

Application for "Other Business" Cobb County, Georgia

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

BOC Hearing Date Requested: 5/20/14

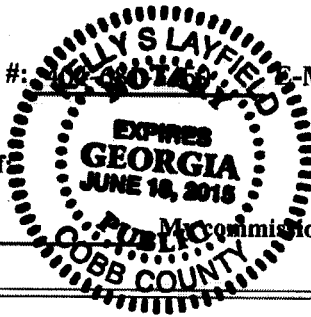
Applicant: J & H Property Leasing 2, LLC Phone #: (678) 910-6900
(applicant's name printed)

Address: 5678 Harbormist Drive, Power Springs, GA 30127 E-Mail: markghouston@gmail.com

Scott W. Peters Address: 1100 Peachtree Street, NE, Suite 800, Atlanta, GA 30309
(representative's name printed)

[Signature] Phone #: [Signature] E-Mail: speters@swllp.com
(representative's signature)

Signed, sealed and delivered in presence of [Signature] My commission expires: 06/18/2015
Notary Public

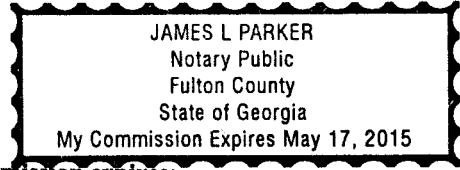


Titleholder(s) : J & H Property Phone #: (678) 910-6900
(property owner's name printed)

Address: 5678 Harbormist Drive, Power Springs, GA 30127 E-Mail: markghouston@gmail.com

[Signature]
(Property owner's signature)

Signed, sealed and delivered in presence of: [Signature] My commission expires: _____
Notary Public



Commission District: 2 **Zoning Case:** Z-38 (2010)

Date of Zoning Decision: 2/15/11 **Original Date of Hearing:** 12/14/10

Location: 1120 Powers Ferry Road/2860 Delk Road
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 925 **District(s):** 17th

State specifically the need or reason(s) for Other Business: Change in conditions to allow additional sign face (Letter of Agreeable Conditions - Item No. 10)

(List or attach additional information if needed)

LAW OFFICES
SCHREEDER, WHEELER & FLINT, LLP
1100 PEACHTREE STREET, NE
SUITE 800
ATLANTA, GEORGIA 30309-4516

(404) 681-3450
FACSIMILE: (404) 681-1046

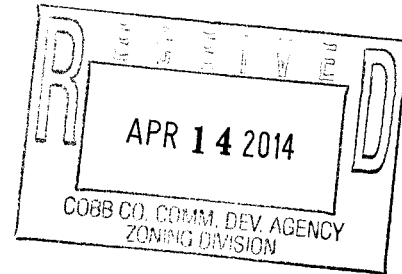
Scott W. Peters

E-Mail: speters@swflfp.com

Direct Dial: (404) 954-9836

April 14, 2014

Mr. John Pederson
Zoning Division Manager
1150 Powder Springs Street
Suite 400
Marietta, Georgia 30064



RE: Application for Other Business - Change in Conditions
Property located at Southwest Corner of Powers Ferry Road and Delk Road

Dear Mr. Pederson:

This firm represents J&H Property Leasing 2, LLC, the Property Owner and Applicant, in regard to its request for a Change in Zoning Conditions related to its property identified above. The request seeks the modification of a single condition associated with Zoning Case No. Z-38(2010) related to the sign on the Property.

Applicant seeks to modify Item No. 10 in the Letter of Agreeable Conditions, as was modified by the Board of Commissioners when the zoning was approved on February 15, 2011. Specifically, Applicant seeks to modify such condition of zoning to allow for the installation of a third LED sign face on the off-premise outdoor advertising sign located upon the property to close in the western side of the sign structure in accordance with the site plans submitted herewith. In conjunction with such installation, the sign owner will comply with the provisions of Code Section 134-318.1 related to the reduction in the number of off-premise outdoor advertising signs in the vicinity.

Thank you for your consideration in regard to this request.

Sincerely,



Scott W. Peters

SWP/mlw

CLIENTS:100:382:Pederson.ltr.doc

REQUEST FOR CHANGE IN CONDITIONS

J&H PROPERTY LEASING 2, LLC

CURRENT SITE PLAN

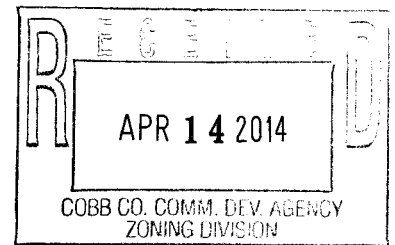
REQUEST FOR CHANGE IN CONDITIONS

J&H PROPERTY LEASING 2, LLC

ORIGINAL ZONING INFORMATION

Z-38 (2010)

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
DECEMBER 14, 2010
PAGE 3



CONSENT AGENDA (Continued)

~~LUP-29 RICKY J. WHITE (owner) requesting a Land Use Permit for the purpose of Parking Of A Vehicle Weighing In Excess Of 12,500 Pounds in Land Lot 5 of the 20th District. Located at the southwesterly intersection of George Washington Avenue and Mclain Drive (5127 George Washington Avenue).~~

~~MOTION: Motion by Powell, second by Thompson, as part of the Consent Agenda, to approve Land Use Permit for 24 months subject to:~~

- ~~• no on-street parking~~
- ~~• County Arborist to approve landscape plan to screen view from Mclain Drive~~

~~VOTE: ADOPTED unanimously~~

REGULAR CASES -- NEW BUSINESS:

~~Z-28 GREEN STREET PROPERTIES/MARTHASVILLE DEVELOPMENT/JAMESTOWN PROPERTIES (Riverview Industries, L.P., owner) requesting Rezoning from HI and R-20 to PVC for the purpose of a Mixed Use Development in Land Lots 58, 171, 172, 174, 175, and 284 of the 18th District. Located on the southeasterly side of River View Road, between I-285 and the Southern Railway Railroad tracks; on the southeasterly side of River View Road, south of I-285; on the northwesterly side of River View Road, between Dickerson Drive and Nichols Drive; and on the southerly side of Nichols Drive, between River View Road and Armstrong Place. (Continued by Staff; therefore was not considered at this hearing)~~

Z-38 J & H PROPERTY LEASING, LLC (Merchant Investment Group, Inc., Teena Hubbard, H. Lamar Hardin, Thomas Lee Pharr, Joseph Stephen Pharr, owners) requesting Rezoning from GC to CRC for the purpose of a Carwash, Light Auto Servicing And A Billboard in Land Lot 925 of the 17th District. Located at the southwest intersection of Delk Road and Powers Ferry Road.

The public hearing was opened and Mr. Mark Houston and Mr. Eric Jacobsen addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Lee, to hold Rezoning request Z-38 until the February 15, 2011 Board of Commissioners Zoning Hearing.

VOTE: ADOPTED unanimously

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 15, 2011
PAGE 10**

REGULAR CASES — NEW BUSINESS (Continued):

~~LUP-30^{'10} DESTINY BARNES (Dank A. Barnes, owner) requesting a Land Use Permit for the purpose of Additional Vehicles in Land Lot 270 of the 17th District. Located at the northeasterly intersection of Church Road and Biggern Avenue (255 Church Road). *(Held by the Planning Commission from their December 1, 2010 and February 1, 2011 hearings; therefore was not considered at this hearing)*~~

LUP-2 LAKEVIEW SDA CHURCH (Georgia-Cumberland Association of Seventh-Day Adventist, Inc., owner) requesting a Land Use Permit for the purpose of a Classroom Trailer in Land Lot 724 of the 19th District. Located on the south side of Macedonia Road, across from Old Villa Rica Road (4001 Macedonia Road). **WITHDRAWN WITHOUT PREJUDICE**

~~Prior to beginning of the Held Case Z-38 of 2010, a brief recess was taken from 11:14 a.m. until 11:24 a.m.~~

HELD CASE:

Z-38^{'10} J & H PROPERTY LEASING, LLC (Merchant Investment Group, Inc., Teena Hubbard, H. Lamar Hardin, Thomas Lee Pharr and Joseph Stephen Pharr, owners) requesting Rezoning from GC to CRC for the purpose of a Carwash, Light Auto Servicing And A Billboard in Land Lot 925 of the 17th District. Located at the southwest intersection of Delk Road and Powers Ferry Road.

The public hearing was opened and Mr. Mark Houston and Mr. Eric Jacobsen addressed the Board. Following presentation and discussion, the following motion was made:

MOTION: Motion by Ott, second by Goreham, to **approve** Rezoning to the CRC zoning district subject to:

- **site plan received by the Zoning Division dated September 27, 2010 with the District Commissioner approving minor modifications (attached and made a part of these minutes)**

MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 15, 2011
PAGE 11

HELD CASE (Continued):

Z-38'¹⁰

J & H PROPERTY LEASING, LLC (Continued)

- this use only as described and depicted in the letter of agreeable conditions (including elevations) from Mr. Mark Houston dated January 19, 2011 not otherwise in conflict with below stipulations (attached and made a part of these minutes) and *with the following changes under the heading: Stipulations Applicable to the Overall Development :*
 - Item No. 1 – delete the words “light automotive servicing, repair” from the first sentence
 - Item No. 2 – Strike in entirety (signs to meet County Code)
 - Item No. 3 – Strike in entirety (signs to meet County Code)
 - Item No. 7 – Add to end: “*Agreement to be separately executed document agreed to by Cobb County, and landscaping approved by County Arborist.*”
 - Item No. 8 – Add to end: “*Agreement to be separately executed document agreed to by Cobb County.*”
 - Item No. 10 - Clarify that sign is two (2) sided only and there shall be no signage on the tower (to be substantially the same as the Smyrna location)
 - Item No. 13 – Clarify that right-of-way swap agreement to be a separately executed agreement agreed to by Cobb County
- if a Land Disturbance Permit is not pulled to develop the site within twenty-four (24) months of this decision, the property reverts to the GC zoning district
- all signage on the subject property must comply with county ordinances and regulations pertaining to electronic signs, with the exception of the two (2) variances requested regarding the off-premise electronic sign
- regarding conversion of the existing off-premise sign – sign is to meet Code requirements, specifically noting Code Section 34-318.1. (Reduction in number of off-premises outdoor advertising signs)
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations
- revised Cobb DOT comments and recommendations (attached and made a part of these minutes)
- 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

VOTE: ADOPTED unanimously

Fast Trac Car Wash 2, LLC / J & H Property Leasing 2, LLC

Stipulation for Fast Trac Car Wash 2, LLC / J&H Property Leasing 2, LLC

January 19, 2011

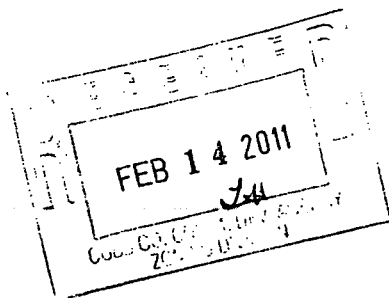
Mr. John P. Pederson
Planner III
Zoning Division
Cobb County Community Development Agency
1150 Powder Springs St
Marietta, Georgia 30064

Hand Delivered

Min. Bk. 62 Petition No. 2-38¹¹⁰
Doc. Type Letter of agree-
able conditions
Meeting Date 2/15/11

Re: Application for Rezoning

Application No.: Z-38 (2010)
Applicants: Fast Trac Car Wash 2, LLC and J&H
Property Leasing 2, LLC
Owners: Merchant Investment Group, Inc.
Thomas Lee Pharr, Joseph Stephen
Pharr, H. Lamar Hardin, and Teena
Darlene Kelley aka Teena
Hubbard.
Property: 1120 Powers Ferry Road Marietta,
GA, 2860 Delk Road Marietta, GA,
associated easement for the 2860
Delk Road and Cobb DOT Right of
ways on Delk Road and Powers
Ferry Road.



Dear John,

As you know, the undersigned and these companies (hereinafter collectively referred to as "Applicants") represent Merchant Investment Group, Inc. Thomas Lee Pharr, Joseph Stephen Pharr, H. Lamar Hardin, and Teena Darlene Kelley aka Teena Hubbard (hereinafter collectively referred to as "Owners"), in their Application for Rezoning with regard to a total tract of 0.768 acre and associated easements located at the south west corner of the intersection of Delk Road and Powders Ferry Road Land Lot 925, 17th District, 2nd Section, Cobb County, Georgia (hereinafter the "Subject Property"). After meetings with planning and zoning staff, discussions and meetings with area businesses and owners, and reviewing the staff comments and recommendations, and reviewing the uses of the surrounding properties, we have been authorized by the Applicants and Owners to submit this letter of agreeable stipulations and conditions, which, if the Application for Rezoning is approved, as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property. The referenced stipulations are as follows:

2 STIPULATION FOR FAST TRAC CAR WASH 2, LLC / J&H PROPERTY LEASING 2 , LLC

Petition No. 2-38¹¹⁰
Meeting Date 2/15/11
Continued

- (1) The stipulations and conditions set forth herein shall replace and supersede in full any and all prior stipulations and conditions, in whatsoever form, which are currently in place on the Subject Property.
- (2) Rezoning of the Subject Property shall be from the General Commercial ("GC") zoning category to the Community Retail Commercial ("CRC") zoning category classification site plan specific to that certain Concept Site Plan prepared for Fast Trac Car Wash by Southview Design and Consulting dates September 27, 2010.
- (3) The subject Property consists of 0.768 acre in addition to associated easements' and right of ways.

STIPULATIONS APPLICABLE TO THE OVERALL DEVELOPMENT

- (1) The retail buildings, light automobile servicing, repair and carwash shall be similar in architectural design and finishes as exists at 5100 South Cobb Drive Smyrna, Georgia. The overall height of the building will be less than forty-five feet from the finished floor elevation. Photos taken and a Conceptual Design Elements Rendering of the elevations is submitted and incorporated in these stipulations. The combination of the two will be the final design allowing for minor engineering and functional issues to be addressed.
- (2) Dumpster Enclosure at the corner of the property will be dual use and similar in proportion to the elevation submitted (titled dumpster enclosure) and incorporated hereinto. It is depicted in the Design Concept Site Plan and it will contain the refuse dumpster enclosure with a monument type sign elevations. Each of three elevations will indicate a sign for the business and a color programmable display and all proportional to the submitted rendering. The actual language of the signage to be determined by owner and subsequent owner(s) of the business. The maximum height of the enclosure will be less than twenty-five feet from ground level. Rendering is noted as Dumpster Enclosure to this letter.
- (3) Signage on the main structure will be proportional and located as depicted in the rendering titled Conceptual Design Elements Rendering attached to this letter. The actual language of the sign to be determined by owner and subsequent owner(s) of the business.
- (4) Accessory signage of menus, directional traffic and other necessary signage to be similar or same as exists currently at 5100 South Cobb Drive Smyrna Georgia. Attached to this letter "Stainless Steel Signage Drawings E2.3, E4.1 and E3.0" in addition to Photographs "FT signage".

Fast Trac Car Wash 2, LLC / J & H Property Leasing 2, LLC

Stipulation for Fast Trac Car Wash 2, LLC / J&H Property Leasing 2, LLC

- (5) Lighting will be sensitive to the area by utilizing under canopy lighting similar to 5100 South Cobb Drive and only using Georgia Power box type pole lighting fixtures where they maybe needed (entrances/ exits and rear of building).
- (6) The hours of operation will be variable to the seasons but will be no earlier than 7AM and no later than 10 PM seven day each week.
- (7) The landscape plan will be as submitted in the Design Concept Site Plan with the excess tree requirement to be paid to the Cobb County tree bank for subsequent allocation to the Powers Ferry Road corridor revitalization landscape. The landscaping of the current right of way adjacent to the site will be done during construction. If a signaling structure is disrupted or damaged it will be returned to its original condition if necessary. Adjacent (not inclusive in the Concept Site Plan area or public properties) properties will be landscaped with approval from the District Commissioner as needed. Maintenance of adjacent property will be by private agreement.
- (8) The maintenance of the right of way will be outlined in a letter of agreement with Cobb County and J&H Property Leasing 2, LLC. The essence of the letter will allow J & H Property Leasing 2 to maintain the currently depicted landscape plan in the right of way.
- (9) The site plan has three pay stations and options to vacuum either before or after the carwash. With these variables and larger capacity in ordering, the current site plan will be considered to be compliant with the car queue requirements.
- (10) In accordance with current code, CBS Outdoors, Inc. will remove the existing full face monopole billboard to a center mount Two-face monopole billboard. A letter of agreement from CBS Outdoors, Inc. will be drafted with Cobb County and approved by the district Commissioner before this sign will be constructed as to the specific signage reduction to meet the code requirements. Two of the sign "faces" may be electronic in nature. The sign will be relocated as per the Concept Site Plan. This sign will be no closer than Two hundred fifty (250 ft) feet from any currently constructed residential housing unit.
- (11) Setback requirements are modified as per Concept Site Plan to allow for site flow and canopy and building construction. The site plan titled Concept Site Plan is submitted "as is" with minor modifications by Cobb County planning and development staff with approval of the District Commissioner as needed or necessary.
- (12) The current Powers Ferry full service entrance will be modified to a allow Right turns into and out of the site. This entrance will also allow for left turns into the site from Powers Ferry Road north bound traffic but will have signage to restrict Left turns out of the site heading north bound Powers Ferry Road. Dot will approve this signage.

4 STIPULATION FOR FAST TRAC CAR WASH 2, LLC / J&H PROPERTY LEASING 2 , LLC

- (13) While not required to do so as part of this rezoning request, Applicants agree to a Right of Way swap with Cobb County as set forth in the Right of Way Swap Document attached and submitted herein.
- (14) Applicant agrees to comply with all Cobb County development standards and ordinances relating to project improvements, except as approved by the Board of Commissioners or by the Department of Transportation or Community Development Agency, as their authority may allow.

We believe the requested zoning, pursuant to the referenced Concept Site Plan and the stipulations set forth herein, is an appropriate use of the Subject Property. The proposed overall development is a much need improvement and fits together with the upscale nature proposed for the redeveloped area. The Applicants have gone to great detail in planning the development. One of the core principles of this business is of quality. Its image of quality is what gives this business its competitive edge. This will translate into the continued maintenance of the development in an upscale manner. Thank you for your consideration in this request.

With kindest regards, I remain

Very truly your,
Fast Trac Car Wash2, LLC / J&H Property Leasing2, LLC

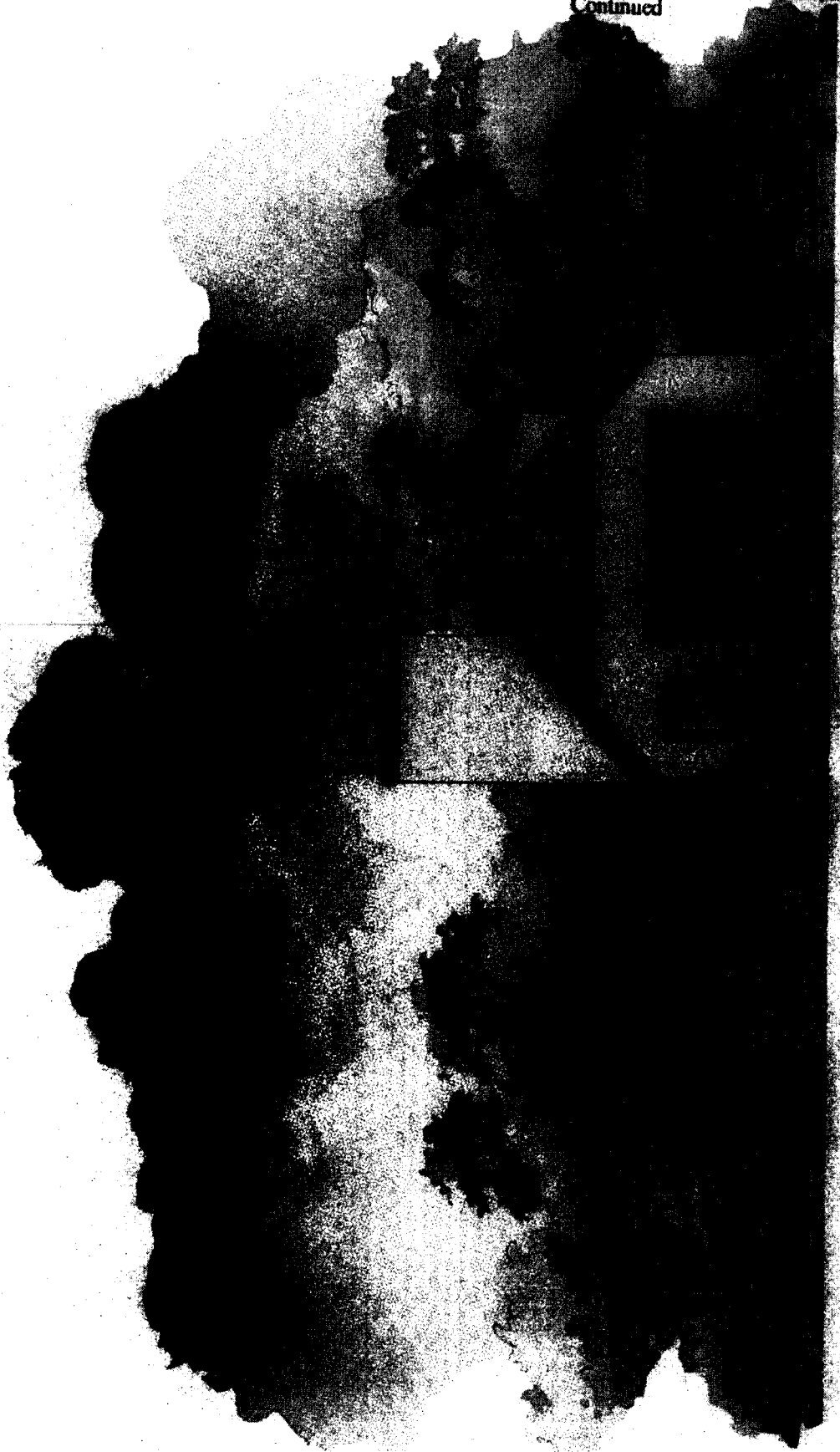


Mark Houston

- C: Cobb County Board of Commissioners:
Tim Lee, Chairman
Helen Goreham
Bob Ott
Jo Ann Birrell
Woody Thompson

Eric Jacobsen
East Cobb Civic Association
Linda Carver
Terrell Mill Community Association

Petition No. 2-38¹⁰
Meeting Date 2/15/11
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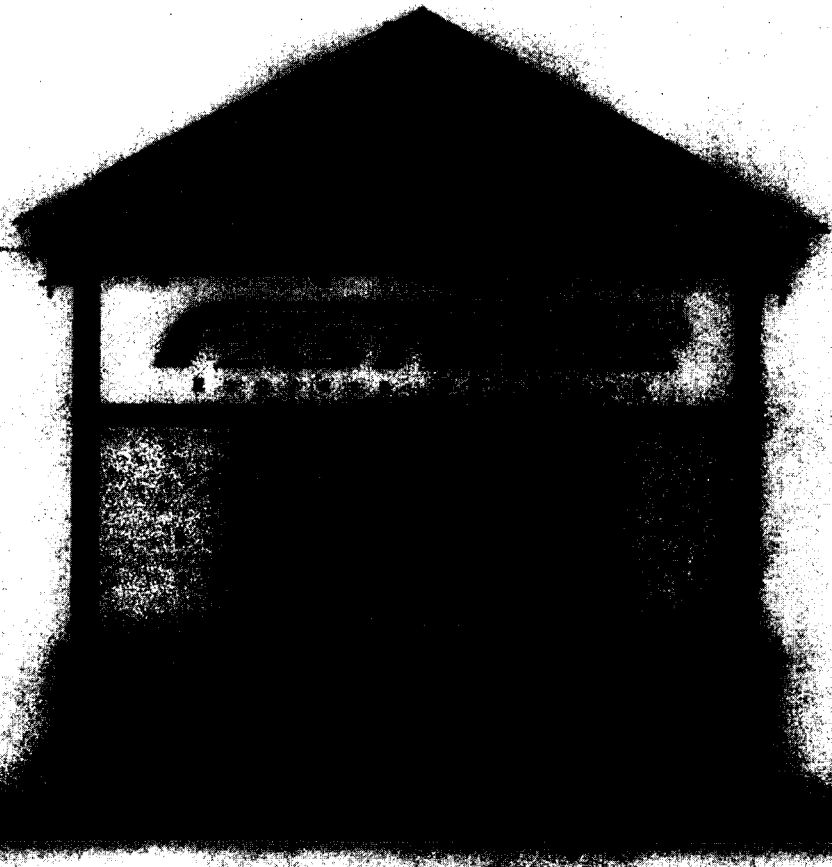
CONCEPTUAL DESIGN ELEMENTS

No. 2-8810
Date 2/15/77
cd



CONCEPTUAL DESIGN ELEMENTS

Petition No. 2-88¹⁰
Meeting Date 2/15/11
Continued



Dumpster Enclosure

Petition No. 2-38¹⁰
Issuing Date 2/15/50
Court No. 100-10000