

1000 - 100 AM

APPLICANT: RaceTrac Petroleum, Inc.	PETITION NO:	Z-24	
· · · · ·			
(770) 431-7600	HEARING DATE (PC):	05-06-14	
REPRESENTATIVE: Parks F. Huff (770) 422-7016	HEARING DATE (BOC): _	05-20-14	
Sams, Larkin, Huff & Balli	PRESENT ZONING:	TS	
TITLEHOLDER: RaceTrac Petroleum, Inc.			
	PROPOSED ZONING:	CRC	
PROPERTY LOCATION: Northeast side of South Cobb Drive,			
north of Tibarron Parkway	PROPOSED USE: Parkin	g Improvements	
(5191 South Cobb Drive).	for Existing Convenience Store with Fuel Sales		
ACCESS TO PROPERTY: South Cobb Drive	SIZE OF TRACT:	0.995 acre	
	DISTRICT:	17	
PHYSICAL CHARACTERISTICS TO SITE: Existing RaceTrac	LAND LOT(S):	753	
Convenience Store with Fuel Sales	PARCEL(S):	20	
	TAXES: PAID X DU	JE	

## CONTIGUOUS ZONING/DEVELOPMENT

NORTH:	CRC/Developed as multi-family
SOUTH:	TS/Zaxby's Restaurant
EAST:	CRC/Developed as multi-family
WEST:	City of Smyrna/Krystal Restaurant

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

PLANNING COMMISSION RECOMMENDATION

APPROVED\_\_\_\_MOTION BY\_\_\_\_\_

REJECTED\_\_\_\_SECONDED\_\_\_\_

HELD\_\_\_\_CARRIED\_\_\_\_

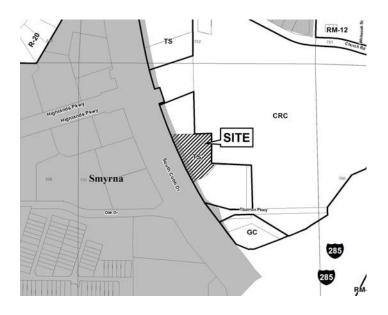
## **BOARD OF COMMISSIONERS DECISION**

APPROVED\_\_\_\_MOTION BY\_\_\_\_\_

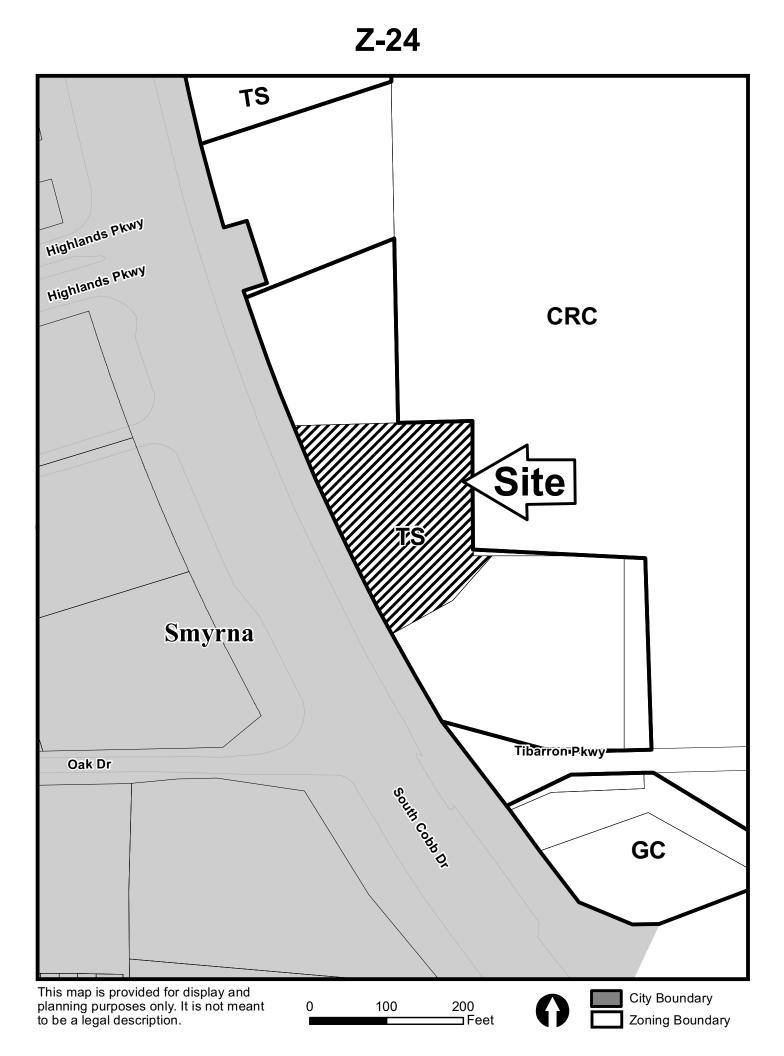
REJECTED SECONDED

HELD\_\_\_\_CARRIED\_\_\_\_

**STIPULATIONS:** 



COMMISSION DISTRICT: \_2\_\_\_\_



APPLICANT: RaceTrac Petroleum, Inc.			<b>PETITION NO.:</b>	Z-24			
PRESENT ZONING: TS			<b>PETITION FOR:</b>	CRC			
* * * * * * * * * * * * * * * * * * * *							
ZONING COMMENTS:         Staff Member Responsible:         Jason A. Campbell							
Land Use Plan R	ecommendat	ion: Community Activity	Center (CAC)				
Proposed Numbe	r of Building	s: <u>1 (Existing</u> )Total Square	e Footage of Development:	4,600			
<b>F.A.R.:</b> 0.106 <b>Square Footage/Acre:</b> 4,623.11							

 Parking Spaces Required:
 9
 Parking Spaces Provided:
 36

Applicant is requesting the Community Retail Commercial (CRC) zoning category for the purpose of parking improvements at the existing convenience store with fuel sales. The hours of operation are 24 hours per day, seven days per week. The applicant has obtained the required approvals from GDOT for the expanded parking area as shown on the attached site plan. The applicant has also submitted the attached landscape plan for the proposed parking area addition.

The applicant will require contemporaneous variances for the following:

- 1. Eliminating the landscaping requirement for the existing site; and
- 2. Waiving the maximum impervious coverage from 80% to 85%.

Cemetery Preservation: No comment.

## 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:	RaceTrac Petroleum, Inc.	<b>PETITION NO.:</b>	Z-24
PRESENT ZONI	ING: TS	<b>PETITION FOR:</b>	CRC
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## **PLANNING COMMENTS:**

The applicant is requesting a rezoning from TS to CRC for purposes of parking improvements for existing convenience store with fuel sales. The .995 acre site is located on the northeast side of South Cobb Drive, north of Tibarron Parkway.

## Comprehensive Plan

The parcel is within a Community Activity Center (CAC) future land use category, with a TS zoning designation. The purpose of the CAC category is for areas that can meet the immediate needs of several neighborhoods or communities. Typical land uses for these areas include low to mid-rise office buildings and department stores.

<u>Master Plan/Corridor Study</u> Not applicable.

## 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.

<u>Design Guidelines</u> Is the parcel in an area with Design Guidelines?	□ Yes	■ No
If yes, design guidelines area		
Does the current site plan comply with the design r	equirements?	
<u>Incentive Zones</u> Is the property within an Opportunity Zone? The Opportunity Zone is an incentive that provides jobs are being created. This incentive is available for	\$3,500 tax cre	1 0 0
Is the property within an Enterprise Zone? The Enterprise Zone is an incentive that provides ta qualifying businesses locating or expanding within		
Is the property eligible for incentives through the C Program?	Commercial and	I Industrial Property Rehabilitation ■ No
The Commercial and Industrial Property Rehabilita ad valorem property taxes for qualifying redevelop	tion Program i	s an incentive that provides a reduction in
Special Districts		
Is this property within the Cumberland Special Dis □ Yes ■ No	trict #1 (hotel/1	motel fee)?

Is this property within the Cumberland Special District #2 (ad valorem tax)?

 $\Box$  Yes  $\blacksquare$  No

APPLICANT RaceTrac Petroleum				PE	TITION NO. Z-024
PRESENT ZONING TS				PE	TITION FOR CRC
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WATER COMMENTS: NOTE: Comments refle	ect or	nly what facilities w	vere	in exi	stence at the time of this review.
Available at Development:	<b>~</b>	Yes			No
Fire Flow Test Required:	`	Yes		$\checkmark$	No
Size / Location of Existing Water Main(s): 6" ur	ıkno	wn / E side of Sou	uth	Cobb	Dr.
Additional Comments: Water main relocation main	ay be	e required depend	ing	on ex	ttent of grading
Developer may be required to install/upgrade water mains, based on Review Process.	fire flo	ow test results or Fire De	partn	nent Co	de. This will be resolved in the Plan
* * * * * * * * * * * * * * * * * * * *	* * :	* * * * * * * * *	* *	* * :	* * * * * * * * * * * * * * *
SEWER COMMENTS: NOTE: Comments r	eflec	t only what facilities	s we	re in e	existence at the time of this review.
In Drainage Basin:	✓	Yes			No
At Development:	✓	Yes			No
Approximate Distance to Nearest Sewer: on s	ite				
Estimated Waste Generation (in G.P.D.): A I	) F=	+0		F	Peak= +0
Treatment Plant:		South	Cob	b	
Plant Capacity:	$\checkmark$	Available		Not	Available
Line Capacity:	$\checkmark$	Available		Not	Available
Proiected Plant Availability:	$\checkmark$	0 - 5 vears		5 - 1	0 vears $\Box$ over 10 vears
Drv Sewers Reauired:		Yes	✓	No	
Off-site Easements Required:		Yes*	✓	No	*If off-site easements are required, Developer must submit easements to CCWS for
Flow Test Required:		Yes	✓	No	review/approval as to form and stipulations prior to the execution of easements by the
Letter of Allocation issued:		Yes	✓	No	property owners. All easement acquisitions are the responsibility of the Developer
Septic Tank Recommended by this Department:		Yes	✓	No	
Subject to Health Department Approval:		Yes	✓	No	
Additional Existing sewer customer Comments:					

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: <u>RaceTrac Petroleum, Inc.</u>

## PETITION NO.: Z-24

## **PRESENT ZONING: TS**

**PETITION FOR: CRC** 

## **STORMWATER MANAGEMENT COMMENTS**

This is an existing facility. The proposed improvements are less than the threshold that would require stormwater management to be provided. However, due to the existing intense parcel coverage it is recommended that if approved the proposed additional parking spaces be constructed using permeable pavement or pavers.

## PRESENT ZONING: TS PETITION FOR: CRC

## 

**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
South Cobb Drive	49,010	Arterial	45 mph	Georgia DOT	100'

Based on 2011 traffic counting data taken by Georgia DOT (South Cobb Drive)

## **COMMENTS AND OBSERVATIONS**

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

## **RECOMMENDATIONS**

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

Recommend sidewalk along South Cobb Drive frontage.

Recommend no changes to access.

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

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## **STAFF RECOMMENDATIONS**

## Z-24 RACETRAC PETROLEUM, INC.

- 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 existing convenience store with fuel sales has been on this property for a number of years. This section of South Cobb Drive is developed with commercial uses.
- 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 nearby properties along this section of South Cobb Drive have been developed with commercial uses such as restaurants, retail shopping, auto repair and other convenience stores with fuel sales.
- 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 the Community Activity Center (CAC) land use category. The CRC zoning category is compatible with the CAC land use category. This stretch of South Cobb Drive has fast food restaurant, retail and other businesses geared toward automotive uses. The RaceTrac convenience store has been at this property for a number of years and is planning to make parking improvements with the approval of this rezoning application.
- 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 existing RaceTrac has been at this location for a number of years and is planning to make needed parking improvements to the property. The applicant has obtained the required GDOT approvals for the parking improvements.

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

- Site plan received by the Zoning Division on March 6, 2014, with the District Commissioner approving minor modifications;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- Department of Transportation comments and recommendations.

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.

	1	2014 MAR -6 PM 2:37	COBB COUL	Application #: <u>Z-24</u> PC Hearing Date: <u>S-6-14</u> BOC Hearing Date: <u>S-20-14</u>	
	CI	OBB COUNTY ZONING DIVISION	OFGEO		
		Summa	ry of Intent for Re	zoning	
Part 1.	Resid	ũ ,	tach additional information if needed)		
	a)		ge(s):		
	b)		ure:		
	c)				
	d)	List all requested variances:			
Part 2.	Non-I	residential Rezoning Information	n (attach additional information if need	ed)	
	a)		Convenience Store - Proposed parkin		
	b)	Proposed building architecto	ure: Existing block building		
	c)	Proposed hours/days of oper	ration: 24 hours a day, seven days	a week	
	d)	List all requested variances:	1) Eliminate landscaping requireme	nt for existing site	
	2) El	iminate sidewalk requirement.	3) Allow 85% impervious coverage 4)		
Part	3. Ot	ner Pertinent Information (List	or attach additional information if need	led)	
Part 4	. Is ai	ny of the property included on th	he proposed site plan owned by the Loc	al, State, or Federal Government?	
	(Plea	se list all Right-of-Ways, Gover	rnment owned lots, County owned parc	els and/or remnants, etc., and attach a	
	plat (	clearly showing where these pro	perties are located)		
Part 5	. Is th		Enforcement action? No;Yes(I this form).		
	Appl	icant signature:	Date:		
	Appl	icant name (printed):			

Revised August 21, 2013

## 2014 MAR - 6 PAPPERCATION OF RACETRAC PETROLEUM, INC.

COBS COUNTY ZONING DIVISION

COMES NOW, RACETRAC PETROLEUM INC., and, pursuant to §134-121(a)(7) of the Cobb County Zoning Ordinance, files this Zoning Impact Statement, as follows:

- A. The zoning proposal will change the current zoning of TS, an antiquated zoning category to CRC, a zoning category that is consistent with the existing use of the property as a convenience store and the Cobb County Comprehensive Plan.
- B. The zoning proposal will have no adverse effect or impact upon the existing uses or usability of adjacent or nearby properties with the subject property. The property is located in a Regional Activity Center (RAC) under Cobb County's Future Land Use Map. The property is currently used as a convenience store and that use will not change. RaceTrac only proposes additional parking and drive aisles to provide better customer access and additional landscaping along the right of way with an agreement with Georgia Department of Transportation.
- C. The rezoning proposal and additions to the parking area of the existing convenience store will be compatible with similarly zoned and situated properties in the South Cobb Drive Corridor. The proposed zoning will not have any negative impact on adjacent or nearby properties.

SAMS, LARKIN & HUFF A LIMITED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 770.422.7016

- 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.
- E. The zoning proposal is located in a Regional Activity Center (RAC) and is consistent with those uses and purposes contemplated under Cobb County's Comprehensive Land Use Plan and Future Land Use Map.
- F. There is no substantial relationship between the existing zoning classification of TS which limits the property in terms of its present utilization and the public health, safety and general welfare. Additionally, considered in the context of development along this section of South Cobb Drive, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

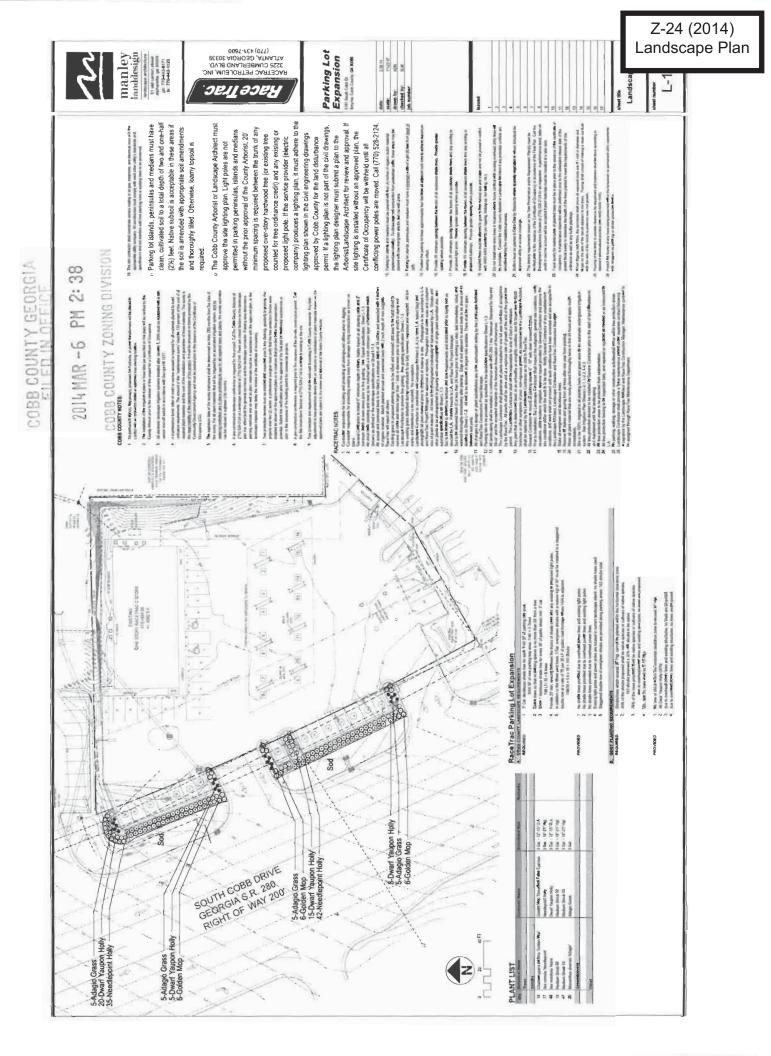
Respectfully submitted, this the 6th day of March, 2014.

SAMS, LARKIN, HUFF & BALLI, LLP

By:

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

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## SAMS, LARKIN, HUFF & BALLI A LIMITED LIABILITY PARTNERSHIP

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

JUSTIN H. MEEKS

Suite 100 376 Powder Springs Street Marietta, Georgia 30064-3448 Z-24 (2014) Stipulation Letter with Site Plan and Landscape <sup>770</sup> Tr

770•426•6583 FACSIMILE

WWW.SLHB-LAW.COM

April 23, 2014

## VIA HAND DELIVERY

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

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

Dear John:

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

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

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## VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division March 6, 2014 Page 2

development standards and not require the installation of a sidewalk along the road frontage.

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

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

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP

phuff@slhb-law.com

PFH/dvm Enclosures

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

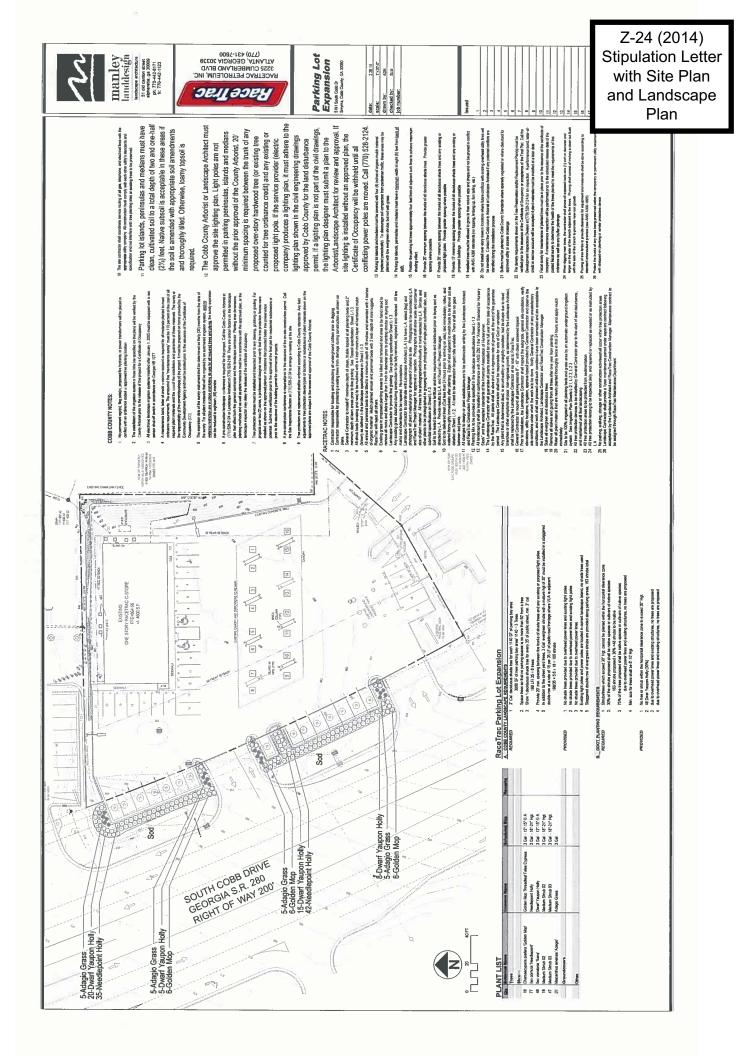
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## VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager Cobb County Zoning Division March 6, 2014 Page 3

> Ms. Karen King, Assistant County Clerk (via email) Ms. Lori Barton, Deputy County Clerk (via email) RaceTrac Petroleum, Inc.

Z-24 (2014) Stipulation Letter with Site Plan and Landscape Plan





## SAMS, LARKIN, HUFF & BALLI A LIMITED LIABILITY PARTNERSHIP

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

JUSTIN H. MEEKS

Suite 100 376 Powder Springs Street Marietta, Georgia 30064-3448

April 23, 2014

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