## 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. One other thing the applicant is showing on the proposed site is the reduction of the 30 foot landscape buffer to 15 feet. Also, parcel II is being deleted from this approval which is where the carwash was shown on the approved site plan. 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.

	08-060-2016
Application for "Other I	Business''
Cobb County, Georgia	SEP 13 2016
Cobb County Zoning Division $-7/0-528-2035$	BOC Hearing Date Requested: Oct. 18, 2016
Applicant: Feroz Ali (applicant's name printed)	Phone #:
	E-Mail:
SAMS, LARKIN, HUFF & BALLI, LLP Address:	376 Powder Springs Street, Suite 100, Marietta, GA 30064
(representative's name) printed)	422-7016 E-Mail: phuff@slhb-law.com or arozen@slhb-law.com
Signed, sealed and delivered in presence of:	My commission expires:
Titleholder(s) : SM Lalani Properties, LLC (property owner's name p	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	<b>Zoning Case:</b> Z-159 of 2003
Size of property in acres: 0.689	Original Date of Hearing: Nov. 18, 2003
	, south of Terrell Mill Road (1445 Powers Ferry Road)
(street address, if applicable; nearest i Land Lot(s): 923, 938	
State <u>specifically</u> the need or reason(s) for	• Other Business: To approve revised site plan
for the redevelopment of a convenience store with	tuel sales.

(List or attach additional information if needed)

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

## ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

Application No.: <u>OB-60</u> BOC Hearing Date: <u>Oct. 18, 2016</u>

Applicant: <u>Feroz Ali</u>

Titleholder: <u>SM LALANI PROPERTIES, LLC</u>

PIN#: <u>17093802130</u>

## **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: Fesor All

Address:

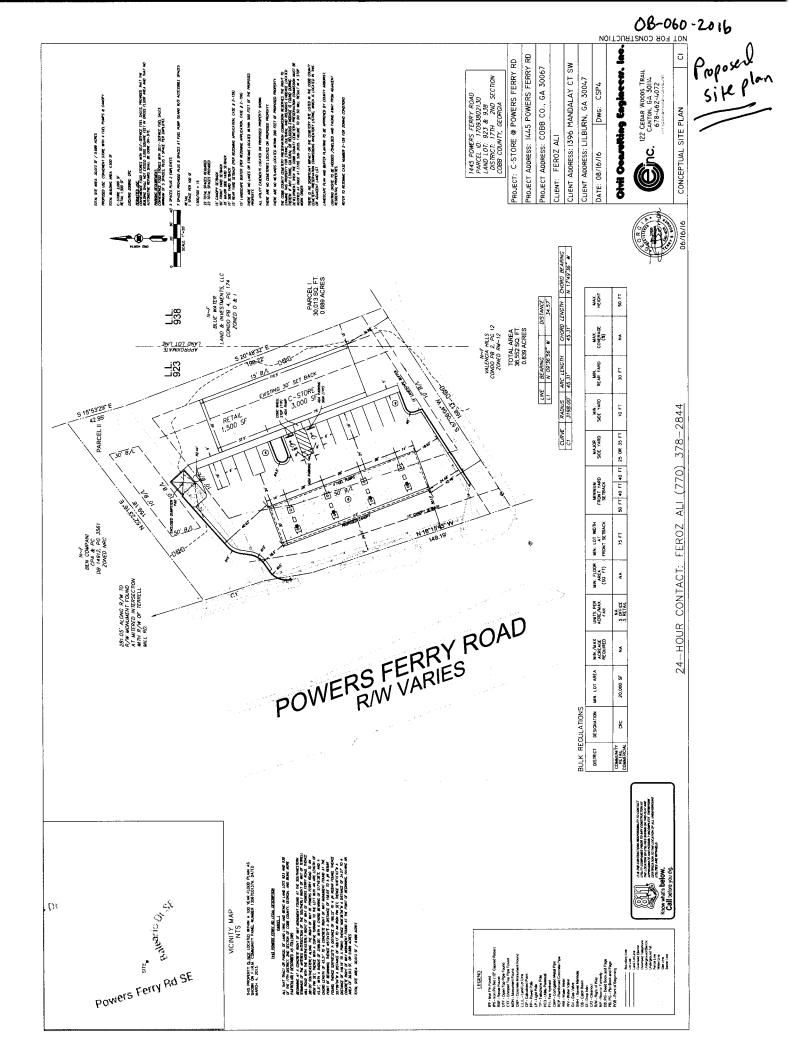
1396 Mandalay ct Sco. Lilburn GA-30047

Telephone No.: (770) 378 - 2944

Signature of Notary Public

HEROK

(Notary Seal)



	PAGE	_ OF	9	APPLICATION NO	<u>Z-159</u>
S					

ORIGINAL DATE OF APPLICATION: \_\_\_\_\_\_11-18-03

APPLICANTS NAME: HRS, INC.

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

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

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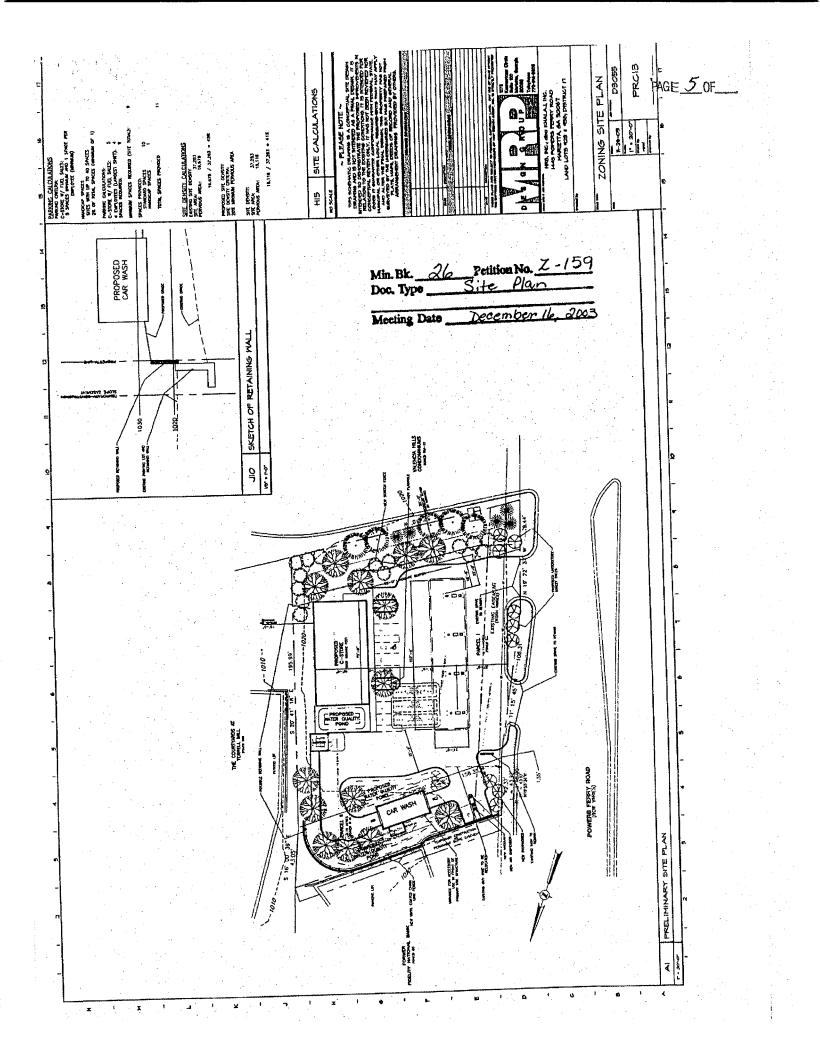
**HRS, INC.** (Motiva Enterprises, LLC, owner) for Rezoning from **GC** and **OI** to **CRC** for the purpose of a Convenience Store with Fuel Sales and Retail in Land Lots 923 and 938 of the 17<sup>th</sup> District. Located on the east side of Powers Ferry Road, south of Terrell Mill Road.

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, <u>except</u> that the two existing curb cuts are allowed to remain

VOTE: **ADOPTED** unanimously

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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 Khalai Owner HRS, Inc.

Roy Babin President Valencia Hills Condominium Association

Cobb County Board of Commissioners

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

1275 Kennestone Circle Suite 100 Marietta, Georgia CC: Cobb County Clerk S0066 Cobb County Board

Telephone (770) 514-8803

Facsimile (770) 514-0142

Internet Website mrpdesign.com

**COUNTY CLERK THIS** FILFD WI 20 0 5. OF BY RE

COUNTY CLERK/ASST. COUNTY CLERK/DEPUTY COUNTY CLERK COBB COUNTY, GEORGIA

anition No.	<u>Z-159</u>		PAGE 7 OF
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# **Zoning Stipulations**

December 1, 2003

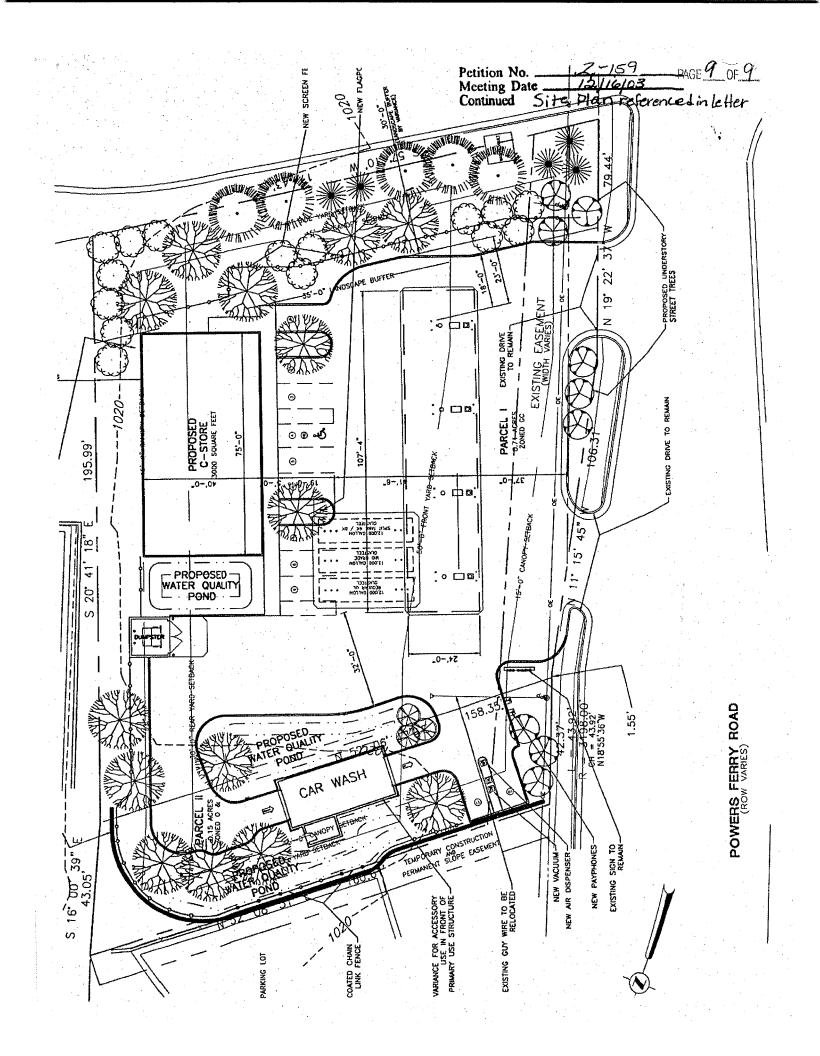
Rezoning Application, Case Number Z-159 1445 Powers Ferry Road Land Lots 923 and 938, 17<sup>th</sup> District

- 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.

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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 and the landscape buffer screening fence as described in item 15.
- 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 Baleris Drive intersects Powers Ferry Road.



APPLICANT HRS, Inc			PE'	FITI	ON NO. <u>Z-159</u>
PRESENT ZONING <u>GC, OI</u>			PE	FITI	ON FOR <u>CRC</u>
* * * * * * * * * * * * * * * * * * * *					
NOTE: Comments reflect only what faciliti	es wer	e in existence :	at the ti	me o	f this review.
WATER COMMENTS:					
Available at Development?		Yes		No	
Fire Flow Test Required?	V	Yes	$\Box$	No	
Size / Location of Existing Water Main(s): <u>8" D1</u>	<u>/Es</u>	ide Powers F	erry K	<u>2d</u>	
Additional Comments:					
	1 1	~ ~ <u>_</u>	1.		
Developer may be required to install/upgrade water mains, will be resolved in the Plan Review Process.	based	on fire flow test	results	or Fu	re Department Code. This
<pre> *** * * * * * * * * * * * * * * * * *</pre>	* * )	* * * * * * * *	****	* * :	* * * * * * * * * * * * *
SEWER COMMENTS:					
In Drainage Basin?	V	Yes	$\Box$	No	
At Development?	$\mathbf{\Sigma}$	Yes		No	
Approximate Distance to Nearest Sewer: <u>At S pr</u>	roper	ty line			
Approximate Distance to Nearest Sewer: <u>At S provide</u> Estimated Waste Generation (in G.P.D.): <b>A D F</b>					<u>1350</u>
					<u>1350</u>
Estimated Waste Generation (in G.P.D.): A D F	<u>54(</u>	)	Pe		<u>1350</u>
Estimated Waste Generation (in G.P.D.): A D F Treatment Plant:	<u>54(</u>	<u>)</u> Sutton	Pe	ak	<u>1350</u>
Estimated Waste Generation (in G.P.D.): A D F Treatment Plant: Plant Capacity Available?	<u>54(</u>	<u>)</u> Sutton Yes Yes	Pe	<b>ak</b> No No	<u>1350</u> 0 years over 10 years
Estimated Waste Generation (in G.P.D.): A D F Treatment Plant: Plant Capacity Available? Line Capacity Available?	<u>54(</u>	<u>)</u> Sutton Yes Yes	Pe	<b>ak</b> No No	
Estimated Waste Generation (in G.P.D.): A D F Treatment Plant: Plant Capacity Available? Line Capacity Available? Projected Plant Availability:	<u>54(</u>	<u>Sutton</u> Yes Yes 0 - 5 year	Pe	<b>ak</b> No No 5 - 1	0 years over 10 years
Estimated Waste Generation (in G.P.D.): A D F Treatment Plant: Plant Capacity Available? Line Capacity Available? Projected Plant Availability: Dry Sewers Required?	<u>54(</u>	<u>Sutton</u> Yes Yes 0 - 5 year Yes	Pe	ak No No 5 - I No	0 years over 10 years
Estimated Waste Generation (in G.P.D.): A D F Treatment Plant: Plant Capacity Available? Line Capacity Available? Projected Plant Availability: Dry Sewers Required? Off-site Easements Required?	<u>54(</u>	<u>Sutton</u> Yes Yes 0 - 5 year Yes Yes	Pe	<b>ak</b> No 5 - 1 No No	• 11 off-site easements are required, Developer must submit easements to CCWS for review /
Estimated Waste Generation (in G.P.D.): A D F Treatment Plant: Plant Capacity Available? Line Capacity Available? Projected Plant Availability: Dry Sewers Required? Off-site Easements Required? Flow Test Required?	<u>54(</u>	<u>Sutton</u> Yes Yes 0 - 5 year Yes Yes* Yes	Pe	ak No 5 - 1 No No No	• over 10 years • If off-site easements are required, Developer must submit easements to CCWS for review / approval as to form and stipulations prior to the execution

Additional Comments:

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

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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.PETITPRESENT ZONING:GC/OIPETIT

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## PETITION NO.: Z-159

## PETITION FOR: CRC

DRAINAGE COMMENTS 10/20
FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED Un-named tributary to
<ul> <li>DRAINAGE BASIN: Chattahoochee River FLOOD HAZARD INFO: None</li> <li>FEMA Designated 100 year Floodplain Flood.</li> <li>Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.</li> <li>Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.</li> <li>Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.</li> </ul>
WETLANDS: $\Box$ YES $\boxtimes$ NO $\Box$ 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: SYES NO POSSIBLY, NOT VERIFIED
<ul> <li>Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).</li> <li>Chattahoochee River Corridor Tributary Area - County review ( undisturbed buffer each side).</li> <li>Georgia Erosion-Sediment Control Law and County Ordinance - County Review/State Review.</li> <li>Georgia DNR Variance may be required to work in 25 foot streambank buffers.</li> <li>County Buffer Ordinance: 50', 75', 100' or 200' each side of creek channel.</li> </ul>
DOWNSTREAM CONDITION
<ul> <li>Potential or Known drainage problems exist for developments downstream from this site.</li> <li>Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.</li> <li>Minimize runoff into public roads.</li> </ul>
<ul> <li>Minimize the effect of concentrated stormwater discharges onto adjacent properties.</li> <li>Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally</li> <li>Existing Lake Downstream</li> </ul>
Additional BMP's for erosion sediment controls will be required.  Lake Study needed to document sediment levels.
<ul> <li>Stormwater discharges through an established residential neighborhood downstream.</li> <li>Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream storm drainage system.</li> </ul>

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#### APPLICANT: HRS, Inc.

#### PETITION NO.: Z-159

#### PRESENT ZONING: GC/OI

#### PETITION FOR: CRC

#### 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: <u>GC</u>, OL

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.