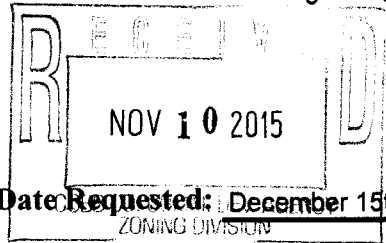


OB-056-2015

Application for "Other Business" Cobb County, Georgia

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



BOC Hearing Date Requested: December 15th, 2015

Applicant: QuikTrip Corporation Phone #: 770-325-6721
(applicant's name printed)

Address: 952 Old Peachtree Road NW, Lawrenceville, GA 30043 E-Mail: jdbern@quiktrip.com

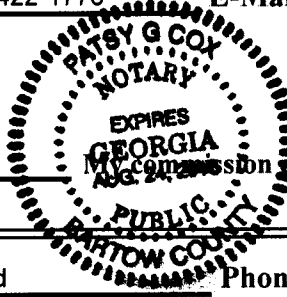
C/O Richard W. Calhoun, Esq. Address: 49 Atlanta Street, Marietta, GA 30060

(representative's name, printed)

Richard W. Calhoun Phone #: 770-422-1776 E-Mail: rcalhoun@gregorydoylefirm.com
(representative's signature)

Signed, sealed and delivered in presence of:

Patsy G. Cox
Notary Public



My commission expires: Aug 24, 2018

Titleholder(s): Rahman Dadashi & see attached Phone #: _____
(property owner's name printed)

Address: _____ E-Mail: _____

See attached addendum
(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: _____

Commission District: 2 **Zoning Case:** Z-73

Date of Zoning Decision: August 18, 2015 **Original Date of Hearing:** August 18th, 2015

Location: 3110 Roswell Road and 1148 Old Canton Road, Marietta, Ga 30068
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 963 **District(s):** 16th

State specifically the need or reason(s) for Other Business: Delete condition requiring speed bump installation on subject property.

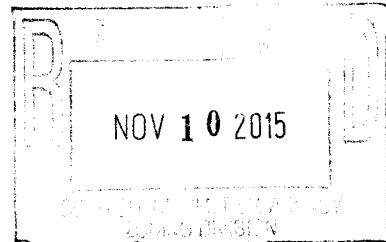
Delete condition requiring connection of detention pond drainage pipe to nearby headwall. (Condition six in August 12 2015 letter of agreeable conditions).

(List or attach additional information if needed)

Application for "Other Business" Cobb County, Georgia

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

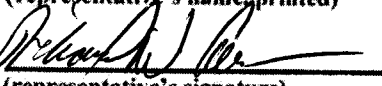
BOC Hearing Date Requested: December 15th, 2015



Applicant: QuikTrip Corporation Phone #: 770-325-6721
(applicant's name printed)

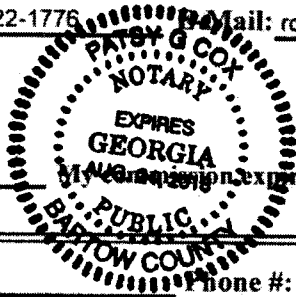
Address: 952 Old Peachtree Road NW, Lawrenceville, GA 30043 E-Mail: jdbern@quiktrip.com

C/O Richard W. Calhoun, Esq. Address: 49 Atlanta Street, Marietta, GA 30060
(representative's name, printed)

 Phone #: 770-422-1776 E-Mail: rcalhoun@gregorydoylefirm.com
(representative's signature)

Signed, sealed and delivered in presence of:

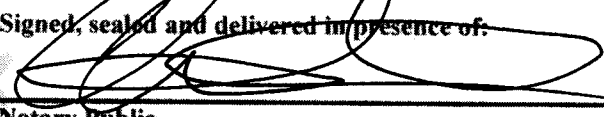
Notary Public My commission expires: Aug. 24, 2018

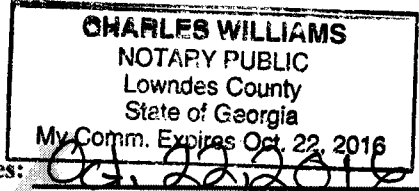


Titleholder(s): Rahman Dadashi Phone #: 615-397-4507
(property owner's name printed)

Address: 1148 Old Canton Rd Marietta, GA 30068 E-Mail: dadashirahman@gmail.com


(Property owner's signature)

Signed, sealed and delivered in presence of:

Notary Public My commission expires: Oct. 22, 2016



Commission District: 2 **Zoning Case:** Z-73

Date of Zoning Decision: August 18, 2015 **Original Date of Hearing:** August 18th, 2015

Location: 3110 Roswell Road and 1148 Old Canton Road, Marietta, Ga 30068
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 963 **District(s):** 16th

State specifically the need or reason(s) for Other Business: Delete condition requiring speed bump installation on subject property.

Delete condition requiring connection of detention pond drainage pipe to nearby headwall. (Condition six in August 12 2015 letter of agreeable conditions).

(List or attach additional information if needed)

ADDENDUM TO APPLICATION FOR OTHER BUSINESS

Application No.: _____
Hearing Dates: _____
Planning Commission: _____
Board of Commissioners: _____


Applicant: QuikTrip Corporation

NOV 10 2015

Owners/Titleholders:

1. **8573/208** (1.41%) Mohammed A. Abed
2. **14844/5801**(2.82%) Abdulmalek Abdulhameed Oyouni, aka, Abdulmalek A. Oyouni, Trustee for the Abdumalek Abdulhameed Oyouni Under Revocable Living Trust dated September 10, 2010
3. **14844/5798**(2.82%) Ghassan Abdulhameed Oyouni, aka, Ghassan Abdulhameed A. Oyouni, Trustee for the Ghassan Abdulhameed A. Oyouni Under Revocable Living Trust dated April 1, 2009
4. **14844/5795**(2.82%) Alyaa Abdulhameed Oyouni, aka, Alyaa Abdulhameed A. Oyouni, Trustee for the Alyaa Abulhameed A. Oyouni Under Revocable Living Trust dated April 1,2009
5. **15113/3454**(5.64%) Ziad S. Magboul, Trustee of the Ziad S. Magboul Under Revocable Living Trust dated September 9, 2013
6. **15113/3452**(5.64%) Ahmed S. Magboul, Trustee of the Ahmed S. Magboul Under Revocable Living Trust dated September 9, 2013
7. **14676/262**(2.82%) Mohammed A. Alsalmi, Trustee for theBenefit of Mohammed A. Alsalmi Under Revocable Living Trust Agreement dated January 2,2009
8. **14676/266**(2.82%) Falak A.Y. Alawamlah, Trustee for the Benefit of Falak A.Y. Alawamlah Under Revocable Living Trust Agreement dated January 2, 2009
9. **14659/2428**(2.82%) Iqbal Mejjallid, Trustee for Benefit of Iqbal Mejjallid Under Revocable Living Trust Agreement dated December 31. 2007
10. **14791/3426**(2.82%) Mohammed Mejjallid, Trustee for the Benefit of Mohammed Mejjallid Under Revocable Living Trust Agreement dated August 20, 2009
11. **14675/3843**(11.28%) Ahmed A. Mejjallid, Trustee for the Benefit of Ahmed A. Mejjallid Under Revocable Living Trust Agreement dated November 11, 2008
12. **14679/6181**(11.28%) Abdullah Ahmed Mejjallid, Trustee for the Benefit of Abdullah Ahmed Mejjallid Under Irrevocable Living Trust dated May 30, 1990
13. **14659/2426**(12.70%) Abdullah A. Mejjallid, Trustee for the Benefit of Abdullah A.Mejjallid Under Revocable Living Trust Agreement dated July 1, 2008
14. **14659/2450**(3.64%) Afaf Nawab, Trustee for the Benefit of Afaf Nawab Under Revocable Living Trust Agreement dated January 1, 2008

15. **14930/2988(8.46%)** Sreen Jameel Zaini, Trustee for the Sreen Jameel Zaini Revocable Living Trust Agreement dated October 1, 2011
16. **14659/2466(3.64%)** Abdul Azeez Jameel Zaini, Trustee for Benefit of Abdul Azeez Jameel Zaini Under Revovable Living Trust Agreement dated January 1, 2008
17. **14659/2462(3.64%)** Sarah Jameel Zaini, Trustee for Benefit of Sarah Jameel Zaini Under Revocable Living Trust Agreement dated January 1, 2008
18. **14659/2458(3.64%)** Samar Jameel Zaini, Trustt for Benefit of Samar Jameel Zaini Under Revocable Living Trust Agreement dated January 1, 2008
19. **14659/2454(3.64%)** Hasan Jameel Zaini, Trustee for Benefit of Hasan Jameel Zaini Under Revocable Living Trust Agreement dated January 1, 2008
20. **15045/3919 (5.65%)** Robert L. Meyer, Trustee of the Robert L. Meyer Revocable Living Trust dated March 6, 2001

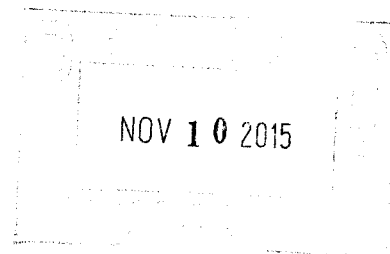
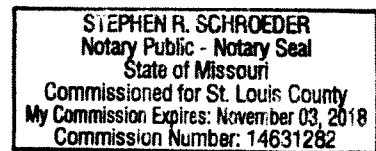
By: 
Robert L. Meyer, Attorney at Law and Agent
for all of the above titleholders.

Address: 477 Ridgecorde Pl.
St. Louis, Mo 63141

Telephone: (314) 432-8206

Signed, sealed and delivered this 3rd day
of Nov, 2015 in the presence of:


Notary Public
Commission Expires:



AFFIDAVIT

COMES NOW Robert L. Meyer, and being duly sworn on his oath, deposes and states as follows; to wit:

1. I am a duly licensed attorney, being a member of the Missouri Bar, Bar No. 16680.
2. That I am the attorney at law and agent for all the title holders which are described in detail in the Attachment to Application for "Other Business", a copy of which is attached hereto for reference, which property is occupied by Applicant, QuikTrip Corporation.
3. That I have the authority to execute the Attachment to the Application for "Other Business" for and on behalf of all the title holders named therein in detail, as their attorney at law and agent. I have represented all of said title holders for a period of time prior to their acquisition of the real estate and improvements and continuously thereafter through the present date, as their attorney at law and agent.

IN WITNESS WHEREOF, I have executed this instrument 3rd day of November, 2015.

NOV 10 2015



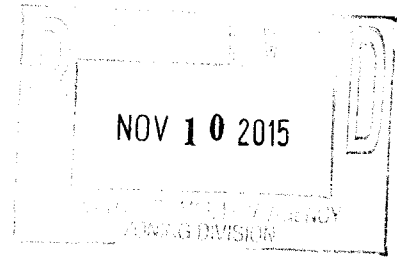
Robert L. Meyer

Signed, sealed and delivered this 3rd day
of Nov, 2015 in the presence of:



Notary Public
Commission Expires:

STEPHEN R. SCHROEDER
Notary Public - Notary Seal
State of Missouri
Commissioned for St. Louis County
My Commission Expires: November 03, 2018
Commission Number: 14631262



Jim Klun, Real Estate Manager
QuikTrip Corporation
952 Old Peachtree Rd.
Lawrenceville GA 30043

Subject: Cobb County Zoning Request Z-73 and Requirement for Speed Bumps

Dear Mr. Klun:

On behalf of Mitsy Forest Community Association, I am writing this letter to support the position of QuikTrip Corporation to remove the requirement imposed by the Board of Commissioners to install a minimum of two speed bumps at the rear of the store. This was not a request made by Mitsy Forest, and our position is that this will only add to the noise that will be created by the expansion of the current store. As you know, Mitsy Forest has been very concerned with mitigating the additional noise that will be generated by this expansion, and would prefer this not be aggravated by additional noise as vehicles drive over these speed bumps, even at a normal speed.

Sincerely,

A handwritten signature in cursive script that reads "Joseph F. Farrell".

Joseph F. Farrell
President, Mitsy Forest Community Association

MITSY FOREST COMMUNITY ASSOCIATION
BOARD OF DIRECTORS
1080 Mitsy Forest Drive • Marietta, GA 30068
Classified - Internal use

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 18, 2015
PAGE 13**

REGULAR AGENDA (CONT.)

Z-73 **QUIKTRIP CORPORATION** (Multiple Owners on File in the Zoning Division, owners) requesting Rezoning from NRC and **R-20** to NRC for the purpose of a Convenience Store with Self-Service Fuel Sales in Land Lot 963 of the 16th District. Located at the southeast intersection of Roswell Road and Old Canton Road (3110 Roswell Road and 1148 Old Canton Road).

The public hearing was opened and Mr. Richard W. Calhoun, Mr. Vince Owens, Mr. Greg Lege, and Ms. Jill Flamm addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Lee, to **approve** Z-73 to the NRC and **R-20** zoning categories, subject to:

- **Letter of agreeable conditions from Mr. Richard Calhoun dated August 12, 2015, including site plan, (attached and made a part of these minutes), with the following changes:**
 - **Item No. 2 – add to end: “All buffers, including 75’ on the eastern side and 50’ on the southern side will be zoned R-20.”**
 - **Item No. 5 – second paragraph, line 6 – strike: “Leyland Cypress”**
 - **Item No. 5 – add to end: “All landscape plans to be approved by the District Commissioner.”**
 - **Item No. 7 – strike third sentence**
 - **Item No. 8 – delete in its entirety and replace with: “A minimum of two speed bumps shall be installed to the rear of the store to be constructed on the Subject Property.”**
 - **Item No. 12 – revise fourth sentence to read: “Kitchen hours shall be from 6 a.m. to 10 p.m.”**
 - **Item No. 12 – strike third paragraph and replace with: “No drive through facility is being requested at this time, but should one be desired in the future, a request for same must come back before the Board of Commissioners as an Other Business Item for their consideration.”**
 - **Item No. 13 – first sentence – strike: “whenever possible”**
 - **Item No. 13 – revise last sentence to read: “... landscaping contract a provision requiring weekly scheduled removal of trash and litter from buffer area.”**
- **Add Item No. 20 – “Applicant shall install signage that clearly states ‘Cut Through Traffic Is Not Allowed’. Sign is to be placed at the second entrance on Old Canton Road.”**
- **Landscape Committee to consist of one member from Mitsy Forest, County Arborist, and one member from Community Development designated by the Director, with landscape plans to be approved by the District Commissioner**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
AUGUST 18, 2015
PAGE 14**

REGULAR AGENDA (CONT.)


Z-73 QUIKTRIP CORPORATION (CONT.)

- Cobb DOT comments and recommendations, *noting that the northern access to Old Canton Road be right-in only and a left turn lane for the southern access to Old Canton Road.*
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A. §36-71-13 for dedication of system improvements to mitigate traffic concerns

VOTE: ADOPTED unanimously

ADJOURNMENT

The meeting was adjourned at 11:46 a.m.



Robin L. Presley, Deputy County Clerk
Board of Commissioners



NOV 10 2015

770.422.1776 PHONE

770.426.6155 FAX

49 ATLANTA STREET
MARIETTA, GEORGIA 30060

WWW.GREGORYDOYLEFIRM.COM

Richard W. Calhoun
E-mail: rcalhoun@gregorydoylefirm.com

August 12, 2015

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

Re: **Revised Zoning Stipulation Letter- Z-73 (2015)**
Applicant: QuikTrip Corporation
Owners: Multiple owners as listed in rezoning application
Subject property: SE quadrant, Roswell Road and Old Canton Road

Dear John:

Our firm represents QuikTrip Corporation ("Applicant"), and the several owners of the Subject Property with reference to the above rezoning application. We submit the following as the Applicant's and Owners' proposed conditions of zoning for the property identified in said application (the "Subject Property").

Zoning & Variances

1. The following proposed zoning conditions supersede and replace any and all existing or prior zoning district classifications, conditions of zoning, easements, County departmental comments, recommendations, decisions or requirements applicable to the Subject Property.

2. The Subject Property shall be rezoned from its existing NRC and R-20 zoning district classifications to the NRC zoning district classification, subject to the attached preliminary site plan entitled QuikTrip No. 0749S, version 001 (the "Site Plan")¹.

Subject to the Site Plan, the areas delineated on said Site Plan as "75' Landscape Buffer" and "50' Landscape Buffer" shall be zoned to the R-20 zoning classification in order to serve as a boundary between the commercial zoning of the Subject Property and surrounding residentially zoned properties.

¹ Except for left turn lane at southernmost driveway, which Applicant does not believe is advisable.

Mr. John Penderson, AICP, Manager

Page 2

August 12, 2015

3. The Subject Property shall be entitled to such contemporaneous variances from existing zoning ordinances, regulations, and guidelines as may be necessary to permit its development and use pursuant to the Site Plan, specifically including without limitation:

(a) Variance from the 3000 sq. ft. maximum floor area limitation on the size of the building on the Subject Property. Applicant stipulates that the indoor retail customer use area shall not exceed 3,000 sq. ft.

Site Plan and Landscape Plan

4. Except as specifically modified herein, the construction and architecture of the proposed store to be located on the Subject Property shall be substantially in accordance with the attached elevation identified as Store# 843, dated June 29, 2015 (attached as Exhibit "A") and the attached site plan identified as QuikTrip #0749S" (attached as Exhibit "B")².

5. The Subject Property shall further be subject to the landscape plan attached as Exhibit "C", which shall be approved by the Cobb County arborist and district commissioner. Said landscape plan shall be distributed to the East Cobb Civic Association, Inc. for review prior to the hearing before the Board of Commissioners. Said plan shall include a vegetative screening or planting plan for the 50' buffer shown on the southern boundary of the Site Plan and the 75' buffer shown on the eastern boundary of the Site Plan.

Said landscape plan shall provide for increased buffering or screening to the east of the brick wall which currently exists on the Subject Property, and shall specify a minimum of 18 evergreens, a minimum of 8 feet in height at planting, to be planted in the area to the east of said wall. In addition, adjacent to the west side of said brick wall and opposite the rear of the building to be constructed on the Subject Property, Applicant shall plant either 6 Cryptomerias or 10 Leland Cypress, each a minimum of 8' tall at planting.

Said landscape plan shall also require enhanced vegetative screening of the proposed detention area, horizontal extension of the existing brick wall (at the same height as the existing brick wall) along the eastern border of the proposed detention area, and planting of a vegetated screening berm along the southern end of the proposed detention area. Said berm shall be a minimum of 4' in height and shall extend the full length (approximately 300') of said 50' buffer area. The interior of said detention area shall be planted with appropriate plant species. The detention area will be fenced with 6' high Ameristar decorative fencing and an appropriate size security gate. Any modular wall materials will be determined during plan review.

All landscaping shall be installed prior to the issuance of a final certificate of occupancy.

All plantings installed within the buffer areas will consist of evergreen shrubs and trees, except as indicated on said landscape plan. All such trees shall be in substantial conformity with the aforesaid landscape plan except as modified herein. All buffer plantings shall be maintained

² Except for left turn lane at southernmost driveway, which Applicant does not believe is advisable.

Mr. John Penderson, AICP, Manager
Page 3
August 12, 2015

by Applicant but shall not be required to be irrigated. All other plantings installed by Applicant shall be maintained and irrigated by Applicant. Any plantings installed by the Applicant which die within 2 years of installation shall be replaced with plantings of the same caliper or size as the original plantings.

Pursuant to the terms thereof, the existing Buffer Easement Agreement for the Subject Property recorded at Deed Book 8304, Page 219, Cobb County, Georgia records shall be deemed amended and modified. Prior to the issuance of a land disturbance permit for the Subject Property, Applicant shall execute and record upon the county deed records the Amended and Restated Buffer Easement Agreements attached hereto as Exhibit "D" in order to document said amendment and modification.

Drainage Improvements

6. Subject to written approval by Cobb County, and to the grant to Applicant of any necessary off site easements, Applicant shall extend the discharge pipe from its detention area to connect to the existing storm drain and headwall located at the eastern boundary of the Subject Property.

Traffic Control

7. The existing Old Canton Rd. driveway located closest to Roswell Rd. shall be reconfigured to a right in, right out only driveway. The southernmost driveway on Old Canton Road shall be full access. Applicant, however, respectfully disagrees with Cobb County Department of Transportation's recommendation of a left turn lane at said southernmost driveway.

8. A sign disallowing cut through traffic shall be posted near the southernmost entry to the Subject Property, and if, in sole opinion of Applicant, it is feasible to install speed bumps in order to discourage cut through traffic, a minimum of two speed bumps shall be installed to the rear of the store to be constructed on the Subject Property.

Lighting and Mechanical

9. Lighting on the Subject Property shall be recessed "dark sky" type directional LED down lighting facing inward onto the Subject Property. The "QT" logo on the fuel island canopy shall be internally lighted, however the white border on said canopy shall not be lighted. Roof top mechanical equipment shall be screened with a 90% opaque screen mesh.

10. There shall be no oil based cooking or mechanical venting of oil based cooking odors from the store located on the Subject Property.

Operations

11. No car wash facility shall be constructed on the Subject Property.

12. Alcohol sales shall be beer and wine package sales only. No fireworks or propane shall be sold. Only drinking water shall be stored at the exterior of customer entrances to the store. Kitchen hours shall be from 6 a.m. to 10 p.m., unless the hours are changed at all of the QT Kitchens in metro Atlanta.

Applicant shall not utilize exterior speakers or video displays for entertainment or advertising purposes. Any exterior speakers, video displays or touch screens shall be located only at fuel pumps and shall be used only for purposes of handicap assistance or for purchases of food or fuel.

Any future drive through window shall be permitted only upon approval by the Board of Commissioners as an "other business" zoning agenda item.

13. Except for Applicants' proprietary trucks delivering fresh foods (QuikTrip Distribution and QuikTrip Kitchens), no deliveries shall be scheduled prior to 6 a.m. or after 6 p.m. on any day, whenever possible. Idling of delivery vehicles shall be discouraged by posting a sign to this effect on the rear of the building to be constructed upon the Subject Property.

The dumpster at the Subject Property shall be equipped with a rubber lid, and sanitation pickup shall occur between 7 a.m. and 7 p.m. Monday-Saturday only. Applicant shall continue to exercise rodent control at the Subject Property and shall include in its landscaping contract a provision requiring regularly scheduled removal of trash and litter from buffer areas.

Construction Activity

14. Demolition or construction on the Subject Property shall occur from 7 a.m. to 4 p.m. Monday through Friday, 9 a.m. to 2 p.m. Saturdays, and not upon Sundays.

All construction and material delivery vehicles shall park on site only, and shall not "stack" vehicles in travel lanes adjacent to the Subject Property. A truck washing station will be provided on site during construction.

The residential structure located on the southern portion of the Subject Property shall be secured from unauthorized entry within 3 days of Applicant's taking possession, and shall be demolished and removed within 60 days of possession.

Representatives of The East Cobb Civic Association, Mitsy Forest Community Association, Inc., and Walton Glen HOA, Inc. shall be provided with contact information for QT's project manager for the Subject Property.

Mr. John Penderson, AICP, Manager

Page 5

August 12, 2015

Signage

15. Notwithstanding any Site Plan dimensions to the contrary, the monument signs to be located at the Old Canton Rd. frontage and Roswell Rd. frontage shall be the same height and in the same locations as the existing monument signs located on said road frontages, and shall feature brick bases matching the proposed convenience store building.

All signage, including temporary signage, shall comply with the Cobb County sign ordinance.

General

16. The District Commissioner shall have the authority to approve minor modifications to these stipulations and the site plan as the development proposal proceeds through the Plan Review process and thereafter. For purposes of this paragraph, any modifications that increase density; reduce the size or composition of an approved buffer or landscape strip to adjacent property; relocate a structure closer to a property line; or, increase the height of a building adjacent to property which are in direct contradiction to or conflict with the foregoing stipulations, will be subject to the public hearing process as an "Other Business" Application.

17. All setbacks and buffer areas may be penetrated for purposes of access, utilities, and stormwater management, including, but not limited to detention/retention facilities, drainage facilities, and any and all slopes or other required engineering features of the foregoing. Any disturbed setback or buffer areas shall be revegetated upon completion of any such construction.

18. Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as otherwise approved by the Board of Commissioners or by the Cobb County Department of Transportation or Community Development Agency.

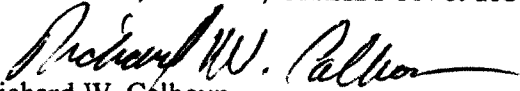
19. Should any conflicts arise between these stipulations and county ordinances or zoning requirements, except as modified herein the county zoning ordinances or requirements shall prevail.

As described herein, we believe this proposed facility will contribute to the surrounding area by replacing the existing store with a more modern facility. This application has received your departments' and the planning commission's favorable recommendation, and we respectfully request that it now be approved by the Board of Commissioners in conformity with the conditions contained herein.

Mr. John Penderson, AICP, Manager
Page 6
August 12, 2015

Yours very truly,

GREGORY, DOYLE, CALHOUN & ROGERS, LLC


Richard W. Calhoun
For the Firm

Enclosures

cc: Cobb County Planning Commission
Skip Gunther
Mike Terry
Christi Trombetti
Judy Williams
Galt Porter

Cobb County Board of Commissioners
Timothy Lee
Bob Ott
Jo Ann Birrell
Bob Weatherford
Lisa Cupid

QuikTrip Corporation

The East Cobb Civic Association