

**NOVEMBER 21, 2017 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 051

PURPOSE

To consider a site plan and stipulation amendment for Racetrac Petroleum, Inc. regarding rezoning case Z-144 of 1997 for property located at the northeast intersection of Dallas Highway and Bob Cox Road, in Land Lot 332 of the 20th District (3350 Dallas Highway). *(Continued by the Board of Commissioners from the October 17, 2017 hearing)*

BACKGROUND

The subject property was rezoned to Neighborhood Retail Commercial (NRC) in 1997 subject to the site plan submitted in order to develop a Racetrac store. The applicant would like to redevelop the property and construct their new Racetrac store prototype, which carries a lot more food choices. In order to do so, the applicant would need to amend the site plan for the proposed approximately 4,107 square foot building (3,040 square feet currently). The applicant would also like to amend other zoning stipulations from the 1997 case which are: 1) Revise the hours of operation from 6:00 am to 11:00 pm to 4:00 am to midnight; and 2) install an LED freestanding sign along the road with an additional wall sign on the building. If approved, all other zoning stipulations would remain in effect.

STAFF COMMENTS

Stormwater Management: Subject to Plan Review for proposed site plan revisions.

RECOMMENDATION

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

ATTACHMENTS

Other Business application and stipulations.

(Site Plan and Stipulation Approval)

Application for "Other Business"

Cobb County, Georgia

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



OB Application No.: OB- 51 -2017

Hearing Date Requested: October 17, 2017

Applicant: RaceTrac Petroleum Inc.
(applicant's name printed)

COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Phone #: (770) 431-7600

Address: Suite 900, 200 Galleria Parkway, S.E., Atlanta, GA 30339

E-Mail: jbaird@racetrac.com

MOORE INGRAM JOHNSON & STEELE, LLP

J. Kevin Moore

Address: Emerson Overlook, Suite 100, 326 Roswell Street

(representative's name printed)

Marietta, GA 30060

BY: [Signature] Phone #: (770) 429-1499

E-Mail: jkm@mijs.com

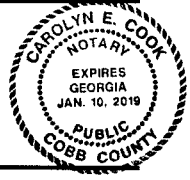
(representative's signature) Georgia Bar No. 519728

Signed, sealed and delivered in presence of:

[Signature: Carolyn E. Cook]

My commission expires: January 10, 2019

Notary Public



Titleholder(s): Pepperwood, Inc.

(property owner's name printed)

Phone #: _____

Address: _____

E-Mail: _____

See Attached Exhibit "A"

(Property owner's signature)

Signed, sealed and delivered in presence of:

My commission expires: _____

Notary Public

Commission District: 1 (Weatherford)

Zoning Case: Z-144 (1997)

Size of property in acres: 1.037+/-

Original Date of Hearing: 11/18/1997

OB Hearing Date: 04/20/1999

Location: Northeast intersection of Dallas Highway (State Route 120) and Bob Cox Road

(street address, if applicable; nearest intersection, etc.) (3350 Dallas Highway)

Land Lot(s): 332

District(s): 20th

State specifically the need or reason(s) for Other Business: _____

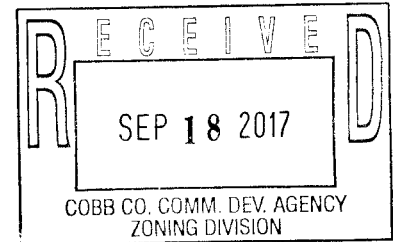
See Exhibit "B" attached hereto and incorporated herein by reference.

(List or attach additional information if needed)

EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)
Page One of Two

Application No.: Z-144 (1997)
Original Hearing Date: November 18, 1997
Date of BOC Zoning Decision: December 16, 1997
Date of OB Zoning Decision: April 20, 1999
Current Hearing Date: October 17, 2017

Applicant: RaceTrac Petroleum, Inc.
Titleholder: Pepperwood, Inc.



BEFORE THE COBB COUNTY BOARD OF COMMISSIONERS

On December 16, 1997, the Cobb County Board of Commissioners approved the rezoning of an approximately 1.037 acre tract located at the northeasterly intersection of Dallas Highway (State Route 120) and Bob Cox Road, Land Lot 332, 20th District, 2nd Section, Cobb County, Georgia (hereinafter "Property" or "Subject Property"), to the Neighborhood Retail Commercial ("NRC") zoning category for the purpose of construction and operation of a RaceTrac gas station and convenience store. Subsequently, on April 20, 1999, the Subject Property came before the Board of Commissioners to modify certain stipulations from the original approval.

RaceTrac Petroleum, Inc., as Applicant in this Application for "Other Business" (hereinafter "Applicant"), seeks approval of a revised Site Plan, together with modification of certain previously approved stipulations applicable to development of the Subject Property, as follows:

- (1) Applicant requests the approval of the Site Plan dated August 31, 2017, presented in this Application for "Other Business," and attached hereto as Exhibit "1" for renovation and redevelopment of Applicant's existing facilities on the Subject Property.
- (2) Applicant further requests revision to the following previously approved stipulations:
 - (a) Relocation of dumpster to western side of building;
 - (b) Revision of hours of operation to 4:00 a.m. to 12:00 a.m.;
 - (c) Approval of LED signage in excess of thirty-two (32) square feet (existing signage square footage will only be replaced, not increased); and approval of additional wall signage for logo/brand signage of "Swirl World."

The amendments proposed and presented herein in no way adversely impact or affect the quality or integrity of the development initially approved by the Cobb County Board of Commissioners. If the requested approval of the Site Plan and the amendments to the stipulations are approved, as submitted, they shall become an additional part of the final rezoning and shall be binding upon the Subject Property.

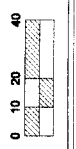
EXHIBIT "B" - ATTACHMENT TO APPLICATION FOR "OTHER BUSINESS"
(Site Plan and Stipulation Amendment)
Page Two of Two

Unless otherwise specifically set forth herein, the balance and remainder of the stipulations and conditions enumerated in the official minutes, and any attachments thereto, of the Board of Commissioners Zoning Hearing held on December 16, 1997, and the Minutes of the April 20, 1999, Board of Commission Zoning Hearing for the "Other Business" amendment, as well as, any other amendments which have been approved by the Board of Commissioners or the District Commissioner, and which are not otherwise in conflict herein, are unaltered or unchanged by this request for Site Plan and Stipulation Amendment.

| | |
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| DATE | |
| NO. | |

Racetrac
 THESE PLANS ARE
 THE PROPERTY OF
 RACETRAC PETROLEUM, INC.
 NO PART OF THIS
 DOCUMENT IS TO BE
 REPRODUCED OR
 TRANSMITTED IN ANY
 FORM OR BY ANY
 MEANS, ELECTRONIC
 OR MECHANICAL,
 INCLUDING PHOTOCOPYING,
 RECORDING, OR BY ANY
 INFORMATION STORAGE
 AND RETRIEVAL
 SYSTEMS, WITHOUT
 THE EXPRESS
 WRITTEN
 PERMISSION
 OF RACETRAC
 PETROLEUM, INC.

| | |
|---|----------|
| SITE PLAN | |
| Store #247 - Bob Cox | |
| 3950 Dallas Hwy Mableton, Georgia Cobb County | |
| PROJECT NO. | C3 |
| VERSION | |
| DATE | 8/15/17 |
| SCALE | 1" = 20' |
| THICKNESS | |
| REVISION | |



RECEIVED
 SEP 18 2017
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

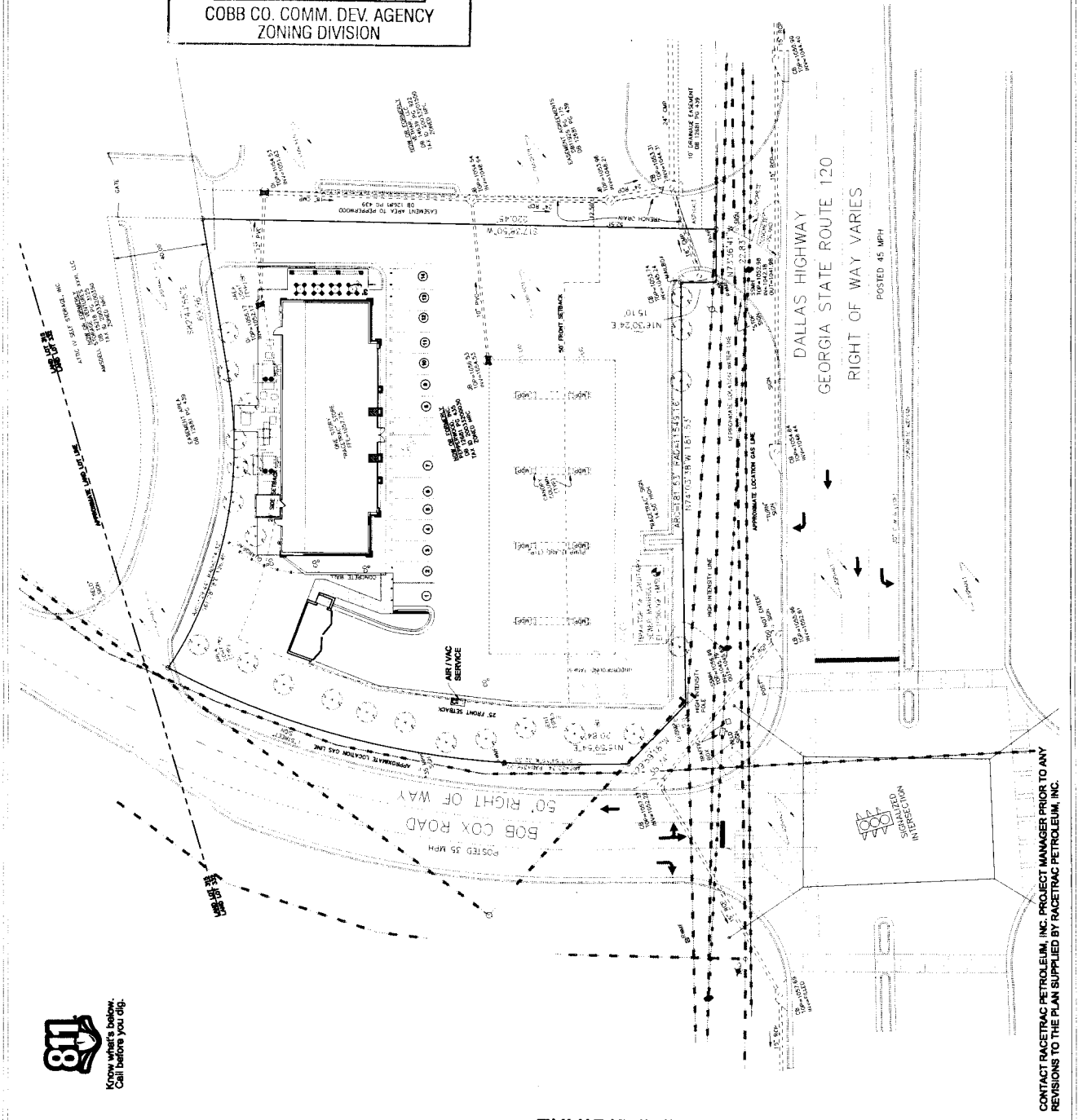


EXHIBIT "1"

CONTACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.

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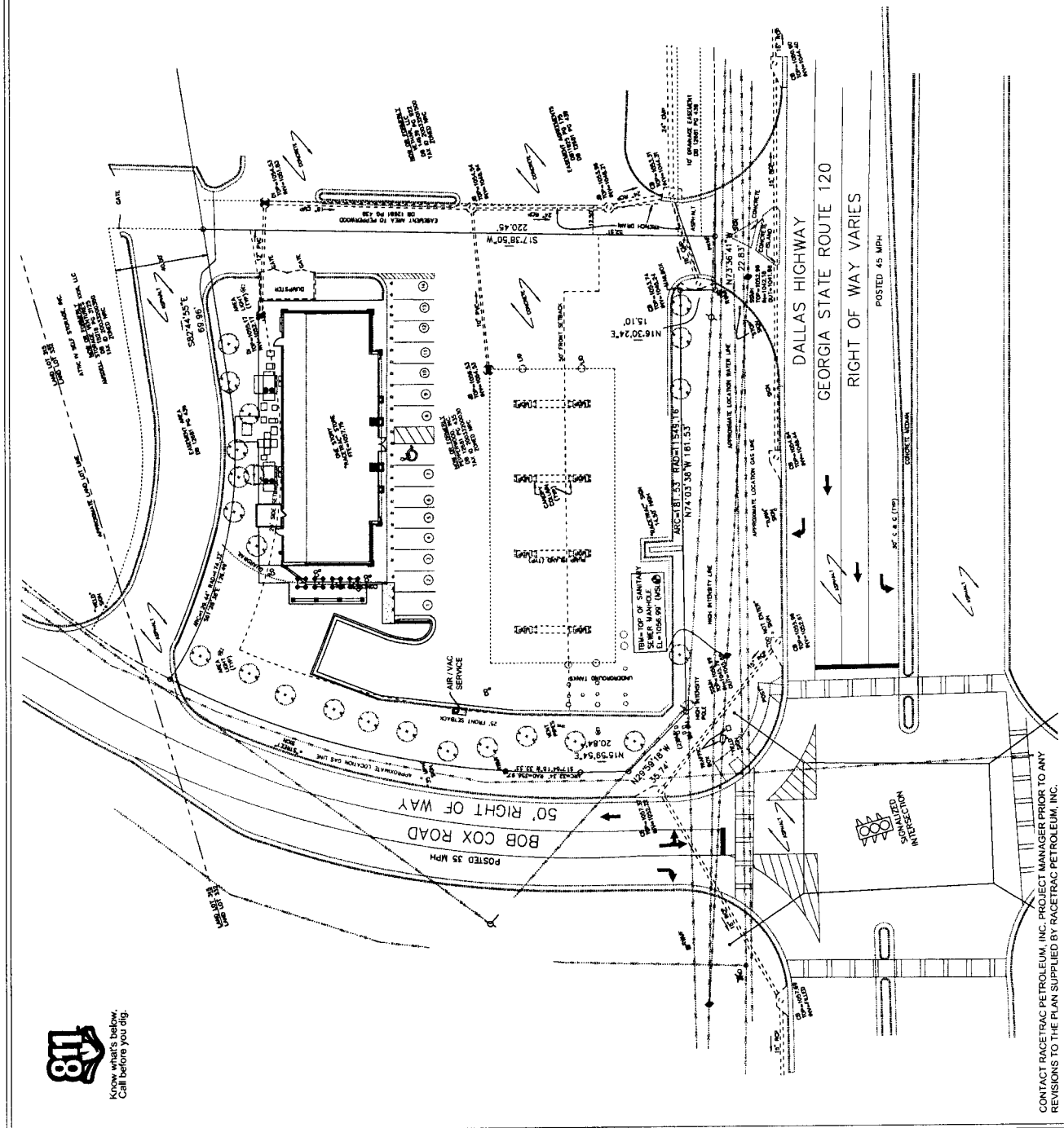
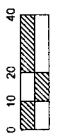
THESE PLANS ARE
SUBJECT TO FEDERAL
COPYRIGHT LAWS AND
OTHER APPLICABLE
LAW. NO PART OF
THESE PLANS MAY
BE REPRODUCED,
COPIED, EITHER
WHOLLY OR IN PART,
OR TRANSMITTED
IN ANY FORM OR
BY ANY MEANS,
ELECTRONIC,
MECHANICAL,
PHOTOCOPYING,
RECORDING,
OR BY ANY
INFORMATION
SYSTEMS
WITHOUT THE
WRITTEN PERMISSION
OF RACETRAC
PETROLEUM, INC.
3350 DALLAS HWY
MARIETTA, GEORGIA
30067
(770) 431-7800

Racetrac

SITE PLAN
Store #247 - 'Bob Cox'
3350 Dallas Hwy
Marietta, Georgia
Cobb County

| | |
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| DATE | NO. |
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OB-051-2017
Revised
Site Plan
11-14-17
J.P.P.



Keep yours better.
Call before you dig.

CONTACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.

GPD GROUP
Professional Corporation
1000 Peachtree Street, N.E.
Atlanta, Georgia 30309
404.525.2300
www.gpdgroup.com

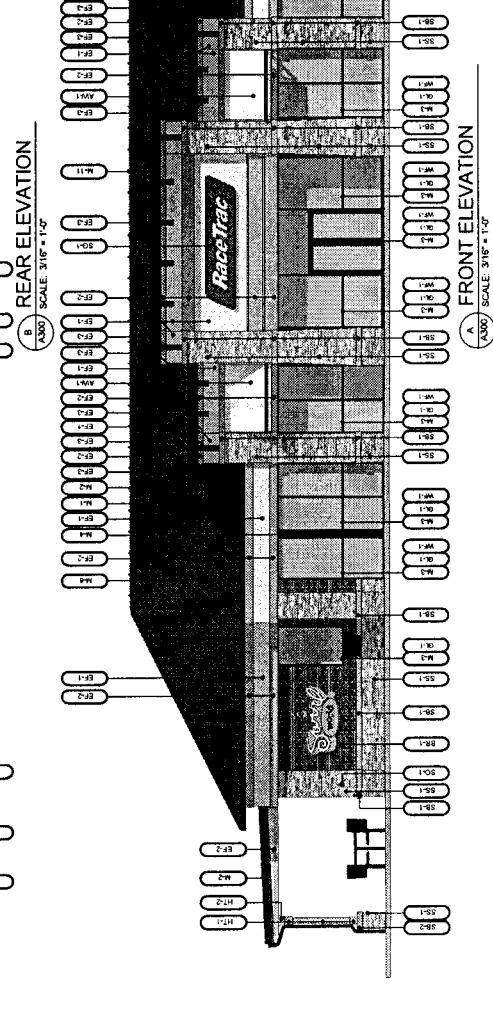
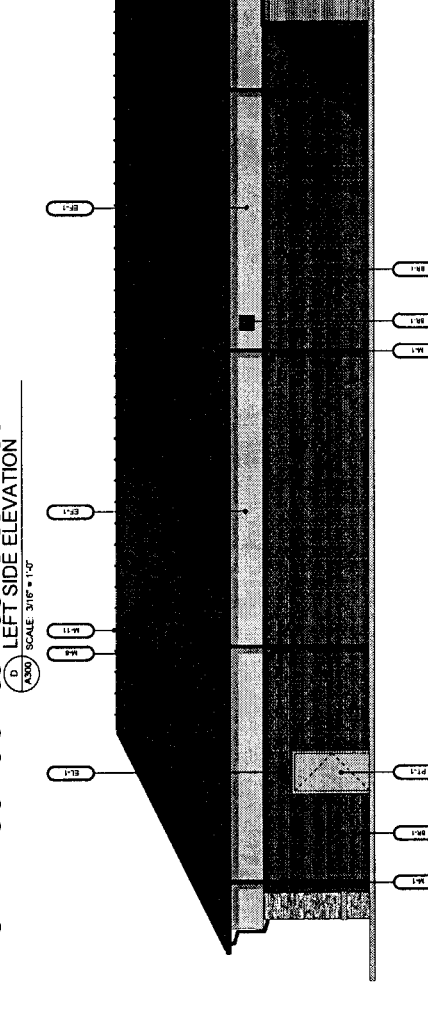
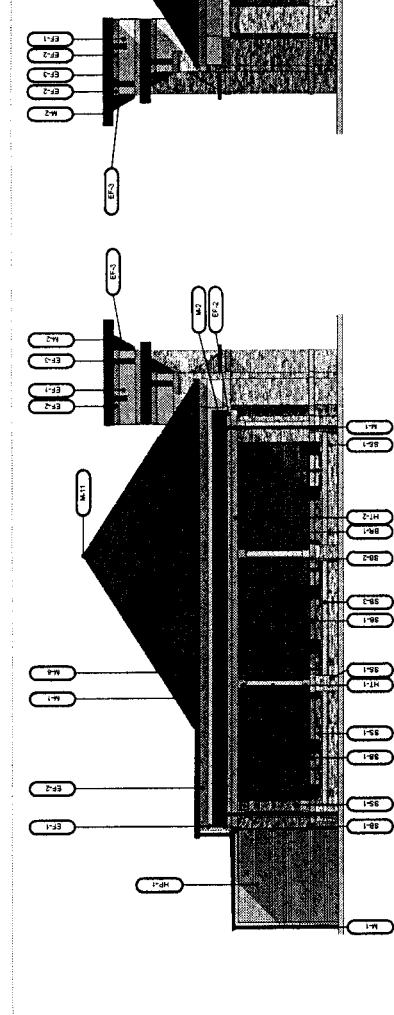
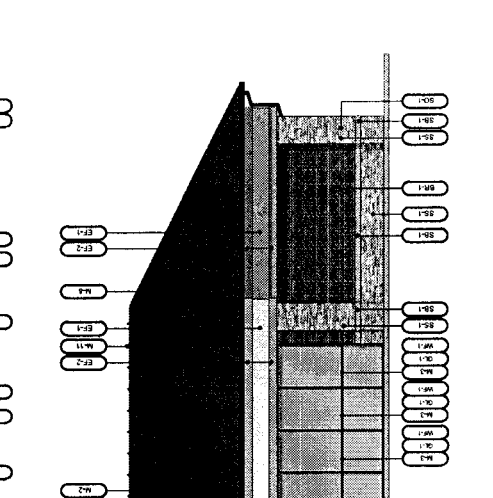
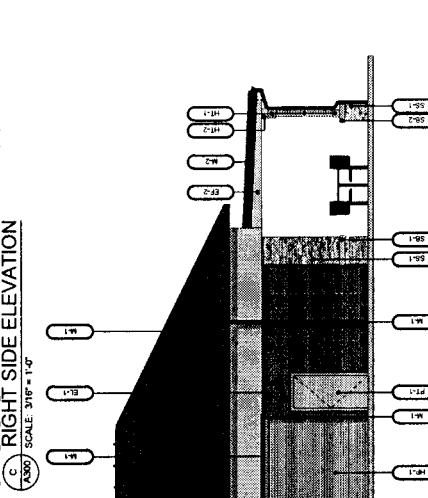
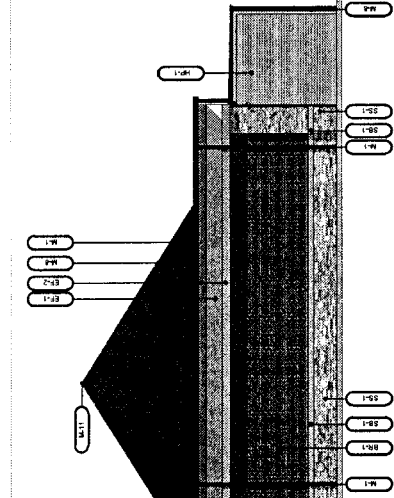
Facetrac
1100 Peachtree Street, N.E.
Atlanta, Georgia 30309
404.525.2300
www.facetrac.com

| | |
|-----------------|--|
| PROJECT NUMBER | 2015227.08 |
| SHEET TITLE | EXTERIOR ELEVATIONS |
| SHEET NUMBER | A300 |
| PROJECT NAME | BOB COX |
| PROJECT ADDRESS | MARIETTA GA 30064 339 DALLAS HWY |
| DATE | 11/14/17 |
| DESIGNER | J.P.P. |
| PROJECT TYPE | COMMERCIAL |
| PROJECT STATUS | CONSTRUCTION |

GENERAL NOTES

- CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL WORK SHALL BE DONE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
- ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.
- ALL MATERIALS SHALL BE INSTALLED IN ACCORDANCE WITH THE MANUFACTURER'S INSTALLATION INSTRUCTIONS.

| ID | DESCRIPTION |
|--------|---------------|
| EX-1 | EXISTING |
| EX-2 | BRICK |
| EX-3 | STACKED STONE |
| EX-4 | STONE BAND |
| EX-5 | METAL |
| EX-6 | AWNING |
| EX-7 | EIFF |
| EX-8 | GLASS |
| EX-9 | PAINT |
| EX-10 | LIGHTING |
| EX-11 | MUSIC |
| EX-12 | SCREENING |
| EX-13 | SCREENING |
| EX-14 | SCREENING |
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| EX-100 | SCREENING |



**SITE PLAN SUBMITTED FOR APPROVAL BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR "OTHER BUSINESS"
- OCTOBER 17, 2017**

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| DATE | NO. |
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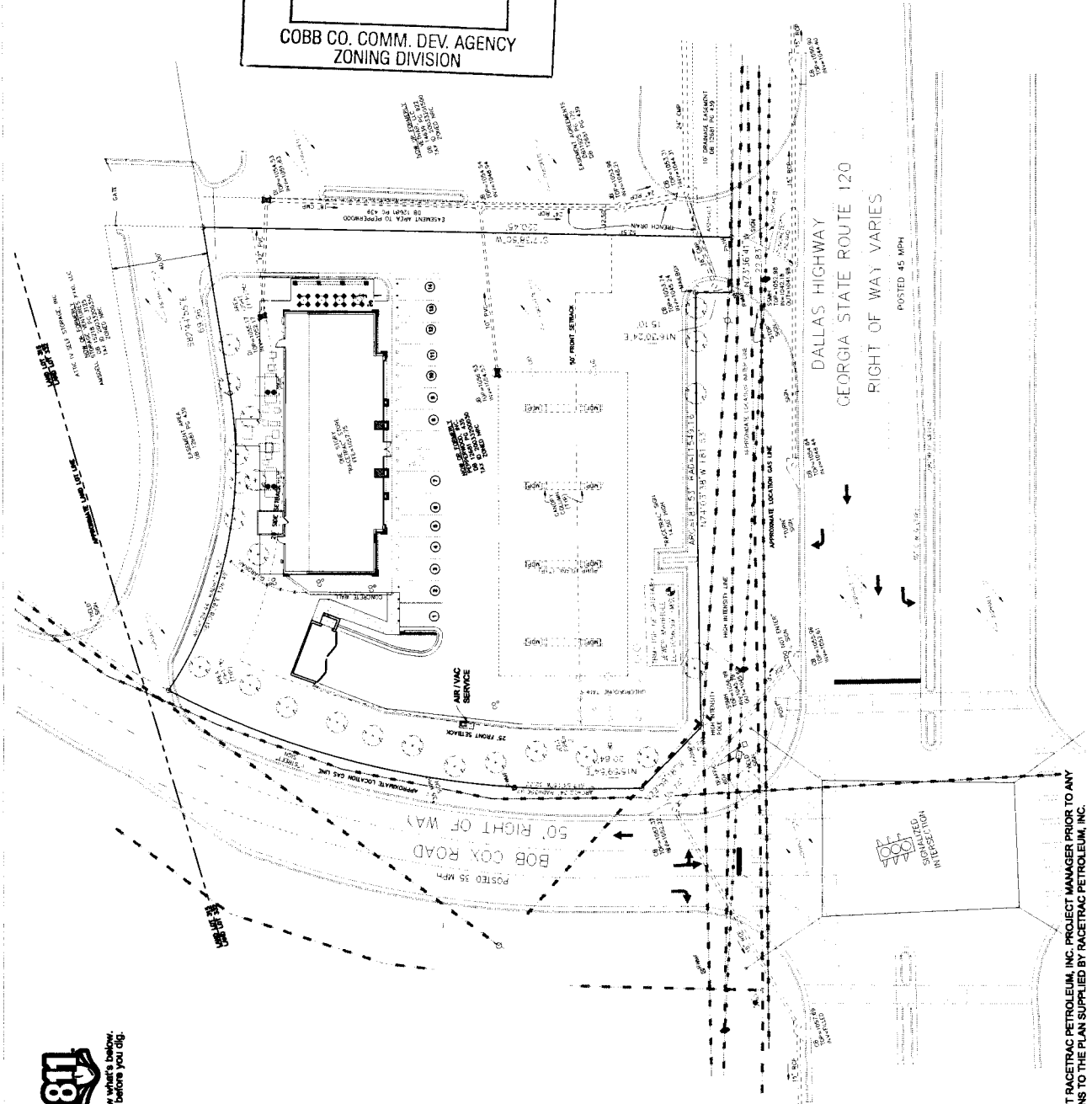
THESE PLANS ARE
 SUBJECT TO PERMAL
 COVENANT LAMBS ANY
 USE OF SAME WITHOUT
 THE EXPRESS
 WRITTEN PERMISSION
 OF RACETRAC
 PETROLEUM, INC. IN
 FULL FORCE AND EFFECT
 3350 Dallas Hwy
 Marietta, Georgia
 (770) 431-7800

Racetrac
 RACETRAC PETROLEUM, INC.
 3350 Dallas Hwy
 Marietta, Georgia
 (770) 431-7800

SITE PLAN
 Store #247 - "Bob Cox"
 3350 Dallas Hwy
 Marietta, Georgia
 (770) 431-7800

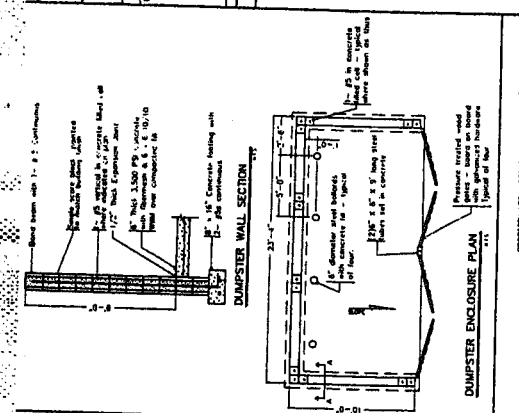
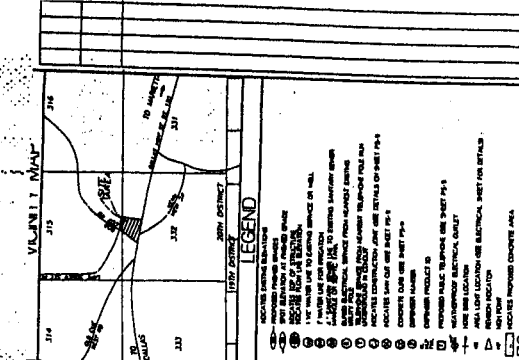


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 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION



CONTACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.

**SITE PLAN SUBMITTED FOR APPROVAL BY
BOARD OF COMMISSIONERS PURSUANT
TO APPLICATION FOR "OTHER BUSINESS"
FOR NO. Z-144 (1997)
- APRIL 20, 1999**

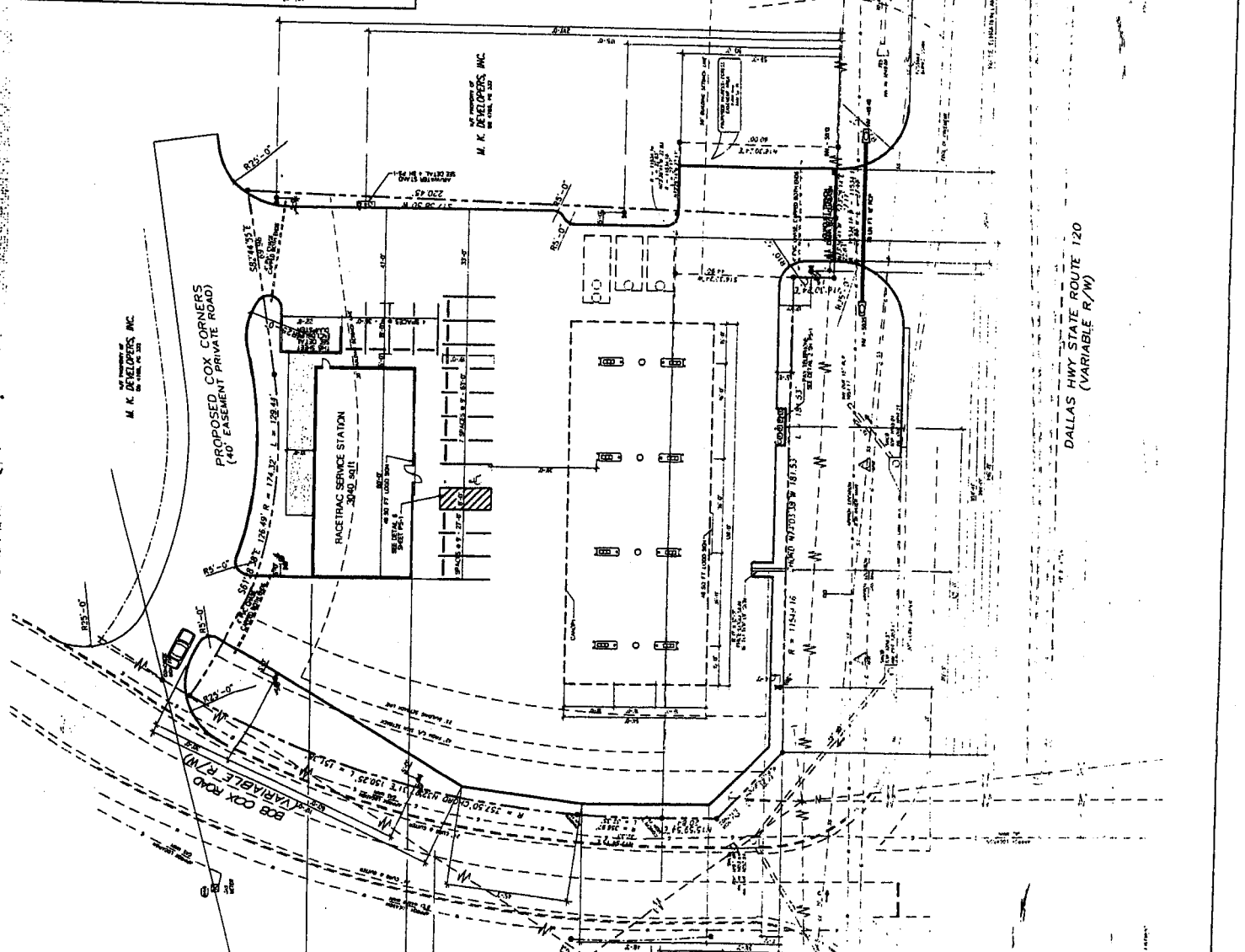


DUMPMSTER WALL SECTION
12" Concrete Walling with
12" Concrete Footing
24" Wide Base

DUMPMSTER ENCLOSURE PLAN
Rebar to be installed in concrete wall
Rebar to be installed in concrete footing
Footings to be installed with appropriate hardware
Footings to be installed with appropriate hardware

PROPERTY LEGAL DESCRIPTION
Lot 200, Block 10, Dallas County, Texas

GENERAL NOTES
1. All work to be done in accordance with the approved plans and specifications.
2. All materials to be used shall be of the best quality and shall meet the requirements of the applicable building codes.
3. The contractor shall be responsible for obtaining all necessary permits and for complying with all applicable regulations.
4. The contractor shall maintain access to all existing utilities and structures.
5. The contractor shall be responsible for the safety of the work area and for protecting all existing structures.
6. All work shall be completed within the specified time frame.
7. The contractor shall be responsible for the disposal of all construction waste.
8. The contractor shall be responsible for the cleanup of the work area.
9. The contractor shall be responsible for the protection of the surrounding area.
10. The contractor shall be responsible for the maintenance of the site throughout the construction process.



GENERAL NOTES

1. ALL DIMENSIONS ARE TO THE FACE OF CURB WALLS UNLESS OTHERWISE NOTED.

2. ALL DIMENSIONS WITH DASHES ARE TO THE FACE OF THE BRACK.

DRAINAGE STRUCTURE NOTE

1. ALL DRAINAGE STRUCTURES TO BE INSTALLED WITH SAND.

SETBACK NOTES

1. ALL DIMENSIONS OF SETBACKS TO BE INSTALLED PER MPA 38.

2. ALL DIMENSIONS OF SETBACKS TO BE INSTALLED PER MPA 38.

TANK NOTES

1. TOP OF TANK TO BE INSTALLED PER MPA 38.

2. TANKS AND PERMITTING TO BE INSTALLED PER MPA 38.

SEWER NOTE

1. EXISTING SEWER LINE TO BE EXTENDED TO THE FACE OF CURB WALLS AND TO BE INSTALLED PER MPA 38.

2. EXISTING SEWER LINE TO BE EXTENDED TO THE FACE OF CURB WALLS AND TO BE INSTALLED PER MPA 38.

CONCRETE NOTES

1. ALL CONCRETE TO BE PLACED IN ONE LIFT UNLESS OTHERWISE NOTED.

2. ALL CONCRETE TO BE PLACED IN ONE LIFT UNLESS OTHERWISE NOTED.

PAVING NOTES

1. ALL PAVING TO BE DONE IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

2. ALL PAVING TO BE DONE IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

DRAINAGE NOTES

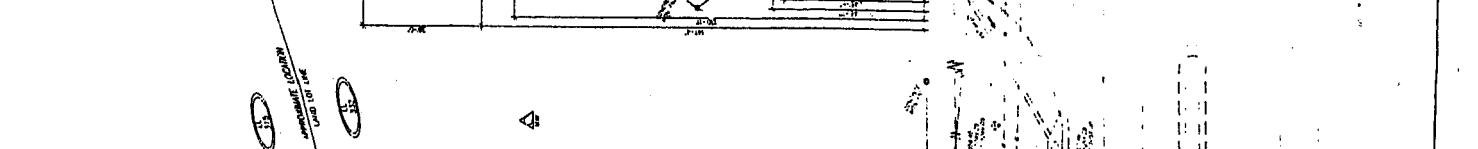
1. ALL DRAINAGE TO BE DONE IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

2. ALL DRAINAGE TO BE DONE IN ACCORDANCE WITH THE APPROVED PLANS AND SPECIFICATIONS.

UTILITY NOTES

1. ALL UTILITIES TO BE LOCATED AND PROTECTED PRIOR TO CONSTRUCTION.

2. ALL UTILITIES TO BE LOCATED AND PROTECTED PRIOR TO CONSTRUCTION.



**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
REZONING Z-144 (1997)
– NOVEMBER 18, 1997**

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
REZONING Z-144 (1997)
– DECEMBER 16, 1997**

*Compare to
12/12/97 PLAN
letter (14)*

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

*Z-144 of 1997
Applicant's letter
as referenced in
B/C zoning minutes
of 12-16-97. Campbell*

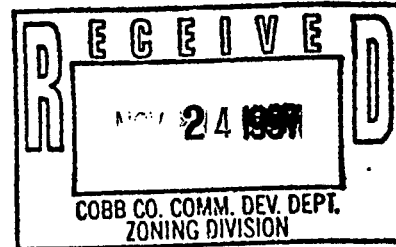
GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
DAVID Y. KWON

November 24, 1997

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

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner
Cobb County Zoning Department
Suite 500
100 Cherokee Street
Marietta, Georgia 30090-9674



Re: Application of Metropolitan Foods, Inc. to Rezone a
1.037 Acre Tract from GC to NRC (No. Z-144)

Dear Ed:

As you know, the Cobb County Planning Commission voted to hold the above-captioned application until its next regularly scheduled meeting on December 2, 1997. Since the last Planning Commission meeting, my client has continued to engage in an ongoing dialogue with staff, representatives of PLAN and nearby subdivision residents. In that regard, this letter will supersede my previous October 23, 1997 letter to you and shall embody all of the stipulations to which my client is amenable 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 previously submitted to staff, PLAN and nearby residents and will include a red brick building with a dark grey pitched metal roof. Canopy supports shall also consist of red brick construction consistent with the architectural style of the convenience store building.
2. Rezoning of the subject property shall be from GC to NRC specifically for purposes of a Racetrac convenience store with gasoline sales. The facility shall be limited to eight (8), as opposed to the originally proposed twelve (12), pumps.¹

¹An amended site plan is being prepared depicting the deletion of pumps and other matters contained herein and will be presented to staff upon receipt of same.

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner
Page 2
November 24, 1997

*Z-1449 1997
Applicant's letter
Pg #2*

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) A landscaped buffer along the eastern side of Bob Cox Road.
 - (b) Grass planted within the landscaped buffer or otherwise on the subject property shall be sod.
 - (c) The buffer area shall be regularly maintained by the property owner.
 - (d) Dumpsters shall be incorporated into the landscape plan and shall be bricked on at least three (3) sides, consistent with the architectural theme and composition as aforementioned and situated within the interior of the property. All dumpsters shall have rubber lids or bumpers to minimize noise.
 - (e) All HVAC systems and mechanical systems shall be contained within the interior of the subject property and screened by evergreen shrubs and/or wooden fencing.
4. The height of the canopy shall be between fourteen and eighteen feet (14'-18') dependent upon the prevailing topography and grade of the site.
5. Signage for the proposed development shall consist of ground-based, monument-style signage of brick masonry construction consistent with the architectural theme as aforementioned. There shall be no flashing sign components and no exterior illumination of the sign by remote flood-lighting. The signage background color shall be subject to staff review and approval.
6. All exterior lighting employed within the proposed development shall be shoe-box type lighting with any lighting on the building and canopy being shielded to prevent outward illumination toward residential areas along Bob Cox Road. All outside lighting shall be controlled by a photo-electric cell system. Any and all pole lights on the

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner
Page 3
November 24, 1997

2-144g 1997
Applicant's
Letter - pg #3

premises shall be no higher than a maximum of eighteen feet (18') with the poles concerning same being black or annonized bronze in color.

7. 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 a continuous acceleration/ deceleration lane along the subject property's frontage.
 - b) Insuring minimum sight distance requirements of 312.5 feet.
 - c) Subject to the Applicant obtaining a Georgia DOT permit for ingress and egress concerning Dallas Highway (S.R. 120).
 - d) Providing inter-parcel access via a private road contiguous and to the north of the subject property.
8. Subject to the Cobb County Development & Inspection Department's recommendations with respect to stormwater, detention/hydrology and down stream considerations including the following:
 - a) Subject to recommendations from the department with respect to the ultimate location of detention facilities on the site.
 - b) Exercising sensitivity with respect to all erosion and sediment control ordinance requirements and Clean Water Quality Act provisions.
 - c) Controlling site stormwater discharges so as not to exceed the capacity of down stream stormwater systems and in order to minimize stormwater run-off.
9. Subject to the contemporaneous granting of a rear yard setback variance from 30' to 13' as depicted on the site plan. The relief sought with respect to the rear yard

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner
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setback variance devolves upon a hardship created by the positioning of the canopy vis-à-vis the grade and topography of the site and is unrelated to the number of gasoline pumps which, of course, the applicant has deleted from twelve (12) to eight (8).

10. Unless otherwise required by law, there shall be no outside audio devices, including, but not limited to phone bells, loud speakers or music. However, the installation and utilization of a two-way individualized speaker at each pump station for safety/instructional purposes shall be allowed.
11. No vehicles shall be stored or parked on the subject property overnight except in emergency circumstances. Employees working overnight shall, of course, be excepted from this stipulation.
12. The following uses shall be prohibited from the proposed development: car washes and vacuum services.
13. There shall be no outside storage of firewood and propane tanks.
14. Courtesy air/water provisions shall be above-ground and located as indicated on the site plan.
15. The location of public telephones shall be relocated away from the intersection of Dallas Highway and Bob Cox Road. Public telephones shall be programmed so as not to accept incoming calls.
16. The Applicant recognizes the need for consistency and continuity in the overall design, construction, landscaping and maintenance of the subject property. In that regard, the Applicant agrees to take into consideration the recommendations of PLAN, adjacent neighborhoods and the staff concerning architectural design theme and tone. Staff should constitute the final arbiter during the Plan Review process concerning the foregoing issues.

My client has made compelling concessions so that the zoning proposal now before the Planning Commission constitutes a significant departure from the Racetrac proto-types in terms of

SAMS & LARKIN
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. Edwin Thomas, Principal Planner
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architectural style, utilization and intensity. In fact, the strides which Racetrac has taken in order to address and resolve the concerns of the staff, PLAN and other residents in the area, is unprecedented. In that regard, we believe that the rezoning proposal and the manner in which it has evolved is appropriate from a land use planning perspective and takes into consideration the properties and owners thereof surrounding the proposed development.

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
Mr. Mark A. Danneman, Zoning Manager - VIA Hand Delivery
Ms. Karen Hach, Deputy Clerk - VIA Hand Delivery
Mr. Steve Weber (via facsimile)
Ms. Denise Rose, PLAN (via facsimile)
David Darden, Esq. (via facsimile)
Ms. Amy Brumelow, Permit Manager
RaceTrac Petroleum, Inc. (via facsimile)

People Looking After Neighborhoods, Inc.

Commissioner Bill Cooper
Cobb County Board of Commissioners
100 Cherokee Street
Marietta, GA 30090

12/12/97

Z-144 of 1997
PLAN letter as referenced
in BOE zoning minutes of
12/10/97. Karen Dean

COMPARE TO
Applicant's letter
①

Re: Z-144 (RaceTrac)

Dear Bill:

This letter is written in conjunction with the *Lake Somerset* and *Woodington* subdivision. As per Steve Weber's letter to you dated 12/10/97, Garvis Sams has not responded further to the requests from P.L.A.N. and the subdivision representatives. The Planning Commission Hearing Minutes 12/2/97 agreed to several of the stipulations changes that P.L.A.N. and the subdivision representatives had requested, although they appeared to feel the remainder of the issues to be left to the decision of the Board of Commissioners.

Although we understand they believe compelling concessions have been made, Metropolitan Foods has conceded on only two major and a few minor points. We would like to emphasize that although Metropolitan Foods has deviated from its prototype station, these stations are usually located near interstate highways and in highly commercialized areas. With the proposed development located in a NAC and in such close proximity to residences, we want to ensure that the development blends in with the surrounding neighborhood area.

We agree with the stipulations from Sams and Larkin dated Nov. 24, 1997 (we have received no further written communication from them since the Nov. 24, 1997 letter) and addressed to Ed Thomas with the *exception* of the following:

- Stip #2 Needs to include: No more than four islands for the eight pumps.
- Stip #3 Landscaping subject to P.L.A.N. and neighborhood representative as well as staff.
 - (a) 25' landscaped buffer; a mixture of hardwoods and evergreen shrubs
 - (d) Needs to include:
 - Dumpster to be completely enclosed; three sides brick with doors on front
 - Dumpster to be located on eastern side of development and away from residences
- Stip #4 Height of canopy not to exceed 16' at its highest point; (14' to 16'). The canopies of the Texaco and Shell gas stations at the Dallas Highway/Ridgeway Road intersection do not exceed 14'.
- Stip #5 Needs to include:
 - (a) Only one 4' RaceTrac sign on canopy facing Dallas Highway; no 4' RaceTrac signage on the two ends (western and eastern) of the canopy

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PLAN letter
pg #2

- (b) No neon band around canopy
- (c) No banners, inflatable balloons, or similar signage
(Item #5 in PC Zoning Hearing Minutes states: no freestanding signage on Bob Cox Road, maximum height of 16' for monument signage on Dallas Highway.) But the PC Minutes did not address the a, b, or c above.

Stip #6 Exterior lighting shall be Environmental shoe-box (low intensity);

Needs to include:

- (a) Height of all light poles not to exceed 15'
- (b) No pole-mounted lights on Bob Cox Road side or rear of property higher than 10'
- (c) A reduction by ²⁵50% of total wattage of the canopy lights. (This can be reduced either by fewer lights or the same number of fixtures with lower wattage.) (Item #7 in PC Zoning Hearing Minutes states: lighting controls per excerpt of PLAN letter (attached and made a part hereof))

Stip #9 Adherence to the 30' setback requirement for the rear of the building; any granting of a variance would be inappropriate.

Stip #10 Needs to include:

- Require volume of any outside speakers to be kept at a minimum (can not be heard past the boundary of the gas station).

Stip #13 Needs to include: No outside displays of merchandise; stacks of colas...

Stip #14 All air/water provisions to be located on the easterly side of the building and away from residences. (Item #3 in PC Zoning Hearing Minutes agrees with this.)

Stip #15 Public telephones to be located on the easterly side of the building and away from residences. (Item #3 in PC Zoning Hearing Minutes agrees with this.)

- NO INCOME TAX -

Additional concerns that had previously been discussed at the Oct. 20, 1997 meeting with Garvis Sams and the Racetrac representatives but were not addressed in Garvis Sams letter to Ed Thomas--or since that time--we feel are important and need to be added as additional stipulations. They are as follows:

Stip #17 Hours of operation to be 6:00am to 11:00pm. (A 24-hour operation is unwarranted to serve the neighborhood and would increase the likelihood of crime. The noise and lights would also adversely affect the neighboring homeowners.) (Item #12 in PC Zoning Hearing Minutes states: users to adhere to the hours of operation as the other stations do along Dallas Highway.)

Hours of operation for the following existing stations are:

- Citco at corner of Villa Rica "Spur" and Dallas Hwy
M/F 5:00am--10:00pm / Sat/Sun 6:00am--10pm
- Chevron on Dallas Hwy 5:30am--Midnight
- Texaco at Dallas Hwy, Villa Rica, Ridgeway Road 6:00am--Midnight
- Shell at Dallas Hwy, Villa Rica, Ridgeway Road 6:00am--Midnight

Z-144 (RaceTrac)
page 3

*27449/1991
PLAN letter
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Stip #18 Reduce the number of curb cuts onto the proposed easement road to one, and this to be located on the easterly side of the building. (Curb cut on westerly side of building is too close to Bob Cox Road and would create a safety hazard.)
(Item #2 in PC Zoning Hearing Minutes states: the curb cut to the internal private access road closest to Bob Cox Road is to be closed/removed, which then would allow the building to be moved slightly closer to Bob Cox Road)

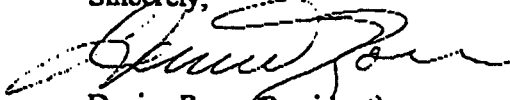
Stip #19 No antennas or towers higher than the top of the building.

Stip #20 No dual purpose or subletting.

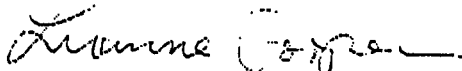
Stip #21 This development should be approved "Site Specific" to requests above.

We believe these adjustments are necessary for the protection of the homeowners who live in close proximity to the site and would minimize the impact the development would have on the neighborhood. It is important that this development be appropriate in scale and design and fit the requirement for the NAC designation and not a CAC. Any future developments in this NAC will be directly influenced by the appearance of the RaceTrac development. For these reasons we ask you to grant these conditions.

Sincerely,



Denise Rose (President)



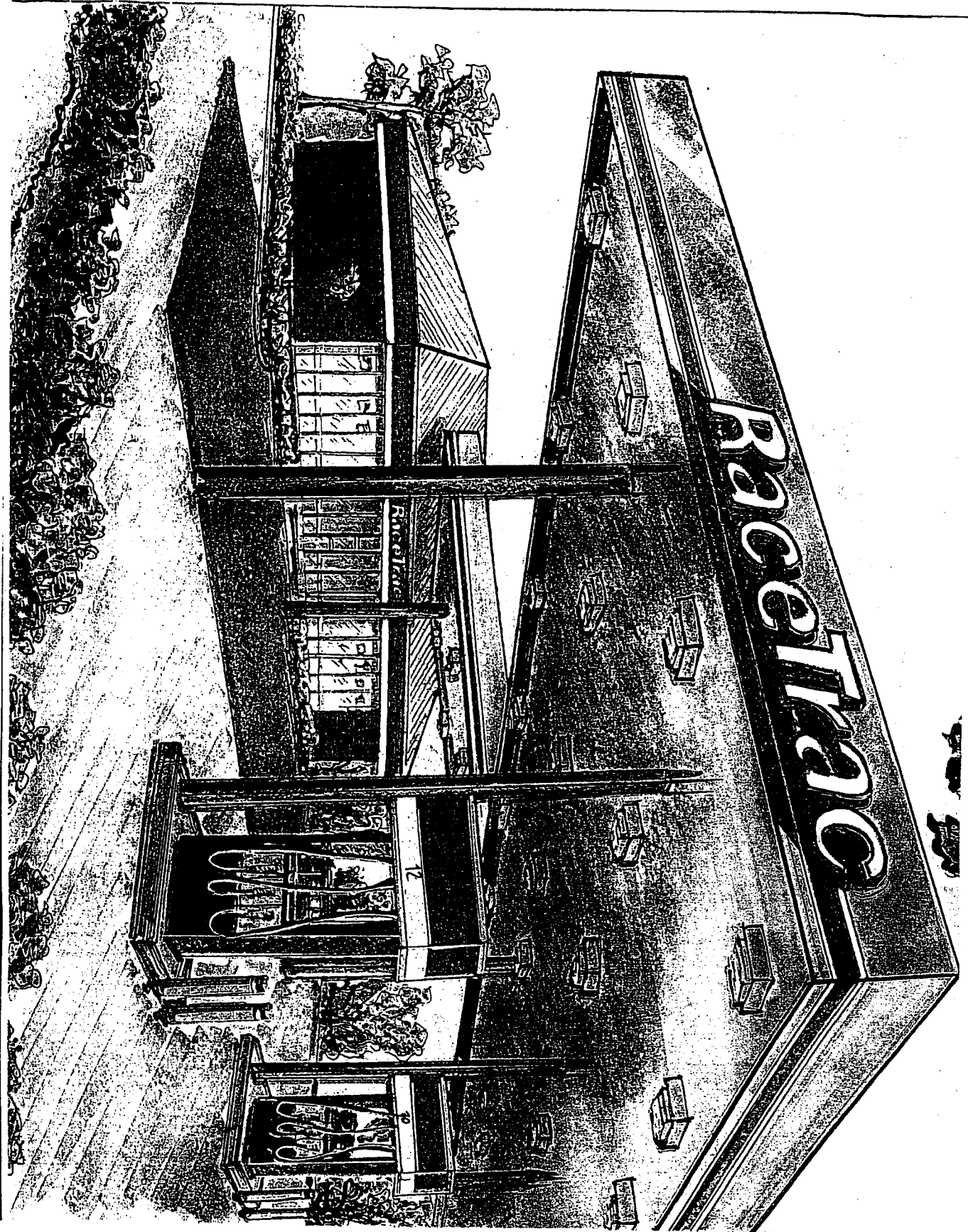
Luanne Porper (Secretary--P.L.A.N and on Board of Directors for *Lake Somerset Civic Assoc.*)

Steve Weber (Member-At-Large for P.L.A.N. and Member of *Woodington HOA*)

Karen Shillings (Member-At-Large for P.L.A.N. and Member of *Woodington HOA*)

cc: Chairman Bill Byrne
Commissioners Woody Thompson, Joe Lee Thompson, and Gordon Wysong
Ed Thomas
Mark Danneman
Karen Hach
Garvis Sams

Architectural style submitted
E: 11/24/97 letter, Item # 1



2-144-Rec'd 12/16/97
© submitted by GS

**OFFICIAL MINUTES OF COBB COUNTY
BOARD OF COMMISSIONERS ZONING
HEARING AS TO APPLICATION FOR
“OTHER BUSINESS” FOR Z-144 (1997)
– APRIL 20, 1999**

ORIGINAL DATE OF APPLICATION: 11/97APPLICANTS NAME: METROPOLITAN FOODS, INC.THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE
COBB COUNTY BOARD OF COMMISSIONERS**BOC DECISION OF 04-20-99 ZONING HEARING:****OTHER BUSINESS ITEM #3 -- TO CONSIDER AMENDMENT TO
STIPULATIONS --- Z-144 OF 1997 (METROPOLITAN FOODS,
INC.)**

To consider Amendment to Stipulations for Racetrac, Inc. regarding Z-144 of November 18, 1997 (Metropolitan Foods, Inc.), for property located at the northeast intersection of Dallas Highway and Bob Cox Road in Land Lots 315 and 332 of the 20th District.

Mr. Mark Danneman, Zoning Division Manager, provided information regarding applicant's request to amend stipulations for Racetrac, Inc. relative to an increase in the size of the proposed convenience store to a maximum of 3,040 square feet and an additional curb cut onto the proposed private cross access easement. Following discussion, the Board of Commissioners **approved** applicant's request to amend stipulations as defined in Mr. Garvis Sams April 19, 1999 letter regarding Z-144 (Metropolitan Foods, Inc.) for property located at the northeast intersection of Dallas Highway and Bob Cox Road in Land Lots 315 and 332 of the 20th District **subject to:** 1) **proposed convenience store to be a maximum of 3,040 square feet;** 2) **second curb cut onto the proposed private cross access easement to be located a minimum of 25 feet from the Bob Cox Road right of way;** 3) **all previous stipulations/conditions to remain in full force and effect.** Motion by Byrne, second by W. Thompson, carried 4-0.

Item #3

**TO CONSIDER AMENDMENT TO STIPULATIONS --- Z-144 OF 1997
(METROPOLITAN FOODS, INC.)**

OB#3
4-20-99
1st 2

To consider Amendment to Stipulations for Racetrac, Inc. regarding Z-144 of November 18, 1997 (Metropolitan Foods, Inc.), for property located at the northeast intersection of Dallas Highway and Bob Cox Road in Land Lots 315 and 332 of the 20th District.

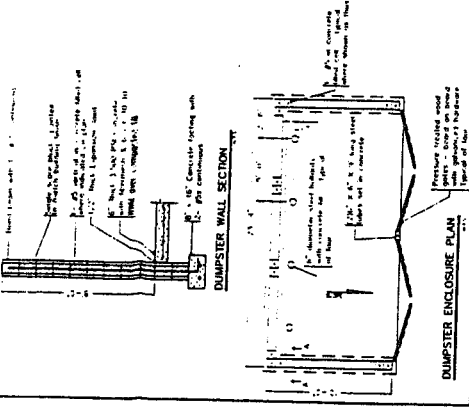
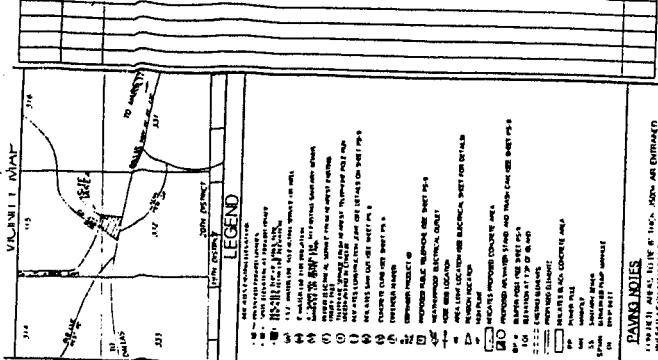
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8#80
2004
272

UNOFFICIAL
NOT PART OF MINUTE

SITE PLAN

RACETRAC SERVICE STATION
300 TECHNOLOGY COURT
RACETRAC PETROLEUM, INC.
BOB COX ROAD
MCKINNEY, TEXAS 75069

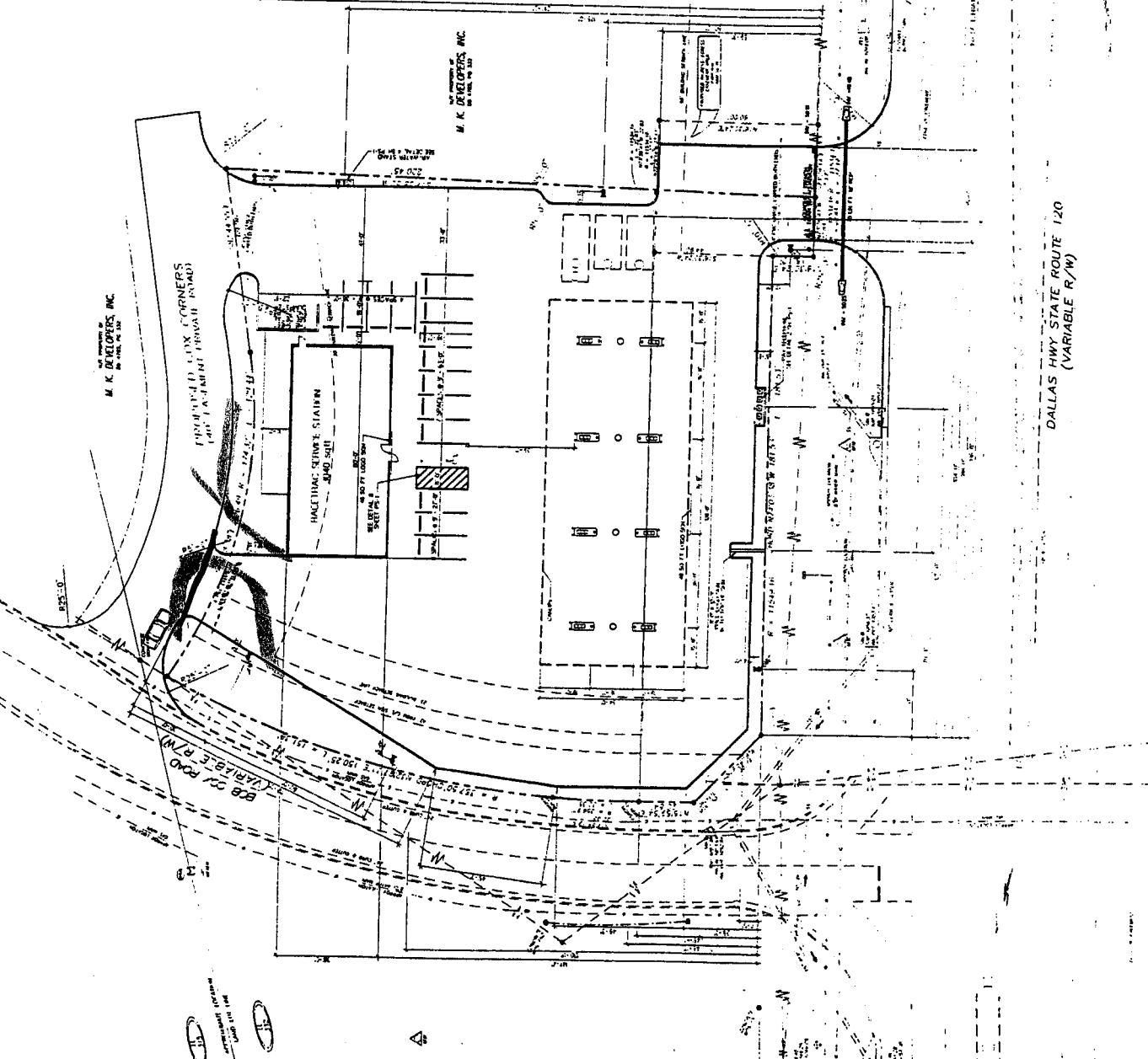


PROPERTY DATA
 1. AREA: 1.17 AC.
 2. ZONING: M-1 (MANUFACTURING)
 3. ADJACENT PROPERTIES:
 - NORTH: M. K. DEVELOPERS, INC.
 - EAST: M. K. DEVELOPERS, INC.
 - SOUTH: M. K. DEVELOPERS, INC.
 - WEST: M. K. DEVELOPERS, INC.

GENERAL NOTES
 1. ALL CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
 3. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 4. THE CONTRACTOR SHALL BE RESPONSIBLE FOR PROTECTING ALL UTILITIES AND STRUCTURES EXISTING ON THE SITE.
 5. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURB AND GUTTER SYSTEMS.
 6. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND LANDSCAPING TO REMAIN ON THE SITE.
 7. THE CONTRACTOR SHALL MAINTAIN THE EXISTING PAVEMENT AND DRIVEWAYS.
 8. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL EXISTING UTILITIES AND STRUCTURES.
 9. THE CONTRACTOR SHALL MAINTAIN THE EXISTING CURB AND GUTTER SYSTEMS.
 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND LANDSCAPING TO REMAIN ON THE SITE.

PAVING NOTES
 1. ALL PAVING SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND LANDSCAPING TO REMAIN ON THE SITE.

CONCRETE NOTES
 1. ALL CONCRETE SHALL BE IN ACCORDANCE WITH THE LATEST EDITIONS OF THE INTERNATIONAL BUILDING CODES AND ALL APPLICABLE LOCAL ORDINANCES.
 2. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.
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 10. THE CONTRACTOR SHALL BE RESPONSIBLE FOR THE PROTECTION OF ALL TREES AND LANDSCAPING TO REMAIN ON THE SITE.



DALLAS HWY STATE ROUTE 120
(VARIABLE R/W)

DATE: 10/15/04
DRAWN BY: [Name]
CHECKED BY: [Name]

**2016 PAID AD VALOREM PROPERTY TAX
RECIPT FOR SUBJECT PROPERTY
(TAX PARCEL NO. 20033200030)**



Printed: 9/18/2017

Cobb County Online Tax Receipt

Thank you for your payment!

CARLA JACKSON TAX COMMISSIONER
CHELLY MCDUFFIE CHIEF DEPUTY
Phone: 770-528-8600
Fax: 770-528-8679

Payer:
RACETRAC

PEPPERWOOD INC
C/O CUSHMAN & WAKEFIELD

Payment Date: 10/17/2016

| Tax Year | Parcel ID | Due Date | Appeal Amount | Taxes Due |
|----------|-------------|------------|---------------|-----------|
| 2016 | 20033200030 | 10/17/2016 | Pay: N/A or | \$0.00 |

| Interest | Penalty | Fees | Total Due | Amount Paid | Balance |
|----------|---------|--------|-----------|-------------|---------|
| \$0.00 | \$0.00 | \$0.00 | \$0.00 | \$14,563.83 | \$0.00 |



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