

APPLICANT: 4 Seasons Self Storage, Inc.	PETITION NO:	Z-19
678-574-2363	HEARING DATE (PC):	05-06-08
REPRESENTATIVE: Sams, Larkin & Huff, LLP	HEARING DATE (BOC): _	05-20-08
Garvis L. Sams, Jr. 770-422-7016	PRESENT ZONING:	R-30
TITLEHOLDER: Olen Hamby and Rowena L. Hamby		
	PROPOSED ZONING:	O&I
PROPERTY LOCATION: Located on the east side of Dallas Acworth		
Highway, south of U.S. Highway 41.	PROPOSED USE: Profession	onal Offices And
	Climate Controlled Self-Servi	ce Storage Facility
ACCESS TO PROPERTY: Dallas Acworth Highway	SIZE OF TRACT:	4.77 acres
	DISTRICT:	20
PHYSICAL CHARACTERISTICS TO SITE:	LAND LOT(S):	75
	PARCEL(S):	28
	TAXES: PAID X D	UE
	COMMISSION DISTRICT	':_1

CONTIGUOUS ZONING/DEVELOPMENT

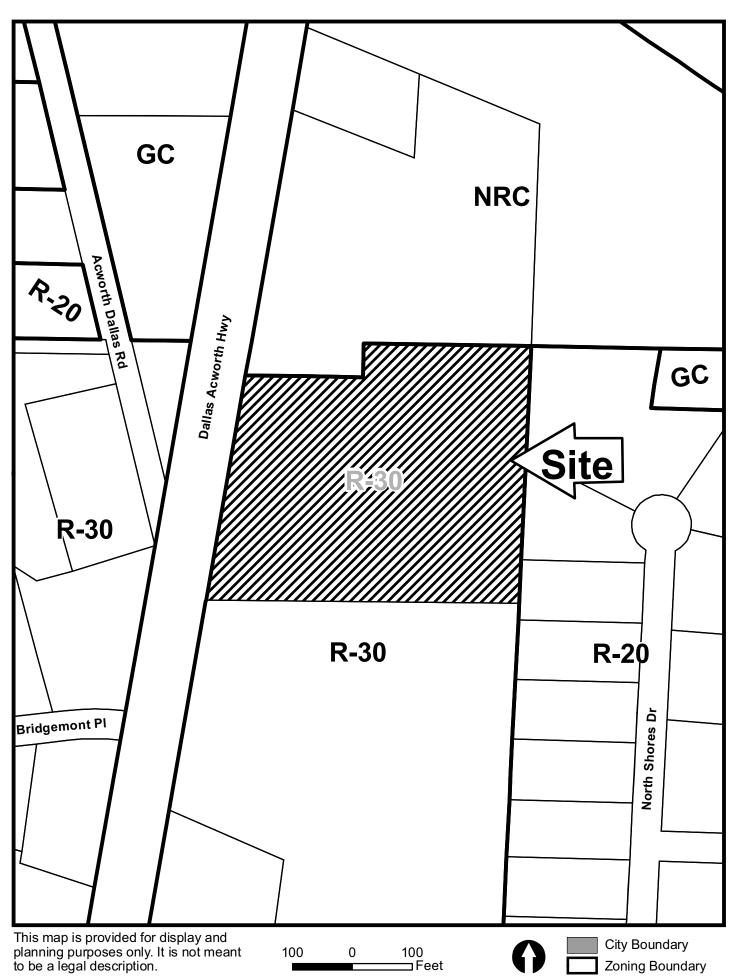
NORTH:	NRC/ single-family house
SOUTH:	R-30/ Single-family house
EAST:	R-20/ North Shores subdivision
WEST:	R-30, GC/ Single-family house, Landscape company

OPPOSITION: NO. OPPOSED____PETITION NO:____SPOKESMAN _____

PLANNING COMMISSION RECOMMENDATION GC 37 MHP APPROVED____MOTION BY____ PD REJECTED____SECONDED_____ HELD____CARRIED____ С R-30 GC **BOARD OF COMMISSIONERS DECISION** R-20 APPROVED_____MOTION BY_____ REJECTED____SECONDED____ R-30 R-30 HELD____CARRIED_____ R-30 **STIPULATIONS:**



Z-19



APPLICANT: 4 Seasons Self Storage, In	nc. PETITION NO.: Z-19
PRESENT ZONING: R-30	PETITION FOR:
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * * * * * * * *
PLANNING COMMENTS: Staff Men	ber Responsible: John P. Pederson, AICP
Land Use Plan Recommendation: Rura	l Residential
Proposed Number of Buildings: 2 To	otal Square Footage of Development: 92,200
F.A.R.: 0.45 Square Footage/Act	re: <u>19,617</u>
	arking Spaces Provided: 47 5 s.f.) and 500 storage units (1 space per 25 storage units).

The applicant is requesting the O&I zoning district to develop a professional office building and climate controlled self service storage facility. The buildings will have matching brick and EFIS exteriors, with pitched roofs. The office building will be located in the front of the property; this building will have offices on the main floor, with climate controlled storage in the basement. The main climate controlled storage building will be located in the rear of the property; this building will be one-story in height. There will be approximately 500 storage units, which will be accessed through an interior main hallway. There will be no outdoor storage and no outdoor storage bays. The office building hours of operation will be Monday through Friday, from 8:00 a.m. to 6:00 p.m. The hours of operation for the climate controlled storage facility will be from 6:00 a.m. to 11:00 p.m. seven days a week. The applicant has submitted a letter of agreeable stipulations (see Exhibit "A").

The applicant is showing contemporaneous variance which is to reduce the minimum parking requirement from 64 parking spaces to 47 parking spaces.

<u>Historic Preservation</u>: 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. No further comment. No action by applicant requested at this time.

Cemetery Preservation: No comment.

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 <u>4 Seasons Self Storage, In</u>	<u>c</u>	PETITION NO. Z-019	<u>)</u>
PRESENT ZONING <u>R-30</u>		PETITION FOR OI	
* * * * * * * * * * * * * * * * * * * *	* * * * * * * * * * * * * *	* * * * * * * * * * * * * * * *	* * * * *
NOTE: Comments reflect only what facilities appeare	ed of record at the time of this rev	iew. Field verification required by d	leveloper.
WATER COMMENTS:			
Available at Development?	✓ Yes	🗆 No	
Fire Flow Test Required?	✓ Yes	🗌 No	
Size / Location of Existing Water Main(s	5) <u>8" DI / W side Hwy 92</u>		
Additional Comments: CMWA line on E	side Hwy 92		

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: Severa	ul miles		
Estimated Waste Generation (in G.P.D.): A D	F <u>1250</u>	Peak <u>31</u>	<u>25</u>
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	* If off-site easements are
Off-site Easements Required?	Yes*	🗆 No	required, Developer must submit easements to CCWS
Flow Test Required?	[] Yes	🗆 No	for review / approval as to form and stipulations prior to
Septic Tank Recommended by this Department?	✓ Yes	🗆 No	the execution of easement(s) by the property owner(s). All
Subject to Health Department Approval?	✓ Yes	🗆 No	easement acquisitions are the responsiblity of the Developer.
Additional Comments:			

If proposed wastewater flow for the project is greater than 10,000 gpd, GaEPD approval required for onsite sewage management system

Notes FYI: Outside of Paulding County IGA service area

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:	4 Seasons Self	Storage, Inc.
-------------------	----------------	---------------

PETITION NO.: <u>Z-19</u>

PRESENT ZONING: <u>R-30</u>

PETITION FOR: <u>O&I</u>

DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED
 DRAINAGE BASIN: <u>Allatoona Creek</u> 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.
Dam Breach zone from (upstream) (onsite) lake - need to keep residential buildings out of nazard.
WETLANDS: YES NO POSSIBLY, NOT VERIFIED
Location:
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 (<u>undisturbed</u> 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 between the impact of the statement of the statem

\times	Project engineer must evaluate the impact of increased volume of runoff generated by the proposed project
	on downstream <u>drainage system</u> .

APPLICANT: 4 Seasons Self Storage, Inc.

PETITION NO.: Z-19

PRESENT ZONING: R-30

PETITION FOR: <u>O&I</u>

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.

INSUFFICIENT INFORMATION

- No Stormwater controls shown
- Copy of survey is not current Additional comments may be forthcoming when current site conditions are exposed.
- ☐ No site improvements showing on exhibit.

ADDITIONAL COMMENTS

This site is located within approximately 2000 feet of Lake Allatoona, a significant water supply resource. The existing tree stand and undergrowth on this site provide significant air/water quality, soil stabilization and storm flow mitigation benefits for this watershed. Construction of this project will eliminate the vast majority of this vegetation and increase pavement, storm runoff and non-point source pollution. To compensate, the First Flush Water Quality Best Management Practice Requirements must be elevated to the 1.5-inch rainfall event and each larger storm discharge controlled not to exceed the allowable discharge of the next lower, more frequent storm event (ie. 5-year storm event released at 2-year rate; 10-year event at 5-year rate; etc. to 100-year event at 50-year rate).

PRESENT ZONING: R-30

PETITION FOR: <u>0 & I</u>

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
Dallas Acworth Hwy	12800	Arterial	45 mph	GDOT	100'

Based on 2006 traffic counting data taken by GDOT.

COMMENTS AND OBSERVATIONS

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

State Route 92 is identified as GDOT road improvement project.

Access to the development should consist of one curb cut.

Provide inter-parcel access to adjacent property to the north.

Install sidewalk, curb and gutter along the road frontage.

As necessitated by this development for egress from State Route 92, a deceleration lane and a left turn lane will be required.

GDOT permits.

RECOMMENDATIONS

Recommend applicant coordinate with GDOT prior to development plan approval to ensure compatibility with the roadway improvement project.

Recommend one access driveway along State Route 92.

Recommend inter-parcel access with adjacent property along northern property line.

Recommend installing sidewalk, curb and gutter along the road frontage.

Recommend a deceleration lane and a left turn lane.

Recommend GDOT permits for all work that encroaches upon State right-of-way.

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

STAFF RECOMMENDATIONS

Z-19 4 SEASONS SELF STORAGE, INC.

- A. It is Staff's opinion that the applicant's rezoning proposal will not permit a use that is suitable in view of the use and development of adjacent and nearby properties. The applicant's property has residentially zoned and used property on the most sides. The north side of the property is zoned NRC for a plant nursery, which may revert to R-30 if development has not commenced by October 2008. The character of area outside of the commercial node is clearly defined by single-family houses.
- B. It is Staff's opinion that the applicant's rezoning proposal will have an adverse affect on the usability of adjacent or nearby property. The applicant's proposal is located outside of the required commercial node; approval of the request would encourage other rezoning requests not consistent with the area or Future Land Use Map.
- C. It is Staff's opinion that the applicant's rezoning proposal will 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.
- 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*, which delineates this property to be within a Very Low Density Residential Land Use Category. The O&I zoning district is intended to be used in Community Activity Centers or Regional Activity Centers.
- 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 not in accordance with the *Cobb County Comprehensive Plan*. The applicant's proposal is in an area predominately characterized by single-family houses. The applicant's proposal would encourage other rezoning requests not consistent with the area or Future Land Use Map.

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 PARKS F. HUFF JAMES A. BALLI^{*} MELISSA P. HAISTEN JUSTIN H. MEEKS

April 14, 2008

770.422.7016 TELEPHONE 770.426.6583

FACSIMILE

SAMSLARKINHUFF.COM

*ALSO LICENSED TO PRACTICE IN ALABAMA

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 4 Seasons Self Storage, Inc. to Rezone a 4.77 Acre Tract from R-30 to O&I (No. Z-19)

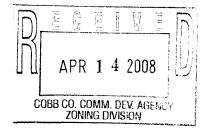
> > Application of 4 Seasons Self Storage, Inc., Special Land Use Permit (No. SLUP-4)

Dear John:

As you know, this firm has been engaged by and represents the applicant and property owners concerning the above-captioned Applications for Rezoning and Special Land Use Permit. The applications are scheduled to be heard and considered by the Cobb County Planning Commission on May 6, 2008 and, thereafter, are scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on May 20, 2008.

Consistent with the dialogue which has been established with the County's staff and interested area residents, please allow this letter to serve as my clients' expression of agreement with the following stipulations which shall become conditions and a part of the grant of the requested rezoning and Special Land Use Permit and binding upon the subject property thereafter:

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.



VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III Cobb County Zoning Department Page 2 April 14, 2008

- 2. The architectural style and composition of the buildings shall be consistent with the renderings which are being submitted contemporaneously herewith, with exterior materials consisting of brick and E.I.F.S.
- 3. The rezoning of the subject property to the Office & Institutional (O&I) classification shall be use specific for professional offices and a climate controlled self service storage facility.
- 4. The professional offices will operate from 8:00 a.m. until 6:00 p.m., Monday through Friday. The hours of operation for the climate controlled self service storage facility shall be from 6:00 a.m. until 11:00 p.m., seven days a week.
- 5. There shall be no outdoor storage of such items as boats, construction equipment, rental trucks, recreational vehicles or similar items. To ensure compliance, the foregoing provision shall be contained within the lease for prospective customers and the applicant agrees to enforce these provisions against any customers who violate said lease provisions.
- 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 confined within the perimeter of the subject property.
- 7. The submission of a landscape plan during the Plan Review process subject to the Arborist's review and approval. Additionally, 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.
- 8. 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 to employ a heightened sense of sensitivity with respect to stormwater management and down stream issues in view of the subject property's proximity to Lake Allatoona.

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III Cobb County Zoning Department Page 3 April 14, 2008

- 9. Subject to the following recommendations from the Cobb County Department of Transportation with respect to traffic/transportational issues:
 - a. Limiting the project to one (1) point of ingress/egress, either 24' or 36' in width.
 - b. Compliance with GDOT recommendations with respect to any encroachments onto Highway 92.
 - c. The construction of a 150' deceleration lane with a 50' taper at the sole point of ingress/egress.
 - d. The payment of a fee in lieu of the sum necessary to construct sidewalk, curb and gutter along the subject property's frontage.
- 10. Subject to recommendations from the Cobb County Water System with respect to the accessibility and availability of sewer and water and issues attendant thereto.¹
- 11. Compliance with the Cobb County Sign Ordinance and the construction of ground-based, monument style signage themed to the architectural style and composition as aforementioned.
- 12. Compliance with all adopted provisions and regulations applicable to Climate Controlled Self Service Storage Facilities except as may be varied from time to time by the Cobb County Board of Commissioners.
- 13. If the subject property is determined to be undevelopable for the purposes sought by the applicant or, if for any reason, the closing on the subject property does not take place within six (6) months from the date of a successful rezoning of same, then, and in such an event(s), the zoning classification of the subject property shall revert to the original classification of R-30 without further action being necessary on the part of Cobb County or the owner of the subject property.
- 14. The District Commissioner shall retain the latitude to approve minor modifications to these stipulations/conditions, the site plan and/or the architectural style and composition of the buildings during the Plan Review process.

¹ Piedmont Geotechnical Consultants, Inc., has determined that the soils on the subject property are suitable for a conventional absorption field with proper design, installation and maintenance.

VIA HAND DELIVERY

Mr. John P. Pederson, AICP, Planner III Cobb County Zoning Department Page 4 April 14, 2008

The subject property has direct contiguity to property zoned in the Neighborhood Retail Commercial (NRC) classification and is adjacent to an existing Neighborhood Activity Center and across Highway 92 from an existing Community Activity Center as shown on Cobb County's Future Land Use Map. In that regard, both the Application for Rezoning and the Application for Special Land Use Permit are properly positioned for approval as an appropriate transitional use for the subject property.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the formulation of your recommendation to the Planning Commission and Board of Commissioners.

Very truly yours,

SAMS, LARKIN & HUFF, LLP

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

GLSjr/jbmc

Enclosure

- cc: Members, Cobb County Board of Commissioners w/enclosure VIA Hand Delivery 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, Director VIA E-Mail and First Class Mail w/enclosure
 - Mr. David Breaden VIA E-Mail and First Class Mail w/enclosure
 - Mi. David Bleaden VIA E-Mail and Flist Class Mail Wenclosule Ma Karan King Danuty County Clask – VIA Hand Daliyany – Wanalac
 - Ms. Karen King, Deputy County Clerk VIA Hand Delivery w/enclosure Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery – w/enclosure
 - Ms. Teresa Stendahl VIA E-Mail w/enclosure
 - Mr. Larry Toney, 4 Seasons Self Storage, Inc. VIA E-Mail w/enclosure
 - Mr. Bert Brown VIA E-Mail w/enclosure

