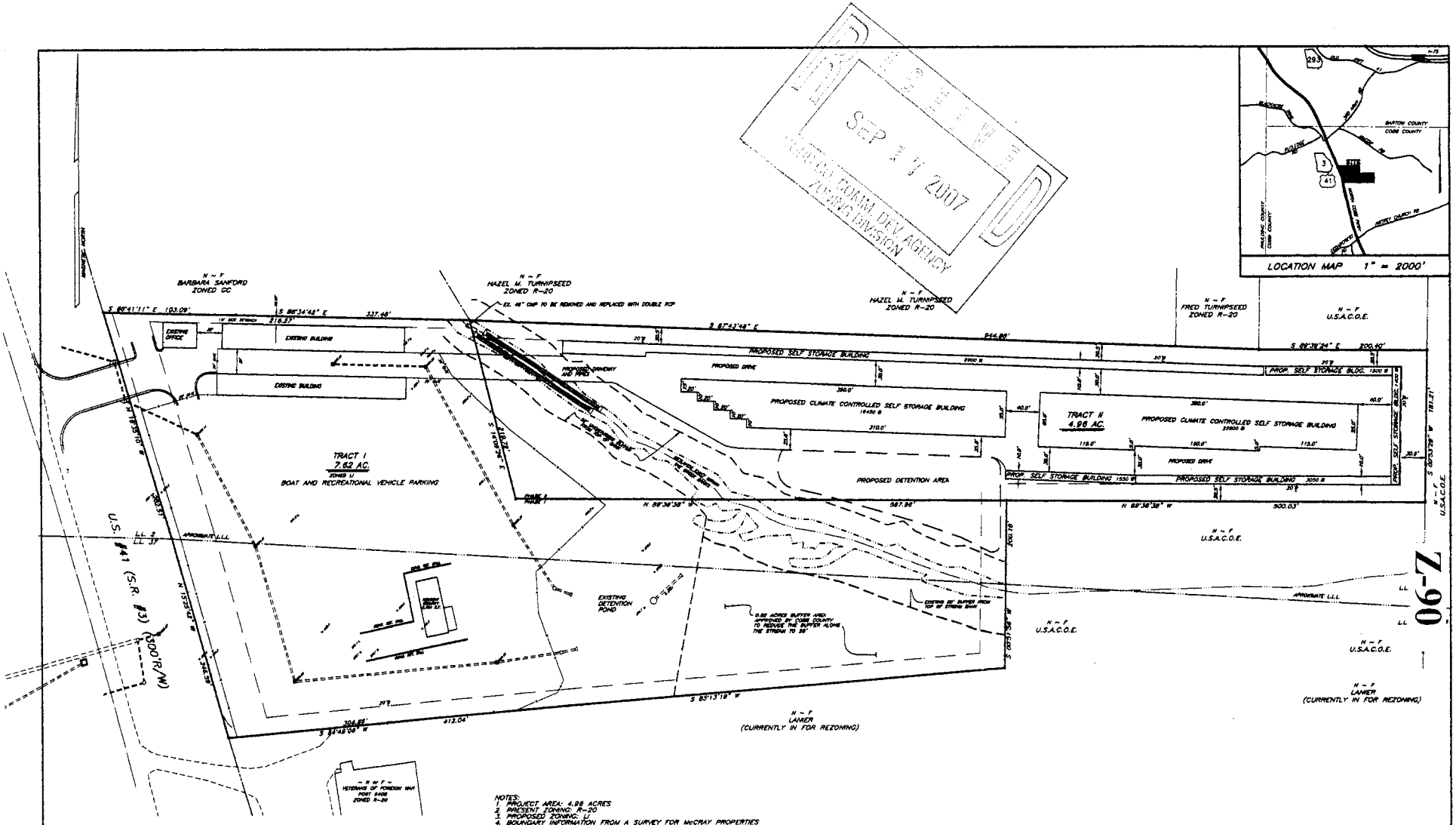

NOTES:
1. PROJECT AREA: 4.96 ACRES
2. PRESENT ZONING: R-20
3. PROPOSED ZONING: U
4. BOUNDARY INFORMATION FROM A SURVEY FOR McCRAY PROPERTIES BY TOMMY HUTTENDALL
5. TOPOGRAPHIC INFORMATION IS COMPILED FROM A FIELD RUN TOPOGRAPHIC SURVEY BY TERRAIN SOLUTIONS AND THE COBB COUNTY G.I.S. TOPO WITH ELEVATIONS BASED ON M.S.L.
6. MINIMUM LOT WIDTH: 75
7. SETBACKS: FRONT-50'
REAR-30'
SIDE-20'
8. THERE ARE NO ARCHEOLOGIC AREAS, CULTURAL AREAS, OR HISTORIC AREAS APPARENT ON THIS SITE. WETLANDS, STATE WATERS, AND AREAS DESIGNATED AS 100 YEAR FLOOD PLAIN ARE AS SHOWN.
9. PHASE III & IV WILL BE USED AS BOAT AND R.V. STORAGE PRIOR TO BUILDING CONSTRUCTION.

GEORGIA REGISTERED PROFESSIONAL ENGINEER 12745 GEORGE T. MCLAUGHLIN

GEORGIA REGISTERED PROFESSIONAL ENGINEER 29613 GEORGE T. MCLAUGHLIN

THIS PLAT IS PREPARED FROM A FIELD SURVEY USING A THE SECOND DIGITAL THEODOLITE AND ELECTRONIC DISTANCE METER ; LINEAR PRECISION OF TRAVERSE 1 / N/A ANGULAR PRECISION : N/A +/- THE TRAVERSE WAS ADJUSTED USING THE COMPASS RULE. LINEAR PRECISION OF THIS PLAT : 1/ 100,000+. MATTERS OF TITLE ARE EXCEPTED.

THIS PARCEL OF LAND IS NOT IN THE 100 YEAR FLOOD PLAIN ACCORDING TO F.E.M.A. (F.I.A.) COMMUNITY PANEL # 13067 C 0059 J DATED AUGUST 18, 1992

DATE : 08/27/07	REVISION:
SCALE : 1"=50'	
DRAWN BY : GFM	
CHECKED BY : GFM	
SURVEYED BY : N/A	
H:/McCray/McCray Zoning 022707	

TERRAIN SOLUTIONS, LLC

P.O. BOX 866
KENNESAW, GEORGIA 30156
(770) 427-3098

www.TerrainSolutionsLLC.com

REZONING PLAN FOR:

McCRAY SELF STORAGE
"PARK A TOY"

LOCATED IN L.L. 2 & 37
20 DIST., 2 SECT.,
COBB COUNTY, GA.

SCALE IN FEET

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UTILITIES PROTECTION CENTER
IT'S THE LAW

Z-90

APPLICANT: McCray Properties, Inc.
770-974-4427

REPRESENTATIVE: Sams, Larkin & Huff, LLP
Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: 41 Park A Toy & Self Storage, Inc.

PROPERTY LOCATION: Located on the east side of U.S. Highway 41, south of Third Army Road.

ACCESS TO PROPERTY: U.S. Highway 41

PHYSICAL CHARACTERISTICS TO SITE: Wooded

PETITION NO: Z-90

HEARING DATE (PC): 10-02-07

HEARING DATE (BOC): 10-16-07

PRESENT ZONING: GC, R-20

PROPOSED ZONING: LI

PROPOSED USE: Self-Service Storage Facility

SIZE OF TRACT: 4.96 acres

DISTRICT: 20

LAND LOT(S): 2

PARCEL(S): 2

TAXES: PAID X **DUE** ____

COMMISSION DISTRICT: 1

CONTIGUOUS ZONING/DEVELOPMENT

NORTH:	R-20, GC, LI/
SOUTH:	GC, OI, R-20/ VFW Post 5408, undeveloped
EAST:	RR/ Allatoona Lake Army Corps of Engineers property
WEST:	LI/ McCray Self Storage Park-A-Toy

OPPOSITION: NO. OPPOSED ____ **PETITION NO:** ____ **SPOKESMAN** ____

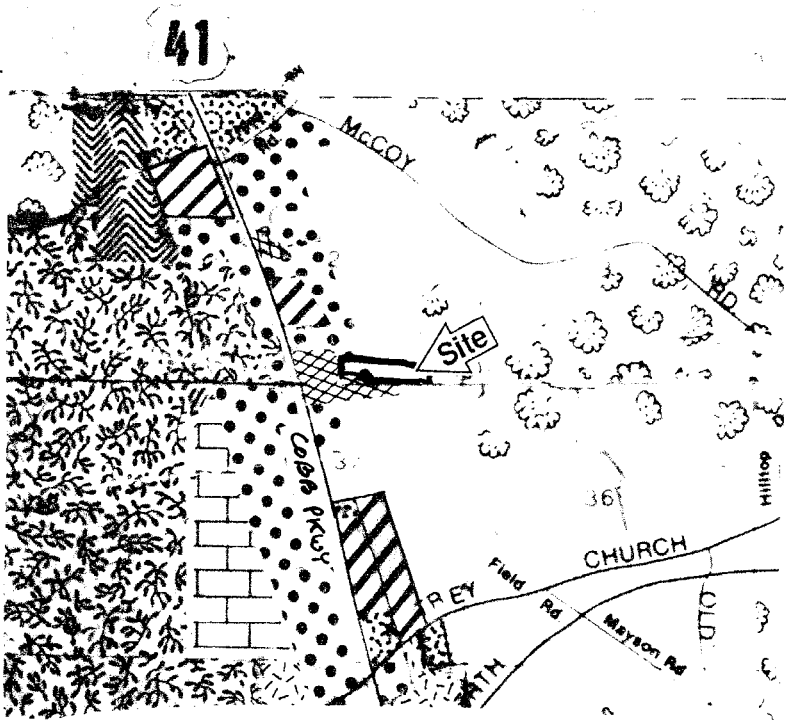
PLANNING COMMISSION RECOMMENDATION

APPROVED ____ **MOTION BY** ____
REJECTED ____ **SECONDED** ____
HELD ____ **CARRIED** ____

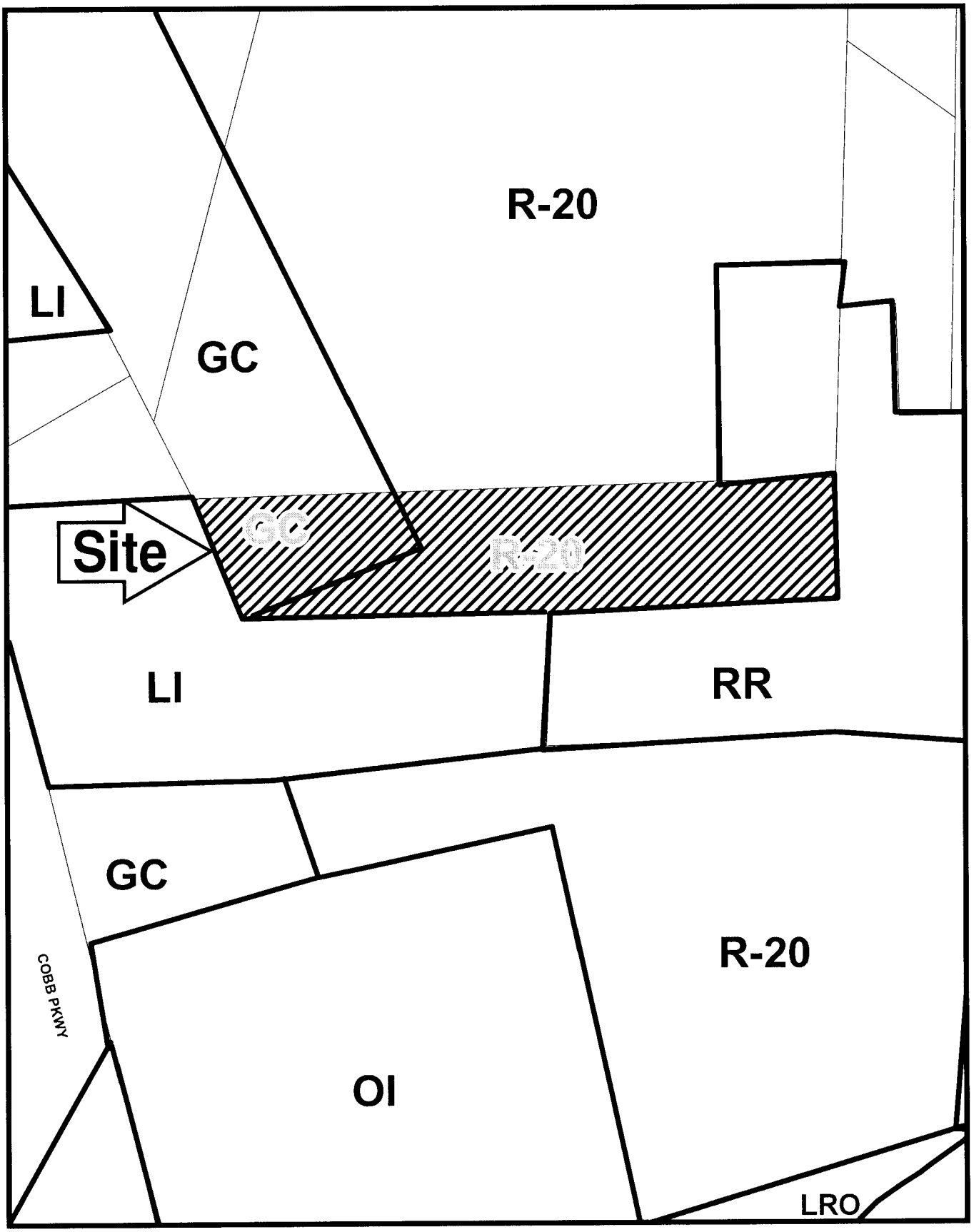
BOARD OF COMMISSIONERS DECISION

APPROVED ____ **MOTION BY** ____
REJECTED ____ **SECONDED** ____
HELD ____ **CARRIED** ____

STIPULATIONS:



Z-90



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

100 0 100 Feet

Draft Parcel Boundary

Approximate Zoning Boundary

APPLICANT: McCray Properties, Inc. **PETITION NO.:** Z-90

PRESENT ZONING: GC, R-20 **PETITION FOR:** LI

* *

PLANNING COMMENTS: **Staff Member Responsible:** John P. Pederson, AICP

Land Use Plan Recommendation: Rural Residential (+/-90%), Industrial Compatible (+/-10%)*

Proposed Number of Buildings: 4 **Total Square Footage of Development:** 70,901

F.A.R.: 0.32 **Square Footage/Acre:** 14,294

Parking Spaces Required: 5 **Parking Spaces Provided:** 5

*** +/-64% of the property is zoned R-20, +/-36% of the property is zoned GC.**

The applicant is requesting the LI zoning district to incorporate additional property into the existing self-service storage facility. There will be a combination of climate controlled and non-climate controlled buildings on the property, which also was approved on the first phase. All buildings will be one-story in height, and will match the existing metal storage buildings. On-site security is provided via gated access at the front of the site. Hours of operation will be Monday Through Saturday, from 7:00 a.m. to 9:00 p.m., and Sunday from 9:00 a.m. to 6:00 p.m. The applicant has submitted a letter of agreeable stipulations (see Exhibit "A").

Historic Preservation: After reviewing various county resources including historic and archeological resource surveys, documented Civil War trench maps, and historic aerial maps, staff finds no known historic properties affected by this application. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

APPLICANT: McCray Properties, Inc. **PETITION NO.:** Z-90

PRESENT ZONING: R-20 **PETITION FOR:** LI

* *

FIRE COMMENTS:

Fire Apparatus Access Road

All access roads shall have an all weather driving surface capable of supporting 75,000 pounds with an unobstructed width of not less than 20 feet, 25 feet inside turning radius, 50 foot outside turning radius and unobstructed vertical clearance of not less than 13 feet 6 inches.

Access road shall extend to within 150-feet of all portions of the facility or any portion of the exterior wall of the first floor.

Dead-end access roads in excess of 150-feet shall be provided with a turn-around by one of the following methods:

Commercial: Cul-d-sac without an island to have a 60 foot paved radius **or** Hammerhead turn-around – total of 110 feet needed (45 feet + 20 foot wide roadway + 45 feet).

Fire Hydrant

Commercial: Fire hydrant within 500 feet of most remote part of structure.

APPLICANT McCray Properties, Inc **PETITION NO.** Z-090

PRESENT ZONING R-20, GC **PETITION FOR** LI

* *

NOTE: Comments reflect only what facilities appeared of record at the time of this review. Field verification required by developer.

WATER COMMENTS:

Available at Development?	☑ Yes	☐ No
Fire Flow Test Required?	☑ Yes	☐ No

Size / Location of Existing Water Main(s) ***12" DI / E side Cobb Pkwy***

Additional Comments:

Developer may be required to install/upgrade water mains, based on fire flow test results or Fire Department Code. This will be resolved in the Plan Review Process.

* *

SEWER COMMENTS:

In Drainage Basin?	☐ Yes	☑ No
At Development?	☐ Yes	☑ No

Approximate Distance to Nearest Sewer: ***Miles***

Estimated Waste Generation (in G.P.D.): **A D F** 0 **Peak** 0

Treatment Plant:

Plant Capacity Available?	☐ Yes	☐ No	
Line Capacity Available?	☐ Yes	☐ No	
Projected Plant Availability:	☐ 0 - 5 year	☐ 5 - 10 years	☐ over 10 years
Dry Sewers Required?	☐ Yes	☐ No	
Off-site Easements Required?	☐ Yes*	☐ No	
Flow Test Required?	☐ Yes	☐ No	
Septic Tank Recommended by this Department?	☐ Yes	☐ No	
Subject to Health Department Approval?	☐ Yes	☐ No	

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

Additional Comments:

No sewer requirement for this rezoning for just storage buildings

Notes FYI: *In area projected for Paulding County sewer service. Health Dept OK with existing septic system for resident security on Tract I with no parking*

Developer will be responsible for connecting to the existing County water and sewer systems, installing and/or upgrading all outfalls and water mains, obtaining on and/or off site easements, dedication of on and/or off site water and sewer to Cobb County, as may be required. Rezoning does not guarantee water/sewer availability/capacity unless so stated in writing by the Cobb County Water System. Permit issuances subject to continued treatment plant compliance with EPD discharge requirements.

APPLICANT: **McCray Properties, Inc.** **PETITION NO.:** **Z-90**

PRESENT ZONING: **GC, R-20** **PETITION FOR:** **LI**

* *

DRAINAGE COMMENTS

FLOOD HAZARD: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Lake Allatoona** FLOOD HAZARD INFO: Zone X

☐ FEMA Designated 100 year Floodplain Flood.
☒ Flood Damage Prevention Ordinance DESIGNATED FLOOD HAZARD.
☒ Project subject to the Cobb County Flood Damage Prevention Ordinance Requirements.
☐ Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of hazard.

WETLANDS: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

Location: **identified on site plan**

☒ The Owner/Developer is responsible for obtaining any required wetland permits from the U.S. Army Corps of Engineer.

STREAMBANK BUFFER ZONE: ☒ YES ☐ NO ☐ POSSIBLY, NOT VERIFIED

☐ Metropolitan River Protection Area (within 2000' of Chattahoochee River) ARC (review 35' undisturbed buffer each side of waterway).
☐ Chattahoochee River Corridor Tributary Area - County review (____ undisturbed buffer each side).
☒ Georgia Erosion-Sediment Control Law and County Ordinance - **County Review**/State Review.
☐ Georgia DNR Variance may be required to work in 25 foot streambank buffers.
☒ County Buffer Ordinance: **50'** , 75' , 100' or 200' each side of creek channel.

DOWNSTREAM CONDITION

☐ Potential or Known drainage problems exist for developments downstream from this site.
☒ Stormwater discharges must be controlled not to exceed the capacity available in the downstream storm drainage system.
☐ Minimize runoff into public roads.
☒ Minimize the effect of concentrated stormwater discharges onto adjacent properties.
☐ Developer must secure any R.O.W required to receive concentrated discharges where none exist naturally
☒ Existing Lake Downstream **– Lake Allatoona ~ 2000 ft**.
Additional BMP's for erosion sediment controls will be required.
☒ Lake Study needed to document sediment levels.
☐ Stormwater discharges through an established residential neighborhood downstream.
☐ Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project on downstream ____.

APPLICANT: **McCray Properties, Inc.** **PETITION NO.:** **Z-90**

PRESENT ZONING: **GC, R-20** **PETITION FOR:** **LI**

* *

DRAINAGE COMMENTS CONTINUED

SPECIAL SITE CONDITIONS

- ☐ Provide comprehensive hydrology/stormwater controls to include development of out parcels.
- ☒ Submit all proposed site improvements to Plan Review.
- ☐ Any **spring activity** uncovered must be addressed by a qualified geotechnical engineer (PE).
- ☐ Structural fill _____ must be placed under the direction of a qualified registered Georgia geotechnical engineer (PE).
- ☐ Existing facility.
- ☒ Project must comply with the Water Quality requirements of the CWA-NPDES-NPS Permit and County Water Quality Ordinance.
- ☐ Water Quality/Quantity contributions of the existing lake/pond on site must be continued as baseline conditions into proposed project.
- ☒ Calculate and provide % impervious of project site.
- ☐ Revisit design; reduce pavement area to reduce runoff and pollution.

ADDITIONAL COMMENTS/SUGGESTIONS

1. Slopes on the proposed site expansion are predominately 15% but approach 20 – 24% at the eastern end. Significant grading will be required to flatten the site for expansion of the existing self-storage facility.
2. Although a stream buffer variance was approved for the existing facility, regulatory guidelines have changed since this project was approved. A field determination of the stream classification must be performed to verify the required stream buffer limits. If the stream is intermittent then the buffer is 50' . If the stream is perennial the required stream buffer is 100' with an additional 50' impervious setback. This will significantly impact the site layout.
3. The proposed culvert extension will result in approximately 130 lf of additional stream impact and will require permitting through the Corps of Engineers. The proposed culvert must be designed to not increase 100-year pool elevations on the adjacent upstream property.
4. The proposed detention pond area is located partially in the stream buffer and appears to be inadequate in size for the impervious area proposed. Due to the close proximity of Lake Allatoona to this site, the First Flush Water Quality Best Management Practice Requirements should be elevated to the 1.5-inch rainfall event and enhanced grassed swales utilized where possible in lieu of a piped system to provide additional runoff infiltration.
5. The applicant should contact Ron Papaleoni with LAPA, and Tim Rainey with the Army Corps of Engineers to provide additional input regarding the impacts of this project on Lake Allatoona.

APPLICANT: McCray Properties, Inc. **PETITION NO.:** Z-90

PRESENT ZONING: R-20 **PETITION FOR:** LI

* *

TRANSPORTATION COMMENTS

The following comments and recommendations are based on field investigation and office review of the subject rezoning case:

ROADWAY	AVERAGE DAILY TRIPS	ROADWAY CLASSIFICATION	SPEED LIMIT	JURISDICTIONAL CONTROL	MIN. R.O.W. REQUIREMENTS
U.S. Hwy 41	15470	Arterial	55 mph	GDOT	110'

Based on 2006 traffic counting data taken by GDOT.

COMMENTS AND OBSERVATIONS

U.S. Highway 41 is classified as an Arterial and according to the available information, the existing right-of-way does meet the minimum requirements for this classification.

This development shall have inter-parcel access with Z-141 of 03, an adjacent tract previously zoned for a like use.

RECOMMENDATIONS

Recommend providing inter-parcel access with adjacent self storage development.

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

STAFF RECOMMENDATIONS

Z-90 MCCRAY PROPERTIES, INC.

A. 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 that front Cobb Parkway. The area has seen a mixture of rezoning changes in the last few years, including zoning districts R-20, LRO, OI, NRC, LI, and HI. However, the rear portion of the property is totally surrounded by residentially zoned property.

B. It is Staff's opinion that the applicant's rezoning proposal may not have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal would be consistent with other industrial uses along Cobb Parkway, and this would be a reasonable continuation of an existing project.

C. It is Staff's opinion that the applicant's rezoning proposal may not result in a use which would cause an excessive or burdensome use of existing streets, transportation facilities, utilities, or schools. This opinion can be supported by the departmental comments contained in this analysis. However, Stormwater Management has made comments in their analysis that may impact the site layout; the applicant should try to address these comments prior to conclusion of the Zoning process.

D. It is Staff's opinion that the applicant's rezoning proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan* for +/-90% of the proposal, which delineates this property to be mostly within the Rural Residential Land Use Category. However, a small portion of the western side of the property is within the Industrial Compatible Land Use Category, which is consistent with the land use plan.

E. It is Staff's opinion that there are existing and changing conditions affecting the use and development of the property which give supporting grounds for denying the applicant's rezoning proposal. The applicant's proposal is substantially not in accordance with the *Cobb County Comprehensive Plan.* The applicant's proposal would be consistent with the nature of the existing industrial development that fronts this part of Cobb Parkway, but most of the property in the rear adjoins residentially zoned property. Staff is concerned with the gravity of the Stormwater Management comments.

Based on the above analysis, Staff recommends DENIAL.

The recommendations 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.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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

GARVIS L. SAMS, JR.
JOEL L. LARKIN
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JAMES A. BALLI*
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DAVID P. HARTIN

*ALSO LICENSED TO PRACTICE IN ALABAMA

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September 17, 2007

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ZONING DIVISION

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Suite 300
191 Lawrence Street
Marietta, Georgia 30060-1661

Re: Application of McCray Properties, Inc., to Rezone a 4.96 Acre Tract from R-20 & GC to Light Industrial (LI) (No. Z-90)

Dear John:

You will recall that this firm has been engaged by and represents the applicant which is also the property owner concerning the above-captioned Application for Rezoning. The application is scheduled to be heard and considered by the Cobb County Planning Commission on October 2, 2007 and, thereafter, is scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on October 16, 2007.

After discussions with the County's professional staff, property owners in the vicinity of the subject property and Planning Commissioner Bob Hovey, this letter will serve as my client's expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and binding upon the subject property thereafter. The referenced stipulations are as follows, to-wit:

1. The stipulations and conditions set forth herein shall replace and supercede in full any and all prior stipulations and conditions in whatsoever form which are currently in place concerning the property which constitutes the subject matter of the above-captioned application for rezoning.

2. Rezoning of the subject property shall be from the General Commercial (GC) & R-20 zoning districts to the Light Industrial (LI) zoning district with respect to that certain revised site plan prepared by Terrain Solutions, LLC filed contemporaneously herewith.

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A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 2
September 17, 2007

3. The rezoning of the subject property to the Light Industrial (LI) classification shall be use specific for self service storage facilities. Additionally, an agreement to exclude all other uses permitted under the LI district except for those permitted uses related to the moving and storage business.

4. The architectural style and composition of the proposed climate controlled self service storage building and ancillary storage buildings shall be consistent with the architectural style and composition of the storage buildings which have been constructed on the site contiguous and to the west of the subject property.[1] Additionally, there shall be uniform architectural treatment and architectural theme which shall include the following:

   a. The color scheme shall be limited to beige and forest green.

   b. All buildings shall be a maximum of two (2) stories in height with brick and/or masonry façade accents.

   c. The subject property shall be gated and secure and shall include the erection of a fence around the perimeter of the subject property in accordance with SSSF Ordinance requirements.

   d. There shall be no roof mounted air conditioning units or other mechanical equipment on the roofs of the buildings.

   e. Mechanical equipment for the climate controlled storage unit shall be located within the interior of the proposed development.

5. The hours of operation shall be from 7:00 a.m. until 9:00 p.m. Monday through Saturday and 9:00 a.m. until 6:00 p.m. on Sundays.

6. The utilization of low intensity environmental type lighting which shall be subject to review and approval by staff. All exterior lighting shall be shielded and direct illumination shall be contained within the perimeter of the subject property.

   Security lighting on the building shall be wall packs, hooded, environmentally sensitive and shall be fitted with non-glare lenses and cut-off shields to prevent illumination from penetrating outside the boundaries of the subject property.

---

[1] The adjacent property was rezoned from GC & R-20 to LI for the purpose of a self service storage facility on October 21, 2003 (No. Z-141).

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A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

7. An agreement that there will be 24 hour security which will include constant video monitoring/surveillance.

8. The submission of a landscape plan during the Plan Review process subject to the Arborist's review and approval. Additionally, an agreement that all mechanical equipment and dumpsters shall be screened from view of the adjoining properties and public rights-of-way in accordance with the architectural style and composition as aforementioned.

9. Subject to recommendations from the Stormwater Management Division with respect to detention, hydrology and down stream considerations, including the ultimate location and configuration of on site detention and/or water quality ponds. Additionally, an agreement that the stream bank buffers as shown on the revised site plan shall be conveyed to Cobb County in the form of a restrictive easement so that said buffers shall remain undisturbed in perpetuity.

10. Subject to recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues, as follows:

    a. Utilization of the existing driveway as approved, constructed and accepted by the Georgia Department of Transportation ("GDOT").

    b. Securing GDOT permits for any additional work which may encroach upon the State right-of-way.

11. Subject to recommendations from the Cobb County Water System with respect to the accessibility and availability of sewer and water and issues attendant thereto.

12. Compliance with the Cobb County Sign Ordinance with the construction of ground-based monument style signage with a brick or masonry base, consistent with the architectural style and theme as aforementioned.

13. An agreement that there shall be no outside speakers except as may be required by law in connection with the security/alarm system.

14. Compliance with all adopted provisions and regulations applicable to self service storage facilities except as may be varied from time to time by the Cobb County Board of Commissioners.

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Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 4
September 17, 2007

15. Compliance with the recommendations from the Cobb County Fire Department as set forth in the Zoning Analysis.

16. The District Commissioner shall have the latitude to approve minor modifications to these stipulations or the site plan as the zoning proposal proceeds through the Plan Review process.

Please do not hesitate to call should you require any additional information or documentation prior to the formulation of your zoning analysis and recommendations to the Board of Commissioners and Planning Commission.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc
Enclosures
cc: Shown on next page.

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III
Cobb County Zoning Department
Page 5
September 17, 2007

cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery – w/enclosure
Members, Cobb County Planning Commission – VIA E-Mail and First Class Mail – w/enclosure
Mr. Robert L. Hosack, Jr., AICP, Director – VIA Hand Delivery – w/enclosure
Mr. John M. Morey – VIA E-Mail and First Class Mail – w/enclosure
Mr. David Breaden – VIA E-Mail and First Class Mail – w/enclosure
Mr. Ron Papaleoni – VIA E-Mail – w/attachment
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosure
Ms. Teresa Stendahl – w/enclosure
Mr. & Mrs. Fred Turnipseed – w/enclosure
Mr. Leman B. McCray – VIA E-Mail – w/enclosure