

APPLICANT: Petroleum Realty V, LLC

PETITION NO: SLUP-20

PHONE#: (305) 779-8914 **EMAIL:** sfitzgerald@terranovecorp.com

HEARING DATE (PC): 10-07-14

REPRESENTATIVE: Robert L. Jay

HEARING DATE (BOC): 10-21-14

PHONE#: (770) 241-5956 **EMAIL:** rjtrain312@yahoo.com

PRESENT ZONING: GC, R-20

TITLEHOLDER: Petroleum Realty V, LLC

PROPOSED ZONING: Special Land

PROPERTY LOCATION: Northeast intersection of Shallowford

Use Permit

Road and Gordy Parkway

PROPOSED USE: Freestanding Ice and

(3065 Shallowford Road)

Water Machine

ACCESS TO PROPERTY: Shallowford Road

SIZE OF TRACT: 1.50 acres

PHYSICAL CHARACTERISTICS TO SITE: One story brick

DISTRICT: 16

convenience store with fuel sales and accessory car wash

LAND LOT(S): 333, 334, 387

PARCEL(S): 8

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

CONTIGUOUS ZONING/DEVELOPMENT

NORTH: GC/One story medical office building

SOUTH: R-20/Cemetery

EAST: R-20/Zoning Buffer

WEST: GC/ One story multitenant retail building

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

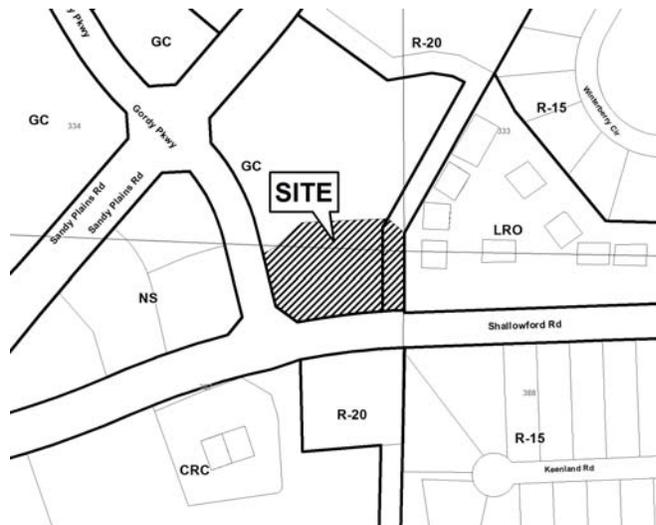
BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

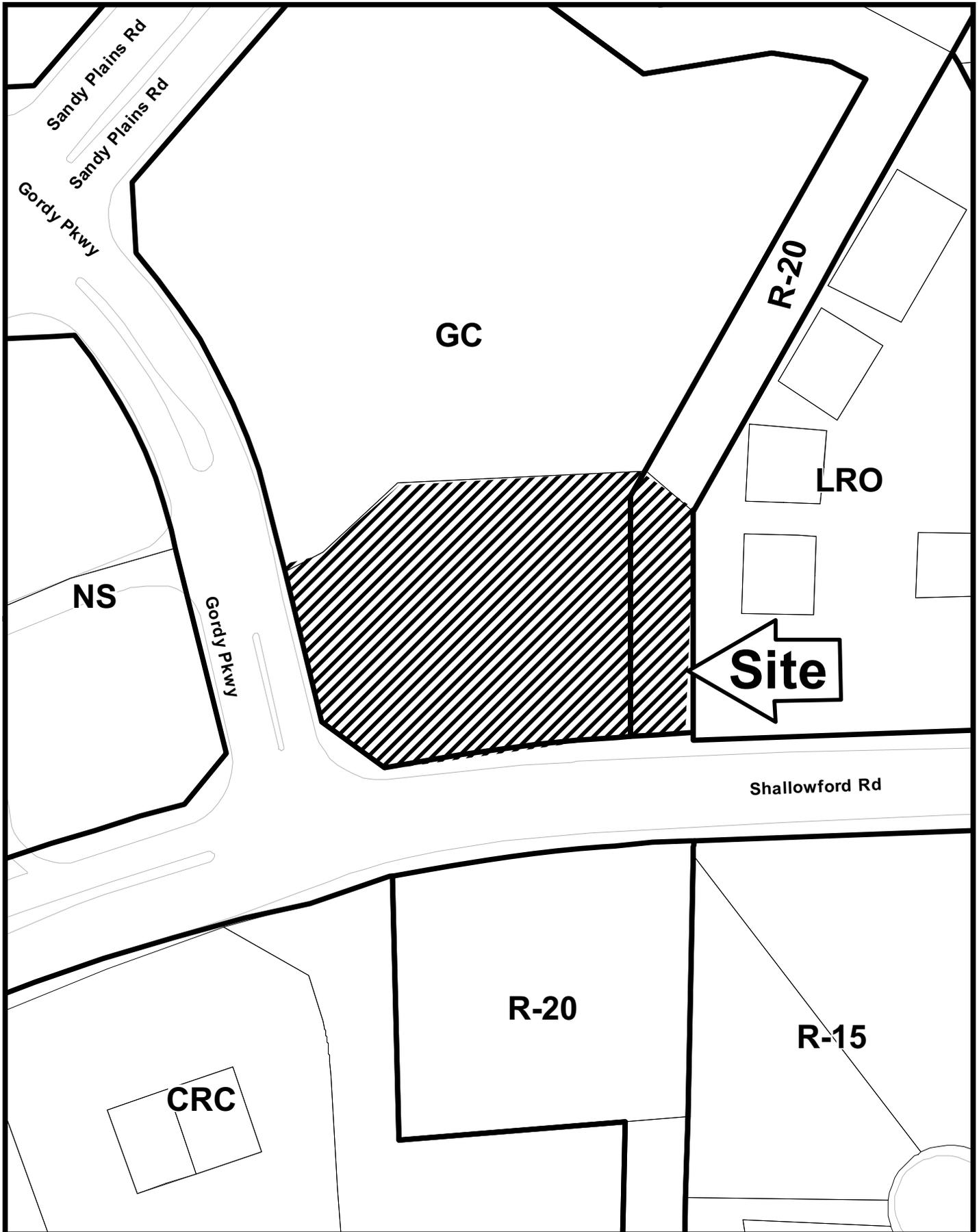
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

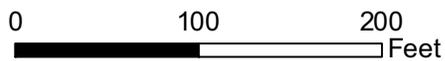
STIPULATIONS:



SLUP-20



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



-  City Boundary
-  Zoning Boundary

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PRESENT ZONING: GC

PETITION FOR: SLUP

ZONING COMMENTS: Staff Member Responsible: Terry Martin, MPA

The applicant is requesting a Special Land Use Permit (SLUP) to allow a freestanding ice vending machine upon the subject property. Located within an area zoned GC general commercial and delineated as CAC community activity center on the Future Land Use Map, this site was specifically approved for the current convenience store with fuel sales with retail tenant space and a car wash facility under Other Business Item #1 of May 19, 1998 which was a stipulation and site plan amendment to past case Z-95 of 1990 (Evelyn J. Gordy-Rankin). The proposed ice and water vending machine measures eight feet (8') by 13' and will be located immediately adjacent to the existing car wash.

Besides the 15 criteria to be considered by the Board of Commissioners for a SLUP, the GC district regulations call for freestanding ice vending machines to be similar or complimentary to the architectural styles of contiguous properties as well as requiring any roof-mounted utility, conditioned air unit or other mechanical device to be screened from view and include noise abatement features or devices to abate noises from adjacent residential properties. Given the strict architectural guidelines imposed on this and adjacent properties subject to past case Z-95 of 1990 and Z-223 of 1988, these considerations regarding the use's appearance should be given particular attention.

Historic Preservation: No comments.

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.

WATER & SEWER COMMENTS:

No comments.

TRAFFIC COMMENTS:

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

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.

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STORMWATER MANAGEMENT COMMENTS

No comment.

STAFF RECOMMENDATIONS

SLUP-20 Petroleum Realty V, LLC

There are fifteen criteria that must be considered for a Special Land Use Permit. The criteria are below in italics, with the Staff analysis following in bold.

- (1) *Whether or not there will be a significant adverse effect on the neighborhood or area in which the proposed use will be located.*
It is Staff's opinion that the applicant's proposal will not have an adverse affect on the usability of adjacent or nearby property. The proposed use is small in size and will be located in an island area against the curb immediately adjacent to the existing car wash.
- (2) *Whether or not the use is otherwise compatible with the neighborhood.*
It is Staff's opinion that the applicant's proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The area is predominately oriented to commercial uses and the specific site is an existing convenience store with fuel sales. There also exists a buffer between this site and adjacent properties.
- (3) *Whether or not the use proposed will result in a nuisance as defined under state law.*
The use, with proper considerations to abatement of noise and visual screening, should not be a nuisance.
- (4) *Whether or not quiet enjoyment of surrounding property will be adversely affected.*
The quiet enjoyment of surrounding property will not be adversely affected due to the low intensity and scale of the applicant's proposal.
- (5) *Whether or not property values of surrounding property will be adversely affected.*
Property values will not be adversely affected by the applicant's use. The use should be complimentary to the other uses currently upon the site.
- (6) *Whether or not adequate provisions are made for parking and traffic considerations.*
There are adequate provisions for parking and traffic considerations. The proposed location of the vending machine should be adequately out of the way of vehicular traffic circulating within the site.
- (7) *Whether or not the site or intensity of the use is appropriate.*
The applicant' site is appropriate for this use. With the appropriate considerations to visual and noise concerns as recommended by the Code, the use should be appropriate for the site.
- (8) *Whether or not special or unique conditions overcome the board of commissioners' general presumption that residential neighborhoods should not allow noncompatible business uses.*
The area is already zoned and occupied for commercial uses within the general commercial and neighborhood shopping districts.
- (9) *Whether or not adequate provisions are made regarding hours of operation.*
N/A

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STAFF RECOMMENDATIONS

- (10) *Whether or not adequate controls and limits are placed on commercial and business deliveries.*
The use does not involve deliveries.
- (11) *Whether or not adequate landscape plans are incorporated to ensure appropriate transition.*
No landscaping is proposed and based on the use's location should not be necessary.
- (12) *Whether or not the public health, safety, welfare or moral concerns of the surrounding neighborhood will be adversely affected.*
The use does not adversely affect the public health, safety, welfare, or moral concerns of the surrounding neighborhood.
- (13) *Whether the application complies with any applicable specific requirements set forth in this chapter for special land use permits for particular types of uses.*
With proper consideration of architectural compatibility as well as visual screening and noise abatement of mechanical units, the use can adhere to Code-required factors as well as required aspects of the site's past zoning case.
- (14) *Whether the applicant has provided sufficient information to allow a full consideration of all relevant factors.*
The applicant has not provided the necessary documents such as elevations and renderings to determine architectural compatibility with adjacent uses and visual screening of mechanical units or noise abatement
- (15) *In all applications for a special land use permit the burden shall be on the applicant both to produce sufficient information to allow the county fully to consider all relevant factors and to demonstrate that the proposal complies with all applicable requirements and is otherwise consistent with the policies reflected in the factors enumerated in this chapter for consideration by the county.*
The applicant has not provided sufficient information to allow full consideration. However, given the site's past history relative to the two cases Z-223 of 1988 and Z-95 of 1990 and the numerous considerations relative to architecture for uses and buildings proposed on this and adjoining sites, follow up review including approval of the existing Architectural Control Committee are suggested. This as well as Code-required architectural and visual screening and noise abatement considerations call for follow-up review during the Plan Review stage if the current request is approved.

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

- Applicant to have architecture of structure approved by Architectural Control Committee as outlined in Section IX, Page 10 of the Stipulations and Conditions of Zoning dated December 20, 1988 from case Z-223 of 1988 (Evelyn J, Gordy-Rankin);
- All roof-mounted utility, conditioned air unit or other mechanical device to be screened from the view of the public right-of-way with a complimentary architectural feature;
- Inclusion of a noise abatement feature or device that abates noises or sounds from adjacent residential properties;
- Fire Department comments and recommendations;
- Water and Sewer Division comments and recommendations;
- Stormwater Management Division comments and recommendations; and
- 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.