

DATE	NO.	DESCRIPTION

**Racetrac**  
RACETRAC PETROLEUM, INC.  
SUITE 100 ATANTA, GA 30339  
(770) 431-7600

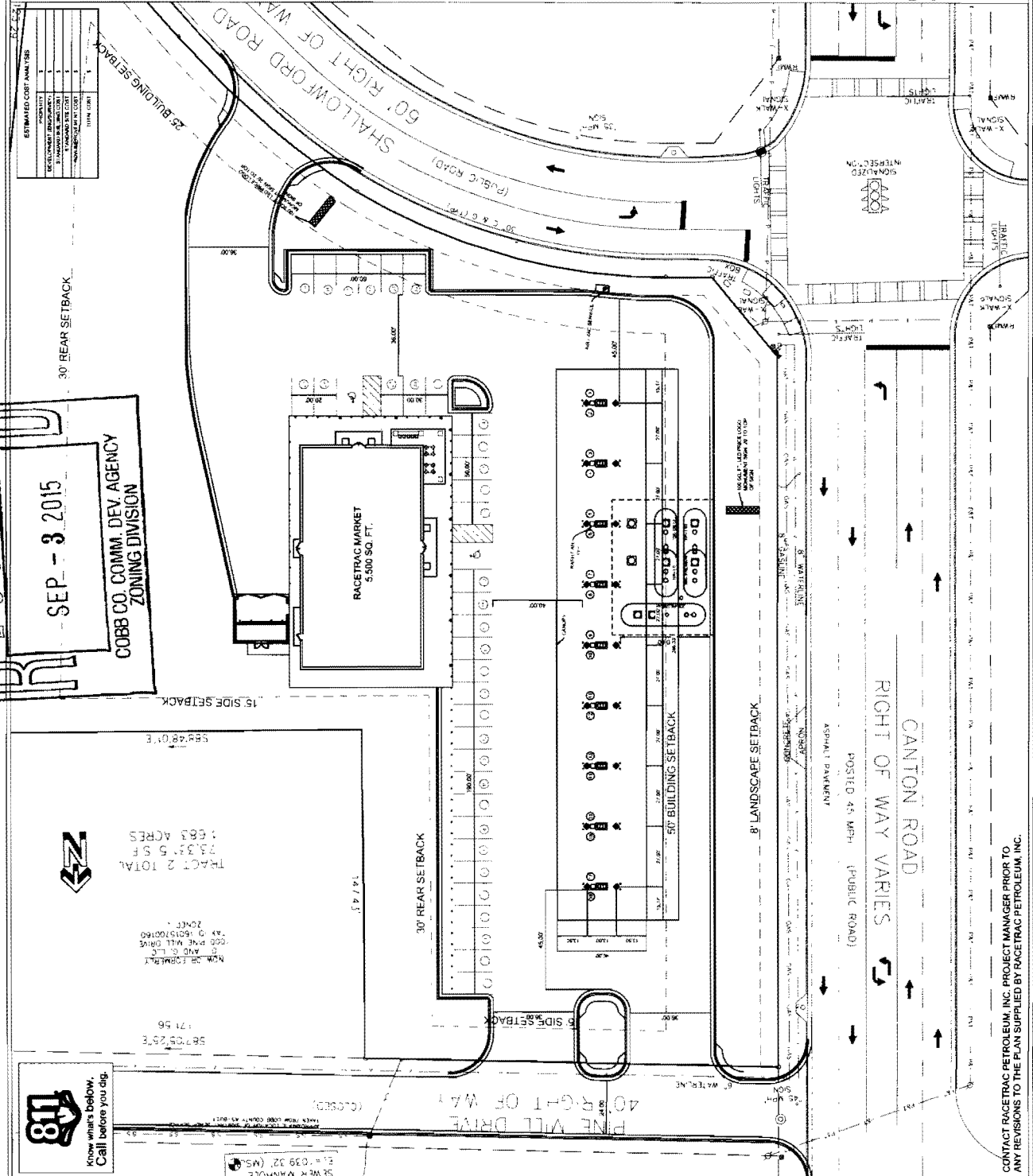
**SITE PLAN**  
RACETRAC MARKET  
CANTON @ SHALLOWFORD  
MARIETTA GA  
COBB

DATE: 08/20/15  
DRAWN BY: J. WATSON  
CHECKED BY: J. WATSON  
SCALE: AS SHOWN  
SHEET NO: 1  
VERSION: C-3.1

**VICINITY MAP** NTS

**LEGEND**

- EXISTING ELEMENTS
- WATER LINE
- OVERHEAD ELECTRICAL LINE
- UNDERGROUND ELECTRICAL LINE
- TELEPHONE LINE
- GAS LINE
- SANITARY SEWER LINE
- UTILITY REFERENCE
- NORTHING & EASTING COORDINATES
- ELECTRICAL TRANSFORMER PAD
- PARKING SPACE COUNT DEPRESSION NUMBER
- STONE DUTCH BARN
- STONE JUNCTION BOX
- STONE OUTLET CONTROL
- SAFETY HOOD/SHIELD
- SANITARY SEWER MANHOLE
- POWER
- POLE



**SITE PLAN NOTES:**

- ALL WORK AND MATERIALS SHALL COMPLY WITH COUNTY AND/OR CITY OF \_\_\_\_\_ REGULATIONS AND CODES AND O.S.H.A. STANDARDS. SHALL REFER TO HOISTING/CRANE PLANS FOR EXACT LOCATIONS AND DIMENSIONS OF TOWERS, SLOPE PAVING, COLUMNS, DOOR LOCATIONS, AND UTILITY ENTRANCES.
- ALL DISTURBED AREAS SHALL RECEIVE 4 INCHES OF TOPSOIL, SEED ESTABLISHED.
- EXISTING STRUCTURES WITHIN CONSTRUCTION LIMITS ARE TO BE MAINTAINED, REPAIRED OR RELOCATED PER PERMITS. ALL COSTS INCLUDING BUT NOT LIMITED TO ALL UTILITIES, SLOPE MANAGEMENT, TRAFFIC SIGNALS AND PAVERS ETC. AS REQUIRED PER APPROVED SPECIFICATIONS AND SHALL BE APPROVED BY SACK. ALL COSTS SHALL BE INCLUDED IN BASE BID.
- ALL CONSTRUCTION SHALL BE TO THE FACE OF GUTTERS OF CURB AND ALL DIMENSIONS ARE TO THE FACE OF STRUCTURAL WALLS. ALL BUILDING DIMENSIONS ARE TO THE FACE OF STRUCTURAL WALLS. THE BOTTOM OF CHANTRY AT ITS LOWEST POINTS TO BE 18 FEET ABOVE FINISHED GRADE. ALL DIMENSIONS SHALL BE IN FEET UNLESS OTHERWISE NOTED.
- COMPLETED PAVING UNLESS OTHERWISE NOTED.

NOTE TO CCC  
\* ADDITIONAL CITY/COUNTY SPECIFIC NOTES MUST BE ADDED

**ESTIMATED COST ANALYSIS**

ITEM	UNIT	QUANTITY	UNIT PRICE	TOTAL COST
CONSTRUCTION				
PERMITS				
LANDSCAPE				
UTILITIES				
TOTAL				

**RECEIVED**  
SEP - 3 2015  
COBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

**ZZ**  
TRACT 2 TOTAL  
23,375 SQ. FT.  
1.683 ACRES  
740 PINE MILL DRIVE  
MARIETTA, GA 30067  
567-05-2578

**888**  
Know what's below.  
Call before you dig.

CONTACT RACETRAC PETROLEUM, INC. PROJECT MANAGER PRIOR TO ANY REVISIONS TO THE PLAN SUPPLIED BY RACETRAC PETROLEUM, INC.

**APPLICANT:** RaceTrac Petroleum, Inc.

**PHONE#:** (770) 422-7016 **EMAIL:** gsams@slhb-law.com

**REPRESENTATIVE:** Garvis L. Sams, Jr.

**PHONE#:** (770) 422-7016 **EMAIL:** gsams@slhb-law.com

**TITLEHOLDER:** D I and G, LLC; The Estate of D. T. Hillhouse

Ina Faye Hillhouse Towe, Executrix

**PROPERTY LOCATION:** Northeast intersection of Canton Road and

Shallowford Road and south side of Pine Mill Drive

(4400 Canton Road and 1000 Pine Mill Drive)

**ACCESS TO PROPERTY:** Shallowford Road and Pine Mill Drive

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped

portions of two existing parcels

**PETITION NO:** Z-95

**HEARING DATE (PC):** 11-03-15

**HEARING DATE (BOC):** 11-17-15

**PRESENT ZONING:** NRC, LI

**PROPOSED ZONING:** NRC

**PROPOSED USE:** Convenience Market with

Fuel Sales

**SIZE OF TRACT:** 2.648 acres

**DISTRICT:** 16

**LAND LOT(S):** 157

**PARCEL(S):** 16 & 17

**TAXES: PAID** X **DUE** \_\_\_\_\_

**COMMISSION DISTRICT:** 3

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** GC/Undeveloped; LI/Office and Warehouse

**SOUTH:** NS/Undeveloped; LI & GC/Contracting Company

**EAST:** LI/Light Industrial uses

**WEST:** RA-4/Highland Trace Subdivision

*Adjacent Future Land Use:*

North: Industrial Compatible (IC)

East: Industrial Compatible (IC) and  
Neighborhood Activity Center (NAC)

South: Neighborhood Activity Center (NAC)

- across Shallowford Road

West: Low Density Residential (LDR) -  
across Canton Road

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

**PLANNING COMMISSION RECOMMENDATION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

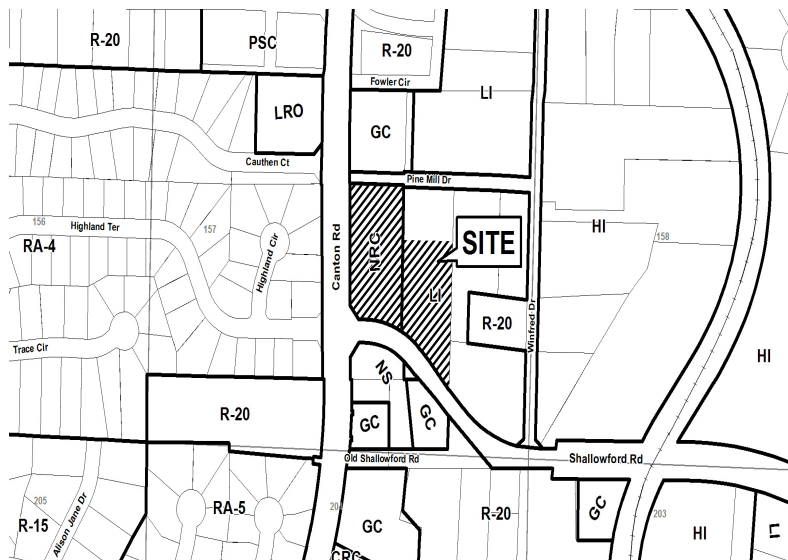
**BOARD OF COMMISSIONERS DECISION**

**APPROVED** \_\_\_\_\_ **MOTION BY** \_\_\_\_\_

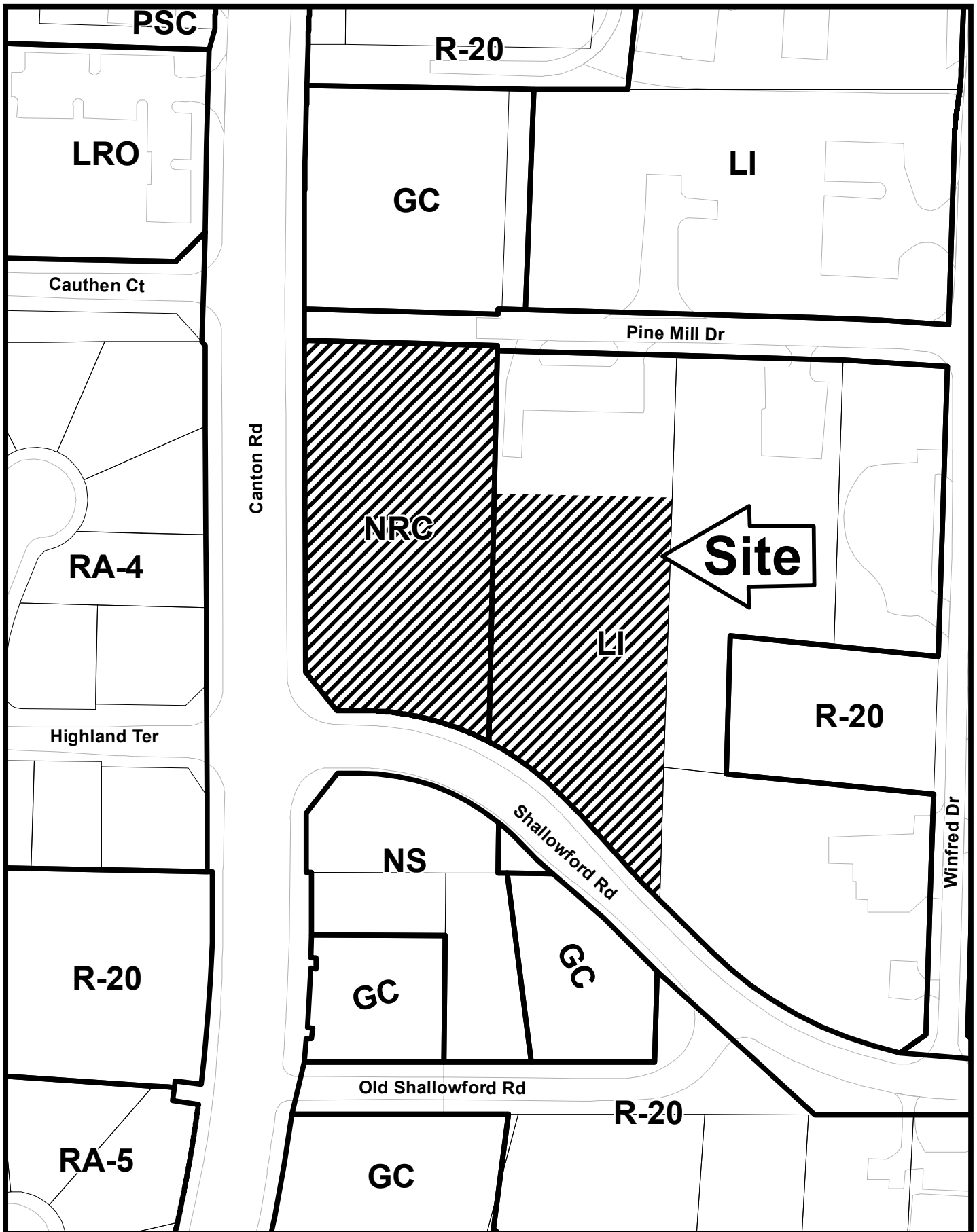
**REJECTED** \_\_\_\_\_ **SECONDED** \_\_\_\_\_

**HELD** \_\_\_\_\_ **CARRIED** \_\_\_\_\_

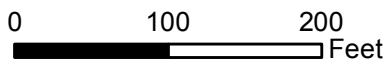
**STIPULATIONS:**



# Z-95



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



City Boundary  
Zoning Boundary

**APPLICANT:** RaceTrac Petroleum, Inc.

**PETITION NO.:** Z-95

**PRESENT ZONING:** NRC, LI

**PETITION FOR:** NRC

\*\*\*\*\*

**ZONING COMMENTS:**

**Staff Member Responsible:** Jason A. Campbell

**Land Use Plan Recommendation:** Neighborhood Activity Center (NAC)

**Proposed Number of Buildings:** 1      **Total Square Footage of Development:** 5,500

**F.A.R.:** 0.0476      **Square Footage/Acre:** 2,077

**Parking Spaces Required:** 5, 1 per Emp      **Parking Spaces Provided:** 35

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of developing a convenience market with fuel sales. The proposed building will be brick and the hours of operation will be 24 hours per day, seven days per week.

The applicant will require the following contemporaneous variances:

1.      Setbacks as shown on the site plan;
2.      Allow building signage to protrude more than 24 inches from wall;
3.      Allow two freestanding 100 square-foot LED monument signs as shown on plan; and
4.      Waive the allowed store size from 3,000 square feet to 5,500 square feet.

**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:**

No 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.

**PETITION NO.:** Z-95

**PRESENT ZONING:** NRC, LI

**PETITION FOR:** NRC

\*\*\*\*\*

**PLANNING COMMENTS:**

The applicant is requesting a rezoning from NRC and LI to only NRC for purpose of Convenience Market with Fuel Sales. The 2.648 acre site is located at the northeast intersection of Canton Road and Shallowford Road and south side of Pine Mill Drive.

HB-489 Intergovernmental Agreement Zoning Amendment Notification:

Is the application site within one half (1/2) mile of a city boundary?  Yes  No  
If yes, has the city of \_\_\_\_\_ been notified?  Yes  No / N/A

Comprehensive Plan

These parcels are within a Neighborhood Activity Center (NAC) future land use category, with NRC and LI zoning designation. The purpose of the Neighborhood Activity Center (NAC) category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Specific Area Policy Guidelines:

In order to better implement and promote quality growth along Canton Road, the Board of Commissioners has implemented a series of design guidelines located in the Cobb County Development Standards that cover all non-residential properties that are located along the Canton Road Corridor, as shown in Appendix 21. The intent of these design guidelines is to improve the architectural quality of Canton Road in order to encourage an improved sense-of-place.

Adjacent Future Land Use:

North: Industrial Compatible (IC)  
East: Industrial Compatible (IC) and Neighborhood Activity Center (NAC)  
South: Neighborhood Activity Center (NAC) – across Shallowford Road  
West: Low Density Residential (LDR) - across Canton Road

Master Plan/Corridor Study

The property is located within the boundary of the Canton Road Corridor Study

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.

Design Guidelines

Is the parcel in an area with Design Guidelines?  Yes  No

If yes, design guidelines area Canton Road Design Guidelines

Does the current site plan comply with the design requirements?

- Pedestrian access to buildings  Yes  No  Not applicable
- Streetscape elements  Yes  No  Not applicable
- Building Frontage  Yes  No  Not applicable
- Parking Standard  Yes  No  Not applicable
- Architecture standard  Yes  No  Not applicable

**APPLICANT:** RaceTrac Petroleum, Inc.

**PETITION NO.:** Z-95

**PRESENT ZONING:** NRC, LI

**PETITION FOR:** NRC

\*\*\*\*\*

**PLANNING COMMENTS:** Continued

Incentive Zones

Is the property within an Opportunity Zone?  Yes  No

The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is available for new or existing businesses.

Is the property within an Enterprise Zone?  Yes  No

The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investments.

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes  No

The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas.

For more information on incentives, please call the Community Development Agency, Planning Division at 770.528.2018 or find information online at <http://economic.cobbcountyga.gov>.

Special Districts

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes  No

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

Yes  No

Is this property within the Six Flags Special Service District?

Yes  No

APPLICANT RaceTrac Petroleum

PETITION NO. Z-095

PRESENT ZONING NRC, LI

PETITION FOR NRC

\*\*\*\*\*

**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): 8" DI / N side of Shallowford Road

Additional Comments:

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: \*Pine Mill Drive ROW

Estimated Waste Generation (in G.P.D.): A D F= 376 Peak= 940

Treatment Plant: Noontday

Plant Capacity:  Available  Not Available

Line Capacity:  Available  Not Available

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

Drv 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 and 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: \*\$9,000 per acre Winfred Drive Special Sewer Assessment applies, in addition to standard System Development Fees

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: RaceTrac Petroleum, Inc.

PETITION NO.: Z-95

PRESENT ZONING: NRC, LI

PETITION FOR: NRC

\*\*\*\*\*

**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Little Noonday Creek 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 CONDITIONS

- 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 existing downstream receiving system.



APPLICANT: RaceTrac Petroleum, Inc.

PETITION NO.: Z-95

PRESENT ZONING: NRC, LI

PETITION FOR: NRC

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**STORMWATER MANAGEMENT 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

1. The entire disturbed portion of the site discharges to the west to the Canton Road Right-of-Way and into and through the Highland Trace Subdivision to the west. The proposed underground stormwater management facility must be designed to tie directly into the existing infrastructure within the Canton Road Right-of-Way. The design engineer will need to evaluate the existing receiving system within Highland Trace to verify adequate capacity.
2. Fueling centers are considered water quality “hot-spots” and require additional best management practices to prevent contamination of stormwater runoff. An oil/water separator will be required to pre-treat runoff from the fueling bay area prior to discharge into the detention system.

**APPLICANT: RaceTrac Petroleum, Inc.**

**PETITION NO.: Z-95**

**PRESENT ZONING: NRC, LI**

**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
Canton Road	29,600	Arterial	45 mph	Cobb County	100'
Shallowford Road	11,000	Arterial	45 mph	Cobb County	100'
Pine Mill Road	N/A	Local	25 mph	Cobb County	60'

*Based on 2008 traffic counting data taken by Cobb County DOT for Canton Road  
Based on 2006 traffic counting data taken by Cobb County DOT for Shallowford Road*

**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.

Pine Mill Road 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**

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

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.

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 Shallowford Road, a minimum of 50' from the roadway centerline.

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 south side of Pine Mill Road, a minimum of 30' from the roadway centerline.

Recommend sidewalk along Canton Road and Shallowford Road frontages.

Recommend curb and gutter along the Pine Mill Road frontage.

Recommend a deceleration lane for the Canton Road and Shallowford Road accesses.

Recommend Shallowford Road access be restricted to a right-in, right-out.

The minimum tangent curb length between a driveway radius and the intersection of Canton Road and Pine Mill Road shall be 100 feet.

Recommend applicant verify that minimum intersection sight distance of 500 feet is available for Shallowford Road access and if it is not, implement remedial measures, subject to the Department's approval.

Recommend Pine Mill Drive either directly align with Cauthen Court or the development driveway on Canton Road have an offset of a minimum of 125 feet from Cauthen Court per Development Standard 401.10.

Recommend Pine Mill Drive be constructed to the Cobb County Standard Specifications.

## STAFF RECOMMENDATIONS

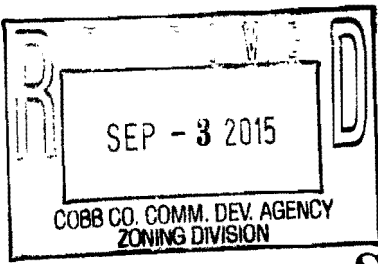
### **Z-95 RACETRAC PETROLEUM, INC.**

- 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 proposed use is located in an area that has a mixture of uses including retail, office, residential and industrial.
- 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. Staff believes the proposed use will be compatible with nearby properties with controls placed on building architecture, lighting, landscaping and signage.
- 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 as being in the Neighborhood Activity Center (NAC) land use category. The requested NRC zoning district is compatible with the NAC land use category and the proposed use is permitted in the NRC zoning district. Both parcels in the subject request were brought in as separate zoning cases for different uses in 2004 and 2005. At the time of the decision for Z-165 of 2005, the applicant was encouraged to seek an assemblage of the adjacent undeveloped properties. The present case combines both parcels for the development of a convenience market with fuel sales.
- 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 applicant's proposal is consistent with the *Cobb County Comprehensive Plan* and will be compatible with other uses along this portion of Canton Road.

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

- Site plan received by the Zoning Division on September 3, 2015;
- Architecture in substantial compliance with the attached elevations/renderings;
- Variances noted in the Zoning Comments;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations;
- Department of Transportation 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.**



Application No. z-95  
PC: 11-3-15  
BOC: 11-17-15

# Summary of Intent for Rezoning\*

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

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

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

- a) Proposed use(s): Convenience Market with Fuel Sales
  - b) Proposed building architecture: Brick Commercial Building
  - c) Proposed hours/days of operation: 24 hours a day/ seven days a week
  - d) List all requested variances: None identified at this time
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

.....  
**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 these properties are located).** None know at this time.

\_\_\_\_\_

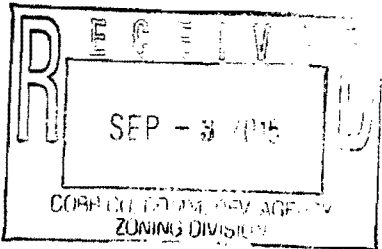
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\* Applicant specifically reserves the right to amend any information set forth in this Summary of Intent for Rezoning, or any other portion of the Application for Rezoning, at any time during the rezoning process.

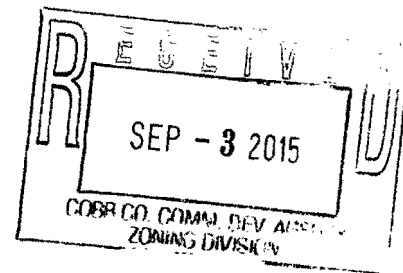
**ZONING IMPACT STATEMENT FOR THE REZONING APPLICATION  
OF RACETRAC PETROLEUM, INC.**

COMES NOW, RACETRAC PETROLEUM, INC. 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 Canton Road. The subject property is at the signalized intersection of Canton Road and Shallowford Road. There is a mixture of NRC, GC, LI, NS and HI at this intersection. This section of Canton Road does not have a modern convenience market with fuel sales to serve the traveling public.
  
- B. The zoning proposal is to approve the proposed NRC use on the property that is already zoned NRC and to add a portion of an LI property to this parcel and rezone it to the NRC classification. This request will have no adverse effect or impact upon the exiting uses or usability of adjacent or nearby properties. The properties to the north, south and east are all zoned either for commercial or industrial use. The properties located across Canton Road are zoned residentially, but they are heavily impacted by the signalized intersection and the traffic along Canton Road.



- C. The subject property's current zoning with the use restriction requiring the Board of Commissioners to approve any NRC use is unconstitutional in that the fair market value of same falls below the range of values of similarly zoned and situated properties with equivalent utility. The subject property has been marketed for sale for many years with no proposed purchasers other than convenience stores or similar uses. Requiring Board of Commissioner approval for any NRC use without any objective criteria to approve a use is unconstitutional.
- 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. The site is in a Neighborhood Activity Center and adjacent to Industrial Compatible. A signalized intersection is the appropriate location to place a convenience market with fuel sales can be accessed by the traveling public.
- E. The zoning proposal is consistent with the Neighborhood Activity Center (NAC) land use designation as defined by the Cobb County's Comprehensive Land Use Plan and Future Land Use Map.



F. There is no substantial relationship between the existing NRC limitation requiring Board of Commissioner approval for any NRC and the public health, safety and general welfare. Additionally, considered in the context of development along this section of Canton Road, there is no established land use planning principles or political consideration which would vitiate the zoning proposal.

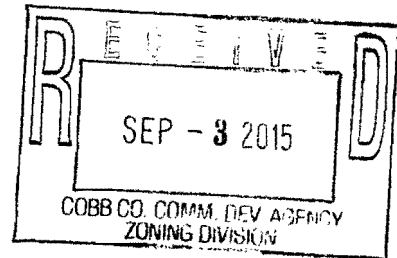
Respectfully submitted, this 3<sup>rd</sup> day of September, 2015.

SAMS, LARKIN, HUFF & BALLI, LLP



By: \_\_\_\_\_

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





**RaceTrac**  
 A RaceTrac Company  
 500 SOUTH MAIN STREET,  
 AUSTON, OKLAHOMA 74501  
 580.572.2100 Fax 580.572.2191

DESIGN PROFESSIONALS

**5.5 PROTO**  
 STATE 00000  
 ADDRESS

**RaceTrac**  
 NATIONAL PROGRAM, INC.  
 4400 WEST BROADWAY  
 SUITE 200  
 HOUSTON, TEXAS 77056

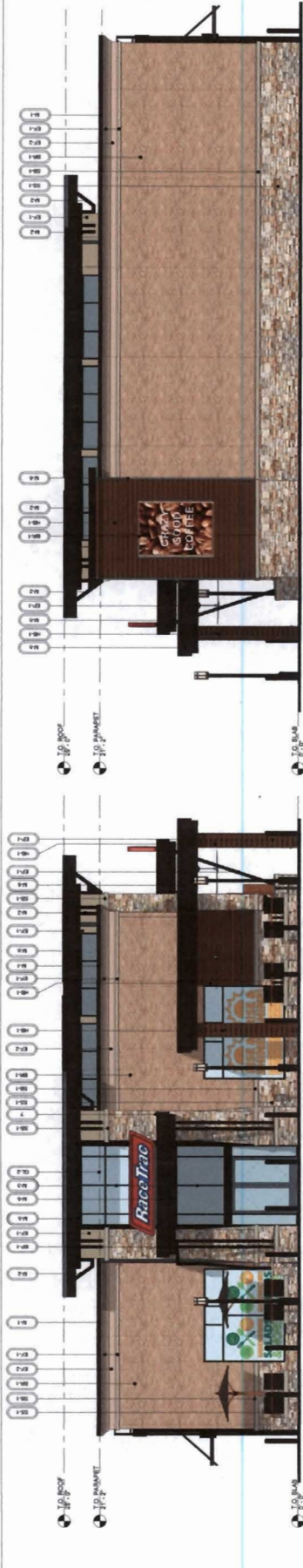
PROJECT NAME  
**5.5 PROTO**

PROJECT NUMBER  
**#000**

PROTOTYPAL SERIES  
**6.5 BS-BH-MD-C-1-1801**

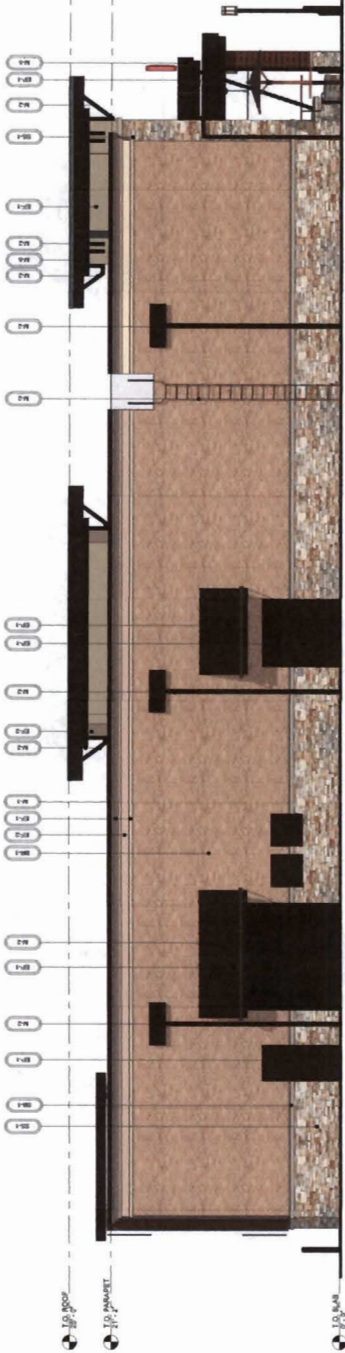
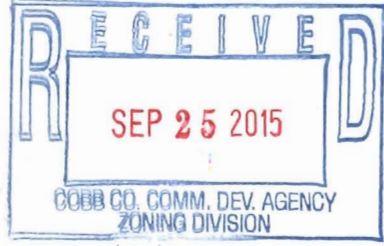
PROFESSIONAL SEAL

Z-95 (2015)  
 Elevations/  
 Rendering



3 BRICK LEFT ELEVATION  
 SWP 7-15P

2 BRICK RIGHT ELEVATION  
 SWP 7-16P



4 BRICK REAR ELEVATION  
 SWP 7-17P



1 BRICK FRONT ELEVATION  
 SWP 7-15P

EXTERIOR MATERIAL SCHEDULE

MARKING	DESCRIPTION	SELECTED BY	ACE/ETAC
M1	METAL BRICK		
M2	METAL BRICK		
M3	METAL BRICK		
M4	METAL BRICK		
M5	METAL BRICK		
M6	METAL BRICK		
M7	METAL BRICK		
M8	METAL BRICK		
M9	METAL BRICK		
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M11	METAL BRICK		
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M97	METAL BRICK		
M98	METAL BRICK		
M99	METAL BRICK		
M100	METAL BRICK		

RECEIVED  
SEP 25 2015  
GOBB CO. COMM. DEV. AGENCY  
ZONING DIVISION

