

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP
SUITE 100

376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

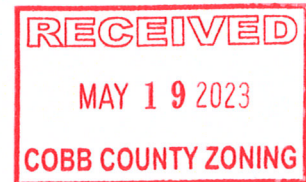
GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF

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

May 19, 2023

VIA HAND DELIVERY & EMAIL

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



Re: Application of Tommy's Express by Northgate to Rezone a 2.01-Acre Tract from PSC to NRC; Land Lot 583 of the 16th District; (Z-8)

Dear John:

This firm represents Tommy's Express by Northgate ("Tommy's") concerning the above Application for Rezoning. The Application is scheduled to be heard and considered by the Planning Commission on Tuesday, June 6, 2023 after tabling the case in May to continue to refine the zoning proposal.

The subject property is currently zoned Planned Shopping Center (PSC) and the two (2) acre parcel is located at the signalized intersection of Bells Ferry Road and Barrett Parkway. The area is designated as a Neighborhood Activity Center (NAC) in the county's land use plan which anticipates commercial use of the property. Although the land use designation is NAC, the property is essentially the entrance to the Town Center Regional Activity Center (RAC). Barrett Parkway has approximately 25,000 cars per day and Bells Ferry Road adds an additional 11,000 cars per day. The location close to the I-575 entrance ramps with the high traffic count makes the property appropriate for a car-centric use that can serve the existing traffic in the area. Based upon this, Tommy's proposes a modern, state-of-the-art, car wash facility.

The property is also the location of the historic McAfee house. The house is the antebellum home of the McAfee family and it has sat vigil over the intersection for decades. Some in the community desire to maintain the historic home in its current location and Tommy's is willing to work with community groups to make this a possibility. Tommy's is committed to preserving the house site regardless whether the house stays or for some reason must be relocated. To accomplish this, Tommy's has created a site plan that preserves a 15,000 sq. ft. house site.

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 19, 2023
Page 2

Based upon the foregoing, below is a list of conditions that Tommy's is willing to become a condition on the grant of the rezoning request. Because the property is zoned PSC which is not a valid zoning category in a NAC, the property must be rezoned to an economically viable category.

1. The applicant seeks a split zoning of Neighborhood Retail Commercial (NRC) and Low Rise Office (LRO) as depicted in the site plan attached as Exhibit "A." The split zoning allows the historic home to remain on the LRO property which will allow uses that could be part of the preservation of the house. This shall include a variance to allow the LRO lot to be 15,000 sq. ft. and setback variances for the house to remain in its current location.
2. The proposed Tommy's Car Wash shall be architecturally consistent with the renderings attached as Exhibit "B."
3. After the certificate of occupancy (CO) is issued for the NRC property, the owner shall offer the LRO property to a governmental entity or historic preservation nonprofit that can rehabilitate the house in its current location.
4. The access points on Bells Ferry Road and Barrett Parkway shall comply with Cobb DOT staff recommendations and any modifications to the recommendations that occur during plan review. A paved vehicular access shall be provided from the Bells Ferry Road driveway to provide vehicular access to the existing parking area for the house. The house's driveway connection to Bells Ferry Road shall be removed.
5. The proposed Tommy's Car Wash will be a modern car wash with water recycling that will recycle the water. The only environmentally responsible way to wash a car is a car wash with recycling ability.
6. The LRO property shall be limited to use of the current home as a museum or cultural facility or offices that can maintain the house in a historically sensitive manner.
7. If the house is not able to remain on site, the LRO tract shall become greenspace.
8. The District Commissioner shall have the authority to approve certain minor modifications to the site plan, the architecture and the stipulations/conditions as the

SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 19, 2023
Page 3

development proposal proceeds through the Plan Review process and thereafter, except for those that:

- a. Reduce the size of an approved buffer adjacent to property which is zoned in a more restrictive zoning district.
- b. Relocate a structure closer to the property line of an adjacent property which is zoned in a more restrictive zoning district.
- c. Increase the height of a building adjacent to property which is zoned in a more restrictive zoning district.
- d. Change access locations to different roadways.
- e. Seek additional Variances to provisions of the Cobb County Zoning Ordinance.

The applicant has worked with the Bells Ferry Civic Association and Canton Road Neighbors to arrive at the above-described conditions and they will continue to work with them to ensure a successful development that preserves the house. Please do not hesitate to contact me should you have any questions whatsoever regarding the proposed stipulations.

Sincerely,

SAMS, LARKIN & HUFF, LLP



Parks F. Huff

phuff@samslarkinhuff.com

PFH/jac

Enclosures/Attachments

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Dr. Jackie McMorris, County Manager (via email)
Board of Commissioners Assistants (via email)

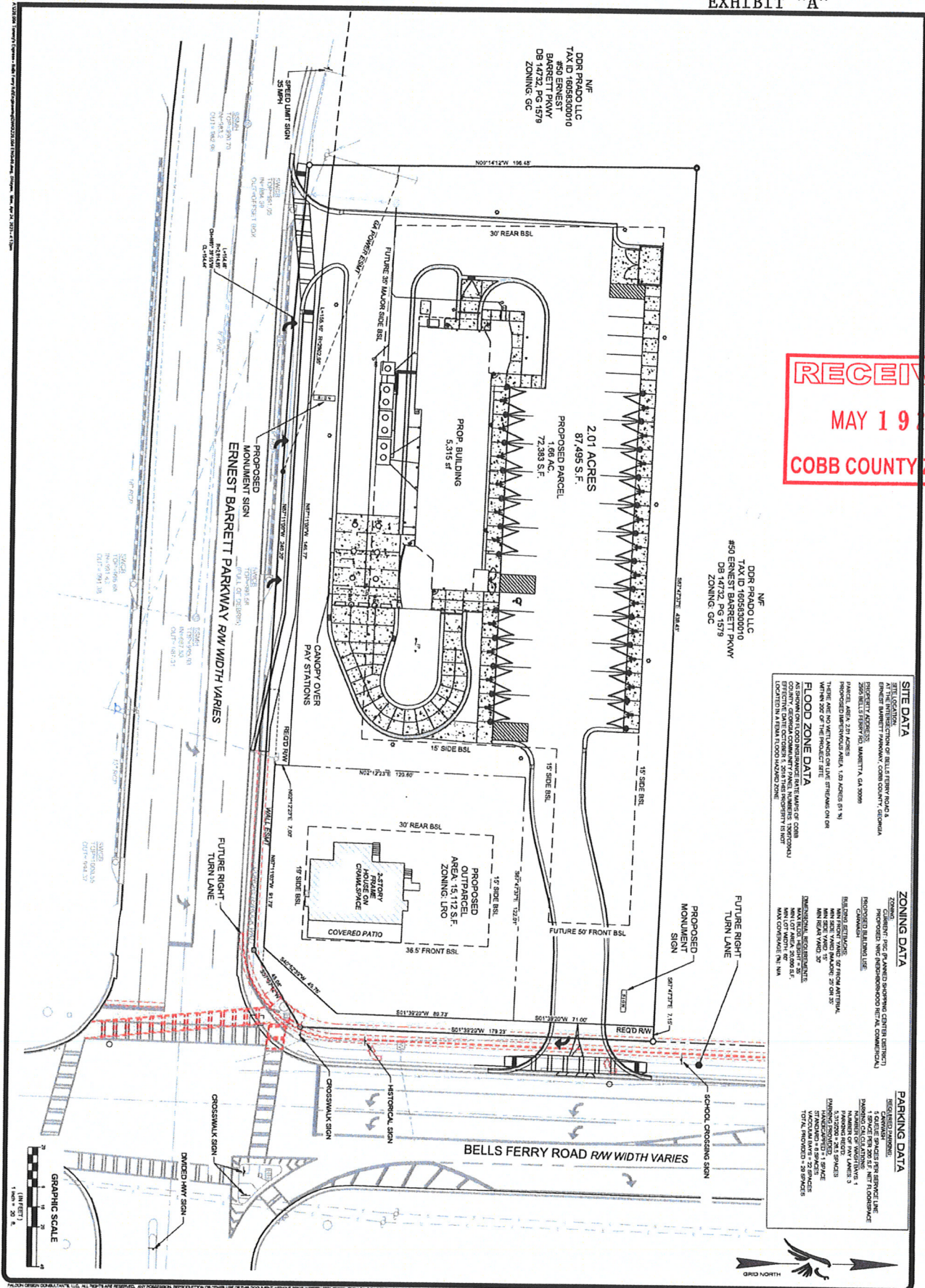
SAMS, LARKIN & HUFF

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
May 19, 2023
Page 4

Ms. Jessica Guinn, AICP, Director (via email)
Ms. Jeannie Peyton, Senior Planner (via email)
Mr. Terry Martin, AICP, CNU-A, Planner III (via email)
Ms. Margie Vazquez, Planner II (via email)
Mr. LeDarius Scott, *AICP Candidate*, Planner II (via email)
Mr. Cameron Jones, Planner II (via email)
Ms. Pam Mabry, County Clerk (via email)
Ms. Robin Stone, Deputy County Clerk (via email)
Ms. Leila Washington, Deputy County Clerk (via email)
Mr. Jeff Byrd, Fire Marshal's Office (via email)
Ms. Amy Diaz, P.E., Cobb DOT (via email)
Ms. Ligia Florim, Cobb DOT (via email)
Mr. Carl Carver, P.E., Stormwater Management Division (via email)
Mr. Tim Davidson, P.E., Development Review Engineer, Water System (via email)
Ms. Tullan Avard, Bells Ferry Civic Association
Ms. Carol Brown, Canton Road Neighbors, Inc.



RECEIVED
 MAY 19 2023
 COBB COUNTY ZONING

N/E
 DGR PRADO LLC
 TAX ID 1606300010
 #50 ERNEST
 BARETT PKWY
 DB 14722 PG 1579
 ZONING: GC

N/E
 DGR PRADO LLC
 TAX ID 1606300010
 #50 ERNEST
 BARETT PKWY
 DB 14722 PG 1579
 ZONING: GC

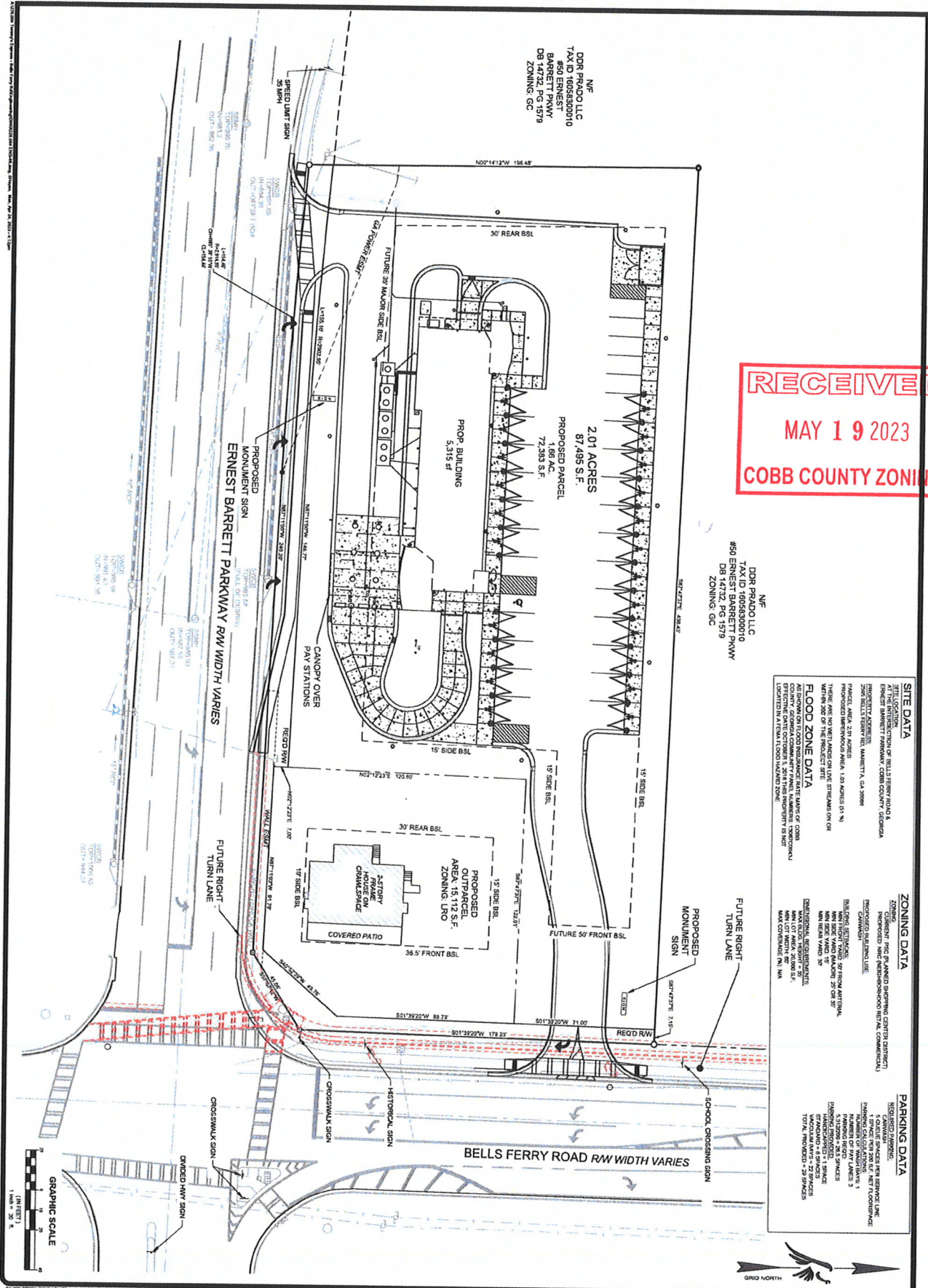
SITE DATA
 SITE LOCATION: AT THE INTERSECTION OF BELLS FERRY ROAD & ERNEST BARETT PARKWAY, COBB COUNTY, GEORGIA
 2595 BELLS FERRY ROAD, BARRETT TA, GA 30099
 PARCEL AREA: 2.01 ACRES
 PROPOSED IMPROVEMENT AREA: 1.68 ACRES (81%)
 THERE ARE NO WETLANDS OR LAKE FRINGES ON OR WITHIN 200' OF THE PROJECT SITE.
FLOOD ZONE DATA
 THE PROPERTY IS LOCATED WITHIN THE UNDESIGNATED COBB COUNTY COBB COUNTY UNDESIGNATED FLOOD HAZARD ZONE.
 EFFECTIVE DATE: OCTOBER 5, 2019 THIS PROPERTY IS NOT SUBJECT TO A FLOOD HAZARD ZONE.

ZONING DATA
 ZONING DISTRICT: UNDESIGNATED COMMERCIAL
 PROPOSED USE: PROPOSED RETAIL COMMERCIAL
 RECORDED PLAT NUMBER: N/A
 REVISIONS: NONE
 MINIMUM FRONT YARD SETBACK FROM ADJACENT PROPERTY: 30' ON 30'
 MINIMUM SIDE YARD SETBACK: 15'
 MINIMUM REAR YARD SETBACK: 30'
 MINIMUM LOT AREA: 5,000 S.F.
 MINIMUM LOT WIDTH: 25' MIN.

PARKING DATA
 REQUIRED PARKING: 4 QUOTE SPACES PER SERVICE LINE, 1 QUOTE SPACES PER 100 S.F. OF RETAIL SPACE, 1 QUOTE SPACES PER 1,000 S.F. OF OFFICE SPACE.
 PROPOSED PARKING: 30 SPACES
 PROPOSED SIGNAGE: 1 SIGNAGE (SEE SIGNAGE SCHEDULE)
 TOTAL PROPOSED: 30 SPACES

<p>CONCEPT</p>	<p>DATE: 1/11/23</p> <p>BY: [Signature]</p> <p>PROJECT NUMBER: 2595</p> <p>PROJECT NAME: TOMMY'S EXPRESS</p>	<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> <tr> <td> </td> <td> </td> </tr> </tbody> </table> <p>Know what's below. Call before you dig. 811 UTILITIES PROTECTION CENTER 1-800-4-A-DAWN</p>	DATE	DESCRIPTION					<p>CONCEPT PLAN FOR TOMMY'S EXPRESS 2595 BELLS FERRY ROAD LOCATED IN: LAND LOT 583, 16TH DISTRICT, 2ND SECTION COBB COUNTY, GEORGIA</p>	<p>FALCON DESIGN CONSULTANTS 12345 WILSON ROAD ATLANTA, GA 30349 (404) 555-1234 www.falcondesign.com</p>
	DATE	DESCRIPTION								
<p>GRAPHIC SCALE 1" = 50' 0"</p>	<p>HILTON CHIB</p>	<p>DATE: 1/11/23</p> <p>BY: [Signature]</p> <p>PROJECT NUMBER: 2595</p> <p>PROJECT NAME: TOMMY'S EXPRESS</p>	<p>DATE: 1/11/23</p> <p>BY: [Signature]</p> <p>PROJECT NUMBER: 2595</p> <p>PROJECT NAME: TOMMY'S EXPRESS</p>							

RECEIVED
MAY 19 2023
COBB COUNTY ZONING



DDR PRADO LLC
 TAX ID # 9833309710
 #50 ERNEST
 BARRETT PKWY
 DB 14732, PG 1579
 ZONING: GC

DDR PRADO LLC
 TAX ID # 9833309710
 #50 ERNEST
 BARRETT PKWY
 DB 14732, PG 1579
 ZONING: GC

SITE DATA

2.01 ACRES
 87,495 S.F.
 1.68 AC
 72,383 S.F.

PROPOSED BUILDING
 5,315 S.F.

PROPOSED OUTDOOR STORAGE AREA
 15,117 S.F.
 ZONING: URO

STORAGE HOUSE FOR CRANES AND SPACE
 3,000 S.F.

CANOPY OVER PAY STATIONS

FUTURE RIGHT TURN LANE

PROPOSED MONUMENT SIGN

ERNEST BARRETT PARKWAY R/W WIDTH VARIES

BELLS FERRY ROAD R/W WIDTH VARIES

ZONING DATA

ZONING DISTRICT: GC
 ZONING REGULATIONS: COBB COUNTY ZONING ORDINANCE, CHAPTER 15, ARTICLE 11, SECTION 15-11-010

PROPOSED USE: RETAIL STORE (GENERAL MERCHANDISE)
 PROPOSED SIGNAGE: MONUMENT SIGN

FLOOD ZONE DATA
 AS SHOWN ON FLOOD INSURANCE RATE MAP OF COBB COUNTY, GEORGIA, EFFECTIVE DATE OCTOBER 5, 2018 THIS PROPERTY IS NOT LOCATED IN A FLOOD HAZARD ZONE.

PARKING DATA

REQUIRED PARKING: 15 SPACES PER 1,000 S.F. OF GROSS FLOOR AREA
 PROPOSED PARKING: 15 SPACES PER 1,000 S.F. OF GROSS FLOOR AREA

PARKING SPACES: 15
 PARKING SURFACE: ASPHALT
 PARKING SIGNAGE: 15' X 6' SIGNAGE PER SPACE

SHEET NUMBER
CONCEPT

DATE	REVISIONS

DATE: 1/11/23
 PROJECT: TOMMY'S EXPRESS
 SHEET: CONCEPT

CONCEPT PLAN
 FOR
TOMMY'S EXPRESS
 2595 BELLS FERRY ROAD
 LOCATED IN:
 LAND LOT 583, 16TH DISTRICT, 2ND SECTION
 COBB COUNTY, GEORGIA

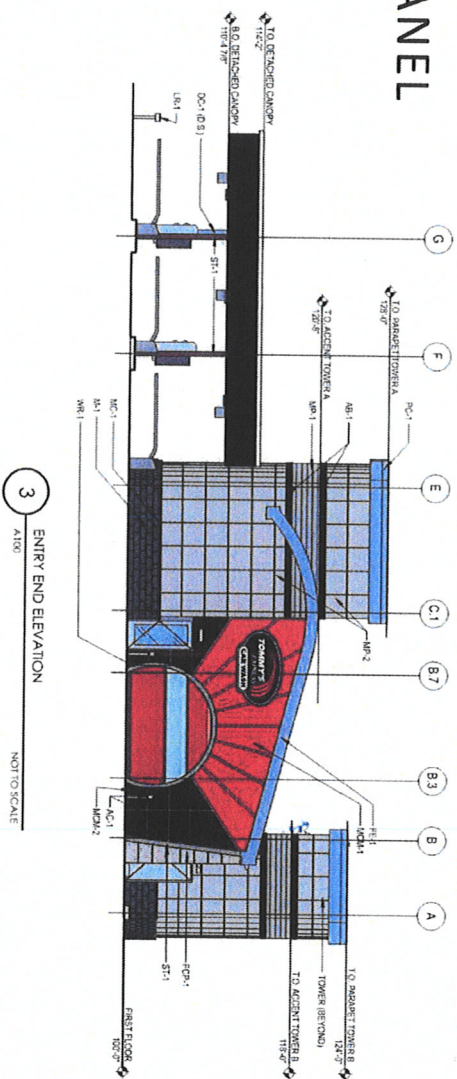
PREPARED BY:
 CONSULTANT:
 LANDSCAPE ARCHITECT
 PLANNING

FALCON DESIGN CONSULTANTS

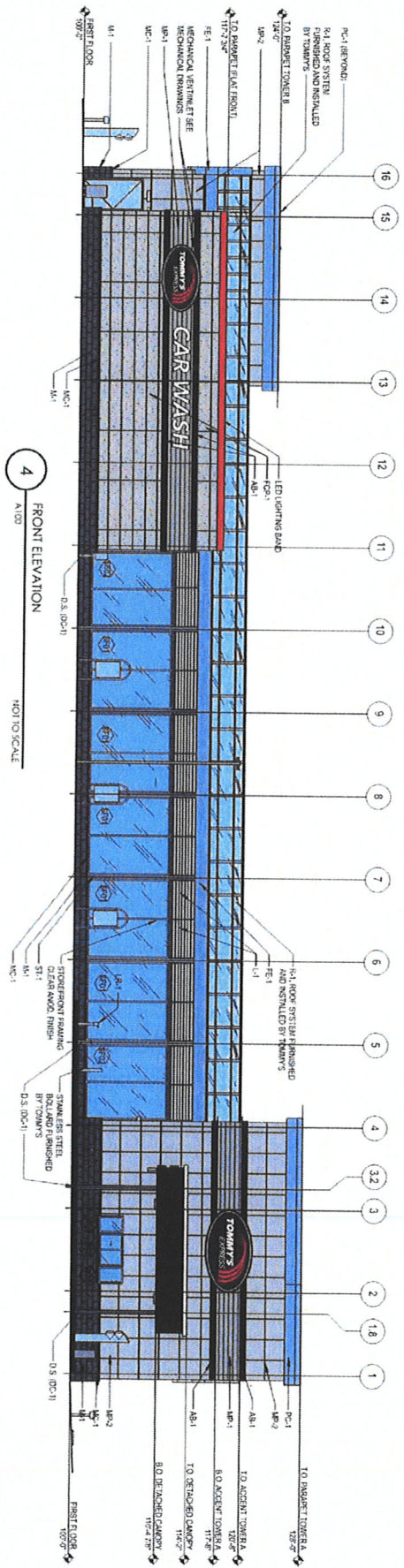


M2 - GRAY METAL PANEL

M2 Colors & Materials
M2 Exterior Elevations in Color

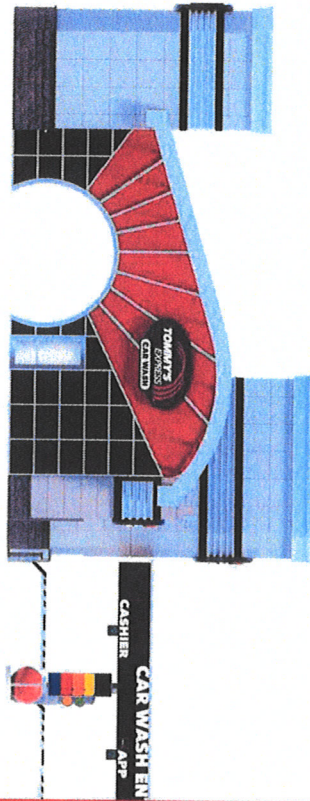


3 ENTRY END ELEVATION
A:100
NOT TO SCALE



4 FRONT ELEVATION
A:100
NOT TO SCALE

RECEIVED
MAY 19 2023
COBB COUNTY ZONING



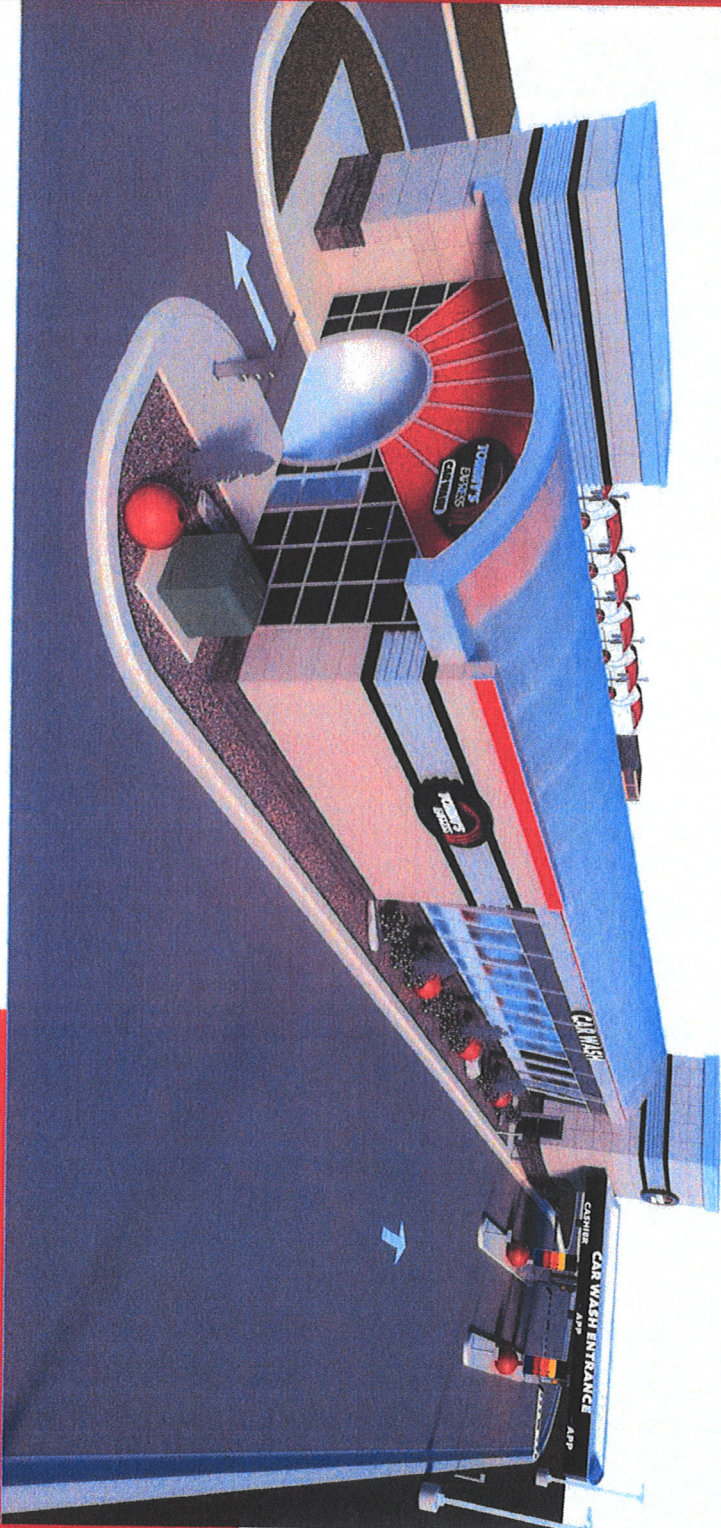
M2 – GRAY METAL PANEL

Towers: 30" x 30" Prefinished Metal Panel – Fawn Brindle
 End Walls: Prefinished Aluminum Composite Panels – Brite Red & Ebony
 Backroom: Fiber Cement Panel – Gray



T

RECEIVED
 MAY 19 2023
 COBB COUNTY ZONING



M2 GRAY METAL PANEL

RECEIVED
MAY 19 2023
COBB COUNTY ZONING