

APPLICANT: QuikTrip Corporation

770-940-2624

REPRESENTATIVE: Sams, Larkin & Huff, LLP

770-422-7016

TITLEHOLDER: Scriven International Corp., Estate of D.T.

Hillhouse, Inc.

PROPERTY LOCATION: Located at the northeast intersection of

Canton Road and Shallowford Road, and at the western terminus of

Pine Mill Drive, and on the south side of Fowler Circle, south of

Winfred Drive

ACCESS TO PROPERTY: Canton Road, Shallowford Road

PHYSICAL CHARACTERISTICS TO SITE: Wooded

PETITION NO: Z-73

HEARING DATE (PC): 08-07-07

HEARING DATE (BOC): 08-21-07

PRESENT ZONING: GC, NRC

PROPOSED ZONING: NRC

PROPOSED USE: Convenience Store with

Fuel Sales

SIZE OF TRACT: 4.55 acres

DISTRICT: 16

LAND LOT(S): 157

PARCEL(S): 13, 17

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: R-20/ wooded

SOUTH: NS/ wooded

EAST: LI/ wooded, warehouses

WEST: GC, RA-4/ wooded, Highland Trace subdivision

OPPOSITION: NO. OPPOSED _____ PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

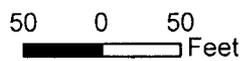
STIPULATIONS:



Z-73



This map is provided for display and planning purposes only. It is not meant to be a legal description.



 Draft Parcel Boundary
 Approximate Zoning Boundary

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PETITION FOR: NRC

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 Total Square Footage of Development: 4,555

F.A.R.: 0.02 Square Footage/Acre: 1,001

Parking Spaces Required: 5 Parking Spaces Provided: 37

The applicant is requesting the NRC zoning category to develop a convenience store with fuel sales. The building will be one-story with a brick and stone exterior. The convenience store will be open 24 hours a day, seven days a week. The applicant is showing a contemporaneous variance to reduce the side setback from 15-feet to 5-feet. The previous zoning stipulations are attached for review (see Exhibit "A").

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: There is no significant impact on the cemetery site listed in the Cobb County Cemetery Preservation Commission's Inventory Listing which is located in this, or adjacent land lot.

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot radius or Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT QuikTrip Corp

PETITION NO. Z-073

PRESENT ZONING GC, NRC

PETITION FOR NRC

NOTE: Comments reflect only what facilities were in existence at the time of this review.

WATER COMMENTS:

Available at Development? Yes No

Fire Flow Test Required? Yes No

Size / Location of Existing Water Main(s): 8" DI / E side Canton Rd

Additional Comments: Also, 6" DI / S side Pine Mill Dr. Meter to be at entrance

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

SEWER COMMENTS:

In Drainage Basin? Yes No

At Development? Yes No

Approximate Distance to Nearest Sewer: At site in Pine Mill

Estimated Waste Generation (in G.P.D.): **A D F** 450 **Peak** 1125

Treatment Plant: Noonday

Plant Capacity Available? Yes No

Line Capacity Available? Yes No

Projected Plant Availability: 0 - 5 year 5 - 10 years over 10 years

Dry Sewers Required? Yes No

Off-site Easements Required? Yes* No

Flow Test Required? Yes No

Letter of Allocation issued? Yes No

Septic Tank Recommended by this Department? Yes No

Subject to Health Department Approval? Yes No

* If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution of easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Wastewater must leave property by gravity flow. Pine Mill Dr is in special assessment area where \$9000/ac applies before plans approval. Sewer also available 300' W in Highland Circle.

Pre-installed grease traps required for food preparation/restaurants

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

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DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Noonday Creek Basin FLOOD HAZARD INFO: Zone X

- FEMA Designated 100 year Floodplain Flood.
- Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
- Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
- Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: YES NO POSSIBLY, NOT VERIFIED

Location: _____

- The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED

- Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
- Chattahoochee River Corridor Tributary Area - County review (_____ undisturbed buffer each side).
- Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
- Georgia DNR Variance may be required to work in 25 foot streambank buffers.
- County Buffer Ordinance: 50' , 75' , 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

- Potential or Known drainage problems exist for developments downstream from this site.
- Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
- Minimize runoff into public roads.
- Minimize the effect of concentrated stormwater discharges onto adjacent properties.
- Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
- Existing Lake Downstream _____.
Additional BMP's for erosion sediment controls will be required.
- Lake Study needed to document sediment levels.
- Stormwater discharges through an established residential neighborhood downstream.
- Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream receiving system.

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DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

- No Stormwater controls shown _____
- Copy of survey is not current - Additional comments may be forthcoming when current site conditions are exposed.
- No site improvements showing on exhibit.

ADDITIONAL COMMENTS/SUGGESTIONS

1. The entire site drains to the existing storm drain inlets within the Canton Road R/W which flows downstream through Highland Trace S/D located to the west. The adequacy of the existing downstream conveyance must be evaluated at Plan Review. The proposed plan will require relocation of the existing curb inlets along Canton Road. Adequate inlet capacity must be provided to limit gutter spread within the travel lanes.
2. The detention facility for the existing parcel to the east currently discharges through the site. This flow must be intercepted and adequately conveyed through the site.
3. Underground detention is proposed for the site. Aboveground water quality BMPs must be provided or an approved proprietary treatment unit provided. The stormwater management design must include an oil/water separator to pre-treat runoff from the fuel bay and tank refueling pads.

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TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Canton Road	29100	Arterial	45 mph	Cobb County	100'
Shallowford Rd	11000	Arterial	45 mph	Cobb County	100'

*Based on 2005 traffic counting data taken by Cobb County DOT.
Based on 2006 traffic counting data taken by Cobb County DOT.*

COMMENTS AND OBSERVATIONS

Canton Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Shallowford Road is classified as an Arterial and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

Canton Road is identified in the 2005 SPLOST as a corridor improvement project.

Petition the BOC for abandonment of right-of-way along the section of Pine Mill Drive that is within the development limits.

Install sidewalk, curb and gutter along both road frontages.

As necessitated by this development for egress from Canton Road, a deceleration lane will be required.

Right-in only access on Shallowford Road.

Align driveway access on Canton with Cauthen Court.

No access to Pine Mill Drive or Atkins Drive.

RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Canton Road, a minimum of 50' from the roadway centerline and b) donation of right-of-way on the north side of Shallowford Road, a minimum of 50' from the roadway centerline.

Recommend applicant petition the Board of Commissioners for abandonment and exchange of right-of-way along Pine Mill Drive for right-of-way donations along Shallowford Road and Canton Road.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed road project.

Recommend installing sidewalk, curb and gutter along the entirety of both road frontages.

*received
9-12-07*

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TRANSPORTATION COMMENTS cont.

Recommend a deceleration lane along Canton Road.

Recommend a right-in only access on Shallowford Road.

Recommend aligning the proposed access on Canton Road with Cauthen Court.

Recommend no access easements along Pine Mill Drive and Atkins Drive.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

received
9-12-07

STAFF RECOMMENDATIONS

Z-73 QUIKTRIP CORPORATION

- A. It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's proposal is located in an area on Canton Road that contains a variety of uses, including cluster homes, retail, offices, instructional uses, and industrial uses. However, there were reservations regarding placing a convenience store with fuel sales at this location during the most recent zoning hearing in February 2006.

- B. It is Staff's opinion that the applicant's rezoning proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposal's impact on adjacent properties can be lessened with stipulations controlling building architecture, lighting, landscaping and signage. The control of these aesthetic issues should help the applicant's proposal meet the goals of the *Canton Road Corridor Study*.

- C. It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis.

- D. It is Staff's opinion that the applicant's rezoning proposal is in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center.

- E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. The Board of Commissioners expressed concerns regarding placing a convenience store with fuel sales at this location approximately 1½ years ago. Additionally, Staff has concerns regarding the access on Shallowford Road with such a busy store.

Based on the above analysis, Staff recommends DENIAL.

The recommendations made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.

**MINUTES OF ZONING HEARING
COBB COUNTY BOARD OF COMMISSIONERS
FEBRUARY 21, 2006**

Z-165⁰⁵ **CAPITAL RETAIL HOLDINGS, LLC** (Estate of D. T. Hillhouse, Ina Faye Hillhouse Towe, Executrix, owner) requesting Rezoning from **R-20** to **NRC** for the purpose of a Convenience Store with Fuel Sales and Retail in Land Lot 157 of the 16th District. Located at the northeast intersection of Canton Road and Shallowford Road and on the south side of Pine Circle Road.

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

- **prohibited uses: fuel sales, heavy automobile repair, businesses with drive thrus, dry cleaners, cell towers**

After further discussion, the following amended motion was made:

AMENDED MOTION: Motion by Lee, second by Olens, to **approve** rezoning to the **NRC** zoning district **subject to the Board of Commissioners approving the use for said property.**

VOTE: **ADOPTED** unanimously

Clerk's Note: The Applicant was encouraged to seek an assemblage of the adjacent undeveloped properties and the abandoned roadway.

Z-165



REVIEWED
AUG - 4 2005
COBB CO. COUNTY DEV. DEPT.
ZONING DIVISION

12-113

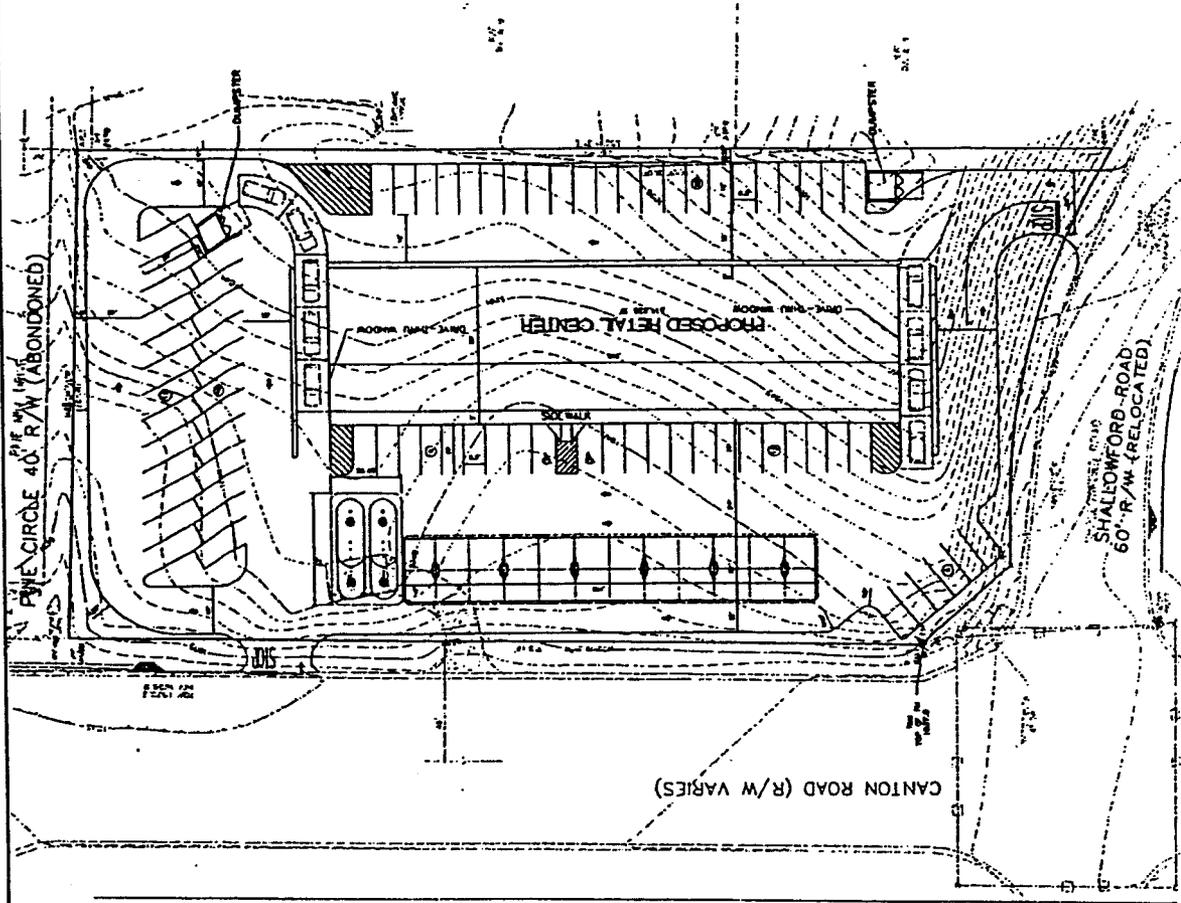
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SITE ANALYSIS

TOTAL AREA	11,125 SF
AREA OF LOT	1,125 SF
PERCENTAGE OF LOT	10.0%
PERMITTED USE	CC (GENERAL COMMERCIAL)
PERMITTED HEIGHT	10 FT
PERMITTED SETBACKS (F/R/S)	5/5/5
PERMITTED PARKING	2 SPACES
PERMITTED SIGNAGE	10 SF
PERMITTED UTILITIES	AS SHOWN ON PLAN

SHAFFER CONSTRUCTION INC.
11 ST. DISTRICT B

CEI ENGINEERING & ASSOCIATES, INC.
11111 W. WINDY HILL RD.
ALPHARETTA, GA 30201
PHONE: 770-241-1111
FAX: 770-241-1112
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NOT TO SCALE