

A LIMITED LIABILITY PARTNERSHIP SUITE 100 376 Powder Springs Street Marietta, Georgia 30064-3448 770•422•7016 TELEPHONE 770•426•6583 FACSIMILE

August 30, 2022

(STIPULATION LETTER & REVISED SITE PLAN)

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: <u>Application of S&B Investments, Inc.</u> to Rezone an approximate 0.73 ± Acre Tract of Land from CF & R-80 to NRC (No. Z-67)

Dear John:

You will recall that this firm represents S&B Investments, Inc. ("S&B") regarding the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on October 4, 4022 and, thereafter, is scheduled be heard and considered for final action by the Cobb County Board of Commissioners on October 18, 2022.

The property at issue ("Subject Property") consists of a 0.73 acre tract of land which is situated within the confines of a Neighborhood Activity Center ("NAC") as shown on the Future Land Use Map ("FLUM") and is more specifically located at the northwestern intersection of Johnson Ferry Road and Paper Mill Road.

The original entitlement of the Subject Property was granted in 1982 after litigation and by way of a Superior Court of Cobb County Order of the Court ("Order"). The Subject Property makes up a smaller portion of Paper Mill Village ("PMV") which is partially split-zoned in the Future Commercial ("CF"), R-80 and NRC zoning districts, respectively.

The Subject Property is considered a non-conforming, "grandfathered" property and the continued utilization of this tract is predicated upon the same use continuing without interruption for a period of time dictated by the Cobb County Zoning Ordinance or is required to be rezoned in accordance with current Zoning Ordinance requirements and applicable zoning classifications. Of course, the CF classification does not, independent of these particular circumstances, provide any present right to utilize the Subject Property zoned and as such and has always been considered a "holding district" for future commercial development since the Cobb County Zoning Ordinance was comprehensively adopted, on December 26, 1972.

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

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division August 30, 2022 Page 2

The May 6, 1982 Order (for the most part based upon a 1973 agreement which was recorded on the Deed Records and which served as a guide until the litigation was commenced almost a decade later), specifically allowed for a mixed use development to be constructed at this northwest intersection of Johnson Ferry Road and Paper Mill Road, of which the Subject Property is a part. The Subject Property has been through several Other Business approvals for changing uses, all of which were and are still allowable under the NAC land use designation and the proposed NRC zoning district.

Recently, the Paper Mill Village commercial tracts (6.83 acres) located at 37 Johnson Ferry Road & 255 Village Parkway) were rezoned to the NRC zoning district via Application No. Z-25 [2022], which was heard and approved in May of this year.

S&B's proposal is for a Starbucks Coffee Shop and ancillary/related Retail as depicted in the renderings/elevations submitted herewith. The proposed Starbucks is not a restaurant per se in that it does not offer table service. Customers order their drinks and food from a counter and serve themselves, or order from the drive-thru feature. Starbuck's typical menu traditionally offers things such as coffee, espresso, pastries, and sandwiches; with Starbucks preparing food in table-top ovens. There is a "workroom" instead of a kitchen which would typically contain full ovens, cooktops and/or grills, but in this case does not.

What S&B proposes is the demolition of the existing strip commercial retail center and, in its place, entitle, develop and construct a free-standing, two-story Starbucks with a single drive-thru component. While Starbucks has been a presence at this intersection for decades, because of the change in demographics and circumstances engrained in the nuanced evolution of our culture generally and more specifically the like-kind demographic within this sub-area of east Cobb County, the drive-thru component is no longer an option but is, instead, a necessary component.

While this application has been pending and prior to it being filed, we have been in discussions with area residents, area property owners and current and former officials of Cobb County. The approval of this proposed stand-alone, two-story Starbucks will be a continuation of the tenor of development within Paper Mill Village, as evidenced by the submission and approval of Z-25 [2022] by Healey Weatherholtz, which also entitled other tracts within Paper Mill Village.

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division August 30, 2022 Page 3

With respect to the foregoing, and after discussions with area business and property owners, civic representatives and staff, S&B is agreeable to the following stipulations becoming conditions and a part of the grant of the requested rezoning and binding upon the Subject Property thereafter, as follows, to wit:

- 1. The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of this Application for Rezoning.
- 2. The Subject Property shall be developed in substantial conformity to that certain Revised Site Plan prepared by Michael Toothaker, RLA, LeCraw Engineering, dated August 24, 2022, which is being submitted concurrently herewith.
- 3. The development of the Subject Property shall also be in substantial conformity to the renderings/elevations/floor plans and other imagery submitted concurrently with this application (resubmitted herewith). Of course, final review and approval of all imagery and architectural aspects shall be solely within the discretion of the District Commissioner.
- 4. The hours of operation shall be from 5:30 a.m. until 8:30 p.m. daily.
- 5. This Rezoning is solely and exclusively for a Coffee Shop and the following uses shall be conditionally prohibited within and on the Subject Property:
 - a. Billiards and Pool Halls; however, certain types of restaurants such as Sports Bars and Grills shall be allowed a maximum of two (2) pool/billiard tables.
 - b. Carwashes.
 - c. Store-Front type Churches, except where the prohibition of same may be constitutionally impermissible.
 - d. Community Fairs, except to continue the allowance of Art Exhibits and PMV-sponsored events as mentioned below.
 - e. Cultural Facilities, except to continue Art Exhibits and PMV-sponsored events which have historically taken place from time to time during the existence of PMV.
 - f. Designated Recycling Collection locations.

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division August 30, 2022 Page 4

- g. Emissions Stations.
- h. Outdoor Golf Courses.
- i. Freestanding Climate Control Self-Service Storage Facility; however, storage within existing buildings within PMV shall be permitted.
- j. Freestanding Ice Vending Machines.
- k. Full-Service Gasoline Stations.
- l. Funeral Homes.
- m. Group Homes.
- n. In-Home Day Care.
- o. Self-Service Laundries.
- p. Light Automotive Repair.
- q. Non-profit fishing lakes.
- r. Parking for Vehicles, except for the temporary parking for tenants and their customers or clients.
- s. Radio, Television and other Communication Towers.
- t. Rest Homes and Personal Care Homes.
- u. Self-Service Fuel Sales.
- v. Automotive Parts Stores exceeding 3,000 square feet.
- w. Sex and/or Adult Themed Novelty Shops.
- x. Supermarkets, exceeding 10,000 square feet.
- y. Video Stores for rental or sale as a principal use; however, video-related merchandise may be sold as components of other businesses within PMV.

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division August 30, 2022 Page 5

- z. Stores which principally feature and sell CBD and CBD related products, remedies or novelties and stores which constitute "Vape Shops" or feature smoking and related paraphernalia.
- aa. Large truck, van, or other such vehicles "for rent or lease", such as U-Haul.
- bb. Package stores; however, excepting any specialty boutique-type wine or spirits shops or any grocery or other stores which may currently be allowed to serve or sell alcohol.
- 6. Compliance with recommendations from the Cobb County Stormwater Management Division with respect to the configuration, positioning and functionality of stormwater management/water quality components inherent with stormwater protocols on the Subject Property. The infrastructure for the Subject Property and for the entirety of properties within Paper Mill Village which have been developed to tie into the existing detention pond.¹
- 7. Compliance with recommendations from the Cobb County Water and Sewer Division, with respect to the availability of; access to; and, other issues related to capacity will be followed by S&B in connection with all matters related thereto.
- 8. Compliance with recommendations from the Cobb County Department of Transportation ("DOT"). S&B, being aware from the beginning that its ownership of the Subject Property has listened to and processed well the recommendations from Cobb DOT and is amenable to the following:
 - a. A "redesign" of S&B's internal driveway has addressed the issues relative to accommodating and lessening the impact on the site and the potential impact upon adjacent rights-of-way.²
 - b. Ensuring interior maneuverability at all points of ingress/egress with specific internal focusing upon the stacking and queuing in order to ensure that same does not encroach upon existing public rights-of-way of Johnson Ferry Road and Paper Mill Road.

¹ Of course, there is a fairly recently enacted statue which came into effect at the beginning of 2022 and which now requires a reduction of stormwater runoff from the site which, considering the existing infrastructure and the length of time within which Paper Mill Village has been constructed is not feasible in this particular set of circumstances. However, a solution to that issue may include the installation of an enhanced water quality component prior to stormwater being released from the site to the existing detention pond and water quality area.

 $^{^2}$ S&B has engaged the services of Abdul Amer, P.E. (A&R Engineering, Inc.) who also attended the meeting with DOT staff members.

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division August 30, 2022 Page 6

- c. A&R will be filing its Second DOT-required submittal closely on the heels of this stipulation letter.³ Enclosed herewith is the Original Submittal 1 (originally submitted on August 10, 2022) and the Revised Submittal 1 (both are submitted concurrently herewith), prepared by Nasar Omar, P.E. of A&R Engineering.
- 9. Compliance with Cobb County Development Standards and Ordinances related to project improvements except as otherwise approved by the Board of Commissioners, the Cobb County Department of Transportation, the Cobb County Fire Marshal's Office or the Cobb County Community Development Agency, as their respective authority may allow.
- 10. The submission of a Landscape Plan during the Plan Review process, subject to review and approval by the County Arborist with final review and approval by the District Commissioner.
- 11. The Signage for the Subject Property shall be ground-based, monument-style, consistent with the architectural style and composition of the development and consistent with provisions of the Cobb County Sign Ordinance.
- 12. The utilization of low-intensity, environmental type, down-lighting which shall be subject to review and approval by staff. All exterior lighting shall be shielded, and direct illumination shall be confined within the perimeter of the Subject Property. Further, a lighting photometric plan shall be submitted during the Plan Review Process.
- 13. Subject to recommendations from the Cobb County Fire Marshal's Office with respect to Fire Prevention and Life Safety including, but not necessarily limited to the following, to wit:
 - a. Compliance with IFC 510-Emergency Responder Radio Coverage.
 - b. Fire apparatus access shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor.
 - c. Aerial apparatus access shall be required for all structures over 30 feet in height as measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Area fire apparatus access shall be a minimum width of 24 feet; a maximum of 40 feet from the structure; and, shall be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within aerial fire apparatus access zone.

³ This second submittal will analyze, inter alia, "Service Rate Timing" and "Arrival Rate Timing" in order to determine the functional aspects of the drive-thru component.

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division August 30, 2022 Page 7

- e. The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from any applicable fire apparatus access roads.
- 14. Dumpsters shall be positioned consistent with the Cobb County Ordinance regulations with dumpster lids containing rubber cushions to reduce noise and with the enclosure surrounding the dumpster being designed to be complementary to the building's architecture while meeting all Development Standards.
- 15. The District Commissioner shall have the authority to approve minor modifications to this rezoning proposal as the development 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 the same or in a more restrictive zoning district
 - b. Relocate a structure closer to the property line of an adjacent property which is zoned in the same or in a more restrictive zoning district
 - c. Increase the height of a building which is adjacent to a property that is zoned is the same or a more restrictive zoning district
 - d. Change access to a different right-of-way
 - e. Violate the Cobb County Zoning Ordinance.

In all respects, this proposed Rezoning Application request represents an appropriate and long over-due land use change particularly in view of the fact that the Subject Property has not been optimally utilized for decades; considering the upgrades planned for this particular corner; and, in view of the fact that the Subject Property is located within the confines of a Neighborhood Activity Center ("NAC") under the County's FLUM.

A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY & EMAIL:

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division August 30, 2022 Page 8

Please do not hesitate to contact me should you or your Staff require additional information or documentation prior to the formulation of the final Zoning Analysis and Staff Recommendations. With kind regards, I am

Very truly yours,

LARKIN & HUFF, LLP SAMS Garvis L. Sams, Jr.

gsams@samslarkinhuff.com

GLS, Jr./klk Enclosures/Attachments

cc: Members, Cobb County Board of Commissioners (via email w/attachments) Dr. Jackie McMorris, County Manager (via email w/attachments) Board of Commissioners Assistants (via email w/attachments) Members, Cobb County Planning Commission (via email w/attachments) Ms. Jessica Guinn, AICP, Director (via email w/attachments) Ms. Jeannie Peyton, Senior Planner (via email w/attachments) Mr. Terry Martin, Planner III (via email w/attachments) Ms. Margie Vazquez, Planner II (via email w/attachments) Mr. LeDarius Scott, Planner I (via email w/attachments) Ms. Pamela Mabry, County Clerk (via email w/attachments) Ms. Robin Stone, Deputy County Clerk (via email w/attachments) Ms. Leila Washington, Deputy County Clerk (via email w/attachments) Mr. Jeffrey Byrd, Fire Marshal's Office (via email w/attachments) Ms. Amy Diaz, P.E., Cobb DOT (via email w/attachments) Ms. Abby Rettig, Cobb DOT (via email w/attachments) Mr. Carl Carver, P.E., Stormwater Management Division (via email w/attachments) Mr. Tim Davidson, Plan Review Engineer, Water System (via email w/attachments) Ms. Kim Swanson (via email w/attachments) Mr. Joe Gavalis, Chattahoochee Plantation (via email w/attachments) Ms. Chris Lindstrom, ECCA (via email w/attachments) Mr. Abdul K. Amer, A&R Engineering, Inc. (via email w/attachments) Mr. Michael Toothaker, RLA, Gaskins + LeCraw Engineering Inc. (via email w/attachments)



EXTERIOR - FRONT VIEW CONCEPTUAL RENDERINGS 6/8/22



EXTERIOR - DRIVE-THRU VIEW CONCEPTUAL RENDERINGS 6/8/22



FIRST FLOOR - VIEW FROM ENTRY CONCEPTUAL RENDERINGS 6/8/22



FIRST FLOOR - LOOKING TOWARDS ENTRY CONCEPTUAL RENDERINGS 6/8/22



SECOND FLOOR - VIEW FROM STAIRS CONCEPTUAL RENDERINGS 6/8/22



	SIDE:	25' MAJ. / 15' MIN.'
	REAR:	30'
BUILDI	NG SUMMARY	
	BUILDING AREA:	2,500 S.F.
PARKIN	NG SUMMARY	
	PARKING REQ.:	1 SPACE / 100 S.F.
		25 SPACES
	PARKING PROV:	1 SPACE / 100 S.F.
		25 SPACES
	STANDARD STALL DIMENSIONS:	9' x 19'
	MIN. DRIVE WIDTH:	24' TWO WAY/12' ONE WAY





A&R Engineering Inc.

2160 Kingston Court, Suite O Marietta, GA 30067 Tel: (770) 690-9255 Fax: (770) 690-9210 www.areng.com

Memorandum



10:	Amy Diaz, PE. Cobb County DOT	
From:	Abdul Amer, PE. A&R Engineering	
Date:	August 4, 2022	
Subject:	Submittal 1 for Proposed Development at 31 Johnson Ferry Road # 21-053	Cobb County, Georgia A&R

The purpose of this memorandum is to document the scope of the traffic impact study for the proposed redevelopment of an existing Starbucks at 31 Johnson Ferry Road in Cobb County, Georgia. The proposed redevelopment is a Starbucks drive through that will occupy about 5,000 sf.

EXISTING BUILDING

The existing building contains 3 tenants: 1,600 sf Starbucks (no drive through), a nail salon (now vacant), and a dry cleaners store. Customers have access to the existing building via Johnson Ferry Road and Paper Mill Road.

PROPOSED REDEVELOPMENT

The redeveloped Starbucks proposes access to the existing alley off of Johnson Ferry Road and Village Parkway. Village Parkway is a private road that connects to Paper Mill Road. A site overlay with these roadways and site access points is included below.



Figure 1 – Site Overlay Map

STUDY METHODOLOGY:

In order to evaluate future traffic operations in this area, a projection of normal traffic growth will be applied to the existing volumes. Existing data points collected by GDOT over the last three years indicate a negative growth rate in this area. However, we propose using a 1% growth rate in traffic volumes in the area. This growth factor will be applied to the existing traffic volumes to estimate the build year (2025) traffic volumes for the development. The traffic study will include an analysis for the existing and future "No-Build" and "Build" conditions at the study intersections, both of which account for a background growth in traffic. Recommendations to improve operations will be included as necessary.

TRIP GENERATION FOR PROPOSED REDEVELOPMENT:

Trip generation estimates were based on the rates and equations published in the 11^{th} edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation for the proposed site is based on the following ITE Land Uses: 937 - Coffee/Donut Shop with Drive Through. Using the number of occupied square feet as the independent variable, the total trip generation for the proposed development is shown in the table below.

TABLE 1 - TRIP GENERATION (PROPOSED DEVELOPMENT)								
Land Lisa	Independent	oendent A.M. Peak Hour		P.M. Peak Hour			24-Hour	
Land Use	Variable	Enter	Exit	Total	Enter	Exit	Total	2-way
937 – Coffee/Donut Shop with Drive Through	5,000 sf	219	210	429	97	98	195	2,668

STUDY INTERSECTIONS AND TRAFFIC COUNTS:

We propose to collect AM (7:00 - 9:00) and PM (4:00 - 6:00) peak hour turning movement traffic counts at the following intersections. Site driveways will also be included in our analysis.

- Site Driveway 1 @ Alley
- Site Driveway 2 @ Parkway
- Village Parkway @ Alley
- Village Parkway @ Paper Mill Road
- Johnson Ferry Road @ Alley



Figure 2 – Locations of Traffic Counts

TRIP DISTRIBUTION

The trip distribution for the proposed redevelopment will be determined based on the pattern of existing traffic at the existing Starbucks facility. This will be determined from turning movement counts.

QUEUEING ANALYSIS

A queuing analysis will be completed to determine the required reservoir for vehicle queuing in the Starbucks drive through. The methodology used in this analysis is based on the methodology presented in the ITE Handbook (10th edition) which references the paper "Entrance-Exit Design and Control for Major parking Facilities" by Robert Crommelin (1972).

The queuing analysis will be completed using the following variables: Starbucks service rate, vehicle entering rate, peak hour factor, adjusted vehicle entering rate, and traffic intensity factor. The Service Rate will be determined by collecting data from a nearby, existing Starbucks with a similar, 2-story layout. The service rate will be adjusted proportionally to account for differences in size between the proposed development size and size of the facility at which data is collected at.



A&R Engineering Inc.

2160 Kingston Court, Suite O Marietta, GA 30067 Tel: (770) 690-9255 Fax: (770) 690-9210 www.areng.com

Memorandum



To:	Amy Diaz, PE. Cobb County DOT	AUER
From:	Abdul Amer, PE. A&R Engineering	
Date:	August 25, 2022	
Subject:	Revised Submittal 1 for Proposed Development at 31 Jo Georgia A&R # 21-053	ohnson Ferry Road Cobb County,

Based on your comments on the original submittal dated August 4, 2022, this re-submittal documents the revised scope of the traffic impact study for the proposed redevelopment of an existing Starbucks at 31 Johnson Ferry Road in Cobb County, Georgia. The proposed redevelopment is a 2-story 5,000 sf Starbucks with a drive through window. A site overlay with the roadways and site access points is included below.



EXISTING BUILDING

The existing building contains 3 tenants: 1,600 sf Starbucks (no drive through), a nail salon (now vacant), and a dry cleaners store. Customers have access to the existing building via Johnson Ferry Road and Paper Mill Road. The existing building will be demolished.

PROPOSED REDEVELOPMENT

The redeveloped Starbucks proposes access to the existing alley off of Johnson Ferry Road and Village Parkway. Village Parkway is a private road that connects to Paper Mill Road. Based on COBB DOT's comments the developer has revised the access configuration of the eastern driveway on private Alley close to Johnson Ferry Road to an Exit-Only driveway and shifted the left-turn entering movement to the western driveway far away from Johnson Ferry Road. This western driveway on the private Alley will be restricted to an 'Enter-Only' driveway. A site plan is attached in the Appendix.

STUDY METHODOLOGY:

In order to evaluate future traffic operations in this area, a projection of normal traffic growth will be applied to the existing volumes. Existing data points collected by GDOT over the last three years indicate a negative growth rate in this area. However, we propose using a 1% growth rate in traffic volumes in the area. This growth factor will be applied to the existing traffic volumes to estimate the build year (2025) traffic volumes for the development. The traffic study will include an analysis for the existing and future "No-Build" and "Build" conditions at the study intersections, both of which account for a background growth in traffic. Recommendations to improve operations will be included as necessary.

TRIP GENERATION FOR PROPOSED REDEVELOPMENT:

As discussed in the recent meeting, we will collect AM and PM peak hour entering and exiting trips at a similar 2-story 4,000 sf Starbucks at SR 9 in Sandy Springs and use them as trip generation basis for this 5,000 sf 2-story building after adjusting for the difference in the sizes of the two buildings. We are of the opinion that collection of counts at a single-story Starbucks like the one in Acworth may not give an accurate trip generation for a 2-story Starbucks.

ITE Trip Generation has not given pass-by rates for a Coffee shop with a drive-through window. The rates given for a Coffee Shop with No Indoor Seating (Land-Use 938) is 90% and 98% for AM and PM peaks respectively. We think those rates are too high for this Starbucks with 2-story seating. We therefore propose to use 65% pass-by rate in our analysis.

STUDY INTERSECTIONS AND TRAFFIC COUNTS:

We propose to collect AM (7:00 - 9:00) and PM (4:00 - 6:00) peak hour turning movement traffic counts at the following intersections. Site driveways will also be included in our analysis.

- Exit-Only Site Driveway 1 @ Alley Eastern
- Full Access Site Driveway 3 @ Village Parkway
- Village Parkway @ Alley
- Village Parkway @ Paper Mill Road
- Johnson Ferry Road @ Alley



Figure 2 – Locations of Traffic Counts

TRIP DISTRIBUTION

The trip distribution for the proposed redevelopment is determined based on the traffic patterns and roadway network and is given below.

Johnson Ferry Road (North) – 30%

- Johnson Ferry Road (South) 20%
- Paper Mill Road (West) 30%
- Paper Mill Road (East) 6%
- Village Parkway (North) 8%
- Sherwood Lane (South) 6%

QUEUEING ANALYSIS

A queuing analysis will be completed to determine the required reservoir for vehicle queuing in the Starbucks drive through. The methodology used in this analysis is based on the methodology presented in the ITE Handbook (10th edition) which references the paper "Entrance-Exit Design and Control for Major parking Facilities" by Robert Crommelin (1972).

The queuing analysis will be completed using the following variables: Starbucks service rate, vehicle entering rate, peak hour factor, adjusted vehicle entering rate, and traffic intensity factor. The Service Rate will be determined by collecting data from a nearby, existing Starbucks with a similar, 2-story layout. The service rate will be adjusted proportionally to account for differences in size between the proposed development size and size of the facility at which data is collected at.

APPENDIX

