FEBRUARY 20, 2018 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 3

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 16th District (3120 Johnson Ferry Road).

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	Phone #: 770-631-0499
(applicant's name printed) Address: 100 Commerce Dr., Peace	Hoee City Ani: 10sey @ South-tre
Joseph Josey Address: /	100 Commerce Dr. Peactree
(representative's name, printed) Phone #: 770-6.3	Hay GA. 30269 Hay GA South-tree
representative's signature)	COMI
Signed, sealed and delivered in presence of:	GEORGIA DEC. 1, 2018 My commission expires: 13/1/2018
Notary Public	UBLICATION
Titleholder(s): SAYRE REALTY INVESTIGATION OF THE PROPERTY INVESTI	
Address: 4030 Johns Creek Pkuy Si	Marie PALIMAII: Julie @hoover-foods.com
(Property owner's signature) Signed, sealed and delivered in presence of: Notary Public	My confidentials: 11 21 2020
Commission District: 2	Coning Case: 2-44 2016
Size of property in acres: 1.019 acre Or	riginal Date of Hearing: $\frac{5/\Omega/16}{}$
Location: 3120 Johnson Ferry 2. N	
(street address, if applicable; dearest inters	District(s):
State specifically the need or reason(s) for Ot changes to the exterior	her Business: Variance to make

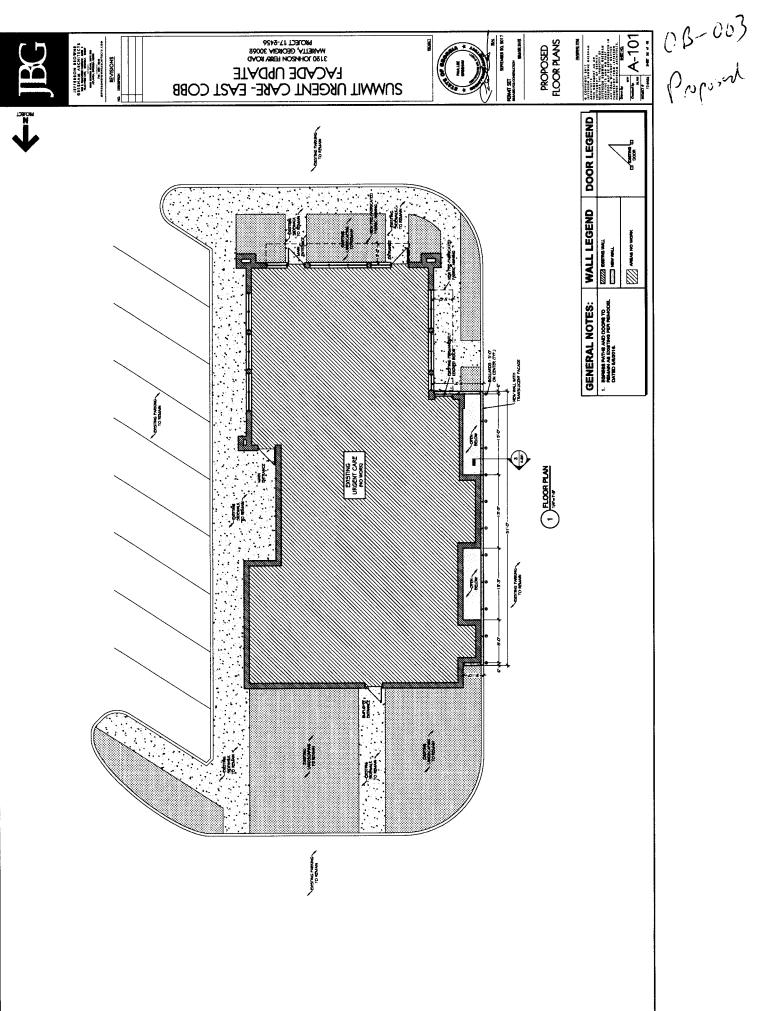
TYPICAL REFERENCE

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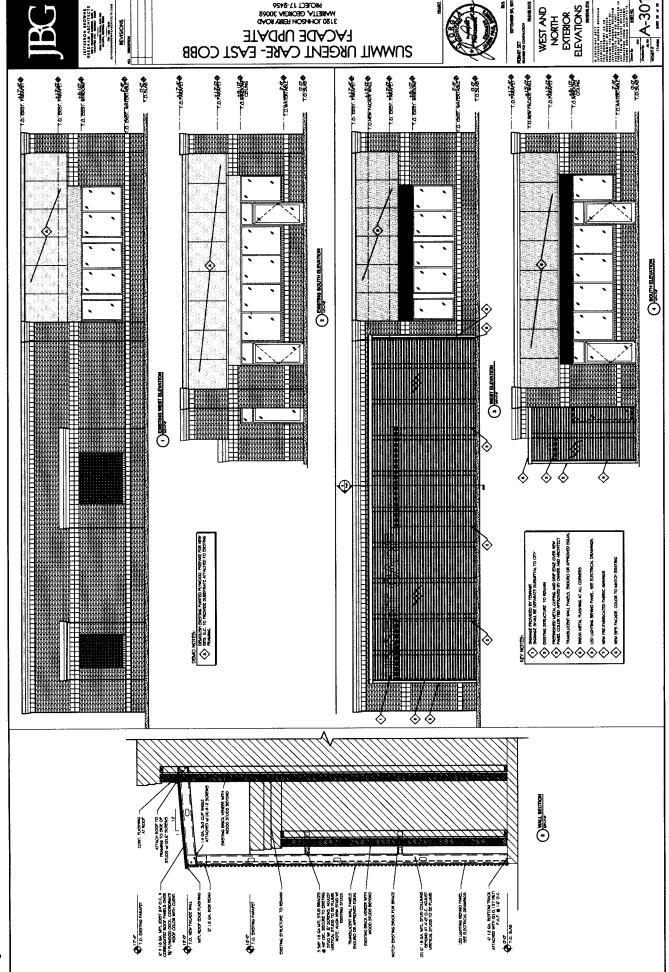
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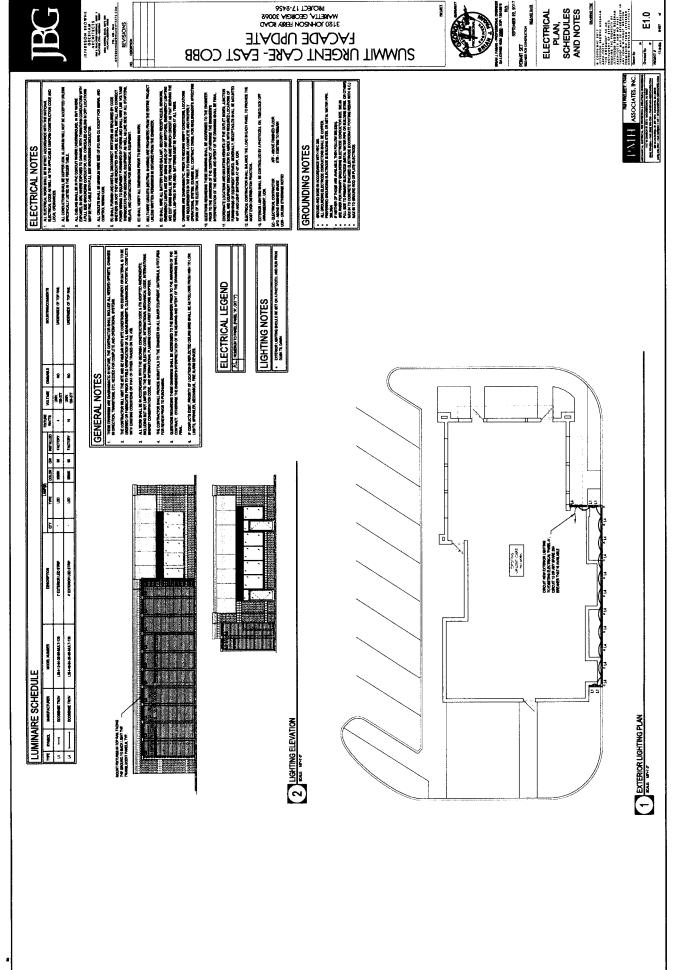


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3180 JOHNSON FEBRY ROAD MANUETTA, GEORGIA 30062 PROJECT 17-2456

SUMMIT URGENT CARE- EAST COBB





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

CONSENT AGENDA (CONT.)

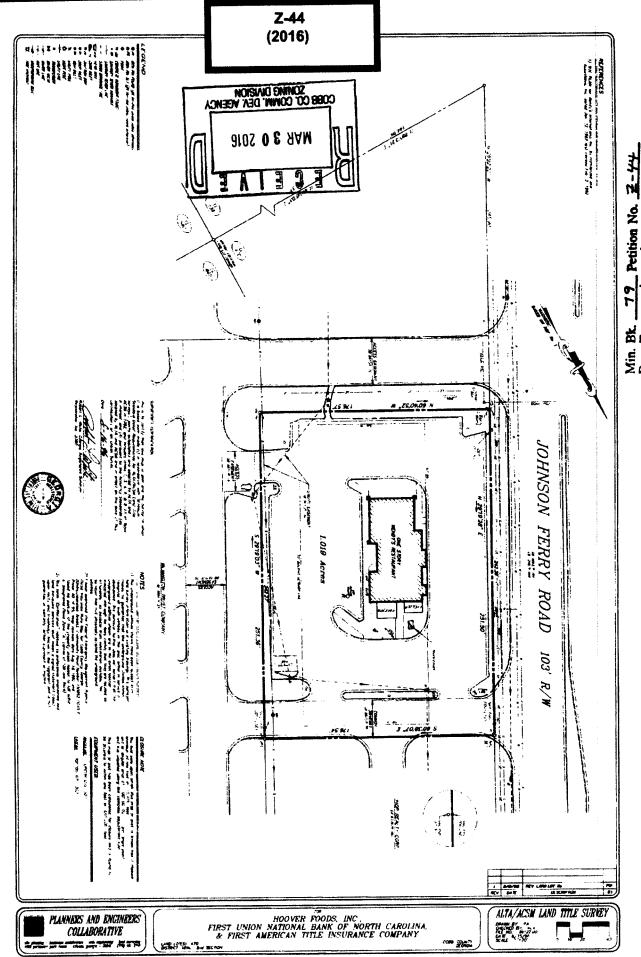
Z-41 SHELBY WORKMAN ESTATE (Lori Freeman Fowler as Executor of the Estate of Shelby Jean Workman, owners) requesting Rezoning from O&I and R-20 to R-15 for the purpose of a Single Family Residential in Land Lot 816 of the 17th District. Located on the east side of Ridgewood Drive, west side of I-285,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

To <u>approve</u> 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 16TH District. Located on the east side of Johnson Ferry Road, at Waterfront Drive (3120 Johnson Ferry Rd).

To <u>delete</u> 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



Doc. Type 5th plan

Meeting Date 5-17-16

Min. Bk. 79	Petition No. 2-44
Doc. Type	etter
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

ADAM J. ROZEN

SLHB-LAW.COM

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 16th District, 2nd 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.

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Meeting !	Date	5-17	-16	
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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

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

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 McClead, 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 THROUGH-WALL VENT FOR BTACKABLE WASHER & DRYER EXISTING WATER HEATERS TO REMAIN. MIC. PLUMBING & ELECTRICAL ROUGH-INS FOR STACKABLE WASHER & DRYER EXISTING ELECTRICAL SERVICE TO REMAIN INC. ALL TITELECOM EQUIPMENT AND CABLING BY BEST CARE NOW - NC EXISTING WATER SERVICE TO REMAIN INC. GENERAL STORAGE E 0 EXAM SÓ EXAM #6 8-6" x 11" X.BAY 16 6 x 10 6 EXAM SA NO SPAKS IN EXAM ROOMS #1 - #5 STAFF α NURSE STATION 30/4/018 EXAM RO PROCEDURE 11'-6" x 14" **□** -•= EXAM 02 TOBER OF TRIAGE EXAM PI STAFE COUNGE 11:6'x 19:6' RECEPTION. REPAIR OF EXTERIOR SITE CONCRETE AND PAYING BY LANDLORD GEST CARE NOW - NIC REMOYAL OF EXISTING PATIO AND CANORY BY LANDLORD BEST CARE NOW - MC EXISTING THE FLOOR TO HEMAIN IN SHADED AREAS

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Meeting Date
Continued Z-44 5-17-16

SCHEMATIC FLOOR PLAN

BestCare Now

EXISTING SANTARY SERVICE TO REMAIN - NIC EXISTING SANTARY GREABE TRAP TO REMAIN - NIC

ERDMAN

Exhibit "B" April 22, 2016 Letter



BestCare Now

URGENT CARE

OPEN 7 DAYS A WEEK

2 ROW 6" READER

stucco base

Pant to face

Paint cabinit

3630-43 1 yest formals Sultan Blan 3630-157

4' x 7.5' lighted cabinet

4' x 4' base

Petition No. 2-44

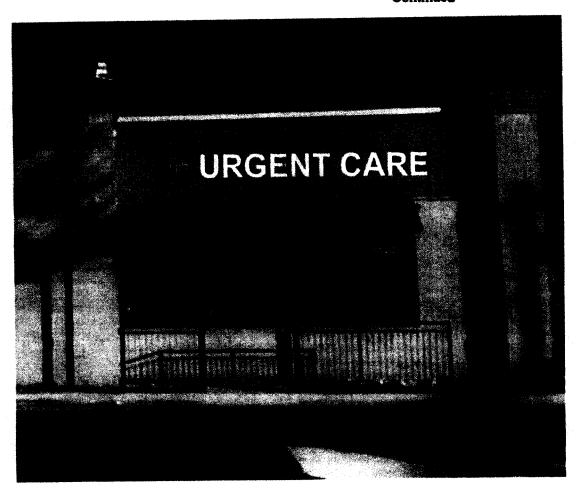
Meeting Date 5-17-16

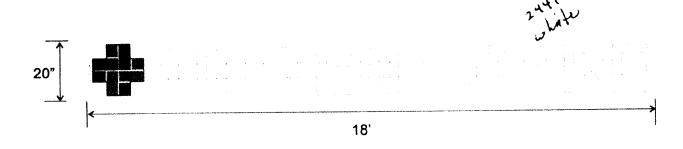
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Petition No. Z-44

Meeting Date 5-17-16

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Race way mounted channel letters Internally illuminated, LED

Raceway: to match fascia

Returns: Black Faces: tbd Trim: Black GREATER GWINNETT SIGNS 4100 G STEVE REYNOLDS BLVD NORCROSS, GA 30093 770-717-0048 ggsigns@bellsouth.net