

APPLICANT: QuikTrip Corporation
PHONE#: (918) 615-7804 EMAIL: JGlavas@quiktrip.com
REPRESENTATIVE: Richard W. Calhoun
PHONE#: (770) 422-1776 EMAIL: RCalhoun@gregorydoylefirm.com
TITLEHOLDER: Due to individual parcels, a complete list of
titleholders is available in the Zoning Office
PROPERTY LOCATION: Southeast corner of Woodstock Road and
Mabry Road
(4635 Woodstock Road and 4550 Mabry Road).
ACCESS TO PROPERTY: Woodstock Road and Mabry Road
PHYSICAL CHARACTERISTICS TO SITE: Existing QT and
brick house

PETITION NO:	Z-13			
HEARING DATE (PC):	02-02-16			
HEARING DATE (BOC): _	02-16-16			
PRESENT ZONING	NRC, LRO			
PROPOSED ZONING:	NRC			
PROPOSED USE: Convenience Store with Fuel Sales				
SIZE OF TRACT:				
DISTRICT:				
LAND LOT(S):	109			
PARCEL(S):	7, 10			
TAXES: PAID X DUP	E			
COMMISSION DISTRICT: 3				

CONTIGUOUS ZONING/DEVELOPMENT

NRC/Retail center
LRO/Brick house
R-20/Single-family house
NRC/Wal-Mart Market Center

Adjacent Future Land Use:

North: Neighborhood Activity Center (NAC) East: Low Density Residential (LDR) South: Neighborhood Activity Center (NAC) West: Neighborhood Activity Center (NAC) and Low Density Residential (LDR)

OPPOSITION: NO. OPPOSED____PETITION NO:____SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION

APPROVED_____MOTION BY_____REJECTED____SECONDED_____HELD____CARRIED_____

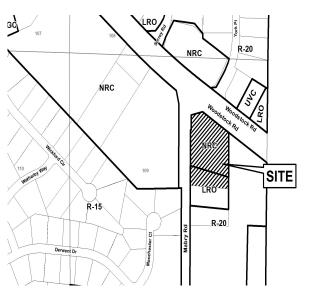
BOARD OF COMMISSIONERS DECISION

 APPROVED_____MOTION BY_____

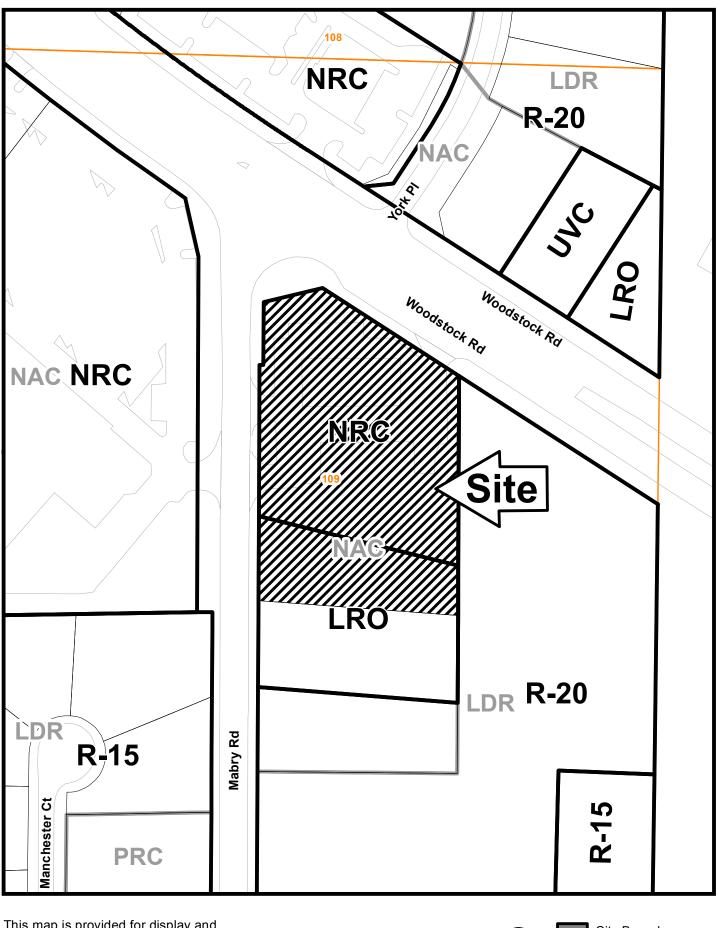
 REJECTED____SECONDED_____

 HELD____CARRIED_____

STIPULATIONS:



Z-13



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

0 100 200

()

City Boundary Zoning Boundary

APPLICANT: QuikTrip Corporation	PETITION NO.: <u>Z-13</u>
PRESENT ZONING: NRC, LRO	PETITION FOR: NRC
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
ZONING COMMENTS: Staff Member Respon	sible: Jason A. Campbell
Land Use Plan Recommendation: Neighborho	ood Activity Center (NAC)
Proposed Number of Buildings: 1 Total Squa	re Footage of Development: 5,858
F.A.R.: 0.060 Square Footage/Acre: 2,653	

 Parking Spaces Required:
 10
 Parking Spaces Provided:
 80

Applicant is requesting the Neighborhood Retail Commercial (NRC) zoning district for the purpose of replacing and expanding the existing QuikTrip store, with greater emphasis on food and beverage items. The hours of operation will 24 hours per day, seven days per week. Applicant has submitted the attached renderings for the proposed store.

The proposed plan will require the following contemporaneous variances:

- 1. Waive the 3,000 square-foot maximum allowed for a convenience store with fuel sales to the proposed 5,858 square-foot proposal as shown on the site plan;
- 2. Increase the allowable signage outside building setback line from 120 square feet to 161 square feet; and
- 3. Increase the maximum allowable impervious surface amount from 70% to 72%.

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: QuikTrip Corporation	PETITION NO.: Z-13
PRESENT ZONING: NRC, LRO	PETITION FOR: NRC
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
PLANNING COMMENTS:	

The applicant is requesting a rezoning from NRC and LRO to NRC for the purpose a convenience store with fuel sales. The 2.2 acre site is located on the southeast corner of Woodstock Road and Mabry Road.

<u>HB-489 Intergovernmental Agreement Zoning Amendment Notification:</u>						
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 Neighborhood Activity Center (NAC) future land use category, with NRC and LRO 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:

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)East:Low Density Residential (LDR)South:Neighborhood Activity Center (NAC)West:Neighborhood Activity Center (NAC) and Low Density Residential (LDR)

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.

<u>Design Guidelines</u>

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?

Planning comments continued on next page

APPLICANT: QuikTrip Corporation

PRESENT ZONING: NRC, LRO

PETITION NO.: Z-13

PETITION FOR: NRC

PLANNING COMMENTS: (Continued)

Incentive Zones

Is the property within an Opportunity Zone? \Box 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? \Box Yes No Enterprise Zone is an incentive that provides tax abatements and other economic The 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? \Box 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)? \Box Yes ■ No Is this property within the Cumberland Special District #2 (ad valorem tax)? \Box Yes No Is this property within the Six Flags Special Service District? \Box Yes No Is the property within the Dobbins Airfield Safety Zone? \Box Yes ■ No If so, which particular safety zone is this property within? □ APZ I (Accident Potential Zone I)

 \Box CZ (Clear Zone)

□ APZ II (Accident Potential Zone II)

APPLICANT QuikTrip Corporation				PET	FITION N	NO. <u>Z-01</u>	3
PRESENT ZONING NRC, LRO				PET	FITION F	FOR NRC	2
* * * * * * * * * * * * * * * * * * * *	* * * *	* * * * * * *	* * * * :	* * *	* * * * * *	* * * * * * *	
WATER COMMENTS: NOTE: Comments	reflect on	ly what facilitie	es were i	in exi	stence at th	e time of this	review.
Available at Development:		Yes			No		
Fire Flow Test Required:		Yes			No		
Size / Location of Existing Water Main(s): 1	2" DI / E	E side of Mabi	ry Rd				
Additional Comments: Existing water custor	ner						
Developer may be required to install/upgrade water mains, base Review Process.	d on fire flo	w test results or Fir	re Departm	ent Co	de. This will	be resolved in th	e Plan
* * * * * * * * * * * * * * * * * * * *	* * * * *	* * * * * * *	* * * *	* * *	* * * * *	* * * * * *	* * * *
SEWER COMMENTS: NOTE: Comme	nts reflect	only what facil	lities wer	e in e	existence at	the time of th	is review.
In Drainage Basin:	\checkmark	Yes			No		
At Development:		Yes			No		
Approximate Distance to Nearest Sewer:	On Site						
Estimated Waste Generation (in G.P.D.):	A D F=	+75		Р	eak= +1	86	
Treatment Plant:		Big	Creek				
Plant Capacity:	\checkmark	Available		Not	Available		
Line Capacity:	\checkmark	Available		Not	Available		
Proiected Plant Availability:	\checkmark	0 - 5 vears		5 - 1	0 vears	over 10) vears
Drv Sewers Reauired:		Yes	\checkmark	No			
Off-site Easements Required:		Yes*	\checkmark	No		easements are rec	uired, Developer
Flow Test Required:		Yes	\checkmark	No	prior to the execution of easement a		nd stipulations
Letter of Allocation issued:		Yes	\checkmark	No			ent acquisitions
Septic Tank Recommended by this Departm	ent:	Yes	\checkmark	No			
Subject to Health Department Approval:		Yes	\checkmark	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: <u>QuikTrip Corporation</u>

PETITION NO.: <u>Z-13</u>

PRESENT ZONING: <u>NRC, LRO</u>

PETITION FOR: NRC

STORMWATER MANAGEMENT COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
 DRAINAGE BASIN: <u>Rottenwood Creek</u> FLOOD HAZARD INFO: Zone X FEMA Designated 100 year Floodplain Flood. Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD. Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements. Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.
WETLANDS: YES NO POSSIBLY, NOT VERIFIED
Location:
The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.
STREAMBANK BUFFER ZONE: YES NO POSSIBLY, NOT VERIFIED
 Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway). Chattahoochee River Corridor Tributary Area - County review (<u>undisturbed</u> buffer each side). Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review. Georgia DNR Variance may be required to work in 25 foot streambank buffers. County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.
DOWNSTREAM CONDITIONS
 Potential or Known drainage problems exist for developments downstream from this site. Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system. Minimizer system.
 Minimize runoff into public roads. Minimize the effect of concentrated stormwater discharges onto adjacent properties. Developer must secure any R.O.W required to receive concentrated discharges where none exist paturally.
naturally Existing Lake Downstream Additional BMP's for erosion sediment controls will be required.
Lake Study needed to document sediment levels. Stormwater discharges through an established residential neighborhood downstream.
Project engineer must evaluate the impact of increased volume of runoff generated by proposed site

improvements on downstream receiving system.

APPLICANT: <u>QuikTrip Corporation</u>

PETITION NO.: <u>Z-13</u>

PRESENT ZONING: NRC, LRO

PETITION FOR: <u>NRC</u>

STORMWATER MANAGEMENT COMMENTS – Continued

SPECIAL SITE CONDITIONS

- Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- Submit all proposed site improvements to Plan Review.
- Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- Existing facility.
- Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- Calculate and provide % impervious of project site.
- Revisit design; reduce pavement area to reduce runoff and pollution.

INSUFFICIENT INFORMATION

No Stormwater controls shown

Copy of survey is not current – Additional comments may be forthcoming when current site conditions are exposed.

No site improvements showing on exhibit.

ADDITIONAL COMMENTS

•

- 1. The proposed site is located at the southeast intersection of Woodstock and Mabry Roads. The proposed detention system must tie into the existing infrastructure and its design subject to the existing system capacity.
- 2. 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 pre-treat runoff from the fueling bay area prior to discharge into the detention system.
- 3. Address all Plan Review comments.

PRESENT ZONING: NRC, LRO

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	25 mph	Georgia DOT	100'
Mabry Road	8000	Major Collector	35 mph	Cobb County	80'

Based on 2006 traffic counting data taken by Cobb County DOT for Woodstock Road. Based on 2009 traffic counting data taken by Cobb County DOT for Mabry Road.

COMMENTS AND OBSERVATIONS

Woodstock Road is classified as a state route, an arterial and according to the available information the existing right-of-way may meet the minimum requirements for this classification.

Mabry Road is classified as a major collector and according to the available information the existing right-of-way may 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.

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

Recommend replacing disturbed curb, gutter, and sidewalk along the Mabry Road frontage.

Recommend a raised concrete island for the northern driveway on Mabry Road to delineate the right-in/right-out access.

STAFF RECOMMENDATIONS

Z-13 QUIKTRIP CORPORATION

- 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 single-family residential.
- 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 number of years by the applicant and the proposal is to upgrade to the company's new Generation III store with a greater emphasis on food and beverage items.
- 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 convenience store with fuel sales 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. QuikTrip has been on this property for many years and is upgrading this store to one of its new designs. The store will now have a greater emphasis on the food and beverage components of its business.

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

- 1. Site plan received by the Zoning Division on December 16, 2015, with the District Commissioner approving minor modifications;
- 2. Variances mentioned in the Zoning comments section;
- 3. Water and Sewer Division comments and recommendations;
- 4. Stormwater Management Division comments and recommendations; and
- 5. 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 No. <u>Z-13</u> Feb. 2016

Summary of Intent for Rezoning

Part 1. Residential Rezoning Information (attach additional information if needed) a) Proposed unit square-footage(s): Proposed building architecture: b) 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): Renovation / Expansion of existing convenience store with self service fuel sales. Proposed building architecture: See Attached sample elevations b) Proposed hours/days of operation: 24 hours 7 days a week c) List all requested variances: 1. Variance from maximum 3000 sq foot floor area for building d) 2. Increase allowable signage outside building setback line from 120 sq. feet to 161 sq. feet. UEL - 3 2015 3. Increase maximum allowable impervious surface amount from 70% to 78% 4. Replace existing and prior zoning conditions w/ proposed stipulated zoning conditions AGENCY ZONING DIVISION Part 3. Other Pertinent Information (List or attach additional information if needed) Intent is to replace existing store with newer more modern QuikTrip Generation III store with

greater emphasis on food and beverage items.

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





QUIKTRIP ZONING IMPACT ANALYSIS	
QuikTrip Corporation proposed rezoning from NRC & LK to NRC (with conditions	
S.E. Quadrant Mabry Road and Woodstock Road 2015	
Page 1 of 2 COBB CO. COMM. DEV. AGENCY ZONING DIVISION	

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

The proposed rezoning is suitable in view of the use and development of nearby property. The subject property is an existing older QuikTrip store constructed in 1994. QuikTrip proposes to replace this store with a newer and more modern QuikTrip Generation III store which will utilize vacant LRO zoned parcel to the east, and will not otherwise change the existing use of the subject property.

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

The proposed rezoning will not affect the existing use or usability of adjacent or nearby properties as it is simply a renovation and expansion of the existing use of the subject property and conversion of a one vacant LRO parcel to NRC use. The other LRO parcel to the east will remain zoned LRO.

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

The property affected by this rezoning proposal has no reasonable economic use as currently zoned. In order to operate a competitive convenience store at this location additional area beyond that occupied by the existing convenience store is required. The applicant and owners respectfully submit that any action other than the unconditional grant of the requested zoning and variances would amount to an uncompensated taking and damaging of their private property rights without due process of law, as well as a denial of equal protection of the laws pursuant to Article 1, Section 1, Paragraphs 1 and 2, and Article 1, Section 3, Paragraph 1 of the Georgia Constitution, as well as corresponding provisions of the United States Constitution.

QUIKTRIP ZONING IMPACT ANALYSIS:

Page 2 of 2

(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 use will not result in an excessive or burdensome use of existing transportation infrastructure, utilities or schools. Existing infrastructure adequately supports similar and compatible uses in this area.

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

The proposed rezoning conforms entirely to the County's land use plan, as both existing NRC parcel and the LRO parcel which comprise the subject property are located within a Neighborhood Activity Center on the County's future land use map.

(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.

There are existing and changing conditions supporting the proposed rezoning. The existing store located at the subject property is over twenty (20) years old and is in need of renovation and modernization.

DEC - 3 2015 COBB CO. COMM. DEV. AGEN ZONING DIVISION

