

## Memorandum

**Date:** December 6, 2021.

**To:** Mayor and Council

**From:** Community Development

**Subject:** PZ 21—036 Special Use Request: 3200 Powder Springs Road. To allow a Convenience Store with gas pumps within a CRC zoned district.

**Action:** A motion to APPROVE this special use request with the following conditions:

1. The Special Use approval allows a gas station and convenience store substantially in accordance with the site plan submitted by Applicant dated 10.22.2021. Subject to the approval of any variances to the City of Powder Springs Unified Development Code, if required.
2. Construction hours will adhere to the Noise provisions of Powder Springs Code Sec. 10 – 53 (c) and all other applicable noise regulations of the Powder Springs City Code:  
*Sec. 10 – 53 (c) - The operation of motorized construction equipment and the performance of outdoor construction and/or demolition activity on any building, structure, road or project shall be prohibited during the following times: Monday through Saturday from 6:00 p.m. until 7:00 a.m. during Eastern Standard Time and from 7:00 p.m. until 7:00 a.m. during Eastern Daylight Time, and all-day Sunday.*
3. Storm Water Management shall be an underground system or incorporate bioretention areas and low impact design.
4. The following uses shall be prohibited, Auto parts and tire store, automobile rental, automobile service, construction contractor establishment, furniture repair or reupholstering, and Janitorial, building and carpet cleaning.
5. Parking area lighting shall be maximally illuminated to the extent allowed under the City of Powder Springs code. Security lighting on the building and canopy shall also be maximally illuminated, subject to the provisions of the city's development code.
6. All buildings located on this the site must consist of 75% brick or stone. The remaining building material must be consistent with the standards outline in Article 5 of the Unified Development Code. Stucco will not be permitted. The gas station canopies, and canopy support shall incorporate brick columns and/or pitched roof and are subject to Mayor and Council review and approval. All other building material and color scheme must be consistent with Unified Development Code and Powder Springs approved color scheme. Architectural review shall be subject to design review approval from Mayor and Council prior to the building permitting process.
7. The portion of the building facing Pine Grove Road is considered a front. The applicant must provide architectural renderings showing compliance with design requirements and all such requirements are subject to staff review and approval.
8. Access shall be limited on Pine Grove Road to that approved by City staff. Driveway access will

be determined at time of Land Disturbance permit and shall not be increased from what is shown on the site plan. Decel lanes may be required.

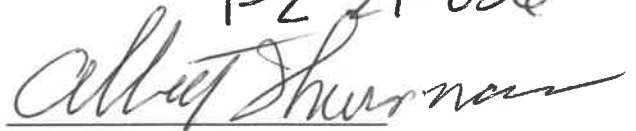
9. Sidewalk and landscaping meeting buffer and/or frontage requirements will be provided along the frontages of Pine Grove Drive and Powder Springs Road for the entire parcel 19086700050. All sidewalk and landscaping must be installed prior to the issuance of the Certificate of Occupancy for the gas station.
10. The entire parcel 19086700050 shall be developed and “Pad Ready”, within 1 year of the issuance of the Certificate of Occupancy for the gas station. Pad ready means that the LDP for the parcel has been issued, stormwater and water/sewer infrastructure installed per the approved plans allowing new construction to hook up, and the site has been graded to subgrade with building pads constructed. A Certificate of Completion must be issued for the work identified above. Failure to comply with this stipulation will be subject to code enforcement action to both the property owner and the gas station owner and revocation of the business license for the gas station.
11. This property will be governed by a Business Owner Association as required by Section 1-82 of the Unified Development Code. All buildings on this property on the parcel id 19086700050 shall have a cohesive look and have a uniform sign program.
12. No illuminated signage will be permitted along the frontage of Pine Grove Road. If lighting is required for safety reasons, it shall be externally illuminated freestanding signage meeting the UDC requirements.
13. Regarding delays in development, the following rules shall apply. Progress must be shown by advancement in the development process and the scheduling of inspections.
  - a. Failure to Commence after issuance of Land Disturbance Permit
    - i. A development permit shall expire if the development activity described in the permit is not begun within 6 months from the date of issuance.
    - ii. Any development permit that has expired may be renewed by the Community Development Department within 6 months of expiration. If a development permit has expired for more than 6 months, the applicant shall be required to apply for a new development permit under the development permit approval process of this Development Code, subject to the approval of Mayor and Council.
    - iii. Within 120 days from completion of the development activities described in the development permit, the owner of the property shall:
      1. Secure a building permit for the specific lot(s) in the development; or
      2. Hydro seed all lots where future construction has been approved and maintain the lots so that the grass does not exceed 8 inches in height.
  - b. Delays after issuance of Land Disturbance Permit
    - i. A development permit shall expire if the development activity described in the permit, once commenced, ceases for more than 45 days.
    - ii. If a development permit expires for a development activity that has ceased for more than 45 days, the applicant shall be required to apply for a new development permit under the development permit approval process of this Development Code, subject to the approval of Mayor and Council.
    - iii. Site Stabilization

1. Should a permit expire for any development activity, the owner of the property shall immediately bring the property up to the minimum tree density standards of Article 5 of this Development Code and shall further stabilize the site in accordance with a plan to be approved by Mayor and Council


So motioned, this 5<sup>th</sup> day of December 2021.  
6<sup>th</sup>

12/6/21


Motion to Deny  
PZ 21-036



Albert Thurman, Mayor



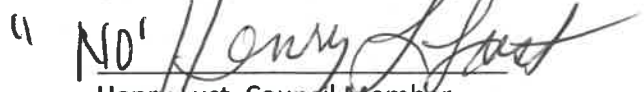
Patrick Bordelon, Council Member



Doris Dawkins, Council Member



Patricia Wisdom, Council Member

"NO" 

Henry Lust, Council Member



Thelma C. Farmer, Council Member

Attest:

  
Kelly Axt, City Clerk