

**NOVEMBER 15, 2016 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 4**

**ITEM 072**

**PURPOSE**

To consider a stipulation amendment and site plan amendment for Racetrac Petroleum, Inc. regarding rezoning application Z-53 of 1999 (Metropolitan Foods, Inc.), for property located on the west side of Austell Road, south of Anderson Mill Road, in Land Lots 1006 and 1007 of the 19<sup>th</sup> District (4414 Austell Road).

**BACKGROUND**

The subject property was rezoned to Community Retail Commercial (CRC) in 1999 for convenience store with fuel sales. The applicant is going to remodel the store to fit their new corporate prototype. The current store is approximately 3,600 square feet per the 1999 zoning stipulations. The store will be remodeled with a finished store size of 3,952 square feet. Additionally, the new store will have signage on freestanding sign that will exceed county criteria unless approved by the Board. Specifically, the freestanding sign will be converted from a static sign to a LED sign of 45 square feet with three panels per side (32 square feet is the maximum with two panels per side). Also, the addition of two canopy signs increases the allowable maximum sign area from 120 square feet to 219 square feet. The building and sign renderings are attached for review. If approved, all previous stipulations not in conflict with this amendment should remain in effect.

**STAFF COMMENTS**

Cobb DOT: Recommend no monument signs on the right-of-way.

**RECOMMENDATION**

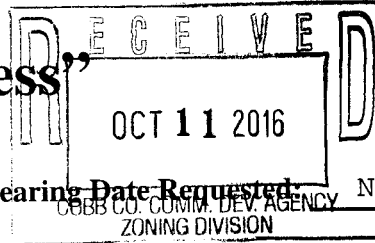
The Board of Commissioners conduct a Public Hearing and consider the proposed site plan and stipulation amendment.

**ATTACHMENTS**

Other Business application and zoning stipulations.

# Application for "Other Business" Cobb County, Georgia

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



OB-072-2016

BOC Hearing Date Requested: Nov. 15, 2016

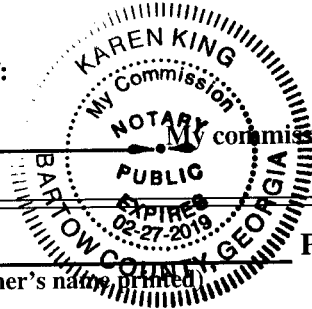
**Applicant:** RaceTrac Petroleum, Inc. **Phone #:** 229-221-9567  
(applicant's name printed)

**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 S. King My commission expires: 2-27-19  
Notary Public



**Titleholder(s):** See Attached **Phone #:** \_\_\_\_\_  
(property owner's name, printed)

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

(Property owner's signature)

Signed, sealed and delivered in presence of:  
\_\_\_\_\_ My commission expires: \_\_\_\_\_  
Notary Public

**Commission District:** 4 (Cupid) **Zoning Case:** Z-53 of 1999

**Size of property in acres:** 3.17 **Original Date of Hearing:** May 18, 1999

**Location:** On the west side of Austell Road, south of Anderson Mill Road (4414 Austell Road)  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 1006 & 1007 **District(s):** 19th

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

\* 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)

Proposed  
Site  
plan.

NOT FOR CONSTRUCTION

PROJECT NUMBER  
2022/102

SHEET TITLE

PRELIMINARY  
SITE SKETCH

SHEET NUMBER

SKI

PROFESSIONAL SEAL

PLAN REVISION NOTICE

DATE: 05/27/16

BY: [Signature]

PROJECT NUMBER  
#660

PROFESSIONAL SEAL

DATE: 05/27/16

BY: [Signature]

PROJECT NUMBER  
#660

PROFESSIONAL SEAL

DATE: 05/27/16

BY: [Signature]

PROJECT NUMBER  
#660

PROFESSIONAL SEAL

DATE: 05/27/16

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PROJECT NUMBER  
#660

PROFESSIONAL SEAL

DATE: 05/27/16

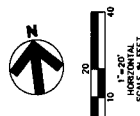
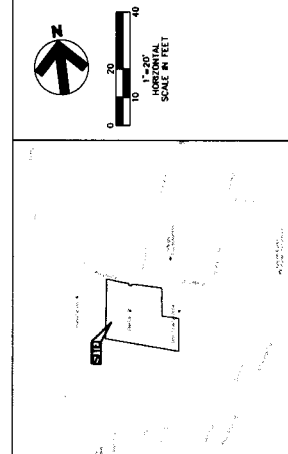
BY: [Signature]

PROJECT NUMBER  
#660

PROFESSIONAL SEAL

DATE: 05/27/16

BY: [Signature]



**PROJECT INFORMATION**

ZONE/DISTRICT	RECORD	PROVIDED
BUILDING SETBACKS:		
FRONT: STATE ROUTE 5		160.7
REAR: SOUTH		201.3
SIDE: EAST		104.2
SIDE: WEST		104.2
FENCING SETBACKS:		
FRONT: STATE ROUTE 5		120.0
REAR: SOUTH		141.5
SIDE: EAST		86.7
SIDE: WEST		85.4
FRONT: STATE ROUTE 5		
REAR: SOUTH		
SIDE: EAST		
SIDE: WEST		
ADJ. SPACES		
ADJ. SPACES		
TOTAL SPACES		20
BIKE SPACES		
FRONT: STATE ROUTE 5		
REAR: SOUTH		
SIDE: EAST		
SIDE: WEST		
ADJ. SPACES		
TOTAL SPACES		18
ADJ. SPACES		
TOTAL SPACES		20
ADJ. SPACES		
TOTAL SPACES		20

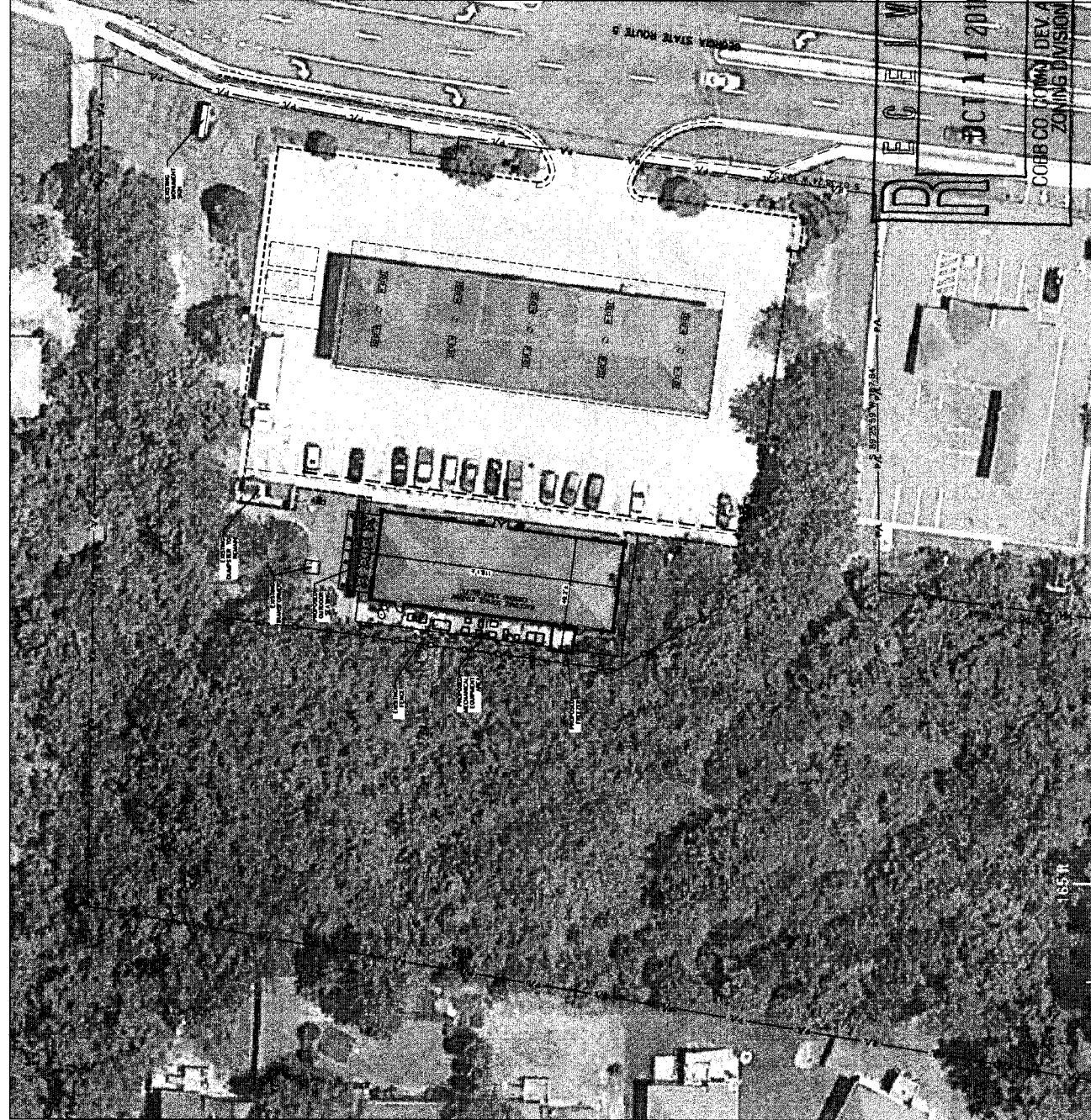
**EXISTING LAND USE DATA**

BUILDING PERIODS	PERCENTAGE OF SITE AREA	AREA PROVIDED
1-10	2.9%	3,392 SF
11-20	24.0%	28,239 SF
21-30	1.0%	1,194 SF
31-40	1.0%	1,194 SF
41-50	1.0%	1,194 SF
51-60	1.0%	1,194 SF
61-70	1.0%	1,194 SF
71-80	1.0%	1,194 SF
81-90	1.0%	1,194 SF
91-100	1.0%	1,194 SF
TOTAL	100%	137,814 SF

**PROPOSED LAND USE DATA**

BUILDING PERIODS	PERCENTAGE OF SITE AREA	AREA PROVIDED
1-10	2.9%	3,392 SF
11-20	24.0%	28,239 SF
21-30	1.0%	1,194 SF
31-40	1.0%	1,194 SF
41-50	1.0%	1,194 SF
51-60	1.0%	1,194 SF
61-70	1.0%	1,194 SF
71-80	1.0%	1,194 SF
81-90	1.0%	1,194 SF
91-100	1.0%	1,194 SF
TOTAL	100%	137,814 SF

- NOTES**
- SITE SKETCH IS FOR PRELIMINARY SCHEMATIC PURPOSES ONLY.
  - PROPERTY DIMENSIONS, SITE SQUARE FOOTAGE AND EXISTING SURFACE FEATURES ARE APPROXIMATE AND MAY BE SUBJECT TO CHANGE UPON INFORMATION RECEIVED FROM A CERTIFIED SURVEY.
  - BACKGROUND INFORMATION PROVIDED BY THE SITE PLANNING BY OTHERS.
  - STRUCK INFORMATION WAS OBTAINED FROM SITE PLAN BY OTHERS.
  - ALL DIMENSIONS ARE TO FACE-OF-CURB.



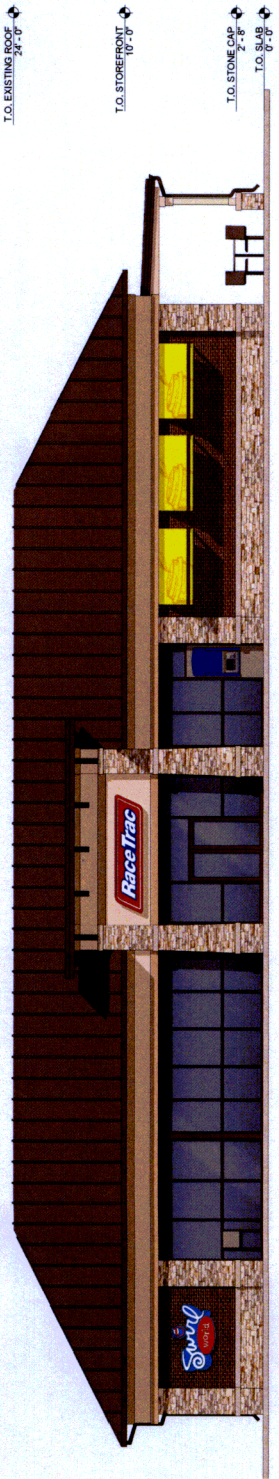
COBB COUNTY DEV. AGENCY  
ZONING DIVISION

PROJECT NO. OB-072-2016

Proposal

STANDING SEAM METAL HIP ROOF EXCLUDED FROM MATERIAL CALCULATIONS.

FINISH	AREA (S.F.)	%
MASONRY	258	20
BRICK	258	20
STONE	253	20
EIFS	143	11
HARDY TIRM	5	1
STORE FRONT	625	49
FREEZER PANEL	1,288	100
TOTAL		



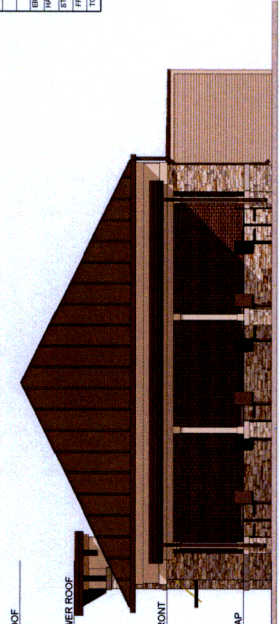
FRONT ELEVATION

FINISH	AREA (S.F.)	%
MASONRY	250	14
BRICK	250	14
STONE	154	19
EIFS	121	19
HARDY TIRM	-	-
STORE FRONT	158	17
FREEZER PANEL	634	100
TOTAL		



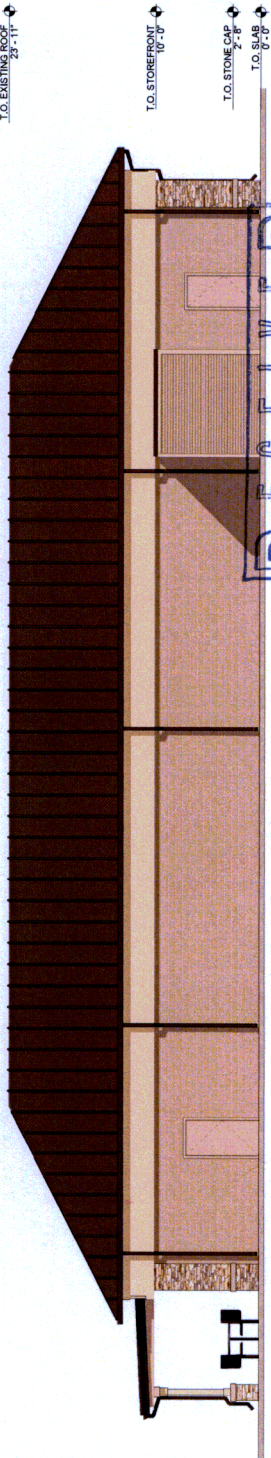
LEFT SIDE ELEVATION

FINISH	AREA (S.F.)	%
MASONRY	239	49
BRICK	138	29
STONE	133	28
EIFS	20	4
HARDY TIRM	-	-
STORE FRONT	159	33
FREEZER PANEL	490	100
TOTAL		



RIGHT SIDE ELEVATION

FINISH	AREA (S.F.)	%
MASONRY	412	59
BRICK	30	4
STONE	164	23
EIFS	13	2
HARDY TIRM	-	-
STORE FRONT	99	14
FREEZER PANEL	815	117
TOTAL		



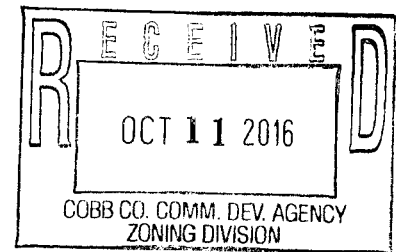
REAR ELEVATION

**RECEIVED**  
 OCT 11 2016  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION



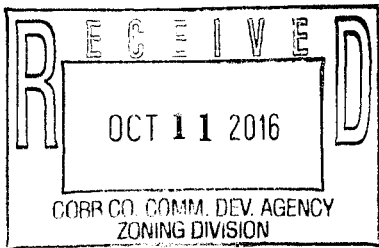
**RaceTrac**  
 RaceTrac Petroleum, Inc  
 3225 Cumberland Blvd., Suite 100  
 Atlanta, Georgia 30339

AUSTELL RD.  
 Type 104  
 Brick Left Hand  
 Siding Right  
 6/23/2016 10:47:43 AM  
 0:\2016\2016\22702\_890\_Austell Rd. GA03 Prelim\Doc01 Arch\Elevations\Austell Elevations.rvt



~~Z-52 EMMETT Z. AND MARY H. QUINN for Rezoning from R 20 to OI for the purpose of an Office in Land Lot 1006 of the 19<sup>th</sup> District. 0.492 acre. Located at the southeast intersection of Austell Road and Fairview Drive. The Board of Commissioners, as part of the Consent Agenda, deleted Rezoning to the LRO zoning district subject to: 1) Water and Sewer comments and recommendations; 2) project subject to Stormwater Management Division comments and recommendations; 3) project subject to Cobb DOT comments and recommendations; 4) 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. Motion by Byrne, second by Olens, carried 4-0.~~

Z-53 METROPOLITAN FOODS, INC. (John C. Hunt, Jr. and Charlotte Rooks, owners) for Rezoning from OI to CRC for the purpose of Convenience Store with Gasoline in Land Lots 1006 and 1007 of the 19<sup>th</sup> District. 3.17 acres. Located on the west side of Austell Road, south of Anderson Mill Road. The Board of Commissioners, as part of the Consent Agenda, approved Rezoning to the CRC zoning district subject to: 1) lights under the canopy being recessed or flush with the ceiling; 2) letter of agreeable conditions from applicant's representative dated April 8, 1999, attached and made a part hereof; 3) project subject to Stormwater Management Division comments and recommendations; 4) Water and Sewer comments and recommendations; 5) project subject to Cobb DOT comments and recommendations; 6) 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. Motion by Byrne, second by Olens, carried 4-0.



SAMS & LARKIN  
A LIMITED LIABILITY PARTNERSHIP  
ATTORNEYS AT LAW  
SUITE 100  
376 POWDER SPRINGS STREET  
MARIETTA, GEORGIA 30064

*Handwritten notes:*  
11  
20300  
7-53  
5/18/99

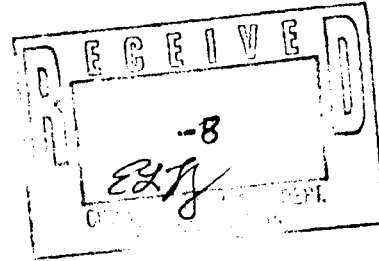
GARVIS L. SAMS, JR.  
JOEL L. LARKIN  
PARKS F. HUFF  
M. KYLE GREENE  
DAVID Y. KWON

April 8, 1999

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

**VIA HAND DELIVERY**

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



Re: Application of Metropolitan Foods, Inc. to Rezone a 3.17 Acre Tract  
from O&I to CRC (No. Z-53)

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 May 4, 1999 and, thereafter, by the Cobb County Board of Commissioners on May 18, 1999.

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 similar to the rendering provided to staff during the pendency of the application.
2. Rezoning of the subject property shall be from O&I 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:
  - a. All grass planted within the subject property shall be sod.

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner  
Cobb County Zoning Department  
Page 2  
April 8, 1999

- 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 annonized 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 an acceleration/deceleration lane along the subject property's frontage.
  - b. Insuring minimum sight distance requirement of 312.5 feet.
  - c. Subject to the applicant obtaining a Georgia DOT permit for ingress and egress concerning Austell Road.
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, including, but not limited to, phone bells, loudspeakers or music. However, the installation and utilization of a two-way individualized speaker at each pump station for safety/instructional purposes shall be allowed.

SAMS & LARKIN  
ATTORNEYS AT LAW

Petition No. 2-53  
Meeting Date 5/18/99  
Continued

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner  
Cobb County Zoning Department  
Page 3  
April 8, 1999

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. A contemporaneous variance being granted with respect to the convenience store prototype which has a footprint of 3,040 square feet.

As you know, the subject property is located along a section of the Austell Road Corridor which is within the 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.

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 concerning this zoning proposal.

Very truly yours,

SAMS & LARKIN, LLP



Garvis L. Sams, Jr.

GLS,Jr./jbmc

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





**RECEIVED**  
 OCT 11 2016  
 COBB CO. COMM. DEV. AGENCY  
 ZONING DIVISION

11  
 2-53  
 Remaining referenced  
 in stipulated terms