

**APRIL 19, 2016 ZONING HEARING
“OTHER BUSINESS”
COMMISSION DISTRICT 3**

ITEM 011

To consider granting a Special Exception for a reduction of lot size as recommended by the Board of Zoning Appeals from their March 9, 2016 Variance Hearing regarding Variance Application V-30 RACETRAC PETROLEUM.

BACKGROUND

In accordance with a Zoning Ordinance Amendment adopted by the Board of Commissioners on July 28, 2015, Section 134-94(a)(5), the Board of Commissioners shall consider granting a Special Exception for reduction of lot size, after approval by the Board of Zoning Appeals. The Variance Analysis is attached for review. The Board of Zoning Appeals considered this appeal at the March 9, 2016 Variance Hearing and recommended approval of the Special Exception.

FUNDING

N/A

RECOMMENDATION

The Board of Commissioners consider granting a Special Exception for reduction of lot size as recommended by the Board of Zoning Appeals for Variance case V-30 RACETRAC PETROLEUM.

ATTACHMENTS

Variance analysis and minutes.

V-30
(2016)

NO.	DATE

THESE PLANS ARE
SUBJECT TO FEDERAL
COPYRIGHT LAWS.
ANY USE OF SAME
WITHOUT THE
EXPRESS WRITTEN
PERMISSION OF
RACE TRAC
PETROLEUM INC.
3225 CUMBERLAND BOULEVARD
SUITE 100 ATLANTA, GA 30339
(770) 431-7600

RaceTrac

DATE	DESCRIPTION

SITE PLAN

CANTON @ SHALLFLOWFORD
MARIETTA, GA
COBB

SCALE	DATE	VERSION
1" = 40'	10/2013	1
1" = 20'	11/2013	
1" = 10'	02/2014	
1" = 5'	08/2014	
1" = 2.5'	01/2015	
1" = 1.25'	08/2015	
1" = 0.625'	08/2015	
1" = 0.3125'	08/2015	
1" = 0.15625'	08/2015	
1" = 0.078125'	08/2015	
1" = 0.0390625'	08/2015	
1" = 0.01953125'	08/2015	
1" = 0.009765625'	08/2015	

GRAPHIC SCALE IN FEET

190.00'

15' SIDE SETBACK

30' REAR SETBACK

396.45'

S88°48'01"E

18.63'

22.77'

TRACT 2 TOTAL
73,331.5 S.F.
1.683 ACRES

147.43'

S03°24'53"W
142.42'

FORMERLY
D.L. AND G., LLC
1000 PINE MILL DRIVE
TAX ID 16015700160
ZONED U1

RECEIVED
DEC 10 2015
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

S87°05'25"E
141.56'

(CLOSED)

VE WAY

APPROXIMATE LOCATION OF SANITARY SEWER SERVICE
TAKEN FROM COBB COUNTY AS-BUILT

SEWER MANHOLE
EL=1039.32' (MSL)



APPLICANT: RaceTrac Petroleum
PHONE: 770-422-7016
REPRESENTATIVE: Parks F. Huff
PHONE: 770-422-7016
TITLEHOLDER: D I and G, LLC
PROPERTY LOCATION: On the south side of Pine
Mill Drive, east of Canton Road
(1000 Pine Mill Drive).

PETITION No.: V-30
DATE OF HEARING: 02-10-2016
PRESENT ZONING: LI
LAND LOT(S): 157
DISTRICT: 16
SIZE OF TRACT: 1.69 acres
COMMISSION DISTRICT: 3

TYPE OF VARIANCE: 1) Waive the rear setback from the required 30 feet to 15 feet; 2) waive the side setback from the required 20 feet to 15 feet adjacent to the western property line; and 3) waive the minimum lot size from the required 40,000 square feet to 20,000 square feet.

OPPOSITION: No. OPPOSED _____ PETITION No. _____ SPOKESMAN _____

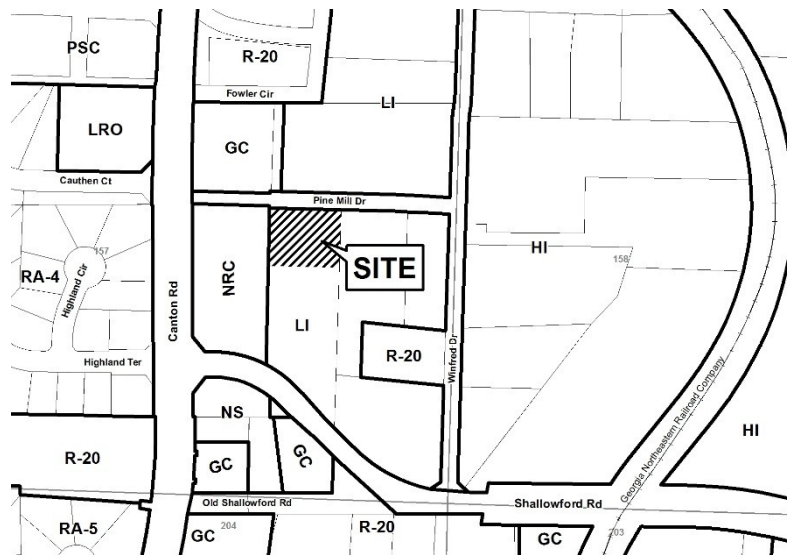
BOARD OF APPEALS DECISION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS: _____



APPLICANT: RaceTrac Petroleum

PETITION No.: V-30

COMMENTS

TRAFFIC: Pine Mill Drive is a substandard street. Recommend improving Pine Mill Drive from along the frontage to the intersection with Winfred Drive to comply with Cobb County Development Standards.

DEVELOPMENT & INSPECTIONS: No comment.

SITE PLAN REVIEW: No comment.

STORMWATER MANAGEMENT: No comments.

HISTORIC PRESERVATION: After examining Civil War trench maps, Cobb County historic property surveys, county maps, and various other resources, staff has no comments regarding the impact or treatment of historic and/or archaeological resources.

DESIGN GUIDELINES: Staff has determined that the subject sites are not within the boundaries of approved design guidelines study areas; therefore do not have to comply with design guidelines requirements. No comments.

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.

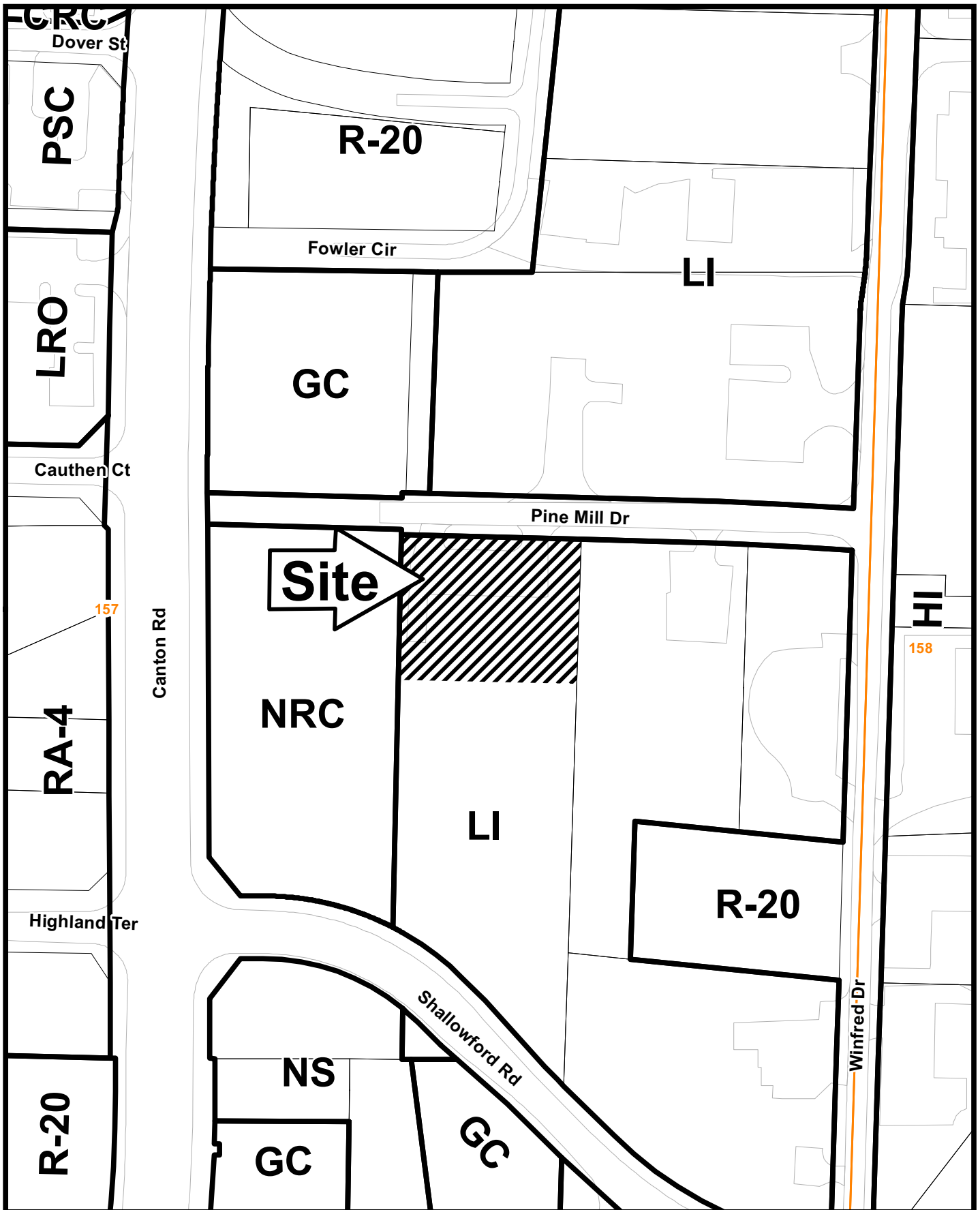
WATER: No conflict.

SEWER: No conflict.

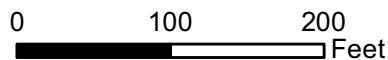
APPLICANT: RaceTrac Petroleum **PETITION No.:** V-30



FIRE DEPARTMENT: 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.

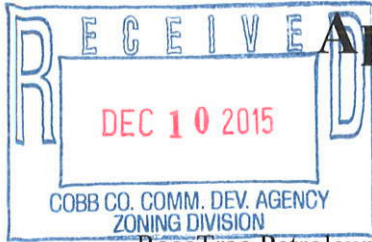
V-30



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



-  City Boundary
-  Zoning Boundary



Application for Variance Cobb County

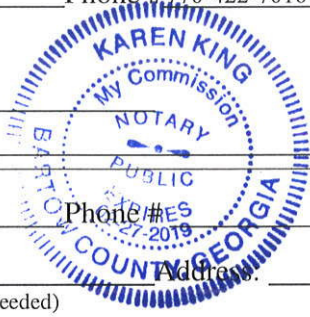
(type or print clearly)

Application No. V- 30
Hearing Date: Feb. 10, 2016

Applicant RaceTrac Petroleum Phone # _____ E-mail _____
SAMS, LARKIN, HUFF & BALLI, LLP
by: Parks F. Huff Address 376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name, printed) (street, city, state and zip code)


(representative's signature) Phone # 770-422-7016 E-mail phuff@slhb-law.com

My commission expires: 2-27-19



Signed, sealed and delivered in presence of:
Karen S. King
Notary Public

Titleholder See Attached Phone # _____ E-mail _____

Signature _____ Address _____
(attach additional signatures, if needed) (street, city, state and zip code)

My commission expires: _____
Notary Public

Present Zoning of Property LI

Location Located on the south side of Pine Mill Drive, east of Canton Road (1000 Pine Mill Drive)
(street address, if applicable; nearest intersection, etc.)

Land Lot(s) 157 District 16th Size of Tract 1.683 Acre(s)

Please select the extraordinary and exceptional condition(s) to the piece of property in question. The condition(s) must be peculiar to the piece of property involved.

Size of Property X Shape of Property _____ Topography of Property X Other _____

Does the property or this request need a second electrical meter? YES _____ NO X

The Cobb County Zoning Ordinance Section 134-94 states that the Cobb County Board of Zoning Appeals must determine that applying the terms of the Zoning Ordinance without the variance would create an unnecessary hardship. Please state what hardship would be created by following the normal terms of the ordinance (if applying for Backyard Chickens pursuant to Sec.134-94(4), then leave this part blank).

The subject property includes an existing industrial building. The rear setback will be 15 feet, an existing side setback of 17 feet and reduce the minimum lot size from 40,000 to 20,000 square feet.

List type of variance requested: Section 134-230: 1) Reduce the rear setback from 30 feet to 15 feet for an existing industrial building; 2) Reduce the side setback (west) from 20 feet to 15 feet (existing); and, 3) Reduce the lot size from 40,000 to 20,000 square feet.

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MARCH 9, 2016
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CONTINUED, HELD, OR WITHDRAWN (CONT.)

V-149¹⁵ EZ 69 RH WINDY HILL, LLC (owner) requesting a variance to: 1) waive the side setbacks for a sign; and 2) allow a sign closer to the centerline of the roadway than the code permits in Land Lots 851 and 852 of the 17th District. Located on the north side of Windy Hill Road and on the east side of South Park Place, west of Interstate 75 (2055 South Park Place). *(Previously continued by Staff from the November 11, 2015 Board of Zoning Appeals hearing, previously continued by the Board of Zoning Appeals from their December 9, 2015 hearing, and previously continued by Staff; therefore, was not considered at this hearing)*

REDUCTION IN LOT SIZE

Prior to reading the Consent Agenda, Mr. John Pederson, Zoning Division Manager, read a statement into the record regarding an amendment to the Official Cobb County Code, Chapter 134, adopted by the Board of Commissioners on July 28, 2015, relative to variance applications requesting a reduction in lot size or a reduction in road frontage. Applicants were advised that variance applications requesting a reduction in lot size or public road frontage which are approved by the Board of Zoning Appeals take the form of a recommendation to the Board of Commissioners, who make a final determination whether to grant a special exception for the requested lot size reduction or road frontage reduction. There were two applications in today's agenda where this applied: V-30 Racetrac Petroleum and V-35 Quick Response Force. The Applicant and/or representative was instructed that, if the Board of Zoning Appeals approved the application, a representative would need to be present at the Board of Commissioners' Zoning Hearing on Tuesday, April 19, 2016, at 9:00 a.m. for the final determination.

CONSENT AGENDA

MOTION: Motion by Williams, second by Trombetti, to **approve** the following cases on the Consent Agenda, *as revised*:

V-30 RACETRAC PETROLEUM (D I and G, LLC, owner) requesting a variance to: 1) waive the rear setback from the required 30 feet to 15 feet; 2) waive the side setback from the required 20 feet to 15 feet adjacent to the western property line; and 3) waive the minimum lot size from the required 40,000 square feet to 20,000 square feet in Land Lot 157 of the 16th District. Located on the south side of Pine Mill Drive, east of Canton Road (1000 Pine Mill Drive). *(Previously continued by Staff until the March 9, 2016 Board of Zoning Appeals hearing)*

**MINUTES OF VARIANCE HEARING
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CONSENT AGENDA (CONT.)

V-30 RACETRAC PETROLEUM (CONT.)

To **approve** variance request subject to:

- 1. Department of Transportation comments to be completed upon redevelopment**

At the call of the V-31, there was opposition present; therefore, this request was considered on the Regular Agenda.

V-32 MEDART CONDOMINIUM (Pythagoras Professional Group, LLC, owner) requesting a variance to allow an electronic sign on a lot without at least 200 feet of public road frontage on one road (105.89 feet) in Land Lot 856 of the 19th District. Located on the northwest corner of Story Place and Austell Road (3834 Austell Road).

To **approve** variance request subject to:

- 1. Sign rendering received by the Zoning Division on December 21, 2015 (attached and made a part of these minutes)**

Clerk's Note: Scrivener's Error: the incorrect month for the sign rendering (October 21, 2015) was read into the record, however, the agenda and file each contain the correct date as stated above (December 21, 2015); therefore, the above date prevails.

V-33 DEAN & BEAURY TALLEY (Dean B. Talley and Beaury A. Talley, owners) requesting a variance to: 1) waive the rear setback from the required 30 feet to 25 feet; 2) waive the front setback from the required 20 feet to 19 feet; and 3) waive the maximum allowable impervious surface from 40% to 45% in Land Lots 994 and 995 of the 17th District. Located on the south side of Palisades Court, east of North Palisades Circle and Terrell Mill Road (3180 Palisades Court).

To **approve** variance request subject to:

- 1. Site plan received by the Zoning Division on January 6, 2016 (attached and made a part of these minutes)**
- 2. Stormwater Management Division comments and recommendations**