



Community Development – Zoning Division

John Pederson – Division Manager

ZONING CASE

Z-41-2022

SITE BACKGROUND

Applicant	Southern Gas Partners, LLC
Phone	404-786-0786
Email	sam@banjeeenterprises.com
Representative Contact	James L. Courson
Phone	770-490-9799
Email	jcourson@eisengr.com
Titleholder	Southern Gas Partners, LLC
Property Location	Located on the southwest corner of the intersection of Shallowford Road and Trickum Road
Address	Shallowford Road, 3705 Trickum Road
Access to Property	Shallowford Road, Trickum Road

QUICK FACTS

Commission District	3-Birrell
Current Zoning	NS, GC
Current Use of Property	Gas Station, Undeveloped, wooded lot
Proposed Zoning	NRC
Proposed Use	Convenience Store with fuel sales, Carwash
Future Land Use	NAC
Site Acreage	3.162
District	16
Land Lot	339
Parcel #	16033900010, 16033900590
Taxes Paid	Yes

FINAL ZONING STAFF RECOMMENDATIONS

(Zoning Staff Member: Terry Martin, MPA)

Based on the analysis of this case, Staff recommends **APPROVAL** subject to the following:

1. Site plan received by the Zoning Division on June 14, 2022, with minor modifications to be approved by the District Commissioner;
2. Fire Department comments and recommendations;
3. Stormwater Management Division comments and recommendations;
4. Water and Sewer comments and recommendations;
5. Department of Transportation comments and recommendations; and
6. Variance as identified in Zoning Division comments regarding parking stall depth to be granted for designated vacuum spaces at the carwash only.
7. 20 feet along southern property line to remain undisturbed to meet Landscape Buffer requirement.

Z-41

VICINITY MAP

LEGEND

FIELD

811

SHALLOWFORD ROAD

TRICKUM ROAD

REVISED JUN 14 2022

00087 ZONING DIVISION

STATE OF MARYLAND DEPARTMENT OF TRANSPORTATION

ST/AL PLAN

TRACTS 1 AND 2

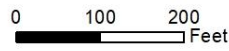
SPAULDHAN GAS PARTNERS, LLC

FIELD LAYER: 8-10-2022

Z-41 Aerial Map



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



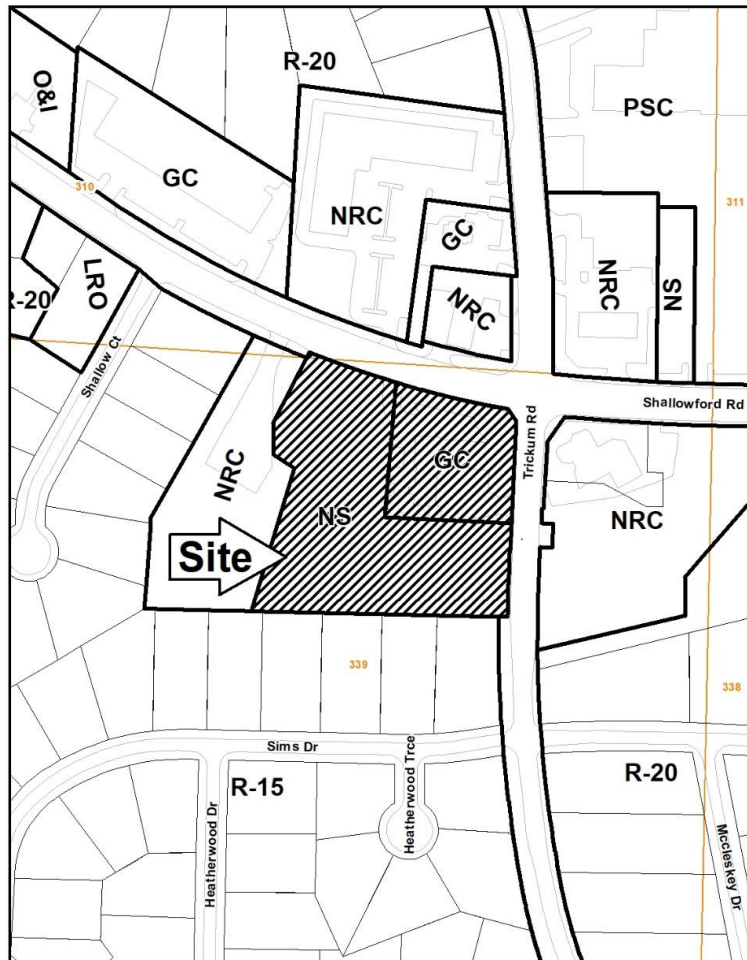
- Zoning Boundary
- City Boundary

North

Zoning: NRC, GC / Retail Strip Center, Gas Station



Future Land Use: NAC

Z-41 2022 GIS



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



 Zoning Boundary
 City Boundary

WEST

Zoning: NRC / Daycare

Future Land Use: NAC

EAST

Zoning: NRC / Dunkin Donuts

Future Land Use: NAC, LDR

SOUTH

Zoning: R-15 / Single-family Residences

Future Land Use: LDR

Current zoning district for the property

The NS district is established to provide locations for retail commercial and services uses which are designed and oriented to serve two to four neighborhoods and are located in areas delineated within a community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Commencing January 1, 1991, no new applications for rezoning to the NS district will be accepted by the board of commissioners. Any existing, developed NS zoning/use located outside of a community activity center or regional activity center shall be deemed to be a grandfathered, nonconforming use and subject to those provisions contained in this chapter. Should any undeveloped property zoned as NS outside a community activity center or regional activity center fail to commence development by January 17, 1996, the owner of such property shall be required to bring the property back in for rezoning consistent with the comprehensive plan prior to any development. Obtaining a building or grading permit for such development shall be deemed to be commencing development.

The GC district is established to provide locations for retail commercial and service uses which are oriented toward automotive businesses, are land intensive with a need for major road access and visibility, are generally not listed as a permitted uses within the NRC (neighborhood retail commercial) and CRC (community retail commercial) districts or may have existing stipulations and conditions that limit certain intensive uses and are located in areas delineated within a community activity center and regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. Any existing GC district, developed or undeveloped, located within an area delineated within an industrial-compatible area or industrial area as shown on the comprehensive plan, shall be deemed to be a grandfathered, nonconforming use after January 1, 1991, and subject to those provisions contained in this chapter.

Requested zoning district for the property

The NRC district is established to provide locations for convenience shopping facilities which are on properties delineated within a neighborhood activity center, community activity center or regional activity center as defined and shown on the Cobb County Comprehensive Plan: A Policy Guide, adopted November 27, 1990. These convenience shopping facilities should have retail commercial uses that have a neighborhood-oriented market and which supply necessities that usually require frequent purchasing with a minimum of consumer travel. Areas zoned for the NRC district should be located at or near an intersection within the center of a neighborhood activity center as opposed to the edge of a neighborhood activity center. The NRC district may also be used to provide step-down nodal zoning away from more intensive commercial uses within a community activity center or a regional activity center. The scope at which properties are developed within the NRC district should reflect their relatively small neighborhood service area. Additionally, properties developed within the NRC district should be architecturally compatible with other nonresidential uses permitted within a neighborhood activity center as defined by the comprehensive plan and the neighborhood residences they serve.

Summary of the applicant's proposal

The applicant is requesting to rezone the 3.16 acre site to the NRC neighborhood retail commercial district in order to develop the property as a 2,258 square foot convenience store/gas station with an additional 2,287 square feet of retail tenant space as well as a carwash. The carwash will be constructed on the eastern portion of the site which is currently undeveloped while the gas station and retail space will be a renovation of the existing station that exists on the site. The proposed buildings will utilize brick and stone as exterior materials. The convenience store is anticipated to operate 24 hours a day, seven (7) days a week while the hours of operation for the carwash will be 7:00 a.m. to 7:00 p.m. Monday through Sunday.

Non-residential criteria

Proposed # of buildings: 2
Proposed # of stories: 1
Total sq. footage of development: 5,247
Floor area ratio: 0.04
Square footage per acre: 1,660
Required parking spaces: 31
Proposed parking spaces: 35
Acres in floodplain or wetlands: 0.76
Impervious surface shown: 70% maximum

Are there any zoning variances?

Yes;

1. Reduce the depth of a parking stall from required 19 feet to 18 feet.

05/16/22

CCFMO is acceptable to the proposed zoning case as presented. A full review will be conducted when a full set of plans are submitted

Approval based on Professional Engineer-stamped plans that signify overall plan conformance to all Georgia State and Cobb County Codes. Design Professional and Developer maintain the sole responsibility for the design and for correcting all errors, omissions, problems, and code violations (if any) exposed during construction AFTER authorization by Cobb County.

FIRE DEPARTMENT ACCESS:

ACCESS: Fire apparatus access roads shall extend to within 150 feet of all portions of the facility or any portion of the exterior wall of the first floor (State Modifications IFC 503.1 2018 Edition and Cobb County Development Standards 402.11).

All access roads shall meet the American Association of State and Highway Transportation Officials (AASHTO) design manual live load standard HS20 (75,000 lbs.) with an unobstructed width of not less than 20 feet, 25 foot inside radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches. (Cobb County Development Standards 402.11)

Maximum slope of the access road in reference to the apparatus is 10% Front to Back and 5% Side to Side. Maximum grade of roadways leading to Fire Access roads refer to the Cobb County Development Standard Section 400: 14% for Non-Residential. Maximum angle of departure is 8.5%.

Dead-end access roads more than 150 feet shall be provided with a turn-around (IFC Chapter-5, 120-3-3 Rules and Regulations, CCDS Section-401 & 402). Refer to APPENDIX-D for dimensional criteria for turn-arounds in commercial developments.

CERTIFICATE OF OCCUPANCY:

Plans must be submitted to the Cobb County Fire Marshal's Office to initiate the Certificate of Occupancy process.

FIRE HYDRANT:

The maximum distance of a hydrant to the most remote portion of a structure shall be 500 feet. Distance shall be measured around the structure and from the fire apparatus access road. (Cobb County Development Standards 410.5.2)

(continued)

SECTION D103

MINIMUM SPECIFICATIONS

D103.1 Access road width with a hydrant.

Where a fire hydrant is located on a fire apparatus access road, the minimum road width shall be 26 feet, exclusive of shoulders (see Figure D103.1 in Appendix D).

FIRE PROTECTION:

Automatic sprinkler protection must be provided where mandated by the applicable codes.

Josh Davis

(770) 528-8161

Josh.davis@cobbcounty.org

Z-41-2022 DEPARTMENT COMMENTS – Cemetery Preservation

No comment

07/05/22

Approval of this petition will not have an impact on the enrollment of schools.

Z-41-2022 DEPARTMENT COMMENTS – Stormwater Management

05/26/2022

Project Information

1. Address: 3705 Trickum Road
2. District: 3
3. Existing Zoning: NS/GC Existing Allowable Impervious Coverage: 70%
4. Proposed Zoning: NRC Allowable Future Impervious Coverage: 70%

Site Data

1. Flood Damage Prevention Designated Flood Hazard: Yes
2. FEMA Designated 100-year Floodplain Flood: Zone A
3. Drainage Basin: Rubes Creek Basin
4. State Stream Buffers: Yes; Georgia DNR Variance may be required to disturb within 25-foot streambank buffers.
5. County Stream Buffer Ordinance: Yes; Not Verified. The County's Stream Buffer is undisturbed for a distance of 50' each side of stream channel; with an additional 25' impervious setback from the undisturbed buffer line.
6. Wetlands: Possibly, Not Verified Location: Within stream banks

Comments and Recommendations

These comments and recommendations are typically required at the time of plan review and permitting.

1. The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineers. Copies of the Corps of Engineers permits are to be furnished at the time of the Land Disturbance Permit.
2. Streambank Buffers need to be confirmed with the Community Development Erosion Control Division (770) 528-2191
3. Stormwater discharges through an established residential neighborhood downstream.
4. Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on existing downstream drainage system(s). Including hydrologic routing through the downstream detention pond or lake.
5. Any spring activity discovered must be addressed by a qualified registered geotechnical professional engineer (PE) at the expense of the owner/developer.
6. Structural fill must be placed under the direction of a qualified registered geotechnical engineer (PE) at the expense of the owner/developer.
7. Existing onsite stormwater management facilities shall be inspected prior to permitting. A current inspection report shall be furnished at the time of plan review and permitting.
8. Existing onsite stormwater management ponds and/or lakes shall be modeled hydrologically to establish and maintain the existing base flow(s) as the pre-developed condition for the site runoff.

Z-41-2022 DEPARTMENT COMMENTS – Stormwater Management

(continued)

9. At the time of plan review calculate and provide percentage of impervious coverage for the project site.
10. The existing and/or proposed onsite storm drain system and stormwater management facility is considered private. All annual inspections, maintenance and repairs are the responsibility of the property owner. A stormwater facility maintenance agreement and access easement will be required at the time of the land disturbance permit with the Cobb County Stormwater Management Division.
11. At the time of plan review all Erosion Control Best Management Practices (BMP's) shall be designed in accordance with the "Manual for Erosion and Sediment Control in Georgia".
12. Special Conditions
 - This site will be considered a "Hotspot" requiring oil/water separator for the fueling and tank fill areas.
 - Stormwater Water Quality will be required instead of Runoff Reduction since this site considered a Hotspot.
 - New stormwater management facilities must be outside and above floodplain elevations.

05/27/2022

Cobb 2040 Comprehensive Plan: The subject tract is within the Neighborhood Activity Center (NAC) future land use category. The purpose of the NAC category is to provide for areas that serve neighborhood residents and businesses. Typical land uses for these areas include small offices, limited retail and grocery stores.

Comprehensive Plan Designation:
 Consistent Inconsistent
House Bill 489 Intergovernmental Agreement Zoning Amendment Notification

Is the proposal within one-half mile of a city boundary? Yes No

If yes, which City:

Was the city notified? Yes No N/A

Specific Area Policy Guidelines:
 Yes No
Masterplan/ Corridor Study:
 Yes No
Design guidelines area?
 Yes No

If yes, design guidelines area:

Does the proposal plan comply with the design requirements? Yes No N/A

Is the property within an Opportunity Zone?
 Yes No

(The Opportunity Zone is an incentive that provides \$3,500 tax credit per job in eligible areas if two or more jobs are being created. This incentive is for new or existing businesses)

Is the property within an Enterprise Zone?
 Yes No

(The Enterprise Zone is an incentive that provides tax abatements and other economic incentives for qualifying businesses locating or expanding within designated areas for new jobs and capital investment)

Is the property eligible for the Façade Improvement Program?
 Yes No

(The Façade Improvement Program is an incentive for owners and tenants to enhance the appearance of buildings. The CDBG program provides the funding. Properties must be either on the current inventory of redevelopment sites or in a corridor study area and be in a census tract with at least 51% low and moderate income. The program serves to improve the economic viability of these areas.)

(continued)

Is the property eligible for incentives through the Commercial and Industrial Property Rehabilitation Program?

Yes No

(The Commercial and Industrial Property Rehabilitation Program is an incentive that provides a reduction in ad valorem property taxes for qualifying redevelopment in eligible areas)

Note: For more information on incentives, please call the Community Development Agency- Economic Development Division at 770-528-2018 or find information online at www.cobbcounty.org/econdev.

Special District

Is this property within the Cumberland Special District #1 (hotel/motel fee)?

Yes No

Is this property within the Cumberland Special District #2 (ad valorem tax)?

Yes No

Is this property within the Six Flags Special Service District?

Yes No

Dobbins Air Reserve Base Zones

Is the property within the Dobbins Airfield Safety Zone?

Yes No

Is the property within the Clear Zone (CZ)?

Yes No

Is the property within 3000' of Dobbins ARB?

Yes No

Is the property within the Accident Potential Zone (APZ I)?

Yes No

Is the property within the Accident Potential Zone II (APZ II)?

Yes No

Is the property within the Noise Zone?

Yes No

Is the property within the Bird/Wildlife Air Strike Hazard Area (BASH)?

Yes No

Historic Preservation

After consulting various county historic resources surveys, historic maps, archaeology surveys and Civil War trench location maps, staff finds that no known significant historic resources appear to be affected by this application.

05/20/22 – DATE OPTIONAL

Water comments:

At development: YES NO

Fire flow test required: YES NO

Size and location of existing water main(s): 16-inch in Shallowford Rd, 8-inch in Trickum Rd

Additional water comments:

Sewer comments:

In the drainage basin: YES NO

At development: YES NO

Approximate distance to nearest sewer: on site

Estimated waste generation (in G.P.D.): Average daily flow = +/- 300

Peak flow = +/- 750

Treatment plant: Noonday WRF

Plant capacity: Yes NO

Projected plant availability: 0-5 years 5-10 years over 10 years

Off-site easement required: YES* NO

Line capacity study required: YES NO

Letter of allocation issued: YES NO

Septic tank recommended by this department: YES NO

Subject to Health Department approval: YES NO

Additional sewer comments: County Code requires minimum 50% recycling for new conveyor-type car washes

*If off-site easements are required, the developer/owner must submit easements to CCWS for review and approval as to form and stipulations prior to the execution of easements by the property owners. All easement acquisitions are the responsibility of the developer/owner.

Note: These comments only reflect what facilities were in existence at the time of this review. Developer may be required to install/upgrade water mains based on fire flow test results or Fire Department code. This will be addressed in the Plan Review process. The developer/owner will be responsible for connecting to the existing county water and sewer systems, installing and/or upgrading all outfalls & water mains, obtaining onsite and/or offsite easements, and dedication of onsite and/or offsite water and sewer to Cobb County as may be required. Rezoning does not guarantee water/sewer availability or capacity unless so stated in writing by the Cobb County Water System.

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Shallowford Road	Arterial	45	Cobb County	100'
Trickum Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Shallowford Road	East of Steinhauser Road	23,500	F
Trickum Road	North of Sandy Plains Road	8,950	C

Based on 2018 AADT counting data taken by GDOT, as published on their website, for Shallowford Road.

Based on 2019 traffic counting data taken by Cobb County DOT for Trickum Road.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial or major collector roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

Shallowford 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.

Trickum Road is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

1. As necessitated by this development, recommend Trickum Road access include a deceleration lane and left turn lane. The existing left turn lane on Trickum Road for the signal at Shallowford Road can be utilized and extended at this driveway as part of the driveway left turn lane. Recommend location and design, including striping modifications, be determined during plan review, subject to Cobb County DOT approval.
2. Recommend the entrance on Trickum Road be a minimum of 250' straight-line distance as measured from the signalized intersection curb return to the entrance curb return, or be restricted to right-in/right-out/left-in access. Recommend final driveway design be determined during plan review.
3. Recommend the entrance on Shallowford Road be a minimum of 250' straight-line distance as measured from the signalized intersection curb return to the entrance curb return, or be restricted to right-in/right-out access. Recommend final driveway design be determined during plan review.
4. Recommend applicant verify that minimum intersection sight distance is available for the Shallowford Road and Trickum Road access points, and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirements.

(continued)

5. Recommend extending all driveway uninterrupted access to a minimum of 50' from the edge of right-of-way per Development Standard 402.08.
6. Recommend replacing disturbed curb, gutter, and sidewalk along the Shallowford Road and Trickum Road frontages.
7. Recommend replacing the existing angled (one-way flow) parking spaces with 90-degree parking spaces.
8. Recommend applicant be required to meet all Cobb County Development Standards and Ordinances related to project improvements.

STAFF ANALYSIS

Per section 134-122 of the Official Code of Cobb County, below is a written zoning analysis relating to the following (question in bold; the answer is not bold):

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

It is Staff's opinion that the applicant's rezoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby properties. The site's location at the intersection of Shallowford Road and Trickum Road is an established commercial area with similar uses (gas stations and convenience stores) at two (2) other corners to the north and northeast with a drive-thru coffee shop (Dunkin Donuts) across Trickum Road to the east. The site's existing gas station will be renovated and updated with this request.

B. Whether the zoning proposal will adversely affect the existing use or usability of adjacent or nearby property;

It is Staff's opinion that the applicant's rezoning proposal will not adversely affect the existing use or usability of adjacent or nearby properties. As discussed, the existing site will be renovated with the proposal and is in keeping with the established commercial uses in the immediate area. Residences do lie directly to the south of the property but will be buffered by a stream that traverses the site to the south. It and its requisite buffers will separate the development from these homes.

C. Whether the zoning proposal will result in a use which will or could cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools;

It is Staff's opinion that the applicant's rezoning proposal will not result in a use which would cause an excessive burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion is supported by the departmental comments contained in this analysis.

D. Whether the zoning proposal is in conformity with the policies and intent of the comprehensive plan;

It is Staff's opinion that the applicant's NRC rezoning proposal is in conformity with the policies and intent of the Cobb County Comprehensive Plan. The property is delineated in a Neighborhood Activity Center, NAC, future land use category. The site's former and proposed uses are consistent with the NAC land use designation.

E. Whether there are other existing or changing conditions affecting the use and development of the property which give supporting grounds for either approval or disapproval of the zoning proposal;

It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give grounds for approving the applicant's rezoning proposal. The request to renovate and expand the existing site is consistent with established development patterns in the immediate area. Existing residences to the south will be buffered by the existing stream and its buffers that traverse the property.

The staff analysis and recommendation made by the Planning and Zoning Staff are only the opinions of the Planning and Zoning Staff and are by no means the final decision. The Cobb County Board of Commissioners makes the final decisions on all Rezoning and Land Use Permits at an advertised public hearing.



Application No. 24

Summary of Intent for Rezoning

.....
Part 1. Residential Rezoning Information (attach additional information if needed)

- a) Proposed unit square-footage(s): _____
- b) Proposed building architecture: _____
- c) List all requested variances: _____

.....
Part 2. Non-residential Rezoning Information (attach additional information if needed)

- a) Proposed use(s): Carwash & Convenience Store/Retail
- b) Proposed building architecture: Brick and Stone
- c) Proposed hours/days of operation: Convenience Store 24/7
Car Wash 7:00 am - 7:00 p.m. Monday - Sunday
- d) List all requested variances: None

.....
Part 3. Other Pertinent Information (List or attach additional information if needed)

The 3705 Trickum Road Parcel is currently improved property with an existing gas station.
The gas station will be improved as a convenience store with retail
The Shallowford Road Parcel is undeveloped, and will be improved as a car wash

.....
Part 4. Is any of the property included on the proposed site plan owned by the Local, State, or Federal Government?

(Please list all Right-of-Ways, Government owned lots, County owned parcels and/or remnants, etc., and attach a plat clearly showing where these properties are located). No. The properties are adjacent to the Trickum Road right-of-way and to the Shallowford Road right-of-way. See Plat of Survey.

SUMMARY OF INTENT



This Rezoning Application consists of Tract 1, which is comprised of 0.861 acres, is currently zoned GC and is developed with an existing older gas station with automatic car wash and Tract 2 which is comprised of 2.30 acres, is zoned NS and is undeveloped. As presently zoned, Cobb County has classified the existing zoning of each parcel to have a non-conforming use. As required by Cobb County, an existing property with a non-conforming use must be rezoned before any modifications or improvements can be approved. The applicant plans to modify and improve the existing gas station on Tract 1, and plans to develop Tract 2 by constructing a car wash. In order to achieve this objective, the county has advised the applicant that the properties must be re-zoned.

The requested re-zoning for each tract is NRC, Neighborhood Retail Commercial, which will be in compliance with the current Comprehensive Plan, and which will be the same zoning as the adjacent parcel in each of the other three quadrants of the intersection of Trickum Road and Shallowford Road, as well as multiple other parcels along Shallowford Road east and west of its intersection with Trickum Road :

After the properties are rezoned, a permit will be requested from the county for Tract 1 to allow the existing building to be upgraded and improved, with the inclusion of a retail component, to the standards normally excepted for a convenience store in the Cobb County area. A Land Disturbance Permit will be requested for Tract 2 to provide for the development of the parcel as a car wash facility. The car wash concept will be different from the normal full service car wash. In this concept, the vehicle operator drives into designated parking spaces where vacuum hoses will be provided and vacuums the inside of the vehicle. After the vacuum process is completed, the driver then enters into one of the two drive lanes which will each provide a queue of 5 vehicles to gain entrance into the car wash tunnel. The driver then enters the rear of the tunnel where the exterior of the vehicle is cleaned with highly automated cleaning equipment. This concept requires very few on-site employees, and greatly reduces the activity on site and reduces the number of full time vehicles that are parked on-site.

The utility infrastructure required to support the development of the two parcels is existing. A county outfall sanitary sewer bisects the property, along the south portion of the property, and county water is available in the roadway right-of-way. A detention facility is existing on the property. The development of these properties will have no impact on schools or any other county provided services.

There are State and County mandated stream buffers on the creek along the south property line of the two tracts. These buffers, along with the sewer easement, are, at a minimum, in excess of 100 feet in width from the property line, and must remain unchanged. Existing heavy tree coverage within these buffers will remain, and will provide screening for the residential lots along the south property line.

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MAY 06 2022

COBB COUNTY AGENCY
ZONING DIVISION

Item 9 of Re-Zoning Application

9(a). The zoning proposal will permit a use that is suitable in view of the use and development of adjacent and nearby property. The adjacent and nearby properties are a mixture of commercial, retail, professional and single family. The proposed use of the subject properties would be compatible with these properties and would provide goods and services commonly required by several neighborhoods and communities.

9(b). The zoning proposal will not adversely affect the existing use or usability of adjacent or nearby property. Nearby properties along Shallowford Road are commercial, retail and professional, as stated in item 9(a), and the proposed use of the subject property will be compatible with those properties, and will provide goods and services routinely utilized by the surrounding properties, while respecting individual property rights and protecting existing neighborhoods and community character.

9(c). The property to be affected by the rezoning proposal does not have a reasonable economic use as currently zoned. This is true because the current zoning of the parcels (GC for Tract 1 and NS for Tract 2) is considered by Cobb County to be a Non-Conforming Use, under the current Comprehensive Plan. There is an existing outdated gas station located on Tract 1, but, unless it can be improved to meet the current standards of a convenience store, which it can not be, as presently zoned, it does not have a reasonable economic use. Tract 2, as undeveloped property, does not have a reasonable economic use.

9(d). The proposed zoning will not result in a use which will or could cause excessive or burdensome use of existing streets, transportation facilities, utilities or schools. The expected users of the planned new facilities would be from the existing surrounding residential properties and from current traffic along Trickum Road and Shallowford Road, utilizing existing infrastructure. No new infrastructure would be required. Existing schools would not be impacted.

9(e). The proposed zoning is in conformity with the policy and intent of the land use plan. The current Cobb County Comprehensive Plan defines the subject properties as being located within a Neighborhood Activity Center. The requested zoning classification, NRC, is one of the zoning classifications allowed within the Neighborhood Activity Center District.

9(f). There are existing conditions affecting the use and development of the proposed zoning of the subject property. The current zoning classification of the adjacent parcel at the northeast, northwest and the southeast quadrant of the intersection of Trickum Road and Shallowford Road, as well as numerous other parcels along Shallowford Road, east and west of the intersection, is also NRC.

RESERVED FOR CLERK OF COURT



This Survey for Tract 2 was prepared by engineering & inspection systems, dated 05/15/2021.

All measurements are in feet, and all bearings are from the true meridian. All bearings are given in the form of XY^Z , where X is the bearing angle, Y is the bearing direction (N, S, E, or W), and Z is the bearing distance.

PANEL 2 LEGAL DESCRIPTION

ALL TRACT 2 PARCELS, LOCATED IN THE CITY OF ATLANTA, GAO COUNTY, GEORGIA, AS SHOWN ON THE ATTACHED MAP, ARE DESCRIBED AS FOLLOWS:

TRACT 2: 21 PARCELS, TOTAL AREA OF 141,340.00 SQ. FT. (3.25 ACRES), MORE OR LESS.

TRACT 1: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 3: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 4: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 5: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 6: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 7: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 8: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 9: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 10: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 11: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 12: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 13: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 14: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 15: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 16: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

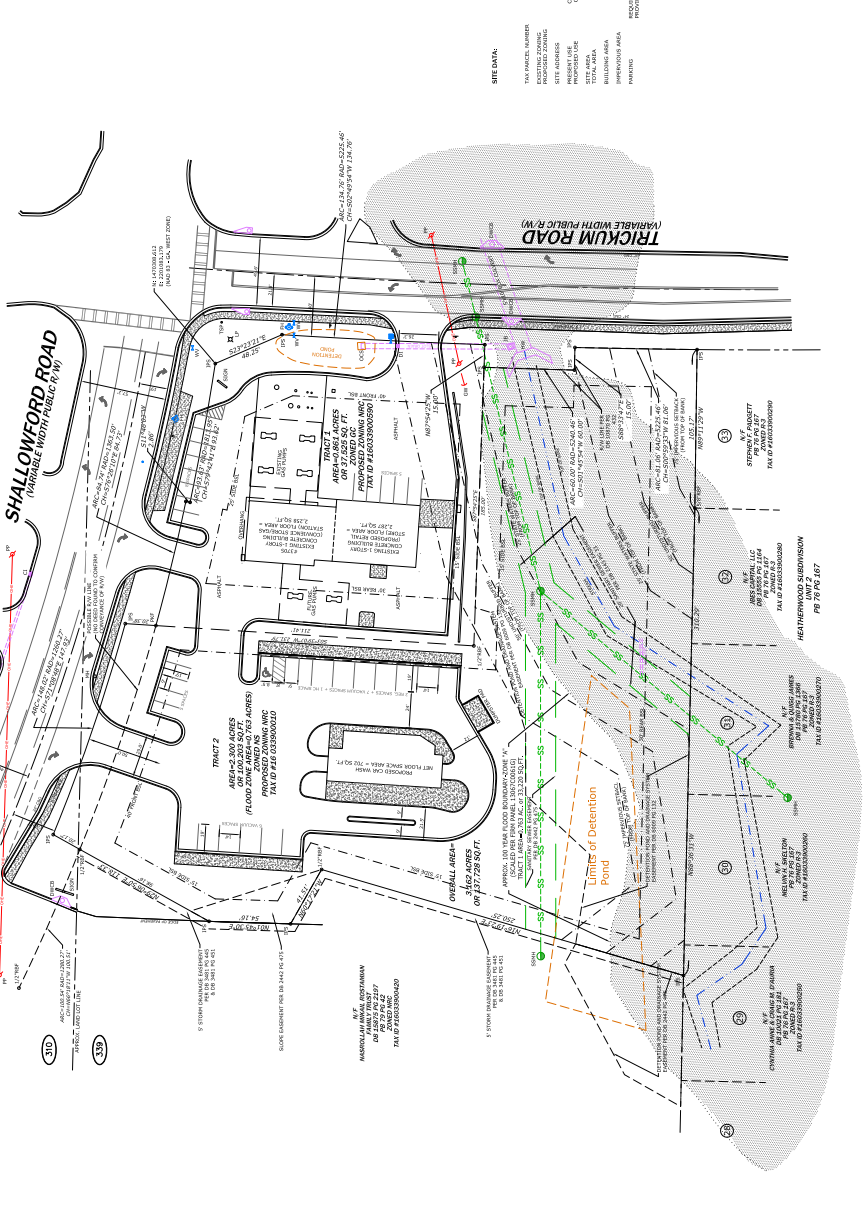
TRACT 17: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 18: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 19: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 20: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

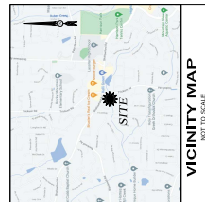
TRACT 21: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.



UTILITY WARNING

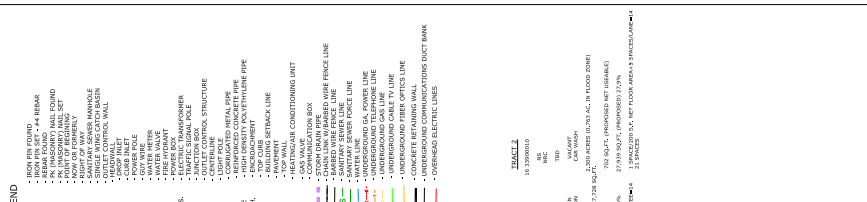
PROFESSIONAL ENGINEERING AND SURVEYING LICENSE NO. 50008-EXP-000001-0000

The Surveyor has reviewed the field notes, records, and maps of record for the project. The Surveyor has identified utility lines shown on the map and/or in the field notes. The Surveyor does not guarantee the accuracy of the utility lines shown on the map and/or in the field notes. The Surveyor is not responsible for the location, depth, or accuracy of any utility lines not shown on the map and/or in the field notes. It is the responsibility of the contractor to verify the location, depth, and accuracy of all utility lines before any construction begins.



LEGEND

RF	RIVER
RM	RIGHT-OF-WAY
PF	PARTIAL
FF	FULL
PP	PROPOSED
RM	RIGHT-OF-WAY
PP	PROPOSED
PP	PROPOSED
PP	PROPOSED
PP	PROPOSED



SITE DATA

TRACT NUMBER	TRACT AREA
TRACT 2	141,340.00 SQ. FT.
TRACT 1	1,500.00 SQ. FT.
TRACT 3	1,500.00 SQ. FT.
TRACT 4	1,500.00 SQ. FT.
TRACT 5	1,500.00 SQ. FT.
TRACT 6	1,500.00 SQ. FT.
TRACT 7	1,500.00 SQ. FT.
TRACT 8	1,500.00 SQ. FT.
TRACT 9	1,500.00 SQ. FT.
TRACT 10	1,500.00 SQ. FT.
TRACT 11	1,500.00 SQ. FT.
TRACT 12	1,500.00 SQ. FT.
TRACT 13	1,500.00 SQ. FT.
TRACT 14	1,500.00 SQ. FT.
TRACT 15	1,500.00 SQ. FT.
TRACT 16	1,500.00 SQ. FT.
TRACT 17	1,500.00 SQ. FT.
TRACT 18	1,500.00 SQ. FT.
TRACT 19	1,500.00 SQ. FT.
TRACT 20	1,500.00 SQ. FT.
TRACT 21	1,500.00 SQ. FT.

SITE PLAN

SOUTHERN GAS PARTNERS, LLC

TRACTS 1 AND 2

DATE: 4/14/2022

SCALE: 1" = 30'

PROJECT NO. 2021-000001-0000

DRAWN BY: [Name]

CHECKED BY: [Name]

STATE OF GEORGIA PLAT ACT CERTIFICATION

PLAT NO. [Number]

DATE: 4/14/2022

ENGINEER: [Name]

PLANNING BOARD: [Name]

COMMISSIONER: [Name]

FIELD DATES: 5/06/21 - 05/02/21

GENERAL LEGAL DESCRIPTION

TRACT 2: 21 PARCELS, TOTAL AREA OF 141,340.00 SQ. FT. (3.25 ACRES), MORE OR LESS.

TRACT 1: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 3: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 4: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 5: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 6: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 7: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 8: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 9: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 10: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 11: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 12: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 13: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 14: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 15: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

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TRACT 20: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

TRACT 21: 1 PARCEL, TOTAL AREA OF 1,500.00 SQ. FT. (0.034 ACRES), MORE OR LESS.

Roadway	Roadway classification	Speed limit (MPH)	Jurisdictional control	Min. R.O.W. requirements
Shallowford Road	Arterial	45	Cobb County	100'
Trickum Road	Major Collector	35	Cobb County	80'

Roadway	Location	Average daily trips	Level of service
Shallowford Road	East of Steinhauser Road	23,500	F
Trickum Road	North of Sandy Plains Road	8,950	C

Based on 2018 AADT counting data taken by GDOT, as published on their website, for Shallowford Road.

Based on 2019 traffic counting data taken by Cobb County DOT for Trickum Road.

Planning Level of Service based on available Average Daily Trips using GRTA guideline thresholds. Classification thresholds for LOS A and LOS B are not available for arterial or major collector roads from this data source.

LOS C or D is acceptable based on GDOT Design Policy Manual criteria.

Comments and observations

Shallowford 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.

Trickum Road is classified as a major collector and according to the available information the existing right-of-way does meet the minimum requirements for this classification.

Recommendations

1. As necessitated by this development, recommend Trickum Road access include a deceleration lane and left turn lane. The existing left turn lane on Trickum Road for the signal at Shallowford Road can be utilized and extended at this driveway as part of the driveway left turn lane. Recommend location and design, including striping modifications, be determined during plan review, subject to Cobb County DOT approval.
2. Recommend the entrance on Trickum Road be restricted to right-in/right-out/left-in access. Recommend final driveway design be determined during plan review.
3. Recommend the eastern entrance on Shallowford Road be restricted to right-in/right-out access. Recommend final driveway design be determined during plan review.
4. Recommend applicant verify that minimum intersection sight distance is available for the Shallowford Road and Trickum Road access points, and if it is not, implement remedial measures, subject to the Department's approval, to achieve the minimum requirements.
5. Recommend extending all driveway uninterrupted access to a minimum of 50' from the edge of right-of-way per Development Standard 402.08.

(continued)

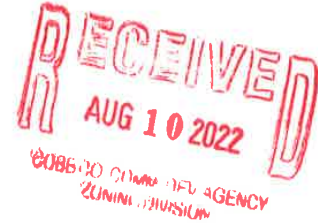
6. Recommend replacing disturbed curb, gutter, and sidewalk along the Shallowford Road and Trickum Road frontages.

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

ENGINEERING & INSPECTION SYSTEMS, INC.

August 08, 2022

Mr. John Pederson, AICP
Division Manager
Cobb County Zoning Department
1150 Powder Springs Street
Suite 400
Marietta, GA 30064



Re: Request for Continuance
Zoning Case Z-41, 2022

VIA HAND DELIVERY

Dear John:

At the Board of Commissioners public meeting on July 19, the above referenced case was continued to the August 16 hearing date by the board, due to homeowner objections. After meeting with Commissioner Birrell and the homeowners on August 03, we have determined that we need additional time to respond to homeowners comments, as well as to provide additional material that Commissioner Birrell has requested.

On behalf of the Applicant and Property Owner, Southern Gas Partners, LLC, we hereby request that you grant us a continuance, and re-schedule our zoning case for the BOC meeting on September 20, 2022.

Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "James L. Courson, III".

James L. Courson, III

ENGINEERING & INSPECTION SYSTEMS, INC.

VIA HAND DELIVERY

September 14, 2022

Mr. John Pederson, AICP
Division Manager
Cobb County Zoning Department
1150 Powder Springs Street
Suite 400
Marietta, GA 30064

Re: Application for Rezoning
Owner and Applicant
Property

Application Number Z-41, 2022
Southern Gas Partners, LLC
3.162 Acres, more or less
Located in LL 310 & 339
16th District, 2nd Section
Cobb County, Georgia

Dear John:

The undersigned and this firm represent Southern Gas Partners, LLC, (hereinafter referred to as "Applicant"), in its application for rezoning of property referenced herein above.

The subject property is comprised of two separate parcels, and will be referenced herein as Tract 1 and Tract 2. Tract 1 consists of 0.861 acres, more or less, and presently is developed with a gas station with fuel pumps and automobile service bays which was constructed in approximately 1996. Tract 2 consists of 2.30 acres, more or less, and is a wooded, undeveloped tract.

Applicant seeks rezoning of Tract 1 from the existing General Commercial (GC) category to the Neighborhood Retail Commercial (NRC) category and rezoning of Tract 2 from the Neighborhood Shopping (NS) to Neighborhood Retail Commercial (NRC), being site plan specific to the Site Plan prepared by Engineering & Inspection Systems, Inc., dated April 04, 2022, last revised August 19, 2022, incorporated herein by reference

We have had numerous meetings with the planning and zoning staff and with Commissioner JoAnn Birrell, and we have made revisions to the Site Plan and the Stipulation Letter to incorporate staff comments.

Also, we have met with many of the neighbors, and in response to their concerns, we have made numerous changes to the Site Plan and Stipulation Letter, with additional changes and additions that Commissioner Birrell has requested to protect the neighbors. Among

ENGINEERING & INSPECTION SYSTEMS, INC.

the changes were requirements to minimize the noise; revise car wash operating hours to start at a later time; restrict the operating hours for the convenience store to 5:00 am to 11:00 pm, omit the new fuel pumps between the convenience store and the car wash; add supplemental landscaping for screening and sound suppression; redesign the storm water management concept to abandon the existing detention pond in the undisturbed buffer area; provide for a minimum of a 100 foot undisturbed natural buffer between the neighbors in the adjacent subdivision, and provide details of the proposed renovations to the existing gas station and for the new construction of the car wash to illustrate that the resulting development will be more esthetically pleasing than any of the existing surrounding businesses.

We have been authorized by the Applicant, to submit this letter of stipulations, restrictions and conditions, which, if the application for rezoning is approved as submitted, shall become a part of the grant of the requested zoning and shall be binding upon the Subject Property.

The specific stipulations, restrictions and conditions are detailed as follows:

1. The existing gas station building will be remodeled within the overall existing building area to a condition normally accepted as a modern convenience store in today's market, and as reflected in the attached rendering which is made a part of the Application by reference. The automobile service bays will be eliminated. Tract 2 will be developed with a car wash in accordance with the Site Plan and the renderings which are made a part of herein by reference.
2. The exterior of the buildings will be masonry and stucco, brick, stone and glass.
3. The buildings will be one story, with a maximum height of 35 feet.
4. No variances will be required.
5. All external lighting in the parking areas and on the buildings will be low impact environmental-type lighting. Building lighting will be provided by wall sconces. There will be no building lighting on the south side of the building. Parking lot lighting will be low intensity and will be faced downward with hooding to prevent glare. Lighting along the drive at the rear of the building adjacent to the subdivision to the south will be limited to that sufficient for navigation around the building. No parking lot lighting will shine toward the subdivision to the south. After 8:00 p.m., lighting on the entire car wash facility will be very low level for security purposes only.
6. Entrance signage will be monument-style in compliance with Cobb County Sign Ordinance and will be permitted by the county during plan approval. There will be no permanent portable signs, billboards or airborne signs displayed on the Subject Property or on the buildings constructed thereon.

ENGINEERING & INSPECTION SYSTEMS, INC.

7. Existing State and County stream buffers along the southern portion of the Subject Property will be maintained, in accordance with Cobb County Standards, and there will be no intrusion into, or disturbance within these buffers. The clearing/grading limits line shown on the Site plan, beyond which no clearing or grading will occur, will provide a minimum undisturbed buffer of 100 feet between the car wash improvements and the residential area along the south property line. This buffer far exceeds the county imposed stream buffer in this area. The undisturbed buffer between the gas station improvements and the residential property line will be as large as 150 feet. The minimum setback along residential properties required by the requested zoning is only 30 feet.
8. Landscaping along the Shallowford Road right-of-way and the Trickum Road right-of-way, outside the stream buffer area, will be provided in accordance with a landscape plan submitted to, and approved by Cobb County as part of the Land Disturbance Permit process. A row of evergreen trees, 7 feet in height, 15 feet on-center, will be planted along the south side of the car wash improvements, as shown on the Site Plan, to provide added screening and noise abatement.
9. Trash cans will be located at each vacuum station for the car wash. These cans will be emptied daily to prevent trash on the ground. Trash dumpsters, as shown on the Site Plan, will be enclosed within an enclosure approved by Cobb County development regulations. In order to reduce noise, the convenience store and the car wash will coordinate to have dumpster pick-up at the same time, which will be between 8:00 a.m. and 6:00 p.m. on weekdays.
10. The existing curb cut on Shallowford Road will remain a right-in, right-out traffic maneuver. A new curb cut will be added on Shallowford Road, near the west property line, as shown on the Site Plan, to provide a full access traffic maneuver onto Shallowford Road. A southbound turn lane will be added on Trickum, Road and the left turn exit maneuver from the driveway on Trickum Road will be prohibited, as recommended by DOT.
11. Disturbed curb and gutter and sidewalk along the Shallowford Road and Trickum Road property frontage will be replaced during the Land Disturbance Permit process.
12. Applicant will meet all Cobb County Development Standards and Ordinances related to project improvements.
13. Loud music will not be allowed on the car wash site at any time. Signs will be posted at each vacuum station expressly prohibiting the playing of loud music anywhere on the premises. Employees will monitor the noise level and ask customers to turn down the volume if excessive.
14. Security cameras will be installed and maintained on the convenience store and on the car wash premises.

ENGINEERING & INSPECTION SYSTEMS, INC.

15. Detention structures will be designed and constructed on the convenience store and the car wash property to provide detention and water quality to limit the rate of storm water runoff from each site, in compliance with Cobb County storm water management standards. No detention structures will be located within the buffer area. In addition, an oil-water separator will be provided on the convenience store site in accordance with Cobb County requirements.
16. A maintenance agreement will be entered into with Cobb County to ensure annual maintenance of the detention structures, as required by the county storm water management department.
17. The impervious surface of the gas station currently exceeds the allowable 70% of the site area. The interior property line between the two tracts will be adjusted as shown on the Site Plan to increase the size of the gas station tract, and reduce the car wash tract by the same amount, to limit the percentage of impervious surface of the gas station site to approximately 60% of the total site area. A Minor Subdivision Plat to adjust the property line will be submitted to, and approved by, Cobb County prior to filing for a Land Disturbance Permit for the property.
18. The hours of operation for the car wash will be 8:00 am to 8:00 pm. The hours of operation of the convenience store will be 5:00 am to 11:00 pm.
19. The development of the convenience store and the car wash will incorporate the requirements of the proposed amendment on zoning, Version 1, dated August 11, 2022, Article V – Supplemental Regulations Section 134-266.
20. The District Commissioner shall have the authority to approve minor revisions to the final site plan and elevations.

Please do not hesitate to contact me should you or your staff any further information or documentation prior to the Board of Commissioner hearing date.

Sincerely;

James L. Courson, III
President









ENGINEERING & INSPECTION SYSTEMS, INC.

September 30, 2022

Mr. John Pederson, AICP
Division Manager
Cobb County Zoning Department
1150 Powder Springs Street
Suite 400
Marietta, GA 30064

Re: Request for Continuance
Zoning Case Z-41, 2022

VIA EMAIL DELIVERY

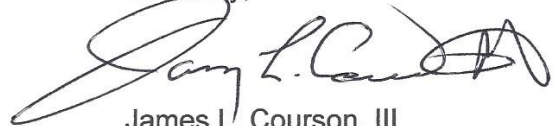
Dear John:

The undersigned and this firm represent Southern Gas Partners, LLC, ("Applicant"), in its application for rezoning of property referenced herein above.

After meetings and discussions with Commissioner Birrell and representatives of the area homeowners, we have determined that additional meetings and discussions with the homeowners will be necessary to achieve the best outcome for everyone involved. In order for us to do that, and to make revisions to the documents supporting our zoning application, we are requesting that we be granted a continuance of our zoning case to the November 15, 2022 meeting of the Board of Commissioners.

Thank you.

Sincerely;



James L. Courson, III
President