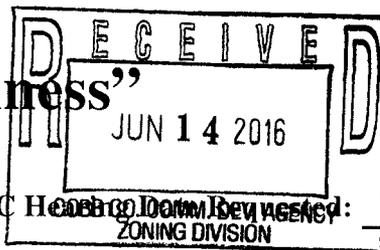


# Application for "Other Business" Cobb County, Georgia

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



OB-035-2016

BOC Hearing Form Requested:  
ZONING DIVISION

July 19, 2016

**Applicant:** RaceTrac Petroleum, Inc. **Phone #:** 229-221-9567  
(applicant's name printed)

**Address:** 3225 Cumberland Blvd., Suite 100, Atlanta, GA 30339 **E-Mail:** \_\_\_\_\_  
SAMS, LARKIN, HUFF & BALLI, LLP

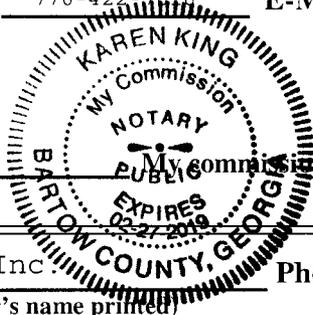
by: Parks F. Huff, Esq. **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064

(representative's name, printed)

[Signature] **Phone #:** 770-422-7016 **E-Mail:** phuff@slhb-law.com  
(representative's signature)

Signed, sealed and delivered in presence of:

Karen L King **My commission expires:** 2-27-19  
Notary Public



**Titleholder(s):** Mountainprize, Inc. **Phone #:** \_\_\_\_\_  
(property owner's name printed)

**Address:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

See Attached  
(Property owner's signature)

Signed, sealed and delivered in presence of:

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

**Commission District:** 4 (Cupid) **Zoning Case:** Z-21 of 2000

**Size of property in acres:** 1.77 **Original Date of Hearing:** February 17, 2000

**Location:** West side of Floyd Road, south side of Clay Road and east side of Old Floyd Road (5350 Floyd Road)  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 34 **District(s):** 17th

**State specifically the need or reason(s) for Other Business:** To amend stipulations to allow  
a larger electronic sign, replacing an existing monument sign and revised building  
architecture.

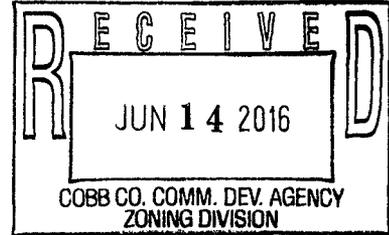
\* Applicant specifically reserves the right to amend any information set forth in this Other Business Application at any time during the Other Business process.

(List or attach additional information if needed)

ATTACHMENT TO OTHER BUSINESS APPLICATION

OB Application No.: 06-35  
BOC Hearing Date: 7-19-16

Applicant: RACETRAC PETROLEUM INC.  
Titleholder: MOUNTAINPRIZE, INC.  
PIN#: 17003400680, 17003400370 & 17003400390



PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

*Sioux Thau*

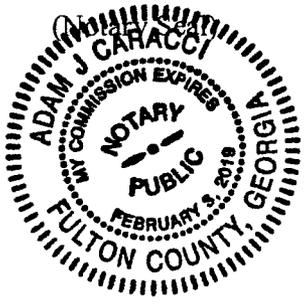
Signature of Owner  
MOUNTAINPRIZE, INC.

5/10/16  
Date

Address: 3225 Cumberland Blvd. Suite 100  
Atlanta Ga. 30339

Telephone No.: ( 229 ) 221-9567

05/10/2016  
Date



ORIGINAL DATE OF APPLICATION: 02-17-00

APPLICANTS NAME: METROPOLITAN FOODS, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

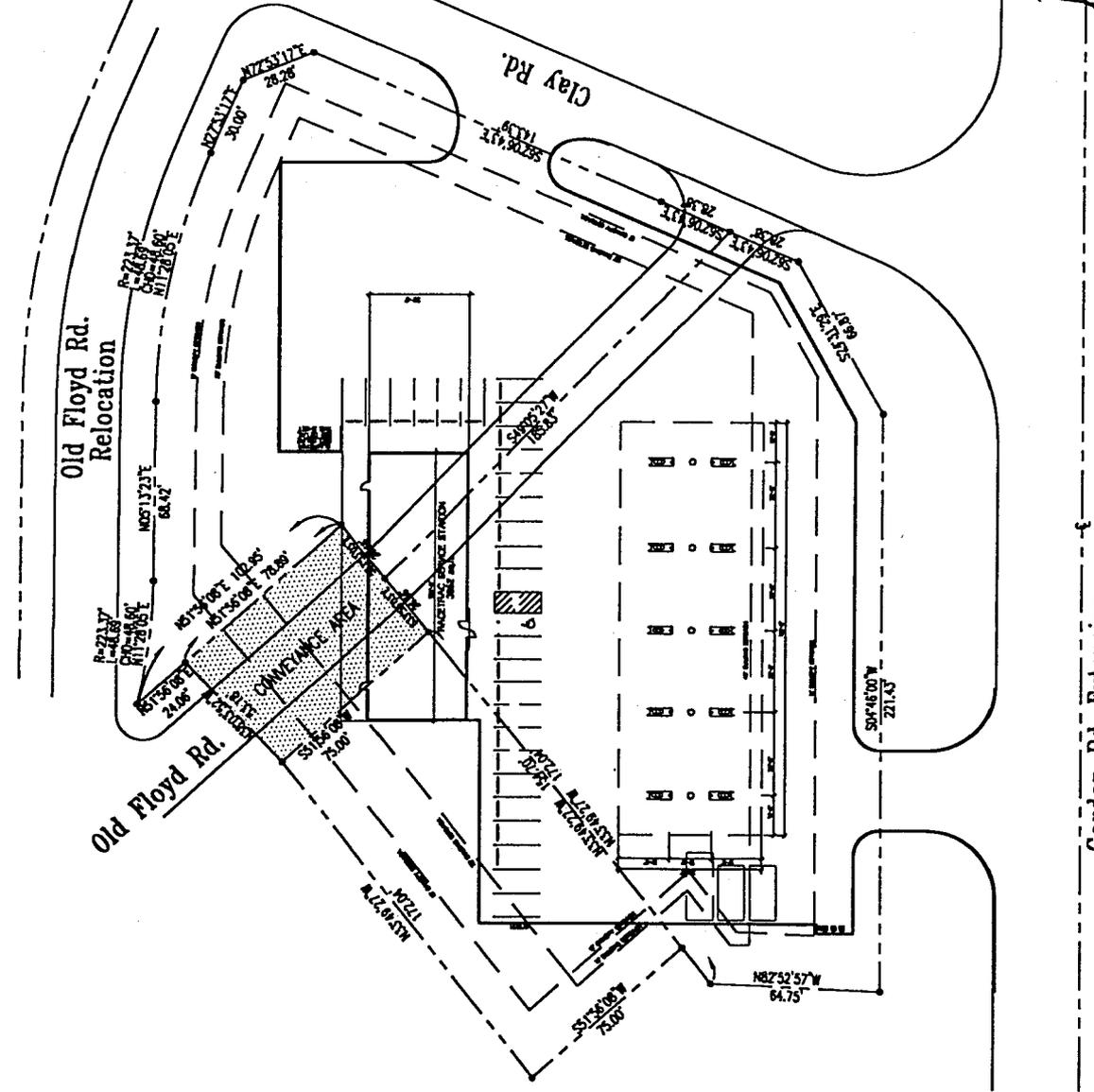
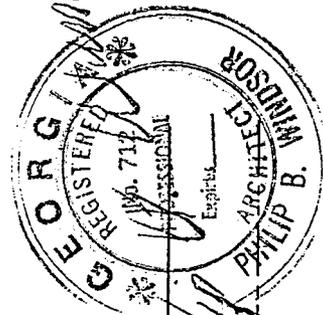
**BOC DECISION OF 02-17-00 ZONING HEARING:**

**METROPOLITAN FOODS, INC.** (Lucy G. Barnes, Nell Dailey Lee and Kent Moseley, owners) for Rezoning from **GC and R-20** to **CRC** for the purpose of a Convenience Store in Land Lot 34 of the 17<sup>th</sup> District. Located at the southwest intersection of Gordon Road Extension and Clay Road, east of Old Floyd Road relocation. Applicant was represented by Mr. Parks Huff. Ms. Mary Butler spoke in opposition to rezoning/use adjacent to her home. Mr. Huff then stated additional agreeable conditions to mediate impact to Butler residence. In conclusion, the Board of Commissioners **approved** Rezoning to the **CRC zoning district subject to: 1) lessening impact to adjoining residentially used property by means of: a) installation of fence (minimum 6 foot high solid privacy fence), b) installing row of Leyland Cypress, or equivalent, to be approved by staff, c) exterior lighting not casting onto residential property (lighting plan to be approved by Staff); 2) reducing number of parking spaces (final number of spaces to be decided in Plan Review – but not to exceed 20 spaces); 3) convenience store to be a maximum of 3,952 square feet (site plan specific for the location of the building); 4) Water and Sewer comments and recommendations; 5) Stormwater Management Division comments and recommendations; 6) Cobb DOT comments and recommendations including stipulation of no access to Clay Road, but allowing full access onto Old Floyd Road (*with location of access to be approved by DOT staff*); 7) 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; 8) those portions of applicant's January 6, 2000 letter of agreeable conditions not in conflict with the above conditions (letter attached and made a part hereof). Motion by Byrne, carried 4-0-1, W. Thompson abstaining to avoid appearance of conflict.**

Min. Bk. 14 Petition No. 2-21  
 Doc. Type Site plan  
 for location following s. 32 of  
 Meeting Date 2/17/00 building

RACETRAC PETROLEUM, INC. 300 TECHNOLOGY COURT MABLETON, GEORGIA 30052 (770) 437-7800		RACETRAC SITE PLAN RACETRAC SERVICE STATION GORDON ROAD EXTENSION MABLETON, GEORGIA	
LEGEND 1. ALL DIMENSIONS ARE IN FEET AND INCHES. 2. ALL DIMENSIONS ARE TO FACE UNLESS OTHERWISE NOTED. 3. ALL DIMENSIONS ARE TO CENTERLINE UNLESS OTHERWISE NOTED. 4. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE ROAD UNLESS OTHERWISE NOTED. 5. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED. 6. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED. 7. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED. 8. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED. 9. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED. 10. ALL DIMENSIONS ARE TO THE CENTERLINE OF THE LOT UNLESS OTHERWISE NOTED.		RACETRAC SITE PLAN RACETRAC SERVICE STATION GORDON ROAD EXTENSION MABLETON, GEORGIA	

3' 9 1/2" Z  
 (P) Allowed Building



Large plan in zoning file

**SAMS & LARKIN**  
A LIMITED LIABILITY PARTNERSHIP

ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064

GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
M. KYLE GREENE  
DAVID Y. KWON

OF COUNSEL  
DAVID P. HARTIN

January 6, 2000

(770) 422-7016  
TELEPHONE  
(770) 426-6583  
FACSIMILE  
SAMSLARKIN@AOL.COM  
E-MAIL

**VIA HAND DELIVERY**

Mr. Edwin Thomas, Principal Planner  
Cobb County Zoning Department  
Suite 300  
191 Lawrence Street  
Marietta, Georgia 30060

Min. Bl. 14 Petition No. Z-21  
 Dev. Type Stipulated  
~~Meeting Date~~ 2/17/00 within - not in conflict w/ other conditions

Re: Application of Metropolitan Foods, Inc. to Rezone a 1.72 Acre Tract from  
GC & R-20 to CRC (No. Z-21)

Dear Ed:

As you know, I represent the applicant in connection with the above-captioned application for rezoning. The application is scheduled to be heard by the Cobb County Planning Commission on February 1, 2000 and, thereafter, by the Cobb County Board of Commissioners on February 17, 2000.

As a result of discussions with the staff thus far during the pendency of the application, please allow this letter to serve as the Applicant's expression of agreement with the following stipulations which shall become conditions of and a part of the grant of the rezoning and binding upon the subject property thereafter:

1. Architectural style shall be analogous to the renderings and photographs provided to staff during the pendency of the application. The composition of the building shall be brick. - *Rendering is on file in zoning office*
2. Rezoning of the subject property shall be from GC & R-20 to CRC specifically for purposes of a RaceTrac convenience store with gasoline sales.
3. Landscaping for the proposed development shall be pursuant to a specific landscape plan which shall be submitted during the Plan Review process, subject to staff and the Arborist's review and approval, including the following:

**SAMS & LARKIN**  
A LIMITED LIABILITY PARTNERSHIP

**VIA HAND DELIVERY**

Mr. Edwin Thomas, Principal Planner  
Cobb County Zoning Department  
Page 2  
January 6, 2000

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**Petition No.** 2-21  
**Meeting Date** 2/17/00  
**Continued**

- a. All grass planted within the subject property shall be sod.
  - b. Dumpsters shall be incorporated into the landscape plan and shall be screened on at least three (3) sides consistent with the architectural theme and composition as aforementioned. All dumpsters shall have rubber lids or bumpers to minimize noise.
  - c. All HVAC systems and mechanical systems shall be contained within the interior of the subject property and screened by evergreen shrubs and/or fencing.
4. Signage for the proposed development shall consist of ground-based, monument style signage. There shall be no flashing sign components and no exterior illumination of signage by remote floodlighting.
  5. All exterior lighting employed within the proposed development shall be shielded to prevent outward illumination and shall be controlled by a photo-electric cell system. Any and all pole lights on the premises shall be no higher than a maximum of 20 feet with the poles concerning same being black or anodized bronze in color.
  6. Subject to the following Cobb County Department of Transportation's recommendations and compliance with Cobb County developmental standards and ordinances related to project improvements, including the following:
    - a. The construction of acceleration/deceleration lanes adjacent to the subject property's points of ingress and egress.
    - b. Meeting minimum sight distance requirement.
    - c. The voluntary donation and conveyance of right-of-way so that the County can achieve 50 feet from the centerline of Gordon Road Extension and 50 feet from the centerline of Clay Road. It is the applicant's understanding that no right-of-way will be required with respect to Old Floyd Road Relocated.

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Petition No. 7-21  
Meeting Date 2/17/00  
Continued

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner  
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January 6, 2000

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- d. Entering into a Development Agreement in order to memorialize the applicant's agreement with the foregoing DOT recommendations.
  
- 7. Subject to the Cobb County Development & Inspection Department's recommendations with respect to stormwater, detention/hydrology and down-stream considerations.
  
- 8. Unless otherwise required by law, there shall be no outside audio devices. However, the installation and utilization of a two-way individualized speaker at each pump station for safety/ instructional purposes shall be allowed.
  
- 9. No vehicles shall be stored or parked on the subject property over night except in emergency situations. Employees working at night shall, of course, be excepted from this stipulation.
  
- 10. The granting of a contemporaneous variance with respect to the convenience store arterial prototype which has a footprint of 3,952 square feet.

As you know, the subject property is located along a section of the Gordon Road Extension which is situated within a Community Activity Center (CAC). In that regard, the zoning proposal is appropriate from a land use planning perspective and takes into consideration surrounding property owners and the context of development in which the subject property finds itself positioned.

**SAMS & LARKIN**  
A LIMITED LIABILITY PARTNERSHIP

Petition No.   721    
Meeting Date   2/17/00    
Continued

**VIA HAND DELIVERY**

Mr. Edwin Thomas, Principal Planner  
Cobb County Zoning Department  
Page 4  
January 6, 2000

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Please do not hesitate to call should you or the staff have any questions whatsoever regarding the application or should you require any further information or documentation prior to formulating your recommendation to the Planning Commission and Board of Commissioners.

Very truly yours,

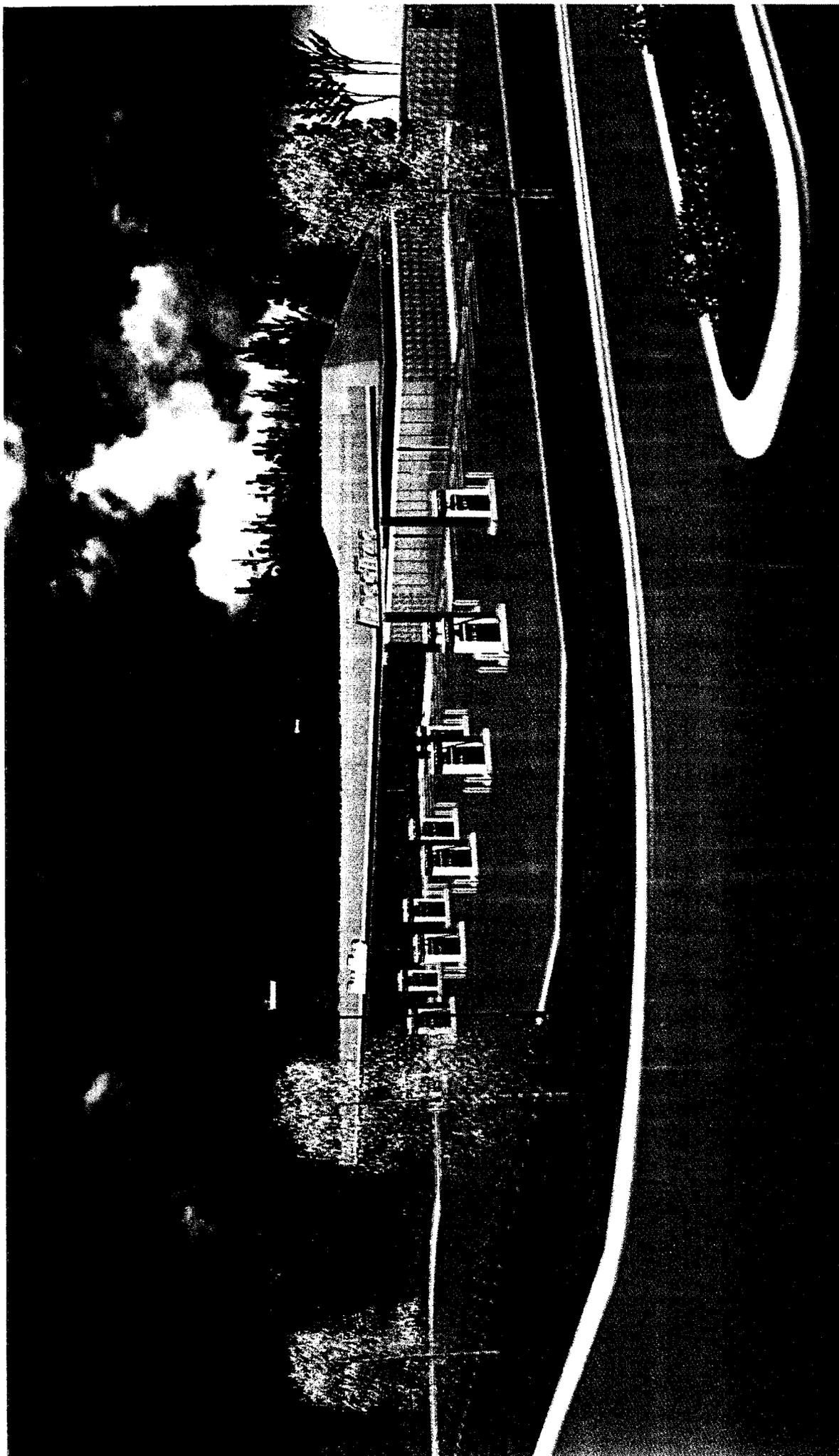
SAMS & LARKIN, LLP



Garvis L. Sams, Jr.

GLS,Jr./mb

cc: Members, Cobb County Planning Commission  
Members, Cobb County Board of Commissioners  
Ms. Karen King, Deputy Clerk



Petition No. 221-rendering referenced  
Meeting Date 2/17/00 in letter  
Continued