

Z-10  
(2011)

Quilting No 0836  
COUNTY, GA

ORIGINAL ISSUE DATE: 3/2/11
PROJECT NAME: PRELIMINARY SITE PLAN
SHEET TITLE: 4
SHEET NUMBER: 4

**SITE LEGEND**

- BOUNDARY LINE
- CONCRETE CURB AND GUTTER
- PROTECTION
- PARKING SPACE INDICATOR
- ASPHALT LOT
- MAINTENANCE
- FORWARD WITH CURB
- FORWARD WITH DRIVE
- TRANSFORMED
- FUEL SYSTEM ACCESS MARKING

1. SECURITY CAMERA  
 2. SECURITY CAMERA  
 3. E.  
 4. E.  
 5. E.

**CALL TABLE**

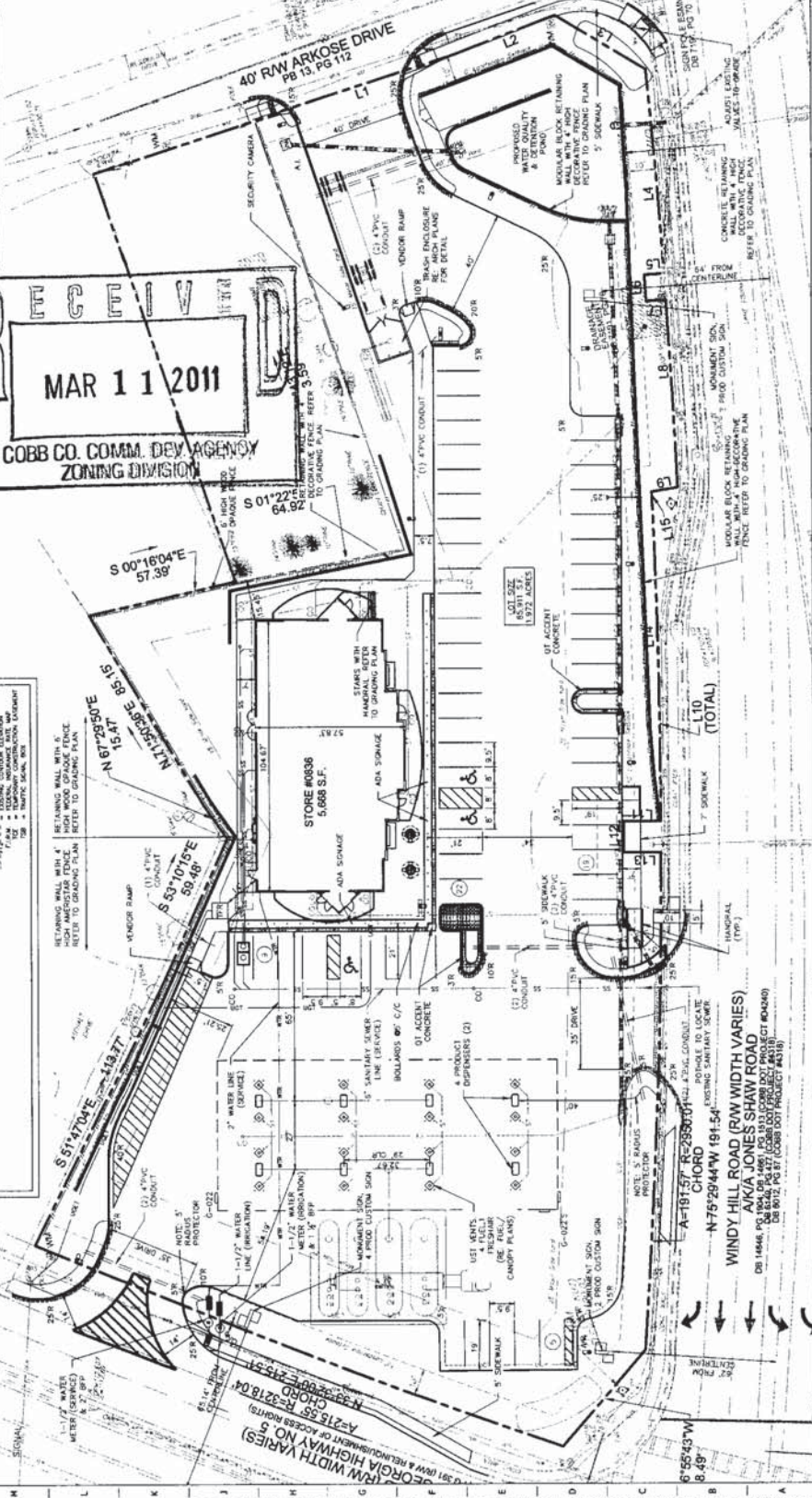
Coverage	Remarks	Comments
L1	10' DRIVE	10' DRIVE
L2	15' DRIVE	15' DRIVE
L3	20' DRIVE	20' DRIVE
L4	25' DRIVE	25' DRIVE
L5	30' DRIVE	30' DRIVE
L6	35' DRIVE	35' DRIVE
L7	40' DRIVE	40' DRIVE
L8	45' DRIVE	45' DRIVE
L9	50' DRIVE	50' DRIVE
L10	55' DRIVE	55' DRIVE
L11	60' DRIVE	60' DRIVE
L12	65' DRIVE	65' DRIVE
L13	70' DRIVE	70' DRIVE
L14	75' DRIVE	75' DRIVE
L15	80' DRIVE	80' DRIVE

**EXISTING LEGEND**

- 1" C/W BENCH PA SET
- 2" C/W BENCH PA SET
- 3" C/W BENCH PA SET
- 4" C/W BENCH PA SET
- 5" C/W BENCH PA SET
- 6" C/W BENCH PA SET
- 7" C/W BENCH PA SET
- 8" C/W BENCH PA SET
- 9" C/W BENCH PA SET
- 10" C/W BENCH PA SET
- 11" C/W BENCH PA SET
- 12" C/W BENCH PA SET
- 13" C/W BENCH PA SET
- 14" C/W BENCH PA SET
- 15" C/W BENCH PA SET
- 16" C/W BENCH PA SET
- 17" C/W BENCH PA SET
- 18" C/W BENCH PA SET
- 19" C/W BENCH PA SET
- 20" C/W BENCH PA SET

**COBB CO. COMM. DEV. AGENCY ZONING DIVISION**

MAR 11 2011



1-1/2" WATER WEIRS (SERVICE & 3" B.P.)  
 2" WATER LINE (SERVICE)  
 3" WATER LINE (IRIGATION)  
 4" PROTECTIVE  
 5" SANITARY SEWER LINE (SERVICE)  
 6" PRODUCT DISPENSERS (2)  
 7" SANITARY SEWER LINE (EXISTING)  
 8" PRODUCT DISPENSERS (2)  
 9" SANITARY SEWER LINE (EXISTING)  
 10" PRODUCT DISPENSERS (2)  
 11" SANITARY SEWER LINE (EXISTING)  
 12" PRODUCT DISPENSERS (2)  
 13" SANITARY SEWER LINE (EXISTING)  
 14" PRODUCT DISPENSERS (2)  
 15" SANITARY SEWER LINE (EXISTING)  
 16" PRODUCT DISPENSERS (2)  
 17" SANITARY SEWER LINE (EXISTING)  
 18" PRODUCT DISPENSERS (2)  
 19" SANITARY SEWER LINE (EXISTING)  
 20" PRODUCT DISPENSERS (2)

**APPLICANT:** QuikTrip Corporation  
770-940-2619

**PETITION NO:** Z-10  
**HEARING DATE (PC):** 04-05-11

**REPRESENTATIVE:** Sams, Larkin & Huff, LLP  
Parks F. Huff 770-422-7016

**HEARING DATE (BOC):** 04-19-11  
**PRESENT ZONING:** GC, NRC, R-20

**TITLEHOLDER:** Ofer "Mike" Bar-Lev and Kofer Properties, Inc.

**PROPOSED ZONING:** NRC

**PROPERTY LOCATION:** On the north side of Windy Hill Road,  
between Austell Road and Arkose Drive.

**PROPOSED USE:** Convenience Store With  
Fuel Sales

**ACCESS TO PROPERTY:** Austell Road, Windy Hill Road, and  
Arkose Drive

**SIZE OF TRACT:** 2.5 acres  
**DISTRICT:** 17

**PHYSICAL CHARACTERISTICS TO SITE:** Used auto sales lot,  
demolished single-family residence, former single-family residence.

**LAND LOT(S):** 14, 59  
**PARCEL(S):** 30, 31, 83  
**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

- NORTH:** GC, R-20/ Commercial lot, Pine Branch and Brackett Subdivisions
- SOUTH:** CRC/ Advance Auto Parts
- EAST:** R-20/ Pine Branch and Brackett Subdivisions
- WEST:** R-20, NS/ Cobb Count School, Bail Bonds and Fire Station

**OPPOSITION:** NO. OPPOSED **PETITION NO:** \_\_\_\_\_ **SPOKESMAN** \_\_\_\_\_

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

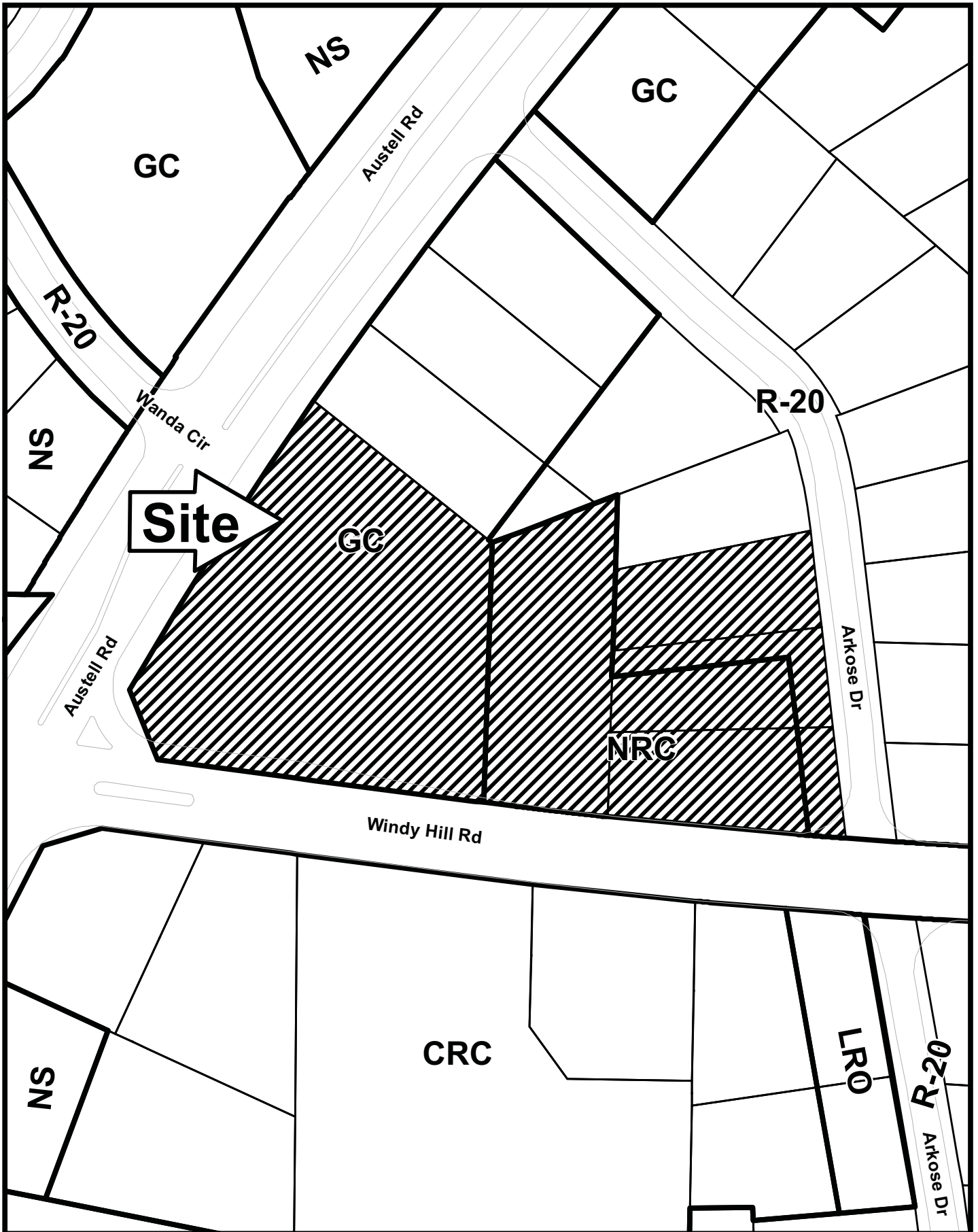
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_  
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_  
**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

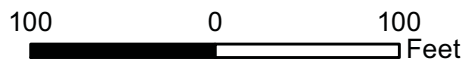
**STIPULATIONS:**



# Z-10



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



- City Boundary
- Zoning Boundary

APPLICANT: QuickTrip Corporation

PETITION NO.: Z-10

PRESENT ZONING: GC, NRC, R-20

PETITION FOR: NRC

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**ZONING COMMENTS:**

**Staff Member Responsible:** Terry Martin, MPA

**Land Use Plan Recommendation:** Community Activity Center, Neighborhood Activity Center

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 5,668

**F.A.R.:** .05 **Square Footage/Acre:** 2,267

**Parking Spaces Required:** Min. 6 **Parking Spaces Provided:** 57

The applicant is requesting to rezone this assemblage currently zoned a combination of GC general commercial district, NRC neighborhood retail commercial district, and R-20 single family residential district to NRC for the purpose of a convenience store with fuel sales (QuickTrip). The property is located in areas delineated as Community Activity Center and Neighborhood Activity Center on the *Cobb County Comprehensive Plan*. The store, a new, larger style by QuickTrip, will have many new amenities beyond those currently offered by their existing stores and will be open 24 hours a day, 7 days a week.

Providing 57 parking spaces, the property will more than meet the minimum required of 5 plus 1 per employee. As presented, the project will require variances regarding setbacks: on the northern property line (minor side setback) from required 15 feet to 11 feet and on the eastern property line (front setback) from required 40 feet to 15 feet. Also, the project is not showing the required 20 foot landscaped screening buffer along these same North and East property lines where it abuts the neighboring subdivisions. If approved as presented, this will also have to be waived. Applicant has indicated that the building will be a one story brick. Moreover, the NRC district regulations limit the size of a convenience store with self-service fuel sales to no more than 3,000 gross square feet; the proposed building is to be 5,668 square feet. While not given by the applicant, the site is limited to no more than 70% maximum impervious surfaces. To accommodate these necessary variances, if the current proposal is satisfactory, the project should be approved subject to the site plan provided. The applicant has submitted a zoning impact analysis, which is attached for review.

**Historic Preservation:** After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application. No further comment. No action by applicant requested at this time.

**Cemetery Preservation:** No comment.

**Development & Inspections:** Proposed parking lot does not comply with County Tree Ordinance. Insufficient number of parking lot peninsulas provided.

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**FIRE COMMENTS:**

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT Quiktrip Corporation

PETITION NO. Z-010

PRESENT ZONING GC, NRC, R-20

PETITION FOR NRC

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**WATER COMMENTS:**

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

Available at Development:  Yes  No

Fire Flow Test Required:  Yes  No

Size / Location of Existing Water Main(s): 6" DI / N side Windy Hill Rd.

Additional Comments: Also 8" DI E / side Austell Rd

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:**

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

In Drainage Basin:  Yes  No

At Development:  Yes  No

Approximate Distance to Nearest Sewer: S side Windy Hill Road

Estimated Waste Generation (in G.P.D.): **A D F** 566.8 **Peak=** 1417

Treatment Plant: **S Cobb**

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drw Sewers Required:  Yes  No

Off-site Easements Required:  Yes\*  No \*If off-site easements are required, Developer must submit easements to CCWS for review/approval as to form ans stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the Developer

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

Additional Comments: Records show each property (3) to be connected.

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 offsite easements, dedication of on and/or offsite 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.

APPLICANT: Quiktrip Corporation

PETITION NO.: Z-10

PRESENT ZONING: GC, NRC, R-20

PETITION FOR: NRC

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DRAINAGE COMMENTS

FLOOD HAZARD: [ ] YES [X] NO [ ] POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Favor Creek FLOOD HAZARD INFO: Zone X

- [ ] FEMA Designated 100 year Floodplain Flood.
[ ] Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
[X] 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 [X] 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 [X] 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).
[X] 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

- [X] Potential or Known drainage problems exist for developments downstream from this site.
[X] Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
[X] 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.
[X] Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream existing drainage system.

APPLICANT: Quiktrip Corporation

PETITION NO.: Z-10

PRESENT ZONING: GC, NRC, R-20

PETITION FOR: NRC

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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

- The site discharge will be tied directly into the existing drainage system within the Windy Hill Road right-of-way. The existing system is limited by the capacity of the existing 18-inch RCP culvert under Windy Hill Road. The detention pond and stormwater management design must account for the existing downstream system capacity.
The water quality best management practice design must provide for oil/water separation since this site will have a fueling center.

**APPLICANT: Quiktrip Corporation**

**PETITION NO.: Z-10**

**PRESENT ZONING: GC, NRC, R-20**

**PETITION FOR: NRC**

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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
Austell Road	35300	Arterial	45 mph	GDOT	100'
Windy Hill Road	22900	Arterial	40 mph	Cobb County	100'
Arkose Drive	N/A	Local	25 mph	Cobb County	50'

*Based on 2009 traffic counting data taken by Georgia DOT (Austell Road)  
Based on 2009 traffic counting data taken by Georgia DOT (Windy Hill Road)*

**COMMENTS AND OBSERVATIONS**

Austell Road is classified as an arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

Windy Hill 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.

Arkose Drive is classified as a local and according to the available information, the existing right-of-way does not meet the minimum requirements for this classification.

**RECOMMENDATIONS**

Windy Hill 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. 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 north side of Windy Hill Road, a minimum of 50' from the roadway centerline.

Arkose Drive is classified as a local and according to the available information the existing right-of-way does not meet the minimum requirements for this classification. 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 west side of Arkose Drive, a minimum of 25' from the roadway centerline.

Recommend installing curb, gutter, and sidewalk along the Arkose Drive road frontage.

Recommend the access on Arkose Drive to be a right-in/right-out and left in driveway.

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

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the roadway improvement project along Windy Hill Road.

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



## STAFF RECOMMENDATIONS

### **Z-10 QuickTrip 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 containing several other retail uses. The property itself was once home to a used automobile sales lot.
- 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. If the project is required to attempt to meet the Code's requirements of screening between the neighboring residential properties, it should be able to coexist with little negative impact.
- 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 Community Activity Center and 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 approving the applicant's rezoning proposal. The request is to bring to the area a vital and growing business in QuickTrip's new prototype store which will serve the surround community as well as commuters. While some variances may be required in the project's current form, if steps are taken to attenuate its impact on remaining neighboring residences, it should be an asset to the area.

Based on the above analysis, Staff recommends APPROVAL subject to the following conditions:

- Site plan received by Zoning Division on March 11, 2011 in regards to store size and building setbacks;
- A landscape plan to be submitted and approved by County Arborist during the Plan Review process in order to acceptably screen property from neighboring residences (District Commissioner shall have final approval of said plan);
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- DOT comments and recommendations; and
- 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.

**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.**

Z-10  
April  
2011

**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION  
OF QUIKTRIP CORPORATION**

COMES NOW, QuikTrip Corporation, and pursuant to Section 134-121(a)(7) of the Cobb County Zoning Ordinance, files this its Zoning Impact Statement, as follows:

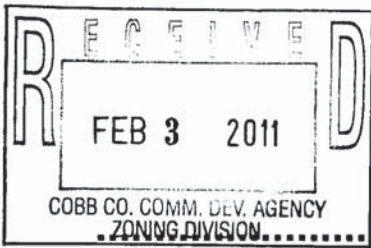
- A. The zoning proposal will permit a use of the property that is suitable in the context of the development and existing zonings along this section of Austell Road. The county's recent extension of Windy Hill Road to Macland Road makes this intersection perfect for the proposed convenience store with fuel sales.
  
- B. The zoning proposal will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The intersection is already a commercial intersection and the proposed convenience store will not negatively impact the adjacent properties.
  
- C. The subject property to be affected by the zoning proposal has no reasonable economic use as currently zoned in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. The existing GC, NRC and R-20 zoning categories make the property uneconomic given the existing conditions created by the extension of Windy Hill Road.

- D. The zoning proposal will have no adverse impact upon the existing County infrastructure including, but not limited to, existing streets, transportation facilities, utilities or schools. The proposed use will only serve the traffic that travels this transportation corridor that is created by the Windy Hill Road extension to Macland Road.
- E. The zoning proposal is consistent with the underlying Community Activity Center and Neighborhood Activity Center designation for the subject property.
- F. There is no substantial relationship between the existing zoning classifications of GC, NRC and R-20 and the public health, safety and general welfare. Additionally, considered in the context of development along this section of Mableton Parkway, there is no established land use planning principles or political consideration which would vitiate the zoning proposal.

Respectfully submitted, this 3rd day of February, 2011.

SAMS, LARKIN & HUFF, LLP

By:   
PARKS F. HUFF  
Attorney for Applicant  
Ga. Bar No. 375010



# Summary of Intent for Rezoning\*

.....  
**Part 1. Residential Rezoning Information (attach additional information if needed)**

- a) Proposed unit square-footage(s): \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_  
 Proposed building architecture: \_\_\_\_\_  
 \_\_\_\_\_  
 Proposed selling prices(s): \_\_\_\_\_  
 \_\_\_\_\_
- b) List all requested variances: \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

.....  
**Part 2. Non-residential Rezoning Information (attach additional information if needed)**

- a) Proposed use(s): Convenience store with fuel sales
- b) Proposed building architecture: see attached rendering
- c) Proposed hours/days of operation: 24 hours a day, 7 days a week
- d) List all requested variances: Variance as depicted in the site plan

.....  
**Part 3. Other Pertinent Information (List or attach additional information if needed)**

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

.....  
**Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government? (Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where those properties are located.)**

N/A

\*The applicant reserves the right to amend the Summary of Intent for Rezoning and the preliminary information provided therein at any time during the rezoning process.