

MARCH 15, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 2

ITEM OB-003

PURPOSE

To consider amending the stipulations for Racetrac Petroleum, Inc. regarding rezoning application Z-24 of 2014 (Racetrac Petroleum, Inc.), for property located on the northeast side of South Cobb Drive, north of Tibarron Parkway in Land Lot 753 of the 17th District.
(Continued by staff from the February 16, 2016 zoning hearing)

BACKGROUND

The subject property is zoned Community Retail Commercial (CRC) for a convenience store with fuel sales. It was zoned site plan specific which showed their signage along the road. The current sign is approximately 43 feet tall with 120 square feet of sign area; this sign also has fuel prices that have to be manually changed by store employees. The applicant would like to renovate the sign to match the newly renovated site. The proposed sign would be 41 feet tall with 150 square feet of sign area (120 square feet allowed by code), and the applicant would like to have a 50 square foot LED sign in lieu of a 32 square foot sign. This would allow the applicant to change the fuel prices from inside the store instead of sending an employee outside to manually change the sign. A rendering of the proposed sign is attached for review. If approved all other stipulations and conditions would remain in effect.

STAFF COMMENTS

Cobb DOT: Recommend GDOT permits for all work that encroaches upon State right-of-way.

RECOMMENDATION

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

ATTACHMENTS

Other Business Application, request letter, renderings and stipulations.

Application for "Other Business"

Cobb County, Georgia

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

BOC Hearing Date Requested: February 16, 2016

08-003-2016

Applicant: RaceTrac Petroleum, Inc. **Phone #:** _____
(applicant's name printed)

Address: _____ **E-Mail:** _____

SAMS, LARKIN, HUFF & BALLI, LLP

by Parks F. Huff

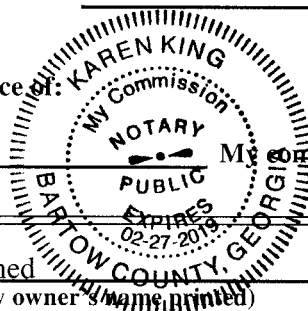
Address: 376 Powder Springs Street, Suite 100, Marietta, GA 30064

(representative's name, printed)

Phone #: 770-422-7016 **E-Mail:** phuff@slhb-law.com
(representative's signature)

Signed, sealed and delivered in presence of:

Notary Public

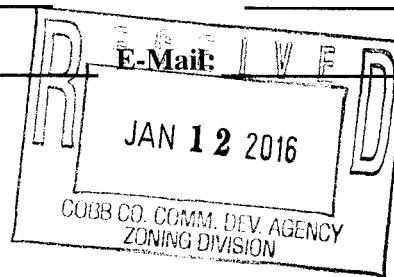


My commission expires: 2-27-19

Titleholder(s): See Attached **Phone #:** _____
(property owner's name printed)

Address: _____

(Property owner's signature)



Signed, sealed and delivered in presence of:

Notary Public

My commission expires: _____

Commission District: 2 **Zoning Case:** Z-24 of 2014

Size of property in acres: 0.995 **Original Date of Hearing:** May 20, 2014

Location: Northeast side of South Cobb Drive, north of Tibarron Parkway (5191 South Cobb Drive).
(street address, if applicable; nearest intersection, etc.)

Land Lot(s): 753 **District(s):** 17th

State specifically the need or reason(s) for Other Business: To amend condition of rezoning to allow an increase in free-standing sign height and size (per attached rendering).

RaceTrac is redeveloping an older store and needs to replace an existing sign with a modern LED sign. The sign height is 40 feet and the LED area is 50 square feet for a total sign area of 150 square feet. Due to topography and other signs located on adjacent properties, the extra height is needed for visibility. The request will be a waiver of Cobb County Code Sections 134-313 and 134-314 to increase the maximum sign height from 35 feet to 41 feet; allow a 50 foot LED sign in lieu of 32 square foot messaging area; and, increase the total sign area from 120 square feet to 150 square feet.

* The 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)

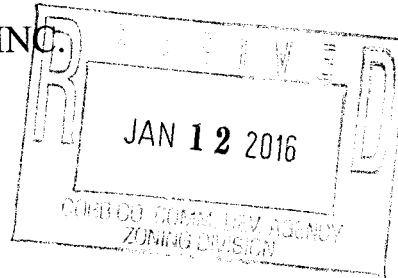
ATTACHMENT TO OTHER BUSINESS APPLICATION

Application No.: _____ OB #- 003
BOC Hearing Date: Feb. 16, 2016

Applicant: RACETRAC PETROLEUM INC.

Titleholder: OWC, LTD

PIN#: 17075300200



PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

* RaceTrac Petroleum, Inc.
a Georgia corporation, successor by merger to
OWC, Ltd.

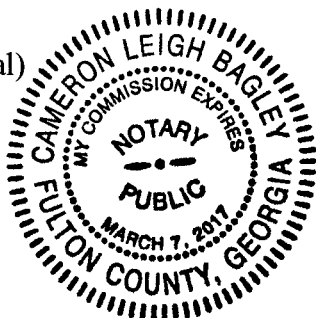
Brian Thornton 1-8-16
Signature of Owner Date
Brian Thornton, Vice President

Address: 3225 Cumberland Blvd.
Atlanta GA 30339

Telephone No.: (770) 431-17600

Cameron Leigh Bagley 1/8/16
Signature of Notary Public Date

(Notary Seal)



**CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE
OTHER BUSINESS APPLICATION**

1.

My name is Brian Thornton, VP. I am the secretary, assistant secretary or other officer to whom the operating agreement or Articles and Bylaws have delegated the responsibility for authenticating records of the company **OWC LTD**, (the "Property Owner Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application regarding ~~certain real property owned by the~~ Property Owner Company located in Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a Cobb County Other Business Application I hereby attest on behalf of the Property Owner Company that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith by the Applicant Company (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

- (a) That signature or facsimile affixed to the Other Business Application is in fact the seal of the Property Owner Company and is a true representation thereof;
- (b) That the officer or other representative of the Property Owner Company who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Property Owner Company, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Other Business Application and the filing of the Other Business Application by the Applicant is with the express permission of the Property Owner Company.

*RaceTrac Petroleum, Inc., a Georgia corporation
successor by merger to OWC, Ltd.

OWC LTD

BY:

Brian Thornton

ITS: Vice President (CORPORATE SEAL)

CERTIFICATE REGARDING CORPORATE AUTHORITY TO PURSUE OTHER BUSINESS

1.

My name is Brian Thornton, VP. I am the secretary, assistant secretary or other officer to whom the operating agreement has delegated the responsibility for authenticating records of the company **RACETRAC PETROLEUM, INC.** a Georgia Corporation (the "Applicant"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Application for an Other Business Agenda Item concerning certain real property located in Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a Cobb County Other Business Application, I hereby attest on behalf of the Applicant that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith by the Applicant Company (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

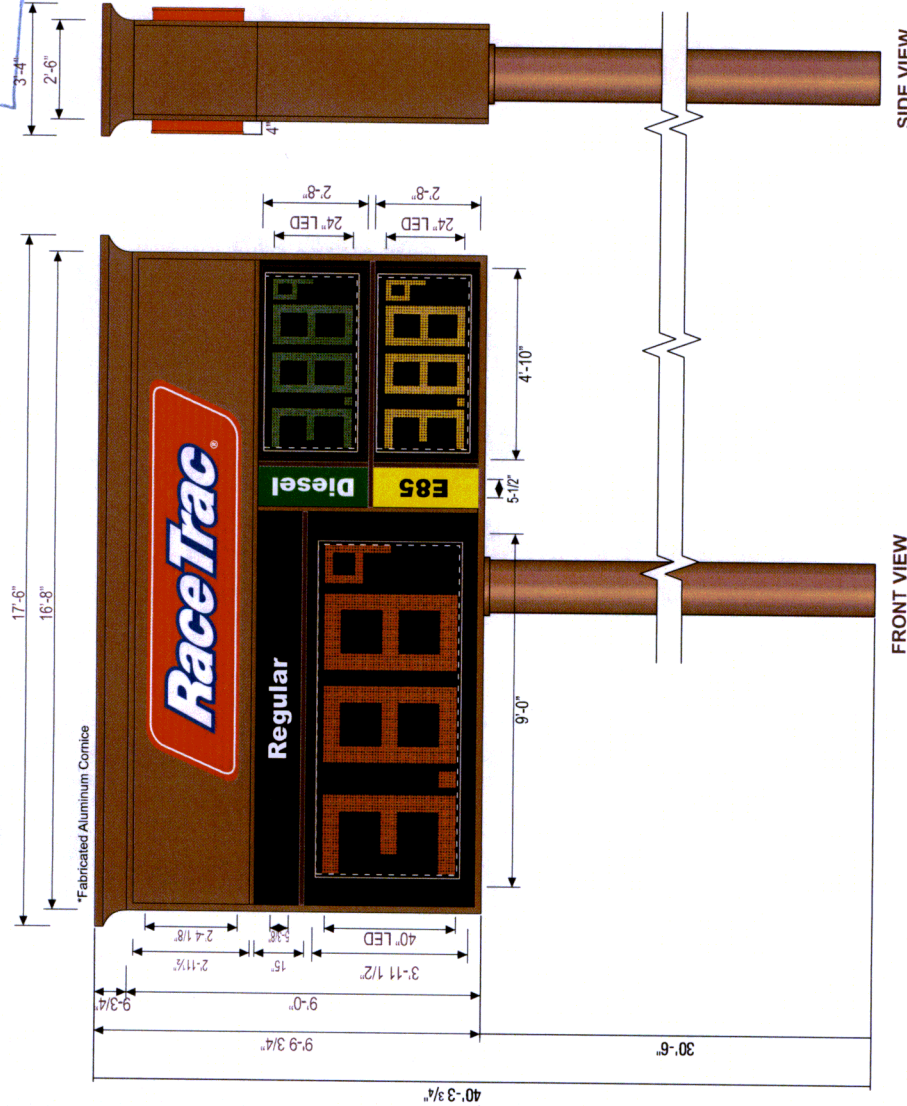
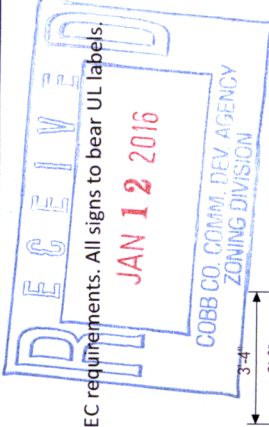
- (a) That signature or facsimile affixed to the Other Business Application is in fact the seal of the officer executing on behalf of Applicant and is a true representation thereof; and
- (b) That the officer or other representative of the Applicant who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Applicant, and that the signature of said officer or other representative is genuine; and
- (c) That the execution of the Other Business Application and the filing of the Other Business Application by the Applicant is with the express permission of the Property Owner Company.

RACETRAC PETROLEUM, INC.

By: Brian Thornton (SEAL)
Brian Thornton
Its: Vice President

150 SF Price Sign - 40" & 20" LED (N)

*All sign components to be UL listed. All wiring to conform to UL specifications. Installation to be per NEC requirements. All signs to bear UL labels.



LED Interior Illumination
Sloan Sign Box II

Specifications:

Sign Faces:

- Logo panel: Aluminum panel painted Akzo Sign 31356-Bronze with parallelogram mounted to the surface. Parallelogram to be channel letter-type construction with .177" thick Polycarbonate face panels with 2nd surface applied translucent vinyl graphics. Parallelogram copy to be digitally printed red background stripes and white border with blue area of logo graphic also printed. Cabinet and trim cap to be red to match Akzo Nobel #SIGN91780.
- Regular Unleaded Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl opaque 180C-22 Matte Black; "Regular" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- Diesel Product Panel: Solar Grade Polycarbonate; Background to be 1st surface applied 3M vinyl translucent 3630-26 Green; "Diesel" to be show-through white or 1st surface applied 3M vinyl translucent 3630-020 White.
- E85 Product Panel: Solar Grade Polycarbonate; background to be 1st surface applied 3M Translucent Yellow Vinyl 3630-015 Yellow; "E85" black text color.

Interior Illumination: Sloan Sign Box II LED Interior Illumination powered by low voltage power supplies. This is behind fuel grade panels, only.

SIDE VIEW

FRONT VIEW

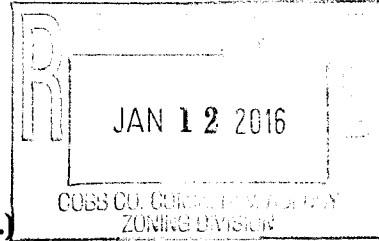
Sign Frame: 2" x 2" x .25" steel tube with .063 aluminum cladding painted Akzo Sign 31356-Bronze.
Extruded aluminum 1-1/2" wide Divider Bars installed to retain sign panels. Face dividers and retainer to be painted Akzo Sign 31356-Bronze.

Sign Support: Internal steel pipe support to be welded to steel saddle bracket at top and bottom of sign frame.
External steel sign support to meet building and local sign codes. Size of steel and footing as required per site requirements.

OB-003-2016
Proposed sign

RaceTrac

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REGULAR CASES (CONT.)

~~Z-9~~ **QUIK TRIP CORPORATION (CONT.)**

- ~~• Water and Sewer Division comments and recommendations, *not otherwise in conflict*~~
- ~~• Stormwater Management Division comments and recommendations, *not otherwise in conflict*~~
- ~~• Revised Cobb DOT comments and recommendations dated April 17, 2014, *not otherwise in conflict*~~
- ~~• 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~~

~~*Clerk's Note: Commissioner Birrell requested that DOT staff research the possibility of including sidewalks along Hickory Grove Road in the Safe Routes to School grant.*~~

Z-24

RACETRAC PETROLEUM, INC. (owner) requesting Rezoning from TS to CRC for the purpose of Parking Improvements for Existing Convenience Store with Fuel Sales in Land Lot 753 of the 17th District. Located on the northeast side of South Cobb Drive, north of Tibarron Parkway (5191 South Cobb Drive).

The public hearing was opened and Mr. Parks Huff and Ms. Mary Rose Barnes addressed the Board. Following presentation and discussion, the following motion was made:

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

- Site plan received by the Zoning Division March 6, 2014, with the District Commissioner approving minor modifications (attached and made a part of these minutes)
- Letter of agreeable conditions from Mr. Parks Huff dated April 23, 2014 (attached and made a part of these minutes) *with the following change:*
 - Item No. 6 - add to end: "... or increase non-conformity with the Zoning Ordinance."
- Applicant agrees to comply with the existing sign ordinance as well as any future changes approved by the Board of Commissioners
- Applicant to assess the southern drive for possibly repaving

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REGULAR CASES (CONT.)

Z-24 RACETRAC PETROLEUM, INC.

- Fire Department comments and recommendations
- Water and Sewer Division comments and recommendations
- Stormwater Management Division comments and recommendations, *with stipulated letter superseding comments regarding pervious pavement or pavers*
- Cobb DOT comments and recommendations, *with sidewalks along South Cobb Drive frontage to be installed "if" required by Georgia Department of Transportation*

VOTE: **ADOPTED** unanimously

Clerk's Note: Commissioner Ott requested that staff evaluate the ordinance as it relates to windows signs during the next round of code amendments. Chairman Lee stated his concurrence with this request.

~~**Z-25 THE CENTER FOR CHILDREN AND YOUNG ADULTS, INC.** (owner) requesting Rezoning from **PSC** and **R-20** to **NRC** for the purpose of Accessory Recreation Use for Existing Center in Land Lots 60 and 85 of the 17th District. Located at the northeast intersection of Austell Road and Schaffer Road (2221 Austell Road).~~

~~The public hearing was opened and Ms. Kim Borna, and Ms. Mary Stewart addressed the Board. Following presentation and discussion, the following motion was made:~~

~~MOTION: Motion by Cupid, second by Ott, to approve Rezoning to the NRC zoning district **subject to**:~~

- ~~Site plan and recreation area plan received by the Zoning Division March 6, 2014, with the District Commissioner approving minor modifications (attached and made a part of these minutes)~~
- ~~For this Applicant and this use *only*~~
- ~~Garbage trucks are limited to entering and leaving the facility between the hours of 7:00 a.m. and 7:00 p.m.~~
- ~~Landscape buffer improvements along parking lot, to be approved by County Arborist (Schaffer Road)~~

Min. Bk. 72 Petition No. 2-24
Doc. Type letter of agreeable
conditions
Meeting Date 5/20/14

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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

JUSTIN H. MEEKS

WWW.SLHB-LAW.COM

April 23, 2014

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Rezoning Application of Racetrac Petroleum, Inc. for property known as 5191 South Cobb Drive, .995 acres, Land Lot 753 of the 17th District, From TS to CRC (Z-24).

Dear John:

RaceTrac proposes to rezone the subject property from Tourist Shopping (TS) to Community Retail Commercial (CRC), a more traditional and appropriate category for the existing convenience store use. RaceTrac proposes on-site and off-site improvements to increase parking aisle widths and to replace parallel parking spaces with ninety degree parking spaces. The improvements are designed to improve the functionality of a site that was developed over thirty years ago. The applicant has met with the county development staff to develop the following zoning conditions that the applicant requests be a condition on the rezoning.

1. The zoning is conditioned on the site plan that was submitted with the zoning application. Any future redevelopment of the property will be in compliance with the CRC zoning requirements at that time.
2. The granting of a variance to increase the amount of impervious area on the subject property by 1,000 square feet over the existing condition. Because the site is already over the maximum impervious square footage and there is no existing water quality features, RaceTrac, in lieu of using pervious paving material shall insert a water quality device into the existing drop inlet located in the northwestern portion of the property.
3. The site was developed in the 1970's when landscape strips were not required. In lieu of a landscape strip and other landscaping requirements including parking lot trees, the applicant will install the landscaping as shown in the attached plan on GDOT right of way, subject to the approval of GDOT. Additionally, the county shall vary the

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

Petition No. 2-24
Meeting Date 5/28/14
Continued

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
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development standards and not require the installation of a sidewalk along the road frontage.

4. RaceTrac will ensure that any Cobb County utilities that conflict with the proposed off-site improvements in the area leased from GDOT will be relocated or lowered as necessary to protect the utility lines.
5. The convenience store will not be enlarged, no additional fueling stations shall be added and the canopy will not be enlarged. The proposed site improvements are to improve parking and automobile access from South Cobb Drive. If the property redevelops, the redevelopment will meet all zoning requirements at that time.
6. The District Commissioners can make minor modifications to these conditions including the site plan and land scape plan as long as the modifications do not alter the intent of the zoning conditions.

Please contact me if you have any questions regarding the proposed rezoning request or the proposed conditions contained in this letter.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Parks F. Huff
phuff@slhb-law.com

PFH/dvm
Enclosures

cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Jason Campbell, Planner III (via email)
Mr. David Breaden, P.E., Cobb County Stormwater Management (via email)
Ms. Jane Stricklin, PE, Cobb County DOT (via email)

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

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Meeting Date 3/20/14
Continued

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
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Ms. Karen King, Assistant County Clerk (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
RaceTrac Petroleum, Inc.