

APPLICANT: RaceTrac Petroleum, Inc.

PHONE#: 770-422-7016 EMAIL: phuff@slhb-law.com

REPRESENTATIVE: Parks F. Huff

PHONE#: 770-422-7016 EMAIL: phuff@slh-law.com

TITLEHOLDER: Pepperwood, Inc. and Mountainprize, Inc.

PROPERTY LOCATION: Southwest intersection of Canton Road and Westerly Way.

ACCESS TO PROPERTY: Canton Road

PHYSICAL CHARACTERISTICS TO SITE: Existing RaceTrac convenience store and former, closed convenience store

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: CRC/ Used Auto Sales
SOUTH: GC/ Vacant Parcel
EAST: NRC, GC/ Retail Commercial, Tire Shop
WEST: SC/ Suburban Condominiums

Adjacent Future Land Use:
North: Neighborhood Activity Center (NAC)
East: Neighborhood Activity Center (NAC)
South: Neighborhood Activity Center (NAC)
West: Medium Density Residential (MDR)

PETITION NO: Z-21

HEARING DATE (PC): 03-01-16

HEARING DATE (BOC): 03-15-16

PRESENT ZONING GC

PROPOSED ZONING: NRC

PROPOSED USE: Convenience Store
With Fuel Sales

SIZE OF TRACT: 2.49 acres

DISTRICT: 16

LAND LOT(S): 660

PARCEL(S): 25, 30

TAXES: PAID X DUE _____

COMMISSION DISTRICT: 3

OPPOSITION: NO. OPPOSED PETITION NO: _____ SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ MOTION BY _____

REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ MOTION BY _____

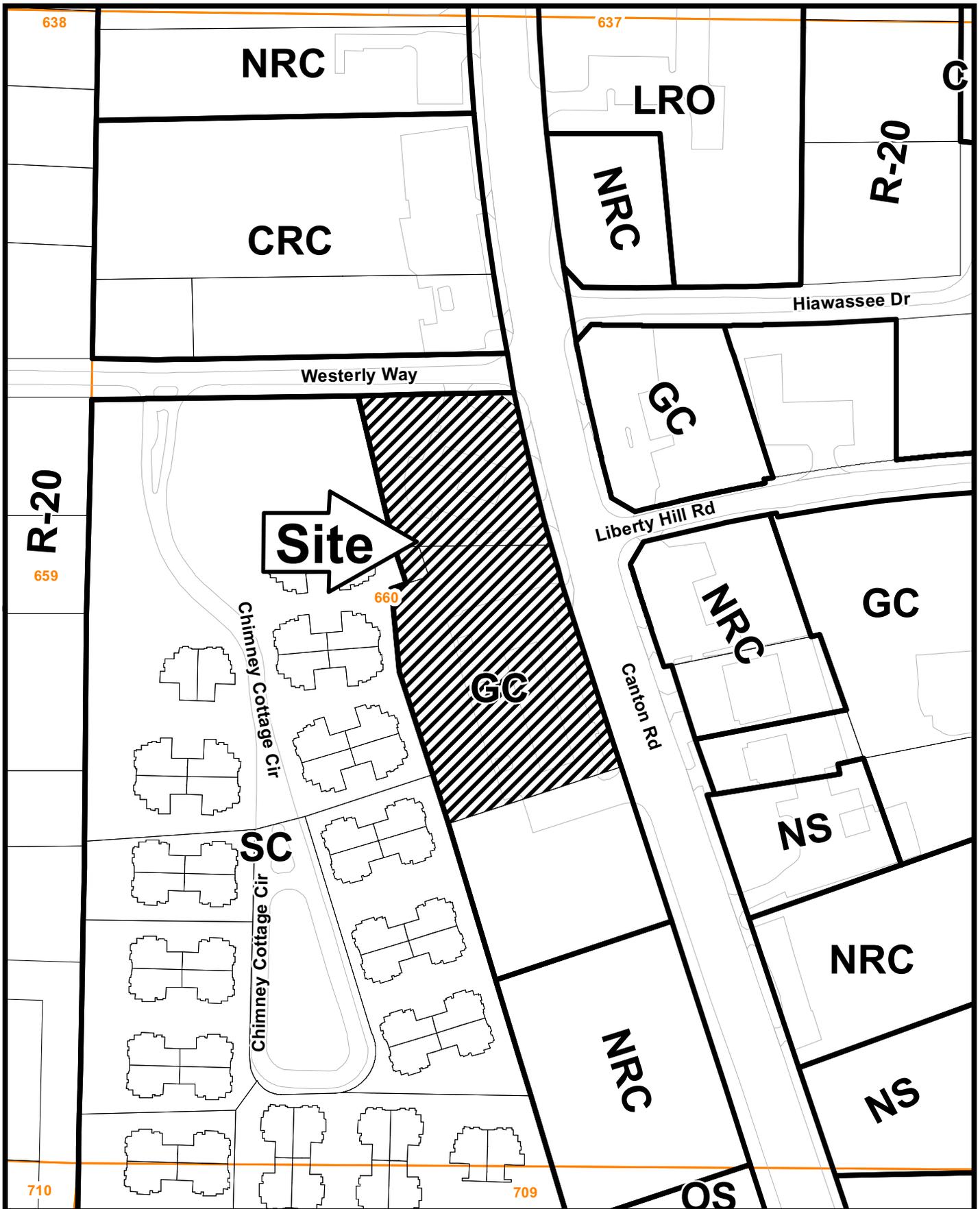
REJECTED _____ SECONDED _____

HELD _____ CARRIED _____

STIPULATIONS:



Z-21



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-21

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 3,952 sq. ft.

F.A.R.: .04 **Square Footage/Acre:** 1,587 sq. ft.

Parking Spaces Required: 7 **Parking Spaces Provided:** 20

The applicant is requesting a rezoning of the subject parcels from their current GC General Commercial district designation to the NRC Neighborhood Retail Commercial district in order to update and remodel the existing RaceTrac store. The current GC district is considered to be “grandfathered” based on its NAC neighborhood activity center future land use designation, thus, necessitating the current request. In addition to demolishing the old, closed fuel station at the corner of Westerly Way, the existing convenience market with fuel sales will be remodeled into a brick commercial style building as shown in the submitted renderings including a rear freezer expansion and proposed covered patio area with outdoor seating. Hours of operation will be 24 hours a day, seven (7) days a week.

The access to the convenience market will be reconfigured to be via a proposed connection to the existing traffic signal. If approved, the request will require the following variance:

- 1. Waive the rear setback from the required 30 feet to 20 feet.

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.

PETITION NO.: Z-21

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC with stipulations to NRC for the purpose of a convenience store with fuel sales. The 2.49 acre site is located on the southwest side of the intersection of Canton Road and Westerly Way.

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 a Neighborhood Activity Center (NAC) future land use category, with GC 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:

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

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)
East: Neighborhood Activity Center (NAC)
South: Neighborhood Activity Center (NAC)
West: Medium Density Residential (MDR)

Master Plan/Corridor Study

The property is located within the boundary of 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

APPLICANT: RaceTrac Petroleum, Inc.

PETITION NO.: Z-21

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS: (Continued)

- Parking Standard
 - Yes No Not applicable
- Architecture standard
 - Yes No Not applicable

YES indicates applicant has met the corresponding issue.

NO indicates applicant has not met the corresponding issue and/or there is not enough information provided.

N/A indicates issue is not applicable.

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 Canton Road 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)

Bird / Wildlife Air Strike Hazard (BASH) area

APPLICANT RaceTrac Petroleum, Inc.

PETITION NO. Z-021

PRESENT ZONING GC

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): 12" DI / W side of Canton Rd

Additional Comments: Existing water customer

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: On site

Estimated Waste Generation (in G.P.D.): A D F= 0* Peak= 0*

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: *depedent upon change in square footage and/or addition of food service. Existing sewer customer.

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.

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PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

No comments.

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PETITION NO.: Z-21

PRESENT ZONING: GC

PETITION FOR: NRC

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	29,700	Arterial	45 mph	Cobb County	100'
Westerly Way	N/A	Local	25 mph	Cobb County	50'

Based on 2011 traffic counting data taken by Cobb County DOT for Canton 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.

Westerly Way is classified as a local 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 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 Canton Road, a minimum of 50' from the roadway centerline and any additional right-of-way needed to accommodate the traffic signal.

Developer is responsible for 100% of the cost for a traffic signal at the Canton Road access across from Liberty Hill Road, and installation approved by Cobb County DOT.

Recommend replacing disturbed curb, gutter, and sidewalk along the Canton Road frontage.

Recommend sidewalk along the Canton Road and Westerly Way frontages.

Recommend deceleration and left turn lane on Canton Road for the entrance.

Recommend relocating the driveway on Westerly Way a minimum of 100 feet from the intersection of Canton Road.

Recommend applicant coordinate with Cobb County DOT prior to development plan approval to ensure compatibility with the proposed SPLOST project.

STAFF RECOMMENDATIONS

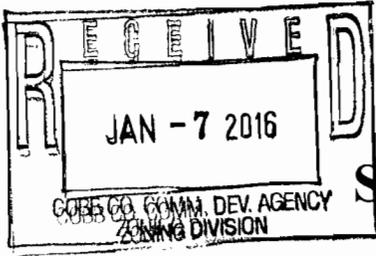
Z-21 RACE TRAC PETROLEUM, INC.

- 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. Located along a well-established commercial corridor along Canton Road, the request will allow for the remodel of an existing convenience store.
- 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 request will facilitate the improvement of an already existing convenience store as well as the removal of a long closed fuel station at the corner.
- 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*. The property is delineated as within a NAC neighborhood activity center on the Future Land Use Map. The *Plan* calls for these areas to provide for uses that serve neighborhood residents and businesses. The request satisfies this aspect in that it will remain a convenience store that is being improved both in service and access to area residents. In fact, the *Plan* specifically encourages these improvements along Canto Road.
- 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 to change the existing zoning category to one that is in keeping with the future land use map and dictates of the *Cobb County Comprehensive Plan* will allow an existing convenience store to be remodeled and updated. Also, it will improve access to the site in that the drive will be reconfigured to the existing traffic signal.

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

1. Site plan received by the Zoning Division on January 7, 2016, with District Commissioner approving minor modifications;
2. Elevation renderings received by the Zoning Division on January 7, 2016, with District Commissioner approving minor modifications;
3. Fire Department comments and recommendations;
4. Sewer and Water Division comments and recommendations;
5. Stormwater Management Division comments and recommendations;
6. Department of Transportation comments and recommendations; and
7. 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-21

PC: Mar. 1, 2016
BOC: Mar. 15, 2016

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 per day/7 days per week
 - d) List all requested variances: None identified at this time.
- _____

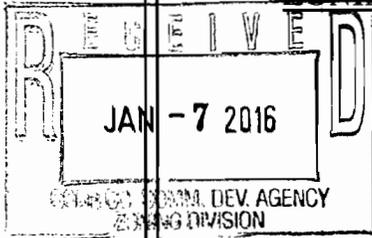
.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

.....
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.

* The 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:

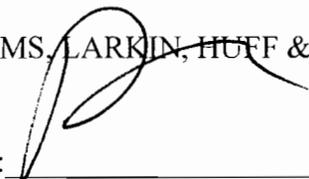
- A. The zoning proposal will permit a use of the property that is suitable in the context of the development and existing zonings along this section of Canton Road. The subject property is a combination of an existing convenience store and a closed convenience store. Both properties will be combined and the existing convenience store will be extensively remodeled. The access will be changed so that there will be signalized access. This area of Canton Road has been commercially used for many years.
- B. The zoning proposal is to rezone both properties from their existing General Commercial (GC) classification to Neighborhood Retail Commercial (NRC) which will be in compliance with the properties' land use designation of Neighborhood Activity Center (NAC).
- C. The subject property's current zoning is GC and this category is no longer recognized by the County because the land use designation was changed from Community Activity Center (CAC) to NAC. The use of the property is not changing.
- 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 not change from the current use. However, the access to the convenience market will now be via a proposed connection to the existing traffic signal.

- 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. The current zoning of GC is not consistent with the NAC designation which is prompting the rezoning to NRC so it is consistent with the land use designation.

- F. The property is an existing nonconforming use because the County placed the property in the NAC land use category. Therefore, the property can only continue its current use. The County legally has to place the property in a constitutional zoning category. NRC is consistent with the Comprehensive Land Use Plan and to deny the proposed NRC request would be an unconstitutional taking of the property owner's rights. 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 7th day of Jan., 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

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

STANDING SEAM METAL HIP ROOF EXCLUDED FROM MATERIAL CALCULATIONS.

FRESH	AREA (S.F.)	%
MASONRY	522	40
BRICK	248	19
STONE	251	19
EIFS	143	11
HARDY PANE	5	0
STONE FRONT	148	11
FREESTER PANEL	-	-
TOTAL	1,267	100

FRESH	AREA (S.F.)	%
MASONRY	239	49
BRICK	114	24
STONE	121	25
EIFS	133	28
HARDY PANE	23	4
STONE FRONT	-	-
FREESTER PANEL	109	22
TOTAL	490	100

FRONT ELEVATION

- ↕ I.O. EXIST. ROOF 24'-0"
- ↕ I.O. LOW TOWER ROOF 10'-0"
- ↕ I.O. STOREFRONT 10'-0"
- ↕ I.O. STONE CAP 2'-8"
- ↕ I.O. SLAB 0'-0"

- ↕ I.O. EXIST. ROOF 24'-0"
- ↕ I.O. LOW TOWER ROOF 10'-0"
- ↕ I.O. STOREFRONT 10'-0"
- ↕ I.O. STONE CAP 2'-8"
- ↕ I.O. SLAB 0'-0"

LEFT SIDE ELEVATION

RIGHT SIDE ELEVATION

- ↕ I.O. EXISTING ROOF 23'-11"
- ↕ I.O. STOREFRONT 10'-0"
- ↕ I.O. STONE CAP 2'-8"
- ↕ I.O. SLAB 0'-0"

REAR ELEVATION

FRESH	AREA (S.F.)	%
MASONRY	441	59
CALLU	45	6
STONE	30	4
EIFS	144	19
HARDY PANE	3	0
STONE FRONT	-	-
FREESTER PANEL	99	13
TOTAL	812	100

FRESH	AREA (S.F.)	%
MASONRY	424	54
BRICK	200	25
STONE	154	19
EIFS	121	15
STONE FRONT	-	-
FREESTER PANEL	109	14
TOTAL	604	76



- ↕ I.O. EXISTING ROOF
- ↕ I.O. STOREFRONT 10'-0"
- ↕ I.O. STONE CAP 2'-8"
- ↕ I.O. SLAB 0'-0"

