

**NOVEMBER 15, 2016 ZONING HEARING  
“OTHER BUSINESS”  
COMMISSION DISTRICT 2**

**ITEM OB-060**

To consider a stipulation amendment and site plan amendment for Feroz Ali regarding rezoning application Z-159 of 2003 (HRS, INC.), for property located on the east side of Powers Ferry Road, south of Terrell Mill Road, in Land Lots 923 and 938 of the 17<sup>th</sup> District (1445 Powers Ferry Road).  
*(Continued by Staff from the October 18, 2016 Board of Commissioners hearing)*

**BACKGROUND**

The subject property was zoned to CRC in 2003 for a convenience store with fuel sales, and a carwash. That proposed plan never came to fruition and the old gas station is still on the property. The applicant would like to demolish the old buildings and develop a new 4,500 square foot building. 3,000 square feet of the proposed building would be used for the convenience store and 1,500 square feet of the building would be used for retail. The applicant is showing the buffer area that was approved in the 2003 zoning action. If approved, all other zoning stipulations would remain in effect.

**STAFF COMMENTS**

**Stormwater Management:** Subject to approval of stormwater management plan at Plan Review.

**RECOMMENDATION**

The Board of Commissioners consider the request for the site plan and stipulation amendments.

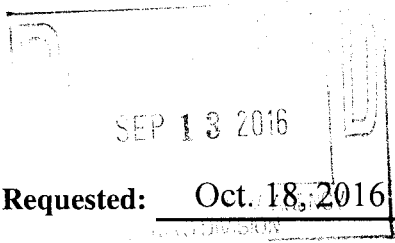
**ATTACHMENTS**

Other Business application and stipulations.

# Application for "Other Business" Cobb County, Georgia

(Cobb County Zoning Division - 770-528-2035)

BOC Hearing Date Requested: Oct. 18, 2016



**Applicant:** Feroz Ali **Phone #:** \_\_\_\_\_  
(applicant's name printed)

**Address:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

**SAMS, LARKIN, HUFF & BALLI, LLP** **Address:** 376 Powder Springs Street, Suite 100, Marietta, GA 30064  
(representative's name printed)

[Signature] **Phone #:** 770-422-7016 **E-Mail:** phuff@slhb-law.com or arozen@slhb-law.com  
(representative's signature)

Signed, sealed and delivered in presence of:  
[Signature] My commission expires: \_\_\_\_\_  
Notary Public

**Titleholder(s) :** SM Lalani Properties, LLC **Phone #:** \_\_\_\_\_  
(property owner's name printed)

**Address:** \_\_\_\_\_ **E-Mail:** \_\_\_\_\_

See attached for signatures.  
(Property owner's signature)

Signed, sealed and delivered in presence of:  
\_\_\_\_\_  
My commission expires: \_\_\_\_\_  
Notary Public

**Commission District:** 2 **Zoning Case:** Z-159 of 2003

**Size of property in acres:** 0.689 **Original Date of Hearing:** Nov. 18, 2003

**Location:** On the east side of Powers Ferry Road, south of Terrell Mill Road (1445 Powers Ferry Road)  
(street address, if applicable; nearest intersection, etc.)

**Land Lot(s):** 923, 938 **District(s):** 17th

**State specifically the need or reason(s) for Other Business:** To approve revised site plan  
for the redevelopment of a convenience store with fuel sales.

\*Applicant specifically reserves the right to amend any information set forth in this Other Business Application at any time during the Other Business process.

(List or attach additional information if needed)

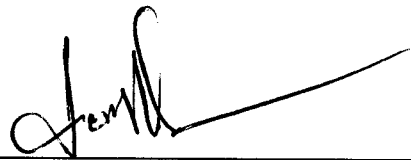
ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: OB-60  
BOC Hearing Date: Oct. 18, 2016

Applicant: Feroz Ali  
Titleholder: SM LALANI PROPERTIES, LLC  
PIN#: 17093802130

PROPERTY OWNER'S CERTIFICATION

The undersigned(s) below, or as attached, is the owner of the property considered in this application.

  
\_\_\_\_\_  
Signature of Owner Date

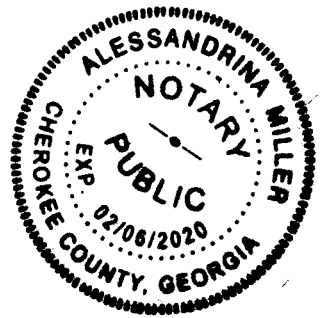
Printed Name: Feroz Ali

Address: 1396 mandalay ct  
Sw. Lilburn GA 30047

Telephone No.: (770) 378-2944

  
\_\_\_\_\_  
Signature of Notary Public Date

(Notary Seal)





ORIGINAL DATE OF APPLICATION: 11-18-03APPLICANTS NAME: HRS, INC.

THE FOLLOWING REPRESENTS THE FINAL DECISIONS OF THE  
COBB COUNTY BOARD OF COMMISSIONERS

**BOC DECISION OF 12-16-03 ZONING HEARING:**

**HRS, INC.** (Motiva Enterprises, LLC, owner) for Rezoning from **GC** and **OI** to **CRC** for the purpose of a Convenience Store with Fuel Sales and Retail in Land Lots 923 and 938 of the 17<sup>th</sup> District. Located on the east side of Powers Ferry Road, south of Terrell Mill Road.

MOTION: Motion by W. Thompson, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **CRC** zoning district **subject to:**

- **site plan dated November 26, 2003 (copy attached and made a part of these minutes)**
- **letter of agreeable stipulations from Mr. William M. Lotz dated December 1, 2003 (copy attached and made a part of these minutes)**
- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations, *except that the two existing curb cuts are allowed to remain***

VOTE: **ADOPTED** unanimously

SEP 10 2003

**BARBERE CALCULATIONS**  
 CONCRETE W/ FIBER SALES  
 3 SPACES (MINIMUM) AND 1 SPACE PER  
 EMPLOYEE (MAXIMUM)

MANHOLES SPACES: 10  
 TOTAL SPACES (MINIMUM OF 1): 10  
 CONCRETE W/ FIBER SALES: 5  
 EMPLOYEES (MINIMUM SHIRT): 5  
 SPACES REQUIRED: 10

MINIMUM SPACES REQUIRED (SITE TOTAL): 10  
 SPACES PROVIDED: 10  
 THROUGH SPACES: 10  
 MANHOLES SPACES: 10  
 TOTAL SPACES PROVIDED: 11

**SITE IDENTIFICATION CALCULATIONS**  
 PROPOSED SITE: 10,300  
 SITE AREA: 10,300  
 PERMISSIBLE AREA: 10,300

PROPOSED SITE: 10,300  
 SITE AREA: 10,300  
 PERMISSIBLE AREA: 10,300

10,300 / 37,283 = 43%

**HIS SITE CALCULATIONS**

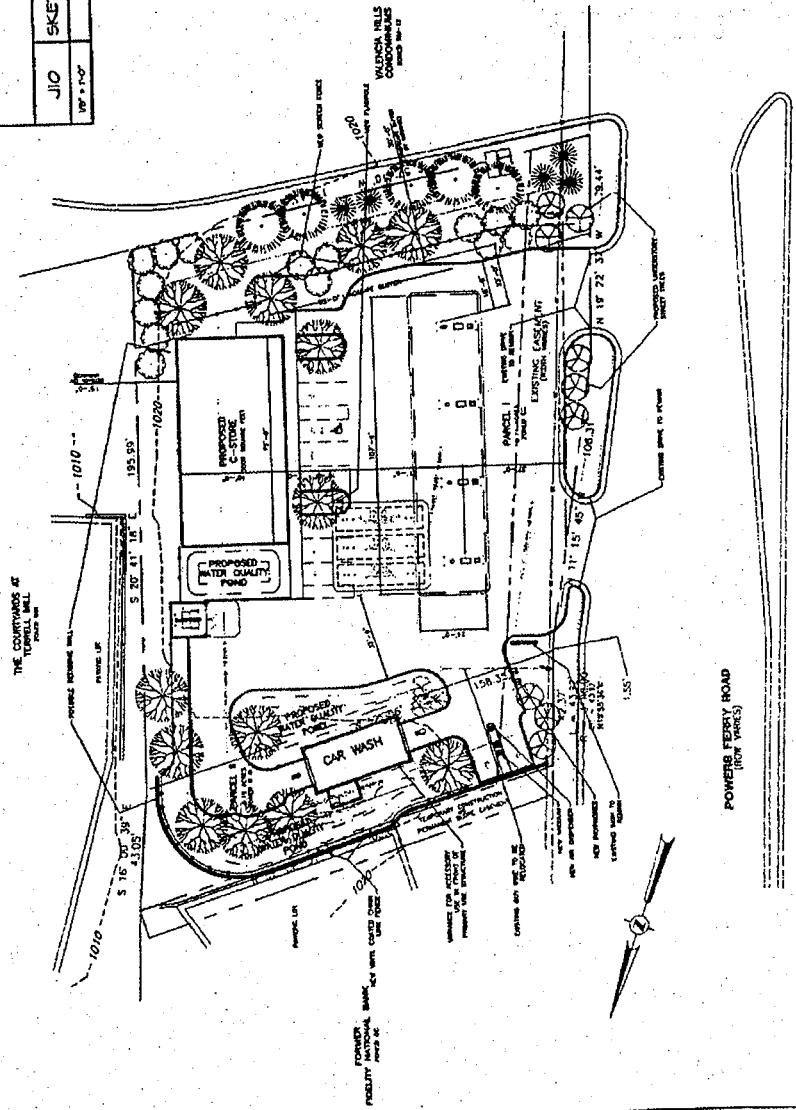
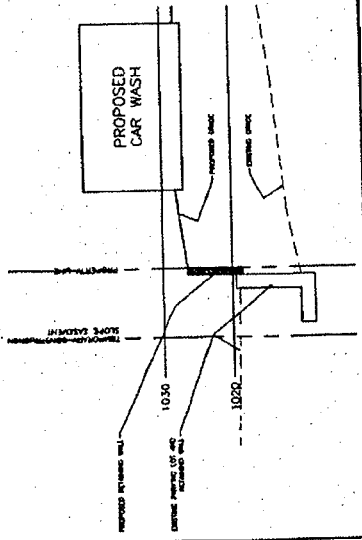
**PLEASE NOTE**  
 THIS SCHEMATIC PREPARED AS A PRELIMINARY SITE PLAN. IT IS  
 INTENDED TO PRESENT THE PROPOSED PROJECT TO THE  
 COMMUNITY AND TO THE BOARD OF ZONING ADJUSTMENTS. IT IS  
 NOT A CONTRACT. THE FINAL DESIGN AND CONSTRUCTION SHALL  
 BE DETERMINED BY THE ARCHITECT AND ENGINEER. THE  
 CLIENT SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY  
 PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.  
 ALL DIMENSIONS AND LOCATIONS SHALL BE AS SHOWN UNLESS  
 OTHERWISE NOTED. THE ARCHITECT AND ENGINEER SHALL  
 BE RESPONSIBLE FOR THE ACCURACY OF THE INFORMATION  
 PROVIDED HEREON. THE ARCHITECT AND ENGINEER SHALL  
 NOT BE RESPONSIBLE FOR ANY ERRORS OR OMISSIONS  
 WHICH MAY OCCUR IN THE PREPARATION OF THIS  
 SCHEMATIC. THE ARCHITECT AND ENGINEER SHALL  
 NOT BE RESPONSIBLE FOR ANY CHANGES TO THE  
 PROJECT WHICH MAY BE REQUIRED BY THE  
 BOARD OF ZONING ADJUSTMENTS OR THE  
 CITY OF WASHINGTON.

**W.P. GROUP**  
 ARCHITECTS & ENGINEERS  
 1400 KENTWOOD DRIVE  
 ARLINGTON, VA 22207  
 LAND LOTS 428 & 429, DISTRICT 11

**ZONING SITE PLAN**  
 D3085  
 PRC13

Min. Bk. 26 Petition No. Z-159  
 Doc. Type Site Plan  
 Meeting Date December 16, 2003

**SKETCH OF RETAINING WALL**



**PRELIMINARY SITE PLAN**

AI  
 F-3000



Min. Bk. 26 Petition No. Z-159  
Doc. Type Letter of Agreeable  
Stipulations  
Meeting Date 12/16/03

December 1, 2003

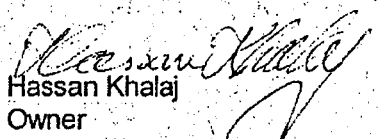
Cobb County Planning Commission  
191 Lawrence Street  
Suite 300  
Marietta, GA 30060-1661

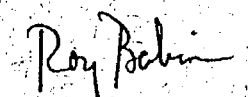
Dear Commissioners,

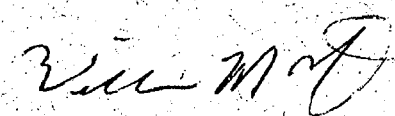
On behalf of HRS, Incorporated, Shell Oil Products U.S., and the Valencia Hills Condominium Association, MRP Design Group, Incorporated requests to be placed on the Consent Agenda for the December Planning Commission Hearing for the pending rezoning application, case number Z-159, for 1445 Powers Ferry Road (Land Lots 923 and 938, 17<sup>th</sup> District, Second Section).

Our client has agreed that the construction and operations of the facility will be in conformance with the attached zoning stipulations, dated December 1, 2003. Furthermore, we will comply with all applicable development regulations as well as the planning, water, sewer and stormwater management comments and recommendations identified in the December staff analysis. We also intend to comply with all transportation comments and requirements except for closure of the south driveway. Due to tanker truck access requirements for delivery of fuel, we respectfully request exception from this requirement.

Sincerely,

  
Hassan Khalaj  
Owner  
HRS, Inc.

  
Roy Babin  
President  
Valencia Hills Condominium  
Association



William M. Lotz  
Project Manager  
MRP Design Group, Inc.

FILED WITH COUNTY CLERK THIS 2<sup>nd</sup> DAY  
OF Dec 20 03 BY William Lotz  
RE Z-159  
Phil K. Boyd  
COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK  
COBB COUNTY, GEORGIA

1275  
Kennestone Circle  
Suite 100  
Marietta, Georgia  
30066

cc: Cobb County Clerk  
Cobb County Board of Commissioners

Telephone  
(770) 514-8803  
Facsimile  
(770) 514-0142  
Internet Website  
mrpdesign.com

## Zoning Stipulations

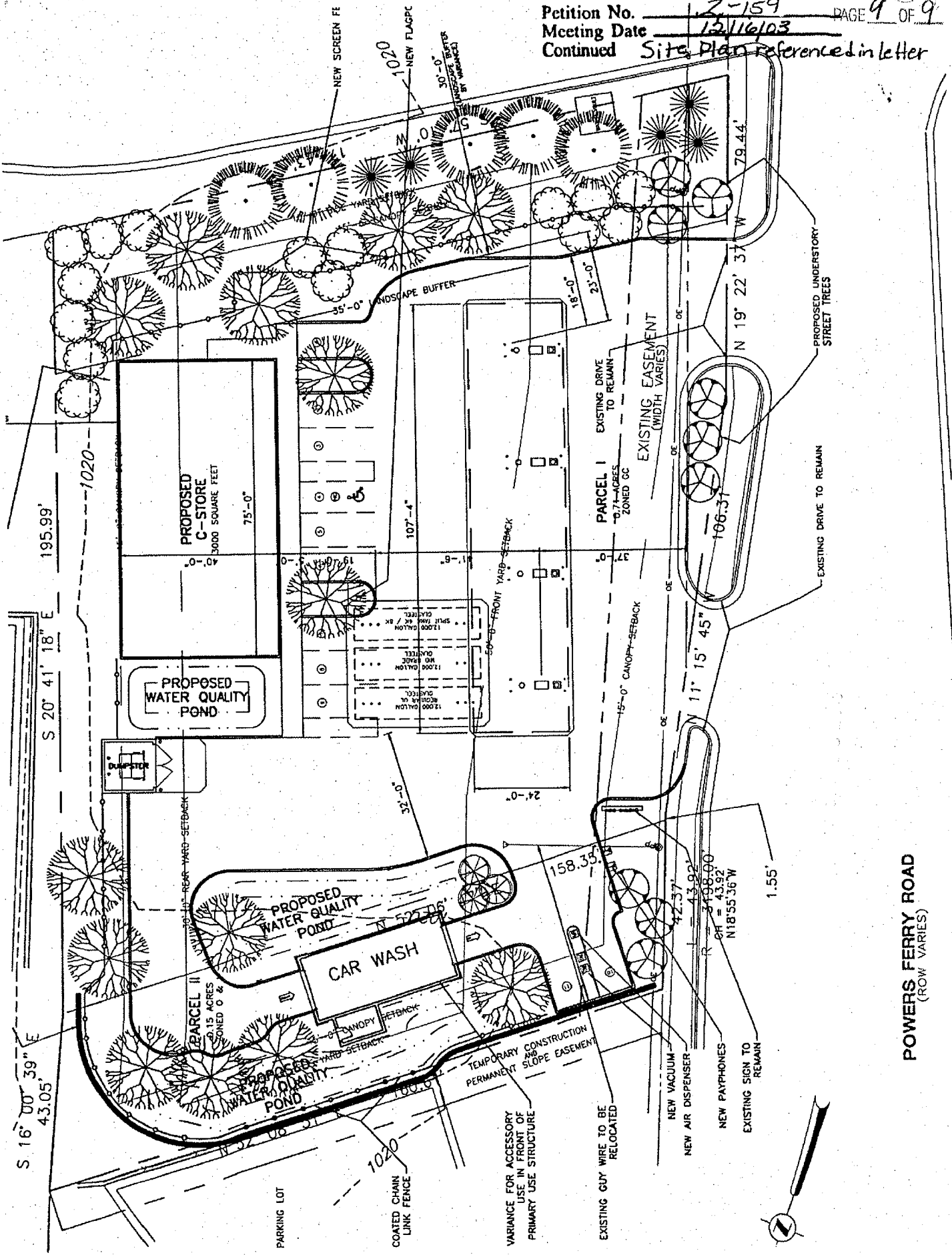
December 1, 2003

Rezoning Application, Case Number Z-159  
1445 Powers Ferry Road  
Land Lots 923 and 938, 17<sup>th</sup> District

1. The proposed improvements will be generally in conformance with the Zoning Site Plan, sheet PRC13, dated November 26, 2003 and attached as Exhibit A.
2. The proposed improvements will comply with all applicable federal, state and county development regulations as well as the planning, water, sewer and stormwater management comments and recommendations identified in the December staff analysis.
3. The proposed improvements will comply with all transportation comments and requirements identified in the December staff analysis, except for closure of the south driveway.
4. The convenience store and car wash buildings will be constructed primarily of brick, stucco and glass, with earth tone colors.
5. Review and approval of the landscaping within the required landscape buffer will be by an architectural review committee made up by one representative each from the Valencia Hills Condominium Association, the developer and Cobb County Community Development Department. Agreement of the landscape materials and plan will be based on use of locally available materials as presently in use in other areas of the county.
6. Neon advertising signs attached to the windows shall not be allowed. Window advertising decals and posters shall not be allowed. Except for the grand opening banners and the signs as may be mandated by Shell Oil Products U.S. or future fuels suppliers from time to time, portable and temporary signs shall not be allowed.
7. The maximum canopy fascia height allowed is 36"; the backlit accent band will be allowed only on the north and west sides of the canopy.
8. Advertising signs will not be allowed on the car wash building exterior. Signage shall be limited to signs that are required for proper operation and safety of the car wash equipment.
9. The retail operations shall be limited to convenience store type retail sales as presently found in other areas of the county, including fuel sales, convenience food and beverage sales and car wash services. Third party tenants and fast food operations shall not be allowed.
10. The dumpster and all refuse storage containers shall be enclosed with an 8'-0" high masonry wall and equipped with lockable metal access gates. Servicing shall be requested during hours of store operation.



11. Delivery of fuel shall be requested during hours of store operation.
12. Site lighting will not exceed one-foot candle measured at the property line as required by Cobb County. Light fixtures at the south edge of the canopy shall be equipped with cut off shields to limit glare and light pollution.
13. Store operating hours will be 6:00 am to 11:00 pm; seven days a week. Operation of exterior store, canopy and site lights after normal operating hours will be limited to that essential for premises safety and security.
14. Canopy downspouts shall be piped to the proposed onsite storm sewer system.
15. The required buffer screening fence will be replaced with a 8'-0" tall opaque fence constructed of durable, low maintenance materials such a masonry or vinyl, with colors complementary to the store building materials. Additional fencing, to control litter and wind blown debris, shall be erected along the east and northern property lines.
16. The Valencia Hills Condominium Association shall maintain the option to maintain the landscaping between ~~Baleric Drive~~ *BALEARIC WAY* and the landscape buffer screening fence as described in item 15. *PB*
17. A permanent sign and access easement shall be granted to the Valencia Hills Condominium Association for the purpose of erecting and maintaining a neighborhood entrance sign. Easement shall be located in the western portion of the 35'-0" landscape buffer, where ~~Baleric Drive~~ *BALEARIC WAY* intersects Powers Ferry Road. *PB*



**POWERS FERRY ROAD**  
 (ROW VARIES)



APPLICANT HRS, Inc  
PRESENT ZONING GC, OI

PETITION NO. Z-159  
PETITION FOR CRC

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NOTE: Comments reflect only what facilities were in existence at the time of this review.

**WATER COMMENTS:**

Available at Development?  Yes  No  
Fire Flow Test Required?  Yes  No

Size / Location of Existing Water Main(s): 8" DI / E side Powers Ferry Rd

Additional Comments:

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.

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**SEWER COMMENTS:**

In Drainage Basin?  Yes  No  
At Development?  Yes  No

Approximate Distance to Nearest Sewer: At S property line

Estimated Waste Generation (in G.P.D.): **A D F** 540 **Peak** 1350

Treatment Plant: Sutton

Plant Capacity Available?  Yes  No  
Line Capacity Available?  Yes  No  
Projected Plant Availability:  0 - 5 year  5 - 10 years  over 10 years  
Dry Sewers Required?  Yes  No  
Off-site Easements Required?  Yes\*  No  
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

\* 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 easement(s) by the property owner(s). All easement acquisitions are the responsibility of the Developer.

Additional Comments:

Any food service will require a grease trap and a car wash a sand/oil/grease trap

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 off site easements, dedication of on and/or off site 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: HRS, Inc.

PETITION NO.: Z-159

PRESENT ZONING: GC/OI

PETITION FOR: CRC

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**DRAINAGE COMMENTS**

*R 10/20*

FLOOD HAZARD:  YES  NO  POSSIBLY, NOT VERIFIED

Un-named tributary to

DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: None

- 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 (\_\_\_\_\_ undisturbed 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 CONDITION

- 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.
- 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 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 the proposed project on downstream storm drainage system.

APPLICANT: HRS, Inc.

PETITION NO.: Z-159

PRESENT ZONING: GC/QI

PETITION FOR: CRC

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DRAINAGE COMMENTS CONTINUED

Revised 10-15-03  
R 10/20

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/SUGGESTIONS

1. The site is currently a gas station plateau perched above lands to north, east, and south with vegetated downslopes to those properties. No defined watercourse exists to receive concentrated flow from this project, therefore, applicant must secure such conveyance.
2. The proposed layout is very intensive with high pavement area for service rendered.
3. Concern is expressed regarding proposed retaining wall in rear being erected over and loading an existing retaining wall of unknown competency in the Courtyards at Terrell Mill. At Plan Review engineer must certify to lower wall as well as upper or tear out and reconstruct entire system from bottom up.
4. Concern is expressed regarding gap between existing wall to north and proposed north wall of site. This area will deteriorate and/or require high maintenance. Why not fill against existing wall and create landscape area at or near service plateau level?
5. Car wash must be rigged to have zero (0) discharge to stormdrain.

**Revised Plan 10-14-03 to Zoning** shows some reduction in impervious area but more reduction through better efficiency of use will be required at Plan Review. The original approval of this site allowed detention to be contained on the pavement surface. This can still be done, but, a Water Quality Best Management Practice must be added and there is little room left for Best Management Practice. Discharge of original detention was concrete flume downslope into Courtyards at Terrell Mill. According to plan presented this would be raze in favor of new building. This being so, the applicant will be required to renegotiate a new concentrated discharge for new detention. All other comments remain in effect.

APPLICANT: HRS, Inc. \_\_\_\_\_

PETITION NO.: Z-159 \_\_\_\_\_

PRESENT ZONING: GC, OI \_\_\_\_\_

PETITION FOR: CRC

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**TRANSPORTATION COMMENTS**

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	CLASSIFICATION	MIN. R.O.W. REQUIREMENTS
Powers Ferry Road	39999	Arterial	100'

*Based on 2002 estimated traffic counting data taken by GDOT.*

Powers Ferry 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.

Sidewalk, curb and gutter were installed as part of the last road improvement project.

Close southern driveway.

**RECOMMENDATIONS**

Recommend combining driveways to make a single access.

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