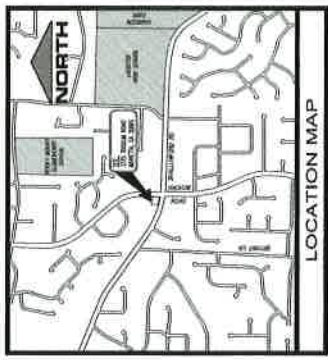
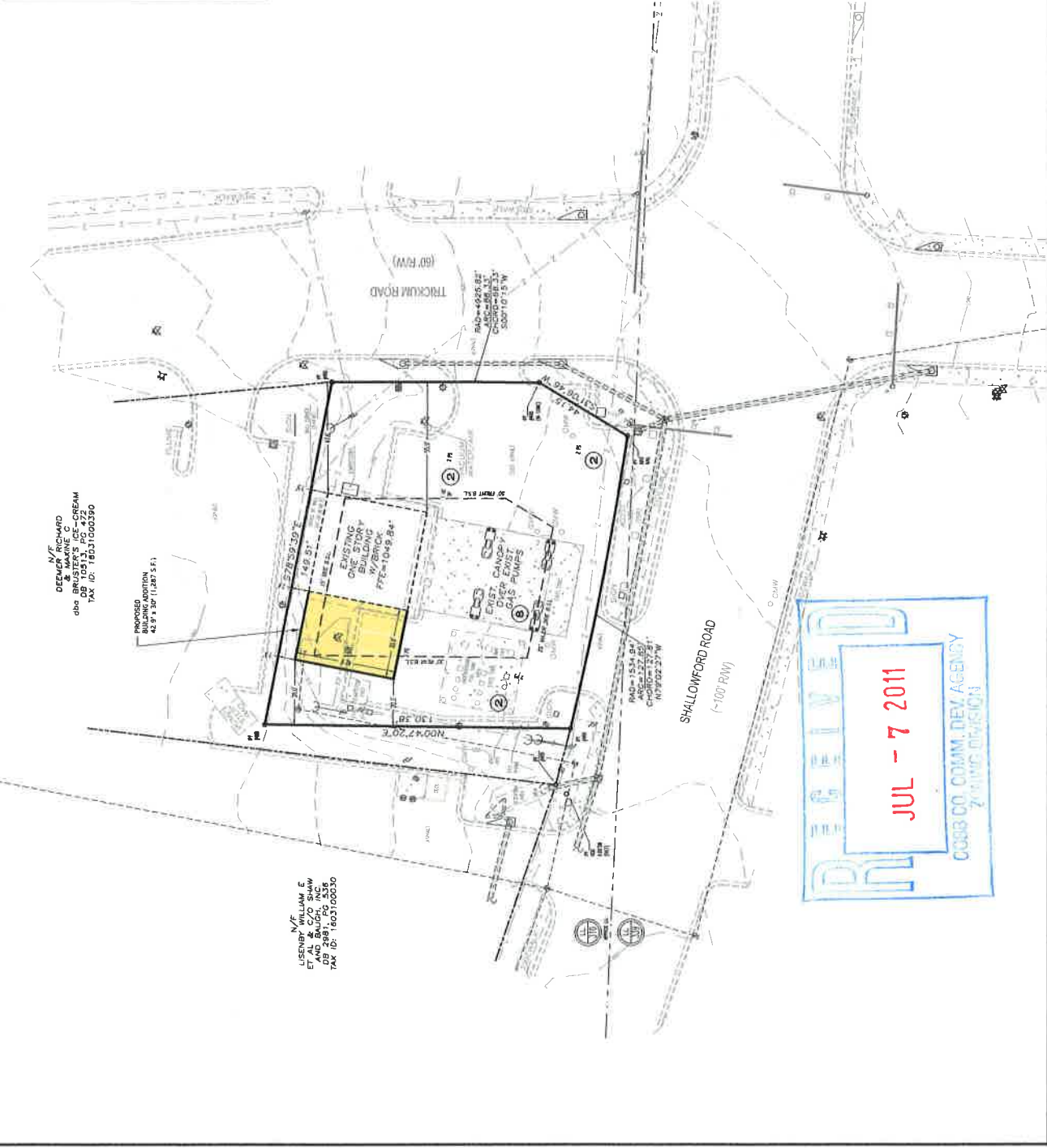
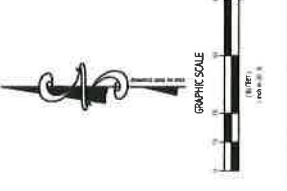


Z-35
(2011)

<p>GEORGE S. WATSON ARCHITECTS 1000 W. WILSON AVENUE COLUMBIA, SC 29201 TEL: 803.733.1100</p>	<p>MATRIX 1000 W. WILSON AVENUE COLUMBIA, SC 29201 TEL: 803.733.1100</p>	<p>CONOCO FOOD MART 3725 TRICKUM ROAD ADDRESS: 3725 TRICKUM ROAD PARCEL ID: 1603100040</p>	<p>08-02-11 11-016</p>
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- NOTES:**
- THE PROJECT IS LOCATED IN LAND LOT 310, 16th DISTRICT, 2nd SECTION OF COBB COUNTY, GEORGIA.
 - CURRENT ZONING: NEIGHBORHOOD ACTIVITY CENTER. REQUESTED ZONING: NEIGHBORHOOD RETAIL COMMERCIAL.
 - TOTAL ACREAGE: 0.43 ACRES (18,914 S.F.)
 - BOUNDARY & TOPOGRAPHIC INFORMATION REFERENCED FROM SURVEY PROVIDED BY FRONTLINE SURVEYING & MAPPING, INC., DATED SEPTEMBER 17, 2008.
 - ALL CURB DIMENSIONS ARE TO BACK OF CURB UNLESS NOTED.
 - THIS IS A UTILITY AND CONCRETE SITE PLAN. THIS PLAN IS SUBJECT TO CHANGE IN ACCORDANCE WITH ORDINANCES AS OUTLINED BY COBB COUNTY PLANNING & DEVELOPMENT DEPARTMENT AS WELL AS THE RESPECTIVE DEPARTMENTS OF TRANSPORTATION.
 - RENDERED SITE DEVELOPMENT:
 - CONSTRUCT NEW 1,287 S.F. BUILDING ADDITION
 - PARKING SPACES: 95 REQUIRED FOR C-STORE, 372 S.F. C-STORE = 15 SPACES PROVIDED
 - 18 SPACES REQUIRED, 14 SPACES PROVIDED
 - INCLUDES:
 - 10 J, 1/2 SPACES TO THE RIGHT OF BUILDING
 - 8 EXISTING FULL-SIZE SPACES AT PUMPS
 - 5 EXISTING SPACES AROUND PERIMETER
 - PROPOSED IMPERVIOUS COVER:
 - MAXIMUM ALLOWABLE PER ZONING CODE = 70%
 - EXISTING IMPERVIOUS COVER = 65%
 - POST-CONSTRUCTION IMPERVIOUS COVER = 60%
 - ADDITIONAL IMPERVIOUS NOT PROPOSED
 - REQUIRED ADVANCES:
 - REDUCE REAR BUILDING SETBACK FROM 30 FEET TO 20 FEET
 - REDUCE SIDE SETBACK FROM 15 FEET TO 7 FEET (THE EXISTING BUILDING IS WITHIN THE 15 FOOT SETBACK)
 - REDUCE FRONT SETBACK FROM 50 FEET TO 47 FEET (THIS IS TO BRING EXISTING BUILDING INTO CONFORMANCE)
 - PARKING VARIANCE FROM 15 SPACES TO 14 SPACES WITH THE ALLOWANCE OF COUNTING THE 8 SPACES AT THE PUMP
 - VARIANCE TO INCREASE LOT COVERAGE FROM 70% IMPERVIOUS TO 80% IMPERVIOUS (THE EXISTING LOT IS CURRENTLY 70% IMPERVIOUS)



USENBY WILLIAM E
ET AL & C/O SHAW
1000 W. WILSON AVENUE
COLUMBIA, SC 29201
JOB # 2887 PG 236
TAX ID: 1603100030

APPLICANT: Amin S. Lalani
404-200-6176

REPRESENTATIVE: Bob Hoffman
678-858-0547

TITLEHOLDER: Roshan Damoni, LLC

PROPERTY LOCATION: Northwest intersection of
Trickum Road and Shallowford Road

ACCESS TO PROPERTY: Trickum Road and Shallowford
Road

PHYSICAL CHARACTERISTICS TO SITE: Existing
convenience store/gas station

FUTURE LAND USE MAP: Neighborhood Activity Center

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** GC/Developed Ice Cream Shop
- SOUTH:** GC/Developed Convenience Store, Auto Repair and Car Wash
- EAST:** GC/Developed Convenience Store and Car Wash
- WEST:** GC and NRC/Developed Retail Center

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:

APPLICANT: Amin S. Lalani

PETITION NO: Z-35

HEARING DATE (PC): 09-08-2011

HEARING DATE (BOC): 09-20-2011

PRESENT ZONING: GC

PROPOSED ZONING: NRC

PROPOSED USE: Addition To Existing
Convenience Store/Gas Station

SIZE OF TRACT: 0.43 acre

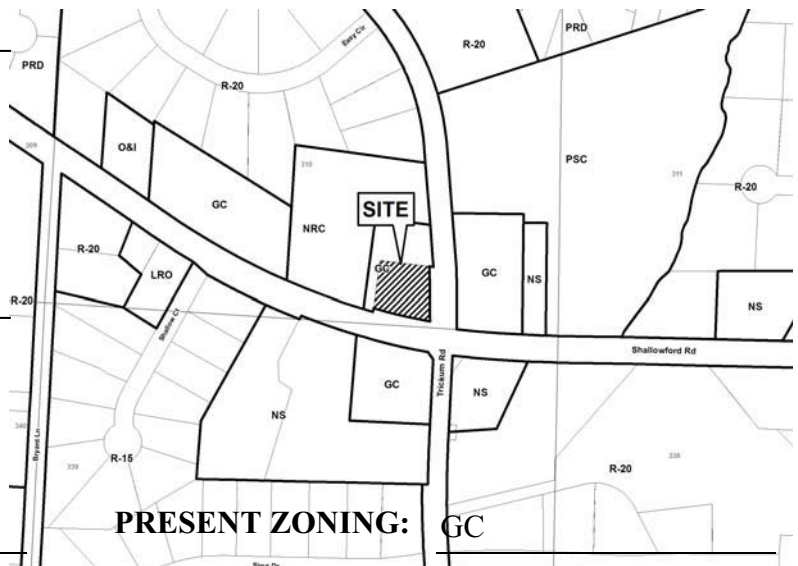
DISTRICT: 16

LAND LOT(S): 310

PARCEL(S): 40

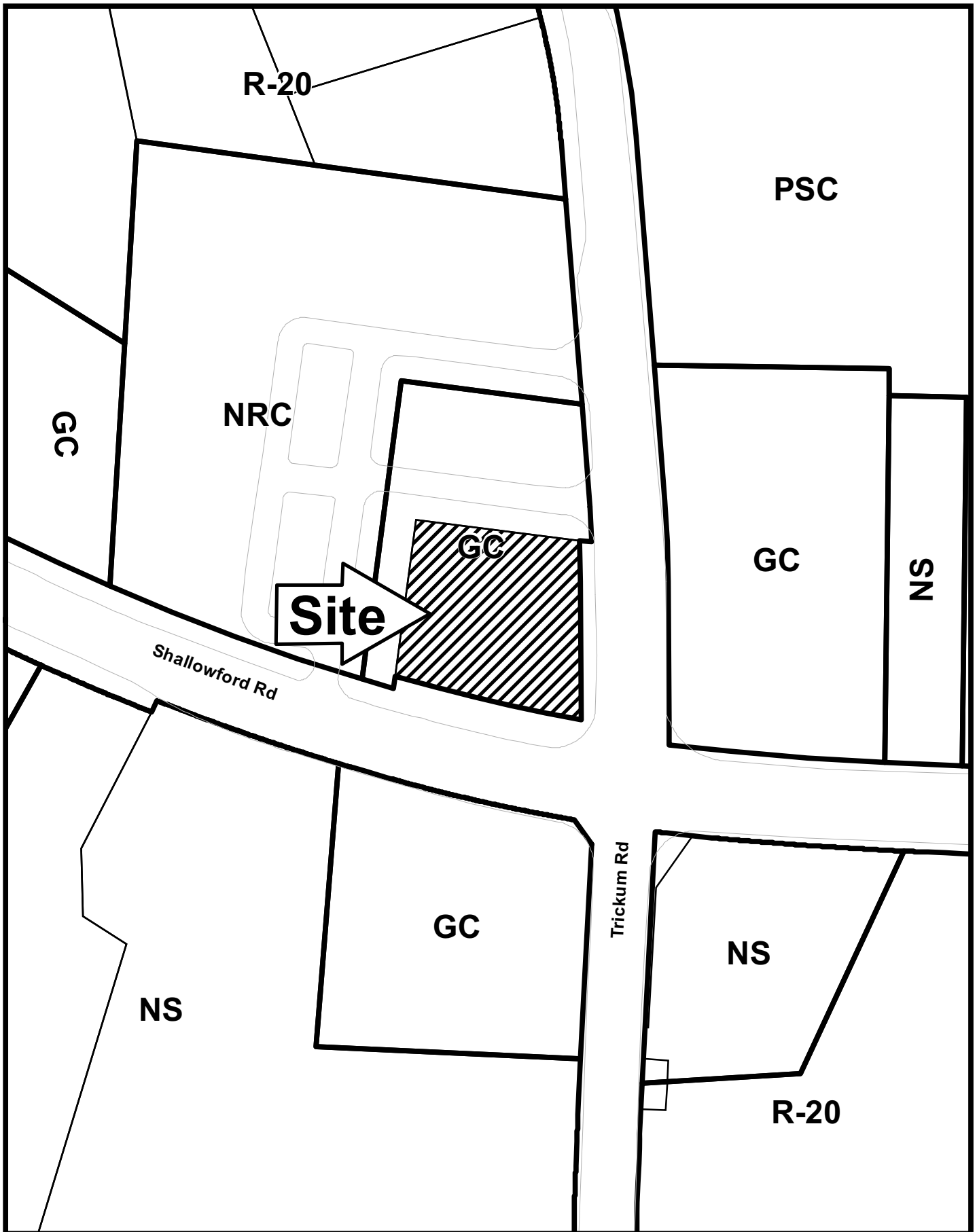
TAXES: **PAID** **DUE**

COMMISSION DISTRICT: 3

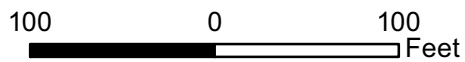




PRESENT ZONING: GC

Z-35



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



-  City Boundary
-  Zoning Boundary

PETITION No.: Z-35

PETITION FOR: NRC

ZONING COMMENTS:

Staff Member Responsible: Jason A. Campbell

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 3,121

F.A.R.: 0.16 **Square Footage/Acre:** 7,258

Parking Spaces Required: 5 and 1 per employee **Parking Spaces Provided:** 14

Applicant is requesting to rezone the subject property in order to make an addition to the existing convenience store. The property can not be developed under the current GC zoning category developed within a Neighborhood Activity Center (NAC) land use category. The property has been in existence as a convenience store with fuel sales for years now and the current owner wishes to expand the store only, no addition fuel pumps are proposed. The proposed building architecture will be brick. The applicant has submitted the attached Summary of Intent and Impact Analysis for your review.

Applicant is also requesting the following contemporaneous variances:

1. Waive the rear setback from 30 feet to 20 feet;
2. Waive the side setback from 15 feet to 7 feet;
3. Waive the front setback from 50 feet to 47 feet (front corner of building only); and
4. Waive the impervious coverage allowed from 70% to 80%.

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.

Cemetery Preservation: No comment.

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 Amin S. Lalani

PETITION NO. Z-035

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): **8" DI / W side of Trickum Road**

Additional Comments: Records show property served by 3/4" meter

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: **At Site in Shallowford Road**

Estimated Waste Generation (in G.P.D.): **A D F= +129 Peak= +322**

Treatment Plant: **Noonday**

Plant Capacity: Available Not Available

Line Capacity: Available Not Available

Projected Plant Availability: 0 - 5 years 5 - 10 years over 10 years

Drw 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: Records show address as currently connected to sewer

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: Amin S. Lalani

PETITION NO.: Z-35

PRESENT ZONING: GC

PETITION FOR: NRC

DRAINAGE COMMENTS

This site is currently operating as a convenience store/gas station. The proposed building addition will be located partially over an existing paved area. The total disturbed area and increase in impervious coverage is less than the threshold that would trigger providing new stormwater management requirements for the site. However, fueling operations are considered water quality hot spots due to the potential for gasoline and/or diesel spills that may be discharged from the site via stormwater runoff. Since there is currently no onsite stormwater management and no opportunity for retrofitting any type of water quality device, the owner shall provide a spill prevention control and countermeasures plan to the Stormwater Management Division. Upon redevelopment, the site must meet full stormwater management requirements.

APPLICANT: Amin S. Lalani

PETITION NO.: Z-35

PRESENT ZONING: R-20

PETITION FOR: R-15/ OSC

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
Shallowford Road	19000	Arterial	45 mph	Cobb County	100'
Trickum Road	10500	Major Collector	35 mph	Cobb County	80'

*Based on 2006 traffic counting data taken by Cobb County DOT (Shallowford Road)
Based on 2010 traffic counting data taken by Cobb County DOT (Trickum Road)*

COMMENTS AND OBSERVATIONS

Shallowford 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.

Trickum Road 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.

RECOMMENDATIONS

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 north side of Shallowford Road, a minimum of 50' from the roadway centerline.

Recommend installing sidewalk along the Trickum Road frontage.

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

STAFF RECOMMENDATIONS

Z-35 AMIN S. LALANI

- 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. Adjacent and nearby properties are developed for retail and convenience stores with fuel sales.
- 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 used for years as a convenience store. There are also other existing convenience stores nearby.
- 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 to be within a Neighborhood Activity Center (NAC). The proposed addition is not permitted under the current GC zoning category outside of the Community Activity Center (CAC) or a Regional Activity Center (RAC) land use categories. The requested NRC zoning category is 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 convenience store and fuel sales use has been conducted on the property for many years and the current zoning category can not be developed under the current land use category. Other convenience stores with fuels sales and retail shopping centers are developed in the area.

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

- Site plan, indicating requested variances, received by the Zoning Division on July 7, 2011, with the District Commissioner approving minor modifications;
- Water and Sewer comments and recommendations;
- Stormwater Management Division comments and recommendations;
- DOT comments and recommendations; and
- 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.

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Sept.
2011

IMPACT STATEMENT

3725 TRICKUM ROAD

- a. The impact of this zoning proposal should not impact the adjacent properties, since this is an existing convenience store.
- b. Again, no impact on the adjacent properties.
- c. The current zoning does not allow for the addition to the existing store.
- d. Impact on existing roads will be negligible since this is an existing convenience store with an existing customer base.
- e. This rezoning request is in conformity with current policy and intent.
- f. The changing condition is today's economic climate. The margins for any profit from the sale of gasoline have all but disappeared. The only profits to be had are from inside sales! That is what necessitates this rezoning request to increase the size of the store.

Application No. Z-35

Sept.
2011

Summary of Intent for Rezoning

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

N/A

- 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): ADDITION TO EXISTING CONVENIENCE STORE/
GAS STATION
b) Proposed building architecture: BRICK
c) Proposed hours/days of operation: _____
d) List all requested variances: ① REAR SET BACK FROM 30' TO 20'.
② SIDE SET BACK FROM 15' TO 7' ③ FRONT SET BACK FROM
50' TO 47' (FRONT CORNER OF BLDG ONLY. ④ PARKING
FROM 16 TO 14 SPACE. ⑤ LOT IMPERVIOUS FROM 70% TO 80%

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

CURRENT BUILDING SIZE INSUFFICIENT TO MAINTAIN
PROFITABILITY.

.....
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).

NO

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2011

SUMMARY OF INTENT

3725 TRICKUM ROAD

This Zoning Request is to rezone an existing convenience store from NAC-“Neighborhood Activity Center”, to NRC-“Neighborhood Retail Center.” This rezoning is required in order to be able to construct a 1287 SF addition to the existing store.

The following variances are also requested:

- 1) Reduction to the rear setback from 30 feet to 20 feet.
- 2) Reduction of the side setback from 15 feet to 7 feet. The existing building is already in the 15 foot setback.
- 3) Reduction to the front setback from 50 feet to 47 feet. (This is to bring the existing building into conformance.)
- 4) Parking variance from 16 spaces to 14 spaces with the allowance of counting the 8 spaces at the pump.
- 5) Variance to increase lot coverage from 70% impervious to 80% impervious.