

**MARCH 19, 2013 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 1**

ITEM # 7

PURPOSE

To consider a site plan amendment for McDonalds USA regarding rezoning application #186 of 1988 (George S. Morgan Development Company, Inc.), for property located at the southeasterly intersection of Lost Mountain Road and Dallas Highway in Land Lot 65, 66 and 83 of the 19th District.

BACKGROUND

The subject property was approved site plan specific to the General Commercial (GC) zoning district in 1987. The property currently has a McDonalds and a convenience store with fuel sales on it. The applicant would like to amend the approved site plan to allow the building and property to be renovated and upgraded. The owners will install a double drive thru for the McDonald's, restripe the parking lot & drive aisle, and install new landscaping around the building. If approved, all previous zoning stipulations would remain in effect.

FUNDING

N/A

RECOMMENDATION

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

ATTACHMENTS

Other Business application, proposed site plan and zoning stipulations.

7

Application for "Other Business" Cobb County, Georgia

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


BOC Hearing Date Requested: 03/19/2013

Applicant: McDonald's USA Phone #: 770.698.7498
(applicant's name printed)

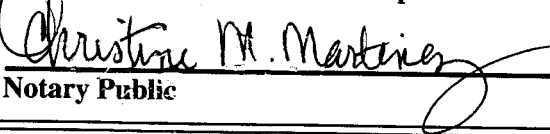
Address: One Glenlake Parkway Atlanta, GA 30328

E-Mail: _____

Teresa Curry, PE - TY Lin Intnat'l Address: 260 Peachtree Street Suite 900 Atlanta, GA 30303
(representative's name, printed)

 Phone #: 404.841.7886 E-Mail: Teresa.Curry@tylin.com
(representative's signature)

Signed, sealed and delivered in presence of:


Notary Public

My commission expires: _____

CHRISTINE M MARTINEZ
NOTARY PUBLIC, ROCKDALE COUNTY, GEORGIA
MY COMMISSION EXPIRES MARCH 21, 2013

Titleholder(s) : McDonald's USA Phone #: 770.698.7498
(property owner's name printed)

Address: One Glenlake Parkway Atlanta, GA 30328

E-Mail: _____

(Property owner's signature)

Vivian Valdivia, Director of Development

Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 15 AM 11:07
COBB COUNTY ZONING DIVISION

Commission District: _____ **Zoning Case:** Z-186 of 1987

Date of Zoning Decision: 08/18/1987 **Original Date of Hearing:** 07/27/1987

Location: 5115 Dallas Highway Powder Springs, GA 30127
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 65, 66 and 83 **District(s):** 19

State specifically the need or reason(s) for Other Business: Per the original zoning case Z-186, this property was approved subject to a particular site plan and stipulations that require plan approval by the Board of Commissioners. Since we are proposing a remodel and site upgrades, we are submitting the attached site plan for approval.

(List or attach additional information if needed)

APPLICATION FOR REZONING
TO THE
COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES
AND THE
COBB COUNTY PLANNING COMMISSION
(type or print clearly)

Application No. #186

George S. Morgan Development Company, Inc.

Hearing Date _____

Applicant George S. Morgan (business name)
 Business Phone 952-1776 Home Phone _____
 Address 100 Galleria Pkwy, #115, Atlanta, GA 30339
 (representative's name, printed)
 Business Phone Same Home Phone _____
 (representative's signature)

Hallie H. Lester, Guardian for Ruth B. Hutchins & Administratrix de bonis
 now with will annexed of the estate of
 Titleholder A.L. Bartlett, Deceased Business Phone 0 Home Phone 404-3254
 Signature Hallie H. Lester Address 260 E. Memorial Dr., Dallas, GA 30132
 (attach additional signatures, if needed)

Zoning Request From PSC & R-30 (present zoning) To GC & REIS R-20 to plan (proposed zoning)

For the Purpose of Subdivision & Commercial tract (subdivision, restaurant, warehouse, apts., etc.) Size of Tract 68.3 acre(s)

Location Intersection of Marietta-Dallas Hwy, Mars Hill and Lost Mountain Roads
 (street address, if applicable, nearest intersection, etc.)

Land Lot(s) 9,10,11,66,65 District 19

Recommendation of Planning Commission 8/18/87 - Planning Commission recommends application be approved as recommended by Staff and all other stipulations agreed upon.
 Motion by Vensant, seconded by McAfee, carried 5-0.

Henry A. Vensant Chairman

Board of Commissioners' Decision 8/18/87 - Board of Commissioners approved application subject to the following stipulations: 1) Residential portion be zoned R-20 per plan submitted; 2) Subject to plan approval by Staff and the Board of Commissioners; 3) Subject to agreement of the property owner providing either a storage tank or pumping station to supply water above the 1150 ft.

Carl E. Smith Chairman

cont.

COBB COUNTY GEORGIA
 FILED IN OFFICE
 2013 FEB 15 AM 11:07
 COBB COUNTY ZONING DIVISION

Original Date of Application: 8-18-87

Applicant's Name: GEORGE S. MORGAN DEVELOPMENT COMPANY, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE COBB COUNTY PLANNING COMMISSION AND THE COBB COUNTY BOARD OF COMMISSIONERS

THE FOLLOWING IS AN EXCERPT OF THE MINUTES OF THE REGULAR MEETING OF THE BOARD OF COMMISSIONERS HELD ON 6-22-93

ITEM #17: COMMUNITY DEVELOPMENT DEPARTMENT - HOLD APPROVAL OF SITE PLAN FOR GEORGE S. MORGAN DEVELOPMENT COMPANY FOR PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF DALLAS HIGHWAY (S.R. 120) AND MARS HILL ROAD:

MOTION: Motion by Byrne to hold approval of the site plan for George S. Morgan Development Company for property located at the northwest intersection of Dallas Highway (S.R. 12[0]) and Mars Hill Road until finalization of the agreement to relocate the Lost Mountain Store is complete.

VOTE: ADOPTED unanimously

Clerk's Note: Please see attached letter from Carol Callaway to BOC members (dated 7-30-93) regarding issuance of permits. Karen L. Hach

See attached page after Exhibits

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 15 AM 11:08
COBB COUNTY ZONING DIVISION

Karen L. Hach
Karen L. Hach, Deputy Clerk
Cobb County Board of Commissioners



COUNTY ATTORNEY'S OFFICE
100 Cherokee Street, Suite 595
Marietta, Georgia 30090-9689
(404) 528-4000/ FAX (404) 528-4010

Fred D. Bentley, Jr.
Jerry L. Gentry
Carol A. Callaway
Linda W. Brunt
Kate Rogers


July 30, 1993

Mr. George Morgan
George Morgan Development Company Inc.
3060 Peachtree Road
Suite 760
Atlanta, GA 30305

Dear Mr. Morgan:

This letter confirms that all requirements for going forward have been satisfied and that all permits can be issued for the construction of the Publix store and the contemporaneous relocation of the Lost Mountain Store.

Sincerely,


Fred D. Bentley, Jr.
County Attorney

FDB, Jr/sk

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 15 AM 11:08
COBB COUNTY ZONING DIVISION

LAW OFFICES

ALSTON & BIRD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

100 GALLERIA PARKWAY
SUITE 1200
ATLANTA, GEORGIA 30339
404-955-8400

DIRECT DIAL NUMBER
(404) 955-8411

WAMBI "B"

8-18-87
#186

RECEIVED
AUG 14 1987
[Signature]

DOWNTOWN OFFICES
1200 CITIZENS & SOUTHERN N.
35 BROAD STREET
ATLANTA, GEORGIA 30335
404-586-1500

CABLE: AMGRAM ATLANTA
TELEEX: 54-2996

August 14, 1987

BY HAND DELIVERY

Mr. Ed Thomas
Cobb County Zoning
47 South Waddell
Marietta, Georgia 30061

Re: George S. Morgan Development
Company Lost Mountain Zoning

Dear Ed:

In response to the concerns discussed at our meeting last week, Mr. Morgan has authorized me to agree to the following stipulations to be made part of the pending zoning application:

(a) That the developer will be required to cooperate with the submission of an application pertaining to the General Store for designation as an historical site. The developer will be responsible for funding the cost of the application in an amount not to exceed \$1,000.00. The area to be included within the historical designation application consists of the General Store itself and the immediately surrounding property as shown on the attached site plan as being outlined in red.

(b) That no use of the General Store will be allowed other than continuation of the existing use; provided, however, other uses shall be allowed (i.e. museum) if approved by the Cobb County Historic Preservation Committee ("Committee"). Moreover, no changes shall be allowed to the architecture of the exterior of the General Store unless first approved by the Committee.

(c) That the developer shall be required to submit its landscaping plan for the proposed shopping center to be located at the northwest corner of the intersection to the Committee in order to afford the Committee an opportunity to submit comments and

COBB COUNTY ZONING DIVISION
2013 FEB 15 AM 11:08
COBB COUNTY GEORGIA
FILED IN OFFICE

Exhibit B

*8-10-87
5:59pm*

*Addendum
to letter
of conditions*

August 18, 1987

Cobb County Board of Commissioners
County Administration Building
Cobb County, Georgia

Re: George S. Morgan Development Company/Lost Mountain Zoning

Dear Commissioners:

The purpose of this letter is to supplement my correspondence of August 14, 1987, by adding the following additional stipulations to Rezoning Application No. 186:

- ✓ (1) The area to be included within the historical designation application will consist of the General Store itself, plus 10 feet on both sides, extending in a straight line to the road right of way, and an additional 10 feet at the rear of the structure. The Developer will prepare a legal description by the time of closing of the property to more particularly describe this area.
- ✓ (2) That the restrictions on the use of the General Store (as described in the August 14 letter, paragraph (b)) will be included as a covenant running with the land as well as a zoning stipulation.
- ✓ (3) That the developer will be required to submit architectural design plans, as well as landscaping plans for the proposed shopping center around the General Store to the Cobb County Historic Preservation Commission in accordance with paragraph (c) of the August 14th correspondence.
- ✓ (4) That the developer shall be required to utilize his best efforts to arrange an opportunity for representatives of the Cobb County Historic Preservation Commission and the Cobb County Planning Staff to inspect the interior of the residence and accessory buildings behind the General Store.

COBB COUNTY GEORGIA
FILED IN OFFICE
2018 FEB 15 AM 11:08
COBB COUNTY ZONING DIVISION

*add "and for Board of Commissioners" for approval
after CCHPC*

LAW OFFICES

ALSTON & BIRD

A PARTNERSHIP INCLUDING PROFESSIONAL CORPORATIONS

100 GALLERIA PARKWAY
SUITE 1200
ATLANTA, GEORGIA 30339
404-955-8400

DIRECT DIAL NUMBER
(404) 955-8411

EXHIBIT "

DOWNTOWN OFFICES
1200 CITIZENS & SOUTHERN NATIONAL BANK BUILDING
35 BROAD STREET
ATLANTA, GEORGIA 30335
404-586-1500

CABLE: AMGRAM ATLANTA
TELEX: 54-2996

August 10, 1987

Mr. Randall Hulsey
Cobb County Department of Transportation
Cobb County Administration Building
10 East Park Square
Marietta, Georgia 30061

Re: George S. Morgan Development
Company; Application No. 186

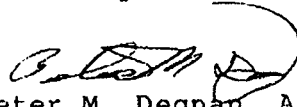
Dear Randy:

The purpose of this letter is to confirm our discussion on Monday, July 27, 1987, pertaining to this application. At that meeting, George S. Morgan Development Company agreed to the following conditions being made a part of Rezoning Application No. 186:

(a) Dedication of additional right-of-way in accordance with the Cobb County Thoroughfare Plan or design of Dallas Highway (State Route 120); and

(b) In the event that the commercial shopping center proposed for the northwest corner of the intersection is completed prior to the completion to Dallas Highway improvements, the Cobb County Department of Transportation shall retain the right to require additional road improvements sufficient to accommodate the additional traffic generated by the shopping center until such time as the Dallas Highway project is completed. Under these circumstances, the developer would be required to pay a reasonable pro rata share of the improvements as determined by the Cobb County Department of Transportation.

Sincerely,

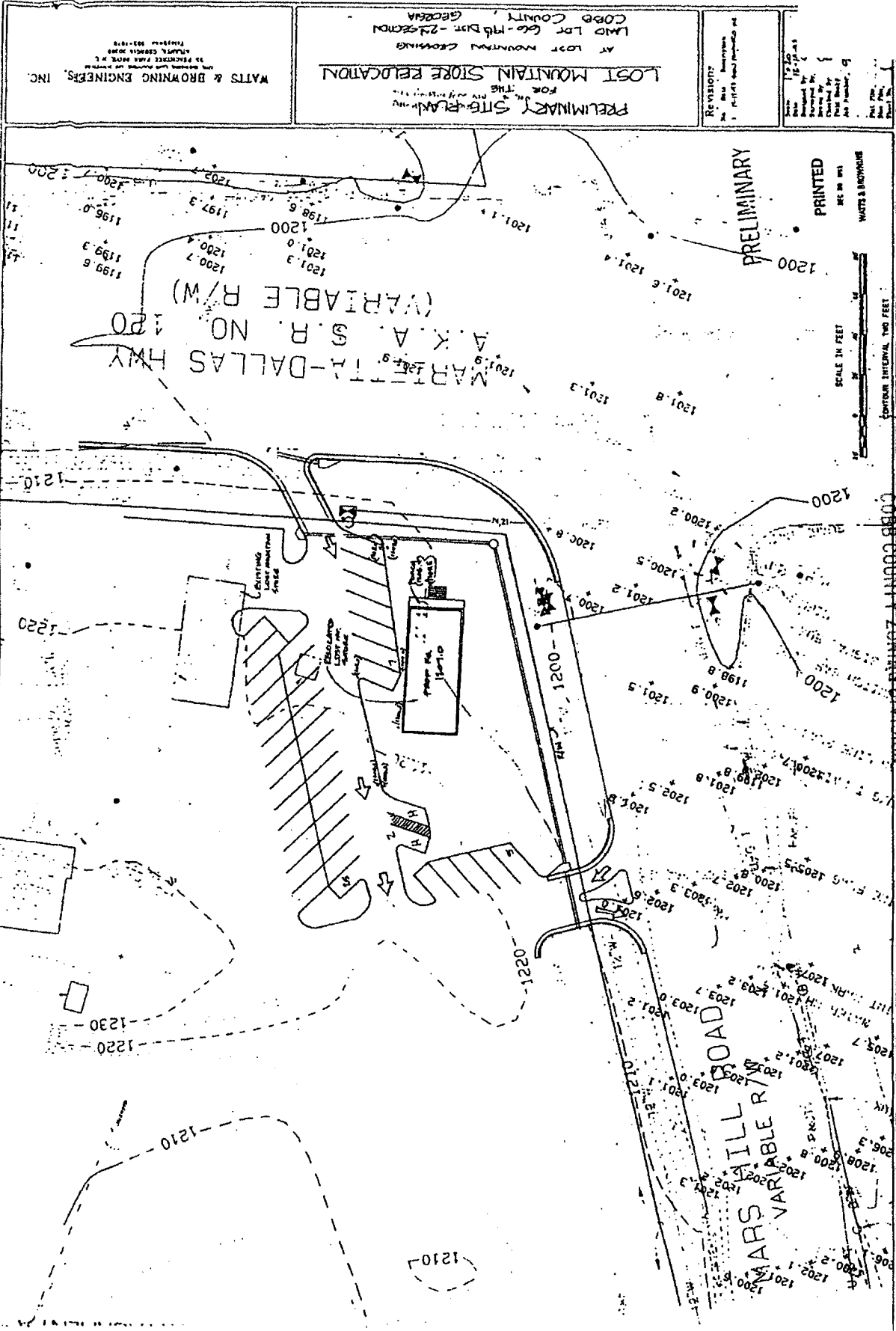


Peter M. Degnan, As Attorney
for Applicant, George S. Morgan
Development Company

PMD/srs

CC: Mr. George S. Morgan

COBB COUNTY GEORGIA
FILED IN OFFICE
2013 FEB 15 AM 11:08
COBB COUNTY ZONING DEPARTMENT



#186 of 1987 - Site plan as referenced in meeting min of the CCOC on
 SEP 15 AM 11:08
 2-8-94. K. black

COBB COUNTY GEORGIA
 FILED IN OFFICE