

# Z-8 (2016)



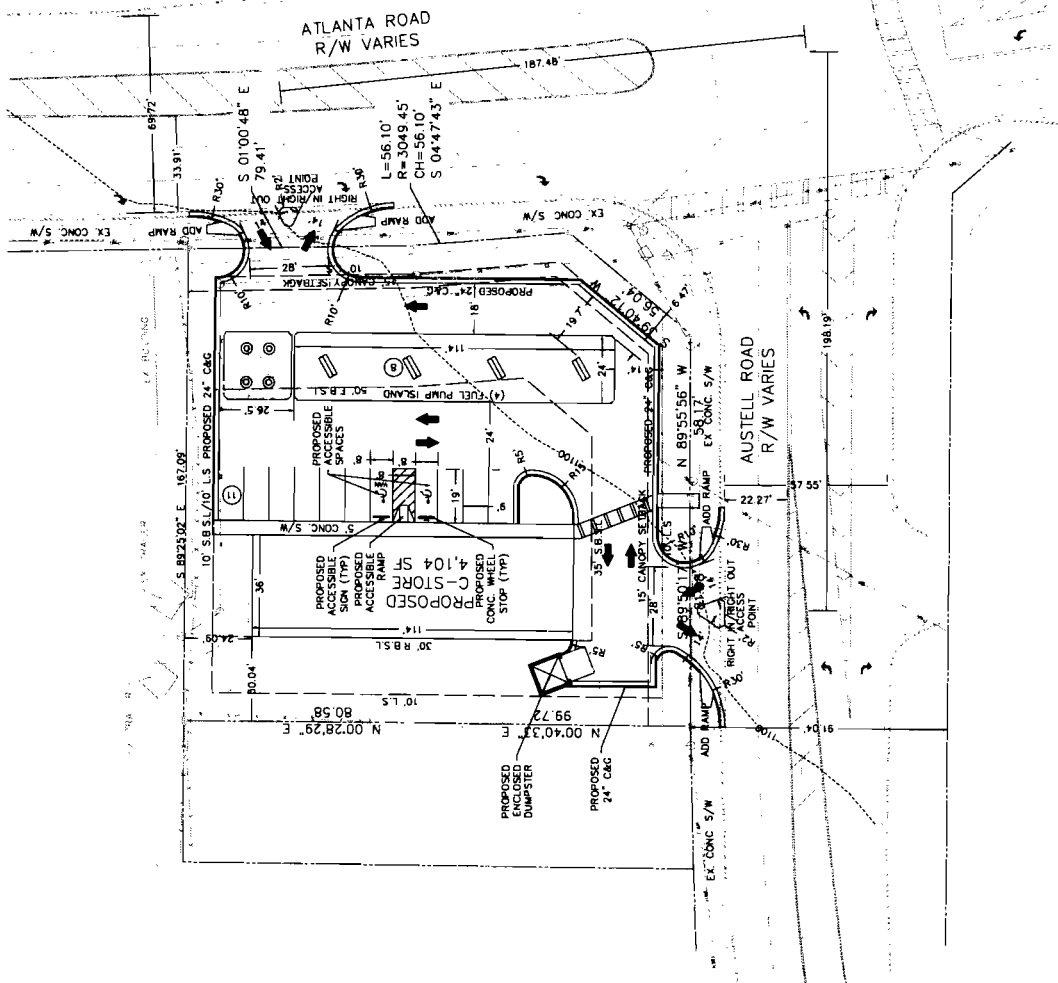
TOTAL WET AREA: 26,000 SF / 0.58 ACRES  
 PROPOSED WET AREA: 26,000 SF / 0.58 ACRES  
 TOTAL BUILDING AREA: 4,104 SF  
 EXISTING ZONING: COMMUNITY RECREATION  
 PROPOSED ZONING: COMMUNITY RECREATION  
 COMMENTS: THIS PROJECT WILL PROVIDE FUEL SALES, PROPOSED THAT THE FUEL SALES BE PROVIDED IN A CONCRETE PAD WITH FLOOR AREA AND THAT AN AUTOMATIC REFUEL SHALL BE MADE ON-SITE.  
 FUELING REQUIREMENT: 100 GALLONS PER HOUR (GPH) FUELING RATE.  
 NUMBER OF 3 SPACES PLUS 1 SPACE FOR EMERGENCY.  
 5 SPACES PLUS 1 EMPLOYEE  
 10 SPACES PROVIDED PLUS 8 SPACES AT FUEL TANK ISLAND W/ ACCESSIBLE  
 10 TOTAL SPACES PROVIDED  
 ALL UTILITY ELEMENTS LOCATED ON PROPOSED PROPERTY BEING.  
 THERE ARE NO COMMENTS LOCATED ON PROPOSED PROPERTY.  
 THERE ARE NO COMMENTS LOCATED ON PROPOSED PROPERTY.  
 THE COMMUNITY RECREATION ZONING DISTRICT IS THE MOST APPROPRIATE ZONING DISTRICT FOR THIS PROJECT.  
 THE PROJECT IS LOCATED ON A 17.00 ACRES PARCEL WITH A 17.00 ACRES PARCEL TO THE SOUTH AND A 17.00 ACRES PARCEL TO THE WEST.  
 THERE IS NO SIGNIFICANT IMPACT ON THE COMMUNITY AS LISTED IN THE CODE LOCATED ON WEST OF MANDALAY AVENUE.

1250 ATLANTA ROAD  
 PARCEL ID: 17029500110  
 LAND LOT: 295 DISTRICT: 17TH  
 COBB COUNTY, GEORGIA

REVISIONS:  
 PROJECT: C-STORE @ ATLANTA RD  
 PROJECT ADDRESS: 1250 ATLANTA RD  
 PROJECT ADDRESS: COBB CO., GA  
 CLIENT: FERROZ ALI  
 CLIENT ADDRESS: 1396 MANDALAY CT SW  
 CLIENT ADDRESS: LILBURN, GA 30047  
 DATE: 10/01/2015 DWG: CSPI

**Chil Operating Engineers, Inc.**  
  
 122 CEDAR WOODS TRAIL  
 CANTON, GA 30114  
 678-462-4072  
 www.chiloperatingengineers.com

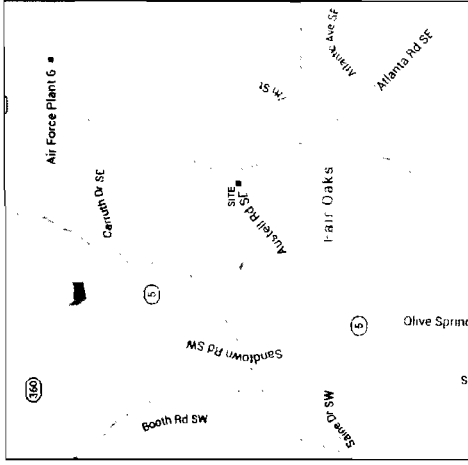
REZONING PLAN RZP



BULK REGULATIONS

DISTRICT	DESIGNATION	MIN. LOT AREA	MIN. MAX. ADCHARGE REQUIRED	UNITS PER ACRE/1/4 AC	MIN. FLOOR AREA (SQ. FT.)	MIN. LOT WIDTH FRONT SETBACK	MIN. MAX. FRONT YARD SETBACK	MIN. MAX. SIDE YARD	MIN. MAX. REAR YARD	MAX. COVERAGE (%)	MAX. HEIGHT
COMMUNITY COMMERCIAL	CRC	20,000 SF	NA	3 UNITS PER ACRE	NA	75 FT	50 FT 140 FT 140 FT 25 OR 30 FT	10 FT	30 FT	NA	30 FT

24-HOUR CONTACT: FERROZ ALI (770) 378-2844



VICINITY MAP NTS

THIS PROPERTY IS BEING LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON THE COMMUNITY PANEL NUMBER 128030001H, DATED MARCH 8, 2011.  
 1250 ATLANTA ROAD, LILBURN, GEORGIA  
 THE PROJECT IS LOCATED ON A 17.00 ACRES PARCEL WITH A 17.00 ACRES PARCEL TO THE SOUTH AND A 17.00 ACRES PARCEL TO THE WEST.  
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**APPLICANT:** Feroz Ali  
**PHONE#:** \_\_\_\_\_ **EMAIL:** \_\_\_\_\_  
**REPRESENTATIVE:** Parks F. Huff  
**PHONE#:** (770) 422-7016 **EMAIL:** phuff@slhb-law.com  
**TITLEHOLDER:** South Cobb Drive Properties, LLC

**PETITION NO:** Z-8  
**HEARING DATE (PC):** 02-02-16  
**HEARING DATE (BOC):** 02-16-16  
**PRESENT ZONING** GC

**PROPERTY LOCATION:** Northwest corner of Austell Road and Atlanta Road  
(1250 Austell Road).

**PROPOSED ZONING:** CRC  
**PROPOSED USE:** Convenience Market  
with Fuel Sales

**ACCESS TO PROPERTY:** Austell Road and Atlanta Road

**SIZE OF TRACT:** 0.615 acre

**PHYSICAL CHARACTERISTICS TO SITE:** Undeveloped Land

**DISTRICT:** 17

**LAND LOT(S):** 295

**PARCEL(S):** 11

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

**COMMISSION DISTRICT:** 4

**CONTIGUOUS ZONING/DEVELOPMENT**

**NORTH:** GC/ Mobile Home Park  
**SOUTH:** CRC/ Convenience Store with Fuel Sales  
**EAST:** HI/ Dobbins Air Reserve Base  
**WEST:** GC/ House

***Adjacent Future Land Use:***  
North: Industrial Compatible (IC)  
East: Industrial Compatible (IC)  
South: Community Activity Center (CAC)  
West: Industrial Compatible (IC)

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

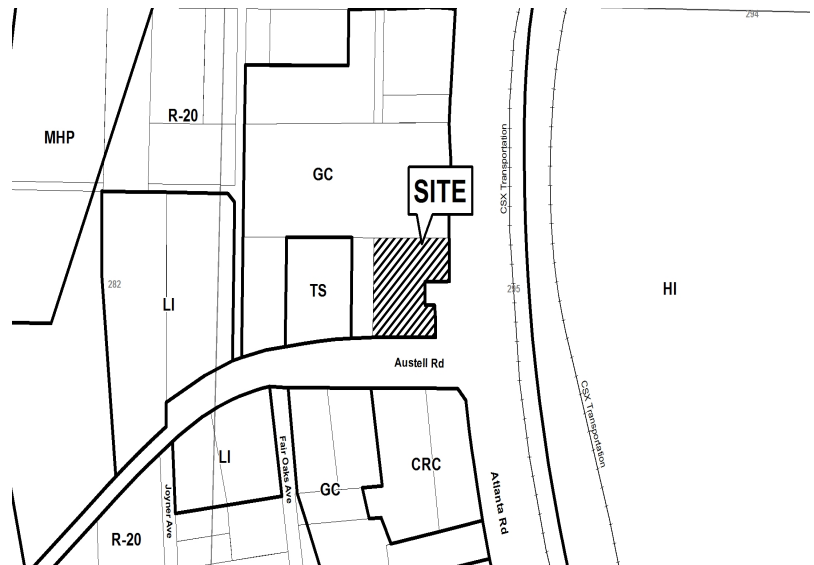
**PLANNING COMMISSION RECOMMENDATION**

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

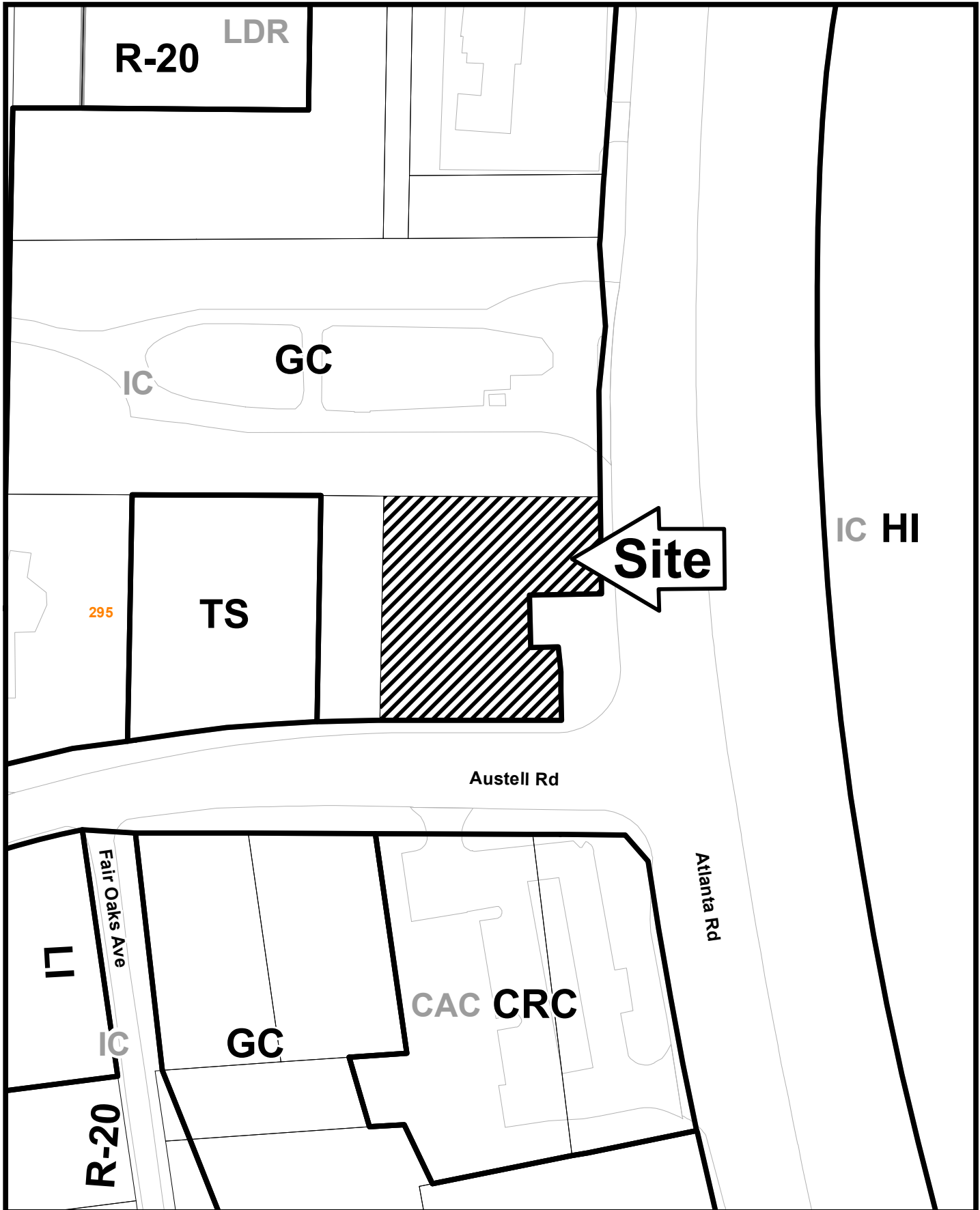
**BOARD OF COMMISSIONERS DECISION**

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

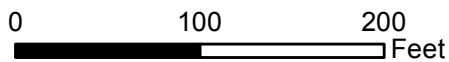
**STIPULATIONS:**





# Z-8



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



-  City Boundary
-  Zoning Boundary

APPLICANT: Feroz Ali

PETITION NO.: Z-8

PRESENT ZONING: GC

PETITION FOR: CRC

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**ZONING COMMENTS:**

**Staff Member Responsible:** Donald Wells

**Land Use Plan Recommendation:** Industrial Compatible (IC)

**Proposed Number of Buildings:** 1 **Total Square Footage of Development:** 4104

**F.A.R.:** 0.14 **Square Footage/Acre:** 5,947.83

**Parking Spaces Required:** Minimum of 5, 1/employee **Parking Spaces Provided:** 19

Applicant is requesting the Community Retail Commercial (CRC) zoning category for the purpose of a convenience store with fuel sales. The proposed development will consist of the typical convenience store with fuel sales components. The proposed store gross square footage is 4,104 square feet, they intend to have 4 fuel pump islands under a canopy. The applicant intendeds to operate 24 hours a day, 7 days a week. This property is currently zoned General Commercial (GC) and is located in an Industrial Compatible (IC) future land us category. Any undeveloped property, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use.

The proposal will require a contemporaneous variance to waive the maximum gross floor area from 3000 square feet to 4104 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.

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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: Feroz Ali

PETITION NO.: Z-8

PRESENT ZONING: GC

PETITION FOR: CRC

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**PLANNING COMMENTS:**

The applicant is requesting a rezoning from GC to CRC for the purpose of a convenience market with fuel sales. The .615 acre site is located in the northwest corner of Austell Road and Atlanta Road.

**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**

The parcel is within an Industrial Compatible (IC) future land use category, with GC zoning designation. The purpose of the Industrial Compatible (IC) category is to provide for areas that can support light industrial, office/warehouse, and distribution uses. Typical land uses for these areas include professional business parks and distribution centers.

**Specific Area Policy Guidelines:**

There are no specific policy guidelines for this area in the Comprehensive Plan.

**Adjacent Future Land Use:**

North: Industrial Compatible (IC)  
East: Industrial Compatible (IC)  
South: Community Activity Center (CAC)  
West: Industrial Compatible (IC)

**Master Plan/Corridor Study**

The property is located within the boundary of the Atlanta 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 \_\_\_\_\_  
Does the current site plan comply with the design requirements?

**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.

APPLICANT: Feroz Ali

PETITION NO.: Z-8

PRESENT ZONING: GC

PETITION FOR: CRC

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**PLANNING COMMENTS:** (Continued)

Is the property within an Enterprise Zone?  Yes  No

The Smyrna-Osborne 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

Is the property within the Dobbins Airfield Safety Zone?

Yes  No

If so, which particular safety zone is this property within?

CZ (Clear Zone)  APZ I (Accident Potential Zone I)

APZ II (Accident Potential Zone II)

APPLICANT Feroz Ali

PETITION NO. Z-008

PRESENT ZONING GC

PETITION FOR CRC

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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): 12" DI / W side of Atlanta 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.

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**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: On site

Estimated Waste Generation (in G.P.D.): A D F= 160 Peak= 400

Treatment Plant: South Cobb

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: Proper setbacks from on-site sewer easement must be maintained

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: Feroz Ali

PETITION NO.: Z-8

PRESENT ZONING: GC

PETITION FOR: CRC

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**STORMWATER MANAGEMENT COMMENTS**

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: Rottenwood 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 any proposed site improvements on downstream receiving system.



APPLICANT: Feroz Ali

PETITION NO.: Z-8

PRESENT ZONING: GC

PETITION FOR: CRC

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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 proposed site is located at the northwest intersection of Austell and Atlanta Roads. The entire site drains to the right-of-way of these two roads and an existing grate inlet located near the intersection. The proposed detention system must tie into this existing infrastructure and its design subject to the existing system 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: Feroz Ali**

**PETITION NO.: Z-8**

**PRESENT ZONING: GC**

**PETITION FOR: CRC**

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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
Atlanta Road	21,900	Arterial	45 mph	Cobb County	100'
Austell Road	6100	Major Collector	35 mph	Cobb County	80'

*Based on 2008 traffic counting data taken by Cobb County DOT for Atlanta Road.  
Based on 2008 traffic counting data taken by Cobb County DOT for Austell Road.*

**COMMENTS AND OBSERVATIONS**

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

Austell Road is classified as a major collector and according to the available information the existing right-of-way may 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 replacing disturbed curb, gutter, and sidewalk along the Atlanta Road and Austell Road frontages.

Recommend deceleration lanes for Austell Road access points.

Recommend the driveway on Austell Road be right-in/ right-out access only.

## STAFF RECOMMENDATIONS

### **Z-8 FEROZ ALI**

- 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 property is located adjacent to Dobbins Air Reserve Base and is opposite an existing convenience store with fuel sales.
- 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. In fact allowing the applicant request would help eliminate the possibility of the property becoming a dumping ground. The grandfathered status of this property would prohibit any uses at the property as it sits today.
- 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 not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*. The *Plan* delineates this property to be located within an Industrial Compatible future land use category which seeks to encourage uses such as heavy industrial and manufacturing uses.
- 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 deleting the applicant's rezoning proposal to TS. Although the property is located within an Industrial Compatible future land use category, the size of the property may not allow a use that would fit with the intent of the *Cobb County Comprehensive Plan*. The proposed use would fit the area as Dobbins Air Reserve Base is directly across the road.

Based on the above analysis, Staff recommends **DELETING TO TS** subject to the following conditions:

1. Site plan received by the Zoning Division on December 1, 2015, with the District Commissioner approving minor modifications;
2. Water and Sewer Division comments and recommendations;
3. Stormwater Management Division comments and recommendations;
4. 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.**

## 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: Traditional Retail
- c) Proposed hours/days of operation: 24 hours a day/7 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 known at this time.  
\_\_\_\_\_  
\_\_\_\_\_

\* 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 FERUZ ALI**

DEC 1 2015


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

- A. Feroz Ali proposes a convenience store with gas sales at the signalized intersection of Austell Road and Atlanta Road. The development proposal will permit a use of the property that is suitable in relation to development along the Atlanta Road and Austell Road Corridors. The property must be rezoned because the subject property is zoned General Commercial (“GC”), but it is located within an area designated as Industrial Compatible (“IC”) under Cobb County’s Future Land Use Map. The county only allows grandfathered uses to continue on GC property located outside of a Community Activity Center (CAC) or Regional Activity Center (RAC). Additionally, this site is adjacent to a Community Activity Center node located at the southerly intersection of Austell Road and Atlanta Road.
- 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 adjacent to various industrial, commercial and retail uses, including the Dobbins Air Reserve Base across Atlanta Road which is zoned HI.
- 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.

- 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 within an Industrial Compatible (“IC”) Future Land Use Category but is adjacent to CRC zoned property across Austell Road.
  
- F. There is no substantial relationship between the existing zoning classification of GC 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 area of the Austell Road Corridor and Atlanta Road Corridor, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this the 30 day of November 2015.

SAMS, LARKIN, HUFF & BALLI, LLP

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

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