

**DECEMBER 20, 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 17th District (1445 Powers Ferry Road).

(Continued by Staff from the October 18, 2016 and November 15, 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.

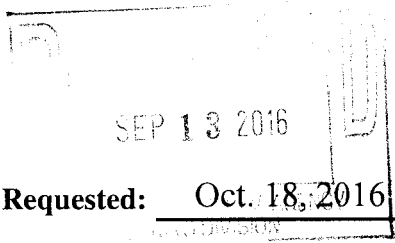
ATTACHMENTS

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)

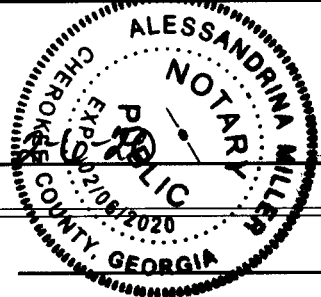
Address: _____ **E-Mail:** _____

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)

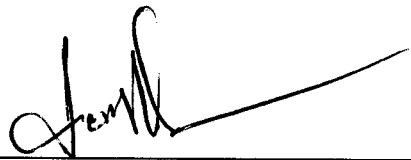
ATTACHMENT TO APPLICATION FOR OTHER BUSINESS

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

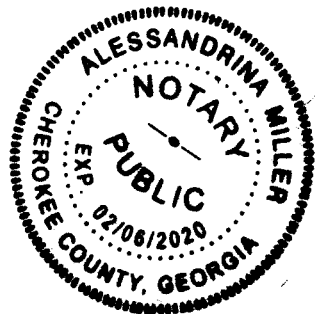
Address: 1396 mandalay ct
Sw. Lilburn GA 30047

Telephone No.: (770) 378-2944



Signature of Notary Public Date

(Notary Seal)



SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

SUITE 100
376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

770•422•7016
TELEPHONE
770•426•6583
FACSIMILE

ADAM J. ROZEN

WWW.SLHB-LAW.COM

December 12, 2016

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064

Re: Other Business Application of Feroz Ali regarding Z-159 of 2003 to Amend Stipulations (OB #60).

Dear John:

I represent Feroz Ali concerning the above-captioned Other Business Application. The property was rezoned in 2003 for a proposed convenience store. Since that time, the existing convenience store has been closed and remains a vacant eyesore. My client proposes to redevelop the property for a convenience store and requests minor modifications to the zoning stipulations that were included as a condition of the zoning case. Below is a list of the proposed revised conditions:

1. The development will conform to the attached site plan which is the same site plan submitted to the County on October 27, 2016. The site plan includes a 3,000 square foot store with an additional 1,500 square foot retail space. The development will not include a car wash. (Exhibit "A")
2. There will be a thirty (30) foot landscape strip adjacent to the Valencia Hills Condominium entrance as depicted in the site plan. The landscape plan will be subject to the review and approval of a Landscape Committee made up of one representative each from the Valencia Hills Condominium Association, the developer, and a representative from the Community Development Department.
3. The proposed improvements will include the addition of water quality measures and the stormwater management system will comply with all current local, state and federal requirements.

SAMS, LARKIN, HUFF & BALLI

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VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
December 12, 2016
Page 2

4. The following uses are specifically prohibited from the retail space: tattoo parlors, pawn shops or weapons sales.
5. The building architecture will be similar to the enclosed renderings (Exhibit "B"); however, the applicant will incorporate some rock into the architecture with the final architecture to be approved by the aforementioned Landscape Committee.
6. All other zoning stipulations contained in Z-159 (2003) and specifically contained in the agreement letter dated December 1, 2003 shall remain in effect including but not limited to hours of operation and landscaping requirements.

Please do not hesitate to contact me should you have any questions whatsoever regarding these matters.

Sincerely,

SAMS, LARKIN, HUFF & BALLI, LLP



Parks F. Huff
phuff@slhb-law.com

PFH/klk
Enclosures

cc: Listed on next page

SAMS, LARKIN, HUFF & BALLI

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VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
December 12, 2016
Page 3

cc: Members, Cobb County Board of Commissioners (via email w/attachments)
BOC Commission Assistants (via email w/attachments)
Mr. Dana Johnson, AICP, Director (via email w/attachments)
Mr. Lee McClead, Deputy Director (via email w/attachments)
Mr. Jason Gaines, AICP, Planning Division Manager (via email w/attachments)
Mr. Jason Campbell, Planner III (via email w/attachments)
Mr. Terry Martin, Planner II (via email w/attachments)
Mr. Donald Wells, Zoning Analyst (via email w/attachments)
Ms. Kim Wakefield, Zoning Analyst (via email w/attachments)
Mr. David Breaden, P.E. (via email w/attachments)
Ms. Ashley White, P.E. (via email w/attachments)
Mr. Tim Davidson, Plan Review Engineer (via email w/attachments)
Ms. Pam Mabry, County Clerk (via email w/attachments)
Ms. Lori Barton, Deputy County Clerk (via email w/attachments)
Ms. Robin Presley, Deputy County Clerk (via email w/attachments)
Mr. Feroz Ali (via email w/attachments)
Ms. Mary Anne Posey, President, Valencia Hills Condominium Association (via email w/attachments)

Exhibit "B"
December 12, 2016





DO THE
GREEN
DEW
GATORADE
2/3

READY TO GO

BRANDY
BRANDY

AMTRAV'S
LARGEST SELECTION
OF BEER
20% OFF

BUD
LIGHT

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 17th 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

BARRE CALCULATIONS
 CONCRETE WALL SALES:
 3 SPACES (MINIMUM) AND 1 SPACE PER
 EMPLOYEE (MAXIMUM)

MANHOLES: 10
 SPACES: 10
 TOTAL SPACES (MINIMUM OF 1)

CONCRETE WALL SALES:
 4 EMPLOYEES (MINIMUM SHIRT)
 SPACES REQUIRED: 4

MANHOLES SPACES REQUIRED (SEE TABLE):
 SPACES PROVIDED: 10
 THROUGH SPACES: 10
 MANHOLES SPACES: 10
 TOTAL SPACES PROVIDED: 11

SITE IDENTIFICATION CALCULATIONS
 PROPOSED LOT AREA: 17,283
 SITE AREA: 15,718
 PERMISSIBLE AREA: 15,718
 15,718 / 37,283 = 42%

PROPOSED LOT AREA:
 17,283
 SITE AREA:
 15,718
 PERMISSIBLE AREA:
 15,718
 15,718 / 37,283 = 42%

HIS SITE CALCULATIONS	
NO. SCALE	

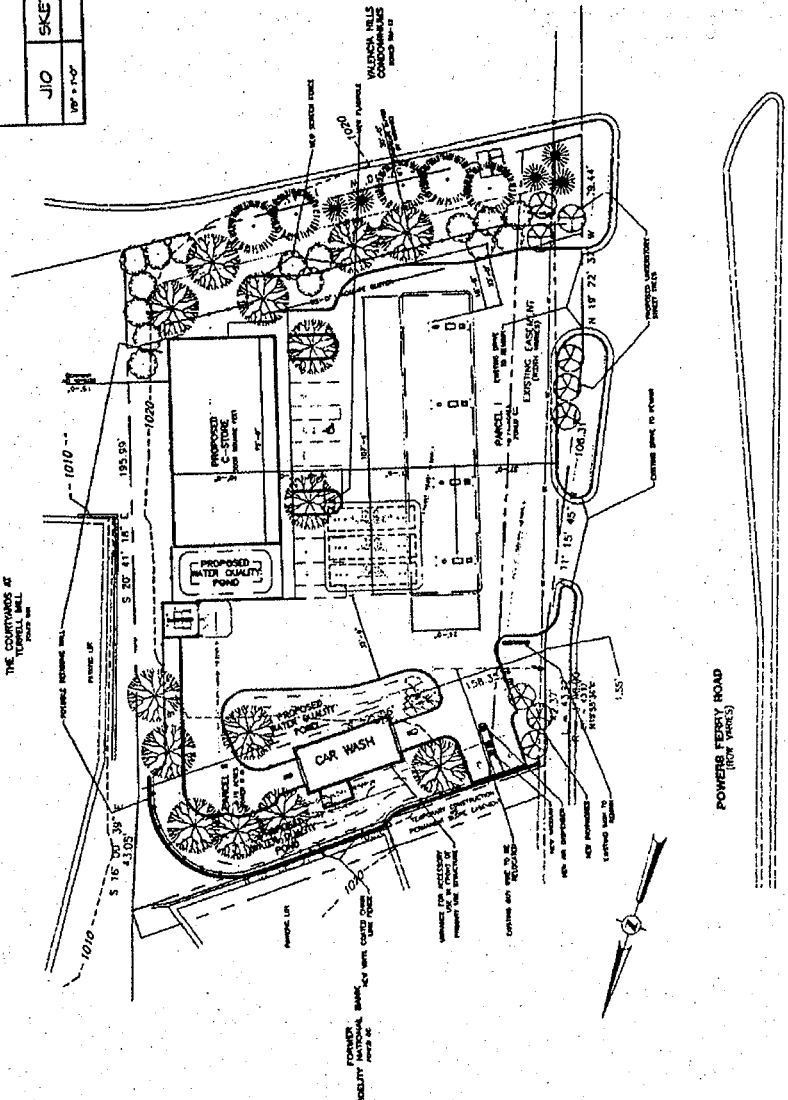
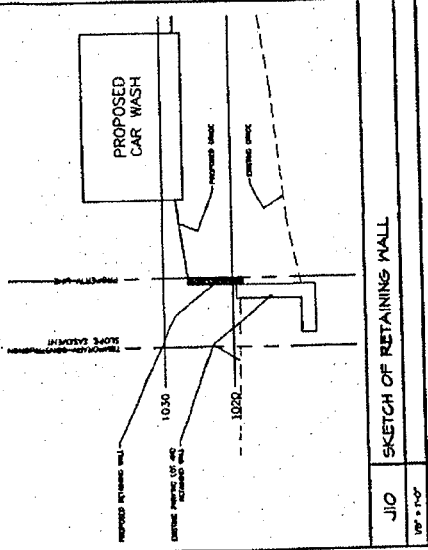
PLEASE NOTE
 THIS DRAWING IS NOT TO BE USED AS A FINAL DESIGN. IT IS
 INTENDED TO PRESENT THE PROPOSED PROJECT TO THE
 COMMUNITY AND TO OBTAIN COMMENTS. IT HAS NOT BEEN REVIEWED FOR
 CONSTRUCTION PERMITS. IT IS THE RESPONSIBILITY OF THE
 CLIENT TO OBTAIN ALL NECESSARY PERMITS AND APPROVALS
 FROM THE LOCAL GOVERNMENT AND OTHER AGENCIES.
 ALL RIGHTS RESERVED. NO PART OF THIS DRAWING MAY BE
 REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY
 MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING,
 RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL
 SYSTEM, WITHOUT THE WRITTEN PERMISSION OF THE
 ARCHITECTURAL FIRM.

W.P. GROUP
 ARCHITECTS
 1400 MARKET STREET
 PHILADELPHIA, PA 19102
 (215) 563-1100
 (215) 563-1101
 (215) 563-1102

ZONING SITE PLAN

DATE	12-15-2003
PROJECT	PRC13
SCALE	D30B5

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





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

December 1, 2003

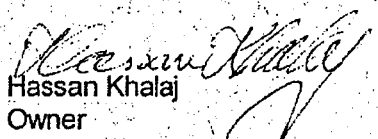
Cobb County Planning Commission
191 Lawrence Street
Suite 300
Marietta, GA 30060-1661

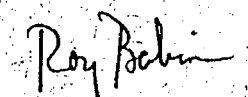
Dear Commissioners,

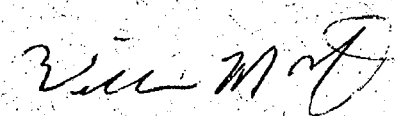
On behalf of HRS, Incorporated, Shell Oil Products U.S., and the Valencia Hills Condominium Association, MRP Design Group, Incorporated requests to be placed on the Consent Agenda for the December Planning Commission Hearing for the pending rezoning application, case number Z-159, for 1445 Powers Ferry Road (Land Lots 923 and 938, 17th 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 2nd 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

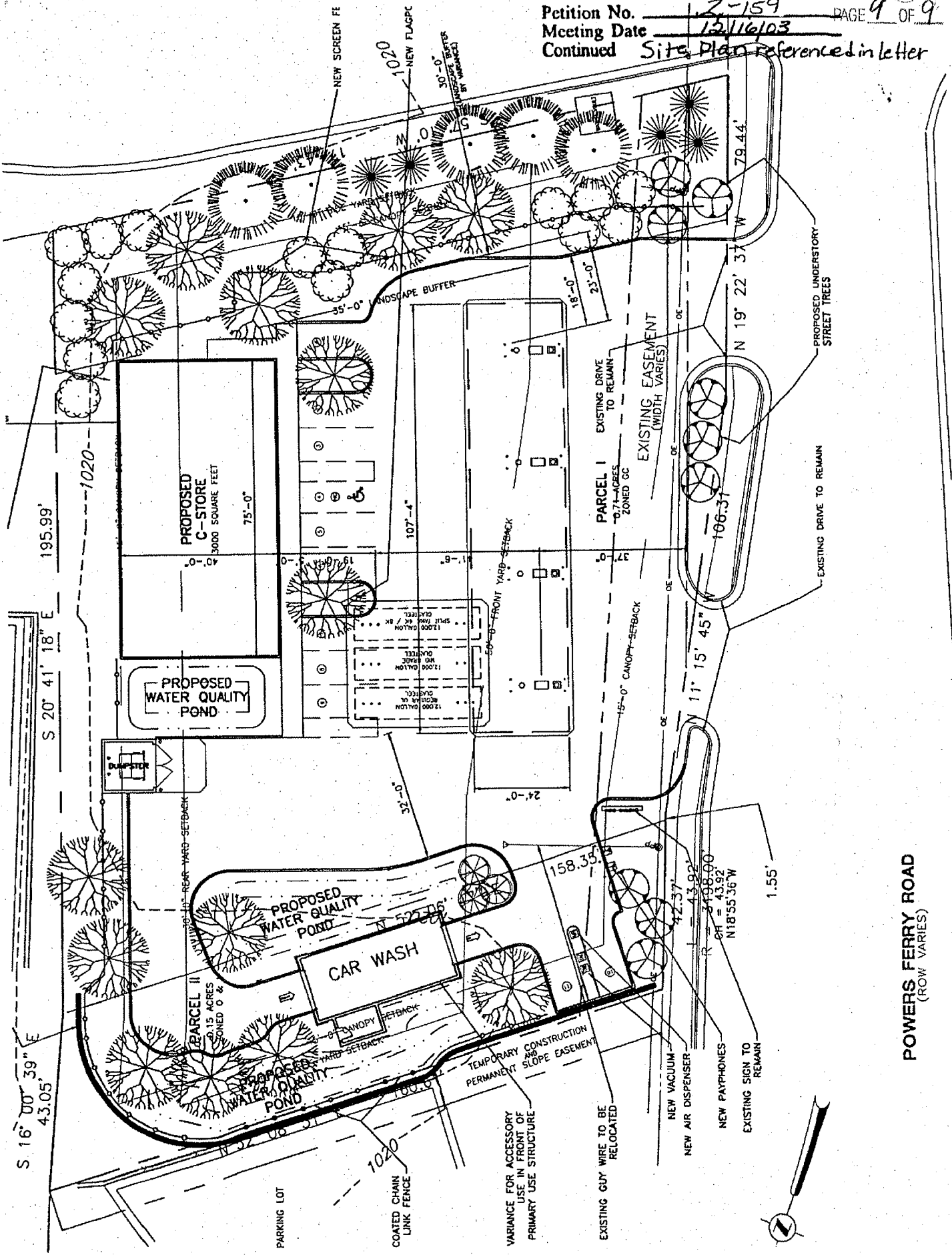
Zoning Stipulations

December 1, 2003

Rezoning Application, Case Number Z-159
1445 Powers Ferry Road
Land Lots 923 and 938, 17th 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

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.

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

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

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

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.