

APPLICANT: Cooke Enterprises, Inc.

678-797-9797

REPRESENTATIVE: Sams, Larkin & Huff, LLP

Garvis L. Sams, Jr. 770-422-7016

TITLEHOLDER: Mack & Abe, Inc.

PROPERTY LOCATION: Located on the east side of Johnson Ferry Road, south of Shallowford Road.

ACCESS TO PROPERTY: Johnson Ferry Road

PHYSICAL CHARACTERISTICS TO SITE: Closed Chevron gas station

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PSC/ Shallowford Falls shopping center
- SOUTH:** LRO/ Community Bank of the South
- EAST:** CRC/ Super Walmart
- WEST:** R-20/ single-family house being used as a church

PETITION NO: SLUP-18

HEARING DATE (PC): 09-03-08

HEARING DATE (BOC): 09-16-08

PRESENT ZONING: GC

PROPOSED ZONING: Special Land Use Permit

PROPOSED USE: Climate Controlled Self-Service Storage Facility

SIZE OF TRACT: 1.421 acres

DISTRICT: 16

LAND LOT(S): 469, 470

PARCEL(S): 35

TAXES: PAID X **DUE** _____

COMMISSION DISTRICT: 3

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

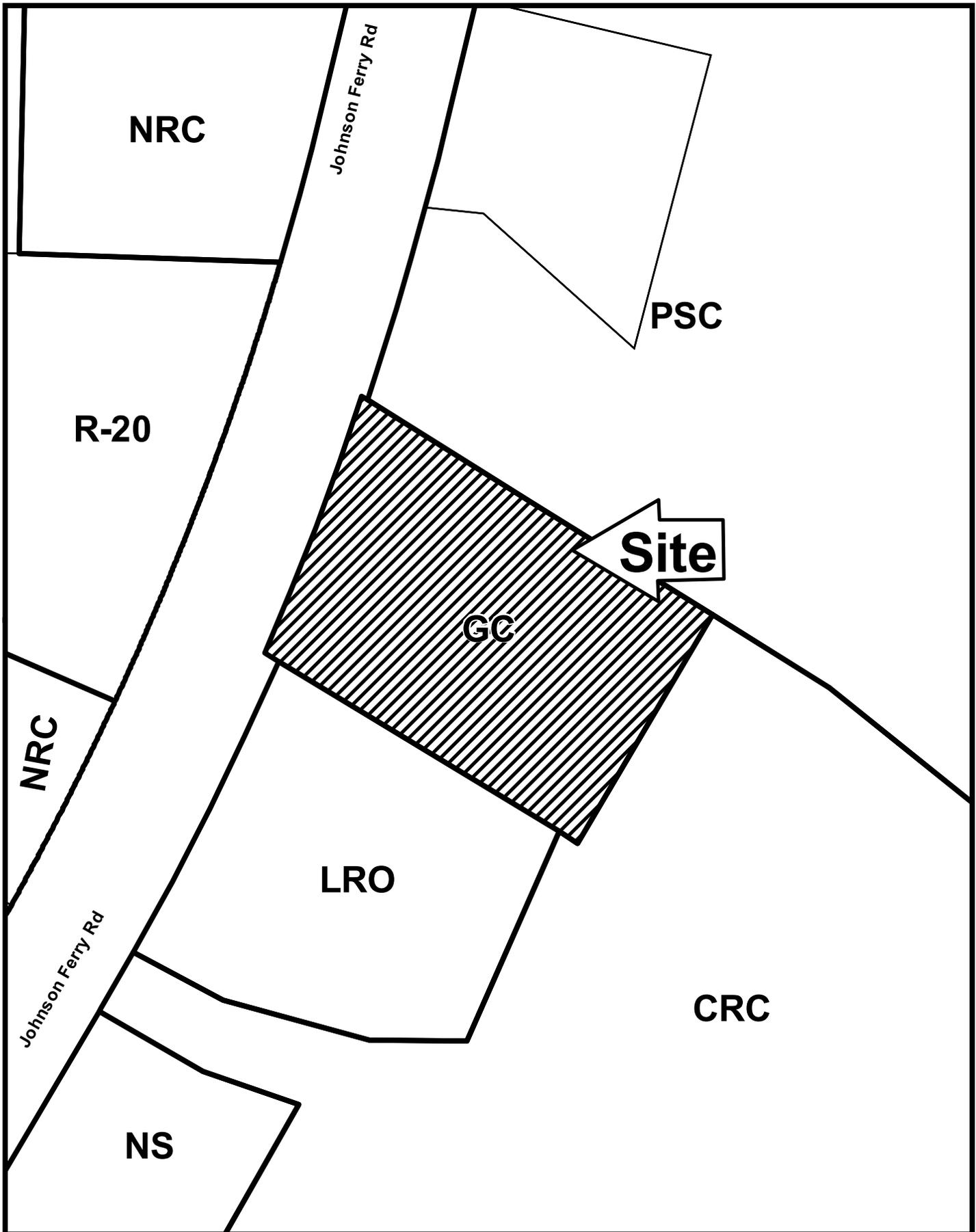
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

STIPULATIONS:



SLUP-18



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



- City Boundary
- Zoning Boundary

REVISED 04-07-09

APPLICANT: Cooke Enterprises, Inc.

PETITION NO.: SLUP-18

PRESENT ZONING: GC

PETITION FOR: SLUP

PLANNING COMMENTS:

Staff Member Responsible: John P. Pederson, AICP

Land Use Plan Recommendation: Neighborhood Activity Center

Proposed Number of Buildings: 1 **Total Square Footage of Development:** 100,000

F.A.R.: 1.61 **Square Footage/Acre:** 70,373

Parking Spaces Required: 7 **Parking Spaces Provided:** 12

The applicant is requesting a Special Land Use Permit to redevelop the property with a climate controlled self-service storage facility. The proposed building would have an exterior of all brick, with EFIS accents. The building would contain three stories, and would have 550 storage units. There will be a ground based monument sign which will not have an electronic reader board. The hours of operation will be 8:00 a.m. to 6:00 p.m. Monday through Saturday, and 1:00 p.m. to 6:00 p.m. on Sundays. The applicant has submitted a letter of agreeable stipulations which is attached as Exhibit "A". The applicant is showing contemporaneous variances which are:

1. Reduce the side setback from 15-feet to 10-feet along the south property line;
2. Reduce the rear setback from 30-feet to 10-feet;
3. Increase the maximum allowable Floor Area Ratio from 1.00 to 1.61.

Historic Preservation: No comment.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

Water and sewer available to property.

DEPARTMENT OF TRANSPORTATION COMMENTS:

Recommend applicant consider entering into a development agreement pursuant of O.C.G.A. 36-71-13 for dedication of the following system improvements to mitigate traffic concerns: a) donation of right-of-way on the east side of Johnson Ferry Road, a minimum of 55 feet from the roadway centerline.

Recommend one curb cut to Johnson Ferry Road.

Recommend a deceleration lane.

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

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

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FIRE DEPARTMENT 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-de-sac without an island to have a 60 foot paved radius **or** Hammerhead turnaround – 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.

All Fuel tanks must be submitted to Cobb County Fire Marshal’s Offices for approval.
Call 770-528-8328.

Gates securing fire apparatus access shall be a minimum 14 feet in clear width for a single lane and 20 feet for a double lane. Gate shall be swing or sliding type. Electric gates shall be equipped with a means of opening the gate by fire department personnel for emergency access. Emergency opening devices shall be approved by the Cobb County Fire Marshal’s Office.

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DRAINAGE COMMENTS

FLOOD HAZARD: YES NO POSSIBLY, NOT VERIFIED

DRAINAGE BASIN: **Harmony Grove Creek** FLOOD HAZARD INFO: Zone AE

- 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: _____

- 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 _____.
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 **receiving stream system**.

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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 - **must be addressed at Plan Review**
- 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

1. The proposed site is an existing gas station that was constructed adjacent to Harmony Grove Creek prior to current stream buffer ordinances. Per direction by Frank Gipson, Cobb County Erosion Control & Stream Buffer Coordinator, the proposed redevelopment must not encroach any further into the stream buffer than the existing gas station pad.
2. The existing site does not have any stormwater management controls. The proposed project will be required to meet the full current water quality and quantity stormwater management requirements for new development.
3. This site is located just downstream of Maddux Lake Dam. Maddux Lake is located just upstream from Johnson Ferry Road. The dam is a Category II dam (# 033-054-01847) and is currently undergoing rehabilitation by the owner. A dam breach analysis should be obtained to verify the revised breach zone and any design considerations that must be accounted for in the proposed site design.

REVISED 04-07-09

STAFF RECOMMENDATIONS

SLUP-18

COOKE ENTERPRISES, INC.

Staff is very concerned with the intensity of the applicant's proposal. Basic zoning criteria such as F.A.R. and setbacks cannot be met, which indicates this property may too small to support this proposal. Staff is concerned that the size building would be out of character with this lower intensity commercial activity center; even the Super Walmart is much smaller than the Super Walmart prototype. This level of F.A.R. may set a precedent for other properties in the area. It is Staff's opinion that the applicant's proposal is not in conformity with the policy and intent of the *Cobb County Comprehensive Plan*, which delineates this property to be within a Neighborhood Activity Center. The intensity of the proposal with all the variances are too much to be supported by Staff. 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

GARVIS L. SAMS, JR.
JOEL L. LARKIN
PARKS F. HUFF
JAMES A. BALLI

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376 POWDER SPRINGS STREET
MARIETTA, GEORGIA 30064-3448

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TELEPHONE
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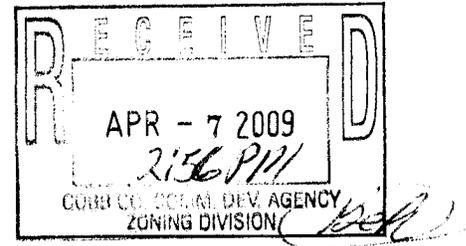
MELISSA P. HAISTEN
JUSTIN H. MEEKS

April 7, 2009

SAMSLARKINHUFF.COM

VIA HAND DELIVERY
and E-MAIL

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



Re: Application of Cooke Enterprises, Inc. to Rezone a 1.421 Acre
Tract from GC to O&I (No. Z-37)

Application of Cooke Enterprises, Inc. for Special Land Use
Permit (No. SLUP-18)

Dear John:

As you know, this firm has been engaged by and represents Cooke Enterprises, Inc. concerning the above-captioned Applications for Rezoning and Special Land Use Permit. The Rezoning was held by the Cobb County Board of Commissioners last year, pending Climate Controlled Self Service Storage Facility ("CCSSSF") code amendments which were finalized by the Board of Commissioners on March 24, 2009. The Rezoning application is now scheduled to be heard and considered by the Board on April 21, 2009 and the Special Land Use Permit application is scheduled to be heard and considered by the Planning Commission and Board of Commissioners on May 5, 2009 and May 19, 2009, respectively.

The subject property at issue is zoned unrestricted General Commercial ("GC") but is, at best, a tertiary commercial location in view of difficult access due and owing to the median within Johnson Ferry Road. The property is located within the confines of a Neighborhood Activity Center ("NAC") and is directly contiguous to a Super Walmart which is zoned CRC. Cooke Enterprises seeks a down zoning of the property from GC to Office & Institutional ("O&I") for the purposes of the construction of a CCSSSF.

While these applications have been pending, we have worked diligently with the County's professional staff and also with representatives of the East Cobb Civic Association

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and E-MAIL

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Cobb County Zoning Department
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("ECCA"). In that regard, consistent with those dialogues and the CCSSSF code amendments, please allow this letter to serve as my client's expression of agreement with the following revised 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 revised 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. The architectural style and composition of the building shall be in substantial conformity to the revised rendering/elevation being submitted contemporaneously herewith. You will note that the rendering/elevation depicts exterior materials consisting of brick and EFIS on all four (4) sides. Additionally, even though the building to be constructed will be three (3) stories in height with an approximate 33,000 square foot footprint, the building presents itself and appears as if it is a two (2) story building.¹
3. The rezoning of the subject property to the Office & Institutional (O&I) classification shall be use specific for a CCSSSF. Additionally, an agreement to exclude all other uses permitted under the O&I District except for those permitted uses related to the moving and storage business.²
4. The hours of operation shall be from 9:00 a.m. until 6:00 p.m. Monday through Saturday and from 1:00 p.m. until 6:00 p.m. on Sundays.
5. 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.

¹ The height of the CCSSSF building is in scale with or lower than the spot elevations of adjacent buildings.

² The subject property is located in an area under the Cobb County Future Land Use Map which is denominated as a Neighborhood Activity Center ("NAC"), is presently zoned General Commercial (GC) and is the site of a former Chevron station.

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6. Compliance with the conceptual landscape plan prepared for Johnson Ferry Road Self Storage by Travis Pruitt & Associates, a copy of which is being filed contemporaneously herewith, including the following:
 - a. All mechanical and electrical equipment shall be screened from view and located on the back and side of the building and will not be visible from adjacent properties and/or public rights-of-way.
 - b. Any dumpsters associated with the CCSSSF shall be located inside the building.
 - c. Existing flowering cherry tree shall be preserved with limbs to be selectively pruned by a qualified professional.
 - d. The planting of Little Gem Magnolias, Dwarf Nandina, Carissa Hollies, Willow Oaks, Nellie R. Stevens Hollies, seasonal color, Liripoe and daylilies.
 - e. Virginia Pine shall be planted along the southern property line.
 - f. Existing pine buffer to remain along the rear property line and will it will be selectively pruned/shaped to promote healthy growth and avoid damage during construction.
 - g. Existing trees on lower side of retaining shall remain in place to the extent allowed by the Cobb County Water System.
7. Subject to recommendations from the Stormwater Management Division with respect to detention, hydrology, and down stream considerations, including the ultimate location and configuration of detention and/or water quality.³
8. In view of the fact that effective Cobb County maps show that the subject property is located within floodplain areas, during the Plan Review process, a FEMA map

³ The existing gas station, parking lot and car wash are located within the 50' undisturbed stream buffer and the 75' impervious setback. With the wall of the former gas station being approximately 41' from the point of wrested vegetation associated with the stream, no stream bank buffer variance will be required for the proposed storage facility as long as there are no further encroachments into the stream bank buffer.

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amendment (LOMA-F) will be required. Additionally, the building will be positioned at least one (1) foot above the future conditions of the 100 year floodplain.

9. Subject to the following recommendations from the Cobb County Department of Transportation with respect to traffic safety issues, to-wit:
 - a. The voluntary donation and conveyance of right-of-way so that the County can achieve a minimum of 55' from the roadway centerline.
 - b. The installation of a deceleration lane and taper.
 - c. The installation of sidewalk, curb and gutter along the subject property's frontage on Johnson Ferry Road.
10. 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 and in substantial conformity to the rendering/elevation being submitted contemporaneously herewith. Additionally, an agreement that there will be no electronic or LED signage utilized.
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. Subject to recommendations from the Cobb County Fire Department as contained within the Zoning Analysis.
13. 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.
14. 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 its original classification of GC without further action being necessary on the part of Cobb County or the owner of the subject property.

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Mr. John P. Pederson, AICP, Planner III
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15. The District Commissioner shall have the authority to make minor modifications to the site plan, the architectural renderings/elevations and these stipulations/conditions during the Plan Review Process.

The subject property is located within a Neighborhood Activity Center ("NAC") as shown on Cobb County's Future Land Use Map and is positioned within an area along the Johnson Ferry Road Corridor which is appropriate for utilization as proposed. In that regard, the applications are properly positioned for redevelopment approval.

Please do not hesitate to call should you or the staff require any further information or documentation prior to the Application for Rezoning appearing before the Board of Commissioners later this month. With regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP

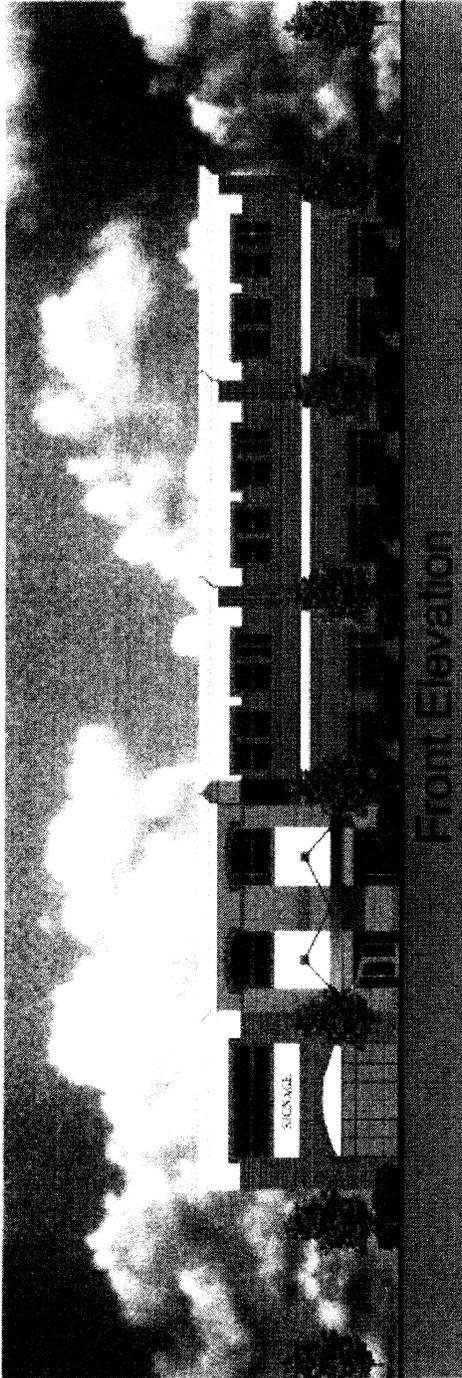


Garvis L. Sams, Jr.
gsams@samslarkinhuff.com

GLSjr/jbmc
Enclosures

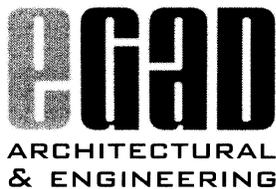
- cc: Members, Cobb County Board of Commissioners – VIA Hand Delivery - w/enclosures
Members, Cobb County Planning Commission – VIA E-Mail - w/attachments
Mr. Robert L. Hosack, Jr., AICP, Director – VIA E-Mail – w/attachments
Mr. Mark A. Danneman, Manager – VIA Hand Delivery – w/enclosures
Ms. Jane Stricklin – VIA E-Mail – w/attachments
Mr. David W. Breaden, P.E. – VIA E-Mail – w/attachments
Ms. Karen King, Deputy County Clerk – VIA Hand Delivery – w/enclosures
Ms. Lori Presnell, Deputy County Clerk – VIA Hand Delivery – w/enclosures
Mr. David Hong, East Cobb Civic Association – VIA E-Mail – w/attachments
Ms. Jill Flamm, East Cobb Civic Association – VIA E-Mail – w/attachments
Mr. Mitchell Cooke – VIA E-Mail – w/attachments
Mr. Steve Ponsell – VIA E-Mail – w/attachments

RECEIVED
APR 7 2009
COBB CO. COMM. DEV. AGENCY
ZONING DIVISION





1 Sign Elevation
 1/4" = 1'-0"



Johnson Ferry Self
 Storage
 Proposed Sign

SIGN ELEVATION

Project number	2008-230	SE-01
Date	9/19/2008	
Drawn by	WEB	
Checked by	PM	Scale 1/4" = 1'-0"

NO.	DATE	DESCRIPTION
1	11/11/08	PRELIMINARY
2	12/11/08	REVISED
3	01/14/09	REVISED
4	02/11/09	REVISED

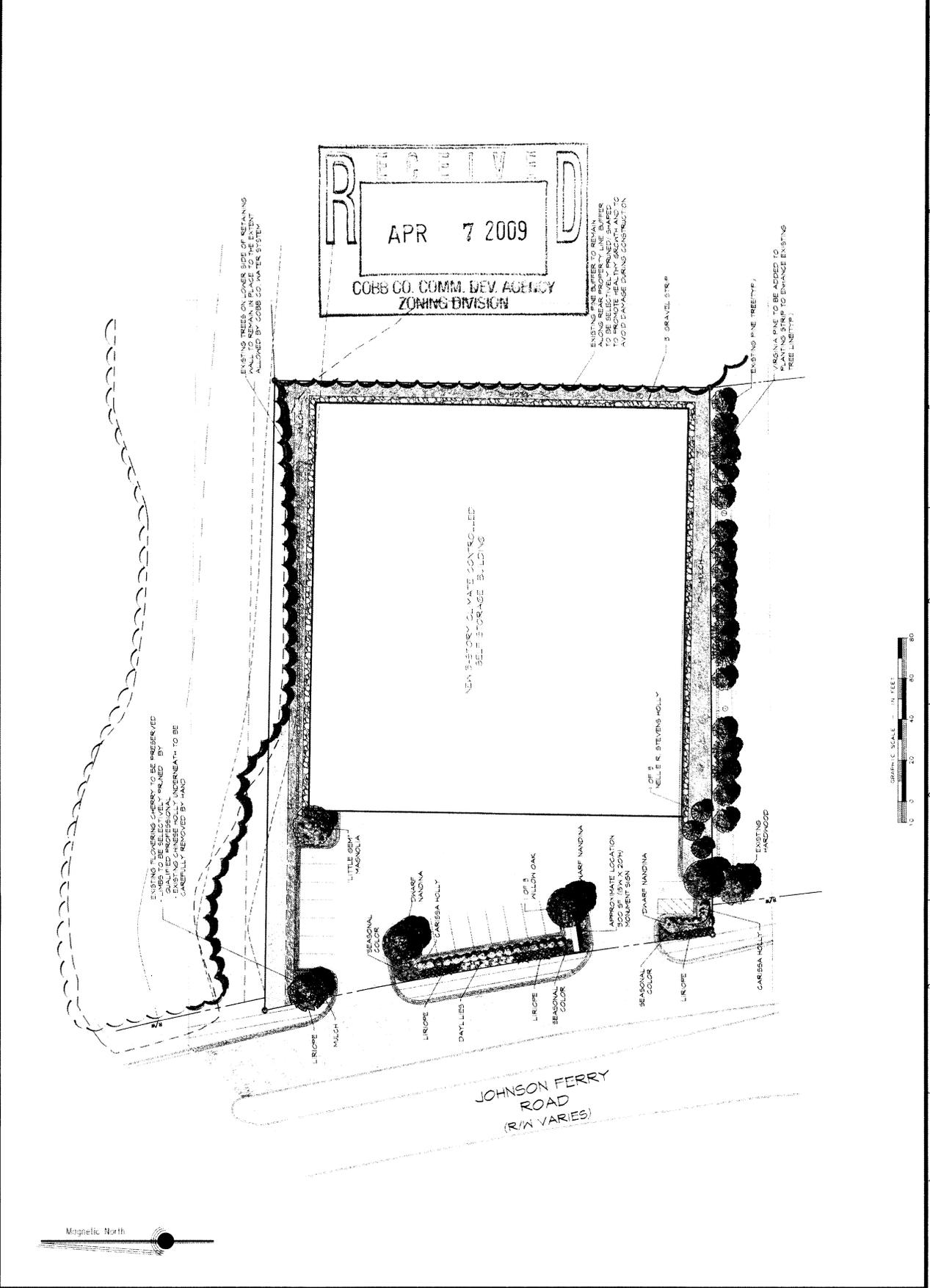
TRAVIS FURTH & ASSOCIATES, INC.
 1817 PARK DRIVE, SUITE 200
 DUCK CREEK, GEORGIA 30538
 PHONE: (770) 476-7311
 FAX: (770) 476-4759
 WWW.TRIVISFURTH.COM

CONCEPTUAL LANDSCAPE PLAN

JOHNSON FERRY ROAD SELF STORAGE

LAND LOTS 489 & 470, 18th DISTRICT, 2nd SECTION, COBB COUNTY, GEORGIA

DATE	SCALE	BY	CHKD BY
11/11/08	1/8" = 1'-0"	TRF	TRF
12/11/08	1/8" = 1'-0"	TRF	TRF
01/14/09	1/8" = 1'-0"	TRF	TRF
02/11/09	1/8" = 1'-0"	TRF	TRF



RECEIVED
 APR 7 2009
 COBB CO. COMM. DEV. AGENCY
 ZONING DIVISION

EXISTING PLANTING CHERRY TO BE PRESERVED
 LIRIOPE TO BE SELECTIVELY REMOVED BY
 HAND. EXISTING CHINESE HOLLY UNDERNEATH TO BE
 CAREFULLY REMOVED BY HAND

EXISTING TREES ON LOWER SIDE OF RETAINING
 WALL TO BE PRESERVED. EXISTING TREES
 ADJACENT TO COBB COUNTY WATER SYSTEM

EXISTING 3' BUFFER TO REMAIN
 ALONG EAST PROPERTY LINE. TREES
 TO BE SELECTIVELY PRUNED SHARED
 TO PROMOTE HEALTHY GROWTH AND TO
 AVOID DAMAGE DURING CONSTRUCTION

EXISTING FIRE TREE-LINE,
 VARIOUS PINE TO BE ADDED TO
 PLANTING STRIP TO ENHANCE EXISTING
 TREE LINE(TYP.)

