

APPLICANT: Henry Robert, Director of Real Estate, Take 5 Oil

PHONE#: 504-837-0670 **EMAIL:** henry@take5oilchange.com

REPRESENTATIVE: Scott D. Stone

PHONE#: 704-375-2438 **EMAIL:** sstone@american-ea.com

TITLEHOLDER: 92 Woodstock, LLC

PROPERTY LOCATION: Northeast side of Woodstock Road,

northwest of Surrey Road

(4704 Woodstock Road)

ACCESS TO PROPERTY: Woodstock Road

PHYSICAL CHARACTERISTICS TO SITE: One Story Frame

Service Station

PETITION NO: Z-55

HEARING DATE (PC): 06-07-16

HEARING DATE (BOC): 06-21-16

PRESENT ZONING PSC

PROPOSED ZONING: NRC

PROPOSED USE: Light Automotive Repair

SIZE OF TRACT: 0.64 acre

DISTRICT: 16

LAND LOT(S): 108

PARCEL(S): 50

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: NS/ Smoke Shop

SOUTH: NRC/ Retail Shopping Center

EAST: O&I/ Dentist

WEST: NS/ Smoke Shop

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC)

Northeast: Neighborhood Activity Center (NAC)
(Low Density Residential (LDR) within 25 feet.)

East: Neighborhood Activity Center (NAC)

Southwest: Neighborhood Activity Center (NAC)

Northwest: Neighborhood Activity Center (NAC)

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

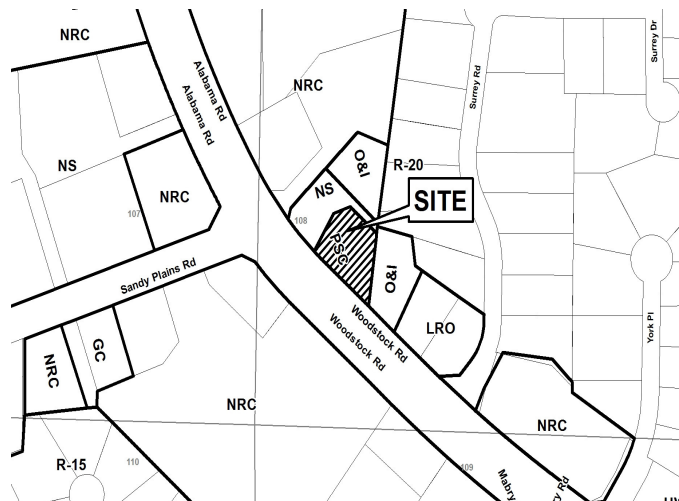
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

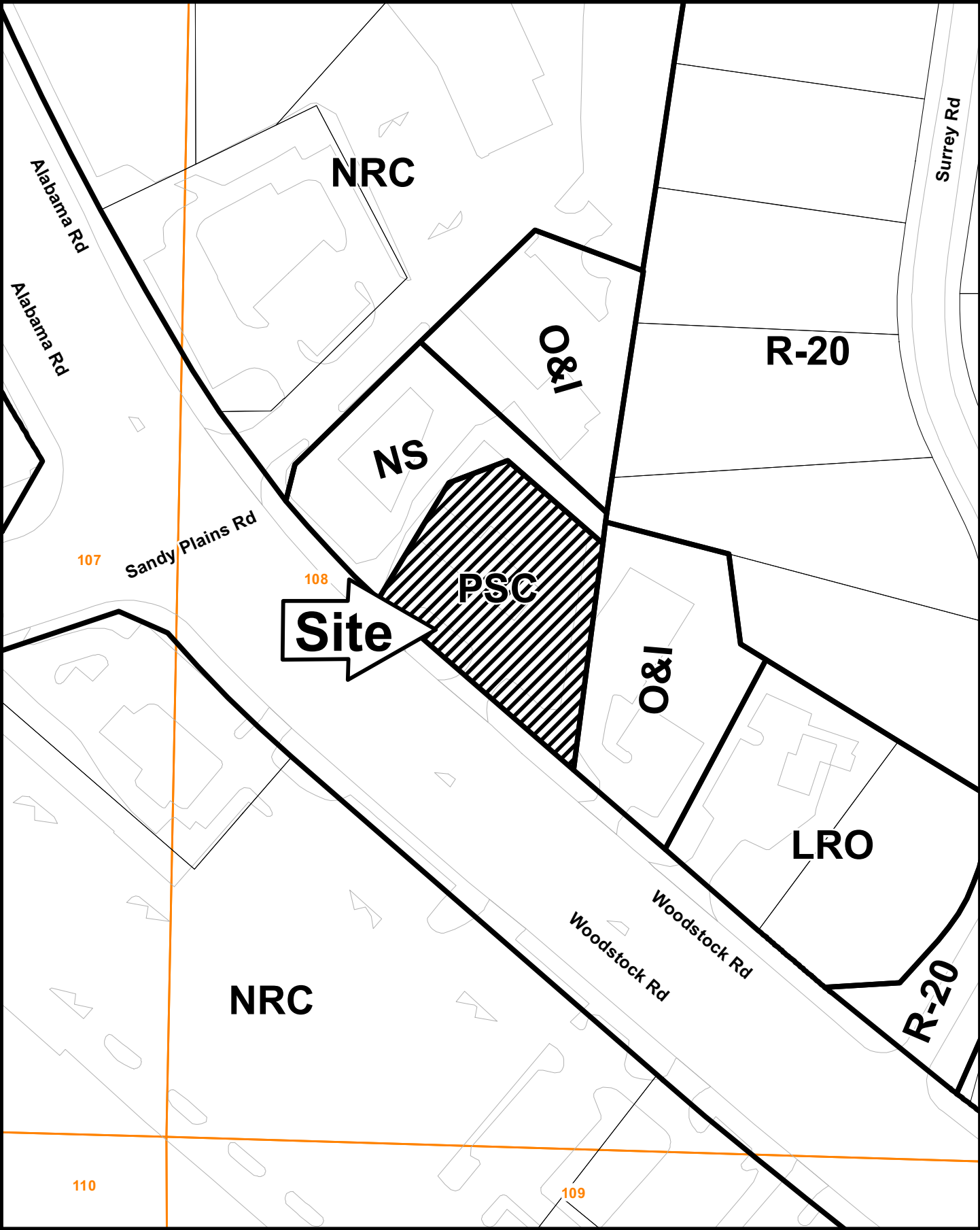
REJECTED _____ **SECONDED** _____

HELD _____ **VOTE** _____

STIPULATIONS:



Z-55-2016 GIS



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: Henry Robert, Director of Real Estate, Take 5 Oil

PETITION NO.: Z-55

PRESENT ZONING: PSC

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Donald Wells

Land Use Plan Recommendation: Neighborhood Activity Center (NAC)

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 1800

F.A.R.: .06 **Square Footage/Acre:** 2813

Parking Spaces Required: 18 **Parking Spaces Provided:** 15

The applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of replacing the existing gas station (used as an emission station) to a light auto repair facility. The property is located outside of a community activity center or a regional activity center, therefore it must be rezoned in order to allow any development or to change uses. There will be four service bays and the facility will specialize in oil changes. The facility will operate Monday through Saturday 7:00 am to 7 pm, and Sunday 9:00 am to 5:00 pm. There will be emphasis on servicing all the customers in such a timely manner that there will be no need for them to exit their cars. There will be no inside waiting area, and all employees will staff a bay. The request will also require the following contemporaneous variances;

- Waive the minimum parking requirements from 18 parking spaces to 15 parking spaces.

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: Henry Robert, Director of Real Estate, Take 5 Oil PETITION NO.: Z-55

PRESENT ZONING: PSC PETITION FOR: NRC

PLANNING COMMENTS:

The applicant is requesting a rezoning from PSC to NRC - Supportive for the purpose of a residential senior living facility (Supportive). The 0.64 acre site is located on the northeast side of Woodstock 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 in a Neighborhood Activity Center (NAC) future land use category, with PSC 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 specific policy guidelines for this area in the Comprehensive Plan:

In order to better implement and promote the nodal concept of development and eliminate any potential for expanding the NAC, the Board of Commissioners has slightly expanded the NAC at Sandy Plains Road and Sr-92. This expansion was done with carefully negotiated, highly restrictive zoning stipulations designed to protect the adjacent residential areas and eliminate any potential for further expansion through the life of this plan. Among the more important stipulations which will accomplish this task include an unprecedented 175-foot R-15 buffer totaling 6.61 acres (zoning stipulation and 20 year covenant). Square footage maximums, use limitations and the formation of an architectural review committee.

Adjacent Future Land Use:

- North: Neighborhood Activity Center (NAC)
- Northeast: Neighborhood Activity Center (NAC) (Low Density Residential (LDR) within 25 feet.)
- East: Neighborhood Activity Center (NAC)
- Southwest: Neighborhood Activity Center (NAC)
- Northwest: Neighborhood Activity Center (NAC)

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.

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?

APPLICANT: Henry Robert, Director of Real Estate, Take 5 Oil PETITION NO.: Z-55

PRESENT ZONING: PSC 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

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 Take 5 Oil

PETITION NO. Z-055

PRESENT ZONING PSC

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 / NE side of Woodstock 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: Big Creek

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.

APPLICANT: Take 5 Oil

PETITION NO.: Z-55

PRESENT ZONING: PSC

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

This is an existing facility and less than 5,000 sf of site improvements are proposed. The existing stormwater management facility must be brought up to current County standard upon substantial improvement to the site. All vehicle repairs and maintenance must be performed inside the building. A water quality retrofit device should be installed on the existing pond discharge if feasible. Verification of proper fuel storage tank removal and closure per Georgia EPD UST protocols must be provided.

APPLICANT: Henry Robert, Take 5 Oil

PETITION NO.: Z-55

PRESENT ZONING: PSC

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
Woodstock Road	53,400	Arterial	45 mph	Georgia DOT	100'

Based on 2006 traffic counting data taken by Cobb County DOT for Woodstock Road.

COMMENTS AND OBSERVATIONS

Woodstock Road is classified as an arterial and according to the available information the existing right-of-way does 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 GDOT permits for all work that encroaches upon State right-of-way.

Recommend no landscaping in right-of-way.

STAFF RECOMMENDATIONS

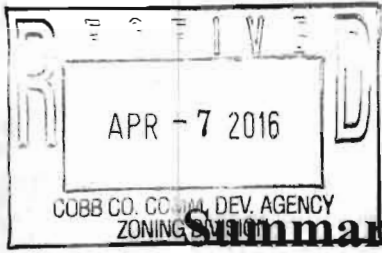
Z-55 HENRY ROBERT, DIRECTOR OF REAL ESTATE, TAKE 5 OIL

- 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. Other uses in the area include retail, office and light automotive repair.
- 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. This property was built in 1981 as a gas station and recently been converted to an emission station. This property has always been used in a way that to supports automotive care.
- 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 within the Neighborhood Activity Center (NAC) land use category, which is to provide areas that serve neighborhood residents and businesses. The proposed NRC zoning district is compatible with the NAC land use category and the light automotive repair is a permitted use in NRC.
- 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 property is located outside of a community activity center or regional activity center therefor it must be rezoned in order to allow any redevelopment. This property has always been used to support automotive related uses.

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

1. Site plan received by the Zoning Division April 7, 2016, with District Commissioner approving minor modifications;
2. No outdoor display of merchandise;
3. Building architecture and colors to be approved by District Commissioner;
4. Water and Sewer Division comments and recommendations;
5. Stormwater Management Division comments and recommendations; and
6. 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.



Application #: 7-55
PC Hearing Date: 6-7-16
BOC Hearing Date: 6-21-16

Summary of Intent for Rezoning

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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): Express Oil Change Facility (Light Automotive Repair Establishment)
- b) Proposed building architecture: Single-story, 1800 sf, 4-bay oil change facility.
- c) Proposed hours/days of operation: 7am - 7pm Monday - Saturday
9am - 5pm Sunday
- d) List all requested variances: None

.....
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). Joint Use Driveway Easement (DB 13659, PG 525)
Less & Except per Right of Way (DB 6105, PG 527)

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Part 5. Is this application a result of a Code Enforcement action? No ; Yes _____ (If yes, attach a copy of the Notice of Violation and/or tickets to this form).

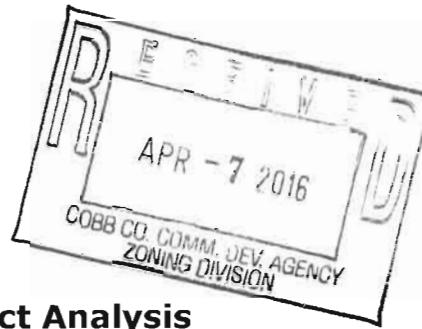
Applicant signature: Henry Robert Date: 3-15-16

Applicant name (printed): Henry Robert, Director of Real Estate, Take 5 Oil Change, LLC



April 7, 2016

Cobb County
Zoning Division
1150 Powder Springs St.
Suite 400
Marietta, GA 30061



Subject: **Proposed Take 5 Oil Change
Rezoning Application - Impact Analysis
4704 Woodstock Road, Roswell, GA 30075**

Dear Sir or Madam:

As required by the Cobb County Rezoning Application, please see the Rezoning Impact Analysis below regarding the above referenced property.

(a) Will the zoning proposal permit a use that is suitable in view of the use and development of adjacent and nearby property?

Yes. The proposed zoning, NRC, permits the development of "light automotive repair establishments" and is suitable with the nearby uses. The current use is a emissions testing facility and recently served as a gas station. There is a "smoke shop" and dentist's office on the adjacent properties. There are also at least five other automotive repair and service establishments within 1,000 feet of the property. There is existing landscaping along the rear and side which will remain as a screening.

(b) Will the zoning proposal adversely affect the existing use or usability of adjacent or nearby property?

No. The current use is an automotive testing station and former gas station which typically has more daily traffic than the proposed express oil change facility. There is no direct access from the property to either of the adjacent sites and there is sufficient screening, especially near the dentist's office. A change from a higher volume vehicle service facility to a lower volume oil change facility will not adversely affect the uses of the adjacent or nearby properties. The proposed use will utilize existing driveways.

(c) Does the property to be affected by the zoning proposal have a reasonable economic use as currently zoned?

No. The PSC zoning requires a 100 foot front setback and 50 foot side and rear setbacks. Due to the size and shape of the site, these setbacks only allow for a

building footprint of under 800 square feet. Furthermore, based on the size of the parcel and the current zoning which has minimum lot size requirements, the current property is virtually unusable for any different retail or commercial use.

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

No. The current use likely has more daily traffic than the proposed express oil change facility. The likely traffic generated in the vicinity of the site will not cause an excessive or burdensome use on existing streets, transportation facilities, utilities, or schools. The necessary utilities required for the proposed site will not significantly differ from the existing requirements.

(e) Is the zoning proposal in conformity with the policy and intent of the land use plan?

Yes. The proposed usage of the property aligns with the purpose and intent of the neighborhood retail commercial (NRC) zoning district. Future Land Use Maps show this site and general area to be "Neighborhood Activity Center." The express oil change provides a much-needed service to the neighborhood and it will be located in a central location – at the intersection of State Road 92 (Woodstock Road) and Sandy Plains Road. Both of these roads provide access both within the immediate neighborhood as well as the surrounding areas within Cobb County. This use is a typical use within a Neighborhood Activity Center.

(f) Are there 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?

The current zoning is a legacy zoning district and many other properties nearby have already been rezoned to similar districts. This supports approval of the proposal.

Please let us know if you have any questions.

Regards,



Scott D. Stone, PE, LEED AP
President
American Engineering Associates – Southeast, PA