



## **REZONING APPLICATION ANALYSIS**

**ZONING CASE #:** Z2013-08

**LANDOWNERS:** Mesquite Creek Development, Inc.  
3225 Cumberland Blvd., Ste. 100  
Atlanta, Georgia 30339

**APPLICANT:** RaceTrac Petroleum, Inc.  
3225 Cumberland Blvd., Ste. 100  
Atlanta, Georgia 30339

**AGENT:** Billy Milam, SVP  
Mesquite Creek Development, Inc.  
3225 Cumberland Blvd., Ste. 100  
Atlanta, Georgia 30339

**PROPERTY ADDRESS:** 2400, 2466 and 2484 Delk Road

**PARCEL DESCRIPTION:** Land Lot 07990, 17<sup>th</sup> District, Parcels 0380, 0050, 0090

**AREA:** 3.02 acres      **COUNCIL WARD:** 1

**EXISTING ZONING:** OI (Office Institutional) and CRC (Community Retail Commercial)

**REQUEST:** CRC (Community Retail Commercial)

**FUTURE LAND USE MAP**

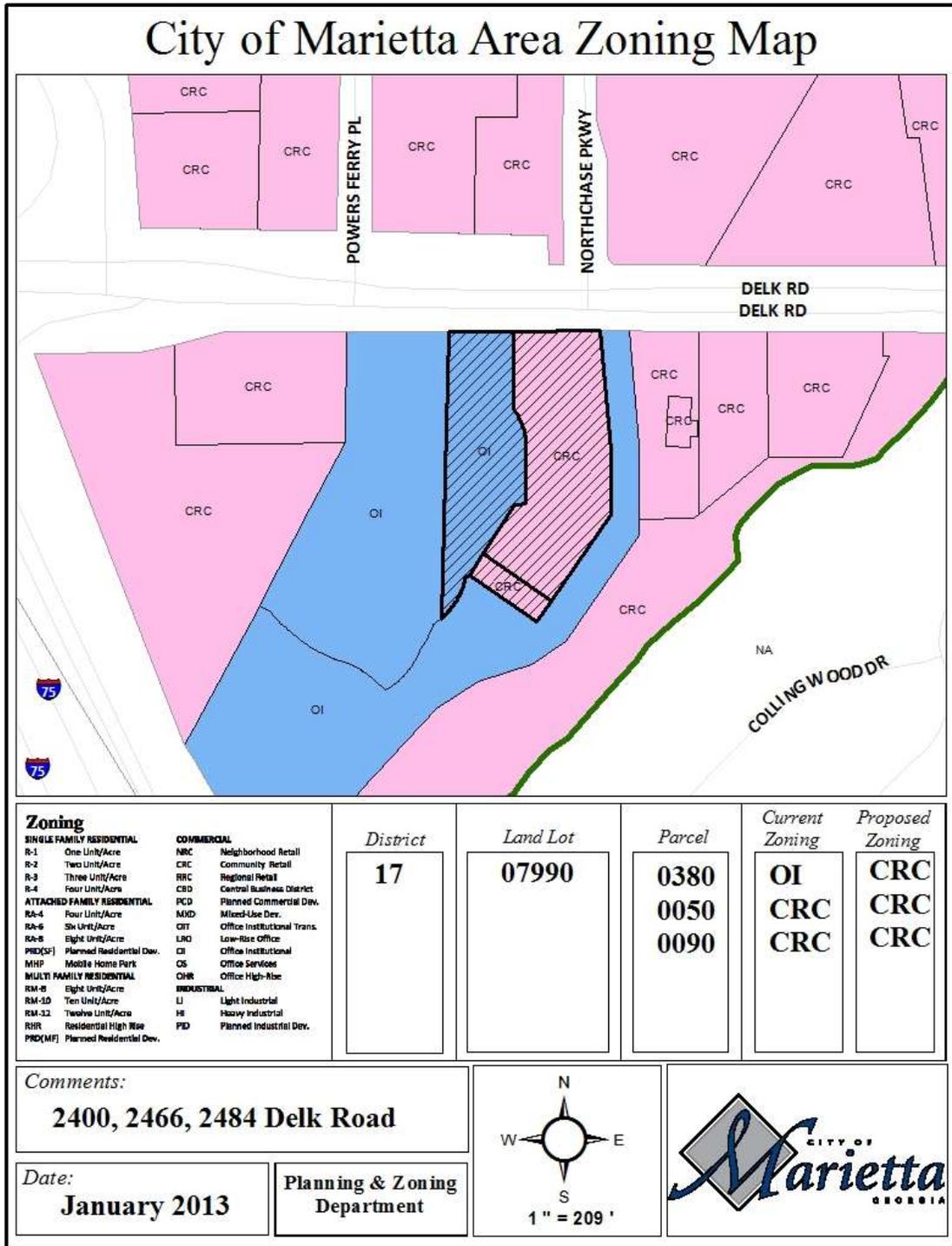
**RECOMMENDATION:** RAC (Regional Activity Center)

**REASON FOR REQUEST:** The applicant, RaceTrac Petroleum, Inc. is requesting to rezone the properties in order to redevelop the existing convenience store using the new RaceTrac flagship store design.

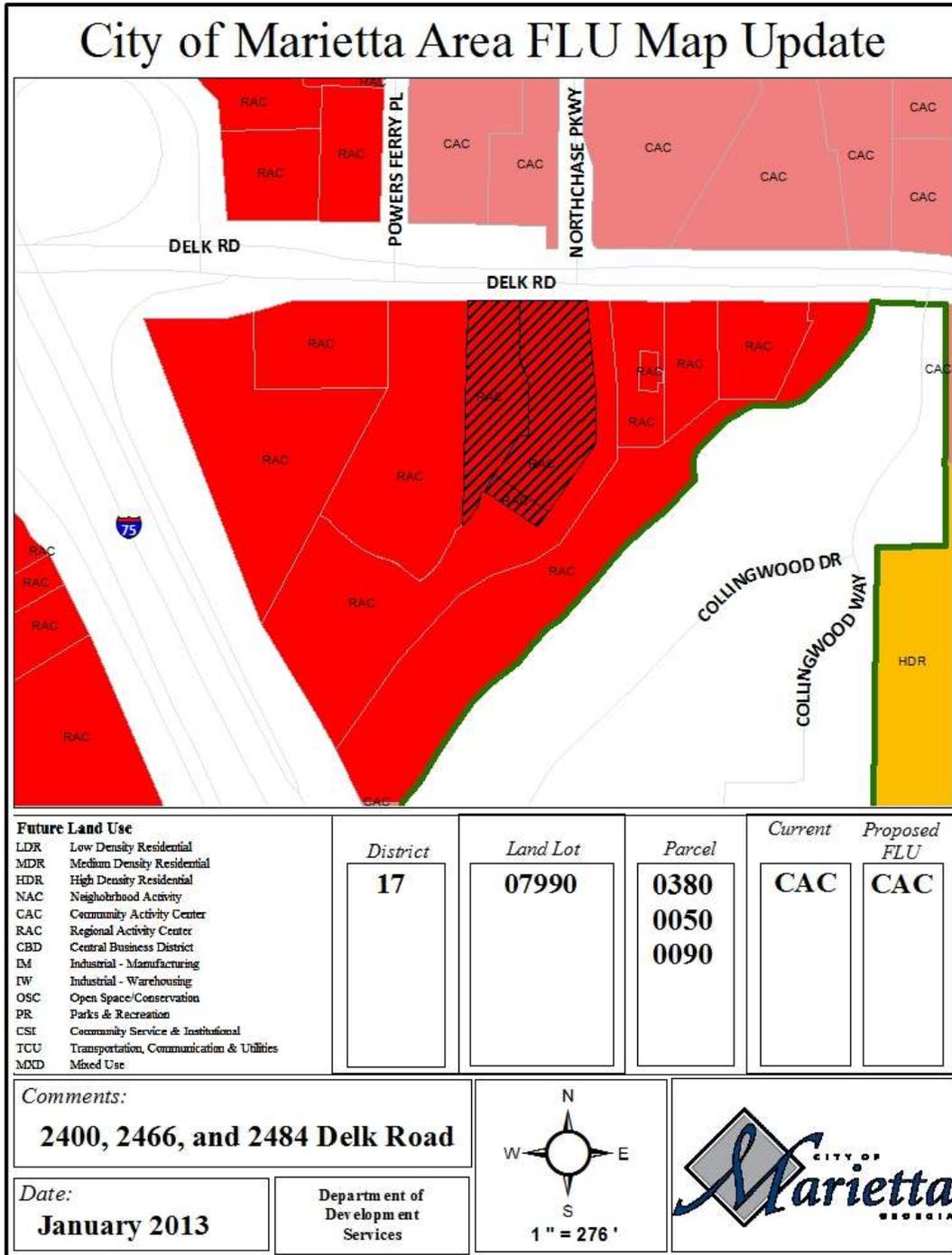
**PLANNING COMMISSION HEARING:** Tuesday, February 5, 2013

**CITY COUNCIL HEARING:** Wednesday, February 13, 2013

## MAP



## FLU MAP



**PICTURES OF PROPERTY**





## STAFF ANALYSIS

### *Location Compatibility*

RaceTrac Petroleum, Inc., petitioner for the owner Mesquite Creek Development, Inc is requesting to rezone 3.02 acres located at 2400, 2466, and 2484 Delk Road from OI (Office Institutional) and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). There currently exists a RaceTrac gas station and convenient store at 2466 Delk Road, which is zoned CRC (Community Retail Commercial). The adjacent property at 2400 Delk Road is a TitleMax pawn shop, and to the rear of the property is a recently demolished motel building. The property located at 2484 Delk Road is to the rear of 2466 Delk Road and is vacant.

The applicant is requesting to rezone all three parcels to CRC (Community Retail Commercial) in order to redevelop all three parcels with new RaceTrac flagship store design. The proposed redevelopment of RaceTrac requires the combination of the three parcels and the removal of the existing building (TitleMax) on 2400 Delk Road.

### *Use Potential and Impacts*

The subject properties are located within the Franklin/Delk LCI study boundary, which includes this portion of Delk Road. The Franklin/Delk LCI study specifically identifies the study area, which includes the Delk Road corridor as a critical area for improvement, redevelopment, and investment, and is an area that the City and County have identified to support efforts to bring about positive changes and investment to the area.

RaceTrac has plans to build a newly designed convenience store with self service fuel sales on these properties. As currently zoned and divided, the applicant could not redevelop on the three separate parcels, because of the potential of split zoning (CRC & OI). The applicant does plan to combine these three parcels into one through the exemption platting process, once the zoning issue is resolved.

The impact to adjacent parcels to the east and west should be minimal. To the east are Kentucky Fried Chicken and Hardees restaurants, and an oil and lube business. To the west is a deteriorated aging motel, a gas station, and a hotel. The redevelopment proposal will improve and enhance the existing look of the RaceTrac property, which will in turn improve and enhance the corridor.

The city's Comprehensive Plan designates the subject properties and surrounding are as having a Future Land Use (FLU) of RAC (Regional Activity Center). The proposed CRC zoning category is technically not compatible with the existing FLU designation. However, the land uses that are permitted within the CRC zoning district are appropriate given the close proximity to interstates and regional corridors such as Delk Road and Cobb Parkway.

## STAFF ANALYSIS CONTINUED

### *Environmental Impacts*

The Public Works Department has determined that the 100 year flood plain depicted on the 12/14/12 Racetrac Site Plan is incorrect. Virtually all of the property at 2466 Delk Road lies within the 100 year flood plain (2008 & 2013 maps); and approximately 40% of the adjacent property at 2400 Delk Road – Hospitality Inn and demolished building – is within the 500 year flood plain. Future development will be impacted by City Code 7-8-10 (Floodplain Management / Flood Damage Prevention). These regulations are standard for the Atlanta Metro Area, and were required by Georgia Floodplain Management of GA EPD, as well as FEMA. Of particular importance is the definition of “Substantial Improvement” (7-8-10-020 definitions):

*“Substantial Improvement” means any combination of repairs, reconstruction, alteration, or improvements to a building, taking place during a five-year period, in which the cumulative cost equals or exceeds 50 percent of the market value of the structure prior to the improvement. The market value of the building means (1) the appraised value of the structure prior to the start of the initial repair or improvement, or (2) in the case of damage, the value of the structure prior to the damage occurring. This term includes structures which have incurred “substantial damage” regardless of the actual amount of repair work performed. For the purposes of this definition, “substantial improvement” is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the building. The term does not, however, include those improvements of a building required to comply with existing health, sanitary, or safety code specifications which are solely necessary to assure safe living conditions, which have been pre-identified by the code enforcement official, and not solely triggered by an improvement or repair project.’*

### *Economic Functionality*

The existing location of RaceTrac located at 2466 Delk Road is currently the location of a successful gas station and convenience store. With the upgraded design and expansion of RaceTrac, the business should continue to be successful. That RaceTrac is planning to expand and upgrade its existing location, as opposed to relocating to a different location, is a testament to the marketability and success of this proposed site.

As mentioned earlier, the existing RaceTrac operates its business at 2466 Delk Road, and the property to the rear known as 2484 Delk Road is vacant. The property adjacent to the west known as 2400 Delk Road currently has a title pawn business, which is to be demolished. To the rear of the pawn shop was a building that had been part of the Hospitality Inn, but that building was demolished, and is where RaceTrac intends to expand.

Rezoning all three properties to CRC will provide a better opportunity for a reasonable economic use than the existing zoning of OI (Office Institutional) due to the adjacent businesses.

## STAFF ANALYSIS CONTINUED

### *Infrastructure*

The subject property is adjacent to existing businesses, and is not expected to have an impact on the existing infrastructure in the area; nor is it expected to have an impact on the water and sewer system or electricity infrastructure in the area.

See comments below from the Public Works Department:

- A 2' grass strip with 6' sidewalk is required along Delk Road (Arterial). If additional R.O.W. is required (greater than the above) then it must be provided to ensure the sidewalk is within the R.O.W. All sidewalk must be within R.O.W. A Quit Claim Deed will be required to be provided to GA DOT, with a copy to the City Public Works Department.
- A minimum of 20' wide travelway plus curb and gutter, is required in addition to a minimum 9' wide x 20' long parking spaces. All parking is to meet ITE standards for Level A parking. All turning radii is to meet the standards for SU-30 AASHTO.
- By City Code, radii on curbs must be 25' +. The Fire Department may require larger radii at the time of Site Plans.
- A Georgia DOT Permit is required for drive relocation or revisions of access, and all other access discussions along Delk Road, in addition to the Public Works Director.

### *History of Property*

- July 8, 1998 - Z-9817 – Approved to rezone 1.60 acres from NS (Neighborhood Shopping) to GC (General Commercial)
- September 28, 1998 – V-9831 – Variances approved
  - Variance to reduce the required setback for fuel island canopies from 15 ft. to 12 ft. from the property line
  - Reduction of the number of required parking spaces from 20 to 16
  - Reduction of the required rear yard setback from 35 ft. to 30 ft. from the property line, and
  - Reduction of side yard setback from 15 ft. to 10 ft.
- December 18, 2000 – V2000-42 – Variances approved
  - Variance to reduce required setback for fuel canopies from 15 ft. to 12 ft.
  - Reduction in number of required parking spaces from 20 spaces to 16 spaces
  - Variance to reduce side yard setback from 15 ft. to 10 ft.
- March 6, 2001 – AV2001-09 – Administrative Variance approved
  - Increase the maximum size of a freestanding sign from 120 sf. to 150 sf. Applicant agrees that they will not seek a permit for a second freestanding sign.
- October 29, 2001 – V2001-24 – Variances approved
  - Variance to increase the maximum floor area ratio from .5 to 1.2
  - Variance to increase the maximum area of impervious surface from 80% to 84.6%



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## STAFF ANALYSIS CONTINUED

### *Other Issues*

The applicant is seeking the following variances for the new site development:

1. Variance to allow the clustering of street trees in lieu of evenly spacing trees every thirty feet. (Section 712.08.G.2.a)
2. Variance to allow the required street trees to be placed within the front setback, instead of in a ten feet landscape strip. (Section 712.08.G.2.a)
3. Variance to increase the allowable canopy signage on each side from 10 sf. to 51 sf. (Section 714.05.C.)



## ANALYSIS & CONCLUSION

RaceTrac Petroleum, Inc., petitioner for the owner Mesquite Creek Development, Inc is requesting to rezone 3.02 acres located at 2400, 2466, and 2484 Delk Road from OI (Office Institutional) and CRC (Community Retail Commercial) to CRC (Community Retail Commercial). There currently exists a RaceTrac gas station and convenience store at 2466 Delk Road, which is zoned CRC (Community Retail Commercial). The adjacent property at 2400 Delk Road has a TitleMax pawn shop located on the property, and to the rear of the property is a recently demolished motel building. The property located at 2484 Delk Road, to the rear of 2466 Delk Road is vacant and will remain vacant under the current proposal.

The applicant is requesting to rezone the subject properties to CRC (Community Retail Commercial) in order to redevelop the property and to build a new RaceTrac flagship store with an updated design. The proposed redevelopment of RaceTrac requires the combination of the three parcels, and the removal of the existing building (TitleMax) on 2400 Delk Road. As part of this process, the applicant will complete the exemption platting process to combine the three parcels as one parcel. According to the Public Works Department, the applicant will have to coordinate with the Public Works Department, and potentially with FEMA (Federal Emergency Management Agency), to seek approval to build within the floodplain. Once the applicant submits site plans for construction, the Public Works Department will determine, based on City Code 7-8-10 (Floodplain Management / Flood Damage Prevention), what is required by the Georgia Floodplain Management of GA EPD, and FEMA.

In order to develop the property as shown on the plans submitted, the applicant has requested the following variances:

1. Variance to allow the clustering of street trees in lieu of evenly spacing trees every thirty feet. (Section 712.08.G.2.a)
2. Variance to allow the required street trees to be placed within the front setback, instead of in a ten feet landscape strip. (Section 712.08.G.2.a)
3. Variance to increase the allowable canopy signage on each side from 10 sf. to 51 sf. (Section 714.05.C.)

The city’s Comprehensive Plan designates the subject properties and surrounding are as having a Future Land Use (FLU) of RAC (Regional Activity Center). The proposed CRC zoning category is technically not compatible with the existing FLU designation. However, the land uses that are permitted within the CRC zoning district are appropriate given the close proximity to interstates and regional corridors such as Delk Road and Cobb Parkway. Changing the FLU designation for this area may need to be considered in the future due to the limits placed upon the property by the floodplain.

**Prepared by:** \_\_\_\_\_

**Approved by:** \_\_\_\_\_