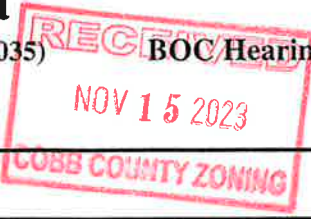


# Application for "Other Business"

## Cobb County, Georgia

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

012-666



BOC Hearing Date Requested: 12-19-23

**Applicant:** Chick-fil-A Inc. **Phone #:** 404-885-3415  
(applicant's name printed)

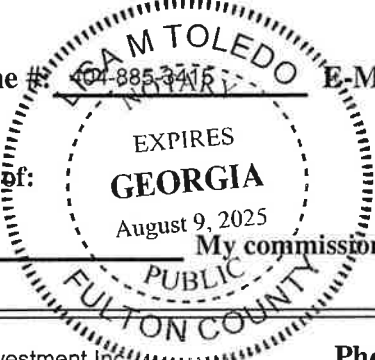
**Address:** 5200 Buffington Road, Atlanta, GA **E-Mail:** David.Kirk@troutman.com

David Kirk, Troutman Pepper Hamilton Sanders **Address:** 600 Peachtree Street, Suite 3000, Atlanta, GA 30308  
(representative's name, printed)

*David Kirk*  
(representative's signature)

**Phone #:** 404-885-3415 **E-Mail:** David.Kirk@troutman.com

Signed, sealed and delivered in presence of:  
*Alison Toledo*  
Notary Public



My commission expires: 8/9/2025

**Titleholder(s) :** Galaxy Properties & Investment Inc. **Phone #:** \_\_\_\_\_  
(property owner's name printed)

**Address:** 552 Chapman Lane, Marietta, GA 30066 **E-Mail:** \_\_\_\_\_

\_\_\_\_\_  
(Property owner's signature)

Signed, sealed and delivered in presence of:

\_\_\_\_\_  
Notary Public My commission expires: \_\_\_\_\_

**Commission District:** 4 **Zoning Case:** Z-8-22

**Size of property in acres:** 3.8 **Original Date of Hearing:** 10/18/22

**Location:** Veterans Memorial Parkway and Hickory Trail  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 165 **District(s):** 18

**State specifically the need or reason(s) for Other Business:** Chick-fil-a seeks to amend the prior zoning approval to allow for a drive-through restaurant and to allow for the encroachment of the proposed restaurant canopy into the required 50 foot building setback. Chick-fil-a seeks to develop a restaurant with drive-through and related improvements on the property.

(List or attach additional information if needed)

# Application for "Other Business"

## Cobb County, Georgia

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

BOC Hearing Date Requested: 12-19-23

*OB/lele*

12-19-23

RECEIVED

NOV 15 2023

COBB COUNTY ZONING

**Applicant:** Chick-fil-A Inc.

(applicant's name printed)

**Phone #:** 404-885-3415

**Address:** 5200 Buffington Road, Atlanta, GA

**E-Mail:** David.Kirk@troutman.com

David Kirk, Troutman Pepper Hamilton Sanders **Address:** 600 Peachtree Street, Suite 3000, Atlanta, GA 30308

(representative's name, printed)

**Phone #:** 404-885-3415

**E-Mail:** David.Kirk@troutman.com

(representative's signature)

Signed, sealed and delivered in presence of:

My commission expires: \_\_\_\_\_

Notary Public

**Titleholder(s) :** Galaxy Properties & Investment Inc.

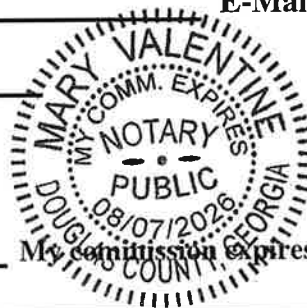
**Phone #:** 404-663-1177

(property owner's name printed)

**Address:** 522 Chapman Lane, Marietta, GA 30066

**E-Mail:** MILYASATL@GMAIL

*[Signature]*  
(Property owner's signature)



Signed, sealed and delivered in presence of:

*[Signature]*  
Notary Public

My commission expires: 08/07/2026

**Commission District:** 4

**Zoning Case:** Z-8-22

**Size of property in acres:** 3.8

**Original Date of Hearing:** 10/18/22

**Location:** Veterans Memorial Parkway and Hickory Trail

(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 165

**District(s):** 18

**State specifically the need or reason(s) for Other Business:** Chick-fil-a seeks to amend the prior zoning

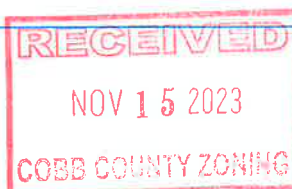
approval to allow for a drive-through restaurant and to allow for the encroachment of the proposed restaurant canopy into the

required 50 foot building setback. Chick-fil-a seeks to develop a restaurant with drive-through and related improvements on the

property.

(List or attach additional information if needed)

David C. Kirk  
david.kirk@troutman.com



November 14, 2023

**VIA HAND DELIVERY & EMAIL**

Mr. Terry Martin, AICP  
Cobb County Community Development  
Zoning Division  
1150 Powder Springs Street, Suite 400  
Marietta, Georgia 30064

**Re: Other Business Application: Veterans Memorial Highway & Hickory Trail**

Dear Mr. Martin:

On behalf of Chick-fil-A, Inc. ("Chick-fil-A"), I am pleased to provide for review and consideration by Cobb County this letter of intent and the accompanying application materials in support of the requested Other Business Application for the property located at the corner of Veterans Memorial Highway and Hickory Trail (Parcel ID: 8016500240) (the "Property"). Chick-fil-A seeks to develop the Property with a drive-through restaurant, associated parking, landscaping, and other site improvements. Included with this letter of intent are the following materials:

- A. A completed Other Business Application;
- B. A Site Plan;
- C. A copy of the O.B. 50 zoning stipulations;
- D. A copy of the paid tax receipt for the Property; and
- E. A check in the amount of \$350 for the application fee.

**Summary of the Proposed Project**

Chick-fil-A seeks approvals necessary to develop the 3.612-acre property located at the eastern corner of Hickory Trail and Veterans Memorial Highway, which is zoned Neighborhood Retail Commercial (NRC). Chick-fil-A proposes to develop the site to include a new, custom-designed restaurant containing approximately 5,800 square feet of gross floor area. The restaurant will include a two-lane drive-through facility, approximately 78 interior and 28 exterior seats,<sup>1</sup> 75 off-street parking spaces, and landscaping consistent with the Cobb County site development standards.

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<sup>1</sup> Note, seat counts are approximate and are subject to change.

---

### Other Business Requests

The Property is currently zoned NRC and is subject to a number of prior zoning stipulations adopted by the Cobb County Board of Commissioners on October 18, 2022 (O.B. 50), one of which prohibits fast food drive-through windows. Accordingly, Chick-fil-A seeks approval of the elimination of this zoning stipulation to allow for the proposed drive-through use on the Property.

In order to develop the existing site and ensure site safety and traffic efficiency, Chick-fil-A requests the approval of a variance to allow for the order canopy to encroach into the front yard setback. Chick-fil-A requests the reduction of the front yard building setback from 50 feet to 30 feet. Importantly, the primary restaurant building will be setback more than 50 feet from the front property line.

Pursuant to Section 134-124(c) of the County's Ordinance, the Board of Commissioners shall evaluate these requests in light of the following standards.

**1. Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property.**

The proposed use is suitable in view of the surrounding and nearby uses along Veterans Memorial Highway. The Property is across Veterans Memorial Highway from a retail store and proximate to numerous retail and drive-through restaurant uses along the Veterans Memorial Highway commercial corridor. The Property directly adjoins property zoned General Commercial to the east, is across Hickory Trail from property zoned Light Industrial, across Veterans Memorial Highway from property zoned Neighborhood Retail Commercial, and adjoins an undeveloped parcel to the south zoned Residential 20. Given these surrounding commercial uses, the Chick-fil-A's proposed drive-through restaurant use is suitable in this location.

**2. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property.**

The proposed Chick-fil-A restaurant will not adversely affect any nearby properties. As noted above, the Property is surrounded by other commercially zoned and used properties and is located along Veterans Memorial Highway, a primary commercial corridor. The location of the proposed drive-through restaurant in this location will not limit the developability or usability of other properties proximate to the Property.

**3. Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities or schools.**

Chick-fil-A's proposed drive-through restaurant will not burden streets, transportation facilities, utilities, or schools. The site configuration and layout is designed to safely accommodate customers within the site and ensure efficient traffic circulation. The proposal will have no impact on schools.

**4. Whether the zoning proposal is in conformity with the policy and intent of the land use plan.**

The Property is classified as Neighborhood Activity Center pursuant to the County's 2023 Future Land Use Plan. According to the 2040 Comprehensive Plan, the Neighborhood Activity Center is intended to offer low density retail uses serving residents and businesses. The proposed one-story Chick-fil-A restaurant is consistent with the policy and intent of the Neighborhood Activity Center character area.

**5. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal.**

Chick-fil-A requests approval of the proposed zoning request given the Property's location along the Veterans Memorial Highway commercial corridor. The proposed use is consistent with nearby and adjacent uses and appropriate for the proposed location.

**Summary and Conclusion**

I believe this letter of intent, together with the accompanying application and supporting documents, provide all the information required by the County to review and evaluate this request. If there are other materials or information you believe would be helpful to your review of this request, please do not hesitate to contact me. I look forward to our continued cooperative efforts on this important matter.

Yours very truly,



David C. Kirk  
Attorney for Chick-fil-A

**RECEIVED**  
**NOV 15 2023**  
**COBB COUNTY ZONING**



**CHICK-FILA, INC.**  
 5200 BUFFINGTON ROAD  
 ATLANTA, GA 30349-2998

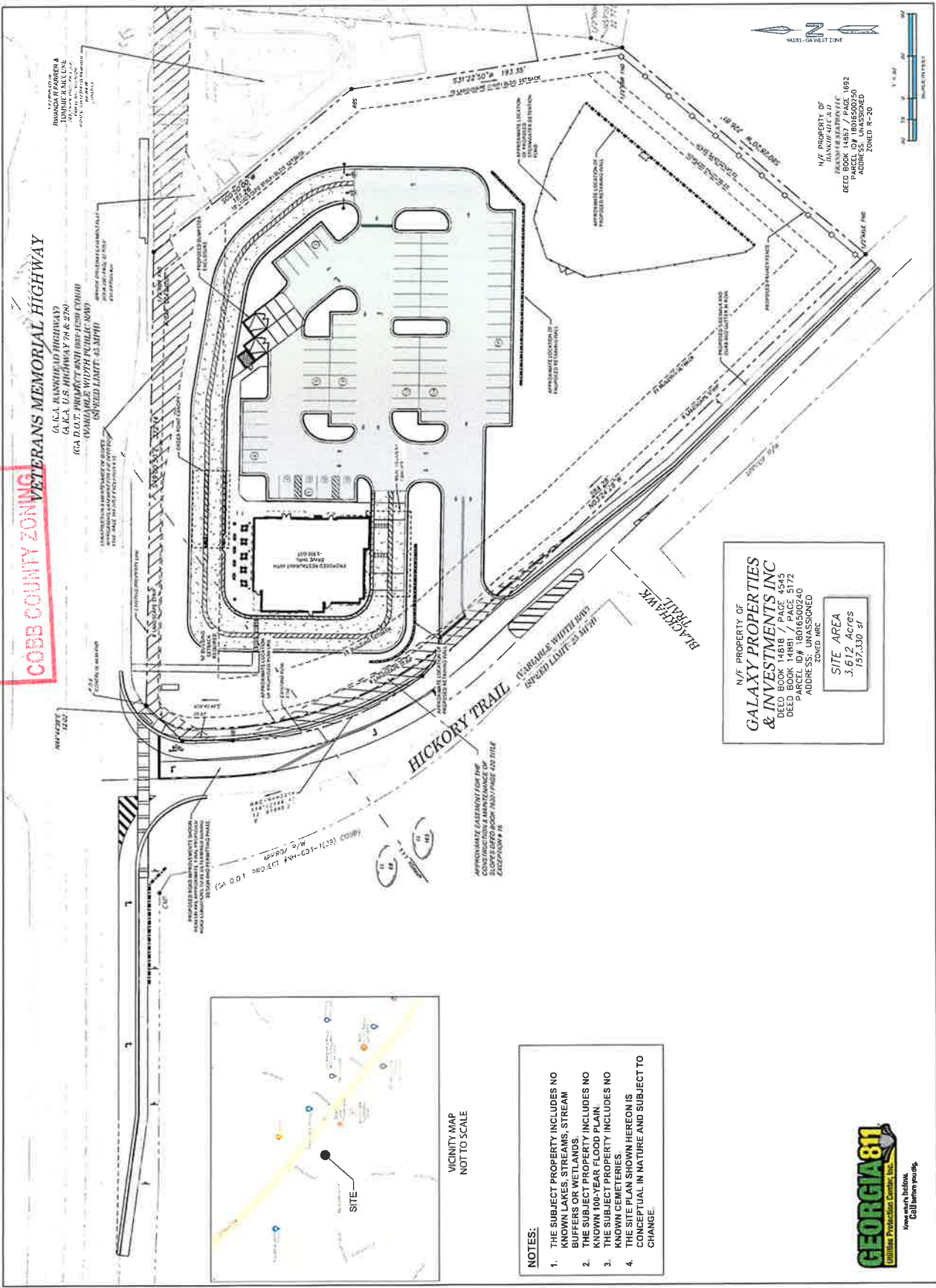
**FORESTITE**  
 11775 N. 114th Ave  
 Suite 100  
 Plymouth, MN 55442

**CHICK-FILA**  
**VETERANS MEMORIAL & HICKORY TRAIL ESU**  
**SEC VETERANS MEMORIAL & HICKORY TRAIL**  
 MABLETON, GA 30128  
 PARCEL # 18016500240

PROJECT	
DATE	
PREPARED BY	
SCALE	
PROJECT NO.	
DATE	
APPROVED BY	
DATE	
SCALE	
PROJECT NO.	

PROJECT NO.	
DATE	
APPROVED BY	
DATE	
SCALE	
PROJECT NO.	

**OTHER BUSINESS PLAN**  
**1 OF 1**  
 397.031



**VETERANS MEMORIAL HIGHWAY**  
 G.A. (A. HANSHHEAD HIGHWAY)  
 G.A. (A. U.S. HIGHWAY 78 & 270)  
 (GA. 100) (GA. 100) (GA. 100) (GA. 100)  
 (GA. 100) (GA. 100) (GA. 100) (GA. 100)  
 SPEED LIMIT: 35 MPH

**HICKORY TRAIL**  
 VARIABLE WIDTH DOW  
 SPEED LIMIT: 25 MPH

**BLACKHAWK TRAIL**

N/F PROPERTY OF  
**GALAXY PROPERTIES & INVESTMENTS INC**  
 DEED BOOK 14818 / PAGE 4343  
 DEED BOOK 14818 / PAGE 4343  
 DEED BOOK 14818 / PAGE 4343  
 ADDRESS: UNASSIGNED  
 ZONED: MRC  
**SITE AREA**  
 3.612 ACRES  
 157,330 SF



VICINITY MAP  
 NOT TO SCALE

- NOTES:**
1. THE SUBJECT PROPERTY INCLUDES NO KNOWN LAKES, STREAMS, STREAM BEDS, OR OTHER WATER BODIES.
  2. THE SUBJECT PROPERTY INCLUDES NO KNOWN 100-YEAR FLOOD PLAIN.
  3. THE SUBJECT PROPERTY INCLUDES NO KNOWN CEMETERIES.
  4. THE SITE PLAN SHOWN HEREON IS CONCEPTUAL IN NATURE AND SUBJECT TO CHANGE.







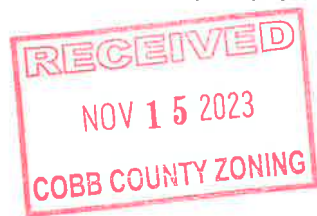
Printed: 10/26/2023

### Cobb County Online Tax Receipt

Thank you for your payment!

**CARLA JACKSON** TAX COMMISSIONER  
**HEATHER WALKER** CHIEF DEPUTY  
Phone: 770-528-8600  
Fax: 770-528-8679

Payer:  
Mohammed Ilyas



**GALAXY PROPERTIES & INVESTMENT INC**

**Payment Date: 9/20/2023**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due
2023	18016500240	10/15/2023	Pay: N/A or	\$0.00

Interest	Penalty	Fees	Total Due	Amount Paid	Balance
\$0.00	\$0.00	\$0.00	\$0.00	\$7,205.13	\$0.00



Scan this code with your mobile phone to view this bill!

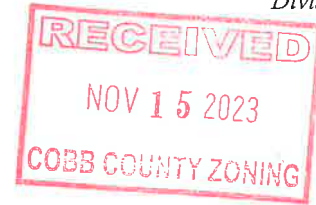




# COBB COUNTY COMMUNITY DEVELOPMENT AGENCY

John P. Pederson, AICP  
Division Manager

Zoning Division  
P.O. Box 649  
Marietta, Georgia 30061  
(770) 528-2035 • fax: (770) 528-2003



## Site Plan Review

Date: 04/13/2023 Time: ePlan  
Project: CFA Veterans Pkwy & Number: SPR-2023-00146  
Hickory Trail Rd

## Zoning Division Comments

1. Project is subject to conditions of past case **Other Business #50** of October 18,

2022 including, but not limited to:

a. Letter from Garvis L. Sams, Jr. dated August 16, 2022 including, but

not limited to:

i. (Page 3, Item #6 u.) Relative to prohibited uses including fast food drive-thru windows; *property would require subsequent Other Business submittal to modify condition or, perhaps, full rezoning application if other conditions are desired to be addressed*

2. Please contact Terry Martin, Planner 3, with any questions at 770-528-2055 or [terry.martin@cobbcounty.org](mailto:terry.martin@cobbcounty.org).

Not eligible for One-Stop Conference.  
TM

MINUTES OF ZONING HEARING  
COBB COUNTY BOARD OF COMMISSIONERS  
OCTOBER 18, 2022  
PAGE 15

OTHER BUSINESS (CONT.)

**O.B. 50** To consider a settlement of litigation for Galaxy Properties & Investment, Inc. regarding rezoning application Z-8 of 2022 in land lots 68 and 165 of the 18<sup>th</sup> district. The property is located on the east side of Hickory Trail, and on the southwest side of Veterans Memorial Highway.

The public hearing was opened, and Garvis L. Sams, Jr. addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Sheffield, second by Birrell, to approve O.B. 50.

VOTE: **ADOPTED** 5-0

*Following the vote, discussion ensued, and Chairwoman Cupid made a motion to reconsider the previous motion. Commissioner Sheffield made a new motion to include stipulations that were to be part of the Other Business Item.*

MOTION: MOTION by Cupid, second by Richardson, to reconsider the previous motion for O.B. 50.

VOTE: **ADOPTED** 5-0

MOTION: Motion by Sheffield, second by Birrell, to approve O.B. 50, subject to:

1. Letter from Garvis L. Sams, Jr. dated August 16, 2022 (attached and made a part of these minutes)
2. Stormwater Management Division comments and recommendations contained in the original Z-8 (2022) Zoning Analysis (attached and made a part of these minutes)
3. Department of Transportation (DOT) comments and recommendations contained in the original Z-8 (2022) Zoning Analysis (attached and made a part of these minutes)
4. Fire Department comments and recommendations contained in the original Z-8 (2022) Zoning Analysis (attached and made a part of these minutes)

VOTE: **ADOPTED** 5-0

**O.B. 52** To consider a stipulation and site plan amendment for Hal Wilkins regarding rezoning application Z-61 of 2002 for property located on the west side of Hillside Green Way, west of Corner Road, in land lots 214 and 231 of the 19<sup>th</sup> district (1178 Hillside Green Way).

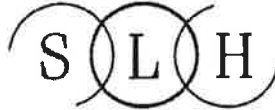
The public hearing was opened, and Hal Wilkins addressed the Board. Following the presentation and discussion, the following motion was made:

MOTION: Motion by Gambrill, second by Richardson, to deny O.B. 52.

VOTE: **ADOPTED** 4-1, Sheffield opposed

Min. Bk. 96 Petition No. O.B.50  
Doc. Type Letter

Meeting Date 10-18-2022



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

**SAMS, LARKIN & HUFF**  
A LIMITED LIABILITY PARTNERSHIP  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064-3448

770-422-7016  
TELEPHONE  
770-426-6583  
FACSIMILE

August 16, 2022

**(PROPOSED SETTLEMENT OF LITIGATION  
PURSUANT TO MEDIATION BETWEEN THE PARTIES & COUNSEL)**

**VIA EMAIL:**

Brian Scott Johnson, Senior Associate County Attorney, Esq.  
100 Cherokee Street, Suite 595  
Marietta, GA 30090

Re: Galaxy Properties & Investment, Inc., et al. v. Cobb County, Georgia, et al.;  
Cobb Superior Court Civil Action File No. 221-01780-68

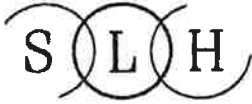
Application of Streamline Development Partners ("Galaxy Properties &  
Investment, Inc.") to Rezone a 3.804 Acre Tract from Conditional NRC (School  
Use Only) to NRC (No. Z-8 [2022])

Dear Brian:

As you know, this firm represents Galaxy Properties & Investment, Inc. ("Galaxy") regarding the above-captioned litigation and the underlying rezoning from which the litigation emanates from a denial of the rezoning. The above-case was tentatively settled by the District Commissioner at a mandatory Mediation Conference which occurred on July 28, 2022.

With respect to the foregoing, it is my understanding from our discussions, that this matter will ultimately take the form of an "Other Business Application" if the Board of Commissioners ("BOC") in Executive Session ratify the tentative Agreement reached through Mediation.

It is my understanding that this matter will be discussed within the context of an Executive Session on August 22, 2022. In that regard, the submission of this letter (which embodies the tentative agreement reached through Mediation) is being sent to and received by you in a timely fashion in order to constitute an "Agenda Item" for that BOC Executive Session wherein the BOC can discuss personnel matters, the potential acquisition or sale of real estate and/or cases in litigation.



Petition No. 0.8.50  
Meeting Date 10-18-2022  
Continued

**VIA EMAIL:**

Brian Johnson, Senior Associate County Attorney, Esq.  
August 16, 2022  
Page 2

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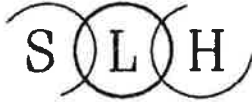
The property at issue ("Subject Property") consists of an approximate 3.804 acre tract of land which is located on the south side of Veterans Memorial Highway ("VMH") and the east side of Hickory Trail. The Subject Property is within an area denominated as a Neighborhood Activity Center ("NAC") under Cobb County's Future Land Use Map ("FLUM") which contemplates the type of uses proposed by Galaxy.

The Subject Property was originally rezoned as a part of a 16.05 acre assemblage which formed the underlying subject matter of an Application for Rezoning (No. Z-71 [2016]) and a Special Land Use Permit (SLUP No. 10 [2016]) which were collectively approved by the Board of Commissioners on August 16, 2016. However, the granting of the Rezoning and SLUP were exclusively and specifically for the purposes of the construction and development of a private school and attendant campus, including a building 96,495 square feet in size with associated parking, outside classroom areas, sports fields, et. al. The private school never closed on nor did it purchase the assembled properties and the Rezoning did not include any type of "reversionary" language.

Since the action taken by the BOC in 2016, the Subject Property has lain idle and undeveloped. Although, in July of 2021, a Rezoning Application seeking to develop 1.1 acres of the Subject Property for a retail auto parts and supply company was "Withdrawn Without Prejudice" (No. Z-47 [2021]). In the original and in the subsequent rezoning/entitlement process, Galaxy requested a rezoning for the purposes of the construction, buildout and development of a restaurant and/or retail uses analogous to those uses discussed during the pendency of the Application for Rezoning and for an AutoZone store with co-utilization of a single point of ingress/egress. The professional staff in both the Planning and Zoning Divisions of the Community Development Agency of Cobb County, recommended that the application be approved; however, it was not approved and was, in fact, denied in its totality.

As one of the required components of litigation, the parties and counsel scheduled a mediation and agreed upon a mediator wherein the case was tentatively settled as mentioned above subject to the following stipulations which shall become conditions and a part of the grant of the Other Business Application/Settlement of Litigation and which shall be binding upon the Subject Property thereafter. The referenced Settlement of Litigation Stipulations are as follows, to wit:

1. The stipulations and conditions set forth within the body of this proposed Settlement of Litigation shall replace and supersede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the Subject Property which constitutes the subject matter of the above-captioned Application.



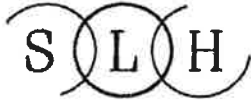
Petition No. O.B. 50  
Meeting Date 10-18-2022  
Continued

**VIA EMAIL:**

Brian Johnson, Senior Associate County Attorney, Esq.  
August 16, 2022  
Page 3

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2. The settlement reached between the parties, by and through Counsel, anticipates the development of the Subject Property under the Neighborhood Retail Commercial ("NRC") zoning district for all permitted uses thereunder except for those which are hereinafter expressly and conditionally set out.
3. The architectural style and composition of the buildings shall be consistent with the Mableton Parkway and VMH Design Guideline, adopted by Cobb County in 2017. With respect to architectural considerations and constructions, as well as final approval of a Revised Site Plan, which shall be subject to review and ultimate approval by the District Commissioner.
4. The proposed operating hours for the permitted uses under the NRC zoning district, except for those hereinafter expressly prohibited, shall be from 7:00 a.m. until Midnight, Monday through Saturday and on Sundays from 9:00 a.m. until 10:00 p.m.
5. Construction hours concerning the development of the buildings and related infrastructure on the Subject Property shall be from 8:00 a.m. until 6:00 p.m., Monday – Friday; from 9:00 a.m. until 4:00 p.m. on Saturdays; and, there shall be no construction on the Subject Property on Sundays.
6. The following otherwise permitted uses under the NRC district shall be expressly and conditionally prohibited, as follows, to wit:
  - a. Automotive or truck sales or rentals.
  - b. Full-service gas stations.
  - c. Automotive paint and/or body repair shops.
  - d. Billiards and/or pool halls.
  - e. Bus stations.
  - f. Recycling collection locations.
  - g. Pain clinics and/or pain management clinics.
  - h. Rest homes, personal care homes.
  - i. Rooming homes or boardinghouses.



Petition No. 0.8.50  
Meeting Date 10-18-2022  
Continued

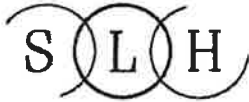
**VIA EMAIL:**

Brian Johnson, Senior Associate County Attorney, Esq.  
August 16, 2022  
Page 4

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- j. Self-service laundry facilities.
- k. Sale of adult-themed books, magazines or materials.
- l. Gaming arcade machines except those associated with legally-sanctioned uses such as the Georgia Lottery.
- m. Pawn shops and check cashing establishments.
- n. Tattoo or body piercing parlors and any business which principally features sexually explicit products or drug related paraphernalia.
- o. The sale of knives, guns or weapons.
- p. Light automotive or any type of vehicular repair.
- q. Bail bondsmen's offices.
- r. Gold and precious metal sales.
- s. Flea markets.
- t. Vehicle inspections/emissions stations.
- u. Drive-thru window (subject to determination to be made by the District Commissioner between "fast-casual and fast-food").
- v. Liquor stores.

In addition to the foregoing, the Subject Property shall be "Deed Restricted" in order to prohibit any type of business enterprise which includes the sale, storage, maintenance, supply, merchandizing of vehicular related businesses of any kind whatsoever for the maximum term allowed by law; embodied in a document reflecting same; and, recorded as a part of the Deed Records of the Superior Court of Cobb County which shall be submitted to said Deed Records within forty-five (45) days of the approval of this Settlement of Litigation and/or Other Business Application; and which will "run" with the Subject Property's chain of title.



Petition No. 08.50  
Meeting Date 10-18-2022  
Continued

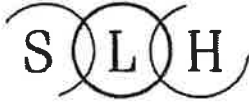
**VIA EMAIL:**

Brian Johnson, Senior Associate County Attorney, Esq.  
August 16, 2022  
Page 5

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Within five (5) days subsequent to the recordation of the deed restrictions as aforementioned, Galaxy shall cause to be filed a Dismissal of its litigation against Cobb County, et al.

7. Signage shall be ground-based, monument-style and consistent with provisions of the Cobb County Sign Ordinance and Design Guidelines adopted by the County in 2017. Additionally, there shall be identification signage on the buildings as allowed by Code. The entrance signage shall be incorporated into the Landscape Plan for the Subject Property with the entrance area being landscaped, lighted and irrigated.
8. The submission of a Landscape Plan during the Plan Review Process which shall be subject to review and approval by the County Arborist and final review and approval by the District Commissioner.
9. Compliance with recommendations from the Cobb County Department of Transportation, as follows:
  - a. Deceleration lane location will be determined during the Plan Review process, with the final location of the point of ingress/egress being approved by GDOT.
  - b. The installation of a striped "bulb-out" island to separate the proposed development drive with the existing deceleration lane for the adjacent development to the east.
  - c. Replacing any curb, gutter and/or sidewalk along VMH frontage which may be disturbed during construction and build-out and the installation of curb, gutter and sidewalk on Hickory Trail to the extent that such extends parallel to the stormwater pond as shown on the site plan.
  - d. All work permitted in the right-of-way of VMH to be approved by GDOT.
10. Compliance with directives from the Cobb County Fire Marshal's Office regarding Life, Safety and Fire Prevention issues, including the following:
  - a. Compliance with International Fire Code ("IFC No. 510").
  - b. Ensuring internal maneuverability and accessibility within the site for purposes of Fire and Public Safety vehicles and related firefighting apparatus.



Petition No. 0.B.30  
Meeting Date 10-18-2022  
Continued

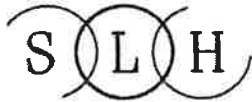
**VIA EMAIL:**

Brian Johnson, Senior Associate County Attorney, Esq.  
August 16, 2022  
Page 6

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- c. All construction and employee vehicles and equipment shall work from and remain on the site during the construction and build-out of the project infrastructure and there shall be no parking of such vehicles allowed on any of the adjacent public rights-of-way during the construction and build-out of the Subject Property.
  - d. The buildings shall be protected with Fire Sprinkler Systems if determined to be necessary during the Plan Review Process.
11. The submission of a photometric plan which shall include details regarding the utilization and lighting of the site and the inclusion of low-intensity, environmental type lighting, the illumination of which shall be contained within the Subject Property. Security lighting in the form of wall-packs with full cutoff shields shall be allowed for security purposes around and/or on the buildings.
12. Subject to recommendations from the Stormwater Management Division with respect to detention, hydrology, stormwater management, water quality and downstream considerations. This stipulation includes recommendations regarding the ultimate location and configuration of on-site detention and water quality.
13. The District Commissioner shall have the authority to approve minor modifications as this 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 to 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 location to different roadways.
  - e. Seek Variances to provisions of the Cobb County Zoning Ordinance.





Petition No. O.B. 50  
Meeting Date 10-18-2022  
Continued

**VIA EMAIL:**

Brian Johnson, Senior Associate County Attorney, Esq.  
August 16, 2022  
Page 7

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The above and foregoing stipulations/conditions embody the tentative settlement reached between the parties and counsel subject to review/approval and/or ratification by the BOC in Executive Session. Thereafter, the application will proceed as an "Other Business Application ("OB") and scheduled as directed by the County Attorney and the Zoning Division Manager of the Community Development Agency.

Please do not hesitate to contact me should you have any questions or need any additional information or documentation prior to presenting this to the BOC for the purposes of it being heard, considered and discussed at the Executive Session Meeting of the BOC on August 22, 2022.

With kind personal regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

A handwritten signature in black ink, appearing to read "Garvis L. Sams, Jr.", is enclosed within a hand-drawn oval. The signature is fluid and cursive.

Garvis L. Sams, Jr.  
[gsams@samslarkinhuff.com](mailto:gsams@samslarkinhuff.com)

GLS, Jr./dls

cc: Members, Cobb County Board of Commissioners (via email)  
Dr. Jackie McMorris, County Manager (via email)  
Board of Commissioners Assistants (via email)  
Ms. Jessica Guinn, AICP, Director (via email)  
Mr. John Pederson, AICP, Zoning Division Manager (via email)  
Ms. Jeannie Peyton, Senior Planner (via email)  
Ms. Pamela Mabry, County Clerk (via email)  
Ms. Robin Stone, Deputy County Clerk (via email)  
Ms. Leila Washington, Deputy County Clerk (via email)  
Mr. Jeffrey L. Byrd, Fire Marshal's Office (via email)  
Ms. Amy Diaz, P.E., Cobb DOT (via email)  
Mr. Carl Carver, P.E., Stormwater Management Division (via email)  
Mr. Tim Davidson, Plan Review Engineer, Water System (via email)  
Mr. Mohammed Ilyas (via email)

## Z-08-2022 DEPARTMENT COMMENTS – Stormwater Management

12/29/2021

Min. Bl. 96 Petition No. O.B.50  
Disc. Type Stormwater Management comments  
and recommendations from Z-8 (2022) Zoning  
Meeting Date 10-18-2022 Analysis

### Project Information

1. Address: Veterans Memorial Parkway
2. District: 4
3. Existing Zoning: NRC Existing Allowable Impervious Coverage: 70%
4. Proposed Zoning: NRC Allowable Future Impervious Coverage: 70%

### Site Data

1. Flood Damage Prevention Designated Flood Hazard: No
2. Drainage Basin: Liberty Hill Branch
3. State Stream Buffers: No
4. County Stream Buffer Ordinance: No
5. Wetlands: No

### Comments and Recommendations

*These comments and recommendations are typically required at the time of plan review and permitting.*

1. Stormwater discharges must be controlled not to exceed the existing capacity of the downstream storm drainage system including drainage swales and roadside ditches.
2. Substantially mitigate any effects of concentrated stormwater discharges onto adjacent properties. Level spreaders may be required to disburse the stormwater discharge.
3. Developer must secure drainage easement(s) to receive concentrated discharges where none naturally exist downstream.
4. Stormwater discharges through an established residential neighborhood downstream.
5. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s). Including hydrologic routing through the downstream detention pond or lake.
6. At the time of plan review and permitting provide comprehensive hydrology/stormwater controls to include development of out-parcels.
7. Any spring activity discovered must be addressed by a qualified registered geotechnical professional engineer (PE) at the expense of the owner/developer.
8. Structural fill must be placed under the direction of a qualified registered geotechnical engineer (PE) at the expense of the owner/developer.
9. At the time of plan review calculate and provide percentage of impervious coverage for the project site. Impervious calculations for residential subdivision design shall be based the maximum allowable percentage per the zoning category plus additional impervious areas including but not limited to roads, sidewalks and amenity areas.

**Z-08-2022 DEPARTMENT COMMENTS – Stormwater Management**

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(continued)

10. The proposed onsite storm drain system and stormwater management facility is considered private. All annual inspections, maintenance and repairs are the responsibility of the property owner. A stormwater facility maintenance agreement and access easement will be required at the time of the land disturbance permit with the Cobb County Stormwater Management Division.
11. As of January 1, 2021, Stormwater Runoff Reduction is required per the Georgia Stormwater Management Manual (GSMM); unless it is determined to be infeasible during plan review. If it is determined to be infeasible additional water quality designs will be required in accordance with the GSMM.
12. At the time of plan review all Erosion Control Best Management Practices (BMP's) shall be designed in accordance with the "Manual for Erosion and Sediment Control in Georgia".

**Z-8-2022**

**DEPARTMENT COMMENTS - DOT**

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Veterans Memorial Highway	Arterial	45	Georgia DOT	100'
Hickory Trail	Local	25	Cobb County	50'

Roadway	Location	Average daily trips	Level of service
Veterans Memorial Highway	West of Pilot Mountain Way	24,400	C
Hickory Trail	NA	NA	NA

*Based on 2019 AADT counting data taken by GDOT, as published on their website, for Veterans Memorial Highway. Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial roads from this data source. LOS C or D is acceptable based on GDOT Design Policy Manual criteria.*

**Comments and observations**

Veterans Memorial Highway is classified as an arterial road and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Hickory Trail is classified as a local road and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

**Recommendations**

1. Recommend GDOT permits for all work that encroaches upon State right-of-way.
2. As necessitated by this development, recommend Veterans Memorial Highway access to include deceleration lane. A deceleration lane is shown on the site plan received December 3, 2021. Recommend final location and design be determined during plan review, subject to GDOT and Cobb DOT approvals.
3. Recommend applicant verify that minimum intersection sight distance is available for the Veterans Memorial Drive driveway, and if it is not, implement remedial measures, subject to the Department and GDOT's approval, to achieve the minimum requirement of 630'.
4. Recommend applicant verify that minimum intersection sight distance is available for the Hickory Trail driveway, and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirement of 280'.

**Z-8-2022**

**DEPARTMENT COMMENTS - DOT**

(continued)

5. Recommend installation of a striped bulb-out island to separate proposed development drive with existing deceleration lane for the adjacent development to the east. Recommend final location and design be determined during plan review, subject to GDOT and Cobb DOT approvals.
6. Recommend replacing disturbed curb, gutter, and sidewalk along the Veterans Memorial Highway frontage.
7. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Min. Bk. 96 Petition No. O.B.S.O  
Doc. Type Fire Dept comments and recommendations  
from Z-B (2022) Zoning Analysis  
Meeting Date 10-18-2022

**Z-08-2022**

**DEPARTMENT COMMENTS – Fire Department**

12/15/21

CCFMO is acceptable to the proposed zoning case as presented. A full review will be conducted when a full set of plans are submitted

Approval based on Professional Engineer-stamped plans that signify overall plan conformance to all Georgia State and Cobb County Codes. Design Professional and Developer maintain the sole responsibility for the design and for correcting all errors, omissions, problems, and code violations (if any) exposed during construction AFTER authorization by Cobb County.

**IFC 510- EMERGENCY RESPONDER RADIO COVERAGE:**

New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This serves as an early notification to owners and developers for budgeting purposes.

**FIRE DEPARTMENT ACCESS:**

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2018 Edition and Cobb County Development Standards 402.11).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches. (Cobb County Development Standards 402.11)

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

~~Z-08-2021~~ <sup>2022 DP</sup> DEPARTMENT COMMENTS – Fire Department.

(continued)

**SPECIFIC FIRE DEPARTMENT ACCESS (INTERNATIONAL FIRE CODE APPENDIX D):**

Aerial apparatus access shall be required for all structures over 30 feet in height measured from the lowest level of fire department access to the ceiling height of the highest occupied floor level. Aerial fire apparatus access roads shall be a minimum width of 24 feet maximum of 40 feet from the structure and be positioned parallel to one entire side of the building. No overhead utility and power lines shall be located within the aerial fire apparatus access. (Cobb County Development Standards 401.8.2.1)

**COMMERCIAL AND INDUSTRIAL DEVELOPMENTS**

**D104.1 Buildings exceeding three stories or 30 ft in height.** A minimum of two remote means of fire department access roads must be provided

**D104.2 Buildings exceeding 62,000 square feet in area.** A minimum of two remote means of fire department access roads must be provided

**Exception:** Buildings not exceeding 124,000 sq ft and protected with an approved automatic sprinkler system a single fire department access road is permitted

**D104.3 Remoteness.** Where two fire department access road are required, they must be placed a distance apart equal to not less than one half the length of the maximum overall diagonal dimension of the lot or area to be served

**MULTIPLE-FAMILY RESIDENTIAL DEVELOPMENTS**

**D106.1 Projects having more than 100 dwelling units.**

Multiple-family residential projects having more than 100 dwelling units shall be equipped throughout with two separate and approved fire apparatus access roads.

**Exception:** Projects having up to 200 dwelling units may have a single approved fire apparatus access road when all buildings, including nonresidential occupancies, are equipped throughout with approved automatic sprinkler systems installed in accordance with Section 903.3.1.1 or 903.3.1.2

**CERTIFICATE OF OCCUPANCY:**

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

**2022 RJP**  
**Z-08-2021 DEPARTMENT COMMENTS – Fire Department**

(continued)

**FIRE HYDRANT:**

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 the fire apparatus access road. (Cobb County Development Standards 410.5.2)

**SECTION D103**

**MINIMUM SPECIFICATIONS**

**D103.1 Access road width with a hydrant.**

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

**FIRE PROTECTION:**

Automatic sprinkler protection must be provided where mandated by the applicable codes.

**Josh Davis**

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