

APPLICANT: BP-Clipper Oil
PHONE#: 770-654-4104 **EMAIL:** awilliams@clipperppetroleum.com
REPRESENTATIVE: Rainie Krahn
PHONE#: 404-388-8511 **EMAIL:** rainiekrahn@att.net
TITLEHOLDER: S.N.S. Corporation

PETITION NO: Z-26
HEARING DATE (PC): 04-01-16
HEARING DATE (BOC): 04-19-16
PRESENT ZONING GC

PROPERTY LOCATION: East side of Six Flags Parkway, south of Lee Industrial Boulevard, and on the north side of I-20 (124 Six Flags Parkway).

PROPOSED ZONING: NRC

ACCESS TO PROPERTY: Six Flags Road and Lee Industrial Boulevard

PROPOSED USE: Convenience Store/with Fuel Sales

PHYSICAL CHARACTERISTICS TO SITE: Existing one story metal and block convenience store

SIZE OF TRACT: 0.84 acre

DISTRICT: 18

LAND LOT(S): 602, 603

PARCEL(S): 2

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 4

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: GC, HI/ Yancey Bros Co.
SOUTH: Interstate 20
EAST: HI/ Econolodge
WEST: CRC/ Undeveloped

Adjacent Future Land Use:

North: Priority Industrial Area (PIA)
 East: Priority Industrial Area (PIA)
 South: Park / Recreation / Conservation (PRC) (across I-20)
 West: Priority Industrial Area (PIA)

OPPOSITION: NO. OPPOSED **PETITION NO:** _____ **SPOKESMAN** _____

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

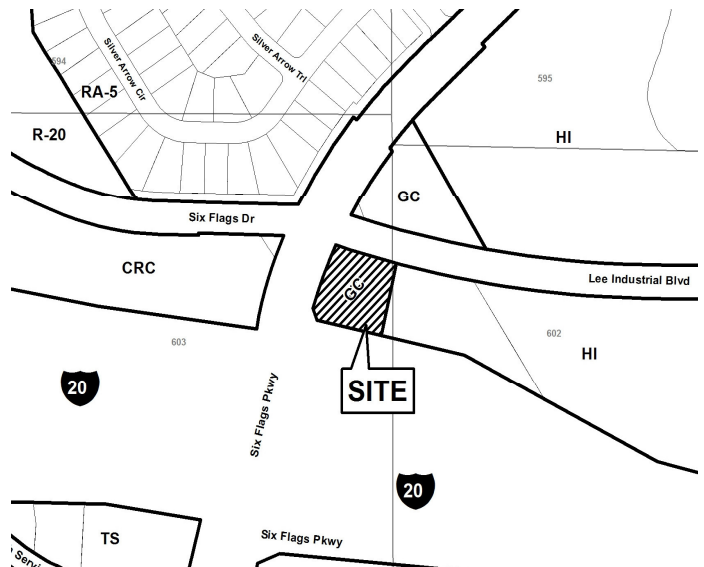
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

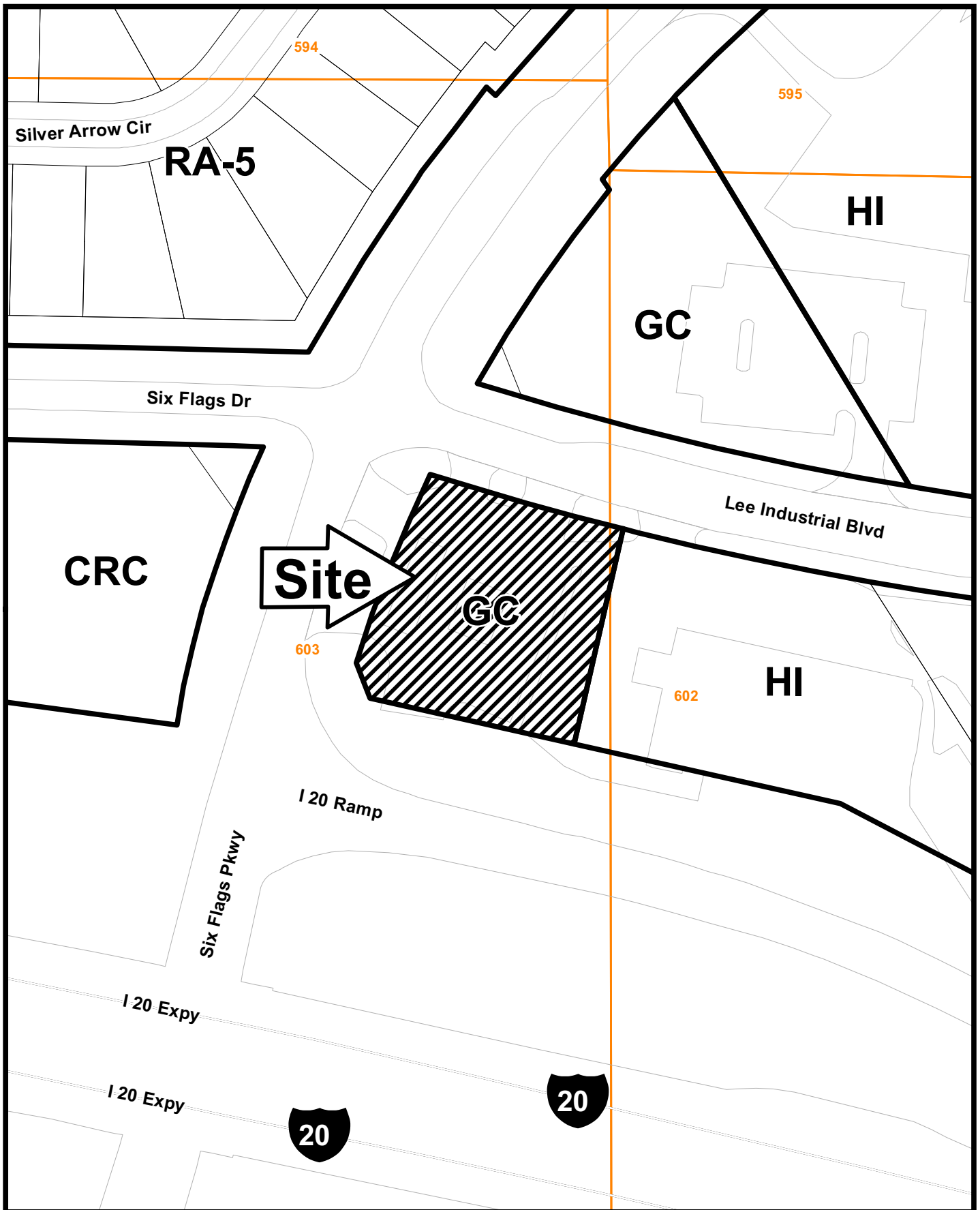
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

STIPULATIONS:



Z-26



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

0 100 200 Feet



City Boundary
Zoning Boundary

APPLICANT: BP-Clipper Oil

PETITION NO.: Z-26

PRESENT ZONING: GC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

Land Use Plan Recommendation: PIA Priority Industrial Area – Subcategory Industrial

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 1,240 square feet

F.A.R.: 0.03 **Square Footage/Acre:** 1,476 sq. ft./ ac.

Parking Spaces Required: 6 **Parking Spaces Provided:** 10

The applicant is requesting a rezoning from the existing GC general commercial district to the NRC neighborhood retail commercial district in order to remodel the existing store as well as add a 24 ft. by 40 ft. canopy over the existing diesel fuel pumps. The rezoning is necessary as the current GC zoning is considered to be “grandfathered” due to its future land use category of PIA – Industrial. All other aspects and operations of the existing convenience store will remain unchanged.

If approved, the following variance is required:

1. Waive the setback for a gasoline canopy from the required 15 feet from future right-of-way to 11 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: BP-Clipper Oil

PETITION NO.: Z-26

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from GC to NRC for the purpose of a convenience store with fuel sales. The 0.84 acre site is located on the east side of Six Flags Parkway, south of Lee Industrial Boulevard, and on the north side of I-20.

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 Priority Industrial Area (PIA) future land use category, with GC zoning designation. The purpose of the Priority Industrial Area (PIA) category is to support the strategic protection of the most important Industrial and Industrial Compatible land areas in unincorporated Cobb County, the Board of Commissioners has identified specific priority industrial areas (PIA). ... These sites are the areas that, through research, evaluation, and industrial site selection best practices, are areas considered most important to provide future industrial type job producing sectors. Due to the urbanizing nature of Cobb County, the reduced quantity of undeveloped land, and the recent trends that have converted industrial lands to other productive land uses, it is imperative for us to evaluate land use policy in greater detail as it relates to important industrial areas.

Specific Area Policy Guidelines:

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

Adjacent Future Land Use:

North: Priority Industrial Area (PIA)
East: Priority Industrial Area (PIA)
South: Park / Recreation / Conservation (PRC) (across I-20)
West: Priority Industrial Area (PIA)

Master Plan/Corridor Study

The property is not located within the boundary of a Plan or 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.

APPLICANT: BP-Clipper Oil

PETITION NO.: Z-26

PRESENT ZONING: GC

PETITION FOR: NRC

PLANNING COMMENTS: (Continued)

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.

Is the property within an Enterprise Zone? Yes No

The South Cobb 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 BP - Clipper Oil

PETITION NO. Z-026

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): 10" CI / E side of Six Flags Pkwy

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: Lee Industrial Blvd ROW

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

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

Dry 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 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.

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PETITION NO.: Z-26

PRESENT ZONING: GC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

This is an existing facility and no significant site disturbance is proposed. The proposed canopy will provide an improved water quality benefit by protecting the existing diesel fueling area from rainfall runoff.

APPLICANT: BP-Clipper Oil

PETITION NO.: Z-26

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
Six Flags Parkway	13,200	Major Collector	40 mph	Cobb County	80'
Lee Industrial Boulevard	6200	Arterial	40 mph	Cobb County	100'

*Based on 2005 traffic counting data taken by Cobb County DOT for Six Flags Parkway.
Based on 2011 traffic counting data taken by Cobb County DOT for Lee Industrial Boulevard.*

COMMENTS AND OBSERVATIONS

Six Flags Parkway is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Lee Industrial Boulevard 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.

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 Lee Industrial Boulevard, a minimum of 50' from the roadway centerline.

Recommend closing the western Lee Industrial Boulevard driveway.

GDOT permits will be required for all work that encroaches upon State right-of-way.

STAFF RECOMMENDATIONS

Z-26 BP-CLIPPER OIL

- 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. Due to the site's "grandfathered" status, a rezoning of the existing site in order to facilitate improvements to the business is warranted.
- 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 existing convenience store's location directly adjacent to the Interstate as well as other commercially and industrially zoned properties should produce no adverse effects.
- 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*. While a rezoning of the property is required due to its current category's "grandfathered" status, the requested NRC district may not be the ideal category given the property's future land use designation and location immediately adjacent to Interstate 20. In fact, given its location, a rezoning to the TS tourist services district is warranted due to that category's compatibility with the industrial future land use and proximity to major roadways.
- 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. The "grandfathered" status of the existing convenience store's current GC zoning requires the rezoning in order to undertake the proposed improvements and addition of a canopy. Yet, the requested NRC district may not be most compatible with the future land use category delineated for the site. In fact, a rezoning to the TS district will allow the improvements desired and most closely align with the *Comprehensive Plan's* goals due to its proximity to the Interstate and compatibility with its industrial future land use category.

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

1. Site plan received by the Zoning Division on February 2, 2016, with District Commissioner approving minor modifications;
2. Fire Department comments and recommendations;
3. Stormwater Management Division comments and recommendations;
4. Water and Sewer Division comments and recommendations;
5. Department of Transportation comments and recommendations;
6. No outdoor storage or displays;
7. District Commissioner approval of building architecture and building and canopy colors; and
8. 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-226

April 2016

Summary of Intent for Rezoning

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

- a) Proposed unit square-footage(s): _____
 - 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): NRC Convenience Store/gas station
Currently zoned GC grandfather non-conforming
 - b) Proposed building architecture: a 24x40 canopy over existing diesel
Pumps
 - c) Proposed hours/days of operation: na
 - d) List all requested variances: Change zoning to NRC from GC
Allow 11' ROW setback (SIDE)
- _____

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

na

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). na

January 25, 2016

Z-26 (2016)
Letter of Intent

To: Cobb County Planning and Zoning
FROM: BP and SNS Corporation
RE: Letter of Intent



We are seeking a variance to rezone our property at 124 Six Flags Parkway.

This location is located on Six Flags Parkway and Lee Boulevard.

BP is located in the GC district and is a grandfathered property. We are seeking a variance to allow BP to construct, remodel the existing property with a canopy over the existing diesel gas pumps. In order to do so, we need to change the zoning of this property from GC to NRC.

We are also applying for a concurrent variance to allow the canopy to be 11 feet from the ROW

1. The diesel pumps already exist on the property and leaving them exposed gives the property an unfinished appearance.
2. By allowing this variance, you will assist in updating the area and making it more appealing and safer to potential customers.
3. The proposed canopy will be covering the existing diesel pumps which would put the canopy 11' from the ROW. By allowing the canopy, the property will have a update and consistent look within the property without having to move the diesel pumps. This 11' from the ROW will not created an obstruction or cause any danger to the property or surrounding areas.
4. A canopy over the diesel pumps with protect potential customers from the elements, making it more appealing and safer for patrons to use this establishment
5. By approving this variance BP will be able to update the look of the property which is assist in making the area more attractive.

By approving this variance, BP will be allowed to have an equal and balanced opportunity to thrive and grow their business within the community. Furthermore, the construction will be professional installed and revamped by an experience company.

We appreciate your review and consideration in this matter.

Respectfully,

Rainie Krahn

Representing BP and SNS Corporation

Enclosures

- (a) Whether the zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property;

Yes, this request is suitable as there are similar businesses within the nearby properties. The type of business is not changing from what it is currently.

- (b) Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

No this request will not affect the existing use or the usability of adjacent or nearby properties. The use of the property will remain the same.

- (c) Whether the property to be affected by the zoning proposal has a reasonable economic use as currently zoned;

We need to change the zoning from GC as it is currently a grandfathered non-conforming property. By changing the zoning to NRC the property will be updated to current zoning regulations.

- (d) Whether the zoning proposal will result in a use which will or could cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools;

The proposed zoning change will not effect traffic, streets, utilities or schools.

- (e) Whether the zoning proposal is in conformity with the policy and intent of the land use plan; and

By changing from GC to NRC we will be keeping with conformity and intent of the land use.

- (f) Whether there are other existing or changing conditions affecting the use and development of the property, which give supporting grounds for either approval or disapproval of the zoning proposal.

By allowing the zoning change, this property will be current with the appropriate zoning for the property at NRC

