

# APPLICATION FOR VARIANCE TO THE CITY OF SMYRNA

Type or Print Clearly

(To be completed by City)

Ward: \_\_\_\_\_

Application No: \_\_\_\_\_

Hearing Date: \_\_\_\_\_

**APPLICANT: CLIPPER PETROLEUM, INC.**

Business Phone: 770-530-8414 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Representative's Name (print): MARK LINKESH and STEVE HALL

Address: 5317 T.L. BOWER WAY, FLOWERY BRANCH, GEORGIA 30542

Business Phone: 770-530-8414 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

E-Mail Address: MLINKESH@CLIPPERPETROLEUM.COM

Signature of Representative: *Mark Linkesh*  
*Steve Hall, Sr. VP*

**TITLEHOLDER: PALADINS PARTNERS, LLC.**

Business Phone: 770-530-8414 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_

Address: 5317 T.L. Bower Way, Flowery Branch, Georgia 30542

Signature: *Steve Hall, MEMBER*

**VARIANCE:**

Present Zoning: GC Type of Variance: Allow parking space reduction from 62 to 48.

Explain Intended Use: Convenience Store-Gas Station and Restaurant

Location: 5220 South Cobb Drive, Smyrna, Georgia 30080

Land Lot(s): 753 District: 17 Size of Tract: 1.74 Acres

(To be completed by City)

Received: \_\_\_\_\_

Posted: \_\_\_\_\_

Approved/Denied: \_\_\_\_\_

**CONTIGUOUS ZONING**

**North:** Now or formerly BP/McDonalds, 5160 South Cobb Drive (Zaxby's): Zoned GC

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**East:** Intersection of I-285 and South Cobb Drive

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**South:** Now or formerly Durga Corp., 5230 South Cobb Drive (Knight's Inn): Zoned GC

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**West:** 2130 Oak Drive (Westhill Subdivision): Zoned RAD

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**NOTIFICATION OF CONTIGUOUS OCCUPANTS OR LAND OWNERS TO  
ACCOMPANY APPLICATION FOR VARIANCE**

By signature, it is hereby acknowledged that I have been notified that \_\_\_\_\_

Intends to make an application for a variance for the purpose of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

on the premises described in the application.

**\*\* SEE EXHIBIT "F" ATTACHED FOR LIST OF ADJACENT PROPERTY OWNERS\*\***

**NAME**

**ADDRESS**

_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

## **VISUAL MATERIALS**

Handouts are not permitted during the meeting or large renderings and plats that require use of an easel.

Any questions regarding presentations can contact: Terri Graham, City Clerk at 770-319-5303

## **ZONING ORDINANCE**

### **SEC. 1403. VARIANCE REVIEW STANDARDS.**

(a) In rendering its decisions, the License and Variance Board or Mayor and City Council shall consider the following factors:

- (1) Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
- (2) Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
- (3) Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.
- (4) Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

## EXHIBIT A

### Summary of Conditions Necessitating Variances

Summary of Conditions Necessitating Variances  
5220 South Cobb Drive, Smyrna, Georgia 30080

1. *Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.*

The Subject Property is 1.74 acres zoned General Commercial. The Subject Property is bordered on the Northern boundary by South Cobb Drive and on the Western boundary by Oak Drive, each of which are zoned General Commercial. The Knight's Inn is the adjacent property along the Eastern boundary and is also zoned General Commercial. The rear or Southern boundary is adjacent to the Westhill Subdivision which is zoned RAD single-family attached/detached. It is important to note that entire Southern property line of the Subject Property is adjacent to Westhill Subdivision's detention facility and does not border any residential dwelling.

Three variances are required to build the proposed Convenience Store-Gas Station and Restaurant: 1) a setback variance along South Cobb Drive from 50 feet to 30 feet to accommodate the proposed gas canopy; 2) a parking space variance from 62 to 48 spaces; and 3) a setback variance for the southwest corner of the convenience store from 50 feet to 41 feet.

2. *Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.*

The hardship is not self-created by any person having an interest in the property and is not the result of a disregard or ignorance of the provisions from which relief is sought. The Subject Property is currently undeveloped and unproductive. The Applicant has made every effort to design the project to comply with city zoning regulations. The expansion of South Cobb Drive over the years has rendered the Subject Property difficult to develop due to the loss of buildable area. The survey shows that there is 200 feet of right of way fronting this location on South Cobb Drive.

3. *Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.*

Strict application of the relevant provisions of the zoning code would deprive the Applicant of the reasonable use of the Subject Property for which the variances are sought. Strict application of city's zoning regulations would render the development of the Subject Property economically unfeasible. Due to the roadway expansion, similar variances have been granted other facilities along South Cobb Drive.

4. *Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.*

The three proposed variances are the minimum required to make possible the reasonable use of the Subject Property. The setback variance along South Cobb Drive only affects the distance between the proposed gas canopy and the roadway. The parking space variance from 62 to 48 spaces is compensated for by the fact that 20 spaces for vehicles are available at the gas pumps which are not included in the calculation. The setback variance for a small portion of the southwest corner of the convenience store is adjacent to the Westhill Subdivision water detention facility and is not adjacent to a residence.

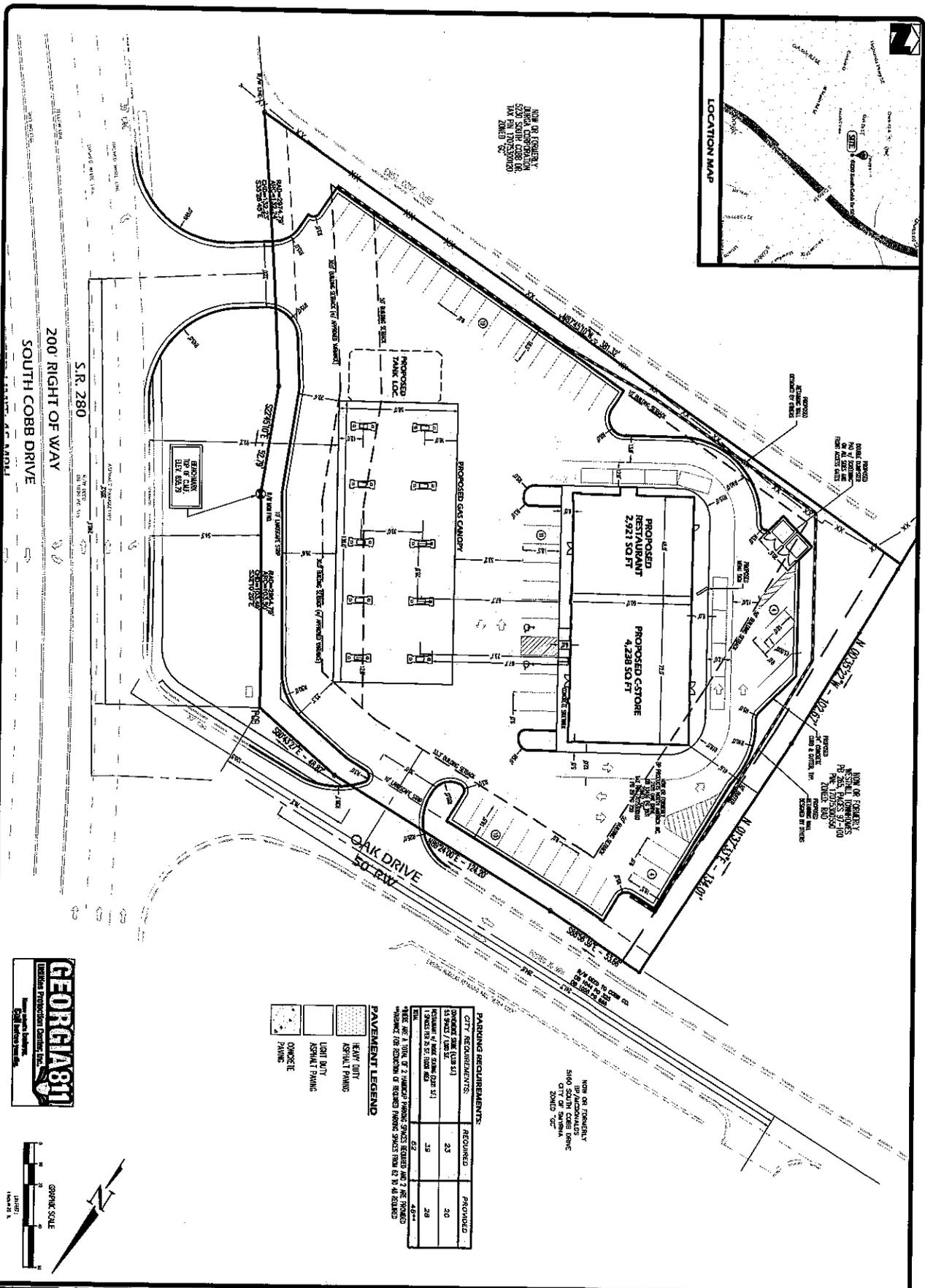
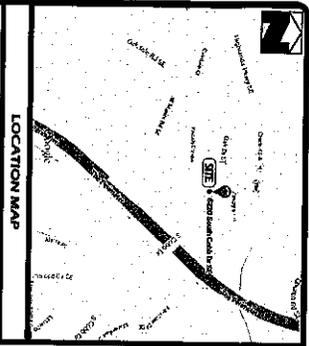
EXHIBIT B

Plat



EXHIBIT C

Site Plan



NOV 09 10:00 AM  
 JOHN R. FISHBURN  
 CIVIL ENGINEER  
 1000 SOUTH COBB DRIVE  
 MARIETTA, GA 30067

NOV 09 10:00 AM  
 JOHN R. FISHBURN  
 CIVIL ENGINEER  
 1000 SOUTH COBB DRIVE  
 MARIETTA, GA 30067

NOV 09 10:00 AM  
 JOHN R. FISHBURN  
 CIVIL ENGINEER  
 1000 SOUTH COBB DRIVE  
 MARIETTA, GA 30067

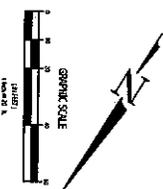
**PARKING REQUIREMENTS**

CITY REQUIREMENTS:	REQUIRED	PROVIDED
CHANGING ROOM (150 SQ FT)	23	20
150 SQ FT / 1,000 SQ FT	23	20
RESTROOM (150 SQ FT)	23	20
150 SQ FT / 1,000 SQ FT	23	20

NOTE: SEE TABLE OF 2 HOURS PARKING REQUIREMENTS AND 1 HOUR PARKING REQUIREMENTS FOR REMOVAL OF REQUIRED PARKING SPACES FROM 2 1/2 HOUR PARKING

**PAVEMENT LEGEND**

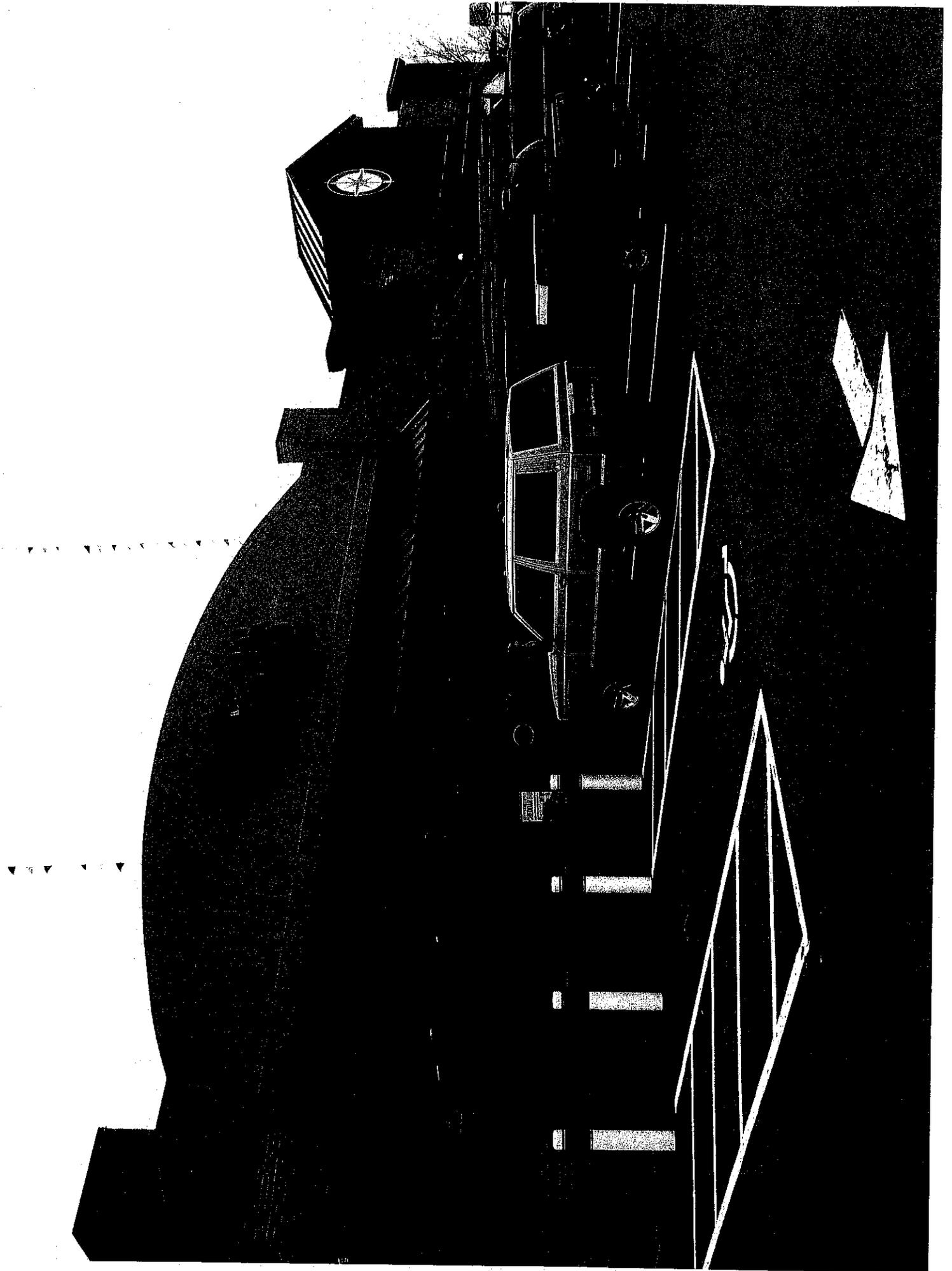
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[Symbol]	ASPHALT PAVING
[Symbol]	LIGHT DUTY ASPHALT PAVING
[Symbol]	CONCRETE PAVING

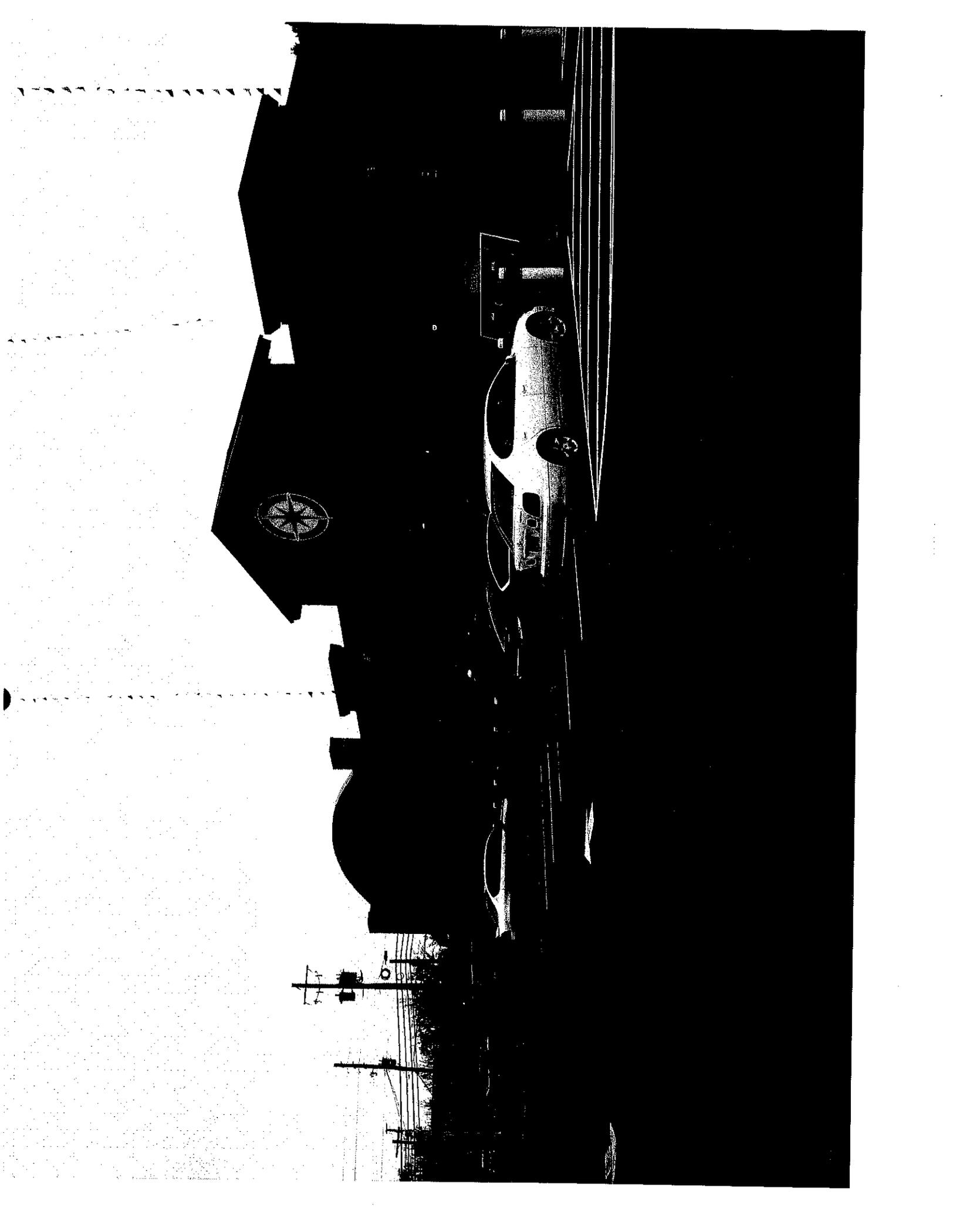


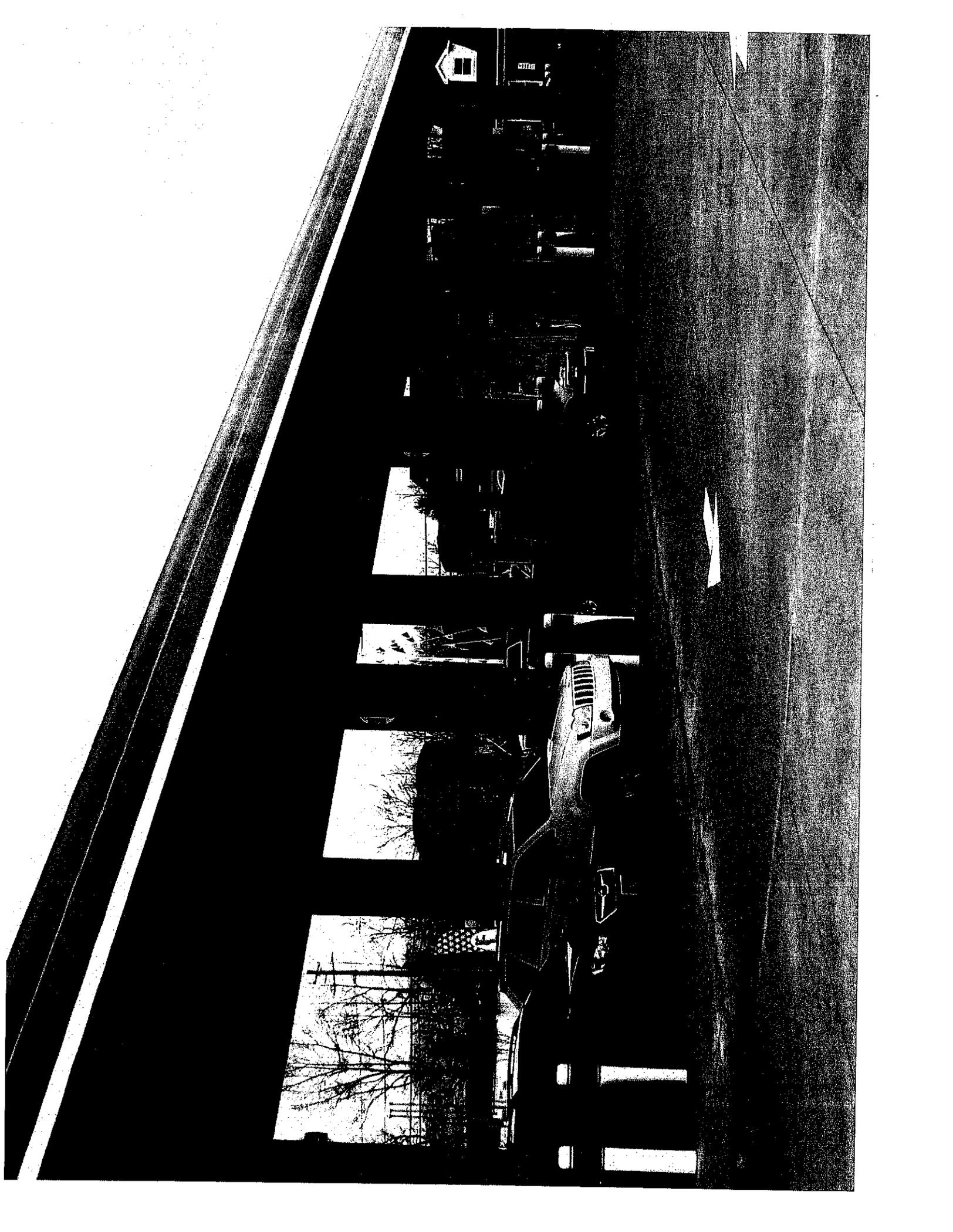
<p>FISHBURN ENGINEERING, INC.          Civil Engineering / Land Surveying / Surveying          4935 Summer Spring Court          Marietta, GA 30067          Phone: 770.429.1100          Fax: 770.429.1101          www.fishburn.com</p>	<p>PROJECT NAME  <b>SOUTH COBB DRIVE CENTER</b></p>									
	<p>DATE  <b>09-29-14</b></p>									
<p>OWNER/DEVELOPER</p>	<p>CONTRACTOR</p>									
<p>REVISIONS</p> <table border="1"> <thead> <tr> <th>NO.</th> <th>DATE</th> <th>DESCRIPTION</th> </tr> </thead> <tbody> <tr> <td>1</td> <td>9-29-14</td> <td>FINAL SET</td> </tr> <tr> <td>2</td> <td>9-29-14</td> <td>REVISIONS TO PLAN</td> </tr> </tbody> </table>	NO.	DATE	DESCRIPTION	1	9-29-14	FINAL SET	2	9-29-14	REVISIONS TO PLAN	<p>FOR NUMBER  <b>14-025</b></p>
NO.	DATE	DESCRIPTION								
1	9-29-14	FINAL SET								
2	9-29-14	REVISIONS TO PLAN								
<p>SCALE  <b>1" = 40'-0"</b></p>	<p>PROJECT NUMBER  <b>C-2</b></p>									

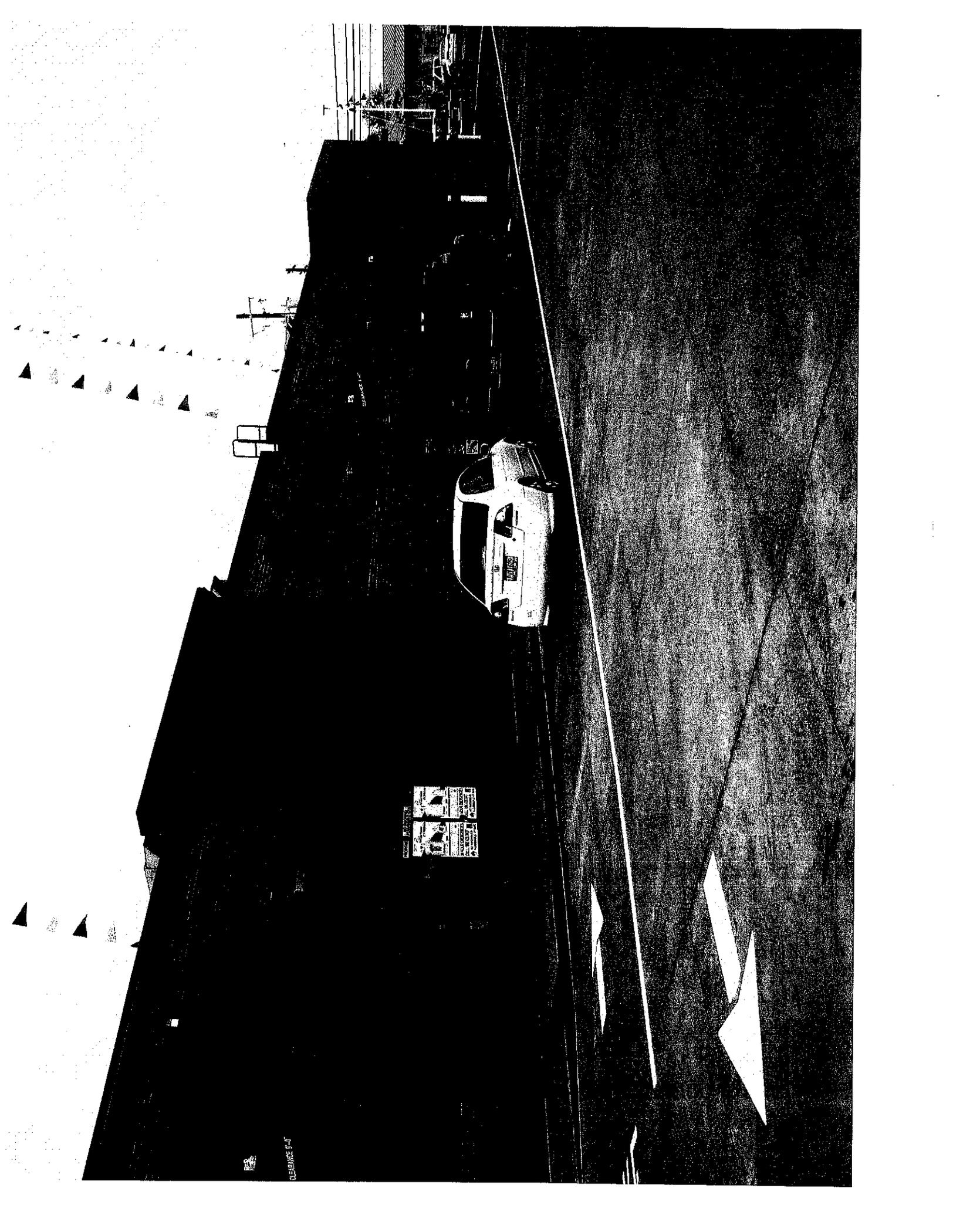
EXHIBIT D

Photographic example of similar structure(s)









CLARENCE P-T

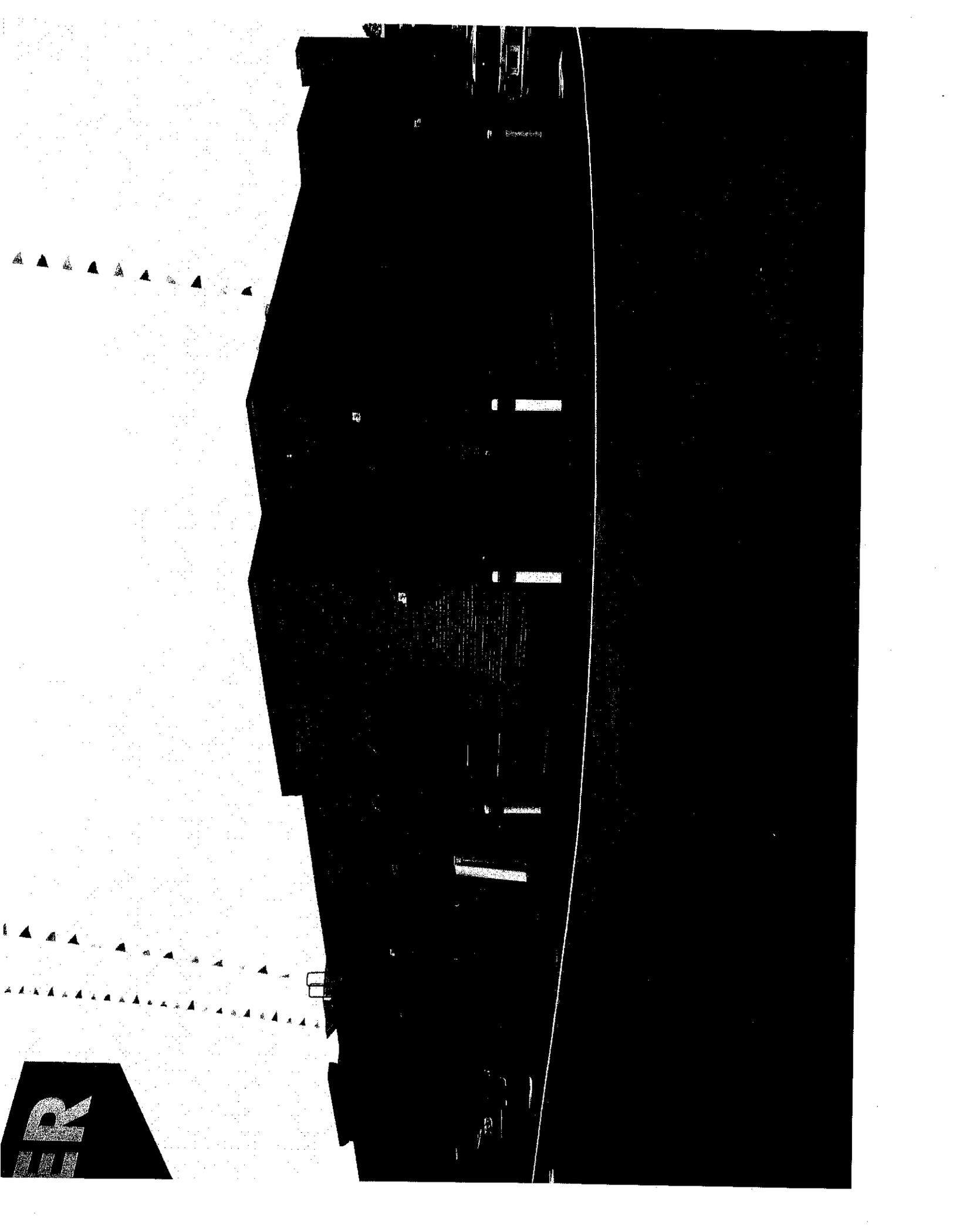


EXHIBIT E

Paid Tax Receipt



Printed: 6/15/2017

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:  
PALADINS PARTNERS LLC

PALADINS PARTNERS LLC

Payment Date: 10/14/2016

Tax Year	Parcel ID	Due Date	Appeal Amount			Taxes Due
2016	17075300110	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	\$11,501.30	\$0.00	



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

EXHIBIT F

List of Adjacent Property Owners

**List of Adjacent Property Owner(s)**

Clipper Petroleum, Inc.

5220 South Cobb Drive, Smyrna, Georgia 30080

TPN P061138

5201 South Cobb Drive Smyrna, Georgia 30080

SJAC Food Groups, LLC (Zaxby's)

c/o J. Martin Lett, Registered Agent

1800 Peachtree Street NW

Suite 809

Atlanta, Georgia 30309

TPN 17075300550

2301 Oakton Place Smyrna, Georgia 30080

Westhill Townhome Association, Inc.

c/o Partners Management, Registered Agent

3456 Hardee Avenue

Atlanta, Georgia 30341

TPN 17075300200

5191 South Cobb Drive, Smyrna, Georgia 30080

RaceTrac Petroleum, Inc.

c/o The Corporation Company, Registered Agent

328 Alexander Street

Suite 10

Marietta, Georgia 30060

O W C Ltd

C/O Racetrac Petroleum 256r

Po Box 22845

Oklahoma City Ok 73123

TPN 17075300320

5150 South Cobb Drive, Smyrna, Georgia 30080

McDonald's Corporation

c/o The Prentice-Hall Corp. System

40 Technology Parkway South

#300

Norcross, Georgia 30092

McDonalds Corporation  
c/o BP America Inc.  
PO Box 182571  
Columbus, Ohio 43218-2571

McDonalds Corporation  
c/o BP America Inc.  
PO Box 182571  
Columbus, Ohio 43218-2571

TPN 17075300390  
2242 Knoxhill View, Smyrna, Georgia 30080  
Aaron L. James  
2242 Knoxhill View  
Smyrna, Georgia 30080

TPN: 17075300120  
5230 South Cobb Drive, Smyrna, Georgia 30080  
Durga Corp. d/b/a Knight's Inn  
c/o Nagin Patel, Registered Agent  
5230 South Cobb Drive, SE  
Smyrna, Georgia 30080

TPN: 17075300260  
South Cobb Drive, Smyrna, Georgia 30080  
Aspen Hills Associates, LLC  
c/o Richard H. Lee  
3340 Peachtree Road, NE  
Suite 600  
Atlanta, Georgia 30326

TPN 17075300180  
5221 South Cobb Drive, Smyrna, Georgia 30080  
Aspen Hills Associates, LLC  
c/o Richard H. Lee  
3340 Peachtree Road, NE  
Suite 600  
Atlanta, Georgia 30326

TPN 7075300410

2251 Knowhill View, Smyrna, Georgia 30080

Onike Abdul

2251 Knoxhill View

Smyrna, Georgia 30080

TPN 17075300010

1600 Tibarron Parkway, Smyrna, Georgia 30080

OCP Ashbrook Crossing, LLC

c/o David DeShong, Registered Agent

2964 Peachtree Road, N.W.

Suite 360

Atlanta, Georgia 30305

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SMYRNA, GA 30082

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	Postage
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	\$6.65
Total Postage and Fees	\$12.75	

Sent To: **Onike Abdul**  
 Street and Apt. No., or PO Box No.  
**2251 Knoxhill View**  
 City, State, ZIP+4®  
**SMYRNA, Georgia, 30080**

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<input type="checkbox"/> Adult Signature Required	\$0.00	Postage
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	\$7.40
Total Postage and Fees	\$13.50	

Sent To: **OWC LTD Co RaceTrac Petroleum**  
 Street and Apt. No., or PO Box No.  
**PO Box 22845**  
 City, State, ZIP+4®  
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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	
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<input type="checkbox"/> Adult Signature Required	\$0.00	Postage
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	\$6.65
Total Postage and Fees	\$12.75	

Sent To: **SAC Food Groups, LLC (2-wk/5) c/o J. Martin**  
 Street and Apt. No., or PO Box No.  
**Left Registered Agent, 1800 Peachtree Street**  
 City, State, ZIP+4®  
**MIN SUITE 809, ATLANTA, Georgia, 30309**

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	
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Total Postage and Fees	\$12.75	

Sent To: **RaceTrac Petroleum, Inc. c/o The Corporation Center**  
 Street and Apt. No., or PO Box No.  
**Registered Agent, 328 Alexander Street**  
 City, State, ZIP+4®  
**Suite 10 Marietta, Georgia, 30060**

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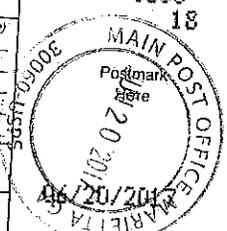
Sent To: **Westhill Townhome Association, Inc.**  
 Street and Apt. No., or PO Box No.  
**c/o Partners Management, Registered Agent,**  
 City, State, ZIP+4®  
**3450 Hardee Avenue, Atlanta, Georgia 30341**

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 McDonald's Corporation c/o The Penrice Hill Corp. System  
 40 Technology Parkway South #300  
 Norcross, Georgia, 30092

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Postage	\$6.65	
<b>Total Postage and Fees</b>	<b>\$12.75</b>	

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 Aspen Hills Associates, LLC c/o Richard H. Lee  
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 Suite 600 Atlanta, Georgia, 30326

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Postage	\$6.65	
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 Aaron L. James  
 2242 Knoxmill View  
 Smyrna, Georgia, 30080

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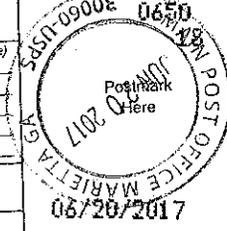
Sent To  
 McDonald's Corporation c/o BP America  
 PO Box 182571  
 Columbus, Ohio 43218-2571

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**ATLANTA, GA 30326**

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<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
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<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$6.65	
<b>Total Postage and Fees</b>	<b>\$12.75</b>	

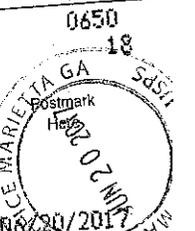
Sent To  
 Aspen Hills Associates, LLC c/o  
 Richard H. Lee, 3340 Peachtree Road  
 NE Suite 600 Atlanta, Georgia, 30326

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

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**SMYRNA, GA 30080**

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Extra Services & Fees (check box, add fee as appropriate)	\$2.75	
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$6.65	
<b>Total Postage and Fees</b>	<b>\$12.75</b>	

Sent To  
 Duxco Corp. d/b/a Knights Inn c/o Nat'l  
 Patent Registered Agent, S230 South Cobb  
 Drive Smyrna, Georgia, 30080

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

**U.S. Postal Service™**  
**CERTIFIED MAIL® RECEIPT**  
*Domestic Mail Only*

For delivery information, visit our website at [www.usps.com](http://www.usps.com)  
**COLUMBUS, OH 43218**

7016 0340 0000 0887 9870

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fees if appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$7.25
<b>Total Postage and Fees</b>	<b>\$13.35</b>



Sent To  
**McDonalds Corporation/BBP America Inc.**  
 Street and Apt. No., or PO Box No.  
**PO BOX 182571**  
 City, State, ZIP+4®  
**Columbus, Ohio 43218-2571**

EXHIBIT G

Parking Study



## A&R Engineering Inc.

2160 Kingston Court, Suite O  
Marietta, GA 30067  
Tel: (770) 690-9255 Fax: (770) 690-9210  
www.areng.com



### Memorandum

To: City of Smyrna  
From: Abdul K. Amer, PE, PTOE  
Date: June 13, 2017  
Subject: Parking Demand Study for 5220 South Cobb Drive, Smyrna, Georgia

The purpose of this memorandum is to determine the amount of parking necessary for a proposed gas station and fast-food restaurant development located at 5220 South Cobb Drive in Smyrna, Georgia. The development will include a gas station with 20 fueling positions and 4,238 square foot convenience store as well as a 2,921 square foot fast-food restaurant with drive-thru window. Per the City of Smyrna zoning requirements, the site requires 23 parking spaces under the general business, commercial or personal service establishment category (5.5 spaces per 1,000 sf) and 39 parking spaces for restaurant category (1 space per 75 sf), totaling 62 spaces. The owner is seeking a parking variance that would allow the development to have a total of 48 spaces. This analysis will determine the amount of parking necessary using industry parking standards as well as parking demand data collected at a similar facility. The proposed location of the development is shown in Figure 1, below.

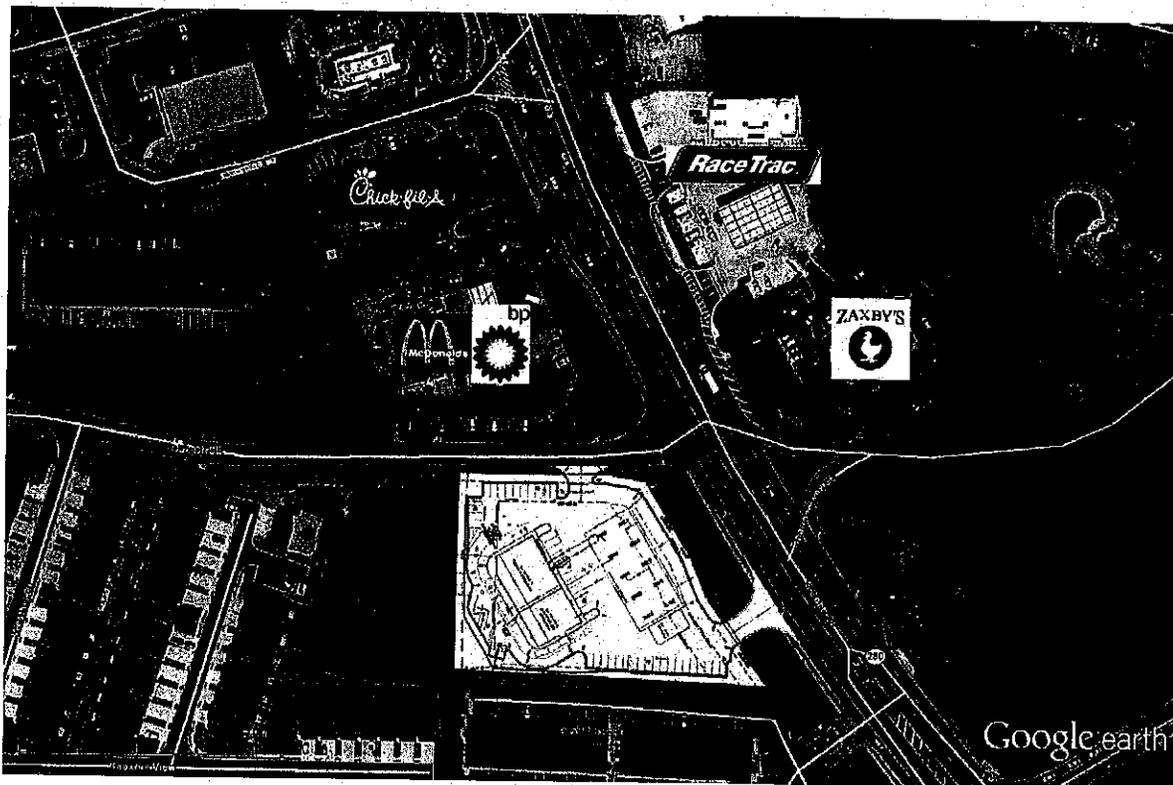


Figure 1 – Proposed Location

## Projected Trip and Parking Generation

Trip generation estimates for the proposed development were based on the rates and equations published in the 9<sup>th</sup> edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE Land Uses: 934 – *Fast-Food Restaurant with Drive-Thru Window* and 945 – *Gasoline/Service Station with Convenience Market*. The calculated total trip generation for the proposed development is shown below in Table 1.

Land Use	Size	A.M. Peak Hour			Midday Peak Hour			P.M. Peak Hour			24-Hour Two-Way
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	
<b>Gasoline Station with Convenience Market</b>	20 Fueling Postions	102	101	203	136	135	271	136	135	271	3,256
	<i>Pass-by Trips 62% [28%] (56%)</i>	-63	-63	-126	-38	-38	-76	-76	-76	-152	-1,520
<b>Fast-Food Restaurant with Drive-Thru Window</b>	2,921 sf	68	65	133	72	66	138	50	45	95	1,449
	<i>Pass-by Trips 49% [25%] (50%)</i>	-33	-32	-65	-18	-17	-35	-25	-23	-48	-480
<b>Total Without Reductions</b>		170	166	336	208	202	410	186	181	367	4,705
<b>Total with Reductions</b>		74	71	145	152	147	299	85	82	167	2,705

\*Pass-by trips AM% [MID%] (PM%)

\*\*24-hour pass-by trips estimated by considering PM pass-by as 10% of daily; midday pass-by rate assumed as half of the PM pass-by rate

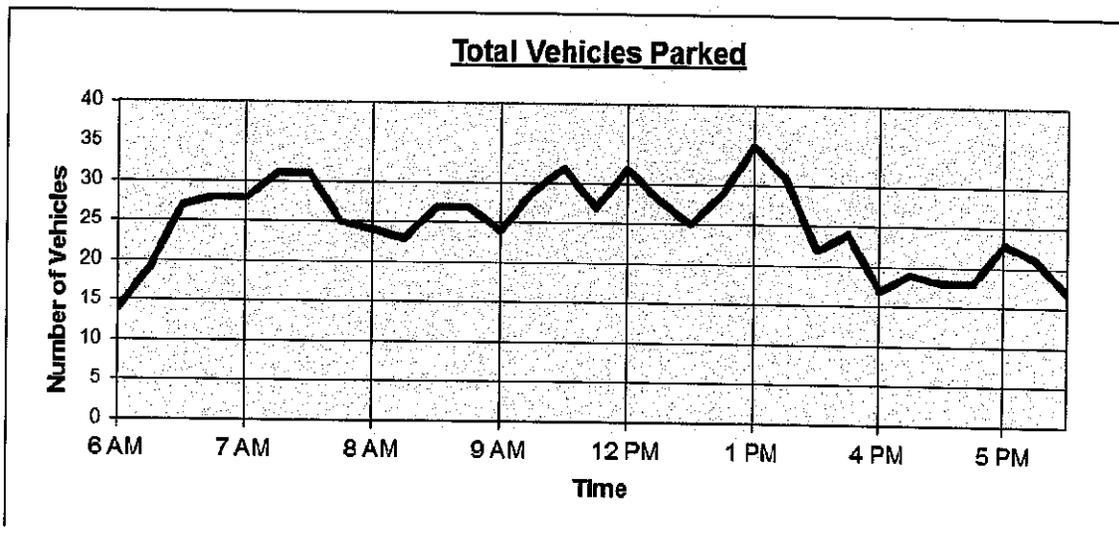
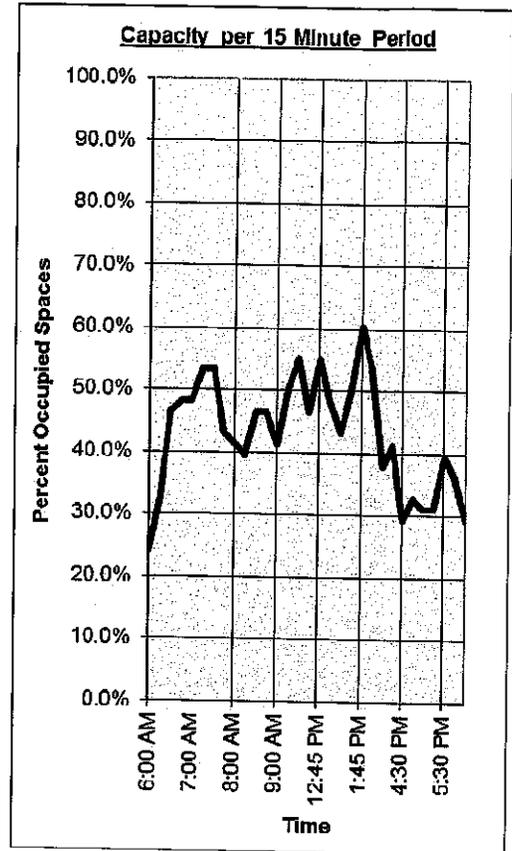
The ITE *Parking Generation*, 4<sup>th</sup> Edition contains parking demand data for 106 land uses during peak periods on weekdays and weekends. The respective rates in the ITE *Parking Generation* for Fast-Food Restaurant with Drive-Thru Window and Gasoline Station with Convenience Market are 9.98 spaces/1,000 sf and 0.75 spaces/fueling position, respectively. Using these rates, the development could be expected to generate a peak parking demand of 44 spaces during the week. The total proposed amount of parking spaces provided will exceed the ITE parking generation by 4 spaces in the peak hour.

## Parking Demand Data

Parking operations were observed at the adjacent BP/McDonald's development on a weekday during the peak hours of 6:00 a.m. to 9:00 a.m., 12:00 p.m. to 2:00 p.m., and 4:00 p.m. to 6:00 p.m. This adjacent development provides 46 parking spaces for a 12-pump gas station with convenience store and fast-food restaurant with drive-thru window. The existing count data is shown in Table 2 and graphically in the figures, below.

**TABLE 2  
EXISTING PARKING DEMAND  
(46 SPACES AVAILABLE)**

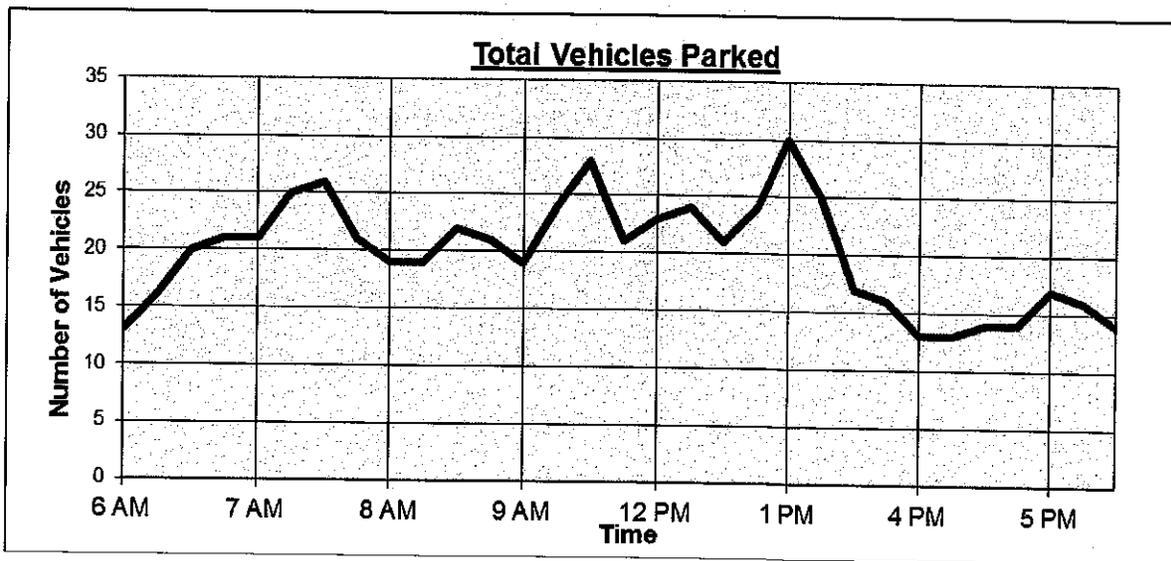
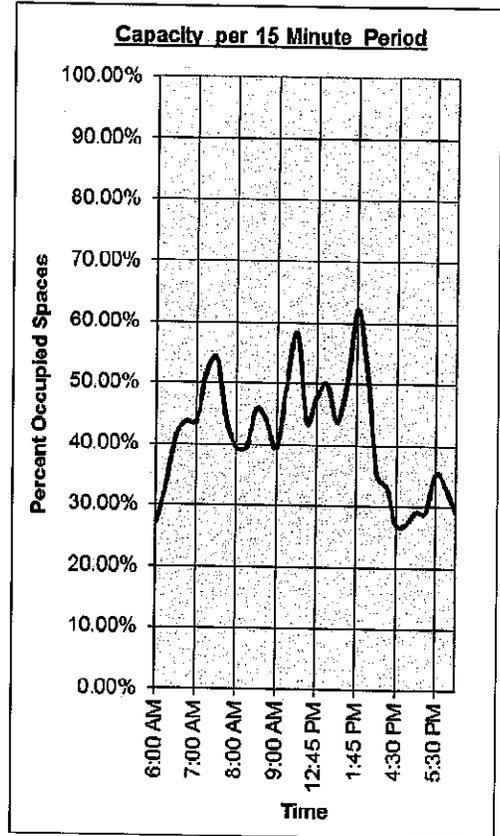
TIME	WEEKDAY		TIME	WEEKDAY	
	Volume	Capacity		Volume	Capacity
6:00 AM	12	26.09%	1:45 PM	29	63.04%
6:15 AM	15	32.61%	2:00 PM	24	52.17%
6:30 AM	19	41.30%	4:00 PM	16	34.78%
6:45 AM	20	43.48%	4:15 PM	15	32.61%
7:00 AM	20	43.48%	4:30 PM	12	26.09%
7:15 AM	24	52.17%	4:45 PM	12	26.09%
7:30 AM	25	54.35%	5:00 PM	13	28.26%
7:45 AM	20	43.48%	5:15 PM	13	28.26%
8:00 AM	18	39.13%	5:30 PM	16	34.78%
8:15 AM	18	39.13%	5:45 PM	15	32.61%
8:30 AM	21	45.65%	6:00 PM	13	28.26%
8:45 AM	20	43.48%			
9:00 AM	18	39.13%			
12:00 PM	23	50.00%			
12:15 PM	27	58.70%			
12:30 PM	20	43.48%			
12:45 PM	22	47.83%			
1:00 PM	23	50.00%			
1:15 PM	20	43.48%			
1:30 PM	23	50.00%			



### Future Estimated Parking Demand

Because the adjacent BP/McDonald's development has 8 fewer fueling positions than this proposed development, the existing parking counts were increased by 4.3% to analyze the future demand conservatively. The proposed development will provide a total of 48 spaces (not including gas pumps). The future parking demand for the site is shown in Table 3 and graphically in the figures, below.

TIME	WEEKDAY		TIME	WEEKDAY	
	Volume	Capacity		Volume	Capacity
6:00 AM	13	27.08%	1:45 PM	30	62.50%
6:15 AM	16	33.33%	2:00 PM	25	52.08%
6:30 AM	20	41.67%	4:00 PM	17	35.42%
6:45 AM	21	43.75%	4:15 PM	16	33.33%
7:00 AM	21	43.75%	4:30 PM	13	27.08%
7:15 AM	25	52.08%	4:45 PM	13	27.08%
7:30 AM	26	54.17%	5:00 PM	14	29.17%
7:45 AM	21	43.75%	5:15 PM	14	29.17%
8:00 AM	19	39.58%	5:30 PM	17	35.42%
8:15 AM	19	39.58%	5:45 PM	16	33.33%
8:30 AM	22	45.83%	6:00 PM	14	29.17%
8:45 AM	21	43.75%			
9:00 AM	19	39.58%			
12:00 PM	24	50.00%			
12:15 PM	28	58.33%			
12:30 PM	21	43.75%			
12:45 PM	23	47.92%			
1:00 PM	24	50.00%			
1:15 PM	21	43.75%			
1:30 PM	24	50.00%			



Typically, supply should exceed peak hour demand to allow for vehicles to easily find a parking space and minimize circulation through the parking areas to search for available spaces. According to the Urban Land Institute (ULI), a parking area is considered to have reached optimum capacity at 85%. This allows for nominal fluctuations in the peak demand and the additional capacity needed to minimize unnecessary circulation through the parking areas. As can be seen in Table 3 above, the capacity at the peak parking period is less than 63% with the future parked vehicle counts.

### **Conclusions & Recommendations**

As shown in the analysis, the peak parking demand is estimated to equal 30 spaces or 62.50% capacity after the completion of the proposed development. The amount of parking needed to remain below optimum capacity at the peak of demand would be 35 spaces ( $30 \text{ spaces} \div 85\% = 35 \text{ spaces}$ ) in order to allow for nominal fluctuations in the peak demand and the additional capacity needed to minimize unnecessary circulation. Although the provided amount of parking does not meet City of Smyrna standards and requirements, there is estimated to be adequate parking based on ITE Parking Generation rates as well as parking count data collected at a similar facility. It should be noted that the results outlined in this study do not include the amount of traffic that will utilize parking at the gas pumps to make both gas and non-gas transactions. Based on these reasons, it is recommended the development be granted a parking variance from 62 required spaces to 48 provided spaces.

EXHIBIT H

LEGAL DESCRIPTION

### Legal Description

Parcel A:

All that tract or parcel of land lying and being in Land Lot 753, 2nd Section, 17th District of Cobb County, Georgia, and being more particularly described as follows:

Beginning at the Southwest corner of the intersection of South Cobb Drive and Oak Drive, and extending thence South 87 degrees 41 minutes West along the South side of Oak Drive 160 feet to a point; thence South 2 degrees East 145 feet to a point; thence South 87 degrees 41 minutes West 56.4 feet to a point; thence South 2 degrees 00 minutes East 100 feet to a point; thence South 89 degrees 11 minutes East 391.9 feet to a point on the West side of South Cobb Drive; thence North along the West side of South Cobb Drive 319.2 feet to the point of beginning.

Parcel B:

All that tract or parcel of land lying and being in Land Lot 753 of the 17th District, City of Smyrna, Cobb County, Georgia and being more particularly described as follows:

To find the Point of Beginning commence at the intersection of the westerly Right of Way line of South Cobb Drive (SR 280), having a 200 foot Right of Way and the southerly Right of Way line

of Oak Drive having a 50 foot Right of Way; thence along the southerly Right of Way line of Oak Drive North 84 Degrees 07 Minutes 51 Seconds West, 48.87 feet to a point; thence continue along the southerly Right of Way line of Oak Drive South 85 Degrees 59 Minutes 36 Seconds West, 124.20 feet to a point and The Point of Beginning; thence leaving the southerly Right of Way line of Oak Drive South 04 Degrees 14 Minutes 03 Seconds East, 135.00 feet to a point; thence South 85 Degrees 49 Minutes 24 Seconds West, 56.40 feet to a point; thence North 03 Degrees 57 Minutes 27 Seconds West, 135.17 feet to a point on the southerly Right of Way line of Oak Drive; thence along the southerly Right of Way line of Oak Drive North 85 Degrees 59 Minutes 36 Seconds East, 55.75 feet to The Point of Beginning containing 0.17 Acres.

EXHIBIT I

Campaign Contribution Disclosure Affidavit

**ZONING DISCLOSURE REPORT**

Has the applicant\* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

NO

If so, the applicant\* and the attorney representing the applicant\* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

**Please supply the following information, which will be considered as the required disclosure:**

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

\$100 - MAYOR MAX BACON'S CAMPAIGN

The dollar amount of each campaign contribution made by the applicant\* to the Mayor or any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application, and the date of each such contribution:

\$100 - MAYOR MAX BACON

An enumeration and description of each gift having a value of \$250 or more by the applicant\* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

NONE

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

NO

If so, describe the natural and extent of such interest: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ZONING DISCLOSURE REPORT (CONTINUED)**

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

NO

If so, describe the nature and extent of such interest:

Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

NO

If so, describe the relationship and the nature and extent of such interest:

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application\*\*. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 20<sup>th</sup> day of JUNE, 2017.

Mark V  
(Applicant's Signature)

Jack B. J.  
(Attorney's Signature, if applicable)

Notes

\* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

\*\* Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.

**APPLICATION FOR VARIANCE  
TO THE CITY OF SMYRNA**

Type or Print Clearly

(To be completed by City)  
Ward: \_\_\_\_\_  
Application No: \_\_\_\_\_  
Hearing Date: \_\_\_\_\_

**APPLICANT: CLIPPER PETROLEUM, INC.**

Business Phone: 770-530-8414 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Representative's Name (print): MARK LINKESH and STEVE HALL  
Address: 5317 T.L. BOWER WAY, FLOWERY BRANCH, GEORGIA 30542  
Business Phone: 770-530-8414 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
E-Mail Address: MLINKESH@CLIPPERPETROLEUM.COM  
Signature of Representative: \_\_\_\_\_

*Mark Linkesh, SR. VP*

**TITLEHOLDER: PALADINS PARTNERS, LLC.**

Business Phone: 770-530-8414 Cell Phone: \_\_\_\_\_ Home Phone: \_\_\_\_\_  
Address: 5317 T.L. BOWER WAY, FLOWERY BRANCH, GEORGIA 30542  
Signature: \_\_\_\_\_

*Steve Hall, MEMBER*

**VARIANCE:**

Present Zoning: GC Type of Variance: Setback reduction from 50' to 41' along South Cobb Drive.

Explain Intended Use: Convenience Store-Gas Station and Restaurant

Location: 5220 South Cobb Drive, Smyrna, Georgia 30080

Land Lot(s): .753 District: 17th Size of Tract: 1.74 Acres

(To be completed by City)

Received: \_\_\_\_\_  
Posted: \_\_\_\_\_  
Approved/Denied: \_\_\_\_\_

**CONTIGUOUS ZONING**

**North:** Now or formerly BP/McDonalds, 5160 South Cobb Drive (Zaxby's): Zoned GC

**East:** Intersection of I-285 and South Cobb Drive

**South:** Now or formerly Durga Corp., 5230 South Cobb Drive (Knight's Inn): Zoned GC

**West:** 2130 Oak Drive (Westhill Subdivision): Zoned RAD

**NOTIFICATION OF CONTIGUOUS OCCUPANTS OR LAND OWNERS TO  
ACCOMPANY APPLICATION FOR VARIANCE**

By signature, it is hereby acknowledged that I have been notified that \_\_\_\_\_

Intends to make an application for a variance for the purpose of \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

on the premises described in the application.

**\*\* SEE EXHIBIT "F" ATTACHED FOR LIST OF ADJACENT PROPERTY OWNERS\*\***

<b>NAME</b>	<b>ADDRESS</b>
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____
_____	_____

## **VISUAL MATERIALS**

Handouts are not permitted during the meeting or large renderings and plats that require use of an easel.

Any questions regarding presentations can contact: Terri Graham, City Clerk at 770-319-5303

## **ZONING ORDINANCE**

### **SEC. 1403. VARIANCE REVIEW STANDARDS.**

- (a) In rendering its decisions, the License and Variance Board or Mayor and City Council shall consider the following factors:
- (1) Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.
  - (2) Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.
  - (3) Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.
  - (4) Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.

## EXHIBIT A

### Summary of Conditions Necessitating Variances

Summary of Conditions Necessitating Variances  
5220 South Cobb Drive, Smyrna, Georgia 30080

1. *Whether there are extraordinary and exceptional conditions applying to the property in question, or to the intended use of the property, that do not apply generally to other properties in the same district.*

The Subject Property is 1.74 acres zoned General Commercial. The Subject Property is bordered on the Northern boundary by South Cobb Drive and on the Western boundary by Oak Drive, each of which are zoned General Commercial. The Knight's Inn is the adjacent property along the Eastern boundary and is also zoned General Commercial. The rear or Southern boundary is adjacent to the Westhill Subdivision which is zoned RAD single-family attached/detached. It is important to note that entire Southern property line of the Subject Property is adjacent to Westhill Subdivision's detention facility and does not border any residential dwelling.

Three variances are required to build the proposed Convenience Store-Gas Station and Restaurant: 1) a setback variance along South Cobb Drive from 50 feet to 30 feet to accommodate the proposed gas canopy; 2) a parking space variance from 62 to 48 spaces; and 3) a setback variance for the southwest corner of the convenience store from 50 feet to 41 feet.

2. *Whether any alleged hardship which is self-created by any person having an interest in the property or is not the result of mere disregard for or ignorance of the provisions from which relief is sought.*

The hardship is not self-created by any person having an interest in the property and is not the result of a disregard or ignorance of the provisions from which relief is sought. The Subject Property is currently undeveloped and unproductive. The Applicant has made every effort to design the project to comply with city zoning regulations. The expansion of South Cobb Drive over the years has rendered the Subject Property difficult to develop due to the loss of buildable area. The survey shows that there is 200 feet of right of way fronting this location on South Cobb Drive.

3. *Whether strict application of the relevant provisions of the zoning code would deprive the applicant of reasonable use of the property for which the variance is sought.*

Strict application of the relevant provisions of the zoning code would deprive the Applicant of the reasonable use of the Subject Property for which the variances are sought. Strict application of city's zoning regulations would render the development of the Subject Property economically unfeasible. Due to the roadway expansion, similar variances have been granted other facilities along South Cobb Drive.

4. *Whether the variance proposed is the minimum variance which makes possible the reasonable use of the property.*

The three proposed variances are the minimum required to make possible the reasonable use of the Subject Property. The setback variance along South Cobb Drive only affects the distance between the proposed gas canopy and the roadway. The parking space variance from 62 to 48 spaces is compensated for by the fact that 20 spaces for vehicles are available at the gas pumps which are not included in the calculation. The setback variance for a small portion of the southwest corner of the convenience store is adjacent to the Westhill Subdivision water detention facility and is not adjacent to a residence.

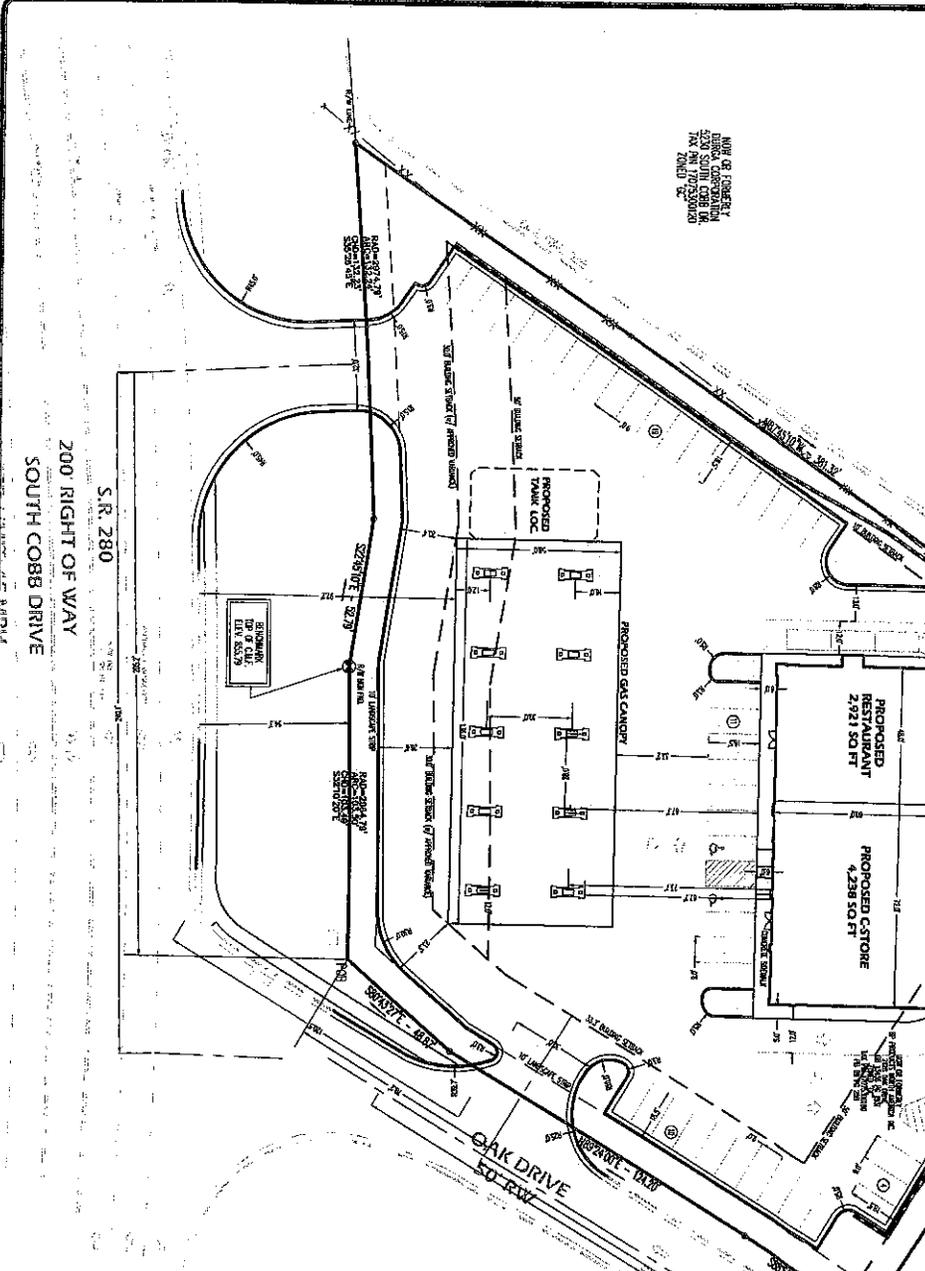
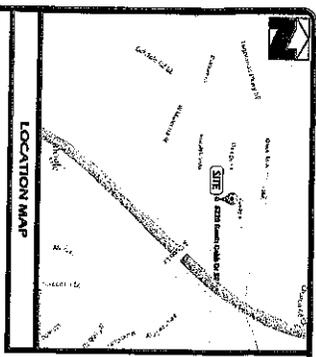
EXHIBIT B

Plat

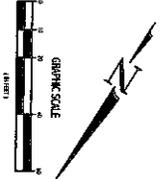


EXHIBIT C

Site Plan



S.R. 280  
 200 RIGHT OF WAY  
 SOUTH COBB DRIVE



**PAVEMENT LEGEND**

[Symbol]	HEAVY DUTY ASPHALT PAVING
[Symbol]	LIGHT DUTY ASPHALT PAVING
[Symbol]	CONCRETE PAVING

**PARKING REQUIREMENTS**

CITY REQUIREMENTS	REQUIRED	PROVIDED
MINIMUM 1 SPACES PER 100 SF	23	20
MINIMUM 1 SPACES PER 100 SF	35	28
TOTAL	58	48**

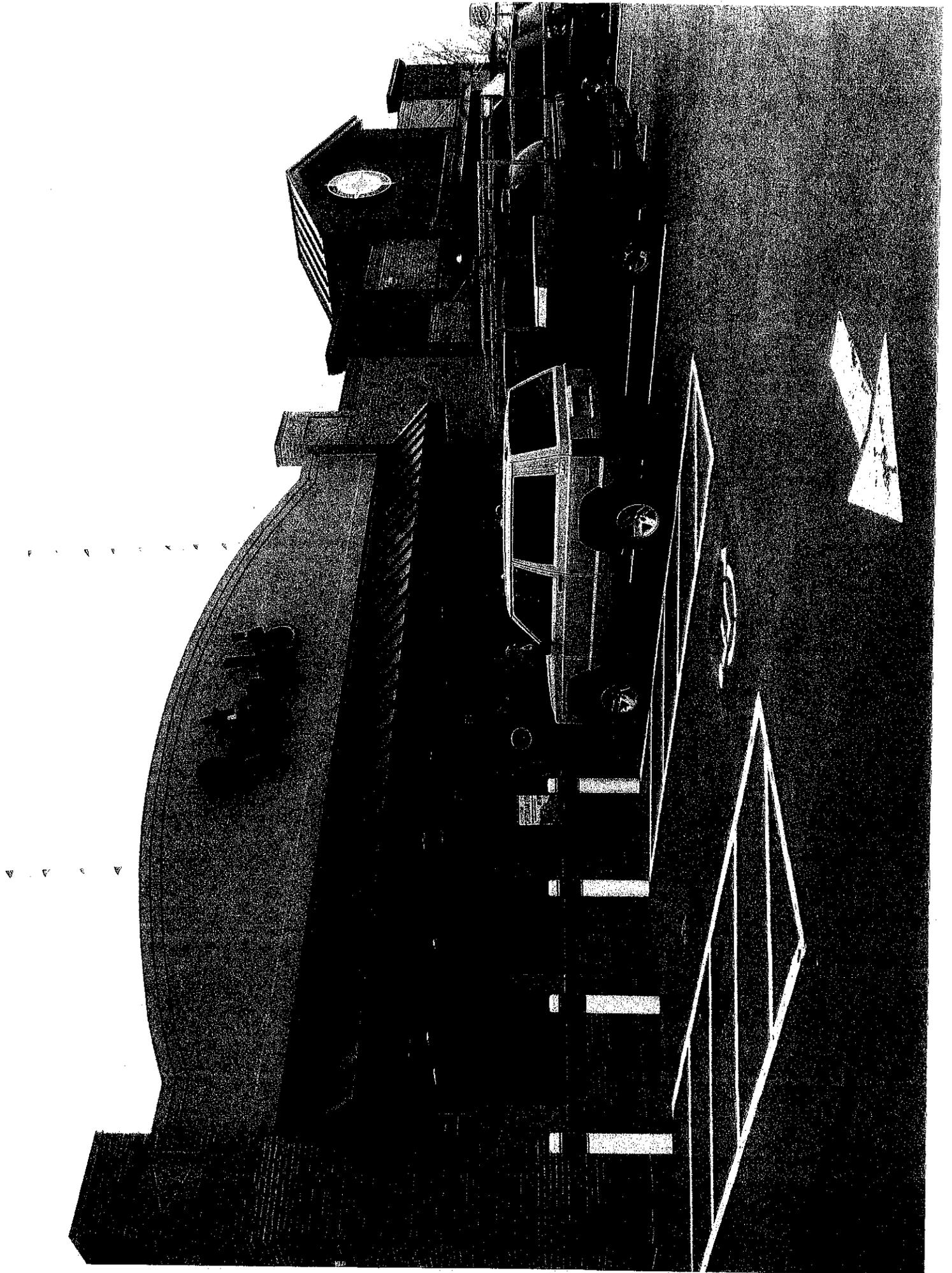
\*\*SEE SEE A TOTAL OF 2 HANDICAPPED SPACES REQUIRED AND 7 ARE PROVIDED. \*NUMBER OF SPACES IN REQUIRED PARKING SPACES FROM 02 TO 96 REQUIRED.

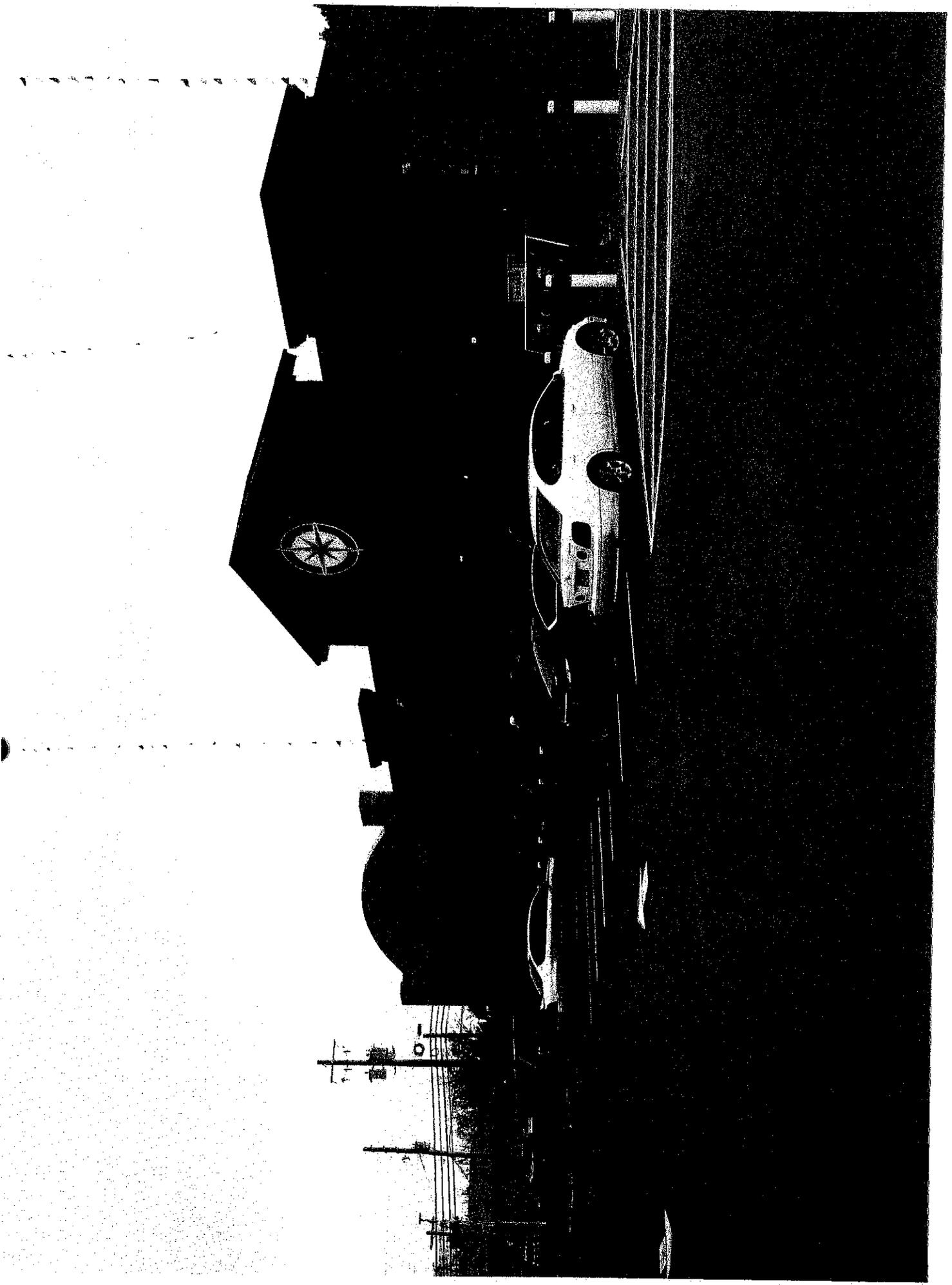
NOTE: SEE PROPERTY MAP FOR EXISTING UTILITIES AND EASMENTS. SEE SHEET 02 FOR EXISTING UTILITIES AND EASMENTS.

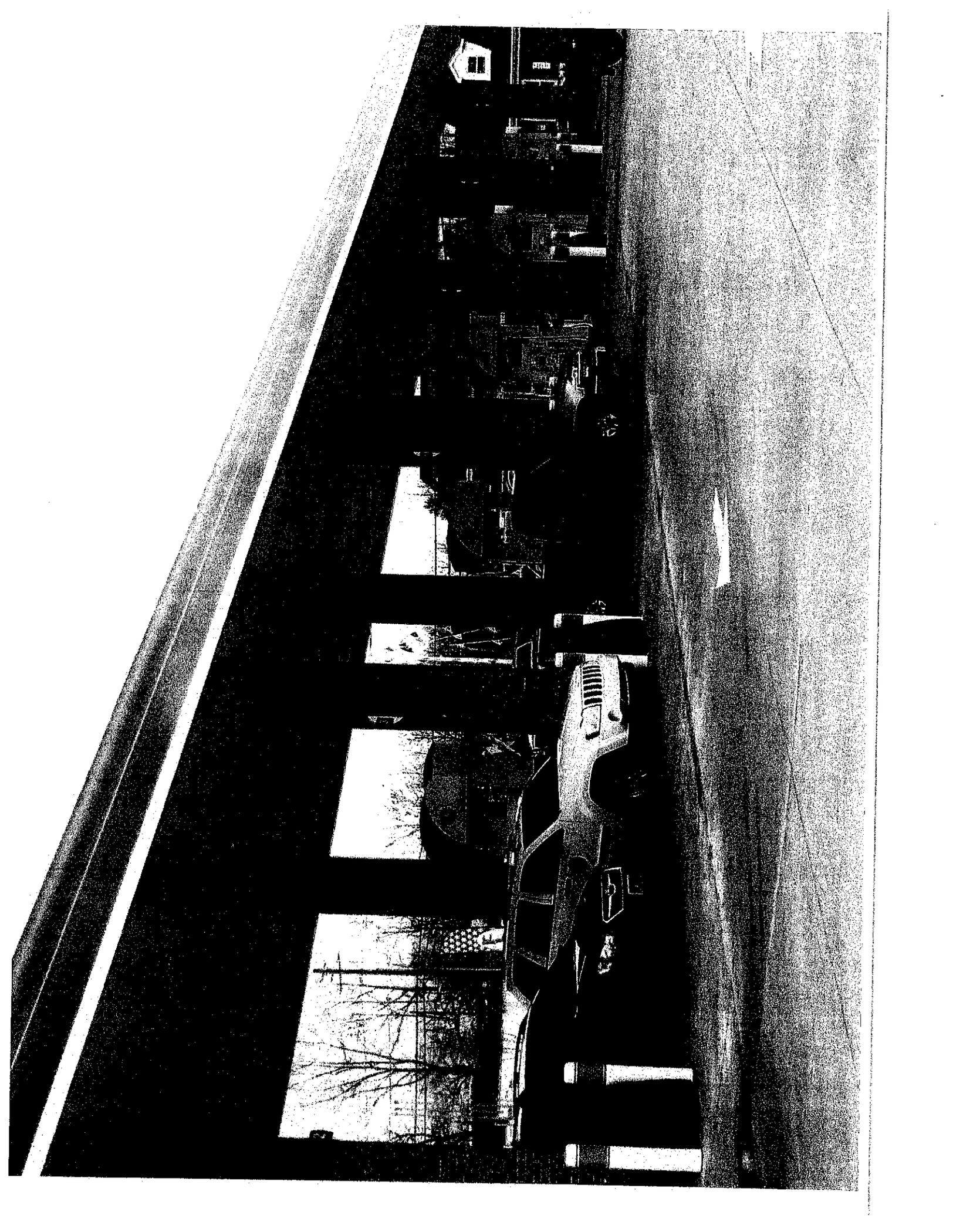
	<b>PROJECT NAME</b> SOUTH COBB DRIVE CENTER
	<b>DATE</b> 09-29-14
<b>REVISIONS</b> 1. 11-13-14 2. 04-14-15 3. 08-04-15	<b>OWNER/DEVELOPER</b> SOUTHWEST COBB CENTER
<b>CONTRACT NO.</b> 14-025	<b>LOCATION</b> SITE PLAN
<b>SCALE</b> AS SHOWN	<b>PROJECT NO.</b> C-2

EXHIBIT D

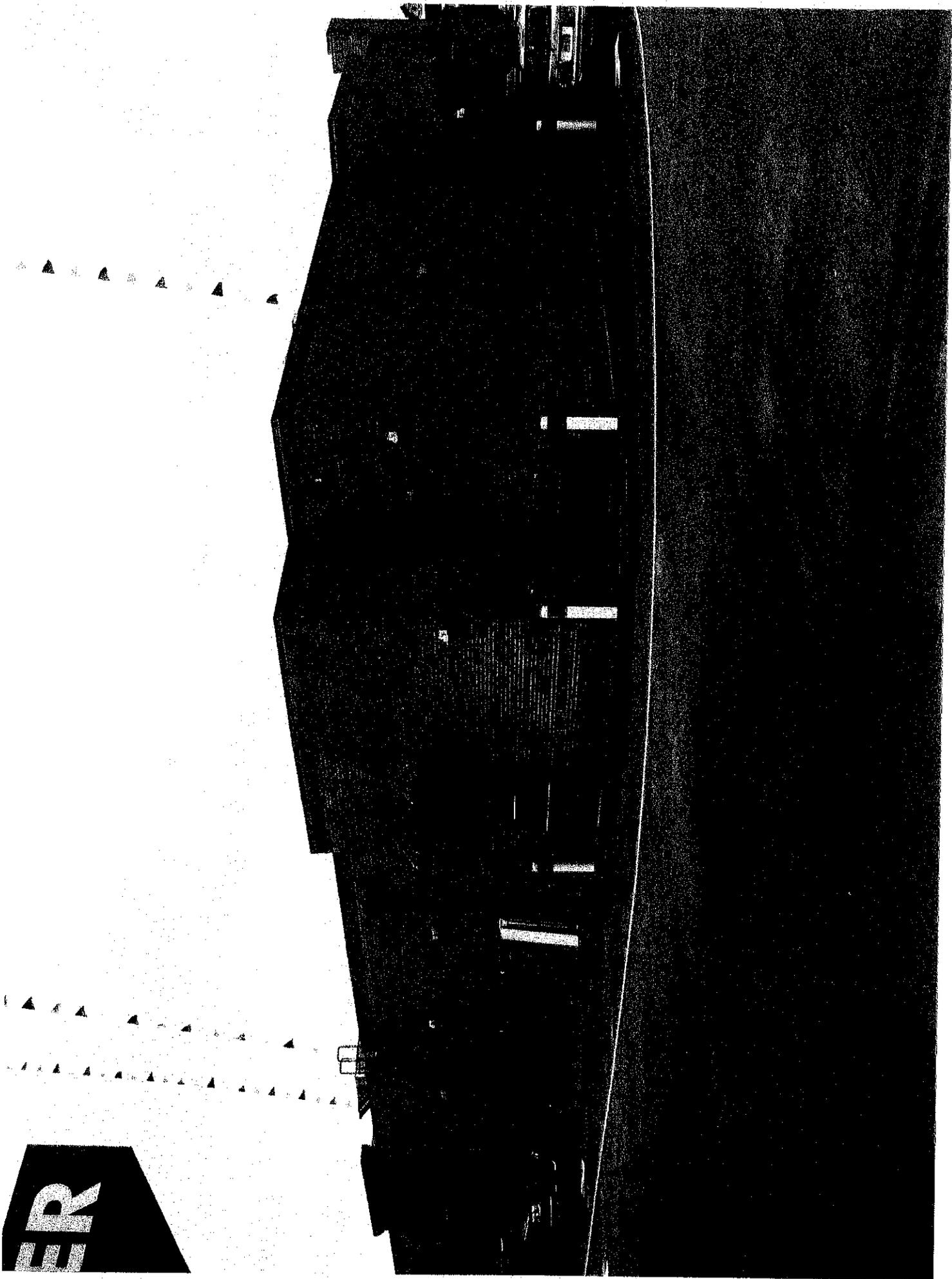
Photographic example of similar structure(s)











**RU**

EXHIBIT E

Paid Tax Receipt



Printed: 6/15/2017

**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:  
PALADINS PARTNERS LLC

**PALADINS PARTNERS LLC**

**Payment Date: 10/14/2016**

Tax Year	Parcel ID	Due Date	Appeal Amount	Taxes Due	
2016	17075300110	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	\$11,501.30	\$0.00



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

EXHIBIT F

List of Adjacent Property Owners

**List of Adjacent Property Owner(s)**

Clipper Petroleum, Inc.

5220 South Cobb Drive, Smyrna, Georgia 30080

TPN P061138

5201 South Cobb Drive Smyrna, Georgia 30080

SJAC Food Groups, LLC (Zaxby's)

c/o J. Martin Lett, Registered Agent

1800 Peachtree Street NW

Suite 809

Atlanta, Georgia 30309

TPN 17075300550

2301 Oakton Place Smyrna, Georgia 30080

Westhill Townhome Association, Inc.

c/o Partners Management, Registered Agent

3456 Hardee Avenue

Atlanta, Georgia 30341

TPN 17075300200

5191 South Cobb Drive, Smyrna, Georgia 30080

RaceTrac Petroleum, Inc.

c/o The Corporation Company, Registered Agent

328 Alexander Street

Suite 10

Marietta, Georgia 30060

O W C Ltd

C/O Racetrac Petroleum 256r

Po Box 22845

Oklahoma City Ok 73123

TPN 17075300320

5150 South Cobb Drive, Smyrna, Georgia 30080

McDonald's Corporation

c/o The Prentice-Hall Corp. System

40 Technology Parkway South

#300

Norcross, Georgia 30092

McDonalds Corporation  
c/o BP America Inc.  
PO Box 182571  
Columbus, Ohio 43218-2571

McDonalds Corporation  
c/o BP America Inc.  
PO Box 182571  
Columbus, Ohio 43218-2571

TPN 17075300390  
2242 Knoxhill View, Smyrna, Georgia 30080  
Aaron L. James  
2242 Knoxhill View  
Smyrna, Georgia 30080

TPN: 17075300120  
5230 South Cobb Drive, Smyrna, Georgia 30080  
Durga Corp. d/b/a Knight's Inn  
c/o Nagin Patel, Registered Agent  
5230 South Cobb Drive, SE  
Smyrna, Georgia 30080

TPN: 17075300260  
South Cobb Drive, Smyrna, Georgia 30080  
Aspen Hills Associates, LLC  
c/o Richard H. Lee  
3340 Peachtree Road, NE  
Suite 600  
Atlanta, Georgia 30326

TPN 17075300180  
5221 South Cobb Drive, Smyrna, Georgia 30080  
Aspen Hills Associates, LLC  
c/o Richard H. Lee  
3340 Peachtree Road, NE  
Suite 600  
Atlanta, Georgia 30326

TPN 7075300410

2251 Knowhill View, Smyrna, Georgia 30080

Onike Abdul

2251 Knoxhill View

Smyrna, Georgia 30080

TPN 17075300010

1600 Tibarron Parkway, Smyrna, Georgia 30080

OCP Ashbrook Crossing, LLC

c/o David DeShong, Registered Agent

2964 Peachtree Road, N.W.

Suite 360

Atlanta, Georgia 30305

7016 0340 0000 0887 9887 9887

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SMYRNA, GA 30082

Certified Mail Fee	\$3.35	0650
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	18
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$6.65	
Total Postage and Fees	\$12.75	

Sent To: Onike Abdul  
 Street and Apt. No., or PO Box No. 2251 Knoxhill View  
 City, State, ZIP+4® Smyrna Georgia, 30080

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OKLAHOMA CITY, OK 73123

Certified Mail Fee	\$3.35	0650
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	18
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$7.40	
Total Postage and Fees	\$13.50	

Sent To: OWC LTD c/o RaceTrac Petroleum 250 E  
 Street and Apt. No., or PO Box No. PO Box 22845  
 City, State, ZIP+4® OKLAHOMA CITY, OK 73123

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0061 6989 7300

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ATLANTA, GA 30309

Certified Mail Fee	\$3.35	0650
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	18
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
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<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$6.65	
Total Postage and Fees	\$12.75	

Sent To: S/PAC Food Groups, LLC (2 x 6 YS) c/o J. Martha  
 Street and Apt. No., or PO Box No. Left Registered Agent, 1800 Peachtree Street  
 City, State, ZIP+4® NW Suite 809 Atlanta Georgia, 30309

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MARIETTA, GA 30060

Certified Mail Fee	\$3.35	0650
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	18
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<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$6.65	
Total Postage and Fees	\$12.75	

Sent To: RaceTrac Petroleum, Inc. c/o The Corporation Center  
 Street and Apt. No., or PO Box No. Registered Agent, 328 Alexander Street  
 City, State, ZIP+4® Suite 10 Marietta, Georgia, 30060

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7017 1000 0000 7239 3976

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ATLANTA, GA 30305

Certified Mail Fee	\$3.35	0650
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	18
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$6.65	
Total Postage and Fees	\$12.75	

Sent To: ACP Ashbrook Crossing LLC c/o David  
 Street and Apt. No., or PO Box No. 2164 Peachtree Rd, NW Ste 360  
 City, State, ZIP+4® Atlanta GA 30305

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ATLANTA, GA 30341

Certified Mail Fee	\$3.35	0650
Extra Services & Fees (check box, add fee as appropriate)	\$2.75	18
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00	
<input type="checkbox"/> Return Receipt (electronic)	\$0.00	
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00	
<input type="checkbox"/> Adult Signature Required	\$0.00	
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00	
Postage	\$6.65	
Total Postage and Fees	\$12.75	

Sent To: Westhill Townhome Association, Inc.  
 Street and Apt. No., or PO Box No. c/o Partners Management, Registered Agent,  
 City, State, ZIP+4® 3450 Hardee Avenue, Atlanta, Georgia, 30341

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7016 0340 0000 0887 9849

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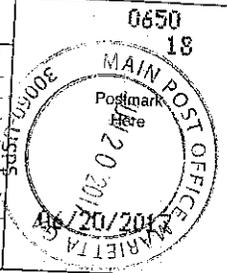
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**PEACHTREE CORNERS, GA 30092**

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee as appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$6.65
<b>Total Postage and Fees</b>	<b>\$12.75</b>

Sent To  
 McDonald's Corporation c/o The Practice Hill Corp. System  
 10 Technology Parkway South #300  
 Norcross Georgia, 30092

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**ATLANTA, GA 30326**

Certified Mail Fee	\$3.35
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<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$6.65
<b>Total Postage and Fees</b>	<b>\$12.75</b>

Sent To  
 Aspen Hills Associates, LLC c/o Richard H. Lee  
 3340 Peachtree Road, NE  
 Suite 1000 Atlanta, Georgia, 30326

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**SMYRNA, GA 30082**

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee as appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$6.65
<b>Total Postage and Fees</b>	<b>\$12.75</b>

Sent To  
 Aaron L. James  
 2242 Knox Mill View  
 Smyrna, Georgia, 30080

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**COLUMBUS, OH 43218**

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee as appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$7.25
<b>Total Postage and Fees</b>	<b>\$13.35</b>

Sent To  
 McDonald's Corporation c/o BR America  
 PO Box 182571  
 Columbus Ohio 43218-2571

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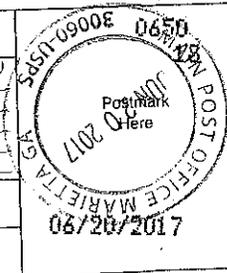
For delivery information, visit our website at [www.usps.com](http://www.usps.com)

**SMYRNA, GA 30080**

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee as appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
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Postage	\$6.65
<b>Total Postage and Fees</b>	<b>\$12.75</b>

Sent To  
 Aspen Hills Associates, LLC c/o  
 Richard H. Lee, 3340 Peachtree Road  
 NE Suite 1000 Atlanta, Georgia, 30326

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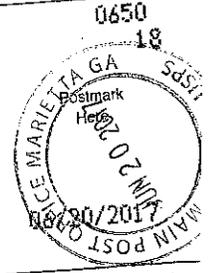
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**SMYRNA, GA 30080**

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fee as appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00
Postage	\$6.65
<b>Total Postage and Fees</b>	<b>\$12.75</b>

Sent To  
 Durga Corp. d/b/a Knights Inn c/o Na Patel Registered Agent  
 5232 South Cobb  
 Dave Se Smyrna, Georgia, 30080

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COLUMBUS, OH 43218

7016 0340 0000 0887 9870

Certified Mail Fee	\$3.35
Extra Services & Fees (check box, add fees appropriate)	\$2.75
<input type="checkbox"/> Return Receipt (hardcopy)	\$0.00
<input type="checkbox"/> Return Receipt (electronic)	\$0.00
<input type="checkbox"/> Certified Mail Restricted Delivery	\$0.00
<input type="checkbox"/> Adult Signature Required	\$0.00
<input type="checkbox"/> Adult Signature Restricted Delivery	\$0.00

0650  
18



Postage \$7.25  
Total Postage and Fees \$13.35

Sent To  
McDonalds Corporation/BB America, Inc.  
Street and Apt. No., or PO Box No.  
PO BOX 182571  
City, State, ZIP+4®  
Columbus, Ohio 43218-2571

EXHIBIT G

Parking Study



## A&R Engineering Inc.

2160 Kingston Court, Suite O  
Marietta, GA 30067  
Tel: (770) 690-9255 Fax: (770) 690-9210  
www.areng.com



### Memorandum

To: City of Smyrna  
From: Abdul K. Amer, PE, PTOE  
Date: June 13, 2017  
Subject: Parking Demand Study for 5220 South Cobb Drive, Smyrna, Georgia

The purpose of this memorandum is to determine the amount of parking necessary for a proposed gas station and fast-food restaurant development located at 5220 South Cobb Drive in Smyrna, Georgia. The development will include a gas station with 20 fueling positions and 4,238 square foot convenience store as well as a 2,921 square foot fast-food restaurant with drive-thru window. Per the City of Smyrna zoning requirements, the site requires 23 parking spaces under the general business, commercial or personal service establishment category (5.5 spaces per 1,000 sf) and 39 parking spaces for restaurant category (1 space per 75 sf), totaling 62 spaces. The owner is seeking a parking variance that would allow the development to have a total of 48 spaces. This analysis will determine the amount of parking necessary using industry parking standards as well as parking demand data collected at a similar facility. The proposed location of the development is shown in Figure 1, below.

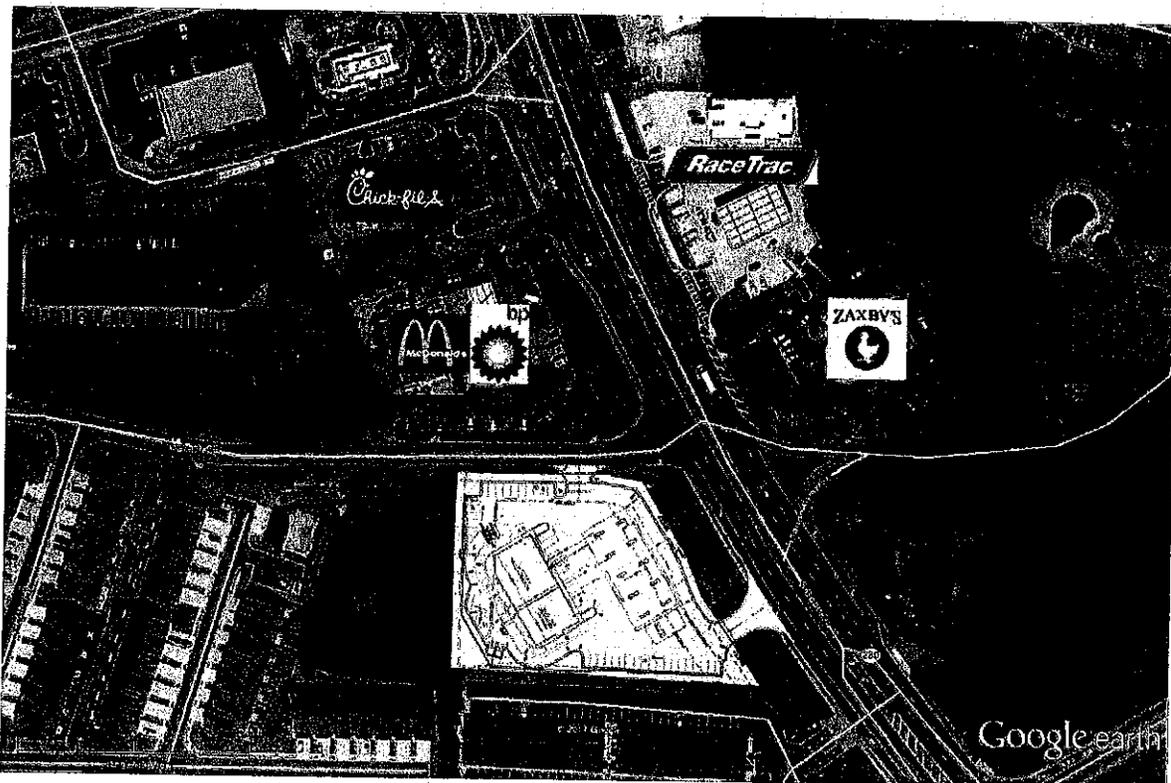


Figure 1 – Proposed Location

## Projected Trip and Parking Generation

Trip generation estimates for the proposed development were based on the rates and equations published in the 9<sup>th</sup> edition of the Institute of Transportation Engineers (ITE) Trip Generation report. This reference contains traffic volume count data collected at similar facilities nationwide. The trip generation was based on the following ITE Land Uses: 934 – *Fast-Food Restaurant with Drive-Thru Window* and 945 – *Gasoline/Service Station with Convenience Market*. The calculated total trip generation for the proposed development is shown below in Table 1.

Land Use	Size	A.M. Peak Hour			Midday Peak Hour			P.M. Peak Hour			24-Hour
		Enter	Exit	Total	Enter	Exit	Total	Enter	Exit	Total	Two-Way
<b>Gasoline Station with Convenience Market</b>	20 Fueling Postions	102	101	203	136	135	271	136	135	271	3,256
<i>Pass-by Trips 62% [28%] (56%)</i>		-63	-63	-126	-38	-38	-76	-76	-76	-152	-1,520
<b>Fast-Food Restaurant with Drive-Thru Window</b>	2,921 sf	68	65	133	72	66	138	50	45	95	1,449
<i>Pass-by Trips 49% [25%] (50%)</i>		-33	-32	-65	-18	-17	-35	-25	-23	-48	-480
<b>Total Without Reductions</b>		170	166	336	208	202	410	186	181	367	4,705
<b>Total with Reductions</b>		74	71	145	152	147	299	85	82	167	2,705

\*Pass-by trips AM% [MID%] (PM%)

\*\*24-hour pass-by trips estimated by considering PM pass-by as 10% of daily; midday pass-by rate assumed as half of the PM pass-by rate

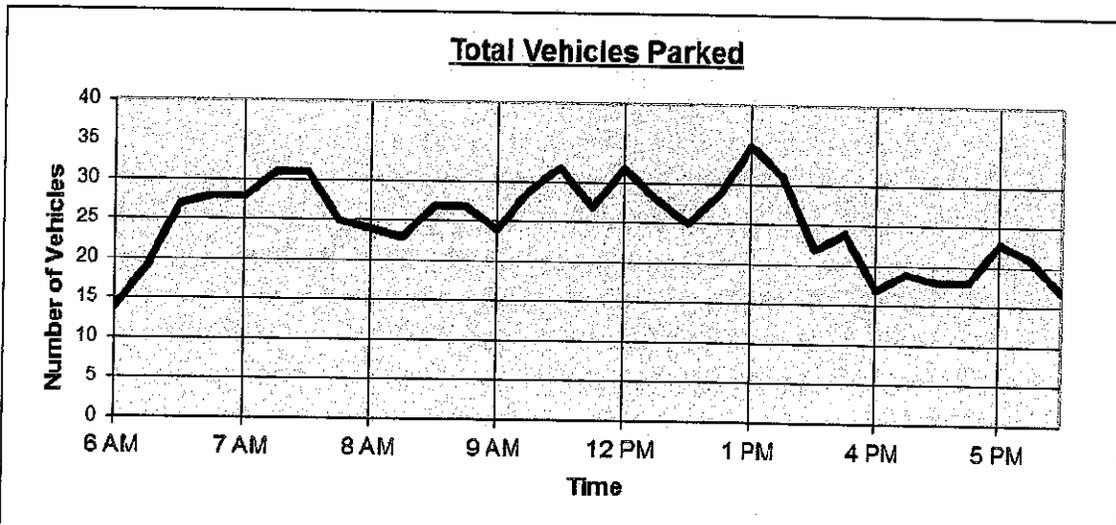
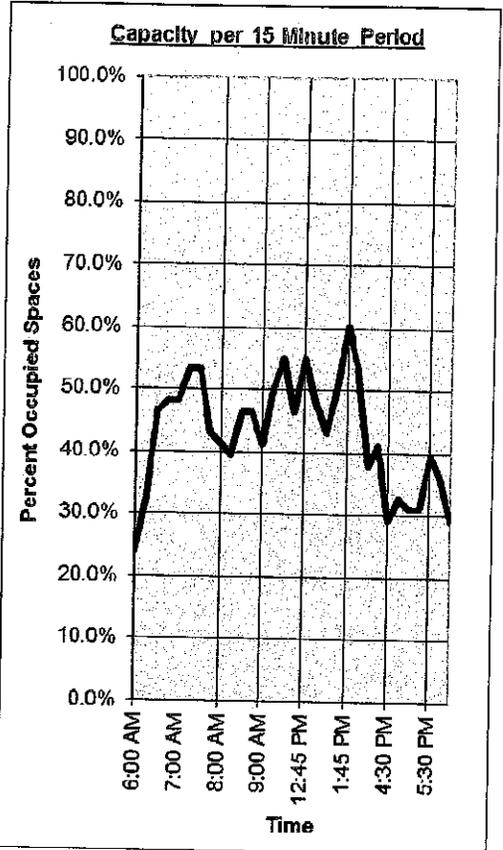
The ITE *Parking Generation*, 4<sup>th</sup> Edition contains parking demand data for 106 land uses during peak periods on weekdays and weekends. The respective rates in the ITE *Parking Generation* for Fast-Food Restaurant with Drive-Thru Window and Gasoline Station with Convenience Market are 9.98 spaces/1,000 sf and 0.75 spaces/fueling position, respectively. Using these rates, the development could be expected to generate a peak parking demand of 44 spaces during the week. The total proposed amount of parking spaces provided will exceed the ITE parking generation by 4 spaces in the peak hour.

## Parking Demand Data

Parking operations were observed at the adjacent BP/McDonald's development on a weekday during the peak hours of 6:00 a.m. to 9:00 a.m., 12:00 p.m. to 2:00 p.m., and 4:00 p.m. to 6:00 p.m. This adjacent development provides 46 parking spaces for a 12-pump gas station with convenience store and fast-food restaurant with drive-thru window. The existing count data is shown in Table 2 and graphically in the figures, below.

**TABLE 2  
EXISTING PARKING DEMAND  
(46 SPACES AVAILABLE)**

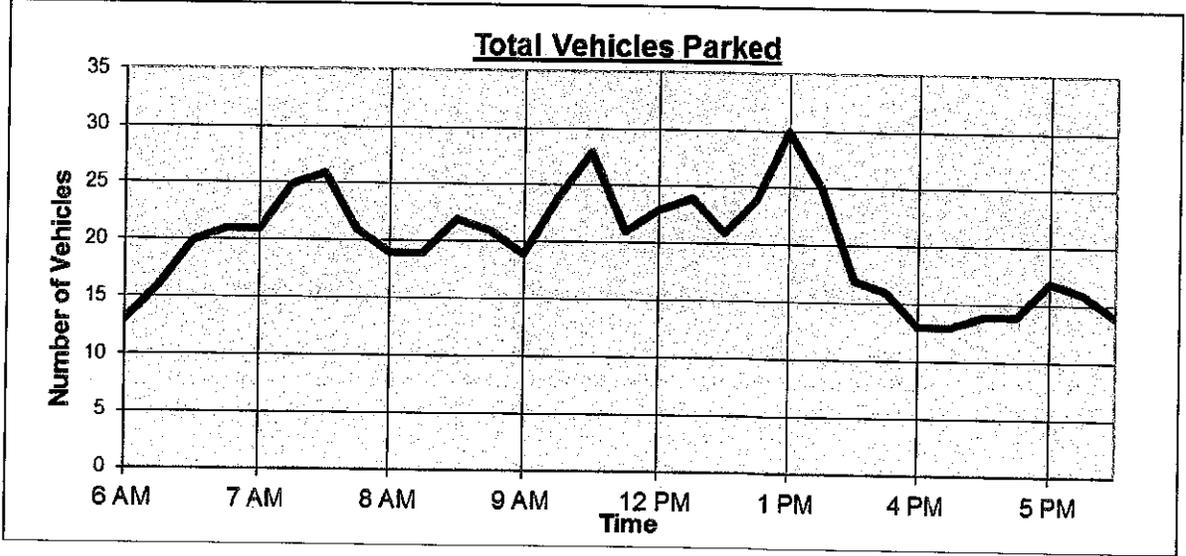
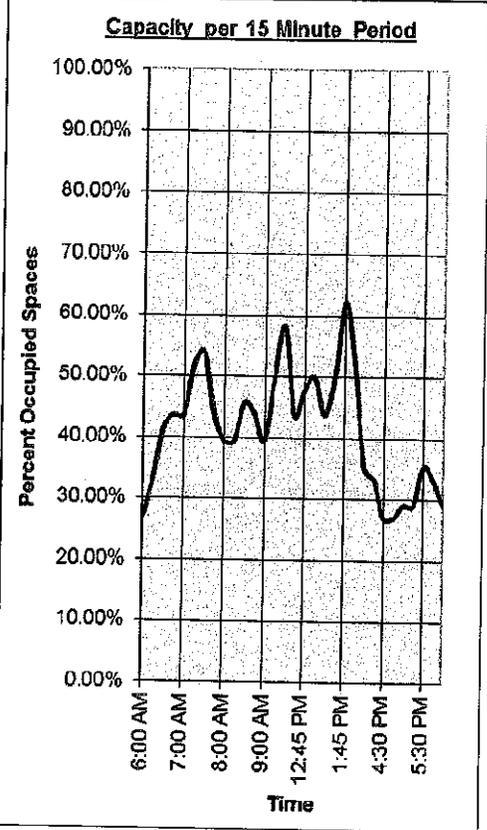
TIME	WEEKDAY		TIME	WEEKDAY	
	Volume	Capacity		Volume	Capacity
6:00 AM	12	26.09%	1:45 PM	29	63.04%
6:15 AM	15	32.61%	2:00 PM	24	52.17%
6:30 AM	19	41.30%	4:00 PM	16	34.78%
6:45 AM	20	43.48%	4:15 PM	15	32.61%
7:00 AM	20	43.48%	4:30 PM	12	26.09%
7:15 AM	24	52.17%	4:45 PM	12	26.09%
7:30 AM	25	54.35%	5:00 PM	13	28.26%
7:45 AM	20	43.48%	5:15 PM	13	28.26%
8:00 AM	18	39.13%	5:30 PM	16	34.78%
8:15 AM	18	39.13%	5:45 PM	15	32.61%
8:30 AM	21	45.65%	6:00 PM	13	28.26%
8:45 AM	20	43.48%			
9:00 AM	18	39.13%			
12:00 PM	23	50.00%			
12:15 PM	27	58.70%			
12:30 PM	20	43.48%			
12:45 PM	22	47.83%			
1:00 PM	23	50.00%			
1:15 PM	20	43.48%			
1:30 PM	23	50.00%			



### Future Estimated Parking Demand

Because the adjacent BP/McDonald's development has 8 fewer fueling positions than this proposed development, the existing parking counts were increased by 4.3% to analyze the future demand conservatively. The proposed development will provide a total of 48 spaces (not including gas pumps). The future parking demand for the site is shown in Table 3 and graphically in the figures, below.

TIME	WEEKDAY		TIME	WEEKDAY	
	Volume	Capacity		Volume	Capacity
6:00 AM	13	27.08%	1:45 PM	30	62.50%
6:15 AM	16	33.33%	2:00 PM	25	52.08%
6:30 AM	20	41.67%	4:00 PM	17	35.42%
6:45 AM	21	43.75%	4:15 PM	16	33.33%
7:00 AM	21	43.75%	4:30 PM	13	27.08%
7:15 AM	25	52.08%	4:45 PM	13	27.08%
7:30 AM	26	54.17%	5:00 PM	14	29.17%
7:45 AM	21	43.75%	5:15 PM	14	29.17%
8:00 AM	19	39.58%	5:30 PM	17	35.42%
8:15 AM	19	39.58%	5:45 PM	16	33.33%
8:30 AM	22	45.83%	6:00 PM	14	29.17%
8:45 AM	21	43.75%			
9:00 AM	19	39.58%			
12:00 PM	24	50.00%			
12:15 PM	28	58.33%			
12:30 PM	21	43.75%			
12:45 PM	23	47.92%			
1:00 PM	24	50.00%			
1:15 PM	21	43.75%			
1:30 PM	24	50.00%			



Typically, supply should exceed peak hour demand to allow for vehicles to easily find a parking space and minimize circulation through the parking areas to search for available spaces. According to the Urban Land Institute (ULI), a parking area is considered to have reached optimum capacity at 85%. This allows for nominal fluctuations in the peak demand and the additional capacity needed to minimize unnecessary circulation through the parking areas. As can be seen in Table 3 above, the capacity at the peak parking period is less than 63% with the future parked vehicle counts.

### **Conclusions & Recommendations**

As shown in the analysis, the peak parking demand is estimated to equal 30 spaces or 62.50% capacity after the completion of the proposed development. The amount of parking needed to remain below optimum capacity at the peak of demand would be 35 spaces ( $30 \text{ spaces} \div 85\% = 35 \text{ spaces}$ ) in order to allow for nominal fluctuations in the peak demand and the additional capacity needed to minimize unnecessary circulation. Although the provided amount of parking does not meet City of Smyrna standards and requirements, there is estimated to be adequate parking based on ITE Parking Generation rates as well as parking count data collected at a similar facility. It should be noted that the results outlined in this study do not include the amount of traffic that will utilize parking at the gas pumps to make both gas and non-gas transactions. Based on these reasons, it is recommended the development be granted a parking variance from 62 required spaces to 48 provided spaces.

EXHIBIT H

LEGAL DESCRIPTION

### Legal Description

Parcel A:

All that tract or parcel of land lying and being in Land Lot 753, 2nd Section, 17th District of Cobb County, Georgia, and being more particularly described as follows:

Beginning at the Southwest corner of the intersection of South Cobb Drive and Oak Drive, and extending thence South 87 degrees 41 minutes West along the South side of Oak Drive 160 feet to a point; thence South 2 degrees East 145 feet to a point; thence South 87 degrees 41 minutes West 56.4 feet to a point; thence South 2 degrees 00 minutes East 100 feet to a point; thence South 89 degrees 11 minutes East 391.9 feet to a point on the West side of South Cobb Drive; thence North along the West side of South Cobb Drive 319.2 feet to the point of beginning.

Parcel B:

All that tract or parcel of land lying and being in Land Lot 753 of the 17th District, City of Smyrna, Cobb County, Georgia and being more particularly described as follows:

To find the Point of Beginning commence at the intersection of the westerly Right of Way line of South Cobb Drive (SR 280), having a 200 foot Right of Way and the southerly Right of Way line

of Oak Drive having a 50 foot Right of Way; thence along the southerly Right of Way line of Oak Drive North 84 Degrees 07 Minutes 51 Seconds West, 48.87 feet to a point; thence continue along the southerly Right of Way line of Oak Drive South 85 Degrees 59 Minutes 36 Seconds West, 124.20 feet to a point and The Point of Beginning; thence leaving the southerly Right of Way line of Oak Drive South 04 Degrees 14 Minutes 03 Seconds East, 135.00 feet to a point; thence South 85 Degrees 49 Minutes 24 Seconds West, 56.40 feet to a point; thence North 03 Degrees 57 Minutes 27 Seconds West, 135.17 feet to a point on the southerly Right of Way line of Oak Drive; thence along the southerly Right of Way line of Oak Drive North 85 Degrees 59 Minutes 36 Seconds East, 55.75 feet to The Point of Beginning containing 0.17 Acres.

EXHIBIT I

Campaign Contribution Disclosure Affidavit

**ZONING DISCLOSURE REPORT**

Has the applicant\* made, within two years immediately preceding the filing of this application for rezoning, campaign contributions aggregating \$250 or more or made gifts having in the aggregate a value of \$250 or more to the Mayor or any member of the City Council or Planning and Zoning Board who will consider this application?

NO

If so, the applicant\* and the attorney representing the applicant\* must file a disclosure report with the Mayor and City Council of the City of Smyrna, within 10 days after this application is filed.

**Please supply the following information, which will be considered as the required disclosure:**

The name of the Mayor or member of the City Council or Planning and Zoning Board to whom the campaign contribution or gift was made:

\$100 - MAYOR MAX BACON CAMPAIGN

The dollar amount of each campaign contribution made by the applicant\* to the Mayor or any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application, and the date of each such contribution:

\$100 - MAYOR MAX BACON

An enumeration and description of each gift having a value of \$250 or more by the applicant\* to the Mayor and any member of the City Council or Planning and Zoning Board during the two years immediately preceding the filing of this application:

NONE

Does the Mayor or any member of the City Council or Planning and Zoning Board have a property interest (direct or indirect ownership including any percentage of ownership less than total) in the subject property?

NO

If so, describe the natural and extent of such interest: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**ZONING DISCLOSURE REPORT (CONTINUED)**

Does the Mayor or any member of the City Council or Planning and Zoning Board have a financial interest (direct ownership interests of the total assets or capital stock where such ownership interest is 10% or more) of a corporation, partnership, limited partnership, firm, enterprise, franchise, association, or trust, which has a property interest (direct or indirect ownership, including any percentage of ownership less than total) upon the subject property?

NO

If so, describe the nature and extent of such interest:

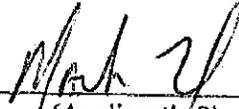
Does the Mayor or any member of the City Council or Planning and Zoning Board have a spouse, mother, father, brother, sister, son, or daughter who has any interest as described above?

NO

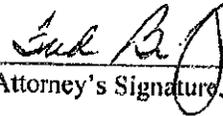
If so, describe the relationship and the nature and extent of such interest:

If the answer to any of the above is "Yes", then the Mayor or the member of the City Council or Planning and Zoning Board must immediately disclose the nature and extent of such interest, in writing, to the Mayor and City Council of the City of Smyrna. A copy should be filed with this application\*\*. Such disclosures shall be public record and available for public inspection any time during normal working hours.

We certify that the foregoing information is true and correct, this 20<sup>th</sup> day of JUNE, 2017.



(Applicant's Signature)



(Attorney's Signature, if applicable)

**Notes**

\* Applicant is defined as any individual or business entity (corporation, partnership, limited partnership, firm enterprise, franchise, association or trust) applying for rezoning action.

\*\* Copy to be filed with the City of Smyrna Zoning Department and City Clerk along with a copy of the zoning application including a copy of the legal description of the property.