OB-055-2017

Application for "Other Business"
Cobb County, Georgia

(Cobb County Zoning Division – 770-528-2035) **BOC Hearing Date Requested:** Nov. 21, 2017

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

Address: **E-Mail:**

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

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

Signed, sealed and delivered in presence of:

Karen L. King **My commission expires:** 2-27-19
Notary Public

KAREN KING
Commission
NOTARY
PUBLIC
EXPIRES
02-27-19
BARTOW COUNTY, GEORGIA

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

Address: **E-Mail:**

See attached for signature.
(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 and OB #60 of 2016

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- SS
BOC Hearing Date: Nov. 21, 2107

Applicant: Feroz Ali

Titleholder: SM LALANI PROPERTIES, LLC

PIN#: 17093802130

OCT - 9 2017

PROPERTY OWNER'S CERTIFICATION

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

10-9-17

Signature of Owner Date

Printed Name: Feroz Ali

Address: 1396 Manelaray ct
SW Lilburn GA 30047

Telephone No.: (770) 378-2944

Signature of Notary Public Date 10-9-17

(Notary Seal)

KAREN KING
My Commission
NOTARY
PUBLIC
EXPIRES
02-27-2019
BARTOW COUNTY, GEORGIA

CERTIFICATE REGARDING CORPORATE AUTHORITY
APPLICATION FOR OTHER BUSINESS

RECEIVED
OCT - 9 2017
ZONING DIVISION

1.

My name is Feroz Ali. I am the secretary, assistant secretary or other officer to whom the operating agreement or bylaws has delegated the responsibility for authenticating records of the company, *SM LALANI PROPERTIES, LLC* (the "Titleholder Company"). I am of legal age and suffer from no disabilities which would affect my competence to give this Certificate which is being given on my own personal knowledge for use with respect to the Applicant's Other Business Application regarding certain real property owned by the Titleholder Company located in Cobb County, Georgia.

2.

In accordance with the Requirements for Completing a Cobb County Other Business Application, I hereby attest on behalf of the Titleholder Company that I have reviewed the Other Business Application and related documents which are being filed simultaneously therewith by the Applicant Company (collectively, the "Other Business Application") to which this Certificate is attached and hereby certify:

(a) That signature or facsimile affixed to the Other Business Application is in fact the seal of the Titleholder Company and is a true representation thereof; and

(b) That the officer or other representative of the Titleholder Company who executed the Other Business Application does in fact occupy the official position indicated, that the position that the signer occupies has the authority to execute the Other Business Application on behalf of the Titleholder Company, and that the signature of said officer or other representative is genuine; and

(c) That the execution of the Other Business Application and the filing of the Other Business Application by the Applicant is with the express permission of the Titleholder Company.

SM LALANI PROPERTIES, LLC

_____ (SEAL)
Signature

Feroz Ali
Printed Name

Press
Title

OCT - 9 2017
COBB CO. CLERK'S AGENCY

Z-157 **BWWI, INC. (Continued)**

- **Water and Sewer Division comments and recommendations**
- **Stormwater Management Division comments and recommendations**
- **Cobb DOT comments and recommendations**
- **owner/developer to enter into a development agreement pursuant to O.C.G.A. 36-71-13 for dedication of system improvements to mitigate traffic concerns**

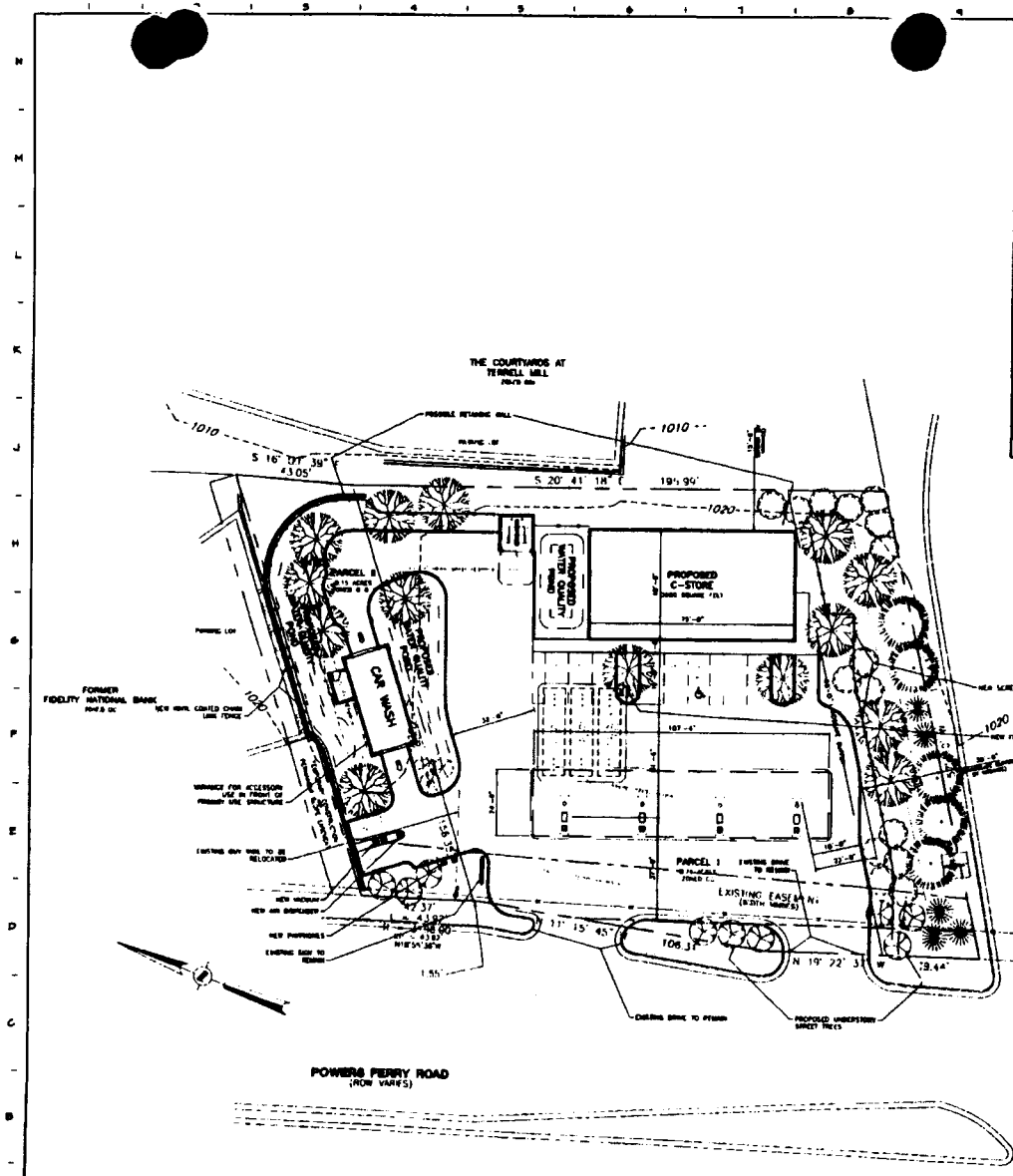
VOTE: **ADOPTED** unanimously

Z-159 **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.

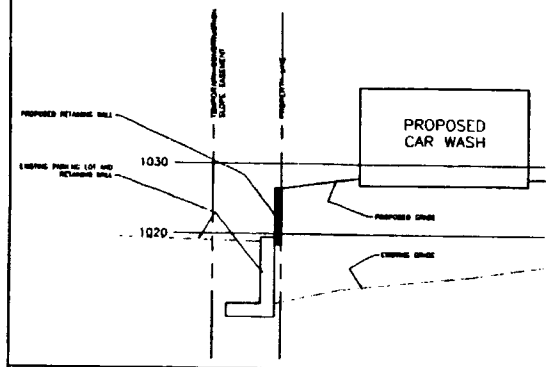
MOTION: Motion by W. Thompson, second by Goreham, as part of the Consent Agenda, to **approve** rezoning to the **CRC** zoning district **subject to:**

- **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



A1	PRELIMINARY SITE PLAN
1" = 20'-0"	



J10	SKETCH OF RETAINING WALL
1/8" = 1'-0"	

PARKING CA[illegible]
PARKING CRITER[illegible]
C-STORE W/ FUEL [illegible]
5 SPACES MINIMUM AND 1 SPACE PER EMPLOYEE (MINIMUM)

HANDICAP SPACES
SITES WITH UP TO 40 SPACES
2% OF TOTAL SPACES (MINIMUM OF 1)

PARKING CALCULATIONS
C-STORE W/ FUEL SALES 5
4 EMPLOYEES (LARGEST SHIFT) 4
SPACES REQUIRED: 9

MINIMUM SPACES REQUIRED (SITE TOTAL) 9

SPACES PROVIDED
STANDARD SPACES 10
HANDICAP SPACES 1

TOTAL SPACES PROVIDED 11

SITE DENSITY CALCULATIONS
EXISTING SITE DENSITY
SITE AREA 37,283
PERVIOUS AREA: 16,678

16,678 / 37,283 = 45%

PROPOSED SITE DENSITY
SITE DENSITY CRITERIA
20% MINIMUM PERVIOUS AREA

SITE DENSITY:
SITE AREA 37,283
PERVIOUS AREA: 15,116

15,116 / 37,283 = 51%

H15	SITE CALCULATIONS
NO SCALE	

~ PLEASE NOTE ~

THIS SCHEMATIC DRAWING IS A CONCEPTUAL SITE DESIGN DRAWING AND IS NOT INTENDED AS A FINAL DESIGN. IT IS INTENDED TO DEMONSTRATE THE PROPOSED IMPROVEMENTS IN RELATION TO THE EXISTING CONDITIONS. IT IS INTENDED FOR CONCEPTUAL REVIEW ONLY. IT HAS NOT BEEN REVIEWED NOR DOES IT GUARANTEE CONFORMANCE WITH FEDERAL, STATE, MUNICIPAL OR OTHER LOCAL REQUIREMENTS THAT MAY APPLY AND ALTER THE FINAL DESIGN. THIS PROPERTY HAS NOT SURVEYED BY THE UNDERSIGNED BUT HAS PREPARED FROM PLATS, MAPS, DEEDS OF RECORD AND GENERAL ARRANGEMENT DRAWINGS PROVIDED BY OTHERS.

REVISION INFORMATION

DATE	DESCRIPTION

ISSUE INFORMATION

DATE	DESCRIPTION

THESE PLANS ARE SUBJECT TO FEDERAL COPYRIGHT LAWS. ANY USE OF SAME PERMIT THE EXPRESS WRITTEN PERMISSION OF MRP DESIGN GROUP, INC. IS STRICTLY PROHIBITED

MRP DESIGN GROUP
1175 Kennesaw Circle
Suite 100
Marietta, Georgia
30066
Telephone
770-514-0000

HRS, INC., dba KHALAJ, INC.
1445 POWERS PERRY ROAD
MARIETTA, GA 30067
LAND LOTS 429 & 438, DISTRICT 17

Drawn by

Sheet Title: ZONING SITE PLAN

Date: 11-26-03	Job Number: D3055	
Scale: 1" = 20'-0"	PRC13	
Drawn by: [illegible]		
Checked by:		

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

OCT - 9 2017
COLLEGE OF ENGINEERING

MRP

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

OCT - 9 2017

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

1275
Kennestone Circle
Suite 100
Marietta, Georgia
30066

Telephone
(770) 514-8803

Facsimile
(770) 514-0142

Internet Website
mrpdesign.com

cc: Cobb County Clerk
Cobb County Board of Commissioners

Petition No. Z-159
Meeting Date 12/16/03
Continued Zoning Stipulations referenced in letter

Zoning Stipulations

December 1, 2003

OCT - 9 2017

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 c onvenience 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.

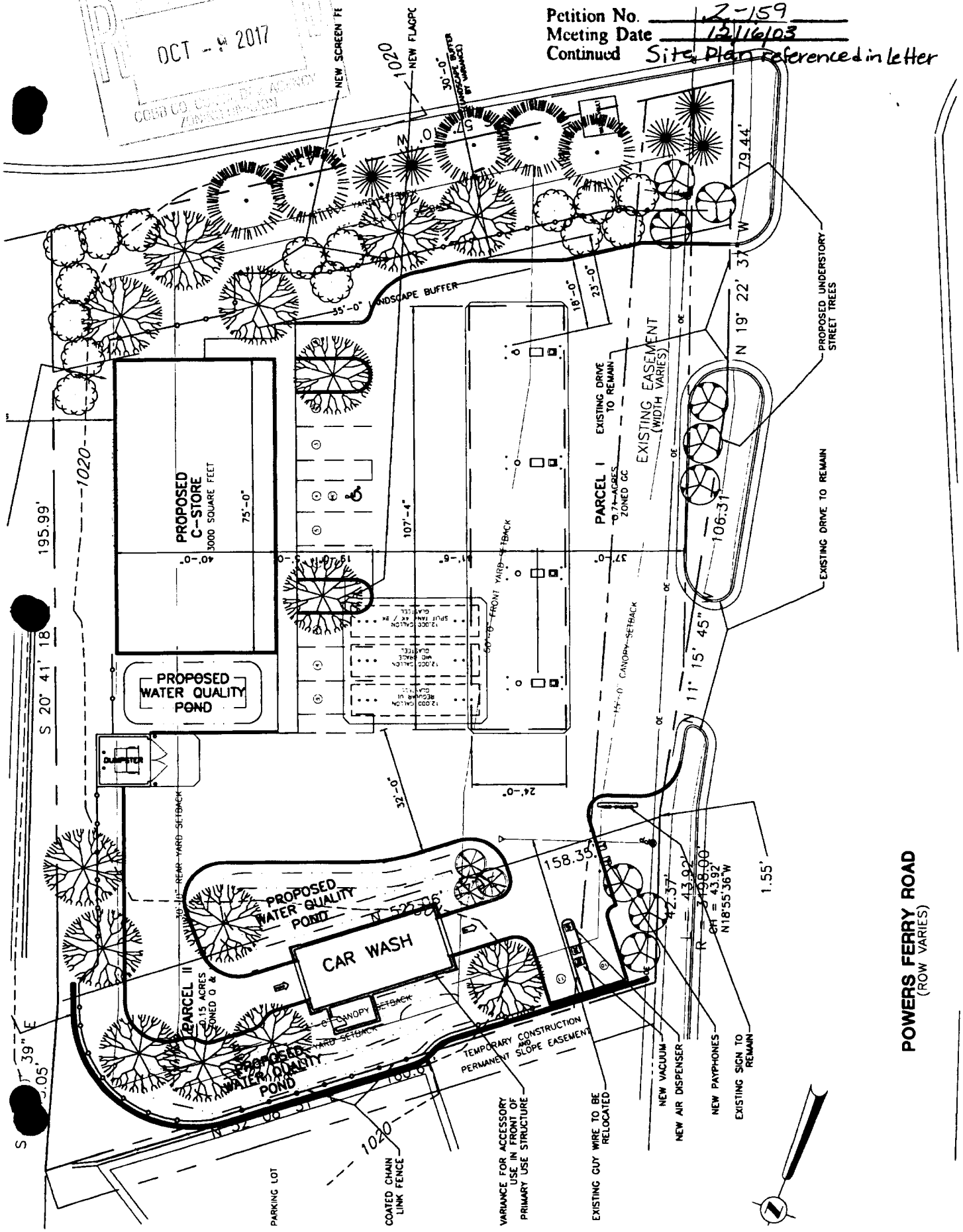
Petition No. Z-159
Meeting Date 12/16/03
Continued

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. BALEARIC DR RB
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 intersects Powers Ferry Road. BALEARIC DR RB

OCT - 9 2017
COBB CO. ZONING

OCT - 4 2017
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION

Petition No. Z-159
Meeting Date 12/16/03
Continued Site Plan referenced in letter



OCT - 9 2017

CONSENT AGENDA (CONT.)

O.B. 60 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 and November 15, 2016 Board of Commissioners hearings until the December 20, 2016 hearing).***

To **approve** O.B. 60, subject to:

1. **Letter of agreeable conditions from Mr. Parks Huff dated December 12, 2016 (attached and made a part of these minutes), with the following changes:**
   A. **Item No. 2, second sentence - revise to read:** ***"The landscape plan and the wall design will be subject to the review and approval of a Landscape Committee made up of one representative each from the Valencia Hills Condominium Association/Terrell Mill Community Association, the developer, and a representative from the Community Development Department."***
   B. **Item No. 5 – revise to read:** ***"...approved by the District Commissioner."***
2. **Stormwater Management Division comments and recommendations**
3. **All previous stipulations and conditions, not otherwise in conflict, to remain in effect**

O.B. 77 To consider a stipulation amendment and site plan amendment for Crisp Athletic Holdings, Inc. regarding rezoning application Z-32 of 2009 (Rex E. Horney), for property located on the northwest intersection of Canton Road and Hawkins Store Road, in Land Lots 228 and 277 of the 16th District (775 Hawkins Store Road).

To **approve** O.B. 77, subject to:

1. **Site plan received November 15, 2016, with the District Commissioner approving the final site plan (attached and made a part of these minutes)**
2. **Letter of agreeable conditions from Mr. Rob Hosack dated December 6, 2016 (attached and made a part of these minutes)**
3. **Use to be an athletic training facility for softball and baseball *only***
4. **Stormwater Management Division comments and recommendations**
5. **All previous stipulations and conditions, *not otherwise in conflict*, to remain in effect**

Min. Bk. 81 Petition No. O.B. 60
Doc. Type letter

Meeting Date 12-20-16

SAMS, LARKIN, HUFF & BALLI

A LIMITED LIABILITY PARTNERSHIP

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

ADAM J. ROZEN

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

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

WWW.SLHB-LAW.COM

December 12, 2016

OCT - 9 2017

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.

Petition No. 0.B.60
Meeting Date 12-20-16
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

OCT - 4 2017
COBB CO. COMMUNITY DEVELOPMENT

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

Petition No. O.B.60
Meeting Date 12-20-16
Continued

SAMS, LARKIN, HUFF & BALLI
A LIMITED LIABILITY PARTNERSHIP

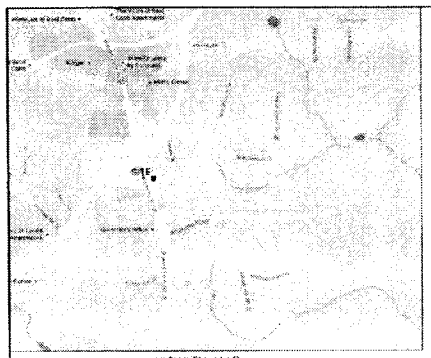
VIA HAND DELIVERY

RECEIVED
OCT - 9 2017
AGENCY

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)

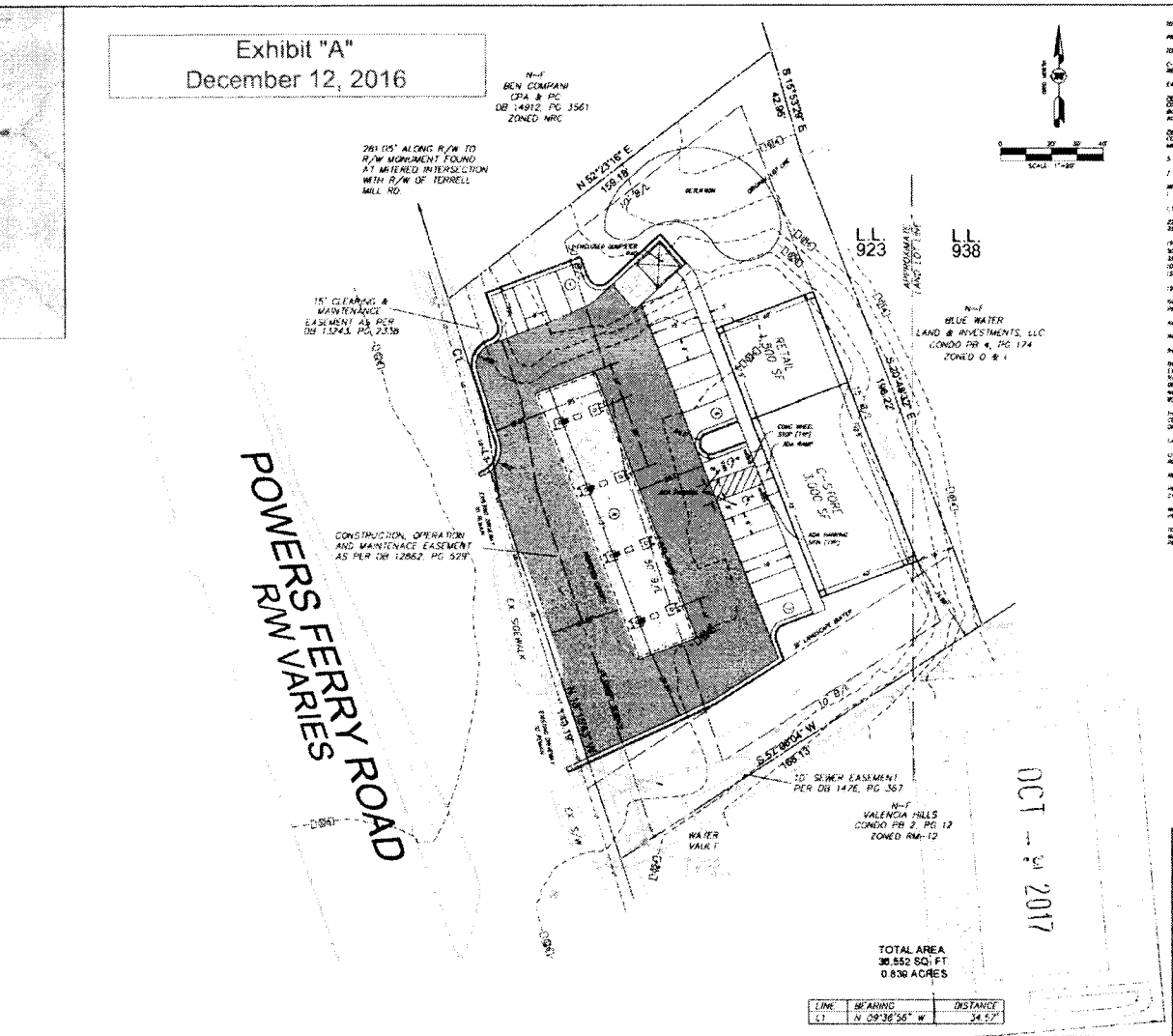
Petition No. O.B.60
Meeting Date 12-20-16
Continued

Exhibit "A"
December 12, 2016



VICINITY MAP
NTS

THIS PROPERTY IS NOT LOCATED WITHIN A 100 YEAR FLOOD PLAIN AS SHOWN ON F.I.R.M. COMMUNITY PANEL NUMBER 13067C0137H, DATED MARCH 4, 2013



LINE	BEARING	DISTANCE
L1	N 09°36'56" W	34.52'

CURVE	RADIUS	ARC LENGTH	CHORD LENGTH	CHORD BEARING
C1	3198.00'	45.31'	45.31'	N 17°49'36" W

1445 POWERS FERRY ROAD
PARCEL ID: 17093802130
LAND LOT: 923 & 938
DISTRICT 17TH 2ND SECTION
COBB COUNTY, GEORGIA

OCT - 9 2017

LEGEND

IPF - Iron Pin Found
IPS - Iron Pin Set (1/2" Capped Rebar)
HBF - Hubber Found
OTF - Open Top Pipe Found
CTF - Crimped Top Pipe Found
MON - Monument Found
CMF - Concrete Monument Found
L.L.L. - Land Lot Line
CP - Culvert Pipe
PP - Power Pole
LP - Light Pole
TP - Telephone Pole
PED - Utility Pedestal
FH - Fire Hydrant
CMP - Corrugated Metal Pipe
RCP - Reinforced Concrete Pipe
WM - Water Meter
WV - Water Valve
GV - Gas Valve
SMH - Sewer Manhole
CB - Catch Basin
DI - Drop Inlet
CO - Cleanout
R/W - Right of Way
N/F - Now or Formerly
DB, PG - Deed Book and Page
PB, PG - Plat Book and Page
POB - Point of Beginning

Boundary Line
Land Lot Line
Overhead Electric
Overhead Telephone
Underground Electric
Underground Tel
Fence Line
Storm Line
Gas Line
Sewer Line

811 Know what's below. Call before you dig.

IT IS THE CONTRACTORS RESPONSIBILITY TO CONTACT UTILITY COMPANIES PRIOR TO ANY CONSTRUCTION AS THE LOCATION OF UTILITIES SHOWN ON THIS PLAT ARE APPROXIMATE AND POSSIBLE PARTICIPATE TRENCHING COMPANIES MUST ID THE LOCATION OF ALL UNDERGROUND UTILITIES AND APPURTENCES

BULK REGULATIONS

DISTRICT	DESIGNATION	MIN. LOT AREA	MIN./MAX. ACREAGE REQUIRED	LIMITS PER ACRE/MAX. FAR	MIN. FLOOR AREA (SQ. FT.)	MIN. LOT WIDTH AT FRONT SETBACK	MINIMUM FRONT YARD SETBACK			MAJOR SIDE YARD	MIN. SIDE YARD	MIN. REAR YARD	MAX. COVERAGE (%)	MAX. HEIGHT
COMMUNITY RETAIL COMMERCIAL	CRC	20,000 SF	N/A	N/A .5 OFFICE .5 RETAIL	N/A	75 FT	50 FT	40 FT	40 FT	25 OR 35 FT	10 FT	30 FT	N/A	50 FT

24-HOUR CONTACT: FEROZ ALI (770) 378-2844

REGISTERED PROFESSIONAL ENGINEER
STATE OF GEORGIA
No. 24824
10/25/16

REVISIONS: 10/25/2016 REVISED INTERNAL CIRCULATION

PROJECT: C-STORE @ POWERS FERRY RD
PROJECT ADDRESS: 1445 POWERS FERRY RD
PROJECT ADDRESS: COBB CO., GA 30067
CLIENT: FEROZ ALI
CLIENT ADDRESS: 1396 MANDALAY CT SW
CLIENT ADDRESS: LILBURN, GA 30047
DATE: 10/25/16 | DWG: CSP4

Civil Consulting Engineers, Inc.
CEinc.
122 CEDAR WOODS TRAIL
CANTON, GA 30114
678-462-4072

REZONING SITE PLAN | C1

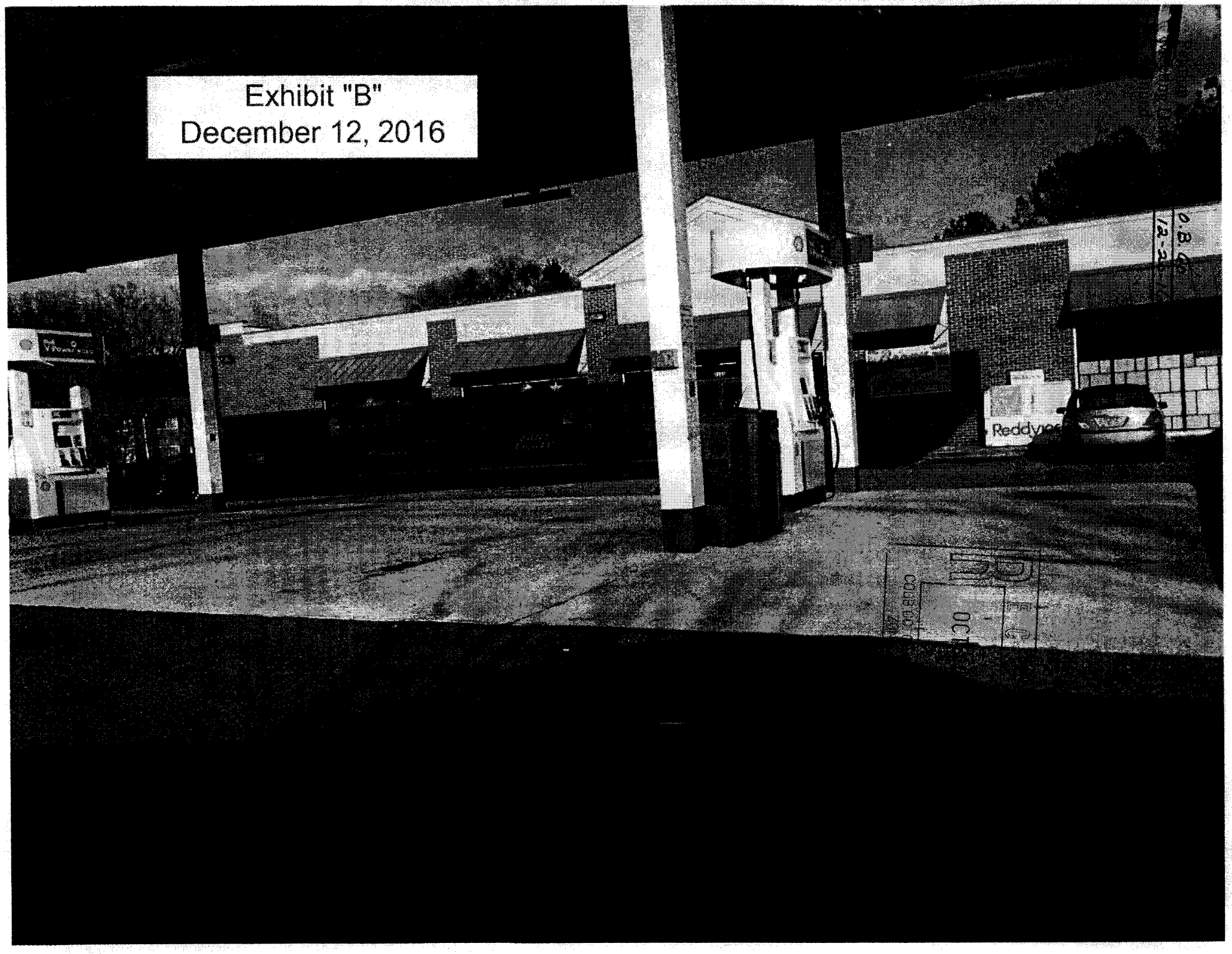
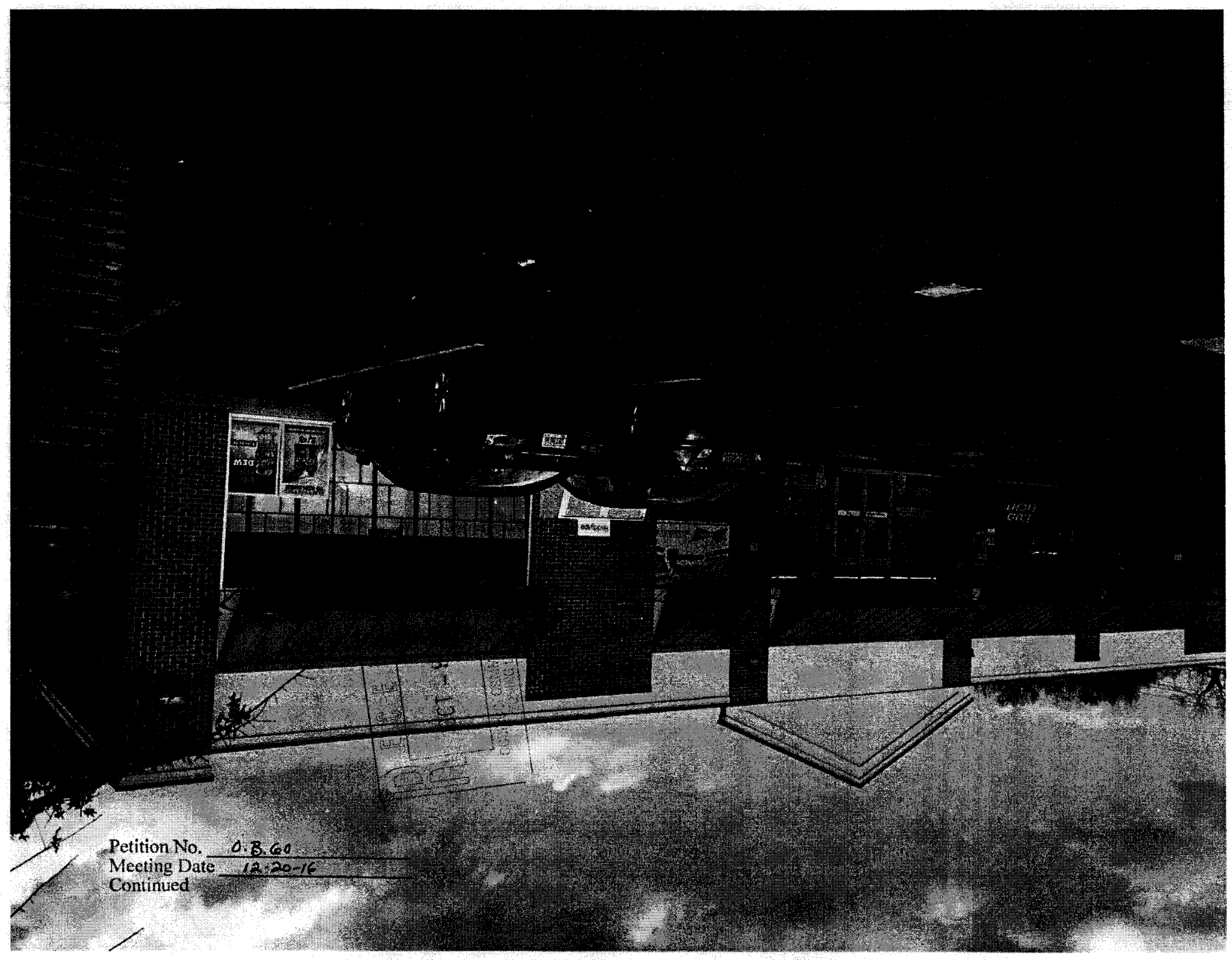


Exhibit "B"
December 12, 2016
Reddy



Petition No. O.B. 60
Meeting Date 12-20-16
Continued