APRIL 16, 2013 ZONING HEARING "OTHER BUSINESS" COMMISSION DISTRICT 1

<u>ITEM # 5</u>

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.

Application for "Other Business" Cobb County, Georgia (Cobb County Zoning Division = 770-528 2035) POC Handing Division = 770-528 2035)

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/	/

(Cobb County Zoning Division - 7/0-528-2035)	BOC Hearing Date Req	uested: 03/19/2013
Applicant: McDonald's USA	Phone #:	770.698.7498
(applicant's name printed)	I none //	770.000.7400
Address: One Glenlake Parkway Atlanta, GA	30328 E-Mail:	
Teresa Curry, PE - TY Lin Intnat'l Address: 2	60 Peachtree Street Suite	900 Atlanta, GA 30303
(representative's name, printed)		
Phone #: 404.841	.7886 E-Mail: Teres	a.Curry@tylin.com
(representative a aggrature)		
Signed, sealed and delivered in presence of:	NOTARY MY C	CHRISTINE M MARTINEZ PUBLIC, ROCKDALE COUNTY, GEORGIA OMMISSION EXPIRES MARCH 21, 2013
Christine M. Martines	_ My commission expires:	2 3 3 4 5 7 5 7 5 7 5 7 5 7 5 7 5 7 5 7 5 7 5
Notary Public		
Titleholder(s): McDonald's USA	Phone #:	770.698.7498 9
(property owner's name pr		© <u>≥</u> ∪
Address: One Glenlake Parkway Atlanta, GA 3	0328 E-Mail:	8 7 = 8
		M
(Property owner's signature)		7 ₂₀ 5 2 2 3
Vivian Valdivia, Director of Development		
Signed, sealed and delivered in presence of:		OFFICE AM II:
		DOUNTY GEORGIA ED IN OFFICE B 15 AM II: 07
Notary Public	My commission expires:	7
1 toming I divine		
Commission District:	Zoning Case: Z-186 c	of 1987
Date of Zoning Decision: 08/18/1987	Original Date of Hearin	g: <u>07/27/1987</u>
Location: 5115 Dallas Highway Powder Spring	s, GA 30127	
(street address, if applicable; nearest int	ersection, etc.)	
Land Lot(s): 65, 66 and 83	District(s): _	19
State <u>specifically</u> the need or reason(s) for C	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 propo		
the attached site plan for approval.	The second and one of	egrades, we are submitting

MCDONALD'S CORPORATION OF 302 1/31/13 JAG T-YLIN INTERNATIONAL 280 PEACHTREE STREET SUITE 900 ATLANTE, GEORGIA 200303 PHONE: (404) 841-7886 FAX: (404) 841-7867 SOURCE ON AS NOTED DRUMING SPRES. McDONALD'S RESTAURANT CODE 45-8028.32 COUNTY GEORGIA SITE PLAN 2013 FEB 15 AM II: 07 accessed when the constitution of the consti 2013 FEB 15 AM 11: 07 16. ANY WORK PERFORMED IN THE STATE R.O.W. SHALL BE PER DOT GUIDELINES AND STANDARD SPECIFICATIONS 28. GENERAL CONTRACTOR TO PROVIDE 2"4 WEEP HOLES THRU CURB • 46" 0/C ON SITE AT ALL LANDSCAPE ISLES AND AREAS AGAIGENT TO THE BUILDING 21 44, JONYS WEBE NEW PARALENT AGAINS ENSTING PARFIENT SHALL BE SWA CUT, TO INSIRE A STRACHT CLEM LINE, OR MIL BE CAPRED TO THE MEXT EXPANSION JOINT ON DOT P.O.Y. WHERE FEASIBLE. PRISH WAY AND CHIEF ELEMEDRS SHALL RE 6" ARDK FINSH 21. STURBLIZE AND CRASS ALL SLOPES 1"D FREETH FROSKIN, AND SHAREHET TO THE STURBLISH WEST STORED THE CRASSING SEES ADMINISTRATION OF THE WEST STORED THE WEST STOR POTRINGE, MD COST, COST, SON, CONT.—TO SON, CONT.—TO CONTROL SEN, OF STANDARD STICICIONOS.

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2. ASPWALT TOPPING (COMPRESSED TO 1.1/2")

TACK COAT PROPOSED UTLITES ARE SHOWN IN SCHEMATIC ONLY. EXACT LOCATIONS SHALL BE DETERMINED TO ALLOW FOR THE MOST ECONOMICAL INSTALLATION. SEE SITE DETAILS SQ-1.1 FOR LOT STRIPING INFORMATION AND SPECIFICATIONS. LOT JUGHTING SUPPLIER NOTE. LIGHT FOR AMERICAN FLAG HELLINIMATION TO BE LOCATED ON BUILDING NEAR THE FLAG WHEN REQUIRED BASES FOR FLAGPOLES ARE BY THE GENERAL CONTRACTOR. ANCHOR. BOLTS ARE BY OTHERS SITE APPLA SUMMA DENING SITE AREA CORRAL TO MATCH BUILDING NOO 151, MIN 1698 MOST CHEM TO DOWGO APPROVED THE WAY SEED OF CHEM TO DOWGO APPROVED TO CHEM TO DOWGO APPROVED TO CHEM TO SHALL BE AN ENGLISHED TO CHEM THE SHALL BE AND THE SHA MAN SIME OF SIA, THE AMERICAN CONFIDENCE OF THE AMERICAN OF CURPAT OF OWNER, PROPORTION OF CURPAT OF OWNER, PROPORTION OF THE AMERICAN OWNER, PROPORTION OWNER, AND CONFIDENCE AND CONFIDENCE OF THE AMERICAN OWNER, AND CONFIDENCE OWNER, AND CONFI TREAST TO STATE OF THE STATE OF CONCRETE PAVING SPECS. - DETECTOR LOOP WILL / 1.5 OVERLAY & RESTRIPE **(** \$-4 MUTCO SICH R7-8 -HANDICAP PARKING SICH R7-8 A BOLLARD MOUNTED MUTCO SICH R7-8 A \$-5 R7-8 A WIND CESSIBLE HANDICAP PARKING 0 (5-7) YAY LAVE ARM CATEMAY SICH WITH (5-8) IN-CROUND PULL FORWARD SPACE (S-2) 2 NEW DUAL POLE DRIVE-THRU ٦ (S-6) LICHT POLES TO BE REPAINTED (S-3) MONUMENT SIGN TO BE (s-т) оно мени вомю REFRESH LANDSCAPING BY DWNER/OPERATOR E (0-5) 0 (A-3) 4" WHITE PARKING STRIPE OR STRIPED APEX - 4" WHITE STRIPES @ 45", 2" C.C. (A-8) "THANK YOU" PANTAENT MARRING PLACED (A-9) PARKENG LOT ARROWS @ 40'-60' (52' IDEAL) (A-2) HANDICAP ACCESSIBLE AISLE-4" WHITE O • (A-1) ADA ACCESSIBLE STALL WITH WHITE (A-7) "DRIVE-THRU" W/ARROW PAVENEN A-4 8" YELLOW DRIVE-THRU STRIPE (A-1) 8" YELOW PULL FORWARD S (A-5) DOUBLE HEADED APROW A-6 8' WHITE STOP BARS (1) 2618 SY 9724 SF 720 SF 305 LF 242 SF 30 LF ٦ <u>©</u> 4" HIGH X 2" MDE - 4,000 PS MOUNTABLE CONCRETE WITH FREFRAESH 2" ASPHALT TOPPING COMPRESSED TO 14" CURBS\CUTTERS, PADS AND PARNO ON STE SPECIFICATION COLOR, PATTERN & MFR. BY PROJECT CONCRETE WITH FIBERALES (F CUNTABLE CONCRETE ISLAND 6 CUPB POUPED WITH WONDUTHIC SUABS CONCRETE PAYEMENT PAWER ASPHALT MCD-LTR- Dollas Hwy -LostMtn- Dollas, GA/Drowings/CIVIL/45-8028 SITE.dwg

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3-19-13

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APPLICATION FOR REZONING

TO THE

COBB COUNTY BOARD OF COMMISSIONERS OF ROADS AND REVENUES AND THE

COBS COUNTY PLANNING COMMISSION (type or print clearly)

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George S. Morgan Developm	ent Comn	anu Tn		;	Hearing	g Date _		
coorge b. Rongan bevenopi	ene camp	any, m	952	1776	محسندات	Phone _		•
Applicant (Notice 1997)								
George S. Morgan	_Address	100 Ga	lleria	Pkwy,	#115,	Atlanta	A, GA	30339
(representative's name, printed	_ Busines	s Phone	Same		Home	Phone _		
(representative's signature)			•					
Hallie H. Lester, Guardian for Rut	h B. Hute	chins &	Admini	istratı	ix de	bonis		
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Titleholder A.L. Bartlett, Deceased								
Signature Valle V. Bester (attach additional signatures, if no	Address	260	F. Me.	maria	1 Or	MAS	GA	30132
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Zoning Request From PSC 4 R-30 (present	· inainal		ToG	C & R	12 (K.	posed zon	1001	ν(
For the Purpose of Subdivision & Com (subdivision, restaura	ercial t	ract	., etc.)	Size of	Tract	68.3		acre(s)
Intersection of Marietta								
Location (street addre								
Land Lot(s) 9,10,11,66,65				Oistric	t1	9		
						100		2
Recommendation of Planning Commiss	GC 8/18	/87 - Pis	annina (?nmmis	sion re	commen	de du	7 <u>8</u>
application be approved as recommende								C
Motion by Vensant, seconded by McAfe						7		58
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Board of Commissioners' Decision 8/1	8/87 - Bo	ard of C	ommiss	sioners	approv	ed appli	cation.	
subject to the following stipulations: 1)								i: 2}
Subject to plan approval by Staff and th								
property wher providing either a store	ge tank o	r pumpi	ng stati	on to s			ove the	1150 ft.
13-8-12	Chairma	_			CO	nt.		

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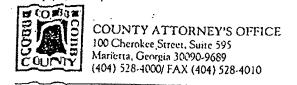
APPLICATION NO. #186

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 O	OF THE BOARD OF
COMMISSIONERS HELD ON 6-22-93	DOMAD OF
ITEM #17: COMMUNITY DEVELOPMENT DEPARTMENT - HOLD APPROVAL OF SITE PLAN FOR	GROPGE C MODGA
DEVELOPMENT COMPANY FOR PROPERTY LOCATED AT THE NORTHWEST INTERSECTION OF	
(S.R. 120) AND MARS HILL ROAD:	THE PROPERTY OF THE PROPERTY O
MOTION: Motion by Byrne to hold approval of the site plan for George S. Mo	rgan Development
Company for property located at the northwest intersection of Dallas Highway	···
Mars Hill Road until finalization of the agreement to relocate the Lost Mo	
complete.	
VOTE: ADOPTED unanimously	
Clerks Noto: Place see attacked letter from (Callaway to BOC members (dated 7:30-93) reg issuance a permits. Heren L. (Nich	Caral
Son affected or an all Extility	
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Karen L. Haca	GEORGIA MII: 08
aren L. Hach, Deputy Clerk obb County Board of Commissioners	
con county board of Commissioners	



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 GEURGIA FILED IN OFFICE 2013 FEB 15 AM 11: 08

COBB COUNTY ZONING DIVISION

LAW OFFICES

ALSTON & BIRD

ENTIFIE "B"

8-18-87 #186

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

DIRECT DIAL NUMBER (404) 955-8411

AUG 14 RETU

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

CABLE: AMGRAM ATLANTA TELEX: 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

COBBICOUNTY GEORGIA DIVIS

Dehibit

August 18, 1987

8-10.54pm Sisapm Addendum Yo letter of conditions

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.

add "and for Board of Commissioners" for approval

COBB COUNTY GEORG

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 "

COWNTOWN OFFICES
1200 CITIZENS & SOUTHERN NATIONAL BANK EXILDING
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 of Monday, July 27, 1987, pertaining to this application. At that meeting, George S. Morgan Development Company agreed to the fallow ing conditions being made a part of Rezoning Application No. 136:

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

