRACTOR: PMH ASSOCIATES, INC.

**PMH ASSOCIATES, INC.**

17777 COUNTY RD. 500, SUITE 100  
 ALPHARETTA, GA 30201  
 TEL: 770-233-0000  
 WWW.PMH-ASSOCIATES.COM

Handwritten note: CB-003 Proposed



**2 LIGHTING ELEVATION**  
SCALE: 3/8"=1'-0"

**1 EXTERIOR LIGHTING PLAN**  
SCALE: 3/8"=1'-0"

**MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
MAY 17, 2016  
PAGE 7**

**CONSENT AGENDA (CONT.)**

**Z-41**            **SHELBY WORKMAN ESTATE** (Lori Freeman Fowler as Executor of the Estate of Shelby Jean Workman, owners) requesting Rezoning from **O&I** and **R-20** to **R-15** for the purpose of a Single Family Residential in Land Lot 816 of the 17th District. Located on the east side of Ridgewood Drive, west side of I-285, south of Crestview Drive (no address given).

To **approve** Z-41 to the **R-15** zoning category, subject to:

1. **Revised site plan received by the Zoning Division on March 28, 2016, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Water and Sewer Division comments and recommendations**
3. **Stormwater Management Division comments and recommendations**
4. **Department of Transportation comments and recommendations**

**Z-44**            **SAYRE REALTY INVESTMENTS LLLP** (Sayre Realty Investments, LLLP, owner) requesting Rezoning from **NS** to **CRC** for the purpose of an Urgent Care Facility in Land Lot 470 of the 16<sup>TH</sup> District. Located on the east side of Johnson Ferry Road, at Waterfront Drive (3120 Johnson Ferry Rd).

To **delete** Z-44 to the **NCR** zoning category, subject to:

1. **Site plan submitted to the Zoning Division on March 30, 2016, with the District Commissioner approving minor modifications (attached and made a part of these minutes)**
2. **Letter of agreeable conditions from Parks Huff Dated April 22, 2016 (attached and made a part of these minutes)**
3. **Allowance of clinic as an additional use as part of the planned urgent care facility**
4. **Restricted uses to include: *billards or pool halls, recycling collection locations, auto repair, tattoo parlors, pawn shops, or "We Buy Gold" shops***
5. **Water and Sewer Division comments and recommendations**
6. **Stormwater Management Division comments and recommendations**
7. **Department of Transportation comments and recommendations**

Z-44  
(2016)

RECEIVED  
MAR 30 2016  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

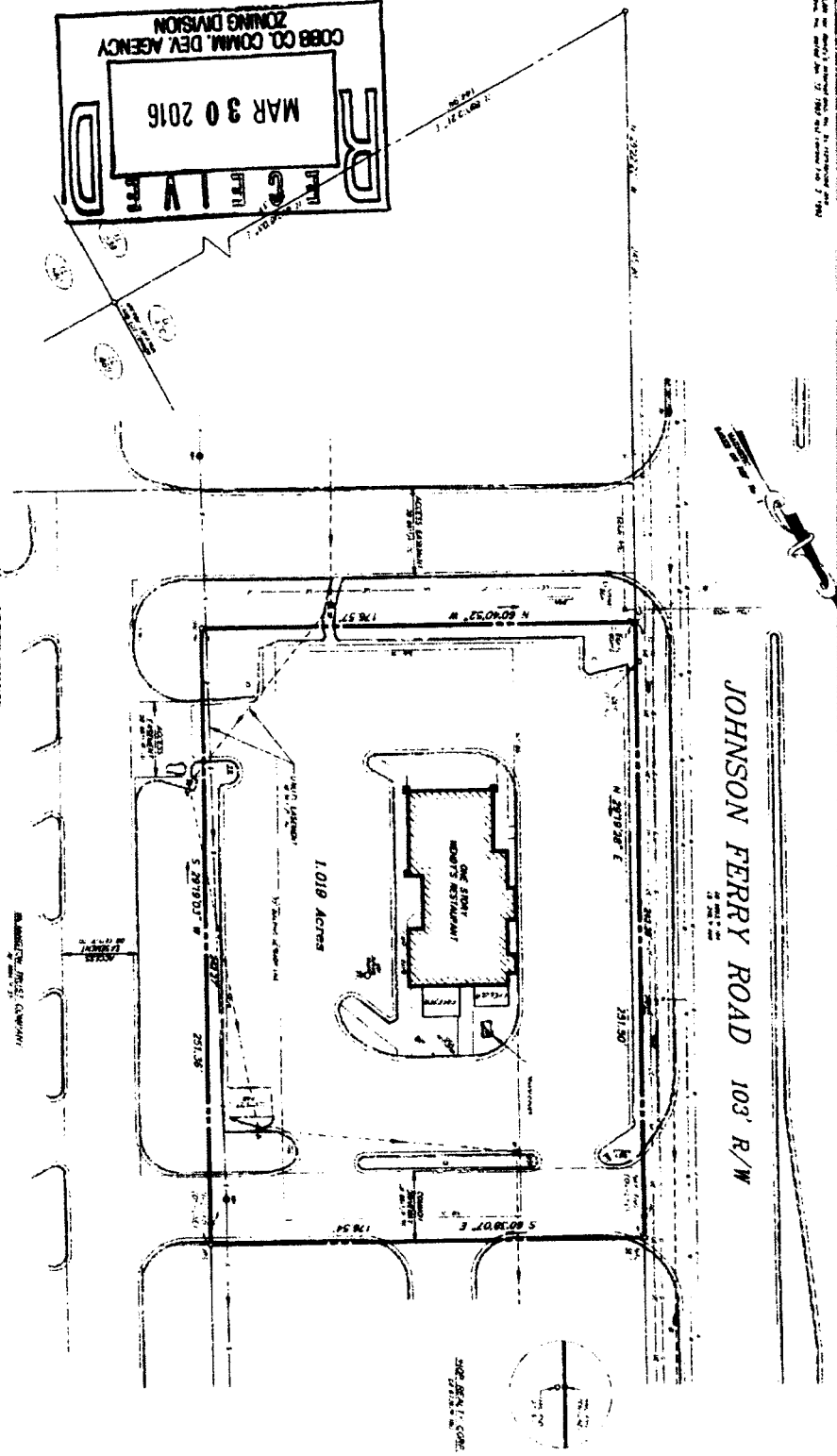
LEGEND  
1. ALL DIMENSIONS ARE IN FEET AND DECIMALS THEREOF.  
2. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.  
3. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.  
4. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.  
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8. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.  
9. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.  
10. ALL DIMENSIONS ARE TO THE CENTERLINE UNLESS OTHERWISE NOTED.

NOTES  
1. THIS SURVEY WAS MADE BY THE SURVEYOR ON THE DATE INDICATED HEREON.  
2. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY AND CITY OF COBB COUNTY, GEORGIA, AND HAS FOUND NO RECORDS OF ANY INTEREST IN THE LAND DESCRIBED HEREON.  
3. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY AND CITY OF COBB COUNTY, GEORGIA, AND HAS FOUND NO RECORDS OF ANY INTEREST IN THE LAND DESCRIBED HEREON.  
4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY AND CITY OF COBB COUNTY, GEORGIA, AND HAS FOUND NO RECORDS OF ANY INTEREST IN THE LAND DESCRIBED HEREON.

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4. THE SURVEYOR HAS REVIEWED THE RECORDS OF THE PUBLIC RECORDS OF THE COUNTY AND CITY OF COBB COUNTY, GEORGIA, AND HAS FOUND NO RECORDS OF ANY INTEREST IN THE LAND DESCRIBED HEREON.



PLANNERS AND ENGINEERS  
COLLABORATIVE

HOOVER FOODS, INC.  
FIRST UNION NATIONAL BANK OF NORTH CAROLINA,  
& FIRST AMERICAN TITLE INSURANCE COMPANY

ALTA/ACSM LAND TITLE SURVEY  
SCALE 1" = 40'

Min. Bk. 79 Petition No. Z-44  
Doc. Type 5th flg  
Meeting Date 5-17-16



**SAMS, LARKIN, HUFF & BALLI**  
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  

---

SLHB-LAW.COM

ADAM J. ROZEN

April 22, 2016

**VIA EMAIL ONLY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
P.O. Box 649  
Marietta, GA 30061

Re: Application of Sayre Realty Investments, LLLP to Rezone a 1.019 Acre Tract from NS to CRC; Land Lot 470 of the 16<sup>th</sup> District, 2<sup>nd</sup> Section, Cobb County, Georgia (Z-44).

Dear John:

Sayre Realty Investments, LLLP ("Sayer") is leasing a former Wendy's building to BestCare Now Urgent Care for an urgent care office. The urgent care facility will serve the surrounding community with quick and convenient medical care. The property is currently zoned Neighborhood Shopping (NS) which allows for the proposed use. However, the County amended the Comprehensive Plan to change the Future Land Use Plan designation from Community Activity Center (CAC) to Neighborhood Activity Center (NAC). This change made the NS zoning category a nonconforming zoning. Therefore, the County must rezone the property to a constitutional and conforming zoning category. Because the use could qualify as either a Professional Office or a Clinic, the application is for CRC; however, Sayre is willing to agree to only NRC uses with the exception of allowing a Clinic, which is a CRC use.

The East Cobb Civic Association has requested additional information regarding the proposed Urgent Care facility. Attached is a floorplan that details how the current restaurant will be reconfigured as a clinic (Exhibit A). The exterior of the building will not change except for the removal of the unpermitted outdoor patio. The signage will be as shown in Exhibit B (attached) which includes the replacement of the existing freestanding sign with a ground based monument sign. The clinic hours will be Monday through Friday 8:00 am to 8:00 pm and on weekends from 10:00 am to 6:00 pm.

There is no need for any stipulations or conditions that relate to this specific use because they are a tenant and the use may change to another NRC use. The building is existing and so no architectural stipulations are required. The property is an outparcel to a Walmart store and there is no reason to condition this property any differently than the surrounding commercial properties. Any additional stipulations should only relate to the public's healthy safety or welfare.

Petition No. 2-44  
Meeting Date 5-17-16  
Continued

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

**VIA EMAIL ONLY**

Mr. John P. Pederson, AICP, Manager  
Cobb County Zoning Division  
Community Development Agency  
April 22, 2016  
Page 2

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Please contact me with any questions or concerns you may have regarding the proposed rezoning request.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



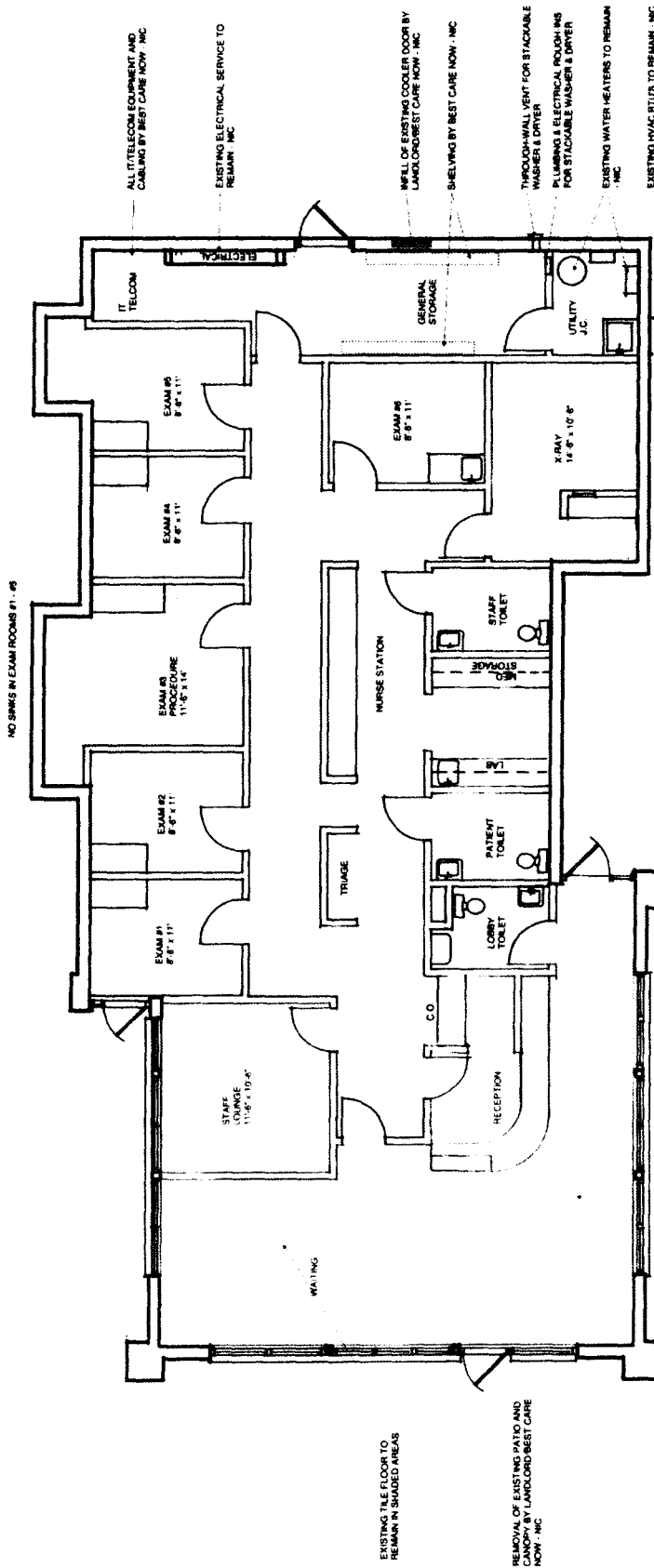
Parks F. Huff  
Attorney for Applicant  
[phuff@slhb-law.com](mailto:phuff@slhb-law.com)

PFH/klk  
Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments)  
Members, Cobb County Planning Commission (via email w/attachments)  
BOC Commission Assistants (via email w/attachments)  
Mr. Dana Johnson, AICP Director (via email w/attachments)  
Mr. Lee McCleod, Assistant Director (via email w/attachments)  
Mr. Jason S. Gaines, AICP, Planning Manager (via email w/attachments)  
Mr. Jason Campbell, Planner III (via email w/attachments)  
Mr. Terry Martin, Planner II (via email w/attachments)  
Ms. Kim Wakefield, Zoning Analyst (via email w/attachments)  
Mr. Donald Wells, Zoning Analyst (via email w/attachments)  
Mr. David Breaden, P.E. (via email w/attachments)  
Ms. Jane Stricklin, P.E. (via email w/attachments)  
Mr. Tim Davidson, P.E. (via email w/attachments)  
Ms. Pam Mabry, County Clerk (via email w/attachments)  
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)  
Ms. Robin Presley (via email w/attachments)  
Ms. Trish Steiner, ECCA (via email w/attachments)  
Ms. Jill Flamm, ECCA (via email w/attachments)  
Sayre Realty Investments, LLLP (via email w/attachments)

Exhibit "A"  
April 22, 2016 Letter

Petition No. 2-44  
Meeting Date 5-17-16  
Continued



**BestCare Now**  
URGENT CARE CLINIC  
3120 JOHNSON FERRY ROAD  
MARIETTA, GA 30062  
SCHEMATIC FLOOR PLAN  
3/2/2016

**ERDMAN**

Exhibit "B"  
April 22, 2016 Letter



**BestCare Now**

**URGENT CARE**

**OPEN 7 DAYS A WEEK**

**2 ROW**

**6" READER**

stucco base

*Paint to match fascia band*

*Paint cabinet to match blue*

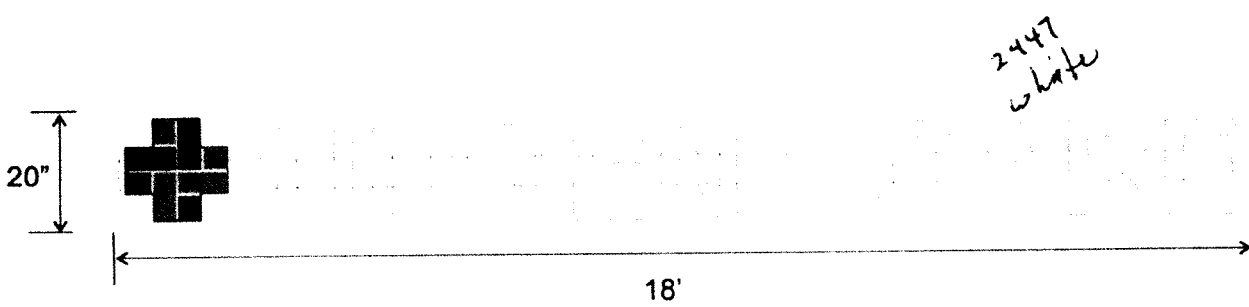
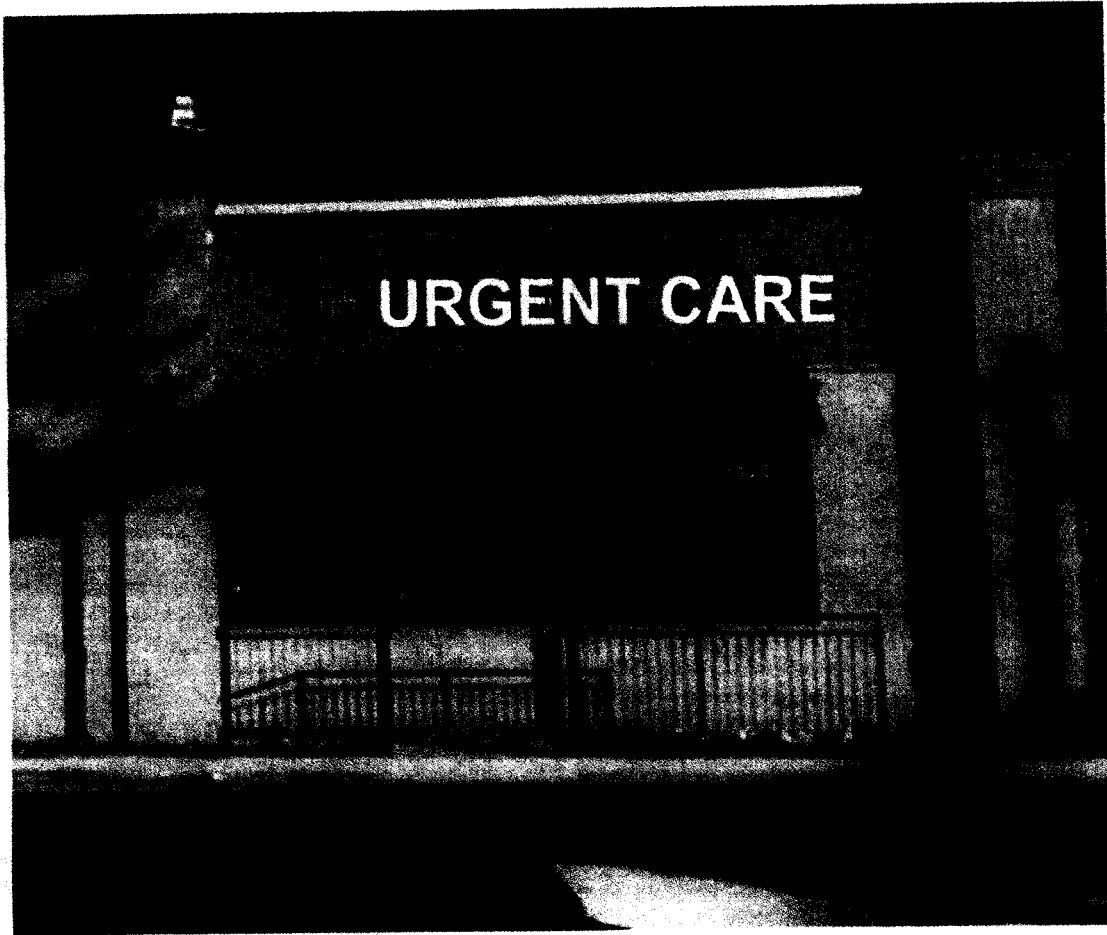
*3630-43 light fascia*

*Sultan Blue 3630-157*

4' x 7.5' lighted cabinet

4' x 4' base

Petition No. 2-44  
Meeting Date 5-17-16  
Continued



Race way mounted channel letters  
Internally illuminated, LED

Raceway: to match fascia  
Returns: Black  
Faces: tbd  
Trim: Black

GREATER GWINNETT SIGNS  
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