

Application for "Other Business" Cobb County, Georgia

OB-028-2017

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

BOC Hearing Date Requested: July 18, 2017

Applicant: S & B Investments, Inc. **Phone #:** (404) 351-2732
(applicant's name printed)

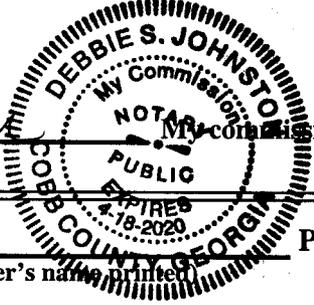
Address: 2698 Woodland Brook Lane, Smyrna, GA 30080 **E-Mail:** bharti@bellsouth.net

SAMS, LARKIN, HUFF & BALLI, LLP
by Garvis L. Sams, Jr. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed)

Phone #: 770-422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

Debbie S. Johnston
Notary Public **My commission expires:** 04/18/2020



Titleholder(s): See Attached **Phone #:** _____
(property owner's name printed)

Address: _____ **E-Mail:** _____

(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public **My commission expires:** _____

Commission District: 2 (Ott) **Zoning Case:** OB Application No. 28 of May 20, 2014

Size of property in acres: 0.73 **Original Date of Hearing:** 09/19/1995 (Starbucks - OB #1)

Location: Northwest intersection of Johnson Ferry Road and Paper Mill Road (31 Johnson Ferry Road)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 73 & 81 **District(s):** 1st

State specifically the need or reason(s) for Other Business: To allow a drive through component for the Starbucks.

(List or attach additional information if needed)

CERTIFICATE REGARDING CORPORATE AUTHORITY
TO PURSUE OTHER BUSINESS APPLICATION

1.

My name is SURESH PARMAR. I am the secretary, assistant secretary or other officer to whom the operating agreement has delegated the responsibility for authenticating records of the company, **S & B INVESTMENTS, INC.**, a Georgia Company authorized to transact business in the State of Georgia (the "Titleholder Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application regarding certain real property owned by the Titleholder located in Cobb County, Georgia.

2.

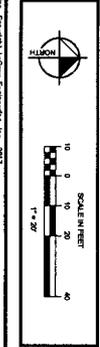
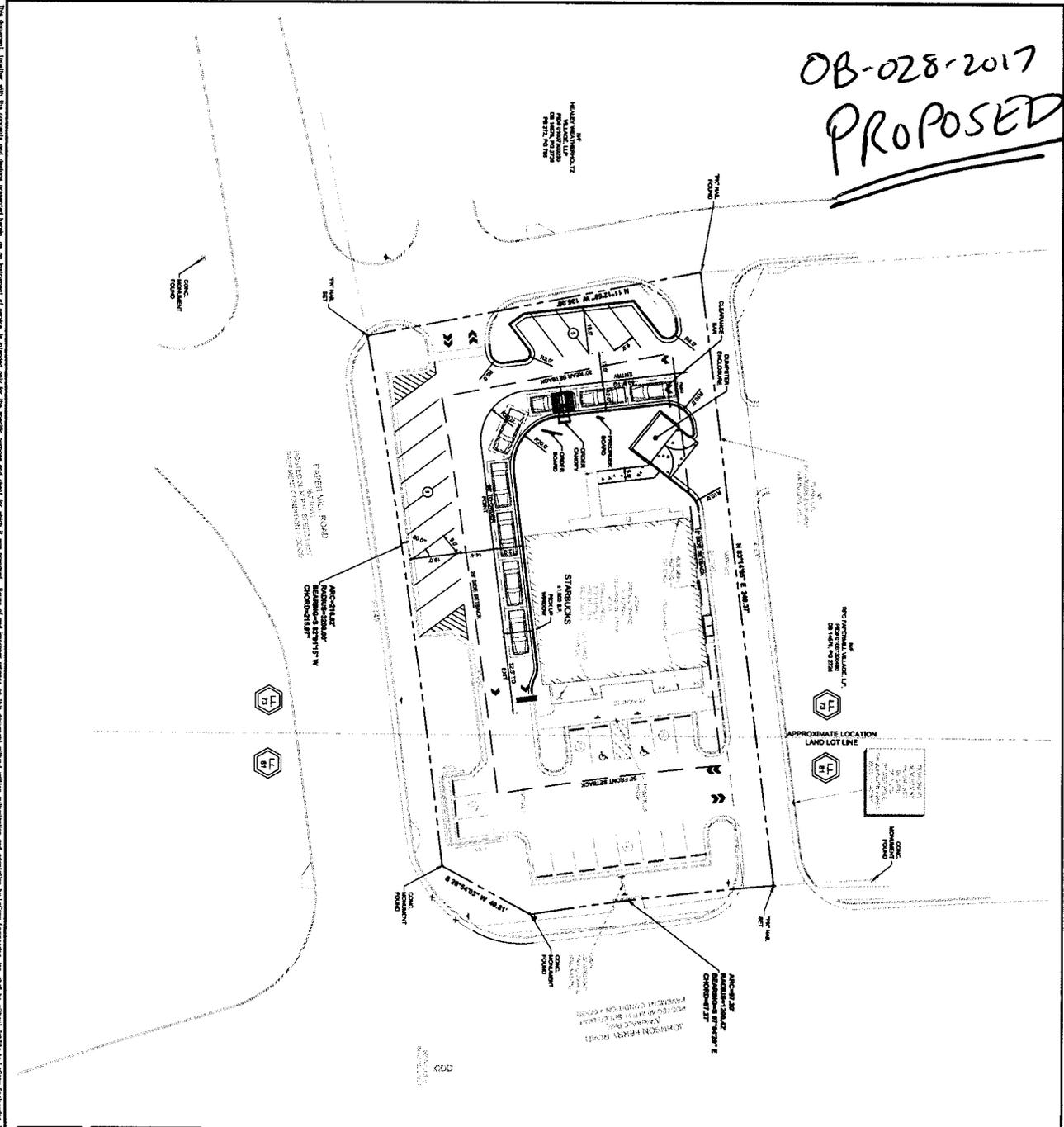
In accordance with the requirements for completing a Cobb County Other Business Application, I hereby attest on behalf of the Titleholder Company that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith on behalf of the Applicant Company (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

- (a) That corporate seal or facsimile affixed to the Other Business Application is in fact the seal of the Titleholder Company or a true facsimile thereof; and
- (b) That the officer or other representative of the Titleholder Company who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Titleholder Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Other Business Application and the filing of the Other Business Application on behalf of the Applicant Company by the officer or other representative of the Applicant Company has been duly authorized by the Titleholder Company.

S & B INVESTMENTS, INC.

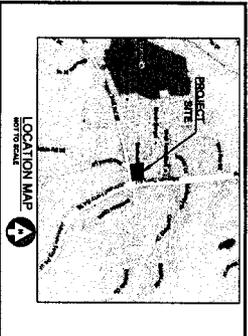
By: Suresh Parmar (CORPORATE SEAL)

OB-028-2017
PROPOSED



Keep what's below.
Call before you dig.
811

REZONING NOTES:
THE FOLLOWING ITEMS FROM THE SITE PLAN REQUIREMENTS DO NOT APPLY:
 * SITE PLAN REQUIREMENTS
 * UTILITY REQUIREMENTS
 * CONSTRUCTION REQUIREMENTS
 * ADJACENT PROPERTY REQUIREMENTS
 * ENVIRONMENTAL/ARCHAEOLOGICAL REQUIREMENTS



SITE SUMMARY

PROJECT NAME:	STARBUCKS COFFEE COMPANY
ADDRESS:	31 JOHNSON FERRY ROAD, MARIETTA, GA 30067
OWNER:	STARBUCKS COFFEE COMPANY
DESIGNER:	EXPANDBERS INC.
DATE:	06/12/2017
PROJECT TYPE:	REZONING
PROJECT AREA:	0.25 ACRES (17,424 SQ. FT.)
EXISTING ZONING:	COMMERCIAL
PROPOSED ZONING:	COMMERCIAL
PROPOSED USE:	STARBUCKS COFFEE COMPANY
PROPOSED BUILDING TYPE:	STARBUCKS COFFEE COMPANY
PROPOSED BUILDING AREA:	10,000 SQ. FT.
PROPOSED BUILDING HEIGHT:	20 FEET
PROPOSED BUILDING SETBACKS:	5 FEET
PROPOSED BUILDING FOOTPRINT:	10,000 SQ. FT.
PROPOSED BUILDING PERCENTAGE COVER:	45%
PROPOSED BUILDING FLOOR AREA:	10,000 SQ. FT.
PROPOSED BUILDING VOLUME:	200,000 CU. FT.
PROPOSED BUILDING VALUE:	\$1,000,000
PROPOSED BUILDING RENTAL VALUE:	\$100,000
PROPOSED BUILDING OPERATING COSTS:	\$100,000
PROPOSED BUILDING MAINTENANCE COSTS:	\$100,000
PROPOSED BUILDING UTILITIES COSTS:	\$100,000
PROPOSED BUILDING INSURANCE COSTS:	\$100,000
PROPOSED BUILDING TAXES:	\$100,000
PROPOSED BUILDING DEPRECIATION:	\$100,000
PROPOSED BUILDING NET INCOME:	\$100,000
PROPOSED BUILDING NET PRESENT VALUE:	\$1,000,000

<p>STARBUCKS COFFEE COMPANY 2801 UTHA AVENUE SOUTH SMITHLICK, TENNESSEE 37078 (615) 875-2525</p>	<p>EXPANDBERS INC. 1000 W. MARKET STREET, SUITE 200 MARIETTA, GA 30067 (770) 427-1100 WWW.EXPANDBERS.COM</p>	<p>CITY OF MARIETTA CITY CLERK 100 W. MARKET STREET, SUITE 200 MARIETTA, GA 30067 (770) 427-1100</p>	<p>PROJECT NAME: STARBUCKS - PAPER MILL</p> <p>PROJECT ADDRESS: 31 JOHNSON FERRY ROAD MARIETTA, COBB COUNTY, GEORGIA</p> <p>PROJECT #: XXXXX PROJECT #: XXXXX-00X OWNER: STARBUCKS COFFEE COMPANY DESIGNER: EXPANDBERS INC. DATE: 06/12/2017 PROJECT TYPE: REZONING</p>
<p>SHEET TITLE: REZONING SITE PLAN</p> <p>SCALE AS SHOWN: 1" = 40'</p> <p>SHEET NUMBER: P-1.0</p>			

This document, together with the exhibits and design presented herein, is a representation of services provided only for the specific purposes and shall be subject to any previous, current and future amendments, additions and deletions. It is the responsibility of the client to ensure that all necessary permits and approvals are obtained from the appropriate authorities. Expanders Inc. and its affiliates shall not be held liable for any errors or omissions in this document. Expanders Inc. Copyright Expanders Inc., 2017

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MARCH 15, 2016
PAGE 7

CONSENT AGENDA (CONT.)

~~Z-25 PINE CREST NURSERY SCHOOL, INC. (CONT.)~~

- ~~9. Upon redevelopment of the site, the proposal to be heard and approved by the Board of Commissioners~~
- ~~10. Fire Department comments and recommendations~~
- ~~11. Water and Sewer Division comments and recommendations~~
- ~~12. Stormwater Management Division comments and recommendations~~
- ~~13. Department of Transportation comments and recommendations~~

~~Upon reading LUP-3 (St. Benedict Episcopal Church, LLC) into the record, opposition was present; therefore, LUP-3 was removed from the Consent Agenda and added to the Regular Agenda.~~

O.B. 2 To consider a stipulation amendment for S & B Investments, Inc. regarding property located at the northwest intersection of Johnson Ferry Road and Paper Mill Road, in Land Lots 73 and 81 of the 1st District. *(Continued by staff from the February 16, 2016 Board of Commissioners' hearing)*

To approve O.B. 2, subject to:

1. Proposed sign rendering received by the Zoning Division January 12, 2016 (attached and made a part of these minutes)
2. Department of Transportation comments and recommendations
3. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

~~**O.B. 3** To consider amending the stipulations for Racetrac Petroleum, Inc. regarding rezoning application Z-24 of 2014 (Racetrac Petroleum, Inc.), for property located on the northeast side of South Cobb Drive, north of Tibarron Parkway in Land Lot 753 of the 17th District. *(Previously continued by staff from the February 16, 2016 Board of Commissioners' hearing)*~~

~~To approve O.B. 3, subject to:~~

- ~~1. Proposed sign rendering received by the Zoning Division on January 12, 2016 (attached and made a part of these minutes)~~
- ~~2. Proposed sign to be in the same general location as the current sign~~
- ~~3. Department of Transportation comments and recommendations~~
- ~~4. All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect~~

OB-002-2016

Proposed sign



Starbucks #S216 31 Johnson's Ferry Rd - Marietta, GA

Min. Bl. 79 Section No. 0.B.2
 Doc. Type Proposed sign
 Meeting Date 3-15-16

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

ITEM OB-002

PURPOSE

To consider a stipulation amendment for S & B Investments, Inc. regarding property located at the northwest intersection of Johnson Ferry Road and Paper Mill Road, in Land Lots 73 and 81 of the 1st District. (*Continued by staff from the February 16, 2016 zoning hearing*)

BACKGROUND

The subject property is zoned Future Commercial (CF) and R-80 and was developed as part of a commercial development pursuant to a court order issued May 7, 1981 by the Superior Court of Cobb County based on a previous court order from October 12, 1973. The court order allowed the development of Paper Mill Village and outlots pursuant to a conceptual site plan, architectural renderings and covenants entered into by the developer, area residents and Cobb County. On September 19, 1995 the Board of Commissioners granted consent to allow redevelopment of this property into a Starbucks Coffee and a bagel/bakery/deli store only. The Starbucks is still there, however the bagel shop is gone. On September 18, 2012 the Board of Commissioners granted consent to divide the leasable space in the building into three spaces that would contain Starbucks, a nail salon and a dry cleaner. This amendment concerns a proposed ground based monument sign for the Starbucks, nail salon & dry cleaners. The exterior of the building, site plan, and landscaping would remain in its current state. The applicant has been in discussions with some of the neighbors mentioned in the covenants. If approved all other stipulations and conditions would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend the sign be installed where it will not impede the line of sight for the driveways or roadways.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application, request letter, renderings and stipulations.

Application for "Other Business" Cobb County, Georgia

OB-002-2016

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

BOC Hearing Date Requested: February 16, 2016

Applicant: S & B Investments, Inc. **Phone #:** (404) 351-2732
(applicant's name printed)

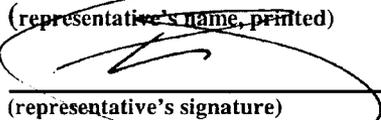
Address: 2698 Woodland Brook Lane, Smyrna, GA 30080 **E-Mail:** bharti@bellsouth.net

SAMS, LARKIN, HUFF & BALLI, LLP

by: Garvis L. Sams, Jr.

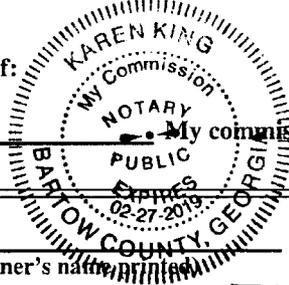
Address: 376 Powder Springs Street, Ste. 100, Marietta, GA 30064

(representative's name, printed)

 **Phone #:** 770-422-7016 **E-Mail:** gsams@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

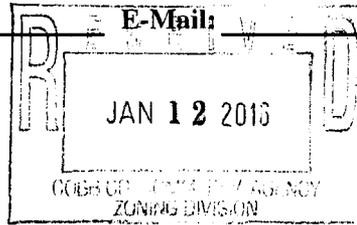
Karen S. King **My commission expires:** 2-27-19
Notary Public



Titleholder(s): See Attached **Phone #:** _____
(property owner's name, printed)

Address: _____ **E-Mail:** _____

(Property owner's signature)



Signed, sealed and delivered in presence of:

Notary Public **My commission expires:** _____

Commission District: 2 (Ott) **Zoning Case:** Other Business Application No. 28 of May 20, 2014

Size of property in acres: _____ **Original Date of Hearing:** 09/19/1995 (Starbucks - OB#1)

Location: 31 Johnson Ferry Road, Marietta, Ga 30067
(street address, if applicable; nearest intersection, etc.)

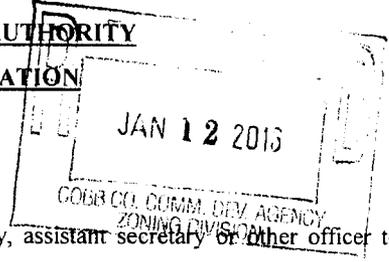
Land Lot(s): 73 **District(s):** 1st

State specifically the need or reason(s) for Other Business: Modify stipulation/condition of
May 20, 2014 Other Business Agenda Item No. 28 to allow the revised rendering/elevation of the Starbucks
signage (rendering/elevation attached).

(List or attach additional information if needed)

OB-002 2016

CERTIFICATE REGARDING CORPORATE AUTHORITY
TO PURSUE OTHER BUSINESS APPLICATION



1.

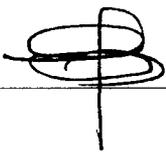
My name is SURESH PARMAR. I am the secretary, assistant secretary or other officer to whom the operating agreement has delegated the responsibility for authenticating records of the company, S & B INVESTMENTS, INC., a Georgia Company authorized to transact business in the State of Georgia (the "Titleholder Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application regarding certain real property owned by the Titleholder located in Cobb County, Georgia.

2.

In accordance with the requirements for completing a Cobb County Other Business Application, I hereby attest on behalf of the Titleholder Company that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith on behalf of the Applicant Company (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

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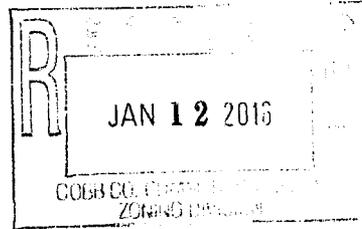
S & B INVESTMENTS, INC.

By:  (CORPORATE SEAL)

ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB- 2
BOC Hearing Date: Feb. 16, 2016

Applicant: S & B INVESTMENTS, INC.
Titleholder: S & B INVESTMENTS, INC.
PIN#: 01007300150



PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

[Signature] 1-12-16
Signature of Owner Date

Printed Name: SURESH PARMAR

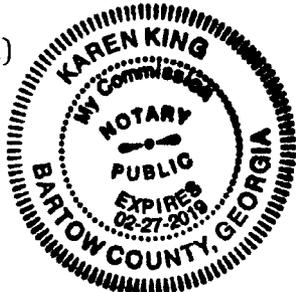
Address: 2698 WOODLAND BROOK LANE SE
ATLANTA GA 30339-1570

Telephone No.: (404) 933 3694

[Signature: Karen L. King]
Signature of Notary Public

Date 1-12-16

(Notary Seal)



Proposed
Sign



CORPORATE HEADQUARTERS
137 Andover Street, Boston, MA 02110
Phone: 617-862-8888 (800) 775-7023 Fax: 617-862-8044

NORTHEAST DIVISION
Phone: 781-734-3733 (800) 775-7023 Fax: 781-734-3845

www.atlaspromodules.us

The design engineering is to insure Atlas Sign Industries' intellectual property will be protected and approved and accepted by the client before any work is performed. The client agrees to indemnify and hold Atlas Sign Industries harmless from any and all claims, damages, costs and expenses, including reasonable attorney's fees, which may be incurred by Atlas Sign Industries.

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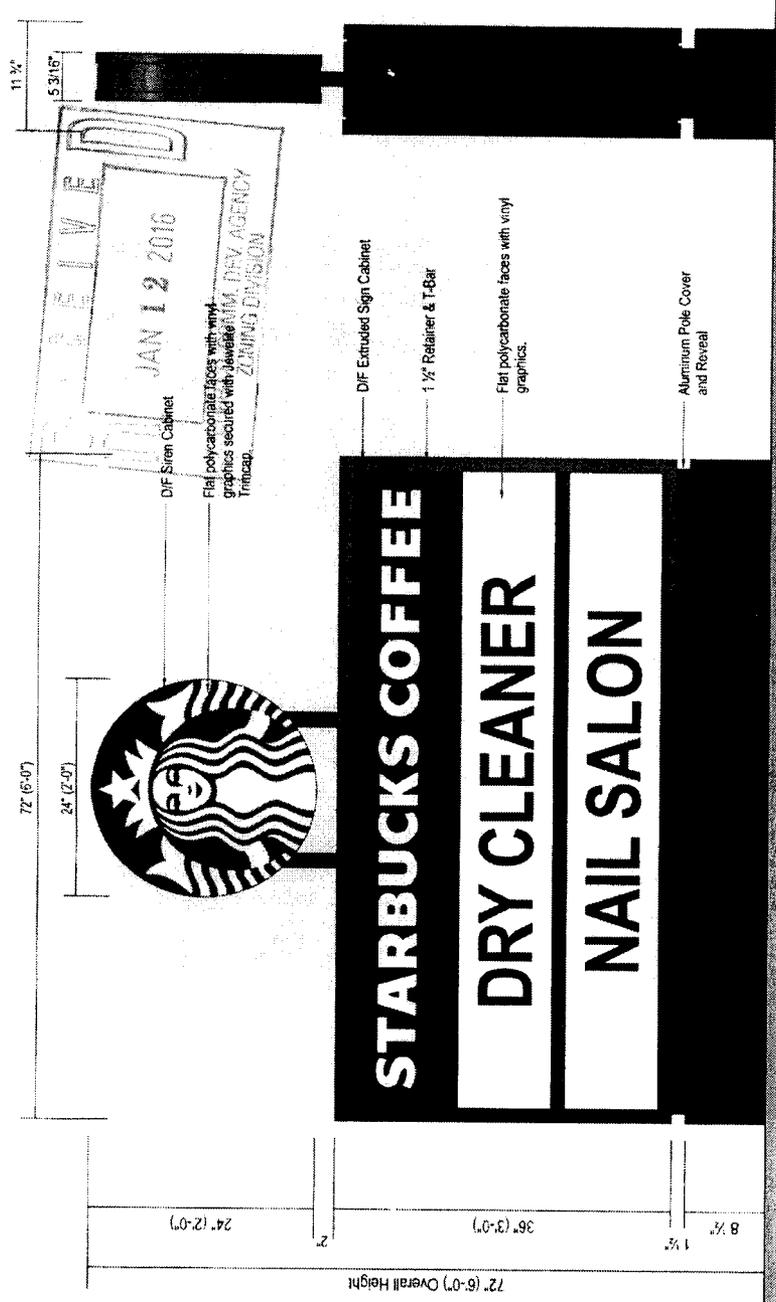
Drawing No.	61209-1
Sheet No.	(1) OF (1)
Date	09/10/2015
Path	Draw & Rev / (Submittal) - (a) / (b) / (c)
PM	Tom Stout
Drawn By	J. Seeger
Scale	As Shown
Revision 1	9/24/15 By TD
Revision 2	10/27/15 By TD
Revision 3	
Revision 4	
Revision 5	



Approved By: _____

Date: _____

APPROVED AS SHOWN
 APPROVED AS NOTED
 CORRECT A RESUBMIT



SIDE VIEW

SQUARE FOOTAGE

Siren - 24" x 24"	4.0 sq ft
Total - 36" x 72"	25.9 sq ft
TOTAL	22.0 sq ft

COLOR SCHEDULE:

Paintline 419 Black (RAL 7021M) satin
3M 7725-12 Black Vinyl
7328 White polycarbonate
Vinyl to match PMS 3425 Green

SCOPE OF WORK:
Manufacture and install DIF Monument Sign.

DESCRIPTION:

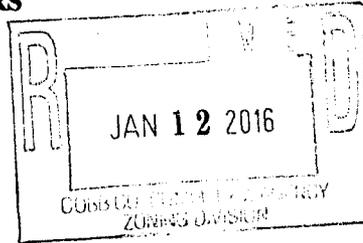
- All cabinets are constructed from aluminum with painted finishes.
- All cabinets are polycarbonate with surface applied vinyl graphics. Tenants are TBD.
- All cabinets are internally illuminated with white LED modules.
- Monument sign installs via direct burial on steel post in concrete footer as required by local code.

DIF Monument Sign with Tenants

Starbucks #8215: 31 Johnson's Ferry Rd. - Marietta, GA

Scale: 1" = 1'-0"

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
MAY 20, 2014
PAGE 16**



OTHER BUSINESS (CONT.)

~~O.B. 27 (CONT.)~~

- Site plan received by the Zoning Division April 15, 2014 with District Commissioner approving minor modifications (attached and made a part of these minutes)
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: **ADOPTED** unanimously

O.B. 28 To consider a stipulation amendment for S & B Investments, Inc. regarding property located at the northwest intersection of Johnson Ferry Road and Paper Mill Road, in Land Lots 73 and 81 of the 1st District.

Mr. Pederson provided information regarding the stipulation amendment for a ground based monument sign and for building awnings. The public hearing was opened and there being no speakers, the hearing was closed. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **approve** Other Business Item No. 28 for stipulation amendment for S & B Investments, Inc. regarding property located at the northwest intersection of Johnson Ferry Road and Paper Mill Road, in Land Lots 73 and 81 of the 1st District **subject to:**

- Letter from Mr. Garvis L. Sams, Jr. dated April 15, 2014, including sign renderings and awning (attached and made a part of these minutes)
- Cobb DOT: recommend the sign be placed outside the sight triangle
- All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect

VOTE: **ADOPTED** unanimously

Clerk's Note: Commissioner Ott requested that DOT staff review the possibility of removing the bus stop formerly used for the discontinued route 65.

~~O.B. 29 To consider a stipulation amendment for Village Center, Inc. regarding rezoning application Z-176 of 2004 (Village Center, Inc) for property located on the west side of Johnson Ferry Road, north of Paper Mill Road, in Land Lots 73 and 81 of the 1st District.~~

Min. Bk. 72 Petition No. 0828
Doc. Type letter of agreeable
conditions
Meeting Date 5/20/14

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

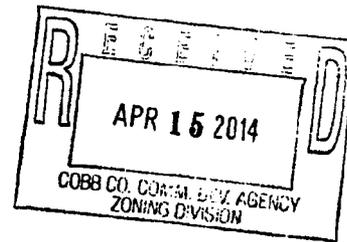
JUSTIN H. MEEKS

SLHB-LAW.COM

April 15, 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 S & B Investments Inc. to amend Other Business #3 of S & B Investments Inc. approved by the Board of Commissioners on September 18, 2012 which amended Other Business #1 (Starbucks) approved on September 19, 1995.

Dear John:

This firm has been engaged by and represents S & B Investments Inc. concerning the above-captioned Application. In that regard, enclosed please find the Other Business Application and related documentation, correspondence, and minutes from two (2) Other Business Applications which were heard in September of 1995 and September of 2012, respectively. Also enclosed is a check made payable to Cobb County in the sum of Three Hundred Fifty-Nine Dollars (\$359.00) representing the Application and sign fee.

By way of explanation, you will recall that the subject property is part of a larger tract (Paper Mill Village) which is zoned Future Commercial. On May 7, 1982 the Superior Court of Cobb County allowed a mixed-use development to be constructed at this northwest intersection of Johnson Ferry Road and Paper Mill Road. The order allowed the development subject to it conforming a conceptual site plan, renderings, drawings and covenants between Cobb County, area residents and the developer at that time.

On February 9, 1993, the Board of Commissioners ("BOC") approved an amendment to the original bank use which allowed for a dry cleaners and retail space. On September 19, 1995, the BOC approved a request by Starbucks coffee to amend the court ordered agreements and to build a coffee shop and bagel/deli in lieu of the originally planned dry cleaners.

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

Petition No. 08 28
Meeting Date 5/20/14
Continued

VIA EMAIL

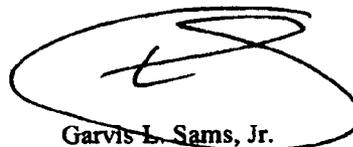
Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
April 15, 2014
Page 2

After the bagel lease expired, Starbucks subleased the space to a dry cleaners and, after that lease expired, the space was subleased to a home improvement shop. However, that lease expired and a dry cleaners and nail salon were approved by the BOC on September 18, 2012 (OB No. 3). Now, to the present time, Starbucks is desirous of gaining better exposure by constructing a ground-based, monument-style sign on Johnson Ferry Road. Additionally, S & B Investments wants to replicate its existing awning with an awning in the middle of the building and on the right side of the building.

Attached is documentation depicting the proposed signage and awnings. For your information, I have been in contact with Representatives of the Chattahoochee Plantation Community Association ("CPCA") to advise that group of these matters. We are asking that the Application be placed on the May 20, 2014 BOC Other Business agenda. Please advise me when the notification signage is ready so that I can ensure that the subject property is properly posted. In the interim, please do not hesitate to call should you have any questions whatsoever regarding these matters. With kind regards, I am

Very truly yours,

SAMS, LARKIN, HUFF & BALLI, LLP



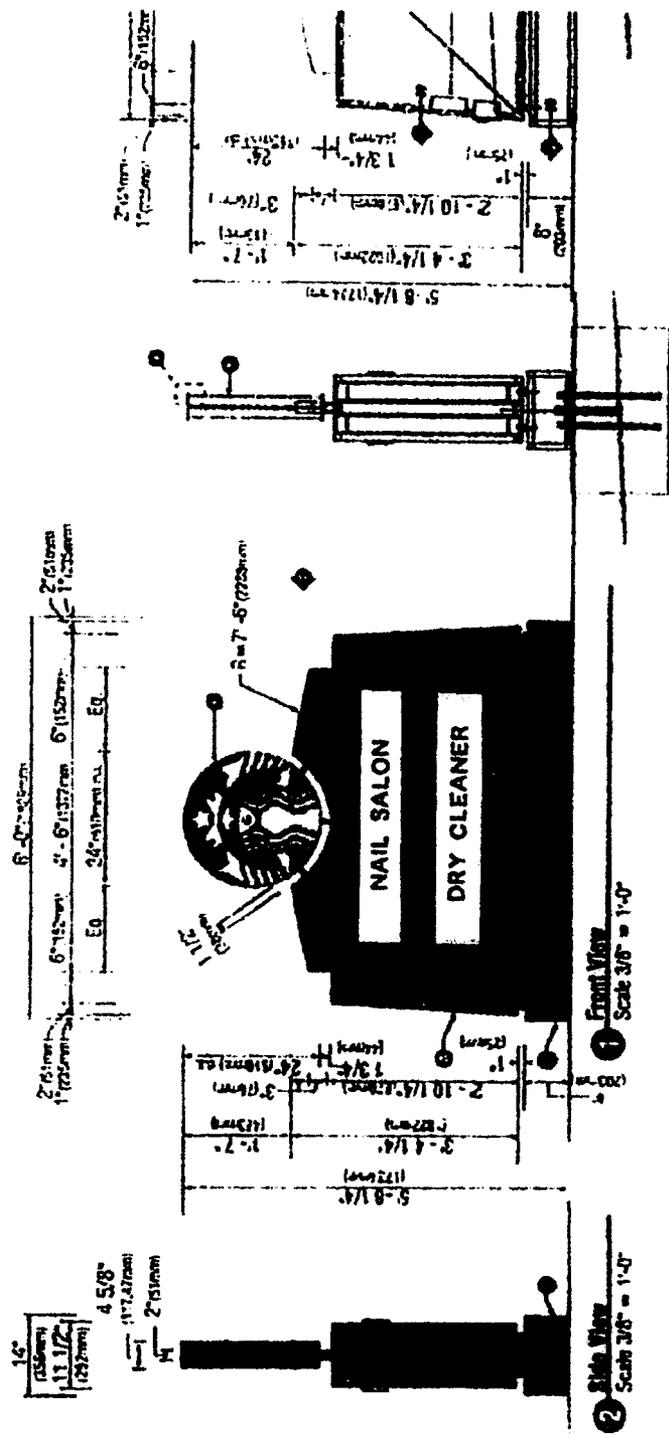
Garvis L. Sams, Jr.
gsams@slhb-law.com

GLS,Jr./dsj
Enclosures

Cc: Mr. Robert J. Ott, Commissioner (via email w/attachments)
Ms. Kim Swanson (via email w/attachments)
Mr. Joseph Gavalis, CPCA (via email w/attachments)
Mr. Suresh Parmar, S & B Investments (via email w/attachments)

Petition No. 0828
 Meeting Date 5/20/14
 Continued

NUMENT



SPECIFICATIONS:
 1. Cabinet to be fabricated 144-6204 aluminum extrusion. Cabinet to be painted EIS-MIT-3 Charcoal. One face of cabinet to be removable for service access. Face to have EK-310 extrusion return and secured to cabinet side.

Jefferson Section View