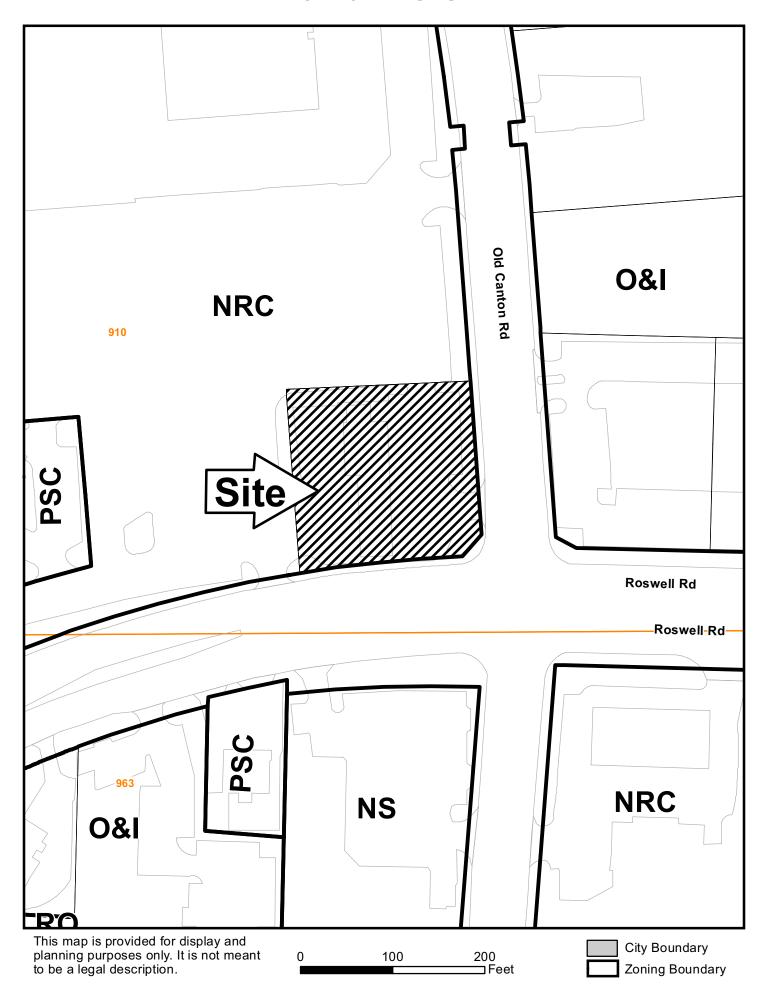


APPLICAN'	T: RaceTrac Petroleum, Inc.	PETITION NO: Z-8			
PHONE#: 1	N/A EMAIL: N/A	HEARING DATE (PC): 02-07-17			
REPRESEN	VTATIVE: Parks F. Huff	<b>HEARING DATE (BOC):</b> 02-21-17			
PHONE#: (	(770) 422-7016 <b>EMAIL:</b> phuff@slhb-law.com	PRESENT ZONING: NRC w/Stipulations			
TITLEHOL	DER: Gholamreza Salimi				
		PROPOSED ZONING: NRC w/Stipulations			
PROPERTY	Y LOCATION: Northwest corner of Roswell Road and				
Old Canton F	Road	PROPOSED USE: Convenience Market with			
(3101 Roswe	ell Road)	Fuel Sales			
ACCESS TO	O PROPERTY: Old Canton Road and Roswell Road	SIZE OF TRACT: 0.874 ac			
		<b>DISTRICT:</b> 16			
PHYSICAL	CHARACTERISTICS TO SITE: Auto service and	<b>LAND LOT(S):</b> 910			
carwash		PARCEL(S): 20			
		TAXES: PAIDXDUE			
CONTICUO	OUS ZONING/DEVELOPMENT	COMMISSION DISTRICT: 2			
SOUTH: EAST: WEST:  OPPOSITIO	O&I/Milwood Park Office Park South: Ne	ghborhood Activity Center (NAC) sighborhood Activity Center (NAC) ghborhood Activity Center (NAC)  SMAN			
PLANNING	G COMMISSION RECOMMENDATION				
A DDD OVER	D. MOTEON DV				
REJECTED	DMOTION BY DSECONDED	Princeton Corners Dr			
HELD	VOTE	NRC R-15			
	COMMISSIONERS DECISION -R-20	SITE 081			
	DMOTION BY	100 100 100 100 100 100 100 100 100 100			
	OSECONDED	,56			
HELDSTIPULATI	ROS*	Roswell Rd  NS  NRC  R15  R-15  Roswell Rd  May Fonet Way  R-15			

## **Z-8-2017 GIS**



APPLICANT: RaceTrac Petr	oleum, Inc.	PETITION NO.:	Z-8
PRESENT ZONING: NRC v	w/Stipulations	PETITION FOR:	NRC w/Stipulations
*******	* * * * * * * * * * * * * * * * *	*******	****
ZONING COMMENTS:	Staff Member Responsib	le: Jason A. Campbell	
Land Use Plan Recommendati	ion: Neighborhood Acti	vity Center (NAC)	
<b>Proposed Number of Building</b>	s: 1 Total Square	Footage of Development:	4,085
<b>F.A.R.:</b> <u>0.107</u> <b>Square F</b>	Footage/Acre: 4,673		
Parking Spaces Required: 8	Parking Spac	es Provided: 20	
Applicant is requesting the Neig development of a convenience s plan for a drugstore. The hours will be brick as shown on the att	store with fuel sales. In 201 of operation will be 24 hou	0, the property was zoned to rs per day, seven days per	to NRC (Z-17) to a site week. The architecture
The proposed site plan will requ	ire the following contempo	raneous variances	
<ol> <li>Waiving the rear seth</li> <li>Waiving the maximular</li> <li>Allowing price sign of</li> <li>Allowing two 65 squ</li> <li>Allowing awning gray</li> <li>Allowing signage to</li> <li>Allowing LED canon</li> <li>Allowing 200 linear</li> <li>Allowing 52 square-</li> <li>Allowing RaceTraces</li> </ol>	nare-foot signs; aphics; exceed 120 square feet; py area; feet of road frontage for LE	D copy area; e overhang; and	
Cemetery Preservation: Ther Cemetery Preservation Commis		•	
SCHOOL COMMENTS:			

Approval of this petition will not have an impact on the enrollment at Cobb County schools.

\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*\*

APPLICANT: RaceTrac Petroleum	PETITION NO.: Z-08
********	- * * * * * * * * * * * * * * * * * * *

### **FIRE COMMENTS:**

IFC 510- EMERGENCY RESPONDER RADIO COVERAGE. New buildings are required to provide radio coverage for emergency responders per the International Fire Code. Testing is required by a third party and when deemed necessary amplification systems are required before the building will be issued a certificate of occupancy. This message is to serve as an early notification to owners and developers for budgeting purposes.

APPLICANT: Race Trac Petroleum, Inc. PRESENT ZONING: NRC with Stipulations	PETITION NO.: Z-8 PETITION FOR: NRC with
***********  PLANNING COMMENTS:	<u>Stipulations</u> * * * * * * * * * * * * * * * * * * *
The applicant is requesting a rezoning from NRC with stipulation of a convenience market with fuel sales. The 0.874 acre site is le Road and Old Canton Road (3101 Roswell Road)	
HB-489 Intergovernmental Agreement Zoning Amendment Notice Is the application site within one half (1/2) mile of a city bound of the second of	
<u>Comprehensive Plan</u> The parcel is within a Neighborhood Activity Center (NAC) fut stipulations zoning designation. The purpose of the Neighborho provide for areas that serve neighborhood residents and business small offices, limited retail and grocery stores.	ood Activity Center (NAC) category is to
Specific Area Policy Guidelines: There are no specific policy guidelines for this area in the Comp	orehensive Plan.
Adjacent Future Land Use:  North: Neighborhood Activity Center (NAC)  East: Neighborhood Activity Center (NAC)  South: Neighborhood Activity Center (NAC)  West: Neighborhood Activity Center (NAC)	
Master Plan/Corridor Study The property is not located within the boundary of a Plan or Co.	rridor Study.
Historic Preservation After consulting various county historic resources surveys, historic rench location maps, staff finds that no known significant his application. No further comment. No action by applicant reque	storic resources appear to be affected by this
Design Guidelines  Is the parcel in an area with Design Guidelines? ☐ Yes  If yes, design guidelines area  Does the current site plan comply with the design requirements	■ No
Incentive Zones  Is the property within an Opportunity Zone? □ Yes  The Opportunity Zone is an incentive that provides \$3,500 tax of jobs are being created. This incentive is available for new or exist.	
Is the property within an Enterprise Zone? ☐ Yes  The Enterprise Zone is an incentive that provides incentives for qualifying businesses locating or expanding within investments.	

APPLICANT: Race Trac Petroleum, Inc.	PETITION NO.: Z-8
PRESENT ZONING: NRC with Stipulations	PETITION FOR: NRC
	with Stipulations
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
PLANNING COMMENTS:	CONT.
Is the property eligible for incentives through the Commercial and Program? ☐ Yes ■ No	and Industrial Property Rehabilitation
The Commercial and Industrial Property Rehabilitation Program ad valorem property taxes for qualifying redevelopment in elig	
For more information on incentives, please call the Community 770.528.2018 or find information online at	

PRESENT ZONING	ale ale	ale ale ale ale ale ale ale ale	ste ste		TITION FOR NRC w/stips
WALEST COLD STATE					
Available at Development:		Yes	ere	ın exis	stence at the time of this review.  No
Available at Development.	•	108			INO
Fire Flow Test Required:	<b>✓</b>	Yes			No
Size / Location of Existing Water Main(s): 20"	DI/	W side of Old Car	nton	Roac	1
Additional Comments: Existing water customer	. Als	so 10" DI / N side o	of R	oswe	ll Road.
Developer may be required to install/upgrade water mains, based on Review Process.	fire fl	low test results or Fire De	partn	nent Coo	de. This will be resolved in the Plan
* * * * * * * * * * * * * * * * * * * *	* *	* * * * * * * * *	* *	* * *	******
SEWER COMMENTS: NOTE: Comments	reflec	ct only what facilities	s we	re in e	xistence at the time of this review.
In Drainage Basin:	<b>✓</b>	Yes			No
At Development:	<b>✓</b>	Yes			No
Approximate Distance to Nearest Sewer: On	site				
Estimated Waste Generation (in G.P.D.): A	D F=	= +0		P	eak= +0
Treatment Plant:		Sutton			
Plant Capacity:	<b>✓</b>	Available		Not A	Available
Line Capacity:	<b>~</b>	Available		Not A	Available
Projected Plant Availability:	<b>~</b>	0 - 5 years		5 - 10	0 years $\Box$ over 10 years
Dry Sewers Required:		Yes	<b>~</b>	No	
Off-site Easements Required:		Yes*	<b>~</b>	No	*If off-site easements are required, Develope must submit easements to CCWS for
Flow Test Required:		Yes	<b>~</b>	No	review/approval as to form and stipulations prior to the execution of easements by the
Letter of Allocation issued:		Yes	<b>~</b>	No	property owners. All easement acquisitions are the responsibility of the Developer
Septic Tank Recommended by this Department	: [	Yes	<b>~</b>	No	
Subject to Health Department Approval:		Yes	<b>~</b>	No	
Additional Existing sewer customer					

PETITION NO.

Z-008

APPLICANT RaceTrac Petroleum Inc

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: RaceTrac Petroleum, Inc.	PETITION NO.: <u>Z-8</u>
PRESENT ZONING: NRC with stips	PETITION FOR: NRC with stips
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
STORMWATER MANAGEMENT COMMENTS	
FLOOD HAZARD: YES NO POSSIBLY, NO	T VERIFIED
DRAINAGE BASIN: Sewell Mill Creek FLOOD HAZ  ☐ FEMA Designated 100 year Floodplain Flood. ☐ Flood Damage Prevention Ordinance DESIGNATED FLOO ☐ Project subject to the Cobb County Flood Damage Prevention ☐ Dam Breach zone from (upstream) (onsite) lake - need to ke	OD HAZARD. on Ordinance Requirements.
<u>WETLANDS:</u> ☐ YES ☐ NO ☐ POSSIBLY, NOT VE	ERIFIED
Location:	
☐ The Owner/Developer is responsible for obtaining any requ Corps of Engineer.	uired wetland permits from the U.S. Army
STREAMBANK BUFFER ZONE: YES NO PO	OSSIBLY, NOT VERIFIED
<ul> <li>Metropolitan River Protection Area (within 2000' of Chattaho buffer each side of waterway).</li> <li>Chattahoochee River Corridor Tributary Area - County reviews</li> <li>Georgia Erosion-Sediment Control Law and County Ordinary</li> <li>Georgia DNR Variance may be required to work in 25 foot of County Buffer Ordinance: 50', 75', 100' or 200' each side or</li> </ul>	ew ( <u>undisturbed</u> buffer each side). nce - County Review/State Review. streambank buffers.
DOWNSTREAM CONDITIONS	
<ul> <li>□ Potential or Known drainage problems exist for development</li> <li>□ Stormwater discharges must be controlled not to exceed the drainage system.</li> <li>□ Minimize runoff into public roads.</li> </ul>	
Minimize the effect of concentrated stormwater discharges of	0 1 1
Developer must secure any R.O.W required to receive of naturally	concentrated discharges where none exist
Existing Lake Downstream  Additional BMP's for erosion sediment controls will be requ	uired.
Lake Study needed to document sediment levels.	
Stormwater discharges through an established residential new Project engineer must evaluate the impact of increased vo project on existing downstream receiving system.	<del>-</del>

APPLICAN	T: RaceTrac Petroleum, Inc.	PETITION NO.: <u>Z-8</u>
PRESENT 2	ZONING: NRC with stips	PETITION FOR: NRC with stips
* * * * * * *	* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
STO	RMWATER MANAGEMENT COMMENTS –	Continued
SPECIAL S	ITE CONDITIONS	
⊠ Submit a □ Any <b>spri</b>	comprehensive hydrology/stormwater controls to in ll proposed site improvements to Plan Review.  In gactivity uncovered must be addressed by a qual	ified geotechnical engineer (PE).
engineer		a quanned registered Georgia geotecnincar
	nust comply with the Water Quality requirements of uality Ordinance.	the CWA-NPDES-NPS Permit and County
condition	uality/Quantity contributions of the existing lake/pas into proposed project.	ond on site must be continued as baseline
	e and provide % impervious of project site. esign: reduce pavement area to reduce runoff and p	ollution

#### **ADDITIONAL COMMENTS**

- 1. This site is located at the northwest intersection of Roswell and Old Canton Roads. The site was previously a gas station, but currently operated as a car wash and emissions inspection station. The entire site drains to the east into the existing stormwater infrastructure within the Roswell Road R/W.
- 2. The proposed stormwater management facility will be located underground at or near the southeast corner of the site. The pond discharge must be tied directly to the existing stormwater system located within the Roswell Road R/W.
- 3. 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 pretreat runoff from the fueling bay area prior to discharge into the detention system.

APPLICANT: RaceTrac Petroleum, Inc.	PETITION NO.: Z-8
PRESENT ZONING: NRC w/Stipulations	PETITION FOR: NRC w/Stipulations
**********	********
TRANSPORTATION COMMENTS:	

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
Roswell Road	38,900	Arterial	45 mph	Georgia DOT	100'
Old Canton Road	18,250	Arterial	35 mph	Cobb County	100'

Based on 2008 traffic counting data taken by Cobb County DOT for Roswell Road. Based on 2016 traffic counting data taken by Cobb County DOT for Old Canton Road.

#### **COMMENTS AND OBSERVATIONS**

Roswell 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.

Old Canton Road is classified as an arterial and according to the available information the existing right-ofway does not meet the minimum requirements for this classification.

#### RECOMMENDATIONS

Recommend applicant consider entering into a development agreement pursuant to 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 west side of Old Canton Road, a minimum of 50' from the roadway centerline.

Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

Recommend entrance on Old Canton Road be restricted to right-in only.

Recommend entrance on Old Canton Road be a maximum of 18' wide to accommodate one-way traffic only.

Recommend sidewalk along the frontage of Roswell Road and Old Canton Road.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

#### STAFF RECOMMENDATIONS

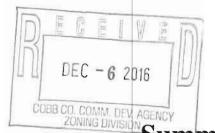
#### **Z-8** RACETRAC PETROLEUM, INC.

- 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. The area is developed with retail, restaurants, another convenience store with fuel sales, offices and single-family residential subdivisions.
- 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 property has been utilized for a car services and carwash business, and was once an Exxon gas station.
- 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. The requested NRC and proposed use are compatible with the NAC land use category.
- 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 has been utilized as a business conducting light auto repair work. The property is at the northwest corner of an intersection that is in the NAC land use category. The property at the southeast intersection was zoned for a similar use in 2015 (Z-73).

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

- 1. Site plan received by the Zoning Division on January 20, 2017, with the District Commissioner approving minor modifications;
- 2. Variances mentioned in the Zoning Comments;
- 3. Fire Department comments and recommendations;
- 4. Water and Sewer 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-PC Hearing: Feb. 7, 2017 BOC Hearing: Feb. 21, 2017

# Summary of Intent for Rezoning\*

rt 1. 1	Resider	ntial 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:
•••••	• • • • • • •	
		sidential Rezoning Information (attach additional information if needed)
	a)	Proposed use(s): Convenience store with fuel sales
	b)	Proposed building architecture: Brick commercial building (rendering provided).
	c)	Proposed hours/days of operation: 24 hours day/7 days/week
	<b>d</b> )	List all requested variances: To be determined.
	u)	To be determined.
		<del></del>
Part 3	. Othe	r Pertinent Information (List or attach additional information if needed)
		of the property included on the proposed site plan owned by the Local, State, or Federal Gove
rt 4.	Is any	of the property metadea on the proposed site plan owned by the Boean, State, or x ederal cover
	•	e list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc.,

\* 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.

DEC - 6 2016

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 Roswell Road and Old Canton Road. The Subject Property is located at a major intersection of said roadways and was previously used as an Exxon service station. This area of Roswell Road and Old Canton Road has been commercially used for many years. The development will replace a car wash that operates out of an old Exxon gas station.
- B. The zoning proposal is to rezone the Subject Property from the existing use and site plan specific Neighborhood Retail Commercial (NRC) classification to Neighborhood Retail Commercial (NRC) Conditional which will be in compliance with the properties' land use designation of Neighborhood Activity Center (NAC).
- C. The Subject Property, as presently zoned, does not have a reasonable economic use. The proposed zoning condition change will allow for a higher and better use of the Subject Property in this Neighborhood Activity Center.
- 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. Retail and commercial development has no effect on schools and minimal effect on utilities and transportation facilities.

SAMS, LARKIN, HUFF & BALLI, LLP \*\*LIMITED LIABILITY PARTNERSHIP ATTORNEYS AT LAW SUITE 100 376 POWDER SPRINGS ST. MARIETTA, GA 30064 770, 422,7016

- E. The zoning proposal is consistent with the Neighborhood Activity Center (NAC) land use designation as defined by Cobb County's Comprehensive Land Use Plan and Future Land Use Map. The current zoning of NRC is consistent with the NAC designation as well as in conformity with the policy and intent of the Comprehensive Land Use Plan.
- F. The zoning proposal is consistent with the current conditions affecting the development of this property. The Subject Property is located at a major intersection, with Roswell Road being a four-lane roadway with divided median. The location will allow for access to the proposed convenience market with fuel sales off Roswell Road and Old Canton Road. Additionally, considered in the context of development at this intersection, there are no established land use planning principles or political considerations which would vitiate the zoning proposal.

Respectfully submitted, this 5 day of e center, 2016.

SAMS, LARKIN, HUFF & BALLI, LLP

PARKS F. HUFF

Attorney for Applicant Ga. Bar No. 375010

SAMS, LARKIN, HUFF
& BALLI, LLP
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ATTORNEYS AT LAW

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