

APPLICANT: 3148 Johnson Ferry, LLC
(404) 391-5381

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

TITLEHOLDER: Mack & Abe, Inc.

PROPERTY LOCATION: East side of Johnson Ferry Road, south of
Shallowford Road
(3148 Johnson Ferry Road).

ACCESS TO PROPERTY: Johnson Ferry Road

PHYSICAL CHARACTERISTICS TO SITE: Former convenience
store with fuel sales, car wash, emissions station.

PETITION NO: SLUP-4

HEARING DATE (PC): 06-04-13

HEARING DATE (BOC): 06-18-13

PRESENT ZONING: NRC
with Stipulations

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

CONTIGUOUS ZONING/DEVELOPMENT

- NORTH:** PSC/Shopping Center
- SOUTH:** LRO/Bank
- EAST:** CRC/Wal-Mart
- WEST:** R-20/Church

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

PLANNING COMMISSION RECOMMENDATION

APPROVED _____ **MOTION BY** _____

REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

BOARD OF COMMISSIONERS DECISION

APPROVED _____ **MOTION BY** _____

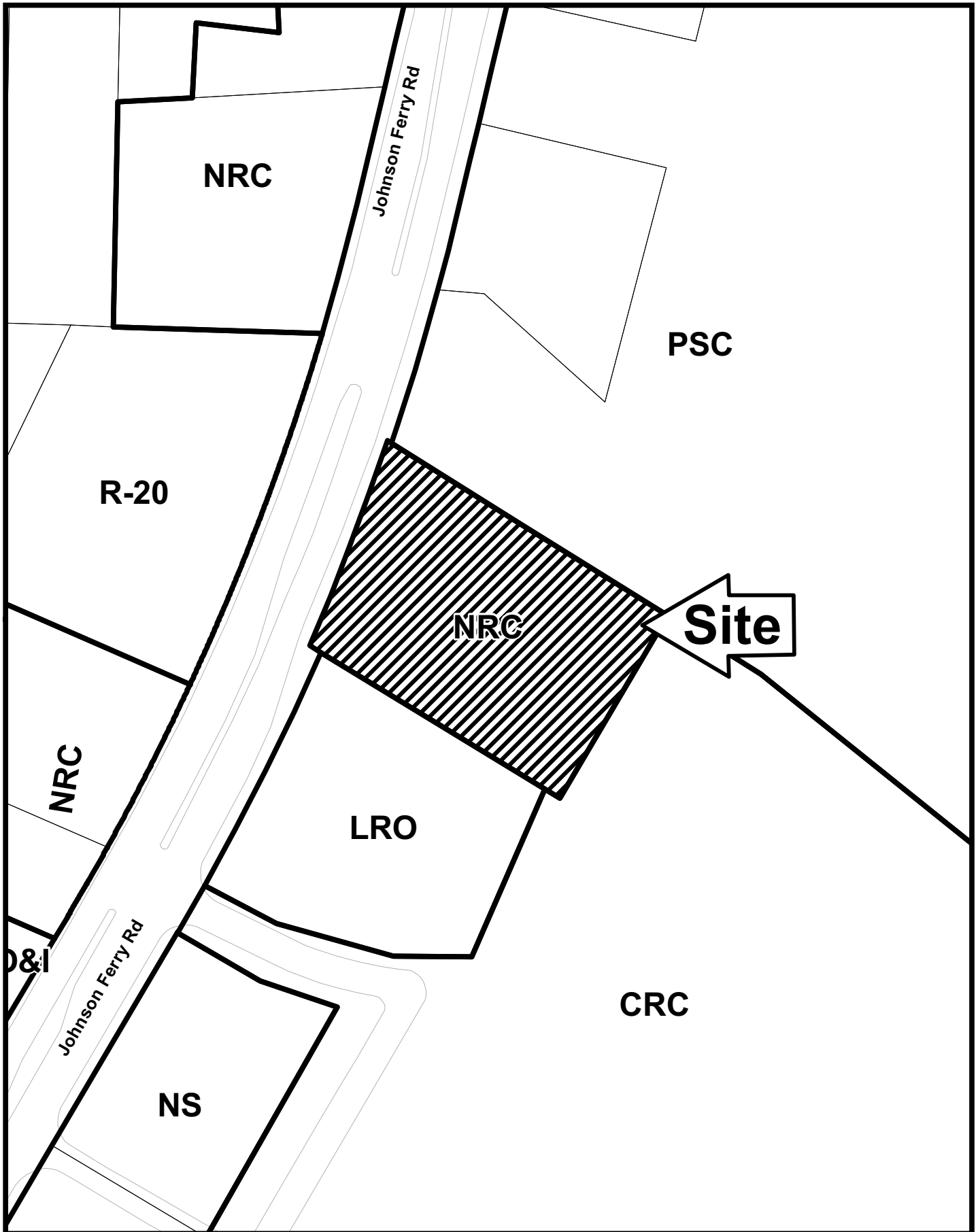
REJECTED _____ **SECONDED** _____

HELD _____ **CARRIED** _____

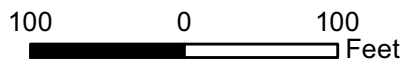
STIPULATIONS:



SLUP-4



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



- City Boundary
- Zoning Boundary

APPLICANT: 3148 Johnson Ferry, LLC

PETITION NO.: SLUP-4

PRESENT ZONING: NRC w/Stipulations

PETITION FOR: SLUP

ZONING COMMENTS:

Staff Member Responsible: Terry Martin, MPA

The applicant is requesting a Special Land Use Permit (SLUP) on the subject property allowing for a climate controlled self-service storage facility (CCSSSF) as well as a rezoning of the subject property to the NRC neighborhood retail commercial district (see concurrent application Z-26). The current request is almost identical to that past request previously approved on this site that allowed a CCSSSF per past cases Z-37 and SLUP-18 of 2008. After the 2008 rezoning to allow a near identical CCSSSF, the applicant failed to start this development and the property’s zoning reverted to the GC general commercial district as a result of stipulated reversion clauses. Therefore, the property’s last rezoning case in 2011 (Z-6) sought to allow reutilization of the property as is after having lost its “grandfathered status” from being vacant for longer than six (6) months and zoned GC in a NAC future land use category.

The current request is, once again, to allow the utilization of the subject property for the purpose of a climate controlled self-service storage facility. The three (3) story building will be a total of 92,875 sq. ft. It will be four (4) sided brick with EFIS accents. It will provided the required eight (8) parking spaces and adhere to the front 50 ft. and side 15 ft. setbacks requiring a variance of the rear setback from the required 30 ft. to 0 ft. Specifically, the NRC zoning regulations provide that the building height should not exceed those of other buildings. While taller than adjacent structures, the applicant has demonstrated how their proposed building is not out of character given the lot’s elevation. Also, the regulations provide that the F.A.R. should be .75 or as determined appropriate by the BOC. The proposal is for a building with a resulting F.A.R. of 1.5; double that of the NRC suggested limit. The applicant has provided architectural rendering to be approved by the BOC and proposes hours of operation of 8 a.m. to 6 p.m. Monday through Saturday and tenant access only on Sundays.

Historic Preservation: No comments.

Cemetery Preservation: No comment.

WATER & SEWER COMMENTS:

No comments.

TRAFFIC COMMENTS:

Recommend converting one access point to an in-only and the other access point to an out-only.

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

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PETITION FOR: SLUP

FIRE COMMENTS:

After analyzing the information presented for a Preliminary Review, the Cobb County Fire Marshal's Office is confident that all other items can be addressed during the Plan Review Stage.

APPLICANT: 3148 Johnson Ferry, LLC

PETITION NO.: SLUP-4

PRESENT ZONING: NRC w/ Stips

PETITION FOR: SLUP

STORMWATER MANAGEMENT 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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STORMWATER MANAGEMENT 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

1. The proposed site was previously operated as a 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.

STAFF RECOMMENDATIONS

SLUP-4 3148 JOHNSON FERRY, LLC

Having been previously rezoned and granted a Special Land Use Permit for the near identical purpose as the currently requested climate controlled self-service storage facility, Staff believes that the current request can be approved now with the acknowledgement that it represents an increase for the area in the way of higher F.A.R. and reduced setbacks. With this acknowledgement and the stated purpose of not creating a precedent for the area, this particular site may be returned to viable commerce while ensuring a development that is cohesive and not out of character with the area through applicable conditions proposed by the applicant and/or instituted by the Board of Commissioners.

Based on the above analysis, Staff recommends **APPROVAL** subject to the following conditions:

- Site plan received by the Zoning Division on April 4, 2013, with the District Commissioner approving minor modifications;
- Final site plan, architectural design, and landscape plan to be approved by the District Commissioner;
- Fire Department comments and recommendations;
- Water and Sewer comments and recommendations;
- Stormwater Management comments and recommendations;
- Department of Transportation comments and recommendations; and
- Owner/developer to enter into a Development Agreement pursuant to O.C.G.A § 36-71-13 for dedication of system improvements to mitigate traffic concerns.

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.

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2013 APR -4 PM 3:10

COBB COUNTY ZONING DIVISION



JOHNSON FERRY ROAD SELF STORAGE

EXISTING CBS BANK

STREET VIEW
FOR
JOHNSON FERRY ROAD
SELF STORAGE

MAY 21, 2004

ARCHITECTURAL SERVICES
1000 GUYTON ROAD
SUITE 100
DUNWOODY, GEORGIA 30328
PH: 404.451.1000

SLUP-4 (2013)
 Conceptual
 Landscape Plan

NO.	DATE	DESCRIPTION	BY

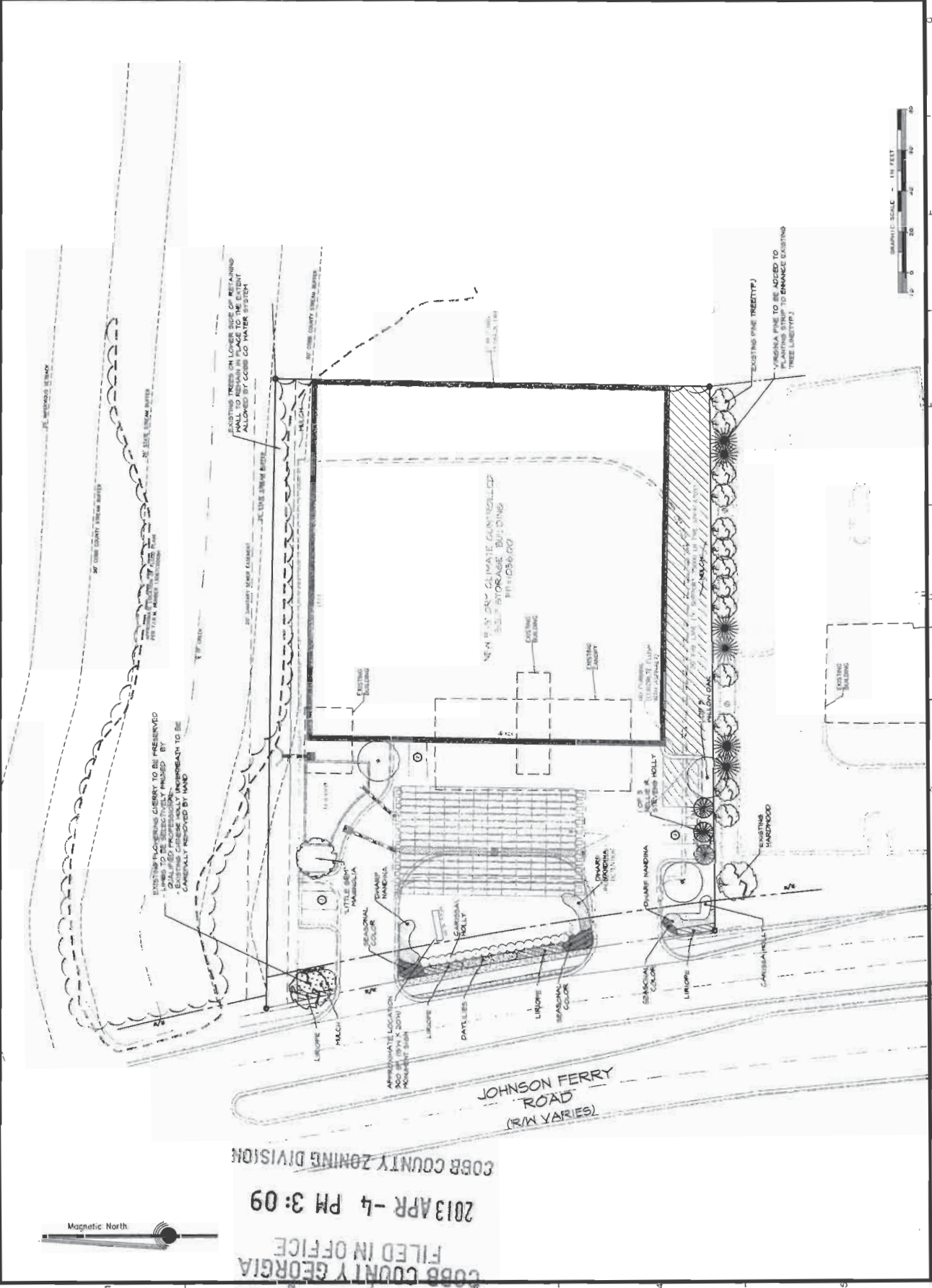
4317 Park Drive - Suite 100
 Norcross, Georgia 30093
 Phone: (770) 416-7911
 Fax: (770) 416-7919
 www.earthlink.com



JOHNSON FERRY ROAD SELF STORAGE

CONCEPTUAL LANDSCAPE PLAN

LAND LOTS 489 & 479, 7th DISTRICT, 2nd SECTION, COBB COUNTY, GEORGIA



EXISTING TREES ON LOWER SIDE OF RETAINING WALL TO REMAIN IN PLACE TO THE EXTENT POSSIBLE. COBB CO WATER DEPT

NEW 52,000 SQ. FT. CLIMATE CONTROLLED SELF-STORAGE BUILDING

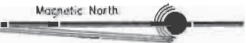
EXISTING BUILDING

JOHNSON FERRY ROAD
 (R/W VARIES)

COBB COUNTY ZONING DIVISION

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Coastal Planning and Design, Inc. (LDA), No. 288, Lic. 000000001

SAMS, LARKIN & HUFF
A LIMITED LIABILITY PARTNERSHIP

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JUSTIN H. MEEKS

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May 15, 2013

**VIA HAND DELIVERY
AND EMAIL**

Mr. John P. Pederson, AICP, Manager
Cobb County Zoning Division
Community Development Agency
1150 Powder Springs Road, Suite 400
Marietta, GA 30064



Re: Application of 3148 Johnson Ferry, LLC to Rezone a 1.421 ± Acre Tract from
Conditional NRC to Conditional NRC (No. Z-26)

Application of 3148 Johnson Ferry, LLC for a Special Land Use Permit
Concerning a 1.421 Acre Tract (No. SLUP-4)

Dear John:

You will recall that this firm has been engaged by and represents 3148 Johnson Ferry, LLC 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 June 4, 2013 and, thereafter, the Applications are scheduled to be heard and considered for final action by the Cobb County Board of Commissioners on June 18, 2013.

The subject property at issue was rezoned to NRC for the purposes of a Carwash, Emissions Station and Convenience Store with fuel sales on April 19, 2011 (No. Z-6). Prior to that action, the property was rezoned to NRC and granted a Special Land Use Permit on April 21, 2009 and June 16, 2009, respectively, for a Climate Controlled, Self-Service Storage Facility ("CCSSSF") (No. Z-37 & SLUP-18 [2008]).

The property at issue is located within the confines of a Neighborhood Activity Center ("NAC") and is directly contiguous to a Super Walmart which is zoned CRC. Additionally, the subject property is contiguous to CBS Bank and adjacent to the YMCA and other commercially oriented properties along the Johnson Ferry Road Corridor.

While these Applications have been pending, we have interfaced with the County's professional staff and also with representatives of the East Cobb Civic Association ("ECCA"). In that regard and consistent with those discussions and CCSSSF Code Amendments, please

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AND EMAIL

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allow this letter to 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 Special Land Use Permit 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. The architectural style and composition of the building shall be in substantial conformity to the rendering/elevation submitted contemporaneously with the Applications for Rezoning and Special Land Use Permit which 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, those stories are compressed such that 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 Neighborhood Retail Commercial ("NRC") classification shall be use specific for a CCSSSF. Additionally, the Developer agrees to exclude all other uses permitted under the NRC 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 NRC and is the site of a former Chevron station which has been little used and/or in a state of deterioration over the past decade.

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6. Compliance with the conceptual landscape plan prepared for Johnson Ferry Road Self Storage by Travis Pruitt & Associates which was submitted contemporaneously with the Application for Rezoning, 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 trees 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, Liriope 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 it will be selectively pruned/shaped to promote healthy growth and to 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 on-site detention and/or water quality.³
 8. Revised Cobb County maps reflect that the subject property is no longer located within floodplain areas nor is it located within the breach zone of the lake which is located across Johnson Ferry Road.

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 wreted 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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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 centerline of Johnson Ferry Road.
 - 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. Additionally, an agreement that there will 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 the issues attendant thereto.
12. Subject to recommendations from the Cobb County Fire Department.
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 not to be suitable for the purposes sought by the applicant or, if for any reason, the closing on the subject property does not take place within one (1) year from the date of a successful Rezoning and the granting a Special Land Use Permit regarding same, then, and in such an event(s), the zoning classification of the subject property shall revert to its original classification of NRC (No. Z-6 [2011]) without further action being necessary on the part of Cobb County or the Owner of the subject property.
15. The District Commissioner shall have the authority to make minor modifications to the site plan, the landscape plan, the architectural renderings/elevations and these stipulations/conditions during the Plan Review Process and thereafter.

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AND EMAIL

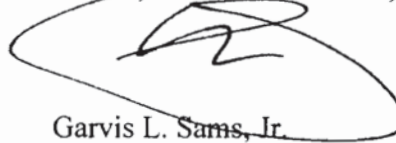
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The subject property is located within a Neighborhood Activity Center (“NAC”) as shown on Cobb County’s Future Land Use Map and is positioned within an area along the Johnson Ferry Road Corridor which is appropriate for utilization as proposed. In that regard, the applications are properly positioned for redevelopment approval in the same manner as said Applications were approved for a CCSSSF by the Cobb County Board of Commissioners in 2009.

Please do not hesitate to contact me should you or the staff require any further information or documentation prior to the Applications being heard and considered during the June zoning cycle. With kind regards, I am

Very truly yours,

SAMS, LARKIN & HUFF, LLP



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

GLS/dsj

- cc: Members, Cobb County Board of Commissioners (via email)
Members, Cobb County Planning Commission (via email)
Mr. Robert L. Hosack, Jr., AICP Director (via email)
Mr. Dana Johnson, Planning Manager (via email)
Mr. Jason Campbell, Planner III (via email)
Ms. Jane Stricklin, PE, Cobb County DOT (via email)
Mr. David Breaden, PE, Cobb County Stormwater Management (via email)
Ms. Karen L. King, Assistant County Clerk (via email)
Ms. Lori Barton, Deputy County Clerk (via email)
Ms. Jill Flamm, President, ECCA (via email)
Ms. Trish Steiner, ECCA (via email)
Mr. Mitchell Cooke (via email)
Mr. Jason Linscott (via email)